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of America

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PROCEEDINGS AND DEBATES OF THE *109th* CONGRESS, FIRST SESSION

SENATE—*Tuesday, January 4, 2005*

The fourth day of January being the day prescribed by House Joint Resolution 111 (P.L. 108–433) for the meeting of the 1st Session of the 109th Congress, the Senate assembled in its Chamber at the Capitol and at 12:01 p.m. was called to order by the Vice President [Mr. CHENEY].

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us bow reverently as we pray.

Sovereign God, Creator and sustainer of us all, our hearts ache for the tsunami victims and for all touched by this tragedy. In our sadness, our eyes turn to You. We confess that we do not fully understand why bad things happen to good people. Nonetheless, by faith, we believe that You can carve tunnels of hope through mountains of despair.

Lord, make us Your eyes, ears, feet, and hands to bring solace to those who suffer. Guide us as we seek to help the hurting and empower the global humanitarian effort. Comfort those who mourn, and strengthen the widows and orphans.

Today, bless our 109th Congress. Give our new Senators wisdom and courage as You order their steps. Help them trust You so completely that Your will may be done on Earth.

We pray this in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The VICE PRESIDENT led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The VICE PRESIDENT. The majority leader is recognized.

MOMENT OF SILENCE FOR TSUNAMI VICTIMS

Mr. FRIST. Mr. President, these last 9 days have brought upon each of us, our fellow Americans, and, indeed, the entirety of the civilized world profound sadness and sympathy. We both as individuals and as a body will speak later today about the epic tragedy in Southern Asia that has taken upwards of 150,000 lives. But for now, I would like to begin our session by taking a moment of silence to show respect for those who lost their lives and our sincere hope that the loved ones left behind may heal.

The VICE PRESIDENT. Without objection, it is so ordered. The Senate will observe a moment of silence.

(Moment of silence.)

CERTIFICATES OF ELECTION AND CREDENTIALS

The VICE PRESIDENT. The Chair lays before the Senate the certificates of election of 34 Senators elected for 6-year terms beginning on January 5, 2005. All certificates, the Chair is advised, are in the form suggested by the Senate or contain all the essential requirements of the form suggested by the Senate. If there be no objection, the reading of the above-mentioned certificates will be waived, and they will be printed in full in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STATE OF INDIANA

CERTIFICATE OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the second day of November 2004, Evan Bayh was duly chosen by the qualified electors of the State of Indiana a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness: His excellency our Governor Joseph E. Kernan, and our seal hereto affixed at Indianapolis, this the eighteenth day of November, in the year of our Lord, 2004.

By the Governor:

JOSEPH E. KERNAN,
Governor.

STATE OF UTAH

To the President of the Senate of the United States:

This is to certify that on the second day of November, 2004, Robert F. Bennett was duly chosen by the qualified electors of the State of Utah a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning at noon on the third day of January, 2005.

In Witness Whereof, I have hereunto set my hand at Salt Lake City, this 29th day of November, 2004.

OLENE S. WALKER,
Governor.

STATE OF MISSOURI

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Christopher "Kit" Bond was duly chosen by the qualified electors of the State of Missouri, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness His Excellency our Governor Bob Holden and our seal hereto affixed at 11:00 a.m. this 1st day of December, in the year of the Common Era 2004.

BOB HOLDEN,
Governor.

STATE OF CALIFORNIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States of America:

This is to certify that on the 2nd day of November, 2004, Barbara Boxer was duly chosen by the qualified electors of the State of California a Senator from said State to represent California in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

In Witness Whereof I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 14th day of December 2004.

ARNOLD SCHWARZENEGGER,
Governor.

STATE OF KANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Samuel D. Brownback was duly chosen by the qualified electors of the State of Kansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2005.

Witness: Her Excellency our Governor Kathleen Sebelius, and our seal hereto affixed at Topeka, Kansas this 29th day of November, in the year of our Lord 2004.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

By the Governor:

KATHLEEN SEBELIUS,
Governor.

COMMONWEALTH OF KENTUCKY

To the President of the Senate of the United States:

Know Ye That. Honorable Jim Bunning having been duly certified, that on November 2, 2004 was duly chosen by the qualified electors of the Commonwealth of Kentucky a Senator from said state to represent said state in the Senate of the United States for the term of six years, beginning the 3rd day of January 2005.

I hereby invest the above named with full power and authority to execute and discharge the duties of the said office according to law. And to have and to hold the same, with all the rights and emoluments thereunto legally appertaining, for and during the term prescribed by law.

In testimony whereof, I have caused these letters to be made patent, and the seal of the Commonwealth to be hereunto affixed Done at Frankfort, the 23rd day of November in the year of our Lord two thousand and four and in the 213th year of the Commonwealth.

By the Governor:

ERNIE FLETCHER,
Governor.

STATE OF NORTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Richard Burr was duly chosen by the qualified electors of the State of North Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 3rd day of January, 2005.

In Witness Whereof, I have hereunto signed my name and caused to be affixed the Great Seal of the State, at the Capital City of Raleigh, this the 3rd day of December, 2004.

MICHAEL F. EASLEY,
Governor.

STATE OF OKLAHOMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2004, Tom Coburn was duly chosen by the qualified electors of the State of Oklahoma, a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning the 3rd day of January, 2005.

Witness: His Excellency our Governor Brad Henry, and our seal hereto affixed at Oklahoma City, Oklahoma this 12th day of November, in the year of our Lord 2004.

By the Governor:

BRAD HENRY,
Governor.

STATE OF IDAHO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Mike Crapo was duly chosen by the qualified electors of the State of Idaho a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness: His Excellency our Governor Dirk Kempthorne, and our seal hereto affixed at Boise this 17th day of November, in the year of our Lord 2004.

By the Governor:

DIRK KEMPTHORNE,
Governor.

STATE OF SOUTH CAROLINA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the second day of November, 2004, the Honorable James W. DeMint was duly chosen by the qualified electors of the State of South Carolina, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January 2005.

Witness: His Excellency our Governor, Mark Sanford, and our seal hereto affixed at Columbia, South Carolina this eighteenth day of November, in the year of our Lord, 2004.

MARK SANFORD,
Governor.

STATE OF CONNECTICUT

To the President of the Senate of the United States:

This is to certify that on the second day of November, two thousand and four, Christopher J. Dodd was duly chosen by the qualified electors of the State of Connecticut Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the third day of January two thousand and five.

Witness: Her Excellency our Governor, M. Jedi Rell and our seal hereto affixed at Hartford, this twenty-fourth day of November, in the year of our Lord, two thousand and four.

M. JEDI RELL,
Governor.

STATE OF NORTH DAKOTA

CERTIFICATE OF ELECTION

At the General Election held on the 2nd day of November 2004, Byron L. Dorgan was elected to the office of United States Senator for the State of North Dakota. The 6-year term of office begins at noon on January 3, 2005.

In witness whereof, we have set our hands at the Capitol City of Bismarck this 18th day of November 2004, and affixed the Great Seal of the State of North Dakota.

JOHN HOEVEN,
Governor.

STATE OF WISCONSIN

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Russ Feingold was duly chosen by the qualified electors of the State of Wisconsin a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness: His Excellency our Governor, Jim Doyle, and our seal hereto affixed at Madison this 6th day of December, 2004.

By the Governor:

JIM DOYLE,
Governor.

STATE OF IOWA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Charles Grassley was duly elected as Senator to the Senate of the United States to represent the State of Iowa for a term of six years, beginning on the 3rd day of January 2005.

In Testimony Whereof, I have hereunto subscribed my name and caused the Great Seal of the State of Iowa to be affixed. Done at Des Moines this 1st day of December in the year of our Lord two thousand four.

THOMAS J. VILSACK,
Governor.

STATE OF NEW HAMPSHIRE

To the President of the Senate of the United States:

This is to certify that on the second day of November, two thousand and four, Judd Gregg was duly chosen by the qualified electors of the State of New Hampshire to represent said State in the Senate of the United States for the term of six years beginning on the third day of January, two thousand and five.

Witness, His Excellency, Governor Craig Benson and the Seal of the State of New Hampshire hereto affixed at Concord, this first day of December, in the year of Our Lord two thousand and four.

By the Governor, with advice of the Council:

CRAIG BENSON,
Governor.

STATE OF HAWAII

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the second day of November 2004, Daniel K. Inouye was duly chosen by the qualified electors of the State of Hawaii a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness: Her Excellency our Governor, Linda Lingle, and our seal hereto affixed at Honolulu this twenty-second day of November, in the year of our Lord 2004.

By the Governor:

LINDA LINGLE,
Governor.

STATE OF GEORGIA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify on the 2nd day of November, 2004, Johnny Isakson was duly chosen by the qualified electors of the State of Georgia a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January 2005.

Witness: His Excellency our Governor, Sonny Perdue, and our seal hereto affixed at this 29th day of December, in the year of our Lord 2004.

By the Governor:

SONNY PERDUE,
Governor.

STATE OF VERMONT

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Patrick Leahy was duly chosen by the qualified electors of the State of Vermont a Senator from said State to represent said State in the Senate of the United States for the term of six years beginning on the 3rd day of January, 2005.

Witness: His Excellency our Governor James H. Douglas, and our seal hereto affixed at Montpelier this 9th day of November, in the year of our Lord 2004.

By the Governor:

JAMES H. DOUGLAS,
Governor.

STATE OF ARKANSAS

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2004, Blanche Lambert Lincoln was duly chosen by the qualified electors of the State of Arkansas, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of Arkansas to be affixed at this Capitol in Little Rock, on the 2nd day of November, in the year of our Lord 2004.

MIKE HUCKABEE,
Governor.

STATE OF FLORIDA

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Mel Martinez, was duly chosen by the qualified electors of the State of Florida as Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness: His excellency our Governor, Jeb Bush, and our seal hereto affixed at Tallahassee, the Capitol, this 14th day of December, in the year of our Lord 2004.

By the governor:

JEB BUSH
Governor.

STATE OF ARIZONA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2004, John McCain was duly chosen by the qualified electors of the State of Arizona a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd Day of January 2005.

Witness: Her excellency the Governor of Arizona, and the Great Seal of the State of Arizona, hereto affixed at the Capitol in Phoenix this 22nd day of November 2004.

JANET NAPOLITANO,
Governor.

STATE OF MARYLAND

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2004, Barbara A. Mikulski was duly chosen by the qualified electors of the State of Maryland a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd Day of January 2005.

Witness: His excellency our Governor Robert L. Ehrlich, Jr., and our seal hereto affixed at the Capitol of Annapolis this 6th day of December, in the Year of Our Lord, Two Thousand and Four.

By the Governor:

ROBERT L. EHRLICH, JR.,
Governor.

STATE OF ALASKA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

This is to certify that on the 2nd day of November 2004, Lisa Murkowski was duly chosen by the qualified electors of the State of Alaska, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning the 3rd Day of January 2005.

Witness: His excellency our Governor Frank H. Murkowski, and our seal hereto affixed at Juneau this 18th day of December, in the year of our Lord 2004.

By the Governor:

FRANK H. MURKOWSKI,
Governor.

STATE OF WASHINGTON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2004, Patty Murray was duly chosen by the qualified electors of the State of Washington a Senator from said State to represent said State beginning the 3rd day of January 2005.

Witness: His excellency our Governor Gary Locke, and our seal hereto affixed at Olympia, Washington this 30th day of November, in the year of our Lord 2004.

By the Governor:

GARY LOCKE,
Governor.

STATE OF ILLINOIS

To the President of the Senate of the United States:

This is to certify that on the second day of November, two thousand and four, Barack Obama was duly chosen by the qualified electors of the Senate of Illinois, a Senator from said State, to represent said State in the Senate of the United States for the term of six years, beginning the third day of January, two thousand and five.

Witness: His excellency our Governor, Rod R. Blagojevich, and our seal hereto affixed at the City of Springfield, Illinois this third day of December, in the year of our Lord two thousand and four.

By the Governor:

ROD R. BLAGOJEVICH,
Governor.

STATE OF NEVADA

CERTIFICATE OF ELECTION

This is to certify that at a general election held in the State of Nevada on Tuesday, the second day of November, two thousand four, Harry Reid was duly elected a Member of the United States Senate, in and for the State of Nevada, for the term of six years from and after the third day of January, two thousand five:

Now, Therefore, I, Kenny C. Guinn, Governor of the State of Nevada, by the authority in me vested in the Constitution and laws thereof, do hereby commission him, the said Harry Reid as a Member of the United States Senate, for the State of Nevada, and authorize him to discharge the duties of said office according to law, and to hold and enjoy the same, together with all powers, privileges and emoluments thereunto appertaining.

In Testimony Thereof, I have hereunto set my hand and caused the Great Seal of the State of Nevada to be affixed at the State Capitol at Carson City, Nevada this seventh day of December, two thousand four.

KENNY C. GUINN,
Governor.

STATE OF COLORADO

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Ken Salazar was duly chosen by the qualified electors of the State of Colorado a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness: His excellency our Governor Bill Owens, and our seal hereto affixed at Denver, Colorado, this 1st day of December, in the year of our Lord 2004.

By the Governor:

BILL OWENS,
Governor.

STATE OF NEW YORK

To the President of the Senate of the United States:

This is to certify that on the second day of November, two thousand four, Charles E. Schumer was duly chosen by the qualified electors of the State of New York a Senator from said State to represent said State in the Senate of the United States for a term of six years, beginning on the third day of January two thousand five.

Witness: His excellency our Governor George E. Pataki, and our seal hereto affixed at Albany, New York, this sixteenth day of December in the year two thousand four.

By the Governor:

GEORGE E. PATAKI,
Governor.

STATE OF ALABAMA

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Richard C. Shelby was duly chosen by the qualified electors of the State of Alabama a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness: His Excellency our Governor, Bob Riley, and our seal hereto affixed at the State Capitol in the City of Montgomery on this 29th day of November, in the year of our Lord 2004.

By the Governor:

BOB RILEY,
Governor.

COMMONWEALTH OF PENNSYLVANIA

To the President of the Senate of the United States:

This is to certify that on the second day of November, 2004, Arlen Specter was duly chosen by the qualified electors of the Commonwealth of Pennsylvania as a United States Senator to represent Pennsylvania in the Senate of the United States for a term of six years, beginning on the third day of January, 2005.

Witness: His excellency our Governor, Edward G. Rendell, and our seal hereto affixed at Harrisburg this fourteenth day of December, in the year of our Lord, 2004.

By the Governor:

EDWARD G. RENDELL,
Governor.

STATE OF SOUTH DAKOTA

To the President of the Senate of the United States:

CERTIFICATE OF ELECTION

This is to certify that on the second day of November, 2004, at the general election, John Thune was elected by the qualified voters of the State of South Dakota to the office of United States Senator for the term of six years, beginning on the third day of January, 2005.

In Witness Whereof, We have hereunto set our hands and caused the Seal of the State to be affixed at Pierre, the Capital, this 9th day of November, 2004.

M. MICHAEL ROUNDS,
Governor.

STATE OF LOUISIANA

CERTIFICATION OF ELECTION FOR A SIX-YEAR TERM

To the President of the Senate of the United States

I, Kathleen Babineaux Blanco, Governor of the State of Louisiana, do hereby certify that, in accordance with the provisions of the Louisiana Election Code, on the 2nd day of November, 2004, David Vitter was elected by the qualified electors of the state of Louisiana a Senator to represent the state of Louisiana in the United States Senate for the term of six years, beginning at noon on the 3rd day of January 2005. The votes cast: 943,014 for David Vitter (Republican); 542,150 for Chris John (Democrat); 275,821 for John Kennedy (Democrat); 47,222 for Arthur A. Morrell (Democrat); 15,097 for Richard M. Fontanes (Other); 12,463 for R.A. "Skip" Galan (Other) and 12,289 for Sam Houston Melton, Jr. (Democrat) are on file and of record in the Office of the Secretary of State of Louisiana.

In Witness Whereof, I have hereunto set my hand officially and caused to be affixed the Great Seal of the state of Louisiana, at the Capitol, in the city of Baton Rouge, on this 19th day of November, 2004.

KATHLEEN BABINEAUX BLANCO,
Governor.

STATE OF OHIO

CERTIFICATE OF ELECTION

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November 2004, George V. Voinovich was duly elected by the qualified electors of the State of Ohio as the Senator from said State in the Senate of the United States for the term of six years, beginning on the third day of January, 2005.

In testimony whereof, I have hereunto subscribed my name and caused the great seal of the State of Ohio to be hereto affixed at Columbus, Ohio, this 6th day of December, in the year of our Lord 2004.

By the Governor:

BOB TAFT,
Governor.

STATE OF OREGON

CERTIFICATE OF ELECTION FOR SIX-YEAR TERM

To the President of the Senate of the United States:

This is to certify that on the 2nd day of November, 2004, Ron Wyden was duly chosen by the qualified electors of the State of Oregon, a Senator from said State to represent said State in the Senate of the United States for the term of six years, beginning on the 3rd day of January, 2005.

Witness: His excellency our Governor, Theodore Kulongoski, and our seal hereto affixed at Salem, Oregon this 2nd day of December, 2004.

By the Governor,

THEODORE KULONGOSKI,
Governor.

ADMINISTRATION OF OATH OF OFFICE

The VICE PRESIDENT. If the Senators to be sworn will now present themselves at the desk in groups of four as their names are called in alphabetical order, the Chair will administer the oath of office.

The clerk will read the names of the first group.

The legislative clerk called the names of Mr. BAYH, Mr. BENNETT, Mr. BOND, and Mrs. BOXER.

These Senators, escorted by Mr. LUGAR, Mr. HATCH, Mr. TALENT, and Mrs. FEINSTEIN, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, and Mr. COBURN.

These Senators, escorted by Mr. ROBERTS, Mr. MCCONNELL, Mrs. DOLE, former Senator Helms, Mr. INHOFE, and former Senator Nickles, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. CRAPO, Mr. DEMINT, Mr. DODD, and Mr. DORGAN.

These Senators, escorted by Mr. CRAIG, Mr. GRAHAM of South Carolina, Mr. LIEBERMAN, and Mr. CONRAD, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. FEINGOLD, Mr. GRASSLEY, Mr. GREGG, and Mr. INOUYE.

These Senators, escorted by Mr. KOHL, Mr. HARKIN, Mr. SUNUNU, and Mr. AKAKA, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. ISAKSON, Mr. LEAHY, Mrs. LINCOLN, and Mr. MARTINEZ.

These Senators, escorted by Mr. CHAMBLISS, former Senator Mattingly, Mr. JEFFORDS, Mr. NELSON of Florida, Mr. PRYOR, former Senator Hawkins and former Senator Brock, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. MCCAIN, Ms. MIKULSKI, Ms. MURKOWSKI, and Mrs. MURRAY.

These Senators, escorted by Mr. KYL, Mr. SARBANES, Mr. STEVENS, former Senator Murkowski, and Ms. CANTWELL, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. OBAMA, Mr. REID of Nevada, Mr. SALAZAR, and Mr. SCHUMER.

These Senators, escorted by Mr. ENSIGN, Mr. DURBIN, Mr. ALLARD, and Mrs. CLINTON, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will call the names of the next group of Senators.

The legislative clerk called the names of Mr. SHELBY, Mr. SPECTER, Mr. THUNE, and Mr. VITTER.

These Senators, escorted by Mr. SESSIONS, Mr. SANTORUM, Mr. JOHNSON, former Senator Abdnor, and Ms. LANDRIEU, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The clerk will read the names of the next group of Senators.

The legislative clerk called the names of Mr. VOINOVICH and Mr. WYDEN.

These Senators, escorted by Mr. DeWine and Mr. Smith, respectively, advanced to the desk of the Vice President; the oath prescribed by law was administered to them by the Vice President; and they severally subscribed to the oath in the Official Oath Book.

The VICE PRESIDENT. Congratulations.

(Applause, Senators rising.)

The VICE PRESIDENT. The majority leader is recognized.

QUORUM CALL

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The absence of quorum having been suggested, the clerk will call the roll to ascertain the presence of a quorum.

The legislative clerk proceeded to call the roll and the following Senators entered the Chamber and answered to their names:

[Quorum No. 1, Leg.]

PRESENT—92

Akaka
Alexander
Allard
Allen
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brownback
Bunning
Burr
Cantwell
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Jeffords
Johnson
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed (RI)
Reid (NV)
Roberts
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Wyden

ABSENT—8

Biden
Burns
Byrd
Carper
Kennedy
Kerry
Rockefeller
Warner

The VICE PRESIDENT. A quorum is present.

The majority leader is recognized.

SERVING IN THE SENATE

Mr. FRIST. Mr. President, let me welcome everyone here and everyone watching at home to the Chamber of the U.S. Senate and to this historic first day of the 109th Congress.

When the Senate family gathers, it is always a special occasion. But this is a day when the entire Senate family comes together and celebrates this unique institution that indeed binds us as one.

So, for being here, I thank the distinguished Members of the Senate—past, present, and near future—Senate friends and our beloved families, and our loyal and hardworking Senate staff.

My colleagues, our roots as representatives of the people are not recent. They are ancient. They reach beyond the founding of our Republic, to our earliest days as colonies. The first legislative assembly in the New World gathered during the scorching summer months of 1619 on Jamestown Island, Virginia. Twenty-two burgesses, a governor and his council, a clerk, and a sergeant of arms met to propose and pass "just laws for the happy guiding and governing of the people . . ."

If you visit Jamestown today, you can still see the stone foundation of the church where that first assembly conducted its business. It is on those rocks that this House in which we stand today was built.

Over the course of nearly four centuries, the seeds of American democracy have swept across oceans and over mountains and through jungles and deserts, taking root in land barren of the supposed "prerequisites" for self-government. These seeds have grown into what President Reagan boldly called at the height of our war against Soviet totalitarianism "a not-at-all-fragile flower."

As U.S. Senators, we, with our colleagues in the House and our respected President, are the stewards of this ancient and yet still living and thriving tradition. And this, my friends, is no small burden to bear.

The American people—and indeed the people of the world—look upon this Capitol and those of us who serve here for inspiration and leadership and unwavering devotion to our common cause.

So what is expected of us over the course of the next 2 years? What is our duty as the 100 Members of the world's greatest deliberative body, the U.S. Senate?

We all take the same oath to support and defend the same sacred document. So, first and foremost, we are obligated—as individuals, as equals and, above all, as a body—to discharge our Constitutional duties.

We also have, as Senator Mike Mansfield once said, "a primary responsibility to the people whom [we] represent to face the legislative issues of the nation."

And I would add not just the issues of today, but the issues of tomorrow. This Senate must lead today on tomorrow's challenges.

Lastly, we have what our longest serving Member, Robert C. Byrd, calls "the duty beyond our duties." It is, as he so eloquently and accurately once stated: "The duty to endeavor to inspire others and to demonstrate, through personal example, that public service of all types ought to be an honorable calling."

Senator Byrd, I too believe public service is an honorable calling. And, my fellow Senators, you are all honorable men and women. It is a privilege both to serve with you and to serve you as majority leader. God bless you, our proceedings, the country we love, and the people we all aspire to faithfully represent.

RECOGNITION OF THE MINORITY LEADER

The VICE PRESIDENT. The Democratic leader is recognized.

PUBLIC SERVICE

Mr. REID. Mr. President, I appreciate very much the remarks of the Republican leader, and I think there is no better example of public service than Bill Frist, a person who, if not the most prominent transplant surgeon in the country, is one of the most prominent transplant surgeons in the country, and he decided to become involved in public service and he has done it very well.

I repeat, there isn't a better example of public service than the leader.

When I was less than a week old, my father was working in the mine in Chloride, AZ. It was a short way over the river from Searchlight. He was working in a vertical shaft. They were sinking a shaft. He was working with another man by the name of Carl Myers. They drilled holes and set the dynamite charges. In those days they did not have all the product liability protection we have today.

He lit the 10 fuses. One of them went off way before it was supposed to. He was hurt very badly. It blew him into the air, blew the soles off his shoes. He was in a state of shock. He knew he had to get out of there because the other holes were burning. When they were sinking the shaft, they had a 10-foot ladder they would bring down, take it out when they climbed out of the hole, and leave it at the next level. He knew he had to get out of there. He put the ladder down and it would keep falling. He did not realize a leg of the ladder had blown off and when he tried to climb out, it would fall.

On the next level was Carl Myers. He knew one of the holes went off; he knew there were nine others. He did something heroic, to say the least. He could not stop the other holes from going off because they were covered with muck at the time, covered with dirt. So Carl Myers climbed down. He was a smaller man than my dad. My dad was 6 feet tall and probably weighed 185 pounds. He carried him up to the next level and saved his life. As soon as he got up there, the holes went off.

I tell this story because the acts of one man did much. Among other things, it allowed my mother not to be a widow, allowed her to have a husband and a father for three boys. Later, another brother came into the family.

Carl Myers received a Carnegie medal for heroism for what he did to save my father's life. Lowell Thomas wrote about this episode involving my father. He quoted Carl Myers as saying: To hell with the medal, Harry's alive, isn't he?

Carl Myers, from the time I was a little boy being raised in Searchlight, was a hero to me. Because of his decision our family was allowed to function.

Actions of U.S. Senators and the President of the Senate have consequences, just as Carl's actions had consequences. In the Senate we make decisions. We have a lot more time to make these decisions than Carl had deciding to go back down in the hole. The decisions we make touch the lives of Americans. People all over America are affected by what we do in the Senate.

The citizens are counting on the Senate to make sure public schools are institutions that we as Americans are proud of. The American people are counting on us to make their life better by making medical care easier for them to come by. People are counting on the Senate so a child's ability to go to college will not be determined by how much money the parents have. People are counting on Congress to make sure Social Security is a stable fund they can depend on. People are counting on Congress to make sure the environment is good, so the water we drink is pure, the air we breathe is good. Women are depending on us. They are counting on us to make sure their wages are no longer 75 cents of every dollar we make as men. There is an article in the Washington Post today discussing a problem with more unintended pregnancies than we anticipated. They are depending on us to do something about that. Citizens are depending on us to make sure our fiscal house is in order. They are depending on us to do our work in a bipartisan fashion to effect change in our country to the good.

I spoke to Senator FRIST this past week. We are working on items for when we return in late January, items we can work on, on a bipartisan basis, to show the American people that, yes, we can work together. There are issues we can work on—maybe the highway bill. We did not do it last Congress; maybe we can do it this time. There are many other issues the leader and I talked about.

There are bipartisan opportunities, and I as the new Democratic leader speak on behalf of 45 Democratic Senators. We are here with our arms open to work with the administration, the Speaker, the Republican leader, to accomplish good for this country. There is much we can do that is going to make this country a better place.

Our decisions will affect the American people. We should never as a Senate forget that what we do has an impact on everyone.

I look forward to this new Congress, that we can forget what went on in the past, only call upon that which was positive in the past and look to the future with a greater day, a nicer day, a more pleasant day ahead.

The VICE PRESIDENT. The majority leader is recognized.

INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 1) informing the President of the United States that a quorum of each House is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 1) reads as follows:

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

Mr. REID. I move to reconsider that vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. Pursuant to Senate Resolution 1, the Chair appoints the Senator from Tennessee (Mr. FRIST) and the Senator from Nevada (Mr. REID) as a committee to join the committee on the part of the House of Representatives to wait upon the President of the United States and inform him that a quorum is assembled and the Congress is ready to receive any communication he may be pleased to make.

INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. FRIST. Mr. President, I send a resolution to the desk.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 2) informing the House of Representatives that a quorum of the Senate is assembled.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 2) reads as follows:

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

Mr. FRIST. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. FRIST. I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 3) fixing the hour of daily meeting of the Senate.

The VICE PRESIDENT. Without objection, the resolution is agreed to.

The resolution (S. Res. 3) reads as follows:

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

Mr. FRIST. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TO PROVIDE FOR THE COUNTING OF ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. FRIST. On behalf of myself, Senator REID, Senator LOTT, and Senator DODD, I send a concurrent resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 1) to provide for the counting on January 6, 2005, of the electoral votes for President and Vice President of the United States.

The VICE PRESIDENT. Without objection, the concurrent resolution is agreed to.

The concurrent resolution (S. Con. Res. 1) reads as follows:

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the sixth day of January 2005, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

Mr. FRIST. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The VICE PRESIDENT. The chair appoints the Senator from Mississippi, Mr. LOTT, and the Senator from Connecticut, Mr. DODD, on the part of the Senate to count electoral votes.

TO EXTEND THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. FRIST. I send a concurrent resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Congressional Committee on Inaugural Ceremonies under the provisions of S. Con. Res. 93 and S. Con. Res. 94 for the 108th Congress.

The VICE PRESIDENT. Without objection, the concurrent resolution is agreed do.

The concurrent resolution (S. Con. Res. 2) reads as follows:

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 2005, the joint committee created by Senate Concurrent Resolution 94 (108th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution.

SEC. 2. Effective from January 4, 2005, the provisions of Senate Concurrent Resolution 93 (108th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are continued with the same power and authority provided for in that resolution.

Mr. FRIST. I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

UNANIMOUS CONSENT REQUESTS

Mr. FRIST. Mr. President, I have 13 unanimous consent requests which have been cleared on the other side. The requests are the routine requests agreed to at the beginning of each Congress and include the allocation of leader time, floor privileges, the filing of reports, and the like. I now ask unanimous consent that the requests be agreed to en bloc and that the requests be printed separately as part of the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered.

The unanimous consent requests agreed to en bloc are as follows:

1. That for the duration of the 109th Congress, the Ethics Committee be authorized to meet during the session of the Senate;

2. That for the duration of the 109th Congress, there be a limitation of 15 minutes each upon any rollcall vote, with the warning signal to be sounded at the midway point, beginning at the last 7½ minutes, and when rollcall votes are of 10-minute duration, the warning signal be sounded at the beginning of the last 7½ minutes;

3. That during the 109th Congress, it be in order for the Secretary of the Senate to receive reports at the desk when presented by a Senator at any time during the day of the session of the Senate;

4. That the Majority and Minority leaders may daily have up to 10 minutes each on each calendar day following the prayer and disposition of the reading of, or the approval of, the Journal;

5. That the Parliamentarian of the House of Representatives and his five assistants be given the privileges of the floor during the 109th Congress;

6. That, notwithstanding the provisions of rule XXVIII, conference reports and statements accompanying them not be printed as Senate reports when such conference reports and statements have been printed as a House report unless specific request is made in the Senate in each instance to have such a report printed;

7. That the Committee on Appropriations be authorized during the 109th Congress to file reports during adjournments or recesses of the Senate on appropriations bills, including joint resolutions, together with any accompanying notices of motions to suspend rule XVI, pursuant to rule V, for the purpose of offering certain amendments to such bills or joint resolutions, which proposed amendments shall be printed;

8. That, for the duration of the 109th Congress, the Secretary of the Senate be authorized to make technical and clerical corrections in the engrossments of all Senate-passed bills and resolutions, Senate amendments to House bills and resolutions, Senate amendments to House amendments to Senate bills and resolutions, and Senate amendments to House amendments to House bills or resolutions;

9. That for the duration of the 109th Congress, when the Senate is in recess or adjournment, the Secretary of the Senate is authorized to receive messages from the President of the United States, and—with the exception of House bills, joint resolutions and concurrent resolutions—messages from the House of Representatives; and that they be appropriately referred; and that the President of the Senate, the President pro tempore, and the Acting President pro tempore be authorized to sign duly enrolled bills and joint resolutions;

10. That for the duration of the 109th Congress, Senators be allowed to leave at the desk with the Journal Clerk the names of two staff members who will be granted the privilege of the floor during the consideration of the specific matter noted, and that the Sergeant-at-Arms be instructed to rotate such staff members as space allows;

11. That for the duration of the 109th Congress, it be in order to refer treaties and nominations on the day when they are received from the President, even when the Senate has no executive session that day; and

12. That for the duration of the 109th Congress, Senators may be allowed to bring to the desk bills, joint resolutions, concurrent resolutions, and simple resolutions, for referral to appropriate committees.

13. That it not be in order to introduce bills or resolutions until January 24, 2005.

FINAL ASCERTAINMENT OF ELECTORS

The VICE PRESIDENT. The Chair lays before the Senate communications from the Archivist of the United States transmitting, pursuant to law, certified copies of the final ascertainment of the Electors for President and Vice President, which are ordered to lie on the table.

EXPRESSING THE SYMPATHY AND PLEDGING SUPPORT OF THE UNITED STATES FOR THE VICTIMS OF THE TSUNAMI THAT STRUCK SOUTH ASIA, SOUTHEAST ASIA, AND AFRICA

Mr. FRIST. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The VICE PRESIDENT. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 4) expressing the sympathy and pledging the support of the United States Senate and the people of the United States for the victims of the powerful earthquake and devastating tsunami that struck Bangladesh, Burma, India, Indonesia, Kenya, Malaysia, the Maldives, the Seychelles, Somalia, Sri Lanka, Tanzania, Thailand, and other areas of South Asia, Southeast Asia, and Africa, on December 26, 2004.

The VICE PRESIDENT. Without objection, the resolution and its preamble are considered and agreed to.

The resolution (S. Res. 4), with its preamble, reads as follows:

S. RES. 4

Whereas on December 26, 2004, a tremendous earthquake, registered at 9.0 on the Richter scale and centered 100 miles off the coast of Northern Sumatra, Indonesia, triggered a deadly tsunami that swept throughout the Indian Ocean and beyond, devastating cities, towns, and communities, and killing or injuring persons in Southeast Asia and South Asia, through the island nations of the region, to Eastern Africa;

Whereas, as a result of the earthquake and ensuing tsunami, more than 140,000 people have lost their lives to date, tens of thousands of people are injured or missing, and the final death toll could climb into the hundreds of thousands;

Whereas the victims also include thousands of nationals who were visiting the region when the tsunami hit, including significant numbers from Europe and North and South America;

Whereas millions of people throughout Southeast Asia and South Asia have been left without food, shelter, or clean water, and now face deadly diseases such as cholera, dengue fever, dysentery, malaria, and typhoid;

Whereas thousands of children have been killed or injured, by this disaster;

Whereas, as a result of this tragedy, thousands of children have been separated from their families or orphaned and are in need of re-unification or adoption;

Whereas whole coastal communities and cities throughout the region were obliterated;

Whereas recovery, reconstruction, and clean-up of the devastated areas likely will take years, billions of dollars, and the concerted leadership of the United States working together with the international community;

Whereas the people of the United States immediately responded and expressed their sympathy and concern by sending financial aid and other assistance currently totaling more than $100,000,000, through nongovernmental organizations and other means, to the victims of this disaster, and by offering to volunteer in the disaster rescue, recovery, and rebuilding;

Whereas soon after the earthquake and tsunami hit the region, the United States Government expressed its condolences and invoked six disaster declarations for the nations hardest hit by this natural disaster, thus triggering the release of emergency funding to these countries;

Whereas less than 24 hours after these tragedies became known, the United States announced an initial pledge of $15,000,000 for emergency humanitarian assistance, which was increased to $35,000,000 in the following days as the scope of the tragedy unfolded;

Whereas President George W. Bush also dispatched more than 20 United States military cargo and patrol aircraft, redirected a Marine expeditionary unit and a carrier task force, and deployed several hundred United States military personnel to the region to assist with the disaster response, recovery, and delivery of relief supplies;

Whereas, in response to an early appeal by the International Federation of the Red Cross and Red Crescent for $7,500,000, the United States provided $4,000,000 for the distribution of emergency shelter materials and other relief commodities, and provided more than 3,000 metric tons of rice to the United Nations World Food Program for use in the affected region;

Whereas President George W. Bush has established a regional core group with Australia, Canada, India, Japan, and the Netherlands, with the United Nations, to help coordinate relief efforts, and sent a senior delegation of experts, led by Secretary of State Colin Powell and Florida Governor Jeb Bush, to meet with regional leaders and international organizations to assess what additional aid can be provided by the United States;

Whereas on December 31, 2004, President Bush increased the United States pledge to $350,000,000 in aid and stated that the United States' contributions to disaster relief and recovery "will continue to be revised as the full effects of this terrible tragedy become clearer";

Whereas pledges of assistance from all international organizations, multilateral development banks, and governments, including the United States, now exceed $2,000,000,000; and

Whereas, on January 3, 2005, the President appointed former Presidents George H. W. Bush and Bill Clinton to lead a nationwide charitable fund-raising effort to elicit greater relief and assistance to the victims of the powerful earthquake and devastating tsunami: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt sympathy for the victims of the powerful earthquake and devastating tsunami that struck cities, towns, and communities throughout Southeast Asia, South Asia, Eastern Africa, and the region on December 26, 2004;

(2) conveys its most sincere condolences to the families, communities, and governments of the more than 140,000 people that lost their lives in this terrible natural disaster;

(3) expresses its gratitude and respect for the courageous and committed work of all aid and relief personnel, including United States military personnel, who are saving lives and providing relief assistance in the devastated areas of the region;

(4) supports President George W. Bush's pledge of $350,000,000 in direct financial assistance, and tens of millions of dollars in additional indirect assistance through the dispatch of United States military aircraft, naval vessels, and personnel, and through the United States Government's substantial voluntary and annual contributions to international organizations and bodies;

(5) commends the ongoing international relief effort that includes the work of individual countries, numerous international organizations, and various relief and other nongovernmental entities;

(6) reaffirms that the United States Government is committed to providing relief and assistance in the most effective and efficient means possible, and will continue to assess, anticipate, and provide further assistance as needed in the weeks and months ahead;

(7) recognizes that the support of the United States Government will be greatly supplemented by private donations and assistance from thousands of United States citizens, charitable organizations, religious groups, and corporations that routinely provide generous and significant amounts of aid, support, and volunteers; and

(8) fully supports the long-term commitment and engagement of the United States to provide financial aid and other forms of direct and indirect assistance to the countries and peoples of the region impacted by the powerful earthquake and the devastating tsunami.

Mr. FRIST. Mr. President, on the morning of December 26, one of the worst catastrophes the world has ever seen slammed the coast of Southeast Asia, South Asia, and eastern Africa.

Deep in the Indian Ocean, an enormous earthquake, estimated at a magnitude of 9.0 on the Richter Scale—possibly one of the most powerful earthquakes ever in history—caused a devastating tsunami which has now killed over 150,000 people, seriously injuring another half a million, and displacing as many as 5 million individuals from their demolished homes.

Thousands of people were literally washed out to sea as the enormous wall of water, traveling at speeds of up to 500 miles per hour in the open ocean, struck the coasts of the Indian Ocean Rim. As those waves receded, they took with them whole towns and villages. They took with them families on holiday, fishermen at sea, and children who had gone down to the beach that morning to play.

One only begins to comprehend the enormity of the tragedy as the individual stories emerge, as they have over the last several days, such as the father who helped his daughter climb on to the roof of their hotel and drowned in his act of heroism or the 13-year-old boy who held his grandmother afloat as long as he could before she succumbed to the waves.

The tragedy continues for these already devastated people. Survivors now face the "disaster after the disaster"—the risk of death from cholera, dysentery, malaria, typhoid, and diarrhea, all potentially on an epidemic scale. The lack of potable water and potential emergence of waterborne illnesses pose an enormous public health threat.

In the last week, I have spent hours on the phone with ambassadors from the affected countries, with senior U.S. officials and private citizens, to help coordinate some of those relief efforts. I am gratified—overwhelmed, in fact—by the generosity and commitment so many people have shown at every level, from local communities to our Government. Their outpouring of support and concern is truly remarkable.

One friend of mine, Carl Lindner, has a son who is putting together medical and relief supplies on a 747 charter to India this week.

Franklin Graham and my friends from Samaritan's Purse are in the field right now with assessments and are investing heavily through Samaritan's Purse, especially in rural areas that are far from airports or far from towns or far from those areas we can reach as easily.

Condoleezza Rice and our U.S. officials are working tirelessly to coordinate our efforts.

Fred Smith's company, FedEx, is transporting 150,000 pounds of Pedialite formula donated by Ross Labs. The shipment was loaded onto a FedEx aircraft yesterday morning in Columbus, Ohio, and should arrive in Sri Lanka tomorrow.

And, of course, the American people have shown extraordinary compassion and sympathy and empathy. By their own initiative, private individuals and charities and nongovernment organizations and businesses have raised millions of dollars to aid the tsunami victims. I am filled with admiration for the compassion demonstrated by our fellow citizens.

As we return to Congress, we will act quickly on a clean tsunami supplemental. President Bush announced on Friday that America has pledged $350 million in relief assistance, with $15 million already speeding toward the hands of relief organizations in the affected countries. The administration will continue to revise this number as the full extent of the disaster becomes known.

American military ships, airplanes, and helicopters are right now delivering food. Over 48 helicopters right now are operating, delivering these medical supplies and food and water. Medicine, tents, water, ladders, food—all being delivered through the compassion of the international community. We have more than 20 patrol and cargo aircraft that have been made available to assess the disaster and deliver relief supplies. Twelve thousand of our men and women in uniform are working around the clock right now to reach survivors in remote corners of the region and to participate in the delivery of that relief. Evacuation helicopters are bringing stranded victims to safety.

The United States has set up a 24-hour, 7-day-a-week Disaster Response Command Center at the U.S. Agency for International Development headquarters here in Washington, along with regional coordination centers in Thailand and Sri Lanka. Together with governments from around the world, America is leading the largest international relief effort in history.

As we speak, a delegation, led by Secretary Colin Powell and Governor Jeb Bush, is meeting with leaders of the affected countries to show America's support and solidarity, and to determine how we can continue to be effective, to maximize our effectiveness.

Later tonight I too will travel to the region to survey the damage, spending Thursday in Sri Lanka touring disaster sites and visiting hospitals, surveying our relief efforts, and lending my help wherever I can, including medical assistance. Following that, I and others will travel to the southeast coast of India on a similar mission.

The purpose of our trip is several fold: to assure the people of the region that we are engaged and fully committed. The Senate is taking these first steps as an institution by adopting the resolution expressing our sympathy for the countries and victims affected and promising our full support of America's relief efforts.

While in the region, we will also make a personal assessment of what U.S. assistance is needed and will have the opportunity to meet with leaders of the affected countries and ask personally how America can best help. I intend to ensure that aid is following as efficiently and effectively as possible.

The Senate is taking its first step here today as we consider and adopt the Senate resolution expressing sympathy and pledging support to the victims of the earthquake and tsunami that struck the peoples of Southeast Asia, South Asia, the island nations of the region, and eastern Africa.

Senator REID and I have worked closely on this effort in a bipartisan manner to express the unanimous agreement of this body, the U.S. Senate.

I also thank Senator DICK LUGAR, who has shown steadfast leadership in this time of crisis and who has worked closely on this resolution with us as well. I know his committee in the coming weeks and months ahead will be delving into many matters relating to this disaster. We extend our great thanks to him.

Let me close my remarks by offering, on behalf of myself, the U.S. Senate, and the American people, our deepest sympathies to the victims of this terrible tragedy.

Our hearts and prayers are with you—the victims, the survivors, and their families. The struggle to recover will be long. We all know that. It will be difficult. There will be many sorrow-filled days as we learn the full impact of this tragedy, but throughout the United States will stand shoulder to shoulder with the people of these devastated lands. We are determined to help rebuild their communities and restore their hope.

America is a great nation because it is a compassionate nation. It is our solemn commitment and obligation as a free people to share the blessing of liberty, especially with those who are so desperately in need.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, the day after the tsunami, I had the opportunity to meet with scores of people from Southeast Asia. There were people from Sri Lanka. The person who put the event together was from Bangladesh. We had people from Thailand, India, many people. It was an event in my honor. They had bought out a restaurant that night. It was a festive occasion, but there was a pall over what we were doing as a result of the tsunami that had taken place.

This tsunami was so difficult. These people in Reno, NV, had come to our country for the opportunity to realize their hopes and dreams. Each one of them love America, but of course they also feel an abiding love for their native lands and cultures.

I have trouble comprehending the power of nature. I read that the earthquake that took place was a million times more powerful than the bomb dropped on Nagasaki—not one thousand times, a million times. It was so powerful it threw off the Earth's rotation. This was a powerful act of nature.

In today's world, there is no such thing as an isolated event. It hit 11 countries. We are all connected to those countries. One hundred or so years ago that wouldn't have been the case. Fifty years ago it would have been less the case. The earthquake that caused the deadly tsunami was estimated at 9.0 on the Richter Scale. It was first picked up in Hawaii. They thought it was 8.0. I thought to myself, 8, 9, is that a big difference? It is 100 times different.

The President pro tempore is from Alaska. It is my understanding that the only earthquake in recent history that was stronger took place in Alaska. Fortunately, there were not a lot of people in Alaska and there wasn't the deadly tsunami that occurred following that earthquake.

We don't know the death toll. They found 6,000 more dead people yesterday, 9 or 10 days after the event. It is probably 150,000 and counting. Tens of thousands of people are missing. Millions have lost their homes. We are all affected by this catastrophic loss. We all share the anguish of a mother who lost a child, a father who lost a child. We feel the bewilderment and fear of children who lost their parents. That is why I am happy this resolution contains a paragraph dealing with adoption.

We all want to help. Since this tragedy took place 9 days ago, the world has seen an outpouring of aid for the victims of this tsunami. I spoke with the Democratic ranking member on the Finance Committee. He also has to deal with Senator GRASSLEY, the chairman. They are concerned that the outpouring of charity by the people of the United States will be recognized taxwise. We need to do that so they can get some benefit for the money they gave before the end of the year. I hope we can.

The American people have opened their hearts and wallets, donating millions of dollars to groups such as the Red Cross that are working to provide relief from this disaster. Two former Presidents with whom I had the good fortune of serving in the Congress, Bill Clinton and George Bush the first, have agreed to lead the charitable efforts for the United States.

We got off to a slow start. There is no question about that. At the event I talked about in Reno, we talked about Secretary Powell's press conference where he said we were going to provide $15 million. We were all terribly disappointed in that. I hoped that the Secretary didn't realize the full impact of the tragedy that had taken place. I couldn't imagine he would have done that had he known. Fifteen million is half as much as we are spending on the inaugural ceremonies this month. And then it took a while for the President to step forward. Let's put all that behind us. America has now stepped forward. I am proud of what we have done and what we are doing. We have a lot more to do.

I was glad to see the U.S. military, as stretched as we are, step forward with aircraft carriers and other resources that only the military can put forward. I listened to something on Public Radio today. It said that on one island in Indonesia, they had instructed the American helicopter pilots not to bring in any more wounded: People who are sick, we cannot take care of them. The American pilots brought them in anyway. As a result of that, the American military responded by setting up a field hospital that will take care of those people. We are doing a lot. We have more to do.

The magnitude of the disaster that befell this part of the world is unbelievable to most of us. I am glad that America is now responding. That is why this resolution is so important. We have increased our commitment. I have already talked about the aircraft, the ships, the helicopters that deliver the food and water and clothing. One of those aircraft carriers makes thousands and thousands of gallons of pure, fresh water every day. That will be taken off the aircraft carrier to people who have despoiled water, water that is contaminated.

The response of the American people and our Government is important for many reasons. Obviously, our efforts help relieve the suffering of these victims, but they also help show the world what kind of a nation and people we are. David Ignatius wrote a wonderful column in the Washington Post where he talked about our ability to respond to world situations when there is such a disaster. We are not going to be able to win the war against terror unless we are able to show the world that we are a country based upon laws, not men, that we are a charitable nation, that we are a nation that is concerned about people's rights, human rights.

If we are able to show by virtue of the example we are setting with the disaster that befell these 11 nations, we will be able to convert people who are sympathetic to evil terrorists. We have a lot of people who are sympathetic to what these evil terrorists are doing. With actions such as this, we will be able to show to those people who are sympathetic to the terrorists that maybe their sympathy is not well placed. I am confident we can do that, and in the process we will win the war on terror that is being perpetrated against not only us but against the world.

I commend and applaud the majority leader for working to make the resolution the first order of legislative business in this session of Congress. It is important that we do that. Again, I appreciate the opportunity to speak.

Mr. LUGAR. Mr. President, the tidal waves, tsunamis, that traversed the Indian Ocean and the Western Pacific on December 26 have caused death and destruction in at least 12 countries, particularly India, Indonesia, Sri Lanka and Thailand. The tsunami disaster constitutes a humanitarian tragedy of incredible proportions. Currently, experts estimate that more than 150,000 people have perished and countless people are injured. Millions are homeless and at risk from disease. These tragic numbers are expected to rise as we obtain additional information.

The United States is a compassionate country that will respond generously to this human catastrophe. Under the leadership of President Bush, the agencies and resources of the U.S. Government have been mobilized to assist in the initial humanitarian effort. In addition, innumerable individual Americans and U.S. businesses have donated millions of dollars directly to international relief efforts. As the world leader in international disaster assistance, the United States must work closely with the international community to implement the most effective response possible in the coming weeks and months.

Beyond the compelling humanitarian reasons for swift action, a stable and prosperous Asia is essential to the global effort on a range of shared problems, including weapons proliferation, terrorism, narcotics, and contagious diseases. The worldwide economic and political consequences of this natural disaster could be even more severe unless we commit ourselves to advancing a strong recovery in the region.

This resolution explains the gravity of the situation, offers condolences to the victims and their loved ones, and sets the stage for Congress to make additional appropriations that will aid in the recovery. Congress must work with the President for a generous supplemental appropriation that goes well beyond the amounts of money already committed.

A summit pledging conference is scheduled to occur in Jakarta, Indonesia on Thursday. The United States should be there in a leadership position. This will be an important opportunity to work with the world community in responding to this tragedy. American humanitarian, diplomatic, and national security interests will be deeply affected by the outcome of this conference.

My heart goes out to the victims of this tragedy. While financial and in-kind assistance cannot replace the huge loss of life that countries in the region have suffered, the United States' contribution will, at least, help the survivors rebuild their lives.

Mr. FEINGOLD. Mr. President, I express my sincere sympathy for the millions of people affected by the devastating earthquake and tsunami that struck Southeast Asia, South Asia, and East Africa on December 26. The scale of this disaster is overwhelming, and the human losses are horrifying. Families have been shattered and whole communities lost, and because so many international tourists were in the region, virtually every part of the world—including the United States—is represented in the list of casualties.

I know the sorrow that I feel as I review the reports of devastating losses is shared by the people of Wisconsin and by all Americans. I know that we also share a sense of resolve—resolve to provide whatever assistance we can to the survivors and the affected communities, and resolve to be steadfast partners in the long-term reconstruction efforts that must follow the relief operations.

I vividly recall the powerful voices that rose up from all corners of the globe in the wake of the terrorist attacks of September 11, 2001. I remember how they conveyed a sense of solidarity and support that gave our country comfort and affirmed the bonds that unite all of humanity, regardless of nationality, ethnicity, or religion. Now, countless American voices are also sounding loudly and clearly in that same spirit.

I am grateful for the efforts of so many around the world to come to the aid of those in need, including U.S. military personnel who are working day and night to help. Businesses and individuals from around Wisconsin have contacted my office, looking for ways that they can help. I am proud to be a cosponsor of the resolution before the Senate that expresses our sympathy and pledges our support to the victims of this catastrophe, and I pledge to continue working with my colleagues to ensure that our words continue to be matched by our actions.

Ms. CANTWELL. Mr. President, today the Senate expresses its condolences over the recent tsunami disaster. Like most Americans, I watched in horror over the holidays as a tsunami battered thousands of miles of coastline across South Asia and Africa. The damage left in the wake of this disaster is almost overwhelming, and I feel a sense of personal and professional obligation to do whatever can be done to help those in need. Though the grim reports have varied in the days following this disaster, it is becoming clear that nearly 150,000 people have already lost their lives, and hundreds of thousands of others are in grave jeopardy because of the damage inflicted by the tsunami. Still more families are searching for loved ones, hoping for any news regarding their family members' whereabouts.

In trying to guide a humanitarian effort through the aftermath of this tragedy, the United States and the larger international community must help these countries face longer term obstacles of disease, the destruction of basic infrastructure, complete damage to coastal economies and other fundamental hardship. America has itself been the victim of great tragedies such as this, and indeed it appears that thousands of Americans living or traveling in South Asia and Africa have themselves been affected by this horrible natural disaster.

My heart goes out to all these victims of the tsunami. It is time for the world, particularly those nations that are most fortunate such as the United States, to move rapidly with a relief and recovery effort that is worthy of the size of this tragedy. I am encouraged that our Government, in cooperation with private sector charities and the business community, has now begun to focus on what can be done to help the affected countries. This tragedy provides America with an opportunity to show that we can lead the world, not just when it is our military that is needed, but when we can offer our generosity and expertise for a massive humanitarian effort. So many nations affected by this tragedy are looking to America for help and we have an opportunity to provide the world our leadership. In addition to it being the right thing to do, it is clearly in America's national interest to be a leader in helping these countries to recover.

In this spirit, I wholeheartedly support the administration's pledge of $350 million to the relief effort. I also commend the involvement of former Presidents Clinton and Bush in helping to organize a private relief effort. I would also like to commend the work being done by our private sector, particularly by nongovernmental organizations and the business community, to help those in need. This charitable work is quintessentially American, and these efforts are something for which we can all be proud.

I also want to share with my colleagues that we should be aware that the generosity of the American people in response to this disaster extends to the knowledge we have to share with the world regarding the monitoring and reporting of oceanic and climatic events.

There is important research and monitoring already being done by the National Oceanic and Atmospheric Administration on tsunami events, work that involves the University of Washington in my State. Scientists are learning how better to monitor patterns or impending developments in our oceans so we can be prepared for future possible events. We do not always focus on the good work being done by NOAA, until something tragic like this tsunami occurs. Congress has an obligation to people on our coasts to fund NOAA and see that it can do its job well, and we should work to fulfill that obligation.

In the United States, NOAA's National Weather Service operates two tsunami warning centers, the Pacific Tsunami Warning Center in Hawaii and the West Coast/Alaska Tsunami Warning Center in Alaska. In the event of a tsunami, the Centers will issue local tsunami advisories to the Emergency Managers Office of each potentially affected State. The decision to evacuate a coastal area rests with each responsible EM. The Seattle Post Intelligencer reported that the current U.S. network consists of six deep-sea sensors in Alaska, Washington, Oregon, Hawaii, and near the equator off the coast of Peru. In addition to the six tsunami buoys, the warning system takes advantage of existing tidal monitoring stations and USGS seismic monitoring and reporting capabilities. The NOAA official in charge of the system described the current configuration as the "bare minimum" needed for adequate warning. There are plans to expand the system to 20 tsunami buoys in the next five years, 10 of which will be placed in the Aleutian Islands. NOAA is estimating one-time costs of $8.7 million and recurring costs of $8.5 million to enhance the current system.

NOAA also runs a Tsunami Research Program out of the Pacific Marine Environmental Laboratory in Seattle. The objective of the Tsunami Research Program is to improve warning guidance, hazard assessment, and implementation planning. The Joint Institute for the Study of the Atmosphere and Ocean, a partnership between NOAA and UW, has also worked with the Tsunami Research Program on hazard assessment modeling.

PMEL has also developed instruments it has named tsunameters. With six deployed in the middle of the Pacific since 2001 in waters 2.5 to 4 miles deep, the tsunameters can detect the perturbations in water pressure as a tsunami passes above. When it detects something, it sends a signal by sound waves to a buoy on the surface. The signal is relayed to a satellite and then back to Earth to tsunami warning centers in Hawaii and Alaska, a process that takes only 2 minutes.

No significant tsunamis have yet occurred in the Pacific for the tsunameters to detect, but they have prevented a false alarm. In November 2003, a magnitude 7.8 undersea earthquake occurred near the Aleutian Islands, spurring officials to issue a tsunami warning. When the wave passed over a tsunameter, they saw it was small and canceled the warning.

In conclusion, I again express my condolences and those of Washingtonians to those who have lost family members in this tragedy. The Senate should do all it can to help all those who face a long and difficult cleanup.

Mr. SALAZAR. Mr. President, I wish to express my profound condolences for the victims of the earthquake and tsunami in Southeast Asia, South Asia, and Africa. I commend our two leaders for writing S. Res. 4, passed unanimously by the Senate earlier this afternoon. It is right and fitting that on our first day of business in this Congress the Senate has united to send a message of hope and leadership to the victims of this horrible disaster.

We were all mortified to learn of the devastation caused by this disaster as we awoke after a day of Christmas celebrations. The news from this disaster has been arriving so fast and furious that it is hard to put the kinds of numbers we are talking about in perspective. We know there are more than 150,000 people dead—that is 150,000 personal tragedies. And there are hundreds of thousands of others who are homeless and whose lives have been turned upside down by this tragedy. We said clearly to their families and loved ones in our resolution today that we are here to help them recover and rebuild.

The generosity and compassion of America will be felt in Bangladesh, Burma, India, Indonesia, Kenya, Malaysia, Maldives, Seychelles, Somalia, Sri Lanka, Tanzania, and Thailand. In fact, our troops and humanitarian assistance professionals are already bringing hope to those countries in the form of water, food and comfort. We thank our troops for their hard work and for showing the world the best of America, as they always do.

I am also mindful this afternoon that this terrible disaster has wreaked havoc in our own country and in my own state of Colorado. My thoughts and prayers go out to all the victims and their families.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak therein for up to 10 minutes each.

Mr. FRIST. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

TRIBUTE TO MONSIGNOR IGNATIUS McDERMOTT

Mr. DURBIN. Mr. President, it is with sadness that I rise to pay tribute to the life of a great friend, a great man who passed away on December 31. His name was Monsignor Ignatius McDermott and he was known as Father Mac, from the city of Chicago. He was a model of compassion, commitment, and service.

On December 31, when he left this Earth, he was 95 years old. He made his name in Chicago because of his dedication to some of the poorest people who lived in that city. When he was a young priest, he had many options. He worked in parishes and had different assignments, but he knew there was a special calling in his life, a calling that very few priests, very few people would even consider. Monsignor McDermott, Father Mac, dedicated his life to walking Chicago's meanest streets, skid row, and becoming the priest, the chaplain, of thousands of people on those streets addicted to drugs and alcohol.

Ironically, he died on the 29th anniversary of the day that he cofounded Chicago's largest addiction treatment center, Haymarket Center.

He was born in the "Back of the Yards" neighborhood. If you read Upton Sinclair's book "The Jungle," you know what the stockyards meant to the city of Chicago. That is where the immigrant families headed. That is where they could find a job that required hard work and a strong back and barely make a living. That is where he grew up.

He was known in his youth as just the kid brother of the famous alderman, Jim McDermott. He was ordained to the priesthood in 1936. He was assigned to what is now known in Chicago as Maryville Academy, a home for neglected and abandoned orphaned children. It was there that he saw for the first time in his ministry how alcoholism affected families.

He disagreed with the common sentiment in Chicago and across the country that alcoholism was just a character flaw: If you had a little better character, you might overcome that problem. He understood it was a disease and it needed to be treated. So Father McDermott brought Alcoholics Anonymous, which in the late forties was really a creation for the middle class of America, to the people of skid row in Chicago, people whose alcoholism had left them in the worst possible plight.

In 1963, he founded the Central States Institute of Addiction because he recognized the need for qualified treatment counselors and educators. It was there that Illinois's first program for offenders convicted of driving under the influence of alcohol was created.

In the 1970s, he led the charge in our State to decriminalize public drunkenness. On New Year's Eve 1975, along with Dr. James West, who would go on to direct the Betty Ford Center in California, Father McDermott founded Haymarket Center.

I have had the privilege in public life to meet some amazing people, and I count Monsignor McDermott—Father Mac—as one of those people.

When I first came to the Senate, the Irish-American clubs of Chicago came to me and suggested we should have a postage stamp that would acknowledge the contribution of Irish immigrants to America. I was surprised it had never happened. So the first phone call I made in the Senate was to my colleague, Senator TED KENNEDY. If there is anything dealing with Irish Americans, you better get TED KENNEDY on board. He thought it was a great idea. So we worked together, and we were successful.

The Postal Commission decided to commission a commemorative stamp commemorating the immigration of the Irish to Chicago. TED and I tried to decide which one of us would announce the stamp. By seniority, he was able to announce the first-day issue in Boston, the same day I would unveil the stamp in Chicago.

I thought to myself: Who will I invite from this city of so many great Irish Americans to come and represent those of that ethnic origin at the unveiling of the stamp? I looked around at some of the obvious: Father John Smith of Maryville, the institution I mentioned earlier, who did so much to help so many young children; Sister Rosemary of Misericordia Center, just an amazing, wonderful, and warm, touching center for children who were born with mental affliction and mental illness. I thought of Father Jim Close, who runs Mercy Home for boys and girls in Chicago. I thought what a great contribution he made. I thought of my pastor from my parish, Father Jack Wall from old Saint Pat's, a downtown parish that serves so many people in that community. But I also thought of Father Mac.

I brought them all together. They were up there with me on that stage when we unveiled the stamp. When I got up, I said: If you want to know the contribution of the Irish people to the city of Chicago, look at these five people and the dedication of their lives and what they have done to help so many people. Had the Irish been pushed away and shunned from coming to America, would someone else have stepped into their roles?

I thought about that again when Father Mac passed away. He took an assignment most priests would not even consider: going to those mean streets, those poor areas of Chicago. That was his ministry. How many times would each one of us, as we are walking along with our family on the street, see someone who is obviously intoxicated or sick with addiction and maybe pick up our pace and walk a little faster? For Father Mac, that is exactly when he would slow down and stop to try to determine what he could do.

He dedicated his life to these people. There were so many amazing stories that came from it, lives that were saved, people who were given a chance to succeed. When he opened the Haymarket Center—it is right behind Greek Town in Chicago, if you happen to know the city a little bit. It used to be a part of the city that mainly was warehouses. Now it is becoming pretty gentrified with a lot of lofts and condominiums, with a lot of people moving in, a lot of trendy restaurants, but when it was one of the poorest parts of Chicago, Father Mac established Haymarket Center because that is where he could find the people who needed his help.

I have been there several times. He had a little chapel in Haymarket where he would hold mass on Sundays, and many people came to join him at that little service. As they walked around Haymarket Center, they understood that even though those were some of the poorest people in some of the worst places in our city, Father Mac always treated them as his brothers and sisters. He went out of his way to give them the dignity and attention they deserved.

Those of us who were privileged to have known Father Mac will remember his wonderful ability to always see good in people and to convince those same people not to give up on themselves. He was a visionary, he was a leader, and he was a friend. But he was more. When I think back on my life, on those I have met who made a profound impression on me and who if they did not reach the level of sainthood were knocking at the door, Father Mac was one of those people.

I extend my deepest condolences to all of those who join me in treasuring the fond memories of Monsignor Ignatius McDermott. We start the new year with a heavy heart but with a renewed commitment that each of us in some small way will try to continue the ministry of this wonderful man.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SUNUNU). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CORNYN). Without objection, it is so ordered.

ASBESTOS LEGISLATION

Mr. SPECTER. Mr. President, I have sought recognition to discuss briefly the status of efforts to have asbestos tort reform legislation, a matter which has been before the Congress of the United States for more than two decades.

I had my first contact with the issue back in 1984 when then-Senator Gary Hart of Colorado brought in a constituent to talk about asbestos. It has been an issue which we have labored with long and hard, and in the last Congress, Senator HATCH, Chairman of the Judiciary Committee, advanced legislation with the concept of a trust and a schedule of payments to avoid the costs and risks of litigation and to treat asbestos injuries very much like workers' compensation.

A bill was passed out of the Judiciary Committee last July, pretty much on a party-line vote, as the distinguished Presiding Officer, Senator CORNYN of Texas, knows because he was and is on the Judiciary Committee and did a prodigious amount of work on this issue. The bill was passed out with a number of problems. I voted for it to move it along. I then enlisted the assistance of the former Chief Judge of the Court of Appeals for the Third Circuit, Edward R. Becker, who was in senior status. Judge Becker convened a large group of so-called stakeholders in his chamber. For two full days in August, he met in his chambers with representatives of the manufacturers, representatives of the AFL-CIO, representatives of the insurance industry, the reinsurance industry, and trial lawyers to start to work through a large number of problems which appeared to be intractable. We have worked through many of those problems, but some still remain.

There had been some talk about a draft bill being offered, but it is not appropriate to offer legislation until later this month under the procedures established by the majority leader, and the proposed draft legislation is not quite ready, although a great deal of work has been done on it.

There have been major issues raised as to what the total amount of the trust fund should be. There have been issues raised as to how much money should be in the startup fund; how long the trust fund ought to function before giving the claimants the right to revert to the judicial system because the legislation necessarily takes away their right to jury trial in consideration of a certain amount of money to be paid under the trust fund; and the problems that many victims are having where they are unable to collect from anyone—people with mesothelioma, a deadly disease, with cancer, with many ailments from the exposure to asbestos.

This would be the offset to giving up the right to a jury trial.

We have adopted an approach of reverting back to the right to jury trial if the elaborate system does not work. I think the system is realistically calculated to be successful.

Following the meetings in Judge Becker's chambers last August, there have been some 32 sessions held in my conference room, presided over by Judge Becker with myself in attendance for most of those meetings.

To repeat, a lot of progress has been made. It is my hope to be able to circulate a draft bill as a vehicle for discussion. I call it a discussion draft bill. My hope is that it could be circulated before the end of the week, but it is not possible to make any firm commitments because candidly every time we come upon a sequence of negotiations, other problems arise. If there is any way to reconcile them and to have a consensus before going into print, we are trying to do that.

It had been my hope last year, as we worked through the process, to have a bill by consensus. Senator FRIST and the then-Democratic leader, Senator DASCHLE, did a great deal of work and exchanged letters. At one point we thought we were on the verge of a consensus, but it did not work out.

In order to pass a bill, as we all know, in the last stages of a legislative session, it has to be by consensus because any single Senator can hold up a bill in its final stages. That consensus was not possible, and although we were very close on many issues, there are some issues where there is still some difference of opinion. The differences have been narrowed, and we have come a long way.

It is my hope to circulate a draft discussion bill, and there likely will still be some blanks. We will fill in as many of the blanks as we can, and then Judge Becker and I will be available to meet with the stakeholders in my conference room on Monday to talk about the areas where there has been agreement, to talk about the specifics on a draft discussion bill, and to talk about the areas where there are still differences as to how we might bridge that gap.

I have worked with Senator LEAHY. I commend him for his work with Chairman HATCH on this matter. We have talked about having a hearing next Tuesday on January 11. I am not unaware of the fact that it is not a convenient time, but Senator LEAHY will be present and I think there will be some other Senators present. We have given several weeks notice. We are aware it is a difficult time, but there are many hearings held in the Senate with just a few Senators, the chairman, and the ranking member present. I think it is important to move ahead.

At that time, it is the expectation that we will hear testimony from Judge Becker to lay out the draft discussion bill and then to hear testimony from the stakeholders identifying the parts of the bill which they choose to comment about where there are agreements or where there are disagreements. We know from experience that the early part of a legislative session is necessarily slow, but that early on in February, certainly in March, sometimes by mid-February, we begin to move ahead and the calendar begins to be crowded.

There are many items which the President has identified as legislative priorities. We will have confirmation hearings starting with White House Counsel Gonzales on Thursday and there will be other confirmation hearings. So it is my hope to be able to present a bill through markup at a very early date. Whether that can be done in late January or early February, frankly, remains to be seen.

When we marked up this bill the last Thursday of July of 2003, it was a very long markup. It lasted more than 12 hours, as the distinguished Presiding Officer will recollect. In a sense, we had the longest markup in the history of the Senate with the sessions in Judge Becker's chambers and the 32 sessions in my conference room. I thought it would be useful to briefly describe where we have been and in a sense where we are going so our colleagues will know what the status is as fully as it can be described without actually circulating a draft discussion of the bill, which will be done at the earliest possible time.

I thank the Chair. I commend him for his lonely vigil. This was a thriving Chamber three hours ago with standing room only and suddenly the business of the Senate is not quite so pressing with only the Presiding Officer and this Senator present. So in the absence of any other Senator, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FRIST. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CRAPO). Without objection, it is so ordered.

Mr. FRIST. Mr. President, I ask unanimous consent that I be allowed to speak for as much time as I consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

DELIVERING SOLUTIONS TO THE NATION'S PROBLEMS

Mr. FRIST. Mr. President, I would like to take a few minutes to expand on what I discussed at the outset of this session, now about 3 hours ago. I would like to focus not just on what we must do as individual Senators, but also on what this Senate can do and can achieve together, as a body. With the President and the House as partners, we can deliver meaningful solutions to the real problems that confront our Nation. We can secure freedom and safety and a healthier future for generations of Americans to come.

We made much progress toward these goals in the last Congress and we did so in a very narrowly divided Senate. Even with the rough and tumble of election year politics, we found ways to work together for the common good of our country. We can, we must, and I believe we will achieve at least the same and hopefully even greater success in the Senate.

No doubt it will be a challenge. The makeup of this Senate is unique. The margins between the majority and the minority may be wider, but the margins at the ends of the ideological spectrum are wider still.

We also have our own prerogatives as equals, as individual Senators, as members of our respective caucuses. And we have principles, principles to which I hope each and every one of us will hold tight during the next 2 years and throughout our careers in public service. But we also have an obligation to this body and to the people and to the Nation we serve to conduct that business with civility and with foresight and a sharp focus on those meaningful solutions. The agenda before us is simply too ambitious, too urgent, and too important to the future of our country and the world to do otherwise. Every Member of this body can take pride in the accomplishments of the last Congress, the 108th Congress. We took on big issues. We took on huge challenges. And our actions translated into solutions. Together we proudly moved America forward.

For years Congress talked about providing seniors with relief from the skyrocketing cost of prescription drugs through Medicare. Finally, in 2003, Congress took action and passed the first substantial improvement to Medicare since the program was created 40 years ago. Today, more than 6 million seniors have prescription drug discount cards that are saving them 10 percent to 25 percent on their medicines; tens of thousands more are signing up every week; and within 12 months every senior on Medicare will have affordable access to a comprehensive prescription drug benefit. Challenge; action; solutions.

Before President Bush took office, our economy was tilting toward recession. Then the Internet bubble burst, corporate scandals rattled investor confidence, and terrorist attacks devastated our economy. We took action. We cut taxes for every American who pays taxes and we reduced taxes on businesses, helping them invest and expand and be more competitive in the global economy. Since August 2003, our businesses have created over 2.4 million jobs, we reduced the unemployment rate from a peak of 6.3 percent last June to 5.4 percent today, and aftertax income is up by more than 10 percent since 2000. Challenge; action; solutions.

On September 11, 2001, the United States was ruthlessly and brutally attacked by terrorists. More than 3,000 innocent men, women, and children were murdered. America and indeed the world changed forever. I am proud of the support this body has given to our Commander in Chief and the brave men and women who risk their lives every day to defend our country. We provided $87 billion to help our military buy equipment and support operations in Afghanistan and Iraq. To date, our forces have killed or captured three quarters of al Qaida's leadership. They have toppled two terrorist regimes, and in the process they have liberated 50 million people and put them on the path to self-government.

The Senate also adopted the most sweeping overhaul of our intelligence system since the creation of the CIA itself. This will bolster and better organize our intelligence efforts to win the war on terror and face those new security threats of the 21st century. Again: Challenge; action; solutions.

These are just several of the achievements of the last Congress. But the pattern that has been set is clear. America faced urgent challenges. We acted with solutions, and with the heart and drive and genius of our people we moved America forward.

Earlier today we witnessed 34 Members take that oath of office of a U.S. Senator. It is a wonderful tradition that dates back to that first Congress in 1789. The oath at that time was a simple 14-word phrase:

> I do solemnly affirm that I will support the Constitution of the United States.

Those same 14 words form the vital core of today's oath, the oath that 34 Senators took now 3 hours ago. They bind us and all who have served in this body before us, many of whom joined us today, to a common, a timeless, and a paramount cause.

Our first responsibility above all else is to do our constitutional duty. Nothing should come before it. Nothing should stand between it—not party, not ideology, and certainly not politics.

Yet, in the last Congress I believe the Senate failed to perform an essential constitutional duty. It failed to offer advice and consent to the President by filibustering ten judicial nominees and threatening to filibuster another six. These filibusters were unprecedented. Never in the history of the Senate has a minority filibustered a judicial nominee who had clear majority support. This was an abrupt and an unfortunate break in more than 200 years of Senate tradition, of Senate history. This tradition must be restored, not merely because we honor the traditions of the Senate, but because this tradition reflects the proper role for this body, the Senate, as designed by our Framers in the constitutional arrangement.

Next month we will have the opportunity to restore Senate tradition. I will bring one of the President's very capable, qualified, and experienced judicial nominees to the floor. We can debate that nomination. We can vote to support it or to oppose it. And we must offer the President advice and consent by giving this and future judicial nominees who are brought to the floor up-or-down votes.

Some, I know, have suggested that the filibusters of the last Congress are reason enough to offer a procedural change today, right here and right now, but at this moment I do not choose that path.

Democratic colleagues have new leadership. And in the spirit of bipartisanship, I want to extend my hand across the aisle.

I have a sincere hope that we can move forward past difficulties—beyond the past difficulties we saw in the last Congress—and look forward to a future of cooperation.

I seek cooperation, not confrontation. Cooperation does not require support for the nominees. Cooperation simply means voting judicial nominees brought to the floor up or down.

So let me say this: If my Democratic colleagues exercise self-restraint and do not filibuster judicial nominees, Senate traditions will be restored. It will then be unnecessary to change Senate procedures. Self-restraint on the use of the filibuster for nominations—the very same self-restraint that Senate minorities exercised for more than two centuries—will alleviate the need for any action. But if my Democratic colleagues continue to filibuster judicial nominees, the Senate will face this choice: Fail to do its constitutional duty or reform itself and restore its traditions, and do what the Framers intended.

Right now, we cannot be certain judicial filibusters will cease. So I reserve the right to propose changes to Senate rule XXII, and do not acquiesce to carrying over all the rules from the last Congress.

As a public servant who has twice taken an oath to support and defend the Constitution, I cannot stand idly by, nor should any of us, if the Senate fails to do its constitutional duty. We, as Senators, have our constitutional duty to offer the President advice and consent.

Although our constitutional duties are paramount, we also have a legislative responsibility to the people we serve and to the Nation. This is our opportunity to take on the challenges that each of us sought public office to pursue. After all, we are here not just to occupy our offices but to lead, to be bold, to take action, and to get things done.

First, there is work left undone from the last Congress, and we need to act on it.

America is long overdue for an energy policy. We need a plan in place to reduce our dependence on foreign oil and bolster conservation efforts. Last Congress, the Senate passed an energy bill that would have done just that. I am hopeful we will be able to do the same this year and work with House leaders and the President to finish the job.

We also need to eliminate frivolous lawsuits by reforming asbestos liability, medical liability, and our class action system. Frivolous lawsuits cost our economy more than $250 billion per year. That is more than 2 percent of our gross domestic product—the equivalent of over $800 on every American. To keep our economy growing and competitive, we need to act now.

I will bring class action reform to the floor early next month. I am confident we will pass this bill and take a big first step to restoring sanity and fairness to our legal system.

Second, in the last Congress, we led on the most urgent issues facing America. And we still need to keep our focus on issues such as protecting our homeland from biological threats. But we must also lead today on tomorrow's challenges. We need to look to the horizon and ask ourselves: What will be the cost in the future if we fail to act now?

The President has put Social Security reform among his top priorities for his second term. He has laid out wise and essential principles: protecting the benefits of today's seniors, not raising payroll taxes, and giving younger Americans the opportunity to save, own, and invest a portion of their own Social Security dollars. But in the end, the details on how to accomplish Social Security reform will fall to Congress. This will require a tremendous amount of work, especially from our skilled committee chairmen. It will also require us to work together across the aisle—both parties in both Houses. If we do so, I believe we will be able to achieve the goal of putting a bill that addresses the short-term and long-term gaps in Social Security on the President's desk.

As we consider Social Security reform, we cannot turn a blind eye to other entitlements. Gathering on the horizon is a Medicare perfect storm: skyrocketing health care costs that are affecting every family and an increasing number of seniors—a doubling in the number of seniors—over the next 30 years, and fewer and fewer workers paying into the program.

Keeping the promise of Medicare to seniors will place an untenable burden on younger Americans and their children and their grandchildren. In fact, the total unfunded liability in the Medicare Program far exceeds Social Security's unfunded liability. We have a moral responsibility to begin to have a conversation about the long-term challenges facing Medicare.

In the short term, we can work to reduce health care costs in general. The fact is, our health care system—it is not even really a system. Our health care sector is fantastically inefficient. We can make it much more productive.

Just think about it for a minute. We can access our bank accounts from nearly anywhere in the world with our ATM cards, but we can't transfer our CAT scan results digitally from one hospital to another hospital across the street for a second opinion. We can pay bills on line, we can order groceries on line, and we can even apply for a mortgage on line—all in a matter of minutes. But if we happen to be in a car accident, if we are knocked unconscious with our lives at stake, paramedics and emergency room doctors cannot quickly check for blood type or allergies to our medicines.

It doesn't make sense. We can fix it by encouraging the use of information technology. By reforming our broken medical liability system, by expanding portable tax-free accounts, among other things, we can begin to hold that line on health care costs and improve our system.

I am pleased the President is firmly committed to working with Congress to make health care more affordable and accessible.

He is also committed, as I am, to protecting the values that serve as the foundation of a healthy society: Marriage, family, and a culture of life that protects human dignity at every stage of development.

Finally, we need to elevate global issues of moral consequence.

This is becoming increasingly apparent in the past week. During the last 9 days, we have all been deeply saddened by the unfolding tragedy in Southern Asia. Estimates now put the death toll at more than 150,000, more than a third of which are children. And the statistics don't capture the sorrow, the sadness, that sense of loss, the psychological impact that will leave longstanding scars.

When we resume our business later this month and the President requests our assistance, we will set aside what we are working on to provide funding quickly and cleanly.

Later tonight I will be leaving with several of our colleagues to travel to the devastated areas. We will report back about what America can do to aid relief and recovery efforts.

America is the most generous Nation in the world. We will step up with all the resources, all the compassion, all the hope that we can muster in these next few weeks and beyond. We have done so as a nation. We have done so as a people many times before.

Last Congress we stepped up in the fight against global HIV/AIDS. We stepped up with an unprecedented $15 billion commitment. We will keep that commitment strong. We need to work hard to bring peace, stability, and humanitarian support to war-torn nations such as Sudan.

Americans are a compassionate people. We, as Senators, can help capture that and channel it for the good of the world. It is our responsibility. We will do just that.

In his most recent news conference, President Bush said this about his second-term agenda:

> All of these goals require the energy and dedication of members of both political parties. Working in a spirit of bipartisanship, we will build the foundation of a stronger, more prosperous country.

The President is exactly right. The challenges before this Congress are so vital to the future of our country. We must work together to address them. Through our history, America has been served best by leaders who treat each other and their offices with respect and civility and decency.

I think of George Washington who, at the age of just 16, copied out by hand a list of 110 Rules of Civility and Decent Behavior in Company and Conversation. This act shaped the early character of Washington and in turn the indelible character of our Nation.

In recent history, Ronald Reagan and Tip O'Neill come to mind. Although they stood on opposite sides of the ideological spectrum, they enjoyed a wonderful relationship, a fruitful friendship. On the Speaker's 70th birthday, President Reagan invited him to the White House for a celebratory lunch. At the end of the meal, the President raised a glass of champagne and toasted the Speaker:

> Tip, if I had a ticket to heaven and you didn't have one, too, I'd sell mine and go to hell with you.

Many have enjoyed friendships just like that in the Senate. I know I do, and so do many of our spouses. The Senate, as I have often said and referred to in my remarks earlier today, is a family. The sense of family does not come across on the television screen and certainly doesn't come across in the newspapers. What the American people too often see and what I don't believe they like is an extreme partisanship, a partisan bickering and a lack of cooperation. Some of that is just the nature of the news. Conflict, as we all know, sells advertising and catches people's attention, but it is also the nature of Washington today with all of the competing special interests.

There is still something else at work. Somehow, we have become more defined by the forces that divide us than the common cause that unites us. The civility that once was the hallmark of this body has eroded over time. I recognize, we all recognize, it will take time to regain it. But we must begin. We must begin now and we will begin.

I applaud the orientation for new Members that Senators CARPER and ALEXANDER and others helped organize just this November. Our nine newly elected Senators worked with veterans of this body to learn, as my colleague from Tennessee said, what it takes for the Senate to function as an institution and fulfill its constitutional role. We need more efforts just like this, such as in Senate policy forums, bipartisan leadership meetings, all of which would be a good start.

These are issues I have discussed with the Democratic leader. I ask our colleagues to come to Senator REID and me with other suggestions they may have over the next several weeks. Leaders on both sides of the aisle need to set an example, but the whole body needs to share in this effort. We all need to commit to restoring civility in the Senate. If we do, with time, I believe, the Senate again can become what it was in the so-called golden age, what the great statesman and Senator, Daniel Webster, called in his last major address:

> . . . A body not yet moved from its propriety, not lost to a just sense of its own dignity and own responsibilities, and a body to which the country looks, with confidence, for wise, moderate, patriotic and healing counsels.

I close by expressing a concept that is by no means new but is essential to our deliberations and, in the end, to the future for America. It is the concept that this body, the Senate, act as one.

During my decade of service in this body, I have seen extraordinary acts of courage. I have seen men and women endure overwhelming currents of political pressure. Sometimes they have done this standing alone and independent; sometimes they have crossed the aisle and cast a deciding vote with the opposing party. Every time, however, it has been for one simple reason: to do what their hearts told them was right for the people they represent and for the Nation.

Where leaders perform such acts of courage, they subjugate their own political interests to the higher purpose of the whole. Although they may pay a political price, they are rewarded with honor and with pride and with respect.

In the end, those rewards are priceless. Those rewards last—not only in the hearts of public servants but in the hearts of the people they represent.

The Senate's longest serving majority leader, the late Mike Mansfield, said of this body:

> In the end, it is not the Senators as individuals who are a fundamental importance. In the end, it is the institution of this Senate. It is the Senate itself as one of the foundations of the Constitution. It is the Senate as one of the rocks of the Republic.

Let us do the duty of U.S. Senators, our constitutional duty and our duty to our people and our Nation. Let us do so with respect and civility and decency for this body and for each other. As we do, let us secure for every American a freer, safer, and healthier future.

I yield the floor.

The PRESIDING OFFICER (Mr. MARTINEZ). The Senator from Oregon.

HEALTH CARE

Mr. WYDEN. Mr. President, before he leaves the Chamber, I commend the majority leader for his interest in health care, in particular. I have always thought it is far away the most important issue at home. I have come to the Senate to talk about some of the opportunities in this session to work in a bipartisan way on these critical issues. In fact, I was going to mention that the Senator and I have pursued legislation to tackle the problem of child obesity. I appreciate the majority leader's interest in health care and look forward to working with him in this session.

Mr. President, colleagues, I have believed health care is the most important issue at home since my days as director of the Oregon Gray Panthers. I have thought health care was the most important issue because, in a sense, if our folks do not have their health, it is not possible to work, to learn, to raise children, or do much of anything the American people value.

For me, this is the big priority at home. When we look at what is happening today with medical costs gobbling up everything in sight, the demographic revolution with so many more older people, the tremendous lifesaving technologies we have today which, of course, carry a big price tag, all of these forces come together to present an issue that just cannot be ducked any longer. To put it in perspective, David Walker, the Comptroller General of the Government Accountability Office, put it pretty well, saying that the Medicare problem is about seven times greater than the Social Security problem and it has gotten much worse. It is much bigger. It is more immediate. It is going to be much more difficult to effectively address.

That is the view of the Comptroller General. He is talking about Medicare. But in my view, the concerns that David Walker talks about with respect to Medicare extend to the health care system as a whole.

This afternoon for a few minutes I will chart a course as it relates to health care: first, a number of steps that could be taken right now that would significantly help the American people as we deal with this health care challenge. Then I will discuss, for the longer term, another bipartisan effort I have had a chance to team up with Senator HATCH on that will be implemented over the next few weeks.

But if I might, I would like to start with Medicare. I think Senator FRIST is right; these Medicare costs are soaring. For the prescription drug legislation alone, it is clear now the price tag will be in the vicinity of $100 billion more than Congress originally calculated. That is the current estimate. Many have said it will be much greater. I think it is critically important that steps be taken to contain costs, particularly as relates to this fast-growing area that we will be faced with, that is prescription drugs.

We all hear about it from our constituents. Every time we are home, folks tell us about how skyrocketing prescription drug costs are such a hardship on them. They want to know what Congress is going to do to respond to it.

One of the things I think has been so exacerbating about this issue of cost containment as it relates to prescription drugs is that the Medicare program is not even employing the kind of cost containment tools you see in the private sector. If you are talking, for example, about a big timber company, the Presiding Officer (the Senator from Idaho) and I know big timber firms and other natural resources firms use their bargaining power in order to try to hold down the cost of medicine and other essentials. The Medicare program is not doing that. The Medicare program is not using the kind of bargaining power that exists in the private sector today.

In fact, if you are an older person, and you go off and purchase your medicine, either now or even in the future, under many of the plans that will be offered under the new program, you have no bargaining power, and in effect you are subsidizing those big private-sector buyers, whether they are steel firms, timber firms, auto companies, or various other kinds of concerns. I do not think that is right.

(Mr. TALENT assumed the chair.)

Mr. WYDEN. I am very pleased I have had a chance over the last few years to team up with Senator SNOWE of Maine on a bipartisan effort to contain those prescription drug costs, using essentially the model of more bargaining power the way private sector firms have.

Part of the Medicare prescription drug bill that I think is very unfortunate is a statutory ban on Medicare using its bargaining power to hold down the cost of medicine the way big private-sector buyers would use their bargaining power. So Senator SNOWE and I would like to change that. We would like to lift that bargaining power restriction so Medicare would be in a position to use marketplace forces to hold down the cost of prescription drugs.

A few weeks ago, we got a big boost for our bipartisan legislation when the outgoing Secretary of Health and Human Services, Secretary Tommy Thompson, said he wished he had had the power the bipartisan Snowe-Wyden legislation would provide. Secretary Thompson gave a press conference, I believe on the day he announced his resignation, and specifically said he wished he had had the tools that the bipartisan legislation the Senator from Maine and I have authored would provide at the time of his service because he could have made those scarce Medicare dollars stretch further.

So I think Secretary Thompson gave a pretty ringing bipartisan endorsement for the legislation Senator SNOWE and I will be reintroducing very shortly. It seems to me to make sure that seniors get the best value in the marketplace, that taxpayers get their money's worth under the Medicare program, a program that is, of course, soaring in costs, we ought to make sure we use the kinds of tools the private sector uses.

In the bipartisan legislation I have written with Senator SNOWE—it is called the MEND bill, the Medicare Enhancement for Needed Drugs legislation—we would have a chance, in my view, to significantly rein in these costs using the power of the marketplace. But I bring this up first by way of saying this is just the beginning of what I think we could do in this session of Congress.

I want to move now to the issue of catastrophic illness. The Senator from Missouri and I represent a lot of small businesses. We enjoyed our service on the Small Business Committee when we were in the House. I think we and our colleagues all understand if you have a small business, say a hardware store with six people, and one or two of them get particularly sick, that essentially blows the whole health care system for that small hardware store or furniture shop or what have you. In effect, if one or two of the people get sick at the small business, the premiums go through the roof for everybody, and they essentially can go so high that it is not possible for the firm to offer coverage at all.

I was struck in the campaign by Senator KERRY's proposal because I thought it was a very innovative way to help those small businesses rein in their costs. In effect, he was going to use the concept of reinsurance for very large bills that would be faced by a small business. If you have the Government picking up the very large bills for the one or two people at the hardware store in Missouri who have these illnesses, that can stabilize the rate system for everybody.

I thought the Kerry proposal was a good idea. I come to the floor to bring it up because I think if you compare the Kerry proposal to some of the ideas offered by the distinguished majority leader, Senator FRIST, who was just on the floor, his Healthy Mae proposal, while different than the Kerry proposal, certainly in a number of respects both of them are looking at the same core concept, which is to use this idea of reinsurance to pick up the very large bills that would be faced by some of our small businesses.

I think when you look at the Kerry proposal, when you look at the Frist proposal, there is a lot of common ground there to tackle a health care issue of enormous concern to millions of families. All across this country we have citizens who face the prospect of going to bed at night knowing that if the medical bills soar through the roof, they could lose everything. They could lose their home, the capacity to educate their kids. They could lose virtually everything.

So I think it is important we enact a catastrophic illness program. This idea, by the way, has percolated around for decades. Democratic Presidents have talked about it. Republican Presidents have talked about it. Senator KERRY has authored an innovative proposal. Senator FRIST has come up with ideas that I happen to think are attractive. What we ought to be doing as a body is looking for common ground and the opportunity to work together. As Senator SNOWE and I have done with prescription drug cost containment, I would hope the Senate could come together for a bipartisan catastrophic illness proposal that I think would make a very meaningful dent in these huge expenses we so often face for catastrophic illness.

There are other areas that lend themselves to immediate action as well. In this regard, I particularly commend the distinguished senior Senator from New Mexico, Mr. DOMENICI, and the senior Senator from Massachusetts, Mr. KENNEDY, for their outstanding work on mental health. We have been working for some time to try to ensure that there would be mental health parity. Having had my late brother, Jeff, suffer from schizophrenia, I have watched these families jostled around in the health care system for years. I know colleagues of both political parties have as well. There is no reason why we cannot get a bipartisan mental health parity effort, a Domenici-Kennedy bill, working with the other body, get that enacted into law, and get it sent to the President—again, a chance for immediate action.

Finally, I mentioned briefly the issue of childhood obesity. It is obvious that we now have literally an epidemic of childhood obesity problems occurring early on in life that produce other deadly and costly illnesses such as diabetes and heart disease. Senator FRIST and I, working with a group of health advocates for children and independent scientists, have put together a bipartisan bill. I hope we can use that legislation as an opportunity for the Senate to come together.

Our proposal essentially involves a modest Government role, particularly at the outset of the program. Then we use a foundation approach to generate additional funds in the private sector. But at the end of the day, under that legislation, we would have a grassroots juggernaut all across the country focused on our schools, on our families, tackling this issue of childhood obesity. Again, there is no reason why we could not act immediately.

On these kinds of issues—and I have outlined four of them now—I believe Congress is on the cusp of success. Bipartisan efforts are underway. Certainly they need some tweaking and some changes, going through the committee process and the negotiations that are essential to pass legislation, but for all practical purposes, in each of these areas—prescription drug cost containment, a program to deal with catastrophic illness, mental health parity, and fighting childhood obesity—we have legislation that is camera-ready to tackle these very serious health care concerns. We ought to have it.

As the Congress moves on these initiatives, we have to also move to address the health care system of tomorrow. In this regard, Senator HATCH and I have worked for several years on the Health Care That Works for All Americans Act. We got it funded finally last year as part of the appropriations legislation. Now the Government Accountability Office is moving to set in place the first stage of the legislation, which would involve naming the 14 individuals who would be part of the Citizens' Health Care Working Group.

The bipartisan effort Senator HATCH and I have pursued for several years is built on the proposition that it is time for the country and the Congress to try something different and to look at this in a dramatically altered way. This may be of some interest to the Presiding Officer because essentially Harry Truman, in the 81st Congress in 1945, tried on the health care issue what Bill Clinton tried back in 1993 and 1994, and essentially all Presidents have tried in between the 1940s and the 1990s. That was to write legislation in Washington, DC. The American people would find these big Federal health reform bills incomprehensible. The various powerful interest groups would attack each other. And essentially nothing would happen. It was essentially driven in the confines of the beltway in Washington. Literally for more than five decades in the debate about creating a health care system that works for everybody, we would essentially have paralysis.

What Senator HATCH and I have sought to do is to try something different; that is, to essentially start this debate outside the beltway, to try to involve the American people in the most important questions, not the various arcane issues about what every single payroll tax level ought to be, but the big kinds of questions—I will outline a couple of those in a moment—and then use that kind of effort, where citizens could be involved in community meetings, citizens could weigh in online, citizens could participate in a variety of ways, to try to build a consensus for the kinds of reforms that would be needed to create a health care system that works for everyone.

Under our legislation, after the Citizens' Working Group is named by Mr. Walker, the head of the Government Accountability Office, what happens next is the working group essentially would put out for the American people, in simple, straightforward English, information—it could be available online, in booklets, senior centers, other places where folks gather—about where the health care dollar goes today. This year we are going to spend in the vicinity of about $1.8 trillion on health care. That is what we are spending on health care, yet it is clear that as far as the country is concerned, there really is no sense where that $1.8 trillion goes now and what the alternatives are for perhaps spending it in a different fashion.

That would be the first task of the Citizens' Working Group, to put out online, in booklets available throughout our communities, information about where the health care dollar goes today and what the various options are for where it might be targeted as an alternative so Americans would have a chance to say: Look, what I am interested in is this kind of approach. Let's say a health savings account or the Associated Health Plan concept, the health plan concept the Senator from Missouri has advocated.

Other citizens might say: I am interested in a single payer kind of system, perhaps in a small community. They think that is the approach that makes sense for them. The point is, until you tell the American people where the health care dollar is going now, it is hard to have a debate with respect to changes that might be necessary so the Congress, on a bipartisan basis, could in effect move forward with legislation that would create a system that works for everybody.

When Senator HATCH and I began this effort, we made a systematic effort to make it as inclusive as we possibly could. The legislation early on won the support of the Chamber of Commerce, the AFL-CIO, and the American Association of Retired Persons—certainly a coalition that doesn't agree all the time on health care or other kinds of issues. We have had many groups endorse the effort since. The reason they have is they believe it is critical that something new be tried.

What happens under our legislation, after the Citizens' Working Group has made it possible for folks to see where the $1.8 trillion we are spending on health care goes now, is that our citizens will have a chance to participate in open community meetings, online, and other kinds of sessions so that they would have a chance to be heard on the second stage of this very different approach with respect to health care reform.

After our citizens have had a chance to be heard, then the Citizens' Working Group in effect takes that kind of sentiment they have heard from all corners of the Nation and tries to synthesize it into a set of recommendations to the Congress. And under our legislation, within 60 days after the Citizens' Working Group has provided the recommendations to the Congress with respect to what the American people have said, each committee of jurisdiction has to begin hearings on what has come from the Citizens' Working Group in terms of the recommendations of the American people.

I want to close by giving a few examples of the kind of areas where I think we have to have the input of the American people where they have never been asked. For example, the issue of end-of-life care is absolutely essential in terms of a new focus for health care reform. We know that many of our health care dollars are spent in the last few months of an individual's life. We are told by many medical experts—doctors, hospitals, and others—that in many of those instances there is nothing they can do that is medically effective, and there is nothing they can do to enhance the quality of life for the individual. So the question for the country and for courageous political leadership is: What should we do with respect to end-of-life care?

If we are being told by our best doctors and hospitals that they cannot do anything that is medically effective, cannot do anything to promote a better quality of life for individuals, do we want to refocus the health care dollars to make sure, for example, that there are better hospice programs and better end-of-life care programs for individuals facing those kinds of health challenges? I personally think that is where the American people are going to end up. Let's ask them, for the first time, how they want to deal with these very difficult social and ethical issues with respect to American health care. I submit that financial issues with respect to health care are very difficult, no question about that. I think the social and ethical issues, with respect to end-of-life care, where much of the health care dollar gets spent today, are even more challenging, but we have to act. That is the kind of question that would be posed by the Citizens' Working Group. I think other issues are important.

I am particularly interested in the issue of personal responsibility. I think that has been part of what has been driving the debate with respect to health savings accounts and other such approaches. I have been discussing with my constituents in town hall meetings the idea that if we are to have a system that works for everybody in terms of affordable quality health care, I am prepared to say that an individual should, every time they use a medical service, if they are not destitute, have to make a payment on the spot so as to ensure that there is a clear requirement of personal responsibility. Certainly, that will be controversial, but that is the kind of issue that has to be discussed with respect to health reform.

Finally, I think the question of addressing health care—and particularly Senator HATCH and I have tried to do it in a bipartisan way—means you have to get beyond the blame game. Sometimes when you have a discussion about health care, the topic comes up that Republicans say it is the trial lawyers' fault; nail the trial lawyers and everything is going to be fine. Then you go meet with Democrats and Democrats say, yes, we have to have health reform. Go nail the insurance companies; do that and everything will be fine. I think—and Senator HATCH and I have talked about this—if we are going to have a health care program that works for all Americans, we are going to have to get beyond the blame game. You bet changes need to be made in the insurance sector, because they do skim the cream and take the healthy people, and they do send sick people to Government programs that are sicker than they are. There do need to be changes in those insurance practices. I think we also understand that there are frivolous cases and abuses in the legal sector, and changes would be necessary there if we are to have meaningful reform and a health care program that works for all Americans.

It seems to me this is an issue that we cannot duck because come 2010, 2011, 2012, medical costs will clearly consume just about everything in sight. I submit that the problems we are seeing today in terms of small business premium hikes, folks falling between the cracks—they are not old enough for Medicare or not poor enough for Medicaid; our Medicare providers are understandably frustrated by the reimbursement system—if we keep nibbling at the Medicare health care system, the problems we are seeing today are going to seem like small potatoes compared to what happens in 2010, 2011, and 2012. On New Year's Day in 2008, this demographic influx, in effect, of 7 million-plus retirees we will see over the next few years is going to start to retire. That happens New Year's Day 2008. So the reason I have come to the floor this afternoon is I wanted to outline a number of steps—four, specifically—that I thought Congress could tackle in a bipartisan way that would make a meaningful difference right now: the legislation Senator SNOWE and I have authored in terms of prescription drug cost containment, using marketplace forces to hold down prescription drug costs; catastrophic illness, and looking particularly at ideas that Senators KERRY and FRIST have talked about; the question of mental health parity; childhood obesity. Again, we can build where there is a bipartisan foundation for congressional action. These are steps we ought to take now. Then we ought to use the next couple of years—as Senator HATCH and I have tried to do in a bipartisan kind of way—to build a health care system that works for all Americans. Our legislation is moving ahead.

The Government Accountability Office is appointing the Citizens' Health Care Working Group right now. The $3 million appropriated for the legislation—and I am grateful to Senators SPECTER and HARKIN for that particular work—is going to allow us, in our Health Care That Works For All Americans Act, to take a very different approach to break this spiral which dates back to 1945, tried by Harry Truman in the 81st Congress, and continued literally up through the time of President Clinton. Making sure the public has the facts is the first task of the Citizens' Health Care Working Group established in the legislation I have authored with Senator HATCH. Second is to make sure the public gets a chance to weigh in. Finally, to ensure public accountability, the Congress is under a requirement to move forward with hearings after the Citizens' Working Group has reported.

So I think it is appropriate on this first day of the new session to zero in on the health care issue. I have been very closely following the discussions colleagues on both sides of the aisle have made with respect to the tragedy that has taken place overseas. I am very pleased to hear that Majority Leader FRIST is leading a trip to the area and will come back with ideas for bipartisan action on that terrible tragedy. I wanted to talk about what I think is the most pressing issue at home, the health care challenge, and particularly to outline bipartisan steps that could be taken now. I also look forward to working with my colleagues as the legislation I have authored with Senator HATCH is implemented in the weeks ahead.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I ask unanimous consent that I be recognized for up to 45 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INHOFE. Mr. President, first let me say to my friend, Senator WYDEN, he has always been a champion of that cause. A lot of us with different political philosophies rely on his judgment, his experience, his background, and those things he has accomplished in the field of health care. I look forward to working with him in this coming year.

GLOBAL WARMING DEBATE

Mr. INHOFE. Mr. President, as I said on the Senate floor on July 28, 2003, much of the debate over global warming is predicated on fear rather than science. I am the chairman of the Environment and Public Works Committee. In addition to its normal expected jurisdictions, the committee also has a lot to do with the Energy bill. We have probably as many provisions in the Energy bill as the Energy Committee does. It is one with which we have great concern.

We recognize we have an energy crisis in America. The House passed a very good Energy bill last year. We should have passed it in the Senate. We did not. I hope we will pass it this time. In the meantime, we need to do what I committed to do when I became chairman of the Environment and Public Works Committee 2 years ago. We are going to encourage decisions that are made in Government to be made on sound science.

Many times that is not the case, and such a case is the hoax referred to as "global warming." I called the threat of catastrophic global warming the greatest hoax ever perpetrated on the American people in a statement, to put it mildly, that was not viewed very kindly by the environmental extremists and their elitist organizations.

I also pointed out in a lengthy committee report that those same environmental extremists exploit the issue for fundraising purposes, raking in millions of dollars, even using Federal taxpayers' dollars to finance the campaigns.

For these groups, the issue of catastrophic global warming is not just a favored fundraising tool. In truth, it is more fundamental than that. Put simply, man-induced global warming is an article of religious faith to the radical far left alarmists. Therefore, contending that its central tenets are flawed to them is heresy and of the most despicable kind. Furthermore, scientists who challenge its tenets are attacked sometimes personally for blindly ignoring the so-called scientific consensus. That is not all. Because of their skeptical views, they are contemptuous, dismissed for being "out of the mainstream."

This seems to me highly ironic. Aren't scientists to be nonconforming and question consensus? Nevertheless, it is not hard to read between the lines. "Skeptic" and "out of mainstream" are their thinly veiled code phrases meaning anyone who doubts the alarmists' orthodoxy is, in short, a quack.

I have insisted all along that the climate change debate should be based on fundamental principles and science, not religion. Ultimately, I hope it will be decided by hard facts and data and by serious scientists committed to the principles of sound science instead of censoring skeptical viewpoints, as my alarmist friends favor.

These scientists must be heard, and I will do my part to make sure they are heard. I am sure the Presiding Officer from Rhode Island is very much concerned with the sound science with which we address this subject.

Since my detailed climate change speech in 2003, so-called skeptics continue to speak out. What they are saying is devastating to the alarmists. They amassed additional scientific evidence convincingly refuting the alarmists' most cherished assumptions and beliefs. New evidence has emerged that further undermines their conclusions, most notably those of the United Nations Intergovernmental Panel on Climate Change, IPCC, one of the major pillars of the authorities cited by the extremists and climate alarmists.

I guess what I am saying is we are going to be looking at this new evidence. Just since we have adjourned and have come back in today to swear in our new Members, the scientists are almost entirely on the side that there is no sound science behind the idea that, No. 1, the climate is changing and, No. 2, if it is that it is the result of manmade gases. Evidence has come to light in very interesting times.

Just last month, the 10th Conference of the Parties—that is called the COP-10—to the Framework Convention on Climate Change met in Buenos Aires to discuss Kyoto's implementation and measures to pursue beyond Kyoto.

As most of my colleagues know, Kyoto goes into effect on February 16. I think, with the exception of Russia, an exception I will explain later, the nations that ratified Kyoto and agreed to submit to its mandates are making a very serious mistake.

I went to this meeting, the conference, COP-9, last year in Milan, Italy. It was shocking to see what was actually going on there. I was involved in a mission in west Africa. I saw a person I deal with on a regular basis from a little country in west Africa who was there. It happens that his title in his country's government is Minister of the Environment. I said: What are you doing here? Do you really believe in this Kyoto stuff?

He said: Oh, no, this is the biggest party of the year.

These people are paid for by the United Nations and paid for by this country, in an inordinate amount, percentage, to come up with and have big parties for 3, 4, 5 days in some of the most exotic places in the world just to show support for Kyoto. It is outrageous.

In addition, last month, a popular author, Dr. Michael Crichton, who has questioned the wisdom of those who trumpet a scientific consensus, released a new book called "State of Fear." You all know who Dr. Michael Crichton is. He is a medical doctor as well as a scientist and best-selling author. This is all premised on the global warming debate.

I am happy to report Dr. Crichton's new book reached No. 3 on the New York Times bestseller list. I highly recommend this book to the Presiding Officer. I will supply him with this book because I think it is imperative people see some of what is going on right now and how public opinion is catching on to this hoax that has permeated our country for so long.

Dr. Crichton, as I said, is a medical doctor and scientist. He very cleverly weaved a very compelling presentation of the scientific facts of climate change—with ample footnotes and documentation throughout, I might add—into a gripping plot. From what I can gather Dr. Crichton's book is designed to bring some sanity to the global warming debate. In the author's message at the end of his book, he refreshingly states what scientists have suspected for years. He says:

> We are also in the midst of a natural warming trend that began about 1850—

I do not know who will argue with that.

> —as we emerged from a 400 year cold spell known as the Little Ice Age.

Dr. Crichton states that "nobody knows how much of the present warming trend might be a natural phenomenon." and "Nobody knows how much of the present trend might be man-made."

For those who see impending disaster in the coming century, Dr. Crichton writes:

> I suspect that people of 2100 will be much richer than we are, consume much more energy, have a smaller global population, and enjoy more wilderness than we have today. I don't think we have to worry about them.

For those who do worry or induce such worries in others, "State of Fear" has a very simple message: Stop worrying and stop spreading fear. Throughout the book, fictional environmental organizations are more focused on raising money, principally by scaring potential contributors with bogus scientific claims and predictions of the global apocalypse, than they are with saving the environment.

As the saying goes, here we have art imitating life. As my colleagues will remember from a floor speech I gave last year, this is part and parcel of what these organizations peddle to the general public. Their fearmongering knows no bounds. Just consider the debate over mercury emissions. President Bush proposed the first ever cap to reduce mercury emissions from powerplants by 70 percent. True to form, these groups said he was allowing more mercury into the air. Now stop and think about it. Right now there is no cap on mercury. It is proposed by this President for the first time.

As I mentioned earlier, several nations, including the United States, met in Buenos Aires in December for the 10th round of the international climate change negotiations. I am happy to report that the U.S. delegation held firm both in its categorical rejection of Kyoto and the questionable science behind it.

Paula Dobriansky, Under Secretary of State for Global Affairs and the leader of the U.S. delegation, put it very well when she told the conference:

> Science tells us that we cannot say with any certainty what constitutes a dangerous level of warming, and therefore what level must be avoided.

Ms. Dobriansky and her team also rebuffed attempts by the European Union to drag the United States into discussions concerning post-Kyoto climate change commitments. With the ink barely dry on Kyoto ratification, not to mention what the science of climate change is telling us. Ms. Dobriansky was right in dubbing post-2012 talks premature.

It was clear from discussions in Buenos Aires that Kyoto supporters desperately want the United States to impose on itself mandatory greenhouse emissions controls. Moreover, there was considerable discussion but no apparent resolution over how to address emissions from developing countries such as India and especially China, which over the coming decades will be the world's leading emitter of greenhouse gases.

Developing nations, most notably China, remained adamant in Buenos Aires in opposing any mandatory greenhouse gas reductions now or any time in the future. Securing this commitment was a necessary component for the U.S. ratification of Kyoto.

Now, some may not have been here at the time, but 2 years ago we passed the Byrd-Hagel resolution that said that if Kyoto treats developing nations any different than developed nations, we will not ratify it. That passed 95 to 0. Every Senator voted that way, and it was very clear. So I think one can say with that commitment at least in the United States that Kyoto is dead.

Kyoto goes into force on February 16. According to the European Union Environmental Ministry, most EU member states will not meet their Kyoto targets. That is kind of interesting because the very people who are behind it and are so adamant that, yes, we must do this, are the ones who have not met their voluntary targets and have no real intention of doing so. They may do so only on paper due to Russia's ratification of the treaty.

Russia, of course, ratified Kyoto not because its government believes in catastrophic global warming—it does not—but because ratification was Russia's key to joining the World Trade Organization. Also, under Kyoto, Russia can profit from selling emission credits to the European Union and continue business as usual without undertaking economically harmful emissions reductions.

Just stop and think about this now. We are talking about the huge, massive country of Russia. I have been active in aviation for 48 years now, and I had occasion a few years ago to fly an airplane around the world, replicating the flight of Wiley Post. In doing so, I went all the way across Siberia. I can remember going not just hour after hour but time zone after time zone, seeing no signs of civilization, just great forests. Well, they ended up getting credits for all of that. When I talked to the Russian people last year in Milan, Italy, they were very straightforward, saying: No, there is no science to it, but we stand to make millions of dollars if we sign on to this thing.

That was my first indication that they were going to do so.

So as the talks in Buenos Aires revealed, if alarmists cannot get what they want at the negotiating table, they will try other means. I was told by reliable sources that some delegation members of the European Union suddenly hinted that America's rejection of Kyoto could be grounds for a challenge under WTO. I surely hope this was just a hypothetical suggestion and not something our European friends are actively and seriously considering. I predict such a move would be devastating to the United States and the United States-European Union relations, not to mention the WTO itself.

I suspect it is not just hypothetical. The lawsuit is the stock and trade of environmental activists. We are witnessing a new crop of global warming lawsuits now being leveled at individual U.S. companies and at the United States itself.

In Buenos Aires, Earth Justice, a San Francisco-based environmental group, and the Center for International Law announced plans to seek a ruling from the Inter-American Commission on Human Rights that the U.S., because of its supposed contribution to global warming, is causing environmental degradation in the Arctic and therefore violating the human rights of Alaska's Inuits, or Eskimos. As the New York Times wrote:

> The commission, an investigative arm of the Organization of American States, has no enforcement powers. But a declaration that the United States has violated the Inuits' rights could create the foundation for an eventual lawsuit, either against the United States in an international court or against American companies in a U.S. court, said a number of legal experts, including some aligned with industry.

The Times did not mention that such lawsuits already have been filed with the U.S.

Eliot Spitzer, New York's State attorney general, along with eight other State attorneys general, mainly from the Northeast, last year sued five coal burning electric utilities in the Midwest. The reason: "Given that these are among the largest carbon dioxide polluters in the world," Mr. Spitzer wrote, "it is essential that the court direct them to reduce their emissions."

To me, this is a clear-cut sign of desperation by the alarmists, but I am not surprised. President Bush has rejected Kyoto. The Senate has rejected Kyoto 95 to 0. The Senate rejected the McCain-Lieberman bill by 55 to 43, and there is little hope that Congress will pass mandatory greenhouse gas reduction, at least not in the near future. So resorting to the courts is their last hope. I hope the courts have enough sense in moderation to reject these lawsuits out of hand.

I am interested, for one, to see how Mr. Spitzer quantifies with scientific precision just how these particular companies have contributed to climate change. How is it, one might ask, that emissions, specifically from American Electric Power, are causing rising sea levels, droughts, or hurricanes? Such efforts fly in the face of compelling new scientific evidence that makes a mockery of these lawsuits.

By now most everyone familiar with the climate change debate knows about the hockey stick graph constructed by Dr. Michael Mann and his colleagues which shows that temperatures in the Northern Hemisphere remained relatively stable over 900 years and then spiked upward in the 20th century. The hockey stick graph was featured prominently in IPCC's third assessment report published in 2001. The conclusion inferred from the hockey stick is that industrialization, which spawned widespread use of fossil fuels, is causing the planet to warm.

I spent considerable time examining this work in my 2003 speech because Dr. Michael Mann effectively erased the well-known phenomena of the medieval warming period. In other words, he never even recognized—I wish we had the chart because I have a chart that shows this, and one can see the shaft of the hockey stick over 900 years go like this, but all of a sudden in the 20th century it starts up like this, and they failed to realize that there was another blade in the hockey stick that was the medieval warming period where the temperatures were warmer than they are today. This has been going on since creation. I think the fact that he did it—I was challenged in a speech that I made in Italy on this subject. I said I believe Michael Mann must have intentionally left that off because that completely destroys the credibility of his findings.

But don't take my word for it. Just ask Dr. Hans Von Storch, a noted German climate researcher, who, along with colleagues, published a devastating finding in the Sept. 30, 2004 issue of Science magazine. As the authors wrote: "We were able to show in a publication in Science that this [hockey stick] graph contains assumptions that are not permissible. Methodologically it is wrong: Rubbish."

Dr. Von Storch and colleagues discovered that the Mann hockey stick had severely underestimated past climate variability. In a commentary on Dr. von Storch's paper, T.J. Osborn and K.R. Briffa, prominent paleoclimatologists from the University of East Anglia, stressed the importance of the findings. As they wrote, "The message of the study by von Storch et al. is that existing reconstructions of the NH [northern hemisphere] temperature of recent centuries may systematically underestimate the true centennial variability of climate" . . . and, "If the true natural variability of NH [northern hemisphere] temperature is indeed greater than is currently accepted, the extent to which recent warming can be viewed as 'unusual' would need to be reassessed." In other words, in obliterating the Medieval Warm Period and the Little Ice Age, Mann's hockey stick just doesn't pass muster.

Dr. Von Storch is one of many critics of Michael Mann's hockey stick. To recount just one example, three geophysicists from the University of Utah, in the April 7, 2004 issue of Geophysical Research Letters, concluded that Mann's methods used to create his temperature reconstruction were deeply flawed. In fact, their judgment is harsher than that. As they wrote, Mann's results are "based on using end points in computing changes in an oscillating series" and are "just bad science." I repeat: "just bad science."

As to the arctic climate assessment, these findings, alongside a spate of new reports, at least in the eyes of the media supposedly confirm the "consensus" on global warming. "The Arctic Climate Impact Assessment," released last fall, perfectly fits that mold. "Arctic Perils Seen in Warming," blared a headline by the New York Times. As the Times wrote: "The findings support the broad but politically controversial scientific consensus that global warming is caused mainly by rising atmosphere concentrations of heat-trapping greenhouse gases, and that the Arctic is the first region to feel its effects."

What do we really know about temperatures in the Arctic? Let's take a closer look. As Oregon State University climatologist George Taylor has shown, Arctic temperatures are actually slightly cooler today than they were in the 1930s. As Dr. Taylor has explained, it's all relative—in other words, it depends on the specific time period chosen in making temperature comparisons. The Arctic Climate Impact Assessment, Dr. Taylor wrote: "appears to be guilty of selective use of data. Many of the trends described in the document begin in the 1960s or 1970s—cool decades in much of the world—and end in the warmer 1990s or early 2000s. So, for example, temperatures have warmed in the last 40 years, and the implication, 'if present trends continue,' is that massive warming will occur in the next century."

Dr. Taylor concluded this way: "Yet data are readily available for the 1930s and early 1940s, when temperatures were comparable to (and probably higher than) those observed today. Why not start the trend there? Because there is no net warming over the last 65 years?

This is pretty convincing stuff. But, one might say, this is only one scientist, while nearly 300 scientists in several countries, including the United States, signed onto the Arctic report. I want to submit for the record a list of scientists, compiled by the Center For Science and Public Policy, from several countries, including the United States, whose published work shows current Arctic temperature is no higher than temperatures in 1930s and 1940s. For example, according to a group of 7 scientists in a 2003 issue of the Journal of Climate: "In contrast to the global and hemispheric temperature, the maritime Arctic temperature was higher in the late 1930s through the early 1940s than in the 1990s." Or how about this excerpt from the 2000 International Journal of Climatology, by Dr. Rajmund Przybylak, of Nicholas Copernicus University, in Torun, Poland: "The highest temperatures since the beginning of instrumental observation occcured clearly in the 1930s and can be attributed to changes in atmospheric circulation."

I ask unanimous consent the list of scientists be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

[See exhibit 1.]

Mr. INHOFE. Despite this evidence, alarmism is live and well. As you can see behind me, the Washington Post today ran an editorial cartoon that, yes, actually blames the Sumatra tsunami on global warming. Are we to believe now that global warming is causing earthquakes? The tsunami, of course, was caused by an earthquake off Sumatra's coast deep beneath the sea floor, completely disconnected from whatever the climate was doing at the surface. Regrettably, the tsunami-warming connection merely confirms the state of fear extremists are so eager to create. As Terence Corcoran of Canada's Financial Post wrote: "The urge to capitalize on the horror in Asia is just too great for some to resist if it might help their cause . . . Green Web sites are already filling up with references to tsunami risks associated with global warming."

There is something inhumane about that, that they would capitalize on the tragedy of a hundred thousand people to push a hoax like global warming.

To address this, let's ask some simple questions: Is global warming causing more extreme weather events of greater intensity, and is it causing sea levels to rise? The answer to all of these is emphatically no. Just look at this chart behind me. It's titled "Climate Related Disasters in Asia: 1900 to 1990s." What does it show? It shows the number of such disasters in Asia, and the deaths attributed to them, declining fairly sharply over the last 30 years.

Let's take hurricanes. Alarmists linked last year's hurricanes that devastated parts of Florida to global warming. But this is patently false. Credible meteorologists were quick to dismiss such claims. Hugh Willoughby, senior scientist at the International Hurricane Research Center of Florida International University stated Plainly: "This isn't a global-warming sort of thing. . . . It's a natural cycle," A team led by the National Oceanic and Atmospheric Administration's Dr. Christopher Landsea concluded that the relationship of global temperatures to the number of intense land-falling hurricanes is either non-existent or very weak. In this chart you can see that the overall number of hurricanes and the number of the strongest hurricanes fluctuated greatly during the last century, with a great number in the 1940s. In fact, through the last decade, the intensity of these storms has declined somewhat.

What about sea level rise? Alarmists have claimed for years that sea level, because of anthropogenic warming, is rising rapidly. Based on modeling, the IPCC estimated that sea level will rise 1.8 millimeters annually, or about one-fourteenth of an inch.

But in a study published this year in Global and Planetary Change, Dr. Nils-Axel Morner of Sweden found that sea level rise hysteria was overblown. In his study, which relied not only on observational records, but also on satellites he concluded that: "there is a total absence of any recent 'acceleration in sea level rise' as often claimed by IPCC and related groups." Yet we still hear of a future world overwhelmed by floods due to global warming. Such claims are completely out of touch with science. As Sweden's Morner puts it, "there is no fear of massive future flooding as claimed in most global warming scenarios."

What I have outlined today will not appear in the New York Times. Instead you will read much about "consensus" and Kyoto and hand wringing by its editorial writers that unrestricted carbon dioxide emissions from the United States are harming the planet. You will read nothing, of course, about how Kyoto-like policies harm Americans, especially the poor and minorities, causing higher energy prices, reduced economic growth, and fewer jobs. After all, that is the real purpose behind Kyoto, as Morgot Wallstrom, the EU's environment minister, said in a moment of candor. To her, Kyoto is about "leveling the playing field" for businesses worldwide—in other words, we can't compete, so let's use a feel-good treaty, based on shoddy science, fear, and alarmism, which will have no perceptible impact on the environment, to restrict America's economic growth and prosperity. Unfortunately for Ms. Wallstrom and Kyoto's staunchest advocates, America was wise to the scheme, and it has rejected Kyoto and similar policies convincingly. Whatever Kyoto is about—to some, such as French President Jacques Chirac, it's about forming "an authentic global governance"—it's the wrong policy and it won't work, as many participants in Buenos Aires conceded.

I recommend—and I will include at the end of my remarks—the economic study which was done by the Wharton School of Economics talking about what would happen to America and the cost of global warming. If we should sign on to Kyoto, what would it cost? They go into detail. They talk about doubling the price of energy. They talk about the price of fuel more than doubling.

Keep in mind this is the economic survey. They talk about the cost to the average family of four in America being $2,715 a year by 2010.

People have to understand that the economic destruction of our country is something that would inure to the benefit of the European Union and many others who are in competition with us. We have to understand that there is an economic motive behind it which one would have to seriously consider.

Despite the bias, omissions, and distortions by the media and extremist groups, the real story about global warming is being told and, judging by the success of Michael Crichton's "State of Fear," much to the dismay of certain groups, it is now being told to the American public.

I think one thing which we all have to understand in this body is we have to recognize the fact that we have an energy crisis in America today. Right now, there are a few people around the country who are now catching on that it is true. We need all forms of energy to run this great machine called America. Our forms of energy can be nuclear, they can be renewable, they can be fossil fuel, coal, oil, gas, all of the above. It is what we will have to have in order to be competitive.

Chairing the committee and being active in the upcoming energy bill, we anticipate being realistic in thinking about not just ourselves today—not just my four kids or my 12 grandchildren and future generations—but you are going to have to run this most successful, highly industrialized machine ever conceived in the history of the world. And you can't do it sitting around closing the door on all opportunities that we have for energy. Certainly one is coal.

Certainly we need to look at this whole issue of global warming and what the real motives are of these people who are behind this.

I gave a speech on this floor the last session and talked about the amount of money—I am also going to insert that for the RECORD—being paid to elect people, money that is being filtered through a lot of these organizations. There is a lot of money made out there by causing people to be fearful, by making people afraid, by making people feel that the world is coming to an end. It is not.

Exhibit I

SCIENTIST

Rajmund Przybylak, Department of Climatology, Nicholas Copernicus University, Torun, Poland

PAPER

Temporal and spatial variance of surface air temperature over the period of instrumental observations in the Arctic, International Journal of Climatology, 20, 587-614, 2000.

KEY QUOTE OR SYNOPSIS

"A detailed analysis of the spatial and temporal changes in mean seasonal and annual surface air temperatures over the period of instrumental observations in the Arctic is presented . . . The presented analysis shows that the observed variations in air temperature in the real Arctic (defined on the basis of climate as opposed to other criteria, e.g. astronomical or botanical) are in many aspects not consistent with the projected climatic changes computed by climatic models for the enhanced greenhouse effect. The highest temperatures since the beginning of instrumental observation occurred clearly in the 1930s and can be attributed to changes in atmospheric circulation. The second phase of contemporary global warming (after 1975) is, at most, weakly marked in the Arctic. For example, the mean rate of warming for the period 1991–1995 was 2-3 times lower in the Arctic than the global average. Temperature levels observed in Greenland in the last 10-20 years are similar to those observed in the 19th century."

SCIENTISTS

Igor V. Polyakov, Roman V. Bekryaev, Uma S. Bhatt, Roger L. Colony, Alexander P. Maskshtas, David Walsh, International Arctic Research Center, University of Alaska Fairbanks, Fairbanks, Alaska

Genrikh V. Alekseev, Arctic and Antarctic Research Institute, St. Petersburg, Russia

Mark A. Johnson, Institute of Marine Science, University of Alaska Fairbanks, Fairbanks, Alaska

PAPER

Variability and trends of air temperature and pressure in the Maritime Arctic, 1875–2000, Journal of Climate, 16, 2086-2092, 2003.

KEY QUOTE OR SYNOPSIS

"Arctic atmospheric variability during the industrial era (1875–2000) is assessed using spatially averaged surface air temperature (SAT) and sea level pressure (SLP) records. Air temperature and pressure display strong multidecadal variability on timescales of 50–80 yr. Associated with this variability, the Arctic SAT record shows two maxima: in the 1930s–40s and in recent decades, with two colder periods in between. In contrast to the global and hemispheric temperature, the maritime Arctic temperature was higher in the late 1930s through the early 1940s than in the 1990s."

SCIENTISTS

James. E. Overland, Harold O. Mofjeld, National Oceanic and Atmospheric Administration, Pacific Marine Laboratory, Seattle, Washington

Michael C. Spillane, Donald B. Percival, Muyin Wang, University of Washington, Seattle, Washington

PAPER

Seasonal and regional variation of pan-arctic surface air temperature over the instrumental record, Journal of Climate, 17, 3263–3282, 2003.

KEY QUOTE OR SYNOPSIS

This paper presents results that show that there are seasonal and regional differences in the patterns of historical temperature in the

Arctic. With the exception of spring, the authors report that the current climate in the Arctic is not unique in the instrumental record (which begins in the late 1800s).

SCIENTISTS

Vladimir A. Semenov, Lennart Bengstsson, Max Plank Institute for Meteorology, Hamburg, Germany

PAPER

Modes of the wintertime Arctic air temperature variability. Geophysical Research Letters, 30, 1781–1784, 2003.

KEY QUOTE OR SYNOPSIS

The researchers present results which show that average Arctic temperature undergoes large variations, driven by the dominance of different internal modes. The most recent temperature rise is shown to be related to atmospheric circulation factors in the North Atlantic Ocean while an early 20th century warming of nearly equal magnitude was possibly related to long-term sea ice variations.

TOPIC: RECENT CLIMATE CHANGE IN ALASKA

As a U.S. Senator, you were rightly concerned about the state of the conditions in Alaska, and on repeated instances you asked for specifics about observed climate changes there. On each and every occasion, you only received a partial collection of facts about historical temperature and temperature trends that would lead an interested listener to believe that anthropogenic global warming was responsible for the large change in Alaskan temperatures observed over the past 30 to 40 years. In fact, a natural climate shift in the Pacific Ocean that occurred in 1976 is responsible for the observed climate changes in Alaska. Below is a list of researchers, many from the Alaska Climate Research Center at the University of Alaska, who could have supplied you with these facts that were missing from your hearing:

SCIENTISTS

Gerd Wendler, Director and Professor Emeritus, Martin Stuefer, Research Associate, Martha Shulski, Climatologist, Brian Hartmann, Assistant Climatologist, Alaska Climate Research Center, University of Alaska Fairbanks, 903 Koyukuk Drive, P.O. Box 757320, Fairbanks, AK 99775–7320

WEB SITE

Temperature Change in Alaska, 1949–2003, http://climate.gi.Aaska.edu/ClimTrends/Change/4903Change.html

KEY QUOTE OR SYNOPSIS

"The topic of climate change has attracted widespread attention in recent years and is an issue that numerous scientists study on various time and space scales. One thing for sure is that the earth's climate has and will continue to change as a result of various natural and anthropogenic forcing mechanisms.

"This page features the trends in mean annual and seasonal temperatures for Alaska's first-order observing stations since 1949 (Fig. 1), the time period for which reliable meteorological data are available. The temperature change varies from one climatic zone to another as well as for different seasons. If a linear trend is taken through mean annual temperatures, the average change over the last 5 decades is about 3.0°F. However, when analyzing the trends for the four seasons, it can be seen that most of the change has occurred in winter and spring, with less of a change in summer and even slight cooling in autumn (see Table below).

"Considering just a linear trend can mask some important variability characteristics in the time series. Figure 2 shows clearly that this trend is non-linear: a linear trend might have been expected from the fairly steady observed increase of CO_2 during this time period. The figure shows the temperature departure from the long-term mean (1949–2003) for the average of all stations. It can be seen that there are large variations from year to year and the 5-year moving average demonstrates cyclical behavior. The period 1949 to 1975 was substantially colder than the period from 1977 to 2003, however since 1977 no additional warming has occurred in Alaska with the exception of Barrow and a few other locations. In 1976, a stepwise shift appears in the temperature data, which corresponds to a phase shift of the Pacific Decadal Oscillation from a negative phase to a positive phase. Synoptic conditions with the positive phase tend to consist of increased southerly flow and warm air advection into Alaska during the winter, resulting in positive temperature anomalies. Click on the table above to see temperature change after the 1976 shift, and for other time periods."

SCIENTISTS

Brian Hartmann, Gerd Wendler, Alaska Climate Research Center, University of Alaska, Fairbanks, Alaska

PAPER

Manifestations of the Pacific Decadal Oscillation shift of 1976 within Alaskan climatology. Seventh Conference on Polar Meteorology and Oceanography and Joint Symposium on High-Latitude Climate Variations, May 12–16, 2003.

KEY QUOTE OR SYNOPSIS

"During the year of 1976, the index of the PDO [Pacific Decadal Oscillation] underwent a shift from one of strongly negative phase to one of strongly positive phase. The general circulation and temperature differences witnessed during each of the phases is generally well known, but a fine scale study to understand specific climatological effects within Alaska, including the differing regional effects and responses to the abrupt change, has not been conducted. The present study is an effort to clearly discern the specific manner in which the regime shift was experienced throughout Alaska."

"The magnitude and sudden nature of the shift in the PDO Index is paralleled by strong local temperature increases in Alaska, suggesting that significant local changes in other meteorological variables should be seen as well . . .

"[Atmospheric circulation patterns associated with the 1976 PDO regime shift] explain the immense warming of 10 °C observed in January from one decade to the next in the Interior, a value far beyond that which can be explained by increased CO_2 and other green house gases."

SCIENTISTS

Brian Hartmann, Gerd Wendler, Alaska Climate Research Center, Geophysical Institute, University of Alaska, Fairbanks, Alaska

PAPER

On the significance of the 1976 Pacific climate shift in the climatology of Alaska, Journal of Climate, under review.

KEY QUOTE OR SYNOPSIS

"The 1976 Pacific climate shift is examined and its manifestations and significance in Alaskan climatology during the last half-century are demonstrated. The regime shift is quantified by the Pacific Decadal Oscillation Index shift in 1976 from dominantly negative values for the 25-year time period 1951–1975 to dominantly positive values for the period 1977–2001.

"Mean annual and seasonal temperatures for the positive phase were up to 3.1 °C higher than for the negative phase. Likewise, mean cloudiness, wind speeds, and precipitation amounts increased while mean sea level pressure and geopotential heights decreased. The pressure decrease resulted in a deepening of the Aleutian Low in winter and spring. The intensification of the Aleutian Low increased the advection of relatively warm and moist air to Alaska and storminess over the state.

"The regime shift is also examined for its effect on the long-term temperature trends throughout the state. The trends that have shown climatic warming are strongly biased by the sudden shift from the cooler regime to a warmer regime in 1976. When analyzing the total time period from 1951 to 2001, warming is observed, however the 25-year period trend analyses before 1976 (1951–1975) and thereafter (1977–2001) both display cooling. In this paper we emphasize the importance of taking into account the sudden changes that result from abrupt climatic shifts, persistent regimes and the possibility of cyclic oscillations, such as the PDO, in the analysis of long-term climate change in Alaska."

SCIENTISTS

Feng Sheng Hu, University of Illinois, Urbana Illinois

Emi Ito, University of Minnesota, Minneapolis, Minnesota

Thomas A. Brown, Lawrence Livermore National Laboratory, Livermore, California

B. Brandon Curry, Illinois State Geological Survey, Champaign, Illinois

Daniel R. Engstrom, Science Museum of Minnesota, St. Croix, Minnesota

PAPER

Pronounced climatic variations in Alaska during the last two millennia. Proceedings of the National Academy of Sciences, 98, 10552–10556, 2001.

KEY QUOTE OR SYNOPSIS

"We conducted multiproxy geochemical analysis of a sediment core from Farewell Lake (62° 33′ N, 153° 38′ W, 320m altitude) in the northwestern foothills of the Alaska Range. These analysis provide the first high-resolution (multidecadal) quantitative record of Alaskan climate variations that spans the last two millennia. . . . Our SWT [surface water temperature] reconstruction at Farewell Lake indicates that although the 20th century, represented by the uppermost three samples, was among the warmest periods of the past two millennia, two earlier intervals may have been comparably warm (A.D. 0–300 and A.D. 850–1200). These data agree with tree-ring evidence from Fennoscandia, indicating that the recent warmth is not atypical of the past 1000 years."

TOPIC: SEA ICE DECLINES

During your Senate Committee hearing, you also heard testimony about the observed declines in Arctic sea ice during the past several decades and how that in some climate model prognostications, summer sea ice totally disappears from the northern oceans by the end of the 21st century. However, no one told you that a large portion of the observed sea ice declines is related to natural variability, or that in some regions it does not appear that current conditions are any more or less unusual than sea ice condition during the 19th century. Had you invited the scientists below to testify, you would have been made aware of these opinions.

SCIENTISTS

James E. Overland, Pacific Marine Laboratory, National Oceanic and Atmospheric Administration, Seattle, Washington

Kevin Wood, Arctic Research Office, National Oceanic and Atmospheric Administration, Silver Spring, Maryland

PAPER

Accounts from 19th-century Canadian Arctic Explorers' Logs Reflect Present Climate Conditions. EOS Transactions of the American Geophysical Union, 84, October 7, 2003.

KEY QUOTE OR SYNOPSIS

"The widely perceived failure of 19th-century expeditions to find and transit the Northwest Passage in the Canadian Arctic is often attributed to extraordinary cold climate conditions associated wit the "Little Ice Age" evident in proxy records. However, examination of 44 explorers' logs for the western Arctic from 1818 to 1910 reveals that climate indicators such as navigability, the distribution and thickness of annual sea ice, monthly surface air temperatures, and the onset of melt and freeze were within the present range of variability."

SCIENTISTS

Ignatius G. Rigor, John M. Wallace, University of Washington, Seattle, Washington

Roger L. Colony, University of Alaska, Fairbanks, Alaska

PAPER

Response of Sea Ice to the Arctic Oscillation, Journal of Climate, 15, 2648–2663, 2002.

KEY QUOTE OR SYNOPSIS

"Increased advection of the ice away from the coast during winter during high-index conditions of the AO [Arctic Oscillation] enhanced the production of thin ice in the flaw leads of the East Siberian and Laptev Seas. The cyclonic SIM [sea ice motion] anomaly also enhances the production of thin ice during winter because of the increase in divergence over the eastern Arctic. Both of these processes contribute to thinning of sea ice. These changes in SIM have contributed to the observed trends in sea ice, such as the decreases in ice area and extent, and the thinning of sea ice.

"The changes in SIM also appear to be at least partially responsible for the trends in SAT [surface air temperature] reported by Rigor et al. (2000); that is, the increased latent heat released during the formation of new ice in the diverging leads, and the increased heat flux through thinner ice have contributed to the pronounced warming that has been observed in the East Siberian and Laptev portions of the warm anomaly. Intuitively, one might have expected the warming trends in SAT to cause the thinning of sea ice, but the results presented in this study imply the inverse causality; that is, the thinning ice has warmed SAT by increasing the heat flux from the ocean."

SCIENTISTS

Greg Holloway, Tessa Sou, Institute of Ocean Sciences, Sidney, British Columbia

PAPER

Has Arctic Sea Ice Rapidly Thinned? Journal of Climate, 15, 1691–1701, 2002.

KEY QUOTE OR SYNOPSIS

"Reports based on submarine sonar data have suggested Arctic sea ice has thinned nearly by half in recent decades. Such rapid thinning is a concern for detection of global change and for Arctic regional impacts. Including atmospheric time series, ocean currents and river runoff into an ocean-ice-snow model show that the inferred rapid thinning was unlikely. The problem stems from undersampling. Varying winds that readily redistribute Arctic ice create a recurring pattern whereby ice shifts between the central Arctic and peripheral regions, especially in the Canadian sector. Timing and tracks of the submarine surveys missed this dominant mode of variability."

SCIENTIST

P. Windsor, Department of Oceanography, Earth Sciences Centre, Göteborg University, Göteborg, Sweden

PAPER

Arctic Sea Ice Thickness Remained Constant during the 1990s. Geophysical Research Letters, 28, 1039–1041, 2001.

KEY QUOTE OR SYNOPSIS

"The ice cover of the Arctic Ocean is considered to be a sensitive indicator of global climate change. Recent research, using submarine-based observations, suggests that the Arctic ice cover was thinner in the 1990s compared to an earlier period (1958–1979), and that it continued to decrease in thickness in the 1990s. Here I analyze subsurface ice thickness (draft) of Arctic sea ice from six submarine cruises from 1991 to 1997. This extensive data set shows that there was no trend towards a thinning ice cover during the 1990s. Data from the North Pole shows a slight increase in mean ice thickness, whereas the Beaufort Sea shows a small decrease, none of which are significant. Transects between the two areas from 76 N to 90 N also show near constant ice thicknesses, with a general spatial decrease from the Pole towards the Beaufort Sea. Combining the present results with those of an earlier study, I conclude that the mean ice thickness has remained on a near-constant level around the North Pole from 1986 to 1997."

SCIENTIST

Torgny Vijne, Norwegian Polar Institute, Oslo, Norway

PAPER

Anomalies and Trends of Sea-Ice Extent and Atmospheric Circulation in the Nordic Seas during the Period 1864–1998. Journal of Climate, 14, 255–254, 2001.

KEY QUOTE OR SYNOPSIS

Vinje constructed a 135-yr time series of sea ice extent in the Nordic Seas and found that while April sea ice extend has declined by about 33 percent during this period, more than half of the decline occurred before 1900. Vinje concluded that "the time series indicates that we are in a state of continued recovery from the cooling effects of the Little Ice Age, during which a maximum sea-ice expansion was observed around 1800, both in the Iceland Sea and the Barents Sea."

SCIENTISTS

Igor V. Polyakov, Mark A. Johnson, University of Alaska, Fairbanks, Alaska

PAPER

Arctic decadal and interdecadal variability, Geophysical Research Letters, 27, 4097–4100, 2000.

KEY QUOTE OR SYNOPSIS:

"The rapid reduction of arctic ice thickness in the 1990s may be one manifestation of the intense atmosphere and ice cyclonic circulation regime due to the synchronous actions of the AO [Arctic Oscillation] and LFO [low-frequency oscillation]. Our results suggest that the decadal AO and multi-decadal LFO drive large amplitude natural variability in the Arctic making a detection of possible long-term trends induced by greenhouse gas warming most difficult."

TOPIC: GREENLAND MELTING

Another topic one which you heard testimony was the rapid melting of Greenland ice sheets and their potential contribution to rapid global sea level rise. However, none of the panelists told you that there has been an overall decline in Greenland temperatures during the past 60s years, and that despite the warming trend in Greenland during the last decade or so, temperatures still have not reached levels as high there as they were during the 1930s and 1940s.

SCIENTISTS

Petr Chylek, Space and Remote Sensing Sciences, Los Alamos National Laboratory, Los Alamos, New Mexico

Jason E. Box, New Mexico State University, Las Cruces, New Mexico

Glen Lesins, Dalhousie University, Halifax, Nova Scotia

PAPER

Global Warming and the Greenland Ice Sheet, Climatic Change, 63, 201–221, 2004.

KEY QUOTE OR SYNOPSIS

"The Greenland surface air temperature trends over the past 50 years do not show persistent warming, in contrast to global average surface air temperatures. The Greenland coastal stations temperature trends over the second half of the past century generally exhibit a cooling tendency with superimposed decadal scale oscillations related to the NAO. At the Greenland ice sheet summit, the temperature record shows a decrease in the summer average temperature at the rate of about 2.2° C/decade, suggesting that the Greenland ice sheet at high elevations does not follow the global warming trend either.

"A significant and rapid temperature increase was observed at all Greenland stations between 1920 and 1930. The average annual temperature rose between 2 and 4 C in less than ten years. Since the change in anthropogenic production of greenhouses gases at that time was considerably lower than today, this rapid temperature increase suggests a large natural variability of the regional climate.

"High anticorrelations (r = −0.84 to −0.93) between the NAO index and the Greenland temperature records suggest a physical link between these processes. The recent negative shift of the NAO correlates with 1990s warming in Greenland. The NAO may play a crucial role in determining local Greenland climate during the 21st century; resulting in a local climate that may defy the global climate change. This possibility should be considered in models of ice sheet melt and future sea level rise. Forecasting changes in the NAO may be a primary factor in predicting the future Greenland ice sheet mass balance."

SCIENTISTS

Edward Hanna, Institute of Marine Studies, University of Plymouth

John Cappelen, Danish Meteorological Institute, Copenhagen, Denmark

PAPER

Recent cooling in coastal southern Greenland and relation with the North Atlantic

Oscillation, Geophysical Research Letters, 30, doi:10.1029/2002GLO15797, 2003.

KEY QUOTE OR SYNOPSIS

"Analysis of new data for eight stations in coastal southern Greenland, 1958–2001, shows a significant cooling (trend-line change -1.29 °C for the 44 years), as do sea-surface temperatures in the adjacent part of the Labrador Sea, in contrast to global warming (+0.53 °C over the same period). The land and sea temperature series follow similar patterns and are strongly correlated but with no obvious lead/lag either way. This cooling is significantly inversely correlated with an increased phase of the North Atlantic Oscillation (NAO) over the past few decades (r = -0.76), and will probably have significantly affected the mass balance of the Greenland Ice Sheet."

Mr. INHOFE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ALEXANDER). Without objection, it is so ordered.

ASIAN TSUNAMI

Mr. McCONNELL. Mr. President, the world's thoughts and prayers continue to be focused on the victims of the Asian tsunami. The international community, including governments, private businesses, and ordinary citizens, is providing financial aid and material assistance to affected countries in that region. President Bush and other world leaders deserve praise for quickly providing substantial assistance and resources to disaster response efforts across that region. They have brought hope and relief in the midst of despair.

I want to recognize in particular Japan's substantial pledge to ongoing relief efforts. As chairman of the Foreign Operations Subcommittee, I intend to continue to work closely with the administration in the days and weeks to come to assess damage and provide targeted relief.

Let me close with an observation on Burma. Predictably, information on the extent of damage in Burma is unknown—this is the way the Burmese junta operates—with the official casualty tally placed by the illegitimate State Peace and Development Council at 59 people. Do international donors, regional governments, or humanitarian NGOs trust this figure? The simple answer, as articulated by Secretary Powell earlier today, is we don't. We don't trust the figure. We don't have any idea how many people either died or are suffering in Burma.

The lack of action or interest in the welfare of the people of Burma, by the military junta, should not be lost on all of the ASEAN members and their dialog partners ahead of the SPDC's chairmanship of that organization in 2006.

I thank everybody on the ground—from personnel at the State Department, USAID, and the Department of Defense to the dedicated staff of humanitarian organizations—for working around the clock with respective governments in those hard-hit countries. Their efforts have not gone unnoticed in the Senate. As we move forward with this relief effort in the near future, our prayers are for those efforts that are being made to ease the incalculable suffering of the people affected by the tsunami.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO DAVID ARMAND DeKEYSER

Mr. SESSIONS. Mr. President, I rise today to pay tribute to a great American, Armand DeKeyser, my chief of staff for 8 years, who is going out into the commercial world. This is a big event for me. It is painful, indeed, to lose one with whom I have been so closely associated for so long. I have known him and worked with him for more than 25 years. We met as we served together for nearly 10 years in the U.S. Army Reserve in Mobile, AL, the 1184th Transportation Terminal Unit. We went to annual training together and became good friends. Armand and his wife Beverly had returned to Mobile after he completed his Active-Duty service with the U.S. Army in Germany. He first, after he returned, worked in the seafood business, Star Fish and Oyster Company, that had been in his family for over 80 years. After another business experience, I hired him as a law enforcement coordinator when I became U.S. attorney for the Southern District of Alabama.

Perhaps his most important contribution there was his leadership for the Weed and Seed Program that revitalized the Martin Luther King neighborhood in Mobile, AL. He helped get the citizens of the community together and drew up a plan for a neighborhood redevelopment program. The city, the county, and the Federal Government all worked together. He did a superb job.

It was a great success. Today that neighborhood is an entirely different community than it was in the early 1990s. I later told him, when they put you in the ground, this is one achievement you know made the world better.

In 1994, I was elected attorney general of Alabama, and the office was in the midst of a funding crisis—and I mean crisis; I do not mean a 1, 2, or 3-percent shortfall. Spending was on track to exceed the funds available to the office by $5 million, and the budget was a $10 million budget.

I chose Armand to be our administrative officer, and his performance was superb. Automobiles were sold, all of them—virtually all of them. Offsite offices were closed. Nonmerit system employees were let go. One-third of the office, virtually all nonmerit employees, had to be terminated—one-third of the Office of the Attorney General. The workload had to be completely reorganized as a result, and Armand's work during that time was nothing short of heroic.

Then in 1996, I was elected to the Senate, and I asked him to serve as my chief of staff. What a great decision that was. He and Beverly agreed to come to Washington—after he and I lived together and shared an apartment together here for a while, a three-story walkup—to take on the task of helping this new and inexperienced Senator get started.

He worked harder and longer during his 8 years than any other employee on our staff. He knows people all over our State, and they like and trust him. He managed so ably we were able to return to the U.S. Treasury each year a substantial portion of the funds given to our office by the Senate.

Most of all, he helped me and others on our staff achieve our best. He subordinated himself to serve the office with fidelity, diligence, and integrity. Chief of staff is not an easy job, but his gifts and graces were a perfect fit. Whether he was encouraging young staffers, dealing with Governors, generals, administration officials, or the many constituents who call on us for help, he performed superbly.

His military service, including Active Duty and the Army Reserve, was a very valuable asset in his service to me. In fact, the 1184th, after I got out of it, was activated, and he spent almost a year in Kuwait as part of Desert Storm. He retired after 28 years of service with the military at the rank of lieutenant colonel.

The key to Armand's success and his value to our office, I believe, was his deep commitment to an America where the right thing is done and where there is an efficient and lawful process for doing the people's work. He never forgot that the money we spend here has been extracted from some decent American who would otherwise find good use for it. Armand believes we must be good stewards of that money, and that programs and spending are only worthwhile if they produce a valuable return. He feels passionately about this, and our shared values in this regard made us a good team, I think.

He has been a superb public servant, and by thousands of individual acts of accountability, frugality, and integrity—mostly unnoticed by the press or anyone else particularly—he has saved the dutiful taxpayers of America tens of millions of dollars. When he came to Washington, I told him that because of my poor abilities, I needed to have the best staff we could put together. As a result of his leadership, I believe we created and have maintained a magnificent team, without whose help I could not have been successful.

In addition to his wife Beverly, whom I admire so much and with whom he attended Murphy High School in Mobile, where my daughter attended, and Auburn University, he has two fine sons: Phillip, a graduate of Georgia Tech and now a consulting engineer, and David, who commenced as a student at Boston College. He is and has every right to be extremely proud of them.

He and Beverly have opened their lives and home to my staff throughout the years. Serving as a "home away from home" for many Alabamians in the area and staff people, Armand's house has been the site of holiday and office gatherings on numerous occasions.

Over the years, his ability to make the staff feel more like a family has earned him the friendship and affection of many. Many of our staff, as well as their parents, appreciate that.

I and all our team truly appreciate the open-door policy he has had with staff and recognize all the work he has done to keep things running smoothly in the office.

He has served extraordinarily well and faithfully, and it is now appropriate and just that Armand undertake new opportunities.

While I am sad to see him leave, I know he is about to embark on a great new career as executive director of the Government Relations Group at Kilpatrick Stockton, LLP, one of America's finest law firms. I am confident he will meet the challenge of the new job with the same professionalism and dedication he has shown for the past 8 years as my chief of staff. His years of public service may be over for now, but his commitment to the Nation and the principles on which it was founded will never waiver.

I wish him all the best. I close with one final remark close to Armand's Auburn heart: War eagle.

HONORING OUR ARMED FORCES

LANCE CORPORAL AARON HOLLAND

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Aaron Holland of Columbus, NE, a lance corporal in the U.S. Marine Corps. Lance Corporal Holland was killed in a car accident on December 17, 2004 near Richfield, UT, while returning home to Columbus from his second tour of duty in Iraq. He was 21 years old.

Lance Corporal Holland graduated from Columbus High School and is survived by his mother Becky and stepfather Paul Knopick; two stepbrothers, Silas and Paul Knopick; grandparents, Lois and Edmund Mueller; and uncle, Mark Mueller; all of Columbus. Our thoughts and prayers are with them at this difficult time. The United States of America is proud of Aaron Holland's service and mourns his loss.

The 9/11 terrorist attacks on the U.S. fostered Holland's interest in a military career and after graduating in 2002, he enlisted in the U.S. Marine Corps. After completing his training, he served with the 3rd Marine Aircraft Wing stationed at Marine Corps Air Station Miramar in San Diego, CA. Holland served two tours in Iraq, from February to July 2003 and from February to August 2004. Lance Corporal Holland will be remembered as a loyal marine who had a strong sense of duty, honor, and love of country. Thousands of brave Americans like Lance Corporal Holland are currently serving in Iraq.

For his service, bravery and sacrifice, I ask my colleagues to join me and all Americans in honoring LCpl Aaron Holland.

PRIVATE FIRST CLASS JOSHUA A. RAMSEY

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man who lived in Marion, IN as a child. PFC Joshua Ramsey, 19 years old, died on December 12 when he was shot while carrying out his duties in Iraq. With his entire life before him, Joshua risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After attending Oak Hill Junior High School for the eighth grade, Joshua moved to Defiance, OH, where his father and stepmother live. Joshua, a 2003 graduate of the Four County Career Center, left a strong impression not only on his classmates but his teachers as well. One of his high school teachers, Tonya Fisher, shared some memories of her former student with the Marion Chronicle Tribune saying, "He was a good student and a good classmate. He worked really hard in class and was really dedicated. He knew he wanted to go to the military . . . He's very family-oriented. He struggled with leaving his family, but he really believed in what he was fighting for." Joshua's mother, Joy, recalled her son's bravery during a conversation she had with him not long ago. He told her, "Mom, I have one of the most dangerous jobs in the Army, but I wouldn't have it any other way."

Joshua was the 42nd Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 95th Military Police Battalion, Mannheim, Germany. This brave young soldier leaves behind his mother, Joy; his father, Bruce; and his stepmother, LeAnn.

Today, I join Joshua's family, his friends and the entire Hoosier community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Joshua, a memory that will burn brightly during these continuing days of conflict and grief.

Joshua was known for his dedication to others and his love of family and country. When looking back on Joshua's life, his grandmother, Margaret, told the Marion Chronicle Tribune that he had loved golf, was on the wrestling team and ran track. Today and always, Joshua will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Joshua's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Joshua's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Joshua Ramsey in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Joshua's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Joshua.

LOSS OF FORMER CONGRESSWOMAN SHIRLEY CHISHOLM AND CONGRESSMAN ROBERT MATSUI

Mr. CORZINE. Mr. President, this week, our Nation suffered the loss of two of the finest Americans to grace the public stage in my life time.

Congressman MATSUI and I served here together, and as a result of our passionate efforts to preserve and protect Social Security, and from leading our respective caucus's campaign efforts last year, BOB and I became friends.

BOB was a man of strong beliefs and principles and a tireless advocate for children, women, minorities, seniors and virtually every segment of society that too often has been left behind. I am saddened by his passing and my heart goes out to his family, friends and constituents.

Those of us who knew BOB are richer for the experience, and the institution of Congress is poorer now that he is gone.

Shirley Chisholm too was a woman of strong belief and character. I am deeply saddened by her death and my thoughts and prayers are with her family.

When Shirley Chisholm was elected the first African-American woman to Congress in 1968 America was in the midst of dramatic change. Congresswoman Chisholm's refusal to be labeled or marginalized by what she called "a small group of old men" in Washington challenged the status quo and changed America for the better. Her barrier-breaking run for the 1972 Democratic Presidential nomination represented the best qualities of our democracy. Her unique friendships, bi-partisan style and staunch advocacy for the people she represented are a lesson to us all. She will be missed.

ROTARY CENTENNIAL

Mrs. BOXER. Mr. President, as we begin a new year and a new Congress, more than 1.2 million Rotarians in 166 countries are beginning the centennial celebration of Rotary International.

On February 23, 1905, the Rotary Club of Chicago was formed by Paul P. Harris, an attorney who wanted to recapture the friendly spirit of small-town America in a big-city professional club. The new group took its name from the practice of rotating club meetings among members' offices.

Rotary quickly grew, with clubs forming across the country and around the world. At the same time, the organization's interests expanded from social and professional interests to community service.

Along with public service, Rotary has given the world a high standard of ethics known as the 4-Way Test. This test asks the following four questions of the things we think, say, or do:

1. Is it the truth?
2. Is it fair to all concerned?
3. Will it build goodwill and better friendships?
4. Will it be beneficial to all concerned?

During and after World War II, Rotary International became deeply involved in efforts to promote global peace and understanding. Rotary members actively supported the founding of the United Nations and helped to establish UNESCO, the United Nations Educational, Scientific, and Cultural Organization.

In recent years, Rotary International has helped communities around the world to address some of the critical needs of our day, including disease, hunger, illiteracy, environmental degradation, and children at risk. Rotary has been the lead organization in PolioPlus, a global effort to immunize all the world's children against polio.

On the occasion of the Rotary Centennial, I send my sincere appreciation and best wishes to Rotary International and Rotarians everywhere.

MAD COW DISEASE

Mr. BURNS. Mr. President, in today's Federal Register, the United States Department of Agriculture has published a final rule that could have significant adverse impacts on our domestic cattle industry. The regulation I am referring to designates Canada as a "minimal risk region" for BSE, known as mad cow disease, and allows Canada to export more beef and beef products to the United States.

I understand the desire of the administration to work with Canada, and I know how frustrated Canadian cattlemen are with the current situation. It is the same frustration my Montana cattlemen feel, as they watch Australia and New Zealand expand market share in the Pacific Rim, while those markets remain closed off to the U.S. But this rule has some significant problems, and to the extent that those flaws could harm domestic consumer confidence and the reopening of international markets, I'm not going to support the administration's decision to open the U.S.-Canadian border to increased Canadian exports.

As I am sure everyone recalls, in May 2003, Canada discovered a case of BSE in Alberta. To protect the safety of America's food supply, USDA banned all imports of Canadian beef. In December of that same year, a Canadian-born dairy cow in Washington State with BSE was discovered and so we have the cow that stole Christmas. Important export markets around the world closed their doors to U.S. beef, the highest quality beef in the world. USDA then instituted a rapid screening pilot program to test random cattle samples for BSE. To date, the United States thankfully has never had a case of BSE in a U.S.-born cow.

Since BSE jumped to the forefront of the cattle industry in 2003, USDA has been working with other nations, such as Japan and Korea, to reopen markets to U.S. beef. In October 2004, Japan agreed in principle to begin accepting U.S. beef and beef products from cattle under 20 months of age. While that agreement represents an important step forward, exports have not yet started because of scientific and technical obstacles. I remain optimistic that exports will begin this spring, and would be very concerned about any decisions that could jeopardize our relationship with Japan.

In addition to negotiating the resumption of U.S. exports, USDA has also been working with Canada to resume imports of Canadian beef. USDA began accepting Canadian boneless beef from cattle under 30 months of age in August 2003. In October 2003, USDA first proposed designating Canada as a minimal risk region, but after the December 2003 discovery of BSE, the rule was delayed. With the exception of a few incidents, that trade has generally been uneventful, and has had little impact on U.S. cattle prices. Most importantly, consumer confidence in the food supply remains strong.

But today I fear USDA has gone too far.

The rule published in today's Federal Register, which takes effect on March 7, will allow Canada to export to the United States live cattle under 30 months of age for feeding or immediate slaughter; sheep and goats under 12 months of age for feeding or immediate slaughter; meat from cattle, sheep, goats and cervids—deer, elk, caribou, moose and reindeer; and certain other products and byproducts, including bovine livers and tongues, gelatin, and tallow. Feeder cattle must be branded to indicate country of origin, must have an eartag so we can trace back to the premises of origin, and must be slaughtered before reaching 30 months of age. The identification requirements must be preserved only to the point of slaughter, not carried through to the retail level. Cattle designed for immediate slaughter must move as a group in a sealed container to the facility and must be slaughtered as a group.

As I said, this regulation has some significant problems, most notably, Canada's enforcement of its feed ban and the decision to allow beef and beef products from cattle slaughtered at any age. USDA needs to withdraw this rule now and fix these problems.

USDA asserts that Canada has high levels of compliance with its feed ban, but fails to provide the hard data that supports that finding. In fact, USDA's own risk assessment states that in 2002, 8 percent of feed mills were not in compliance with the feed ban. This indicates that feed contamination is a recent issue, rather than a concern taken care of years ago.

Even more surprisingly, the risk analysis states that the fact that no cases of BSE have been found in animals born after the feed ban is evidence that the feed ban is working. USDA claims that this rule is based only on science, but that is hardly a scientific assessment. It could just as likely be evidence that Canada is not testing enough samples in its rapid screening process. Montana ranchers are not going to rest easy based on these findings.

On Dec. 17, the Vancouver Sun ran an article indicating that nearly 60 percent of Canadian feed contains "undeclared animal parts", but that the Canadian Food Inspection Agency, CFIA, decided not to use DNA testing to determine if the feed is contaminated with cattle materials. While the presence of animal parts does not necessarily indicate feed ban violations, Canada should be willing to take necessary steps to reassure the United States, as well as its own cattle producers, that the feed is not contaminated. Failing to act represents a lack of commitment to enforcing the feed ban, in contrast to the effectiveness that USDA is willing to presume. Industry sources quoted in that article expressed concern about conflicting messages from CFIA, yet USDA seems quite willing to rely on CFIA representations for its scientific assessments.

Similarly, the decision to allow beef and beef products from cattle slaughtered at any age is troubling. These products are likely to contain animals born before Canada's 7-year feed ban. While USDA seems certain that Canada can safeguard against contaminated beef, the rule provides little evidence to support that claim. In fact, USDA clearly admits that beef products could contain animals that have consumed contaminated feed, but brushes off the risk as "low." Let me repeat—I am certain of the safety of the U.S. food supply. However, I remain concerned that USDA has not fully evaluated the impact on consumer confidence of resuming Canadian imports.

In its risk assessments, USDA seems most focused on preventing a BSE epidemic. A look at the past year shows that just one case—even the suspicion of a case—can throw the cattle markets into a tailspin. One single, non-native occurrence of BSE in the United States resulted in dozens of export markets closing to U.S. cattle producers. The economic and psychological impact of BSE needs to factor into USDA's analysis. Cattlemen need to be able to trust their markets, and consumers need to be able to trust their food.

If exports to Japan have not resumed by March, then Montana ranchers will be in the unacceptable position of having to compete domestically against Canadian beef flowing through three Montana ports without having the option of exporting our products to other markets. In fact, given concerns already expressed by key export markets about Canadian beef, the decision to allow expanded Canadian imports could prevent those same markets from accepting U.S. beef. I cannot accept this outcome.

I have often said that I support free trade, as long as it is fair trade. Right now, the situation facing Montana cattle producers is anything but fair. I urge USDA to reconsider some of the provisions of this regulation, to ensure that Canadian beef coming into the U.S. does not adversely impact the domestic cattle industry. There must be independent assessments of Canada's enforcement of its food ban. The 30-month limitation on beef and beef products deserves another look. Like many folks back home, I am anxious for the Japanese market to reopen and do not want anything to stand in the way. We must do what's right for the U.S. cattle industry first.

OBSTRUCTION OF BIPARTISAN COPYRIGHT BILLS

Mr. LEAHY. Mr. President, in the waning days, weeks and months of the 108th Congress, my colleagues on both sides of the aisle were working hard to pass important bipartisan legislation that would have protected America's innovators and artists, made more spectrum available for broadband services, enhanced 911 services, and fixed a technical glitch that was threatening the Universal Service Fund. Unfortunately, others were apparently working just as hard to obstruct these measures. This obstruction was intended only to force the Senate into passing legislation that everyone knew was doomed in the House. It was a flawed plan that was destined to fail. And fail it did, but not before it also prevented enactment of critically important and bipartisan intellectual property legislation.

The Family Entertainment and Copyright Act will go down as a victim of this obstructionism. This was an uncontroversial intellectual property bill that would have protected the rights of those who lead the United States' intellectual property industry. That industry makes the United States the global leader in innovation, and it deserves our support. Protecting these individuals from the theft of their work appeared to mean little to some of my colleagues. A Republican plan to hijack this important legislation, which lasted until the very last moment of the 108th Congress, ensured that it would not pass in time for the House to take it up and pass it. They succeeded in preventing the bicameral passage of the most important intellectual property legislation before the Congress this year. This was wrong.

The Family Entertainment and Copyright Act of 2004 contained important and uncontroversial measures. The ART Act, a bill that passed the Judiciary Committee and then the full Senate by unanimous consent, would have provided new tools in the fight against bootleg copies of movies snatched from the big screen by camcorders smuggled into theaters. And it would have adopted a creative solution developed by the Copyright Office to address the growing problem of piracy of pre-release works. The Film Preservation Act would have helped ensure that the Library of Congress is able to continue its important work in archiving our nation's fading film heritage. Some of America's oldest films—works that document who we were as a people in the beginning of the 20th Century—are literally disintegrating faster than they can be saved. The Preservation of Orphan Works bill would have allowed greater access to certain works in the last years of their copyright term. The Fraudulent Online Identity Sanctions Act would have protected against online trademark infringement by prohibiting the use of fraudulent Internet addresses to commit such infringement. Finally, FECA would have clarified that services allowing home viewers of prerecorded movies to skip objectionable content does not violate the copyright laws. Obstructionism from certain Republicans has ensured that all of these problems are left unresolved by the 108th Congress.

Thankfully, two provisions of this bill were able to pass as stand alone bills. Thanks to the hard work of Senator BIDEN, the House version of critical anti-counterfeiting legislation passed. Unfortunately, additional language on which Senator BIDEN worked tirelessly was passed too late for House action. Again, the Republican obstruction was at work and to blame. The Cooperative Research and Technology Enhancement Act also passed both houses, largely because a Senate version had passed earlier in the year, and the Republican obstructionists in the Senate could not subvert that bill.

There is other legislation that has fallen to this ill-conceived plan to hijack popular legislation. The bipartisan Junk Fax bill would have protected both consumers and many industries, by placing reasonable limits on senders of unsolicited faxes. That bill, too, was passed too late for House action on account of the Republican roadblock.

Thankfully, at the last minute, another important and bipartisan piece of legislation was allowed through the roadblock. The telecommunications package contained critically important provisions that will enhance 911 service, allow spectrum reallocation, and preserve the ability of the Universal Service Fund to do its important work. These are not controversial or partisan provisions. E911 will ensure that first responders can provide an essential public service. The spectrum reallocation trust fund will free more space for wireless broadband services. This will help the American economy by promoting jobs and education. The Universal Service Fund provision will fix an accounting glitch that if left unattended will seriously impede the USF as it goes about its critical work.

Again, these uncontroversial provisions were held up and almost failed because of this obstructionism.

All of these bills were hijacked and sidetracked, in order to coerce the passage of a bill that everyone knew would not pass the House. I am thankful that the telecommunications legislation was eventually able to pass, but what does it mean that the telecommunications bill became law, while the intellectual property bill is left unfinished? It seems those responsible for this obstruction do not take the needs of America's innovative leaders very seriously. That attitude will undermine the American economy, and threaten America's leadership in the creative industries. So, because of this Republican roadblock, America's innovators and artists will have to struggle through more uncertainty, without the tools they need to defend their rights. That is a shame.

ADDITIONAL STATEMENTS

HONORING THE NORTHERN STATE MARCHING WOLVES

• Mr. JOHNSON. Mr. President, I publicly congratulate the Northern State University Marching Wolves on being selected to march in the Presidential Inaugural Parade on January 20, 2005. Northern State University has been an integral part of Aberdeen, SD, for the past century. The Marching Wolves were founded by Harvey Moen in 1941 and have represented Northern State University well for the past six decades. Today they are led by Dr. Alan LaFave, the Director of Bands at Northern State University, and Mr. Boyd Perkins, the Director of the Marching Wolves.

The tradition of the Inaugural Parade is as old as the office of the President; as George Washington traveled from Mount Vernon to New York for his swearing in, militia members began to walk behind him, joined by government officials and Members of Congress once he arrived in New York on April 30, 1789. In 1801 Thomas Jefferson was the first President to be Inaugurated in Washington, DC, and Members of Congress and citizens walked with him from the Capitol to the White House to music played by the Marine Band. The Marine Band has played in the Inaugural Parade every year since.

Though this will be the first time the Marching Wolves will participate in the Inaugural Parade, they have performed previously at professional football games and regional marching band competitions. The band is comprised of 125–130 students, making it one of the largest student groups at Northern State University. They rehearse daily during football season, and their members show great dedication to this remarkable organization. The band rehearses 5 days a week for an hour and a half during the fall semester. In order to prepare for the parade, they will be practicing an additional 3 days and 2 nights before the spring semester begins. The Marching Wolves have a great tradition of leadership within their band which has served them well.

It is an honor to be chosen to perform in the Presidential Inaugural Parade, and I am proud to have the Northern State University Marching Wolves representing South Dakota. It is no surprise that an organization with the passion and dedication of the Marching Wolves was chosen for this privilege. It is with great honor that I share this impressive accomplishment with my colleagues.•

RECOGNITION OF COLORADO'S PROFESSORS OF THE YEAR

• Mr. ALLARD. Mr. President, I wish to congratulate Robert von Dassanowsky and Carl Wieman for being selected by the Carnegie Foundation for the Advancement of Teaching and the Council for Advancement of Support Education as this year's U.S. Professors of the Year.

Robert von Dassanowsky, Ph.D., is associate professor and chair of Languages and Cultures and director of Film Studies at the University of Colorado, Colorado Springs. A widely published literary and film historian, Dr. Dassanowsky is founding VP of the Austrian American Film Association, which promotes scholarly and production activities between the two nations.

Carl Wieman, Ph.D., is a physicist at the University of Colorado at Boulder. In 2001, Dr. Wieman was honored with the Nobel Prize in Physics. He gives approximately 60 talks a year on the topic of physics research and science education.

This recognition represents the culmination of a great deal of hard work and determined effort. It acknowledges their dedication to teaching and commitment to students. They should be very proud of this honor.

Now more than ever, our Nation needs the skills and talents of college professors like Robert von Dassanowsky and Carl Wieman. They understand the importance of a well-rounded college education for students if we are to produce the next generation of leaders. We are very grateful for all they do to make a difference. Their effort is greatly appreciated.

Congratulations again to two of Colorado's outstanding citizens.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1. A message from the President of the United States, transmitting, a report concurring with the Congress in the designation of two provisions totaling $100 million provided in the Consolidated Appropriations Act 2005; to the Committee on Appropriations.

EC–2. A message from the President of the United States, transmitting, pursuant to Public Law 106–256, the U.S. Ocean Action Plan, a report and statement of proposals prepared by the Council on Environmental Quality in response to the Commission on Ocean Policy's final recommendations; to the Committee on Commerce, Science, and Transportation.

EC–3. A communication from the Director of the Federal Register, National Archives, transmitting, pursuant to law, a report relative to the Certificates of Ascertainment of the electors of the President and Vice President of the United States; ordered to lie on the table.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself and Mr. REID):

S. Res. 1. A resolution informing the President of the United States that a quorum of each House is assembled; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 2. A resolution informing the House of Representatives that a quorum of the Senate is assembled; considered and agreed to.

By Mr. FRIST (for himself and Mr. REID):

S. Res. 3. A resolution fixing the hour of daily meeting of the Senate; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN):

S. Res. 4. A resolution expressing the sympathy and pledging the support of the United States Senate and the people of the United States for the victims of the powerful earthquake and devastating tsunami that struck Bangladesh, Burma, India, Indonesia, Kenya, Malaysia, the Maldives, the Seychelles, Somalia, Sri Lanka, Tanzania, Thailand, and other areas of South Asia, Southeast Asia, and Africa, on December 26, 2004; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, and Mr. LOTT):

S. Con. Res. 1. A concurrent resolution to provide for the counting on January 6, 2005, of the electoral votes for President and Vice President of the United States; considered and agreed to.

By Mr. FRIST (for himself, Mr. REID, Mr. LOTT, and Mr. DODD):

S. Con. Res. 2. A concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 93 and S. Con. Res. 94 of the One Hundred Eighth Congress; considered and agreed to.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 1—INFORMING THE PRESIDENT OF THE UNITED STATES THAT A QUORUM OF EACH HOUSE IS ASSEMBLED

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 1

Resolved, That a committee consisting of two Senators be appointed to join such committee as may be appointed by the House of Representatives to wait upon the President of the United States and inform him that a quorum of each House is assembled and that the Congress is ready to receive any communication he may be pleased to make.

SENATE RESOLUTION 2—INFORMING THE HOUSE OF REPRESENTATIVES THAT A QUORUM OF THE SENATE IS ASSEMBLED

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 2

Resolved, That the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

SENATE RESOLUTION 3—FIXING THE HOUR OF DAILY MEETING OF THE SENATE

Mr. FRIST (for himself and Mr. REID) submitted the following resolution; which was considered and agreed to:

S. RES. 3

Resolved, That the hour of daily meeting of the Senate be 12 o'clock meridian unless otherwise ordered.

SENATE RESOLUTION 4 EXPRESSING THE SYMPATHY AND PLEDGING THE SUPPORT OF THE UNITED STATES SENATE AND THE PEOPLE OF THE UNITED STATES FOR THE VICTIMS OF THE POWERFUL EARTHQUAKE AND DEVASTATING TSUNAMI THAT STRUCK BANGLADESH, BURMA, INDIA, INDONESIA, KENYA, MALAYSIA, THE MALDIVES, THE SEYCHELLES, SOMALIA, SRI LANKA, TANZANIA, THAILAND, AND OTHER AREAS OF SOUTH ASIA, SOUTHEAST ASIA, AND AFRICA, ON DECEMBER 26, 2004

Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. ALLEN, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWNBACK, Mr. BUNNING, Mr. BURNS, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARPER, Mr. CHAFEE, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORNYN, Mr. CORZINE, Mr. CRAIG, Mr. CRAPO, Mr. DAYTON, Mr. DEMINT, Mr. DEWINE, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JEFFORDS, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Mr. MCCONNELL, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANTORUM, Mr. SARBANES, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TALENT, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WARNER, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 4

Whereas on December 26, 2004, a tremendous earthquake, registered at 9.0 on the Richter scale and centered 100 miles off the coast of Northern Sumatra, Indonesia, triggered a deadly tsunami that swept throughout the Indian Ocean and beyond, devastating cities, towns, and communities, and killing or injuring persons in Southeast Asia and South Asia, through the island nations of the region, to Eastern Africa;

Whereas, as a result of the earthquake and ensuing tsunami, more than 140,000 people have lost their lives to date, tens of thousands of people are injured or missing, and the final death toll could climb into the hundreds of thousands;

Whereas the victims also include thousands of nationals who were visiting the region when the tsunami hit, including significant numbers from Europe and North and South America;

Whereas millions of people throughout Southeast Asia and South Asia have been left without food, shelter, or clean water, and now face deadly diseases such as cholera, dengue fever, dysentery, malaria, and typhoid;

Whereas thousands of children have been killed or injured by this disaster;

Whereas, as a result of this tragedy, thousands of children have been separated from their families or orphaned and are in need of re-unification or adoption;

Whereas whole coastal communities and cities throughout the region were obliterated;

Whereas recovery, reconstruction, and clean-up of the devastated areas likely will take years, billions of dollars, and the concerted leadership of the United States working together with the international community;

Whereas the people of the United States immediately responded and expressed their sympathy and concern by sending financial aid and other assistance currently totaling more than $100,000,000, through nongovernmental organizations and other means, to the victims of this disaster, and by offering to volunteer in the disaster rescue, recovery, and rebuilding;

Whereas soon after the earthquake and tsunami hit the region, the United States Government expressed its condolences and invoked six disaster declarations for the nations hardest hit by this natural disaster, thus triggering the release of emergency funding to these countries;

Whereas less than 24 hours after these tragedies became known, the United States announced an initial pledge of $15,000,000 for emergency humanitarian assistance, which was increased to $35,000,000 in the following days as the scope of the tragedy unfolded;

Whereas President George W. Bush also dispatched more than 20 United States military cargo and patrol aircraft, redirected a Marine expeditionary unit and a carrier task force, and deployed several hundred United States military personnel to the region to assist with the disaster response, recovery, and delivery of relief supplies;

Whereas, in response to an early appeal by the International Federation of the Red Cross and Red Crescent for $7,500,000, the United States provided $4,000,000 for the distribution of emergency shelter materials and other relief commodities, and provided more than 3,000 metric tons of rice to the United Nations World Food Program for use in the affected region;

Whereas President George W. Bush has established a regional core group with Australia, Canada, India, Japan, and the Netherlands, with the United Nations, to help coordinate relief efforts, and sent a senior delegation of experts, led by Secretary of State

Colin Powell and Florida Governor Jeb Bush, to meet with regional leaders and international organizations to assess what additional aid can be provided by the United States;

Whereas on December 31, 2004, President Bush increased the United States pledge to $350,000,000 in aid and stated that the United States' contributions to disaster relief and recovery "will continue to be revised as the full effects of this terrible tragedy become clearer";

Whereas pledges of assistance from all international organizations, multilateral development banks, and governments, including the United States, now exceed $2,000,000,000; and

Whereas, on January 3, 2005, the President appointed former Presidents George H. W. Bush and Bill Clinton to lead a nationwide charitable fund-raising effort to elicit greater relief and assistance to the victims of the powerful earthquake and devastating tsunami: Now, therefore, be it

Resolved, That the Senate—

(1) expresses its heartfelt sympathy for the victims of the powerful earthquake and devastating tsunami that struck cities, towns, and communities throughout Southeast Asia, South Asia, Eastern Africa, and the region on December 26, 2004;

(2) conveys its most sincere condolences to the families, communities, and governments of the more than 140,000 people that lost their lives in this terrible natural disaster;

(3) expresses its gratitude and respect for the courageous and committed work of all aid and relief personnel, including United States military personnel, who are saving lives and providing relief assistance in the devastated areas of the region;

(4) supports President George W. Bush's pledge of $350,000,000 in direct financial assistance, and tens of millions of dollars in additional indirect assistance through the dispatch of United States military aircraft, naval vessels, and personnel, and through the United States Government's substantial voluntary and annual contributions to international organizations and bodies;

(5) commends the ongoing international relief effort that includes the work of individual countries, numerous international organizations, and various relief and other nongovernmental entities;

(6) reaffirms that the United States Government is committed to providing relief and assistance in the most effective and efficient means possible, and will continue to assess, anticipate, and provide further assistance as needed in the weeks and months ahead;

(7) recognizes that the support of the United States Government will be greatly supplemented by private donations and assistance from thousands of United States citizens, charitable organizations, religious groups, and corporations that routinely provide generous and significant amounts of aid, support, and volunteers; and

(8) fully supports the long-term commitment and engagement of the United States to provide financial aid and other forms of direct and indirect assistance to the countries and peoples of the region impacted by the powerful earthquake and the devastating tsunami.

SENATE CONCURRENT RESOLUTION 1—TO PROVIDE FOR THE COUNTING ON JANUARY 6, 2005, OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES

Mr. FRIST (for himself, Mr. REID, and Mr. LOTT) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the sixth day of January 2005, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

SENATE CONCURRENT RESOLUTION 2—TO EXTEND THE LIFE OF THE JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES AND THE PROVISIONS OF S. CON. RES. 93 AND S. CON. RES. 94 OF THE ONE HUNDRED EIGHTH CONGRESS

Mr. FRIST (for himself, Mr. REID, Mr. LOTT, and Mr. DODD) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 2005, the joint committee created by Senate Concurrent Resolution 94 (108th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution.

SEC. 2. Effective from January 4, 2005, the provisions of Senate Concurrent Resolution 93 (108th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are continued with the same power and authority provided for in that resolution.

PRIVILEGE OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Mike Catanzaro be granted the privilege of the floor for this day.

The PRESIDING OFFICER. Without objection, it is so ordered.

FOREIGN TRAVEL FINANCIAL REPORTS

In accordance with the appropriate provisions of law, the Secretary of the Senate herewith submits the following reports for standing committees of the Senate, certain joint committees of the Congress, delegations and groups, and select and special committees of the Senate, relating to expenses incurred in the performance of authorized foreign travel:

CORRECTIONS TO CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95-384—22 U.S.C. 1754(b), AMENDED FROM 3RD QUARTER, COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Sid Ashworth:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Jim Morhard:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91

CORRECTIONS TO CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AMENDED FROM 3RD QUARTER, COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Charlie Houy:									
China	Yuan		831.00						831.00
United States	Dollar				2,549.30				2,549.30
Betsy Schmid:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
DeLynn Henry:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Mimi Braniff:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Kay Webber:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Karina Waller:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Suzanne Palmer:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Jennifer Mies Lowe:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
George Lowe:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Marsha Lefkovits:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Richard Quick:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Joe Maupin:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Ted Stevens:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Thad Cochran:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Daniel Inouye:									
China	Yuan		831.00						831.00
United States	Dollar				2,549.30				2,549.30
Senator Pat Roberts:									
China	Yuan		831.00						831.00
United States	Dollar				2,523.00				2,523.00
Senator E. Benjamin Nelson:									
China	Yuan		1,547.00						1,547.00
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Senator Bill Frist:									
China	Yuan		1,008.00						1,008.00
Julia Hart:									
China	Yuan		1,108.00						1,108.00
United States	Dollar				3,316.80				3,316.80
Mark Esper:									
China	Yuan		1,048.00						1,048.00
Senator Ernest F. Hollings:									
China	Yuan		1,547.00						1,547.00

CORRECTIONS TO CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), AMENDED FROM 3RD QUARTER, COMMITTEE ON APPROPRIATIONS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Kyrgyzstan	Som		169.31						169.31
Azerbaijan	Manat		376.42						376.42
Malta	Lira		251.00						251.00
Morocco	Dirham		900.91						900.91
Robert Stevenson:									
China	Yuan		1,108.00						1,108.00
United States	Dollar				3,316.80				3,316.80
Senator Jeff Bingaman:									
China	Yuan		1,108.00						1,108.00
United States	Dollar				3,754.68				3,754.68
Total			63,031.88		18,009.88				81,041.76

TED STEVENS,
Chairman, Committee on Appropriations, Nov. 15, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Richard Shelby:									
Guatemala	Dollar		630.00						630.00
Honduras	Dollar		440.00						440.00
El Salvador	Dollar		123.00						123.00
Nicaragua	Dollar		440.00						440.00
Costa Rica	Dollar		440.00						440.00
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		928.00						928.00
Bhutan	Ngultrum		292.00		718.00				1,010.00
India	Rupee		221.00						221.00
Germany	Euro		358.00						358.00
Kathleen L. Casey:									
Guatemala	Dollar		530.00						530.00
Honduras	Dollar		350.00						350.00
El Salvador	Dollar		106.00						106.00
Nicaragua	Dollar		383.00						383.00
Costa Rica	Dollar		420.00						420.00
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		928.00						928.00
Bhutan	Ngultrum		292.00		718.00				1,010.00
India	Rupee		221.00						221.00
Germany	Euro		358.00						358.00
Randel L. Zeller:									
Nigeria	Naira		240.00						240.00
Angola	Dollar		184.00						184.00
Cameroon	Dollar		303.00						303.00
United States	Dollar				5,399.76				5,399.76
Anne Caldwell:									
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		696.00						696.00
United States	Dollar				3,970.80				3,970.80
Victoria Cox:									
New Zealand	Dollar		300.00						300.00
Australia	Dollar		1,490.00						1,490.00
Thailand	Baht		696.00						696.00
United States	Dollar				3,970.80				3,970.00
Gregory J. Dean:									
China	Renminbi		1,308.00		914.00				2,222.00
United States	Dollar				6,306.50				6,306.50
Total			18,047.00		21,997.86				40,044.86

RICHARD SHELBY,
Chairman, Committee on Banking, Housing, and Urban Affairs, Sept. 24, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Don Nickels:									
United States	Dollar				8,721.96				8,721.96
Qatar	Dollar		628.00						628.00
Pakistan	Dollar		585.00						585.00
Roy Phillips:									
United States	Dollar				8,721.96				8,721.96
Qatar	Dollar		629.00						629.00
Pakistan	Dollar		568.00						568.00
Roy Phillips:									
United States	Dollar				4,962.14				4,962.14
Germany	Euro		156.00		55.00				211.00
Romania	Lei		121.00						121.00
Bulgaria	Lev		205.00						205.00
Turkey	Dollar		73.00						73.00

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON BUDGET FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004—Continued

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Italy	Dollar		85.00		55.00		85.00		225.00
Total			3,050.00		22,516.06		85.00		25,651.06

DON NICKLES,
Chairman, Committee on Budget, Sept. 22, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, AMENDED, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), COMMITTEE ON INTELLIGENCE FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator John Edwards:									
	Dollar				5,607.46				5,607.46
Donald Mitchell:									
	Dollar		348.00						348.00
	Dollar				5,700.64				5,700.64
Derek Chollet:									
	Dollar		365.00						365.00
	Dollar				5,700.64				5,700.64
Total			713.00		17,008.74				17,721.74

PAT ROBERTS,
Chairman, Committee on Intelligence, Aug. 10, 2004.

CORRECTIONS TO CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), CODEL FRIST FOR TRAVEL FROM JUNE 3 TO JUNE 6, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Bill Frist:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Senator Robert Bennett:									
Kuwait	Dollar		394.00						394.00
France	Euro		575.00						575.00
Senator John Ensign:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
William Pickle:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Mark Esper:									
Kuwait	Dollar		394.00						394.00
France	Euro		600.00						600.00
Bob Stevenson:									
Kuwait	Dollar		394.00						394.00
France	Euro		746.00						746.00
George Tolbert:									
Kuwait	Dollar		364.00						364.00
France	Euro		600.00						600.00
Sally Walsh:									
Kuwait	Dollar		394.00						394.00
France	Euro		700.00						700.00
Delegation Expenses:*									
Kuwait	Dollar						2,938.44		2,938.44
Iraq	Dollar						684.15		684.15
France	Euro						40,584.40		40,584.40
Total			8,143.00				44,206.99		52,349.99

* Delegation expenses include payments and reimbursements to the Department of State, and the Department of Defense under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384, and S. Res. 179 agreed to May 25, 1977.

BILL FRIST,
Majority Leader, Sept. 8, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM JULY 1 TO SEPT. 30, 2004

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Randy Massanelli:									
Jordan	Dinar		208.20						208.20
Germany	Dollar		43.95						43.95
Total			252.15						252.15

TOM DASCHLE,
Democratic Leader, Sept. 21, 2004.

CONSOLIDATED REPORT OF EXPENDITURE OF FUNDS FOR FOREIGN TRAVEL BY MEMBERS AND EMPLOYEES OF THE U.S. SENATE, UNDER AUTHORITY OF SEC. 22, P.L. 95–384—22 U.S.C. 1754(b), DEMOCRATIC LEADER FOR TRAVEL FROM APR. 1 TO JUNE 30, 2004.

Name and country	Name of currency	Per diem		Transportation		Miscellaneous		Total	
		Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency	Foreign currency	U.S. dollar equivalent or U.S. currency
Senator Tom Daschle:									
Kuwait	Dollar		344.00						344.00
Senator Joe Biden:									
Kuwait	Dollar		344.00						344.00
Senator Lindsey Graham:									
Kuwait	Dollar		344.00						344.00
Denis McDonough:									
Kuwait	Dollar		344.00						344.00
Rich Verma:									
Kuwait	Dollar		344.00						344.00
Alex Jarvis:									
Kuwait	Dollar		344.00						344.00
Anthony Blinken:									
Kuwait	Dollar		344.00						344.00
Puneet Talwar:									
Kuwait	Dollar		344.00						344.00
Delegation Expenses:*									
Kuwait	Dollar						2,726.94		2,726.94
Total			2,752.00				2,726.94		5,478.94

* Delegation expenses include payments and reimbursements to the Department of State under the authority of Sec. 502(b) of the Mutual Security Act of 1954, as amended by Sec. 22 of P.L. 95–384 and S. Res. 179 agreed to May 25, 1977.

TOM DASCHLE,
Democratic Leader, Sept. 23, 2004.

ORDERS FOR THURSDAY, JANUARY 6, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m. on Thursday, January 6. I further ask unanimous consent that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the Senate then proceed to a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Mr. President, on Thursday morning the Senate will be in morning business, and at 12:50 p.m. the Senate will proceed as a body to the House of Representatives for a joint session for the counting of electoral votes. Members should gather in the Senate Chamber at 12:40 so that we may leave promptly at 12:50.

During Thursday's session, we expect to act on the committee resolution.

Members are wondering about rollcall votes for the week. At this point, it is unclear, but we will notify all Members if a rollcall vote is possible before we finish our business this week.

Following close of business on Thursday, the Senate will adjourn until January 20.

I inform my colleagues that when the Senate reconvenes January 20, we will immediately begin work on the President's nominations.

I will simply close by saying that we have had a remarkable day today. Six hours ago we began the swearing in of 34 Senators. It is always a moving time to have family, friends, spouses, and constituents from so many different States coming to Washington, DC, to share in an occasion that we all remember—indelibly printed on our minds—when we put our right hand in the air and took that oath to this body and to that Constitution. It has been a remarkable day for people. It has been a great pleasure for us in leadership to be able to participate really on the periphery as we celebrate with each and every one of them for their great public service.

ADJOURNMENT UNTIL THURSDAY, JANUARY 6, 2005, AT 9:30 A.M.

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:53 p.m., adjourned until Thursday, January 6, 2005, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate January 4, 2005:

DEPARTMENT OF AGRICULTURE

MIKE JOHANNS, OF NEBRASKA, TO BE SECRETARY OF AGRICULTURE, VICE ANN MARGARET VENEMAN, RESIGNED.

DEPARTMENT OF COMMERCE

CARLOS M. GUTIERREZ, OF MICHIGAN, TO BE SECRETARY OF COMMERCE, VICE DONALD LOUIS EVANS, RESIGNED.

DEPARTMENT OF ENERGY

SAMUEL W. BODMAN, OF MASSACHUSETTS, TO BE SECRETARY OF ENERGY, VICE SPENCER ABRAHAM, RESIGNED.

NUCLEAR REGULATORY COMMISSION

ALBERT HENRY KONETZNI, JR., OF NEW YORK, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2009, VICE RICHARD A. MESERVE, RESIGNED.

GREGORY B. JACZKO, OF THE DISTRICT OF COLUMBIA, TO BE A MEMBER OF THE NUCLEAR REGULATORY COMMISSION FOR THE TERM OF FIVE YEARS EXPIRING JUNE 30, 2008, VICE GRETA JOY DICUS, TERM EXPIRED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MICHAEL O. LEAVITT, OF UTAH, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES, VICE TOMMY G. THOMPSON, RESIGNED.

SOCIAL SECURITY ADMINISTRATION

JEFFREY ROBERT BROWN, OF ILLINOIS, TO BE A MEMBER OF SOCIAL SECURITY ADVISORY BOARD FOR A TERM EXPIRING SEPTEMBER 30, 2008, VICE BRADLEY D. BELT, RESIGNED.

DEPARTMENT OF STATE

CONDOLEEZZA RICE, OF CALIFORNIA, TO BE SECRETARY OF STATE, VICE COLIN LUTHER POWELL, RESIGNED.

INTER-AMERICAN FOUNDATION

ADOLFO A. FRANCO, OF VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2008, VICE JEFFREY DAVIDOW, RESIGNED.

ROGER FRANCISCO NORIEGA, OF KANSAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE HARRIET C. BABBITT, TERM EXPIRED.

DEPARTMENT OF EDUCATION

MARGARET SPELLINGS, OF TEXAS, TO BE SECRETARY OF EDUCATION, VICE RODERICK R. PAIGE, RESIGNED.

DEPARTMENT OF JUSTICE

ALBERTO R. GONZALES, OF TEXAS, TO BE ATTORNEY GENERAL, VICE JOHN ASHCROFT, RESIGNED.

DEPARTMENT OF VETERANS AFFAIRS

JIM NICHOLSON, OF COLORADO, TO BE SECRETARY OF VETERANS AFFAIRS, VICE ANTHONY JOSEPH PRINCIPI, RESIGNED.

HOUSE OF REPRESENTATIVES—*Tuesday, January 4, 2005*

This being the day fixed by the 20th amendment to the Constitution of the United States and Public Law 108-433 for the meeting of the Congress of the United States, the Members-elect of the 109th Congress met in their Hall, and at noon were called to order by the Clerk of the House of Representatives, Hon. Jeff Trandahl.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty and eternal God, before You all Nations rise and fall.

We ask You to bless the United States of America with security, prosperity, generosity and peace.

Those who have been rightly elected by the people of the congressional districts across the Nation now stand before You, as the grateful inheritors with a great tradition of government by free people.

May they serve faithfully the people who have chosen them as their representatives in the 109th Congress.

With personal integrity, enable them to exercise day-to-day decisions that will uphold this Nation's Constitution and bring enlightened hope to a troubled world desirous of knowing a free democracy in action.

Let all Americans join in their own way of blessing these women and men, that they may establish justice, ensure lasting tranquillity, provide for the common defense, promote the general welfare and secure the blessings of liberty.

In doing so, they will serve both You, our God, and our beloved Nation.

Amen.

PLEDGE OF ALLEGIANCE

The CLERK. The Members-elect and their guests will please remain standing and join in the Pledge of Allegiance to the flag.

The Clerk led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

The CLERK. Representatives-elect, this is the day fixed by the 20th amendment to the Constitution and Public Law 108-433 for the meeting of the 109th Congress and, as the law directs, the Clerk of the House has prepared the official roll of the Representatives-elect.

Certificates of election covering 435 seats in the 109th Congress have been received by the Clerk of the House, and the names of those persons whose credentials show that they were regularly elected as representatives in accordance with the laws of their respective States or of the United States will be called.

Without objection, the Representatives-elect will record their presence by electronic device and their names will be reported in alphabetical order by States, beginning with the State of Alabama, to determine whether a quorum is present.

There was no objection.

The call was taken by electronic device, and the following Representatives-elect responded to their names:

[Roll No. 1]

ANSWERED "PRESENT"—424

ALABAMA

Aderholt
Bachus
Bonner
Cramer
Davis
Everett
Rogers

ALASKA

Young

ARIZONA

Flake
Franks
Grijalva
Hayworth
Kolbe
Pastor
Renzi

ARKANSAS

Berry
Boozman
Ross
Snyder

CALIFORNIA

Baca
Becerra
Berman
Bono
Calvert
Capps
Cardoza
Costa
Cunningham
Davis
Doolittle
Dreier
Eshoo
Farr
Filner
Gallegly
Harman
Herger
Hunter
Issa
Lantos
Lee
Lewis
Lofgren, Zoe
McKeon
Millender-McDonald
Miller, Gary
Miller, George
Napolitano
Nunes
Pelosi
Pombo
Radanovich
Rohrabacher
Roybal-Allard
Royce
Sánchez, Linda T.
Sanchez, Loretta
Schiff
Sherman
Solis
Tauscher
Thomas
Thompson
Waters
Watson
Waxman
Woolsey

COLORADO

Beauprez
DeGette
Hefley
Musgrave
Salazar
Tancredo
Udall

CONNECTICUT

DeLauro
Johnson
Larson
Shays
Simmons

DELAWARE

Castle

FLORIDA

Bilirakis
Boyd
Brown Waite, Ginny
Crenshaw
Davis
Diaz Balart, L.
Diaz-Balart, M.
Feeney
Foley
Harris
Hastings
Keller
Mack
Meek
Mica
Miller
Putnam
Ros Lehtinen
Shaw
Stearns
Wasserman Schultz
Weldon
Wexler
Young

GEORGIA

Barrow
Bishop
Deal
Gingrey
Kingston
Lewis
Linder
Marshall
McKinney
Price
Scott
Westmoreland

HAWAII

Abercrombie
Case

IDAHO

Otter
Simpson

ILLINOIS

Bean
Biggert
Costello
Davis
Emanuel
Evans
Hastert
Hyde
Jackson
Johnson
Kirk
LaHood
Lipinski
Manzullo
Rush
Schakowsky
Shimkus
Weller

INDIANA

Burton
Buyer
Carson
Chocola
Hostettler
Pence
Sodrel
Souder
Visclosky

IOWA

Boswell
King
Latham
Leach
Nussle

KANSAS

Moore
Moran
Ryun
Tiahrt

KENTUCKY

Chandler
Davis
Lewis
Rogers
Whitfield

LOUISIANA

Alexander
Baker
Boustany
Jefferson
Jindal
McCrery
Melancon

MAINE

Allen
Michaud

MARYLAND

Bartlett
Cardin
Cummings
Gilchrest
Hoyer
Ruppersberger
Van Hollen
Wynn

MASSACHUSETTS

Capuano
Delahunt
Frank
Lynch
Markey
McGovern
Meehan
Neal
Olver
Tierney

MICHIGAN

Camp
Conyers
Dingell
Ehlers
Hoekstra
Kildee
Kilpatrick
Knollenberg
Levin
McCotter
Miller
Rogers
Schwarz
Stupak
Upton

MINNESOTA

Gutknecht
Kennedy
Kline
McCollum
Oberstar
Peterson
Ramstad
Sabo

MISSISSIPPI

Taylor
Thompson
Wicker

MISSOURI

Akin
Blunt
Carnahan
Clay
Cleaver
Emerson
Graves
Hulshof
Skelton

MONTANA

Rehberg

NEBRASKA

Fortenberry
Osborne
Terry

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

NEVADA

Berkley
Gibbons
Porter

NEW HAMPSHIRE

Bass
Bradley

NEW JERSEY

Andrews
Ferguson
Frelinghuysen
Garrett
Holt
LoBiondo
Menendez
Pallone
Pascrell
Payne
Rothman
Saxton
Smith

NEW MEXICO

Pearce
Udall
Wilson

NEW YORK

Ackerman
Bishop
Boehlert
Crowley
Engel
Fossella
Higgins
Hinchey
Israel
Kelly
King
Kuhl
Lowey
Maloney
McCarthy
McHugh
McNulty
Meeks
Nadler
Owens
Rangel
Reynolds
Serrano
Slaughter
Sweeney
Towns
Velázquez
Walsh
Weiner

NORTH CAROLINA

Butterfield
Coble
Etheridge
Foxx
Hayes
Jones
McHenry
McIntyre
Miller
Myrick
Price
Taylor
Watt

NORTH DAKOTA

Pomeroy

OHIO

Boehner
Brown
Chabot
Gillmor
Hobson
Jones
Kaptur
Kucinich
LaTourette
Ney
Oxley
Portman
Pryce
Regula
Ryan
Strickland
Tiberi
Turner

OKLAHOMA

Boren
Cole
Istook
Lucas
Sullivan

OREGON

Blumenauer
DeFazio
Hooley
Walden
Wu

PENNSYLVANIA

Brady
Dent
Doyle
English
Fattah
Fitzpatrick
Gerlach
Hart
Holden
Kanjorski
Murphy
Murtha
Peterson
Pitts
Platts
Schwartz
Sherwood
Shuster
Weldon

RHODE ISLAND

Kennedy
Langevin

SOUTH CAROLINA

Barrett
Brown
Clyburn
Inglis
Spratt
Wilson

SOUTH DAKOTA

Herseth

TENNESSEE

Blackburn
Cooper
Davis
Duncan
Ford
Gordon
Jenkins
Tanner
Wamp

TEXAS

Barton
Bonilla
Brady
Burgess
Carter
Conaway
Cuellar
Culberson
DeLay
Doggett
Edwards
Gohmert
Gonzalez
Granger
Green Al
Green, Gene
Hall
Hensarling
Hinojosa
Jackson-Lee
Johnson, E.B.
Johnson, Sam
Marchant
McCaul
Neugebauer
Ortiz
Paul
Poe
Reyes
Sessions
Smith
Thornberry

UTAH

Bishop
Matheson

VERMONT

Sanders

VIRGINIA

Boucher
Cantor
Davis, Jo Ann
Davis, Tom
Drake
Forbes
Goode
Goodlatte
Moran
Scott
Wolf

WASHINGTON

Baird
Dicks
Hastings
Inslee
Larsen
McDermott
McMorris
Reichert
Smith

WEST VIRGINIA

Capito
Mollohan
Rahall

WISCONSIN

Baldwin
Green
Kind
Moore
Obey
Petri
Ryan
Sensenbrenner

WYOMING

Cubin

□ 1234

The CLERK. The quorum call discloses that 424 Representatives-elect have responded to their name. A quorum is present.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that credentials, regular in form, have been received showing the election of the Honorable LUIS FORTUÑO as Resident Commissioner from the Commonwealth of Puerto Rico for a term of 4 years beginning January 3, 2005; the election of the Honorable ELEANOR HOLMES NORTON as Delegate from the District of Columbia; the election of the Honorable DONNA M. CHRISTENSEN as Delegate from the Virgin Islands; the election of the Honorable ENI F.H. FALEOMAVAEGA as Delegate from American Samoa; and the election of the Honorable MADELEINE Z. BORDALLO as Delegate from Guam.

ANNOUNCEMENT BY THE CLERK

The CLERK. The Clerk will state that since the last regular election of Representatives to the 109th Congress, a vacancy now exists in the Fifth District of the State of California, occasioned by the death of the late Honorable ROBERT T. MATSUI.

ELECTION OF SPEAKER

The CLERK. Pursuant to law and to precedent, the next order of business is the election of the Speaker of the House of Representatives for the 109th Congress.

Nominations are now in order.

The Clerk recognizes the gentlewoman from Ohio (Ms. PRYCE).

Ms. PRYCE of Ohio. Mr. Clerk, for the past 6 years, this House has been led by a man with great strength, passion and a sense of fairness. With a steady hand and quiet conviction, he has helped to guide this body and this Nation through periods of both trial and triumph.

Therefore, Mr. Clerk, as chairman of the House Republican Conference, I am directed by the unanimous vote of that conference, and am very honored to present for election to the office of the Speaker of the House of Representatives for the 109th Congress of the United States of America the name of the Honorable J. DENNIS HASTERT, a Representative-elect from the State of Illinois.

The CLERK. The Clerk recognizes the gentleman from New Jersey (Mr. MENENDEZ).

Mr. MENENDEZ. Mr. Clerk, as chairman of the Democratic Caucus, I am directed by a unanimous vote of that caucus to present for election to the office of the Speaker of the House of Representatives for the 109th Congress a lady of great distinction, a lady of integrity, a fighter for America's children and families and a leader not only of House Democrats but a leader for our Nation and this Congress, the Honorable NANCY PELOSI, a Representative-elect from the State of California.

The CLERK. The Honorable J. DENNIS HASTERT, a Representative-elect from the State of Illinois, and the Honorable NANCY PELOSI, a Representative-elect from the State of California, have been placed in nomination.

Are there further nominations?

There being no further nominations, the Clerk will appoint tellers.

The Clerk appoints the gentleman from Ohio (Mr. NEY), the gentleman from Connecticut (Mr. LARSON), the gentlewoman from Connecticut (Mrs. JOHNSON), and the gentlewoman from Ohio (Ms. KAPTUR).

The tellers will come forward and take their seats at the desk in front of the Speaker's rostrum.

The roll will now be called, and those responding to their names will indicate by surname the nominee of their choice.

The reading clerk will now call the roll.

The tellers having taken their places, the House proceeded to vote for the Speaker.

The following is the result of the vote:

[Roll No. 2]

HASTERT—226

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, Lincoln
Diaz-Balart, Mario
Doolittle
Drake
Dreier
Duncan
Ehlers

Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

PELOSI—199

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velazquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

MURTHA—1

Taylor (MS)

ANSWERED "PRESENT"—1

Hastert

NOT VOTING—7

Cannon
Cox
Gutierrez
Honda
Northup
Norwood
Shadegg

Stated for Mr. HASTERT:

Mrs. NORTHUP. Mr. Clerk, on rollcall No. 2 I missed the vote due to airline problems. Had I been present, I would have voted for the Honorable J. DENNIS HASTERT for Speaker of the House.

Mr. COX. Mr. Clerk, on rollcall No. 2 I was in consultation with the leadership staff outside the chamber and was therefore not present when my name was called. Had I been present I would have voted for J. DENNIS HASTERT of Illinois as Speaker of the House.

☐ 1337

The CLERK. The tellers agree in their tallies that the total of number of votes cast is 427, of which the Honorable J. DENNIS HASTERT of the State of Illinois has received 226, the Honorable NANCY PELOSI of the State of California has received 199, and the Honorable JOHN MURTHA of the Commonwealth of Pennsylvania has received 1 vote, with 1 recorded as "present."

Therefore, the Honorable J. DENNIS HASTERT of the State of Illinois is duly elected Speaker of the House of Representatives for the 109th Congress, having received a majority of the votes cast.

The Clerk appoints the following committee to escort the Speaker-elect to the chair: the gentlewoman from California (Ms. PELOSI); the gentleman from Texas (Mr. DELAY); the gentleman from Missouri (Mr. BLUNT); the gentleman from Maryland (Mr. HOYER); the gentlewoman from Ohio (Ms. PRYCE); the gentleman from New Jersey (Mr. MENENDEZ); the gentleman from Illinois (Mr. HYDE); the gentleman from Illinois (Mr. EVANS); the gentleman from Illinois (Mr. COSTELLO); the gentleman from Illinois (Mr. GUTIERREZ); the gentleman from Illinois (Mr. MANZULLO); the gentleman from Illinois (Mr. RUSH); the gentleman from Illinois (Mr. LAHOOD); the gentleman from Illinois (Mr. WELLER); the gentleman from Illinois (Mr. JACKSON); the gentleman from Illinois (Mr. DAVIS); the gentleman from Illinois (Mr. SHIMKUS); the gentlewoman from Illinois (Mrs. BIGGERT); the gentlewoman from Illinois (Ms. SCHAKOWSKY); the gentleman from Illinois (Mr. JOHNSON); the gentleman from Illinois (Mr. KIRK); the gentleman from Illinois (Mr. EMANUEL); the gentlewoman from Illinois (Ms. BEAN); and the gentleman from Illinois (Mr. LIPINSKI).

The committee will retire from the Chamber to escort the Speaker-elect to the chair.

The Sergeant at Arms announced the Speaker-elect of the House of Representatives of the 109th Congress, who was escorted to the chair by the Committee of Escort.

Ms. PELOSI. Mr. Speaker, my colleagues, first may I thank my Democratic colleagues. What an honor it is to have my name placed in nomination as your leader to be Speaker of the House as the first woman and as the first Italian-American. I was honored by the kind remarks of the gentleman from New Jersey (Mr. MENENDEZ).

It is a privilege, as the gentleman from New Jersey knows and as the gentleman from Maryland (Mr. HOYER) knows for us to represent this magnificently diverse caucus. Thank you for the honor of being your leader. It is a privilege to represent one of the greatest forces, in my view, for idealism, integrity and innovation in our country. My thanks to the members of the Democratic Caucus.

I want to thank and acknowledge my husband, Paul. Thank you, Paul. In acknowledging Paul, I want to acknowledge all of the spouses who are here today for the contributions they make. I know Members all share my view when I say our husbands and wives, our spouses, and in my case my five children and five grandchildren, represented by Ryan and Madelaine here today, are the source of our strength and inspiration. Our children and grandchildren are the future. Many children are here today. We want them to know that we know and think it is our responsibility to make the future better for them.

To my constituents, I am grateful for the privilege of representing them.

I know Members all want to join me and the Speaker in acknowledging our courageous men and women in uniform.

☐ 1345

As we end this holiday season, we know it is their service that makes it possible for us to strive for peace on earth and good will to mankind every day of the year.

A special congratulations and welcome to the Capitol to our newest Members of Congress, to our freshmen Members. You as freshmen are the fresh recruits. You are here to reinvigorate the Congress with your fresh ideas, straight from campaigns. We are all straight from campaigns. Our Founding Fathers planned it so that every 2 years Congress would be reinvigorated with new membership to bring new ideas and new energy to the debate. As you take your oath of office today, you not only enter the Congress, you enter the annals of history. You are colleagues not only with each other, you are colleagues with all those who have served before you.

Sadly, this weekend, we lost two of our most pioneering and courageous colleagues. Shirley Chisholm was the first African-American woman elected to Congress. Imagine the courage. She said of her service that it demonstrated the sheer will and refusal to accept the status quo. We must make that legacy part of ours. When Shirley Chisholm came to Congress as the first African-American woman, it was not only a breakthrough for African Americans, it was not only a breakthrough for women, it was a breakthrough for America.

And we mourn the passing of someone who was a dear friend to so many of us here. BOB MATSUI would have been sworn in today. BOB was the living combination of intellect and passion, someone who understood the complexities, for example, of the Social Security system but never forgot what it meant simply to the lives of America's seniors. President Bush rightly called BOB a dedicated public servant and a good and decent man who served with distinction and integrity. Thank you, President Bush, for that acknowledgment.

As a small child, BOB MATSUI was in a Japanese internment camp. He was a third-generation American but nonetheless he was in an internment camp. But that never dampened his spirit about America or his family's spirit. He went on in his words and his deeds with a commitment to guide us to the better America that was his dream. Let that be our legacy as well.

And we cannot gather here today without talking about the unspeakable devastation the world has witnessed in South Asia. It presents a special challenge to us, not only for the millions of people who are struggling to recover and rebuild but for all of us who are called by our faith and by our common humanity to help those in need. When the victims of disasters in Asia see our soldiers bringing food and supplies, they see the best of America, an America that is compassionate. We need to work even harder, not only to present that America to the world but also to create that America here at home by staying true to our core American values. We do that by widening the circle of prosperity, because it is unacceptable that one in five children in America live in poverty.

Our sense of fairness demands that we expand access to health care because health care is a right, not a privilege. We must promote opportunity with a vibrant public education system and by making college education affordable to all Americans. We need to strengthen community, working to build safe communities free of crime and drugs and with a clean and healthy environment. And we must do this in a fiscally sound way by promoting accountability, by restoring fiscal discipline and paying as we go.

Above all, we must guarantee our national security with a military that is second to none, a strong commitment to homeland security, and a resolve to stop the spread of weapons of mass destruction. How we respond to times of difficulty is what will define us as leaders and the ability to draw hope from times of challenge is what defines us as Americans. Each generation of Americans has made our country stronger and better for the next. I do not want anyone because we are talking about losing our colleagues and our former colleagues and the devastation in South Asia, to have any of that diminish the cause for celebration here today for our new Members, their families, their friends, indeed for all of us. The lives of Shirley Chisholm and BOB MATSUI should be cause for celebration and they give us hope and proof that each one of us can make a difference.

A better America is our inheritance. I believe that for all of us serving in the 109th Congress, it can also be our legacy. Though we are divided by party and this aisle, we are joined by our common oath to protect and defend the Constitution and to form a more perfect union.

To our freshmen, again welcome to Congress. On this day of celebration, I join the Speaker and all of our colleagues in congratulating you and your families. Again I will say that our Founding Fathers made special provision for this House to be constantly reinvigorated and every person here must be elected. We cannot let again the sadness in the past weeks diminish this cause for celebration.

The lives of Shirley and BOB offer us hope and proof, as I said. The tragedy in South Asia and its ramifications raises the expectations for leadership. How we respond to times of difficulty will define us.

When I was a young girl, a college student here in Washington, D.C., I had the privilege of hearing President Kennedy's inaugural address. In his inaugural address, he ended his remarks in the following way, and I think it was appropriate then and it is appropriate now. He said, "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking His blessing and His help, but knowing that here on earth, God's work must truly be our own."

Again I have the privilege to present the gavel, this is getting tiresome, Mr. Speaker. And it is not about you. Two years ago when I had the privilege of presenting the gavel, I said of the Speaker that all of us are called honorable because of the title we hold as Members of Congress. But DENNIS HASTERT is honorable because he is a man of great character and dignity and he deserves the title. It is now my privilege to present the gavel to a man, a gentleman of character, integrity and skill who brings the values of heartland America to this highest position in the Congress of the United States, and I speak on behalf of all of our House Democrats, Mr. Speaker, in saying we look forward to working with you in the days ahead to create a better America, the gentleman from Illinois, the Speaker of the House, DENNIS HASTERT.

Mr. HASTERT. Thank you, NANCY, for those gracious remarks. You have been an able leader for the Democratic Caucus in this House and you have helped lead this Congress with honor and distinction. We have disagreed on policy matters in the past, and I suspect we will disagree again in the future, but we both love this House of Representatives and the great democratic process of representative government.

NANCY, we have some serious issues to confront in this new Congress and I look forward to a vigorous debate in the months ahead, for it is through debate that we arrive at the policy decisions that will keep this Nation safe and make it stronger. This House is where we fight the battle of ideas and at the end of the day we make the laws that govern this Nation, and so it is a great honor to serve in this institution. It is a special honor to sit in this chair. I thank each of you for allowing me once again to serve as your Speaker.

The new year confronted us with two sad tragedies. First came the images from the tsunami that ravaged countries bordering the Indian Ocean. Our deepest condolences go to all those who lost loved ones in this terrible event. Just as former Presidents Clinton and Bush will join together to coordinate private relief efforts here in the United States, we in the Congress will work together on a bipartisan basis to get the necessary relief to those in need.

Second, we lost one of our own on New Year's Day. I too want to pay tribute to our fallen colleague, BOB MATSUI. BOB holds a special place in the hearts of Members on both sides of the aisle. He was a man of strong principle but a kind and gentle spirit. He was a proud Democrat, but he also knew how to reach across the aisle when the interests of his country demanded it. He will be greatly missed in this House and we are a better House of Representatives because he served here.

Now let me welcome our new Members. We have 38 new Members, three of whom are returning after previous service here. Twenty-two of the new Members served in the State legislatures. Ten served in local government. For only the second time in House history, this class includes a Member whose ancestry is from the world's largest democracy, the nation of India. This is a motivated and talented group whom I believe will make a positive impact on the Congress for years to come.

I will not spend a great deal of time in these remarks to give you new Members a lot of advice, but I will say this. I hope that you will take the time to get to know your colleagues, to find mentors in this great body. There is a lot of wisdom and experience in this place. Even as each of you bring a new and fresh perspective to this place, there is also much to be learned from the past.

Last month, I had the opportunity to travel to Europe to participate in the ceremonies commemorating the 60th anniversary of the Battle of the Bulge, to see our young soldiers as we visited the hospitals and bases across Europe and also visit with old soldiers who had served and given their all 60 years ago to help keep this country free. It was a great experience.

□ 1400

Our former colleague and Republican leader, Bob Michel who was wounded in the Battle of the Bulge, accompanied me along with the gentleman from Michigan (Mr. DINGELL), the dean of this House, another distinguished veteran, who will soon celebrate his 50th year in this body. And to you incoming Members, I must tell you I have learned much from these great men. In fact, I continue to learn from them. So, new Members, seek out the Henry Hydes and the Charlie Rangels and the Bill Youngs and the John Lewises and the many talented people who serve here. Get to know them and follow in their footsteps of distinguished service.

As we open the doors to the 109th Congress, we close the doors of the 108th Congress. Those returning Members can look with pride at the accomplishments of the last Congress: the historic reform of the Medicare system that includes a prescription drug package for our seniors, health savings accounts that give American consumers more power over their health care dollars, creation of the National Intelligence Director and a complete overhaul of our intelligence capabilities, tax relief that kept us out of a deep recession and will propel us into better economic growth in the future.

But there is still much work to do.

"Make no little plan," said Daniel Burnham, the architect who helped design the great city of Chicago. "For they have no magic to stir men's blood."

In this Congress, big plans will still stir men's blood. The 109th Congress will be the Reform Congress. We have big challenges that face this country, and we need big ideas to meet those challenges. Today we must seize the initiative. Today we must start anew the process of reforming our government. Security and prosperity only come with hard work and responsible government. Today let us get to that hard work.

First and foremost, we must make this country safe from those who would do us great harm. Every day that I look out the window of my office towards the Pentagon building, I am reminded of that monstrous attack on September 11, 2001, that killed 3,000 of our fellow citizens. And each day this Congress has taken important steps to make this country safer from the terrorists who seek to attack us again.

In the 107th Congress, we created the Department of Homeland Security and the U.S. PATRIOT Act and the Visa and Border Security Act. In the 108th Congress, we created the Director of National Intelligence. And in this 109th Congress we have to continue making progress. We need to strengthen our borders, reform our asylum laws, and improve the national standards for driver's licenses.

The terrorists who attacked us did so by exploiting gaps in our border security system, by abusing our immigration laws, and by abusing the everyday freedoms that every American takes for granted, yet holds so dear to their hearts. We must fill those gaps.

As the Congress works to reform the executive branch, we must also work to reform our congressional oversight functions. In the 108th Congress, we created a Select Committee on Homeland Security. Today in the rules of the House that we will adopt shortly, I have proposed that we make the Select Committee on Homeland Security a permanent standing committee. Better oversight of the Department of Homeland Security will lead to better security for all Americans. I urge my colleagues on both sides of the aisle to support this effort.

As we secure the homeland, we must do everything we can to support our troops around the world who are on the front lines fighting the war on terror. I am troubled by accounts that our soldiers do not have the equipment and the armor to protect themselves against roadside bombs in Iraq. This cannot stand. This Congress, on a bipartisan basis, will continue to provide the resources needed to take care of our fighting men and women. Protecting our homeland and winning the war on terror are critical components of making this country more secure.

But long-term security means more than fighting the war on terror. It also means taking important steps to get our fiscal house in order. The President has laid out a bold reform agenda. We need to move aggressively on his reform agenda to protect our Nation from a looming fiscal crisis. This Congress and its predecessors have a covenant with older Americans. We have repeatedly promised to keep Social Security strong, and so it is there to protect today's seniors and is available to our children and our grandchildren. But to keep it safe, we need to make some important changes. If we wait too long, the consequences of inaction could be catastrophic.

And let me be clear. We do this without changing the system for those who receive Social Security benefits now. As we strengthen the Social Security system, we must also start a national debate on completely overhauling our Tax Code. In the last Congress, a lot of words were spoken on this floor about jobs leaving our country, about outsourcing. This Congress must do everything in its power to protect American jobs, and the one thing that kills American jobs is our Tax Code. Let me say that again. Our Tax Code is killing jobs in America. It disadvantages those who produce here to sell overseas and gives real great advantage to those who produce overseas to sell their products here. Our Tax Code is too complicated, it is too unfair, and it punishes job creators. It costs American taxpayers over $250 billion every year just to fill out their tax forms and comply with the IRS. America must have a simpler Tax Code, one that makes sense for all Americans.

As we debate the larger issues of reforming the Tax Code, we should keep in mind that increasing taxes just as the economy is getting its footing is simply wrong. This Republican majority will not raise taxes. We should continue to keep taxes low by making permanent the tax cuts we passed in the 107th and 108th Congresses. I disagree with the position of some of my colleagues who believe that we should raise taxes to cut the deficit. The best way to close the deficit gap is to keep the economy growing as we control spending. I appreciate the hard work of the Committee on Appropriations slowing the growth of discretionary spending. We need to keep that kind of fiscal discipline in this Congress.

But we also need to take a look at entitlement spending. We must apply cost-savings technology to the government to improve efficiency, to cut down on waste, fraud, and abuse.

And as we look for ways to improve our Nation's economic future, we can start by finally passing laws to stop lawsuit abuse. Most people know how abusive lawsuits have driven many doctors, especially OB/GYNs, out of business. This is just one example of how lawsuit abuse hurts our citizens, particularly women and children. We have to bring common sense to our legal process. And, yes, there needs to be accountability for those who do harm, but abuses must be ended. That is why we must pass class-action reform this year.

Another impediment to our continued economic prosperity is the volatile energy market. We passed an energy conference report out of the House the last Congress, only to see it die in the other body. We need to finish the job this year.

And, finally, as we prepare our economy for the next 50 years, we must keep our transportation system on the cutting edge. Our roads, bridges, and ports not only move people; they also move products. And we must make at home those products to sell abroad, and we must keep those institutions viable that move them from the marketplace to the markets. To keep our products moving, we must finish the work on the transportation bill early this year.

As we move this aggressive reform agenda, let us ever be mindful of our responsibilities laid out in the Constitution. The Constitution begins by describing the legislative branch. Article I, section 1 says that all legislative powers herein granted shall be vested in the Congress. The mission of the Congress, as laid out in the Constitution, is stark: establish justice, ensure domestic tranquility, and provide for the common defense, promote the general welfare, and secure the blessing of liberty to ourselves and our posterity. One hundred nine times, newly elected Members of Congress have gathered together to be sworn in, to pledge a solemn oath to uphold that Constitution. The size of the delegations have increased, the numbers of constituents have multiplied, and the demands on the Members seem more complex than ever. But the basics of doing the job have never really changed. Those Members who do best in this place are those who never lose sight of where they came from or whom they represent.

My congressional district lies in the heartland of America. My home is in the Fox River Valley, not the Potomac River. And I want to thank my constituents of the 14th District of Illinois for giving me the opportunity to serve them again. It is indeed an honor and a privilege to represent these great Americans.

And as I thank my constituents, I must also thank my most important constituent, my wife, Jean, who, by the way, is the Speaker in our house.

Jean, thank you for your patience, your guidance, your sense humor, and your wonderful common sense.

As elected representatives of the people, each of us shoulders a great burden of responsibility. Our families often bear the brunt of that burden. And let me thank all of the spouses and the children, many of whom are here in this Chamber today. We want to thank you for your sacrifices on behalf of the American people.

And as we begin this historic 109th Congress, let us also give thanks to our Creator for the blessings that He has bestowed upon us. May God bless this House and all who serve in it, and may God bless this great Nation we call America.

□ 1415

I now recognize the Dean of the House of Representatives, the gentleman from Michigan (Mr. DINGELL), my good friend and colleague, who will administer the oath.

Mr. DINGELL then administered the oath of office to Mr. HASTERT of Illinois, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God.

(Applause, the Members rising.)

SWEARING IN OF MEMBERS

The SPEAKER. According to precedents, the Chair will swear in all Members of the House at this time.

If the Members will rise, the Chair will now administer the oath of office.

The Members-elect and Delegates-elect and the Resident Commissioner-elect rose, and the Speaker administered the oath of office to them as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You are now Members of the 109th United States Congress.

MAJORITY LEADER

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as their majority leader the gentleman from Texas, the Honorable TOM DELAY.

MINORITY LEADER

Mr. MENENDEZ. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as Minority Leader the gentlewoman from California, the Honorable NANCY PELOSI.

MAJORITY WHIP

Ms. PRYCE of Ohio. Mr. Speaker, as chairman of the Republican Conference, I am directed by that conference to notify the House officially that the Republican Members have selected as majority whip the gentleman from Missouri, the Honorable ROY BLUNT.

MINORITY WHIP

Mr. MENENDEZ. Mr. Speaker, as chairman of the Democratic Caucus, I have been directed to report to the House that the Democratic Members have selected as minority whip the gentleman from Maryland, the Honorable STENY HOYER.

ELECTION OF CLERK OF THE HOUSE, SERGEANT AT ARMS, CHIEF ADMINISTRATIVE OFFICER AND CHAPLAIN

Ms. PRYCE of Ohio. Mr. Speaker, I offer a privileged resolution (H. Res. 1) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1

Resolved, That Jeffrey J. Trandahl of the State of South Dakota be, and is hereby, chosen Clerk of the House of Representatives;

That Wilson S. Livingood of the Commonwealth of Virginia be, and is hereby, chosen Sergeant at Arms of the House of Representatives;

That James M. Eagen, III, of the Commonwealth of Pennsylvania be, and is hereby, chosen Chief Administrative Officer of the House of Representatives; and

That Father Daniel P. Coughlin of the State of Illinois be, and is hereby, chosen Chaplain of the House of Representatives.

Mr. MENENDEZ. Mr. Speaker, I have an amendment to the resolution, but before offering that amendment, I request that there be a division of the question on the resolution so that we may have a separate vote on the Chaplain.

The SPEAKER. The question will be divided.

The question is on agreeing to that portion of the resolution providing for the election of the Chaplain.

That portion of the resolution was agreed to.

AMENDMENT OFFERED BY MR. MENENDEZ

Mr. MENENDEZ. Mr. Speaker, I offer an amendment to the remainder of the resolution.

The Clerk read as follows:

Amendment offered by Mr. MENENDEZ:

That Jerry Hartz of Iowa be, and is hereby, chosen Clerk of the House of Representatives;

That Dean Aguillen of Texas be, and is hereby, chosen Sergeant at Arms of the House of Representatives; and

That Terri McCullough of California be, and is hereby, chosen Chief Administrative Officer of the House of Representatives.

The SPEAKER. The question is on the amendment offered by the gentleman from New Jersey (Mr. MENENDEZ).

The amendment was rejected.

The SPEAKER. The question is on the remainder of the resolution offered by the gentlewoman from Ohio (Ms. PRYCE).

The remainder of the resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER. Will the officers-elect of the House of Representatives please come forward.

The officers-elect presented themselves at the bar of the House and took the oath of office as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion, and that you will well and faithfully discharge the duties of the office on which you are about to enter. So help you God.

The SPEAKER. Congratulations. You have been sworn in as officers of the House.

NOTIFICATION TO THE SENATE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 2) to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 2

Resolved, That the Senate be informed that a quorum of the House of Representatives has assembled; that J. Dennis Hastert, a Representative from the State of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Ninth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMMITTEE TO NOTIFY PRESIDENT

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 3) authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 3

Resolved, That a committee of two Members be appointed by the Speaker on the part of the House of Representatives to join with a committee on the part of the Senate to notify the President of the United States that a quorum of each House has assembled and Congress is ready to receive any communication that he may be pleased to make.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENT AS MEMBERS OF COMMITTEE TO NOTIFY THE PRESIDENT, PURSUANT TO HOUSE RESOLUTION 3

The SPEAKER. The Chair appoints as members of the committee on the part of the House to join a committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled, and that Congress is ready to receive any communication that he may be pleased to make:

The gentleman from Texas (Mr. DELAY), and

The gentlewoman from California (Ms. PELOSI).

AUTHORIZING THE CLERK TO INFORM THE PRESIDENT OF THE UNITED STATES OF THE ELECTION OF THE SPEAKER AND THE CLERK OF THE HOUSE OF REPRESENTATIVES

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 4) authorizing the Clerk to inform the President of the election of the Speaker and the Clerk, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 4

Resolved, That the Clerk be instructed to inform the President of the United States that the House of Representatives has elected J. Dennis Hastert, a Representative from the State of Illinois, Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, Clerk of the House of Representatives of the One Hundred Ninth Congress.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RULES OF THE HOUSE

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 5) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 5

Resolved, That the Rules of the House of Representatives of the One Hundred Eighth Congress, including applicable provisions of law or concurrent resolution that constituted rules of the House at the end of the One Hundred Eighth Congress, are adopted as the Rules of the House of Representatives of the One Hundred Ninth Congress, with amendments to the standing rules as provided in section 2 and with other orders as provided in section 3.

SEC. 2. CHANGES IN STANDING RULES.

(a) COMMITTEE ON HOMELAND SECURITY.—

(1) In clause 1 of rule X, insert after paragraph (h) the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(i) COMMITTEE ON HOMELAND SECURITY.

"(1) Overall homeland security policy.

"(2) Organization and administration of the Department of Homeland Security.

"(3) Functions of the Department of Homeland Security relating to the following:

"(A) Border and port security (except immigration policy and non-border enforcement).

"(B) Customs (except customs revenue).

"(C) Integration, analysis, and dissemination of homeland security information.

"(D) Domestic preparedness for and collective response to terrorism.

"(E) Research and development.

"(F) Transportation security.".

(2) In clause 1(l) (as redesignated) of rule X—

(A) insert after subparagraph (6) the following new subparagraph (and redesignate the succeeding subparagraphs accordingly):

"(7) Criminal law enforcement."; and (B) amend subparagraph (9) (as redesignated) to read as follows:

"(9) Immigration policy and non-border enforcement.".

(3) In clause 1(r) (as redesignated) of rule X—

(A) in subparagraph (18) insert before the period "(except the Transportation Security Administration)"; and

(B) in subparagraph (20) after "automobile safety" insert "and transportation security functions of the Department of Homeland Security".

(4) In clause 1(t)(1) (as redesignated) of rule X, strike "Customs" and insert "Customs revenue".

(5) In clause 3 of rule X, insert after paragraph (e) the following new paragraph (and redesignate the succeeding paragraphs accordingly):

"(f) The Committee on Homeland Security shall review and study on a continuing basis all Government activities relating to homeland security, including the interaction of all departments and agencies with the Department of Homeland Security.".

(6) In clause 10 of rule I, strike "1(i)(1)" and insert "1(j)(1)".

(7) In clause 1(j)(4) (as redesignated) of rule X, strike "(q)(11)" and insert "(r)(11)".

(8) In clause 1(j)(5) (as redesignated) of rule X, strike "(q)(11)" and insert "(r)(11)".

(9) In clause 9(f) of rule X, strike "1(i)(1)" and insert "1(j)(1)".

(10) In clause 1(c) of rule XI, strike "1(i)(1)" and insert "1(j)(1)".

(11) In clause 4(a)(2)(B) of rule XIII, strike "1(i)(1)" and insert "1(j)(1)".

(12) In clause 5(a)(3) of rule XIII, strike "1(i)(1)" and insert "1(j)(1)".

(13) In clause 10 of rule XXIV, strike "1(i)(1)" and insert "1(j)(1)".

(b) COMMITTEE OVERSIGHT RESPONSIBILITIES.—In clause 2(d)(1) of rule X—

(1) in subdivision (C), strike "and";

(2) in subdivision (D), strike the period and insert "; and"; and

(3) add at the end the following new subdivision:

“(E) have a view toward insuring against duplication of Federal programs.”.

(C) Membership of Committees.—

(1) In clause 5(a)(2) of rule X—

(A) amend subdivisions (A)(ii) and (A)(iii) to read as follows:

“(ii) one Member designated by the elected leadership of the majority party; and

“(iii) one Member designated by the elected leadership of the minority party.”; and

(B) amend subdivision (B) by striking “one from the elected leadership of a party” and inserting “one described in subdivision (A)(ii) or (A)(iii)”.

(2) In clause 5(c)(2) of rule X, strike “A member” and insert “Except in the case of the Committee on Rules, a member”.

(d) Committee Authorities.—

(1) In clause 1 of rule XI, amend paragraph (a) to read as follows:

“(a)(1)(A) The Rules of the House are the rules of its committees and subcommittees so far as applicable.

“(B) Each subcommittee is a part of its committee and is subject to the authority and direction of that committee and to its rules, so far as applicable.

“(2)(A) In a committee or subcommittee—

“(i) a motion to recess from day to day, or to recess subject to the call of the Chair (within 24 hours), shall be privileged; and

“(ii) a motion to dispense with the first reading (in full) of a bill or resolution shall be privileged if printed copies are available.

“(B) A motion accorded privilege under this subparagraph shall be decided without debate.”.

(2) In clause 2(a) of rule XI, add at the end the following new subparagraph:

“(3) A committee may adopt a rule providing that the chairman be directed to offer a motion under clause 1 of rule XXII whenever the chairman considers it appropriate.”.

(e) Motions To Suspend the Rules.—In clause 1 of rule XV—

(1) amend the caption to read: “Suspensions”; and

(2) in paragraph (a) amend the second sentence to read as follows: “The Speaker may not entertain a motion that the House suspend the rules except on Mondays, Tuesdays, and Wednesdays and during the last six days of a session of Congress.”.

(f) Repeal of Corrections Calendar.—

(1) In rule XV, strike clause 6 (and redesignate the succeeding clause accordingly).

(2) In clause 1 of rule XIII, strike paragraph (b) (and redesignate the succeeding paragraph accordingly).

(3) In clause 4(a)(2) of rule XIII, strike subdivision (C) (and redesignate succeeding subdivisions accordingly).

(4) In clause 6(c)(1) of rule XIII, strike “clause 7” and insert “clause 6”.

(5) In clause 2(a) of rule XVIII, strike “clause 7” and insert “clause 6”.

(6) In clause 8(a)(2) of rule XX—

(A) strike subdivisions (E) and (G) (and redesignate succeeding subdivisions accordingly); and

(B) amend subdivision (E) (as redesignated) by striking “(D), or (E)” and inserting “or (D)”.

(g) References in Debate to the Senate.—In clause 1 of rule XVII, amend paragraph (b) to read as follows:

“(b) Remarks in debate (which may include references to the Senate or its Members) shall be confined to the question under debate, avoiding personality.”.

(h) Provisional Quorum.—In clause 5 of rule XX, redesignate paragraph (c) as paragraph (d) and insert after paragraph (b) the following new paragraph:

“(c) (1) If the House should be without a quorum due to catastrophic circumstances, then—

“(A) until there appear in the House a sufficient number of Representatives to constitute a quorum among the whole number of the House, a quorum in the House shall be determined based upon the provisional number of the House; and

“(B) the provisional number of the House, as of the close of the call of the House described in subparagraph (3)(C), shall be the number of Representatives responding to that call of the House.

“(2) If a Representative counted in determining the provisional number of the House thereafter ceases to be a Representative, or if a Representative not counted in determining the provisional number of the House thereafter appears in the House, the provisional number of the House shall be adjusted accordingly.

“(3) For the purposes of subparagraph (1), the House shall be considered to be without a quorum due to catastrophic circumstances if, after a motion under clause 5(a) of rule XX has been disposed of and without intervening adjournment, each of the following occurs in the stated sequence:

“(A) A call of the House (or a series of calls of the House) is closed after aggregating a period in excess of 72 hours (excluding time the House is in recess) without producing a quorum.

“(B) The Speaker—

“(i) with the Majority Leader and the Minority Leader, receives from the Sergeant-at-Arms (or his designee) a catastrophic quorum failure report, as described in subparagraph (4);

“(ii) consults with the Majority Leader and the Minority Leader on the content of that report; and

“(iii) announces the content of that report to the House.

“(C) A further call of the House (or a series of calls of the House) is closed after aggregating a period in excess of 24 hours (excluding time the House is in recess) without producing a quorum.

“(4)(A) For purposes of subparagraph (3), a catastrophic quorum failure report is a report advising that the inability of the House to establish a quorum is attributable to catastrophic circumstances involving natural disaster, attack, contagion, or similar calamity rendering Representatives incapable of attending the proceedings of the House.

“(B) Such report shall specify the following:

“(i) The number of vacancies in the House and the names of former Representatives whose seats are vacant.

“(ii) The names of Representatives considered incapacitated.

“(iii) The names of Representatives not incapacitated but otherwise incapable of attending the proceedings of the House.

“(iv) The names of Representatives unaccounted for.

“(C) Such report shall be prepared on the basis of the most authoritative information available after consultation with the Attending Physician to the Congress and the Clerk (or their respective designees) and pertinent public health and law enforcement officials.

“(D) Such report shall be updated every legislative day for the duration of any proceedings under or in reliance on this paragraph. The Speaker shall make such updates available to the House.

“(5) An announcement by the Speaker under subparagraph (3)(B)(iii) shall not be subject to appeal.

“(6) Subparagraph (1) does not apply to a proposal to create a vacancy in the representation from any State in respect of a Representative not incapacitated but otherwise incapable of attending the proceedings of the House.

“(7) For purposes of this paragraph:

“(A) The term ‘provisional number of the House’ means the number of Representatives upon which a quorum will be computed in the House until Representatives sufficient in number to constitute a quorum among the whole number of the House appear in the House.

“(B) The term ‘whole number of the House’ means the number of Representatives chosen, sworn, and living whose membership in the House has not been terminated by resignation or by the action of the House.”.

(i) Postponement of Certain Votes.—In clause 8(a)(2) of rule XX, add at the end the following new subdivisions:

“(G) The question of agreeing to a motion to reconsider or the question of agreeing to a motion to lay on the table a motion to reconsider.

“(H) The question of agreeing to an amendment reported from the Committee of the Whole.”.

(j) Official Conduct.—

(1) In rule XXIV, amend clause 1 to read as follows:

“1. (a) Except as provided in paragraph (b), a Member, Delegate, or Resident Commissioner may not maintain, or have maintained for his use, an unofficial office account. Funds may not be paid into an unofficial office account.

“(b)(1) Except as provided in subparagraph (2), a Member, Delegate, or Resident Commission may defray official expenses with funds of his principal campaign committee under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq).

“(2) The funds specified in subparagraph (1) may not be used to defray official expenses for mail or other communications, compensation for services, office space, furniture, or equipment, and any associated information technology services (excluding handheld communications devices).”.

(2) In clause 6 of rule XXIII, amend paragraph (c) to read as follows:

“(c) except as provided in clause 1(b) of rule XXIV, may not expend funds from his campaign account that are not attributable to bona fide campaign or political purposes.”.

(3) In clause 8 of rule XXIV, strike “60 days” and insert “90 days”.

(4) In clause 5(b)(4)(D) of rule XXV, strike “either the spouse or a child of the Member, Delegate, Resident Commissioner, officer, or employee” and insert “a relative of the Member, Delegate, Resident Commissioner, officer, or employee”.

(k) Procedures of the Committee on Standards of Official Conduct.—

(1) Due Process.—In clause 3 of rule XI—

(A) in paragraph (k), add at the end the following new subparagraphs:

“(3) The committee shall adopt rules providing that before a letter described in subparagraph (1)(A) is issued, the committee shall transmit written notification to the Member, officer, or employee of the House against whom the complaint is made of the right of such person to review the contents of the letter. Such person shall have seven calendar days after receipt of such notification in which either to accept the letter (in which case the committee may issue the letter), to contest the letter by submitting views in writing (which shall be appended to the letter when issued and made part of the record), or to contest the letter by requesting in writing that the committee establish an adjudicatory subcommittee as if the letter constituted an adopted statement of alleged violation (in which case the committee shall establish an adjudicatory subcommittee and shall not issue the letter).

"(4) The committee shall adopt rules providing that, if a letter described in subparagraph (1)(A) references the official conduct of a Member other than one against whom the complaint is made, the committee shall transmit written notification to such Member of the right of such Member to review the contents of the letter. Such Member shall have seven calendar days after receipt of notification in which either to submit views in writing (which shall be made part of the record and appended to the letter, if issued), or to request in writing that the committee establish an adjudicatory subcommittee as if the letter constituted an adopted statement of alleged violation (in which case the committee shall establish an adjudicatory subcommittee).";

(B) in paragraph (p), insert after subparagraph (5) the following new subparagraphs (and redesignate succeeding subparagraphs accordingly):

"(6) whenever notification of the committee's decision either to dismiss a complaint or to create an investigative subcommittee is transmitted to a respondent, such respondent shall have seven calendar days after receipt of such notification in which to submit views in writing, which shall be appended to the notification and made part of the record;

"(7) whenever notification of the committee's decision either to dismiss a complaint or to create an investigative subcommittee is transmitted to a respondent and the notification references the official conduct of a Member other than the respondent, the committee also shall send the notification to such Member, who shall have seven calendar days after receipt of such notification in which either to submit views in writing (which shall be appended to the notification and made part of the record), or to request in writing that the committee establish an adjudicatory subcommittee as if the notification constituted an adopted statement of alleged violation (in which case the committee shall establish an adjudicatory subcommittee);"; and

(C) in paragraph (q)—

(i) amend subparagraph (1) to read as follows:

"(1) Whenever an investigative subcommittee does not adopt a statement of alleged violation—

"(A) it shall transmit a report to that effect to the respondent, who shall have seven calendar days after receipt of such report to submit views in writing, which shall be appended to the report and made part of the record;

"(B) it shall thereafter transmit the report (together with views received under subparagraph (2), if any) to the committee; and

"(C) the committee may by an affirmative vote of a majority of its members transmit such report to the House;" and

(ii) insert after subparagraph (1) the following new subparagraph (and redesignate succeeding subparagraphs accordingly):

"(2) whenever an investigative subcommittee does not adopt a statement of alleged violation and prepares a report to that effect, and such report alleges that a Member (other than one who is the subject of the statement of alleged violation) has or may have violated the Code of Official Conduct—

"(A) the subcommittee shall transmit a copy of the report to such Member; and

"(B) such Member shall have seven calendar days after receipt of the report (after which the report shall be transmitted to the committee and handled in the manner prescribed in subparagraph (1)) to—

"(i) submit views in writing, which shall be appended to the report and made part of the record; or

"(ii) request in writing that the committee establish an adjudicatory subcommittee as if the allegations in the report constituted an adopted statement of alleged violation, in which case the committee shall establish an adjudicatory subcommittee;".

(2) DISMISSAL OF COMPLAINTS.—In clause 3 of rule XI—

(A) in paragraph (b), strike the undesignated text following subparagraph (2)(B);

(B) in paragraph (k)(1)(B), insert after "subcommittee" the following: "(unless, at any time during the applicable periods of time under this subparagraph, either the chairman or ranking minority member has placed on the agenda the issue of whether to establish an investigative subcommittee, in which case an investigative subcommittee may be established only by an affirmative vote of a majority of the members of the committee)"; and

(C) in paragraph (k)(2), strike "then they shall establish" and all that follows and insert "and an investigative subcommittee has not been established, then such complaint shall be dismissed.".

(3) CHOICE OF COUNSEL BY RESPONDENTS AND WITNESSES.—In clause 3(p) of rule XI—

(A) amend the caption to read "DUE PROCESS RIGHTS OF RESPONDENTS AND WITNESSES";

(B) amend subparagraph 9 (as redesignated) by striking "and" after the semicolon;

(C) amend subparagraph 10 (as redesignated) by striking the period and inserting a semicolon; and

(D) add at the end the following new subparagraphs:

"(11) a respondent shall be informed of the right to be represented by counsel of his or her choice (even if such counsel represents another respondent or a witness), to be provided at his or her own expense; and

"(12) a witness shall be afforded a reasonable period of time, as determined by the committee or subcommittee, to prepare for an appearance before an investigative subcommittee or for an adjudicatory hearing and to obtain counsel of his or her choice (even if such counsel represents a respondent or another witness).".

(I) TECHNICAL AND CODIFYING CHANGES.—

(1) In clause 1(s) (as redesignated) of rule X—

(A) in subparagraph (6), strike "servicemen" and insert "servicemembers"; and

(B) in subparagraph (7), strike "Soldiers" and sailors'" and insert "Servicemembers'".

(2) In clause 5(b)(2)(B)(iii) of rule X strike "must" and insert "may".

(3) In clause 3(a)(2) of rule XIII, after "clause 4" insert "or clause 6".

(4) In clause 6 (as redesignated) of rule XV—

(A) in paragraph (e) strike "rule" and insert "clause"; and

(B) in paragraph (f) strike "for a recess" and insert "that the Speaker be authorized to declare a recess".

(5) In clause 5(b) of rule XX, strike "a majority of those present" and insert "a majority described in paragraph (a)".

(6) In clause 5(d) (as redesignated) of rule XX, strike "or removal" and insert "removal, or swearing".

(7) In the second sentence of clause 2(f) of rule XXI, strike "is not subject" and insert "are not subject".

(8) In clause 7(c) of rule XXII, amend subparagraph (3) to read as follows:

"(3) During the last six days of a session of Congress, a motion under subparagraph (1) shall be privileged after a conference committee has been appointed for 36 hours without making a report and the motion meets the notice requirement in subparagraph (1).".

SEC. 3. SEPARATE ORDERS.

(a) BUDGET MATTERS.—

(1) During the One Hundred Ninth Congress, references in section 306 of the Congressional Budget Act of 1974 to a resolution shall be construed in the House of Representatives as references to a joint resolution.

(2) During the One Hundred Ninth Congress, in the case of a reported bill or joint resolution considered pursuant to a special order of business, a point of order under section 303 of the Congressional Budget Act of 1974 shall be determined on the basis of the text made in order as an original bill or joint resolution for the purpose of amendment or to the text on which the previous question is ordered directly to passage, as the case may be.

(3) During the One Hundred Ninth Congress, a provision in a bill or joint resolution, or in an amendment thereto or a conference report thereon, that establishes prospectively for a Federal office or position a specified or minimum level of compensation to be funded by annual discretionary appropriations shall not be considered as providing new entitlement authority under section 401 of the Congressional Budget Act of 1974.

(4)(A) During the One Hundred Ninth Congress, until a concurrent resolution on the budget for fiscal year 2005 is adopted by the Congress, the provisions of the conference report to accompany Senate Concurrent Resolution 95 of the One Hundred Eighth Congress shall have force and effect in the House as though the One Hundred Ninth Congress has adopted such conference report.

(B) The allocations of spending authority included in the conference report, as adjusted during the 108th Congress, shall be considered the allocations contemplated by section 302(a) of the Congressional Budget Act of 1974.

(b) CERTAIN SUBCOMMITTEES.—Notwithstanding clause 5(d) of rule X, during the One Hundred Ninth Congress—

(1) the Committee on Armed Services may have not more than six subcommittees;

(2) the Committee on International Relations may have not more than seven subcommittees; and

(3) the Committee on Transportation and Infrastructure may have not more than six subcommittees.

(c) NUMBERING OF BILLS.—In the One Hundred Ninth Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate.

Mr. DELAY (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

POINT OF ORDER

Mr. BAIRD. Mr. Speaker, I rise for a constitutional point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. BAIRD. Mr. Speaker, the resolution we are preparing to consider, the proposed rules for the 109th Congress, in my judgment violates the United States Constitution which we were just sworn to uphold and defend. It does so by allowing a very limited number of Members, potentially only a handful, to constitute the House of Representatives.

□ 1430

Article 1, section 5 of the Constitution states that "each House shall be the Judge of the Elections, Returns and Qualifications of its Members, and a majority of each shall constitute a Quorum to do Business; but a small Number adjourn from day to day, and may be authorized to compel the attendance of absent Members."

Unfortunately, H. Res. 5 seeks to allow a small number not just to adjourn or compel attendance, as the Constitution stipulates, but to enact laws, declare war, impeach the President, and fulfill all other article I responsibilities.

The very first act of the very first Congress of the United States was to recess day after day after day because they lacked a quorum. Just moments ago everyone in this body took an oath to uphold and defend the Constitution, and now our first official vote is by rule to undermine a fundamental principle of that Constitution, i.e., what is a quorum. It is my understanding that the Speaker is reluctant to judge on matters of constitutionality. I respect that. But I would reserve and inform the Speaker it is my intent to ask the question of consideration to be put.

The SPEAKER. Does any other Member wish to be heard on the point of order?

The gentleman from California (Mr. DREIER).

Mr. DREIER. Mr. Speaker, let me respond by saying that the gentleman is absolutely right when he states that the Chair does not rule on questions of constitutionality.

I would also like to say that on this question that is being brought forward by my friend, it is very clear to me based on statements that have been made by a wide range of constitutional scholars that what we are doing in the rules package that we are about to consider is in fact constitutional. In fact, before the Committee on Rules the very distinguished former Solicitor General Walter Dellinger said the following: "It is simply inconceivable that a Constitution established to provide for the common defense and promote the general welfare would leave the Nation unable to act in precisely the moment of greatest peril. No constitutional amendment is required to enact the proposed rule change because the Constitution as drafted permits the Congress to ensure the preservation of government."

Let me further, Mr. Speaker, say that the Committee on Rules intends to conduct further examination of the best way for the House to assure a continuity of government during a national emergency, and it is our hope that as we proceed with this work that further discussions will take place with the members of that very distinguished panel, the Continuity Commission, which included our former colleague, Senator Simpson, and Speakers Foley and Gingrich and former minority leader Bob Michel, Leon Panetta, Kwasi Mfume, and I believe we will have a chance to proceed with this: but I think it would be very appropriate for us to proceed with consideration of the rules package that we have.

The SPEAKER. Does any other Member wish to be heard on the point of order?

The gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, I rise in support of the point of order. The Constitution defines a quorum to conduct business as the majority of each House.

The question of course before us in this debate is, a majority of what? What is the denominator in that equation?

The precedent holds that the total number of the membership of the House is those Members who are chosen, sworn and living and whose membership has not been terminated by action of the House. Removal by action of the House is also a defined term, expulsion by a vote of two-thirds in article 1, section 5.

The Constitution also gives the House the authority to compel attendance when Members do not answer the call of the Chair in such manner and under such penalties as each House may provide. And, in fact, the Sergeant at Arms has been sent to gather Members by force on prior occasions.

This amendment before us to the rules gives the Speaker nearly unfettered authority to change the number of the Members of the whole House to exclude Members who are chosen, sworn, and living but who do not answer the call of the Chair. This would seem to amount to a constructive expulsion without a two-thirds vote of the whole House.

For example, suppose the House is at its full complement of 435 Members. A quorum would then be 218. Now, suppose only 400 Members answer the Speaker's call for whatever reason. They are still living. They are still chosen. They are still sworn. They have not been expelled. Now a quorum by order of the Speaker would be 200. The House may conduct its business with only 200 Members present. If this is triggered in a time of national emergency, the consequences could be dire.

Mr. Speaker, we heard the distinguished chair, or maybe he is only the presumptive chair, of the Committee on Rules, at this point; but in any event, the gentleman from California (Mr. DREIER) said a moment ago that this proposed rules change is constitutional because the Constitution could not have contemplated that the House could not function. But the Constitution did not contemplate that the majority of the Members of the House might in fact be the victims of an act of mass terrorism. Those things were not contemplated at the time.

The fact is we do need to amend the Constitution to take care of this very serious question; but this provision for the reasons stated by the gentleman from Washington (Mr. BAIRD), for the reasons that I stated a moment ago, is clearly unconstitutional. Certainly, before we take such a measure, it deserves much more extensive debate and hearings and discussion than it can have by three or four speakers in this context now.

So I urge that Members take careful consideration to the question of constitutionality here. This may provoke court action, and we should not adopt this now in the context of an overall rules change with this very serious amendment to the Constitution, which is what it amounts to; it cannot receive adequate consideration in terms of its constitutionality either in terms of its merit.

The SPEAKER. Does any other Member wish to be heard on this point of order?

The gentleman from Mississippi (Mr. TAYLOR).

Mr. TAYLOR of Mississippi. Mr. Speaker, I realize that September 11 was a tragic day in America, certainly a wake-up call within the States.

I also remind the Members of this body that in the War of 1812 this building was occupied by a foreign army. So for the gentleman from California (Mr. DREIER) to say that they could not have foreseen these circumstances taking place, what in the heck is he talking about? This building was occupied and set on fire by a foreign army. And yet the Congress at that time did not try to change the rules so that a minority within a minority could govern.

If we are going to amend the Constitution, the gentleman from Washington (Mr. BAIRD) is exactly right: someone should offer a constitutional amendment. If we are going to change the law, then someone should offer a change to the law; but let us not through the House rules try to rewrite the Constitution of this Nation.

This Nation has been around for a long time. It is going to be around for a long time, but only if we continue to do things as the Founding Fathers would have wanted us to do them and not some backdoor-approach like this.

The SPEAKER. Does any other Member wish to be heard on the point of order? If not, the Chair is prepared to rule.

The gentleman from Washington makes a point of order that the resolution adopting the rules of the House for the 109th Congress is not in order because it contains a provision that the House does not have the constitutional authority to propose.

As recorded in section 628 of the House Rules and Manual, citing numerous precedents including volume 2 of Hinds' Precedents at sections 1318-1320, the Chair does not determine the constitutionality of a proposition or judge the constitutional competency of the House to take a proposed action, nor does the Chair submit such a question to the House as a question of order. Rather, it is for the House to determine such a question by its disposition of the proposition, such as by voting on the question of its consideration,. as recorded in volume 2 of Hinds' Precedents of section 1255, or by voting on the question of its adoption, as recorded in volume 2 of Hinds' Precedents at section 1320. The Chair would apply these precedents even before the adoption of the Rules of the House as a matter of general parliamentary law.

As such, the House may decide the issues raised by the gentleman by way of the question of consideration of the resolution or the question of adopting the resolution. The point of order is not cognizable.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Before the gentleman proceeds, the Chair would like to announce that any Member-elect who failed to take the oath of office may present himself or herself in the well of the House prior to any vote.

SWEARING IN OF MEMBERS-ELECT

The SPEAKER. Will the gentlewoman from New York (Ms. SLAUGHTER), the gentlewoman from New York (Mrs. MALONEY) and the gentlewoman from Florida (Ms. CORRINE BROWN), kindly come to the well of the House and take the oath of office at this time.

Ms. SLAUGHTER, Mrs. MALONEY and Ms. CORRINE BROWN of Florida appeared at the bar of the House and took the oath of office, as follows:

> Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter. So help you God.

Mr. BAIRD. Mr. Speaker, consistent with the oath of office that I just took, I would request that the question of consideration be put to the body.

The SPEAKER. The question is, Will the House now consider House Resolution 5.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. BAIRD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Without objection, this will be an electronic vote on the question of consideration.

There was no objection.

The vote was taken by electronic device, and there were—yeas 224, nays 192, answered "present" 1, not voting 11, as follows:

[Roll No. 3]

YEAS—224

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—192

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy (MO)
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

PRESENT—1

Rohrabacher

NOT VOTING—11

Barrow
Capps
Cole (OK)
Feeney
Johnson (CT)
Larsen (WA)
Millender-McDonald
Pascrell
Serrano
Simmons
Solis

SWEARING IN OF MEMBER-ELECT

The SPEAKER (during the vote). Will the gentleman from California (Mr. COX) kindly come to the well of the House and take the oath of office at this time.

Mr. COX appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

□ 1508

Mr. RANGEL, Mr. OWENS and Mr. DAVIS of Tennessee changed their vote from "yea" to "nay."

Mr. RADANOVICH changed his vote from "nay" to "yea."

So the question of consideration was decided in the affirmative.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. SOLIS. Mr. Speaker, during rollcall vote No. 3 on consideration of H. Res. 5, I was unavoidably detained. Had I been present, I would have voted "nay."

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from Texas (Mr. DELAY) is recognized for 1 hour.

Mr. DELAY. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentlewoman from California (Ms. PELOSI) or her designee, pending which I yield myself such time as I may consume. During consideration of the resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I rise in support of this rules package. I am also rising in support of the historic legislative agenda it will govern, for today marks the beginning of what historians will likely look back upon as the most productive and significant Congress in decades.

The mandate granted the majority, evidenced by our increased majorities in both Houses of Congress and the first Presidential majority in 16 years, is clear. The American people have entrusted the state of their security, prosperity and families to us; and over the course of the next 2 years, that sacred trust will be honored by action.

We will continue to defend our homeland and prosecute the war on terror without retreat, and without excuses. We will provide our military, and their families, with the resources they need to do their heroic work on behalf of the Nation they serve.

We will hold rogue regimes accountable for their mischief, and hold fast to our friends around the world, from defiant democrats in Israel and Taiwan, to longstanding comrades-in-arms like the British and Australians, to our resurgent allies in New Europe.

We will work with our ever-expanding coalition of the willing to secure the fledging democracies in Afghanistan and Iraq, and with every political, economic, diplomatic and military tool at our disposal, see the war on terror through to victory.

Domestically, our agenda will be no less audacious. We will continue the work begun in President Bush's first term to cultivate an opportunity society of economic choice and independence. We will continue to break down the walls, erected by 40 years of liberal policies, between the American people and their dreams. We will continue to provide seniors with access to affordable, quality health care while empowering them with unprecedented retirement security.

We will continue to take on the three-headed monster of over-taxation, over-litigation and over-regulation that cuts the legs out from every sector of our economy.

And while the 109th Congress helps increase our national security and prosperity, we will also help American families raise their children in a society defined by the values that made our Nation secure and prosperous in the first place. We will continue to better protect and educate our children, to protect the institution of marriage, to protect the Constitution from judicial activism, and protect the role of family and faith in the public square.

This rules package before us now will help us do this important work, work the American people have hired us to do.

And yet, rather than laying out a positive vision for the next 2 years, or for that matter even discussing the substance of the rules package itself, some may choose this debate to launch the first of what I imagine will be countless personal attacks against the integrity of the majority and, ultimately, the integrity of this institution.

It is a new year, Mr. Speaker, but an old game, and one to which we cannot afford to stoop. Too much is at stake; too much depends on the success of this historic 109th Congress.

To my friends on the other side of the aisle, I would remind them all that I know what it means to be in the minority, to go into contentious votes certain of defeat, to always react to an agenda set by opponents. But I must also remind them that when Republicans were in the minority, we engaged in the battle of ideas. We developed, and specifically proposed, a substantive vision for the future of our Nation.

In the 10 years since that vision was endorsed by our countrymen, we have been honored to work with all members of the minority on one issue or the other to develop successful legislative coalitions.

With our close partisan margins and 24-hour media culture, we sometimes forget we are opponents, not enemies. We would all do well to remember that, especially given the stakes, the significance and, frankly, the sheer weight of the agenda before us.

So I urge all Members to support the rules package before us so we can immediately get to work on behalf of the men and women who sent us here.

Mr. Speaker, I am honored to once again serve as leader; but even with all of the gratitude I feel toward you, our conference and toward this body, the source of the honor I feel today is not all in this Chamber. The source of the honor each of us rightfully feels today is our friends and families who have given us their love, the American people who have given us their trust, the men and women in uniform who put their lives on the line for us every day, and our heavenly Creator who knitted us together in the womb.

Mr. Speaker, may God bless the work and workers of the 109th Congress, may God bless the cause of justice and freedom around the world, and may God continue to bless the United States of America.

Mr. Speaker, I ask unanimous consent that the balance of the time allocated to me be controlled by the gentleman from California (Mr. DREIER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I thank the gentleman from Texas (Mr. DELAY) for his fine statement and for yielding me the time to discuss this opening-day rules package.

Mr. Speaker, the House is an institution built upon its rules. Accordingly, it is very appropriate that one of the first orders of business for this 109th Congress will be to adopt a rules package which is both true to the traditions and very forward thinking in its outlook for the work of this Congress that lies ahead.

The package we have before us represents the work product of many Members. During the initial stages of compiling this rules package back in November, the Committee on Rules received 40 different proposals from both Democrats and Republicans. In addition to that, our committee staff has actively sought the input of the officers of the House, its committees and its caucuses to get their perspectives on the kinds of changes we can make to facilitate the work of the House.

All of the ideas contained in this resolution reflect the considered judgment of our colleagues and will ultimately improve our ability to carry out our constitutional responsibilities.

Mr. Speaker, I include for the RECORD at this point detail on each of these changes in a section-by-section analysis.

SECTION-BY-SECTION SUMMARY OF H. RES. 5, ADOPTING HOUSE RULES FOR THE 109TH CONGRESS

SECTION 1. RESOLVED CLAUSE.

The rules of the House of Representatives for the 108th Congress are adopted as the rules of the House for the 99th Congress with amendments as provided in section 2 and with other orders as provided in section 3.

SEC. 2. CHANGES IN STANDING RULES.

(a) Committee on Homeland Security. Creates a standing Committee on Homeland Security, and grants it legislative and oversight jurisdiction. First, the Committee's jurisdiction includes overall homeland security policy so that it can focus on national policies affecting the Federal government. Second, the jurisdiction includes authority over the Department of Homeland Security (DHS)'s internal administration. Third, the Committee would have jurisdiction over functions of the DHS relating to six specified areas. These include: (A) Border and port security (except immigration policy and non-border enforcement); (B) Customs (except customs revenue); (C) Integration, analysis and dissemination of homeland security information; (D) Domestic preparedness for and collective response to terrorism; (E) Research and development; and (F) Transportation security. Additionally, the Committee would have broad oversight authority over government-wide homeland security matters. Finally, changes are made to the jurisdictions of three committees. First, the Committee on the Judiciary's jurisdiction is modified by adding new subparagraphs for Criminal law enforcement and Immigration policy and non-border enforcement. Second, the Committee on Transportation and Infrastructure's jurisdiction is modified to exclude transportation security by adding exceptions in two subparagraphs. Third, the Committee on Ways and Means' jurisdiction is modified by adding the word "revenue" to the clause containing customs. [Rule X]

(b) General oversight responsibilities—insuring against duplicative programs. Adds to the required list of content included in each standing committee's adopted oversight plan as submitted to the Committees on Government Reform and House Administration a review of Federal programs with a view to insuring against duplication of such programs. [Rule X, clause 2(d)(1)]

(c)(1) Membership of Budget Committee. Permits one member of the Budget committee majority and one member of the minority to be "designated" by the respective elected leaderships. Current rules require such members to be "from" elected leadership. [Rule X, clause 5(a)(2)]

(c)(2) Rules Committee Organization. Authorizes the chairman of the Committee on Rules to serve as chairman, notwithstanding the prohibition on serving more than three consecutive terms. [Rule X, clause 5(c)(2)]

(d)(1) Privileged motions in committee—Recess subject to the call of the chair. Allows for a privileged motion in committee to recess subject to the call of the chair for a period less than 24 hours. Currently only a motion to recess from day to day is privileged. [Rule XI, clause 1(a)(1)(B)]

(d)(2) Motion to go to conference. Allows committees to adopt a rule directing the chairman of the committee to offer a privileged motion to go to conference at any time the chairman deems it appropriate during a Congress. Currently a motion to request or agree to a conference with the Senate is privileged if the committee authorizes the chairman to make such a motion. [Rule XI, clause 2(a)]

(e) Motion to suspend the rules. Extends suspension authority beyond Monday or Tuesday to include Wednesday. [Rule XV, clause 1(a)]

(f) Repeal of Corrections Calendar. Removes Corrections Calendar from the Standing Rules of the House. [Rule XV, clause 6]

(g) Allows references to the Senate. Allows remarks in debate to include references to the Senate or its Members. Remarks are to be confined to the question under debate, avoiding personality. [Rule XVII, clause 1]

(h) Provisional quorum. Provides for continuity of legislative operations in the House in the event of catastrophic circumstances. The rule allows for the House to conduct business with a provisional quorum only after a motion to compel members attendance, as prescribed under clause 5(a) of rule XX, has been disposed of and the following occur in sequence without the House adjourning: (A) A call of the House or a series of calls of the House totaling 72 hours without producing a quorum; (B) the Speaker, with the Minority and Majority Leaders, receive from the Sergeant-at-Arms (or his designee) a catastrophic quorum failure report and shall consult with the Minority and Majority Leaders on the contents of such report and shall announce the contents of such report to the House; and (C) A further call of the House or series of calls are conducted for a total of 24 hours without producing a quorum. A catastrophic quorum failure report is defined as a report advising that the inability of the House to establish a quorum is attributable to catastrophic circumstances involving natural disaster, attack, contagion, or similar calamity rendering Members incapable of being present. The report shall be prepared on the basis of the most authoritative information available after consultation with the Attending Physician, the Clerk and pertinent public health and law enforcement officials. A catastrophic quorum failure report shall describe the number of vacancies in the House, the names of Members considered to be inacapacitated, the names of Members not incapacitated, but otherwise incapable of being present, and the names of Members unaccounted for. The report shall be updated every legislative day and such updates shall be made available to the House. [Rule XX, clause 5(c)]

(i) Postponement of certain votes. Adds the motion to reconsider, tabling motions to reconsider and amendments reported from the Committee of the Whole among those votes the Speaker may postpone to a designated place in the legislative schedule within two additional legislative days. [Rule XX, clause (a)(2)]

(j)(1)-(2) Allowing the use of campaign funds to pay for certain official expenses. Allows Members to use campaign funds to pay certain, limited types of official expenses (e.g., handheld communication devices). This change conforms House Rules to current law (Sec. 105, P.L. 108–83), and mirrors Rules that took effect in the Senate in 2002. [Rule XXIV and Rule XXIII, clause 6(c)]

(j)(3) Use of frank for mass mailings before an election. Amends the rule to conform to section 3210 of title 39 United States Code, stating that a mass mailing is not frankable when it is postmarked less than 90 days before the date of a primary or general election which he is a candidate for public office. Currently the rules states 60 days. [Rule XXIV, clause 8]

(j)(4) Gift rule on officially connected travel. Expands the category of individuals who may accompany a Member or staff person on such a trip at the sponsor's expense to include a relative of the Member or the staff person. Under a provision of the current gift rule (clause 5(b)(4)(D) of the House Rule XXV), a Member or staff person may be accompanied on a privately funded, officially connected trip, at the sponsor's expense, only by either his or her "spouse or a child", and not by any other relative. [Rule XXV, clause 5(b)(4)(D)]

(k)(1) Due process for Members. Affords Members the opportunity to be heard in the event the Standards Committee alleges the Member has violated or may have violated the Code of Conduct. Members may opt for either an adjudicatory proceeding or they can submit a response to the Committee report/letter with their response being made public with Committee report/letter. Under the current rule, the Chairman and Ranking Member, or the Committee, may take action against a Member without a complaint, notice, or the opportunity to be heard. [Rule XI, clause 3]

(k)(2) Restore presumption of innocence. Provides that no action will be taken on a complaint unless the Chairman and Ranking Minority member of the Standards Committee, or the Committee itself, find within 45 days that further investigation is merited by the facts of the complaint, maintaining the presumption of innocence. Currently, if the Chairman and Ranking Minority Member take no action on a properly filed complaint within 45 days, the matter automatically goes to an investigative committee. [Rule XI, clause 3]

(k)(3) Right to counsel. Provides that Members may select a counsel of their choice even if that counsel represents other Members. [Rule XI, clause 3]

(l) Technical and codifying changes. Technical and grammatical changes are made throughout the rules of the House.

SEC. 3. SEPARATE ORDERS.

(a)(1)–(a)(3) Continuation of budget enforcement mechanisms from the 108th. Clarifies that section 306 of the Budget Act (prohibiting consideration of legislation within the Budget Committee's jurisdiction, unless reported by the Budget Committee) only applies to bills and joint resolutions and not to simple or concurrent resolutions. It also makes a section 303 point of order (requiring adoption of budget resolution before consideration of budget-related legislation) applicable to text made in order as an original bill by a special rule. Specified or minimum levels of compensation for federal office will not be considered as providing new entitlement authority.

(a)(4) Continuation of budget "deeming" resolution from the 2nd Session of the 108th Congress. Establishes that the provisions of the Senate Concurrent Resolution 95 of the 108th Congress, shall have effect in the 109th Congress until such time as a budget resolution for the fiscal year 2005 is adopted.

(b) Extra subcommittees for Armed Services, International Relations, and Transportation & Infrastructure. A waiver of Rule X, clause 5(d), is granted for Armed Services and Transportation & Infrastructure for 6 subcommittees, and International Relations for 7 subcommittees in the 109th Congress.

(c) Numbering of bills. In the 109th Congress, the first 10 numbers for bills (H.R. 1 through H.R. 10) shall be reserved for assignment by the Speaker to such bills as he may designate when introduced.

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The gentlewoman from Virginia (Mrs. JO ANN DAVIS) is the author of one important provision directing committees to review matters within their jurisdiction to ferret out duplicative government programs as part of their oversight planning at the beginning of each Congress.

We are also making the ability to consider suspensions on Wednesdays permanent in this Congress after the very successful experiment we had with suspensions on Wednesday in the 108th Congress.

The package includes important provisions to allow us to function in situations where large numbers of Members are incapacitated. We discussed that earlier, Mr. Speaker. The provisional quorum language includes a number of safeguards to ensure that this institution can continue to operate during times of turmoil and to ensure that democracy will be preserved. We are living in a post-9/11 world and it is very important that we continue to expend a lot of time and energy dealing with the institutional challenges as well as the challenges that our Nation faces under these circumstances.

I would like to say, also, Mr. Speaker, that we will eliminate the corrections calendar. This was originally intended to make it easier to consider legislation making corrections to outright errors that are in law but it turned out to after a while become more cumbersome than other procedures that we already have to deal with that, such as the suspension calendar.

And, yes, Mr. Speaker, in a change guaranteed to draw applause from my colleagues on both sides of the aisle, the House rules will now allow us to make reference to the Senate and its members, so long as those references are confined to the question under debate and that they avoid personality. The Senate has long had a similar provision and this new rule merely conforms our rules to theirs. I know that my colleagues and I share the desire to maintain our traditions of dignity and decorum in proceedings, and I believe that we can do that even with the rules change that I have just discussed.

On another topic, the package makes a series of changes to our ethics rules. We included two provisions suggested by the chairman and the ranking member of the Committee on Standards of Official Conduct, number one, clarifying the rule on officially connected travel to allow a family member other than a spouse or child to travel with the Member at the sponsor's expense and, two, conforming the rules of the House to current law which allow the use of campaign funds to pay for certain official expenses, such as cell phones.

By the way, we also have included a provision suggested by the distinguished gentleman from Connecticut (Mr. LARSON) to conform the rules of the House to current law with regard to the 90-day preelection limit on franked mail.

The package also includes two other provisions addressing our ethics rules. The first gives Members the same rights to choose their counsel before the Ethics Committee that they would enjoy if they were a respondent in a court case. The second change addresses an inequity in the Standards Committee process requiring an investigative subcommittee if the chairman and ranking member do not act within 45 days. This change restores the presumption of innocence in our process. Let me say that we are going to be hearing from the distinguished chairman of the Committee on Standards of Official Conduct in just a few minutes, Mr. Speaker.

As important as each of those changes are, perhaps the most important change in this resolution will be, as the Speaker said in his very thoughtful opening statement here today, the creation of a new standing Committee on Homeland Security. It represents a far-reaching and critically important part of our overall strategic effort to protect the American people. The 9/11 Commission unanimously called for this action. They saw the need, and we believe most Members do as well.

Over the past 3 years, the Congress has asked the American people to accept change in countless ways. We have mandated change at the Federal, State and local levels. We have asked for change from our allies and forced change upon our enemies. And we saw the need for change over 2 years ago, and we responded here, first with the enactment of the Homeland Security Act of 2002 and then with the formation of the Select Committee on Homeland Security. Their final report, a thorough and complete study of homeland security jurisdiction as it relates to House rules, was transmitted to the Committee on Rules at the end of last year. This change in House rule X, which governs the committees and their legislative jurisdictions, is a delicately crafted architecture. It creates a primary committee while recognizing the other legitimate oversight roles of existing committees. We envision a system of purposeful redundancy. By that, we mean more than one level of oversight and an atmosphere in which the competition of ideas is encouraged.

With this jurisdiction and the legislative history that I will be placing in the RECORD, the Department of Homeland Security will have more certainty as to which committee has the primary responsibility for homeland security. At the same time, the American people will live with the assurance that we are working to prevent anything from falling through the cracks.

Mr. Speaker, the new committee will have jurisdiction over, first, overall homeland security policy; second, the organization and administration of the Department of Homeland Security; and, third, functions of the Department of Homeland Security relating to border and port security, except immigration policy and nonborder enforcement; customs, except customs revenue; the integration, analysis and dissemination of homeland security information, domestic preparedness for, and collective response to, terrorism, research and development, and transportation security as well.

By approving this resolution, Mr. Speaker, the House will do what the Speaker and the 9/11 Commission as well as the President has asked us to do, consolidate jurisdiction of the House into one committee. This committee will be dedicated to setting national homeland security policy and to effectively overseeing that the Department of Homeland Security carries out its mission.

Finally, Mr. Speaker, as we discuss this resolution, I will look forward to questions from my colleagues about jurisdictional matters, but I will say that clearly the issue of referral lies solely in the hands of the Speaker. I will in no way be responding in a manner which would infringe on that power of the Speaker. Once again I want to say on all of these issues, and especially the last one, which was a great challenge in trying to fashion a new Committee on Homeland Security with jurisdiction that emerged from many other committees was not an easy task. I want to congratulate Speaker HASTERT for the leadership that he has shown on this and I want to thank all of the committee chairmen who were involved in this process. I believe that with the passage of this House rules package, we will be able to create a stronger and a safer America, which is a priority for every single one of us who has taken the oath of office today.

I urge support of this package of rules.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, all over Washington and in the country, people are talking today about the majority's last-minute decision to abandon rules changes that would have eviscerated longstanding ethical guidelines in this House, and, with that, the integrity of the institution. And while in the end the majority was right to withdraw these provisions, they hardly deserve our congratulations. The Republicans simply succumbed to tough criticism from every major ethics group in Washington, several major news organizations and House Democrats. The rules changes in question were so egregious that rank-and-file Republicans would not support their leadership's plan. The proposals were so offensive that the Ethics Committee chairman broke with his own leadership on the issue.

One of the changes would have permitted Members, indicted by a grand jury on felony counts, to continue to hold House leadership positions. The measure was similar to a conference rule the House Republican Conference passed last fall to protect its leadership in the event that one of them is indicted. The fact that they ever considered changing the rules of the House in this disgraceful manner is a sad commentary on the ethical compass of this body's leadership.

They also planned to eliminate a 30-year standing rule that Members of Congress could be disciplined for actions that brought dishonor and discredit on this House, the people's House. This standard is similar to the one that exists for the men and women serving in our military. How could they even think about changing the House rules in this regard when to do so would mean demanding a higher ethical standard from an 18-year-old private in the Army than we who sit in this hallowed Chamber? How could we ask more from our young people than we ask of ourselves?

It is hard to believe that there was a time in the not too distant past when the Republicans touted their high ethical and moral standards. Mr. Speaker, it seems to me that this entire episode has been a violation of the public trust. When Americans enter their voting booths and cast their ballots for Congress, they give us a very precious gift, their trust. American voters expect, and rightly so, that we as Members of Congress will conduct ourselves at the highest ethical standard and uphold democratic principles such as integrity and accountability. How can we as the guardians of democracy spread the values of self-governance across the world if we refuse to govern ourselves right here in this Chamber?

Mr. Speaker, though we should all be relieved that the Republicans were shamed into abandoning the most overtly egregious provisions, the remaining ethics provisions in today's legislation will still destroy the House ethics process. I cannot say it more plainly than that. The ethics process will be destroyed. The tactics have changed, but the end result is the same. The House ethics system will be gutted.

Mr. Speaker, the Committee on Standards of Official Conduct is the only evenly divided committee in the House. As the rule stands today, if the five Republicans and five Democrats on the committee do not reach agreement about the merits of an ethics complaint, it is automatically referred to investigators. This approach was designed to take the partisan politics out of the equation and to ensure that meritorious complaints would be investigated regardless of the political winds of the day. Under the Republican rules package, one-half of the committee will now have the power to bury complaints, even the most meritorious ones. Under the rules package before us today, if the committee is deadlocked, the ethics complaint dies. This one provision gives the Republicans an enormous amount of control over who is and who is not investigated by the Committee on Standards of Official Conduct.

In practical terms, the Republicans have granted themselves veto power over any complaint it does not deem palatable. Mr. Speaker, this rules package would effectively eliminate the 45-day deadline the Committee on Standards of Official Conduct currently has to act on complaints. The 45-day requirement was designed to prevent ethics complaints from being buried away from public view and to ensure that those Members who should be held accountable for corruption would be. This provision ensures that no ethics complaint will move forward against a Republican without their leadership's consent.

Mr. Speaker, we can be sure that if these rules changes had been in place in the last Congress, no ethics complaints would have seen the light of day. Under the Republicans, the ethical climate in Washington has eroded enormously. When I speak to constituents, I find myself telling them to forget what they learned in school about how a bill becomes a law. In times past, our laws were written to serve the public interest. But today the sad reality is that corporations like Enron write our Nation's policies. The Medicare drug bill that was rammed through Congress in the dead of night stands as a potent example of the ethical erosion of the House of Representatives. When the dust settled on the prescription drug vote, former Representative Billy Tauzin, the key author and then chairman of the Committee on Energy and Commerce, had himself a $2-million-dollar-a-year job lobbying with the drug industry. After the ethical circus surrounding the prescription drug vote, this body should be acting to strengthen the ethics systems in this House, not to destroy it. We were even unable, Mr. Speaker, to ascertain from any official of the Federal Government how much the bill actually cost.

The Republican rules package will reduce this committee to a paper tiger. The American people deserve much better than to have a "for sale" sign placed on the United States House of Representatives. They deserve to be able to trust their elected leaders and have faith in the integrity of this institution. They should be able to expect accountability from their government. Unfortunately, the lesson we have here today is if you have the power and you break the rules, you can just change the rules.

Mr. Speaker, I know there are Members on the other side of the aisle, because I know them, who care greatly about the integrity of this Chamber, and I know that there are freshmen Members here today eager to cast their first vote on behalf of the constituents whose trust they hold and the Constitution they love. I challenge those new Members, and any other Republican who values integrity and the sanctity of the democratic process, to stand up for the values of those who trusted you to represent them.

Mr. Speaker, at the close of this debate, I will be asking Members to vote "no" on the previous question so I can strike from the rules package language that would allow the Republicans to run out the clock on serious ethics complaints. Immediately following that vote, I will ask for a "yes" on a motion to commit the resolution so that we can add two important rules changes. The first would prohibit Members from negotiating lucrative job deals that capitalize on their committee membership. The other would guarantee that Members have at least 3 days to read a House report before voting on it. When bills are rushed to the floor, cobbled together at the last minute, warm from the machine, pages are missing or, worse, outrageous provisions are slipped in by committee staff.

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Lest we forget, the provision that opened up private taxpayers' records that was sneaked into last year's omnibus spending bill was by just such a staff member.

Mr. Speaker, I urge my colleagues to vote to strike the egregious ethics changes in this package. We owe it to the constituents we serve, to this institution, and to the Constitution that we adore and revere to restore the ethics and integrity to the people's House.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I just want to say to the gentlewoman from Rochester, New York (Ms. SLAUGHTER) that every single Member of this institution, Democrat and Republican alike, is very concerned and focused on the integrity of this institution; and I believe that that is something which is an extraordinarily high priority for all of us. I believe that the package that we have coming before us is one which addresses many of the concerns that frankly were raised by the gentlewoman from New York (Ms. SLAUGHTER).

Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Miami, Florida (Mr. LINCOLN DIAZ-BALART), my colleague on the Committee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise in strong support of the rules package this afternoon. The different aspects that compose it are very important, and they will contribute to this House's being able to function in a more efficient and effective manner in the next 2 years. The due-process-for-Members aspect of this rules package is extremely important precisely because of the integrity of the House. The integrity of the House includes the integrity of Members whose reputation may be impugned or unfairly attacked, and thus all Members that make up this House deserve due process. And that is what we are trying to achieve today.

I have worked long and hard in the last 2 years, along with the distinguished chairman of the Committee on Rules, the Speaker, and their staffs, to try to formulate a most difficult proposal for something that is, despite its difficulty, very necessary, and that is a standing Select Committee on Homeland Security. Due to the leadership of the Speaker of this House, that is becoming a reality today. We are doing it in this rules package. The provisional quorum safeguard is historic in nature, and it is constitutional. It is a constitutional means to prevent the possibility that terrorists could paralyze our representative government.

Mr. Speaker, I rise in strong support and urge the adoption of this rules package.

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. McGOVERN).

Mr. McGOVERN. Mr. Speaker, I thank the gentlewoman for yielding me this time.

Mr. Speaker, the first day of a new Congress should be a day for hope. It should be a day when all of us look forward with optimism to the work ahead. But today is not that kind of day. Instead, the leadership of this House is beginning the new year in the worst possible way, by gutting the ethical standards of the United States House of Representatives. Talk about starting off on the wrong foot.

In the rules package before us today, the Republican leadership is sending a very clear message. They are admitting that they are so ethically challenged that they cannot conform to the rules they previously adopted, so they must now relax those rules. What an awful example to the Nation and to the rest of the world. We should be strengthening the ethical standards of this House, not weakening them.

Mr. Speaker, the Republican Party regained a majority of seats in this body in 1994, in part by promising greater accountability and a more honest system in the Nation's capital. Their actions have been anything but honest; and now with this rules package, their rush to the bottom continues. Today is just one more example of the ethical lapses we have seen in this House, a House where major legislation is now written by industry lobbyists, a House where Members are not even given the courtesy of being able to read bills before they are voted on, and a House where bad behavior is not reprimanded, but rewarded.

As Members of Congress, we should be held to the highest possible ethical standards. That means not breaking the law. That means not dancing around the law, and that means conducting ourselves in a manner that reflects credibility on the House at all times.

Facing the possible indictment of a Member of their leadership, the Republicans attempted in secret to change the rules to protect their ethically challenged colleagues. However, in the face of mounting public controversy, the public leadership caved last night and rescinded the change. They blinked and they buckled. But the Speaker's spokesman commented on this flip-flop saying that the issue had become a "distraction." Not wrong, mind you, but just distracting. I am getting whiplash just watching all this stuff.

But, Mr. Speaker, let us be clear that the Republican leadership did not find religion in this issue. If they believed that what they were about to do was truly wrong, they would not have proposed these rule changes in the first place. But while Republicans try to pull a fast one claiming that the majority leader fell on his sword for the good of his party, the truth is that the rules package for the 109th Congress still in a very meaningful way fundamentally weakens the ethics system here in the House of Representatives.

I strongly urge the American people and members of the press and my colleagues to closely examine these rule changes, especially those made to the ethics standards. Under the old rules, a properly filed ethics complaint is automatically investigated if that complaint is not acted upon within 45 days.

Remember, as the gentlewoman from New York stated, that the ethics committee is evenly divided between Democrats and Republicans; and to ensure that partisan politics did not prevail in the ethics process, a tie vote ensures a formal investigation.

But under this proposed rules package, there must be a majority vote to investigate a properly filed ethics complaint; and if that complaint is not acted upon with within 45 days, that ethics complaint dies. In other words, Mr. Speaker, the chairman of the committee, whoever that may be, could stonewall the process, refuse to call for a vote, and ultimately kill any ethics complaint without any action. But this also allows any Member potentially under investigation to run the clock out by stonewalling investigators until the 45 days are up.

The American people deserve better than this from their elected representatives. We serve at the pleasure of our constituents, and we have a responsibility to uphold the highest ethical standards. Over the past decade, the Republican leadership has careened down the pathway of irresponsibility, and now we are at a crossroads. There are those of us who truly believe Members of Congress should be held to a higher standard and who will make a stand and fight for real accountability from our colleagues, and there will be those who blindly follow their leadership, who vote to weaken the rules of this institution, first written by Thomas Jefferson, because they fear the retribution of their leaders.

This should be a place where honesty and integrity are the standard, not a place where the rules are changed merely to protect a powerful few from their own ethical shortcomings.

Mr. Speaker, we can stop this debacle. Let us start over. Let us make this right. Let us make the House of Representatives an example of high standards and ethical decency. I urge my colleagues to vote "no" on this rules package.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Let me say after having heard from two of my Committee on Rules colleagues that I anxiously look forward to working with them in a bipartisan way to try to proceed with the deliberations in consideration of measures of this House.

Mr. Speaker, I yield 5 minutes to the gentleman from Colorado (Mr. HEFLEY), the distinguished chairman of the Committee on Standards of Official Conduct.

Mr. HEFLEY. Mr. Speaker, I thank the chairman for yielding me this time.

I am going to support this rules package. I was not. I came here today fully expecting not to support it; but because of the action taken last evening where we reconsidered some of the suggestions that had been made, I think we have a package now that we can live with. I think some of the recommendations that are in here are ill conceived, and I would hope to work with the chairman again in a bipartisan way with him and his committee and with the leadership to make some additional changes as we go through the process.

But I want to thank him and thank the Speaker and the leadership for accommodating my concerns about some of the amendments that I thought were the most difficult and the ones that created the biggest problem in trying to implement the Code of Official Conduct.

Each of us, in fact all of us, individually and collectively, have a responsibility to maintain the highest standard of conduct for this House. And changes in the rules, as was said by the previous speaker, should strengthen, not weaken, those standards. As it stands now, I think the previous speaker said we are gutting the ethics committee standards now. We are not as it stands now. I would not be standing up here encouraging people to support the rules package if in any way I thought we were gutting it. We are tweaking it, and as I said earlier, we are tweaking some of it in a way that I wish we were not tweaking it, but it does not gut it. It is something that the rules work pretty well the way they are now, and this does not change that that much.

I have had the privilege of serving on the Committee on Standards of Official Conduct since 1997 and have had an additional responsibility as serving as chairman since 2001. And during that time, I have learned one paramount lesson: ethics must be bipartisan. The ethics process must be bipartisan. Ethics reform must be bipartisan, and the ethics committee must be bipartisan. And I can tell the Members the ethics committee is bipartisan.

I see our ranking member over here. I could not have a better partner in this ethics process than the gentleman from West Virginia (Mr. MOLLOHAN). The ethics committee is a bipartisan committee that follows the evidence wherever the evidence leads. Meaningful ethics reform must be genuinely bipartisan. To have a bipartisan process, any significant change in the ethics rules must be made only after careful, thorough bipartisan consideration, as was done in 1989 and 1997.

In 1989 and 1997, ethics reform came only after a broad consensus developed for change. I have always strongly supported reevaluating the ethics rules and procedures and making changes wherever a need is shown. I think a number of the criticisms of the ethics process that have been made over the past year are well taken and should be looked at. On the other hand, since I joined the committee, almost every significant decision, I believe every significant decision, has been made on a unanimous vote.

Despite the deletion of the amendment that I found the most objectionable to the Code of Conduct, the rules package includes a number of provisions that would make major changes in the ethics-related rules, but as to which neither the Committee on Standards of Official Conduct nor Members outside the rules process were consulted. While I will not vote against the rules package because of these provisions, I urge the leadership to reconsider all the amendments added to the committee's procedural rules without a bipartisan process.

In 1997 the House, through a bipartisan task force, carefully studied the Committee on Standards of Official Conduct's enforcement procedures, made a series of changes. The rules package includes provisions that would significantly alter those procedures. It would be a mistake to reverse these bipartisan determinations without a bipartisan process of our own.

The 45-day thing that has been mentioned, I do not like that. I think that creates a problem in trying to implement a fair and even-handed ethics process. I would like to see that removed.

When in 1997 the Bipartisan Task Force Report was before the House, the House significantly rejected, on a bipartisan vote of 181 to 236, an amendment that would have required automatic dismissal of any complaint after 180 days, not 45 days. The reason for rejection of that amendment, as set out in the floor debate, is that such an artificial time limit on the life of a complaint would serve to encourage deadlock within the committee and partisanship among committee members.

I could go on and on, Mr. Speaker. I think that is something we need to look at. The ranking member and I and the members of the ethics committee have been considering a group of suggestions that we would like to bring to the full House. We would like to do that, Mr. Speaker, shortly after the new session of Congress convenes, when we are ready for that process. I think that is the way it ought to be done. These are the people that struggle with these issues every day. I think they ought to be concerned about what we think would make the process better. They do not have to follow it, but at least be concerned about it. The process in the House is not perfect. Let us strive to make it perfect. On this one issue, let us act together on a bipartisan basis.

The SPEAKER pro tempore (Mr. LAHOOD). Without objection, the gentleman from Massachusetts (Mr. MCGOVERN) will control the time for the minority.

There was no objection.

Mr. MCGOVERN. Mr. Speaker, I yield 5 minutes to the gentleman from Maryland (Mr. HOYER), the distinguished minority whip.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time. I thank the gentleman from Colorado (Mr. HEFLEY) for his presentation.

We were told the President wants to proceed on a bipartisan fashion in the next 4 years to deal with the important issues that confront our Nation.

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I think that is appropriate and, hopefully, we will do that. However, on this first day, the rules package is usually a partisan package. It was when Democrats were in charge; it is now when Republicans are in charge. That is understandable. But as the gentleman from Colorado (Mr. HEFLEY) has so correctly pointed out, there was an exception, and that exception was dealing with the ethics of this institution which, in fact, deals with the confidence that the American public has in this institution.

Mr. Speaker, the opening day of a new Congress should be one in which the interests of this institution are paramount. The body of rules we adopt to govern debate, decorum, and the actions of our Members should reflect that. To be sure, the American people who elected us to this great body can expect to see sharp differences on this floor over the substance of legislation. That is as the framers of the Constitution planned.

But the framers also intended, I believe, and the American people deserve to know, that this House is committed to holding its Members to the highest ethical standards.

Today, as I think has been attested to by the gentleman from Colorado (Mr. HEFLEY), the House moves in the wrong direction. The rules proposed for the 109th House ignore the fundamental principle of protecting the ethics of this House. The proposed Republican rules before us will seriously weaken the ability of the Committee on Standards of Official Conduct to enforce standards of integrity by providing that no action will be taken on a properly filed ethics complaint after 45 days unless the committee votes by a majority vote to take action. The gentleman from Maryland (Mr. CARDIN) will speak, who chaired with Bob Livingston, our former colleague, the amendment of these rules.

Under the current rules, which have functioned well since 1997, a properly filed complaint that has not been addressed by the chair and ranking member or the committee itself automatically goes to an investigative subcommittee. That is as it should be. Inaction ought not to be tantamount to dismissal. That is what this proposal does. The Republican proposal would make it extremely difficult to investigate properly filed complaints.

Under this new rule, either side, either side will be able to guarantee a deadlock when a legitimate, factually strong ethics complaint against a Member is filed, provided the chair or ranking member take no action.

We have been told that the most egregious attempts to weaken the ethics systems have been abandoned. I beg to differ. The most egregious attempt is the one before us now currently remaining in this rule. Let no one miss this distinction: the proposal to protect an indicted leader, a proposal that has been withdrawn by the majority, always was speculative, because we do not know if a leader will be indicted. In sharp contrast, however, the rule before us will have a concrete, demonstrable effect on every ethics complaint filed from this day forward.

Mr. Speaker, the Committee on Standards of Official Conduct is the only mechanism that this institution has to police itself. When we weaken the committee, we weaken the standards that we are all expected to uphold, and we erode public confidence in this institution.

The gentleman from California (Mr. DREIER) spoke eloquently to the maintenance of the status quo when he was in the minority urging us to be vigilant in rooting out unethical behavior in this institution. He was right then. He is not correct now in offering this rule which weakens that process.

The adoption of this rule will substantially weaken our commitment to ensuring ethical conduct. I think the gentleman from Colorado (Mr. HEFLEY) was right in his letter. I think he had the intellectual honesty and integrity on this floor when he spoke. He is going to vote for the rule because he believes that some offensive aspects of the proposal have been taken out. But I tell my friend that the most egregious, long-lasting, impacting change remains in this package.

Therefore, I urge my colleagues on behalf of the American people, on behalf of the integrity of this institution, on behalf of our commitment to ensure ethical conduct on behalf of the American people, that this not be passed.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

I would like to respond to my very good friend from Maryland by saying that I may not be as eloquent today as I was when I was in the minority, but I continue to share my very strong commitment to ensure the integrity and the behavior of Members of this institution. I also will say as my friend said, it is very clear that the gentleman from Colorado (Mr. HEFLEY), chairman of the Committee on Standards of Official Conduct, has made it clear that he is supportive of this package. I and my colleagues looked at these recommendations, all of which emerged from members and former members of the Committee on Standards of Official Conduct. I also believe that it is very possible for us to maintain the highest ethical standards and to continue to ensure, to now ensure that due process is entitled to Members of this institution as they proceed with matters before that committee.

So I believe that this package is one which should enjoy strong bipartisan support, because when it comes to matters of ethics it will address the concern and the protection of Members of both the minority and the majority, as well as this institution as a whole.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from West Virginia (Mr. MOLLOHAN), the ranking member of the Committee on Standards of Official Conduct.

Mr. MOLLOHAN. Mr. Speaker, I would like to address the ethics-related provisions that are in this package at the insistence of the Committee on Rules. I had the honor of serving as ranking member of the Committee on Standards of Official Conduct in the last Congress. It was an honor to serve with the gentleman from Colorado (Chairman HEFLEY), as he always managed to chair the committee in a completely bipartisan manner.

The headlines in this morning's paper say "GOP Abandons Ethics Changes." It turns out that the headline is at best only half right. It is true that the most outrageous ethics undermining provision has been deleted from the rules package, but other provisions, provisions that would make major changes in the way the Committee on Standards of Official Conduct handles enforcements of the rules, they remain.

There should be no misunderstanding that these provisions that remain would seriously undermine the ethics process in the House, both because of the changes they would make in committee procedures, but, and equally important, because of the partisan way in which they are being adopted. If there is to be a meaningful, viable ethics process in the House, it must be a genuinely bipartisan process. That point should be self-evident. How could there be a legitimate ethics process that is operated on a partisan basis? And to have a bipartisan process, it is absolutely essential that any major changes in the rules be made on a truly bipartisan basis. What is more, because of the importance and the sensitive nature of the ethics rules, it is also essential that any proposed changes be considered in a thoughtful, considered, and open way, with all Members being given the opportunity for input, Democrats and Republicans.

Until today, the House recognized these fundamental points. Until today, the House has not attempted to make major changes in the ethics rules or the Committee on Standards of Official Conduct procedures in a slapdash way, with literally only hours of consideration, and on a party line vote.

It will probably come as no surprise that the materials issued by the Committee on Rules that attempt to justify these amendments are based entirely on misstatements of the current rules. For example, under the benign sounding heading, "Restore Presumption of Innocence," the Committee on Rules memorandum states, "Currently, if the chairman and ranking minority member take no action on a properly filed complaint within 45 days, the matter automatically goes to an investigative subcommittee." Fine. But that statement is incomplete and, therefore, misleading.

The rules that have been in effect since 1997 clearly provide that at any time that a complaint is before the chairman and ranking member for consideration, either one of them may place the complaint on the committee's agenda and when either one of them does that, an investigative committee cannot be established without a majority vote of the committee.

Another example, Mr. Speaker. Under the heading "Due Process for Members," the Committee on Rules memorandum states that, "Under the current rule, the chairman and ranking member or the committee may take action against a Member without a complaint, notice, or the opportunity to be heard."

This statement clearly implies that the committee may determine that a Member has committed a violation or impose a sanction without the Member having such rights, and that suggestion, Mr. Speaker, is flatly wrong. The rules are replete with the rights for Members who are accused of any violation.

When you turn to the actual text of the "due process" amendments, you find that what these amendments are concerned with is not committee actions that impose sanctions or determine violations, but instead on committee letters or statements that "reference the official conduct of a Member." It may be well that the rules should provide certain rights to a Member whose conduct is going to be discussed in a letter or statement that the committee issues publicly, but what should those rights be? They should be determined through a deliberative, fair, bipartisan process.

But one specific right that this proposed rule provides to those Members is the right to demand an immediate trial in front of an adjudicatory subcommittee of the Committee on Standards of Official Conduct. But in the circumstances that the rule addresses, that trial would take place before the committee has conducted any formal investigation of the matter. No committee that is serious about conducting its business would allow itself to be put in that circumstance. So the effect of this amendment would be that whenever any alleged misconduct is brought to the committee's attention, the committee may be forced to choose between either launching a formal investigation of the matter or dismissing it entirely. Both of these rule changes lack careful consideration and, more seriously, are brought to us today through a partisan process.

I'd like to address the ethics-related provisions that are in this package at the insistence of the Rules Committee. I had the honor of serving as ranking member of the Ethics Committee in the last Congress, and I also served on the committee for 6 years during another time of controversy in the late 1980s. It was an honor to serve during the last 2 years with Chairman HEFLEY, as he always managed the committee in a completely bipartisan manner.

A headline in this morning's newspaper says, "GOP abandons ethics changes." It turns out that the headline is at best only half right. It's true that the most outrageous ethics-undermining provision has been deleted from the rules package, but other provisions—provisions that would make major changes in the way the Ethics Committee handles enforcement of the rules—remain.

There should be no misunderstanding that these provisions that remain would seriously undermine the ethics process in the House, both because of the changes they would make in committee procedures, and, equally important, because of the partisan way in which they would be adopted.

If there is to be a meaningful, viable ethics process in the House, it must be a genuinely bipartisan process. That point should be self-evident—how could there be a legitimate ethics process that is operated on a partisan basis? And to have a bipartisan process, it's absolutely essential that any major changes in the rules be made on a truly bipartisan basis. What's more, because of the importance, and the sensitive nature of the ethics rules, it's also essential that any proposed changes be considered in a thoughtful, considered, and open way, with all Members being given the opportunity for input—Democrats and Republicans.

Until today, the House recognized these fundamental points. Until today, the House has not attempted to make major changes in the ethics rules or the Ethics Committee procedures in a slapdash way, with literally only hours of consideration, and on a party-line vote.

It will probably come as no surprise that the materials issued by the Rules Committee that attempt to justify these amendments are based entirely on misstatements of the current rules. For example, under the benign-sounding heading, "Restore Presumption of Innocence," the Rules Committee memorandum states, and I quote:

"Currently, if the chairman and ranking minority member take no action on a properly filed complaint within 45 days, the matter automatically goes to an investigative subcommittee."

That statement is incomplete—and therefore misleading. The rules that have been in effect since 1997 clearly provide that at any time that a complaint is before the chairman and ranking member for consideration, either one of them may place the complaint on the committee's agenda, and when either one of them does that, an investigative subcommittee cannot be established without a majority vote of the committee.

Another example: under the heading, "Due Process for Members," the Rules Committee memorandum states that, and I quote:

"Under the current rule, the chairman and ranking member, or the committee, may take action against a Member without a complaint, notice, or the opportunity to be heard."

This statement clearly implies that the committee may determine that a Member has committed a violation or impose a sanction without the Member having such rights, and that suggestion is flatly wrong. The rules are replete with rights for Members who are accused of any violation, and because of the bipartisan makeup of the committee, Members are typically accorded rights well beyond those required by the rules.

When you turn to the actual text of the "due process" amendments, you find that what these amendments are concerned with is not committee actions that impose sanctions or determine violations, but instead committee letters or statements that "reference the official conduct of a Member." It may well be that the rules should provide certain rights to a Member whose conduct is going to be discussed in a letter or statement that the committee issues publicly, but what should those rights be?

They should be determined through a deliberative, fair, bipartisan process. But one specific right that this proposed rule provides to those Members is the right to demand an immediate trial in front of an adjudicatory subcommittee of the Ethics Committee. But in the circumstances that the rule addresses, that trial would take place before the committee has conducted any formal investigation of the matter. No committee that is serious about conducting its business would allow itself to be put in that circumstance. So the effect of this amendment would be that whenever any alleged misconduct is brought to the committee's attention, the committee may be forced to choose between either launching a formal investigation of the matter, or dismissing it entirely. There would be no chance for an expedited resolution of the case, even in those instances in which the committee believes it already has all the basic facts, and the conduct involved probably does not warrant a formal sanction. Both of these rule changes lack careful consideration and, more seriously, are brought to us today through a partisan process.

But the proposed amendment that raises even more concern is the one that provides for automatic dismissal of any complaint that is not acted upon within a period as short as 45 days. When the House last considered Ethics Committee procedures, in 1997, it rejected, on a bipartisan vote, an amendment that would have required the automatic dismissal of any complaint that is not acted upon within 180 days.

The reason that amendment was rejected is that it was recognized that such a time limit would encourage deadlock on the committee, and partisanship among the committee members. Under a time limit, if one side or the other is uncomfortable about dealing with a particular complaint, those Members don't have to discuss it or otherwise try to deal with it—by their just doing nothing, the complaint will disappear. Yet now this provision for automatic dismissal has reappeared, and this time it has a far shorter time frame for committee consideration than the nearly identical provision that the House soundly rejected in 1997.

I want to close by asking all Members, including all Members of the leadership on both sides of the Aisle, to give some serious consideration—not just today, but in the weeks and months ahead—to whether you genuinely want to have a meaningful ethics process in the House, and what we as Members, individually and collectively, have to do in order for such a process to exist. As I said at the outset, for this process to exist, it has to be a truly bipartisan one, and it has to be treated with seriousness and respect. It has to be recognized that the basic purpose of the process is to consider and address legitimate ethics concerns, and if Members are successful in using the process for partisan, political purposes, it is going to fail. The approval of these amendments would seriously undermine the process and, for that reason alone, this rules package should be defeated.

Mr. DREIER. Mr. Speaker, I am very happy to yield 3 minutes to the gentleman from New York (Mr. BOEHLERT), the very distinguished chairman of the Committee on Science.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this balanced rules package. I want to speak particularly to the provisions regarding homeland security. To determine whether a proposed regime to oversee homeland security is appropriate, one cannot just look at a flow chart. The simplest structure is not necessarily the best, nor is one that is unduly complex. One has to look at how a proposed structure will actually function and what it can and cannot accomplish.

The homeland jurisdiction being proposed in this package strikes the right balance between a system that is too centralized and one that is too diffuse. First, I should say that the most important and necessary change regarding governance of the Department of Homeland Security was made 2 years ago when we created a Subcommittee on Homeland Security on the Committee on Appropriations. But having a single committee that can look across the Department of Homeland Security from an authorizing perspective is also a sensible move, and the new committee created in this package will do that.

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What would not make sense, however, simple as it might seem, is giving sole authority over all aspects of homeland security to the new committee. Homeland security is too diffuse and important a government activity to rest with one committee. Almost every activity of every Federal agency has some relationship to homeland security, and almost every activity of the Department of Homeland Security impinges on the activities of other agencies.

An appropriate congressional oversight structure has to take account of that basic fact. A structure that overly centralized homeland security oversight would make it harder to evaluate the Department of Homeland Security in the context of the other activities of the Federal Government. An overcentralized structure could also make a congressional committee a captive of the agency that it oversees.

I know that it is very easy to denigrate arguments against a single, centralized Select Committee on Homeland Security as so much turf fighting. But in reality it is simply intellectually lazy to assume that a centralized structure would enable Congress to do its work more effectively.

I found especially ironic a Washington Post editorial that called for a highly centralized structure. The editorial argued that a centralized committee would be more efficient because the Department of Homeland Security would not have to answer questions from a lot of different committees. Well, it would also be more efficient if the Department did not have to respond to questions from a lot of different news outlets, but presumably The Post would argue that there are advantages to forcing the Department to respond to reporters with a variety of areas of expertise and a variety of perspectives.

The Post certainly would not want the only news outlet to be an in-house publication. So I want to applaud the House leadership for doing what it has done, and I stand in strong support of this rules package.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. CARDIN).

Mr. CARDIN. Mr. Speaker, the chairman of the Committee on Standards of Official Conduct is correct when he says that ethics reform must be bipartisan and if the House is to have meaningful bipartisan ethics process, changes of this magnitude can be made, as they were in 1997, only after thoughtful, careful consideration on a bipartisan basis. There has been no effort to look at the rules changes on ethics in a bipartisan manner.

In 1997 when I co-chaired the Committee on Ethics Reform along with Bob Livingston, the changes that we made were done after deliberation, and after Democrats and Republicans, working together, came before the House and we did make major changes. And we instituted the 45-day rule for assigning a proper complaint for investigation; but we changed the rules in 1997. We made it clear that you can move towards an informal investigation without a finding that it merits further inquiry or a resolution of preliminary inquiry because we did not want any matter of guilt or wrongdoing for the committee to be able to get the facts necessary to decide whether to go to formal investigation.

Yet this rules change which would allow after 45 days inaction to dismiss a complaint makes inaction action, and it can be done on a very partisan basis. Now, that is wrong. That is not how it should be.

The rules as they are currently configured in order to move a complaint past the committee, you have to have the bipartisan agreement of the committee because you have to have a vote in the committee. It guarantees a process will move forward in a bipartisan manner and, in fact, the Committee on Standards of Official Conduct has operated in a bipartisan manner because of the way the rules are configured.

If this rule is changed, you are making it much more likely that the Committee on Standards of Official Conduct will act in a very partisan matter because they will be able to delay for 45 days, which does not take a lot of effort to figure out how to delay for 45 days. We have enough lawyers on the Committee on Standards of Official Conduct that will be able to figure out that one. And it will be done on a partisan basis that will leave a cloud on the Member and a cloud on this institution. You should not have that in this rule.

Ms. SLAUGHTER. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentleman from California (Mr. GEORGE MILLER).

Mr. GEORGE MILLER of California. Mr. Speaker, I rise in opposition to the rules package.

Every House Member should vote to put the House on record against ethical and procedural abuses that contaminate this institution.

The stench of special interest corruption is overwhelming Congress, and repulsing the public. It is time the House Rules reflected the ethical standards and common sense of the American people.

I came to this House 30 years ago, and our historic incoming class brought with it one of the strongest tides of reform ever seen: rules were changed, chairmen were replaced, procedures were modernized so that the voice of the people was heard, and respected, in this House of the people.

Ten years ago, the Republicans took control of the House, promising a new era of reform. To read the national newspapers, it is evident to everyone—except themselves—that the Republicans have betrayed their promise of reform. They have tolerated misconduct and enshrined special interests as never before.

Today, we give them, and all Members, an opportunity to restore public trust by voting for two commonsense amendments to the House rules.

First, no sitting Member should negotiate for a new job with any organization that has had business before his or her committee for a year. That's not hard to understood: no one should be shaping public policy with an eye on a future private sector salary.

Second, no bill should be brought to the House floor unless Members have had 3 days to read it first. That's not hard to understand: we should not be passing bills that are hundreds of pages in length—sometimes over 1,000 pages—without ever having seen what is in the bill. Ronald Reagan thought it was a bad idea; surely today's House Republicans can agree.

Let's be honest about it: 99 percent of the American people outside the Beltway will agree with both of these principles—no negotiating for new jobs with special interests; Members should know what they are voting on before it becomes law. We shouldn't even have to have a debate. But we do.

Less than a month ago, the Nation was stunned to learn that the committee chairman who had fashioned a blatantly pro-drug industry, anti-senior, anti-consumer prescription drug law was retiring and taking a job with the pharmaceutical industry. In fact, our former colleague assumes his job with PhRMA today, just as we are taking our oaths of office.

Mr. Tauzin will reportedly be earning a salary nearly 13 times what he earned when he wrote that pro-industry bill—one of the best paid lobbyists in Washington.

He earned it. That prescription drug law will enrich him, but it takes billions of dollars out of the pockets of America's senior citizens—by prohibiting them from purchasing cheaper drugs from Canada, and by prohibiting the Federal Government from negotiating with the pharmaceutical industry—his new employer—for lower drug prices. That's worth billions to the drug industry.

While the deal was not announced until last month, the discussions began a year ago, as was widely reported at the time. In fact, a top aide to the Republican leadership was quoted last January 24 on CNN.com as saying that Republican Congressman Tauzin's negotiation with PhARMA "doesn't look very good."

It doesn't look "very good" today either, as millions of seniors face higher drug prices thanks to the Tauzin bill, and Bill Tauzin takes office to improve the tattered image of the drug industry.

We all know this stinks. And so do our constituents. Let's put an end to it today by barring negotiations for private jobs by Members of Congress. That's what our constituents would want us to do.

And at the same time, let's put an end to the outrageous practice of voting on complex and lengthy bills before Congress has had time to read them—bills like that prescription drug bill Bill Tauzin wrote while he was listening to PhARMA's whispers in his ears.

Isn't it bad enough that Republicans majority writes the bills in secret, without input from the Democrats who represent 48 percent of the country? Without scrutiny by the press? Without review by the public

Must we also vote on secret legislation, without reading it, without knowing the tax breaks and earmarked spending for special interests that have been stuck in without any review?

I urge all Members to put party aside and vote the way your constituents would want you to vote: an end to private job negotiations while serving in public office, and full disclosure of the contents of legislation before we vote.

Mr. Speaker, I also vigorously oppose the proposed rule change that would allow an ethics investigation to end after 45 days of the Ethics Committee of five Democrats and five Republicans remained deadlocked.

Today, the Republicans are once again putting partisan politicians ahead of ethics by moving forward with their plan to shield their embattled majority leader—TOM DELAY—from any further investigation.

The goal of this change is to block the Ethics Committee from considering pending and future matters that could prove to be damaging to their party.

Under the present rules, if the chair and the ranking minority member of the Ethics Committee cannot agree whether to investigate a complaint, the committee begins an initial investigation into the matter.

But, under the Republicans' proposed rule change, the Republican chairman of the Ethics Committee—who is handpicked by the Speaker—could simply refuse to examine a complaint.

After 45 days, the complaint would be dropped, without even an initial investigation into the matter.

This new rule would allow Republicans to block pending ethics matters and prevent future investigations from moving forward. And the reason is very simple: there are at least two matters currently pending against Republican leaders, including Majority Leader TOM DELAY.

Contrary to this morning's press reports, the Republicans haven't backed away from their attempts to shield DELAY from further investigation, they've simply become a little more deceptive in how they're doing it.

Last year, when the Ethics Committee admonished DELAY three times, it deferred action on another serious charge—his role in funneling illegal soft money into Texas races through his State PAC—until after the investigation against him had been completed.

The rule change now proposed by his Republican colleagues would allow the Republican chairman of the committee to block any further investigation of DELAY's activities, shielding the minority leader from further admonishments even if he is indicted by a grand jury.

Also pending is an investigation of Republican lobbyist, Jack Abramoff, and former DELAY staffer, Michael Scanlon, and their ties to several Republican members. Changing the ethics rules would permit the Republicans to halt any investigation of the Abramoff scandal and the Members who could be implicated in their outrageous looting of Native Americans.

I urge a "no" vote on this unbalanced and improper rules package.

Ms. SLAUGHTER. Mr. Speaker. I yield 2 minutes to the gentleman from Massachusetts (Mr. DELAHUNT).

Mr. DELAHUNT. Mr. Speaker, we are making a terrible mistake here today by changing the rule in terms of the provision that would simply require no action after a 45-day period because, as the earlier speaker immediately preceding me indicated, what we will have done is change a nonpartisan committee that is based on a nonpartisan process into one that provides for a partisan veto over action where the behavior of an individual Member or Members is at question. That, I suggest and submit, is something that this institution will suffer from.

There has been much discussion recently regarding this package. It was anticipated that there would be additional provisions that were not submitted today, but let us be clear what is at risk here. It is the confidence of the American people in the integrity of this institution. Perception, as we all know, is reality. And when the American people understand very clearly that we now have a Committee on Standards of Official Conduct in which either side has a veto, it will undermine the confidence of the people in our ethical process.

My question to the proponents would be, what is wrong with the current rules? We have operated on them.

Ms. SLAUGHTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Texas (Mr. GENE GREEN), a member of the Committee on Standards of Official Conduct.

Mr. GENE GREEN of Texas. Mr. Speaker, I thank the gentlewoman for yielding me time.

The gentlewoman is correct: I currently serve on the Committee on Standards of Official Conduct. And despite what I read in the morning papers, the Republican leadership is eliminating a major traditional ethics standard of the House. While we are relieved that the Republican leadership did not go as far as they wanted to, I do not think we can be happy with the trend that is clearly downwards as it is today.

The new rule means no ethics violations will be investigated of party leaders, whether they be Republican or Democratic, control their members, since a tie vote means a dismissal. The logical result is more partisan political pressure on the committee members.

America was intended to be a city on a hill with the highest standards for the government in the world; and sadly, today we are lowering those standards.

The majority is proud of their political power and their skills at political games, and politics is an important part of our business; but principles must be held above politics because no man can serve two masters, both principles and politics.

When we are guided by only political consideration in the House leadership today, the House abandons its principles and the moral compass.

I do not enjoy serving on the committee. I do know something about legislative ethics, having first been elected to the State house of representatives after a tremendous Sharpstown bank scandal in Texas 1972. Born and raised in Texas, I understand what it means about conservative government, but I cannot begin to explain how eliminating a traditional ethics standard is conservative in the slightest.

The House leadership can fool some of the people some of the time, like they did today when the papers said they were dropping ethics changes, when they clearly continue to weaken the standards. However, the people recognize this for what it is, a weakening of our government's ethics in pursuit of political parity by one party, be it Democrat or Republican.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. LOFGREN).

Ms. LOFGREN. Mr. Speaker, I rise in opposition to the proposed changes in the ethics rules.

I served for 8 years on the Committee on Standards of Official Conduct, and it is not an enviable assignment. But Members who have never served on the committee would be proud of how these tasks are approached. It is a committee that is evenly split. In the 8 years I served, we had unanimous votes.

The Members who serve think about the institution. They are there to serve the American people and the institution. It has not been a partisan body. It has been one that holds other Members to a high ethical standard. These rules will undermine the Committee on Standards of Official Conduct, and the process of using the Committee on Rules rather than the Committee on Standards of Official Conduct to deliberate on the changes is also undercutting the Committee on Standards of Official Conduct.

I recommend that we do not support these rule changes. And I also want to mention on the homeland security provision of the rule, it is a huge mistake to "murky up" the jurisdiction over cybersecurity. We are at tremendous risk for a cyberattack, and the changes in that area will make us less safe.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the gentleman from Mississippi (Mr. TAYLOR) for purposes of a colloquy.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman from California (Mr. DREIER) for yielding me time.

Mr. Speaker, my question to the gentleman concerns the change to the rules that would allow Members to use campaign funds to purchase cell phones. As you know, there is a law that prohibits a Member of Congress from using the resources of their office or their office to solicit campaign funds.

It is my hope that allowing campaign cell phones to be used in a congressional office is not in any way a backdoor attempt to allow a Member to use a campaign cell phone from their congressional office or any Federal facility to raise funds to get around this prohibition that currently exists in law.

Mr. DREIER. Mr. Speaker, will the gentleman yield?

Mr. TAYLOR of Mississippi. I yield to the gentleman from California.

Mr. DREIER. Mr. Speaker, I will be happy to respond to the gentleman.

Let me say we are in the midst of a discussion about ethics at this point. Obviously, it is our goal to maintain the highest ethical standards. We have a law, which is actually a criminal law, which states that it is a violation of 18 U.S. Code 607 for the solicitation of campaign contributions from Federal property.

The idea behind this change that is included in this rules package is that Members should not be required to carry two separate cell phones with them. This would allow campaign funds to be used for the purchase of a cell phone that might be used for calling your office or other official purposes. But the law which prevents the solicitation of campaign contributions from Federal property in fact is maintained and is one we that feel very strongly about.

Mr. TAYLOR of Mississippi. Just for a clarification, the use of a campaign cell phone in this building?

Mr. DREIER. In any Federal building whatsoever. On Federal property is what the law says. It is a violation of the law.

Mr. TAYLOR of Mississippi. To solicit campaign funds with a campaign cell phone.

Mr. DREIER. It is a violation of the law.

Mr. TAYLOR of Mississippi. Mr. Speaker, I thank the gentleman.

Mr. DREIER. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI), the minority leader.

Ms. PELOSI. Mr. Speaker, I rise in opposition to what I consider a shameless rules package which will undermine the ethical standards held by this House.

After the elections in November, the first thing the Republican majority did was to lower the House's ethical standard. In an act of unprecedented shamelessness, they changed the rule of their party to permit an indicted member of their party to remain in a leadership position. Yesterday, in the face of an overwhelming bipartisan and public condemnation they changed their rules back.

This is not shocking. What is shocking is that they ever considered it in the first place. Even more shocking, just if you think you have seen it all, is that the majority considered deleting the most fundamental of ethics rules which says that Members of the House should be held to the highest standards of ethical conduct.

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It says a Member shall conduct himself at all times in a manner that should reflect creditably on the House of Representatives.

Dropping this rule is unthinkable. Yet Republicans only decided to keep it last night when the issue became too hot for them to handle.

Thank heavens it became too hot for them to handle, but what is completely apparent to the public and those who follow the Congress is that the Republicans did not leave it at that. They went on to make new mistakes, to undermine the ethical standard of the House.

Instead of a bipartisan effort to strengthen the ethical process, the Republicans have engaged in a completely partisan exercise that should be an affront to every Member on either side of the aisle who has served in this body. The proposed changes which are still in this rules package are destructive, and they are unethical.

Mr. Speaker, I know of what I speak. I served on the Committee on Standards of Official Conduct for 6 years, and then for a seventh year I served as a part of the bipartisan committee to rewrite the ethics rules. It is bipartisan, evenly divided, and we came up with new ethics rules, some of which survived the floor that year in 1997.

The package that was put together was meant to be fair to Members as well as uphold the high ethical standards. It says that Members should be judged by their actions and by the rules of the House and the law. So it was only about what took place, the facts and the law. It was not about rumor. It was not about hearsay. It was about the facts, the rules of the House and the law.

There was a process which was fair to Members because, as I say, as someone who has 7 years on the ethical process, that it is very hard to make judgments about our peers. It is a very, very difficult task, and we want to be fair, but we have a higher responsibility to uphold that ethical standard.

So it was put forth and has been the rules of the House and the Committee on Standards of Official Conduct that in order to cease or dismiss a case, we had to have a majority of the Committee on Standards of Official Conduct. That would be eliminated today. That would be eliminated today.

So, on a partisan basis, there could be no cases that go forward. Either party with half the votes in the committee, evenly split, could cease and desist any complaints from going forward. That is simply not right.

The point of the Committee on Standards of Official Conduct is to have a process in which to deal with ethics complaints against Members. The point of the Committee on Standards of Official Conduct is not to whitewash or to have a system that says nothing will ever move forward.

What could the Republicans be afraid of that they would so fundamentally undermine the ethical process of the House to say we are going to establish a system where nothing will ever go forward? This simply is wrong. We owe it to the public, we owe it to each other to uphold that ethical standard.

So, as I say, on the first day of this new Congress, the Republican majority is publicly demonstrating what has been evident for some time, and that is its arrogance, its pettiness, its shortsighted focus on their political life rather than to decide how we are each of us fit to govern.

Here is the thing. We have this rules package before us. They did some flash last night so that the press is saying, oh, they blinked. They did blink on a couple of different scores, but the fundamental challenge to the ethical standard of the House being enforced is still in this rules package, and it should be rejected.

Democrats have made two proposals. One of them is to remove this change, and that would be a vote on the previous question, and then on the motion to recommit we address two other abuses of power that should be addressed in this bill.

One is what I will call the Tauzin rule, and the Democratic motion to commit would forbid a Member of Congress to negotiate with an outside entity that has business before his or her committee and before the Congress, in the current Congress or in a previous Congress, called the Tauzin rule because Mr. Tauzin, who managed the Medicare bill, was at the time being courted by the pharmaceutical industry which was to benefit from provisions in the prescription drug bill, a rumored $2 million a year salary for selling America's seniors down the river. That is simply wrong. Has this become an auction house?

The public has to think and believe that when we are here and we are on the public payroll and we are Members of Congress that our accountability is to them and not to our next job. I call that the revolving door, shorthand for the Tauzin rule, and the impact of that is a very, very bad prescription drug bill that put pharmaceutical companies first, seniors last.

In our motion to commit we also address the 3-day rule. As many of my colleagues recall in recent memory, there was occasion on the floor when a huge bill of many thousands of pages, containing nine appropriations bills, seven of which never appeared on the floor of the United States Senate, came before this House where the matter was overnight passed in the Committee on Rules, came to the floor the next morning without any chance of Members being able to read the bill. It came under the martial law rule the Republicans use by which they say we waive the 3-day rule by a simple majority. It should take two-thirds, but by a simple majority we waive the 3-day rule. Well, why was it important? It was important that day because there was a great deal in that bill that Members did not know about that they were voting on and should not they know that, but very specifically in that bill and it was not found out until the bill went to the Senate, who had more time to read the bill because it went over there several hours after it was heard here, and in that bill it said that the chairman of the Committee on Appropriations in the House and the Senate or his or her designee could look at the tax returns of American taxpayers. Where did that come in? It is a total orphan. It is a total orphan. No one was going to take responsibility for that.

Because of the egregiousness of that and the violation of privacy of the American people, I insisted that the Members come back to vote on that rather than just have it be done by unanimous consent to remove that provision from the law. Why did I call Members back? So that the American people will know because of the abuse of power in this House, ignoring of the 3-day rule, that Members cannot even see what they are voting on before they vote on it, and something like looking at your tax returns could be sneaked into the bill, without any safeguards to protect people from that.

That is just one example. Another example is the Medicare prescription drug bill which came to the floor without proper time for review as well. The list goes on and on.

In our motion to commit, we address the abuse of power of a powerful chairman, negotiating for a job while he was a Member of Congress, who had control of the bill over the industry, which was offering him $2 million a year. That is how much it cost to sell the American seniors down the river, and I hope that even if you separate yourself from any of the examples and just say I sent you to Congress to represent me, you do that in what you say there and how you vote, and I expect that you know what you are voting on.

The message to the American people here this afternoon is a vote for the motion to commit, is a vote for Members to be able to read a bill before they vote on it. Is that asking too much? The Republicans say it is. So a yes vote on the motion to commit gives Members the 3 days which under the rules of the House they are entitled to. A vote for the motion to commit stops the unethical process of Members negotiating with people outside, whose bills they are managing inside this Congress, in this Congress or in the previous Congress.

The previous question vote would say no to the Republicans in their evisceration of the ethical process of this House by saying that you do not need a majority to dismiss a case; you can just do it if all the Members of your party on the committee decide to stick with you on it. It is simply not right, and this should not be partisan. That is really what is really sad about it.

Everything that we have done in the ethics process has had some level of respect to the extent that it has because it has been bipartisan, bipartisan in writing the rules, evenly divided committee, cooperation between the chair and ranking member.

Today is a major departure from that, and I guess maybe I have just spent too many long hours for too many long years in the Committee on Standards of Official Conduct room trying to respect the rights of Members and our higher responsibility to uphold an ethical standard. To see the Republicans today run roughshod, rigging the rules, negotiating for jobs, no reading of the bill, it is an outrage. It is an absolute outrage.

So I urge my colleagues to vote yes on the previous question, yes on the motion to commit, and by all means, however you vote on those, no on this very shameful rules package.

The SPEAKER pro tempore (Mr. LAHOOD). The gentlewoman from New York (Ms. SLAUGHTER) has 1 minute remaining.

Ms. SLAUGHTER. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentlewoman because ethics equals integrity. I will submit my statement into the RECORD. Vote a resounding no on the resolution that is on the floor, and I hope that we will come before our peers and recognize that ethics equals integrity.

Mr. Speaker, I rise in opposition to the proposed changes to the House Rules under the Privileged Resolution before the committee of the Whole House. Taken together, this package of proposals will gut the House Rules.

Our colleagues on the other side of the aisle would like to completely gut and render ineffective the current Rule XI, which provides that a properly filed ethics complaint that has not been addressed by the Chair and Ranking Member of the Ethics Committee gets referred to an investigative committee. The Republican proposal would provide that, unless the committee votes by majority to take action on a properly filed complaint, no action will be taken after 45 days.

This change to Rule XI would take away an important oversight power and allow partisan politics to kill legitimate and colorable ethics complaints. A change like this would be an embarrassment to what this nation calls a "democracy." Furthermore, by allowing members to intentionally deadlock the vote of the Ethics Committee to kill a claim, we would be acting in contravention of the spirit of the U.S. Constitution that guarantees procedural due process.

We should strengthen the House ethnics rules rather than eviscerate them for the American people whom we represent. Rules so relaxed that Members can negotiate with a corporation, lobbying firm, or trade association that has business before their committee should not be further stripped. The honor that was bestowed upon this House upon its establishment must be maintained. Members must be held accountable for their action.

Moreover, Members should be given adequate time in which to read legislation that will be voted upon. Since the legislation that we pass in this august body affects the entire nation—which includes the Districts represented by Minority Members, it is an injustice that insufficient time has been given for review of legislation.

In the proposal that has been brought before the House does not contain the changes that are needed. It would be irresponsible for this body to accept what is before us.

The proposed Rule X amendment to create a Standing Committee on Homeland Security, on the other hand, is a smart one. It is only appropriate that this Committee be made permanent and be given jurisdiction over "overall homeland security policy." Important organizational and admnistrative aspects of the Department of Homeland Security, DHS, require oversight to ensure effective and efficient operation.

DHS is a conglomeration of 22 federal agencies with more than 180,000 employees and a budget of $36 billion. Because the Department is still in its infancy stages, it is critical that committee oversight be applied to track and quickly eradicate deficiencies.

The Congress has just passed the National Intelligence Reform Act, or S. 2845, that will change the way our intelligence is collected and processed. DHS will be an important partner to our intelligence agencies in order to keep America safe. In addition, with the challenges that we have had with adequately funding first responders, it is very important that Congress retain a close relationship to the Department.

Mr. Speaker, I oppose the rules package that is before this body, and I urge my colleagues to defeat it. I yield the balance of my time. Further, a rules change that changes the quorum for this body without a constitutional change is minimally undermining our constitutional values.

Vote "no" on this resolution and "yea" on the motion to recommitt.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

I urge every Member of this House to vote no on the previous question. If the previous question is defeated, I will offer an amendment to strike from the proposed rules package a provision that effectively guts our already ailing ethics process. This provision would halt the investigation of properly filed ethics complaints if, after 45 days, the chair and ranking Member of the Committee on Standards of Official Conduct have not set up an investigation committee.

I urge the Members on both sides of the aisle to vote no on this previous question so we can delete this offensive provision.

Mr. Speaker, I ask unanimous consent to insert the text of the amendment in the RECORD immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, after the vote on the previous question, I will call for a yes vote on the motion to commit. My motion to commit will prohibit sitting Members of Congress from negotiating for future employment with any person who has a direct interest in the legislation referred to any committee on which that Member serves.

It also includes a rules change that would require a two-thirds vote in the House to waive the requirement in our standing rules that Members must have 3 days to read the committee reports.

Mr. Speaker, I ask unanimous consent to insert a statement as part of that immediately prior to the vote on the motion to commit.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I urge a no vote on the previous question.

I call on all Members of this House, particularly the freshmen casting their first vote, please vote for ethics today. Do not vote against the Constitution. Vote for this House that you will love and revere as all of us do on both sides of the aisle. Please vote no on the previous question and vote yes on the motion to recommit.

Mr. Speaker, I yield back the balance of my time.

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Mr. DREIER. Mr. Speaker, I ask unanimous consent that the Chair may reduce to 5 minutes the minimum time for electronic voting on the motion to commit and the vote on the adoption of H. Res. 5 if the votes immediately follow a 15-minute vote, notwithstanding intervening proceedings attending the administration of the oath of office to Members-elect.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from California?

There was no objection.

GENERAL LEAVE

Mr. DREIER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this rules package.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. DREIER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have a great rules package that is coming before us, a rules package which I believe is deserving of bipartisan support. The reason I say it is deserving of bipartisan support is that is the word that has been used by Members on both sides of the aisle to describe exactly what we have been doing here and should be doing here.

Mr. Speaker, this package includes a number of very important provisions. It allows us to deal with the prospect of a horrendous attack on this institution, and it allows us to continue this institution's operations so the American people will understand that this institution stands even at a time of great crisis. This rules package allows for the establishment of a new permanent standing committee on homeland security, as the Speaker outlined in his opening remarks here today. I believe that is something that will allow Democrats and Republicans to spend time working on that issue.

Mr. Speaker, this is a rules package which allows for bipartisan process at the ethics committee level. The Committee on Standards of Official Conduct is the committee which has the responsibility of working to ensure the integrity of all of the Members of this institution. The package we have before us does just that.

I believe that the statement made by the chairman of the Committee on Standards of Official Conduct, the gentleman from Colorado (Mr. HEFLEY), is very clear. He understands that the provisions included in this package will in fact maintain the integrity of this institution. He was not going to support the earlier package; he is supporting this package. The issue of bipartisanship is important because in this package we ensure that we will not see the politicization of the ethics process which tragically we have seen in the past, because it will require bipartisanship, which all Members are talking about, if we do proceed with the investigatory process.

That is the right thing to do, and I believe this package should in fact enjoy the support of Democrats and Republicans alike because it is designed to protect this institution and its Members.

Mr. Speaker, the House is an institution built upon its rules. Accordingly, it is appropriate that one of the first orders of business of the 109th Congress will be to adopt a rules package which is both true to its traditions and forward-thinking in its outlook.

The package we have before us represents the work product of many Members. During the initial stages of compiling this package, back in November, the Rules Committee received 40 difference proposals form both Democrats and Republicans.

In addition, our committee staff has actively sought the input of the officers of the House, its committees, and its caucuses to get their perspectives on the kinds of changes we can make to facilitate the work of the House.

While not every proposal we received was incorporated into this package, I assure you that each received substantial consideration by the Speaker and the Rules Committee. And, as always, the Rules Committee will continue to review our rules and operations to see where other improvements can be made.

Mr. Speaker, all of the ideals contained in this resolution reflect the considered judgment of our colleagues, and will ultimately improve our ability to carry out our constitutional responsibilities. While I will detail each of these changes in the section-by-section that I will place in the RECORD, I want to elaborate on just a few of these changes.

The gentlewoman from Virginia (Mrs. JO ANN DAVIS) is the author of one important provision directing committees to review matters within their jurisdiction to ferret out duplicative government programs as part of their oversight planning at the beginning of each Congress.

There are a number of instances where we are conforming the rules to reflect current House practice, such as with the designation of leadership members of the Budget Committee and the taking of recesses in committee to allow flexibility on our schedules.

We are also making the ability to consider suspensions on Wednesdays permanent in this Congress after our successful experiment in the 108th Congress.

The package includes important provisions to allow us to function in situations where large numbers of Members are incapacitated. The "provisional quorum" language includes a number of safeguards to ensure that this institution can continue to operate during times of turmoil and democracy will be preserved.

As we search for permanent solutions to the problems facing us in the post-9/11 era, this is an important step in meeting our responsibilities.

We will also eliminate the Corrections Calendar. While this was originally intended to make it easier to consider legislation making corrections to outright errors in law, it turned out to be more cumbersome than other procedures, such as consideration under suspension of the rules.

And yes, Mr. Speaker, in a change guaranteed to draw applause from my colleagues, the House rules will now allow us to make reference to the Senate and its Members, so long as those references are confined to the question under debate and avoid personality. The Senate has long had similar provisions and this new rule merely conforms our rules to theirs.

I know that my colleagues and I share the desire to maintain our traditions of dignity and decorum in proceedings, and will do so even with this rules change.

On another topic, the package makes a series of changes to our ethics rules.

We included two provisions suggested by the chairman and ranking member of the Standards Committee: (1) clarifying the rule on officially connected travel to allow a family member other than a spouse or child to travel with the member at the sponsor's expense, and (2) conforming the rules of the House to current law which allow the use of campaign funds to pay for certain official expenses, such as a cellphone.

We also included provision suggested by the gentleman from Connecticut (Mr. LARSON) to conform the rules of the House to current law with regard to the 90-day pre-election limit on franked mail.

The package also includes two other provisions addressing our ethics rules. The first gives Members the same rights to choose their counsel before the Ethics Committee that they would enjoy if they were a respondent in a court case.

The second change addresses an inequity in the Standards Committee process requiring an investigative subcommittee if the chairman and ranking member don't act within 45 days. This change restores the presumption of innocence in our process.

As important as each of those changes are, Mr. Speaker, perhaps the most important change in this resolution will be the creation of a new standing Committee on Homeland Security.

It represents a far-reaching and critically important part of our overall strategic effort to protect the American people. The 9/11 Commission unanimously called for this action. They saw the need, and we believe most Members do, too.

Over the past 3 years, the Congress has asked the American people to accept change in countless ways. We have mandated change at the Federal, State, and local levels. We have asked for change from our allies and forced change upon our enemies.

And we saw the need for change over 2 years ago, and we responded, first with the enactment of the Homeland Security Act of 2002, and then with the formation of the Select Committee on Homeland Security. Their final report, a thorough and complete study of homeland security jurisdiction as it relates to House rules, was transmitted to my committee at the end of last year.

These measures made it clear to me and many other Members that steps need to be taken to further ensure the safety of the American people. The Rules Committee thoroughly reviewed the Select Committee's report and recommended a comprehensive and thoughtful reform effort that mirrors the recommendations of the 9/11 Commission: the formation of a permanent Committee on Homeland Security.

This change in House rule X, which governs the committee and their legislative jurisdictions, is delicately crafted architecture. It draws to the new committee only jurisdiction directly related to our defense against terrorism. Thus, it creates a primary committee while recognizing the other legitimate oversight roles of existing committees. It acknowledges the expertise and experience residing in other committees and leaves with them jurisdiction that may have a homeland security implication but not a direct policy relationship.

The House must have one central point where we, as national legislators, sort out the critical questions of securing our homeland without sacrificing our free society or a stable economy.

However, we envision a system of "purposeful redundancy." By that we mean more than one level of oversight and an atmosphere in which the competition of ideas is encouraged.

With this jurisdiction and the legislative history that I will place in the RECORD, the Department of Homeland Security will have more certainty as to which committee has the primary responsibility for homeland security. At the same time, the American people will live with the assurance that we are working to prevent anything from falling through the cracks.

Mr. Speaker, the new committee will have jurisdiction over: (1) Overall homeland security policy; (2) the organization and administration of the Department of Homeland Security; and (3) functions of the Department of Homeland Security relating to border and port security (except immigration policy and non-border enforcement), customs (except customs revenue), the integration, analysis, and dissemination of homeland security information, domestic preparedness for and collective response to terrorism, research and development, and transportation security.

By approving this resolution, the House will do what the Speaker and the 9/11 Commission has asked it to do: consolidate jurisdiction of the House in one committee. This committee will be dedicated to setting national homeland security policy and to effectively overseeing that the Department of Homeland Security carries out its mission.

Mr. Speaker, in making these changes, I want to note several points for the record.

First, referrals to the Select Committee on Homeland Security in the 108th Congress will not be considered a precedent for referrals in the 109th Congress.

Second, at the request of Mr. THOMAS, I am placing a document into the RECORD regarding understandings between the Department of Treasury and the Department of Homeland Security.

Third, because the Department continues to evolve, references to a department, agency, bureau, office, or subdivision include a reference to successor entities to the extent that the successor engages in homeland security activities now conducted by the department, agency, bureau, office, or subdivision referred to in the legislative history.

For example, the Homeland Security Act of 2002 transferred the Office of Domestic Preparedness to the Department of Homeland Security, to "have the primary responsibility within the executive branch of Government for preparedness of the U.S. for acts of terrorism." Subsequently, its name has been changed by the Department to "Office of State and Local Government Coordination and Preparedness (SLGCP)" although its mission stays the same.

Finally, I welcome questions from my colleagues about jurisdictional matters related to this change. However, I want to caution all Members that referrals are solely within the Speaker's power, and, in my answers, I will not infringe upon the power.

Once again, I appreciate the input from all of you regarding the 109th rules package, and I feel that with your assistance, we will make the rules of the House stronger and make for a safer country.

Mr. LEVIN. Mr. Speaker, I strongly oppose the changes in the House ethics rules that the Republican majority is seeking to adopt today. The proposed Republican rule changes would cripple the ethics process in the House and dramatically lower the bar for standards of official conduct.

Late yesterday, the Republican majority in the House released the details of its rules package for the 109th Congress. Some of the newspapers reported this morning that the majority had abandoned its efforts to loosen rules governing Members' ethical conduct, but this is not the case. While the majority backed away from some of its rule changes, the most egregious ethics change remains. This provision would make it much more difficult for the Committee on Standards of Official Conduct to investigate allegations of wrongdoing by Members of the House.

Under current rules, if the Ethics Committee deadlocks on whether or not to pursue an ethics complaint against a Member of the House, the matter automatically goes to an investigative subcommittee. Under the proposed change, a complaint against a Member would be tabled unless a majority votes to take action on it within 45 days. Since the committee is evenly split with five Republicans and five Democrats, either political party could simply block an ethics complaint by stonewalling and running out the clock.

There is no doubt that if the proposed rule change had been in effect during the last Congress, no action would have been taken against the Members of the House who were reprimanded as a result of the Ethics Committee's investigation of bribery allegations raised in connection with the vote on the Medicare Prescription Drug Act of 2003. The committee would have deadlocked and the entire matter swept under the rug 45 days after the complaint was made.

I was listening to the debate on this earlier. The chairman of the Ethics Committee said that he does not favor this change. He said he would like it removed. Why then is the majority leadership pursuing this change, when it is opposed by the ranking Republican on the Ethics Committee?

At a time when public confidence in Congress is so low and the Nation faces so many challenges, it is inexplicable that the first order of business in the new session is to water down the ethics rules in the House and make it even more difficult to discipline lawmakers who abuse their office.

This should not be a partisan matter. The proposed rule change harms the integrity and credibility of the House as an institution, and that reflects badly on all of us, Republicans and Democrats alike. I urge all my colleagues to join me in opposing this assault on ethics enforcement in the House.

Mr. BACA. Mr. Speaker, I rise in opposition to the rules package that we have before us today.

It is outrageous that my Republican colleagues have placed before us a rules package that at best lacks integrity, and at worst is completely unethical.

As the highest body of elected officials in our country, we should be held to the highest ethical standards.

But instead, my Republican colleagues have opted to put before us a rules package that actually lowers our ethics standards, so that they may promote their own agenda, at whatever cost.

This rules package makes it far more difficult for ethics investigations to take place. By requiring a majority of the ethics committee before an investigation can even begin, we are in great danger of diminishing the integrity of our great institution.

With this new rule, the majority party can effectively block any ethics investigation of a member of their party. This is an abuse of power.

And it's not just Democrats who oppose this plan. Americans across the country have expressed their opposition to this plan.

My Democratic colleagues and I have a better plan that will strengthen the ethics rules to improve congressional accountability and to make sure that legislation is properly considered.

The Republican plan fails to close a loophole that allows legislation to be considered before members have read it. Last year this led to the passage of a provision that would have let the Federal Government deeply invade citizens' privacy by reading their tax returns. I am appalled that the Republicans have failed to include the Democratic provision to tighten this loophole.

Mr. Speaker, I urge my colleagues to vote "no" on the resolution, so that we do not allow this rules package to become law.

Mr. DREIER. Mr. Speaker, I am inserting for the RECORD the following legislative history regarding the changes made by this resolution to Rule X, along with supporting materials.

LEGISLATIVE HISTORY TO ACCOMPANY CHANGES TO RULE X

RULE X AND THE COMMITTEE ON HOMELAND SECURITY

Legislative history

Overall homeland security policy—The jurisdiction of the Committee on Homeland

Security over "overall homeland security policy" is to be interpreted on a government-wide or multi-agency basis similar to the Committee on Government Reform's jurisdiction over "overall economy, efficiency, and management of government operations and activities. . . ." Surgical addresses of homeland security policy in sundry areas of jurisdiction occupied by other committees would not be referred to the Committee on Homeland Security on the basis of "overall" homeland security policy jurisdiction. For example, the Committee on Homeland Security shall have jurisdiction over a bill coordinating the homeland security efforts by all of the critical infrastructure protection sectors. Jurisdiction over a bill addressing the protection of a particular sector would lie with the committee otherwise having jurisdiction over that sector.

Organization and administration of the Department of Homeland Security—The jurisdiction of the Committee on Homeland Security would apply only to organizational or administrative aspects of the Department where another committee's jurisdiction did not clearly apply. The Committee's jurisdiction is to be confined to organizational and administrative efforts and would not apply to programmatic efforts within the Department of Homeland Security within the jurisdiction of other committees.

Homeland Security Oversight—This would vest the Committee on Homeland Security with oversight jurisdiction over the homeland security community of the United States. Nothing in this clause shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review homeland security activities to the extent that such activity directly affects a matter otherwise within the jurisdiction of that committee.

Individual committee concerns

Agriculture—The jurisdiction of the Committee on Homeland Security over "border and port security" shall be limited to agricultural importation and entry inspection activities of the Department of Homeland Security under section 421 of the Homeland Security Act of 2002. The Committee on Agriculture shall retain jurisdiction over animal and plant disease policy including the authority reserved to the Department of Agriculture to regulate policy under section 421 of the Homeland Security Act of 2002, and the Animal Health Protection Act, the Plant Protection Act, the Plant Quarantine Act, and the Agriculture Quarantine Inspection User Fee Account. The Committee on Agriculture shall retain jurisdiction over the agricultural research and diagnosis mission at the Plum Island Animal Disease Center.

Armed Services—The Committee on Armed Services shall retain jurisdiction over warfighting, the military defense of the United States, and other military activities, including any military response to terrorism, pursuant to section 876 of the Homeland Security Act of 2002.

Energy and Commerce—The Committee on Homeland Security shall have jurisdiction over measures that address the Department of Homeland Security's activities for domestic preparedness and collective response to terrorism. The words "to terrorism" require a direct relation to terrorism. The Committee on Homeland Security's jurisdiction over "collective response to terrorism" means that it shall receive referrals of bills addressing the Department of Homeland Security's responsibilities for, and assistance to, first responders as a whole. The Committee on Energy and Commerce (and other relevant committees) shall retain their jurisdiction over bills addressing the separate entities that comprise the first responders. For example, the Committee on Energy and Commerce shall retain its jurisdiction over a bill directing the Department of Health and Human Services to train emergency medical personnel.

Financial Services—The Committee on Financial Services shall retain jurisdiction over the National Flood Insurance Program and Emergency Food and Shelter Program of FEMA, and the Defense Production Act. The Committee on Financial Services shall retain its jurisdiction over the anti-money laundering, terrorist financing, and anti-counterfeiting activities within the Department of the Treasury and the financial regulators.

Government Reform—The Committee on Homeland Security shall have jurisdiction over "the organization and administration of the Department of Homeland Security." The Committee on Government Reform shall retain jurisdiction over federal civil service, the overall economy, efficiency, and management of government operations and activities, including Federal procurement, and federal paperwork reduction. The Committee on Government Reform shall retain jurisdiction over government-wide information management efforts including the Federal Information Security Management Act. The Committee on Homeland Security shall have jurisdiction over integration, analysis, and dissemination of homeland security information by the Department of Homeland Security, and the Committee on Government Reform shall retain jurisdiction over measures addressing public information and records generally including the Privacy Act and the Freedom of Information Act. The Committee on Government Reform shall have jurisdiction over the policy coordination responsibilities of the Office of Counternarcotics Enforcement.

Intelligence—The Permanent Select Committee on Intelligence shall retain jurisdiction over the intelligence and intelligence-related activities of all departments and agencies of the Federal Government, including the Office of the Director of National Intelligence and the National Counterterrorism Center as defined in the Intelligence Reform and Terrorism Prevention Act of 2004.

Judiciary—The Committee on the Judiciary shall retain jurisdiction over immigration policy and non-border enforceme4tn of the immigration laws. Its jurisdiction over immigration policy shall include matters such as the immigration and naturalization process, numbers of aliens (including immigrants and non-immigrants) allowed, classifications and lengths of allowable stay, the adjudication of immigration petitions and the requirements for the same, the domestic adjudication of immigration petitions and applications submitted to the Department of Labor or the Department of Homeland Security and setting policy with regard to visa issuance and acceptance. Its jurisdiction over non-border enforcement shall be limited to those aspects of immigration enforcement not associated with the immediate entry of individuals into the country, including those aspects of the Bureau of Immigration and Customs Enforcement. The Committee on Homeland Security shall have jurisdiction over border and port security including the immigration responsibilities of inspectors at ports of entry and the border patrol. As used in the new Rule X(1)(l)(9) and this legislative history, the word "immigration" shall be construed to include "naturalization" and no substantive change is intended by the new rule's not containing the word "naturalization."

Science—The Committee on Science shall retain some jurisdiction over the research and development activities of the Department of Homeland Security as such matters are incidental to the Committee on Science's existing jurisdiction (except where those activities are in the jurisdiction of another committee).

Transportation and Infrastructure—The Committee on Transportation and Infrastructure shall retain jurisdiction over the Coast Guard. However, the Committee on Homeland Security has jurisdiction over port security, and some Coast Guard responsibilities in that area will fall within the jurisdiction of both committees. Jurisdiction over emergency preparedness will be split between the Committee on Transportation and Infrastructure and the Committee on Homeland Security. The Committee on Transportation and Infrastructure shall retain its jurisdiction under clause 1(r)(2) over "federal management of emergencies and natural disasters." This means that the committee retains its general jurisdiction over the emergency preparedness and response operations of the Federal Emergency Management Agency (FEMA). Bills addressing FEMA's general preparation for disaster from any cause shall be referred to the Committee on Transportation and Infrastructure. The Committee on Homeland Security shall have jurisdiction over the Department of Homeland Security's responsibilities with regard to emergency preparedness only as they relate to acts of terrorism. Thus, the Committee on Homeland Security shall have jurisdiction over the responsibilities of the Office for Domestic Preparedness, in accordance with section 430 of the Homeland Security Act of 2002.

As indicated earlier, the Committee on Homeland Security's jurisdiction over "collective response to terrorism" means that it would receive referrals of bills addressing the Department of Homeland Security's responsibilities for, and assistance to, first responders as a whole and not over measures addressing first responder communities individually.

The Committee on Homeland Security shall have jurisdiction over the functions of the Department of Homeland Security relating to transportation security, while the Committee on Transportation and Infrastructure shall retain its jurisdiction over transportation safety. In general, the Committee on Homeland Security would have jurisdiction over bills addressing the Transportation Security Administration and the Committee on Transportation and Infrastructure would have jurisdiction over bills addressing the various entities within the Department of Transportation having responsibility for transportation safety, such as the Federal Aviation Administration and the Federal Motor Carrier Safety Administration. The jurisdiction of the Committee on Homeland Security does not include expenditures from trust funds under the jurisdiction of other committees, including but not limited to the Highway Trust Fund, the Airport and Airway Trust Fund, the Harbor Maintenance Trust Fund, the Federal Buildings Fund, and the Inland Waterways Trust Fund.

Ways and Means—The jurisdiction of the Committee on Ways and Means over "customs revenue" is intended to include those functions contemplated in section 412(b)(2) of the Homeland Security Act of 2002 and includes those functions as carried out in collection districts and ports of entry and delivery.

SECRETARY OF THE TREASURY,
Date: May 15, 2003.

SUBJECT: Delegation from the Secretary of the Treasury to the Secretary of Homeland Security of general authority over Customs revenue functions vested in the Secretary of the Treasury as set forth in the Homeland Security Act of 2002.

By virtue of the authority vested in me as the Secretary of the Treasury, including the authority vested by 31 U.S.C. 321(b) and section 412 of the Homeland Security Act of 2002 (Pub. L. 107–296) (Act), it is hereby ordered:

1. Consistent with the transfer of the functions, personnel, assets, and liabilities of the United States Customs Service to the Department of Homeland Security as set forth in section 403(1) of the Act, there is hereby delegated to the Secretary of Homeland Security the authority related to the Customs revenue functions vested in the Secretary of the Treasury as set forth in sections 412 and 415 of the Act, subject to the following exceptions and to paragraph 6 of this Delegation of Authority:

(a)(i) The Secretary of the Treasury retains the sole authority to approve any regulations concerning import quotas or trade bans, user fees, marking, labeling, copyright and trademark enforcement, and the completion of entry or substance of entry summary including duty assessment and collection, classification, valuation, application of the U.S. Harmonized Tariff Schedules, eligibility or requirements for preferential trade programs, and the establishment of recordkeeping requirements relating thereto. The Secretary of Homeland Security shall provide a copy of all regulations so approved to the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance every six months.

(ii) The Secretary of the Treasury shall retain the authority to review, modify, or revoke any determination or ruling that falls within the criteria set forth in paragraph 1(a)(i), and that is under consideration pursuant to the procedures set forth in sections 516 and 625(c) of the Tariff Act of 1930, as amended (19 U.S.C. 1516 and 1625(c)). The Secretary of Homeland Security periodically shall identify and describe for the Secretary of the Treasury such determinations and rulings that are under consideration under sections 516 and 625(c) of the Tariff act of 1930, as amended, in an appropriate and timely manner, with consultation as necessary, prior to the Secretary of Homeland Security's exercise of such authority. The Secretary of Homeland Security shall provide a copy of these identifications and descriptions so made the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance every six months. The Secretary of the Treasury shall list any case where Treasury modified or revoked such a determination or ruling.

(b) Paragraph 1(a) notwithstanding, if the Secretary of Homeland Security finds an overriding, immediate, and extraordinary security threat to public health and safety, the Secretary of Homeland Security may take action described in paragraph 1(a) without the prior approval of the Secretary of the Treasury. However, immediately after taking any such action, the Secretary of Homeland security shall certify in writing to the Secretary of the Treasury and to the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance the specific reasons therefor. The action shall terminate within 14 days or as long as the overriding, immediate, and extraordinary security threat exists, whichever is shorter, unless the Secretary of the Treasury approves the continued action and provides notice of such approval to the Secretary of Homeland Security.

(c) The Advisory Committee on Commercial Operations of the Customs Service (COAC) shall be jointly appointed by the Secretary of the Treasury and the Secretary of Homeland Security. Meetings of COAC shall be presided over jointly by the Secretary of the Treasury and the Secretary of Homeland Security. The COAC shall advise the Secretary of the Treasury and the Secretary of Homeland Security jointly.

2. Any references in this Delegation of Authority to the Secretary of the Treasury or the Secretary of Homeland Security are deemed to include their respective delegees, if any.

3. This Delegation of Authority is not intended to create or confer any right, privilege, or benefit on any private person, including any person in litigation with the United States.

4. Treasury Order No. 165–09, "Maintenance of delegation in respect to general authority over Customs Revenue functions vested in the Secretary of the Treasury, as set forth and defined in the Homeland Security Act of 2002," dated February 28, 2003, is rescinded. To this extent this Delegation of Authority requires any revocation of any other prior Order or Directive of the Secretary of the Treasury, such prior Order or Directive is hereby revoked.

5. This Delegation of Authority is effective May 14, 2003. This Delegation is subject to review on May 14, 2004. By March 15, 2004, the Secretary of the Treasury and the Secretary of Homeland Security shall consult with the Chairman and Ranking Member of the Committee on Ways and Means and the Chairman and Ranking Member of the Committee on Finance to discuss the upcoming review of this Delegation.

6. The Secretary of the Treasury reserves the right to rescind or modify this Delegation of Authority, promulgate regulations, or exercise authority at any time based upon the statutory authority reserved to the Secretary by the Act.

JOHN W. SNOW,
Secretary of the Treasury.

Mr. OBERSTAR. Mr. Speaker, I rise in opposition to H. Res. 5, to the Republican rules package. Specifically, I oppose the proposed changes to rule X, which among other things creates a permanent standing Committee on Homeland Security and grants legislative jurisdiction to that committee. I am not opposed to the creation of a permanent Homeland Security Committee. Indeed, I believe that the Homeland Security Committee should be made permanent and should be granted jurisdiction over the overall homeland security policy of the Federal Government. Further, I believe that a Homeland Security Committee is needed to oversee the internal administration of such a large Federal agency as the Department of Homeland Security, DHS, which has over 180,000 employees.

Although H. Res. 5 includes these provisions, I oppose its grant of legislative jurisdiction to the new committee of areas that have previously been the jurisdiction of other committees. I oppose this grant of jurisdiction, not because of some desire to protect existing committees' "turf", but because transfer of these security issues to a new committee divests from the responsibility for those issues from those Members who have substantial experience and expertise—in some cases developed through decades of work—on them. The existing committees are best equipped to give the full House the benefit of carefully thought out recommendations that provide effective security without unnecessary risks to safety or economic efficiency. It will take years for a new committee to be able to develop the expertise to provide the House and the Nation with reports and recommendations of the quality that existing committees provide.

It is not enough to say that members with particular areas of expertise will have an opportunity to be heard on these issues. The most effective way to influence policy is to be part of the debate and discussion in the early stages of policy formation; simply voting yes or no when legislation makes it to the House floor is generally not sufficient participation to craft policy.

I take this position on the basis of my 30 years of experience in the House, during which time I have given high priority to security, particularly the security of our transportation system.

H. Res. 5 would divest responsibility for DHS' transportation and port security functions from the Transportation and Infrastructure Committee, T&I Committee, and transfer it to the Homeland Security Committee. However, transportation and port security cannot be considered in a vacuum. Developing sound security legislation requires balancing security risks against the economic and safety impacts of such measures on transportation industries and their customers. For example, we would not want to install technology on aircraft to protect against missile attacks if that technology would create disproportionate safety risks.

In addition, security mandates are only one type of requirement imposed on transportation industries. Other requirements include safety, consumer protection, environmental, accessibility, and competitiveness statutory or regulatory mandates. Any security legislation or regulation must be considered in the context of the costs and benefits of all such requirements governing transportation industries.

The Committee on Transportation and Infrastructure has the responsibility and the expertise to broadly consider security risks, weigh all costs and benefits of proposed requirements, and determine the likely effects of such actions on transportation industries, their customers, and the existing framework of other statutory and regulatory requirements. The T&I Committee, time and again, has proven it's capable to ensure that the U.S. transportation system is efficient and safe, as well as secure. In the aftermath of the Pan Am Flight 103 tragedy, the T&I Committee developed the landmark Aviation Security Improvement Act of 1990 (P.L. 101–604), which mandated background checks for airline and airport employees and the deployment of bomb detection equipment for baggage at our Nation's airports. During the 1990s, our committee continued to respond to the changing security needs through oversight and legislation.

In the aftermath of the September 11 attacks, the T&I Committee developed and considered the Aviation and Transportation Security Act of 2001, ATSA. ATSA established a new Transportation Security Administration, TSA, federalized the screening workforce, and required the screening of all checked baggage to protect against terrorist threats. The Aviation Subcommittee alone has held 19 hearings on aviation security issues since September 11. Since September 11, the T&I Committee has also spearheaded important maritime and port security legislation including the Maritime Transportation Security Act of 2002, and the Coast Guard and Maritime Transportation Act of 2004.

The T&I Committee has the member expertise, the staff, and the institutional memory to deal with these issues. I believe that the quality of congressional oversight and legislation on these issues will suffer if these issues are simply transferred wholesale to a new committee. It will take years for the new committee to develop the institutional background and expertise that currently resides in our committee.

Finally, the Republican Conference drafted these changes to rule X in isolation. Democrats were afforded no role in crafting this critical security policy.

I believe the proposed changes to rule X do not further the security of this Nation. Instead, I fear that they will hamper security by divesting from those Members with the experience and institutional knowledge of these issues the direct responsibility to craft security policy.

For all of these reasons, I oppose H. Res. 5.

Ms. HARMAN. Mr. Speaker, I am pleased that the rules package includes a provision that will make the Homeland Security Committee a permanent committee. More importantly, we will be giving the committee real oversight and legislative jurisdiction. But I am disappointed that the majority has only given shared jurisdiction to the Homeland Security Committee in some areas. This creates the potential for ongoing turf battles that the 9/11 Commission warned against.

I am also discouraged that the majority has decided to add a third day of suspension bills to the legislative calendar each week. An increasing amount of legislation is being passed by the House under a suspension of the Rules. This is unnecessary and keeps us from doing the real business of the House—budgeting, appropriations and oversight.

A perfect example of this is the massive omnibus appropriations bill passed for fiscal year 2005 just a few weeks ago. This bill was rushed to the floor, ignoring the House rule requiring a 3-day review period before voting on conference reports. Only after the House voted on the bill, careful scrutiny of the language uncovered a provision allowing certain Members and staff access to any American's tax return.

Not only was this an embarrassing episode for the House leadership, it continued a troubling trend. In 4 out of the last 5 years, the majority has made a massive omnibus bill the only option to fund the government. This take-it-or-leave-it approach is not acceptable and is fiscally irresponsible.

Congress has also been asleep at the switch when it comes to funding for Iraq and the war on terrorism. This administration continues to fund the war on terrorism by supplemental appropriations. This is not a temporary war. Congress needs to stand up to this White House, stand up for honest budgeting, and require that funding for Iraq and the war on terrorism be made on-budget, and through the regular appropriations process.

By appropriating through omnibus bills and budgeting by supplemental, Congress is surrendering its constitutional duties. The results of this practice are ballooning deficits—the CBO confirmed that the 2004 deficit is the largest in history, $413 billion—a lack of follow-through to determine how appropriated funds are being spent.

Without proper oversight as a backstop, problems in the executive branch can spin out of control. Members are learning about problems for the first time through the newspapers, not as a result of tough oversight hearings. This kind of lax or nonexistent oversight contributes to situations like we saw in Abu Ghraib prison. Now we have learned about secret, permanent detention facilities in the United States where possible terrorists are held indefinitely, without any legal status.

Mr. Speaker, we need to take a hard look at our priorities and get back to doing the business of the House. We should be moving forward with a tough, focused oversight agenda, and a schedule that devotes more time to priority, must-pass legislation and less time to suspension bills. Instead, it appears that we are adopting a rules package today that will bring us more of the same.

Mr. DINGELL. Mr. Speaker, as has been the case for a number of years, the rules package put forward by my Republican colleagues continues to trample on the rights of the minority. It will do nothing to stop the abusive practices in this House such as the 3-hour vote on the Medicare bill in the middle of the night. In fact, it allows the Speaker added discretion to reconsider votes that the Republican majority loses. In addition, the new rules require an affirmative vote by the Ethics Committee before any action can be taken. This, in effect, gives my Republican colleagues the right to block any investigation.

I would like to focus on one portion of the package that will create a permanent Committee on Homeland Security. While I am sure some of my colleagues believe that the new committee will improve our security, unfortunately this new committee will be nothing more than a costly addition to the expenditures of the legislative branch, and it will likely breed a new wave of "turf warfare" among the committees of the House. We simply do not need a special committee every time we face a crisis.

The process under which we are being asked to approve this change is particularly troublesome. I call your attention to the last time the House felt compelled to create a new committee. In 1980, some Members of the House believed that it would be wise to create an energy committee. It used a careful process in which a committee on committees was created, consisting of Democrats and Republicans. When that committee reported its recommendations to the House, substitutes were permitted, and the result reflected a thoughtful understanding of how best to achieve the objectives.

In contrast, we are now being asked to consider a proposal which was sent to us just yesterday. It was hatched in secret by our Republican colleagues without the input of any Democrats. While many of my Democratic colleagues may agree with the need for a new committee, the right of the minority to have their views considered and voted upon has been trampled once again.

I also oppose the notion that a new committee is needed. If the main concern is one of oversight, we can use our existing committees to do the job. If Members still believed that a new committee was necessary, it need not have legislative jurisdiction.

I am certain that is such a committee had legislative recommendations of merit, the appropriate committees along with proper actions by respective party leaders would ensure the bill would come to the floor.

Instead, I foresee a new committee that will seek to increase its powers by introducing bills granting all manner of new authorities to the Department of Homeland Security. In addition, thoughtful bills addressing aspects of homeland security reported by the existing committees will now be delayed as the new committee will seek referrals. And needed responsiveness by the executive branch to the existing committees may be hindered.

While the 9/11 Commission urged a reorganization of congressional committees to deal with homeland security, it is odd that this new committee will have no jurisdiction over the issues that were identified by the Commission that led to the 9/11 tragedy. The new committee will have no jurisdiction over the intelligence community, the law enforcement community, or immigration enforcement.

It is a shame that the first day of this new Congress should be marked by an attempt to authorize a new committee without so much as an open markup to consider its merits. Moreover, it would be extremely unwise to ignore the expertise and experience of existing committees as we address homeland security issues, but we are starting down that path today.

Mr. LARSON of Connecticut. Mr. Speaker, I strongly oppose the radical new provision included in this rules package resolution which would violate the Constitution by allowing the Speaker and a small group of Members to usurp the powers of a majority of the House and act with only a "provisional quorum" instead of the real thing.

The proposal would deny the plain language of section 5 of article I of the Constitution and create a new category of quorum—a "provisional quorum"—which the Constitution expressly forbids. It destroys the very idea of the quorum. It would also demolish a 99-year-old precedent, based on the Constitution, that a quorum of the House consists of a majority of the membership chosen, sworn, and living.

For each House Member deprived of the right to exert an impact on the work of the House, either through physical presence in or absence from the Chamber, the approximately 600,000 persons represented by each Member would be deprived of their rights to democratic representation in the legislative body structured to be closest to the American people. This proposal transfers the rights of those "closest to the people" to those closest to the House floor.

The proposal takes the guise of a rules change which the House has no power to pass, since the Constitution determines what kind of body the House is, and what it can—and can not—do.

Under this proposal, a majority of Members of the House could be alive and well and fully cognizant, but unable to reach the floor, while the few who are present could usurp their authority and the powers of the House.

Article I, section 5 of the Constitution states that a quorum consists of a majority, and, in the absence of a majority, all that the remaining minority of Members of the House can do is either adjourn from day to day or vote to compel the attendance of absent Members. There are no other options—no matter how inconvenient that fact may be for any faction on the floor of the House during a time of emergency.

The fact that the Constitution authorizes a minority to compel the attendance of the absentees clearly indicates that the absentees are needed to conduct business. The Constitution does not guarantee that a minority of the House will necessarily succeed in compelling the attendance of absent Members to create a constitutional quorum. And such a result could indeed cause a crisis, which H. Res. 5 would do nothing to remedy. Unfortunately, during the last Congress the House refused to make serious progress toward ensuring continuity of government.

Let's consider how the plan before us today actually might operate.

Suppose that, in the aftermath of a catastrophic emergency which caused mass casualties and disrupted transportation and communications nationwide, a presiding officer existed in the House who might either be the Speaker or another Member of the House acting as "Speaker pro tempore" from a list of names left by a deceased Speaker.

Suppose that the presiding officer decided, if a quorum of the majority of Members failed to appear within a specified time period, that Members who weren't present on the House floor or any other designated place of meeting ceased to be Members for purposes of determining a quorum.

Suppose the rump minority of Members who had managed to reach the floor wanted to pass major legislation, including a declaration of war or authorization for use of military force, send constitutional amendments to the States for ratification, expel Members from their seats, or elect a new Speaker to become Acting President of the United States, all using a "provisional quorum" of one-half of the Members present, plus one.

Could they do these things? The proposed rule says they could. The Constitution says they could not.

The resolution gives the Member presiding the effective power to temporarily define out of existence those Members who don't respond to a specified series of quorum calls. These Members' seats would not be considered vacant, but they would fall into a kind of extra-constitutional limbo until the missing Members—or a majority of the total membership—reappeared in the House. It is even possible that some states might seek to replace Members who do not answer the "provisional quorum" call in the House by ordering special elections even though the Members might be known to be alive.

All Members are equal under the Constitution, and the right to membership in this House is not determined by a Speaker, Speaker pro tempore, or a rump of a minority of the body. It is determined by a vote of the people, and only a constitutionally constituted House may exercise the power to determine the qualifications of its Members and whether they have been duly elected.

The Supreme Court has ruled that the House may not add qualifications for membership beyond those expressly stated in the Constitution. If a Member has been duly elected and taken the oath, he remains a Member, and can only be removed through resignation, or through expulsion. There is no constitutional requirement that a Member must appear on the floor to maintain membership, or that House membership can somehow lapse.

It is surprising that some who only last year during debate on the "Continuity of Representation Act", H.R. 2844, spoke eloquently about the status of a House consisting only of Members elected by the people are now supporting a proposal to define those elected Members out of existence.

Members who are trapped at an airport because the transportation system is inoperative, for example, do not simply cease to exist, nor can their powers be vested in other Members, willingly or not. Their absence has potential consequences, including the inability of the House to act until the collective body is "assembled" again, as the Constitution requires.

The resolution would also do an end run around the issue of "disability", a matter not addressed in the Constitution and one which requires a constitutional amendment to resolve, as the 25th Amendment did in the case of the President. Disabled Members—whom we might describe as those either physically injured or mentally incapable so as to be incapable of participating in the work of the House—have the same status as those who are fully functional. The Constitution makes no mention of disabled Members, but it does not give the House the power to pretend they don't exist. The House has never expelled or otherwise attempted to remove a sitting Member on the grounds of disability.

Proponents of the proposal before us today claim to address the problem of incapacitated Members, but only by effectively ignoring it. Under the provisional quorum rule, these Members would presumably not be able to appear on the floor and would be automatically excluded from the provisional quorum. It's a very convenient solution to the disability problem, though blatantly unconstitutional.

The House could adopt the provisional quorum plan as a House rule if the Constitution were amended to authorize it to do so; however, the Constitution does not.

The argument that the House is somehow exercising a constitutional power to make its own rules is also spurious. The House may only make rules which the Constitution permits it to make. The House may not reinvent itself at will as a different kind of legislative body by pretending that it is simply changing its rules.

At the very least, the House should debate the provisional quorum issue as a separate resolution, following hearings by the Rules Committee, with the Speaker in the chair to signal the historic nature of the debate and the radical action proposed to be taken. Burying the issue within this resolution with other controversial rule changes is an outrage.

The 108th Congress proved to be a huge disappointment because of its failure to effectively address many issues involving the stability of our structure of government, deficiencies brought to the forefront by the September 11 attacks, as well as a disturbing tendency to paper over controversies with legislation which fails to substantively address the problem.

For example, the House rejected a constitutional amendment offered by Representative BAIRD of Washington which would have reconstituted the House quickly through temporary appointments, pending special elections, if a large number of Members were killed. I had introduced a different version of the proposal, H.J. Res. 89. Members opposed to the concept—which is admittedly extremely controversial—refused to allow real hearings and debate. Even though prospects for passage of a constitutional amendment were extremely slim, a substantial debate would have served to educate the Congress and the American people on the importance of these issues, and perhaps provide impetus in a search for alternatives. A major effort like this has to start somewhere.

Instead, the House passed, but the Senate subsequently did not consider, H.R. 2844, the "Continuity of Representation Act", which created an unrealistically fast, unfair, undemocratic and unworkable scheme to fill vacant House seats through a mandatory national 45-day special election period. This bill was referred principally to the House Administration Committee, where I was able to make an official record of its many flaws.

Neither House passed simple legislation which would have corrected an oversight in the legislation creating the Department of Homeland Security in 2002, which failed to place the supposedly critical new cabinet officer somewhere—anywhere—in the statutory line of success to the Presidency.

Though hearings were held, neither House addressed significant issues of Presidential succession, such as the role of the Speaker and President pro tempore and lame duck Cabinet members in the succession lineup, and the ability of some officials to "bump" others serving as acting president under the current Federal statute.

Mr. Speaker, I plan to urge further action on congressional continuity issues in the new year, to work with my colleagues on the Committee on House Administration to assert our own jurisdiction more effectively and to push other relevant committees to do the same. We need both more effective action, and better internal cooperation, to accomplish these goals.

The material previously referred to by Ms. SLAUGHTER is as follows:

Explanation of 3-Day Layover Supermajority Vote Requirement

1. Committee Reports. Clause 4(a)(1) of Rule XIII requires committee-reported bills to lay over for three days before consideration in the House. The purpose of this rule, which dates from the legislative Reorganization Act of 1970, is to give Members who did not participate in committee deliberations time to consider the committee's work. The three-day layover period gives Members time to familiarize themselves with the legislation and to prepare for House debate, which could include drafting amendments to the committee-reported bill. When he was a minority Rules Committee Member, Chairman Dreier explained the importance of this rule in the following way:

"Why is it that we have the 3-day layover? Very simple, Mr. Speaker, I do not think you would enter into a business agreement or purchase a home or engage in any kind of major activity without having read it first. The idea behind the 3-day layover is very simple. It is there so that we may in fact allow Members to have the opportunity to review legislation before they exercise their constitutional right and vote for it or against it."

Althoug Chairman Dreier was very critical of special rules that waived the 3-day layover when he was a minority Rules Committee member, his committee routinely reports special rules waiving 3-day layover of committee-reported legislation. In the 108th Congress, the Rules Committee waived the 3-day layover of committee-reported legislation 31 times.

The purpose of this amendment is to restore regular order to the committee reporting process. It would allow the House to adopt a rule waiving the 3-day layover of committee-reported legislation only with a two-thirds vote—in the same way the House must approve a rule calling for same-day consideration of a bill by a two-thirds vote.

2. Conference Reports. House-Senate conferences are a critical part of the Congressional deliberative process because they produce the final legislative product that becomes the law of the land. The conference is where the final compromises are made and the final statutory language on the bill's toughest issues is negotiated and drafted. As Chairman Dreier wrote back in 1993:

"Deliberative democracy is just as important at the end of the legislative process as it is at the formative subcommittee stages or the amendatory floor stage. In fact, the case can be made that it is even more important that Congress be fully informed and deliberate on that final product since that is the version that will become law."

Because only a restricted group of House Members participate in conferences and because conference reports can contain significant policy changes from the House-approved version of a bill, the standing House Rules provide Members a number of protections against the conference process. Perhaps the most important protection is the one found in clause 8(a)(1)(A) of House Rules XXII, which requires conference reports and joint explanatory statements to lay over for three days after publication in the Congressional Record. The purpose of this rule is very clear. Since most Members do not participate in the conference, they need time to study and familiarize themselves with the conference product. Conference reports on major legislation run sometimes hundreds of pages and often contain small, technical-looking changes in bill language that can have large policy effects. They can also contain provisions that serve the interests of a small group of conferees, but do not reflect the intentions of the broader house membership.

Although conference reports are privileged and could come directly to the Floor for consideration without a rule, they are routinely considered under special rules because they are often in technical violation of one or more sections of Rule XXII or the Budget Act of 1974. While it is understandable that the majority may need to use special rules to waive certain points of order against the content or consideration of conference reports in particular situations, the Majority has made it the practice to grant "blanket waivers" to virtually every conference report the House considers. Twenty-five of the 28 special rules the Rules Committee granted on conference reports in the 108th Congress waived 3-day layover. In other words, it has become standard practice to jam conference reports through the House before most Members know what is in them.

One of the troubling consequences of this policy is that Members only learn about the details of a conference report after it has already passed the House. Some of these conference reports reconfirm the truth of the old saying that "the devil is in the details." Chairman Dreier made this very same argument, when, as a minority Rules Committee member, he opposed waiving the 3-day layover on conference reports. He wrote:

"The House and Senate have been repeatedly embarrassed over the years by conference reports on voluminous pieces of legislation which have been voted on before even properly printed or distributed, let alone understood. Only after their enactment have some of the provisions come back to haunt the Congress."

The 108th Congress has had its share of embarrassing episodes involving the quick approval of conference reports that were later discovered to contain controversial provisions added into bills during the conference stage. For example:

One of the earliest actions of the 108th Congress was to repeal the embarrassing provision Republican leaders had slipped into the Homeland Security conference report at the end of the 107th Congress that protected Eli Lilly and a number of other pharmaceutical companies from civil liability for their production of the vaccine preservative Thimerosal.

The Energy Bill conference added scores of obscure provisions that had not appeared in the House or Senate bills, including the embarrassing "greenbonds initiative," which turned out to be subsidy to build a Hooters restaurant in Shreveport, Louisiana.

The recent conference report for the FY05 Omnibus funding bill included a provision giving Appropriations Committee Members and staff access to the Internal Revenue Service tax returns of U.S. Citizens.

To avoid future embarrassing episodes such as these and to restore Members' rights to have three days to study a conference report, this section would allow the House to adopt a rule waiving the 3-day layover of conference report only with a two-thirds vote.

Previous Questions for H. Res. 5—109th Congress Opening Day Rules Package

In section 2:

Amendment to H. Res. 5 Offered by Ms. Slaughter of New York

Strike section 2(k)(2) (relating to dismissal of complaints) and redesignate the succeeding paragraph accordingly.

Mr. DREIER. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to the order of the House of today, this vote will be followed by a 5-minute vote on the motion to commit and a 5-minute vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 222, nays 196, not voting 9, as follows:

[Roll No. 4]

YEAS—222

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster

Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—9

Capps
Feeney
Jones (NC)
Larsen (WA)
McHugh
Miller, Gary
Northup
Serrano
Watson

☐ 1705

Messrs. SANDERS, DEFAZIO, and MEEHAN changed their vote from "yea" to "nay."

Mr. WELLER changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

MOTION TO COMMIT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Speaker, I offer a motion.

The SPEAKER pro tempore (Mr. LAHOOD). The Clerk will report the motion to commit.

The Clerk read as follows:

Ms. SLAUGHTER moves to commit the resolution H. Res. 5 to a select committee composed of the Majority Leader and the Minority Leader with instructions to report the same back to the House forthwith with the following amendments:

In section 2, add at the end the following new subsections:

WAIVER OF THREE-DAY LAYOVER REQUIREMENT REQUIRES TWO-THIRDS VOTE

SEC. . Clause 6(c) of rule XIII of the Rules of the House of Representatives is amended by striking the period at the end of subparagraph (2) and by adding at the end the following new subparagraphs:

"(3) a rule or order proposing a waiver of clause 4(a)(1) of rule XIII or of clause 8(a) or 8(b) of rule XXII by a vote of less than two-thirds of the Members voting, a quorum being present; or

"(4) a rule or order proposing a waiver of subparagraph (3) by a vote of less than two-thirds of the Members voting, a quorum being present.".

POST-EMPLOYMENT RESTRICTIONS FOR MEMBERS

SEC. . Rule XXIII of the Rules of the House of Representatives is amended by redesignating clause 13 as clause 14 and by adding after clause 12 the following new clause:

"13. No Member, Delegate, or Resident Commissioner may negotiate for future employment with any person who has a direct interest in legislation referred to any committee during this or the preceding Congress while that Member, Delegate, or Resident Commissioner serves on that committee.".

Ms. SLAUGHTER (during the reading). Mr. Speaker, I ask unanimous consent that the motion to commit be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to commit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to commit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 196, nays 219, not voting 12, as follows:

[Roll No. 5]

YEAS—196

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Shays
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—219

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris

Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Capps
Doyle
Feeney
Fortenberry
Jones (NC)
Larsen (WA)
McHugh
Miller, Gary
Northup
Peterson (PA)
Serrano
Watson

☐ 1719

So the motion to commit was rejected.

The result of the vote was announced as above recorded.

Mr. RYAN of Wisconsin and Mr. COX changed their votes from "yea" to "nay."

Mr. HASTINGS of Florida changed his vote from "nay" to "yea."

Stated against:

Mr. FORTENBERRY. Mr. Speaker, on rollcall No. 5 I was inadvertently detained. Had I been present, I would have voted "nay."

☐ 1715

The SPEAKER pro tempore (Mr. LaHood). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minutes vote.

The vote was taken by electronic device, and there were—yeas 220, nays 195, not voting 12, as follows:

[Roll No. 6]

YEAS—220

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Buyer
Calvert
Camp
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Green (WI)
Gutknecht
Hall
Harris
Hart
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCaul (TX)
McCotter
McCrery
McHenry
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Nunes
Nussle
Otter
Oxley
Paul
Pearce
Pence
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shaw
Shays
Sherwood
Shimkus
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sullivan
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NAYS—195

Abercrombie
Ackerman
Allen
Andrews
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Frank (MA)
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Lantos
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—12

Capps
Doyle
Feeney
Hastings (WA)
Jones (NC)
Larsen (WA)
McHugh
Miller, Gary
Northup
Peterson (PA)
Serrano
Watson

☐ 1530

Miss McMORRIS changed her vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CAPPS. Mr. Speaker, I was not able to be present for the following rollcall votes and would like the RECORD to reflect that I would have voted as follows: Rollcall No. 3—"nay"; rollcall No. 4—"nay"; rollcall No. 5—"yea"; rollcall No. 6—"nay."

ELECTION OF MEMBERS TO COMMITTEE ON RULES

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 6) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 6

Resolved, That the following Members be and are hereby elected to the following standing committee of the House of Representatives:

Committee on Rules: Mr. Dreier, Chairman; Mr. Lincoln Diaz-Balart of Florida; Mr. Hastings of Washington; Mr. Sessions; Mr. Putnam; Mrs. Capito; Mr. Cole and Mr. Bishop of Utah.

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPENSATION OF CERTAIN MINORITY EMPLOYEES

Ms. PELOSI. Mr. Speaker, I offer a resolution (H. Res. 7), and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 7

Resolved, That pursuant to the Legislative Pay Act of 1929, as amended, the six minority employees authorized therein shall be the following named persons, effective January 3, 2005, until otherwise ordered by the House, to-wit: George Crawford, George Kundanis, Lorraine Miller, Brendan Daly, Mike Sheehy and Arshi Siddiqui, each to receive gross compensation pursuant to the provisions of House Resolution 119, Ninety-fifth Congress, as enacted into permanent law by section 115 of Public Law 95–94. In addition, the Minority Leader may appoint and set the annual rate of pay for up to three further minority employees.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. Con. Res. 1. Concurrent Resolution to provide for the counting on January 6, 2005, of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2. Concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 93 and S. Con. Res. 94 of the One Hundred Eighth Congress.

The message also announced that the Secretary inform the House of Representatives that a quorum of the Senate is assembled and that the Senate is ready to proceed to business.

DAILY HOUR OF MEETING

Mr. DREIER. Mr. Speaker, I offer a privileged resolution (H. Res. 8) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 8

Resolved, That unless otherwise ordered, before Monday, May 16, 2005, the hour of daily meeting of the House shall be 2 p.m. on Mondays; noon on Tuesdays; and 10 a.m. on all other days of the week; and from Monday, May 16, 2005, until the end of the first session, the hour of daily meeting of the House shall be noon on Mondays; 10 a.m. on Tuesdays, Wednesdays, and Thursdays; and 9 a.m. on all other days of the week.

The resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1730

REGARDING CONSENT TO ASSEMBLE OUTSIDE THE SEAT OF GOVERNMENT

Mr. DREIER. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 1) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 1

Resolved by the House of Representatives (the Senate concurring), That pursuant to clause 4, section 5, article I of the Constitution, during the One Hundred Ninth Congress the Speaker of the House and the Majority Leader of the Senate or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, may notify the Members of the House and the Senate, respectively, to assemble at a place outside the District of Columbia if, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR A JOINT SESSION TO COUNT ELECTORAL VOTES

The SPEAKER pro tempore (Mr. LAHOOD) laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 1) to provide for the counting on January 6, 2005, of the electoral votes for the President and Vice President of the United States.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 1

Resolved by the Senate (the House of Representatives concurring), That the two Houses of Congress shall meet in the Hall of the House of Representatives on Thursday, the sixth day of January 2005, at 1 o'clock post meridian, pursuant to the requirements of the Constitution and laws relating to the election of President and Vice President of the United States, and the President of the Senate shall be their Presiding Officer; that two tellers shall be previously appointed by the President of the Senate on the part of the Senate and two by the Speaker on the part of the House of Representatives, to whom shall be handed, as they are opened by the President of the Senate, all the certificates and papers purporting to be certificates of the electoral votes, which certificates and papers shall be opened, presented, and acted upon in the alphabetical order of the States, beginning with the letter "A"; and said tellers, having then read the same in the presence and hearing of the two Houses, shall make a list of the votes as they shall appear from the said certificates; and the votes having been ascertained and counted in the manner and according to the rules by law provided, the result of the same shall be delivered to the President of the Senate, who shall thereupon announce the state of the vote, which announcement shall be deemed a sufficient declaration of the persons, if any, elected President and Vice President of the United States, and, together with a list of the votes, be entered on the Journals of the two Houses.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution was concurred in.

There was no objection.

A motion to reconsider was laid on the table.

PROVIDING FOR CONTINUATION OF JOINT COMMITTEE TO MAKE INAUGURATION ARRANGEMENTS

The SPEAKER pro tempore laid before the House the following privileged Senate concurrent resolution (S. Con. Res. 2) to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provision of S. Con. Res. 93 and S. Con. Res. 94 of the One Hundred Eighth Congress.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 2

Resolved by the Senate (the House of Representatives concurring), That effective from January 3, 2005, the joint committee created by Senate Concurrent Resolution 94 (108th Congress), to make the necessary arrangements for the inauguration, is hereby continued with the same power and authority provided for in that resolution.

SEC. 2. Effective from January 4, 2005, the provisions of Senate Concurrent Resolution 93 (108th Congress), to authorize the rotunda of the United States Capitol to be used in connection with the proceedings and ceremonies for the inauguration of the President-elect and the Vice President-elect of the United States, are continued with the same power and authority provided for in that resolution.

The SPEAKER pro tempore. Without objection, the Senate concurrent resolution is concurred in.

There was no objection.

A motion to reconsider was laid on the table.

REAPPOINTMENT AS MEMBERS OF JOINT COMMITTEE TO MAKE NECESSARY ARRANGEMENT FOR THE INAUGURATION ON JANUARY 20, 2005

The SPEAKER pro tempore. Without objection, pursuant to Senate Concurrent Resolution 2, 109th Congress, the Chair announces the Speaker's reappointment as members of the joint committee to make the necessary arrangements for the inauguration of the President-elect and the Vice President-elect of the United States on the 20th day of January, 2005, the following Members of the House:

Mr. HASTERT of Illinois,

Mr. DELAY of Texas,
Ms. PELOSI of California.

PROVIDING FOR ATTENDANCE AT INAUGURAL CEREMONIES ON JANUARY 20, 2005

Mr. DELAY. Mr. Speaker, I offer a privileged resolution (H. Res. 9) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 9

Resolved, That at 10:30 a.m. on Thursday, January 20, 2005, the House shall proceed to the West Front of the Capitol for the purpose of attending the inaugural ceremonies of the President and Vice President of the United States; and that upon the conclusion of the ceremonies the House stands adjourned until 2 p.m. on Tuesday, January 25, 2005, pursuant to such concurrent resolution of adjournment as may so permit.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. DELAY. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 2) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 2

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, January 6, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Thursday, January 20, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, January 20, 2005, it stand adjourned until 2 p.m. on Tuesday, January 25, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, January 6, 2005, or Friday, January 7, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Thursday, January 20, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ADJOURNMENT TO THURSDAY, JANUARY 6, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 11 a.m. on Thursday, January 6, 2005.

The SPEAKER pro tempore (Mr. PEARCE). Is there objection to the request of the gentleman from Texas?

There was no objection.

AUTHORIZING SPEAKER, MAJORITY LEADER, MINORITY LEADER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS DURING THE FIRST SESSION OF 109TH CONGRESS

Mr. DELAY. Mr. Speaker, I ask unanimous consent that during the first session of the 109th Congress, the Speaker, majority leader, and minority leader be authorized to accept resignations and to make appointments authorized by law or by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

GRANTING MEMBERS OF THE HOUSE PRIVILEGE TO EXTEND REMARKS AND INCLUDE EXTRANEOUS MATERIAL IN THE CONGRESSIONAL RECORD FOR THE FIRST SESSION OF 109TH CONGRESS

Mr. DELAY. Mr. Speaker, I ask unanimous consent that during the first session of the 109th Congress, all Members be permitted to extend their remarks and to include extraneous material within the permitted limit in that section of the RECORD entitled "Extensions of Remarks."

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair customarily takes this occasion on the opening day of Congress to announce his policies with respect to particular aspects of process. The Chair will insert in the RECORD announcements by the Speaker concerning: privileges of the floor; introduction of bills and resolutions; unanimous-consent requests for the consideration of bills and resolutions; recognition for 1-minute speeches, morning-hour debate, and special orders; decorum in debate; conduct of votes by electronic device; distribution of written materials on the House floor; use of wireless telephones or personal computers on the House floor; and jurisdictional issues.

These announcements, where appropriate, will reiterate the origins of the stated policies. The Speaker intends to continue in the 109th Congress the policies reflected in these statements.

The announcements referred to follow and, without objection, will be printed in the RECORD January 4, 2005:

There was no objection.

1. PRIVILEGES OF THE FLOOR

The Chair will make the following announcements regarding floor privileges, which will apply during the 109th Congress.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO STAFF

The SPEAKER. Rule IV strictly limits those persons to whom the privileges of the floor during sessions of the House are extended, and that rule prohibits the Chair from entertaining requests for suspension or waiver of that rule. As reiterated by the Chair on January 21, 1986, January 3, 1985, January 25, 1983, and August 22, 1974, and as stated in Chapter 10, section 2, of House Practice, the rule strictly limits the number of committee staff on the floor at one time during the consideration of measures reported from their committees. This permission does not extend to Members' personal staff except when a Member's amendment is actually pending during the five-minute rule. It also does not extend to personal staff of Members who are sponsors of pending bills or who are engaging in special orders. The Chair requests the cooperation of all Members and committee staff to assure that only the proper number of staff are on the floor, and then only during the consideration of measures within the jurisdiction of their committees. The Chair is making this statement and reiterating this policy because an increasing number of Members have insisted on strict enforcement of the rule. The Chair requests each chairman, and each ranking minority member, to submit to the Speaker a list of those staff who are allowed on the floor during the consideration of a measure reported by their committee. The Sergeant-at-Arms, who has been directed to assure proper enforcement of rule IV, will keep the list. Each staff person should exchange his or her ID for a "committee staff" badge, which is to be worn while on the floor. The Chair has consulted with the Minority Leader and will continue to consult with her.

Furthermore, as the Chair announced on January 7, 2003, in accordance with the change in the 108th Congress of clause 2(a) of rule IV regarding leadership staff floor access, only designated staff approved by the Speaker shall be granted the privilege of the floor. The Speaker intends that his approval be narrowly granted on a bipartisan basis to staff from the majority and minority side and only to those staff essential to floor activities.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO FORMER MEMBERS

The SPEAKER. The guidelines announced by the Chair on August 1, 1996, and May 25, 1995, with respect to the prohibition against former Members exercising floor privileges during the consideration of a matter in which they have a personal or pecuniary interest or are employed or retained as a lobbyist will continue to apply in the 109th Congress.

Clause 4 of rule IV and the subsequent guidelines issued by previous Speakers on this matter make it clear that consideration of legislative measures is not limited solely to those pending before the House. Consideration also includes all bills and resolutions that have been called up by a full committee or subcommittee or on which hearings have been held by a full committee or subcommittee of the House.

Former Members can be prohibited from privileges of the floor, the Speaker's lobby, and respective Cloakrooms should it be ascertained they have a direct interest in legislation that is before a subcommittee, full committee, or the House. Not only do those circumstances prohibit former Members but the fact that a former Member is employed or retained by a lobbying organization attempting to directly or indirectly influence pending legislation is cause for prohibiting access to the House Chamber. First announced by Speaker O'Neill on January 6, 1977, again on June 7, 1978, and by Speaker Foley in 1994, the guidelines were intended to prohibit former Members from using their floor privileges under the restrictions laid out in this rule. This restriction extends not only to the House floor but adjacent rooms, the Cloakrooms, and the Speaker's lobby.

Members who have reason to know that a former Member is on the floor inconsistent with clause 4 of rule IV should notify the Sergeant-at-Arms promptly.

2. Introduction of Bills and Resolutions

The SPEAKER. The policy that the Chair announced on January 3, 1983, with respect to the introduction and reference of bills and resolutions will continue to apply in the 109th Congress. As Members are aware, they have the privilege today of introducing bills. Heretofore on the opening day of a new Congress, several hundred bills have been introduced. The Chair will do his best to refer as many bills as possible, but he will ask the indulgence of Members if he is unable to refer all the bills that may be introduced. Those bills that are not referred and do not appear in the Record as of today will be included in the next day's Record and printed with a date as of today.

The Chair has advised all officers and employees of the House that are involved in the processing of bills that every bill, resolution, memorial, petition or other material that is placed in the hopper must bear the signature of a Member. Where a bill or resolution is jointly sponsored, the signature must be that of the Member first named thereon. The bill clerk is instructed to return to the Member any bill which appears in the hopper without an original signature. This procedure was inaugurated in the 92d Congress. It has worked well, and the Chair thinks that it is essential to continue this practice to insure the integrity of the process by which legislation is introduced in the House.

3. Unanimous-Consent Requests for the Consideration of Legislation

The SPEAKER. The policy the Chair announced on January 6, 1999, with respect to recognition for unanimous consent requests for the consideration of certain legislative measures will continue to apply in the 109th Congress. The Speaker will continue to follow the guidelines recorded in section 956 of the House Rules and Manual conferring recognition for unanimous-consent requests for the consideration of bills, resolutions, and other measures only when assured that the majority and minority floor leadership and committee chairmen and ranking minority members have no objection. Consistent with those guidelines, and with the Chair's inherent power of recognition under clause 2 of rule XVII, the Chair, and any occupant of the Chair appointed as Speaker pro tempore pursuant to clause 8 of rule I, will decline recognition for the unanimous-consent requests chronicled in section 956 without assurances that the request has been so cleared. This denial of recognition by the Chair will not reflect necessarily any personal opposition on the part of the Chair to orderly consideration of the matter in question, but will reflect the determination upon the part of the Chair that orderly procedures will be followed; that is, procedures involving consultation and agreement between floor and committee leadership on both sides of the aisle.

4. Recognition for One-Minute Speeches and Special Orders

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO ONE-MINUTE SPEECHES

The SPEAKER. The Speaker's policy announced on August 8, 1984, with respect to recognition for one-minute speeches will apply during the 109th Congress. The Chair will alternate recognition for one-minute speeches between majority and minority Members, in the order in which they seek recognition in the well under present practice from the Chair's right to the Chair's left, with possible exceptions for Members of the leadership and Members having business requests. The Chair, of course, reserves the right to limit one-minute speeches to a certain period of time or to a special place in the program on any given day, with notice to the leadership.

ANNOUNCEMENT BY THE SPEAKER WITH RESPECT TO SPECIAL-ORDER SPEECHES

The SPEAKER. The Speaker's policy announced on February 11, 1994, and February 24, 1994, with respect to restricted special-order speeches, will also continue through the 109th Congress with the further clarification that reallocations of time within each leadership special-order period will be permitted with notice to the Chair. Upon consultation with the Minority Leader, the Speaker's policy, which began on February 23, 1994, was reiterated on January 4, 1995, and was supplemented on January 3, 2001, will continue to apply in the 109th Congress as outlined below:

On Tuesdays, following legislative business, the Chair may recognize Members for special-order speeches up to midnight, and such speeches may not extend beyond midnight. On all other days of the week, the Chair may recognize Members for special-order speeches up to four hours after the conclusion of five-minute special-order speeches. Such speeches may not extend beyond the four-hour limit without the permission of the Chair, which may be granted only with advance consultation between the leaderships and notification to the House. However, at no time shall the Chair recognize for any special-order speeches beyond midnight.

The Chair will first recognize Members for five-minute special-order speeches, alternating initially and subsequently between the parties regardless of the date the order was granted by the House. The Chair will then recognize longer special orders speeches. A Member recognized for a five-minute special-order speech may not be recognized for a longer special-order speech. The four-hour limitation will be divided between the majority and minority parties. Each party is entitled to reserve its first hour for respective leaderships or their designees. Recognition will alternate initially and subsequently between the parties each day.

The allocation of time within each party's two-hour period (or shorter period if prorated to end by midnight) is to be determined by a list submitted to the Chair by the respective leaderships. Members may not sign up with their leadership for any special-order speeches earlier than one week prior to the special order, and additional guidelines may be established for such sign-ups by the respective leaderships.

Pursuant to clause 2(a) of rule V, the television cameras will not pan the Chamber, but a "crawl" indicating morning hour or that the House has completed its legislative business and is proceeding with special-order speeches will appear on the screen. The Chair may announce other television camera adaptations during this period.

The continuation of this format for recognition by the Speaker is without prejudice to the Speaker's ultimate power of recognition under clause 2 of rule XVII should circumstances so warrant.

5. Decorum in Debate

The SPEAKER. The Chair's announced policies of January 7, 2003, January 4, 1995, and January 3, 1991, will apply in the 109th Congress. It is essential that the dignity of the proceedings of the House be preserved, not only to assure that the House conducts its business in an orderly fashion but also to permit Members to properly comprehend and participate in the business of the House. To this end, and in order to permit the Chair to understand and to correctly put the question on the numerous requests that are made by Members, the Chair requests that Members and others who have the privileges of the floor desist from audible conversation in the Chamber while the business of the House is being conducted. The Chair would encourage all Members to review rule XVII to gain a better understanding of the proper rules of decorum expected of them, and especially: to avoid "personalities" in debate with respect to references to other Members, the Senate, and the President; to address the Chair while standing and only when, and not beyond, the time recognized, and not to address the television or other imagined audience; to refrain from passing between the Chair and a Member speaking, or directly in front of a Member speaking from the well; to refrain from smoking in the Chamber; to disable wireless phones when entering the Chamber; to wear appropriate business attire in the Chamber; and to generally display the same degree of respect to the Chair and other Members that every Member is due.

The Chair would like all Members to be on notice that the Chair intends to strictly enforce time limitations on debate. Furthermore, the Chair has the authority to immediately interrupt Members in debate who transgress rule XVII by failing to avoid "personalities" in debate with respect to references to the Senate, the President, and other Members, rather than wait for Members to complete their remarks.

Finally, it is not in order to speak disrespectfully of the Speaker; and under the precedents the sanctions for such violations transcend the ordinary requirements for timeliness of challenges. This separate treatment is recorded in volume 2 of Hinds' Precedents, at section 1248 and was reiterated on January 19, 1995.

6. Conduct of Votes by Electronic Device

The SPEAKER. The Speaker's policy announced on January 4, 1995, with respect to the conduct of electronic votes will continue in the 109th Congress.

As Members are aware, clause 2(a) of rule XX provides that Members shall have not less than 15 minutes in which to answer an ordinary [rollcall] record vote or quorum call. The rule obviously establishes 15 minutes as a minimum. Still, with the cooperation of the Members, a vote can easily be completed in that time. The events of October 30, 1991, stand out as proof of this point. On that occasion, the House was considering a bill in the Committee of the Whole under a special rule that placed an overall time limit on the amendment process, including the time consumed by [rollcalls] record votes. The Chair announced, and then strictly enforced, a policy of closing electronic votes as soon as possible after the guaranteed period of 15 minutes. Members appreciated and cooperated with the Chair's enforcement of the policy on that occasion.

The Chair desires that the example of October 30, 1991, be made the regular practice of the House. To that end, the Chair enlists the assistance of all Members in avoiding the unnecessary loss of time in conducting the business of the House. The Chair encourages all Members to depart for the Chamber promptly upon the appropriate bell and light signal. As in recent Congresses, the cloakrooms should not forward to the Chair requests to hold a vote by electronic device, but should simply apprise inquiring Members of the time remaining on the voting clock.

Although no occupant of the Chair would prevent a Member who is in the well of the Chamber before the announcement of the result from casting his or her vote, each occupant of the Chair will have the full support of the Speaker in striving to close each electronic vote at the earliest opportunity. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive in the Chamber.

7. USE OF HANDOUTS ON HOUSE FLOOR

The SPEAKER. The Speaker's policy announced on September 27, 1995, which was prompted by a misuse of handouts on the House floor and made at the bipartisan request of the Committee on Standards of Official Conduct, will continue in 109th Congress. All handouts distributed on or adjacent to the House floor by Members during House proceedings must bear the name of the Member authorizing their distribution. In addition, the content of those materials must comport with standards of propriety applicable to words spoken in debate or inserted in the Record. Failure to comply with this admonition may constitute a breach of decorum and may give rise to a question of privilege.

The Chair would also remind Members that, pursuant to clause 5 of rule IV, staff is prohibited from engaging in efforts in the Hall of the House or rooms leading thereto to influence Members with regard to the legislation being amended. Staff cannot distribute handouts.

In order to enhance the quality of debate in the House, the Chair would ask Members to minimize the use of handouts.

8. USE OF EQUIPMENT ON HOUSE FLOOR

The SPEAKER. The Speaker's policy announced on January 27, 2000, as modified by the change in clause 5 of rule XVII in the 108th Congress, will continue in the 109th Congress. All Members and staff are reminded of the absolute prohibition contained in clause 5 of rule XVII against the use of a wireless telephone or personal computer upon the floor of the House at any time.

The Chair requests all Members and staff wishing to receive or send wireless telephone messages to do so outside of the Chamber, and to deactivate, which means to turn off, any audible ring of wireless phones before entering the Chamber. To this end, the Chair insists upon the cooperation of all Members and staff and instructs the Sergeant-at-Arms, pursuant to clause 3(a) of rule II and clause 5 of rule XVII, to enforce this prohibition.

9. JURISDICTIONAL ISSUES

The SPEAKER. Based on discussions with the relevant committees, the further mutual understandings contained in the final two paragraphs of the "Memorandum of Understanding Between Energy and Commerce Committee and Financial Services Committee" dated January 30, 2001, shall no longer provide jurisdictional guidance.

The policy announced in the 102d Congress with respect to jurisdictional concepts rebated to clause 5(a) of rule XXI—tax and tariff measures—will continue to govern but need not be reiterated, as it is adequately documented as precedent in the House Rules and Manual.

The 109th Congress established the Committee on Homeland Security. The Chair would announce that the Speaker's referrals of measures to the Select Committee on Homeland Security of the 108th Congress will not constitute precedent for referrals to the new committee.

APPOINTMENT AS MEMBER TO THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House today, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Mr. HOEKSTRA of Michigan, Chairman.

APPOINTMENT OF MEMBERS TO HOUSE OFFICE BUILDING COMMISSION

The SPEAKER pro tempore. Pursuant to 40 United States Code, 175 and 176, and the order of the House of today, the Chair announces the Speaker's appointment of the gentleman from Texas (Mr. DELAY) and the gentlewoman from California (Ms. PELOSI) as members of the House Office Building Commission to serve with himself.

REPORT OF COMMITTEE TO NOTIFY THE PRESIDENT

Mr. DELAY. Mr. Speaker, your committee appointed on the part of the House to join a like committee on the part of the Senate to notify the President of the United States that a quorum of each House has been assembled and is ready to receive any communication that he may be pleased to make has performed that duty.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 4, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Under Clause 2(g) of Rule II of the Rules of the U.S. House of Representatives, I herewith designate Mr. Gerasimos C. Vans, Deputy Clerk, to sign any and all papers and do all other acts for me under the name of the Clerk of the House which he would be authorized to do by virtue of this designation, except such as are provided by statute, in case of my temporary absence or disability.

If Mr. Vans should not be able to act in my behalf for any reason, then Ms. Marjorie C. Kelaher, Assistant to the Clerk or Mr. Daniel J. Strodel, Assistant to the Clerk should similarly perform such duties under the same conditions as are authorized by this designation.

These designations shall remain in effect for the 109th Congress or until modified by me.

With best wishes, I am,
Sincerely,
JEFF TRANDAHL.

PROVIDING AMOUNTS FOR INTERIM EXPENSES OF THE COMMITTEE ON HOMELAND SECURITY IN THE FIRST SESSION OF THE 109TH CONGRESS

Mr. NEY. Mr. Speaker, I offer a resolution (H. Res. 10) and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

Mr. LARSON of Connecticut. Mr. Speaker, reserving the right to object, I yield to the distinguished gentleman from Ohio (Mr. NEY) to explain the purpose of the resolution.

Mr. NEY. Mr. Speaker, I want to thank the gentleman from Connecticut (Mr. LARSON) for yielding to me.

I rise today in support of the resolution to provide interim funding for the Committee on Homeland Security in the first session of the 109th Congress. The Committee on Homeland Security was not established as a permanent committee until this Congress. It was a select committee previously. Therefore, they did not fall under the House rules providing interim funding for other committees. We have a series of interim funding for our existing committees.

This resolution will provide the necessary funds for the committee to continue its work from January 3 through March 31. The committee will then receive funding, we hope, for the duration of the 109th Congress; and that is when we will attempt by that time to bring out a permanent funding resolution for all committees so it would then receive its funding for the duration of the 109th Congress, all the public committees of the House.

Once the committee funding resolution is adopted, then the system will go back to its regular order. I ask support for this legislation.

(Mr. LARSON of Connecticut asked and was given permission to revise and extend his remarks.)

Mr. LARSON of Connecticut. Mr. Speaker, further reserving my right to object, I want to take a moment to both thank and applaud the gentleman from Ohio (Mr. NEY) for his diligence in determining the need for and pursuing the necessary funding for the authority for the new Committee of Homeland Security.

I think he has described amply the need and the necessity under which the circumstances arose and why this resolution is so important.

Third, I wanted to just take a brief moment to reflect on the extraordinary efforts of the gentleman from California (Mr. COX) and the former ranking minority member, Jim Turner, who is no longer with us, who took a skeletal concept of a committee and have turned it into a robust working reality.

I would like to extend my own deep sense of appreciation to former representative Jim Turner for his extraordinary leadership and contributions on national security issues and, in particular, homeland security during the 108th Congress.

As the first ranking member of the Select Committee on Homeland Security, he vigorously pursued oversight and legislation to enhance the security of the American people. His diligent and purposeful efforts have prompted the leadership of our country to move faster with a strong and smart sense of purpose to preserve and protect the security of our Nation.

During the first 2 years of the Select Committee on Homeland Security's existence, his work resulted in a number of significant initiatives and related efforts that we pause and honor today. In particular, in April of last year former Representative Turner released a 90-page comprehensive plan to eliminate the threat of al Qaeda to the United States. The report, which includes over a hundred specific recommendations, sets forth a strategy to win the current war against al Qaeda and like-minded groups. Produced with the assistance of Democratic leadership and other committees, winning the war on terror reaffirms the commitment and need to prevail in the U.S. struggle against terrorism.

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The comprehensive plan played a large role in the introduction later in the 108th Congress of winning the War on Terror Act, H.R. 5291, designed to implement a series of initiatives and defeat terrorists and enemies.

Mr. Turner's accomplishments and what he was able to do in conjunction with the gentleman from California (Mr. COX) serve as a standard for the way that committees should proceed in this area. I cannot commend him enough and will present further accolades attesting to the attributes of Mr. Turner and the outstanding job he did on behalf of the State of Texas and this great country of ours. His service was exemplary, and I think this body owes him a great deal of gratitude for the performance that he undertook, along with the gentleman from California (Mr. COX) on this committee, and to see this committee today come to fruition as a full standing committee I think is a tribute to both of their hard work and zeal.

The gentleman from California (Mr. COX) will continue on. Mr. Turner, of course, is no longer in this body but will long be remembered for his diligent effort, his straightforward manner, his gentleman-like way that he dealt with both sides of the issue and the manner in which he was able to bring these very important issues to the floor of this House to proceed in protecting this great Nation of ours from threat, from dangers abroad and here at home.

Mr. Speaker, I want to say three things. First, I want to thank Chairman NEY for his diligence in determining the need for, and in pursuing the necessary funding authority for the new Committee on Homeland Security.

Second, as the original co-sponsor of this resolution with Chairman NEY, I want to take a moment to ensure that Members understand its purpose. Although House rule X provides temporary interim funding for committees which existed in the 108th Congress, and which the House rules have recreated in the 109th Congress, this temporary interim funding provision only applies to committees which succeed themselves in the new Congress. The former Select Committee on Homeland Security no longer exists, and the House rules have created a new, permanent standing Committee on Homeland Security to take its place. Because of this change, and in the absence of this resolution, the new Committee on Homeland Security would not have resources to operate until the House adopts the Omnibus Committee Funding Resolution sometime in March.

By adopting the resolution, the House puts the new select committee on essentially the same temporary funding basis as other committees.

Third, I want to take a moment to reflect on the extraordinary efforts of Chairman COX, and Ranking Minority Member Jim Turner, who took the skeletal concept of a committee, and turned it into a robust, working reality.

Mr. Speaker, I would like to extend my own deep sense of appreciation to Representative Jim Turner for his extraordinary leadership and contributions on national security issues and, in particular, homeland security during the 108th Congress. As the first ranking member of the Select Committee on Homeland Security, he vigorously pursued oversight and legislation to enhance the security of the American people. His diligent and purposeful efforts have prompted the leadership of our country to move faster, with a strong and smart sense of purpose, to preserve and protect the security of our nation. During the first 2 years of the Homeland Security Committee's existence, his work resulted in a number of significant initiatives and related efforts that I honor today. In particular:

In April of last year, Representative Turner released a 90-page comprehensive plan to eliminate the threat of al-Qaeda to the United States. The report, which includes over 100 specific recommendations, sets forth a strategy to win the current war against al-Qaeda and like-minded groups. Produced with the assistance of the Democratic leadership of other committees, Winning the War on Terror reaffirms the commitment needed to prevail in the U.S. struggle against terrorism. The comprehensive plan played a large role in the introduction later in the 108th Congress of the Winning the War on Terror Act, H.R. 5291, designed to implement a series of initiatives to defeat our terrorist enemies.

In February, 2004, Representative Turner, in concert with his Democratic colleagues on the Select Committee on Homeland Security, released a comprehensive report, entitled America at Risk: Closing the Security Gap, identifying the significant security gaps that continued to remain across the United States more than 2 years after the attacks of September 11. The comprehensive 135-page report identifies shortcomings in our homeland security efforts and recommends specific actions to ensure America is as safe as it needs to be from terrorist attack. An additional six oversight reports were subsequently issued on specific homeland security topics.

In September 2004, Representative Turner released a comprehensive 130-page report, entitled Transforming the Southern Border: Providing Security and Prosperity in the Post-9/11 World, calling for the transformation of the U.S. Southern Border to enhance security and promote economic prosperity. The result of a 6-month oversight effort, which included visits to multiple U.S. border communities, the report highlights the many security gaps that exist on the southern border and offers policy recommendations to close them. The comprehensive report was followed later in the 108th Congress with the introduction of the Secure Borders Act, H.R. 5130, to strengthen U.S. border security.

In addition to these efforts, Representative Turner, either alone or in concert with his Democratic colleagues, sponsored 12 homeland security legislative initiatives during the 108th Congress. Among other subjects, Representative Turner's efforts resulted in the introduction of the Prepare Act (H.R. 3158), containing unprecedented proposals to reform the U.S. first responder grant system by determining—for the first time—the essential capabilities needed to protect American communities; and the Rapid Cures Act (H.R. 4258), designed to develop a national plan to develop countermeasures to protect Americans against the threat of bioterrorism.

Mr. Speaker, these are only a few examples of the extraordinary contributions made by Representative Turner to our national homeland security effort. His leadership within the Democratic Caucus, and as a Member of the House on national security matters, has set a heightened standard for all of us to emulate. On the day that we create the first-ever permanent Committee on Homeland Security, it is fitting that we remember and honor the service and dedication of Representative Jim Turner.

Mr. Speaker, needless to say, as an original co-sponsor of this temporary funding resolution for the new Committee on Homeland Security, I urge each of my colleagues to support our country's continuing efforts to fight terrorism by voting in favor of this resolution.

Mr. NEY. Mr. Speaker, will the gentleman yield?

Mr. LARSON of Connecticut. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Speaker, I want to thank the gentleman from Connecticut, our ranking member, for supporting the resolution and also agree with his good and kind words about Mr. Turner.

Mr. LARSON of Connecticut. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. PEARCE). Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 10

Resolved,

SECTION 1. INTERIM EXPENSES OF THE COMMITTEE ON HOMELAND SECURITY.

For interim expenses of the Committee on Homeland Security, there shall be paid out of the applicable accounts of the House of Representatives not more than $1,396,480.26.

SEC. 2. LIMITATION.

Amounts shall be available under this resolution for expenses incurred during the period beginning at noon on January 3, 2005, and ending at midnight on March 31, 2005, except that the amount available during any month may not exceed $465,493.42.

SEC. 3. VOUCHERS.

Payments under this resolution shall be made on vouchers authorized by the Committee on Homeland Security, signed by the chairman of such Committee, and approved in the manner directed by the Committee on House Administration.

SEC. 4. REGULATIONS.

Amounts made available under this resolution shall be expended in accordance with regulations prescribed by the Committee on House Administration.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. NEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 10.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

MORNING HOUR DEBATE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that during the first session of the 109th Congress: One, on legislative days of Monday when the House convenes pursuant to House Resolution 8 the House shall convene 90 minutes earlier than the time otherwise established by that resolution solely for the purpose of conducting morning hour debate; and

Two, on legislative days of Tuesday when the House convenes pursuant to House Resolution 8:

(a) before May 16, 2005, the House shall convene for morning hour debate 90 minutes earlier than the time otherwise established by that resolution; and

(b) after May 16, 2005, the House shall convene for morning hour debate one hour earlier than the time otherwise established by that resolution: and

Three, on legislative days of Monday or Tuesday, when the House convenes for morning hour debate pursuant to an order other than House Resolution 8, the House shall resume its session 90 minutes after the time otherwise established by that order;

Four, the time for morning hour debate shall be limited to the 30 minutes allocated to each party, except that on Tuesdays after May 16, 2005, the time shall be limited to 25 minutes allocated to each party and may not continue beyond 10 minutes before the hour appointed for the resumption of the session of the House: and

Five, the form of proceeding for morning hour debate shall be as follows:

(a) the prayer by the Chaplain, the approval of the Journal and the Pledge of Allegiance to the flag shall be postponed until resumption of the session of the House;

(b) initial and subsequent recognitions for debate shall alternate between the parties;

(c) recognition shall be conferred by the Speaker only pursuant to lists submitted by the majority leader and by the minority leader;

(d) no Member may address the House for longer than 5 minutes, except the majority leader, the minority leader or the minority whip; and

(e) following morning hour debate, the Chair shall declare a recess pursuant to clause 12(a) of rule I until the time appointed for the resumption of the session of the House.

The SPEAKER pro tempore: Is there objection to the request of the gentleman from Illinois?

There was no objection.

EXPRESSING CONDOLENCES AND SUPPORT FOR ASSISTANCE TO VICTIMS OF EARTHQUAKE AND TSUNAMIS THAT OCCURRED ON DECEMBER 26, 2004, IN SOUTH AND SOUTHEAST ASIA

Mr. HYDE. Mr. Speaker, I offer a resolution (H. Res. 12) expressing condolences and support for assistance to the victims of the earthquake and tsunamis that occurred on December 26, 2004, in South and Southeast Asia, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 12

Whereas on December 26, 2004, a powerful earthquake measuring 9.0 on the Richter Scale occurred off the west coast of Northern Sumatra, Indonesia;

Whereas the undersea earthquake created massive tsunamis that struck several countries throughout South and Southeast Asia, as well as on the coast of East Africa;

Whereas the giant waves caused death and destruction on a nearly unprecedented scale, killing more than 140,000 people and leaving millions homeless;

Whereas many thousands of people were killed in Indonesia, Sri Lanka, India, and Thailand, and numerous others were killed in Somalia, Malaysia, Maldives, Bangladesh, Kenya, Burma, and elsewhere;

Whereas an estimated one-third of the earthquake and tsunami victims were children, and many thousands more have been left orphaned or separated from their families;

Whereas thousands of visitors and tourists from nearly 40 countries were killed in this natural disaster;

Whereas between 3,000,000 and 5,000,000 people throughout the affected region are lacking basic survival requirements as a result of the tsunamis and there remains the risk of numerous additional deaths due to shortages of clean water, adequate shelter, food, sanitation, and basic healthcare;

Whereas the United States and other donors have, to date, pledged an estimated $2,000,000,000 in emergency and long-term reconstruction assistance; and

Whereas the human cost of this disaster transcends mere statistics and has resulted in deeply personal tragedies for countless families in the region and throughout the world: Now, therefore, be it

Resolved, That the House of Representatives—

(1) mourns the horrific loss of life caused by the earthquake and tsunamis that occurred on December 26, 2004, in South and Southeast Asia;

(2) expresses its deep condolences to the families of the many earthquake and tsunami victims;

(3) applauds the prompt humanitarian response to the tsunami tragedy by governments, the United Nations and other international organizations, and nongovernmental organizations;

(4) recognizes the generous outpouring of support for relief efforts from private citizens around the world, including in the United States;

(5) affirms its commitment to additional generous United States support for relief and long-term reconstruction efforts in areas affected by the earthquake and tsunamis; and

(6) urges continued attention by donors and relief agencies to the needs of vulnerable populations in the stricken countries, particularly the thousands of children who have been left parentless and homeless by this disaster.

The SPEAKER pro tempore. The gentleman from Illinois (Mr. HYDE) is recognized for 1 hour.

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 12, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield half my time to the gentleman from California (Mr. LANTOS) and ask unanimous consent that he may control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I stand in support of House Resolution 12 which the gentleman from California (Mr. LANTOS), the gentleman from Iowa (Mr. LEACH) and I introduced earlier today with numerous of our colleagues. It expresses the deep condolences of the House of Representatives for the victims of the massive earthquake and tsunamis that struck South and Southeast Asia on December 26, 2004, and affirms our commitment to additional generous support for relief and reconstruction efforts.

The destruction wrought by this disaster is nearly incomprehensible. The confirmed death toll is nearly 150,000, approximately one-third of whom were children. Those countries that were hardest hit, Indonesia, Sri Lanka, India and Thailand, each lost many thousands, and the deadly effects were felt as far away as the eastern coasts of Africa. Millions of people are affected and lack the basic food, water, shelter and medical care necessary for survival. But, as the resolution notes, the human cost of this disaster transcends mere statistics and has resulted in deeply personal tragedies for countless families in the region and throughout the world. Our prayers are with the victims, their families and the many men and women working tirelessly to provide critical assistance to those still at risk.

I am proud of the swiftness and the magnitude of the relief effort that has been organized during the past week and a half. The United States has stepped forward with an initial commitment of $350 million, and we are providing crucial transportation and logistic support for the larger relief effort. The current total of international commitment stands at approximately $2 billion. I fully expect additional resources will be required, and we must all recognize that reconstruction from this epic catastrophe will not be a short-term project.

It is fitting we consider this resolution on the first day of this new Congress. This effort is the latest instance in a long American tradition of humanitarian generosity, and our actions demonstrate our belief that the earthquake and the tsunamis of December 26 were not primarily an Asian tragedy but a human tragedy. The people of the United States and all people of goodwill stand in solidarity with the many victims.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this resolution.

I want to thank the gentleman from Illinois (Mr. HYDE), my good friend and distinguished colleague, the chairman of the Committee on International Relations, for sponsoring this critical resolution, and I want to express my thanks to the chairman and ranking member of our Subcommittee on Asia and the Pacific for their outstanding work on this resolution.

Mr. Speaker, I want to extend my deepest and heartfelt sympathy to the people of the countries so deeply stricken by the earthquake, the tsunamis and their after-effects.

This disaster has taken some 150,000 lives and left millions homeless, separated from their families, with no access to clean water, shelter, food, sanitation or health care.

Mr. Speaker, late in December we all watched in shock as the news emerged detailing the horrors from the earthquake and tsunami-affected region. The initial reports of some 14,000 killed were simply stunning at the time, but a week later the numbers are 10 times higher, and with the horrendous death toll, we find there are countless more who are missing, including many American citizens.

The numbers of people killed, missing, wounded or left homeless are nothing short of overwhelming, and the mind struggles to grasp that a tragedy of such dimensions is possible. But the destruction and the numbers are all too real, and the needs of the survivors are real as well.

Our resolution affirms the rock-solid commitment of the American people and the government of the United States for relief and long-term reconstruction assistance in the areas affected by both the earthquake and the tsunamis, and it urges continued attention by all donors to the needs of the survivors, particularly the most vulnerable population, the children.

Mr. Speaker, every country has the moral obligation to help the millions of people affected by the earthquake and the tsunamis. There is a human imperative to ensure that the survivors of this tragedy obtain much-needed humanitarian relief, but we must also work with the international community to help in the long-term reconstruction of the disaster-stricken countries, reconstruction efforts which will be needed for many years to come.

I want to pay particular tribute to our military for their heroic assistance in this gigantic humanitarian crisis. No organization on the face of this planet could perform the miracles that our men and women in our military are doing every minute of every day as this crisis unfolds.

Mr. Speaker, I find it an outrage that some of the wealthiest oil-rich States have pledged only a pittance, even though since oil prices are at sky-high levels they have received an enormous windfall; in the case of Saudi Arabia, some $50 billion last year, that is $50,000 million.

Our resolution applauds the prompt humanitarian response of the United States, the American people, many of our friends and allies, international organizations and relief bodies. We must continue to support these efforts as long as they are necessary.

The gentleman from Illinois (Chairman HYDE) and I will continue to work to determine the best way the Congress and the American people can continue to help the affected countries over the long run. It is only fitting, Mr. Speaker, that the first legislative act of this Congress is a truly bipartisan effort to demonstrate the generosity and the caring of the American people.

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I firmly hope that this spirit of bipartisanship may spread to some of our other efforts in the 109th Congress. I urge all of my colleagues to support H. Res. 12.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa (Mr. LEACH).

Mr. LEACH. Mr. Speaker, I thank my distinguished chairman and distinguished ranking member for bringing this very thoughtful resolution to the floor.

What the world is witnessing with this tsunami in the Indian Ocean is a tragedy of awesome dimensions which the executive branch of the United States, the Congress, and the American people are determined to address in the most compassionate way possible.

I stress the word "compassion" because in international affairs today, the issue of motives is on everybody's mind. I would like to make it very clear that the only motive of the American people is compassion. There may be geopolitical spinoffs to any actions any government at any time makes or does not make, but this is an issue of people; and it is the obligation of the people's House of the United States to reflect the heart and soul of our constituents, and this we are doing in this resolution.

It is true that this issue is a long way from home. It is also true that it is expensive. Beyond that, it is impressive to me how unprecedented the initial reaction has been. In less than 2 weeks, hundreds of millions of dollars of assistance have already been brought to bear. Indeed, a kind of competitive compassion has been precipitated involving nation states, international organizations, nongovernmental organizations, and faith-based institutions.

As the gentleman from California (Mr. LANTOS) mentioned, it is particularly impressive what the United States military has been able to do in very short order. It is the institution of our society that can act the quickest in the face of every kind of emergencies. Our military has become, in essence, an instrument of peace in a way that it was not necessarily designed to be, but which we as the American people want it to perform.

Finally, let me stress that in addition to the issue at stake, this is an incredibly important time in human history to attempt to develop models of concern and action that bring people together rather than tear them apart. To the degree that a model of compassion which may or may not be competitive is contrasted with models of accelerating hate, we have hope that other kinds of disasters that may be manmade instead of nature-made can be addressed in similar kinds of ways.

This is a beginning, somewhat hortatory resolution of the United States Congress; but it is meaningful because it is a commitment. I would simply like to stress how impressed I am how every Member of Congress, every constituent that has talked to me, every member of the executive branch is committed to doing the utmost we conceivably can.

This is an issue, as the gentleman from California (Mr. LANTOS) mentioned, of a human dimension, not any other kind.

Mr. LANTOS. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. MENENDEZ), a distinguished member of the Committee on International Relations and the chairman of the House Democratic Caucus.

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS), the distinguished ranking member of the Committee on International Relations, for his early work on this, along with the chairman.

As a cosponsor, I rise in strong support of this resolution expressing our condolences and our support for additional assistance to the victims of the natural disasters in South and Southeast Asia. It is hard to find words to express our sympathy, our condolences, and for that fact our admiration for the strength and courage of the people in the many countries who survived the devastating earthquakes and tsunamis only 10 days ago.

I am proud that the United States has pledged $350 million in aid, bringing the total aid pledged worldwide to approximately $2 billion; but we will be called upon to do more.

It is almost impossible to comprehend that over 150,000 people died and that an additional 3 to 5 million are living without the basic necessities to survive. Unfortunately, these survivors now face a new threat from disease and starvation. Right now, ruined transportation, infrastructure, and communication systems are hampering some aid efforts. The international community needs to address these serious problems to ensure aid reaches all those who need it. We must house, feed, and protect the people who survived and help these same people rebuild their homes, their economies, and their lives. That is why the United States and other donor countries have pledged our involvement now and in the future. But it is also the individual contributions of Americans that make the difference and show our collective compassion and understanding.

It is impossible to calculate the number of people who lost family members or whose homes, towns, and villages were destroyed; and I often think about how would we feel if this catastrophe happened in our homes, our towns, our States, or our country. We must also remember that each person lost was an individual whose life touched many others. In New Jersey in my own district, we have families from the impacted countries; and I extend my deepest sympathy to anyone who has lost a family member or a loved one.

I also want to recognize the generosity of Americans and private citizens around the world. Just as the world supported the United States and the victims of the families of the victims of the 9/11 attacks, our citizens have shown their sympathy and commitment to the victims of the tsunami. In particular, I want to thank our troops who are on the front lines in the disaster areas, bringing food, water, medical assistance, and other relief to those who need it most.

Finally, even in the midst of our mourning, I believe that from the ashes of this tragedy new opportunity will arise. In Sri Lanka, rebels and the government are working to provide relief together. In Indonesia, the United States and the international community are all working to provide assistance to those affected by the disaster. In the United States, we have a great opportunity to show our empathy and our generosity to the world. I believe we can lead not only in war but in relief, and that we need to be as committed to fighting disease, famine, and tragedy as we are to fighting the war on terror. Then we will win the hearts and minds of many people in this country, as well as show America to be the beacon of light that it is.

Mr. HYDE. Mr. Speaker, I yield 3 minutes to the gentleman from Indiana (Mr. BURTON), my learned colleague.

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding me this time and for his kind remarks.

Mr. Speaker, this is a very solemn occasion on which we meet here tonight: 150,000 people have perished in an unforeseen disaster that took place a little over a week ago. The world has joined hands to try to help these people who suffered in Indonesia and the entire region.

The gentleman from Florida (Mr. WEXLER) and I are co-chairmen of the Indonesian Caucus, and we have been working with people in the Indonesian Government because they have moved so rapidly towards democracy and the things that we believe in in this country. It is tragic at this moment in history that they have suffered, along with Sri Lanka, India, and the rest of that region, so heavily because of this horrible tragedy that occurred just a short time ago. President Bush has responded. This country has responded to the tune of $350 million, as the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) have just recently stated. That is great. Our military has responded very rapidly. That is important as well.

But the American people, if I were able to talk to them tonight, could respond in an equal fashion. If I were allowed, Mr. Speaker, and I know I am not allowed to speak directly to the American people, but if I were, I would say, if they want to make contributions to help our government help the people of that region, they could contact and make contributions through www.usafreedomcorps.gov. I know I cannot say that because we are not able to make that kind of a plea from the well to the American people. But if I could, I would once again ask them to make contributions through www.usafreedomcorps.gov because that would help augment what the United States Government is trying to do to help the people of this region.

As many as 5 million people, as many as the people in the whole State of Indiana, could adversely be affected if they do not get the resources necessary to help with the potential health problems and the infrastructure problems that occur over there. We want to make sure that the world tragedy that has occurred in that region does not get any worse, and the best way to do that is to make sure the resources they need get there as quickly as possible.

We are doing our part as a government, but the American people and the rest of the people could help as well if they choose to do so.

Mr. Speaker, I want to thank my colleagues, the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE), for bringing this resolution forward tonight, along with the gentleman from Iowa (Mr. LEACH). We really appreciate what our government and the President is trying to do. The President has appointed former President Bush and President Clinton to head up an effort to raise additional resources. We appreciate that, and we urge the American people to help as well in any way that they can.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), an indefatigable fighter on behalf of suffering people across the globe.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me add my great appreciation to the distinguished gentleman from California (Mr. LANTOS), the gentleman from Illinois (Chairman HYDE), and the gentleman from Iowa (Mr. LEACH) for recognizing the need for this Congress on the very day of our swearing-in ceremonies to offer to the people of the world our deepest sympathy, and also our ability to be able to understand a horrific tragedy that is unspeakable.

We note 140,000 who may have died by the tsunami, but it may be growing, 150,000, 160,000. As I listened to the remarks being made by the gentleman from Illinois (Mr. HYDE), I noted as we have worked together on these issues that more than one-third are children, and how we can all recall the day of 9/11 when it came to our attention in New York that so many children had been left behind because of the tragedy and death of their parents.

Now not only do we have children that have died, but we have children that are left behind. So I say to those in Indonesia and Sri Lanka, Thailand and India, Somalia, Malaysia, Maldives, Bangladesh, Kenya, Burma, and many other places, that we recognize that no words can comfort you for this tragedy.

But out of this enormous tragedy I believe that the world can now take its rightful place as a healer, as a place where there is caring, there is nurturing. And so for the $350 million, although many of us recognize that the initial response was not what we wanted it to be, today we come in celebration and acknowledgment of the leadership that has been given by this Nation. We are grateful for the $350 million; but more importantly, I am grateful for the words of the gentleman from Illinois (Mr. HASTERT) that we will do more.

I think it is also important to state for the record $2 billion around the world has been promised. That shows that the world can work together for peace for humanitarian causes. Might I also say in a special note and special prerogative that I would like to congratulate those in the city of Houston and acknowledge the work that was done by that city.

On December 27, 2004, over 75 persons joined in a very small room in my Federal building and organized a Houston's Solution For Tsunami Victims. The representatives were from the council offices of Indonesia, Sri Lanka, the Council Office of Thailand, Pakistan, India and the Vietnam community and others.

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What we wanted to do is not to be selfish and to separate ourselves but we wanted to have the Houston mark on this terrible tragedy. And so to my colleagues, the City of Houston is organizing as a city. Some of our ideas will be, of course, to adopt cities in those regions to be part of the long-term rebuild of schools and hospitals and as well to provide medical supplies and other dollars to be part of the larger effort. My hat is off to that effort. In fact, our first event will be this Sunday, January 9, in Houston, Texas.

Might I close by saying this is what can be done all over the Nation and I know it is being done. I will also ask my colleagues to join me in supporting legislation that I am filing, a resolution on temporary protective status of those individuals in this country whose documentation may be expiring and therefore are not able to go back to these devastated countries will be allowed to stay here until their nations are rebuilt. I look forward to working with my colleagues on this important effort.

I thank the leaders who have put forward this resolution. They are visionaries but most importantly they are humanitarians. I am glad today this Congress is standing up to be called not just a Congress but people who care, who believe in the world family.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 4 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Speaker, I rise in support of this resolution. I would like to express my appreciation to the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) again leading, being the moral leaders of this body concerning issues of human rights and humanitarian concerns. I appreciate their leadership. I am a very grateful follower. I would like to thank the gentleman from Iowa (Mr. LEACH) for his leadership on this issue as well.

This resolution does express our condolences to the people of Asia and East Africa devastated by this incredible tsunami which on December 26 hit this region and has cost at least 140,000 lives. It is a staggering number of lives. It is hard to comprehend how many people have lost loved ones and are suffering. In this time of need, the world has responded in a manner unprecedented in its size and scope to a catastrophe that is unprecedented. Between private and public donations, the relief effort so far has totaled over $3 billion. The distorted characterization of a confused United Nations official notwithstanding, America can be especially proud that in this time of need our people and our government have stepped forward. In addition to government aid, which sometimes people overseas only recognize the government aid, a significant amount of donations have come from charitable organizations and private donations in which our people voluntarily give out of a loveness in their heart and a concern for humanity. As we speak, financial and material donations, private sector as well as public, continue to be pledged.

However, all the relief does not diminish the anguish and personal pain of so many tens of thousands, hundreds of thousands of people who have lost loved ones. And to those people, you have the prayers of the American people and our hearts are with you. Every day there are new stories of a family having lost both mother and father or parents who have lost their children. Communities have been demolished and the hard work in piecing these people's lives together will take many, many years.

The people of the United States stand with these people who are in need and who have been affected by this horrible tragedy. Incidentally, many of those who have been suffering from this natural disaster are Muslims. I would hope that these people in the Islamic world understand that America is stepping forward with generosity to help these people not because they are Muslims or whatever their faith is but because we care about them as human beings. We hope that they put that in perspective when they are trying to analyze what the United States is all about.

Compounding this tragedy, of course, is an economic issue that we need to discuss as well and that is the lapse of a 30-year-old WTO agreement for manufactured apparel. This would not even come up and people would not understand it had it not been for the tsunami. A critical part of Sri Lanka's and Thailand's as well as Indonesia's economy deals with producing this apparel. With the ending of this agreement, of the quota system for apparel, we can expect that China will benefit dramatically even though China has not suffered from this natural disaster. It will benefit and $2.5 billion of trade will be taken from Sri Lanka alone, for example.

I think in light of this tsunami tragedy and the current labor practices in China that an extension of this agreement is not only in the best interests of our friends in Thailand and Sri Lanka but for all countries who believe in standards of labor and human rights practices. I would suggest that we go back to those quotas as of January 1 and postpone the elimination of the quotas for 2 years in order to help those countries that are now suffering.

I would also like to recognize the people of Thailand and the royal family of Thailand who have cared for thousands of refugees and people over the years from Burma, Laos, Cambodia and Vietnam. For over 30 years they have taken in refugees and so generously cared for them. Now they are in need of help and it is up to us to help the people of Thailand. Our relief efforts and our donations go with a great deal of understanding that the Thais have themselves been generous and it is our time to be generous to them. Relief workers are now struggling to reunite families and find loved ones that are dead and their remains brought back to the family. As they do, the people of Thailand are going to be suffering. We know that. I know those people. Let us keep them in mind and their suffering in mind. As we move forward, let us do ourselves proud by doing what is right and that is what is happening throughout America and the free world today.

Mr. LANTOS. Mr. Speaker, I am very pleased to yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PALLONE).

Mr. PALLONE. Mr. Speaker, let me also thank the chairman and the ranking member for putting forth House Resolution 12, of which I am a cosponsor, which I do think is very significant in light of what we have witnessed in the aftermath of the tsunami over the last 10 days.

I want to say, first of all, that this resolution as we know talks about a number of things that we need to do and that to some extent we have already done. One is to provide humanitarian assistance. I know the President has pledged $350 million, which may seem like a lot, but I frankly think that we probably will end up needing significantly more in terms of humanitarian assistance. In addition to that, the gentleman from California (Mr. LANTOS) mentioned long-term reconstruction, development assistance because we must remember that many of the people no longer have a means of livelihood, fishermen who no longer have their fishing boats, farmers whose land may be salted and have no longer the ability to farm. We have to think in terms of long-term reconstruction and development aid.

And finally what I call the early warning system. There has been a lot of discussion and I think there is a need to expand the tsunami early warning system that exists in the Pacific not only to the Indian Ocean but also possibly to the Atlantic Ocean and throughout the world. We know that this can be done fairly inexpensively. We are talking about maybe 5 to $10 million for the Atlantic, maybe $20 million at the most for the Indian Ocean. I think this has to be part of our effort to make sure that this event never occurs again.

I just also wanted to say I was, of course, disappointed with the early stages of the President's response, but when he said that he wanted now to provide all appropriate assistance, I certainly take him at his word and I appreciate the fact that now we are moving forward. He has not only provided a public element with the $350 million but sent his brother and Secretary of State Powell overseas and now we have the private element with the two former Presidents that are involved. We should be very happy with the fact that more private American assistance has been pledged than even the $350 million in government assistance that the President has promised. I know that at some point we may have to do an appropriations bill, perhaps an emergency appropriations bill to replenish the assistance that has already been out there, and I certainly know that over the next few weeks that the chairman and the ranking member and the members of the Appropriations Committee will be looking at that. I think it is very important.

The last thing that I did want to mention is the fact that in my district, as many of my colleagues have mentioned, we have a large number of Indian Americans, Sri Lankan Americans, South Asians from many of the countries that have been impacted. It is amazing to see the outpouring from these communities and from the public in general in terms of providing money, providing clothing, providing medical supplies. The outpouring that we have seen I think is really a symbol and a reality of what Americans are all about from all walks of life.

Again I want to thank my colleagues for putting this resolution together and the other commitments that I expect will be forthcoming over the next few weeks.

Mr. HYDE. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from New Jersey (Mr. FERGUSON).

Mr. FERGUSON. Mr. Speaker, I want to thank the chairman and thank the gentleman from California as well for bringing this resolution to the floor. As a mark of respect for the victims of the Indian Ocean earthquake and the resulting tsunamis, I rise today in strong support of this resolution, as a cosponsor of this resolution, to honor the victims and to show my support for the humanitarian aid that our country is helping to provide with our partners from around the world. My prayers go out to the victims and their families who have been struck by this horrific tragedy, in particular, the large Asian and Indian community that resides in my district and, in fact, in all of our State of New Jersey.

Currently the estimated death toll is more than 140,000, in some cases over 150,000 people in South and Southeast Asia and East Africa. Between 3 and 5 million people throughout the affected region are lacking basic survival requirements, access to clean water, adequate shelter, food, sanitation and health care. Contaminated water sources in the affected countries have increased the risk of cholera, dysentery and malaria. Approximately 500,000 people have been displaced in Indonesia; more than 889,000 are displaced in Sri Lanka; 3.5 million people are affected in India; and more than 10,000 are injured in Thailand. In addition, between 15,000 and 30,000 may be affected in Somalia; 12,000 are displaced in Malaysia; and approximately 12,000 are displaced and 300,000 affected in the Maldives. These numbers are astounding. We must continue to do all that we can to help the millions who have been affected by this disaster. I strongly support all efforts by our country and the many others that are helping to meet the call for financial and voluntary relief. In fact, it is my hope to travel to the affected areas very soon to help do my part in seeing that the relief effort under way is a success.

Further, I would like to recognize the strong support of the American people. They have heeded the call to help their neighbors across the globe with a dedication and a determination that is an embodiment of our American spirit. We have banded together as a Nation and have continued our longstanding tradition of donating our considerable resources to our fellow men and women around the world. Again, let me thank Chairman HYDE and Ranking Member LANTOS for bringing this important resolution to the floor. I am proud to be a cosponsor.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to my good friend, the distinguished gentleman from Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Speaker, I thank the gentleman from California for yielding me this time. I also want to commend him and the chairman of the committee, my colleague from Illinois, and all of those who have spoken. I rise in strong support of this resolution. I also want to commend the people of my district and people throughout America who have risen to the occasion.

I noted with pride on New Year's Eve African-American churches in my district who had turned their traditional watch meeting night into an appeal for the people who have been affected. I took great pride in Chinatown in my district a few days ago when my Chinese constituents, Chinese Americans, were organizing relief efforts to send money and medical aid. I also took great pride when my Tamilian friends from Sri Lanka came to express the support that they not only were seeking but were also giving. This is a tremendous effort on the part of not only organized governments but organized citizens throughout America. I am pleased to be a part of it. Again I commend Chairman HYDE, Ranking Member LANTOS and all of those who have spearheaded this resolution.

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Mr. HYDE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California (Mr. ROYCE).

Mr. ROYCE. Mr. Speaker, I thank the chairman for yielding me this time.

I rise in support of this resolution. I think we all watched in shock at the devastation caused by the December 26 earthquake and the subsequent tsunami. I led a delegation to Gujarat in 2001 to assess the damage after the earthquake that shook India, and that devastation, that tragedy, was indescribable. And after that quake, the world community pulled together, as did the people of India, including Indian Americans, to address the humanitarian disaster. But the quake there in magnitude was less than this quake. This quake was 9.0. And the effect has been such that the death toll today is over 150,000.

As we have heard on the floor, millions have been left homeless. Indeed the images of death and destruction that we have seen on television are sobering. It is difficult to comprehend the extent of the damage because the devastation stretches across 5,000 miles and 12 countries. It stretches across geographical and cultural and religious lines.

As is often the case in extreme disaster, we also see the best in the human spirit. There has been an outpouring of support across our country from both individuals and from businesses. Members from the Los Angeles County Fire Department's disaster response team have been dispatched to Sri Lanka. Niagara Water Company of Irvine, California, has donated 55,000 gallons of water.

The actions taken by the United States Government speak louder than any statement can. Not surprisingly, first on the scene was the United States military. An aircraft carrier task force was immediately diverted from Hong Kong to the Gulf of Thailand, and a Marine Expeditionary Force from Guam was dispatched to the Bay of Bengal. No other organization in the world can tackle the logistical challenge of getting these types of assets on location to assist the people in need. As a matter of fact, the local governor in Aceh said that the U.S. Navy helicopters appeared to him like "angels," in his words, as they arrived to deliver supplies to those people in need.

Through this challenge we see opportunities for the United States to make a lasting impression in South and in Southeast Asia. Cooperation between the U.S. and India is expanding like never before. The U.S. regional command center for this unprecedented relief operation has been established in Thailand. And the U.S. and Indonesian military forces are working together for the first time in many years.

The United States stands by the people of South and Southeast Asia during this catastrophe.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentlewoman from California (Ms. ZOE LOFGREN), the dean of the California delegation.

Ms. ZOE LOFGREN of California. Mr. Speaker, I give thanks to the chairman and ranking member for having this resolution before us this evening. When we turn on the TV, when we read the news and we learn of just the scope of the magnitude of this disaster, it is simply staggering. In India and Sri Lanka and Thailand and Indonesia, Malaysia, the Maldives, Bangladesh, Burma, even Kenya and Somalia on the African coast, the devastation is simply stunning. And it is important that the United States show leadership to the world and to the victims in coming to grips with this. I really cannot think of an event in my lifetime that has been this enormous in terms of loss of life and long-term implications for this part of the world. So I am glad that we are here on this first day of the 109th Congress to show the world that we stand ready and in solidarity with those who have lost their lives, those who have lost members of their family, and certainly there are those from other parts of the world visiting South Asia.

I want, as others have mentioned, to give great thanks to my constituents in Silicon Valley first started by Americans who were from South Asia or whose families were originally from South Asia, organizing volunteer efforts; and the response has been dramatic and huge from every corner of Silicon Valley to step forward and to help with the relief effort. However, as others have mentioned, our assistance is going to be needed for some time to come.

I heard on the radio news this morning that in some of the towns, 80 percent of the teachers have been lost, 85 percent of all the police officers have died. The infrastructure of civilization for many of the towns and localities is simply gone. So we will look to so many of our fellow citizens to do volunteer efforts and to donate generously. They are not disappointing us. But it is the institution of the United States Government that is going to have to be in with a helping hand to help these parts of the world become civilized again, to come up from the muck that the tsunami brought to them and to take once again their place in the world. I am pledged to work with all of my colleagues in the House towards that end. I am proud that the Speaker and the gentlewoman from California (Ms. PELOSI), our leader, each made this tragedy part of their opening remarks at the start of the 109th Congress. I thank them for that.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Long before she joined the Congress, the gentlewoman from California (Ms. PELOSI) was a fighter for all humane and humanitarian endeavors across the globe. She expresses the views of all Democrats on this important humanitarian crisis.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the distinguished ranking member of the committee for his kind words and for his great leadership. And I thank the gentleman from Illinois, the two of them, for bringing this very important resolution both to the floor. They both have been champions for humanitarian causes and human rights throughout the world. I thank the gentleman from California (Mr. LANTOS), especially for his work on the Human Rights Caucus. And, in fact, the definition of human rights and our attention to the condition of mankind extends to the issue that is before us today.

As the world knows, 9 days ago we witnessed on television the most destructive power of nature, a powerful earthquake and subsequent tsunami that took more than 150,000 lives and seriously injured hundreds of thousands more across Asia. The unspeakable devastation the world has witnessed in these areas presents a challenge not only for the millions of people who are struggling to recover and rebuild but also for all of us who are called by our faith and our common humanity to help those in need.

Nothing can give back all that has been lost, but the actions we take today and in the days ahead help to keep the epic disaster from becoming even more far reaching. In a tragedy such as this one, there is only the smallest measure of inspiration that can be taken from the devastation.

But if there is anything hopeful to be found in the aftermath of the tragedy, it is that the worst of Mother Nature has brought out the best in human nature. Americans have donated hundreds of millions of dollars in private donations. The coordinated efforts by USAID, the International Red Cross, UNICEF, OXFAM and Care and many others are providing quick and vital resources. Relief workers are struggling 24 hours a day to distribute supplies and medical care to the injured and homeless. The United States Government has pledged $350 million in emergency assistance for the region. And when the victims of the disaster in Asia see our soldiers and ships and helicopters bringing food, supplies, and medical care, they see the compassion that is the best of America.

The chairman and ranking member of the Committee on International Relations and I in my capacity as ranking member on the Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, we have traveled the world to see our assistance at work, and we know that when the U.S. military becomes involved in humanitarian assistance, they are the best. They are well organized. They get the job done in record time. We are very proud of them and all that they do and certainly in the case of the tsunami.

All of these things are critical, but much more needs to be done. It is estimated by the United Nations that 1.8 million people will need food aid, 1.8 million people. Roads and bridges will need to be rebuilt to get that aid to the people who need it. Millions of people are homeless and in need of shelter. The statistics are daunting, but we must not lose sight of the power of the United States to soften nature's blow. The statistics are staggering, but we remember every single individual as a person who is affected by this. A compassionate and generous response from the United States is essential to save these individual lives and to stabilize the entire region.

While there has been a strong initial response to the crisis, there must be initiative to assist in the longer-term reconstruction process. The United States must take the lead by providing a multi-year assistance package that does not come at the expense of other disaster relief efforts around the world. I hope that a package of aid and assistance for the victims of last week's tsunamis will be the first significant bipartisan accomplishment of this 109th Congress, and I know under the leadership of the gentleman from Illinois and the gentleman from California (Mr. LANTOS) and our distinguished Speaker in his beautiful words today about the disaster that we have a good chance that that will be possible.

There is a passage in the Bible that speaks to the power of the spirit at times such as this: "The bricks have fallen down, but we will rebuild with dressed stone; the fig trees have been felled, but we will replace them with cedars." As one who kind of likes victories, I understand the strength of cedars, but we will replace and rebuild.

I kind of think another passage from the Bible is appropriate here. It is appropriate on many occasions, but I thought of it the minute I saw the tsunami, and that is in the Old Testament they tell us that to minister to the needs of God's creation is an act of worship, to ignore those needs is to dishonor the God who made us and them. So we can have an act of worship by ministering to the needs of these people.

I especially want to mention the country of Indonesia that has been devastated by the crisis. Indonesian health authorities reported Sunday that the tsunami may have killed 100,000 people in the Aceh province alone. This natural disaster comes after the Indonesian Government has performed massive military operations and frankly brutal acts of violence against the civilian population of Aceh in recent years.

The international response presents an opportunity for the government of Indonesia to form a new partnership, a fresh start, with the people of Aceh. It is critical that the Indonesian Government continue to open the region to relief organizations, nongovernmental organizations, and the media. It will take a long time. It will require a great deal of help. The scars may never heal entirely, and the memories of loved ones lost will linger forever. But with the help of people of the world, the people of the affected countries will recover and rebuild.

Already we see people who were strangers to each other before the disaster standing together, some of them right in this very room, and today with this resolution and with the actions that will be necessary in the coming days to give substance to our words, we say to them the people of the United States stand with them. We can say that with great assurance because of the leadership of the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) and those kind words, again, of the Speaker this morning.

Mr. LANTOS. Mr. Speaker, I thank the leader for her powerful and eloquent statement.

Mr. Speaker, I yield 2 minutes to the gentleman from American Samoa (Mr. FALEOMAVAEGA), a distinguished member of the Committee on International Relations and ranking member of the Asia and the Pacific Subcommittee.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from California for yielding me this time and also extend my appreciation to the chairman of our committee for the support and cosponsorship of this important resolution.

Mr. Speaker, this certainly has been a tragic crisis in Southeast Asia, and I do not know if my colleagues know that I am probably one of the few Members who has ever personally experienced what it means to go through a tidal wave and so sad to hear from the media reports and learning in some parts of this region when the reefs and the beaches are sucked into the ocean and the water recedes some 300 yards from the reefs and the children and people not knowing the nature, that this is how a tidal wave comes about.

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And then, the children playing and the fish flopping all over the place thinking this is a blessing from God, and then knowing that they should be running in the opposite direction when the tidal wave hits. This is really a sad situation.

Mr. Speaker, what I really wanted to address and share with my colleagues is a certain criticism that has been brought not only to the world community, but to our Nation, suggesting that our country has been stingy in giving assistance to those who are in need. Nothing could be further from the truth.

Mr. Speaker, in the Wall Street Journal article on 3 January, and according to a USAID report, in the year 2000, our country donated over $56 billion in international assistance. Eighteen percent of that alone came from the government. $33.6 billion, or 60 percent, came from private donors, $3 billion from corporations, $3.4 billion from religious organizations, $18 billion from individual donations alone, not even counting foundations and from public organizations and universities.

I suggest that the next time we get criticisms from others suggesting that our Nation has not been generous in giving assistance to those in need really needs to be corrected. And I am very, very glad not only from Secretary Powell, but from President Bush, that we need to make certain corrections.

Mr. Speaker, I will insert for the RECORD the full text of this editorial commentary in the Wall Street Journal of 3 January. I urge my colleagues to support this resolution.

[From the Wall Street Journal, Jan. 3, 2005]

FAR FROM STINGY

Across the world, the reaction to Asia's tsunami is bringing out the best in human nature. Fund-raising appeals, disaster-relief teams, military assets—all are being marshaled for the victims of this tragedy.

Which makes it all the more outrageous that a top United Nations official chose this week to accuse the U.S. and other Western nations of being stingy with assistance to poorer nations. "We were more generous when we were less rich," Undersecretary-General for Humanitarian Affairs Jan Egeland lectured on Monday. "And it is beyond me why we are so stingy, really."

Now, complaints about U.S. miserliness are more routine than the earthquakes and floods that strike the globe. A favorite "fact" of international critics is that while the U.S. government nearly always ranks first in absolute amounts of foreign aid, it tends to fall last among industrial countries in aid as a percentage of gross national product. The one-tenth of one percent that Washington devoted to foreign assistance, they say, is nothing compared with what the U.S. could afford.

The problem is that, as with so many questions of accounting (say, Oil for Food), the U.N. and other international bodies rely on unreliable ledgers. Groups like the Development Assistance Committee (part of the Organization for Economic Cooperation and Development) tend to look only at "official" government aid. What this misses is that Americans have never trusted government institutions to dole out assistance. Instead, we open our wallets for private groups that are better at targeting money where it's needed, tracking projects, cutting waste—and getting results.

When it comes to this sort of giving, nobody beats Americans. According to a 2003 report from the U.S. Agency for International Development, U.S. international assistance to developing countries in 2000 was $56 billion. Yet just 18% of that was "official" government assistance. Some $33.6 billion—or 60%—came from the private sector. Corporations shelled out nearly $3 billion. Religious groups weighed in with $3.4 billion. Individuals provided $18 billion. To say nothing of funds from foundations, private and voluntary organizations, or universities.

Cynics mark this generosity down to a U.S. tax code that encourages giving. Yet most research shows that Americans view donations as a duty. Philanthropy magazine reports a study showing the average U.S. contribution outweighs the average German or French one seven- or eight-fold. This sense of responsibility is often motivated by faith: some 60% of American donations go to religious groups or causes.

None of this sits well with the U.N., whose own budget relies on state dollars. A chastened Mr. Egeland was forced later this week to claim he'd been misinterpreted and to acknowledge U.S. generosity. But behind this apology is the U.N.'s longstanding belief that what's really needed is for the U.S. and others to raise taxes to pay for more public foreign aid.

That approach reigns in Western Europe and explains what's wrong with so much of current foreign aid. Europeans have come to view private donations as a failure of the state and expect their governments to collect billions in taxes to shuffle along to slow-moving and unaccountable international bureaucracies. The result is a lose-lose situation. Giving countries see their own economies depressed by higher taxes and receiving countries find the aid too often enabling strongmen or perpetuating poor policies.

A far better approach, at least in the public sphere, are initiatives such as President Bush's Millennium Challenge Account. By tying long-term assistance to improvements in specific economic and political goals—such as cracking down on corruption or establishing rules of law—foreign aid brings about real reform. This approach drives U.N. bureaucrats nuts, a sure sign it's on the right track.

Today's priority in Asia is immediate humanitarian relief. The list of U.S.-based private and religious organizations already working in the area is stunning. And it's good to see the U.S. decision effectively to go around U.N. bureaucracy by working directly with a coalition of Japan, Australia and India to coordinate relief. Meanwhile, we can expect the federal government to continue its tradition of generosity in the upcoming weeks—a tradition that resulted in $2.4 billion in humanitarian relief last year along, or 40% of the world total.

But future money, both public and private, should be aimed at developing the sort of governments and economies that will be equipped to deal with disasters on their own.

Mr. LANTOS. Mr. Speaker, we have no additional requests for time. In concluding, I yield myself such time as I may consume.

I again want to express my deep appreciation to my friend and distinguished colleague, the chairman of our committee, the gentleman from Illinois (Mr. HYDE). I want to say that all of us here are profoundly proud of the generosity of the American people, the generosity of our government, and the extraordinary skill and heroism of our military in facing up to this crisis. Those who cannot get over their mindless anti-Americanism should look at what the American people, the American government, and our military have done in the last few days concerning this crisis, and they will need to rethink their mindless hatred of this great Nation.

Mr. Speaker, I yield back the balance of my time.

Mr. HYDE. Mr. Speaker, I am very pleased to yield 3 minutes to the gentleman from Illinois (Mr. WELLER).

Mr. WELLER. Mr. Speaker, I stand in support of H.R. 12 expressing the condolences of this House and the support for the people of the countries that have been impacted by the tsunami in Asia.

A friend of our country, Sri Lanka, was one of the countries most devastated. Sadly, Sri Lanka lost at least 30,000 of its citizens, and that toll may rise well into the 40,000 range. I serve as co-chairman of the Sri Lanka Caucus in the House and I have traveled personally to Sri Lanka. I have seen firsthand many of the areas now devastated by the tsunami, and my heart and prayers and those of my colleagues go out to the people of Sri Lanka at this difficult time.

Today many Americans are still unaccounted for who were in Sri Lanka when this tragedy struck, but as we deal with that loss and also work to help the nearly 1 million living survivors who are now displaced in Sri Lanka, we continue to move forward and we want to express our support.

Secretary of State Colin Powell plans to be in Sri Lanka this Friday to express our support and to see firsthand what more we can do, and I am proud of the support that the United States Government has been providing. In the early hours of the day after Christmas, top U.S. Government officials began the work of aiding Sri Lanka and the entire region, immediately moving money to the affected areas and sending out teams to survey the damage for accurate assessment of needs. To date our President, President Bush, has pledged $350 million in relief in recovery assistance, and already $13 million has been allocated to our friend Sri Lanka alone.

The Department of Defense and USAID have established a regional coordination center in Sri Lanka to coordinate our relief efforts to the region as well as this friendly country. Hundreds of USAID and military personnel are on the ground in Sri Lanka helping to assist the relief efforts. I would also note that the men and women of the United States military are fully engaged helping Sri Lanka. In this region, the United States has committed a vast majority of military assets to the region: 20 ships, 14 strategic lift cargo planes, and 48 helicopters. The USS Bonhomme Richard Expeditionary Strike Group is in route to Sri Lanka, as well as a ship capable of producing 90,000 gallons of fresh water every day. We have also instituted a cash for work program, helping the local economy and cleanup efforts at the same time.

Mr. Speaker, there is so much that we can do, and I want to thank our friends in the private sector who have stepped forward. We in the United States are doing our part and we want to do more. We are working in partnership with the world in this effort to aid Sri Lanka, and the Indian government in particular has been very helpful in the Sri Lanka mission.

The United States will continue to help Sri Lanka and the entire region as long as needs are there. We stand in support and we express our condolences, and our prayers go out to the people of Sri Lanka.

Mr. REYES. Mr. Speaker, like people everywhere, I mourn the devastation and loss of life caused by the massive tsunami in South Asia. The enormity of the disaster is staggering and I extend my condolences to those around the world touched by this tragedy. My thoughts and prayers are with the victims and their families in this time of overwhelming need.

I applaud the outpouring of support by the many nations, organizations and individuals across the world who have responded quickly to the disaster. By working together, we will help rebuild the lives of the residents of South Asia.

I will travel to South Asia next week and, through the generosity of numerous hospitals in my district of El Paso, Texas, will deliver medical supplies to assist in some small way with the relief and rebuilding process.

Mr. Speaker, I urge my colleagues to support the resolution before us today, and ask all Americans to continue to keep the victims of this terrible tragedy in their prayers.

Mr. FARR. Mr. Speaker, on behalf of myself, my family and the constituents of the 17th District of California, I would like to express our heartfelt condolences to the victims and their families of the tsunami natural disaster. As the number of victims continues to increase, America is united in mourning the staggering loss of lives—many, many of whom are children.

In the last week, the millions of people affected by the tsunami have faced terrifying obstacles. But the global community stands in solidarity with the 12 affected nations. While the United States and other governments have promised humanitarian aid, private citizens in the United States have also shown an amazing outpouring of generosity and compassion. In my own congressional district, which has experienced a number of natural disasters, a number of compassionate people are reaching out to the South Asia disaster victims. For example, the Salinas Rotary Club, along with other Rotary Clubs across the country, is organizing to supply "Shelter Boxes" that contain basic necessities like tents and sleeping bags.

Humanitarian assistance is desperately needed on an unprecedented global scale. The international community has pledged $2 billion, with a contribution of $350 million from the United States, but it is clear that more will be required of many. I intend to support an emergency funding bill for U.S. tsunami aid and I urge the President and the Republican leadership to be generous, as the world community was to the United States in the wake of 9/11.

In addition to our efforts to help the survivors of this tragedy, we must also work to ensure that we can better alert people to similar events in the future. The United States should lead the world in implementing a global ocean observing system. The recently-released U.S. Commission on Ocean Policy final report noted the importance of using observation systems to help us to prevent the loss of life and property and be better stewards of the oceans. One of my priorities in the coming year will be to continue pushing for implementation of the U.S. Commission recommendations.

Millions of people were left homeless and facing terrifying obstacles as a result of this tsunami. But I hope they can take some solace in knowing that people across the globe stand in solidarity with them. Not only have governments promised extensive support, but private citizens everywhere are digging into their own pockets to give what they can. This outpouring of generosity and compassion is amazing and reaffirming. No matter cultural differences or physical distance, in times of crisis we always come together to help one another. As the New Year begins, I pray for the quick recovery of those affected by the disaster and hope that the compassion shown during this crisis continues far into the future.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support the resolution and join all Americans in an expression of condolences to the people and countries that have been devastated by last week's tsunami. In particular, I want to offer my personal sympathy to: Ambassador Sen of India, Ambassador Brotodiningrat of Indonesia, Ambassador Subasinghe of Sri Lanka, and Ambassador Piromya of Thailand.

Tsunamis are walls of water that inundate coastal areas with little or no warning, often taking many lives and causing extensive property damage. They are initiated by sudden underwater disruptions and in this regard they differ from wind generated waves because the power they pack is not limited to the surface. Tsunamis are usually started as a result of an undersea earthquake, which for years was considered to be the sole cause of tsunamis. Research is now showing that tsunami generation involves intricate interactions between earthquakes, landslides, and sympathetic vibrations between the quake and the ocean above it.

Tsunamis have been known since 426 B.C., and between 1990 and 2001 there were 11 major tsunami events in the Pacific Rim, killing over 4,000 people and causing hundreds of millions in property damage. Before this week, the most devastating tsunami occurred in 1755 in the Atlantic which killed 60,000 people and destroyed much of Lisbon. By comparison, the death toll from the Banda Aceh tsunami could exceed 150,000 on top of the unthinkable numbers of displaced, orphaned, and injured. Subsequent disease and untreated injuries will undoubtedly add to these statistics.

The President has already pledged $350 million in direct support to the affected countries on top of the medical, infrastructure, and logistics support from the U.S. Military. I want to encourage my colleagues in the Congress to work together as we did last fall to provide nearly $14 billion in relief to the Southeastern states and Caribbean nations following the four devastating hurricanes.

Former Presidents Clinton and Bush are leading the Nation's private fundraising activities, and I want to ask all Americans, to contribute whatever they can to the relief efforts for what is likely history's most deadly natural disaster.

Beyond these immediate needs, I want to encourage you to work with me in developing programs that will help to minimize losses suffered in future natural disasters. The National Oceanographic and Atmospheric Administration and the U.S. Geological Survey lead the United States in the research, monitoring, and warning of tsunamis and other natural disasters. For example, the Deep-ocean Assessment and Reporting of Tsunamis Project (DART) can detect ocean level anomalies as small as ½ inch in 20,000 feet of water to determine if a tsunami event is occurring in the deep sea. This system was useful to avoid a false alarm in response to an Alaskan earthquake in 2001. DART stations cost about $250,000 to purchase and around $125,000 per year to maintain. Stations are now located off the coasts of Alaska, the Pacific Northwest, and Chile, but we need to consider how this system can be expanded to other parts of the world.

Even with detection systems such as DART, notification alarms and awareness programs must be implemented for them to be effective. The first waves took 2–3 hours to hit Phuket (Thailand), Sri Lanka, and India after the initiating quakes. Even a few minutes of warning can make a huge difference if preceded with the proper awareness training. For example a 1993 tsunami followed an earthquake in Japan by a mere 6 minutes. Although 200 people perished, 1,200 people escaped the waves by running inland as soon as they felt the shaking.

Research on the causes of tsunamis is also needed. One of the most severe tsunamis in recent history occurred in Papua New Guinea in July 1998. The initiating earthquake was unexceptional at a magnitude of 7.1—the size of an earthquake that strikes somewhere in the world about every 3 weeks. Geological modeling strongly suggested that the quake caused an underwater landslide that together triggered the exceptional size tsunami. Other preliminary research indicates that under some conditions, tsunamis may be detectable from aircraft or satellites using radar or radiometers miles away from coastal areas.

In this regard, I look forward to working with the Science Committee to identify opportunities for natural disaster detection and warning, and I look forward to hearing tomorrow's briefing from Dr. David Applegate from USGS and General D.L. Johnson from NOAA.

In addition to these financial and research initiatives, I want to remind my colleagues of the friends and families of the victims within the United States who also need our assistance.

Many nationals from affected countries that reside in the United States on either a permanent or temporary basis. Some have no one left to provide monetary support and no home due to demolition by the violent waves and flooding. It is in the spirit of rebuilding and internationalism that I will introduce legislation to give nationals from affected countries that reside in the United States an opportunity to establish eligibility for Temporary Protected Status (TPS).

This legislation would grant TPS to eligible nationals from specified countries who presently reside in the United States. TPS relief under this proposal will provide a necessary but temporary respite from deportation that will permit eligible applicants to work and live lawfully in the United States pending the restoration of a habitable homeland that is not laden with disease. Additionally, this proposal will allow eligible aliens to travel abroad and to return to the United States and be treated the same as any returning alien provided TPS—which will be helpful to family members of tsunami victims. I ask all of you to support this legislation and to join together in pledging the maximum level of resources to make the recovery of the affected areas expedient.

Mr. HONDA. Mr. Speaker, I join my House colleagues in extending condolences to the victims of the earthquake and tsunamis that recently battered South and Southeast Asia as well as parts of East Africa. Generated by a magnitude 9.0 earthquake on December 26, massive tsunamis devastated whole villages in Thailand, Indonesia, Sri Lanka, and India.

The degree of this calamity has shocked and saddened all Americans, and I am pleased that through their representatives, the American people have an opportunity to formally express their grief for the more than 150,000 people who perished.

Our sorrow for those lost, however, should not distract us from the immediate humanitarian crisis gripping the region. The World Health Organization (WHO) has suggested that between three to five million people lack basic survival requirements, including access to clean water, adequate shelter, food, sanitation, and health care.

The WHO is also warning of an imminent health crisis, as contaminated water sources increase the risk of cholera, dysentery, malaria, and dengue fever.

As the world community responds to this natural disaster, I hope and expect that the United States Government and the American people will be on the forefront of efforts to provide immediate and long-term aid. President Bush has so far committed $350 million for disaster relief, and I am hopeful that this amount will increase as we get a clearer picture of the devastation that has taken place.

In the meantime, U.S. Government agencies are on the ground. The U.S. Air Force has transported 43,000 lbs of food, supplies, and equipment to the region, and helicopters from the USS *Abraham Lincoln* are shuttling supplies into northern Sumatra. The Defense Department is deploying Navy and Marine Corps supply ships and dispatching military medical teams to the most isolated and hard-hit areas.

In addition, USAID, the federal agency responsible for the distribution of foreign aid, is now assessing the damage and individual country needs. These assessments will help better direct the emergency aid that is already flowing to the region. USAID will also identify the long-term goals to rebuild local economies, housing and infrastructure.

The President has also enlisted former Presidents George H.W. Bush and Bill Clinton to lead nationwide private fundraising efforts which are sure to generate large amounts of private donations. The American people are compassionate, and they will certainly give generously to help tsunami victims regain their health and their livelihoods.

My thoughts and prayers go out to all those impacted by the tsunamis, including the estimated 5,000 Americans in the region who have not yet been heard from. I urge my colleagues to support this resolution.

Mr. WEXLER. Mr. Speaker, I rise today with a heavy heart to share my condolences with the victims of the tsunami in South Asia. The magnitude of destruction and devastation left in the wake of this tragic disaster is incomprehensible. I join all Americans who are heartbroken by the images of towns and villages washed away and of the thousands of orphaned children who will grow up as survivors of this disaster.

As the United States and the international community work to provide relief for the victims of this tragedy, I urge my colleagues to ensure that our efforts to assist in the reconstruction not be short-lived. While it is imperative that we immediately provide the necessary funds for relief work and humanitarian aid, we must ensure that as we assist in this recovery effort, and provide long term assistance to rebuild the infrastructure and communities devastated by this disaster. Beyond financial and humanitarian assistance, the United States must lead an international effort to implement a global tsunami warning and detection system so we can avoid future tragedies.

During this time of recovery, governments and citizens from around the world have worked together to help those in need, regardless of politics, race and religion. It is my sincere hope that out of this tragic situation a lasting spirit of cooperation and mutual respect can emerge. Hopefully this unprecedented cooperation can be used as a trigger to jumpstart the prospects for peace and coexistence throughout the region.

My thoughts and prayers are with the victims and their families.

Mr. DELAY. Mr. Speaker, it is a peculiar and embarrassing mark of man's fallen nature that so often it takes tragedy for human beings to see past our differences and into each others' hearts. Two weeks ago, a tragedy of incomprehensible magnitude struck our brothers and sisters on the other side of the world. It was the day after Christmas, actually, when much of the world was still celebrating, that an earthquake beneath the Indian Ocean set off massive tsunamis that have devastated island and coastal countries in southeast Asia and east Africa. The sum total of those killed, injured, diseased, and orphaned by the tsunami is larger than the populations of many countries. And yet, it is also a mark of the dignity of man that, in the face of such tragedy, we do see beyond our differences—cultural, political, religious—and see to it, with all our strength, that right is done.

The tsunami's waters will recede, Mr. Speaker, but the waves of prayers, love, and generous support—already making their way over the ocean—will not. Nor will the attention of the world—nor the attention of this body—until the victim nations recover.

As we meet today, millions of people have been displaced from their homes and communities, and millions more are without the basic needs of survival—food, shelter, clean water, and health care. Countless children have lost their parents, and are now at the mercy of, at best, the crippled social institutions of their homelands, and at worst, we now learn, human traffickers. When faced by devastation and misery of this magnitude, when we see the grief of parents who had to choose which of their children to save, or hear stories of entire villages destroyed by the waves, there seems so little we can do.

But on the contrary, Mr. Speaker, there is so much we must do. President Bush has pledged $350 million in relief and recovery assistance, dispatched Secretary of State Powell and Florida Governor Bush to the region to assess the situation, and tasked former Presidents Clinton and Bush to lead American fund raising for the relief effort. Thousands of our armed forces and America's civilian relief agencies are already on the scene helping the relief effort—transporting food, medical supplies, mobile hospitals, and water-purifying equipment to the scene. And the generosity of the American people will continue to lead the way in the recovery, and in the effort to mitigate the long-term consequences of the disaster. The waters will recede, and life will one day return to normal. All humanity's mission is to bring that day about before another life is needlessly lost. And the world should know that the American people and their Congress will help until no more help is needed.

Ms. SLAUGHTER. Mr. Speaker, I rise today to express my most sincere condolences to everyone affected by the devastating tsunami that ravaged Southeast Asia on December 26. My thoughts and prayers go out to those who perished that day and to their families.

The destructive tsunami that shook Southeast Asia claimed the lives of over 156,000. Just this morning, I read the heart-wrenching story of a 13-year-old boy in Indonesia who lost his father, mother, and brother to the shocking natural disaster. Countless other families have been altered: thousands of children have lost their mothers and fathers, parents have lost their sons and daughters, men and women have lost their husbands and wives. The world has not seen a tragedy of this magnitude in decades, and my heart breaks for those who grieve the death of their family and friends.

Despite the horrendous impact of this overwhelming tragedy, I am moved by the international outpouring of support and compassion to help the tsunami victims as they struggle to overcome the loss of loved ones and piece their lives together. The people of the world and of Southeast Asia have come together to take care of one another. Strangers, who themselves are struggling to find sufficient food and clean water, are taking in orphans who lost their families. International aid workers from countries, rich and poor, and large and small, have traveled to Southeast Asia to help provide essential materials to tsunami victims.

Back in my district, a telethon hosted by a local television station along with efforts of the local branch of the American Red Cross helped Rochesterians raise $365,000 to help fund the disaster relief efforts. In Buffalo, various religious organizations have come together to raise money. The India Association of Buffalo raised $38,000 in a benefit held last Thursday and plans to continue fundraising.

The number of people attempting to give money overwhelmed charity organizations collecting money for tsunami relief. Donations have ranged from $10 to thousands of dollars, and people from all economic brackets are giving what they can to help alleviate the suffering of their fellow fathers, mothers, husbands, wives, and children.

When speaking of international natural disaster relief, President Dwight Eisenhower once said, "These are deeds of peace. They speak more loudly than promises or protestations of peaceful intent." I hope that the worldwide generosity will continue until the need no longer exists, and that the solidarity among people from around the world will persist.

Ms. ROS-LEHTINEN. Mr. Speaker, today I rise representing the great people of South Florida and join with them in extending our most heartfelt condolences and thoughts to the people who have been devastated by the most recent tsunami in Asia. We offer them our prayers.

Mr. Speaker, as the world continues to focus on the wrath of this dreadful disaster, it is important to remember the people who have perished. It is important to help the people who have survived and are now picking up the pieces and restarting their lives.

Across 11 nations, over 155,000 people are dead and millions were left homeless. These incredulous numbers, rising by the day, hide the human facet of this appalling disaster. Countless images of men and women holding their children tight, frantically running towards the helicopters with aid. Never-ending lines of families hoping for clean water and food. Thousands upon thousands of men, women and children desperately looking among the rubble upon what was once their homes and lives.

Mr. Speaker, this catastrophe is one of unbelievable magnitude and challenges all nations to join in the relief efforts. I am proud of our brave men and women in the military who are currently manning the lifeline to the devastated regions. From the crew of the USS *Lincoln* to the Seahawk pilots, these young Americans continue to show the generosity—the heart and conscience of—our Nation. I am also tremendously proud of the volunteers across the globe who, in a moment's notice, picked up and journeyed to Asia to help in any way they could. I applaud President Bush's decision to call upon former Presidents Clinton and Bush to raise money for victims.

As we know Mr. Speaker, the greatest source of America's generosity—our essence—is not our government; it's the heart of the American people. I call upon all Americans to give and give generously to organizations that are on the ground, helping the countless victims in the devastated region. In South Florida, organizations such as the American Red

Cross of Greater Miami & The Keys, The Association of Indians in America, Catholic Charities of the Archdiocese of Miami, and the Greater Miami Jewish Federation; to name a few.

Mr. Speaker, we in Congress also have an obligation to help the people who have been devastated by the tsunami. As the newly selected co-chair of the India Caucus, I am confident that Congress will do its part in bringing assistance to the peoples of the regions that were hit. In India itself Mr. Speaker, the government increased its death toll to 9,571 dead and also raised its missing total to 5,914 people missing. As horrific as these numbers are, it is encouraging to hear of the joint cooperation between our two peoples and nations. The joint cooperation between the two nations to aid the people of India is clearly evident Mr. Speaker, as the Navies of India and the United States continue to work together and share information. America stands ready to aid the people of India.

Again, I would like to extend our deep condolence to the families of the many earthquake and tsunami victims. We also affirm our commitment to the peoples of the affected regions and urge continued attention by relief agencies to the needs of the vulnerable populations. Our prayers and thoughts are with the victims of this horrible devastation.

Mr. ACKERMAN. Mr. Speaker, I rise today in support of the resolution expressing support and condolences to the victims of the earthquake and tsunami in South and Southeast Asia. I also want to commend Chairman HYDE and Ranking Member LANTOS for their leadership on the resolution.

Mr. Speaker, the people of South and Southeast Asia are faced with a natural disaster of an unprecedented scale. Over 150,000 people are dead and the World Health Organization estimates that between 3 and 5 million people are lacking basic survival requirements. Unfortunately, these numbers seem to rise with each passing day. Our condolences and prayers go out to all of those who have been affected by this deeply personal tragedy. But beyond our prayers, the people affected will need the assistance of the international community to prevent the outbreak of disease which threatens to take as many lives as the tsunami.

The humanitarian response by the affected governments, the United Nations, and NGOs working in the region has been impressive in the face of tremendous need and daunting logistics. The outpouring of private contributions from all over the world should reaffirm our faith in humanity. But the magnitude of the need will remain long after the initial humanitarian response has provided people with shelter, food, clean water, and medical care.

The $2 billion already pledged by the United States and other donors is an excellent downpayment, but I think we are only beginning to glimpse the massive undertaking that reconstruction will be. I hope that the House will rapidly consider the legislation that Chairman HYDE and Mr. LANTOS are working on to provide substantial emergency assistance to the affected survivors, to help them rebuild their homes and their lives.

Mr. Speaker, I urge my colleagues to support the resolution and to commit themselves to supporting the additional relief we can certainly expect to be necessary.

Mr. MEEKS of New York. Mr. Speaker, I rise today to offer my condolences to the hundreds of thousands affected by the tsunami in Indonesia, Sri Lanka, India, Thailand, Somalia, Malaysia, and other countries.

December 26 will ever be a day etched in our memories and in our hearts as we struggle to comprehend the magnitude of loss associated with this disaster.

Our great country is often viewed as a leader in the world and I know that the President will ensure that our country maintains this role by mobilizing the necessary humanitarian and economic assistance for both immediate and long-term relief, whether it be the $350 million already pledged or more as each day brings us a deeper understanding of the total impact of this disaster.

We have long held prosperous relationships on economic and security issues with many of the countries that have been affected such as India and Malaysia.

If we fail to adequately meet the needs of those affected by committing to advancing a strong recovery in both the Asian and African nations that have been affected, the long-term worldwide economic and political consequences of this natural disaster could be even more severe.

Mr. CARDIN. Mr. Speaker, I rise to express my deepest condolences and support to those affected by the earthquake-generated tsunamis that struck numerous countries in South Asia and East Africa on December 26, 2004. This enormous natural disaster, which has so far claimed more than 150,000 lives, including many Americans, requires a robust response from the international community.

I am pleased that the United States is taking a leading role in the relief and recovery efforts. We should continue to partner with the United Nations, non-governmental organizations, and other members of the international community to render humanitarian assistance throughout the region. I look forward to working in Congress to increase America's contributions to this effort as additional needs required for long-term rebuilding are identified.

Over the past 10 days, the outpouring of condolences and financial support from the American people has been tremendous. The efforts of the thousands of Americans who are giving of their time, money, and resources are truly reflective of the American spirit, and they exemplify our Nation's values and ideals. I join with my colleagues today in support of the House resolution.

Mr. BACA. Mr. Speaker, I rise today to pay my respects and give my deepest condolences to those who have suffered through one of the worst natural disasters in history.

As our Nation celebrated the holiday season with our loved ones, a tragedy of epic proportions was occurring half a world away. An earthquake with a magnitude of 9.0 off the coast of Indonesia triggered a massive tsunami that engulfed several countries throughout South and Southeast Asia. The total aftermath is not yet known as the number of lives lost continues to rise to immeasurable levels.

Though this tragic disaster destroyed lives, families, and entire economies, it did not destroy the strength of character and sense of purpose displayed by the victims who continue to fight daily for survival. The victims of this tsunami are not alone in their struggle. Across our great Nation, Americans, together with the world community, have exhibited their generosity of spirit as they pray for the suffering families and continue to give monetary assistance to those in need.

More than 150,000 people have been killed with millions more affected. These numbers are already impossible to comprehend yet countless others are missing.

We are now presented with a defining historical moment as a nation and as an international community. We must share the fiscal and emotional burden that will only get worse for our brothers and sisters in Southeast Asia. We cannot under-fund, undercut, or undermine our relief efforts by failing to follow through on our promises as a government or our compassion as Americans.

9/11 will always be remembered in our nation as a time of crisis and devastation, yet also a time of perseverance and unity. We survived this horrific event because of the resolve exhibited by our Nation's people and the support received from the international community. The tragedy that has struck Southeast Asia is no less of a crisis and no less devastating.

It is the responsibility of the United States and the world community to continue the aid and assistance of these countries during their time of need. During times of crises are when the integrity of a nation and its people are judged in history. I am encouraged by the overwhelming response and generosity shown by the people across this world. It is the human way to respond; it is the American way to respond.

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise today in support of H. Res. 12, expressing support to the victims of the tragic earthquake and tsunami that occurred on December 26, 2004. I offer my deepest condolences to the people of Indonesia, Thailand, Sri Lanka, and India, along with all of the children and families across South Asia and Eastern Africa, in the wake of this devastating event.

The toll taken by this tragic earthquake and tsunami is staggering: More than 150,000 dead, thousands still missing, and 5 million lacking basic survival necessities like clean water, food and shelter, and healthcare. The world endured the largest earthquake since 1900 and the tsunami that followed took the lives of children, their parents, tourists and entire families. This is a region ill-prepared for such a colossal and devastating natural occurrence. It is a human tragedy of epic proportions.

In response, the world community has embarked on a massive humanitarian relief effort unparalleled in the history of disaster relief. To date, the United States and other donors have pledged an estimated $2 billion in emergency and reconstruction assistance.

As the wealthiest nation in the world, the United States must lead the effort to provide humanitarian assistance. A once belated and undervalued response by the United States must now be erased with aggressive and generous action. I call on Congress to swiftly authorize and appropriate the $350 million pledged by the President so it can be delivered promptly to those who need it immediately.

I also call on the President to ensure that the money he pledged to provide humanitarian relief in the wake of this disaster does not come at the expense of existing international aid programs assisting millions of people across the globe. These programs, for example, help AIDS orphans, victims of drought, war refugees and the families in Iraq and Afghanistan that are rebuilding their homes and communities. Our assistance in these areas must remain a priority.

The tragic loss of human life and destruction from the earthquake and tsunami unite the United States and the entire international community in solidarity and support. My thoughts and prayers go out to the victims of this terrible tragedy and I pledge my continued support and help for their families and the hundreds of relief workers who have come to their aid.

Ms. DELAURO. Mr. Speaker, I rise with the heaviest of hearts. For the past week, our thoughts and prayers have been with the victims and survivors of the tsunami in the Indian Ocean. From Malaysia to East Africa, the death toll has climbed to a staggering 150,000, with tens of thousands still missing. At least 5 million people are displaced from their homes and many face the risk of diseases such as cholera, typhoid, hepatitis, E. coli, and salmonella in the very near term. It is a natural disaster of Biblical proportions.

As such, the community of nations is coming together to assist the recovery efforts. Governments from around the world have already offered more than $2 billion in aid to countries hit by the disaster. Private citizens are also doing their part—since the tsunami struck, donations from Americans have poured in to relief organizations, with more to come. Just yesterday, President Bush announced that former Presidents Bush and Clinton would head an effort to encourage more American citizens and businesses to donate to non-government and international organizations working to provide immediate relief and to help with long-term reconstruction in the affected areas.

Our participation tells the world that we understand the gravity of this situation—as Americans and as humanitarians alike. With destruction so complete—so terrifyingly final—in many of these areas, our leadership shows them that we understand, the nature of our role in this relief effort—and that our commitment will be long-term. Just as the nations of the world came to our side after the tragedy of September 11, so, too, is it our moral duty to help these nations in their time of desperate need.

And so today, overwhelmed with emotion regarding the disaster, we extend our helping hand and express our deepest sympathies to the people of these nations, who have lost more than words can ever say. They are in our thoughts and prayers.

Ms. LEE. Mr. Speaker, I rise to join my colleagues and all Americans to express my deepest sympathy for the victims and the displaced families affected by the earthquake and resulting tsunami in southern Asia on December 26, 2004.

While the tidal wave wreaked a path of destruction that was felt from Indonesia all the way to eastern Africa, the devastation rippled all the way around the world, including my district in San Francisco's East Bay area. As one of the most ethnically diverse districts in the nation, hundreds of my constituents have family and friends in affected regions of India, Sri Lanka, Thailand, and Indonesia. My thoughts and prayers go out to them, also.

Mr. Speaker, to date, it is estimated that over 140,000 children, women, and men perished in this terrible natural disaster. I am heartened by the outpouring of international aid in the wake of the disaster—including the $350 million pledged by President Bush on behalf of the American people. We must do everything in our power to ensure that emergency aid and supplies to the estimated 3 to 5 million displaced survivors reach all those in need. But in the coming months, when reports of the tragic disaster begin to recede from the headlines of the world's newspapers, we must make sure that development aid to the region continues to support the reconstruction effort.

Our efforts today will ensure that the generation of children who lost a parent or guardian or were left orphaned will grow up in a world where it is important to help your neighbor. It is important to care.

Mr. HYDE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. RENZI). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING SORROW OF THE HOUSE AT THE DEATH OF THE HONORABLE ROBERT T. MATSUI, MEMBER OF CONGRESS FROM THE STATE OF CALIFORNIA

Mr. STARK. Mr. Speaker, I offer a privileged resolution (H. Res. 11) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 11

Resolved, That the House has heard with profound sorrow of the death of the Honorable Robert T. Matsui, a Representative from the State of California.

Resolved, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolved, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolved, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

Resolved, That when the House adjourns today, it adjourn as a further mark of respect to the memory of the deceased.

The SPEAKER pro tempore. The gentleman from California (Mr. STARK) is recognized for 1 hour.

Mr. STARK. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DREIER), pending which I yield myself such time as I may consume.

GENERAL LEAVE

Mr. STARK. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. STARK. Mr. Speaker, as the dean of the California delegation, I offer this privileged resolution expressing the profound sorrow of all of us within the House of Representatives at BOB MATSUI's passing. I am honored to sponsor this resolution in an attempt to memorialize BOB's contributions to Congress and to our Nation.

Like all of us, I was shocked to hear the news that someone as vibrant as BOB MATSUI is no longer with us. He has been a forceful leader in Congress, and he will be missed. I will miss his counsel and his friendship, having been honored to serve with him during his time in Congress as a fellow Californian and on the Committee on Ways and Means.

But first of all, my thoughts and condolences go to his family, BOB's wife Doris, his son Brian, daughter-in-law Amy, and granddaughter Anna.

I just got around I guess to opening his Christmas card a day or so before the sad news came and was reminded of a night early on when Brian, who is now an adult with an adult life, and he could not have been more than 5 or 6 at the time, and he was at a reception with BOB and Doris and myself and choked on a chicken bone, and the consternation we all had, patting Brian on the back and getting him through the chicken bone incident. So as I say to Brian and to Doris, BOB's memory will live with them and give them great support as they move ahead in their lives.

In his time here, BOB demonstrated and embodied the utmost integrity. He knew and understood the purpose, the greater purpose, really, which we in the House are entrusted with. He lived by and set high standards in public service. In a word, he was a statesman. He went through the experience of being interned during World War II, and it never made him bitter. He never lost his spirit. Rather, it gave him resolve for his own convictions and his sense of public service.

He started in Sacramento after a brief career in law, and then he came to Congress in 1979, starting out with the Committee on the Judiciary and then with the Committee on Government Operations, and then later joining the Committee on Ways and Means where he really became our resident expert on Social Security and was active in trade and tax policy issues as well. He tackled those issues, as I am sure any of my colleagues who have discussed Social Security with him know, with sharp intellect, deep convictions, and compassion for what was right. But he was fair. He had a sense of humility and one of respect I think of his colleagues on both sides of the aisle.

I do know one thing, that BOB MATSUI would have wanted to be here to lead the Democrats in the fight to protect Social Security in this coming session of Congress. He was prepared for it. He was geared up for it. He had been spending his time over the last several weeks before his sad passing to lead us in the effort to protect Social Security. His convictions of compassion mark his work on behalf of disadvantaged children and families in our country as well.

BOB championed expanded health care coverage for children and was a tireless advocate for child welfare. Indeed, he joined many of us in opposing our own administration during the welfare reform issues in 1996, and he introduced key legislation to expand job training and education programs to help people in poverty. We lost that battle in 1996, but he remained steadfast in his commitment to ensure that people got lifted out of poverty, not just kicked off the welfare rolls.

So as the new year began, I had looked forward to his counsel and working with him side-by-side as it were on our committee on important issues.

His spirit will continue to inspire us in the days ahead and with gratitude for all he has done, we will carry on his work and do all we can to honor his life and his contributions to the American people. I know that the House tonight will adjourn in his honor, and on New Year's he adjourned sine die. We say so long, old friend.

Mr. Speaker, I reserve the balance of my time.

Mr. DREIER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me begin by expressing my appreciation to my California colleague (Mr. STARK). We have worked jointly on this resolution, and it is with a great deal of sadness obviously that we are here at this moment.

We just completed the debate on the resolution that had to do with the loss of now it appears about 150,000 lives from the tsunami that has taken place in South and Southeast Asia. And then we come to the next resolution, talking about one man, an individual who has made a great contribution. And when you juxtapose the resolution with the loss of 150,000 lives and now we are talking about BOB MATSUI, we cannot help but think about the fragility of life.

BOB MATSUI is an individual who offered so much to this institution, but he offered so much to me personally, just as I know he did to others of my colleagues who are going to be speaking tonight and many of those who are not going to be able to be here this evening.

□ 1900

The gentlewoman from California (Ms. PELOSI) in her statement when she was turning the gavel over to the gentleman from Illinois (Speaker HASTERT) this morning I think said it very well when she talked about the combination of intellect and passion that BOB MATSUI demonstrated in his life.

We all know that BOB was a tremendous intellect, very thoughtful, very deliberative on issues that he tackled, but he also at the same time had a deeply felt passion in the pursuit of his agenda, and I will tell my colleagues that I shared that agenda in some areas and I shared his passion. I do not know that I have quite the intellect that BOB had, but I shared his passion.

We worked together through the 1980s and the 1990s in pursuit of the global trade agenda, and I know there is a lot of controversy in this House on that issue, but BOB and I worked arm in arm to try and get Bill Clinton trade promotion authority. I remember the kind of energy and the thought that BOB put into this, and he had boundless energy when it came to this. He was a slight person, but boy, I will tell my colleagues, when he put his mind to an issue, he really was very, very diligent in pursuit of that.

We worked together on a wide range of individual trade agreements, going back to the North American Free Trade Agreement. Every single year, BOB MATSUI and I worked together to try and grant what we used to call most-favored nation trading status for the People's Republic of China, and then ultimately we worked together on the granting of permanent normal trade relations.

I happen to believe that that vision that BOB had was a very positive one and has played a big role in improving the quality of life and the standard of living for people all over the world, and I think that when we look at this institution it is a tragic irony. I mean, that this has come. We are not only sad but we are very shocked.

The gentleman from California (Mr. STARK) and I, Mr. Speaker, were just talking about the news and what BOB went through at the end because it did come as a great surprise to him and to Doris and to Brian and Amy and little Anna that he was going in for a checkup, and then it ended up, of course, that because of this infection he was going to not survive. So when this news came out it was a shock to all of us.

I heard it just as I was getting on the airplane to fly back here on Sunday, and I was just taken and I could not help but think about immediately all of the great experiences that I had traveling, working on joint California issues, working, as I said, on the trade agenda and realizing how dedicated this guy was and what a horrible loss this will be for this institution and for us as individuals.

So I join, as the gentleman from California (Mr. STARK) has just said, in extending personally my thoughts and prayers to Doris and Brian and his family as well. We all got that picture of their family that was just sent to us, and we could not help but be moved seeing that photograph of them, knowing what a wonderful, wonderful family they are.

I just have to say that I am very, very saddened, and my thought and prayers go to those family members. We have learned how fragile life truly is.

Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. THOMPSON).

Mr. THOMPSON of California. Mr. Speaker, I thank the gentleman from California (Mr. STARK) for the time.

Mr. Speaker, I am both saddened and honored to rise today in memory of our friend BOB MATSUI. We can barely glimpse a man's greatness in a single floor statement, but I will try.

American heroes have customarily run toward towering figures of many words, but today, our Chamber and our Nation honors a man whose contribution was not the quantity and volume of words but, rather, the quality and the effectiveness of both his spirit and his skill.

Many will speak from the floor tonight of the landmark, legislative achievements of this extraordinary man. Many more will honor his lifetime of legislative victories and how they directly improved the lives of millions of Americans spanning several generations. Single mothers with infants. Civil rights. Our Nation's most vulnerable seniors. BOB provided more than a voice for those who could not speak for themselves. He provided victory. He provided results. He won monumental battles, not by being the loudest but by being the smartest and the most informed person in the debate.

The Greeks have told us that death is hardest on those it leaves behind. This House has lost a rare statesman. Doris, Brian, Amy and Anna have lost a devoted and loving husband, father and grandfather. I have lost a mentor and my best friend in this Congress, and our Nation has lost a tireless, compassionate and brilliant leader. To the Members I say, in the year that lies ahead of us, let us make sure that this Chamber is worthy of his grace and his legacy.

Mr. DREIER. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from California (Mr. DOOLITTLE), my very good friend from Rocklin.

Mr. DOOLITTLE. Mr. Speaker, I thank the gentleman very much for the time.

Mr. Speaker, while I, like our other colleagues, was really shocked to learn of this sad news. I think it was exactly a month ago today on the final day of the 108th Congress that BOB and I exchanged a warm greeting in the elevator, wished each other happy holidays and fully expected to see him back here with all the rest of us starting out today in the 109th Congress.

I had the privilege of representing the adjoining region to BOB MATSUI, who represented the City of Sacramento and certain surrounding areas. He and I got to know each other pretty well. We had some real contentious issues, one specific contentious issue that the Chamber is aware of dealing with water supply and flood control in our region, and we battled over that for a long time.

BOB was a fearless advocate for his constituency, and it always impressed me as we went through this process of advocating our points of view and coming to the realization that we would be best served by trying to find some common ground and putting that into law. We got to know each other on a personal basis, and it was really a delightful experience. I think our constituents assumed we were bitter enemies, but that was not the case. The disagreements were never personal, and we actually became friends, and I always enjoyed seeing him.

I knew he was a good family man. He cared a great deal about that, and from time to time we would sit back there in the back rows and visit with each other a little bit about that. He was very proud of his son Brian, first love Doris a great deal, and proud of his daughter-in-law and of his new granddaughter, relatively new, 16 months old I believe.

Like the gentleman from California (Mr. STARK), I was opening that Christmas card myself, well, just last week in Rocklin. That was one of the ones I saw, big beautiful card and filled with pictures of his family, and he was a very committed man, a very effective representative.

Sacramento has a lot today because of work that he did, a lot of fine accomplishments from improving the airport to light rail taking off, getting started with him, and developing and extending the lines and so forth, the massive amount of flood control work on the levies and so forth that is going on, a lot. He has left quite a legacy.

I shall miss him and I am truly sorry that this has happened. It is a shocking event, and my prayers are with Doris and Brian and Amy, his daughter-in-law, and Anna, the granddaughter. I thank my colleagues for this opportunity to offer my thoughts.

Mr. STARK. Mr. Speaker, I yield 4 minutes to the gentleman from California (Mr. WAXMAN).

Mr. WAXMAN. Mr. Speaker, it is very difficult to come to terms with BOB's loss. It was a shock and so tragic. He was kind and decent beyond measure. He put a human face on the all too often theoretical debates on health care, Social Security, child welfare and tax policy, and he was always a voice of reason.

BOB cared about the challenges real people faced, children in foster care, workers struggling for a fair shot and seniors whose Social Security checks make the difference between life in or out of poverty.

In 1988, BOB helped the Nation come to terms with the terrible wrong our government committed against Japanese Americans during World War II. BOB and his family were forced into an internment camp when he was 6 months old. His parents were both U.S.-born citizens, but they lost their home and family business during the three-and-a-half years their family was interned.

BOB became the first Japanese American elected to the Sacramento City Council and one of the first Japanese Americans in Congress. He spent his career fighting injustice. Among his many efforts, he established a task force I was privileged to co-chair with him to give Members of Congress with diverse backgrounds a better understanding of the grave threats that Israel and the Israeli people face.

On a personal level, I considered BOB one of my closest friends in this institution. We spent time together, often when I took advantage of the fact that our Bethesda homes were close by each other and hitched a ride with him.

I know BOB's center of gravity was his family, his wife Doris, his son Brian, his daughter-in-law Amy and what he made clear was the most adorable granddaughter in the whole world, Anna. He was so proud of Brian and his accomplishments, his clerking for the Supreme Court of the United States and making more money in his first year in a law firm than even Members of the United States Congress.

He cared deeply about his efforts to make a difference through public service and the principles and values of the Democratic Party, and this took him to the position of sacrifice as chairman of the Democratic Congressional Campaign Committee.

Janet and I were so grateful for our friendships over the decade with BOB and Doris. We want to extend our deep condolences to the family, the entire family during this sorrowful time. This is an enormous loss for his family, for his friends and for this entire country.

Mr. DREIER. Mr. Speaker, I yield such time as he may consume to the very distinguished gentleman from California (Mr. HERGER).

Mr. HERGER. Mr. Speaker, I thank the gentleman from California for the time.

Mr. Speaker, today we mourn a friend and able colleague. It is a tremendous loss to each of us and to our country.

BOB MATSUI was someone that virtually everyone in the Sacramento area knew and respected. Indeed, I was not elected to Congress until 1986, almost 10 years into BOB's service in the House, but my wife Pam and I already knew BOB and his wife Doris. One really could not be from the Sacramento area and not know and have tremendous respect and admiration for the Matsuis and for their work in the community.

As a representative of a congressional district to the north of Sacramento, I worked frequently with BOB on issues of regional importance to northern California. He was a passionate and effective advocate for his constituents on a myriad of issues, particularly on flood control, one of the most critically important issues for those of us who live in flood-prone northern California.

He will certainly be remembered by all of us as a leader on these and many other issues important to the region and as an able and dedicated voice for his constituents.

I also had the pleasure of serving with BOB for many years on the House Committee on Ways and Means. A long-time supporter of free trade, BOB was willing and determined to reach across the aisle and work together on the challenging issue of trade policy.

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He worked hard for policies that expanded trade, but that also ensured that it was fair and that the playing field was level for American companies and agricultural producers. Those efforts went a long way to helping expand economic opportunities for our northern California region as well as the Nation.

In all his dealings, both public and private, BOB MATSUI personified integrity. It was an honor to have called him a friend. On behalf of my wife, Pam, and me, I would like to extend our personal, heartfelt condolences to the Matsui family, his wife, Doris; his son and daughter-in-law, Brian and Amy; and his granddaughter, Anna, for their tremendous loss. They can be proud knowing that their husband, father, and grandfather worked incredibly hard to serve the people he represented, always with the noblest of intentions and always with the level of intellectual honesty, ability and skill that commanded enormous respect from everyone who knew and worked with him. He will be greatly missed by all.

Mr. STARK. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. DOGGETT).

Mr. DOGGETT. Mr. Speaker, I thank the gentleman for yielding me this time.

I rise to join my colleagues in paying tribute to an extraordinary human being, BOB MATSUI. Like so many others across this country, the celebration of this new year was for me shaken by the incredibly sad news of BOB's demise. I awoke this Sunday expecting to be consumed with the challenges and work of the new year, only to be stunned to learn of the passing of an old friend.

Libby and I had only a couple of days before shared the beauty of BOB's family that he and Doris send out each year at this time, reflecting on the last time we shared a meal with them, only a couple weeks before at a dinner table here in Washington, knowing of the pride that BOB felt in Doris' professional accomplishments and how often he mentioned Doris and Brian and his family in conversations on subjects here in Washington.

There is a Greek proverb: "The measure of man is what he does with power." By this measure, or really by any measure, BOB was indeed a great human being. Although he had significant power here in Washington as a senior Member of this House, he was viewed as a soft-spoken advocate for the things that he believed in and the people he represented. And yet on more than one occasion I have seen his temper flare at injustice.

BOB was a great and principled policymaker. He gave a great deal of thought to the issues and the decisions before he spoke, and often took positions that were not popular but that represented his principles. He also was willing to grow and adjust those principles, certainly being committed to more trade, and yet over time he recognized that trade was more than just counting how many widgets crossed country lines, but how that trade affects people.

He was committed to not only Social Security but to retirement security, and took a very forceful stance in this House about the concern that we do more to help those who have no retirement, not just to add to the retirement of those who already have much.

It was my good fortune to serve with him on the Committee on Ways and Means, to come on that committee as a new member and find BOB as someone that I could turn to when I had a problem for personal advice and always get a thoughtful hearing and sound advice.

While his passing is most premature, we can only seek to renew our strength inspired by his very strong example, to remember the causes that he championed and how he championed them, and to be strengthened in our efforts by his spirit and his fight for fairness, to stand up for what is right for the American people.

It is fitting for us to honor BOB with our words, but certainly we must honor him in this Congress with our actions, to continue to champion the causes that he would champion and had so often, from this very microphone. Certainly that is true with regard to Social Security, as he stood up to those who would destabilize, privatize and piratize it. Without our ally, our work will be harder, our burden will be greater, and our responsibility will also be greater.

As the Los Angeles Times editorialized about BOB recently, "He epitomized an ideal of public service that has largely vanished in a partisan Congress."

Mr. Speaker, we salute BOB by our deeds as well as our words tonight.

The SPEAKER pro tempore (Mr. PEARCE). Without objection, the gentleman from California (Mr. HERGER) will control the time.

There was no objection.

Mr. HERGER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. THOMAS), the chairman of the Committee on Ways and Means, a committee that BOB MATSUI served on for many years.

Mr. THOMAS. Mr. Speaker, it is true that BOB and I were on the Committee on Ways and Means together; but, frankly, BOB and I go back a long way.

This is especially difficult since just a very short time ago I was going through the Members' Christmas cards. If you have been around a long time one tends to see the march of time in the cards. You get a very formal card from a new Member. Maybe he is not married. Or if married, it is just a very bright, young couple. Over the years, the family grows, not just in stature but in numbers. We just received one from the Matsui's with a grandbaby prominently displayed.

In 1978 in November in Sacramento, Members who had been elected to Congress in that election got together as Members-elect in Sacramento. I had known BOB by virtue of his being on the Sacramento City Council. I was an assemblyman at the time and of course spent some time in Sacramento. There were three other Democrats, colleagues in the assembly, Vic Fazio, Julian Dixon, and Tony Coelho who had been an aide to a Congressman and been elected in that same election. To show Members how much things do not change, one of the freshmen in that class was the gentleman from California (Mr. LUNGREN) who has joined us once again as a Member. Another member from the State Assembly who joined us that year, was the gentleman from California (Mr. LEWIS).

All of us got together as newly elected Members from California. We stayed together because when you are in the same class, even if you are of a different party, you have common ties, notwithstanding the differences of policy positions that you take or oftentimes the different committee directions that you take. It was my privilege and pleasure to serve not only at the same time as BOB, but for a significant number of years on the same committee.

He was, as we now know even more so than we thought, in many ways a very private person. It was, I think, personality as well as culture. But if one could get inside there, all of the comments that Members have made in a very public way were also true of the private person. You often wonder, as is the case with some Members, how BOB would get elected if he had to go out and be gregarious among people. But when one meets Doris, you figure out how he did it easily: he just kept her in front of him. As some people have said with my wife, Sharon, they understand better once they have met the spouse how you get elected. But the most important thing was the couple and the union they formed.

One of the things that some of the newer Members need to realize is that what occurs in committee and on the floor is business, and people go about their business in different ways. The reason we are going to hear a number of Members talk about BOB in the way that we will talk about BOB is because if you spend a little time getting to know the other businessmen, you cannot help but get to know them as a person. All of us are lamenting the passing of Congressman BOB MATSUI, but those of us who knew the person of BOB MATSUI are perhaps lamenting even more.

Mr. STARK. Mr. Speaker, I yield for the purpose of making a unanimous consent request to the gentlewoman from California (Ms. HARMAN).

Ms. HARMAN. Mr. Speaker, I rise in tribute to a gentleman and a gentle man, BOB MATSUI.

I will sorely miss my good friend and colleague BOB MATSUI. California and America have lost a champion for justice, Social Security, fair trade and opportunity for all.

BOB'S courage was remarkable. Imprisoned in an internment camp as a young child, he worked to give freedom and dignity to others.

Serving more than 25 years in the U.S. House of Representatives, most recently as a Senior Member of the powerful Ways and Means Committee, and Ranking Member of its Social Security Subcommittee, as well as Chairman of the Democratic Congressional Campaign Committee, BOB was an unfailing gentleman and a loyal friend.

I met him early in his House career. Long before I thought of running for Congress I consulted him, and he offered his support.

Shortly thereafter, my key advisor and law firm colleague Vic Raiser died in a plane crash. BOB knew our relationship and called me. He said, "I cannot take Vic's place, but I'll sure try." He made my race his top priority and personally contacted his donor base on my behalf. His efforts were critical to my victory and I referred to him thereafter as my "mother."

At this time of sadness, my thoughts and prayers are with BOB's extraordinary wife, Doris, son Brian and beautiful granddaughter, Anna. BOB leaves a huge void in this nation and a big hole in my heart.

Mr. STARK. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, I thank all Members for participating in this tribute to someone whom we all believe was our best friend. This is so very unusual in a Congress that does not allow us to meet often or travel very much together that each one of us treasures so much those special personal relationships that we have.

At a time when hundreds of thousands of lives are being lost in Asia and in the Middle East, God has a way of reducing all of this and making it a lot more personal when it appears in the middle of the night. He just snatches away someone that you may have just taken for granted. Certainly the loss of BOB had everyone startled. How could a person with such fierce commitment to legislation and to the Congress who was so involved, and appeared to be looking so hard toward the next challenge, how could God have just snatched him away without any warning? But I have found over the years that it eases the pain, it does not remove it, but it eases the pain if during times like this you can think of how fortunate you were that in your lifetime you came across a person like BOB MATSUI.

It also helps if you can thank God that you do not have to say I wish I had spent more time with him or I wish I had gotten to know him better or I wish I had told him how fond I was of him, or how much I appreciated his dedication to the committee, to the Congress, to the causes that he so truly believed in. And then it makes you feel a little better that you had a chance to say BOB MATSUI, we love you.

It is hard for me to think of anyone that felt so strongly about his beliefs, and at the same time we hear over and over tonight that he was indeed a gentle man, how we can hear Members from both sides of the aisle saying we are human beings, we are dedicated, we do have different beliefs, but here was a guy who was able to take all of this and still manage to have friends on both sides of the aisle.

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Yes, the chairman of the Committee on Ways and Means is so correct, because we always felt that we had two Members as being friends, because Doris was a partner, she was a friend, she was a supporter and, of course, Brian and Amy, they all had an opportunity to share their love and dedication to their father, to her husband, before he left. He did not just walk away from our lives but in his classy way he said good-bye to the family and left us here in the Congress and especially us in the Democratic Caucus with such a sense of pride and feeling how proud we were to be able to have a person of his caliber not only politically being our leader but on the Committee on Ways and Means where so often we hear that he was an expert in Social Security legislation, but those of us who were privileged to serve on the committee knew that he was an expert in anything that came before the committee. He was an expert in trade, he was an expert in pensions, he was an expert in welfare issues. And not because he was just a good lawyer and a good lawmaker but because he was compassionate and understood where he came from and his commitment was trying to improve the quality of life of Americans and human beings all over. He never forgot the struggles that he and his family had gone through and he always led us to believe that we could achieve even things beyond our expectations in working with him.

And so with all of this loss and in searching for something to thank God for doing, I can say I thank Him for sharing BOB with us and I thank Him for giving me the opportunity of having told BOB MATSUI how much I loved him.

Mr. HERGER. Mr. Speaker, I reserve the balance of my time.

Mr. STARK. Mr. Speaker, I am happy at this point to yield 3 minutes on behalf of the Congressional Asian and Pacific Islanders Caucus to the gentleman from Oregon (Mr. WU).

Mr. WU. Mr. Speaker, today we stand together here in the people's House to honor and mourn the loss of one of its true servants, BOB MATSUI. I am filled with sadness as we remember an outstanding Member of Congress, an inspiration to a generation of Asian Americans, a leader and a good friend. It is not only a loss for those of us who had the privilege to serve with him, not just a loss for Asian Americans but a loss for this Congress and all Americans. His wisdom and counsel will certainly be missed. Our thoughts and prayers are with his family during this time, with Doris, with Brian and Amy.

BOB MATSUI believed in the value of public service. As a Congressman for 26 years and as a city councilman and vice mayor of his beloved Sacramento before that, he understood that government had a positive role to play in people's lives. Inspired by the calling of President Kennedy's speech challenging Americans to ask what they could do for their country, BOB MATSUI dedicated his life to that challenge.

BOB MATSUI was a mentor, a statesman and a role model. As a founding member of the Asian Pacific American Caucus, he was able to provide his insight and experience about the importance of public service and how to get the job done to many of us junior Members. Several members of that caucus join me today in honoring BOB MATSUI's life and selfless service.

As a senior member of the Committee on Ways and Means, BOB MATSUI was intricately involved in that committee's complex portfolio and important public policy issues, including tax policy, international law and trade, Social Security, health care and welfare reform. Most notably in recent years, BOB fought to preserve Social Security because he believed that the elderly and the disabled are entitled to the stability of a guaranteed income that allows them to live in dignity. Many of us will miss his voice in the coming debates on the future of Social Security.

Those of us who had the privilege to know BOB MATSUI and to serve with him will be forever in his debt. His intellect, his passion for justice, his dedication to the value of public service will continue to be guideposts for us all. BOB, wherever you are, it is a far, far better place now that you are there. Thank you for all the sound advice that I received from you over the years. My only regret is that I did not take a little bit more of it. Today we mourn the loss of a great man and a friend. He will be missed.

Mr. STARK. Mr. Speaker, I am happy to yield 3 minutes to the gentlewoman from California (Ms. LEE).

Ms. LEE. Mr. Speaker, I rise this evening to pay tribute to a great leader, to an extraordinary human being, our beloved BOB MATSUI. I rise with a heavy heart tonight as we remember BOB. I remember him as a fighter for justice, for our senior citizens, and for all those who have yet to realize the American dream. BOB's quiet strength always amazed me. He was brilliant, yet he always listened and valued ideas and input from others.

When I first ran for Congress, I remember that BOB came to my district and he helped me with my campaign with a variety of constituencies. Of course, my colleagues know I have a very vibrant port in my district and trade is such a critical issue. BOB taught me a lot about trade and helped me tremendously as we debated our trade policy in this body. Like myself, my constituents were inspired by BOB's life as they got to know him, knowing that he spent his first formative years in an internment camp. But rather than turn bitter, BOB worked to ensure that those interned during those dark moments of American history were granted reparations for such a shameless act. BOB MATSUI used his personal experiences not in a selfish way but to heal the wounds of so many Japanese Americans and our entire country. For that, we owe him a debt of gratitude.

Several years ago, BOB asked me to come to Sacramento to keynote the

NAACP. I think it was the Sacramento NAACP's annual Martin Luther King dinner. The respect and the love that BOB's multiracial constituency had for him and for Doris was something to behold. He was the epitome of a public servant and his constituents knew it, year after year after year.

As we move into this very critical debate to save Social Security, let us remember BOB's commitment to save Social Security and to ensure that our seniors in their golden years live the life that they deserve. We will have to fight, of course, twice as hard now that we do not have BOB with us, but BOB would want us to do just that. May the insights and the inspiration that BOB MATSUI brought to this and so many of our debates guide us to do the right thing and to uphold his extraordinary legacy. To BOB's loving family, to Doris, to Brian, Amy and Anna, my thoughts and my prayers are with you. Thank you for sharing this giant of a human being with all of us. Our country and the world is a better place. May his soul rest in peace.

Mr. STARK. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from New Jersey (Mr. MENENDEZ), the chairman of the Democratic Caucus.

Mr. MENENDEZ. I thank the gentleman for yielding me this time.

Mr. Speaker, as the chairman of the Democratic Caucus, I rise to pay tribute to a great American, a dear colleague, a good friend, one of our own, the late Congressman BOB MATSUI.

I would like to offer my condolences to Doris, to Brian, to Amy, to Anna, and to his staff, both in California and in Washington, for the wonderful job they have done for him and the people of his State over the past 26 years. It is unique when a colleague of ours dies because we are called to look back at their accomplishments over the years and we begin to realize what a great human being they really were. We see our colleagues on the floor every day and we obviously know them, we like them, we have friendships but unfortunately not until they leave us do we have an opportunity to think back on their careers. Looking at BOB's career, it is easy to see that his passing is a great loss for America, a great loss to his constituents, a great loss to the United States Congress. He was and will be remembered for his work in the House of Representatives, for being a leading opponent of Social Security privatization, a supporter of free and then fair international trade, and a fair-minded tax writer who was a strong proponent of fiscal responsibility. These contributions as a public servant over the past decades helped move our Nation towards a better and brighter future and that will be his lasting legacy. BOB MATSUI was held in the highest regard by all who knew him for his unquestionable honor, his keen intelligence and his heartfelt kindness.

All of us in this institution are referred to as the gentlelady or gentleman from the day we are sworn in as a Member of this body. However, BOB MATSUI truly deserved that title since he was truly the gentleman from California.

On a different level, BOB was a loving husband, father and grandfather. To ascribe so many positive qualities to one individual might be seen as the usual gilding of the lily. In case of BOB MATSUI, it was simply the truth. My life, this House, and our country are better off thanks to his life here on Earth with us. God bless you, BOB.

Mr. STARK. Mr. Speaker, I am delighted to yield 4 minutes to the gentleman from Michigan (Mr. LEVIN), who does not realize that among the other things that he has to thank BOB for is the fact that he will learn now he will have to sit next to me on the committee and he has been spared that all these years.

Mr. LEVIN. Mr. Speaker, I look forward to that but I must say I loved sitting next to BOB MATSUI.

When I came here Monday morning, having heard the news a few hours before, here is what I said to myself: This place is truly a different place without BOB MATSUI. There is for us a large hole in our ranks and in our hearts. He added so much to this institution that he loved. He added his exceptional vitality to the notion we often say, this is the people's House. BOB underlined, this was the House of all the people. He identified with the underdog, with those trying to climb up the ladder of life more than those who were already at the top. Opportunity meant everything to BOB. Tax policy, his interest in EITC, to help those working lift themselves up, his interest in child care and health care for those who were leaving welfare for work. He fought also, we know, for the seniors of this Nation. And how hard he was fighting as illness overtook them, trying to make sure that there was opportunity for elder citizens and not deprivation.

In trade policy, as has been mentioned, my brother the gentleman from New York (Mr. RANGEL) is here. I think I would describe it this way about BOB. He saw opportunities in expansion of trade, but more and more he came to believe that as globalization expanded it was critical that expanded trade leveled up and not leveled down. Where all of his ardor came from, I am not sure. Some no doubt from his family's life experience and some of my colleagues knew more about that than I did. From him, he did not talk very much about it. I read in some of the reports that BOB was described as low-key and quiet and I see some of my colleagues shaking their heads. Those press reports did not quite capture BOB MATSUI.

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He was gentle, that is true. And he was very dignified and in a way quiet. But he was a gentle person, focused, dedicated, tenacious, and tough. He did not claim to know all of the answers; but when witnesses came before the committee, he was insistent that they give straight answers to his questions. And the mightier they were, the witness, the mightier was BOB MATSUI's determination. I will not mention the members of administrations who learned that firsthand.

There has been reference to this Christmas card and I wish everybody who may be viewing this could see this picture, how it moved us. And let me close by reading just the last paragraph of this card: "As we look at this special season through Anna's eyes," the granddaughter, "we feel a renewal of our family's traditions. Let us cherish these special moments and be thankful for what is most important in our lives, our family, our friends, and the blessings of everyday life. BOB, Doris, Brian, Amy, and Anna Matsui."

Our condolences to the family, to Doris, Brian, Amy, and Anna. BOB MATSUI was always looking to the future. Now it is up to us to look to the future on behalf of BOB MATSUI. BOB, we love you.

Mr. HERGER. Mr. Speaker, I yield myself such time as I may consume.

It has really been a great honor and privilege for me to be able to at least control part of the time on our side on someone who is one of the most respected and most honorable and outstanding individuals that I have known in my lifetime, my friend BOB MATSUI.

Mr. Speaker, I have no further requests for time, and I yield the balance of my time to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Speaker, I thank the gentleman from California for yielding me this time, and I yield 2½ minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I thank the gentleman for yielding me this time.

I remember BOB MATSUI from younger days. We were all Sacramentons. I was newly married. Shary and I went to Sacramento to work in California State politics. And there in Sacramento was this new enthusiastic political community rising because California had just amended its constitution to set the legislature to hire full-time staff, and so it was a can-do city.

And in the midst of this was this young graduate from the University of California who was a big champion of Berkeley and the Cal Bears, and he chose to run for city council. And a wonderful staff member named Steve Thompson introduced BOB to everybody, and Steve was a staff member and active in Democratic clubs and political social life. My wife, Shary, was working for John Moss, who was the predecessor to BOB MATSUI. He was the Congressman at the time; and when John Moss retired, the city Democrats were split over who to support for that seat: the mayor, Phil Isenberg, a great popular person in Sacramento; or the young BOB MATSUI. And it was a raucous grass roots primary battle. BOB won, and as they say, the rest is history.

It is a shock that BOB is gone. He was too young, too talented, too much going for him as a new grandfather to have been taken from us. As Chair of the Democratic Congressional Campaign Committee, he raised a record amount of money for the congressional Democrats. We counted on him to lead us into battle against the President's proposals to privatize Social Security.

When one is speaking about BOB, one has to talk about Doris, who conquered Washington politics in her own right and ended up in the Clinton White House. She and BOB were a classic political couple, really well known in D.C. as well as Sacramento. My heart goes out to Doris and the family, to Brian, Amy, and little Anna.

BOB's congressional district is one of the most significant in the United States because he represents the best staffed, most productive, best known political celebrities in the Nation's biggest State capital, Sacramento. He was the Congressman for the Federal tax issues relating to California's tax needs. I remember that BOB MATSUI had to carry the tax exemption for State legislators' per diem. Can my colleagues imagine the likes of Jess Unruh, Willie Brown, Jerry Brown, and the entire 120 members of the senate and assembly counting on his ability to convince Chairman Rostenkowski that the California State legislators should have something that no Member of Congress had, a tax exempt per diem 7 days a week for the entire legislative session? BOB had every legislator in California breathing down his throat. Their power in Sacramento meant absolutely nothing here in Washington. They needed BOB to do it for them. No one thought he could pull it off, not against Rosty. But he did.

California Democrats had a lot of political sorrow this last year. They lost the governorship in a recall election, lost many seasoned politicians like John Burton and Willie Brown and John Vasconcellos and Bryon Sher, just to name a few notables, to term limits. They lost in the unexpected death of former State senator Henry Mello and even lost their long beloved staffer, Steve Thompson. And now Congressman BOB MATSUI is lost to us all, the biggest loss of all.

BOB was a Member's Member. His death has sent the State capital into a frenzy trying to decide who will run in the special election to replace him. Congress is abuzz with who will take his seat on the Committee on Ways and Means. The political world is wondering who will succeed him as Chair of the Democratic Congressional Campaign Committee.

But the fact of the matter is that no one can take his place. The son of Japanese immigrants, whom our own government interred, he rose to be one of our Nation's most respected Congressman. No one will take his place. They can only try to emulate what his service means to the American spirit of public service in a democracy. When the Nation is experiencing what most people will certainly remember as a horrible year in the annals of modern history, a year that encompasses war, pestilence, and disease, thank God we had the goodwill of BOB MATSUI, a real American role model.

Mr. STARK. Mr. Speaker, in order to accommodate a number of speakers on both sides of the aisle, I ask unanimous consent to extend my time for 1 hour and that the gentlewoman from California (Ms. ZOE LOFGREN) control my time.

Pending that, I yield 3 minutes to the gentlewoman from California (Ms. ESHOO).

The SPEAKER pro tempore (Mr. NEUGEBAUER). Is there objection to the request of the gentleman from California?

There was no objection.

Ms. ESHOO. Mr. Speaker, I thank the distinguished dean of the California Democratic delegation for yielding me this time.

Mr. Speaker, I rise tonight with a broken heart. And the way I would like to formulate my remarks tonight is having a conversation with BOB, because it is the best way I know how. I would say to him almost every time we were on the floor together, BOB, I want to tell you something. So, BOB, tonight I want to tell you some more things.

We are broken hearted that you are gone and we cannot believe it. We have a hole in our hearts, and we have a hole in our caucus; and everywhere we have turned, we have seen you on the floor today. Our joy in being sworn in as new Members of Congress has been diminished because you are not standing here physically next to us. Thank you for being the kind of friend that you were. Just the best. Loyal, fun, serious, aggressive on all the right things. Thank you for never being embittered by the experience that your family, American citizens, third-generation Americans, were subjected to by their own government. And you grew and you rose, and you were an example to our country of what one can become because of the opportunity of America.

You understood, BOB, thank you, that America is the best idea that was ever born. But you went beyond that because you reached deep inside of yourself and brought out the best in everyone, in the ideas that you brought here, in the ideas that you fought for. Remember how grateful we are to you that you carried us in the last 2 years, that you believed and we were so proud that you were a Democrat, and you were the kind of Democrat that understood that if it was only good for the Democratic Party that that was not good enough, that we needed to be great for our country; and you believed that.

Thank you for believing in Social Security. Thank you for the countless times that you said we are going to win that battle. Thank you for what you said to me the last time we were together: you know, Anna, that corporations by the law of the Congress cannot dip into their pension funds and borrow from them. Now why would it stand to reason that the American government, the Congress, the administration continues to dip into Social Security? That is not the right way to go.

So all of your dignity, BOB, that magnificent face of yours that took on age with wisdom, thank you for laughing when I said to you how proud I am, BOB, that your granddaughter bears the name Anna. He really laughed when I said that, said, I did not realize that you loved me so much.

BOB, we all loved you. You showed us what it is to be a Member of the Congress of the United States. In the House of the people of all of the people, you are always going to be standing next to us. What you did here is not lost.

Thank you, Doris, for being the partner that you are and always will be. Thank you, Brian, for being the son that you have been. Thank you, Amy, and thank you, Anna. We are going to treasure you always. But the most important thing is, BOB, we will never ever lose what you did here. We are going to carry it every day. It is the gold and the myrrh of all of us. Thank you, BOB. We love you.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. SPRATT).

Mr. SPRATT. Mr. Speaker, I rise with heavy heart to pay tribute to a dear friend, an exemplary Member of this institution, and a great American. BOB MATSUI did more than represent the Fifth District of California. He represented the best in American politics. Indeed, if one asked me to describe an ideal Congressman, BOB MATSUI would be Exhibit A. In an institution that is sometimes short on comity and civility, BOB was mellow and civil by nature. He had a first-class temperament as well as a first-class intelligence.

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But make no mistake about it: he was a fighter for what he believed in. He was a politician of principle and passion and prodigious energy as proved by the way he stumped the country for Democratic candidates, even as he suffered from the blood condition that finally claimed his life. Whether the issue was taxes or trade or Social Security, the earned income credit, he always had an arsenal of facts at his disposal. On whatever the issue, your issue, you were always better off if you ran your arguments by BOB and sought his support here in the well of this House. He became a leader in this House and an influence, not so much because of seniority or position, but because everyone liked him, respected him, and knew his intelligence.

When BOB spoke, he knew his stuff. He spoke with authority. He spoke substance and sense. I was last with him on December 15 for the better part of the day. We had a teleconference with 36 reporters calling in. It lasted for more than an hour. We literally had to cut it off. Afterwards when I spoke with BOB, he was on the ceiling, just delighted with the response we had gotten, and ready to suit up, ready to do battle over Social Security. It was this sort of zest that made BOB MATSUI a delight and a joy to work with.

On our side we have a deep bench and we will fill his committee position with a competent successor, but no one can surpass BOB's mastery of the subjects which were his domain on either side of the aisle. The Congress has lost a great leader and the country a true patriot, a citizen, a third generation American who was interned as a child with his family who suffered an awful, terrible, unforgivable injustice. But he loved his country nevertheless and committed his life to making it better.

We do not ask today for whom the bells toll. They toll for all of us, but especially for those of us who served with BOB MATSUI, loved him as a friend, and wonder if we will ever see his like again. To Doris and to Brian and Amy and little Anna, our hearts go out. But just as BOB lives on in all of you, he lives on in all of us who worked with him for years and years. His legacy is one that will last in this institution. Indeed, this great old institution of the Republic is a better place because he served here sacrificially for 26 years.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 4 minutes to the gentleman from Georgia (Mr. LEWIS).

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to rise and speak in honor of a wonderful colleague and a beloved friend, BOB MATSUI. No one, but no one, was more able and more respected in this body than BOB MATSUI. I came here a little over 18 years ago, and I met this man who was so thoughtful, kind, and gentle. Sometimes in this body we call each other "the honorable, the gentleman, the gentlewoman." BOB MATSUI was honorable, and he was a gentleman. He was honorable in the truest sense of that word.

I remember when I first came here in the fall of 1986. During freshman orientation, we had a dinner at Statuary Hall. My 10-year-old son, John Miles, came with me; and BOB MATSUI took the time to engage my son in conversation. My young son, only 10 years old, really appreciated that. BOB MATSUI took the time to talk to him and almost treated him like another member of the freshman class. He grew to admire and like BOB MATSUI. When I informed him that BOB MATSUI had passed, he said, "Daddy, I really liked him. I am sorry. I am so sorry."

We lost a colleague, and some of us have lost a friend. The American people have lost a champion and a warrior who fought to protect Social Security and looked out for the young and all of those who have been left out and left behind in America.

There are people in this business that we meet from time to time who love the world, but they do not necessarily like people. BOB MATSUI not only liked people, but he loved. He loved all of us, and we loved him.

A few short years ago, I had the opportunity to spend a weekend in BOB's district. He took me to a university where we had a community meeting with students and faculty. We listened, we spoke, and we listened. As a matter of fact, on the campus when we arrived, there were chickens running all around. I said, BOB, I feel really at home with all of these chickens. So when I got up to speak, I said to the president of the university, I said, Mr. President, I know there is some controversy about chickens on the campus, but do not move the chickens; let the chickens stay here. And BOB laughed and laughed, and we got an agreement out of the president that the chickens would remain on the campus.

We visited schools, we visited a synagogue, a church, and a service in memory of Dr. King. During that trip, I witnessed the love that BOB MATSUI had for his people and the love that they demonstrated for him.

I tell my colleagues, it seems so unreal, so unbelievable; it is almost impossible to comprehend the loss of a friend, the loss of a brother, a colleague, a husband, a father, a grandfather. What more can be said about this man? His life was not in vain. He gave of himself. He was just a warm, decent, good human being who treated each and every one of us with respect.

When I was walking across the grounds of the Capitol today a few hours ago, a police officer came up to me and said, "Congressman, when you speak to Mrs. Matsui, please tell her on behalf of all of the Capitol Police officers that her husband was a good man and he treated us well."

As a Nation and as a people, this is a great loss. BOB MATSUI represents something very special. I, for one, I do not believe that we will ever be so lucky or so blessed to witness his likeness again. May God bless his soul.

At this very difficult time, our prayers and our thoughts are with his beloved wife, Doris; his son, Brian; his daughter-in-law, Amy; his granddaughter, Anna; his staff; and the people of the Fifth Congressional District of California. May they find comfort and peace in the love and memory of this great and beloved man.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 3 minutes to our fellow Californian and BOB's colleague on the Committee on Ways and Means (Mr. BECERRA).

Mr. BECERRA. Mr. Speaker, I thank my colleague and friend for yielding me this time.

To Doris Matsui, Brian, Amy and Anna, we grieve with you; but more, we celebrate the life of a wonderful human being, as I know you will have an opportunity to do over the coming months and years as we all remember BOB MATSUI.

I would like to talk to you, Anna, because right now it is perhaps difficult for you to grasp all that is being said about your grandfather, given that you are just a little over a year old. But in time, with the wonders of technology and the beauty of a democracy in the people's House where every word that we speak in the well of this body is recorded for time immortal, perhaps you will have an opportunity to take a glimpse at what so many people thought of your grandfather.

I will tell you he was a wonderful human being, a superb legislator and public servant and, perhaps most of all, a great American. I will tell you also that he graduated from a great high school 17 years before I did, at C.K. McClatchy High School in Sacramento, California.

He cared a great deal about the people he represented. He was a fighter and a champion. He knew when to fight, he knew how to fight, and he knew for whom he was fighting all the time.

If you ever had an opportunity to converse with BOB MATSUI, you knew that his deepest conversations were spoken with his eyes. He had these eyes that somehow could convey what oftentimes words cannot, and you knew that when he spoke with his eyes he was speaking to you from conviction, with determination, focus, and experience. And if it were not his words, for sure his eyes would convince you of a direction to take, of what he was trying to say, of where to go, of how to do it right. A handshake from BOB MATSUI was as sure a bet as the sun rising in the morning.

If you knew BOB MATSUI, you knew that he cared deeply about family, about this country, and about what would happen to the next generation. We are going to miss him in this fight to create a better America, to preserve Social Security for our seniors and for the next generations to come. We are going to miss him when we talk about our relations with all of our friends around the world in trade. But we will carry on that fight, because he is a champion to us now as he was before he passed on.

Anna, I say to you as you grow and have an opportunity to speak to your grandmother and your parents more about your grandfather, and as you read more about his many accomplishments, I hope that you will look back at some of the words that were spoken by people who respected him so dearly and considered him friend, mentor, confidant, that this is a man who left so much for you to glean, to learn from, and this is a man from whom you will have an opportunity to say we can admire an American and certainly America can say that we can appreciate this American.

So, Doris, with all due respect to you and to Brian and to Amy, I think it is most appropriate for me to address myself to Anna because I believe the greatest gift that BOB MATSUI left us was the fact that he thought about the future; and, Anna, I suspect that he was thinking about you as much as anyone else. So with you Anna, Godspeed as you learn from a great man, BOB MATSUI.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Speaker, I am here tonight to pay tribute and honor to our good friend and fallen comrade, BOB MATSUI. My wife, Stephanie, and I just came from visiting with Doris at their home, and we put our arms around Doris and told her how much we loved her and loved BOB MATSUI.

I cannot think of a more fitting tribute to pay to BOB MATSUI than to say this: I have never heard BOB MATSUI say anything unkind about any other human being, and I have never heard any person in this Chamber say anything unkind about BOB MATSUI. And that is somewhat unique, I suppose, because there are some unkind things said about other people in this Chamber, but never about BOB or from BOB.

I feel that we are going to miss BOB. I know we will miss BOB, and we will miss his intellect, his passion, his compassion, and the history that he brought to this body. I know Congress will miss BOB. I know that I am a better person for having known BOB. And when God looks down on some cold, wintry night on this beautiful Earth and there are 1 million stars shining in the sky, I know one of those stars will shine brighter, and that will be BOB. We will miss you, BOB, and we love you.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 3 minutes to the gentleman from North Carolina (Mr. PRICE).

Mr. PRICE of North Carolina. Mr. Speaker, this is a House of diverse and talented Members, but among these Members, BOB MATSUI stood out in many, many ways. He stood out as an effective legislator: a senior member of the Committee on Ways and Means, the third ranking Democrat. BOB was a leader on trade issues. He was a prominent spokesman among Democrats for those of us who favor an expansive trade policy for our country, with safeguards, to level the playing field in terms of environmental and labor standards. He was the foremost Democratic expert on Social Security, determined to fortify that program for future generations.

BOB MATSUI stood out as a committed leader of the Democratic Caucus. He did an extraordinary job in what is our party's toughest assignment, that is, the chairmanship of the Democratic Congressional Campaign Committee, recruiting our candidates, raising untold amounts of money, keeping us motivated and focused.

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He had the toughest assignment in our caucus, and he did it with grace and with great effectiveness.

BOB MATSUI stood out for his extraordinary and distinctive personal story. As a child he was one of 120,000 Japanese Americans interned in camps during World War II. I learned about BOB's story early in my service in Congress as he helped many of us understand the need for the Japanese American Redress Act, belatedly passed by this Chamber in 1988.

BOB MATSUI stood out as a warm friend and supportive colleague. He was a man who took time to get to know his colleagues. He was a wonderful listener, a great encourager, always willing to share credit and to seek a common basis for action.

BOB was one of our most reasonable Members. Surely he was one of our most reasonable colleagues. He was persuasive precisely because we knew he was a man of his word, and we knew he was a man of utter integrity.

Like many here, I considered BOB a close friend, generous with his counsel, with ready encouragement and will miss him greatly.

My wife and I have also treasured our friendship with BOB and Doris Matsui as a couple. Doris has made major contributions of her own to our country, particularly as a Deputy Assistant to the President and Deputy Director of Public Liaison in the White House for the Clinton administration, and she has been a strong and loyal partner to BOB in his endeavors.

We extend our heartfelt sympathy to Doris and her family, hoping that she may draw comfort and strength from the outpouring of affection and respect from BOB's and her many friends and admirers this evening and in the days to come.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I say to Doris, she married a nice man.

The Congressman that we mourn tonight can be described in many, many ways. It is not often that we use the word "nice" and people understand the fullness of what it means. BOB MATSUI was a nice person and a nice man. He was a committed man and a dedicated public servant.

I enjoyed talking to him because we had a commonality. He started on the Sacramento City Council, and he made me feel that, coming from the city council in my town.

He loved Sacramento. He rose to be the vice mayor of that town, but it made him sensitive to the local needs of people. So, even though I would view him to be the crafter, the definer of the modern day Social Security in these days, I know that he also understood when a pothole got your last tire, that made him a man who cared about the little things but understood the big things.

I note his love and affection for the Committee on Ways and Means. Yes, if one can love a committee, BOB loved his committee. He loved his fellow committee persons. He loved his ranking member, who he called chairman. They had a special bond and a special unity, cared about each other, and of course BOB was not a narrow thinker. One may have come from Texas, may have come from New York, Missouri or somewhere else, but he embraced you.

I will never forget his steady hand in this last very challenging election cycle. If you did not toe the line, BOB had a way of giving you a call and making sure that what you needed to do to get good folk elected were elected. He stayed steadfast in the last days of the Louisiana election, but most of all his special story is worth noting, and to his wife Doris, his son Brian, daughter-in-law Amy and granddaughter Anna, he will go down as an icon of American history.

I cannot imagine an internment. I have a history that relates to that, but I never was a slave, but yes, this humble Congressperson started his early life interned in the United States of America. His story is unfortunately part of America's story, but even with that experience this giant of a man rose to be a leader in this Congress and to be able to turn us away from those ways that were wrong.

Thank you, BOB, Congressman MATSUI, for living amongst us. Thank you for being a man of honor. Thank you, Doris, Brian, Amy and Anna, for giving him to us. God bless you and may your soul rest in peace.

I rise today to honor a fallen colleague, one who embodied everything a true public official is supposed to be. But ROBERT T. MATSUI was more than a Member of Congress, he was a husband, a father and a grandfather, but more than that he was a man of great character. His presence in this hallowed chamber for the last 26 years will not soon be forgotten, but his presence in our hearts will live on even longer.

ROBERT MATSUI was a dedicated public servant who had a long and illustrious career in California and here in Washington. He rose to great national prominence, but ROBERT MATSUI always had his heart and his values in his district in Sacramento. His dedication to local issues was shown by his years of service in the Sacramento City Council where he rose to the position of Vice Mayor of Sacramento. Throughout his tenure in Congress, ROBERT MATSUI never forgot the constituents who voted fourteen times to send him back to Washington. He championed the fight for adequate flood control in the region and was integral in Sacramento's transformation. He had big ideas for our Nation, but he never forgot the value of individuals and the importance of taking care of your district. All those who had the honor of knowing him could see he was a genuine person with real values.

The thing I will always remember ROBERT MATSUI for was that his voice was gentle, but you knew that his spirit was strong In Congress he was a tireless advocate and national spokesman for the preservation of Social Security. When he first campaigned in 1978 for the congressional seat serving Sacramento, California, he persuaded voters to elect him by promising that he would bring to the office "a new form of statesmanship," anyone who knew him know that he brought statesmanship to a new level. His excellence and grace was known on both sides of the aisle. His presence will sorely be missed,but his heart and determination will stay with us all.

At this time of grief it is hard to understand why a good man passed away in the prime of his life. But I hope his wife Doris, son Brian, daughter-in-law Amy, and granddaughter Anna will take solace in the fact that ROBERT MATSUI lived a full life of honor. There may be those who will live longer, but there will be few who lay claim to that same statement. We are all at a loss for a great leader in this body, but we suffer a greater loss of a good human being.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Speaker, I rise today with great sorrow to join my colleagues in remembering and honoring our colleague, our dear friend, BOB MATSUI.

BOB MATSUI was a fine man. He loved his family, he loved his country and he loved this House, the institution he served for 26 years, and in return, we loved him.

He loved his family. He loved his country. We loved his gentle manner and incisive mind. We loved his tenacity and fair-mindedness, his policy expertise and political skill. He was a true leader of this caucus and the California delegation, a real hero to Japanese Americans and a true fighter for economic opportunity, fiscal accountability and social justice. Like so many, I cannot imagine debating the future of Social Security and many other issues without BOB.

While the Nation will suffer from his loss, the family's loss is deeper and greater than we could possibly imagine. My heart goes out to Doris, Brian, Amy and little Anna. He was so proud of Anna and was so happy to share pictures of her with all of us, and Doris, you were truly his partner, and he spoke so often of Brian and Amy and their joy at Anna's birth. I know he loved them and he was so proud of them.

I also want to extend my condolences to his wonderful, hardworking staff, both here on the Hill and at the DCCC, his close circle of former staff, as well as to the people of the Fifth District of California. BOB was a kind, principled man, a valued colleague and a very dear friend. I will miss him greatly.

We love you, BOB. You will always remain in our hearts and your outstanding work will always be an example to this House of Representatives.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. GEORGE MILLER), our colleague.

Mr. GEORGE MILLER of California. Mr. Speaker, in my 30 years in the Congress you have the honor and the privilege of meeting so many people from so many different walks of life, not just my colleagues that I have served with in the House of Representatives but obviously the people that I represent and the people who come to the Nation's capital to seek our help in so many endeavors that they are engaged in their families and their livelihoods, but there are a few who are very special. They stand out in our professional life. They stand out as our peers and our colleagues.

BOB MATSUI was a very special person, for all of the reasons that my colleagues have said here tonight. We all know that at his core was the gold standard in conviction, in morality and integrity and in giving us the unvarnished truth from time to time when we did not agree with him.

I think that is one of the reasons we were so fond of him. When you had a disagreement with him, he sought you out and he wanted to discuss it with you, face-to-face, person-to-person, colleague-to-colleague, trying to work out the difficulties to make this a better country, but when you discussed it with him, you understood that he was clinging to principle, and he was clinging to integrity because it was the core of his existence.

Many have referred to the fact of this family's experience in the internment camp, and I do not think there is any question but that gave him a compass to set a course on the issues of social justice and opportunity in this society and civil rights. It is unparalleled, I think.

We all work in these fields, and we have some outstanding individuals in this Congress that I have served with over 30 years who have fought these fights. BOB was one of those.

I had the opportunity to work with him on the reparations bill and in the Manzanar Historic Monument bill of one of the internment camps so that this country could remember what happened in the Tule Lake and the other internment centers.

I do not know what else to say except that this is the loss of a really, really special person who was a wonderful friend, who was a great, great credit to this institution and who leaves behind a magnificent legacy along with a magnificent family, a family that no spouse or father could have been more proud of than he was of Doris and Brian and daughter-in-law Amy and this new granddaughter Anna.

To see him and Doris at public events, engaged in their community and the partnership that they had and their conferring back and forth on the issues and the battles that he was engaged in, was a wonderful experience. I am going to miss him greatly. I think this country is going to miss him even more.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. LEWIS), our wonderful colleague.

Mr. LEWIS of California. Mr. Speaker, I thank the gentlewoman very much for the time.

I very much apologize being as late as I am. I meant to be here earlier, but I am glad I walked in as my colleague the gentleman from California (Mr. GEORGE MILLER) was making his remarks, for the emotion that we could feel in his very presence and voice is a reflection of how all of us feel, and I join in this celebration of our friend BOB MATSUI.

All of us who care about public affairs and the Congress absolutely know that fundamental to our success in solving people's problems involves our understanding of just how important people are to our entire process.

The gentleman from California (Mr. GEORGE MILLER) and I got to know each other first in Sacramento, and at that very time, overlapping our service, our friend BOB MATSUI was serving on the city council. I learned to get to know BOB in a different venue, however, for he and I were elected in 1978 and came here as freshman, not so long ago.

BOB MATSUI, as you have heard from many a person, is a fabulous, fabulous reflection of the best of public affairs.

I would like my colleagues to know that while we all believe public policy is what we should really be about, looking for the solutions to problems that the people care about, looking for alternative avenues for making a difference, when it comes to it in the final analysis we are all in this together.

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The American public has grown tired of that rhetoric that we hear all too often that reflects the fringe of our dialogue: and far from that fringe but rather right in the heart of the best of us was a personality we have been discussing today, ROBERT MATSUI of Sacramento, of the Committee on Ways and Means, a wonderful, wonderful human being, who was willing to look you in the eye, tell you what he thought when he disagreed with you. All too often, and much more, he was putting his arm around you and telling you what you did well and what he thought of you on the positive side.

If we could take the extreme from our rhetoric and the dialogue around here and remember BOB MATSUI suddenly because of that, this House, great as it is, would indeed be an even better place.

I am pleased to take just a moment to express to Doris, their family, all their friends in Sacramento, how much we will miss them and how much we pain for especially his personal family. Our own friends in Sacramento who remain have talked often about the greatness of this man. We only had a chance by getting to know that by having the privilege of serving with him here.

With that, let me bid BOB adieu and join with all of his dear friends here in expressing our love and prayers for not just his family, but the future, the future of those he served, and know that we will all miss his service.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself 5 minutes.

We have heard tonight so many of our colleagues speak of BOB and describe BOB in so many different ways. He was a great American. We are in mourning in this House. His constituents are in mourning. California is in mourning, and the Nation has lost a giant.

BOB was a giant through and through. He grew up in Sacramento out in the valley, went to Cal Berkeley, went to law school at Hastings College of Law. He was the first Asian American to hold a leadership position in the House of Representatives. When I became the chairperson of the California Democratic Delegation in the 108th Congress, and he had always been a mentor to me, he upped his mentorship of me at that time. It is something I have always been immensely grateful for.

We have talked about his leadership on a variety of issues: Social Security, the reparations bills, and health care for children. The list goes on and on. But we are mourning him today as someone we knew also as a friend.

Some in the papers have said he was mild-mannered, and my thought was that the BOB I knew was tough as nails and focused. Yes, he was mild-mannered. He was polite is what he was, but he never lost focus on what he was for. He loved his parents because they gave him a framework to understand the world. And it is important to understand that a great injustice was done to his family and to him, but he was never bitter about that because it allowed him to appreciate also the gift he was given, as so many of us were, of opportunity here in America.

I believe that is really what fueled his passion here for the issues he fought for, the opportunity that others should have that was given to him. It was not just limited to his constituents, whom he loved dearly, but was for all Americans.

I can recall several years ago a situation in Silicon Valley. He was very interested in technology. Entrepreneurs had been hit with a weird tax and had lost everything in the AMT-ISO disaster. These were Silicon Valley people, but BOB came from Sacramento and sat all day in San Jose to listen to their stories because he cared about them, whether they were his constituents or not.

BOB was one of our most compassionate Members, one of our most focused Members, but I also want to talk about BOB the family person. I do not think there was ever a son as brilliant as Brian, if you listened to BOB. Nor was there a daughter-in-law as wonderful as Amy; and never a grandchild as creative and adorable as Anna; not to mention his wonderful spouse, Doris. Many of us have spouses. We love our spouses, but Doris had almost a unique relationship among spouses in the House because not only was she BOB's life partner, she was BOB's partner in political life and in policy life. She stood up for the people of the Fifth District of California every bit as much as BOB MATSUI stood up for those people. We thank Doris for her many, many years of service with BOB for those constituents and for Americans.

Just a final word. BOB had said he was having a few health problems. I had no idea how serious they were; but certainly BOB MATSUI knew how serious they were. Even though BOB knew he was ill, he kept working for us. He was chair of the DCCC, not because he was on an ego trip. In fact, he did not want the job; we made him do it. He fought those fights because he believed that the ideals of the Democratic Party for Social Security, for a safety net, for education, for opportunity for hard-working people who play by the rules to get ahead, those were values that were core to him. And even though he put his own health at risk, he fought on for us.

I want to thank Doris for allowing him to do that. It is a sacrifice that is immense. We all feel the loss today. I thank Doris; his wonderful son, Brian; Amy; his granddaughter, Anna. I think back on the many times we spent in California enjoying ourselves. He was a Cal graduate, but it did not stop him from being a Stanford fan as well, which I always appreciated.

I loved BOB MATSUI, as did the entire delegation. We miss him a great deal. Other people will follow his steps, but no one will be able to fill them completely in our hearts.

Mr. Speaker, I yield 1 minute to the gentlewoman from California (Ms. PELOSI).

Ms. PELOSI. Mr. Speaker, I thank the chair of our California Democratic Delegation for her wonderful words about BOB MATSUI.

Anyone who did not know BOB MATSUI and just turned on the television tonight would have to be impressed by the array of comments from so many different Members of Congress on both sides of the aisle about this exceptional person. There is no way to exaggerate how wonderful he was. He was a person of great intellect and great passion. He was a person of great gentility and of great strength when it came to debating his points.

Ever since Members and colleagues and staff on the Hill and reporters and the media learned of his death, they have come and said, BOB MATSUI would go out of his way to come by and say hello. He always smiled, he always asked about people's well-being and how they were doing and could he be helpful. He was a gentle man. But again, he had a strength about him that if he thought on a matter of public policy someone was abandoning the children of America or the seniors of America or America's working families, he made it quite clear to them that in his eyes he was losing respect for them because he thought that is what we came here to do.

So many Members have talked about his talent, his personality, his love of family which was preeminent because at the end of the day that is, of course, what matters most. I visited Doris Matsui on Sunday evening to extend the condolences of BOB's colleagues to her, and to say how magnificently received BOB was after the election; that even though we did not win, every time his name was mentioned or he was introduced, he would receive a standing ovation from the members of the Democratic Caucus because he dealt with them honestly. He worked so hard and so smartly for our success, it just was not to be; but they appreciated the leadership he provided.

Just to talk about a few things, we had the occasion the last night that we were here, December 8, to have a dinner in appreciation of those who helped us in our efforts. We surprised BOB because it was turned on him, and we expressed our appreciation to him. The gentleman from New York (Mr. RANGEL), the ranking member, was so eloquent and spoke from the heart about BOB MATSUI. It really was stunning to BOB. It was a gift that God gave us that we would have that opportunity to express appreciation to him. This is a very, very modest man and all of that attention was stunning to him.

So when I said to Doris, remember the dinner and it was so wonderful, she said he talked about it so much and he talked about the toast of the gentleman from New York (Mr. RANGEL) and how the Members expressed their appreciation and how surprised he was and how much it meant to him.

So to my Democratic colleagues, thank you for the generosity that you extended to BOB MATSUI. I hope it is a comfort to those of us who loved him and all of us in our caucus that we did have an opportunity to say thank you to him in a very special way. It was quite remarkable. I think all of my colleagues will agree that my colleagues were clamoring for BOB to be reappointed to the DCCC. Indeed, he had that opportunity, and he was willing to serve, except God had other plans.

It is important to note that in the summer of this year one of BOB's very closest friends, Steve Thompson, exactly BOB's age, was diagnosed just a few weeks before he died, and it was a complete and total surprise. He, like BOB, was a very respected member in the Sacramento, California, community. They were very dear friends since seventh grade. When BOB came to his new school, not a very athletic appearance anyway, Steve was a big man on campus and he said he just wrapped his arm around BOB MATSUI and that made it okay for everybody, and they were friends for life.

Nobody would have ever expected 6 months ago that death would mean this summer for Steve and now for BOB. In any case, Steve's death took a lot out of BOB. He seemed so saddened by it, as we are saddened by his passing. In any event, Doris told us that BOB left us peacefully, just the way he lived, surrounded by people who loved him. Again, Anna saying Da-da. He took her to his office on December 23, had their pictures taken in front of the Capitol. Well, when you have been here 26 years, a picture in front of the Capitol is a picture at your desk because he had a special office. It was his plan, and he was bragging about it that he was going to take Anna to be here today with him because she was born since the last swearing-in. Again that was not to be.

In any event, when Anna is old enough to read about her grandfather, she will know he was one of the most dedicated public servants in our country. He was a true patriot, he was a decent man, he loved his family, and he was a best friend to almost everybody in the Congress of the United States.

There is so much to say, but everybody knows that our thoughts and prayers are with Doris, Brian, Amy and Anna who shared BOBBY with us and inspired his commitment for a brighter future for America.

Imagine that his family and he as a small child were in a Japanese internment camp. Again, as the gentlewoman from California (Ms. ZOE LOFGREN) said, it only heightened his love for America because he knew that we could do better and he would be a part of that. I will close by saying that one of the pleasures we had at this dinner on December 8, as the gentleman from Georgia (Mr. LEWIS) reminds me, I always said during the campaign that BOB MATSUI was a maestro, that he was orchestrating all of this activity all over the country. This man who unbeknownst to us had this diagnosis, and it was not supposed to be fatal, but the pneumonia was.

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In any event, he would be working so hard for senior citizens all day on a Social Security issue and orchestrating hundreds, thousands of young people throughout the country to be involved in campaigns to make the future better. He had a way of channeling the enthusiasm that he had for issues into the activism that was necessary to make a difference.

At this party we gave him a baton recognizing the maestro that he was and is. We will just miss him terribly.

The poet Longfellow wrote:

"Were a star quenched on high,
For ages would its light,
Still traveling downward from the sky,
Shine on our mortal sight.
So when a great man dies,
For years beyond our ken,
The life he leaves behind him lies
Upon the paths of men."

BOB MATSUI's light will always shine, one that will guide us to a better America, and that was his dream.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield myself the balance of my time.

I would like to conclude by thanking all of those who have participated this evening as well as some of our colleagues who were unable to actually physically be here but who have prepared their statements for our colleague, a giant of the legislature, a man who warmed our hearts, who broke our hearts when he died, someone who was never petty, always modest but always a leader, always someone who could make America proud.

Ms. NORTON. Mr. Speaker, I would like to add my remarks to the glowing ones we have heard regarding the untimely passing of our dear colleague, BOB MATSUI. To have known BOB MATSUI is to be heartbroken by his death. I believe that our Republican colleagues would agree. Especially for Democrats, however, the loss is profoundly felt three times over. First, there was the man whose human dimensions of kindness, consideration, and friendly persuasion made him instantly likeable and one of the most admired and respected members across the political spectrum. Second, there was the successful party leader, who had just completed his term as a hugely successful chair of the Democratic Congressional Campaign Committee. And third, there was the Democratic seer of social security whom we were depending upon to lead us through the coming crucial social security debate, one of the several subjects whose byzantine complexities BOB had mastered as third ranking on the Ways and Means Committee. Congress and the country could not afford to lose even one of these three BOB MATSUIS. Now, sadly we have lost all three. As we mourn the loss of one of the country's most effective public servants, we celebrate our good fortune that BOB MATSUI gave his life to public service.

Mr. CALVERT. Mr. Speaker, I would like to extend my condolences to the family of BOB MATSUI. BOB was my friend for 13 years. Even though we sat on opposite sides of the aisle we shared a bond as fellow Californians, and he always had my utmost respect.

In this House BOB always strove to do the best for his district, his State, and his country. He entered Congress with a distinguished class in 1978 and made a lasting impression. His 26 years here were an example of how a man can be an effective promoter of his party and the consummate gentleman at the same time. Even in the most partisan of positions, chairman of his party's Congressional Campaign Committee, BOB took the high road and set an example for us to follow. He was a man of unparalleled integrity, compassion, intelligence and dedication.

I will miss BOB MATSUI. I know that the people of California, the United States, and the Members of this body share my sentiments.

Mr. LANTOS. Mr. Speaker, I rise in profound sadness to express my deepest sympathy to the family and friends of the Honorable ROBERT MATSUI. I was shocked to learn of the untimely death of our colleague and friend BOB, with whom I was so fortunate to serve for 24 years.

BOB was truly a great man who triumphed over adversity to help lead our Nation. During World War II the United States wrongfully interned 120,000 American citizens and permanent resident aliens of Japanese ancestry. From his earliest days, BOB faced this brutal devastation as he and his family were rounded up, torn from their home and sent to the desolation of a detention camp in Tule Lake, CA.

Tempered by tragedy, BOB walked from the darkness of that detention to lead the fight for passage of the Civil Liberties Act of 1988. That historic legislation acknowledged the fundamental injustice of the internment, apologized on behalf of the people of the United States and made restitution to those interned. He called upon us to serve a high purpose and reminded us that while we addressed the injustice done, we were also protecting fundamental American values enshrined in our Constitution.

This remarkable accomplishment gave added weight to United States human rights policy and credibility to our statements about other countries' human rights violations. While no amount of apology or restitution fully rectifies the denial of human rights, BOB understood that the acknowledgment of this past injustice was an important step forward. BOB and I shared that commitment to improve civil rights and human rights all over the world.

BOB MATSUI's long involvement in public service resulted in an impressive record of success in Sacramento and Washington. Among other achievements he was a legislative leader on Social Security as a member of the House Ways and Means Committee. He rallied House Democrats with integrity and spirit as Chairman of the Democratic Congressional Campaign Committee.

We mourn the loss of a good and decent man, a leader with such virtue, a fellow Californian, and a friend. We will carry a heavier burden without his strength to depend upon. My wife Annette and I extend our wishes of solace and peace for his wife Doris, his son Brian, his daughter-in-law Amy and his granddaughter Anna during this most difficult time.

Mr. EMANUEL. Mr. Speaker, I rise today to remember a dedicated public servant and great friend, ROBERT T. MATSUI.

It was a privilege and honor serving with BOB. Although we only served together for one term, I learned a great deal from BOB—starting when I worked at the other end of Pennsylvania Avenue—about protecting Social Security, expanding free trade, welfare reform, and giving American families more opportunities to prosper.

His selfless determination, borne from his early childhood experiences—resulted in a lifelong commitment to heal our Nation's wounds and make amends for past wrongs.

Answering President John F. Kennedy's call, BOB inspired generations of Americans who dedicated themselves to public service, including minorities and the Asian-American community in particular.

His leadership in this Chamber resulted in a formal apology for the treatment of Japanese-Americans interned and discriminated against during World War II.

BOB never shied away from difficult debates. While seeking innovative ways to help America's employees stay competitive in the global economy, he championed President Clinton's North American Fair Trade Agreement and secured a strong, bipartisan vote in the House for permanent free trade relations with China.

His efforts helped fuel the largest economic expansion in our Nation's history, and opened new lines of communication and cultural understanding around the world.

We will miss BOB's strong and uncompromising leadership on Social Security, a void in this Chamber that will be very difficult to fill.

Mr. Speaker, ROBERT MATSUI was a man I was proud to call my friend. May God bless his wife Doris and the Matsui family in this difficult hour as we honor the memory of a man truly loved and respected by his peers and his country, and whose contributions will always be remembered in this Chamber.

Ms. BORDALLO. Mr. Speaker, I rise today to join my colleagues in expressing profound sorrow on the loss of one of this House's most highly respected and widely regarded members, the Honorable BOB MATSUI of Sacramento.

With his passing, we have lost a national conscience in Congress. Although I had the privilege to serve with him for only 2 of his 26 years of distinguished service in the House, it did not take long for me to realize after arriving here as a freshman, that he was truly a man of distinction. His leadership in many ways was subtle, but firm and strong.

I had the honor of serving with him on the Congressional Asian Pacific American Caucus, and recognize today, along with many Asian Americans and Pacific Islanders, his long-standing commitment and contributions to the progress of our communities. It was through his diligence, as many have recounted and memorialized this evening, that healing and justice was brought through the enactment of Civil Liberties Act of 1988, which authorized reparations and a formal apology to surviving Japanese Americans who had been detained in U.S. concentration camps during World War II. This is just but one of the lasting landmark accomplishments of his leadership.

On so many other accounts and in so many other ways, he was there for those in need of a voice in Congress. A reliable and true public servant, for the disadvantaged, for our seniors, and for our young Americans, who he inspired with his example and character.

BOB MATSUI was gifted leader who epitomized the noblest qualities of public service. On behalf of the people of Guam, I extend our deepest sympathies to his wife, Doris and their family and to the people of the fifth District of California.

Ms. WOOLSEY. Mr. Speaker, when I opened my holiday cards this season, one in particular stood out. It was bigger than the others. It was more colorful. It had several pictures instead of just one. It was from the Matsui family, and just about every picture included young Anna Matsui, BOB's only grandchild.

The love that this man had for his family, and this little girl in particular, practically jumped off the page. It saddens me deeply that Anna won't grow up knowing more of her grandpa, but I am certain that her parents and her grandmother will not let her forget him. She will grow up strengthened by his leadership, his integrity, and his kindness.

I couldn't look at Anna's pictures without thinking that, when BOB was her age, he was living in an internment camp with other Japanese-Americans who had been rounded up and incarcerated after the attack on Pearl Harbor. It was, of course, one of the great stains on our Nation's history, and BOB spent his public life trying to somehow correct that ugly injustice. I imagine that BOB's connection to Anna was stronger because his own early years were so unsettled, because he wanted his granddaughter to have a childhood full of innocence and happy memories.

BOB MATSUI stood out in this Chamber—for his policy intellect; for his sense of compassion and justice; for the esteem he earned on both sides of the aisle; but most of all for his fundamental decency. That decency was apparent in his work, whether he was securing flood protection for Sacramento or fighting for Social Security. And there's no question that we'll miss BOB MATSUI's expertise as we debate the future of Social Security this year.

There was no separation between BOB MATSUI's private virtues and public virtues. They were one and the same. He treated everyone with respect; he didn't raise his voice a lot; he was a lot more steak than sizzle. To be honest, these are qualities that are not in abundance around here these days. I hope that our memories of BOB MATSUI will lead us to conduct ourselves with greater civility in this new Congress.

Very few of us knew that BOB was sick, which is why the news of his death came as such a shock. But that modesty was consistent with the way BOB lived. Rather than go public with his illness, he preferred simply to be surrounded by the love of his family.

Of course, even the most unassuming among us have another side to them. As I was reading the obituary in the Sacramento Bee, I was taken aback by one friend's remembrance—of a shirtless BOB MATSUI in the stands at a Cal football game rabidly rooting for his team and challenging the other team's fans.

Now, if you asked the Members of this body to rank their colleagues in order of most likely to remove their shirt off at a football game . . . BOB would've finished close to 435th of 435. And remember that includes more than 70 women.

Our thoughts and prayers are with BOB's wife, Doris Matsui, whom all of us know as an impressive advocate and public servant in her own right. And with Brian, Amy and Anna Matsui and everyone who loved this dear man. BOB MATSUI—rest in peace.

Mr. CARDOZA. Mr. Speaker, I rise today to celebrate the life of a man who represented the best in American politics and government.

Congressman MATSUI was what many of us aspire to be as lawmakers. He was a passionate advocate for his constituents, upheld the highest ethical standards, and conducted himself with the utmost civility.

He never failed to be there for others who were less experienced. When I first ran for Congress, he served as my mentor. BOB visited my district several times, and we became good friends. I appreciated his advice and benefited greatly from his expertise on issues such as Social Security.

But I was most impressed with how BOB went about his daily business calmly and with a composure that helped him gain the respect that he deserved.

His devotion to others was remarkable and unrelenting, and he could always be relied upon to do the right thing. His contributions to our country, particularly on behalf of Japanese Americans, will never be forgotten.

We are all better for his efforts. While I am greatly saddened that he is no longer with us, it is my honor to be able to recognize and pay tribute to such a fine American.

Mr. HONDA. Mr. Speaker, I rise today to support this resolution to express profound sorrow upon the death of Congressman MATSUI. I join my colleagues to honor and remember my good friend Congressman BOB MATSUI, a true leader in the House of Representatives whose passing leaves us all with a sense of great loss.

I would like to thank my colleagues, Congressman STARK and Congresswoman LOFGREN, and the rest of the California Democratic Delegation for their swift leadership to pay tribute to our friend, BOB.

I would like to say "thank you" to Doris, his wife and life-long partner, to his son Brian, his daughter-in-law Amy, and to his granddaughter for sharing him with us in Congress. In addition to the adoration of his wonderful family, BOB had the love and respect of both his constituents and his colleagues. He was a courageous and passionate leader who served California's Fifth Congressional District for 26 years.

As a Member of Congress and as chair of the Congressional Asian Pacific American Caucus, CAPAC, I had the honor of working with Congressman MATSUI. BOB was instrumental in making CAPAC a reality, and served as a CAPAC executive board member since its inception in 1994.

Throughout his career, Congressman MATSUI championed causes affecting civil liberties and immigrants' rights. As a dedicated member of the Asian Pacific Islander American, APIA, community, BOB fought for a formal apology from our government for its wrongful internment of Japanese Americans during World War II. Congressman MATSUI and Secretary Norman Mineta led the way in passing the Civil Liberties Act of 1988. As an American of Japanese ancestry, Congressman MATSUI helped obtain the land necessary for the National Japanese American Memorial, which recognizes Japanese American patriotism and honors members for never losing faith in the basic principles embodied in our Nation's Constitution.

Along with Congressman MATSUI and Secretary Mineta, I experienced internment as a young Japanese American during World War II. BOB was only 6 months old when he and his family were interned at the Tule Lake camp just months after the attack on Pearl Harbor. BOB understood the injustice of internment and sympathized with the other loyal Americans who suffered at the hands of the government in which they never lost faith.

BOB MATSUI listened to people, and set about helping them with compassion and dignity. Whether he was fighting for flood control on behalf of his constituents in Sacramento or defending those without a voice, BOB dedicated his entire career to public service. From the time he worked as a member of the Sacramento City Council, to serving as the vice mayor of Sacramento, and finally as a U.S. Representative starting in 1978, BOB MATSUI served as a constant reminder of what integrity and dedication can accomplish in public office.

Congressman MATSUI truly believed in the U.S. Constitution and its promise of "a more Perfect Union." He relied on those values embedded in the Constitution in fights to ensure adequate healthcare for children and provide a safety net for needy families and the elderly. BOB's leadership as the third ranking Democrat on the House Ways and Means Committee and the ranking member on the Social Security Subcommittee earned him the reputation as an expert on tax and trade policy, Social Security and welfare programs. In the 109th Congress, BOB's presence, heart, and soul will be missed during the great debate over Social Security.

Mr. Speaker, BOB MATSUI should ultimately be remembered for his civility, his dignity, and his service to others. He was a selfless role model whose footprint will forever be imprinted on our Nation's history.

Mrs. JONES of Ohio. Mr. Speaker, I rise today to recognize the life and legacy of the Honorable ROBERT MATSUI who served Sacramento, CA, for 27 years. Just last month, Representative MATSUI was reelected to another term by a winning percentage of 71.4 percent. Sadly, he passed from this life on New Year's Day, January 1, 2005.

For the past 2 years, I have been honored to serve with Representative MATSUI on the Ways and Means Committee and its Social Security Subcommittee. During that time, I observed that BOB had a deep understanding of Social Security and tax policy, which was reflected in his masterful handling of committee work and interactions with colleagues.

He was a Congressperson's Congressperson. He was a great leader. He was generous with his time and his talent. He was willing to share the limelight. On several occasions he invited me to serve as ranking member on the Social Security Subcommittee, what a privilege. His generosity will be sorely missed.

As the 109th Congress convenes today, it is fitting that we honor BOB MATSUI's legacy. During the 109th Congress we will undertake discussions on gutting the Social Security program, a program that BOB understood as an important safety net for not only senior citizens but also disabled persons and minor children of deceased parents. BOB was a strong proponent of the idea that privatizing Social Security would lead to its demise by making it financially unviable. He worked tirelessly to reform the program and make it operate more efficiently, without compromising its purpose.

A biblical proverb states that "Good men must die, but death cannot kill their names." Representative ROBERT MATSUI's legacy will live on in the Congress as we continue his longstanding work to preserve Social Security and our country's ideals of helping those who need and deserve it. We will miss him, but his name will not be forgotten.

Ms. MCCOLLUM. Mr. Speaker, the death of Congressman ROBERT MATSUI is a tremendous loss for his family, the families he represented in California and everyone who knew him. BOB was a wonderful man, a kind and gentle spirit who loved his job and the people he worked for, and I feel privileged to have served as his colleague in the U.S. House of Representatives.

Throughout his distinguished career in public service, Congressman MATSUI, a third generation American, vigorously defended justice and fairness—values forged very early in his life when his family was imprisoned in the Tule Lake internment camp in California during World War II. Despite being interned as a young boy, BOB remained optimistic and determined that everyone should be treated equally and with respect. He believed in the promise of America and took from his experience, a strong belief in civil rights as well as a passion for public service.

In Congress, Mr. MATSUI was steadfast in acting on these values, championing basic rights for all Americans and leading the effort in which the U.S. Government formally apologized to Japanese Americans for the World War II internment program. In the 26 years that he served in the U.S. House of Representatives, BOB rose to national prominence as a senior member of the powerful Ways and Means Committee, a national spokesman for Social Security, and as the first Asian American in the leadership of Congress.

As a crusader for America's seniors, Mr. MATSUI led the fight to preserve Social Security. He reached out to Members, new and old, helping them understand the complexities of Social Security as well as its impact on the daily lives of our seniors.

BOB truly exemplified a gentleman. He served with distinction and integrity, winning the respect and admiration of all who worked with him.

I extend my deepest condolences to the Matsui family—his wife Doris, son Brian, daughter-in-law Amy and granddaughter Anna—as well as to his staff and the people of California. BOB's integrity, devotion and compassion will be greatly missed.

Mr. ISRAEL. Mr. Speaker, I rise today with a sad heart to honor a great man, a dedicated public servant and a good friend. In our own ways, each of us will miss something special about BOB MATSUI. Let me share with my colleagues my own experience with him.

BOB MATSUI gave me my first job on Capitol Hill. In July, 1979, I went to work for him as a part-time assistant, entering constituent information into a computer, and then helping to write legislative correspondence. BOB was a freshman Member then, but even at that time I realized he was to have a long and brilliant career in the Congress. Twenty-two years later we reunited on the floor. Just recently I showed him a photograph we took together on the steps of the Capitol. The color was faded and the paper brittle. But I kept it throughout the years to remind me of the first Member of Congress who gave me an opportunity in public service.

BOB MATSUI embodied the best values of public service. He believed so strongly in opportunity here at home and through sensible trade policies abroad. It was an honor to have had the opportunity to learn from a man who put the good of his constituents and of Americans generally over partisanship and political one-upsmanship. It is a lesson I have strived to apply during my own tenure in this body.

BOB MATSUI set an example for all of us with his integrity and dedication. He will be greatly missed.

Mr. BACA. Mr. Speaker, it is with great sadness that I rise to express my deepest regrets over the loss of my friend and colleague, BOB MATSUI.

My thoughts and prayers are with the Matsui family—especially Doris, Brian, Amy, and Anna.

Our country has lost a great leader. BOB MATSUI personified integrity and passion. He served California and America with great conviction and dedication to his beliefs.

BOB MATSUI was an inspiration to all Americans. Although he was taken to a Japanese American internment camp at only 6 months old, he never gave up his dedication to bettering our great country. He later became a leader of the movement for redress of Japanese-Americans interned during World War II. Even though much time had passed, he still sought justice for all Americans.

BOB MATSUI also fought tirelessly for America's senior citizens. As ranking member of the Social Security Subcommittee, he worked diligently to protect seniors' retirement funds He strongly opposed risky schemes to privatize Social Security and worked to make seniors aware of the faults of these plans.

As chair of the Democratic Congressional Campaign Committee, BOB MATSUI passionately believed in the message of the Democratic Party, and dedicated himself tirelessly to spreading that message.

BOB MATSUI is an inspiration to all Americans. His strong desire to serve his community and his country led him to become one of the most beloved leaders of this Congress.

BOB MATSUI will be missed by his country, his community, his family and his friends. He will long be remembered as a great American statesman.

Mr. ORTIZ. Mr. Speaker, I rise to pay tribute to our departed college, BOB MATSUI. BOB was an extraordinarily talented patriot and Member of this House.

BOB's generation of House Members struck out to change the world—or at least change their government in the aftermath of Watergate and the abuses of power in the Nixon administration. He did change the world, representing a district in California and representing the House on the world stage.

He was a unique political mind and political talent. While he was passionate for caring for the less fortunate in our society, he was also pragmatic about how democratic ideals and reforms come about on the world stage.

We shared the philosophy that world trade engenders better relationships between nations and offers a greater opportunity to spread democracy to developing nations or nations that were not traditionally democratic.

BOB's greatest legislative talent—and there were many—was his down-to-earth ability to comprehend and explain in laymen's terms all matters related to Social Security. In this political season when the President has made clear his intention to raid Social Security, we will most certainly miss BOB's leadership in this important and fundamental debate in Congress.

Today the Nation says goodbye to a decent and big minded colleague. BOB was not afraid to learn. And he was not afraid to forgive. Even after his family was interned as a child—with Japanese Americans at the outbreak of WWII—BOB forgave the people who imprisoned his family. He forgave his country, then he went on to serve this Nation with enormous talent.

BOB wanted to make the world better. He did make the world a better place and he made the House of Representatives a better place given his presence in it. He deeply believed in what he said, but he was open enough to listen to—and hear—the ideas of others, as well.

I will miss him . . . we will all miss him. And we offer our deepest condolences to his dear wife, Doris, and his son, Brian.

Mrs. CAPPS. Mr. Speaker, I rise tonight to honor one of our country's great leaders, and a dear friend Congressman ROBERT MATSUI.

BOB MATSUI was a valued colleague to every member of the House. He was a leading expert on countless issues that have a profound effect on the lives of millions of Americans, not the least of which is Social Security. From his seat on the Ways and Means Committee, BOB fought on behalf of seniors and children, and sought to build thoughtful bipartisan consensus on one tough issue after another.

BOB approached this job with grace, fairness, and dignity. Even though he was chairman of our Party's political committee, he never put partisanship above principle. His intelligence was only exceeded by his compassion. We always refer to one another as "gentleman" and "gentle lady" on this floor, but there is no Member of Congress for whom the term "gentleman" is more appropriate. It is indeed fitting to hold this tribute on the day we swear in the new Congress, because the way BOB conducted himself should be a model for all of us—freshmen and senior Members alike.

BOB was a cherished friend and valued mentor to both my late husband Walter and me. When Walter was first elected to Congress, BOB was one of the first people he sought out to ask for advice on his new job. As usual, BOB was generous with his time and his wisdom. We both learned much from him and I have relied on his policy insights and his political instincts more times than I can remember. I know that I will still instinctively look for him on the floor during a tough vote.

Mr. Speaker, BOB and Doris Matsui were there for my family and for me when Walter passed away. Today I extend to Doris, Brian, Amy, Anna, and BOB's staff my most heartfelt condolences. I understand how difficult this time is for them. But I am buoyed by knowing that strength in families is never more evident, and important, than during times of adversity and grief. The Matsuis are a strong and wonderful family, and that, perhaps, is BOB's finest legacy of all.

We will miss BOB MATSUI very much. But we will never, ever forget him.

Mr. MORAN of Virginia. Mr. Speaker, this past Saturday, our country lost two beloved public servants. Representative ROBERT T. MATSUI and former Representative Shirley Chisholm leave us behind, but our national consciousness will never forget their considerable contributions to pursuing equality and social justice for all Americans. Representatives MATSUI and Chisholm dedicated so much of themselves to others, and the outpouring of support demonstrates the deep impact each had on the lives of others.

Both leaders rose from humble beginnings to the heights of Congress. Representative MATSUI, one of the thousands of Japanese Americans taken to an internment camp during World War II, became an influential member on the powerful House Ways and Means Committee. His passion for social justice shaped the core of his being, reverberating through his promotion of adequate job training, equal access to health care coverage for children, and the preservation of Social Security for our nation's seniors and disabled citizens. In 1988, he helped win restitution from the U.S. Government for the internment program that negatively affected many surviving Japanese Americans.

Representative Chisholm too overcame great obstacles. As the product of the working neighborhoods of Brooklyn, Shirley Chisholm became the first African American woman elected to Congress in 1968. Her advocacy on civil rights issues, particularly women's rights, was unparalleled as she reached out beyond her local constituency to all Americans. Never willing to allow America to mire in the status quo, Representative Chisholm again broke new ground by offering herself as the first woman to be considered for the Democratic presidential nomination in 1972.

Though I never had the honor of serving with Representative Chisholm, her legacy echoes throughout the halls of Congress. I witness her strength in my colleagues in the Congressional Black Caucus, which she helped establish in 1969. I hear her voice in our continued pleas for justice in underserved communities. And I see her focus and passion in the eyes of American children who won't accept discrimination or barriers to opportunity.

Connected by the common bond of their love for humanity, Representatives MATSUI and Chisholm treaded down unmarked paths with determination, fortitude, and notable grace. As a generation of civil rights activists move into the twilight of their advocacy, we must honor their work by passing along their vision for what we our country can still become, a land of equality and opportunity for all Americans. Though we have lost these dear friends too soon, we continue to be led by their unmistakable footprints.

Mr. HINOJOSA. Mr. Speaker, I rise today to join in paying tribute to one of our colleagues whom we lost so unexpectedly on New Year's Day.

BOB MATSUI was one of the most respected Members of this House. During his 26 years of service in Congress, he was an advocate for our Nation's seniors, our children, and for social and economic justice.

From his family's experience in the Japanese internment camps during World War II, BOB learned the importance of protecting the liberties and civil rights that are the foundation of this great country. As an Asian-American he understood the obstacles that minorities face in building opportunities for themselves and their families.

BOB MATSUI rose quickly to become a leader in this House because of his political savvy and his detailed knowledge of the issues.

He was dedicated to this House and its institutions. He was also dedicated to the ideals of the Democratic party. We all know how tirelessly he worked as the chairman of the Democratic Congressional Campaign Committee.

Many will remember BOB for his leadership in our party and on the critical national issues of trade and Social Security.

It is true that he understood the values of free trade and the economic prosperity it can provide to communities. He was not afraid to stand up against even his own party on issues in which he passionately believed. As the ranking member of the Social Security Subcommittee, BOB was also a national expert on the subject of retirement and pension.

His knowledge of the intricacies of the social security system and his wisdom will be sorely missed during this year's upcoming debate on Social Security reform.

I, however, will remember BOB for something else. I will remember him as a friend and champion of migrant children and their families. BOB helped us in the fight for funding for Migrant Education Programs. For years he also hosted a college assistance migrant intern in his office.

Many of his former interns are now leaders in their professions and communities because of the start BOB gave them.

I want to express my deepest condolences to his family: his wife Doris, his son Brian, his daughter-in-law Amy and his granddaughter

Anna. I know how proud Bob was of all of them. The people of California and of this Nation have truly lost a great advocate.

Mr. SABO. Mr. Speaker, my family and I would like to convey our heartfelt sympathy to the Matsui family upon the death of Congressman Robert Matsui on Saturday, January 1.

Bob's passing is a tragic loss to all who knew him. It is also a loss to all Americans who didn't know him personally but whose lives were enhanced by the legislation and the leadership he provided. Bob was one of the smartest and most principled people in Congress, a dedicated public servant, and a friend. He will be greatly missed in Congress, especially by me.

First elected 26 years ago, Congressman Matsui and I entered the U.S. House of Representatives in the same incoming class. We were colleagues and friends throughout these years; our families each moved to the Washington area and our wives Sylvia and Doris also became good friends. One of my fond memories together was attending Brian and Amy's wedding in California a few years ago. Brian also gave me my first official tour of the U.S. Supreme Court facilities where he clerked recently. His parents were so proud.

Sylvia and I are shocked and deeply saddened by Bob's passing, and we offer Doris and the Matsui family our most sincere condolences.

Mr. ABERCROMBIE. Mr. Speaker, I rise today to honor my late colleague Robert T. Matsui. While his life was cut tragically short, his many achievements and contributions to our Nation will serve as a constant reminder of his hard work, integrity, and determination to advocate for those who were not able to fight for themselves.

Elected to the U.S. House of Representatives in 1978, Bob served the people of Sacramento for 14 terms focusing on the city's public safety by bringing adequate flood protection to his hometown. He also served as a senior member of the Committee on Ways and Means, covering an array of policy issues such as preserving Social Security for future generations, as well as having adequate basic healthcare rights for children. Most recently he served as chairman of the Democratic Congressional Campaign Committee leading the Democratic Party's congressional effort for the 2004 cycle.

When he was 6 months old, Bob, a third-generation Japanese American, and his family were taken from their home in Sacramento and interned at the Tule Lake Camp after Japan's attack on Pearl Harbor in 1942. He carried this experience with him throughout his life. In 1988, he helped steer the Japanese-American Redress Act through Congress, in which the government formally apologized for the World War II internment program and offered compensation to victims. This experience helped shape his strong belief that every American is entitled to basic civil rights despite their ethnicity.

Bob was also a member of the Executive Committee of the Congressional Asian Pacific American Caucus. Because of his many achievements and contributions, he was and always will be a role model to the more than eleven million Americans of Asian and Pacific Islander descent in our country.

His presence and driving force will certainly be missed. However, his legacy will live on through the people of Sacramento, the Asian Pacific Islander American community and our Nation as a whole. I offer my deepest condolences to his wife, Doris, son, Brian, daughter-in-law, Amy and granddaughter, Anna. We will miss you, Bob. All Hawaii sends with you on your final journey our deepest and most loving Aloha.

Mr. CARDIN. Mr. Speaker, I rise to pay tribute to my colleague and friend, Bob Matsui. As Members of Congress, many factors determine who we form close relationships with. One of those factors is committee assignment. I had the tremendous fortune of serving on the Ways and Means Committee with Bob Matsui for 15 years. As we worked on tax reform, trade, health, and many other issues, I learned many valuable lessons from him. His dedication to the people of his district and to all the people of this Nation shone through at every hearing and markup.

He had a lifelong commitment to public service and the public good. Even though his early years were spent in a Japanese-American internment camp in California, that injustice did not dim his love and devotion to our country. He remained in California, served on the Sacramento City Council, and as vice mayor of Sacramento, and eventually came to this House, which he also loved so very much.

For his entire career, he was devoted to the welfare of children, the promotion of free trade, and the preservation of Social Security for future generations. I know that the committee will miss his expertise and good counsel for many Congresses to come. I want to personally extend my heartfelt condolences to his wonderful wife Doris, his son Brian, daughter in-law Amy, and his granddaughter Anna. We will miss Bob and forever treasure his camaraderie.

Ms. ROYBAL-ALLARD. Mr. Speaker, this week our Nation has lost a great leader and statesman from my home State of California, Bob Matsui. And it is with a great deal of sadness that I join my colleagues to pay tribute to Bob's life and his distinguished record of service and accomplishments during his 26 years as a Member of the House of Representatives. A model of integrity and commitment to his district, his State and our Nation, Bob exemplified the best of this great institution.

By having the privilege of representing an area of Los Angeles with a rich and diverse Asian-American population that includes Little Tokyo, Koreatown, Filipinotown, and Chinatown, I am very aware of the positive impact Bob had on the Asian-Pacific Islander community and the Japanese-American community in particular. Like so many Japanese-Americans, Bob's early years were spent with his family in an internment camp during World War II. Anyone viewing the large photo of a youthful Bob Matsui with his little league baseball teammates which adorns his office wall was reminded of the difficult challenge an Asian-American faced growing up in 1950s California. As a young man in that volatile ethnic environment, Bob Matsui was a stand-out student who gained admittance to the University of California at Berkeley and distinguished himself academically both there and at the Hastings College of Law.

His early experience became the foundation of his academic success as a young man, and ultimately led him to a career of distinguished public service, first for his local Sacramento City Council, then to this great House. His respect for this institution and his personal and professional integrity were well-known and helped Bob become a persuasive advocate on the issues he cared deeply about.

As a member of the Energy and Water Subcommittee of the Appropriations Committee, I was honored to work with him on one of the most important issues to California—water. Bob's knowledge of water issues affecting our State, including southern California, and his long record of support for adequate flood control protection for the Sacramento area were brought to bear each year during our committee deliberations as we set priorities for funding the water projects so crucial to Sacramento and to California.

Bob was also a strong advocate of trade and of protecting the rights of our senior citizens. In fact, as the ranking Democrat on the Ways and Means Subcommittee on Social Security, Bob was our Democratic expert and a leading advocate for the protection of this critical program. Bob was to be our Democratic point person for the upcoming and pivotal debate on Social Security. Understanding the importance of Social Security to our Nation's seniors and the need for the Democratic Party to effectively and successfully confront attacks on the system, his wife Doris told me that Bob continued to plan a Democratic strategy to the very end at Bethesda Naval Hospital.

It was this kind of commitment coupled with his integrity and sincerity that helped to make Bob one of the most respected Members of Congress. This respect also made him one of the most successful chairmen of the Democratic Congressional Campaign Committee. We all know that the DCCC set many records during the 2003–2004 election cycle. I believe this success stemmed from the leadership model that Bob conveyed at the DCCC's helm, and it was also a result of the great esteem in which Bob was held by all segments of our party. I was proud to serve with him as vice-chair of the DCCC, and Bob made sure it was indeed a working position. Few Members could have motivated me in quite the same way as Bob Matsui.

In short, I will miss Bob as a friend and colleague. This House, the Democratic Party, and our Nation have lost a great statesman and a quiet and effective leader. His legacy of accomplishments as a trail-blazing Asian-American Californian is unlikely to be surpassed. His dedication, dignity, and bipartisan approach to addressing the Nation's problems will be the hallmark of his legacy for both Republicans and Democrats.

In this time of extreme partisanship and frequent legislative gridlock, it is my hope that we can all learn from the example of our friend and colleague, Bob Matsui.

Mr. OXLEY. Mr. Speaker, I join my colleagues in paying tribute to Congressman Bob Matsui of California. The American people will miss this outstanding public servant, and we in the House of Representatives will miss a skilled legislator who approached every issue with a fair mind.

I've lost a friend. Bob and his wife Doris were friends of my wife Pat and me. Our son

Chadd and their son, Brian, grew up together as congressional kids.

For the past 2 years, BOB and I were hallmates. In fact, I moved into his old office on the third floor of the Rayburn building. He always had a smile and hello for anyone he passed in the hall, whether it was a fellow Member, a staffer, or a visitor.

BOB MATSUI was a courageous legislator. He showed great resolve in helping to win approval for the North American Free Trade Agreement. There isn't a tax or trade bill in the last 20 years that doesn't have his stamp on it. He was positively heroic when he had Congress squarely face the issue of the treatment of Japanese-Americans during World War II. BOB MATSUI showed us the meaning of dignity and humility as he helped us to acknowledge a wrong. He and his parents were among those held in internment camps, but what was more important to him than his personal history was righting history for thousands of innocent Americans.

Our thoughts and prayers are with BOB's family. As we start a new session of Congress, we should all look to the distinguished career of BOB MATSUI as an example of how we can remain true to our ideals and beliefs while ultimately working together for the good of all Americans.

Ms. BONO. Mr. Speaker, I rise today to honor a respected colleague in the U.S. Congress whose recent passing will be mourned by all who knew him. With Congressman ROBERT MATSUI's untimely death, America has lost a tireless leader.

As a fellow Californian, I had the pleasure of working with Congressman MATSUI on several issues of importance to our State. I admired his leadership and dedication to his constituency as well as the high level of integrity with which he served.

Congressman MATSUI's 26 years of service are filled with a remarkable number of legislative achievements such as his commitment to free trade that have bettered the lives of many Americans. He was a powerful and respected voice whose memory will continue to be an inspiration for many years to come.

Congressman ROBERT MATSUI was a true leader and served his constituents and country with honor and distinction. The people of Sacramento, California were fortunate to have such a talented person for their Representative in Congress.

I will always remember Congressman MATSUI's thoughtfulness; he was always quick with a smile and a kind word. He was a bridge for communication between both sides of the aisle. His legacy of effective leadership will be a model for those that follow him.

My thoughts and prayers are with Doris and the entire Matsui family during this difficult time. Congressman MATSUI's positive impact on his country will be remembered forever.

Mrs. NAPOLITANO. Mr. Speaker, it is with great sadness that I rise today to honor a valued colleague and true gentleman, the late Congressman BOB MATSUI. I met him when I served as a state legislator within his congressional district in Sacramento. Since that time, I have been taken by his approachability and his ability to make those around him feel that he is truly listening to their concerns.

During his 26 years in Congress, he has been a champion on issues that affect the lives of all Californians and Americans, from protecting Social Security to working for civil rights. Congressman MATSUI's fight against privatizing Social Security showed his deep commitment to fighting for the poor or less fortunate in our country. He led the efforts to ensure its fundamental purpose was never compromised.

Congressman MATSUI's strong belief in social justice is apparent by looking at the legislation he championed. He drafted bills that became the backbone for child welfare reform, proposing to expand the social services available to at-risk children and families in the child welfare, mental health and juvenile justice systems. He also fought welfare changes, arguing that adequate job training and education programs were essential to helping parents become self-sufficient. And his bipartisan work to provide health care coverage to uninsured children became the basis of the State Children's Health Insurance Program.

His personal journey, however, could be his most lasting legacy. After spending his infancy in an internment camp during World War II, Congressman MATSUI led the legislative effort to compensate victims of the camps and officially apologize to those held there. A grateful Japanese-American community is indebted to his work, as are the rest of us.

I want to send my prayers and condolences to his family: his wife Doris, son Brian, daughter-in-law Amy and granddaughter Anna. For those of us who remain in Congress, we would like you to know that we will continue to fight for the causes and ideals that BOB fought for his entire life.

Mr. HOLT. Mr. Speaker, I am saddened by the sudden loss of ROBERT MATSUI, and I would like to join my colleagues in honoring him today. BOB was one of the finest members to serve in the U.S. House of Representatives. His strength of character, wisdom, civility, and attention to detail were inspiring to many of us serving with him. His thoughtful and helpful nature has been remembered by many today, but I will always be grateful for his desire to seek out and befriend younger and less senior Members of Congress like me. I join my colleagues in mourning the loss of a friend, a mentor, and a great leader in Congress.

Mr. SENSENBRENNER. Mr. Speaker, it is with sadness that I recognize the death of a former colleague and a great Californian, Representative ROBERT MATSUI, who passed away earlier this week.

A third-generation Japanese-American, BOB was born in Sacramento and was just a 6-month-old baby when he and his family were imprisoned at the Tule Lake internment camp following the attack on Pearl Harbor in 1941. Forty years later, he was instrumental in passing the Japanese-American Redress Act, which produced an official apology from the Federal Government for the World War II internment program and offered compensation to victims.

BOB was a quiet and admired Member of Congress. His passion for issues he believed deeply in was respected by his colleagues on both sides of the aisle. He brought dignity and honor to the House of Representatives. BOB was a tax and trade maven on the House Ways and Means Committee, and his knowledge and expertise in these areas will be sorely missed. He was one of a small number of Democrats who pushed for passage of the North American Free Trade Agreement.

First elected in 1978 following his service to the City of Sacramento, BOB and I were in the same freshman class of Congress as I too was elected that year. I got to know, and become very good friends with BOB during the 26 years we served in the House together.

The people in the Sacramento-based 5th district lost a good legislator when BOB passed away on January 1, and he will be missed by his friends and family.

It is with a heavy heart that I say good-bye to BOB. My wife Cheryl and I would like to express our condolences to his wife, Doris, and the entire family, in this time of sorrow and sadness. They will be in our prayers.

Ms. SOLIS. Mr. Speaker, it is with a sad heart that I rise today to honor my colleague, the Honorable ROBERT T. MATSUI. Far before these past 4 years where I had the opportunity to work with him in Washington, BOB's work effort, faith and determination were a constant source of inspiration for me.

BOB fought in Congress for 28 years on principles that were unshakeable for the betterment of all. He took a genuine interest in Members' concerns, visited Members' districts—including mine in the San Gabriel Valley—and fought hard to ensure equality for the underserved and to bring justice to those wronged. BOB was a champion for Social Security, fought for all of our children and was determined to achieve economic justice.

I am proud to say that BOB MATSUI is among those I consider a close personal friend. I send my condolences to his family and I am consoled only by knowing that BOB's legacy will live on, and the world will be better for it.

Mr. SHERMAN. Mr. Speaker, I rise to remember my colleague and friend, BOB MATSUI. Both California and America have lost a respected leader and more importantly, a good man who was committed to his constituents, his family and his nation.

BOB was a dedicated public servant who worked tirelessly on the behalf of his constituents. He always fought for America's children, to create economic justice, and to protect Social Security. His work, accomplishments, and life are an inspiration to all Americans.

I have been honored to serve with and know BOB. Even in a partisan. and closely divided Congress, BOB always brought civility and intellect to policy debates. He was an example for all who seek to advance the best public policy.

I know that his colleagues and his constituents will not soon forget BOB—his untimely passing leaves an emptiness in everyone who knew and loved him.

Mr. Speaker, I hope you will join with me in sending our sincerest condolences to his family. I hope that his wife, Doris, and his family can find peace in this difficult time.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise today to celebrate the life and the contributions of my good friend and colleague, the Congressman from California, BOB MATSUI, who passed away last Saturday.

During his 26 years of service here in Congress, Mr. MATSUI was a great leader in the

House of Representatives, introducing legislation on issues such as welfare reform, health care, tax issues and the environment. His thorough knowledge of the Social Security system made him a strong advocate against proposed reforms that would negatively impact America's elderly population.

Mr. Speaker, I know I speak for many of my colleagues when I say I will miss the Congressman from California deeply. When I started here over 16 years ago, Mr. MATSUI was already well established, and I was one of the many beneficiaries of his knowledge and experience.

In many ways Mr. MATSUI brings to mind the late Martin Luther King. In the same way that the Reverend King was able to rise above the challenges facing him in his fight for civil rights for African-Americans, Mr. MATSUI, who began his life in a Japanese internment camp during World War II, never retreated into bitterness and instead remained an inspiration and a strong positive force throughout his career, representing not just the Asian American community but his constituency and our country, with honor and pride.

Mr. MATSUI dedicated his life to serving our country. Due to his contributions, the lives of our great country's children, our elderly, and our oppressed have been made better. For that, we are supremely thankful.

Mr. Speaker, I would ask my colleagues to remember our departed friend not with sadness, but with joy in their hearts that we had the opportunity to be associated with such a strong, inspiring, devoted man.

Mr. CUMMINGS. Mr. Speaker, I rise today to honor the memory of Congressman ROBERT MATSUI. BOB MATSUI was one of those elected officials who earned the right to be called a "statesman." He was a force for compassion, competence and integrity—as well as a wonderful human being whom I was honored to call my friend. I extend my heartfelt sympathies to his loving wife and family.

Mr. Speaker, BOB MATSUI embodied America's promise, demonstrating how a citizen of humble beginnings could rise to the heights of American governance. BOB also reminded us of our country's sins. During the Second World War, BOB's family was interned in the Tule Lake internment camp. This time of curtailed liberties and rampant xenophobia is one of the darker moments of American history.

Mr. Speaker, internment left an indelible mark on BOB MATSUI's family. BOB's mother contracted German measles at Tule Lake, and as a result, BOB's sister was born blind.

The experience also deeply affected BOB, inspiring him to use his platform in Congress to reclaim the dignity of those wrongly interned. BOB worked tirelessly to enact the Japanese American Redress Act, in which the government formally apologized for internment and offered compensation.

Mr. Speaker, James Baldwin once said, "I love America more than any other country in the world, and, exactly for this reason, I insist on the right to criticize her perpetually." BOB MATSUI loved America in just this spirit. When John F. Kennedy told Americans to ask what they could do for their country, BOB pledged to become a public servant. He served diligently for 26 years.

Mr. Speaker, we will miss BOB's leadership as the new Congress wades through the murky waters of Social Security policy. Our Democratic House Leader, Congresswoman NANCY PELOSI, was quite accurate when she noted that "America's seniors have lost their best friend in the Congress." I would add only that so have this nation's children and all of us who seek balanced, progressive solutions to the challenges at the center of people's lives.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor the life of an admirable citizen, respectable public servant and a generous, kind man. Congressman ROBERT MATSUI served the people of California and his nation in the House of Representatives for 26 years.

BOB gave our country and Congress years of his knowledge and dedication to fighting for civil rights after beginning his life in 1942 in a detention camp for Japanese-Americans. He embraced his heritage as well as the hardships Asian Americans faced and channeled it to positive change to make our nation formally apologized for the interment of Japanese Americans and provide financial compensation to the survivors.

BOB was a true inspiration: as a Member, he was a vital member of the Democratic Party and worked to make his Party stronger but never let his dedicated ties refrain him from working with his Republican colleagues; as an American, he listened to President Kennedy to give to his country a life of service and commitment to making life better for all Americans; and as an Asian American, he served as a role model to young Asian Americans that the impossible is never that far away and that they too can become active in government to serve the American people.

Mr. Speaker, BOB MATSUI's loss will leave a large void to this chamber. Our prayers and thoughts are with his wife Doris and his son Brian.

Ms. DELAURO. Mr. Speaker, I rise with great sadness as we honor our dear friend and colleague, Congressman BOB MATSUI, who passed away this New Year's Day. I always say that it is a privilege to serve in this body. But for 25 years, it was this institution that was privileged—privileged to call BOB MATSUI one of its Members. He was a compassionate man dedicated to his constituents and family, and resolute in his ideals.

Each of us knows the adroit knowledge of Congress BOB possessed—from his grasp of tax and trade law intricacies, to his drive for basic social justice, to his tireless opposition to those who would weaken Social Security's guarantee. He was not only smart—he was also principled, and he used both to the fullest throughout his illustrious quarter-century in public life.

I know he would have relished the forthcoming debate to fundamentally reform Social Security, to which he surely would have brought the same passion and intelligence he took to his efforts to help his party over the years. As was the case with all things he put his mind to, win or lose, whatever the battle—whether it was welfare reform, Social Security or his chairmanship of the Democratic Congressional Campaign Committee—the level of discourse was elevated when BOB MATSUI added his voice to the debate. At a time when the tenor of politics in our country has become so abrasive, what BOB MATSUI offered was a precious commodity indeed.

On a personal note, I always felt a close bond to BOB, as we were both children of immigrant parents—his from Japan, mine from Italy. He spoke of how spending the first 5 years of his life in a Japanese internment camp haunted him for the rest of his life. But the experience unquestionably gave him a lifelong commitment to civil rights and social justice. It gave him a genuine empathy for people that one could trace from his friendships to his work on issues like trade, welfare and retirement security.

He was, in the truest sense of the word, a patriot—someone for whom America meant the promise of a better life for one's family and community. As such, BOB MATSUI will be sorely missed, but his legacy will live on for generations. My thoughts and prayers are with him and his family.

Mr. TANNER. Mr. Speaker, today I rise in memory of our colleague, BOB MATSUI, as we honor his life and his long service to this Congress and to our Nation.

I had the pleasure of serving alongside BOB on the Ways and Means Committee since 1996 and knew him to be a statesman of enormous ability and integrity, a man of kind and gentle nature, a rare individual with whom one could disagree without finding him to be disagreeable. These are the most important qualities a public servant in this House of Representatives could possess. BOB made an immeasurable contribution to the House. His keen intellect and ability to craft bipartisan legislation will be missed by me and the entire Congress.

Our thoughts and prayers are with BOB's family at this difficult time. His passing is truly a great loss for our Nation.

Mr. ANDREWS. Mr. Speaker, on January 1, 2005 the United States Congress lost one of its finest Members with the passing of BOB MATSUI. Recently re-elected to his 14th term by an overwhelming margin, BOB was an outstanding leader, beloved by his colleagues in Congress and his constituents alike.

As the third ranking Democrat on the powerful House Ways and Means Committee, and the Ranking Member on the Social Security Subcommittee, BOB served as an outspoken champion for the preservation of our social security system. In addition, BOB was a member of the Executive Board for the Congressional Asian Pacific American Caucus (CAPAC), one of the most active caucuses in Congress. The trust and respect that his colleagues had for him was demonstrated last Congress, when he was elected as Chairman of the Democratic Congressional Campaign Committee.

As we convene to begin the 109th Congress, it is important that we all pause to remember the noble work that Congressman MATSUI had accomplished during his 26 years in these halls. I would ask that all of my colleagues also keep his loved ones in their thoughts, including his beloved wife Doris; his son, Brian; his daughter-in-law, Amy; and his granddaughter Anna. BOB MATSUI was a great man, as well as an outstanding leader, and his service to our great Nation will never be forgotten.

Mr. KIND. Mr. Speaker, every now and then you encounter someone in public service who is a public servant in every sense of the word, who transcends petty partisan politics, who brings a depth of character and a depth of knowledge to surpassed by no person, someone who loves his country, works hard for the people he represents but loves his family even more. That person was BOB MATSUI who we lost over the weekend.

BOB was someone I grew to know and love. My first contact with BOB was a campaign check he sent to me in my first run for Congress in 1996. I had never met him before then but he must of saw something in me that motivated him to help me out a little during my first campaign when a lot of other people didn't think I could win.

And when I came to Congress, I quickly got to know BOB and appreciate him. He was someone who made everyone feel special. He would solicit your opinions on the issue before us, even though his depth on the issues like tax policy, trade, social security and medicare, surpassed anything anyone else had. He cared for this institution and the process of democracy and he exuded boundless optimism about the future of our great country even though his first few months as a citizen of this country was spent in an internment camp in California shortly after the Japanese attacked Pearl Harbor. He later led the effort in Congress to right that gross injustice by having our government apologize for that action.

In short, BOB MATSUI was someone I respected, looked up to and tried to emulate here in Congress. You can't replace a BOB MATSUI; he was rare and never fully appreciated to the extent he deserved. But we all can learn from BOB MATSUI and take his legacy of compassion, justice and fairness and make it our legacy to the next generation.

To his wife Doris, son, Brian, daughter-in-law, Amy, and granddaughter, Anna, may you surround yourself with family, friends and loved-ones during this difficult time and find comfort and understanding. Perhaps one day Anna will be old enough to read these testimonials to her grandfather and better appreciate how special he truly was. Please know that BOB was loved by many and will be missed by all.

May God bless him and keep in his company.

Ms. WATERS. Mr. Speaker, I rise today to pay my respects to one of the giants of the House of Representatives, Congressman BOB MATSUI. Mr. Speaker, I can not tell you how shocked and saddened I was when I heard the news of Congressman's MATSUI's passing. The constituents of the 5th Congressional District of California, the Democratic Party and our nation have suffered an enormous loss.

I had the honor and privilege of serving with Congressman MATSUI since I was elected to Congress in 1990. I was always impressed with BOB'S knowledge, dedication and concern about the issues that he held close: healthcare for those who need it—especially for children, tax policy, fiscal responsibility and trade; as well as the issues that were important to his District: flood control, transportation, housing, and environmental preservation. His knowledge and passion on these and many other issues will be missed dearly.

Even on the rare occasion when we differed on an issue, such as trade, Congressman MATSUI presented his positions fairly and without rancor. He approached issues with an open mind and demonstrated a great ability to reach across the aisle. He had opponents, but no enemies.

Congressman MATSUI served the people of Sacramento for 26 years. While BOB MATSUI was a valued member of the Democratic Party, he never forgot that his primary responsibility was to all of the people of California's 5th Congressional District, regardless of party affiliation. BOB always did what he thought was best for his constituents and for the country. He worked tirelessly for them in Congress and they have lost a valuable advocate.

BOB MATSUI had the respect and confidence of his peers. Time and again, Democrats elected him to leadership posts and he used these positions to be a capable and articulate spokesman for the Democratic Party. There is perhaps no other issue in which Congressman MATSUI proved to be more valuable—or will be missed more—than Social Security. His knowledge was second to none and as Congress debates the future of this vital program, we will miss his wise counsel about the importance of preserving Social Security as we know it for future generations.

Congressman MATSUI's experiences as a Japanese-American who was detained in an internment camp during World War II gave him a special sensitivity to the importance of preserving civil rights and civil liberties. His legislative work securing relief for those who were wrongfully held during World War II was a historic achievement and a fitting tribute to this great and good man.

Over the past several days, we have heard dozens of tributes honoring Congressman MATSUI. The words that were most often used in these accolades to describe BOB MATSUI were "integrity," "dignity" and "ability." For those that knew him, these words were only part of what made BOB MATSUI a terrific person, a dear friend and valuable Member of Congress.

Mr. Speaker, it is amazing to think that public service was not BOB MATSUI's first passion; architecture was. We are tremendously fortunate that Congressman MATSUI happened to read the biography of Clarence Darrow, which he always credited for inspiring him to enter law and eventually politics. California and, indeed the nation, has benefited from Congressman MATSUI's service and we thank him and his family for sharing him with us.

Congressman MATSUI will be sorely missed. My prayers are with his wife Doris, his son, Brian, his daughter-in-law, Amy and granddaughter Anna, and his many friends and family. God bless you, Congressman MATSUI. We will never forget you.

Mrs. MALONEY. Mr. Speaker, BOB MATSUI was a dear friend. His long and distinguished public service on behalf of the people of California and all Americans was a tremendous benefit to his State and our Nation.

As a Member of Congress, he was a respected leader, an effective lawmaker, and a tireless leader of his party. With a major debate on Social Security looming, we will sorely miss his unparalleled expertise and foresight on that issue.

Most of all—in that fight and in many to come—we will miss his compassion and his dedication to serving the most needy among us.

Throughout his career, BOB MATSUI was a champion of the vulnerable, leading the fight for civil rights. He said that he was inspired to go to law school by Clarence Darrow and to go into politics by John F. Kennedy. And he never stopped advancing those ideals.

Imprisoned as a young child in the Japanese-American internment camps of World War II, he authored the landmark bill that provided restitution to Japanese Americans held in those camps and, more important, tendered an official apology on behalf of the government.

Never one to shirk the tough jobs, he worked over decades on the thankless but essential task of improving flood protection for the Sacramento region, and recently reached an historic agreement on that critical issue.

BOB MATSUI was a thoughtful and prescient legislator. An early advocate of free trade, in the early 90s, he provided critical assistance to President Clinton in getting NAFTA through the House—despite opposition from labor groups that traditionally support Democrats. In 2000, he played a key role in obtaining permanent normalized trade relations with China, again at Clinton's behest. And he was a strong backer of giving the President fast track trade authority. At the same time, he was increasingly concerned over how little was being done to help Americans who had lost jobs.

Even those who fought the hardest with BOB over policy issues admired his intelligence and dedication and enjoyed his humor and warmth. He was a truly kind person and we will all miss his friendship.

My thoughts and prayers are with BOB MATSUI's family.

May he rest in peace.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of H. Res. 11 expressing profound sorrow on the occasion of the death of the Honorable ROBERT T. MATSUI.

I am saddened by the loss of a great man and wonderful colleague in BOB MATSUI. He was a person dedicated to others, not just in his remarkable public service, but also in his warm and embracing character. His passing is a loss to the people of his district, California, and all Americans who benefited from his wisdom in Congress for the past 26 years.

Most of all, my heart goes out to his family. His wife, Doris, his son, Brian, his daughter-in-law, Amy, and, of course, his granddaughter, Anna, were the most important things in the world to him, and I only hope that their grief can be tempered by the knowledge of his constant and unwavering love for them.

While it will be difficult for Californians, and all of BOB's colleagues in Washington to accept this tragic loss, I think we owe it to him to remember all of the positive things that BOB stood for. He was the first Japanese-American elected to the Sacramento City Council and one of the first Japanese-Americans to serve in the U.S. Congress.

These are remarkable feats for any American, but are simply astounding coming from BOB MATSUI, who was forced into an internment camp, along with his family, when he was only six months old.

But BOB would never hold a grudge against the country that had done him and so many other Japanese-Americans wrong. He was too great a man, and he had too big a heart. He continued to strive for what was right for decades, using his energy to improve those systems that so many Americans rely on. He was as committed to Social Security and protecting older Americans as he was to upholding the ideals and principles of the Democratic Party, creating a strong future for the next generations.

BOB MATSUI was a terrific mentor and a terrific friend to me. While our time together was cut too short, he provided an excellent role model of how to stay true to your beliefs even in the face of adversity. Today I join all Californians and Americans in mourning Congressman ROBERT MATSUI. Serving with him in this body will always be one of the great honors of my career.

Ms. ZOE LOFGREN of California. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BURGESS). Without objection, the previous question is ordered on the resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(d) of rule XX, the Chair announces to the House that the whole number of the House is 428.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REMARKS ON THE DEATH OF THE LATE HONORABLE ROBERT T. MATSUI

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. PELOSI) is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, I want to commend the gentlewoman from California (Ms. ZOE LOFGREN) for taking out this special order on our dear friend BOB MATSUI and to all of our colleagues who participated in it.

I hope it is a comfort to the Matsui family, to Doris, Brian, Amy and Anna, that so many people in this Chamber and I know throughout the country share their grief and are praying for them at this sad time.

SUPPORTING THE TSUNAMI VICTIMS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from South Carolina (Mr. WILSON) is recognized for 60 minutes as the designee of the majority leader.

Mr. WILSON of South Carolina. Mr. Speaker, as the previous cochair of the Congressional Caucus on India and Indian Americans, I rise to express our solidarity with the people of India and the Indian American community in the aftermath of the devastating tsunami that has affected so many nations in the Indian Ocean.

Earlier tonight, a resolution of sympathy for South Asia was presented by the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS), chairman and ranking member of the Committee on International Relations, along with the gentleman from Iowa (Mr. LEACH), who is leading a delegation to the affected areas, and the gentleman from Indiana (Mr. BURTON), Indonesian Caucus cochairman.

Nearly 140,000 people in 11 countries in South Asia and East Africa have died, approximately 3 to 5 million people have been displaced and citizens of over 40 countries have been affected by the tsunami. The most devastating death toll was in the nation of Indonesia, which is appreciated as the world's largest Muslim democracy of nearly a quarter of a billion people. India has nearly 15,000 casualties. In this time of need, the American people and our government are demonstrating the generosity and compassion that have been the hallmark of American society and culture since our Nation's founding.

As we grieve for the dead, we must also continue to work hard to save those now living in the wake of this terrible disaster. Under the leadership of President George W. Bush, America has committed $350 million in relief to the nations in need. This substantial funding will go a long way to helping the estimated 3 to 5 million people who now face numerous hardships as they lack access to the basic necessities of life.

Our country and our people are also contributing to this effort in countless other ways. Almost immediately after the disaster occurred, the United States military dispatched aircraft and ships to survey the damage and deliver supplies. Presently there are disaster relief assessment teams on the ground and 20 ships and 80 military aircraft in the area and en route, with 12,600 American military serving the relief effort. The U.S. Pacific Command said this week it is deploying 20 ships from docks in Hong Kong, Guam and the island of Diego Garcia. The ships are loaded with medical equipment and mobile hospitals, 41 helicopters, 2,100 Marines, 1,400 sailors and the capacity to generate 600,000 gallons of fresh water daily. Our Secretary of State Colin Powell and Governor Jeb Bush of Florida are tonight visiting the devastated nations of South Asia, proving our sincere efforts for reconstruction and recovery. Additionally, the United States Department of Defense and USAID have established coordination centers in Bangkok, Thailand, and Colombo, Sri Lanka. These centers will help coordinate the massive U.S. relief efforts.

As the world has witnessed throughout our history, the American men and women in uniform always act boldly to help those in need.

Over the past week, I have been most encouraged by the outpouring of support from the American people. Since December 26, Americans have contributed hundreds of millions of dollars to help those in need. Yesterday President Bush asked President George H.W. Bush and President Bill Clinton to head a nationwide charitable fund-raising effort. In the coming days they will urge all Americans to donate directly to reliable charities already providing help to tsunami victims. My colleagues, as you advise your constituents as you receive inquiries where to send contributions, I have two suggestions that I would want to suggest to you that I have learned in working with the Embassy of India here in Washington. First is the Prime Minister's National Relief Fund which is the Embassy of India at 2107 Massachusetts Avenue Northwest, Washington D.C. 20008. Additionally in India itself, the Tsunami Disaster Relief Fund of the American Chamber of Commerce of India, the AmCham, which is Room 1262, Maurya Sheraton Hotel, S.P. Marg, New Delhi, India. Both of these are organizations that will work to help in the recovery and restoration for the people who have been affected by the tsunami.

I am confident that this effort will further highlight the tremendous decency of the American people. In the 1840s, historian Alexis de Tocqueville wrote, "When America asks for the cooperation of its citizens, it is seldom refused. And I have often seen it afforded spontaneously with great good will."

Most importantly, we should all remember that no contribution is too small. President Bush has asked that we all contribute as we are able to do so and fortunately citizens are responding in innovative ways. In my home State of South Carolina, an 11-year-old girl donated $11 she collected at her birthday party. In Columbia, South Carolina, Jack Edgerton, corporate president of Adluh Flour Company, and the Allen family recently demonstrated another example of the concern and compassion exhibited by the American people. They have offered to send nearly 100,000 pounds of flour from the farmers of South Carolina to affected countries, and I do appreciate their generosity. I am also grateful to Dr. Jim Carpenter of Oconee County, South Carolina, who has practiced medicine in Indonesia and speaks Indonesian. He has volunteered to return to provide medical assistance.

These efforts exemplify the President's statement that "the greatest source of Americans' generosity is not our government, it is the good heart of the American people." While the full impact of this disaster may never be known, the significant contribution of the American people will be remembered. I join President Bush in urging all Americans to give generously to this important cause.

Since citizens of over 40 nations have been affected by the tsunami, this is truly a global event. As a member of the Congressional Caucus on India and Indian Americans, I am pleased that President Bush visited the Indian Embassy here in Washington yesterday to pledge that we would help the Indian government and the Indian people in any way we can. After losing over 15,000 of its own people, the country of India has responded selflessly to this tragedy. India is now part of a disaster relief coalition with Japan, Australia and the United States. Yesterday, India began deploying Israeli-made unmanned aerial vehicles in round-the-clock searches for victims of the tsunami. By providing significant financial and military assistance to neighboring tsunami affected countries, India is already playing a vital role in this coalition.

Mr. Speaker, I am pleased that the gentlewoman from Florida (Ms. ROS-LEHTINEN), the new India Caucus cochair who succeeded me today, has also expressed her support to the people of India. It was an honor for me to cochair the largest country caucus in Congress and I am pleased to have worked with people like the gentleman from California (Mr. ROYCE) my predecessor, the gentlewoman from New York (Mrs. KELLY), the gentleman from Michigan (Mr. KNOLLENBERG), and other leaders in our work with the Indian American community.

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As a real estate attorney in South Carolina, I worked with Indian Americans for nearly 30 years in the hospitality, medical, and business sectors; and I have always appreciated the strong family values, entrepreneurship, and patriotism they have shown in our communities. There has been no better or finer example of this than the recent elections of the gentleman from Louisiana (Mr. JINDAL) to Congress and Nikki Randhawa of Lexington, South Carolina to the South Carolina statehouse where she recently was elected president of the freshman class. They embody the hard work and drive that so many Indian Americans have fulfilling the American Dream.

At such a critical time, it is important we stand beside the people of India identified today in the gentleman from Illinois's (Speaker HASTERT) acceptance speech as the world's largest democracy, as America is the world's oldest democracy. Our two nations share the same values. I am confident with the proven generosity of Americans we will again demonstrate by our assistance to the people of South Asia to help recover from this terrible tragedy.

Tonight I am very grateful to be joined by the gentleman from Michigan (Mr. EHLERS), a person of extraordinary credentials, a person serving in Congress who is a dedicated scientist, a graduate, a Ph.D. in nuclear physics from the University of California at Berkeley, a professor at Calvin College in Michigan, and a person, again, who has a deep understanding and appreciation of science and what it can mean to improve the lives of the American people and the people of South Asia.

I yield to the gentleman from Michigan.

Mr. EHLERS. Mr. Speaker, I thank the gentleman for yielding to me. I certainly appreciate his sponsoring this particular Special Order and particularly his encouragement of the American people to contribute.

We are impressed that the President has designated $350 million to deal with this tragedy, but I would like to point out that that is very little more than $1 per person this country and very little more than $2 for every working person in this country. Certainly we can do better than that, and I encourage all Americans to send contributions to the charities that the gentleman mentioned. I would also mention the American Red Cross will play a role in this through its international arms. I am also aware in my community of relief organizations such as the Christian Reform World Relief Committee, which is very active in this. International Aid is another organization in Spring Lake, Michigan, which has dispatched $3 million of medical equipment and other supplies already. And I am sure every American can look around their own community and find similar organizations that they can contribute to to help during this incredible tragedy.

We certainly want to express our sympathy as the American Congress and the American country to the people who have suffered this tragedy. It is almost incomprehensible. For years scientists have talked about the possibility of a mega-tsunami and it has largely been dismissed even though tsunamis can be very large, but the idea of a mega-tsunami has been dismissed by most scientists. This one does not quite measure up to that in terms of the power and the energy it contained, but it certainly is a mega-tsunami in terms of the damage and the death, the destruction that it has caused. So I do want to express my personal sympathy and that of the Congress for those who are suffering and encourage all Americans to help.

But the main thrust of my comments this evening are going to be about the science of tsunamis. That may seem inappropriate at this point when we are all dealing with a tragedy, but I know there is a lot of interest because I have fielded a number of questions from colleagues and staff in the Congress, and so I think it is worth time talking to our colleagues about what a tsunami is, how it happens, particularly as it relates to the possibility of developing a warning system for tsunamis.

First question, how do tsunamis occur? They have four major sources. Earthquakes are the primary source but also volcanos can cause tsunamis either through eruption or collapse. Other possibilities are landslides, slumps, or rock falls. If they are large enough, they can cause tsunamis. The last category is more esoteric. Asteroids, meteorites. They are very rare, but they cause the largest tsunamis. And also man-made explosions, which many people think could cause them, but, in fact, it would be very difficult to do that. I will discuss each of these a bit later.

But let me also address, first of all, why we cannot warn people. And I should mention some have asked me why the name "tsunami," why do we use that. Do we not have an American term? Actually we do not have an equivalent American term. It is from two Japanese words that mean harbor and wave, and that is literally what it is. It is primarily waves in harbors or coastlines.

If we look at the natural disasters we have in this world and the warning systems that we have, if we look at the very largest natural disasters, such as volcanic explosions, we generally have hours to months of warning time before a volcano will explode, and the emphasis is generally on months provided we have seismic devices measure the activity within the volcano. Hurricanes, we have days in which to prepare and to evacuate or to tighten up our homes or other buildings. Tsunamis, we could have hours of warning if we have a good warning system, and that is the big "if," which I will talk about a bit later.

Tornadoes we generally have 10 minutes to an hour of warning. And earthquakes we have no warning whatsoever. We know of no good warning system for earthquakes. Although there are some precursors, we can never predict an earthquake precisely. And since earthquakes cause most tsunamis, that means it is very difficult to predict tsunamis. But because they take from minutes to hours to reach the shore once we detect the earthquake and detect whether or not it causes a tsunami, we do have some warning time available and we have a warning system in the Pacific Ocean, which has been quite successful.

Let us talk about some of the science behind tsunamis. Why do they occur?

What is going on? How does an earthquake cause a tsunami? First of all, not all earthquakes do. If it is an earthquake that does not cause much shifting of the surface under the ocean, there is generally not much of a tsunami. Also if it is a weak earthquake, it generally does not create a tsunami. But if we have a large earthquake, let us say above about 7.0, in that neighborhood, on the Richter Scale, and if it involves substantial motion of material, we will get a tsunami.

And the most common way in which these are called is when there is a subdeduction, when a tectonic plate sliding under another tectonic plate in the ocean and if there is a big movement and if it extends for many miles or many kilometers in the direction, we get a lot of motion in a very quick time. The water pours in to try to fill up that space. It is sort of like throwing a rock in a pond, and we get ripples coming up. But if we are talking about an ocean, and a typical ocean depth is in the neighborhood of, let us say, 15,000 feet, we have a huge amount of water being moved in a very short time, and it is like throwing a very, very, very large rock in the ocean.

The waves that spread out from this disturbance are not very big. Typically the wave that is caused by an earthquake or an underwater volcano will only have a height ranging from a few inches to a few feet. So the waves that are traveling across the ocean are barely noticeable to a ship that is sailing on the ocean. And that is why we have this strange situation, terrible destruction around the Indian Ocean now, but the fishermen who were out in their ships were not injured. They scarcely even knew that they were lifted up a foot and then let down again as the wave went under. But the waves are very deep; and as they approach shore, it becomes shallower. All of that energy of motion is condensed together and the waves add together and create huge walls of water that hit the coast and travel inland from the coast.

So if we have an earthquake, a volcano, a landslide, a slump, a rock fall, anything that generates motion of a lot of water, as that spreads out across the ocean, it loses a little energy but not very much, and depending on the depth of the ocean, it can travel very rapidly. If the ocean is deep, we can get speeds of these waves on the order of the speed of a jet airplane. And it is just a tremendous speed to travel. That is why we do not have much warning time, because they travel very rapidly.

As they approach shore, as I said, they slow down, mount up, and we get this huge wall of water. And it depends entirely upon the geology of the area, the shape of the land, the nature of the source of the earthquake. One of the most destructive that occurred was the one up in Alaska some years ago, and it was not that large an earthquake, but the wall of water that hit the land was over 100 feet high. It hit a reinforced concrete lighthouse and demolished it and killed everyone inside. It had that kind of force, much more force than we had in the Indian Ocean last week, but it did not have as great an extent. Interestingly enough, that tsunami which was close to Alaska did cause substantial damage in Hawaii and killed more people in Hawaii than it did in Alaska because Alaska is not very heavily populated and Hawaii is.

So we have many different sources of tsunamis, and I hesitate to go into a great deal of detail on that. I do want to point out for the people who like to be terrified or those who like to make movies to terrify people that the largest tsunamis, as I mentioned, would result from asteroids or meteorites. If one of those lands in an ocean area, we would have a tsunami that could totally decimate all of the surrounding coastal area for miles inland. That has happened in the past geological history of this planet; but, in fact, it is quite rare. Usually the time between those is measured in millions of years, sometimes many millions of years.

What about the warning system? As I said earlier, we do have the Pacific warning system. It has worked fairly well. What we have to do is have a good system to detect earthquakes since they are the main cause and seismographs that could not only detect earthquakes but could detect a volcanic explosion or a volcanic collapse, anything that would move a lot of material and therefore create a big hole for the water to pour into or else an explosion that would make the water move out.

So if we have the seismographs that can detect that, then we have to have a method of calculating where the earthquake occurred, and we have that in many parts of the world. Unfortunately it took a while to establish the exact location of the earthquake in the Indian Ocean and find out its magnitude and find out really what the danger was. And then that tells us the starting time of the tsunami.

Then we have to be able to detect the motion of it, the velocity. So we have to have buoys displaced around that can measure these waves I mentioned, which are not all that large; but we have to have a buoy system that can detect that so we can calculate the speed.

And above all we need a warning system that will send out a warning to the people in the countries that are going to be hit. That is where we completely failed in the Indian Ocean, because no one expected a tsunami of this size in the Indian Ocean. The Pacific system has worked reasonably well, but even then we cannot always predict far enough in advance exactly where it is going to hit and how hard it is going to hit. And as I said before, not every earthquake results in a tsunami.

So we are going to have false alarms. We may send out the alert and the people will all quickly evacuate the coastal areas, get to high ground, and there is just a minor little wave that comes in. It is like the boy who cried wolf. If this happens several times, people say, well, it is a good warning system, but we really do not need it. But we never know when the big one is going to come, so people have to be trained to follow the warning system no matter what and recognize that not every time will it result in a major tsunami in every location that is warned, but sometime it will.

I believe it is incumbent upon us to lead the way as we have in developing the Pacific Ocean tsunami detection system which has saved a lot of lives. We cannot protect against a tsunami; so we cannot stop the property damage. But at least we can save the lives.

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We know how to do it. The problem is, the nations around the Indian Ocean and in other threatened areas are going to have to join the effort and, above all, they are going to have to develop a warning system and train their people how the warning system will work and how tsunamis work so that they will take the warning seriously and flee to high ground at the first indication of any disaster of this sort.

I thank the gentleman for yielding me time, and I hope I have not taken too much time. But as I said, since so many people are interested in the nature and the science behind tsunamis, I thought this might be helpful, particularly as this Congress will be involved in the next year or 2 in helping to decide on what type of warning system should be developed worldwide and what our role is going to be in that.

Lest we think that all the tsunamis are in the Pacific, just because the majority are, be aware that there is potential for huge tsunamis in the Atlantic and, as we all know, we have a heavily populated Atlantic coastline, New York City just to name one major population center, but all the way from Maine down to Miami. We will have to worry about it. And the likelihood of it is small, but if it occurs, the probability of major damage is so high that we should not just concentrate on the Pacific Ocean, the Indian Ocean, but we should also worry about the Atlantic Ocean and our eastern seaboard.

Mr. WILSON of South Carolina. Mr. Speaker, I thank the gentleman. It was certainly very helpful to have the gentleman explain tsunamis and the effect and how precautions can be taken. We greatly appreciate the gentleman's excellent scientific background that can be so helpful. I know I particularly represent the low country of South Carolina, and we are certainly observing what has occurred in south Asia and we identify with our beaches of Hilton

Head Island; it is a concern. But I thank the gentleman so much for his service.

Mr. Speaker, as I complete my service as the cochair of the India Caucus, I want to give a special thanks to Dino Tepparo who is the legislative assistant and attorney of the office of the second district of South Carolina. I give so much credit to him for helping build the largest caucus on Capitol Hill. He also developed the website for the India Caucus, and he has really made a difference in trying for better relations between the world's largest democracy of India and the oldest democracy of the United States. And Dino Tepparo is a person, I greatly appreciate his efforts.

Mr. Speaker, also I want to review the significance of this tragedy on so many different points, because it is so massive that it is almost overwhelming, as was indicated by the gentleman from Michigan (Mr. EHLERS) of the magnitude of what the people of the world are facing. As to the disaster background itself, on Sunday, December 26, a magnitude 9.0 earthquake off the West Coast of northern Sumatra, Indonesia triggered massive tsunamis that affected several countries throughout South and Southeast Asia as well as Somalia, Tanzania, and Kenya in East Africa. Aftershocks continued to occur in the region through January 1, when a magnitude 6.5 earthquake occurred off the west coast of northern Sumatra.

The current situation. The estimated death toll from the December 26 earthquake and tsunamis is more than 140,000 people in South and Southeast Asia and East Africa and may be as high as 150,000. Between 3 million to 5 million people throughout the affected region are lacking basic survival requirements, access to clean water, adequate shelter, food, sanitation, and health care. Contaminated water sources in the affected countries have increased the risk of cholera, dysentery, malaria, and dengue fever.

Approximately 500,000 people are displaced in Indonesia. More than 889,175 are displaced in Sri Lanka. Mr. Speaker, 3.5 million people are affected in India, and more than 10,000 are injured in Thailand. In addition, between 15,000 and 30,000 may have been affected in Somalia, 12,000 are displaced in Malaysia, and approximately 12,000 are displaced and 300,000 affected in the Maldives.

The American response. On December 31, President Bush pledged $350 million in relief and recovery assistance, bringing the total amount of pledges from donor countries and the World Bank to an estimated $2 billion. The United States is leading a core group of nations to help with immediate humanitarian relief, rehabilitation, and long-term reconstruction efforts, including India, Japan, and Australia.

On January 2, U.S. Secretary of State Colin Powell led a delegation of U.S. officials, including Florida Governor Jeb Bush, to visit the disaster-stricken areas of Asia. The United States Pacific Command said this week it is deploying 20 ships from the docks in Hong Kong, Guam, and the island of Diego Garcia. The ships are loaded with medical equipment and mobile hospitals, 41 helicopters, 2,100 Marines, 1,400 sailors, and the capacity to generate 600,000 gallons of fresh water daily.

On December 27, the United States provided more than 3,000 metric tons of rice to the U.N. World Food Program for use in the affected region. The United States Department of Defense and the United States Agency for International Development have established regional coordination centers in Bangkok, Thailand, and in Colombo, Sri Lanka. These centers will help coordinate the massive U.S. relief efforts.

In addition to the hundreds of U.S. embassy and USAID mission staff who are now dedicated to the response to this disaster in their respective countries, USAID disaster assistance response team members and other U.S. assistance team members are already on the ground and moving into the affected countries.

Of course, all of us want to advise our constituents, what can Americans do? Government officials on the ground are advising Americans wishing to offer support in the relief effort to focus on cash donations as opposed to shipments of used clothing, canned goods, or other commodities. While all assistance is greatly appreciated, cash donations are proving to be the most helpful form of assistance for tsunami victims for the following reasons: cash is the fastest and most direct way to get assistance to specific affected areas through nongovernmental and charitable organizations that are established and respected in the disaster response field. The cost of shipping these types of goods exceeds the value of the goods themselves, and many of these goods may not be culturally appropriate or timely in their arrival. Cash will also be used to help the purchase of goods on the ground in the affected areas in order to help jump start the local economies which were so severely impacted by the tsunami.

At this time, unless there is further response and there is, thank goodness, from Congressman EHLERS.

Mr. EHLERS. Mr. Speaker, I just wanted to mention one point which I did not include, a very practical point for anyone who is in an area that might suffer a tsunami. There is a very natural warning system that nature provides, but it is very short term and that is before a tsunami, before the big waves roll in, the water recedes, not always, but almost always, and that is precisely what happened in this case. In fact, that killed more people because they did not recognize it. Any time one is on the coast and you see the water receding for some unexplained reason, head for high ground. That is your first warning. But, in fact, what happened, all the fish were left stranded on the shore, people rushed out, and especially children rushed out to grab the fish because obviously they need the food and they were out there beyond where they should have been when the water hit. They had no chance of survival whatsoever.

So there is one good warning system every person in every country should be aware of, in case you are ever on shore, you see the water running out, you run in, and head for high ground as fast as you can.

Mr. WILSON of South Carolina. Again, Mr. Speaker, we appreciate so much the gentleman's practical advise, his expertise, and his obvious compassion for the people of south Asia.

As we conclude, I certainly want to say God bless our troops, and we will never forget September 11.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. LEWIS of Georgia) to revise and extend their remarks and include extraneous material:)

Ms. PELOSI, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. ROYBAL-ALLARD, for 5 minutes, today.

Mr. BACA, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. FARR, for 5 minutes, today.

Mr. MOORE of Kansas, for 5 minutes, today.

Mr. GEORGE MILLER of California, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. ESHOO, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. HINOJOSA, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

ADJOURNMENT

Mr. WILSON of South Carolina. Mr. Speaker, pursuant to House Resolution 11, I move that the House do now adjourn in memory of the late Honorable ROBERT T. MATSUI.

The motion was agreed to; accordingly (at 9 o'clock and 25 minutes p.m.), under its previous order, the House adjourned until Thursday, January 6, 2005, at 11 a.m., in memory of the late Honorable ROBERT T. MATSUI of California.

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 108TH CONGRESS 2D SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 108TH CONGRESS

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002), amended by Division P of the Consolidated Apropriations Resolution, 2003 (P.L. 108–7), and the order of the House of December 8, 2003, the Speaker reappointed the following Member on the part of the House to the United States-China Economic and Security Review Commission:

Mr. Larry Wortzel, Alexandria, VA, for a term to expire December 31, 2006.

COMMUNICATION FROM HON. NANCY PELOSI, DEMOCRATIC LEADER, AFTER SINE DIE ADJOURNMENT

ONE HUNDRED EIGHTH CONGRESS,
OFFICE OF THE DEMOCRATIC LEADER,
December 31, 2004.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (P.L. 106–398), I hereby appoint Mr. Michael Wessel of Virginia, for a term of two years, to the United States-China Security Review Commission.

Best regards,

NANCY PELOSI.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1. A communication from the President of the United States, transmitting a letter indicating the President's concurrence with Congress in the designation of funds provided as part of the Consolidated Appropriations Act, FY 2005 (H.R. 4818) as an emergency requirement to support the African Union security force in Darfur, as well as to construct a mail irradiation facility in Washington, D.C.; to the Committee on Appropriations.

2. A letter from the Secretary of the Air Force, Department of Defense, transmitting notification that the Program Acquisition Unit Cost and the Average Procurement Unit Cost for the Advanced Extremely High Frequency (AEHF) Program exceeds the Acquisition Program Baseline values by more than 15 percent, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

3. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of Captain Gerald R. Beaman, United States Navy, to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

4. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on transactions involving U.S. exports to Egypt pursuant to Section 2(b)(3) of the Export-Import Bank Act of 1945, as amended, pursuant to 12 U.S.C. 635(b)(3)(i); to the Committee on Financial Services.

5. A letter from the Secretary, Federal Trade Commission, transmitting a copy of the Commission's Report to Congress Under Sections 318 and 319 of the Fair and Accurate Credit Transactions Act of 2003; to the Committee on Financial Services.

6. A letter from the Chairperson, National Council on Disability, transmitting a report entitled, "Livable Communities for Adults with Disabilities," pursuant to 29 U.S.C. 781(a)(8); to the Committee on Education and the Workforce.

7. A letter from the Administrator, Energy Information Administration, Department of Energy, transmitting a copy of the Energy Information Administration's report entitled "Annual Energy Outlook 2005," pursuant to 15 U.S.C. 790f(a)(1); to the Committee on Energy and Commerce.

8. A letter from the Secretary, Department of Health and Human Services, transmitting a report on the Department's Implementation of Title II, Section 351A(b) of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002; to the Committee on Energy and Commerce.

9. A letter from the Secretaries, Departments of Commerce and Health and Human Services, transmitting a report on Prescription Drug Importation, pursuant to Public Law 108–173; to the Committee on Energy and Commerce.

10. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 15-04 informing of an intent to sign a Memorandum of Agreement Concerning Combating Terrorism Research and Development with Israel, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

11. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 15-04 informing of an intent to sign a Memorandum of Understanding for Cooperative Research and Technology Projects (RTP) between the United States, France, Germany, Italy, and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on International Relations.

12. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

13. A letter from the Deputy Secretary, Department of the Tresury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349aa-9(c), and pursuant to Executive Order 13313 of July 31, 2003, the final six-month periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, and terminated in Executive Order 13357 of September 20, 2004; to the Committee on International Relations.

14. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of intent to obligate funds for purposes of Nonproliferation and Disarmament Fund (NDF) activities; to the Committee on International Relations.

15. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a Drawdown to support the Government of Afghanistan, pursuant to Section 202 and other relevant provisions of the Afghanistan Freedom Support Act (Pub. L. 107-327, as amended) and Sections 506 and 652 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

16. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period October 1, 2004 through November 30, 2004; to the Committee on International Relations.

17. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a copy of Presidential Determination No. 2005-10, "Waiver of Restrictions on Providing Funds to the Palestinian Authority," pursuant to Section 552, Section 515, and Section 529 of the FY 2004 Foreign Operations, Export Financing, and Related Programs Appropriations Act (Div. D, Pub. L. 108-309), as carried forward under the FY 2005 Continuing Resolution (Pub. L. 108-309, as amended), as well as Section 634A of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

18. A letter from the Director, Office of Personnel Management, President's Pay Agent, transmitting a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency, pursuant to 5 U.S.C. 5304(h)(2)(C); to the Committee on Government Reform.

19. A letter from the Secretary, Department of Education, transmitting the thirty-first Semiannual Report to Congress on Audit Follow-Up, covering the six-month period ending September 30, 2004 in compliance with the Inspector General Act Amendments of 1988, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

20. A letter from the Executive Director, Appalachian Regional Commission, transmitting the Commission's Performance and Accountability report for FY 2004; to the Committee on Government Reform.

21. A letter from the Federal Co-Chair, Appalachian Regional Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004, through September 30, 2004,

pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

22. A letter from the Chair, CPB Board of Directors, Corporation for Public Broadcasting, transmitting the semiannual report of the Office of the Inspector General for the period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

23. A letter from the Secretary, Department of the Treasury, transmitting two Semiannual Reports which were prepared separately by Treasury's Office of Inspector General (OIG) and the Treasury Inspector General for Tax Administration (TIGTA) for the period ended September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

24. A letter from the Secretary, Department of the Treasury, transmitting the Financial Report of the United States Government for Fiscal Year 2004 (Financial Report), pursuant to 31 U.S.C. 331(e)(1); to the Committee on Government Reform.

25. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

26. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

27. A letter from the Director, Office of Management, Budget and Evaluation, Chief Financial Officer, Department of Energy, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Department's FY 2004 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

28. A letter from the Secretary, Department of Homeland Security, transmitting the semiannual report of the Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to PUb. L. 95-452, section 5; to the Committee on Government Reform.

29. A letter from the Attorney General, Department of Justice, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

30. A letter from the Assistant Secretary for Administration and Management, Department of Labor, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Department's report on competitive sourcing efforts for FY 2004 and 2005; to the Committee on Government Reform.

31. A letter from the Secretary, Department of State, transmitting the Department's Performance and Accountability Report for FY 2004 and a copy of the Department's Office of Inspector General Program Performance Report for FY 2004; to the Committee on Government Reform.

32. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

33. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

34. A letter from the Administrator, Environmental Protection Agency, transmitting the Fiscal Year 2004 Annual Report; to the Committee on Government Reform.

35. A letter from the Chair, Equal Employment Opportunity Commission, transmitting the semiannual report on the activities of the Inspector General and management's report for the period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

36. A letter from the Director, Financial Management, General Accounting Office, transmitting the FY 2004 annual report of the Comptrollers' General Retirement System, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

37. A letter from the Administrator, General Services Administration, transmitting the Administration's thirty-first report on audit final action, as well as the semiannual report on the Office of Inspector General auditing activity, pursuant to Public Law 100-504, section 5; to the Committee on Government Reform.

38. A letter from the Chairman, International Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 8G(h)(2); to the Committee on Government Reform.

39. A letter from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Commission's FY 2004 inventory of Commercial Activities and Inherently Governmental Functions; to the Committee on Government Reform.

40. A letter from the Director, Peace Corps, transmitting the semiannual report on the activities of the Office of Inspector General for the period April 1, 2004 through September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

41. A letter from the Director, Peace Corps, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Corps' report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

42. A letter from the Director, Peace Corps, transmitting the Peace Corps' Performance and Accountability Report for FY 2004; to the Committee on Government Reform.

43. A letter from the Board Members, Railroad Retirement Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Board's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

44. A letter from the Chairman, Securities and Exchange Commission, transmitting the semiannual report on activities of the Inspector General for the period of April 1, 2004 through September 30, 2004 and the Management Response for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

45. A letter from the Commissioner, Social Security Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Administration's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

46. A letter from the Architect of the Capitol, transmitting a report discussing the Congressional Office recycling programs for traditional and electronic equipment waste (E-waste) for the fourth quarter of FY 2004, pursuant to the directions issued in House Report 107-576; to the Committee on House Administration.

47. A letter from the Clerk, U.S. House of Representatives, transmitting list of reports pursuant to clause 2, Rule II of the Rules of the House of Representatives, pursuant to Rule II, clause 2(b), of the Rules of the House; (H. Doc. No. 109–4); to the Committee on House Administration and ordered to be printed.

48. A letter from the Coordinator, Forms Committee, Federal Election Commission, transmitting revisions to Schedules H1, H2, H3, and H4 of FEC Form 3X, Report of Receipts and Disbursements for Other than an Authorized Committee, revisions to the instructions for FEC Form 3X, and the Explanation and Justification for these revisions; to the Committee on House Administration.

49. A communication from the President of the United States, transmitting the "U.S. Ocean Action Plan," a report and statement of proposals prepared by the Council on Environmental Quality in response to the Commission on Ocean Policy's final recomendations, pursuant to Public Law 106–256, section 4 33 U.S.C. 857–19; to the Committee on Resources.

50. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting The activites of the Department of Justice regarding prison rape abatement for the preceding calendar year, pursuant to 42 U.S.C. 15604 Public Law 108–79, section 5(b)(1); to the Committee on the Judiciary.

51. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organization" pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

52. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the designation as "foreign terrorist organization" pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

53. A letter from the Assistant Secretary of the Army for Civil Works, Department of Defense, transmitting a letter supporting the authorization as modified herein of construction of a flood damage reduction project for Antelope Creek, Lincoln, Nebraska, pursuant to Section 101(b)(19) of the Water Resources Development Act (WRDA) of 2000, and plans to implement the project through the normal budget process at the appropriate time; to the Committee on Transportation and Infrastructure.

54. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulations; Atlantic Intracoastal Waterway (AICW), Elizabeth River, Southern Branch, Virginia [CGD05-04-233] (RIN: 1625-AA-09) received December 27, 2004, pursuant to 5

U.S.C. 801(a)(1)(A): to the Committee on Transportation and Infrastructure.

55. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule—Drawbridge Operation Regulation; Mississippi River, Iowa, and Illinois [CGD08-04-040] (RIN: 1625-AA09) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

56. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Warrensburg, MO. [Docket No. FAA-2004-1933; Airspace Docket No. 04-ACE-62] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

57. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Dodge City, KS. [Docket No. FAA-2004-19325; Airspace Docket No. 04-ACE-54] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

58. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Napa, CA [Docket No. FAA-2004-18697; Airspace Docket No. 04-AWP-4] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

59. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Harvard, NE. [Docket No. FAA-2004-19331; Airspace Docket No. 04-ACE-60] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

60. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Hartington, NE. [Docket No. FAA-2004-19332; Airspace Docket No. 04-ACE-61] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

61. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Sedalia, MO. [Docket No. FAA-2004-19334; Airspace Docket No. 04-ACE-63] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

62. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class D and Class E Airspace; Prescott, AZ [Docket No. FAA-2004-18815; Airspace Docket No. 04-AWP-2] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

63. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Scribner, NE. [Docket No. FAA-2004-19327; Airspace Docket No. 04-ACE-56] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

64. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Nebraska City, NE. [Docket No. FAA-2004-19328; Airspace Docket No. 04-ACE-57] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

65. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Imperial, NE. [Docket No. FAA-2004-19329; Airspace Docket No. 04-ACE-58] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

66. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Oberlin, KS. [Docket No. FAA-2004-19326; Airspace Docket No. 04-ACE-55] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

67. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Somerset, KY [Docket No. FAA-2004-18465; Airspace Docket No. 04-ASO-8] received Decemebr 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

68. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Amendment of Restricted Area 2306C, Yuma West, AZ [Docket No. FAA-2001-17180; Airspace Docket No. 03-AWP-03] (RIN: 2120-AA66) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

69. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Establishment of Class D Airspace; Riverside March Field, CA [Docket No. FAA-2004-17738; Airspace Docket No. 04-AWP-5] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

70. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace; Dodge City, KS. [Docket No. FAA-2004-19325; Airspace Docket No. 04-ACE-54] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

71. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and Model MD-88 Airplanes [Docket No. 2000-NM-169-AD; Amendment 39-13860; AD 2004-23-05] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

72. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-100, -200, -300, -400, -500 Series Airplanes [Docket No. 2002-NM-324-AD; Amendment 39-13862; AD 2004-23-07] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

73. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2002-NM-346-AD; Amendment 39-13864; AD 2004-23-09] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

74. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. FAA-2004-19569; Directorate Identifier 2004-NM-179-AD; Amendment 39-13869; AD 2004-23-14] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

75. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200 and -300 Series Airplanes [Docket No. 2001-NM-182-AD; Amendment 39-13867; AD 2004-23-12] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

76. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 757-200, -200PF, -200CB, and -300 Series Airplanes [Docket No. 2001-NM-74-AD; Amendment 39-13861; AD 2004-23-06] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

77. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; MD Helicopters, Inc. Model MD900 Helicopters [Docket No. FAA-2004-19613; Directorate Identifier 2004-SW-38-AD; Amendment 39-13870; AD 2004-23-15] received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

78. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Gulfstream Model GV and GV-SP Series Airplanes [Docket No. FAA-2004-19492; Directorate Identifier 2004-NM-200-AD; Amendment 39-13844; AD 2004-22-16] (RIN: 2120-AA64] received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

79. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bell Helicopter Textron Canada Model 206L-1 and 206L-3 Helicopters [Docket No. 2004-SW-03-AD; Amendment 39-13841; AD 2004-22-13] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

80. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company Model B100 Airplanes [Docket No. 2004-CE-11-AD; Amendment 39-13856; AD 2004-22-28] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

81. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model

CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-11-AD; Amendment 39-13851; AD 2004-22-23] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

82. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 Series Airplanes; and Model A300 B4-600, B4-600R, and F4-600R Series Airplanes; and Model C4-605R Variant F Airplanes (Collectively Called A300-600) [Docket No. FAA-2004-18603; Directorate Identifier 2003-NM-14-AD; Amendment 39-13850; AD 2004-22-22] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

83. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 B4-600R and A300 F4-600R Series Airplanes [Docket No. 2002-NM-97-AD; Amendment 39-13863; AD 2004-23-08] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

84. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737-700 and -800 Series Airplanes [Docket No. FAA-2004-18996; Directorate Identifier 2004-NM-40-AD; Amendment 39-13865; AD 2004-23-10] received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

85. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A319 and A320 Series Airplanes [Docket No. 2002-NM-153-AD; Amendment 39-13859; AD 2004-23-04] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

86. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2000-NM-32-AD; Amendment 39-13846] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

87. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Raytheon Aircraft Company 65, 90, 95, 100, 200, and 1900 Series Airplanes, and Models 70 and 300 Airplanes [Docket No. 2003-CE-51-AD; Amendment 39-13857; AD 2004-23-02] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

88. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 Airplanes [Docket No. FAA-2004-18573; Directorate Identifier 2003-NM-71-AD; Amednment 39-13847; AD 2004-22-19] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

89. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pilatus Aircraft Ltd. Model PC-7 Airplanes [Docket No. FAA-2004-18579; Directorate Identifier 2004-CE-19-AD; Amendment 39-13856; AD 2004-23-01] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

90. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2001-NM-54-AD; Amendment 39-13845; AD 2004-22-17] (RIN: 2120-AA64) received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

91. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. FAA-2004-19767; Directorate Identifier 2004-NM-139-AD; Amendment 39-13900; AD 2004-25-12] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

92. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 767-300 and -400ER Series Airplanes [Docket No. 2004-NM-33-AD; Amendment 39-13898; AD 2004-25-10] received Decmeber 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

93. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2004-19023; Directorate Identifier 2004-NM-123-AD; Amendment 39-13899; AD 2004-25-11] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

94. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Mooney Aircraft Corporation Models M20B, M20C, M20D, M20E, M20F, M20G, and M20J Airplanes [Docket No. 98-CE-64-AD; Amendment 39-13891; AD 2004-25-04] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

95. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes [Docket No. FAA-2004-19228; Directorate Identifier 2004-NM-77-AD; Amendment 39-13897; AD 2004-25-09] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

96. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, 747-300, 747SP, and 747SR Airplanes [Docket No. FAA-2004-19811; Directorate Identifier 2004-NM-201-AD; Amendment 39-13893; AD 2004-25-05] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

97. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A330 and A340 Series Airplanes [Docket No. FAA-2004-19816; Directorate Identifier 2004-NM-231-AD; Amendment 39-13895; AD 2004-25-07] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

98. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth Flugzeugbau GmbH Model Duo-Discus Gliders [Docket No. FAA-2004-19556; DIrectorate Identifier 2004-CE-37-AD; Amendment 39-13887; AD 2004-24-11] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

99. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A318, A319, A320, and A321 Series Airplanes [Docket No. FAA-2004-19817; Directorate Identifier 2004-NM-237-AD; Amendment 39-13896; AD 2004-25-08] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

100. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, 747-100B, 747-100B SUD, 747-200B, 747-200C, 747-200F, and 747-300 Series Airplanes; and Model 747SP and 747SR Series Airplanes [Docket No. FAA-2004-19815; Directorate Identifier 2004-NM-215-AD; Amendment 39-13894; AD 2004-25-06] (RIN: 2120-AA64) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[The following report was filed on December 27, 2004]

Mr. YOUNG of Alaska: Committee on Transportation and Infrastructure. Summary of Legislative and Oversight Activities of the Committee on Transportation and Infrastructure for the 108th Congress (Rept. 108–799). Referred to the Committee of the Whole House on the State of the Union.

[The following report was filed on December 29, 2004]

Mr. MANZULLO: Committee on Small Business. Summary of Activities of the Committee on Small Business for the 108th Congress (Rept. 108–800). Referred to the Committee of the Whole House on the State of the Union.

[The following reports were filed on January 3, 2005]

Mr. YOUNG of Florida: Committee on Appropriations. Report on Activities of the Committee on Appropriations, 108th Congress (Rept. 108–801). Referred to the Committee of the Whole House on the State of the Union.

Mr. OXLEY: Committee on Financial Services. Report on the Activity of the Committee on Financial Services for the 108th Congress (Rept. 108–802). Referred to the Committee of the Whole House on the State of the Union.

Mr. BARTON: Committee on Energy and Commerce. Report on the Activity of the

Committee on Energy and Commerce, 108th Congress (Rept. 108–803). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOODLATTE: Committee on Agriculture. Report of the Committee on Agriculture on Activities During the 108th Congress (Rept. 108–804). Referred to the Committee of the Whole House on the State of the Union.

Mr. SENSENBRENNER: Committee on the Judiciary. Report on the Activities of the Committee on the Judiciary During the 108th Congress (Rept. 108–805). Referred to the Committee of the Whole House on the State of the Union.

Mr. HEFLEY: Committee on Standards of Official Conduct. Summary of Activities of the Committee on Standards of Official Conduct for the 108th Congress (Rept. 108–806). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNTER: Committee on Armed Services. Report of the Activities of the Committee on Armed Services, 108th Congress (Rept. 108–807). Referred to the Committee of the Whole House on the State of the Union.

Mr. SMITH of New Jersey: Committee on Veterans' Affairs. Activities Report of the Committee on Veterans' Affairs, 108th Congress (Rept. 108–808). Referred to the Committee of the Whole House on the State of the Union.

Mr. HYDE: Committee on International Relations. Legislative Review Activities of the Committee on International Relations, 108th Congress (Rept. 108–809). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMAS: Committee on Ways and Means. Report on the Legislative and Oversight Activities of the Committee on Ways and Means During the 108th Congress (Rept. 108–810). Referred to the Committee of the Whole House on the State of the Union.

Mr. POMBO: Committee on Resources. Report on Legislative and Oversight Activities of the Committee on Resources During the 108th Congress (Rept. 108–811). Referred to the Committee of the Whole House on the State of the Union.

Mr. COX: Select Committee on Homeland Security. Report on Legislative and Oversight Activities of the House Select Committee on Homeland Security During the 108th Congress (Rept. 108–812). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHNER: Committee on Education and the Workforce. Report on the Activities of the Committee on Education and the Workforce During the 108th Congress (Rept. 108–813). Referred to the Committee of the Whole House on the State of the Union.

Mr. DREIER: Committee on Rules. Survey of Activities of the House Committee on Rules, 108th Congress (Rept. 108–814). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. WALDEN of Oregon (for himself, Mr. Pomeroy, Mr. Peterson of Pennsylvania, Mr. King of Iowa, Ms. Herseth, Mrs. Emerson, Mr. Marshall, Mr. McNulty, Mr. McHugh, Mr. Towns, Mr. Bishop of Georgia, Mr. Ney, Mr. Hinchey, Mr. Alexander, Mr. Kind, Mr. Ross, Mr. Bradley of New Hampshire, and Mr. Hall):

H.R. 11. A bill to extend the temporary increase in payments under the Medicare Program for home health services furnished in a rural area; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 12. A bill to amend the Education Land Grant Act to require the Secretary of Agriculture to pay the costs of environmental reviews with respect to conveyances under that Act; to the Committee on Resources.

By Mr. KENNEDY of Minnesota (for himself, Mr. Nunes, Mr. Graves, Mr. Calvert, Mr. Radanovich, Ms. Jackson-Lee of Texas, Mr. LaTourette, Mr. Inslee, Mr. Chandler, Mr. Davis of Tennessee, Mr. Ehlers, Mr. Herger, Mr. Shimkus, Mr. Bartlett of Maryland, Mr. Green of Wisconsin, Mr. Cardoza, Mr. Blumenauer, Mr. Towns, Mr. Baird, Mr. Sullivan, Mrs. Jo Ann Davis of Virginia, Mr. Walden of Oregon, Mr. Holden, Mr. Cox, and Mr. Rogers of Alabama):

H.R. 13. A bill to respond to the illegal production, distribution, and use of methamphetamines in the United States, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Agriculture, Resources, Transportation and Infrastructure, Education and the Workforce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 14. A bill to limit the United States share of assessments for the United Nations regular budget; to the Committee on International Relations.

By Mr. DINGELL:

H.R. 15. A bill to provide a program of national health insurance, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH (for himself, Mr. Boehner, and Mr. Paul):

H.R. 16. A bill to clarify the rights of Indians and Indian tribes on Indian lands under the National Labor Relations Act; to the Committee on Education and the Workforce.

By Mr. HAYWORTH:

H.R. 17. A bill to amend the Internal Revenue Code of 1986 to allow a credit for residential solar energy property; to the Committee on Ways and Means.

By Mr. BACA (for himself, Mrs. Napolitano, Mr. Calvert, and Mr. Gary G. Miller of California):

H.R. 18. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Resources.

By Mr. McINTYRE (for himself, Mr. Hayes, Mr. Bishop of Georgia, Mr. Etheridge, Mr. Butterfield, Mr. Scott of Georgia, and Mr. Davis of Tennessee):

H.R. 20. A bill to establish the SouthEast Crescent Authority, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINTYRE (for himself and Mr. Hayes):

H.R. 21. A bill to provide for the recognition of the Lumbee Tribe of North Carolina, and for other purposes; to the Committee on Resources.

By Mr. McHUGH (for himself, Mr. Davis of Illinois, Mr. Tom Davis of Virginia, and Mr. Waxman):

H.R. 22. A bill to reform the postal laws of the United States; to the Committee on Government Reform.

By Mr. FILNER:

H.R. 23. A bill to amend title 46, United States Code, and title II of the Social Security Act to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II; to the Committee on Veterans' Affairs, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CONYERS (for himself, Mr. Berman, and Ms. Zoe Lofgren of California):

H.R. 24. A bill to encourage the preservation and restoration of copyrighted works for research, scholarly, and educational purposes; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LINDER (for himself, Mr. DeLay, Mr. Brady of Texas, Mr. Culberson, Mr. Deal of Georgia, Mr. Flake, Mr. Gutknecht, Mr. King of Iowa, Mr. Kingston, Mr. Westmoreland, and Mr. Price of Georgia):

H.R. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Ways and Means.

By Mr. PORTER (for himself, Mr. Boehner, Mr. McKeon, and Mr. Tiahrt):

H.R. 26. A bill to amend the Workforce Investment Act of 1998 to establish a Personal Reemployment Accounts grant program to assist Americans in returning to work; to the Committee on Education and the Workforce.

By Mr. McKEON (for himself, Mr. Boehner, Mr. Tiberi, Mr. Porter, and Mr. Kline):

H.R. 27. A bill to enhance the workforce investment system of the Nation by strengthening one-stop career centers, providing for more effective governance arrangements, promoting access to a more comprehensive array of employment, training, and related services, establishing a targeted approach to serving youth, and improving performance accountability, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. BIGGERT (for herself, Mr. Davis of Tennessee, and Mr. Boehlert):

H.R. 28. A bill to amend the High-Performance Computing Act of 1991; to the Committee on Science.

By Mrs. BONO (for herself, Mr. Towns, Mr. Barton of Texas, Mr. Buyer, Mr. Gillmor, Mr. Hall, Mr. Radanovich, Mr. Walden of Oregon, Mr. Ferguson, Mr. Whitfield, Mrs. Cubin, Mr. Stearns, Mr. Bilirakis, Mr. Terry, and Mr. Otter):

H.R. 29. A bill to protect users of the Internet from unknowing transmission of their personally identifiable information through spyware programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MICA (for himself, Mr. Simmons, Mr. Stearns, Mr. Weldon of Pennsylvania, Mr. Cunningham, and Mr. Hunter):

H.R. 30. A bill to provide compensation for certain World War II veterans who survived the Bataan Death March and were held as prisoners of war by the Japanese; to the Committee on Armed Services.

By Mr. MICA:

H.R. 31. A bill to direct the Administrator of General Services to take such action as may be necessary to have the Federal Trade Commission vacate the building located at 600 Pennsylvania Avenue, NW, in the District of Columbia and to make that building available for occupancy by the National Gallery of Art; to the Committee on Transportation and Infrastructure.

By Mr. KNOLLENBERG (for himself, Mr. Green of Wisconsin, Mr. Ehlers, Mr. Simmons, Mr. Gillmor, Mr. Smith of Texas, Mr. Coble, Mr. McCotter, Mr. Camp, Mr. Upton, Mr. Rogers of Michigan, Mr. Wexler, Mr. Levin, Mr. Rohrabacher, Mr. Goodlatte, Mr. Weldon of Pennsylvania, Mrs. Miller of Michigan, Mr. Hoekstra, Mr. Chabot, Ms. Kaptur, Mr. McGovern, and Mr. Terry):

H.R. 32. A bill to amend title 18, United States Code, to provide criminal penalties for trafficking in counterfeit marks; to the Committee on the Judiciary.

By Mr. EHLERS:

H.R. 33. A bill to amend the Metric Conversion Act of 1975 to require Federal agencies to impose certain requirements on recipients of awards for scientific and engineering research; to the Committee on Science.

By Mr. JONES of North Carolina (for himself, Mr. Murtha, Mr. Lewis of Kentucky, Mr. Gibbons, Mr. Kingston, Mr. Coble, Mr. Hayworth, Mr. Gutknecht, Mr. Hoekstra, Mr. Putnam, Mr. Hayes, Mr. Gilchrest, Mr. Weldon of Pennsylvania, Mr. Franks of Arizona, Mr. Paul, Mr. Brady of Pennsylvania, Mr. Doyle, Mr. Michaud, Mr. Holden, Mr. Renzi, Mr. McIntyre, Mr. Hefley, Mr. Saxton, Mr. Murphy, and Mr. Kline):

H.R. 34. A bill to redesignate the Department of the Navy as the Department of the Navy and Marine Corps; to the Committee on Armed Services.

By Mr. BURGESS:

H.R. 35. A bill to authorize the Secretary of Transportation to carry out a project to widen Interstate Route 35 East in Denton County, Texas; to the Committee on Transportation and Infrastructure.

By Mr. KING of Iowa:

H.R. 36. A bill to amend the Internal Revenue Code of 1986 to provide for a small agri-biodiesel producer credit and to improve the small ethanol producer credit; to the Committee on Ways and Means.

By Mr. KING of Iowa (for himself, Ms. Harris, Mr. Paul, Mr. Rogers of Michigan, Mr. Sessions, Mr. Burgess, Mr. Weldon of Florida, Mr. Terry, Mr. Miller of Florida, Mr. Garrett of New Jersey, Mr. Sam Johnson of Texas, and Mr. Kline):

H.R. 37. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums for high deductible health plans required with respect to health savings accounts; to the Committee on Ways and Means.

By Mr. BAIRD:

H.R. 38. A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Resources.

By Mr. YOUNG of Alaska:

H.R. 39. A bill to establish and implement a competitive oil and gas leasing program that will result in an environmentally sound and job creating program for the exploration, development, and production of the oil and gas resources of the Coastal Plain, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Ms. Corrine Brown of Florida, Mr. Clay, Mr. Davis of Illinois, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Meek of Florida, Mr. Nadler, Mr. Olver, Mr. Payne, Mr. Rush, Mr. Thompson of Mississippi, Ms. Waters, Mr. Watt, Mr. Jackson of Illinois, Mr. McDermott, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Norton, Mr. Owens, Mr. Rangel, Ms. Schakowsky, Mr. Towns, and Ms. Watson):

H.R. 40. A bill to acknowledge the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the United States and the 13 American colonies between 1619 and 1865 and to establish a commission to examine the institution of slavery, subsequently de jure and de facto racial and economic discrimination against African-Americans, and the impact of these forces on living African-Americans, to make recommendations to the Congress on appropriate remedies, and for other purposes; to the Committee on the Judiciary.

By Mr. BARRETT of South Carolina (for himself, Mr. Cox, Mr. Simpson, Mr. Garrett of New Jersey, Mr. Green of Wisconsin, Mr. Wilson of South Carolina, Mr. Calvert, Mr. Burton of Indiana, Mr. Bonilla, Mr. Gary G. Miller of California, Mr. Bartlett of Maryland, Mr. Pitts, Mr. Doolittle, Mr. Ryun of Kansas, Mr. Chocola, Mr. Flake, and Mr. Goode):

H.R. 41. A bill to establish a commission on tax reform; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 42. A bill to ensure that the right of an individual to display the flag of the United States on residential property not be abridged; to the Committee on Financial Services.

By Mr. BARTLETT of Maryland:

H.R. 43. A bill to recognize the birthdays of Presidents George Washington and Abraham Lincoln; to the Committee on Government Reform.

By Mr. BARTLETT of Maryland:

H.R. 45. A bill to amend the Internal Revenue Code of 1986 to prohibit the use of public funds for political party conventions; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:

H.R. 46. A bill to amend the Federal Election Campaign Act of 1971 to repeal the requirement that persons making disbursements for electioneering communications file reports on such disbursements with the Federal Election Commission and the prohibition against the making of disbursements for electioneering communications by corporations and labor organizations, and for other purposes; to the Committee on House Administration.

By Mr. BARTLETT of Maryland:

H.R. 47. A bill to protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right; to the Committee on the Judiciary.

By Mr. BARTLETT of Maryland:

H.R. 48. A bill to amend the Controlled Substances Act and the Controlled Substances Import and Export Act with respect to penalties for powder cocaine and crack cocaine offenses; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. BIGGERT (for herself and Mr. Strickland):

H.R. 49. A bill to amend title V of the Elementary and Secondary Education Act of 1965 to raise awareness of eating disorders and to create educational programs concerning the same, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURGESS:

H.R. 51. A bill to amend the Internal Revenue Code of 1986 to increase the dollar limitation on employer-provided group term life insurance that can be excluded from the gross income of the employee; to the Committee on Ways and Means.

By Mrs. CAPITO:

H.R. 52. A bill to amend title 18, United States Code, to further protect rail and mass transportation, and for other purposes; to the Committee on the Judiciary.

By Mrs. CAPITO:

H.R. 53. A bill to suspend temporarily the duty on chloroneb; to the Committee on Ways and Means.

By Mr. CASTLE:

H.R. 54. A bill to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes; to the Committee on Financial Services.

By Mr. DREIER:

H.R. 55. A bill to make the Federal employees health benefits program available to individuals age 55 to 65 who would not otherwise have health insurance; to the Committee on Government Reform.

By Mrs. CHRISTENSEN (for herself, Mr. Lewis of Georgia, Mr. Cummings, Ms. Carson, Mr. Scott of Virginia, Mr. Payne, Mr. Wynn, Mr. Meek of Florida, Ms. Watson, Mr. Clyburn, Ms. Eddie Bernice Johnson of Texas, Ms. Corrine Brown of Florida, and Ms. Kilpatrick of Michigan):

H.R. 56. A bill to direct the Secretary of Health and Human Services to establish health empowerment zone programs in communities that disproportionately experience disparities in health status and health care, and for other purposes; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN (for herself and Ms. Bordallo):

H.R. 57. A bill to amend titles XI and XIX of the Social Security Act to remove the cap on Medicaid payments for Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa and to adjust the Medicaid statutory matching rate for those territories; to the Committee on Energy and Commerce.

By Mrs. CHRISTENSEN:

H.R. 59. A bill to repeal certain sections of the Act of May 26, 1936, pertaining to the Virgin Islands; to the Committee on Resources.

By Ms. JACKSON-LEE of Texas (for herself, Mr. Rohrabacher, Mr. Towns, Mr. Pallone, Mr. McDermott, Mr. Payne, Mr. Wu, and Mr. Faleomavaega):

H.R. 60. A bill to designate Sri Lanka, India, Indonesia, Thailand, Somalia, Myanmar, Malaysia, Maldives, Tanzania, Seychelles, Bangladesh, and Kenya under section 244 of the Immigration and Nationality Act in order to render nationals of such foreign states eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 61. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the St. Croix National Heritage Area in St. Croix, United States Virgin Islands, and for other purposes; to the Committee on Resources.

By Mrs. CHRISTENSEN (for herself and Mr. Rahall):

H.R. 62. A bill to create the Office of Chief Financial Officer of the Government of the Virgin Islands, and for other purposes; to the Committee on Resources.

By Mr. CONYERS (for himself, Mr. Nadler, Mr. Watt, Ms. Jackson-Lee of Texas, Mr. Weiner, Ms. Norton, Ms. Carson, Mr. Hastings of Florida, Mrs. Christensen, Mr. Fattah, Ms. Lee, Ms. Millender-McDonald, Mr. Owens, Mr. Cummings, and Mr. Wynn):

H.R. 63. A bill to treat the Tuesday next after the first Monday in November in the same manner as any legal public holiday for purposes of Federal employment, and for other purposes; to the Committee on Government Reform.

By Mr. COX (for himself, Mr. Bonilla, Mrs. Blackburn, Mr. Feeney, Mr. Akin, Mr. Shimkus, Mr. Shuster, Mr. Sullivan, Mr. Mario Diaz-Balart of Florida, Mr. Weller, Mr. King of Iowa, Mrs. Myrick, Mr. Coble, Mr. Wamp, Mr. McCrery, Mr. Cunningham, Mr. McHugh, Mr. Cantor, Mr. Chocola, Miss McMorris, Mr. Gibbons, Mr. Dreier, Mr. Fossella, Mr. Gary G. Miller of California, Mrs. Jo Ann Davis of Virginia, Mr. Norwood, Mr. Otter, Mr. Blunt, Mr. Ferguson, Mr. Brown of South Carolina, Mr. Kingston, Mr. Hall, Mr. Manzullo, Mr. Simpson, Mr. Bartlett of Maryland, Mr. Calvert, Mrs. Bono, Mr. Oxley, Mr. Miller of Florida, Mr. Issa, Mr. Pence, Mr. Neugebauer, Mr. Alexander, Mr. Hunter, Mr. Wilson of South Carolina, Mr. Franks of Arizona, Mrs. Musgrave, Mr. Aderholt, Mr. Burton of Indiana, Mr. Tiberi, Mr. Burgess, Mr. Boozman, Mr. Kline, Mr. Forbes, Mr. Mack, Mr. Kirk, Mr. Doolittle, Mr. Boehner, Mrs. Kelly, and Mr. Jones of North Carolina):

H.R. 64. A bill to repeal the Federal death tax, including the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

By Mr. GIBBONS:

H.R. 65. A bill to amend the age restrictions for pilots; to the Committee on Transportation and Infrastructure.

By Mr. COX (for himself, Mr. Conyers, Mr. Akin, Mr. Bartlett of Maryland, Mr. Barton of Texas, Mr. Bass, Mr. Beauprez, Mrs. Blackburn, Mrs. Bono, Mr. Boozman, Mr. Boyd, Mr. Bradley of New Hampshire, Ms. Ginny Brown-Waite of Florida, Mr. Burgess, Mr. Burton of Indiana, Mr. Calvert, Mr. Chocola, Mr. Cole of Oklahoma, Mr. Cunningham, Mrs. Jo Ann Davis of Virginia, Mr. Lincoln Diaz-Balart of Florida, Mr. Doolittle, Mr. Duncan, Mr. Ehlers, Mr. Feeney, Mr. Flake, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Gillmor, Mr. Gingrey, Mr. Goode, Mr. Graves, Mr. Green of Wisconsin, Mr. Gutierrez, Mr. Hall, Mr. Hayes, Mr. Hefley, Mr. Herger, Mr. Hostettler, Mr. Issa, Mr. Istook, Mr. Jones of North Carolina, Mr. King of Iowa, Mr. McCotter, Mr. McHugh, Mr. Manzullo, Mrs. Miller of Michigan, Mr. Miller of Florida, Mrs. Musgrave, Mrs. Myrick, Mr. Neugebauer, Mrs. Northup, Mr. Otter, Mr. Owens, Mr. Payne, Mr. Paul, Mr. Pearce, Mr. Pence, Mr. Pitts, Mr. Radanovich, Mr. Rohrabacher, Mr. Royce, Mr. Ryun of Kansas, Mr. Sensenbrenner, Mr. Sessions, Mr. Simpson, Mr. Smith of New Jersey, Mr. Stearns, Mr. Tancredo, Mr. Terry, Mr. Turner, and Mr. Wilson of South Carolina):

H.R. 66. A bill to amend the Internal Revenue Code of 1986 to improve health care choice by providing for the tax deductibility of medical expenses by individuals; to the Committee on Ways and Means.

By Mr. CRENSHAW:

H.R. 67. A bill to establish the National Commission on the Modernization of the United Nations; to the Committee on International Relations.

By Mr. CULBERSON (for himself, Mr. DeLay, Mr. Gene Green of Texas, and Mr. Schiff):

H.R. 68. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the establishment of the National Aeronautics and Space Administration and the Jet Propulsion Laboratory; to the Committee on Financial Services.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 69. A bill to require assurances that certain family planning service projects and programs will provide pamphlets containing the contact information of adoption centers; to the Committee on Energy and Commerce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 70. A bill to authorize States to regulate the receipt and disposal of out-of-State municipal solid waste; to the Committee on Energy and Commerce.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 71. A bill to support the Boy Scouts of America and the Girl Scouts of the United States of America; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 72. A bill to define marriage for all legal purposes in the District of Columbia to consist of the union of one man and one woman; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 73. A bill to direct the Secretary of the Interior to conduct a study of the suitability and feasibility of establishing the Northern Neck National Heritage Area in Virginia, and for other purposes; to the Committee on Resources.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 74. A bill to amend the Federal Water Pollution Control Act to impose limitations on wetlands mitigation activities carried out through the condemnation of private property; to the Committee on Transportation and Infrastructure.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 75. A bill to require the Comptroller General to prepare statements for bills and resolutions reported by committees of the House of Representatives and the Senate on whether any new entities, programs, or functions authorized by the bills or resolutions are redundant with existing Federal entities, programs, or functions and could be more efficiently performed by an existing Federal entity, program, or function, and to require such statements to accompany reports on legislation; to the Committee on Government Reform, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DUNCAN:

H.R. 76. A bill to amend title 38, United States Code, to improve access to medical services for veterans seeking treatment at Department of Veterans Affairs outpatient clinics with exceptionally long waiting periods; to the Committee on Veterans' Affairs.

By Mr. DUNCAN:

H.R. 77. A bill to amend title II of the Social Security Act to allow remarried widows, widowers, and surviving divorced spouses to become or remain entitled to widow's or widower's insurance benefits if the prior marriage was for at least 10 years; to the Committee on Ways and Means.

By Mr. DUNCAN:

H.R. 78. A bill to amend title II of the Social Security Act to provide for payment of lump-sum death payments upon the death of a spouse; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 79. A bill to establish the Medicare Eligible Military Retiree Health Care Consensus Task Force; to the Committee on Armed Services.

By Mrs. EMERSON:

H.R. 80. A bill to amend title II of the Social Security Act to provide for an improved benefit computation formula for workers affected by the changes in benefit computation rules enacted in the Social Security Amendments of 1977 who attain age 65 during the 10-year period after 1981 and before 1992 (and related beneficiaries) and to provide prospectively for increases in their benefits accordingly; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 81. A bill to amend the Federal Education Right to Privacy Act to improve the access of the victims of crimes to information concerning the outcome of disciplinary proceedings by institutions of higher education; to the Committee on Education and the Workforce.

By Mr. FRELINGHUYSEN:

H.R. 82. A bill to regulate the use by interactive computer services of Social Security account numbers and related personally indentifiable information; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 83. A bill to require customer consent to the provision of wireless call location information; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 84. A bill to require the Federal Trade Commission to prescribe regulations to protect the privacy of personal information collected from and about individuals who are not covered by the Children's Online Privacy Protection Act of 1998 on the Internet, to provide greater individual control over the collection and use of that information, and for other purposes; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 85. A bill to direct the Federal Trade Commission to issue rules which prohibit expiration dates and fees on gift certificates; to the Committee on Energy and Commerce.

By Mr. FRELINGHUYSEN:

H.R. 86. A bill to prohibit a State from imposing a discriminatory commuter tax on nonresidents, and for other purposes; to the Committee on the Judiciary.

By Mr. FRELINGHUYSEN:

H.R. 87. A bill to establish the Crossroads of the American Revolution National Heritage Area in the State of New Jersey, and for other purposes; to the Committee on Resources.

By Mr. FRELINGHUYSEN:

H.R. 89. A bill to require air carriers to honor tickets for bankrupt air service; to the Committee on Transportation and Infrastructure.

By Mr. FRELINGHUYSEN:

H.R. 90. A bill to amend title 38, United States Code, to establish a comprehensive program for testing and treatment of veterans for the Hepatitis C virus; to the Committee on Veterans' Affairs.

By Mr. FRELINGHUYSEN:

H.R. 92. A bill to amend title XVIII of the Social Security Act to permit Medicare beneficiaries upon request to use an identification number other than a social security account number under the Medicare Program in order to deter identity theft; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST:

H.R. 93. A bill to assist in the conservation of flagship species throughout the world; to the Committee on Resources.

By Mr. GILLMOR:

H.R. 94. A bill to provide Capitol-flown flags to the families of law enforcement officers and firefighters killed in the line of duty; to the Committee on House Administration.

By Mr. GILLMOR (for himself, Mr. POMEROY, and Mr. KENNEDY of Minnesota):

H.R. 95. A bill to establish a National sex offender registration database, and for other purposes; to the Committee on the Judiciary.

By Mr. GRAVES:

H.R. 96. A bill to amend section 302 of the PROTECT Act to modify the standards for the issuance of alerts through the AMBER Alert communications network; to the Committee on the Judiciary.

By Mr. GRAVES:

H.R. 97. A bill to establish requirements with respect to the terms of consumer credit extended by a creditor to a servicemember or the dependent of a servicemember, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. DREIER (for himself, Mr. BRADLEY of New Hampshire, Mr. SMITH of Texas, Mr. ISSA, Mr. TANCREDO, and Mr. REYES):

H.R. 98. A bill to amend the Immigration and Nationality Act to enforce restrictions on employment in the United States of unauthorized aliens through the use of improved Social Security cards and an Employment Eligibility Database, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Homeland Security, and Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NUNES:

H.R. 99. A bill to designate California State Route 99 as a high priority corridor on the National Highway System and a future route on the Interstate System; to the Committee on Transportation and Infrastructure.

By Mr. DREIER (for himself and Mr. SENSENBRENNER):

H.R. 100. A bill to amend the Immigration and Nationality Act to modify provisions relating to judicial review of orders of removal; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 108. A bill to provide that no more than 50 percent of funding made available under the Low-Income Home Energy Assistance Act of 1981 for any fiscal year be provided for home heating purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HERSETH:

H.R. 109. A bill to provide compensation to the Lower Brule and Crow Creek Sioux Tribes of South Dakota for damage to tribal land caused by Pick-Sloan projects along the Missouri River; to the Committee on Resources.

By Mr. HOLT:

H.R. 110. A bill to amend the Federal Insecticide, Fungicide, and Rodenticide Act to require local educational agencies and schools to implement integrated pest management systems to minimize the use of pesticides in schools and to provide parents, guardians, and employees with notice of the use of pesticides in schools, and for other purposes; to the Committee on Agriculture.

By Mr. CALVERT (for himself, Mr. KANJORSKI, Mr. LaTOURETTE, Mrs. NORTHUP, Mr. SHERMAN, Mr. HINCHEY, Mr. LEWIS of California, Mr. FARR, Mr. BACA, Ms. BALDWIN, Mr. BISHOP of Georgia, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BRADY of Texas, Mr. CASE, Mr. CRAMER, Mr. CULBERSON, Mr. DAVIS of Illinois, Mr. DAVIS of Florida, Mr. DeFAZIO, Ms. DeGETTE, Mr. DOGGETT, Mr. WOLF, Mr. ISRAEL, Ms. WOOLSEY, Mr. McCOTTER, Mr. WEINER, Mr. FORD, Ms. SOLIS, Ms. SLAUGHTER, Mr. LANGEVIN, Mr. GRIJALVA, Mr. CLAY, Mr. ENGEL, Mr. MARSHALL, Mr. SANDERS, Mr. VAN HOLLEN, Mr. MATHESON, Mr. SCHIFF, Mr. GEORGE MILLER of California, Mr. ROGERS of Alabama, Mr. McINTYRE, Mr. WAXMAN, Mr. McHUGH, Mr. GORDON, Ms. ESHOO, Mr. PALLONE, Mr. WHITFIELD, Mr. SIMMONS, Mr. HINOJOSA, Mr. OWENS, Mr. HOLDEN, Ms. WATERS, Mr. FRELINGHUYSEN, Mr. SAXTON, Mr. SMITH of New Jersey, Ms. MILLENDER-McDONALD, Mr. THOMPSON of California, Mr. MICHAUD, Ms. KILPATRICK of Michigan, Mr. GENE GREEN of Texas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Ms. LORETTA SANCHEZ of California, Ms. LEE, Mr. ANDREWS, Mr. EVANS, Mr. MEEKS of New York, Ms. KAPTUR, Mr. CHANDLER, Mr. MORAN of Virginia, Mr. HERGER, Mrs. LOWEY, Mr. CARDOZA, Mrs. NAPOLITANO, Mr. LARSON of Connecticut, Mr. KNOLLENBERG, Mr. LANTOS, Mr. PAYNE, Mr. COSTELLO, Mr. NEAL of Massachusetts, Mr. BERMAN, Mr. RADANOVICH, Mr. CUNNINGHAM, Ms. SCHAKOWSKY, Mr. WALSH, Mr. EVERETT, Mr. LEVIN, Ms. HOOLEY, Mr. BARTLETT of Maryland, Mr. FOLEY, Mr. HOLT, Mr. GALLEGLY, Mr. WEXLER, Mr. ABERCROMBIE, Mr. ROTHMAN, Mr. WAMP, Ms. LINDA T. SÁNCHEZ of California, Mrs. BONO, Mr. DICKS, Mr. ALLEN, Mr. OTTER, Mr. HOBSON, Mr. DAVIS of Tennessee, and Mr. DUNCAN):

H.R. 111. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Financial Services.

By Mr. HOLT:

H.R. 112. A bill to require the videotaping of interrogations and other pertinent actions between a detainee or prisoner in the custody or under the effective control of the armed forces of the United States pursuant to an interrogation, or other pertinent interaction, for the purpose of gathering intelligence and a member of the armed forces of the United States, an intelligence operative of the United States, or a contractor of the United States; to the Committee on Armed Services.

By Mr. KENNEDY of Minnesota:

H.R. 113. A bill to require the Secretary of Transportation, in computing the estimated tax payments attributed to highway users for purposes of title 23, United States Code, to take into account the replacement of the reduced rates of tax on gasohol with an excise tax credit; to the Committee on Transportation and Infrastructure.

By Mr. HOLT (for himself, Mr. BISHOP of New York, Mr. GEORGE MILLER of California, Ms. PELOSI, Mr. KILDEE, Mr. PAYNE, Mr. ANDREWS, Ms. WOOLSEY, Mr. HINOJOSA, Mr. TIERNEY, Mr. KIND, Mr. WU, Mr. DAVIS of Illinois, Mr. VAN HOLLEN, Mrs. LOWEY, Mr. DAVIS of Alabama, and Ms. McCOLLUM of Minnesota):

H.R. 114. A bill to limit the applicability of the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005-2006, prescribed on December 23, 2004; to the Committee on Education and the Workforce.

By Mr. HOLT:

H.R. 115. A bill to strengthen the national security through the expansion and improvement of foreign language study, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Intelligence (Permanent Select), and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT:

H.R. 116. A bill to amend the Congressional Budget Act of 1974 to preserve all budget surpluses until legislation is enacted significantly extending the solvency of the Social Security and Medicare trust funds; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOLT (for himself and Mrs. LOWEY):

H.R. 117. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a tax deduction for higher education expenses, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. HOOLEY:

H.R. 118. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit to small businesses for the costs of qualified health insurance; to the Committee on Ways and Means.

By Ms. HOOLEY:

H.R. 119. A bill to amend the Internal Revenue Code of 1986 to provide a credit to employers for hiring new employees; to the Committee on Ways and Means.

By Mr. ISSA (for himself, Mr. WILSON of South Carolina, and Mr. CALVERT):

H.R. 120. A bill to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building"; to the Committee on Government Reform.

By Mr. ISSA:

H.R. 121. A bill to make technical corrections in patent law; to the Committee on the Judiciary.

By Mr. ISSA (for himself, Mr. CALVERT, and Mrs. BONO):

H.R. 122. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Eastern Municipal Water District Recycled Water System Pressurization and Expansion Project; to the Committee on Resources.

By Mr. ISSA (for himself, Mr. CALVERT, and Mrs. BONO):

H.R. 123. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Elsinore Valley Municipal Water District Wildomar Service Area Recycled Water Distribution Facilities and Alberhill Wastewater Treatment and Reclamation Facility Projects; to the Committee on Resources.

By Mr. ISSA:

H.R. 124. A bill to provide an environmentally sound process for the expeditious consideration and approval of a high-voltage electricity transmission line right-of-way through the Trabuco Ranger District of the Cleveland National Forest in the State of California and adjacent lands under the jurisdiction of the Bureau of Land Management and the Forest Service; to the Committee on Resources.

By Mr. ISSA (for himself and Mr. CALVERT):

H.R. 125. A bill to authorize the Secretary of the Interior to construct facilities to provide water for irrigation, municipal, domestic, military, and other uses from the Santa Margarita River, California, and for other purposes; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. JONES of North Carolina:

H.R. 126. A bill to amend Public Law 89-366 to allow for an adjustment in the number of free roaming horses permitted in Cape Lookout National Seashore; to the Committee on Resources.

By Mrs. JONES of Ohio (for herself, Ms. LEE, Mr. PAYNE, Mr. HOLT, Mr. McDERMOTT, Ms. MILLENDER-McDONALD, Ms. JACKSON-LEE of Texas, Mr. MOORE of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. McCOLLUM of Minnesota, Ms. KAPTUR, Mr. KILDEE, Ms. NORTON, and Ms. WOOLSEY):

H.R. 127. A bill to provide loan forgiveness to social workers who work for child protective agencies; to the Committee on Education and the Workforce.

By Mrs. JONES of Ohio (for herself, Mr. WELDON of Pennsylvania, Mr. McHUGH, Mr. CONYERS, Mr. DICKS, Mr. PAYNE, Mr. JEFFERSON, Mr. GRIJALVA, Ms. LEE, Mr. GILLMOR, Mr. SHIMKUS, Mr. WHITFIELD, Mr. LaTOURETTE, Mr. McDERMOTT, Mr. PORTMAN, Mr. WEINER, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Ms. JACKSON-LEE of Texas, Ms. McCOLLUM of Minnesota, and Mr. ANDREWS):

H.R. 128. A bill to establish a demonstration incentive program within the Department of Education to promote installation of fire sprinkler systems, or other fire suppression or prevention technologies, in qualified student housing and dormitories, and for other purposes; to the Committee on Education and the Workforce.

By Mrs. JONES of Ohio:

H.R. 129. A bill to allow a waiver or exemption of certain requirements for restricted airspace if security is not reduced; to the Committee on Transportation and Infrastructure.

By Ms. KAPTUR (for herself, Mr. WALSH, Mr. BOEHLERT, Ms. BORDALLO, Ms. DeLAURO, Mr. FARR, Mr. HINCHEY, Mrs. JONES of Ohio, Ms. KILPATRICK of Michigan, Mr. KIND, Ms. LEE, Mr. McHUGH, Mr. PAYNE, Mr. SANDERS, Mr. SERRANO, Ms. SLAUGHTER, and Mr. TOWNS):

H.R. 131. A bill to amend the Farm Security and Rural Investment Act of 2002 to reform funding for the Seniors Farmers' Market Nutrition Program, and for other purposes; to the Committee on Agriculture.

By Mr. KELLER (for himself, Mr. FOSSELLA, Mr. JENKINS, Mr. CRENSHAW, Ms. ROS-LEHTINEN, Mr. MILLER of Florida, and Mr. WILSON of South Carolina):

H.R. 132. A bill to amend the Higher Education Act of 1965 to prevent sex offenders subject to involuntary civil commitments from receiving Federal student financial aid; to the Committee on Education and the Workforce.

By Mr. KELLER:

H.R. 133. A bill to increase the maximum Pell Grant; to the Committee on Education and the Workforce.

By Mr. KILDEE (for himself, Mr. VAN HOLLEN, and Mr. GEORGE MILLER of California):

H.R. 134. A bill to prevent abuse of the special allowance subsidies under the Federal Family Education Loan Program; to the Committee on Education and the Workforce.

By Mr. LINDER (for himself, Mr. HAYWORTH, Mr. DUNCAN, Mr. CARDOZA, Mr. KINGSTON, Mr. ROYCE, Mr. CALVERT, Mr. GARY G. MILLER of California, and Ms. BORDALLO):

H.R. 135. A bill to establish the "Twenty-First Century Water Commission" to study and develop recommendations for a comprehensive water strategy to address future water needs; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 136. A bill to provide that Executive Order 13166 shall have no force or effect, and to prohibit the use of funds for certain purposes; to the Committee on Government Reform.

By Mr. KING of New York:

H.R. 137. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in income taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. KINGSTON:

H.R. 138. A bill to revise the boundaries of John H. Chafee Coastal Barrier Resources System Jekyll Island Unit GA-06P; to the Committee on Resources.

By Mr. LANTOS:

H.R. 139. A bill to provide for the recapture of unused employment-based immigrant visa numbers in order to facilitate improved health care for all persons in the United States; to the Committee on the Judiciary.

By Mr. McHUGH:

H.R. 140. A bill to promote the use of anaerobic digesters by agricultural producers and rural small businesses to produce renewable energy and improve environmental quality; to the Committee on Agriculture.

By Mr. McHUGH:

H.R. 141. A bill to amend the Internal Revenue Code of 1986 to provide for a permanent extension of the credit for producing electricity from wind; to the Committee on Ways and Means.

By Mr. McHUGH:

H.R. 142. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for farmers' investments in value-added agriculture; to the Committee on Ways and Means.

By Mr. McHUGH:

H.R. 143. A bill to provide job creation and assistance, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McHUGH:

H.R. 144. A bill to bridge the digital divide in rural areas; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 145. A bill to establish a grant program to support cluster-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCHUGH:

H.R. 146. A bill to establish a grant program to support broadband-based economic development efforts; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCKEON (for himself, Mr. BERMAN, Mrs. BIGGERT, Mr. BOEHLERT, Mr. MCHUGH, Mr. GOODE, Mr. BAKER, Mr. LEWIS of California, Mr. SAXTON, Mr. PAUL, Mr. CUNNINGHAM, Mr. NEUGEBAUER, Mrs. EMERSON, Mr. GENE GREEN of Texas, Mr. VAN HOLLEN, Mr. MCGOVERN, Mr. BUTTERFIELD, Mr. WYNN, Mr. WAXMAN, Mr. MCINTYRE, Mrs. CAPPS, Ms. ROYBAL-ALLARD, Mr. BROWN of Ohio, Mr. DUNCAN, Mr. GARY G. MILLER of California, Mr. BONNER, Mr. PORTER, Mr. BURGESS, Mr. NEY, Mr. CALVERT, Mrs. JO ANN DAVIS of Virginia, Mr. HAYES, Ms. LEE, Mr. KIND, Mr. FILNER, Mr. DOGGETT, Mr. STRICKLAND, Ms. ZOE LOFGREN of California, Mr. SCOTT of Georgia, Mr. ENGEL, Mr. CROWLEY, Mr. MOLLOHAN, Mr. PALLONE, Mr. MICHAUD, Ms. DELAURO, Mrs. MCCARTHY, Mr. WEINER, Ms. ESHOO, Mr. GOODLATTE, Ms. ROS-LEHTINEN, Mr. BRADLEY of New Hampshire, Mr. GARRETT of New Jersey, Mr. WALSH, Mr. SIMMONS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. NUNES, Mr. LATOURETTE, Mr. ROGERS of Alabama, Mr. OLVER, Mr. TOM DAVIS of Virginia, Mr. SHERMAN, Mr. ALEXANDER, Mr. DEFAZIO, Mr. LYNCH, Mr. GRIJALVA, Ms. MILLENDER-MCDONALD, Mr. HOLDEN, Mr. EDWARDS, Ms. WATERS, Mrs. MALONEY, Ms. SOLIS, Mrs. LOWEY, Mr. OBERSTAR, Mr. BISHOP of Georgia, Mr. CLAY, Mr. PAYNE, Mr. FARR, Mr. EVANS, Mr. COSTELLO, Mr. MOORE of Kansas, Mr. NADLER, Mr. HONDA, Ms. SLAUGHTER, Mr. HASTINGS of Florida, Mr. ROSS, Ms. LINDA T. SÁNCHEZ of California, Mr. LANGEVIN, Mr. BOUCHER, Mr. ORTIZ, Mr. INSLEE, Ms. SCHAKOWSKY, Mr. PETERSON of Minnesota, Mr. LARSON of Connecticut, Mr. BERRY, Mr. SCOTT of Virginia, Mr. KILDEE, Mr. CAPUANO, Ms. BERKLEY, Mr. HINCHEY, Mr. SCHIFF, Mr. HOLT, Mr. EMANUEL, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CHANDLER, Mr. RUSH, Mr. JENKINS, Mr. CUMMINGS, Mr. BONILLA, Mr. DAVIS of Florida, Mr. CARDOZA, Mr. BACA, Ms. HARMAN, Mr. LANTOS, Mrs. DAVIS of California, Mr. HALL, Ms. KILPATRICK of Michigan, Mr. DAVIS of Illinois, Mr. ROTHMAN, Mr. WELLER, Mr. GALLEGLY, and Mr. ALLEN):

H.R. 147. A bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions; to the Committee on Ways and Means.

By Mr. MENENDEZ:

H.R. 148. A bill to require the Federal Communications Commission to report to Congress regarding the ownership and control of broadcast stations used to serve language minorities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. MENENDEZ (for himself and Ms. ROS-LEHTINEN):

H.R. 149. A bill to posthumously award a Congressional gold medal to Celia Cruz; to the Committee on Financial Services.

By Mr. MENENDEZ:

H.R. 150. A bill to authorize the Secretary of the Interior to provide a grant to the State of New Jersey for the construction of a memorial to the New Jersey victims of the terrorist attacks of September 11, 2001; to the Committee on Resources.

By Mr. MENENDEZ:

H.R. 151. A bill to ensure that all college students and their families have the tools and resources to adequately save for, finance, and repay their postsecondary and post-baccalaureate expenses; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 152. A bill to amend part D of title XVIII of the Social Security Act to improve the coordination of prescription drug coverage provided under retiree plans and State pharmaceutical assistance programs with the prescription drug benefit provided under the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-MCDONALD:

H.R. 155. A bill to provide additional appropriations for the fiscal year 2005 for the MTCT-Plus Initiative at Columbia University's Mailman School of Public Health; to the Committee on Appropriations.

By Ms. MILLENDER-MCDONALD:

H.R. 156. A bill to require the Secretary of Defense to report to Congress regarding the requirements applicable to the inscription of veterans' names on the memorial wall of the Vietnam Veterans Memorial; to the Committee on Armed Services.

By Ms. MILLENDER-MCDONALD:

H.R. 157. A bill to direct the Equal Employment Opportunity Commission to prepare a report about how the Fair Labor Standards Act of 1938 has been used by public and private sector employers to foster or exacerbate pay inequity, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H.R. 158. A bill to direct the Secretary of Education to conduct a study of the rate at which Native Americans and students who reside in American Samoa, the Northern Mariana Islands, and Guam drop out of secondary schools in the United States, and for other purposes; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H.R. 159. A bill to provide, with respect to diabetes in minority populations, for an increase in the extent of activities carried out by the Centers for Disease Control and Prevention and the National Institutes of Health; to the Committee on Energy and Commerce.

By Ms. MILLENDER-MCDONALD:

H.R. 160. A bill to amend title XIX of the Social Security Act to permit States to expand Medicaid eligibility to uninsured, poor adults; to the Committee on Energy and Commerce.

By Ms. MILLENDER-MCDONALD:

H.R. 161. A bill to authorize the Director of the Centers for Disease Control and Prevention to conduct minority health programs; to the Committee on Energy and Commerce.

By Ms. MILLENDER-MCDONALD:

H.R. 162. A bill to authorize the use of Federal funds for research on human embryonic stem cells irrespective of the date on which such stem cells were derived, and for other purposes; to the Committee on Energy and Commerce.

By Ms. MILLENDER-MCDONALD:

H.R. 164. A bill to amend the Foreign Assistance Act of 1961 to provide for the establishment of a network of pediatric centers in certain developing countries to provide treatment and care for children with HIV/AIDS, and for other purposes; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD:

H.R. 165. A bill to improve the safety of firearms; to the Committee on the Judiciary.

By Ms. MILLENDER-MCDONALD:

H.R. 166. A bill to amend the Small Business Act to allow more joint ventures, leader-follower arrangements, and teaming arrangements under the section 8(a) minority business development program; to the Committee on Small Business.

By Ms. MILLENDER-MCDONALD:

H.R. 167. A bill to amend the Small Business Investment Act of 1958 to establish a pilot program for lending to small, nonprofit child care businesses; to the Committee on Small Business.

By Ms. MILLENDER-MCDONALD:

H.R. 168. A bill to amend title 23, United States Code, to establish a goods movement program to improve the productivity, security, and safety of freight transportation gateways; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-MCDONALD:

H.R. 169. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to designate a high priority corridor in California; to the Committee on Transportation and Infrastructure.

By Ms. MILLENDER-MCDONALD:

H.R. 170. A bill to amend title 38, United States Code, to improve benefits for Filipino veterans of World War II, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. MILLENDER-MCDONALD:

H.R. 171. A bill to restore the standards used for determining whether technical workers are not employees as in effect before the Tax Reform Act of 1986; to the Committee on Ways and Means.

By Ms. MILLENDER-MCDONALD:

H.R. 172. A bill to authorize the Secretary of Health and Human Services to carry out programs regarding the prevention and management of asthma, allergies, and related respiratory problems, to establish a tax credit regarding pest control and indoor air quality and climate control services for multifamily residential housing in low-income communities, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 174. A bill to encourage greater use of geothermal energy resources; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 175. A bill to amend title XVIII of the Social Security Act to provide for the use of qualified family caregivers in the provision of home health aide services under the Medicare Program; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself and Mr. FRANK of Massachusetts):

H.R. 176. A bill to facilitate homeownership in high-cost areas; to the Committee on Financial Services.

By Mr. GARY G. MILLER of California (for himself, Mr. CALVERT, Mr. DREIER, Mr. COX, Mr. ROHRABACHER, and Mr. ROYCE):

H.R. 177. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Prado Basin Natural Treatment System Project, to authorize the Secretary to carry out a program to assist agencies in projects to construct regional brine lines in California, to authorize the Secretary to participate in the Lower Chino Dairy Area desalination demonstration and reclamation project, and for other purposes; to the Committee on Resources.

By Mr. GARY G. MILLER of California:

H.R. 178. A bill to suspend temporarily the duty on Dichloroethyl Ether; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mrs. JO ANN DAVIS of Virginia):

H.R. 179. A bill to amend the Internal Revenue Code of 1986 to repeal the 1993 increase in taxes on Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mrs. JO ANN DAVIS of Virginia):

H.R. 180. A bill to amend the Internal Revenue Code of 1986 to repeal the inclusion in gross income of Social Security benefits; to the Committee on Ways and Means.

By Mr. PAUL (for himself and Mr. FEENEY):

H.R. 181. A bill to prohibit the use of Federal funds for any universal or mandatory mental health screening program; to the Committee on Energy and Commerce, and in addition to the Committees on Education and the Workforce, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PITTS:

H.R. 182. A bill to provide dollars to the classroom; to the Committee on Education and the Workforce.

By Mr. PITTS:

H.R. 183. A bill to make the repeal of the estate tax permanent; to the Committee on Ways and Means.

By Mr. PITTS (for himself, Ms. ESHOO, Mr. CANNON, Mr. BISHOP of Utah, and Mr. CUNNINGHAM):

H.R. 184. A bill to amend the Controlled Substances Import and Export Act to provide authority to the Attorney General to authorize any controlled substance that is in schedule I or II or is a narcotic drug in schedule III or IV to be exported from the United States to a country for subsequent export from that country to another country, if certain conditions are met; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PLATTS (for himself and Mr. TOM DAVIS of Virginia):

H.R. 185. A bill to require the review of Government programs at least once every 5 years for purposes of evaluating their performance; to the Committee on Government Reform.

By Mr. POMBO:

H.R. 186. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation and in coordination with other Federal, State, and local government agencies, to participate in the funding and implementation of a balanced, long-term groundwater remediation program in California, and for other purposes; to the Committee on Resources.

By Mr. POMEROY:

H.R. 187. A bill to prohibit the operation during a calendar year of the final rule issued by the Secretary of Agriculture to establish standards for the designation of minimal-risk regions for the introduction of bovine spongiform encephalopathy into the United States, including designation of Canada as a minimal-risk region, unless United States access to major markets for United States exports of cattle and beef products is equivalent or better than the access status accorded such exports as of January 1, 2003; to the Committee on Agriculture.

By Mr. RANGEL:

H.R. 188. A bill to posthumously award a Congressional gold medal to Shirley Chisholm; to the Committee on Financial Services.

By Mr. ROHRABACHER:

H.R. 190. A bill to restore the Federal electoral rights of the residents of the District of Columbia, and for other purposes; to the Committee on House Administration, and in addition to the Committees on Government Reform, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROYCE (for himself and Mr. KANJORSKI):

H.R. 191. A bill to amend the Federal Credit Union Act with respect to the limitations on member business loans; to the Committee on Financial Services.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 192. A bill to authorize increased funding for research at the National Institutes of Health relating to Alzheimer's disease, to amend the Public Health Service Act to authorize an education and outreach program to promote public awareness and risk reduction with respect to Alzheimer's disease (with particular emphasis on education and outreach in Hispanic populations), and for other purposes; to the Committee on Energy and Commerce.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 193. A bill to amend the Immigration and Nationality Act to provide for compensation to States incarcerating undocumented aliens charged with a felony or two or more misdemeanors; to the Committee on the Judiciary.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 194. A bill to amend the Small Business Act to increase the maximum amount for which a loan can be made under the Microloan Program; to the Committee on Small Business.

By Mr. SAXTON:

H.R. 195. A bill to amend the Internal Revenue Code of 1986 to repeal the required beginning date for distributions from individual retirement plans and for distributions of elective deferrals under qualified cash or deferred arrangements; to the Committee on Ways and Means.

By Mr. SAXTON:

H.R. 196. A bill to amend the Internal Revenue Code of 1986 to allow individuals to defer recognition of reinvested capital gains distributions from regulated investment companies; to the Committee on Ways and Means.

By Mr. SCOTT of Georgia:

H.R. 197. A bill to amend title 10, United States Code, to require a State to charge in-State tuition rates to active-duty members of the Armed Forces domiciled or stationed on active duty in that State and to the dependents of such members; to the Committee on Armed Services.

By Mr. SCOTT of Georgia:

H.R. 198. A bill to authorize funding for student loan repayment for public attorneys; to the Committee on Education and the Workforce.

By Mr. SCOTT of Georgia:

H.R. 199. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Mr. SCOTT of Georgia:

H.R. 200. A bill to authorize the Secretary of Housing and Urban Development to make grants to States, units of General local government, and nonprofit organizations for counseling and education programs for the prevention of predatory lending and to establish a toll-free telephone number for complaints regarding predatory lending, and for other purposes; to the Committee on Financial Services.

By Mr. SCOTT of Georgia:

H.R. 201. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the Medicare part B premium; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 202. A bill to provide for identification of members of the Armed Forces exposed during military service to depleted uranium, to provide for health testing of such members, and for other purposes; to the Committee on Armed Services.

By Mr. SERRANO:

H.R. 203. A bill to amend the Richard B. Russell National School Lunch Act to expand the fruit and vegetable pilot program to 5 States, including New York, and to include Head Start programs; to the Committee on Education and the Workforce.

By Mr. SERRANO:

H.R. 204. A bill to amend the Richard B. Russell National School Lunch Act to restore audit funds under the Child and Adult

Care Food Program to 1.5 percent from 1 percent for fiscal years 2005 through 2007; to the Committee on Education and the Workforce.

By Mr. SERRANO:

H.R. 205. A bill to permit members of the House of Representatives to donate used computer equipment to public elementary and secondary schools designated by the members; to the Committee on House Administration.

By Mr. SERRANO:

H.R. 206. A bill to amend the Internal Revenue Code of 1986 to provide a business credit relating to the use of clean-fuel vehicles by businesses within areas designated as nonattainment areas under the Clean Air Act; to the Committee on Ways and Means.

By Mr. SERRANO:

H.R. 207. A bill to amend the Food, Drug, and Cosmetic Act and the egg, meat, and poultry inspection laws to ensure that consumers receive notification regarding food products produced from crops, livestock, or poultry raised on land on which sewage sludge was applied; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 208. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 209. A bill to waive certain prohibitions with respect to nationals of Cuba coming to the United States to play organized professional baseball; to the Committee on International Relations, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.R. 210. A bill to amend the Internal Revenue Code of 1986 to provide for designation of overpayments and contributions to the United States Library Trust Fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON (for himself and Mr. DELAY):

H.R. 211. A bill to reorganize the ninth judicial circuit, and for other purposes; to the Committee on the Judiciary.

By Mr. SIMPSON:

H.R. 212. A bill to amend title 28, United States Code, to provide for the appointment of additional Federal circuit judges, to divide the Ninth Judicial Circuit of the United States into two circuits, and for other purposes; to the Committee on the Judiciary.

By Ms. SOLIS (for herself, Mr. DINGELL, Mrs. CAPPS, and Mr. STUPAK):

H.R. 213. A bill to amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself and Mr. BOUCHER):

H.R. 214. A bill to promote deployment of and investment in advanced Internet communications services; to the Committee on Energy and Commerce.

By Mr. STEARNS (for himself and Mr. STRICKLAND):

H.R. 215. A bill to amend the Public Health Service Act to provide for the education and training of allied health professionals in exchange for a service commitment, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 216. A bill to authorize the Secretary of Health and Human Services to make grants to nonprofit tax-exempt organizations for the purchase of ultrasound equipment to provide free examinations to pregnant women needing such services, and for other purposes; to the Committee on Energy and Commerce.

By Mr. STEARNS:

H.R. 217. A bill to amend the Internal Revenue Code of 1986 to repeal the 2 percent excise tax on the net investment income of tax-exempt foundations; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 218. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for amounts paid for health insurance and prescription drug costs of individuals; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. MICA, Mr. DUNCAN, and Mr. GOODE):

H.R. 219. A bill to amend title II of the Social Security Act to ensure the integrity of the Social Security trust funds by requiring the Managing Trustee to invest the annual surplus of such trust funds in marketable interest-bearing obligations of the United States and certificates of deposit in depository institutions insured by the Federal Deposit Insurance Corporation, and to protect such trust funds from the public debt limit; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, and Mr. HINCHEY):

H.R. 220. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to protect the integrity and confidentiality of Social Security account numbers issued under such title, to prohibit the establishment in the Federal Government of any uniform national identifying number, and to prohibit Federal agencies from imposing standards for identification of individuals on other agencies or persons; to the Committee on Ways and Means, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 221. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain interest amounts received by individuals; to the Committee on Ways and Means.

By Mr. STEARNS:

H.R. 222. A bill to prohibit the expenditure of Federal funds to conduct or support research on the cloning of humans, and to express the sense of the Congress that other countries should establish substantially equivalent restrictions; to the Committee on Energy and Commerce, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS:

H.R. 223. A bill to provide that no automatic pay adjustment for Members of Congress shall be made in the year following a fiscal year in which there is a Federal budget deficit; to the Committee on House Administration, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STRICKLAND (for himself, Ms. BALDWIN, and Mr. PALLONE):

H.R. 224. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 regarding adequate yearly progress and assessments; to the Committee on Education and the Workforce.

By Mr. SWEENEY (for himself and Mr. MCNULTY):

H.R. 225. A bill to require investigations by institutions of higher education of violent felonies occurring on campus; to the Committee on Education and the Workforce.

By Mr. SWEENEY (for himself and Mrs. LOWEY):

H.R. 229. A bill to amend title 18, United States Code, to provide penalties for failure to pay certain obligations to spouses and exspouses that are similar to the penalties imposed for failure to pay child support obligations, and for other purposes; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 230. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a program to provide regulatory compliance assistance to small business concerns, and for other purposes; to the Committee on Small Business.

By Mr. TAYLOR of Mississippi (for himself, Mr. THOMPSON of Mississippi, Mr. WICKER, and Mr. PICKERING):

H.R. 231. A bill to designate the parcel of land containing the facility of the Agricultural Research Service of the Department of Agriculture located at State Highway 26 West in Poplarville, Mississippi, as the "Thad Cochran Southern Horticultural Laboratory Site"; to the Committee on Agriculture.

By Mr. THOMPSON of California:

H.R. 233. A bill to designate certain National Forest System lands in the Mendocino and Six Rivers National Forests and certain Bureau of Land Management lands in Humboldt, Lake, Mendocino, and Napa Counties in the State of California as wilderness, to designate the Elkhorn Ridge Potential Wilderness Area, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Resources.

By Mr. TOWNS:

H.R. 234. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Education and the Workforce.

By Mr. JONES of North Carolina:

H.R. 235. A bill to amend the Internal Revenue Code of 1986 to protect the religious free exercise and free speech rights of churches and other houses of worship; to the Committee on Ways and Means.

By Mr. TOWNS:

H.R. 236. A bill to require the Consumer Product Safety Commission to ban toys which in size, shape, or overall appearance resemble real handguns; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 237. A bill to amend the Internal Revenue Code of 1986 to deny the exemption from income tax for social clubs found to be practicing prohibited discrimination; to the Committee on Ways and Means.

By Mrs. CHRISTENSEN (for herself and Ms. Bordallo):

H.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States regarding presidential election voting rights for residents of all United States territories and commonwealths; to the Committee on the Judiciary.

By Mr. CONYERS (for himself and Mr. Sherman):

H.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States to permit persons who are not natural-born citizens of the United States, but who have been citizens of the United States for at least 20 years, to be eligible to hold the Office of President; to the Committee on the Judiciary.

By Mrs. JO ANN DAVIS of Virginia:

H.J. Res. 3. A joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States; to the Committee on Resources.

By Mrs. EMERSON:

H.J. Res. 4. A joint resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 5. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress and the States to prohibit the act of desecration of the flag of the United States and to set criminal penalties for that act; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 6. A joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the United States Government and for greater accountability in the enactment of tax legislation; to the Committee on the Judiciary.

By Mrs. EMERSON:

H.J. Res. 7. A joint resolution proposing an amendment to the Constitution of the United States relating to voluntary school prayer; to the Committee on the Judiciary.

By Mr. SERRANO:

H.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. DREIER:

H. Con. Res. 1. A concurrent resolution regarding consent to assemble outside the seat of government; considered and agreed to.

By Mr. DeLAY:

H. Con. Res. 2. A concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mrs. CHRISTENSEN:

H. Con. Res. 3. Concurrent resolution expressing the sense of the Congress that schools in the United States should honor the contributions of individuals from the commonwealths, territories, and possessions of the United States by including such contributions in the teaching of United States history; to the Committee on Education and the Workforce.

By Mrs. JO ANN DAVIS of Virginia:

H. Con. Res. 4. Concurrent resolution expressing the sense of the Congress that the United States Postal Service should issue commemorative postage stamps honoring Americans who distinguished themselves by their service in the armed forces; to the Committee on Government Reform.

By Mr. GIBBONS (for himself, Ms. Berkley, and Mr. Porter):

H. Con. Res. 5. Concurrent resolution providing for the acceptance of a statue of Sarah Winnemucca, presented by the people of Nevada, for placement in National Statuary Hall, and for other purposes; to the Committee on House Administration.

By Mr. HEFLEY:

H. Con. Res. 6. Concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

By Mr. SERRANO:

H. Con. Res. 9. Concurrent resolution entitled the "English Plus Resolution"; to the Committee on Education and the Workforce.

By Ms. PRYCE of Ohio:

H. Res. 1. A resolution electing officers of the House of Representatives; considered and agreed to.

By Mr. DeLAY:

H. Res. 2. A resolution to inform the Senate that a quorum of the House has assembled and of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. DeLAY:

H. Res. 3. A resolution authorizing the Speaker to appoint a committee to notify the President of the assembly of the Congress; considered and agreed to.

By Mr. DeLAY:

H. Res. 4. A resolution authorizing the Clerk to inform the President of the election of the Speaker and the Clerk; considered and agreed to.

By Mr. DeLAY:

H. Res. 5. A resolution adopting rules for the One Hundred Ninth Congress; considered and agreed to.

By Ms. PRYCE of Ohio:

H. Res. 6. A resolution electing certain members to a standing committee; considered and agreed to.

By Ms. PELOSI:

H. Res. 7. A resolution providing for the designation of certain minority employees; considered and agreed to.

By Mr. DREIER:

H. Res. 8. A resolution fixing the daily hour of meeting of the First Session of the One Hundred Ninth Congress, considered and agreed to.

By. Mr. DeLAY:

H. Res. 9. A resolution providing for the attendance of the House at the Inaugural Ceremonies of the President and Vice President of the United States; considered and agreed to.

By Mr. NEY (for himself, and Mr. Larson of Connecticut):

H. Res. 10. A resolution providing amounts for interim expenses of the Committee on Homeland Security in the first session of the One Hundred Ninth Congress; considered and agreed to.

By. Mr. STARK:

H. Res. 11. A resolution expressing profound sorrow on the occasion of the death of the Honorable Robert T. Matsui, a Representative from the State of California; considered and agreed to.

By Mr. HYDE (for himself, Mr. Lantos, Mr. Leach, Mr. DeLay, Mr. Blunt, Ms. Pryce of Ohio, Mr. Ackerman, Mr. Berman, Mr. Blumenauer, Mr. Brown of Ohio, Mr. Burton of Indiana, Mr. Crowley, Mrs. Jo Ann Davis of Virginia; Mr. Faleomavaega, Mr. Flake, Mr. Garrett of New Jersey, Mr. Issa, Mr. King of New York, Ms. McCollum of Minnesota, Mr. McCotter, Mr. McHugh, Mr. Meeks of New York, Mr. Menendez, Mrs. Napolitano, Mr. Pallone, Mr. Pence, Mr. Pitts, Ms. Ros-Lehtinen, Mr. Schiff, Mr. Smith of Washington, Mr. Smith of New Jersey, Ms. Watson, Mr. Weller, Mr. Wexler, Ms. Jackson-Lee of Texas, Mr. Ferguson, Mr. Davis of Illinois, Mr. Van Hollen, Mr. Rohrabacher, and Mr. Royce):

H. Res. 12. A resolution expressing condolences and support for assistance to the victims of the earthquake and tsunamis that occurred on December 26, 2004, in South and Southeast Asia; considered and agreed to.

By Mrs. BIGGERT:

H. Res. 13. A resolution encouraging increased public awareness of eating disorders and expanded research for treatment and cures; to the Committee on Energy and Commerce.

By Mr. DREIER (for himself, Mr. Boehner, Mr. Oxley, Mrs. Biggert, Mr. King of Iowa, and Mr. Kline):

H. Res. 14. A resolution expressing the sense of the House of Representatives that the Bureau of Labor Statistics should adopt statistical measures that accurately reflect the United States workforce of the 21st century; to the Committee on Education and the Workforce.

By Mr. DUNCAN (for himself and Mr. Green of Wisconsin):

H. Res. 15. A resolution supporting the goals and ideals of National Campus Safety Awareness Month; to the Committee on Government Reform.

By Mr. GILLMOR:

H. Res. 16. A resolution supporting the goals of National Manufacturing Week, congratulating manufacturers and their employees for their contributions growth and innovation, and recognizing the challenges facing the manufacturing sector; to the Committee on Energy and Commerce.

By Mr. GILLMOR (for himself and Mr. Kingston):

H. Res. 17. A resolution recognizing the thousands of Freemasons in every State in the Nation and honoring them for their many contributions to the Nation throughout its history; to the Committee on Government Reform.

By Mr. GENE GREEN of Texas:

H. Res. 18. A resolution expressing the sense of the House of Representatives that the United States Postal Service should issue a postage stamp commemorating Juan Nepomuceno Seguin; to the Committee on Government Reform.

By Mr. HAYWORTH:

H. Res. 20. A resolution expressing the disapproval of the House of Representatives of the Social Security totalization agreement between the United States and Mexico; to the Committee on Ways and Means.

By Mrs. JONES of Ohio (for herself, Ms. Solis, Ms. Slaughter, Ms. Ginny Brown-Waite of Florida, Mrs. Capito, Mr. Watt, Ms. Lee, Ms. Kilpatrick of Michigan, Mr. Rangel, Mr. Meeks of New York, Ms. Velázquez, Mr. Towns, and Mr. Owens):

H. Res. 21. A resolution honoring Shirley Chisholm for her service to the Nation and expressing condolences to her family, friends, and supporters on her death; to the Committee on House Administration.

By Mr. KELLER (for himself and Mr. CRAMER):

H. Res. 22. A resolution expressing the sense of the House of Representatives that American small businesses are entitled to a Small Business Bill of Rights; to the Committee on Small Business.

By Mr. KENNEDY of Minnesota (for himself, Mr. GILLMOR, Mr. HAYWORTH, Mr. MURPHY, Mr. BAKER, Mr. GINGREY, Mr. FOLEY, Mr. TIBERI, Ms. KAPTUR, Mr. ENGLISH of Pennsylvania, and Mr. BACHUS):

H. Res. 23. A resolution honoring the contributions of Catholic schools; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself and Mr. HYDE):

H. Res. 24. A resolution expressing the sense of the House of Representatives that the United States should declare its support for the independence of Kosova; to the Committee on International Relations.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. HOLT, Mr. LEACH, Mr. CASE, and Ms. WATSON):

H. Res. 25. A resolution amending the Rules of the House of Representatives to establish a standing Committee on Homeland Security and a standing Committee on Intelligence and to allow the Committee on Appropriations to have 14 subcommitees (of which one is a Subcommittee on Intelligence), and for other purposes; to the Committee on Rules.

By Mr. MCDERMOTT (for himself and Mrs. BIGGERT):

H. Res. 26. A resolution congratulating the Downers Grove North High School Trojan football team and the students and fans of Downers Grove North High School on their outstanding sportsmanship and on winning the 2004 Illinois Class 8A Football State Championship; to the Committee on Education and the Workforce.

By Mr. MEEKS of New York:

H. Res. 27. A resolution congratulating Wangari Maathai for winning the Nobel Peace Prize and commending her for her tireless work promoting sustainable development, democracy, peace, and women's rights in Africa; to the Committee on International Relations.

By Ms. MILLENDER-MCDONALD:

H. Res. 28. A resolution commending Tincher Preparatory School in Long Beach, California, for the school's innovative efforts to fight childhood obesity, including by designating one day each week as "Healthy Snack Day"; to the Committee on Education and the Workforce.

By Ms. MILLENDER-MCDONALD:

H. Res. 29. A resolution honoring the United States Army Volunteer Reserve for its dedicated and distinguished service to veterans and communities in need in the United States; to the Committee on Veterans' Affairs.

By Ms. LINDA T. SÁNCHEZ of California:

H. Res. 30. A resolution expressing the sense of the House of Representatives that a "Welcome Home Vietnam Veterans Day" should be established; to the Committee on Government Reform.

By Mr. WILSON of South Carolina:

H. Res. 31. A resolution expressing the sense of the House of Representatives that a portrait of Dilip Singh Saund should be displayed in an appropriate place in the United States Capitol or in a House Office Building; to the Committee on House Administration.

EXTENSIONS OF REMARKS

136TH AIRLIFT WING, TEXAS NATIONAL GUARD FAMILY READINESS TEAM

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BURGESS. Mr. Speaker, I rise today to honor a dedicated group of individuals who have devoted their time and energy to supporting our brave soldiers—136th Airlift Wing, Texas National Guard Family Readiness Team.

The Family Readiness Team's mission is to assist units as they support the families of members of the 136th Airlift Wing during peacetime and times of training or mobilization. The Team provides multiple levels of care and assistance. They send a personal greeting card to any member upon request; establish and facilitate ongoing communication, involvement, support, and recognition between National Guard families and the National Guard in a partnership that promotes the best in both; and provide all Air Force families assistance and support before; during and after times of local or national emergencies/disasters, mobilization, deployment/separation or evacuation. The Family Readiness Team has a Chaplain's Staff available to comfort and encourage hope for the families of our deployed troops as well as those troops providing home station sustainment.

My son was a member of the Texas Air National Guard, and I have found that working with the Family Readiness Team, located in Fort Worth, Texas, has been rewarding. There are opportunities for family members to assist their loved ones by attending meetings on base and promoting fellowship with other families. The Texas Air National Guard Family Readiness Team is part of a National Guard Family Program which works to connect people across America. I applaud the great work of the 136th Airlift Wing Family Readiness Team, and I look forward to continuing and supporting this organization in the years to come.

DELIVERING HIGH-QUALITY CARE TO VETERANS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SANDERS. Mr. Speaker, I am proud to rise in praise of the White River Junction Veterans Administration Medical Center, which has received the Robert W. Carey Trophy Award for Organizational Excellence. This award, named after a former Secretary of Veterans Affairs, was presented to recognize the truly excellent care that the White River VA Center provides to veterans in Vermont and the Connecticut River Valley. This award is the highest quality award the Department of Veterans Affairs can bestow.

In the two previous years, the White River VA Center was recognized for excellence for the quality of its care by winning back-to-back Carey Achievement Awards. This year it took the top award in the nation.

Under the leadership of Gary De Gasta, the staff at the center—doctors, nurses, health professionals, administrative support—are committed to providing the very best in health care. They are attentive to veterans and their needs; they offer state-of-the art medical care; they honor the service of the brave men and women who answered, and answer, our nation's call decade after decade.

I am very proud of the excellent work done by those who work at the White River VA Center. They are deserving of this highest of commendations, and we in Vermont are very proud of them. We are equally proud that this high level of performance helps to deliver the very best in health care to our veterans.

INTRODUCING THE PARENTAL CONSENT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Parental Consent Act. This bill forbids Federal funds from being used for any universal or mandatory mental-health screening of students without the express, written, voluntary, informed consent of their parents or legal guardians. This bill protects the fundamental right of parents to direct and control the upbringing and education of their children.

The New Freedom Commission on Mental Health has recommended that the Federal and State Governments work toward the implementation of a comprehensive system of mental-health screening for all Americans. The commission recommends that universal or mandatory mental-health screening first be implemented in public schools as a prelude to expanding it to the general public. However, neither the commission's report nor any related mental-health screening proposal requires parental consent before a child is subjected to mental-health screening. Federally-funded universal or mandatory mental health screening in schools without parental consent could lead to labeling more children as "ADD" or "hyperactive" and thus force more children to take psychotropic drugs, such as Ritalin, against their parents' wishes.

Already, too many children are suffering from being prescribed psychotropic drugs for nothing more than children's typical rambunctious behavior. According to the Journal of the American Medical Association, there was a 300 percent increase in psychotropic drug use in two- to four-year-old children from 1991 to 1995.

Many children have suffered harmful side effects from using psychotropic drugs. Some of the possible side effects include mania, violence, dependence, and weight gain. Yet, parents are already being threatened with child abuse charges if they resist efforts to drug their children.

Imagine how much easier it will be to drug children against their parents' wishes if a federally-funded mental-health screener makes the recommendation.

Universal or mandatory mental-health screening could also provide a justification for stigmatizing children from families that support traditional values. Even the authors of mental-health diagnosis manuals admit that mental-health diagnoses are subjective and based on social constructions. Therefore, it is all too easy for a psychiatrist to label a person's disagreement with the psychiatrist's political beliefs a mental disorder. For example, a federally-funded school violence prevention program lists "intolerance" as a mental problem that may lead to school violence. Because "intolerance" is often a code word for believing in traditional values, children who share their parents' values could be labeled as having mental problems and a risk of causing violence. If the mandatory mental-health screening program applies to adults, everyone who believes in traditional values could have his or her beliefs stigmatized as a sign of a mental disorder. Taxpayer dollars should not support programs that may label those who adhere to traditional values as having a "mental disorder."

Mr. Speaker, universal or mandatory mental-health screening threatens to undermine parents' right to raise their children as the parents see fit. Forced mental-health screening could also endanger the health of children by leading to more children being improperly placed on psychotropic drugs, such as Ritalin, or stigmatized as "mentally ill" or a risk of causing violence because they adhere to traditional values. Congress has a responsibility to the nation's parents and children to stop this from happening. I, therefore, urge my colleagues to cosponsor the Parental Consent Act.

INTRODUCTION OF THE "PRO USE ACT"

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. CONYERS. Mr. Speaker, I am pleased to announce the introduction of the "PRO USE

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Act." As we all know, copyrighted works not only provide entertainment and provide a positive trade balance for our country's economy but also are a window to this country's cultural heritage. In recognition of this, our copyright laws are designed to encourage the production, distribution, and preservation of copyrighted content. This legislation, which I am introducing with Representative HOWARD L. BERMAN, makes two important changes to the copyright law to make it easier to preserve these artifacts.

Title I is the "Preservation of Orphan Works Act." This important provision corrects an oversight in the copyright law that allows libraries and archives to reproduce and distribute up to three copies of musical works, movies, etc.—not sound recordings—of a copy they have to replace stolen/deteriorated copies or for preservation/security purposes. They also can make unlimited copies of other copyrighted works—items except musical works, movies, etc.—during the last 20 years of the copyright term. This bill would amend the law to say they can make unlimited copies of musical works, movies, etc. during the last 20 years of the term of the music or movies.

Title II is the "National Film Preservation Act of 2005." It reauthorizes the National Film Preservation Act of 1996. We all know that motion pictures are amongst this nation's cultural treasures, going beyond entertainment to represent American ideals and values to people across the world. Unfortunately, the films on which many motion pictures are created are easily susceptible to physical deterioration; in fact, over 50 percent of movies made before 1950 have deteriorated and over 90 percent of movies from before 1929 have disintegrated.

The 1996 Act was designed to ensure that we could protect the treasures we still have. It created the National Film Preservation Board and the National Film Preservation Foundation. The NFPB generates public awareness of a national film registry and reviews initiatives to ensure the preservation valued films. The NFPF issues grants to libraries and other institutions that can save films from degradation.

The program has received accolades from organizations such as the Directors Guild of America and the Academy of Motion Picture Arts and Sciences. Noted filmmakers Martin Scorsese and Ken Burns also have praised the NFPB and the NFPF.

Unfortunately, the program officially expired October 11, 2003, and was not reauthorized. The legislation being introduced today would remedy that oversight by reauthorizing both the NFPB and the NFPF. I hope my colleagues will join me in supporting this valuable effort as we move it through the House.

HONORING THE LIFE AND SERVICE OF OFFICER PETER LAVERY

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to honor the life and service of Officer Peter Lavery of the Newington Police Department in Connecticut, who was tragically shot and killed in the line of duty on December 30, 2004, as he responded to an emergency call.

It was a terrible day for the people of Connecticut as one of our finest public servants was cut down in the prime of his life. Officer Lavery was a dedicated 17-year veteran of the Newington Police Department, and had served his Nation proudly as a member of the Connecticut National Guard. He was known for his "big golden heart" and sense of humor, and so many of my constituents will never forget the important role he played in their lives or in the communities he served. He leaves behind his wife, Pamela, and two children, Raymond and Samantha, to whom our hearts go out during this difficult time.

We struggle to understand why such a horrific act of violence was visited upon such a good and decent man who loved his family and served his community. In the end, there are no answers.

Today, as thousands of his neighbors and fellow officers gather in Newington to honor the life and service of Officer Lavery, we must remind ourselves of the thousands of brave, dedicated men and women that put their lives in danger each day to protect us and our families. Officer Lavery made the ultimate sacrifice in the name of this cause. He will not be forgotten.

May God bless him, his family and the United States of America.

IN HONOR OF MR. AND MRS. JAMES "CLYDE" SHAHAN

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to a couple, like so many others in our nation, which was truly American: Mr. and Mrs. James "Clyde" Shahan.

Mr. Shahan, known to his friends as Clyde, and his four brothers, all from Denton, Texas, served in the United States Army during World War II. Clyde served honorably in New Guinea and Luzon, receiving numerous citations and decorations including the Asiatic Pacific Campaign Medal with 2 Bronze Stars, Philippine Liberation Ribbon with 1 Bronze Star, Good Conduct Medal, Victory Ribbon, 1 Service Stripe and 4 Overseas Service Bars.

After his discharge, Mr. Shahan returned to the Denton area where he, along with his Aural, became active members at Lake Cities United Methodist Church in Lake Dallas, Texas. Aural and Clyde worked side by side at several school districts and serving their community.

Mr. and Mrs. Shahan had a son, Bobby Joe, who died as a three year old in a flu epidemic, but neither of them lost their faith or their commitment to education and their country. Remembered as a happy and funny man, Clyde often attended church in his finest Western suit and was always a joy at church functions.

Almost two years to the day of his wife's death, Clyde passed away in 2004. Today, I honor the memory of these two individuals who impacted a community with hope. I am pleased that their memories will not be lost as a special memorial is being established at Lake Cities United Methodist Church in their honor. Truly, Clyde and Aural were members of the "greatest generation" and will be remembered always for their commitment to Christ and America.

TEN YEARS OF STELLAR SERVICE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SANDERS. Mr. Speaker, ten years ago the Howard Center for Human Services was established. It is a remarkable organization, one which provides essential services to the citizens of four counties in northern Vermont. Although its origins are in the nineteenth century, its earliest forebearer was a ladies' aid and relief society in 1873. Its willingness to join together several different NGOs in 1994, overriding several smaller portfolios in the interest of providing a broad umbrella of services to the community, is testimony to its commitment to serving the needs of Vermont.

The focus of its staff and programs is on developmental disabilities, those with mental problems, and on children, youth and families who face difficulties of many sorts. It serves those in crisis and those with ongoing problems. Altogether, the Howard Center serves over 15,000 Vermont residents each year through Howard Community Services, the Baird Center, and Adult Behavioral Health Services. It does so efficiently, dedicating almost 90 percent of its budget directly to programs and outreach for those thousands of Vermonters in need of the services it provides.

The Howard Center provides accredited services in the areas of mental health, alcohol and other drug addictions programs, family services, and employment services. Its many programs range from crisis intervention and stabilization to outpatient treatment, case management services coordination, community housing, residential treatment, job development and supports, and criminal justice service case management. In addition to a dedicated staff and hundreds of contracted workers supporting individuals and families in their homes and in the community, 500 volunteers help the Howard Center meet the needs of our friends and neighbors in northern Vermont.

I could go on at length about the individual programs of the Howard Center, but in the interest of time I will mention just one, one that is representative of the remarkable commitment and innovation that the Howard Center brings to providing human services to northern Vermont. The Streetwork program provides daily assistance and support to people with psychiatric disabilities, and to those dealing with substance abuse, homelessness and other unmet social service needs; it provides those services on the main streets of downtown Burlington, by going out to people rather than waiting for them to come into offices or clinics.

In these difficult times, when the middle class is under siege and shrinking and low income families see the social safety net in shreds, when fringe benefits for many jobs are disappearing and more people are medically uninsured, when low and moderate income housing is often unavailable, the Howard Center provides a bulwark and a refuge to those who are in need of social services. I congratulate them on the past ten years, and look forward to a new decade in which they continue to sustain tens of thousands of Vermonters.

INTRODUCING THE IDENTITY THEFT PREVENTION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. PAUL. Mr. Speaker, today I introduce the Identity Theft Prevention Act. This act protects the American people from government-mandated uniform identifiers that facilitate private crime as well as the abuse of liberty. The major provision of the Identity Theft Prevention Act halts the practice of using the Social Security number as an identifier by requiring the Social Security Administration to issue all Americans new Social Security numbers within 5 years after the enactment of the bill. These new numbers will be the sole legal property of the recipient, and the Social Security Administration shall be forbidden to divulge the numbers for any purposes not related to Social Security administration. Social Security numbers issued before implementation of this bill shall no longer be considered valid Federal identifiers. Of course, the Social Security Administration shall be able to use an individual's original Social Security number to ensure efficient administration of the Social Security system.

Mr. Speaker, Congress has a moral responsibility to address this problem because it was Congress that transformed the Social Security number into a national identifier. Thanks to Congress, today no American can get a job, open a bank account, get a professional license, or even get a driver's license without presenting his Social Security number. So widespread has the use of the Social Security number become that a member of my staff had to produce a Social Security number in order to get a fishing license.

One of the most disturbing abuses of the Social Security number is the congressionally authorized rule forcing parents to get a Social Security number for their newborn children in order to claim the children as dependents. Forcing parents to register their children with the State is more like something out of the nightmares of George Orwell than the dreams of a free republic that inspired this Nation's Founders.

Congressionally mandated use of the Social Security number as an identifier facilitates the horrendous crime of identity theft. Thanks to Congress, an unscrupulous person may simply obtain someone's Social Security number in order to access that person's bank accounts, credit cards, and other financial assets. Many Americans have lost their life savings and had their credit destroyed as a result of identity theft. Yet the Federal Government continues to encourage such crimes by mandating use of the Social Security number as a uniform ID.

This act also forbids the Federal Government from creating national ID cards or establishing any identifiers for the purpose of investigating, monitoring, overseeing, or regulating private transactions among American citizens. At the very end of the 108th Congress, this body established a de facto national ID card with a provision buried in the "intelligence" reform bill mandating Federal standards for drivers' licenses, and mandating that Federal agents only accept a license that conforms to these standards as a valid ID.

Nationalizing standards for drivers' licenses and birth certificates creates a national ID system pure and simple. Proponents of the national ID understand that the public remains wary of the scheme, so proponents attempt to claim they are merely creating new standards for existing State IDs. However, the "intelligence" reform legislation imposed Federal standards in a Federal bill, thus creating a federalized ID regardless of whether the ID itself is still stamped with the name of your State. It is just a matter of time until those who refuse to carry the new licenses will be denied the ability to drive or board an airplane. Domestic travel restrictions are the hallmark of authoritarian States, not free republics.

The national ID will be used to track the movements of American citizens, not just terrorists. Subjecting every citizen to surveillance diverts resources away from tracking and apprehending terrorists in favor of needless snooping on innocent Americans. This is what happened with "suspicious activity reports" required by the Bank Secrecy Act. Thanks to BSA mandates, Federal officials are forced to waste countless hours snooping through the private financial transactions of innocent Americans merely because those transactions exceeded $10,000.

The Identity Theft Prevention Act repeals those sections of Federal law creating the national ID, as well as those sections of the Health Insurance Portability and Accountability Act of 1996 that require the Department of Health and Human Services to establish a uniform standard health identifier—an identifier which could be used to create a national database containing the medical history of all Americans. As an OB/GYN with more than 30 years in private practice, I know the importance of preserving the sanctity of the physician-patient relationship. Oftentimes, effective treatment depends on a patient's ability to place absolute trust in his or her doctor. What will happen to that trust when patients know that any and all information given to their doctors will be placed in a government accessible database?

By putting an end to government-mandated uniform IDs, the Identity Theft Prevention Act will prevent millions of Americans from having their liberty, property, and privacy violated by private and public sector criminals.

In addition to forbidding the Federal Government from creating national identifiers, this legislation forbids the Federal Government from blackmailing States into adopting uniform standard identifiers by withholding Federal funds. One of the most onerous practices of Congress is the use of Federal funds illegitimately taken from the American people to bribe States into obeying Federal dictates.

Some Members of Congress will claim that the Federal Government needs the power to monitor Americans in order to allow the government to operate more efficiently. I would remind my colleagues that, in a constitutional republic, the people are never asked to sacrifice their liberties to make the jobs of government officials easier. We are here to protect the freedom of the American people, not to make privacy invasion more efficient.

Mr. Speaker, while I do not question the sincerity of those Members who suggest that Congress can ensure that citizens' rights are protected through legislation restricting access to personal information, the only effective privacy protection is to forbid the Federal Government from mandating national identifiers. Legislative "privacy protections" are inadequate to protect the liberty of Americans for a couple of reasons.

First, it is simply common sense that repealing those Federal laws that promote identity theft is more effective in protecting the public than expanding the power of the Federal police force. Federal punishment of identity thieves provides cold comfort to those who have suffered financial losses and the destruction of their good reputations as a result of identity theft.

Federal laws are not only ineffective in stopping private criminals, but these laws have not even stopped unscrupulous government officials from accessing personal information. After all, laws purporting to restrict the use of personal information did not stop the well-publicized violations of privacy by IRS officials or the FBI abuses of the Clinton and Nixon administrations.

In one of the most infamous cases of identity theft, thousands of active-duty soldiers and veterans had their personal information stolen, putting them at risk of identity theft. Imagine the dangers if thieves are able to obtain the universal identifier, and other personal information, of millions of Americans simply by breaking, or hacking, into one government facility or one government database?

Second, the Federal Government has been creating proprietary interests in private information for certain State-favored special interests. Perhaps the most outrageous example of phony privacy protection is the "medical privacy'" regulation, that allows medical researchers, certain business interests, and law enforcement officials access to health care information, in complete disregard of the Fifth Amendment and the wishes of individual patients! Obviously, "privacy protection" laws have proven greatly inadequate to protect personal information when the government is the one seeking the information.

Any action short of repealing laws authorizing privacy violations is insufficient primarily because the Federal Government lacks constitutional authority to force citizens to adopt a universal identifier for health care, employment, or any other reason. Any Federal action that oversteps constitutional limitations violates liberty because it ratifies the principle that the Federal Government, not the Constitution, is the ultimate judge of its own jurisdiction over the people. The only effective protection of the rights of citizens is for Congress to follow

Thomas Jefferson's advice and "bind (the Federal Government) down with the chains of the Constitution."

Mr. Speaker, those members who are not persuaded by the moral and constitutional reasons for embracing the Identity Theft Prevention Act should consider the American people's opposition to national identifiers. The numerous complaints over the ever-growing uses of the Social Security number show that Americans want Congress to stop invading their privacy. Furthermore, according to a survey by the Gallup company, 91 percent of the American people oppose forcing Americans to obtain a universal health ID.

In conclusion, Mr. Speaker, I once again call on my colleagues to join me in putting an end to the Federal Government's unconstitutional use of national identifiers to monitor the actions of private citizens. National identifiers threaten all Americans by exposing them to the threat of identity theft by private criminals and abuse of their liberties by public criminals, while diverting valuable law enforcement resources away from addressing real threats to public safety. In addition, national identifiers are incompatible with a limited, constitutional government. I, therefore, hope my colleagues will join my efforts to protect the freedom of their constituents by supporting the Identity Theft Prevention Act.

INTRODUCTION OF AN AMENDMENT TO THE CONSTITUTION PROVIDING THAT FOREIGN-BORN CITIZENS OF 20 YEARS ARE ELIGIBLE FOR THE OFFICE OF PRESIDENT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. CONYERS. Mr. Speaker, today I am introducing a proposed amendment to the Constitution of the United States that will enable all citizens of this country to be eligible to hold the Office of President. No citizen should be denied the opportunity to seek the Nation's highest office. The proposal that I am introducing will allow foreign-born individuals who have been citizens of this country for at least 20 years to be eligible for this office.

As you know, Article II of the Constitution of the United States provides that only natural-born citizens are entitled to hold the Office of President. I believe that this limitation contradicts the principles for which this country stands. This Nation prides itself on its diversity of culture, experience, and opinion. This quality is achieved only by welcoming immigrants to this country, allowing them to become citizens, and enabling them make full contributions to society.

For the most part, the United States treats its citizens, those natural-born and foreign-born, the same. However, when determining who is eligible for the Offices of President, this country unfairly distinguishes between the two. Allowing the United States to be a better country because of the contributions that foreign-born citizens make, and then not allowing them to fully participate in all aspects of society, is un-American.

As you may also know, some of our country's foreign-born citizens are our country's greatest public servants. There are also 700 foreign-born citizens who have received the Medal of Honor. It is unjust to deny citizens that have risked their lives for this country the chance to become President of the United States as well. A 2002 Pentagon study reports that more than 30,000 foreign-born citizens are currently serving in the U.S. military.

I realize that constitutional amendments are rare and that those proposed should be subject to great scrutiny. I truly respect one of the documents on which our country was founded, the Constitution of the United States. Therefore, it is after great consideration and with the utmost gravity, that I introduce this proposal today. I am hopeful that my fellow colleagues in Congress will properly consider the proposed amendment and realize that every citizen of the United States should be entitled to dream of becoming President.

HONORING THE LIFE OF PATRICIA RITTER

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to pay tribute to Patricia Ritter, who passed away on December 10, 2004. Mrs. Ritter was one of Connecticut's most influential civil rights leaders and she leaves a legacy that will not soon be forgotten. Her passion for social justice was only matched by her passion for her family. She leaves behind her husband and five children, two of whom served in the Connecticut General Assembly. While I served as State Senate President Pro Tempore I had the privilege of working with her son Tom, who served as Speaker of the House. My deepest condolences go out to Tom and his family during this time.

Mr. Speaker, I ask my colleagues to join me in remembering and honoring the life of Patricia Ritter. I would also like to submit for the RECORD this editorial from the Hartford Courant which captures the essence of what made Mrs. Ritter such a special person.

[From the Hartford Courant, Dec. 14, 2004]

THE REMARKABLE PAT RITTER

She stood for something. She acted on her beliefs. She changed things.

Patricia Ritter, who died last week at the age of 84, was an activist, civil rights pioneer, internationalist and teacher as well as the wife and mother of three state legislators.

A woman of grace, good cheer and quiet intensity, Mrs. Ritter was exposed to, and appalled by, a segregated restaurant when she was a 16-year-old freshman at the University of Iowa. She organized a protest and then headed South with the first of the Freedom Riders—traveling in the odious "Colored Only" train cars, and refusing to move.

After marrying and moving to Connecticut, she was named to the state's Commission on Human Rights in 1950, the first woman so honored. Facing the problem of segregated housing, she and her husband George co-founded the Connecticut Housing Investment Fund, Inc. in 1968 to finance integrated and affordable housing and neighborhood revitalization projects throughout Connecticut.

This allowed racial minorities to buy homes in the suburbs, which sometimes brought threats of violence and, on at least one occasion, actual violence to Mrs. Ritter.

To date, CHIF has provided more than $108 million to help individuals and organizations purchase, rehabilitate or build homes for low- and moderate-income families.

The wall between city and suburb was not the only one she helped tear down. After China opened its doors to the West in the 1970s, Mrs. Ritter founded China in Connecticut, one of the first educational links between this country and China.

A college teacher, she spent a decade teaching English at Chinese universities, and sponsored many of her Chinese students to study at U.S. colleges. Several of Mrs. Ritter's children followed her example and taught in China as well. The results of such work are incalculable. Mrs. Ritter's five children carried on her beliefs; as artists, writers, teachers, businessmen and legislators. Her husband and sons Thomas and John served in the General Assembly; Thomas was speaker of the House for three terms.

"Her integrity, her character, her work, her children—she was just a marvelous person," said Judge Robert Satter, a longtime family friend. Mrs. Ritter's life affirms the proposition that, yes, one person can make a difference.

CONGRATULATIONS TO NOLAN CATHOLIC HIGH SCHOOL, STATE FOOTBALL CHAMPIONS

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BURGESS. Mr. Speaker, I rise today to recognize the superior performance of the Nolan Catholic High School football team, The Vikings, on their State Championship for Texas Association of Private and Parochial Schools Division 1 6A.

The Vikings shut out Houston St. Pius X high school for the championship with a 14–0 score at Floyd Casey Stadium, Baylor University, in Waco, TX, on Saturday November 27, 2004. The championship victory marked the 8th time this season the Vikings shut out their opponent. This is the first trip to the state final in nine years for the Vikings, who have never won a State crown.

I extend my sincere congratulations to Brother Richard Thompson, S.M., principal of Nolan Catholic High School, the coaches and especially to the team for their talent and dedication to excellence.

VERMONT FOODBANK FIGHTS HUNGER

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SANDERS. Mr. Speaker, even though this is the richest and most productive nation in the history of the world, hunger is still a major problem in the United States. In my State of Vermont alone, 55,000 households are living in poverty. In Vermont, many of these people find that the existence of food shelves provides the final protection to keep them from sinking into malnutrition and even starvation. Of those who go to food shelves, almost one out of four is elderly and over half are families with children. Most of these are working families. It is a terrible fact that 21,000 children under the age of 12 either go hungry or are at risk of hunger in Vermont. The situation is so severe that nationwide, over 29 percent of households that received emergency food last year literally had to choose between paying for food or paying for medical care.

Clearly our Nation's governmental policies are entirely wrong, placing as they do tax breaks for the wealthy and corporate welfare as high priorities, and ignoring the need to feed the hungry, guarantee health care to all, support the construction of affordable housing, and make college available to those who wish to attend. We need to change our skewed priorities which, rather than to making life better and more secure for the vast majority of Americans, lead to the increasing gap between rich and poor, and to ever-increasing economic pressures faced by the middle class.

But while we struggle to change the United States, to make it into a more just and equitable society, we also need to make sure that no American goes hungry.

I want to commend, today, the Vermont Foodbank for its years of exemplary service to fighting hunger. The Vermont Foodbank serves food shelves, community kitchens, homeless shelters, domestic abuse programs and programs which provide services for the elderly and children. Well over 100,000 people are served through Foodbank's network of 295 agencies each year. From its building in Barre, the Foodbank supplies agencies and NGOs all over Vermont with food for those who are hungry. It is greatly assisted in its work by hundreds of volunteers, who contributed over 23,000 hours—over 11 years of work weeks—in just the past year alone.

The Vermont Foodbank helps assure that none among us go hungry, that every community group and agency that seeks to combat hunger has a resource upon which it can call. It, together with our many community food banks, the Vermont Campaign to End Childhood Hunger, the work of shelters, the Salvation Army, churches, and countless other groups, is doing essential, life-sustaining work in throughout our State.

INTRODUCING THE SOCIAL SECURITY BENEFICIARY TAX REDUCTION ACT AND THE SENIOR CITIZENS' TAX ELIMINATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. PAUL. Mr. Speaker, today I am pleased to introduce two pieces of legislation to reduce taxes on senior citizens. The first bill, the Social Security Beneficiary Tax Reduction Act, repeals the 1993 tax increase on Social Security benefits. Repealing this increase on Social Security benefits is a good first step toward reducing the burden imposed by the federal government on senior citizens. However, imposing any tax on Social Security benefits is unfair and illogical. This is why I am also introducing the Senior Citizens' Tax Elimination Act, which repeals all taxes on Social Security benefits.

Since Social Security benefits are financed with tax dollars, taxing these benefits is yet another example of double taxation. Furthermore, "taxing" benefits paid by the government is merely an accounting trick, a shell game which allows members of Congress to reduce benefits by subterfuge. This allows Congress to continue using the Social Security trust fund as a means of financing other government programs, and masks the true size of the federal deficit.

Instead of imposing ridiculous taxes on senior citizens, Congress should ensure the integrity of the Social Security trust fund by ending the practice of using trust fund monies for other programs. In order to accomplish this goal I introduced the Social Security Preservation Act (H.R. 219), which ensures that all money in the Social Security trust fund is spent solely on Social Security. At a time when Congress' inability to control spending is once again threatening the Social Security trust fund, the need for this legislation has never been greater. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

In conclusion, Mr. Speaker, I urge my colleagues to help free senior citizens from oppressive taxation by supporting my Senior Citizens' Tax Elimination Act and my Social Security Beneficiary Tax Reduction Act. I also urge my colleagues to ensure that moneys from the Social Security trust fund are used solely for Social Security benefits and not wasted on frivolous government programs.

REINTRODUCTION OF H.R. 40, COMMISSION TO STUDY REPARATIONS PROPOSALS FOR AFRICAN-AMERICANS ACT

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. CONYERS. Mr. Speaker, I am pleased to re-introduce H.R. 40, the Commission to Study Reparation Proposals for African-Americans Act, along with 22 original cosponsors. Since I first introduced H.R. 40 in 1989, we have made substantial progress in elevating this issue in the national consciousness. Through legislation, state and local resolutions, and litigation, we are moving closer to a full dialogue on the role of slavery in building this country.

Across the nation, three state legislatures: Louisiana, California and Florida, have passed resolutions supporting H.R. 40. Another three states: New Jersey, New York and Texas, have legislation pending. At the local level, the legislation has gained similar support, with 12 major cities having passed similar supporting resolutions.

However, despite this progress, the legacy of slavery lingers heavily in this nation. While we have focused on the social effects of slavery and segregation, its continuing economic implications have been largely ignored by mainstream analysis. These economic issues are the root cause of many critical issues in the African-American community today, such as education, healthcare, and crime. The call for reparations represents a commitment to entering a constructive dialogue on the role of slavery and racism in shaping present-day conditions in our community and American society.

H.R. 40 is designed to create a formal dialogue on the issue of reparations through the establishment of a national commission to examine the institution of slavery. The commission will study the impact of slavery and continuing discrimination against African-Americans, resulting directly and indirectly from slavery, during the apartheid of reconstruction, desegregation, and the present day. The commission would also make recommendations concerning any form of apology and compensation to begin the long delayed process of atonement.

The issue of reparations remains sensitive in many communities because of the basic question of money. Statements dismissing reparations on the grounds of payment issues, however, are completely premature, especially when we have not yet had a national dialogue or study of the area. Economists have told us that the value of slave labor to the American economy and potential damages are greater that $7 trillion. Such a staggering sum indicates that the discussion of reparations must be about something other than money.

However, I must stress that the reparations issue is not about a check to individuals. The call for reparations represents a commitment to entering a constructive dialogue on the role of slavery and racism in shaping American society. Everyone profited from the labor of the slaves, even later immigrants, because slave labor and the taxes from those enterprises built the infrastructure of this nation. The debt we talk about is not centuries old, but dates back only a few decades and is within our lifetimes because of Jim Crow.

This nation must make a commitment to understanding how the legacy of slavery and its vestiges contribute to present day societal and economic inequality. That is why I re-introduce H.R. 40 at the opening of every Congress and sponsor a forum on reparations during every Congressional Black Caucus legislative conference. We must be diligent in our efforts to educate this nation about its history. I hope that in this 109th Congress, we can schedule formal hearings on this legislation to begin the process of having our nation finally acknowledge its debt.

DENTON RANKS 1ST AMONG MOST TECHNOLOGY-ADVANCED CITIES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize Denton, Texas for being acknowledged as the No. 1 most technology-advanced city with a population of 75,000 to 124,999, by the Center for Digital Government. The ranking was based on the 2004 Digital Cities Survey that examines how city governments are using digital technology to become more efficient and communicate with residents.

The survey and ranking determined by the Center asked more than 600 mayors, managers and chief information officers to participate asking 24 questions focusing on implementation, adoption of online service delivery, planning and governance, and the network that allows cities to make the move to digital government.

A life-long resident of Denton County, I offer my congratulations to the city of Denton and to Mayor Euline Brock.

COMPANY THAT DOES IT RIGHT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SANDERS. Mr. Speaker, I want to bring to your attention a remarkable company, located in my home state of Vermont, that can and should serve as a model for corporate responsibility in this era so unfortunately marked by greed of CEO's, who last year paid themselves 301 times as much as the average worker in their companies.

The company I speak of is Chroma Technology Corporation of Rockingham, Vermont. It is completely employee owned. The firm has a flat pay scale, where no employee makes less than $37,500 and no one more than $75,000. Thus no top-level specialist makes more than twice what anyone on the shop floor earns.

Yet Chroma competes in the global marketplace, taking the risks that other corporations do. It is a global, high-tech manufacturer of optical filters for microscopes used by the world's top biologists. It is the major supplier to three of the four major microscope manufacturers in the world (Zeiss and Leica from Germany and Nikon from Japan). Chroma is also the second source for Olympus of Japan and was recently chosen as primary supplier to Motic, an emerging Chinese microscope company. Chroma is today a premier manufacturer of high-tech products, and expects sales of $16 million in 2004.

While other companies practice outsourcing, Chroma remains locally rooted, with virtually all 68 employees living within a 50-mile radius of its facility in Rockingham.

So amazing is its story—and so important is its lesson to how American companies cannot only survive but thrive in the international marketplace—that I want to tell that story to the American nation.

When it began, Chroma had a policy of paying everyone the same wage, a wage pegged to the local living wage. By the time the firm grew to 17 employees in the early 1990s, everyone was making an identical $30,000 per year. "If we would have changed our wage structure at that point, we would have had a revolution," says Chroma's CEO, Paul Millman.

In 1996, Chroma instituted the policy that tenure would determine pay. "The criterion is longevity, rather than job description," Mr. Millman explains. Today the maximum salary of $75,000 is the same for everyone, though new employees can start higher than the minimum of $37,500.

The disadvantage of this flat pay structure, according to Mr. Millman, is that some people with graduate degrees or business experience won't work there, because they'll be paid the same as someone in production. The advantage, he counters, is the cooperative atmosphere, the self-direction, and the lack of a managerial class.

Chroma practices not just worker ownership, but worker democracy. At one time the company made decisions through a Quaker meeting format where consensus ruled, though that's being revisited now that there are more employees. Still, there are no designated managers at Chroma, and employees occupy all seats on the board of directors. More than 95 percent of company decisions are made on the shop floor. "We call it full exposure management," says Gabe Capy, a member of Chroma's shipping department who has been with the company eight years. "It is peer pressure that then encourages people to perform."

Nor does Chroma cut corners on environmental issues to cut costs. Chroma recently invested $130,000 to make its new 28,000-square-foot factory energy-efficient. The company will recover those costs in less than two years through savings in electricity and propane costs. "They have gone far beyond the efficiency measures associated with standard building practices," says Gabe Arnold, technical coordinator for Efficiency Vermont, a statewide energy efficiency utility. While most companies focus on lowering costs, he says, Chroma showed an innovative willingness to invest heavily up-front in efficiency.

Because employee-owners intend to pass this company on to future generations, it is virtually impossible for Chroma to be sold. After the founders leave, no single employee will own more than 5 percent; a super-majority is needed to sell the company.

Employee ownership, worker democracy, environmental stewardship—and an all-American work force: instead of being liabilities, these practices help Chroma compete in its global, high-tech markets. The structures of employee ownership and involvement contribute significantly to the high quality products that are Chroma's trademark. "Other companies can build these filters quicker and cheaper," Mr. Millman concedes, but because Chroma has educated the biologists who actually use the microscopes about its optics, it has developed strong customer loyalty. "That adds to the romance of our product," he says. "We now have three Ph.D. biologists on our staff, and that is no happy accident. No other optical filter company can say that."

While competing internationally, Chroma defines itself by a different economics than that touted by most business schools. "I prefer the term 'sustainable economy,' or an economy that keeps us living. That's what Chroma is all about," says Mr. Millman, CEO of what has been the fastest growing technology company in Vermont for the past five years. He credits the business environment in Vermont for nurturing Chroma's value structure. "Vermont is the prototypical state for the creative economy," he said. "This was the first state to abolish slavery. Outcasts from the '60s and '70s came here and created communes. This is where Ben & Jerry's started."

Vermont, I should mention with pride, along with Ohio, boasts the greatest concentration of employee-owned companies.

At Chroma Technology, where committed employees lead naturally to loyal customers, being local goes hand-in-hand with being global. Chroma Technology shows us all that it's possible to make a mark in the global economy and do it in a way that is sustainable and humane.

INTRODUCTION OF THE SOCIAL SECURITY PRESERVATION ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. PAUL. Mr. Speaker, I rise to protect the integrity of the Social Security trust fund by introducing the Social Security Preservation Act. The Social Security Preservation Act is a rather simple bill which states that all monies raised by the Social Security trust fund will be spent in payments to beneficiaries, with excess receipts invested in interest-bearing certificates of deposit. This will help keep Social Security trust fund monies from being diverted to other programs, as well as allow the fund to grow by providing for investment in interest-bearing instruments.

The Social Security Preservation Act ensures that the government will keep its promises to America's seniors that taxes collected for Social Security will be used for Social Security. When the government taxes Americans to fund Social Security, it promises the American people that the money will be there for them when they retire. Congress has a moral obligation to keep that promise.

With federal deficits reaching historic levels the pressure from special interests for massive new raids on the trust fund is greater than ever. Thus it is vital that Congress act now to protect the trust fund from big spending, pork-barrel politics. Social Security reform will be one of the major issues discussed in this Congress and many of my colleagues have different ideas regarding how to best preserve the long-term solvency of the program. However, as a medical doctor, I know the first step in treatment is to stop the bleeding, and the Social Security Preservation Act stops the bleeding of the Social Security trust fund. I therefore call upon all my colleagues, regardless of which proposal for long-term Social Security reform they support, to stand up for

America's seniors by cosponsoring the Social Security Preservation Act.

FLOWER MOUND RANKS 7TH AMONG MOST TECHNOLOGY-ADVANCED CITIES

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BURGESS. Mr. Speaker, it is my great honor to recognize Flower Mound, TX, for being acknowledged as the 7th most technology-advanced city with a population of 30,000 to 74,999, by the Center for Digital Government. The ranking was based on the 2004 Digital Cities Survey that examines how city governments are using digital technology to become more efficient and communicate with residents.

The survey and ranking determined by the Center asked more than 600 mayors, managers and chief information officers to participate asking 24 questions focusing on implementation, adoption of online service delivery, planning and governance, and the network that allows cities to make the move to digital government.

Flower Mound plans to continue on its track of providing excellent government services electronically by installing a new data delivery system; implementing a voiceover internet tool; and adding mobile computer systems into the Flower Mound Police Department squad cars. All of these improvements show an amazing commitment to the future of technology and government.

I am proud to say that I am a resident of Flower Mound, and I would like to offer my congratulations to the Town of Flower Mound, Chief Information Officer Dustin Malcolm and Mayor Jody Smith.

ORGANIC FARMING IS ALIVE AND THRIVING IN VERMONT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SANDERS. Mr. Speaker, I want to bring to the attention of this body, and the Nation, the wonderful work that has been done by the Northeast Organic Farming Association (NOFA), and in particular the wonderful work its affiliate does in Vermont.

In a time when the family farm is under great destructive pressures, in a time when agribusiness blindly ignores the potential for damage that accompanies chemical pesticides and GMOs, in a time when corporate agriculture ignores the need to sustain and replenish the soil that sustains life, there are those who fight to maintain a good, healthy, ongoing source of food for all of us.

NOFA Vermont has been fighting, and continues to fight, for family farms, for responsible husbandry of the soil, for a secure and healthful food supply.

NOFA Vermont has been in existence for over 30 years, and is one of the oldest organic farming associations in the entire United States. The Vermont chapter, one of seven state chapters in the northeastern region of the United States, currently has over 1,000 members. It has been a sustaining force for the 333 certified organic growers and producers in our New England state. They sell their produce and products in 52 farmers markets in Vermont, to local groceries and food stores, to grocery chains operating in Vermont, and indeed to distributors nationwide. In an especially noteworthy development, they have forged new relations with local buyers, and new distribution networks, through the formation of 42 Community Supported Agriculture (CSA) farms which provide food directly to consumers on an ongoing and regular basis.

NOFA Vermont's dual commitment is to local agriculture and to organic agriculture. It strives to be a steward of the soil, a preserver of the ongoing vitality of the environment, a proponent for healthy and nutritious foods. Through education, organic certification and technical assistance it strengthens the agricultural community in Vermont. Through its efforts to sustain community food security, and to promote both the marketing of organic products and the development of new markets, like the farmers markets and CSAs I mentioned a few minutes ago, it builds a stronger presence for healthful foods in Vermont.

It is important that we take time to recognize the individuals and organizations which not only nourish—in every way—our present, but look forward with vision to creating a strong and sustainable world for our grandchildren and great-grandchildren. NOFA Vermont, and its hundreds of members, nourish us and show us the shape of a vital, vibrant and human-centered future.

HONORING PACIFIC NORTHWEST NATIONAL LABORATORY

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. HASTINGS of Washington. Mr. Speaker, on January 4, 1965, Battelle was selected by the federal government to manage and operate what was then called the Hanford Laboratories, and is now called the Pacific Northwest National Laboratory. I congratulate PNNL as it celebrates its 40th anniversary. PNNL is a unique asset to my congressional district, to Washington State, to the Pacific Northwest and to the entire nation.

In 1965, Battelle committed to create a robust research operation in the State of Washington. It has absolutely delivered on its commitment. In the last 40 years, the number of staff at the lab has tripled, and business has increased from $20 million in 1965 to more than $600 million in 2004. As a leader in innovation, PNNL is an enduring asset in the Tri-Cities with many spinoff companies and technologies. As such, the laboratory continues to build collaborations with the region's colleges and universities and other scientific enterprises.

With major contributions to national science and technology programs, especially in recent years on homeland and national security, the Pacific Northwest National Laboratory is a valuable national asset and a vital part of regional efforts to create better jobs and strengthen our economy.

Since 1965, Battelle has contributed more than $13 million to not-for-profit organizations in the region. Battelle has also invested more than $125 million in facilities and equipment at its campus in Richland. And as testimony to its excellent stewardship of the lab, PNNL continues to receive "Outstanding" ratings for management of the lab by the Department of Energy. It recently received its seventh consecutive Outstanding rating.

As we look back on this exceptional record, we can also look forward with anticipation to Battelle's continued leadership at PNNL. With the world class staff and resources at the lab, and Battelle's excellent management, there is no limit to what can be done.

Mr. Speaker, I would like to close by sharing the strong feelings that all of us have in the Tri-Cities and the State of Washington—Battelle is a great employer, a great corporate citizen, and we look forward to many more years of its presence and commitment to a better Washington, a prosperous Pacific Northwest, and a safer world.

CONGRATULATIONS TO COACH G.A. MOORE ON RETIRING AS TEXAS' ALL-TIME MOST WINNING COACH

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BURGESS. Mr. Speaker, I rise today to congratulate Coach G.A. Moore, Texas' all-time winningest high school football coach, on his retirement.

Coach Moore won over 412 victories and 8 state championships in 42 seasons. Moore coached 39 of his 42 seasons at two places, Pilot Point, Texas, in my district and his alma mater, and in Celina, Texas. Mr. Moore also ranks an impressive 3rd on the nation's all-time wins list, and most recently led Pilot Point to an 8–3 record this season.

I congratulate Dr. Boothe for his lasting dedication to the honored Texas tradition of high school football. Best wishes to Coach Moore on his retirement.

JUSTICE AND EQUITY FOR MEMBERS OF THE UNITED STATES MERCHANT MARINE

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. FILNER. Mr. Speaker and colleagues, I rise today to correct an injustice that has been inflicted upon a group of World War II veterans, the World War II United States Merchant Mariners.

World War II Merchant Mariners suffered the highest casualty rate of any of the branches of service while they delivered troops, tanks, food, airplanes, fuel and other needed supplies to every theater of the war.

Compared to the large number of men and women serving in World War II, the numbers of the Merchant Mariners were small, but their chance of dying during service was extremely high. Enemy forces sank over 800 ships between 1941 and 1944 alone.

Unfortunately, this group of brave men were denied their rights under the G.I. Bill of Rights that Congress enacted in 1945. All those who served in the Army, Navy, Marine Corps, Air Force or Coast Guard were recipients of benefits under the G.I. Bill. The United States Merchant Marine was not included.

The Merchant Marine became the forgotten service. For four decades, no effort was made to recognize the contribution made by this branch of the Armed Services. The fact that Merchant Seamen had borne arms during wartime in the defense of their country seemed not to matter.

No legislation to benefit merchant seamen was passed by Congress until 1988 when the Seaman Acts of 1988 finally granted them the a "watered down" G.I. Bill of Rights. Some portions of the G.I. Bill have never been made available to veterans of the Merchant Marine.

In addition, they still have not received proper recognition as veterans for Social Security purposes. If they had the "veteran" designation, their Social Security would be calculated as if they had earned $160 more a month than they did earn during their time in service in the Merchant Marines. Of course, what this means is a smaller Social Security check, now that they are retired.

While it is impossible to make up for over 40 years of unpaid benefits, I propose a bill that will acknowledge the service of the veterans of the Merchant Marine and offer compensation for years and years of lost benefits. H.R. 23, the "Belated Thank You to the Merchant Mariners of World War II Act of 2004", will pay each eligible veteran a monthly benefit of $1000, and that payment would also go to their surviving spouses. It will also give them the Social Security that they are due by providing them with the status of "veteran" under the Social Security Act.

The average age of Merchant Marine veterans is now 81. Many have outlived their savings. An increase in their Social Security and a monthly benefit to compensate for the loss of nearly a lifetime of ineligibility for the GI Bill would be of comfort and would provide some measure of security for veterans of the Merchant Marine.

I owe a debt of gratitude to Ian Allison of Santa Rosa, California and Henry Van Gemert of Palmetto, Florida who are Co-Chairs of the Just Compensation Committee of the U.S. Merchant Marine Combat Veterans, and to Ted Metula of Lemon Grove, California for bringing this issue to my attention.

I urge my colleagues to join me in supporting and cosponsoring this legislation. We can fix the injustices endured by our Nation's Merchant Marines by passing H.R. 23 as quickly as possible!

HONORING RAY STRONG ON HIS 100TH BIRTHDAY

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mrs. CAPPS. Mr. Speaker, today I rise to pay tribute to the artistic contributions of Ray Strong, on the occasion of his 100th Birthday.

Ray Strong has contributed to the Santa Barbara community not only through his art, but also through his passion and commitment to education and his dedication to the preservation of our environment. His generosity has touched many, including those young artists fortunate enough to paint with Ray as part of the Oak Group. Ray Strong has assisted in raising money for a number of environmental causes and has brought awareness to many conservation issues through his work.

In addition to exhibiting throughout the United States, Ray Strong's work is held in the permanent collection of the Smithsonian Institution. I am fortunate to have had some of Ray's pieces grace the walls of all three of my Congressional district offices. Locally, Ray has been honored by Santa Barbara Beautiful and is revered by many in this community for his generosity, spectacular talent and his passion for our physical environment.

Ray Strong's enthusiastic dedication to recording the landscape around us reminds me just how precious our natural surroundings are. His commitment to environmental causes and his contributions to the American realist tradition are commendable. Ray Strong is a talented artist, generous teacher and role model to many. I am privileged to know Ray and I continue to be awed by his many talents.

PAYING TRIBUTE TO JOHN D.W. REILEY

HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. HOLDEN. Mr. Speaker, I rise today to honor John D.W. Reiley and to recognize the many contributions he has made to the city of Pottsville, the Commonwealth of Pennsylvania, and the world. He knows no limits in his service and commitment to the people and communities he has touched over the years.

John D.W. Reiley was born and raised in Pottsville, Pennsylvania, where he still resides today. He is a graduate of Pottsville Catholic High School and Saint Joseph's University, Philadelphia.

After serving with the United States Army in the U.S. and Germany, he was associated with Reiley's Stores, Inc. in Pottsville. In May 1976, he was named Secretary of the Pennsylvania Liquor Control Board, and he served in that capacity to the present time.

As a lifelong resident of Pottsville, Mr. Reiley has been active in the Greater Pottsville Winter Carnival, serving as its first president. A member of the Pottsville Lions, he is a past President and past District Governor. He is currently Co-Chairman of Pottsville Cruise Night and is a Director of the Union Bank and Trust Company, UBT Realty, and the Schuylkill County Motor Club, the Pennsylvania League of Cities and Municipalities, and Penn Prime Insurance.

In 1969, he was appointed to Pottsville City Council. He was re-elected later that year and again in 1973.

He is also a member of Robert R. Wodbury Post #67 American Legion; Ancient Order of Hibernians, JFK Division (#2); Catholic War Veterans Post No. 1051; Knights of Columbus Council No. 431; Schuylkill Chapter of the National Football Foundation and College Hall of Fame; and the Yorkville Hose & Fire Company.

Mr. Reiley is a past President of the Pottsville Merchants Association and past member of the Board of Directors of the Pennsylvania Retailers Association and the Pottsville Library.

In March 2000, he was appointed Mayor of Pottsville, completing the term of his son Terence, who lost a five-year battle with leukemia while in office. In November 2001, John was re-elected to a full term.

He is married to the former Agnes McGowan, and is the father of Hugh Reiley and the late Terry Reiley.

75TH ANNIVERSARY OF ST. FRANCIS XAVIER CATHOLIC CHURCH

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and enthusiasm that I congratulate St. Francis Xavier Catholic Church as they join together in the celebration of their 75th anniversary. The festivities will begin on Saturday, January 8, 2005. The parish community of St. Francis will also host a variety of activities throughout the entire year of 2005.

In 1882 there were two churches, Catholic and Methodist that existed in Lake Station, Indiana. The first Catholic Church was located at a Way Station on the Stage Line that operated between Michigan and Joliet. It stood on the identical spot which the present church now occupies. The Way Station was listed on railroad bulletins as Lake Station. The Michigan Central Railroad was built from Detroit to Chicago in 1852, and at this time the structure was not known as a parish church but as a chapel. This building was in existence before the railroad. The original bell from the structure was stored when the building was razed and is now still in use at the present church.

Father Francis Xavier Guerre was the pastor of St. Mary of the Lake in Miller, Indiana. He was persuaded to start a mission parish in East Gary. Father Guerre founded the mission parish of St. Francis Xavier in 1930, and Bishop John F. Noll dedicated the church in 1931. The name St. Francis Xavier was in honor of Father Guerre's patron saint. The parish continued as a mission until 1941, when Bishop appointed Father Francis Quinn as its resident pastor.

In 1950, Father Koors planned for the enlargement of the existing church and the erection of a Parochial School. However, Father Koors needed a written guarantee that nuns would be available to teach in the school. Six orders of nuns were contacted before a written guarantee was received from Mother Emily of the Poor Sisters of St. Francis of Seraph. Mother Emily persuaded her Council to give the necessary written guarantee for the Sisters to teach at St. Francis Xavier. On September 5, 1956, the St. Francis Xavier School was officially opened for classes. The School was dedicated and blessed on November 11, 1956 by Bishop Pursley.

In 1984, Father Robert Evers became the Pastor of the St. Francis. Father Evers reopened the "Center" and procured the help of the Jesuits to service the Spanish community with week-end and daily masses. When the Jesuits left, liturgies were again celebrated in the main church. Father Evers retired in June 2004 after serving the parish for 20 years. The proud parishioners are thankful for the spiritual and emotional leadership he and the previous pastors have provided during the years.

The present church's beautiful interior features sculptured statues of the Virgin Mary, St. Joseph, the Infant of Prague, and St. Theresa. The beautiful, dimly-lit interior is illuminated by sunlight through the stained-glass window and dozens of votive candles flicker through ruby and sapphire tinted globes. The present pastor, Reverend J. Anthony Valtierra and his congregation continue to serve the needs of the citizens of Northwest Indiana. By offering service and guidance to others, the members of St. Francis Xavier Church have proven their sincere dedication and motivation for assisting others in need.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in honoring and congratulating St. Francis Xavier Church on their 75th anniversary. They have provided support and guidance for all those in the community. Their constant dedication and commitment is worthy of the highest commendation.

HONORING THE 50TH ANNIVERSARY OF WASHINGTON HOSPITAL'S SERVICE LEAGUE

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. STARK. Mr. Speaker, I rise to pay tribute to the 50th anniversary of Washington Hospital's Service League. Washington Hospital, located in Fremont, CA, will mark the anniversary at a celebration on February 7, 2005.

At 11:30 a.m., on March 6, 1955, ground was broken for the construction of Washington Hospital. During this same month, 14 civic-minded women in the community came together to plan a volunteer organization that would work in and for the hospital.

As a result of their commitment, the Washington Hospital Service League became a reality in 1956; the hospital opened on November 24, 1958. The Service League's goal was—and still is—to support the hospital by purchasing much needed equipment and to assist patients, visitors and staff.

Over the years, the Service League has raised more than $1.79 million for equipment in almost every department at Washington Hospital, enabling community members to obtain state-of-the-art health care in their own community. Seed money donated by the Service League helped bring to fruition Washington Hospital Healthcare Foundation, Washington-Stanford Radiation Oncology Center and the Community Health Resource Library.

One of the Service League's activities that has continued to change the lives of so many in the community was the establishment of a scholarship program in 1961. Since the first nursing scholarship in the amount of $150 was awarded to a nursing student at Highland Hospital, the volunteers have given more than $150,000 to students seeking a career in health care.

The Service League volunteers also bring a human touch—freely offering a cheerful smile, a friendly attitude and thousands of hours of service to the hospital's patients, visitors and staff.

I join in congratulating all the volunteers who have contributed to the success of the Washington Hospital Service League over the past 50 years, and the present-day volunteers who continue to make a positive difference by giving back to the community.

A SPECIAL TRIBUTE TO THE ROPPE CORPORATION ON THE OCCASION OF ITS 50TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. GILLMOR. Mr. Speaker, it is my privilege to pay tribute to a special company in Ohio's Fifth Congressional District. This year, the Roppe Corporation of Fostoria, OH, will celebrate 50 years of dedicated service.

Mr. Speaker, the Roppe Corporation is one of the nation's leading suppliers of rubber and vinyl flooring products and accessories. The Roppe Rubber Corporation was founded in 1955, by Thony Roppe and production began in 1956. With only seven employees, the Roppe Rubber Corporation focused exclusively on rubber products.

Through the expansion of its trucking fleet and an increased customer base, Roppe has grown and flourished since its beginning. Due to the expansion of products and services that Roppe Rubber offered, it officially changed its name, in 1990, to the Roppe Corporation.

In 1993, the Miller family purchased the Roppe Corporation where Donald Miller continues to serve as chairman of the board, nearly 47 years after beginning his service at Roppe. With expanded facilities and dedicated leadership, the Roppe Corporation has become a premier employer in the Fifth Congressional District of Ohio. By maintaining its factory in Fostoria, OH, Roppe has become a permanent fixture in the community.

Today, Roppe has become the world's largest rubber wall base manufacturer. Roppe has over 45 distributors with 105 locations in the United States and exports products worldwide. The Roppe Corporation has grown in annual sales to $60,000,000 and now owns ATECO, Tri County Broadcasting, Seneca Millwork, Custom Corner, The Fostoria Focus, and Flexco.

Mr. Speaker, the real success of the Roppe Corporation comes not only from its products, but from its people. The employees of the Roppe Corporation provide customers with the service and dependability that are expected of a first-class company. Beyond the walls of Roppe, its employees are model citizens by providing for and leading their community. In all but 1 of the past 20 years, Roppe employees were the highest per capita givers to the Fostoria United Way campaign. Each year, we can count on the employees of Roppe to give of their time and their means to the community of Fostoria, OH.

Mr. Speaker, I ask my colleagues to join me in paying special tribute to the employees and the legacy of the Roppe Corporation. As all who benefit from this fine company gather to celebrate its 50th anniversary of service, I am confident that the good people of Fostoria, OH, will continue the successes of the Roppe Corporation into the future.

HONORING DR. JIM KING OF WVXU IN CINCINNATI UPON HIS RETIREMENT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. PORTMAN. Mr. Speaker, I rise today to honor Dr. Jim King, who is Director of Broadcasting and General Manager of WVXU, Xavier University's public radio station in Cincinnati. He retired December 31, 2004 after 28 years of dedicated service to our community, and will return to a full time Xavier faculty position.

A native of Cheboygan, MI, Jim had an early interest in music. He began his interest in broadcasting while still a youngster with his own "pirate" radio station, and even then, he knew he wanted a career in radio. Later, he gained his first full time job in radio as a high school sophomore. At Western Michigan University, Jim earned a B.A. in English Literature and an M.A. in English Literature and Ancient History. Happily, he also met his wife of 37 years, Kathy, there. In 1969, Jim and Kathy moved to Ann Arbor and in 1973, Dr. King earned a Ph.D. in Radio, TV and Film from the University of Michigan.

In 1976, Jim joined Xavier University as its full time professional manager of WVXU, which was then a small 10 watt FM station. Jim also serves as Professor of Communication Arts at Xavier.

Over the years, WVXU has increased its power several times, and today, the station is 26,000 watts. Under Jim's visionary leadership, the station became a member of a regional network of seven stations in Ohio, Indiana, and Michigan. WVXU is now housed in a 12,000 square foot broadcasting complex on the Xavier University campus, employs 25 radio professionals, and has won almost every honor in broadcasting, including the George Foster Peabody Award, the industry's most prestigious award.

Simply put, Jim has improved the quality of life for all of us in the community by treating us to WVXU's mix of vintage radio shows; award-winning news programs; financial information; and a beloved variety of music.

All of us congratulate Jim on his retirement and wish him luck in the new challenges to come.

HONORING JOSEPH HILLS AS VIRGINIA'S TEACHER OF THE YEAR

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Joseph Hills, Virginia's 2005 Teacher of the Year.

Mr. Hills, a social studies teacher at Lake Braddock Secondary School, was named Virginia's 2005 Teacher of the Year and will represent Virginia in the National Teacher of the Year program. He was also awarded Fairfax County Public Schools 2004 Teacher of the Year.

Mr. Hills received a Bachelor of Science degree in Secondary Education from Lock Haven University in Lock Haven, Pennsylvania, and a Master of Arts degree in Education from the College of St. Thomas, Minnesota. He began his career with Fairfax County Public Schools in 1960 as a history teacher at Fairfax High School. He then moved to Marshall High School and later to Langley High School, where he worked as a teacher and social studies department chair. In 1973, Mr. Hills came to Lake Braddock Secondary School where he still serves.

He is a member of numerous education associations including the National Council of Social Studies, the Virginia Council of Social Studies, and is active in various Parent Teacher Associations. Mr. Hills has received the Washington Post Agnes Meyer Outstanding Teacher Award, as well as outstanding teacher awards from the University of Chicago and Smith College.

Colleagues describe Mr. Hills as "the embodiment of a dedicated teacher who is energized by his students and at the same time energizes those in his classroom." Former students praise Mr. Hills for making history come alive by telling stories and inspiring them to become teachers or earn graduate degrees in history. He is known for his use of the Socratic Method, spurring students to "think deeply and differently."

Our students are our number one resource. Mr. Hills has dedicated his life to ensuring that they are given the opportunity to achieve success. Over the past 44 years, he has made a lasting impact on thousands of students.

I ask my colleagues to join me in applauding Joseph Hills and congratulating him on this distinguished achievement.

IN RECOGNITION OF THE 40TH ANNIVERSARY OF ANALOG DEVICES, INC.

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. LYNCH. Mr. Speaker, I rise today in honor of Analog Devices, Inc., ADI, a Fortune 1000 and S&P 500 Company with global headquarters in the 9th Congressional District, in the town of Norwood, MA, which will celebrate its 40th anniversary on January 18, 2005.

ADI, which is a world leader in the design, manufacture and marketing of semiconductors with a specialty in high-performance analog, mixed-signal and digital signal processing integrated circuits, was founded in 1965 in Cambridge, MA, by Ray Stata and Matthew Lorber, both graduates of the Massachusetts Institute of Technology.

During the intervening four decades, Analog Devices has grown to become the world's largest supplier of analog-to-digital and digital-to-analog data converters, and is the world's largest supplier of analog amplifiers, which are used in every conceivable manner of electronic communications, consumer, industrial, automotive, medical, military and aerospace product. The company today has manufacturing and/or technology design centers in 12 countries and 10 States, including Arizona, California, Massachusetts, New Hampshire, New Jersey, North Carolina, Oregon, Texas, Utah, and Washington.

ADI has played a significant role in the sustained development of Massachusetts as a world-class technology region and is a significant economic growth engine within the Massachusetts economy. Analog Devices is:

One of the 20 largest employers among Massachusetts' publicly traded companies;

Among the Top 20 companies in the State measured by annual revenue;

One of the Top 10 companies in the State measured by net earnings.

Mr. Speaker, I want to add may own personal congratulations to Analog Devices on the significant milestone of its 40th year and thank the company for the technological and economic contributions it has made to the Commonwealth of Massachusetts and beyond.

INTRODUCING THE SOUTHERN CALIFORNIA GROUNDWATER REMEDIATION ACT

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BACA. Mr. Speaker, today, I will be reintroducing the Southern California Groundwater Remediation Act. This legislation is a long-term solution to help cities in Southern California remove perchlorate from their drinking water.

Formerly H.R. 4606, this legislation passed the House of Representatives in September of 2004. Today, I pick up the fight to clean up perchlorate groundwater contamination and protect the health of Southern Californians. Perchlorate groundwater contamination remains a crisis in Southern California. This includes my hometown of Rialto, California.

Perchlorate is a main ingredient in rocket fuel. It has been found in drinking water supplies in 40 states, including California. It has been linked to thyroid damage, and may be especially harmful to infants and developing fetuses, and the 1.2 million women of child-bearing age in San Bernardino, Riverside and Orange Counties. It could also be harmful to those with weak immune systems, such as seniors and AIDS patients.

There is a legal and moral obligation to provide safe and healthy water. Today, these obligations are in jeopardy. The hardworking families in these areas are not at fault and should not have to pay for this problem. We must protect these consumers.

Southern California, and particularly the Inland Empire, has been greatly impacted by perchlorate. Perchlorate has been detected in 184 sources in the counties served by the Santa Ana River watershed. There is a perchlorate plume in the Inland Empire in California that is seven miles long and growing every day. It has affected 82 wells in San Bernardino County, and jeopardized the water supplies of 500,000 residents who rely on the Colorado River.

The economic burden on these communities is almost as much of a concern as the potential health effects. The bill authorizes $50 million in much-needed assistance. It is modeled after a successful program in the San Gabriel Basin in Southern California that has also suffered from perchlorate-polluted water. And it is similar to H.R. 4459, a bill introduced by Richard Pombo in the 108th Congress that deals with perchlorate in Northern California, and passed the House last September.

I urge my colleagues to support this urgent bill for Southern California, so we can tell these communities that help is on the way. I would like to thank Congresswoman GRACE NAPOLITANO, Congressman KEN CALVERT and Congressman GARY MILLER for their support of this crucial bill to the health of Southern Californians.

TRIBAL PARITY ACT

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. HERSETH. Mr. Speaker, I am pleased to introduce the Tribal Parity Act today. This bill would fully compensate the Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe in South Dakota for the lands that they lost in the last century as a result of the federal government's construction of the massive dams on the main stem of the Missouri River.

The 1944 Flood Control Act cost these tribes much in terms of lost land. It also took an enormous toll on the people of both tribes and their economies. It is critically important that we seek to fully reimburse these tribes for the lands they lost.

The Lower Brule Sioux Tribe and the Crow Creek Sioux Tribe are both constituent bands of the Great Sioux Nation. Both border on the Missouri River in central South Dakota and are connected by the Big Bend Dam.

Congress created a trust fund for the Crow Creek Sioux Tribe in 1996, and a separate trust fund for the Lower Brule Sioux Tribe in 1997. These trust funds sought to compensate the tribes for the value of their land that is now permanently inundated as a result of the construction of the Big Bend Dam. Unfortunately, the formula that the Government Accountability Office used to calculate amount of compensation for both tribes was substantially different than the formulas that it has used to calculate damages for many other similarly situated tribes. The result was unfair and inadequate compensation trust funds for these tribes.

Parity for these tribes would mean an ability to actively work for the betterment of their communities. It would mean adequate roads and improved community facilities. It would mean better health care and newer schools. It would mean attracting commercial business and improving the local economy. Most importantly, it would mean a real chance for these tribes to provide future generations with the tools that so many of us take for granted.

I would ask all of my distinguished colleagues to support the Tribal Parity Act and work with me to enact legislation that would fairly and appropriately compensate members of the Lower Brule and Crow Creek Sioux Tribes. I ask you to do it because of the tremendous positive difference it would make in the lives of those affected—and because it is the right and fair thing to do.

THE WORKER REEMPLOYMENT ACCOUNTS ACT OF 2005

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. PORTER. Mr. Speaker, I am proud to sponsor the Worker Reemployment Accounts Act of 2005. This important legislation will help thousands of unemployed Americans seeking to return to work by providing them with a Personal Reemployment Account.

The American economy is the fastest growing economy of any industrialized nation in the world. Nationwide, more than 2.4 million jobs have been added since August 2003. The national unemployment rate has declined to 5.4 percent, lower than the average rate during the 1970s, 1980s and 1990s. In my own state of Nevada, unemployment has fallen to 3.7 percent. Clearly, the Republican tax relief and growth package has helped to drive the strong recovery in our economy. But we still have more work to do.

As the economy is adding thousands of new jobs and the unemployment rate is dropping across the country, the assistance provided by this bill is critical because we want to ensure that every job seeker has the resources they need to find a good job. That is what this bill is all about—helping Americans find careers.

As President Bush proposed in his 2005 budget, the Worker Reemployment Accounts Act permits the Secretary of Labor to use demonstration funding under the Workforce Investment Act to provide Personal Reemployment Accounts to those with the greatest challenges in returning to work quickly.

Through competitive grants, the local One-Stop Career Center system, where the unemployed already seek assistance in obtaining employment, will offer this important new benefit to unemployed workers, in addition to an array of employment services they already provide.

Under the bill, states and local workforce investment areas will be able to offer unemployed individuals who are most in need of help a reemployment account of up to $3,000. With these accounts, unemployed workers may purchase a variety of different services to help them find a good job, including job training, child care, transportation, housing assistance, short-term classes to upgrade skills, and employment counseling.

One of the important features of the bill is that it provides individuals with significant new flexibility to design a package of services tailored to meet their needs. By taking into accounts the needs of the unemployed on an individual basis, our local, State, and federal governments will better equip these individuals with the tools they require to secure long-term, meaningful employment.

In addition, recipients will be able to keep the balance of the account as a cash reemployment bonus if they become reemployed within 13 weeks and stay employed for six months.

These new Personal Reemployment Accounts and the current job training services already administered under the Workforce Investment Act are both essential in helping displaced workers in areas of the country facing skill shortages and enhancing the workforce for our increasingly knowledge-based economy.

The Secretary of Labor already has begun the process of testing the PRA concept through a very limited pilot program. However, the authority of this bill would allow the Secretary to test the concept in more areas, either within the seven states already participating or in additional states. The lessons learned through this demonstration program will help inform Congress regarding the best way to serve the unemployed and ultimately will result in better reemployment and training services for all workers.

Over the past two years, Republicans have taken numerous steps to help unemployed workers. I am also proud to join 21" Century Competitiveness Subcommittee Chairman McKEON and Chairman BOEHNER of the Education and the Workforce Committee. in introducing the Job Training Improvement Act of 2005. This bill will reauthorize and enhance the services provided through the Workforce Investment Act and the nation's one-stop deliver system for workforce development. I am pleased that the provisions of the Worker Reemployment Accounts Act are included in this broader reauthorization package.

I look forward to working with my colleagues to improve job training opportunities for all Americans and offer this new innovative option to help workers as quickly as possible. The choice and flexibility available through a Personal Reemployment Account is the additional assistance American families need to get back into high-wage, steady employment. By providing this enhanced assistance, we can ensure that Americans are able to meet the challenges of the ever-changing economy that they face.

I was proud to see similar legislation pass in the House of Representatives in the 108th Congress, and am excited to see it become law in the 109th Congress. I urge my colleagues to support this critical legislation.

THE REINTRODUCTION OF THE 21ST CENTURY WATER COMMISSION ACT

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. LINDER. Mr. Speaker, today I reintroduced my proposal, the "21st Century Water Commission Act." This proposal, which was approved by the House on November 21, 2003, but unfortunately not considered by the other body before the 108th Congress adjourned, will bring together our nation's premier water experts to recommend strategies for meeting our water challenges in the 21st century.

Some highlights of my 21st Century Water Commission legislation are as follows:

The commission will look for ways to ensure fresh water for U.S. citizens for the next 50 years;

The commission will be composed of nine members appointed by the President, and key leaders in the House and Senate;

The commission will look for ways to eliminate duplication and conflict among federal governmental agencies;

The commission will consider all available technologies and other methods to optimize water supply reliability, availability, and quality, while safeguarding the environment;

The commission will hold hearings in distinct geographical regions of the United States, and in Washington, D.C., to seek a diversity of views, comments, and input; and

A final report will be due within three years of the commission's inception. The report will include a detailed statement of the findings and conclusions of the commission, as well as recommendations for legislation and other policies.

I want to be clear that this bill does not give the federal government more direct authority or control over water. Rather, this commission will make recommendations on how we can coordinate water management efforts on all levels so that localities, states, and the Federal government can work together to enact a comprehensive water policy to avoid future water shortages.

As Benjamin Franklin noted in 1746, "When the well's dry, we know the worth of water." Nothing could be truer, and many states across the country that are currently facing a water crisis, or have in the last few years, understand the wisdom of these words.

I look forward to working with my colleagues in the House in moving this bill forward promptly. The U.S. cannot afford to reevaluate its water policies every time a crisis hits. Now is the time to get ahead of this issue, and I believe that the 21st Century Water Commission can serve as a channel for sharing the successful strategies and ideas that will allow us to do so.

TRIBUTE TO JACK HALPERN

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Mr. Jack Halpern, a highly accomplished Jewish American who will be honored on January 27, 2005, at the Annual Northeast Regional Tribute of the American Israel Public Affairs Committee.

Jack, a resident of Manhattan, lives with his wife Lieba and their two wonderful children. He is a managing member of Atlantic Realty, which develops residential and commercial real estate in New Jersey, New York and Israel.

In addition to his duties with Atlantic Realty, Jack somehow finds the time to work as an activist. Following in the footsteps of his father Sam, who founded the family business after surviving the Holocaust, Jack has become an active supporter of numerous Jewish causes. As a member of AIPAC's National Executive Committee, Jack has been a leader in strengthening ties between the U.S. and Israel for many years.

In 2002, Jack founded the Energy Independence Task Force at the American Jewish Congress, where he currently serves on the Governing Council and Executive Committee. This important task force continues to work for fuel efficiency standards in trucks and SUVs. In addition they have met with many key Congressional and Administration officials in order to deliver the message that a long-term national energy policy focusing on reducing the United States' dependency on Middle East oil is a national security imperative.

Jack's long-time associations also include State of Israel Bonds, the Jewish Community Center of Manhattan, the Holocaust Resource Foundation, the Technion Institute and the Weizmann Institute of Science in Israel.

Mr. Speaker, Jack Halpern is a model American citizen worthy of the award which will be bestowed upon him. His efforts have not only helped to strengthen the two countries he cares most deeply for (America and Israel) but have also helped to strengthen their special relationship.

For his continued service on AIPAC's Executive Committee and his work on improving U.S.-Israeli relations, I ask my colleagues to join me in paying tribute to Mr. Jack Halpern.

INTRODUCING THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. EHLERS. Mr. Speaker, today I am pleased to introduce the National Oceanic and Atmospheric Administration Act. Better known as NOAA, the National Oceanic and Atmospheric Administration was created by Executive Order in 1970. It is the nation's lead civilian agency for oceans and atmosphere, yet Congress has never passed an overarching organic act describing the mission and functions of the agency. Instead, over the past 34 years Congress has defined the mission of the agency in a piecemeal manner with legislation focused on specific issues. The bill I am introducing today, which passed the Environment, Technology and Standards Subcommittee in the 108th Congress, is a first step toward Congressional passage of comprehensive legislation for NOAA.

Last year, the U.S. Commission on Ocean Policy released its long awaited report with recommendations for a coordinated national ocean policy. One of its key recommendations is that Congress should pass an organic act for NOAA. In his response to the Ocean Commission report, President Bush supported this recommendation. The time is right for Congress to consider, and pass, this organic act for NOAA.

My bill establishes the National Oceanic and Atmospheric Administration (NOAA) within the Department of Commerce. It defines the mission of NOAA as "to understand and predict changes in the Earth's oceans and atmosphere and the effects of such changes on the land environment, to conserve and manage coastal, ocean, and Great Lakes ecosystems, and to educate the public about these topics." The recent Indian Ocean tsunami is just the latest evidence of the need for NOAA's research and services. My bill maintains the current leadership structure at NOAA, but adds a Deputy Assistant Secretary for Science and Technology to serve as the point person for the agency to coordinate the research and science activities of NOAA across the agency.

This bill also describes the functions of NOAA, which are divided into three broad groups to improve cooperation among NOAA's programs, as recommended by the U.S. Commission on Ocean Policy. First is the National Weather Service, which provides weather, water and climate forecasts and warnings to the nation. The second group is operations and services, which includes all of NOAA's satellites services and its mapping and charting services. The third category of functions is research and education.

The bill focuses on pieces of NOAA under Science Committee jurisdiction, and does not currently include any references to NOAA's fisheries or resource management, which are under the jurisdiction of the Resources Committee here in the House. I am hopeful that we can work with other committees in the House and our colleagues in the Senate to pass a truly comprehensive organic act for NOAA, but for now we must start with this legislation.

I believe it is critical for NOAA's mission to be clearly defined so it can better fulfill its role in observing, managing, and protecting our nation's coastal, ocean and Great Lakes resources. I look forward to working with my colleagues in a bipartisan fashion to pass this bill into law this year. This will not be an easy task, but it is so important to our environment, our economy, and our children's and grandchildren's future, that we must succeed.

INTRODUCING THE CONYERS-SHERMAN CONSTITUTIONAL AMENDMENT

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SHERMAN. Mr. Speaker, I am pleased to join my colleague, Congressman JOHN CONYERS, the ranking member of the Judiciary Committee, in introducing the Conyers-Sherman Presidential Eligibility Constitutional Amendment. This Amendment will allow any foreign-born person who has been a United States citizen for 20 years or longer to qualify to run for President of the United States. Once enacted and ratified, this amendment will allow millions of well qualified Americans to aspire to our nation's highest office.

This bill is not about the election prospects of any one man or woman. It is about the dreams of all Americans. Every year I visit high schools in the San Fernando Valley. I tell those students that America is a great country, a land of opportunity. I want to tell them that it is also a country where any child can grow up to be President of the United States. Unfortunately, for many high school students in my district, the fact that they were born in another country is a complete and unequivocal bar to the Presidency.

All American children regardless of where they are born should have all the rights and responsibilities of native born Americans. All American children should be able to aspire to rise as far as their talent, energy and ability allow them, including our nation's highest office. There is no good reason to exclude Americans who will grow up to attend our colleges and universities, who will protect America in our armed forces, or who will work hard and pay their taxes, from our nation's highest office. When this Constitutional Amendment is passed and ratified each of them will have that opportunity.

The exact reasons for including the natural born citizen language in the Constitution are lost to history. The meticulous record of the Constitutional Convention, kept by James Madison, hardly gives it a mention. Regardless of that lost reasoning, America is now a nation of immigrants. We are a nation that should encourage those who come here to aspire to their highest goals and loftiest dreams. Mr. Speaker, the Constitutional Amendment Mr. CONYERS and I introduce today will make some of those dreams a possible reality for the first time in our history.

RECOGNIZING THE 150TH ANNIVERSARY OF HILLIARD LYONS

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mrs. NORTHUP. Mr. Speaker, I rise today to recognize Hilliard Lyons' 150th anniversary. During 2004 this respected investment firm completed its 150th year of doing business in Louisville, Kentucky.

The Hilliard Lyons story began in 1854 with the creation of the firm Quigley and Lyons. The Civil War split the partnership but Henry J. Lyons continued the business. The business grew and Lyons bought a seat on the New York Stock Exchange in 1878. During the same time period, John James Byron Hilliard entered the banking business under the name J.J.B. Hilliard & Son.

As Louisville and Kentucky grew, so did Hilliard Lyons. When Kentucky sought to link itself to important markets, Hilliard Lyons helped finance the first bridge across the Ohio River at Louisville. Furthermore, as technology changed, Hilliard Lyons was on the cutting edge of business innovation. Moving from ticker tape to keypunch machines in its early days, the firm has been eager to embrace technology. In fact, Hilliard Lyons was the first brokerage firm outside New York to automate the processing of stock trades.

In 1972, the firm replaced its partnership business model with a corporation. Further changes came in 1998 when PNC Financial Services Group purchased Hilliard Lyons.

Hilliard Lyons is a proud resident of downtown Louisville. The firm's headquarters are located in the former Stewart's Dry Goods department store on Muhammad Ali Boulevard in downtown Louisville. Hilliard Lyons has occupied this location since 1986.

Today, Hilliard Lyons is a full-service investment operating 80 branch offices in 13 states. Hilliard Lyons employs 1,300 people who serve 250,000 customers.

Mr. Speaker, I am proud to honor Hilliard Lyons after 150 years of service to Kentucky and the Nation. The citizens of Louisville are proud of Hilliard Lyons and we congratulate them on this historic milestone.

HONORING FIRE CHIEF ROB DAHLMAN

HON. THADDEUS G. McCOTTER

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. McCOTTER. Mr. Speaker, I rise today in honor of a great public servant upon his retirement from his noble profession.

Fire Chief Rob Dahlman served the citizens of Wayne Michigan since he began his career with the Wayne Fire Department in May 1976 and continued his employment with the city for the next twenty-nine years. Rob was first promoted to Lieutenant in January 1990. Four years later, he was promoted to Deputy Fire Chief and Fire Marshal. Finally, he was promoted to Fire Chief in 1999.

His education includes a degree in Fire Science Technology from Henry Ford Community College cumulating with a State of Michigan certified specialist license, the first City of Wayne Fire Chief to achieve this status.

Fire Chief Dahlman's past affiliations and titles are vast and varied. He is a Certified Fire Inspector with the Michigan State Fire Marshal Office, and active member of the International Association of Arson Investigators, Metropolitan Detroit Fire Inspectors and the Michigan Fire Inspectors Society. Rob has been the Emergency Program Manager of the City of Wayne and was instrumental in instituting and effective emergency operations plan.

Under Fire Chief Dahlman's administration, the Wayne Fire Department achieved its goal of building a state-of-the-art fire department. In 2003, the force moved into a new facility which has set a high standard for neighboring fire departments to follow. He has also expanded the services the department provides by adding two new rescue units and helped secure funding to provide several other life saving pieces of equipment.

Fire Chief Dahlman once said, "I am not a hero, but I am an individual who is constantly concerned about the well being of others." Rob's career has echoed this sentiment, which can be attested to by his long list of accomplishments and praise he has constantly received throughout his professional life as a firefighter.

His wife Robin, sons Ryan and Randy, daughter-in-law Kelly, and grandson Brandon should be extremely proud of the undeniable mark he has left on the community. We at home will remember and always benefit from his dedication and leadership.

Mr. Speaker, on behalf of us all, I extend my sincere appreciation to Fire Chief Rob Dahlman for his fine service to our community and our country.

IN HONOR OF DICK BARELLI

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life of Dean Richard (Dick) Barelli, a dedicated public servant who passed away on October 1st, 2004. He was a valuable member of the Monterey Bay community and will be sorely missed by all who had the pleasure of knowing him.

Dick Barelli was born in Hammond, Indiana on February 25, 1937 to Dean and Anne Barelli. After graduating from Notre Dame University, Dick served as a 1st Lieutenant in the United States Army at Monterey County's own Fort Ord. Dick then earned his law degree from the University of California, Hastings College of Law, and in 1970 moved to Monterey to become one of the first Monterey County Assistant Public Defenders. He went into private practice, and was a founding member of the Monterey College of Law in 1972. Dick was appointed Superior Court Judge of Monterey County in 1977, where he served for five years. Although Dick retired in 1982 he has served as Deputy County Counsel for the past nine years, and was actively involved in the Monterey County Bar Association, where he served as President.

Mr. Speaker, I applaud Dean Barelli's many accomplishments, and I commend him for his lifelong dedication to his community and friends. I knew Dean Barelli during my time as a Monterey County supervisor, and was deeply saddened to hear of his passing. I join the Monterey Bay community, his friends and his family in honoring this truly admirable man for all of his lifelong achievements.

INTRODUCTION OF NATIONAL SECURITY LANGUAGE ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. HOLT. Mr. Speaker, we can no longer keep our nation safe if we do not commit ourselves to learning the languages and cultures of critical areas around the world. The security of our troops overseas and the American people here at home demand that we act quickly to eliminate the severe shortage of critical need language professionals in this country. While the last Congress has taken some steps, we have not done enough.

That's why I rise today to introduce legislation, the National Security Language Act, which would significantly expand our investment in foreign language education on the primary, secondary, and post-secondary level.

Al Qaeda operates in over 75 countries, where hundreds of languages and dialects are spoken. However, 99 percent of American high school, college and university programs concentrate on a dozen (mostly European) languages. In fact, more college students currently study Ancient Greek (20,858) than Arabic (10,596), Korean (5,211), Persian (1,117), and Pashto (14) put together. We need to do more to make sure that America has the language professionals necessary to defend our national security. This cannot be done overnight. We are already years overdue.

The 911 Congressional Joint Inquiry reports our intelligence community is at 30 percent readiness in languages critical to national security. Despite this alarming statistic, we do not appear to be taking the necessary aggressive action to address this problem. Various agencies are making efforts to hire more linguists. When I asked a panel of intelligence experts at a recent Intelligence hearing what the federal, government is doing to increase the pool of critical need language professionals from which they hire these linguists, they answered with silence. Two years after the events of September 11, we are still failing to address one the most fundamental security problems facing this nation.

Changing our recruiting methods alone will not solve the problem. To meet new security needs, we need to create a new domestic pool of foreign language experts and we can only do that by investing in the classroom.

The National Security Language Act would expand federal investment in education in foreign languages of critical need, such as Arabic, Persian, Korean, Pashto, and Chinese.

Specifically, my bill would provide loan forgiveness of up to $10,000 for university students who major in a critical need foreign language and then take a job either in the federal workforce or as a language teacher. It would provide new grants to American universities to establish intensive in-country language study programs and to develop programs that encourage students to pursue advanced science and technology studies in a foreign language.

My bill would also establish grants for foreign language partnerships between local school districts and foreign language departments at institutions of higher education. And it would authorize a national study to identify heritage communities here in the United States with native speakers of critical foreign languages and make them targets of a federal marketing campaign encouraging students to pursue degrees in those languages.

Just as the National Defense Education Act of 1958 created a generation of scientists, engineers, and Russian linguists to confront the enemy of that time, the National Security Language Act will give us a generation of Americans able to confront the new threats we face today.

RECOGNIZING MR. JOE GOVERNALE

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. SOLIS. Mr. Speaker, I rise today to pay tribute to a great gentleman who has devoted a majority of his life to civil service—Joe Governale, who is retiring as Postmaster of Covina.

Born in Chicago, Mr. Governale received a Masters Degree in Psychology from Cal State Fullerton. Married to wife Judy, and proud father of two children, Mr. Governale was first employed in the Postal Service in 1964.

While on leave from the Postal Service, Mr. Governale was in the U.S. Navy as a Corpsman from 1966 to 1970. Mr. Governale served on the cruiser USS Canabera and then with the Marines during the Vietnam War.

After returning from Vietnam to his clerk job at the Covina Post Office, Mr. Governale found a new post office had been built while he was gone and within it, he found a new home. Within two years, Mr. Governale moved into management and was appointed to the position of Director of Human Resources in 1982. Mr. Governale was selected as the Postmaster of Baldwin Park in 1986, and is the longest serving Postmaster in the history of Covina. Mr. Governale also received his teaching credentials and has taught postal operations for many years to new supervisors.

Mr. Governale is a fan of the Chicago Bears and the White Sox, and his hobbies include video poker and reading. Mr. Governale plans to retire in Laughlin, Nevada, so he can enjoy time with his family.

Mr. Governale is a wonderful example of a person who dedicated his life to civil service. I am proud to recognize Mr. Joe Governale and his many years of work as a civil servant as he retires as Postmaster of Covina.

TRIBUTE TO THE LATE MRS. MABEL YAP

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. MEEK of Florida. Mr. Speaker, it is with deep sorrow that I rise to pay this tribute to the late Mrs. Mabel Yap. She was one of Miami-Dade County's matriarchs who contributed immense good to our community.

Mrs. Yap's passing on December 27, 2004 leaves a deep void, especially for those of us who have known her quiet and dignified spirit in urging her children and grandchildren to advance the common good of our beloved community in an unselfish manner. The funeral Mass to celebrate her life is being held today, Tuesday, January 4, 2005, beginning at 2:00 p.m. at St. Louis Catholic Church, and will be followed by her interment at Woodlawn Cemetery in South Miami.

She was the loving and devoted wife of Mr. Patrick Yap and the mother of eight children, 21 grandchildren and 18 great-grandchildren. Mrs. Yap symbolized the dutiful mother whose home offered sanctuary and solace to all those who sought her help. Her nurturing spirit and perseverance amidst overwhelming odds transformed her into a matron of love and caring for all those who came to her seeking her advice on a myriad of things. Buttressed by her unflinching faith and her willingness to pay the price, she went about doing good, especially on behalf of the less fortunate.

Though a highly private individual, the late Mabel Yap consecrated her life to raising a family of achievers, and has been a resilient voice in articulating the need for responding to the plight of our community's immigrants. In so doing she symbolized all that is good and noble about the American spirit of idealism and optimism, and she worked long and hard in hopes that our nation truly become a land of opportunity for all.

This is the legacy Mrs. Mabel Yap bequeathed to us. Indeed, I am privileged to have been touched by the magnificent contributions she has made to our community through her family. I now join our community in thanks for her grace and for her noble and giving presence during her time with us.

THE ILLEGAL IMMIGRATION ENFORCEMENT AND SOCIAL SECURITY PROTECTION ACT OF 2005

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. DREIER. Mr. Speaker, the past several months have seen an almost unprecedented focus in this body on the extremely important issue of homeland security. Just a few weeks ago, we passed the National Intelligence Reform Act, a landmark piece of legislation to overhaul our intelligence agencies. But, as I noted at that time, the bill unfortunately did not go far enough in addressing the major security vulnerability presented by the porous nature of our borders.

So as we continue to address the issue of border security, I am proud to be an original co-sponsor of Chairman SENSENBRENNER's legislation to complete the San Diego border fence, and ensure that illegal immigrants are unable to receive drivers' licenses, something, I might add, already prohibited in my home state of California.

But in addition to these important steps that will soon be taken, I rise to ask for the support of my colleagues for an illegal immigration control plan that I am pleased to introduce today. The plan is the brainchild of T.J. Bonner, the President of the National Border Patrol Council, and a 26-year veteran of the Border Patrol who still serves with them today. T.J. believes that our proposal will eliminate up to 98 percent of the illegal border crossings into the United States.

T.J. and I share the belief that for any proposal to stop illegal immigration to be successful, it must get at the root cause of what attracts illegal immigrants to our country—and that is the lure of economic opportunity and the ease with which illegal workers can find jobs. Under the Bonner Plan, we will dramatically increase the enforcement of laws which prohibit American businesses from employing illegal immigrants. Regrettably, too many employers have been unwilling to comply with the law. The growing availability of counterfeit identity documents has also undermined the current system because employers are increasingly unable to establish the authenticity of documents presented by job applicants.

Our legislation adds new features to the Social Security card to deter counterfeiting and make it easier for employers to determine whether a card is genuine by including a digitized photo of the cardholder on the card. The improved Social Security card will also be encoded with a unique electronic encryption code to allow employers to verify each prospective applicant's work eligibility status prior to hiring, through either an electronic card-reader or a toll-free telephone number. Employers will face stiff federal fines of $50,000 and up to 5 years in prison if they hire an illegal immigrant or choose not to verify a prospective employee's work eligibility. The employer would also be required to reimburse the government for the cost of deporting the illegal immigrant.

With the improved Social Security card and national verification system, employers will have no excuse for hiring illegal immigrants. By eliminating the supply of jobs for illegal workers, we will end the incentive for illegal immigrants to enter the United States because they will know that they will be unable to make a living here.

Legal workers will only need to update their Social Security card once, to have their photo placed on the card and for other long-overdue anti-fraud measures to be applied. A worker would only need the updated Social Security card when applying for a new job. I want to make it very, very clear that this proposal does not represent the creation of a national identification card. This bill strictly prohibits the use of the Social Security card as a national ID card, and stipulates that the card not be required to be routinely carried on one's person. Social Security cards are often already required to be provided to new employers; the changes we are proposing to the Social Security card take us no further down the road of creating a national ID card.

Finally, the Bonner Plan also puts teeth into the new enforcement procedures by calling for the addition of 10,000 new Homeland Security officers whose sole responsibility will be to enforce employer compliance with the law. These new agents will free up the rest of the Border Patrol to exclusively focus on border enforcement and terrorism prevention.

Mr. Speaker, I do not stand here today to tell the rest of the world that we intend to limit opportunities for the American dream to be fulfilled. But if foreign nationals wish to come to the United States, they must, as Governor Schwarzenegger said, "play by the rules," and we must make clear that there will be no economic opportunity for anyone who enters this country illegally. I look forward to continuing to work with my colleagues in this effort, and hope they will consider joining me as we take action on this vital national security priority.

ENSURING COLLEGE ACCESS FOR ALL AMERICANS ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. HOLT. Mr. Speaker, since 1973, the Pell Grant program has been the backbone of making higher education affordable in the United States, with more than five million students receiving nearly 13 billion dollars in aid this year alone. Unfortunately, President Bush recently made a change to student aid policy that will cut more than $300 million in federal scholarships to low- and moderate-income college students for the 2005–06 school year. As a result, 1.3 million students will have their Pell Grant scholarships either reduced or eliminated.

Current law allows students and their families to deduct state and local taxes when calculating how much income they have available to pay for the cost of higher education. This recent Bush update changes the way families calculate these deductions, and as a result, 1.3 million students will have their Pell scholarships reduced or eliminated. In essence, the change would make it appear that families have more money available to pay for tuition, decreasing the amount of Federal student aid, as well as other need-based aid for which families are eligible.

This is why I am introducing legislation along with Representative TIM BISHOP to reverse the $300 million Pell scholarship cut. Specifically, our bill would prevent any student from having his or her federal Pell Grant eligibility amount reduced as a result of the recent changes to student aid. This would enable the Department of Education to fine tune the eligibility calculation without hurting students and families who rely on these scholarships to pay for college.

Today, education is more important than ever to solving the most pressing problems of our communities and the country. We must do everything possible to help American students attend college.

RECOGNIZING THE ACTIVITIES OF MRS. RUTH WILLNER

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. SOLIS. Mr. Speaker, today I rise to recognize an extremely active and dedicated woman, Mrs. Ruth Willner for her contributions to the Monterey Park Democratic Club. In addition to working and raising two children, Mrs. Willner has still found the time to be very involved in her community.

Many groups in the Los Angeles area are fortunate to count Mrs. Willner as one of their members. However, the time that she has contributed to the Monterey Park Democratic Club is especially remarkable. Mrs. Willner has been a Monterey Park Democratic Club member for nearly 40 years.

In addition to being a member she also assumed the role of the club's Newsletter Editor and has held that position for the past 20 years. For the past two decades, she has served as the newsletter's only reporter, writer and editor. Her work played an integral role in keeping members up to date and in touch.

In December, Mrs. Willner produced her last newsletter for the club and retired as the Newsletter Editor. Although she will relinquish her position, her hard work and devotion will not be forgotten. Her commitment and drive is an inspiration to us all.

TRIBUTE TO RAMON BUTLER AND COREY JONES

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to a pair of heroes whose courage has served as an inspiration to many in South Florida during this past holiday season.

Shortly after 8:00 p.m. on Tuesday, December 22, 2004, an unattended candle sparked a flame that engulfed a home in the City of Miami Gardens, FL; fourteen-year-old Ramon Butler who lives next door immediately responded to cries for help. Ramon entered the burning home without regard to his own personal safety, located and rescued a one-year-old child and then reentered the home in an attempt to locate the baby's five-month-old sister. Unfortunately, the roof began to collapse and he could not proceed any further and exited the home.

At this point, City of Miami Gardens Police Officer Corey Jones arrived on the scene. Aware that the baby was still inside and told which room she was in, Officer Jones rushed back to the home, pulled hurricane shutters open, cranked the window open and leaped inside. Though the flames were intense and smoke filled the home, Officer Jones was successful in locating the infant and bringing her out to safety.

The Miami-Dade County Police Department recently presented its highest civilian honor, the Silver Medal of Valor, to Ramon Butler, and both he and Officer Jones have been acknowledged by Miami Gardens Mayor Shirley Gibson for their acts of bravery. It is with great pride that I too pay tribute to the efforts of these two community heroes and extend my congratulations to each of them for a job well done.

THE INTRODUCTION OF THE PROGRAM ASSESSMENT AND RESULTS ACT

HON. TODD RUSSELL PLATTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. PLATTS. Mr. Speaker, I rise today to introduce important legislation to improve the efficiency and effectiveness of our Federal government—the Program Assessment and Results Act, or PAR Act, which establishes a statutory requirement that the Office of Management and Budget, OMB, working with agencies, review and assess the effectiveness of each federal program at least once every five years. As elected representatives of the people, we have a responsibility to use taxpayer dollars in the most effective way possible. As Congress formulates its budget each year, we must have the best information available to us on which to base our spending decisions.

The Government Performance and Results Act, or GPRA, has laid a solid foundation for agencies working with Congress to set strategic goals and begin to utilize performance based information. Building on GPRA, we must take the next step toward reforming the way the government conducts business.

One of the key aspects of any reform effort is to change the prevailing mindset. If our emphasis is on creating a more results-oriented government, then we must change our mindset from outputs to outcomes. It takes time to achieve this type of cultural shift. The reforms of the early 1990s—the CFO Act, GPRA and others—are just beginning to work as intended.

Prior efforts to make the federal government more effective—the Hoover Commission, Zero-Based Budgeting, the Planning-Programming-Budgeting System, Reinventing Government—have come and gone with little lasting effect. Federal managers have learned that if they wait, each new administration is likely to attempt yet another broad based reform. From a management standpoint, it is difficult in that type of environment to make long-range plans; and it's next to impossible to achieve the kind of cultural shift needed to reform the management of the federal government.

By enacting GPRA, Congress put government reform in statute. Because of this statutory framework, federal managers now look at the requirements for performance plans and strategic plans required by GPRA and know they are here to stay regardless of changes in Congress and the Executive Branch. When the first agency strategic plans fell short of expectations, the reform effort was not scrapped—it was improved. Now, ten years after GPRA was enacted, we have strategic plans that are more in line with what was envisioned. We have seen slow, sustainable improvement.

GPRA requires that agencies focus attention on program evaluation as one of six aspects of their strategic plans. Unfortunately, according to a 2004 report from the Government Accountability Office, program evaluation is the one area where departments consistently come up short. Not only have agencies failed to comply with this requirement, the valuable information that stands to be gained from these evaluations is not culled, coordinated, or presented in a useful way.

We have seen great progress in meeting other objectives set out in GPRA. In 1997, only 76 percent of federal managers had developed performance measures. By 2003, that number had risen to 89 percent. It is now time to strengthen GPRA to address the shortfall we see in program evaluation.

By creating and using the Program Assessment Rating Tool, or PART, this Administration has gone a step beyond the strategic plans required by GPRA and implemented a system for evaluating the performance and results of federal programs. The next logical step is to codify the requirement for a coordinated evidence-based review of programs.

The PAR Act does not seek to codify the use of the PART specifically. Rather, this bill amends GPRA by establishing a requirement for program reviews. Specifically, the Office of Management and Budget, working with agency heads, would be required under the Act to review each program activity at least once every five years. By requiring OMB to coordinate this effort with the agencies we will take a great step forward in making the federal government more efficient and results oriented.

Information gleaned from these program reviews needs to be useful across the board to all stakeholders. Members of Congress, taxpayers, federal managers and the Executive Branch need to know if programs are being managed effectively and if they are achieving the desired result. Further, this legislation, once enacted, will allow us to compare data among different agencies, to see how different programs with similar goals are achieving results. Members of Congress can use the information to make informed budget decisions and conduct more effective oversight. It will help the taxpayers see what they are getting for their money. Most important, federal managers will use the information to improve the way they manage programs. The results will be a more effective and efficient government for the good of all Americans.

INTRODUCTION OF BILL TO DETER ADDITIONAL ABUSES OF PRISONERS AND DETAINEES IN THE GLOBAL WAR ON TERRORISM

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. HOLT. Mr. Speaker, it has been my privilege since the terrorist attacks of September 11th to visit our troops in Iraq and Afghanistan. Just a few days ago, I also traveled to Guantanamo Bay with my colleagues, U.S. Senator JON CORZINE and U.S. Representative ROBERT MENENDEZ, to investigate conditions at this key installation and visit with our soldiers on duty there, many of whom are members of the National Guard from our home state of New Jersey. Every visit I've made with our troops has added to the profound admiration and deep respect I have for the brave men and women who serve in our nation's armed forces and who are prosecuting this very difficult global war on terrorism.

At the same time, we do not honor the soldiers when we fail to investigate and call to account all of those up and down the chain of U.S. military command who are directly or indirectly responsible for abusing detainees under U.S. control. This grim reality is made all the clearer in an open letter delivered today to members of the U.S. Senate Judiciary Committee from a dozen top-ranking retired military officers in the U.S. armed services. They underscore that current U.S. detention and interrogation operations in Afghanistan, Iraq, Guantanamo Bay, and elsewhere have undermined our intelligence gathering efforts, and added to the risks facing our troops serving around the world.

Last year, three reports that were compiled by U.S. Army officers and the bipartisan investigative commission appointed by U.S. Defense Secretary Rumsfeld documented in horrifying detail the egregious human rights abuses that occurred at Abu Ghraib Prison and other detention facilities under U.S. military control. Yet, the Congress failed to do our job, doggedly investigate how and why these abuses occurred, and put in place new safeguards for interrogations in U.S. military detention facilities and unfettered, independent investigations of prisoner treatment. As a result, more abuses have occurred.

In recent weeks, more credible disclosures of prisoner abuses at Guantanamo and other sites where detainees are being held have come to light because of reports from the International Committee of the Red Cross, the American Civil Liberties Union, and the NYU Center for Human Rights and Global Justice and the Association of the American Bar of the City of New York. It is increasingly difficult for anybody to argue that the abusive behavior came from a few aberrant soldiers. Broader systemic problems need to be probed by this new Congress. Certainly, we all must concede that the on-going stream of new disclosures continues to hurt American standing in the global community of nations and the costs of these recurring, self-inflicted wounds and related risks to the safety of our soldiers continue to mount.

That is why I am today re-introducing legislation I first sponsored last July H.R. 4951 in the 108th Congress. It is designed to help prevent the kinds of abuses that occurred at Abu Ghraib and elsewhere at DoD-controlled prisons.

My bill has three main provisions.

First, it would require videotaping of interrogations and other pertinent interactions between U.S. personnel and/or contractors, and detainees arrested and held in Iraq, Afghanistan, Guantanamo Bay, and elsewhere, pursuant to the war on terrorism, as recommended by the Army Inspector General. The tapes would be kept at the appropriate level of classification.

Second, it would ensure unfettered access to prisoners and detainees by representatives of the International Red Cross and Red Crescent, the U.N. High Commissioner for Human Rights, and the U.N. Special Rapporteur on Torture for independent monitoring of detainee conditions and treatment.

Third, it would require the Judge Advocate General, pursuant to the Uniform Code of Military Justice, to develop guidelines designed to ensure that the required videotaping is sufficiently expansive to prevent abuses of the fundamental human rights of detainees and prisoners and violations of the U.S. Constitution, the Geneva Conventions of 1949, and other bedrock U.S. and international laws.

I am gratified that my bill has already been enthusiastically endorsed by Amnesty International Human Rights Watch, Human Rights First, and the American Civil Liberties Union. Their self explanatory letters of support follow this statement. I am also encouraged that the U.S. Army Inspector General has expressed support for videotaping prisoner interrogations, in principle, in order to better protect the fundamental human rights of detainees and U.S. soldiers from false charges at the same time.

The abuses that occurred at Abu Ghraib and elsewhere never should have happened. They have indelibly stained the honor of our country and the overwhelming majority of U.S. troops who are defending our freedom with courage and personal responsibility. To whatever extent they continue, they aid and abet our enemies in the war on terrorism. I intend to press hard for enactment of this legislation during the 109th Congress.

RECOGNIZING THE SAN GABRIEL AND LOWER LOS ANGELES RIVERS AND MOUNTAINS CONSERVANCY ON ITS 5TH ANNIVERSARY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. SOLIS. Mr. Speaker, I rise today to congratulate the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy on its 5th Anniversary and the completion of its first major acquisition along the San Gabriel River.

I have had the privilege of working with the Rivers and Mountains Conservancy since I authored the legislation that created the Rivers and Mountains Conservancy during my tenure in the California State Senate. The Conservancy has brought opportunities for preservation of open space and habitat, low-impact recreation, education and watershed improvements to our very urban community. In the last five years diverse groups have come together for a common goal—improving the urban environment and providing safe recreational places for our families and children.

I would also like to congratulate the Rivers and Mountains Conservancy for completion of its first major acquisition along the San Gabriel River. This 57 acre property fronting two miles of the San Gabriel River was a duck farm for nearly 51 years. Now, the community will be able to enjoy conservation, water quality projects, and recreation—including a local trailhead connecting a bike and equestrian path from the Angeles National Forest to the Pacific Ocean.

I wish to offer the Rivers and Mountains Conservancy my sincerest congratulations on its five year anniversary and the dedication of the Duck Farm. I am looking forward to many more projects in the future so the children and families in the San Gabriel Valley can have safe places to play and enjoy the outdoors.

POSTHUMOUS TRIBUTE TO MS. SAMAKI VARIETY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay tribute to one of Miami's unsung heroines, the late Ms. Samaki Variety, who we recently lost at the very young age of 47. Her passing on Sunday, December 19, 2004 leaves a deep void in our community.

Throughout her life, Samaki raised a brave voice to the struggles of the poor and the homeless, especially those afflicted with the deadly virus of HIV–AIDS across our community and beyond. She also portrayed the unjust and inhumane treatment of newly arrived immigrants, particularly the Haitians, against the backdrop of policies and regulations that continue to negatively impact their lives to this very day. Samaki worked as a Community Outreach Coordinator to my mother, former Congresswoman Carrie P. Meek, where she was noted and loved for her dedication, effectiveness, positive attitude and happy spirit. I reserve to her the highest respect and admiration for her insatiable quest for simple justice and fairness for the less fortunate among us, particularly the children and the youth.

Ms. Samaki Variety symbolized the resilient and unyielding voice for those who were disenfranchised and who bore the brunt of inequality of opportunity. She was a loving mother, an indefatigable community-builder and a catalyst par excellence who was completely unselfish in her endeavors. The authenticity of her stewardship on our behalf was defined by her utmost consecration to her calling as God's faithful servant, bringing laughter, hope and optimism to hundreds of ordinary folks and countless teenagers whose lives she deeply touched, never holding anyone at arm's length.

This remarkable lady was our community's friend and confidante. She will be an indelible reminder of the noble commitment and awesome power of community service on behalf of the less fortunate. Her faith was deep and genuine, and her love for us was real and unforgettable. No one who knew Samaki—and having been struck by her sunny disposition and unfailing optimism—went away unchanged. She was truly a caring and passionate person who brightened the lives of all who knew her.

We will truly miss her, and we will never forget her.

I ask that the following article from the Miami Herald be included in the RECORD:

[From the Miami Herald, Dec. 23, 2004]

FORMER OUTREACH CHIEF RAISED AIDS AWARENESS; SAMAKI VARIETY

(By Monica Hatcher)

Samaki Variety, admired for her work within South Florida's HIV/AIDS community, died Sunday in Atlanta of pneumonia. She was 47.

Variety, the former community outreach director for Miami Mayor Manny Diaz, spearheaded several city-sponsored AIDS events, including the Tree Lighting Ceremony commemorating World AIDS Day and the Youth March for Life, which brought thousands of school-age children marching through downtown last year to raise AIDS awareness.

"Her passion for HIV education may have had a great deal to do with the amount of HIV we see in the black community here," said Alex Paulmer, who worked with Variety on AIDS-related projects. Variety was born in San Francisco and studied psychology and social science at Fort Valley State University. After college, she met Lee Variety. The couple married and moved to Miami in the mid-1970s. The couple worked as entertainers and owned Boo-key Productions, which booked and promoted acts.

"She had a gift for singing, dancing and acting, but God also gave her a gift for helping people," recalled her mother, Annie Lacy. In the late 1980s, Variety used her talents and her own money to host a Saturday radio youth talk show on 1490 WMBM called "What's on Your Mind." The call-in program, aimed at teenagers, tackled such issues as pregnancy and child abuse. Samaki and Lee Variety had two children together, Leronce and Dom'Unique. The couple later divorced.

"She had a high spirit and was a positive thinker," said Dom'Unique, 14. "She was dedicated to her job and loved to help people and she pushed people to be the best they can be."

Variety worked in the public sector as an aide to Congresswoman Carrie Meek for five years. "She was a rare combination of talent, intelligence and ability," said U.S. Rep. Kendrick Meek, who knew Samaki when she worked with his mother. Variety worked for a time in the Miami-Dade County School System and with former County Commissioner Charles Dusseau.

In 2002, she joined Diaz's office of Faith-Based Initiatives and Community Outreach. "Samaki will be deeply missed by all of the people she encountered and the many, many lives she touched," Diaz said in a statement. Variety left the mayor's office in October to care for her mother in Georgia.

In addition to her mother and children, Variety is survived by a grandmother, Nazaree Foster; brothers, Roland and Wayman Hindsman; and sisters Jaqueline Shire, Jakki Kidd and Betty Wallace, as well as three grandchildren.

IN HONOR OF REGGIE WHITE

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, Americans are mourning the loss of Reggie White. He was a great player—a magnificent player. Without him, my Packers would not have won Super Bowl XXXI. But, athletes come and go—even great ones. My friend, Reggie White, will be long remembered because he was so much more. He may have left the playing fields, but he never left his fans, and he never stopped caring for the needs of his neighbors. Reggie and his wife Sara launched Urban Hope in Green Bay—a program that helped start some 400 small businesses and create 1,100 jobs. Reggie believed in active faith—in putting his values and talents to work on the field and in the streets. We have lost a great player, but we have lost a greater man.

HIGHER EDUCATION AFFORDABILITY AND FAIRNESS ACT

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. HOLT. Mr. Speaker, today, education—and higher education in particular—is more important than ever to solving the most pressing problems of our communities and the country.

Let me give you some sobering statistics:

According to Nellie Mae, the average undergraduate student loan debt has increased the last 5 years from $11,400 to $18,900.

Today, 70 percent of federal student aid is made in loans; Grants account for only 22 percent of aid. Thirty years ago, student loans accounted for about 25 percent and grants about 70 percent of all federal student aid.

Seventy-five percent of full-time students now work to help cover their college expenses. Twenty percent of working students work 35 or more hours a week while enrolled in school full-time.

In 1975–76 the maximum Pell Grant award covered eighty-four percent of an average tuition at a state school; today it covers forty percent.

The generation often referred to as the "baby boom echo" will soon enter American institutions of higher education, resulting in record enrollments that will further strain the ability of colleges and universities to deliver a quality education to their students.

That is why I am introducing the Higher Education Affordability and Fairness Act.

It would make college tuition deductible, in conjunction with existing tax benefits for higher education. The proposal would further allow a family to deduct up to $10,000 in tuition expenses. A family would be capped at deducting a total of $15,000 in tuition expenses in one year if they have more than one child in college. In addition, if a family was ineligible for the Hope Scholarship (due to its income limitations), they would be able to deduct $5,000 of tuition costs.

The bill would raise the income limits for eligibility for Hope Scholarships. Currently, the income phase-out on the HOPE tax credit is $40,000 to $50,000 for singles and $80,000 to $100,000 for couples. The proposal would raise the phase-out ranges to $50,000 to $60,000 for singles and $100,000 to $120,000 for couples, allowing more families to benefit.

In order to ensure that savings go to the intended beneficiaries, the bill directs the Inspector General of the Department of Education to conduct an annual study to examine whether the federal income tax incentives to provide education assistance affect higher education tuition rates.

Access to an affordable, quality education is inseparable from our economic prosperity, national security, and civic health. We must do everything possible to support this and that is why I have introduced the Higher Education Affordability and Fairness Act.

RECOGNIZING MR. FELIX GALAVIZ

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. SOLIS. Mr. Speaker, today I rise to pay tribute to the contributions of Mr. Felix Galaviz. Mr. Galaviz retired in June of 2004 after serving tirelessly for 30 years in the field of education.

Mr. Galaviz co-founded the Puente Project and is retiring as its Executive Director. Under his leadership, the Puente Project has been recognized by numerous organizations throughout the Nation as a model academic preparedness program.

After beginning in 1981 at Chabot College, the Puente Project has flourished and grown. Today it is conducted in over 50 community colleges and 35 high schools across the State of California. Under the leadership of Mr. Galaviz, the Puente Project has shown consistent results and helped students achieve their higher education goals.

Mr. Galaviz has used his wonderful ability to educate and counsel Latino youth to work throughout his career. Furthermore, he has strived to share that gift with others, often conducting presentations to help others learn how to counsel and mentor Latino youth.

I wish to congratulate Mr. Galaviz on his inspirational work. He was a priceless asset in the field of education. I know him personally and am very familiar with his work. I wish him the best of luck in his future endeavors.

TRIBUTE TO CONGRESSWOMAN SHIRLEY CHISHOLM

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. MEEK of Florida. Mr. Speaker, Congresswoman Chisholm charted a whole new course for black Americans. She was the first black woman elected to Congress and paved the way for dozens who came after her, including my mother, former U.S. Rep. Carrie P. Meek. Shirley Chisholm was a founding member of the Congressional Black Caucus, a pioneer in civil and women's rights issues, and was the first black of either gender to run for President of the United States.

Her determination and passion for the issues she believed in was always perfectly packaged by her charm and eloquence. The daughter of Caribbean immigrants, she never ceased to push for a better country for all Americans.

Congresswoman Chisholm is an inspiration to me and every Member of Congress. Her legacy will never be forgotten, and I will always consider her path-breaking career as a motivation to serve the people of Florida's 17th Congressional District as best I can.

ON THE RETIREMENT OF COL THOMAS W. SHUBERT FROM THE UNITED STATES AIR FORCE

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. GOODLATTE. Mr. Speaker, on the occasion of his retirement from the United States Air Force, I want to take this opportunity to honor Col "Tom" Shubert for his 30 years of dedicated service to our country. In his most recent assignment he served as the Chief, Congressional Inquiries Division, Office of Legislative Liaison. He managed, on behalf of the Department of the Air Force, all constituent inquiries from the White House, Office of the Vice President, Members of Congress and state and local governments.

Colonel Shubert began his illustrious Air Force career as a distinguished graduate of the Reserve Officers Training Corps at East Carolina University and was commissioned in 1974. Following graduation from Undergraduate Pilot Training in 1975, his operational assignments included piloting B–52 strategic bombers and T–39 airlift support mission aircraft both in the United States and in the Far East.

From April 1986 to April 1989, Colonel Shubert served as a Political-Military Affairs Officer on the Joint Staff at Headquarters, United States Pacific Command. He then served as the Assistant Air Attaché for Operations at the American Embassy in Canberra, Australia until June of 1993. Colonel Shubert was then assigned as a Congressional Inquires Liaison in the Congressional Inquiry Division, Office of the Secretary of the Air Force, Department of the Air Force.

In June 1995, Colonel Shubert entered Danish language training and then served as the Air Attaché at the American Embassy in Copenhagen, Denmark from December 1995 to July 1998. He then returned to the Pentagon, where he served as the Military Assistant to the Assistant Secretary of Defense for Legislative Affairs, Office of the Secretary of Defense, until October 2000.

From October 2000 to June 2002, Colonel Shubert headed the Assessments Branch, Policy Division, Defense Technology Security Administration, which reviewed both Munitions and Dual-Use export license applications.

In July 2003, Colonel Shubert assumed duties as the Chief of the Congressional Inquiry Division, Office of Legislative Liaison, Secretary of the Air Force. During this time, Colonel Shubert escorted scores of Members of Congress on more than twenty Congressional Delegations, in furtherance of Members' oversight responsibilities.

Colonel Shubert assisted me and Members of the Committee on Agriculture during trips to Afghanistan, Iraq, and, last year, to Africa. He upheld the highest standards of professional conduct and his thorough and efficient planning assured that these trips were a complete success. He will be missed.

Colonel Shubert holds a Bachelor of Arts in Political Science (Honor Graduate) from East Carolina University, a Master of Science in Systems Management from the University of Southern California, and a Master of Arts Degree in National Security Affairs from the Naval Postgraduate School.

Mr. Speaker, I ask that my colleagues join me in expressing our sincere appreciation to COL Tom Shubert for his outstanding service to both the Legislative and Executive Branches and to the United States Air Force.

I wish him, his wife Kathy, and their daughters Victoria and Joanna, the very best as they face new challenges in the coming years. I will miss his unfailing good humor and hard work. Colonel Shubert has consistently conducted himself in a professional manner and therefore brings great credit to the United States Air Force.

REINTRODUCTION OF LEGISLATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. STEARNS. Mr. Speaker, I am pleased on this first day of the 109th Congress to introduce several pieces of legislation that I have been pursuing over the years, and for which I will continue to advocate these next two years.

First, I am excited to again introduce legislation to help all American savers. My legislation, the Simple Savings Tax Relief Act of 2005, simply eliminates the taxation of interest earned in savings accounts, such as passbook savings accounts or bank certificates of deposit. I think at least some of this interest should be tax-free, as we have been working towards for other forms of non-earned income. This legislation would end a punitive tax, especially assist low and middle-income earners, and ultimately contribute toward the goal of encouraging individual responsibility and taking charge of one's own financial destiny.

Next, for years I have authored legislation to repeal the 2 percent excise tax on private foundations. The United States is blessed with a deep spirit of philanthropy, and charitable organizations serve the interest of both the individual and the community. Under current law, however, not-for-profit private foundations generally must pay to the IRS a 2 percent excise tax on their net investment income, which diverts from the purposes for which these foundations were founded. Optimistically, this body passed a reduction of this charitable impediment to 1 percent in the 108th (H.R. 7), but as it failed to become law, I am reintroducing this legislation and we shall try again.

Next, I am pleased to again sponsor the Health Care Tax Deduction Act of 2005. This would allow deductions for amounts paid for health insurance premiums and unreimbursed prescription drugs. This would provide much-needed relief to individuals struggling with the high cost of health insurance and prescription drugs through a tax deduction, and tax parity with those of us who have employer-provided tax-deductible health insurance. Expansively, this benefit extends to all IRS-defined health insurance premiums such as an HMO, PPO, a traditional indemnity plan, a new HSA, and also long-term care premiums. Right now, under the current tax code, in order to claim health care expenses individuals must file an itemized tax return. My bill would simplify and extend this tax preference for all filers.

I also am reintroducing the Allied Health Reinvestment Act of 2005, along with my friend Dr. Strickland from Ohio. This important legislation offers incentives via scholarships and loans to encourage students and faculty to enter the essential but undersupplied allied health professions, such as physical, occupational, and speech rehabilitation, and medical and radiological technologists to name a few.

Also, with an eye towards the value of human life, I reintroduce my Human Cloning Research Prohibition Act, which restricts federal funding and encourages other nations to do so as well.

Finally, I am pleased to reintroduce a resolution supporting the goals and ideals of establishing a Chronic Obstructive Pulmonary Disease (COPD) awareness month. I do this again with my friend Mr. Lewis of Georgia. In past Congresses, this bill has had tremendous support from Members and from the U.S. COPD Coalition, which comprises the patient and provider community. The House passed this legislation in the summer of 2003, and we started a bicameral Caucus in the winter of 2004 to advance our efforts. COPD is an umbrella term used to describe the airflow obstruction associated mainly with emphysema and chronic bronchitis. This is a debilitating disease, that is currently the nation's fourth leading cause of death, and I am proud to bring awareness to COPD.

I look forward to working with my colleagues on all these important pieces of business for the nation.

HONORING ALBERT ASHBROOK FOR HIS SERVICE AS LICKING COUNTY COMMISSIONER

HON. PATRICK J. TIBERI

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. TIBERI. Mr. Speaker, Mr. NEY and I wish to join many of our constituents in Licking County, Ohio in congratulating Albert Ashbrook, who is retiring after more than 16 years of service as a county commissioner.

Albert's work was summed up best recently by a former colleague, who noted that Albert never shied away from the tough issues and was always looking out for the best interests of the people and county government. We would add that he did so not only with a plain spoken dedication to duty, but also a tremendous sense of humor.

Licking County has grown and changed for the better during Albert's tenure. He's helped with the creation of a Domestic Relations Court, a one-stop employment service and improved auto licensing and titling facilities, just to name a few of the projects in which he has had a hand. At the same time, he's always made fiscal responsibility a top priority.

Public service has been a way of life for Albert. Prior to his work as a commissioner, he served in various capacities with the Soil and Water Conservation District, and is a member of the District Hall of Fame.

Although he's leaving the commissioners' office, Albert is hoping to continue his community involvement as a member of the Licking County Planning Commission. In any event, we know he'll still be there to offer guidance and advice to anyone with the good sense to seek it.

We are honored to have this opportunity to thank Albert for all his hard work, and wish him and his wife Shirley many more active years together.

IN HONOR OF THE UNIVERSITY OF TEXAS LONGHORNS ROSE BOWL CHAMPIONS

HON. LAMAR S. SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. SMITH of Texas. Mr. Speaker, the University of Texas Longhorns, playing in the Rose Bowl for the first time in the team's 110-year history, made the New Year's Day game a memorable one.

Twice the Longhorns came from behind the Michigan Wolverines to win 38–37 as the clock ran out in what many contend was the most exciting Rose Bowl ever. UT Quarterback Vince Young rushed for 192 yards and four touchdowns, a Rose Bowl record. He also threw for 180 yards and a touchdown. This capped a 10–1 regular season record.

The University of Texas has a great football team, coached by Mack Brown. But it has a great academic reputation, too.

Led by President Larry Faulkner, UT recently was ranked as the 15th best university in the world by the Times of London newspaper. Among U.S. public universities, only the University of California at Berkeley was listed ahead of UT.

It's a pleasure to cite the strengths of UT. It's also a pleasure to represent such a premiere University in Congress.

HONORING THE 100TH BIRTHDAY OF THE MINNESOTA STATE CAPITOL

HON. MARK R. KENNEDY

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. KENNEDY of Minnesota. Mr. Speaker, I rise today to honor the 100th birthday of the Minnesota State Capitol. The Capitol first opened its doors on January 2, 1905 and on January 2, 2005, over 6,000 people attended the first of a full year's worth of birthday celebrations.

The Minnesota State Legislature first met in a log hotel when Minnesota was declared a territory in 1849. The first Capitol building was built in 1853, but burned in 1881. The second, built in 1882, was erected on the same downtown St. Paul site as the first. As Minnesota's population grew, officials realized that the building would soon be too small to house the Legislators and a new building would be needed. In 1895, Cass Gilbert from St. Paul was selected to design the new building. It took nine years and $4.5 million to complete construction of the new capitol, which is still in use today.

Today, the Minnesota State Capitol building is more than just a place for the Legislature. It is a museum dedicated to preserving Minnesota's history. Its many priceless artifacts detailing Minnesota's past include flags that were carried by Minnesotans who served in the Civil War and statues of influential Minnesota political figures.

Mr. Speaker, for the past 100 years the Minnesota State Capitol has served as a place of government, history and learning. As a fourth generation Minnesotan whose ancestors were well established in the state when this capitol was built, I am pleased to be able to help honor it today as a lasting symbol of the spirit of Minnesota.

HONORING LANCE CORPORAL GREGORY PAUL RUND

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. TANCREDO. Mr. Speaker, it is with deep regret and heartfelt admiration that I rise today to honor a fallen Marine from my district, Lance Corporal Gregory Paul Rund of Littleton. Sadly, Lance Corporal Rund was killed in the line of duty during combat operations on December 11 in the Al Anbar Province of Iraq.

Lance Corporal Rund was with Company I, 3rd Battalion, 5th Marine Regiment, Regimental Combat Team 1, 1st Marine Division based in Camp Pendleton, California.

He was just 21 years old.

Greg was a 2002 graduate of Columbine High School in Jefferson County, where he played football and later made the decision to serve his country by joining the Marines. Greg was serving his second tour of duty in Iraq when he was killed. He made an indelible impression on all who knew him, and will be remembered as a dedicated, energetic and warm person who had a great sense of humor.

Mr. Speaker, my deepest sympathies and heartfelt condolences go out to the family and friends of Lance Corporal Rund. He served his country honorably and with distinction, making the ultimate sacrifice fighting for freedom and democracy in defense of a grateful nation. He will be missed by all who knew and loved him.

Americans owe him a great debt of gratitude. His dedication and bravery will not be forgotten.

THE STOP COUNTERFEITING IN MANUFACTURED GOODS ACT

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. KNOLLENBERG. Mr. Speaker, today I am reintroducing legislation—the Stop Counterfeiting in Manufactured Goods Act. This bipartisan bill addresses the problem of counterfeit manufactured goods. I hope my colleagues will join me in passing this bill at the earliest opportunity.

The problem of counterfeit manufactured goods is a growing problem around the world that threatens public safety and harms our economy here at home. Too often, counterfeit goods steal sales from legitimate American manufacturers and cost Americans high-paying manufacturing jobs. In fact, according to the U.S. Customs Service and Border Protection, counterfeiting costs the U.S. an estimated $200 billion annually.

Manufacturers in this country are the most efficient and technologically advanced in the world, but they face many challenges. The biggest challenges are the costs they directly cannot control. We need to focus on measures that alleviate these costs, and crack down on those criminals that break the rules and drive up costs, thereby stealing manufacturing companies of what is rightfully theirs.

Counterfeiting is not just about lost sales and jobs, however. It is a means by which the most nefarious organizations finance their activities. Interpol Secretary General Ronald Noble has stated that "we know that al-Qaeda supporters have been found with commercial size volume of counterfeit goods."

It is my belief, and that of a broad coalition backing this legislation, that to address the scourge of counterfeiting, the U.S. Government must possess additional tools. That is exactly what my bill provides.

The Stop Counterfeit in Manufactured Goods Act strengthens the federal trademark law used to prosecute counterfeiters with two key provisions.

First, the bill provides for the mandatory destruction of the equipment used to manufacture and package counterfeit goods. Under current law, counterfeiters can have their illegal goods seized, but retain the equipment they used to make them. We should not leave counterfeiters in business, and this provision will help us dig up the roots of counterfeiting networks.

The bill also clarifies that Title 18, Section 2320, prohibits trafficking in counterfeit labels, patches, and medallions that are unattached to any goods. Sophisticated counterfeiters have sold counterfeit versions of the trademarks themselves in the form of patch sets or medallions that can later be attached to generic merchandises and given the appearance of a genuine product. This is counterfeiting and should not stand.

The Stop Counterfeiting in Manufactured Goods Act will have a positive impact here in the United States and end the merciless stealing of American jobs and sales. In fact, the Department of Justice's Task Force on Intellectual Property cites this bill as a measure that would increase the effectiveness of intellectual property enforcement.

The bill's reach will also be global. The Office of the U.S. Trade Representative (USTR) is currently engaged in a variety of bilateral and multilateral trade negotiations. However, USTR cannot readily negotiate criminal anticounterfeiting standards above the levels found in the United States. By passing this bill into law, we will empower our negotiators to press for stronger anti-counterfeiting measures from our trading partners. The U.S. must lead by example in intellectual property rights enforcement and this is a critical step we must take. Clearly, the passage of the Stop Counterfeit of Manufactured Goods Act is long overdue.

I thank the bipartisan group of Members for joining as original cosponsors of this legislation. I encourage all my colleagues to join us in cracking down on the counterfeit goods that threaten public safety, steal sales from legitimate manufacturers, and cost American jobs.

I look forward to working with my colleagues to expeditiously pass this legislation into law.

Mr. Speaker, I submit the following letter on this issue for the RECORD:

AMERICAN APPAREL & FOOTWEAR ASSOCIATION, AUTOMOTIVE AFTERMARKET INDUSTRY ASSOCIATION, GAS APPLIANCE MANUFACTURERS ASSOCIATION, GROCERY MANUFACTURERS OF AMERICA, INTERNATIONAL ANTICOUNTERFEITING COALITION, INTERNATIONAL TRADEMARK ASSOCIATION, MOTOR & EQUIPMENT MANUFACTURERS ASSOCIATION, NATIONAL ASSOCIATION OF MANUFACTURERS, NATIONAL ELECTRICAL MANUFACTURERS ASSOCIATION, NATIONAL MARINE MANUFACTURERS ASSOCIATION, NATIONAL RETAIL FEDERATION, SPECIALTY EQUIPMENT MARKET ASSOCIATION, UNITED STATES CHAMBER OF COMMERCE

January 3, 2005.

DEAR CONGRESSMAN KNOLLENBERG: The organizations listed above write in support of your legislation to strengthen the criminal statute against trafficking in counterfeited goods. This bill would amend the U.S. Code, 18 U.S.C. 2320, by closing existing loopholes that can allow counterfeiters to avoid prosecution, maintain control of assets for criminal enterprises, and unjustly profit from their illegal activities. This legislation would grant trademark owners remedies similar to those already provided to copyright and trade secret owners.

Acts of counterfeiting result in significant economic harm in the form of lost profits, diminished reputation among consumers, and decreased tax revenue. The FBI estimates that counterfeiting costs U.S. businesses $200 billion to $250 billion annually and is increasing rapidly. New York City estimates that in 2003 alone, the theft of intellectual property cost the city over $1 billion in lost tax revenue. Another frightening trend relates to the rising occurrence of substandard and dangerous counterfeit goods that present severe public health and safety risks. Numerous deaths and injuries have already been attributed to counterfeit products. Finally, and perhaps most alarmingly, there- is strong evidence suggesting that organized criminal groups and terrorist organizations are increasingly involved in criminal counterfeiting schemes.

Existing domestic laws should be bolstered to effectively address this problem. Your bill would strengthen those laws by prohibiting the trafficking in counterfeit labels, patches, stickers, hangtags, or medallions that are unattached to goods. In addition, the bill would make mandatory the forfeiture and destruction of counterfeit goods, as well as the assets used to produce, package, and distribute counterfeit goods, and requires the forfeiture of property and assets derived from counterfeiting.

Internationally, the World Customs Organization and Interpol estimate that the annual global trade in illegitimate goods has increased from $5.5 billion in 1982 to roughly $600 billion today and it continues to grow. Ambassador Zoellick, the U.S. Trade Representative, recently characterized trademark counterfeiting, along with copyright piracy, as a "scourge on the global economy."

Immediate passage of this legislation is necessary to more effectively combat counterfeiting abroad. The Office of the U.S. Trade Representative advises that it will not negotiate criminal anti-counterfeiting standards above the levels found in current U.S. law. With a number of free trade agreements currently being negotiated, it is imperative that the current deficiencies in domestic law are not codified in these international agreements. We should seize the opportunity represented by new trade agreements to obtain stronger enforcement obligations from our trading partners against counterfeiting.

The groups listed above represent thousands of trademark owners whose intellectual property assets are targets of counterfeiters in the U.S. and abroad. We would like to thank you for your excellent leadership on this issue and we commit to working with you to ensure that the U.S. House of Representatives acts quickly to consider and pass this important legislation. If you have any questions, please do not hesitate to contact the interested associations directly, or Tim Trainer (ttrainer@iacc.org) of the International AntiCounterfeiting Coalition, telephone (202) 223-6667.

A TRIBUTE TO SISTER MARY BURNS

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. VELÁZQUEZ. Mr. Speaker, today, I would like to pay tribute to a remarkable woman from my Congressional District, and wish her the best as she begins a new chapter of her life. Sister Mary Burns has spent more than a decade honoring the lives of Maura Clarke and Ita Ford, Maryknoll Sisters who were killed in 1980 while working to assist the poor in El Salvador. I am pleased to take this opportunity to honor her and her own work on behalf of economically disadvantaged women.

In 1993, Sister Mary Burns founded the Maura Clarke-Ita Ford Center (MCIF) in one of New York City's most impoverished communities, the Bushwick neighborhood in Brooklyn. The center provides education and training to low-income, mainly Hispanic, women. Under the leadership of Sister Mary Burns, MCIF has thrived—providing personal development, education and economic independence, and empowering women to break the cycle of poverty.

Like many Irish women who grew up in South Boston, Sister Mary Burns is strong and resilient, a person with deep faith and a wicked sense of humor. She is generous of heart and giving to her core. And her work on behalf on disadvantaged women is as impassioned as it is pioneering.

Bushwick was devastated during the riots of the late 1970s, and severe poverty and unemployment continues to plague the neighborhood. MCIF offers residents literacy classes, GED instruction, and job training. Recognizing the desperate need for entry level jobs in the Bushwick area, MCIF initiated an innovative program to create a small clothing factory in the neighborhood to offer low income women employment earning a livable wage, day care services, and the opportunity to attain business development and leadership skills.

MCIF also has a kitchen incubator to help new entrepreneurs develop the skills and experience necessary to launch successful small businesses in the food industry. Similarly, the center is home to a bakery program where local women put their skills to work baking cookies. Sales from these cookies, which on their own are well worth a trip to Bushwick, are used to support the program and compensate the bakers for their hard work—providing a path to economic independence.

These programs serve as an important model on how to strengthen communities one person and one family at a time. And its through the dedication and drive of Sister Mary Burns that the women who enter the doors of MCIF leave believing in themselves, envisioning promising futures, and chartering successful lives for their families.

I am honored to have worked with Sister Mary Burns over the years in advancing the mission of MCIF. Under her guidance, the center has become a critical resource for some, a sanctuary for others, and a source of inspiration for all who witness its extraordinary work. I, along with so many residents of the community, will miss her dearly. But her principles of loving acceptance, unwavering encouragement, and enduring faith are now firmly embedded in the spirit of the community—and families from Bushwick will benefit from her work for generations to come. It is in this light Mr. Speaker, that I ask my House colleagues to join me in honoring the remarkable contributions of Sister Mary Burns and wishing her the best of luck in her future endeavors.

INTRODUCING H.R. 240, WELFARE REFORM REAUTHORIZATION BILL

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. HERGER. Mr. Speaker, I am pleased to join my colleagues in introducing H.R. 240, the Personal Responsibility, Work and Family Promotion Act of 2005. This legislation reauthorizes and strengthens the successful welfare reforms begun in the 1996 welfare reform law (P.L. 104–193). Joining me introducing this legislation are Representatives PRYCE, THOMAS, BOEHNER, BARTON, GOODLATTE, MCKEON, BILIRAKIS, DELAY, SHAW, CANTOR, ENGLISH, CAMP, NANCY JOHNSON, WELLER, NORWOOD, JOE WILSON and KLINE.

Welfare reform has been a great success in promoting work, ending dependence, and reducing poverty. Millions more low-income parents are working today instead of depending on welfare, offering brighter prospects for their family's future. Since the implementation of welfare reform in 1996, welfare caseloads dropped by more than 50 percent nationwide—leading more than two million families and seven million former recipients to rely on themselves, rather than depend on a check from the government. More than 1 million children have been lifted out of poverty since reform, and poverty rates for black children and children living with single mothers reached—and despite the 2001 recession still remain near—all time lows. Recent reports linked work-based welfare reforms with reduced parental substance abuse (http://www.affiliatedsystems.com/newest.htm) and child poverty (http://www.manhattan institute.org/html/cr_44.htm).

Still, despite this success nearly 2 million families remain dependent on welfare for support, and relatively few of those parents are working or getting training in skills needed to lift their families out of poverty. That needs to improve. Plus too many families break up or never form, leaving millions of children and parents at risk of welfare dependence in the future.

H.R. 240 as introduced today will help even more low-income parents and families support themselves, including through stepped up efforts to strengthen families and support healthy marriages that are the best environment for raising children. H.R. 240 would extend TANF and related programs through fiscal year 2010, and makes selected changes to promote more work and stronger families, including healthy marriages.

In 2002 and 2003, the U.S. House passed earlier versions of this legislation. However, since the U.S. Senate failed to pass companion legislation, comprehensive welfare reauthorization legislation was not signed into law. Instead, the President signed eight short extensions of current law, the most recent of which expires on March 31, 2005. H.R. 240 as introduced today is an updated version of legislation the House passed in 2002 and 2003, which will serve as the basis for hearings and other consideration during the early days of the 109th Congress.

I look forward to working together with my Republican and Democrat colleagues to craft the best possible welfare reauthorization policy, building on the foundation of the current system and the proposals the House passed in recent years. We will hold hearings to examine features of today's welfare policy that are working, and those that are in need of improvement. In tight budget times, it will take all of our efforts to ensure that welfare reform continues to be successful. As the 1996 reforms have proven, however, we can help more parents work, reduce dependence on government benefits, cut poverty, and still protect taxpayers' interests at the same time. Before 1996, hardly anyone thought we could do all that, and now we have a track record of getting it done. We need to build on that successful record, which H.R. 240 would do.

I encourage all my colleagues on both sides of the aisle to support this important legislation.

TRIBUTE TO BEA WEISBROD

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, it is an honor and a privilege for me to pay tribute today to one of the most respected community leaders in Dallas, Texas: Bea Weisbrod.

The name Bea Weisbrod has long been associated with excellence and one of our highest standards of civic pride. Bea Weisbrod, on December 5, 2004 received the Bnai Zion's Lifetime service award. Bea is founding member of Bnai Zion-Texas Region and a longtime member of Congregation Shearith Israel. Her many years of community service and dedication to making a difference in the lives of people in our community, as well, as in Israel are truly deserving of our appreciation and praise.

In addition to her professional associations, Bea Weisbrod selflessly devotes her personal time to numerous organizations including the Hadassah where she serves on the regional board.

Mr. Speaker, I commend the Bnai Zion Foundation on its excellent selection of Bea Weisbrod for its lifetime service award, and I wish her sons Les, Carl, and their loving family continued success in all of their endeavors.

I know that Bea Weisbrod will continue to play an important role in our community for decades to come, and that America will continue to benefit from her dedication, service and hard work.

HONORING HOMER CADDELL "CAL" HENDERSON, JR.

HON. JIM DAVIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. DAVIS of Florida. Mr. Speaker, I rise in honor of Homer Caddell "Cal" Henderson, Jr., who is retiring today after 12 years of loyal service as Sheriff of Hillsborough County, Florida.

Cal dedicated his life to keeping our community safe. At 21, Cal began his law enforcement career in the Tampa Police Department, and he went on to serve the U.S. Border Patrol and the CIA as a national police trainer in Vietnam. In 1969, when Cal returned home to Tampa, he joined the Hillsborough County Sheriff's Office.

During his 35 years in the Sheriff's Office, Cal Henderson experienced a period of enormous growth and development in Hillsborough County. The year Cal joined the force, the Sheriff's Office employed 157 deputies serving a mostly rural area. In fact, at that time, Cal was the only deputy working in his region of eastern Hillsborough. Today, as Sheriff Henderson retires, his office employs 1,200 deputies, 950 sworn detention officers and 1,000 civilians, and the territory that he once patrolled alone is now served by as many as 12 deputies.

Cal Henderson worked his way through the ranks of the Sheriff's office, and he was able to do it while adapting to colossal changes in the needs of our community. Following the September 11 tragedies, Sheriff Henderson recognized the need to coordinate the efforts of our region's first responders, and he spearheaded the Tampa Bay Regional Domestic Security Task Force. A model for communities nationwide, the task force brings together fire fighters, EMS, hospital, port, police and sheriff and other officers to streamline efforts to keep our region safe.

Fortunately for the people of Hillsborough County, Sheriff Henderson is leaving us well equipped for the transition to new leadership under incoming Sheriff David Gee. And while Cal may be hanging up his Sheriff's badge, we can rest assured that he will continue his service to our community. Cal has already indicated that while taking advantage of some well deserved rest in retirement, he is also planning to assist the U.S. Department of Justice's Office of Juvenile Justice and Delinquency Prevention on issues pertaining to missing and exploited children.

Hillsborough County has truly been blessed to have Sheriff Cal Henderson as a faithful public servant. Cal has served with honor and integrity and has always shown the highest respect for those he serves. On behalf of our community, I would like to extend my deepest appreciation for his commitment and my best wishes for his retirement.

INTRODUCTION OF THE RAIL AND PUBLIC TRANSPORTATION SECURITY ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. MENENDEZ. Mr. Speaker, today I am pleased to introduce the Rail and Public Transportation Security Act, which would force the federal government to finally get serious about protecting our nation's transit and intercity rail passengers.

This bill addresses the tremendous disparity between what we spend on security for each airline passenger and what we spend for each bus and train passenger, who are no less vulnerable than those who fly. In fact, data from the National Memorial Institute for the Prevention of Terrorism shows that public transportation passengers are in far more danger worldwide than airline passengers. Since 9/11, there have been over five times as many attacks on public transportation targets around the world than on aviation targets, with nearly ten times the number of fatalities.

The recent attacks in Spain, and intelligence that terrorists may strike the rail and transit systems here in America, dictate that we now broaden our attention to also include rail and transit security. Each year, approximately 24 million intercity rail passengers ride Amtrak, and 9.6 billion people travel by transit. Every day, 32 million commuters, students, and tourists depend on our public transportation system. One of the ripple effects of 9/11 was that the aviation industry was shut down for several days. Imagine the social and economic dislocation that would occur if a major attack destroyed people's confidence in our transit system, or made it grind to a halt. The economic impact would be far greater than 9/11.

Our nation's rail and transit systems are highly vulnerable, and require at least $5.2 billion in capital equipment and $800 million in annual operating expenses to adequately meet security needs, according to the American Public Transportation Association. This legislation provides that funding, and just as importantly, it allows operating expense grant money to be used for the best security device of all: more police officers.

Giving our transit agencies money for fences, cameras and explosive detection equipment is necessary, but only a half-measure unless we also give them money for the cops and security officers that make all that equipment work. This bill allows money to be used for hiring new cops and security officers, pay them overtime when necessary, deploy additional K–9 units, conduct helicopter patrols, and more. In short, it unties the hands of our transit agencies and lets them spend the money where they need it.

This legislation also provides badly needed security and safety funding for Amtrak, including $670 million for safety upgrades to the tunnels that run underneath New York, Baltimore, and Washington, DC. These tunnels are simply not properly equipped for rescue operations or evacuation should either be necessary. An additional $62 million for Amtrak to put towards security expenses, including the hiring of additional police officers, is also provided.

Mr. Speaker, this bill would authorize new research and development grants to help develop new technologies for both passenger and freight rail that can help reduce the threat of terrorist attacks. And since rail security involves more than just deterring terrorist attacks, the legislation would establish new inspection procedures for rail track, and set new standards for tank cars, to make sure their hazardous cargo isn't released in the event of an accident.

I believe this bill is already long overdue. I urge my colleagues to imagine what we would have done, what action we would have taken, if the Madrid train bombings had occurred in our homeland, on our soil. What immediate investments would we have been ready to make? What urgent action would we have been willing to take?

Well, we can do it now. Let's make that investment and take those actions now. Let's take what steps we can to reduce the risk to our nation's transit. We don't need commissions and studies after a tragedy in order to act, so let's not get mired in that now. Nearly three years of needs assessment and analysis have occurred, and we have the data to put a program in place. All it takes is Congress having the gumption to act before a tragedy on the rails takes place in this country.

HONORING METROPOLITAN ANTHONY

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BILIRAKIS. Mr. Speaker, I rise today to pay tribute to the spiritual leader of the Greek Orthodox Metropolis of San Francisco, Metropolitan Anthony, who recently passed away.

Metropolitan Anthony ascended to great heights from very modest beginnings. He was born on the Greek island of Crete, one of six children struggling to grow up under the brutal Nazi occupation of the island. He became the first member of his family to leave his village, ultimately graduating in 1960 from the prestigious Halki Theological School of the Ecumenical Patriarchate of Constantinople. He came to the United States after his ordination to the priesthood to serve the Church in this country.

Metropolitan Anthony was elected Bishop of San Francisco in 1979. He served as Bishop and later Metropolitan of the Diocese of San Francisco, which covers seven western states, for more than 25 years. He was responsible for a significant expansion of ministries and programs during his tenure. He oversaw the founding of more than 25 new parishes and missions, as well as the establishment of three monasteries. He also developed the annual Metropolis Folk Dance Festival, the largest exhibition of authentic Greek folk dance, costume, and music in the world. In addition, he established a multi-million dollar endowment fund to provide scholarships for seminarians and theological students to attend holy school.

Mr. Speaker, Metropolitan Anthony inspired many because he was a great leader and devout man of faith. He challenged the faithful not only to dream great dreams but to make them a reality. I hope our colleagues will join me in expressing our heartfelt condolences to his family, his followers, and to future generations who will be enriched by his legacy.

HONORING RITA CANNING

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to honor a distinguished Chicago resident, Rita Canning. Rita has worked tirelessly for the rights of women and families in Chicago. Her advocacy and contribution to public service deserve the recognition and thanks of this Congress.

Rita currently serves as President of WINGS, Women In Need of Growing Stronger. This transitional shelter offers support to homeless and abused women and children in Chicago through training programs as well as job placement services to women in need. Under Rita's leadership, WINGS helps marginalized women re-enter the workforce with greater job skills and with the resources necessary to achieve economic self-sufficiency.

Rita also founded the Palatine Home of the Sparrow, a shelter for women and children in Chicago, and she is in the process of establishing the first domestic violence shelter in Chicago's northwest suburbs.

In addition to her work with the homeless, Rita does great things for education in our community through her work with the Canning Foundation. She serves as Vice-President of this foundation, which awards over 100 private school scholarships annually to inner-city children.

Rita is also a member of the Women's Board of Northwestern University, the Women's Board of the Field Museum, and is a Director of Harris Bank. Her husband, John A. Canning, Jr., is the Director of the Federal Reserve Bank in Chicago and shares Rita's passion of giving back to the community by pursuing several philanthropic endeavors.

Rita's tremendous dedication to public service has been recognized with various awards of excellence. In 2001, for example, Rita received the Sears Distinguished Leader Award for exemplary volunteer work and contributions. She also recently received the Illinois state treasurer's "Woman to Woman Making a Difference Award."

Mr. Speaker, I am honored to call Rita Canning a good friend and to recognize her invaluable contributions to public service. On behalf of the Fifth Congressional District and indeed all of Chicago, I thank her for her selfless dedication and hard work on behalf of women and families in our community.

THE PRESERVING ACCESS TO AFFORDABLE DRUGS ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. MENENDEZ. Mr. Speaker, today I am proud to be introducing the Preserving Access to Affordable Drugs Act to preserve the drug benefits that millions of seniors in our country currently enjoy. Unfortunately, the misguided Medicare Prescription Drug, Improvement, and Modernization Act of 2003 threatens to reduce or eliminate the prescription drug benefits that millions of seniors across the country already have. Based on these and other detrimental provisions in the new law, which seniors continue to oppose vehemently, we should simply repeal the entire bill outright. But in the meantime, the bill I'm introducing today highlights the most egregious loss of benefits that seniors will suffer under the new law, and provides mechanisms to "hold harmless" those seniors who already have good drug coverage.

The Congressional Budget Office has estimated that as many as 1.7 million retirees could lose their employer-based prescription drug benefits as a result of the new Medicare prescription drug benefit. Also as a result of the new law, hundreds of thousands of seniors currently enrolled in state pharmacy assistance programs (SPAPs) will be forced out of those programs and into a private Medicare drug plan. Approximately six million seniors who are dually eligible for Medicare and Medicaid will lose access to their Medicaid prescription drug benefits, which is more generous and has greater access to a variety of drugs. And, despite the fact that the new Medicare law has huge gaps in coverage, seniors who choose to enroll in the new drug benefit will be prohibited from purchasing Medigap coverage to pay for prescription drugs not covered by the new Medicare benefit.

In my home state of New Jersey, alone, 94,000 retirees will lose their employer-based prescription drug benefits. More than 150,000 low-income seniors in New Jersey who are dually eligible for, and enrolled in, both Medicare and Medicaid will lose access to the Medicaid drug benefits they currently rely on. And 220,000 New Jersey seniors who are currently enrolled in Pharmaceutical Assistance for the Aged and Disabled (PAAD) and Senior Gold, the state's pharmacy assistance programs for the aged and disabled, will face disruption in coverage and will likely receive less drug coverage than they currently receive.

It is my view—and based on what I have heard in town hall meetings in my district, the view of an overwhelming majority of seniors in this country—that no senior should be made worse of by the new Medicare law.

The legislation I'm introducing today will:

Preserve employer-based retiree prescription drug coverage by allowing employer expenditures on drug costs to count toward the out-of-pocket threshold of $3600. By not counting toward the catastrophic cap any costs covered by employer-provided retiree benefits, those employers that maintain their retiree health benefits would see their retirees receive less of a Medicare subsidy than a beneficiary without employer-provided benefits. Without this fix, approximately 94,000 New Jersey seniors and 1.7 million retirees nationwide will likely lose their employer-based drug coverage.

Enable states, if they choose, to administer the Medicare prescription drug benefit through their existing state pharmacy assistance program. This means that my home state of New Jersey could continue to provide prescription drug benefits to seniors through the very successful and popular existing PAAD and Senior Gold programs. As a result, these seniors will not have to enroll in the less-generous Medicare drug program, will be able to remain in PAAD and Senior Gold, and will experience no disruption in coverage.

Ensure that States can provide supplemental Medicaid prescription drug coverage to complement the Medicare drug benefit to seniors who are dually eligible for Medicare and Medicaid. Currently in New Jersey, 152,000 low-income seniors and disabled individuals who are Medicare eligible receive 100% of their drug coverage through the state Medicaid program. The Medicare bill replaces Medicaid coverage with more limited drug coverage and prohibits states from wrapping around the Medicare benefit with Medicaid coverage. This bill will enable states to completely wrap around through the Medicaid program.

Restore Medicare beneficiaries' ability to purchase supplemental drug coverage through the Medigap program. Under the new law, those who participate in the new Part D drug benefit are prohibited from purchasing supplemental drug coverage through the Medigap program.

Eliminate the premium support (Medicare privatization) demonstration program. This is particularly important for Gloucester, Camden, Burlington and Salem counties in southern New Jersey, which currently meet the qualifications to be selected to participate in this program.

Simply stated, a Medicare prescription drug benefit that chips away at the generous drug coverage that some seniors already enjoy is hardly a benefit at all. The new Medicare law is bad for seniors and should be repealed; but in the meantime, at the very least, we must do no harm.

That's exactly what this bill intends to do.

TRIBUTE TO A FALLEN SOLDIER

HON. MICHAEL BILIRAKIS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. BILIRAKIS. Mr. Speaker, I would like to pay tribute to a fallen soldier from the Ninth Congressional District of Florida. Lance Corporal James Phillips, from Plant City, Florida, was shot and killed as Marines were clearing houses in Fallujah, Iraq on December 23, 2004.

James' decision to join the Marines demonstrates his dedication and service to this Nation. Following high school, our young people have many opportunities and wide open doors to pursue their dreams. James chose the path of the Marines because he believed that it was his honor and duty to serve his Nation and protect our freedom. He did not choose this path because he thought that he would one day become a war hero or that this career would provide him a lucrative and extravagant life.

I know it has been a very hard and difficult time for James' family and friends, especially to lose him so close to the Christmas holidays. I hope they know that the Nation thanks him for his service and we appreciate the sacrifices they had to make for us as well.

Let freedom ring where all can hear it and let Lance Corporal James Phillip's memory be eternal.

HONORING THE 933RD MILITARY POLICE COMPANY

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. EMANUEL. Mr. Speaker, as this Congress convenes, I am proud to rise in honor of the brave men and women of the Illinois Army National Guard's 933rd Military Police Company. I was honored to be invited to attend this unit's holiday ball on the evening of Saturday, December 11, 2004, in Chicago, Illinois.

While serving during Operation Iraqi Freedom, members of the 933rd MP Company were assigned to the 504th Military Police Battalion—the active component based in Fort

Lewis, Washington. The 504th MP Battalion was assigned to the 220th Military Police Brigade of the U.S. Army Reserve—the theater military police brigade that is assigned to the 377th Theater Support Command, which supports the entire theater of operations.

I want to thank all soldiers and the families of those who served in the 933rd MP Company for the strength and courage they have demonstrated since Operation Iraqi Freedom was launched. We are very proud of their impeccable service record as well as their skill, bravery and professionalism, each of which have directly resulted in saving the lives of innumerable U.S. soldiers, Coalition troops, and Iraqi civilians. The 933rd is a credit to the Military Police Corps.

It is fitting that my first statement in this new Congress recognizes the brave men and women of the 933rd MP Company. Accordingly, we in Congress will endeavor to measure up to the valor of the soldiers of the 933rd, who make the city of Chicago and indeed the entire state of Illinois so very proud. We shall strive to make sure that maximum production and surplus equipment is provided to our troops to safeguard their lives as they carry out the crucial mission of maintaining the peace across Iraq.

INTRODUCTION OF LEGISLATION HONORING CELIA CRUZ BY AWARDING HER THE CONGRESSIONAL GOLD MEDAL

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to offer legislation to honor my great friend, the music icon, Celia Cruz, who lost her courageous battle with cancer on July 17, 2003.

Today, in the People's House, I am joined by my colleague, Representative ILEANA ROS-LEHTINEN, to introduce legislation that will posthumously award Celia Cruz the Congressional Gold Medal.

Celia de la Caridad Cruz Alonso was born on October 21, 1924, in Havana, Cuba. Her career blossomed when she left Cuba for the United States in 1960, where she eventually made Fort Lee, New Jersey her home.

Over a five-decade career as an entertainer, Celia Cruz became known as the "Queen of Salsa," and claimed the calling card cry of "Azuuuucar!" Celia's passion, boundless energy, and charisma transfixed generations of salsa fans and musicians. She recorded more than 70 albums and her collaborative efforts with other performers including the legendary salsa artist Tito Puente, pop star David Byrne, and hip-hop producer Wyclef Jean helped break down ethnic and cultural barriers. She was one of the few bridges that crossed cultural and racial divides.

Celia's musical talent earned her hundreds of awards worldwide, including five Grammy's, two Latin Grammy's, and the National Medal of Arts, the highest honor bestowed on an artist in the United States. She was a Hispanic Heritage Awards Lifetime Achievement recipient, and has a star on Hollywood's Walk of Fame. Her music was a unifying force, and her passion for a free Cuba was evidenced in both her music and her words.

Celia touched the lives of millions. More than 100,000 individuals mourned her loss at her wake in Miami, Florida and 75,000 people lined the streets of Manhattan to pay their respects as her funeral procession made its way through the streets of New York City.

Celia Cruz made countless contributions to American society and the world as an entertainer, and she was an ambassador of Latino culture and a voice of freedom. Her music, her words, and her love of freedom live on. This legislation would make Celia the first Latina to receive the Congressional Gold Medal.

I urge my colleagues to support this bill, and I urge the leadership to bring it swiftly to the Floor for a vote.

PREPARING FOR THE PRESIDENTIAL INAUGURATION

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. LARSON of Connecticut. Mr. Speaker, I support passage of S. Con. Res. 2, which would re-establish the Joint Congressional Committee on Inaugural Ceremonies to continue preparations for the presidential inauguration at the U.S. Capitol on January 20, 2005 and authorizes the use of the Capitol Rotunda for the proceedings.

This non-partisan joint committee was originally created last year by concurrent resolution S. Con. Res. 94, to begin its work, but since resolutions do not carry over from one Congress to the next, it expired automatically on January 3, 2005, along with the 108th Congress. That is why this routine action is necessary today.

Congress passes this concurrent resolution every four years. The Speaker, Majority Leader and Minority Leader were originally appointed to represent the House on the joint committee and will be re-appointed to continue in those roles.

As for the use of the Rotunda authorized by Section 2 of S. Con. Res 2, we traditionally pass this measure at the beginning of any Congress following a presidential election in order to accommodate security planning and rehearsal for the inaugural, since the Rotunda is routinely used for ceremonial purposes during the inauguration and could host the event itself, depending on the weather at that time. A similar concurrent resolution (S. Con. Res. 93) was also passed last year during the 108th Congress to allow early planning for the inaugural to begin, but, like any resolution, it expired on January 3. That is why this action renewing the authority is necessary today. Therefore, I would like to urge my colleagues to join me in supporting this resolution so that we can move forward with Inaugural ceremonies.

SAFE DRINKING WATER FOR HEALTHY COMMUNITIES ACT OF 2005

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. SOLIS. Mr. Speaker, today I rise to introduce the Safe Drinking Water for Healthy Communities Act of 2005. This legislation will require the Environmental Protection Agency to establish a national primary standard for drinking water for perchlorate, a component of rocket fuel used heavily by the military and its defense contractors.

Communities across the country are finding perchlorate in their drinking water, groundwater, irrigation water, soil and food. Perchlorate has been linked to disruption of the thyroid, resulting in behavior changes and delayed development in children and thyroid tumors in adults. Today more than 120 wells in Los Angeles County have been found to be contaminated with varying levels of perchlorate and my community alone faces costs of at least $200 million over the next 15 years to manage and contain perchlorate.

Perchlorate removes valuable water supplies from service and can contaminate our food supply. Yet there exists no enforceable public health standard to ensure our drinking water is safe and to prevent further contamination. At the current rate the Environmental Protection Agency has stated it could not begin to promulgate a public health standard for perchlorate until 2007, if it chooses to do so. Ultimately it is the responsibility of Congress to make sure that the public can trust its water supply, that water providers have guidance, and that those responsible for contamination know that contaminating the water supply and threatening public health is not acceptable.

This bill requires the EPA to establish an enforceable national primary drinking water standard by July, 2007. Without this, there is no requirement for water to have safe levels of perchlorate and water providers will continue to struggle with guaranteeing long term reliability of safe water sources. Inaction poses an unreasonable risk to both our valuable water supply and our health.

INTRODUCTION OF THE DEMOCRACY DAY ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. CONYERS. Mr. Speaker, I am pleased to introduce the Democracy Day Act of 2005, legislation that would establish each Tuesday, after the first Monday in November (in even-numbered years), as a legal public holiday.

The Democracy Day Act of 2005 is designed to respond to the alarming trend of voters being unable to cast their vote due to work or other important commitments. According to a recent Census Bureau study, nearly 25 percent of eligible voters cited time constraints or busy work and school schedules as the primary reason for failing to vote in the past 2000 presidential election. The creation of a federal election holiday would help address this problem by providing many hardworking Americans with the necessary time off from work so they can vote. Furthermore, the bill would have the added benefit of: Increasing the number of available election day judges, poll workers and suitable polling places; decreasing long lines and the overcrowding that occurs during peak times on election day; and reinforcing the notion that voting is an important civic duty.

This Congress must ensure that every American has an equal opportunity to participate in the voting process. Enacting the "Democracy Day Act of 2005" would be a crucial first step towards achieving that objective.

The legislation is strongly supported by a wide array of voting rights and labor organizations.

INTRODUCTION OF THE HEALTH IMPROVEMENT AND PROFESSIONALS ACT OF 2005

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. LANTOS. Mr. Speaker, it is well documented that many states, including my home state of California, are currently suffering from a nursing shortage that, if left unchecked, will quickly reach epidemic proportions. More than 126,000 nursing positions in hospitals around the country are unfilled, according to the Joint Commission on Accreditation of Healthcare Organizations. In addition, the workforce is shrinking, because it's aging (and retiring) at twice the rate of other occupations. While the problem of nursing shortages will require a multifaceted solution, I was shocked to learn recently that entry into the United States by many qualified nurses was being delayed entry because of an easily correctable bureaucratic regulation. We cannot simply stand by and allow the nursing shortage to ensnarl the quality of American health care, and that is why I am introducing the Health Improvement and Professionals Act (HIPA) of 2005.

Due to a change in procedures by the Citizenship and Immigration Services (CIS) of the Department of Homeland Security, the federal agency responsible for processing citizenship and immigration applications, it became necessary to impose a cut-off date in order to process a backlog of work-related immigration applications. As a result, CIS recently announced that it would no longer consider employment-based visa applications from the Philippines, India or China that were filed after January 1, 2002. Due to the unfortunate shortage of American nurses, many of our nation's hospitals are dependent on filling their nursing ranks with new workers from these countries. My legislation, the Health Improvement and Professionals Act of 2005, would provide a common-sense, short-term solution to the problems caused by the CIS policy change, while still allowing the agency to do the necessary and important work of processing its backlog.

Mr. Speaker, my legislation simply allows CIS to recapture unused work-based immigration quota numbers from countries that have undersubscribed their own allowable visa numbers. By reassigning unused quota allotments from previous years, we would allow more qualified nurses to come to this country, bringing their crucially needed skills with them. Let me be clear, the HIPA Act of 2005 does not increase the number of immigrants allowed into our country. Instead, my legislation ensures that we are putting to full use the number of workers' visas currently allowed by law, in order to fulfill a crucial and exponentially increasing worker shortage.

The HIPA Act is modeled directly on the American Competitiveness in the Twenty-First Century Act, which Congress passed, and President Clinton signed into law nearly five years ago, in response to the shortage of highly skilled computer programmers and information technology workers needed to fuel the Internet boom of the late 1990's. Like the HIPA Act of 2005, that law allowed for the recapture of unused employment-based visas to fill a necessary labor shortage.

The growth of the nursing shortage is easily traceable—one only has to look to the fact that in 2002, 30 states were reportedly experiencing some level of nursing shortages. This number is expected to rise to 45 states by 2012. The scope of this problem is compounded by the fact that many of today's nurses are nearing retirement, and so our country is facing the compounded problem of increased retirements coupled with increased demand. This problem is well known to the federal government, as the Department of Labor has noted that one million new nurses will be needed by 2012 to meet the growing health needs of our country.

Some may criticize my legislation for bringing nurses into the country instead of training American men and women to do the job. Unfortunately, enrollments in baccalaureate nursing programs at colleges and universities across the United States have declined for five consecutive years. Even in states where the programs are full, as in my state of California, nearly 70 percent of all nurses are trained by community colleges. Many of the programs at these schools in California are full, and some even have substantial waiting lists of eager students ready to learn about the exciting and rewarding profession of nursing. I will continue to work to expand the capacity of nurse training programs in our country to help relieve this shortage. However, the shortage in California is so severe that even if all of the nursing programs in the state were to double their enrollments, California would still not be able to meet her nursing needs in the year 2010.

Mr. Speaker, the lack of nurses in our hospitals has a direct effect on the quality of the health care these facilities can provide. The shortages currently experienced in 30 states affects all patients, from those in operating rooms and intensive care units to those who treat children and cancer patients. In fact, according to a study conducted by the Harvard School of Health and the Henry J. Kaiser Family Foundation, over 50 percent of physicians surveyed believed that the nursing shortage is a leading cause of medical error. Additional studies and surveys published in the New England Journal of Medicine, Journal of the American Medical Association, and by the Joint Commission on Accreditation of Healthcare Organizations all confirm that the shortage of RNs is influencing the delivery of health care in the United States and negatively affecting patient outcomes. It is completely unacceptable in 21st century America that these preventable deaths are occurring. I hope my colleagues are as appalled about this as I am and that they will join me in supporting this common sense and critically important legislation. While we search for a longer-term solution to the problems as well as the causes of this nursing shortage crisis, the Health Improvement and Professionals Act of 2005 will provide a desperately needed injection of health care professionals into this country.

HONORING THE LIFE OF BRAD ROWSE

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. THOMPSON of California. Mr. Speaker, Mr. HAYES, Mr. BOSWELL, Mr. KIND, Mr. PUTNAM and all the Members of the Congressional Sportsman's Caucus received tragic news that Brad Rowse, Manager of Congressional Sportsmen's Foundation's (CSF) State Caucus program and the new National Assembly of Sportsmen's Caucuses died of an aneurysm on Monday, December 27, 2004. He was 26 years old.

Brad was a dedicated and highly respected member of the Congressional Sportsmen's Foundation joining the organization two years ago to help lead the early efforts to expand the sportsmen's caucus model to state legislatures. A native of upstate New York, Brad grew up hunting and fishing on his family's farm where he grew a passionate fondness for the outdoors. He used his undergraduate work at Cornell University and his Masters from SUNY Syracuse to focus on natural resource policy with the goal of adapting, improving and creating programs and policies to improve our fish and wildlife resources. Before coming to the CSF, he interned with The Wildlife Society and the National Fish and Wildlife Foundation in Washington, DC.

The unique combination of skills that Brad had acquired served him well during his time with the CSF. As the CSF State Caucus Manager, he built the program from its early beginnings to the national network of state caucuses that was launched on December 5, 2004. Brad took primary responsibility for monitoring sportsmen's issues at the state level and for building relations with state legislators and sportsmen's groups to create a unified voice for sportsmen. Through Brad's leadership and dedication there are now 21 state sportsmen's caucuses and a new National Assembly of Sportsmen's Caucuses to support their growth and success.

America's sportsmen and women will miss his leadership and commitment to protecting our natural resources and hunting and fishing heritage.

EMBRACING THE CONSTITUTION FLAG

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. WEINER. Mr. Speaker, since September 11th, 2001, this nation has engaged in a debate over how best to balance national security with civil liberties. "They who would give up an essential liberty for temporary security, deserve neither liberty or security." Those words are as true today as they were when Ben Franklin said them at the dawn of American democracy.

It was in that spirit that a patriotic New Yorker named Bob Pargament designed the "Constitution Flag." The new symbol, an American Flag with the Constitution superimposed in the outline of the United States, reminds us never to undercut the freedoms guaranteed to each individual in the Constitution.

While nothing can ever replace our beloved "Old Glory," this new emblem is currently flying in homes, city and town halls, and law classrooms across the country. It is on display at the American Library Association's Chicago headquarters and the city of Mount Vernon, NY has officially adopted the flag as the city's symbol.

As we in Congress continue to struggle with ways to keep Americans safe, we should honor those who are working to highlight the civil liberties at the foundation of our democracy. I urge my colleagues to join me in embracing the Constitution Flag as an invaluable reminder of what keeps American strong.

FORMER MEMBER OF PARLIAMENT ENDORSES FREEDOM FOR KHALISTAN—SOVEREIGNTY WILL END OPPRESSION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. TOWNS. Mr. Speaker, on December 8, the Tribune newspaper out of Chandigarh, Punjab reported that a former Member of Parliament, Simranjit Singh Mann, had endorsed sovereignty for the Sikh homeland, Khalistan. His endorsement is part of a rising tide that includes the Punjab government declaring its sovereignty when it ended its water agreements with the other states in India.

I note that Mr. Mann said that the Sikhs are a separate nation and promised to lead a movement to liberate Khalistan. I hope that he keeps his promise. My friend Dr. Gurmit Singh Aulakh, President of the Council of Khalistan and an invaluable resource for information about South Asian affairs, has been saying the same things for several years. It seems that India's oppression that killed a quarter of a million Sikhs and keeps more than 52,000 of them as political prisoners has failed to dampen the desire and enthusiasm of the Sikhs for their own sovereign, independent country. I salute Mr. Mann's position. It is important for leaders in Punjab to speak out strongly for Khalistan. We can help from here, but the effort must be won in Punjab, Khalistan itself.

Mr. Speaker, all peoples are entitled to live in freedom. The Sikhs of Punjab, Khalistan made their choice on October 7, 1987 when they declared their independence from India, calling their new country Khalistan. India, which proudly claims to be democratic, refuses even to hold a free and fair vote on the question, just as India has never kept its promise of 1948 to hold a plebiscite on the future of Kashmir. How can a country do these things and claim to be democratic? Self-determination is the essence of democracy.

A new Congress gives us a new opportunity to take a stand for freedom in South Asia and around the world. We should stop all U.S. aid to India until it allows full democratic rights and full human rights to all people living within its borders and we should strongly support a free and fair plebiscite in Punjab, Khalistan, in Nagaland, in Kashmir, and wherever people seek their freedom on the question of independence. By promoting such a plebiscite, we promote democracy and human rights for all people in that troubled region.

Mr. Speaker, I would like to insert the Council of Khalistan's press release on Mr. Mann's remarks into the RECORD at this time.

MANN REVERTS TO SUPPORTING KHALISTAN

WASHINGTON, DC, DECEMBER 10, 2004—Once again, former MP Simranjit Singh Mann, leader of the Shiromani Alkali Dal (Amritsar), has staked out a position in support of a sovereign, independent Khalistan. Speaking in Ludhiana on December 7 at a meeting of his party, Mann said that the SAD (Amritsar) would launch a peaceful movement to achieve a separate and sovereign Sikh state, according to the December 8 issue of The Tribune (Chandigarh.) Mann claimed that his party had never given up this position.

Mann reminded his party that Sikhs are a separate nationality. He said that the foundation for an independent Khalistan was laid by Guru Gobind Singh and furthered by Sant Jarnail Singh Bhindranwale and that this dream "will be materialized one day." Guru Gobind Singh gave sovereignty to the Sikh Nation ("In grieb Sikhin ko deon patshahi.") Sikhs are a separate nation. Sikhs ruled Punjab up to 1849 when the British conquered the subcontinent. Mann noted that it is in the interests of all the people in the region to have a buffer state between India and Pakistan to help ensure lasting peace in South Asia, given the deep hostility between "Hindu civilization and Muslim civilization."

Mann's remarks show that the desire for Khalistan remains strong in the Sikhs of Punjab, said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the Sikh struggle for independence. Dr. Aulakh also cited the actions taken by Chief Minister Amarinder Singh, such as declaring Punjab's sovereignty in stopping all water agreements between Punjab and other states, as moving toward this goal. On October 7, 1987, the Sikh Nation declared its independence from India, naming its new country Khalistan. The Council of Khalistan was established at that time to lead the peaceful, democratic, nonviolent movement to liberate Khalistan from Indian oppression.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Recently, the Punjab Legislative Assembly passed a bill annulling all water agreements with the Indian government, preventing the government's daylight robbery of Punjab river water. Punjab needs its river water for its crops. In the bill, the Assembly explicitly stated the sovereignty of Punjab.

The Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 89,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide."

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. He was murdered in police custody. His body was not given to his family.

The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. Ghotna has never been brought to trial for the Jathedar Kaunke murder. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra.

According to a report by the Movement Against State Repression (MASR), 52.268 Slikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. We demand the immediate release of all these political prisoners.

"It is encouraging that Mr. Mann has comeback to demanding Khalistan," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan. "This is another step forward for the movement to liberate our homeland from Indian oppression."

"As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted. "We must continue to press for our God-given birthright of freedom," he said. "Without political power, religions cannot flourish and nations perish. A sovereign Khalistan is essential for the survival of the Sikh religion."

HONORING COMMAND SERGEANT MAJOR MARVIN L. HILL

HON. HAROLD E. FORD, JR.

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. FORD. Mr. Speaker, I rise today to recognize Command Sergeant Major Marvin L. Hill of Memphis Tennessee, and the dedication and courage with which he has served our Nation.

A warrior and exemplary combat veteran, Command Sergeant Major Hill will be moving onto the 1st Army, under Lieutenant General Russel Honore, overseeing training and mobilization readiness for Army National Guard

Units within its area of responsibility. Command Sergeant Major Hill's distinguished career is particularly noteworthy for his contributions to the legacy of the 101st Airborne Division, "Screaming Eagles," the post he is departing.

Command Sergeant Major Hill joined the Army on January 18, 1978. After completing Basic Combat Training at Ford Leonard Wood, Missouri and Advanced Individual Training (AIT) at Fort Benning, Georgia, he became an Infantryman in May 1978. Most recently, he served a rotation in Operation Iraqi Freedom, as Division Command Sergeant Major for the 101st Airborne.

Command Sergeant Major Hill has held a myriad of assignments which include: 2nd Battalion, 1st Infantry, 9th Infantry Division, Fort Lewis Washington; 3rd Battalion, 5th Infantry, 193rd Infantry Brigade, Fort Kobbe, Panama; two tours with 2nd Battalion, 327th Infantry Regiment and one with 3rd Battalion, 327th Infantry Regiment, 101st Airborne Division (Air Assault), Fort Campbell, Kentucky; 4th Training Brigade and United States Army Noncommissioned Officer Academy and Drill Sergeant School, Fort Knox, Kentucky; United States Corps of Cadets, United States Military Academy, West Point, New York; 1st Battalion (Mechanized), 9th Infantry Regiment, 2nd Infantry Division, Camp Hovey, Republic of Korea; Staff and Faculty, United States Army Sergeants Major Academy, Fort Bliss, Texas; Headquarters 1st Battalion, 502nd Infantry Regiment and Headquarters 2nd Brigade, 502nd Infantry Regiment, 101st Airborne Division (Air Assault).

Command Sergeant Major Hill has occupied a multitude of positions: Rifleman to Command Sergeant Major in infantry units, Scout Platoon Sergeant, Battalion Operations Sergeant, Tactical Noncommissioned Officer (USMA), Drill Sergeant, Drill Sergeant Instructor, and as a Faculty Advisor at the United States Army Sergeants Major Academy in Fort Bliss, Texas. He also served as Task Force CSM for TF 1–502 Infantry, Multinational Force and Observers, Sinai, Egypt.

Command Sergeant Major Hill's military and civilian education is comprised of the Primary Noncommissioned Officers Course, Basic Noncommissioned Officers Course, Advanced Noncommissioned Officers Course, First Sergeant Course, Drill Sergeant School, Air Assault School, Rappel Master Course, Master Fitness Trainers Course, and Sniper School. He is a graduate of the United States Army Sergeants Major Academy, Class 48. Command Sergeant Major Hill also holds a Bachelor of Science degree in Liberal Arts from St. Thomas Aquinas College in Sparkill, New York.

In recognition of his honorable service, Command Sergeant Major Hill has received numerous awards and decorations, including the Bronze Star Medal, Meritorious Service Medal (five Oak Leaf Clusters), the Army Achievement Medal (four Oak Leaf Clusters), the Noncommissioned Officers Development Ribbon (Fourth Award), the Good Conduct Medal (Seventh Award), the National Defense Service Medal, the Army Service Ribbon, the Overseas Service Ribbon (Second Award), the NATO Medal, the Kosovo Campaign Medal, the Global War on Terrorism Expeditionary Medal, the Global War on Terrorism Service Medal, the Korean Defense Service Medal and the Multinational Force and Observers Medal (Second Award). In addition, he holds the Expert Infantryman's Badge, the Air Assault Badge, and the Drill Sergeant Identification Badge.

Command Sergeant Major Hill is married to the former Sharon Patton. They have one son, Curtis, and one grandson, Camron.

Mr. Speaker, it is my great privilege to honor Command Sergeant Major Marvin L. Hill for his distinguished service to our nation. He has demonstrated a laudable degree of leadership, courage, and hard work.

INTRODUCTION OF THE H.R. 28, THE HIGH-PERFORMANCE COMPUTING REVITALIZATION ACT OF 2005

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mrs. BIGGERT. Mr. Speaker, I rise today to introduce the High-Performance Computing—or HPC—Revitalization Act of 2005, which will ensure that America remains a leader in the development and use of supercomputers.

When we think of how computers affect our lives, we probably think of the work we do on our office desktop machines, or maybe the Internet surfing we do in our spare time. We don't normally think of the enormous contribution that supercomputers—also called high performance computers—make to the world around us.

These powerful machines are used in the development of pharmaceuticals, in modeling the earth's climate, in applications critical to ensuring our national and homeland security, and to strengthen our economic competitiveness. High-performance computers also are central to maintaining U.S. leadership in many scientific fields. Computational science complements theory and experimentation in fields such as plasma physics and fusion, astrophysics, nuclear physics, and genomics.

Mr. Speaker, dramatic scientific and commercial breakthroughs will require increasing computing power by a factor of a hundred, or in some cases, by a factor of a thousand. While attaining these increases may seem daunting, the history of computer development has taught us that with a sustained commitment to research, such gains are within our reach.

For nearly three years, Japan was home to the world's fastest supercomputer, the Earth Simulator. But during those years, the United States remained a leader in high performance computing as home to many of the world's fastest supercomputers. For example, a list of the world's fastest computers released last spring documented that 10 of the top 20 supercomputers were in the United States at that time.

Then, just two months ago, the United States regained the lead when IBM's Blue Gene/L supercomputer was recognized as the fastest computer in the world. IBM and the U.S. supercomputing industry are to be commended for their impressive accomplishments.

These are accomplishments upon which we must build if the United States is to retain its leading role in the development and use of supercomputers.

That's why my legislation updates an important law not revised since it passed in 1991. The HPC Revitalization Act of 2005 clarifies the federal government's role in supporting supercomputing research and development in the United States. More specifically, my bill does four things:

First, it requires that federal agencies provide the U.S. research community access to the most advanced high-performance computing systems, and technical support for their users.

Second, there's more to supercomputing than building big machines. That's why the bill requires federal agencies to support all aspects of high-performance computing for scientific and engineering applications, including: Software, algorithm and applications development; Development of technical standards; and Education and training.

Third, the bill requires the White House Office of Science and Technology Policy to direct an interagency planning process to develop and maintain a research, development, and deployment roadmap for the provision of high-performance computing resources for the U.S. research community. This provision will help ensure an ongoing, robust planning process for our national high-performance computing efforts.

Finally, the bill clarifies the missions of each of the federal agencies that have a role in developing or using High Performance Computing.

Mr. Speaker, at a full committee hearing on May 13 of last year, Dr. John Marburger, Director of the White House Office of Science and Technology Policy, communicated the Administration's support for this bill.

Dr. Marburger and the Bush Administration recognize that we can't have world-class science if we don't have world-class computers. We cannot imagine the kinds of problems that the supercomputers of tomorrow will be able to solve. But we can imagine the kind of problems we will have if we fail to provide researchers in the United States with the computing resources they need to remain world-class.

That's why the House passed this same bill in the 109th Congress. It will guide federal agencies in providing needed support to high-performance computing and its user communities. Our nation's scientific enterprise, and our economy, will be the stronger for it.

To conclude, I want to recognize the bill's cosponsors, Chairman SHERWOOD BOEHLERT and Congressman LINCOLN DAVIS, and thank them for their support. I hope the rest of my colleagues will again support this legislation when it comes to the floor for consideration in the 109th Congress. With your help, we will ensure that the United States maintains its distinction as home to the world's most powerful computer.

THE LIFE OF FATHER MAC

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to honor and reflect the life of Monsignor Ignatius McDermott, who many called Father Mac, a Chicago Priest who helped thousands of people with drug and alcohol abuse.

Father Mac was born on Chicago's South Side in 1909 to an Irish Catholic family. He attended St. Gabriel Catholic School and then graduated from the former Visitation Catholic School. He was ordained in 1936 after studying at Quigley Preparatory Seminary and Mundelein's St. Mary of the Lake Seminary.

During his leave from the seminary in 1930, Father Mac traveled daily through "Skid Row" to get to his job at Arlington Park racetrack. From his daily encounters of seeing the despair of alcohol and substance abuse, he began ministering to the homeless and alcoholics—the forgotten populations. Working toward a solution, Father Mac founded the Addiction Counseling Education Services in 1961, which provided counseling to alcoholics and other substance abusers who had no other means to get help. He would later expand his work to the Chicago schools system, where he developed an alcohol education curriculum and fostered Alternatives to Expulsion, a program to help teachers salvage addicted teenagers who were willing to give up drinking and drugs and resume their studies.

After serving as a parish priest and Chicago Archdiocese administrator, Father Mac devoted full time to helping those who could not help themselves and co-founded Haymarket Center. This Center is the largest drug abuse treatment center in Chicago serving an average of 18,000 clients annually. Haymarket truly changes individuals' lives with providing integrated treatment services, job training and serves as one of the few facilities that assist addicted mothers through pregnancy seeing the delivery of over 900 drug free babies. Haymarket Center serves as a model for other treatment programs throughout the Nation.

Ironically, on New Years Eve, as Haymarket Center celebrated its 29th year, Father Mac passed at the age of 95. Sadly, we lose a man of unwavering faith, deep compassion, and tireless devotion to helping those who are among the most desperate and needy.

The Chicago Sun-Times call him Chicago's Living Saint. Others call him the patron saint of the addicted. It is hard to find words to describe the care, love and compassion Father Mac had for all people—especially those that everyone else forgot about.

Last Congress, I introduced a resolution with my colleagues from Illinois, Speaker HASTERT, Congressman LAHOOD, and the former Congressman Lipinski to honor Father Mac with the Congressional Gold Medal. I would like to thank my 114 colleagues who cosponsored this legislation. In memory of Father Mac, one of his favorite quotes read: "When you no longer burn with love, others will die of the cold." St. Vincent DePaul,

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INTRODUCTION OF THE FAIRNESS TO ALL VIETNAM VETERANS ACT

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. MILLENDER-MCDONALD. Mr. Speaker, I want to bring to the attention of this Congress, legislation that I am reintroducing today.

The Fairness to All Vietnam Veterans Act directs the Secretary of Defense to find an appropriate way to recognize and honor Vietnam Veterans who died in service to our nation but whose names are not listed on the wall of the Vietnam Veterans Memorial.

A family in my district, Mary and Tom Manley of Long Beach California, brought the need for this legislation to my attention.

Tom Manley is a survivor of the U.S.S. *Frank E. Evans.*

The *Evans* sailed from the Port of Long Beach for the last time in the spring of 1969.

After seeing serious combat off the coast of Vietnam, the U.S.S. *Evans* was sent to a brief training exercise called "Operation Sea Spirit." This training exercise involved ships of the Southeast Asia Treaty Organization.

In the early morning hours of June 3, 1969, the crew of the U.S.S. *Frank E. Evans* awoke to the sounds of an Australian carrier splitting their vessel in half. The forward half, where all 74 deaths took place, sank in three minutes. There were 198 survivors.

Although the *Evans* was in the South China Sea, these sailors' names are not listed on the Vietnam Memorial wall because the U.S.S. *Evans* was just outside the designated combat zone, which determines inclusion on the wall.

Unfortunately, the case of the U.S.S. *Frank E. Evans* does not stand-alone.

There are many families across the United States, like the Manleys in Long Beach, who have loved ones and friends that have been excluded from proper recognition—maybe even in your district.

It is time for the Department of Defense to examine current policies for placement on the Vietnam Veterans Memorial Wall.

This legislation also calls on the organizations and government agencies that originally constructed the Vietnam Veterans Memorial to examine the feasibility of inscribing additional names.

Should there be no practical way to add these names, the bill seeks appropriate alternatives for recognizing these veterans.

I ask Members to join me in properly honoring those Veterans who have given their lives for their country.

With the ongoing conflict in Iraq we are all acutely aware of the sacrifices our men and women in the military have recently made to ensure our nation's safety, security and our freedom.

A Nation is judged on how well they treat their Veterans. Let us not forget those of a past generation who fought for the freedom that we all cherish today.

Join me and support The Fairness to All Vietnam Veterans Act.

INTRODUCTION OF THE SECURE DOMESTIC CONTAINER PARTNERSHIP ACT OF 2005

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. MILLENDER-MCDONALD. Mr. Speaker, I want to bring to the attention of this Congress, legislation that I have introduced today—The Secure Domestic Container Partnership Act of 2005.

This legislation directs the Secretary of Homeland Security to create a pilot program that encourages shipping handlers to seal empty shipping containers after they have unpacked them.

Under this pilot program, the Secretary may authorize a shipper, cargo carrier, freight forwarder, terminal operator, port authority, or labor organization that is a qualified container handler to secure under a seal approved by the Secretary, a shipping container that is emptied by the person.

It is my strong belief that this program, when fully implemented, will do so much for securing our supply chain, reducing congestion around our ports and intermodal centers while offering our shippers the opportunity to actively participate in securing our home front, our economic supply chain, our transportation infrastructure and most importantly our communities.

Last year, in response to the 9/11 Commission Report the Maritime and Coast Guard subcommittee took testimony from panelists responding to the Commission's findings and directives.

A scenario, presented to our Committee that characterized "cargo containers as a poor man's missile," struck me as all too real. In Southern California, the ports of Long Beach and Los Angeles imported 68,000 containers a week in 2003. Combine exports and imports for 2003 and you have 125,000 containers that come in, out and through the most populous region in the country with seventeen million residents and growing—and with many high risk targets. Our streets, our communities, our rail infrastructure at any time are supporting full and empty containers.

Containers are as common in Southern California as lawyers are in Washington, DC. Look around you and you will know what I mean.

Now, if a container were to be compromised, empty or full, it would call into question the integrity of all containers on our highways and railways that travel along our entire transportation infrastructure and throughout our communities.

Placing a seal on an empty container is a cost effective common sense solution that further strengthens the partnership between the shipping community and the Department of Homeland Security against the ongoing war on terrorism.

Specifically, I would recommend that the Customs-Trade Partnership Against Terrorism or C–TPAT administer this program.

This initiative, under the Customs and Border Protection Directorate at the Department of Homeland Security, has a proven track record of doing great things with securing our supply line.

Through the C–TPAT initiative, Customs has been working in partnership with companies and carriers involved in importing goods into the United States.

Companies are asked to assess the vulnerabilities of their supply chains and to work with Customs to address any vulnerability.

In short, the C–TPAT initiative is the equivalent to the trusted traveler program for goods that the FAA is currently implementing for passengers.

The C–TPAT initiative would be an excellent partner and I would encourage the Secretary to take my recommendation.

Like the C–TPAT initiative, the pilot program created by enactment of The Secure Domestic Container Partnership Act of 2005 would be purely voluntary on the part of shippers.

This is a win/win for businesses, our transportation system and our communities.

I ask my colleagues to strongly support the "The Secure Domestic Container Partnership Act of 2005."

MOURNING THE LOSS OF SHIRLEY CHISHOLM

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. TOWNS. Mr. Speaker, it is with great sadness that I rise to mourn the passing of my predecessor and mentor, former Congresswoman Shirley Chisholm.

As the first African-American woman elected to Congress and the first African-American to seriously run for the office of the Presidency, Shirley was a trailblazer who opened the doors of opportunity for generations of women and minority politicians.

Her advocacy for the education of the disadvantaged, Title IX, and early childhood education established her as one of the foremost education policymakers during her seven terms in Congress. But her legacy did not end there. Unmatched as a voice for social justice, Shirley fought for the interests of groups like veterans, Haitian refugees and day workers.

A gifted orator, Shirley's "unbought and unbossed" political style allowed her to make friends and political alliances on both sides of the aisle. She was truly one in a million and I am honored to have been part of her Brooklyn political circle and to have worked along side her throughout her political career. Anyone who came in contact with Shirley Chisholm was forever changed for the better; she is one soul on this earth who is truly irreplaceable and she will be sorely missed by all of those who knew and loved her.

REMEMBERING SHIRLEY CHISHOLM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. RANGEL. Mr. Speaker, today I'm filled with great sadness that on the eve of the 109th Congress we mourn the passing of my longtime friend and colleague, Shirley Chisholm, the first African-American woman elected to Congress and the first of her race to seek a major party nomination for the Presidency. She died at her Ormond Beach, FL home on New Year's Day at the age of 80.

I commend to my colleagues the following article describing a time in the life of Shirley Chisholm written by Wil Haygood in the Washington Post on January 4, 2005.

[From the Washington Post, Jan. 4, 2005]

A WOMAN OF THE PEOPLE

SHIRLEY CHISHOLM TOOK A BACK SEAT TO NO ONE

(By Wil Haygood)

There was something so plain and yet so defiant about her. Studious and yet a little jazzy, especially in front of those Brooklyn church ladies.

Shirley Chisholm, the former congresswoman who died New Year's Day in Florida at age 80, came along at a moment in the 1960s when there was a bubbling symmetry between the women's liberation movement and the civil rights movement. She was holding two candles in the wind.

At church podiums in Brooklyn, she'd talk about babies eating paint they had peeled from the walls, and she'd talk about malnourished schoolchildren, and she'd raise her fist, and her big mound of cloudlike hair would bob, and she would start to crying, tears rolling from beneath those beatnik-era glasses. She would turn her back to the audience—as if she couldn't stand her own tears—and then turn around to face the folk in the pews, and they'd be stomping.

"I used to say to her, 'You should go into drama,' "recalls Edolphus Towns, a Democratic congressman from Brooklyn. "She could drop tears at any time."

Chisholm began her working life in 1950s Brooklyn. She was the director of a day-care center and worked as an educational consultant for the city. The tots had parents and she befriended them and got herself elected to the New York State Assembly in 1964. She was headed to Albany, the same place that launched the national political careers of Theodore Roosevelt, Thomas Dewey, Franklin D. Roosevelt and many others.

In the '60s, the talk in New York of black political figures focused on names such as Basil Patterson, Percy Sutton, Charlie Rangel. They were young lions who belonged to Harlem political clubs. (There was also Adam Clayton Powell, the once-powerful congressman who had crawled back to Congress in 1969 after an expulsion and scandalous headlines. But his day was now gone.)

But Patterson and Sutton and Rangel suddenly had to yank their heads and look across the bridge, to Brooklyn.

Shirley who?

"Shirley came out of Brooklyn, and that was one of the roughest political arenas you can come out of—even today," says Rep. Rangel (D), who knew Chisholm for decades. "For her to succeed, she had to be a little strange—and certainly extraordinary."

In addition to being a woman and from Brooklyn, Chisholm was also—unlike Powell, Sutton, Rangel and Patterson—dark-skinned. Given the history of skin color, she had an extra ladder to climb, and did so with relish, carrying herself with the insouciance of the world's most attractive woman.

So there she'd be, needing a ride to Albany and getting herself over to Harlem so that Sutton, who was also in the assembly, could pick her up.

"Shirley would meet us on the corner of 125th and Seventh—now Adam Clayton Powell Boulevard—and ride with us to Albany," says Sutton. "We did that for two years."

Sutton noted something about Chisholm on those rides. She was hungry for debate: "Even if she agreed with you, she'd want to debate you!"

With the '60s drawing to a close, Chisholm was swimming in the waters of history. "She had the imagination," says Rangel, "of being first—and tenacious."

So she announced in 1968 that she was running for Congress. There were howls of laughter, though not from the church ladies, who saw themselves in the reflection of her beatnik eyeglasses.

In 1968, she became the first black woman elected to Congress. She grinned and gave the peace sign. It wasn't black power. It was Shirley power. She wound up serving seven terms.

She pushed for antipoverty legislation and became a star. Ebony magazine wanted her, and so did Ms. magazine. She appeared with Reps. Barbara Jordan and Bella Abzug. She was known as honest and honorable. "Chisholm would not set up any kind of a side deal for her mother, brother, or cousin," says William Howard, who served as her financial adviser.

When Chisholm announced a run for the presidency in 1972, it seemed a little strange. She was the first black to conduct a large-scale presidential campaign within one of the major parties. The Congressional Black Caucus hardly had the numbers then that it has now, but she rolled her eyes when its members asked why she hadn't discussed her presidential plans with them. "Shirley had a lot of self-confidence," says Rangel.

"I Am Woman" by Helen Reddy was humming on the jukebox that year.

"Black people needed somebody," says Sutton. "We had lost Martin and Malcolm." He raised the first $25,000 for her presidential campaign.

At the Democratic National Convention in Miami Beach, she was smiling from the podium—those glasses, that hair, the dark skin. Simply getting there was a huge victory.

"The next time a woman runs," she wrote in her 1973 autobiography, "The Good Fight," "or a black, a Jew or anyone from a group that the country is 'not ready' to elect to its highest office, I believe he or she will be taken seriously from the start. The door is not open yet, but it is ajar."

And, in time, they came: Geraldine Ferraro, Jesse Jackson, Joseph Lieberman.

The last time William Howard saw Chisholm was a year and a half ago in Manhattan. She had wanted to go dancing. She was peering at him, through those beatnik glasses, out on the dance floor, imploring him to tell the band to play something jazzy.

HONORING THE MEMORY OF FORMER REPRESENTATIVE SHIRLEY CHISHOLM

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Ms. SLAUGHTER. Mr. Speaker, today, I rise to honor the memory of former Congresswoman Shirley Chisholm, who was a national role model.

I followed in the footsteps of Rep. Chisholm in several respects, having served both in the

New York State Assembly and in the House of Representatives. To my knowledge, we are the only two Democratic women from New York State to have that distinction.

Shirley Chisholm was a tireless advocate for social justice, and for that legacy our country will be eternally grateful.

As the first black woman to be elected to the U.S. Congress and to run for president of the United States, Shirley Chisholm threw open the doors to greater opportunities for women and minorities.

Along with Congresswoman Bella Abzug, Gloria Steinem and Betty Friedan—also great women's rights leaders—Shirley Chisholm founded the National Women's Political Caucus in 1971. She also helped found the Congressional Black Caucus. Both of these organizations have served an important role in increasing representation of women and minorities in Congress.

I think it is important to note her life-long passion for improving educational opportunities for our Nation's youth, carrying on this tradition after her years in Congress by serving as the Purington Professor at Mount Holyoke College.

She also promoted increased assistance for urban areas, land rights for Native Americans, fair treatment of Haitian refugees, and more help for working-class families trying to make ends meet.

I join together with our Nation in honoring her life's work. Along with my colleagues, I cosponsored a Congressional resolution today that would honor her life. This resolution will help ensure that her legacy and the positive momentum that she initiated through her work would continue, and I urge the House to bring this resolution up for a vote without delay.

HONORING REPRESENTATIVE SHIRLEY CHISHOLM

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 4, 2005

Mr. ENGEL. Mr. Speaker, I rise to pay honor to Representative Shirley Chisholm, the first black woman elected to Congress and a candidate for the presidency in 1972, and who passed away on Saturday in Florida at the age of 80. Representative Chisholm was elected to Congress in 1968 and served until 1982. During her seven terms, she was an outspoken advocate for women and minorities and a riveting speaker who often called on Congress to be more responsive to the public.

During her first term in Congress, Representative Chisholm hired an all-female staff and spoke out for civil rights, women's rights, the poor, and against the Vietnam War. Throughout her tenure, she was a sought-after public speaker. Representative Chisholm was a cofounder of the National Organization for Women, the Congressional Black Caucus, and the National Women's Political Caucus. She was also the first black person to conduct a large-scale campaign for the presidency within the two-party system. As a candidate for the Democratic nomination in 1972, Representative Chisholm won 152 delegates before withdrawing from the race. When her ideological opposite, George Wallace, was shot, she surprised many by visiting him in the hospital.

Representative Chisholm was born Shirley Hill in New York on November 20, 1924, the oldest of four daughters of a Guyanese father and a Barbadian mother, who scrimped to educate their children. Representative Chisholm lived on her maternal grandmother's farm in Barbados from age 3 to age 11, where she attended a British grammar school and picked up the clipped Caribbean accent that marked her speech. She went on to graduate cum laude from Brooklyn College and earn a master's degree from Columbia University. She began her career as the director of a day care center, then moved on to be an educational consultant for the New York City Bureau of Child Welfare. A long-time political activist, she became involved in Democratic politics and was elected to the New York State Assembly in 1964. During her tenure in the legislature, she proposed a bill to provide State aid to day-care centers and voted to increase funding for schools on a per-pupil basis.

After leaving Congress, Representative Chisholm was named to the Purington Chair at Mount Holyoke College in South Hadley, Massachusetts and also served as a visiting scholar at Spelman College. She received many honorary degrees, and her awards include Alumna of the Year, Brooklyn College; Key Woman of the Year; Outstanding Work in the Field of Child Welfare; and Woman of Achievement. She is the author of two autobiographical works, Unbought and Unbossed (1970) and The Good Fight (1973). Representative Chisholm was a pioneer in her time and her life should serve as an example of what can be accomplished if we have the courage and the strength to stand and fight for what we believe in. Her wit, wisdom, and leadership will be sorely missed.

SENATE—*Thursday, January 6, 2005*

The Senate met at 9:30 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, ruler of all nature, thank You for the gift of life and for the opportunity to invest in freedom. As electoral college votes are counted today, increase our gratitude for this great land.

Infuse the executive, legislative, and judicial branches of Government with strength to meet the challenges of our time. Remind our leaders that humility precedes honor and that service is the litmus test of greatness.

Continue to bless those who seek to relieve the suffering of the tsunami victims. Help them to remember that they are doing Your work and reward them from the bounty of Your love. We pray in Your strong Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 6, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. MURKOWSKI thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. McCONNELL. Madam President, today we are in session to consider two committee membership resolutions. We hope to have those resolutions considered and adopted in a short while. The two resolutions will make majority and minority committee appointments for the 109th Congress, as well as officially appoint the chairmen and ranking members for each of those committees.

In addition to that business, today at 1 p.m. we will have a joint meeting with the House to count electoral votes. Members should begin gathering in the Senate Chamber at 12:40 this afternoon so we may depart as a body at 12:50.

Senators have been asking about the possibility of rollcall votes during today's session. At this point we have to say, unfortunately, that rollcall votes are still possible during today's session. As always, we will alert Members as the voting schedule becomes more clear. Once we have adopted our committee resolutions and the electoral vote count is completed, it is my intention the Senate will adjourn until January 20, Inauguration Day.

I will have more to say on the schedule today before the Senate closes.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TODAY'S AGENDA

Mr. REID. Madam President, we are very close to working something out on committee funding. We have an agreement on the split. It is just a question of what we are splitting. I have a meeting today with the ranking members. I spoke to virtually all of them last night and we will be able to work something out here. It is important we do that. We have Members on our side, new Senators, we want to appoint to committees. The majority has new Members they need to appoint to committees. There will be some new committee chairs, new ranking members. We want to expedite this. We hope to have it done, as I told the distinguished Senator from Kentucky, by noon today. It is something we need to do. I am confident we can do that.

On our side if, in fact, there is an objection filed to any of the States that are going to report their electoral college findings, we will not require a rollcall vote on our side, but that does not mean there won't be one. So whether there is an objection filed, we will wait and see at 1 o'clock today. After that, there will be decisions made by individual Senators as to whether there is a vote.

Procedurally, as I understand the rule, if there is an objection filed, automatically the electoral college proceedings are put in recess for 2 hours. During that 2 hours, Members in the House and Senate are allowed to speak for up to 5 minutes each on the objection. Following that, the electoral college reconvenes. If, in fact, there is an objection filed, I think everything would be completed by around 4 o'clock today.

Mr. McCONNELL. Madam President, I might say with regard to speaking requests, I only have one or two. They will be very brief. It is my hope we might not take the entire 2 hours the Democratic leader has outlined, thereby allowing us to get that job finished earlier in the afternoon.

Mr. REID. Madam President, the distinguished Senator is again absolutely right. We have had a few requests on our side. At last count, I had less than five. That is 25 minutes, at most. But we cannot do anything until the House finishes. If they finish earlier, we would finish earlier and be able to move forward.

We will see what the day brings us. But it should not be a long day, no matter what happens.

Mr. McCONNELL. I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The Senator from Montana.

TSUNAMI TAX CREDIT

Mr. BAUCUS. Madam President, I rise to share a few remarks involving the overwhelming disaster that has hit Southeast Asia. I hope the distinguished deputy leader would heed my remarks because I very much hope we can get this legislation passed this year—not only this year, but passed today—which gives a charitable tax deduction, cash deduction to Americans on their tax returns for 2004 who give a charitable contribution to the tsunami disaster. Clearly that has to be done

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

immediately. Otherwise it will not have any real effect. It affects taxpayers who wish to give today but take the deduction on their 2004 tax returns, or 2005. This gives an opportunity to take the deduction on the 2004 returns.

It is almost impossible to talk about the tsunami disaster. Words do not begin to describe the extent of the disaster. We all feel it when we watch television and see the photographs in the newspapers. We hear reports from those who have been there; Secretary Powell, for example. It is so overwhelming. It is so large scale. One hundred fifty thousand people perished. Just imagine.

September 11 was a disaster almost beyond belief, and that was 3,000 deaths. We are talking now about 150,000 people who just had no defense. Families were destroyed. In many cases there is very little hope because so many relatives are gone. Roads are gone. Houses are gone. Up to 2 million people who are displaced are homeless. It is staggering. Some suggest this might be the worst disaster in modern history. It could well be. But whether it is the worst or second worst is not the point. The point is, it is a huge personal disaster, personal tragedy for so many people over such a large scale.

I am encouraged and very thankful so many people around the world have poured their hearts out to the victims. Many have flown over to volunteer help. Many have sent contributions, sometimes in-kind contributions, sometimes cash.

Last night, I was watching a television program to raise money for the tsunami victims, and you could see it happen over a 45-minute period. First it went to $1 million, and then it went up to $6 million that had been pledged within that 45 minutes. That is wonderful.

I think a lot of Americans want to give. Clearly, some Americans are strapped, but they still want to give. It is the American spirit. It is who we are as Americans.

I suggest, in cosponsoring a bill with the chairman of the Finance Committee, Senator GRASSLEY, that we pass legislation today which gives Americans the opportunity to take the full deduction that is currently available for deductions in 2005—after all, this is January—that Americans can take that deduction today on their 2004 tax returns. I think many Americans would like to do that. It would be an additional incentive, an additional encouragement for Americans to contribute to the tsunami disaster.

It is very simple legislation but legislation that will be very helpful, and it must pass right away. Clearly, it will not work if it is passed much later. It will cause a lot of administrative problems for the IRS. After all, April 15 is the deadline for 2004 tax returns. If we could pass this legislation today, the IRS has told us it can very easily accommodate and deal with the changes that are necessary to allow Americans to take those deductions on their 2004 tax returns for the contributions they make now.

I very much hope the minor questions people have about this legislation are resolved very quickly because there is no reason not to pass this legislation. It will not create a huge precedential problem. It is not going to be terribly costly. But it is the right thing to do. It is the right thing for Americans to do, to pass legislation to make it a little easier for Americans to contribute to the victims of the tsunami disaster.

I very much hope we can get it passed. I am going to stay on the floor today as long as it takes to get it passed. There is no conceivable reason it should not pass. I am going to stay here until we do get it passed because it is the right thing to do.

Madam President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DAYTON. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

JOINT SESSION

Mr. DAYTON. Mr. President, I would like to address a few subjects this morning.

First, regarding the joint session of the House and the Senate that will be meeting this afternoon, I have received a great number of calls and expressions of interest and concern about that historic event—where the two bodies meet in joint session to certify the tally of votes from the electoral college.

Our role is a very limited one under both the Constitution and under Federal law which was passed and has stood since 1887. The role of the House and the Senate is not to adjudicate last November's Presidential election. That should not be our role. Those who want us to insert ourselves into that process are very well intentioned, but the role they envision for us is, in my judgment, inappropriate and potentially even dangerous. Our role today in this joint session of the Senate and the House is one of witnessing the tally of the electoral college vote. If there is an objection, it is based on very limited circumstances.

In fact, only once in the entire history of this legislation since 1886, only one time has there been a formal objection made, and that was for one electoral vote cast by one elector who did not vote in the way in which they pledged—in this case, the District of Columbia; not a State, a district. That objection was rejected by the House and the Senate in 1969.

There has never been in the history of the country an entire State slate of electoral votes objected to or rejected by actions of both the House and the Senate.

If an objection is made today signed by at least one Member of the House and one Member of the Senate, under the law, under the Constitution, the Senate separates from the House and meets for 2 hours. Our debate is limited by law to 2 hours. We each can speak up to 5 minutes and speak only once. Then on the basis of that debate we are supposed to vote—each of us—on whether to accept that electoral slate and the tally certified by the election authorities of the respective States or reject it.

We are a partisan body. We are well intentioned. We are all honorable men and women, as are our colleagues in the House. But we are elected as Democrats or Republicans, and in one case an Independent. For us on the basis of a 2-hour meeting and a 5-minute presentation by each of us to vote on whether to accept or reject the will of the people of a particular State is an enormously dangerous precedent. In my judgment, the standard and the bar under which any objection must qualify for our consideration, much less for our rejection, needs to be a very high one. That is what our Federal law envisions. It says:

> No electoral vote or votes from any State which have been regularly given by electors whose appointment has been lawfully certified from which but one return has been received shall be rejected.

In other words, if the procedure that was followed by the election authorities of the State is a proper one and if it is certified as proper, if there is only one tally received from a State—in other words, if there are not two different representations of that State's electoral tally—then our function is to witness and acknowledge that that function has been performed properly; it is not to say whether that election was conducted properly. That review, if it is warranted, is the proper role of the Judiciary, which is supposed to be nonpartisan, which is supposed to be objective, impartial, fair, and ultimately make the decision which, under the respective States and Federal laws and the facts of all sides presented and carefully considered over whatever necessary period of time and finally in that very careful and sober deliberation, is determined to be the proper judgment.

That is not our capability. That is not our role. Under the restrictions of 2 hours today, that would be a travesty of justice. It is a situation where it would be reversed if JOHN KERRY had won this election. If a Republican-controlled Senate and a Republican-controlled House had objected based on the information I have seen regarding the electoral conditions in Ohio or any other State in the election, if they had been rejected and those electoral college votes had thrown the election into the House of Representatives where a partisan majority voted on partisan lines to elect the other candidate as President of the United States, there would be such a public outcry and loss of confidence in the integrity of our electoral process that I fear we would not recover as a nation—at least not for a long time. I would say the same if the situation were reversed.

This is not about partisanship. This is about ensuring the integrity of the legislative process. That is in its broad sense the proper role and responsibility of Congress: that is, one where those who are objecting to the conduct of this last election have solid ground and where we properly should insert ourselves once again as we did after the 2000 election when on a bipartisan basis in this body and the House we passed election reform legislation.

We provided funding for State and local governments to conduct these elections. And the intention was, I might add, under the Constitution they can do so more effectively and more accurately. The principle is everyone should have the right to vote, and that vote should be counted accurately, which is fundamental to our democracy. If we fail at that, if we are not perfect in carrying that out, we are not carrying out our responsibility to protect the sanctity of this great democracy.

I take that responsibility very seriously. As a member of the Senate Rules Committee, which has jurisdiction over that, I will ask the chairman, Senator LOTT, to convene hearings into the 2000 election. We need to learn from that experience. A lot of focus and attention has been directed on Ohio, as it appropriately should. It was a State that ultimately in the final development of events on election night determined the outcome. There were probably other States which had some perhaps even greater imperfections in their voting procedures. That should be used as the basis for further legislation as necessary to safeguard this process so that, in fact and in perception, the American people know they had the right to vote, the chance to vote, and their vote was counted, and that the will of the majority, as reflected in the Presidential election through the electoral college, was faithfully, honestly, and accurately carried out by everyone responsible for doing so.

How much time remains under the order?

The PRESIDING OFFICER. The Senator has 1 minute.

Mr. DAYTON. I ask unanimous consent for an additional 5 minutes to complete my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. DAYTON. Last week, Senator LIEBERMAN and I traveled to Iraq, to Baghdad. When I visited Iraq a year and a half ago, our Senate delegation in Baghdad and other cities, Basra and Tikrit, boarded armed Humvees and with military escort drove throughout those respective cities. Last week, we were confined for security reasons to the heavily fortified green zone, which is the command post of the United States military, our Government representatives, and the Iraqi government.

The necessity for those restrictions was made apparent because one of the opposition political leaders with whom we were supposed to meet and where we envisioned traveling for 5 minutes outside of the green zone was the target of an assassination attempt the previous day. He was not harmed, but a suicide bomber killed himself and nine other Iraqis outside the location where the meeting was to occur, which underscores the perilous nature of the environment and the impossibility of providing the necessary and complete security for our own forces who are performing heroically and continue to risk their lives, and in some cases give up their lives, tragically, to protect the Iraqi people from the insurgent forces which are brutal and sometimes lethally effective in what they are intending to do in that particular country.

Sunday, I had the occasion to meet with a few hundred Minnesotans, family members of loved ones who are presently serving in Iraq. They asked the same question over and over again: When are our husbands, wives, sons, fathers, mothers, coming home?

Although I opposed the Iraq war resolution in October of 2002 and continue to believe, unfortunately, we have on an overall basis weakened our national security, not strengthened it by our action, we are there, with 150,000 of our Armed Forces committed. It is imperative we succeed. It is also imperative that we start to devise—we should have already—a strategy to bring our troops home safely as soon as possible with the victory secure. The only way victory will be ultimately secured is by the Iraqi people.

When Senator LIEBERMAN and I met with the Deputy Prime Minister of Iraq he said exactly that: The security of Iraq can only be gained by the Iraqi people. The process from being subject to a brutal dictator, tyrannical oppression for over a quarter of a century, to self-determining democracy is an enormous social transformation, one that will probably take several years.

When we justify, by those who are responsible for our continued presence in Iraq, what we are doing there, they need to be very clear about the parameters. First, we were looking for weapons of mass destruction which turned out not to exist there. Then it was an alleged link between Saddam Hussein and al-Qaida which has never been demonstrated to exist. Then it was opposing an evil dictator, which Saddam Hussein certainly was, which was achieved in the first 3 weeks of magnificent effort by our military. For the last 21 months it has been protecting as much as possible the country and protecting the time necessary for the Iraqi people to form a government, which they are in the process of doing.

Holding the election on January 30 as scheduled is essential to doing that. Training and equipping the Iraqi forces—police, military, national guard—to be able to do what the people of any country have to do to have a functional country under any form of government, which is to protect and defend their own country, has been regretfully a very slow process. I asked the United States military command and our civilian leadership in Iraq as well as the Iraqi Government authorities how far they thought we had progressed from a starting point to 100 percent Iraqi self-sufficiency regarding their own self-security and the answer was variously between 40 and 50 percent. We have initiated and engaged in and this Congress has funded to the full extent requested by the administration the Iraqi security training programs for over a year, about 15 or 16 months. It is obviously a difficult assignment, given that the previous military structure of the country was removed by the Provisional Authority, but that decision has been made and now that process of retraining new forces has been underway for 15, 16 months and we are told it is not even half way there.

The Iraqi people need to be responsible for their own country. They must be responsible for their own country. They must decide to stand up for themselves. Many are doing so and even giving their lives to conduct this upcoming election and engaging in various security actions.

But the brunt of that responsibility, the burden, the fighting, the bleeding, the dying, is still being incurred by our own forces. We need to know when that is going to be able to stop. We need to know how that transition and when that transition is going to occur. We need to put the Iraqi people and our allies on notice that we are not going to be there indefinitely and that they need to be willing to step forward to provide what I think everyone wants, most of the world wants: a stable, secure, and successful Iraq.

As a member of the Senate Armed Services Committee, I have been increasingly frustrated by our inability, either in the committee, whether in public or secret briefings, whether as a body or through other discussions, to get what turns out to be accurate and reliable information from the civilian command, from the administration. Yesterday afternoon we had an Armed

Services Committee hearing, a secret hearing, for 3 hours. I received information regarding the force capabilities of the Iraqi police and military that was at significant variance from what I was told a week before in Baghdad, which itself was at considerable variance from what we were told 2 months before, which then was half of the force level we were told existed a year before that.

What the numbers are, what the training capabilities are—I hesitate to use this word on the Senate floor, but it applies here—I don't like being lied to. I am elected to represent the people of Minnesota. I am elected to look out for their best interests. I met on Sunday with a few hundred Minnesota family members who were depending upon me to look out for the interests of their sons and daughters, husbands and wives. I take that as a life-or-death responsibility, as it is to them and their loved ones and all the members of the U.S. Armed Forces, putting their lives on the line every day.

They deserve to know, we deserve to know, the American people deserve to know from this administration their plan, what is their timetable, and what kind of progress are we making. We deserve to know the facts. We deserve to be told facts today that hold up as the truth tomorrow. I regret to say that is not occurring. It has not occurred, not only in this instance yesterday but in other significant respects throughout the last several months.

I appreciate enormously and admire tremendously the leadership of the Senate Armed Services Committee under its chairman, Senator WARNER, and its ranking member, Senator LEVIN. Senator WARNER has convened any number of hearings and briefings on the situation in Iraq and other places around the world, on the prison abuses at Abu Ghraib, on the armoring and rearmoring of the equipment and personnel for service in Iraq and Afghanistan.

In the last month, we have found, according to the private contractors, there was an unused capacity in their production capabilities of 25 percent for armored Humvees and these rearmoring kits for those Humvees that are over there in Afghan and Iraq that are unarmored, a 25-percent unused capacity because of a lack of production orders from our military, when we were told—and we asked, Republican and Democratic members of the Armed Services Committee alike, repeatedly: What do you need? What money, laws, procedures? What do you need to maximize production and immediate distribution to protect our men and women serving in Iraq?

We were assured, again and again and again, there was 100-percent production, that everything was being done, and that they did not need anything. And then we find out there is significant variance to that, in fact, in the truth.

Chairman WARNER convened several hearings in the last 6 months on the alleged prison abuses at Abu Ghraib. There were rumors of abuses occurring elsewhere in Iraq and elsewhere in the world. We were assured again and again by the administration and the other authorities who spoke before us that it was limited to those isolated instances in Iraq and in the Abu Ghraib prison. Now it comes to light, in the last month, there were documented reports through the chain of command, information that people who testified before our committee had to be aware of when they told us in committee hearings information that was at variance with those reports.

Similarly, the status of the Iraqi security and military forces—being told by the Secretary of Defense, who I think believed what he was telling us because that was the information he was given, a year ago that force level was at 202,000; and then to find out last September 15, in public remarks he made elsewhere, that number was about half that level; and then to get published reports that the actual number is some 78,000; and then to get a report last week that the number is somewhat above that; and then to get a report yesterday that the number is some tens of thousands above that. Having that number not being able to be confirmed by those who are testifying before us is a great travesty of justice and legality, and their moral, ethical responsibility to tell us the truth and give us the facts so we can make those judgments that we are elected and held responsible to make, along with them, so that hopefully the collective wisdom of all of us serves the best interests of this country, its foreign policy, and the lives of its men and women who are serving us overseas, and who, for every day we keep them over there, are continuing to risk their lives, and some of them losing their lives or losing limbs, bodily functions.

This is life and death, and it is time we stop being lied to. I want this administration, I want the Pentagon command, to tell us the facts, tell us the truth about the situation in Iraq—what is going right, but what is going wrong, to tell us the truth and the facts about the capability of the Iraqi forces to replace ours, to take over responsibility for the law and order of their own country, to tell us the truth and the facts about the economic recovery projects, which ones have started, which ones have not, how much money has been expended, how much money has been wasted, how much money has been stolen.

It is shameful this body, which has the history of Harry Truman setting up a special committee during World War II to investigate the proper contracting, the proper expenditure of taxpayer dollars for a defense effort, where again American men and women were relying on that equipment, relying on getting it right away, and living or dying as a result—Harry Truman said: I don't care whether they are Democratic contractors or Republican, let the chips fall where they may and the truth be known. He went on to become the Vice President and then the President of the United States because he had that kind of integrity and that kind of courage.

We ought to see that today on the other side of the aisle, to be willing to investigate these matters. Whether it is a Republican administration or a Democratic administration, I don't care; it is an American administration. Those are American soldiers putting their lives on the line. We are all responsible, and we can't even get anybody to look into what is happening or not happening there, and we can't get anybody to tell us the facts, the truth. It is deplorable. It is unconscionable. It is un-American. And it is intolerable.

I think this body collectively needs to stand up and demand that we get the facts and the truth so we can go back home and tell those sons and daughters and fathers and mothers and husbands and wives what is happening to their loved ones over in Iraq, and when they are coming home with the victory they worked for, lived for, bled for, and died for secured, and how we are going to do that and when.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DEMINT). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BAUCUS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX DEDUCTING FOR TSUNAMI RELIEF

Mr. BAUCUS. Mr. President, I suggested to the chairman of the Finance Committee, Senator GRASSLEY, and he agreed, that it would be appropriate and, in fact, it would be a good idea, to pass legislation today which would allow Americans to give a full deduction that is available under current law to the tsunami relief effort in 2004, if they wish. Even though we are clearly now in 2005, the idea is and the legislation would provide that, for Americans who want to give to the tsunami relief effort and take that contribution on their 2004 tax returns, they may do so.

I am very encouraged the House took up that bill a few minutes ago. It is unclear as to when that will actually pass, but it is my understanding it will pass today. I have spoken to a good number of Senators about this legislation, and I have with me a long list of cosponsors of this legislation. I think it would be good for us to do this right away. I say quickly because the IRS has informed me that the sooner we pass this, the better. That is, the sooner we pass the legislation, the more easily they can work with American taxpayers who want to take this deduction—it is a cash deduction—in 2004.

It is framed as a cash deduction because that is what the relief agencies want. They want cash. First, cash can be transmitted much more quickly than in-kind contributions, as much as food and clothes is important. They can transmit the cash contribution with the speed of light, frankly. Second, with cash it can be disbursed and sent to the area where it is needed the most. Maybe food is needed, maybe medical supplies are needed in one area more than another, maybe clothing or tents or whatnot is needed. With the cash available, the relief agencies can decide what is the best use.

This is also the approach taken by our President when he nominated and encouraged former President Bush and former President Clinton to go nationwide to encourage Americans to contribute to the relief effort. They, too, suggest cash contributions are best. They are much more efficient. It is what makes the most sense as being the most helpful to the people in that part of the world who need it the most.

I have a special feeling, almost reverence, for Southeast Asia, because I have traveled in that part of the world many times. The Southeast Asia ambassadors have been guests of mine in my home State of Montana just recently, this past year. I visited Southeast Asia quite recently. My heart, all of our hearts, clearly, go out to the victims and their families. Words cannot describe the extent and depth of this tragedy, and I am not going to make the effort to do so. But certainly when we see the photographs and we read the reports and hear people such as Secretary Colin Powell comment on what they have seen and what has happened or has not happened over there, it tugs very deeply at the hearts of all of us. That part of the world has our deepest prayers and our fondest hopes that we will do all we can to help out.

That is happening. The American public, the American people are the most generous people in the world. I don't know what it is, there is something extra special about the American spirit. We dig down to help people who need help. We are there. I think it is probably because we are a society that is much more open than most others. We are also a country with many immigrants. We feel for the goings on in other countries in the world.

We are a young country by comparison. I wouldn't say that makes us naive, but it certainly enables us to have much more hope about the future because we still are young. We are very hopeful. Many countries that are much older do not have quite the same hope, it seems. There is maybe a little cynicism—they have seen it all, or maybe not, but we are a country that is open and we want to help.

Therefore, I ask unanimous consent to have printed in the RECORD a resolution which would accelerate the income benefits for charitable cash contributions for the relief of victims in the Indian Ocean tsunami. Also, I ask unanimous consent to have printed in the RECORD a list of all the cosponsors of this Senate joint resolution. I am not going to read all the names. It is a long list.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S.J. RES.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF INDIAN OCEAN TSUNAMI VICTIMS.

(a) IN GENERAL.—A taxpayer may treat any contribution described in subsection (b) made in January 2005 as if such contribution was made on December 31, 2004, and not in January 2005.

(b) CONTRIBUTION DESCRIBED.—A contribution is described in this subsection if such contribution is a cash contribution made for the relief of victims in areas affected by the December 26, 2004, Indian Ocean tsunami for which a charitable contribution deduction is allowed under section 170 of the Internal Revenue Code of 1986.

Mr. BAUCUS. Mr. President, I want our colleagues to know that Senator GRASSLEY and I were joined in the effort to provide tsunami relief assistance by dozens of our Colleagues. I want to acknowledge them by asking for unanimous consent that the text of the Senate Joint Resolution and the full list of cosponsors be printed in the RECORD.

Senator AKAKA of Hawaii, Senator ALEXANDER of Tennessee, Senator BIDEN of Delaware, Senator BUNNING of Kentucky, Senator BYRD of West Virginia, Senator CANTWELL of Washington, Senator CLINTON of New York, Senator CORZINE of New Jersey, Senator DAYTON of Minnesota, Senator DURBIN of Illinois, Senator FEINGOLD of Wisconsin, Senator FEINSTEIN of California, Senator HAGEL of Nebraska, Senator HARKIN of Iowa, Senator HATCH of Utah, Senator INOUYE of Hawaii, Senator JEFFORDS of Vermont, Senator KERRY of Massachusetts, Senator KOHL of Wisconsin, Senator LANDRIEU of Louisiana.

Senator LAUTENBERG of New Jersey, Senator LEAHY of Vermont, Senator LEVIN of Michigan, Senator MCCAIN of Arizona, Senator MIKULSKI of Maryland, Senator MURRAY of Washington, Senator NELSON of Nebraska, Senator NELSON of Florida, Senator OBAMA of Illinois, Senator REID of Nevada, Senator ROCKEFELLER of West Virginia, Senator SANTORUM of Pennsylvania, Senator SCHUMER of New York, Senator SMITH OF Oregon, Senator WYDEN of Oregon, Senator STABENOW of Michigan, Senator DORGAN of North Dakota, Senator DODD of Connecticut.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAHAM of South Carolina). Without objection, it is so ordered.

APPOINTMENT

The PRESIDING OFFICER. Pursuant to S. Con. Res. 1, the Chair appoints the Senator from South Dakota, Mr. JOHNSON, as teller on part of the Senate, in lieu of the Senator from Connecticut, Mr. DODD.

MAKING MAJORITY PARTY APPOINTMENTS TO COMMITTEES

Mr. MCCONNELL. I send a resolution to the desk and ask for its consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 5) making majority party appointments to certain Senate committees for the 109th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. MCCONNELL. I ask unanimous consent that the resolution be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 5) was agreed to, as follows:

S. RES. 5

Resolved, That notwithstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the One Hundred Ninth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss (Chairman), Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Talent, Mr. Thomas, Mr. Santorum, Mr. Coleman, Mr. Crapo, Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran (Chairman), Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Burns, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. DeWine, Mr. Brownback, Mr. Allard.

COMMITTEE ON ARMED SERVICES: Mr. Warner (Chairman), Mr. McCain, Mr. Inhofe, Mr. Roberts, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Talent, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby (Chairman), Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Santorum, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY: Mr. Stevens (Chairman), Mr. McCain, Mr. Burns, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Allen, Mr. Sununu, Mr. DeMint, Mr. Vitter.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici (Chairman), Mr. Craig, Mr. Thomas, Mr. Alexander, Ms. Murkowski, Mr. Burr, Mr. Martinez, Mr. Talent, Mr. Burns, Mr. Allen, Mr. Smith, Mr. Bunning.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe (Chairman), Mr. Warner, Mr. Bond, Mr. Voinovich, Mr. Chafee, Ms. Murkowski, Mr. Thune, Mr. DeMint, Mr. Isakson, Mr. Vitter.

COMMITTEE ON FINANCE: Mr. Grassley (Chairman), Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Santorum, Mr. Frist, Mr. Smith, Mr. Bunning, Mr. Crapo.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar (Chairman), Mr. Hagel, Mr. Chafee, Mr. Allen, Mr. Coleman, Mr. Voinovich, Mr. Alexander, Mr. Sununu, Ms. Murkowski, Mr. Martinez.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi (Chairman), Mr. Gregg, Mr. Frist, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. DeWine, Mr. Ensign, Mr. Hatch, Mr. Sessions, Mr. Roberts.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins (Chairman), Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Chafee, Mr. Bennett, Mr. Domenici, Mr. Warner.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Roberts (Chairman), Mr. Hatch, Mr. DeWine, Mr. Bond, Mr. Lott, Ms. Snowe, Mr. Hagel, Mr. Chambliss, Mr. Warner (ex officio).

COMMITTEE ON THE JUDICIARY: Mr. Specter (Chairman), Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. DeWine, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, Mr. Coburn.

SPECIAL COMMITTEE ON AGING: Mr. Smith (Chairman), Mr. Shelby, Ms. Collins, Mr. Talent, Mrs. Dole, Mr. Martinez, Mr. Craig, Mr. Santorum, Mr. Burns, Mr. Alexander, Mr. DeMint.

COMMITTEE ON THE BUDGET: Mr. Gregg (Chairman), Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Alexander, Mr. Graham.

SELECT COMMITTEE ON ETHICS: Mr. Voinovich (Chairman), Mr. Roberts, Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. McCain (Chairman), Mr. Thomas, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, Mr. Crapo, Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Bennett (Vice-Chairman), Mr. Brownback, Mr. Sununu, Mr. DeMint, Mr. Sessions, Mr. Cornyn.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Lott (Chairman), Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Santorum, Mr. Frist, Mr. Chambliss, Mrs. Hutchison, Mr. Bennett, Mr. Hagel.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe (Chairman), Mr. Bond, Mr. Burns, Mr. Allen, Mr. Coleman, Mr. Thune, Mr. Isakson, Mr. Vitter, Mr. Enzi, Mr. Cornyn.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig (Chairman), Mr. Specter, Mrs. Hutchison, Mr. Graham, Mr. Burr, Mr. Ensign, Mr. Thune, Mr. Isakson.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. BOND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MAKING MINORITY PARTY APPOINTMENTS TO COMMITTEES

Mr. REID. Mr. President, I send a resolution to the desk.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 6) making minority party appointments to certain Senate committees for the 109th Congress.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 6) was agreed to, as follows:

S. RES. 6

Resolved, That notwithstanding the provisions of rule XXV, the following shall constitute the minority party's membership on the following standing committees for the 109th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Ranking Member), Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson of Nebraska, Mr. Dayton, and Mr. Salazar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Ranking Member), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, and Ms. Landrieu.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Ranking Member), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Dayton, Mr. Bayh, and Mrs. Clinton.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Sarbanes (Ranking Member), Mr. Dodd, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Ms. Stabenow, and Mr. Corzine.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Ranking Member), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, Mr. Lautenberg, Mr. Nelson of Nebraska, and Mr. Pryor.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Ranking Member), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Mrs. Feinstein, Ms. Cantwell, Mr. Corzine, and Mr. Salazar.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Jeffords (Ranking Member), Mr. Baucus, Mr. Lieberman, Mrs. Boxer, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, and Mr. Obama.

COMMITTEE ON FINANCE: Mr. Baucus (Ranking Member), Mr. Rockefeller, Mr. Conrad, Mr. Jeffords, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden and Mr. Schumer.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Ranking Member), Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson of Florida, and Mr. Obama.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Ranking Member), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Jeffords, Mr. Bingaman, Mrs. Murray, Mr. Reed, and Mrs. Clinton.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Ranking Member), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Dayton, Mr. Lautenberg, and Mr. Pryor.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Ranking Member), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, and Mr. Durbin.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Dodd (Ranking Member), Mr. Byrd, Mr. Inouye, Mrs. Feinstein, Mr. Schumer, Mr. Dayton, Mr. Durbin and Mr. Nelson of Nebraska.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Ranking Member), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, and Mr. Pryor.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Ranking Member), Mr. Rockefeller, Mr. Jeffords, Mrs. Murray, Mr. Obama and Mr. Salazar.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Ranking Member), Mr. Jeffords, Mr. Feingold, Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson of Florida, and Mrs. Clinton.

COMMITTEE ON THE BUDGET: Mr. Conrad (Ranking Member), Mr. Sarbanes, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, and Mr. Corzine.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Vice Chairman), Mr. Akaka, and Mr. Pryor.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Vice Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, and Ms. Cantwell.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller (Vice Chairman), Mr. Levin, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, and Mr. Corzine.

JOINT ECONOMIC COMMITTEE: Mr. Reed, Mr. Kennedy, Mr. Sarbanes, and Mr. Bingaman.

Mr. REID. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

FUNDING LEVELS

Mr. REID. Mr. President, I want to engage my colleague, the distinguished majority leader, in a colloquy regarding committee funding. As the majority leader is aware, the current biennial funding authorization for committee funding expires on February 28. Normally, by now the Rules Committee has advised the committees of the budget assumptions for the next biennial period, March 1, 2005 through February 28, 2007, so that they may be preparing their committee authorizing resolutions for the next biennial funding period. However, the Rules committee is awaiting direction from the leadership. Based on conversations between the majority leader and myself, is the majority leader in a position to announce the funding and allocation assumptions for the next biennial committee funding period?

Mr. FRIST. I am pleased to respond to the inquiry of the Democratic leader. The budget assumptions for the next committee funding biennial period, subject to appropriations, will be an across-the-board freeze budget, with salary baselines adjusted by COLAs of 3.71 percent in 2005, as approved by the President pro tempore this week; and 3.3 percent assumed for 2006 and 3.5 percent assumed for 2007, although both the 2006 and 2007 actual COLA amounts remain subject to the approval of the President pro tempore.

Mr. REID. Is it my understanding that such a freeze will result in aggregate funding levels, subject to appropriations, as follows: March 1, 2005–September 30, 2005: $53,243,918; October 1, 2005–September 30, 2006: $93,467,365; and October 1, 2006–February 28, 2007: $39,782,891, and that such funding levels include, but do not separately allocate, the additional 10 percent allocated to the committees in the 108th Congress?

Mr. FRIST. That is correct. With regard to committee personnel salary allocations between the majority and minority staff, the Democratic leader and I have agreed to a 60–40 split of all personnel funds, after allocations for nondesignated administrative and clerical staff are agreed to by the chairman and ranking member pursuant to Rule XXVII of the Standing Rules of the Senate. However, the chairman and ranking member of any committee may, by mutual agreement, modify the allocation of personnel funds. The division of committee office space shall be commensurate with this allocation agreement.

Mr. REID. I thank the majority leader for his comments and assistance in reaching this agreement.

Mr. REID. Mr. President, if I could, if the distinguished acting leader would allow me to say a word, what we have just done has been something that is important for the institution. We want to show bipartisanship, and this has been very difficult. Briefly, because I know we have a joint session, let me say the chairmen and ranking members do yeoman's work around here. They work very hard.

What has just been completed is a compromise. I appreciate the cooperation of Senator FRIST and Senator MCCONNELL, Senator LOTT and Senator DODD. We have worked hard to arrive at this point, and we have shown some bipartisanship. We on the Democratic side, and I think I can speak for some of my friends on the Republican side, hope that the money the committees are going to get to do their work is not all needed. We didn't use it all last time. I hope we don't need it this time. But at least we have a framework where we have divided the responsibilities of the Senate on a 60–40 basis. I believe that is fair. I hope never in the future of this institution, no matter what party is in control, will it ever change and be any lower.

Mr. MCCONNELL. Mr. President, I thank my colleague, the Democratic leader, as well. I am glad we were able to work this out.

UNANIMOUS CONSENT AGREEMENT—H.R. 241

Mr. MCCONNELL. I ask unanimous consent that when the Senate receives from the House H.R. 241, the Senate proceed to its immediate consideration, that the bill be read three times, passed, and the motion to reconsider be laid on the table without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS FOR JOINT SESSION OF THE TWO HOUSES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate now recess to reassemble in the Hall of the House of Representatives for the joint session for the purpose of the counting of electoral votes and the Senate reassemble in the Senate Chamber on the dissolution of the Joint Session.

There being no objection, the Senate, at 12:52 p.m., recessed, to reassemble in the Hall of the House of Representatives for a joint session, and at 1:30 p.m. reassembled in the Senate Chamber when called to order by the Vice President.

OBJECTION TO COUNTING OF OHIO ELECTORAL VOTES

The VICE PRESIDENT. Pursuant to S. Con. Res. 1 and section 17 of title 3, United States Code, when the two Houses withdraw from the joint session to count the electoral vote for separate consideration of an objection, a Senator may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question: Shall the objection be sustained?

The clerk will report the objection made in the joint session.

The assistant legislative clerk read as follows:

> Ms. TUBBS JONES, a Representative from Ohio, and Mrs. BOXER, a Senator from California, object to the counting of electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from California.

Mrs. BOXER. Mr. President, thank you so much.

For most of us in the House and in the Senate, we have spent our lives fighting for what we believe in, always fighting to make our Nation better. We may not agree from time to time, but we are always fighting to make our Nation better. We have fought for social justice. We have fought for economic justice. We have fought for environmental justice. We have fought for criminal justice. Now we must add a new fight: the fight for electoral justice.

Every citizen of this the greatest country in the world who is registered to vote should be guaranteed that their vote matters, that their vote is counted, and that in the voting booth in their community their vote has as much weight as any Senator, any Congressperson, any President, any Cabinet member, or any CEO of any Fortune 500 corporation. I am sure every one of my colleagues agrees with that statement, that in the voting booth everyone is equal. So now it seems to me that under our great Constitution of the United States of America, which we swear allegiance to uphold, which guarantees the right to vote, we must ask certain questions.

First, why did voters in Ohio wait hours in the rain to vote? Why were voters at Kenyan College, for example, made to wait in line until 4 a.m. to vote? It was because there were only 2 machines for 1,300 voters when they needed 13.

Why did voters in poor and predominantly African-American communities have disproportionately long waits?

Why in Franklin County did election officials use only 2,798 machines when they needed 5,000? Why did they hold back 68 machines in warehouses, 68 machines that were in working order? Why were 42 of those machines in predominantly African-American communities?

Why in the Columbus area alone did an estimated 5,000 to 10,000 voters leave polling places out of frustration without having voted? How many more never bothered to vote after they heard this because they had to take care of their families or they had a job or they were sick or their legs ached after waiting for hours?

Why is it when 638 people voted at a precinct in Franklin County, a voting machine awarded 4,258 extra votes to George Bush? Thankfully, they fixed it. Only 638 people had shown up, but George Bush got more than 4,000 votes. How could that happen?

Why did Franklin County officials reduce the number of electronic voting machines to downtown precincts while adding them in the suburbs? This also led to long lines.

In Cleveland, why were there thousands of provisional ballots disqualified when everyone knew that poll workers had given faulty instructions to the voters?

Because of this and voting irregularities in so many other places, I am joining today with Congresswoman STEPHANIE TUBBS JONES, a 10-year judge, an 8-year prosecutor, a 6-year Member of Congress, a woman inducted into the Women's Hall of Fame. Folks, she has great credibility, and she asked just one Senator to take a couple of hours. I hate inconveniencing my friends, but I believe it is worth a couple of hours to shine some light on these issues.

We passed the Help America Vote Act, which was important to help American voters, but then we did nothing.

Senators GRAHAM, CLINTON, and I introduced a bill to ensure that a paper trail go along with electronic voting. We couldn't even get a hearing in the last Congress. In the House, it is the same problem. We need this kind of bill.

Let me simply say to my colleagues: I have great respect for all of you. But I think it is key, whether it is Republicans or Democrats, that we understand that the centerpiece of this country is democracy, and the centerpiece of democracy is ensuring the right to vote.

I ask you, my friends from both sides of the aisle, when we get busy working within the next few weeks, let us not turn away from the things that happened in Ohio. Our people are dying all over the world. A lot of them are from my State. For what reason? To bring democracy to the far corners of the globe. Let us fix it here, and let us do it the first thing out.

Thank you very much, Mr. President. I yield the floor.

The PRESIDENT pro tempore. The Senator from Pennsylvania.

Mr. SANTORUM. Mr. President. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDENT pro tempore. The Senator from Ohio.

Mr. DEWINE. Mr. President, I find it almost impossible to believe that I am actually standing on the floor of the Senate today engaged in a debate over whether George Bush won Ohio in the 2004 Presidential election. Clearly he did and did so by 118,000 votes.

Because I am limited under the rules to 5 minutes, I will not have time to address all of the wild, incoherent, and completely unsubstantiated charges that have been made about the 2004 Ohio Presidential election. What might be a better way for me to explain the absurdity of the suggestion that Ohio did not go for President Bush is to quote from numerous editorials that have been written in Ohio newspapers.

The Cleveland Plain Dealer, a newspaper that did not endorse either President Bush or JOHN KERRY, said in an editorial this past Tuesday addressing those in Ohio and those from out of State still contesting Ohio's results:

> The election horse is dead. You can stop beating it now. Not one ounce of political flesh remains on that carcass. Ohio has counted and recounted: President George W. Bush received 118,775 more votes than your man Sen. John Kerry.
>
> The senator had the good grace and sense to acknowledge the abundantly obvious, go home, and resume his life. You might consider emulating his excellent example, because what you are doing now—redoubling your effort in the face of a settled outcome—will only drive you further toward the political fringe. And that long grass already is tickling your knees.
>
> The 176 Democrats who sit on Ohio's 88 county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by the two of you and a handful of unrelenting zealots still ranting in the January rain, eight weeks after the November voting?"

The headline for the Akron Beacon Journal's editorial from December 24, 2004 was:

> We wish John Kerry would have won Ohio. He didn't.

The piece went on to say:

> The allegations being thrown around are of the flimsiest nature . . . Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated.

The Columbus Dispatch, in an editorial dated December 12, 2004, said:

> On Monday, the 20 Ohio members of the Electoral College will cast their votes to elect the next president of the United States. When those votes are added to those from electors in the other 49 states, George W. Bush's re-election will be official.
>
> But that won't stop the conspiracy theorists who claim that Bush stole his victory. Though they are small in number, these naysayers are loud and repetitious. So the truth bears repeating, too: Bush won because more Ohioans voted for him than for Senator John Kerry.
>
> Kerry understands that George Bush legitimately won the election, which is why he conceded on November 3rd. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence, nor have they explained how a conspiracy could be carried out successfully in a decentralized system involving 88 separate, bipartisan county election boards.
>
> Such a conspiracy would have to involve scores, if not hundreds, of Democratic election-board members actively working against their own party and presidential candidate.

It is terribly unfortunate that this body is meeting under these circumstances. I urge my colleagues to act unanimously in seating Ohio's electors.

I ask unanimous consent to have the full text of the above-mentioned articles printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

(From the Cleveland Plain Dealer, Jan. 4, 2005)

Please, Let It Go. Election Was 2 Months Ago; Inauguration Is in 2 Weeks; Jackson and Tubbs Jones Should Get On to Something Useful.

Memo to Rep. Stephanie Tubbs Jones and the Rev. Jesse Jackson: The election horse is dead. You can stop beating it now.

Not an ounce of political flesh remains on that carcass. Ohio has counted and recounted: President George W. Bush received 118,775 more votes than your man. Sen. John Kerry.

The senator had the good grace and sense to acknowledge the abundantly obvious, go home and resume his life. You might consider emulating his excellent example, because what you are doing now—redoubling your effort in the face of a settled outcome—will only drive you further toward the political fringe. And that long grass already is tickling your knees.

The 176 Democrats who sit on Ohio's 88 county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by the two of you and a handful of unrelenting zealots still ranting in the January rain, eight weeks after the November voting?

Yes, long lines built voter frustration. Yes, some electronic machines malfunctioned. Yes, boards rejected more provisional ballots than usual. But such things happen when hundreds of thousands of new voters join the process and new technology debuts under fire. Your doubts notwithstanding, numerous nonpartisan election experts say Ohio did an above-average job.

Americans treasure the right to be loudly mistaken—a right you now freely exercise. But for two national figures whose constituencies are among the poorest of the poor, it seems an embarrassing waste of energies sorely needed elsewhere. Fold your mildewed tents, collect your soggy cardboard and focus on the poverty, single-parenthood and dropout rates that have so impoverished those in whose names you protest too much. Good causes await your serious advocacy. And what you are doing now isn't serious.

[From the Akron Beacon Journal, Dec. 24, 2004]

Still Chasing Conspiracies; We Wish John Kerry Would Have Won Ohio. He Didn't

The $1.5 million recount of presidential votes in Ohio is almost finished. With all counties except Lucas reporting, the results haven't shifted by more than a few hundred votes for either candidate. George W. Bush's win in Ohio, which gave him a majority of Electoral College votes, is safe.

Still, die-hards are continuing to question. A challenge filed in the Ohio Supreme Court by a group backed by the Rev. Jesse Jackson alleges fraud, computer hacking and post-election vote-switching, among other things. John Conyers of Michigan, the highest-ranking Democratic member of the House Judiciary Committee, wants an FBI investigation. A lawyer representing Sen. John Kerry's campaign now says some parts of the recount in Cuyahoga County should be counted again.

The allegations being thrown around are of the flimsiest nature. Jackson and Conyers are, for example, seeking exit polling data to compare with the official voting results. To what end? Is the election to be handed to Kerry based on a sampling of voters' opinions on Election Day, or the actual results?

Conyers based his request for an FBI investigation, in part, on the fact that a vote-tabulating computer had undergone routine maintenance before the recount in Hocking County. A review of the procedure by the election board and computer technicians showed the maintenance hadn't altered a thing.

Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated. There isn't any. What happened on Election Day, the long lines, tens of thousands of punch-card ballots that failed to record a vote, confusion over provisional voting and proper registration, can and should be addressed by J. Kenneth Blackwell, the secretary of state, and local election boards.

The voters would be better served if those backing the challenges backed off, concentrating on election reforms instead of electoral futility.

[From the Dayton Daily News, Dec. 20, 2004]

Did Votes Vanish in Miami Valley?

Specific complaints about the Ohio vote count keep getting aired—especially on the Internet—and keep getting laid to rest, but then just keep on getting cited by some diehard Democrats.

The supposed outrage in Republican Warren County? There the authorities closed off the vote-counting site on election night. Turns out, however, the local Democratic authorities were there, inside the building, and were fine with what went down, seeing no shenanigans.

The fact that many ballots in Montgomery County showed no vote for president? Turns out there was an electrical malfunction, and the counts have been changed, with Republicans benefiting.

Votes showing up late in the process in Miami County? Turns out the original state reports were wrong.

Similar phenomena in other parts of the state have similarly turned out not to amount to much.

Yet 12 Democrats on the U.S. House Judiciary Committee have posed questions about these alleged irregularities to Secretary of State J. Kenneth Blackwell. The strategy seems to be throw everything at the wall and see what sticks.

Several Miami Valley issues are at the center of this national squabble.

Some committee questions are just nonsense: How can the secretary of state explain that Sen. John Kerry did no better in Warren County than Al Gore did in 2000, even though Sen. Kerry spent more money and Ralph Nader wasn't on the ballot this time? Please. This is nothing. Republicans are leaving central urban counties for places like Warren, making the places they leave bluer and the new places redder.

Perhaps the most intriguing question is the one about the race for chief justice of the Ohio Supreme Court.

Democratic challenger C. Ellen Connally ran worse than Sen. John Kerry statewide, by about 3 percentage points. But in some counties in Southwest Ohio—Miami, Darke, Butler, Claremont, Brown—she ran ahead of him. Why?

Is it possible, as has been charged, that some 60,000 Kerry votes somehow disappeared in those counties?

Consider: Party labels do not appear on the ballots for judicial candidates. So, in these very Republican counties, one would not expect Judge Connally to have the kind of problem that Sen. Kerry had.

But why did Judge Connally run behind Sen. Kerry statewide if she ran ahead of him in these counties? Probably because the Moyer campaign—the only well-funded one—focused its commercials and mailings someplace other than small, Republican counties.

To ask the secretary of state to explain these things is absurd. Any response he offers will be treated by the Democrats on the House committee as partisan. Nonpartisan think tanks could do this work more credibly and with more expertise.

The partisan Democrats know that. They're just playing games.

[From the Cleveland Plain Dealer, Dec. 15, 2004]

MoveOn.Now; The Zealots Who Refuse To Accept Ohio's Vote Count Risk Undermining Confidence in the System Itself

Most Americans, including the vast majority of those who supported John Kerry for president, have grasped the most basic reality of Election Day 2004:

George W. Bush was re-elected. He won roughly 60.7 million votes and carried 31 states with 286 electoral votes. Ohio's 20 Electoral College members formally cast ballots for the president Monday in the Statehouse.

Unfortunately, there is a small, but very vocal, group of Americans who refuse to accept this reality. They argue that what appear to be routine technical glitches and human errors were in fact an elaborate conspiracy to skew the election results. They claim that long lines at a few polling places, the rather unsurprising result of high voter interest, were evidence of a systematic campaign to discourage participation. In short, having failed to get the outcome they wanted at the polls, they have decided to mount an irresponsible campaign aimed at undermining public confidence in the electoral system itself.

Ohio, arguably the most intensive battleground for Bush and Kerry, has been the No. 1 target of these diehards.

Since Election Day, they have seized on isolated problems in a relative handful of this state's 11,366 precincts as proof of greater ills or even criminal activity.

One speaker in Columbus over the weekend likened Ohio to Ukraine. The Rev. Jesse Jackson has complained of widespread "fraud and stealing."

The Green and Libertarian parties, whose presidential candidates got a combined three-tenths of one percent of the vote in Ohio on Nov. 2, have demanded a recount of the state's 5.7 million ballots. That will cost taxpayers about $1.4 million. A coalition of critics, led by a former Ohio organizer for Ross Perot, has asked the Ohio Supreme Court to overturn the presidential election, as well as the outcome in the race for chief justice. The Kerry campaign, reflecting its leader's maddening desire to have everything both ways, has said it does not expect a recount to change anything—yet has also issued a list of things it wants local elections officials to double-check.

Obviously, there were problems on Election Day. There always are. Elections are run by imperfect humans. Many individual polling places are in the hands of civic-minded neighbors with a few hours of training. Machines malfunction. Voters mess up ballots.

But Ohio has already done its usual intensive post-election audit and reconciliation, a process designed to spot mistakes. That canvass resulted in Bush's unofficial 136,000-vote margin being reduced to the 119,000-vote edge that Secretary of State Kenneth Blackwell certified last week.

Ohio's bipartisan elections system makes the kind of GOP conspiracy that some allege all but impossible to execute. Every county board of elections consists of two Democrats and two Republicans. So when Jackson and other national Democrats question Ohio's outcome, they demean their own allies. William Anthony Jr., the African-American who chairs both the Franklin County Democratic Party and its elections board, has been personally stung by Jackson's slander: "Why would I sit there and disenfranchise my own community?" he asks.

The recount will go forward because by law it must; history suggests few votes will change. But it is time to focus on how to make future elections more efficient.

Clearly it would help if groups that register new voters did not deliver thousands of applications at the last minute. Ohio also needs an early voting system to relieve at least some of the pressure on Election Day. And rather than retreating from electronic voting machines, the state needs to find a secure system and back it up with a paper record.

Common-sense solutions can make a difference. Endless sour grapes will not.

[From the Columbus Dispatch, December 12, 2004]

Sound and Fury: Election-Conspiracy Theorists Do Nothing To Improve Voting

On Monday, the 20 Ohio members of the Electoral College will cast their votes to elect the next president of the United States. When those votes are added to those from electors in the other 49 states, George W. Bush's re election will be official.

But that won't stop the conspiracy theorists who claim that Bush stole his victory. Though they are small in number, these naysayers are loud and repetitious. So the truth bears repeating, too: Bush won because more Ohioans voted for him than for Sen. John Kerry.

Kerry understands that Bush legitimately won the election, which is why he conceded on Nov. 3. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence. Nor have they explained how a conspiracy could be carried out successfully in a decentralized system involving 88 separate, bipartisan county election boards.

Such a conspiracy would have to involve scores, if not hundreds, of Democratic election-board members actively working against their own party and presidential candidate.

The idea that Democratic election officials disenfranchised voters in minority and Democratic precincts offends William A. Anthony Jr., chairman of the Franklin County Democratic Party and of the Franklin County Election Board, who was at the center of planning for the Nov. 2 election.

He was particularly incensed after the Rev. Jesse Jackson recently repeated the allegations and called for an investigation of the Ohio election.

"I am a black man," Anthony said. "Why would I sit there and disenfranchise voters in my own community? I feel like they're accusing me of suppressing the black vote. I've fought my whole life for people's right to vote."

Anthony's indignation is justified.

The major problem with the Nov. 2 election was the long lines at many polling places. But these were the result of high turnout, not conspiracy. Republican and Democratic voters alike were inconvenienced. In many precincts, the problem was exacerbated by a long ballot containing many tax and bond issues in addition to candidate choices.

Ohio is in the midst of an effort to replace election machinery throughout the state. Secretary of State J. Kenneth Blackwell made a good-faith effort to have the new equipment in place in time for the Nov. 2 election, but he was stymied by political disputes over the security and verifiability of the machines. County election officials wisely are waiting until this issue is sorted out before moving ahead with purchases of new machines.

But before that, Ohio lawmakers can reduce lines by rewriting election laws to allow voters to cast absentee ballots instead of visiting polling places.

Much work remains to be done to improve the state's voting system. The conspiracy theorists are contributing nothing to the effort but useless noise.

The PRESIDENT pro tempore. The Senator from Nevada.

Mr. REID. Mr. President, I advise Members on the minority side if they want to speak on this issue, I have been informed that when the speeches end there will be a rollcall vote. If people are waiting to come here an hour from now, they may not get the chance to speak. Members who want to speak should come here now. I have been informed on the majority side there may not be another speaker or, if so, maybe only one other speaker.

For my side, I repeat, as I understand the rules, they should be here to speak for the 5 minutes when the time comes. That time is now.

The PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. DAYTON. Mr. President, I have the greatest respect and personal regard for my friend from the State of California. It is not often I find myself rising in disagreement, but I emphatically disagree and say respectfully that I believe those involved, citizens from around the country, with all their good intentions, are seriously misguided and are leading us into a very unfortunate precedent that was not in any way contemplated by the Constitution, by the law, or by historical precedent.

Obviously, the law, which was established in 1887, did not envision that our role would be to adjudicate in any State the results of an election for President. If it were the intent, it clearly would not have designed this kind of forum where an objection is raised, we each express our opinion for up to 5 minutes, and then vote on a whole array of facts and allegations and statements and contradictions that we could not possibly in this setting determine fairly and accurately.

If we were to do so, if we were to hypothetically object on an inevitably partisan basis to the actions taken by the electorate of a certain State, certified by the election officers of that State and then brought to us today, if we were to overturn that process and in this instance throw the election into the House of Representatives, the damage it would do to our democracy, to the integrity of our system, would be incalculable. If it were to result hypothetically in an alteration of the publicly expressed electoral will in an election for President, the entire credibility of our system would possibly be destroyed.

I am not the complete authority, but as I have read some of the assertions made about the conduct of the election in Ohio, I find serious imperfections. If we shed that spotlight on most States in this country, including my own State of Minnesota, we would find other imperfections.

Democracy is not a perfect process, but it is a process that we have a responsibility, not in hindsight but with foresight, to try to structure and to continue to perfect so it is as close to perfect as is humanly possible. I share entirely the concerns expressed by my colleague from California and others who said despite our best efforts—and I was part of that collaborative effort in this body and under the Rules Committee in the last couple of years—we made some progress but we still fell short.

I respectfully ask the chairman of the Rules Committee, Senator LOTT, who is here today, if he would be willing to convene hearings in the very near future and look not just at Ohio but at the experience from this election and how it can instruct us to improve that process for the future.

The Senator from California is absolutely right: every American should know he or she has a right to vote, that they can vote expeditiously, that their vote will be counted and it will be tabulated accurately, whether under Republican or Democratic election officials, whether it is for President from one party or another.

Whether I agree or disagree with the judgment of the American people, I respect and agree more than anything else with that process and the integrity of the process that produces whatever result they determine. It is that which we must guard today. I regret we are in a position of possibly compromising it. It would be a fatal mistake to overturn it in the way suggested.

The PRESIDENT pro tempore. The Senator from Illinois.

Mr. DURBIN. Mr. President, I say at the outset, this historic meeting in the Senate will end at some point in a vote. When the time comes to vote I would vote to certify the vote from the State of Ohio.

I do not have personal knowledge of what occurred in the election in Ohio, but I have spoken to those who were present, who tell me that despite irregularities, which I will note, they do not rise to a level where we would challenge the outcome of the election in Ohio.

In addition, the Democratic Party Kerry-Edwards campaign had more than 2,000 lawyers on the ground in Ohio on election day. That was replicated in many States across the Nation. I think what it says is that the nature of this debate and the challenges which we are raising do not go to the results of the election but rather go to our electoral system.

Some may criticize our colleague from California for bringing us here for this brief debate. I thank her for doing that because it gives Members an opportunity once again on a bipartisan basis to look at a challenge that we face not just in the last election in one State but in many States. Because of different electoral practices in States across America, voters who wish to cast a vote for President or Vice President cannot approach the polls with certainty that their vote will be counted or that they can vote in a fair and convenient manner.

There are litanies of examples that could be cited. I do not challenge the legitimacy of the 2004 election outcome. I do not believe there is evidence of widespread fraud. I believe Senator KERRY was correct in announcing his concession, but let us concede on a bipartisan basis that we can and should do better.

In the case of Reynolds v. Sims, the Supreme Court of the United States made it clear that we have a constitutional right to vote. Thank God. That decision which was handed down in 1964 appears clear and unequivocal. But wait. Four years ago that same Supreme Court, in the case of Bush v. Gore, reached a different conclusion and stated that the individual citizen has no Federal constitutional right to vote for electors for the President of the United States.

It appears that this statement by the highest court in the land is inconsistent with a decision reached 40 years ago.

So where do we stand today? There is great uncertainty. Congressman JESSE JACKSON of my home State of Illinois is proposing a constitutional amendment to make it clear and unequivocal that we have a constitutional right to vote in America. I am loathe to jump on the bandwagon for constitutional amendments. I have seen some things done here that are not very proud moments in the history of the Senate when it comes to offering constitutional amendments, but I will take this one seriously.

When you look at the results of the election in Ohio and in many other States, serious questions are raised. These have been documented by the House Judiciary Committee Democratic staff.

Mr. President, I ask unanimous consent that the Executive Summary of this report, entitled "Preserving Democracy: What Went Wrong in Ohio," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

WHAT WENT WRONG IN OHIO

EXECUTIVE SUMMARY

Representative John Conyers, Jr., the Ranking Democrat on the House Judiciary Committee, asked the Democratic staff to conduct an investigation into irregularities reported in the Ohio presidential election and to prepare a Status Report concerning the same prior to the Joint Meeting of Congress scheduled for January 6, 2005, to receive and consider the votes of the electoral college for president. The following Report includes a brief chronology of the events; summarizes the relevant background law; provides detailed findings (including factual findings and legal analysis); and describes various recommendations for acting on this Report going forward.

We have found numerous, serious election irregularities in the Ohio presidential election, which resulted in a significant disenfranchisement of voters. Cumulatively, these irregularities, which affected hundreds of thousand of votes and voters in Ohio, raise grave doubts regarding whether it can be said the Ohio electors selected on December 13, 2004, were chosen in a manner that conforms to Ohio law, let alone federal requirements and constitutional standards.

This report therefore, makes three recommendations: (1) consistent with the requirements of the United States Constitution concerning the counting of electoral votes by Congress and Federal law implementing these requirements, there are ample grounds for challenging the electors from the State of Ohio; (2) Congress should engage in further hearings into the widespread irregularities reported in Ohio; we believe the problems are serious enough to warrant the appointment of a joint select Committee of the House and Senate to investigate and report back to the Members, and (3) Congress needs to enact election reform to restore our people's trust in our democracy. These changes should include putting in place more specific federal protections for federal elections, particularly in the areas of audit capability for electronic voting machines and casting and counting of provisional ballots, as well as other needed changes to federal and state election laws.

With regards to our factual finding, in brief, we find that there were massive and unprecedented voter irregularities and anomalies in Ohio. In many cases these irregularities were caused by intentional misconduct and illegal behavior, much of it involving Secretary of State J. Kenneth Blackwell, the co-chair of the Bush-Cheney campaign in Ohio.

First, in the run up to election day, the following actions by Mr. Blackwell, the Republican Party and election officials disenfranchised hundreds of thousands of Ohio citizens, predominantly minority and Democratic voters:

The misallocation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters. This was illustrated by the fact that the Washington Post reported that in Franklin County, "27 of the 30 wards with the most machines per registered voter showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry." Among other things, the conscious failure to provide sufficient voting machinery violates the Ohio Revised Code which requires the Boards of Elections to "provide adequate facilities at each polling place for conducting the election."

Mr. Blackwell's decision to restrict provisional ballots resulted in the disenfranchisement of tens, if not hundreds, of thousands of voters, again predominantly minority and Democratic voters. Mr. Blackwell's decision departed from past Ohio law on provisional ballots, and there is no evidence that a broader construction would have led to any significant disruption at the polling places, and did not do so in other states.

Mr. Blackwell's widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party's decision to engage in preelection "caging" tactics, selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout. The Third Circuit found these activities to be illegal and in direct violation of consent decrees barring the Republican Party from targeting minority voters for poll challenges.

The Ohio Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands of legal voters, who were not only intimidated, but became discouraged by the long lines. Shockingly, these disruptions were publicly predicted and acknowledged by Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges "can't help but create chaos, longer lines and frustration."

Mr. Blackwell's decision to prevent voters who requested absentee ballots but did not receive them on a timely basis from being able to receive provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell's order to be illegal and in violation of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that have yet to be accounted for:

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these many serious allegations represents a violation of his statutory duty under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors.

There were 93,000 spoiled ballots where no vote was cast for president, the vast majority of which have yet to be inspected. The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25% each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president.

There were numerous, significant unexplained irregularities in other counties throughout the state: (i) in Mahoning county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers from vote counting citing an FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than voters in other precincts, and voters casting more than one ballot; (iv) in Butler county a down ballot and underfunded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspect 98.55 percent, and after 100 percent of the precincts were reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of numerous irregularities in tallying provisional ballots and conducting and completing the recount that disenfanchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still not complete):

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots resulted in the loss of thousands of predominantly minority votes. In Cuyahoga County alone, the lack of guidance and the ultimate narrow and arbitrary review standards significantly contributed to the fact that 8,099 out of 24,472 provisional ballots were ruled invalid, the highest proportion in the state.

Mr. Blackwell's failure to issue specific standards for the recount contributed to a lack of uniformity in violation of both the Due Process Clause and the Equal Protection Clauses. We found innumerable irregularities in the recount in violation of Ohio law, including (i) counties which did not randomly select the precinct samples; (ii) counties which did not conduct a full hand count after the 3% hand and machine counts did not match; (iii) counties which allowed for irregular marking of ballots and failed to secure and store ballots and machinery; and (iv) counties which prevented witnesses for candidates from observing the various aspects of the recount.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide "cheat sheets" to those counting the ballots. The cheat sheets informed election officials how many votes they should find for each candidate, and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full countywide hand recount mandated by state law.

Mr. DURBIN. Mr. President, the irregularities were not confined to the State of Ohio. Let me give you an Illinois example. In DuPage County, IL, 26 percent of provisional ballots were counted, but in Chicago, a few miles away, 61 percent were counted. That is more than twice as many. That is largely because Chicago allows provisional ballots to be cast by a voter who turns up in the wrong precinct on election day. DuPage County does not, the county right next to Cook County.

How is it that the fundamental right of an American citizen to have his or her vote counted can vary dramatically—not just from State to State but from county to county? We need to address this on a national basis.

The PRESIDENT pro tempore. The Senator's time has expired.

Who seeks recognition?

The Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today to talk about the most fundamental right in our democracy, the right to vote. Every election day, millions of people in America from different social, economic, and ethnic backgrounds converge on polling stations to cast their ballots. And as they leave the polling booths, they emerge, one by one, as equals.

They are equals because the power of our Constitution resides with the people who delegate power to the Government. Our Constitution guarantees the right of every American to be heard equally about whom they want to lead their Government. We, as their elected leaders, have a responsibility to ensure that those constitutional freedoms are honored and protected.

We have heard from some voters in Ohio and across the country about the election in November. They feel that their voices were not heard.

Thousands of voters waited in line for up to 10 hours to cast their ballots. Some waited until 4 in the morning, and some waited for hours in the rain. Many voters with job, family, and other responsibilities simply could not wait any longer, and they left without voting. It is unreasonable to expect voters to wait 10 hours to exercise their constitutional right to vote.

Some soldiers and other Americans living overseas believe their ballots were not counted. Without question, every legal ballot should count, whether it is cast overseas or here in the United States.

Many precincts across the country continue to use outdated punch-card ballots and decades-old voting machines that are more prone to error or simply do not work properly. That is disturbing enough—machines from the 1950s being used in 2004—but even more disturbing is that urban areas are disproportionately affected. More urban areas do not have the modern voting machines and equipment that is available in other areas of the country. This disparity affects voting for a large number of minorities, and that is unacceptable.

Even those precincts with electronic voting machines had problems. Some machines malfunctioned, causing votes to be counted more than once or not at all. Anyone who has used a computer at home or at work knows that even saved data can be lost. Yet most electronic voting machines do not have a paper record to back up the system. It could be as simple as a paper receipt like the one you get when you withdraw money from an ATM machine.

In Nevada, electronic voting machines have a paper trail, and we need it for all electronic voting machines. We must ensure the integrity of our voting process.

Many voters felt intimidated at the polls. When they went to vote, so-called election observers demanded that they provide more than the required form of identification. Others read flyers that directed them to the wrong polling places.

These are real people with real concerns, and we need to listen to them. Our Constitution requires that we listen to them. As elected leaders of these people and all of those in our States who have delegated to us the power to represent them, we have an obligation to listen.

After voters experienced similar problems in the last election, we addressed many of those issues. Congress passed, and I supported, the Help America Vote Act, which required the use of provisional ballots for voters who went to the wrong location so ballots would be sealed and counted later in the proper precinct, and each State received funding to update their voting systems.

But in Ohio, the provisional ballot was rendered virtually worthless in the November 2004 election. Ohio's Secretary of State ruled that provisional ballots were valid only if they were cast in the proper precinct.

So today we talk about the problem, but I think we also need to talk about the solution. Voting is fundamental to our democracy. The process should be fair, honest, and easy.

I do not support holding up the results of our November election to address the concerns many voters have raised about the process because I believe we need to move on with the business of the country. But I do support the GAO investigation into these concerns. When we find out what the GAO has to say, we have an obligation to address the problems they uncover.

I do support true election reform that will create a 21st century voting system that we can all be proud of.

The PRESIDENT pro tempore. The Senator's time has expired.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. First of all, I commend and thank our friend from California, Senator BOXER, for giving us this opportunity to address the Senate on this issue.

On November 3, JOHN KERRY conceded the 2004 Presidential election to George Bush. While we do not question the outcome, many of us remain deeply concerned that for the second time in a row, in a closely contested election, there were so many complaints about the ability of voters to cast their votes and have them counted fairly.

The right to vote is the cornerstone of our democracy. Every Member of Congress has a duty to protect and uphold that right. When that right is threatened, Congress must act to protect it. Clearly, the legislation we enacted to do so after the 2000 election was not adequate for the 2004 election.

Forty years ago this year, after the Selma-Montgomery march, many of us in the Senate and House worked hard to pass the landmark Voting Rights Act of 1965, to guarantee that racism and its bitter legacy do not close the polls to any citizen.

After the 2000 election, we passed the Help America Vote Act in an effort to correct the serious problems that undermined the right to vote in that election.

Unfortunately, last November, we learned that we still have work to do. As in 2000, the votes of many who wanted to vote were not, in fact, counted. The reasons are many and varied. Some voters gave up in the face of endless lines and waits of many hours at polling places unable to handle the large turnout of voters. In other cases, voting was frustrated by broken or ancient voting machinery, by confusion over applicable rules for voting precincts, or because States decided that certain votes did not comply with arbitrary and inflexible State or local procedures. We saw all those problems in Ohio. It is far from clear the extent to which these serious problems were the result of intended manipulation or widespread incompetence, but either way, the voting process did not live up to the standards worthy of our democracy.

Today's debate is an opportunity for all of us to admit that the 2004 election was flawed and to pledge action in this new Congress to fix the festering problems once and for all.

Citizens must have faith that they will be able to cast their votes efficiently and with complete confidence that their votes will be fairly and accurately counted. We cannot go through another election wondering whether a patchwork of unequal and outdated procedures—whether by accident or design—have yet again denied so many of our fellow citizens the right to vote.

I commend the many thousands of citizens in Massachusetts and other States who insisted that treating today's electoral vote count in Congress as a meaningless ritual would be an insult to our democracy unless we register our own protest against the obviously flawed voting process that took place in so many of our States. We are hopeful that this major issue that goes to the heart of our democracy is now firmly implanted on the agenda for effective action by this Congress.

Few things are more important to the Nation and to each of us, both Republican and Democrat, than a genuine guarantee that the people's will is heard through the ballot. No democracy worth the name can allow such a flawed election process to take place again.

Mr. President, I yield the floor.

Mr. BYRD. Mr. President, today, the Congress gathers to exercise the role laid out by the Framers in the Constitution of the United States. The past two national elections have been surrounded in controversy, not just controversy over issues and ideas—which is important and healthy in a democratic system of government—but also controversy over the mechanics of the election and the counting of the votes.

The 2000 election left citizens across this country with a belief that not every vote was fairly counted. In response, Congress passed a much-needed reform legislation. States worked to modernize their equipment and procedures. We had high hopes that the 2004 election—under much closer scrutiny than the election of 2000—would provide the public with confidence that everyone who registered would be able to vote, and that every vote cast would be counted accurately.

Yet, despite the legislation and the more than $2 billion dedicated to fixing the election problems, the election of 2004 was marred with reports of irregularities and, as a result, there is a significant group of our citizenry that seriously questions the results of the vote, and particularly the vote in Ohio.

There are several groups and organizations that are investigating the reported irregularities in the Ohio election. That is important work and it should and will continue. When the investigations conclude, should there be solid evidence of criminal activity, those responsible should be prosecuted, no matter how high that responsibility may reach. But the Senate should not prejudge the results of those investigations.

I applaud the efforts of the Senator from California, Mrs. BOXER, and the Congressional Black Caucus to defend the integrity of the electoral process. But the question before us today is whether we uphold the objection to the certification of Ohio's electors in the count of the electoral vote. The Senate must vote, based on the information available to us at this moment, and absent the clear conclusions of the ongoing investigations into reported irregularities in Ohio, I shall vote to allow the electoral count to proceed.

In this session of Congress, I hope that we can take the lessons learned from November and continue to improve the integrity of elections and encourage greater faith in the results. The legitimacy of our government rests upon the confidence of the people. We, in Congress, must get serious about crafting legislation aimed at restoring confidence in the most fundamental characteristic of a representative democracy, the Constitutional right and duty to vote.

Mr. INOUYE. Mr. President, although there were voting irregularities in Ohio, I will not vote in support of the objection. I do respect the result of the recent Presidential election, but I do not respect the process. Several thousand voters believe they were discouraged or even prevented from voting, and several thousand who did vote believe that their votes were not correctly reported. The inequitable allocation of voting machines, the lack of instruction for the review of provisional ballots, and the questionable activities surrounding the recount of the electronic ballots call into question the final results in Ohio. However, I am unconvinced that it would have made a difference in the final outcome of this Presidential election.

I had hoped that we would not have the electoral college votes called into question again. After the 2000 Presidential election, we worked together to pass election reform legislation, the Help America Vote Act. That legislation set Federal requirements for provisional ballots and for voter information, registration, and identification. Unfortunately, that legislation has not yet been fully implemented and does not go far enough.

I would like to work with my colleagues craft legislation to ensure that all of our citizens are encouraged to vote and participate in our democratic process. Our citizens must believe their vote will count. At a time when we are risking lives of our service men and women to spread democracy throughout the world, we cannot ignore the threats to the democratic process here at home. I do not relish the vote I am forced to cast today, but I as I do, I look forward to being able to cast future votes on Federal election reform to ensure that we are not in this position again.

Mr. KOHL. Mr. President, serious allegations have been raised about voting irregularities in Ohio during the 2004 presidential election. I agree with many of my colleagues that these allegations must be investigated to the fullest extent possible because every eligible citizen in this nation must have an equal opportunity to exercise the constitutional right to cast a vote in Federal elections. That said, I do not believe there is anything to be gained by sustaining the objection to the ballot certification with regard to the state of Ohio. Senator JOHN KERRY has already conceded the election and there are no pending investigations that will result in sufficient votes being changed so as to alter the outcome of this election.

However, the last two elections have revealed a glaring need for us to rethink how we conduct elections in our Nation. With more and more voters needing to cast their ballots on Election Day, we need to build on the movement which already exists to make it easier for Americans to cast their ballots by providing alternatives to voting on just one election day. Twenty-six states, including my own state of Wisconsin, now permit any registered voter to vote by absentee ballot. Twenty-three states permit in-person early voting at election offices or at other satellite locations. The state of Oregon now conducts statewide elections completely by mail. These innovations are critical if we are to conduct fair elections for it has become unreasonable to expect that a nation of 294 million people can line up at the same time and cast their ballots at the same time. And if we continue to try to do so, we will encounter even more reports of broken machines and long lines in the rain and registration errors that create barriers to voting.

That is why I have been a long-time advocate of moving our federal election day from the first Tuesday after the first Monday in November to the first weekend in November. Holding our federal elections on a weekend will create more opportunities for voters to cast their ballots and will help end the gridlock at the polling places which threaten to undermine our elections. I look forward to introducing legislation to this end in the 109th Congress and I urge my colleagues to join me in this effort.

Ms. CANTWELL. Mr. President, we meet in historic session today. The twelfth amendment to the Constitution sets forth the requirements for casting electoral votes and counting those votes in Congress. The electors are required to meet, cast and certify their ballots and transmit them to the Vice President in his capacity as President of the Senate.

With the exception of objections to the electoral votes from the State of Florida in the 2000 election, objections to an entire slate of votes from a State have been rare. But we have had one today, which gives us the opportunity to discuss and debate a very important issue for our country and for the citizens of my State—the issue of whether we have ensured that every vote is counted.

I will vote to uphold the outcome of this most recent election.

However, I think we have more work to do in the area of election reform, and I think the discussion we are having today is appropriate and overdue.

In 2001, I supported the passage of the Equal Protection of Voting Rights Act. That law was designed to protect voting rights and ensure the integrity of the electoral system in our nation. I did so because I feel that making certain that each citizen's vote is counted and promoting public trust and confidence in our election process is crucial.

The job is far from over. We may need to have additional hearings and we may need to take additional legislative action. There have been troubling reports from this most recent election.

Representative JOHN CONYERS and the minority staff of the House Judiciary Committee have conducted their own hearings and investigations of instances of voter disenfranchisement, flawed or corrupted voting machinery, and inappropriate procedures for counting and recounting votes in Ohio. They have produced a compelling report itemizing and analyzing the irregularities.

A 2-hour debate on the matter, when people across the country waited in 4, 6 and 12-hour lines to vote all over this country in November, is the least we can do.

The debate we are having focuses attention on legitimate concerns that have been raised regarding the Ohio vote and count, and on broader concerns about America's inconsistent and sometimes flawed election processes which vary so radically from State to State that genuine equal protection concerns arise.

I will certify the election results, because I don't think we should sacrifice the greater good of the continuity of Government at this time. We need to govern. But, what we should be doing is using this debate to get this Congress, and this country, talking about the steps that must be taken to ensure that American elections provide a true representation of the people's will.

Mr. LEAHY. Mr. President, while I was pleased at the large number of Americans who turned out to vote in last year's Presidential election, I am deeply concerned about the many credible allegations of voting irregularities that surfaced in the weeks following the election.

I cannot, however, support an objection to the certification of Ohio's electoral votes. Although I believe this debate is worthwhile, I am not persuaded that the alleged fraud was sufficient to change the outcome of either the Electoral College or the popular vote. Senator KERRY conceded the election more than 2 months ago, and he does not support a challenge. Moreover, the practical effect of discounting Ohio's electoral votes would simply be to allow the election to be decided by the House of Representatives.

In the months leading up to Election Day, I joined with Senator KENNEDY in writing with great frequency to Attorney General Ashcroft about our concerns about voter suppression and possible partisan activity by the Department of Justice. It is with dismay, then, that I have learned about the secret counting of votes in Warren County, OH, allegedly prompted by an FBI terrorism warning that the FBI denied making. I have read also of the nearly 4,000 votes President Bush was mistakenly awarded in a Franklin County precinct with only 800 voters. Although this mistake was corrected, such a malfunction suggests the possibility that other problems with the vote count may have been missed.

Finally, I would point to the shocking misdistribution of voting machines in Ohio. Voters from minority and urban communities frequently waited in line for four to five hours to cast their votes, while suburban voters faced far more manageable waiting times.

We cannot know the effect this may have had on vote totals, but we can and should work with State and local officials to prevent this from happening in future Presidential and other Federal elections.

I commend Representative CONYERS and many of his Democratic colleagues on the House Judiciary Committee for their tireless pursuit of a goal that all of us—Republicans and Democrats alike—should desire: a free and fair election in which every vote counts.

I look forward to the results of the Government Accountability Office's investigation of election irregularities called for by Representative CONYERS.

Mrs. LINCOLN. Mr. President, I accept the decision voters made on November 2 to elect George W. Bush as the President of the United States. I do not come to the floor today to challenge the outcome of the election. However, I do have concerns about the process. I believe there are some valid issues raised with the Ohio electoral votes regarding the legitimacy of our Nation's voting procedures, and I take these issues very seriously. In this modern, computerized age and in our magnificent, democratic country, there is absolutely no excuse for database errors, lack of polling-place education and training, equipment malfunctions, or voter disenfranchisement.

I supported the Help America Vote Act, HAVA, and have consistently supported adequately funding this law so that States can achieve its requirements and improve voting procedures to ensure every valid vote is counted. In addition, I helped introduce the Restore Elector Confidence in Our Representative Democracy, RECORD, Act, S. 2313, last year. This act contains a provision to strengthen security measures for electronic voting devices to prevent outside tampering and requires a paper printout of votes cast at electronic voting machines.

The right to vote freely and without intimidation is the foundation of democracy and we must do all we can to ensure every vote is counted and recorded accurately. I believe voters must have faith in the electoral process for our democracy to succeed, and I look forward to working with my colleagues in the coming year to ensure that our Nation's election system is fair and effective.

Mr. JEFFORDS. Mr. President, we are here today in this extraordinary session to discuss a challenge to Ohio's electors.

It was gratifying to see the high level of interest in the election create such a large voter turnout. However, it was discouraging to hear of the problems that affected the election in many parts of the country, including Ohio.

Representative CONYERS, other House Democrats, and individuals across this country deserve our thanks for the important work they have done to document the issues that arose from the 2004 election.

I would also like to thank Senator BOXER and Representative TUBBS JONES for their diligence in bringing this issue to the forefront.

All voters deserve to get answers, and corrective actions, to the reported irregularities and flaws of the 2004 election.

As my colleagues may know, the Government Accountability Office, GAO, is currently conducting a comprehensive investigation of many of the issues raised in the 2004 election.

I am very supportive of this investigation, and believe that through a complete and full investigation by the GAO, answers to the questions raised regarding the 2004 election will be obtained.

The information the GAO obtains will allow the Congress to take appropriate action to address the problems uncovered.

At a minimum, there are two changes to our election system that should be implemented by the Congress: requiring a paper trail for electronic voting machines and creating a national standard for provisional ballots.

I will work with my colleagues in the Congress to enact these important reforms. We must work to maintain, and indeed improve, the confidence in and integrity of the election process.

I am under no illusion that the actions taken on this challenge will change the outcome of the election. Senator KERRY has conceded the election. The events of today will not change this result, and I fear they will only further polarize our political landscape.

The solutions to the irregularities of the election will not be found or enacted in this 2-hour process today. They will come from a complete investigation, like the on-going GAO one.

Because I believe that contesting the slate of Ohio electors is not the way to achieve the needed reforms of the election system, I will vote against this challenge today.

However, I want to put my colleagues on notice that I will be vigorously pursuing reforms of the election system to enact much needed improvements in the system.

We have to make sure our elections are a solid reflection of the voters' intent. Given the resources of our great Nation, there is no reason why we should not be able to achieve this goal.

Mr. FEINGOLD. Mr. President, I appreciate this opportunity to comment briefly on voting irregularities that occurred during our most recent presidential election. While some steps were taken after the 2000 election to help rectify a number of problems with our voting process that were identified across the country, the election in November demonstrates that more needs to be done.

The outcome of the November election will not change because of the current process underway in both the Senate and the House, but I certainly understand the goal of those who have initiated this debate with their written objections to certifying the election results. While I understand that the Senator from Massachusetts (Mr. KERRY) has indicated that his campaign's legal team was unable to find evidence that would change the outcome of the election, enough questions have been raised to justify a thorough examination by Congress and the administration. Of course, the rules governing this debate are highly restrictive, and do not afford any meaningful review of potential voting irregularities, let alone the consideration of possible solutions to any problems. That effort will have to be done outside the confines of the specific work we have today, and to that end, I strongly hope the Senate Rules Committee will make this the very highest priority, and that the Senate's leadership will schedule any legislation that comes from such a review for prompt floor action.

Since the election, I have heard both Democrats and Republicans pledge to work together to tackle some of our most pressing issues. We are 3 days into the 109th Congress and it is time to put that promise to the test. I look forward to working with all of my colleagues to help ensure that in future elections every eligible citizen who wishes to vote is able to do so and all votes are counted.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. CORZINE. Mr. President, as we prepare to commemorate the 40th anniversary of the Voting Rights Act of 1965, we are called on to look back and reflect on whether we have fixed the systemic problems that this historic legislation sought to address. Have we ensured that all citizens are provided equal access to the ballot, regardless of race, ethnicity, or language-minority status? Have we created the proper safeguards and procedures that make certain that every vote is counted? Have we done enough to protect our democracy's most sacred right—the right to vote?

The accounts from our most recent Presidential election suggest that we have not yet met our goal of securing a free and fair election for all Americans. Driving this point home is yesterday's 102-page report published by the House Judiciary Committee's Democratic staff. The report goes into great detail describing the voting irregularities that arose in Ohio last November. The allegations include accounts of voter registration barriers, voter intimidation, voting machine shortages and failures, and confusion over the counting of provisional ballots. These accounts raise serious doubts about whether Ohio electors selected on December 13, 2004, were chosen in a manner that conforms to Ohio law or Federal requirements and constitutional standards.

The most troubling revelation from the committee staff's report is the seeming disproportionate impact these voting irregularities had on minority voters. And so I ask, 40 years later, have we done enough to make sure the letter and spirit of the Voting Rights Act is being enforced?

I ask my colleagues to join me in pushing for congressional hearings on the alleged voting irregularities witnessed in Ohio and elsewhere this past election season. I also ask them to join me in examining whether we need to reform our election laws to ensure that we have free and fair elections for all Americans, regardless of race or ethnicity. Only then can we be sure that we have adequately protected the constitutional right of all qualified citizens to participate in our democracy's most cherished right.

I am traveling overseas on a humanitarian mission to Southeast Asia to visit the areas most affected by the recent tsunami and regret that I will not be available to participate in this afternoon's debate. I nonetheless commend my colleagues who are raising these important issues, and applaud their efforts to give a voice to those who were disenfranchised last November.●

Ms. MIKULSKI. Mr. President, today I rise to discuss an issue that Congress tried to address after the 2000 election nightmare. Frankly, I am stunned to be standing before you 4 years later to take up the same issues of voting irregularities and uncounted votes. And I thank my colleague from California for bringing this important issue before the Senate for debate. Her opposition serves as a call upon the Congress to take action this year to address the ongoing problems in our electoral system.

Today, I will vote to certify the result, but once again we see that the election system in the United States does not work to provide absolute confidence in the results. Today, I am voting to certify the results because I do not believe that the voting problems changed the outcome of the election. Certification should not be delayed further under such circumstances. I believe the majority of voters in Ohio have spoken and that result should be certified.

But while I do not question the result, I rise today to call attention to what went wrong, to the disenfranchised voters, the broken machines and problems people had casting their ballots on election day.

This should not be happening in the United States of America. When we vote for President, we should all have total confidence that every vote counts and that every vote is counted.

There simply should be no questions or problems when we vote for the President of the United States. But, here we are, again, talking about voting problems and talking about lost or uncounted votes.

Like many Americans, I was shocked in 2000 to see how outdated the voting systems in America were. I was also shocked to see how easy it was to manipulate those voting systems and how easy it was for votes to be lost or go uncounted.

It was literally unbelievable. I asked myself, how could such things happen here in the United States? In 2000, we all learned that many ballots, many people's votes, were thrown out, lost, misplaced, or miscounted.

We saw election officials who did not know the rules and some who appeared to ignore the rules.

We witnessed innocent mistakes, machine mistakes, ballot mistakes and mistakes that were not so innocent.

The result was that many votes simply did not count.

The Presidential election of 2000 was an eyeopener. Our election systems in this country, the World's oldest democracy, were broken and needed to be fixed.

Republicans and Democrats agreed this had to be done. It was important. It was vital.

And we did something. We passed the Help America Vote Act. We set standards. We authorized money for the states to help them get new machines, new technology and fix their electoral systems. We provided for provisional ballot systems so that if there was a question about a voters registration they could still cast a ballot.

We thought that our voting systems were well on their way to being fixed. We thought that we would never have another election like 2000. We thought that all votes were going to count and all votes were going to be counted.

We were wrong.

We now see, in 2004, 4 years after the 2000 election debacle, we have people standing in lines for hours because polling places could not handle the turnout, people being given the wrong information, machines breaking down, too few machines in some precincts, ballots being lost or misplaced, and voters being told to go to the wrong place to vote. That is simply not right.

It is not clear if these problems by accident or intended, but the result was that again people were not able to cast their votes or their votes simply were not counted. That's just wrong. That is not suppose to happen in the United States.

And where did much of this happen? In minority neighborhoods, in cities, in economically distressed areas, in primarily Democratic areas across the

Nation. I ask myself, is this just a coincidence? Those communities do not think so. And it is critical that we let them know that we take their concerns seriously.

What happened in the last election is less important than making sure that it never happens again. These communities need to know that the Congress is taking action to meet their concerns and will work to correct the abuses that were documented in many States in 2004.

This is not a Republican or a Democratic issue. Ensuring that every registered voter who wants to vote can vote is not a partisan issue. It is an issue of what it means to be an American. In 2004, everyone should agree that every vote should count and we have to do whatever is necessary to make sure that happens.

I call on the Congress to renew its efforts to ensure that there is true electoral reform that every American who casts their ballot can be sure it is counted and that every American who wants to cast their ballot has that opportunity. This Congress should take three steps:

We should fully fund the Help American Vote Act so that all States have the resources that they need to truly reform their electoral systems.

We need to pass legislation to ensure that there is a voter verified paper trail on electronic machines so voters can verify that they cast their ballot and who they cast it for.

We need to re-examine the issue of electoral reform to see what steps the Congress needs to take to ensure that the voting rights of all Americans are protected. So that we have uniform standards. So that provisional ballots work, people do not have to wait in long lines, machines are operative and voters can get to the polls on election day.

And, we must do it now, before this issue fades from view again. The media will move on to other issues. We will move on to other issues. There are many important issues that this Congress will address this year, but as we look forward, and this year celebrate the 40th Anniversary of the Voting Rights Act, we must make this a priority issue. We must act to protect those vital rights and protect our democracy. There is no better way to honor this historic Act than to ensure that we fix the problems in our electoral system that continue disenfranchise voters.

I thank my colleague, Senator BOXER, from California for giving us the opportunity to debate these important points and focusing the spotlight on the voting problems still facing our democracy. And while I vote today to certify the election, I do not certify how our electoral system works in the United States and on that front we must now act.

I look forward to working on this with other members of the Senate. But, we must not be here in 2006 or 2008 talking about how shocked we are to see yet again votes not counted, ballots missing, lost and misplaced, and confused election officials. We must act this year, while the spotlight is still on, to do more to ensure that all voters will have confidence in our electoral system.

Mr. LEVIN. I will vote against objecting to counting Ohio's electoral votes. Of course I am concerned by reports of irregularities across the country during the 2004 presidential election. The 109th Congress should address these problems this year as part of election reform legislation. But voting to throw out the electoral votes of a State in the absence of clear evidence that voting fraud in that State changed the outcome would set a dangerous precedent for future elections in which the majority party of Congress could overturn the outcome of a presidential election.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, free and fair elections are the foundation of our democracy. Thanks to the efforts of tens of thousands of citizens, millions more Americans registered and went to the pools this year. But despite this dramatic expansion in public participation, many voters faced barriers to casting their ballot. Disenfranchisement and barriers to voting are fundamentally undemocratic and should be unacceptable in the freest nation in the world.

On November 3, I conceded the Presidential election to George Bush and also expressed my commitment to ensuring that every vote in this election is counted. The questions being raised by my colleagues in Congress about the vote in Ohio are important. As evidenced by the media and Congressman JOHN CONYERS' report of the vote in Ohio, there were many voting irregularities in the November election that led to the disenfranchisement of voters. These included long lines at predominantly minority polling places resulting from the failure to provide sufficient number of voting machines; voter intimidation and misinformation; the restriction of provisional ballots in a fashion that likely disenfranchised voters; and instances in which malfunctioning voting machines transferred Kerry votes to Bush.

I strongly believe that we need to investigate this election and reform our system. However, while I am deeply concerned about the issues the questions and issues being raised by this objection and think they are very important, I do not believe that there is sufficient evidence to support the objection and change the outcome of the election and I am not joining their protest of the Ohio electors.

Despite widespread reports of irregularities, questionable practices by some election officials and instances of lawful voters being denied the right to vote, our legal teams on the ground have found no evidence that would change the outcome of the election.

It is critical that we investigate and understand any and every voting irregularity anywhere in our country, not because it would change the outcome of the election but because Americans have to believe that their votes are counted in our democracy.

We must take action this Congress to make sure that the problems voters encountered in Ohio and elsewhere never happen again. We must make sure there are no questions or doubts in future elections. It is critical to our democracy that we investigate and act to prevent voting irregularities and voter intimidation across the country.

I strongly support the efforts of the civil rights and voting rights groups across the country that continue to investigate what happened in 2004 and how we can ensure it will never happen again. A Presidential election is a national Federal election but we have different standards in different States for casting and counting votes. We must have a national Federal standard to solve the problems that occurred in the 2004 election.

I am calling on my Republican colleagues to put election reform on the congressional agenda this year. The Republican leadership in the House and Senate must commit to make protecting voting rights a priority and commit to adding election reform legislation to the legislative calendar this year. One goal must be to eliminate barriers to voting, to encourage the greatest level of civic participation possible, and to restore confidence in the notion that every eligible voter will have the opportunity to vote and to have their vote counted.

I have spoken with Democratic Senate Leader HARRY REID and my colleagues in the House and Senate about my intention to introduce legislation this year to ensure transparency and accountability in our voting system and the need for the Democratic Caucus to make voting rights and electoral reform one of our top priority pieces of legislation. Election reform will be one of my top agenda items.

I will be meeting in coming weeks with key leaders on both sides of the aisle and from civil rights and voting rights groups across the Nation. I plan to use the information gathered by Representative CONYERS in his report, and information from other investigations underway, to guide my legislation.

We must invest resources in our country to help State and local communities purchase modern voting machines and do research and development on safe and secure forms of voting. We must ensure that our voting machines enable voters to verify their vote.

No American citizen should wake up the morning after the election and worry their vote wasn't counted. No citizen should be denied at the polls if they are eligible to vote. As the greatest, wealthiest nation on Earth, our citizens should not have to be forced to vote on old unaccountable voting machines. And, as the greatest, wealthiest nation on Earth, our citizens should never be forced to vote on old, unaccountable and nontransparent voting machines from companies controlled by partisan activists.

Together we can put the critical issue of electoral reform on the front burner in Washington and across the country.●

Mr. WYDEN. Mr. President, I believe it is extraordinarily important for both sides to be gracious when an American election is over. But I also believe it is extraordinarily important not to ignore urgently needed election reform, such as requiring a paper trail for every single ballot that is cast in our country. Such a paper trial is required in my home State. In this last election, record numbers of Oregonians voted. There were no allegations of fraud. The system worked, and it worked well. Unfortunately, that is not the case in too many communities in our country.

When the Senate last debated the issue of election reform, this body spent weeks debating whether one dog in the Midwest was an illegal voter. I worked with colleagues on a bipartisan basis. We made sure that dog, Mitzi, would not be allowed to vote again. Now, in the name of justice, when hundreds of thousands of Americans feel they have been disenfranchised, I don't think their concerns ought to be swept under the rug.

Credible journalists have now documented voting irregularities across the country, and that ought to trouble every Member of the body. Incredible reports come from the States of North Carolina, Indiana, Washington, Florida, and Ohio. In my view, while not proving to be of a volume that would have changed the outcome of the Presidential election, when you take these findings together, they raise very significant and troubling matters that this body should be tackling on a bipartisan basis. I do believe there is critical work ahead of this body with respect to election reform. So I did write in November to Representative CONYERS to ask that he examine these voting irregularities. The problems with provisional ballots in the State of Ohio particularly concerned me because I was one of the principal authors of the section of the Help America Vote Act that involved provisional ballots The decision of the Ohio Secretary of State to restrict the ability of voters to use provisional ballots, I thought, was troubling. His decisions raised serious questions with respect to whether they were consistent with what the Senate had in mind as we wrote that provision.

I was also concerned about the reports from Ohio, where in one county only 800 citizens were registered to vote and more than 4,500 votes were counted. This just defies common sense, and it is one of the reasons why I have come to the floor to make the case for a continued focus on the issue of election reform.

The problems of election abuse are not ones that can be given short shrift if we are to keep faith with our citizens and ensure that their fundamental belief that our democratic system is sound is maintained. Otherwise, we will see a growing lack of confidence in the conduct of our elections, and that lack of confidence will come to overshadow some of our elections altogether. We will see many more Members of this body come to the floor demanding to know what has happened.

I end my statement with the plea that, on a bipartisan basis, this body return to the issue of election reform, correct the abuses that have been credibly documented over the last few weeks, and that we do it in a bipartisan fashion.

I yield the floor.

The PRESIDENT pro tempore. The Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I rise to support the contention of the junior Senator from California that we have to take a very hard look at this. We are trying to demonstrate the virtues of democracy to Iraqis and Ukrainians and other people around the world who are struggling to be free. People must have confidence that our election results are unassailable.

Unfortunately, questions have been raised in the Presidential election of 2000 and in the Presidential election of 2004. At this point, I want to be clear: I am not challenging President Bush's victory in the State of Ohio. Neither has Senator KERRY. But there have been reports of systematic voter disenfranchisement and other problems in Ohio, such that we would be derelict in our duty if we failed to investigate it.

Yesterday, Congressman JOHN CONYERS, ranking Democrat on the House Judiciary Committee, issued a report of problems that occurred in Ohio. Some of the problems he reported include problems with voting machines in predominantly minority, Democratic-leaning wards, which caused people to wait 10 hours or more in the rain. One precinct was forced to close at 9:25 in the morning because its voting machines were not working. The Ohio Republican Party suppressed the turnout of minority, Democratic-leaning voters by engaging in preelection caging tactics, tactics which were declared illegal by a Federal court.

Ohio Secretary of State Ken Blackwell, a Republican, deviated from election law by severely restricting voters' access to provisional ballots. He went so far as to reject voter registration applications based on paperweight and texture. Those actions and his complete unwillingness to cooperate with Congressman CONYERS' investigation are deeply troubling. His actions are troubling, particularly because he didn't just serve as the chief election official of his State; he also cochaired the Bush-Cheney campaign in Ohio.

Allowing a State official to oversee a Federal election and simultaneously serve as a partisan campaign official for a candidate in that election is a blatant conflict of interest and we have to put a stop to it. That is why later this month I am going to introduce the Federal Election Integrity Act, a bill to prohibit State election officials from overseeing Federal elections in which they play a partisan role on behalf of one of the candidates.

Secretary Blackwell is now running for Governor. He recently sent a fundraising letter to potential Republican donors. I think his letter underscores the need for my bill. The first page of his letter tells the story. In part, it says:

> I have no doubt that the strong campaign we helped the President run in Ohio . . . can easily be credited with turning out record numbers of conservatives and evangelicals on election day.

It is not surprising that many people have no doubt that Secretary Blackwell also ran a strong campaign against other voters, namely minorities and Democrats.

Americans need to believe their election officials are beyond reproach. Allowing such officials to serve simultaneously in a partisan campaign capacity seriously undermines that confidence. That is why, regardless of what happens today, I will introduce the Federal Election Integrity Act. It is a step we can and should take to restore confidence that our elections are fair and the results are accurate.

I don't believe the objection the junior Senator from California has raised will be sustained this afternoon, but that doesn't mean we should not discuss the problems that precipitated the objection and do something about them in the future to assure that when the votes are counted, we know everybody has had a fair chance to cast their ballots and that there hasn't been any tinkering with them.

I yield the floor.

The PRESIDENT pro tempore. Who seeks recognition?

The Senator from New York is recognized.

Mrs. CLINTON. Mr. President, this is obviously a difficult debate for many reasons. I commend the Senator from California for joining with members of the House, most particularly Congresswoman STEPHANIE TUBBS JONES, in raising the objection, because it does permit us to air some of these issues—something I believe is necessary for the smooth functioning of our democracy and the integrity of the most precious right of any citizen, namely, the right to vote.

As we look at our election system, I think it is fair to say there are many legitimate questions about its accuracy and about its integrity, and they are not confined to the State of Ohio. They are ones that have arisen throughout our country and certainly because of the election of 2000 have been given high relief in the last 4 years. Then questions were raised additionally with respect to this election which deepened the concern of many people about whether we can assure the continuity of our democratic process by ensuring the consent of the governed and the acceptance of the results of elections.

Several weeks ago, we stood in great admiration as a nation behind the people of Ukraine as they took to the streets to demand they be given the right to an election where every vote was counted.

In a few weeks, we are going to see an election in Iraq. We know there are people literally dying in Iraq for the right to cast a free vote. I am very proud of our country, that we have stood with Ukrainians, Iraqis, and others around the world, but increasingly, I worry that if this body, this Congress does not stand up on a bipartisan basis for the right to vote here at home, our moral authority will be weakened.

I take that very seriously because freedom is our most precious value, and we have for 225-plus years worked to form a more perfect Union. At first, not everybody was permitted to vote in our own country, but through constitutional changes, a civil war, and a civil rights movement, we expanded the franchise. This year we will celebrate the anniversary of the Voting Rights Act, and it will be an opportunity for us to take a look at this landmark legislation and determine how we are going to move it into the 21st century so it really stands for what it was intended to do when it was first passed.

I would be standing here saying this no matter what the outcome of the election because I still think the best rule in politics is the golden rule: Do unto others as you would have them do unto you. I worry, whether it is a Democratic or Republican administration or a local county, State, or Federal election, that we are on a slippery slope as a nation.

My colleague, Senator BOXER, and I, along with former Senator Bob Graham of Florida, introduced legislation last year to try to assure a verifiable paper audit. We did not get anywhere with that. We did not get a hearing before the Rules Committee, and I hope the distinguished chair of the Rules Committee will hold such a hearing this year because if we can buy a lottery ticket or go to a bank and make an ATM deposit, then we know we can use an electronic transfer mechanism that gives us a record. That is just one of the many issues we can deal with technologically.

Last spring, India, the largest democracy—we are the oldest democracy, so in that way we are real partners in this great enterprise of democracy—had an election, Mr. President, 550 million or so people voted, from the dot-com billionaire to the poor illiterate peasant. They all voted. They voted on electronic voting machines. They voted in a way that guaranteed the safety, security, and accuracy of their vote. They had uniform standards. They had a nonpartisan board that oversaw that election, and the result was shocking. They threw out the existing government. Nobody had predicted that. Yet they did it with integrity.

Surely, we should be setting the standards. I hope in this body, and thanks to the objection of my friend from California, this debate which started today will continue.

Thank you, Mr. President.

The PRESIDENT pro tempore. The distinguished Democratic leader.

Mr. REID. Mr. President, I spoke on a procedural matter earlier. I ask unanimous consent that not be deemed to be my speech in regard to this matter.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, today great men and women of our Armed Forces are working to bring the right of free and fair elections to Iraq. In less than a month, there will be elections in Iraq. The sacrifice of our military demands that we work to ensure our own elections are fair. That is why today's debate is here, and I applaud my friend from California for allowing us to talk a little bit about elections generally.

A constitutional right that can be said to help secure all other rights is the right to vote. History has shown us that the right to vote demands constant vigilance and attention. While secured by our Constitution, widespread disenfranchisement of African Americans and other Americans led to the landmark Voting Rights Act of 1965 and the amendments in 1970, 1975, and 1982.

Constitutional protection was not enough. We needed tough new laws and took action. More recently, the abuses in Florida 4 years ago demonstrated the need for change and led to reform—and it was reform—in the Help America Vote Act of 2002.

I spread on the RECORD today the good work of Senator MCCONNELL, Senator DODD, and Senator BOND. There were others, but those are the three who stand out in my mind.

While the literacy tests and poll taxes of the past are gone, a more insidious form of disenfranchisement continues to taint our electoral system.

In this past election, in the State of Nevada, phone calls were made to heavily African-American parts of Las Vegas to try to trick those voters into not voting. The same happened in the Hispanic areas of our State, especially in Clark County. These calls, which we were unable to trace, told voters election day was November 3, not November 2.

Our registration process in Nevada is also tainted by the proven destruction of Democratic voter registration forms. This is clear. It happened. There was a company hired by the Republican National Committee to register only Republicans. We had people come forward and say they destroyed Democratic registration forms. That investigation is still underway.

In some of my earliest elections in Nevada, private individuals dressed in uniforms meant to resemble police officers stood around polling places in minority voting spots to frighten people from coming to vote, and it worked. These officers were posted, as I indicated, at the polls to intimidate these minority voters.

In this past election in Ohio, we heard a lot about what appeared to be wrong there, and I hope there will be more done to determine what went on in Ohio.

Legal challenges to restrict provisional voting, a provision of HAVA, which is the Help America Vote Act which I talked about earlier, meant to cure the widespread disenfranchisement of minorities in Florida and around the rest of the country.

These problems damage our system, deny our citizens equal protection, and undermine the right to vote. Rooting out this corruption requires not only strong laws but I believe strong hearts. It relies upon the integrity of our election officials in every State and each one of us to speak up when abuses occur.

It is my hope the debate today will once again lead to action to cure some of the more glaring defects of the 2004 election. One of the most significant problems in Ohio and in many other States was the lack of measures to ensure the integrity of electronic voting machines. While we have made improvements that are historic with HAVA, one important omission is in this area; that is, electronic voting, how to ensure the integrity of it.

In the last election, of all 50 States, Nevada was the only State where we had total electronic voting with a paper trail. When you voted in Nevada, you did your electronic voting and you could look right there to see for whom you voted. No mistakes. You did not take it with you, of course, but it was in the machine, and if there was a recount, it could be determined easily.

This is the way it should happen all over America, an electronic machine with a paper trail.

Last year, my colleague, the distinguished junior Senator from Nevada, Mr. ENSIGN, and I introduced a measure to require paper trails for electronic voting machines every place. We will introduce our bipartisan Voting Integrity and Verification Act in this Congress.

I hope that as we consider the 2004 election today--I ask unanimous consent for one additional minute, Mr. President.

The PRESIDENT pro tempore. The statute allows no more than 5 minutes to any Senator, I regret.

Mr. REID. I will end by saying we look forward to enacting commonsense measures such as the Voting Integrity and Verification Act which Senator ENSIGN and I will introduce in a few days to continue to improve the integrity of our elections.

I do not view the need to consider these additional reforms as a sign that our electoral system has failed. That we learn, investigate, and reform demonstrates its strength. The only failure following the 2004 election would be to not acknowledge and act to strengthen the right to vote.

I hope my colleagues on the other side of the aisle will join with me in that effort.

The PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. The Senator from California is performing an important service for American democracy today, along with her partner in this effort on the House of Representatives side, the Congresswoman from Ohio. Their challenge allows a needed debate in the Senate, as well as in the House of Representatives. This debate is short today. We are limited to 5 minutes. I hope this debate will continue in the future, at least this year, to try to reach some better conclusions as to how we operate voting in America.

I want to be clear that I do not question the legitimacy or outcome of our 2004 Presidential election. Nor will I vote to overturn the result of the vote in Ohio. The irregularities and the disenfranchisement that took place in that State and elsewhere, which are real and deeply worrisome, do not appear to me to have determined the outcome, either nationally or in Ohio.

But the right to vote and the need for citizens to have confidence that their votes will be counted correctly are basic to our democracy. That is why I believe there can be no more appropriate time to talk about problems in our electoral system than today, the day on which we officially confirm and proclaim the results of our recent election. So I thank Senator BOXER, as well as Representative TUBBS JONES, who is a former judge in the State of Ohio, for this responsible action.

I say to my friend Mr. DEWINE from Ohio, whom I listened to briefly a little bit ago, this is not about whether George Bush won the election. It is about taking a hard look at the voting structure in America, asking how we can make it better. How can we make it better and more equitable for people?

Now we tried, through the Help America Vote, to fix some of the problems, but there is evidence we did not do enough. We know that massive lines at the polls in Ohio likely led to thousands of voters giving up on voting. People had to wait 4, 5, 10 hours in line. Standing in line for 10 hours in America is like throwing acid in the face of democracy. It mars it. It scars it permanently.

Now, why the long lines? They did not have an adequate number of voting machines. Where were the lines? Many of them were in urban areas and minority communities because there was an inequitable distribution of machines between urban and suburban areas.

According to the New York Times, in Columbus, OH, there was an average of 4.6 machines per voter in Bush's strongest precincts while there were only 3.9 machines in the so-called Kerry precincts.

What we saw in Ohio was a concerted effort by an official, the Secretary of State, to try to minimize the ability of Ohioans to cast their vote. The Secretary of State was also the Chairman of the Ohio Bush re-election campaign. For example, in the weeks leading up to the election, the Secretary of State of Ohio tried to argue that thousands should be denied the right to vote because the forms they used to register were printed on the wrong weight of paper.

The Secretary of State also argued that absentee voters who had not received their ballots should not be allowed to vote, another concerted effort to suppress votes.

We also have reports of electronic voting machines not voting properly. A system where software is kept secret has been allowed to be the norm. This is an inappropriate practice that could result in serious fraud. Clearly, we need a Federal statute requiring independent review of the software used in electronic voting machines, as well as providing both sides access to the software in these machines.

What we saw in Ohio, what we likely would see in many States if they came under this type of scrutiny, is continuing problems with the whole election process that need to be fixed. We need to make changes in Federal law to make it clear that election officials are to work to maximize the right of people to vote rather than finding technicalities to disenfranchise them.

It is curious to note that in the Constitution of the United States, there is not a provision guaranteeing the right to vote. There are a number of amendments, the 14th, the 15th, 19th, 24th, 26th, that expand the concept, say people cannot be denied the right to vote on the basis of poll taxes, race, color, gender, and age.

Perhaps what we need is a constitutional amendment guaranteeing the right of every citizen of the United States a secret ballot and to have that ballot counted. I think it would come as a shock to most Americans to know that it is not in the Constitution of the United States that we have that right to vote.

This debate is needed to fix a system that is broken.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak on this matter?

The Senator from Illinois.

Mr. OBAMA. Mr. President, I did not anticipate speaking today, but the importance of this issue is enough for me to address this body.

During the election, I had the occasion of meeting a woman who had supported me in my campaign. She decided to come to shake my hand and take a photograph. She is a wonderful woman. She was not asking for anything. I was very grateful that she took time to come by. It was an unexceptional moment except for the fact that she was born in 1894. Her name is Marguerite Lewis, an African-American woman who had been born in Louisiana, born in the shadow of slavery, born at a time when lynchings were commonplace, born at a time when African Americans and women could not vote. Yet, over the course of decades she had participated in broadening our democracy and ensuring that, in fact, at some point, if not herself, then her children, her grandchildren, and her great-grandchildren would be in a position in which they could, too, call themselves citizens of the United States and make certain that this Government works not just on behalf of the mighty and the powerful but also on behalf of people like her.

So the fact that she voted and her vote was counted in this election was of supreme importance to her and it is the memory of talking to her and shaking her hand that causes me to rise on this occasion.

I am absolutely convinced that the President of the United States, George Bush, won this election. I also believe he got more votes in Ohio. As has already been said by some of the speakers in this body, this is not an issue in which we are challenging the outcome of the election. It is important for us to separate the issue of the election outcome with the election process.

I was not in this body 4 years ago, but what I observed as a voter and as a citizen of Illinois 4 years ago was troubling evidence of the fact that not every vote was being counted. It is unfortunate that 4 years later we continue to see circumstances in which people who believe they have the right to vote, who show up at the polls, still continue to confront the sort of problems that have been documented as taking place not just in Ohio but places all across the country.

I strongly urge that this Chamber, as well as the House of Representatives, take it upon itself once and for all to reform this system.

There is no reason, at a time when we have enormous battles taking place ideologically all across the globe, at a time when we try to make certain we encourage democracy in Iraq and Afghanistan and other places throughout the world, that we have the legitimacy of our elections challenged—rightly or wrongly—by people who are not certain as to whether our processes are fair and just.

This is something we can fix. We have experts on both sides of the aisle who know how to fix it. What we have lacked is the political will.

I strongly urge that, in a circumstance in which too many voters have stood in long lines for hours, in which too many voters have cast votes on machines that jam or malfunction or suck the votes without a trace, in which too many voters try to register to vote only to discover that their names don't appear on the roles or that partisan political interests and those that serve them have worked hard to throw up every barrier to recognize them as lawful, in which too many voters will know that there are different elections for different parts of the country and that these differences turn shamefully on differences of wealth or of race, in which too many voters have to contend with State officials, servants of the public, who put partisan or personal political interests ahead of the public in administering our elections—in such circumstances, we have an obligation to fix the problem.

I have to add this is not a problem unique to this election, and it is not a partisan problem. Keep in mind, I come from Cook County, from Chicago, in which there is a long record of these kinds of problems taking place and disadvantaging Republicans as well as Democrats. So I ask that all of us rise up and use this occasion to amend this problem.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I commend and thank our colleague from California who, as a result of her objection, has allowed us to have a couple of hours here to debate and discuss the events that occurred on election day this year. I thank her for doing that. Whatever occurred during the day, I think it is important that this body take a moment now and review what has occurred since election 2000 and this election as well. I recognize we are still operating under a very imperfect system when it comes to the Federal elections in this country. I thank the distinguished minority leader, Senator REID, for commending this body for its support of the Help America Vote Act that we adopted almost unanimously in this body a couple of years ago, through the work of Senators MCCONNELL and BOND and others.

It was certainly not a perfect piece of legislation, but it was the first time in the history of this country, outside of the Voting Rights Act, that this body, the Congress of the United States, spoke comprehensively about the conduct of Federal elections.

I point out to my colleagues that while certainly things need to be done to improve even that effort, there were 119,000 provisional ballots cast in the State of Ohio that never would have been counted had we not adopted provisional ballot requirements.

There are certainly legitimate questions about what does and doesn't constitute a ballot. I am drafting for my colleagues' approval a comprehensive piece of legislation that deals with the shortcomings in the HAVA bill itself. The fact is we are going to have access to statewide voter registration. The fact is we are making it possible for 20 million disabled Americans to cast a ballot independently and privately.

I know personally what this is like, having watched a sibling of mine having to cast a ballot with the help of someone else, despite two master's degrees and being a teacher for 40 years. We also put into HAVA the requirement that every voter have the right to see his or her ballot before actually casting their ballot. HAVA required that all voters who are challenged, for any reason, have the right to cast a provisional ballot. The Federal Court of Appeals for the Sixth Circuit of the United States affirmed the absolute right to receive a provisional ballot, without any additional requirements.

We have made great progress here. More needs to be done, clearly, if we are going to make a Federal election system exist where every vote will be counted and every eligible person will have an equal opportunity to vote.

I appreciate the opportunity here to talk about this. My hope would be that we would build bipartisan support, just as we did 2 years ago in adopting the Help America Vote Act, in both bodies, and get the kind of bipartisan support necessary so the conduct of elections, Federal elections, will have a system that has the confidence of the voters of this country.

I think it was Thomas Paine who, more than 200 years ago, said the right to vote is the right upon which all other rights depend. If you don't get this right, every other right is in jeopardy, and that is the business we need to be about.

Obviously events in Ohio and elsewhere raise legitimate and serious concerns. In this country we are still operating Federal elections on the basis of a voluntary work, pretty much, of local people. It worked pretty well for many years. It doesn't work any longer. It has to be changed. We have to do a better job. It is important that this body, the Congress of the United States, say to the American public we are going to do everything we can to see to it that you have an equal opportunity to vote and that your vote will be counted, and we are going to have the people, the technology, and the resources in place to make that happen.

We have made great strides. More needs to be done. The Senator from California has given us an opportunity today to highlight the importance of this. I regret that the Senate finds itself in this situation today where we find that the American public still lacks confidence in the legitimacy of the process and the results of our presidential elections.

But as painful as this debate today may be, this discourse is necessary to ensuring the American public that we, here in Congress, hear their concerns and frustrations, and will continue to fight to see that their most basic of all democratic rights—the right to vote—is secure.

Sadly, the concerns we are hearing expressed today are all too familiar to those we heard exactly 4 years ago following the debacle of the 2000 presidential election.

Following the 2000 presidential election, Congress responded to the problems which arose in Florida and other states by enacting bipartisan legislation, the Help America Vote Act, which I was pleased to coauthor. The goal of that bill was to ensure that every eligible American would have an equal opportunity to cast a vote and have that vote counted, regardless of race, gender, disability, language or party or precinct; and, that it would be easier to vote, but harder to defraud the system.

The Help America Vote Act—or HAVA—had the support of countless civil rights, disability, language minority and voting rights groups, and organizations representing state and local governments. HAVA has been hailed as the first civil rights law of the 21st century and I am committed to ensuring that it is fully implemented as such.

While the results of the 2004 presidential election may not have been contested in the same manner as those of the 2000 election, the jury is still out on whether HAVA successfully addressed all the problems that arose in the 2000 election. While I believe there is still much work to do to ensure the franchise for all Americans, I am confident that without HAVA, thousands of eligible American voters would not have been able to cast a vote, nor have their vote counted, in the November 2004 presidential election.

It is important to remember that HAVA is not yet fully implemented. In some respects, the most important reforms have yet to be implemented by the States.

These reforms include:

mandatory uniform and nondiscriminatory requirements that all voting systems provide second-chance voting for voters;

full accessibility for the disabled and language minorities;

a permanent paper record for manual audits;

uniform standards for what constitutes a vote and how such a vote will be counted for each type of voting system used by a State; and

a computerized statewide voter registration list which must contain the name and registration information for every eligible voter in a State and be electronically available to every State and local election official at the polling place on election day.

Had these additional reforms been in place on election day this November, many of the Election Day problems that arose across the country could have been avoided or resolved at the polling place.

But one of the HAVA reforms that was in place this November did make a difference: the requirement that all States provide a provisional ballot to voters who are challenged at the polls, for any reason. This requirement ensured the franchise for thousands of Americans on November 2 last year.

In Ohio alone, 155,000 voters cast provisional ballots, of which an estimated 77 percent were counted. That represents over 119,000 American voters who otherwise might not have been able to cast a vote or have their vote counted, but for HAVA.

Some States, including Ohio, attempted to restrict the right to a provisional ballot, but were ultimately unsuccessful. The Federal Court of Appeals for the 6th Circuit of the United States affirmed the absolute right to receive a provisional ballot, without any additional requirements, in the decision of Sandusky vs. Blackwell decided on October 26, just one week prior to the election.

More importantly, that decision upheld the right of an individual voter to seek judicial redress of the rights conferred by HAVA and upheld HAVA as a civil rights law enforceable as such in the courts.

As with any comprehensive civil rights legislation, HAVA's reach and effectiveness will have to be hammered out by the courts. As that process plays out, coupled with the States' implementation of the remaining HAVA reforms, we will be in a better position to assess whether this landmark legislation hit the mark or needs further reform.

But it is already clear, based on the November election, that it will take further reform to ensure that all eligible Americans have an equal opportunity to cast a vote and have that vote counted. We already know that States are implementing the provisional ballot requirements in significantly differing manners. It is simply unacceptable that a Federally-guaranteed provisional ballot, cast for President of the United States, may not be counted simply because of the local precinct that the otherwise eligible voter was standing in at the time he or she voted.

We know from the November elections that election officials did not provide sufficient numbers of machines to ensure that all voters could vote in a timely manner. We also know that many voters, such as those in Ohio, were still forced to vote on antiquated equipment such as the punch card which disenfranchises minority voters at greater rates than other voters, or use ballots that are confusing. And we know that some states still insist on purging voters based on inaccurate lists and refuse to reinstate the voting rights of felons, even after they have completed their debt to society.

It is time to consider whether, for Federal elections, there is a national responsibility to ensure that no matter where and how a ballot is cast for the office of the President of the United States, all Americans will have confidence that their vote was cast and counted in a uniform and nondiscriminatory way.

I will be introducing comprehensive election reform legislation when we reconvene which will build on HAVA and address these and other issues. My proposal will:

require states to provide enough machines, and ensure they are geographically distributed;

ensure that the provisions of HAVA that require that voters have a chance to verify their ballot before it is cast and that an audit trail exists to establish that such ballot was counted are implemented;

require states to offer extended voting times to ensure that single parents, the disabled, and those who simply cannot get to the polls on the one day can still cast their vote;

ensure that only eligible voters can vote, but that no voter who is eligible will be barred from the polls simply because he or she did not check a box on a form; and

require the reinstatement of felons for the purpose of casting a Federal ballot.

And my legislation will provide the Federal funds necessary to ensure that the states can timely implement the reforms.

The Help America Vote Act is an historic landmark legislation that comprehensively defines, for the first time in this Nation's history, the role of the Federal government in the conduct of Federal elections. It was an important first step, but our work is not done.

The real test, however, will be not so much on how we vote in the next few minutes on some resolution here, but whether in the coming days we are willing to pass legislation to fill in the gaps that are left vacant as a result of our inability to get more done with the HAVA bill.

I believe we can do it. We did it in the last Congress. We ought to do it in this one, so we never again have questions raised about the legitimacy of the election process or results, in any State, of a Federal election.

I look forward to working with my colleagues, and the civil rights, disability, language minority, and voting rights communities, as well as State and local election officials, to continue our work to ensure that all Americans have access to the most fundamental right in a representative democracy: the right to cast a vote and have that vote counted.

I yield the floor.

The PRESIDENT pro tempore. Is there a Senator who has not spoken who wishes to speak on this matter?

The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today as a Member of the body who recently was sworn in for his second term. In my first 6 years as a Senator of the United States in this institution, I faced challenges unprecedented in this country's history.

While we have made tremendous progress making our Nation more secure, increasing America's competitiveness in the global marketplace, and upholding the Federal Government's promise to seniors by enacting a prescription drug benefit through Medicare, we still have serious problems confronting our Nation.

On November 2, voters across this Nation chose their Government that will face these forthcoming challenges. The voters of Ohio and our Nation chose President George W. Bush. Even with a recount in Ohio, President Bush won my State by over 118,000 votes. As a Republican from Cleveland who has been reelected as a Republican from Cleveland, elected to Federal, State, county, and municipal offices, I am living proof Ohioans know how to count ballots and, more importantly, we count fairly.

(Disturbance in the Visitors Gallery.)

The PRESIDENT pro tempore. There will be order in the galleries, please. The Sergeant at Arms will remove people from the gallery if there is no order in the gallery.

Mr. VOINOVICH. It is clear that those who persist in beating a dead horse are attempting to create uncertainty where none exists. That is why I am so disappointed that this body is squandering its time playing Monday-morning quarterback when the result of Ohio's Presidential election is clear. President George W. Bush won my home State and its 20 electoral votes.

Frankly, I am proud of how the election went in Ohio. Hundreds of thousands of new voters took part in their democracy this past November, increasing Ohio's voter participation rate to 72 percent, up from 64 percent in 2000. Unfortunately, prior to November 2, unsubstantiated allegations were being made about the electoral process in Ohio. But, at the end, on election day, and at the end of the recount, Ohio's Secretary of State Kenneth Blackwell and the bipartisan election boards across the State did a tremendous job to ensure that the election was fair and the results were without question. I want to publicly applaud the good work of those dedicated public officials.

It is time to put this election to rest. Editorial boards from Ohio newspapers, many of which endorsed Senator KERRY, agree as well. The so-called recount effort is a circus that needs to pack up and leave town, is what one of them said.

The Akron Beacon Journal, a newspaper that endorsed Senator KERRY, stated on December 24:

> The allegations being thrown around are of the flimsiest nature. . . . Not one shred of evidence has been presented to show that Ohio's strictly bipartisan system of running elections was manipulated. There isn't any.

The Cleveland Plain Dealer, on December 15:

> Ohio's bipartisan elections system makes the kind of GOP conspiracy that some allege all but impossible to execute. Every county board of elections consists of two Democrats and two Republicans. So, when (Jesse) Jackson and other national Democrats question Ohio's outcome, they demean their own allies.

William Anthony Jr., the African American who chairs both the Franklin County Democratic Party and its election board, has been personally stung by Jackson's slander. "Why would I sit there," Mr. Anthony said, "and disenfranchise my own community?"

The Columbus Dispatch on December 12, 2004, states:

> [John] Kerry understands that Bush legitimately won the election, which was why he conceded on November 3rd. Those who claim that Ohio's vote was rigged have produced nothing that approaches credible evidence.

An editorial that appeared on Tuesday, January 4, just this week, in my hometown newspaper, the Cleveland Plain Dealer, said:

> The 176 Democrats who sit on Ohio's county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are turning their energies toward the future.

Across the country, people are moving forward after nearly 2 years of a continuous political campaign for the Presidency.

This country deserves to be able to put this undisputed election to rest. We need to stop wasting time and move on to the serious issues facing our Nation.

I yield the floor.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak?

The Senator from Mississippi.

Mr. LOTT. Mr. President, realizing that I have the 5-minute allocation, I make a parliamentary inquiry about where we are. If there are no further speakers, is the Chair going to be prepared to put the question so that there would be a recorded vote?

The PRESIDENT pro tempore. The yeas and nays have been ordered and the question will be placed before the body.

Mr. LOTT. Mr. President, I think the case has been made. I think this was an unfortunate procedure. This process which we have been through was an inauspicious and unfortunate beginning of our session. I hope it does not have a lasting negative impact. But the Senator from California, Mrs. BOXER, made her case, others have responded, and I don't think it merits any further response. I, therefore, think we should be prepared to vote.

I yield the floor.

Mr. MCCONNELL. Mr. President, 204 years ago, Thomas Jefferson took the oath of office as President of the United States in this very Capitol. He was the first President ever to do so. As he walked from a boardinghouse on Pennsylvania Avenue toward this building on the morning of his inauguration, he must have marveled at what was about to take place.

For the first time in American history, power was changing hands from one party—the Federalists—to the other, the Democratic-Republicans. John Adams willingly left office. No shots were fired, and no monarchs were hanged. Unlike their brethren in Europe, Americans, under our glorious Constitution, had mastered the peaceful transfer of authority from one faction to another. Jefferson called his election the "revolution of 1800," brought about "by the rational and peaceful instruments of reform, the suffrage of the people."

But America's tradition of this peaceful transfer of power is now being challenged.

The obstruction of the counting of the electoral vote undermines the tradition that Jefferson and Adams established. By blocking this vote when there is no possibility whatsoever of overturning the result, the legitimacy of our republican form of government is questioned. I am sure that is not the intention of my colleagues who have forced us to debate this. Yet it is undoubtedly the result.

I understand that a minority of a minority protests the presidential vote in the State of Ohio. But President Bush has indisputably won that State by over 118,000 votes, and the votes have been counted twice.

Some of my colleagues have claimed that, even though they agree that President Bush has won Ohio, they must take this opportunity to speak about the need for electoral reform. I submit that hijacking a presidential election to use as a personal soapbox is shameful.

Electoral reform may very well be desirable—for as long as people administer elections, elections will be imperfect. There will always be some irregularities, most due to innocent mistake, some to outright fraud. We should absolutely do everything possible to combat this.

But if electoral reform is needed, Senators should introduce legislation. They should not obstruct a legitimate count of the electoral votes where there is an unequivocal victor. They should not trample on the proud republican government our Founding Fathers bequeathed us. They should not mock the beautiful concept that sovereignty lies with the people, while our troops are fighting and dying to plant that concept in the soil of Iraq.

Even the junior senator from Massachusetts has not endorsed the radical scheme that a minority of a minority has unleashed on us today. In an e-mail to supporters yesterday, Senator KERRY said that he would not participate in this petulant protest but, rather, will propose legislation to address perceived deficiencies in our electoral system. This is the only proper route to take, and history will applaud Senator KERRY for disavowing what is happening here today.

This is an ignominious beginning to the 109th Congress. Last month I spoke about the desire on this side of the aisle to work with our colleagues in the other party to get things done for the American people in a spirit of bipartisanship. I'm still holding onto that hope. I appeal to cooler heads on the other side of the aisle: Don't let a fraction of your number march you down a dead end.

The words that we say here today amount to little against the fact that in 2004, the President won an overwhelming victory in Ohio and 30 other States, and received 286 electoral votes. Years from now, that fact will still be obvious. I hope that the damage done from this assault on our traditions is not.

Mr. President, I yield the floor.

The PRESIDENT pro tempore. Is there any Senator who has not spoken who wishes to speak on this issue?

If not, the question is, Shall the objection submitted by the gentlewoman from Ohio, Ms. TUBBS JONES, and the Senator from California, Mrs. BOXER, be sustained?

The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. The following Senators were necessarily absent. The Senator from Virginia (Mr. ALLEN), the Senator from Kentucky (Mr. BUNNING), the Senator from Montana (Mr. BURNS), the Senator from Idaho (Mr. CRAIG), the Senator from Nevada (Mr.

ENSIGN), the Senator from Tennessee (Mr. FRIST), the Senator from Texas (Ms. HUTCHISON), the Senator from Arizona (Mr. MCCAIN), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Alabama (Mr. SHELBY), the Senator from Rhode Island (Mr. CHAFEE), the Senator from Indiana (Mr. LUGAR), the Senator from Florida (Mr. MARTINEZ), the Senator from Wyoming (Mr. THOMAS).

Further, if present and voting, the Senator from Louisiana (Mr. VITTER), the Senator from Oklahoma (Mr. INHOFE), the Senator from Arizona (Mr. KYL), and the Senator from Arizona (Mr. MCCAIN) would have voted "nay".

Mr. DURBIN. I announce that the Senator from Hawaii (Mr. AKAKA), the Senator from Indiana (Mr. BAYH), the Senator from New Mexico (Mr. BINGAMAN), the Senator from New Jersey (Mr. CORZINE), the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

The PRESIDING OFFICER (Mr. CRAPO). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 1, nays 74, as follows:

[Rollcall Vote No. 1, Joint]

YEAS—1

Boxer

NAYS—74

Alexander
Allard
Baucus
Bennett
Biden
Bond
Brownback
Burr
Byrd
Cantwell
Carper
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Crapo
Dayton
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Durbin
Enzi
Feingold
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Inouye
Isakson
Jeffords
Johnson
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McConnell
Mikulski
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thune
Voinovich
Warner
Wyden

NOT VOTING—25

Akaka
Allen
Bayh
Bingaman
Bunning
Burns
Chafee
Corzine
Craig
Ensign
Feinstein
Frist
Hutchison
Inhofe
Kerry
Kyl
Landrieu
Lugar
Martinez
McCain
Murkowski
Murray
Shelby
Thomas
Vitter

The PRESIDING OFFICER. The objection is not sustained.

Mr. MCCONNELL. Mr. President, I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Secretary will notify the House of the action of the Senate, informing that body that the Senate is now ready to proceed to joint session with further counting of the electoral vote for President and Vice President.

INDIAN OCEAN TSUNAMI RELIEF ACT

The PRESIDING OFFICER. Under the previous order, H.R. 241 having been received from the House, the bill is considered read the third time and passed, and the motion to reconsider is laid on the table.

The bill (H.R. 241) was read the third time and passed.

Mrs. FEINSTEIN. Mr. President, I rise today to express my support for the resolution submitted this week by Senator FRIST and Senator REID expressing sympathy and support for the victims of the devastating earthquake and tsunami.

Words cannot begin to describe my emotions when I first learned of the scope of the disaster and the loss of life. More than 140,000 people from 12 nations have perished to date and the number could double or triple as a result of infectious diseases spread in the disaster's aftermath.

The victims, their families, and all the affected countries are truly in my thoughts and prayers. When I visit the Indonesian Embassy this week to sign the condolence book, I will do so with a heavy heart but also a commitment to ensure that we do everything in our power to help in the rescue, recovery, and reconstruction efforts.

I welcome the President's commitment to provide $350 million in relief and as a member of the Senate Appropriations Committee, and I stand ready to do my part to designate a robust and comprehensive aid package. Initially, we must provide emergency supplies such as water, sanitation, food, and shelter to prevent the spread of disease and give people hope.

There is little time to lose.

Yet our work and our commitment must not end there. Together with our friends and allies in the international community, the United Nations, and vital organizations such as the Red Cross we will develop a long term relief and reconstruction plan with substantial funding. Too often when a disaster leaves the headlines and the top of the news broadcasts, we forget that the work has only just begun and the victims and their families need to know that we are with them for the long haul.

Indeed, this is an important opportunity to show the world the best of America and the American people.

Americans have already donated more than $100 million through nongovernmental organizations to support relief efforts and thousands more stand ready to volunteer their time, energy, and skills.

And I am confident that President George H.W. Bush and President Bill Clinton will do an excellent job in leading a nationwide charitable fundraising effort to sustain awareness about the disaster and raise additional assistance.

We are a generous, giving, and caring people and through our actions we will earn the world's respect and admiration. We will show the victims and their families that America is always ready to help a neighbor and a friend in need.

I am pleased the resolution was passed by Unanimous Consent.

JUDICIAL NOMINATIONS

Mr. DURBIN. On Tuesday of this week, the majority leader came to the Senate floor and talked about judicial nominations. He said he was planning to have a vote next month on one of President Bush's judicial nominees. He didn't say which nominee he had in mind, but he gave a clear signal that it would be someone controversial. He warned that if Senate Democrats prevent the nominee from receiving an "up or down" vote, then he would try and change the rules and traditions of the U.S. Senate.

I am sorry to see that the majority leader chose to sound such a partisan note on a famously bipartisan day—the first day of the new Congress. On such a day, we swear in our new colleagues and strive for a fresh start.

I do not believe this is the time or the place to engage on this issue. There are too many other, more urgent problems facing this world and this Nation.

But it is important to address a few statements made by the majority leader that I believe are in error.

First, he stated that "the Senate failed to perform in an essential constitutional duty" last Congress when we blocked ten judicial nominees. He said that the Senate "failed to offer advice and consent to the President" and indicated this was an unconstitutional action on the part of Senate Democrats.

I do not believe that the Senate acted unconstitutionally. The Constitution requires advice and consent—it does not require us to be a rubberstamp. I could just as easily assert that President Bush acted unconstitutionally by not soliciting the advice of Senate Democrats before nominating most of his nominees. After all, Article II, Section 2 of the Constitution requires the advice and consent of the Senate.

There is no constitutional right for any President to have 100 percent of his judicial nominees confirmed. During President Bush's first term, the Senate confirmed 204 judicial nominees. President Bush had more judicial nominees confirmed in his first term than the previous three presidents had in theirs.

A second error made by the majority leader was his statement that "these filibusters were unprecedented." Filibusters of judicial nominees are hardly unprecedented. The majority leader voted to filibuster some of President Clinton's nominees in the 1990s.

But the facts show that President Bush's judicial nominees have received far better treatment than President Clinton's. At least 61 of President Clinton's judicial nominees—representing 20 percent of his selections—were denied an "up or down" vote on the Senate floor. In fact, they were denied an "up or down" vote in the Judiciary Committee. The majority leader did not mention this critical statistic when he spoke on Tuesday.

I also take issue with his statement that "I seek cooperation not confrontation." If he truly meant that, he would not threaten to change the Senate rules and traditions next month. If he truly meant it, he would have urged the White House not to re-nominate those nominees who were rejected by the Senate last Congress. If he truly meant it, he would have done what Senator HARRY REID did last month and send a letter to the White House urging the President to engage in bipartisan collaboration in the selection of Federal judges.

Finally, I wish to note the majority leader's surprising rejection of the longstanding tradition of the Senate as a continuous body. In his statement, he said that "I do not acquiesce to carrying over all the rules from the last Congress" and he specifically named Rule 22 as the rule he objected to. This is the rule that permits 41 Members of the Senate to prevent a vote on any measure, motion, or other matter pending before the Senate.

All of us who have served in the House and the Senate know that one of the most basic differences between our chamber and the House is that the Senate is a continuing body and the House is not. In other words, the Senate does not have to reorganize itself each new Congress by adopting new rules and electing new leaders. The House, on the other hand, must do so.

It is my hope that the 109th Congress can operate with more bipartisanship and less acrimony than the previous Congress on the issue of judicial nominations. But if my colleagues across the aisle try and change generations of Senate rules and traditions, it will not be good for this body, and it will not be good for the American people.

TRIBUTE TO CONGRESSMAN BOB T. MATSUI

Mrs. FEINSTEIN. Mr. President, I offer a few words about the passing of Bob Matsui, one of California's great political leaders.

Bob was one of those people who you always thought would be there. His death has come as a great shock and surprise to many.

I extend my deep sorrow to Doris, Brian, and the rest of the Matsui family. You are in my thoughts and prayers.

Throughout his career his wonderful wife Doris has been by his side. One of the things I remember most about the two of them is the wonderful smile she always had whenever they walked into a room together. They truly were a fine couple.

I would also like to offer my sympathy to everyone in the Sacramento area—you were so well served by this wonderful man. He has done a fantastic job representing you in Washington for the last 26 years and before that on the Sacramento City Council.

I have known Bob Matsui for a long time. I will remember him as a great human being, as a trusted colleague, as a fine public servant, and someone in whom I was very proud to place friendship, respect, and collegiality.

Bob was a superb public servant. He was a thoughtful, constructive leader who brought people together to find solutions for public policy issues. He was a reasoned voice; he was a dependable voice.

When we faced a problem related to the Folsom Dam, Bob was one of the most constructive figures in getting that very divided issue settled.

Bob was also a good thinker and a strong thinker. People knew that when Bob Matsui said something that it was steeped in practicality. He was well respected and influential among his colleagues.

If Bob told me something was true, I knew it was true and not some variation of the facts. This is an important quality in someone who represents others because it gives them credibility among their colleagues. Bob Matsui had that credibility.

We have all heard the story of Bob's family and their internment at the Tule Lake Camp in 1942. I think this probably had a very sobering impact on his life.

I think he knew what could happen in situations of stress and military conflict. I think it presented a challenge to him as a young man growing up. He clearly overcame that challenge and I think it probably had an impact in his knowing what he wanted to do with his life, and that was public service.

One of Bob's most significant legacies will be the work he did to help the government make amends with the Japanese Americans who were interned during World War II.

As a member of Congress, Bob was successful in passing legislation that offered a formal apology from the government for the internment program and provided compensation to victims. This is a great legacy and it will be well remembered.

Another of the areas in which Bob excelled is his knowledge and expertise of Social Security as well as tax and trade policy. He had an influential place on the House Ways and Means Committee. His leadership there will be missed.

Bob did what he did extraordinarily well. Throughout his career he showed that he was a skilled politician as well as a great policymaker.

In addition to his duties as a House Member, he took on heading the Democratic Congressional Campaign Committee this past election cycle—a particularly demanding and grueling position. Despite the enormous challenges he faced, he did a superb job in guiding the committee through the elections.

Throughout his long and distinguished career Bob Matsui proved to be a dedicated public servant and his constituents considered themselves lucky to have his representation. I consider myself lucky to have known him.

We will truly miss him.

Mr. BAUCUS. Mr. President, I rise today to join my colleagues in expressing sympathies to the family of Representative Bob Matsui, who passed away over the weekend. I was shocked and saddened to hear the news about our old friend.

While few Montanans may know Bob Matsui, he did embody one trait Montanans are familiar with. He was always willing to reach out to those across the aisle to get the job done. He and I shared this work philosophy on free trade especially. He was a tireless advocate in the Congress for America's trade agenda and was essential to the enactment of many historic international agreements.

We will surely miss his leadership on critical issues this next Congress, such as Social Security, one issue where the American people expect and deserve a healthy, vigorous, and open debate. And for that type of debate, you could certainly count on Bob Matsui to deliver.

Despite starting his life as a child unjustly interned by his own Government during World War II, Bob later rose to serve in that very Government at its highest echelons, as a Member of Congress. How proud his family must have been to see this dynamic man elected to public office, where he championed legislation to apologize for the internment of Japanese American families such as his. Overcoming obstacles and injustices to rise to a level of public admiration, respect, and trust may sound like a Hollywood story; to Bob, though, it was his life story.

Wanda and I send our prayers and sympathies to his family: his wife Doris, son Brian, daughter-in-law Amy, and granddaughter Anna. He will be greatly missed by us all.

Mr. SARBANES. Mr. President, it is with great sorrow that I mark the passing of Representative Robert Matsui. In his quarter-century of service representing California's Fifth District in the House of Representatives. Robert Matsui won the deep respect and affection of everyone who ever worked with him. When he first ran for Congress, in 1978, he pledged to bring to the office "a new form of statesmanship." For more than 25 years, on a daily basis, he fulfilled that promise, and his constituents honored him for it. This past November they returned him to the Congress for his fourteenth term, with 71 percent of the vote.

Bob Matsui was a third-generation Japanese American. Like so many of us, he was part of a family that had come to the United States for the great opportunities this country offers, to build a better life for their children. Because Bob Matsui's family was Japanese-American, however, he and his parents were taken from their home in Sacramento in 1942, following the Japanese attack on Pearl Harbor. They were interned for more than three years at Tule Lake, in one of the "relocation centers" specifically created for Japanese Americans. Bob Matsui himself was very young at the time—barely 6 months old at the time of internment, not yet 4 years old when the war ended but he felt deeply the confusion and anguish of the adults around him. Yet he never lost faith in his country and in himself. Inspired by the Kennedy administration to enter public service, he dedicated his professional life to serving and protecting the rights of all Americans, first as a lawyer and then as a public official. He served 8 years on the Sacramento City Council before entering the Congress. But the experience of his early childhood never left him, and in 1988 he was instrumental in ensuring enactment of the Japanese American Redress Act, which offered recognition of the terrible, unconstitutional wrongs done to Japanese Americans.

As a senior member of the House Ways and Means Committee. Bob Matsui worked unstintingly to assure the safety net for those most in need: children, seniors, the disabled, the poor and others who needed an advocate. As the ranking minority member of the Social Security Subcommittee, he was one of the Social Security system's best-informed and most eloquent advocates in the Congress. No one understood better than he the indispensable role that Social Security plays in assuring basic standards of security and dignity to Americans when their working years are over, and no one was more dedicated to keeping the system intact. Robert Matsui believed in the social insurance system that Rockefeller created to care for retirees, but we as a society expanded to care for younger citizens in need, the disabled, widowed and survivors. He made politics personal, and because he cared so deeply for others, he was able to be a real leader in this realm. His voice will be sorely missed.

Congressman MATSUI leaves a legacy of extraordinary integrity, commitment and strength. It is fitting that in his memory Bob Matsui's family and friends have established The Matsui Foundation for Public Service, which will carry forward the principles to which he dedicated his life. I express my deepest sympathies to his wife, Doris Okada, his son Brian, daughter-in-law Amy, and granddaughter Anna, and thank them for sharing him with us these many years.

U.S. FOREST SERVICE PLANNING REGULATIONS

Mr. COCHRAN. Mr. President, on December 22, 2004, The U.S. Department of Agriculture Forest Service published a final rule that will streamline the process used by the Forest Service in revising forest management plans.

I am pleased that the Department completed work on this important regulation. Ultimately, this rule will help local forest managers provide future generations with healthier forests, cleaner air, cleaner water and more abundant wildlife through more efficient management of our forests and grasslands. I am also pleased that this regulation builds upon one of the important lessons we learned during consideration of the Healthy Forests Restoration Act in the 108th Congress: emphasis on actual forest management rather than administrative paperwork. This will result in our forest managers being able to undertake important forest health projects rather than be overburdened with administrative processes.

Although the final planning rule is very comprehensive, I would like to point out several key components: It will for the first time incorporate implementation and outcome assessment into the forest planning process, which will ensure that the forest planning process is a dynamic one that can quickly adjust to changing conditions. As we learned with the Healthy Forest Restoration Act, a dynamic management system allows the Forest Service to address the most time-sensitive forest health issues such as wildfire, invasive species, or disease. It incorporates meaningful public participation throughout the planning process, and ensures that the best available scientific information will be used in decision making. It contains a process that will fairly and objectively allow us to see whether the Forest Service is getting the job done. This reporting process will rely on independent reviews of Forest Service land management, will measure actual results against intended outcomes, and will incorporate an audit process to produce publicly available results. Finally, and most importantly, this rule will streamline the planning process, which in turn will save the Forest Service both time and money. The current forest plan takes between 5 and 7 years; under the new regulation the anticipated timeframe is between 2 and 3 years. These savings in both time and money will allow our land managers to more quickly complete on-the-ground projects to improve the health of our Nation's forests.

For too long our Nation's forests have been imperiled because of a planning process that is too cumbersome and takes too long, and usually results in forest plans that are out-of-date by the time they are finished. I applaud the efforts of the U.S. Forest Service to streamline our Nation's forest planning process to reduce red tape and paperwork. I am hopeful that this final rule will provide further tools for the U.S. Forest Service in appropriately managing our Nation's forests.

MAKING A COMMITMENT

Mr. LEVIN. Mr. President, as we begin a new Congress, I am hopeful that the Senate will consider and pass sensible gun safety legislation for the benefit of our families, communities, and police officers. The 109th Congress has the opportunity to act together on a bipartisan basis to pass legislation that will make our streets safer for all Americans.

In order to achieve a reduction in gun violence, we must commit ourselves to enacting legislation that supports this goal. The 108th Congress missed numerous opportunities to have a positive impact on safety in our communities across the nation. In the last Congress, we did not close the gun show loophole, we did not reauthorize the 1994 assault weapons ban, and we failed to make needed improvements to the National Instant Criminal Background Check System that would have made it more difficult for convicted criminals to gain access to guns.

Combating gun violence also requires a commitment to funding effective gun violence prevention and enforcement programs. Unfortunately, the Fiscal Year 2005 omnibus appropriations bill signed by the President in December eliminated much of the funding for one of these programs, known as Project Safe Neighborhoods.

The Project Safe Neighborhoods initiative focuses on increased enforcement of existing gun laws, vigorous prosecution of crimes committed with handguns, and gun violence prevention education. The project supports organizations working against gun violence and has provided over $1 billion in funding to help prosecute gun crimes, hire personnel, provide training, and assist with community outreach activities. It is critical that we provide adequate resources to programs like the Project Safe Neighborhoods initiative in order to more effectively address the gun violence epidemic in this country.

I urge my colleagues to join me in working to adequately fund effective gun violence reduction programs and enact sensible gun safety legislation that will help to make our communities safer.

HONORING OUR ARMED FORCES

CORPORAL JASON SCOT CLAIRDAY

Mrs. LINCOLN. Mr. President, I rise today, to honor a young man from Arkansas who had a passion for life, a gift for bringing smiles to the faces of those around him, and a sense of duty toward the country and the people he would serve with honor. Jason Scot Clairday was a loving husband, son, brother and friend. He was also a brave soldier who died a hero, trying to bring freedom to a people he had never met in a country he had never known.

Cpl. Clairday was the type of person others were naturally drawn to. He showed a genuine interest in their well-being and his gentle nature and infectious smile could brighten the darkest of moods. It was apparent to everyone around him that he approached every day with a rare enthusiasm and love for life. The youngest of three boys was often found playing sports or fishing and hunting along a nearby creek, enjoying the outdoors and the time spent with his friends and family. After moving to the small northern Arkansas town of Salem, he did what he did best, made friends, and quickly distinguished himself by excelling in high school athletics and becoming an active member of the First Baptist Church.

Cpl. Clairday enlisted in the United States Marine Corps shortly after graduating from Salem High School in 2001. It was a decision he was proud to make and members of the First Baptist Church remember the pride with which he wore his Marine dress blues while attending service. On July 30, just weeks prior to his deployment to Iraq, Cpl. Clairday married the love of his life, Sarah. After his military service, he looked forward to returning home to be with her, attending Arkansas State University at Mountain Home, and building a family life. He felt his experience in the Marine Corps was a way to better prepare him for that future.

While in Iraq, Cpl. Clairday sometimes spoke with friends and loved ones of liberating the war-torn country and making a better life for the Iraqi people. While he never talked much about the war, he preferred instead to talk about the end of his enlistment in the spring, the future and coming home to be with his new wife and his family. Sarah last spoke with her husband on December 3rd, when he was scheduled to enter Fallujah for 10 days with his fellow marines in an attempt to bring greater stability to the city prior to the Iraqi national elections slated for January. At the conclusion of the 10 days, he was to be granted a 2-day leave. Tragically, he was killed by enemy fire on December 12th, a day before he was to leave the area.

At his memorial service in Camp, Arkansas, more than 600 people would come to pay their respects to their fallen Arkansas soldier. At the conclusion of the service, Cpl. Clairday was buried with full military honors. The flag that had draped his casket was presented to his young widow with the Purple Heart that he had posthumously earned for his gallant service on behalf of a grateful nation.

When we think of Jason Clairday, we will remember that he gave himself completely to every aspect of his life; his family, his community, and his country. The legacy of his 21 years is a testament to who he was. The love, the humor, the selflessness, and the passion with which he taught us to live our lives, will remain with us forever. My thoughts and prayers go out to his wife, Sarah, to his family, and to all those who knew and loved him.

SERGEANT MICHAEL A. SMITH

Mr. President. Today, I humbly rise to pay tribute to the life of Michael A. Smith and to honor the sacrifice he made on behalf of a grateful nation. Sergeant Smith was a friendly, easy-going young man who had one of those rare personalities that allowed him to quickly make friends with everyone he met. He was also a brave soldier, who died a hero, fighting for the beliefs, the people and the country he cared for deeply.

Sgt. Smith was born and raised in the small, southern Arkansas town of Camden. There, he is remembered by those who knew him best as a good and gentle soul, who was always concerned about the welfare of others, and often went out of his way to help them whenever they were in need. Upon his 1999 graduation from Camden Fairview High School, Sgt. Smith set his sights on Southern Arkansas University Tech. Attending the university would allow him to stay close to his family in Camden while pursuing his interest in computers. To help pay his way through college, Sgt. Smith joined the Arkansas Army National Guard. Once he completed his military service, he had plans to return home and begin his education.

Sgt. Smith became a member of the Guard's 39th Support Battalion. He was later called up to serve in Operation Iraqi Freedom, where he was stationed at Camp Taji, about 16 mi[illegible] of downtown Baghdad. To his comrades in the 39th, "Smitty" quickly became one of the guys; a dedicated soldier who never complained, always did his duty, and could be entrusted with the lives of those around him.

This November, family and friends of Sgt. Smith were excited with the news that he would be taking his leave of service, and would possibly be home before Thanksgiving. Tragically, 5 days before he was set to return to Arkansas, he was shot by a sniper while conducting patrols in Baghdad. As a result of the injury, he was flown to Landstuhl Army Medical Center in Germany and then to Walter Reed Medical Center in Washington, DC. His parents, Donald Ray and Deborah and his sister, Lai, came to visit him in the hospital's intensive care unit. Although Sgt. Smith never regained consciousness in his 2 weeks at Walter Reed, his family was with him in his final moments before he passed away on November 26.

At his memorial service in Camden, Sgt. Smith's coffin, surrounded by red, white, and blue flowers, was placed at the front of his high school gymnasium. Throughout the service and in the aftermath of his son's passing, Donald Ray Smith described the outpouring of love from the community as "remarkable." It was a testament to the gratitude of a community fully aware of the ultimate sacrifice paid by their fallen Arkansas soldier in the name of freedom.

In the 24 years Michael Smith was with us, the impressions he made and the lives he touched will never be forgotten. Although he will be deeply missed by us all, it is his selflessness, his courage, and his heart that we will remember when we think of him. My thoughts and prayers go out to Donald Ray, Deborah, Lai, and the rest of his family, friends and loved ones.

SERGEANT JEREMY R. WRIGHT

Mr. BAYH. Mr. President, I speak today with a heavy heart and deep sense of gratitude in honor of the life of a brave young man from Shelbyville, IN. SGT Jeremy R. Wright, 31 years old, died on January 3 during a patrol when the vehicle he was riding in was struck by a roadside bomb near Kabul. With his entire life before him, Jeremy risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

A 1992 graduate of Southwestern High School, Jeremy went on to attend Wabash College where he won the NCAA Division III Great Lakes regional title in 1993 for distance running and graduated with honors as a chemistry major. Jeremy joined the Army in 2002, pursuing his long-time fascination with the military. Like most things Jeremy set his mind to, he was successful in his military career, becoming a member of the elite Green Beret. Wabash spokesman Jim Amidon shared memories of the former student with the Associated Press, saying his "rare combination of intellect, courage, discipline and passion made him a naturally brilliant distance runner . . . Those are the same qualities that made him a fine soldier, too, the kind of officer our country needs in the military."

Jeremy was killed while serving his country in Operation Enduring Freedom. He was assigned to the 2nd Battalion, 1st Special Forces Group, Fort Lewis, WA. This brave young soldier leaves behind his mother, Jackie Nickel and his father, Dale Wright.

Today, I join Jeremy's family, his friends and the entire Shelbyville community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Jeremy, a memory that will burn brightly during these continuing days of conflict and grief.

Jeremy was known for his dedication to family and his love of country. Today and always, Jeremy will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Jeremy's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Jeremy's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Jeremy R. Wright in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Jeremy's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Jeremy.

TRIBUTE TO JERRY EHRENFREUND

• Mrs. HUTCHISON. Mr. President, I take this opportunity to honor and pay tribute to a distinguished individual, Jerry Ehrenfreund, who served as Chief Clerk in the Office of Printing Services from 1985 to 1990.

Mr. Ehrenfreund spent a lifetime in dedicated service to his country, serving in the Army and working for the Federal Government. In 1969, he began working for the Government Printing Office and worked on the staff which compiled the Federal Register. Shortly thereafter he was detailed to the Senate where he became the staff printer on the Senate Select Committee on Nutrition and Human Needs and, later, the staff printer for the Senate Foreign Relations Committee. Mr. Ehrenfreund truly exemplified the positive work ethic and dedication to his job and was named the Chief Clerk in the Office of Printing Services in 1985. In 1990 he retired from the staff of the Secretary of the Senate and retired to Katy, TX.

Mr. Ehrenfreund passed away on July 14, 2004. His work in the Senate deserves special recognition, and I know my colleagues will join me in honoring him. Mr. Ehrenfreund was held in high regard by all who knew him and will be deeply missed by his wife of 48 years, Sylvia, their two daughters and five grandchildren.•

ADDITIONAL STATEMENTS

IN RECOGNITION OF THE NATIONAL FUNERAL DIRECTORS ASSOCIATION

• Mr. KOHL. Mr. President, I recognize the fundraising efforts of the National Funeral Directors Association NFDA. The NFDA is the largest funeral service organization in the world and is dedicated to funeral service professionalism and quality.

The recent tsunami tragedy in South Asia has created a desperate need for monetary donations to charitable organizations participating in the relief effort. In a direct response to President Bush's nationwide appeal to assist tsunami victims, the NFDA has established the Funeral Service Asian Relief Fund. The NFDA has asked its members, funeral service suppliers, and domestic and international allied organizations to contribute to this endeavor. All contributions will be directed to an appropriate charitable organization.

The generosity and caring of the funeral service industry was demonstrated during past humanitarian crises such as the September 11th terrorist attack and the Oklahoma City bombing. This new effort further proves the commitment of the NFDA to utilizing its resources for the benefit of those experiencing great hardship. I commend the charity of the members of the National Funeral Directors Association during this time of need in South Asia.•

HAYES CENTER AND VILLA HAYES

• Mr. NELSON of Nebraska. Mr. President, Hayes Center is in the southwestern part of my home state of Nebraska. Villa Hayes is in the southwestern part of the Republic of Paraguay. I rise today to highlight the unusual connection between these two towns, named for the same American President, which have forged strong ties despite the distance between them. Thanks to a historian's efforts, these towns share a bond that affirms the power of international friendship and the enduring legacy of President Rutherford B. Hayes.

In 1878, President Hayes arbitrated a boundary dispute between Paraguay and Argentina, awarding new territory to Paraguay. The country named a department and a city, near the national capital of Asuncion, for him. John Fatherley of Chicopee, MA, is a historian who studies President Hayes. During college studies in Paraguay, he learned about the country's respect for our 19th President, whose decision in 1878 enlarged Paraguay by 30 percent.

Mr. Fatherley has since sought to promote ties between Hayes Center and Villa Hayes. He has traveled to Nebraska to educate Hayes Center students about the President for whom their town is named. He has also brought documents on President Hayes from the U.S. to Paraguay. In return, Villa Hayes presented Mr. Fatherley with its town seal, which he donated to the Hayes Center Historical Society in Nebraska.

Nebraskans are fortunate to share this connection with our South American friends and to have benefited over the years from Mr. Fatherley's admirable efforts. He has promoted international cooperation between Nebraskans and Paraguayans and honored the memory of a president too often forgotten. In an age when the well-being of any nation depends on so many others, it is more important than ever to strengthen the ties between Americans and our fellow human beings around the world.

I wish to express my admiration, therefore, for Mr. Fatherley and the towns of Hayes Center, NE, and Villa Hayes, Paraguay. Mr. Fatherley's work has revealed a small but important piece of common ground between the United States and Paraguay. He has also taught students in a small Nebraska community about the world beyond their walls. Both these things are essential to continued American prosperity and leadership in these challenging times.•

150TH ANNIVERSARY OF WARRENSBURG, MISSOURI

• Mr. TALENT. Mr. President, I rise today to salute the citizens of Warrensburg, MO, in celebration of their 150th anniversary as an incorporated town.

The town of Warrensburg was incorporated in 1855 as a community proud of its heritage and loyal to the ideals, traditions and institutions that have contributed to the success and growth of the city.

Warrensburg prides itself as being a self-contained city with a vibrant employment base, excellent education system, active cultural scene, and many civic events and activities for residents to enjoy.

Warrensburg serves as the county seat for Johnson County, and is currently home to 17,075 residents who are served by an excellent school system which has been accredited with Distinction in Performance by the Missouri State Board of Education. The Warrensburg School System has also been named a Gold Medal School, ranking them among the Nation's top 18 percent of schools.

The community is also the proud home of Central Missouri State University, which has provided quality post-secondary education for more than 130 years. This comprehensive university annually serves nearly 14,000 students from all over the State, Nation, and world, and offers more than 150 areas of study at the undergraduate and graduate levels.

The city's heartland work ethic and community pride make it a great place to do business, with several local companies which have grown into national and international prominence aided by the exceptional workforce and affordable business climate. Warrensburg is home of EnerSys, G.E. Transportation Systems, ThyssenKrupp Stahl Company, Swisher Mower, Bomag Paving Products, and the world headquarters of both Sigma Tau Gamma Fraternity and Carlyle Van Lines.

Warrensburg is also proud of its rich diversity, with over 35 different languages spoken within the Warrensburg School District, and over 30 faith communities gathering for worship and service each week.

Warrensburg is also the boyhood home of John William "Blind" Boone, the legendary ragtime composer and piano player; home of the first gasoline-powered, push lawn mower invented by Leonard Goodall; the original self-propelled mower and the zero-turning radius riding lawn mower both invented by Max Swisher, who remains a Warrensburg resident; and Errett Lobban Cord, inventor of Cord Automobiles.

Finally, Warrensburg is also the hometown of Old Drum, the hunting dog for which Senator George Graham Vest's "Eulogy on the Dog" was delivered, coining the idea that "man's best friend is his dog."

I am honored to share Warrensburg's proud history and its sesquicentennial anniversary as a town with my colleagues, and I wish the people of Warrensburg all the best for the future.●

JOHN SACKETT RETIREMENT

● Mr. CRAPO. Mr. President, after years of faithful service and dedication to his work at Argonne National Lab, a friend and respected Idahoan, John Sackett, is retiring to pursue a quieter life with his family. John served in a number of positions in the Lab over the past 34 years, the most recent being director or Argonne National Lab West located at Idaho National Environment and Engineering Lab in southeast Idaho. He has earned international recognition and respect for his work in the areas of nuclear safety and advanced reactor design.

I have had the privilege of working with John the entire time I have served in Congress. Over the past 12 years, I have witnessed his steady leadership, commitment to the goals of the Lab and DOE. John and I share a fervent belief in the role of nuclear energy and research in economic, technological, security and energy sectors.

Perhaps what is most remarkable is that despite the tremendous demands of his work at Argonne, he finds the time to give back to his community, serving on numerous medical and economic boards and councils in eastern Idaho as well as on the advisory boards of both the University of Idaho and Idaho State University.

Argonne National Lab's loss is certainly John's family's gain, as well as the gain of any organization in which he decides to invest his retirement energy. He has my best wishes in his retirement.●

HONORING DAVID L. DAY ON HIS RETIREMENT

● Mr. ALEXANDER. Mr. President, I rise today to honor David L. Day on his retirement from 35 years of public service as the Deputy Engineer for Programs and Project Management with the Nashville District, U.S. Army Corps of Engineers. During his 35 years of Federal service, 33 with the Corps of Engineers, from 1969 to present, Dave held a clear vision and achieved a remarkable string of successes in furthering the mission of the Nashville District and the U.S. Army Corps of Engineers. Dave has earned a reputation of being honest, fair, and professional with his coworkers. He began his career with the Nashville District in October 1998 when he was selected as the Deputy District Engineer for Programs and Project Management and is the senior civilian for the district with more than 800 employees and a $140 million annual operating budget. The district provides Federal engineering, planning, construction, project management, real estate, and environmental services. His responsibilities included budgeting, planning, and executing Civil Works and Interagency and International Services programs under the project management business process.

Dave Day has distinguished himself as a leader in many ways during his tenure. He continuously has encouraged a culture of professional improvement, fostering team leadership and activity to meet district goals, while at the same time, taking care of the people with whom he works. Dave had a strong, positive impact on the morale of the district's Planning, Programs, and Project Management Division employees as well as Project Delivery Team members. He always made time to recognize deserving individuals or discuss any problem that arose. His genuine concern for every member of his team was reflected in his many messages, letters, awards, and hallway greetings.

Dave oversaw the operation of the Account Executive Program, which the Nashville District uses to establish and strengthen relationships with customers and find ways to meet regional and national needs. He also led the effort to partner, both formally and informally, with the States of Tennessee and Kentucky, Tennessee Valley Authority, TVA, Southeastern Power Association, SEPA, Tennessee River Valley Authority, TRVA, Tenn-Tom Waterways, Metro Nashville, and other governmental and industry groups to maximize program and project accomplishments. Dave has been one of the strongest, most consistent driving forces behind the plan for the new $320,000,000 lock on the Tennessee River at Chickamauga Dam. By bringing a TVA environmental impact statement up to Corps standards, he helped advance the authorization of and funding for this new lock. He also worked hard with TVA, SEPA, and SEPA's power customers to allow SEPA customers to fund rehabilitation of hydropower facilities in the Cumberland River basin, a first in the Great Lakes and Ohio River Division.

I extend warm congratulations to Dave Day on his retirement. He will be missed, but I know the citizens of Tennessee join me in wishing him all the best as he moves forward in life.●

IN RECOGNITION OF REVEREND GLORIA L. CHERRY'S RETIREMENT

● Mr. CARPER. Mr. President, I rise today in recognition of the Reverend Gloria L. Cherry upon her retirement. Pastor Cherry has served the state of Delaware for countless years and her leadership over that span of time has won her the respect and gratitude of our entire state. She has been, and remains, a trusted friend.

Pastor Cherry was born in New Church, VA, on July 3, 1935, to the late Marvin and Bertha Trader. She came to Delaware at a young age and attended Phillip C. Showell Elementary in Selbyville, DE, and received her high school education from Howard High in Wilmington, DE.

Pastor Cherry is the wife of the late Christopher H. Cherry. The two met and were married in Delaware on May 1, 1976. Gloria is the proud and beloved mother of five children, Larry Robinson, Garry Robinson, Addie Merchant, Bertha Hardman and Lorri Jamison; eight grandchildren, Ryan, Rodney and David Robinson, Willie Hardman, III, Christopher and Bobbie Merchant and Winston, Shavon and Dionna Jamison and one great grandson, Ryan Robinson, Jr.

Pastor Cherry was ordained in Spain in 1978 where she received her calling from God. She studied under Pastor Eliah Holland and became a licensed minister in 1980. In 1983, she founded the First United Church of Gospel Ministries which in 2004 was renamed the Healing Wings Christian Center.

Pastor Cherry's service has extended far beyond the church and well into the community. Through the First United Church of Gospel Ministries, she, along with a group of concerned citizens met to discuss the challenges facing young people such as teenage pregnancy, substance abuse and discipline issues. As a result, the Because We Care, Inc. community-based organization was formed. Through a grant from the Delaware Department of Services for Children, Youth and Their Families, Pastor Cherry founded the Because We Care Alternative Middle School in Dover, DE. The Because We Care Alternative Middle School is a nonprofit agency that provides continuing education to Kent County middle school children who have been expelled or are on the verge of expulsion. The Because We Care Alternative Middle School serves the five school districts located within Kent County, DE. The program focuses on learning skills, life skills, social competencies and substance abuse/resistance training. Her successes with young people are hailed by Superintendents, Principals and parents alike.

By soliciting volunteers to act as caseworkers, mentors and activity aides, the youth are exposed to one-on-one relationships that routinely develop into long-time friendships. Pastor Cherry's philosophy is that children do not have discipline problems; they have 'love' problems. Too many of them live in homes bereft of love. Pastor Cherry believes that providing a stable learning atmosphere along with the love that every child needs, children can make the turn to a more positive life with their families.

In 1999, Pastor Cherry envisioned a homeless shelter for youths as a means of respite for parents and guardians who are struggling with employment and housing for their families. Through additional grants, donations, and blood, sweat and tears, her vision came to fruition through the building and leasing of 'Glory Hall.' Glory Hall is a dormitory style living facility that houses 18 youths. The Hall is equipped with a classroom, full-service kitchen and cafeteria, activity area and bedrooms—all built through Pastor Cherry's devotion and love for young people. This year, Glory Hall has been leased to an organization called South West Keys, a Texas based organization with agencies throughout the United States. This organization provides shelter for immigrant children until they are reunited with family members here in the United States.

Through Reverend Cherry's tireless efforts, she has made a profound difference in the lives of thousands of Delawareans. Upon her retirement, she will leave behind a legacy of commitment to public service for both her children and grandchildren and for the rest of us to follow. I thank her for the friendship that we share and for the inspiration that she provides through a lifetime of caring. Although Pastor Cherry is ending this particular chapter of her life, she will open the next chapter by continuing to crusade for those of us less fortunate. On behalf of all Delawareans, I congratulate her on a truly remarkable and distinguished career and extend to her my very best wishes for every success in the future. I wish her and her family only the very best in all that lies ahead for each of them.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE RUSSIAN FEDERATION EXTENDING THE AGREEMENT ON MUTUAL FISHERIES RELATIONS OF MAY 31, 1999—PM 1

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred jointly, pursuant to the order of January 30, 1975, as modified by the order of April 11, 1986; to the Committees on Foreign Relations; and Commerce, Science, and Transportation:

To the Congress of the United States:

Consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1999, with annex, as extended (the "Mutual Fisheries Agreement"). The present Agreement, which was affected by an exchange of notes in Moscow on March 3, 2003, and January 30, 2004, extends the Mutual Fisheries Agreement to December 31, 2008.

In light of the importance of our fisheries relationship with the Russian Federation, I urge the Congress to give favorable consideration to this Agreement at an early date.

GEORGE W. BUSH.
THE WHITE HOUSE, *January 6, 2005.*

MESSAGES FROM THE HOUSE

At 9:36 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, without amendment:

S. Con. Res. 1. Concurrent resolution to provide for the counting on January 6, 2005, of the electoral votes for President and Vice President of the United States.

S. Con. Res. 2. Concurrent resolution to extend the life of the Joint Congressional Committee on Inaugural Ceremonies and the provisions of S. Con. Res. 93 and S. Con. Res. 94 of the One Hundred Eighth Congress.

The message further announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 1. Concurrent resolution regarding consent to assemble outside the seat of government.

H. Con. Res. 2. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the House has agreed to H. Res. 2, resolving that the Senate be informed that a quorum of the House of Representatives has assembled; that J. DENNIS HASTERT, a Representative from the State of Illinois, has been elected Speaker; and Jeffrey J. Trandahl, a citizen of the State of South Dakota, has been elected Clerk of the House of Representatives of the One Hundred Ninth Congress.

The message further announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (Public Law 106-398), the Minority Leader appoints Mr. Michael Wessel of Virginia, for a term of 2 years, to the United States-China Security Review Commission.

The message also announced that pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (22

U.S.C. 7002), amended by division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), and the order of the House of December 8, 2003, the Speaker reappoints the following member on the part of the House of Representatives to the United States-China Economic and Security Review Commission: Larry Wortzel of Alexandria, Virginia, for a term to expire December 31, 2006.

The message further announced that pursuant to Senate concurrent resolution 2, One Hundred Ninth Congress, the Speaker reappoints as members of the Joint Committee to make the necessary arrangements for the Inauguration of the President-elect and the Vice President-elect of the United States on the 20th day of January 2005, the following Members of the House of Representatives: Mr. HASTERT of Illinois, Mr. DELAY of Texas, and Ms. PELOSI of California.

The message also announced that the House has agreed to H. Res. 11, resolving that the House has heard with profound sorrow of the death of the Honorable Robert T. Matsui, a Representative from the State of California.

Resolving, That a committee of such Members of the House as the Speaker may designate, together with such Members of the Senate as may be joined, be appointed to attend the funeral.

Resolving, That the Sergeant-at-Arms of the House be authorized and directed to take such steps as may be necessary for carrying out the provisions of these resolutions and that the necessary expenses in connection therewith be paid out of applicable accounts of the House.

Resolving, That the Clerk communicate these resolutions to the Senate and transmit a copy thereof to the family of the deceased.

At 12:56 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill in which it requests the concurrence of the Senate:

H.R. 241. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

The message further announced that pursuant to Senate concurrent resolution 1, One Hundred Ninth Congress, and the order of the House of January 4, 2005, the Speaker appoints as tellers on the part of the House to count the electoral votes: Mr. NEY of Ohio, and Mr. LARSON of Connecticut.

At 5:04 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has rejected the objection submitted by the Representative from Ohio, Mrs. JONES, and the Senator from California, Mrs. BOXER, and is now ready to further proceed with the counting of the electoral votes for President and Vice President of the United States.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–4. A communication from the President of the United States, transmitting, pursuant to law, the Report to the Congress on Implementation of Public Law 107–228 Authority for Russian Federation Debt Reduction for Nonproliferation; to the Committee on Foreign Relations.

EC–5. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Spinosad; Pesticide Tolerance" (FRL7691–4) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–6. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Thiamethoxam; Pesticide Tolerance" (FRL7689–7) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–7. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorothalonil; Re-establishment of Tolerance for Emergency Exemptions" (FRL 7691–1) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–8. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFR 1775, 1777, 1778, 1780, 1942, 3570, and 4274, 'Definition Clarification of State Nonmetropolitan Median Household Income'" (RIN0572–AB96) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–9. A communication from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "7 CFT 1775, Technical Assistance Grants" (RIN0572–AB75) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–10. A communication from the Administrator, Rural Housing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Servicing of Delinquent Community and Business Program Loans—Workout Agreements" (RIN0575–AC57) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–11. A communication from the Administrator, Poultry Programs, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Voluntary Shell Egg Grading Regulations—Facilities and Equipment" (RIN0581–AC33) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–12. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2004–2005 Marketing Year" (Doc. No. FV05–982–1 IFR) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–13. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Oranges, Grapefruits, Tangerines, and Tangelos Grown in Florida; Change in the Minimum Maturity Requirements for Fresh Grapefruit." (Doc. No. FV05–905–1 IFR) received on December 31, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–14. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Swine Health Protection" (Doc. No. 04–109–1) received on December 8, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–15. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Importation of Clementines, Mandarins, and Tangerines from Chile" (Doc. No. 02–081–3) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–16. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "User Fees for Agricultural Quarantine and Inspection Services" (Doc. No. 04–042–1) received on December 17, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC–17. A communication from the Congressional Review Coordinator, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Emerald Ash Borer; Quarantined Areas" (Doc. No. 02–125–2) received on January 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–18. A communication from the Acting Inspector General, transmitting, pursuant to law, the report of the Office of the Inspector General concerning alternative Medicare payment methodologies for the costs of training medical residents in nonhospital settings; to the Committee on Finance.

EC–19. A communication from the Acting Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of the Office of the Inspector General concerning alternative Medicare payment methodologies for the costs of training medical residents in nonhospital settings; to the Committee on Finance.

EC–20. A communication from the Commissioner, Social Security Administration, transmitting, pursuant to law, the Report on Fiscal Year 2004 Competitive Sourcing Efforts as required by the Consolidated Appropriations Act of Fiscal Year 2004; to the Committee on Finance.

EC–21. A communication from the Chairman, Medicare Payment Advisory Board, transmitting, pursuant to law, the Report on the Impact of Resource-Based Practice Expense Payment for Physician Services; to the Committee on Finance.

EC–22. A communication from the Chairman, Medicare Payment Advisory Commission, transmitting, pursuant to law, the Report on the Growth in the Volume of Physician Services; to the Committee on Finance.

EC–23. A communication from the Assistant Secretary, Employees Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers under HIPAA Titles I and IV" (RIN1210-AA54) received on December 31, 2004; to the Committee on Finance.

EC-24. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and State Health Care Programs: Fraud and Abuse: OIG Civil Money Penalties Under the Medicare Prescription Drug Discount Card Program" (RIN0991–AB30) received on January 3, 2005; to the Committee on Finance.

EC–25. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Modifications to Managed Care Rules" (RIN0938-AK71) received on January 3, 2005; to the Committee on Finance.

EC-26. A communication from the Regulations Coordinator, Administration for Children and Families, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Child Support Enforcement Program; Reasonable Quantitative Standard for Review and Adjustment of Child Support Orders" (45 CFR 303) received on January 3, 2005; to the Committee on Finance.

EC-27. A communication from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers Under HIPPA Title I and IV" (RIN0938-AL43) received on January 3, 2005; to the Committee on Finance.

EC–28. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Areas in which Rulings in the International Area will not be issued" (Rev. Proc. 2005–7) received on January 5, 2005; to the Committee on Finance.

EC-29. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2004–6" (Rev. Proc. 2005–6) received on January 5, 2005; to the Committee on Finance.

EC-30. A communication from the Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Letter Rulings and Determination Letters" (Rev. Proc. 2005–1) received on January 5, 2005; to the Committee on Finance.

EC-31. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Fees for Copies of Exempt Organization Material" (RIN1545-BB22) received on January 5, 2005; to the Committee on Finance.

EC-32. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Election to Determine Corporate Tax on Certain International Shipping Activities under Tonnage Tax Regime" (Notice 2005–2) received on January 5, 2005; to the Committee on Finance.

EC-33. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2004-8" (Rev. Proc. 2005-8) received on January 5, 2005; to the Committee on Finance.

EC-34. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Gross Estate; Election to Value on Alternate Valuation Date." (TD 9172) received on January 5, 2005; to the Committee on Finance.

EC–35. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2004-4" (Rev. Proc. 2004-4) received on January 5, 2005; to the Committee on Finance.

EC–36. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Republication of Rev. Proc. 2004-5" (Rev. Proc. 2005-5) received on January 5, 2005; to the Committee on Finance.

EC-37. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Areas in which Rulings will not be Issued (domestic areas)—Revised to Remove Restrictions on Sections 107, 1402(a)(8), (c)(4) and (e), 3121(b)(8)(A), and 3401 of the Internal Revenue Code." (Rev. Proc. 2005–3) received on January 5, 2005; to the Committee on Finance.

EC-38. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Procedures for issuing TAMs and TEAMs." (Rev. Proc. 2005-2) received on January 5, 2005; to the Committee on Finance.

EC–39. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Rollover and Section 401(a)(31)(B) of the Code" (Notice 2005-5) received on January 5, 2005; to the Committee on Finance.

EC–40. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Extension of Time to File Certain Information Returns and Exempt Organization Returns" (RIN1545-BB29) received on December 17, 2004; to the Committee on Finance.

EC-41. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier 2 Tax Rates for 2005" (Notice 2005–1) received on December 17, 2004; to the Committee on Finance.

EC-42. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure: Reduction of Penalty for Understanding Tax by Adequate Disclosure of an Item on Return" (Rev. Proc. 2004–73) received on December 17, 2004; to the Committee on Finance.

EC–43. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice—Pension Funding Equity Act of 2004" (Notice 2004-82) received on December 17, 2004; to the Committee on Finance.

EC-44. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Public Hearings on the Advance Pricing Agreement Programs" (Ann. 2004-98) received on December 17, 2004; to the Committee on Finance.

EC–45. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1397E—Allocation of National Limitation for Qualified Zone Academy Bonds for year 2005" (Rev. Proc. 2004–72) received on December 17, 2004; to the Committee on Finance.

EC-46. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Annual Cumulative List of Changes in Plan Qualification Requirements" (Notice 2004-84) received on December 17, 2004; to the Committee on Finance.

EC–47. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—October 2004" (Rev. Rul. 2004–113) received on December 17, 2004; to the Committee on Finance.

EC-48. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Prohibited Allocations of Securities in an S Corporation" (RIN1545-BC33) received on December 17, 2004; to the Committee on Finance.

EC–49. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Appeals Settlement Guidelines: IRC sec. 44 Disabled Access Credit" (UIL:0044.60-00) received on December 17, 2004; to the Committee on Finance.

EC–50. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Inflation Indexing Revenue Procedure" (Rev. Proc. 2004–71) received on December 8, 2004; to the Committee on Finance.

EC-51. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Internet Activities of Trade Associations Revenue Ruling" (Rev. Rul. 2004-112) received on December 8, 2004; to the Committee on Finance.

EC-52. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Federal Unemployment Tax Deposits—Special Rule" (RIN1545–BB66) received on December 8, 2004; to the Committee on Finance.

EC–53. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Optional 10-Year Writeoff of Certain Tax Preferences" (RIN 1545–BC13) received on January 3, 2005; to the Committee on Finance.

EC-54. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision of Rev. Proc. 2001–22" (Rev. Proc. 2005–12) received on January 3, 2005; to the Committee on Finance.

EC-55. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2005 Per Diem Rates Update" (Rev. Proc. 2005–10) received on January 3, 2005; to the Committee on Finance.

EC–56. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "New Markets Tax Credit" (RINS1545–AY87, 1545–BC03) received on January 3, 2005; to the Committee on Finance.

EC–57. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1374 Effective Dates" (TD9170) received on January 3, 2005; to the Committee on Finance.

EC–58. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Under 409A of the Internal Revenue Code" (Notice 2005–1) received on January 3, 2005; to the Committee on Finance.

EC–59. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations Governing Practice Before the Internal Revenue Service (Circular 230—Shelter)" (RIN1545–BA70) received on December 31, 2004; to the Committee on Finance.

EC–60. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Automatic Consent to Change an Accounting Method Provided in 1.263(a)–4 or –5" (Rev . Proc. 2005–9) received on December 31, 2004; to the Committee on Finance.

EC–61. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Services by a Student that Qualify for the Exception from Federal Insurance Contributions Act Tax" (Rev. Proc. 2005–11; 2005–2) received on January 3, 2005; to the Committee on Finance.

EC–62. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Applicable Federal Rates—January 2005" (Rev. Rul. 2005–102) received on January 3, 2005; to the Committee on Finance.

EC–63. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice: Fuel Tax Guidance: Request for Public Comments" (Notice 2005–04) received on January 3, 2005; to the Committee on Finance.

EC–64. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Regulation Providing Guidance on the Student FICA Exception" (RIN1545–BC81) received on January 3, 2005; to the Committee on Finance.

EC–65. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Cash or Deferred Arrangements Under Section 401(k) and Matching Contributions Section 401(m)" (TD9169) received on January 3, 2005; to the Committee on Finance.

EC–66. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "901(j)(5) Presidential Waiver with Respect to Libya" (Rev. Rul. 2005–3) received on January 3, 2005; to the Committee on Finance.

EC–67. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance Issuers under HIPAA Titles I and IV" (TD9166) received on January 3, 2005; to the Committee on Finance.

EC–68. A communication from the Acting Chief, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier 2 Tax Rates for 2005" received on January 3, 2005; to the Committee on Finance.

EC–69. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, a report on the activities of the Department of Justice in Relation to the Prison Rape Elimination Act (PL 108–79); to the Committee on the Judiciary.

EC–70. A communication from the Clerk of Court, Court of Federal Claims, transmitting, pursuant to law, the report of Judgements of the United States Court of Federal Claims during the year ended September 30, 2004; to the Committee on the Judiciary.

EC–71. A communication from the Assistant Attorney General, Department of Justice, transmitting, pursuant to law, the Second Year Report of the Corporate Fraud Task Force; to the Committee on the Judiciary.

EC–72. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report on the Continuing Need for Existing Bankruptcy Judgeships; to the Committee on the Judiciary.

EC–73. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption from Control of Certain Industrial Products and Materials derived from the Cannabis Plant" (RIN1117–AA55) received on December 7, 2004; to the Committee on the Judiciary.

EC–74. A communication from the Acting Assistant Secretary, Department of State transmitting, pursuant to law, the report of a rule entitled "Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended-Student and Exchange Visitor Information System (SEVIS)" received on December 8, 2004; to the Committee on the Judiciary.

EC–75. A communication from the Assistant Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Materials and Processes Authorized for the Treatment of Wine and Juice (2004R–517P)" (TD17) received on December 8, 2004; to the Committee on Finance.

EC–76. A communication from the Assistant Attorney General for Administration, Criminal Division, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Final Rule Exempting a Privacy Act System of Records of the Criminal Division (CRM) from Certain Subsections of the Privacy Act (5 U.S.C. 552a): Organized Crime Drug Enforcement Task Force" received on December 17, 2004; to the Committee on the Judiciary.

EC–77. A communication from the Assistant Secretary, Department of State, transmitting, pursuant to law, the report of a rule entitled "Visas: Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended: Electronic Petition for Diversity Immigrant Status" (RIN1400–AB84) received on January 3, 2005; to the Committee on the Judiciary.

EC–78. A communication from the Chairman, National Endowment for the Humanities, transmitting, pursuant to law, a report on FAIR Act inventories for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–79. A communication from the Secretary to the Board, Railroad Retirement Board, transmitting, pursuant to law, a report on competitive sourcing activities in Fiscal Year 2004 and 2004 Commercial Activities Inventory Under the Federal Activities Inventory Reform (FAIR) Act of 1998; to the Committee on Health, Education, Labor, and Pensions.

EC–80. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Public Affairs, received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–81. A communication from the Acting Director, Occupational Safety and Health Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Standards Improvement Project—Phase II" (RIN1218–AB81) received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–82. A communication from the Senior Regulatory Officer, Employment Standards Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Child Labor Regulations, Orders and Statements of Interpretation (29 CFR Part 570); Child Labor Violations—Civil Money Penalties (29 CFR Part 579); Civil Money Penalties—Procedures for Assessing and Contesting Penalties (29 CFR Part 580)" (RIN1215–AA09) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–83. A communication from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Labor Certification for the Permanent Employment of Aliens in the United States; Implementation of New System" (RIN1205–AA66) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–84. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Current Good Tissue Practice for Human Cell, Tissue, and Cellular and Tissue-Based Product Establishments; Inspection and Enforcement" (Doc. No. 1997N–484P) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–85. A communication from the Regulations Coordinator, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002" (RIN0910–AC30) received on December 17, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–86. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee: Change of Name and Function; Technical Amendment" received on November 22, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–87. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Food Additives Permitted in Food on an Interim Basis or in Contact with Food Pending Additional Study; Mannitol" (Doc. No. 2004F–0066) received on December 8, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–88. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Medical Devices; Clinical Chemistry and Clinical Toxicology devices; Classification of Newborn Screening Test Systems for Amino Acids, Free Carnitine, and Acylcarnitines Using Mass Spectrometry" (Doc. No. 2004N–0482) received on December 31, 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–89. A communication from the Director, Regulations Policy Management Staff, Food and Drug Administration, transmitting, pursuant to law, the report of a rule entitled "Drug Labeling; Sodium Labeling for Over-the-Counter Drugs" (RIN0910–AF50) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–90. A communication from the Administrator, Employment and Training Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Unemployment Insurance Program Letter: SUTA Dumping—Amendments to Federal Law Affecting the Federal-State Unemployment Compensation Program—Additional Guidance" received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–91. A communication from the Assistant Secretary, Employee Benefits Security Administration, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Mental Health Parity; Interim Final amendment to Regulation" (RIN1210–AA62) received on January 3, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–92. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety zone Regulations (Including 4 regulations): [CGD05–04–224], [COTP Western Alaska 04–001], [CGD13–04–043], [COTP Western Alaska 04–002]" (RIN1625–AA00) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–93. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulation (Including 2 regulations): [CGD05–04–223], [CGD08–04–040]" (RIN1625–AA09) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–94. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (Including 2 Regulations): [CGD01–04–148], [CGD01–04–151]" (RIN1625–AA09) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–95. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (Including 2 Regulations): [CGD13–04–044], [CGD09–04–149]" (RIN1625–AA00) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–96. A communication from the Chief, Regulations and Administrative Law, Coast Guard, transmitting, pursuant to law, the report of a rule entitled "Regulated Navigation Area: East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01–04–152]" (RIN1625–AA11) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–97. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Warrensburg, MO" (RIN2120–AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC–98. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Lexington, MO" (RIN2120–AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC–99. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Fremont, NE" (RIN2120–AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC–100. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Burwell, NE" (RIN2120–AA66) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. CHAMBLISS for the Committee on Agriculture, Nutrition, and Forestry.

*Mike Johanns, of Nebraska, to be Secretary of Agriculture.

By Mr. STEVENS for the Committee on Commerce, Science, and Transportation.

Carlos M. Gutierrez, of Michigan, to be Secretary of Commerce.

By Mr. ENZI for the Committee on Health, Education, Labor, and Pensions.

*Margaret Spellings, of Texas, to be Secretary of Education, Labor, and Pensions.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST:

S. Res. 5. A resolution making majority party appointments to certain Senate committees for the 109th Congress; considered and agreed to.

By Mr. REID:

S. Res. 6. A resolution making minority party appointments to certain Senate committees for the 109th Congress; considered and agreed to.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 5—MAKING MAJORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 109TH CONGRESS

Mr. FRIST submitted the following resolution; which was considered and agreed to:

Resolved, That not withstanding the provisions of Rule XXV, the following shall constitute the majority party's membership on the following standing committees for the One Hundred Ninth Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Chambliss (Chairman), Mr. Lugar, Mr. Cochran, Mr. McConnell, Mr. Roberts, Mr. Talent, Mr. Thomas, Mr. Santorum, Mr. Coleman, Mr. Crapo, Mr. Grassley.

COMMITTEE ON APPROPRIATIONS: Mr. Cochran (Chairman), Mr. Stevens, Mr. Specter, Mr. Domenici, Mr. Bond, Mr. McConnell, Mr. Burns, Mr. Shelby, Mr. Gregg, Mr. Bennett, Mr. Craig, Mrs. Hutchison, Mr. DeWine, Mr. Brownback, Mr. Allard.

COMMITTEE ON ARMED SERVICES: Mr. Warner (Chairman), Mr. McCain, Mr. Inhofe, Mr. Roberts, Mr. Sessions, Ms. Collins, Mr. Ensign, Mr. Talent, Mr. Chambliss, Mr. Graham, Mrs. Dole, Mr. Cornyn, Mr. Thune.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Shelby (Chairman), Mr. Bennett, Mr. Allard, Mr. Enzi, Mr. Hagel, Mr. Santorum, Mr. Bunning, Mr. Crapo, Mr. Sununu, Mrs. Dole, Mr. Martinez.

COMMITTEE ON COMMERCE, SCIENCE, AND TECHNOLOGY: Mr. Stevens (Chairman), Mr. McCain, Mr. Burns, Mr. Lott, Mrs. Hutchison, Ms. Snowe, Mr. Smith, Mr. Ensign, Mr. Allen, Mr. Sununu, Mr. DeMint, Mr. Vitter.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Domenici (Chairman), Mr. Craig, Mr. Thomas, Mr. Alexander, Ms. Murkowski, Mr. Burr, Mr. Martinez, Mr. Talent, Mr. Burns, Mr. Allen, Mr. Smith, Mr. Bunning.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Inhofe (Chairman), Mr. Warner, Mr. Bond, Mr. Voinovich, Mr. Chafee, Ms. Murkowski, Mr. Thune, Mr. DeMint, Mr. Isakson, Mr. Vitter.

COMMITTEE ON FINANCE: Mr. Grassley (Chairman), Mr. Hatch, Mr. Lott, Ms. Snowe, Mr. Kyl, Mr. Thomas, Mr. Santorum, Mr. Frist, Mr. Smith, Mr. Bunning, Mr. Crapo.

COMMITTEE ON FOREIGN RELATIONS: Mr. Lugar (Chairman), Mr. Hagel, Mr. Chafee, Mr. Allen, Mr. Coleman, Mr. Voinovich, Mr. Alexander, Mr. Sununu, Ms. Murkowski, Mr. Martinez.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Enzi (Chairman), Mr. Gregg, Mr. Frist, Mr. Alexander, Mr. Burr, Mr. Isakson, Mr. DeWine, Mr. Ensign, Mr. Hatch, Mr. Sessions, Mr. Roberts.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Ms. Collins (Chairman), Mr. Stevens, Mr. Voinovich, Mr. Coleman, Mr. Coburn, Mr. Chafee, Mr. Bennett, Mr. Domenici, Mr. Warner.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Roberts (Chairman), Mr. Hatch, Mr. DeWine, Mr. Bond, Mr. Lott, Ms. Snowe, Mr. Hagel, Mr. Chambliss, Mr. Warner (ex officio).

COMMITTEE ON THE JUDICIARY: Mr. Specter (Chairman), Mr. Hatch, Mr. Grassley, Mr. Kyl, Mr. DeWine, Mr. Sessions, Mr. Graham, Mr. Cornyn, Mr. Brownback, Mr. Coburn.

SPECIAL COMMITTEE ON AGING: Mr. Smith (Chairman), Mr. Shelby, Ms. Collins, Mr. Talent, Mrs. Dole, Mr. Martinez, Mr. Craig, Mr. Santorum, Mr. Burns, Mr. Alexander, Mr. DeMint.

COMMITTEE ON THE BUDGET: Mr. Gregg (Chairman), Mr. Domenici, Mr. Grassley, Mr. Allard, Mr. Enzi, Mr. Sessions, Mr. Bunning, Mr. Crapo, Mr. Ensign, Mr. Cornyn, Mr. Alexander, Mr. Graham.

SELECT COMMITTEE ON ETHICS: Mr. Voinovich (Chairman), Mr. Roberts, Mr. Thomas.

COMMITTEE ON INDIAN AFFAIRS: Mr. McCain (Chairman), Mr. Thomas, Ms. Murkowski, Mr. Coburn, Mr. Domenici, Mr. Smith, Mr. Crapo, Mr. Burr.

JOINT ECONOMIC COMMITTEE: Mr. Bennett (Vice-Chairman), Mr. Brownback, Mr. Sununu, Mr. DeMint, Mr. Sessions, Mr. Cornyn.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Lott (Chairman), Mr. Stevens, Mr. McConnell, Mr. Cochran, Mr. Santorum, Mr. Frist, Mr. Chambliss, Mrs. Hutchison, Mr. Bennett, Mr. Hagel.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Ms. Snowe (Chairman), Mr. Bond, Mr. Burns, Mr. Allen, Mr. Coleman, Mr. Thune, Mr. Isakson, Mr. Vitter, Mr. Enzi, Mr. Cornyn.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Craig (Chairman), Mr. Specter, Mrs. Hutchison, Mr. Graham, Mr. Burr, Mr. Ensign, Mr. Thune, Mr. Isakson.

SENATE RESOLUTION 6—MAKING MINORITY PARTY APPOINTMENTS TO CERTAIN SENATE COMMITTEES FOR THE 109TH CONGRESS

Mr. REID submitted the following resolution; which was considered and agreed to:

Resolved, That notwithstanding the provisions of rule XXV, the following shall constitute the minority party's membership on the following standing committees for the 109th Congress, or until their successors are chosen:

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY: Mr. Harkin (Ranking Member); Mr. Leahy, Mr. Conrad, Mr. Baucus, Mrs. Lincoln, Ms. Stabenow, Mr. Nelson of Nebraska, Mr. Dayton, and Mr. Salazar.

COMMITTEE ON APPROPRIATIONS: Mr. Byrd (Ranking Member), Mr. Inouye, Mr. Leahy, Mr. Harkin, Ms. Mikulski, Mr. Reid, Mr. Kohl, Mrs. Murray, Mr. Dorgan, Mrs. Feinstein, Mr. Durbin, Mr. Johnson, and Ms. Landrieu.

COMMITTEE ON ARMED SERVICES: Mr. Levin (Ranking Member), Mr. Kennedy, Mr. Byrd, Mr. Lieberman, Mr. Reed, Mr. Akaka, Mr. Nelson of Florida, Mr. Nelson of Nebraska, Mr. Dayton, Mr. Bayh, and Mrs. Clinton.

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS: Mr. Sarbanes (Ranking Member), Mr. Dodd, Mr. Johnson, Mr. Reed, Mr. Schumer, Mr. Bayh, Mr. Carper, Ms. Stabenow, and Mr. Corzine.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION: Mr. Inouye (Ranking Member), Mr. Rockefeller, Mr. Kerry, Mr. Dorgan, Mrs. Boxer, Mr. Nelson of Florida, Ms. Cantwell, Mr. Lautenberg, Mr. Nelson of Nebraska, and Mr. Pryor.

COMMITTEE ON ENERGY AND NATURAL RESOURCES: Mr. Bingaman (Ranking Member), Mr. Akaka, Mr. Dorgan, Mr. Wyden, Mr. Johnson, Ms. Landrieu, Mrs. Feinstein, Ms. Cantwell, Mr. Corzine, and Mr. Salazar.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS: Mr. Jeffords (Ranking Member), Mr. Baucus, Mr. Lieberman, Mrs. Boxer, Mr. Carper, Mrs. Clinton, Mr. Lautenberg, and Mr. Obama.

COMMITTEE ON FINANCE: Mr. Baucus (Ranking Member), Mr. Rockefeller, Mr. Conrad, Mr. Jeffords, Mr. Bingaman, Mr. Kerry, Mrs. Lincoln, Mr. Wyden and Mr. Schumer.

COMMITTEE ON FOREIGN RELATIONS: Mr. Biden (Ranking Member), Mr. Sarbanes, Mr. Dodd, Mr. Kerry, Mr. Feingold, Mrs. Boxer, Mr. Nelson of Florida, and Mr. Obama.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS: Mr. Kennedy (Ranking Member), Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Jeffords, Mr. Bingaman, Mrs. Murray, Mr. Reed, and Mrs. Clinton.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS: Mr. Lieberman (Ranking Member), Mr. Levin, Mr. Akaka, Mr. Carper, Mr. Dayton, Mr. Lautenberg, and Mr. Pryor.

COMMITTEE ON THE JUDICIARY: Mr. Leahy (Ranking Member), Mr. Kennedy, Mr. Biden, Mr. Kohl, Mrs. Feinstein, Mr. Feingold, Mr. Schumer, and Mr. Durbin.

COMMITTEE ON RULES AND ADMINISTRATION: Mr. Dodd (Ranking Member), Mr. Byrd, Mr. Inouye, Mrs. Feinstein, Mr. Schumer, Mr. Dayton, Mr. Durbin and Mr. Nelson of Nebraska.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP: Mr. Kerry (Ranking Member), Mr. Levin, Mr. Harkin, Mr. Lieberman, Ms. Landrieu, Ms. Cantwell, Mr. Bayh, and Mr. Pryor.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Akaka (Ranking Member), Mr. Rockefeller, Mr. Jeffords, Mrs. Murray, Mr. Obama and Mr. Salazar.

SPECIAL COMMITTEE ON AGING: Mr. Kohl (Ranking Member), Mr. Jeffords, Mr. Feingold, Mr. Wyden, Mrs. Lincoln, Mr. Bayh, Mr. Carper, Mr. Nelson of Florida, and Mrs. Clinton.

COMMITTEE ON THE BUDGET: Mr. Conrad (Ranking Member), Mr. Sarbanes, Mrs. Murray, Mr. Wyden, Mr. Feingold, Mr. Johnson, Mr. Byrd, Mr. Nelson of Florida, Ms. Stabenow, and Mr. Corzine.

SELECT COMMITTEE ON ETHICS: Mr. Johnson (Vice Chairman), Mr. Akaka, and Mr. Pryor.

COMMITTEE ON INDIAN AFFAIRS: Mr. Dorgan (Vice Chairman), Mr. Inouye, Mr. Conrad, Mr. Akaka, Mr. Johnson, and Ms. Cantwell.

SELECT COMMITTEE ON INTELLIGENCE: Mr. Rockefeller (Vice Chairman), Mr. Levin, Mrs. Feinstein, Mr. Wyden, Mr. Bayh, Ms. Mikulski, and Mr. Corzine.

JOINT ECONOMIC COMMITTEE: Mr. Reed, Mr. Kennedy, Mr. Sarbanes, and Mr. Bingaman.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a hearing during the session of the Senate on Thursday, January 6, 2005. The purpose of this meeting will be to review the nomination of Mr. Michael Owen Johanns to be Secretary of Agriculture for the United States Department of Agriculture.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, January 6, 2005, immediately following the first vote. The Senators will assemble in front of the President's Room on the nomination of Carlos Gutierrez to be Secretary of the Department of Commerce.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet for the hearing on the Presidential nomination of Margaret Spellings to be Secretary of Education during the session of the Senate on Thursday, January 6, at 10 a.m., in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Thursday, January 6, 2005, at 9:30 a.m., on the nomination of The Honorable Alberto R. Gonzales, Counsel to President George W. Bush, to be the Attorney General of the United States. The hearing will take place in the Hart Senate Office Building Room 216.

Witness List

Panel I: The Honorable John Cornyn and the Honorable Ken Salazar.

Panel II: The Honorable Alberto R. Gonzales, Counsel to President George W. Bush, Washington, DC.

Panel III: Admiral John D. Hutson, Ret. USN, President and Dean, Franklin Pierce Law Center, Concord, NH; Mr. Harold Hongju Koh, Dean, Yale Law School, New Haven, CT; and Mr. Douglas A. Johnson, Executive Director, Center of Victims of Torture, Minneapolis, MN.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2004 fourth quarter mass mailings is Tuesday, January 25, 2005. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510–7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these fillings. For further information, please contact the Public Records office at (202) 224–0322.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

CONDITIONAL ADJOURNMENT OF THE HOUSE AND CONDITIONAL RECESS OR ADJOURNMENT OF THE SENATE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of H. Con. Res. 2, the adjournment resolution, provided that the concurrent resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 2) was agreed to, as follows:

H. CON. RES. 2

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, January 6, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 10 a.m. on Thursday, January 20, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; that when the House adjourns on the legislative day of Thursday, January 20, 2005, it stand adjourned until 2 p.m. on Tuesday, January 25, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, January 6, 2005, or Friday, January 7, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Thursday, January 20, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

ORDERS FOR THURSDAY, JANUARY 20, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the joint session is dissolved, the Senate stand adjourned under the provisions of H. Con. Res. 2 until 3 p.m., Thursday, January 20, 2005.

I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the Senate then proceed to a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, this order allows that once the electoral vote counting is complete and the joint session is dissolved, we will adjourn until 3 p.m. on January 20.

As a reminder, January 20 is the date of the inauguration. We will convene later that day following the swearing in of the President and the Vice President. We expect to consider one or more of the President's nominations on that day and, therefore, rollcall votes are expected.

With that said, we will now wait for the message for us to return to the House Chamber.

RECESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate stand in recess, awaiting word from the House of Representatives that it is ready to receive the Senate.

There being no objection, the Senate, at 3:12 p.m., recessed until 5:05 p.m., to reassembled in the House of Representatives to continue the joint session.

Whereupon, at 5:20 p.m. the Senate adjourned, according to the provisions of H. Con. Res. 2, until Thursday, January 20, 2005, at 3 p.m.

NOMINATIONS

Executive nominations received by the Senate January 6, 2005:

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. TERRANCE T. ETNYRE, 8044

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT A. LOVETT, 1829

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

MARTIN POFFENBERGER, JR., 1543

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

TIMOTHY D. MITCHELL, JR., 5072

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

WILLIAM F. BITHER, 7381
JAMES R. OLIVER, 8435
PAUL J. RAMSEY, JR., 9044

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

WILLIAM R. LAURENCE, JR., 3005

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 624, AND 3064:

To be colonel

MEGAN K. MILLS, 7311
LINDA L. ROWBOTHAM, 2412
THERESA M. SCHNEIDER, 5886
LOUIS H. SMITH III, 3874
MARIA A. WORLEY, 9429

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

TIMOTHY K. ADAMS, 9448
MARGARET N. CARTER, 0831
MARK B. GOLD, 6967
JOHN L. POPPE, 6936

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

JOSEPH W. BURCKEL, 8091
FRANK J. MISKENA, 0569

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANK J. MISKENA, 0569

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

ROSA L. HOLLISBIRD, 7677
KINLEY W. HOWARD, 4149
BRENT P. NIXON, 3094
DEBORAH A. ROMAN, 4978
BRIAN L. SOMBERG, 3151
MARK STILING, 0001
MICHAEL T. TRAVIS, 9232
BETH A. ZIMMER, 6222

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

BRUCE A. MULKEY, 3770
JEROME F. STOLINSKI, JR., 8146

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

MATTHEW R. SEGAL, 5291

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CASANOVA C. OCHOA, 9874
CHARLES R. PLATT, 0151

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KENNETH R. GREENE, 0749
WILLIAM F. ROY, 0184

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JAMES E. FERRANDO, 1851

MARY J. FORBES, 6247
WILTON S. GORSKE, 6494
ELIZABETH H. HINES, 3012
ROBERT P. NELSON, JR., 1126
TERRY R. SOPHER, JR., 1437

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

BILLY J. BLANKENSHIP, 1117
MARK F. BURKE, 4239
DARRELL L. BUTTERS, 9610
EDWARD K. CHUN FAT, JR., 9783
JOHN L. CRAFT, 8445
KEITH R. DANIEL, 7791
PATRICK M. HAMILTON, 4374
RANDAL G. MARTIN, 7375
WILLIAM J. ONEILL, 7830

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

MARK E. COERS, 1078
ROBERT J. COY, 1656
JAMES C. ERNST, 9407
JAMES M. KENNEDY, 2512
STEVEN J. LOKENSGARD, 6390
BRYAN D. MEYERS, 5993
JACKIE L. REAVES, 1071
SIMSUNDARETH S. TAN, 6235
RICHARD A. WEAVER, 9039

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JEFFREY T. ALTDORFER, 1638
MICHAEL R. BRESNAHAN, 5420
MICHAEL J. CARLSON, 4266
KIMBERLY A. DILLON, 3719
JAMES E. KEIGHLEY, 3837
KEITH A. MABRY, 4681
GREGG L. RILEY, 5496
JOSEPH E. ROONEY, 0356

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID C. BARNHILL, 0443
PETER Y. LEE, 8814
TIMOTHY M. MCKEITHEN, 9925
KENNETH B. SMITH, 0361

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID B. ENYEART, 6605

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DAVID A. GREENWOOD, 7044

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

SANDRA W. DITTIG, 1021

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

JOHN M. OWINGS, JR., 6579

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

DANIEL J. BUTLER, 5120

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624.

To be colonel

PETER W AUBREY, 4891
JACQUES A AZEMAR, 9799
JAMES D BASS, 4982
JOSEPH L BASS, 4614
CYNTHIA M BEDELL, 0269
ALLEN L BORGARDTS, 8654
THOMAS H BRYANT, 4345
JOHNNY R BULLINGTON, 9487
KYLE T BURKE, 9129
BRIAN J BUTCHER, 3967
CALVIN T CARLSEN, 9962
ROBERT C CARPENTER, 7010
JON E CHICKY, 1054
KEVIN D CLARK, 7135
DANIEL T COTTRELL, 5480
JOHN L CUNNANE, 3923
DANIEL J FAGUNDES, 5138
JAMES P FLETCHER, 0788
MARK R FRANKLIN, 9471
DONALD V GIBSON, 4680
MARK W GILLETTE, 1814
PATRICK F GILLIS, 7213
RICHARD S GIRVEN, 5435
LINDA L GOULD, 6138
WARREN P GUNDERMAN, 8870
WILLIAM D HUGGINS, JR, 6906
THEODORE L JENNINGS, 9334
LAWRENCE J KINDE, 2167
WILLIAM L LAMB, 3168
CHARLES S LAMBERT, 0514
NORMAN R LARSON, 5975
JOY A LEAPHEART, 3148
STEPHEN B LEISENRING, 1679
BRUCE D LEWIS, 7697
DAVID E LOCKHART, 7014
ROBERT A LOVETT, 1829
MARK MALATESTA, 3566
TUCKER B MANSAGER, 4706
GENE W MCCONVILLE, 9886
JOHN J MCGUINESS, 3788
FRANK R MOLINARI, 1797
RAYMOND H NULK, 4825
DAVID W PHARES, 4688
CHRISTOPHER M RASMUSSEN, 7703
KEVIN E RICHARDS, 4602
EHRICH D ROSE, 4014
RICHARD T SHIPE, 2505
NEWMAN D SHUFFLEBARGER, 4214
EUGENE W SKINNER, JR, 7490
STEVEN M SOUCEK, 1432
CHRISTOPHER J TONE, 6991
LEE J WHITESIDE, 5775
MICHAEL E WILLIAMSON, 7608
JEFFREY K WILSON, 8248

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

MICHAEL J ARINELLO, 1141
DANIEL L BAGGIO, 0481
JAMES E BARRINEAU, 4824
STEVEN A BECKMAN, 8162
WILLIAM D BLACKLEDGE, 5307
WILLIAM M COSTELLO, 5477
TODD E DAY, 5590
RALPH W HARRIS, 9512
HENRY L HUNTLEY, 9055
JOHN P JENKS, 8744
GARY E LANGSTON, JR, 8741
JOHN G LEVINE, 6144
PATRICK H MACKIN, 4262
GARY M MCANDREWS, 4174
CLARENCE A MEADE, 1520
WAYNE A PARKS, 2032
CHARLES E PHILLIPS, JR, 2542
RORY R RADOVICH, 3616
JOSEPH D RICHARD, 8508
ANDREW G RILEY, 1672
ROSS V ROMEO, 1040
RICHARD A SCHANTZ, 1606
RICKY R SIMS, 4532
BRUCE G SMITH, 4884
ROBERT P SMITH, JR, 2448
LAURI J SNIDER, 1134
DAVID B TAYLOR, 9336
JAMES E WHALEY III, 8750

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DONNA A ALBERTO, 3460
MANUEL APONTE, JR, 8449
PHILIP F BEAVER, 0604
DONNA M BRAZIL, 6379
BRENT B BREDEHOFT, 5958
TYRONE K BROWN, 0078
CARLTON A BUCHANAN, 5355
CURTIS A CARVER, JR, 8177
GREGORY L DANIELS, 0107
KIRK A DAVIS, 7621
DAVID P DOLPH, 3900
JOHN F EICHLER, 2546
JAMES J GALVIN, JR, 9025
TROY P KRAUSE, 5152
BOBBY L LIPSCOMB, JR, 8243
SAVERIO M MANAGO, 1134
JAMES C MARKLEY, 2427
G S MCCONNELL, 6317
JEANETTE M MCMAHON, 6665
RAYMOND C NELSON, 1089
JOHN E PHELAN, 0262
ROBERT G PHELAN, JR, 0161
MICHAEL D PHILLIPS, 2022
THOMAS P REILLY, 0399
MARK A RICCIO, 4388
EDGAR K RUGENSTEIN, 4464
KEVIN L SMITH, 0674
LEON I SMITH IV, 5538
DAVID M THIEDE, 7511
TIMOTHY E TRAINOR, 5890
DWIGHT D WATKINS, 4944
THEODORE S WESTHUSING, 9664
DOUGLAS A WILD, 5087

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY JUDGE ADVOCATE GENERAL'S CORPS UNDER TITLE 10, U.S.C., SECTIONS 624 AND 3064:

To be colonel

SCOTT W ARNOLD, 0896
GREGORY B COE, 6861
DAVID L CONN, 7989
FLORA D DARPINO, 0018
JAMES J DILIBERTI, 0567
CHARLES L GREEN, 0723
RANDALL L KEYS, 8193
JERRY J LINN, 6677
MARK S MARTINS, 6526
JEFFREY C MCKITRICK, 1437
MICHAEL W MEIER, 0499
JOHN W MILLER II, 7915
CHRISTOPHER J OBRIEN, 0576
CHARLES N PEDE, 5203
SHARON E RILEY, 6602
LISA M SCHENCK, 4013
DAVID S SHUMAKE, 3102
FRED P TAYLOR, 4582
SUSAN D TIGNER, 1347
MARK W TOOLE, 6140
KEITH C WELL, 9059

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be colonel

RONALD P ALBERTO, 4096
THOMAS R ANDERSON, 1980
PERI A ANEST, 4174
JOHN E ANGEVINE, 7351
DIONYSIOS ANNINOS, 4375
JOEL R ARMSTRONG, 0991
KNOWLES Y ATCHISON, 7735
CARL G AYERS, 7888
HUBERT E BAGLEY, JR, 2707
DAVID P BAGNATI, 9417
SHARON H BAKER, 2584
ROBERT S BALLEW, 4094
JEFFREY L BANNISTER, 8099
THOMAS H BARTH, 1115
JOSEPH A BASSANI, JR, 7954
PHILIP F BATTAGLIA, 9789
KEVIN M BATULE, 3486
MARLON K BECK, 6027
ERIC R BELCHER, 9658
MICHAEL S BELL, 6193
HENRY W BENNETT, 4989
SCOTT D BERRIER, 8066
LUIGI E BIEVER, 0845
RAYMOND L BINGHAM, 6367
JOHN J BIRD, 5488
DAVID M BLACKBURN, 2838
DAN BLAND, 8224
JERRY L BLIXT, 8128
JAMES C BOISSELLE, 7779
ROBERT J BOTTERS, JR, 7799
ANDREW W BOWES, 4932
WILLIAM W BRALEY, SR, 7880
CURT R BRANDT, 1838
PAUL W BRICKER, 7935
ROBERT S BRIDGFORD, 2506
TODD A BUCHS, 4747
DOROTHEA M BURKE, 4024
RODERICK BURKE, SR, 9616
DAVID R BYRN, SR, 6519
PAUL P CALE, 4724
MARK E CALVERT, 2515
FRANCIS J CAPONIO, 5298
DOMINIC J CARACCILO, 5441
STEVEN P CARNEY, 7218
JAMES E CASHWELL, 3189
JOHN W CHARLTON, 2568
JERRY S CHASTAIN, 2195
MICHAEL W CHILDERS, 2222
ROBERT E CHOPPA, 9747
MICHAEL J CHRISTIAN, 5343
ARMON A CIOPPA, 6740
DAVID J CLARK, 5446
RICHARD D CLARKE, JR, 0988
MICHAEL N CLAWSON, 1210
ERIC G CLAYBURN, 8364
TRACY A CLEAVER, 3400
HARRY L COHEN, 1853
THERESA D COLES, 0250
KATHERINE M COOK, 9844
ALFRED CORBIN, 4386
BRUCE A CORDELLI, SR, 2789
MARIO CORONEL, 2333
CHRISTOPHER P COSTA, 7672
CRAIG S COTTER, 9473

DAVID G COTTER, 8594
WILLIAM J * COULTRUP, 5413
THOMAS H COWAN, JR, 4486
HARVEY L CROCKETT, 7833
CLIFFORD D CROFFORD, JR, 8374
MICHAEL E CULPEPPER, 8062
DANIEL J CUMMINGS, 4118
LAUREL D CUNNANE, 4836
GREG W CUSIMANO, 6250
ANTHONY F DASKEVICH II, 4890
JOHN J DAUGIRDA, 5338
WILLIAM E DAVID, 5407
JAMES W DAVIS, 5567
JIMMY D DAVIS, 9280
MARK A DAVIS, 6266
PHILIP D DECAMP, 1444
PETER A DELUCA, 1421
WADE F DENNIS, 5685
YOLANDA C DENNISLOWMAN, 8926
WAYNE L DETWILER, JR, 9822
KENNETH W DEVAN, 5295
JOSEPH J DICHAIRO, 1290
WILLIAM T DOLAN, 7346
MICHAEL J DONOVAN, 2567
JAMES P DRAGO, JR, 2996
MARK E DRAKE, 2679
JOHN D DROLET, 6171
JOHN E DUMOULIN, JR, 7502
JOE D DUNAWAY, 8629
JERRY L EGBERT, 1438
MICHAEL E ERDLEY, 3629
MARK W ERWIN, 8878
JOE E ETHRIDGE, JR, 0057
SCOTT D FABOZZI, 8752
JESSIE O FARRINGTON, 6408
THOMAS H FELTS, 5660
HOWARD R FERGUSON, 0806
PATRICK L FETTERMAN, 8712
JOHN R FISHER, 7005
CHARLES A FLYNN, 8732
ROY W FOX, 1306
GEORGE J FRANZ III, 6517
JOSEPH J FRAZIER, 5161
KRISTIN K FRENCH, 6678
LEONARD T GADDIS, JR, 6205
JOE E GALLAGHER, 6662
GERALD E GALLOWAY III, 3417
DUANE A GAMBLE, 6573
KENNETH D GANTT, 3175
GREGORY L GARDNER, 7850
GEORGE GECZY III, 5530
CHRISTOPHER P GEHLER, 2330
DEBORAH L GEIGER, 1293
DANIEL M GEORGI, 9709
EARL S GLASCOCK, 5251
RYAN F GONSALVES, 1344
TIMOTHY C GORRELL, 8819
HEIDI H GRAHAM, 4495
RAY A GRAHAM, JR, 2464
TOBIN L GREEN, 2064
ROGER K GRIFFIN, 3940
DAVID M GRIFFITH, 9133
JAMES E GRIFFITH, 6076
GREGG E GROSS, 2842
PAUL L GROSSKRUGER, 4392
STEVEN R GROVE, 3730
THOMAS P GUTHRIE, 9492
CHRISTOPHER K HAAS, 3580
RALPH W HADDOCK, 9833
GREGORY L HAGER, 5621
BRIAN P HAMILTON, 2202
JOHN T HANSEN, 5617
DENNIS P HARBER, 7053
JOHN D HARDING, JR, 1471
CHARLES K HARDY, 1212
ROBERT H HARMS, 9742
JOHN C HARRISON, 5478
DAMIAN J HEANEY, 6683
PERRY HELTON, 2943
TERENCE J HERMANS, 9354
WILLIAM B HICKMAN, 7965
JOHN B HILDEBRAND, 5769
TIMOTHY P HILL, 6451
JAY T HIRATA, 5150
CHRISTOPHER M HOLDEN, 6208
JOHN S HOLWICK, 1824
CHARLES E HONORE, JR, 1085
JOHN H HORT, 9416
JOHN M HUEY, 7428
CHRISTOPHER P HUGHES, 0990
ALLEN HULL III, 2500
DANA R HURST, 0976
RONALD W HUTHER, 4941
JEFFREY D INGRAM, 5008
BJARNE M IVERSON, 0860
NORMAN K JACOCKS, 5753
VICTOR A JOHN, 5180
FREDERICK J JOHNS, JR, 2442
ROBERT P JOHNSON, JR, 7894
THOMAS W JOHNSON, JR, 6393
ALLEN S JONES, 2562
MARK T JONES, 1246
REBECCA W JONES, 3073
SANDRA L KEEFER, 4456
YVETTE J KELLEY, 1646
PATRICK J KELLY, 7439
DANIEL A KESSLER, 5081
TIMOTHY P KIELY, 3173
HENRY A KIEVENAAR III, 5199
KEITH C KODALEN, 3539
JOHN M KOIVISTO, JR, 1433
STREP R KUEHL, 2291
JAMES E LACKEY, 1434
CHRISTOPHER J LARSEN, 2359
JACK E LECHNER, JR, 0519
BRIAN D LESIEUR, 4470
MARK F LESSIG, 8145
SCOTT W LEVIN, 4753
CECIL T LEWIS III, 8941
CHIPPER M LEWIS, 4587
DENNIS R LINTON, 4751
DONALD G LISENBEE, JR, 4008
CHRISTOPHER E LOCKHART, 6001
JOSEPH B LOFGREN, 0014
JERYL C LUDOWESE, 9648
WILLIAM E LUKENS, 9249
KENNETH S LUNDGREN, 1498
KEVIN D LUTZ, 3315
ROBIN D LYNCH, 3318
ANTHONY J MACDONALD, 7165
JOSEPH E MAHER, JR, 0734
ROBERT W MARRS, 2990
TERRENCE MARSH, 4337
CHRISTOPHER W MARTIN, 3037
THEODORE D MARTIN, 0257
PAMELA L MARTIS, 8862
HAROLD P MARTY, 6056
JAMES M MARYE, 9128
CHARLES F MASKELL, 6104
REGINALD P MASON, 0901
JAMES P MATTIES, JR, 2345
MICHAEL S MCBRIDE, 2059
RODNEY X MCCANTS, 4602
DAVID J MCCAULEY, 0896
MICHAEL MCCORMICK, 2535
JOHN G MCCRACKEN, 5131
ROGER L MCDONALD III, 7217
ROSA M MCNEELY, 2096
LEONARD S MCWHERTER, 0799
ROBERT W MEEKS, 7830
TODD A MEGILL, 1919
JEFFREY A MELLO, 2106
MICHAEL T MIKLOS, 0377
MICHAEL M MILLS, 8507
MICHAEL T MINYARD, 6190
STEVEN T MITCHELL, 7734
ARNOLD P MONTGOMERY, 7789
MICHAEL T MOON, 4081
BRIAN P MOORE, 2226
ROBBIE L MOSLEY, 9630
LAWRENCE G MROZINSKI, 7955
PETER W MUELLER, 0708
DARRYL G MURCH, 3650
MICHAEL W MURFEE, 7165
THOMAS J MURPHY, 2668
PAUL M NAKASONE, 7132
YVETTE D NONTE, 0139
ROBERT K NYE, 4414
JOHN R OCONNOR, 8850
MARK A OLINGER, 2351
REYNOLD F PALAGANAS, 7799
EDMUND J PALEKAS, 5405
TIMOTHY D PARKS, 2227
DAVID G PASCHAL, 6952
RICHARD M PASTORE, JR, 5600
FREDERICK D PELLISSIER, 2932
FRANK G PENHA, 3765
DENNIS A PERKINS, 6532
LAWRENCE P PHELPS, 9237
BOBBY R PINKSTON, 6385
RICHARD G PISCAL, 5498
MICHAEL E PLAYER, 0826
DOMINIC E POMPELIA, JR, 7729
BARRYE L PRICE, 2456
MICHELE M PUTKO, 9282
VALERIE W RATLIFF, 9538
CURT A RAUHUT, 7523
DIANA A RAYNOR, 4885
ROBERT F RHODES, 6839
KENNETH H RIDDLE, 8922
JAMES G RILEY, 5536
JOHN S RISCASSI, 9313
JAMES E RISELEY, 1344
STEVEN W RISLEY, 1255
CHRISTOPHER L ROBERTSON, 6157
JOSE ROBLESMALDONADO, 5416
DAVID RODRIGUEZ, 2445
MATTHEW H RUSSELL, 3418
ANTHONY SABB, 4355
DAVID G SAGE, 0944
JEFFREY R SANDERSON, 9000
STEPHEN M SCHILLER, 4600
JOHN M SCHLEIFER, 7587
MARTIN P SCHWEITZER, 2031
KENT R SELBY, 0134
FRANCIS V SHERMAN, JR, 5221
RICKY W SHERMAN, 7083
FRANK W SHEROD II, 3238
DAVID L SHUTT, 8762
FRANK J SILTMAN, 0047
ROBERT A SINKLER, 8828
DENNIS E SLAGTER, 7710
DENNIS W SMITH, 7422
FORREST E SMITH, 9626
HUGH T SMITH, 3523
STEVEN J SMITH, 8707
MARK E SOLSETH, 1428
MARK S SPINDLER, 3691
BILLY F SPRAYBERRY II, 3750
ROBIN J STAUFFER, 9523
JOHN S STCYR, 6341
WAYNE STEVENS, 5631
STEPHEN G STEWART, 3001
JERRY R STIDHAM, 4683
ALBERT C STJEAN, 3444
JOHNNY C STRAIN, 0996
LAWRENCE E STROBEL, 6463
ALAN M STULL, 5328
FREDERICK W SWOPE, 0528
DARIN TALKINGTON, 2856
THOMAS L TATE, 4758
EARL J TEETER, 2382
BURDETT K THOMPSON, 2849
SCOTT B THOMPSON, 2938
LEO J THRUSH, 1763
CURTIS L TORRENCE, 7899
ANIELLO L TORTORA, 0819
BOBBY A TOWERY, JR, 7489
MARK D TROUTMAN, 3088
CHRISTOPHER TROUVE, 9932
DREW A TURINSKI, 7622
JEFFERY L UNDERHILL, 1197
ROBERT VALDIVIA, 5032
RICHARD S VANDERLINDEN, 1504
ROBERT R VARELA, 9755
CRAIG VEST, 5607
RICHARD E VOLZ, JR, 6109
MICHELLE L WALLA, 3461
MARK R WALLACE, 4866
ROBERT M WALTEMEYER, 0862
MARK L WATERS, 9727
GREGORY A WATT, 2165
TIMOTHY A WEATHERSBEE, 6745
JEFFREY S WEISSMAN, 4552
ERIC P WENDT, 3593
MARK A WESTBROOK, 8688
ROBERT C WHALEY, 4334
ROBERT P WHITE, 8254
MARY K WHITWORTH, 8764
ERIC A WIEDEMANN, 4776
HARRY B WILLIAMS, 0851
WILLIE WILLIAMS, JR, 1056
KEVIN J WILSON, 7923
MARTIN J WILSON, 5780
CHRISTOPHER L WINNE, 6917
MICHAEL D WINSTEAD, 0093
WILLIAM T WISEMAN, 7779
STANLEY H WOLOSZ II, 0164
PAUL J WOOD, 4631
KEVIN S WOODS, 5296
STEVEN G WOODS, 2808
STEPHEN G YACKLEY, 3612
ANDREW C YEE, 6649
DENNIS O YOUNG, 7858
SCOTT D ZEGLER, 5853
WILLIAM E ZELLER, 1997
X468
X1570
X734
X2800

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SERVICE CORPS AND FOR REGULAR APPOINTMENT (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10 U.S.C., SECTIONS 624, 531, AND 3064:

To be colonel

PAUL T BARTONE, 7894
KENNETH G CANESTRINI, 4116
LARRY L * CONWAY, 4248
JOHN P COOK, 3405
LAURIE A CUMMINGS, 1236
RAFAEL E DEJESUS, 3512
KENNETH J FOPPIANO, 0633
RICHARD A GULLICKSON, 7610
DONALD E HALL, 8082
CURTIS S HANSEN, 9107
DAN E HARMS, 5922
DUANE N HILL, 4913
REGINALD W HOWARD, 7870
CAROL W LABADIE, 4471
THOMAS J LITTLE, JR, 3323
JOSE L LOPEZ, 6024
DAVID L MACDONALD, 8196
MICHAEL S MCDONALD, 2641
RICHARD S MITCHELL, 3701
TIMOTHY J MOORE, 5217
KELVIN B OWENS, 1751
ELAINE S PERRY, 9951
LEON L ROBERT, 1185
FRANKLIN D ROWLAND, JR, 1818
PATRICK D SARGENT, 0187
JAMES A SIGNAIGO, 8629
DAWN M SMITH, 4305
BARBARA J STANSFIELD, 7585
ROBERT L STEWART, 9270
JEFFREY M UNGER, 4171
DONALD R WEST, 2449
DERICK B ZIEGLER, 1737
JEFFREY P ZIMMERMAN, 6012

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

CYNTHIA A CHAVEZ, 5756
JOHN E COLLINS, 8290
SANDRA K JORDAN, 6461
THOMAS J MCCANN, 7052
MARSHA MCCLESKEY, 4850
DAVID C PALADINO, 2230
RICHARD T PETERS, 1156
JAMES J SHEAR, 4832
RUTH A WELCH, 2315

JACLYNN A WILLIAMS, 0243

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

FRANCIS B AUSBAND, 5430
GRIFFIN L DEEN, JR., 6575
ROBERT W ERLACH, 4668
ALFREDO J FERNANDEZ, 7189
RICHARD H FIXOTT, 0095
ENRIQUE GARCIA, 0757
MARK M KUBA, 3507
JASON M MAILHOT, 2241
STEVEN D MCCLINTOCK, 7714
ANTHONY L MOLINA, 4754
RICK G MUMFORD, 2162
CHANTAL NEWSOME, 0832
ALLEN RASHEED, 4646
NORMAN M ROGERS, 0166
JOE W SNAVELY, 1347
GREGORY A STOUTE, 1357
SCOTT A WRIGHT, 8550

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

LORETTA A ADAMS, 7990
THOMAS L ANDERSON, 1840
JAMES R BOEN, 4579
PEGGY L BRADLEY, 9577
JOSEPH W BURCKEL, 8091
LISA P CHISHOLM, 0631
JERRELL J COCKRELL, 0956
MARK D ELLIOTT, 8722
WILLIAM W FARTHING, JR., 9027
JOHN E FORRETTE, 6579
FRANK FUENTES, 2843
PAUL D GANCHER, 3159
ROBERT GUILD, 8044
MARY E HALLMARK, 5592
EDWIN N HERNANDEZ, 9847
EUGENE V HOLAHAN, JR., 7275
BRIAN D JONES, 0470
HENRY F KENT, 2234
BRADLEY M KNOERNSCHILD, 7898
PETER K LANDSTEINER, 9553
ALBERT L MAAS III, 1042
LESLIE R MCKECHNIE, 4938
DANIEL A MORIARTY, 8233
CYNTHIA A OCONNELL, 4041
DONALD S PENDER, 9408
JEFFREY G PHILLIPS, 3129
PETER T QUINN, 9694
MICHAEL A ROGALLA, 3813
ELMAR T SCHMEISSER, 2396
KENNETH F SELOVER, 8662
WALTER D SOJA, 0644
MICHAEL T THORNTON, 8069
PURRY A WACKER, 7323
CLARK H WEAVER, 9032

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10 U.S.C., SECTION 12203:

To be colonel

ROBERT D AKERSON, 3622
JAMES T ARSCOTT, 0048
SANJIVANI C BAKARE, 8135
GREGORY J BEILMAN, 5478
DAVID A BELYEA, 5987
DEIRDRE M BYRNE, 9139
RAYMOND L CAPPS, 6323
PAUL C DALY, 0895
CARL L DANIELSON III, 1228
WILLIAM P DIEFENBACH, 1639
KEVIN M DWYER, 1781
LAWRENCE E FOLTZ, 1810
WALTER B FRANZ III, 3979
DAVID E GREEN, 6204
DAVID K GUSTAVISON, 7533
RICHARD K HAILE, 9001
WALTER H HALLORAN, 6333
THOMAS M HARRIS, 3578
NORMAN A HETZLER, JR., 0750
ROY H HINMAN II, 4246
PAUL J HUBBELL, 6536
JAMES W HUSTON, 7230
WILLIAM S JOHNSON, 0363
CHRISTOPHER JONES, 9881
CHANCE T KAPLAN, 2198
FREDERICK B KRAFT, 5301
MARK A LOWRY, 8751
FRANCISCO J MALDONADO, 1445
HARRY P MARSHALL, JR., 8523
CHARLES N MARVIN, JR., 4814
DANIEL J MATRICIA, 8606
PHILIP E MCCUNE, 1542
GARY B MORSCH, 1409
SRIDHAR NATARAJAN, 1100
MIGUEL A OQUENDO, 7264
TERESA L OTTO, 2166
SILVINO P PAZCOGUIN, 6501
SUSAN E PEARSON, 3030
JEROME C M PETERS, JR., 9326
TIMOTHY P PFANNER, 0426
KELLY D PRIDGEN, 7415
CLYDE R REDMOND, 9127
HERNANE C RESTAR, 9928
EILEEN M ROSEN, 6044
JOSEPH F RUDA, JR., 5505
FELICITAS F SANTIAGO, 6103
CHRISTOPHER K SINHA, 8666
RONALD T STAUBLY, 0056
ROBERT E SUTER, 9674
PETER P TAILLAC, 7616
HEIDI P TERRIO, 1244
HEMANT K THAKUR, 5039
DEAN R THOMSON, 1010
MICHAEL T TRAVIS, 9232
ROBERT F TYREE, 9582
ROBBI D VENDITTI, 0948
BARBARA E WALKER, 8282
CHARLES A YOUMANS, 0872
RICHARD S K YOUNG, 4007
BETH A ZIMMER, 6222

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

PRISCILLA A BERRY, 9455
JERRY W BIEHL, 7135
JAMES F BOBO, 7499
TERRY D BONNER, 7657
OLGA R BRADLEY, 2251
AUDREY J CARAMANNA, 0020
MARY K CHAMBERS, 0419
MICHAEL W COLEMAN, 3840
WILLIAM T DIAMOND, 0897
RONALD E DZIEDZICKI, 5992
MARGARET M EIDEN, 1507
JOAN M ERICKSON, 1580
TEMPIE M EVANS, 8581
DEBRA M GIBBS, 3793
JUDITH L GISONDI, 1645
GLENDA W HILL, 5793
LAGAUNDA C JONES, 5388
GORDON KUNTZ, 0502
CHRISTINE V ODONNELL, 9254
PENNY A REPLOGLE, 1629
DIANE L ROBATEAU, 2206
DELOIS ROBINSON, 7656
DENISE T ROONEY, 5275
DONALD J RUTHERFORD, 3142
RUTH A SHULL, 3294
MICHELE S SLICK, 9594
MARIA O STEWART, 7449
WILLIAM L STOLTZFUS, 0963
JUDITH L STONGE, 9999
MARGARET A SULLIVAN, 7418
DARLENE S THOMASEC, 6100
DOLORES J TROMBETTA, 6058
SANDRA M WEBBBOOKER, 3774
IMELDA J WEDDINGTON, 9310
RHONDA M WELLER, 9808
DONNA J WIBERG, 2527
CATHERINE E WRIGHT, 7219

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

GEORGE A ABBOTT, 5960
ELVIS ACOSTA, 2132
HALVOR N ADAMS III, 6835
RANDY A ALEWEL, 7093
MICHAEL A ALEXANDER, 8002
WILLIAM M ALEXANDER, 6771
PATRICK B ALLEN, 9457
THOMAS H ALLEN, JR., 0557
WILLIAM C ALLEN, 3976
JEFFREY T ALTDORFER, 1638
JOHN W ALTEBAUMER, JR., 6520
CARL S AMATO, 9857
MAXIMILIANO AMAYA, 8129
DAVID B ANDERSON, 2692
JEFFRY L ANDERSON, 8200
JOHN K ANDREW II, 6372
GEORGE ANTOCHY, 7277
ARTHUR E ARMSTRONG, 9539
MARK E ASBURY, 5729
JOSE R ATENCIO III, 9198
BRIAN S ATTAWAY, 7972
DAVID E AUCOIN, 7299
ROBERT P AUCOIN, 9891
RICHARD M AUGERI, 5742
ELIZABETH D AUSTIN, 6232
KEVIN R AUSTIN, 6403
SCOTT A AYRES, 1605
MICHAEL J BABUL, 5158
MARTIN L BADEGIAN, 6759
GREGORY BAGLEY, 1854
WILLIAM M BAILEY, JR., 2587
TONY D BAKER, 2475
ANDREW M BARCLAY, 7153
LYNN BARDEN, 1949
ALLEN F BAREFORD, 5067
CRAIG A BARGFREDE, 6779
JOHN G BARKER, 3200
JAMES A BARKSDALE, 9492
RICHARD C BARR, JR., 6833
WILLIAM P BARRIAGE, 8857
WILLIAM E BARTHELD, 5607
KIRK M BAYLESS, 6587
KENNETH E BEAN, 4935
JOHN H BEARD, 4087
KENNETH A BEARD, 7751
ROBERT G BEARD, 4227
KEVIN J BECKER, 3973
TIMOTHY D BECTON, 4211
JAMES D BEESLEY, 7475
OLIVER T BELLAMY, JR., 8494
PAUL M BENENATI, 7648
THOMAS J BENJAMIN, 2348
STEVEN J BENSEND, 2075
NANCY L BERGERON, 5272
THOMAS L BERGFELD, 7221
DAVID E BERRY, 9908
DENISE P BERRY, 9197
JEFFREY E BERTRANG, 4577
EUGENE N BIAN, 6347
JOHN R BIGGS, 7268
MICHAEL R BISHOP, 3090
MARK F BITTICK III, 3247
TODD W BJERKE, 8432
MICHAEL J BLACHURA, 8442
JAMES S BLACKMON, 9529
PERCY L BLACKMON, JR., 9834
PHILIP W BLAKELEY, 7492
HERSCHELL R BLAND II, 4641
BILLY J BLANKENSHIP, 1117
PETER C BLEICH, JR., 3610
LESLIE C BLIVEN, 7224
RONNIE V BLUE, 4644
RICHARD J BLUMBERG, 9626
JOHN D BLUMENSON, 0276
JOHN S BLY, 6266
MICHAEL E BOBECK, 4067
KENNETH E BOLTZ, 5137
CHARLES A BONASERA, 2103
MARGARET S BOND, 3444
JAMES L BOOKWALTER, 9521
VALERIE L BORDER, 7373
RALPH J BORKOWSKI, 7222
THOMAS L BOSCO, 9726
RAYMOND P BOUCHARD, 3449
JAMES E BOUTTE, 1838
GARY M BOWMAN, 9280
JANSON D BOYLES, 9869
VICTOR J BRADEN, 3800
JOHN D BRADY, JR., 0814
ALAN D BRAITHWAITE, 8565
JAMES J BRAXTON, 4675
DANIEL W BRECKEL, 1362
MICHAEL A BRENNAN, 1733
DAVID J BRICKER, 5448
PHILLIP E BRONSDON, 6350
PETER J BROOKS, 2684
JEFFERY L BROWN, 9869
JOSEPH R BROWN, 2552
PAUL H BROWN, 5716
SCOTT E BROWN, 2337
DAVID W BRUNETT, 3428
SEAN M BRUNETTI, 7797
CARL E BRYANT, JR., 4325
MARK S BRYANT, 1897
DONNA A BUCELLA, 2320
ROBERT H BUEHLER, 3575
GEORGE G BUGG, JR., 1571
JAMES R BUGGY, 0788
HUMBERTO BUITRAGO, 9611
LEANNE P BURCH, 6963
CHARLES J BURNETT, 6583
CURTIS R BURNS, 5560
PATRICK W BURNS, 9002
GILBERT H BUSTER, 4300
PHILIP A BUTCH, 4049
DIANA M BUTLER, 2812
DARRELL L BUTTERS, 9610
CRAIG A BYRD, 1462
CHRISTOPHER P CALLAHAN, 9066
PATRICK E CAMPION, 1323
MARK N CAMPSEY, 5339
GAIL H CAPP, 4055
REGIS A CARDIFF, 0692
JOHN E CARDWELL, 7520
PHILLIP A CAREY, 6017
DOMINIC A CARIELLO, 8353
GARY E CARLBERG, 4992
MICHAEL J CARLSON, 1266
ROBERT D CARLSON, 5855
GREGORY J CARMAN, 1055
BRIAN M CARPENTER, 7615
KEVIN J CARR, 0121
JEFFREY B CARRA, 9839
AUBREY W CARTER, 2601
RANDAL S CARTER, 1162
EDWARD G CASAZZA, 7002
STEPHEN R CASE, 2119
MICHAEL A CASEY, 3712
MICHAEL E CASEY, 7701
SEAN M CASEY, 0116
ROBERT A CASIAS, 8891
GREGORY R CASTELLO, 4194
BILL O CASTILLO, 4723
ROBERT C CENTNER, 1501
LEROY R CERBASI, 6933
SCOTT E CHAMBERS, 9415
JAMES C CHANDLER, 0931
JOHN G CHAPMAN, 8042
CINDRA M CHASTAIN, 4389
BYRON L CHERRY, 0344
DAVID E CHESSER, 9596
HOWARD C CHILDRESS, 0077
RODERICK CHILDRESS, 0201
WESTLEY K CHIN, 3192
EDMUND Y H CHING, 0784
DARRY D CHINN, 1828
ROBERT B CHISHOLM, 6832

EDWARD K CHUNFAT, JR., 9783
BOBBY L CLAIBORNE, 4475
JOSEPH M CLARK, 4181
DAVID G CLARKSON, 0211
MAURICE O CLEMONS, 4743
MARK E COERS, 1078
THOMAS G COLE, 2470
BART D COLLINS, 1246
JOHN COMPARETTO, 5044
ABEL L CONCHA, 5411
DEBORAH A CONLEY, 1643
GONZALO CORDOVAMCFALINE, 1253
MARK A COSGROVE, 5523
CARLOS G COSTA, 1680
MARIO T COSTAGLIOLA, 3302
LEIGH A COULTER, 0233
MARJORIE K COURTNEY, 3875
ROBERT D COWEN, 1291
ROBERT J COY, 1656
JOHN L CRAFT, 8445
JOHN R CRAIG, 2188
LISA G CRAIG, 1442
BARRY P CREED, 6316
JOHN R CRESWELL, 3685
DON B CRONKHITE, 1910
ARTHUR P CROWDER, 6393
WILLIAM S CROWDER, 0425
GLENN A CROWTHER, 5134
DANIEL A CULVER, 6067
MARK A CUMMINGS, 8316
DAVID W CUNHA, 4917
MICHAEL J CURRIE, 9247
RODERICK L CUTRIGHT, 6420
CARY G CUYLER, 6481
CHARLES K DALGLEISH, 4798
JOHN G DALY, 2841
JOHN J DANIELS, 7822
RAND S DANIELSON, 1618
MARSHA M DAVIS, 7734
ROBERT L DAVIS, JR., 7250
RODNEY G DAVIS, 2876
ROBERT L DEAN, 7744
BARRY A DEFOOR, 8218
MIGDALIA DEJESUS, 5266
ROBERT F DELCAMPO, 3312
JOHN A DELCORE, 3381
ROBERTO DELEON, JR., 7723
DARLINE DELESTON, 5350
JEFFREY J DELFUOCO, 7663
ROLAND F DEMARCELLUS, 9955
KENNETH DEMERS, 5352
PAUL DEVINCENZO, 0589
DAWN L DEYOUNG, 9442
DAVID T DICE, 1056
STEVEN J DICKENSON, 6416
ROBERT E DICKSON, 6112
ROBERT J DIERKSMEIER, 3560
MICHAEL S O DIETRICH, 9503
KIMBERLY A DILLON, 3719
JOHN DINAPOLI, 3299
DONATO M DINELLO, 2636
SANDRA W DITTIG, 1021
CARROLL E DOBBS, 6731
CHERYL Y DOLES, 4006
EDWIN C DOMINGO, 4779
WILLIAM J DORAIS, 3348
ROBERT E DOUGLAS, 4428
EDWARD B DOWNEY, 2750
BYRON C DOWSE, JR., 6740
BRIAN T DRAKE, 2007
CHRISTINE A DREWS, 2171
WILLIAM C DRIGGERS, 6165
TILMAN DRURY II, 8177
SAMUEL W DUDKIEWICZ, 3665
STEVEN W DUFF, 2431
BETH G DUMBLIS, 9388
DENNIS J DUNN, 1167
LORI M DUPUIS, 6277
ANDREW C DURDEN III, 4252
DOUGLAS E DYER, 2698
CHRISTOPHER T EAKER, 2385
TERRY L EARNEST, 8790
GRACE E EDINBORO, 7820
RACHEL A EDNEY, 4320
ALBERT T EDWARDS, 6236
DWAYNE R EDWARDS, 1353
ELAINE A EDWARDS, 8648
JULES D EDWARDS III, 2180
EDWARD L ELDER, 9770
JAMES A ELLIOTT, JR., 7366
JEFFREY R ELLIOTT, 1075
JOHN D ELLIS, 9724
STEPHEN C ELLSWORTH, 8193
DAVID B ENYEART, 6605
THOMAS A EPPERSON, 3521
DAVID L SR ERNST, 0100
JAMES C ERNST, 9407
MILDRED A ERONDU, 5555
MICHAEL G EVENSON, 0161
DONALD L EVERETT, 5669
MICHAEL A EYRE, 5449
WALTER D EZZELL, JR., 7400
PETER J FAGAN, 1547
RICARDO A FALCON, 7226
JOSEPH P FALCONE, 9252
EDWARD T FARMER, 8382
THOMAS J FARRELL, 1412
RICHARD E FAY, 3173
LOUIS FAZEKAS, 6216
GREGORY E FEHLINGS, 8278
JOHN R FELLOWS, 3213
JORGE M FERNANDEZ, 1993
LARRY A FIELD, 4352
JEWELL E FIELDS, 7370
WILMA O FIORAVANTI, 3659
ROBERT A FODE, 9384
MARY J FORBES, 6247
ANTHONY S FORD, 3062
DOUGLAS A FORD, 7129
EUGENE L FORD III, 4467
MICHAEL A FORD, 4215
ANTHONY J FORMICA, 8829
ALVIN L FOSHEE, JR., 4119
DENIEUWE I L FOSTER, 6078
DANIEL A FOURNIE, 8529
EDWARD G FRIAR, 5548
DOUGLAS W FRISON, 2410
JOHN M FROST, 4358
FRANCES K GABLE, 4725
GERARD R GAGNON, 8539
CHARLES H GAILES, JR., 1993
KENNETH L GAINOUS, 9016
MARION F GALE, JR., 7007
JOHN J GALLAGHER III, 6948
TERESA A GALLAGHER, 3373
DAVID A GALLOWAY, 0242
JESUS M GALVEZORTIZ, 9810
GARY G GARMAN, 7429
GERALD E GATTIS, 3420
EARL J GEE, 2357
GAIL L GERDING, 1304
ALFREDO GERENA, 3878
BOGDAN B GIENIEWSKI, 4502
JOHN E GIFFORD, JR., 1604
JOHN B GILLIS, 4999
GLENN L GIRTMAN, 7167
WILLIAM L GLASGOW, 0528
JAMES D GLENN, 9777
ARTHUR D GLIKIN, 7173
DAVID E GLOVER, 9762
DOUGLAS T GNEISER, 7584
TIMOTHY G GOBLIRSCH, 3848
JANET L GOHMAN, 3517
BALDEMIRO GONZALEZ, 3252
KIPLING J GORE, 2381
MICHAEL L GOREHAM, 0985
JAMES R GORHAM, 2212
GEORGE S GORISHEK, 3483
SUSAN L GOUGH, 5439
JAMES E GOWEN, 4121
JAMES J GRANT, 1080
JAMES M GRAY, 8971
KENNETH F GRAY, 4222
MATTHEW C GRAYS, 6639
MARION W GREEN, JR., 5495
JUDY A GREENEBAKER, 2030
DAVID A GREENWOOD, 7044
SHARON D GRESHAM, 1036
SCOTTY D GRIGSBY, 0468
JOHN W GRIMES, 7787
ERIC B GRIMM, 6261
DENISE A GROSS, 3421
JERONIMO GUARENO, 8604
MICHAEL J GUTHRIE, 5925
JAY D HADEN, 1602
MICHAEL R HADLEY, 0792
MICHAEL J HALL, 0381
PATRICK M HAMILTON, 4374
JAMES A HAMPTON, 0086
JAY R HANCOCK, 9620
LAWRENCE E HANNAN, 6052
OGDEN HANSFORD, JR., 0110
TIMOTHY J HANYOK, 4456
LAWRENCE K HARADA, 2181
ROBERT G HARBS, 2422
THOMAS A HARDY, 6051
WILLIAM G HARDY, 3462
JOHN K HARMS, 1350
LYNN E HARRELSON, 4118
ROY C HARRINGTON, 9574
BRIAN C HARRIS, 6119
CHAUNCEY HARRIS, 5870
JANE I HARRIS, 8551
VERNON L HARRIS, 5202
ROBERT H H HARTER, 8717
RONALD G HARTMAN, 0368
JAMES A HAUN, 8622
RODNEY G HAYES, 0177
JAMES M HEALEY, JR., 3373
JEAN M HECIMOVICH, 2216
DOUGLASS S HECKMAN, 3165
MICHAEL J HEFTY, 4874
ROGER J HEGER, 2489
GARY F HERCHENROEDER, 2780
MARK T HERRICK, 8909
DEAN W HESS, 3503
WILLIAM J HESTWOOD, 2526
KEITH E HIBNER, 0646
JAMES C HILL, 4452
ELIZABETH H HINES, 3012
STEVEN B HIRSCHKOWITZ, 0018
ROBERT J HODGES III, 1430
ROBERT L HODGSON, 6096
DONNA S HOLBROOK, 8212
STEVEN P HOLLOWAY, 2300
CHRISTOPHER J HOLSHEK, 9327
COLUMBUS HOOD, 0967
KIM B HOOPER, 8845
JAMES E HOOVER, 8440
RANDELL K HOWARD, 0467
KIMBALL M HUBBERT, 4649
MICHAEL J HUDDLESTON, 8766
STEPHEN W HUNT, 9526
WILLIAM J HUNT, 5298
CHARLES S HUTT, 9197
DAMON L IGOU, 1830
JOHN V IMHOF, 8984
JEFFREY E IRELAND, 2168
RUTH A IRWIN, 5365
ORLANDO A IZQUIERDO, 4840
JANNETT N JACKSON, 9561
WILLIAM M JACOBS, JR., 3005
BRYAN J JAHNKE, 2873
JOHN F JAKUBOWSKI, 8896
GEORGE J JELICH, JR., 6674
KELLY S JENNINGS, 7285
BRUCE A JENSEN, 5571
VINCENT M JOHNS, 4253
DARREL L JOHNSON, 7206
DAVID L JOHNSON, 6741
PAUL E JOHNSON, 1202
RAYMOND E JOHNSON, 4904
RONALD D JOHNSON, 2246
TIMOTHY C JOHNSON, 3541
WAYNE JOHNSON, 6668
DAVID L JONES, 5000
WALTER L JONES, 0487
DEBORAH F JONESHARRIS, 5499
LOUIS H JORDAN, JR., 2699
WALTER A JUZUKONIS, 9541
ALAN R KALIN, 5780
THOMAS M KANE, 1400
RONALD M KAPRAL, 4304
JAMES KARAS, 6889
STEPHEN E KARSTENSEN, 4207
TIMOTHY W KEASLING, 6467
MARY D KEAST, 9826
MATTHEW J KEATING, 5799
JAMES E KEIGHLEY, 3837
WILLIAM K KEITH, 7939
JOHN B KELLER II, 1975
LAWRENCE J KELLY, 9498
PAUL M KELLY, 7144
SEAN M KELLY, 7465
TIMOTHY J KELLY, 2957
DAVID W KENLINE, 0926
GREGORY L KENNEDY, 7510
JAMES M KENNEDY, 2512
JOHN M KIESOV, 0032
JENIFER S KILCULLEN, 2019
MAE A KING, 5592
MARY A KING, 2653
CHRISTIAN P KLINEFELTER, 5634
CHRISTOPHER P KNEIB, 0424
JOSEPH L KNOTT, 4323
GERARD J KOEHLER, 1078
GREGORY J KOENDERS, 1989
JOY A KOESTER, 3036
RICHARD D KOETHE, 6507
SUSAN E KOLB, 9318
KENNETH A KOON, 4443
ALEXANDER K KOSE, 7147
JERRY E KOSIEROWSKI, 2177
RAYMOND P KRESS, JR., 8976
ROBERT P KROPIK, 7443
FONTAINE WILLIAM H LA, 8649
MARTIN A LAFFERTY, 1563
MARK S LAKE, 6468
DAVID N LANGLEY, 0745
JAMES H VI LATHAM, 7387
JOHN W LATHROP, 4835
DANIEL R LAVERTUE, 2792
ROBERT J LAWLESS, JR., 8245
WILLIAM LAWRENCE, 2702
CHRISTOPHER F LAWSON, 3732
JOHN M LAZARO, 5551
RICHARD B LEAP, 9361
DANIEL B LEATHERMAN, 6492
DAVID E LEBLANC, 2806
JOSEPH P LEBLANC, 6077
CHRISTINE M LEBLOND, 6448
RANDY C LECOMPTE, 5313
JOSEPH H LEDLOW, 3106
KAREN E LEDOUX, 0087
CHARLES R LEE, JR., 7651
CURTIS A LEE, 7274
RUSSELL G LEES, 4871
JOHN A LENK, 8310
KERRY M LEONARD, 7457
BRIAN K LEONHARD, 1959
FIRMIN D LEPORI, 9793
ALLEN W LEPPO, 7463
BRICE I LESLIE, 4598
WALTER T LEVENDOSKY, 0541
ALLEN K LEWIS, 8837
AUDREY J LEWIS, 9329
ELIZABETH A LIECHTI, 6605
GREGORY W LIMBERIS, 6741
RAY C LINDSEY, 4761
KENDALL LINSON, 3848
LAWRENCE A LIPSCOMB, JR., 3201
MARK T LISI, 9805
BERNARD P LISWELL, 0615
CHARLES M LITZELMAN, 6963
KEITH D LOCHNER, 8123
KATHLEEN A LOFTS, 2780
ARTHUR J LOGAN, 9206
BENJAMIN D LONEY, 4826
MICHAEL C SR LOQUASTO, 7279
BRADFORD N LOUISON, 3690
DAVID A LOWE, 4196
MICHAEL L LOY, 3948
PHILIP LUCI, JR., 9709
JEFFREY H LUECK, 2398
GREGORY A LUSK, 2530
DEWEY M LUTZOW, 0911

DWIGHT A LYDIC, 8935
ROBERT K LYTLE, 2852
TIMOTHY I MACGILLIS, 4203
KENNETH C MADDEN, 6677
PATRICIA A MADDOX, 7070
MICHAEL S MADIGAN, 9909
LARRY W MAHAR, 7697
MARIE M MAHONEY, 9388
STEVEN M MAHONEY, 4997
SHELLEY L MAHOOD, 3749
JOHN P MAIETTA, 3168
JIM E MALMGREN, 2652
PATRICIA A MANESSAVERY, 2404
MARLA A MANN, 8884
BRUNO M MANNARELLI, 7490
GLENN R MARCHI, 2690
LAURA L MARFUT, 8984
JEFFREY P MARLETTE, 1930
SCOTT A MARQUARDT, 3171
WILLIAM MARRERO, 2450
KENNETH L MARSH, JR, 5832
RANDAL G MARTIN, 7375
JORGE J MARTINEZ, 8988
SAMUEL W MASSEY, 3549
BURTON L MASTERS, 0425
DAVID V MATAKAS, 5332
FRANK T MATHESON, 4359
JAMES H MATHEWS, JR, 5682
MARK W MATHWIG, 2662
MARLON R MAYS, 8263
RICHARD L MCBRIDE, 2896
AMY S MCBURNIE, 3696
LAURIE E MCCABE, 4980
STEPHEN J MCCAHEY, 5483
KENNETH E MCCALLISTER, 3127
DENISE C MCCANN, 5553
EDWARD T MCCLOSKEY, 4898
VANN L MCCLOUD, 4020
ELBERT A MCCOLLUM, 2799
MICHAEL E MCCORMACK II, 7599
THOMAS J MCCORMICK, JR, 5790
WILLIAM M MCCORMICK, 7332
TERRY G MCCOY, 3969
KAREN L MCCURDY, 9974
MARGARET A MCDEVITT, 7562
JOHN J MCDOUGALL, 2354
MICHAEL D MCDOWELL, 5147
KYM B MCELHINNEY, 9823
MICHAEL A MCFADDEN, 0717
BILLY E MCFARLAND, JR, 6432
SCOTT A MCFARLANE, 4344
FRANCIS M MCGINN, 1594
JOHN K MCGREW, 3395
DAVID J MCGUIRE, 8022
WENDY A MCGUIRE, 5693
JOSEPH M MCINNIS, 8630
PATRICK J MCKEEVER, 2883
MICHAEL J MCKENNA, 1756
RICHARD L MCKINNEY, JR, 1839
JOHN L MCLEISH, 4034
KEVIN P MCLINN, 7293
KENNETH C MCNEILL, 3349
WARNE D MEAD, JR, 3377
DEBORAH L MEARS, 2078
RICHARD M MEDVED, 3161
JORGE MELENDEZVEGA, 9871
MARCOS R MENDEZ, 9252
JOSE M MENDOZA, 1553
DAVID B MERCIERI, 1800
JAMES L MESSER, 3211
BRYAN D MEYERS, 5993
HARVEY A MICHLITSCH, 1325
GARY E MILLER, 4297
MARY J MILLER, 2757
EDWIN MIRANDA, 8941
JEFFREY F MITCHELL, 7985
JOEL C MJOLSNESS, 9375
OWEN W MONCONDUIT, 4298
VINCENT J MONTERA, 1662
LAWRENCE K MONTGOMERY, JR, 2242
TIMOTHY E MONTGOMERY, 8921
DIANE B MOORE, 6489
JIM D MOORE, 7603
TERRY F MOORER, 1176
JAMES E MORRIS, JR, 3304
PAUL L MORSE, 8941
JOHN W MOSER III, 9759
JOHN MOULTON, 9034
KURT MUELLER, JR, 4323
BRUCE A MULKEY, 3770
JON D MULLINS, 3766
BRUCE A MURPHY, 3411
CLYDE E MURRAY, 9844
JOHN S MYERS, 0393
DEBORAH G NAGLE, 4777
NICHOLAS P NAVETTA, 5238
MICHAEL J NELSON, 4028
ROBERT P NELSON, JR, 1126
TRACY A NELSON, 8838
DANIEL R NEUFFER, 2988
KEVIN L NEUMANN, 2773
ALDEN C NEVA, 1430
KENNETH D NEWLIN, 7895
DAVID B NICKELS, 1394
RICARDO A NICOL, 4638
DEBORAH A NIGHTINGALE, 6603
JAMES R NORRIS, 6492
MARY R NORRIS, 2758
STEPHEN J NOVOTNY, 7851
JOHN M NUNN, 4582
ROBERT D OBRIEN, JR, 9971
THERESE M OBRIEN, 8161
JAMES E OHARE, 1457
STEVEN E OLSON, 0273
WILLIAM J ONEILL, 7830
MICHAEL ORE, 4553
TIMOTHY E ORR, 4797
DENNIS M OSTROWSKI, 5378
JOHN M OTTO, 6198
KEITH M OWENS, 6283
RONALD D J OWENS, 3226
BRIAN G PALMORE, 2619
MARK W PALZER, 4036
J THOMAS PARKER, 6952
ROBERT D PASQUALUCCI, 8821
DAVID A PASSWATERS III, 1232
STEVEN A PATARCITY, 0275
EVERETT S PAYNE, 3063
QUENTIN L PEACH, 9199
DWIGHT W PEARSON, 2133
CHARLES H PEDEN, JR, 9375
PATRICIA R PEDRETTI, 2813
ALBERT P PEHANICK, 2403
DAVID W PEMBERTON, 1511
STEPHEN B PENCE, 4890
KENDALL W PENN, 7734
STUART A PENNELS, 3337
LAYTON H M PENNINGTON, 6093
DANIEL G PEPPER, JR, 8601
GREGORY R PERCHATSCH, 3842
ROBERT G PEREZ, 7026
DOROTHY A PERKINS, 3411
RUSSELL E PERRY, 2673
DALE W PETERSON, 5010
CHARLES E PETRARCA, JR, 3685
GORDON W PETRIE, 6710
CHARLES W PHILLIPS, 1854
WILLIAM R PHILLIPS II, 8222
ROBERT E PHILPOTT, 4392
ROBERT A PIAZZA, 8960
LILLIAN C PITTS, 1006
MARK A PLANK, 2306
LINDA PLICHTA, 9192
JOHN E PLUNKETT, 4827
JOHN W POWELL, 0563
STERLING A POWELL, 3546
ALAN W PROFFITT, 9295
THOMAS J PURPLE, JR, 6635
DEE DEE L QUIGGLE, 9563
CARL T QUINN, 1860
JAMES B RABENOLD, 1084
SOPHIA RAFATJAH, 5884
STEVEN C RAMEY, 8182
WILLIAM RAMOS, 9503
MATTHEW A RANEY, 1988
JACKIE L REAVES, 1071
FRANK J REBHOLZ, 3788
FELIPE O REYES, 9678
GEORGE E REYNOLDS III, 8619
THOMAS M RHATICAN, 3148
JIMMY D RHOADES, 8508
JAMES R RICHARDSON, 5632
DAVID E RICKFORD, 8290
KEVIN R RIEDLER, 0761
MARCOS RIVERA, 2152
LEANN D ROBINSON, 5342
MICHAEL E ROBINSON, 2009
GALE E RODENBAUGH, 0871
MARIA J RODRIGUEZ, 9666
RICHARD S RODRIGUEZ, 7587
GOODRICH A ROGERS, 9082
MICHAEL H ROGERS, 6578
JOSEPH E ROONEY, 0356
NICHOLAS J ROPER, 6189
MICHAEL E ROREX, 6087
JOSE R ROSA, 3049
JUAN H ROSA, 9282
RAUL ROSADO, 2349
GAIL A ROSS, 1966
JAMES W ROSS, JR, 1067
GINA M ROSSI, 8011
STANFORD R ROUTT, 4468
GWENDOLYN H RUFF, 7208
ERMEA J RUSSELL, 7767
JACQUELINE L RUSSELL, 8191
PAUL T RUSSELL, 1158
MARK L RUTKOWSKI, 4386
BOBBY L SAILORS, 4525
NORMAN Y SAITO, 3917
CHRISTIAN B SALAMONE, 9784
RONALD M SALAZAR, 1636
DOUGLAS K SALLEE, 4651
ROBERT P SAMBORSKI, 5104
LEON J SANCHEZ, 8079
JORGE L SANTIAGO, 7904
DOUGLAS R SATTERFIELD, 5057
VINCENT J SAVA, 5515
JAYSON D SAWYER, 9015
MARSHALL SCHLICHTING, 2639
DAVID S SCHLIEPER, 4236
LAWRENCE A SCHMIDT, 6584
ROBERT F SCHMITT, 3033
ANDREW K F SCHOBER, 0639
TIMOTHY F SCHROTH, 4054
CHARLES H SCHULZE, 3432
MICHAEL SCHWED, 0876
ROBERT L SCOGGINS, JR, 4556
STEPHEN K SCOTT, 7115
PETER E SEAHOLM, 7374
GIRARD SEITTER, IV 4220
KAREN E SEMERARO, 3265
DEREK J SENTINELLA, 1439
DAWN M SERVON, 2747
VERNON A SEVIER, JR, 7040
KENNETH A SHANNON, 4243
RICHARD L SHEIDER, SR 9795
THOMAS L SHERBAKOFF, 5876
DOUGLAS R SHIPMAN, 0553
EARNEST G SHOWS, JR, 1577
CHARLES D SHULTS, 6950
ANTONIO C SHUMATE, 9634
CLIFFORD M SILSBY, 7716
JACK C SKEEN, 9297
DAVID H SKILTON, 1245
NEIL J SKOW, 7917
ROLAN W SMALL, 9735
ANDY O SMITH, 3629
CHARLES F SMITH, 2569
DENNIS V SMITH, 2519
GEORGE J SMITH, JR, 2447
JOEL A SMITH, 6927
JOHN B SMITH, 6931
JOHN J SMITH, 0865
KEITH A SMITH, 6294
KURT T SMITH, 3892
LARRY J SMITH, 3095
LAWRENCE B SMITH, 3330
MARK C SMITH, 2947
PAUL G SMITH, 4590
ROBERT SMITH, 9736
TONY G SMITH, 2288
CHRISTOPHER M SMRT, 6341
ROBERT G SOECHTING, 3723
TERRY R SOPHER, JR, 1437
MICHAEL D SOULE, 8189
KEITH M SOUSA, 2563
STEVEN P SPAAY, 4835
RALPH E SPARKS, 2246
TIMOTHY W SPRIGGS, 0174
RONALD B SPRINKLE, 1354
MICHAEL S STAEBLER, 5155
JOHN B STANFORD, 0823
LUTHER J STARR III, 8865
HARRIET L STATEN, 0459
THOMAS H STATON, 3999
PHILIP A STEMPLE, 5417
NANCY J STEVENS, 8147
KENNETH B STEVENSON, 0097
GEORGE L STIGLER, 5005
DOUGLAS R STILL, 0845
DENNIS W STINE, 9610
DEAN K STINSON III, 1428
JEROME F STOLINSKI, JR, 8146
BOB S STONE, 4421
MONTE R STOPPELLO, 5449
HARRY D STUDEBAKER, 9077
GEORGE D SUMMIT, 1310
JAMES M SURIANO, 7675
KATHLEEN J SWACINA, 5435
CHARLES W SWANSON, 8300
PETER SWIDERSKI, 4653
MARK D SWOPE, 0650
LORA J TAFT, 0746
JEFFREY W TALLEY, 1997
JAMES C TALLMAN, 9133
DOROTHY E TANEYHILL, 6676
DONALD B TATUM, 6678
STUART G TAYLOR, JR, 0509
DIANN C TERRY, 8736
JAMES M THATCHER, 9200
RONALD R THAXTON, 6747
JOSEPH THOMPSON, 6900
MICHAEL R TIMBERLAKE, 6433
GERALD P TIMONEY, JR, 6532
LATRICE J TOLLERSON, 0765
CHRISTOPHER G TORELLI, 3541
RAFAEL TORRES, 4237
MITCHELL E TORYANSKI, 7995
PETER R TOSI, 9488
STEPHEN A TOWN, 5472
MARK A TRACY, 6652
MICHAEL E TUCKER, 6028
PHILIP E TULLAR, 5528
PAUL G TUREVON, 9786
DENNIS L TURNAGE, 4536
ROGER ULLMAN, 7830
FRANCIS J VAHLE, JR, 3347
HUGH C VANROOSEN II, 0400
ANTHONY J VERGOPIA, 0369
HENRY F VILLARAMA, 6389
APRIL M VINSON, 2363
CATHY J VITTORIA, 6950
ROBERT F VORISEK, 5125
RICKY L WADDELL, 0807
STUART E WAHLERS, 0158
ROBERT D WALK, 4707
STEPHEN C WALKER, 3208
GERALD I WALTER, 6279
ROBERT L WALTER, JR, 4322
BRYAN W WAMPLER, 7622
RANDY H WARM, 0215
KIRK G WARNER, 8504
STEVEN D WARNER, 0158
FOY W WATSON, 8840
CHARLES H WEBB, 5804
ROY S WEBB, 9494
PAUL J WEGMAN, 0539
ROBERT L WEGNER, JR, 3568
JOSEPH K WEIHS, 0383
RONALD P WELCH, 4358
JIMMIE J WELLS, 3197
WILLIAM P WENZLER, 0808
ROBERT W WESLER, 9513
RUBEL D WEST, 4025
RONNIE J WESTMAN, 2334
SCOTT A WHITE, 3117

STEPHEN P WHITE, 4222
JOEL M WIERENGA, 4745
DANIEL J WIERICHS, 2874
DAVID B WILES, 9039
THOMAS P WILKINSON, 3188
FRANK R WILLIAMS, 6400
MARK S WILLIAMS, 7781
CURTIS B WILLIAMSON, 0710
FRANK M WILLIAMSON, 2251
ELIZABETH F WILSON, 0672
EMORY S WILSON, 8342
JEROME WILSON, 9033
SANDRA B WOOD, 4752
WILLIAM S WOOD, 3664
BRUCE D WOOLPERT, 2187
GERALD E WUETCHER, 4518
MARC W YATES, 4894
ROGER D YEARWOOD, 8146
DANIEL L YORK, 5345
JAMES V YOUNG, JR, 5340
JOHN B YOUNG III, 9333
MICHAEL L YOWELL, 4000
ANTHONY D ZABEK, 5854
CLAIRE M ZAJAC, 6020
JOHN P ZAVEZ, 3342
MONTI G ZIMMERMAN, 4702
EDWARD M ZOELLER, 1300
DONALD R ZOUFAL, 2103

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

THOMAS S. HOFFMAN, 8646

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

HERBERT L. ALLEN, JR., 6997
DALE A. JACKMAN, 8413

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

LESLIE G. MACRAE, 9196

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., 624:

To be major

OMAR BILLIGUE, 3456

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CORBERT K. ELLISON, 8123
DAVID M. JONES, 5690
GISELLA Y. VELEZ, 3808

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

GRETCHEN M. ADAMS, 6008

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 624 AND 1552:

To be colonel

MICHAEL D. SHIRLEY, JR., 9772

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

GERALD J. HUERTA, 4961
JEFFREY L. MOORE, 6329
ANTHONY T. WILSON, 9506

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES AIR FORCE AND FOR REGULAR APPOINTMENT UNDER TITLE 10, U.S.C., SECTIONS 624 AND 531:

To be major

MICHAEL F. LAMB, 9464

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be major

DEAN J CUTILLAR, 0161
AARON C HARJU, 5608
ANDREW L P HOUSEMAN, 3745
DONALD J MCKEEL, 9477
CATHERINE R S PLATT, 0392
ROBERT R PORCHIA, 4434
TRACY L RUSSELL, 2797
THOMAS J TOFFOLI, 5516
JOHN P VICKERYANTONIO, 1049
XIAOHUI XIONG, 9484
AN ZHU, 8580

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be captain

STEVEN P. DAVITO, 9605

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 624:

To be commander

EDWARD S. WAGNER, JR., 2947

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

SAMUEL ADAMS, 1753
TIMOTHY E ALLEN, 6516
THOMAS B AYDT, 2019
GREGORY L BADGER, 4178
ROBERT C BANDY, 6690
BRADLEY W BUSCH, 4631
EDWARD K BYERS, 5250
JAMES N COLSTON, 8158
KENNETH T CREAMEANS, 3604
MICHAEL B DAVIES, 6164
STEVEN E FAULK, 1097
MARK R FEGLEY, 1151
ARTHUR C FULLER, 8372
JORGE F GARCIA, 9031
JEFFEREY L HAAS, 2586
ROGER D HEINKEN, 5930
JOSHUA J HENRY, 6929
ERIC P HIGGS, 3232
ROBERT B JOHNS, 6628
ROY G KIDDY, 5775
DANIEL J LOMBARDO, 6894
GARRICK J MILLER, 4261
GARY G MONTALVO, 9266
LARRY A MYERS, 1518
ALBERT D OUTCALT, 9849
CAMILLE G PARRA, 4490
NIRAV V PATEL, 0704
MATHEW D PHANEUF, 8255
JOHN P PIENKOWSKI, 1031
BRIAN K ROTTNEK, 2115
JERROD M SCHRECK, 8588
MATTHEW S SHIELDS, 7665
MELVIN R SMITH, 9971
ALLEN C SUMMERALL, 2191
CHRISTOPHER J TARSA, 3295
RANDY J VANROSSUM, 3669

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

ROBERT S ABBOTT, 5000
THOMAS C ABEL, 8514
ROSS A ADELMAN, 2237
ROARKE L ANDERSON, 7810
DALE M ATKINSON, 2242
PAUL K AUGUSTINE, 5501
MARK T AYCOCK, 3492
ROBERT S BAKER, 7007
LUDOVIC M BAUDOINDAJOUX, 8583
MITCHELL A BAUMAN, 2297
MICHAEL F BELCHER, 2011
FRANCIS P BOTTORFF, 7078
BENJAMIN R BRADEN, 6761
GARETH F BRANDL, 3258
GREGG W BRINEGAR, 0214
GEORGE H BRISTOL, 4724
JOHN J BROADMEADOW, 9914
KIRK E BRUNO, 1258
ROBERT F CASTELLVI, 8039
PHILLIP C CHUDOBA, 6994
CHRISTOPHER M CLAYTON, 7580
VINCENT A COGLIANESE, 2216
ALBERT T CONORD, 7570
JONATHAN D COVINGTON, 2266
JOHN J CRANE, 7804
LEWIS A CRAPAROTTA, 0438
JAMES T CRAVENS, 1255
KEITH W DANEL, 8549
ROBERT R DANKO, 6948
ROBERT E DAVIS, 4136
DANIEL C DEAMON, 3402
ROBERT D DEFORGE, 8502
MARK J DESENS, 0795
PAUL B DUNAHOE, 7633
MARK W ERB, 2918
STEPHEN A FERRANDO, 9068
TIMOTHY W FITZGERALD, 8097
WILLIAM J FLANNERY, 0807
MICHAEL J FOLEY, 4218
MARK D FRANKLIN, 6530
PHILIP D GENTILE, 1238
ROBIN G GENTRY, 9901
KENYON M GILL III, 5389
DANIEL J GILLAN, 0863
THOMAS N GOBEN, 9837
RICKEY L GRABOWSKI, 8519
GARY S GRAHAM, 4576
STEVEN M GROZINSKI, 6562
BRUCE A HAINES, 4912
CHRISTIAN N HALIDAY, 4816
DAVID B HALL, 6494
DOUGLAS M HARDISON, 4555
DAVID S HEESACKER, 1948
DALE E HOUCK, 7737
KIRK W HYMES, 9297
MICHAEL C JORDAN, 6802
TODD G KEMPER, 5348
DAVID A LAPAN, 5817
ROBERT F LEARY, 6749
DAVID R LEPPELMEIER, 9677
RAYMOND F LHEUREUX, 7431
DONALD J LILES, 2175
JOHN D LLOYD, 2977
DAVID P LOBIK, 0427
CHRISTOPHER J LORIA, 9523
MICHAEL E LOUDY, 1657
STEPHEN D MARCHIORO, 1489
HENRY B MATHEWS II, 4075
JOHN L MAYER, 7452
BRYAN P MCCOY, 2401
SCOTT R MCGOWAN, 9847
WILLIAM P MCLAUGHLIN, 9489
RICHARD C MCMONAGLE, 8299
MICHAEL R MELILLO, 8100
JAMES B MILLER, 6866
THOMAS C MOORE, 6113
MICHAEL J MULLIGAN, 5265
CARL E MUNDY III, 5967
SCOTT C MYKLEBY, 6710
NICHOLAS F NANNA, 8729
NIEL,E NELSON, 9399
DANIEL J ODONOHUE, 3417
MICHAEL J OEHL, 6423
MICHAEL A OHALLORAN, 6794
JOHN H OHEY, 7216
FREDERICK M PADILLA, 0193
BRIAN T PALMER, 3369
PETER PETRONZIO, 1240
MICHAEL N PEZNOLA, 6600
DANIEL A PINEDO, 8002
LAWRENCE J PLEIS III, 3719
ALAN M PRATT, 0817
CLARENCE V PREVATT IV, 1596
PETER M RAMEY, 2443
PETER C REDDY, 6715
RICHARD W REGAN, 3847
SHAWN M REINWALD, 4658
MARC F RICCIO, 9925
LAWRENCE R ROBERTS, 8115
GREGORY M RYAN, 9000
MICHAEL A SANTACROCE, 4021
RICHARD A SCHOTT, 8329
RICHARD M SELLECK, 5045
TIMOTHY V SHINDELAR, 3914
CAROLINE A SIMKINSMULLINS, 2559
FRANK H SIMONDS, JR, 5675
DEAN T SINIFF, 4569
PHILLIP J SKALNIAK, JR, 8465
JOHN R SNIDER, 0721
MICHAEL J TAYLOR, 0618
DOUGLAS P THOMAS, 1167
GARY L THOMAS, 0198
MARK J TOAL, 6427
JAMES D TURLIP, 6222
PATRICK J UETZ, JR, 9093
FLOYD J USRY, JR, 6409
CYNTHIA J VALENTIN, 5325
KEVIN S VEST, 2226
DOUGLAS J WADSWORTH, 9633
MARK E WAKEMAN, 8068
JAY D WALKER, 2371
DUFFY W WHITE, 1940
THOMAS M WILLIAMS, JR, 4730
DONALD G WOGAMAN, 5494
PETER D WOODMANSEE, 2652
GEORGE D ZAMKA, 3788
RONALD M ZICH, 7615

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JASON G ADKINSON, 8643
SETH D AINSPAC, 5264
MIGUEL A AMEIGEIRAS, 6490
JOHN R ANDERSON, 9998
MICHAEL S ANDERSON, 2572
DAVID N AREOLA, 4188
JON M AYTES, 8685
ROBERT A BAIRD, 6956
JOHN G BAKER, 4586
JAVIER J BALL, 8657
AHMAD BANDANI, 9579
STEPHEN G BANTA, 7479
JASON M BARRETT, 6646
SCOTT F BENEDICT, 1686
MICHAEL L BENNETT, 6710
INMAN R BESSENGER, 8167
WILLIE J BEST, 1521
CHRISTOPHER S BEY, 6161
JOHN W BICKNELL, JR, 7674
ELIZABETH S BIRCH, 1837

JAMES M BLACKBURN, 0093
JASON Q BOHM, 1666
BRANTLEY A BOND, 1388
LLOYD E BONZO II, 3855
BRADLEY R BORMAN, 1295
ROBERT V BOUCHER, 0692
JOHN R BOWEN, 6894
WILLIAM J BOWERS, 3698
CHAD M BREEDEN, 2385
MARK A BRENNAN, 6473
MARK T BRINKMAN, 0364
RICKY F BROWN, 9480
GLEN G BUTLER, 5955
PATRICK C BYRON, 7118
CHRISTIAN G CABANISS, 8990
JAMES C CALEY, 6203
JOHN R CALVERT, JR, 8047
MICHEL C CANCELLIER, 6635
JOHN H CANE, 1363
THOMAS CARNESI III, 9930
DONALD J CARRIER, 8806
MICHAEL L CARTER, 1737
DAVID P CASEY, 0361
BRIAN W CAVANAUGH, 4807
JOHN A CAVAZOS, 9748
JUSTICE M CHAMBERS III, 9446
CHRISTIAN P CHARLEVILLE, 2083
CLIFFORD D CHEN, 9826
JAMES D CHRISTMAS, 1472
VINCENT E CLARK, 8567
BENJAMIN R CLATTERBUCK, 2375
SHAWN J COAKLEY, 1018
PHILIP A COLBORN, 0736
RANDALL J COLSON, 8526
SHANE B CONRAD, 9008
MATTHEW W COON, 1281
MATTHEW H COOPER, 6473
ROBERT P COTE, 5001
ANDREW L CRABB, 8246
MATTHEW R CRABILL, 0257
MICHAEL S CUNINGHAM, 0732
KARON L CURRY, 8389
ROBERT D CURTIS, 3620
KEITH M CUTLER, 2351
MARC E CZAJA, 3965
PAUL E DAMPHOUSSE, 4082
ROBERT D DASCH, JR, 1438
SCOTT T DAVIDS, 6014
DONALD J DAVIS, 4233
JAMES D DAVIS, 8657
TODD S DESGROSSEILLIERS, 0711
EDWARD T DEWALD, 1731
THOMAS P DEWYEA, 9067
JEFFREY J DILL, 2351
KELLY G DOBSON, 6026
DAN E DOWSE, 4226
CHARLES M DUNNE, 2913
TERENCE J DUNNE, 8467
DEAN A EBERT, 9220
TODD S ECKLOFF, 4683
CHARLES E EHLERT, 4135
CHRISTOPHER H ELLIS, 9982
TODD J ENGE, 6296
BARRY L ENSTICE, 6960
DAVID J ESKELUND, 7144
KATHERINE J ESTES, 2173
ROBB P ETNYRE, 0626
FRED T FAGAN III, 1855
JOHN P FARNAM, 3128
DOUGLAS I FEIRING, 6991
ANTHONY A FERENCE, 1604
MATTHEW D FERINGA, 4845
GEOFFREY H FIELD, 4692
ROBERT A FIFER, 5405
JOHN S FITZPATRICK, 6772
JOSE R FLORES, 1158
MICHAEL D FLYNN, 5533
ALLEN S FORD, 9280
JAMES S FRAMPTON, 6233
TIMOTHY C FRANTZ, 2618
MICHAEL J GANN II, 8123
KARL J GANNON, 5150
MICHAEL GANTE, JR, 3428
PETER J GARFIELD, 9341
ERIC B GARRETTY, 1469
TYSON B GEISENDORFF, 1483
STEVEN G GERACOULIS, 2062
SEAN D GIBSON, 7119
GREGORY G GILLETTE, 8501
ROBERTO J GOMEZ, 6250
JEFFERY O GOODES, 0843
FLAY R GOODWIN, 3321
MICHAEL J GOUGH, 2188
JOHN M GRAHAM, 2165
VERNON L GRAHAM, 4726
THOMAS E GRATTAN III, 1012
CHRISTOPHER M GREER, 2956
DUDLEY R GRIGGS, 2983
FRANCIS A GRZYMKOWSKI, JR, 7818
GLENN R GUENTHER, 7847
ANDREW J GUNDERSON, 6857
JON M HACKETT, 5835
BRINLEY M HALL III, 8338
SCOTT R HALL, 7412
GREGORY J HANVILLE, 0761
MARK S HARRINGTON, 6600
WAYNE C HARRISON, 4511
KENT W HAYES, 9147
CASON N HEARD, 9469
GREGORY M HEINES, 5870
RYAN P HERITAGE, 9586
JAMES B HIGGINS, JR, 7396
RICHARD K HILBERER, 6850
PATRICK A HILLMEYER, 4957
JONATHAN W HITESMAN, 2904
HUNTER H HOBSON, 0366
THOMAS W HOFER, 9763
DAVID P HOLAHAN, 0060
TODD A HOLMQUIST, 2747
MARK A HOUSE, 0788
JON M JACOBS, 1829
JAMES T JENKINS II, 0654
JEFFREY J JOHNSON, 0193
PATRICIA JOHNSON, 4050
FRANK E JOHNSTON, 9013
RONALD F JONES, 8503
STEVEN P KAEGEBEIN, 8779
DANIEL R KAISER, 8144
GARY F KEIM, 7280
JAMES R KENNEDY, 3021
CRAIG T KILLIAN, 6399
ANDREW N KILLION, 8703
GREGORY W KING, 3250
ERIC R KLEIS, 6060
JOSEPH J KLOCEK, JR, 3169
NICHOLAS L KNIGHT, 7523
JEFFREY S KOJAC, 7249
TIMOTHY A KOLB, 1674
ANDREW J KOSTIC, JR, 4897
ERIK B KRAFT, 5789
DAVID P KRAMER, 2653
DAVID A KREBS, 7412
DALE R KRUSE, 6324
RUDY R KUBE, 2523
THOMAS E KUHN, 7724
MARK C KUSTRA, 0906
ALBERT A LAGORE, JR, 0523
CRAIG P LAMBERT, 5751
GEORGE LAMPKIN, JR, 9220
DAVID W LANCASTER, 8818
JOHN R LANGFORD, 1633
DANIEL T LATHROP, 4726
MICHAEL E LATHROP, 4458
KEVIN J LEE, 3528
JAMES E LEIGHTY, 9437
RICHARD E LEINO, 8015
GERRY W LEONARD, JR, 0497
KENNETH M LEWTON, 2153
WILLIAM R LIEBLEIN, 8748
STEPHEN E LISZEWSKI, 8515
CHRISTOPHER L LOVEJOY, 6663
FRANK E LUGO, JR, 8496
ARTHUR R LYMAN IV, 8045
TODD W LYONS, 8549
WILLIAM J MACKEY, 4601
BRIAN L MAGNUSON, 0871
JOHN A MANNLE, 8179
JOHN M MANSON II, 2724
ANTHONY J MANUEL, 4522
GREGORY R MARTIN, 9863
JAMES D MARTIN, 5298
JOSEPH A MATOS III, 5542
CHRISTOPHER J MATTEI, 3236
DOUGLAS S MAYER, 2186
JAMES C MCARTHUR, 3830
BRENDAN B MCBREEN, 8263
KYLE B MCCARTHY, 7996
CHRISTINA D MCCLOSKEY, 8827
PAUL H MCCONNELL, 1866
MICHAEL C MCGHEE, 1695
BRANDON D MCGOWAN, 4277
FRANK N MCKENZIE, 6556
LAWRENCE S MCKNELLY, 5148
TIMOTHY J MCLAUGHLIN, 4168
ARCHIBALD M MCLELLAN, 9616
CHRISTOPHER A MCPHILLIPS, 5343
JOHN S MEADE, 2747
FLOYD M MEANS, JR, 9866
JOHN P MEE, 4157
MARK J MENOTTI, 8392
ANDRE L MERCIER, 9714
JOHN E MERNA, 2197
RANDALL H MESSER, 7969
RONI A MEYERHOFF, 4156
ANDREW R MILBURN, 6950
JEFFREY W MILLER, 0432
LAWRENCE F MILLER, 2882
DON A MILLS, SR, 2202
JAMES H MOORE, 4088
ANTONIO J MORABITO III, 7788
DAN E MORRIS, 2216
JAMES M MORRISROE, 5853
CHRISTOPHER W MORTON, 9449
JOHN A MULLIN, 1409
JAMES E MUNROE II, 9422
MARK A MURPHY, 0053
JOSEPH M MURRAY, 5940
CHRISTOPHER L NALER, 5709
LAWRENCE A NATHAN, 0748
CHAD R NELSON, 2044
KENNETH A NELSON, 1673
VAN Q NGUYEN, 5619
BRENT R NORQUIST, 3906
SEAN P ODOHERTY, 8392
DANIEL P OHORA, 1334
BRIAN P OKEEFE, 0947
DUANE A OPPERMAN, 5994
RENE A ORELLANA, 9622
DAVID M OWEN, 7630
CHRIS PAPPAS III, 2488
ROBERT Y PARK, 2745
TIMOTHY M PARKER, 5431
ARTHUR J PASAGIAN, 8021
RICHARD W PAULY, 7026
MYLES F PEMBER IV, 3299
JASON C PERDEW, 6967
AUSTIN L PETWAY, 1567
MICHAEL R PFISTER, 5390
RICHARD L PHILLIPS II, 1207
VON H PIGG, 4322
JAMES A POPIELEC, 4932
PAUL J PRATT, 1428
ROBERT F PREMO, 1224
LESTER B PRICE, 7960
THOMAS E PRIEST, 0715
TRAVIS M PROVOST, 2841
JEFFREY W PROWSE, 2603
NEAL F PUGLIESE, 3819
JOHN M REED, 3880
KEITH D REVENTLOW, 8247
DEREK G RICHARDSON, 1929
PAUL M RIEGERT, 6697
DONALD J RILEY, JR, 4907
MITCHELL D RIOS, 3882
STEPHEN C ROBERTS, 3589
MACON R ROBINSON, JR, 0047
MICHAEL D ROBINSON, 0518
DANIEL J RODMAN, 0950
ALEJANDRO RODRIGUEZ, 4041
BRENT A RONNING, 4842
DAVID W ROWE, 2870
RICHARD C RUSH, 4212
STANLEY K RUSSELL, 1472
KEITH E RUTKOWSKI, 7086
JONATHAN L SACHAR, 5650
ROBERT P SALASKO, 4794
DAVID L SANFORD, 6109
JOHN M SAPPENFIELD, 3611
CHAD L SBRAGIA, 3803
ALAN SCHACHMAN, JR, 5768
THOMAS A SCHELLIN, 2937
JOEL T SCHIRO, 6263
STEVEN J SCHMID, 1851
MARK G SCHRECKER, 7447
STEPHEN S SCHWARZ, 5823
ROBERT R SCOTT, 3480
DONALD A SCRIBNER, 0418
SUSAN B SEAMAN, 4311
WILLIAM H SEELY III, 8172
JOHN J SHARKEY, JR, 7862
DENNIS J SHERWOOD, 2243
STEVEN A SIMMONS, 6165
STEPHEN A SIMPSON, 3680
GREGG SKINNER, 1125
ROBERT B SOFGE, JR, 2919
JOHN C SPAHR, 3980
JOSEPH P SPATARO, 0700
OLIVER B SPENCER, 0992
NICHOLAS A SPIGNESI, 1250
CLAY A STACKHOUSE, 3463
SCOTT F STEBBINS, 2865
JAMES A STOCKS, 4999
JAY P STORMS, 7386
VICTOR S STOVER, 8888
MIKEL E STROUD, 8815
SCOTT D SUTTON, 5849
DOUGLAS K SWITZER, 6917
CHRISTOPHER D TAYLOR, 7451
MICHAEL D TENCATE, 8910
ANTHONY P TERLIZZI, JR, 6613
ADAM C THARP, 4519
GEOFFREY D THOME, 6781
DAVID C THOMPSON, 3430
MATTHEW E TOLLIVER, 7220
THAD R TRAPP, 7366
KARL R TRENKER, 9440
ALPHONSO TRIMBLE, 6323
MATTHEW G TROLLINGER, 9537
ROBERT M TROUTMAN, 3730
WILLIAM J TRUAX, JR, 0739
RICK A URIBE, 5839
JAY A VANDERWERFF, 0459
CHRISTIAN A VEERIS, 6582
MICHAEL R VILLANDRE, 1592
BRETT A WADSWORTH, 4787
THOMAS A WAGONER, JR, 5897
MARK M WALTER, 1694
PAUL J WARE, 8392
MICHAEL E WATKINS, 1795
JEFFREY G WEBB, 4524
RUDOLF WEBBERS, 2361
CLIFFORD J WEINSTEIN, 1934
ERIC S WEISSBERGER, 6299
FRANK E WENDLING, 5349
JAMES P WEST, 3592
SEAN D WESTER, 4643
CHARLES A WESTERN, 8083
BRIAN H WIKTOREK, 1082
GLENN S WILLIAMS, 0435
CURTIS L WILLIAMSON III, 8821
DONALD K WIMP, 3936
TIMOTHY E WINAND, 7016
MARK E WINN, 3066
JONATHAN A WOODCOCK, 6019
JOSEPH A WOODWARD, JR, 6453
JAMES B ZIENTEK, 3171

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD RESERVE UNDER TITLE 10, U.S.C., 12203(A):

To be captain

VINCENT M. WEBER, 4165

THE FOLLOWING NAMED CADETS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES COAST GUARD UNDER TITLE 14, U.S.C., SECTION 211:

To be ensign

JOHN C ADAMS, 9178
MICHAEL S ADAMS, JR, 8432
RYAN F ADAMS, 2711
MATTHEW E ALEX, 9815
HILLARY A ALLEGRETTI, 0513
NICHOLAS M ANDERSON, 3729
KAREN E APPEL, 8233
MARC J ARMAS, 7999
HUNTER T ATHERTON, 5747
ELIZABETH G BAKER, 3140
MORGAN R BARBIERI, 4095
JIAH G BARNETT, 1568
SEAN H BARTONICEK, 5818
ADRIAN A C BEER, 5070
DANIEL BELL, 2759
ERIN M BIEMILLER, 2815
ORION R BLOOM, 0898
TIMOTHY E BOETTNER, 2290
JORDAN T BOGHOSIAN, 5952
SARA BOOTH, 9432
ELISABETH BOSMA, 7113
JOSHUA D BOYLE, 6923
ELIZABETH L BRAKER, 0813
BRITTANY G BREWSTER, 4889
MATTHEW P BRINKLEY, 4668
ANTONIO D BRINO, 5346
BRIAN J BRUNS, 2467
HOLLY J BUCHEIT, 3684
ALEXANDER G BUCHLER, 2877
BRIAN M BUSH II, 6028
JONATHAN M BYAR, 9871
NELSON W CABLE, 6885
ERIN L CADA, 5386
BRYAN S CANTFIL, 3469
MARLON C CHICHESTER, 2105
KELLY L CHMIELECKI, 6094
JOEL C COITO, 3273
CLAY R CROMER, 6382
MICHAEL D CROWE, 1457
LAWRENCE M CURRAN, 4901
ANDREW J CZARNIAK, 9825
AMALIA E DARATSOS, 4832
JOSHUA J DAUBENSPECK, 6176
STACEY R DAWSON, 9870
DAVID J DEPTULA, 6005
ANTHONY M DESTEFANO, 0185
JOSHUA M DI PIETRO, 1777
JAYME L DUBINSKY, 1829
BENJAMIN R DUNKERTON, 5167
MICHAEL E DURKTON, 0306
STEPHEN M ELLIOTT, 3098
DANIEL G EYER, 5543
MICHAEL S FAHEY, 3416
BOBBIE JEAN FELIX, 3399
MICHAEL P FELTOVIC, 8771
JOHN A FERREIRA, 1845
DANIEL F FLYNN, 8435
CATHERINE F GABINELLE, 3467
JEFFREY M GARVEY, 4026
PETER U GAVIN, 1644
GREGORY C GOLPHIN, 4262
ISAAC R GORDON, 3351
LUKE J GRANT, 4974
KARIMA A GREENAWAY, 1199
MICHAEL J GROFF, 8710
GINNY R GUSTAFSON, 2347
DANIEL R HACKETT, 3298
MEGHAN M HAGUE, 4510
GEORGE F HALL, 6338
NICHOLAS J HAMILTON, 6956
TIFFANY A HANSEN, 9759
JARED A HARLOW, 6344
AMY E HARMEL, 5652
ADRIAN P HARRIS, 4889
JONATHAN R HARRIS, 3187
RYAN D HAWN, 5980
RYAN P HENEBERY, 1630
MARY KATHLEEN O HERON, 4129
ELIZABETH M HETRICK, 8562
JOSIAH D HILL, 5956
JOHN W HOLDERMAN, 7215
GORDON A HOOD, 6391
TASHA R HOOD, 0489
WILLIAM J HOUDE, JR, 6153
CHRISTOPHER R F HOWARD, 1843
NATALIA M HOY, 1246
PETER C HSU, 6162
ZACHARY D HUFF, 3273
MELISSA J HUSKA, 4735
JESSE E HYLES, 3919
CHRISTOPHER A JASNOCH, 8273
JOSEPH K JOHNSON, 4345
LEE H JONES II, 1291
ALANNA G KALTSAS, 6245
JESSICA A KANE, 0495
PETER J KARDAS, 2280
MATTHEW V KEMPE, 6249
JEANNETTE M KILLEN, 6092
HELEN Y KIM, 4375
JASON M KLING, 2123
KELLY L KOCH, 4483
GEORGE C KOLUMBIC, 5402
SCOTT R KOSER, 9840
BRIAN A KUDRLE, 3490
JACOB M KYER, 6850
JEFFREY M LAMONT, 3922
PETER M LANG, JR, 1227
JONATHAN D K LEE, 7900
LINDSEY E LEFEBVRE, 2617
NICHOLAS D LEITER, 3807
REBECCA M LENBERG, 1786
JENNIFER N LOPEZ, 4619
GREG T LOVELESS, 4850
CRAIG G MACKENZIE, 0871
NATHAN P MACKENZIE, 4628
ANDREW P MADJESKA, 1096
FRANK A MARCHESKI, 6470
JUSTIN M MATEJKA, 0398
CHRISTOPHER N MCANDREW, 2870
TYLER J MCGILL, 0802
HEATHER M MEINEKE, 9418
HEIDI L MILLER, 5008
KEVIN L MILLER II, 5170
PAUL J MILLER, 5485
RYAN C MILLER, 7193
WILLIAM C MILLWARD, 9207
SARA P MONACO, 1707
BRIAN P MONAGHAN, 3479
JEREMY J MONTES, 7602
DARLA M MORA, 5650
EMILY L MORRISON, 3671
MATTHEW K A MOTHANDER, 0874
LANE M MUNROE, 2357
ELISABETH T MURTHA, 7445
SAMUEL L NELSON, 8449
DAVID T NEWCOMB, 9855
ELIZABETH J NEWTON, 0764
GERALD W NEWTON, 3723
BENJAMIN K OLOUGHLIN, 7531
ROLAND T I ORR II, 9554
THOMAS R OSBORN, JR, 8402
JEFFREY K PADILLA, 9890
AARON T PARKER, 1581
BRITTANY C PARKER, 1796
JENNIFER G PAULSON, 0361
KIRA M PETERSON, 7907
SARAH E PETRELLA, 2591
ERIN K PIGORS, 6991
HAROLD N I PIPER II, 3026
JOHN P POLEY, 6354
GREG H PONZI, 0248
RYAN B POPIEL, 8925
JOSEPH H PRIDE, 5859
JEDEDIAH A RASKIE, 4570
DAVID W RATNER, 1713
TRACEY L RICHARDS, 5541
CORY A RIESTERER, 6017
JOSEPH E RIZZO, 6229
NATHANIEL R ROSS, 2692
JUSTIN F RULE, 6365
AMANDA C RYAN, 4945
THOMAS A SANBORN, 5006
ERNEST A C SAPONARA, 4157
KATIE R SAVOIE, 8388
NATHANIEL P SELAVKA, 5672
JOSEPH R SEMKE, 0597
NICHOLAS C SENIUK, 7590
MATTHEW A SHAFFER, 3921
MATTHEW R SHAFFER, 9900
KRISTEN A SHALLOW, 7710
REBECCA B SHULTS, 3184
AMY C SIBERT, 1390
GREGORY S SICKELS, 2910
JUSTIN C SMITH, 2548
JESSICA A SNYDER, 3345
TRACY M SPEELHOFFER, 5432
GRAYSON C STALVEY, 5058
JASON R STANKO, 9050
BENJAMIN W STEVENSON, 6529
DAVID W STUTT, 5250
CONOR J SULLIVAN, 2255
RICHARD W SULLIVAN, JR, 4520
CHRISTOPHER E SVENCER, 2491
TRACEY L SWAYNOS, 3807
COLLEEN A SYMANSKY, 2271
RICHARD C SZOKA, 6648
NICOLE M TESONIERO, 8629
FELICIA S THOMAS, 5441
MICHAEL C THOMAS, 3675
JONATHAN T TILLMAN, 1588
CHRISTOPHER W TOMS, 7573
LAWRENCE E TORMEY, 9170
ANTHONY T TRAN, 3007
CHRISTINE M UNDERWOOD, 0202
STEVEN B VAN DERLASKE, 6042
KYRA N VAN ECHO, 2068
GREGORIO J VERA II, 3024
PAMELA R WADE, 9000
RYAN T WAITT, 5215
JOHN H WALTERS, 3434
MATTHEW E WARANIUS, 5489
BRYAN D WATTS, 6057
JORELL R WEBB, 6178
CHRISTOPHER C WEISER, 2049
SAMANTHA M WHITTEN, 4497
KIMBERLY M WILSON, 3356
DEWEY W WORKER, 5901
CHAD A YEAMANS, 6915
LILY A ZEPEDA, 8355
JOSHUA L ZIKE, 1847
MATTHEW S ZOLNIEREK, 4211
ANDREW H ZUCKERMAN, 5654

HOUSE OF REPRESENTATIVES—*Thursday, January 6, 2005*

The House met at 11 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 6, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of justice and Lord of history,

In 1821 John Quincy Adams said, "Let us not be unmindful that liberty is power . . . The nation blessed with the greatest portion of liberty must, in proportion to its numbers, be the most powerful nation on Earth."

Your scriptures tell us, Lord, "Balance and scales belong to the Lord: all weights of justice are His concern."

Lord God, through the years, the three branches of government and the Electoral College have had a lot to do with balancing power in this Nation.

Today as the legislative branch of government counts the votes of the Electoral College to verify the election of the President, we praise and thank you for the intuition of law-abiding citizens who seek justice in every free election and for the desire of founding fathers to have both the voice of large and small States, and the votes of States with the most and the least in population, both be heard and counted.

May the 109th Congress measure and be measured in the balance of dialogue and justice. And may every citizen of this great Nation find balance in his or her own life so to find peace in oneself and fairness with others.

So we will pray and act now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. CLYBURN) come forward and lead the House in the Pledge of Allegiance.

Mr. CLYBURN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. PENCE. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 32) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 32

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives.

Committee on Agriculture: Mr. Goodlatte, Chairman.

Committee on Appropriations: Mr. Jerry Lewis of California, Chairman; Mr. C.W. Bill Young of Florida; Mr. Regula; Mr. Rogers of Kentucky; Mr. Wolf; Mr. Kolbe; Mr. Walsh; Mr. Taylor of North Carolina; Mr. Hobson; Mr. Istook; Mr. Bonilla; Mr. Knollenberg; Mr. Kingston; Mr. Frelinghuysen; Mr. Wicker; Mr. Cunningham; Mr. Tiahrt; Mr. Wamp; Mr. Latham; Mrs. Northup; Mr. Aderholt; Mrs. Emerson; Ms. Granger; Mr. Peterson of Pennsylvania; Mr. Goode; Mr. Doolittle; Mr. LaHood; Mr. Sweeney; Mr. Sherwood; Mr. Weldon of Florida; Mr. Simpson; Mr. Culberson; Mr. Kirk; Mr. Crenshaw; Mr. Rehberg; Mr. Carter; and Mr. Alexander.

Committee on Armed Services: Mr. Hunter, Chairman.

Committee on Budget: Mr. Nussle, Chairman.

Committee on Education and the Workforce: Mr. Boehner, Chairman.

Committee on Energy and Commerce: Mr. Barton, Chairman; Mr. Hall; Mr. Bilirakis; Mr. Upton; Mr. Stearns; Mr. Gillmor; Mr. Deal; Mr. Whitfield; Mrs. Cubin; Mr. Shimkus; Mrs. Wilson of New Mexico; Mr. Pickering; Mr. Fossella; Mr. Blunt; Mr. Buyer; Mr. Radanovich; Mr. Bass; Mr. Pitts; Mrs. Bono; Mr. Walden; Mr. Terry; Mr. Ferguson; Mr. Mike Rogers of Michigan; Mr. Otter; Mrs. Myrick; Mr. Sullivan; Mr. Murphy; Mr. Burgess; and Mrs. Blackburn.

Committee on Financial Services: Mr. Oxley, Chairman.

Committee on Government Reform: Mr. Tom Davis of Virginia, Chairman.

Committee on Homeland Security: Mr. Cox, Chairman.

Committee on House Administration: Mr. Ney, Chairman.

Committee on International Relations: Mr. Hyde, Chairman.

Committee on Judiciary: Mr. Sensenbrenner, Chairman.

Committee Resources: Mr. Pombo, Chairman.

Committee on Rule: Mr. Gingrey.

Committee on Science: Mr. Boehlert, Chairman.

Committee on Small Business: Mr. Manzullo, Chairman.

Committee on Transportation and Infrastructure: Mr. Don Young of Alaska, Chairman.

Committee on Veterans' Affairs: Mr. Buyer, Chairman.

Committee on Ways and Means: Mr. Thomas, Chairman; Mr. Shaw; Mrs. Johnson of Connecticut; Mr. Herger; Mr. McCrery; Mr. Camp; Mr. Ramstad; Mr. Nussle; Mr. Johnson of Texas; Mr. Portman; Mr. English; Mr. Hayworth; Mr. Weller; Mr. Hulshof; Mr. Ron Lewis of Kentucky; Mr. Foley; Mr. Brady; Mr. Reynolds; Mr. Ryan of Wisconsin; Mr. Cantor; Mr. Linder; Ms. Hart; Mr. Beauprez; and Mr. Chocola.

Mr. PENCE (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES

Mr. CLYBURN. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 33) and ask for immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 33

Resolved, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Peterson of Minnesota.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Obey.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Skelton.

(4) COMMITTEE ON THE BUDGET.—Mr. SPRATT.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE—Mr. George Miller of California.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Dingell.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Frank of Massachusetts.

(8) COMMITTEE ON GOVERNMENT REFORM.—Mr. Waxman.

(9) COMMITTEE ON HOMELAND SECURITY.—Mr. Thompson of Mississippi.

(10) COMMITTEE ON INTERNATIONAL RELATIONS.—Mr. Lantos.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Conyers.

(12) COMMITTEE ON RESOURCES.—Mr. Rahall.

(13) COMMITTEE ON RULES.—Ms. Slaughter.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(14) COMMITTEE ON SCIENCE.—Mr. Gordon.

(15) COMMITTEE ON SMALL BUSINESS.—Ms. Velázquez.

(16) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Oberstar.

(17) COMMITEE ON VETERANS' AFFAIRS.—Mr. Evans.

(18) COMMITTEE ON WAYS AND MEANS.—Mr. Rangel.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain five one-minutes per side.

LEGITIMATE ELECTION

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, today, Congress will certify the votes of the Electoral College. In doing so, we will reaffirm the historic victory won by President Bush. On November 2, 2005, he won more votes than any candidate in history, becoming the first President since Franklin Roosevelt to win reelection while leading his party to two consecutive gains in the Senate.

Based on conspiracy theories and speculation, some in the minority party will seek to derail the constitutional duty we will seek to carry out today. They are wrong for doing so.

President Bush won Ohio by 118,457 votes. Again, some will not accept the results of a democratic election. They intend to prolong legal challenges to achieve in court what they could not achieve on Election Day.

Look at the basis for the legal challenge, Mr. Speaker. Mysterious hackers manipulating voting machines, phantom agents committing unspecified acts, Senator KERRY receiving fewer votes than another statewide candidate, and the final results not reflecting exit poll numbers.

Mr. Speaker, this is absurd. None of these charges are legitimate. But votes are. The quicker we accept the fact, get on with addressing the issues that caused the American people to support George Bush in record numbers, the better we will be.

ROBBING THE AMERICAN PEOPLE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, this morning we learned the White House wants to not only privatize Social Security but also wants to cut retirees' benefits. Privatization takes money from retirees on Main Street and gives it to the Enrons of Wall Street. Will Wall Street care about what happens to precious Social Security funds when more than half of the private pension funds in the U.S. are already insolvent and cut Social Security benefits?

No one is cutting the cost of food, rent, electricity, gas, oil or property taxes.

There is a solution. Keep the Wall Street/White House hands off. Do not privatize Social Security. Do not cut Social Security benefits. Social Security is rock solid through the year 2042. The crisis is the attempted theft of retirees' benefits.

Mr. Speaker, call the cops. The American people are being robbed.

AMERICAN BOXER REBELLION

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. And so, Mr. Speaker, it begins, the canard of hyperbole, the delusional statements, indeed, word coming to this body that later today, in a joint session, one from the other body will lead an American-born Boxer Rebellion.

The conspiracy theorists use celluloid and mockumentaries and fevered imaginings to try to mischaracterize debate and, as we understand, even this afternoon, try to dissuade numbers and facts.

Mr. Speaker, the sour grapes, the sensationalism, the conspiracy theories, and the fear and smear should be laid to rest. It will be later this afternoon, and for the American people it will be through vigorous factual debate.

BOXER REBELLION OF TODAY

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, if you believe in today's Boxer Rebellion, you must believe that the 627 million votes for President Bush do not count. You must believe that the 50 Secretaries of State who certified their elections were all wrong. You must believe that Ohio's Secretary of State lied in his solemn certification of Ohio's electorate. You must believe that Senator KERRY was all wrong when he said the election should be decided by voters, not lawyers.

Today, you will hear from Members of Congress who want to choose a President here in Congress because they do not like the choice that was made at the voting booth. But, here in America, elections should be decided at home at the ballot box and not here by extremist Members of Congress who show themselves on national television to be sore losers.

HONORING SERGEANT JEREMY WRIGHT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, in December I had the privilege of leading a delegation of my colleagues to visit American forces serving in Operation Enduring Freedom in Kabul, Jalalabad and Bagram Air Force Base in Afghanistan.

As we learned during our journey, Mr. Speaker, Afghanistan is a place where American generosity and American power are succeeding. But upon my return I had a grim and heartbreaking reminder of who deserves the credit. The American soldier. Literally, the day that I arrived back to work here on Capitol Hill this week, I was notified by the military and by his family of the combat death of Sergeant Jeremy Wright of Shelbyville, Indiana, an incident that claimed his life just 6 short weeks after arriving for duty in Afghanistan.

It is written that no greater love has a man than this that he should lay down his life for his friends.

So I conclude that Sergeant Jeremy Wright's name, like every other American soldier lost in the war on terror in Afghanistan and Iraq, Sergeant Jeremy Wright's name will be enshrined in the hearts of two grateful nations, the United States of America and the free Islamic Republic of Afghanistan, forever.

RIGHTFUL ELECTION

(Mr. FOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOLEY. Mr. Speaker, we are delighted to be here today to swear the electoral votes from all the States in the Union. Having witnessed in 2000, very upfront and personal, there were a lot of charges made at that time that votes were stolen, elections were rigged. Time and time again evidence proved that those charges were false and malicious; and the President of the United States, who was elected and sworn into that office, was in fact the rightful recipient of that title.

Now, I understand today that there may be more mischief relative to another State in the Union who is having the laser beam of focus on it and that is Ohio.

Now, Florida was declared victorious for President Bush in 2000. In 2004, for a larger plurality of Floridians, the Democratic party worked tirelessly to provide workers in Florida, having witnessed new faces from around almost every county, participating in the democratic way of trying to help their candidate. No excuses can be made. The President of the United States, George W. Bush, won reelection; and we are here today to do our constitutional duty to convey those electoral votes as properly counted and tabulated and declared for the candidate who received the majority.

☐ 1115

Ohio declared the victory for George W. Bush. Florida did as well, as did many other States; and our Commander in Chief and President of the United States is duly entitled to receive the swearing-in ceremonies on these grounds on January 20.

Now, having Floridians subjected to a lot of catcalls and acrimony over their voting habits, we are delighted another State has taken that honor; but without question, having analyzed the documents, having witnessed committee hearings on allegations and yet no one brought meaningful charges, we are pleased and delighted that President Bush again will serve this Nation for the next 4 years.

This weekend I would like to remind our Members that we celebrate the 10th anniversary of the 104th Congress. We are proud of the class that was elected. My colleague, the gentleman from Arizona (Mr. HAYWORTH), has made arrangements for us all to go to Arizona to think back on what we have achieved the last 10 years and what we hope to go forward with. A lot of important issues like Social Security, Medicare, prescription drug coverage, things of that nature, will be discussed at this conference.

The gentleman from Arizona (Mr. HAYWORTH) and the gentleman from Illinois (Mr. WELLER) have been leaders in the effort, and I see my colleague approaching the mike.

Mr. HAYWORTH. Mr. Speaker, will the gentleman yield?

Mr. FOLEY. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I thank my friend from Florida, especially in terms of the fact that a quick check of the weather map indicates that his district may enjoy temperatures in the 80s this weekend; and in Arizona, we are just creeping back up to 65 in the Sonoran Desert. So I appreciate the fact that he is willing to pack a sweater. Hopefully, no umbrella will be needed in the wake of the moisture. We very much needed it in the desert earlier this week and in the high country in terms of snow.

But weather aside, we hope that all our friends from the class of 1994 and the 104th Congress will enjoy their time as we take a look at where we have been and where we are headed in this 109th Congress.

Mr. FOLEY. Mr. Speaker, I was not going to brag about the weather in Florida, but I have repeatedly on either Fox News Channel or in other circumstances.

If I could also make one other mention on Social Security while I have the floor reserved. Social Security is a very, very important issue for Americans. There have been a lot of comments in the newspaper about potential damage, destruction of Social Security; and I can assure my colleagues, as one Member who comes from the fifth largest Medicare-eligible population in America of all 435 districts, that this truly is an important endeavor for our Congress, and we should not be using brick bats to demonize one side or the other about plans.

We should talk constructively about the opportunities to engage, both sides of the aisle, whether it is the gentleman from New York (Mr. RANGEL) or the gentleman from California (Mr. THOMAS), who have significant ideas about how to improve the structural nature of this important program.

No one's trying to destroy it. Nobody's trying to uncouple it, but we are trying to look at rational ways in which we can deliver the benefits not only to those who are currently enrolled in the system, but those who are starting their first job or just born.

It is much too important to have polarization on a topic that is so critically important to our citizens. Our seniors need not be frightened. Forty-five-year-olds need not be wondering whether it is going to be there for them. A 30-year-old should not consider Social Security like UFOs, unattainable, unavoidable or unlikely.

The system is going to be preserved. How we do that depends on the willingness of both sides of the aisle to talk constructively about how to create a financial network, strengthen the system in order that recipients in the future may, in fact, receive their full benefits.

APPOINTMENT OF TELLERS ON THE PART OF THE HOUSE TO COUNT ELECTORAL VOTES

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to Senate Concurrent Resolution 1, 109th Congress, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment as tellers on the part of the House to count the electoral votes:

the gentleman from Ohio, Mr. NEY, and

the gentleman from Connecticut, Mr. LARSON.

APPOINTMENT OF MEMBER TO THE PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Permanent Select Committee on Intelligence:

Ms. HARMAN of California.

ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF VICTIMS OF INDIAN OCEAN TSUNAMI

Mr. HAYWORTH. Mr. Speaker, I ask unanimous consent that the Committee on Ways and Means be discharged from further consideration of the bill (H.R. 241) to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

The Clerk read the bill, as follows:

H.R. 241

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ACCELERATION OF INCOME TAX BENEFITS FOR CHARITABLE CASH CONTRIBUTIONS FOR RELIEF OF INDIAN OCEAN TSUNAMI VICTIMS.

(a) IN GENERAL.—For purposes of section 170 of the Internal Revenue Code of 1986, a taxpayer may treat any contribution described in subsection (b) made in January 2005 as if such contribution was made on December 31, 2004, and not in January 2005.

(b) CONTRIBUTION DESCRIBED.—A contribution is described in this subsection if such contribution is a cash contribution made for the relief of victims in areas affected by the December 26, 2004, Indian Ocean tsunami for which a charitable contribution deduction is allowable under section 170 of the Internal Revenue Code of 1986.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 12:55 p.m.

Accordingly (at 11 o'clock and 21 minutes a.m.), the House stood in recess until approximately 12:55 p.m.

☐ 1258

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 o'clock and 58 minutes p.m.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

SWEARING IN OF MEMBER-ELECT

The SPEAKER. Will the gentleman from Arizona (Mr. SHADEGG) please take his place in the well of the House and take the oath of office at this time.

Mr. SHADEGG appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Under clause 5(d) of rule XX, the Chair announces to the House that, in light of the swearing in of the gentleman from Arizona, the whole number of the House is adjusted to 429.

COUNTING ELECTORAL VOTES—JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF SENATE CONCURRENT RESOLUTION 1 (HOUSE OF REPRESENTATIVES—JANUARY 6, 2005)

At 1:02 p.m., the Sergeant at Arms, Wilson Livingood, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left.

The joint session was called to order by the Vice President.

The VICE PRESIDENT. Mr. Speaker and Members of Congress, pursuant to the Constitution and laws of the United States, the Senate and House of Representatives are meeting in joint session to verify the certificates and count the votes of the electors of the several States for President and Vice President of the United States.

After ascertainment has been had that the certificates are authentic and correct in form, the tellers will count and make a list of the votes cast by the electors of the several States.

The tellers on the part of the two Houses will please take their places at the Clerk's desk.

The tellers, Mr. LOTT and Mr. JOHNSON on the part of the Senate, and Mr. NEY and Mr. LARSON of Connecticut on the part of the House, took their places at the desk.

The VICE PRESIDENT. Without objection, the tellers will dispense with reading formal portions of the certificates.

There was no objection.

The VICE PRESIDENT. After ascertaining that certificates are regular in form and authentic, the tellers will announce the votes cast by the electors for each State, beginning with Alabama.

Senator LOTT (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alabama seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 9 votes for President and DICK CHENEY of the State of Wyoming received 9 votes for Vice President.

Mr. NEY (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Alaska seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President and DICK CHENEY of the State of Wyoming received 3 votes for Vice President.

Senator JOHNSON (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Arizona seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 10 votes for President and DICK CHENEY of the State of Wyoming received 10 votes for Vice President.

Mr. LARSON of Connecticut (one of the tellers). Mr. President, the certificate of the electoral vote of the State of Arkansas seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 6 votes for President and DICK CHENEY of the State of Wyoming received 6 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of California seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 55 votes for President and John Edwards of the State of North Carolina received 55 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Colorado seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 9 votes for President and DICK CHENEY of the State of Wyoming received 9 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the great State of Connecticut seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 7 votes for President and John Edwards of the State of North Carolina received 7 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Delaware seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the District of Columbia seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Florida seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 27 votes for President and DICK CHENEY of the State of Wyoming received 27 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Georgia seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 15 votes for President and DICK CHENEY of the State of Wyoming received 15 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Hawaii seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 4 votes for President and John Edwards of the State of North Carolina received 4 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Idaho seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 4 votes for President and DICK CHENEY of the State of Wyoming received 4 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Illinois seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 21 votes for President and John Edwards of the State of North Carolina received 21 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Indiana seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 11 votes for President and DICK CHENEY of the State of Wyoming received 11 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Iowa seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 7 votes for President and DICK CHENEY of the State of Wyoming received 7 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Kansas seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 6 votes for President and DICK CHENEY of the State of Wyoming received 6 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the Commonwealth of Kentucky seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 8 votes for President and DICK CHENEY of the State of Wyoming received 8 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Louisiana seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 9 votes for President and DICK CHENEY of the State of Wyoming received 9 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Maine seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 4 votes for President and John Edwards of the State of North Carolina received 4 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Maryland seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 10 votes for President and John Edwards of the State of North Carolina received 10 votes for Vice President.

□ 1315

Mr. NEY. Mr. President, the certificate of the electoral vote of the Commonwealth of Massachusetts seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 12 votes for President, and John Edwards of the State of North Carolina received 12 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Michigan seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 17 votes for President, and John Edwards of the State of North Carolina received 17 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Minnesota seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 9 votes for President, that John Edwards of the State of North Carolina received 1 vote for President, and John Edwards of the State of North Carolina received 10 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Mississippi seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 6 votes for President, and DICK CHENEY of the State of Wyoming received 6 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Missouri seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 11 votes for President, and DICK CHENEY of the State of Wyoming received 11 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Montana seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President, and DICK CHENEY of the State of Wyoming received 3 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Nebraska seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Nevada seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of New Hampshire seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 4 votes for President, and John Edwards of the State of North Carolina received 4 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of New Jersey seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 15 votes for President, and John Edwards of the State of North Carolina received 15 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of New Mexico seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of New York seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 31 votes for President, and John Edwards of the State of North Carolina received 31 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of North Carolina seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 15 votes for President, and DICK CHENEY of the State of Wyoming received 15 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of North Dakota seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President, and DICK CHENEY of the State of Wyoming received 3 votes for Vice President

Mr. NEY. Mr. President, the certificate of the electoral vote of the well-known and great State of Ohio seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 20 votes for President and DICK CHENEY from the from the State of Wyoming received 20 votes for Vice President.

The VICE PRESIDENT. For what purpose does the gentlewoman from Ohio rise?

Mrs. JONES of Ohio. Mr. Vice President, I seek to object to the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given and have a signed objection, and I do have a Senator.

The VICE PRESIDENT. Has the Senator signed the objection?

Mrs. JONES of Ohio. Mr. Vice President, the Senator has signed the objection.

The VICE PRESIDENT. An objection presented in writing and signed by both a Representative and a Senator complies with the law, chapter 1 of title 3, United States Code.

The Clerk will report the objection.

The Clerk read the objection as follows:

> We, a Member of the House of Representatives and a United States Senator, object to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.
>
> STEPHANIE TUBBS JONES,
> *Representative, State of Ohio.*
> BARBARA BOXER,

Senator, State of California.

The VICE PRESIDENT. Are there further objections to the certificate from the State of Ohio?

The Chair hears none.

The VICE PRESIDENT. The two Houses will withdraw from joint session. Each House will deliberate separately on the pending objection and report its decision back to the joint session.

The Senate will now retire to its Chamber.

The Senate retired to its Chamber.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1 and section 17 of title 3, the United States Code, when two Houses withdraw from the joint session to count the electoral vote for separate consideration of objection, a Representative may speak to the objection for 5 minutes and not more than once. Debate shall not exceed 2 hours, after which the Chair will put the question, "Shall the objection be agreed to?"

The Clerk will report the objection made in the joint session.

The Clerk read the objection as follows:

> We, a Member of the House of Representatives and a United States Senator, object to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.
>
> STEPHANIE TUBBS JONES,
> *Representative, State of Ohio.*
> BARBARA BOXER,
> *Senator, State of California.*

The SPEAKER. The Chair will endeavor to alternate recognition between Members speaking in support of the objection and Members speaking in opposition to the objection.

The Chair recognizes the gentlewoman from Ohio (Mrs. JONES) for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I, STEPHANIE TUBBS JONES, and BARBARA BOXER, a Senator from California, have objected to the counting of the electoral votes of the State of Ohio on the ground that they were not, under all of the known circumstances, regularly given.

I, thank God, have a Senator joining me in this objection, and I appreciate Senator BOXER's willingness to listen to the plight of hundreds, and even thousands of Ohio voters, that for a variety of reasons were denied the right to vote.

□ 1330

Unfortunately, objecting to the electoral votes from Ohio is the only immediate avenue to bring these issues to light. While some have called our cause foolish, I can assure you that my parents, Mary and Andrew Tubbs, did not raise any fools. They raised a lawyer, they raised a former judge, they raised a prosecutor; and thank God they live to see me serve as a Member of the House of Representatives.

I am duty bound to follow the law and apply the law to the facts as I find them, and it is on behalf of those millions of Americans who believe in and value our democratic process and the right to vote that I put forth this objection today. If they are willing to stand at polls for countless hours in the rain, as many did in Ohio, then I should surely stand up for them here in the halls of Congress.

This objection does not have at its root the hope or even the hint of overturning the victory of the President; but it is a necessary, timely, and appropriate opportunity to review and remedy the most precious process in our democracy. I raise this objection neither to put the Nation in the turmoil of a proposed overturned election nor to provide cannon fodder or partisan demagoguery for my fellow Members of Congress. I raise this objection because I am convinced that we as a body must conduct a formal and legitimate debate about election irregularities. I raise this objection to debate the process and protect the integrity of the true will of the people.

Again, I thank Senator BOXER.

There are serious allegations in two lawsuits pending in Ohio that debate the constitutionality of the denial of provisional ballots to voters: One, the Sandusky County Democratic Party v. J. Kenneth Blackwell and Ohio's vote recount, Yost v. David Cobb, et al. These legitimate questions brought forward by the lawsuits, which go to the core of our voting and democratic process, should be resolved before Ohio's electoral votes are certified.

Moreover, as you are aware, advancing legislative initiatives is more challenging when you are in the minority party in the Congress. However, this challenge is multiplied when you are in the minority in the House of Representatives because of the House rules compared to the Senate rules.

Voting irregularities were an issue after the 2000 Presidential election when the House initiatives relating to election reform were not considered. Therefore, in order to prevent our voices from being kept silent, it is imperative that we object to the counting of Ohio's electoral votes.

What happened in Ohio in Cuyahoga County. There are just over 1 million registered voters in Cuyahoga County which, of course, includes my congressional district. Registration increased approximately 10 percent. The beauty of the 2004 election was that more people were fully prepared to exercise their right to vote; however, on election day, hundreds and even thousands of individuals went to the voting polls and were denied the opportunity. In my own county where citizen volunteers put forth a Herculean effort to register, educate, mobilize and protect, there were long lines, 4- to 5-hour waits.

Election Protection Coalition testified that more than half of the complaints about long lines they received came from Columbus and Cleveland where a huge proportion of the State's Democratic voters live. One entire polling place in Cuyahoga County had to shut down at 9:25 a.m. on election day because there were no working machines. On provisional balloting, Cuyahoga County had over-all provisional ballot rejection of 32 percent. Rejection rates for provisional ballots in African American precincts and wards in Cleveland averaged 37 percent and in some as high as 51 percent.

Significant flaws in registration process and procedures. Initial research identified at least 600 individuals purged from the Cuyahoga County voting rolls without a due process. Cuyahoga County analysis of 10,900 voter applications showed that almost 3,000 were never entered; address updates received but never updated; mistakes in entering addresses.

I thank the Speaker for the opportunity to be heard, and I raise the objection on behalf of the electors of the State of Ohio.

Ms. PRYCE of Ohio. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The Chair recognizes the gentlewoman from Ohio.

Ms. PRYCE of Ohio. Mr. Speaker, on one recent, crisp autumn morning in Boston, one tired-looking Presidential hopeful took the stage in front of a large crowd of loyal, yet disappointed, faces to say the following words: "It is now clear that even when all the provisional ballots are counted, which they will be, and which they were, there won't be enough outstanding votes for us to be able to win Ohio. And, therefore, we cannot win this election." And so JOHN KERRY conceded the Presidency to George W. Bush with grace and dignity.

Apparently such admirable qualities do not apply to certain extreme elements of Senator KERRY's own party. For if they did, surely this House would not be standing here today bogged down in this frivolous debate.

Mr. Speaker, on the other side of the aisle, a handful of Members will step forward and claim that they are here to contest an election of this Nation. They will claim that there was fraud and that the result was invalid. Americans, do not be deceived. Their intentions in this whole process are merely to sow doubts and undermine public confidence in the electoral system itself. Their challenges to the legitimacy of this election are no more than another exercise in their party's primary strategy, to obstruct, to divide, and to destroy. In other words, their objection is a front for their lack of ideas. With absolutely no credible agenda for America, these Democrats have opted to try and change the past rather than work for a better future

Mr. Speaker, we just welcomed a new year and began a new Congress. Republicans are ready and eager to ask the questions and prompt the debate that will produce results for America. We want to talk about ways to reduce health care costs for families and debate ways to create more jobs for Americans. We are ready to discuss how to strengthen our schools to better educate our children.

But apparently some Democrats only want to gripe about counts, recounts, and recounts of recounts. So eager are they to abandon their job as public servants, they have cast themselves in the role of Michael Moore, concocting wild conspiracy theories to distract the American public. Such aspiring fantasy authors should note the facts before they let the ink dry on this tall tale.

For example, the request for an Ohio recount has already been fulfilled, and it verified what we already knew, what Senator JOHN KERRY knew the first day, that President Bush won Ohio by nearly 120,000 votes, an overwhelming and comfortable margin. Indeed, George W. Bush is the first Presidential candidate to win the majority of the popular vote since 1988. And, Mr. Speaker, every single major editorial board of every newspaper in Ohio has called this effort a sham.

Eighty-eight separate bipartisan election boards from every county in Ohio, even Cuyahoga, have verified and vouched for the integrity of the results. Are we to believe that the hundreds of Democrats who sit on these boards were actively working against their own party and their own Presidential candidate? No local, county, or State election officials in Ohio are contesting this election. Not one. The overwhelming majority of Ohioans are not contesting this election, so why should politicians in Washington?

Mr. Speaker, it is a shame that these Democrats have resorted to such baseless and meritless tactics to begin the 109th Congress. And it is a shame that they have placed their partisan war, disclaimed by their own candidate above what is best for the country and to use the great State of Ohio as their vehicle.

Mr. Speaker, I yield the balance of my time to my friend and colleague from the great State of Ohio (Mr. HOBSON).

Mr. HOBSON. Mr. Speaker, I rise with a heavy heart today on this issue. I think this is, in all the years I have been in politics, one of the most base, outrageous acts to take place. The Democratic State chairman in our State has not challenged, to my knowledge, the count or the outcome in any county. His name is Denny White. The Democratic chairman of no county that I know of has challenged either the count or the outcome in any county. The Democratic board of election members have not challenged the count or the outcome in any county.

This should be voted down.

Mr. Speaker, I rise today with a heavy heart on this issue. In all of the years that I have been in public service, I think this is one of the most base, outrageous acts to take place.

Ohio's State Democratic Chairman, whose name is Denny White, has not, to the best of my knowledge, challenged the count or outcome of this election.

No Ohio Democratic County Chairman has challenged the count or outcome of this election in any county.

No Ohio Democratic Board of Election member has challenged the count or outcome of this election in any county.

The people of the State of Ohio are not challenging the results of the election. The challenges we are hearing today are politically motivated by partisan politicians. They are casting aspersions on the bipartisan electing officials within the State of Ohio. This is unfair and wrong to do to those hardworking, dedicated officials.

All of the major newspapers in Ohio have editorialized against this despicable action taken by the minority.

Mr. Speaker, the American people want us to work together in a bipartisan fashion. My constituents ask me why we don't work together more often. What we are seeing here today, two days after being sworn in, is why we don't see more comity in the House. this action is setting the wrong tone for the beginning of the 109th Congress.

This debate today is not going to change the result of the election, but it will poison the atmosphere of the House of Representatives.

Mr. Speaker, this challenge should be overwhelmingly defeated.

Mr. CONYERS. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Michigan is recognized for 5 minutes.

Mr. CONYERS. Mr. Speaker, I include for printing in the CONGRESSIONAL RECORD the staff report of the House Judiciary Committee Democratic staff entitled, "Preserving Democracy: What Went Wrong in Ohio."

PRESERVING DEMOCRACY: WHAT WENT WRONG IN OHIO

EXECUTIVE SUMMARY

Representative John Conyers, Jr., the Ranking Democrat on the House Judiciary Committee, asked the Democratic staff to conduct an investigation into irregularities reported in the Ohio presidential election and to prepare a Status Report concerning the same prior to the Joint Meeting of Congress scheduled for January 6, 2005, to receive and consider the votes of the electoral college for president. The following Report includes a brief chronology of the events; summarizes the relevant background law; provides detailed findings (including factual findings and legal analysis); and describes various recommendations for acting on this Report going forward.

We have found numerous, serious election irregularities in the Ohio presidential election, which resulted in a significant disenfranchisement of voters. Cumulatively, these irregularities, which affected hundreds of thousands of votes and voters in Ohio, raise grave doubts regarding whether it can be said the Ohio electors selected on December 13, 2004, were chosen in a manner that conforms to Ohio law, let alone federal requirements and constitutional standards.

This report, therefore, makes three recommendations: (1) consistent with the requirements of the United States Constitution concerning the counting of electoral votes by Congress and Federal law implementing these requirements, there are ample grounds for challenging the electors from the State of Ohio; (2) Congress should engage in further hearings into the widespread irregularities reported in Ohio; we believe the problems are serious enough to warrant the appointment of a joint select Committee of the House and Senate to investigate and report back to the Members; and (3) Congress needs to enact election reform to restore our people's trust in our democracy. These changes should include putting in place more specific federal protections for federal elections, particularly in the areas of audit capability for electronic voting machines and casting and counting of provisional ballots, as well as other needed changes to federal and state election laws.

With regards to our factual finding, in brief, we find that there were massive and unprecedented voter irregularities and anomalies in Ohio. In many cases these irregularities were caused by intentional misconduct and illegal behavior, much of it involving Secretary of State J. Kenneth Blackwell, the co-chair of the Bush-Cheney campaign in Ohio.

First, in the run up to election day, the following actions by Mr. Blackwell, the Republican Party and election officials disenfranchised hundreds of thousands of Ohio citizens, predominantly minority and Democratic voters:

The misallocation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters. This was illustrated by the fact that the Washington Post reported that in Franklin County, "27 of the 30 wards with the most machines per registered voter showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry." Among other things, the conscious failure to provide sufficient voting machinery violates the Ohio Revised Code which requires the Boards of Elections to "provide adequate facilities at each polling place for conducting the election."

Mr. Blackwell's decision to restrict provisional ballots resulted in the disenfranchisement of tens, if not hundreds, of thousands of voters, again predominantly minority and Democratic voters. Mr. Blackwell's decision departed from past Ohio law on provisional ballots, and there is no evidence that a broader construction would have led to any significant disruption at the polling places, and did not do so in other states.

Mr. Blackwell's widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party's decision to engage in preelection "caging" tactics, selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout. The Third Circuit found these activities to be illegal and in direct violation of consent decrees barring the Republican Party from targeting minority voters for poll challenges.

The Ohio Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands of legal voters, who were not only intimidated, but became discouraged the long lines. Shockingly, these disruptions were publicly predicted and acknowledged by Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges "can't help but create chaos, longer lines and frustration."

Mr. Blackwell's decision to prevent voters who requested absentee ballots but did not receive them on a timely basis from being able to receive provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell's order to be illegal and in violation of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that have yet to be accounted for:

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these many serious allegations represents a violation of his statutory duty under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors.

There were 93,000 spoiled ballots where no vote was cast for president, the vast majority of which have yet to be inspected. The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25% each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president.

There were numerous, significant unexplained irregularities in other counties throughout the state: (i) In Mahoning county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers from vote counting citing an FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than voters in other precincts, and voters casting more than one ballot; (iv) in Butler county a down ballot and underfunded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspect 98.55 percent, and after 100 percent of the precincts were reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of numerous irregularities in tallying provisional ballots and conducting and completing the recount that disenfranchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still not complete):

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots resulted in the loss of thousands of predominantly minority votes. In Cuyahoga County alone, the lack of guidance and the ultimate narrow and arbitrary review standards significantly contributed to the fact that 8,099 out of 24,472 provisional ballots were ruled invalid, the highest proportion in the state.

Mr. Blackwell's failure to issue specific standards for the recount contributed to a lack of uniformity in violation of both the Due Process Clause and the Equal Protection Clauses. We found innumerable irregularities in the recount in violation of Ohio law, including (i) counties which did not randomly select the precinct samples; (ii) counties which did not conduct a full hand court after the 3% hand and machine counts did not match; (iii) counties which allowed for irregular marking of ballots and failed to secure and store ballots and machinery; and (iv) counties which prevented witnesses for candidates from observing the various aspects of the recount.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide "cheat sheets" to those counting the ballots. The cheat sheets informed election officials how many votes they should find for each candidate, and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full countywide hand recount mandated by state law.

CHRONOLOGY OF EVENTS

The Lead Up to the 2004 Ohio Presidential Election In Ohio—In the days leading up to election day 2004, a consensus appeared to have emerged among observers that the state of Ohio would be one of the battleground states that would decide who would be elected the Forty-fourth President of the United States. Both the Democratic and Republican Presidential campaigns, as well as outside groups, had spent considerable time and resources to win the state, but the day before the election, the Democratic candidate, Senator John Kerry, appeared to have the edge. The Democratic Party also had vastly outperformed its Republican counterparts in registering voters in this key state.

Election Day—Numerous irregularities were reported throughout Ohio. In particular, in predominately Democratic and African-American areas, the voting process was chaotic, taxing and ultimately fruitless for many. The repeated and suspicious challenges of voter eligibility and a lack of inadequate number of voting machines in these areas worked in concert to slow voting to a crawl, with voting lines as long as ten hours. Voters reported bizarre "glitches" in voting machines where votes for Senator Kerry were registered as votes for the President. The counting process was similarly chaotic and suspect.

The Aftermath—On November 5, after receiving preliminary reports of election irregularities in the 2004 General Election, Congressman John Conyers, Jr., the Ranking Member of the House Judiciary Committee, and 14 Members of Congress wrote to the Government Accountability Office (GAO) to request an investigation of such irregularities.

On November 22, at the request of the GAO, the House Judiciary Committee Democratic staff met with GAO officials. In this meeting, GAO officials advised that, on its own authority, the GAO was prepared to move forward with a wide ranging analysis of systemic problems in the 2004 elections. GAO officials also advised Judiciary staff that they would be unable to examine each and every specific election complaint, but would look at some such complaints as exemplars of broader deficiencies.

At the same time, the offices of Democratic Staff and of Democratic Judiciary Committee Members were deluged with e-mails and complaints about the election. While such complaints are still being processed, close to 100,000 such complaints were received. As of this writing, the Judiciary Democratic office alone is receiving approximately 4,000 such e-mails a day. More than half of these complaints were from one state: Ohio. The Election Protection Coalition has testified that it received more complaints on election day concerning irregularities in Ohio than any other state.

On December 2, 2004, Members of the Judiciary Committee wrote to Ohio Secretary of State Kenneth Blackwell that these complaints appear collectively to constitute a troubled portrait of a one-two punch that may well have altered and suppressed votes, particularly minority and Democratic votes. The Members posed 36 questions to Secretary Blackwell about a combination of official actions and corresponding actions by non-official persons, whether in concert or not, worked hand-in-glove to depress the vote among constituencies deemed by Republican campaign officials to be disadvantageous.

Through his spokesman, Secretary Blackwell assured the public and the press that he would be happy "to fill in the blanks" for the Committee and asserted that many questions were easily answered. In fact, Secretary Blackwell belatedly replied to the letter with a refusal to answer any of the questions. Ranking Member Conyers wrote back to Blackwell the same day requesting that he remain true to his promise to answer the questions. Congressman Conyers has yet to receive a reply.

At the same time, officials from the Green Party and Libertarian Party have been investigating allegations of voter disenfranchisement in Ohio and other states. Eventually, the Presidential Candidates for those parties, David Cobb and Michael Badnarik, filed requests for recounts to all 88 Ohio Counties. However, it appears their efforts too are being stonewalled and thwarted by nonstandard and highly selective recounts, unnecessary delays, and blatant deviations from long accepted Ohio law and procedure. Recently, Senator Kerry, a party to the recount action, joined the Green Party and Libertarian Party in requesting immediate action to halt these irregularities and potential fraud in the recount. The recount is still pending before the federal court, yet to be counted.

In addition, a challenge has been filed to the Ohio results asserting, to a level of sworn proof beyond a reasonable doubt, that Senator Kerry, not President Bush, was the actual victor of the Presidential race in Ohio. Kenneth Blackwell is adamantly refusing to answer any questions under oath in regard to election irregularities or results. He is apparently counting upon Congress accepting the votes of the electors and, as an immediate consequence, the Ohio Supreme Court dismissing the citizens' election contest.

Committee Members and other interested Members have gone to substantial lengths to ascertain the facts of this matter. The investigation by Congressman Conyers and the Democratic staff of the House Judiciary Committee into the irregularities reported in the Ohio presidential election has also included the following efforts:

On November 5, 2004, Representatives Conyers, Nadler, and Wexler wrote to the GAO Comptroller David M. Walker requesting an investigation of the voting machines and technologies used in the 2004 election;

On November 8, 2004, Representatives Conyers, Nadler, Wexler, Scott, Watt, and Holt wrote to GAO Comptroller Walker requesting that additional concerns surrounding the voting machines and technologies used in the 2004 election be investigated;

On November 15, 2004, Representatives Lee, Filner, Olver, and Meeks joined in the request for a GAO investigation;

On November 29, 2004, Representatives Weiner, Schakowsky, Farr, Sanders, and Cummings joined in the request for a GAO investigation;

On December 2-3, 2004, Congressman Conyers and other Judiciary Democratic Members wrote to Ohio Secretary of State J. Kenneth Blackwell concerning Ohio election irregularities;

On December 3, 2004, Representative Woolsey joined in the request for a GAO investigation;

On December 3, 2004, Congressman Conyers wrote to Warren Mitofsky of Mitofsky International requesting the release of exit poll raw data from the 2004 presidential election as such data may evidence instances of voting irregularities;

On December 8, 2004 in Washington, D.C., Congressman Conyers hosted a forum on voting irregularities in Ohio;

On December 13, 2004 Congressman Conyers hosted a second forum on voting irregularities in Ohio in Columbus, Ohio;

On December 13, 2004 Congressman Conyers and other Members wrote to Ohio Governor, Bob Taft, Speaker of Ohio State House, Larry Householder, and President of Ohio State Senate, Doug White, requesting a delay of the meeting of Ohio's presidential electors;

On December 14, 2004, Congressman Conyers wrote to Ohio Secretary of State J. Kenneth Blackwell in regards to the Secretary's refusal to cooperate with the Judiciary Democratic Members investigating election irregularities in Ohio;

On December 15, 2004, Congressman Conyers wrote to FBI Special Agent in Charge, Kevin R. Brock and Hocking County, Ohio Prosecutor, Larry Beal, requesting an investigation into alleged Ohio election problems;

On December 21, 2004, Congressman Conyers wrote to Ohio candidates requesting that they report any incidences of irregularities or deviations from accepted law or practices during the recount in Ohio;

On December 21, 2004, Congressman Conyers wrote to several major media outlets requesting the exit poll raw data from the 2004 presidential election;

On December 22, 2004, Congressman Conyers wrote to Triad GSI President Brett Rapp and Triad GSI Ohio Field Representative Michael Barbian, Jr. regarding the voting machine company's involvement in the Presidential election and Ohio recount and allegations that it intentionally or negligently acted to prevent validly cast ballots in the presidential election from being counted;

On December 23, 2004, as a follow-up letter to the December 22 letter, Congressman Conyers wrote to Triad's President Rapp and Ohio Field Representative Barbian upon learning that Triad had remote access to tabulating computers controlled by the Board of Elections; and

On January 3, 2004, federal and Ohio state lawmakers joined Reverend Jesse Jackson in Columbus, Ohio for a rally calling attention to the need for national election reform and the January 6th joint session of Congress where election results will be certified.

Citizen groups have played a substantial role in acquiring relevant information. Citizens Alliance for Secure Elections in Ohio has organized hearings that have provided valuable leads for this report. We have been contacted by thousands of concerned citizens: they want a full and fair count of all of the votes and confidence in the electoral system, and they find both of these to be sorely lacking in this election. Many have investigated these matters themselves and have made considerable sacrifices to do so.

The events surrounding the Presidential election in Ohio must be viewed in two important contexts. First, there is the 2000 Election debacle in Florida. In that election, advocates for a full and fair count were asked to "move on" after Vice President Al Gore conceded the election to then-Governor George W. Bush. Months later, it was found that a full and fair count would have resulted in Gore, not Bush, being elected the Forty-third President of the United States. Subsequent investigations also uncovered rampant disenfranchisement in Florida, particularly of African-American voters.

Second, as events have unfolded in Ohio, telling events have taken place within the United States, in the State of Washington, and across the globe, in the Ukraine. In Washington State, after the Republican Gubernatorial Candidate, Dino Rossi, declared victory after a partial recount, it was later found—after a full and fair recount—that the Democratic candidate, Christine Gregoire, was the victor. While national and state Republican leaders in Ohio have derided attempts to ascertain the Ohio Presidential election result and resolve the questions described herein, after the Washington recount, Mr. Rossi has now asked for a re-vote in the State of Washington, saying it is needed for the election to be "legitimate."

In the Ukraine, after the apparent defeat of the opposition leader, Viktor Yushchenko, in that nation's Presidential election, amid allegations of fraud and public protests, a new election was held, and Yushchenko won by a significant margin. In fact, in the first, seemingly flawed election, Yushchenko appeared to lose by three percentage points. However, he won by eight percentage points in the subsequent revote. United States officials called the original vote rife with "fraud and abuse," largely relying on anecdotal evidence and deviations between exit polls and reported results.

A simple lesson may be drawn from these two contexts: elections are imperfect. They are subject to manipulation and mistake. It is, therefore, critical that elections be investigated and audited to assure the accuracy of results. As Senator Kerry's attorney recently noted, only with uniformity in the procedures for such an investigation and audit "can the integrity of the entire electoral process and the election of Bush-Cheney warrant the public trust."

Regardless of the outcome of the election, and that outcome cannot be certain as long as legitimate questions remain and valid ballots are being counted, it is imperative that we examine any and all factors that may have led to voting irregularities and any failure of votes to be properly counted.

RELEVANT BACKGROUND LAW

A. Federal Constitutional Law Safeguards

The right to vote is our most cherished democratic right and, as such, is strongly protected under the Constitution. Both the Equal Protection and Due Process Clauses of the 14th Amendment operate to protect our citizens' right to vote for the candidate of their choice.

In the seminal voting rights case of Reynolds v. Sims, the Supreme Court held that "the right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government." The Court observed that, "undeniably the Constitution of the United States protects the right of all qualified citizens to vote, in state as well as in federal elections. A consistent line of decisions by this Court in cases involving attempts to deny or restrict the right of suffrage has made this indelibly clear. It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote. . . . and to have their votes counted."

Under the Equal Protection Clause of the Fourteenth Amendment, Reynolds and its progeny require that votes that are cast must actually be counted. The Equal Protection Clause also requires that all methods the "legislature has prescribed" to preserve the right to vote be effected, not thwarted.

Courts have held that the Due Process Clause implemented in the context of voting rights requires "fundamental fairness"—the idea that the state official cannot conduct an election or apply vote-counting procedures that are so flawed as to amount to a denial of voters' rights to have their voices heard and their votes count. As a result, under the Constitution, citizens have a fundamental right to vote and to have their vote counted by way of election procedures that are fundamentally fair. Where "organic failures in a state or local election process threaten to work patent and fundamental unfairness, a . . . claim lies for a violation of substantive due process."

Importantly, protections for the right to vote extend to and include the right to a full and fair recounting of those votes. A recount is fundamental to ensure a full and effective counting of all votes. Ohio courts have held that "[a] recount . . . is the only fair and equitable procedure to ensure the correct tally of all the votes." As the Oklahoma Supreme Court recently emphasized, "[a] timely recount is an integral part of an election." The West Virginia Supreme Court, construing a recount statute similar to Ohio's recount provisions, stressed the importance of an election recount to the fairness and integrity of the election itself. Indeed, courts in states which provide a statutory right to a recount uniformly have held that an election cannot be deemed over and final until a recount provided under state law has been completed.

B. Federal Statutory Election Safeguards

There are numerous federal statutes that protect the right to vote. First and foremost, the Voting Rights Act prohibits any person, whether acting under color of law or otherwise, from:

(1) failing or refusing to permit any qualified person from voting in . . . federal elections;

(2) refusing to count the vote of a qualified person; or

(3) intimidating any one attempting to vote or any one who is assisting a person in voting.

In addition, the Civil Rights Act of 1968 provides criminal penalties for violations of civil rights, including interference with the right to vote. Specifically, section 245 of title 18 makes it a crime for any person who "by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with any person because he is or has been, or in order to intimidate such person or any other person or any class of persons from voting or qualifying to vote. . . .".

In 1993, Congress enacted the National Voter Registration Act (NVRA), which requires that, for federal elections, states establish fair and expeditious procedures so that eligible citizens may register to vote. Pursuant to the NVRA, section 1974a of title 42 makes it a crime for any person to willfully steal, destroy, conceal, mutilate, or alter any voting records, including those having to do with voter registration.

After the widespread problems that occurred in the November 2000 election, Congress enacted the Help America Vote Act (HAVA), thereby creating a new federal agency with election administration responsibilities, setting requirements for voting and voter-registration systems and certain other aspects of election administration, and providing federal funding. Perhaps the central requirement of HAVA was that, beginning January 1, 2004, any voter not listed as registered must be offered and permitted to cast a provisional ballot. HAVA included a variety of additional new requirements, including a provision that beginning January 1, 2004 (extendable to 2006), states using voter registration must employ computerized, statewide voter registration systems that are accurately maintained.

C. Ohio Election Safeguards

Ohio has enacted numerous provisions designed to protect the integrity of the voting and tabulation process.

1. The Right to Vote in Ohio

Under the Ohio Constitution, "Every citizen of the United States, of the age of eighteen years, who has been a resident of the state, county, township, or ward, such time as may be provided by law, and has been registered to vote for thirty days, has the qualifications of an elector, and is entitled to vote at all elections." This includes the right to vote directly for Presidential electors. The protection of this right is placed squarely on the Secretary of State, who has the affirmative duty to "investigate the administration of election laws, frauds, and irregularities in elections in any county, and report violations of election laws to the attorney general or prosecuting attorney, or both, for prosecution." To complete this task, the legislature has given the Secretary the power to "issue subpoenas, summon witnesses, compel the production of books, papers, records and other evidence."

Many specific provisions in the Ohio Revised Code help protect one's right to vote:

Polls must be open from 6:30 in the morning until 7:30 at night, and everyone in line at that time must be allowed to vote.

Loitering around the polling place is barred, and no one may "hinder or delay" a voter from reaching the polls or casting a vote.

Alteration or destruction of ballots, machinery or election records is prohibited.

Illegal voting is a felony.

Those who cannot mark their own ballot due to illiteracy or disability are entitled to assistance.

Election officials who do not enforce these provisions are criminally liable.

2. Declaring Results

Ohio law requires that, before the Secretary of State can declare the initial results of the Presidential election in Ohio, each of the 88 county boards of elections ("county boards") must (1) canvass the results in the county, (2) certify abstracts of those results, and (3) send the certified abstracts to the Secretary of State." Only after the Secretary of State receives the certified abstracts from the county boards is the Secretary able to canvass the abstracts to "determine and declare" the initial results of the Presidential election in Ohio.

Under Ohio law, the Secretary of State is required to fix the calendar by which the state's Presidential election results initially are declared and by which a recount of those initial results can occur. Specifically, the Secretary is to set the date by which Ohio's 88 county boards must complete their canvass of election returns and send the certified abstracts of the results to the Secretary. Any statutorily mandated recount of the votes cast in Ohio for President cannot occur before the Secretary declares the initial results.

3. Security of Ballots and Machinery

In addition, Ohio law prohibits election machinery from being serviced, modified, or altered in any way subsequent to an election, unless it is done so in the presence of the full board of elections and other observers. Any handling of ballots for a subsequent recount must be done in the presence of the entire Board and any qualified witnesses. Containers in which ballots are kept may not be opened before all of the required participants in are attendance. The Ohio Revised Code defines a ballot as "the official election presentation of offices and candidates . . . and the means by which votes are recorded." Therefore, for purposes of Ohio law, electronic records stored in the Board of Election computers are to be considered "ballots."

Further, any modification of the election machinery may only be done after full notice to the Secretary of State. The Ohio Code and related regulations require that after the state certifies a voting system, changes that affect "(a) the method of recording voter intent; (b) voter privacy; (c) retention of the vote; or (d) the communication of voting records," must be done only after full notice to the Secretary of State.

Secretary Blackwell's own directive, coupled with Ohio Revised Code §3505.32, prohibits any handling of these ballots without bipartisan witnesses present. That section of the code provides that during a period of official canvassing, all interaction with ballots must be "in the presence of all of the members of the board and any other persons who are entitled to witness the official canvass." In this election, the Ohio Secretary of State has issued orders that election officials were to treat all election materials as if the State were in a period of canvassing," and that, "teams of one Democrat and one Republican must be present with ballots at all times of processing."

In addition to these provisions imposing duties on the Board of Elections, there are numerous criminal sanctions for tampering with votes and the machines that tabulate them:

"No person shall tamper or attempt to tamper with, deface impair the use of, destroy or otherwise injure in any manner any voting machine . . . No person shall tamper or attempt to tamper with, deface, impair the use of, destroy or otherwise change or injure in any manner any marking device, automatic tabulating equipment or any appurtenances or accessories thereof."

"No person shall-destroy any property used in the conduct of elections.

"No person, from the time ballots are cast or voted until the time has expired for using them in a recount or as evidence in a contest of election, shall unlawfully destroy or attempt to destroy the ballots, or permit such ballots or a ballot box or pollbook used at an election to be destroyed; or destroy, falsify, mark, or write in a name on any such ballot that has been voted.

"No person, from the time ballots are cast or counted until the time has expired for using them as evidence in a recount or contest of election, shall willfully and with fraudulent intent make any mark or alteration on any ballot; or inscribe, write, or cause to be inscribed or written in or upon a registration form or list, pollbook, tally sheet, or list, lawfully made or kept at an election, or in or upon a book or paper purporting to be such, or upon an election return, or upon a book or paper containing such return the name of a person not entitled to vote at such election or not voting thereat, or a fictitious name, or, within such time, wrongfully change, alter, erase, or tamper with a name, word, or figure contained in such pollbook, tally sheet, list, book, or paper; or falsify, mark, or write thereon with intent to defeat, hinder, or prevent a fair expression of the will of the people at such election.

All of these are fifth degree felonies.

4. The Law of Recounts and Contests

The Secretary of State's declaration of the initial results of a Presidential election in Ohio is not final. Under Ohio law, a recount of the initial results is required where the margin of victory is one-fourth of one percent or less, or where a candidate who is not declared elected applies for a recount within five days of the Secretary of State declaring the results of the election and remits the required bond. In either instance, the Secretary of State "shall make an amended declaration of the results" of the Presidential election after a full and complete recount of the initial results throughout the state is completed. Therefore, the Ohio legislature has determined that, in certain statutorily-defined circumstances, the Secretary's final declaration of the results of a Presidential election in Ohio shall not occur prior to a full and complete recount of the initial results.

Once the recount applications have been filed, all affected county boards must notify the applicant and all others who received votes in the election of the time, method and place at which the recount will take place, such notice to be no later than five days prior to the start of the recounts. Nothing in Ohio law prohibits the notices from being mailed prior to the certification of results. The recount must be held no later than ten days after the day the recount application is filed or after the day the Secretary of State declares the results of the election.

At the time and place fixed for making a recount, the Board of Elections, in the presence of all witnesses who may be in attendance, shall open the sealed containers containing the ballots to be recounted and shall recount them. Each candidate may "attend and witness the recount and may have any person whom the candidate designates attend and witness the recount.

Due to a directive issued by Secretary Blackwell, the recount does not automatically require a hand count of every vote cast in the election. Each county board of elections randomly takes a sample representing at least 3% of the votes cast and compares the machine count to a hand count. If there is a discrepancy, the entire county must be hand counted. If there is no discrepancy, the remainder of ballots may be recounted by machine.

D. Determination of Ohio's Electoral College Votes

Ohio and federal law intersect with regard to the issue of determining the extent to which Ohio's electoral votes are counted towards the election of the president through the electoral college. The 12th Amendment sets forth the requirements for casting electoral votes and counting those votes in Congress. The electors are required to meet, cast and certify their ballots and transmit them to the Vice President in his or her capacity as President of the Senate. In addition, the Electoral Count Act requires that the results be transmitted to the secretary of state of each state, the Archivist of the United States, and the federal judge in the district in which the electors met. Upon receipt of the ballots at a time designated by statute, the "President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted.

Congress has specified that all controversies regarding the appointment of electors should be resolved six days prior to the meeting of electors (on December 7, 2004, for purposes of this year's presidential election) in order for a state's electors to be binding on Congress when Congress meets on January 6, 2005, to declare the results of the 2004 election.

Specifically, 3 U.S.C. §5 provides, in pertinent part:

"If any State shall have provided, by laws enacted prior to the day fixed for the appointment of the electors, for its final determination of any controversy or contest concerning the appointment of all or any of the electors of such State, by judicial or other methods or procedures, and such determination shall have been made at least six days before the time fixed for the meeting of the electors, such determination made pursuant to such law so existing on said day, and made at least six days prior to said time of meeting of the electors, shall be conclusive, and shall govern in the counting of the electoral votes as provided in the Constitution, and as hereinafter regulated, so far as the ascertainment of the electors appointed by such State is concerned."

The joint session of the Senate and House is held on January, unless Congress determines otherwise, of the year following the presidential election at 1:00 p.m. No debate is allowed during the joint session. The President of the Senate opens the electoral vote certificates in alphabetical order from each state, passes them to four tellers (required by statute to be appointed two from each House) who announce the results. The votes are then counted and those results announced by the President of the Senate. The candidates for President and Vice President receiving a majority of the electoral votes, currently set at 270 of 538, are declared to have been "elected President and Vice President of the States."

Section 15 of title 3, United States Code, provides that, when the results from each of the states are announced, that "the President of the Senate shall call for objections, if any." Any objection must be presented in writing and "signed by at least one Senator and one Member of the House of Representatives before the same shall be received." The objection must "state clearly and concisely, and without argument, the ground thereof." When an objection has been properly made in writing and endorsed by a member of each body the Senate withdraws from the House chamber, and each body meets separately to consider the objection. "No votes . . . from any other State shall be acted upon until the [pending] objection . . . [is] finally disposed of."

Section 17 of title 3 limits debate on the objections in each body to two hours, during which time no member may speak more than once and not for more than five minutes. Both the Senate and the House must separately agree to the objection; otherwise, the challenged vote or votes are counted.

Historically, there appears to be three general grounds for objecting to the counting of electoral votes. The law suggests that an objection may be made on the grounds that (1) a vote was not "regularly given" by the challenged elector(s); (2) the elector(s) was not "lawfully certified" under state law; or (3) two slates of electors have been presented to Congress from the same State. Section 15 of title 3 specifically provides:

"[N]o electoral vote or votes from any State which shall have been regularly given by electors whose appointment has been lawfully certified . . . from which but one return has been received shall be rejected, but the two Houses concurrently may reject the vote or votes when they agree that such vote or votes have not been so regularly given by electors whose appointment has been so certified. If more than one return or paper purporting to be a return from a State shall have been received by the President of the Senate, those votes, and those only shall be counted which shall have been regularly given by the electors who are shown . . . to have been appointed."

Since the Electoral Count Act of 1887, no objection meeting the requirements of the Act has been made against an entire slate of state electors. In the 2000 election several Members of the House of Representatives attempted to challenge the electoral votes from the State of Florida. However, no Senator joined in the objection, and, therefore, the objection was not "received." In addition, there was no determination whether the objection constituted an appropriate basis under the 1887 Act. However, if a State has not followed its own procedures and met its obligation to conduct a free and fair election, a valid objection—if endorsed by at least one Senator and a Member of the House of Representatives—should be debated by each body separately until "disposed of".

DETAILED FINDINGS

A. Pre-Election

1. Machine Allocations—Why were there such long lines in Democratic leaning areas but not Republican leaning areas?

Facts

One of the critical reforms of HAVA was federal funding for states to acquire new and updated voting machines, and to fairly allocate the machines. Under HAVA, the Election Assistance Commission (EAC) provides payments to States to help them meet the uniform and nondiscriminatory election technology and administration requirements in title III of the law." In 2004, the EAC processed a payment of $32,562,331 for fiscal year 2003 and $58,430,186 for fiscal year 2004 for a total of $90,992,517. There is no information publicly available describing what, if any, Ohio HAVA funds were used and for what those funds were used. Nor are we aware how such funds were allocated within the state of Ohio and between counties.

There was a wide discrepancy between the availability of voting machines in more minority, Democratic and urban areas as compared to more Republican, suburban and exurban areas. Even on election day, urban areas were hard pressed to receive the critical machines to respond to the ever lengthening lines. According to a Washington Post investigation, "in Columbus, Cincinnati and Toledo, and on college campuses, election officials allocated far too few voting machines to busy precincts, with the result that voters stood on line as long as 10 hours—many leaving without voting." Moreover, the Election Protection Coalition testified that more than half of the complaints about long lines they received "came from Columbus and Cleveland where a huge proportion of the state's Democratic voters live."

Based upon various sources including complaints, sworn testimony, and communications with Ohio election officials, we have identified credible concerns regarding the allocation of machines on election day:

Franklin County

A New York Times investigation revealed that Franklin County election officials reduced the number of electronic voting machines assigned to downtown precincts and added them to the suburbs. "They used a formula based not on the number of registered voters, but on past turnout in each precinct and on the number of so-called active voters—a smaller universe. . . . In the Columbus area, the result was that suburban precincts that supported Mr. Bush tended to have more machines per registered voter than center city precincts that supported Mr. Kerry."

The Washington Post also found that in voter-rich Franklin County, which encompasses the state capital of Columbus, election officials decided to make do with 2,866 machines, even though their analysis showed that the county needed 5,000 machines.

The Franklin County Board of Elections reported 81 voting machines were never placed on election day, and Board Director Matt Damschroder admitted that another 77 machines malfunctioned on Election Day." However, a county purchasing official who was on the line with Ward Moving and Storage Company, documented only 2,741 voting machines delivered through the November 2 election day." While Franklin County's records reveal that they had 2,866 "machines available" on election day. This would mean that the even larger number of at least 125 machines remained unused on Election Day. Mr. Damschroder misinformed a federal court on Election Day when he testified the county had no additional voting machines; this testimony was in connection with a Voting Rights Act lawsuit brought by the state Democratic Party that alleged minority precincts were intentionally deprived of machines.

After the election the Washington Post also reported that in Franklin County, "27 of the 30 wards with the most machines per registered voter showed majorities for Bush. At the other end of the spectrum, six of the seven wards with the fewest machines delivered large margins for Kerry."

At seven of the eight polling places in Franklin County, a heavily populated urban community, there were only three voting machines per location; but there had been five machines at these locations during the 2004 primary.

According to the presiding judge at one polling site located at the Columbus Model Neighborhood facility at 1393 E. Broad St., there had been five machines during the 2004 primary. Moreover, at Douglas Elementary School, there had been four machines during the spring primary.

We have received additional information of hardship caused by the misallocation of machines based on emails and other transmissions, with waits of 4-5 hours or more being the order of the day. For example, we have learned of four hour waits at Precincts 35B and C in Columbus; seven hours waits for one voting machine per thousand voters, where the adjacent precinct had one station for 184 voters." Additionally, it appears that in a number of locations, polling places were moved from large locations, such as gyms, where voters could comfortably wait inside to vote, to smaller locations where voters were required to wait in the rain."

Dr. Bob Fitrakis testified before the House Judiciary panel that Franklin County Board of Elections Chair, Bill Anthony, said that a truckload of 75 voting machines were held back on election day while people waited 5 to 6 hours to vote.

Over 102,000 new voters were registered in Franklin County. A majority of them were African Americans. "And so," said State Senator Ray Miller, "only logic would say, we need more machines, particularly in the black community."

Rev. William Moss testified that there were "unprecedented long lines" and noted that Secretary of State Blackwell did not provide sufficient numbers of voting machines to accommodate the augmented electorate in Columbus.

Knox County

At Kenyon College, a surge of late registrations promised a record vote. Nevertheless, Knox County officials allocated two machines, just as in past elections. Voter Matthew Segal, a student at Kenyon College, testified before the House Judiciary panel about conditions that amounted to voter disenfranchisement in Gambier, Ohio." The Gambier polling place had two machines for a population of 1,300 people, though nearby counties had one machine for every 100 people. He noted that voters were "compelled to stand outside in the rain, through a hot gymnasium in crowded, narrow hallways, making voting extremely uncomfortable." According to his testimony, "many voters became overheated and hungry" and had to leave the long lines to eat. "One girl actually fainted and was forced to leave the line," he said. "Many others suffered headaches due to claustrophobic conditions and noise."

In contrast, at nearby Mt. Vernon Nazarene University, which is considered more Republican leaning, there were ample voting machines and no lines.

Other

The NAACP testified that approximately "thirty precincts did not have curbside voting machines for seniors and disabled voters."

One entire polling place in Cuyahoga County had to "shut down" at 9:25 a.m. on Election Day because there were no working machines.

We received an affidavit from Rhonda J. Frazier, a former employee of Secretary Blackwell, describing several irregularities concerning the use of HAVA money and the acquisition of election machinery by the state. She states that Secretary Blackwell's office failed to comply with the requirements of the voting reform grant that required all of the voting machines in Ohio to be inventoried and tagged for security reasons. Ms. Frazier also asserts that she "was routinely told to violate the bidded contracts to order supplies from other companies for all 17 Secretary of State offices throughout the State which were cheaper vendors, leaving a cash surplus differential in the budget" and that, when she inquired as to where the money differential was going, she was essentially told that this was not her concern and that she should not inquire about where that money went.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Through intent or negligence, massive errors that led to long lines were made in the distribution and allocations of voting machines. The Washington Post reports that in Columbus alone, the misallocation of machines reduced the number of voters by up to 15,000 votes. Given what we have learned in our hearings, this is likely conservative estimate, and statewide, the shortage of machines could have resulted in the loss of hundreds of thousands of votes. The vast majority of this lost vote caused by lengthy lines in the midst of adverse weather was concentrated in urban, minority and Democratic leaning areas. As a result, this misallocation appears to be of the pivotal factors concerning the vote and outcome in the entire election in Ohio.

On its face, the misallocation, shorting, and failure to timely deliver working machines would appear to violate a number of legal requirements.

First, it would seem to constitute a violation of the Voting Rights Act and the constitutional safeguards of Equal Protection and Due Process, particularly given the racial disparities involved. Denying voters the means to vote in a reasonable and fair manner is no different than preventing them from voting outright.

Second, the failure to provide enough voting machinery violates both Ohio's Constitution, that provides all eligible adults the right to vote, and the Ohio Revised Code which requires the Boards of Elections to provide "for each precinct a polling place and provide adequate facilities at each polling place for conducting the election." Further, "the board shall provide a sufficient number of screened or curtained voting compartments to which electors may retire and conveniently mark their ballots."

These conclusions regarding Ohio legal violations are supported by several precedents, as well as common sense:

The U.S. District Court for the Southern District of Ohio found such a serious threat to the voting right that it took the highly unorthodox step of ordering that those individuals waiting in line for longer than two hours receive paper ballots or some other mechanism.

There is specific precedence for a legal violation due the fact that, under Ohio law in 1956, the courts were forced to intervene to enforce the then-applicable requirement of one machine per 100 voters. The court was highly critical of the previous practice of requiring only one machine for 800 voters or two for 1,400. Nearly 50 years later, we are unfortunately back to the antiquated practice of effectively disenfranchising those who are unable to spend an entire day voting.

Evidence suggests that the Board of Elections' misallocation of machines went beyond urban/suburban discrepancies to specifically target Democratic areas. In particular, within the less urban county of Knox, the more Democratic leaning precincts near Kenyon College were massively shorted; the more Republican leaning precincts near Mt. Vernon Nazarene University were not.

Third, it appears that a series of more localized legal violations have not been investigated. These include Mr. Damschroder's contradictory statements regarding the number and availability of machines on election day in Franklin County raise the possibility of perjury. The affidavit submitted by Rhonda Frazier would also appear to demonstrate a prima facie violation of the Help America Vote Act.

Fourth, Secretary of State Blackwell's failure to initiate any investigation into this pivotal irregularity (which perhaps borders on fraud), notwithstanding his clear statutory duty to do so under Ohio Revised Code section 3501.05, represents a clear violation of Ohio law. The Secretary of State's most important obligation under the Ohio Constitution is to protect the right of every Ohio citizen who is eligible to vote and invesigate any and all irregularities concerning the same. Mr. Blackwell's failure to obey Ohio law on this point constitutes a clear instance where Ohio election law has been abrogated.

2. Cutting Back on the Right to Provisional Ballots

Facts

In a decision that Ohio Governor Bob Taft believed could affect over 100,000 voters, on September 17, 2004, Secretary Blackwell issued a directive restricting the ability of voters to use provisional ballots. The Election Protection Coalition testified that the narrow provisional ballot directive led to thousands of ballots from validly registered voters being thrown out because election officials with limited resources never told many of the voters in their jurisdictions where to cast a ballot on Election Day. While the Help America Vote Act provided that voters whose names do not appear on poll books are to sign affidavits certifying that they are in the correct jurisdiction and to be given provisional ballots, Secretary Blackwell considerably narrowed the definition of "jurisdiction" to mean "precinct." Alleging that allowing voters to use provisional ballots outside their own precincts would be "a recipe for Election Day chaos," Secretary Blackwell required such ballots to be cast in the actual precincts of voters otherwise they would be discarded entirely. Mr. Blackwell's rationalization appears to have ignored the fact that in prior elections, Ohio was able to grant far broader rights to provisional ballots, and that other states that permitted voters to cast them from anywhere within their county did not face the chaos he feared.

Because of Secretary Blackwell's restrictive order, the Sandusky County Democratic Party filed a federal lawsuit to overturn it. The plaintiff's basis for the suit was that the order was discriminatory because lower-income people were more likely to move and, thus, appear at the wrong precinct. Furthermore, the order would have disenfranchised first-time voters, many of whom would not know where to vote.

In his rulings in favor of the plaintiffs and against Secretary Blackwell, U.S. District Judge James Carr held that the blame lay squarely on Secretary Blackwell. The court was forced to issue two rulings ordering Secretary Blackwell to issue HAVA-compliant directives. Secretary Blackwell abided by neither judgment and instead proceeded with directives that would disenfranchise Ohio voters.

With respect to the speed of the case, the court noted that its urgency was the result of Secretary Blackwell failing to issue provisional voting guidelines for almost two years after the enactment of HAVA: "The exigencies requiring the relief being ordered herein are due to the failure of the defendant to fulfill his duty not only to this Court, as its injunction directed him to do, but more importantly, to his failure to do his duty as Secretary of State to ensure that the election laws are upheld and enforced. . . . The primary cause of the exigency is the defendant's failure to have issued Directive 2004-33 relating to provisional voting for nearly twenty-three months after HAVA's enactment. . . . Blackwell has never explained why he waited so long to do anything to bring Ohio's provisional election procedures into line with federal law."

The court then turned its attention to the substance of Secretary Blackwell's original and amended directives. In these directives, "Blackwell described not a single provision of federal law generally, much less HAVA in particular. . . . By failing to discuss HAVA, on the one hand, and describing only outmoded, no longer applicable procedures on the other, Blackwell . . . left Ohio's election officials more confused than they would have been if the directive had not issued." In addition, because the amended directive did not clearly state that persons who might not be eligible to vote must be informed of their right to vote provisionally, the court held that "Blackwell's proposed directive would disenfranchise all such individuals." The court believed that, by seeming to deprive voters and county election officials of valuable information regarding HAVA and provisional ballots, "Blackwell apparently seeks to accomplish the same result in Ohio in 2004 that occurred in Florida in 2000." Ultimately, the court was forced to require the Secretary, within a tight deadline, to issue specific guidelines pertaining to provisional ballots.

Instead of complying with this federal court order, Secretary Blackwell entirely disregarded the ruling and questioned the motives of the judge. He referred to Judge Carr as "a liberal judge . . . who wants to be co-secretary of state." At a speech before the Loveland Area Chamber of Commerce in Clermont County, Secretary Blackwell compared himself to Mohandas Gandhi, Martin Luther King, and the apostle Paul on the grounds that he would rather go to jail—as they did—than issue an order he believed was illegal. He also claimed his office could not speak with Judge Carr about the case because the Judge was in Florida; Blackwell later admitted he did not mean the Judge actually was in Florida. Additionally, a journalist reported seeing Judge Carr in his chambers the day the ruling was issued. Secretary Blackwell appealed the judge's decision to the Sixth Circuit Court of Appeals, which overturned the lower court decision and authorized Mr. Blackwell's more restrictive legal interpretation.

While Blackwell cited an October 12 resolution by the Election Assistance Commission as authority for his decision, EAC Chairman DeForest Soaries asked Blackwell in writing not to say that the resolution endorsed the Blackwell order. Chairman Soaries further stated that Secretary Blackwell was the only secretary of state who actually misread the EAC's ruling. The EAC did not "agree that a person in the wrong precinct shouldn't be given a provisional ballot. . . . The purpose of provisional ballots is to not turn anyone away from the polls. . . . We want as many votes to count as possible."

Many of Ohio's county boards of elections also disagreed with Blackwell's interpretation of the law and with his motivations. Franklin County Board Chairman William Anthony stated, "For him to come out with that decision so close to Election Day . . . I'm suspect of his motivations." The Director of the Franklin County Board also disagreed with Blackwell and asserted that its precincts would have voters who insist they are in the correct precinct sign affidavits and submit provisional ballots. Cuyahoga County directed people to the right precincts but still accepted provisional ballots from anyone who insisted on voting. Cuyahoga County Board Chairman Bob Bennett, who also chairs the Ohio Republican Party, issued a statement saying the Board would not deny ballots to voters who wanted them: "The Cuyahoga County Board of Elections will not turn voters away. . . . We are simply trying to avoid confrontation at the ballot box over the validity of each ballot. Those decisions will be made by the board of elections according to state law."

In response, Mr. Blackwell's spokesperson threatened such election officials with removal from their positions.

In Hamilton County, election officials implemented Mr. Blackwell's directive and refused to count provisional ballots cast at the correct polling place even if they were cast at the wrong table in that polling place. Some polling places contained multiple precincts that were located at different tables. As a result, 1,110 provisional ballots were deemed invalid because people voted in the wrong precinct. In about 40 percent of these cases, voters found the correct polling places, which contained multiple precincts, but workers directed them to the wrong table. In other areas, precinct workers refused to give any voter a provisional ballot. Also, in at least one precinct, election judges told voters that they may validly cast their ballot in any precinct, leading to any number of disqualified provisional ballots. Similarly, in Stark County, the Election Board rejected provisional ballots cast at the wrong precinct in the right polling place. In earlier elections, a vote cast in Stark County in the wrong precinct at the proper polling location was counted.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Mr. Blackwell's decision to restrict the use of provisional ballots is one of the most critical in the election and could well have resulted in disenfranchisement of tens of thousands of voters. In a single polling place in Hamilton County, denying provisional ballots if a voter showed up at the wrong precinct cost more than 1,100 votes.

Although Mr. Blackwell's narrow interpretation was ultimately upheld by the Sixth Circuit, this was not until after a lower court found: "The Proposed Directive fails in many details to comply with HAVA by not instructing Ohio's election workers about their duties under HAVA. Among the crucial, but omitted details are: the mandatory obligation to inform voters of the right to vote provisionally and the duty to provide provisional ballots to all persons covered by the statute, and not just to persons whose names are not on the rolls."

In our judgment, Mr. Blackwell's restrictive interpretation violates the spirit, if not the letter, of HAVA. The decision seems particularly unjust given that Ohio had not experienced any notable difficulties giving provisional ballots on a broader basis in past elections, and other states which adopted broader constructions did not report the chaos and confusion that Mr. Blackwell claimed to be the rationale for his decision.

3. Cutting Back on the Right of Citizens To Register To Vote

Facts

On September 7, 2004, Secretary Blackwell issued a directive to county boards of elections mandating rejection of voter registration forms based on their paper weight. Specifically, he instructed the boards to reject voter registration forms not "printed on white, uncoated paper of not less than 80 lb. text weight." Then the counties were instructed to follow a confusing procedure, treating the voter registration forms not on this minimum paperweight as an application for a new registration form. Mr. Blackwell's issuance of this directive less than one month before Ohio's voter registration deadline resulted in confusion and chaos among the counties:

The Lake County Board of Elections Director, Jan Clair, who happens to be a Republican, stated that the weight order would "create more confusion than the paper's worth. . . . It's the weight of the vote I'm concerned about on Nov. 2—that's the important thing."

The Mahoning County Board of Elections Director, Michael Sciortino, said mailing high weight registration paper to voters was not a priority and might occur after the election because of how it might confuse voters.

The Cuyahoga County Board of Elections Director, Michael Vu, said his Board would rather not comply with the weight order and asked state lawmakers to address it. Secretary Blackwell gave permission for the Board to accept registration forms that were printed in newsprint in the Cleveland Plain Dealer.'" As Director Vu pointed out, his office does not "have a micrometer at each desk to check the weight of the paper."

Other counties such as Madison County followed Mr. Blackwell's ruling and indicated that they sent letters and new forms to voters.

The Franklin County Board of Elections was unlikely to comply with the weight directive, largely because it does not keep track of the weight of such forms.

The Lorain County Board of Elections accepted voter registration on any weight of paper.

The Montgomery County Board of Elections said the paper weight order was frustrating their ability to process registrations. They attempted to comply by mailing a new form to potential voters who sent forms of incorrect weight, but a processing backlog of 4,000 forms prevented them from sending new forms by the October 4 deadline, such that some voters could have been disenfranchised. Steve Harsman, the Deputy Director of the Board, says "there is just no reason to use 80-pound paper."

Finally, Secretary Blackwell was not following his own order. An Ohio lawyer, John Stopa, noted that voter registration forms obtained at Blackwell's office were printed on 60-pound paper. An election board official stated he obtained 70-pound weight forms from Blackwell's office.

After several weeks of pressure from voting rights advocates, such as the League of Women Voters of Ohio and People for the American Way, Secretary Blackwell reversed his directive on September 28, 2004. Even his new order, however, was not drafted clearly enough. He did not withdraw the first directive, and the New York Times found the second directive to be "worded so inartfully that it could create confusion. As a matter of fact, the Delaware County Board of Elections posted a notice on its website stating it could not accept its own Voter Registration Forms and directed voters to request a new one by calling a number.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Secretary Blackwell's directive to reject registration applications based on paper weight, even though eventually rescinded, undoubtedly had a negative impact on registration figures. During the time period the directive was in place, it likely resulted in an untold number of voters not being registered in time for the 2004 election. In addition, even after the directive was reconsidered, it was done so in a confusing manner. For example, the directive continued to be posted on the Ohio Secretary of State's website, and at least one county, Delaware County, continued to post the directive on its website as well.

Mr. Blackwell's initial directive appears to be inconsistent with the National Voter Registration Act, which put safeguards in place to ease voter registration, not impede it. There is perhaps no more certain indication of the disenfranchisement bias Secretary of State Blackwell brought to his job than this controversial ruling, which was widely reviled even by Republicans.

4. Targeting New Minority Voter Registrants—Caging

Facts

The Ohio Republican Party attempted to engage in "caging," whereby it sent registered letters to newly registered voters in minority and urban areas, and then sought to challenge 35,000 individuals who refused to sign for the letters or the mail otherwise came back as undeliverable (this includes voters who were homeless, serving abroad, or simply did not want to sign for something concerning the Republican Party). Mark Weaver, an attorney for the Ohio Republican Party, acknowledged the Party used this technique. During a hearing before the Summit County Board of Elections, a challenger admitted that she had no knowledge to substantiate her claim that the voters she was challenging were out of compliance with Ohio's election law:

Ms. Barbara MILLER (Republican Challenger): That was my impression that these items that I signed were for people whose mail had been undeliverable for several times, and that they did not live at the residence.

Mr. Russell PRY (Member, Summit County Board of Elections): Did you personally send any mail to Ms. Herrold?

Ms. MILLER: No, I did not.

Mr. PRY: Have you seen any mail that was returned to Ms. Herrold?

Ms. MILLER: No, I have not.

Mr. PRY: Do you have any personal knowledge as we stand here today that Ms. Herrold does not live at the address at 238 30th Street Northwest?

Ms. MILLER: Only that which was my impression; that their mail had not been able to be delivered.

Mr. PRY: And who gave you that impression?

Ms. MILLER: Attorney Jim Simon.

Mr. PRY: And what did—

Ms. MILLER: He's an officer of the party.

Mr. PRY: An officer of which party?

Ms. MILLER: Republican party.

Mr. PRY: Where did you complete this challenge form at?

Ms. MILLER: My home.

Mr. PRY: What did Mr. Simon tell you with respect to Ms. Herrold's residence?

Ms. MILLER: That the mail had come back undeliverable several times from that residence.

Mr. PRY: And you never saw the returned mail?

Ms. MILLER: No, I did not.

Mr. PRY: Now, you've indicated that you signed this based on some personal knowledge.

Mr. HUTCHINSON: (Joseph F. Hutchinson, Jr. Summit County Board of Elections) No.

Mr. ARSHINKOFF: (Alex R. Arshinkoff, Summit County Board of Elections) Reason to believe. It says, "I have reason to believe." It says it on the form.

Mr. JONES: It says, "I hereby declare under penalty of election falsification, that the statements above are true as I verily believe."

Mr. ARSHINKOFF: It says here, "I have reason to believe."

Mr. HUTCHINSON: It says what it says.

Mr. ARSHINKOFF: You want her indicted, get her indicted.

Mr. PRY: That may be where it goes next.

Among other things, the Republican Party arranged for the Sandusky County sheriff to visit the residences of 67 voters with wrong or non-existent addresses.

The caging tactics were so problematic that a federal district court in New Jersey and a panel of the Third Circuit found that the Republican Party was egregiously in violation of the 1982 and 1987 decrees that barred the party from targeting minority voters for challenges at the polls. They found sufficient evidence that the Ohio Republican Party and the RNC conspired to be "disruptive" in minority-majority districts and enjoined the party from using the list. The Third Circuit granted a hearing en banc and therefore stayed the order and vacated the opinion.

The U.S. District Court for the Southern District of Ohio found the same activities to violate the Due Process Clause of the Constitution. Most importantly, notice of the Republican-intended challenge and subsequent hearing was sent to the 35,000 voters far too late to be of any use to the challengee. In fact, the notice was sent so late, that many did not receive it before the election at all, and the court found that ineffective notice must have been the intent: "The Defendants' intended timing and manner of sending notice is not reasonably calculated to apprise Plaintiff Voters of the hearing regarding the challenge to their registrations, nor to give the them opportunity to present their objections, as demonstrated by the individual situations of Plaintiffs Miller and Haddix . . . it seems that Defendants intend to send the notice to an address which has already been demonstrated to be faulty."

The court also found that the challenge statute in general was not narrowly tailored enough justify the "severe" burden on voters. While the state's interest in preventing fraudulent voting was compelling, there were other ways to do that besides allowing partisan groups to arbitrarily challenge voters.

Analysis

Although the "caging" tactics targeting 35,000 new voters by the Ohio Republican Party were eventually struck down, it is likely they had a negative impact on the inclination of minorities to vote, although, it is difficult to develop a specific estimate.

The caging tactics were clearly both discriminatory and illegal. All three district court cases ruled in favor of the plaintiffs, finding the challenges to be politically and racially charged, and burdening the fundamental right to vote. As one court stated, "This Court recognizes that the right to vote is one of our most fundamental rights. Potential voter intimidation would severely burden the right to vote. Therefore, the character and magnitude of Plaintiffs' asserted injury is substantial." It went on to note that the right to vote is paramount to any interest in challenging other people: ". . . Plaintiff's right to cast votes on election day is a fundamental right. The challengers, however, do not have a fundamental right to challenge other voters. These decisions correctly overturned these caging and challenging activities because they violated the right to equal protection, due process, and Ohioans' fundamental right to vote.

Ralph Neas, President of the People for the American Way Foundation, emphasized the seriousness of these tactics when he testified that "the 35,000 people that were threatened with being challenged. That's not the spirit of democracy; that's the spirit of suppression. [The Republican Party] did everything to minimize the vote in the urban areas and to engage in voter suppression, and I hope the hearings really emphasize this. I think that prosecution is something that should be considered with respect to what happened in Ohio."

5. Targeting Minority and Urban Voters for Legal Challenges

Facts

The Ohio Republican Party, which Secretary Blackwell helped lead as Chair of the Bush-Cheney campaign in Ohio, engaged in a massive campaign to challenge minority voters at the polls. The Republican Party lined up poll challengers for 30 of Ohio's 88 counties, and the vast majority were focused in minority and urban areas. In addition to intimidating minority voters, this scheme helped lead to increased delays and longer waits in voting lines in these areas. This was a particularly damaging outcome on a day of severe adverse weather in Ohio. As a federal court looking at these issues concluded: if challenges are made with any frequency, the resultant distraction and delay could give rise to chaos and a level of voter frustration that would turn qualified electors away from the polls.

Three separate courts issued opinions expressing serious concerns with Ohio's voter challenge processes. At the state level, Cuyahoga County Common Pleas Judge John O'Donnell found that Secretary Blackwell exceeded his authority in issuing a directive that let each political party have multiple challengers at each polling place. While the Democratic Party registered only one challenger per polling place, the Republican Party had registered one challenger for each precinct (there are multiple precincts in many polling places). Judge O'Donnell found the directive to be "unlawful, arbitrary, unreasonable and unconscionable, coming four days after the deadline for partisan challengers to register with their county boards of elections." An attorney with the Ohio Attorney General's office, Jeffrey Hastings, admitted to Judge O'Donnell that Secretary Blackwell had changed his mind in first limiting challengers to one per polling place and then, after the October 22 challenger registration deadline, allowing multiple challengers.

Two federal district court judges also found the challenge procedure to be problematic and tantamount to voter disenfranchisement. In one lawsuit, the plaintiffs were Donald and Marian Spencer, an elderly African-American couple who alleged the challenge statute harkened back to Jim Crow disenfranchisement. In her opinion rejecting the GOP challenger system, U.S. District Court Judge Susan Dlott wrote that "there exists an enormous risk of chaos, delay, intimidation and pandemonium inside the polls and in the lines out the door." In the other district court case, Summit County Democratic Central and Executive Committee, et. al. v. Blackwell, Judge John R. Adams noted the risk that "the integrity of the election may be irreparably harmed." "If challenges are made with any frequency," he wrote, "the resultant distraction and delay could give rise to chaos and a level of voter frustration that would turn qualified electors away from the polls."

Judge Dlott also noted the racial disparity inherent in challenges, citing that only 14% of new voters in white areas would face challenges while up to 97% of new voters in black areas would face them. The Chair of the Hamilton County Board of Elections, Timothy Burke, was an official defendant in the lawsuit but testified the use of the challenges was unprecedented. Chairman Burke stated that the Republican Party had planned for challengers at 251 of Hamilton County's 1013 precincts; 250 of the challenged precincts have significant black populations.

Both federal courts blocking the use of challengers highlighted that challengers were not needed because Ohio law already safeguarded elections from voter fraud by the use of election judges. In particular, Ohio law mandates that four election judges staff each polling place and provides that the presiding judge of each group can make decisions regarding voter qualifications.

Although Secretary Blackwell reversed his position and issued a statement on October 29, 2004, excluding challengers from polling places, his position became less relevant when Jim Petro, Ohio's Attorney General, argued in favor of the challenges taking place and said the Secretary's new statement was unlawful. Seeing the irony in these conflicting opinions, Judge Dlott asked "how can the average election official or inexperienced challenger be expected to understand the challenge process if the two top election officials cannot?"

These two lower court rulings did not stand. The Sixth Circuit Court of Appeals reversed the two lower court opinions on a 2-1 vote. The Supreme Court of the United States denied the applications to vacate the 6th Circuit's stays of the lower court rulings. While troubled about the "undoubtedly serious" accusation of voter intimidation, Justice John Paul Stevens said the full Court could not consider the case because there was insufficient time to properly review the filings and submissions.

Analysis

The decision by the Ohio Republican Party to utilize thousands of partisan challengers in the voting booths undoubtedly had an intimidating and negative impact on minority voters. While it is difficult to estimate how many voters were disenfranchised by the challenger program, given the adverse weather conditions and the lack of trained pollworkers, the disruptions caused by challengers could easily have reduced minority turnout by tens of thousands of voters, if not more. It is noteworthy that these disruptions were predicted by Republican officials: "Mark Weaver, a lawyer for the Ohio Republican Party, acknowledged, '[the challenges] won't be resolved until [Election Day], when all of these people are trying to vote. It can't help but create chaos, longer lines and frustration.' He reiterated that 'challengers at the polls] were bound to slow things down.'" This will lead to long lines.

While the program of challenging voters was ultimately upheld, after a series of back and forth decisions, clearly this is an issue which harkens back to the "Jim Crow" era. As U.S. District Court Judge John R. Adams wrote in his Summit County opinion: "In light of these extraordinary circumstances, and the contentious nature of the imminent election, the Court cannot and must not turn a blind eye to the substantial likelihood that significant harm will result not only to voters, but also to the voting process itself, if appointed challengers are permitted at the polls on November 2. . . . The presence of appointed challengers at the polls could significantly impede the electoral process, and infringe on the rights of qualified voters."

As a result, the Ohio challenger system deserves reconsideration by the legislature or further judicial appeal.

6. Denying Absentee Voters Who Never Got Their Ballots the Right to a Provisional Ballot

Facts

Secretary Blackwell also issued a ruling preventing the issuance of provisional ballots for voters who requested absentee ballots, even if they failed to receive them by the official deadline or did not receive them at all. Despite the fact that these errors occurred on the part of the Ohio government and not the voters, Secretary Blackwell determined they should not receive provisional ballots at the polls.

A lawsuit filed by a college student, Sara White, who never received her absentee ballot and was denied a provisional one, led to a ruling that other similar voters must be issued provisional ballots. The court ordered Lucas County to start providing provisional ballots, and directed Secretary Blackwell to advise all Boards of Elections of the same within 30 minutes. The legal ruling overturning Mr. Blackwell's restrictive ruling on absentee ballots came late in the afternoon, and as a result, many voters intending to vote that day were prevented from doing so.

Analysis

Mr. Blackwell's decision to prevent those voters who requested absentee ballots, but did not receive them on a timely basis, from being able to vote, also likely disenfranchised many voters, particularly seniors who were turned away from the polls before the decision was known.

The federal court found that Mr. Blackwell's decision clearly violated HAVA: "HAVA is clear; that all those who appear at a polling place and assert their eligibility to vote irrespective of the fact that their eligibility may be subject to question by the people at the polling place or by the Board of Elections, shall be issued a provisional ballot." In addition, this restrictive directive also likely constituted violations of Article S, Section 1 of the Ohio Constitution, granting every Ohio citizen the right to vote if he or she is otherwise qualified.

7. Denying Access to the News Media

Facts

Secretary Blackwell also sought to prevent the news media and exit poll takers from locating themselves within 100 feet of polling places. This would have been the first time in thirty years in which reporters were prevented from monitoring polls. Media organizations challenged the barrier, leading to a U.S. Court of Appeals for the Sixth Circuit ruling that struck down Secretary Blackwell's decision. In its opinion, the court noted that "democracies die behind closed doors" and found that the district court's ruling had "interpreted and applied the statute overly broadly in such a way that the statute would be violative of the first amendment".

Analysis

Mr. Blackwell's decision to prevent news media and exit polls from interviewing Ohio citizens after they voted constitutes a clear violation of the First Amendment's guarantee that state conduct shall not abridge "freedom . . . of the press." His decision also likely violated Ohio's own Constitution that provides: "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press." His decision does not appear to have had any negative impact on the vote, but potentially made it more difficult for the media to uncover voting irregularities, discrepancies, and disenfranchisement.

B. Election Day

1. County-Specific Issues

Warren County—Counting in Secret Because of a Terrorist Threat?

Facts

On election night, Warren County, a traditional Republican stronghold, locked down its administration building and barred reporters from observing the counting. When that decision was questioned, County officials claimed they were responding to a terrorist threat that ranked a "10" on a scale of 1 to 10, and that this information was received from an FBI agent. Despite repeated requests, County officials have declined to name that agent, however, and the FBI has stated that it had no information about a terror threat in Warren County.

Warren County officials have given conflicting accounts of when the decision was made to lock down the building. While the County Commissioner has stated that the decision to lock down the building was made during an October 28 closed-door meeting, e-mailed memos—dated October 25 and 26—indicate that preparations for the lockdown were already underway.

Statements also describe how ballots were left unguarded and unprotected in a warehouse on Election Day, and they were hastily moved after county officials received complaints.

It is important to view the lockdown in the context of the aberrant results in Warren County. An analyst who has received all the vote data for 2000 and 2004 by precinct in several Ohio counties did a detailed analysis of the greatest increase in votes for President Bush by precinct, and the Bush-Kerry margin in Warren County. The analyst revealed that Warren County first did a lockdown to count the votes, then apparently did another lockdown to recount the votes later, resulting in an even greater Bush margin and very unusual new patterns.

Moreover, in the 2000 Presidential election, the Democratic Presidential candidate, Al Gore, stopped running television commercials and pulled resources out of Ohio weeks before the election. He won 28% of the vote in Warren County 223 In 2004, the Democratic Presidential candidate, John Kerry, fiercely contested Ohio and independent groups also put considerable resources into getting out the Democratic vote. Moreover, unlike in 2000, independent candidate Ralph Nader was not on the Ohio ballot in 2004. Yet, the tallies reflect John Kerry receiving exactly the same percentage, 28 percent, in Warren County as Gore received.

In support of his assertion that there was no wrongdoing in Warren County, Secretary Blackwell has referred to a Democratic election observer in Warren County, Jeff Ruppert, who has said he observed nothing inappropriate at the County administration building. While we have no reason to doubt Mr. Ruppert's truthful account of what he actually observed, a complete review of his statements shows numerous problems at the building. At the outset, Mr. Ruppert acknowledges that he was subject to the lockout and had to present identification to even be admitted to the building. Once he gained admission, Mr. Ruppert said he did "have concerns over how provisional ballots were handled at polling places—which he said seemed to be inconsistent." He also points to a number of areas he observed that were centers of activity (ballots being transferred from vehicles, precinct captains accompanying ballots in elevators, and ballots being stored), but it clearly would have been impossible for Mr. Ruppert to observe all of these activities at the same time. Finally, considering that he left before the ballot count was completed, it is inaccurate to state with certainty that there were no problems in Warren County.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Given the total lack of explanation by Mr. Blackwell or Warren County officials, it is not implausible to assume that someone is hiding something. We do not know whether what happened is simply a miscommunication or mix up, where an election official misunderstood an FBI directive. If that were the case, it would seem to be an easy matter to dispel the confusion surrounding this episode. Given that no such explanation has been forthcoming and given the statistical anomalies in the Warren County results, it is impossible to rule out the possibility that some sort of manipulation of the tallies occurred on election night in the locked down facility. The disclosure that the decision to lock down the facility the Thursday before the election, rather than on election day would suggest the lockdown was a political decision, not a true security risk. If that was the case, it would be a violation of the constitutional guarantees of equal protection and due process, the Voting Rights Act, and Ohio right to vote. We believe it is the statutory duty for the Secretary of State to investigate irregularities of this nature.

Mahoning County—Innumerable Flipped Votes and Extra Votes

Facts

We have received numerous reports of transfers of votes for Senator Kerry to votes for President Bush. Specifically, in Youngstown, the Washington Post reported that their investigation revealed 25 electronic machines transferred an unknown number of Kerry votes to the Bush column. Jeanne White, a veteran voter and manager at the Buckeye Review, an African American newspaper, stepped into the booth, pushed the button for Kerry—and watched her vote jump to the Bush column. "I saw what happened; I started screaming: 'They're cheating again and they're starting early!'" The Election Protection Coalition also confirmed these voting "glitches" noting that a "voter reported 'Every time I tried to vote for the Democratic Party Presidential vote the machine went blank. I had to keep trying, it took 5 times.'"

The voting machine in Youngstown experienced what election officials called "calibration problems." Thomas McCabe, Deputy Director of the Mahoning County Board of Elections, stated that the problem "happens every election" and "[i]t's something we have to live with and we can fix it."

There is also information, still being investigated, that in several precincts, there were more votes counted by machine than signatures in poll books (which includes absentee voters). This would mean that more people voted by machine at a precinct than actually appeared at that location. For example, in CMP 4C Precinct, there were 279 signatures and 280 machine votes. In BLV 1 Precinct, there were 396 signatures but 398 machine votes. In AUS 12 Precinct, there were 372 signatures but 376 machine votes. In POT 1 Precinct, there were 479 signatures but 482 machine votes, and in YGN 6F Precinct, there were 270 signatures but 273 machine votes. It would appear from these numbers that the machines counted more votes than voters.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Evidence strongly suggests many individuals voting in Mahoning County for Senator Kerry had their votes recorded for President Bush. Due to lack of cooperation from Secretary of State Blackwell, we have not been able to ascertain the number of votes that were impacted or whether the machines malfunctioned due to intentional manipulation or error. This determination would help us determine if the Voting Rights Act was also violated. Ascertaining the precise cause and culprit could help ensure that the error does not occur in the future. Secretary of State Blackwell's apparent failure to initiate any investigation into this serious computer error would seem inconsistent with his statutory duty to review these matters.

Butler County—The Strange Case of the Downballot Candidate Outperforming the Presidential Candidate

In Butler County, a Democratic candidate for State Supreme Court, C. Ellen Connally, received 59,532 votes. In contrast, the Kerry-Edwards ticket received only 54,185 votes, 5,000 less than the State Supreme Court candidate. Additionally, the victorious Republican candidate for State Supreme Court received approximately 40,000 less votes than the Bush-Cheney ticket. Further, Connally received 10,000 or more votes in excess of Kerry's total number of votes in five counties and 5,000 more votes in excess of Kerry's total in ten others.

According to media reports of Ohio judicial races, Republican judicial candidates were "awash in cash," with more than $1.4 million in campaign funding, as well as additional independent expenditures made by the Ohio Chamber of Commerce.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

It appears implausible that 5,000 voters waited in line to cast votes for an underfunded Democratic Supreme Court candidate and then declined to cast a vote for the most well-funded Democratic Presidential campaign in history. We have been able to ascertain no answer to the question of how an underfunded Democratic State Supreme Court candidate could receive such a disproportionately large number of votes in Butler County over the Kerry Edwards ticket. This raises the possibility that thousands votes for Senator Kerry were lost, either through manipulation or mistake. The loss of these votes would likely violate constitutional protections of equal protection and due process; if manipulation is involved, that would also violate the Voting Rights Act and Ohio election law. This anomaly calls for an investigation, which Mr. Blackwell has failed to initiate.

Cuyahoga County—Palm Beach County for Pat Buchanan-Redux?

Facts

It has been well documented that a flawed Palm Beach County ballot design in the 2000 Florida Presidential election may well have cost Al Gore thousands of votes, by misrecording such votes as votes for Pat Buchanan. A similar problem may well have occurred in Cleveland in 2004.

Precincts in Cleveland have reported an incredibly high number of votes for third party candidates who have historically received only a handful of votes from these urban areas. For example, precinct 4F in the 4th Ward cast 290 votes for Kerry, 21 for Bush, and 215 for Constitution Party candidate Michael Peroutka. In 2000, the same precinct cast less than 8 voters for all third party candidates combined. This pattern is found in at least 10 precincts throughout Cleveland in 2004, awarding hundreds of unlikely votes to the third party candidate. Notably, these precincts share more than a strong Democratic history; they share the use of a punch card ballot. This problem was created by the combination of polling sites for multiple precincts, coupled with incorrect information provided by poll workers.

In Cuyahoga County, each precinct rotates candidate ballot position. Therefore, each ballot must go into a machine calibrated for its own precinct in order for the voter's intent to be counted. In these anomalous precincts, ballots were fed into the wrong machine, switching Kerry votes into third party votes. This was done on the advice of poll workers who told voters that they could insert their ballots into any open machine—and machines were not clearly marked indicating that they would work only for their designated precinct.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

It appears that hundreds, if not thousands, of votes intended to be cast for Senator Kerry were recorded as being for a third party candidate. At this point it is unclear whether these voting errors resulted from worker negligence and error or intentional manipulation. While Cuyahoga County election official Michael Vu said he would investigate, there has been no further explanation about what will be done to remedy this situation, and Secretary of State Blackwell has refused to cooperate in our investigation or pursue his own inquiry. In any event, those voters whose votes were not properly counted suffered a violation of their constitutional protections of equal protection and due process; if intentional manipulation is involved, this would also implicate the Voting Rights Act and Ohio election law.

Franklin County (Gahana)—How does a computer give George W. Bush nearly 4,000 extra votes?

Facts

On election day, a computerized voting machine in ward 1B in the Gahana precinct of Franklin County recorded a total of 4,258 votes for President Bush and 260 votes for Democratic challenger John Kerry. However, there are only 800 registered voters in that Gahana precinct, and only 638 people cast votes at the New Life Church polling site. It has since been discovered that a computer glitch resulted in the recording of 3,893 extra votes for President George W. Bush—the numbers were adjusted to show President Bush's true vote count at 365 votes and Senator Kerry's at 260 votes.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

At this point it is unclear whether the computer glitch was intentional or not, as we have received no cooperation from Secretary Blackwell or other authorities in resolving the question. In order to resolve this issue for future elections, it must be determined how it was initially discovered that such a computer glitch did and could occur and what procedures were employed to alert other counties upon the discovery of the malfunction. Further, a determination should be made as to whether we can be absolutely certain that this particular malfunction did not occur in other counties in Ohio during the 2004 Presidential election, and what actions have been taken to ensure that this type of malfunction does not happen in the future.

Miami County—Where did nearly 20,000 extra votes for George W. Bush come from?

Facts

In Miami County, voter turnout was a highly suspect and improbable 98.55 percent. With 100% of the precincts reporting on Wednesday, November 3, 2004, President Bush received 20,807 votes, or 65.80% of the vote, and Senator Kerry received 10,724 votes, or 33.92% of the vote. Thus, Miami reported a total of 31,620 voters. Inexplicably, nearly 19,000 new ballots were added after all precincts reported, boosting President Bush's vote count to 33,039, or 65.77%, while Senator Kerry's vote percentage stayed exactly the same to three one-hundredths of a percentage point at 33.92 percent. Roger Kearney of Rhombus Technologies, Ltd., the reporting company responsible for vote results of Miami County, stated that the problem was not with his reporting and that the additional 19,000 votes were added before 100% of the precincts were in.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Mr. Kearney's statement does not explain how the vote count could change for President Bush, but not for Senator Kerry, after 19,000 new votes were added to the roster. Thus, we are primarily concerned with identifying a valid explanation for the statistical anomaly that showed virtually identical ratios after the final 20–40% of the votes were counted. Specifically, we have received no explanation as to how the vote count in this particular county could have changed for President Bush, but not for Senator Kerry, after 19,000 new votes were added to the roster. The vote results in Miami constitute yet another significant anomaly in the tens of thousands range without any explanation or investigation by Secretary of State Blackwell, leading us to conclude that there is likely some vote error or vote manipulation. This could constitute a violation of constitutional guarantees of equal protection and due process and, if intentional, would likely violate the Voting Rights Act and Ohio election law.

Perry County—Discrepancy in Number of Votes and Voters

Facts

The House Judiciary Committee Democratic staff has received information indicating discrepancies in vote tabulations in Perry County. Similar discrepancies have been found in other counties. For example, in Trumbull County there are apparently more absentee votes than absentee voters according to a recent study. For example, the sign-in book for the Reading S precinct indicates that approximately 360 voters cast ballots in that precinct. In the same precinct, the sign-in book indicates that there were 33 absentee votes cast. In sum, this would appear to mean that fewer than 400 total votes were cast in that precinct. Yet, the precinct's official tallies indicate that 489 votes were cast. In addition, some voters' names have two ballot stub numbers listed next to their entries, creating the appearance that voters were allowed to cast more than one ballot.

In another precinct in Perry County, W Lexington G AB, 350 voters are registered according to the County's initial tallies. Yet, 434 voters cast ballots. As the tallies indicate, this would be an impossible 124% voter turnout. The breakdown on election night was initially reported to be 174 votes for Bush, and 246 votes for Kerry. We are advised that the Perry County Board of Elections has since issued a correction claiming that, due to a computer error, some votes were counted twice. We are advised that the new tallies state that only 224 people voted, and the tally is 90 votes for Bush and 127 votes for Kerry. This would make it appear that virtually every ballot was counted twice, which seems improbable.

In Madison Township, Precinct AAS, a review of the poll books shows that 481 people signed in to vote on election day, yet the Perry County Board of Elections is reporting that 493 votes were cast in that precinct, a difference of 13 votes. The same discrepancy appears with respect to Monroe Township AAV. The poll books show that 384 people signed in on election day to vote, while the Perry County Board of Elections reports that 393 votes were cast, a difference of 9 votes.

We have also received information that in at least three precincts, Pike West AAY, New Lexington I AB, and Redfield AAC, more signatures appear in the sign-in books than votes cast. This would indicate that votes may have been thrown out.

In Perry County, there appears to be an extraordinarily high level of 91% voter registration; yet, a substantial number of these voters have never voted and have no signature on file. Of the voters that are registered in Perry County, an extraordinarily large number of voters are listed as having registered in 1977, a year in which there were no federal elections. Of these, an exceptional number are listed as having registered on the exact same day: in total, 3,100 voters apparently registered in Perry County on November 8, 1977.

In addition, according to a Democratic staff count of the poll books, there are approximately 751 registered voters in Madison Township AAS, while the Perry County Board of Elections reports that there are 850 registered voters in that township.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Clearly, there is an unexplained discrepancy between the actual vote tallies and the number of registered voters in various precincts as well as other statistical anomalies in the County. Given the lack of any explanation to date, and an absence of willingness by Secretary Blackwell or any other authorities to explain or investigate these irregularities, it is not inconceivable that some sort of vote tampering has occurred. If so, that would likely constitute a denial of the constitutional guarantees of equal protection and due process, the Voting Rights Act, and Ohio election law.

Republicans in the State of Washington are currently citing such "mystery voters" as evidence of fraud. The State Republican Chairman has commented, "people ask me what fraud would look like? It would look like this.

2. Myriad Other Problems and Irregularities

We learned of literally thousands upon thousands of additional irregularities in Ohio. As a matter of fact, the Election Protection Commission has testified that to date, there have been over 3,300 incidents of voting irregularities entered for Ohio alone. The following is a brief highlight of some of the more egregious irregularities we have learned of during the course of our investigation:

a. Intimidation and Misinformation

Facts

In the course of our hearings we learned:

The NAACP testified that it received over 200 calls regarding incidents of suspected voter intimidation or unusual election related activities, particularly actions taken by challengers who intimidated poll workers and voters. Other specific incidents involved a caller who reported that someone was going door-to-door telling people they were not registered to vote. A voter in Franklin County received information in the mail identified as being from the state that said he would have to vote by provisional ballot because he had moved; in fact, the voter had not moved and had lived at the address for 10–15 years. One polling place worker was only asking African American voters for their address. A new voter was told that there were vote challengers at her precinct. When she was voting, she was confused by the punch cards. She was afraid to ask poll workers for help for fear that she would be challenged. Vote challengers were demanding that voters provide ID, leading many people to leave. This egregious behavior should be curtailed by the state.

In Franklin County, a worker at the Holiday Inn observed a team of 25 people who called themselves the "Texas Strike Force" using payphones to make intimidating calls to likely voters, targeting people recently in the prison system. The "Texas Strike Force" members paid their way to Ohio, but their hotel accommodations were paid for by the Ohio Republican Party, whose headquarters is across the street. The hotel worker heard one caller threaten a likely voter with being reported to the FBI and returning to jail if he voted. Another hotel worker called the police, who came but did nothing.

Phone calls incorrectly informed voters that their polling place had changed.

The Cleveland Plain Dealer found that several Lake County residents received an official-looking letter on Board of Elections letterhead informing them that their polling place had changed or that they were not properly registered to vote.

On election day, a fake voter bulletin from Franklin County Board of Elections was posted at polling locations, and fliers were distributed in the inner city, telling Republicans to vote on Tuesday and Democrats to vote on Wednesday due to unexpected heavy voter registration.

In Cleveland, the Washington Post reported that unknown volunteers began showing up at voters' doors illegally offering to collect and deliver complete absentee ballots to the election office.

The Election Protection Coalition testified that in Franklin County, voters received fliers informing them that they could cast a ballot on November 3.

In Franklin County there were reports that about a dozen voters were contacted by someone claiming to be from the county board of elections, telling them their voting location was changed.

"Door-hangers" telling African-American voters to go to the wrong precinct were distributed.

Analysis

The use of intimidation and misinformation in Ohio on election day was widespread and pervasive and clearly suppressed the vote. The NAACP testified that they received over 200 complaints of such acts in Ohio, so it is likely the actual number of incidents ranged in the thousands, if not higher. It is difficult to estimate how many of these incidents actually resulted in lost votes.

These incidents of voter intimidation and misinformation clearly violate the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote. The fact that Secretary Blackwell did not initiate a single investigation into these many serious allegations may represent a violation of his statutory duty to investigate election irregularities. Cases of intimidation and misinformation such as we have seen in Ohio appear to have become a regular feature of our election landscape and would appear to warrant the development of a stronger investigative and law enforcement system than we have at present, at both the state and federal levels.

b. Machine Irregularities

Facts

In the course of our hearings we learned:

In Auglaize County, there were voting machine errors. In a letter dated October 21, 2004, Ken Nuss, former deputy director of the County Board of Elections, claimed that Joe McGinnis, a former employee of ES&S, the company that provides the voting systems in Auglaize County, had access to and used the main computer that is used to create the ballot and compile election results. Mr. McGinnis's access to and use of the main computer was a violation of county board of election protocol. After calling attention to this irregularity in the voting system, Mr. Nuss was suspended and then resigned.

In Cuyahoga County and Franklin County, there were voting machine errors with respect to absentee ballots. The arrows on the absentee ballots did not align with the correct punch hole. This likely led to voters casting a vote for a candidate other than the candidate they intended to support.

In Mahoning County, one precinct in Youngstown recorded a negative 25 million votes.

In Mercer County, one voting machine showed that 289 people cast punch card ballots, but only 51 votes were recorded for president. The county's website appeared to show a similar anomaly, reporting that 51,818 people cast ballots but only 47,768 ballots were recorded in the presidential race, including 61 write-ins, meaning that approximately 4,000 votes, or nearly 7%, were not counted for a presidential candidate.

At our Washington, D.C. hearing, investigative journalist Bob Fitrakis highlighted malfunctions in Lucas County: "When the machines in Lucas County, which is a heavily Democratic county, when they are locked in the principal's office and nobody may vote at that site; when they're going wrong all day, and the [Lucas County Election Director Paula Hicks-Hudson] admits the test failed prior to that, and the software is provided, of course, by Diebold, whose CEO, Walden O'Dell, is a member of President Bush's Pioneer and Ranger team, has visited the Crawford ranch and wrote a letter promising to deliver the electoral votes of Ohio, one has to be somewhat suspect.

In Hamilton County, the Washington Post learned many absentee ballots did not include Kerry's name because workers accidentally removed Kerry when removing Ralph Nader's name from the ballots.

Analysis

There is no doubt that there were a number of machine irregularities and glitches in the election, beyond the major discrepancies highlighted earlier in our report However, it is difficult for us to quantify the number of votes that were altered or affected by these irregularities.

Given the lack of cooperation we have received from the Secretary of State's office, it is difficult for us to ascertain whether the glitches were the result of mistake, negligence, or intentional misconduct. Depending on the type of misconduct involved, these errors may constitute violations of the Voting Rights Act, Equal Protection and Due Process, and Ohio's right to vote. Morever, it would appear that Secretary Blackwell's apparent failure to follow-up on these machine errors by way of an investigation would violate his duty to investigate election law irregularities.

The role of voting machines and computers in our election represents an increasingly serious issue in our democracy. Our concerns are exacerbated by the fact that there are very few companies who manufacture and operate voting machines, and they tend to be controlled by executives who donate largely, if not exclusively, to the Republican Party and Republican candidates. Issues such as the need for verifiable paper trails and greater accountability all warrant further investigation and possibly legislation.

c. Registration Irregularities and Official Misconduct and Errors

Facts

In the course of our hearings we learned:

A Washington Post investigation found that many longtime voters discovered their registrations had been purged.

Numerous voters were incorrectly listed on roster as felons, and thus not allowed to vote.

The NAACP testified to receiving over 1,000 calls related to voter registration issues, generally from individuals who were not on the voter rolls even though they had voted in previous elections, individuals with questions on how to register, and individuals with concerns about not receiving a voter registration card.

The Election Protection Coalition found that "Individuals frequently reported having 'disappeared' from the voter rolls . . . Many individuals expressed concerns that they had registered but never received confirmation or were not listed on the voter rolls at the precincts."

At our Columbus, Ohio hearing, several documented problems in Cuyahoga County were brought to our attention by the Greater Cleveland Voter Registration Coalition (GCVRC). GCVRC registered approximately 10,000 voters before the 2004 elections, yet when they tracked the registrations, 3.5% were either not entered at all or entered incorrectly, completely disenfranchising the applicants. While the board of Cuyahoga County was alerted to this problem as early as September, no corrective measures were taken. Projected out county-wide, over 10,000 people were likely not correctly registered and lost their right to vote. These registration problems led to provisional ballots being thrown out.

The NAACP reported that many voters complained they were asked to show ID when they thought it was unnecessary or were unable to vote because they lacked proper ID. At several locations in Cuyahoga County, all voters were being asked for ID, not just new voters. A voter called to say that all voters are being asked for ID. The poll workers were checking the address of the voter against the address on the registration and if they did not match, the voter was being turned away, often without casting a provisional ballot. In still another case, a voter was challenged because the address on the ID did not match the registration address (but was in the same precinct).

There were numerous cases where election workers sent voters to the wrong precinct.

A voter stated that a polling place in Cleveland ran out of ballots, and put in an emergency request for ballots but did not receive them.

The Associated Press reported that officials ticketed lawfully parked cars at the polling stations.

Election protection volunteers received complaints about provisional ballots from voters, many of whom reported being denied the opportunity to vote by provisional ballot. Some polling places either ran out of provisional ballots or never had any at their location. For example: a voter registered to vote in September. When she went to the polling place in Cuyahoga County on Election Day, they said she was not registered and they refused to give her a provisional ballot.

In Franklin County, some voters, who were in line to vote, but outside of the doors to the polling place, were sent home at 7:30 p.m. when the polls closed.

Analysis

Just as we witnessed in the Florida presidential debacle four years ago, improper purging and other errors by election officials represent a very serious problem and have a particularly negative impact on minority voters. The fact that the Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors and that the NAACP received more than 1,000 purging complaints on election day indicate that the overall number of voters who may have been disenfranchised as a result of official mistakes and wrongful purging is in the scores of thousands, if not more. Congressional passage of HAVA's provisional ballot requirement was intended to mitigate errors such as this, but Secretary Blackwell's unduly narrow interpretation of this requirement, as well as weak rules for counting and checking provisional ballots, have made it far less likely that individuals whose registration was wrongfully purged or never entered would be able to receive a provisional ballot and have it counted.

Given the information we have, it is unclear whether improper purging and other registration errors which appear so prevalent in Ohio were the result of human mistake or intentional misconduct. If it was intentional, a strong case can be made that it violated the Voting Rights Act, Equal Protection, Due Process, possibly the National Voter Registration Act, as well as Ohio's right to vote law. The Secretary of State's failure to investigate these registration errors and other irregularities may also violate his duties to do so under Ohio law.

HAVA funds were supposed to be used to implement a fairer and more efficient registration system statewide. Unfortunately, full funding has been delayed, and most states, including Ohio, have received waivers from this federal requirement.

3. General Problems

a. Spoiled Ballots—Hanging Chads Again?

Facts

Ohio had a significant number of spoiled votes—approximately 93,000. These are ballots in which either no presidential vote was recorded or multiple votes were indicated and therefore ignored. For example, someone may not have filled in his presidential choice dark enough for an optical scan machine to read, but did fill it in clearly enough to be a valid selection in a hand count. In addition, a punch card voter may not have punched completely through his choice, leaving a "chad" attached that could not be read by the tabulator. However, that same chad could be read in a hand count because Ohio law provides that hanging chads may be considered valid votes as long as two corners are detached.

According to a New York Times investigation, "the problem [with spoiled ballots] was pronounced in minority areas, typically Kerry strongholds. In Cleveland ZIP codes where at least 85% of the population is black, precinct results show that one in 31 ballots registered no vote for president, more than twice the rate of largely white ZIP codes where one in 75 registered no vote for president. Election officials say that nearly 77,000 of the 96,000 [spoiled] ballots were punch cards."

One of the principal purposes of the recount in Ohio was to ascertain the intent of these 93,000 ballots. However, by manipulation or otherwise every county in Ohio but Coshocton County avoided completing a full hand recount. This means that the vast majority of these spoiled ballots will never be reviewed.

The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25% each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president. This is in stark contrast to the 2% of undervoting county-wide. Disturbingly, predominately Democratic precincts had 75% more undervotes than those that were predominately Republican.

Secretary of State Blackwell has refused to answer any of the questions concerning these matters posed to him by Ranking Member Conyers and 11 other Members of the Judiciary Committee on December 2, 2004.

Analysis

Given the high level of interest in the presidential election in 2004, it is logical to assume that many of the persons casting spoiled ballots intended to cast a vote for president, so this irregularity alone could account for tens of thousands of disenfranchised votes, with a disproportionate amount being minority voters and Kerry voters. One of the reasons Ohio has such a large number of ballots is that the state relies so heavily on the outdated and antiquated punch card system that proved to be error prone in Florida. Sixty-eight of the 88 Ohio counties still rely on the outdated punch card machines. Thus, at least in the critical swing state of Ohio the promise of HAVA funding to help states acquire better equipment so that more votes could count has not been met.

With regard to the severe undercount voting figures in Montgomery County, we have not received any cooperation from Secretary Blackwell in ascertaining how this occurred. This may have been due to some equipment or poll worker error or, in the worst case, manipulation.

b. Exit Polls Bolster Claims of Irregularities and Fraud

Facts

An exit poll serves as a predictor of the final vote results in an election. It is conducted by interviewing voters about their vote selections as they are leaving the polls. The process for conducting reliable exit polls was largely created in 1967 by CBS News pollster and statistician, Warren Mitofsky, now known as "a world recognized expert in exit polling in particular and public opinion polling in general." Former Mexican President Carlos Salinas credited Mr. Mitofsky's work for contributing to the prevention of fraud and an increase in credibility in the 1994 election in Mexico.

The exit poll data taken on November 2, 2004, was compiled by two well-respected firms—Mitofsky International and Edison Media Research. Joseph Lenski, who conducted the exit polls for Edison Media Research, trained in the field of exit polling under Mr. Mitofsky before starting his own firm. They conducted in 2004 exit polls under a contract from the National Election Pool (NEP), a consortium of six news and media organizations: the Associated Press, ABC, CNN, CBS, NBC, and Fox.

In this year's election, the National Election Pool conducted two types of exit polls: 73,000 voters were interviewed in statewide polls, and an additional 13,000 voters were interviewed for a national poll. The national poll's sample size was approximately six times larger than the sample normally used in high quality pre-election national polls. This poll size would normally yield a very small margin of error and would be very accurate. Furthermore, such a poll would normally result in a close congruence between exit poll and official results. The sample size for Ohio was 1,963 voters, which is quite large for statistical purposes and equivalent to the 2,000 person norm for most national polls. In addition, this year's poll numbers were designed to account for absentee votes after a large number of absentee votes contributed to the inaccurate projections of the Florida race in 2000. This year, Mitofsky and Edison began telephone surveys in key states before the election to screen for absentee voters and create an accurate estimate of their votes.

While exit pollsters caution against using their results to predict election results, exit polls can be extremely accurate, with only small variations from the official outcomes in numerous elections. For example, in the three most recent national elections in Germany, exit polls differed from the final official vote counts by an average of only 0.26%. Their results have proven to be very accurate; correctly predicting the winner with no evidence of systematic skew of the data. United States exit polls have also been precise. Brigham Young University students' exit poll results for Utah in this election indicated 70.8% for Bush and 26.5% for Kerry.

The official results were 71.1 % for Bush and 26.4% for Kerry.

In the Ohio election for 2004, early exit polls that were released just after noon on November 2 showed that Senator Kerry was leading President Bush by three percentage points. Shortly after midnight on November 3, exit poll data continued to indicate that 52.1% of Ohio voters selected Senator Kerry and 47.9% selected President Bush. These numbers, however, differed greatly from the final results of the election; in the official results, President Bush led Senator Kerry by 2.5 percentage points in Ohio.

National poll data showed a similar shift from a clear advantage for Senator Kerry on Election Day to a victory for President Bush on the day after the election. Data that was provided by Edison/Mitofsky to the National Election Pool members at 4 p.m. on Election Day showed Senator Kerry leading 51% to 48%. These percentages held the same in the data released at 7:30 p.m. that day. By the time Senator Kerry conceded the election on Wednesday, November 3, the Edison/Mitofsky poll numbers had been aligned with reported vote counts. For the first time the poll numbers showed an advantage for President Bush with 51% to Senator Kerry's 48%.

On December 3, 2004, Rep. Conyers requested the raw exit poll data from Mitofsky International. Mr. Mitofsky replied "The data are proprietary information gathered and held for the benefit of those news organizations, and I am not at liberty to release them." On December 21, 2004, as a follow-up, Rep. Conyers requested the data directly from the news wire and television companies that contracted with Mr. Mitofsky and Mr. Edison for the data. Though the Congressman has not received a response to his letter, Edie Emery, a spokesperson for the NEP and a CNN employee, said the exit poll data was still being analyzed and that the NEP's board would decide how to release a full report in early 2005. "To release any information now would be incomplete," she said. Furthermore, Jack Stokes, a spokesperson for the Associated Press said, "like Congressman Conyers, we believe the American people deserve answers. We want exit polling information to be made public as soon as it is available, as we intended. At this time, the data is still being evaluated for a final report to the National Election Pool."

Analysis

Clearly something unusual is indicated by the differential between the exit poll information we have obtained and the final vote tallies in Ohio. It is rare, if not unprecedented, for election results to swing so dramatically from the exit poll predictions to the official results. Kerry was predicted to win Ohio by a differential of 4.2 percentage points. The official results showed Bush winning by 2.5 percentage points. The differential between the prediction for Kerry and the winning results for Bush represent a swing of 6.7 percentage points. According to University of Pennsylvania Professor Steven Freeman, this "exit poll discrepancy could not have been due to chance or random error." Professor Freeman has further concluded that statistical analysis shows a probability of 1 in 1,000 that the difference between Senator Kerry's share of the exit poll projection and the official count of the vote would be as much as the final 3.4% spread, a virtual impossibility. As a matter of fact, there are broad statistical variations of up to 9 percentage points between exit poll data and official results in Ohio and other key states in the 2004 election. In state after state, Senator Kerry's advantage in the exit poll results was lost by sizable margins.

The discrepancy between the exit polls and the official vote count must be due to an inaccurate poll or an inaccurate vote. Either there was unintentional error in the exit poll or the official vote count, willful manipulation of the exit poll or the official vote count, or other forms of fraud, manipulation or irregularities occurred in the electoral process. Pollsters Mitofsky and Lenski have intimated that their poll numbers deviated from the official results because a disproportionate number of Bush supporters refused to participate in their polls. However, Professor Freeman posits that part of the discrepancy is due to a miscount of the vote.

As noted above, election polls are generally accurate and reliable. Pollsters are able to categorize their sources of error and develop extensive methodologies to limit those errors with each successive poll. Political scientist Ken Warren noted claims, ". . . exit polling has become very sophisticated and reliable, not only because pollsters have embraced sound survey research techniques, but because they have learned through experience to make valid critical adjustment." In fact, prominent survey researchers, political scientists and journalists "concur that exit polls are by far the most reliable" polls.

Unfortunately, throughout American history various devices, schemes and legal structures have been used to shape the outcome of an election. Elections at every level of government have been skewed by tactics that deny voting rights, establish poll taxes, lose voter registrations, disqualify voters and disqualify ballots to ensure a certain outcome. The Florida election in 2000 provides ample evidence that our system is rife with election irregularites that have profound impacts on our election outcomes.

Elections are politically controlled, with extreme pressures for certain outcomes. In our system, victory can become more important than an accurate vote count. While pollsters are privately hired based on their accuracy and timely results, candidates and campaigns are primarily concerned with winning. When key election officials are also key campaign officials, as was the case in Florida in 2000 and in Ohio in 2004, the goal of providing an accurate vote tally gets into the murky waters of winning the political contest. But pollsters lose their legitimacy, and thus future contracts, if they are not accurate. Thus, " the systemic pressures on polling accuracy are much greater than they are on vote count accuracy.

While pollsters use feedback and detailed analysis to improve their results, are motivated towards accuracy, and face market competition if they fail to provide thorough, accurate and timely exit poll results, "there is little competition, feedback and motivation for accuracy in election processing." Thus we do not dismiss these exit poll results, and their discrepancy with the official vote counts, as others might do. We believe they provide important evidence that something was amiss in the Ohio election.

Full, accurate and reliable statistical analysis cannot be completed until the raw data from the exit polls is released. The limited available "uncalibrated" or raw data indicates the broad discrepancies that are discussed above. However, it appears that the National Election Pool data was "calibrated" or corrected after the official results were publicized. It may be standard practice to recalibrate poll results to reflect the actual outcome "on the assumption that the [official] count is correct, and that any discrepancies must have been due to imbalanced representation in their samples or some other polling error." Thus data that was publicized on Election Day showing these large discrepancies is no longer publicly available; only the recalibrated numbers are available on the Internet. An independent, detailed analysis of the early exit poll data is necessary to verify the actual outcome of the vote in Ohio, and thus restore complete legitimacy to this election. In any event, the discrepancies that we are able to identify place the entire Ohio election results under a cloud of uncertainty.

C. Post-Election

1. Confusion in Counting Provisional Ballots

Facts

Secretary Blackwell's failure to issue standards for the counting of provisional ballots led to a chaotic and confusing result such that each of Ohio's 88 counties could count legal ballots differently or not at all. In turn, this fostered a situation where subsequent to the election, Cuyahoga County mandated that provisional ballots in yellow packets must be "rejected" if there is no "date of birth" on the packet. This ruling was issued despite the fact that the original "Provisional Verification Procedure" from Cuyahoga County stated, "Date of birth is not mandatory and should not reject a provisional ballot" and simply required that the voter's name, address and a signature match the signature in the county's database. The People for the American Way Foundation sought a legal ruling ordering Secretary Blackwell and the county elections board to compare paper registration and electronic registration records. People For the American Way further asked the Board to notify each voter whose ballot was invalidated and how the invalidation could be challenged. Neither of these actions were taken. '

In another case, while the state directed counties to ensure voters had been registered during the thirty days before the election, one college student who had been registered since 2000 and was living away from home was denied a provisional ballot.

Analysis

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots likely resulted in the loss of several thousand votes in Cuyahoga County alone, and untold more statewide. This is because the lack of guidance and the ultimate narrow and arbitrary review standards imposed in Cuyahoga County appear to have significantly contributed to the fact that in Cuyahoga County, 8,099 out of 24,472 provisional ballots, or approximately one third, were ruled invalid, the highest proportion in the state. This number is twice as high as the percentage of provisional ballots rejected in 2000.

These series of events constitute a possible violation of the Voting Rights Act, as not only were legitimate votes apparently thrown out, they undoubtedly had a disproportionate impact on minority voters, concentrated in urban areas such as Cuyahoga County which had the highest shares of the state's provisional ballots. The actions may also violate Ohio's constitutional right to vote.

2. Justice Delayed is Justice Denied—Recounts were Delayed Because of a Late Declaration of Results

Facts

Ohio law requires the Secretary of State to provide county boards of elections with directives governing voting procedures, voting machine testing, and vote tallying. Prior to the election, Secretary Blackwell thus issued a directive providing that Ohio boards of elections would have to complete their official canvasses by December 1, almost one month after the date of the 2004 election. The directive further states that "no recount may be held prior to the official canvass and certification of results," so that county boards would have to wait until Secretary Blackwell decided to certify the results before proceeding with recounts.

Ohio law also sets deadlines for the conduct of recounts. First, applications for statewide recounts must be submitted within five days of the Secretary of State's declaration of results. Second, such recounts must begin within ten days of the recount request. Secretary of State Blackwell gave county boards of election until December 1 to certify their returns and then waited to another five days, until December 6, to certify the results. As a consequence, recounts could not be sought until at least December 11, and were required to begin by December 16. The Green/Libertarian recount began on December 13, 2004. As a result, the recount was pending when the Secretary of State sent certificates to electors on December 7, and before the electoral college met on December 13. Because it appeared the Secretary of State had intentionally delayed certification to ensure that the recount could not be completed by these time periods, 11 Members of Congress, including Rep. Conyers, wrote to Gov. Taft asking that they delay or treat as provisional the December 13 meeting of the state's presidential electors.

The counties completed their recounts on December 28, 2004, but due to a variety of irregularities and alleged legal violations in the recount, they remain embroiled in litigation as of the date of this report.

Analysis

The scenario created by Secretary Blackwell effectively precluded recounts from being concluded prior to the December 13 meeting of electors. By setting the vote tally deadline so late and then delaying the declaration of results—it took a full 34 days after the November 2 election for the results to be certified—Secretary of State Blackwell insured that the time for completing recounts, therefore, was pushed to after the date of the Electoral College meeting. As a result of this intentional course of conduct, it appears that Mr. Blackwell has ensured that the controversies concerning the appointment of electors could not be resolved by December 7, 2004, thereby causing Ohio to lose the benefit of the electoral college safe harbor so that there appointment of electors is not necessarily binding on Congress. In addition, this diminishment of the recount law may violate the voters' right to equal protection and due process, as well as undermine the entire import of Ohio's recount law.

3. Triad GSI—Using a "Cheat Sheet" to Cheat the Voters in Hocking and Other Counties

Facts

Perhaps the most disturbing irregularity that we have learned of in connection with the recount concerns the activities and operations of Triad GSI, a voting machine company. On December 13, 2004, House Judiciary Committee Democratic-staff met with Ms. Sherole Eaton, Deputy Director of Elections for Hocking County. She explained that on Friday, December 10, 2004, Michael Barbian, Jr., a representative of Triad GSI, unilaterally sought and obtained access to the voting machinery and records in Hocking County, Ohio.

Ms. Eaton witnessed Mr. Barbian modify the Hocking County computer vote tabulator before the announcement of the Ohio recount. She further witnessed Barbian, upon the announcement that the Hocking County precinct was planned to be the subject of the initial Ohio test recount, make further alterations based on his knowledge of that information. She also has firsthand knowledge that Barbian advised election officials how to manipulate voting machinery to ensure that a preliminary hand recount matched the machine count.

According to the affidavit, the Triad official sought access to the voting machinery based on the apparent pretext that he wanted to review some "legal questions" Ohio voting officials might receive as part of the recount process. At several times during his interaction with Hocking County voting machines, Mr. Barbian telephoned into Triad's offices to obtain programming information relating to the machinery and the precinct in question. It is now known that Triad officials have intervened in other counties in Ohio—Greene and Monroe, and perhaps others.

In fact, Mr. Barbian himself has admitted to altering tabulating software in Hocking, Lorain, Muskingum, Clark, Harrison and Guernsey counties. Todd Rapp, President of Triad, also has confirmed that these sorts of changes are standard procedure for his company.

First, during an interview, film maker Lynda Byrket asked Barbian, "you were just trying to help them so that they wouldn't have to do a full recount of the county, to try to avoid that?" Mr. Barbian answered, "Right." She further inquired: "did any of your counties have to do a full recount?" Mr. Barbian replied, "Not that I'm aware of."

Second, it appears that Mr. Barbian's activities were not the actions of a rogue computer programmer but the official policy of Triad. Rapp explained during a Hocking County Board of Elections meeting:

"The purpose was to train people on how to conduct their jobs and to help them identify problems when they conducted the recount. If they could not hand count the ballots correctly, they would know what they needed to look for in that hand count."

Barbian noted that he had "provided [other counties] reports so they could review the information on their own."

As one observer asked, "Why do you feel it was necessary to point out to a team counting ballots the number of overvotes and undervotes when the purpose of the team is to in fact locate those votes and judge them?"

Barbian's response was, ". . . it's just human error. The machine count is right . . . We're trying to give them as much information to help them out."

In addition, Douglas W. Jones, a computer election expert from the University of Iowa, reviewed the Eaton Affidavit and concluded that it described behavior that was dangerous and unnecessary:

"I have reviewed the Affidavit of Sherole L. Eaton ("the Eaton Affidavit"), the Deputy Director of the Hocking County Board of Election, as well as the letter of Congressman John Conyers to Kevin Brock, Special Agent in Charge with the FBI in Cincinnati, Ohio. In light of this information, and given my expertise and research on voting technology issues and the integrity of ballot counting systems, it is my professional opinion that the incident in Hocking County, Ohio, threatens the overall integrity of the recount of the presidential election in Ohio, and threatens the ability of the presidential candidates, their witnesses, and the counter-plaintiffs in the above-captioned action, to properly analyze, inspect, and assess the ballots and the related voting data from the 2004 presidential election in Ohio. It is my understanding that 41 of Ohio's 88 counties use Triad voting machines. As a result, the incident in Hocking County could compromise the statewide recount, and undermine the public's trust in the credibility and accuracy of the recount."

We have received several additional reports of machine irregularities involving several other counties serviced by Triad, including a report that Triad was able to alter election software by remote access:

In Union County, the hard drive on the vote tabulation machine, a Triad machine, had failed after the election and had been replaced. The old hard drive was returned to the Union County Board of Elections in response to a subpoena.

The Directors of the Board of Elections in both Fulton and Henry County stated that the Triad company had reprogrammed the computer by remote dial-up to count only the presidential votes prior to the start of the recount.

In Monroe County, the 3% hand-count failed to match the machine count twice. Subsequent runs on that machine did not match each other nor the hand count. The Monroe County Board of Elections summoned a repairman from Triad to bring a new machine and the recount was suspended and reconvened for the following day. On the following day, a new machine was present at the Board of Elections office and the old machine was gone. The Board conducted a test run followed by the 3% hand-counted ballots. The results matched this time and the Board conducted the remainder of the recount by machine.

In Harrison County, a representative of the Triad company reprogrammed and retested the tabulator machine and software prior to the start of the recount. The Harrison County tabulating computer is connected to a second computer which is linked to the Secretary of State's Office in Columbus. The Triad technician handled all ballots during the machine recount and performed all tabulation functions. The Harrison County Board of Elections kept voted ballots and unused ballots in a room open to direct public access during daytime hours when the courthouse is open. The Board had placed voted ballots in unsealed transfer cases stored in an old wooden cabinet that, at one point, was said to be lockable and, at another point, was said to be unlockable.

On December 15, 2004, Rep. Conyers forwarded information concerning the irregularities alleged in the Eaton Affidavit to the FBI and local prosecutors in Ohio. He has not received a response to that letter. On December 22, 2004, Rep. Conyers forwarded a series of questions concerning this course of events to the President of Triad GSI and to Mr. Barbian. Counsel for Triad GSI has indicated that a response would be forthcoming later this week or shortly thereafter.

Analysis

Based on the above, including actual admissions and statements by Triad employees, it strongly appears that Triad and its employees engaged in a course of behavior to provide "cheat sheets" to those counting the ballots. The cheat sheets told them how many votes they should find for each candidate, and how many over and under votes they should calculate to match the machine count. In that way, they could avoid doing a full county-wide hand recount mandated by state law. If true, this would frustrate the entire purpose of the recount law—to randomly ascertain if the vote counting apparatus is operating fairly and effectively, and if not to conduct a full hand recount. By ensuring that election boards are in a position to conform their test recount results with the election night results, Triad's actions may well have prevented scores of counties from conducting a full and fair recount in compliance with equal protection, due process, and the first amendment.

In addition, the course of conduct outlined above would appear to violate numerous provisions of federal and state law. As noted above, 42 U.S.C. §1973 provides for criminal penalties for any person who, in any election for federal office, "knowingly and willfully deprives, defrauds, or attempts to defraud the residents of a State of a fair and impartially conducted election process, by . . . the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held." Section 1974 requires the retention and preservation of all voting records and papers for a period of 22 months from the date of a federal election and makes it a felony for any person to "willfully steal, destroy, conceal, mutilate, or alter" any such record.

Ohio law further prohibits election machinery from being serviced, modified, or altered in any way subsequent to an election, unless it is so done in the presence of the full board of elections and other observers. Any handling of ballots for a subsequent recount must be done in the presence of the entire Board and any qualified witnesses. This would seem to operate as a de facto bar against altering voting machines by remote access. Containers in which ballots are kept may not be opened before all of the required participants in are attendance. It is critical to note that the fact that these "ballots" were not papers in a box is of no consequence in the inquiry as to whether state and federal laws were violated by Barbian's conduct: Ohio Revised Code defines a ballot as "the official election presentation of offices and candidates . . . and the means by which votes are recorded." Ohio Rev. Code §3506.01 (B) (West 2004). Therefore, for purposes of Ohio law, electronic records stored in the Board's computer are to be considered "ballots." Triad's interference with the computers and their software would seem to violate these requirements.

Further, any modification of the election machinery may only be done after full notice to the Secretary of State. Ohio Code and related regulations require that after the state certifies a voting system, changes that affect "(a) the method of recording voter intent; (b) voter privacy; (c) retention of the vote; or the (d) communication of voting records, must be done only after full notice to the Secretary of State. We are not aware that any such notice was given to the Secretary.

Finally, Secretary Blackwell's own directive, coupled with Ohio Revised Code §3505.32, prohibits any handling of these ballots without bipartisan witnesses present. That section of the code provides that during a period of official canvassing, all interaction with ballots must be "in the presence of all of the members of the board and any other persons who are entitled to witness the official canvass." The Ohio Secretary of State issued orders that election officials are to treat all election materials as if the State were in a period of canvassing, and that, "teams of one Democrat and one Republican must be present with ballots at all times of processing."

Triad has sought to respond to these charges by arguing that Ohio law requires a Board of Elections to prevent the counting or tabulation of other races during a recount and limit these activities to those offices or issues for which a formal recount request has been filed. However, this requirement does not supercede the above requirements that election machinery only be serviced or otherwise altered in the presence of the full elections board and observers. There are at least two ways this recount process could have been conducted legally. First, recounters could have been given the full ballot and been simply instructed not to count the other races recorded. Second, the service company employees could have waited to alter the software program until the official recount began in the presence of the board and qualifying witnesses. Neither of these scenarios occurred in the present case.

In addition to these provisions imposing duties on the Board of Elections, there are numerous criminal penalties that can be incurred by those who actually tampered with the machines. These apply to persons who "tamper or attempt to tamper with . . . or otherwise change or injure in any manner any marking device, automatic tabulating equipment or any appurtenances or accessories thereof;" "destroy any property used in the conduct of elections;" "unlawfully destroy or attempt to destroy the ballots, or permit such ballots or a ballot box or pollbook used at an election to be destroyed; or destroy [or] falsify;" and "willfully and with fraudulent intent make any mark or alteration on any ballot."

It is noteworthy that the companies implicated in the misconduct outlined above, Triad and its affiliates, are the leading suppliers of voting machines involved in the counting of paper ballots and punch cards in the critical states of Ohio and Florida. Triad is controlled by the Rapp family, and its founder Brett A. Rapp has been a consistent contributor to Republican causes. In addition, a Triad affiliate, Psephos Corporation, supplied the notorious butterfly ballot used in Palm Beach County, Florida, in the 2000 presidential election.

4. Greene County—Long Waits, the Unlocked Lockdown and Discarded Ballots

We have received information indicating negligence and potential tampering with Greene County ballots and voting machines. On December 9, election observers interviewed the County Director of Elections, Carole Garman, and found substantial discrepancies in the number of voting machines per voter in low-income areas as compared to other areas. Apparently, some consolidated precincts had almost the state imposed limit of 1,400 registered voters and others had only a few hundred voters. One of the precincts disproportionately affected included Central State University and Wilbur Force University, both historically black universities.

The next day, the observers returned to that office and requested voter signature books for copying. Ms. Garman granted such access. After leaving the office for three hours, the observers returned and had been advised that, under Ohio law, they were entitled to copies of the precinct books for a nominal fee, and requested such copies from Garman. Garman did not concur with that view of Ohio law and telephoned the office of Secretary Blackwell, eventually reaching Pat Wolfe, the Election Administrator for the Secretary of State. Garman then advised the observers that, per Blackwell, all voter records for the State of Ohio were "locked down" and they now were "not considered public records." Garman subsequently physically removed the books from one observer's hands" After attempting to persuade Garman to reverse this decision to no avail, the observers departed the office.

The observers returned the following day, a Saturday, at 10:15 am. While a number of cars were parked in the parking lot and the door to the office was unlocked, and there was no one in the office. One light was on in the office that had not been on the previous night after the office was closed. In the office, unsecured, were the poll books that had been taken from then observers the day before. There were also voting booths, ballot boxes apparently containing votes, and voting equipment, also unsecured. Shortly after the observers had left the office, a police officer arrived and later elections officials and members of the media. The officials were unable to offer any explanation for the unsecure office, other than negligence, and said they would ask a technician (from the Triad company) to check out the machines on Monday.

A number of other substantial irregularities in Greene County have come to our attention that were uncovered after the office was discovered to be unsecure. In the short period of time that observers were given to examine voting records, ballots were not counted for apparently erroneous reasons. In a number of cases, Greene County officials rejected ballots because the secrecy envelope for the ballot appeared to indicate that the voter had voted in the wrong precinct, notwithstanding the fact that a notation was made—apparently by an election worker—indicating the vote should count. The records appeared to indicate that, in some cases, voters were sent to the wrong precinct' by election workers and, in others, were given the wrong precinct's envelope for the ballot because election workers had run out of envelopes for the correct precinct.

These records also appeared to indicate that some voters were purged from the voting rolls on the basis that they failed to vote in the previous election, while other voters who had not voted in several elections had not been purged. On October 26, Secretary Blackwell issued a directive and provided it to Greene County officials regarding the "pre-challenging" process, where a voter's eligibility is challenged prior to the election, and sent an attached list of voters who were to be pre-challenged in Greene County, to the Board of Elections. Notice was sent by the Board to these voters on the Friday before the election by registered mail, and was likely not received until Monday, advising such voters of their right to be present at a Monday hearing, where the voter's eligibility would be decided.

Other irregularities appear in the official ballot counting charts prepared by election officials, including a number of precincts where the number of voters do not match the number of votes cast despite the fact that the charts indicate that those numbers "must match."

We have also obtained evidence indicating that eligible voters did not have their ballots counted for invalid reasons. For example, an overseas military ballot was not counted because it was a photocopy rather than the original ballot; an 85 year old voter did not have his absentee vote counted because it did not have a stub attached; a disabled voter who indicated she marked her ballot with the assistance of election workers did not have her absentee vote counted because no stub was attached; an absentee voter with a properly postmarked ballot did not have his vote counted because it was received "too late," but before the initial certification of results; and provisional ballots that were not counted because an election official forgot to sign as a witness when the ballot was cast. Substantial numbers of provisional ballots appear to have been rejected because voters were purged in the last two years.

Analysis

Numerous Ohio laws appear to have been broken in Greene County. First it is a misdemeanor to deny the public access to election records. Ohio law clearly states that "No director of elections, deputy director of elections, or employee of the board of elections designated by the director or deputy direct shall knowingly prevent or prohibit any person from inspecting, under reasonable regulations established and posted by the board of elections, the public records filed in the office of the board of elections." Not only is this a crime, but grounds for dismissal from election duties—required whether the offender is an official or an employee. It does not appear that anyone has been prosecuted, and no one has been dismissed as required by statute.

Second, the complete lack of security on Friday night violates any number of Ohio laws requiring that ballots and machinery be kept absolutely secure. Section 3505.31 requires that ballots, pollbooks, poll lists, tally sheets and voting machines be kept tamper-proof and under seal. Ballots are to be held secure until a recount is properly conducted in front of witnesses, and ballots may not be handled by anyone except the board and its employees. Failure of these duties by board members and their employees, is a felony, as "No member, director or employee of a board of elections shall willfully or negligently violate or neglect to perform any duty imposed upon him by law, or willfully perform or neglect to perform it in such a way as to hinder the objects of the law." Again, it requires that the offender be dismissed, and again, it appears that those actions have not been taken in Greene County. It is important to note that this statute does not require any intent of wrongdoing—simple negligence is enough to invoke the statute and there is no explanation as to why it has not been enforced.

Third, Greene County's operation seems to have several Constitutional problems, both federally and at the state level. The selective use of challenges and purges invokes the

Equal Protection clause. We were unable to confirm any legitimate reason why some voters were challenged and then purged, and others were not. There are also Due Process concerns as those to be purged were not given sufficient notice to meaningfully participate in their scheduled hearings. And finally, these actions violate Ohio's own constitution that guarantees the right to vote.

5. OTHER RECOUNT IRREGULARITIES

We learned of numerous additional troubling recount irregularities in the course of our investigation. The groundwork for these problems was laid when the Secretary of State failed to issue specific standards for the recount. In essence, Mr. Blackwell's directive on recount procedures permitted each county board of election to determine its own recount rules. Mr. Blackwell failed to issue such standards, notwithstanding the fact that election officials themselves had offered contrasting election recount procedures, including some counties who sought to unilaterally oppose doing any recount whatsoever.

Some of the serious recount irregularities that we learned of in connection with our investigation include the following:

a. Irregularities in Selecting the Initial 3% Hand Count—Many County Boards of Elections Did Not Randomly Select the Precinct Samples

In the course of our investigation we learned:

Mr. Keith Cunningham, Director of the Allen County Board of Elections, explained that it would take considerably longer to carry out the recount if there were a random selection process employed. Instead, the Board pre-selected four precincts, totaling slightly more than the required three percent, for the recount. Democratic and Green Party witnesses raised objections but to no avail.

The Clermont County Board of Elections selected the 3% precinct samples by choosing the thirteen precincts with lowest number of voters plus the next number of precincts that reached the total of 3% of the total votes cast in that county. This selection process eliminated larger and more diversified precincts. The staff of the Board admitted that small precincts were chosen because fewer problems would be encountered in smaller precincts. A witness objected to this selection process, but to no avail.

The Cuyahoga County Board of Elections decided to choose only precincts with 550 votes or more and from a cross-section of areas—one East side, one West side, one affluent, one non-affluent. This criterion left only eight percent of precincts available to be selected. In addition, witnesses observed that the ballots were not in a random order, and that they had been previously sorted. As the ballots were fed into the counting machines, there were long runs of votes for only one candidate and then long runs for another, which seemed statistically improbable.

The total number of votes cast in Morrow County was 16,694. Three percent of this would be 501. The Morrow County Board of Elections selected the Harmony Township precinct for the initial hand count because it had 517 ballots cast. When observers complained this was not random, the Board responded that it had the right to select the precinct. During this discussion, an election official with the Board called the Secretary of State's office and reported that the Secretary of State's office stated that the Board was correct.

The Hocking County Board of Elections met and Rod Hedges, a Republican Board member, stated that he believed the Board should select a precinct that was not heavily in favor of George W. Bush or John F. Kerry. The Board decided to consider only the precincts where the vote totals for Bush and Kerry were similar. An observer objected that this was not a random selection, but to no avail.

Election officials in Medina County were aware of several "problem" districts, but instead chose to perform the manual 3% test recount on two precincts that had been part of a school levy recount the previous Monday. That meant that those ballots had been taken out of the standard "double lock" situation and had been handled several times since that Monday.

The Board of Elections in Vinton County selected a precinct 3% manual recount test simply because its vote total was closest to 3% of the total votes cast in the county.

The Summit County Board of Elections selected precincts randomly with the Director and Deputy Director of the Board of Elections and two other Board employees present, both of whom were IT specialists for the Board so that they could compute the three percent. The Board shuffled 475 precinct cards and then chose randomly from the pile. The Summit County Board of Elections conducted this selection without any recount witnesses present.

b. Irregularities in Applying the Full Hand-Count Requirement—Counties Not Conducting Full Hand Count After 3% Hand and Machine Counts Did Not Match

In the course of our investigation we learned:

In Monroe County, the 3% hand-count failed to match the machine count twice. Subsequent runs on that machine matched neither each other nor the hand count. The Monroe County Board of Elections summoned a repairman from Triad to bring a new machine and the recount was suspended and reconvened for the following day. On the following day, a new machine was present at the Board of Elections office and the old machine was gone. The Board conducted a test deck run followed by the 3% hand-counted ballots. The results matched this time and the Board conducted the remainder of the recount by machine.

In Fairfield County, the hand recount of the 3% test sample did not match the machine count, even after two attempts. The Board suspended the recount and stated that Secretary Blackwell recommended that the recount should begin again "from scratch." The Green recount observers were then told that it was 4:00 PM, the building was closed, and all had to leave. The Republican recount observers, however, were allowed to stay in a conference room for an additional ten minutes or so for a private discussion. When the Board reconvened a few days later, it announced that it would be conducting a machine count of the county's votes. When a Green Party observer objected, she was told by the Board that she was not allowed to speak.

c. Irregularities in the Treatment of Ballots—Some Counties Marking Ballots and Some Counties Not Securely Storing Ballots

In the course of our investigation we learned:

In Washington County, the Board of Elections had, in the first count, excluded ballots which included no votes and overvotes. During the recount, the Board altered many such ballots to make them work. An observer protested this practice. An election official pulled a black marker from his right pocket near the beginning of the recount and stated that he was the mark-up man. He proceeded to do all of the marking of the ballots. Another election official assisted with the "band-aids". The observer noted that all the re-marking and band-aiding of ballots did reflect the will of the voter, with one exception. In the precinct Belpre 4A, a voter had both marked the oval and put an X through it for presidential candidate Michael Peroutka and had marked the oval for Bush. The election official put a band-aid over the Peroutka vote and put his own X on the Bush vote. The observer objected that it should be counted as an overvote. The Board ruled that the vote should count for Bush.

In Lucas County, an observer witnessed the physical alteration of three ballots for the apparent reason of ensuring that the vote count produced by the optical scan machine would match the 3% hand count. At least one of the election officials stated that she did not want the hand count and machine count to be different because they did not want to do a complete hand count. The Board made the alterations to the ballot after determining the intent of the voters. Following a lunch break during the recount, the Board kept recount observers waiting while a technician from the Diebold company reprogrammed the machine.

In Ashland County, ballots cast in the presidential election were stored by precinct in open cubicles along one wall in the employee lunchroom/meeting room, completely open and visible to anyone who enters the room. Piled on top of the cubicles were bags of Doritos, mugs, cleaning products, Glad Wrap and other miscellaneous items. Board of Election officials said the room was kept locked, except when used.

In Coshocton County, the Board stored voted ballots mixed with blank, unused ballots in partially-opened boxes, unsealed at the time of observation and apparently never sealed after the election. While ballots were stored in a locked room, all Board employees had keys to the room.

In Belmont County, the Deputy Director of Elections stated that her county had hired an independent programmer ("at great expense") to reprogram the counting machines so that they would only count votes for President during the recount.

In Portage County, all ballot boxes were locked and reopened, locked and re-opened again—always in plain sight—and transported methodically from the visual inspection area to the tabulator room.

d. Irregularities in the Treatment of Witnesses at the Recount and their Access to Ballots

In the course of our investigation we learned:

In Summit County, recount witnesses were threatened with expulsion if they spoke to counting teams. In some instances, they were expected to "observe" from up to 20 feet away, which prevented them from being able to actually observe recount.

In Huron County, the punchcard tabulator test was observed only by Republican witnesses. This test was conducted the day before the Green Party witness was invited to observe the recount.

In Putnam County, Board of Elections officials told observers that their Board would meet on December 15th to decide the start date. When the observer called back on the 15th, she was told the recount had already taken place.

In Allen County, observers were not allowed to examine provisional ballots and absentee ballots during the recount. The Board told them that they must make an appointment at a later time working around the Board's schedule. The Board further stated that only the specific person who cast such a ballot is allowed to inquire whether his or her vote was counted.

In Holmes County, observers asked to see the spoiled ballot pile, comprised of five ballots, but the Board denied access, stating that they were in a sealed envelope that could not be opened.

In Licking County, the Board denied observers access to view provisional and absentee ballots.

In Mahoning County, the Board denied observers access to view rejected absentee ballots.

In Medina County, the Board denied observers access to view provisional ballot tallies, provisional ballots, and the actual machines and ballot booklets used.

In Morgan County, 30 of 160 provisional and absentee ballots were not counted, and the Board denied observers access to view these ballots. The Board stated that these ballots were locked away and would be destroyed 60 days after the election.

In Stark County, the Board denied an observer request to view the provisional ballots.

In Warren County, the Board denied an observer request to view provisional and absentee ballots. The observer has requested that the Board have this decision reviewed by the county prosecutor and the Board is now awaiting the county prosecutor's decision.

Analysis

The Secretary of State's failure to issue specific standards for the recount was a major problem. It appears to have contributed to a lack of uniformity that may very well violate both the Due Process Clause and the Equal Protection Clause of the Constitution. As the U.S. Supreme Court held in 2000, "Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another." As the Court articulated in that case, "It is obvious that the recount cannot be conducted in compliance with the requirements of equal protection and due process without substantial additional work. It would require not only the adoption (after opportunity for argument) of adequate statewide standards for determining what is a legal vote, and practicable procedures to implement them, but also orderly judicial review of any disputed matters that might arise." It may also have violated Ohio state law which charges the secretary of state with "[issuing] instructions by directives and advisories to members of the boards [of elections] as to the proper methods of conducting elections" and "[preparing] rules and instructions for the conduct of elections."

In terms of the specific irregularities, they would seem to be inconsistent if not in outright violation of several aspects of Ohio's recount law. Those counties which did not randomly select the precinct samples appears to violate the Secretary of State's directive on this point. Those counties which did not conduct a full hand count after the 3% hand and machine counts did not match is inconsistent with Ohio's statutory right to have inconsistent results rechecked. Those counties that allowed for irregular marking of ballots and which failed to secure and store ballots and machinery appear to have violated provisions of Ohio law mandating that candidates have the right to ensure that ballots are secure between the election and the official recount, that ballots may not be handled by anyone besides Board members and their staff, and may not be handled outside of the presence of the Board and qualifying witnesses. Finally, those counties which prevented witnesses for candidates from observing the various aspects of the recount appear to have violated provisions of Ohio law providing that candidates have the right to observe all ballots.

RECOMMENDATIONS

A. Electoral College Challenge

We believe there are ample grounds for challenging the electors from Ohio as being unlawfully appointed.

We say this for several reasons. First, there is considerable doubt that all controversies regarding the appointment of the electors were lawfully resolved six days prior to the meeting of the electors (on December 7) in order for the state's electors to be binding on Congress as required by 3 U.S.C. Sec. 5. This is because, among other things, the Secretary of State appears to have intentionally delayed the initial certification of the electors until December 6, making it impossible for the recount (of which he was fully aware) to be completed by December 7, let alone the December 13 meeting of the electors.

Second, there are numerous irrefutable instances where Ohio election law has been violated by the Secretary of State and others such that the election cannot be said to comply with Ohio law, and the electors cannot be considered lawfully certified under state law within the meaning of 3 U.S.C. Sec. 15. These violations of law are highlighted throughout this Report.

The failure to provide adequate voting machinery would appear to violate both Ohio's Constitution, that provides all eligible adults the right to vote, and the Ohio Revised Code which requires the Boards of Elections to provide "for each precinct a polling place and provide adequate facilities at each polling place for conducting the election." Secretary of State Blackwell's failure to initiate any investigation into this pivotal irregularity notwithstanding his statutory duty to do so under Ohio Revised Code Sec. 3501.05, represents another likely violation of Ohio law.

The "caging" tactics targeting 35,000 new voters by the Ohio Republican Party for preelection legal challenge were found by three federal courts to be illegal as being politically and racially charged, and burdening the fundamental right to vote. The tactic would also appear to violate Ohioans' right to vote under the Ohio Constitution.

Mr. Blackwell's decision to prevent news media and exit polls from interviewing Ohio citizens after they voted was found by a federal court of appeals to have violated the First Amendment's guarantee that state conduct shall not abridge "freedom . . . of the press". His decision also likely violated Ohio's Constitution that provides: "Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of the right; and no law shall be passed to restrain or abridge the liberty of speech, or of the press."

Mr. Blackwell's decision to prevent those voters who requested absentee ballots, but did not receive them on a timely basis from being able to vote, was found by a federal court to violate HAVA. This restrictive directive also likely violated Article 5, Section 1 of the Ohio Constitution, granting every Ohio citizen the right to vote if he or she is otherwise qualified.

Numerous incidents of voter intimidation and misinformation engaged in Ohio on election day likely violate the Voting Rights Act, the Civil Rights Act of 1968, and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these acts likely represents a violation of his statutory duty to investigate election misconduct.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide "cheat sheets" to those counting the ballots. By insuring that election boards were in a position to conform their test recount results with the election night results, Triad's actions may well have prevented scores of counties from conducting a full and fair recount. Triad's action appears to violate Ohio law prohibiting election machinery from being serviced, modified, or altered in any way subsequent to an election, unless it is done so in the presence of the full board of elections and other observers.

Numerous Ohio laws appear to have been broken in Greene County, where after initially being granted access to poll books to conduct an audit, election observers had this access abruptly revoked under the orders of Secretary Blackwell, and arbitrary and capricious practices and counting procedures that disenfranchised hundreds of voters were identified. These practices violate Ohio law requirements preventing the denial of public access to election records; requiring that ballots and machinery be kept absolutely secure; and protecting the right to vote.

The Secretary of State's failure to issue specific standards appears inconsistent with Ohio state law which charges the secretary of state with "[issuing] instructions by directives and advisories to members of the boards [of elections] as to the proper methods of conducting elections" and "[preparing] rules and instructions for the conduct of elections."

There were numerous specific irregularities in the recount that are inconsistent with several aspects of Ohio's recount law. Those counties which did not randomly select the precinct samples violated the Secretary of State's directive on this point. Those counties which did not conduct a full hand court after the 3% hand and machine counts violated Ohio's statutory right to have inconsistent results rechecked. Those counties which allowed for irregular marking of ballots and which failed to secure and store ballots and machinery appear to have violated provisions of Ohio law mandating that candidates have the right to ensure that ballots are secure between the election and the official recount, that ballots may not be handled by anyone besides Board members and their staff, and may not be handled outside of the presence of the Board and qualifying witnesses. Finally, those counties which prevented witnesses for candidates from observing the various aspects of the recount violated provisions of Ohio law providing that candidates have the right to observe all ballots.

Whether the cumulative effect of these legal violations would have altered the actual outcome is not known at this time. However, we do know that there are many serious and intentional violations which violate Ohio's own law, that the Secretary of State has done everything in his power to avoid accounting for such violations, and it is incumbent on Congress to protect the integrity of its own laws by recognizing the seriousness of these legal violations.

B. Need for Further Congressional Hearings

It is also clear the U.S. Congress needs to conduct additional and more vigorous hearings into the irregularities in the Ohio presidential election and around the country.

While we have conducted our own Democratic hearings and investigation, we have been handicapped by the fact that key participants in the election, such as Secretary of State Blackwell, have refused to cooperate in our hearings or respond to Mr. Conyers questions. While GAO officials are prepared to move forward with a wide ranging analysis of systemic problems in the 2004 elections, they are not planning to conduct the kind of specific investigation needed to get to the bottom of the range of problems evident in Ohio. As a result, it appears that the only means of obtaining his cooperation in any congressional investigation is under the threat of subpoena, which only the Majority may require.

Given the seriousness of the irregularities we have uncovered, and the importance of the federal elections, we recommend that the House and Senate form a joint, select committee to investigate the full gamut of irregularities across the board.

Among the issues which require further attention at Congressional hearings are the following:

The misallocation of voting machines. Congress should examine the extent to which the lack of machines in certain areas led to unprecedented long lines that disenfranchised predominantly minority and Democratic voters.

The decisions to restrict provisional ballots to actual precincts and to deny them to voters who did not receive absentee ballots. Congress should examine the extent to which the decisions departed from past Ohio law on provisional ballots, how many voters were impacted, and whether a broader construction would have led to any significant disruption at polling places.

The use of partisan, pre-election "caging" tactics. Congress should examine to what extent caging is used and to what degree minority voters were targeted for intimidation and suppression.

The use of voter suppression and intimidation tactics. Congress should investigate reports of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote.

The use of partisan challengers. Congress should examine whether the use of such challengers is disruptive and intimidating to voters. Further, Congress should investigate whether the precinct judges, which are required by law, are sufficient to regulate voting practices.

Voter purging and other registration errors. Congress should look at what methods of voter purging are used and whether they target minority groups.

The prevalence of undervotes, in which ballots are cast but lack votes for president. Congress should further investigate whether undervotes are principally caused by punchcards and what reforms can be made to prevent them.

The need for greater accountability in ballot counting. Congress should examine whether an audit capability for voting machines would enhance the ability to verify voter choices.

The lack of national standards for issuing provisional ballots and conducting recounts. Congress should examine areas in which national standards would promote the guaranteed right to vote and would ensure that every vote counts.

Restrictions on the use of government-granted power for political or personal gain. Congress should investigate the need for restricting the ability of state contractors and public officials involved in the administration of elections to participate in campaign activities.

C. Legislation

Our investigation has made it abundantly clear that Congress and the States must reform the election laws to address the many inequities that have come to light. At the very least, we must—

Develop a fair and uniform system of processing provisional ballots, including training of poll workers and counting votes.

Ensure that every voting machine has a verifiable audit trail, guidelines for which could be established by the Election Assistance Commission.

Consider an Amendment to the Constitution of the United States to reaffirm the right to vote.

Facilitate voter turnout through the establishment of a national election day holiday, the expansion of early voting, and the re-enfranchisement of former felons.

Ensure full enforcement by the Justice Department of anti-voter intimidation laws, including prohibitions on voter suppression and caging.

Establish national standards for voter registration, polling place opening hours, and ballot recounts.

Establish an explicit private right of action for voter rights in the Help America Vote Act.

Ensure that state and local election officials involved in the administration of elections do not use their offices for political gain.

Ensure enough accessible voting machines and poll workers are available at all precincts such that waiting times are reasonable, including in lower-income and minority communities.

Consistent with the First Amendment, restrict state contractors from participating in campaign activities.

Develop and fund public campaigns to educate voters on voting rights, anti-voter intimidation laws, etc.

Fully fund the Help America Vote Act.

Clarify that provisional ballots are available to all citizens who request them, as long as they are in the appropriate County.

We recommend that House and Senate Members join together in reforming these laws and preserving our democracy.

Mr. Speaker, I yield to the gentleman from Missouri (Mr. CLAY) for the purpose of making a unanimous consent request.

Mr. CLAY. Mr. Speaker, I thank the gentleman from Michigan for yielding.

Honorable colleagues, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2 of last year point to an unresolved national crisis: The lack of a unified standard for all voters and all ballots cast in a Federal election. Congress must establish this standard, with a verifiable paper or audit trail. It is the only way to ensure the integrity of the Federal election process.

Reports of voter intimidation, inadequate and malfunctioning voting machines, incompetent election judges, and lines at polling places in urban areas that lasted for many hours were widespread.

These irregularities were compounded by the irresponsible conduct of the allegedly unbiased top election official who openly became a partisan advocate for his party's Presidential nominee.

The Ohio Secretary of State has refused to assist us in the search for the truth. He has shown no interest in determining whether the glitches were the result of mistakes, negligence, or intentional misconduct.

Numerous voters have reported that when they attempted to cast a vote for Kerry-Edwards, the electronic voting machine registered the vote as a ballot for Bush-Cheney. While it is difficult to quantify the number of votes that were altered or affected by the irregularities that have been reported, a single vote not counted, as it was intended . . . is a discredit to our democracy. I am not suggesting that these irregularities changed the outcome of the election. But I am insisting that we act to ensure that the sacred right of every voter, to have his or her vote counted, as the voter intended, is protected by adopting a uniform Federal standard.

In order to protect the voting rights of the citizens of Ohio, and to be true to the oath that we all swore to earlier this week, it is our responsibility as Members of Congress to review the serious irregularities that occurred in Ohio to ensure that this significant disenfranchisement of voters never happens again. It is imperative that we give voters complete confidence that their votes will be accurately counted by reforming our election laws to address all of the irregularities that have come to light. I encourage my colleagues to join me in preserving our democracy.

Mr. CONYERS. Members of the House, we are here today not as partisans for one Presidential candidate or another, but because we want to do our duty under the Constitution to protect our democracy. We are here because of the inner-city voter in Franklin County who waited 10 hours in the pouring rain while suburban voters in the same county had no wait because election officials decided to reallocate voting machines from Columbus to the suburbs. We are here because of the Hispanic voter in Hamilton County who also stood in line for hours, but was directed to the wrong voting table and had his ballot thrown out because of a decision by the Secretary of State of Ohio to throw out ballots cast at the right polling place but the wrong precinct.

We are here because of the elderly voter in Lucas County who requested an absentee ballot that never showed up and was refused a provisional ballot because of another partisan decision by the Secretary of State of Ohio. We are here because of the new voter in Delaware County whose registration form was thrown out because it did not meet the paper weight requirements set forth by the Secretary of State. We are here because of the African American voter in Summit County who was targeted with an unlawful voter challenge because of her race and because she refused to answer a certified letter from the chairman of the Republican Party.

Most of all we are here because not a single election official in Ohio has given us any explanation for the massive and widespread irregularity in the State. No explanation for the machines in Mahoning County that recorded Kerry votes for Bush. No explanation of improper purging in Cuyahoga County. No explanation for the lockdown in Warren County. No explanation for the 99 percent turnout in Miami County. No explanation for machine tampering in Hocking County.

Read on our Web page 101 pages of great staff work that takes this out of semantics, of partisanship; and I appeal to every Member of this body to sustain this objection.

We are here today, not as partisans for one Presidential candidate or another, but because we want to do our duty under the Constitution to protect our democracy.

We are here because of the inner city voter in Franklin County, who waited 10 hours in the pouring rain, while suburban voters in the same county had no wait because election officials decided to reallocate voting machines from Columbus to the suburbs.

We are here because of the Hispanic voter in Hamilton County who was directed to the wrong voting table, and had their ballot thrown out because of a decision by the Secretary of State to throw out ballots cast at the right polling place but the wrong precinct.

We are here because of the elderly voter in Lucas County who requested an absentee ballot that never showed up and was refused a provisional ballot because of another partisan decision by the Secretary of State.

We are here because of the new voter in Delaware County, whose registration form was thrown out because it did not meet the paper weight requirements of the same Secretary of State.

We are here because of the African American voter in Summit County, who was targeted with an unlawful voting challenge because of her race and because she refused to answer a certified letter from the chairman of the Republican Party.

Most of all we are here because not a single election official in Ohio has given us any explanation for the massive and widespread irregularities in that State: No explanation for the machines in Mahoning County that recorded Kerry votes for Bush—No explanation for the improper purging in Cuyahoga County—No explanation for the lock down in Warren County—No explanation for the 99 percent voter turnout in Miami County—No explanation for the machine tampering in Hocking County.

The debate we have today will not change the outcome of November's election. We know that. But out of today's debate, I hope this Congress will respond to our challenge:

A challenge to hold true bipartisan hearings to get to the bottom of what went wrong in Ohio and around the Nation on election day.

A challenge to show the same concern about voter disenfranchisement in this country that we show in Afghanistan, and the Ukraine, and Iraq.

A challenge to enact real election reform; that gives all citizens the right to a provisional ballot; that gives all voters a verifiable paper trail; and that bans election officials from serving as campaign chairs.

The thing we should never fear in Congress is a debate, and the thing we should never fear in a democracy is the voters. I hope that today we have a fair debate and 4 years from now, we have an election all our citizens can be proud of.

Mr. Speaker, I am proud to yield the balance of my time to the distinguished gentleman from Vermont (Mr. SANDERS).

Mr. SANDERS. Mr. Speaker, I thank the distinguished gentleman from Michigan for yielding.

I agree with JOHN KERRY. I think George W. Bush won Ohio. But I agree with millions of American citizens that no American should have to wait 4 hours to cast a vote. I agree with tens of millions of Americans who are very worried that when they cast a ballot on an electronic voting machine that there is no paper trail to record that vote in the event of a recount.

What today is about is to demand that the Federal Government begin to move forward, to guarantee that every voter in America feels secure and confident that all of the votes cast in this country are counted accurately and that all of our voters are treated with respect and dignity. That is what democracy is about and that is what we are fighting for.

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Mr. BLUNT. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from Missouri is recognized for 5 minutes.

Mr. BLUNT. Mr. Speaker, as I listened to the gentleman from Vermont make his remarks, I assume that means that he will be voting with me to accept the results from Ohio since he agrees that the President won. That has just been verified for me. So the whole purpose of this discussion, at least from that perspective of understanding that there are still challenges in our election system in the country, should be handled at a different time.

But let us talk about what we are doing here today. First of all, every Member of this body was elected to this body. It distinguishes us from almost any other institution, certainly in the Federal Government and in many other institutions. We also were all elected under the same rules and regulations that we are discussing today. I do not know that we help the process by casting doubt on what all of those people that work in elections all over America do. I know in Missouri when I was the chief election official for 8 years and an election official for 20 years that no Republican did anything on Election Day by themselves. I think it is the same in Ohio. Every single thing that is done is done by a Republican. It is also done at the same time by a Democrat. I do not think the people that stepped forward to accept that significant public responsibility are saying there was a problem with the election on Election Day. In fact, I think they are all saying we did exactly what we should have done on Election Day: We tested the equipment; we verified the ballots; we counted, as we should, with bipartisan teams there to do that; and we have certified these results.

If we were taking this important time today to talk about a difference of 118 votes, that might be justifiable in my mind. To take this time on this day to challenge all of those Democrats and Republicans who gave of themselves and their time to make this process work in Ohio and in Missouri and everywhere else where people voted the November Election Day with a difference in this State of 118,000 seems to me to be the wrong time, the wrong place, and maybe even the wrong job for the Federal Government. These are great discussions to have in Ohio. That is where they are ultimately going to solve the problem of how they conduct elections in Ohio, and this apparently is more about that than anything about the result.

The purpose of our work here today is to certify the result unquestioned by the country, unquestioned by the Democratic nominee, unquestioned by anybody involved in this process who certified the election, our job today was to count the electoral votes, get on with our business of doing the work that can only be done here in this city by the Federal Government to move the country in a new and positive and better direction. We need to continue to do that. We need to be committed to that. We also need to understand that every time we attack the process, we cast that doubt on that fabric of democracy that is so important.

People do have to have, as I believe the gentleman from Michigan (Mr. CONYERS) said, confidence that the process works in a proper way. They do not need to believe that it is absolutely perfect because, after all, it is the greatest democracy in the history of the world and it is run by people who step forward and make a system work in ways that nobody would believe until they see it to produce the result of what people want to have happen on Election Day.

This was not a closely decided election. The President's margin is significant. No President elected since 1988 has had a majority of the vote, let alone a 3 percentage point majority of the vote with a direction clearly to move the country forward.

We need to get on with our job. We need to honor the election process by working in the proper time and the proper way at the proper place to make it better, but not to suggest that because there were problems that somehow those problems affected a result in ways that every one of us knows is not the case.

Mr. Speaker, I yield to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, there is a wise saying we have used in Florida over the past 4 years that the other side would be wise to learn: "Get over it."

Is it not ironic that the very people who refuse to move on are the people from Moveon.org and their hero Michael Moore?

There's a wise saying we've used quite a bit in Florida over the past 4 years that the other side would do well to learn—Get over it. Isn't it ironic that the only people who refuse to "move on", are the people from "move on.org", and their hero Michael Moore?

My colleagues across the aisle have two sides to choose from, the JOHN KERRY side that acknowledges the election is over and President Bush has won. Or the Michael Moore side that defines "democracy" as Democrats going to the polls, and "conspiracy" as Republicans going to the polls.

The election is over and the results couldn't be clearer. We know that President Bush won the electoral vote by 286 to 252. We know that President Bush won the popular vote by 3.3 million votes. We know that President Bush won Ohio by more than 118,000 votes, an overwhelmingly comfortable margin. We know that in every area of Ohio, bipartisan county boards have verified and vouched for the integrity of the Ohio election results.

Why are we here wasting time on silly Hollywood inspired conspiracy theories?

Well, since Hollywood likes conspiracies so much, here's a real one. On June 23, 2004, the Michael Moore movie "Fahrenheit 911" premiered in Washington, DC. According to U.S. News and World Report, New York Times, and National Journal, one of the few Senators who attended this premier was Senator BARBARA BOXER. In this movie, Mr. Moore said it was shameful that not one U.S. Senator objected to the electoral vote count in Florida. Two days ago, on January 4, 2005, the same Michael Moore published a new letter to Senator BOXER and other Senators reminding them that they didn't object to the electoral vote count 4 years ago, and requested that they rise and object to the vote count from Ohio today. Today, in fact, Senator BARBARA BOXER just objected to the Ohio vote count.

Is this all merely a coincidence? Is this pandering to the Michael Moore wing of the Democratic Party? Is it worth wasting 2 hours of Congress' time? The only bigger waste of 2 hours would be to go see "Fahrenheit 911."

Do the people in the Michael Moore wing of the Democrat Party really think that the American people and their congressional representatives, are so stupid that they could be tricked into objecting to these electoral results? Well, the answer is "yes."

Michael Moore told a British newspaper "Americans are possibly the dumbest people on the planet . . . We Americans suffer from an enforced ignorance. We don't know about anything that's happening outside our country. Our stupidity is embarrassing."

In Germany, Mr. Moore told the German people "You can see us (Americans) coming down the street . . . We've got that big grin on our face all the time because our brains aren't loaded down." He further asked the German people, "Should such an ignorant people (as Americans) lead the world? . . . Don't go the American way when it comes to economics, jobs and services . . . it is the wrong way."

Regarding those who are now killing Americans in Iraq, he said, "The Iraqis who have risen up against the occupation are not insurgents or terrorists or the enemy. They are the revolution, the minutemen and their numbers will grow—and they will win."

How many normal people in this country really believe that a terrorist like Al-Zarqawi, who chops off the heads of Americans over in Iraq, is on the same level as Paul Revere, the folk hero of the American Revolution?

Here's some straight talk. In 2000, they didn't like the way the votes were counted in Florida. Now, they don't like the way the votes are counted in Ohio. In the blue States, they call it a recount. In the red States, we call it what it is: sour grapes.

Mr. Speaker, President Bush has clearly won the electoral vote and the popular vote. Certifying these electoral votes is the only course for us to follow. Why allow the conspiracy theorists to undermine the public confidence in the electoral system itself? Let us vote down the objection, certify the electoral college results, and prepare to celebrate the happy day of January 20, 2005 when President George W. Bush is once again sworn in as the President of the United States.

Mr. WATT. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from North Carolina is recognized for 5 minutes.

Mr. WATT. Mr. Speaker, there is nothing more basic to democracy than assuring that everyone who wants to vote is provided that opportunity and that each person's vote is counted in the result.

In the last two election cycles, our country, which has held itself out as the world's model of an example of true democracy has fallen woefully short of meriting that title. The United States cannot continue to claim that it stands for and is willing to fight for democracy and the rights of people to vote in Afghanistan, Iraq, and other places around the world while not being willing to do whatever is necessary to guarantee the vote of all of our citizens here at home. Equal access, convenience of voting, quality of voting machines, and other means to assure democracy must not be a function of economic status, race, where citizens live, or any other variable. We must do whatever is necessary to assure equality in voting rights, opportunity and access for all our citizens, and if our democracy is to be protected, the eyes of the world will be watching to see how we respond to this, not treat it as frivolous when people are not allowed to vote.

That is why I applaud the gentlewoman from Ohio (Mrs. JONES) for her leadership and for allowing this body to have a discussion about the basic right to vote in America.

For me this is not about whether George Bush won or lost the last election. I am planning to vote to certify. I will tell the Members that. But there is nothing more basic than the right to vote, and if we pretend that this is frivolous, then we are not going to move forward and do anything in response to what is going on.

Two days ago we took an oath of office to uphold and defend the Constitution, that at least three amendments in the Constitution which guarantee equal access to the ballot, and yet we are saying that people who did not get an opportunity to vote, who did not have equal access to the vote, are raising frivolous issues? Come on, give me a break. We should not be about denying or abridging that right, and I stand here in full support of it. We have got to improve the Help America Vote Act. We took the first step 2 years ago. We have got to take additional steps to make sure that every single person who seeks the right to vote is given that right.

Mr. Speaker, I yield the balance of my time to the gentlewoman from California (Mrs. NAPOLITANO).

Mrs. NAPOLITANO. Mr. Speaker, I stand today with my colleagues in the Congressional Black Caucus as they affirm their commitment to ensuring the vote of every American is counted, something I hope everybody in this body supports.

As Chair of the Congressional Hispanic Caucus, I am proud to be a voice for this long proud history of Hispanics in this Nation. Since the earliest days of this country, Latinos too have died and fought for the ideals that our Nation was founded upon, but unfortunately we know that many in our Latino community feel disenfranchised from our political process. Our democracy depends on full participation of all our citizenry and a deep and abiding faith in our electoral system.

For the sake of this country, I ask Congress to do all they can to commit themselves to ensuring that our elections are not clouded in question and that we can truly proclaim ourselves a model for the rest of the world.

Mr. NEY. Mr. Speaker, I ask to be recognized for 5 minutes.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. NEY. Mr. Speaker, this is a sad day. It saddens me that we have to be here today debating this issue. Politics in America can be bitter. Campaigns can divide people and breed resentment. That is a given. It also used to be a given that once a campaign was over the winner claimed victory, the loser accepted defeat, everybody else went on with their lives, and the country moved forward. Now, unfortunately, it seems the bitterness and resentments do not end with the campaign. Instead, the divisions are stoked by individuals who simply do not like the results.

The curious thing about this challenge today is that it is taking place in spite of the fact that the losing candidate has admitted defeat. I have to applaud JOHN KERRY for the gracious and magnanimous speech that he made the day after the election where he acknowledged he had been beaten. He also called for unity. I wish those bringing this challenge had heeded his call.

I know there are some problems obviously with this election. They are not frivolous. These problems were not unique, however, or confined to Ohio. Nor were they limited just to Democratic voters. There is no such thing as a perfect election. There has not been. There never will be a perfect election. The question, then, is not whether or not mistakes were made. Of course they were. The question is did those mistakes affect the outcome of this election? The answer is no. No serious person, no objective observer, could claim that they did today.

Now let us talk a little bit about the so-called evidence that has been presented about what happened in Ohio. Much has been made about the long waits for voters in some precincts. The distribution of voting machines in the State has been criticized, the claim being that minority precincts did not have enough machines while white or suburban precincts had too many. Ken Blackwell, our Secretary of State, has been a frequent target and basically blamed for everything. But, in fact, elections in Ohio are run by and large by the county election boards. If my colleagues are not familiar, these bipartisan boards consist of four members, two Democrats, two Republicans. Decisions about how many machines to have in each precinct are made by those boards, not by the Secretary of State. It is possible they could have miscalculated or underestimated.

In a recent article that appeared in the Columbus Dispatch, and this is important, Franklin County Board of Elections Chairman William A. Anthony, Jr. said long lines were not caused by the allocation of machines, a process controlled by a Democrat supervisor, he added, but by the high voter turnout, the overall lack of voting machines, and a ballot that included more than 100 choices for voters.

For those thinking Mr. Anthony must be a part of this conspiracy, I would point out that in addition to his position on the elections board, Mr. Anthony serves as chairman of the Franklin County Democrat Party. He said that he is offended by accusations from a band of conspiracy theorists. He further added, "I am a black man. Why would I sit here and disenfranchise voters in my own community? I feel like they're accusing me of suppressing the black vote. I've fought my whole life for people's rights to vote."

I could go on, Mr. Speaker, but basically what is the point? Those who believe this election was stolen will always believe it. No amount of facts or evidence will convince them otherwise. The bottom line is those bringing this challenge today simply cannot accept the fact that George Bush has been elected President of the United States. It is too painful for them.

We must always be seeking ways to improve the process. We announced weeks ago we are going to have bipartisan hearings to look at these issues, and they are not frivolous. They are important issues. But it would not have changed the outcome of the election.

Mr. Speaker, it does not elevate those who are bringing this challenge. It does not elevate our House. It does not elevate the debate. It debases all of us, and it merits a sad day in the history of this Nation.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. Mr. Speaker, I thank the gentleman from Ohio for yielding me this time.

Most of our colleagues may not know that we not only had an election in Ohio but we had a recount that was funded by two third-party candidates that got less than 1 percent of the vote, and knowing this was going to happen today, I called my boards of election back home to see how that recount went.

□ 1400

In Ashtabula County after the recount, each candidate picked up one vote.

In Geauga County there was a net gain of two votes for President Bush, and the 72 provisional ballots that were not allowed were not allowed because the people did not live and were not registered in the State of Ohio. In Lake County, not one ballot changed from November 2, and all of the 201 provisional ballots tossed were tossed because the people were not registered in the State of Ohio.

In Summit County, there was a four-vote swing for Senator KERRY.

In Cuyahoga County, the county that I am lucky enough, home of the City of Cleveland, to share with the objector and the gentleman from Ohio (Mr. BROWN) and the gentleman from Ohio (Mr. KUCINICH), the net swing was 23 votes for JOHN KERRY.

On this day, we should be praising the dedication and hard work of our election officials and not castigating them.

Ms. PELOSI. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentlewoman from California is recognized for 5 minutes.

Ms. PELOSI. Mr. Speaker, today we are witnessing democracy at work. This is not, as some of our Republican colleagues have referred to it, sadly, frivolous. This debate is fundamental to our democracy.

The representatives of the American people in this House are standing up for three fundamental American beliefs: that the right to vote is sacred; that a Representative has a duty to represent his or her constituents; and that the rule of law is the hallmark of our Nation.

Under the rule of law, today this House will accept the election of President Bush and Vice President CHENEY as President and Vice President of the United States. There is absolutely no question about that. This is not in any way about rejecting that outcome. So, please, let us be respectful of each other and understand what it is about.

Today's electoral challenge is not intended to overturn the results of the election. It is instead to discuss the real problems with our electoral system and the failings of the process in Ohio and elsewhere. It is about election reform, not about the election result.

The Members of Congress who have brought this challenge are speaking up for their aggrieved constituents, many of whom may have been disenfranchised in this process. This is their only opportunity to have this debate while the country is listening, and it is appropriate to do so. If there were other venues of this caliber, we would have taken that opportunity. But this is the opportunity. We have a responsibility to take advantage of it.

The right to vote is the foundation of our democracy. A discussion of that foundation, again, should not be considered frivolous.

As the Supreme Court noted: "No right is more precious in a free country than that of having a voice in the election of those who make the laws under which as good citizens we must live. Other rights, even the most basic, are illusory if the right to vote is undermined."

I repeat: "Other rights, even the most basic, are illusory if the right to vote is undermined."

The principle of one person-one vote is sacred in our country, and we must do everything to uphold it. Yet more than 225 years since our founding, there are still legitimate concerns over the integrity of our elections and of ensuring the principle of one person-one vote, that every person has access to voting and that every vote will be counted.

Twenty years ago, I was chair of the California Democratic Party. It was our function, it was our purpose to remove obstacles of participation to voting. The greater responsibility, of course, was with the Secretary of State in our State and in States across the country who controlled the elections in the State. But we all, in all of our capacities, had a responsibility to remove, not throw up, obstacles to participation.

I know that this issue is not just about counting votes, but what happens in all three phases, before, during and after the election: and in all three phases, there were problems in this election in Ohio and elsewhere.

Before the election, there were complaints about absentee ballots that were requested, but did not arrive. There were reports of registration problems and of improper purging of the voting rolls. The Ohio Secretary of State made decisions about provisional ballots, partisan poll watchers and paper requirements for registration forms that some found questionable, leading to widespread confusion and possible disenfranchisement.

During the election we know that there were not enough voting machines in poorer and minority areas. This is a fact. Yet there were sufficient machines in wealthier areas. This led to appallingly long waiting times of up to 10 hours in certain places. You can deny it all you want, but it is a matter of public record that this is a fact, and this is wrong.

There were credible reports of voter suppression on election day through intimidation and misinformation and the patchwork use of provisional ballots led to unequal treatment under the law: unequal treatment under the law, undermining the principles of one person-one vote and equal protection.

As for after the election, the American people must have every confidence that every vote legally cast will be legally counted and accurately counted. But constantly shifting vote tallies in Ohio and malfunctioning electronic machines which may not have paper receipts have led to additional loss of confidence by the public.

As elected officials, we have a solemn responsibility to improve our election system and its administration. We cannot be here again 4 years from now discussing the failings of the 2008 election. We must work with the Elections Assistance Commission to further reform the election process, and we must pass legislation to improve the Help America Vote Act, including universal standards for provisional ballot and strong verification measures and paper trails.

I want to commend the gentleman from Ohio (Mr. NEY), the distinguish chairman of the Committee on House Administration, for his leadership in helping to pass the HAVA Act, which is really where we are pinning our hopes, and to the gentleman from Maryland (Mr. HOYER), who served in that capacity with the gentleman, and now in the Senate others, a broader array of people who are weighing in on that.

Congress must seize the opportunity this year to reauthorize the act and to make the needed reforms and improvements. Our very democracy depends again on the confidence of the American people and the integrity of our electoral system.

So, Mr. Speaker, I say to my colleagues, please do not talk about this as a "conspiracy theory." It is not about that. It is not about conspiracy; it is about the Constitution of the United States. George Bush and DICK CHENEY are the elected President and Vice President of the United States, and I think the objection will be overruled today in that regard. It has never been about that. It has always been about the fundamental principle of the legitimacy of our electoral process.

Congress will resolve this dispute today, and we will all abide by the results because we are a Nation of laws. America is a beacon of democracy to the world. We must never forget the power of our own example to those who aspire to freedom throughout the world.

So let us respect this debate today for what it is, about ensuring the foundation of our very own democracy, and by sending a message to the world that we are truly, truly protective of our Constitution and that we honor the oath of office that we take to protect and defend the Constitution.

Mr. Speaker, I urge my colleagues all to join together in a bipartisan way for electoral reform to follow on the good work that I mentioned of the gentleman from Ohio (Mr. NEY) earlier and the gentleman from Maryland (Mr. HOYER) and to make sure that 4 years from now we will come together not having to have this kind of debate, but that today's debate will serve the purpose that it is intended to have for our country.

Mr. REYNOLDS. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from New York is recognized for 5 minutes.

Mr. REYNOLDS. Mr. Speaker, I am glad that the Democratic leader mentioned the bipartisan support led by the gentleman from Ohio (Mr. NEY) and the gentleman from (Mr. HOYER). The committee on which I sit, the Committee on House Administration, did bipartisan work on the Help America Vote Act of 2002, and it took a step in the right direction.

For the record, the chairman has also scheduled hearings to evaluate where we are and where we are going in the future so we can work in a bipartisan fashion on the Help America Vote Act and its future considerations.

Mr. Speaker, in 1974, Captain Hiroo Onada formally surrendered to the U.S. military forces. What made his surrender particularly unique is Captain Onada, who had already been declared legally dead for 15 years, was a member of the Imperial Army, still fighting a war whose outcome had been decided 29 years earlier.

Thirty years later, another contest whose results have been firmly decided is being waged not on some remote island, but in the halls of the United States Congress.

It is a sad day.

Mr. Speaker, President Bush won more votes than any candidate in America's history. His opponent conceded that victory long ago. The Ohio results have been certified, and one of that State's newspapers, the Dayton Daily News, reported last month that those advancing the wild-eyed conspiracy theories surrounding Ohio's electorate votes are "speaking nonsense."

Mr. Speaker, it is amazing to me that my colleagues on the other side of the aisle cannot accept the words of their very own candidate who said, "We cannot win this election."

The American people have spoken. I urge my colleagues on the other side of the aisle to open their ears and hear their voices; to join us in facing the challenges of the future rather than trying to change the past.

President Bush has been duly elected by the people of this great country, and it is time for those who refuse to accept the American people's decision, if you will pardon the expression, to move on.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Speaker, I thank the gentleman for yielding me time.

Mr. Speaker, the Ohio recount requested by the other party, has been completed and has been verified. In every area of Ohio, bipartisan county boards have verified the integrity of these election results. This is the true message to the world: our system works with integrity.

We keep hearing that Ohio's vote was rigged in some way. But this is not plausible when you have a system of 88 separate bipartisan county election boards. In Ohio, our boards take great pride in their administration of the election laws.

I urge the Congress to accept the votes cast today by the State of Ohio for President Bush.

Mr. BROWN of Ohio. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. BROWN of Ohio. Mr. Speaker, I do not question the outcome of this election. However, I do know that I stood in line for hours with voters trying to cast ballots, and since election day I have heard from dozens of voters, Democrats and Republicans, who lost their right to vote on November 2 in my State of Ohio.

For 8 years in the 1980s I served as Ohio's elected Secretary of State. During my term in office, we held and my office conducted two Presidential elections, two gubernatorial elections, and dozens of primary and special elections.

The role of the Ohio Secretary of State serves two main functions: to ensure everyone is confident that his or her vote will be counted and to encourage everyone to exercise that right to vote. Our Secretary of State this year failed on both counts. I speak from experience when I say the 2004 Presidential election in Ohio was riddled with unnecessary problems.

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I visited four precincts in Oberlin, Ohio, outside of my district where I stood in line with voters, some of whom waited up to 6 hours to vote. I visited Hispanic and white working-class precincts, and I saw long lines everywhere I went. I received panicked calls throughout the day from voters whose polling places had broken machines and were being denied the right to vote. In the days leading up to the election, I witnessed reports throughout my district in northeastern Ohio of voters who had been told their voter registration could be invalid and that despite their efforts to register, they were not on the voting rolls. In far too many cases, their votes were not allowed.

Ohio voters should never again be forced to wait 3, 5, sometimes even 10 hours to cast a vote. Ohioans should never again, as too many people did this November, lose their right to vote.

But it is not just about Ohio; it is not just about who won and who did not. It is about our system of democracy. Mr. Speaker, I am saddened that no Republicans in this body are joining us today in acknowledging problems in Ohio and in working with us to fix those problems because, Mr. Speaker, defending the right to vote should be a concern for Republicans and Democrats alike.

Mr. Speaker, I yield to the gentlewoman from Ohio (Ms. KAPTUR).

Ms. KAPTUR. Mr. Speaker, Ohio symbolizes that the Help America Vote Act fell short of the lofty goals set by this Congress. Ohio's Secretary of State, Kenneth Blackwell, a Republican, in a State in which all statewide offices are controlled by Republicans and, in our State legislature, Republicans outnumber Democrats two to one in both chambers, our Secretary of State repeatedly took actions to make it more difficult for as many Ohioans as possible to have their votes fairly cast and accurately recorded.

No national standards were set for voting equipment because the Bush administration appointed members of the Election Assistance Commission so late that their confirmation was nearly a full year later than required by HAVA itself. They had no time to recommend standards until it was too late, and those standards are still not in place today.

The Ohio Secretary of State tried to force county boards of elections to buy equipment that his own reports showed to be flawed. Federal dollars that this Congress appropriated to help modernize elections became stuck in Ohio between the Secretary of State's office and local boards of elections who were often in deep disagreement as to which machine standards were trustworthy.

Just prior to election, Secretary Blackwell continued to frustrate the enfranchisement of Ohioans with actions ranging from specifying paper weight standards for voter registration forms that even his own office could not meet, and then fighting the availability of provisional ballots right up until 3 p.m. on Election Day. In fact, people who had requested absentee ballots and had not received them were denied provisional ballots until a Federal court ruling that was issued at 3 p.m. on Election Day, after who knows how many Ohioans were denied ballots that they were prepared to cast for the candidates of their choice.

No one can change the outcome of this election; but believe me, hundreds of thousands of Ohioans do have questions about the way that this election was handled in Ohio, in a State in which the winning margin was only 118,000 votes. Implementing the actual intent of HAVA and amending it where necessary deserve the full investigation of this 109th Congress, and it ought to be our first order of business.

I commend the gentlewoman from Ohio (Mrs. JONES) of Cleveland who experienced these abuses in her area for bringing this to national attention. We are very proud of her. We are very proud of the Members who have chosen to join her. I would ask my Republican colleagues, starting with the Committee on House Administration, to join us in this effort to make HAVA really work as we approach the elections of 2006.

Ms. BROWN of Ohio. Mr. Speaker, I yield back the balance of my time.

Mr. HAYWORTH. Mr. Speaker, I seek to be recognized for 5 minutes.

The SPEAKER. The Chair recognizes the gentleman from Arizona (Mr. HAYWORTH) for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, this may be the most appropriate time to remind each and every one of us engaged in this debate that it is the hallmark of our constitutional Republic and our government to operate by the consent of the governed. And there is a corollary to that which we should likewise remember: in a free system where the people choose, it is also necessary for contestants who are unsuccessful to accept the verdict of the people. In our Republic there are majority rules, but the rights of the minority are protected.

Now, also understand what has transpired this afternoon. In what should be a reaffirmation of our constitutional Republic and the Electoral College, a Member has chosen to dispute the outcome of voting in the State of Ohio. Despite that fact, speaker after speaker on the minority side, including the leader from California, has said they accept the verdict of the election. Do not misunderstand, I say to my colleagues. This is a vitally important point.

The problem we confront with this debate is that it serves to plant the insidious seeds of doubt in the electoral process. All the talk of election reform, all the talk of hearings that the leader championed, all the process complaints, some that are inaccurate that have come from the other side, are points to be debated in the regular business of this House. Yes, they are important. But to disrupt the Electoral College, to say in effect, hey, we just want to shine light on this problem, is not the proper use of the people's time. And with all due respect, I question not the intent; but the net effect is this: again, it is to place doubt and to institutionalize forever the notion of grumbling and a lack of acceptance of the verdict of the people. In less elevated terms, Mr. Speaker, it is called sour grapes; and it is sad to see in this House.

Mr. Speaker, I would be remiss if I did not point out that this view is not shared universally, despite the kind words for the Member who brought this from her friends on that side of the aisle. Listen to the comments from Kerry campaign spokesman David Wade: "I'd give my right arm for Internet rumors of a stolen election to be true, but blogging doesn't make it so. We can change the future; we can't rewrite the past."

Or Kerry spokesman Joe Lockhart on Election Day: "We think the system has worked today. There were thousands of lawyers deployed to make sure that no one tried to take advantage or unfair advantage and, by and large, it has worked. I've seen very few reports of irregularities, and even the ones we have seen, after a little investigation, you find there is not much going on."

And it bears repeating, even though he has spoken earlier today in Baghdad and made some comments I vociferously disagree with from a Member of the Senate going into a wartime theater, listen to the words of the nominee of your own party who lost the election, my friends on the Democratic side: "But the outcome should be decided by voters, not a protracted legal process. I would not give up this fight if there was a chance we should prevail, but it is now clear that even when all of the provisional ballots are counted, which they will be, there won't be enough outstanding votes for us to be able to win Ohio and, therefore, we cannot win this election."

Mr. Speaker, one of the virtues of our system is this: in America, there are never lost causes because, in America, there are never fully gained causes.

That is why we have the electoral process. How sad the electoral process has been sidelined today for a publicity stunt.

Mr. KUCINICH. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The Chair recognizes the gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Mr. Speaker. I yield for the purpose of making a unanimous consent request to the gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise today to join my colleagues in objecting to the certification of the State of Ohio's electoral votes.

Mr. Speaker, I rise today to join with my colleagues in objecting to the certification of the State of Ohio's electoral votes.

Unfortunately, last November in Ohio we witnessed many of the same irregularities that occurred in Florida in the year 2000 and which tainted the election results. That year, former Vice President Gore won the popular vote by over half a million votes but was denied an electoral victory because of voter irregularities.

As a member of the House International Relations Committee, I have monitored elections around the world, in remote nations like Namibia in Africa, and most recently in the disputed election in the Ukraine. Watching election coverage of our own elections here in the United States last November, I was shocked to see American voters facing greater obstacles than I have seen in third world countries. There were voters who waited in line over 10 hours to cast a ballot. For those standing in line, not only was this frustrating, it was also a particular hardship for older voters and for parents who had families waiting for them.

In addition to the unreasonably long lines at certain voting precincts, other problems included a large percentage of provisional ballot rejections, voting machine errors, and voter registration obstacles.

Mr. Speaker, as in the past, the most impacted voters are African Americans, Hispanics and other minorities. In Florida in 2000, minorities on their way to the polls were stopped at road blocks in their neighborhoods on the pretense that law enforcement officers needed to check vehicle inspection stickers. The wait was so long that many minority voters had to turn around and go home or to work. This is not democracy. This is how people lived under apartheid in South Africa.

Now we learn that in Ohio, more than half of the complaints about long lines came from Columbus and Cleveland where a huge proportion of the State's Democratic voters live. The House Judiciary Committee report details numerous problems and obstacles that Ohio voters faced. For example, a New York Times investigation revealed that Franklin County election officials reduced the number of electronic voting machines assigned to downtown precincts and added them to the suburbs. One entire polling place had to shut down at 9:25 in the morning on election day because there were no working machines. Does this sound like democracy?

Mr. Speaker, we have a responsibility to ensure that the constitutional right of every voter in this country is protected. We are raising this objection to try to ensure that our Nation takes action to ensure that what happened in Florida and Ohio will never happen again.

Mr. KUCINICH. Mr. Speaker, let us not denigrate factual concerns about the Ohio election by dismissing them as simply partisan. This is not about Democrat or Republican votes. It is not about red or blue States or black or white. It is about wrong or right. It is not about winners or losers. It is about protecting voting rights in our democracy against corruption.

Let us review just one of the very serious concerns with the Ohio election: voting machines were misallocated, causing voters to stand in line, in some cases for 10 hours. That denies voters equal protection of the law. In the State's capital, a shortage of voting machines in predominantly African American communities was created, even though the Secretary of State knew far in advance that 102,000 new voters were registered in that county alone. The misallocation of voting machines was estimated to have denied at least 15,000 people the opportunity to vote. Furthermore, the Secretary of State, who under Ohio law has a constitutional duty to ensure election laws are upheld, failed to issue guidelines under the Help America Vote Act for 2 years. Contrary to the spirit of HAVA, which is to encourage voting and to have every vote count, Ohio's top election official conducted the activities of his office in a most partisan manner, undermining public trust in the election. He sharply restricted the ability of voters to use provisional ballots. He endeavored to make it more difficult for lower-income people, who are more likely to move, to vote.

We know who won the election, but what the American people do not know is the extent to which voting irregularities in the State of Ohio deprived tens of thousands of my fellow citizens of their 14th amendment right to equal protection of the law and their constitutionally protected right to vote. The right to vote is expressly protected by the 15th amendment, the 19th and the 24th amendment, and the 26th amendment to the United States Constitution. It is that right which has produced our very presence in this Chamber. It is that right which binds us as a Nation, which creates the unity of States, which legitimizes the government, which enfranchises not just the people, but in which reposes the treasure of the American people, a government of the people, by the people and for the people.

People have marched for that right, have put their lives, their fortunes, their sacred honor on the line for that right, have died for that right; and the least we can do is show our commitment to protecting that right.

The outcome of the election will remain unchanged, but what must change is a system which denied citizens of a great State their opportunity to change the outcome. Election reform is our solemn duty. Our statements today show whether we intend to do that duty.

Mr. Speaker, I yield to the gentlewoman from California (Ms. LEE) to continue this.

Ms. LEE. Mr. Speaker, let me say, first of all, that I rise to object to the certification of Ohio's electoral vote; and I want to thank the gentleman from Michigan (Mr. CONYERS), the gentlewoman from Ohio (Mrs. JONES), and Senator BARBARA BOXER for their leadership. We all know this is not deja vu. The Supreme Court did not appoint President Bush this time, as it did in 2000. But again, in 2004, the Democratic process was thwarted.

It is a fact that thousands of minority voters were disenfranchised before and on Election Day. The misallocation of voting machines, the restrictions of provisional ballots, the improper purging of voter rolls, the delays in mailing absentee ballots, the malfunctioning of electronic machines, the widely reported incidents of intimidation and misinformation in violation of the Voting Rights Act are all but a few examples of the widespread efforts to disenfranchise and suppress Ohio voters.

Let me tell my colleagues, my constituents in the Ninth Congressional District of California want democracy to work for all. Some say "get over it." I will never get over the shameful stain of the suppression of any American's constitutional right to vote. We must pass Federal standards to require a paper trail, insist on nonpartisan officials ensuring the process be moved forward for real, in a real way, and pass real election reform.

Mr. KUCINICH. Mr. Speakr, I yield to the gentleman from New York (Mr. NADLER), a great leader.

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Mr. NADLER. Mr. Speaker, the right to vote has been stolen from qualified voters. Stolen through corruption, through political cynicism, through incompetence, through technical malfunction.

Despite the fact that the widespread and documented irregularities in the Ohio election have not been proved to change the outcome of the presidential election, the loss of the right to vote by so many is unacceptable.

Elections must not only be fair and honest, they must be seen to be fair and honest in order to maintain the legitimacy of our democratic institutions.

This year we have dodged a bullet. If the apparent margin of victory in Ohio were closer, the Florida 2000 fiasco would look like a picnic.

Mr. Speaker, normally the process of counting electoral votes is a purely ceremonial event. Normally it is a celebration of our democratic institutions. Normally it is a celebration of the rule of law and equal protection of all Americans under the law.

But we do not live in normal times. the right to vote has been stolen from qualified voters—stolen through corruption, through political cynicism, and through incompetence, through technical malfunction.

Regardless of the reason, the denial of the fundamental right to vote is a crime against our democracy, against our way of life, and against the most fundamental rights of every American.

Despite the fact that the widespread and documented irregularities in the Ohio election have not been proved to have changed the outcome of the presidential election, the loss of the right to vote by so many is unacceptable.

Elections must not only be fair and honest, they must be seen to be fair and honest in order to maintain the legitimacy of our democratic institutions.

This year, we have dodged a bullet. The disgraceful events in Ohio may not have changed the outcome of the election, but a closer vote could well have made this belief impossible. If the apparent margin of victory in Ohio were 30,000 or 40,000 instead of 118,000, we would now be embroiled in a dispute that would make Florida in 2000 look like a picnic.

What is at stake is our democracy. This is not about conspiracies, or phantoms. It is about the failure to count valid votes for invalid reasons. It is about disenfranchising thousands of voters by forcing them to wait on line 10 hours to cast their votes. It is about the co-chair of the President's reelect committee serving as the chief election officer for the state, and doing everything possible to prevent voters from voting. It is about voting machines that invalidate valid votes.

We are told to get over it. How do you get over having your vote stolen? How do you get over widespread disenfranchisement?

This Congress must fully investigate these allegations, and we must act to prevent these outrages from happening again. If these outrages were criminal violations of our laws, those responsible must be brought to justice. If they were not violations of the law, they ought to be. Our next election must not again steal people's votes.

My colleagues on the other side of the aisle should not let partisan politics stand in the way of an honest assessment of this election. They should not ignore what happened. However they vote today, they should commit themselves to a full and fair investigation. Anything less would suggest that they think there is something to hide. It would suggest that there is a partisan coverup.

We can do better. We must do better.

Mrs. MILLER of Michigan. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentlewoman from Michigan (Mrs. MILLER) is recognized for 5 minutes.

Mrs. MILLER of Michigan. Mr. Speaker, the American people must be watching this debate and literally shaking their heads. With all of the challenges facing our Nation we are spending our time debating the challenge to the validity of the Presidential election simply because the Democratic Party cannot accept the fact that their candidate lost this election. They cannot accept the fact that their agenda, that their vision for America has been rejected by the majority of Americans. They cannot accept the fact that President George W. Bush simply received more votes than Senator JOHN KERRY.

This election was very hard fought on both sides. The American people have accepted the fact that it is over and they want this Congress to get to work and to work in a bipartisan way.

If this is a minority party's idea of bipartisanship, then let the people of our Nation see it for what it is. Because in the spirit of bipartisanship, the Democrats are asking us to overturn the Presidential election which President Bush won by over 3 million votes nationwide and by over 118,000 votes in the State of Ohio.

In the spirit of bipartisanship they say that somehow Karl Rove was manipulating votes from a secret computer in the White House and that somehow these secret computers were changing the votes on punch cards and optical scan sheets that record actual votes. This language is in their challenge.

How interesting, however, that their challenge as it talks about conspiracies in the State of Ohio, making allegations that have no basis of fact, their challenge is silent about an incident in Ohio where fraudulent voter registration forms were being submitted and the worker who collected them was paid in crack cocaine.

How interesting that their challenge does not mention the Democratic group ACORN which submitted vote registrations for dead people that used 25 different addresses for the same individual.

Mr. Speaker, before I came to Congress I served very proudly for 8 years as the Michigan Secretary of State where my principal responsibility was serving as the chief election officer. So I feel I have a little bit of background to make some observations about the election process. In fact, Michigan is recognized as a national leader on elections. We constructed the first statewide computerized voter registration list which precludes the possibility of anybody having more than one address or registering more than once.

In fact, I might add, I was very proud in my former capacity to receive the highest grade in the Nation of Secretaries of State for voter election reforms and that grade was given to me by the NAACP.

We are all committed to free and fair elections. We all want to make sure that every single vote is counted, that no different voter is disenfranchised.

I do remember clearly, however, how distressed I was in my former capacity to have to threaten the Detroit City Clerk, a Democrat, with court action if she did not comply with our State election law to make sure that every vote is counted, particularly minority votes. However, my dismay at seeing that none of the Members of the United States Congress here ever spoke out to protect the rights of their own constituents to be heard at the ballot box. There was no outrage. There was no indignation. And yet today we hear outrage based on fantasies and conspiracies.

Mr. Speaker, let me say that I am sincerely interested in undertaking the important work of the American people in truly a bipartisan manner. So I would ask that we might be spared from selective outrage, that we might be spared from the righteous indignation based on fantasy.

Mr. Speaker, the challenges to those votes in Ohio are turkeys. I think those turkeys should be given to someone else.

Mr. Speaker, I yield the balance of my time to the gentleman from Ohio (Mr. TURNER).

Mr. TURNER. Mr. Speaker, when the processes that are meant to guarantee our freedoms are abused, they are weakened in meaning and the rights and privileges that they are meant to protect are placed in peril. Like the person who cried wolf for attention, who risked the safety of the herd by demeaning and diminishing the meaning of the alarm, the objecting Members today weaken the processes of objecting to a State's electoral votes and place in peril future real attacks on our voting rights.

If their goal today was to protect the right to vote, why object only to Ohio? Why not pick a State that voted for JOHN KERRY? Because the objection today is not about protecting our right to vote. It is about undermining our election process and our President.

Mr. Speaker, we are asking people in Afghanistan and Iraq to risk their lives to vote, and today we hear complaints about the time it took to vote in free elections in the greatest democracy in the world.

My hometown newspaper in Dayton, Ohio said, "What's not in order is the suggestion of some great fraud where there is none. Some people will take advantage of the inevitable flaws of elections to confuse other people . . . Those people do harm, not good."

Mr. CUMMINGS. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from Maryland (Mr. CUMMINGS) is recognized for 5 minutes.

Mr. CUMMINGS. Mr. Speaker, I yield to the gentleman from New York (Mr. ENGEL).

Mr. ENGEL. Mr. Speaker, we must ensure that everyone has the right to vote and every vote is counted.

Mr. Speaker, I rise today to highlight the fact that too many Americans are being denied the right to vote in a fair, free and open election process. Every American citizen who wants to vote should be allowed to vote, and every vote must count.

Sadly, many voters in this nation believe their right to cast ballots for President, Member of Congress, Governor or countless other leadership positions has been undercut because of this nation's broken electoral system.

Today, the House of Representatives will certify the Electoral College's ballot electing the next President. While my first choice for this important job was Senator JOHN KERRY, I know that President Bush won this election.

This does not change the fact that around the country and particularly in the state of Ohio, many voters felt as if their vote was not properly counted. This feeling was particularly acute in more poor, urban and minority areas. Money, privilege, or geographic location should not make someone's vote count more than anyone else's.

In October 2002, Congress enacted the Help America Vote Act, which addressed many of those weaknesses. It created a new federal agency, the Election Assistance Commission, with election administration responsibilities. It set requirements for voting and voter-registration systems and certain other aspects of election administration, and it provided federal funding; but it did not supplant state and local control over election administration.

Yet, more needs to be done. We cannot have another election where tens of thousands of Americans feel as though their votes did not count or were counted improperly. We must continue to work toward a more perfect system. The Republicans control Congress, and their unwillingness to invest what it takes to correct our national electoral system is a disgrace.

Fixing the voting problems around the country will not be easy and will not be cheap. But a fair and open election is the bedrock of our democracy and what ensures a peaceful transfer of power. How can we ask Americans to respect the laws made in Washington if we cannot ensure them the lawmakers were elected fairly?

Today, American soldiers are being wounded and dying so the United States can spread democracy around the world. It is absolutely shameful that when these soldiers return home, they cannot even be sure their own electoral process is fair and accurate.

I realize that in the case of Ohio, the irregularities would not overturn the results of the election. Even Senator KERRY has conceded that and does not support this congressional motion. I, therefore, will vote against the motion, but feel that it is important today to highlight the very real problems we have with our electoral process—which must be addressed by this Congress.

Mr. CUMMINGS. Mr. Speaker, today this is not about overturning election results but reforming a broken election system.

Mr. Speaker, as I listen to my friends from the other side I become quite upset when I hear them say things like, we are trying to break down the election system, taking away from the credibility of our election system. Nothing could be further from the truth.

What we are trying to do is make sure that every single voter has the right to vote and that their vote is counted.

This is not a black and white issue. This is not a Republican/Democrat issue. This is a red, white and blue issue.

This Constitution that we base our country and our laws on, the fundamental things of that Constitution, that building block, is the vote; and when we take away that vote, then what we do is we basically are destroying our democracy. That is what this is all about.

I wonder, I really do, if it were your wife who was denied the right to vote or your child, would you be making the same arguments?

All we are saying is we want to make sure that if we have a broken system, if there is one person whose vote is not counted, if there is one person who does not have the right to vote, then that is one person too many. It is as simple as that.

So it upsets me that you keep saying these things about us denying Bush his opportunity to be President and all this kind of thing. That is not true.

What we are addressing is the fundamental right to vote. It is simple as that.

Mr. Speaker, I rise today to express concern for our nation's democracy. At its core; our form of government is based on the premise of "one person, one vote."

When you take away that right to vote or when you deny a cast vote from being counted, then you denigrate the building blocks of our great democracy and our Constitution.

We are not here to contest the election results, but urge election reform of a broken system.

In fact, today, we are reliving the painful experiences of the 2000 election.

Those problems included: outdated and unreliable technology, confusing ballots, lack of poll worker training, and inaccurate voting lists.

As a result, 6 million voters were disenfranchised.

We all remember that this disenfranchisement was most prevalent in Florida.

And here we stand again, four years later, to discuss flaws that led to a significant disenfranchisement of voters in the recent 2004 Presidential Election.

This is not an effort to overturn the results of the election. Rather, this is an effort to address the irregularities of the election and to fix our broken election system.

Although there were general reports of irregularities across the country, we must examine the prevalent problems that occurred in the state of Ohio, in particular.

There were numerous accounts of eligible voters—waiting on line for up to ten hours in the cold and rain—facing insufficient resources at polling places, voting machine shortages, the denial of provisional ballots, voting machine errors or tampering, and the intentional distribution of inaccurate information.

I think many of my colleagues find these irregularities appalling.

My friends of the House and Senate this is a red, white and blue issue; not black or white; not urban or rural; or even Republican or Democratic.

We must stand up to these injustices.

That is why, as a result of these irregularities, I believe these critical steps must be taken:

1. Congress needs to enact meaningful nonpartisan election reform—HAVA can and needs to be improved, particularly by providing for a verified paper trail for electronic voting machines.

2. Congress should engage in further hearings into the widespread election irregularities reported in Ohio and around the country to fix our piecemeal election system.

Our duty to uphold democracy in America is clear.

If even one American is denied the right to vote, or one vote is not counted, that is simply one too many.

I applaud the brave gentlelady of Ohio, STEPHANIE TUBBS JONES, and the equally brave Senator BARBARA BOXER of the State of California for raising this contest to the electoral votes from Ohio.

I leave this great Chamber with a fitting quote from Thomas Jefferson, "[It is] by their votes the people exercise their sovereignty."

Mr. Speaker, I yield to the gentlewoman from Georgia (Ms. MCKINNEY).

Ms. MCKINNEY. Mr. Speaker, never have the issues been so clear as they are for all of us today. Our country is at war ostensibly to bring democracy to a far off country on the other side of our planet. At the same time, a significant chunk of the American people protest in their own humble ways for democracy at home. They see unequal protection of the precious right to vote blatant in Ohio but not only in Ohio; voting machines that cannot be trusted, casting votes for candidates not intended by the voter. That happened in my own race in my own State of Georgia.

Provisional balloting made absurd by seemingly purposefully drafted arcane rules that in some case rendered the right to vote moot; our democracy entrusted to privately owned software run on computers that can be hacked, that overheat, break down or have their batteries die in the middle of the voting process; and, moreover, voting on machines that do not even tell us after we have voted who it is exactly that our vote was counted for.

When Congress passed the Help America Vote Act, it hoped to correct the blatant irregularities and purposeful disenfranchisement that occurred in Florida in the 2000 election. It is clear from the work of the Committee on the Judiciary, the gentlewoman from Ohio (Mrs. JONES) and the tireless efforts of people across Ohio that this Congress has a lot of work to do.

Our Vice President has told to us expect war for the next generation. It is not only our responsibility but our right to demand full democracy at home, and we do that by our actions today. This is not merely about bitterness or a recount, this is about a blackout.

It is time to end the blackout and shine the lights on our precious right to vote.

Mr. CUMMINGS. Mr. Speaker, I yield the balance of my time to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Speaker, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2 of last year point to an unresolved national crisis. The lack of a unified standard for all voters and all ballots casts in a federal election.

Congress must establish this standard with a verifiable paper or audit trail. It is the only way to ensure integrity of the federal election process.

Reports of voter intimidation, inadequate and malfunctioning voter machines, incompetent election judges and lines at the polling places in urban areas that lasted for many hours were widespread. These irregularities were compounded by the irresponsible conduct of the allegedly unbiased top election official who openly became a partisan advocate for his party's Presidential nomination.

Honorable colleagues, the numerous irregularities that occurred with the electronic voting machines in Ohio on November 2nd of last year point to an unresolved national crisis: the lack of a unified standard for all voters and all ballots cast in a federal election. Congress must establish this standard, with a verifiable paper or audit trail. It is the only way to ensure the integrity of the federal election process.

Reports of voter intimidation, inadequate and malfunctioning voting machines, incompetent election judges and lines at polling places in urban areas that lasted for many hours were widespread.

These irregularities were compounded by the irresponsible conduct of the allegedly unbiased top election official who openly became a partisan advocate for his party's presidential nominee.

Mr. DREIER. Mr. Speaker, I rise to address the House for 5 minutes.

The SPEAKER. The gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I have just listened to the remarks of my returning colleague from Georgia. I certainly welcome her back to this great deliberative body. She began, Mr. Speaker, by saying that we are a nation at war, and it is very clear that we are. We are in the midst of a global war on terrorism and the people who are leading that war on terrorism clearly have no confidence whatsoever in the process of self-determination. And that is why I think that this exercise which we are going through today clearly emboldens those who would, in fact, want to undermine the prospect of democracy because there is no evidence whatsoever, no evidence whatsoever that the claims that are being made are valid.

The vote in Ohio has already been recounted. There is no doubt President Bush won the election. He won with historic margins, and millions of first-time voters in Ohio were participating. JOHN KERRY has accepted this fact. Even those foreign officials who many of our colleagues invited to the United States as election observers have come to the conclusion that George Bush won the election.

We as a Nation are regularly encouraging elections all over the world. We just observed this amazing exercise that has taken place with the election of Viktor Yushchenko in Ukraine.

Now, it is true that no election is perfect. We have seen this since the beginning of our democracy. But small imperfections here and there do not a mass conspiracy make. In fact, we have had a number of people quoting newspapers. I am not an expert on the newspapers in the State of Ohio, but I have been told by more than a few people that the Dayton Daily News, which is sometimes named something else, actually endorsed JOHN KERRY and on December 3 they said the following: "Some people will take advantage of the inevitable flaws of elections to confuse other people, to sow doubts. Those people do harm, not good. They undermine the legitimacy of every close election outcome."

The fact is the system worked pretty well. People should know that. Now, that came from what I am told is one of the most liberal newspapers in the State of Ohio and a newspaper that endorsed JOHN KERRY.

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I would respectfully suggest, Mr. Speaker, to my colleagues on the other side of the aisle, as well as those on the other side of the Capitol, that what makes our system great is our willingness to accept the legitimate results of an election, whoever wins, and move forward together for the good of the American people.

I would remind them once again, there is no evidence whatsoever to suggest that the results of this election were anything other than legitimate. We know how difficult it is to lose an election. I am here with my colleague returning also, Dan Lungren. He lost his first election in 1976. I lost my first election in 1978, and Dan likes to regularly remind me that he was the first one to come and campaign and encourage me to run again in 1980.

Losing an election is disappointing, no doubt about it whatsoever; but moving forward in defeat is just as critical to the integrity of our democracy as claiming victory itself.

It has been said that democracy still represents the best hope for mankind. Sowing seeds of doubt about a legitimately decided election threatens to unnecessarily dim that hope.

This objection is without any merit whatsoever, Mr. Speaker; and we should move on together as we look towards the inauguration which will be taking place on the 20th of this month and as we proceed to implement the agenda of the American people.

Mrs. DRAKE. Mr. Speaker, will the gentleman yield?

Mr. DREIER. I yield to the gentlewoman from Virginia.

Mrs. DRAKE. Mr. Speaker, I find it interesting irony in today's challenge to the legitimacy of President George W. Bush's election, the very partisans who fought against him the first time, arguing against his intelligence, political savvy and leadership abilities, are at this very moment accusing him of pulling off a major feat in tampering with and illegally affecting the outcome of the vote in Ohio. All of this he allegedly did without leaving a shred of evidence.

Mr. Speaker, I find an interesting irony in today's challenge to the legitimacy of President George W. Bush's election as President of the United States:

The very partisans who fought against him the first time, arguing against his intelligence, political savvy and leadership abilities are at this very moment accusing him of pulling off a major feat in tampering with and illegally affecting the outcome of the vote count in Ohio.

All of this, ladies and gentlemen, he allegedly did without leaving so much as a shred of evidence.

So I ask my colleagues who prefer to dwell on the past rather than fight for the future; who would rather level accusations than legislate; who would rather waste Congress's time and taxpayer dollars than work on providing health care, education and a strong military for America—I ask these colleagues, if reform is needed in Ohio, to work with their State legislature to create the best system possible and to join Senator KERRY in accepting the will of the American people.

Mr. JACKSON of Illinois. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from Illinois (Mr. JACKSON) is recognized for 5 minutes.

Mr. JACKSON of Illinois. Mr. Speaker, I want to be clear. Today's objection is not about an individual, but our institutions. It is not about Republicans, but our Republic. It is not about Democrats, but our democracy. It is not about an election result. It is about an election system that is broken and needs to be fixed.

Today, we are hearing the facts about voting irregularities in Ohio. In 2000, we saw a similar mess in Florida and other States. As we try to spread democracy to Iraq and Afghanistan and elsewhere, it is prudent and appropriate and timely to examine our own democracy.

What is wrong with our democracy? What is wrong with our voting system? State after State, year after year, why do we keep having these problems?

The fundamental reason is this: Americans do not have the explicit right to vote in their Constitution. In 2000, the U.S. Supreme Court in Bush v. Gore ruled: "The individual citizen has no Federal constitutional right to vote for electors for the President of the United States." So at present, voting in the United States is a State right, not a citizenship right.

Hence, our voting system is built on the constitutional foundation of States rights: 50 different States, 3,067 different counties, 13,000 different election jurisdictions, all separate, all unequal.

Consider this, if a person is an ex-felon in Illinois, they can register and vote. If they are an ex-felon in 11 States, mostly in the South, they are barred from voting for life. There are nearly 5 million ex-felons who paid their debt to society but are prohibited from ever voting again, including 1.5 million African American males; but in Maine and Vermont, a person can vote if they are a felon while they are in jail. Illinois, Florida, Vermont. Different States, different rules, different systems.

In contrast, the first amendment to the Constitution guarantees us an individual citizenship right, freedom of speech, freedom of religion, freedom of association; and we can travel between the States with such a fundamental right. However, when it comes to voting, a person does not have such a fundamental right. They have a State right. A State right is not a citizenship right, but a right defined and protected by each State and limited to each State.

108 of the 119 nations in the world that elect their public officials in some democratic manner have the right to vote in their Constitution, including the Afghan Constitution and the interim document in Iraq. The United States is one of eleven nations that does not have an affirmative right to vote in the Constitution. Should we not be the 108th nation that does just that?

The Bible says if we build a house on sand, when it rains, the winds blow and the storms come and it will not stand. Our voting system is built on the sand of States rights. Florida one year, Ohio the next year, and no telling what is happening in 2008 and 2012.

As a result, the American people are gradually losing confidence in the credibility, the fairness, the effectiveness and the efficiency of our voting system. So we need to build our democracy, not on HAVA Democrats, not on HAVA Republicans, but build our democracy on the fundamental individual guarantee in the Constitution that every citizen can rely upon in their Constitution.

We need to provide the American people with the citizenship right to vote and provide Congress with the authority to craft a unitary system from Maine to California so we do not have so many separate and unequal systems. Mr. Speaker, it is the foundation upon which we build a more perfect Union amongst the States.

Mr. LEWIS of Georgia. Mr. Speaker, will the gentleman yield?

Mr. JACKSON of Illinois. I yield to the gentleman from Georgia, whose credentials on the question of voting are unparalleled and unmarked and unmatched in this Congress.

Mr. LEWIS of Georgia. Mr. Speaker, I thank my colleague and friend for yielding.

The right to vote and to have every vote counted is precious and sacred. It is the heart and soul of our democratic process. We cannot be true to ourselves as a democratic society unless we get it right.

I think, Mr. Speaker, it is fitting and appropriate that we pause, that we have this discussion, that we have this debate, and that Congress hold further hearings on questions about the Presidential election in Ohio and elsewhere.

Our electoral system is broken, and it must be fixed once and for all. What happened in Florida in 2000 and in Ohio in 2004 tends to dramatize the fact that there is something wrong with our democracy. More and more of our citizens have grown uneasy.

I hear people on the other side saying we should forget it, we should get over it. How can we get over it when people died for the right to vote, where people suffered for the right to vote? The right of every vote to be counted must be upheld by this body.

Mr. JINDAL. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentleman from Louisiana (Mr. JINDAL) is recognized for 5 minutes.

Mr. JINDAL. Mr. Speaker, it is a great honor to address this House for the first time in my elected career. It is also with a heavy heart that I address this House.

I think that this debate diminishes this House. This was one of the proudest weeks of my life, when my father was able to see his son being sworn into this House, when I was able to bring my daughter to watch her father being sworn into this House.

As a son of immigrants, I take very seriously the freedoms and rights granted to us in this country, America, the greatest country in the world.

I think we diminish this House by the discussion that we are having. Let us be clear. We are not here at a congressional hearing. We are not hear to talk about improving our election procedures. We are hear to certify the results of this recent election. We are here to certify the fact that President Bush did, indeed, win the votes granted to him in the State of Ohio; did, indeed, win election across this great country.

In many ways, I am glad that my daughter and father are no longer here to watch this debate taking place in this House. Even CBS news has recognized the fact that President Bush has won this election. This is probably the only place left that is still disputing this election.

What kind of message are we sending out? What kind of message are we sending to the rest of the world where we bring democracy to every corner? Where we are trying to bring democracy, the right to vote to Afghanistan, to Iraq, to the Palestinian people, what message do we send when we stand up and say if you lose an election, if you do not like the results, you can always go to court, you can always hire an attorney?

This is the wrong message to be sending. This does not bring honor to this House. This does not bring honor to our democratic tradition. This does not bring honor to the history of a peaceful transition of power. This does not bring honor to those who have gracefully conceded before.

Indeed, in my own home State we had a congressional election decided by less than half of a percentage point, less than one vote per precinct. I want to stand up here and congratulate both the Democratic winner of that election, as well as his Republican opponent.

Mr. Speaker, I have got several remarks from several different editorial pages from the State of Ohio that say that we should not be having this discussion, that say that the votes were counted in Ohio. There is another place, there is another time to be having this discussion. Today is about certifying, accepting the results.

Two things that have been good that have happened today: one, I have heard many of my colleagues from the other side recognize our President as the rightful winner. I thank them for doing that. Secondly, before I yield the balance of my time to the gentleman from Ohio (Mr. TIBERI), I would like to say in Louisiana we make several jokes about the fact that in the past, distant past, people used to vote multiple times. We never, however, in the history of our State have ever had multiple counts of the same vote.

I would offer that this is not a good day for our country, not a good day for democracy; and we have stopped the acceptance of the certification of the votes.

Mr. TIBERI. Mr. Speaker, will the gentleman yield?

Mr. JINDAL. I yield to the gentleman from Ohio.

Mr. TIBERI. Mr. Speaker, I am often asked in Columbus, Ohio, why it is so partisan here in Washington, D.C., and one wonders why 2 days after we get sworn in.

Mr. Speaker, I spoke with a board of elections official this morning in my district, a Democrat, who said that what we are doing today is, in her opinion, an insult to not only Democrat but

Republican board members throughout the State. The bipartisan system that is in place in Ohio, not one board member has objected to the process in Ohio, not one.

Mr. Speaker, were there problems? Certainly, there were problems in Ohio. Were there long lines? Certainly. I stood in a long line in my area. The Columbus Dispatch reported there were long lines everywhere. In fact, in central Ohio, in Columbus, Ohio, the busiest places to vote were not in urban areas. They were in suburban areas.

All electoral votes in Ohio have said what we are doing today is wrong. In fact, the chairman of the Democrat Party in Franklin County, my county, has gone so far as to label the charges as a band of conspiracy theorists. I did not say that; he said that. By the way, Mr. Anthony, the head of the Franklin County Democrat Party, the head of the board of elections in Franklin County is also a union official, an African American and a good man.

Mr. Speaker, what we are doing here today, as the Cleveland Plain Dealer has said, is the election horse is dead. We are beating a dead horse. The election is over. Let us get on with it.

Ms. WOOLSEY. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I yield to the gentleman from New Jersey (Mr. PALLONE) for a unanimous consent request.

Mr. PALLONE. Mr. Speaker, I thank the gentlewoman for yielding, and I rise in support of the challenge to Ohio's electors.

After the 2000 Presidential Election we knew we had to make changes in our elections system so American voters were confidant that their vote had been registered and counted. The 2000 election taught us that many of our election machines were outdated, and unfortunately, some of our election officials served their political party over the voter who should have the right to vote on Election Day.

Three years ago, Congress approved landmark election reform legislation, the Help America Vote Act, that was supposed to fix many of the election problems we encountered in Florida and other States in 2000.

We've spent more than $3 billion over the last 3 years to correct the voting problems of the past, but despite all this funding we still heard horror stories of Americans in lower income and minority areas having to wait more than 4 hours to cast their votes because of the lack of enough ballot machines. We have to do more to ensure that every American has an equal chance to vote—meaning we need to make sure working election machines are available at all polling places.

The nationwide use of provisional ballots is a direct result of that legislation. The problem is that while Congress can require that States allow voters to use provisional ballots, it has little control over how election officials count those provisional ballots.

Ms. WOOLSEY. Mr. Speaker, this is the second Presidential election in a row in which serious, well-documented concerns have been raised about disenfranchisement and voting rights violations without any congressional investigation. This is the second time, and this time, it must be different.

The United States is supposed to be a beacon of freedom, the greatest democracy in the world. Yet we cannot seem to guarantee that the votes of our citizens are counted.

This past election there was everything from votes outnumbering voters in some precincts to blatant voter intimidation in other precincts. It is time that we investigate these serious violations because they are violations to our democracy.

There is an irony here, a very tragic irony. Yes, indeed, we are sacrificing American lives and billions of dollars to try to establish democracy in Iraq. Yet we cannot seem to get our own democracy in order right here at home.

This is not about which candidate won, which candidate lost on November 2. It is not about politics at all. It is about citizens and their most fundamental rights.

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The recommendations put together by the minority Members of this House must be followed, and I look forward to working with them to ensure that our efforts to ensure every vote counts come together before the next election. And if we do not, why would any American bother to vote?

Mr. Speaker, I yield to the gentleman from New York (Mr. OWENS).

Mr. OWENS. Mr. Speaker, we have preached democracy in Afghanistan. We have preached democracy in Iraq. Now the time has come for us to accelerate the process of more fully practicing what we preach.

I wholeheartedly endorse the democracy mission of America, but I am here today to beg the chosen decision-makers here in Congress to take a giant step forward to bolster America's world crusade for democracy. Today it is appropriate that we address our remarks not only to the citizens of America but also to the people of Iraq. Our efforts to achieve free elections in Iraq will be totally shattered if we want to propose today that Nation be divided into 30 or 50 units with each unit granted the power to determine its own election procedures, to select its own equipment, and to appoint its own administrators without any uniform national standards.

Our historic compromise granting certain powers to the State that was necessary for the birth of this Nation must no longer be used as an excuse for the abuse of the free and democratic election process here in America. The abuse in certain sections of the country, which once openly used violence and intimidation, were outlawed. All other abuses involving voter suppression and dirty tricks should immediately be made Federal crimes. Out of those who have fought in the past and those still on the battlefield for the cause of democracy, it is our duty to take the steps to escalate our momentum toward the attainment of a more perfect Nation.

Mr. Speaker, we have preached democracy in Afghanistan. We have preached democracy in Iraq. Now the time has come for us to accelerate the process of more fully practicing what we preach. Our great nation is the premium democratic government of the world and we are all proud of that fact. A unifying position of both Democrats and Republicans is that we support democracy everywhere. We believe that where there is democracy the people are inevitably better off. I wholeheartedly endorse the democracy mission of America. But I am here today to beg the chosen decision makers here in the Congress to take a giant step forward to bolster America's world crusade for democracy. As we strive for a more perfect union let us unite to end hypocrisy and to construct a more perfect one person, one vote electoral process.

Today it is appropriate that we address our remarks not only to the citizens of America but also to the people of Afghanistan and to the people of Iraq. We should begin by apologizing for this present electoral system, which undercuts the principle of one person, one vote. Our efforts to achieve free elections in Iraq would be totally shattered if we were to propose today that the nation be divided into 30 or 50 units with each unit granted the power to determine its own election procedures; to select its own equipment; and to appoint its own administrators without any uniform national standards. Our historic compromise granting certain powers to the States that was necessary for the birth of this nation must no longer be used as an excuse for the abuse of the free and democratic election process here in America. The abuse in certain sections of the country, which once openly used violence and intimidation, has been outlawed. All other abuses involving voter suppression and dirty tricks should immediately be made federal crimes.

For too long our nation has accepted as legal and has tolerated blatant sabotage of free elections. Florida offered abundant evidence of such sabotage in the year 2000. Now, in 2004, Ohio has produced a multiple list of irregularities and we are demanding a more thorough investigation. In Ohio the failure of 25 to 30 voting machines to operate correctly with one precinct recording a negative 25 million votes; and the forced waiting periods of three hours in the rain in African American neighborhoods, and ten hours at a polling site for college students; these are only a few of the outrageous examples of voter disenfranchisement in Ohio.

In honor of those who have fought in the past and those still on the battlefield for the cause of true democracy it is our duty to first investigate and then to legislate to overcome all of the poisoning obstacles which obstruct the consolidation of a more perfect national election process. This is a vitally necessary action which will escalate our momentum toward the obtainment of a more perfect nation. God bless America. And God bless democracy everywhere.

Ms. JACKSON-LEE of Texas. Mr. Speaker, will the gentlewoman yield?

Ms. WOOLSEY. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentlewoman from California (Ms. WOOLSEY) for yielding, and I thank the gentlewoman from Ohio (Mrs. JONES).

Mr. Speaker, this is a sacred debate. This is not a frivolous time in our history. This is about avoiding the suppression of votes. Might I say when the people of Ukraine rose up against their flawed election, they understood what democracy is all about.

Mr. Speaker, I rise to object to the votes in Ohio. I rise under the Constitution of the United States in Article 4, 14 and 15. I argue the point that we have an inconsistent election, and I argue the point that we believe in democracy. The equal protection and due clauses of the 14th amendment of the Constitution operate to protect the rights of citizens to vote for the candidate of their choice.

Furthermore, the well-settled case on this issue, Reynolds v. Sims, states that "the right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government."

How would Members like to be in Ohio and be told that the election was on November 3, 2004, instead of November 2, 2004? The Constitution's due process clause requires fundamental fairness and that a State election official not employ vote-counting procedures that are so flawed.

Mr. Speaker, I believe that the American people value the value of one vote, one person, and all votes counted.

Mr. Speaker, I support the objection made as to counting the votes of the Electoral College from the State of Ohio in the name of the American people, the United States Constitution, in the name of procedural due process, and in the name of democracy. The Equal Protection and Due Process Clauses of the 14th Amendment of the Constitution operate to protect the rights of citizens to vote for the candidate of their choice. Furthermore, the well-settled case on this issue, Reynolds v. Sims states that "the right to vote freely for the candidate of one's choice is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government."

This is a sacred debate that is in no way frivolous use of the time of the Congress or of the tax dollars of the American people. Nor is this debate one that aims to overturn the 2004 presidential election. On the contrary, this debate is being made at the request and at the behest of the American people.

I will cast a protest vote today not only in the name of the integrity of the Ohio voting process but for the democratic process that is seriously flawed and that must be fixed.

The Court in that case also enunciated that "undeniably the Constitution of the United States protects the rights of all qualified citizens to vote, in state as well as in federal elections . . . It has been repeatedly recognized that all qualified voters have a constitutionally protected right to vote, . . . and to have their votes counted."

Moreover, under the Equal Protection Clause, all methods prescribed by a legislature to preserve the right to vote must be effected and not thwarted as stated in Bush v. Gore in 2000. Reynolds and its progeny of cases added that votes that are cast must actually be counted under the Equal Protection Clause of the Fourteenth Amendment—applicable to the individual States.

In addition, Mr. Speaker, the Constitution's Due Process Clause requires "fundamental fairness," or that a state official not conduct an election or apply vote-counting procedures that are so flawed as to amount to a denial of voters' rights to have their voices heard and their votes count. The First Circuit federal Court in 2001 held that where "organic failures in a state or local election process threaten to work patent and fundamental unfairness, a . . . claim lies for a violation of substantive due process."

As we look to reauthorize relevant sections of the 1965 Voting Rights Act (VRA), it would be an indictment of the election process itself if we fail to ask pointed questions as to the integrity of the Ohio election in 2004. This challenge is an absolute must relative to America's standing and reputation as a real democracy and as a center that promotes the sanctity of the right to vote.

Today's challenge in Joint Session forum aims to ensure the maintenance of the integrity of the voting process. I support my colleagues in challenging the mechanics of the Electoral College vote certification for its procedural value. This challenge represent our collective exhaustion of legal remedies on behalf of the American people—our constituents, for without this act, their voice remains muted. What my colleagues and I stand to achieve today is to raise the awareness of the American people as to the legitimacy of the democratic process and the absolute value of the notion of "One person, One vote". Our collective efforts may not net a different result in terms of the recent presidential election; but can and will affect future elections. On a global scale as the standard bearers of democracy this challenge can serve to provide a shining example of hope to the emerging democracies in Afghanistan and Iraq.

The exhaustion of all remedies available when there is any doubt as to the legitimacy of the overall process is one of the basic tenants upon which this country was founded. The duty to doggedly pursue a task to its ultimate conclusion is as applicable to the recent gubernatorial race in the State of Washington as it is in the democratic elections taking place for the first time in the Ukraine. In Washington State, candidate Dino Rossi declared victory after only a partial recount. However, after a full and fair recount, it was correctly determined that the Democratic candidate Chrisine Gregoire was the victor. A rush to judgment is never prudent. The transparency of process and convincing evidence of the true and correct outcome will preserve this institution we call democracy.

In the Ukraine, a new election was held when majority supporters protested and complained of fraud in the election that resulted in the surprising defeat of opposition leader Viktor Yushchenko. The second vote held revealed that Yushchenko had actually won by a significant margin. What underscores the critical nature of full and fair recounts when there is doubt as to legitimacy is the fact that while the first flawed election rendered Yushchenko a loser by three (3) percentage points, the revote rendered him a winner by eight percentage points. This is clear and convincing evidence. This is democracy.

Mr. Speaker, election processes, like legislation, are imperfect; therefore, we must use every opportunity and resource available to bring them closer to legitimacy and a truly representative nature. All evidence of voting irregularity and failure of votes to be counted is relevant and important to the achievement of this goal. This is democracy.

The hearings that we have held as a body within the House Judiciary Committee and the hard work that officials such as my colleague from Ohio, Ms. TUBBS JONES has done leading up to November 4 and well through its aftermath have yielded factual findings that suggest the existence of ample grounds on which to challenge the electors from Ohio as being unlawfully appointed. Our fact-finding has shown possible violation of 3 U.S.C. Section 5—which states that all controversies regarding the appointment of electors should be resolved six days prior to the meeting of electors (or December 7, 2004 for purposes of the current election) in order for a state's electors to be binding on Congress when it meets on January 6, 2005, to declare the results of the 2004 election.

Secretary of State J. Kenneth Blackwell and others appear to have intentionally delayed the initial certification of the electors until December 6, rendering a recount impossible by December 7—let alone by the December 13 meeting of Ohio's electors.

Today's debate is very important to document the serious election improprieties that occurred in Ohio and in other voter precincts around America. Some of the incidents that occurred include:

Insufficient resources allocated to poor and minority precincts, which resulted in unusually long lines which resulted in long waiting time;

Lack of a verified "paper trail" relating to electronic voting machines, thus failing the test of transparency;

Reports of Ohioans being told, incorrectly, that the presidential election was to take place on Wednesday, November 3, 2004, as opposed to Tuesday, November 2;

Denial of provisional ballots to voters;

Voter intimidation;

Voting machine errors or tampering;

Improper purging of eligible votes;

Fraudulent phone calls, fliers, and bulletins on official-looking letterhead;

Questionable vote recount in Ohio, about which the case Yost v. David Cobb, et al. is currently under litigation.

The American people deserve to have their voice heard and to have their fundamental rights advocated.

During this past pre-election period, I had the privilege of working closely with my constituents and with very efficient legal minds that really care about making every vote count. A former staff member of mine, Attorney J. Goodwille Pierre, led an organization called Election Protection 2004 in efforts to educate voters on the best way to increase voter turnout.

Entities such as the Houston Black Lawyer's Association, the African-American section of the State Bar of Texas, Region 5 of the National Bar Association, and Election Protection 2004 combined to hold a lawyer training session on Texas election law on October 9, 2004. Over 200 lawyers attended and participated in this training session, and I feel that it was very effective in empowering the voters in the 18th Congressional District of Houston.

In addition, I worked with these groups to hold a public meeting of over 500 volunteers from all walks of life, which included over 100 lawyers, to discuss strategies on decreasing voter intimidation and implementing complaint mechanisms. I would like to thank Attorney John Strausberger from the firm of Weil, Gosthal, & Mangen for having given us the legal procedure backbone to our effort on a pro bono basis. I also had the opportunity to meet with the key election official for Harris County to bring her within arms-reach of these groups so that voter intimidation could be detected early and properly addressed.

I would also like to thank Ms. Barbara Arnwine of Lawyer's Committee on Civil Rights, Mr. Ralph Nease of People For The American Way, and Carmen Watkins and Unity '04-Texas for their leadership and extensive efforts.

Election Protection 2004 produced a report entitled "Texas Election Protection EIRS Report." It revealed over 2,200 incident reports with over 1,500 having occurred on Election Day as compiled from poll monitors, on-line systems, and the 1–866–VOTE hotline.

A partial breakdown of the results showed my District, Harris County, as leading other counties with over 720 complaints. Among the key issues identified in the complaints obtained were:

(1) Confusion about how to implement provisional ballot requirements;

(2) A significant number of Harris County voters having not received absentee ballots;

(3) Apparent vote switching in Harris and Travis Counties on e-Slate voting machines associated with straight party voting;

(4) Stringent and obtrusive identification requirements;

(5) Voter intimidation; and

(6) Confusion among voters about straight party voting.

Mr. Speaker, the fact-finding made by the Committee on the Judiciary, my colleague from Ohio, my constituents and the constituents in many other districts makes it more than clear that additional and more focused hearings are required as to the irregularities in the Ohio presidential election and around the country. Furthermore, the election law requires reform in order to make voting more fair, consistent, and representative. We must lead by example. We must act in the true spirit of democracy.

Mr. KINGSTON. Mr. Speaker, I rise to request permission to address the House.

The SPEAKER. The gentleman from Georgia (Mr. KINGSTON) is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, I yield for the purpose of a unanimous consent request to the gentleman from Georgia (Mr. PRICE).

Mr. PRICE of Georgia. Mr. Speaker, I thank the gentleman for yielding. I rise in opposition to the objection.

Mr. Speaker, as a freshman member I stood here with the rest of you two days ago taking an oath to preserve, protect and defend the Constitution of the United States. I couldn't be more proud and humbled to be a Member of the finest deliberative body in the Nation.

Having served four terms in my state Senate in Georgia in both the majority and minority—I have great respect for appropriate procedural objections.

However, political grandstanding during this vital electoral college ballot count is shameful and reprehensible.

What my new colleagues on the other side of the aisle are doing today is destructive of our system. To raise an objection for which many speakers on the other side have said they will oppose—only feeds unfounded discontent in the veracity of our great democracy.

I shall never lose my faith and pride in our great Nation and will fight vigorously and pray for our future at a time when some in the minority party put politics over people.

God Bless America.

Mr. KINGSTON. Mr. Speaker, we have been asked by our Democratic colleagues to take this objection to the vote today seriously. We have been told this is not frivolous.

Well, we have to ask, why Ohio? Why Ohio, the State that happened to put President Bush over the top? Why not Minnesota where KERRY won, where there were discrepancies and Democrat groups working inside polling places at polling booths? Why not New Hampshire where KERRY won where Democrat operatives allegedly slashed wheels of vehicles intended to take Republicans to the polls? Why not Wisconsin which KERRY won where Democrat operatives physically intimidated Republican voters? Or why not even Colorado where a Democrat worker with ACORN signed herself up to vote 25 different times? Or why not New Mexico where a 13-year old was registered to vote by the same Democrat front group? And why not some of the other problems that were going on in Ohio, why do we not talk about them?

For example, in Franklin County in Ohio where a dead person was registered to vote, or 25 addresses were submitted for the same man, why are they not concerned about that? Or why not raise a question about Lake County where a man who had been dead for 20 years was registered to vote?

Our Democrat colleagues do not seem to be concerned about that, and yet here is the serious charge of that complaint by Reverend Bill Moss: A, that there was a computer in the White House hooked up to voting booths in Ohio which was allegedly controlled by some super agent who could change the results of those elections in Ohio from 1600 Pennsylvania Avenue. I do not think even Hollywood would even buy into that;

B, there were numerous agents who were doing "unidentified things" to intimidate voters;

C, that a Democrat Supreme Court candidate received more votes than JOHN KERRY; therefore, the election is a fraud; and

D, because the exit polls showed KERRY was going to win, he should have won. The only thing that I know that are less realistic than exit polls are Godzilla movies, and yet that is what the basis of this attack was.

We have heard that many voters had to stand in line for 3 hours. My dad is 87 years old. He is blind. He is very inconvenienced when he votes. He has to have assistance, yet as a World War II veteran and survivor, he is proud to wait 3 hours to vote. He only wishes more of his peer group was alive to have the same honor.

Mr. Speaker, I yield to the gentleman from Florida (Mr. KELLER).

Mr. KELLER. Mr. Speaker, my colleagues across the aisle have two sides to choose from, the JOHN KERRY side that acknowledges the election is over and President Bush has won, or the Michael Moore side that defines democracy as Democrats going to the polls, and conspiracy as Republicans going to the polls. The election is over and the results could not be clearer. Why are we here wasting time on silly, Hollywood-inspired conspiracy theories? Well, since Hollywood likes conspiracy so much, here are some real facts.

On June 23, 2004, the Michael Moore movie Fahrenheit 9/11 premiered in Washington, D.C. According to U.S. News and World Report, the New York Times and the National Journal, one of the few Senators who attended its premier was Senator BARBARA BOXER. In his movie, Mr. Moore said it was shameful that not one U.S. Senator objected to the electoral vote in Florida.

Two days ago on January 4, 2005, the same Michael Moore published a new letter to Senator BOXER reminding them that they did not object to the electoral vote count 4 years ago, and he requested they rise and object to the vote count from Ohio today. Today, in fact, Senator BOXER objected to the vote count. Does Michael Moore and the people in the Michael Moore wing of the Democrat Party really think the American people and their elected representatives are so stupid that we could be tricked into objecting to these electoral results. Well, the answer, I think, is yes.

Michael Moore told a British newspaper, "Americans are possibly the dumbest people on the planet. Our stupidity is embarrassing." In Germany, Mr. Moore told the German people, "You can see us Americans coming down the street. We have that big grin on our face all the time because our brains are not loaded down."

Regarding those who are now killing Americans in Iraq, Michael Moore said, "The Iraqis who have risen up against the occupation are not insurgents or terrorists or the enemy, they are the revolution, the minutemen, and their numbers will grow and they will win."

Mr. Speaker, how many normal people in this country really believe that a terrorist like al-Zarqawi is the same as Paul Revere? I ask my colleagues to vote no on this objection.

Ms. WATERS. Mr. Speaker, I rise to request permission to address the House.

The SPEAKER. The gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. Mr. Speaker, I dedicate my objection to Ohio's electoral votes to Mr. Mike Moore, the producer of the documentary Fahrenheit 9/11, and I thank him for educating the world on the threats to our democracy and the proceedings of this House on the acceptance of the Electoral College votes for the 2000 Presidential election.

The Democratic Judiciary Committee Staff Report clearly establishes that the State of Ohio has not met its obligation to conduct a fair election. Ohio's partisan Secretary of State, Mr. Kenneth Blackwell, I am ashamed to say an African American man has failed to follow even Ohio's election procedures, let alone procedures that comply with Federal law and constitutional requirements. Our ancestors who died for the right to vote certainly must be turning over in their graves.

Mr. Speaker, I traveled to Ohio where the gentleman from Michigan (Mr. CONYERS) convened hearings, and I listened to citizen after citizen describe the Ohio election debacle. When there is a shortage of voting machines that leads to lines of up to 10 hours to cast a vote in precincts that are predominant minority and Democratic voters, forcing countless prospective voters to leave without voting, and where a number of Democratic precincts had fewer machines than were used in the primary election, despite the certainty of a much higher turnout in the hotly contested general election for President, it is clear that Ohio has failed to run a fair election.

When Mr. Blackwell arbitrarily and unreasonably refused to provide provisional ballots to voters who were in the right county but the wrong precinct, or to voters who requested but did not receive an absentee ballot in a timely manner, it is clear that Ohio has failed to run a fair election. When a county in Ohio shows more votes cast than registered voters, or when another Ohio county shows an underfunded Democratic State Supreme Court candidate getting substantially more votes than the well-funded campaign of Senator KERRY, it is clear that Ohio has failed to run a fair election.

When Secretary of State Blackwell refused to recognize thousands of new voter applications because they are not on postcard-weight paper, it is clear that Ohio has failed to run a fair election. And where Secretary Blackwell, in violation of his statutory duty to investigate election irregularities, refused to investigate or remedy any of the hundreds of cases of voter intimidations reported to him, it is more than clear that Ohio has failed to run a fair election.

Mr. Speaker, we are now over 4 years beyond the nightmare of Florida in the 2000 election. I chaired the Democratic Caucus Election Reform Committee. We traveled all over this country. We held hearings. I worked with Members of this House to pass HAVA, Help America Vote Act. Yet, is there anyone who can say we have a fair election system or this is the best we can do?

The 2004 election in Ohio and elsewhere revealed that enormous problems remain in our election systems and HAVA simply does not address those problems. It is stunning to me that in the 21st century we continue to use horse-and-buggy procedures to conduct our elections. It is amazing but true that in many jurisdictions we use more sophisticated technology to run the daily lottery than we devote to our election system. Incredibly even in those few jurisdictions that have moved to electronic voting to avoid the problem of chads and punch cards, we do not require a verifiable paper trail to protect against vote tampering. If an ATM machine can give each user a receipt that that user can reply upon, then a voting machine should also be able to give a receipt.

Mr. Speaker, the issue before us is not whether the problems in the Ohio election were outcome determinative, although they could have been, it is whether the State has met its obligation to provide every voter with an equal opportunity to vote and have his vote counted. We must not allow these egregious violations to be trivialized. There is no constitutionally acceptable level of inequality in access to voting in Federal elections.

Mr. Speaker, there is no conceivable justification for disqualifying a vote for President or Senator on the count that a legally qualified voter shows up to cast his vote in the right State but the wrong precinct. Why could we not count that voter's ballot? The voter's intent is clear. There is no question as to the voter's right to vote for the President of the United States or Senator. We can ensure that the voter does not cast a provisional ballot in more than one location.

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Mr. BOEHNER. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. BOEHNER. Mr. Speaker, elections are divisive activities in our communities, in our States, and in our country. After an election, and after the divisiveness, there needs to be a period of healing to bring our communities, our States, and our Nation back together. I think JOHN KERRY was very graceful in his concession to George Bush to begin the healing process in our country so that when we the Congress come back to work, we have an opportunity to come back together to do the people's work.

That healing period over the last several months has been interrupted by an activity without merit. I think the proceeding today will cause great harm to this institution and great harm to our country at a time when we should be coming together to get ready to do the serious work the American people sent us here to do.

I regret that. The Constitution clearly gives the responsibility for running elections to the States. All the States have their rules and regulations. In Ohio we have heard clearly, it is a very bipartisan process, two Democrats, two Republicans in each of the 88 counties. I have not heard one election official in any of the 88 counties, Democrat or Republican, raise any concern about the outcome or the fairness of the election that occurred in their counties.

If we really want to have a debate about how elections are run, that debate ought to occur at each of the 50 State legislatures where they in fact ought to look at what happened in their State. They ought to be making adjustments. But the election officials are doing the best they can, and I do think that what is happening today is really an indictment of the good work of many of those people in our States.

So I would ask my colleagues, let us get this behind us, quickly; and let us come here to do what the American people sent us here to do.

Mr. Speaker, I yield to my colleague and friend, the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. I thank the gentleman for yielding.

Mr. Speaker, I want to associate myself with the remarks of my good friend and colleague from Ohio. I am amazed at how many experts on Ohio election law we have in this Chamber. I had no idea that so many Members from all over the country would have such a working knowledge of the Ohio electoral process. My friend from Ohio and others have explained it quite well how we work very well on a bipartisan basis. Indeed, our election laws in Ohio are quite adequate to the task despite the fact that we had a huge number of voters, an unprecedented number of registrants, and some adjustments to the new voting system; but I think we, by everybody's estimation, did quite well.

I know my friend from Michigan had a tough November with the Buckeyes beating the Wolverines and, of course, earlier in November with the loss of his Presidential candidate; but we should not try to overturn the presidential race any more than we should try to overturn the outcome of the Ohio State-Michigan game despite what my friend from Michigan might want. This is a time, as my friend from Ohio said, for reflection, for healing, for getting on with the business of the Nation. This exercise, unfortunately, has distracted our country from that worthy goal. For that, I am truly sorry.

Ms. KILPATRICK. Mr. Speaker, I ask to address the House for 5 minutes.

The SPEAKER. The Chair recognizes the gentlewoman from Michigan for 5 minutes.

Ms. KILPATRICK. Mr. Speaker, whether we like it or not, on November 2 across America, tens of thousands of people were unable to cast their vote. Many voted and their votes were not counted. I rise to support the gentlewoman's effort from Ohio. I thank her very much. Our United States Constitution gives us the opportunity and the right to represent the millions of people that we represent daily to be on this House floor today. This is their right to speak through us on what happened to them on November 2. The rules of the House of Representatives allow us as elected representatives, representing 700,000 plus people apiece, the right to be on this floor at this time. This is the only way as we represent those people that we might express their dismay that they felt on November 2. As our leader said, this has nothing to do with overturning the election. This is why we are sent here to represent, and that is what we are doing.

Regardless of what we have heard the last hour and a half, we the Members on this side of the aisle object to the process that failed many Americans on November 2. Long lines, cold, in the rain. It was in Ohio that we talk today; but Michigan, a neighboring State, had many problems. I was in my voting area called down to count the votes after the polls closed. All day long we had reports of intimidation, of men in suits intimidating my voters, asking for identification every time they went to vote all day long. But they stayed in line, they pressed forward, and they voted.

Something was very wrong on November 2. When the polls closed at 11 o'clock that night, November 2, and we were there overlooking the vote, men in suits were touching my vote counters, touching our ballots. I went on TV, live TV, the 11 o'clock news and said, That is a felony. You cannot touch our counter. You cannot touch our voters. You cannot touch the ballots. It could have been Michigan, but you chose Ohio; and I am here to stand with you today.

Something is very wrong with our voting process. Every vote must count. Every vote must be counted. We have got to fix this, and I thank the gentleman from Ohio (Mr. NEY) for his efforts, but we have got more work to do.

Mr. Speaker, I yield to the gentlewoman from Illinois (Ms. SCHAKOWSKY).

Ms. SCHAKOWSKY. Mr. Speaker, nothing is more critical to the foundation of our democracy than the guaranteed right to vote. In the 2004 Presidential election, there were voters in every State, including the pivotal State of Ohio, who were denied that right; and each time it happened, the foundation is weakened. That is why I join my colleagues today in objecting to the counting of Ohio's electoral votes. I commend my colleagues in this House of the people and the Senate who are raising this objection for their courage, and I am proud to join them.

There is little disagreement that irregularities did occur. The question is what are we going to do about it. It is simply not sufficient to tell the losers in this election to get over it, or to accuse them of sour grapes, or to say we are doing the best we can. It is our patriotic duty to stand up for every voter no matter his or her race or party affiliation and demand that Congress act to expand voter protection and guarantee voter rights.

Once all the facts are determined, a national demand for electoral reform must force Congress to finally finish the job begun under the Help America Vote Act, HAVA, including voter-verified paper trail. We cannot simply sit back and accept the results as if nothing happened or possibly illegal activities had taken place in precincts throughout Ohio. Those Ohio election officials who denied voters provisional ballots, a portion of the voting reform bill that I championed, must be held accountable along with those who allowed machines to be tampered with, eligible voters to be purged illegally, and voters to be intimidated.

This is our chance to demonstrate to our citizens and the world that Americans are constantly working to perfect our own democracy.

Ms. KILPATRICK. Mr. Speaker, I yield to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Mr. Speaker, just for history purposes, I think in the 1960s we might have heard the same thing when we had the Voting Rights Act that needed to be passed by this Congress.

I rise today to address an issue that is at the core of our democracy: our ability to ensure that each vote cast by an American is counted.

Voting irregularities have been a major concern in our country for decades In October 2002, this body passed the Help America Vote Act (HAVA) in order to eliminate voting irregularities and restore integrity and reliability to our electoral system. However, these new systems have not been without flaws. Software errors used in Florida's 2002 election lost over 100,000 votes, and at least 15 states, including Texas, reporting irregularities in their equipment throughout our most recent elections.

Under HAVA, this body provided billions of dollars to the states to replace old lever voting booths and punch card voting machines that produced the infamous "hanging chads" in Florida with more high-tech machines. However, this new technology conceals the most important part of the election process: the recording and counting of votes.

While there are no federal elections being contested in Texas, there are three State House elections that are being reviewed including one in my hometown of Houston. All of these election contests were brought by Republican candidates even though there are Republican county clerks and the Secretary of State is a Republican. While the process of contesting election results in our country is a peaceful process, I question how much faith the American people have in our ability to accurately report election results. Surveys leading up to the 2004 Presidential election indicated as many as 42 percent of Americans anticipated problems with our voting system and they were right.

I strongly belive voting standards should call for a paper trail in case a vote needs to be audited. Without such requirements, even having uniform standards would not enable us to accurately rely on a final vote count without a paper trail. Several states including my home state of Texas do not have the ability to print a ballot for verification purposes. The inability to conduct a complete audit of elections results is bad public policy and it's detrimental for our democrary.

Americans deserve the ability to confirm their vote and our democracy depends on the accuracy of our election process. It is time for this body to require that each voter receives verification that their vote was accepted and counted. No election is perfect, but we all deserve an election system that enables us to correct errors when they occur.

This country served as a guide to Afghanistan in their historic elections on October 4 of last year and now, we are assisting Iraq to make their first open election in history a success on January 30. If we are to serve as the world's model of democracy, we must ensure that every vote is counted, and if need be, is able to be recounted accurately and fairly. We cannot serve as the model of democracy if our own democratic process is flawed

Mr. PORTMAN. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Ohio is recognized for 5 minutes.

Mr. PORTMAN. Mr. Speaker, Americans turned out in record numbers and their votes have been counted. President Bush won with more votes than any other Presidential candidate in the history of our great country. In Ohio, in fact, the votes were counted and then recounted, and President Bush won by over 118,000 votes in my State.

No election is ever perfect. They never are. But there is absolutely no credible basis to question the outcome of the election. That is what is going on here today. I heard my friend from Georgia (Mr. LEWIS) say, this is about the right for every vote to be counted. No one on this side of the aisle will disagree with that. We could not agree more. That is why we have HAVA. That is why we are going to refine it further. That is why we need to continue our work, as many speakers on our side of the aisle have said, to be sure that every vote is indeed counted.

But that is not what this objection is about. This objection from the other side of the aisle, and I am going to quote one of my colleagues who said, it is about "massive and widespread voter irregularities in the State of Ohio." Not so.

I also read in the challenge lots of irresponsible conspiracy theories about what happened in Ohio. I was there. It did not happen. I also heard today from the other side of the aisle that no one has answered any of these questions. That is wrong.

One of the concerns that has been raised time and time again, most commonly raised, is that in Warren County, a district that I represent and a city that I represent, that somehow there was not a fair election because people were locked out. Yes, the media was locked out in the Warren County board of elections. It happened. But here is Jeff Ruppert, a lawyer for the Kerry-Edwards campaign who was inside and saw nothing unusual: "It was as clear and open as it could possibly be," he said. Other witnesses included, of course, the Democratic members of the election board and several Democrats who were hired to help count the votes.

As has been said time and time again in Ohio, we have got a pretty good system. It is totally bipartisan, two Democrats, two Republicans, every single board in every county of our 88 counties in our great State.

This is not the time, ladies and gentlemen, to obstruct the will of the American people. It is time to get our work done. It is time to govern, not to object. Let us be clear. This is not Americans forcing their will on the American people. This is the views of Ohioans that have been clearly expressed. Every objective observer agrees. In fact, every newspaper in the State of Ohio agrees. Every editorial page agrees.

We have heard some quotes today. Here is one I love from the Cleveland Plain Dealer. It says: "The 176 Democrats who sit on Ohio's 88 county election boards pondered their jurisdictions' results, accepted their subordinates' good work, and are now turning their energies toward the future. Are they all dupes in some Machiavellian Republican scheme? Or do they simply have a firmer grasp of reality than that displayed by a handful of unrelenting zealots still ranting in the January rain 8 weeks after the election?"

Maybe we should look at some other States. Again in Ohio, President Bush won by over 118,000 votes. JOHN KERRY won New Hampshire, but by 9,200 votes. JOHN KERRY won Minnesota, but by only 98,000 votes. JOHN KERRY won Wisconsin, but by only 11,300 votes.

I want to thank my Republican colleagues today for not raising objections to those results in those States. We need to move on. I hope what we will do today, Mr. Speaker, is that we will vote overwhelmingly, Republicans and Democrats alike, just as the other body has just voted. I am told the vote was 74-1 to turn down the objection in the United States Senate. I hope we will come together as Democrats and Republicans today to vote down this objection, not to continue this cynical political ploy to try to somehow delegitimize the Presidency of the United States and his election, but rather to move forward and get on to the very important work that we have before us today.

Mr. Speaker, I yield to my colleague, the gentleman from Cincinnati, Ohio (Mr. CHABOT).

Mr. CHABOT. I thank the gentleman for yielding.

Mr. Speaker, let us face it. This is nothing more or less than an attempt to sow doubt on the legitimacy of this President. It is an attempt to weaken President Bush, and it is unfortunate because we have much work to do in this House and in the Senate putting this country on the right track.

On November 2, 2004, George W. Bush received a majority of the votes cast in this country, including the State of Ohio, the State that I happen to be a Member of this House. As a Congressman from Cincinnati, Ohio, I had an opportunity to go to dozens of polling places, both in urban areas in my city of Cincinnati and also in suburban areas. I have talked to many, many people; and most people agree that this election was conducted professionally and fairly and freely.

News sources reporting on the elections have said that few mainstream politicians doubt President Bush's victory. However, rather than certifying the 2004 election in accordance with the Constitution and Federal law and starting the work that we were elected to do, we are forced today to engage in essentially partisan debate by our colleagues across the aisle. That is most unfortunate.

A nonpartisan group such as electionline.org that pushed for election reform placed Ohio at the top of the list. Let us get back to our business.

Mr. DAVIS of Illinois. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from Illinois is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the most basic and fundamental principles of any democracy are equal opportunity, equal protection under the law and guarantee of the right to participate, to have that right protected and to have that participation count.

Unfortunately in the last two Presidential elections, an increasing number of elections across the country are being marred with allegations of manipulation, chicanery, trickery, intimidation and outright illegal acts of fraud, thievery, and violence.

☐ 1530

All of these acts and actions have served to undermine confidence in our electoral system, disrupt the process of normalcy, and are beginning to shake the very foundation of our democracy.

Mr. Speaker, Thomas Paine once said, "The right of voting for representatives is the primary right by which all rights are protected. To take away this right is to reduce a man to slavery." Therefore, Mr. Speaker, based upon an inordinate number of allegations suggesting gross voter rights allegations and misconduct, I join with my colleagues and object to counting the State of Ohio's electoral votes and urge that we pass a strong Voting Rights Protection Act to guard against any further attempts to manipulate and erode our democracy.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding to me.

If we are the democracy we say we are, we must show it today by taking on the astonishing problems in our national system of elections that can no longer be blinked away. Ohio's often brazen irregularities bring forward this debate, but the Buckeye State is only the poster child for the nationwide system of voting that has been discredited in the eyes of millions of voters. I watched the long lines nationwide and here in the District with both exhilaration and pain, exhilaration that finally we were getting what we asked for, with so much enthusiasm for voting that people were standing in line the way they do for million dollar lottery tickets; pain that long lines would surely discourage many voters, particularly first-time voters, people of color, young people, and many others who wanted to believe that voting could matter in their lives. The long lines in the District were especially poignant because citizens were waiting for hours to vote for a Member of Congress who herself could not cast a vote for them in this House.

Ohio's close and contentious vote speaks for the country about virtually all the problems of the last election, from voting machine access to voting intimidation and the absence of national standards for the basics. It will take time and bipartisan determination to make us proud of our elections.

Until then, one reform could begin the process of restoring confidence in our elections. If all else fails, voting machines, polling place controversy, confused or partisan election officials, a provisional ballot that, if valid, will count, can help heal voting flaws until we enact a real cure. We have got a failsafe for almost everything else, from bullet proof vests to backups for computers. Let us fix our system this year, including with failsafes for voting to save our democracy.

Mr. SCOTT of Virginia. Mr. Speaker, will the gentleman yield?

Mr. DAVIS of Illinois. I yield to the gentleman from Virginia.

Mr. SCOTT of Virginia. Mr. Speaker, functional democracy requires that the citizens have confidence in an election process and of course confidence that all legitimate votes will be counted. Clearly the State of Ohio is not able to provide such confidence.

First, there is a significant unexplained, uninvestigated difference in exit polling results and the reported election results. There are specific unresolved allegations of other election problems, particularly the long lines in some precincts that were caused not because of an unanticipated voter turnout but because of insufficient voting machines in the precinct. Other allegations were widespread and none of these allegations was investigated.

I know, Mr. Speaker, that this objection is somewhat awkward because it does not have the apparent support for the candidate involved, but I believe it is our responsibility to ensure that election results meet the spirit and letter of our Constitution and that we have confidence in the process by demonstrating that voting schemes and irregularities are not ignored.

Mr. Speaker, I would hope that we would take this in consideration as we review this election return so that this does not happen again.

Mr. BUTTERFIELD. Mr. Speaker, I rise to address the House.

The SPEAKER. The gentleman from North Carolina is recognized for 5 minutes.

Mr. BUTTERFIELD. Mr. Speaker, I rise in support of the challenge.

Mrs. JONES of Ohio. Mr. Speaker, will the gentleman yield?

Mr. BUTTERFIELD. I yield to the gentlewoman from Ohio.

Mrs. JONES of Ohio. Mr. Speaker, I thank my colleagues for this opportunity to debate this very important issue. In Ohio there is a bipartisan system at the county level. However, every board of election member serves at the behest or discretion of the Secretary of State, Kenneth Blackwell, who, in fact, was the co-chair of the Bush campaign.

I want to go on to say that, for example, Secretary Blackwell issued a directive to local boards of election mandating rejection of voter registration forms on 80-weight paper. He issued a directive which ultimately was reversed which resulted in confusion and chaos among counties with regard to provisional ballots.

But be that as it may, the objection today is raised because there are irregularities across this country with regard to voting and we as a Congress have an obligation to step up to the plate and correct them. All voters ought to be allowed to vote early. There should be established a national holiday for elections to bring attention to the importance of voting. We should require those working at the voting booth to be fairly compensated, adequately educated, and sufficiently supported such that the job importance will be elevated. We need to provide them equipment, whether it is punch card, electronic, whatever it is, that it be fully tested, fully calibrated, and that there be a paper trail.

What happened in Ohio may well have been repeated across this country; yet that is no excuse for us to push the irregularities behind us and go on with the business of the day. This is an important enough issue that all the people across America want us to address it, they want us to deal with it, and they want us to correct it.

I thank all of my colleagues for giving me an opportunity to be heard, for giving us an opportunity to address the issue.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. BUTTERFIELD. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I want to thank all the Members of the House who have stayed here with us, who have participated in the debate, who have shared their views, as different as many of them are, because this is the way we work.

This debate, I think we all know, will not change the outcome of the November election. But we do know that out of today's debate, the Congress will respond to the challenge that has been raised here in connection with a better system of voting, not just for Ohio but for everywhere. A challenge has been raised here this afternoon to hold true bipartisan hearings to get to the bottom of not just what went wrong in Ohio but around the Nation on Election Day. This day, the first time in our history, that since 1877 this law has been used in which the Senate and the House have come together to say that an objection has enough merit to keep us here in this discussion.

Join us. Enact real election reform and give the citizens the right to an operative provisional ballot and give all voters a verifiable paper trail. We should never fear this debate in the Congress, and I hope that today we have a fair debate and that 4 years from now, Mr. Speaker, we have an election that all our citizens can be proud of.

Mr. DELAY. Mr. Speaker, I rise to claim the remainder of the time.

The SPEAKER. The gentleman from Texas is recognized for the remainder of the time.

Mrs. JONES of Ohio. Mr. Speaker, can I ask how much time that is?

The SPEAKER. In the tradition of the House, the gentleman from Texas will be heard for such time as he may consume.

Mr. DELAY. Mr. Speaker, what is happening here today is amazing but not surprising. Mr. Speaker, what we are witnessing here today is a shame. A shame. The issues at stake in this petition are gravely, gravely serious. This is not just having a debate. But the specific charges, as any objective observer must acknowledge, are not. That is because the purpose of this petition is not justice but noise.

It is a warning to Democrats across the country, now in the midst of soul searching after their historic losses in November, not to moderate their party's message.

It is just the second day of the 109th Congress and the first chance of the Democrat congressional leadership to show the American people what they have learned since President Bush's historic reelection, and they can show that, but they have turned to what might be called the "X-Files Wing" of the Democrat Party to make their first impression.

Rather than substantive debate, Democrat leaders are still adhering to a failed strategy of spite, obstruction, and conspiracy theories. They accuse the President, who we are told is apparently a closet computer nerd, of personally overseeing the development of vote-stealing software.

We are told, without any evidence, that unknown Republican agents stole the Ohio election and that its electoral votes should be awarded to the winner of an exit poll instead.

Many observers will discard today's petition as a partisan waste of time, but it is much worse than that. It is an assault against the institutions of our representative democracy. It is a threat to the very ideals it ostensibly defends. No one is served by this petition, not in the long run. And in the short term, its only beneficiaries are its proponents themselves.

Democrats around the country have asked since Election Day, and will no doubt ask again today, how it came to this. The Democrat Party, the party that was once an idealistic, forward-looking, policy colossus. The New Deal, the Marshall Plan, the Great Society, the space program, civil rights. And yet today one is hard pressed to find a single positive substantive idea coming from the left.

Instead, the Democrats have replaced statecraft with stagecraft, substance with style, and not a very fashionable style at that. The petitioners claim that they act on behalf of disenfranchised voters, but no such voter disenfranchisement occurred in this election of 2004 and for that matter the election of 2000.

□ 1545

Everybody knows it. The voters know it, the candidates know it, the courts know it, and the evidence proves it.

We are not here to debate evidence, but to act our roles in some scripted, insincere morality play.

Now, just remember: pre-election memos revealed that Democrat campaign operatives around the country were encouraged by their high command in Washington to charge voter fraud and intimidation regardless of whether any of it occurred. Remember, neither of the Democrat candidates supposedly robbed in Ohio endorse this petition. It is a crime against the dignity of American democracy, and that crime is not victimless.

The Democrat leadership came down to the floor and said this is a good debate; we ought to be having a debate on this issue.

This is not a normal debate. This is a direct attack to undermine our democracy by using a procedure to undermine the constitutional election that was just held.

If, as now appears likely, Democrats cry fraud and corruption every election regardless of the evidence, what will happen when one day voters are routinely intimidated, rights are denied, or, God forbid, an election is robbed? What will happen? What will happen when, God forbid, this quadrennial crying wolf so poisons our democratic processes that a similarly frivolous petition in a close election in the future is actually successful, and the American people are denied their constitutional right to choose their own President?

Mr. Speaker, Democrats must find a way to rise above this self-destructive and, yes, plain destructive theory of politics for its own sake. A dangerous precedent is being set here today, and it needs to be curbed, because Democrat leaders are not just hurting themselves. By their irresponsible tactics, they hurt the House, they hurt the Nation, and they hurt rank-and-file Democrats at kitchen tables all around this country.

The American people, and their ancestors who invented our miraculous system of government, deserve better than this. This petition is beneath us, Mr. Speaker; but, more importantly, it is beneath the men and women that we serve.

Mr. Speaker, I urge my colleagues, both Democrat and Republican, to do the right thing. Vote "no," and let us get back to the real work that the American people hired us to do.

Mr. PASCRELL. Mr. Speaker, I strongly believe that every vote should be counted. There were obviously irregularities in the Ohio vote and I urge that they be thoroughly investigated by this Congress and the Department of Justice. We have an obligation to resolve the problems that have been documented. However, I would have voted against the motion because I do not believe this to be the proper occasion to address this important issue.

Ms. ESHOO. Mr. Speaker, the debate today is not about contesting the results of the last November's election. Today's debate cuts to the essence of our democracy—the founding principle of our country—the right to vote. Clearly, the right to vote is dependent on the assurance that all voters have access to the polls and that all votes will be counted. But since the presidential election in 2000 the American public has grown increasingly wary of the accuracy and integrity of our elections, and I applaud my colleagues for their efforts to bring focus to this issue. It's essential that we bring attention to the serious problems facing our electoral system.

It's up to Congress to restore confidence in our elections, and I call on all Members to make this a priority in the 109th Congress. The 2000 Presidential Election spurred a series of reforms, and Congress took important first steps to improve our system of voting. I was proud to cosponsor the Help America Vote Act, which did much to upgrade our electoral process and create national standards for conducting elections. However, I'm disappointed that subsequent efforts to increase the security and reliability of our Increased Accountability Act in the 108th Congress, I supported requiring verifiable paper trails for all voting machines, a step that would provide a significant boost to voter confidence and allow for expedited recounts. Unfortunately, this legislation was not considered prior to the 2004 election, and the House majority leadership refused to even bring it up in committee. This issue must be revisited and legislation should be promptly passed in the 109th Congress.

Democratic elections are the foundation of all democracies, and thousands of Americans have died—and continue to die every day—for the right to vote. The United States of America should set the standard for fair and accurate elections, and the reported irregularities tell us that we continue to fall short. One need not believe in conspiracy theories or maintain that the outcome in Ohio was invalid to recognize that we still suffer from serious shortcomings in our electoral process.

I urge my colleagues not to let this opportunity slip buy. We must promptly pass electoral reforms that will ensure that the results of our elections are beyond reproach and accepted by all voters.

Mr. STUPAK. Mr. Speaker, I regret that I was not able to attend today's vote regarding the objection to the November 2004 electoral college results in Ohio. This recorded vote was not expected and came up at the last minute. I was unable to return for the vote in time due to bad weather in the Midwest that resulted in more than 1,000 flights being delayed or cancelled. Due to the problem with flights and a prior family commitment, I was unable to travel back to Washington, DC from Michigan. Had I been in attendance I would have voted "no" on agreeing to the objection.

However, I have very serious concerns about the voting irregularities that occurred in Ohio. I believe those problems have not been properly addressed by Ohio's Secretary of State, who also served as the State's Republican Party leader.

It is my hope that these specific problems will be further investigated and that by the 2008 presidential election our Nation's electoral process will be more fair, more open and more accessible than it was in 2004.

Mr. MEEK of Florida. Mr. Speaker, Ohio was granted an opportunity today not afforded to my home state of Florida in 2000, and for that I am thankful. I express my gratitude to Congresswoman STEPHANIE TUBBS JONES of Ohio and Senator BARBARA BOXER of California for raising this objection, but I feel that we must now move past the documented voting irregularities that plagued the State of Ohio.

The purpose of this objection is not to change the outcome of the 2004 Presidential election, but to raise awareness to the difficulty faced by thousands attempting to cast their ballots for President in Ohio. Following the 2000 election, the people of America were promised sweeping electoral reforms aimed at preventing problems like those that happened in 2000, but those promises were only partially kept. This body let the voters of this country down, and we simply need more reform. There is still too much room for error in our election law and we must be earnest in addressing these lapses.

We know that elections are not perfect, but no American should be castigated for raising questions or concerns when valid voting problems arise. Only open debate on this issue will solve these problems; only accurate information will quell rumors and conspiracy theories that question our country's sacred democratic tradition.

As we are all aware, the former Soviet Republic of Ukraine's recent presidential elections were called into question. After the first vote, Members of Congress from both sides of the aisle condemned this election in a foreign country as fraught with irregularities and intimidation. Yet some of these same Members rise in apparent indignation when irregularities are discussed in our own elections in our own country. They do not want to talk about the voting problems in Ohio. Yet these problems are real, and they deserve the attention of the American people. They provide compelling reasons why the Congress must address election reform in the first session of the 109th Congress.

The Help America Vote Act of 2002 was a good start, a necessary first step, but it was inadequately funded and unevenly implemented. More attention is needed. We must ensure that all voting machines have a paper trail that will ensure a proper recount can be conducted. We must eliminate conflicts of interest among those who administer our State's elections. No Secretary of State should serve as a Presidential campaign State co-chair as was the case in Ohio this year and in Florida in 2004. We simply must have independence, uniformity and accountability in all elections across our great republic.

These lapses, inconsistencies, lack of resources and conflicts of interest are, Mr. Speaker, worth discussing.

Again, I thank those who brought this objection. These two Members of great courage and integrity have given this country a platform for reform. Only a proper review of our voting processes will stop these kinds of electoral abuses, and I urge the House leadership to make this effort an immediate priority of the 109th Congress.

Mr. SCOTT of Virginia. Mr. Speaker, a functioning democracy requires that the citizens have confidence in its election process, and of course confidence that all legitimate votes will be properly counted. We saw the importance of this principle in the recent Ukraine national election and in the Washington State Governor's election.

Clearly, the State of Ohio is not able to provide such confidence. First there is a significant, unexplained and un-investigated difference in exit polling results and the reported election results. Then, there are many specific, serious, unresolved allegations of voting irregularities in Ohio. For example, strong evidence exists to indicate that in some predominately Black precincts, voters had to stand in line to vote for as much as 10 hours due, not to an unanticipated voter turn out, but to a clearly insufficient number of voting machines at the precinct.

Other allegations include evidence that numerous requests for provisional ballots were improperly denied, that the counting of provisional ballots violated the Help America Vote Act and that there were over 90,000 ballots cast which were set aside as spoiled ballots without justification. Not one of these allegations was officially investigated.

Now I know that this objection is somewhat awkward because it does not have the apparent support of the candidate involved, but I believe it is our duty and responsibility to assure that election results meet the spirit and the letter of our Constitution and that we instill confidence in the process by demonstrating that voting schemes and irregularities are not ignored.

Mr. MEEKS of New York. Mr. Speaker, although I will not file an objection to the counting of Ohio's electoral votes, I rise today to acknowledge the voting discrepancies and irregularities that occurred in the State of Ohio in this past presidential election.

As is evident in my colleague JOHN CONYERS's voting rights status report, Ohio has failed to provide the opportunity for its citizens to have equal access and opportunity to cast their vote and have that vote accurately counted.

Many voters were denied provisional ballots and some eligible voters were improperly purged. Others were given erroneous information as to where and when they could vote. The State provided insufficient resources to minority precincts, resulting in long lines that caused delays up to 10 hours, forcing some voters to have to leave those lines to tend to personal obligations.

There were rampant incidents of voter intimidation, deceptive phone calls and fraudulent fliers on official looking letterhead.

The lack of a verifiable paper trail by some of the electronic voting machines contributed to a questionable vote count.

Clearly, Ohio's election officials, including Secretary of State Blackwell, have questions to answer regarding these disturbing irregularities.

How can we encourage free and fair elections in Iraq, a country that may soon become a fledgling democracy, when we can't ensure free and fair elections in America after 200 years of democracy.

As a Member of Congress it is my duty to uphold the right of the people to have free and fair elections of their government officials. It is my hope that this Congress will work together in the coming months to enact real election reform that will restore America's confidence in the electoral process.

Mr. MARKEY. Mr. Speaker, I thank Representative TUBBS JONES and Senator BOXER and Representative JOHN CONYERS for forcing this institution, and thus our Nation, to debate the quality of our democratic voting process and to consider whether it meets the expectations of its people.

If we are to form a more perfect union, we must dedicate ourselves to forming a more perfect voting process.

Four years ago, this Nation shuddered at the weakness of our ballot process, and vowed to improve it.

But in some respects, it was weakened further.

The ballot was weakened when votes were allowed to be cast without a printed record.

The ballot was weakened when the vote took so long that voters had to choose between voting and missing a day's work.

The ballot was weakened when provisional ballots were not honored.

We must confront the fact that electronic voting machines that do not provide a "print our" are a black hole.

We can do better. Our ATM machines give receipts in return for cash. It is clearly not a technological barrier to provide a receipt in return for a vote.

This is America. We are the incubator for democratic evolution. We are a beacon to the free world. Ohio had special problems this time, but they are problems we can fix, and when we fix them in Ohio, we will have made the progress in 2005 that we failed to make over the last 4 years.

I am voting to support this challenge to the certification of Ohio's vote as a legitimate and constructive beginning to a more perfect democracy and a more perfect union.

Mr. HOLT. Mr. Speaker, this debate is not frivolous. This is not about sour grapes. This is not about conspiracy theories. This is about the central act of democracy.

Here in the House of Representatives all members have been elected. Some of us have been elected in recounts.

What are recounts? They are independent checks of the tally.

Reliable knowledge is verifiable knowledge. As my colleagues know, I am a scientist. It is a principle of scientific thinking that one person's claim must be subject to independent confirmation or correction.

I agree with Senator JOHN KERRY. We should today award Ohio's electoral votes to President Bush. I believe President Bush got more votes in Ohio then did Senator KERRY. I believe it. I cannot confirm it. No one can confirm it.

Consider electronic voting machines. If there was an error between the voter casting the vote on the touch screen and the recording of an electronic signal in a memory bank, no one will ever know. It might be a software error; it would not necessarily be a malicious conspiracy. But if the vote is recorded incorrectly, no one will ever know.

I ask my colleagues, can anyone say he or she knows that the actual vote is what has been presented to us? The answer is no. None of us can say this knowledge has been independently verified. It is not reliable knowledge unless it is verified knowledge. This is not a philosophical fine point. Americans don't want to and should not have to take the results simply on faith. The electronic machines used in Ohio and most other States are not designed to be verifiable. Recounts are meaningless.

Self-government works only if we believe it does. A loss of confidence in our system is fatal to a democratic republic such as ours. That confidence has been eroded over the years and has taken some body blows in recent years.

We need a major effort to shore up our democracy.

Americans are a trusting people, but we demand evidence. We demand verification.

We are also a pragmatic people, and so we in the House will not upset the apple cart today. Without doubt we will endorse the electoral votes presented to us today. But we should not be satisfied. Republicans should not be satisfied. Democrats should not be satisfied. The reason is not that President Bush got more votes. The reason is that the knowledge of President Bush's majority is unreliable knowledge.

Anything of value should be auditable. Votes are valuable. Each voter should have the knowledge that the vote is recorded as intended. We are talking today about the heart of our democratic republic.

Mr. BISHOP of Georgia. Mr. Speaker, I rise today, not with the hope of overturning an election, but with the hope of overturning a system that has for too long failed to guarantee every American their most basic right, the right to vote.

Our very democracy was founded on the essential right of citizens to have a voice in their government. As Members of Congress we are sworn to uphold the Constitution of the United States, which includes the 13th and 19th Amendments, and I am quite frankly saddened that such a debate today breaks down along party lines. Each and every one of us as Americans should stand to defend this right, to protect and guarantee that every citizen, black, white, male, female, Democrat or Republican, has the opportunity to cast a vote.

As representatives we should not fear the will of the people; we should not fear a debate here on the floor of the House seeking to shed light on and improve our voting system, rather we must fear any threat to our right to vote. We must take seriously any allegation that would deprive any citizen of this right, let alone the serious and widespread allegations that are being make in Ohio.

The debate today is not about the election of George W. Bush, rather it is about the integrity and the future of our voting system. Today we are challenging ourselves to do better. We are challenging ourselves to examine our voting system, to get to the bottom of what went wrong in Ohio and around the Nation on Election Day. We need to hold hearings. We need to conduct an investigation and we need to pass legislation that puts in place specific federal protections for our federal elections, especially in the areas of auditing electronic voting machines and casting and counting provisional ballots. We must be willing to hold the same light on our election system that we hold on nations such as Afghanistan, Ukraine, and Iraq. How can we serve as a model for democracy, when our own citizens lack faith in our democracy?

That is what today is about, restoring faith in our system. This can not be accomplished by simply accepting the status quo and allowing opportunities such as today to pass without objection. The only way to change an injustice is to stand against it. Mr. Speaker, this is why I rise today. We must not accept the status quo, rather we must challenge ourselves to do better. This is what we do as Americans and this is what I am challenging us to do today.

Ms. CORRINE BROWN of Florida. Mr. Speaker, in the aftermath of the 2000 election, in which my congressional district witnessed the discarding of 27,000 votes, I am displeased to see that the Congress is here again today, 4 years later, continuing to confront many of the same problems we faced in the previous election. Many Members of Congress here to voice their own concerns, as well as echo those of citizens across the county, are engaging in floor debate to publicly enunciate their doubts and worries with respect to the veracity and/or fairness of the 2004 election. The goal of my colleagues is not so much to systematically overturn the 2004 election results, but rather, to bring about honest and open debate today to the House floor. Clearly, a formal challenge to the election's outcome could not change the results, but what it can do is to at least force both Chambers to engage in open debate and speak clearly about the serious flaws we have experienced in our last two presidential elections. I believe this debate is beneficial for our democracy, particularly in light of recent events that went on in my State in Florida, as well as apparent discrepancies in Ohio.

With respect to the Ohio vote count, I find the objections stated by my close friend and colleague, Congresswoman STEPHANIE TUBBS JONES, to be most disturbing. According to her press statement, among the numerous discrepancies in her state, perhaps the most egregious included: "large percentages of rejections among provisional ballots, numerous problems with voting machines, and significant flaws in registration processes and procedures." These very serious concerns, I believe, deserve to be discussed and debated by the Congress, in an open public forum in full view of the American public.

In addition, I would like to enumerate numerous other discrepancies that were contained in a report put out by the Judiciary Committee entitled, Preserving Democracy, What Went Wrong in Ohio, about the 2004 elections:

The misallocation of voting machines led to unprecedented long lines that disenfranchised scores, if not hundreds of thousands, of predominantly minority and Democratic voters.

Mr. Blackwell's decision to restrict provisional ballots resulted in the disenfranchisement of tens, if not hundreds, of thousands of voters, again predominantly minority and Democratic voters.

Mr. Blackwell's widely reviled decision to reject voter registration applications based on paper weight may have resulted in thousands of new voters not being registered in time for the 2004 election.

The Ohio Republican Party's decision to engage in preelection "caging" tactics, selectively targeting 35,000 predominantly minority voters for intimidation had a negative impact on voter turnout.

The Ohio Republican Party's decision to utilize thousands of partisan challengers concentrated in minority and Democratic areas likely disenfranchised tens of thousands of legal voters, who were not only intimidated, but became discouraged by the long lines. Shockingly, these disruptions were publicly predicted and acknowledged by Republican officials: Mark Weaver, a lawyer for the Ohio Republican Party, admitted the challenges "can't help but create chaos, longer lines and frustration."

Mr. Blackwell's decision to prevent voters who requested absentee ballots but did not receive them on a timely basis from being able to receive provisional ballots likely disenfranchised thousands, if not tens of thousands, of voters, particularly seniors. A federal court found Mr. Blackwell's order to be illegal and in violation of HAVA.

Second, on election day, there were numerous unexplained anomalies and irregularities involving hundreds of thousands of votes that have yet to be accounted for:

There were widespread instances of intimidation and misinformation in violation of the Voting Rights Act, the Civil Rights Act of 1968, Equal Protection, Due Process and the Ohio right to vote. Mr. Blackwell's apparent failure to institute a single investigation into these many serious allegations represents a violation of his statutory duty under Ohio law to investigate election irregularities.

We learned of improper purging and other registration errors by election officials that likely disenfranchised tens of thousands of voters statewide. The Greater Cleveland Voter Registration Coalition projects that in Cuyahoga County alone over 10,000 Ohio citizens lost their right to vote as a result of official registration errors.

There were 93,000 spoiled ballots where no vote was cast for president, the vast majority of which have yet to be inspected. The problem was particularly acute in two precincts in Montgomery County which had an undervote rate of over 25 percent each—accounting for nearly 6,000 voters who stood in line to vote, but purportedly declined to vote for president.

There were numerous, significant unexplained irregularities in other counties throughout the state: (i) in Mahoning county at least 25 electronic machines transferred an unknown number of Kerry votes to the Bush column; (ii) Warren County locked out public observers from vote counting citing an FBI warning about a potential terrorist threat, yet the FBI states that it issued no such warning; (iii) the voting records of Perry county show significantly more votes than voters in some precincts, significantly less ballots than voters in other precincts, and voters casting more than one ballot; (iv) in Butler county a down ballot and underfunded Democratic State Supreme Court candidate implausibly received more votes than the best funded Democratic Presidential candidate in history; (v) in Cuyahoga county, poll worker error may have led to little known third party candidates receiving twenty times more votes than such candidates had ever received in otherwise reliably Democratic leaning areas; (vi) in Miami county, voter turnout was an improbable and highly suspect 98.55 percent, and after 100 percent of the precincts were reported, an additional 19,000 extra votes were recorded for President Bush.

Third, in the post-election period we learned of numerous irregularities in tallying provisional ballots and conducting and completing the recount that disenfranchised thousands of voters and call the entire recount procedure into question (as of this date the recount is still not complete):

Mr. Blackwell's failure to articulate clear and consistent standards for the counting of provisional ballots resulted in the loss of thousands of predominantly minority

Mr. Blackwell's failure to issue specific standards for the recount contributed to a lack of uniformity in violation of both the Due Process Clause and Equal Protection Clauses.

The voting computer company Triad has essentially admitted that it engaged in a course of behavior during the recount in numerous counties to provide "cheat sheets" to those counting the ballots (Preserving Democracy, What Went Wrong in Ohio, A Report Put out by Democratic Judiciary Committee Staff).

Moreover, in my State of Florida, the problems that surfaced regarding the 2004 election related more to pre election irregularities. Examples are plentiful, examples include: Duval County, where I had to personally fight to get additional early voting locations in the county so citizens could vote early if they so desired; in Orlando, along with many of my Florida colleagues, I demanded a Department of Justice investigation into police misconduct and voter intimidation, in which the Florida Department of Law Enforcement officers intimidated elderly members of Orlando's black community, wherein armed plain clothes police in Orlando went house to house to question, or rather intimidate, dozens of elderly African American voters in their own homes. It is not surprising to me that many of the people that were questioned were volunteers in get out the vote campaigns. Lastly, we saw once again that the Florida elections supervisors were on the verge of incorrectly purging thousands of Florida citizens from the voting rolls, an action which fortunately was never completely carried out because of a CNN lawsuit requesting to see the names on their list.

Let us remember that during the 2000 elections, in my district alone (Duval County) there were approximately 27,000 ballots that were spit out by faulty machines. A disproportionately large percentage of these votes came from City Council Districts 7, 8, 9 and 10, primarily African American residential areas. Even more disturbing to me was that the Supervisor of Elections' office didn't release these figures to local officials until after the 72 hour deadline had passed. As a result, there were no legal avenues to demand a recount.

Moreover, it often goes unpublished that Florida Governor Jeb Bush spent $4 million of taxpayer money to purge a list of suspected felons from the rolls across the State: but whether or not this list was accurate was of little importance to Governor Bush. Apparently, it was the responsibility of the accused citizen to correct his or her status. Only later did we learn that the reason many of the people were incorrectly purged (estimates go as high as 50–57,000) was merely because their name was the same as, or similar to, one of the purged felons. For this reason, during the 2000 elections, some of the local election supervisors went so far as to refuse to purge names from the list of their voter rolls because, they argued, 'they did not have faith in how the state compiled its list of disqualified voters.'

Moreover, as part of a grassroots effort to encourage voters, particularly minorities, to get out to the polls, I organize motor voter drives. Yet during the last election, many voters, especially African Americans, were wrongly purged from registration lists, and many who had signed up at state motor voter vehicle offices never had their voter registration fully processed. As a result, these voters were disenfranchised as well. It is for this reason that provisional balloting is so important (wherein if a voter has not re-registered after moving within the same county, he or she may cast a provisional ballot at the polling place of their current residence). Unfortunately, to this day, the state of Florida STILL does not completely follow through with provisional balloting because, in Florida, if one casts a provisional ballot in a voter precinct which is not their own, their vote will be discarded.

To close, I reiterate that I strongly support today's Floor discussion, and pledge to continue to do everything within my capacity as a Member of Congress, and as the Democratic Party's Voting Task Force, to improve our voting system to ensure that everyone's vote is counted in future elections, and that our democracy remains just that, a democracy, not a plutocracy ruled by the elites.

Ms. MCKINNEY. Mr. Speaker, many have suggested that those of us committed to seeing a complete and accurate count of the Ohio vote in this past November's Presidential race should simply "just get over it".

Well this Member of Congress has sworn an oath to "uphold and defend" our nation's Constitution, and I do not believe that our commitment to Democracy is anything we should "get over". In fact, our commitment to democracy is something I believe we must deepen and expand until this dream is transformed into a reality for every citizen of this nation.

But democracy is not to be achieved by an investment in the latest computer technology (even if computers can help us administer our elections). It is not achieved by rhetoric and flags, pomp and feel good myths of what a great nation we are.

Democracy will only be achieved by listening closely to the intention of the voters and hearing clearly from them what a great nation they wish this to be.

I'm afraid that has not happened in Ohio nor likely in other states this year.

Predominantly African-American precincts and campus precincts saw localized shortages of voting machines leading to long lines frustrating would-be voters who left for work without casting a ballot. Precincts in affluent, white and Republican suburbs did not suffer such problems.

Phone calls and fliers targeted African American voters sending them to vote on the wrong day at the wrong locations.

Long-time voters "disappeared" from voting rolls.

Voting machines "defaulted" to Bush votes regardless of which candidate the person voted for.

People were forced to vote provisionally if they were in the right county but the wrong precinct. Sometimes the right precinct was literally only one table away.

And as we did in Georgia—I'm sorry to say, too many voters in Ohio cast ballots on machines running trade secret protected, proprietary software, which produced no contemporaneously voter verified paper audit trail of their votes, leaving voters intentions subject to untraceable electronic manipulations.

The Green and Libertarian Presidential candidates demanded a recount because the stories of vote suppression and manipulation were so blatant. Three thousand volunteers and six thousands contributors came together to make that recount possible.

But Secretary Blackwell, charged with providing for free and fair elections for the people of Ohio fell short. While the law requires that precincts be selected randomly for spot checks, many counties hand-picked precincts in violation of the law.

Ohio law requires that a discrepancy between the machine count and the hand count in a spot checked precinct lead to a full recount by hand of the entire county. But these hand recounts were not conducted as required.

The integrity of the recount itself was put at risk by lax security for the ballots and the voting machines, which failed to maintain a chain of custody for election materials.

Credentialled observers were denied an opportunity to meaningfully observe the recount process, were threatened with eviction for asking questions and completed their work still unable to assure the voters that the certified results accurately reflected the collective intention of the voters in their counties.

The Ohio Secretary of State failed to provide adequate and uniform standards for the conduct of the recount.

Perhaps as disturbing as anything else, was that Ohio Secretary of State J. Kenneth Blackwell mixed his non-partisan duties to the voters of Ohio with his partisan duties as the co-chair of the his state's Bush Re-election campaign.

We need:

A Constitutional right to vote;

Uniform standards for the conduct of elections and recounts;

A contemporaneously produced voter verified paper trails for electronic voting machines;

An end to the use of trade-secret protected, proprietary software for voting machines;

Independent election commissions (or administrators) to oversee elections. (No campaign officials should ever again be placed in charge of counting or overseeing the vote); and

The abolition of the Electoral College, replacing it with popular vote using Instant Runoff Voting.

As can be learned at votecobb.ord, the recount documented wide spread evidence of fraud, the obstruction of legitimate votes (especially those cast by African Americans and young people), and computer voting machine manipulation. The Ohio recount was tainted by a lack of cooperation, the failure to follow consistent standards, and conflicts of interest by Republican election officials.

A constituent of mine from Chamblee Georgia wrote that "If Senate Democrats remain silent on Thursday, and we see a repeat of their 2000 endorsement of a manipulated election, the Democratic Party will have abandoned all claims to be the opposition. Americans who care about democracy and fair elections should understand such silence as an endorsement of the kind of Republican election engineering we witnessed in Ohio and of the Bush agenda."

The founders ratified our Constitution, but under popular protest very quickly adopted a set of amendments demanded by the people. Among those first changes to our governing Constitution were two Amendments designed to ensure that our nation would continue to serve the people of this nation. The First Amendment guarantees our right to petition, speak, write and assemble: in short to organize politically to change our form of government. The Second Amendment was adopted to ensure the "security of a free State." If we cannot protect the sanctity of the vote and those First Freedoms, we risk leaving our citizens no choice but to reach for the Second Amendment in their own defense.

There have been 1,341 U.S. soldiers, including twenty-nine Georgians and two from my district that have so far lost their lives in our occupation of Iraq. I grieve with the families for their loss. But what are we to do when we attempt to export democracy abroad when we can't seem to even produce it at home.

Ms. MILLENDER-MCDONALD. Mr. Speaker, today it is with a respect of my past ancestors that I rise to list my name with my fellow colleagues, who have come to address the disenfranchisement of many voters who were unable to cast their votes in the most fundamental exercise of democracy—voting for the President of the United States.

As the sole member of the Congressional Black Caucus and the only woman to serve on the Committee on House Administration, I have received numerous letters from constituents and citizens whose outcry is of faulty equipment and irregularities in this last Presidential election.

Mr. Speaker, the breadth and depth of what occurred in Ohio surrounding this past Presidential election is astounding and naturally calls into question the validity of our electoral process.

However, the larger picture requires that we must engage a debate of our voting process as it represents the bedrock of our democratic society.

The Judiciary Committee, under the request of Congressman JOHN CONYERS, found that voter registration applications were incorrectly rejected; registered voters were wrongfully purged from the rolls; inadequate numbers of voting machines were used resulting in voters waiting hours to vote; and voter intimidation and misinformation was insidious at voting sites. This caused the disenfranchisement of thousands of voters across the country.

Mr. Speaker, I represent the voices of my constituents in the 37th district of California who are calling on this Congress to fully fund the Help American Vote Act. I have also called on the President to fully fund HAVA to remedy the ill-fated processes and procedures that currently exist.

Our country cannot be seen as the example of democracy in the world when there are lines of voters wrapped around the corner unable to vote and exercise this fundamental right.

We must do everything in our power as a representational body to make sure that every voter votes and that every vote is counted. We must reform our election process so that the outcome of future elections will not bring us again to this same place.

I will continue to call for further hearings that will help alleviate the irregularities in voting, and put into action the implementation of voting best practices.

Ms. DEGETTE. Mr. Speaker, the American electoral system is the paragon of democracy for the world. Therefore, we must hold ourselves to the highest standards when we conduct elections. There can be no doubt about the outcomes, no questions about fairness or fraud. Where there is even a whiff of impropriety, we have an obligation to act, and in a bipartisan manner.

The fundamental underpinning of our democracy is our guarantee that every citizen has the right to vote. Over the last 225 years we have worked slowly, but steadily, to expand this right. We have corrected grievous injustices that once prevented too many of our fellow citizens from having a voice in our democracy. Despite these efforts, sadly, we have had serious evidence of improprieties in both of the last Presidential elections. In 2000, the disenfranchisement of Florida voters took that election all the way to the U.S. Supreme Court. The 2004 Washington State gubernatorial election took over 6 weeks to resolve, and the Ohio voting process gives rises to grave concerns.

In Ohio, and other states, voters in far too many precincts faced significant obstacles when they tried to vote. Ten-hour lines to vote, a lack of sufficient ballots, wrongly purged or inaccurate voter registration roles and miscalibrated voting machines are unacceptable. These actions not only call into question the integrity of our election results, they deprive individuals of the right to vote that too many people have fought and died to protect.

We should have learned our lesson after the 2000 election. I supported and co-sponsored strong voting reform legislation, including the Help America Vote Act. This was the most comprehensive package of voting reforms passed by Congress since the Voting Rights Act of 1965. It marked a first step, but only a first step in modernizing our electoral process nationwide.

While Congress did pass legislation, the 2004 election shows that we have not gone far enough to restore integrity to the process. We cannot continue to ignore this problem. We cannot allow Americans to be unjustly deprived of our fundamental right to vote or of anyone to doubt the outcome of our elections. Congress must develop a comprehensive and bipartisan solution to the problems that still plague our system.

I commend the gentlewoman from Ohio for raising this issue, and commit to work with her and the rest of my colleagues in our continuing quest to assure that all Americans' votes are counted.

Mr. DEFAZIO. Mr. Speaker, as even the sponsors of today's challenge to the Ohio vote acknowledge, the protest is not intended to try to overturn the results of the 2004 election. President Bush won the state of Ohio and the popular vote.

However, like in 2000, the most recent election was marred by multiple irregularities, allegations of fraud, and technical challenges. Today's debate provides an important opportunity to discuss on the House floor our continuing concerns about the integrity of our electoral process, which has been called into question by the last two Presidential elections.

Others have mentioned many of the specific concerns about the process in Ohio. Many of these problems were seen in other states as well. In response to the widespread problems, I wrote to the Government Accountability Office in November requesting an investigation of these irregularities and a review of whether tougher federal voting standards are necessary to resolve them. While Congress did approve election reform legislation in response to the problems in 2000, more needs to be done to restore the integrity of the electoral process.

One of the most blatant shortcomings is the lack of a paper trail for many electronic voting machines. In 2003, I cosponsored legislation to rectify this problem. Regrettably, the Republican Congress refused to act on it. So we headed into this last election knowing that electronic votes could not be verified or recounted manually. Damaged machines and programming errors have actually expunged all records of votes in isolated instances. That is unacceptable. I will continue to pressure the Republican leadership to allow a vote on this issue.

In addition, I asked GAO to review the need for open-source computer code for these machines. The new technology must be accessible for review and audit. The voting public must be certain that the system cannot be manipulated, and that their vote is recorded properly and accurately regardless of what system they use.

And, I asked that the investigation review the need for uniform and simple standards for counting provisional ballots, registering voters, and identification requirements at polling places. I believe strong federal standards in these and possibly other areas are necessary for federal elections. The varied standards from state to state, and even within states, seriously endanger the integrity of our elections.

We need to insure the integrity of our electoral process is absolutely beyond question. Until we fix the problems mentioned today, we will never be able to say with confidence that every vote has been counted, and counted correctly and fairly. Election reform must be a top priority of the 109th Congress.

Mrs. DAVIS, of California. Mr. Speaker, the 2004 election is over, and the results are in. I am not here today to dispute which candidate won the election. I join my colleagues today in expressing concern, however, about the irregularities that have been documented from the election in Ohio.

Mr. Speaker, we can argue all day about what did or did not happen with the election in Ohio, the procedures that were or were not used there, or about the voting machines. The issue we are addressing today, however, is the fundamental right of every American to vote. I am not challenging the outcome of the past election today. What I am challenging is the fact there are people in America who have been denied the right to vote. And that, Mr. Speaker, is wrong.

People from around the world watched the State of Ohio with great interest on Election Day. Widespread reports of irregularities and waiting times in excess of 4 hours were extremely troubling to all of us.

I just returned from the Ukraine, where some of my colleagues and I had the privilege to observe the second election there. As we are all well aware, incidence of irregularities, voter intimidation and fraud during the first Ukrainian election were widespread and well documented. People from all over the world watched both of the Ukraine elections. And we have all been deeply moved by the success of democracy there. The triumph of the Ukrainian people's will has been profound.

Mr. Speaker, a success for the democratic process like the one we just witnessed in the Ukraine doesn't just happen on its own. It takes the courage and conviction of a country's citizens to rise up and challenge what they feel is wrong. If the people feel that irregularities or intimidation have taken place, they must stand up to it. They must shed light on it. They must insist it be prevented from ever happening again.

Much of the international community, including the United States, has contributed money, training and resources to help build democracy in countries like the Ukraine. Having the opportunity to go to the Ukraine, and to witness the process first hand, was an incredible experience for me and for my colleagues who were with me. To see the people in the streets, and to observe their profound sense of satisfaction with the election was very powerful. It was clear to all of us who were there that the Ukrainian people had come to believe that people truly are empowered to challenge injustices when they occur.

Mr. Speaker, I cannot escape the parallels we should draw between the issue we are addressing today and my experiences during the Ukrainian elections. In large numbers, the Ukrainian people took to their streets—not to support a particular candidate—but to support democratic principles and the right for each person's vote to be counted fairly and unencumbered. I am heartened that America has been able to offer assistance to countries like the Ukraine in establishing democracy. What we must realize, however, is that America may indeed have a few things to learn from their experience as well.

Mr. TIBERI. Mr. Speaker, I rise today to express my disappointment with where we are today and what this process has become. I'd like to start by pointing out just a few facts.

County boards of elections in Ohio are bipartisan—made up of two Republicans and two Democrats. These individuals routinely put in 12–15 hours a day for 3 months to oversee elections in Ohio. I've spoken with Democratic members of the boards of elections in the counties I represent. They too have expressed disappointment. In fact, not one board of elections official has raised complaints.

In fact, Franklin County Board of Elections Chairman William Anthony has gone so far as to label those making these wild charges "a band of conspiracy theorists." By the way, Anthony is also head of the Franklin County Democratic Party. I know him personally, as I do others who serve on the boards of elections in the three counties I represent.

Democrat or Republican, they badly want their candidates to win. But above all else, they want to ensure that everyone eligible to vote has an opportunity to do so, and that each vote is counted accurately.

Were there problems? Certainly. Long lines, not enough voting machines, these are things we can discuss. But, we must also acknowledge that these are problems that occurred across the board—urban and rural, Republican and Democrat.

The Republicans and Democrats who served on each county board of elections decide on the placement of voting machines jointly. I don't think the Democrats would agree to a plan that would cost their candidates votes by shifting machines away from where their supporters cast ballots.

Second, there were lines everywhere because of unprecedented turnout. As The Columbus Dispatch pointed out after the election, the busiest places to vote were not in the urban areas of Columbus, but in the suburbs.

All editorial boards of the major newspapers in Ohio have said what we are doing today is over the line. From the Cleveland Plain Dealer, "The election horse is dead. You can stop beating it now."

Everybody talks about how partisan this town has gotten. I wonder why—look at how we're starting the 109th Congress.

In closing, I'd like to say a few words to boards of elections members—and all other elections workers—that they might not have heard recently:

Thanks. Your hard work is appreciated.

Mr. CONAWAY. Mr. Speaker, several members have mentioned the inconvenience that many voters may have experienced on voting day by having to stand in line to wait their turn to vote.

I want us to put that inconvenience into a proper perspective. It goes without saying we should eliminate any barrier to voting that we reasonably can eliminate. That said, one day last year the Afghan people got up early one morning, put on their best clothes and set out to vote for the first time. They left the safety of their homes to vote at the express threat to their safety and very lives. They were threatened with being shot and killed or maimed by bombs. In addition, many stood in line all day to vote.

I believe we should look to the Afghan people for an example of how to fulfill our responsibility to vote.

Mr. SHUSTER. Mr. Speaker, I've been rather mystified over the reaction to the recent election by many Democrats. Since the November election, when a political opportunity arises, some on the other side of the aisle shout out words like "fraud" and "sham." If they aren't doing that they demean what the people in the red states did on Election Day and call them insulting names.

If this all seems to be the reaction of a shell-shocked party who has lost any vision and has moved to a vicious attack cycle—it is. The hard truth is that 58 million people voted for President Bush. And the even harder truth is that the majority of this country voted for President Bush, no matter how you try to confuse it. No proven allegations of fraud. No reports of widespread wrongdoing. It was, at the end of the day, an honest election.

My concern with this protest, is its overtly partisan nature. I notice that my colleagues are quick to criticize the vote in Ohio, a state that the President carried. Yet we have heard little about potential problems with voting in states that Senator KERRY won. Rumors of voter problems have been reported in states other than Ohio, including my own state of Pennsylvania. But the focus today seems to only be on a state carried by President Bush; and that leads me to believe that today's protest is about the outcome not about the process.

I believe a good deal of the reason for the last election is the failure of the left to produce a vision. And with an opportunity to regroup, take responsibility and work hard; they have walked away to the comforting shoulder of smear attacks.

I say let's move on to do what we were elected to do, make positive change in this country. It's time we put partisan politics behind us.

The SPEAKER. All time has expired.

The question is, Shall the objection submitted by the gentlewoman from Ohio (Mrs. JONES) and the Senator from California (Ms. BOXER) be agreed to.

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. PORTMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 31, nays 267, not voting 132, as follows:

[Roll No. 7]

YEAS—31

Brown, Corrine
Carson
Clay
Clyburn
Conyers
Davis (IL)
Evans
Farr
Filner
Grijalva
Hastings (FL)
Hinchey
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Jones (OH)
Kilpatrick (MI)
Kucinich
Lee
Lewis (GA)
Markey
McKinney
Olver
Owens
Pallone
Payne
Schakowsky
Thompson (MS)
Waters
Watson
Woolsey

NAYS—267

Aderholt
Akin
Alexander
Andrews
Bachus
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Beauprez
Bishop (GA)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boren
Boustany
Bradley (NH)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cantor
Capito
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Cole (OK)
Conaway
Costa
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Drake
Dreier
Duncan
Ehlers
Emerson
Engel
English (PA)
Etheridge
Feeney
Ferguson
Fitzpatrick (PA)
Foley
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gohmert
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Hall
Harman
Harris
Hart
Hastert
Hastings (WA)
Hayes
Hayworth
Hensarling
Herger
Herseth
Hobson
Hoekstra
Holt
Hooley
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Israel
Istook
Jindal
Johnson, Sam
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kuhl (NY)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Miller (MI)
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Oxley
Pastor
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Royce
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Saxton
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shuster
Simmons
Simpson
Smith (NJ)
Smith (TX)
Snyder
Sodrel
Solis
Spratt
Strickland
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (NM)
Upton
Van Hollen
Visclosky
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wolf
Wu
Young (AK)
Young (FL)

NOT VOTING—132

Abercrombie
Ackerman
Allen
Baca
Baird
Baker
Baldwin
Bass
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (NY)
Blumenauer
Bono
Boswell
Boucher
Boyd
Brady (PA)
Capps
Capuano
Cardin
Cardoza
Coble
Cooper
Costello
Crowley
Cunningham
Davis (TN)
DeFazio
Delahunt
Doggett
Doolittle
Doyle
Edwards
Emanuel
Eshoo
Everett
Fattah
Flake
Forbes
Ford
Fossella
Frank (MA)
Gallegly
Gilchrest
Gillmor
Gingrey
Gonzalez
Goode
Granger
Graves
Gutknecht
Hefley
Higgins

Hinojosa
Holden
Hoyer
Inslee
Issa
Jefferson
Jenkins
Johnson (CT)
Johnson (IL)
Jones (NC)
Kelly
Kind
Kolbe
LaHood
Langevin
Lantos
Larsen (WA)
Leach
Lofgren, Zoe
Lowey
Lynch
Maloney
Matheson
McCarthy
McDermott
McIntyre
Meeks (NY)
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller, Gary
Moran (KS)
Neal (MA)
Ortiz
Otter
Pascrell
Paul
Pearce
Pickering
Rangel
Rogers (AL)
Rohrabacher
Roybal-Allard
Ruppersberger
Rush
Sanchez, Loretta
Schiff
Serrano
Shays
Shimkus
Skelton
Slaughter
Smith (WA)
Souder
Stark
Stearns
Stupak
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Terry
Thompson (CA)
Towns
Udall (CO)
Velazquez
Walden (OR)
Walsh
Weldon (FL)
Wexler
Wilson (SC)
Wynn

SWEARING IN OF MEMBER-ELECT

The SPEAKER (during the vote). Will the gentleman from Georgia (Mr. NORWOOD) please come to the well of the House and take the oath of office at this time.

Mr. NORWOOD appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you will take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Under clause 5(d) of rule XX, the Chair announces to the House that in light of swearing in the gentleman from Georgia (Mr. NORWOOD) the whole number of the House is adjusted to 430 Members.

☐ 1702

Messrs. HALL, MORAN of Virginia and CUMMINGS changed their vote from "yea" to "nay."

Ms. McKINNEY changed her vote from "nay" to "yea."

So the objection was not agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. ABERCROMBIE. Mr. Speaker, due to official travel today with the House Armed Services Committee, I was unable to cast my vote on the challenge to the Electoral College tabulation of votes for President and Vice President of the United States. Had I been present, I would have voted to sustain the objection to the Ohio electoral votes.

Stated against:

Mr. PASCRELL. Mr. Speaker, I was unavoidably absent for the rollcall vote today on challenging the Ohio electoral vote. Had I been present, I would have voted "no" on rollcall 7.

Mr. WALDEN of Oregon. Mr. Speaker, I would respectfully request that today's RECORD reflect that I was in my home State of Oregon attending a longstanding official event when I learned of the vote relating to Mrs. JONES of Ohio's objection to the certified results of the Electoral College balloting in the State of Ohio and was unable to return to Washington, DC in time for today's vote. I would like the RECORD to reflect that had I been present I would have voted "nay."

Mr. BERMAN. Mr. Speaker, I was unavoidable detained and therefore unable to cast a vote on rollcall No. 7. Had I been present, I would have voted "no."

Mr. SHAYS. Mr. Speaker, on January 6, I was conducting oversight in Southeast Asia of tsunami disaster relief efforts and, therefore, missed one recorded vote.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "no" on recorded vote No. 7.

Mrs. McCARTHY. Mr. Speaker, because of illness, I was not present on the vote on agreeing to the objection on the Ohio electoral vote on January 6. Had I been present, I would have voted "nay."

Mr. MICA. Mr. Speaker, I was unavoidably detained and was unable to vote on rollcall 7. Had I been present, I would have voted "no" on this measure.

Mr. STEARNS. Mr. Speaker, I was unavoidably detained and missed rollcall No. 7. Had I been present, I would have voted "no."

Mr. BASS. Mr. Speaker, on Thursday, January 6, 2005, I regrettably missed recorded vote 7. Had I been present, I would have voted "nay."

PERSONAL EXPLANATION

Mr. KIND. Mr. Speaker, unfortunately, I had to fly back to Wisconsin for a military funeral and missed rollcall vote No. 7.

The SPEAKER. The Clerk will now notify the Senate of the action of the House, informing that body that the House is now ready to proceed in joint session with the further counting of the electoral vote for the President and Vice President.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral votes cast in the State of Ohio for George W. Bush for President and RICHARD CHENEY for Vice President.

At 5:08 p.m. the Sergeant at Arms, Wilson Livingood, announced the Vice President and the Senate of the United States.

The Senate entered the Hall of the House of Representatives, headed by the Vice President and the Secretary of the Senate, the Members and officers of the House rising to receive them.

The Vice President took his seat as the Presiding Officer of the joint convention of the two Houses, the Speaker of the House occupying the chair on his left. Senators took seats to the right of the rostrum as prescribed by law.

The VICE PRESIDENT. The joint session of Congress to count the electoral vote will resume. The tellers will take their chairs.

The two Houses retired to consider separately and decide upon the vote of the State of Ohio, to which objection has been filed.

The Secretary of the Senate will report the action of the Senate.

The Secretary of the Senate read the order of the Senate, as follows:

Ordered, That the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral votes cast in the State of Ohio for George W. Bush for President and Richard Cheney for Vice President.

The VICE PRESIDENT. The Clerk of the House will report the action of the House.

The Clerk of the House read the order of the House, as follows:

Ordered, That the House of Representatives rejects the objection to the electoral vote of the State of Ohio.

The VICE PRESIDENT. Pursuant to the law, chapter 1 of title 3, United States Code, because the two Houses have not sustained the objection, the original certificate submitted by the State of Ohio will be counted as provided therein.

The tellers will now record and announce the vote of the State of Oklahoma for President and Vice President in accordance with the action of the two Houses.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Oklahoma seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 7 votes for President, and DICK CHENEY of the State of Wyoming received 7 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Oregon seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 7 votes for President, and John Edwards of the State of North Carolina received 7 votes for Vice President

Senator LOTT. Mr. President, the certificate of the electoral vote of the Commonwealth of Pennsylvania seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 21 votes for President, and John Edwards of the State of North Carolina received 21 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Rhode Island seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 4 votes for President, and John Edwards of the State of North Carolina received 4 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the

State of South Carolina seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 8 votes for President, and DICK CHENEY of the State of Wyoming received 8 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of South Dakota seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President, and DICK CHENEY of the State of Wyoming received 3 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the State of Tennessee seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 11 votes for President, and DICK CHENEY of the State of Wyoming received 11 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Texas seems to be quite proud in reflecting the regular form and authenticity, and it therefore appears that George W. Bush of that great State of Texas received 34 votes for President, and DICK CHENEY of the State of Wyoming received 34 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of Utah seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President, and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Vermont seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 3 votes for President and John Edwards of the State of North Carolina received 3 votes for Vice President.

□ 1715

Mr. LARSON of Connecticut. Mr. President, the certificate of the electoral vote of the Commonwealth of Virginia seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 13 votes for President and DICK CHENEY of the State of Wyoming received 13 votes for Vice President.

Senator LOTT. Mr. President, the certificate of the electoral vote of the State of Washington seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 11 votes for President and John Edwards of the State of North Carolina received 11 votes for Vice President.

Mr. NEY. Mr. President, the certificate of the electoral vote of the State of West Virginia seems to be regular in form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 5 votes for President and DICK CHENEY of the State of Wyoming received 5 votes for Vice President.

Senator JOHNSON. Mr. President, the certificate of the electoral vote of the State of Wisconsin seems to be regular in form and authentic, and it appears therefrom that JOHN F. KERRY of the Commonwealth of Massachusetts received 10 votes for President and John Edwards from the State of North Carolina received 10 votes for Vice President.

Mr. LARSON of Connecticut. Mr. President, you should be justifiably proud that the certificate of the electoral vote of the State of Wyoming seems to be in regular form and authentic, and it appears therefrom that George W. Bush of the State of Texas received 3 votes for President and DICK CHENEY of the State of Wyoming received 3 votes for Vice President

The VICE PRESIDENT. Members of Congress, the certificates having been read, the tellers will ascertain and deliver the result to the President of the Senate.

The whole number of electors appointed to vote for President of the United States is 538. Within that whole number, a majority is 270.

The votes for President of the United States are as follows:

George W. Bush of the State of Texas has received 286 votes.

JOHN F. KERRY of the Commonwealth of Massachusetts has received 251 votes.

John Edwards of the State of North Carolina has received one vote.

The whole number of electors appointed to vote for Vice President of the United States is 538. Within that whole number, a majority is 270.

The votes for Vice President of the United States are as follows:

DICK CHENEY of the State of Wyoming has received 286 votes.

John Edwards of the State of North Carolina has received 252 votes.

This announcement shall be a sufficient declaration of the persons elected President and Vice President of the United States for the term beginning January 20, 2005, and shall be entered, together with a list of the votes, on the respective journals of the Senate and the House of Representatives.

The purpose of the joint session having concluded, pursuant to Senate Concurrent Resolution 1, 109th Congress, the Chair declares the joint session dissolved.

(Thereupon, at 5 o'clock and 18 minutes p.m., the joint session of the two Houses of Congress dissolved.)

The House was called to order by the Speaker.

The SPEAKER. Pursuant to Senate Concurrent Resolution 1, 109th Congress, the electoral vote will be spread at large upon the Journal.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate by a vote of 1 aye to 74 nays rejects the objection to the electoral votes cast in the State of Ohio for George W. Bush for President and RICHARD CHENEY for Vice President.

APPOINTMENT OF MEMBERS TO ATTEND THE FUNERAL OF THE LATE HONORABLE ROBERT T. MATSUI

The SPEAKER pro tempore (Mrs. BLACKBURN). Pursuant to House Resolution 11, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the committee to attend the funeral of the late Honorable Robert T. Matsui:

The gentleman from California, Mr. STARK;

The gentlewoman from California, Ms. PELOSI;

The gentleman from California, Mr. GEORGE MILLER;

The gentleman from California, Mr. WAXMAN;

The gentleman from California, Mr. LEWIS;

The gentleman from California, Mr. THOMAS;

The gentleman from California, Mr. DREIER;

The gentleman from California, Mr. HUNTER;

The gentleman from California, Mr. LANTOS;

The gentleman from California, Mr. BERMAN;

The gentleman from California, Mr. GALLEGLY;

The gentleman from California, Mr. HERGER;

The gentleman from California, Mr. COX;

The gentleman from California, Mr. ROHRABACHER;

The gentleman from California, Mr. CUNNINGHAM;

The gentleman from California, Mr. DOOLITTLE;

The gentlewoman from California, Ms. WATERS;

The gentleman from California, Mr. BECERRA;

The gentleman from California, Mr. CALVERT;

The gentlewoman from California, Ms. ESHOO;

The gentleman from California, Mr. FILNER;

The gentleman from California, Mr. MCKEON;

The gentleman from California, Mr. POMBO;

The gentlewoman from California, Ms. ROYBAL-ALLARD;

The gentleman from California, Mr. ROYCE;

The gentlewoman from California, Ms. WOOLSEY;

The gentleman from California, Mr. FARR;

The gentlewoman from California, Ms. ZOE LOFGREN;

The gentleman from California, Mr. RADANOVICH;

The gentlewoman from California, Ms. MILLENDER-MCDONALD;

The gentleman from California, Mr. SHERMAN;

The gentlewoman from California, Ms. LORETTA SANCHEZ;

The gentlewoman from California, Mrs. TAUCHER;

The gentlewoman from California, Mrs. CAPPS;

The gentlewoman from California, Mrs. BONO;

The gentlewoman from California, Ms. LEE;

The gentleman from California, Mr. GARY G. MILLER;

The gentlewoman from California, Mrs. NAPOLITANO;

The gentleman from California, Mr. THOMPSON;

The gentleman from California, Mr. BACA;

The gentlewoman from California, Ms. HARMAN;

The gentlewoman from California, Mrs. DAVIS;

The gentleman from California, Mr. HONDA;

The gentleman from California, Mr. ISSA;

The gentleman from California, Mr. SCHIFF;

The gentlewoman from California, Ms. SOLIS;

The gentlewoman from California, Ms. WATSON;

The gentleman from California, Mr. CARDOZA;

The gentleman from California, Mr. NUNES;

The gentlewoman from California, Ms. LINDA T. SÁNCHEZ;

The gentleman from California, Mr. DANIEL E. LUNGREN;

The gentleman from California, Mr. COSTA;

The gentleman from New York, Mr. RANGEL;

The gentleman from Minnesota, Mr. OBERSTAR;

The gentleman from Massachusetts, Mr. MARKEY;

The gentleman from Michigan, Mr. KILDEE;

The gentleman from Michigan, Mr. LEVIN;

The gentleman from North Dakota, Mr. POMEROY;

The gentlewoman from Texas, Ms. JACKSON-LEE;

The gentleman from Texas, Mr. HINOJOSA;

The gentleman from Ohio, Mr. KUCINICH;

The gentleman from New Jersey, Mr. HOLT;

The gentlewoman from Ohio, Mrs. JONES;

The gentlewoman from Minnesota, Ms. MCCOLLUM.

GENERAL LEAVE

Mrs. JONES of Ohio. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the subject of the objection of today.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

A FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill and a concurrent resolution of the House of the following titles:

H.R. 241. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

H. Con. Res. 2. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

ELECTION REFORM

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Madam Speaker, I said earlier, as I see my good friend and colleague on the floor, that this was a sacred and historic day, and I am gratified of the leadership of the gentlewoman from Ohio (Mrs. JONES) and the gentleman from Michigan (Mr. CONYERS), my ranking member, who joined together with many of us in Washington and Ohio to acknowledge the sanctity and sacredness of the right to vote and the Constitution.

We did not stand in bitterness or opposition to a person. We did not stand to undermine the presidency of the United States of America. But what we did do was to stand to uphold the Constitution and our oath of office taken on January 4, 2005, and that was to uphold the laws of this Nation. I am grateful for this debate and the process of democracy so that the world can see in Afghanistan, Iraq, in Africa, South America, in Asia, and around the world that America stands for equality and justice. We have work to do, Madam Speaker. There is no paper trail in our process. There is an unequal system of justice of voting in the States. This Congress must work in a bipartisan way to reform the election system of America, and I ask my colleagues to do so.

☐ 1730

AGREEMENT BETWEEN UNITED STATES AND RUSSIAN FEDERATION EXTENDING MUTUAL FISHERIES AGREEMENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–5)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Resources and ordered to be printed:

To the Congress of the United States:

Consistent with the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), I transmit herewith an Agreement between the Government of the United States of America and the Government of the Russian Federation extending the Agreement Between the Government of the United States and the Government of the Russian Federation on Mutual Fisheries Relations of May 31, 1999, with annex, as extended (the "Mutual Fisheries Agreement"). The present Agreement, which was affected by an exchange of notes in Moscow on March 3, 2003, and January 30, 2004, extends the Mutual Fisheries Agreement to December 31, 2008.

In light of the importance of our fisheries relationship with the Russian Federation, I urge the Congress to give favorable consideration to this Agreement at an early date.

GEORGE W. BUSH.

THE WHITE HOUSE, *January 6, 2005.*

SPECIAL ORDERS

ISSUES CONCERNING AMERICA AND THE WORLD

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 60 minutes as the designee of the minority leader.

Ms. JACKSON-LEE of Texas. Madam Speaker, I will begin my remarks as I started this morning and as I continued on the floor just a few minutes ago.

It is good to be an American, and it is certainly good to have Americans value their freedom, their justice, their democracy, and their Constitution.

I said earlier that the debate regarding the election of a President had nothing to do with any personal statement on the executive. But what it did have to do with is, I believe, a value for all Americans, and that is the value of valuing a vote: one vote, one person; one vote counted and not uncounted.

The reason why I rise is because I cochair the Afghan Caucus, and I was very proud to see the work that was done by all of those around the world that helped contribute to the election process in Afghanistan.

I was equally proud of those who have sacrificed their lives; those who tried to vote but were undermined by terrorists and others who were distracted away from the voting process. And even though there is much disagreement many times about the process, we welcome democracy; President Karzai now has begun to turn Afghanistan into a nation that welcomes the education of all people, that welcomes the empowerment of women and the protection of human rights.

So it is important today, January 6, 2005, to reinforce that for our Nation, for if we were to look at some of the infractions, in my own county, in Harris County, Texas, 270 voting failures; the lack of voting places and voting equipment; equipment breaking down; voter intimidation; voter suppression; equipment showing one name, as in my particular election of the Eighteenth Congressional District, constituents voting for me and my opponent's name showing up, who happened to be in the other party. So it is very vital, Madam Speaker, for us to take very seriously the democratic process.

Let me also say in the backdrop of a terrible tragedy in Iraq, and when I say tragedy, obviously what I mean is no reflection on the brave men and women who fight every day, those who I visited and those whose greetings I bring home to their families, but the tragedy of a misdirected war, a war based on weapons of mass destruction that did not exist, a war that was based on liberation, and we are still struggling for that, a war that is ongoing with no end in sight. We still are looking for an election on January 30 and hoping and praying that the Iraqi people will have the opportunity to take up their own destiny.

But that is why this day was so very important and why it was important for Members of Congress, not of any caucus or any one group, to be engaged in the debate and the democracy. I thank the two signers of the petition, as I indicated, the gentlewoman from Ohio (Mrs. JONES) and the Senator from California, Ms. BOXER.

But I also thank the ranking member of the Committee on the Judiciary, the gentleman from Michigan (Mr. CONYERS), for the insight he had; for the hearings I participated in in Washington and also the hearings that others participated in in Ohio. It allowed us to hear firsthand the pain of people who tried to vote and could not vote. It allowed us to hear firsthand about those who stood in line until 4 a.m., those who were turned away, those who had fewer machines in their community than those in anothers.

Madam Speaker, I think in this year we are to reauthorize portions of the Voting Rights Act of 1965. It is clearly urgent that we not disregard and disrespect the voting process.

Might I say that my heritage is one that is different from many Americans. My ancestors came here as slaves. When the Constitution was written, they were less than one person. It took constitutional amendments, the 13th, 14th and 15th, one to eliminate slavery, the others to provide equal process and equal protection and due process. And certainly it took the Constitution to acknowledge every citizen's right to vote.

Therefore, I do not take lightly the responsibility of fighting for voting rights, and that is why I stand today at the conclusion of this day to say to this House that we hope no one left here embittered, believing that this should not have been done; that I will get you in the appropriations process; I will make sure your bill does not pass; I will see you in the committee room.

I hope that does not happen, Madam Speaker. I hope that the collegiate response of the Speaker of the House, the gentleman from Illinois (Speaker HASTERT), who presided, who I give great accolades for his demeanor and temperament. I hope that will be the temperament of the Republican leadership throughout this body's time. I hope that individual Members will not take it personally. I hope that they will not undermine their oath of office and demean the dignity of this place by punishing people for utilizing democracy.

Then I would simply say that in the backdrop of the tragic loss of our good friend and colleague, Bob Matsui, and the passing of our former colleague, Shirley Chisholm, two Members that were so different in time and age but yet represented the focus of this body, and that is representing the people, today we attempted to represent the people. We represented people not only in Ohio, but where people felt they were disenfranchised all over the Nation. So in that representation, I am proud.

As we look to the future and the backdrop of the tragedy that is going on in Asia, people now who have no places to live, no places to vote, no places to eat, no places to go and get medical care, no places to be educated, we in America should be highly grateful for what has transpired in this country on this very day.

As we do so, might I say that I congratulate those who are now engaged in the humanitarian help going on for the tsunami victims.

I would also like to applaud the efforts of a group that has founded itself in Houston, Houston's Solution for Tsunami Victims. There are many other groups that have formulated in Houston as well, but this group in particular came together in less than 48 hours after the tragedy, and they are representatives from Indonesia, Sri Lanka, Bangladesh, Vietnam, India, Pakistan, Thailand and all over our community, those who came together to find out what they could do.

I am gratified that on this Sunday they will come together again, January 9, 2004, we will be at the University of Houston Wellness Center in Houston, Texas, inviting all the community to come out and provide medical relief and as well to save the children by providing diaper items and bottles and other dry items for children who are in need in these devastated areas.

I look forward as well to joining my colleagues in visiting Sri Lanka in the days to come and hopefully bringing a sense of hope to the people who are now hopeless.

This is an important democracy in which I stand in the most powerful lawmaking body in this Nation.

I am gratified to able to stand here, one, to salute the process today that was one founded in democracy, equal protection and due process; but I am also very grateful to stand here today to salute America and all of those who have risen to the occasion in aid of those in the Asian area that are suffering from the tsunami devastation.

I will also make mention of the legislation that is now gaining great bipartisan support, the temporary protective status to be given to those nationals from those areas so devastated who are not able to go back and their legal documents are expired. I hope we will move swiftly on that legislation, because it will add to the humanitarian stance of the President of the United States, the Secretary of State, the United States Congress, and the American people.

We all can do better, and we can do better united together. I want to applaud Houston's Solution for Tsunami Relief Victims. I want to applaud all of the relief efforts going on around the Nation and all of the international aid groups in the United Nations for rising to the occasion.

As I close, let me admonish those who are participating in this relief effort that this is a short-term stance that we are taking right now. We will need a long-term investment. The $350 million that the United States has offered, it may not be enough; and I hope this Congress will rise to the occasion and make it sufficient.

On that, let me say, Madam Speaker, I am grateful that we have a Constitution that allows me to speak under the first amendment. I am grateful that we have a process that allows democracy to follow through today. I am more grateful that we have a large heart in the United States that is drawn together from every nook and cranny, every hamlet, every city, every rural area, that is now participating in this massive relief effort for those so devastated.

Let me also ask for prayers for families who have lost loved ones, including those Americans that have now died, and let us ask for prayers for those who are now suffering. We hope that we can stand in the doorway and prevent more disease and more death that may come from this terrible disaster.

I ask as I go to my seat that God bless the United States of America. God bless this process, and God bless those that are suffering today in the world.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACA (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. DEFAZIO (at the request of Ms. PELOSI) for today on account of duties in the district.

Mr. KIND (at the request of Ms. PELOSI) for today on account of personal reasons.

Mr. ORTIZ (at the request of Ms. PELOSI) for today on account of important business in the district.

Mr. STARK (at the request of Ms. PELOSI) for today on account of escorting the Matsui family to Sacramento, California, where the late Honorable Robert T. Matsui will lie in state in the California State capitol.

Mr. STUPAK (at the request of Ms. PELOSI) for today on account of travel problems.

Mrs. TAUSCHER (at the request of Ms. PELOSI) for today on account of official business.

Mr. WYNN (at the request of Ms. PELOSI) for today on account of personal reasons.

Mrs. BIGGERT (at the request of Mr. DELAY) for today on account of official travel overseas.

Ms. GRANGER (at the request of Mr. DELAY) for today on account of being out of the country on official business.

Mr. SHADEGG (at the request of Mr. DELAY) for today on account of a death in the family.

Mr. SHIMKUS (at the request of Mr. DELAY) for today on account of his traveling with a congressional delegation to Jordan.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. JONES of Ohio) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. CONYERS and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $5,867.

ADJOURNMENT

Ms. JACKSON-LEE of Texas. Madam Speaker, pursuant to House Concurrent Resolution 2, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to House Concurrent Resolution 2, 109th Congress, the House stands adjourned until 10 a.m. on Thursday, January 20, 2005.

Thereupon (at 5 o'clock and 42 minutes p.m.), pursuant to House Concurrent Resolution 2, the House adjourned until Thursday, January 20, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

101. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Chlorothalonil; Re-establishment of Tolerance for Emergency Exemptions [OPP-2004-0409; FRL-7691-1] received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

102. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Thiamethoxam; Pesticide Tolerance [OPP-2004-0394; FRL-7689-7] received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

103. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Spinosad; Pesticide Tolerance [OPP-2004-0042; FRL-7691-4] received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

104. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Amendments to the Size Thresholds for Defining Major Sources and to the NSR Offset Ratios for Sources of VOC and NOX [RME R03-OAR-2004-DC-0001; FRL-7855-3] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

105. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Approval of Minor Clarification to Municipal Regulations [RME R03-OAR-2004-DC-0002; FRL-7855-1] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

106. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Excess Volatile Organic Compound and Nitrogen Oxides Emissions Fee Rule [R03-OAR-2004-DC-0003; FRL-7853-9] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

107. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Consumer Products [R03-OAR-2004-DC-0006; FRL-7854-7] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

108. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Mobile Equipment Repair and Refinishing [R03-OAR-2004-DC-0008; FRL-7852-6] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

109. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Portable Fuel Containers and Spouts [R03-OAR-2004-DC-0004; FRL-7853-5] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

110. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Solvent Cleaning [R03-OAR-2004-DC-0005; FRL-7853-3] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

111. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of the Control of VOC Emissions from Municipal Solid Waste Landfills in Northern Virginia [R03-OAR-2004-VA-0005; FRL-7853-7] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

112. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Virginia; Excess Volatile Organic Compound and Nitrogen Oxides Emissions Fee Rule [R03-OAR-2004-VA-0004; FRL-7853-1] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

113. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipments Leaks [OAR-2003-0023; FRL-7852-3] (RIN: 2060-AK49) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

114. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Kentucky: 1-Hour Ozone Maintenance Plan Update for Edmonson Area [R04-OAR-2004- KY-0001-200425(a); FRL-7848-9] received December 17, 2004, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

115. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri [R07-OAR-2004-MO-0004; FRL-7850-3] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

116. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — OMB Approvals Under the Paperwork Reduction Act; Technical Amendment [FRL-7849-9] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

117. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Process for Exempting Critical Uses from the Phaseout of Methyl Bromide [FRL-7850-8] (RIN: 2060-AJ63) received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

118. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Air Quality Designations and Classifications for the Fine Particles (PM2.5) National Ambient Air Quality Standards [OAR-2003-0061; FRL-7856-1] (RIN: 2060-AM04) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

119. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Recodification and SIP Renumbering of the New Mexico Administrative Code for Albuquerque/Bernalillo County [NM-44-1-7603a; FRL-7856-3] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

120. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Texas; Victoria County Maintenance Plan Update [R06-OAR-2004-TX-0003; FRL-7856-7] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

121. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the annual inventory of U.S. Government-sponsored international exhanges and training programs, as well as the FY 2004 report on the activities of the Interagency Working Group on U.S. Government-Sponsored International Exchanges and Training (IAWG), pursuant to Public Law 87—256, section 112(f) and (g) 22 U.S.C. 2460(f) and (g); to the Committee on International Relations.

122. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

123. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

124. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

125. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

126. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

127. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

128. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

129. A letter from the Director, Office of White House Liaison, Department of Commerce, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

130. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

131. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

132. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

133. A letter from the Human Resources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

134. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

135. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

136. A letter from the Director, National Gallery of Art, transmitting an annual report on audit and investigative coverage required by the Inspector General Act of 1978, as amended, and the Federal Managers' Financial Integrity Act, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

137. A letter from the General Counsel, Office of Management and Budget, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

138. A letter from the Director, Office of Personnel Management, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Office's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

139. A letter from the Secretary, Postal Rate Commission, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

140. A letter from the General Counsel, Selective Service System, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

141. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Clarification of Address for Documents Filed With EPA's Environmental Appeals Board [FRL-7855-6] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

142. A letter from the Director and Under Secretary of Commerce for Intellectual Property, United States Patent and Trademark Office, transmitting a report evaluating the Inter Partes Reexamination, pursuant to Public Law 106—113, section 4606 (113 Stat. 1501A—571); to the Committee on the Judiciary.

143. A letter from the Chief, Regulations and Administrative Law, USCG, Deparment of Homeland Security, transmitting the Department's final rule — Security and Safety Zone; Protection of Large Passenger Vessels, Portland, OR [CGD13-04-043] (RIN: 1625-AA00) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

144. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Delaware River [CGD05-04-224] (RIN: 1625-AA00) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

145. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Gulf of Alaska, Sitkinak Island, Kodiak Island, AK [COTP Western Alaska-04-002] (RIN: 1625-AA00) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

146. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01-04-151] received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

147. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Newtown Creek, Dutch Kills, English Kills, and their tributaries, NY [CGD01-04-148] received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

148. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone: Fireworks displays in the Captain of the Port Portland Zone. [CGD13-04-044] (RIN: 1625-AA00) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

149. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Chicago River Main Branch, Chicago, IL [CGD09-04-149] (RIN: 1625-AA00) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

150. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Merrimack River, MA [CGD01-04-146] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

151. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Shrewsbury River, NJ. [CGD01-04-127] (RIN: 2115-AE47) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

152. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT. [CGD01-04-142] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

153. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Gulf of Alaska, Narrow Cape, Kodiak Island, AK [COTP Western Alaska-04-001] (RIN: 1625-AA00) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

154. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; St. Croix River, Wisconsin, Minnesota [CGD08-04-018] (RIN: 1625-AA09) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

155. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations: Connecticut River, CT [CGD01-04-106] (RIN: 1625-AA09) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

156. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 and -300 Series Airplanes [Docket No. 2002-NM-310-AD; Amendment 39-13831; AD 2004-22-06] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

157. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2003-NM-90-AD; Amendment 39-13804; AD 2004-19-10] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

158. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Dornier Model 328-100 Series Airplanes [Docket No. 2002-NM-294-AD; Amendment 39-13820; AD 2004-20-15] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

159. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; deHavilland Inc. Models DHC-2 Mk. I and DHC-2 Mk. II Airplanes and Bombardier Inc. Model (Otter) DHC-3 Airplanes [Docket No. 2004-CE-02-AD; Amendment 39-13827; AD 2004-21-06] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

160. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Hartzell Propeller Inc. (Formerly Hartzell Propeller Products Division) Model HC-B5MP-3( )/M10282A( ) Five Bladed Propellers; Correction [Docket No. 86-ANE-7; Amendment 39-13822; AD 2004-21-01] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

161. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Gulfstream Model G-1159, G-1159A, G-1159B, and G-IV Series Airplanes [Docket No. FAA-2004-19337; Directorate Identifier 2004-NM-155-AD; Amendment 39-13824; AD 2004-21-03] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

162. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Becker Flugfunkwerk GmbH AR 4201 VHF AM Transceivers [Docket No. 2003-NE-68-AD; Aemdnemt 39-13825; AD 2004-21-04] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

163. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines (IAE) AG V2500-A1, V2522-A5, V2524-A5, V2525-D5, V2527-A5, V2527E-A5, V2527M-A5, V2528-D5, V2530-A5, and V2533-A5 Turbofan Engines [Docket No. 98-ANE-45-AD; Amendment 39-13667; AD 2004-12-08] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

164. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The Cessna Aircraft Compnay Model 525 Airplanes [Docket No. 2003-CE-54-AD; Amendment 39-13729; AD 2004-14-20] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

165. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc., Models PA-28-161, PA-28-181, PA-28R-201, PA-32R-301 (HP), PA-32R-301T, PA-301FT, PA-32-301XTC, PA-34-220T, PA-44-180, PA-46-350P, and PA-46-500TP Airplanes [Docket No. FAA-2004-18032; Directorate Identifier 2004-CE-15-AD; Amendment 39-13721; AD 2004-14-12] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

166. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Airplanes [Docket No. 2002-NM-234-AD; Amendment 39-13724; AD 2004-14-15] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

167. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Israel Aircraft Industries, Ltd., Model 1121, 1121A, 1121B, 1123, 1124, and 1124A Series Airplanes [Docket No. 2003-NM-37-AD; Amendment 39-13723; AD 2004-14-14] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

168. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2004-NM-46-AD; Amendment 39-13716; AD 2004-14-07] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

169. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model MD-11 and -11F Airplanes [Docket No. 2003-NM-74-AD; Amendment 39-13719; AD 2004-14-10] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

170. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworhtiness Directives; BAE Systems (Operations) Limited Model BAe 146 Series Airplanes and Model Avro 146-RJ Series Airplanes [Docket No. 2004-NM-35-AD; Amendment 39-13713; AD 2004-14-04] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

171. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited (Jetstream) Model 4101 Airplanes [Docket No. 2003-NM-228-AD; Amendment 39-13712; AD 2004-14-03] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

172. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas DC-9-82 (MD-82) and DC-9-83 (MD-83) Airplanes; and Model MD-88 Airplanes [Docket No. 2003-NM-251-AD; Amendment 39-13705; AD 2004-13-23] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

173. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-2B19 (Regional Jet Series 100 & 440) Airplanes [Docket No. 2003-NM-149-AD; Amendment 39-13725; AD 2004-14-16] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

174. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 2004-NM-29-AD; Amendment 39-13673; AD 2004-03-34 R1] (RIN: 2120-AA64) received December 15, 2004, pursuant

to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

175. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767 Series Airplanes [Docket No. 2003-NM-109-AD; Amendment 39-13728; AD 2004-14-19] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

176. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB 2000 Series Airplanes [Docket No. 2001-NM-316-AD; Amendment 39-13720; AD 2004-14-11] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

177. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-8-11, DC-8-12, DC-8-21, DC-8-31, DC-8-32, DC-8-33, DC-8-41, DC-8-42, C-8-43, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-50, -60, -60F, -70 and -70F Series Airplanes [Docket No. 2002-NM-176-AD; Amendment 39-13714; AD 2004-14-05] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

178. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2002-NM-175-AD; Amendment 39-13715; AD 2004-14-06] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

179. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A320-111, -211, -212, and -231 Series Airplanes [Docket No. 2002-NM-177-AD; Amendment 39-13718; aD 2004-14-09] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

180. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A319-111, -112, -113, and -114; A320-111, -211, -212, and -214; and A321-111, -112, and -211 Series Airplanes [Docket No. 2002-NM-201-AD; Amendment 39-13732; AD 2004-14-23] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

181. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. 2001-NM-352-AD; Amendment 39-13707; AD 2004-13-25] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

182. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F-28 Mark 0070 and 0100 Series AIrplanes [Docket No. 2003-NM-162-AD; Amendment 39-13710; AD 2004-14-01] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

183. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce Corporation (formerly Allison Engine Company, Allison Gas Turbine Division, and Detroit Diesel Allison) Models 250-C28, -C28B, and -C28C Turboshaft Engines [Docket No. FAA-2004-18538; Directorate Identifier 2004-NE-29-AD; Amendment 39-13711; AD 2004-14-02] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

184. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, and F4-600R (Collectively Called A300-600) Series Airplanes; and Model A310 Series Airplanes; Equipped with Pratt & Whitney JT9D-7R4 or 4000 Series Engines [Docket No. 2002-NM-39-AD; Amendment 39-13726; AD 2004-14-17] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

185. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-102, -103, and -106 Airplanes [Docket No. 2002-NM-339-AD; Amendment 39-13727; AD 2004-14-18] (RIN: 2120-AA64) received December 15, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

186. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-100, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747-400F, and 747SR Series Airplanes [Docket No. 2003-NM-82-AD; Amendment 39-13722; AD 2004-14-13] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

187. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B4-600, B4-600R, C4-605R Variant F, and F4-600R (Collectively Called A300-600), and A310 Series Airplanes [Docket No. 2003-NM-12-AD; Amendment 39-13717; AD 2004-14-08] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

188. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. Models S10, S10-V, and S10-VT Sailplanes [Docket No. 2003-CE-58-AD; Amendment 39-13730; AD 2004-14-21] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

189. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-120 Series Airplanes [Docket No. 2003-NM-105-AD; Amendment 39-13694; AD 2004-13-12] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

190. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Disposal; Designation of a Dredged Material Disposal Site in Rhode Island Sound [FRL-7848-2] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

191. A letter from the Administrator, Environmental Protection Agency, transmitting the Agency's FY 2003 report entitled, "Implementation of the Waste Isolation Pilot Plant Land Withdrawal Act" required under Section 23(a)(2) of the Act; jointly to the Committees on Energy and Commerce and Armed Services.

192. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's "Report to the Congress: Growth in the Volume of Physician Services," fulfilling the Congressional request of Section 606(b) of the Medicare Modernization Act; jointly to the Committees on Energy and Commerce and Ways and Means.

193. A letter from the Chairman, Medicare Payment Advisory Commission, transmitting a copy of the Commission's "Report to the Congress: Impact of Resource-Based Practice Expense Payment for Physician Services," fulfilling the Congressional request of Section 606(a) of the Medicare Modernization Act; jointly to the Committees on Energy and Commerce and Ways and Means.

194. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 7(a) of the Jerusalem Embassy Act of 1995 (Pub. L. 104-45), a copy of Presidential Determination No. 2005-14 suspending the limitation on the obligation of the State Department Appropriations contained in sections 3(b) and 7(b) of that Act for six months as well as the periodic report provided for under Section 6 of the Act covering the period from June 16, 2004 to the present; jointly to the Committees on International Relations and Appropriations.

195. A letter from the Deputy Director, Defense Security Cooperation Agency, Department of Defense, transmitting notification of the Department of State's intent to initiate the FY 2005 International Military Education and Training funds for Iraq, pursuant to Pub. L. 108-199, Title III; jointly to the Committees on International Relations and Appropriations.

196. A letter from the Chairman, National Transportation Safety Board, transmitting a copy of the Board's appeal letter to OMB regarding the initial determination of the FY 2006 budget request, pursuant to 49 U.S.C. 1113; jointly to the Committees on Transportation and Infrastructure and Appropriations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

[Omitted from the Record of January 4, 2005]

By Mr. CALVERT (for himself, Mr. Hunter, Mr. Gallegly, Mr. Sensenbrenner, Mrs. Blackburn, Mr. Issa, Mrs. Bono, Mr. Gary G. Miller of California, Mr. Cunningham, Mr. Rohrabacher, Mr. Lewis of California, and Mr. Dreier):

H.R. 19. A bill to require employers to conduct employment eligibility verification; referred to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland:

H.R. 44. A bill to direct the Secretary of Homeland Security to establish an independent panel to assess the homeland security needs of the National Capital Region; to the Committee on Homeland Security.

By Mr. EHLERS:

H.R. 50. A bill to provide for the National Oceanic and Atmospheric Administration, and for other purposes; referred to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 58. A bill to require the Secretary of Homeland Security to establish at least one Border Patrol unit for the Virgin Islands of the United States; to the Committee on Homeland Security.

By Mr. FRELINGHUYSEN (for himself, Mr. Smith of New Jersey, Mr. Saxton, Mr. LoBiondo, Mr. Ferguson, Mr. Garrett of New Jersey, Mr. Payne, Mr. Pallone, Mr. Andrews, Mr. Rothman, Mr. Pascrell, and Mr. Menendez):

H.R. 91. A bill to authorize the Secretary of Homeland Security to make grants to first responders, and for other purposes; referred to the Committee on Homeland Security, and in addition to the Committees on Transportation and Infrastructure, the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 101. A bill to amend the National Labor Relations Act to require the arbitration of initial contract negotiation disputes, and for other purposes; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas:

H.R. 102. A bill to amend the Communications Act of 1934 to provide for the use of unexpended universal service funds in low-income schools, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 103. A bill to amend the National Flood Insurance Act of 1968 to provide a 50 percent discount in flood insurance rates for the first 5 years that certain low-cost properties are included in flood hazard zones; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas:

H.R. 104. A bill to provide Capitol-flown flags to the families of deceased law enforcement officers; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 105. A bill to amend the Immigration and Nationality Act to exempt elementary and secondary schools from the fee imposed on employers filing petitions with respect to non-immigrant workers under the H-1B program; to the Committee on the Judiciary.

By Mr. GENE GREEN of Texas:

H.R. 106. A bill to require the Surface Transportation Board to consider certain issues when deciding whether to authorize the construction of a railroad line; to the Committee on Transportation and Infrastructure.

By Mr. GENE GREEN of Texas:

H.R. 107. A bill to deem the nondisclosure of employer-owned life insurance coverage of employees an unfair trade practice under the Federal Trade Commission Act, and for other purposes; referred to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KENNEDY of Minnesota:

H.R. 130. A bill to amend the General Education Provisions Act to clarify the definition of a student regarding family educational and privacy rights; to the Committee on Education and the Workforce.

By Mr. MENENDEZ:

H.R. 153. A bill to provide increased rail and public transportation security; referred to the Committee on Homeland Security and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MENENDEZ:

H.R. 154. A bill to authorize the Secretary of Homeland Security to make grants to reimburse State and local governments and Indian tribes for certain costs relating to the mobilization of Reserves who are first responder personnel of such governments or tribes; referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and the Judiciary, for a period to be subsequently determined by the speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD:

H.R. 163. A bill to amend title 46, United States Code, to direct the Secretary of Homeland Security to carry out an empty shipping container sealing pilot program to encourage shipping container handlers to seal empty shipping containers after they have unpacked them, and for other purposes; to the Committee on Homeland Security.

By Ms. MILLENDER-McDONALD:

H.R. 173. A bill to prevent and respond to terrorism and crime at or through ports; referred to the Committee on the Judiciary, and in addition to the Committees on Transportation and Infrastructure, Ways and Means, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. REGULA:

H.R. 189. A bill to provide for the retention of the name of Mount McKinley; to the Committee on Resources.

By Mr. SWEENEY:

H.R. 226. A bill to strengthen and expand scientific and technological education capabilities of associate-degree-granting colleges through the establishment of partnership arrangements with bachelor-degree-granting institutions; to the Committee on Education and the Workforce.

By Mr. SWEENEY (for himself, Mr. McHugh, and Mr. Boehlert):

H.R. 227. A bill to reduce acid deposition under the Clean Air Act, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SWEENEY:

H.R. 228. A bill to establish a realistic, threat-based allocation of grant funds for first responders; to the Committee on Homeland Security.

By Mr. TERRY (for himself, Mr. Fortenberry, and Mr. Osborne):

H.R. 232. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. TOWNS:

H.R. 238. A bill to amend the Internal Revenue Code of 1986 to designate educational empowerment zones in certain low-income areas and to give a tax incentive to attract teachers to work in such areas; referred to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 239. A bill to amend section 1951 of title 18, United States Code (commonly known as the Hobbs Act), and for other purposes; to the Committee on the Judiciary.

By Ms. PRYCE of Ohio (for herself, Mr. Thomas, Mr. Boehner, Mr. Barton of Texas, Mr. Goodlatte, Mr. Herger, Mr. McKeon, Mr. Bilirakis, Mr. DeLay, Mr. Shaw, Mr. Cantor, Mr. English of Pennsylvania, Mr. Camp, Mrs. Johnson of Connecticut, Mr. Weller, Mr. Wilson of South Carolina, and Mr. Kline):

H.R. 240. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; referred to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, Education and the Workforce, Agriculture, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SERRANO:

H.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States to repeal the twenty-second article of amendment, thereby removing the limitation on the number of terms an individual may serve as President; to the Committee on the Judiciary.

By Mr. KENNEDY of Minnesota:

H. Con. Res. 7. A concurrent resolution expressing the sense of the Congress that there should be established a Free Enterprise Education Week to encourage schools and businesses to educate students about the free enterprise system; to the Committee on Government Reform.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 8. A concurrent resolution expressing the sense of the Congress that the National Family Caregiver Support Program should be fully funded continue efforts to provide relief and necessary services to individuals who perform informal or unpaid care for the elderly and care for children under 18 years of age; to the Committee on Education and the Workforce.

By Mr. STEARNS (for himself and Mr. Lewis of Georgia):

H. Con. Res. 10. A concurrent resolution supporting the goals and ideals of Chronic Obstructive Pulmonary Disease Awareness Month; to the Committee on Government Reform.

By Mr. STEARNS:

H. Con. Res. 11. A concurrent resolution requiring the display of the Ten Commandments in the Hall of the House of Representatives and the Chamber of the Senate; to the Committee on House Administration.

By Mr. STEARNS:

H. Con. Res. 12. A concurrent resolution requiring the display of the Ten Commandments in the United States Capitol; to the Committee on House Administration.

By Mr. TOWNS:

H. Con. Res. 13. A concurrent resolution expressing the sense of the Congress that Harriet Tubman should have been paid a pension for her service as a nurse and scout in the United States Army during the Civil War; to the Committee on Armed Services.

By Mr. GENE GREEN of Texas:

H. Res. 19. A resolution expressing the sense of the House of Representatives that the President should award the Presidential Medal of Freedom posthumously to Rick Husband, William McCool, Michael Anderson, Kalpana Chawla, David Brown, Laurel Clark, and Ilan Ramon, all of whom died in the destruction of the space shuttle Columbia; to the Committee on Government Reform.

[Submitted January 6, 2005]

By Mr. THOMAS (for himself and Mr. RANGEL):

H.R. 241. A bill to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami; to the Committee on Ways and Means. considered and passed.

By Mr. EHLERS:

H.R. 242. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; to the Committee on Science, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EHLERS:

H.R. 243. A bill to authorize appropriations to the Department of Transportation for surface transportation research and development, and for other purposes; to the Committee on Science.

By Ms. JACKSON-LEE of Texas:

H.R. 244. A bill to create a separate DNA database for violent predators against children, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 245. A bill to amend the Immigration and Nationality Act with respect to the record of admission for permanent residence in the case of certain aliens; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 246. A bill to prevent children's access to firearms; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 247. A bill to increase the numerical limitation on the number of asylees whose status may be adjusted to that of an alien lawfully admitted for permanent residence; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 248. A bill to modify the requirements applicable to the admission into the United States of H-1C nonimmigrant registered nurses, and for other purposes; to the Committee on the Judiciary.

By Mr. BAKER:

H.R. 249. A bill to repeal the reservation of mineral rights made by the United States when certain lands in Livingston Parish, Louisiana, were conveyed by Public Law 102-562; to the Committee on Resources.

By Mr. EHLERS:

H.R. 250. A bill to establish an interagency committee to coordinate Federal manufacturing research and development efforts in manufacturing, strengthen existing programs to assist manufacturing innovation and education, and expand outreach programs for small and medium-sized manufacturers, and for other purposes; to the Committee on Science.

By Ms. JACKSON-LEE of Texas:

H.R. 251. A bill to assist aliens who were transplanted to the United States as children in continuing their education and otherwise integrating into American society; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 252. A bill to amend title XVIII of the Social Security Act to require hospitals reimbursed under the Medicare system to establish and implement security procedures to reduce the likelihood of infant patient abduction and baby switching, including procedures for identifying all infant patients in the hospital in a manner that ensures that it will be evident if infants are missing from the hospital; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 253. A bill to provide for the collection of data on traffic stops; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 254. A bill to provide for the establishment of a task force within the Bureau of Justice Statistics to gather information about, study, and report to the Congress regarding, incidents of abandonment of infant children; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACKSON-LEE of Texas:

H.R. 255. A bill to prevent commercial alien smuggling, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 256. A bill to amend title 18, United States Code, to provide an alternate release date for certain nonviolent offenders, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 257. A bill to amend the Immigration and Nationality Act to reunify families, permit earned access to permanent resident status, provide protection against unfair immigration-related employment practices, reform the diversity visa program, provide adjustment of status for Haitians and Liberian nationals, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 258. A bill to authorize the President to posthumously award a gold medal on behalf of the Congress to the seven members of the crew of the space shuttle Columbia in recognition of their outstanding and enduring contributions to the Nation; to the Committee on Financial Services.

By Ms. JACKSON-LEE of Texas:

H.R. 259. A bill to enhance Federal enforcement of hate crimes, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 260. A bill to amend the Immigration and Nationality Act to modify the requirements for a child born abroad and out of wedlock to acquire citizenship based on the citizenship of the child's father, and for other purposes; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 261. A bill to expand the class of beneficiaries who may apply for adjustment of status under section 245(i) of the Immigration and Nationality Act by extending the deadline for classification petition and labor certification filings; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 262. A bill to require the Secretary of Education to conduct a study and submit to Congress a report on methods for identifying and treating children with dyslexia in kindergarten through third grade; to the Committee on Education and the Workforce.

By Mr. BILIRAKIS:

H.R. 263. A bill to amend the Internal Revenue Code of 1986 to allow employers a tax credit for hiring displaced homemakers; to the Committee on Ways and Means.

By Mr. BRADLEY of New Hampshire:

H.R. 264. A bill to amend the Internal Revenue Code of 1986 to allow a lump sum contribution to Coverdell education savings accounts whenever the contribution limit is increased; to the Committee on Ways and Means.

By Mr. BRADLEY of New Hampshire:

H.R. 265. A bill to amend the Internal Revenue Code of 1986 to provide an exclusion from gross income for student loan payments made by an employer on behalf of an employee; to the Committee on Ways and Means.

By Ms. GINNY BROWN-WAITE of Florida:

H.R. 266. A bill to amend the Congressional Budget Act of 1974 to protect Social Security beneficiaries against any reduction in benefits; to the Committee on Rules, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CAMP:

H.R. 267. A bill to require amounts remaining in Members' representational allowances at the end of a fiscal year to be used for deficit reduction or to reduce the Federal debt, and for other purposes; to the Committee on House Administration.

By Mr. CAMP:

H.R. 268. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 269. A bill to amend title 38, United States Code, to provide for certain servicemembers to become eligible for educational assistance under the Montgomery GI Bill; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHRISTENSEN:

H.R. 270. A bill to require establishment of an Office of Territorial Affairs in each Executive department and each independent establishment; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 271. A bill to convey certain submerged lands to the Government of the Virgin Islands, and for other purposes; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 272. A bill to provide for a land exchange on the island of Saint John, Virgin Islands, between the National Park Service and the Government of the United States

Virgin Islands to facilitate the establishment of a school on the island, and for other purposes; to the Committee on Resources.

By Mrs. CHRISTENSEN:

H.R. 273. A bill to amend the Internal Revenue Code of 1986 to repeal the cap on the cover over of tax on distilled spirits to Puerto Rico and the Virgin Islands; to the Committee on Ways and Means.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 274. A bill to impose certain limitations on the receipt of out-of-State municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 275. A bill to amend the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 to allow States and localities to provide primary and preventive care to all individuals; to the Committee on Energy and Commerce.

By Mr. GENE GREEN of Texas:

H.R. 276. A bill to amend title II of the Social Security Act to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title, and for other purposes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 277. A bill to amend title XXVII of the Public Health Service Act and title I of the Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide comprehensive coverage for childhood immunization; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of Iowa:

H.R. 278. A bill to amend the Help America Vote Act of 2002 to require voting systems to produce a verifiable paper record of each vote cast and to ensure the security of electronic data, and for other purposes; to the Committee on House Administration.

By Ms. MILLENDER-McDONALD:

H.R. 279. A bill to amend the Family and Medical Leave Act of 1993 to include nurse practitioners and domestic partners within the scope of coverage of the Act and to extend the period of family or medical leave for spouses employed by the same employer; to the Committee on Education and the Workforce, and in addition to the Committees on House Administration, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GARY G. MILLER of California (for himself, Mrs. Maloney, Mr. Oxley, Mr. Frank of Massachusetts, Mr. Ney, Mr. Kanjorski, Mr. Leach, Ms. Hart, Mr. Souder, and Mr. Turner):

H.R. 280. A bill to facilitate the provision of assistance by the Department of Housing and Urban Development for the cleanup and economic redevelopment of brownfields; to the Committee on Financial Services.

By Mr. NORWOOD:

H.R. 281. A bill to require a study and report regarding the construction and designation of a new Interstate from Augusta, Georgia to Natchez, Mississippi; to the Committee on Transportation and Infrastructure.

By Ms. ROS-LEHTINEN (for herself, Mr. Lantos, Mr. Chabot, Mr. Berman, Mr. Cantor, Mr. Ackerman, Mr. Andrews, Mr. Bachus, Ms. Berkley, Mrs. Biggert, Mr. Boehlert, Mr. Burton of Indiana, Mr. Chandler, Mr. Cox, Mr. Crowley, Mrs. Jo Ann Davis of Virginia, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Engel, Mr. Faleomavaega, Mr. Foley, Mr. Garrett of New Jersey, Mr. Green of Wisconsin, Ms. Harris, Mr. Israel, Mr. Johnson of Illinois, Mr. Kirk, Mr. Larsen of Washington, Mr. McCotter, Mr. Menendez, Mr. Mica, Mrs. Myrick, Mr. Nadler, Mr. Norwood, Mr. Nunes, Mr. Pence, Mr. Platts, Mr. Porter, Mr. Rothman, Mr. Rohrabacher, Mr. Ryan of Wisconsin, Mr. Saxton, Mr. Sherman, Mr. Shimkus, Mr. Smith of New Jersey, Mr. Souder, Mr. Sullivan, Mr. Tancredo, Mr. Weller, Mr. Wexler, and Mr. Wilson of South Carolina):

H.R. 282. A bill to hold the current regime in Iran accountable for its threatening behavior and to support a transition to democracy in Iran; to the Committee on International Relations.

By Ms. LINDA T. SÁNCHEZ of California:

H.R. 283. A bill to amend the Safe and Drug-Free Schools and Communities Act and the Omnibus Crime Control and Safe Streets Act of 1968 to authorize the use of grant funds for bullying and gang prevention, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHIMKUS (for himself and Mr. Davis of Illinois):

H.R. 284. A bill to amend the Safe and Drug-Free Schools and Communities Act to include bullying and harassment prevention programs; to the Committee on Education and the Workforce.

By Mr. THORNBERRY (for himself and Ms. Zoe Lofgren of California):

H.R. 285. A bill to amend the Homeland Security Act of 2002 to enhance cybersecurity, and for other purposes; to the Committee on Homeland Security.

By Mr. TOWNS:

H.R. 286. A bill to amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity; to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 287. A bill to amend title XIX of the Social Security Act to assure coverage for legal immigrant children and pregnant women under the Medicaid Program and the State children's health insurance program (SCHIP); to the Committee on Energy and Commerce.

By Mr. TOWNS:

H.R. 288. A bill to amend the Civil Rights Act of 1964 and the Fair Housing Act to prohibit discrimination on the basis of affectional or sexual orientation, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS:

H.R. 289. A bill to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Staff Sergeant First Class John Marshall Post Office Building"; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 14. Concurrent resolution expressing the sense of Congress that a commemorative postage stamp should be issued in honor of the late George Thomas "Mickey" Leland; to the Committee on Government Reform.

By Ms. JACKSON-LEE of Texas:

H. Con. Res. 15. Concurrent resolution expressing the sense of Congress that Congress has the sole and exclusive power to declare war; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. Lantos, Mrs. Jo Ann Davis of Virginia, Mr. Burton of Indiana, Mr. Wexler, and Ms. Kaptur):

H. Con. Res. 16. Concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform; to the Committee on International Relations.

By Ms. MILLENDER-McDONALD:

H. Con. Res. 17. Concurrent resolution expressing the sense of Congress that the National Academy of Sciences, through the Board on Children, Youth, and Families, should convene an expert panel to recommend the best practices and measures to use in data collection relating to foster care and to research and develop methods for streamlining the application and approval process for moving a child from foster care to a permanent residence; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself and Mr. Engel):

H. Con. Res. 18. Concurrent resolution expressing the grave concern of Congress regarding the continuing gross violations of human rights and civil liberties of the Syrian and Lebanese people by the Government of the Syrian Arab Republic; to the Committee on International Relations.

By Mr. PENCE:

H. Res. 32. A resolution electing Members, Delegates, and Resident Commissioners to standing committees of the House of Representatives; considered and agreed to.

By Mr. CLYBURN:

H. Res. 33. A resolution electing Members to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. COX (for himself, Mrs. Bono, Ms. Watson, Mr. Rohrabacher, Ms. Solis, and Mr. Shadegg):

H. Res. 34. A resolution congratulating the University of Southern California Trojans for their second straight national title; to the Committee on Education and the Workforce.

By Mr. GENE GREEN of Texas:

H. Res. 35. A resolution expressing the sense of the House of Representatives concerning health promotion and disease prevention; to the Committee on Energy and Commerce.

By Ms. McCOLLUM of Minnesota (for herself and Ms. Bordallo):

H. Res. 36. A resolution congratulating the College of Saint Catherine in Saint Paul, Minnesota, on its centennial anniversary, and commending its outstanding contributions to the education and preparation of women as leaders of our communities, our families, and our nation; to the Committee on Education and the Workforce.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Res. 37. A resolution commending the people and the Governments of the Hashemite Kingdom of Jordan, the Kingdom of Morocco, the Kingdom of Bahrain, the State of Kuwait, the State of Qatar, the Sultanate of Oman, and the Republic of Yemen for their political and economic liberalization efforts and expressing hope that progress will continue and that the efforts of these countries will serve as a model for other Arab countries; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself, Mr. CROWLEY, and Mrs. JO ANN DAVIS of Virginia):

H. Res. 38. A resolution expressing support for the accession of Israel to the Organization for Economic Co-operation and Development (OECD); to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

1. The SPEAKER presented a memorial of the Legislature of the State of Michigan, relative to House Concurrent Resolution No. 68 memorializing the Congress of the United States and the Department of Health and Human Services to establish the NorthEast Detroit Community Health Center as a federally qualified health care center; to the Committee on Energy and Commerce.

2. Also, a memorial of the House of Representatives of the State of Michigan, relative to House Resolution No. 305 memorializing the President and the Congress of the United States to designate the River Basin Battlefield as a National Historic Landmark; to the Committee on Resources.

3. Also, a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 32 memorializing the United States Congress to support and fully fund the National Aeronautics and Space Administration's Vision for Space Exploration Program; to the Committee on Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Ms. JACKSON-LEE of Texas:

H.R. 290. A bill for the relief of Ahmad Khabaz Taghizadeh and Azammolok Taghizadeh Vatani; to the Committee on the Judiciary.

By Ms. JACKSON-LEE of Texas:

H.R. 291. A bill for the relief of Sharif Kesbeh, Asmaa Sharif Kesbeh, Baol Kesbeh, Noor Sharif Kesbeh, Alaa Kesbeh, Sondos Kesbeh, Hadeel Kesbeh, and Mohanned Kesbeh; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

1. The SPEAKER presented a petition of the Prince George's County Government, Maryland, relative to Resolution No. CR-60-2004 supporting H.R. 4217 to increase the maximum Federal share of the costs of State programs under the National Guard ChalleNGe Program, and petitioning the Maryland Delegation to the United States Congress to join and support the efforts to secure passage of H.R. 4217; to the Committee on Armed Services.

2. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 542 of 2004 petitioning the United States Senate to pass, and the United States House of Representatives to introduce and pass, S. 2968—A Bill to amend the Public Health Service Act to address the shortage of influenza vaccine, and for other purposes; to the Committee on Energy and Commerce.

3. Also, a petition of the Legislature of Rockland County, New York, relative to Resolution No. 543 of 2004 petitioning the United States Congress to introduce and pass appropriate legislation allowing equal federal tax treatment of health benefits for married couples and domestic partners as is addressed in U.S. Senate Bill S. 1702, The Domestic Partner Health Benefits Equity Act, and the United States Congress Bill H.R. 935, The Tax Equity For Health Plan Beneficiaries Act; to the Committee on Ways and Means.

EXTENSIONS OF REMARKS

IN HONOR OF ETHEL PESIN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Ethel Pesin for her years of dedicated public service and commitment to improving the community. Ethel Pesin will be honored at her 90th birthday celebration in Jersey City, New Jersey.

Mrs. Pesin's involvement in a variety of civic and community endeavors throughout the years has earned her great respect and appreciation. Her willingness to volunteer her time helping those in need and her genuine concern for the improvement and preservation of local landmarks has made a significant impact on Jersey City and the surrounding area. Working with the Hudson County Citizens Committee, Mrs. Pesin was instrumental in helping to save the Boulevard and the Hudson County Courthouse from being demolished. Some of her past volunteer efforts include participating in "Meals on Wheels" and offering piano performances at the Academy House, a center for the mentally ill.

Throughout the years, Mrs. Pesin's greatest passion has been devoted to the establishment and conservation of Liberty State Park (LSP). As a founding board of trustees member of the Friends of LSP, she has worked tirelessly to oppose commercialization and maintain and improve the beautification of the urban waterfront. In the past, she served on the LSP Public Advisory Commission and is currently a member of the LSP Interdisciplinary Planning Committee.

The daughter of Latvian immigrants, Mrs. Pesin was raised in Jersey City. She graduated from Syracuse University in 1935 with a degree in music and taught at Snyder Junior High School and Lincoln High School before teaching private lessons for seven years. She later served one term as president of the Jersey City State College Community Orchestra. Many in Jersey City also know Mrs. Pesin from the popular clothing store she and her husband, Morris, owned for 28 years. Mrs. Pesin and her husband were married for 54 years and she is the proud mother of two children, Sam and Judy.

Today, I ask my colleagues to join me in honoring Ethel Pesin for her unwavering commitment to improving the natural and historic beauty of her city and her dedication to helping those in need throughout the community. Mrs. Pesin's warmth, compassion, love for family and friends, and enthusiasm for life has touched all who know her.

HONORING WILLIAM STAPKA

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to extend my warmest congratulations to Mr. William Stapka of Chicago on the occasion of his 75 birthday.

Mr. Stapka has been an outstanding resident of the Norwood Park community for the past 45 years. Working at O'Hare for the City of Chicago's Aviation Department as well as in the precincts of Chicago, Mr. Stapka has been an ever present fixture of our community. His contributions to public service deserve our recognition and gratitude.

Born in Poland, Mr. Stapka understands the struggles facing immigrants in America. Like those who achieved success through hard work and a determined spirit, Mr. Stapka provided a pleasant and prosperous life for his family. After 33 years of working for the City of Chicago, Mr. Stapka retired as a chief operating engineer at O'Hare Airport.

Throughout his life, Mr. Stapka has demonstrated his firm commitment to public service, particularly through his contributions to Chicago's political system since 1960. He is an active member of Committeeman Tom Lyons and Alderman Pat Levar's 45th Ward Democratic Organization. He served as campaign treasurer for the beloved late Congressman Roman Pucinski, in his races for both the Chicago City Council and the U.S. House of Representatives. His loyalty to the Pucinski family continues to this day through his service as treasurer for Judge Aurelia Pucinski.

Taking an active role in all aspects of his life, Mr. Stapka is also a member of the Immaculate Conception Church and serves as a member of the Holy Name Society within this parish. Still young at heart, Mr. Stapka also volunteers as a referee for local men's college soccer teams.

Along with his late wife, Marcela, he raised three children: Susan, Andrew and Tom. Mr. Stapka is now the proud grandfather of three wonderful grandchildren: Nicole, Rebecca, and Randy.

Mr. Speaker, I rise today in honor of the 75th birthday of William Stapka. He is a man who has stood tall in the face of great challenges and difficulties, built an impeccable reputation, and after 75 years, he still maintains a youthful spirit. On behalf of the people of the northwest side of Chicago, I thank Mr. Stapka for all he has given to those around him, and wish him continued happiness in the future.

REMEMBERING SHIRLEY CHISHOLM (1924–2005), MEMBER OF CONGRESS 1968–1982

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, this week, America mourns the lost of a steadfast heroine. The first African American woman elected to Congress and the first person of color to run for president of the United States, Shirley Chisholm broke barriers and set standards. She represented the people of Brooklyn, New York but she carried with her the hopes and highest ideals of our entire nation.

As a former educator, Shirley Chisholm fought relentlessly in Congress to improve public education, particularly early childhood education. As one of the founders of the Congressional Black Caucus and the National Organization for Women, she hired an all-women staff during her first term in Congress. She was indeed resolute in her fight for equality, women's rights and civil rights.

Ms. Chisholm was known and respected across the political spectrum for her uncompromising integrity. She was unflinching in the face of great odds and unfailing in her willingness to fight for what she believed was right. In her words, she was 'unbought and unbossed.'

In 1972, Shirley Chisholm made history by declaring her bid for president. Although she did not win the Democratic nomination, she broke barriers for African Americans and women, thus helping to open the door of opportunity for those who followed her. She is a woman of great courage and a strong role model for young women around the world.

A trailblazer and triumphant spirit, Shirley Chisholm was truly a woman of the people. Her legacy will always be remembered.

FREEDOM FOR DIOSDADO GONZÁLEZ MARRERO

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Diosdado González Marrero, a political prisoner in totalitarian Cuba.

Mr. González Marrero is a pro-democracy activist who is striving to create a Cuban society that recognizes human rights, freedom, and democracy. He has been a peaceful supporter in the cause of bringing liberty to an island shackled by a tyrant's brutal machinery of repression. Unfortunately, the dictator forcefully represses those who bravely support freedom instead of the despotic regime.

In 1999, Mr. González Marrero was locked in the totalitarian gulag for six months during the Ibero-American Summit held in Havana in November 1999. Despite being confined in the horrors of the gulag, Mr. González bravely continued his peaceful activities to bring liberty and freedom to Cuba.

Unfortunately, Mr. González Marrero was arrested again in March 2003, as part of the repulsive island wide crackdown against peaceful pro-democracy activists. In a sham trial, he was sentenced to 20 years in the totalitarian gulag.

The family of Mr. González Marrero has reported that he was being held in solitary confinement in a punishment cell where he is deprived of any sunlight, adequate ventilation or drinking water, and subjected to temperatures of 30 to 32 degrees centigrade. According to Amnesty International, Mr. González Marrero is suffering from high blood pressure and inadequate medical attention to his failing health.

Let me be very clear, Mr. González Marrero is languishing in the depraved dungeons of the tyrant's gulag because he desires freedom for the people of Cuba. His demand for the rights of man to be given back to the citizens of Cuba is the only reason that he is locked in the abhorrent filth of Castro's prisons.

Mr. Speaker, as we gather to celebrate the results of our democracy and to commence the first session of the 109th Congress, it remains repulsive that, only 90 miles from our shore, brave souls like Mr. González Marrero are locked in dungeons because they too believe in the freedoms we hold sacred to our way of life. My Colleagues, let us remember those who suffer under the nightmare that is the Castro regime. Let us demand the immediate release of Diosdado González Marrero and every prisoner of conscience languishing in the dungeons of totalitarian despots.

INTRODUCTION OF THE MANUFACTURING TECHNOLOGY COMPETITIVENESS ACT

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. EHLERS. Mr. Speaker, I rise today to introduce H.R. 250, "The Manufacturing Technology Competitiveness Act." I introduced this legislation in the 108th Congress, and it was passed by the House. I am reintroducing it in this Congress in the precise form passed last year. I am doing this because the global competitiveness of U.S. manufacturing remains a pressing issue.

This bill will help address long-term problems facing our nation's manufacturers by coordinating existing federal manufacturing programs, creating a new program to revive manufacturing innovation through collaborative research and development, and broadening and strengthening manufacturing extension.

Although manufacturing has experienced tremendous technological gains over the last few years, international competition has exacted a terrible toll on our nation's manufacturers. In particular, our small- and medium-sized firms are under tremendous pressure to become more efficient, to modernize, and to cut their prices. There is no evidence that these pressures are likely to go away.

In my conversations with manufacturers, I learned of their deep concern that the decline of manufacturing in the U.S. is undermining our ability to innovate. Innovation is the key to the development of new industries, without which our economy could stagnate. Governments of our global competitors are eagerly supporting investments in manufacturing R&D because they know that it is the foundation for sustained economic development.

If we are to continue to be the world technological leader, we need to rise to this new global challenge by supporting our manufacturers. The Manufacturing Technology Competitiveness Act, which received broad support in the House in the 108th Congress, will accomplish that by:

Creating an Interagency Committee that will coordinate the existing federal manufacturing research and development activities to ensure that they work as effectively and harmoniously as possible;

Creating a new collaborative research and development program for manufacturing technology;

Reauthorizing the critical programs at the National Institute of Standards and Technology (NIST), a federal research laboratory dedicated to ensuring U.S. leadership in technology-based standards and industries;

Creating a fellowship program at NIST to develop U.S. manufacturing research expertise; and

Reauthorizing and creating a new grant program within the Manufacturing Extension Partnership (MEP) program so that the MEP Centers can extend their expertise to a range of problems beyond their current scope of activities.

Mr. Speaker, globalization is in full swing. It is incumbent upon this Congress to provide a coherent federal response to the changes that are underway in manufacturing, and to support the technological innovation that is fundamental to retaining our manufacturing strength. This bill provides a mechanism for that crucial response and I look forward to working with my colleagues on this issue in the 109th Congress.

IN HONOR OF REVEREND THOMAS C. BLESSIN, S.J.

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor the Reverend Thomas C. Blessin, S.J., for his 55 years of service to the Society of Jesus and the people of his community. Father Blessin will be receiving the 2004 Reverend James F. Fox, S.J. Award at the Loyola School of New York's Annual Alumni Dinner on January 7, 2005.

Throughout the years, Father Blessin provided a strong spiritual foundation for the members of his community. Born, raised, and ordained in Staten Island, he later moved to New Jersey where he spent decades ministering to the community and attending to the spiritual needs of congregants at various churches, missions, and spiritual retreats.

In addition to his work with churches around the area, Father Blessin served for 9 years as the assistant headmaster at Loyola High School and an additional 2 years as the school chaplain. For 25 years, he was a chaplain and active member of the New Jersey National Guard. He later worked at St. Peter's College where he offered mass and assisted with student services. Currently, he is retired and living in the Jesuit residence at St. Peter's College in Jersey City.

Today, I ask my colleagues to join me in honoring the Reverend Thomas C. Blessin, S.J., for his outstanding spiritual leadership and years of faithful service to the people of New Jersey. His dedicated work throughout the decades has helped to enrich the lives of so many throughout our community.

REMEMBERING MONSIGNOR McDERMOTT

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to mourn the loss of a beloved leader of the Chicago Archdiocese, Monsignor Ignatius D. McDermott, who passed away on December 31.

Monsignor McDermott, known affectionately as Father Mac, was born on Chicago's South Side on July 31, 1909. He was ordained in 1936 after studying at Quigley Preparatory Seminary and Mundelein's St. Mary of the Lake Seminary.

Demonstrating a lifelong commitment to helping those most in need, Monsignor McDermott often walked the streets of Chicago's poorest neighborhoods in order to comfort the homeless and help recovering drug addicts and alcoholics return to sobriety, happiness and meaningful lives.

In 1946, Monsignor McDermott was appointed assistant director to the Chicago Archdiocese's Catholic Charities. Advancing his commitment to helping individuals with substance abuse problems, he founded Catholic Charities' Addiction Consultation and Education Services and the Central States Institute of Addiction.

After nearly four decades of service, Monsignor McDermott cofounded the Haymarket Center in 1975. Named for its location near Haymarket Square in Chicago, the detoxification center offers residential and outpatient services. As a direct result of Monsignor McDermott's compassion and dedication, the center has continued to expand over the years and now serves over 14,006 people each year.

Mr. Speaker, I join with the people of Chicago in recognizing the life of Monsignor McDermott. Together we honor his service and lifelong dedication to community service as well as the lasting impact he has had on the countless individuals he touched and whose spirits he lifted throughout his distinguished career. His many contributions leave an indelible mark on our community that will always be remembered.

CLARIFICATION OF CONGRESSIONAL INTENT REGARDING 22 U.S.C. 7207(b)(1)

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to address a question about the Congressional intent of the phrase "payment of cash in advance" as it appears in 22 U.S.C. 7207(b)(1) as passed by the U.S. House of Representatives on October 11, 2000, as passed by the U.S. Senate on October 18, 2000, and as signed into law by President Clinton on October 28, 2000.

As the principal negotiator and author of the language in question, I can state, without any ambiguity, that the Congressional intent behind the phrase "payment of cash in advance" is the following: that all legal sales of agricultural commodities or products to the Cuban Government or any person in Cuba, must be paid in full in advance of the shipment of the goods.

I sincerely hope that regulations will be issued to reflect the congressional intent of this phrase.

INTRODUCTION OF H.R. 242, THE SURFACE TRANSPORTATION RESEARCH AND DEVELOPMENT ACT OF 2005

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. EHLERS. Mr. Speaker, today I rise to introduce "The Surface Transportation Research and Development Act of 2005." This legislation is actually a reintroduction of the bill that passed the Science Committee last Congress. After the bill passed the Science Committee, I worked with my colleagues on the Transportation and Infrastructure Committee to have many of the provisions included in the House version of the reauthorization of the Transportation Equity Act for the 21st Century—better known as TEA–21. Unfortunately, the House and Senate were not able to reach consensus on a final transportation bill.

As we prepare to complete the reauthorization early in this Congress, my legislation still provides the needed emphasis on transportation research and development that will ensure our whole transportation system can meet the tremendous challenges of today and especially for the future. Considering that we won't have the ability to simply build more roads to address these challenges, especially in urban areas, we must look at new ways to improve the overall system, to make it safer and more efficient, and to ensure that the system meets future needs. Good research, properly done, will more than pay for itself in longer-lasting roads, better bridges, faster traffic flow, and fewer accidents.

In the last Congress, as chairman of the House Science Subcommittee on Environment, Technology and Standards, which shares jurisdiction over surface transportation research with the Transportation and Infrastructure Committee, I held hearings to hear from experts on the state of the Federal Government's current surface transportation research program. In addition, we heard from a wide array of interests on how to improve and reform the research program, and the levels at which research should be funded. Based on this input, I introduced the Surface Transportation Research and Development Act last Congress.

This legislation I am introducing today is identical to the bill that passed the Science Committee last Congress. It has three overarching goals: to increase stakeholder input to ensure that the people who must implement and use the research agree that it is applicable to everyday challenges; to create the highest quality research through increased competition and peer-review of all projects; and to ensure greater accountability so that our research supports the goals of our surface transportation system.

More specifically, the bill:

Creates and funds an important research program run by the National Academy of Sciences to address short to medium-term research needs. Research will focus on reducing congestion, renewing existing roads and bridges while minimizing impact to the public, improving safety by reducing crashes, and developing tools for getting more out of our existing highway capacity and assessing future needs. All projects funded by this program will be competitively awarded and peer-reviewed;

Provides needed funds to implement a public-private cooperative environmental research program, with the goal of developing the knowledge, tools, and performance measures that will help us better understand and manage the linkage between the environment and the transportation system;

Calls on the U.S. Department of Transportation to take the lead in carrying out fundamental, long-term research to achieve breakthroughs in transportation research;

Increases funding for University Transportation Centers and ensures greater competition among universities which seek to become transportation research centers;

Reforms and increases the responsiveness of the Bureau of Transportation Statistics to the needs of the transportation community; and

Provides States with additional resources to better train and educate the transportation workforce.

This legislation will significantly, yet prudently, increase funding for transportation research starting at $500 million a year in fiscal year 2006 for Federal research programs and gradually rising to $850 million a year by 2010. When Congress increased funding for overall transportation programs by upwards of 40 percent in TEA–21, funding for transportation research remained relatively flat. I believe that lack of investment in research has hurt our ability to meet new challenges. My approach ensures that our transportation research is well planned, peer reviewed, properly funded and evaluated and will go a long way to help solve the many challenges facing our Nation's transportation system.

I look forward to again working with my colleagues on the Science and Transportation and Infrastructure Committees, the U.S. Department of Transportation, state transportation departments, and all other interested stakeholders as we try to finish the job begun last Congress.

HONORING MR. WILLIAM WUNSCH

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. MUSGRAVE. Mr. Speaker, this previous year, the community of Ft. Morgan, CO, lost a veteran and a long time local farmer when William Wunsch passed away at the age of 86.

He was born February 18, 1918, to Fred and Katherine Wunsch, who lived in the German Corner of Fort Morgan after emigrating from the Volga region of Russia.

Mr. Wunsch was drafted into the U.S. Army in February 1942. He served bravely during World War II as a tank sergeant in the 7th Armored Division, and fought in the Battle of the Bulge. Because of his heritage and his ability to speak and read German, he provided a valuable service by working with the Counter Intelligence Corps before returning Colorado.

After leaving the Army, Bill married Violet Eckhardt on December 15, 1946. Together they started a farm south of Fort Morgan where he stayed until he retired in 1997. Sadly, Violet was killed in a car accident in 1970. On May 1, 1971, he married Lydia Lehr Schwartz and they worked together on the farm. William was named to the "High Ten" several times for having the greatest average sugar beet tonnage for the Sheds District of the local sugar factory. Frequently he was interviewed by the local paper about his accomplishments in farming and about his heritage as a Volga German immigrant.

As a member of the Christ Congregational Church, William actively worked in his church as a deacon, secretary, Sunday school superintendent, and a Sunday school teacher. Mr. Wunsch also remained active in the community as president of the Beet Growers Association, the Daily Lateral Irrigation Company, and a charter member of the Caring Ministries.

Mr. Speaker, we lose more of our precious veterans everyday. These heros have left their homes to defend our nation, and then returned home to be valued members of their communities, showing their children and grandchildren how to live meaningful lives of service. I want to take this brief moment to honor William Wunsch for the sacrifices that he made. May God bless his family, may God bless our precious veterans, and may God bless America.

MOURNING THE LOSS OF CONGRESSWOMAN SHIRLEY CHISHOLM

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. WEINER. Mr. Speaker, I rise today to mourn the loss of a legend. Congresswoman Shirley Chisholm was a trailblazer whose story represents the best of America, and the essence of the New York experience.

She was the first of four girls born to two immigrants—one Barbadian, the other Guyanese—who instilled in her a lifelong devotion to the value of a good education. She graduated cum laude from Brooklyn College, and went onto earn a master's degree at Columbia.

During the 1950s, she directed a day care center in Brooklyn, and worked as an educational consultant for New York City. Her work in the community launched her political career, and she was elected to the New York State Assembly in 1964.

In 1968, she was elected to Congress as the first African-American woman to serve in the House of Representatives. She went on to become a founding member of both the National Organization for Women, the National Women's Political Caucus and the Congressional Black Caucus. And as always, she devoted her energies to education, promoting programs like Title IX and early childhood education.

She served seven terms in Congress, in midst of it all becoming the first African-American, of either gender, to run a large-scale campaign to become the presidential candidate of one of the major political parties.

A proud and independent voice, Shirley Chisholm was a New York original. She will be sorely missed.

IN RECOGNITION OF COMMANDER DANIEL J. HURLEY FOR HIS 29 YEARS OF SERVICE TO THE EL CERRITO POLICE DEPARTMENT

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to honor the career accomplishments of Commander Daniel J. Hurley during his service to the El Cerrito Police Department.

Commander Hurley represents very high professional standards of law enforcement and service to his community, and he will be missed after his retirement.

In the Department, which he joined in 1975, he held positions of increasing responsibility, advancing to the rank of Sergeant in 1980, and to the rank of Police Commander in 2000.

He also held a wide range of positions, from administration to field operations, that required both technical and managerial expertise.

In a characteristic quest for excellence, Commander Hurley continued on with his higher education while he was working for the Department, and he earned a Bachelor's Degree.

Commander Hurley's life work, like the work of law enforcement officers in all our communities, is the source of stability and safety we all count on and enjoy in our daily lives.

My purpose in speaking today is to give due recognition to the quiet, knowledgeable, and reliable work Commander Hurley has consistently performed in his twenty-nine years with the El Cerrito Police Department.

I thank him for his essential contributions to the quality of life in El Cerrito and the Tenth Congressional District, and I wish him a well-deserved retirement with his wife Deborah and their children Danielle, Erin, and Ryan in the desirable community he has worked well and hard to shape.

HONORING LEO E. FUHR, DISTRICT DIRECTOR FARM SERVICE AGENCY

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Leo E. Fuhr, District Director of the United States Department of Agriculture Farm Service Agency. Leo retired on December 29, 2004 after many years of distinguished service to our district, State, and Nation.

Leo Fuhr first joined the United States Department of Agriculture in August of 1974. His first assignment was just north of here in Keosauqua, Iowa. After leaving Keosauqua, he moved on to Warrensburg, Missouri and our state has been fortunate to have his services ever since. After completing his tenure in Warrensburg, Leo served in Maryville, St. Joseph, Trenton, and then Brookfield. In March of 1986, Leo became District Director and remained in that position until his retirement on December 29. As a farmer myself, I can tell you that his lifelong dedication to agriculture will be missed by all.

I also want to recognize his wonderful family, especially his wife Jeanette, their daughter Brenda, who recently graduated from Truman State University, and their son Brian who is currently serving our Nation with the U.S. Army in Iraq. Leo himself is no stranger to military service; from September 1966 until August 1999 Leo served in the National Guard, retiring with the rank of Lieutenant Colonel.

Mr. Speaker, I proudly ask you to join me in commending Leo E. Fuhr. Mr. Fuhr truly exemplifies the qualities of dedication and service to northwest Missouri, and I am honored to call him one of my constituents. Congratulations on a job well done.

HONORING DISTRICT OF COLUMBIA SERVICEMEN AND WOMEN

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Ms. NORTON. Mr. Speaker, we honor all who serve our country in the military. However, the men and women of the District of Columbia who volunteer for military service are entitled to special honors. D.C. residents who serve today are the most recent in a long line of citizens of the District who have fought and died for our country, although they did not have the same democratic rights as their fellow citizens and fellow soldiers.

I ask the House of Representatives to honor the residents of the District of Columbia who have served in every war since the Revolutionary War of 1775, by recognizing three young men today who served in the Iraqi War, Marcus Gray, Emory Kosh, and Isaac Lewis. We also honor members of the military from the District, including the D.C. National Guard, who have served or are serving in Afghanistan and throughout the world, especially those who have lost their lives.

Specialists Gray, Kosh and Lewis were members of the U.S. Army Reserves, 299th Engineer Company and part of the first wave of soldiers who entered Iraq in March 2003. The three graduates of Ballou, Eastern, and Dunbar High Schools in the District were working or in college when they were called to serve. They spent nearly a year in Iraq exposed to great danger. Two of the three may be redeployed this year.

Just as these three soldiers stepped forward without hesitation to go overseas in time of war, they step forward now to speak for the cause of democracy at home. These three men welcome the enthusiasm of many Iraqis as they prepare to elect voting representatives to their national legislature on January 30. All three know that the coming elections in Iraq and the successful elections held in Afghanistan in October were made possible by the service and sacrifices of the members of their company, and other coalition troops, the great majority of whom were American citizen soldiers, and members of today's volunteer military.

Today these three young men ask that their hometown be afforded the same voting representation that their service will help bring to Iraq. They do not expect to have the same voting representation tomorrow that they will see in Iraq on January 30th. However, the people of the nation's capital could get a vote as the 109th Congress convenes on January 4th for its new session. By rule of the House, the Congress could put the District on the path to full voting rights.

During the 103rd Congress, the District of Columbia had a vote on most House business by rule of the House and by vote of the House, as affirmed by the federal courts. With the change of controlling parties in the 104th Congress, this vote was withdrawn. Our country and most democracies would find the withdrawal of voting rights intolerable anywhere in the world. Eliminating a vote fairly won is also unacceptable here. As we are reminded time and again, all countries must meet the same standard—Iraq, Afghanistan and the United States, as well.

Specialists Gray, Kosh, and Lewis and their families are tax paying citizens of the United States and of the capital of our nation, but they have given more than most of us. They are soldiers who have gone to war for our country. I ask the House to honor their service and to heed their call for voting representation in this House. I also ask unanimous consent to place in the record their own words petitioning their government for voting representation.

A PROCLAMATION HONORING MR. WILLIAM GOTSCHALL

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. NEY. Mr. Speaker:

Whereas, Mr. William Gotschall has served his community and state as the Governor's Regional Representative for Economic Development in Region 10 of East Central Ohio; and

Whereas, Mr. Gotschall provided his services as Columbiana County Commissioner, during which time he received the Ohio Department of Transportation Outstanding Local Leader Award; and

Whereas, Mr. Gotschall's service to the people of Ohio and Columbiana County earned him the Outstanding Citizen Award from the Calcutta Chamber in St. Clair Township, Columbiana County, the Honorary Citizen Award for Byesville, Guernsey County, and a key to the village of Byesville, Ohio. He should be commended for the help that he provided to the residents of Columbiana County and the surrounding area.

Therefore, I join with the entire 18th Congressional District of Ohio in celebration of Mr. William Gotschall's service to East Central Ohio.

HONORING THE LIFE OF A.J. RICHARD

HON. STEVE ISRAEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. ISRAEL. Mr. Speaker, I rise today to honor the life of A.J. Richard, a vital member of the New York community. Throughout his life as a successful businessman, dedicated family man, concerned citizen and creative innovator, A.J. Richard defied the odds in keeping his family business running and growing when other community competitors were closing their doors. Today his legacy lives on in the type of business he left behind: it is owned and operated by family; it is as much a part of the community as it is a service to the community; and it places customers ahead of profits. A.J.'s business is a reflection of a certain value system, a value system we rarely see in today's largely faceless corporate culture. That value system is about community, family, work ethic, optimism and integrity. While A.J. has passed, his business and that special value system live on. We are all thankful for this legacy he leaves with us.

In his honor, I would like to share the following obituary of A.J. Richard as it appeared in the N.Y. Times on January 5, 2004:

"A.J. Richard, whose contagious enthusiasm for new gadgets transformed P.C. Richard & Son from a hardware store into a major retailer of consumer appliances and electronics, died on Dec. 28 in West Islip, N.Y. He was 95 and lived in Bay Shore and Port St. Lucie, Fla.

The cause was pneumonia, said Alan Meschkow, the company's advertising director.

Although Mr. Richard's father, Peter Christiaan, started the business, it was A.J. who in 1924, at the age of 15, insisted on selling newfangled electric irons alongside the store's kerosene lamps and plumbing supplies.

"It's beautiful, look—it's chrome, it's polished, it fits your hand," went Mr. Richard's sales pitch, Mr. Meschkow said. "And look at the tip, the point—you can go right in between the buttons." He asked his first buyer to pay 50 cents a week toward the total cost of $4.9.5, and other customers soon followed.

Over the next six decades, including several years he spent living above his store in Ozone Park, Mr. Richard sold New Yorkers all kinds of new electric devices, from toaster in the 1920's to the Walkman in the 1980's.

His methods were often ingenious. In the early 1930's, when people seemed content to scrub clothes on washboards, he sent salesmen door to door offering families $5 to try out washing machines. In the 1950's, he let people watch Friday-night boxing matches on a television displayed in the store's window, and some inevitably bought their own 10–inch black-and-white set, which cost nearly $400. In the 1980's, the company offered cooking classes to demonstrate microwave ovens.

P.C. Richard & Son now reports annual sales of roughly $1 billion, making it the country's largest family-owned and operated seller of appliances and consumer electronics. Based in Farmingdale, N.Y., it has grown to 49 stores in New York and New Jersey, even as competing regional chains like Crazy Eddie and Newmark & Lewis have closed. Many people can whistle its five-note advertising jingle, "At P.C. Richard."

Much of the advertising still carries pictures of A.J. and his two sons: Gary, son the company's chief executive, and Peter, who is executive vice president. A grandson, Gregg Richard, recently became president, and a granddaughter, Bonni Richard, is head of human resources.

Alfred Joseph Richard was born in Brooklyn on Oct. 11, 1909, the same year his father, a handyman who emigrated from Amsterdam, opened the family's first store in the Bensonhurst neighborhood of Brooklyn.

"I waited on customers when I was 7," he told The New York Times in a 1995 interview. "I was a 100 percent hardware man by the age of 9."

He was also a tinkerer, and he started the store's service department after learning to repair radios as a teenager. He took over the company in 1947.

His wife, the former Vicky Himmelman, died in 1997. He is survived by his sons, Gary and Peter, both of Long Island; eight grandchildren; and 18 great-grandchildren."

HONORING DARRYL WORLEY OF SAVANNAH, TENNESSEE

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. BLACKBURN. Mr. Speaker, country music mega-star Darryl Worley "Has Not Forgotten" his community or his country in his rise to the top of his profession.

By practicing what he preaches in his Gold Record #1 hit Have You Forgotten, he has spent many days each year traveling to the Middle East and entertaining and encouraging our troops.

He has also never forgotten his friends and neighbors. He sponsors and performs at the "Darryl Worley River Run" each year in his home county, which raises hundreds of thousands of dollars for local charities, this year expanding to benefit St. Jude Children's Hospital in Memphis.

And he has not forgotten his family. This year he presented the Hardin Medical Center with a check for $40,000 in memory of his grandfather who suffered from cancer. In his honor the recently renovated hospital named a new wing the "Darryl Worley Outpatient Chemotherapy Clinic."

Darryl Worley is a great American, and a true hometown hero to Savannah, Tennessee, and today we honor his commitment to our great nation.

HONORING LANCE CORPORAL BRIAN P. PARRELLO

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a New Jersey citizen who served with dignity and honor as a soldier in Iraq. I join his family, friends and members of his community in mourning this great loss.

On Saturday, January 1, LCpl. Brian P. Parrello, 19, of West Milford, NJ, was killed in Al Anbar Province, Iraq as a result of hostile fire. Lance Corporal Parrello was assigned to Small Craft Company, Headquarters Battalion, 2nd Marine Division, II Marine Expeditionary Force, Camp Lejeune, NC. Parrello was attached to a Marine Swift Boat unit that patrolled the Tigris and Euphrates rivers.

A resident of West Milford, New Jersey, Parrello attended West Milford High School where he was a member of both the football and hockey teams. Following high school, he was so deeply affected by the attack on the World Trade Center and Pentagon that he proudly enlisted in the U.S. Marine Corps. His teachers, coaches and peers have called him a real leader and a role model, someone who always gave 150 percent, a person who led by example and with a big heart.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their Nation called them to duty to preserve freedom and the security of our neighbors, they answered without hesitation.

Mr. Speaker, it is my sincere privilege to recognize the life of a proud soldier and heroic representative of the State of New Jersey. LCpl Brian P. Parrello was an honorable defender of liberty and he deserves our gratitude and respect.

We remember those who have fallen not only as soldiers, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

ARTICLE HONORING CORPORAL KEVIN JOHN "JACK" DEMPSEY

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. SHAYS. Mr. Speaker, I wish to insert in the CONGRESSIONAL RECORD the following statement by Jennifer Dempsey. Jennifer's brother Jack died bravely serving our nation in Iraq on November 13, 2004.

CORPORAL KEVIN JOHN "JACK" DEMPSEY DECEMBER 9, 1980—NOVEMBER 13, 2004—A SON, A BROTHER, A FRIEND

I would just like to say a few words about my brother, Jack. As a young child, Jack was always on the move. From a very young age he was involved in team sports. His nickname was Tiger because of his fearless personality. He excelled in every sport he played because of his natural ability and drive to be the best. As a son and brother he was loving and protective. He has a great love for animals. Our mom took us to every zoo and animal park she could find. Even as a Marine, he showed that love. There was a stray dog at Camp LeJeune that Jack used to feed and take care of.

Jack is loved by many people. He had a great smile and an even greater laugh. He was a sweet kid who always wanted to do something great with his life. My brother was a wonderful man who accomplished many great things. He excelled in the Marines and felt he was truly part of a brotherhood. My mother and I are incredibly proud that he was able to do this for himself and his country. We love him dearly and this loss is tremendous to us. But we are extremely proud of the man he became. He was a sweet soul with the courage of a tiger. My brother Jack made the ultimate sacrifice to protect all of us. Honor him well.

40TH ANNIVERSARY OF PADRON CIGARS

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, 2004 marked the 40th anniversary of the founding of Padron Cigars and I rise to honor and congratulate them on this wonderful achievement.

Padron Cigars was founded on September 8, 1964 by the Padron brothers—Jose Orlando and Rodolfo. Throughout the last 40 years, the Padron family has worked to grow their business and continue providing new products to their loyal customers throughout the world.

Of course, the success of Padron Cigars did not come without significant challenges over the years. In fact, their factory in Nicaragua was destroyed as a result of civil war.

Through endless commitment and leadership, Padron Cigars was able to survive and grow, despite the serious challenges they faced.

Today, Padron Cigars continues their commitment to quality through their consistent approach to the lengthy process of manufacturing cigars. In fact, they claim: "Our primary mission is the exceptional quality of our product, not the quantity produced."

Headquartered in Miami, Florida, Padron Cigars is clearly an industry leader that has epitomized the success of small family businesses throughout America. The success story of Padron Cigars is nothing short of the American Dream and I ask my colleagues to join me in congratulating the Padron family on this anniversary.

LEGISLATION ON EXCHANGE OF LAND FOR A SCHOOL ON ST. JOHN

HON. DONNA M. CHRISTENSEN

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. CHRISTENSEN. Mr. Speaker, I rise today to introduce legislation to address a long held concern of my constituents on the island of St. John, Virgin Islands; the need for the National Park Service and the government of the Virgin Islands to agree on an exchange of land so that residents of St. John can build a school to accommodate students from K–12.

Mr. Speaker, my constituents in the Virgin Islands have been wrestling with this issue for several years now. Since the 1970's, enrollment in public schools on St. John has grown considerably and the local government has no more land on which to expand either of the two current St. John public schools.

Just last month a 7-year-old boy by the name of Javon Alfred was struck and killed by a delivery truck, as he was on his way home from the only public school on St. John. The Julius Sprauve School, where Javon was a second grade student, is located in an urban area with significant vehicular traffic. With the significant increases in population that St. John has witnessed in recent years, the location of the Sprauve School is not the most suitable at the present time.

Mr. Speaker, St. John is an island only 28 square miles in size, two thirds which comprises the Virgin Islands National Park. Without an exchange of land between the National Park Service and the government of the Virgin Islands, there is no place to build a school on St. John. While the residents of St. John have benefited from a boom in tourism on that island, they have had to give up many long held traditions, including the right to fish in local waters. The exchange of land for a school on St. John is a matter that is long overdue. It is high time that this issue be resolved. The residents and students of St. John deserve nothing less.

I urge my colleagues to support passage of this bill.

PERSONAL EXPLANATION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. BACA. Mr. Speaker, I respectfully request that the attached letter, requesting excuse from the floor on January 6, 2005, be published in the CONGRESSIONAL RECORD. I have also submitted the letter to Leader PELOSI's Office.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
January 6, 2005.

Hon. NANCY PELOSI,
Democratic Leader,
Washington, DC.

DEAR LEADER PELOSI: I respectfully request to be excused from the floor, today, on legislative business.

Were I able to be present on the floor today, I would vote to ensure that the electoral will of the people is respected in every state. If there is any perceived electoral irregularity, those who have been aggrieved must be afforded the opportunity to have their concerns redressed, in the appropriate manner and forum, as expeditiously as possible.

The hallmark of our Democracy—lasting and cherished for over two centuries—is that we respect and abide by Constitutional principles. The right of franchise, purchased with the blood and toil of our civil rights leaders, must not be idly relinquished. We must fight to make all voices heard in that noble and great enterprise that is America.

Thank you for your consideration of this matter.

Sincerely,

JOE BACA,
Congressman.

PERSONAL EXPLANATION

HON. JOHN BARROW

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. BARROW. Mr. Speaker, on rollcall No. 3, I was unable to cast my vote on January 3, 2005. The pager provided to me by House Administration, to notify me of votes, was defective. Consequently, I did not receive the announcement that the vote was taking place in time to cast my vote on the House Floor. Had I been present, I would have voted "nay."

ABUSES IN PEDIATRIC HIV DRUG TRIALS

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. RANGEL. Mr. Speaker, a November 30, 2004 report by the BBC shed light on a disturbing issue regarding an often-overlooked population. The report detailed what it argued was the excessive, and potentially illegal, use of experimental drugs on HIV positive orphans and foster children under the supervision of New York City's Administration of Children's Services.

The report argues that these children, the majority of whom come from minority backgrounds, were forced to take experimental HIV medications, which caused painful and debilitating side effects. It further alleges that the drugs were given without the consent of the children's relatives or guardians. Those guardians who became aware of the drug regime were forced to consent, or risk losing the children to child welfare authorities.

Standards for the administration of drug trials on children should be followed at all times. The fact that these children are wards of the state does not preclude accepted standards and regulations from being followed.

The accusations in the BBC report are indeed troubling, and necessitate a fuller examination by governmental authorities. As such, I find it appropriate for the Congress to look into the excessive use of experimental drug therapies on children, especially the most vulnerable. It is my hope that such an examination would commence as soon as possible after the start of the 109th Congress.

The greatest blessing afforded to a nation is the health and well being of its children. We must ensure that these blessing extend to all children, especially those without homes and families of their own. On this point I know my colleagues are in agreement, so I am confident that action will be taken on this important issue.

[From the BBC NEWS, Nov. 30, 2005]

NEW YORK'S HIV EXPERIMENT

(BY JAMIE DORAN)

HIV positive children and their loved ones have few rights if they choose to battle with social work authorities in New York City.

Jacklyn Hoerger's job was to treat children with HIV at a New York children's home.

But nobody had told her that the drugs she was administering were experimental and highly toxic.

"We were told that if they were vomiting, if they lost their ability to walk, if they were having diarrhea, if they were dying, then all of this was because of their HIV infection."

In fact it was the drugs that were making the children ill and the children had been enrolled on the secret trials without their relatives' or guardians' knowledge.

As Jacklyn would later discover, those who tried to take the children off the drugs risked losing them into care.

The BBC asked the Alliance for Human Research Protection about their view on the drug trials.

Spokesperson Vera Sherav said: "They tested these highly experimental drugs. Why didn't they provide the children with the current best treatment? That's the question we have.

"Why did they expose them to risk and pain, when they were helpless?

"Would they have done those experiments with their own children? I doubt it."

POWER AND AUTHORITY

When I first heard the story of the "guinea pig kids", I instinctively refused to believe that it could be happening in any civilised country, particularly the United States, where the propensity for legal action normally ensures a high level of protection.

But that, as I was to discover, was central to the choice of location and subjects, because to be free in New York City, you need money.

Over 23,000 of the city's children are either in foster care or independent homes run mostly by religious organisations on behalf of the local authorities and almost 99% are black or hispanic.

Some of these kids come from "crack" mothers and have been infected with the HIV virus. For over a decade, this became the target group for experimentation involving cocktails of toxic drugs.

Central to this story is the city's child welfare department, the Administration for Children's Services (ACS).

The ACS, as it is known, was granted far-reaching powers in the 1990s by then-Republican Mayor Rudi Giuliani, after a particularly horrific child killing.

Within the shortest of periods, literally thousands of children were being rounded up and placed in foster care.

"They're essentially out of control," said family lawyer David Lansner. "I've had many ACS case workers tell me: 'We're ACS, we can do whatever we want' and they usually get away with it."

Having taken children into care, the ACS was now, effectively, their parent and could do just about anything it wished with them.

'SERIOUS SIDE-EFFECTS'

One of the homes to which HIV positive children were taken was the Incarnation Children's Center, a large, expensively refurbished red-bricked building set back from the sidewalk in a busy Harlem street.

It is owned by the Catholic church and when we attempted to talk to officials at Incarnation we were referred to an equally expensive Manhattan public relations company, which then refused to comment on activities within the home.

Hardly surprising, when we already knew that highly controversial and secretive drug experiments had been conducted on orphans and foster children as young as three months old.

We asked Dr. David Rasnick, visiting scholar at the University of Berkeley, for his opinion on some of the experiments.

He said: "We're talking about serious, serious side-effects. These children are going to be absolutely miserable. They're going to have cramps, diarrhea and their joints are going to swell up. They're, going to roll around the ground and you can't touch them."

He went on to describe some of the drugs—supplied by major drug manufacturers including Glaxo SmithKline—as "lethal".

When approached by the BBC, Glaxo SmithKline said such trials must have stringent standards and be conducted strictly in accordance with local regulations.

BATTLE OF WILLS

At Incarnation, if a child refused to take the medicines offered, he or she was force-fed through a peg-tube inserted into the stomach.

Critics of the trials say children should have been volunteered to test drugs by their parents.

When Jacklyn Hoerger later fostered two children from the home where she used to work with a view to adopting them, she discovered just how powerful the ACS was.

"It was a Saturday morning and they had come a few times unannounced," she said. "So when I opened the door I invited them in and they said that this wasn't a happy visit. At that point they told me that they were taking the children away. I was in shock."

Jacklyn, a trained paediatric nurse, had taken the fatal step of taking the children off the drugs, which had resulted in an immediate boost to their health and happiness.

As a result she was branded a child abuser in court. She has not been allowed to see the children since.

In the film Guinea Pig Kids, we follow Jacklyn's story and that of other parents or guardians who fear for the lives of their loved ones.

We talk to a child who spent years on drugs programmes which made them and their friends ill, and we discover that Incarnation is not an isolated case. The experiments continue to be carried out on the poor children of New York City.

TRIBUTE TO MS. THELMA STINSON, PRINCIPAL OF LILLIE C. EVANS ELEMENTARY SCHOOL

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to pay this tribute to Ms. Thelma Stinson, Principal of Lillie C. Evans Elementary School located in Miami's Liberty City area of my district. This honor is richly deserved, for Ms. Stinson has truly made a huge contribution to our community and a huge difference in the lives of hundreds of youngsters.

Upon the leadership of Ms. Stinson, Lillie C. Evans Elementary School proudly rose from an F-graded school in 2001–2002 to an A-graded school in 2003–2004. She took the helm of this school in 1999, and through personal touch and professional acumen defined by a no-nonsense approach, Ms. Stinson was able to put together a marvelous staff and a well-motivated support system composed of paraprofessionals, parents and community leaders. At the same time, however, I am cognizant of the countless hours of meeting and lesson planning that have exacted nothing but the noblest of her efforts.

I want to applaud Ms. Stinson for having proven to us that, regardless of background or socio-economic class, every child can learn and can succeed, given dedicated teachers, able and supportive administrators, and a manageable class-size that affords teachers the opportunity to devote more time to diagnose each student's individual learning needs and problems and, thereby, enable them to teach each child accordingly.

I believe strongly in solid classroom management . . . if the class is not under control, the teacher cannot teach," was her honest answer when asked recently about her secret of success.

Above all, however, I am particularly pleased that Ms. Stinson seized the challenge of putting an inner-city school in my district in the highest ranking of achievement in the Miami-Dade County Public Schools, the fourth largest school system in the nation. While teaching and learning continue within the halls of Lillie C. Evans Elementary School under the auspices of its dedicated and highly motivated faculty, Ms. Stinson has reached out to the community by ensuring that the parents are also schooled in the basic skills of reading, math and the sciences through regular sessions at night. Simply put, Ms. Stinson has literally bridged the gap between her school and her students' homes, making parental involvement an essential part of the teaching and learning process.

In spite of the odds, Ms. Stinson has truly demonstrated to all those called upon by public service that excellence and achievement are never beyond the reach of those willing to make the sacrifice and dare the impossible on behalf of tomorrow's leaders. This recognition truly honors her leadership and defines the nobility of her profession as an educator. I extend to her my heartfelt gratitude for a job superbly done and wish her all the best in her future endeavors.

RECOGNIZING BRETT AGEE FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Brett Agee of Liberty, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Brett has been very active with his troop, participating in many scout activities. Over the years that Brett has been involved with scouting, he has held numerous leadership positions, serving as Assistant Patrol Leader, Patrol Leader on two occasions, Librarian, Quartermaster, Chaplain Aide, Senior Patrol Leader, Troop Guide, and Instructor. Brett has earned 31 merit badges, the 12 Month Camper Award, the 100 Nights Camper Award, and the religious award: Ad Altare Dei. Brett is an Ordeal Member of the Order of the Arrow and a Firebuilder in the Tribe of Mic-O-Say. His Tribal Name is Swift White Tail Buck Standing in Clover.

For his Eagle Scout project, Brett led a group of Boy Scouts that built room dividers for use at the Earnest Shepherd Youth Center in Liberty.

Mr. Speaker, I ask you to join me in commending Brett Agee for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING KYLER PAUL MARES

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. MUSGRAVE. Mr. Speaker, today I rise to honor the memory of Kyler Paul Mares. He was born on December 27, 1995 to Greg and Verna Mares of Brush, Colorado.

The Mares had three children before Kyler was born: Jessica in 1989, Krista in 1991, and Gregory in 1994. Later, his parents would come to realize that Kyler was truly, "Heaven's Very Special Child."

Soon after Kyler's birth, his parents were told he needed to be tested to determine if his small head size was normal. It was determined to be abnormal and after more tests it was evident that Kyler had Cerebral Palsy.

As Kyler got older and bigger his parents were told he had an extreme case of Cerebral Palsy. It was difficult for his family as they came to realize that he would never communicate or be able to walk like a normal child. As he grew, they saw him endure many needles, many surgeries, and multiple broken bones.

But through all of this pain, Kyler was a happy baby; he never fussed and gave big smiles to his mommy, daddy, sisters and brothers.

Kyler's parents surrounded him with love and care and rose to the enormous challenges of raising a child with severe disabilities, and three other children.

His parents both worked full time to make ends meet and to provide health insurance for their family. His mother worked nights because they had no one to care for Kyler during the day. His parents never chose to put him in an institution even though it would have been much easier on them financially.

On the evening of September 1, 2004 Kyler's precious life ended. He was loved and adored by his family and they were told after his death and autopsy he should have only lived one day, instead he lived 8 and a half years.

They cherish those years and know that Kyler enriched their lives in so many ways. In God's infinite wisdom, he chose this special child for the Mares family.

They would be the first to say that they would not trade the experience for anything and they cherish every moment they had with Kyler. He was blessed to be born into this family and they were blessed to have him for 8½ years.

Sometimes things in life would not be chosen by us, but God who always knows best gives us a beautiful gift that would have been passed over. Kyler Paul Mares was a beautiful gift from God and he will forever live in the hearts of his family and friends.

We remember Kyler today and acknowledge that all children are precious and that scripture reveals to us that Jesus said, "If you've done it to the least of these, you've done it unto me."

Kyler was truly one of "the least of these." He will never be forgotten.

RECOGNIZING PATRICK NOVAK FOR BEING HONORED WITH THE CONGRESSIONAL AWARD GOLD MEDAL

HON. JERRY F. COSTELLO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. COSTELLO. Mr. Speaker, I rise today to ask my colleagues to join me in recognizing Patrick Novak of Carbondale, Illinois, for receiving the Congressional Gold Medal.

The Congressional Award Program, established in 1979, recognizes initiative, achievement and service in young people. It began as a bipartisan effort in both the United States Senate and the House of Representatives. The program recognizes community service, achievement, and personal development. The Award builds confidence and self-esteem in countless young people as they grow into productive citizens in all walks of life. The program is considered America's award for the youth of our country.

The Congressional Award Gold Medal has been presented to Patrick for his service to others. He earned the Gold Medal while serving active duty in the United States Air Force. While stationed at Kadena Air Force Base, Japan, Patrick volunteered with the 18th Services Squadron. His work in the squadron as an "Ambassador" allowed Patrick to raise funds for Okinawa's Misata Children's Home. I applaud his hard work and dedication.

Mr. Speaker, I ask my colleagues to join me in recognizing the contributions of Patrick Novak who has received the Congressional Award Gold Medal. The outstanding work done by this dedicated young man has been truly influential in not only his community but to the people of Okinawa, Japan and I congratulate him as he is recognized among the Nation's most outstanding young people.

RECOGNIZING JUMBO'S RESTAURANT IN MIAMI, FLORIDA ON ITS 50TH ANNIVERSARY

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise proudly to pay this tribute to Jumbo's Restaurant, a legendary business establishment in Miami's Liberty City community. On Saturday, January 8, 2005, it will celebrate its Golden Anniversary.

This place is more than just a restaurant located along the corridor of Seventh Avenue by 75th St. in Miami. It has been and continues to be the "gathering place" where both celebrities and ordinary folks come and congregate—and partake of the sumptuous meals that this storied establishment serves its faithful clientele. Since its inception 50 years ago, Jumbo's Restaurant has provided the magnificent backdrop of the struggles and triumphs of an inner-city trying to rise from the ashes of near despondency on one hand and the elusive promise of prosperity on the other, as envisioned by its original owner, Mr. Isadore Flam, who bought it five decades ago.

Amidst the riots, white flight and economic turmoil, its management, cooks and waiters have continued to serve mouth-watering breaded fried shrimp, fried chicken and other familiar Afrocentric and Caribbean menus. The ambiance has virtually remained the same after all those years of socio-economic upturn and downturn. Current owner, 59-year-old Robert "Bobby" Flam, is gutsy enough to hold the line and continues to work hard to keep up the tradition that is uniquely Jumbo's.

To talk about Jumbo's really is to talk about the struggles of Miami's Black community as it faced the challenges of the civil rights era of segregation and disenfranchisement. Its story is as graphic as downright nostalgic, for it defined the character of a people in search of its identity as the promise of equality of opportunity and equal treatment under the law flickered—only to stumble and rise yet again amidst the changing of the times. Even to this very day, it is at Jumbo's that normal folk would forge a community of interest where the dignity of our fellow human beings was animatedly discussed.

Indeed, I am fascinated by the longevity of Jumbo's Restaurant because it tells our story of dogged determination. As we internalize the meaning of its Golden Anniversary this Saturday, we should be enthralled by its perseverance for it is symbolic of our own character of resilience and optimism. This establishment has certainly made us proud, and I want to express the utmost appreciation of a grateful people. Its presence among us evokes yet one more genuine measure of the Flam family's enduring legacy to a community that became the beneficiary of their love and caring.

RECOGNIZING JONATHAN KLAMM FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. GRAVES. Mr. Speaker, I, proudly pause to recognize Jonathan Klamm of Liberty, MO, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 376, and in earning the most prestigious award of Eagle Scout.

Jonathan has been very active with his troop, participating in many Scout activities. Over the years that Jonathan has been involved with Scouting, he has held numerous leadership positions, serving as Patrol Leader on five occasions, Quartermaster on four occasions, Den Chief, Troop Guide, and Instructor. Jonathan has earned 32 merit badges, the 12 Month Camper Award, the 100 Nights Camper Award, the World Conservation Award, the BSA 50 Miler, and the Religious Award: the Ad Altare Dei. He is an Ordeal Member of the Order of the Arrow, and a Firebuilder in the Tribe of Mic-O-Say. His Tribal Name is Curious Golden Squirrel, and his blood brother is Cameron Brenton.

Jonathan's Eagle Scout Project consisted of leading a group of Scouts and Scouters to make improvements at the Earnest Shepherd Youth Center in Liberty.

In addition to these outstanding achievements, I am also proud to recognize Jonathan's work towards my election to the 109th meeting of this most honorable Congress.

Mr. Speaker, I ask you to join me in commending Jonathan Klamm for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING STUART VANMEVEREN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mrs. MUSGRAVE. Mr. Speaker, I rise today to honor one the greatest men of jurisprudence in Colorado, Stuart "Stu" VanMeveren, who is stepping down from 32 years as District Attorney for the State's Eight Judicial District.

I have known Stu for many years. Since we have both been very active in the Republican Party, we have come to know each other quite well. I know we think alike on the issues of our time. We reside in neighboring communities located to the north of Denver. Stu's residence in Fort Collins is within my congressional district.

Stu is one of the most capable, effective, popular, and respected elected district attorneys in our State and the Nation. He was first elected district attorney in the Eight Judicial District of Colorado in 1972. Since then he has been re-elected to seven consecutive 4-year terms of office. His eighth term of office concludes on January 11, 2005, because an amendment to the Colorado Constitution has imposed term limits on elected state and local officials.

Stu's peers have recognized his abilities and effectiveness by electing him to local, State, and national office. His local bar association of more than 350 attorneys has elected Stu as their president. His fellow elected district attorneys have twice elected him President of the Colorado District Attorneys Council.

In 1999 Stu was clearly recognized nationally when he was elected President of the National District Attorneys Association. The National District Attorneys Association is the voice of America's prosecutors and has a membership of more than 8,000 attorneys. Stu has served on the board of directors of that organization, a group of the leading prosecutors from each state in our nation, since 1977. Stu has been elected or appointed to many other local, State, and national committees and organizations.

Stu is a very innovative prosecutor. Shortly after he was first elected district attorney in 1972, he formed one of the first full time victim/witness units contained within a prosecutors office. He was also instrumental in forming a very effective youth mentoring program, Larimer County Partners, 25 years ago.

More recently, in 1999, he took the initiative in creating the first Juvenile Drug Court in Colorado and one of the first in the Nation. A successful adult Drug Court followed this and, with his help, Colorado State University has the only Campus Drug Court in the country. Stu has the innate ability to make effective modifications, realign priorities, and adjust limited resources as the issues involving his office and the criminal justice system change.

Representative Bob Schaffer, my predecessor here in Congress, recently remarked, "As holder of an elected post, Stu's dedication to the Republican principles of public safety and individual liberty have been effectively communicated and represented in a way that has consistently earned him overwhelming bipartisan support each time his name has appeared on a ballot and he is a tireless public servant whose commitment to justice is exemplary."

Stu is a man of high character and integrity. He is a modest man with a very high degree of common sense. He is highly respected throughout his community and the state of Colorado.

It is for these reasons and many more Stu deserves the very highest praise and deep appreciation not only from me and the residents of Colorado, but also from this esteemed body.

CONGRATULATING BARRY ADAMS ON HIS RETIREMENT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. STEARNS. Mr. Speaker, I rise today to congratulate and offer my best wishes to a person who truly exemplified a true civil servant. After 38 years in government service, Barry Adams, a good friend and constituent of mine, retired on December 16, 2004.

Straight out of high school, Barry began his career at the Naval Aviation depot in Jacksonville as an equipment cleaner helper. Barely a year later, he answered his Nation's call and served in the Army in both Korea and Panama. After his military service, Barry returned to the depot and over the years became a stalwart advocate for the depot's mission and its employees.

Very few people worked as hard or represented their fellow civil servants as well as Barry Adams. I have had the honor of working with Barry over the years on issues affecting the employees of NAVAIR Depot in Jacksonville, Florida, with many of them living in my Congressional district. As President of the Jacksonville Naval Air Station Association, Barry ably represented his fellow employees before Congress and the Executive Branch, consistently fighting for better pay, additional workload for the depot, and better personnel policies. He fought hard to ensure that the Depot did not fall prey to the BRAC process. He understood the value of what the Depot and its employees had to offer our forces.

No matter what subject matter was discussed, Barry made sure that the ultimate reason behind his advocacy was the Depot's mission to serve the warfighter. He made sure that Members of Congress understood that the employees at NAVAIR Depot were dedicated to serving the needs of the Fleet and other services and that each and every person was proud to be a part of that mission.

NAVAIR Depot is losing a dedicated advocate, however, Barry's efforts have paid dividends and the employees and the Navy should be thankful for his service. I wish Barry the best in his retirement.

TRIBUTE TO THE HONORABLE CAROLYN H. WILLIAMS

HON. FRED UPTON

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. UPTON. Mr. Speaker, I rise today to pay tribute to the Honorable Carolyn H. Williams, Judge of Probate for the Kalamazoo County 9th Circuit Court, who is approaching the end of a long and distinguished career of public service. A dedicated and committed individual, Judge Williams has served the communities and families of Southwest Michigan for the last 18 years. Through her leadership and enthusiasm to her profession, Judge Williams has helped to make our corner of Michigan an even better and safer place to live and grow.

Judge Williams has long been known for her ability to motivate and inspire young people who for some reason or another end in her court. Her evenhandedness and dedication to fairness have followed her throughout her career. No matter how difficult a case may be, Judge Williams always presents a voice of calm and this ability shines through to the individuals before her.

Judge Williams has been involved in many facets of our local and state community. Over the years she has served as Co-Chair of Kalamazoo Healthy Futures Initiative, President of Michigan Probate Judges Association, Chair of Kalamazoo Children and Family Consortium, and Greater Kalamazoo United Way Board of Directors. She has also received many accolades including, YWCA Woman of Achievement, Kalamazoo Rotary Red Rose Citation, and Glass Ceiling Award of Greater Kalamazoo Network.

Our community is forever in her debt. There is no question that Judge William's passion for the law and betterment of society will be greatly missed. Her contributions to the improvement to our way of life have been immense. I wish Judge Williams and her family all the best in retirement. Although she is leaving the Court, there is no doubt that her life's work of helping and assisting children and families will continue.

On a personal note, I have known Judge Williams and her family for many years. There's never been a time that I haven't been impressed with her style and grace as she has looked to follow the law in making our community a better place. Her legal peers know, they have to be prepared as they enter her courtroom. She is deeply respected by all.

IN HONOR OF RODNEY GILSEN KENNEDY-MINOTT

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Rodney Gilsen Kennedy-Minott, who passed away December 15th at the age of 76. Rodney's lifelong dedication to academia, activism and public service will forever remind us of the importance of courage and dedication, even in trying times.

Born in Portland, Oregon, Rodney moved to Massachusetts in his teenage years. Though college bound, the lure of military service led him to enlist after high school, serving in the US Army occupation force in Japan. After his time in the service, he set out to finish his education at Stanford University, eventually earning his B.A., M.A. and Ph.D. In 1965, he moved back to his native Portland, where he taught as an Associate Professor and worked as a staffer for former Congresswoman Edith Green. Two years later, he moved to California State University at Hayward where he became the Associate Dean of Instruction, a Professor of History and Head of the Humanities Department.

Rodney's keen interest in politics led him to early support for President Jimmy Carter's campaign in 1974. He was later lauded as an impressive character for standing up to the Army Corps of Engineers and Federal bureaucracy on behalf of the campaign and became quite close to the President.

Rodney went on to serve as the Ambassador to Sweden from 1977 to 1980, judged "the most effective and successful US Ambassador to Sweden in more than twenty years" by Nobel Prize winners Gunnar and Alva Myrdal. In 1993, he was selected by the US Navy to implement an interdisciplinary curriculum to educate naval officers at the Naval Postgraduate School about environmental issues. Rodney also developed a program to train naval officers to be diplomatic staff at US embassies.

Throughout his life, Rodney remained an active member of the community. He was a past board member of the West Coast Region of the Institute of International Education and the University of San Francisco's Pacific Basin Studies Program, an Associate Fellow of the Institute for the Study of Diplomacy at Georgetown University, a member of the World Affairs Council Monterey, the Monterey Bay Chapter of the Organization of American Historians, the International Institute of Strategic Studies, and the American Foreign Service Association.

Mr. Speaker, I wish to remember Rodney for his honorable career and his contribution to our society. Rodney consistently went above and beyond the roles bestowed upon him, and has left a legacy of leadership and activism. Our thoughts go out to his three children, Katharine, Rodney Jr., and Polly. While he will be sorely missed, his life will continue to inspire those he touched.

ON RENEWING PUBLIC TRUST IN AMERICAN ELECTIONS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. SABO. Mr. Speaker, the right to vote is the most fundamental of American democratic values. However, for the second Presidential election in a row, there were disturbing reports in 2004 of voter intimidation, disenfranchisement, machine error, and fraud. If we truly value the right to vote, we must do more to restore public trust in the integrity of our election process.

We must eliminate cumbersome pre-registration requirements. The State of Minnesota has allowed same-day voter registration since 1974, and is a national leader in voter participation. In 2004, 77.7 percent of eligible Minnesotans voted; 20.6 percent (581,904) of those voters registered on Election Day.

Clearly, same day voter registration has greatly contributed to consistently high voter turnout in Minnesota. I believe this law has also encouraged new voters, especially young people, to turn out in higher numbers.

Unfortunately, many states have pre-registration requirements of up to 30 days. It is unknown how many Americans have been prevented from exercising their Constitutional right to vote because of these cumbersome requirements.

As in the 108th Congress, I will soon introduce simple, straightforward legislation to ensure that every eligible citizen may register and vote in federal elections on Election Day. I hope my colleagues will join me in advancing this legislation.

We must also require a voter-verified paper record of every vote cast. Despite clear warning signs that electronic voting machines are unreliable, no action was taken by the last Congress on legislation to require a paper trail for all ballots. Public trust in the integrity of our ballots is crucial to restoring confidence in the entire system. We must take action on these issues during the 109th Congress.

The free and fair election of our nation's leaders is the hallmark of our democracy, and it is an international symbol of freedom to which other nations aspire. We must promote participation and establish voting safeguards so that future elections in our great country are above reproach. There is much work to do.

INTRODUCTION OF H.R. 24, THE "PRESERVATION AND RESTORATION OF ORPHAN WORKS FOR USE IN SCHOLARSHIP AND EDUCATION (PRO USE) ACT OF 2005"

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. BERMAN. Mr. Speaker, on January 4, I joined the distinguished gentleman from Michigan, Representative JOHN CONYERS, and the distinguished gentlelady from California, Ms.

LOFGREN, in introducing H.R. 24, the "Preservation and Restoration of Orphan Works for Use in Scholarship and Education (PRO USE) Act of 2005." The PRO USE Act will benefit libraries, archives, schools and other users of copyrighted works. It will do so by facilitating the preservation, use, and dissemination of orphaned works.

Though a technical amendment, Title I of the PRO USE Act makes a important change in the Copyright Act. The Sonny Bono Copyright Term Extension Act (SBCTEA) enacted section 108(h) of the Copyright Act to ensure that copyright term extension would not adversely impact the preservation, scholarly, and research work of libraries, archives, and nonprofit educational institutions. Section 108(h) permits such entities to reproduce, distribute, display and perform copyrighted works during the extended copyright term if the work is not subject to commercial exploitation and is not available at a reasonable price.

Unfortunately, due to a drafting oversight, the SBCTEA did not amend section 108(i). As a result, section 108(h) cannot fully achieve its intended objective. Section 108(i) in effect renders 108(h) partially meaningless by excluding musical, pictorial, graphic and sculptural works, as well as motion pictures and other audiovisual works, from the scope of 108(h). In other words, section 108(i) prevents archives from preserving and performing an orphan film in its last 20 years of copyright term.

The PRO USE Act will correct this oversight, and thus enable libraries and archives to reproduce, distribute, perform, and display all orphan works in the course of their preservation, scholarly, and research activities.

Title II of the PRO USE Act will also facilitate the preservation of, and scholarship related to, orphaned motion pictures.

Title II reauthorizes the National Film Preservation Board (NFPB) and the National Film Preservation Foundation (NFPF) for 10 years. The NFPF is an independent, nonprofit organization established in 1996 with bipartisan congressional support to help save America's film heritage. The NFPF is the charitable affiliate of the NFPB of the Library of Congress, which was also established in 1996.

This legislation also increases the authorized appropriations for the NFPF from $530,000 in fiscal year 2005 and 2006 up to $1,000,000 in fiscal years 2007 through 2915. It authorizes additional appropriations not to exceed $1,000,000 for cooperative film preservation and access initiatives by the NFPF for each of the fiscal years 2006 through 2015. All authorized appropriations are only to be made available to match private contributions to the NFPF.

The excellent work and strong track record of the NFPB and NFPF justify both the reauthorization and increased authorization of appropriations provided by this bill. Working with archives and others in the film preservation community, the NFPF supports activities that save films for future generations, improve film access for education and exhibition, and increase public commitment to preserving film as a cultural resource, art form, and historical record. In essence, its mission is to save America's "orphan films"—newsreels, silent films, documentaries, avant-garde works, and other independent films that are not preserved by commercial interests.

Since its inception, the NFPF has done great work in furtherance of this goal. Working with more than 80 organizations, it has helped preserve approximately 600 films and collections. Through its preservation efforts, the NFPF has made it possible for organizations in 34 States and the District of Columbia to use these films in education and research. Many of the films preserved provide unique windows into American history and culture. For instance, films preserved through NFPF efforts include social dramas from Thomas Edison's studio, the earliest "talkie" of an American president, and home movies clandestinely shot by Japanese Americans in World War 11 detention camps.

With authorization for the NFPB and NFPF having expired on September 30, 2003, congressional reauthorization is long overdue. Reauthorization not only provides these organizations with important recognition, but is also critical to their ability to attract the private donations that provide a great majority of their funds. Failure to reauthorize will hamper the critical work of the NFPB and NFPF.

Over 50 percent of the films made before 1950 have disintegrated, and only 10 percent of the movies produced in the United States before 1929 still exist. We must act to stem further losses of this rich cultural heritage. No art form is more uniquely American than film, but unfortunately, few art forms are more susceptible to degradation through passage of time and poor preservation.

I hope that all parties interested in preservation and expansion of the public domain, whether for research, education, or further commercial exploitation, join Representative CONYERS, Representative LOFGREN, and myself in pressing for passage of the PRO USE Act. This bill will provide real, tangible help to those interested in preserving orphaned works and enhancing the public domain. The failure of the 108th Congress to pass the same legislation shows it will not be easy to pass. Thus, we need all champions of the public domain to devote their efforts to the passage of this legislation. While working to pass this targeted legislation may not seem as intellectually stimulating as debating radical copyright revisions or arguing novel legal theories before the courts, it will provide real, tangible benefits.

THANKING THE GOVERNMENT AND PEOPLE OF EQUATORIAL GUINEA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. BURTON of Indiana. Mr. Speaker, We have all seen the horrific images, and read the news reports about the tsunami that devastated South and Southeast Asia; and they speak volumes about the great burden this natural disaster has placed on the people of at least eleven nations. During this difficult period, I know that all Americans stand in support of the nations and people affected by this unfortunate series of events, and stand united in our determination to assist these people in rebuilding their shattered lives. President Bush has pledged the support of the United States government, and our federal agencies and military personnel are doing everything possible to be of the utmost assistance, and fulfill that pledge. Likewise the American people are responding with overwhelming charity and generosity.

Indeed, this horrible catastrophe has created a virtual global army of compassion, and I rise today to recognize and applaud the leadership and generosity of a small portion of that army, namely the country of Equatorial Guinea, for their generous donation of $200,000 toward the Tsunami Relief Efforts.

The government of Equatorial Guinea has faced many challenges in restoring order to a country that has been ravaged and neglected for decades. While the country still faces many struggles, such as rebuilding the country's schools, hospitals and infrastructure, Equatorial Guinea is the first African country to make a financial donation to the tsunami relief effort.

I am pleased to see President Teodoro Obiang Nguema's humanitarian spirit which has served the people of Equatorial Guinea so well, has spilled over to aid the many thousands in need in Southeastern Asia. I fervently hope that Equatorial Guinea's neighboring countries will soon follow the example set by President Nguema and offer any assistance possible to those who have been affected so greatly by this tragedy.

HONORING MR. EDWARD FAUTH, JR.

HON. THOMAS M. REYNOLDS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. REYNOLDS. Mr. Speaker. It is with great pleasure that I rise to pay tribute to Mr. Edward Fauth, Jr., of Corfu, New York, for his fifty years of active service as a volunteer firefighter.

For the past fifty years, Edward Fauth, Jr., has served the Corfu community as a member of the Corfu Rescue Hook & Ladder Company. During that time with the company, he has played a vital role in community safety, holding a number of different positions including Chief, Assistant Chief, Second Assistant Chief, Trustee and Vice President.

Anytime a citizen volunteers his or her time for the betterment of the community, it is commendable. For one man to have given fifty years as a volunteer firefighter is nothing short of remarkable. His commitment to his fellow citizens and dedication to his community truly exemplify the ideals of public service. Through his dedication, Edward has made a considerable and lasting contribution to our community, and for that he deserves our deepest gratitude.

Mr. Speaker, I ask that this Congress join me in honoring Mr. Edward Fauth, Jr., of Corfu, New York, and thank him for his fifty years of active service as a volunteer firefighter.

HONORING CONGRESSWOMAN SHIRLEY CHISHOLM

HON. ELIJAH E. CUMMINGS

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 6, 2005

Mr. CUMMINGS. Mr. Speaker, "Just wait, there may be some fireworks." These words were spoken by Ms. Shirley Chisholm after she was elected the first black woman to serve in Congress. And, Mr. Speaker, there were fireworks.

As a founding member, Shirley Chisholm made the Congressional Black Caucus the "Conscience of the Congress." Throughout her career, she was an advocate for the unemployed, for low-wage workers, for women, children, and people of color. The daughter of a laborer and a domestic worker, Shirley Chisholm won awards for her debating skills at Brooklyn College and went on to receive her masters in education at Columbia University. When she came to the House in 1968, she became a teacher to us all.

And Mr. Speaker, there were fireworks. Shirley Chisholm carried the double burden of being black and being a woman. She was no stranger to resistance, but when Shirley wanted something done for her constituency or for her country, nothing could stand in her way. She called herself "unbossed and unbought," and she was. From the moment she entered the Congress, she worked to make it a more fair and equal body. She said, "Our representative democracy is not working, because the Congress that is supposed to represent the voters does not respond to their needs. I believe the chief reason for this is that it is ruled by a small group of old men." Shirley did not rest until she got the committee assignments she wanted and the respect she deserved. Mr. Speaker, there were fireworks.

Shirley Chisholm made history, twice: as the first black woman in Congress, and then as the first African American to run for President in 1972. She said, "I am an historical person at this point, and I'm very much aware of it." When asked of her legacy, Shirley said, "I'd like them to say that Shirley Chisholm had guts." Mr. Speaker, we will say that and we will say more. Shirley Chisholm had spunk and spitfire, she had commitment and courage, she had wit and wisdom—she was an inspiration to us all.

As we move forward into this new Congress, let us learn from our great teacher Shirley Chisholm. Let us remember her courage to be independent, to speak her mind, and to fight for the under-represented in this country. Let us remember that she cared not what the Congress was, but what it could and should be. Let us remember her sense of historical purpose and find our own. Mr. Speaker, in the name of justice, equality, and fairness—in the memory of Shirley Chisholm—let there be fireworks.

HOUSE OF REPRESENTATIVES—*Thursday, January 20, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. SIMPSON).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 20, 2005.

I hereby appoint the Honorable MICHAEL K. SIMPSON to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Almighty God, today as the 109th Congress welcomes the President and Vice President for the Inauguration, the American people pray for the three branches of this government. May they work together for prosperity and peace and security.

We join our voices with the prayer once said by Thomas Jefferson: "Almighty God, You have given us this good land for our heritage. We humbly beseech You that we may always prove ourselves a people mindful of Your favor and glad to do Your will."

Bless our land and bless all those who serve in public service. Bless the government that it may be with the people and for the people now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Minnesota (Mr. KLINE) come forward and lead the House in the Pledge of Allegiance.

Mr. KLINE led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Thursday, January 6, 2005:

H.R. 241. to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

APPOINTMENT AS MEMBER TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 United States Code 1024(a), and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Member of the House to the Joint Economic Committee:

Mr. SAXTON of New Jersey.

COMMUNICATION FROM THE HON. NANCY PELOSI, DEMOCRATIC LEADER

The SPEAKER pro tempore laid before the House the following communication from the Honorable NANCY PELOSI, Democratic Leader:

HOUSE OF REPRESENTATIVES,
OFFICE OF THE DEMOCRATIC LEADER,
January 19, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), I hereby appoint David Skaggs of Colorado, to the Public Interest Declassification Board for an initial 2-year term.

Best regards,

NANCY PELOSI.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that on January 19, 2005, the Speaker delivered to the Clerk a letter listing Members in the order in which each shall act as Speaker pro tempore under clause 8(b)(3) of rule I.

RECALL DESIGNEE

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

OFFICE OF THE SPEAKER,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 19, 2005.

Hon. JEFF TRANDAHL,
Clerk of the House,
The Capitol, Washington, DC.

DEAR MR. CLERK: Pursuant to House Concurrent Resolution 1, and also for purposes of such concurrent resolutions of the current Congress as may contemplate my designation of Members to act in similar circumstances, I hereby designate Representative DeLay to act jointly with the Majority Leader of the Senate or his designee, in the event of my death or inability, to notify the Members of the House and the Senate, respectively, of any reassembly under any such concurrent resolution. In the event of the death or inability of that designee, the alternate Members of the House listed in a letter placed with the Clerk are designated, in turn, for the same purposes.

Sincerely,

J. DENNIS HASTERT,
Speaker of the House of Representatives.

COMMUNICATION FROM DISTRICT DIRECTOR OF HON. DENNIS KUCINICH, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from Patricia Vecchio, District Director of the Honorable DENNIS KUCINICH, Member of Congress:

HOUSE OF REPRESENTATIVES,
December 17, 2004.

Hon. DENNIS HASTERT,
Speaker of the House, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to notify you formally pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena, issued by the Probate Court of Cuyahoga County, Ohio, for testimony and documents.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is inconsistent with the precedents and privileges of the House.

Sincerely,

PATRICIA VECCHIO,
District Director.

COMMUNICATION FROM THE HON. CHRISTOPHER SHAYS, MEMBER OF CONGRESS

The SPEAKER laid before the House the following communication from the Honorable CHRISTOPHER SHAYS, Member of Congress:

JANUARY 11, 2005.

Hon. J. DENNIS HASTERT,
Speaker of the House of Representatives,
Capitol, Washington, DC.

DEAR DENNY: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a subpoena for documents issued by the Connecticut Superior Court, Docket at Tolland.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoena is consistent with the precedents and privileges of the House.

Sincerely,

CHRISTOPHER SHAYS,
Member of Congress.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

COMMUNICATION FROM ATTENDING PHYSICIAN OF THE CONGRESS OF THE UNITED STATES

The SPEAKER laid before the House the following communication from Dr. John Eisold, Attending Physician of the Congress of the United States:

THE ATTENDING PHYSICIAN,
CONGRESS OF THE UNITED STATES,
January 14, 2005.

Hon. DENNIS J. HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a civil subpoena for documents issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I have determined that compliance with the subpoena would not be consistent with the rights and privileges of the House, and I have instructed the Counsel to object.

Sincerely,

DR. JOHN EISOLD,
Attending Physician.

ANNOUNCEMENT BY COMMITTEE ON RULES ON AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 54, CONGRESSIONAL GOLD MEDAL ENHANCEMENT ACT OF 2005

Mr. HASTINGS of Washington. Mr. Speaker, the Committee on Rules may meet next week to grant a rule which could limit the amendment process for floor consideration of H.R. 54, the Congressional Gold Medal Enhancement Act of 2005. The bill was introduced on January 4, 2005, and referred to the Committee on Financial Services.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Committee on Rules in room H–312 of the Capitol by 1 p.m. on Tuesday, January 25. Members should draft their amendments to the text of the bill as introduced on January 4. Members are advised that the text of the bill as introduced is available for their review on the Web sites of the Committee on Financial Services and the Committee on Rules.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format. Members are also advised to check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 10:15 a.m.

Accordingly (at 10 o'clock and 8 minutes a.m.), the House stood in recess until approximately 10:15 a.m.

☐ 1020

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SIMPSON) at 10 o'clock and 20 minutes a.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that sitting Members are being delivered their official pins in order to be seated on the platform. There are no extra seats available, so former Members cannot join the procession. The same holds true for children. They can neither go with the procession nor be seated on the platform.

The area where Members of the House are to be seated is not covered. Members should keep this fact in mind in deciding whether to wear overcoats and hats.

The Sergeant-at-Arms will precede the procession bearing the mace. The Clerk will escort the Members to the west front of the Capitol. The procession will be led by the dean of the House, followed by the House leadership, committee chairmen, ranking minority members, and then other Members in order of seniority.

The House leadership, committee chairmen, and ranking minority members shall retire to the holding room upon leaving the Chamber.

The Chair would encourage Members, as they gather in order of seniority, to congregate by "classes" in the well.

Pursuant to House Resolution 9, the Members of the House will now proceed to the west front to attend the inaugural ceremonies for the President and the Vice President of the United States.

Upon completion of the ceremony, pursuant to House Resolution 9, 109th Congress, the House will stand adjourned.

Pursuant to House Concurrent Resolution 2, 109th Congress, that adjournment will be until 2 p.m. on Tuesday, January 25, 2005.

Thereupon, at 10 o'clock and 22 minutes a.m., the Members of the House, preceded by the Sergeant-at-Arms and the Speaker, proceeded to the west front of the Capitol.

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY JANUARY 6 2005, AT PAGE 243

The tellers delivered to the President of the Senate the following statement of results.

JOINT SESSION OF CONGRESS FOR THE COUNTING OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, OFFICIAL TALLY

The undersigned, TRENT LOTT and TIM JOHNSON, tellers on the part of the Senate, ROBERT W. NEY and JOHN B. LARSON of Connecticut, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the Twentieth day of January, two thousand and five.

Electoral votes of each State	For President			For Vice President	
	George W. Bush	John F. Kerry	John Edwards	Dick Cheney	John Edwards
Alabama—9	9			9	
Alaska—3	3			3	
Arizona—10	10			10	
Arkansas—6	6			6	
California—55		55			55
Colorado—9	9			9	
Connecticut—7		7			7
Delaware—3		3			3
District of Columbia—3		3			3
Florida—27	27			27	
Georgia—15	15			15	
Hawaii—4		4			4
Idaho—4	4			4	
Illinois—21		21			21
Indiana—11	11			11	
Iowa—7	7			7	
Kansas—6	6			6	
Kentucky—8	8			8	
Louisiana—9	9			9	
Maine—4		4			4
Maryland—10		10			10
Massachusetts—12		12			12
Michigan—17		17			17
Minnesota—10		9	1		10
Mississippi—6	6			6	
Missouri—11	11			11	
Montana—3	3			3	
Nebraska—5	5			5	
Nevada—5	5			5	
New Hampshire—4		4			4
New Jersey—15		15			15
New Mexico—5	5			5	
New York—31		31			31
North Carolina—15	15			15	
North Dakota—3	3			3	
Ohio—20	20			20	
Oklahoma—7	7			7	
Oregon—7		7			7
Pennsylvania—21		21			21
Rhode Island—4		4			4
South Carolina—8	8			8	
South Dakota—3	3			3	
Tennessee—11	11			11	
Texas—34	34			34	
Utah—5	5			5	
Vermont—3		3			3
Virginia—13	13			13	
Washington—11		11			11
West Virginia—5	5			5	
Wisconsin—10		10			10
Wyoming—3	3			3	
Total—538	286	251	1	286	252

TRENT LOTT,
TIM JOHNSON,
Tellers on the part of the Senate.
ROBERT W. NEY,
JOHN B. LARSON,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

NOTE: The certificate from the State of Minnesota reflected that one elector cast ballots for John Edwards, of the State of North Carolina, for both President and Vice President.

CORRECTION TO THE CONGRESSIONAL RECORD OF TUESDAY JANUARY 4, 2005 AT PAGE 107

PROCEEDINGS OF THE HOUSE OF REPRESENTATIVES AFTER SINE DIE ADJOURNMENT OF THE 108TH CONGRESS 2D SESSION AND FOLLOWING PUBLICATION OF THE FINAL EDITION OF THE CONGRESSIONAL RECORD OF THE 108TH CONGRESS

APPOINTMENT BY THE SPEAKER AFTER SINE DIE ADJOURNMENT

Pursuant to section 1238(b)(3) of the Floyd D. Spence National Defense Authorization Act for fiscal year 2001 (22 U.S.C. 7002) amended by Division P of the Consolidated Appropriations Resolution, 2003 (P.L. 108–7), and the order of the House of December 8, 2003, the Speaker on December 31, 2004, reappointed the following Member on the part of the House to the United States-China Economic and Security Review Commission:

Mr. Larry Wortzel, Alexandria, VA, for a term to expire December 31, 2006.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. Eshoo (at the request of Ms. Pelosi) for January 6, 2005.

ENROLLED BILL SIGNED

Mr. Trandahl, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 241. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

BILLS PRESENTED TO THE PRESIDENT

Jeff Trandahl, Clerk of the House reports that on January 6, 2005 he presented to the President of the United States, for his approval, the following bills.

H.R. 241. To accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

ADJOURNMENT

At the conclusion of the inaugural ceremonies (at 12 o'clock and 33 minutes p.m.), the House, without returning to its Chamber, pursuant to House Resolution 9, stood adjourned, and pursuant to House Concurrent Resolution 2, stood in adjournment until Tuesday, January 25, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

197. A communication from the President of the United States, transmitting notification stating that the emergency declared with respect to foreign terrorists who threaten to disrupt the Middle East peace process is to continue in effect beyond January 23, 2005, pursuant to 50 U.S.C. 1622(d); (H. Doc. No. 109–6); to the Committee on International Relations and ordered to be printed.

198. A communication from the President of the United States, transmitting an Agreement between the Government of the United States of America and the Government of the Russian Federation extending the Agreement on Mutual Fisheries Relations of May 31, 1999, with annex, as extended, pursuant to 16 U.S.C. 1823(a); (H. Doc. No. 109–5); to the Committee on Resources and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

[Filed on January 3, 2005]

Mr. TOM DAVIS of Virginia. Committee on Government Reform. Report on the Activities of the House Committee on Government Reform for the 108th Congress (Rept. 108–815). Referred to the Committee of the Whole House on the State of the Union.

Mr. NEY: Committee on House Administration. Report on the Activities of the Committee on House Administration during the 108th Congress (Rept. 108–816). Referred to the Committee of the Whole House on the State of the Union.

Mr. BOEHLERT: Committee on Science. Summary of Activities of the Committee on Science for the 108th Congress (Rept. 108–817). Referred to the Committee of the Whole House on the State of the Union.

Mr. NUSSLE: Committee on the Budget. Activities and Summary Report of the Committee on the Budget, 108th Congress (Rept. 108–818). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BACHUS (for himself, Mr. Moore of Kansas, Mr. Tom Davis of Virginia, Mr. Young of Florida, Ms. Hooley, Mr. Whitfield, Mr. Moran of Kansas, Mr. Wolf, Mr. Brown of South Carolina, Mr. Rogers of Alabama, Mr. Baca, Mr. Burton of Indiana, Ms. Bordallo, Mr. Weller, Mr. Tancredo, Mr. Boswell, Mr. Leach, Ms. Lee, Mr. Cardoza, Mr. Chandler, Mr. Otter, Mr. Cooper, Mr. Pickering, Mr. Olver, Mr. Baker, Mr. Shays, Mrs. Davis of California, Mr. Shimkus, Mr. Dingell, Mr. Doggett, Mr. Filner, Mr. Beauprez, Mr. Cole of Oklahoma, Mr. Gonzalez, Mr. Gene Green of Texas, Mr. Gutierrez, Ms. Herseth, Mr. Hinchey, Mr. Holt, Mrs. Jones of Ohio, Mr. Kildee, Mr. Kind, Mrs. Maloney, Mrs. McCarthy, Mr. McDermott, Mr. George Miller of California, Mr. Payne, Mr. Scott of Georgia, Mr. Spratt, Mr. Stupak, Mrs. Tauscher, and Mr. Aderholt):

H.R. 292. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $100,000; to the Committee on Armed Services.

By Mr. HEFLEY:

H.R. 293. A bill to amend the Internal Revenue Code of 1986 to eliminate the marriage penalty in the contribution rules for Roth IRAs; to the Committee on Ways and Means.

By Mr. HEFLEY:

H.R. 294. A bill to amend the Internal Revenue Code of 1986 to extend to civilian employees of the Department of Defense serving in combat zones the tax treatment allowed to members of the Armed Forces serving in combat zones; to the Committee on Ways and Means.

By Mr. TANCREDO (for himself, Mr. Ackerman, Mr. Cantor, Mr. Wexler, Ms. Ros-Lehtinen, Mr. Shimkus, Mr. Garrett of New Jersey, Mr. Pence, and Mr. Fossella):

H. Con. Res. 19. Concurrent resolution expressing the sense of Congress that the people of the United States should observe the 60th anniversary of the liberation of Auschwitz, a Nazi death camp during World War II, and honor all the victims of the Holocaust, and for other purposes; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII.

Mr. RAMSTAD introduced a bill (H.R. 295) for the relief of Konstantinos Ritos; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 43: Mr. Wolf.

H.R. 47: Mr. Wilson of South Carolina.

H.R. 179: Mr. Hostettler.

H.R. 180: Mr. Hostettler.

H.R. 219: Mr. Tancredo.

H.R. 278: Mr. Bartlett of Maryland, Mr. Wilson of South Carolina, Mr. Paul, and Mr. Bass.

H. Con. Res. 6: Mr. Hunter, Mr. Skelton, Mr. Calvert, Mr. Bartlett of Maryland, Mr. Smith of New Jersey, Mr. Paul, Mr. Otter, Mr. Forbes, Mr. Cooper, Mr. Fossella, Mr. Simpson, Mr. Taylor of Mississippi, Mr. Kennedy of Minnesota, Mr. Reyes, Mr. Bishop of Georgia, Mr. Feeney, Mr. Jones of North Carolina, Mr. Chocola, Mr. Snyder, Mr. Whitfield, Mr. Murtha, Mr. Pickering, Mr. Miller of Florida, Mrs. Myrick, Mr. Gutknecht, Mr. Platts, Mr. Buyer, and Mr. Tancredo.

SENATE—*Thursday, January 20, 2005*

The Senate met at 3 p.m. and was called to order by the Honorable NORM COLEMAN, a Senator from the State of Minnesota.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, our rock and fortress, You put the mountains in place and bring silence to roaring waves. We celebrate and sing because of You. You are a strong tower where we find safety. Strengthen our faith and forgive us for doubting Your power and providence. Help us see Your hand in the orderly transition of governmental power. Remind us that You place leaders in their positions of authority. Thank You for this great land and for the many freedoms we sometimes take for granted.

We appreciate Your faithfulness and Your mercies that are new each day. Today, lead our lawmakers so that Your name will be honored. Protect them from hidden traps and sustain them through the lengthening shadows.

Lord, as we pray, we remember Howard Liebengood, Senator FRIST's faithful chief of staff and a former sergeant at arms. Comfort and sustain all of us who are grieving his loss. We pray in Your blessed Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable NORM COLEMAN led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, January 20, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable NORM COLEMAN, a Senator from the State of Minnesota, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Mr. COLEMAN thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY WHIP

The ACTING PRESIDENT pro tempore. The majority whip is recognized.

SCHEDULE

Mr. McCONNELL. Mr. President, on behalf of the majority leader, I will announce today's schedule. The Senate has convened on this ceremonial day for the purpose of considering some of the President's Cabinet level appointments. We had hoped and expected to consider the President's appointment of Condoleezza Rice to be Secretary of State but, unfortunately, I understand there is an objection on the other side to moving to that nomination today. So in a moment I will propound several unanimous consent agreements for the President's nominations.

Before I do, I say that if we get these agreements, there will be no rollcall votes today.

ORDER OF PROCEDURE

Mr. McCONNELL. I ask unanimous consent that at the conclusion of my remarks and the remarks of the Democratic leader, the Senate proceed to executive session for consideration of Executive Calendar No. 3, Mike Johanns, to be Secretary of Agriculture; provided further that there be 30 minutes of debate under the control of Chairman CHAMBLISS, 15 minutes under the control of Senator HARKIN, and 15 minutes under the control of Senator DAYTON; provided further that at the conclusion of that time the Senate proceed to a vote on the confirmation and nomination with no intervening action or debate.

Finally, I ask that the President then be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection? The Democratic leader.

Mr. REID. I ask that the consent be modified to delete the time for Senator HARKIN and Senator DAYTON.

The ACTING PRESIDENT pro tempore. Is there objection to the modified request? Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that following the vote on the Johanns nomination, the Senate proceed to the consideration of Executive Calendar No. 2, Margaret Spellings, to be Secretary of Education; provided further that there be 45 minutes of debate under the control of Chairman ENZI, 15 minutes under the control of Senator KENNEDY, 10 minutes under the control of Senator LAUTENBERG, 10 minutes under the control of Senator WYDEN, and 10 minutes under the control of Senator DODD; provided further that at the conclusion of that time the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate.

Finally, I ask that the President then be immediately notified of the Senate's action.

Mr. REID. I ask that the consent be modified to have Senator KENNEDY have Senator LAUTENBERG's time if Senator LAUTENBERG does not claim it.

The ACTING PRESIDENT pro tempore. Is there objection to the modified consent?

Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask further consent that at 3 p.m. on Monday, January 24, the Senate proceed to executive session for the consideration of Calendar No. 1, Carlos Gutierrez, to be Secretary of Commerce; provided further that there be 2 hours of debate on the nomination, 1 hour under the control of Chairman STEVENS and 1 hour under the control of Senator DORGAN; further, that at the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

Finally, I ask that the President then be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I ask unanimous consent that today, following the confirmation of the Spellings nomination, the Senate proceed to the confirmation of Condoleezza Rice to be Secretary of State; provided further that there be 2 hours of debate equally divided in the usual form, and that following that debate the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have Senators who have been engaged in matters relating to what is going on around the world who, for the confirmation of the Secretary of State, wish to be able to speak. We have squeezed the time in as closely as we could, and we have 4½ hours we need on our side. This has been explained to the Republican leadership.

We would, of course, be willing to move forward on that tonight and tomorrow, but there are the inaugural festivities, and we all understand that. It certainly does not seem untoward in any way that the Senators have some time to speak before this most important nomination, and I say as a matter of passing, at the White House today I had a fine conversation with Condoleezza Rice, and she said her main goal was to make sure she was confirmed by the time the President gave his State of the Union speech because she had a trip scheduled to go overseas after that. This confirmation will take place, at the latest, sometime Wednesday. So she will be able to make that with a lot of time to spare. So I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. McCONNELL. Mr. President, some of us were just at a luncheon where I had a chance to speak with the current Secretary of State who is anxious to get back to tinkering with his cars. So he will note that objection with some regret.

As I indicated, we anticipated an objection. Senator REID had indicated there would be a problem on that side for any amount of debate we would have today or tomorrow, so therefore I ask that on Tuesday, January 25, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of the Rice nomination; provided further that during Tuesday's session there be 9 hours of debate equally divided between the two leaders or their designees.

I further ask consent that when the Senate resumes the nomination on Wednesday, January 26, there be an additional 40 minutes of closing remarks equally divided between the two leaders or their designees.

Finally, I ask that following that debate, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate, and that after the vote the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, I was wondering if my colleague from Massachusetts, Senator KERRY, has any time within that time?

Mr. REID. Mr. President, if I could, I ask the consent be modified to reflect the speakers for the Democrats at this time: Senator BYRD, 1 hour; Senator BOXER, 1 hour; Senator REED of Rhode Island, 30 minutes; Senator DURBIN, 30 minutes; Senator KERRY, 20 minutes; Senator LEVIN, 15 minutes; Senator KENNEDY, 15 minutes; Senator LIEBERMAN, 10 minutes; Senator CORZINE, 10 minutes; Senator SALAZAR, 10 minutes; Senator FEINSTEIN, 10 minutes.

I would say to all my colleagues, we have only 5 minutes left, so there would be no additional time but for the fact that Senator BOXER has indicated she likely will not use her whole hour. She is always most courteous with other Senators, and she will be happy to give some of that time on Tuesday to other Senators, if necessary.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. I withdraw my reservation.

The ACTING PRESIDENT pro tempore. Does the acting majority whip modify that request?

Mr. REID. I ask to modify that request.

The ACTING PRESIDENT pro tempore. Is there objection to modifying the consent? Without objection, it is so ordered.

The Democratic leader.

Mr. REID. I apologize to the acting leader. Senator BIDEN has indicated he is going to get 20 minutes, but he is going to speak in favor of the nomination. He said he could get that from Senator LUGAR.

Mr. McCONNELL. Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

EXECUTIVE SESSION

NOMINATION OF MIKE JOHANNS TO BE SECRETARY OF AGRICULTURE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go to executive session and proceed to the nomination of Mike Johanns.

The clerk will report the nomination.

The legislative clerk read the nomination of Mike Johanns, of Nebraska, to be Secretary of Agriculture.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. I yield as much time as he may consume to my colleague from Kansas, the former chairman of the House Agriculture Committee under whom I served, my dear friend, PAT ROBERTS.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished chairman of the Agriculture Committee, and, I might add, the new chairman of the committee, for yielding this time to me. I look forward to working with him. On behalf of the man whose job it is to feed America in a troubled and hungry world, we could not have made a better choice—I am using the editorial "we"—for a man to lead the Senate Agriculture Committee. He brings to the job extensive experience and commitment to represent not only the producers of Georgia but those all throughout the Nation. So I thank the Chairman. I look forward to working with him.

I rise today to speak on the nomination of Governor Michael Johanns of Nebraska to serve as the next Secretary of Agriculture. But first I would like to thank our outgoing Secretary of Agriculture, Secretary Ann Veneman. Ann has been a longtime and dear personal friend of mine. While she now has accepted a new challenge as head of UNICEF; that is, the United Nations Children's Fund, I want to personally thank her for the 4 years of service she has given to this Nation. Her steadfastness on behalf of agriculture was inspiring to us all. So to Ann Veneman: A job well done.

Her legacy will be her commitment to trade and food and agricultural security, which is in the best interest of all Americans. On her watch she dealt with some of the most difficult issues any Secretary could ever face: first, a threat of foot and mouth disease almost as soon as she took office, later followed by BSE issues and the introduction of something called Asian soybean rust, which is a very severe problem. She handled all of these problems well. And she also established a plant and animal disease monitoring system. Again, that will be her legacy.

I also wish Governor Johanns all the best as he becomes our new Secretary of Agriculture. It will not be an easy job, and he knows that. Secretary Johanns will be forced to confront many of the same issues Secretary Veneman faced. He will face food safety and security surprises that will make it all the more important to continue to protect the safety and security of our food supply and the agricultural sector.

He will also face challenges with regard to budget pressures, the farm bill reauthorization, and also continued competition—I want to emphasize this—if not an outright ambush to U.S. farm programs through the World Trade Organization. That is going to be a very big challenge to all of us.

Mike Johanns is up to and qualified for this task. I had the pleasure to visit at length with the Governor prior to his confirmation hearing. I attended the entire hearing. Actually, I had the gavel when we moved the nomination. Knowing the Governor from a neighboring State, I can tell you he has a passion for this job. He has committed to do well on behalf of our farmers, ranchers, food safety, and our nutrition programs.

The Department of Agriculture is an immense agency, and he is well qualified for this task. He was raised on a farm. He understands agriculture. Most important, he is someone who will be a bully pulpit champion, if you will, for production agriculture. He is the type who will certainly be willing to sit on the wagon tongue with the farmers and ranchers, asking for their advice and their suggestions.

I have heard many stories from the Kansas producers on the northern borders of Kansas who have told me of crossing the border to Nebraska, not for a football game but simply on business, walking into the local coffee shop, and there they would run into Governor Johanns and he would be carrying on the coffee shop conversations with his farmers. This is the kind of man we want in this position.

President Bush has picked an outstanding candidate in nominating Mike Johanns, the former Governor of Nebraska. I look forward to working with him. I urge my colleagues to support the swift approval of his nomination.

I again thank the distinguished chairman and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. I thank the Senator from Kansas for his very kind comments and also for his support of the nomination of Governor Johanns. I, of course, rise to support that nomination by the President of the United States of Governor Michael Johanns of Nebraska to serve as Secretary of Agriculture.

I, too, want to first thank our outgoing Secretary, Ann Veneman, for the great job she has done. She has faced some very serious challenges over the last 4 years. I have continually pointed out to folks involved in agriculture, as I have spoken to groups around the country, the terrific job she personally as well as her Department did relative to the potential BSE issue that arose in the northwestern part of our country several months ago.

I thought it was a prime example of the difference in the way our system works, particularly under APHIS, which is an organization that does exactly what it is supposed to do, and that is to make sure animals are inspected in an appropriate way before they come into the United States, versus countries that simply do not have in place the mechanisms that we do to try to prohibit this very terrible disease from spreading among livestock. I thought Secretary Veneman herself, by engaging immediately on this issue, showed strong leadership. I believe it was because of that that this issue faded very quickly, as it should have.

Following September 11, we have had a continuing issue of food security. We have been very fortunate, but I believe it is more than that. It is a situation where we have had strong leadership in USDA, under Secretary Veneman, that has been on top of the issue of food safety. As a result of that strong leadership, we have not encountered a potential terrorist attack on our food system.

I compliment her for the great leadership she has shown. She was willing to come to my State early on in her tenure. Having grown up and been involved in a peach farm in California, she particularly appreciated coming to a peach farm in Georgia where, as I told her, we grow much sweeter peaches, but that is always for debate.

But she made herself very knowledgeable of southeastern agricultural issues, which are a little bit different from California issues. I appreciate her from that standpoint. We wish her well in her new endeavor, and I know she is going to be very successful there.

I want to say on behalf of Governor Johanns that he is extraordinarily well prepared and qualified for this new challenge which the President is giving him.

He grew up on a dairy farm in Iowa. He served two terms as mayor of Lincoln, NE, and he is in his second term as Governor of that State. He has shown outstanding leadership during his tenure as Governor, which will serve him well in managing the diverse and important activities of the Department of Agriculture. As leader of a major agricultural State, the Governor is obviously familiar with the issues that are important to farmers and ranchers.

He has been a leader in the Western Governors Association on drought issues, and has led five trade missions to expand overseas markets for American agricultural products.

I want to emphasize that all of us who have been involved in agriculture, as I have from the legislative side for the last 10 years, know and understand that the future and survival of the American farmers is their ability to export the finest quality of agricultural products that are grown anywhere in the world. Those export markets are critical. Governor Johanns brings a particularly unique strength and perspective to that aspect of agriculture. I am very pleased about that fact.

He has also been a leader on other issues that are critical to the very diverse mission of the U.S. Department of Agriculture. He has been a strong voice for rural economic development. He is a past chairman of the Governors Ethanol Coalition, and knows the potential of value-added agriculture. He serves as chairman of the Governors Biotechnology Partnership, and has fostered electronic government and technology applications in his State.

On January 6, Governor Johanns appeared for his nomination hearing before the Committee on Agriculture, Nutrition and Forestry which I have the privilege to chair. For nearly 3 hours he answered questions on a wide range of subjects, and made a clear and positive impression on members of the committee. His compassion and understanding of the issues was so evident that committee members voted to approve his nomination that same day by a unanimous vote of 20 to zero.

Today in his inauguration address, the President made a direct outreach to all Members of the Senate, and showed a willingness to cooperate in a bipartisan way to try to enact positive legislation in this body.

I am very proud of the fact that the committee which I chair in a very bipartisan fashion, including the Presiding Officer, voted out unanimously the nomination of Governor Johanns.

To my ranking member, TOM HARKIN, I appreciate his cooperation in this effort. He has been very forthright in his discussions with Governor Johanns, and he has also been very forthright and forceful in his support of Governor Johanns for this nomination.

I congratulate the President on his choice to lead the Department of Agriculture for the next 4 years.

I appreciate Governor Johanns' commitment to continue an outstanding record of public service, and I recommend to my colleagues that they all support his nomination.

At this time, I yield such time as he may consume to the Senator from Nebraska, Senator HAGEL.

The ACTING PRESIDENT pro tempore. The Senator from Nebraska.

Mr. HAGEL. Mr. President, thank you.

I first offer my congratulations to the new chairman of the Senate Agriculture Committee. We are pleased about Senator CHAMBLISS's new assignment and responsibilities. I very much appreciate his taking on these new responsibilities at a time that will be critical for American agriculture as we work our way toward the reform bill, as well as central issues that will face our country directly connected to American agriculture.

I rise this afternoon to add my congratulations to the President's nominee for Secretary of Agriculture, the Nebraska Governor, Mike Johanns. I have known Mike Johanns for many years. We have worked very closely over the last few years. He has ably served the State of Nebraska during a difficult time.

As the Agriculture Committee noted in its hearings for Governor Johanns, he is eminently qualified. His background is well known. He is prepared, and he will be a very effective Secretary.

I might add, one of the reasons many of us are so enthusiastic about Mike Johanns doing this job is that he understands not only American agriculture but he understands trade. He understands geopolitical strategic issues that are connected to our agriculture, our economy, and trade.

He understands that these great issues of our time are woven into the same fabric. They are within the great arc of national interest for America. He has the kind of stature and the kind of character that we never see enough of in Washington.

For those reasons, and for many others, I am enthusiastic, as are so many of us, about Mike Johanns taking on the job of Secretary of Agriculture.

We will miss him in Nebraska. His steady leadership has brought Nebraska through a difficult time of deficits, not unlike other States. He has performed not only well but he has built a value-added system not only in our economy but in our government in Nebraska. He will be succeeded by a very able Lieutenant Governor, Dave Heineman, whom we also wish well.

As I conclude, I add my thanks to Secretary Veneman's service to our country and to American agriculture over the last 4 years. She too has had to deal with many of the uncontrollables that are part of that portfolio—a difficult job. She deserves recognition for the kind of job she has done. She has done it just as Mike Johanns will do his job—with class, with dignity, always reaching out to others, as well as working closely with the Congress.

The last point I will make is whatever was said by the Senator from Kansas about Nebraska football is not to be taken seriously.

Other than that, I think my time is up. Thank you, Mr. President. I yield the floor.

Mr. CHAMBLISS. Mr. President, we will not ask for bowl scores at this time.

Mr. HARKIN. Mr. President, the position of Secretary of Agriculture, in my estimation, is one of the most important, yet too often unheralded, positions in the Federal Government. Good leadership by the Secretary is vitally important in my State of Iowa, where agriculture is critical to our economy and we treasure our way of life in small towns and rural communities. Yet no matter where one lives, we all depend on agriculture for food, fiber and, increasingly, for energy and other farm-based products. The day-to-day responsibilities of the Secretary of Agriculture truly touch the lives of every American as well as millions of others around the world.

It is my pleasure to congratulate Governor Michael Johanns of Nebraska on his confirmation to be the next Secretary of Agriculture. I have spoken with Governor Johanns in some depth on several occasions and believe he has the qualities and potential to be a very good Secretary. I might add, his Iowa pedigree is certainly a plus. I also thank and commend Secretary Ann Veneman, as she departs, for her good work and her cooperation and communication with me, as well as the same between our staffs, over the years.

As we look ahead to the next 4 years, there are many challenges and many opportunities ahead. We passed a good farm bill in 2002. President Bush praised it and signed it. For the most part it has been working, but too many of the key initiatives in that bill have suffered from misguided or delayed implementation. Yet even though we stayed within our budget in writing the farm bill, since then agriculture and farm bill funding has been very damagingly siphoned off. Those budget threats seem certain to intensify. The risks to food safety and security from bovine spongiform encephalopathy or other animal and plant diseases continue to make headlines. The new Secretary will have to deal with some very serious issues many of them very soon.

At the same time, we have some great opportunities in agriculture and the rural economy; that is, if only we will seize them. I am encouraged that Governor Johanns understands the importance of capitalizing on these opportunities, specifically value-added agriculture spanning the range from pork and beef to the great potential to produce energy and biobased products from farm fields across the country.

For instance, we adopted a provision in the farm bill to require all Federal departments and agencies to give a preference to procuring biobased products whenever feasible thus creating a huge potential market. While USDA has issued final rules to carry out this program, nothing will actually be purchased until a list of eligible products is published. I have urged Governor Johanns to move to implement this program fully and without further delay in order to begin realizing the economic and environmental benefits of this biobased initiative.

We also included a very robust conservation title in the 2002 farm bill, one that was touted by the president when he signed the bill into law. Unfortunately, many of those initiatives, including the Conservation Security Program, have been undermined by funding cuts and too-often poor execution. I have talked with Governor Johanns about these problems, and I am hopeful that we will work together to fulfill the promise of the farm bill and move forward on these important conservation initiatives so that farmers and ranchers have the tools they need to be the best stewards of the land they can be.

We also have a history of bipartisan cooperation to meet our responsibilities to alleviate hunger and malnutrition through Federal and international food and nutrition assistance. And increasingly, we face compelling challenges in improving diets and nutrition in order to promote healthier and longer lives.

Many other issues important to prosperity and quality of life in rural America must be addressed ranging from providing broadband access to boosting locally owned businesses and jobs to ensuring opportunities for family-size farms and independent producers.

I am optimistic that we can make real progress in addressing these and other challenges in food, agriculture and rural issues. I welcome Governor Johanns to Washington, congratulate him on his confirmation as the next Secretary of Agriculture and remind him that my door is always open.

Mr. NELSON of Nebraska. Mr. President, the United States is blessed with an abundance of natural resources and cutting-edge technology that leads the world in agriculture. We all agree that the richest resource of American agriculture is its people the—farm and ranch families—whose efforts drive the productivity of our Agriculture industry for food, fiber and fuel.

American agriculture today is a complex business, very different from what it was even a decade ago. Adoption of modern technology, improved mechanization, and changing methods of production, marketing, and financing by energetic farmers and ranchers has changed the landscape of our rural areas. Our producers, diversified by size and enterprise, support an economic system that is, without doubt, the envy of the world.

It's critical to understand the diversity of American agriculture and how it influences our daily lives—whether we work or we don't work in agriculture or whether we live or we don't live on a farm. This is why I support the nomination of Nebraska Governor Mike Johanns to lead this agency that is responsible for the safety of meat, poultry and egg products, for opening new markets and reopening those currently closed to U.S. agricultural products, for providing food aid to those who have the need, for protecting soil, water and wildlife, and for administering food nutrition programs.

Governor Johanns' qualifications to lead the Department of Agriculture are—at the core—his upbringing and his receptiveness to change and diversification—essential elements for an industry driven by ingenuity and fair competition.

Nebraska is a world-class leader in producing a high-quality, abundant, and affordable food supply. It leads the Nation in total red meat and dry bean production, and is a significant player in the production of alfalfa hay, corn, grain sorghum, soybeans, winter wheat, livestock, and popcorn.

Nearly 8 million acres of Nebraska's field crops benefit from irrigation, through approximately 24,000 miles of streams and rivers, reservoirs and aquifers. In recent years, the importance of maintaining water quality and quantity in times of severe drought conditions has added to the complexity of agricultural production. Mike Johanns has governed in these times of great uncertainty and is well aware of the continuing needs to deal with these most difficult times.

Governor Johanns presents a list of qualifications that will be of considerable benefit not only to Nebraska and the Midwest, but throughout the nation.

He is an experienced leader and a strong advocate with solid common sense solutions to the difficult questions presented to him. We've talked about the need for a bipartisan approach in this important job and I know he agrees how important that will be.

I look forward to continue working with Governor Johanns, as Secretary of Agriculture to improve drought monitoring and forecasting, to advance renewable fuels initiatives increasing the use of ethanol and biodiesel in our transportation fuels just to name a few. In addition, the opportunity to create new and innovative rural development programs and reverse the trend of out-migration from the smallest communities has never been more important. Today's nominee not only has the leadership experience but he also has the experience of having worked to develop such programs.

Governor Johanns and I have discussed and agree that it is important for the Secretary of Agriculture to work in a bipartisan manner with Congress. With a Farm Bill reauthorization effort nearing, I look forward to working cooperatively with him to develop a practical approach to our national agriculture policy that will support and promote our agriculture products and producers. The new Farm Bill should further the goals of consumer safety and confidence in our nation's food supply, without compromising the ability of our producers to compete—freely and fairly—in the global marketplace.

I was pleased to learn of the administration's selection of Mike Johanns as the Secretary of Agriculture. I have said repeatedly, and believe thoroughly, the person who will administer the farm bill and build for the future of agriculture in America needs to be somebody with Midwestern agricultural experience. Governor Johanns has that kind of experience and that perspective and in my opinion will serve the administration and the country well.

Mr. CONRAD. Mr. President, today the Senate is expected to confirm the nomination of Governor Michael Johanns of Nebraska to be the next Secretary of Agriculture.

As we vote on this nomination, we should all recognize just how important this position is to America's farmers and ranchers. Beyond that, the Secretary's responsibilities touch the lives of every American consumer as well as millions of people overseas. This is a point that is being made daily as we seek to provide the needed food aid and assistance to those who have suffered such terrible losses as a result of the recent tsunami.

There isn't any question that American agriculture faces significant challenges on many fronts. It is incumbent upon all of us to be the strongest advocates we can be for our producers and their communities. However, the Secretary of Agriculture is unique. The Secretary must provide national leadership and advocacy to promote a greater understanding of the important role our agricultural producers play in our own society and the world.

The Secretary's role must be more than just the spokesperson for the administration on agricultural issues. In fact, I believe that one of the most important responsibilities of this position is to be an advocate within the administration to ensure our producers, consumers and rural communities are not short-changed in the domestic and international policy and political processes.

Governor Johanns will have a very big job as we confront the pressures that are being placed on agriculture as a result of the budget deficit, weather related disasters, increased food safety and bio-terrorism concerns, environmental issues and opportunities related to agriculture, the economic development needs in rural America, and the level of insecurity that an increasing number of farmers, ranchers and rural main street businesses are feeling as a result of globalization.

I am hopeful our new Secretary of Agriculture will provide the leadership necessary to address these issues in a way that advances the interests of all agricultural sectors while enhancing the appreciation of Americans for our agricultural heritage.

Two weeks ago I supported the action of the Senate Agriculture, Nutrition and Forestry Committee to advance this nomination to the full Senate with a positive recommendation. Today I offer my support for the action the Senate is about to take in confirming Governor Michael Johanns as our next Secretary of Agriculture.

Mr. DURBIN. Mr. President, I rise today in support of the nomination of Governor Mike Johanns as the Secretary of Agriculture. As the Governor of Nebraska, and a fellow Midwesterner, Johanns has a strong background in agriculture and is well suited for the role of Secretary of Agriculture.

I was able to meet with Governor Johanns yesterday and I was very impressed with his view on the future of agriculture, food safety and rural issues. The next four years are going to be an important time as we face the reauthorization of the farm bill, food safety concerns, nutrition and trade.

Agriculture is important to my home State of Illinois. Illinois is one of our country's most important agricultural contributors. Illinois farm land, which accounts for about 28 million acres, is considered some of the most productive in the world. More than 76,000 farm families in the State produce corn, soybeans, wheat, beef, pork, dairy products, and specialty crops. Illinois is the number one soybean-producing State in the country and number two in corn. Illinois ranks second nationally in the export of agricultural commodities with nearly $4 billion worth of goods shipped to other countries each year. The State's agribusiness activity is vibrant. From the Chicago area to Decatur and throughout Illinois, agricultural processing employs thousands of people. And researchers at the University of Illinois as well as at other institutions, continue to help provide answers to some of the most common as well as the most complex, agricultural questions we face.

Since Governor Johanns was the past chairman of the Governors' Ethanol Coalition, I know he sees the potential of value added agriculture. Adding values to commodities adds real promise for boosting farm income and jobs and economic growth in rural America. Illinois ranks second in the nation in corn production, with more than 1.5 billion bushels produced annually, and is the nation's leading source of clean-burning ethanol. Corn grown in Illinois is used to make 40% of the ethanol consumed in the United States. In Illinois, roughly one in every six rows of corn—approximately 280 million bushels—is the source for ethanol.

As the Secretary of Agriculture, Governor Johanns will face unprecedented challenges in protecting the safety and security of our food supply.

The recent discovery of two more cows with BSE, or "mad cow disease," in Canada reminds us that we cannot ignore the threat of BSE. We must shore up the firewalls that prevent BSE from spreading in this country, to give American consumers confidence that the beef they feed to their families is safe to eat.

We need a scientifically sound testing program that will tell us whether our BSE control efforts are working. A surveillance program should include older cattle that appear healthy but that can still harbor BSE. Almost a year ago, USDA promised to include cattle in this population in its surveillance, but still hasn't started this testing.

We must stop feeding cows to other cows, the practice that is thought to have led to the spread of mad cow disease in Europe. We have had a feed ban in this country since 1997, but we need to close loopholes in the ban and redouble our efforts to make sure that the ban is being followed.

We must make sure that the parts of cattle that pose the highest risk of infection are being correctly and completely removed.

Our primary goal should be to protect the health of the public, and the health of the animal herds in the United States.

I look forward to working with Secretary-Designate Johanns to make sure our nation's BSE prevention and control program earns and deserves the public's confidence.

An issue I care deeply about is food safety. When HHS Secretary Tommy Thompson announced he was stepping down last month, he noted several items of unfinished business that the government must address. Among them, he mentioned the importance of improving the nation's food security.

Secretary Thompson said that he worries "every single night" about a massive attack on the U.S. food supply. Thompson said: "I, for the life of me, cannot understand why the terrorists have not, you know, attacked our food supply, because it is so easy to do."

If this is not a clear call to action, I don't know what is.

I hope to count on Secretary Johanns for support of legislation I plan to roll out in the next few weeks that will give the Agriculture Department and the Food and Drug Administration the tools they need to improve the security of our food supply.

My bill would give these agencies authority to oversee implementation of food security measures at food processing plants; give these agencies the same recall authority over food that agencies like the Consumer Product Safety Commission exercise over toys; and improve information coordination among the food safety agencies to diffuse potential threats to the food supply.

I also hope Secretary Johanns will be able to see beyond the bureaucratic morass that has developed at the agencies charged with the safety of our food and help us move towards making the vision of creating a single agency responsible for food safety a reality.

The Centers for Disease Control and Prevention estimates that 76 million people suffer from food poisoning every year, with children and the elderly suffering a disproportionate amount of the most serious cases. We need, at the very least, to improve the coordination of the food agencies' oversight while working towards the goal of developing a single food safety agency.

I would also hope that Johanns plans to play a key role in advising the administration on the appointment of a new food safety chief to replace the outgoing Elsa Murano at the Food Safety and Inspection Service. We need a person in this important position that has a commitment to food safety over other agricultural interests as the agency faces challenges including implementing a strategy to keep Mad Cow disease out of the country.

In my meeting with Governor Johanns I was pleased to hear him mention trade. As I mentioned before, Illinois ranks second nationally in the export of agricultural commodities with nearly $4 billion worth of goods shipped to other countries each year. Japan has closed its markets to our beef for over a year. We must take a strong position to reopen this market. Our trading partners have got to be held accountable for dealing with our country in a straightforward way.

As the leader of a major agriculture state, Governor Johanns is familiar with issues of importance to farmers and ranchers. I will support his nomination as Secretary of Agriculture and look forward to working with him on issues facing the Department of Agriculture.

Mr. JOHNSON. Mr. President, I will vote to confirm the nomination of Secretary-Designate Mike Johanns to serve our Nation as United States Department of Agriculture, USDA, Secretary. It is with no small obligation or minor imposition that this honor and responsibility fall upon Mr. Johanns, as he functions in his best capacity to fairly represent our varied and diverse regional issues in American agriculture. Our national agriculture sector is highly fractionalized as States seek to ensure representation for specific commodities and Farm Bill programs, and I am concerned, however optimistic, that Mr. Johanns will do his due diligence to ensure our South Dakotan and plains states interests are well represented at the Federal level and by USDA.

Of immediate concern is the current status of the beef industry. While USDA forges ahead with their final rule to allow the importation of live Canadian cattle and ruminant products, I am alarmed for the implications on our beef sector and our producers' ability to make the bottom line. I am concerned for the inaccessible export markets that continually seem less reachable with USDA's treatment of this issue. I am continually dismayed that USDA appears to place the interests of Canadian cattle producers above the interests of domestic producers, and I am hopeful that Mr. Johanns will place this issue at the forefront of his agenda while assuming his position as Secretary. I am hopeful that Mr. Johanns will listen to the voice of the American agricultural producer and recognize the immediacy and timeliness of the issue.

I am optimistic that Mr. Johanns will implement mandatory Country of Origin Labeling, COOL, which, while signed into law by this current President under this most recent arm Bill, has yet to be implemented. It is with increasing frustration that our producers await the benefits of this common sense program, and while it has been no secret that the administration is not favorable toward a mandatory food labeling program, I am hopeful that Mr. Johanns will honor the voice of Congress and of the American producer and move forward with the implementation process in a reasonable and honorable manner.

The business of agriculture is becoming increasingly challenging for our small farmers and producers. Market concentration and vertical integration, unreasonable contract obligations, maintaining and developing export markets to garner a fair commodity price, and a serious disconnect between urban and rural America are driving our smaller farmers out of business on a daily basis. It is with no small sense of urgency that I emphasize the need to address these issues. I am hopeful, that as promised, Mr. Johanns will maintain an open door policy for members of Congress to discuss these issues and arrive at reasonable policy solutions that are valuable and substantive for the agriculture producer, in South Dakota and across America.

Ms. CANTWELL. Mr. President, as the U.S. Congress begins its 109th session, the Senate is performing its constitutional duty of providing its advice and consent on the President's nominees for cabinet positions.

I take the Senate's responsibility to evaluate Presidential nominations very seriously. The process is important to ensuring strong leadership at the very highest levels of the federal government. It also provides an opportunity for Senators to have focused discussions with nominees on issues of particular importance to their respective constituencies.

Today the Senate will confirm several nominees, including the nomination of Nebraska Governor Mike Johanns, the President's selection to succeed Secretary Veneman at the Department of Agriculture.

While I am not a member of the Senate Committee on Agriculture, Nutrition and Forestry, I am confident that Chairman CHAMBLISS, ranking member HARKIN and the rest of the committee's members conducted a thorough examination of Governor Johanns' record. I will support the committee's recommendation and vote in favor of his nomination.

That being said, I have come to the floor today to express my thoughts on two specific agricultural issues that are important to Washington state's renowned beef industry: mad cow disease and country of origin labeling.

On December 23, 2003, the first known case of mad cow disease ever discovered on U.S. soil was found in Washington State. The discovery sent a ripple effect across the country as U.S. ranchers watched in shock while our trading partners closed their doors to U.S. beef exports.

An investigation was conducted and DNA tests confirmed that this cow likely originated in a herd from Alberta, Canada, but this was little consolation to consumers here and abroad who immediately began to question whether U.S. beef was safe to eat.

While the exact cause of infection could not be confirmed, it is widely accepted by the science community that this cow became infected while eating contaminated feed before Canada had implemented its 1997 ruminant-to-ruminant feed ban.

The Department of Health and Human Services, Food and Drug Administration and U.S. Department of Agriculture responded by announcing a number of new rules to strengthen protections over the human food. Most importantly, USDA and FDA banned specified risk materials, such as brain and central nervous system tissues from entering the human food supply. These materials have been shown to present the greatest risk of transmitting mad cow disease through cattle herds and to humans.

Unfortunately, FDA failed to stand firm on its stated commitment to close four specific loopholes in feed regulations, measures that Acting FDA Commissioner Crawford made a commitment to do on January 26, 2004 and something that I believe was and is necessary to fully ensure the safety of U.S. beef.

As we know, feeding ruminant parts back to ruminants represents one of the greatest risks of spreading mad cow disease and that's why the U.S., like Canada, implemented a rule to ban this practice in 1997. But existing feed loopholes, such as the poultry litter loophole and plate waste loophole allow for the possibility of ruminant materials to find their way into ruminant feed through cross contamination.

To address this possibility, I introduced legislation during the 108th Congress, entitled the Animal Feed Protection Act, which would ban these materials from being used in any animal feed. This is important legislation that will strengthen existing feed rules to help mitigate the chance of cross contamination and ensure that ruminant materials are not accidentally fed to cattle.

Although my legislation did not pass last year, I plan to reintroduce the Animal Feed Protection Act for consideration during the 109th Congress next week. U.S. beef is arguably the safest in the world, but even so, critical export markets including Japan and South Korea still remain closed to U.S beef exports. It is imperative that we do everything possible to prove to consumers abroad that the measures we have in place to prevent further cases of mad cow are robust and comprehensive.

It was reassuring to hear Governor Johanns state, during his nomination hearing, that working to regain exports to Japan's market is priority number one for the U.S. beef industry.

As I know the Governor understands, access to these markets is the key to bringing prosperity back to U.S. cattle producers, feeders, processors and beef packers. No one understands the importance of the Japanese and South Korean markets better than the ranchers in Washington state, who exported nearly $250 million of Washington beef to these markets in 2003. It is hard to overstate the extent to which Washington ranchers and the U.S. beef industry at large continue to suffer from the loss of these exports.

Although progress has been made, recent discoveries of mad cow in Canada could present a major setback to our ongoing negotiations with Japan and South Korea if it is determined that the risk of mad cow in Canada has not been adequately addressed.

Canada's discoveries of mad cow on January 2 and January 11 came just days after USDA announced a rule recognizing Canada as a minimal-risk region with regard to the mad cow disease.

The USDA defends this decision by citing the results of a risk analysis that the agency conducted in 2004. That analysis examined the reliability and adequacy of Canada's mad cow firewalls in eradicating this disease in its herds. The agency's analysis determined that Canada had a robust and comprehensive system in place to address all of the necessary risks of transmitting mad cow disease and had implemented proper safeguards to ensure the safety of its beef.

Thus, the USDA published a minimal risk rule in the January 4, 2005 Federal Register. That rule will authorize the reopening of our border to the importation of Canadian live cattle under the age of 30 months and other beef products from cattle over the age of 30 months beginning on March 7 of this year.

However, Canada's latest discovery of mad cow on January 11 has raised serious questions regarding the possibility of non-compliance of feed regulations in Canada and questions as to the reliability of Canada's system to enforce its mad cow firewalls. Because the cow was determined to be less than seven years of age and thus was born after Canada implemented its 1997 ruminant-to-ruminant feed ban, many have speculated that non-compliance of feed rules represents the most likely source of this infection.

In responding to this discovery, Administrator Ron DeHaven of the Animal and Plant Health Inspection Service, APHIS, announced that the agency would expedite sending a technical team to Canada to investigate the circumstances surrounding these recent discoveries.

Last Friday, I sent a letter to Secretary Veneman and Governor Johanns requesting that this audit being conducted by APHIS inspectors be given time for a full and fair analysis. I think it is prudent for the USDA to provide the time and resources necessary to reach a determination as to the safety of Canadian beef before we reopen our border to its importation.

I believe that USDA must reevaluate reopening the border should serious non-compliance of feed regulations or lapses in Canada's enforcement of mad cow firewalls be uncovered.

Reestablishing the once dominant global market share enjoyed by U.S. beef producers is ultimately about product reliability and consumer confidence.

It is vital that we address Canadian safety issues now, so that we can prevent running the risk of importing potentially unsafe products. While I understand that reopening the border is important to the Canadian beef industry, our primary responsibility is to ensure the safety of our food supply here at home.

As world markets continue to converge becoming more and more interdependent, securing our domestic food supply requires much more work than it once did. We have an opportunity to aid our consumers by implementing mandatory country of origin labeling.

I believe such labeling is important for two major reasons—first, the security of our food supply; and second, the American consumer's right-to-know where their food was produced.

In 2002, I joined with my Senate colleagues in support of the farm bill, which, among other things, required that the USDA implement mandatory country of origin labeling standards by 2004. These provisions were supported by a wide margin of members in Congress, receiving nearly two-thirds support in the House. Even so, some who have fought the implementation of mandatory country of origin labeling every step of the way.

Last year, Congress decided to push back the date of implementation of mandatory labeling until September 2006 on all goods except for fish and shellfish. The justification was that we needed to "reconsider" its economic implications.

While I understand that labeling will come with increased costs, I believe that a failure to establish full accountability as to where our food is coming from could end up costing our consumers, businesses and government far more, should tainted beef or other unsafe products enter our food supply.

Whether in the case of an outbreak of mad cow or a biological terrorist plot that infects food imported into our country, we need to have a definite and immediate system to target the source of our food and, if necessary, provide the American people a clear way to identify the food and stop consumption.

The expansion of international agricultural trade has exponentially increased the options available to Americans as they peruse the shelves at their local grocery store. Imported foods are grown in widely varying conditions around the world, often in countries with drastically different regulatory contexts that allow the utilization of pesticides and growing practices which are banned here in the U.S.

As I previously stated, I support labeling for the benefits that it will bring to ensuring safety, but also because I believe that American consumers have the right to know where their food comes from. We have no control over the methods utilized by other countries to produce their goods, but we can control whether or not foreign products maintain the information necessary for American consumers to make an informed decision.

American consumers must be able to assess information on imported products to determine whether it is important to them.

Today, consumers are increasingly faced with the daunting task of sifting through vast amounts of packaging and labeling to obtain the information most critical to them.

Americans, for too long, have been knowingly exposed to foreign products without being provided with adequate information.

The issue of labeling our agricultural products, including beef, comes down to this: Do we want consumers to have confidence—and do we want consumers to have choice? Even though public opinion surveys show that U.S. consumers want to buy american products, those consumers don't always have the information necessary to make that choice.

I know that most consumers from my State would much rather buy and consume U.S. beef. This is because it is important to them that they are able to rely on the quality of the product and the safety of methods used in its production.

It is important to Washingtonians that the beef they purchase comes from a cow that was fed under American standards for feed safety—beef that had to be processed under strong American standards and beef that has met a set of standards that allows consumers to feel confident of its safety and its quality.

Some will argue that we already use USDA labels to indicate whether beef is produced in the U.S. however, the grade label from the USDA, which a lot of consumers might think means that beef was American made, is often stamped on packages that contain imported beef mixed in with just a small percentage of American beef.

Under the Federal Meat Inspection Act, cattle and other bulk or non-processed products must be clearly labeled as to their country of origin. However, once those products are brought into the U.S. and value-added processing occurs, the law does not mandate that information indicating the country of origin be included on the final products that ultimately reach the consumer.

This is an important issue that Congress must address.

Families sitting at the dinner table should not have to wonder about what went into the food they eat. They should be provided the information to know what they are consuming. To put it simply, consumers deserve better accountability.

Cattlemen in Washington State are proud of the beef they raise and are willing to trust their livelihood to the choices made by informed American consumers.

The USDA stamp should represent the quality and safety of American products—not a mark that in some instances will mislead consumers into just thinking that they are buying American quality. A product's country of origin should be information that is included all of the way from the border to the store shelf.

Last fall, Craig Grub, a Medical Lake rancher said: "Consumers deserve to be able to make an educated choice. They should have implemented Mandatory labeling years ago." Producers like Mr. Grub support mandatory county of origin labeling because they understand and appreciate the importance of food safety and consumer choice in America.

Regardless of whether we work through the legislative or rulemaking processes, I believe that the implementation of a greater standard of accountability over imported products is imperative to better ensure food safety for our consumers here at home.

There is a lot of work that remains in order for this country to achieve this goal and I am confident that Governor Johanns is committed to working to this end. I will vote in support of his nomination. I am eager to begin working with him on reopening Asian markets to U.S. beef as well as to collaborate and promote opportunities for all U.S. agricultural products abroad.

Mr. SALAZAR. Mr. President, I rise in support of the nomination of Governor Johanns to be Secretary of Agriculture. I very much look forward to working with him on issues of importance to Colorado's rural communities—its ranchers, farmers, agribusinesses and consumers.

I also look forward to putting into action my own experience as a farmer and rancher and learning from the experience and leadership of the Governor from Nebraska, a neighboring State that is struggling with many of the same challenges that Colorado faces.

I anticipate that Governor Johanns will be confirmed today, and that is as it should be because he has a lot of work waiting for him.

I fear that many in the country do not recognize the challenges facing farmers, ranchers and rural towns in Colorado and across America today. Farming, ranching and agri-related businesses play a vital role to rural communities, and it is the job of the Senate Agriculture Committee and the United States Department of Agriculture to help those communities preserve this way of life and ensure that it will sustain many more generations of families. Governor Johanns has assured me that he understands this and that as Secretary of Agriculture he will rise to meet this challenge.

One of the first important challenges that Governor Johanns will have to address is the issue of mad cow disease and the Canadian border. The Governor must direct the Animal and Plant Health Inspection Service, the Food Safety Inspection Service, as well as work with the Food and Drug Administration to thoroughly examine and fully understand the implications that reopening the border to Canadian live cattle will have on farmers, ranchers, consumers and agricultural organizations and industries across the U.S.

In addition, the Governor will have the challenge of reviewing the testimony and comments of farmers and ranchers, consumers and other agricultural industries and organizations whose livelihoods and families will be directly impacted by USDA's decision. I look forward to the Governor and USDA's review of each of these items and, as a member of the Agriculture Committee, will enjoy our further discussions on their findings and final decision.

Furthermore, this ongoing mad cow issue underscores another challenge for Governor Johanns as well as a matter of vital importance: country-of-origin labeling, COOL. American consumers have the right to know where their food is coming from, and I think that common sense dictates that if we can label where our shirts and socks are made, we can surely label where our meat and food comes from. I hope that Governor Johanns will work with us to ensure that COOL will go ahead once and for all, as passed by law.

During Governor Johanns' nomination hearing in the Senate Agriculture Committee, he spoke about the need to encourage and explore biotech opportunities, open new markets, and provide expanded opportunities for productivity in agriculture. Important value-added initiatives such as these will be an essential factor to ensure a viable future for rural areas.

Toward that end, early next month the President will release his budget for the upcoming fiscal year. That will provide a good indicator of his priorities for rural residents across the country. In last year's budget, the administration cut funding for rural development and eliminated or severely limited funding for programs to get rural communities broadband access, promote rural investment and help rural firefighters. Knowing of the Governor's commitment to expand opportunities for rural communities, I look forward to his help in protecting important programs such as these.

Earlier this week, I also received written answers to questions I had submitted to Governor Johanns. While I certainly appreciate Governor Johanns' timely reply, I also look forward to hearing more detailed answers on the questions that he did not respond to, including an important issue to Colorado that has to do with a proposed development at the base of a ski area at Wolf Creek Pass.

The Governor also spoke of the importance of the spirit of cooperation. I agree that we must cooperate to provide our rural residents with increased rural development and sustainable agricultural opportunities as well as reasonable commodity supports and eligibility guidelines to ensure that federal supports go to the family farmers who are the intended beneficiaries. Part and parcel of protecting our family farmer and rancher is ending the monopolization of the meatpacking industry and helping small, family agri-businesses to compete.

Our family farmers, ranchers, and rural business people deserve fair farm, rural development and conservation programs as well as a safe food supply and other policies that help create more successful communities.

I send my thanks to Governor Johanns for his service to Nebraska and his willingness to serve the Federal Government, and I look forward to working with him on these important issues.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KOHL. Mr. President, I support the confirmation of Mike Johanns to be Secretary of Agriculture and look forward to working with him in my capacity as the ranking member of the Senate Agriculture Appropriations Subcommittee. We will have occasion to work together on many different topics in the months to come.

One topic of particular interest to me is the Milk Income Loss Contract, MILC, program. This counter-cyclical support program was included in the 2002 farm bill and provides critical safety net for America's dairymen.

In 2002 and the first half of 2003, dairy prices reached 25-year lows. During that time, the MILC program provided dairy producers with much. needed assistance. It helped to preserve the productive capacity of Wisconsin's dairy farms and stemmed the tide of losses that dairy farmers had experienced in previous periods of price downturn.

Unfortunately, the MILC program is scheduled to expire in September 2005, 2 years earlier than the rest of the farm bill commodity programs. I believe that is unacceptable and will be joining soon with a bipartisan, multiregional coalition of Senate colleagues to introduce legislation that would extend the MILC program.

I ask unanimous consent that a letter that several of my colleagues and I recently sent to the President on this topic be printed in the RECORD. I look forward to working with Secretary Johanns on this issue in the months to come.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, January 10, 2005.

The PRESIDENT,
The White House,
Washington, DC.

DEAR MR. PRESIDENT: We are writing to commend your strong statements during the Presidential Campaign in support of the Milk Income Loss Contract (MILC) program. Your pledge to work toward reauthorization so that "dairy farmers all across this country can count on the support they need," is critical.

Under current law the MILC program is set to expire at end of September of 2005, two years prior to other farm bill programs. We are seeking a two-year extension of MILC to bring it in line with other agriculture support programs. To allow MILC's expiration would eliminate a critical safety net for dairy farmers at a time when milk prices are on the decline.

We greatly appreciate your expression of support for extension of the MILC program and look forward to seeing that commitment reflected in your Fiscal Year 2006 budget. We hope to work closely with your Administration in active support of the MILC extension legislation in the coming months.

With best wishes.

Sincerely,

ARLEN SPECTER,
MARK DAYTON,
HERB KOHL,
PATRICK J. LEAHY,
U.S. Senators.

Mr. CHAMBLISS. Mr. President, I urge my Senate colleagues to support the President's nomination of Governor Michael Johanns of Nebraska to serve as the Secretary of Agriculture.

Governor Johanns is extraordinarily well-prepared and qualified for this new challenge. He grew up on a dairy farm in Iowa. He has served two terms as Mayor of Lincoln, NE, and is in his second term as Governor of that State. He has shown outstanding leadership during his tenure as Governor which will serve him well in managing the diverse and important activities of the Department of Agriculture.

As leader of a major agriculture state, the Governor is obviously familiar with the issues that are important to farmers and ranchers. He has been a leader in the Western Governors' Association on drought issues and has led five trade missions to expand overseas markets for American agricultural products.

He has also been a leader on other issues that are critical to the very diverse mission of the U.S. Department of Agriculture. He has been a strong voice for rural economic development. He is a past Chairman of the Governors' Ethanol Coalition and knows the potential of value-added agriculture. He serves as Chairman of the Governors' Biotechnology Partnership and has fostered electronic-government and technology applications in his state.

Mr. President, on January 6th Governor Johanns appeared for his nomination hearing before the Committee on Agriculture, Nutrition, and Forestry, which I have the privilege to chair. For nearly 3 hours he answered questions on a wide range of subjects and made a clear and positive impression on the entire Committee. His compassion and understanding of the issues was so evident that Committee members voted to approve his nomination that same day by a unanimous 20 to 0 vote.

Mr. President, I congratulate the President on his choice to lead the Department of Agriculture for the next 4 years. I appreciate Governor Johanns' commitment to continue an outstanding record of public service and I recommend to my colleagues that they all support his nomination.

Mrs. HUTCHISON. Mr. President, I strongly support the confirmation of Margaret Spellings as the eighth Secretary of Education. Ms. Spellings is a longtime public servant who for the past 4 years has served as President Bush's chief domestic policy adviser. In her White House efforts, she has helped implement policies on education, health, labor and housing. Her familiarity with America's students and teachers will prove invaluable in her new role managing our public educational system.

Ms. Spellings also assisted President Bush when he was Governor of our home State of Texas, where they worked together on a number of important education programs including the Texas Reading Initiative to improve literacy, the Student Success Initiative to eliminate social promotion, and the State's accountability standard which is the forerunner to the No Child Left Behind Act. Because of her educational accomplishments, each year the United States develops more qualified teachers, better facilities and superior resources.

A veteran of the Texas Association of School Boards, Ms. Spellings knows firsthand the advantages afforded by education and has pledged to ensure every child acquires the skills necessary to realize the American Dream. I am proud to support her in that effort, and to support her confirmation so she may continue her important work.

Mr. DOMENICI. Mr. President, I rise today in strong support of the confirmation of Mike Johanns to be Secretary of Agriculture. As the former

Governor of Nebraska. Mike Johanns knows how important agriculture is to this country. Through his dedicated public service he has shown a great understanding of the complex nature of the industry and the problems facing it.

Growing up on an Iowa dairy farm, Mike Johanns learned from an early age that agriculture is the backbone of this great nation. For over two centuries, hardworking men and women like Mr. Johanns have dedicated their lives to protecting the vitality of the food and fiber industry. The nomination of Mike Johanns for the position of Secretary of Agriculture is a tribute to his commitment, and I have no doubt that this commitment will bring distinction to the position of Secretary of Agriculture.

Throughout his professional career, Mike Johanns has been committed to the wellbeing of America's farmers and ranchers. As Governor, Mr. Johanns emphasized the importance of value-added agriculture, renewable fuels such as ethanol, and job creation in rural areas. Additionally, Mr. Johanns has demonstrated a keen knowledge of international trade policy, a subject that will continue to increase in importance as the world moves towards a more globalize economy. I look forward to working with Mr. Johanns to ensure that future trade agreements with the food and fiber industry are treated equitably.

Mr. Johanns has also been an important leader on drought policy, a subject that is very important to many communities in the west. I believe that with his experience in this area, the country can move forward in establishing a concrete and coherent drought policy that provides tangible benefits for those affected by this serious problem.

I know that Mr. Johanns will serve the agriculture community the utmost integrity and fairness and I look forward to working with him in the future.

Mr. FRIST. Mr. President, it is with great pleasure that I rise to support the nomination of Governor Mike Johanns to lead the Department of Agriculture. I applaud the President for his outstanding choice. The Nebraska Governor enjoys strong support from both sides of the aisle, including from his two home State Senators, CHUCK HAGEL and BEN NELSON. The Governor's nomination was approved unanimously in committee and I expect swift action on his confirmation today.

Governor Johann's story starts in Mitchell County, IA, on his family's dairy farm. Long hours working on the farm taught him the demands of the business, the hard work, discipline and resiliency it takes to succeed in agriculture. It also taught him a deep respect for the land and a sturdy work ethic which he says defines him to this day.

As Governor of Nebraska, Mr. Johanns has been a true friend of America's farmers and ranchers. He has traveled the world to open new markets. Nebraska is the largest beef processing state in the country and the fourth largest exporter of agricultural products. Under Governor Johanns' leadership, Nebraska's exports to China have more than doubled, from $51 million dollars in 1999 to $110 million in 2003.

He has also been a tireless advocate for his State's agricultural workers. As Governor, he developed the Meatpackers Bill of Rights to protect the mostly Hispanic work force from poor working conditions. It was a controversial bill, but the Governor was determined to stand up for the right of his workers to safe working conditions. As he put it, "people have a right to a safe work environment whether they earn five or fifty dollars per hour."

As Secretary of Agriculture, he will continue to grow and strengthen our farm economy. There will be challenges, including protecting the food supply, and developing alternative energy sources like ethanol. But Governor Johanns' lifetime of experience and leadership makes him superbly and uniquely qualified to meet these challenges.

Governor Johanns says his father cried when he learned that his son was going to become a lawyer instead of a farmer. I hope today is cause for celebration.

I look forward to the swift confirmation of Governor Johanns, and I look forward to working with him to keep America moving forward.

Mr. CHAMBLISS. Mr. President, I know of no other speakers on either side.

I ask that all time be yielded on the nomination of Governor Johanns for Secretary of Agriculture.

The ACTING PRESIDENT pro tempore. All time is yielded.

The question is, Will the Senate advise and consent to the nomination of Mike Johanns, of Nebraska, to be Secretary of Agriculture?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. The President will be immediately notified of the Senate's action.

Mr. CHAMBLISS. Mr. President, I move to reconsider the vote.

Mr. ROBERTS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

THE NOMINATION OF MARGARET SPELLINGS TO BE SECRETARY OF EDUCATION

The legislative clerk read the nomination of Margaret Spellings, of Texas, to be Secretary of Education.

Mr. ENZI. Mr. President, I rise today to bring before the Senate the nomination of Margaret Spellings to be the Secretary of Education.

On January 6, the Committee on Health, Education, Labor and Pensions held a hearing to review the qualifications of Ms. Spellings for the position. As chairman of the committee, I am pleased to note that the committee members found her qualifications to be exemplary and well suited to the Cabinet level position. She has been enthusiastic and well informed.

As the President's domestic policy adviser, Ms. Spellings was instrumental in developing the No Child Left Behind Act, and other important legislative initiatives.

Today I stand with Senator KENNEDY, the ranking member and the former chairman of the HELP Committee, in bipartisan support of her nomination. I thank Senator KENNEDY and his staff for helping us bring this nomination to the floor in a very timely manner.

In addition, I am joined by Senator ALEXANDER, who will be the chair of the HELP Committee's Subcommittee on Education and Early Childhood Development.

We look forward to working with Ms. Spellings in her new position.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I congratulate my friend and colleague, Senator ENZI, on his appointment as the chairman of our committee. He is my favorite chairman to the year 2007. I thank him very much.

I am glad to withhold if the Senator desires. As always, he is very gracious, but I am glad to wait until he has completed his remarks. Then I intend to talk about education.

Mr. ENZI. I concluded my initial statement, and I will see if another is necessary.

I yield to the ranking member if he so desires.

Mr. KENNEDY. Mr. President, I sincerely look forward to working with my friend from Wyoming. We had a great tribute the other evening from various education groups. Senator ENZI met with more than 95 different groups, and in his typical fashion said he was willing to sit down and listen to each and every group. It was a bold action on his part. It is a clear indication he is going to be an active leader in the field of education as he has been in so many other areas of our committee.

I join with him in the strong support of Margaret Spellings to serve as the Secretary of Education.

There is no more important position in a President's cabinet. And I believe that Margaret Spellings has the knowledge, commitment, and leadership to improve the quality of education across our land.

The strength of America depends on the strength of our public schools.

Education is the key to opportunity and a strong economy. Our schools and teachers prepare young Americans to compete and succeed in a an ever-changing economy.

Education is key to our national security. We cannot protect America and maintain our progress in the world without skilled and well-trained citizens.

Edcuation is the key to good citizenship. Good schools can shape the character of our citizens and train Americans to participate in our democracy, to serve our country and our communities.

In short, our schools are key to the American dream.

From our earliest days as a Nation, our country's founders understood this. John Adams, in drafting the Massachusetts constitution in 1780, affirmed that education of the people was "necessary for the preservation of their rights and liberties." And many other States since have included similar commitments in their founding documents.

With every new age and each new challenge, part of the genius of America is that we have adapted. We have risen to the challenge. As Thomas Jefferson reminds us, "Every generation needs a new revolution." I believe that the revolution for this generation at this time is to master our own destiny and guide the currents of globalization for our own purposes.

No nation is guaranteed a position of lasting prosperity and security. We have to work for it. We have to fight for it. We have to sacrifice for it. And above all else, we must equip our citizens to use their God-given talents to compete in the global economy, not by lowering their wages but by raising their skills.

The price of failure is enormous. Already, millions of Americans have seen their good jobs shipped overseas. Last year, the new jobs created here at home paid 41 percent less than the jobs lost. And American families are finding it harder and harder to make ends meet—harder and harder to live the American dream.

To restore that dream in a global economy, we must remove every obstacle to our vision and look beyond the horizons of today. Of course, we must strengthen our economy so that it works for everyone. And we must invest in new growth industries that will create the well-paying jobs of the future.

Most of all, we must stand with all Americans to ensure that they have the skills and the opportunities they need for the future. We must encourage the study of math and science, and once again create a culture of innovation and progress in America.

That's the mission of the Department of Education in these times.

It is why I welcome President Bush's nomination of Margaret Spellings to be the next Secretary of Education.

Ms. Spellings has an impressive record on domestic policy. During her 4 years in the White House, she has worked on a range of issues for President Bush, including transportation, housing, health, and labor.

Most impressive is her work on education. Ms. Spellings has been a consistent champion for improving and strengthening public education, from her days as an advisor to Texas Governor Bush to her later role as the President's principal advisor on the No Child Left Behind Act. Over the years, she has worn many different hats in public education—advocate, parent, and policymaker. Her steadfast commitment to children and to the institutions that serve them has never wavered.

I look forward to working with her in the years ahead to strengthen our schools and universities, and forge a national commitment in education.

More than a basic value or a founding belief, education has been a force to move America forward. It has been the engine of the American dream.

During the industrial revolution, we made a national commitment to expand access to high schools and propel America forward.

In the 1940's, the GI Bill opened the doors of college to a great generation and launched a renewal of our economy.

After Sputnik's launch, we passed the National Education Defense Act to ensure our global competitiveness and national security by providing low-interest college loans for students studying math, science and foreign languages.

Again today, we face national and international challenges to achieving the American dream—some new and others familiar.

The destructive forces of poverty and inequality continue to prove obstacles to opportunity and progress. International challenges, such as outsourcing of jobs and the rising investment of other nations in mathematics and science, mark a new global standard to drive the world's economy.

In the face of these changes, we need a national education strategy to assure that America can advance—not retreat—in the days ahead. As President Bush challenged the nation in his Inaugural Address today, we must "bring the highest standards to our schools."

To meet this goal, we must do more to see that No Child Left Behind truly means no child.

It's not just a slogan. For us, it's a moral commitment. It's a solemn oath to our children, to parents, and to communities that we will fight for them every single day.

It's a promise that they will see qualified teachers, afterschool interventions, and supplemental services. It's a promise that they will see high academic standards, research-based instruction, and targeted help when they need it.

It's also a promise that every child counts—Black or White, Hispanic or Asian, rich or poor. Our promise to leave no child behind means that children with disabilities receive access to a highly qualified teacher and to the individualized support that they need to succeed in school and in life. It means that schools are held accountable for their progress, too.

No Child Left Behind is an expression of our basic values that we're willing to make the tough choice and the hard sacrifices to invest in and improve our public schools, because they are the ever widening gateways to opportunity and success for every one of our children.

Our commitment cannot stop there. We must do more to help students prepare for college, afford college, enter college, and complete college.

I point out briefly what has been happening when we look at the costs of college tuition that are effectively out of control. From 2001 to 2004 or 2005, the increase of public college education for 4 years has increased 35 percent.

There has been an effort to recognize everyone has some role in making college affordable. The individual has a role. Some have resources, others do not. If they do not have the resources but have the academic skill, we at the Federal level ought to be able to put together the kind of package so they are able to attend college. We did that in the 1980s.

Twenty years ago in higher education aid, we had almost 60 percent of the assistance in grants and 40 percent in loans; now that has reversed. Now we find 58 percent and 41 percent in grants. As a result of this development and phenomena, there are hundreds of thousands of children in this country who do well and are admitted to the finest schools and colleges and universities of this country who will not attend because they do not have the resources. That is wrong. We have to address this.

A college education means more today than it ever has. Today's demand for highly skilled workers has moved beyond the 1950s, when only 15 percent of jobs required advanced skills. In 2005, more than 60 percent of all jobs require some post-secondary education. Of the fastest growing jobs, half require a college degree and the other half require strong information technology skills.

Despite growing demand, in the future, it is estimated that the number of college degrees earned will slow to one-third of its current rate.

Yet, last year, 400,000 college-ready students didn't attend a 4-year college on a full-time basis because they couldn't afford to do so.

In America, surely we can agree that cost should never be a barrier to a college education.

There is another area I want to mention. I know my colleagues are here and want to speak. I will not take more than my share of the time. One other very important feature I hope we can work with the administration on is early education. I touched briefly on college. I think we have to do a great deal more in the areas of math and science. When you look at what our competition is doing in China, in India, in terms of math and science and engineering and research, we cannot take for granted our own prosperity and our own national security.

The best dollar invested in children is in early education. This chart shows results from the High Scope Perry Preschool Study, in Ypsilanti Michigan, which has been peer reviewed, the Beethoven Early Childhood Program Study, and the Chicago Child/Parent Centers Study in Chicago. They all reached the same conclusions: with early education a young person is more likely to complete school, more likely to get a skilled job, less likely to be held back a grade, and less likely to need special education. The results are dramatic. The results are even more dramatic that they are more likely to complete high school on time.

The wonderful book Jack Shonkoff wrote, "From Neurons to Neighborhoods," brings together three National Academy of Sciences Studies. All of them reach the same conclusion, that the opportunity to make progress with children in the earliest of months, virtually since the time they are born—even prior to the time they go to Head Start or a preschool program—is immense, and we have the proof.

This is an area Mrs. Bush is interested in. I am very hopeful we can find common ground and work on this area.

I believe that every child in America, upon reaching eighth grade, should be offered a contract. Let students sign it, along with their parents and Uncle Sam. The contract will state that if you work hard, if you finish high school and are admitted to college, we will guarantee you the cost of earning a degree. Surely, we have reached a stage in America where we can say it and mean it—cost must never again be a bar to college education.

We must also inspire a renaissance of math and science in our schools and colleges. Over the last 30 years, America has fallen from 3rd to 15th in producing scientists and engineers. In a major study released last month, we ranked 29th among 40 industrialized nations in math.

This revival begins in our elementary and high school classrooms.

Last week, President Bush called for increased investments in the training of math and science teachers in our middle schools and high schools. This is an important first step.

In addition, the courses that students take—as well as the quality of teaching—matter greatly. We know that the higher the level of math courses that students take in high school, the more likely they are to earn a bachelor's degree.

National standards in math and science have existed for more than a decade. We ensure that those standards are competitive with international norms, and align them with the skills that students need to be successful in college and in the workforce. We should offer incentives and supports for schools to develop and implement rigorous standards and courses. High standards and high-quality curriculum are the pillars of reform in our schools.

We must strengthen the pipeline of math and science into higher education. In the 1950s, after the launch of Sputnik, the National Defense Education Act resulted in a doubling of the federal expenditure in education, and helped secure the advancement and later dominance of the United States in the arms race and in the global economy.

But today, out of 15 million college students, less than 400,000 graduate with a bachelor's degree in math, science, engineering, or technology. Only 75,000 go on to obtain Master's degrees in those fields. We need a new National Defense Education Act.

We can double the number of future American scientists by 2010 if we pursue three key strategies.

First, we need more and better math and science teachers in grade schools. We should make college free—no loans whatsoever—for any student, regardless of their family income, training to become a math or science grade school teacher.

Second, even for those not going into teaching, we should make college and graduate school tuition free for middle class and low-income math and science students. These fields are critical to America's future and we should dedicate resources toward strengthening them in particular.

Third, we should expand the capacity of colleges and universities to educate future scientists and engineers by growing the Tech Talent program at the National Science Foundation. Tech Talent enables colleges to hire additional math and science faculty, develop additional math and science courses, make sure that math and science classes are small and accompanied by up to date lab facilities, and supports paid summer internships for math and science college students.

Finally, we can't expect to maintain a competitive standing in the global economy without paying attention to education in the early years. Learning begins at birth, and research has proven that what we do for our children's early education and development does more to ensure their success later in school and later in life than any other investment.

Today, two-thirds of fourth graders are not proficient readers. Less than a third of American students are proficient in math and science. And one-third of students who begin high school fail to earn a diploma.

Early education can change all of that. Students who participate in high-quality, comprehensive early childhood programs are less likely to be held back a grade, and less likely to need special education. Later on, they are more likely to complete high school on time. Later in life, they are more likely to hold a skilled job or a college degree.

It's time that we made early childhood education a priority in America. We need to ensure that every child has access to a high quality early education program.

We need to coordinate the wide variety of programs and services currently available for children. And we must also ensure that all those caring for children have the skills and qualifications necessary. If we are to expect quality care for our children in these settings, then they need quality teachers, who are supported, trained, and adequately compensated to do the job.

America has always dedicated itself to expanding opportunity and embracing the future. These are our highest values, and we must draw upon them to approach the challenges that lie ahead with strength, skill, and confidence.

In short, we must stand ready to embrace the American dream by improving the quality of education in America.

Mr. President, I urge our colleagues and friends to give overwhelming support for this nominee. Margaret Spellings does not always say no. She is not always going to say yes, but she is not always going to say no. We on this side of the aisle are looking forward to working with our chairman to try to make a real difference in enhancing the quality of education for children all over this country.

I thank the Chair.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Wyoming.

Mr. ENZI. Mr. President, I yield such time to the Senator from Tennessee as he might consume.

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, while the chairman and Senator KENNEDY and Senator DODD are here, I want to say that I appreciate Senator KENNEDY's remarks and strong support for Margaret Spellings. I appreciate the work he and MIKE ENZI and Senator DODD have done in education and early childhood education, and I hope that is a signal that over the next couple of years we can do more together.

Senator KENNEDY and I worked on legislation that affects American history, and we have another pending bill on that. Senator DODD and I have worked together on legislation that affects premature birth. We have some differences of opinion, and we will make those differences of opinion, but I am confident at least the chairman and I, and I believe Senator KENNEDY and Senator DODD, will work together on Education Committee issues to do our very best to make sure we put children first and our country's competitive position first. I relish the opportunity to work with them. I know of no three more effective Senators than the chairman, Senator KENNEDY, and Senator DODD. I wanted to say that while they were all here.

I once held the same job President George W. Bush hopes Margaret Spellings will hold. I was appointed Secretary of Education by the first President Bush. As I said at the hearing for Ms. Spellings, at my first Cabinet meeting I learned that not everyone in Washington thinks it is the most important job in Washington, because I learned at my first Cabinet meeting that the Secretary of Education sits at the end of the Cabinet table and is the last to be evacuated in the case of a crisis. In fact, I used to tell my friends, if they woke up in the morning when I was in the Cabinet and saw me assuring them that everything was all right, they should know that everything was not all right because that would mean they had worked all the way down to rest of the Government before they got to me.

But I agree with what the Senator from Massachusetts said a little earlier. I do not think there is any more important job in Washington than that of Secretary of Education, who does not manage education. Education is in the homes and communities and schools, and it is paid for, 93, 94 percent, outside of Washington. But the Education Secretary can help our President put a priority on education.

A lot of improving education is simply valuing education. I used to say down in Tennessee, when I was Governor, trying to get our State to value it more than that, the reason the Minnesota schools are better than the Tennessee schools is that in Minnesota they value education more, that we were valuing fast cars and football games and they were valuing high scores in math and science, and we were getting the fastest cars and they were getting the highest scores in math and science.

So having the President and respective Members of the Senate put this upfront and having a competition for who can have the best "better schools" program and the best new initiative, that is the way we should be doing it. I look forward to that.

I believe Margaret Spellings can help President Bush complete 8 years as a genuine education President. Because she knows him. She worked with him in Texas. She helped him introduce one of the strongest accountability programs any State has. She was able to work with the Congress, helping him work in a bipartisan way with the No Child Left Behind bill, in a very strong example of bipartisanship, not just a passive one. But to continue to support it, she worked for the school board association there.

So she knows the President. She knows the subject. She knows politics. She knows the Congress. She knows the White House. And she ought to be good. So I am delighted the President has chosen her. I look forward to working with her.

Now, Senator KENNEDY and Senator ENZI made some mention of a few subjects they believe are important, especially important right now, that they hope the President and his new Secretary will put a focus on. I would like to do the same, in brief.

No. 1, I would like to see this new Secretary and this President establish a point person within the administration for higher education. One of my great regrets, as I left the Secretary of Education's office in 1992—other than I had to leave it because we lost the election—one of my great regrets was I did not go to the first President Bush and say: Let me be the point person for all the Federal Government does on higher education. And why is that? It is because the National Academy of Sciences estimates that one-half of our new jobs since World War II have come from advances in science and technology; in other words, from our brainpower. That is where it has come from. And much of that advance in science and technology has come from about 50 great research universities and the national laboratories we have that are run by the Department of Energy.

No other country in the world has anything that compares with those research universities and those national laboratories. And just as they were for the last 50 years, they will be for the next 5, 10, 50 years the key to our ability to keep our standard of living. We need to remember that we are only 5 to 6 percent of the population in the world, and we may have a third of all the dollars. Now the rest of the world is going to be catching up, and they are already doing that.

India and China are busy keeping their brightest people home. They are busy working on building greater universities. While we may be taking for granted this superior system of higher education we have today, Senator KENNEDY pointed out the rising tuition. I will tell you why the tuition is rising. It is not because the Federal Government is not putting more money in. It is because the State governments are putting in less.

In Tennessee, when I left the Governor's office in 1987, 51 cents out of every State tax dollar was being spent on education, and 14 cents on health care. Today, it is 40 cents on education, and 26 cents on health care; and health care is going up. That same story is true in virtually every State in the country, and the money that was being spent on education and now being spent on health care is coming, for the large part, out of higher education. So if we shortchange higher education, we are shortchanging our ability to keep good jobs in the United States.

We have a number of other issues that have to do with higher education that we need to focus on. Visas for foreign students: The Senator from Minnesota has been as active, perhaps more active, than any other Senator in pointing out there is a dramatic drop in the number of foreign students at our universities. People might say, so what? They do not speak English very well, anyway, when they teach courses in graduate school.

Here is so what. They are among the smartest people in the rest of the world, and they come here, go to our universities, and they create ideas and jobs for us. They help make our universities the best. France, Germany, India and China are trying to keep them home, and we are making it hard for them to get here. We are going to pay the price for that.

The President has made some comments about year-round Pell grants. We have held a hearing about that. Senator KENNEDY talked about the adequacy of Pell grants. We need to look at that. I believe our universities are strong because, first, we recognize their autonomy.

In other words, we don't tell them what to do. We encourage autonomy, and then we give the money to students and let the money follow the students to the academic institution of their choice. We don't say you can't go to Notre Dame or you can't go to Yeshiva or you can't go to Howard. Sixty percent of American college students have a grant or a loan from the Federal Government that follows them to the school of their choice. We ought to continue to respect that autonomy and not restrict it.

Colleges of education, distance learning, community colleges, increased spending for the physical sciences that support our research efforts, political correctness in colleges and universities, the relationship of research universities and the National Laboratories, having an administration-wide inventory of all the Federal Government does in support of higher education would help us put a focus on higher education, and the fact that better schools, colleges, and universities mean better jobs.

There are two or three other areas I hope the President and the new Secretary will pay attention to, such as finding more ways to involve parents in the education of their children by giving them more choices of educational opportunities. I believe the genius behind our superior system of colleges and universities is because we don't try to run them from here. We respect the autonomy of the universities and we allow students money and allow them to choose the schools. If it helped create the best colleges, I don't know why we don't use more of that to help create the best schools.

A third area is to make sure we are spending Federal dollars for children age 0 to 5 as well as possible. This is an area the Senator from Massachusetts mentioned. It is one in which the Senator from Connecticut is interested. The Federal Government spends $18 to $21 billion a year through 69 different programs that dedicate part of their budget toward early education and care programs that serve children under the age of 5. That is in addition to all the money that goes to children because of the Medicaid Program. The Department of Education administers 34 of those 69 programs. We ought to take a look at the spending of the $18 to $21 billion and find out how well it is being spent.

Head Start is just about a third of it. Head Start is not all we do for early children. We ought to see where the gaps are. We ought to understand what the States are doing, what the cities are doing, and then see what else the Federal Government might need to do additionally or what we might change to do better.

Next, make sure No Child Left Behind is funded, flexible, and working. The President has asked us to expand it to high school, or has indicated his intention to do so. We ought to take a look at what we are already doing first and see if there are some lessons that we need to learn from how No Child Left Behind was implemented in the first 3 years so that we can avoid any mistakes we made when we consider going on into high school.

I am a convert to No Child Left Behind. I am a convert primarily because we have a third of our eighth graders who score below basic on reading and math, which is disgraceful. At least we need to know that and need to know who is falling behind. But this is a huge program, and there is a lot to look at: Achievement in State standards, what constitutes highly qualified teachers, the choice in supplemental service provisions, how No Child Left Behind affects rural areas as compared to urban, the very important U.S. history subject and learning English subject. And we need to look at funding.

Last time I checked, the President does not appropriate a penny. The Congress might as well give itself some credit for this. Federal funding for K–12 is up 36 percent. That is a lot. It is as much as Senator KENNEDY said tuition was up in the last 4 years. State funding, at least in my State, is up about 11 percent. So Federal funding for kindergarten through the 12th grade is up three times as much in the last 4 years as State funding for kindergarten through the 12th grade. But still we need to take an honest look to see.

We put some new requirements, through No Child Left Behind, on State and local governments. Did we properly fund that? That is an appropriate question. We should ask that question.

Finally, I would like to see more work done on the subject that Senator KENNEDY and I and the new Democratic leader, Senator REID, have worked on. That is restoring the civic mission of our public schools. The President talked about that today in his inaugural address: What does it mean to be an American? He gave the kind of speech I hoped he would give: What are the values in our country? What is important to us? We can get all the programs later. He did that beautifully.

The late Albert Shanker, President of the American Federation of Teachers, once said the reason we have public schools is to teach the three Rs to the immigrant children and teach them what it means to be an American with the hope that they will go home and teach their parents. We should be embarrassed that the lowest score that high school seniors make on the national assessment for educational progress test is in U.S. history, our own history. If we don't know our own history, we don't know why we are in Iraq. We don't know why we say anything is possible. We don't know why we say no child is left behind. We don't know why we debate illegal immigration. We could have no discussion in the Senate Chamber that made any sense at all unless we had some understanding of U.S. history.

Senator REID and I cosponsored legislation that passed last year to help create summer academies, presidential academies for the teachers of American history, and congressional academies for students of American history. Senator KENNEDY and I will introduce again this year legislation that will add State-by-State tests and NEAP tests in U.S. history, giving States that option so they can compare their scores. We are looking for many different ways to restore the civic mission of our public schools.

There is a lot to do. I believe there are three great challenges facing our country: One is terrorism; one is preserving our common culture; and one is keeping our jobs in a competitive world marketplace. And the key to that is brainpower and education. Better schools, colleges, and universities will mean better jobs. And with the experience that we have in this Chamber and the high level of interest we have in education and the history we have had recently of bipartisan cooperation, we ought to be able to make some significant progress.

I look forward to being a part of that, working with Chairman ENZI and Ranking Member KENNEDY.

I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming.

Mr. ENZI. Mr. President, I thank the Senator from Tennessee for his total enthusiasm on this issue. We are so fortunate to have him as the chair of the Subcommittee on Education and Early Childhood. You have just seen a demonstration of the passion that he puts into education. Of course, he has covered it from the perspective of being Governor, of being a college president. Probably more important, he has covered it from the perspective of being the Secretary of Education of the United States. Now as a Senator, he is going to make a difference in policy by pursuing that committee vigorously, as we can tell from his comments.

I also appreciate the earlier comments of Senator KENNEDY and the tremendous cooperation that we have had not only on the hearings that we have had but also on the personal discussions on the workload that we have by September 5, when 28 reauthorizations expire. We have to get those done.

I thank the Chair and yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Connecticut.

Mr. DODD. Mr. President, I am glad our colleague from Tennessee has remained. People may assume I am fulfilling some collegial courtesy to extend comments about the experiences of the members of the committee, but as Senator ENZI has just said, we are very fortunate to have LAMAR ALEXANDER as a Member of this body and as a member of the Committee on Health, Education, Labor, and Pensions. The Senator from Wyoming touched on the experiences that Senator ALEXANDER has had, except one, and that was as a Presidential candidate. He spoke eloquently, throughout those months in which he sought the highest office in the land, about the importance of education. So, we are fortunate to have him on our Committee.

I can't tell the Chairman of the Committee how much I look forward to working with him as well. I am optimistic about the work we can do on the Health, Education, Labor, and Pensions Committee.

I will support the nomination of Margaret Spellings as Secretary of Education. The mission of the Department of Education is "to ensure equal access to education and to promote educational excellence for all Americans." If we succeed in making our education system as good as it can be, there is no national priority that will not benefit. If we do not succeed, we leave things to chance. So I believe that the Secretary of Education is one of the most, if not the most, important positions in the President's Cabinet.

Ms. Spellings comes to the Department of Education with strong credentials as a policymaker in the area of education. She currently serves as the Assistant to the President for Domestic Policy. In that role, she is responsible for the development and implementation of White House policy on education, health, labor and other elements of the President's domestic agenda. Prior to her White House appointment, she worked for 6 years as one of Governor Bush's senior advisers, a role in which she had responsibility for the development and implementation of his education agenda. Many of the initiatives she worked on were incorporated into the No Child Left Behind Act, NCLBA. In fact, Ms. Spellings was one of the administration's primary architects of the No Child Left Behind Act, working with Members of this body, and others, to craft this law.

As Ms. spellings said at her hearing, there is no more important obligation each of us has to the American people than to educate our citizens. Like her, I believe that a high-quality education must be available to each and every American regardless of where they live, their economic status, whether they attend urban, rural or suburban schools, and whether they are a first or fifth generation American. I was impressed at her nomination hearing by the breadth of her knowledge and her ability to respond to a wide range of questions on so many aspects of education policy. Her intimate knowledge of No Child Left Behind will be the key to successful future implementation of this law, and I am hopeful that she is up to the task of working with this body to ensure that a greater degree of reasonableness is taken into account in implementing it.

I do not in the least question this nominee's qualifications or commitment. She is in these respects truly impressive. I do, however, question the policies of the administration she is duty-bound to represent.

I had high hopes when this administration came to office. I supported what is widely touted as this administration's landmark education initiative, the No Child Left Behind Act.

I supported No Child Left Behind because I care about improving the quality of education in America for all of our children. I believed that this law would help to achieve this goal by establishing more rigorous standards for measuring student achievement, by helping teachers do a better job of instructing students, and by providing the resources desperately needed by our schools for even the most basic necessities to help put the reforms we passed into place. Regrettably, the high hopes that I and others had for No Child Left Behind have not been realized. The law is being implemented by the administration in a manner that is inflexible, unreasonable, and unhelpful to students.

Worse still, the administration's promise of sufficient resources to implement No Child Left Behind's much-needed reforms is a promise that has yet to be kept. Currently, the law is underfunded by $9.8 billion. As a result of the failures of the administration to fulfill its commitment to our Nation's schoolchildren under the Law, children and their teachers are shouldering new and noteworthy hardships. Students, teachers, administrators, parents, and communities, are struggling to work with requirements that are often confusing, inflexible, and unrealistic. And they are struggling to do so without the additional resources they were promised to put them into place.

As I have said on numerous occasions in the past, resources without reforms are a waste of money. By the same token, reforms without resources are a false promise—a false promise that has left students, their teachers, and taxpayers, grappling with new burdens and little help to bear them.

Just last week, the President announced a new education initiative that would expand No Child Left Behind testing at the high school level. New testing, combined with new requirements already scheduled over the next 2 years—including the deadline for teachers to be highly qualified—will require a great infusion of resources. And yet, we have recently been told that one-third of the States will see a decline in No Child Left behind funds this coming year.

No Child Left Behind is not the only law which remains underfunded. Today, the Individuals with Disabilities in Education Act, IDEA is funded at less than half of the 40 percent we committed to provide when we passed the law 30 years ago. This means that States continue to bear more than their fair share of responsibility for meeting disabled students' needs. States that, mind you, are facing astronomical deficits as a whole. States that often have no choice but to pass these costs on to municipalities which then pass them on to everyday, average American taxpayers through their local property taxes.

Just as disheartening is this administration's lack of support for student financial aid. Since coming into office, it has done little to help the average American taxpayer send their children to college. The maximum Pell Grant award remains frozen at $4.050 for the fourth consecutive year, enough to pay just 34 percent of the average annual cost of attending college. In the meantime, public college tuition has gone up 35 percent over the last 4 years.

A college graduate earns close to double the amount of an individual who has only graduated from high school. Without additional financial aid in the form of loans—and more importantly, grants—many American students may not be able to afford a college education. Prohibitive costs may be keeping some of our best minds from fulfilling their dreams of a higher education. And yet, this administration has done virtually nothing to make college more financial accessible. Qualified students with the will to achieve should be given the change to do so. Until recent announcements of expanding the Pell Grant program, this administration has done little if anything to give these students that chance. And while I am happy to hear that higher education is receiving long over due attention, I am concerned by indications that the administration may pay for new initiatives simply by cutting others.

Outside of funding, I am concerned about President Bush's proposal to move Head Start from the Department of Health and Human Services to the Department of Education and to change the program's focus to reading. I do not object to exploring innovative ways to help children read. However, it is the comprehensive nature of Head Start that makes a difference for poor children. Head Start is just as much about ensuring that children have proper health care, dental care, vision and hearing screening, as well as screening for developmental delays. Head Start is about the social, emotional, physical, and cognitive development of children. To focus only on cognitive development would ignore the other pillars of school readiness. We need to be cautious about changing a program that does so much good for so many children and families. Our focus need to remain in the development of the "whole" child.

I still support Margaret Spellings' nomination because she is well-qualified for the position and has demonstrated seriousness of purpose. However, my concerns about the nominee are not her personal qualifications but the policies of the administration she represents. I pledge my best effort to work with her and others to find common ground. But, by the same token, I will respectfully dissent where this administration pursues policies that I believe are harmful to our Nation's children.

Again, even though I am supportive of this nomination, it does not mean that Ms. Spellings is going to agree with the Senator from Connecticut on everything. I suspect she will not. But I know when I make a call to her, I have somebody on the line who will listen and will consider sound arguments about why or why not we ought to do certain things. I very much look forward to working with her and this committee in the coming months.

I have often quoted Thomas Jefferson who made the comment just over 200 years ago that any nation that ever expects to be ignorant and free expects what never was and what never possibly could be. That was his statement at the beginning of the 19th century. It is just as true today. That is why the nomination before us is of the utmost importance.

I yield the floor.

The PRESIDING OFFICER (Mr. CHAFEE). The Senator from Oregon.

Mr. WYDEN. Mr. President, I do not want to turn this into a bouquet-tossing process, but I also want to commend our friend from Wyoming. I think he is going to do an excellent job in his new position. At the end of last year, we got a little bit more flexibility in terms of the interpretation of Leave No Child Behind Act because of the efforts with respect to hiring of rural teachers, and I thank him for his work on that, and certainly the bipartisan firm of Senators KENNEDY, DODD, ENZI, and ALEXANDER is a force to contend with, and I am looking forward very much to working with them.

The confirmation of the Secretary of Education by the Senate, important as it is, is not the only important development in American education this week. I am sure many of our colleagues have heard about the remarks made by Harvard President Larry Summers this week, remarks that in effect said women may be underrepresented in math and sciences because of innate differences between men and women.

I spoke with Dr. Summers this morning. He made it clear to me that he is acutely aware that remarks he intended to be thought-provoking crossed the line. He knows that as president of one of America's most distinguished institutions, his views are heard worldwide. I expect he will continue to express his contrition to the Harvard community and educators around the country.

I have devoted a lot of time to this issue myself. In 2002, when I became chairman of the Subcommittee on Science, I pursued this issue on a bipartisan basis, particularly with Senator ALLEN of Virginia. Today I ask my colleagues the question of what ought to be on the table at this point, and that is what is going to be done now, what is going to be done immediately, to create more opportunities for girls and women to advance in science, math, engineering, and related fields?

It is very seldom, when a problem such as this comes up, that there is literally a tool right at our fingertips to solve the problem, but in studying this issue, in holding hearings on this issue, I became convinced that title IX of the Education Act can be the key to ensuring gender equity in critical academic fields for women.

Here is how title IX reads: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.

It means any institution receiving Federal funds must make sure that women are treated equitably.

In the Senate, and certainly around the country, there is a common misconception that title IX is about sports. I think very few people are aware that primarily, at its roots, it is an academic statute. Athletics are certainly where we have seen the most progress under title IX. Before title IX, 1 in 17 girls in school played sports. Now it is 1 in 2.5, or 40 percent.

So I ask my colleagues, imagine if those same changes could be seen in math, science, and engineering, from the 20 percent of science undergraduates who are women today, to 40 percent or 50 percent; from the 6 percent of engineering professors who are women today to 40 percent.

The potential of title IX is enormous. Enforcing it in academic fields could revolutionize the study and application of math and science in our country.

Educators of good conscience should not wait for a Federal reprimand to comply with a Federal law that benefits all of us. Title IX ought to be a guiding principle in hiring, tenure, scholarships, and lab space for all scholars on all the academic campuses around our country. Title IX can finally give women studying science a fair shake where they have not gotten one before. It does not sound like a tall order, but it is not happening. Unfortunately, the Federal Government is not taking the lead in terms of tackling the issue.

For example, I asked the General Accounting Office to examine whether the Federal Government is following the law and enforcing title IX. What the General Accounting Office found was disappointing at best. They looked at the Department of Education, NASA, the Department of Energy, and the National Science Foundation, and they found that little or no efforts were being made to ensure compliance with title IX requirements for grantees getting Federal dollars. Of all the agencies reviewed, the Department of Education was the only Federal agency that conducted any title IX compliance reviews. But they have not conducted a single review—not one—since 1995.

The Federal Government is not doing its part to ensure that title IX is being enforced for women and girls with the ability and the desire to work in math and science. I have asked Secretary of Education Paige and the President that title IX be enforced as intended. But today, colleagues, I formally call on the individual who will shortly be confirmed as the Secretary of Education, Margaret Spellings, to work to ensure that girls and women in our federally funded schools do not suffer discrimination in math and the sciences. I will tell you, it is an issue of economics, and it is also an issue of national security. A report from the Hart-Rudman Commission on National Security to 2025 warned that America's failure to invest in science and to reform math and science education was the second biggest threat to our national security. It warned that only the threat of a weapon of mass destruction in an American city was a greater danger. In fact, the Commission unanimously concluded that the danger from underinvesting in math and science and failing to reform math and science education was greater than the danger from any conceivable conventional war.

I do not see how America can meet its national security needs if it is not giving women a fair shake as it relates to opportunity in math and science. So on this Inauguration Day, I call on the new Education Secretary, the individual we will shortly confirm, to take this message of economic fairness and national security to heart.

The remarks that Dr. Summers has made, which have triggered such debate, have generated a new and important discussion about this issue. As the Senate confirms a new Education Secretary, I believe there is no better time to return our attention to the issue of how this body can advance opportunities for women in math and science, not by writing any new laws but by enforcing the laws on the books.

Colleagues, I would say—our new chair is here—it is one thing if Chairman ENZI has to get together with Senator KENNEDY and Senator ALEXANDER and Senator DODD and write a whole new law. Here we have a law on the books, but the conception is that it is just for sports, and it has been a good sports statute. What I am saying is we can revolutionize opportunities for women in math and science if we use the law as it was originally intended.

Go talk to our former colleague, Senator Birch Bayh. Senator BAYH, who testified before my subcommittee, said this was primarily an academic statute, and he would very much like to see it used for opportunities for women.

The conversation I had with Dr. Summers this morning certainly was not over when we hung up the phones. What began as a controversy this week I hope is going to end with a bipartisan effort, like the one that Senator ALLEN and I launched several years ago, to make sure there are more opportunities for women and girls to enter the math and science fields. That is what I intend to pursue. I intend to do it on a bipartisan basis, working with our new chair and colleagues whom I know share this interest.

I yield the floor.

Mr. ENZI. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 26 minutes and 56 seconds.

Mr. ENZI. I have been requested by the Senator from Tennessee to yield 3 minutes to discuss the issue that has just been brought up.

Mr. ALEXANDER. Mr. President, I am glad I was here to hear the Senator from Oregon. I want to think about what he said and make two comments. It is a noble and good effort for us to think about how can we make certain young girls as well as young boys have the opportunity to learn more about science and math and to make careers of science and math should they choose to do that. I would like to urge some caution in the application of title IX to cause that. We may want to be more selective in our approach.

I watched the good title IX can do. I was president of a university which saw a fantastic women's sports program, as an example, develop because of that—at the University of Tennessee. At least it encouraged that. But it might have some unintended consequences because, in many cases, girls are doing better than boys. Almost every liberal arts college in America today is having a hard time recruiting males, not females. In many of the graduate professional schools across the country we are finding growing numbers of women, which is a wonderful development, and they are in the majority. Were we to begin to apply too strict an application of title IX, we might find it restricting money spent for females because they are doing better than the males.

One of the greatest problems affecting our country is why African-American males are not doing as well in high schools, so I would like to discuss that some more. I appreciate his bringing it up. I am glad I was here to hear it.

Second, I have read the comments about Dr. Summers and his comments. He may wish he said what he said in a little different way, but I am also a little concerned about the controversy. I understand what he said is he raised the question: Is it possible that there is an innate difference between men and women that might contribute to the smaller number of women who study math and science and make careers of it?

If he were a politician on the Senate floor, he might think twice about saying that because he might be misinterpreted. But if you are on the campus of a university, you are supposed to be able to ask questions, even questions that are a little offbeat, even questions that are incorrect. I can guarantee you, having been temporarily on the faculty there at Harvard with an appointment, there are many more bizarre ideas than that that are regularly asked and regularly expressed. So he may be wrong; the answer to the question is no, there are no innate differences between men and women that contribute to the reason why fewer women follow math and science, but I think certainly a faculty member of Harvard or the president of Harvard ought to be free at least to discuss the question without being roundly condemned across the country.

I thank the Senator from Oregon for his thoughtful comments. I would love to talk with him more about whether the application of title IX would actually have some unintended consequences, consequences he might not intend. I hope on all of our campuses and universities, even presidents are free to ask questions and have a free inquiry. I believe that is why we have those institutions.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I will not belabor this. I do believe I have to make a couple of responses with respect to the remarks made by the distinguished Senator from Tennessee.

The PRESIDING OFFICER. Does the Senator from Wyoming yield time?

Mr. ENZI. I yield 2 minutes for a quick response. This is a very important topic. Everybody has a common interest in making sure there is a quality in education all the way through. I would appreciate the comments of the Senator from Oregon, briefly.

Mr. WYDEN. I want to say first of all, I am talking about enforcing a law that is on the books. All I am talking about is the original intent of a law that is on the books, which is applied primarily to the academic field—not sports.

I want it understood that I am not talking about anything new. I am talking about enforcing the law that is on the books.

Second, making sure that I am specific with respect to what the Senator from Tennessee has said, all I am talking about is that women would get an equal shot at all of the slots in math and science. We know there can be different results based upon the qualifications of an individual. And universities don't need to have the exact same number of men and women for every position on their faculties. But what I want us to do—and what title IX is all about—is make sure that women have an equal shot at all of the slots that are available. It seems to me, if we don't do that, we are not complying with the law that is on the books.

I will tell you that we are not going to be able to meet the economic and national security needs of our country.

The Senator from Tennessee is always very gracious. I am anxious to work with him in these areas. I want to make sure and emphasize that I am talking about equal opportunity—an equal shot. That is the call that I am making today on the floor of the Senate.

I yield the floor.

Mr. CONRAD. Mr. President, earlier this month, the Senate Health, Education, Labor and Pension Committee reported to the Senate the nomination of Margaret Spellings for confirmation as Secretary of Education. I am very pleased that the nomination was unanimously reported and I intend to vote in support of her confirmation for this important post.

Over the past 4 years since passage of the No Child Left Behind, NCLB, Act, there have been—and continue to be—many questions regarding funding and implementation of the Act. During this period, promises were made to Congress, the education community and parents that adequate funding would be provided to ensure that the various requirements relating to teacher quality and accountability could be implemented without creating an additional financial burden for States and local communities. Additionally, States were assured that sufficient flexibility would be provided to States for the development and implementation of State plans to meet the requirements under NCLB. Regrettably, these two key goals have not been met.

The nomination of Margate Spellings is an encouraging development regarding our national education policy. Margaret Spellings brings to this office very significant credentials, including her service as the principal education advisor to President Bush during his term as Governor of Texas. She is recognized for her expertise on education reform and has distinguished herself as Assistant to the President for Domestic Policy. Additionally, Margaret Spellings played a key role in development of the No Child Left Behind Act.

Most importantly, Margaret Spellings nomination represents a wonderful opportunity for the Department of Education to work more closely with Congress, States and the education community in a realistic implementation of NCLB. Congress supports the goals of improving teacher quality and ensuring that students are fully prepared upon graduation to meet the challenges of the 21st century. It's absolutely essential, however, that the Department of Education be a strong and realistic partner in the implementation of the Act. State and local officials and educators must also be assured that they will not be saddled with extraordinary unfunded mandates or regulations to comply with the act.

I commend Margaret Spellings for her commitment to education and am pleased to vote in support of her confirmation as Secretary of Education. I look forward to working with her on critical education issues on a national level and to addressing the very real concerns of educators and school officials in North Dakota on teacher quality, especially the issue of highly qualified teachers and education funding. The No Child Left Behind Act must be an initiative of cooperation and partnership among all parties in the education community and the Federal Government if it is to succeed in improving education for our children.

Ms. CANTWELL. Mr. President, today the Senate will consider and vote on the nomination of Margaret

Spellings as the new Secretary of Education. I will support her nomination. Ms. Spellings is a capable leader, having been principally involved in shaping education policy on both State and Federal levels for over a decade. Her commitment to working on both sides of the political aisle and alongside our teachers and educators illustrates her dedication to strengthening our schools.

In today's global marketplace, ensuring access to high-quality education—from a continuum that starts in early childhood to grade school, moving on to college and beyond—is central in maintaining America's competitive edge. To meet this goal, adequate funding of our public schools and post-secondary institutions is necessary to keep our students on the path toward achievement. I am confident that Ms. Spellings will uphold this responsibility as the head of the Department.

Meeting the needs of learners at all ages and targeting approaches that prepare them to be successful is a priority. By investing in education, we are empowering our economy. I am eager to work with Ms. Spellings on strengthening our education system, making sure that every student reach his or her full potential and improving the quality of life for all families.

Mr. DOMENICI. Mr. President, I rise today in strong support of the confirmation of Margaret Spellings to be Secretary of Education. Margaret Spellings has devoted her career to working to improve education for children in Texas and across the Nation. Her experience and dedication make her eminently qualified to serve as Secretary of Education.

Margaret Spellings is the ideal person to work with States and Governors of both parties to achieve the goal of raising student achievement for all students in all schools. As the Assistant to the President for Domestic Policy, Ms. Spellings has been responsible for the development and implementation of White House policy on education, healthcare, labor, housing and many other elements of President Bush's domestic agenda. She has also served with distinction as the senior advisor to then-Governor George W. Bush in Texas with responsibility for State education policy, and as associate executive director of the Texas Association of School Boards.

Throughout her professional career, Margaret Spellings has had in-depth discussions with teachers, administrators and school board members. She understands about school reform and the Federal role in education. In Texas, she was responsible for developing and implementing the State's strong school accountability system, and she was also instrumental in the State's strong reading and charter school efforts. As a top domestic advisor to the President, she was integral to the development of the No Child Left Behind Act, which is producing solid improvements in reading and math for America's students and is helping students by transforming our public education system.

The fact that President Bush has chosen one of his closest and most trusted advisors to become Education Secretary is a clear sign that education will continue to be a top domestic priority for this administration during the next 4 years. I look forward to working with Margaret Spellings in her new role as Education Secretary to help make public schools great for every child.

Mr. FRIST. Mr. President, it is my great pleasure and honor to support the nomination of Margaret Spellings to lead the Department of Education.

Ms. Spellings has been a close and trusted adviser to the President for over a decade. She will bring to the post both local and national experience. In Texas, Ms. Spellings led the Texas Association of School Boards and advised two Governors on education policy, including then-Governor Bush. In Washington, she has served as the top domestic policy advisor to the President and was one of the key architects of the historic No Child Left Behind Act.

Ms. Spellings has earned a solid reputation as one of the sharpest minds in education policy. She is passionate about America's schools, and more importantly, passionate about America's school children. Like all of us in this chamber, she believes that every child has the right to learn. Education is the path to achieving the American dream. As a result of her work on the No Child Left Behind Act, students of every background are making strides.

As the Secretary of Education, Ms. Spellings pledge to improve the No Child Left reforms and extend them to the high school level. She is also committed to enhancing college aid to assist older and disadvantaged students. As she told the HELP committee, reforms to No Child Left Behind need to be sensible and workable.

Ms. Spellings' nomination comes to the Senate floor with strong bipartisan support. She was unanimously voted out of committee. Both sides of the aisle recognize and honor her leadership and experience. In Ms. Spellings, America's education system will have a thoughtful, flexible, and effective leader.

Karl Rove once said that Margaret Spellings is the most powerful woman in Washington, whom no one knows. As a key Cabinet Secretary, she will be one of Washington's most luminous stars.

I am pleased to support her nomination. I expect a swift and overwhelmingly bipartisan vote to make Ms. Spellings America's eighth Secretary of Education.

Mr. HATCH. Mr. President, I rise today to express my support for Ms. Margaret Spellings as our new Secretary of Education.

This is a key position at a key time. As I travel around the great State of Utah, there is no single issue area of greater concern than education. I am proud of the way Utah has been educating the children of my State. Our schools and teachers are among some of the best anywhere. Although we spend less per student than many other States, we are getting a great bang for our buck.

As a strong supporter of education, I have been pleased to play an active role in every piece of education reform legislation that has come before the Congress in the past 28 years. I attended public schools, as did my children and now my grandchildren, and I have faith in our Nation's schools. I look forward to working closely with Ms. Spellings and the Department of Education, particularly as I return to the Senate Committee on Health, Education, Labor, and Pensions.

I have been impressed by the President's complete confidence in Ms. Spellings and her ability to serve our Nation and its most valuable asset, our children, as our top educator.

While Ms. Spellings' credentials and experience are very impressive, none is greater than her role as a mother and primary educator of her two daughters, Mary and Grace. Without a doubt, the home is the greatest classroom.

We are all aware of Ms. Spellings' background of service in Texas as chief education advisor to then-Governor George W. Bush. I have been pleased to work with Ms. Spellings during the past four years in her capacity as the Assistant to the President for Domestic Policy. Since the announcement of her nomination by President Bush, I have received numerous letters in support of Ms. Spellings by various groups and individuals concerned about education issues.

Education is the hallmark of domestic issues. While I believe our Nation's education system ranks among the finest in the world, we can still make improvements. Funding for schools is vital, and I have consistently supported federal funding to assist our Nation's teachers, schools, and students. I will continue to support programs to enrich and improve our school system.

Ms. Spellings has indicated her strong commitment to the No Child Left Behind Act, NCLB, signed into law by President Bush on January 8, 2002. I have been supportive of NCLB. Even those who don't agree with everything in NCLB agree that they are now focused on making sure every child is progressing, and they are using innovative approaches to tracking student achievement and motivating them to meet the new standards.

For example, an inner-city school in Utah with a large number of students in low-income, non-English-speaking families is using funds from NCLB to purchase a student tracking database that shows how each child is doing in each subject with every teacher. They know who needs the extra help and in what areas. They are enlisting the support of parents, teachers, and the community to make sure that these kids get the help they need. And they are having great results. Test scores are up. Honor roll is up. Parents are more satisfied. Students are taking pride in their education. And, that's what NCLB is all about.

Of course, this does not mean the law is perfect. We need to fund it better, and too many schools do not make Annual Yearly Progress or AYP because they just do not understand what is required, or misinterpreted the law. I think it is going to take some time to adjust. We need to continue to do what is working in NCLB and look at what is not.

Utah has been in the forefront of the debate and was one of the first States to make moves toward possibly opting out of No Child Left Behind, due in part to concerns about retaining State control and objections to federal mandates without sufficient funding.

Make no mistake. I am a strong advocate for local control of education and want to make sure that there is sufficient flexibility for our States. I trust that the Department of Education will keep open lines of communication with the States and localities as we work together to ensure that truly no child is left behind.

I was particularly pleased that during her hearing before the Senate HELP Committee, Ms. Spellings accepted my invitation to personally visit Utah to meet with legislators and educators there. We look forward to her visit.

With her confirmation, Ms. Spellings will replace Secretary Roderick Paige. I would like to take a moment to note outgoing Secretary Roderick Paige's service. During his tenure, he led the implementation of major education reforms. He showed great commitment to providing our children a quality education, notwithstanding their circumstances, thereby honoring the pledge to leave no child behind. While so doing, Secretary Paige demonstrated willingness to consider certain adjustments in an effort to align the implementation of the No Child Left Behind Act with the intent of the law. We thank him for his service.

Without a doubt, Ms. Spellings has many challenges ahead, but I am confident that she will serve our country with dedication and distinction.

I yield the floor.

Mr. ENZI. Mr. President, I yield myself such time as I need to conclude this debate.

We have had a wonderful afternoon talking about some of the basic education policies that we need to be on top of for the kids of this country. I am excited about the bipartisanship that has been shown in this discussion this afternoon.

We have had a pretty good covering of a lot of the different issues that will be coming before the Health, Education, Labor and Pensions Committee. But, of course, the real purpose of this discussion was to have a very brief discussion on the approval of the nomination of Mrs. Spellings to be our Secretary of Education. I am pleased there were no adverse comments during the entire time that we allowed, and there were none at the hearing we had for her.

During that hearing, we discussed the President's education agenda and the future of the educational system. We asked Mrs. Spellings a lot of questions about her views on these issues and about her plans to continue to improve our schools. We were all impressed with her answers.

It was evident from the comments of the Members there that Mrs. Spellings enjoys strong bipartisan support. I think that has been shown here today, too.

As her record clearly shows, Mrs. Spellings is no stranger to the issues of education that will affect every child and every schoolroom throughout the United States.

As the President's domestic policy adviser, Mrs. Spellings was the key part of the effort to emphasize the accountability and the importance of getting results in the classroom as part of the No Child Left Behind Act.

Thanks to that important legislation, our Nation's classrooms are more effective. They are more efficient. They are places of learning, and our children are benefiting from that.

Mrs. Spellings believes, as I do, that every school can be a good one, and every student can be a star student.

It is no secret that good skills lead to good jobs. Maintaining those skills through a lifetime of learning will lead to a good career.

That has been my experience as a father of three college graduates, and also the husband of a wife who got a college graduate degree on line from the University of Wyoming while we were here in Washington. There is a little time difference between here and Wyoming. A lot of her classes started pretty late at night. But she stuck with it and got a graduate degree. All of us are proud of her for that.

I am proud of all three of my kids who have their degrees. One of them is a teacher. She has gotten a couple of degrees since she became a teacher. One of those got her a certification to be a principal.

I get comments from that lobby very strongly. I am so pleased with the comments I get.

I would also be remiss if I did not mention my sister, who is a business major for the Sheridan School District, which is one of the big school districts in Wyoming. She is actually the smartest of us two children. She is also an accountant and does an outstanding job of keeping track of every dime of education money and informs me of ways we messed up the law when we were doing that. I get a lot of good advice from there.

But it is also my hope as a grandfather of a little boy who looks at me with trusting eyes certain that his grandpa has it under control—and just looking at him. I can tell that he is counting on his grandpa and the other parents and grandparents of this body to ensure that he receives the kind of education he will need to find a good job, and the constant training and upgrading of skills to ensure that he will be able to keep it.

I was just reading a book called "The Jobs Revolution." A child starting school today probably will not be able to do like his parents or grandparents did, starting one job and continuing that for 30 years and then retiring. The average child starting school today will have 14 different careers. Here is the key part: Ten of those haven't even been invented yet, which means the level of education that we have now has to have the flexibility to teach them to get the continuing education to get the new jobs so that the best jobs are maintained in the United States.

Someday my grandson will take his place in the workplace, and we must make available to him, and to every worker who will give our workforce an advantage, a lifetime of learning to ensure that the United States retains its competitive edge in the global market.

Mrs. Spellings understands this—the fact that the workplace isn't what it used to be.

In this global, technology-driven economy, school can never be out. Today's workplace demands an ever-changing workforce that can adapt to the requirements and skills of the new high-tech jobs that are in such high demand.

Keeping workers' abilities current will be vital if they are to continue to find every job they will need to support their families and maintain consistently higher standards of living.

As chairman of the Committee on Health, Education, Labor and Pensions, I am looking forward to working with Mrs. Spellings on these issues and many more—such as the importance of using advanced technology to improve our rural schools.

As we work to address this and the other challenges of rural school systems, we must continue to be flexible in our approach.

That is the only way we can ensure every child has access to a quality education and that our school systems are run in a manner that makes more sense for the population they serve.

Having spoken with Mrs. Spellings, I am certain she shares my concern about rural education and that she will work together with this Congress to continue to make the changes that will be needed to keep our educational system and the lifetime of learning it must provide moving forward.

As committee chairman, I am honored to be able to join the distinguished ranking member of the committee, Senator KENNEDY, in supporting the confirmation of Mrs. Margaret Spellings to be the next Secretary of Education.

I am extremely pleased that we worked in a bipartisan manner in order to have Mrs. Spellings confirmed by the date of the President's second inauguration.

Today, this body has the opportunity to confirm an excellent nominee with the skills, with the experience, and the character to help bring our students of all ages and backgrounds along the pathway to fulfill their own version of the American dream. I am confident we can do so, and provide our children and students of all ages with an effective advocate at the Department of Education.

Thank you, Mr. President. I think all Members who wish to speak on this have spoken.

I ask unanimous consent that all time remaining on both sides be yielded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ENZI. I ask the Senate to proceed to the vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Margaret Spellings, of Texas, to be Secretary of Education?

The nomination was confirmed.

Mr. ENZI. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

Mr. DURBIN. Mr. President, if there is no further business under any unanimous consent, I ask to be recognized to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Mr. President.

NOMINATIONS

Mr. DURBIN. Mr. President, first, let me congratulate the new chairman of the HELP Committee, the Senator from Wyoming, for his leadership. I wish him the same level of success for everything he brings to the floor—that it be both bipartisan and moved through so quickly. I think our decision to move the Secretary of Education so quickly was the right decision. I was happy to join in that vote.

I wish the chairman the very best in his new assignment on the committee.

There are several nominations that are likely to move through with equal dispatch—if not today, within the next few days.

It has been my honor to meet with the new Secretary of Commerce-Designate, Carlos Gutierrez, who was formerly the CEO of Kellogg, and is now taking on this post. He is new to Government but he brings an amazing perspective to the Department of Commerce. I am certain his nomination will move through very quickly. I am certain he will do a very good job.

The same thing can be said of the Governor of Nebraska, Mike Johanns, who has been tapped by the President to serve as the new Secretary of Agriculture. He and I had a very positive conversation and dialog yesterday. He is from Iowa originally. He went to law school in Nebraska and made it his home. He was elected Governor. Having grown up on a dairy farm in Iowa, he understands farming first hand. We had a very positive conversation. He succeeds an excellent Secretary, Ann Veneman, who now will go on to be the head of UNICEF.

Mike Johanns was an excellent choice by President Bush and was confirmed without any debate or controversy. I say that because many people think when it comes to the Senate floor it is nothing but a fistfight every single day. That is not a fact. We will disagree, but in many instances the President's recommendations are approved without controversy and without debate. Every White House prays that every recommendation, every nomination, and every bill will have the same outcome. That is never the case. We will do our best to work with this President. Coming together today, in this session, immediately after the inauguration, is an indication of our efforts to do so.

INAUGURATION

Mr. DURBIN. Mr. President, I will speak for a moment about the inauguration we just attended. First, I address an issue of style which was brought to my attention earlier this week in Chicago. One of my acquaintances is a columnist for the Chicago Sun-Times. His name is Neil Steinberg. Mr. Steinberg recently wrote "Hatless Jack." It is the story about men wearing hats in America. It was a good conversation we had about his book.

It starts with the premise that some 44 years ago today with the inauguration of John Kennedy, there was a change in fashion in America and men stopped wearing hats. Mr. Steinberg debunks that notion but goes into a very interesting history of not only John Kennedy wearing a hat but also hats in America.

People remember that inauguration 44 years ago. Seven inches of snow fell the day before. Some 3,000 soldiers were on the street overnight shoveling the snow, using flamethrowers to try to melt the snow to make way for the inauguration the next day.

The inauguration started an hour late. Senator Kennedy, of course, became the President and gave his famous speech: Ask not what America can do for you but what you can do for your country. Robert Frost was at that occasion. People seem to remember there were no hats there, that John Kennedy did not wear a hat. They mistakenly blame him for killing an industry.

I wish those same people could have been out today for the inauguration and seen my colleagues in the House and Senate. There were some amazing hats being worn. There are very few other times my colleagues would wear one. We had Senator BAUCUS and Senator HATCH in cowboy hats, Senator DEWINE in his bowler, Alan Greenspan with his Yankees baseball hat—quite an array, not to mention Justice Scalia's hat, which I cannot describe.

I say this by way of introduction. There is a style issue here that someone should report. I thank Mr. Steinberg for bringing this historical notion to our attention, that the inauguration today raises questions which I am sure an enterprising journalist will follow up on.

Let's go to the substance of the speech and what happened today. Clearly, there were disappointments on the Democratic side of the aisle. Many Members worked long and hard for our colleagues JOHN KERRY and Senator John Edwards on their candidacy. I served as vice chairman of the Democratic National Committee and traveled to many of the battleground States on their behalf. I saw an outpouring of volunteer support for that campaign that I had never seen before in any previous campaign. There was also an outpouring of small donations, an indication of the interest the American people had in that campaign.

Of course, there was a bitter disappointment among those on the Democratic side with the outcome on November 2. I am glad Senator KERRY came forward on November 3 and said, clearly, that he was conceding the election and that America should move on with its new President, President George Bush, who was then reelected.

Many people contacted me and expressed the sadness and bitterness and disappointment, as you might expect, after a hotly contested election. It is a fact of life that America is very closely divided politically. Had one State, the State of Ohio, gone the other way and the electors pledged to JOHN KERRY rather than to President Bush, we would have sworn in JOHN KERRY today as President of the United States. The margin in Ohio was 118,000 votes. So still we see our Nation divided, blue States and red States, though there is a lot of commonality within those States on issues of importance.

I listened to the President's speech today. It was a good one. Many people mistakenly believe the inaugural address is the State of the Union. It is not. Most Presidents use the inaugural address to make a statement that will stand the test of time, that will last through history. It does not address the morning paper so much as the summation of what has happened in America over the last year, two, three, or four. That is what President Bush did in his speech today.

I thought the direction of that speech toward freedom was an important point. It is one that every American and every American President would share—not only that we value our own freedom but want to see other nations reach that same goal. I agree with the President completely.

He also spoke about what the freedoms would mean to Americans. He is not the first President to address that issue, of course. We can all remember the famous speech by Franklin Roosevelt, the "Four Freedoms" speech, in his address to Congress on January 6, 1941.

Franklin Roosevelt, in that speech, laid out what he considered to be the four essential human freedoms: first, freedom of speech and expression everywhere in the world; second, freedom of every person to worship God in his own way, everywhere in the world; third, freedom from want, which translated into world terms means economic understandings, which will secure to every nation a healthy peacetime life for its inhabitants everywhere in the world; and the fourth, freedom from fear, which translated into world terms means a worldwide reduction of armaments to such a point and in such a thorough fashion that no nation will be in a position to commit an act of physical aggression against any neighbor anywhere in the world.

That speech of the Four Freedoms was given about 12 months before the attack on Pearl Harbor. As we read about the freedom from fear, we put it in the context of what followed: one of the bloodiest wars in the world. What President Bush spoke to was the freedom from fear from terrorism, recounting our tragic national experience on September 11. He also talked about the freedom from want, which President Roosevelt raised, as well. We all want the people of this country to have the best. We all want to do our part to make that happen.

We just heard an extraordinary exchange between Democrats and Republicans in the Senate on the issue of education. What struck me in listening to Senator ALEXANDER of Tennessee, Senator ENZI of Wyoming, Senator KENNEDY of Massachusetts, and Senator WYDEN of Oregon was the commonality, so many things they agreed on, the importance of education. We will see in a few weeks how important education really is. This administration will present to Congress its budget resolution. We can give a lot of speeches in the Senate, we can pledge that we have great interest in issues, but the real test is if we put our resources and our energy behind those interests.

The budget resolution is the first test. We can look to that budget resolution to see if the values of the inaugural address are expressed in the budget of the President. It is one thing to speak of those values on January 20; it is quite another to present a budget resolution which meets that test.

We can look to several items. First, will there be more money for No Child Left Behind? This is a program I voted for, a program of accountability in schools to make certain that the kids are progressing. But there has been a real complaint from local school administrators, Governors, that we have created a Federal mandate for testing and accountability but no resources to take care of the problems. When we identify special ed students or students from struggling families or disadvantaged households who are not doing well on tests, what do we do as a Federal Government to help the school district?

In my home State of Illinois, we are in a desperate situation. School districts are bankrupt all over the State. We have had a terrible time because of the turn down in the economy. Our Governor is struggling to balance his budget. The amount of money for education certainly should be increased. Instead, the Federal Government identifies problems, creates this category of so-called failing schools, and then does not provide the resources to take care of the problem.

In a few weeks we are going to see a budget resolution from this administration. When it comes to education and all that we have heard on the Senate floor and the President's speech, the real test is, will we put the resources there? Will we put the money there?

Secondly, there is the whole question of health care. If you want to talk about what most families and individuals need in America, it comes down to basic health care. Ask any Governor in this Nation the importance of Medicaid. That is the program, of course, the Federal and State program, to provide health care to people who are disabled or in lower income categories. Ask them what their concern is. Their concern is that the cost of Medicaid is going up substantially and that the Federal Government is not providing the resources. As a result, many of these Governors worry that people today depending on Medicaid will not have the Federal funds to match the State funds to make certain that Medicaid is viable.

Seventy percent of all Americans in nursing homes today depend on Medicaid—70 percent. A substantial number of our children depend on Medicaid for their health care, and a substantial number of pregnant mothers about to deliver depend on that same Medicaid program.

Watch carefully when the President's budget comes forward. See what the funding for Medicaid is. See if the President's budget will also address this aspiration of freedom from want when it comes to health care.

Another issue that is very timely in the news is the future of Social Security. We are still waiting. We have heard some generalities from the President, his general goals, his general aspirations when it comes to Social Security reform. There is an ad playing on Washington, DC, television that shows Franklin Roosevelt signing the bill into law to create Social Security in the 1930s and then quickly switches to a color photo of President Bush working at his desk saying we need his leadership to make certain Social Security will last into the future.

Well, that is a good thing. Each President should address that. But we need to see the particulars, and we need to ask ourselves, is this President proposing a privatization, even a partial privatization, of Social Security which will in fact cause a cut in benefits to Social Security recipients? If that is the President's proposal, I think he is in for a struggle.

Many of us view Social Security differently than some on the other side of the aisle. We understand there is a challenge in Social Security. But keep this in mind: If we do nothing on Capitol Hill in Congress about Social Security, absolutely nothing, Social Security will continue to make every single payment every year with a cost of living adjustment until at least 2042, 37 years from now, and perhaps 2052, 47 years from now. Those are the estimates from the experts. So we have between 40 and 50 years of Social Security making every payment if we do nothing today.

I believe, and many share it, that we can do something today. We can make commonsense changes in Social Security that are modest, which would, when played out over 40 or 50 years, much like the miracle of compound interest, make Social Security strong, not just for 40 or 50 years but 60 or 70 years or beyond. That is what I believe we should do.

The reason I believe it will work is I have seen it work. I served in the

House of Representatives in the 1980s. President Ronald Reagan, a Republican, came to Tip O'Neill, the quintessential Democratic leader, and said: We have a problem. All of the babies born after World War II, the baby boomer generation, will show up for Social Security, and we will not have the resources. We need to make changes today in the mid-1980s to take care of a problem we can foresee in 2010, far into the future. And we did it on a bipartisan basis. We made changes, some popular, some not, some very modest in nature, and look what happened: Social Security bought more longevity and more stability because of those changes.

If President Bush is coming to us and saying, make the modest changes so that Social Security can be strong in the future, then I will sign up for that. On a bipartisan basis, we owe that not only to those who are to retire, working today, but to future generations. But if the goal here is to privatize Social Security, is to take from the Social Security trust fund resources we are already counting on to pay to retirees and to put it into the stock market, which some are suggesting, I think the President is in for a battle because if we are going to privatize Social Security at the expense of cutting benefits to Social Security recipients, then I am afraid there is going to be a great resistance on both sides of the aisle.

Wait for the President's State of the Union, wait for his budget resolution, wait to see if the promise in values that were articulated in the inaugural address will be played out in the actual budget presented to Congress in the future. That is what we have to do.

There are a lot of hungry people in America today. There are a lot of families anxious to find work. There are a lot of people who have jobs today that are not quite what they were a year ago. We have lost manufacturing jobs across this country. We have health insurance costs going up dramatically, not only hurting businesses but labor unions as well. Schools are struggling to do their job. We are in a much more competitive world.

But I think what the President said today was a message of hope: that if we can come together as a nation, regardless of our political persuasion, that if we can be honest about the challenges, and if we can give a little on both sides to work out compromises, the country can, in the future, as it has in the past, rise to the occasion. I look forward to being a part of that process.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

A CALL FOR UNIFICATION

Mr. REID. Mr. President, every 4 years, at the time of the inauguration, it is a festive time in America. It certainly is a time of celebration in Washington, DC. I have had the good fortune of being able to be here on a number of occasions.

As I look back, the thing that stands out—Democrat and Republican—is how cold the weather is. It is always cold. It is always a question of how cold it is going to be. I had the good fortune, historically, of being able to serve here in the Senate when we canceled an outdoor inauguration ceremony for President Reagan. It was so cold it simply could not be held outside, and the crowd had to be thinned down by thousands and thousands, and people jammed into the Rotunda behind us. Even though it was cold outside, it was still warm inside at the second inauguration of President Reagan. It is a time when we put political differences aside and honor the American presidency.

I have had a lot of microphones shoved in my direction today. Each of those times I tried to recognize the day. The day is to honor our system of Government.

If we look back 4 years ago, there was a situation where the man who was elected President received fewer votes than the person he beat. We had the tremendous problems with the electoral system in Florida, and then we had the race decided by the U.S. Supreme Court. But America being as it is, the minute the Supreme Court made their decision, Vice President Gore and the rest of the country recognized that the election was over. There wasn't a window broken; there were no riots; no one was hurt. The inauguration went forward as if President Bush had won by 10 million votes. That is what our country is all about. We are a nation of laws, not a nation of men.

It is my hope that today will usher in a new beginning in Washington. I say that because we have had a lot of partisan rancor and squabbling. I hope that now gives way to a spirit of bipartisanship. Frankly, we didn't get much in the last 4 years with the new tone. The President said he wanted to be a uniter and not a divider. For reasons I don't fully understand, that never took place.

I spoke to the President the day after the election, and it was a pleasant conversation. He clearly indicated at that time that he wanted to reach out. He said: I haven't another election, and I want to do my best to get along. That is my take on what he said to me. I hope we are able to go forward on the message the President delivered to me. This country needs unification. We have been divided too long.

Today we had a little lunch after the inauguration ceremony. Of all the speeches the President has given, his speech there, which took less than 5 minutes, was the best he has ever delivered. I commented on that. It was because he delivered the speech recognizing the tremendous responsibilities he has as President of the United States. You could tell by listening to and watching him the emotion that he felt. I was very impressed with that.

I trust and hope that the President's expressed feelings today go forward in the months and years to come. I say that because the American people are counting on us. People from Rhode Island, people from Illinois, people from Nevada, people from all over the country are depending on us to work together to tackle the immense problems facing this Nation.

We on this side of the aisle—the aisle that we talk about so much is right here—all 45 of us have stated privately and publicly, we will work with the President. But I do say this: We will not shy away from living up to the values and priorities we believe are important in our country. We are serious in tone and in context. We will work with the President.

He took an oath of office today. We all saw that on national television. People don't often see us every 6 years when we take the oath of office. During his remarks following taking the oath of office, he praised the wisdom contained in the document we call the Constitution. That document lays forth the separation of powers within our Government, the three separate but equal branches of Government. I take my constitutional responsibility just as does the President of the United States.

We as Senators have constitutional obligations to which we swear every 6 years when we take our oath of office and fulfill our contract with the people of our respective States. Speaking for those on this side of the aisle, we are going to work as hard as we can to live up to the expectations the American people have in us. We may be elected as Democrats and Republicans, but we don't serve as Democrats and Republicans. We serve ultimately as Americans. There are so many areas where we can find common ground, we need not look to areas where we can squabble and be partisan. If we work together on the areas where we have common ground, it would take every waking minute the Senate has.

I look forward to being the new Democratic leader, working with this caucus and working with the President and my Republican colleagues to find ways that we can keep our commitments to the armed services, those serving in uniform in Iraq, Afghanistan, Korea, the Balkans, all over the world, as they are serving to keep Americans safe. The war on terror is a war for which we must be vigilant, and we will do everything we can to support the armed services of our country.

One of our immediate tasks must be to put our Nation's fiscal house in order. There can be no question about the need to do that. We are spending more money than we are taking in as a government. We are spending in excess of our resources by far too much. There is much work to be done to strengthen education, expand access to quality, affordable health care.

I don't talk about bipartisanship just in theory. I have had the good fortune to work with Senator JOHN ENSIGN, a Republican. JOHN ENSIGN and I are from the State of Nevada. Six years ago we were in one of the most difficult, bitter races, not only in the history of the State of Nevada but the history of our country. That race was ultimately decided by 428 votes. Here it is 6 years later, and JOHN ENSIGN is now a member of the Senate.

JOHN ENSIGN is a loyal Republican, and I do my very best to represent the Democratic Party. But because of our work together, the work of Senator REID and Senator ENSIGN, we have worked on that which is important to the State of Nevada and, we believe, to the country. We have worked together in a bipartisan basis. That work has been beneficial to our country.

With the spirit of the inauguration close to our hearts today, I look forward to the great debates ahead in the great debating society we call the Senate. I am optimistic and confident that today could be a new beginning. But it will only be a new beginning if the tone that is set today is carried forward in the years to come in making our country the country it has the potential to be.

COMMITTEE FUNDING LEVELS

Mr. FRIST. On January 6, I engaged in a colloquy with the distinguished Democratic Leader, Senator REID, concerning the budget assumptions for the next committee funding biennial period, subject to appropriations. I stated that the committee funding budget assumes an across-the-board freeze budget, with salary baselines adjusted by COLAs of 3.71 percent in 2005 as approved by the President pro tempore in early January; 3.3 percent assumed for 2006, and 3.5 percent assumed for 2007, although both the 2006 and 2007 actual COLA amounts remain subject to the approval of the President pro tempore.

Based on preliminary calculations, both Senator REID and I assumed certain funding levels, subject to appropriations. We have now received final financial calculations for an across-the-board freeze including the previously identified COLAs. To achieve our fiscal goal, aggregate funding levels would be: March 1, 2005–September 30, 2005: $51,783,793; October 1, 2005–Semptember 30, 2006: $90,923,102; and October 1, 2006–February 28, 2007: $38,704,409. These funding levels include, but do not separately allocate, the additional 10 percent allocated to the committees in the 108th Congress. I believe this reflects the intent of the negotiation between the Democratic leader and myself.

Mr. REID. The majority leader is correct. The preliminary calculations that we were provided did not accurately reflect our goal of an across-the-board freeze including the COLAs. The aggregate funding levels identified today by the majority leader accurately reflect the intent of our agreement.

Mr. FRIST. I thank the Democratic leader for his comments.

TRIBUTE TO DAVE DISPONETT

Mr. McCONNELL. Mr. President, I rise today as our Nation celebrates the 55th Presidential Inauguration to pay tribute to Mr. Dave Disponett, a fellow Kentuckian who is in Washington, DC to attend his sixth inauguration.

Dave is a dedicated member of the Republican Party—a man I am glad to have on my team. He has been a witness to history with the swearing in of President Richard Nixon in 1969, President Ronald Reagan in 1981 and 1985, President George H.W. Bush in 1989, President George W. Bush in 2001 and again today, January 20, 2005.

Dave is in the Nation's capital today with his wife, daughter, son-in-law and 10-year old granddaughter—who is already following in her grandfather's footsteps by attending her second Presidential Inauguration.

Earlier this week USA Today published a story about Dave and his family, "Kentucky Family Hears Inaugural Call." I ask unanimous consent that the full article be included in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From USA Today, January 17, 2005]

KENTUCKY FAMILY HEARS INAUGURAL CALL

(By Bill Nichols)

LAWRENCEBURG, KY.—When Franklin Roosevelt was sworn in as president for the third time in 1941 under the shadow of potential U.S. entry into world war, the program read: "Inaugurals take their drama from the temper of the times."

Dave Disponett, a builder and passionate Republican activist in this traditionally Democratic city of just under 10,000, agrees.

On Thursday, when President Bush takes the oath of office for a second term, Disponett, 69, will attend his sixth inauguration with his wife, daughter, son-in-law and 10-year-old granddaughter—who is on inauguration No. 2.

The Disponett clan, like thousands of other visitors who are descending on Washington, are bracing for a very different inauguration this year. "I imagine there are going to be lines everywhere, but what can you do?" Disponett says. It is the nation's first since the Sept. 11 attacks, and extraordinary security precautions are in place.

But as demonstrated by the treasure trove of inaugural memories and memorabilia—ball tickets, programs and photographs—that Disponett has saved, this mix of pageantry and politics always manages, for good or bad, to reflect the mood of the nation. Spectators seem to come for a party but end up with a little piece of time.

In 1969, Disponett watched friends climb a light pole on a Washington street to avoid Vietnam protesters who had thronged to Richard Nixon's inauguration. The trip marked Disponett's first time on an airplane; he was 33.

Twelve years later, he was moved to tears as crowds listened to transistor radios to hear news of the release of the U.S. hostages in Iran as Ronald Reagan was sworn in 1981.

"That was the most exciting day of my life," Disponett remembers. His daughter Lois Ann, 47, who attended her first inauguration at the age of 10, says the experiences she had were almost impossible to explain to her schoolmates back in Lawrenceburg. "Most people couldn't grasp it," she says of the celebrities and dazzling gowns. "It was just a world totally beyond their comprehension." She felt, she says, like a real-life Cinderella.

SECURITY CONCERNS

Inaugural historian Jerry Wallace, retired from the National Archives, points out that heightened security for the ceremony is not new. Both of Abraham Lincoln's inaugurations found troops on Washington's streets, and the 1861 event was held under threat of assassination. Woodrow Wilson's 1917 inauguration, held as the United States considered entering the First World War, also was marked by a show of force.

Wallace worries, however, that precautions for this year's event could dampen the ability of average Americans to enjoy the day.

At least 6,000 police officers—some of them heavily armed—will patrol Washington's streets, searching ticket holders and onlookers as F-16s, F-15s and military helicopters patrol the skies.

"I find all this security just very oppressive," Wallace says. "The whole dynamic behind an inaugural is not to be exclusive at all."

Charlie Brotman, a 77-year-old Washington public relations executive who has been the Inaugural Parade announcer for the past 48 years, says security for the presidential viewing stands on the stretch of Pennsylvania Avenue in front of the White House will be tighter than any he has experienced. Brotman believes, however, that earlier stretches of the parade will still be quite accessible to the public.

Phyllis Clark, school services coordinator for Flowing Wells School District in Tucson, will be bringing several dozen eighth-graders to the inauguration for the second time. She worries that her kids won't be able to tour the White House because of the security. "This year I told the kids that I really don't think we'll get to go in," she says.

But Clark also says the event is also an opportunity to show young people that they have to live their lives to the fullest, even in an age of terrorism. "We'll still go. And if something happens, we'll look after each other and take care of each other," Clark says. "We can't be so afraid that we don't go anywhere."

NOT GIVING IN TO TERROR

The Disponetts couldn't agree more. Last week, they were busy preparing for their trip to Washington. Ten-year-old Anna-Marie, the daughter of Lois Ann Disponett and husband Todd Hyatt, recently found her coveted

$80 ball gown on sale for $20 at a Louisville department store.

Dave Disponett's rising influence as a GOP activist and fundraiser in Kentucky has given his family increasingly better inaugural access since their first trip in 1969, which Dave and his wife, Brenda, believe was their first trip outside Kentucky. Campaign finance records show Disponett gave $2,000 to the Bush re-election campaign last year, while Brenda gave $2,750 to the National Federation of Republican women.

Disponett's life as a Republican began in 1953, when he went to register to vote and was told by an Anderson County clerk that there was no point in registering as a Republican since no Republican candidates could get elected in Lawrenceburg. That struck Disponett as not exactly in the democratic spirit, so he registered Republican. In 1967, he helped elect Louis Nunn as Kentucky's first Republican governor in 24 years. That began Disponett's side career as a Republican Party power broker, which facilitated his family's ritual of watching a president get sworn in.

RICH MEMORIES

That first year, in 1969, the Disponetts didn't to Inaugural Balls, because, they recall, they couldn't afford the $100 tickets. They were also fairly dazzled by the Washington scene.

The family didn't go attend Nixon's second-term inauguration in 1973 because of financial reasons, but headed back in 1981 for Reagan's first inauguration. They remember the excitement of the crowd when the 52 U.S. hostages were released by Iran, and that the National Christmas Tree—kept dark because of the hostage crisis—was turned on at last. "I get goose bumps just thinking about it," Lois Ann says.

By 1981, Dave Disponett also was on his way to becoming a GOP insider. He has a signed photograph of Reagan from the occasion, on the back of which is a note from the late Lee Atwater, Reagan's political director. In 1985, the Disponetts were connected enough to have been invited to attend balls, though Lois Ann says she was surprised that they were so crowded and featured so little dancing. From George H.W. Bush's inauguration in 1989, Dave Disponett proudly shows an unopened commemorative bottle of Korbel champagne, which he bought for $25. After eight years of Democratic rule, the family returned to their inaugural haunts in 2001, where they had the pick of events because Sen. Mitch McConnell, a Kentucky Republican, was a key inaugural organizer.

That year also marked Anna-Marie's inaugural debut. And while she fell asleep in her father's arms during President Bush's inaugural address, the experience does seem to have had an effect. She recently asked her grandfather how old he would be in 2030, when she will be 35 and old enough to run for governor in Kentucky. Dave Disponett now says he has a compelling reason to live to be 94.

Charlie Brotman, the Inaugural Parade announcer, says that despite the security and exclusivity now associated with inaugurations, the event remains a moment of national ceremony that touches even the most cynical Americans. "Fathers and mothers tell me they want to take their children, so their kids can tell their kids that they were there. It's all about the memories."

For the Disponetts, it certainly is. Their job now is to try to keep Anna-Marie from becoming too nonchalant about going to the inaugurations. When her mother told her recently that this year, she'll actually get to dance at a ball, Anna-Marie answered, "Well, what else would you do?"

TRIBUTE TO SAMANTHA LOUISE

Mr. LEVIN. Mr. President, as I was sitting at the West Front of the Capitol on this Inauguration Day listening to the speech of the President and the hopes of all the speakers for a fresh beginning, I kept thinking of another fresh beginning that occurred yesterday when our daughter Kate presented her husband Howard with a second daughter and her daughter Bess with a sister, Samantha Louise.

While the hopes for a new beginning of an administration are always tempered by time and reality, the hopes which spring from a new baby are boundless.

And so, at the inaugural lunch today in Statuary Hall, Senator WARNER and his wife Jeanne and General Myers and Mrs. Myers, as well as our other lunch partners, raised our glasses in congratulations and best wishes to the President and Vice President, but also graciously and gleefully raised their glasses with my wife Barb and me in salute to the birth of our granddaughter Samantha Louise.

I know my colleagues will forgive this burst of a grandfather's pride as we undertake the serious business before us.

TRIBUTE TO JAN SOELTER

Mr. BURNS. Mr. President, it is my privilege to honor a very special woman for her nearly 25 years of service with the Social Security Administration. Jan Soelter was raised in Billings, MT, and was a Billings Senior High School graduate. Jan furthered her education at Eastern Montana College, now MSU–Billings, and graduated with honors, obtaining a combination of degrees with a major in psychology and a minor in art.

Ms. Soelter was hired as a Service Representative at the Billings Social Security Administration in January of 1980. She was rapidly promoted to data review technician in 1981, claims representative in Bozeman, MT, in 1982, and transferred back to Billings as a field representative in 1985. Jan found her true calling when she was promoted, in 2002, to her present position as public affairs specialist.

Ms. Soelter served on the Board of Directors: in the early 1970's for the Billings Multiple Sclerosis Society, Helping Hands from 1991 through 1993, and from 1994 to 2000 for the Billings Community Center.

Jan has participated in local, regional and national workshops and conferences. She has also received many local, regional, and national awards and recognition for her employment with the Social Security Administration.

When Jan Soelter retired on December 31, 2004, we lost a very dedicated and caring public servant. She is an inspiration to us all, and a tireless worker for the cause of Senior Citizens. I have personal knowledge of Jan's dedication, drive and commitment, not only to her profession, but more importantly to the people she worked with, and the citizens she worked for. Thank you, Jan, for your service to our country.

THE COLLEGE OF ST. CATHERINE

Mr. DAYTON. Mr. president, I rise today to offer my heartfelt congratulations to the College of St. Catherine, in St. Paul, MN, on the celebration of its centennial year. St. Catherine is our country's largest Catholic college for women. Its numerous academic achievements would be impressive for a college of any size, but for an institution with fewer then 5,000 students, such accomplishments are downright spectacular.

Since its founding 100 years ago, the College of St. Catherine has expanded its student body from high school and lower division college students to include associate, bachelor's and graduate degree candidates in more than 60 fields. In 1937, St. Catherine became the first Catholic college to be awarded a chapter of the national honor society, Phi Beta Kappa.

Today, the College of St. Catherine continues to distinguish itself as a leading institution for women's education. Its Women of Substance series features lectures and performances of theater, music, and dance by female speakers and artists from around the world. In the classroom, the college's new Centers for Excellence focus on the role of women in such diverse fields as public policy, spirituality, and health.

Annually, the College of St. Catherine graduates more nurses than any other college or university in Minnesota. It is second only to the much larger University of Minnesota in the number of public school teachers it has educated and placed in the State's capital city of St. Paul.

Along with all of the Minnesotans whose lives have benefited from the talents, professionalism, and leadership of St. Catherine's outstanding graduates, I would like to say thank you. The College of St. Catherine's commitment to the highest standards of academic excellence and social responsibility have enriched the lives of its students and its state's citizens for a century. I congratulate the faculty, staff, alumnae, and students of the College of St. Catherine on their 100 years of excellence. I know that they will continue their great tradition for the next 100 years.

ADDITIONAL STATEMENTS

IN RECOGNITION OF GEOFFREY "ROCKY" MYERS, RECIPIENT OF THE 2004 GAGLIARDI TROPHY

• Mr. CARPER. Mr. President, I rise today to recognize and congratulate Geoffrey "Rocky" Myers, the senior strong safety at Wesley College in Dover, DE, who has been named the recipient of the 12th annual Gagliardi Trophy. This award is given annually to the outstanding football player in the NCAA Division III and is the Division III equivalent of the Heisman Trophy. His recognition demonstrates the success that comes from hard work, perseverance, and the experience of a remarkable team as well as a dedicated coach, and the support of an outstanding college.

The Gagliardi Trophy was presented to Rocky on December 16, 2004, in Salem, VA, in the presence of his proud parents, Gilbert and Cheryl. Unlike the Heisman, this trophy, sponsored by Jostens, Inc. and administered by the SJU J-Club, recognizes excellence in academics and community service, as well as athletics.

A native of Bowers Beach, DE, Rocky attended W.T. Chipman Middle School and Lake Forest High School through his sophomore year and finished his high school career, graduating second in his class, at Caesar Rodney High School in Camden, DE. At Wesley, Rocky played in all 10 games of the 2004 season for the 8-2 Wesley College Wolverines and totaled 124 tackles, 62 of which were solo tackles, along with 62 assists. Rocky also had 6.5 tackles for a loss of 20 yards and five interceptions for 84 yards. A "Football Gazette" National Player of the Week, ECAC Co-Defensive Player of the Week and three-time ACFC Defensive Player of the Week, Rocky ranks 11th nationally with 12.4 total tackles per game, 13th with 1.7 passes defended per game and 30th with 6.1 solo tackles per game this season.

Rocky was named to the All-ACFC and All-ACFC Academic Team for all four years of his college career. One of only three Division III players and 15 total scholar-athletes, Rocky was named to the National Football Foundation and College Hall of Fame's 2004 National Scholar-Athlete Class. He is the only wolverine to be named a team captain three consecutive years.

In addition to his expertise and agility on the football field, Rocky is a 4.0 academic record student who is majoring in biology with a minor in chemistry. He was selected for his academic achievements and leadership on campus and in the neighboring communities. Rocky has done volunteer work with the youth reading program at North Dover Elementary and in the Guidance Office of the Dover Central Middle School. He has also spent time helping the senior citizens of Frederica, DE, relocate to their new senior facility and was a camp counselor at the St. Thomas More Middle School Youth Basketball Camp.

At Wesley, Rocky was a member of the Student-Athlete Advisory Committee for the past three years, as well as a Wesley College tutor for four years. Rocky's academic achievements include a nomination to the "USA Today" Academic All-American, National Dean's List and U.S. Achievement Academy College All-American Scholar.

The Gagliardi Trophy is named for John Gagliardi, legendary head coach at St. John's University (SJU) in Collegeville, Minnesota, where he became the most successful coach in college football history with 409 wins on November 8, 2003. Gagliardi currently has 421 career victories in his 56 years of coaching, 52 of those being at SJU. College Presidents nominate their top student-athletes for this award. The J-Club Board of Directors narrows the field to 10 finalists and a national selection committee selects the winner. Dr. Scott Miller, President of Wesley College, nominated Rocky. In the words of Dr. Miller, "Rocky is a student-leader of significant note. Students like him emerge only once in a generation. The fact that he is an athlete makes his accomplishments even more noteworthy."

Today, I rise to extend congratulations and best wishes to Rocky Myers and his family and all of the fine students, athletes, coaches and faculty at Wesley College that helped to make this award possible. We wish him fun times relaxing in the California sun this summer and the best of luck as he pursues graduate school in the fall.•

RETIREMENT OF JESSE L. POOR

• Mr. SESSIONS. Mr. President, I rise today to pay tribute to Jesse L. Poor, Deputy to the Commander, Anniston Army Depot, United States Army Tank-Automotive and Armaments Command upon his retirement from Anniston Army Depot and a life of service to the Nation. Born in Crestview, FL, Mr. Poor earned an associate of applied science degree in personnel management and supervision from Gadsden State College, a bachelor of arts degree in history and human resource management from the University of Alabama, and he is also a graduate of the Harvard University Program for Senior Executive Fellows.

The work that Jesse Poor did during his tenure at the Anniston Army Depot has been exemplary. His dedication is evidenced by the number of awards he has received in recognition of his outstanding work and service to the men and women of the U.S. Army. Under Jesse's leadership, the Anniston Army Depot's revenue more than tripled and the direct labor hour execution more than doubled, all in a recent 3-year span.

Jesse has been a catalyst in business development and partnering efforts that have established Anniston Army Depot as a leader within DOD in such efforts. In November 2000, he was instrumental in partnering efforts between Anniston Army Depot and General Dynamics for the production of the Army's Stryker vehicle to support brigade combat teams. As a result of his efforts, the partnership developed production capabilities and began actual production within a few months at Anniston with the first Stryker produced in March 2002. The result was fielding the vehicle on time in spite of a nearly 1-year delay to the contract award due to protests from other bidders. As of November 2004, 625 Strykers have been produced.

Jesse L. Poor is to be commended for his exemplary achievements and service to the Nation. Jesse's steady, calm, and visionary presence has fostered the successful melding of the 5,600 civilians, military and contractor members of Anniston Army Depot into a cohesive force supporting the Army's readiness. His vast expertise in depot maintenance, focus on production and efficiency, coupled with high quality standards, set the stage for an improved financial posture. Jesse's commitment to the goals and ideals of the Army is without equal and reflects great credit upon himself, the U.S. Army Materiel Command and the U.S. Army.

I wish Jesse and his family the best now and into the future.•

RETIREMENT OF LLOYD H. ROSS

• Mr. CARPER. Mr. President, I rise today in recognition of Lloyd H. Ross upon his retirement from Newark High School in Newark, DE, after more than 34 years of dedicated service. He is a man with a kind heart, diverse interests and great abilities. Lloyd embodies the best of Delaware.

Lloyd was born on August 25, 1948 in Nicholson, PA. He graduated from Susquehanna University in Pennsylvania with a B.S. in Music Education in 1970. He then went on to complete his Master's in Music Education at West Chester University in 1974. Lloyd has also done postgraduate work at Peabody Conservatory, Berklee College of Music, University of Delaware, Ithaca University and Villanova University.

During the last year of his Master's program at West Chester University, Lloyd received a job offer from Newark High School. He commuted from West Chester to Newark for the year, and then moved to Newark. The rest, as they say, is history. Lloyd has been a fixture at Newark High School ever since and became an institution there over time.

Lloyd met his wife Joan while in college at Susquehanna University. They married on June 14, 1970 and now have two children, Sharon and Jeff, and one grandchild, Ashley.

Over the past 3 decades, Lloyd has taken the jazz ensemble at Newark High School to national competitions including the Mobile Jazz Festival in Alabama, the Berklee Jazz Festival in Boston, and the All-American Jazz Festival in Orlando, as well as numerous jazz festivals in the tri-state area.

Lloyd and the Newark High School band have performed in 105 field show festivals, 107 parades, 385 football games, 148 concerts, 193 jazz festivals, 158 pep assemblies, 144 special performances and 34 graduations. The music department has won over 925 trophies. From 1978 to 1988, Lloyd directed the First State Symphonic Band in over 110 concerts and 500 rehearsals.

Lloyd's memberships have included: Delaware Music Educations Association, National Band Association, International Association of Jazz Educations and the Music Education National Conference.

Described by his friend of over 30 years, Jonathan Wittman, Lloyd is a jovial, friendly kind-hearted man. He always looks for the humor in life, and finds a way to use humor positively and as a way to get his point across when teaching. He is personable and easy-going man who enjoys life to the fullest.

Lloyd plans to work part-time after his retirement with students and teachers at the University of Delaware. He also plans to spend time on his hobbies, which include travel, photography, and woodworking.

Through his tireless efforts, Lloyd has made a profound difference in the lives of thousands of students, while enriching and enhancing countless lives in the first State. Upon his retirement, he will leave behind a legacy of commitment to public service for both his children and grandchildren and for the generations that will follow. It is my privilege to congratulate Lloyd on a truly remarkable and distinguished career. I wish him and his family only the very best in all that lies ahead for each of them.●

TRIBUTE TO ORLAND BERGENE

● Mr. BURNS. Mr. President, it is my privilege to honor a very special man for his 43½ years of service with the Social Security Administration. Mr. Orland Bergene was raised in Circle, MT, graduating from Circle High School in 1955. He graduated in 1960, with a degree in Business Administration, from Rocky Mountain College in Billings, MT. Mr. Bergene and his wife, Judy, were married in 1965 and have two children, Steven and Jana.

Mr. Bergene has helped citizens obtain disability benefits and information through the Social Security Administration, by beginning his career as a Claims Representative in Billings, MT, in June 1961. Realizing his potential, Orland was promoted to Field Representative in 1965, Operations Supervisor in Grand Forks, ND, in 1971, and Staff Officer at the Denver Regional Office in 1973.

Mr. Bergen was selected for the Staff Development Program in January of 1975 and became the Public Affairs Assistant in the Regional Office in Denver, CO, in August of that same year. He moved to Pueblo, CO, in 1978 as Assistant District Manager and was reassigned as branch manager in LaJunta, CO, in January of 1993. Orland served on a variety of details in the Denver regional office and the Colorado Disability Determination Services, until being reassigned in January 1994 and coming home to Montana to his present position as district manager in the Social Security Administration's Billings District Office, as their district manager.

When Mr. Bergene retired January 3, 2005, we lost a very dedicated and caring public servant. He is an inspiration to us all, and a great teacher to many who have worked for and with the Social Security Administration. I have personal knowledge of Orland's dedication, and commitment, not only to his profession, but more importantly to the people he worked with, and the citizens he worked for. Thank you, Orland, for your service to our country.●

RETIREMENT OF JAMES W. EVATT

● Mr. SESSIONS. Mr. President, today I take the opportunity to note the impending retirement of James W. Evatt from The Boeing Company and congratulate him for his 4 decades of service to our country.

In all the debates over defense programs we often forget the human dimensions of these issues. It is all too easy to think of programs by their names and forget that real people work hard every day to make a difference in the defense of our country.

Jim Evatt has been one these people for the past 40 years, first during 22 years of service in the Air Force and then these last 18 years with Boeing. To day that the emergence of our Nation has been a remarkable success, one we can be so proud of, is due in no small measure to the fact that we can claim remarkable people like Jim Evatt among our most devoted citizens.

Jim was born in Norman, OK, less than 6 months before the United States entered World War II. Jim attended the University of Oklahoma for a year before deciding that the Air Force Academy was the right place to be. After graduation he served with distinction in the Air Force in Viet Nam, first flying B–52 missions and then flying the O–2 aircraft as a forward air controller. He held positions in a variety of assignments as a pilot in both the Strategic and Tactical Air Commands. Jim was part of the B-1 Joint Test Force, was the special assistant for the B–1B program to the deputy chief of staff for research, development, and acquisition, and from 1983–1985 commanded the 2nd Bombardment Wing, the Strategic Air Command's largest operational unit. In his last Government assignment he held the dual positions of Director of Special Programs for the deputy chief of staff for research, development, and acquisition and Director of Low Observable Technology for the Defense Department.

Our Nation owes Jim Evatt a debt of gratitude just for his Air Force service, from his combat assignments in Viet Nam to his intimate involvement in the development of stealth technology.

When Jim retired from the Air Force he went right to work at Boeing, intent upon continuing to contribute to our Nation's defense. He has held numerous positions over his 18 years at Boeing, to include President of the Information and Communication Systems Groups; Executive Vice President of the Defense and Space Group; Vice President of Marketing and Strategic Analysis; Director of Strategic Analysis and Advanced Development; Program Manager for the Grumman/Boeing/Lockheed AX fighter aircraft team for the Military Airplanes Division; Director of Advanced Product Development; and Director of Preliminary Design.

Jim Evatt's contributions to our Nation's defense over the last 5 years are particularly noteworthy, during which time he has been indispensable to the progress of America's missile defense program. Jim became the program manager of the Groundbased Midcourse Defense program, or GMD as it is now known, shortly after Integrated Flight Test-5 ended in a failure.

First he led Boeing's examination of that failure, and then was rewarded with the opportunity to lead GMD's industry team. In combination with Major General Bill Nance, now retired, Jim focused the GMD program on those activities which were necessary to evolve the program from what was essentially a demonstration to a deployed system. That they did this during a period of time in which the executive branch was focused more on preserving the ABM Treaty as the so-called "cornerstone of strategic stability" than it was on protecting America, Americans, and American interests from the threat of missile attack is truly remarkable and something for which future generations will be grateful.

In the year prior to fielding groundbased interceptions at Ft. Greely, AK, Jim again assumed direct responsibility for industry's conduct of the

GMD program. I am confident that our Nation's deployment of interceptors is due in no small measure to the leadership and dedication of Jim Evatt.

I could go on at some length, but to do that would only embarrass this humble, God-fearing patriot. We sometimes wonder how our Nation came to be so great, where we find Americans so willing to put their country before themselves. The answer is that we find these people in places like Norman, OK. where service to our country is an honor beyond all others and its own reward.

I offer my gratitude and congratulations to Jim for all he has done in 40 years of service to our Nation, and wish him and his wife Tammy my very best wishes in their well-deserved retirement.●

MESSAGE FROM THE HOUSE DURING ADJOURNMENT

ENROLLED BILL SIGNED

Under authority of the order of the Senate of January 6, 2005, the Secretary of the Senate, on January 6, 2005, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker has signed the following enrolled bill:

H.R. 241. An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami.

Under the authority of the order of January 6, 2005, the enrolled bill was signed by the President pro tempore (Mr. STEVENS) during the adjournment of the Senate, on January 6, 2005.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. LUGAR for the Committee on Foreign Relations.

*Condoleezza Rice, of California, to be Secretary of State.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

ORDER FOR PRINTING OF INAUGURAL CEREMONY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the proceedings from today's inaugural ceremony be printed in today's CONGRESSIONAL RECORD.

The PRESIDENT pro tempore. Without objection, it is so ordered.

INAUGURAL PROCEEDINGS

Inauguration of George W. Bush, Thursday, January 20, 2005, 11:30 a.m.

The Joint Chiefs of Staff assembled on the President's platform.

The Diplomatic Corps assembled on the President's platform.

Members of the House of Representatives of the United States, led by the majority whip, ROY BLUNT, and the minority whip, STENY HOYER, assembled on the President's platform.

Members of the Senate of the United States, escorted by Senate secretary for the majority, David Schiappa, and Senate secretary for the minority, Martin Paone, assembled on the President's platform.

Former Speaker of the House of Representatives, Newt Gingrich, accompanied by Mrs. Gingrich; former Vice President and Mrs. Dan Quayle; the Governors of the United States and its territories; the President's Cabinet, and the Supreme Court of the United States assembled on the President's platform.

The 42nd President of the United States, William Jefferson Clinton, and Senator Hillary Clinton, and the 39th President of the United States, Jimmy Carter, and Mrs. Rosalynn Carter assembled on the President's platform.

(Performance by Mr. Wintley Phipps.)

The daughters of the Vice President, Elizabeth Cheney Perry and Mary Cheney; the 41st President of the United States, George Bush, and Barbara Bush, and Mrs. Jenna Welch, accompanied by the daughters of President George W. Bush, Jenna and Barbara Bush, assembled on the President's platform.

(Performance by Mr. Guy Hovis.)

Accompanying the wife of the Vice President, Lynne Cheney, Chief Administrative Officer of the House, Jay Eagen; Assistant Secretary of the Senate, Mary Suit Jones; Mrs. Tom DeLay, and Mr. Paul Pelosi assembled on the President's platform.

Accompanying the First Lady, Mrs. Laura Bush, Secretary of the Senate, Emily Reynolds; Clerk of the House, Jeff Trandahl; Mrs. Trent Lott; Mrs. J. Dennis Hastert, and Mrs. William H. Frist assembled on the President's platform.

Inaugural coordinator for the Joint Congressional Committee on Inaugural Ceremonies, Lura Nell Mitchell; Senate Deputy Sergeant at Arms, Keith Kennedy; House Deputy Sergeant at Arms, Kerri Hanley; Senator WILLIAM H. FRIST, and Representative TOM DELAY escorted Vice President RICHARD CHENEY to the President's platform.

Staff director for the Joint Congressional Committee on Inaugural Ceremonies, Susan Wells; the Sergeant at Arms, Bill Pickle; the House Sergeant at Arms, Bill Livingood; chairman of the Joint Congressional Committee on Inaugural Ceremonies, Senator TRENT LOTT; Senator CHRISTOPHER DODD; the Speaker of the House, J. DENNIS HASTERT; Senate Majority Leader WILLIAM H. FRIST; Representative TOM DELAY, and Representative NANCY PELOSI escorted President George W. Bush to the President's platform.

Mr. LOTT. Mr. President, Mr. Vice President, Mr. Speaker, Members of the U.S. Congress, Reverend Clergy, fellow Americans, welcome to the U.S. Capitol and the 55th Presidential Inauguration, where in a few moments President George W. Bush and Vice President RICHARD B. CHENEY will reaffirm their solemn oath of obligation to support and defend the Constitution.

The inaugural ceremony is a seminal moment in our Nation's history. It is the culmination of a triumphant democratic process that for centuries has placed power in the will of the people, and a unique moment when our leaders stand before the Nation and take an oath to uphold a set of principles chosen by those people. It is a time when all Americans can unite in appreciation of our great Republic, while looking to the future with confidence and vision.

This ceremony, like the shining dome of the Capitol above us, is an enduring symbol of America's strength and stability in both challenging and prosperous times. As President Ronald Reagan said in his first inaugural address, "Freedom and the dignity of the individual have been more available here than any other place on Earth." The price of this freedom at times has been high, but we have never been unwilling to pay that price.

Since we last met here, America has been challenged and it has responded to those great tests with strength and steadfast courage of conviction. We responded by continuing to be a beacon of hope that has led so many from the shadow of tyranny into the light of freedom.

Today, we honor America. Today, we celebrate the ever expanding opportunities of her people. And today we also honor the brave men and women of our Armed Forces who have sacrificed to guarantee our freedom.

(Applause.)

They are standing vigil today to spread peace and freedom throughout the world. Since 1789, Americans have gathered in peaceful, dignified ceremonies to reaffirm the authority of our chief executives. So it is in that tradition that we gather here again today looking out over the expanse of greatness that is America to celebrate our Nation, to commemorate its rich history of achievement, to advance the intrepid hopes that reside in the hearts of our citizens, and to give thanks to God for his blessings upon us all.

In that spirit, I call now on the Reverend Doctor Luis Leon, who will deliver the invocation. Dr. Leon.

Rev. LEON. Let us pray.

Most gracious and eternal God, we gather today as a grateful people to enjoy the many blessings You have bestowed on this Nation.

We are grateful for Your vision which inspired the Founders of our Nation to create this democratic experiment as one nation under God, indivisible, with liberty and justice for all.

We are grateful to You that You have brought to these shores a multitude of peoples of many ethnic, religious, and language backgrounds, and yet have fashioned one nation out of so many cultures and traditions.

Even as we celebrate this great moment, we remember before You the members of our Armed Forces. We commend them to Your care. Give them courage to carry out their duties and courage to face the perils which beset them and grant them always a sense of Your presence in all that they do.

Finally, today, we are especially grateful for this inauguration which marks a new beginning in our journey as a people and a nation. We pray that You will shower the elected leaders of this land, and especially George, our President, and Richard, our Vice President, with Your lifegiving spirit. Fill them with the love of truth and righteousness that they may serve You and this Nation ably and be glad to do Your will. Endow their hearts with Your spirit of wisdom that they may lead us in reviewing the ties of mutual respect which form our civic life so that peace may prevail with righteousness and justice with order.

We pray that You will strengthen their resolve as they lead our Nation seeking to serve You in this world, and that this good and generous country may be a blessing to the nations of the world. And may they lead us to become, in the words of Martin Luther King, members of a beloved community, loving our neighbors as ourselves so that all of us may more closely come to fulfill the promise of our Founding Fathers: one nation under God, indivisible, with liberty and justice for all. All this we ask in Your most holy name. Amen.

Mr. LOTT. Ladies and gentlemen, please welcome the Chief Justice of the Supreme Court of the United States, the Honorable William H. Rehnquist.

(Applause.)

Ladies and gentlemen, it is my pleasure to introduce one of today's most popularly acclaimed mezzo-sopranos, Ms. Susan Graham of Texas, to sing "Bless This House."

(Performance by Ms. Susan Graham.)

Mr. LOTT. Thank you, Susan.

Ladies and gentlemen, please join me now in welcoming the senior Senator from Connecticut, the Honorable CHRISTOPHER J. DODD.

(Applause.)

Mr. DODD. Thank you, Senator LOTT. President and Mrs. Bush, Vice President and Mrs. Cheney, fellow citizens, the Vice President of the United States will now take the oath of office. His wife, Lynne, and their daughters, Elizabeth Cheney Perry and Mary Cheney, will hold the family Bible. I now have the honor to present the Speaker of the House of Representatives, the Honorable J. DENNIS HASTERT, to administer the oath of office to Vice President RICHARD BRUCE CHENEY. Mr. Speaker.

(Applause.)

Mr. HASTERT. Mr. Vice President, please raise your right hand and repeat after me.

The Speaker of the House of Representatives, J. DENNIS HASTERT, administered to the Vice President the oath of office prescribed by the Constitution, which he repeated, as follows:

"I, RICHARD BRUCE CHENEY, do solemnly swear that I will support and defend the Constitution of the United States against all enemies foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of my office of which I am about to enter. So help me God."

Mr. LOTT. Ladies and gentlemen, please welcome internationally acclaimed mezzo-soprano, Ms. Denyce Graves, to perform "American Anthem."

(Performance by Ms. Denyce Graves.)

Mr. LOTT. That sets the tone for what we are about to do.

Ladies and gentlemen, it gives me great pleasure to introduce the Chief Justice of the Supreme Court of the United States, the Honorable William H. Rehnquist, who will administer the Presidential oath of office. Justice Rehnquist.

The CHIEF JUSTICE. Raise your right hand, Mr. President, and repeat after me.

The Chief Justice of the United States, William H. Rehnquist, administered to the President the oath of office prescribed by the Constitution, which he repeated, as follows:

"I, George Walker Bush, do solemnly swear that I will faithfully execute the office of President of the United States and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States. So help me God."

(Applause.)

The PRESIDENT. Vice President CHENEY, Mr. Chief Justice, President Carter, President Bush, President Clinton, Members of the United States Congress, Reverend Clergy, distinguished guests, fellow citizens.

(Applause.)

On this day, prescribed by law and marked by ceremony, we celebrate the durable wisdom of our Constitution and recall the deep commitments that unite our country. I am grateful for the honor of this hour, mindful of the consequential times in which we live, and determined to fulfill the oath that I have sworn and you have witnessed.

At this second gathering, our duties are defined not by the words I use, but by the history we have seen together. For a half century, America defended its own freedom by standing watch on distant borders. After the shipwreck of communism came years of relative quiet, years of repose, years of sabbatical—and then there came a day of fire.

We have seen our vulnerability and we have seen its deepest source. For as long as whole regions of the world simmer in resentment and tyranny, prone to ideologies that feed hatred and excuse murder, violence will gather and multiply in destructive power and cross the most defended borders and raise a mortal threat. There is only one force of history that can break the reign of hatred and resentment and expose the pretensions of tyrants and reward the hopes of the decent and tolerant, and that is the force of human freedom.

(Applause.)

We are led, by events and common sense, to one conclusion: The survival of liberty in our land increasingly depends on the success of liberty in other lands.

(Applause.)

The best hope for peace in our world is the expansion of freedom in all the world.

(Applause.)

America's vital interests and our deepest beliefs are now one. From the day of our founding, we have proclaimed that every man and woman on this Earth has rights and dignity and matchless value because they bear the image of the Maker of heaven and Earth.

(Applause.)

Across the generations we have proclaimed the imperative of self-government, because no one is fit to be a master, and no one deserves to be a slave.

(Applause.)

Advancing these ideals is the mission that created our Nation. It is the honorable achievement of our fathers. Now it is the urgent requirement of our Nation's security, and the calling of our time. So it is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world.

(Applause.)

This is not primarily the task of arms, though we will defend ourselves and our friends by force of arms when necessary. Freedom, by its nature, must be chosen and defended by citizens, and sustained by the rule of law and the protection of minorities. And when the soul of a nation finally speaks, the institutions that arise may reflect customs and traditions very different from our own. America will not impose its own style of government on the unwilling. Our goal instead is to help others find their own voice, attain their own freedom, and make their own way.

The great objective of ending tyranny is the concentrated work of generations. The difficulty of the task is no excuse for avoiding it. America's influence is not unlimited, but fortunately for the oppressed, America's influence is considerable, and we will use it confidently in freedom's cause.

(Applause.)

My most solemn duty is to protect this Nation and its people from further attacks and emerging threats. Some have unwisely chosen to test America's resolve, and have found it firm.

(Applause.)

We will persistently clarify the choice before every ruler and every nation: The moral choice between oppression, which is always wrong, and freedom, which is eternally right.

(Applause.)

America will not pretend that jailed dissidents prefer their chains, or that women welcome humiliation and servitude, or that any human being aspires to live at the mercy of bullies.

We will encourage reform in other governments by making clear that success in our relations will require the decent treatment of their own people.

(Applause.)

America's belief in human dignity will guide our policies, yet rights must be more than the grudging concessions of dictators; they are secured by free dissent and the participation of the governed. In the long run, there is no justice without freedom, and there can be no human rights without human liberty.

(Applause.)

Some, I know, have questioned the global appeal of liberty—although this time in history, four decades defined by the swiftest advance of freedom ever seen, is an odd time for doubt. Americans, of all people, should never be surprised by the power of our ideals. Eventually, the call of freedom comes to every mind and every soul. We do not accept the existence of permanent tyranny because we do not accept the possibility of permanent slavery.

(Applause.)

Liberty will come to those who love it.

Today, America speaks anew to the peoples of the world. All who live in tyranny and hopelessness can know the United States will not ignore your oppression, or excuse your oppressors. When you stand for your liberty, we will stand with you.

(Applause.)

Democratic reformers facing repression, prison, or exile can know America sees you for who you are, the future leaders of your free country.

The rulers of outlaw regimes can know that we still believe as Abraham Lincoln did: "Those who deny freedom to others deserve it not for themselves; and, under the rule of a just God, cannot long retain it."

The leaders of governments with long habits of control need to know: To serve your people you must learn to trust them. Start on this journey of progress and justice, and America will walk at your side.

(Applause.)

All the allies of the United States can know we honor your friendship, we rely on your counsel, and we depend on your help. Division among free nations is a primary goal of freedom's enemies. The concerted effort of free nations to promote democracy is a prelude to our enemies' defeat.

Today, I also speak anew to my fellow citizens. From all of you, I have asked patience in the hard task of securing America, which you have granted in good measure. Our country has accepted obligations that are difficult to fulfill, and would be dishonorable to abandon. Yet because we have acted in the great liberating tradition of this Nation, tens of millions have achieved their freedom.

(Applause.)

As hope kindles hope, millions more will find it. By our efforts, we have lit a fire as well—a fire in the minds of men. It warms those who feel its power, it burns those who fight its progress, and one day this untamed fire of freedom will reach the darkest corners of our world.

A few Americans have accepted the hardest duties in this cause—in the quiet work of intelligence and diplomacy; the idealistic work of helping raise up free governments; the dangerous and necessary work of fighting our enemies. Some have shown their devotion to our country in deaths that honored their whole lives, and we will always honor their names and their sacrifice.

(Applause.)

All Americans have witnessed this idealism, and some for the first time. I ask our youngest citizens to believe the evidence of your eyes. You have seen duty and allegiance in the determined faces of our soldiers. You have seen that life is fragile, evil is real, and courage triumphs. Make the choice to serve in a cause larger than your wants, larger than yourself, and in your days you will add not just to the wealth of our country, but to its character.

(Applause.)

America has need of idealism and courage, because we have essential work at home—the unfinished work of American freedom. In a world moving toward liberty, we are determined to show the meaning and promise of liberty. In America's ideal of freedom, citizens find the dignity and security of economic independence, instead of laboring on the edge of subsistence. This is the broader definition of liberty that motivated the Homestead Act, the Social Security Act, and the G.I. Bill of Rights. And now we will extend this vision by reforming great institutions to serve the needs of our time. To give every American a stake in the promise and future of our country, we will bring the highest standards to our schools, and build an ownership society.

(Applause.)

We will widen the ownership of homes and businesses, retirement savings, and health insurance, preparing our people for the challenge of life in a free society. By making every citizen an agent of his or her own destiny, we will give our fellow Americans greater freedom from want and fear, and make our society more prosperous and just and equal.

In America's ideal of freedom, the public interest depends on private character—on integrity, and tolerance towards others, and the rule of conscience in our own lives. Self-government relies, in the end, on the governing of the self. That edifice of character is built in families, supported by communities with standards, and sustained in our national life by the truths of Sinai, the Sermon on the Mount, the words of the Koran, and the varied faiths of our people. Americans move forward in every generation by reaffirming all that is good and true that came before—ideals of justice and conduct that are the same yesterday, today, and forever.

(Applause.)

In America's ideal of freedom, the exercise of rights is ennobled by service, mercy, and a heart for the weak. Liberty for all does not mean independence from one another. Our Nation relies on men and women who look after a neighbor and surround the loss with love. Americans, at our best, value the life we see in one another, and must always remember that even the unwanted have worth.

(Applause.)

Our country must abandon all the habits of racism because we cannot carry the message of freedom and the baggage of bigotry at the same time.

(Applause.)

From the perspective of a single day, including this day of dedication, the issues and questions before our country are many. From the viewpoint of centuries, the questions that come to us are narrowed and few. Did our generations advance the cause of freedom? And did our character bring credit to that cause?

These questions that judge us also unite us, because Americans of every party and background, Americans by choice and by birth, are bound to one another in the cause of freedom. We have known divisions which must be healed to move forward in great purposes, and I will strive in good faith to heal them. Yet those divisions do not define America. We felt the unity and fellowship of our Nation when freedom came under attack, and our response came like a single hand over a single heart. We can feel that same unity and pride whenever America acts for good, and the victims of disaster are given hope, and the unjust encounter justice, and the captives are set free.

(Applause.)

We go forward with complete confidence in the eventual triumph of freedom. Not because history runs on the wheels of inevitability; it is human choices that move events. Not because we consider ourselves a chosen nation; God moves and chooses as He wills. We have confidence because freedom is the permanent hope of mankind, the hunger and dark places, the longing of the soul. When our Founders declared a new order of the ages, when soldiers died in wave upon wave for a union based on liberty, when citizens marched in peaceful outrage under the banner "Freedom Now," they were acting on ancient hope that is meant to be fulfilled. History has an ebb and flow of justice, but history also has a visible direction, set by liberty and the Author of Liberty.

(Applause.)

When the Declaration of Independence was first read in public and the Liberty Bell was sounded in celebration, a witness said, "It rang as if it meant something." In our time, it means something still. America, in this young century, proclaims liberty throughout the world, and to all the inhabitants thereof. Renewed in our strength—tested but not weary—we are ready for the greatest achievements in the history of freedom.

(Applause.)

May God bless you, and may He watch over the United States of America.

(Applause.)

Mr. LOTT. At this time, I would like to present a unique performance combining the U.S. Marine Band, the Navy Sea Chanters, and the Army of Herald Trumpets, performing "God of our Fathers."

(Musical performance.)

Mr. LOTT. Please stand as Pastor KirbyJon Caldwell will deliver the benediction, and then please remain standing for the national anthem, which will be led by TSgt Bradley Bennett from the U.S. Air Force Band. Following the national anthem, please remain in place while the official party departs the platform. Pastor Caldwell.

Rev. CALDWELL. Thank you, Senator LOTT. Let us pray, please.

O Lord God Almighty, the supply and supplier of faith and freedom, how excellent is Your name in all the Earth. You are great and gratefully to be praised. O God, as we conclude this 55th inaugural ceremony, we conclude it with an attitude of thanksgiving. Thank You for protecting America's borders. After all, as the Psalmist reminds us, unless You, O God, guard the territory, our efforts will be in vain.

Thank You for our armed service personnel. And it is with unswerving thanksgiving that we pause to remember the persons who have made the ultimate sacrifice to help ensure America's safety. Thank You, O God, for surrounding our personnel, their families, their friends, and our allies with Your favor and Your faithfulness. Deploy Your host from Heaven so that Your will for America will be performed on Earth as it is already perfected in Heaven.

I confess that Your face will shine upon the United States of America, granting us social peace and economic prosperity, particularly for the weary and the poor.

I also confess, O God, that each American's latter days will be better than their former days. Let it be unto us according to Your words. Rally the Republicans, the Democrats, and the Independents around Your common good so that America will truly become one nation under God, indivisible, with liberty, justice, and equal opportunity for all, including the least, the last, and the lost.

Bless every elected official right now. O God, I declare Your blessings to shower upon our President, George W. Bush. Bless him, his family, and his administration. I once again declare that no weapon against them shall prosper. God, forgive us for becoming so ensnarled in petty partisan politics that we miss Your glory and forget our purpose. Deliver us from the evil one, from evil itself, and from the mere appearance of evil. Give us clean hearts so that we might have clean agendas, clean priorities and programs, and even clean financial statements.

And now unto You, O God, the one who always has been and always will be the one King of Kings and the true power broker, we glorify and honor You. Respecting persons of all faiths, I humbly submit this prayer in the name of Jesus Christ. Amen.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATIONS

Mr. McCONNELL. As in executive session, I ask unanimous consent that the nominations to the Office of Inspector General, except the Office of Inspector General of the Central Intelligence Agency, be referred in each case to the committee having primary jurisdiction over the department, agency, or entity, and if and when reported in each case, then to the Committee on Homeland Security and Governmental Affairs for not to exceed 20 calendar days, except in cases when the 20-day period expires while the Senate is in recess, the committee shall have 5 additional calendar days after the Senate reconvenes to report the nomination, and that if the nomination is not reported after the expiration of that period, the nomination be automatically discharged and placed on the executive calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the Majority Leader, pursuant to the provisions of S. Res. 105 (adopted April 13, 1989), as amended by S. Res. 149 (adopted October 5, 1993), as amended by Public Law 105-275, further amended by S. Res. 75 (adopted March 25, 1999), and S. Res. 383 (adopted October 27, 2000) the appointment of the following Senator to serve as a member of the Senate National Security Working Group for the 109th Congress: Senator WILLIAM H. FRIST of Tennessee (Majority Administrative Co-Chairman).

The Chair, on behalf of the Vice President, pursuant to Public Law 94-304, as amended by Public Law 99-7, appoints the following Senator as Chairman of the Commission on Security and Cooperation in Europe (Helsinki) during the 109th Congress: Senator SAM BROWNBACK of Kansas.

ORDERS FOR MONDAY, JANUARY 24, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 2 p.m. on Monday, January 24; I further ask that following the prayer and the pledge the morning hour be deemed to have expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business until 3 p.m., with the first half of that time under the control of the majority leader or his designee, and the remaining time under the control of the Democratic leader or his designee; provided that at 3 p.m. the Senate proceed to executive session, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. On Monday, following morning business, the Senate will begin debate on the nomination of Carlos Gutierrez to be Secretary of Commerce. We have not received any requests for a rollcall vote on the Gutierrez nomination and it is expected we will be able to dispose of that nomination on a voice vote. Therefore, no rollcall votes are expected during Monday's session. We will continue to work through the President's nominations as they become available. We will have more to say with respect to the voting schedule next week.

I also remind all of my colleagues that we were able to lock in a time agreement on the nomination of Condoleezza Rice to be Secretary of State. We will debate the Rice nomination throughout the day Tuesday and vote on that nomination on Wednesday of next week.

ADJOURNMENT UNTIL MONDAY, JANUARY 24, 2005, AT 2 P.M.

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:09 p.m., adjourned until January 24, 2005, at 2 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, January 20, 2005:

DEPARTMENT OF EDUCATION

MARGARET SPELLINGS OF TEXAS, TO BE SECRETARY OF EDUCATION.

DEPARTMENT OF AGRICULTURE

MIKE JOHANNS OF NEBRASKA, TO BE SECRETARY OF AGRICULTURE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

TRIBUTE TO RETIRING WYANDOTTE COUNTY, KANSAS, DISTRICT ATTORNEY NICK TOMASIC

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Mr. MOORE of Kansas. Mr. Speaker, I rise today to pay tribute to a tireless, dedicated public servant of long standing, who recently stepped down as District Attorney of Wyandotte County, Kansas, after 32 years of service in that office.

As a former District Attorney of neighboring Johnson County, Kansas for only 12 years—from 1977 to 1989—I worked closely with, and got to know well, Nick Tomasic. First elected in 1972 and re-elected seven times, Nick Tomasic retires as the longest serving district attorney in the history of Kansas. More importantly, however, he leaves a legacy of incorruptible dedication to public service and to the rule of law in our society. As the Kansas City Star article I include with this statement details, Nick Tomasic served the public with integrity and determination, in an environment where holding to such standards was often difficult. As his friend and former colleague, I congratulate him on his well-earned retirement and wish him well in his future endeavors with family and friends. As a fellow former prosecutor, in particular, I commend him on his outstanding record of accomplishment as Wyandotte County District Attorney. He leaves a legacy which I am confident will never be equaled by his successors.

[From the Kansas City Star, Jan. 8, 2005]

TOMASIC IS PRAISED FOR 32 YEARS OF SERVICE

(By Robert A. Cronkleton)

Wyandotte County District Attorney Nick Tomasic pulled out one of several scrapbooks of newspaper clippings that he has kept over the years.

Thumbing through the pages on Friday, he recalled facts of cases he prosecuted decades ago. The details are as fresh as if he had been in court the previous day. In one book he paused at a picture of himself and ran his fingers over it.

"That's the day I was first sworn in as district attorney," Tomasic said, chuckling at his horn-rimmed glasses and youthful appearance.

On Monday, Tomasic's reign as the county's first and only district attorney will end. He has held that position for 32 years. His successor, Assistant District Attorney Jerome A. Gorman, will be sworn in at 10 a.m. in Division 1 at the courthouse. Gorman, a Democrat like Tomasic, was unopposed in the November general election.

"When you look ahead, 32 years is a long time," Tomasic said. "But when you are looking back, it doesn't seem that long."

Tomasic, 72, was first elected in 1972 and re-elected seven times. He is the longest-serving district attorney in Kansas history, dating to when the post was created in the early 1970s. Before being elected to the post, he had served six years as an assistant county attorney.

Tomasic came to the position when machine politicians held sway at the courthouse and Kansas City, Kan., City Hall. He said he tried to be apolitical and rid his office of special-interest influences.

He recalled that early on, people with political ties would send hams, turkeys, whiskey and beer to the district attorney's office around Christmas time. He put an end to that.

"It was not right to do it," Tomasic said. "The right thing was to stay out of politics."

But that didn't mean he wasn't willing to take on political corruption. In an early skirmish, Tomasic ousted two Board of Public Utilities members after a state investigation revealed widespread corruption.

One of the most difficult cases he faced was the prosecution of former Kansas City, Kan., Police Officer John Cheek, who was convicted of voluntary manslaughter in the 1994 shooting death of Milton Foster Jr.

One exception to his rule of keeping the district attorney's office out of politics came in the mid-1990s when he strongly urged voters to approve the consolidation of the Wyandotte County and Kansas City, Kan., governments.

Tomasic announced in 2003 he would not run for re-election to the post.

"I think he has been a great district attorney," said Wyandotte County District Judge Thomas L. Boeding. He said Tomasic established himself early on as a district attorney who intended to do what he believed was right.

"He sometimes filed cases that raised eyebrows in people's eyes," Boeding said. "He was determined that he was going to do what the rule of law required and not be fixed on favoritism."

Kansas City, Kan., Police Chief Ron Miller said Tomasic is well respected in the community, including among law enforcement.

"He represents the public very well, and he supports law enforcement," Miller said. "He has had, unfortunately, to prosecute police officers for criminal conduct in his tenure, but those were decisions he had to make, and he made the tough decision."

Tomasic, who lives on Strawberry Hill in Kansas City, Kan., said he doesn't have much planned yet, except to spend time with his family, including 12 grandchildren and two more on the way. He expects to do volunteer work.

He will miss his staff as well as the job.

"I never had a day where I hated to come to work," Tomasic said. "Not one day. There might have been days where I was not particularly happy about something, but I never hated to come to work."

THE HON. ROSA L. DELAURO OF CONNECTICUT HONORS ELIZABETH A. DEMIR FOR HER OUTSTANDING SERVICE TO THE COMMUNITY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join family, friends, colleagues, and the Yale-New Haven Children's Hospital in recognizing an outstanding member of our community, Elizabeth A. Demir. After more than a decade of leadership, Ms. Demir will step down as chair of the Parenting Support Programs at the Children's Hospital.

Too often, young pregnant women are alone and have very little support. Through the Friends of Yale-New Haven Children's Hospital, Ms. Demir founded the "Bright Beginnings" program as a way to reach out to these young women to ensure that they stayed in school, held onto jobs, had a safe home environment, were protective of their health care, and developed good parenting skills. "Bright Beginnings" is a volunteer-based program which pairs young pregnant women with mentors who can help them share their concerns about parenthood. While its primary goal is to make sure that the women and babies receive regular medical care, it also includes education about how to detect and prevent health problems and childhood accidents as well as the importance of early intellectual stimulation of infants and toddlers. The program also teaches young mothers how to set personal goals and increase confidence. It has been an invaluable tool to many young women facing the often daunting challenges of becoming a parent.

Building on the "Bright Beginnings" program, Ms. Demir is also responsible for its expansion into three additional parenting programs—Home Visiting, Nurturing Connections, and Parenting Group. Each of these programs is uniquely designed to meet the needs of young, under-served families—making a real difference in the lives of both mother and child. Ms. Demir has long been the driving force behind the success of theses programs. Her enthusiasm and energy is unparalleled. Program developer, chief photographer, truck driver or board chair, Ms. Demir has done anything and everything to ensure that each of these invaluable programs are available to those in need.

From leading a board meeting to getting down on the floor with a room full of six-month old children dressed like pumpkins, her deep commitment to young mothers and their children has left an indelible mark on our community. In recognition of her tireless efforts, generosity, and compassion, I am proud to stand

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

today and extend my sincere thanks and appreciation to Elizabeth A. Demir. Though her departure marks the end of her tenure as chair of the Parenting Support Programs, I have little doubt that Ms. Demir will continue to make a difference in our community.

PERSONAL EXPLANATION

HON. TIMOTHY V. JOHNSON

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Mr. JOHNSON of Illinois. Mr. Speaker, I rise today to state that it was my intention to vote against the objection raised against the electoral vote count in Ohio. Unfortunately, due to the timing of the vote, the short notice of the vote, and various weather related issues, I was unable to fly back to Washington, DC in time to cast my vote in the afternoon of January 6th. I am however, hand-delivering this message to the Clerk of the House in Washington, DC, today January 7th, in order to make my voice heard and to explain my absence. I wholeheartedly support the election results of 2004 and do not believe that this objection was the right course of action. Congress has repeatedly looked at the issue of election practices and fairness and has taken action where it sees fit; most recently with the Help America Vote Act. We will continue to look at these issues from the 2004 election and take necessary steps to ensure that our election process is a free, fair, and open one. I regret the fact that I was unable to cast my official vote, but it is my hope that these words will convey my strong beliefs on this issue and that by hand-delivering this message, my intent to personally partake in this debate will be reflected.

TRIBUTE TO BARNEY KARBANK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Mr. MOORE of Kansas. Mr. Speaker, earlier this week, the Kansas City metropolitan area lost one of its leading entrepreneurs and supporters of community development with the death of Barney Karbank. And I lost a friend. One of Kansas City's premier industrial developers, he helped assemble the ground for the Truman Sports Complex and developed more than 100 Kansas City area properties, mostly warehouses and production plants that he rented to other companies.

As a 2000 Kansas City Star profile of Barney Karbank noted: "For five decades, Karbank has survived the booms and busts of real estate with a simple strategy: build and hold. Karbank occasionally buys a building, rarely sells and never refinances a property once it's paid off. He has never lost a parcel to foreclosure, he said, nor has he sold one to avoid a creditor's noose. . . . 'He's at the top of the industrial real estate market heap in Kansas City', said Roger Cohen, a former Karbank partner who now heads his own firm."

A dedicated participant in the civic life of our community, Barney Karbank was always active in local charitable, religious and service organizations. But most important to him were the relationships he developed throughout the community in his business activities: as the Star quoted him in 2000: "'Instead of lending people dollars, we're lending bricks and mortar,' Karbank said. While other developers borrow money against properties, Karbank has used his leverage to build relationships with tenants. 'We're not merchant builders,' Karbank said. 'If you're going to come to the dance with us, you're going to leave the dance with us.'"

Mr. Speaker, I join with all of Kansas City in mourning the passing of this giant among our community who literally changed its skyline. I was privileged to call him my friend and supporter, and our family shares the sense of loss that I know his family now feels. I am placing into the RECORD a profile of Barney Karbank carried by the Kansas City Star in recognition of his death.

[From the Kansas City Star, Jan. 18, 2005]

BARNEY KARBANK DIES AT 80—LEADING DEVELOPER LEFT HIS MARK ON KC REAL ESTATE

(By Dan Margolies)

Barney Karbank, one of Kansas City's premier industrial and commercial developers, died Sunday after a long illness. He was 80.

Karbank, chairman of B.A. Karbank & Co., developed more than 100 properties in the area, mostly warehouses and production plants he rented to other companies.

"It's a real changing of the guard," said Olen Monsees, president of B.A. Karbank. "He was just such a legend in this business. The world will go on, but we'll miss him."

The son of a fish-market operator, Karbank walked with a cane all his life following a childhood bout with polio. He started out as an unpaid clerk for James B. Welsh Realty in 1946 before joining Charles F. Curry Co. the following year. Deciding that pushing brooms, running errands and selling houses wasn't for him, he began B.A. Karbank & Co. as a real estate brokerage firm in 1950 at the age of 26.

He constructed his first building, at 2615 Holmes St., for Borg-Warner Corp. after paying a cold call on Borg-Warner. More than five decades later, his company controls more than 5 million square feet of industrial and commercial space in the metropolitan area, as well as buildings in other cities.

Settling for a build-and-hold strategy, Karbank described his business in a 2000 interview with The Star as lending people bricks and mortar instead of money.

Karbank rarely sold the projects he developed, focusing instead on ownership. Among his major projects in Kansas City and elsewhere were buildings for dozens of companies, including General Electric Co., Sunkist Growers Inc., the U.S. Postal Service, Southwestern Bell, Chevron Chemical Co., Westinghouse Electric Co., Whirlpool Corp. and General Motors Corp.

"He took great pride in never defaulting on a loan, never giving property back to a lender, never putting a project in bankruptcy, never asking for a loan workout and never refinancing a property," said his son, Steven Karbank, president of Karbank Development Co., the operation's development arm.

Barney Karbank left his mark on almost every major industrial park in the area. He also assembled a major portion of the land for the Truman Sports Complex and undertook land assemblages for other clients, including sites for the area's first cellular phone system.

A Kansas City native, he attended Paseo High School and Kansas City Junior College. Outspoken in his views, he resigned in 1969 from the City Plan Commission after criticizing it for doing "practically no planning as such." For years, he inveighed against Missouri's redevelopment laws, which he said gave private developers too much power to subvert public purposes.

"The survival of the city is in direct proportion to its ability to rebuild itself," he told The Star in a 1969 interview. "Everyone is for new development and new buildings and growth. But in what way should it come?"

Barney Karbank served on the boards of numerous business and professional organizations, including First Federal Bank, Mercantile Bank and La Petite Academy Inc. He was treasurer for the Committee for County Progress in the 1960s and a member of both the City Plan Commission and the Jackson County Board of Zoning Adjustment.

He was a director of many civic and charitable organizations, including the Jewish Federation of Greater Kansas City, the Jewish Community Foundation, Congregation Beth Shalom and Menorah Medical Center.

Barney Karbank is survived by his wife of 55 years, Rose Karbank; their four children, Marcia Karbank, Diane Davidner, Neil Karbank and Steven Karbank, and their spouses; his brother Joe Karbank; 15 grandchildren; and four great-grandchildren.

FREEDOM FOR ALFREDO RODOLFO DOMÍNGUEZ BATISTA

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Alfredo Rodolfo Domínguez Batista, a political prisoner in totalitarian Cuba.

Mr. Domínguez Batista is a member of the Christian Liberation Movement and a peaceful pro-democracy activist attempting to liberate the people of Cuba. Because of his actions to bring freedom and democracy to Cuba, Mr. Domínguez Batista was targeted by the tyrant's machinery of repression. In March 2003, as part of the despicable crackdown on peaceful pro-democracy activists, he was arrested. In a sham trial, Mr. Domínguez Batista was sentenced to 14 years in the totalitarian gulag.

Despite the depraved conditions and the threat of confinement in punishment cells, described by the U.S. Department of State as "semi-dark all the time, had no water available in the cell, and had a hole for a toilet," Mr. Domínguez Batista has continued to fight for basic human rights. According to Amnesty International, he has bravely participated in multiple hunger strikes to protest the abhorrent conditions in the gulag and the depraved treatment of fellow political prisoners.

Today, January 20, 2005, marks another milestone in the peaceful continuation of representative democracy in the United States of America. President George W. Bush was elected in free and fair elections that were conducted with transparency and guided by the rule of law. On a day that celebrates the freedoms enshrined in our national documents and imbedded in the national character of the United States, we should never forget those brave men and women, like Mr. Domínguez Batista, who languish in hellish gulags because they believe in the same freedoms that we celebrate today.

Mr. Speaker, on this day of commemoration, let us not forget those who yearn to celebrate political and human rights in their own countries. My Colleagues, we must demand the immediate release of Alfredo Rodolfo Domínguez Batista and every prisoner of conscience languishing in the dungeons of tyrants.

THE HON. ROSA L. DeLAURO OF CONNECTICUT HONORS LOUISE AMATO ON THE OCCASION OF HER RETIREMENT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Ms. DELAURO. Mr. Speaker, it is with great pleasure that I rise today to join family, friends, and colleagues in congratulating Louise Amato as she celebrates her retirement after twenty-six dedicated years at Area Cooperative Educational Services (ACES). For me, Louise is more than just a dear friend—she is my cousin. I am honored to have this opportunity to pay tribute to all of the good work she has done throughout her professional career.

Education is the cornerstone of success and the most critical link between our young people and their futures. Throughout our country, we look to our towns and cities to provide these invaluable skills to our children. ACES is one of six educational service centers that were formed under Connecticut State Statute in 1970. A result of recognizing that school districts must work together to meet the ever changing needs of local education systems, these centers provide an environment where quality programs can be planned, developed and implemented—giving our young people access to the best educational opportunities possible.

The real success behind ACES can be attributed to the unparalleled dedication and commitment of its administration and its staff. I have often spoke of our nation's need for talented, creative educators ready to help our children learn and grow. In her twenty-six years with ACES, Louise has been just that kind of teacher. She has spent her career working with special needs students to develop the life skills they would need to live and work in the community. She went even further, helping graduating seniors to develop plans for their future after high school, helping others with job placement, bringing students to visit job and community sites, and even taking some to visit colleges.

Louise was always looking for different ways to get her students excited about their futures. She has taken her students to New York City and one of my fondest memories of my congressional career was when she brought a group of seniors to Washington, DC, where I had the opportunity to meet with them. Her unique approach to helping these young people develop important skills made a real difference in their lives because she opened the doors of opportunity to them. Louise gave a very special gift to all her students—the promise of a meaningful and productive future.

Through her generosity and kindness, Louise has touched the lives of all who know her—though none know more so than her students. In recognition of her many years of outstanding service, I am proud to stand today to join her husband, Gabe; her children, Cheryl, Laurie, and Mark; family, friends, and colleagues in congratulating Louise Amato on the occasion of her retirement. Our thanks and appreciation will never match the gifts of friendship and inspiration she has given to all of those who have had the opportunity to know her.

TRIBUTE TO JOE TILGHMAN, RETIRING REGIONAL ADMINISTRATOR FOR THE KANSAS CITY OFFICE OF THE CENTERS FOR MEDICARE AND MEDICAID SERVICES

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Mr. MOORE of Kansas. Mr. Speaker, Joe Tilghman has served the Centers for Medicare and Medicaid Services (CMS) in a senior field leadership position in a career spanning nearly the entire period of enactment of the Medicare and Medicaid programs. Mr. Tilghman is retiring on January 3, 2005, after 37 years of distinguished federal service and I welcome this opportunity to publicly pay tribute to this outstanding public servant.

Joe Tilghman assumed leadership of CMS' Kansas City Regional Office in 1994 following nearly fifteen years as the Deputy Regional Administrator. As Regional Administrator, he has been responsible for the federal administration of the Medicare and Medicaid programs to approximately 4 million beneficiaries residing in Iowa, Kansas, Missouri and Nebraska. Prior to joining CMS (then the Health Care Financing Administration) in 1978 he worked in Social and Rehabilitative Services and the Bureau of Health Insurance.

During Mr. Tilghman's tenure as Regional Administrator he led many CMS efforts that impacted the lives of Medicare and Medicaid beneficiaries nationwide. Of particular note, Mr. Tilghman:

Led CMS' Flu 2000 Campaign from 1993 to 1999. He brought together a coalition including CMS, the Centers for Disease Control and Prevention, and the National Coalition for Adult Immunization. This coalition was devoted to reaching the Healthy People 2000 adult immunization goals. During his leadership, influenza immunization of persons age 65 and over increased from 50.4% to 65.5% and met the Healthy People 2000 goal of 60% three years early in 1997.

Led CMS' Screening Mammography Campaign from 1999 to the present, exceeding Government Performance and Results Act (GPRA) targets in each of these years.

Established the CMS field National Medicare Education Program (NMEP) operation, providing the inspiration and garnering financial and human resources support for all regional offices to develop creative education and outreach programs. As a result of his work, effective community coalitions and partnerships among the aging network are in place in all states.

Enforced the Health Insurance Portability and Accountability Act (HIPAA) insurance provisions nationally in all states that are not in substantial compliance.

Mr. Speaker, I am pleased to have this opportunity to publicly commend this selfless and dedicated public servant on the occasion of his retirement. Joe Tilghman embodies the work done so well by millions of American public servants on behalf of our nation on a daily basis, with little hope of public appreciation or appropriate tangible reward. On behalf of the people of Kansas' Third District, I thank Joe Tilghman for his lifetime of public service and wish him well on his well-earned retirement.

EXPRESSING DEEPEST SYMPATHIES TO FAMILY AND FRIENDS OF WILLIAM SMITH CLOUD

HON. GENE GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Mr. GENE GREEN of Texas. Mr. Speaker, I rise today to extend my deepest sympathies to the family and friends of William Smith Cloud, a constituent and trusted personal friend who passed away January 16, 2005, at the age of 82.

A Galena Park resident since the age of 8, Bill was a positive force in his community for all of his long life. He was a football player for the Fighting Yellow Jackets before his graduation from Galena Park High School in 1941. He then served his country in World War II in the Pacific theater of operations, as a United States Air Force B–29 Bomber turret gunner.

After the war he went to work as a pipefitter, eventually receiving his 50-year commemorative watch from Local 211. He also contributed to the Galena Park community by serving as Co-Captain for the Galena Park Volunteer Fire Department, and as a Commander of the Galena Park American Legion.

As important as these contributions are, none is more important than Bill's devotion to his family, as his wife of 58 years, Robbie Craddock Cloud, and his children, grandchildren, and great grandchildren can attest.

His loss will be felt greatly by all of Galena Park, and all those who knew him, and I ask that you remember the Cloud family in your thoughts and prayers.

RECOGNIZING MARTY RALSTON ON HER RETIREMENT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize a valued staff member—Marty Ralston—who has announced her retirement and will be leaving us at the end of this month. She is one of the longest serving Democratic staff members in the history of the Committee on Science, and will be greatly missed.

Marty came to the committee in the 95th Congress and for more than 27 years, has carried out her duties during the tenure of seven different chairmen and eight different ranking minority members. Marty initially served on the staff of the Science, Research, and Technology subcommittee, but eventually moved to the staff of Natural Resources and Environment subcommittee and then to that of the full committee.

In addition to her current work as the staff assistant of the Environment, Technology, and Standards Subcommittee, Marty organizes the Committee's legislative hearings. It is commonly acknowledged that Marty has staffed more hearings than anyone else in the history of the Committee on Science. One former subcommittee staff director described her as "marvelous" and Marty is widely known for her warmth, kindness, and unflagging dedication to both the Committee and its staff. Others describe her as a "life-saver" whose attention to detail and proven experience has helped countless fellow staffers go the extra mile in their work each day.

Marty has persevered in the face of personal trials and family challenges. Her dedication to our team is eclipsed only by her dedication to her son Sean, daughter-in-law Julie, and the pending arrival of her first grandchild.

Marty is an important part of the Committee's institutional memory whose welcoming demeanor and ready answers are tools our staff has come to expect and rely on. The Science Committee's Members and staff wish Marty well as she moves on to new endeavors, a relaxing retirement and life as a devoted grandmother. Thank you, Marty, for your many years of dedicated and loyal service.

TRIBUTE TO RETIRING FOOD AND DRUG ADMINISTRATION KANSAS CITY DISTRICT DIRECTOR BILL SEDGWICK

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 20, 2005

Mr. MOORE of Kansas. Mr. Speaker, Charles W. (Bill) Sedgwick is retiring after more than 40 years of distinguished service with the Food and Drug Administration. His career began on June 7, 1964, as an investigator for the Kansas City District. From beginning to end, Bill sharpened his skills through work performed in a variety of locations; Kansas City, Omaha, Washington, D.C., Dallas, and Cincinnati. His dream was fulfilled, with the help of countless mentors and friends, as he began service as the Kansas City District Director in June of 2000.

Highlights of his work include cases involved with filth and quack drugs; instruction presented on law and evidence to the Southwest and Southeast Regions; work on criminal cases involving illegal distribution of steroids and other enhancement drugs; work with other federal agents and the U.S. Attorney to prepare search warrants and collect undercover evidence for presentation to a grand jury; development of significant case law which permitted not just the FDA, but other federal agencies, to charge defendants with defrauding the government; a commissioner's commendation for critical work performed with state partners to improve the FDA's relationship, working particularly in Texas and New Mexico; criminal investigative work in Cincinnati that resulted in the indictment, prosecution and prison terms of seven defendants involved in a major criminal enterprise which produced over 200 million pounds of phony orange juice; receipt of the FDA Award of Merit (2002) and the ORA Quality of Worklife Award (2003) for his leadership in Kansas City.

After his retirement, Bill intends to spend time with his family, doing anything his wife, Suzanne, tells him to do. He plans to oversee church construction projects, remodel old houses and travel with his wife. I am pleased to have this opportunity to publicly commend this selfless and dedicated public servant on the occasion of his retirement. Bill Sedgwick embodies the work done so well by millions of American public servants on behalf of our nation on a daily basis, with little hope of public appreciation or appropriate tangible reward. On behalf of the people of Kansas' Third District, I thank Bill Sedgwick for his lifetime of public service and wish him well on his well-earned retirement.

SENATE—*Monday, January 24, 2005*

The Senate met at 2:01 p.m. and was called to order by the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord, You have been our dwelling place in all generations. You laid the Earth's foundation on the seas and built it on the ocean depths. Each day we receive the showers of Your blessings.

Thank You for listening to our prayers and for keeping us safe. Thank You for giving us hope, even when life seems covered by shadows. From our earliest moments, we have been blessed by Your marvelous deeds. So we celebrate Your goodness.

Continue to sustain our legislators. Give them wisdom and courage to do their duty. Keep their hands and hearts pure. Teach them to do the right thing, to be honest and fair. Keep them humble and help them to trust You completely now and always.

Lord, continue to protect our Nation's military. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LAMAR ALEXANDER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, January 24, 2005.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LAMAR ALEXANDER, a Senator from the State of Tennessee, to perform the duties of the Chair.
>
> TED STEVENS,
> *President pro tempore.*

Mr. ALEXANDER thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. ROBERTS). The distinguished majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this afternoon, we will be in a period for morning business so Senators may introduce legislation and make statements. Following that 1 hour period, the Senate will proceed to executive session for the consideration of the nomination of Carlos Gutierrez to be Secretary of Commerce. Chairman STEVENS will be here to manage the hour of debate on this side of the aisle, and I understand Senator DORGAN will control the remaining 1 hour. We do not have a request for a rollcall vote on the nomination. Therefore, we will proceed to a voice vote at the expiration of that time. Consequently, we will not have any rollcall votes today.

I do want to take this opportunity to remind my colleagues that we will begin debate on the nomination of Condoleezza Rice during tomorrow's session. The order from last week provides for debate on Tuesday with closing remarks on Wednesday and a vote on that nomination on Wednesday morning.

There are several other Cabinet-level nominations that may be ready for floor action this week, including the nominations of the Secretary of Energy, the Secretary of Health and Human Services, and the Attorney General. I will be talking with the Democratic leader about the full Senate consideration of those Cabinet positions as they become available.

RELATING TO THE DEATH OF HOWARD S. LIEBENGOOD

Mr. FRIST. Mr. President, I am now turning to a resolution for a very close friend, and then I will take a few moments to comment on this resolution, really the man behind this resolution.

I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 7) relating to the death of Howard S. Liebengood, former Sergeant at Arms of the Senate.

Mr. FRIST. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 7) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

> S. RES. 7
>
> Whereas Howard S. Liebengood served as a captain in the United States Army Military Police Corps in Vietnam from 1968 to 1970, receiving the Bronze Star and the Army Commendation Medal for his exemplary service;
>
> Whereas Howard S. Liebengood began his service to the Senate in 1973 as minority counsel to the Senate Watergate Committee;
>
> Whereas Howard S. Liebengood served as an aide to the Senate Church Committee in 1975, as the minority staff director of the Senate Select Committee on Intelligence in 1976, and as legislative counsel to Senate Majority Leader Howard H. Baker, Jr., in 1980;
>
> Whereas Howard S. Liebengood served as Sergeant at Arms of the Senate from 1981 to 1983;
>
> Whereas Howard S. Liebengood served as chief of staff to Senator Fred Thompson from 2001 to 2003, and as chief of staff to Senate Majority Leader William H. Frist, M.D., from 2003 until his death in January, 2005;
>
> Whereas Howard S. Liebengood was a caring and devoted husband, father, and colleague who served with the utmost humility and distinction and was admired and respected by all as a teacher, adviser, and friend; and
>
> Whereas Howard S. Liebengood inspired others through his personal leadership, generosity, and great love for the United States: Now, therefore, be it
>
> *Resolved*, That—
>
> (1) the Senate has heard with profound sorrow and deep regret the announcement of the death of Howard S. Liebengood; and
>
> (2) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy of these resolutions to the family of Howard S. Liebengood.

Mr. FRIST. Mr. President, Howard Liebengood loved the Senate. He loved the purpose of this institution; he loved its tradition; and, above all, he loved its people. The Senate was his extended family, and we all are going to miss him very much.

Howard Schuler Liebengood passed away on Thursday, January 13, at his home in Vienna, VA. He was just 2 weeks shy of his retirement. He had planned to travel and cook and devote himself to his wife Dee and their three grown children, Howie, John, and Anne.

We talked in detail at breakfast about a month ago, in late December, about his excitement of being able to retire and spend time with the family.

He also told me he planned on going to the track. One of his closest friends

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

and a real friend of this institution, Marty Gold, said Howard loved anything that ran around the track, whether it was cars or dogs or people. And every May, without exception, Howard went to the Indy 500 with his family.

Howard lived with passion. He lived with conviction. He lived with generosity. He lived with grace. He accomplished so much because he loved life so well.

Howard was born on December 29, 1942, in South Bend, IN. Franklin Delano Roosevelt was President, stamps cost 3 cents, and total Federal spending was a mere $35 billion.

Howard graduated from Plymouth High in 1960 and earned his bachelors degree in political science at Kansas State University. From there he went to Vanderbilt University Law School where he met a young man who would become his closest and lifelong friend and future U.S. Senator, Fred Thompson. Howard once described the two of them as misfits among the well-heeled southern scholars and Ivy League stars. But knowing them both, I suspect it was just Howard's characteristic midwestern modesty.

After earning his law degree from Vanderbilt, Howard served as an Army captain in the Vietnam war. His bravery and valor earned him the Bronze Star and the Army Commendation Medal.

Upon his return from Vietnam in 1970, Howard applied for and won the competition to be assistant general manager and play-by-play announcer for the Kansas City Royals AAA farm club. But it was not to be. A young wife and the prospect of a future family led him to the offices of Manier, White in Nashville, TN, where he practiced criminal and entertainment law.

Then, just as he was to become partner, he got a call. Fred was minority counsel to the newly formed Senate Watergate Committee, and he wanted Howard at his side. It was 1973, the height of Watergate. Senator Howard Baker of Tennessee was vice chair of the committee. It was an offer too good to refuse.

Howard soon found himself in the center of the Watergate whirlwind, interviewing witnesses and ultimately coauthoring the Baker report.

It was a heady experience for the young lawyer and launched him on a 30-year career in politics. And yet somehow, despite this long and intimate exposure to Washington politics, Howard never lost his optimism. He never became cynical. He always looked for the good in any situation, and he always kept his good humor. And throughout, he also had the mentorship and friendship of Senator Howard Baker, his first boss in politics.

During the course of Watergate, Senator Baker and Howard became close friends. As minority leader, Senator Baker hired Howard to be his legislative assistant, and then as majority leader he elevated Howard to Sergeant at Arms. Howard would often stay with Senator Baker when the Senator was home in Scott County in Huntsville, TN.

Senator Baker tells this delightful story which speaks to their friendship and Howard's charm and his wonderful wit:

> When Howard was Sergeant at Arms in the Senate during the first Reagan inauguration in January 1981, I still have this image of Howard in striped trousers and a cut-away coat standing on a platform next to the emergency phone sweating although the temperature was below freezing. I said: "Howard, I see you're sweating. Are you OK?" Howard replied: "I forgot the key to the emergency phone."

Senator Baker asked him later:

> What would you have done if that phone had rung?

And Howard replied:

> I would have pulled that sucker out by the roots.

That is Howard Liebengood, and it is the Howard Liebengood we have all been pleased to know. He treated everyone, from Senators to interns, with a graciousness and genuine regard. If a constituent had a difficult request or an unusual request, Howard would say: Give them a chance. That is an idea that just may be worth considering.

When Senator HATCH injured his Achilles' tendon, Howard drove ORRIN to the Senate every day. While he was my chief of staff, Howard Liebengood regularly invited young staffers on summer weekends to travel with him to Baltimore for a day of crabs and baseball.

He was just that kind of person—always extending himself, always making others comfortable around him, always making the personal connection, especially focusing on the young people in the office. He wanted to share with them the excitement and honor of working in Government. He always let them know, interns and staff alike, that their jobs mattered, that their jobs had a purpose, that they were serving their fellow citizens and advancing the cause of democracy.

Howard also reached across the aisle. He was known as the peacemaker for his ability to bring opposing sides together. Indeed, one of his great regrets was what he saw to be the growing partisanship in politics.

He missed the days when Members could set aside their party labels and share a 6 o'clock cocktail or a Friday night dinner. When he was legislative counsel for Senator Baker, what is now just down the hall my conference room and the leader's office, it was called the "back room." It featured not a conference table but a sofa, a coffee table, two wingback chairs, and over at the end a wet bar.

Howard would host visits that began late in the afternoon and could last well into the evening. The regulars included Mac Mathias, Barry Goldwater—they tell me, two fingers of bourbon, no ice—PETE DOMENICI, and Joy Baker, who would often bring along Elizabeth Taylor Warner.

Two curious facts about the jovial and mild-mannered Presbyterian. The first, Howard kept a dozen bottles of hot sauce in his desk drawer. After the 116 Club, the Szechuan Pavilion was one of his favorite restaurants. The second involves his friend, great friend Mike "Mad Dog" Madigan, who served with him on the Watergate Committee.

The story goes that one time in Manhattan, NY, of all places in the apartment of Fidel Castro's mistress, in the course of casual conversation, Mike Madigan said something that upset Ms. Marita, something she took as a challenge to her own personal integrity. She pulled a Derringer from her brassiere and threatened to shoot them both. It was a tense moment. Mike tried to dive under the couch over against the wall. Fortunately, Mike and Howard got out of there unharmed and with a great story to tell.

We all greatly admired Howard. When I became majority leader, I called him on a very late cold December night and asked him to be my chief of staff, and to my great, good, wonderful fortune, he said yes, and he brought incredible insight and judgment. Through his personal leadership, integrity, and generosity, he inspired us all.

He valued character. He valued honesty. He valued grace. Above all, he valued faith. Howard was loved and respected by individuals across the Capitol complex from Members to doorkeepers to photographers to the hundreds of Senate staffers, old and young, Democrat and Republican. Howard was a remarkable person who led a remarkable life.

Howard used to sign off his e-mails with the words "all good wishes." I know I speak for the entire Senate family when I say our hearts are full of good wishes for Howard and his family. We are blessed to have had him in our lives, and we will miss him dearly.

Mr. REID. Mr. President, before the distinguished Republican leader leaves the Senate floor, I wish to express to him through the Chair my appreciation for the kind and very thoughtful words about our friend Howard.

Howard Liebengood represents what the Senate is all about. Spread throughout the Senate, we have hundreds of people who work for us every day who are just like him, extremely well educated. If their goal in life was to see how much money they could make, they would not be working here. They do it because they have a sense of public service, as indicated with his record.

The Senator's kind words about Howard today are words that can be directed to each one of the people who work for us. He was what the Senate is all about. He not only should be but is a role model for what the Senate staffers, as we call them, try to be. If they completed their term of service having given up the fruits of how much money they could make outside the Senate and were thought of as Howard was thought of, I believe their lives would be complete.

I thank the leader very much. As I said, his remarks not only spoke of a good man but are representative of what the Senate is all about.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the full time in morning business for the majority and minority be given. The standing order was that we would go to the Gutierrez nomination at 3, but I ask that that time be extended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

INTRODUCTION OF REPUBLICAN LEADERSHIP AMENDMENTS

Mr. FRIST. Mr. President, today we honor the tradition of defining our party's agenda for this Congress. I take this duty seriously. Because I take our times seriously.

We live during an extraordinary moment not only in the history of America, but in the history of the world. And it is my goal—and the goal of my caucus—to look to the future and seize the opportunities that such times offer.

Social Security has been one of the great triumphs in the history of our government. It has lifted millions of seniors from poverty into dignity and provided an essential safety net for disabled citizens.

But soon our Social Security system will be unable to sustain itself. A program created for security will itself become insecure.

Social Security works well for those at or near retirement. And, for these men and women, Social Security must remain the same and provide the same benefits.

But for future retirees, the future is less certain. That is, of course, if we fail to act. Then we will know the outcome: the retirement of the baby boom generation will place an unsustainable burden on younger Americans.

The President is right to call on the Congress to rise to this crisis. I believe we have an opportunity to rise above partisanship, to do what it right rather than what is expedient, and to leave a legacy of leadership for our children.

This Congress will continue to meet the challenge of our generation, to fight and win the war on terror.

I would like to thank Chairman COLLINS for her tremendous leadership last Congress. She successfully completed the first major overhaul of our intelligence services in a generation.

We will continue to look to her as she undertakes the important task of ensuring that we commit our resources where the threat is greatest.

Today, we will introduce legislation that honors our service men and women who have made the supreme sacrifice. They have given all to our Nation and the cause liberty; and we will give more to better care for the ones they loved.

I'm grateful for the hard work of many Senators in this effort, particularly that of Senators SESSIONS, HAGEL, DEWINE, ALLEN, and our two able chairmen, Senators WARNER and CRAIG.

I look forward to their continued contributions on behalf of the members of our armed services.

This bill will also enhance our efforts to secure our Nation against biological threats and gives law enforcement the tools they need to better defend us at home, both by more quickly providing cutting edge technologies and by enhancing laws to protect our citizens. I appreciate Senator SESSIONS' leadership in the area of protecting our mass transit system against terrorist attacks. Included in this leadership proposal is the Railroad Carriers and Mass Transportation Act, a bill he authored last Congress and also incorporated into the Tools to Fight Terrorism Act introduced by Senate leadership.

Our Nation's security does not rest on our military might alone. A growing economy, educational opportunities, and access to affordable health care are all essential to keep our country strong and our citizens secure.

We should begin by examining the Federal Tax Code. Our tax system should raise revenue in a simple, efficient, fair and predictable manner.

Unfortunately, this is far from today's reality.

Consider the facts: Everyday Americans spend 23 percent more time filling out tax forms today than 8 years ago. In that time, the total number of pages of Federal tax rules have grown by almost half. And one leading tax preparation firm is making 150 percent more money.

We look forward to reviewing the findings of the President's Advisory Panel on Federal Tax Reform. We will take action. We will simplify our laws, keep our commitment to a progressive Tax Code, and promote savings and growth.

Clearly, adopting a comprehensive energy policy and reforming our tort system are cornerstones of economic growth. I believe that we have a real opportunity to work across party lines on these issues.

Chairman DOMENICI has renewed his efforts to bring a bill through the Energy Committee and we look forward to results. The Senate will soon begin its debate on class action reform. It is an important place to start. Our tort system costs our economy nearly $250 billion per year. That's the equivalent of an $844 "tort tax" on every American. This bill will be an early success. I'm grateful for the hard work on both sides of the aisle that have gone into this important initiative.

We cannot afford to let lingering concerns about a tax increase on small businesses stall our economic growth.

The President's economic stimulus package was exactly the right medicine at the right time for a faltering economy. From day one it has led to steady growth. We need to make those tax cuts permanent so we can keep our economy growing and creating jobs.

Critical to our long-term competitiveness is an educated and skilled workforce. Chairman ENZI will introduce legislation today grounded in essential core principles.

We will improve our Federal education and training programs by setting high expectations and raising achievement for all students. We will demand accountability for results. And we will support learning opportunities for students at all stages in life.

It is time that health care followed the rest of our economy and join the Information Age of the 21st century.

Our health care system is a model of spectacular inefficiencies: high and rapidly rising health care costs, growing ranks of the uninsured, chasms in quality and health care disparities.

In order to transform this system, we must agree on a guiding principle: all Americans deserve the security of lifelong, affordable access to high-quality health care.

The focus of a 21st century health care system must be the patient. The system must also be responsive primarily to the consumer, rather than third-party payers. In a transformed system, we must reestablish the doctor-patient relationship, and utilize technology to promote efficiency and provide care.

I am pleased that we will be introducing legislation that begins to build on these principles, utilizing the work of Senator GREGG and the Republican Task Force on the Uninsured. We will address rising costs, increase coverage and expand access to care.

We are also a Nation that values community, family, and compassion. We will work to build on the success of our welfare laws which have helped over 7 million people move from dependency to the dignity of work.

But in doing so, we will recognize the need to support those who do the hard work of compassion—caring for those in need. Our tax proposals will support these private efforts while also helping those who are raising children and ending the discrimination against marriage in the law.

We will also continue our efforts to promote and defend marriage, and to support parents as they seek to guide their children in difficult times. Today, Senator ALLARD will introduce the marriage protection amendment which I hope will be sent to the States for ratification.

Last Thursday, we had the opportunity to celebrate the enduring value of a free people exercising their right to self-governance. But with each new political beginning, we have the responsibility to answer to the people we serve. I believe that we have such an opportunity, and I have great faith in my colleagues in the U.S. Senate to dutifully answer that call.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The minority leader is recognized.

INTRODUCING DEMOCRATIC LEADERSHIP BILLS

Mr. REID. Mr. President, in the beginning of each session of Congress, the majority and minority introduce their bills. The first 10 bills are those of the majority. That is the tradition of the Senate. The distinguished Republican leader has worked hard, as have I, putting forward the bills that represent the majority. I have worked hard putting forward the bills that represent the minority, and I with Senator DURBIN, Senator STABENOW, and Senator SCHUMER today in the Lyndon Johnson Room presented our bills to the public.

The promise of America is a simple one. It is a promise that says if one works hard and plays by the rules, they can build a stronger, brighter future for themselves and their family. This promise has lived on for generations in this great country of ours. It is one that I have lived personally.

As a result of hard work and the generosity of people who helped me with my education. I received a good education, and in the process many doors were opened. After completing my education, I was able to go into business and now have what I believe is the best job in the world—a Member of the Senate representing the people of the State of Nevada.

My story is not unique. As many know, I was born and raised in Searchlight. Searchlight represents many places throughout this country. It represents countless individuals whose lives have been blessed, as mine has. I am sorry to say that these stories about a young boy or girl from a place like Searchlight are becoming fewer and fewer. We now have crumbling schools. The average school in America is 50 years old. We have schools such as those in the southern Nevada area, the Las Vegas area, that are being built at a rapid place. As many as 18 in 1 year have to be dedicated to keep up with the growth of Las Vegas. The superintendent of public education has become a superintendent of public construction. School districts need help with their schools, in inner cities and in rural communities.

Good-paying jobs are giving way to jobs that, no matter how hard one works, just don't pay the bills. There are 45 million people without health care. That means there are too many Americans who are not getting the care they need to live healthy and prosperous lives.

This is the America we live in today, a country whose founding promise is slipping further away from reality for far too many American families, a country where a kid like me from Searchlight finds it harder to get ahead, despite the generosity of people in the community, the good will of teachers, and a work ethic, which is important.

Why do we find ourselves in this state today? Why is the promise of America, the promise that led me and others to this great Chamber, not still alive and well for all of us? In part, it is because we have a Government that simply does not live up to the values upon which the promise was made. We have leaders whose poor planning and mismanagement have sent young men and women into battle overseas, some say without the equipment and support they deserve to succeed in the battlefield.

Some way, and I certainly underscore this, there was a plan to win the war but not a plan to win the peace. We have a Government that by any measure fails to do all it can to make our country safe and secure. We have leaders who love to create crises when they do not exist, such as Social Security, which will be funded for many decades into the future, some say as far as the year 2055.

Some say there is a crisis with judges. This morning someone asked: What happens if you do to President Bush this next 4 years what you did the first 4? I say, well, he should jump with joy. That would mean 408 judges he would get approved and 20 disapproved.

The Constitution has in it a clause that deals with advise and consent. If the oath I took just a few weeks ago to uphold the Constitution means anything, certainly that part of the oath that says I must live up to the Constitution, it says the Senate of the United States has an obligation, legal in nature, to give advice and consent to the President of his nominations. I will continue to do that. I believe that is a role we have.

There are real crises. I have talked about some of them. I talked about others: education, health care, the environment that we do not talk about much anymore. Energy is a crisis we have in this country. The staggering deficit we have developed these past 4 years is a crisis. I believe there are real crises that are crippling our economy, hurting the large and small businesses, and pricing too many families out of quality health care. That is what our legislation we introduce today deals with. We have a Government that has forgotten who it is responsible to, one that has become content with feeding tens of billions to the special interests while failing in its commitment to tens of millions of seniors.

America's promise will not stay alive if America's Government betrays it, and that is why at the outset of this Congress Senate Democrats are committed to restoring the promise of America by pursuing an agenda that honors the values behind it, the values of security, opportunity, and responsibility. These values are at the core of America's promise.

The ten Democratic bills which I will introduce today deal first with America's security. For example, we need to work to increase our Special Operations Forces by 2,000 individuals. We need to expand the pace and scope of programs to eliminate and safeguard nuclear materials and enhance efforts to prevent radioactive and other deadly materials from entering the United States. That is Nunn-Lugar. We must do more than what we have done with the Nunn-Lugar legislation.

We must increase our military. Our legislation calls for an increase by 40,000—30,000 in the Army and 10,000 in the Marines—so that we have enough troops to win the peace in Iraq and fight terrorism around the world without extending tours of duty to the breaking point.

We will create a Guard and Reserve bill of rights to protect and promote the interests of our dedicated citizen soldiers and fight for the families of those who serve to recognize the sacrifices they have made. S. 13 will fulfill our duty to America's veterans. It will ensure that all veterans get the health care and prescription drugs they deserve while also expanding the availability and accessibility of mental health care. We will ensure that no veteran is forced to choose between a retirement and disability check, and launch a 21st century GI bill that tells soldiers of today that we will help them to succeed when they return, just as we did for those great heroes who returned from World War II, Korea, and Vietnam.

We need to expand opportunities to all Americans, and economic opportunity is going to be extended through S. 14. We, for example, will end tax incentives that encourage companies to ship jobs overseas. We are going to restore overtime rights for 6 million workers who lost that guarantee last year.

S. 15 will help us with education. It must be a cornerstone of equal opportunity. Democrats will keep our promise to our children by increasing support for preschool education, fully funding No Child Left Behind and making sure it is implemented the right way. We will address the shortfall of math, science, and special education teachers by creating tuition incentives for college students to major in these fields, and we will work to make sure every American who wants it can afford 4 years of college with new tuition tax credits and relief from burdensome loans.

There are problems in rural school districts in Kansas, Nevada, Illinois, Nebraska and Utah. I have found, in my travels through rural Nevada, one of the biggest problems the school districts in rural Nevada have is school buses. That might not seem like much in the overall scheme of things, but it is rare for a bus in Nevada rural schools to be new. They buy used, old buses. Most of the buses are worn out before they get them. We could help rural America in lots of different ways, but we could help rural America so much if we provided a way where they could buy new buses. We need to do that. When school districts have these old buses, children have no choice but to ride in outdated, unsafe buses. That is why we will create a Federal program to help rural school districts purchase new buses that will get kids to school in a reliable and safe manner.

S. 16 will make sure health care is more affordable to families and businesses. We know health care costs have spiraled. That is why we will bring down the price of prescription drugs by legalizing safe importation of FDA-approved prescription drugs from industrialized countries. We will also ensure that every child in America has access to health care and that every pregnant woman in America can get the maternity care she needs and deserves. We will reduce health care costs by creating incentives to modernize health care and by offering tax credits to small businesses.

Finally, we want to build a government that meets its responsibilities both to Americans today and in the future. S. 18 will help America's seniors. Medicare should work for seniors, not the HMOs and drug companies. First we will eliminate the provision that actually prohibits Medicare from using the negotiating power of its 41 million beneficiaries to get lower prices. The Medicare bill has a provision in it that says Medicare cannot negotiate for lower prices. They have to go to Rite Aid and other places, just like the rest of us. They cannot compete with the HMOs which can buy their drugs in bulk.

We will eliminate the giveaways like the $10 billion slush funds for hospitals in the Medicare bill. We will improve the prescription drug benefit by phasing out the current donut hole where seniors pay a premium but get no credit. Seniors across the country were shocked by the record increase in Medicare Part B premiums this year. This must be addressed. We must be a government that honors its responsibilities to future generations. We have had reckless spending these last 4 years. It has turned record surpluses into record deficits and has mortgaged our children's future. It is long past time for Washington to return to the same commonsense budget that families use around the kitchen table every day, and that is why we will call for pay-as-you-go budgeting.

Our final bill, S. 20, will support women in making responsible choices about their health. The United States has the highest rate of unintended pregnancies among all industrialized nations. Half of all pregnancies in this country are unintended and nearly half of those end in abortion. By increasing access to family planning services, Democrats will improve women's health, reduce the rate of unintended pregnancies, and reduce the number of abortions, all while saving scarce public health dollars.

Security, opportunity, and responsibility—these are more than just three words or three values. They are the foundation on which America's promise is built. Senate Democrats open the 109th Congress steadfastly committed to keeping this promise alive, so that all Americans who work hard can build a stronger and brighter future for their families. While these 10 bills do not represent all the goals of the 109th Congress, they represent the start and the core of our mission.

No doubt we will tackle many other important issues before Congress closes, but we will never lose sight of the values for which we fight and the promises we must keep.

For instance, when it comes to strengthening Social Security, Democrats will keep America's promise. The program is our bargain that says those who work hard and pay their taxes have earned a secure retirement. Our values compel us to keep the promise of security to our seniors, and Senate Democrats will do this. We will not irresponsibly cut benefits or jeopardize the opportunity of future generations with $2 trillion in new debt. This is keeping America's promise, and that is what Senate Democrats will do.

In closing, I would like to say a few words to my colleagues across the aisle. We hope and believe many Republicans share our view that we must not allow partisanship to stand in the way of America's promise, or let politics get in the way of keeping alive the American dream. That is our pledge. We will work with the majority in meeting the demands of America.

I recognize the first 30 minutes of morning business time was that of the majority. How much time did I use?

The PRESIDING OFFICER. The distinguished Senator used 14½ minutes.

Mr. REID. I apologize to my friends on the other side of the aisle. Ten minutes of that will be leader time. The rest Senator DURBIN will use for whatever he feels appropriate when our time comes.

The PRESIDING OFFICER. The distinguished Senator from Illinois.

ORDER OF PROCEDURE

Mr. DURBIN. Mr. President, it is my understanding there are two or three Senators on the floor who would like to pay tribute to Mr. Liebengood, as Senator FRIST did. I will ask unanimous consent they be recognized, if we can get an idea how much time they will use, and then if we could return to the scheduled morning business with the remaining time on the Democrat side and then the balance on the Republican side.

Mr. HAGEL. I will require no more than 3 minutes.

Mr. HATCH. Mr. President, I think I can do mine in 5 minutes, maybe less.

Mr. ALEXANDER. Less than 5 minutes.

Ms. COLLINS. Mr. President, I had requested 10 minutes to introduce a bill at the conclusion of the tributes.

Mr. REID. Mr. President, I apologize. I didn't know people were here to speak. If I had, I would certainly have withheld. There is more than ample time. There is 30 minutes in morning business. They will have whatever time they need. There is lots of time.

Mr. DURBIN. Mr. President, I would be happy to renew my request to give, let's say, 15 minutes for tributes to Mr. Liebengood at this point.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska, the distinguished champion of the Plains, is now recognized.

TRIBUTE TO HOWARD LIEBENGOOD

Mr. HAGEL. Mr. President, I rise, as was noted, to recognize and pay tribute to and remember our dear friend Howard Liebengood. I thought the majority leader's comments concerning Howard Liebengood could have been recited by any and all who knew him. My friendship with Howard Liebengood goes back almost 30 years. When I first became acquainted with Howard and his wife Dee, we would bet on the Kansas State-Nebraska football game every year. I know the Presiding Officer has a passing interest in that game. Howard, each year, would come back for more. These were the days when Kansas State had not defeated Nebraska for many years. But one of the extraordinary parts of this extraordinary man was an optimism, not only about Kansas State football but about life. All that he touched, all he represented, and all who knew him were uplifted by this gentleman, this man who always put his friends first.

I recall when Howard and Dee's children were young. I would occasionally go to their home in Vienna for a little chili cookoff. It was not a big group; it was just us. Howard always had the remarkable ability to reach beyond his professional capacity. After all, we are all judged and will be judged by that dynamic at the end of our lives. It will not be for whatever professional accomplishments we have but it will be for what we have done for others and how we are remembered by others, as was noted by the majority leader in his remarks.

So, today, as I and others rise on behalf of Howard Liebengood, we celebrate his life and his family and all the light that he brought to so many of us for so long. This dear, dear man, we will miss greatly. But he does leave the world better than he found it.

The PRESIDING OFFICER. The distinguished Senator from Utah is recognized.

Mr. HATCH. Mr. President, I have to say that Howard Liebengood was one of my dear friends and I think he was a dear friend to virtually everybody in the Senate on both sides of the aisle. What a good man.

What can I say about Howard Liebengood? That he was a loving, caring family man who placed his lovely wife, Deanna, and their wonderful children, Howie, John, and Ann, above all else? That he was the consummate Capitol insider, who managed to retain humility and kindness while rising to the pinnacle of Washington's power structure? That he was an accomplished lawyer, businessman, and military hero who never forgot his small-town roots in this often heartless big town? That he was a man of faith, whose church was a source of strength in the hardest of times?

I can say all of these things—and more.

I have been proud and humbled to call Howard Liebengood a friend. He was a trusted adviser to me and so many other Senators. He was my neighbor in Virginia, and we often drove to work together. When I had my Achilles' tendon rupture—completely severed my tendon—Howard and I rode together every day. Those were some of the most wonderful times I've had.

We shared some wonderful times; I always looked forward to his keen observations and his wry good wit and very strong intelligence.

I knew what many in this body knew about Howard, that we could always count on him to listen, and care, and act—not in his own self-interest, but for the greater good.

Howard was so successful in our world, yet he was never driven by money, fame or desire.

His many accomplishments—the Bronze Star, his work in the Senate on the Watergate Committee, as our Sergeant at Arms, as Chief of Staff to two of our greatest Senators—tell volumes about Howard, but they do not reveal the inner peace and calm that made him such a wonderful, wonderful part of this institution, a tribute to all that is good in public service.

What more can you ask in a man?

Nothing.

Howard did it all.

Howard had it all.

His loss is so great. Our loss is so great. This body will mourn his loss for so many years to come.

I know all here today join in sending both our deepest sympathies to the Liebengood family, and our profound admiration for Howard S. Liebengood—husband, father and trusted public servant. I knew him personally very well. He was kind. He was considerate. He was helpful. He was always down the middle. He was someone to rely on.

Let us celebrate his life today and all that was so good in this man, even as we mourn Howard S. Liebengood's tragic passing at too early a time.

The PRESIDING OFFICER. The distinguished Senator from Tennessee is recognized.

Mr. ALEXANDER. Thank you, Mr. President.

Mr. President, last week Howard Liebengood's best friend, former Senator Fred Thompson, spoke eloquently about his life with Howard over the last 30 years since their time at Vanderbilt Law School. Marty Gold, whom all of us know, spoke about Howard Liebengood in a little different way. The majority leader spoke about him today in still a different way from the experience he had with him in the last few years and especially the last 2 as his chief of staff. Senator HAGEL and Senator HATCH had something to say, and many others will. So the question might be, What could I add to these eloquent words? What I can add today are some of Howard's own words.

Howard spent the last 2 years doing something that is very special in the Senate. He and my chief of staff Tom Ingram had lunch every week, and their stated objective, among all the other things, was to make sure the Frist staff and the Alexander staff didn't compete with each other but worked together to serve the people of Tennessee.

That may sound to people outside the Senate like the way it always is, but that is not always easy to do. But I think it is fair to say—and a lot of this credit goes to the majority leader because of his attitude and his generous spirit and his unselfishness—our staff worked beautifully together for 2 years. We haven't competed with each other. That is because of the spirit of Howard Liebengood.

As a result, we invited him last September to our staff retreat. We wanted many of the staff members—some of whom are the age of his children or even younger—to hear from him how he views this Senate which was his home really for 30 years, why he loves it so much, and why he conducted himself the way he did in a world that is supposed to be cynical or cutthroat and competitive, where you take yours and the other guy gets his. That wasn't Howard Liebengood at all.

I have a copy of the notes Howard used for that evening. He went on for about an hour, and the staff members told me they wished he had gone on for 2 or 3 hours. He told stories about law school. He told stories about Fred Thompson, the Intelligence Committee, and about Howard Baker—many of the incidents which Senator FRIST talked about. But when he came to the end of his remarks, he said this. I believe perhaps the most important thing I can contribute to this discussion honoring our friend Howard is his own words about why he came and why he stayed in the Senate. He concluded his remarks to our staff last October saying this: "I came for a year."

This is when BILL FRIST asked him to come back.

"And I stayed two."

He said, "It is hard for me to leave the labor of love that is for me the U.S. Senate, the institution herself, in every way. From the people to the protocol and the opportunity to serve the people of Tennessee, I have relished every moment. How blessed I have been." Howard Liebengood told these young staff members, "throughout my life to have these exciting assignments, these remarkable colleagues, spectacular leaders, and challenging work—never a dull moment. I am forever grateful to Fred Thompson for bringing me here and to Howard Baker for keeping me here and being my personal inspiration, to the incomparable BILL FRIST, whom I admire and enjoy working with, and to my other friends with whom I have served. And finally I thank each of you for having me with you tonight."

The parting thoughts Howard Liebengood said to my staff last September were these: "Always be true to yourself. Trust your best instincts. Serve humbly and unselfishly. Distinguished Senator for whom you work and Tennessee at every turn. Relish your time here. Take pride in your work, but never be haughty. Look out for your colleagues at every turn. And walk with the Lord."

He concluded: "With that formula my experience suggests that both Washington and life will treat you very well. Thank you for having me with you this evening."

I think all of us would say today that Howard treated Washington and life very well, and we are grateful that he came our way.

Thank you, Mr. President.

Mr. DURBIN. Mr. President, are there further tributes to Mr. Liebengood?

Mr. McCONNELL. Mr. President, I hope to say a few words about Howard Liebengood.

The PRESIDING OFFICER. The distinguished Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, I listened carefully to Senator ALEXANDER's observations about our good friend, Howard Liebengood. I first met Howard as he was leaving the Senate. I came here the year Senator Baker retired, and Howard was on the way out. I wasn't sure that I would get to know him because everybody even before I got here—it seemed like everybody I ran into—knew Howard Liebengood. He was part of this institution. He was on the way out as Senator Baker left.

In thinking about the last 20 years—that was 20 years ago—Howard Liebengood really never left the Senate. He was always in this town available as a resource to all of us. I called upon him frequently over the entire period when he was technically not working at the Senate but was in town and providing his good advice to anyone who would ask.

I say to my friend, the junior Senator from Tennessee, and to the majority leader, you were lucky that Howard Liebengood was from Tennessee. I wish he had been from Kentucky. He was a wonderful man and a great part of this institution that we will not soon forget.

I yield the floor.

Mr. DODD. Mr. President, I rise to speak in memory of Howard Liebengood, who passed away on January 13. The majority and minority leaders and other Members of this body have already spoken in Howard's memory. In addition to associating myself with their remarks, I would like to offer a few brief words of reflection on behalf of myself and my wife Jackie, who knew Howard well through her work for Senator Jake Garn of Utah.

As someone who essentially grew up in this institution, I have always had a great deal of respect and affection for the United States Senate. While some today may dismiss the notion as quaint, I continue to regard the Senate as a family—one where personal friendships can transcend ideological beliefs, and one that in its finest moments can rise above party differences to truly make a difference in the lives of the people whom we serve. It is in that spirit that I speak today in memory of Howard—a vital and well-respected member of this family for over 3 decades.

Howard served here in a number of capacities—as minority counsel to the Watergate Committee in the 1970's, where he worked closely with Senator Howard Baker; as Sergeant at Arms from 1981 to 1983; and finally, as chief of staff to Senator Fred Thompson and majority leader BILL FRIST. He also maintained his relationship with the Senate for many years working in Government relations for a variety of clients.

I came to know Howard in 1981 when I entered this body as a freshman Senator, and he began his term as Sergeant at Arms. I gained an immediate and lasting appreciation for Howard—not only as Sergeant at Arms, but as a human being.

The Sergeant at Arms in the Senate is a position that encompasses enormous responsibilities—from security, to printing and graphics, to technology, to recording, to financial operations. To put it quite simply, the day-to-day business here in the United States Senate depends on the Office of the Sergeant at Arms, and on the service of people like Howard.

Howard Liebengood was a man who loved this institution and who loved our country—and that love was reflected in the way he approached his work. Howard was a good and decent man whose humor, calm, and patience were well-known to all of us who were fortunate to know him. He was an individual who worked well with Senators and staff from both parties. Howard always impressed me as someone who cared more about the Senate, and the role it plays in our democracy, than he did about advancing any particular party's agenda. In all the positions he occupied in the Senate, he always cared deeply about the things that unite us as Americans, rather than those that divide us along partisan political lines. He understood that the strength of the Senate as an institution and its significance in shaping our history reside in the ability of its Members to reconcile differences for the good of our Nation.

This institution and our Nation are indebted to Howard for his years of service. I offer my deepest sympathies to Howard's wife Dee and their three children.

Mr. COCHRAN. Mr. President, I am pleased to join the distinguished majority leader, Mr. FRIST, as a cosponsor of his resolution honoring the memory of Howard Liebengood.

Howard was a good friend of mine and a very trustworthy officer of the U.S. Senate. I first go to know him when he worked as a member of the staff of the Senator from Tennessee, Mr. Baker.

He later served as Sergeant at Arms and Doorkeeper when Senator Baker was the Republican leader.

It was my pleasure to know Howard's family as well. His wife Deanna was a very important asset and an admired and respected member of the Senate family.

We will miss Howard's ready smile and his keen insight on the issues facing our country. He was truly a wonderful person and a loyal friend.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that the tributes to Mr. Liebengood have been taken from the morning business time allotted to the Republican side.

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. How much time is remaining on each side in morning business?

The PRESIDING OFFICER. There is 17 minutes on the majority side and 25 minutes on the minority side.

Mr. DURBIN. I ask unanimous consent that Senator COLLINS be recognized on the Republican morning business side, and I will follow her with the remaining time on the Democratic side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The distinguished Senator from Maine is recognized.

Ms. COLLINS. Thank you, Mr. President. I thank my colleague from Illinois for his courtesy.

(The remarks of Ms. COLLINS pertaining to the submission of S. Res. 8 are printed in today's RECORD under "Submitted Resolutions.")

Mr. DURBIN. Mr. President, I didn't know Mr. Liebengood, but I listened closely to the tributes made today. He clearly was an extraordinary person who touched the hearts of many in the United States on both sides of the aisle. There are so many like him who give a great contribution to this institution. I hope when the time comes they will receive the same memorial and tributes as Mr. Liebengood received today.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Illinois.

Mr. DURBIN. It is my understanding on the Democratic side we have 25 minutes remaining in morning business; on the Republican side, how much time remains?

The PRESIDING OFFICER. There is 5 minutes remaining on the Republican side.

SCHEDULE OF THE 109TH CONGRESS

Mr. DURBIN. Madam President, this is a critical day in the schedule calendar of the Senate. For those who follow the ebb and flow of business in the Senate, this is the kickoff, the tip-off, the first pitch. This is the week when we start rolling up our sleeves to get down to business.

Traditionally, the leaders on both sides, Republican and Democrat, announce their priorities, what they would like to see as the legislative accomplishments of this session. I am certain the list announced today by Senator FRIST and Senator REID are not exhaustive. There are many issues that were not included on either list that will certainly be discussed.

However, I think it is interesting what we find when we compare the two lists. On the Republican side, the No. 1 priority, the highest legislative priority from Senator FRIST, is what is termed the Social Security Solvency and Protection Act.

On the Democratic side, we have a different approach. Our first priority is the title of "putting America's security first, standing with our troops."

Both of these legislative proposals address important issues. No one argues that the Social Security system should not be carefully watched and that we should not address the law and change it from time to time. However, it is interesting that both President Bush and the Republican leaders in the Senate have decided the highest priority for this session is Social Security.

The reason why I find it interesting is that they prefaced this decision by saying we are facing a crisis in Social Security. Some use those terms. The President himself has called it a problem. Some have called it a challenge. But whatever your characterization, it is clear that the White House believes this is the issue that should come first of all issues that Congress might consider.

If we did nothing to Social Security, if we made no change whatsoever in the law—didn't change a comma, a semicolon, put a period at the end of the sentence, nothing in the law—Social Security would continue to pay out to over 47 million Americans every payment with a cost of living adjustment for 37 years from today. There is not another program in the Government that you can say the same thing about. There is no other program that you can say with any certainty is funded to be in existence 37 years from today.

Most other programs depend on the Appropriations Committee and the will of Congress and the leadership of the President for funding. Social Security, left untouched, is on track for 37 years of solvency. Why? Because in the early 1980s, leaders in Congress took a look at the Social Security system and said: We have a problem. The problem is, returning GIs from World War II, anxious to start their families, had a lot of babies in a hurry, the so-called baby boom generation. Those kids, first born after 1945, will reach retirement age and start showing up and asking for their Social Security checks. By our projection, we will not have enough money.

So in the mid-1980s, President Ronald Reagan, a leading Republican, came up to Capitol Hill, met with the House Democratic Speaker, "Tip" O'Neill, the leading Democrat of the day, and said: Can we come together and agree on a plan that will make sure Social Security is going to be able to handle the baby boomers. They sat down and went into a lengthy negotiation, a commission, debate, a study, and came up with a proposal. The net result of that proposal was to change the Social Security law in the early 1980s to make certain that Social Security would have a bright future.

In 1983, we passed this law which bought 53 years of solvency for the Social Security system. So we can say for more than half a century Social Security will be running in the black and not in the red.

What changes did we make? Some involve benefits, some taxes. Some were controversial; some were not.

When it is all said and done, we did the right thing. We took a program that was about 50 years old and gave it over 50 more years of life by reaching a bipartisan decision that would give to Social Security that bright future. That is what happened in the mid-1980s.

Now comes the President and his Republican friends in Congress saying: Stop; we have a crisis on our hands in Social Security. If we do not do something, and do it today, if we do not make dramatic changes in Social Security, it will not be there to pay the workers of tomorrow.

That overlooks the obvious. The Social Security Board takes a close look at the system and they tell us what we did in the mid-1980s still works today. We have at least 37 more years of solvency in Social Security. So there is no immediate crisis.

Is there a challenge? Yes, because in 2042, we have to change the law so that it brings in more money or in some way is handled in a different fashion so more people are covered. So 37 years from now, we have a challenge.

Can we do things today to address that challenge? You bet we can. We can make modest and commonsense changes in Social Security that will give it 20, 30 more years of life. That is a responsible thing to do.

Listen to what the White House is proposing that we do with Social Security. It is not a question of a modest commonsense change. It is a dramatic and some would say radical change in Social Security. What the White House is proposing is that we partially privatize Social Security. In other words, the workers who are paying into Social Security, instead of paying 6.2 percent of their earnings, would pay less—perhaps 4 percent of their earnings and then take the other 2 percent and put it into privatized accounts—into the stock market, mutual funds, something of that nature. The argument from the President's supporters is that this would mean they have ownership of their future because they are investing their own money.

There are several things on which the President has not given the details. By most calculations, taking money out of Social Security for privatization, partial or otherwise, means cutting the benefits of Social Security retirees. How can you take the money out of the system that we planned on using to pay retirees for the next 37 years without cutting those benefits? And, if you do not cut the benefits, how do you make up the difference? Some estimate the privatization of Social Security will cost us $2 trillion in the first 10 years.

Questions have been asked. I was at a meeting where questions were asked of the President: How will we pay for the $2 trillion? The argument is, we will add it to the national debt, the largest increase in the national debt in the history of the United States to privatize Social Security. Is that what we are bargaining for?

A lot of people have said if you increase the national debt, it means the United States has to borrow more money. Where do we borrow money? We borrow money from Japan and China and Korea, countries that not only lend us money for our debt but then expect us to buy more of their products in return.

So when you look at the imports coming into the United States from all over the world, they are coming in largely from countries that are buying our debt. So $2 trillion more in debt for future generations, $2 trillion more in foreign products coming into the United States. Lord only knows what it means to the future of our economy and jobs going out of the United States.

As you can see, this is a complicated issue and it is an issue that will be the subject of a long debate.

This is what I think. If privatizing Social Security means cutting benefits for the retirees in the future, if it means adding $2 trillion to the national debt to be paid for by future generations, it is not a good bargain. But it is the No. 1 priority of the Republicans in the Senate.

In fairness to the Republican leadership and to the President, we want to see the proposal. We want to see what the President is actually asking for. There have been a lot of press conferences. The President has ads on television now. He has been visiting different cities talking about privatization of Social Security. But we need to see the law.

What we think, though, is if you want a real crisis in America you can find it, a crisis that deserves our immediate attention. Allow me to start with health care. In the last few years—in fact, in the last 4 years—we have seen a dramatic increase in the number of uninsured Americans. Since President Bush took office, we have increased the number of uninsured Americans, those without health insurance, from 40 to 45 million. And the cost of health care has skyrocketed in America.

What is being done by this administration, by this Congress, to deal with the skyrocketing cost of health care? Virtually nothing. Why? Because in order to tackle this issue, you have to acknowledge the obvious. The market forces are at work, and the market forces are killing us.

The cost of health insurance continues to go up every year; the coverage goes down. Fewer and fewer people can afford it. Businesses are seeing these costs skyrocket, and they cannot be profitable because of these costs or they have to cut off health insurance. That is the reality.

The business leaders I speak to in Illinois, large and small, all tell me the cost of health insurance is the No. 1 crisis they are facing. Why isn't that on the list of the Republican leadership, to deal with the cost of health insurance and this health care crisis?

We believe on the Democratic side, and have a legislative proposal, to give tax credits to small businesses that do the right thing, that protect their employees with health insurance. That, to me, is a good tax reform. It accomplishes exactly what we want. It strengthens small business, the No. 1 generator of jobs in America, and helps them when they do the right and responsible thing by covering their employees. There are a lot of tax cuts people are talking about. You have heard a lot of talk on this floor about them. But this is one that makes eminent sense.

We also need to do something with the related issue of the cost of prescription drugs. A lot of people, including the Governor of my State, have proposed that we import drugs from Canada. Why in the world would this great country of ours be dependent on a smaller country, an important but smaller country, Canada, for our prescription drugs?

It is because, frankly, we are not importing prescription drugs from Canada. We are importing political leadership.

The Canadian Government had the political will and courage to stand up to American drug companies and tell them they could not continue to dramatically increase the cost of drugs for sale to Canadians every single year. The American drug companies said: All right, then we won't. But this Government and this Congress will not stand up to those same drug companies. As a result, costs skyrocket in America, and they are half that cost in Canada.

We believe until this Government and this administration have the political will to represent the American consumers and bring prices down, we have no choice but to turn to Canada and other sources of reimported, safe American drugs. We support that.

We also believe we need to monitor drugs more carefully. How many times have we heard the news in the last several weeks about the Food and Drug Administration discovering that a drug that had been for sale in the United States for a long period of time is unsafe, taken from the market? You have heard it, as I have, time and again. We make certain that drug approvals in this country are going to be handled in a way that will give consumers confidence in what they are buying.

The second issue is the one of education. Many of us voted for No Child Left Behind, the President's premier education program, expecting that once we identified the problems in American schools, we would provide the resources to deal with them. It did not happen. President Bush and the leadership in Congress refused to fund, to the authorized amount, No Child Left Behind, which meant that schools that were falling behind did not have money for smaller class sizes, for afterschool programs, summer programs, and tutoring. As a result, having identified the problems, we walked away from them.

We believe on the Democratic side that funding education across America is our highest priority. I just heard the Senator from Maine talk about Pell grants. I could not agree with her more. Pell grants are the way a lot of kids have a chance to get a college education. You know the story. Kids work hard in school. They graduate from college with $10,000, $20,000, $30,000, $40,000, $50,000, $60,000, $70,000 or $80,000 of debt, and these kids turn to the marketplace and say: I have to take the best paying job, if I can find one.

Pell grants mean students do not have to borrow as much money. The new rules from the Bush administration, just released, means fewer Pell grants will be available. In Illinois, 48,000 students will see their Pell grants cut because of the Bush administration proposals. And 1,450 will lose them entirely. That is not the way to encourage young people to pursue the education of their dreams, to prepare themselves for the 21st century.

We also believe, and Senator SCHUMER has been a leader on this issue, that families ought to have the tax deductibility of college education expenses. You can deduct the interest on your mortgage. Why? Because we want to encourage home ownership. Why wouldn't we say to families, you can deduct college education expenses so as to encourage your son or daughter to achieve their dreams with higher education? That is another type of tax reform which I think is very positive.

When it comes to economic opportunity, we believe we need to have a Federal minimum wage increase. The majority of workers on minimum wage are women, and the majority of those are women raising small families in a household that may or may not have a husband present. They are making great sacrifices, sometimes holding down two jobs. And for over 7 years, this administration has resisted, first in Congress, now in the Presidency, increasing the minimum wage. Try to live on the minimum wage as you know it today. It is virtually impossible. We think work deserves our dignified respect and deserves a dignified wage. We favor increasing the minimum wage.

We also want to deal with the exporting of American jobs overseas. Lou Dobbs talks about this all the time. You know what is happening. Good-paying manufacturing jobs are leaving America. Why are they going overseas? Well, sadly, our Tax Code rewards companies that send jobs overseas. That is wrong.

Secondly, we are not calling in the trade police on the countries that are violating trade practices and trade treaties. So when China manipulates its currency so it puts American businesses out of business and workers on the street, we do not hold them accountable.

The Democrats believe that should be a legislative priority. If we are going to have good jobs for our workers and those coming out of college, we have to stand up and fight for the jobs that are leaving America. That is a critical element.

Let me add to that list. I said at a press conference today, and I believe it, the political tsunami that is about to hit us in the United States relates to pensions and health care for retirees. Think about how many people in America worked a lifetime believing if they paid out of every paycheck a certain amount of money, that when they retired they would have a private pension plan taking care of them—thousands and thousands of Americans.

What is happening today? Those companies are going bankrupt. Those companies are in a position where they are trying to restructure and walk away from their pension requirements, walk away from health care retirements. The system we have set up in this country is not adequate to the task. So if we want to make certain these Americans have the retirement they planned on, we need real leadership here in Congress.

The last issue I will mention today has to do with reforming voting in America. I think the last election was better than the one before, not in the outcome—I saw that differently—but in the way it was handled. Yet in the State of Ohio, in my State of Illinois, in States around the Nation, voters walked to the polling place and many of them ran into obstacles they should not run into. We ought to make voting easier in America.

When an American citizen does the right thing and goes out to vote, we ought to say they are going to have a consistent law, a consistent standard applied to them, whether they live in Ohio, Illinois, Florida, Nevada, or the State of Washington. I think that is something we can do and should do.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Six minutes.

Mr. DURBIN. I thank the Chair.

Madam President, I would like to close on this note: There is a lot of discussion here, starting with the President's inaugural, about the whole concept of an ownership society. I think this is going to be the driving philosophy and the driving political force behind the Republican agenda. The concept is alluring because the concept says: Wouldn't you want to control your own future? Wouldn't you like to own your future as opposed to depending on the Government? You cannot be certain that Congress and the Government will come through for you. So wouldn't you rather own your own future?

Boy, that has a lot of appeal, particularly to young people who feel invincible, that just given a chance: Let me take the money, let me invest for my future, let me make these decisions. That is not a bad quality. It is an independence that we encourage in individuals, and it is certainly one that I support. But we should not overlook the obvious.

At the heart of the ownership society is the basic belief that we should just remember that when it comes to America, we are all in this alone. I do not think that is true. I think history tells us that standing alone there are some things we can do but other things we cannot do.

If you want to be successful in America, you need good health. Can you control your own fate when it comes to health care? Only if the system treats you fairly. If you happen to be somebody with a preexisting condition and no insurance company will offer you coverage, you are not likely to be treated fairly. If you happen to be one who comes from a family with some history of mental illness, you will find rank discrimination by hospitalization insurance companies right now.

The point I am making is this: We have decided that to make certain people have a chance in America to succeed when it comes to health care, there will be rules of the game, there will be laws in States, and laws in the Federal Government and agencies to enforce them. Ownership? Yes. To have ownership of your future, you need good health care. To have good health care, you need to have a government standing behind you and protecting your right to fair treatment when it comes to health care.

How about education? Do you want to go it alone with the ownership society? Well, you may need a Pell grant to get through school. I borrowed money from the National Defense Education Act to get through college and law school. Students find, over and over again, were it not for Government programs, they might not be able to go to school. You want to own your future? Then you need to have leadership at the Federal, State, and local level to give you the chance to borrow the money.

What about your pension that you spend a lifetime paying into, believing you own that? That is not Government. I own that. And then the company disappears or walks away from its obligation to you. What fighting chance do you have? None, unless there is a law that protects you and an agency that will enforce that law.

So when you hear this alluring prospect of an ownership society, understand we value individual freedom on both sides of the aisle, but we also understand that in many instances the strength of our Nation is when we stand together—for fairness when it comes to health care, for opportunity when it comes to education, to have protection when it comes to your pension and your future.

We need a balance. Walking away from Government, as an evil entity, is ignoring the fact that Government, in many instances, is just the American family at large. As my wife and I care for our children, we care for others in this country and those who are shortchanged by this system and who are not protected. Even if it does not affect me directly and personally, it affects this country, and it affects my future.

So I hope we can find some balance. I hope, when it is all said and done, we do not get so caught up in this alluring notion of the ownership society that we forget, as we are learning with our military, we have learned in our history, there are times when we need to stand together as a nation for fairness and for justice. We say here is security, opportunity, and making certain people have responsibility in their actions.

Madam President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, our time is almost up.

I am delighted to have heard the comments of the Senator from Illinois. I remember so well when we faced the problem of dealing with Federal employees back in the 1980s. We determined that a thrift plan was necessary. We encouraged members of the Federal employee workforce to set aside a portion of their income. For every $2 they set aside, the Federal Government agreed to match it with $1.

I think this thrift plan has proved to be a decisive factor in maintaining the employment of key employees because it gave them a chance to reach out and be part of the general economy, to invest in the issues that were covered by the thrift plan management group. I do believe it has been a successful venture.

I hope the exploration we make of the President's suggestion leads to a similar type of circumstance, to a similar development of the opportunity for everyone covered by Social Security to similarly participate in funds that are part of the general stock market, part of the general investments of the United States. So many investors now in our country participate in that way.

ORDER OF BUSINESS

Mr. STEVENS. Madam President, if there is no further business to come on this side—and I do not think there is—I yield back the remainder of our time and ask for the regular order.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Madam President, I yield back the remaining time on our side.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CARLOS M. GUTIERREZ TO BE SECRETARY OF COMMERCE

The PRESIDING OFFICER. Under the previous order, the hour of 3 o'clock having arrived, the Senate will proceed to executive session for consideration of Executive Calendar No. 1, which the clerk will report.

The legislative clerk read the nomination of Carlos M. Gutierrez, of Michigan, to be Secretary of Commerce.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate on the nomination, with 1 hour of debate under the control of the Senator from Alaska, and 1 hour of debate under the control of the Senator from North Dakota.

The Senator from Alaska.

Mr. STEVENS. Madam President, it is my intention to make a statement presenting the nominee's qualifications and the consideration the Commerce Committee gave to this nomination, to be followed by time that I will yield to the Senator from Hawaii, Mr. INOUYE. I hope that will be acceptable to Senator DORGAN. His time would start following Senator INOUYE's time, who I understand is on the way to the Chamber.

This was the first nomination that came before the Commerce Committee after I became chairman. President Bush nominated Mr. Carlos Gutierrez to be Secretary of Commerce on November 29, 2004. Mr. Gutierrez is the chairman and chief executive officer of the Kellogg Company, a major food products company based in Battle Creek, MI. The incredible story of how he got there, rising through the ranks, is a testament to the American spirit.

Shortly after Fidel Castro assumed power in Cuba during the Communist revolution, Carlos Gutierrez and his family fled their native country. They arrived almost penniless in Florida and, after several years, eventually settled in Mexico City. There at the age of 20, Carlos Gutierrez took a job selling cereal out of the back of a van to small grocery stores.

With a lot of hard work, 10 years later, he was general manager of Kellogg's Mexico division. Fifteen years after that, he was running the whole company. It is a great American success story by any measure.

Mr. Gutierrez's nomination comes before the Senate at a time of significant change in the American economy. The shock of September 11, 2001, a series of corporate scandals, and the spending pressure of the war on terror, including the Iraq conflict, have taken their toll.

However, the President's economic stimulus program, centered around tax relief, is helping our economy turn the corner. The economy has created more than 2.4 million new jobs since August of 2003—15 straight months of job gains. The unemployment rate is at 5.4 percent, down from 6.3 percent last June, and is below the average of the 1970s, 1980s, and 1990s. After-tax income has risen more than 10 percent since the end of 2000, and household wealth is now at an all-time high. Even the stock market has shown strong gains in recent months.

Secretaries of Commerce spend much of their time promoting American business at home and abroad. If confirmed, Mr. Gutierrez will have an impressive record of growth at his disposal.

There is much more to the Department of Commerce than representing America's economic interests. Most of the Department's budget is devoted to the National Oceanic and Atmospheric Administration. NOAA's role in predicting tsunamis was not well known outside of the Pacific coastal States before last month's devastating tsunami in Asia. The administration recently announced a strong proposal to improve detection and response to tsunami events along the U.S. coast. NOAA will be the lead in this critical endeavor.

Mr. Gutierrez has probably already learned more about fisheries than he ever expected. If confirmed, he will learn much more. The recent report of the U.S. Commission on Ocean Policy reaffirms the important role that domestic fisheries play in our society. Fisheries create jobs in rural communities and provide valuable protein in the world's food supply. The report of that commission highlighted the need to manage all fisheries in a sustainable, regional manner. And that is exactly what has taken place in the State that the occupant of the Chair and I have the honor to represent. Our State, with half the coastline of the United States, has led in developing new policies to protect and preserve the reproductive capability of the fisheries off our shore.

I commend the President for his Executive order creating a Committee on Ocean Policy within the White House. Those of us on the Commerce Committee look forward to working with the President and Mr. Gutierrez to ensure that our Nation's fisheries are managed sustainably, responsibly, and regionally.

On January 5, Senator INOUYE and I held a hearing in the Commerce Committee on this nomination. Mr. Gutierrez answered a variety of questions at the hearing and has since responded to many more written questions. The next day, the committee voted unanimously to report this nomination to the full Senate. I am here today to recommend the Senate's quick confirmation of this nomination.

I thank Mr. Gutierrez for his willingness to serve our Nation and the Department of Commerce, and I join in congratulating the President on this fine nomination.

Mr. Gutierrez has my strong support, and I do urge the Senate to vote to confirm this nomination as quickly as possible.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. INOUYE. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President. I ask unanimous consent to speak for 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. INOUYE. Madam President, I rise in support of the confirmation of Mr. Carlos Gutierrez to serve as our Nation's Secretary of Commerce. As Secretary of the Department of Commerce, Mr. Gutierrez will take over the helm of a very diverse department, for example, responsible for counting fish as well as people, predicting the weather, developing and promoting standards, technology, and promoting fair trade. This is a very difficult and complex appointment, but I believe Mr. GUTIERREZ's impressive background and experience will serve him well in this position.

He was born in Cuba. Mr. Gutierrez left Havana in 1960, shortly after Fidel Castro took power. Although he has no college degree, through hard work and perseverance, he rose from delivering corn flakes to small stores in Mexico City to the moment when he took over Kellogg's cereal and convenience food empire.

While at Kellogg, he revitalized the company and put it on a new path of success. Mr. Gutierrez will face a variety of demanding challenges during his tenure. But few are greater than addressing the administration's current record on trade. Just this month, our trade deficit hit an astounding and recordbreaking $60.3 billion, and I am certain that all of us will agree that this is entirely unacceptable. I would like to see the new Secretary lead the Department in an innovative and comprehensive effort to reverse the current trend. I can assure Mr. Gutierrez that this committee will be a committed partner in such an effort.

I urge my colleagues to support the confirmation of Mr. Carlos Gutierrez to serve as Secretary of Commerce.

I yield the floor.

Mr. STEVENS. Madam President, I yield such time to the Senator from Montana as he may desire to use.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. I thank the chairman of the Commerce Committee. I rise in strong support of Carlos Gutierrez as the next Secretary of Commerce. I applaud the President for this choice for many reasons. Not only is he a classic American success story, as we have heard from Senators Inouye and Stevens, but he is an example for all the opportunities that are afforded to Americans.

I am especially happy to see the President chose someone from a manufacturing background. He also has a background on the ground, so to speak. It is something to manufacture a product; it is also something to sell the product because we live in an economic system where nothing happens until a sale is made. Mr. Gutierrez understands both ends of that equation.

For a long time, and since I have been here, this is the first Secretary of Commerce who has an agribusiness background. Everything the Kellogg Company does starts in the ground. I am especially happy about that. I would hope we could work together. I have always said there is nothing wrong on the farm except we just don't get as much of the consumer dollar as we used to. We are going to work on that kind of situation.

The Commerce Committee oversees some of the most important and controversial issues that challenge this country and my State of Montana. With his commitment—I have yet to meet the man, but we have had an extended telephone call—to work with Congress on these issues, his quick response to the questions I sent to him, and the things he is going to be doing at Commerce, will put him in a position to assist many sectors of our economy. I would like to take a few moments and highlight some of them and where these issues will be discussed prominently in the upcoming session.

Let's start with one that affects my State, the timber industry and softwood lumber. Small mill operators in Montana rely on effective enforcement of U.S. trade laws, particularly against unfair trade acts, such as we have seen coming out of Canada. It is important that the Commerce Department ensures full enforcement of the trade laws in the softwood lumber sector, including selection of accurate subsidy measurement benchmarks. The 911 implementation was critical legislation. The enhanced 911 bill that passed the 108th Congress is now law. The law authorizes $1.25 billion in grants to build out lifesaving emergency location capabilities across the country. I can remember passing the 911 bill some years ago. I said then it is probably the best step that we have taken in public safety in a long time. These grants will be administered by a joint program office run by the Department of Commerce and the Department of Transportation. Basically, what it is, on your cell phone, you dial 911 to get emergency. Many years ago, that call did not know where to go. It could have gone anywhere. Today, it goes to the nearest first responder or communications center, no matter where you are in the country. They can also locate you.

ICANN reform. I am concerned about the organization that manages the Internet critical domain system. ICANN is falling victim to a little bit of a mission creep, turning into a mini-international organization. ICANN should retain its focus on technical coordination, which makes me all the more concerned that the Department of Commerce plans to abandon all oversight of ICANN next year. I urge the Secretary to review that issue closely and get back to Congress.

Our Nation's spectrum policy remains outdated, and I look forward to working with the Secretary in reforming that to keep pace with the communications revolution. Broadband expensing; the Hollings manufacturing extension partnership program; it is important that these programs move forward, with a good deal of interest coming from his Department.

Again, I want to reiterate my support for Mr. Gutierrez's nomination. I look forward to working with him on many of the challenges that my State and this country face under a vast umbrella called the Department of Commerce. That is what makes our committee probably one of the most exciting committees of any that operates in the Senate. I heartily support his nomination. He should be confirmed.

Mr. President, again, I applaud the President for his choice. Mr. Gutierrez certainly has a classic American success story and can be looked at as an example of how great our country really is and the opportunities it presents.

I am especially happy to see the President has chosen someone with a manufacturing background. I believe Mr. Gutierrez's tenure at the Kellogg Company will bring an important insight to the Department in an area that certainly needs attention.

The Department of Commerce oversees some of the most important and controversial issues that challenge my State of Montana. I appreciate Mr. Gutierrez's commitment to working with Congress on these issues, and his quick response to my questions following his hearing in the Senate Commerce Committee.

Mr. Gutierrez will soon be in the position to assist many important sectors of our economy. I would like to take a few moments to discuss some of the challenges, priorities and issues faced in my State and many others.

As you know, the U.S. timber industry jobs and operations, including small mill operators in Montana, rely on effective enforcement of U.S. trade laws, particularly against unfair Canadian lumber imports. In evaluating the extent of Canadian timber subsidies, for example, it is imperative that the Commerce Department ascertain the true market value of Canadian timber in comparison to timber pricing data that reflects full value. It is important the Department ensures full enforcement of the trade laws in the softwood lumber sector, including selection of accurate subsidy-measurement benchmarks. Mr. Gutierrez has indicated his support of full enforcement of trade laws in the softwood lumber sector and I applaud that support.

Mr. President, during my time as the Chairman of the Communications Subcommittee, I made it a priority to move forward and implement the deployment of universal broadband. Along with my colleague Senator JAY ROCKEFELLER we have pushed for legislation that would allow for broadband expensing. As you may know, broadband expensing would allow companies to accelerate depreciation of capital-intensive broadband equipment. I am hopeful the Department will provide assistance in passing this legislation as part of the President's vast broadband vision.

I also would urge the Secretary to devote his personal attention to an important issue regarding the future of the Internet. I am referring to the security of the Domain Name System, which is what ensures that each website address in the Internet resolves to a unique website reliably and securely. It is vital for the future of e-commerce, and those parts of the economy that increasingly depend on it, that this process work flawlessly. During the Clinton administration, a private non-profit company known as the Internet Corporation for Assigned Names and Numbers, or ICANN, was established to oversee the real technical challenges associated with managing the Domain Name System during a time of explosive growth and political challenges.

However, I am concerned, and I know some of my colleagues are as well, that ICANN may fall victim to "mission creep" in this case, the tendency for it to turn into a mini-international organization, and all the political baggage that comes with that. If so, ICANN's actions could potentially go well beyond the narrow technical mandate that was envisioned for it at its creation. ICANN currently is subject to an agreement with the Commerce Department, and I am concerned that not enough high-level attention in the Department gets paid to this issue especially since, as I understand it, the Department of Commerce plans to abandon any and all oversight role over ICANN some time next year. I hope the Secretary will review this issue carefully and with all due attention to the national interest and to the interests of Internet stakeholders everywhere.

The U.S. Government has played a crucial and positive role in the creation of the Internet and in Internet governance, and I do not think that such a decision as this should be taken without thorough review and understanding of its implications. I hope that Secretary Gutierrez will take the initiative to understand this vital issue and consult with Congress closely on it in the coming years.

Finally, I would like to voice my support for the Hollings Manufacturing Extension Partnership which is administered at the Department of Commerce. Montana is a rural State but we have needs and opportunities that the Hollings Manufacturing Extension Partnership has addressed. In recent years, I have grown concerned for the programs advancement, but I am hopeful Mr. Gutierrez, with his manufacturing background, will see the important role the program plays in small States. It is important the Department ensures small manufacturers have access to technical and information resources to allow them to remain competitive.

Again, I would like to reiterate my support of Mr. Gutierrez' nomination and I look forward to working with him on many of the challenges my State and the country are faced with under the vast umbrella of the Department of Commerce.

I yield the floor and thank the chairman of the Commerce Committee for giving me this time.

Mr. STEVENS. Mr. President, we have no further speakers on this side. I reserve the remainder of our time.

The PRESIDING OFFICER (Mr. VITTER). The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, it is my intention to support the nomination of Mr. Gutierrez to be the Secretary of Commerce, an important position in this administration and for our country's economic well-being. However, before I do, I want to call the attention of the Senate to some important issues.

I come to the floor to speak at some length about a very serious problem: the burgeoning U.S. trade deficit. This is a deficit that fundamentally weakens this country, a trade deficit that last month alone was $60 billion, a trade deficit that will be something over $600 billion for the year 2004, when we finally get the year-end numbers. Despite this growing crisis in international trade, the Congress, the President, and virtually all of the official Government, seems to be willing to snore through all of this and pretend it does not exist.

I think it is fitting that we discuss this at some length at a time when we are putting a new Commerce Secretary in place.

Before I do that, let me talk for a moment about Social Security. In recent days there has been a great deal of discussion on that issue. The President indicated that this would be one of the first items we will be confronted with. He proposes to create private accounts in the Social Security system, because he says there is a crisis in Social Security. Well, there is not a crisis in Social Security. Let me make it clear. There is no crisis in Social Security. If we have the same economic growth rates in the next 75 years that we had in the past 75 years, Social Security will be just fine.

The only way there is a crisis in Social Security—or you can at least create the impression that there is a crisis—is if you attempt to project growth rates that are dramatically lower than that which we have experienced. If you are going to project lower economic growth rates—1.8 percent, for example—over the coming years, then you cannot predict that somehow investing money in the stock market through private accounts is going to solve any kind of problem.

It is interesting to me that the ethic and value system in America has been that if you are going to provide for your future, you save for retirement. The President is suggesting that we should borrow $1 trillion to $3 trillion and dump it in the stock market and hope things will be all right. Even as we do that, the amendment leaked from the White House says we will cut Social Security benefits by changing the adjustment on wages and prices. The construct is this: Claim there is a crisis where there is not, and borrow $1 trillion to $3 trillion and put it into the stock market at the same time you cut Social Security benefits.

In my judgment, that is a bad policy, one we ought to resist. It is important for people to understand the Social Security system is not an investment program; it has never been that. It was created in the 1930s and signed into law by Franklin Delano Roosevelt to help the elderly escape the plague of a poverty-ridden old age. When he signed that bill, 50 percent of America's senior citizens were living in poverty. Now it is less than 10 percent. But it is not now and has never been an investment program. It is a core insurance retirement program. It is the foundation of retirement security. It is always there, not subject to risk. It is core retirement insurance. In fact, if you look at your paycheck, it says the money that comes out of your paycheck for this program is FICA. The "i" in the FICA is for insurance.

The President wants to confuse us by talking about investments. We have a Social Security program that is a core retirement insurance program. It has worked well for over 70 years. It lifted the hopes and lives of so many tens of millions of senior citizens out of poverty.

We have also, under the rubric of retirement incentives, created 401(k) programs and IRA programs and pension incentives, all of which represent investment accounts. I support those. But that is different than the core insurance program called Social Security. In my judgment, we ought to aspire in this Congress to be working toward Social Security-plus, not Social Security-minus. Those who say the way to build retirement security is to injure the foundation, or begin to take away the foundation that is Social Security insurance, do no favor to senior citizens. The way for us to enhance and embrace and strengthen retirement security is to build on the first, second, and third floors, not destroy the foundation.

Once again, there is no crisis in Social Security. Let me be the first to say that we are living longer, healthier lives, and so the problems that might occur 20, 40, 60 years from now in Social Security are born of success. We are living longer, healthier lives. And if you are a pessimist and believe we will have only 1.8 percent economic growth rates, which is what the basis is for suggesting there is a huge problem in Social Security—if you are a pessimist, then you can suggest there need to be adjustments in Social Security. But that cannot be a pretext for taking apart the Social Security system. That is what some wish to do. They never liked it, don't like it now, and want to take it apart. How? They want to create private investment accounts inside the Social Security system, which is a big wet kiss to Wall Street to move money that is borrowed to Wall Street and hope that somehow the social program will be solvent.

We have already had substantial experience in the last several years with economic projections by the people telling us this will work. They inherited the largest budget surplus in the history of this country and we now have the largest budget deficit in history. They didn't see it coming. They said, by the way, let's count these 10 years of surplus before they exist and give them back in tax cuts. Some of us said maybe we ought to be more conservative. These surpluses don't yet exist. The President said never mind. Katy bar the door, give all these moneys back even though they have not been realized; give them back in tax cuts.

The fact is we turned the largest budget surplus into the largest budget deficit in history. The same people who predicted success for economic failure are the people telling us we ought to take apart the Social Security program under the guise of there being a crisis.

Let me make one additional point that I think is very important. Those who tell us that we will have only 1.8 percent economic growth for the next 75 years, and therefore we have a financing problem with Social Security, also say that private accounts in Social Security invested in the stock market will yield 7 percent. Therefore, it will fix the problem. Double-entry bookkeeping doesn't mean you can pretend. You cannot say on the one hand we are going to have slow economic growth, and therefore a crisis in Social Security, and on the other hand, during periods of slow economic growth we will have 7 percent annual return on private accounts. It doesn't work that way. Third-grade math will tell you that is fundamentally wrong.

My hope is we will have a thoughtful, interesting debate about retirement security and about Social Security. I hope at the end of that debate, we will all agree that we should do nothing to undermine Social Security. If we believe that there is nothing more important than our children and taking care of them, and nothing more important than taking care of our parents when they are elderly, we ought to protect the social safety net that promotes those values.

Social Security has lifted so many in this country out of poverty. It has worked for 70 years and it will work for the next 70 years and well beyond. I for one am not interested in taking apart that which works and which makes this a better place to live. After all, those who gave us what we now have in this country, who went before us and helped build this country, built our communities, factories, and our schools, and helped increase the standard of living, expanded opportunities for our country—those are the people from whom we have inherited this great life.

If we have decided somehow that we don't have the wherewithal to continue to make this Social Security system work for them, to keep it a promise they can count on, then there is something wrong with the value system of this Congress. I don't believe that to be the case. I think at the end of the day we will all agree Social Security is a value that is important, one we will strengthen and keep.

Enhancing retirement security is important as well and, at the end of the day, we ought to have what is called Social Security-plus. We can do Social Security, keep it strong in the long term, and build further incentives for IRAs, 401(k)s, and pension programs. That ought to be our mission statement.

Let me turn back now to the issue of international trade. We have before us the nominee for the U.S. Department of Commerce. That is one of the agencies in our country that deals with trade issues.

Mr. Gutierrez, President Bush's selection to head the Department, is someone whom I will support today. But I don't want this moment to pass without all of us having to confront something that is very uncomfortable for this country, and that is we have a trade policy that is weakening America and that is in fact a "crisis." I described where the crisis doesn't exist, in Social Security; but there is a bona fide crisis in international trade.

Last month, we heard a report that we had a $60 billion trade deficit—just last month alone, $60 billion. We are told that we should expect, when all of last year's numbers are in, that our trade deficit will top $600 billion. Add to that the budget deficit of over $400 billion, and we have a combined indebtedness of over $1 trillion in this past year alone—$1 trillion. Talk about being irresponsible with our kids' future. This is it. Yet, do you hear anybody talking about the urgency of this? Not a word. Not a whisper. It is like shouting into a strong wind to talk about trade.

Well, let's talk about some of the issues related to this soaring trade deficit. I am going to go through a series of examples.

The January 10 edition of Time Magazine had an interesting article in it. It says:

> Chinese pirate companies have long been accused of illegally copying easy stuff like shoe polish and digital movies. Now General Motors says a Chinese firm knocked off an entire vehicle—and Americans could soon start buying its cars.

So let's talk about that a bit. It is reported that a Chinese firm, called Chery, has stolen production line blueprints for a GM compact car called the Chevrolet Spark. It is a car that General Motors spent hundreds of billions of dollars to develop and the copy car is called QQ. It looks like an identical twin to the Spark. The Chinese company is now offering it for sale in China for $3,600, a third less than the General Motors car.

Chery, the automobile company in China, has now announced plans to sell five different models, including a sport utility vehicle, in the U.S. It teamed up, apparently, with Malcolm Bricklin, who brought the Subaru to America in the 1960s. Their plan is to import up to a quarter of a million Cherys a year starting in 2007. The Chinese want to send us a quarter million Chinese cars in a year.

Well, what to make of that? Let me describe a trade agreement that our country made with China a while back. We had a bilateral trade agreement with China. This is a country that had a large surplus with us. Our negotiators negotiated a deal with China. Inexplicably, they agreed to this. They negotiated a deal where the Chinese can impose a 25 percent tariff on any United States cars we ship to China.

But on any Chinese cars sent to the United States, we impose only a 2.5-percent tariff. So our negotiators said to a country with which we have a giant trade deficit: We will agree with you that you can impose a tariff on bilateral automobile trade that is 10 times higher than that we will agree to impose: 2.5 percent on Chinese cars coming into our country, 25 percent on U.S. cars that we try to sell in China.

You ask yourself: Who on Earth would have done that? I don't have the foggiest idea. Our trade negotiators did it. They apparently wear blue suits, they have tiny little glasses, they are supposed to think, probably have advanced degrees. And yet they close a door somewhere in a private room, someplace in secret, and reach a deal that says to the Chinese: on bilateral automobile trade, you go ahead and impose a tariff 10 times the tariff we will impose on automobiles between China and the United States.

Guess what. We sell very few cars in China. We cannot get them in, and the Chinese, having apparently stolen the designs on a new compact car from General Motors, are set to send us a quarter of a million cars.

Should we perhaps find out who negotiates this sort of incompetence so we make sure they never again negotiate on behalf of our country because this is not some theory?

This is about jobs. When you do this, it means you are reducing America's job base and enhancing the job base in other countries.

On a related note, in a recent year, we saw 690,000 Korean automobiles come to the United States to be sold in the United States. Guess how many American cars we sold in Korea? We sold 3,800. So Korea sent us 690,000, and we sold them 3,800.

There was a time during this period when Korean consumers seemed to want to buy a pickup truck called the Dodge Dakota. Several dozen orders for Dodge Dakota trucks were coming into Dodge dealers in Korea. Guess what. The Korean government decided to announce that the Dodge Dakota wasn't safe, because it was capable of having a topper installed in the back, and that wasn't customary in Korea. So they did a big splashy announcement, and before you knew it, all the orders were cancelled. Korean consumers got the message.

So in Korea they want to sell their cars in the American marketplace, but they do not want our cars sold in Korea. Will we say to the Koreans or the Chinese, for that matter, that either your market is open to our products, or you are going to have to see your products in Zambia or Nigeria? I don't think so because our country does not have the nerve, strength, will, or backbone to stand up for America's economic interests, for American workers, American businesses, and American jobs.

I want just one Member of Congress, in the House or Senate, to justify this to me—just one. Or to justify the circumstances of mutual automobile trade with China by which we agreed with China that we will allow them to impose a tariff that is 10 times ours on bilateral automobile trade. Just one person I would like to stand up and say: Yes, that makes sense. We know it doesn't make sense. We know it undercuts American workers. It moves American jobs overseas, and yet no one seems to care very much about it.

Here is another item in the news. There is a new report that talks about the export of jobs from this country to India. AMR Research estimates that the Indian information technology labor force will be larger than 3 million by 2010, and half the workers will be performing jobs for U.S. companies.

Let's talk for a moment about that: these information technology jobs that are being outsourced to India are good jobs. But there are some who think that this outsourcing is a good thing. In fact, the President's economic report to Congress said that, for example, having Indian radiologists reading x rays of U.S. patients would be a good thing.

What will happen to the 1.5 million Americans who will lose their jobs in information technology services to the country of India?

Well, one thing they will not be doing is producing merchandise for export to India. In 2003, we had a trade deficit with India. That same year the average duty, the average tariff on goods that we were to sell to India was 30 percent. According to the U.S. trade ambassador's office, India's economy is one of the most closed in the world and, thus, India's tariffs remain among the highest in the world.

Now the trade ambassador's office says the Indian economy has the most potential for U.S. exports. I expect that is true, because India has 1 billion people. One out of six consumers on the planet lives in India. It is the second most populous nation in the world. Yet where does it list on the U.S. export markets? Second, 5th, 10th, 15th, 20th? No, 24th.

In fact, we export nearly twice as much to Peru as we export to India. And yet we see all of these reports now about American jobs being sent to India. Apparently, the only thing we can send to India are jobs, not goods. India has a 105-percent tariff on cars and motorcycles—in fact, we cannot get motorcycles into India—40 percent on oranges, over 100 percent on raisins, 30 percent on soybeans, 100 percent on durum wheat.

You know, you can't have balanced trade these days, even if you want it.

A family in Illinois this year decided to do something different for Christmas. They decided they were going to ban China from under their Christmas tree. The mother decided that she was going to buy U.S.-made Christmas gifts. Peggy and Dave Smedley were going to buy American for Christmas.

Of course, that meant no iPods, no digital cameras, no tabletop football games. And in the end, it was nearly impossible for them to find the Christmas gifts they wanted for their children. They found a Monopoly board game that appeared to be made in the U.S. but they discovered the dice actually came from China. Their son wanted American-made boots, and Peggy Smedley looked in 30 stores for boots that were made in America before giving up. The Smedley kids were concerned they might not get any presents at all for Christmas because of their mom and dad deciding they wanted to buy American.

The 13-year-old Smedley son said he did not know what to expect because "I have never bought American before," which I suppose is an innocent comment from a 13-year-old kid about the world in which we live.

Levis used to be all American. They are gone. In fact, I am told that the Levis Company does not make any Levis anymore. The Levis Company makes no Levis. All the Levis are made under contract by contractors.

The Christian Science Monitor reported the other day something else that I thought was kind of interesting. One would have thought when they walked around with a pair of cowboy boots that they were walking in an all-American pair of shoes, but last month I noticed in the Christian Science Monitor even the cowboy boots now sport "made in China." Tony Lamas, top of the line cowboy boots, inside the label it may read "made in China." Thirty-five to 40 percent of these cowboy boots have now been outsourced.

I have spoken often of Fig Newton cookies. It used to be that Fig Newton was the all-American cookie. Well, next time somebody says, let us have some Mexican food, just say, give me a Fig Newton, from Monterey, Mexico. By the way, Kraft Foods moved the production of Fig Newton cookies to Monterey, Mexico. So eat a Fig Newton and you are eating Mexican food.

Fruit of the Loom used to be all-American underwear but not any longer. They are gone. Levis are gone. Huffy Bicycles are gone. Schwinn Bicycles are gone. Little Red Wagon Radio Flier is gone. They were all American, all made by Americans, all represented jobs for American families, and they are all gone.

Why is all of this happening? Well, what has happened is multinational corporations have discovered there are somewhere around a billion people available on this globe who work for a very small amount of money. There is someone in Indonesia today who is making a pair of shoes. There is 24 cents direct labor in that pair of shoes that will be sold in Pittsburgh, Fargo, or Los Angeles for $80 a pair, and that woman named Shadisha is going to be paid 24 to 30 cents an hour.

There is someone in China today who is making Huffy bicycles. That man or woman took the job of someone in Ohio who was making $11 an hour, plus benefits. They got fired. They lost their jobs because the Huffy bicycles were moved to China and now workers in China are paid 33 cents an hour. They work 7 days a week, 12 to 14 hours a day making Huffy bicycles.

The Little Red Wagon Radio Flier Wagon that has been made in American for over a century is gone. It is because corporations have discovered there are a billion people who will work for very little money. In some cases, they employ 12-year-olds. They work 12 hours a day. They pay them 12 cents an hour. If my colleagues do not believe it, I can show them.

The question is, What does all that mean to our country? What does it mean to the world's strongest economy? What does it mean when one hollows out the manufacturing base of a country such as the United States? What does it mean when we say to American workers that there is a new day and a new competition, when we say to the American workers, yes, for a century they fought for rights, some lost their lives in the streets of this country fighting for the right to organize; they fought for the right to work in a safe workplace; the American people fought for the right to understand that corporations and factories would not pump effluents and poisons into the air and water; we fought for child labor laws so 12-year-olds would not be sent down into the mines or into the factories? What does it mean when we are told it is a new day and none of those things matter because those who produce can produce elsewhere where no restrictions like that apply?

A kid can be hired and he can be worked 7 days a week and paid pennies. And it is said to the American worker, you must compete with that, and if you cannot compete, we are going to outsource, and if you do not like outsourcing, tough luck.

I am just wondering how all of this adds up. This country has been a wonderful country because going all the way back to when Henry Ford made the Model T he understood that production needs customers. Even as he produced, he was hiring workers and saying: I want to give workers a decent income with which they can purchase that which we are producing. He understood he was employing his own customers.

Now we have a different set of circumstances in our country. Now we have products made by child labor, in countries that pollute their environment, and we are asked to compete with that. After 9/11, when there was a surge of demand for American flags, do you know where they came from? From overseas. The import of American flags jumped to 113 million American flags in a year. And I bet you that many of those flags were made in conditions that would gravely offend the principles that the flag represents.

I will put up a chart that shows the growth of the trade deficits over recent years, because it describes what this is all about. Year after year, we see these trade deficits growing and growing. It is as if it does not matter. Nobody here cares. Nobody here has lost their job because of these numbers. There is not one politician in America who has lost their job to outsourcing. There is not one journalist who has lost their job to outsourcing of which I am aware. So it is as if it does not exist. It is just the other people who lose their jobs. It is people who take a shower after work because they sweat all day at work working long and hard on the factory floor and they are told somehow they cannot make it.

I have talked about Huffy bicycles. I received a letter from the Huffy folks that they were upset about the fact. They were a little huffy, as the saying would go, about my discussion.

In Ohio, workers used to make Huffy bicycles. In fact, Huffy bicycles had a little decal of the American flag.

I do not know any of those folks but my guess is that they loved their jobs. They made a great bicycle. They had 20 percent of the bicycle market in America. People could buy them at Sears, Wal-Mart, Kmart. I am sure that one day when they had to go home and tell their spouse, honey, I have lost my job, that it was a painful day. They had to tell their spouse and their families: I lost this job not because I was a bad worker—I worked for 20 years for this company; I did a good job; I produced a good product—but I lost my job because my company discovered they could hire somebody for 33 cents an hour to build that bicycle.

Incidentally, that bicycle took the American flag off the front decal and replaced it with a decal of the globe once they moved production to China.

What does all of that mean? What does it mean for our country? We are running giant trade deficits with virtually everyone in the world: China, huge trade deficits. This map shows the world, and it shows in red the countries with which we run trade deficits. It is unbelievable. Here is the United States. Of course we can't run a deficit with ourselves. We are running a surplus with Australia down here. We will probably fix that soon, as soon as the new trade agreement with Australia kicks in, because in almost every case, every trade agreement we have done turned out badly for this country because we don't have the backbone to stand up for the interests of our producers.

Australia, Egypt, Belarus—hey, look, we have a bright spot over here in Belarus—these are among the very few countries with whom we have a deficit. With almost the entire world we are running very large trade deficits: virtually the entire world.

How long will that last? Mexico is a good example. We had a trade surplus with Mexico—a small one, but a trade surplus. Then we did what was called the North American Free Trade Agreement, and this chart shows what happened. Right here is the trade surplus. Then we did a North American Free Trade Agreement. We had a bunch of these economists, who cannot tell their home address and can't remember their phone numbers, give us all kind of highfalutin' predictions about what is going to happen. They said this is going to be good for America; the only thing that will come into this country from Mexico with this trade agreement is the product of low-skilled, low-wage jobs. Guess what. The three largest imports into America are automobiles, automobile parts, and electronics, all the product of high-skilled jobs, exactly the opposite of what these so-called economic experts told us.

In the meantime, what happened with our trade with Mexico? We have a giant trade deficit, serious and growing.

Canada is another example. With respect to Canada, which was part of NAFTA as well, the trade deficit was a modest trade deficit when we started. Now it has grown into a very substantial trade deficit.

The trade deficit with China is a dramatic trade deficit and it is growing much worse. I just described part of the problem with China. You can see what is happening here to this country.

You can make a case, if you are an economist, that the budget deficit is money we owe to ourselves. You can make that case. You can't make that case with the trade deficit. The trade deficit is a deficit we owe to others in other parts of the world and will be paid inevitably with a lower standing of living in this country. It will. You cannot make any other case. That is why I come to the floor to say this is very serious and very troublesome.

I have not mentioned the Japanese. The Japanese are also a good example because every year, for well over a decade, we have had a large and abiding trade deficit with Japan. Japan, as you know, has managed trade. The result of managed trade with Japan is that the Japanese continue to keep certain of our products out, yet they want to ship all of their products to the United States.

I recall we did a beef agreement with Japan. About 15 years ago this country did a beef agreement with Japan. At the end of the beef agreement you would have thought we won the Olympics. Our trade negotiators were ecstatic, big celebration, jubilation, front page of the Washington Post, good for us. Guess what. Fifteen years after a beef agreement with Japan, a country with which we have a very large trade deficit—we still have a 50-percent tariff on beef going into Japan.

That would by any definition be a failure, but not with our country, because we have such low expectations of ourselves and such low expectations of our trade negotiators being willing to stand up for the economic interests of this country.

The list is almost endless. Wheat to China. I have spoken at great length about wheat to China, the promises of the Chinese to allow 8.5 million metric tons of wheat into China and, once again, promises that were not kept.

The list is virtually endless.

We have all these trade negotiators who go out and negotiate agreements. As I said, they wear blue suits and small glasses. My preference would be to put a uniform on them that says "USA" on the front, because I think they forget for whom they work half the time. But nonetheless they negotiate these agreements.

Even though in my judgment these agreements have been incompetently negotiated, they are supposed to enforce the agreements. But let me tell you what is happening in the Department.

We had roughly a $130 billion deficit with China previously. It is probably $160 to $170 billion just in the last year. Yet we have only 19 people in the Department whose job it is to enforce trade agreements with China.

We have a $66 billion trade deficit with Japan. There are only 10 people in the Commerce Department working on opening up trade markets in Japan.

We have a $13 billion trade deficit with Korea. There are 2¾ people—I don't know who the three-quarters of a person is—working to open up the Korean market.

Our deficit with the European Union is $77 billion. There are only 15 people working to open up the European markets. It is unbelievable.

As I have said, we fought for a century about the basic conditions of production and the basic rights of workers. We now accept into this country the products of working people who are told they will be fired if they try to start a labor union—just fired.

We accept products into this country that are produced by kids. We had a hearing in the Congress some while ago that was heartbreaking. It described children who, in a country far away from here, were making carpets and rugs. They were locked in buildings making these carpets and rugs. It described the conditions in which the employer took gunpowder and put it on the fingertips of these children and lit the gunpowder to produce scarring, so these young children, using needles to sew these carpets, when they stuck their fingers would not be injured. The scarring would allow these children to be more productive.

Is there an admission price to the American marketplace? Have we decided the 1 billion-plus people around the world under virtually any conditions of production are acceptable for multinational corporations to seek out and to employ to produce products that will be shipped into our marketplace? Is that what we want? Do we believe that is in the long-term economic interests of this country? Do we understand that it will injure this country's long-term economy? It will mean that we will hollow out not only the manufacturing sector but also the middle class in this country, because the jobs they used to expect, the manufacturing jobs that would pay well, with benefits, are not there. They have been outsourced for a quarter an hour or 50 cents an hour.

Those who talk about these issues are often called protectionists; xenophobic isolationist stooges who just don't get it.

The fact is, I am interested in protecting the economic interests of this country. No, I am not interested in protecting Americans from fair competition. I think competition represents something that is important to our producers as well because it makes them better producers. But fair competition is critical. I don't believe producers or workers in this country can or should be linked to competition with those in other parts of the world who can produce in circumstances where they pollute the air and water, hire children, pay pennies, and work in unsafe plants. That is why on trade agreements we have fought on the floor of the Senate to add provisions dealing with environment and labor, and we have been rebuffed at every circumstance and at every turn. We are seeing the results of that now—day after day after day.

I want to talk just for a moment about something else that Mr. Gutierrez will inherit at the Commerce Department. I know it is not quite the important issue that China, the European Union, Mexico, Canada, and Korea are with respect to trade, but I want to talk for a moment about Cuba.

Cuba is 90 miles off our shores. It is a Communist country. The fact is, we do business with Communist countries. We sell and buy from China, a Communist country. We do the same with Vietnam. We do that because our country's official policy is engagement through trade and travel. That is the way to move these countries in the right direction. We believe that very strongly. Republicans and Democrats claim that to be the case.

It seems to be different, however, with Cuba. Although we do business with Communist China and Communist Vietnam, Cuba seems somehow to be different.

Then Senator John Ashcroft and I offered an amendment on the floor of the Senate which became law. It became law after 40 years of an embargo in which we couldn't sell a thing to Cuba. Senator Ashcroft and I said it is immoral to use food and medicine as a weapon; that we ought to be able to sell food into the Cuban marketplace. So we got it passed. The provision was that the Cubans had to buy food with cash. But, nonetheless, we got it passed.

The Cubans have purchased nearly $1 billion worth of agricultural products from American farmers. But some in this administration have never liked that, and they are doing everything they can to derail and try to stop the sale of agricultural products into Cuba. We have had farm fairs and agricultural fairs in Cuba. The Farm Bureau, the Farmers Union, and American farmers and ranchers have gone to Cuba. Cuba has bought nearly $1 billion worth of agricultural products from this country.

Let me tell you what has happened. At an organization called OFAC, the Office of Foreign Assets Control, they have been doing everything conceivable to stop people from traveling to Cuba—yes, even to travel to sell agricultural products—and to stop the sale of agricultural products into Cuba.

I want to give an example of the absurdity of this. This is a young woman, Joni Scott, who is looking at a Bible. She is a wonderful young woman, a Christian woman, who went to Cuba to distribute free Bibles. Guess what happened to this young American woman who went to Cuba to distribute free Bibles? Our Treasury Department tracked her down and tried to slap her with a $10,000 fine. What was her transgression? Trying to distribute free Bibles in Cuba.

Or, I could show you a picture of Joan Sloat who joined a Canadian bicycle tour. What was her transgression? This 76-year-old grandmother rode a bicycle for 10 days in Cuba. They wanted to attach her Social Security through our own Treasury Department. The Office of Foreign Assets Control tracked her down and levied a big fine. What they are doing is unbelievable.

The Office of Foreign Assets Control in Treasury is supposed to be tracking the funding for terrorists. But let me describe the way they are using their assets. Twenty-one people down at the Office of Foreign Assets Control are tracking American citizens who are suspected of taking a vacation in Cuba. They are under suspicion of taking a vacation in Cuba—21 people. They have four people tracking Osama bin Laden's financial network. It is unbelievably dumb—the allocation of resources in this manner.

Why do I raise this? Because in the last 2 months or so the administration has decided they want to shut down the agricultural sales that do exist and can exist legally by reinterpreting when payment must be made and trying to create a circumstance that will wave off those who want to sell into Cuba.

Mr. Gutierrez and I had a discussion about that when he came to see me. He is probably going to have to follow the administration line. It is that our farmers ought to be penalized and ought to be prevented from selling into the Cuban marketplace. The European farmers can sell there. The Canadian farmers can sell there. We have a natural advantage to sell into that marketplace because it is closest to us. But this administration wants American farmers and ranchers to pay the cost of their foreign policy.

One day about 2 years ago, as a result of the legislation which I got passed, 22 train car loads of dried peas left North Dakota, the first shipment in 42 years into the Cuban marketplace. I am proud of that.

I think the administration ought to be ashamed at what they are doing. They are saying that trade and travel is the road to enlightenment and the road to democratic reform in China and in Vietnam, but it is not in Cuba.

It has nothing to do with common sense. It has to do with politics. The administration knows it, and they are doing everything they can to have American farmers and ranchers—for that matter, people such as Joni Scott or Joan Sloat—paying the price of that burden. It makes no sense at all.

My hope is that as we proceed, some small modicum of commonsense might infiltrate the basic trade policies that are debated both in this Congress and also in the administration.

It is not the case, for instance, that outsourcing of American jobs strengthens this country. The President's chief economic adviser said outsourcing is good. I guess it's good as long as he doesn't lose his job. The fact is, neither he nor people like him ever lose their jobs in these kinds of constructs. They never lose their jobs.

This is about working families, the kind of people who helped build this country of ours, the kind of people who value work. They are the ones who lose their jobs. They are the victims of unfair trade.

My hope is just once—perhaps just once—there would be some kind of fire alarm with a $60 billion-a-month trade deficit. But I hear nothing. There is this vast silence. I hear nothing about that being a crisis. All we hear is Social Security is in crisis, which, of course, is not the case.

My hope is that perhaps we can find a way in the coming months, we can wake up to the fact that there is a crisis in trade, and perhaps have the President call an emergency meeting of policymakers and decide what we do about this. But there is this vast silence about it. Nobody wants to talk about it. Again, I suspect it is because nobody here is losing their jobs. But this country will not long remain a world economic power if it doesn't put its fundamentals in order.

There is a wonderful book called "The Lexis and the Olive Tree" written by Tom Friedman. In it, he makes the point that just because there is a run on a bank, it is not about whether the bank is solvent or has a problem, it is about whether people perceive it to be solvent. He makes the point that market traders always perceive strengths and weakness. And when they move against your country and against your currency, beware.

This country cannot long exist with a $1 trillion annual shortfall. In both budget deficits and trade deficits, the fundamentals are out of line—completely out of order—and everyone here should know it. Yet we are waltzing around here acting as if nothing is happening. That doesn't serve this country's interest. We know better. The American people know better. Our trade policies are in serious trouble and deserve our full attention.

On behalf of American workers, on behalf of American businesses, and on behalf of the future of this great country, we owe it to our kids, we owe it to our future to address this important issue.

Ms. CANTWELL. Mr. President, I wanted to let my colleagues know briefly of the reasons why I support the nomination of Carlos M. Gutierrez to be Secretary of Commerce. The Senate will vote on this nomination later today. I had the opportunity to sit down and speak with Mr. Gutierrez at length. While he has limited experience with matters handled and regulated by the Commerce Department that are important to Washington, such as fisheries, aerospace, and telecommunication, I was impressed by his general business acumen and management skills. I also found him willing to be personally engaged and to engage others on issues outside of his area of expertise. I appreciate his willingness to serve, and I look forward to working with him in the future.

Mrs. FEINSTEIN. Mr. President, I want to share my views on the nomination of Carlos Gutierrez to become United States Secretary of Commerce.

Mr. Gutierrez's rise in the ranks at Kellogg Company—from selling cereal out of a truck in Mexico City 30 years ago, to serving as the company's CEO—is truly a remarkable achievement. Such business expertise will be pivotal for Mr. Gutierrez as Secretary of Commerce. In part, for this reason, I am confident that Mr. Gutierrez is a qualified candidate for this office.

Nonetheless, I believe that it is important to take note of the breadth of agencies and issues that the Secretary of Commerce oversees.

Advancing technology, trade, and business development are just a few of the important responsibilities that the Secretary of Commerce must assume. Particularly, in my home State of California, the Secretary has enormous influence.

The Secretary is responsible for the National Oceanic and Atmospheric Administration, NOAA, which is critical to our ability to make use of oceanic and atmospheric research. For instance, NOAA operates the National Tsunami Mitigation Program, which NOAA created in 1997 and maintains in the Pacific Ocean today.

The Secretary of Commerce also oversees the International Trade Administration—ITA. In agriculture, manufacturing and numerous other sectors, trade plays a vital role in the daily lives of Californians. According to the ITA's latest data, 55,421 companies exported goods from California in 2002. Of these companies, the overwhelming majority were small or midsized enterprises with fewer than 500 employees.

I believe that strengthening our relationships with trading partners is fundamental to the continued growth of California businesses. With the Secretary's leadership, fair and balanced trade policies will help California's markets increase our export capacity even further.

I applaud the nominee's openness in his previous statements on the need for reforming specific trade policies that need improving. I hope that Mr. Gutierrez will be a force for leveling the playing field for trade in the future.

Although his role representing Kellogg Company was decidedly narrower than that of Commerce Secretary, I expect that Mr. Gutierrez will weigh every position and consequence when considering trade policy. The people of California and the United States depend on it.

Much of the Commerce Secretary's time must be spent encouraging business development. Too many jobs go overseas and I believe that a robust policy to vigorously promote job growth should be a top priority for the Secretary.

Since 2001, over 2.7 million manufacturing jobs have been lost. We have also sustained net job losses in the private sector since 2001 and household median income continues to lag. We can and must do better.

Through agencies like the Economic Development Agency—EDA, the Commerce Secretary can be a real catalyst for economic growth. By funding public works projects and innovative enterprises the EDA brings opportunity to the communities that need it most.

I hope that as Commerce Secretary, Mr. Gutierrez will aggressively protect American jobs and encourage job creation, making full use of resources like the EDA.

The responsibilities of the Secretary of Commerce are complex and far-reaching, and this will certainly be a challenging position for Mr. Gutierrez.

There is a great deal of work to be done, and I look forward to a productive working relationship with Mr. Gutierrez.

Mr. CONRAD. Mr. President, today I want to share a few thoughts on the nomination of Carlos Gutierrez to be Secretary of Commerce.

The Commerce Department has responsibility for a broad range of important issues. Managing this diverse portfolio would be difficult in the best of circumstances. But there are a number of special challenges that make the job facing Mr. Gutierrez even tougher.

Let me start with trade. A couple of days ago, the Commerce Department reported that our trade deficit for November exceeded $60 billion. Twelve years ago, our trade deficit for the entire year was just $40 billion. Now, it is on track to exceed $600 billion. This course is unsustainable. If we do not start taking steps now to address this imbalance, we could face a collapse in the value of the dollar that would spark inflation, roil our markets, and dampen our economic prospects for years to come.

I hope Mr. Gutierrez will take this issue very seriously. We need to make it clear to our trading partners that it is no longer acceptable for them to devalue their currencies to gain a competitive advantage over American producers. We need to strictly enforce our laws against unfair trade practices. We need to insist that our trading partners comply with the trade agreements they have signed with this country. And we need to forcefully advocate for global trade rules that will unequivocally benefit U.S. businesses, farmers, and workers.

I want to touch on one issue in particular. During Mr. Gutierrez's tenure as CEO, Kellogg lobbied to increase sugar imports into this country. Sugar is a vital industry in my part of the country. The sugar industry pumps $2 billion a year into the economy of the Red River Valley in North Dakota and Minnesota. So it concerns me greatly when anyone suggests we should dismantle our successful sugar program to take in more foreign sugar. I had the opportunity to visit with Mr. Gutierrez a few days ago, and he has assured me he understands that as Secretary of Commerce he would be representing all U.S. businesses, including the U.S. sugar industry, and not just the interests of sugar consuming companies.

We also face big challenges on a host of domestic issues within the jurisdiction of the Commerce Department. For example, over the next 2 years, the Congress will be revisiting the 1996 Telecommunications Act. In the 8 short years since that act was passed, we have had a revolution in communications technology that will require us to rethink many of the rules we adopted then. As we do so, it is critically important that rural areas not be left behind. I have always been a strong supporter of the Universal Service Fund and the assistance it provides to North Dakota. I remain dedicated to making sure rural areas have access to innovative and affordable telecommunications technology, and look forward to working with Mr. Gutierrez on initiatives to close the technological gap between urban and rural areas.

Carlos Gutierrez brings an impressive business background to this set of challenges. Born in Cuba, raised in Florida, Mr. Gutierrez started his career working for Kellogg in Mexico. From that start, he was steadily promoted until he became chairman and chief executive officer. As CEO, he has been credited with turning Kellogg around. It is my hope that he will have the same success in turning around our trade policy and bring the same energy to tackling the domestic challenges under his purview.

Mr. LEVIN. Mr. President, I heartily support the nomination of Mr. Gutierrez to be Secretary of Commerce. In nominating Kellogg's CEO Carlos Gutierrez to be the next Secretary of Commerce, President Bush selected a Michigander who has a wealth of business experience both in the U.S. and abroad which gives him a unique understanding of our country's role and challenges in the global marketplace. He also has a proven track record of wise budget management.

Mr. Gutierrez represents the quintessential American dream, emigrating to this country with his parents at the age of 7 from Cuba and working his way up the ranks of the Kellogg Company, starting with selling Kellogg cereal from a van, stocking the shelves of his customers, to becoming the highly respected President and CEO of a top American Fortune 500 Company. His story is as American as Corn Flakes and baseball. He is a passionate fan of both.

Mr. Gutierrez's home is in Battle Creek, MI, a medium-sized, midwestern city in America's heartland. Mr. Gutierrez has a firm grounding in many of the values and strengths that make this country great. He also has a firm grasp of some of the challenges facing American manufacturers.

The U.S. has battled for decades to open foreign markets to U.S. goods. Carlos Gutierrez knows the ropes of those markets and can provide this Nation with that invaluable experience. I have confidence that he will recommend firm action both to pry open foreign markets now closed or partially closed to American goods as well as to reinvigorate America's manufacturing base.

The leadership that Mr. Gutierrez used to turn around Kellogg's financial standing is desperately needed in this country, which has seen high unemployment, record trade deficits, and an unprecedented loss of manufacturing jobs. Mr. Gutierrez will need every bit of his experience to meet the challenges of this new job.

We are facing a manufacturing jobs crisis in our country. The U.S. lost a record number of manufacturing jobs during President Bush's first term, 149,000 of which were in Michigan. Michigan's unemployment rate stands at 7 percent, the third worst State in the Nation.

Unfortunately, this crisis has been worsened by the administration's failure to fund many of the programs that could strengthen the manufacturing sector. The Commerce Department's Manufacturing Extension Partnership program, for example, which helps small and medium-sized manufacturing companies remain competitive and has led to $8.7 billion in sales and helped create over 100,000 manufacturing jobs in the past four years, faced an 88 percent cut in the President's 2004 fiscal year budget request and a 63 percent cut in the 2005 fiscal year request.

The President also proposed eliminating the Commerce Department's Advanced Technology Program, which encourages public-private cooperation and focuses on improving the competitiveness of American companies in the global marketplace. Manufacturing jobs pay high wages, provide health benefits and offer retirement security. We cannot afford to lose these good jobs or let them leave our country. I am hopeful that as Secretary of Commerce, Carlos Gutierrez will prove to be a strong advocate for these programs.

In addition to rebuilding our base of manufacturing jobs, we need to devise a trade policy that focuses on opening foreign markets rather than employing policies that encourage jobs to move overseas or tolerating foreign barriers to our goods and expanding trade deficits.

During his time at Kellogg, Mr. Gutierrez managed several of the company's international divisions, including serving as the general manager of Kellogg of Mexico, the president and CEO of Kellogg Canada, Inc., and the president of Kellogg Asia-Pacific. These experiences provide him with the expertise needed to address our soaring trade deficit and create a climate where U.S. products have the same access to foreign markets as we give in this county to foreign products.

The U.S. trade deficit has soared to record levels in the past 4 years. We have a failed trade policy as a nation because we have not insisted that our trading partners grant us true reciprocity and we have not forcefully implemented our trade laws.

The U.S. needs to fight much harder to open foreign markets to U.S. goods. In 2003, we had a $124 billion trade deficit with China, and it is expected to exceed $150 billion in 2004; we have a large and persistent automotive deficit with Japan; and we have tolerated currency manipulation by several of our trading partners who have rigged their currency values, making their exports artificially cheap and thus giving their companies a huge trade advantage and devastating U.S. workers, farmers and businesses.

We can reduce this trade deficit by insisting on a level playing field with our trading partners; by closing tax loopholes that provide incentives to businesses to move jobs overseas; and by supporting efforts to ensure that China complies with commitments it has made to the World Trade Organization.

We also need to adequately fund the Trade Adjustment Assistance program, which provides relief for small and medium-sized manufacturing and agricultural companies that experience loss of jobs and sales because of foreign imports. These are all areas that would come under Mr. Gutierrez's jurisdiction as Secretary of Commerce.

The nomination of Mr. Gutierrez is part of an overhaul of President Bush's economic team. I am hopeful that this reorganization also represents a new direction for the country, and that we are able to rebuild our manufacturing sector and reverse our trade deficit. Mr. Gutierrez's background at Kellogg has given him the experience to take the important steps that are necessary to begin to do that.

Mr. LEAHY. Mr. President, I am pleased today to express my support for the nomination of Carlos Gutierrez to be the next Secretary of Commerce. Mr. Gutierrez's personal history is remarkable. Born in Havana, Cuba, Mr. Gutierrez came to the United States at the age of six. He learned to speak English from a hotel bellhop and at the age of 20, he began working for the Kellogg Company as a truck driver in Mexico City. A little less than 25 years later, Mr. Gutierrez was in charge of the entire company as the chief executive officer and chairman of the board. As CEO, he quickly turned the battered and declining Kellogg into a strong, stable and increasingly profitable company.

While the next Secretary of Commerce will face serious challenges in coming years from a surging trade deficit to a depleted domestic manufacturing base to a weakened dollar—I am confident that Mr. Gutierrez is more than capable to do his agency's part in taking on these challenges. I believe that Mr. Gutierrez will bring the same type of leadership and determination to the Department of Commerce that he has shown throughout his career in the private sector.

I commend the President for making this nomination. Although Mr. Gutierrez and I may not agree on all economic issues, there is every indication that he will serve our country effectively and fairly as the Secretary of Commerce. I am proud to support his nomination.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of Carlos Gutierrez to be Secretary of Commerce. Mr. Gutierrez has set a great example for all Americans and has proved himself a true leader and visionary in the world of business. It is for this reason I fully support his nomination and I have no doubt he will be a truly superb Secretary of Commerce.

Carlos Gutierrez's story is truly inspiring and sets a wonderful example for all Americans. Born in Cuba, Carlos, along with his family fled to the United States in 1960 to escape the dictatorship of Fidel Castro. Eventually, the Gutierrez family chose to live in Mexico and settled in Mexico City.

At the age of 20, Carlos Gutierrez's journey through the world of business began when he took a job driving a truck for the Kellogg cereal company in Mexico City. Within 10 years, Mr. Gutierrez proved himself an invaluable asset to the company and was promoted to general manager of Kellogg's entire operation in Mexico. Only 15 years later, Mr. Gutierrez achieved the unthinkable and began running the operations for the entire company. This is truly a prime example of the American dream and definitively demonstrates Carlos Gutierrez's considerable talent for business.

I am also pleased by this nomination because of the diversity it adds to President Bush's Cabinet. This President has demonstrated a commitment to selecting Americans from all walks of life and ethnic backgrounds to serve him, and I believe that the selection of Carlos Gutierrez is a clear sign of the contributions that Hispanic Americans are making to our Nation.

I believe as Secretary of Commerce, Carlos Gutierrez will continue to display the values and leadership which have been prevalent throughout his career. I have no doubt that as Secretary of Commerce Mr. Gutierrez will be able to meet any challenge facing this country in the future.

Mr. HATCH. Mr. President, I rise to express my support for Mr. Carlos Gutierrez as our new Secretary of Commerce.

Considering the global nature of the marketplace, Carlos Gutierrez is an outstanding choice for Secretary of Commerce. Without a doubt, Mr. Gutierrez possesses the necessary skills to assume this important position. His skillful leadership has brought strong growth and success to one of the world's most notable companies. Because of his many years with the Kellogg Company, Mr. Gutierrez understands how to create jobs and foster greater opportunity for all Americans. I believe that Mr. Gutierrez will do an excellent job in creating conditions for economic growth and opportunity by promoting innovation, entrepreneurship, competitiveness, and stewardship.

Consumer demand, rising sales, and increased profits are creating confidence in the growing economy. For example, in my home State, the Utah Department of Workforce Services confirms that Utah added 32,200 new jobs in 12 months ending on October 31, 2004, and the Salt Lake City-Ogden metro area topped the list of U.S. cities in the growth rate of women-owned businesses. According to the Department of Labor, Utah ranks third in terms of the largest one-year percentage gains in non-farm employment. And, just recently, Forbes magazine named Headwaters, Inc., a Utah-based alternative energy technology company, as second of the top 200 best small companies in the United States. These are just a few of many indicators proving that President Bush's policies are succeeding in creating jobs and expanding the economy.

I look forward to working with Mr. Gutierrez, as he is undoubtedly qualified and prepared to take the helm of the Commerce Department. Of course, Mr. Gutierrez has many challenges ahead of him, but I am confident that he will serve our country with dedication and distinction.

Mr. FRIST. Fortune magazine describes him as possessing "disarming charisma, steely resolve, and an utter lack of pretension." The President of the United States hails him as a "great American success story."

It is my pleasure to support the nomination of Carlos Gutierrez, chairman and CEO of the Kellogg Company, to become America's next Secretary of Commerce.

Mr. Gutierrez is a true testament to the American Dream. From humble beginnings as a Cuban refugee, he has become one of the most respected and admired businessmen in America.

Mr. Gutierrez and his family fled Cuba when he was just 6 years old. His father ran a successful pineapple company in Havana. Then one day, there was a knock at the door. Fidel Castro's regime had named the elder Gutierrez an enemy of the state. Mr. Gutierrez's father was briefly imprisoned. The business was confiscated. Mr. Gutierrez recalls that, "We were on a plane right after that."

The family landed in Miami Beach in 1960. It was there that 6 year old Carlos learned English from hotel bellhops.

The family eventually settled in Mexico City, and at the age of 20, Mr. Gutierrez took a job driving a Kellogg van selling frosted flakes to small grocery stores.

Ten years later, he became general manager of Kellogg's Mexico operations. Within 3 years, he turned the Mexico plant from the company's least productive to most productive.

After stints in Asia and Canada, Mr. Gutierrez returned to the United States in 1990, and in 1999 became Chairman and CEO of the Kellogg Company.

In 5 short years, Mr. Gutierrez has steered the cereal maker into the number one spot in the U.S. cereal market. Under his leadership Kellogg has become a food industry powerhouse with industry leading sales growth.

Those who have studied his business techniques say that Mr. Gutierrez is successful because he is able to focus in on the key issues and convey his vision to everyone—from the assembly line worker to members of the board. He believes that every American should have the opportunity to succeed.

He also believes that America is, and should be, the best place in the world to do business.

Former Governor John Engler of Michigan, who has worked with Mr. Gutierrez, rightly points out that Mr. Gutierrez would be "the most international leader that Commerce has ever had."

Mr. Gutierrez says that one of his proudest accomplishments was helping his son and his wife become American citizens. From one American citizen to another, I can assure him the pride is mutual.

From his remarkable biography, to his meteoric success, Mr. Gutierrez is an inspiration to all. He took the American dream and ran with it—and, I should note, without ever having finished college.

I am confident that his accumulated wisdom, knowledge and skills will make Mr. Gutierrez an effective Commerce Secretary and eloquent advocate of our economic policies and ideals.

I urge my colleagues to support the nomination of this extraordinary American.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. How much time is remaining?

The PRESIDING OFFICER. The Senator from Alaska has 45 minutes remaining.

Mr. STEVENS. Has the minority no time remaining?

The PRESIDING OFFICER. Three and a half minutes remaining for the minority side.

Mr. STEVENS. Is it possible to get permission to yield back the balance of the minority's time?

The PRESIDING OFFICER. The Senator may ask consent to do so.

Mr. STEVENS. I ask unanimous consent all time be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I ask the Chair to put the issue before the Senate.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Carlos M. Gutierrez to be Secretary of Commerce.

The nomination was confirmed.

Mr. STEVENS. I ask that the President be immediately notified of the confirmation of this nominee.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. STEVENS. I ask unanimous consent there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STEVENS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Mr. President, I would like to exercise my right under morning business to make a comment on the Marriage Protection Amendment.

Does my colleague from Montana have a question?

Mr. BAUCUS. No. If the Senator will yield, I ask him how much time he might use?

Mr. ALLARD. Less than 10 minutes.

Mr. BAUCUS. I thank the Senator.

The PRESIDING OFFICER. The Senator from Colorado.

(The remarks of Mr. ALLARD pertaining to the introduction of S.J. Res. 1 are printed in today's RECORD under

"Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Who seeks recognition?

The Senator from Montana is recognized.

CONGRATULATING SENATOR VITTER

Mr. BAUCUS. Mr. President, first, I congratulate the present occupant of the chair on his election to serve the State of Louisiana in the Senate. I look forward to working with him, as all my colleagues do, and wish him luck while he is in the Senate. I know the people of Louisiana will be well served.

TRIBUTE TO ZAK ANDERSEN

Mr. BAUCUS. Mr. President, I also rise—in fact, it is the primary reason I am here—to recognize and thank a remarkable individual, a member of my team who has served our State of Montana in the Senate for more than 9 years, Zak Andersen.

Zak is leaving the post as my chief of staff to go to work for a government affairs firm that represents folks in Montana and the Northwest, The Gallatin Group.

Zak is a huge fan of that American icon Bruce Springsteen, who once said: "The door's open but the ride ain't free." The same could be said of Zak's last 9 years.

A graduate of the University of Montana, Zak first started working for me during my 1996 reelection campaign as a door-to-door canvasser. As a sign of things to come, he was quickly bumped up to field coordinator.

After the people of Montana, in 1996, decided to return us to represent them in the Senate, Zak came to work here in my Washington office, where he quickly moved from legislative correspondent, to assistant to the chief of staff, to legislative assistant, to legislative director, and finally chief of staff.

Zak also played a pivotal role in my 2002 reelection campaign, where again the people of Montana decided to return us, at that time with more than 60 percent of the vote.

Zak, of course, is a Montanan. He has an uncanny ability to read, follow, and know Montanans' real values—our hopes, our wishes, our fears, and our desires. And he uses that almost constantly to help our State.

Zak worked his way from field staff to chief of staff in 9 years' time. He likes to joke that he "went from garbage band to broadband" in less than a decade. That he did. In the process, he racked up a list of achievements too long to do justice here, but I will name just a few. Recognizing the need for action on improving our State's economic well-being, Zak spearheaded my economic development efforts and helped me organize the first ever Montana economic development summit in 2000. That meeting drew more than 1,000 people to Great Falls. That might not sound like a lot of folks back here, but in Montana it is. After that, he helped organize two more economic summits, both of which were huge successes and helped the people in our State get more good high-paying jobs.

Zak also helped me bring new businesses to Montana, companies like National Electric Warranty. He helped Montana businesses grow and expand, businesses like Zoot Enterprises and Summit Design. He should know that his efforts are not lost on the people who found good-paying jobs because of his work. Zak led the appropriations efforts in our office, during which time we got important Montana economic development projects funded, projects such as the Mariah II wind tunnel in Butte; the Fort Peck Interpretive Center, MonTec in Missoula and Tech Ranch in Bozeman.

Recognizing that methamphetamines have become a scourge in our close-knit Montana communities, Zak helped me wage a 2-year campaign—and boy it was tough; we worked very hard to get that done—to help me get five of our counties with the worst meth problems included in what is called the high density drug trafficking area, otherwise known as HIDTA. That is one of our great accomplishments, something of which I am proud, to help fight the scourge of methamphetamines. That has helped law enforcement officials in our State crack down on meth.

Zak also helped me work in this Chamber to pass big ticket legislative items such as tax cuts, Medicare improvements, and new Healthy Forest legislation. These are just a few of Zak's outright achievements. But it is the intangible abilities that I will remember most in Zak. I dare say most in our office will remember those best, too.

In particular is his amazing ability to quickly analyze an issue and break it down into pros and cons, both from the standpoint of policy and of politics. There are a lot of quick minds on Capitol Hill but Zak, to me, stands out as one of the very best, one of the brightest. Undoubtedly, that quickness of mind contributes to his sense of humor: a bit dark, extremely dry, ever present. Zak's sense of humor is rare. It is remarkable. He has used it to build bridges with the Montana delegation, to keep my office train on the tracks during some of the more bumpy times, and to mentor younger staffers as they learn the ways of working in this remarkable place.

We will also remember him for his elaborate practical jokes that often involve the whole office. But beyond that, we will remember Zak for his uncanny ability to get things done and his relentless commitment to Montana. His no-nonsense style, his can-do attitude helped me and others accomplish great things for our State and most especially for our people.

A humble guy from Helena, Zak embodies Montana—a very bright, talented, committed guy, hard working, genuine, and astute, and ever mindful of the fact that he is very lucky to be from and advocate for the greatest State in the Union. He is extremely loyal.

Zak loves his microbrews, Mr. Bruce Springsteen, a gin-clear trout stream, the Oakland Raiders, record stores, and University of Montana football. Most of all, he loves his native State of Montana.

Fittingly, one of his favorite authors is Cormac McCarthy. Many of the McCarthy books are about the American West and therefore not for the faint of heart. But they are also very real, sparsely punctuated, light on frills, heavy on matters of depth and critical thought—in other words, a lot like Zak.

As the pages of his life open to endless opportunity, we will all remember Zak: His remarkable abilities, his devotion to the State he loves; and his commitment to excellence in all that he does.

We will miss you, Zak. We will miss you in our office, but we are going to find you very quickly. You are still part of our team. And I thank you, Zak, so very much. Montana thanks you and a grateful nation thanks you for your service.

I yield the floor.

The PRESIDING OFFICER (Mr. CORNYN). The Senator from Alabama.

(The remarks of Mr. SESSIONS and Mr. WARNER and Mr. ALLEN pertaining to the introduction of S. 77 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. ALLEN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. AKAKA. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 13 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from Massachusetts.

DEMOCRATIC PRIORITIES AND VALUES

Mr. KENNEDY. Mr. President, today Senate Democrats introduced 10 bills that illustrate the priorities and values we intend to fight for in the coming months to meet our commitments to the American people. It is an agenda for a future of security, opportunity, and responsibility. The contrast with the Bush administration and the Republican leadership in Congress could not be greater. They say they are for ownership, but their vision means an America divided. In a society based on ownership, we are divided by winners and losers, rich and poor, a shrinking middle class, owners and those who cannot afford to own.

Republicans see the forces of globalization as a chance for greater profits at the expense of job and wage security for American families. Democrats are for opportunity for all. Our vision is for an America united to provide opportunity for all Americans and to fulfill the American dream.

We embrace the challenges of globalization not by lowering our wages but raising our skills to equip every American to compete for good jobs in the local economy.

I will mention three areas in which Democrats have introduced bills today that reflect our values and priorities. First, health care. It is an honor to join our Democratic leader and so many of our colleagues in introducing the Affordable Health Care Act in meeting our responsibility to the Medicare Beneficiaries Act. This Affordable Health Care Act states our strong commitment as Democrats to end the crisis in health care that affects every family. It is a downpayment on our commitment to quality, affordable health care for every American and we will not rest until that goal is achieved.

The worsening crisis in health care is caused by skyrocketing costs, declining insurance coverage, and less security for every family. Businesses, especially small businesses, find it increasingly difficult to provide decent coverage for their employees. Rising health care costs threaten the competitiveness of all American businesses. Even people who have health insurance today cannot count on it being there for them tomorrow. No American family is more than one pink slip or one employer decision away from being uninsured.

In the face of this massive crisis in health care, the administration and Congress have been missing in action for too long. The legislation we are offering today will not solve all of these problems, but it is a good start and we are committed to finishing the job. It will guarantee coverage for every child. It will lower prescription drug costs by allowing importation of safe drugs from abroad. It will improve the quality of health systems while reducing costs at the same time by adopting a modern information technology in health care.

Affordable health care is a high priority for every family and it should be an equally high priority for this Congress. We face a crisis and it is time to act. Senate Democrats are committed to guaranteeing the basic right to health care for all Americans and when we say "all," we mean all.

The legislation we are introducing today cuts the special interest deals out of the Medicare Program, addresses the troubling gaps in the Medicare drug benefit. Medicare is a solid commitment to our senior citizens, not a piggy bank for special interests, and it is time to fulfill that commitment.

Second is education. Our Nation's future depends on ensuring equal educational opportunities for all children. We must keep the promise to leave no child behind. For Democrats, this is not just a slogan. For us, it is a moral commitment. This year alone, the Bush administration underfunded No Child Left Behind by $9.8 billion, leaving 4 million children behind. In contrast, we propose fully funding No Child Left Behind and also keeping our promises to disabled children by fully funding the Individuals With Disability Education Act.

We also recognize that what we do for children's early education and development does more to ensure their success later in school and later in life than any other investment. Democrats are committed to making this investment by expanding Head Start, early Head Start, and childcare funding. At the same time, we propose improving the quality of these programs by requiring improved standards for teachers and seeing that they are supported, trained, and adequately compensated to do the job.

We also must do more to ensure that America is globally competitive by raising our skills. To be globally competitive, we must also inspire a renaissance in math and science education in America so that all Americans are prepared for the jobs of tomorrow. Today, Democrats are taking an essential first step in winning the global and math/science arms race by making college tuition free for any young person willing to work as a math, science, or special education teacher. We must make the United States first in the world rather than 29th in math and science.

Finally, when it comes to jobs, the Fair Wage, Competition and Investment Act will help restore the faith of Americans that if they work hard and play by the rules they can live the American dream.

The bill raises the minimum wage to $7.25 an hour to improve the quality of life for 7.5 million workers. Despite Democratic efforts to raise it, the minimum wage has been stuck at $5.15 an hour for 7 long years.

And the bill will restore overtime protections for the more than 6 million Americans denied overtime pay and the guarantee of the 40-hour workweek by the Republican overtime rule. It will also expand overtime protections to cover additional workers.

The Democratic bill eliminates tax breaks for companies that ship good American jobs overseas. It requires companies that send jobs to other countries to provide advance warning to workers and communities.

The bill makes significant investments in American roads and waterways, broadband technology, and research and development to increase our competitiveness, improve the quality of our lives, and create new jobs to help make up for those lost under Republican leadership.

These are the kinds of initiatives that Democrats will fight for this year—initiatives that will expand opportunity, provide a secure future for our families, and improve the quality of life for all Americans.

THE PRESIDENT'S NOMINEES

Mr. KENNEDY. Mr. President, Jay Bybee, William Haynes, Condoleezza Rice, Alberto R. Gonzales—these four persons have three things in common. They were all high officials in President Bush's first administration. They were all key participants in the shameful decision by the administration to authorize the torture of detainees at Guantanamo and in Iraq and they have all been nominated by President Bush for higher office.

Jay Bybee, head of the Justice Department's Office of Legal Counsel, was nominated for a lifetime appellate court judgeship in the spring of 2002, before he wrote the now notorious legal memorandum redefining torture so narrowly that virtually the only victims who could complain would be dead victims. Mr. Bybee even went so far as to state that the President could simply decree that any action taken as the Commander in Chief was immune from challenge. Most people who later read that memo immediately rejected its conclusions. But not the White House.

Instead, when the Bybee nomination was not acted on by the Senate in the 107th Congress, President Bush renominated him for the same judgeship in the 108th Congress. Although we asked for Bybee's OLC writings we received nothing, thus the Senate knew nothing about the Bybee memorandum on torture, and his nomination was confirmed.

William Haynes was, and still is, General Counsel to the Secretary of Defense. As such, he had a personal role in deciding how far Defense Officials could go in interrogating detainees. But he had a problem. High-level military officers and top State Department lawyers were experienced in these issues and the treaties that governed them, and they were adamantly opposed to the extreme change in policy that he and the Secretary and the White House were seeking.

So he formed a "working group" of lawyers that excluded these dissenters. That working group's report adopted verbatim some of the most outrageous parts of the Bybee memorandum. In one memo, for example, Mr. Haynes told Secretary Rumsfeld that waterboarding, forced nudity, the use of dogs to create stress, threats to kill the detainee's family, and other extreme tactics not only do not violate the Uniform Code of Military Justice, but are "humane."

After he did that, the White House also nominated him to a lifetime judgeship on a Federal court of appeals. Fortunately, by the time the Judiciary Committee was ready to vote on his nomination in late 2003, we had become aware of some of his other controversial legal views, and the Senate did not confirm him. President Bush has chosen to renominate him, however, so the Senate will have another chance to review his role in support of torture.

Condoleezza Rice has been nominated to be Secretary of State, and we will consider her nomination later this week. As national security adviser she was clearly involved in the prisoner abuse issues, but because of the nature of her position, we know less about her role. Two of the members of the Foreign Relations Committee have voted against her nomination, and we will hear their full report in the coming debate.

White House Counsel Alberto Gonzales, as the President's chief inhouse lawyer, was at the heart of the debate, inside the administration, on prisoner detention and interrogation. Although he says he can't remember it very well, he apparently was the person the CIA contacted when they wanted to use extreme interrogation methods on those whom our troops and intelligence agents detained in Afghanistan and Iraq and elsewhere. He was the one who went to Mr. Bybee at the Department of Justice to obtain the notorious Bybee memorandum justifying the use of torture. He keeps saying he doesn't recall, but his office obviously helped Mr. Bybee develop the memorandum.

When Mr. Gonzales received the memorandum, he disseminated it far and wide in the military and elsewhere, although he can't remember how. For almost 2 years, Mr. Gonzales allowed this policy guideline to stand throughout the Government as the administration's formal policy on prisoner abuse. For almost 2 years it remained in effect, producing a system of detention and interrogation that the International Committee of the Red Cross, the FBI, the Defense Intelligence Agency itself found abhorrent to the rule of law. When the Bybee memorandum finally became public last summer, Mr. Gonzales attempted to distance himself and the President from it, but he didn't quite withdraw it.

Suddenly last month, the night before New Year's Eve, so late that most newspapers could not get the story in the next day's paper, Mr. Gonzales and his Justice Department and White House colleagues decided that the memo was so clearly erroneous and its standards so extreme, that it should be withdrawn altogether and replaced by a gentler version.

Members of the Senate have asked repeatedly for the relevant documents on all this. But we have not received a single one of the documents we need.

Four Senate committees have now considered some part of this issue. The Foreign Relations Committee had a brief opportunity to question Ms. Rice last week, but apparently not enough information on her involvement was available to assess her responsibility. The Intelligence Committee is still waiting to hear from the CIA on its role in the prisoner abuses, but as far as I know nothing has been forthcoming. Despite the initiatives and hard work of the chairman, the ranking member and many other members of the Armed Services Committee, Secretary Rumsfeld and his deputies have managed to stonewall and slow-walk us right through the election, and have used a series of separate investigations to propagate the original message that it was just a few bad apples on the night shift who committed the abuses.

We now are told that there was confusion and lack of clarity in the rules on interrogation without any indication of who was ultimately responsible, and without any accountability by those we know were involved, such as Mr. Haynes and Mr. Gonzales.

That leaves the Judiciary Committee, which is now considering Mr. Gonzales's nomination to be Attorney General. What standard should we apply to him? We know that rejection of a cabinet nominee is rare. In all of U.S. history, although hundreds of nominees have been stopped in committee or withdrawn by the President, only 9 of over 700 cabinet nominees have actually been rejected by the Senate. Two of them have been nominees for Attorney General. President Calvin Coolidge's nominee for Attorney General was rejected not once but twice and both times by a Senate of his own party.

Mr. Gonzales's case is a rare case in which a nominee may have been directly responsible for policies and resulting practices that have been counter-productive, contrary to international standards and practices, harmful to our troops' safety, legally erroneous, and plainly inconsistent with the rule of law and the basic values which this administration prides itself on defending.

President Bush's Inaugural Address resounded with those values last week. "From the day of our Founding," he said:

> we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value, because they bear the image of the Maker of Heaven and earth.

The choice before every ruler and every nation, he said, is:

> the moral choice between oppression, which is always wrong, and freedom which is eternally right.
>
> America's belief in human dignity will guide our policies,

he said.

> Americans move forward in every generation by reaffirming all that is good and true that came before—ideals of justice and conduct that are the same yesterday, today, and forever.

Those are lofty values, and all of us agree with them wholeheartedly. But they were abandoned by the White House in its decision on the use of torture, and our credibility in the world as a leader on human rights and respect for the rule of law has been severely wounded. The cruelest dictators can now cite America's actions in their own defense.

How can we be true to our own oath to defend the Constitution, if we confirm as the highest legal officer in the land a person who may well have encouraged our basic values to be so grossly violated?

So far, Mr. Gonzales has not been responsive to our questions in the Judiciary Committee about his role. He still has time to clear the air, and I urge him to do so.

The position of Attorney General and the issues involved in this nomination go to the heart of our Nation's commitment to the rule of law. A nominee whose record raises serious doubts about his own commitment to the basic principle should not be confirmed as Attorney General of the United States.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

NOMINATIONS

Mr. CORNYN. Mr. President, I didn't intend to speak this afternoon, but after listening to the comments of the Senator from Massachusetts regarding four individuals, three of whose nominations are pending before this body, I believe a brief statement and indeed a brief correction of the RECORD are necessary.

I am well aware that in politics a charge unanswered is often a charge believed. Indeed, I think the practice is not too rare that some believe if you make the same erroneous charge over and over and over and over again despite the facts that eventually your opponent will tire and fail to correct the RECORD. I don't want to be guilty of that because I believe not only do the American people need to know the truth and not be misled, the nominees whose integrity has been impugned during this all too painful and sometimes even cruel process deserve better.

Obviously, the Senate in providing its advice and consent on the President's nominations should ask hard questions, and we should press for answers to those questions. But there does come a point where the process no longer becomes one that can be described as a search for the truth but, rather, becomes akin to harassment, and, unfortunately, I think that line has been approached.

Let me explain what I am talking about. The Senator from Massachusetts talked specifically about four individuals—Mr. Bybee, who is now a circuit court judge; Mr. Haynes, who is the general counsel for the Department of Defense; Condoleezza Rice who, as the Chair knows, we all know, has been nominated by the President to be Secretary of State, and whose confirmation we will debate tomorrow, and, finally, the name of Alberto Gonzales, currently White House counsel, having been nominated to serve as Attorney General. Those are the four individuals who are the object of his comments.

I want to be fair to the Senator from Massachusetts. Sometimes when I was listening to him I thought my hearing was betraying me. I was not quite sure what I heard was, in fact, what he was saying because it was so far from what I believe the facts to be. I believe, and the RECORD will correct me if I am wrong, he used words tantamount to authorize the use of torture. He did, and I wrote this down, speak of a "formal policy of prisoner abuse"—of course, all of which pertains to the allegations, indeed, the proof in some circumstances, of prisoner abuse at places like Abu Ghraib.

To conflate the acts of a few criminals with the acts of distinguished public servants who have disavowed any policy, any approval, of abuse or the use of torture as a policy of this Government, to conflate and somehow confuse and gloss over them and to suggest that indeed these individuals did somehow by their acts or inactions authorize the use of torture or condone, encourage, or create a perception that torture was okay, is just false. It is a story, but it is a false story. The American people should not be confused because the facts clearly point to the contrary.

We do know that the Department of Defense, pursuant to the investigation called for by Secretary Rumsfeld, has conducted eight investigations, three of which have not yet concluded, of the Abu Ghraib prison scandal. So far, the conclusion has been, as well as that of the independent investigations like that of former Defense Secretary Schlesinger, that the acts at Abu Ghraib are the acts of a criminal few on the night shift, not a matter of public policy of this Government or of the Department of Defense or any branch or agency of the Government.

Indeed, recently we saw the American system of justice mete out that justice in convicting one soldier, Graner, of abusing prisoners at Abu Ghraib and meting out a 10-year prison sentence in that connection.

It is not true, and the American people should not be misled or perhaps be given information that has no justification in the Record. It is unproven, these allegations. They are unjustified. Frankly, I don't believe it does this body honor to propagate these false allegations.

Everyone has a right to their opinion. I know some of the speakers who are so concerned from time to time about what happened at Abu Ghraib, as we all are, disapprove of this Nation's policy in the first place in going to war in Iraq and removing Saddam Hussein. Somehow, and this is unthinkable to me, they actually think that the world would be a better place with Saddam still in power. I disagree. Not only is the world a better place with Saddam in a prison cell awaiting trial, but the American people are safer and the people of Iraq now have the hope of a free, fair election in the next week or so leading, we all hope, to a free and democratic Iraq.

While everyone has a right to their opinion, no one has a right to distort the facts. Unfortunately, when it comes to the involvement of these four individuals—Mr. Bybee, now Judge Bybee, confirmed by this Senate not too long ago by a vote of nearly 80 Senators; Mr. Haynes, who is the general counsel for the Department of Defense; and as I mentioned, Condoleezza Rice and Alberto Gonzales—the allegation that somehow they have been involved in a Government policy of condoning torture or authorizing prisoner abuse is just false. It is important to stand up and say so.

Our disagreements about policy, indeed, the foreign policy of this Government, whether it be authorizing the use of force or whatever the issue may be, cannot be used as an excuse to make such scurrilous allegations against public servants who I believe are trying to do their best. If, in fact, somehow this administration and these individuals who are engaged in important public policy decisions did not care one whit about what the law is, what the definition of torture is, and how we can avoid somehow engaging in this sort of illegal and heinous act against any human being, why would they research the law? Why would they write lengthy legal memoranda? Why would they have debates among themselves about what the law is and what Congress proscribed—indeed, what our international treaty obligations proscribe in this area. They would not. You would not be so scrupulous and so careful about what the law provides if you did not care about following the law. That has been what these individuals and this administration and this Government have tried to do under very difficult circumstances.

In conclusion, I hope our disagreements about some aspects of our Nation's foreign policy, our policy in Iraq, should not be license to distort the facts and impugn the character of these nominees. Three are nominees, one already has been confirmed. We know Mr. Haynes has been renominated by the President to serve as a circuit judge. We know Condoleezza Rice's nomination to be Secretary of State will be debated tomorrow in the Senate.

Finally, I expect on Wednesday Judge Alberto Gonzales will be voted out of the Judiciary Committee and that nomination will soon come to the Senate.

It appears the opponents of this administration and its policies will pass no opportunity to continue to repeat false charges which cannot be borne out by the facts and which I think need to be corrected.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STEVENS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 49 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. STEVENS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIORITIES OF THE DEMOCRATIC CAUCUS

Ms. STABENOW. Mr. President, I rise to speak to the American people about the values and priorities of the Senate Democratic caucus. Today Senate Democrats introduced 10 ambitious leadership bills that will make our country more secure, expand opportunity for all, and honor our responsibility to future and past generations.

The Democratic agenda stands in stark contrast to the priorities advanced by Republicans. Democrats understand that putting America's security first means providing troops and their families with the resources they have told us they need to protect our freedom. Where Republican mismanagement has put our country's security at risk, Democrats will stand with our troops and step up efforts against terrorists by targeting and shutting down the institutions that create them. Where Republicans have stood with big corporations and put the needs of the special interests ahead of the American people, Democrats will work to expand opportunity for families by bringing down health care costs, strengthening education, and creating good-paying jobs.

Democrats will promote fiscal responsibility in Washington with a return to commonsense budgeting. But our most urgent priority is to protect our Nation's security. That is why we will stand up for our troops. We believe that putting America's security first means standing up for our troops and their families. We will work to increase our military end strength by up to 40,000 by 2007, and we will create a Guard and Reserve bill of rights to protect and promote the interests of our dedicated citizen soldiers. That includes making sure our troops have the body armor and equipment they need and that their families receive health care and their pay on time while their loved ones are serving abroad. This bill would increase survivor benefits from $12,000 to $100,000 for their families, if, God forbid, a loved one loses his or her life while serving our country.

We will also target the terrorists more effectively. We will keep America secure by stepping up the fight against the radical terrorists. We will work to increase our special operations forces by 2,000 to attack the terrorists where they are and to protect our freedoms here at home.

Democrats are also united to ensure that the world's most dangerous weapons stay out of the hands of terrorists. We will expand the pace and scope of programs to eliminate and safeguard nuclear materials, enhance efforts to keep these and other deadly materials out of the hands of terrorists, and assist State and local governments in equipping and training those responsible for dealing with the effects of terrorist attacks involving weapons of mass destruction.

When our veterans come home, we will not abandon them. We will keep our promise to them. We now have a new generation of veterans returning from Iraq and Afghanistan. We will ensure that all veterans get the health care they deserve. We will make sure that no veteran is forced to choose between a retirement and a disability check.

We will also make the same commitment to the soldiers of today that was made to past veterans with a 21st century GI bill. We understand that one of the most effective ways to increase opportunities for our families is a high quality, good-paying job. The promise of America is that if you work hard and play by the rules, you should have a real opportunity to provide for yourself and your family. For too many Americans, this promise is out of reach today. We must ensure that it is within their grasp.

We must expand economic opportunity for all Americans by protecting American workers and ensuring that we are creating good jobs for today and for the future. Our plan creates new jobs with an expansion of infrastructure programs, encourages innovation, and ensures fair wages. It also eliminates tax incentives for companies that move jobs overseas. It ensures that we enforce our trade policies.

The Stabenow-Corzine bill ensures fair wages for our American workers. It restores overtime wages to 6 million workers and increases the Federal minimum wage over the next 2 years so that we can ensure a livable wage for every American worker. These are the people who serve our food and stock the shelves of our local grocery stores, care for our children and our elderly parents, and it is incredibly important that we honor, respect, and support them and the dignity of work.

It also provides relief to multi-employer pension plans to make them more solvent. These plans are used predominantly by small businesses to provide pension benefits to an estimated 9.7 million American workers. The Stabenow-Corzine bill creates good jobs for today and new jobs for the future, with an expansion of infrastructure programs and the encouragement of innovation.

Across America, thousands of infrastructure projects, from our smallest rural communities, to our biggest cities, await the Capitol to move forward. Making these investments in our roads, bridges, and buses, will enable our quality of life to improve and protect public health and safety. These investments will also create a huge boost to our economy. For each $1 billion in investment, we create 47,000 good-paying American jobs.

We also need to make investments in technology. Too many communities, mostly in rural and economically disadvantaged areas, lack access to broadband Internet service. More and more, Internet access is a critical part of our economy and our schools. This bill expands broadband access to those underserved areas by allowing broadband service providers to immediately deduct one-half of the cost of their investment in equipment to provide broadband access to rural and underserved areas. This is not just the right thing to do, it is the smart thing to do. We are a nation of innovators, of ideas. The key to our economic strength is our leadership in science and technology.

The U.S. is losing ground today to our foreign competitors. Research and development helps create higher quality jobs, better and safer products and higher productivity among American businesses.

It makes permanent a tax credit for entities that increase their research activities, which is so critical; and it makes credit available for collaborative partnerships, for research done by a group of businesses or other entities. We also want to ensure that we continue to lead and educate future leaders in science and technology.

Our bill also supports increases in federally funded research at the National Science Foundation, the Office of Science at the Department of Energy, the National Institutes of Health, and the National Institute of Science and Technology, as well as investments in math and science and technology programs at our secondary education institutions.

The Stabenow-Corzine bill eliminates tax incentives for companies that move jobs overseas—a critically important feature today for workers in every State, and I would certainly say in my State of Michigan, where we make things. We make things and grow things and do it well, and we don't want to see incentives in our Tax Code for companies to move jobs overseas.

We must eliminate tax incentives that actually give companies a tax incentive to move production facilities and jobs overseas. It doesn't make sense to reward a company for moving jobs overseas and, in effect, for pushing the promise of America farther away, farther out of reach.

Let me give you an example. In Greenville, MI—I have spoken about Greenville many times on the floor—is Electrolux. In Greenville, MI, they had three different shifts going and added over $100 million in new investments in equipment at the Greenville Electrolux plant. They are efficient, effective, and they are doing the job. They are selling refrigerators. Electrolux decided they could make a bigger profit if they moved the plant to Mexico and paid $1.57 an hour and no health benefits. We are losing 2,700 jobs as a result of that and we, unfortunately, have incentives in the law today that encourage that to happen. That is wrong.

We need to tackle the issues of health care, and we are doing that in our legislation, with a lower cost for prescription drugs and a lower cost of health care for our businesses. Ultimately, we cannot compete and have a middle class in this country if we are telling everyone they need to work for $1.57 an hour in order to have a job and we will create incentives for their businesses to move to another country. Our bill would require companies to immediately pay tax on the profits they earn abroad for products that are imported back to the United States. We think that is fair.

The Stabenow-Corzine bill ensures that America has a trade policy that addresses our now record trade deficit by enforcing our trade agreements, maintaining a level playing field, and helping workers who have lost their jobs due to unfair labor practices of other nations. We are determined to pursue a trade policy that protects American workers and addresses our record trade deficit.

This bill requires the administration to identify the most important export markets that remain closed to U.S. products and provides the tools needed to open them. As I have said so many times, if we create a level playing field—all we ask for are the same rules. If we have the same rules for our businesses and our workers that we see in other countries, we will compete and we will win. But it is our job to make sure that happens. That is why this legislation also creates the office of chief enforcement investigator/negotiator, whose sole responsibility will be to police our trading partners' performance of their obligations.

This bill will force China to stop manipulating its currency and force China to choose between revaluing its currency to its market value or face a tough tariff on all Chinese imports to the United States, equal to the unfair trade advantage China currently enjoys.

Let me give you an example of what I think is important. There are many in Michigan, but let me share this. I met with a group of people from Rexair Company in Cadillac, MI, a couple of weeks ago. They produce vacuum cleaners. The company's vice president claimed that the Chinese-made motors for the vacuum cleaners are cheaper because of currency manipulation. The motor is $28.80 in the United States and $21.30 in China. The company would prefer to use U.S.-made motors, but they have to go with the lower cost alternative in order to be competitive. There is no reason for that difference, except for currency manipulation.

When jobs are moved overseas it doesn't just hurt individuals, it hurts families, communities like Greenville, MI, and it hurts all of us. Trade adjustment assistance has helped thousands of manufacturing workers get retraining, keep their health insurance, and make a new start. This bill will expand TAA to cover service workers who lose their jobs when companies move jobs overseas. It will also provide health coverage for unemployed workers who are in training programs so that they can complete their training and help rebuild communities affected by outsourcing or exporting jobs, by coordinating Federal, State, and local resources to develop a new plan and a new future for the people who live there. We have a ceiling of a national debt, but we don't have a ceiling on the U.S. foreign debt, or the annual trade deficits that feed it. That is wrong. It is irresponsible, particularly if you consider that America is now the world's largest debtor nation.

We will have serious consequences if our trade deficits continue. In the 109th Congress we are going to change that and put America on the path of a more responsible approach. Our bill will require the administration to convene an emergency interagency meeting and provide Congress with a trade deficit reduction plan, to lower debt levels below the statutory ceiling, whenever the overall foreign debt reaches 25 percent of our GDP or when the annual trade deficit reaches 5 percent of GDP.

Another component of expanding opportunity for everybody is to provide our children with the best education possible. We talk a lot about that. We have an opportunity in the 109th Congress to put in place those opportunities and mean it for our children.

That is why we are going to keep our promise to our children by increasing support for preschool education, fully funding No Child Left Behind, and improving its implementation.

We are committed to finally meeting the Federal commitment to children with disabilities. How long have we talked about that on the Senate floor?

We will also address the shortfall of math, science, and special education teachers by creating tuition incentives for college students to major in these critical fields. We will help expand educational opportunities for college by providing relief from skyrocketing college tuition, increasing the size and access to Pell grants, and supporting proven programs that encourage more young people to attend and succeed in college.

We will also work to make health care more affordable. Spiraling health care costs are putting the opportunity of America at risk, making it harder for families to buy health insurance and placing a difficult burden on our small and large businesses, our manufacturers, certainly.

We will address these concerns by making prescription drugs more affordable. How often have I spoken about this on the Senate floor? We will make prescription drugs more affordable through the legalization of prescription drug reimportation—in other words, allowing the pharmacists in America, in Michigan, to do business with pharmacists across the border in Canada and in other places where we know it can be done safely.

In our legislation, we will be making sure prescription drugs are safe by ensuring that drugs are monitored after they are approved for use. We will ensure all children and pregnant women will have health care. We understand how critical it is that we protect Medicaid and work with the States across this country to make sure that health care is available through Medicaid.

We will also reduce the growing cost of health care to small businesses by offering tax credits, while also modernizing health care to cut costs for patients and businesses.

While we are lowering health care costs, we are going to revamp the last Congress' Medicare bill—if we have the opportunity to do so, that is certainly our wish as Democrats—and take the special interests out of the Medicare bill by repealing the provision that makes no sense at all that prevents Medicare from negotiating the best possible price for our seniors.

While we will eliminate the slush fund for HMOs, we will also improve the prescription drug benefit by phasing out the current coverage gap where seniors pay a premium but do not get a benefit.

I am told that if, in fact, we negotiated in Medicare the same price cuts that we do through the VA for the veterans, we would not have a gap in the Medicare prescription drug law at all. There would not be a gap in benefit. We need to make that change so our seniors have the very best possible Medicare prescription drug benefit.

We as Democrats will work to lower Part B premiums so premium increases are not as steep as the one that took effect in January. We will address incentives that encourage employers to drop retiree benefits and ensure that our seniors will not be forced into HMOs while other seniors transition into a new benefit.

In the United States, the foundation of our incredible democracy is the fundamental right to vote. That is another important part of the legislative package we have put forward today. It does not matter if one is rich or poor, black, brown or white, all Americans have the right to one vote. It is the great equalizer. When one is voting and walks out of the voting booth, each one of us walks out as an equal. Unfortunately, we have had major problems in our voting systems in the last few elections, as we all know. We have determined, as Democrats, to reform the voting system in this country to create Federal standards for our elections and to be able to add verification, accountability, and accuracy to this system. Together we should be moving as quickly as possible to do this.

Our legislation increases access to the polls with election day registration, shorter lines, early voting. The bill also aims to modernize our election equipment and increase impartiality and provides the resources to our States to implement the bill.

While our agenda is ambitious, we have a plan to pay for every single initiative we are proposing at the beginning of this session, our vision of keeping America's promise.

Unfortunately, in the past 4 years, colleagues on the other side of the aisle and the administration have turned a large surplus, in fact the largest surplus in the history of the country, into the largest debt. We know that fiscal mismanagement today only leads to greater problems for our children and our grandchildren. It is our responsibility to address the fiscal irresponsibility of the current administration by imposing discipline today and we invite our colleagues on the other side of the aisle to make that a new priority, a fresh priority, in this new Congress. We are united to strengthen our budgeting rules that require the Government to live within its means.

The bottom line is that we today, the first day, we can introduce bills in the new session, have come together as Democrats to put forward our vision of keeping the promise of America. It is rooted in security. We must be safe. Our families must be safe. We must make sure we are providing all that we must for our troops and those who have served us and are now our veterans.

We are also committed to creating opportunity for everyone who works hard and plays by the rules, cares about their children, to create opportunity to be successful. We want everyone to dream big dreams and be able to reach for the stars and touch them and be successful within the American dream.

We also understand that when we create opportunity, with that comes responsibility. We each have responsibility to step up and work hard, but we also know we have responsibility for each other. We have responsibilities as parents to our children to create the security they need, the opportunity they need, and to instill responsibility in them, and that as a community we have responsibility one to another, just as we do for our family, and our country has a responsibility to make sure those opportunities are present.

This is an important day. It is the beginning of the new session, a new opportunity. We stand ready to work with the administration and our colleagues on the other side of the aisle to truly keep the promise of America, not just for some but for everyone in our country who is working hard every day and counting on us to make sure that dream is available and that promise is kept for them and their families.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

PRESCRIPTION DRUGS

Mr. DURBIN. Mr. President, many people recall that over a year ago there was a debate on the Senate floor about the cost of prescription drugs. It was a lengthy debate, and it involved a lot of concern about the fact that a lot of senior citizens find the life-protecting drugs they are taking to be too expensive.

We have known for a long time that Medicare, a very valuable Federal Government program, has been more than miraculous in its results. When it was instituted during the term of President Lyndon Johnson, there was hope it would help seniors pay for their medical bills and improve the quality of their lives. It has done that and more. It has become an extremely valuable program because seniors have used Medicare for access to doctors and hospitals, and the proof is in longevity. Seniors are living longer. They are getting better medical care. It was truly one of the best Government programs ever created, but there was a gap in those programs. It didn't cover prescription drugs for those who were not in the hospital. So seniors found that new drugs that kept them healthy and out of the hospital were too expensive. Some couldn't take the drugs because they couldn't afford them. Others had to make terrible life choices between their lifesaving drugs and basic necessities of life.

For a long time we have talked about establishing under Medicare a prescription drug program that would help these seniors—and disabled people, who also qualify under Medicare. The debate got started, and it looked promising. There was the belief that we were finally moving to a goal that we have talked about for a long time. Unfortunately, during the course of the debate there were political forces at work in Washington. That is not unusual. The largest political force at work was the pharmaceutical drug industry. They understood that if we gave to Medicare the power to bargain for senior citizens in America, that power would force the drug companies to reduce their cost, so the pharmaceutical companies, one of the most powerful lobbying organizations in Washington, successfully lobbied the Bush administration and supporters of the bill to prohibit Medicare from creating a drug benefit program under Medicare which would hold the drug companies accountable for cost increases.

They got the best of both worlds. They not only could continue to sell expensive drugs to seniors, there is no pressure on them to reduce the cost. Drug companies are very profitable, and they understood that with this change in the law, they would continue to make enormous sums of money off of seniors and the Government for a long time to come.

Some of us who voted against the program as presented by the President suggested that, unless there was some cost containment here, this program would break the bank; it would cost too much; drug prices would go up, and the Federal Government could not appropriate money fast enough to take care of it.

Then they started describing the prescription drug program, and it quickly reached the point that even a Harvard trained lawyer couldn't understand what it was all about. I have sat down with seniors in Illinois and tried to explain to them what this prescription drug plan was all about, and after a while they threw up their hands and said: Senator, wasn't there an easier way to do this? And the honest answer was: Yes, but we didn't choose that easier way.

Because of some budgetary considerations and political considerations, we created an extremely complicated program for senior citizens. That program ultimately did not reach a point where seniors approved of it. In fact, most of the seniors in Illinois who I talked to are not only skeptical of this program, they are critical of it. They are not sure it would really help them.

The administration—the President—was very smart. He decided to postpone the startup of this program until after the last election. He knew, and I am sure we all do now, that when this program starts a lot of seniors are going to see just how bad it is, how complicated it is, how uncertain it is, and because of those uncertainties many of them will be critical of the Congress that enacted the law and the President who presented it to us for enactment.

So at this point we have a problem before us, a program that is about to go into effect which has uncertain monthly premiums, has a so-called donut hole, which means it covers drugs up to a certain point in their cost and then leaves the individual senior citizens on their own for a period of time as they spend the money out of pocket and then comes back to cover them again. It also has some curious provisions where seniors cannot buy supplemental insurance to make up the deficiencies in the prescription drug bill. They are banned, prohibited. It also expressly says Medicare cannot create its own prescription drug company and bargain for senior citizens—once again to protect the profitability of pharmaceutical companies.

As bad as this bill was, we were waiting for the regulations written by the Bush administration which would spell out the details of how this process will work. Last Friday the Bush administration released 1,500 pages of new rules and regulations related to the new Medicare prescription drug program—1,500 pages. I can remember when President Reagan showed up for the State of the Union Address with a huge copy of a bill we had just passed, an appropriations bill, slamming it on the desk saying what an embarrassment it was to the American people that we would have a bill of such complexity and magnitude. Here we have the regulations for the prescription drug bill, an already complicated bill, 1,500 pages in length. When you look at the details of this prescription drug benefit, you understand why many senior citizens are skeptical.

Sally Mitchell is a 66-year-old widow who lives in Aurora, IL, and takes three prescription medications every day. She told the Chicago Tribune that she:

> wished Medicare would come up with something that would be easier for people to understand and use.

That is not an unreasonable request from Mrs. Mitchell. In her words, she went on to say:

> If it's too much work and too much stress, at my age it's not worth it for me to just save a couple of dollars.

That is what many senior citizens have found. As this administration came forward with discount cards and prescription drug benefits, a lot of them have said it is not going to work.

When you take a hard look at the philosophy driving this complicated bill, protecting this private interest group, you get further insight into the concept of the ownership society. This is the new concept. This is the brave new world we are hearing about, which says that basically the Government should not be making certain that there is competition for these drug companies. Let them own their products. Let them sell their products. The Government should not be standing in the shoes of the senior citizens who need these prescription drugs, understanding the complexity of the system and the cost of the system. No, no, the Government should step aside. Let the seniors own the program.

I believe a lot of seniors are going to disown the program. The President tells us that turning America into "an ownership society" will solve our retirement security problems. Just privatize part of Social Security and give Medicare beneficiaries a voucher so they can buy private prescription drug coverage and the problems are solved.

But I think seniors see through this. They understand that what they are hearing from the administration about Social Security and Medicare does not give them peace of mind. If there are challenges in Social Security, they are in the distant future, as I said in an earlier floor statement: 37 years from now. If we are to make changes, they should be changes that don't cut the benefits for Social Security retirees and beneficiaries. They should not create an additional national debt of $2 trillion or more, but that is the projection coming out of the President's suggestions.

We will wait for the details. In fairness to the President, he should present this to us in its entirety. It is an interesting theory to think that we can start privatizing Medicare, Social Security, Medicare prescription drug programs, but here is the reality: 1,500 pages of regulatory gobbledygook, big guaranteed profits for the pharmaceutical industry and the HMOs and insurance companies, and precious little savings for people like Sally Mitchell of Aurora, IL.

Why is this all so complicated and so costly? Because when the Medicare prescription drug benefit was designed, it was with the pharmaceutical companies and the HMOs in mind, not the seniors of America. Instead of simply offering a prescription drug benefit through Medicare and negotiating bulk prices, we divided the country into 34 pharmaceutical regions. This is a map that shows these regions. We are going to have to spend $300 million to explain to seniors what region they live in and who is going to offer prescription drug coverage in each of these regions.

Do you remember when there was a discussion about the Clinton proposal for dealing with the cost of health care? Senator DOLE and others came to the Senate floor with this flowchart which showed a spaghetti mess of lines going every single direction. That applies as well to this prescription drug benefit from the Bush administration. Each of the 34 regions on the map that I just showed you will have at least 2 private options for prescription drugs, either a prescription drug plan or an HMO. If there are two plans in each region, it means instead of the Secretary of Health and Human Services negotiating on behalf of 41 million seniors for lower drug prices, pharmaceutical companies will be negotiating with 68 private companies on behalf of seniors.

Think about your negotiating power at the table when you divide the number of seniors by 68 instead of having Medicare bargaining on behalf of all 40 million-plus seniors. Simple economics tells you, you lose your negotiating power when the number of people you are representing goes down, as the power of the pharmaceutical companies goes up.

What is worse is that private plans can change their drug formularies after seniors sign up, but the seniors are locked into it. That is right. If you decide you need to sign up for a prescription drug plan the President is proposing, and one of these companies decides it is going to stop carrying the drug that the doctor told you that you needed, you are still stuck with that prescription drug program you signed up for. So if you do your research and decide on a plan in your area because it offers a low price for a drug you are taking, you are locked into that plan, but it can drop coverage of your drug during the year.

The regulations released on Friday also govern bidding by HMOs wanting to contract with Medicare. The HMOs are divided into 26 regions. Although most seniors are happy to receive their benefits directly through Medicare, we will spend $14 billion over the next 10 years to expand coverage by HMOs. The Republicans who passed this argued that the HMOs and private insurance companies could do things more effectively and efficiently.

Yet we have built into this proposal a Federal subsidy of millions, if not billions, of dollars to the HMOs to reward them for competing. Something is wrong with this picture. If they are supposed to be so efficient, why do they make it a Federal subsidy? The sponsor of the bill couldn't explain it. The private plans are 7 to 9 percent more expensive than Medicare fees for service and less efficient. And we are going to subsidize it so they can compete with whatever Medicare has to offer?

PacifiCare CEO Howard Phanstiel told Bloomberg News over the weekend: "We are encouraged that CMS continues to demonstrate its commitment to be a good business partner with the private sector." But isn't it Government agencies' first obligation to seniors and the citizens of this country rather than to the businesses that will profit from this new arrangement?

Let us take a look at Mr. Phanstiel and his colleagues in the HMO industry. He made more than $3 million in the year 2003, the year we passed the Medicare bill. As a result of this bill, many companies and many others like it will probably make even more because Mr. Phanstiel's company will have access to some 700,000 Medicare beneficiaries in addition to the ones he currently serves.

When you look at compensation, the CEO of Aetna, $8.9 million; Larry Glassock's compensation, $6.8 million. Here is one CEO who earned $21.6 million. Look at what these HMO CEOs are making. And now we are not going to cut into their profits but increase them.

When Mr. Phanstiel sent this nice thank-you note to CMS, a Federal agency, and said they are continuing to demonstrate their commitment to be a good business partner, it means even more money and profits for the HMOs at the expense of senior citizens.

When it comes to pharmaceutical companies, this chart tells you what happened to the Fortune 500 companies in America. This is the analysis of the 2002 profits. Look, if you will, at the return on revenues. The No. 1 industry, pharmaceuticals; return on assets, No. 1 industry, pharmaceuticals.

When you turn on the television and you can't escape another ad for the "little purple pill," let me tell you that company is spending more money on advertising than it is on research to find new drugs. They are trying to create an appetite and desire among

American consumers to buy drugs they don't need; too expensive drugs, I might add. In this situation, you are going to find pharmaceutical companies doing even much better because the Medicare prescription drug plan says they don't have to compete.

Is the idea of asking drug companies to reduce their costs to help people under Federal programs a radical, Socialist, Communist, collectivistic idea? I don't think so. Go to the Veterans' Administration. That is exactly what they do. They call in the drug companies and say: We have a lot of veterans in America who are going to VA hospitals to pick up their drugs through a program we are offering. If you want to sell drugs to them, you have to give us your best price. And the American drug companies line up and reduce their costs for VA. They don't scream and they don't holler and squirm away. They like to deal. And the VA serves the veterans. Why is it we can't do the same thing for Medicare? It is just that simple.

The fact that we didn't is the reason the administration last Friday had to put 1,500 pages of regulations together on an already complicated bill to try to explain the Medicare prescription drug benefit that is, frankly, not what it should be. We started off understanding the need. We passed a bill that didn't meet that need. Now, in the name of the ownership society, we are saying to people: You own the right to be virtually defenseless in bargaining with pharmaceutical companies and HMOs.

Is that what we are here for—to make certain their profitability goes through the roof at the expense of seniors who can't afford lifesaving drugs? I don't think so.

The time will come—and I hope soon—when we will have reforms of this Medicare prescription drug program. When we do, let us keep our first obligation to our seniors.

I yield the floor.

HONORING OUR ARMED FORCES

SERGEANT THOMAS EUGENE HOUSER

Mr. GRASSLEY. Mr. President, I rise in remembrance of a brave Iowan who has left his countrymen to join the ranks of those who have paid the highest price in the defense of freedom. Sergeant Thomas Eugene Houser was a native of Council Bluffs, IA and was killed on January 3, 2005, in action against enemy forces in the Al Anbar Province of Iraq. He was twenty-two years old.

An active young man, SGT Houser participated in football, wrestling, and track while attending St. Albert's Catholic High School and is remembered by his family and friends as a compassionate soul who, as his mother says, could "talk to anyone." As a boy, he dreamed of following in the tradition of military service set by his father and grandfather, a dream which he fulfilled courageously as a member of the 1st Marine Division.

I ask my colleagues to join me and all Iowans in remembering SGT Houser. My prayers go out to his family and friends who feel his loss so deeply. Such men as Thomas Houser inspire us to hold in ever higher esteem the ideals of freedom and service. His valor shall certainly not be forgotten.

PRIVATE FIRST CLASS GUNNAR BECKER

Mr. JOHNSON. Mr. President, I rise to pay tribute to PFC Gunnar Becker, a member of the United States Army, who died on January 13, 2005, while serving in Operation Iraqi Freedom.

PFC Becker was a member of the 63rd Armored Regiment, 1st Infantry Division.

Answering America's call to the military, PFC Becker joined the U.S. Army shortly after graduating from Artesian-Letcher High School in 2003. His friends remember him as a good-natured, outgoing person with boundless enthusiasm and confidence to match. Kelvin Peterson, a good friend remembers him as always being able to put a smile on people's faces. Kelvin said, "He knew how to make a person laugh and have a good time, because that's what he was all about, having a good time."

PFC Becker served our country and, as a hero, died as a proud member of our Armed Forces. He served as a model of the loyalty and dedication that comes with preservation of freedom. The thoughts and prayers of my family, as well as our Nation's, are with his family during this time of mourning. As well, our thoughts continue to be with all those families who have children, spouses, parents, and other loved ones serving overseas.

PFC Becker lived life to the fullest and was committed to his family, his Nation, and his community. It was his incredible dedication to helping others that will serve as his greatest legacy. Our Nation is a far better place because of PFC Becker's contributions, and, while his family, friends, and Nation will miss him very much, the best way to honor his life is to remember his commitment to service and his family.

I join with all South Dakotans in expressing my sympathies to the friends and the family of PFC Becker. I know that he will always be missed, but his service to our Nation will never be forgotten.

SPECIALISTS JIMMY BUIE, JOSHUA MARCUM AND JEREMY MCHALFFEY

Mrs. LINCOLN. Mr. President, I rise today to honor the lives of three brave Arkansans and to pay tribute to the sacrifice they made on behalf of our freedom. Jimmy Buie, Joshua Marcum, and Jeremy McHalffey were all beloved by their families, admired by their friends, and respected within their communities. Today, they are remembered as heroes by the grateful Nation for whom they gave their lives.

SPCs Buie, Marcum, and McHalffey were proud members of the Arkansas National Guard's 39th Infantry Brigade. Together, they served with the 2nd platoon of Bravo Company, 3rd Battalion of the 39th, a close-knit group who quickly earned a reputation for dependability and whose soldiers were known to do absolutely anything for each other. This was especially true for SPC Marcum, SPC McHalffey, and SPC Buie, who were all roommates at their company's base at Camp Gunslinger, just north of Baghdad.

It was obvious to those who served with them that in addition to being outstanding soldiers, these three men were so much more. While the easy-going SPC Buie and SPC Marcum could always be counted on to brighten a mood with their humor and infectious smiles, the hard-charging SPC McHalffey often motivated his colleagues with his determination and focus. While the three had differing approaches to their service, they were united in the belief that they were doing what was right: helping rebuild the lives of a people they had never met and bringing stability to a nation they had never known.

SPC Buie joined the military upon his graduation from high school in 1980. Later, while working for a dental products manufacturer, he met a woman named Lisa who would become the love of his life. The two were inseparable, and the natural chemistry between them soon led to marriage. SPC Buie quickly took to Lisa's two sons and found great pleasure in spending time with them, whether they were building a go-cart or playing catch.

In his hometown of Batesville, SPC Buie worked as a mechanic at Mark Martin Ford Mercury, where he rightfully earned the reputation of a quiet, hard-working guy who always got the job done. He joined the National Guard in August of 2004 and was deployed to Iraq after spending a month of training at Fort Hood, Texas. While serving in Iraq, he spoke with Lisa every Sunday evening. During these conversations, he always remained upbeat and spoke of the joy he found in improving the lives of Iraqis, particularly the local farmers, whom he pitied for their poor living conditions. These words and actions spoke volumes of SPC Buie, a humble man who found comfort in knowing folks were praying for him back in Arkansas, and who used that inspiration to improve the lives of those around him.

SPC Marcum was from the small northern Arkansas town of Evening Shade, where he lived with his wife, Lisa, and their five children. Friends and family describe him as one of the nicest people you could ever meet, a unique individual who disliked cursing, avoided arguments, and had a special calming effect on those around him. He was also the type of person who found pleasure in bringing joy to others: a gift of his that was attributable to his sense of humor and his loving heart.

While serving in Iraq, SPC Marcum, who had always wanted to be a soldier, was remembered by his comrades as a quiet guy who naturally went out of his way to lend a helping hand to those in need. He kept in frequent contact with his wife throughout his deployment and sought to comfort her by keeping her up to date on his welfare and relaying his positive experiences along the way. With his time in Iraq nearing its end, he was looking forward to returning to his friends and family back in Arkansas and often spoke of taking a float trip down the Spring River soon after.

SPC McHalffey was born in the small northeastern Arkansas town of Paragould but later moved to Springfield, MO, where he graduated from high school in 1995. Throughout his life, he had a love for the outdoors and if you ever needed to find him during hunting season, he was most likely in the woods with his father, looking for turkey or deer. At the age of 18, he joined the United States Marine Corps, and would proudly serve for 4 years. Upon his return to Springfield, he worked for the Greene County Sheriff's Office and later for Showcase Building Supply. In 2002, he met a dispatcher named Lacy Tindele at a firefighters' training camp. The couple quickly fell in love and their engagement soon followed.

SPC McHalffey's deep love for his country is what originally motivated him to enlist in the Marine Corps and it is also what later motivated him to serve in Iraq. As his brother Mike reflected, "He was the type of guy to volunteer. If something needed to be done, Jeremy would jump in." SPC McHalffey initially wanted to re-enlist in the Marines but was told the process could take months. As a result, he and Lacy chose to move to Little Rock, to continue his career in law enforcement and to join the Arkansas National Guard, because he was told it had a significantly shorter waiting time. The couple chose the nearby community of Mabelvale, where SPC McHalffey commuted to his new job as a detention deputy at the Pulaski County Jail until his deployment. Lacy spent much of her time planning the couple's small wedding, which was to take place upon her fiancee's return from Iraq in a few months.

The lives of these three Arkansas soldiers was forever intertwined when, tragically, they were killed on January 4 when their humvee was struck by a roadside bomb. Their vehicle, which was traveling as part of a convoy, was leaving an Iraqi National Guard bunker in the al-Shaab district of Baghdad. The loss of these heroes will be felt by not only their comrades in Iraq, but by the many friends and loved ones they have left behind.

At the memorial service of SPC Marcum, Linda Beckham reflected on her brother: "He wanted to honor his country. It was his dream and he fulfilled it." These words ring true not only for SPC Marcum, but also for SPC McHalffey and SPC Buie. The courageous and selfless way in which they served in uniform brings honor to our Nation. The impassioned and generous way in which they led their lives, brings honor to us all.

On behalf of a grateful Nation, my thoughts and prayers go out to the family and friends of Jimmy Buie, Joshua Marcum, and Jeremy McHalffey. Although they may no longer be with us, we must find some solace knowing that they died for a cause in which they believed. Their legacy and their spirit will forever live on in our hearts.

ARMY PRIVATE CORY R. DEPEW

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Beech Grove. Army PVT Cory R. Depew, 21 years old, died on January 4 when the Stryker military vehicle he was riding in was struck by rocket-propelled grenades just west of Mosul, Iraq. With his entire life before him, Cory risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from high school, Cory went on to pursue a dream he had been working toward since he was in the eighth grade. In September of 2003, Cory made his dream a reality by enlisting in the United States Army. Cory's mother, Sheryl Ann, recalled her son's determined spirit when speaking to the Indianapolis Star saying, "He was going to the military, he wanted to serve his country. . . . He was a hero. He gave his life for this country."

Cory was the 44th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 2nd Squadron, 14th Calvary Regiment, 1st Brigade, 25th Infantry Division, based in Fort Lewis, Washington. This brave young soldier leaves behind his mother, Sheryl Ann May; his son, Brendan Favre; his brothers, Wyatt and Elliot; and his grandfather, Austin Hall.

Today, I join Cory's family, his friends and the entire Beech Grove community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Cory, a memory that will burn brightly during these continuing days of conflict and grief.

Cory was known for his dedication to family and his love of country. When reflecting on Cory's life, his mother told the Indianapolis Star that her son's best attributes had been on display while he was home on a two-week leave only a few months ago, "his 'wise guy' sense of humor, his love of children, his hard work." During his short break, Cory spent time playing with his son, Branden and volunteered to help build a new garden at his church, a place where his mother and many others now go to find solace. Today and always, Cory will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Cory's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Cory's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Cory R. Depew in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Cory's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Cory.

LANCE CORPORAL ERIC HILLENBURG

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Hendricks County. LCpl Eric Hillenburg, twenty-one years old, died on December 23 during a patrol when he was struck by small-arms fire in Fallujah. With his entire life before him, Eric risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Chapel Hill Christian School with honors, Eric went on to become a Marine, a dream he first set his sight on at the young age of 14. According to family and friends, Eric followed a long-standing tradition of service as his family has proudly served our country in every conflict since the Civil War. When reflecting upon the loss of his son to members of his congregation at Hope

Baptist Church. Rev. Hillenburg expressed his deep sense of pride and patriotism saying, "When I see that flag flying from now on, it will mean more to me than ever before. . . . When I see a young man in uniform, he will be my son." According to the Indianapolis Star, the congregation stood and applauded these heartfelt remarks. I stand here today to express the same sentiments of gratitude for Eric's sacrifices and for those made by the entire Hillenburg family on behalf of our country.

Eric was the 43rd Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to the 3rd Battalion, 5th Marine Regiment, 1st Marine Division, I Marine Expeditionary Force, Camp Pendleton, California. This brave young soldier leaves behind his mother, Pamela; his father, Jerry; his sister, Erin; and his brother, Evin.

Today, I join Eric's family, his friends and the entire Indianapolis community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Eric, a memory that will burn brightly during these continuing days of conflict and grief.

Eric was known for his dedication to family and his love of country. Today and always, Eric will be remembered by family members, friends and fellow Hoosiers as a true American hero and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Eric's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Eric's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Eric Hillenburg in the official record of the United States Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Eric's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Eric.

CANADIAN SOFTWOOD LUMBER DISPUTE

Mr. CRAIG. Mr. President, I rise today to discuss the latest developments regarding the Canadian softwood lumber dispute. With yet another curious and ultimately inconsequential lumber unfair trade determination due today at the behest of a NAFTA dispute panel, it is important to place this matter in proper perspective.

Would the distinguished Senator from Montana and my colleague from Idaho engage in a colloquy with me concerning the Canadian softwood lumber dispute?

Mr. BAUCUS. I would be pleased to engage in such a colloquy.

Mr. CRAPO. I would also like to join my colleagues in a colloquy on this matter.

Mr. CRAIG. The Commerce Department has found repeatedly that Canadian lumber is subsidized and dumped. World Trade Organization and NAFTA dispute settlement panels have definitively rejected Canada's long-time arguments that its underpricing of timber cannot be deemed a subsidy. The panels have also upheld findings that Canadian lumber is unfairly dumped in the U.S. market. The International Trade Commission has found repeatedly that the unfair imports threaten our industry with harm.

President Bush was well prepared to answer the Canadian Prime Minister when they last met. The President told the Prime Minister that the problem of subsidies and dumping is caused by Canada, and the solution lies with Canada, unless Canada wants the solution to be permanent duties to offset the subsidies and the dumping. In over two decades, Canadian officials have not gotten the message, at least not in a way that takes, that this problem will not be resolved by Canada's investing hundreds of millions of dollars in legal fees on more than 30 Washington law firms to circumvent U.S. laws in countless appeals to the WTO, to NAFTA panels and to the U.S. courts—several more were filed just this month. And it will not be solved by the cottage industry that has grown up in Canada to mount PR campaigns in the United States.

The U.S. timber industry vigorously supports the administration's view that the unfair Canadian lumber problem could most appropriately and productively be resolved through negotiations—although perhaps there just ought to be permanent duties in place. But the U.S. timber industry is taking the statesmanlike high road, and I support it. Some vested interests in Canada do not see this, and prefer endless litigation, probably based on misguided advice that this will be productive from those who have made a living defending Canadian subsidies.

Mr. CRAPO. Specifically, the problem remains that the market is grossly distorted by Canadian unfair trade practices. Absent termination of or an offset to the unfair practices, the U.S. timber industry will be severely impacted by subsidized and dumped Canadian imports. We in the Congress have been assured that those responsible in the administration will not allow this further injury to our industry occur.

A solution can be either border measures imposed by the United States or Canadian border measures agreed to with the United States pending adequate Canadian timber policy reforms.

The Bush administration has concluded that the November 2004 determination of the International Trade Commission that Canadian imports threaten the U.S. industry with injury—the "Section 129" determination—represents an independent basis authorizing and necessitating retention of the countervailing and antidumping duty orders. The United States has faith in winning the NAFTA Extraordinary Challenge Committee proceeding on the injury issue, but even a negative outcome before the committee would not be the end of the matter.

The Bush administration has concluded that duty deposits, amounting to approximately $3 billion and growing daily, cannot and will not be returned absent a negotiated settlement between the Canadian and U.S. Governments. The panels can provide prospective but not retroactive relief. In any event, these funds are rightly due under U.S. law to the injured domestic timber industry. If there is a negotiated solution, the funds can be apportioned fairly as part of the settlement.

There is zero likelihood that the countervailing duty, antisubsidy, order will disappear absent settlement of the lumber subsidy and dumping issues, no matter how often a NAFTA panel tries to achieve this outcome.

The U.S. right to challenge Canadian log export restrictions at the WTO is clear under the WTO, and Canada is clearly in violation of its WTO obligations. I understand that the Bush administration is evaluating this issue.

I also understand that the U.S. timber industry intends to bring a constitutional challenge to NAFTA dispute settlement if the lumber dumping issue is not resolved. The future of U.S. sawmills and millworkers cannot be allowed to be ruined by outlandish decisionmaking by NAFTA dispute panels and a panelist's service with an obvious, undisclosed conflict of interest.

Mr. BAUCUS. I agree completely with my colleagues. As suggested, a NAFTA dispute panel is requiring that the Commerce Department issue today yet another revised version of the original 2002 lumber-subsidy determination. Given the panel's pattern of overreaching, it may be a relatively low subsidy estimate. If so, this will be trumpeted in headlines across Canada as a victory for Canada's lumber policies. Before all those editorial writers seize on this supposed "victory," they should understand that this determination will have absolutely no legal effect. It is the Commerce Department's December 2004 findings of a subsidy of over 17 percent and dumping of 4 percent that controls. Hyping the January 24 decision as having any meaning performs a disservice to Canadian interests, which lie in a mutually beneficial negotiated settlement.

Nothing can change the facts. The Canadian provinces provide timber to their lumber companies for a fraction of its value. This harms not only U.S. sawmills, millworkers and family forest landowners, but also the Canadian forest. Environmental groups have long decried the overharvesting of timber caused by undervaluing the resource.

WIND TRANSMISSION FUNDING

Mr. DORGAN. Mr. President, I rise to discuss funding for a wind transmission study that was included in the fiscal year 2005 Omnibus Appropriations bill signed into law last December. As a member of the Senate Energy and Water Appropriations Subcommittee, I appreciated the efforts of Senators DOMENICI and REID, the chairman and the ranking member of our subcommittee, to include $500,000 for the Western Area Power Administration, WAPA, to continue its work on the placement of additional wind capacity in the Dakotas. They have generously provided funding for similar work for the past two years, and I am glad these efforts will be continued during this coming fiscal year.

North Dakota is the "Saudi Arabia" of wind. The Department of Energy has long identified North Dakota as having the greatest wind energy resource and potential for wind generation development in the lower 48 States. During my time in the Senate, I have been pushing hard on a number of fronts to develop our wind energy resources. For example, I have been a strong supporter of the Renewable Portfolio Standard, RPS, which requires utilities to produce 10 percent of their electricity from renewable energy sources by 2020. In addition, I believe the Federal Government should be a leader in this area and develop a policy of purchasing electricity from renewable energy sources.

Last February, I hosted the Fifth Annual Wind Energy Conference with the Energy and Environmental Research Center at the University of North Dakota to further promote this clean and limitless energy resource. Wind energy stakeholders from around the Nation attended this successful event, which attracted 436 people from 30 States and three Canadian provinces. Last year, the conference included a second day of events because of the overwhelming interest in wind energy. As a result of the wind energy industry's growth, North Dakota's skyline and economic future are forever changing and progressing forward. We will be doing another conference in February 2005, which more broadly embraces renewable energy in the Upper Midwest.

Despite my continued efforts to increase the use of wind as an energy source, North Dakota faces many transmission challenges in moving wind energy to other parts of the country. I have held field hearings in North Dakota on these issues and have also supported the development of new transmission technologies. While the Senate has wisely included funding for the last several years for WAPA to make some progress on these transmission problems, the fact remains that more needs to be done. WAPA and others have done a number of general studies on this issue and I think the next steps are clear. WAPA should use the funding earmarked in FY2005 for an Environmental Impact Study, EIS, that would allow transmission expansion for wind generation to be placed in North and South Dakota and should use the remaining funds to support specific demonstration projects in the region.

With respect to site-specific projects to support wind development for future electric generation, I believe that WAPA should first develop parameters for determining what constitutes a bona fide wind project. In doing this, WAPA should ensure that projects meet the following requirements: a minimum period of at least one year; minimum anemometer height of at least 40 meters; multiple monitoring points allowing calculation of wind shear; a defined system interconnection point and wind right easements adequate for the proposed project. To make these limited funds stretch farther, I would expect any proposed project to include a 50-50 cost share provision. It is my hope that WAPA will be able to support projects that will accurately determine the transmission requirements and related costs associated with the installation of specific wind and coal generation projects.

Following this guidance, it is my expectation that WAPA will use this funding to make real progress on these transmission problems in the next fiscal year, and provide wider benefits to the large region of the U.S. served by WAPA. After all, WAPA was created to market hydropower, a renewable energy resource. Wind is the next step.

FISCAL RESPONSIBILITY FOR A SOUND FUTURE ACT

Mr. CONRAD. Mr. President, the Fiscal Responsibility for a Sound Future Act, S. 19, would help restore budget discipline and fiscal responsibility to our Nation's finances. Given the Federal budget's dramatic swing from record surplus to record deficit and debt over the last few years, it is vital that we restore the strong budget enforcement mechanisms that have worked in the past.

This legislation would return us to a path of budget discipline by restoring a strong pay-go rule, reinstating sequestration to enforce pay-go and discretionary spending caps, and limiting the use of reconciliation to deficit reduction legislation.

The first step we should take to put our Nation's finances back in order is to stop digging the hole deeper. Restoring a strong pay-go rule would help to do exactly that. This legislation would restore the Senate pay-as-you-go rule to require that mandatory spending and tax legislation be fully paid for, or be subject to a 60-vote point of order. Pay-go is one of the crucial budget enforcement tools that allowed the Federal Government to move from deficit to surplus in the 1990s. Unfortunately, the Senate pay-go rule has been weakened in recent years, in order to allow for passage of large tax cuts. Since then, deficits and debt have skyrocketed.

In 2004, a Democratic amendment was adopted to the Senate Republican budget resolution that would have restored a strong pay-go rule requiring that both mandatory spending and tax cuts be paid for. However, the Republican leadership refused to accept a budget resolution conference agreement that contained the provision, so the budget resolution was never adopted and the strong pay-go rule was never brought into effect. The Fiscal Responsibility for a Sound Future Act would end the current practice of exempting all mandatory spending and tax cuts assumed in the budget resolution from the pay-as-you-go rule, and extend the Senate pay-go rule currently set to expire in 2008 through fiscal year 2015.

The bill would also reinstate sequestration, across-the-board spending cuts, to enforce pay-go and discretionary spending limits. Legislation that exceeds fiscal year 2005 discretionary spending caps, as well as mandatory spending and tax legislation that would increase the deficit, would trigger sequesters. The bill also expresses the sense of the Senate that a statutory discretionary spending limit should be enacted for 2006 to prevent passing more debt on to our children.

The bill would also limit the use of the Senate's fast-track "reconciliation" procedures, which cut off debate after only 20 hours, to deficit reduction legislation. Legislation that would increase the deficit could still be considered in the Senate, but could not be expedited using reconciliation procedures. This would restore reconciliation to its original purpose of deficit reduction, and ensure that any legislation increasing deficits is subject to full scrutiny, debate, and consideration in the Senate.

In addition, the legislation would prohibit the fast-tracking of Congressional budget resolutions that contain a reconciliation instruction that would worsen the deficit. Any budget resolution that includes an instruction to a committee to increase the deficit would be subject to unlimited debate rather than limited to 50 hours.

We must return our Nation to a path of fiscal responsibility. We must put an end to these record deficits and record debt. This legislation presents a clear test of whether we are serious about putting our fiscal house back in order. I urge my colleagues to support this legislation.

THE PASSING OF NEBRASKA'S JOHNNY CARSON

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of Nebraska's Johnny Carson, the 30-year host of the "Tonight Show" and a dedicated Nebraska philanthropist. He passed away yesterday at the age of 79 in his Malibu, CA home.

Johnny Carson was a Nebraska original and an American icon. He elevated the late night talk show to an art-form and he did it with class and fun. Carson will be remembered as a generous individual who was proud of his State.

After serving in the Navy during World War II, Carson attended the University of Nebraska at Lincoln, UNL, and earned a bachelor of arts degree in radio and speech. As a student, Carson practiced his comedy and perfected his ability to perform card and magic tricks. His experiences at UNL greatly influenced his career in entertainment.

Carson made many significant contributions to Nebraska. Among them a $2.27 million donation to a cancer radiation center in Norfolk and last November, he donated $5.3 million to UNL to help with the renovation of a building where he took classes.

I had the opportunity over the years to meet Carson. In 1967, he returned to Nebraska for the State's Centennial celebration. He was invited by the Governor to headline the gala with his former Omaha radio morning show cohost Harvey Swenson. Swenson was the manager of KLMS radio station in Lincoln, where I worked at the time. Carson came to the station and talked with all of us about his early days in Nebraska radio.

After Carson graduated from high school, his parents moved from Norfolk to Columbus, NE, where I lived. I would occasionally see Carson walking his dogs in Columbus when he would visit his parents during the summers.

America will miss this good man, Johnny Carson. We are all very proud of him—of what he represented and where he came from. I ask my colleagues to join me and all Americans in honoring Johnny Carson.

THE 32ND ANNUAL MARCH FOR LIFE

Mr. HAGEL. Mr. President, today is the 32nd Annual March for Life on Washington, DC's National Mall. Individuals from all over the Nation will march together in solidarity, despite the bitterly cold weather, in support of the most basic of human rights: the right to life. The March for Life is an important opportunity to demonstrate a firm and clear commitment to preventing abortion and protecting the rights of each unborn child.

Today I met with 35 representatives from Nebraskans United for Life and Creighton University. They are committed to promoting the right to life for all human beings and work tirelessly to ensure that this issue remains at the forefront of debate.

I strongly support the efforts of the National Right to Life Committee. The March for Life is a powerful reminder of the progress that has been made and the work that remains for the pro-life cause.

Above all, we should focus on education, including the encouragement of abstinence and adoption. Communities, churches, synagogues and families must continue to come together to help provide a strong source of support and counsel for young men and women as they become adults.

HEALTH CARE

Mr. ENZI. Mr. President, rising health care costs and access to affordable health insurance are among the biggest worries Americans face today.

Health care costs are increasing faster than any other basic service in American society. Today, 44 million Americans lack health insurance at any given point during the year, and between 20 to 30 million of them are chronically uninsured.

My Republican colleagues and I will soon be introducing one of our priority bills for the coming Congress. This legislation, the Healthy America Act of 2005, will bring together an aggressive and innovative set of health care solutions. These solutions build on the already impressive health care record of the last Congress—principally delivering Medicare prescription drug coverage to seniors and making tax-free health savings accounts available to all Americans.

Our bill will include many of President Bush's health care reform priorities, as well as the proposals developed last year by the Senate Republican Task Force on Health Care Costs and the Uninsured, of which I was proud to be a member.

At the heart of this legislation are measures aimed at restraining health care costs, increasing access to care, and improving health care quality.

Toward this end, one of our—and the President's—topmost priorities is comprehensive reform of America's costly, unfair, and chaotic medical liability system. Our bill will ensure fair and rapid compensation to injured patients, reduce frivolous lawsuits, and limit excessive and costly damage awards.

Also especially important, I believe, is the creation of a new national framework for establishing personal electronic health records and for exchanging health information securely and privately. As the new chairman of the Senate Health, Education, Labor and Pensions Committee I will be working closely with my colleagues in the coming months to develop legislation that will speed the adoption of standards and enable systems to "talk" to each other—reforms that eventually will save billions of dollars and, potentially, many thousands of lives.

Other critical features of this legislation include a commitment to reforming the struggling small group and individual health insurance markets, expanding the availability of health savings accounts, HSAs, creating targeted tax credits to help Americans purchase private health insurance, and expanding America's Community Health Centers and related facilities.

Mr. President, this legislation will be a solid foundation and a promising beginning as we begin this new Congress. Together with my colleagues and with the President, I will work tirelessly to assure that health care costs, access, and quality are at the forefront of our priorities in the weeks and months ahead.

IN HONOR OF DR. MARTIN LUTHER KING, JR.'S BIRTHDAY

Mr. LAUTENBERG. Mr. President, I ask that this statement be inserted in the proper place in the RECORD.

I rise today to honor the life and legacy of Reverend Dr. Martin Luther King, Jr.

While I participated in an event commemorating the life of Dr. King at the Morning Star Community Tabernacle Church in Linden, New Jersey, I felt it was important to pay tribute to the life and legacy of this extraordinary American on the first legislative day of this 109th Congress.

The impact of Dr. King's life, actions and deeds is just as great today as it was 36 years ago, when his life was taken from us. Dr. King accomplished so much in his short life; he was a pastor, civil rights activist and leader, Nobel Peace Prize recipient, Time magazine's Man of the Year, and in many ways, the emancipator of all Americans.

Dr. King's adherence to nonviolence in the pursuit of social justice left an indelible mark on our nation's history and conscience. Clearly, much progress has been made in the struggle for civil rights, equality and social justice. We rightly pay tribute to the civil rights accomplishments to date, and we rightly attribute much of that progress to Dr. King.

But there is still much to do. And sadly, the current administration has had a disappointing record on civil rights and has shown little interest in shouldering leadership responsibility on these important issues.

Two years ago, on the week before we celebrated the birthday of Dr. King, Jr., President Bush intervened in a case before the United States Supreme Court in an effort to destroy affirmative action, which is effectively "equal education rights" for African Americans and other minority groups.

The case involved the University of Michigan program which used race as one factor among many when selecting incoming students. I joined other United States Senators in an amicus brief in support of the University of Michigan affirmative action program. Thankfully, in its first ruling on affirmative action in higher education admissions in 25 years, the nation's highest court ruled on June 23, 2003, that race can be used in university admission decisions. Justice Sandra Day O'Connor was the eventual deciding vote in the case, saying that affirmative action is still needed in America—but hoped that its days are numbered.

Last year, on Dr. King's 75th birthday, President Bush went to Atlanta and laid a wreath at Dr. King's grave. The very next day, despite protest from the civil rights community and against the expressed will of the Senate, President Bush recess appointed Judge Charles Pickering to the Fifth Circuit Court of Appeals.

President Bush cast aside several significant concerns of the African American and civil rights community. Some of these concerns included: Judge Pickering's support as a State Senator in the 1960s for the Mississippi Sovereignty Commission, which was established to prevent the implementation of Brown v. Board of Education; Judge Pickering's opposition as a legislator and Federal judge to voting rights for African Americans; and Judge Pickering's disturbing positions as a Federal judge on two of the key protections of equal voting rights for all Americans—the one person-one vote Constitutional doctrine and the Voting Rights Act.

These are just two examples of a broader indifference President Bush has shown to the social, economic, and legal obstacles African-Americans are forced to overcome in their ongoing effort to achieve real equality.

Affirmative action has proven beneficial in combating past discrimination and it remains necessary today. Judge Pickering is just one of a host of judicial nominees opposing civil rights President Bush has put forth as part of a larger effort to pack the Federal courts with ultra-conservative ideologues.

Each of us must do our part to advance the legacy of Dr. Martin Luther King, Jr., and to promote civil rights equality. I will continue to provide leadership in the 109th Congress to help minority businesses, increase access to education and health care, improve job growth, and fight racial profiling.

I hope that President Bush and the entire Congress will do the same.

TRIBUTE TO STEVE BEASLEY

Mr. BAUCUS. Mr. President, I rise today to say a few words of thanks to Steve Beasley, an outstanding agriculture economist at USDA who recently completed a year-long fellowship on the Senate Finance Committee. Steve's service to the committee, and by extension to the State of Montana, will be remembered fondly and with great appreciation.

A year ago I was able to snag Steve away from his job at the Foreign Agriculture Service at the Department of Agriculture. He brought to us years of experience in foreign market development and capacity-building. During his time with the committee, his expertise proved invaluable as he worked on calculating the effects of the North American Free Trade Agreement on Montana agricultural products, analyzing the effect of agricultural trade liberalization on crop prices over the past few years, as well as helping prepare me for trade missions to Australia, New Zealand, China, Japan, and Thailand.

Half of my State's economy is based on agriculture, and the work Steve did for us will serve us for the next several years as we examine the effects of trade on our economy's largest sector. I am sad to see him go, but I know the USDA is eager to get him back. I thank him for his hard work over this past year, and I wish him all the luck in the future.

TRIBUTE TO MR. PAUL KASTEN

Mr. BURNS. Mr. President, Senator BAUCUS and I are honored today to pay tribute to Paul Kasten and thank him for the exceptional service and commitment he has given to the people of Montana. Mr. Kasten served faithfully with the U.S. Postal Service, particularly to Montanans along the Brockway, Paris, Watkins, and Flowing Wells rural mail route loop. As he celebrates a well-deserved retirement, let it be known that he leaves behind a memorable and strong legacy, spanning 57 years of dedicated service to the U.S. Postal Service, his eastern Montana mail route loop, and the people of the State of Montana. We know Congressman REHBERG sends his support and congratulations as well for Paul's significant achievement.

Beginning with a team of horses, Mr. Kasten delivered the mail faithfully to this frontier mail route for 57 noteworthy years, honorably upholding the U.S. Postal Service's code of conduct. In fact, he has gone above and beyond the call of duty on many occasions, delivering groceries and other necessary items to many people along this remote mail route during his tenure. It is clear that Mr. Paul Kasten has ceaselessly served the U.S. Postal Service and the State of Montana for nearly six decades, and is justly deserving of the honor due to him today. It is with great pride that Senator BAUCUS and I bring to the attention of this great body the hard work that Mr. Kasten has completed, both to the State of Montana and to Montana's people. Thank you for all your commendable service, Paul, and we wish you and your family all the best in your future endeavors.

ADDITIONAL STATEMENTS

HONORING DENNIS WIESE

• Mr. JOHNSON. Mr. President, I rise today to publicly commend the work of Mr. Dennis Wiese, President of South Dakota Farmers Union, SDFU, for his 12 years of dedicated service to South Dakota's farmers, ranchers and rural people. After six and a half terms as President of SDFU, Dennis has decided not to seek reelection and will begin his own consulting business in his hometown of Flandreau, SD.

Over the years, Dennis has been extraordinarily committed to South Dakota agriculture and is a real ambassador for farming and ranching in the state. As chair of the National Farmers Union subcommittee that worked on the farm bill rural development section, Dennis' insight was invaluable, during negotiations on the Farm Security and Rural Investment Act of 2002.

Since its establishment in 1914, South Dakota Farmers Union has consistently been a voice for family farmers and ranchers, always striving to improve the business climate for agriculture and the quality of life for all South Dakotans. Now, 91 years later, SDFU is regarded as the leader on issues concerning concentration in the agri-business sector. I have always been able to rely on Dennis and the SDFU for the backing needed to stand up for the family agricultural producers and the special position they hold America's business and cultural structure. Always looking to improve the quality of rural living, Dennis has been a consistent champion for fair trade, even when the notion has been unpopular to some. Throughout his presidency, Dennis faced some difficult situations. However, he never lost focus on the concerns that are important to South Dakotan's and continued to work for the betterment of rural America.

Under Dennis' leadership, SDFU has enhanced the lives of thousands of South Dakotans through various educational programs, particularly those aimed at the younger generation of farmers. Involvement in the SDFU education program jumped from 389 young producers enrolled in camps in 1997, to over 1,200 participants in the most recent camps. These camps teach young people about the benefits of cooperatives and shared responsibility, as well as the important rural values that make South Dakota stronger. As Dennis noted in his farewell speech to SDFU:

> The most important Farmers Union is not the Farmers Union of yesterday. It is not the Farmers Union that I inherited from Dallas Tonsager, or the one we enjoy today. The most important Farmers Union is the one we turn over to the next generation of Farmers Union leaders. The most important Farmers Union is the Farmers Union of tomorrow.

Dennis' hard work as president is reflected in the impressive legacy he leaves behind. SDFU has a strong, expanding membership, and prosperous and thriving education program filled with innovative ideas to revitalize South Dakota's rural communities.

It is with great honor that I share Dennis' accomplishments with my colleagues and publicly commend him for excellently serving South Dakota and family farmers. I wish the very best for him, his wife Julie, and his children Dayton, Kyle, Owen, Austin and Elysa.●

HONORING DR. VINE DELORIA, JR.

● Mr. JOHNSON. Mr. President, it is with great honor that I publicly commend Dr. Vine Deloria, Jr., for receiving the American Indian Visionary Award.

Dr. Deloria, a member of the Standing Rock Sioux tribe, is a distinguished Native American scholar whose research, writings, and teaching span history, law, religion, and politics. This award, given by the Native American publication, Indian Country Today, honors those who display "the highest qualities and attributes of leadership in defending the foundations of American Indian freedom." This is an honor Dr. Deloria richly deserves.

Born in 1933 in Martin, SD., Dr. Deloria has been at the forefront of American Indian activism since the 1960s. As executive director of the National Congress of American Indians from 1964 to 1967, Dr. Deloria frequently worked with leaders whose experience dated back to the Indian Reorganization Act of 1934. Consequently, Dr. Deloria attributes his involvement in the Indian movement to working with those influential people, as they encouraged a new breed of activists.

For the past 4 decades, Dr. Deloria has been a voice of influence in Indian history, writing more than twenty books and countless articles and lectures. His works stimulated political thinking and discourse among Indian activists. As Wilma Mankiller, former Principal Chief of the Cherokee Nation, said of Dr. Deloria, "No writer has more clearly articulated the unspoken emotions, dreams and lifeways of contemporary Native people."

Now a retired professor of political science from the University of Arizona and retired professor emeritus from the University of Colorado, Dr. Deloria is still writing and inspiring young activists from his home in Tucson, Arizona. In fact, Time magazine recognized Deloria as one of the 11 most influential religious thinkers of the twentieth century. As Indian Country Today notes, "Vine Deloria Jr. provided enormous perception, guidance, strategy and sheer analytical heft to the struggle for respect and justice for American Indians."

Dr. Vine Deloria, Jr., is an extraordinary pioneer and supporter of Native American rights and the honor of winning the American Indian Visionary Award is one he highly deserves. He is a man of great scholarship and knowledge, and will continue to shape history for years to come. Dr. Deloria has never sought honors or recognition, but his scholarship has brought him well-deserved accolades. It is an honor for me to share his accomplishments with my colleagues and to publicly commend Dr. Deloria on his talent and commitment to history, understanding, and education.●

TRIBUTE TO DR. DAVID A. AUSTIN

● Mr. JEFFORDS. Mr. President, it is with a heavy heart that I rise today to pay tribute to Dr. David A. Austin, an extraordinary man who touched many lives but passed away on November 4, 2004.

Dr. Austin lived a life full of vitality and enthusiasm. He had an accomplished career, always helped others without thought for himself and made his family the center of his life.

Dr. Austin was born in Brattleboro, VT, where he graduated from St. Michael's High School and received his Bachelor of Science from St. Michael's College. From there he went on to medical school at the University of Vermont where he began his lifelong career of healing and helping others.

After receiving his Naval Medical Officer commission, he continued his education, graduating from the Naval Deep Sea Diving School here in Washington, DC and the School of Submarine and Undersea Medicine in New London, CT.

After completing his active duty and residency at St. Albans Naval Hospital in New York, Dr. Austin opened his medical practice in Rutland in 1970. When not practicing medicine, he was busy serving the community as a member of the Christ the King Elementary School Parent-Teacher Association and the Mount St. Joseph Academy school board, on both of which he served as president for a time.

Later in life, when many people his age were settling into retirement, he was called up during the first Gulf War to Bahrain to serve his country once again, after which he was awarded the Presidential Meritorious Service Medal.

But one of his greatest honors came last April when his peers in the medical community awarded him the Physician of the Year Award. A better man could not have been recognized.

Dr. Austin will be missed by family, friends and all those he touched with his healing hand.●

TRIBUTE TO ADAM GARDNER, YILEI YANG, ASHLEY SMITH, JACK HARTZ AND BENJAMIN GOWAN

● Mr. BUNNING. Mr. President, I wish to pay tribute to Adam Gardner, Yilei Yang, Ashley Smith, Jack Hartz and Benjamin Gowan as five truly outstanding students from the Commonwealth of Kentucky.

The National Honor Society organizes a Scholar's Bowl to foster a spirit of aspiration and hard work in America's students. These Scholar Bowls include testing of each student in five different categories: English, math, science, social studies, and general knowledge. The tests are rigorous and they require a longstanding history as a good student.

Being recognized by this organization is truly an honor and I am pleased to hear that these five students from Kentucky have become the National Honor Society's Scholar Bowl Champions. The four students from duPont Manual High School in Louisville, KY successfully defended their school's title as National Honor Society National Scholar's Bowl Champions. They are Adam Gardner, Yilei Yang, Ashley Smith, and Jack Hartz. One student, Benjamin Gowan, from Nelson County High School in Bardstown, KY, took first place in the test on the individual science subject category. Thanks to the hard work of these young men and women, four out of five of the top scoring students at last year's Scholar's Bowl were from the Commonwealth of Kentucky.

In their letter to me, the National Honor Society informed me that "these

Kentucky students truly exhibited superlative performance." I congratulate these five students for their hard work and their achievement.•

CELEBRATING WILLIAM BEAUMONT HOSPITAL'S FIFTIETH ANNIVERSARY

• Mr. LEVIN. Mr. President, on behalf of Senator STABENOW and myself, I congratulate the William Beaumont Hospital on 50 years of dedicated service to the Michigan community.

William Beaumont Hospital opened its doors in Royal Oak in 1955 as a result of a survey in southeast Michigan which showed an overwhelming need for medical assistance in the area. The survey was quickly proven correct. Within its first week of operation, the hospital performed over 40 major surgeries and delivered over 30 babies. As the need continued to grow, Beaumont opened a second hospital in 1977 in Troy.

In the past 50 years, Beaumont has grown significantly, logging nearly 1.7 million inpatient admissions and nearly 3.3 million emergency visits. It works closely with several universities in Michigan to provide premier residency and fellowship programs and the Beaumont Research Institute conducts more than 800 active studies funded by grants.

Today, Beaumont is ranked among the top hospitals not just in Michigan but in the Nation. With staff representing over 90 different medical and surgical specialties, Beaumont has been honored with numerous awards including AARP's "Top 50 Hospitals," one of "America's Best Hospitals" by U.S. News and World Report, a "100 Top Hospitals—National Benchmarks for Success" by Solucient, and one of Michigan's "Best Places to Work" by Crain's Detroit Business.

Senator STABENOW and I are delighted to have the opportunity to thank the former and current staff of Beaumont Hospital for their enormous contributions to the State of Michigan and to congratulate them on reaching this significant milestone.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. CRAIG for the Committee on Veterans' Affairs.

*Jim Nicholson, of Colorado, to be Secretary of Veterans Affairs.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GREGG (for himself, Mr. FRIST, Mr. SESSIONS, Mr. DEWINE, Mr. ALLEN, Mr. SANTORUM, Mr. MCCONNELL, and Mr. DEMINT):

S. 3. A bill to strengthen and protect America in the war on terror; to the Committee on Finance.

By Mr. SANTORUM (for himself, Mrs. HUTCHISON, Mr. FRIST, and Mr. MCCONNELL):

S. 6. A bill to amend the Internal Revenue Code of 1986 to provide permanent family tax relief, to reauthorize and improve the program of block grants to States for temporary assistance for needy families and to improve access to quality child care, and to provide incentives for charitable contributions by individuals and businesses, to improve the public disclosure of activities of exempt organizations, and to enhance the ability of low-income Americans to gain financial security by building assets, and for other purposes; to the Committee on Finance.

By Mr. KYL (for himself, Mr. FRIST, Mr. DEMINT, and Mr. MCCONNELL):

S. 7. A bill to increase American jobs and economic growth by making permanent the individual income tax rate reductions, the reduction in the capital gains and dividend tax rates, and the repeal of the estate, gift, and generation-skipping transfer taxes; to the Committee on Finance.

By Mr. ENSIGN (for himself, Mr. HAGEL, Mr. BROWNBACK, Mr. SANTORUM, Mr. KYL, Mr. FRIST, Mrs. DOLE, Mr. SESSIONS, Mr. GRASSLEY, Mr. ALLEN, Mr. BUNNING, Mr. COBURN, Mr. DEMINT, and Mr. MCCONNELL):

S. 8. A bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions; to the Committee on the Judiciary.

By Mr. ENZI (for himself, Mr. FRIST, and Mr. MCCONNELL):

S. 9. A bill to improve American competitiveness in the global economy by improving and strengthening Federal education and training programs, and for other purposes; to the Committee on Finance.

By Mr. LEVIN (for himself, Mr. REID, Ms. MIKULSKI, Ms. STABENOW, Mr. INOUYE, Mr. DORGAN, Mr. LAUTENBERG, Mr. LEAHY, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. CORZINE, Mr. PRYOR, Mr. NELSON of Nebraska, Mr. REED, Mr. SCHUMER, and Mr. DAYTON):

S. 11. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. REID, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DURBIN, Ms. STABENOW, Mr. ROCKEFELLER, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 12. A bill to combat international terrorism, and for other purposes; to the Committee on Foreign Relations.

By Mr. AKAKA (for himself, Mr. REID, Ms. MIKULSKI, Ms. STABENOW, Mr. INOUYE, Mr. DORGAN, Mr. LAUTENBERG, Mr. LEAHY, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. CORZINE, Mr. PRYOR, Mr. SCHUMER, Mr. SARBANES, and Mr. DAYTON):

S. 13. A bill to amend titles 10 and 38, United States Code, to expand and enhance health care, mental health, transition, and disability benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

By Ms. STABENOW (for herself, Mr. REID, Mr. CORZINE, Mr. KENNEDY, Mr. INOUYE, Ms. MIKULSKI, Mr. DORGAN, Mr. LEAHY, Mr. ROCKEFELLER, Mr. SCHUMER, Mr. DURBIN, and Mr. DAYTON):

S. 14. A bill to provide fair wages for America's workers, to create new jobs through investment in America, to provide for fair trade and competitiveness, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. REID, Mr. KENNEDY, Mr. CORZINE, Mr. DURBIN, Mr. REED, Mr. SCHUMER, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Ms. STABENOW, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. INOUYE, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. DAYTON):

S. 15. A bill to improve education for all students, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. REID, Ms. STABENOW, Mr. CORZINE, Mr. SCHUMER, Ms. MIKULSKI, Mr. AKAKA, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. DODD, Mr. PRYOR, and Mr. DURBIN):

S. 16. A bill to reduce to the cost of quality health care coverage and improve the availability of health care coverage for all Americans; to the Committee on Finance.

By Mr. DODD (for himself, Ms. MIKULSKI, Ms. STABENOW, Mr. ROCKEFELLER, and Mr. SCHUMER):

S. 17. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on Rules and Administration.

By Mr. DAYTON (for himself, Mr. REID, Ms. STABENOW, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. CORZINE, Mr. SCHUMER, Mrs. MURRAY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. AKAKA, Mr. INOUYE, Mrs. CLINTON, Mr. LEVIN, Mr. KERRY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. DODD, Mr. SARBANES, and Mr. DURBIN):

S. 18. A bill to amend title XVIII of the Social Security Act to make improvements to the medicare program for beneficiaries; to the Committee on Finance.

By Mr. CONRAD (for himself, Mr. Reid, Mr. Feingold, Ms. Mikulski, Ms. Stabenow, Mr. Inouye, Mr. Leahy, Mr. Salazar, Mr. Rockefeller, Mr. Schumer, Mrs. Feinstein, Mr. Dayton, Mr. Dodd, and Mrs. Clinton):

S. 19. A bill to reduce budget deficits by restoring budget enforcement and strengthening fiscal responsibility; to the Committee on the Budget.

By Mr. REID (for himself, Mrs. Murray, Mr. Schumer, Mr. Corzine, Mr. Lautenberg, Mrs. Clinton, Mr. Kerry, Mrs. Feinstein, Ms. Cantwell, Mr. Harkin, Ms. Mikulski, Mr. Inouye, Mr. Akaka, Mr. Levin, Mr. Kennedy, Mr. Leahy, Mr. Wyden, and Ms. Stabenow):

S. 20. A bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. HUTCHISON:

S. 24. A bill to establish an emergency reserve fund to provide timely financial assistance in response to domestic disasters and emergencies; to the Committee on the Budget.

By Mr. CHAMBLISS:

S. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. Frist, Ms. Cantwell, Mr. Ensign, Mr. Alexander, and Mr. Cornyn):

S. 27. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. Leahy):

S. 29. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

By Mr. SARBANES (for himself, Mr. Corzine, Mrs. Clinton, Mr. Akaka, Mr. Bingaman, Mr. Schumer, Mr. Dodd, Mrs. Boxer, Ms. Mikulski, and Mr. Reid):

S. 31. A bill to amend the Electronic Fund Transfer Act to extend certain consumer protections to international remittance transfers of funds originating in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DAYTON (for himself, Mr. Reid, Mr. Dorgan, Mr. Leahy, Ms. Mikulski, Mr. Corzine, and Mr. Johnson):

S. 32. A bill to enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extend active duty, and for other purposes; to the Committee on Armed Services.

By Ms. CANTWELL (for herself, Mr. Bingaman, Mrs. Feinstein, Mrs. Murray, and Mr. Feingold):

S. 33. A bill to prohibit energy market manipulation; to the Committee on Energy and Natural Resources.

By Mr. LIEBERMAN:

S. 34. A bill to provide for the development of a global tsunami detection and warning system, to improve existing communication of tsunami warnings to all potentially affected nations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CONRAD:

S. 35. A bill to amend the Internal Revenue Code of 1986 to extend the credit for production of electricity from wind; to the Committee on Finance.

By Mr. INOUYE:

S. 36. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself and Mrs. Hutchison):

S. 37. A bill to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. MURRAY:

S. 38. A bill to enhance and improve benefits for members of the National Guard and Reserves who serve extended periods on active duty, and for other purposes; to the Committee on Finance.

By Mrs. LINCOLN (for herself, Mr. Bingaman, Mrs. Murray, Ms. Landrieu, Mrs. Boxer, Mr. Sarbanes, and Ms. Collins):

S. 40. A bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to geriatric assessments and chronic care management, and for other purposes; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself, Mr. Domenici, and Mr. Craig):

S. 41. A bill to amend the Safe Drinking Water Act to exempt nonprofit small public water systems from certain drinking water standards relating to naturally occuring contaminants; to the Committee on Environment and Public Works.

By Mr. ALLEN (for himself, Mr. Nelson of Florida, Mr. DeWine, Mr. Nelson of Nebraska, Mrs. Dole, Ms. Murkowski, and Mr. Vitter):

S. 42. A bill to amend title 10, United States Code, to increase the death gratuity payable with respect to deceased members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. HAGEL (for himself, Mr. Coleman, Mr. Kennedy, Mr. DeWine, and Mr. Obama):

S. 43. A bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes; to the Committee on Armed Services.

By Mr. HAGEL (for himself, Mr. DeWine, Mrs. Clinton, Mr. Kennedy, Mr. Lautenberg, and Mr. Salazar):

S. 44. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $100,000; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. Hatch, and Mr. Biden):

S. 45. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEVIN (for himself and Mr. Lugar):

S. 46. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 47. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

By Mr. LAUTENBERG (for himself and Mr. Corzine):

S. 48. A bill to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. STEVENS (for himself and Ms. Murkowski):

S. 49. A bill to establish a joint Federal-State Floodplain and Erosion Mitigation Commission for the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. INOUYE (for himself, Mr. Stevens, Ms. Cantwell, Mr. Burns, Mr. Lautenberg, Ms. Snowe, Mr. Akaka, Ms. Murkowski, Mrs. Clinton, Mr. Smith, and Mrs. Murray):

S. 50. A bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BROWNBACK (for himself, Mr. Alexander, Mr. Allen, Mr. Bunning, Mrs. Dole, Mr. Isakson, Mr. Chambliss, Mr. Burns, Mr. Coburn, Mr. Coleman, Mr. Cornyn, Mr. Crapo, Mr. DeMint, Mr. DeWine, Mr. Enzi, Mr. Graham, Mr. Grassley, Mr. Hagel, Mr. Hatch, Mr. Inhofe, Mr. Kyl, Mr. Roberts, Mr. Santorum, Mr. Sessions, Mr. Shelby, Mr. Talent, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Martinez, Mr. Ensign, and Mr. McConnell):

S. 51. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH:

S. 52. A bill to direct the Secretary of the Interior to convey a parcel of real property to Beaver County, Utah; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 53. A bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 54. A bill to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 55. A bill to adjust the boundary of Rocky Mountain National Park in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 56. A bill to establish the Rio Grande Natural Area in the State of Colorado, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ALLARD:

S. 57. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 58. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

By Mr. INOUYE:

S. 59. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 60. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUYE:

S. 61. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

By Mr. INOUYE:

S. 62. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 63. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. 64. A bill to direct the Secretary of Energy to establish a decommissioning pilot program to decommission and decontaminate the sodium-cooled fast breeder experimental test-site reactor located in northwest Arkansas; to the Committee on Energy and Natural Resources.

By Mr. INHOFE (for himself, Mr. STEVENS, and Mr. BURNS):

S. 65. A bill to amend the age restrictions for pilots; to the Committee on Commerce, Science, and Transportation.

By Mr. INOUYE:

S. 66. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under medicaid programs; to the Committee on Finance.

By Mr. INOUYE:

S. 67. A bill to amend the Public Health Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 68. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

By Mr. INOUYE:

S. 69. A bill for the relief of Donald C. Pence; to the Committee on Armed Services.

By Mr. INOUYE:

S. 70. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or a clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Armed Services.

By Mr. INOUYE:

S. 71. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work at certain medicare providers, and for other purposes; to the Committee on Finance.

By Mr. INOUYE:

S. 72. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Homeland Security and Governmental Affairs.

By Ms. CANTWELL:

S. 73. A bill to promote food safety and to protect the animal feed supply from bovine spongiform encephalopathy; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 74. A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL:

S. 75. A bill to permanently increase the maximum annual contribution allowed to be made to Coverdell education savings accounts; to the Committee on Finance.

By Ms. CANTWELL:

S. 76. A bill to amend the Internal Revenue Code of 1986 to permanently increase the maximum annual contribution allowed to be made to Coverdell education savings accounts, and to provide for a deduction for contributions to education savings accounts; to the Committee on Finance.

By Mr. SESSIONS (for himself and Mr. LIEBERMAN):

S. 77. A bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. CORNYN, Mr. BUNNING, Mr. BURNS, Mr. HAGEL, and Mr. ENSIGN):

S. 78. A bill to make permanent marriage penalty relief; to the Committee on Finance.

By Mr. INOUYE:

S. 79. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

By Mr. INOUYE:

S. 80. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 81. A bill for the relief of Benjamin M. Banfro; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 82. A bill for the relief of Robert J. Bancroft, of Newport Washington, to permit the payment of backpay for overtime incurred in missions flown with the Drug Enforcement Agency; to the Committee on Homeland Security and Governmental Affairs.

By Mr. INOUYE:

S. 83. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

By Mr. INOUYE:

S. 84. A bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation; to the Committee on Finance.

By Mr. INOUYE:

S. 85. A bill for the relief of Ricke Kaname Fujino of Honolulu, Hawaii; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 86. A bill for the relief of Sung Jun Oh; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 87. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 88. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

By Mr. INOUYE:

S. 89. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 90. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 91. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 92. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. 93. A bill to increase the role of the Secretary of Transportation in administering section 901 of the Merchant Marine Act, 1936, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR (for himself, Mr. LEAHY, Mrs. LINCOLN, Mrs. DOLE, and Mr. SMITH):

S. 94. A bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. DEWINE):

S. 95. A bill to amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

By Mr. INHOFE:

S. 96. A bill to target Federal funding for research and development, to amend section 1928 of the Social Security Act to encourage the production of influenza vaccines by eliminating the price cap applicable to the purchase of such vaccines under contracts entered into by the Secretary of Health and Human Services, to amend the Internal Revenue Code of 1986 to establish a tax credit to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

By Mr. ENZI:

S. 97. A bill to provide for the sale of bentonite in Big Horn County, Wyoming; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself, Mrs. CLINTON, Mr. SHELBY, Mr. FEINGOLD, Mr. BURNS, and Mr. ISAKSON):

S. 98. A bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. ENZI:

S. 99. A bill to authorize the Secretary of the Interior to contract with the city of Cheyenne, Wyoming, for the storage of the city's water in the Kendrick Project, Wyoming; to the Committee on Energy and Natural Resources.

By Mr. ALLARD (for himself and Mr. SALAZAR):

S. 100. A bill to authorize the exchange of certain land in the State of Colorado; to the Committee on Energy and Natural Resources.

By Mr. ENZI:

S. 101. A bill to convey to the town of Frannie, Wyoming, certain land withdrawn by the Commissioner of Reclamation; to the Committee on Energy and Natural Resources.

By Mr. TALENT:

S. 102. A bill to provide grants to States to combat methamphetamine abuse; to the Committee on the Judiciary.

By Mr. TALENT (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. WYDEN, Mr. SALAZAR, Mr. HAGEL, Mr. HARKIN, Mr. SMITH, Mr. COLEMAN, and Mr. GRASSLEY):

S. 103. A bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. TALENT (for himself, Mr. WYDEN, Mr. COLEMAN, and Mr. CORZINE):

S. 104. A bill to amend the Internal Revenue Code of 1986 to provide tax-exempt financing of highway projects and rail-truck transfer facilities; to the Committee on Finance.

By Mr. TALENT (for himself, Mr. SESSIONS, and Mr. DEMINT):

S. 105. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 106. A bill to provide for the reliquidation of certain entries of candles; to the Committee on Finance.

By Mr. LEVIN:

S. 107. A bill to provide for the reliquidation of certain entries of clock radios; to the Committee on Finance.

By Mr. JOHNSON (for himself, Mr. ENZI, Mr. BINGAMAN, and Mr. DORGAN):

S. 108. A bill to prohibit the operation during a calendar year of the final rule issued by the Secretary of Agriculture to establish standards for the designation of minimal-risk regions for the introduction of bovine spongiform encephalopathy into the United States, including designation of Canada as a minimal-risk region, and the importation into the United States from Canada of certain bovine ruminant products during that calendar year, unless country of origin labeling is required for the retail sale of a covered commodity during that calendar year; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. VITTER (for himself, Mr. SALAZAR, Mr. THUNE, and Mr. DEMINT):

S. 109. A bill entitled "Pharmaceutical Market Access Act of 2005"; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 110. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 111. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 112. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 113. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust; to the Committee on Indian Affairs.

By Mr. KERRY (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. CORZINE, and Ms. CANTWELL):

S. 114. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN:

S. 115. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of electronic data containing personal information, to disclose any unauthorized acquisition of such information; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 116. A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 117. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 118. A bill for the relief of Maria Cristina DeGrassi; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. SCHUMER, Mr. HAGEL, Mr. DURBIN, Mr. DEWINE, Ms. CANTWELL, Mr. INOUYE, and Mr. FEINGOLD):

S. 119. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

By Mrs. FEINSTEIN:

S. 120. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

By Mr. DEWINE (for himself, Mr. DURBIN, Mr. ALLEN, Mr. HAGEL, Mr. COLEMAN, Mr. JOHNSON, Mr. OBAMA, and Mr. LEAHY):

S. 121. A bill to amend titles 10 and 38, United States Code, to improve the benefits provided for survivors of deceased members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mr. FEINGOLD:

S. 122. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

By Mr. FEINGOLD:

S. 123. A bill to amend part D of title XVIII of the Social Security Act to provide for negotiation of fair prices for Medicare prescription drugs; to the Committee on Finance.

By Mr. FEINGOLD:

S. 124. A bill to amend title XVIII of the Social Security Act to repeal the MA Regional Plan Stabilization Fund; to the Committee on Finance.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. DURBIN):

S. 125. A bill to designate the United States courthouse located at 501 I Street in Sacramento, California, as the "Robert T. Matsui United States Courthouse"; to the Committee on Environment and Public Works.

By Mrs. LINCOLN:

S. 126. A bill to improve the administration of the Animal and Plant Health Inspection Service of the Department of Agriculture and for other purposes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 127. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 128. A bill to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. TALENT:

S. 129. A bill to amend title 23, United States Code, to provide for HOV facilities; to the Committee on Environment and Public Works.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 130. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. VOINOVICH):

S. 131. A bill to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program; to the Committee on Environment and Public Works.

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 132. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance; to the Committee on Finance.

By Mr. TALENT (for himself and Mr. FEINGOLD):

S. 133. A bill to amend section 302 of the PROTECT Act to modify the standards for the issuance of alerts through the AMBER Alert communications network; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 134. A bill to adjust the boundary of Redwood National Park in the State of California; to the Committee on Energy and Natural Resources.

By Mr. BURNS (for himself, Mr. JOHNSON, Mr. THOMAS, Mr. BINGAMAN, Mr. THUNE, and Mr. DORGAN):

S. 135. A bill to amend the Agricultural Marketing Act of 1946 to expand country of origin labeling for certain covered commodities; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. FEINSTEIN:

S. 136. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing education services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area; to the Committee on Energy and Natural Resources.

By Mr. KERRY:

S. 137. A bill to modify the contract consolidation requirements in the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself and Mr. BINGAMAN):

S. 138. A bill to make improvements to the microenterprise programs administered by the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY:

S. 139. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business and Entrepreneurship.

By Mrs. CLINTON (for herself and Mr. SCHUMER):

S. 140. A bill to provide for a domestic defense fund to improve the Nation's homeland defense, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. LEVIN (for himself and Mr. JEFFORDS):

S. 141. A bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

By Mr. SCHUMER:

S. 142. A bill for the relief of Alemseghed Mussie Tesfamical; to the Committee on the Judiciary.

By Mr. DAYTON:

S. 143. A bill to ensure that Members of Congress do not receive better prescription drug benefits than medicare beneficiaries; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KOHL (for himself and Mr. CORZINE):

S. 144. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

By Mr. ALLARD (for himself, Mr. INHOFE, Mr. LOTT, Mr. ENZI, Mr. DEMINT, Mr. SANTORUM, Mr. CRAPO, Mr. SESSIONS, Mr. VITTER, Mr. THUNE, Mr. ALEXANDER, Mr. FRIST, Mr. TALENT, Mr. BURR, Mrs. HUTCHISON, Mr. KYL, Mrs. DOLE, Mr. MARTINEZ, Mr. ISAKSON, Mr. MCCONNELL, Mr. HATCH, Mr. ROBERTS, Mr. CORNYN, Mr. STEVENS, and Mr. COBURN):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

By Mr. CRAIG:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. ALEXANDER, Mr. DOMENICI, Mr. COCHRAN, Mr. HAGEL, Mr. WARNER, Mr. BIDEN, Mr. HATCH, Mr. KENNEDY, Mr. DODD, and Mr. GRAHAM):

S. Res. 7. A resolution relating to the death of Howard S. Liebengood, former Sergeant at Arms of the Senate; considered and agreed to.

By Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. COLEMAN):

S. Res. 8. A resolution expressing the sense of the Senate regarding the maximum amount of a Federal Pell Grant; to the Committee on Health, Education, Labor, and Pensions.

By Mr. INOUYE:

S. Res. 9. A resolution expressing the sense of the Senate regarding designation of the month of November as "National Military Family Month"; to the Committee on the Judiciary.

By Mr. SCHUMER (for himself and Mr. TALENT):

S. Con. Res. 3. A concurrent resolution expressing the sense of the Congress with respect to the murder of Emmett Till; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GREGG (for himself, Mr. FRIST, Mr. SESSIONS, Mr. DEWINE, Mr. ALLEN, Mr. SANTORUM, Mr. MCCONNELL, and Mr. DEMINT):

S. 3. A bill to strengthen and protect America in the war on terror; to the Committee on Finance.

Mr. ENZI. Mr. President, as reports continue to appear in the media, there can be little doubt that a critical area of homeland security, and one on which I will be focusing as Chairman of the Health, Education, Labor and Pensions Committee, is the issue of bioterrorism. It is clear that we cannot separate the need for a strong national biodefense from other aspects of emergency preparedness.

Last summer, when President Bush signed the Project Bioshield Act into law, he called bioterrorism and efforts to use modern technologies against us the greatest danger of our time. The threat posed by bioterror has not gone unnoticed by terrorists and those who wish to do us harm. That is why we must continue to do everything we can to ensure our ability to respond to the use of biological weapons.

In the months to come, my Committee will be working together to develop the strategy we will need to provide for a strong national biodefense. We will be exploring a number of options in that effort, like providing incentives to increase private sector participation in the development of bioterror countermeasures and biopreparedness tools. We will also be examining ways to strengthen our domestic vaccine industry and increase the overall readiness of our public health system.

While I commend its intent, I declined to cosponsor S. 3, the Republican leadership bioterrorism bill introduced today. I look forward to developing bipartisan legislation to strengthen our national biodefense system in our Committee. Senator BURR, who will be heading the Subcommittee on Bioterrorism and Public Health Preparedness, will be an important part of that effort. I am also looking forward to the input of my fellow Committee members, including Senators KENNEDY, GREGG and HATCH, as well as Senator LIEBERMAN, who, while not a member of my Committee, has made this a priority of his work in the Congress and put a great deal of thought and effort into the area. In the coming weeks and months, I will also be convening a number of discussions with critical stakeholders and experts as we develop our legislation.

Together, I am confident we can build on the work Congress and President Bush began with the Project Bioshield legislation and do what is necessary to ensure that we are as prepared as we possibly can be for the ever-present and constantly changing threat of bioterrorism.

By Mr. ENZI (for himself, Mr. FRIST, and Mr. MCCONNELL):

S. 9. A bill to improve American competitiveness in the global economy by improving and strengthening Federal education and training programs, and for other purposes; to the Committee on Finance.

Mr. ENZI. Mr. President, last week we had an opportunity to be a part of a truly historic event. As we gathered together on the west front of the Capitol, a huge crowd joined us along the Mall and down Pennsylvania Avenue to witness the inauguration of President

Bush. It was a great moment for America as the President took his oath of office. Later, in what was one of the best inaugural speeches I have ever heard, he outlined his vision for the future and the theme for his second term.

It filled my heart with pride to hear him speak about freedom and the role America would continue to play in helping to bring its bright light to bear on the darkest regions of the world. As he spoke, I was pleased to hear him also renew, his commitment to our Nation's education system and to bringing the highest standards to our schools. The President made it clear that such an effort was an important part of making sure that every American has a stake in our future as a nation. Without it, the American dream we have shared for many years may be reduced to a nightmare for future generations.

Clearly, we can't allow that to happen. That is why I am pleased to join, with the distinguished majority leader, Dr. FRIST, and my friend and colleague, from Tennessee, Senator ALEXANDER, in introducing legislation we have written to address that need and ensure a brighter future for our children. Among the goals our legislation seeks to address is the importance of strengthening our public education system, ensuring parents are involved in the process and, above all, giving our teachers the support they need to obtain the results we must have if our children are to have the best chance to succeed in life.

The legislation I am introducing today continues the work we began with the passage of the No Child Left Behind Act. That bipartisan legislation made it clear that we had high expectations for all public school children. It made making sure those expectations were met the center of our Federal education policy. That policy has had good results. Children all over the country, including minority children, are improving their reading skills. Their math scores are getting better. In another 2 years, when science is included in the State assessments, I believe we will see that students are doing better in that subject, too. Thanks to the passage of the No Child Left Behind Act that we all had a hand in, we are continuing to see more and more positive results in our schools.

Although our record of success is impressive, there is still room for more improvement. According to the most recent National Assessment of Education Progress, over 25 percent of twelfth grade students could not read at grade level. Only two-thirds of students entering the ninth grade are expected to complete high school within 4 years. That is a dire forecast for our future, but it need not be so if we stick to the goals we have set and work to achieve them.

We want to make sure we continue to set high expectations of what all students can achieve, regardless of their background. This needs to be a common theme in all our Federal education programs. All students can learn and every child can be a star pupil. It is not just a slogan. It is a philosophy that our teachers need to put into practice every day in the classroom. It must then be echoed by every student's parents each evening at home at the dinner table.

We need to make sure Federal programs emphasize accountability, but we also need to make sure we do it in a way that makes sense. Many Federal programs designed to serve the same population of students have different requirements. We can help our teachers serve their students better by reducing the amount of time they spend outside the classroom on activities that don't help our children learn. Federal program requirements should not work against the, goal we have set of improving student achievement.

It is important to provide flexibility to the States so they can manage Federal program dollars and address their unique needs in the most effective manner possible. We need to let leaders at the State and local level make the important decisions about this country's education, because they are at the level closest to the people—and closest to the classroom where we must continue to get good results from our efforts.

The needs of rural schools must also continue to be addressed. Schools in rural States like Wyoming have unique needs and serve smaller populations. They can't be administered like the large schools of the big cities in the East. One-size-fits-all policies that may work in large population centers are all too often doomed to fail in the smaller towns and cities of the West.

Although funding will be a key in the effort to address these issues, the Federal Government provides only a fraction of education spending in this country. For K–12 education, the Federal investment is still around 8 percent. The rest of the money comes from States and local districts. We need to trust these educators and administrators to work on behalf of the children in their charge. We must ensure they have the tools they need to serve their students and help all children in their area succeed.

We also want to support lifelong learning opportunities for students at every stage in their life. Education is changing; the way we approach learning has to change as well. Federal programs should reflect these changes and help our students adapt to them. Las year, more than 70 percent of college students were considered "nontraditional." Our education system needs to address the needs of adult learners, as well as children who take the more "traditional" track in education.

We want to create a strong link between education and the workforce. Businesses are creating and filling good jobs with good candidates, and we want to make sure we are filling those jobs with American workers.

In our technology-driven economy, school can never be out. It is estimated that 60 percent of tomorrow's jobs will require skills that only 20 percent of today's workers possess. It is also estimated that the average worker leaving college today will switch careers 14 times in their life, and 10 of those careers haven't been invented yet.

To address those needs, we need a system in place that can support a lifetime of education, training, and retraining. As tomorrow's workers change careers, they will need to learn new skills, or to apply their current skills in new ways. Our postsecondary institutions will play a critical role in supporting these students, as they do now through a number of Federal education programs.

High school dropouts are the most at-risk school population in the workforce. We must look at Federal efforts to reform high schools to make sure we are keeping students in school. We need to make sure that students are leaving high school with a diploma, a quality education, and the strong foundation of reading, writing, math and science skills that will help them succeed in the workforce. We must also reach out to those who do not have high school diplomas to give them an opportunity to increase the level of their skills so that they, too, have a chance to succeed in life. We can do that by increasing their awareness of and involvement in lifetime of learning programs.

In this bill, we have also included language to reauthorize the Workforce Investment Act. That will help an estimated 900,000 unemployed workers each year get back to work and provide American workers with the skills they will need to be competitive in the global marketplace. That will help them land the good jobs that will be created in the years to come. Our legislation will also support the needs of businesses including small businesses looking for skilled workers. In addition, the bill will strengthen the role of public education institutions in the Federal workforce preparation effort, including our community colleges.

As we work on this and other education legislation, we must ensure we are focused on getting the results that will help our children succeed in life. We can do that by incorporating high expectations, accountability, flexibility for our States in administering Federal assistance, and a lifetime of learning opportunities, into our education policies. If we do that, every child's life will be a success story and everyone will have the freedom to live their own version of the American dream.

As we continue to work on improving our Nation's education system, an educated citizenry will continue to be our goal. It will never be enough to provide our children with a diploma. We must provide them with the skills they will need to compete for and win the jobs of tomorrow and keep them.

By Mr. LEVIN (for himself, Mr. REID, Ms. MIKULSKI, Ms. STABENOW, Mr. INOUYE, Mr. DORGAN, Mr. LAUTENBERG, Mr. LEAHY, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. CORZINE, Mr. PRYOR, Mr. NELSON of Nebraska, Mr. REED, Mr. SCHUMER, and Mr. DAYTON):

S. 11. A bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, I am honored to introduce the Standing with Our Troops Act of 2005. This bill addresses the needs of the Soldiers, Sailors, Airmen, and Marines who have responded so bravely to the call of our Nation. We owe it to them and their families to ensure that they are properly trained and equipped for the hazardous duties they are performing, that they are fairly compensated for their service, and that they receive their pay in the correct amount, on time.

We start with the recognition that we have cut our troop strength too far to sustain current military operations. This bill would authorize increases of up to 40,000 additional active duty Soldiers and Marines over the next two years. The bill authorizes an increase in the active duty Army end strength by up to 20,000 Soldiers in 2006 and an additional 10,000 in 2007, and it authorizes an increase in the Marine Corps' active duty end strength by up to 5,000 Marines in 2006 and an additional 5,000 Marines in 2007.

The Department of Defense currently reports numbers of service members killed or seriously wounded in action in our ongoing combat operations in Iraq and Afghanistan. This bill would require a formal monthly report that includes the numbers of Soldiers, Sailors, Airmen and Marines who are killed in action; killed as a result of non-combat injuries incurred during combat operations; killed as a result of self-inflicted wounds or suicide; wounded in action, when the injuries prevent the service member from returning to duty within 72 hours; wounded in action when the service member returns to duty within 72 hours, insofar as this data is currently maintained; and the total number of service personnel evacuated from theater for medical reasons.

To ensure that awards and decorations are expeditiously and fairly awarded to deserving military personnel, this bill would establish an Advisory Panel on Military Awards and Decorations to review the policies and practices of each of the Services for awarding medals and decorations and to report to Congress. This Panel would compare the different Service policies and practices for decorating its military personnel, and make a recommendation as to whether individual service practices should be continued or a single standard adopted that applies to all Services; recommend measures that can be taken to ensure that service members serving in combat are at least as likely to receive medals as those not exposed to combat, and enlisted personnel are just as likely as officers to be decorated for their service.

This bill would create an Office of Mobilization Planning and Preparedness within the National Security Council to ensure that all of our national resources are assembled and organized to respond to a national security emergency. National resources include our military, labor, transportation, industry and financial resources.

We know that current military operations are wearing out military equipment faster than we are replacing it. To address this, this bill would require the Secretary of Defense to report to Congress on the needs of our military forces for reconstituting stocks of equipment and material damaged, destroyed, and worn out in Operation Iraqi Freedom and Operation Enduring Freedom. The report will include the needs of each military service, including the reserve components, for repair and replacement of equipment; and authorize appropriation of $8.5 billion for the Army and $2.1 billion for the Marine Corps for repair, refurbishment, and replacement of equipment used in OIF and OEF.

The Government Accountability Office (GAO) found, and I agree, that the Department of Defense's mobilization and deployment policies were implemented in a piecemeal fashion not linked to a strategic framework. We owe it to our service men and women to have clear policies regarding lengths of deployments. The Department of Defense must clearly communicate these policies and other deployment related information to service members and their families. This bill would require the Secretary of Defense to report to Congress on DoD policies on lengths of mobilization and deployment periods and on the use of stop-loss to keep military personnel in the service beyond their service commitments.

In two separate reports, the GAO has found that more than 90 percent mobilized reserve component personnel experienced pay problems. The GAO found that "These pay problems often had a profound adverse impact on individual soldiers and their families." This bill would require the designation of a senior official to ensure implementation of GAO recommendations to correct these pay problems.

Representation of our reserve component personnel at the highest levels in the Department of Defense has not kept pace with the increased role of our Guard and Reserve personnel. Accordingly, this bill creates a new position, a Deputy Under Secretary of Defense for Reserve Affairs, to speak for the Reserve Components.

This bill would give tax relief to mobilized service members and employers who make up for pay lost to service members who are ordered to active duty. It would amend the Internal Revenue Code to authorize activated National Guard and Reserve personnel to make penalty free withdrawals from qualified retirement plans; allow employers a tax deduction for making up the difference between military pay and civilian income of mobilized reservists; and authorize a tax credit to small business employers who continue to compensate members of the Ready Reserve ordered to active duty and for costs of hiring a replacement employee.

We know that the military pay of about a third of our mobilized National Guard and Reserve personnel is less than the pay they received from their civilian jobs. Many private employers already pay a wage differential to those who lose money, and we will encourage more to do so with the tax incentives I have just described. The biggest employer of our Guard and Reserve personnel is the Federal Government, and the Federal Government should do as much as the private employers do for those who lose money while serving our Nation. This bill would require Federal Agencies to make up the pay differences for Federal employees who are ordered to active duty.

Studies have shown that 40 percent of our junior enlisted members in the reserve components have no health insurance except when they are on active duty. This bill would provide access to the military's TRICARE health care program for all members of the Selected Reserve and their families. They would pay a subsidized premium similar to the premium charged Federal Employees for health care. This will help to ensure that members of the National Guard and Reserves are medically ready when called to serve in the military.

When a Soldier, Sailor, Airmen or Marine dies on active duty, his survivors currently receive a death gratuity of just over $12,000. This is simply not enough. This bill would raise the death gratuity to $100,000, and would allow survivors to receive Dependency and Indemnity Compensation from the VA as well as a Survivor Benefit Plan annuity from the Department of Defense.

United States taxpayers have borne a disproportionate share of the cost for the reconstruction of Iraq. The support of the international community for this reconstruction is critical. This bill would require the President to report to Congress on U.S., Iraqi, and foreign contributions to Iraq's reconstruction before any new U.S. reconstruction funds are appropriated. The bill would also require any U.S. funds for reconstruction in Iraq be in the form of a collateralized loan which the U.S. would guarantee unless the President reports to Congress that it is in the U.S. national security interest to provide the funds other than in the form of a loan.

I again want to compliment the service of the young men and women serving in our military forces for their magnificent and unselfish service to our Nation. I trust that the measures included in this bill will serve as a token of the Nation's sincere appreciation for their great sacrifices and service.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed as follows:

S. 11

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Standing With Our Troops Act of 2005".

DIVISION A—FULFILLMENT OF OBLIGATIONS TO THE MEMBERS OF THE ARMED FORCES

TITLE I—STRENGTHS OF THE ARMY AND MARINE CORPS ACTIVE FORCES

SEC. 101. FINDINGS.

Congress makes the following findings:

(1) While the United States Armed Forces remain the premier fighting force in the world, the Defense Science Board, in a study carried out in the summer of 2004, found that "When we match the existing and projected force structure with the current and projected need for stabilization forces we see an enduring shortfall in both total numbers of people and their ability to sustain the continuity of stabilization efforts.".

(2) Between 1989 and 2004, the military personnel end strength of the Army has been reduced by more than 34 percent, and the Department of the Army's civilian workforce has been reduced by more than 45 percent, while the mission rate of the Army has increased by 300 percent.

(3) Because of the personnel reductions, the Army National Guard and the Army Reserve are repeatedly being called to active duty to meet Army mission requirements that the active-duty force of the Army is no longer large enough to meet alone. Army National Guard and Army Reserve units have provided up to 40 percent of the military personnel engaged in Operation Iraqi Freedom while they have also been performing a dramatically increased role in homeland defense and continuing to respond to natural disasters, other domestic emergencies, and military contingencies. As a result, the reserve components of the Army have been pushed to the breaking point.

SEC. 102. ARMY.

(a) Strength for Fiscal Year 2006.—Effective on October 1, 2005, section 691(b)(1) of title 10, United States Code, is amended by striking "502,400" and inserting "522,400".

(b) Strength for Fiscal Years After Fiscal Year 2006.—Effective on October 1, 2006, section 691(b)(1) of such title is amended by striking "522,400" and inserting "532,400".

SEC. 103. MARINE CORPS.

(a) Strength for Fiscal Year 2006.—Effective on October 1, 2005, section 691(b)(3) of title 10, United States Code, is amended by striking "178,000" and inserting "183,000".

(b) Strength for Fiscal Years After Fiscal Year 2006.—Effective on October 1, 2006, section 691(b)(3) of title 10, United States Code, is amended by striking "183,000" and inserting "188,000".

TITLE II—FULL RECOGNITION OF SACRIFICE AND VALOR OF UNITED STATES SERVICEMEMBERS

Subtitle A—Findings

SEC 201. FINDINGS.

Congress makes the following findings:

(1) On November 21, 2004, the Columbia Broadcasting System television program 60 Minutes reported that the staff of that program had received from the Department of Defense a letter containing the assertion that "[m]ore than 15,000 troops with so-called 'non-battle' injuries and diseases have been evacuated from Iraq.".

(2) This report was a rare disclosure by the Department of Defense, as it is the policy of the Department of Defense not to disclose publicly the number of Armed Forces personnel that sustain non-combat injuries.

Subtitle B—Accounting for Casualties Incurred in the Prosecution of the Global War on Terrorism

SEC. 211. MONTHLY ACCOUNTING.

Not later than five days after the end of each month, the Secretary of Defense shall publish, for such month for each operation described in section 212, a full accounting of the casualties among the members of the Armed Forces that were incurred in such operation during that month.

SEC. 212. OPERATIONS COVERED.

The operations referred to in section 211 are as follows:

(1) Operation Iraqi Freedom.

(2) Operation Enduring Freedom.

(3) Each other operation undertaken by the Armed Forces in the prosecution of the Global War on Terrorism.

SEC. 213. COMPREHENSIVE CONTENT OF ACCOUNTING.

For the purpose of providing a full and complete accounting of casualties covered by a report under section 211, the Secretary of Defense shall include in the report the number of casualties in each casualty status in accordance with section 214.

SEC. 214. CASUALTY STATUS.

(a) Status Types.—In a report under this title, each casualty among members of the Armed Forces shall be characterized by the most specific casualty status applicable to the member as follows:

(1) Killed in action.

(2) Killed in non-hostile duty.

(3) Killed, self-inflicted.

(4) Wounded in action, not returned to duty.

(5) Wounded in action, returned to duty (to the extent that data is available to support this characterization of casualty status).

(6) Evacuated for medical reasons.

(b) Definitions.—In this section:

(1) Killed in action.—The term "killed in action", with respect to a member of the Armed Forces, means that the member incurred one or more mortal wounds while involved in an action against a hostile force, whether or not the wounds are inflicted by the hostile force.

(2) Killed in non-hostile duty.—The term "killed in non-hostile duty", with respect to a member of the Armed Forces, means that the member incurred one or more mortal wounds that were not self-inflicted and not inflicted during an action against a hostile force.

(3) Killed, self-inflicted.—The term "killed, self-inflicted", with respect to a member of the Armed Forces, means a suicide of the member or the death of the member as a result of one or more self-inflicted injuries.

(4) Wounded in action, not returned to duty.—The term "wounded in action, not returned to duty", with respect to a member of the Armed Forces, means that the member, while involved in an action against a hostile force, incurred one or more non-mortal injuries that required medical attention and that prevented the member from returning to duty within 72 hours after incurring the injury or injuries.

(5) Wounded in action, returned to duty.—The term "wounded in action, returned to duty", with respect to a member of the Armed Forces, means that the member, while involved in an action against a hostile force, incurred one or more non-mortal injuries that required medical attention but did not prevent the member from returning to duty within 72 hours after incurring the injury or injuries.

(6) Evacuated for medical reasons.—The term "evacuated for medical reasons", with respect to a member of the Armed Forces, means that the member was evacuated from a theater of operations for medical reasons.

SEC. 215. PUBLICATION AND RELEASE OF REPORT.

The Secretary of Defense shall—

(1) post the report under this title on the official website of the Department of Defense; and

(2) transmit a copy of the report to the chairmen and ranking members of the Committees on Armed Services of the Senate and the House of Representatives.

SEC. 216. SENSE OF CONGRESS.

It is the sense of Congress that the Secretary of Defense has an obligation to ensure full and accurate reporting of casualties among the members of the Armed Forces to Congress and the people of the United States.

Subtitle C—Advisory Panel on Military Awards and Decorations

SEC. 221. ESTABLISHMENT.

The Secretary of Defense shall establish within the Department of Defense an Advisory Panel on Military Awards and Decorations.

SEC. 222. DUTIES.

(a) Comprehensive Review of Military Decorations System.—The Advisory Panel shall conduct a comprehensive review of the standards and processes used in the Armed Forces to award medals and decorations to members of the Armed Forces. The review shall include the following matters:

(1) An examination and evaluation of the standards of each of the Armed Forces for awarding each medal and decoration.

(2) A comparison of the standards of each of the Armed Forces with the standards of each of the other Armed Forces for awarding comparable medals and decorations.

(3) An examination and evaluation of the speed with which—

(A) each of the Armed Forces identifies and considers members for the awarding of medals and decorations; and

(B) the medals and decorations are ultimately awarded.

(4) A review of the medals and decorations awarded by the Armed Forces during 2002, 2003, and 2004, together with a review of the ranks of the recipients and the mission-related and other circumstances that are associated with the awarding of the medals and decorations to those recipients.

(b) REPORT.—

(1) REQUIREMENT FOR REPORT.—Not later than 18 months after the date of the enactment of this Act, the Advisory Panel shall submit a report on the results of the review under this section to the Secretary of Defense and to Congress.

(2) CONTENT.—The report under this subsection shall contain the findings and conclusions of the Advisory Panel together with any recommendations for action that the panel considers appropriate, and shall include the following matters:

(A) A discussion of the merits of maintaining for each of the Armed Forces separate policies for the awarding of comparable medals and decorations of the Armed Forces, together with a discussion of the merits of adopting uniform standards for awarding such medals and decorations.

(B) Measures that can be taken by each of the Armed Forces to expedite the process for timely identifying a member who deserves a medal of decoration, determining the appropriateness of awarding the medal or decoration to the member, and, in each appropriate case, awarding the medal or decoration to the member.

(C) Measures that can be taken to ensure that—

(i) members serving in combat are at least equally as likely to be considered for the awarding of medals and decorations as are personnel not exposed to combat; and

(ii) enlisted personnel are at least as likely to be considered for the awarding of medals and decorations as are officers.

(D) A recommendation regarding whether the Valor device awarded by each of the Armed Forces should be replaced by a separate class of medals honoring special bravery in combat.

(E) A determination of the desirability of adding a new class of medals, similar to the Purple Heart, to be awarded to military personnel who incur non-combat injuries in connection with performance of an official mission or duty during a combat operation in order to honor their sacrifice in service to the people of the United States.

(c) SCOPE LIMITED TO DEPARTMENT OF DEFENSE.—The scope of the review and report under this section does not include the Coast Guard.

SEC. 223. COMPOSITION AND ADMINISTRATION.

(a) COMPOSITION.—

(1) NUMBER; APPOINTMENT.—The Advisory Panel shall be composed of not more than seven members appointed by the Secretary of Defense.

(2) GENERAL AND FLAG OFFICERS.—The Secretary shall ensure that the membership of the task force includes a retired general or flag officer from each of the Army, Navy, Air Force, and Marine Corps who is familiar with the policies of the Armed Forces regarding military awards and decorations.

(3) VETERANS.—The Secretary shall appoint at least one representative of a leading veterans' advocacy organization as a member of the Advisory Panel.

(b) TIME FOR APPOINTMENT.—All members of the Advisory Panel shall be appointed within 60 days after the date of the enactment of this Act.

(c) CHAIRPERSON.—The chairperson of the Advisory Panel shall be selected from among the members of the Advisory Panel by a majority vote of the members.

(d) COMPENSATION AND EXPENSES OF MEMBERS.—Each member of the Advisory Panel shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from the member's home or regular places of business in the performance of services for the Advisory Panel.

(e) FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App) shall not apply to the Advisory Panel.

SEC. 224. COOPERATION OF FEDERAL AGENCIES.

(a) INFORMATION.—The Advisory Panel may obtain directly from the Department of Defense, the Department of Veterans Affairs, or any other department or agency of the United States any information of such department or agency that the panel considers necessary for the panel to carry out its duties.

(b) OTHER COOPERATION.—The Secretary of Defense, the Secretary of Veterans Affairs, and any other official of the United States shall provide the Advisory Panel with full and timely cooperation requested by the panel in carrying out its duties under this section.

SEC. 225. TERMINATION.

The Advisory Panel on Military Awards and Decorations shall terminate 30 days after the submission of the report to Congress under section 222(b).

TITLE III—MILITARY EQUIPMENT AND MATERIEL

SEC. 301. FINDINGS.

Congress makes the following findings:

(1) United States military personnel serving in Operations Iraqi Freedom have experienced significant shortages of critical equipment, such as body armor, aircraft survivability equipment, and armored trucks, including up-armored High Mobility Multipurpose Wheeled Vehicles. In many cases the shortages have lasted several months. For example, the individual body armor needed for protecting every member of the Armed Forces and Department of Defense civilians in Iraq was not produced and fielded until February 2004, 11 months after Operation Iraqi Freedom was launched. Shortages of armor for Army trucks still existed as of the beginning of 2005.

(2) Operation Iraqi Freedom and Operation Enduring Freedom have taken a substantial toll on military equipment of the Armed Forces. The commanding general of the Army Material Command estimated in 2004 that the Army is wearing out its equipment in Iraq and Afghanistan at a rate that could be up to 10 times faster than the rate at which it wears out its equipment elsewhere during peacetime, and there are no significant reserve stocks of that equipment remaining.

(3) It is a solemn obligation of the United States Government to ensure that, whenever the Armed Forces are called into battle, the military personnel fighting or supporting the battle are provided with the safest, most effective technology and equipment.

SEC. 302. MOBILIZATION PLANNING AND PREPAREDNESS.

(a) DIRECTOR OF MOBILIZATION PLANNING AND PREPAREDNESS.—Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by striking section 107 and inserting the following new sections:

"DIRECTOR OF MOBILIZATION PLANNING AND PREPAREDNESS

"SEC. 107. DEFINITIONS.—In this section:

"(1) The term 'Director' means the Director of Mobilization Planning and Preparedness referred to in subsection (b)(1), except where the context clearly indicates otherwise.

"(2) The term 'national security emergency' means any occurrence, including a natural disaster, a military or terrorist attack against the territory of the United States, a military operation carried out by the Armed Forces abroad, a technological emergency, or any other emergency, that either seriously degrades or threatens the security of the United States or the Armed Forces.

"(3) The term 'mobilization' means the act of assembling and organizing national resources, including military personnel and equipment, labor, transportation systems, industry, and financial resources, to support national objectives of the United States in time of a national security emergency.

"(4) The term 'mobilization planning and preparedness' means all aspects of planning and preparing for a mobilization for a national security emergency, including the identification of functions that would have to be performed during a national security emergency, development of plans for performing such functions, development of the capability to execute such plans, and development of policies that maximize the speed and efficiency with which such plans can be executed during a national security emergency.

"(b) POSITION OF DIRECTOR.—

"(1) ESTABLISHMENT.—There is a Director of Mobilization Planning and Preparedness on the staff of the National Security Council.

"(2) APPOINTMENT.—The Director is appointed by the Assistant to the President for National Security Affairs.

"(3) RELATIONSHIP TO NATIONAL SECURITY ADVISOR.—The Director reports directly to the Assistant to the President for National Security Affairs.

"(c) DUTIES.—

"(1) PRINCIPAL DUTY.—The Director is the principal adviser to the Assistant to the President for National Security Affairs on matters of mobilization planning and preparedness.

"(2) SPECIFIC DUTIES.—The duties of the Director include the following:

"(A) Identify which governmental and private sector functions must be performed on a sustained basis during a national security emergency.

"(B) Develop plans for the sustained performance of the identified functions.

"(C) Provide guidance on the development of the capability to execute the plans.

"(D) Recommend policies for the maximization of the speed and efficiency with which the plans can be executed during a national security emergency.

"(E) Recommend planning and policy guidance regarding involvement of the National

Guard in 2 or more national security emergency operations concurrently.

"(F) Administer quarterly exercises simulating mobilization for various types of national security emergencies, including the following:

"(i) A major military operation carried out in and around 1 or more foreign countries.

"(ii) An occupation and reconstruction mission.

"(iii) A terrorist attack within the United States.

"(iv) A natural disaster within the United States.

"(v) A major humanitarian crisis in 1 or more foreign countries.

"(vi) A minor military intervention in a foreign country.

"(3) RELATED DUTIES.—

"(A) MOBILIZATION PLANNING AND PREPAREDNESS POLICY COORDINATING COMMITTEE.—The Director serves on the Mobilization Planning and Preparedness Policy Coordinating Committee as provided in section 107A.

"(B) DEPARTMENT OF DEFENSE PRIMARY ALLOCATION OF INDUSTRIAL RESOURCES TASK FORCE.—The Director serves as a member of the Primary Allocation of Industrial Resources Task Force of the Department of Defense.

"(d) OFFICE OF MOBILIZATION PLANNING AND PREPAREDNESS.—

"(1) ESTABLISHMENT.—There is an Office of Mobilization Planning and Preparedness within the National Security Council. The Director is the head of the office.

"(2) COMPOSITION.—The Office of Mobilization Planning and Preparedness is composed of the following personnel:

"(A) Thirty employees appointed by the Assistant to the President for National Security Affairs.

"(B) An employee of the Department of Defense, who shall be detailed to the Office by the Under Secretary of Defense for Acquisition, Technology, and Logistics to serve as liaison between the Department of Defense and the Director to ensure that comprehensive and accurate information on the needs of the Armed Forces for equipment and materiel in a national security emergency are timely communicated to the Director.

"(e) COORDINATION WITH NATIONAL COUNTERTERRORISM CENTER.—

"(1) LIAISON OFFICER.—The Director shall detail an employee of the Office to the National Counterterrorism Center to serve as a liaison officer between the Director of Mobilization Planning and Preparedness and the Director of the National Counterterrorism Center for collaboration on counterterrorism-related information and issues necessary for effective mobilization planning and preparedness.

"(2) RESPONSIBILITY OF DIRECTOR OF NATIONAL COUNTERTERRORISM CENTER.—The Director of the National Counterterrorism Center shall ensure that the liaison officer is accorded such privileges at the Center as are necessary to ensure that the collaboration between the Director of the National Counterterrorism Center and the Director of Mobilization Planning and Preparedness on counterterrorism-related information and issues is effective.

"(f) ANNUAL REPORT.—

"(1) REQUIREMENT FOR REPORT.—The President, acting through the Director, shall submit to Congress each year a report on mobilization planning and preparedness.

"(2) CONTENT.—The annual report under this subsection shall include the following information:

"(A) Funding needs for mobilization planning and preparedness.

"(B) An assessment of the state of mobilization planning and preparedness in the United States.

"(C) Any recommended policies on mobilization planning and preparedness that the President, in consultation with the Assistant to the President for National Security Affairs and the Director, considers appropriate.

"MOBILIZATION PLANNING AND PREPAREDNESS POLICY COORDINATING COMMITTEE

"SEC. 107A. (a) MOBILIZATION PLANNING AND PREPAREDNESS DEFINED.—In this section, the term 'mobilization planning and preparedness' has the meaning given that term in section 107(a).

"(b) ESTABLISHMENT.—There is in the executive branch an interagency committee known as the 'Mobilization Planning and Preparedness Policy Coordinating Committee'.

"(c) COMPOSITION.—The Committee shall be composed of the following members:

"(1) The Director of Mobilization Planning and Preparedness of the National Security Council, who shall chair the committee.

"(2) The Under Secretary for Emergency Preparedness and Response of the Department of Homeland Security.

"(3) The Under Secretary of State for Economic, Business, and Agricultural Affairs.

"(4) The Under Secretary of Defense for Acquisition, Technology, and Logistics.

"(5) The Associate Attorney General.

"(6) The Assistant Secretary of the Interior for Land and Minerals Management.

"(7) The Under Secretary of Commerce for Industry and Security.

"(8) The Deputy Secretary of Labor.

"(9) The Assistant Secretary of Health and Human Services for Public Health Emergency Preparedness.

"(10) The Under Secretary of Transportation for Policy.

"(11) The Under Secretary of Energy for Energy, Science, and Environment.

"(12) One member designated by the Assistant to the President for National Security Affairs.

"(13) One member designated by the Director of National Intelligence.

"(d) DUTIES.—The Committee has the following duties:

"(1) To review, at least once each year, the mobilization planning and preparedness policies of the United States.

"(2) To make any recommendations for action to improve mobilization planning and preparedness that the Committee determines appropriate.

"(3) To participate in the exercises conducted by the Director of Mobilization Planning and Preparedness of the Department under section 510(b)(2)(F).".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of the National Security Act of 1947 is amended by striking the item relating to section 107 and inserting the following new items:

"Sec. 107. Director of Mobilization Planning and Preparedness.
"Sec. 107A. Mobilization Planning and Preparedness Policy Coordinating Committee.".

SEC. 303. REPORT ON RECONSTITUTION NEEDS OF THE ARMED FORCES.

(a) REPORT REQUIRED.—

(1) REQUIREMENT FOR REPORT.—Not later than March 1, 2005, the Secretary of Defense shall submit to the congressional defense committees a report on the needs of the Armed Forces for reconstituting its stocks of military equipment and other materiel in view of the attrition of military equipment and other materiel experienced by the Armed Forces in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) CONSULTATION.—The Secretary shall consult with the Chief of Staff of the Army, the Chief of Staff of the Air Force, the Chief of Naval Operations, the Commandant of the Marine Corps, and the Inspector General of each of the Armed Forces in preparing the report under this section.

(b) CONTENT.—The report shall include an assessment of each of the following matters:

(1) The extent of the damage and destruction of military equipment and other military materiel in Operation Iraqi Freedom and Operation Enduring Freedom.

(2) The amount of such equipment, if any, that has become ineffective or obsolete by age or other causes.

(3) The needs of each of the Armed Forces, including the reserve components as well as the regular components, for repair and replacement of equipment.

(4) The total cost of reconstituting the stocks of military equipment and other materiel of the Armed Forces to meet the needs of the Armed Forces.

(5) The time needed to reconstitute such stocks to meet those needs.

(c) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

SEC. 304. AUTHORIZATIONS OF APPROPRIATIONS.

(a) ARMY.—Funds are hereby authorized to be appropriated for fiscal year 2005 for the use of the Army for the repair, refurbishment, and replacement of equipment used by the Army in Operation Iraqi Freedom or Operation Enduring Freedom, as follows:

(1) OPERATION AND MAINTENANCE.—For expenses, not otherwise provided for, for operation and maintenance, $6,000,000,000.

(2) PROCUREMENT.—For procurement, $2,500,000,000.

(b) MARINE CORPS.—Fund are hereby authorized to be appropriated for fiscal year 2005 for the use of the Marine Corps for the repair, refurbishment, and replacement of equipment used by the Marine Corps in Operation Iraqi Freedom or Operation Enduring Freedom, as follows:

(1) OPERATION AND MAINTENANCE.—For expenses, not otherwise provided for, for operation and maintenance, $640,000,000.

(2) PROCUREMENT.—For procurement, $1,500,000,000.

(c) AVAILABILITY THROUGH FISCAL YEAR 2006.—Amounts authorized to be appropriated under this section shall remain available until September 30, 2006.

(d) LIMITATION.—None of the funds appropriated pursuant to an authorization of appropriations in this section may be obligated or expended until the date that is 15 days after the date on which the Secretary of Defense transmits to the congressional defense committees a report on the specific use for which the funds are to be obligated or expended, respectively.

SEC. 305. CONGRESSIONAL DEFENSE COMMITTEES DEFINED.

In this title, the term "congressional defense committees" has the meaning given such term in section 101(a)(16) of title 10, United States Code.

TITLE IV—PERIODS OF OVERSEAS DEPLOYMENTS OF RESERVES

SEC. 401. FINDINGS.

Congress makes the following findings:

(1) The Department of Defense failed to establish an adequate troop deployment and rotation policy for Operation Iraqi Freedom

until several months after the operation had begun. For several reserve component units involved in that operation before 2005, the demobilization date was rescheduled three or more times before the unit members were finally allowed to return home.

(2) Without an adequate deployment and rotation plan, the Department of Defense has relied on a series of stop-gap measures to retain a sufficient number of troops to carry out the United States missions in Operation Iraqi Freedom and Operation Enduring Freedom, including—

(A) institution of a so-called "stop-loss" policy that prevents personnel from leaving their units during deployment;

(B) extensions of deployments beyond scheduled demobilization dates; and

(C) activation of members of the Individual Ready Reserve.

(3) In September 2004, the Government Accountability Office reported that "Many of DOD's policies that affect mobilized reserve component personnel were implemented in a piecemeal manner and were not linked within the context of a strategic framework to meet the organizational goals. . . . Without a strategic framework, OSD and the services made several changes to their personnel policies to increase the availability of the reserve components for the longer-term requirements of the Global War on Terrorism, and predictability declined for reserve component members.".

(4) Fairness to the men and women of the Armed Forces deployed overseas requires that the Department of Defense—

(A) have clear policies regarding lengths of deployment periods; and

(B) communicate these policies and other deployment-related information to them and their families.

SEC. 402. SENSE OF CONGRESS ON TWO-YEAR LIMIT ON MOBILIZATION.

It is the sense of Congress that the Secretary of Defense should continue the existing Department of Defense policy of limiting to a total of 24 months the period for which members of the reserve components serve on active duty to which called or ordered in support of a contingency operation.

SEC. 403. COMMUNICATION OF LENGTHS OF DEPLOYMENT PERIODS TO RESERVES IN OPERATION IRAQI FREEDOM.

(a) REPORT OF DEPARTMENT OF DEFENSE POLICIES.—

(1) REQUIREMENT FOR REPORT.—Not later than March 1, 2005, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on—

(A) Department of Defense policies governing the length of mobilization and deployment periods applicable to members of reserve components of the Armed Forces in connection with Operation Iraqi Freedom, and on the communication between the Department of Defense and reserve component personnel and their families regarding the lengths of the mobilization deployment periods; and

(B) Department of Defense stop-loss policies.

(2) CONSULTATION REQUIREMENT.—In preparing the report, the Secretary shall consult with the Chairman and other members of the Joint Chiefs of Staff and with such other officials as the Secretary considers appropriate.

(b) CONTENT OF REPORT.—The report under this section shall contain a discussion of the matters described in subsection (a)(1), including a discussion of the following matters:

(1) The process by which the Department of Defense determined its policy regarding the lengths of mobilization deployment periods.

(2) The reason that an adequate troop deployment policy was not in place before Operation Iraqi Freedom began.

(3) A comparison of the policies during Operation Iraqi Freedom with Department of Defense policies that applied to previous contingency operations.

(4) The timeliness of the process for notifying reserve component units for activation.

(5) The process for communicating with activated reserve component members and their families about demobilization schedules.

(6) The justification for delaying demobilization after members and their families have been notified of the anticipated demobilization schedule.

(7) The justification for current stop-loss policies, together with a statement of the period for which those policies are to remain in effect and the conditions under which management of personnel under those policies would terminate.

(8) The family support programs provided by the National Guard and other reserve components for families of activated Reserves.

(9) An assessment of lessons learned about how the increased operation tempos of the National Guard and other reserve components can be expected to affect readiness, recruitment and retention, civilian employers of Reserves, and equipment and supply resources of the National Guard and the other reserve components.

(c) MATTERS FOR PARTICULAR EMPHASIS.—In the discussion of the matters included in the report under this section, the Secretary of Defense shall place particular emphasis on—

(1) lessons learned, including deficiencies identified; and

(2) near-term and long-term corrective actions to address the identified deficiencies.

(d) FORM OF REPORT.—The report under this section shall be submitted in unclassified form, but may include a classified annex.

TITLE V——TIMELY COMPENSATION

SEC. 501. FINDINGS.

Congress makes the following findings:

(1) In November 2003, the General Accounting Office reported, in connection with a study conducted by that office, that among Army National Guard soldiers "450 of the 481 soldiers from our 6 case study units had at least 1 pay problem associated with their mobilization. These pay problems severely constrain the Army's and the Department of Defense's (DOD) ability to provide a most basic service to these personnel, many of whom were risking their lives in combat.".

(2) In August 2004, a second study by that office (by then renamed the Government Accountability Office) found that among Army Reserve soldiers "332 of 348 soldiers (95 percent) we audited at 8 case study units that were mobilized, deployed, and demobilized at some time during the 18-month period from August 2002 through January 2004 had at least 1 pay problem.".

(3) The August 2004 report concluded that "These pay problems often had a profound adverse impact on individual soldiers and their families. For example, soldiers were required to spend considerable time, sometimes while deployed in remote, hostile environments overseas, seeking help on pay inquiries or in correcting errors in their active duty pays, allowances, and related tax benefits.".

SEC. 502. CORRECTION OF MILITARY PAY PROBLEMS FOR ACTIVATED RESERVE COMPONENT PERSONNEL.

The Secretary of the Army shall designate a senior level official of the Department of the Army to implement—

(1) the recommendations for executive action that are set forth in the report of the Comptroller General of the United States entitled "Military Pay, Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems", dated November 2003; and

(2) the recommendations for executive action that are set forth in the report of the Comptroller General of the United States entitled "Military Pay, Army Reserve Soldiers Mobilized to Active Duty Experienced Significant Pay Problems", dated August 2004.

SEC. 503. SUPERVISION BY COMPTROLLER OF DEPARTMENT OF DEFENSE.

The official designated under section 502 shall report directly to, and be subject to the direction of, the Under Secretary of Defense (Comptroller) regarding performance of the duties that the official is designated to carry out under such section.

SEC. 504. TERMINATION OF REQUIREMENT.

The designation under section 502 shall terminate upon the submission of a certification of the Under Secretary of Defense (Comptroller) to Congress that all recommendations referred to in such section have been implemented.

TITLE VI—IMPROVED REPRESENTATION OF RESERVE PERSONNEL INTERESTS IN DEPARTMENT OF DEFENSE SECRETARIAT

SEC. 601. FINDINGS.

Congress makes the following findings:

(1) Since September 11, 2001, the National Guard and the other reserve components of the Armed Forces have experienced an expansion of their role in the total force structure of the Armed Forces to an unprecedented level. In 2004, the reserve components comprised 40 percent of the total force of the Armed Forces. Reservists are experiencing a dramatic increase in operation tempo and average length of deployment.

(2) While the extent of the role of the reserve component has changed so dramatically, the Department of Defense approach to management of the reserve components has remained much the same. No new senior leadership positions have been established to manage the reserve components more effectively in the expanded role.

SEC. 602. DEPUTY UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS (RESERVE AFFAIRS).

(a) ESTABLISHMENT OF POSITION.—

(1) POSITION AND DUTIES.—Chapter 4 of title 10, United States Code, is amended by inserting after section 136a the following new section:

"§ 136b. Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs)

"(a) There is a Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs), appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(b) The Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs) shall have as his principal duty the overall supervision of reserve component affairs of the Department of Defense.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is

amended by inserting after the item relating to section 136a the following new item:

"136b. Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).".

(b) EXECUTIVE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by inserting after "Deputy Under Secretary of Defense for Personnel and Readiness." the following:

"Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).".

SEC. 603. ELIMINATION OF POSITION OF ASSISTANT SECRETARY OF DEFENSE FOR RESERVE AFFAIRS.

(a) REPEAL OF REQUIREMENT FOR POSITION.—Subsection (b) of section 138 of title 10, United States Code, is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraphs (3), (4), and (5), as paragraphs (2), (3), and (4), respectively.

(b) REDUCTION IN TOTAL NUMBER OF ASSISTANT SECRETARIES OF DEFENSE.—

(1) AUTHORIZED NUMBER.—Subsection (a) of such section is amended by striking "nine" and inserting "eight".

(2) CONFORMING AMENDMENT.—Section 5315 of title 5, United States Code, is amended by striking "(9)" after "Assistant Secretaries of Defense" and inserting "(8)".

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall take effect on the date on which a person is first appointed as Deputy Under Secretary of Defense for Personnel and Readiness (Reserve Affairs).

DIVISION B—MILITARY FAMILY PROTECTIONS

TITLE XXI—GUARDSMEN AND RESERVISTS FINANCIAL RELIEF

SEC. 2101. FINDINGS.

Congress makes the following findings:

(1) According to a Government Accountability Office report in November 2004, "The September 11, 2001, terrorist attacks and the global war on terrorism have triggered the largest activation of National Guard forces since World War II. As of June 2004, over one-half of the National Guard's 457,000 personnel had been activated for overseas warfighting or domestic homeland security missions in Federal and State active duty roles.". In all, over 400,000 reservists have been mobilized between September 11, 2001, and the beginning of 2005.

(2) In March 2003, the General Accounting Office reported that among members of the National Guard and other reserve components of the Armed Forces ". . . data for past military operations show that 41 percent of drilling unit members reported income loss . . .". The report further noted that senior officers in the reserve component reported average losses of $5,000 in income upon activation.

(3) Not only has operation tempo drastically increased for members of the reserve components, meaning that reservists are being called away from their civilian jobs more often, but also the durations of deployments have increased dramatically as well, meaning that reservists are being called away from their civilian jobs for longer periods. The Government Accountability Office reported in September 2004 that the average annual days of duty performed by members of the reserve components has risen from approximately 40 days in 1989 to approximately 120 days in 2003. A consequence of both increased operations tempo and increased duration of deployment has been a far greater loss of income for reservists answering their country's call to duty.

SEC. 2102. PENALTY-FREE WITHDRAWALS FROM RETIREMENT PLANS FOR INDIVIDUALS CALLED TO ACTIVE DUTY FOR AT LEAST 179 DAYS.

(a) IN GENERAL.—Paragraph (2) of section 72(t) of the Internal Revenue Code of 1986 (relating to 10-percent additional tax on early distributions from qualified retirement plans) is amended by adding at the end the following new subparagraph:

"(G) DISTRIBUTIONS FROM RETIREMENT PLANS TO INDIVIDUALS CALLED TO ACTIVE DUTY.—

"(i) IN GENERAL.—Any qualified reservist distribution.

"(ii) QUALIFIED RESERVIST DISTRIBUTION.—For purposes of this subparagraph, the term 'qualified reservist distribution' means any distribution to an individual if—

"(I) such distribution is from any qualified retirement plan (as defined in section 4974(c)),

"(II) such individual was (by reason of being a member of a reserve component (as defined in section 101 of title 37, United States Code)), ordered or called to active duty for a period in excess of 179 days or for an indefinite period, and

"(III) such distribution is made during the period beginning on the date of such order or call and ending at the close of the active duty period.

"(iii) APPLICATION OF SUBPARAGRAPH.—This subparagraph applies to individuals ordered or called to active duty after September 11, 2001, and before September 12, 2005.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to distributions after September 11, 2001.

SEC. 2103. INCOME TAX WITHHOLDING ON DIFFERENTIAL WAGE PAYMENTS.

(a) IN GENERAL.—Section 3401 of the Internal Revenue Code of 1986 (relating to definitions) is amended by adding at the end the following new subsection:

"(i) DIFFERENTIAL WAGE PAYMENTS TO ACTIVE DUTY MEMBERS OF THE UNIFORMED SERVICES.—

"(1) IN GENERAL.—For purposes of subsection (a), any differential wage payment shall be treated as a payment of wages by the employer to the employee.

"(2) DIFFERENTIAL WAGE PAYMENT.—For purposes of paragraph (1), the term 'differential wage payment' means any payment which—

"(A) is made by an employer to an individual with respect to any period during which the individual is performing service in the uniformed services while on active duty for a period of more than 30 days, and

"(B) represents all or a portion of the wages the individual would have received from the employer if the individual were performing service for the employer.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to remuneration paid after December 31, 2004.

SEC. 2104. TREATMENT OF DIFFERENTIAL WAGE PAYMENTS FOR RETIREMENT PLAN PURPOSES.

(a) PENSION PLANS.—

(1) IN GENERAL.—Section 414(u) of the Internal Revenue Code of 1986 (relating to special rules relating to veterans' reemployment rights under USERRA) is amended by adding at the end the following new paragraph:

"(11) TREATMENT OF DIFFERENTIAL WAGE PAYMENTS.—

"(A) IN GENERAL.—Except as provided in this paragraph, for purposes of applying this title to a retirement plan to which this subsection applies—

"(i) an individual receiving a differential wage payment shall be treated as an employee of the employer making the payment,

"(ii) the differential wage payment shall be treated as compensation, and

"(iii) the plan shall not be treated as failing to meet the requirements of any provision described in paragraph (1)(C) by reason of any contribution which is based on the differential wage payment.

"(B) SPECIAL RULE FOR DISTRIBUTIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A)(i), for purposes of section 401(k)(2)(B)(i)(I), 403(b)(7)(A)(ii), 403(b)(11)(A), or 457(d)(1)(A)(ii), an individual shall be treated as having been severed from employment during any period the individual is performing service in the uniformed services described in section 3401(i)(2)(A).

"(ii) LIMITATION.—If an individual elects to receive a distribution by reason of clause (i), the plan shall provide that the individual may not make an elective deferral or employee contribution during the 6-month period beginning on the date of the distribution.

"(C) NONDISCRIMINATION REQUIREMENT.—Subparagraph (A)(iii) shall apply only if all employees of an employer performing service in the uniformed services described in section 3401(i)(2)(A) are entitled to receive differential wage payments on reasonably equivalent terms and, if eligible to participate in a retirement plan maintained by the employer, to make contributions based on the payments. For purposes of applying this subparagraph, the provisions of paragraphs (3), (4), and (5), of section 410(b) shall apply.

"(D) DIFFERENTIAL WAGE PAYMENT.—For purposes of this paragraph, the term 'differential wage payment' has the meaning given such term by section 3401(i)(2).".

(2) CONFORMING AMENDMENT.—The heading for section 414(u) of such Code is amended by inserting "AND TO DIFFERENTIAL WAGE PAYMENTS TO MEMBERS ON ACTIVE DUTY" after "USERRA".

(b) DIFFERENTIAL WAGE PAYMENTS TREATED AS COMPENSATION FOR INDIVIDUAL RETIREMENT PLANS.—Section 219(f)(1) of the Internal Revenue Code of 1986 (defining compensation) is amended by adding at the end the following new sentence: "The term 'compensation' includes any differential wage payment (as defined in section 3401(i)(2)).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2004.

(d) PROVISIONS RELATING TO PLAN AMENDMENTS.—

(1) IN GENERAL.—If this subsection applies to any plan or annuity contract amendment—

(A) such plan or contract shall be treated as being operated in accordance with the terms of the plan or contract during the period described in paragraph (2)(B)(i), and

(B) except as provided by the Secretary of the Treasury, such plan shall not fail to meet the requirements of the Internal Revenue Code of 1986 or the Employee Retirement Income Security Act of 1974 by reason of such amendment.

(2) AMENDMENTS TO WHICH SECTION APPLIES.—

(A) IN GENERAL.—This subsection shall apply to any amendment to any plan or annuity contract which is made—

(i) pursuant to any amendment made by this section, and

(ii) on or before the last day of the first plan year beginning on or after January 1, 2007.

(B) Conditions.—This subsection shall not apply to any plan or annuity contract amendment unless—

(i) during the period beginning on the date the amendment described in subparagraph (A)(i) takes effect and ending on the date described in subparagraph (A)(ii) (or, if earlier, the date the plan or contract amendment is adopted), the plan or contract is operated as if such plan or contract amendment were in effect; and

(ii) such plan or contract amendment applies retroactively for such period.

SEC. 2105. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT AND READY RESERVE-NATIONAL GUARD REPLACEMENT EMPLOYEE CREDIT.

(a) Ready Reserve-National Guard Credit.—

(1) In general.—Subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to business-related credits) is amended by inserting after section 45I the following new section:

"SEC. 45J. READY RESERVE-NATIONAL GUARD EMPLOYEE CREDIT.

"(a) General Rule.—For purposes of section 38, in the case of an eligible taxpayer, the Ready Reserve-National Guard employee credit determined under this section for any taxable year with respect to each Ready Reserve-National Guard employee of such taxpayer is an amount equal to 50 percent of the lesser of—

"(1) the actual compensation amount with respect to such employee for such taxable year, or

"(2) $30,000.

"(b) Definition of Actual Compensation Amount.—For purposes of this section, the term 'actual compensation amount' means the amount of compensation paid or incurred by an eligible taxpayer with respect to a Ready Reserve-National Guard employee on any day when the employee was absent from employment for the purpose of performing qualified active duty.

"(c) Limitations.—No credit shall be allowed with respect to any day that a Ready Reserve-National Guard employee who performs qualified active duty was not scheduled to work (for reason other than to participate in qualified active duty).

"(d) Definitions and Special Rules.—For purposes of this section—

"(1) Eligible taxpayer.—

"(A) In general.—The term 'eligible taxpayer' means a small business employer.

"(B) Small business employer.—

"(i) In general.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

"(ii) Controlled groups.—For purposes of clause (i), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(2) Qualified active duty.—The term 'qualified active duty' means—

"(A) active duty under an order or call for a period in excess of 179 days or for an indefinite period, other than the training duty specified in section 10147 of title 10, United States Code (relating to training requirements for the Ready Reserve), or section 502(a) of title 32, United States Code (relating to required drills and field exercises for the National Guard), in connection with which an employee is entitled to reemployment rights and other benefits or to a leave of absence from employment under chapter 43 of title 38, United States Code, and

"(B) hospitalization incident to such duty.

"(3) Compensation.—The term 'compensation' means any remuneration for employment, whether in cash or in kind, which is paid or incurred by a taxpayer and which is deductible from the taxpayer's gross income under section 162(a)(1).

"(4) Ready reserve-national guard employee.—The term 'Ready Reserve-National Guard employee' means an employee who is a member of the Ready Reserve of a reserve component of an Armed Force of the United States as described in sections 10142 and 10101 of title 10, United States Code.

"(5) Certain rules to apply.—Rules similar to the rules of section 52 shall apply.

"(e) Termination.—This section shall not apply to any amount paid or incurred after December 31, 2005.".

(2) Credit to be part of general business credit.—Subsection (b) of section 38 of the Internal Revenue Code of 1986 (relating to general business credit) is amended by striking "plus" at the end of paragraph (18), by striking the period at the end of paragraph (19) and inserting ", plus", and by adding at the end the following:

"(20) the Ready Reserve-National Guard employee credit determined under section 45J(a).".

(3) Denial of double benefit.—Section 280C(a) of the Internal Revenue Code of 1986 (relating to rule for employment credits) is amended by inserting "45J(a)," after "45A(a),".

(4) Conforming amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 45I the following:

"Sec. 45J. Ready Reserve-National Guard employee credit.".

(5) Effective date.—The amendments made by this subsection shall apply to amounts paid or incurred after September 30, 2004, in taxable years ending after such date.

(b) Ready Reserve-National Guard Replacement Employee Credit.—

(1) In general.—Paragraph (1) of section 51(d) of the Internal Revenue Code of 1986 (relating to members of targeted groups) is amended by striking "or" at the end of subparagraph (G), by striking the period at the end of subparagraph (H) and inserting ", or" and by adding at the end the following new subparagraph:

"(I) a qualified replacement employee.".

(2) Qualified replacement employee.—Section 51(d) of the Internal Revenue Code of 1986 is amended by redesignating paragraphs (10), (11), and (12) as paragraphs (11), (12), and (13), respectively, and by inserting after paragraph (9) the following new paragraph:

"(10) Qualified replacement employee.—

"(A) In general.—The term 'qualified replacement employee' means an individual who is certified by the designated local agency as being hired by an eligible taxpayer to replace a Ready Reserve-National Guard employee of such taxpayer, but only with respect to the period during which such Ready Reserve-National Guard employee participates in qualified active duty, including time spent in travel status.

"(B) General definitions and special rules.—For purposes of this paragraph—

"(i) Eligible taxpayer.—The term 'eligible taxpayer' means a small business employer.

"(ii) Small business employer.—

"(I) In general.—The term 'small business employer' means, with respect to any taxable year, any employer who employed an average of 50 or fewer employees on business days during such taxable year.

"(II) Controlled groups.—For purposes of subclause (I), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

"(iii) Ready reserve-national guard employee.—The term 'Ready Reserve-National Guard employee' has the meaning given such term by section 45J(d)(3).

"(iv) Qualified active duty.—The term 'qualified active duty' has the meaning given such term by section 45J(d)(1).

"(C) Disallowance for failure to comply with employment or reemployment rights of members of the reserve components of the armed forces of the united states.—No credit shall be allowed under subsection (a) by reason of paragraph (1)(I) to a taxpayer for—

"(i) any taxable year, beginning after the date of the enactment of this section, in which the taxpayer is under a final order, judgment, or other process issued or required by a district court of the United States under section 4323 of title 38 of the United States Code with respect to a violation of chapter 43 of such title, and

"(ii) the 2 succeeding taxable years.".

(3) Effective date.—The amendments made by this subsection shall apply to amounts paid or incurred to an individual who begins work for the employer after September 30, 2004.

(c) Study by GAO.—

(1) In general.—The Comptroller General of the United States shall study the following:

(A) What, if any, problems exist in recruiting individuals for a reserve component of an Armed Force of the United States.

(B) What, if any, problems exist as the result of providing differential wage payments (as defined in section 3401(i)(2) of the Internal Revenue Code of 1986 (as added by this Act)) to individuals described in subparagraph (A) in the recruitment and retention of individuals as regular members of the Armed Forces of the United States.

(C) Whether the credit allowed under section 45J of the Internal Revenue Code of 1986 (as added by this section) is an effective incentive for the hiring and retention of employees who are individuals described in subparagraph (A) and whether there exists any compliance problems in the administration of such credit.

(2) Report.—The Comptroller General of the United States shall report on the results of the study required under paragraph (1) to the Committee of Finance of the Senate and the Committee on Ways and Means of the House of Representatives before July 1, 2005.

SEC. 2106. NONREDUCTION IN PAY WHILE FEDERAL EMPLOYEE IS PERFORMING ACTIVE SERVICE IN THE UNIFORMED SERVICES OR NATIONAL GUARD.

(a) Preservation of Pay Level.—

(1) Requirements.—Subchapter IV of chapter 55 of title 5, United States Code, is amended by adding at the end the following:

"§ 5538. Nonreduction in pay while serving in the uniformed services or National Guard

"(a) An employee who is absent from a position of employment with the Federal Government in order to perform active duty in the uniformed services pursuant to a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of title 10 shall be entitled, while serving on active duty, to receive, for each pay period described in subsection (b), an amount equal to the amount by which—

"(1) the amount of basic pay which would otherwise have been payable to such employee for such pay period if such employee's civilian employment with the Government had not been interrupted by that service, exceeds (if at all)

"(2) the amount of pay and allowances which (as determined under subsection (d))—

"(A) is payable to such employee for that service; and

"(B) is allocable to such pay period.

"(b)(1) Amounts under this section shall be payable with respect to each pay period (which would otherwise apply if the employee's civilian employment had not been interrupted)—

"(A) during which such employee is entitled to reemployment rights under chapter 43 of title 38 with respect to the position from which such employee is absent (as referred to in subsection (a)); and

"(B) for which such employee does not otherwise receive basic pay (including by taking any annual, military, or other paid leave) to which such employee is entitled by virtue of such employee's civilian employment with the Government.

"(2) For purposes of this section, the period during which an employee is entitled to reemployment rights under chapter 43 of title 38—

"(A) shall be determined disregarding the provisions of section 4312(d) of title 38; and

"(B) shall include any period of time specified in section 4312(e) of title 38 within which an employee may report or apply for employment or reemployment following completion of service on active duty to which called or ordered as described in subsection (a).

"(c) Any amount payable under this section to an employee shall be paid—

"(1) by such employee's employing agency;

"(2) from the appropriation or fund which would be used to pay the employee if such employee were in a pay status; and

"(3) to the extent practicable, at the same time and in the same manner as would basic pay if such employee's civilian employment had not been interrupted.

"(d) The Office of Personnel Management shall, in consultation with Secretary of Defense, prescribe any regulations necessary to carry out the preceding provisions of this section.

"(e)(1) The head of each agency referred to in section 2302(a)(2)(C)(ii) shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of such agency.

"(2) The Administrator of the Federal Aviation Administration shall, in consultation with the Office, prescribe procedures to ensure that the rights under this section apply to the employees of that agency.

"(f) For purposes of this section—

"(1) the terms 'employee', 'Federal Government', and 'uniformed services' have the same respective meanings as given them in section 4303 of title 38;

"(2) the term 'employing agency', as used with respect to an employee entitled to any payments under this section, means the agency or other entity of the Government (including an agency referred to in section 2302(a)(2)(C)(ii)) with respect to which such employee has reemployment rights under chapter 43 of title 38; and

"(3) the term 'basic pay' includes any amount payable under section 5304.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 55 of title 5, United States Code, is amended by inserting after the item relating to section 5537 the following:

"5538. Nonreduction in pay while serving in the uniformed services or National Guard.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Section 5538 of title 5, United States Code (as added by subsection (a)), shall apply with respect to pay periods (as described in subsection (b) of such section) beginning on or after the date of the enactment of this Act.

(2) CONDITIONAL RETROACTIVE APPLICATION.—

(A) Section 5538 of title 5, United States Code (as added by subsection (a)), shall apply with respect to pay periods (as described in subsection (b) of such section) beginning on or after October 11, 2002 through the date of the enactment of this Act, subject to the availability of appropriations.

(B) There are authorized to be appropriated $100,000,000 for purposes of subparagraph (A).

TITLE XXII—NATIONAL GUARD AND RESERVE COMPREHENSIVE HEALTH BENEFITS

SEC. 2201. SHORT TITLE.

This title may be cited as the "National Guard and Reserve Comprehensive Health Benefits Act of 2005".

SEC. 2202. FINDINGS.

Congress makes the following findings:

(1) According to the results of a Department of Defense survey conducted in 2000, 20 percent of members of the reserve components of the Armed Forces, including 40 percent of junior enlisted personnel, had no health care coverage while not on active duty.

(2) In 2004, Congress passed legislation authorizing reservists to obtain access to the military TRICARE health care program for one year for each 90-day period of active duty service. While the enactment of this law was an important step forward, the law only provides eligibility for health care after active duty has been completed and fails to provide the complete health care coverage necessary to ensure that reservists are medically ready to answer a future call to active duty.

(3) In September 2004, the Government Accountability Office, after reviewing pre-deployment health screenings of over 240,000 reservists, reported finding that nearly 7 percent of activated reservists were categorized as nondeployable for health reasons, including nearly 10 percent of the Army Reserve.

SEC. 2203. TRICARE COVERAGE FOR MEMBERS OF THE READY RESERVE.

(a) ELIGIBILITY.—Section 1076b of title 10, United States Code, is amended to read as follows:

"§ 1076b. TRICARE program: coverage for members of the Ready Reserve

"(a) ELIGIBILITY.—Members of the Selected Reserve of the Ready Reserve of a reserve component of the armed forces and members of the Individual Ready Reserve described in subsection 10144(b) of this title are eligible, subject to subsection (h)(1), to enroll in the following TRICARE program options:

"(1) TRICARE Prime.

"(2) TRICARE Standard.

"(b) TYPES OF COVERAGE.—(1) A member eligible under subsection (a) may enroll for either of the following types of coverage:

"(A) Self alone coverage.

"(B) Self and family coverage.

"(2) An enrollment by a member for self and family covers the member and the dependents of the member who are described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(c) OPEN ENROLLMENT PERIODS.—The Secretary of Defense shall provide for at least one open enrollment period each year. During an open enrollment period, a member eligible under subsection (a) may enroll in the TRICARE program or change or terminate an enrollment in the TRICARE program.

"(d) SCOPE OF CARE.—(1) A member and the dependents of a member enrolled in the TRICARE program under this section shall be entitled to the same benefits under this chapter as a member of the uniformed services on active duty or a dependent of such a member, respectively.

"(2) Section 1074(c) of this title shall apply with respect to a member enrolled in the TRICARE program under this section.

"(e) PREMIUMS.—(1) The Secretary of Defense shall charge premiums for coverage pursuant to enrollments under this section. The Secretary shall prescribe for each of the TRICARE program options referred to in subsection (a) a premium for self alone coverage and a premium for self and family coverage.

"(2) The monthly amount of the premium in effect for a month for a type of coverage under this section shall be the amount equal to 28 percent of the total amount determined by the Secretary on an appropriate actuarial basis as being reasonable for the coverage.

"(3) The premiums payable by a member under this subsection may be deducted and withheld from basic pay payable to the member under section 204 of title 37 or from compensation payable to the member under section 206 of such title. The Secretary shall prescribe the requirements and procedures applicable to the payment of premiums by members not entitled to such basic pay or compensation.

"(4) Amounts collected as premiums under this subsection shall be credited to the appropriation available for the Defense Health Program Account under section 1100 of this title, shall be merged with sums in such Account that are available for the fiscal year in which collected, and shall be available under subsection (b) of such section for such fiscal year.

"(f) OTHER CHARGES.—A person who receives health care pursuant to an enrollment in a TRICARE program option under this section, including a member who receives such health care, shall be subject to the same deductibles, copayments, and other nonpremium charges for health care as apply under this chapter for health care provided under the same TRICARE program option to dependents described in subparagraph (A), (D), or (I) of section 1072(2) of this title.

"(g) TERMINATION OF ENROLLMENT.—(1) A member enrolled in the TRICARE program under this section may terminate the enrollment only during an open enrollment period provided under subsection (c), except as provided in subsection (h)(2).

"(2) An enrollment of a member for self alone or for self and family under this section shall terminate on the first day of the first month beginning after the date on which the member ceases to be eligible under subsection (a).

"(3) The enrollment of a member under this section may be terminated on the basis of failure to pay the premium charged the member under this section.

"(h) RELATIONSHIP TO TRANSITION TRICARE COVERAGE UPON SEPARATION FROM ACTIVE DUTY.—(1) A member may not enroll in the TRICARE program under this section while entitled to transitional health care under subsection (a) of section 1145 of this title or while authorized to receive health care under subsection (c) of such section.

"(2) A member who enrolls in the TRICARE program under this section within

90 days after the date of the termination of the member's entitlement or eligibility to receive health care under subsection (a) or (c) of section 1145 of this title may terminate the enrollment at any time within one year after the date of the enrollment.

"(i) REGULATIONS.—The Secretary of Defense, in consultation with the other administering Secretaries, shall prescribe regulations for the administration of this section.".

(b) DEFINITIONS.—

(1) TRICARE OPTIONS.—Section 1072 of title 10, United States Code, is amended by adding at the end the following new paragraphs:

"(10) The term 'TRICARE Prime' means the managed care option of the TRICARE program.

"(11) The term 'TRICARE Standard' means the Civilian Health and Medical Program of the Uniformed Services option under the TRICARE program.".

(2) CONFORMING AMENDMENTS.—

(A) Section 1076d(f) of such title is amended—

(i) by striking "(f) DEFINITIONS.—" and all that follows through "(1) The" and inserting "(f) IMMEDIATE FAMILY DEFINED.—In this section, the"; and

(ii) by striking paragraph (2).

(B) Section 1097a(f) of such title is amended by striking "DEFINITIONS.—In this section:" and all that follows through "(2) The term" and inserting "CATCHMENT AREA DEFINED.—In this section, the term".

(c) PERIOD FOR IMPLEMENTATION.—Section 1076b of title 10, United States Code (as added by subsection (a)), shall apply with respect to months that begin on or after the date that is 180 days after the date of the enactment of this Act.

(d) COORDINATION WITH OVERLAPPING AUTHORITY.—

(1) REPEAL.—Effective one year after the date of the enactment of this Act—

(A) section 1076d of title 10, United States Code, is repealed; and

(B) the table of sections at the beginning of chapter 55 of such title is amended by striking the item relating to section 1076d.

(2) TRANSITION COVERAGE.—The Secretary of Defense shall provide for an orderly transition to TRICARE coverage under section 1076b of title 10, United States Code (as amended by subsection (a)), for persons enrolled for TRICARE coverage under section 1076d of such title before the repeal of such section takes effect under paragraph (1)(A).

SEC. 2204. ALLOWANCE FOR CONTINUATION OF NON-TRICARE HEALTH BENEFITS COVERAGE FOR CERTAIN MOBILIZED RESERVES.

(a) PAYMENT OF PREMIUMS.—

(1) REQUIREMENT TO PAY PREMIUMS.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1078a the following new section:

"§ 1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents

"(a) PAYMENT OF PREMIUMS.—The Secretary concerned shall pay the applicable premium to continue in force any qualified health benefits plan coverage for an eligible reserve component member for the benefits coverage continuation period if timely elected by the member in accordance with regulations prescribed under subsection (j).

"(b) ELIGIBLE MEMBER.—A member of a reserve component is eligible for payment of the applicable premium for continuation of qualified health benefits plan coverage under subsection (a) while serving on active duty pursuant to a call or order issued under a provision of law referred to in section 101(a)(13)(B) of this title during a war or national emergency declared by the President or Congress.

"(c) QUALIFIED HEALTH BENEFITS PLAN COVERAGE.—For the purposes of this section, health benefits plan coverage for a member called or ordered to active duty is qualified health benefits plan coverage if—

"(1) the coverage was in force on the date on which the Secretary notified the member that issuance of the call or order was pending or, if no such notification was provided, the date of the call or order;

"(2) on such date, the coverage applied to the member and dependents of the member described in subparagraph (A), (D), or (I) of section 1072(2) of this title; and

"(3) the coverage has not lapsed.

"(d) APPLICABLE PREMIUM.—The applicable premium payable under this section for continuation of health benefits plan coverage in the case of a member is the amount of the premium payable by the member for the coverage of the member and dependents.

"(e) MAXIMUM AMOUNT.—The total amount that may be paid for the applicable premium of a health benefits plan for a member under this section in a fiscal year may not exceed the amount determined by multiplying—

"(1) the sum of one plus the number of the member's dependents covered by the health benefits plan, by

"(2) the per capita cost of providing TRICARE coverage and benefits for dependents under this chapter for such fiscal year, as determined by the Secretary of Defense.

"(f) BENEFITS COVERAGE CONTINUATION PERIOD.—The benefits coverage continuation period under this section for qualified health benefits plan coverage in the case of a member called or ordered to active duty is the period that—

"(1) begins on the date of the call or order; and

"(2) ends on the earlier of the date on which—

"(A) the member's eligibility for transitional health care under section 1145(a) of this title terminates under paragraph (3) of such section; or

"(B) the member elects to terminate the continued qualified health benefits plan coverage of the dependents of the member.

"(g) EXTENSION OF PERIOD OF COBRA COVERAGE.—Notwithstanding any other provision of law—

"(1) any period of coverage under a COBRA continuation provision (as defined in section 9832(d)(1) of the Internal Revenue Code of 1986) for a member under this section shall be deemed to be equal to the benefits coverage continuation period for such member under this section; and

"(2) with respect to the election of any period of coverage under a COBRA continuation provision (as so defined), rules similar to the rules under section 4980B(f)(5)(C) of such Code shall apply.

"(h) NONDUPLICATION OF BENEFITS.—A dependent of a member who is eligible for benefits under qualified health benefits plan coverage paid on behalf of a member by the Secretary concerned under this section is not eligible for benefits under the TRICARE program during a period of the coverage for which so paid.

"(i) REVOCABILITY OF ELECTION.—A member who makes an election under subsection (a) may revoke the election. Upon such a revocation, the member's dependents shall become eligible for benefits under the TRICARE program as provided for under this chapter.

"(j) REGULATIONS.—The Secretary of Defense shall prescribe regulations for carrying out this section. The regulations shall include such requirements for making an election of payment of applicable premiums as the Secretary considers appropriate.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1078a the following new item:

"1078b. Continuation of non-TRICARE health benefits plan coverage for certain Reserves called or ordered to active duty and their dependents.".

(b) APPLICABILITY.—Section 1078b of title 10, United States Code (as added by subsection (a)), shall apply with respect to calls or orders of members of reserve components of the Armed Forces to active duty as described in subsection (b) of such section, that are issued by the Secretary of a military department on or after the date of the enactment of this Act.

TITLE XXIII—IMPROVED DEATH GRATUITY AND OTHER SURVIVOR BENEFITS

SEC. 2301. FINDINGS.

Congress makes the following findings:

(1) No amount of money can make up for the loss of a loved one. But the United States can, and is obliged to, honor the service of lost servicemembers by ensuring that their families are financially supported at the time of great need occasioned by those losses.

(2) The Federal Government owes families of servicemembers dying on duty a death gratuity that is sufficient to help each family pay for costs associated with the death of the servicemember and to help the members of the family adjust to the financial instability that results from termination of the servicemember's income.

(3) Survivors of fallen military personnel who are eligible for both a Survivor Benefit Plan annuity and Dependency and Indemnity Compensation suffer a loss of income as a result of the law that requires a reduction in the Survivor Benefit Plan annuity by the amount of the Dependency and Indemnity Compensation. This unjust prohibition against concurrent receipt of two independent benefits prevents the United States from fulfilling its obligation to the survivors during the time of financial need that is occasioned by the deaths of the fallen servicemembers.

SEC. 2302. INCREASED AMOUNT OF DEATH GRATUITY.

(a) AMOUNT OF DEATH GRATUITY.—Section 1478(a) of title 10, United States Code, is amended by striking "$12,000" in the first sentence and inserting "$100,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as of September 11, 2001, and shall apply with respect to deaths occurring on or after that date.

SEC. 2303. DEATH GRATUITY EXCLUDABLE FROM FEDERAL INCOME TAXATION.

(a) IN GENERAL.—Paragraph (1) of section 134(b) of the Internal Revenue Code of 1986 (relating to certain military benefits) is amended by adding at the end the following new flush sentence:

"Such term shall include any death gratuity to which the limitation in section 1478(a) of title 10, United States Code, applies.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to amounts paid with respect to deaths occurring on or after September 11, 2001.

SEC. 2304. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—Subchapter II of chapter 73 of title 10, United States Code is amended—

(1) in section 1450(c)(1), by inserting after "to whom section 1448 of this title applies" the following: "(except in the case of a death as described in subsection (d) or (f) of such section)"; and

(2) in section 1451(c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) RECONSIDERATION OF OPTIONAL ANNUITY.—Section 1448(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentences: "The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 2305. EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2005".

DIVISION C—TAXPAYER PROTECTION

TITLE XXXI—FUNDING OF RECONSTRUCTION IN IRAQ

SEC. 3101. FINDINGS.

Congress makes the following findings:

(1) The international community's support for Iraq's efforts to reconstruct the infrastructure of Iraq following the overthrow of Saddam Hussein's regime is critical to the achievement of regional and international stability and to the protection of national security interests of the United States.

(2) United States taxpayers have borne a disproportionate burden in supporting the reconstruction of Iraq. The United States Government has committed to providing Iraq with grants of financial assistance worth more than 500 percent more than the grant assistance that has been committed by the governments of all of the rest of the countries of the world combined.

(3) The disproportionate contribution of the United States to the reconstruction of Iraq has resulted in a commitment of United States resources to reconstruction that otherwise would be available for supporting the efforts of United States military personnel to rid Iraq and Afghanistan of hostile insurgents.

(4) Iraq possesses the world's second largest reserve of crude oil, with 112,000,000,000 barrels, and administration officials have stated on several occasions that revenue from Iraq's oil industry could fund a significant portion of the costs of the reconstruction of Iraq.

SEC. 3102. REPORT ON ADDITIONAL NEEDS FOR FUNDING MILITARY AND RECONSTRUCTION EFFORTS.

(a) REQUIREMENT FOR REPORT.—Whenever the President submits to Congress a request for a supplemental appropriation of funds for use in connection with United States military or reconstruction efforts in Iraq, the President shall submit to the chairmen and ranking members of the appropriate committees of Congress in accordance with this section a report on the status of United States financial commitments to the reconstruction of Iraq.

(b) CONTENT.—The report under subsection (a) shall include the following information:

(1) An estimate of the amount of the United States Government funds spent for the reconstruction of Iraq between March 19, 2003, and the date of the report that is attributable to tax revenue collected from United States taxpayers.

(2) An assessment of the activities funded by that amount, together with a discussion of the results that such activities have achieved.

(3) An estimate of the amount of the funds that have been contributed by all other foreign governments for the reconstruction of Iraq and in relief of Iraq's national debt.

(4) The amount of the crude oil that has been extracted by Iraq since March 19, 2003, and the total value of that oil in United States dollars.

(c) TIME FOR REPORT.—The President shall submit the report under this section not later than 24 hours after any proposed legislation to provide a supplemental appropriation of funds requested by the President for use in connection with United States military or reconstruction activities in Iraq is introduced in either the Senate or the House of Representatives.

(d) FORM.—The report under this section shall be submitted in unclassified form.

SEC. 3103. LIMITATION ON USE OF FUNDS.

(a) LIMITATION.—Funds appropriated or otherwise available for providing financial assistance for reconstruction activities in Iraq may not be obligated or expended for providing financial assistance for such activities other than in the form of a collateralized loan until the President submits to the chairmen and ranking members of the appropriate committees of Congress a report that contains the following matters:

(1) The President's plan for seeking increased financial support for reconstruction activities in Iraq from the international community.

(2) The President's statement that he has determined that—

(A) Iraq is incapable of producing sufficient revenues from its oil industry to pay for future reconstruction activities; and

(B) it is not in the national security interests of the United States for the United States to provide financial assistance for reconstruction activities in Iraq solely in the form of loans.

(b) WAIVER AUTHORITY.—The President may waive the applicability of the limitation in subsection (a) to an obligation or expenditure of funds if the President determines that the applicability of the limitation to such obligation or expenditure would adversely affect the physical safety of United States Armed Forces personnel operating in Iraq, except that any such waiver shall not take effect before the President submits a written notification of the waiver and determination to the chairmen and ranking members of the appropriate committees of Congress.

SEC. 3104. APPROPRIATE COMMITTEES OF CONGRESS DEFINED.

In this title, the term "appropriate committees of Congress" mean the following committees:

(1) The Committee on Foreign Relations Committee, the Committee on Armed Services, and the Committee on Appropriations of the Senate.

(2) The Committee on International Relations, the Committee on Armed Services, and the Committee on Appropriations of the House of Representatives.

By Mr. BIDEN (for himself, Mr. REID, Mr. BINGAMAN, Ms. MIKULSKI, Mr. DURBIN, Ms. STABENOW, Mr. ROCKEFELLER, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 12. A bill to combat international terrorism, and for other purposes; to the Committee on Foreign Relations.

Mr. BIDEN. Mr. President, I am pleased to join the Democratic Leader in introducing S. 12, a bill to combat international terrorism.

We all know that the primary security threat facing America is from terrorists motivated by a radical Islamic fundamentalism. Since the 9/11 attacks, we have done much to confront this threat, but we must do much more. As the 9/11 Commission reported, we are safer, but we are not yet safe. I know that all Senators are committed to the objective of making our country safer.

We must understand that those who would spread radical Islamic fundamentalism and weapons of mass destruction are beyond the reach of reason. We must—and we will—defeat them. But hundreds of millions of hearts and minds around the world are open to American ideas and ideals. We must reach them.

This bill contains a range of proposals that are designed to strengthen our anti-terrorism efforts in a broad range of areas. It will strengthen our military by expanding our special forces. It will strengthen our intelligence operations by increasing the cadre of the trained linguists in the government. It will strengthen our public diplomacy by increasing funds for State Department programs, international exchanges, and international broadcasting. It will strengthen our effort to expand basic educational opportunities in the Muslim world and combat radical madrassas. It will strengthen our assistance to non-governmental organizations working to build democratic institutions. It will strengthen our programs to help Russia account for, secure and destroy dangerous nuclear materials. And it will strengthen our law enforcement by increasing support for cops on the beat—the people who labor on the front lines of homeland security.

I cannot take credit for every proposal in this bill. Many of them are ideas contributed by my Democratic colleagues. The Democratic Leader has graciously allowed me to be the lead sponsor of the bill, for which I am grateful. I look forward to working with all my colleagues to strengthen America's defenses against the threat of terrorism—through this and other legislation—in the coming Congress.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 12

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Targeting Terrorists More Effectively Act of 2005".

TITLE I—EFFECTIVELY TARGETING TERRORISTS

SEC. 101. INCREASED STRENGTH OF ARMY SPECIAL OPERATIONS FORCES.

(a) Sense of Congress.—It is the sense of Congress that the number of the active-duty Army personnel comprising the Army Special Forces Command as of the last day of a fiscal year should be increased as follows:

(1) To 4,644, as of September 30, 2006.

(2) To 5,144, as of September 30, 2007.

(3) To 5,644, as of September 30, 2008.

(4) To 6,144, as of September 30, 2009.

(b) Increased Active Forces End Strengths To Effectuate Policy on Increase in Strength of Army Special Forces.—

(1) Fiscal year 2006.—Effective on October 1, 2005, section 691(b)(1) of title 10, United States Code, is amended by striking "502,400" and inserting "502,900".

(2) Fiscal year 2007.—Effective on October 1, 2006, section 691(b)(1) of such title is amended by striking "502,900" and inserting "503,400".

(3) Fiscal year 2008.—Effective on October 1, 2007, section 691(b)(1) of such title is amended by striking "503,400" and inserting "503,900".

(4) Fiscal year 2009.—Effective on October 1, 2008, section 691(b)(1) of such title is amended by striking "503,900" and inserting "504,400".

SEC. 102. FOREIGN LANGUAGE EXPERTISE.

(a) Findings.—Congress makes the following findings:

(1) Success in the global war on terrorism will require a dramatic increase in institutional and personal expertise in the languages and cultures of the societies where terrorism has taken root, including a substantial increase in the number of national security personnel who obtain expert lingual training.

(2) The National Commission on Terrorist Attacks Upon the United States identified the countries in the Middle East, South Asia, Southeast Asia, and West Africa as countries that serve or could serve as terrorist havens.

(3) Although 22 countries have Arabic as their official language, the National Commission on Terrorist Attacks Upon the United States found that a total of only 6 undergraduate degrees for the study of Arabic were granted by United States colleges and universities in 2002.

(4) The report of the National Commission on Terrorist Attacks Upon the United States contained several criticisms of the lack of linguistic expertise in the Central Intelligence Agency and the Federal Bureau of Investigation prior to the September 11, 2001 terrorist attacks, and called for the Central Intelligence Agency to "develop a stronger language program, with high standards and sufficient financial incentives".

(5) An audit conducted by the Department of Justice in July 2004, revealed that the Federal Bureau of Investigation has a backlog of hundreds of thousands of untranslated audio recordings from terror and espionage investigations.

(6) The National Security Education Program Trust Fund, which funds critical grant and scholarship programs for linguistic training in regions critical to national security, will have exhausted all its funding by fiscal year 2006, unless additional appropriations are made to the Trust Fund.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the overwhelming majority of Muslims reject terrorism and a small, radical minority has grossly distorted the teachings of one of the world's great faiths to seek justification for acts of terrorism, such radical Islamic fundamentalism constitutes a primary threat to the national security interests of the United States, and an effective strategy for combating terrorism should include increasing the number of personnel throughout the Federal Government with expertise in languages spoken in predominately Muslim countries and in the culture of such countries;

(2) Muslim-Americans constitute an integral and cherished part of the fabric of American society and possess many talents, including linguistic, historic, and cultural expertise that should be harnessed in the war against radical, fundamentalist terror; and

(3) amounts appropriated for the National Flagship Language Initiative pursuant to the amendments made by subsection (e)(2) should be used to support the establishment, operation, and improvement of programs for the study of Arabic, Persian, and other Middle Eastern, South Asian, Southeast Asian, and West African languages in institutes of higher education in the United States.

(c) Authorization of Appropriations.—

(1) National security education trust fund.—Section 810 of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1910) is amended by adding at the end the following:

"(d) Authorization of Appropriations for the Fund for Fiscal Year 2006.—

"(1) In general.—There are authorized to be appropriated to the Fund $150,000,000 for fiscal year 2006.

"(2) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended and not more than $15,000,000 of such amounts may be obligated and expended during any fiscal year.".

(2) National flagship language initiative.—

(A) In general.—Section 811(a) of the David L. Boren National Security Education Act of 1991 (50 U.S.C. 1911(a)) is amended by striking "there is authorized to be appropriated to the Secretary for each fiscal year, beginning with fiscal year 2003, $10,000,000" and inserting "there is authorized to be appropriated to the Secretary for each fiscal year 2003 through 2005, $10,000,000, and for each fiscal year after 2005, $20,000,000,".

(B) Availability of funds.—Section 811(b) of such Act (50 U.S.C. 1911(b)) is amended by inserting "for fiscal years 2003 through 2005" after "this section".

(3) Demonstration program.—There are authorized to be appropriated to the Director of National Intelligence such sums as may be necessary for each of fiscal years 2006, 2007, and 2008 in order to carry out the demonstration program established under subsection (c).

SEC. 103. CURTAILING TERRORIST FINANCING.

(a) Findings.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[v]igorous efforts to track terrorist financing must remain front and center in United States counterterrorism efforts".

(2) The report of the Independent Task Force sponsored by the Council on Foreign Relations stated that "currently existing U. S. and international policies, programs, structures, and organizations will be inadequate to assure sustained results commensurate with the ongoing threat posed to the national security of the United States".

(3) The report of the Independent Task Force contained the conclusion that "[l]ong-term success will depend critically upon the structure, integration, and focus of the U. S. Government—and any intergovernmental efforts undertaken to address this problem".

(b) Policy.—It is the policy of the United States—

(1) to work with the Government of Saudi Arabia to curtail terrorist financing originating from that country using a range of methods, including diplomacy, intelligence, and law enforcement;

(2) to ensure effective coordination and sufficient resources for efforts of the agencies and departments of the United States to disrupt terrorist financing by carrying out, through the Office of Terrorism and Financial Intelligence in the Department of the Treasury, a comprehensive analysis of the budgets and activities of all such agencies and departments that are related to disrupting the financing of terrorist organizations;

(3) to provide each agency or department of the United States with the appropriate number of personnel to carry out the activities of such agency or department related to disrupting the financing of terrorist organizations;

(4) to centralize the coordination of the efforts of the United States to combat terrorist financing and utilize existing authorities to identify foreign jurisdictions and foreign financial institutions suspected of abetting terrorist financing and take actions to prevent the provision of assistance to terrorists; and

(5) to work with other countries to develop and enforce strong domestic terrorist financing laws, and increase funding for bilateral and multilateral programs to enhance training and capacity-building in countries who request assistance.

(c) Authorization of Appropriations To Provide Technical Assistance To Prevent Financing of Terrorists.—

(1) In general.—There are authorized to be appropriated to the President for the "Economic Support Fund" to provide technical

assistance under the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to foreign countries to assist such countries in preventing the financing of terrorist activities—

(A) for fiscal year 2006, $300,000,000; and

(B) for fiscal years 2007 and 2008, such sums as may be necessary.

(2) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

(3) Additional funds.—Amounts authorized to be appropriated under this subsection are in addition to amounts otherwise available for such purposes.

SEC. 104. PROHIBITION ON TRANSACTIONS WITH COUNTRIES THAT SUPPORT TERRORISM.

(a) Clarification of Certain Actions Under IEEPA.—In any case in which the President takes action under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) with respect to a foreign country, or persons dealing with or associated with the government of that foreign country, as a result of a determination by the Secretary of State that the government of that foreign country has repeatedly provided support for acts of international terrorism, such action shall apply to a United States person or other person.

(b) Definitions.—In this section:

(1) Controlled in fact.—The term "is controlled in fact" includes—

(A) in the case of a corporation, holds at least 50 percent (by vote or value) of the capital structure of the corporation; and

(B) in the case of any other kind of legal entity, holds interests representing at least 50 percent of the capital structure of the entity.

(2) State.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and other territories or possessions of the United States.

(3) United states person.—The term "United States person" includes any United States citizen, permanent resident alien, entity organized under the law of the United States or of any State (including foreign branches), wherever located, or any other person in the United States.

(c) Applicability.—

(1) In general.—In any case in which the President has taken action under the International Emergency Economic Powers Act and such action is in effect on the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of enactment of this Act.

(2) Actions after date of enactment.—In any case in which the President takes action under the International Emergency Economic Powers Act on or after the date of enactment of this Act, the provisions of subsection (a) shall not apply to a United States person (or other person) if such person divests or terminates its business with the government or person identified by such action within 90 days after the date of such action.

(d) Notification of Congress of Termination of Investigation by Office of Foreign Assets Control.—The Office of Federal Procurement Policy Act (41 U.S.C. 403 et seq.) is amended by adding at the end the following new section:

"SEC. 42. NOTIFICATION OF CONGRESS OF TERMINATION OF INVESTIGATION BY OFFICE OF FOREIGN ASSETS CONTROL.

"The Director of the Office of Foreign Assets Control shall notify Congress upon the termination of any investigation by the Office of Foreign Assets Control of the Department of the Treasury if any sanction is imposed by the Director of such office as a result of the investigation.".

TITLE II—PREVENTING THE GROWTH OF RADICAL ISLAMIC FUNDAMENTALISM

Subtitle A—Quality Educational Opportunities

SEC. 201. FINDINGS, POLICY, AND DEFINITION.

(a) Findings.—Congress makes the following findings:

(1) The report of the National Commission on Terrorist Attacks Upon the United States stated that "[e]ducation that teaches tolerance, the dignity and value of each individual, and respect for different beliefs is a key element in any global strategy to eliminate Islamic terrorism".

(2) According to the United Nations Development Program Arab Human Development Report for 2002, 10,000,000 children between the ages of 6 through 15 in the Arab world do not attend school, and ⅔ of the 65,000,000 illiterate adults in the Arab world are women.

(3) The report of the National Commission on Terrorist Attacks Upon the United States concluded that ensuring educational opportunity is essential to the efforts of the United States to defeat global terrorism and recommended that the United States Government "should offer to join with other nations in generously supporting [spending funds] . . . directly on building and operating primary and secondary schools in those Muslim states that commit to sensibly investing financial resources in public education".

(b) Policy.—It is the policy of the United States—

(1) to work toward the goal of dramatically increasing the availability of basic education in the developing world, which will reduce the influence of radical madrassas and other institutions that promote religious extremism;

(2) to join with other countries in generously supporting the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458), with the goal of building and operating primary and secondary schools in Muslim countries that commit to sensibly investing the resources of such countries in public education;

(3) to work with the international community, including foreign countries and international organizations to raise $7,000,000,000 to $10,000,000,000 each year to fund education programs in Muslim countries;

(4) to offer additional incentives to countries to increase the availability of basic education; and

(5) to work to prevent financing of educational institutions that support radical Islamic fundamentalism.

(c) Appropriate Congressional Committees Defined.—In this subtitle, the term "appropriate congressional committees" means the Committee on Foreign Relations and the Committee on Appropriations of the Senate and the Committee on International Relations and the Committee on Appropriations of the House of Representatives.

SEC. 202. ANNUAL REPORT TO CONGRESS.

Not later than June 1 of each year, the Secretary of State shall submit to the appropriate congressional committees a report on the efforts of countries in the developing world to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism. Each report shall include—

(1) a list of countries that are making serious and sustained efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism;

(2) a list of countries that are making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism, but such efforts are not serious and sustained; and

(3) a list of countries that are not making efforts to increase the availability of basic education and to close educational institutions that promote religious extremism and terrorism.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) International Education Programs.—There are authorized to be appropriated to the President for "Development Assistance" for international education programs carried out under sections 105 and 496 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151c and 2293)—

(1) for fiscal year 2006, $1,000,000,000; and

(2) for fiscal years 2007 and 2008, such sums as may be necessary.

(b) International Youth Opportunity Fund.—There are authorized to be appropriated to the President for fiscal years 2006, 2007, and 2008 such sums as may be necessary for the United States contribution to the International Youth Opportunity Fund authorized under section 7114 of the 9/11 Commission Implementation Act of 2004 (Public Law 108–458) for international education programs.

(c) Additional Funds.—Amounts authorized to be appropriated in this section are in addition to amounts otherwise available for such purposes.

Subtitle B—Democracy and Development in the Muslim World

SEC. 211. PROMOTING DEMOCRACY AND DEVELOPMENT IN THE MIDDLE EAST, CENTRAL ASIA, SOUTH ASIA, AND SOUTHEAST ASIA.

(a) Findings.—Congress makes the following findings:

(1) Al-Qaeda and affiliated groups have established a terrorist network with linkages throughout the Middle East, Central Asia, South Asia, and Southeast Asia.

(2) While political repression and lack of economic development do not justify terrorism, increased political freedoms and economic growth can contribute to an environment that undercuts tendencies and conditions that facilitate the rise of terrorist organizations.

(3) It is in the national security interests of the United States to promote democracy, good governance, political freedom, independent media, women's rights, private sector development, and open economic systems in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia.

(b) Policy.—It is the policy of the United States—

(1) to promote the objectives described in subsection (a)(3) in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia;

(2) to provide assistance and resources to organizations that are committed to promoting such objectives; and

(3) to work with other countries and international organizations to increase the resources devoted to promoting such objectives.

(c) STRATEGY.—Not later than 180 days after the date of enactment of this Act, the Secretary of State shall submit to Congress a strategy to promote the policy of the United States set out in subsection (b). Such strategy shall describe how funds appropriated pursuant to the authorization of appropriations in subsection (d) will be used.

(d) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for the "Economic Support Fund" for activities carried out under chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.) to promote the policy of the United States set out in subsection (b)—

(A) for fiscal year 2006, $500,000,000; and

(B) for fiscal years 2007 and 2008, such sums as may be necessary.

(2) SENSE OF CONGRESS ON USE OF FUNDS.—It is the sense of Congress that a substantial portion of the funds appropriated pursuant to the authorization of appropriations in paragraph (1) should be made available to non-governmental organizations that have a record of success working in the countries of the Middle East, Central Asia, South Asia, and Southeast Asia to support democratic parties, human rights organizations, independent media, and the efforts to promote the rights of women.

(3) ADDITIONAL FUNDS.—Amounts authorized to be appropriated in paragraph (1) are in addition to amounts otherwise available for such purposes.

SEC. 212. MIDDLE EAST FOUNDATION.

(a) PURPOSES.—The purposes of this section are to support, through the provision of grants, technical assistance, training, and other programs, in the countries of the Middle East, the expansion of—

(1) civil society;

(2) opportunities for political participation for all citizens;

(3) protections for internationally recognized human rights, including the rights of women;

(4) educational system reforms;

(5) independent media;

(6) policies that promote economic opportunities for citizens;

(7) the rule of law; and

(8) democratic processes of government.

(b) MIDDLE EAST FOUNDATION.—

(1) DESIGNATION.—The Secretary of State is authorized to designate an appropriate private, nonprofit organization that is organized or incorporated under the laws of the United States or of a State as the Middle East Foundation (referred to in this section as the "Foundation").

(2) FUNDING.—The Secretary of State is authorized to provide funding to the Foundation through the Middle East Partnership Initiative of the Department of State. The Foundation shall use amounts provided under this paragraph to carry out the purposes of this section, including through making grants and providing other assistance to entities to carry out programs for such purposes.

(3) NOTIFICATION TO CONGRESSIONAL COMMITTEES.—The Secretary of State shall notify the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives prior to designating an appropriate organization as the Foundation.

(c) GRANTS FOR PROJECTS.—

(1) FOUNDATION TO MAKE GRANTS.—The Secretary of State shall enter into an agreement with the Foundation that requires the Foundation to use the funds provided under subsection (b)(2) to make grants to persons (other than governments or government entities) located in the Middle East or working with local partners based in the Middle East to carry out projects that support the purposes specified in subsection (a).

(2) CENTER FOR PUBLIC POLICY.—Under the agreement described in paragraph (1), the Foundation may make a grant to an institution of higher education located in the Middle East to create a center for public policy for the purpose of permitting scholars and professionals from the countries of the Middle East and from other countries, including the United States, to carry out research, training programs, and other activities to inform public policymaking in the Middle East and to promote broad economic, social, and political reform for the people of the Middle East.

(3) APPLICATIONS FOR GRANTS.—An entity seeking a grant from the Foundation under this section shall submit an application to the head of the Foundation at such time, in such manner, and including such information as the head of the Foundation may reasonably require.

(d) PRIVATE CHARACTER OF THE FOUNDATION.—Nothing in this section shall be construed to—

(1) make the Foundation an agency or establishment of the United States Government, or to make the officers or employees of the Foundation officers or employees of the United States for purposes of title 5, United States Code; or

(2) to impose any restriction on the Foundation's acceptance .of funds from private and public sources in support of its activities consistent with the purposes of this section.

(e) LIMITATION ON PAYMENTS TO FOUNDATION PERSONNEL.—No part of the funds provided to the Foundation under this section shall inure to the benefit of any officer or employee of the Foundation, except as salary or reasonable compensation for services.

(f) RETENTION OF INTEREST.—The Foundation may hold funds provided under this section in interest-bearing accounts prior to the disbursement of such funds to carry out the purposes of this section, and may retain for use for such purposes any interest earned without returning such interest to the Treasury of the United States and without further appropriation by Congress.

(g) FINANCIAL ACCOUNTABILITY.—

(1) INDEPENDENT PRIVATE AUDITS OF THE FOUNDATION.—The accounts of the Foundation shall be audited annually in accordance with generally accepted auditing standards by independent certified public accountants or independent licensed public accountants certified or licensed by a regulatory authority of a State or other political subdivision of the United States. The report of the independent audit shall be included in the annual report required by subsection (h).

(2) GAO AUDITS.—The financial transactions undertaken pursuant to this section by the Foundation may be audited by the General Accounting Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States.

(3) AUDITS OF GRANT RECIPIENTS.—

(A) IN GENERAL.—A recipient of a grant from the Foundation shall agree to permit an audit of the books and records of such recipient related to the use of the grant funds.

(B) RECORDKEEPING.—Such recipient shall maintain appropriate books and records to facilitate an audit referred to subparagraph (A), including—

(i) separate accounts with respect to the grant funds;

(ii) records that fully disclose the use of the grant funds;

(iii) records describing the total cost of any project carried out using grant funds; and

(iv) the amount and nature of any funds received from other sources that were combined with the grant funds to carry out a project.

(h) ANNUAL REPORTS.—Not later than January 31, 2006, and annually thereafter, the Foundation shall submit to Congress and make available to the public an annual report that includes, for the fiscal year prior to the fiscal year in which the report is submitted, a comprehensive and detailed description of—

(1) the operations and activities of the Foundation that were carried out using funds provided under this section;

(2) grants made by the Foundation to other entities with funds provided under this section;

(3) other activities of the Foundation to further the purposes of this section; and

(4) the financial condition of the Foundation.

Subtitle C—Restoring American Moral Leadership

SEC. 221. ADVANCING UNITED STATES INTERESTS THROUGH PUBLIC DIPLOMACY.

(a) FINDINGS.—Congress makes the following findings:

(1) The United States needs to improve its communication of information and ideas to people in foreign countries, particularly in countries with significant Muslim populations.

(2) Public diplomacy should reaffirm the paramount commitment of the United States to democratic principles, including preserving the civil liberties of all the people of the United States, including Muslim-Americans.

(3) The report of the National Commission on Terrorist Attacks Upon the United States stated that, "Recognizing that Arab and Muslim audiences rely on satellite television and radio, the government has begun some promising initiatives in television and radio broadcasting to the Arab world, Iran, and Afghanistan. These efforts are beginning to reach large audiences. The Broadcasting Board of Governors has asked for much larger resources. It should get them.".

(4) A significant expansion of United States international broadcasting would provide a cost-effective means of improving communication with countries with significant Muslim populations by providing news, information, and analysis, as well as cultural programming, through both radio and television broadcasts.

(b) SPECIAL AUTHORITY FOR SURGE CAPACITY.—The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.) is amended by adding at the end the following new section:

"SEC. 316. SPECIAL AUTHORITY FOR SURGE CAPACITY.

"(a) EMERGENCY AUTHORITY.—

"(1) IN GENERAL.—Whenever the President determines it to be important to the national interests of the United States and so certifies to the appropriate congressional committees, the President, on such terms and conditions as the President may determine, is authorized to direct any department, agency, or other entity of the United States to furnish the Broadcasting Board of Governors with such assistance as may be necessary to provide international broadcasting activities of the United States with a surge capacity to support United States foreign policy objectives during a crisis abroad.

"(2) Supersedes existing law.—The authority of paragraph (1) supersedes any other provision of law.

"(3) Surge capacity defined.—In this subsection, the term 'surge capacity' means the financial and technical resources necessary to carry out broadcasting activities in a geographical area during a crisis.

"(b) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated to the President such sums as may be necessary for the President to carry out this section, except that no such amount may be appropriated which, when added to amounts previously appropriated for such purpose but not yet obligated, would cause such amounts to exceed $25,000,000.

"(2) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in this subsection are authorized to remain available until expended.

"(3) Designation of appropriations.—Amounts appropriated pursuant to the authorization of appropriations in this subsection may be referred to as the 'United States International Broadcasting Surge Capacity Fund'.".

(c) Report.—An annual report submitted to the President and Congress by the Broadcasting Board of Governors under section 305(a)(9) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6204(a)(9)) shall provide a detailed description of any activities carried out under section 316 of such Act, as added by subsection (b).

(d) Authorization of Appropriations for United States International Broadcasting Activities.—

(1) In general.—In addition to amounts otherwise available for such purposes, the following amounts are authorized to be appropriated to carry out United States Government broadcasting activities under the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), the United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.), the Foreign Affairs Reform and Restructuring Act of 1998 (as enacted in division G of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999; Public Law 105-277), and this Act, and to carry out other authorities in law consistent with such purposes:

(A) International broadcasting operations.—For "International Broadcasting Operations", $497,000,000 for the fiscal year 2006.

(B) Broadcasting capital improvements.—For "Broadcasting Capital Improvements", $70,000,000 for the fiscal year 2006.

(2) Availability of funds.—Amounts appropriated pursuant to the authorization of appropriations in this section are authorized to remain available until expended.

SEC. 222. DEPARTMENT OF STATE PUBLIC DIPLOMACY PROGRAMS.

(a) United States Educational, Cultural, and Public Diplomacy Programs.—There is authorized to be appropriated for the Department of State to carry out public diplomacy programs of the Department under the United States Information and Educational Exchange Act of 1948, the Mutual Educational and Cultural Exchange Act of 1961, Reorganization Plan Number 2 of 1977, the Foreign Affairs Reform and Restructuring Act of 1998, the Center for Cultural and Technical Interchange Between East and West Act of 1960, the Dante B. Fascell North-South Center Act of 1991, and the National Endowment for Democracy Act, and to carry out other authorities in law consistent with the purposes of such Acts for "Educational and Cultural Exchange Programs", $500,000,000 for the fiscal year 2006.

(b) Administration of Foreign Affairs.—The is authorized to be appropriated for the Department of State under "Administration of Foreign Affairs" to carry out the authorities, functions, duties, and responsibilities in the conduct of foreign affairs of the United States, and for other purposes authorized by law for "Diplomatic and Consular Programs", $500,000,000 for the fiscal year 2006, which shall only be available for public diplomacy international information programs.

SEC. 223. TREATMENT OF DETAINEES.

(a) Findings.—Consistent with the report of the National Commission on Terrorist Attacks Upon the United States, Congress makes the following findings:

(1) Carrying out the global war on terrorism requires the development of policies with respect to the detention and treatment of captured international terrorists that are adhered to by all coalition forces.

(2) Article 3 of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316), was specifically designed for cases in which the usual rules of war do not apply, and the minimum standards of treatment pursuant to such Article are generally accepted throughout the world as customary international law.

(b) Policy.—The policy of the United States is as follows:

(1) It is the policy of the United States to treat all foreign persons captured, detained, interned, or otherwise held in the custody of the United States (hereinafter "detainees") humanely and in accordance with the legal obligations under United States law and international law, including the obligations in the Convention Against Torture and in the minimum standards set forth in the Geneva Conventions.

(2) It is the policy of the United States that all officials of the United States are bound both in wartime and in peacetime by the legal prohibitions against torture, cruel, inhumane, or degrading treatment set out in the Constitution, laws, and treaties of the United States.

(3) If there is any doubt as to whether a detainee is entitled to the protections afforded by the Geneva Conventions, it is the policy of the United States that such detainee shall enjoy the protections of the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316) until such time as the detainee's status can be determined pursuant to the procedures authorized by Army Regulation 190-8, Section 1-6.

(4) It is the policy of the United States to provide individualized hearings for all detainees for the purpose of expeditiously holding detainees accountable for violations of the law of war, other relevant international prohibitions, or criminal laws alleged to have been committed by such detainees or to expeditiously conduct intelligence debriefings of such detainees.

(5) It is the policy of the United States to avoid the indefinite detention of any individual in a manner which is contrary to the legal principles and security interests of the United States.

(c) Reporting.—The Secretary shall submit to the appropriate congressional committees:

(1) A quarterly report providing the number of detainees who were denied prisoner of war status under the Geneva Conventions and the basis for denying such status to each such detainee.

(2) Not later than 180 days after the date of the enactment of this Act, a report setting forth—

(A) the proposed schedule for military commissions to be held at Guantanamo Bay, Cuba; and

(B) the number of individuals currently held at Guantanamo Bay, Cuba, the number of such individuals who are unlikely to face a military commission in the next six months, and each reason for not bringing such individuals before a military commission.

(3) Not later than 15 days after the date of the enactment of this Act, all International Committee of the Red Cross reports, completed prior to the enactment of this Act, concerning the treatment of detainees in United States custody at Guantanamo Bay, Cuba, Iraq, and Afghanistan. Such reports should be provided, in classified form.

(4) Not later than 90 days after the date of the enactment of this Act, a report setting forth all interrogation techniques approved, as of the date of the enactment of this Act, by officials of the United States for use with detainees.

(d) Annual Training Requirement.—The Secretary of Defense shall certify to the appropriate congressional committees, no later than June 1 of each year, that all Federal employees and civilian contractors engaged in the handling or interrogating of detainees have fulfilled an annual training requirement on the laws of war, the Geneva Conventions, the Convention Against Torture, and the obligations of the United States under international humanitarian law.

(e) Prohibition on Torture or Cruel, Inhumane, or Degrading Treatment or Punishment.—

(1) In general.—No detainee shall be subject to torture or cruel, inhumane, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

(2) Relationship to Geneva conventions.—Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

(f) Rules, Regulations, and Guidelines.—

(1) Requirement.—Not later than 180 days after the date of the enactment of this Act, the Secretary and the Director shall prescribe the rules, regulations, or guidelines necessary to ensure compliance with the prohibition in subsection (e)(1) by all personnel of the United States Government and by any person providing services to the United States Government on a contract basis.

(2) Report to congress.—The Secretary and the Director shall submit to Congress the rules, regulations, or guidelines prescribed under paragraph (1), and any modifications to such rules, regulations, or guidelines—

(A) not later than 30 days after the effective date of such rules, regulations, guidelines, or modifications; and

(B) in a manner and form that will protect the national security interests of the United States.

(g) Reports on Possible Violations.—

(1) Requirement.—The Secretary and the Director shall each submit, on a timely basis and not less than twice each year, a report to Congress on the circumstances surrounding, and a status report on, any investigation of a possible violation of the prohibition in subsection (e)(1) by United States Government personnel or by a person providing services to the United States Government on a contract basis.

(2) FORM OF REPORT.—A report required under paragraph (1) shall be submitted in a manner and form that—

(A) will protect the national security interests of the United States; and

(B) will not prejudice any prosecution of an individual alleged to have violated the prohibition in subsection (e)(1).

(h) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committee on Armed Services, the Committee on the Judiciary, and the Committee on Foreign Relations of the Senate and the Committee on Armed Services, the Committee on the Judiciary, and the Committee on International Relations of the House of Representatives.

(2) CONVENTION AGAINST TORTURE.—The term "Convention Against Torture" means the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, done at New York December 10, 1984.

(3) DIRECTOR.—The term "Director" means the Director of National Intelligence.

(4) GENEVA CONVENTIONS.—The term "Geneva Conventions" means—

(A) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, done at Geneva August 12, 1949 (6 UST 3114);

(B) the Convention for the Amelioration of the Condition of the Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea, done at Geneva August 12, 1949 (6 UST 3217);

(C) the Convention Relative to the Treatment of Prisoners of War, done at Geneva August 12, 1949 (6 UST 3316); and

(D) the Convention Relative to the Protection of Civilian Persons in Time of War, done at Geneva August 12, 1949 (6 UST 3516).

(5) SECRETARY.—The term "Secretary" means the Secretary of Defense.

(6) TORTURE.—The term "torture" has the meaning given that term in section 2340 of title 18, United States Code.

SEC. 224. NATIONAL COMMISSION TO REVIEW POLICY REGARDING THE TREATMENT OF DETAINEES.

(a) ESTABLISHMENT OF COMMISSION.—There is established the National Commission To Review Policy Regarding the Treatment of Detainees.

(b) PURPOSES.—The purposes of the Commission are as follows:

(1) To examine and report upon the role of policymakers in the development of intelligence related to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom.

(2) To examine and report on the impact of the abuse of prisoners by the United States personnel on the security of the Armed Forces of the United States.

(3) To build upon the reviews of the policies of the United States related to the treatment of individuals detained by the United States, including such reviews conducted by the executive branch, Congress, or other entities.

(c) COMPOSITION OF THE COMMISSION.—

(1) MEMBERS.—The Commission shall be composed of 15 members, of whom—

(A) 3 members shall be appointed by the majority leader of the Senate;

(B) 3 members shall be appointed by the Speaker of the House of Representatives;

(C) 3 members shall be appointed by the minority leader of the Senate;

(D) 3 members shall be appointed by the minority leader of the House of Representatives;

(E) 1 member shall be appointed by the Judge Advocate General of the Army;

(F) 1 member shall be appointed by the Judge Advocate General of the Navy; and

(G) 1 member shall be appointed by the Judge Advocate General of the Air Force.

(2) CHAIRPERSON; VICE CHAIRPERSON.—

(A) IN GENERAL.—Subject to subparagraph (B), the Chairperson and Vice Chairperson of the Commission shall be elected by the members.

(B) POLITICAL PARTY AFFILIATION.—The Chairperson and Vice Chairperson may not be from the same political party.

(3) INITIAL MEETING.—Once 9 or more members of the Commission have been appointed, those members who have been appointed may meet and, if necessary, select a temporary chairperson, who may begin the operations of the Commission, including the hiring of staff.

(4) QUORUM; VACANCIES.—After its initial meeting, the Commission shall meet upon the call of the Chairperson or a majority of its members. Eight members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner in which the original appointment was made.

(5) SENSE OF CONGRESS ON QUALIFICATIONS OF COMMISSION MEMBERS.—It is the sense of Congress that individuals appointed to the Commission should be prominent United States citizens, with national recognition and significant depth of experience in the fields of intelligence, law enforcement, or foreign affairs, or experience serving the United States Government, including service in the Armed Forces.

(d) FUNCTIONS OF THE COMMISSION.—The functions of the Commission are—

(1) to conduct an investigation that—

(A) investigates the development of policy relating to individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom;

(B) determines whether the United States policy related to the treatment of detained individuals has adversely affected the security of the members of the Armed Forces of the United States;

(C) determines whether and to what extent the incidences of abuse of detained individuals has affected the standing of the United States in the world;

(D) determines whether and to what extent leaders of the United States Armed Forces were given the opportunity to comment on and influence policy relating to treatment of detained individuals; and

(E) determines whether and to what extent policy relating to the treatment of individuals detained during Operation Iraqi Freedom or Operation Enduring Freedom differed from the policies and practices regarding detainees established by the Armed Forces prior to such operations; and

(2) to submit to the President and Congress such report as is required by this section containing such findings, conclusions, and recommendations as the Commission shall determine, including proposing organization, coordination, planning, management arrangements, procedures, rules, and regulations.

(e) POWERS OF THE COMMISSION.—

(1) IN GENERAL.—

(A) HEARINGS AND EVIDENCE.—The Commission or, on the authority of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out this section—

(i) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths; and

(ii) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, cables, electronic messages, papers, and documents, as the Commission or such designated subcommittee or designated member may determine advisable.

(B) SUBPOENAS.—

(i) ISSUANCE.—Subpoenas issued under subparagraph (A)(ii) may be issued under the signature of the Chairperson of the Commission, the Vice Chairperson of the Commission, the chairperson of any subcommittee created by a majority of the Commission, or any member designated by a majority of the Commission, and may be served by any person designated by the Chairperson, subcommittee chairperson, or member.

(ii) ENFORCEMENT.—

(I) IN GENERAL.—In the case of contumacy or failure to obey a subpoena issued under subparagraph (A)(ii), the United States district court for the judicial district in which the subpoenaed person resides, is served, or may be found, or where the subpoena is returnable, may issue an order requiring such person to appear at any designated place to testify or to produce documentary or other evidence. Any failure to obey the order of the court may be punished by the court as a contempt of that court.

(II) ADDITIONAL ENFORCEMENT.—In the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section, the Commission may, by majority vote, certify a statement of fact constituting such failure to the appropriate United States attorney, who may bring the matter before the grand jury for its action, under the same statutory authority and procedures as if the United States attorney had received a certification under sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192 through 194).

(2) CLOSED MEETINGS.—

(A) IN GENERAL.—Meetings of the Commission may be closed to the public under section 10(d) of the Federal Advisory Committee Act (5 U.S.C. App.) or other applicable law.

(B) ADDITIONAL AUTHORITY.—In addition to the authority under subparagraph (A), section 10(a)(1) and (3) of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any portion of a Commission meeting if the President determines that such portion or portions of that meeting is likely to disclose matters that could endanger national security. If the President makes such determination, the requirements relating to a determination under section 10(d) of that Act shall apply.

(3) CONTRACTING.—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this section.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this section. Each department, bureau, agency, board, commission, office, independent establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairperson, the chairperson of any subcommittee created by a majority of the Commission, or

any member designated by a majority of the Commission.

(5) Assistance from Federal agencies.—

(A) General services administration.—The Administrator of General Services shall provide to the Commission on a reimbursable basis administrative support and other services for the performance of the Commission's functions.

(B) Other departments and agencies.—In addition to the assistance prescribed in subparagraph (A), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may determine advisable and as may be authorized by law.

(6) Gifts.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) Postal services.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

(f) Staff of the Commission.—

(1) Appointment and compensation.—The Chairperson and Vice Chairperson, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable for a position at level V of the Executive Schedule under section 5316 of title 5, United States Code.

(2) Personnel as federal employees.—

(A) In general.—The executive director and any personnel of the Commission who are employees shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(B) Members of commission.—Subparagraph (A) shall not be construed to apply to a member of the Commission.

(3) Detailees.—Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(4) Consultant services.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

(g) Compensation and Travel Expenses.—

(1) Compensation.—Each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission.

(2) Travel expenses.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code.

(h) Security Clearances for Commission Members and Staff.—The appropriate departments and agencies of the Government shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information under this section who would not otherwise qualify for such security clearance.

(i) Report of the Commission.—Not later than 9 months after the date of the first meeting of the Commission, the Commission shall submit to the President and Congress a report containing such findings, conclusions, and recommendations as have been agreed to by a majority of Commission members.

(j) Termination.—

(1) Termination.—The Commission, and all the authorities of this section, shall terminate 60 days after the date on which the report is submitted under subsection (i).

(2) Administrative activities before termination.—The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its reports and disseminating the second report.

(k) Authorization of Appropriations.—There are authorized to be appropriated to the Commission to carry out this section $5,000,000, to remain available until expended.

Subtitle D—Strategy for the United States Relationship With Afghanistan, Pakistan, and Saudi Arabia

SEC. 231. AFGHANISTAN.

(a) Afghanistan Freedom Support Act of 2002.—Section 108(a) the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7518(a)) is amended by striking "such sums as may be necessary for each of the fiscal years 2005 and 2006" and inserting "$2,400,000,000 for fiscal year 2006 and such sums as may be necessary for each of the fiscal years 2007 and 2008".

(b) Other Authorizations of Appropriations.—

(1) Fiscal year 2006.—There are authorized to be appropriated to the President for providing assistance for Afghanistan in a manner consistent with the provisions of the Afghanistan Freedom Support Act of 2002 (22 U.S.C. 7501 et seq.) for fiscal year 2006—

(A) for "International Military Education and Training", $1,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347);

(B) for "Foreign Military Financing Program" grants, $444,000,000 to carry out the provisions of section 23 of the Arms Export Control Act (22 U.S.C. 2763); and

(C) for "Peacekeeping Operations", $30,000,000 to carry out the provisions of section 551 of the Foreign Assistance Act of 1961 (22 U.S.C. 2348).

(2) Fiscal years 2007 and 2008.—

(A) Authorization of appropriation.—There are authorized to be appropriated for each of the purposes described in subparagraphs (A) through (C) of paragraph (1) such sums as may be necessary for each of the fiscal years 2007 and 2008.

(B) Sense of congress.—It is the sense of Congress that the amount appropriated for each purpose described in subparagraphs (A) through (C) of paragraph (1) for each of the fiscal years 2007 and 2008 should be an amount that is equal to 125 percent of the amount appropriated for such purpose during the preceding fiscal year.

(3) Other funds.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 232. PAKISTAN.

(a) Findings.—Congress makes the following findings:

(1) Since September 11, 2001, the Government of Pakistan has been an important partner in helping the United States remove the Taliban regime in Afghanistan and combating international terrorism in the frontier provinces of Pakistan.

(2) There remain a number of critical issues that threaten to disrupt the relationship between the United States and Pakistan, undermine international security, and destabilize Pakistan, including—

(A) curbing the proliferation of nuclear weapons technology;

(B) combating poverty and corruption;

(C) building effective government institutions, especially secular public schools;

(D) promoting democracy and rule of law, particularly at the national level; and

(E) effectively dealing with Islamic extremism.

(b) Policy.—It is the policy of the United States—

(1) to work with the Government of Pakistan to combat international terrorism, especially in the frontier provinces of Pakistan;

(2) to establish a long-term strategic partnership with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2);

(3) to dramatically increase funding for United States Agency for International Development and Department of State programs that assist Pakistan in addressing such issues, if the Government of Pakistan demonstrates a commitment to building a moderate, democratic state; and

(4) to work with the international community to secure additional financial and political support to effectively implement the policies set forth in this subsection and help to resolve the dispute between the Government of Pakistan and the Government of India over the disputed territory of Kashmir.

(c) Strategy on Pakistan.—

(1) Requirement for report on strategy.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States to engage with the Government of Pakistan to address the issues described in subparagraphs (A) through (E) of subsection (a)(2) in order accomplish the goal of building a moderate, democratic Pakistan.

(2) Appropriate congressional committees defined.—In this subsection the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations in the Senate, and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

(d) Nuclear Proliferation.—

(1) Finding.—Congress finds that Pakistan's maintenance of a global missile and nuclear proliferation network would be inconsistent with Pakistan being considered an ally of the United States.

(2) Sense of congress.—It is the sense of Congress that the national security interest of the United States will best be served if the United States develops and implements a

long-term strategy to improve the United States relationship with Pakistan and works with the Government of Pakistan to stop nuclear proliferation.

(3) LIMITATION ON ASSISTANCE TO PAKISTAN.—None of the funds appropriated for a fiscal year to provide military or economic assistance to the Government of Pakistan may be made available for such purpose unless the President submits to Congress for such fiscal year a certification that no military or economic assistance provided by the United States to the Government of Pakistan will be provided, either directly or indirectly, to a person that is opposing or undermining the efforts of the United States Government to halt the proliferation of nuclear weapons.

(e) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the President for providing assistance for Pakistan for fiscal year 2006—

(A) for "Development Assistance", $50,000,000 to carry out the provisions of section 103, 105, and 106 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151a, 2151c, and 2151d.);

(B) for the "Child Survival and Health Programs Fund", $35,000,000 to carry out the provisions of sections 104 of the Foreign Assistance Act of 1961 (22 U.S.C. 2151b);

(C) for the "Economic Support Fund", $350,000,000 to carry out the provisions of chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346 et seq.);

(D) for "International Narcotics and Law Enforcement", $50,000,000 to carry out the provisions of section 481 of the Foreign Assistance Act of 1961 (22 U.S.C. 2291);

(E) for "Nonproliferation, Anti-Terrorism, Demining, and Related Programs", $10,000,000;

(F) for "International Military Education and Training", $2,000,000 to carry out the provisions of section 541 of the Foreign Assistance Act of 1961 (22 U.S.C. 2347); and

(G) for "Foreign Military Financing Program", $300,000,000 grants to carry of the provision of section 23 of the Arms Export Control Act (22 U.S.C. 2763).

(2) OTHER FUNDS.—Amounts authorized to be appropriated under this section are in addition to amounts otherwise available for such purposes.

SEC. 233. SAUDI ARABIA.

(a) FINDINGS.—Congress makes the following findings:

(1) The Kingdom of Saudi Arabia has an uneven record in the fight against terrorism, especially with respect to terrorist financing, support for radical madrassas, and a lack of political outlets for its citizens, that poses a threat to the security of the United States, the international community, and the Kingdom of Saudi Arabia itself.

(2) The United States has a national security interest in working with the Government of Saudi Arabia to combat international terrorists that operate within that nation or that operate outside Saudi Arabia with the support of citizens of Saudi Arabia.

(3) In order to more effectively combat terrorism, the Government of Saudi Arabia must undertake a number of political and economic reforms, including increasing anti-terrorism operations conducted by law enforcement agencies, providing more political rights to its citizens, increasing the rights of women, engaging in comprehensive educational reform, enhancing monitoring of charitable organizations, promulgating and enforcing domestic laws and regulation on terrorist financing.

(b) POLICY.—It is the policy of the United States—

(1) to engage with the Government of Saudi Arabia to openly confront the issue of terrorism, as well as other problematic issues such as the lack of political freedoms, with the goal of restructuring the relationship on terms that leaders of both nations can publicly support;

(2) to enhance counterterrorism cooperation with the Government of Saudi Arabia, if the political leaders of such Government are committed to making a serious, sustained effort to combat terrorism; and

(3) to support the efforts of the Government of Saudi Arabia to make political, economic, and social reforms throughout the country.

(c) STRATEGY ON SAUDI ARABIA.—

(1) REQUIREMENT FOR REPORT ON STRATEGY.—Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report, in classified form if necessary, that describes the long-term strategy of the United States—

(A) to engage with the Government of Saudi Arabia to facilitate political, economic, and social reforms that will enhance the ability of the Government of Saudi Arabia to combat international terrorism; and

(B) to effectively prevent the financing of terrorists in Saudi Arabia.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES DEFINED.—In this subsection the term "appropriate congressional committees" means the Committee on Appropriations and the Committee on Foreign Relations in the Senate, and the Committee on Appropriations and the Committee on International Relations of the House of Representatives.

TITLE III—PROTECTION FROM TERRORIST ATTACKS THAT UTILIZE NUCLEAR, CHEMICAL, BIOLOGICAL, AND RADIOLOGICAL WEAPONS

Subtitle A—Non-Proliferation Programs

SEC. 301. REPEAL OF LIMITATIONS TO THREAT REDUCTION ASSISTANCE.

Section 5 of S. 2980 of the 108th Congress (the "Nunn-Lugar Cooperative Threat Reduction Act of 2004"), as introduced on November 16, 2004, is hereby enacted into law.

SEC. 302. REUSE OF RUSSIAN NUCLEAR FACILITIES.

(a) IN GENERAL.—The Secretary of Energy shall work with the Minister of Atomic Energy of Russia to carry out a program to close or convert to non-defense work one or more nuclear weapons assembly and disassembly facilities in Russia.

(b) DESIGNATION OF FACILITIES.—The Secretary of Energy and Minister of Atomic Energy of Russia shall jointly designate each facility to be covered by the program under subsection (a).

(c) COMMISSIONS TO PROVIDE ADVICE AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than two months after the designation of a facility under subsection (b), the Secretary of Energy shall establish a commission to provide advice and recommendations on the closure or conversion of the facility to non-defense work.

(2) COMMISSION MEMBERSHIP.—Each commission established under paragraph (1) shall consist of such personnel, including Russian nationals, as the Secretary considers appropriate for its work. The names of each member of each commission shall be made public upon designation under this paragraph.

(3) PERSONNEL MATTERS.—

(A) COMPENSATION.—Each member of a commission established under paragraph (1) who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of such commission. All members of a commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(B) TRAVEL EXPENSES.—The members of a commission established under paragraph (1) shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for such commission.

(4) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to any activities of a commission established under paragraph (1).

(5) OPEN MEETINGS.—The meetings of any commission under paragraph (1) shall, to the maximum extent practicable, be open to the public.

(d) PROPOSED FACILITY REUSE PLAN.—

(1) REQUIREMENT FOR PROPOSED PLAN.—Not later than six months after the designation of a facility under subsection (b), the commission for the facility under subsection (c) shall submit to the Secretary of Energy and the Minister of Atomic Energy of Russia a proposed plan on the closure or conversion of the facility to non-defense work.

(2) ELEMENTS OF PROPOSED PLAN.—A proposed plan under paragraph (1) may include one or more of the elements specified in subsection (f).

(3) AVAILABILITY OF PROPOSED PLAN.—Any proposed plan submitted under paragraph (1) shall be made public upon its submittal.

(e) FINAL FACILITY REUSE PLAN.—

(1) REQUIREMENT FOR FINAL PLAN.—Not later than nine months after receiving a proposed plan for a facility under subsection (d), the Secretary of Energy and the Minister of Atomic Energy of Russia shall jointly develop a final plan on the closure or conversion of the facility to non-defense work.

(2) ELEMENTS OF FINAL PLAN.—A final plan for a facility under paragraph (1) shall include the following:

(A) Any of the elements specified in subsection (f).

(B) Assurances of access to the facility necessary to carry out the final plan.

(C) Resolution of any matters relating to liability and taxation.

(D) An estimate of the costs of the United States, and of Russia, under the final plan.

(E) The commitment of Russia to pay at least 15 percent of the costs of the final plan.

(F) Milestones for the final plan, including a deadline for the closure or conversion of the facility to non-defense work.

(G) Appropriate auditing and accounting mechanisms.

(f) PLAN ELEMENTS.—The plan for a facility under subsection (d) or (e) may include one or more of the following elements:

(1) A retraining program for facility employees.

(2) Economic incentives to attract and facilitate commercial ventures in connection with the facility.

(3) A site preparation plan.

(4) Technical exchange and training programs.

(5) The participation of a redevelopment manager and of business, legal, financial, or other appropriate experts.

(6) Promotional or marketing plans.

(7) Provision for startup funds, loans, or grants, or other venture capital or financing.

(g) Limitation on Availability of Funds.—No amount authorized to be appropriated by subsection (h) may be available for a facility under the program established under subsection (a) unless the deadlines for the preparation of the proposed facility reuse plan for the facility under subsection (d) and for the preparation of the final facility reuse plan for the facility under subsection (e) are both met.

(h) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to the Department of Energy, $60,000,000 to carry out this section, of which not more than $4,000,000 may be available to each commission established under subsection (c).

(2) Availability of funds.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

SEC. 303. RUSSIAN TACTICAL NUCLEAR WEAPONS.

(a) Report Required.—Not later than six months after the date of the enactment of this Act, the President shall submit to Congress a report setting forth the following:

(1) An assessment of the number, location, condition, and security of Russian tactical nuclear weapons.

(2) An assessment of the threat that would be posed by the theft of Russian tactical nuclear weapons.

(3) A plan for developing with Russia a cooperative program to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons.

(b) Program.—The Secretary of Defense and the Secretary of Energy shall jointly work with Russia to establish a cooperative program, based on the report under subsection (a), to secure, consolidate, and, as appropriate, dismantle Russian tactical nuclear weapons in order to achieve reductions in the total number of Russian tactical nuclear weapons.

(c) Authorization of Appropriations.—

(1) Department of defense.—There is authorized to be appropriated for the Department of Defense, $25,000,000 to carry out this section.

(2) Department of energy.—There is authorized to be appropriated for the Department of Energy, $25,000,000 to carry out this section.

SEC. 304. ADDITIONAL ASSISTANCE TO ACCELERATE NON-PROLIFERATION PROGRAMS.

(a) Authorization of Appropriations for the Department of Defense.—There is authorized to be appropriated to the Department of Defense $40,000,000 for fiscal year 2006 for Cooperative Threat Reduction Activities as follows:

(1) To accelerate security upgrades at warhead storage sites located in Russia or another country of the former Soviet Union, $15,000,000.

(2) To accelerate security upgrades at warhead storage sites located in countries other than the countries of the former Soviet Union, $10,000,000.

(3) To accelerate biological weapons proliferation prevention programs in Kazakhstan, Georgia, and Uzbekiztan, $15,000,000.

(b) Authorization of Appropriations for the Department of Energy.—There is authorized to be appropriated to the Department of Energy $95,000,000 for fiscal year 2006 for nonproliferation activities of the National Nuclear Security Administration as follows:

(1) To accelerate the Global Threat Reduction Initiative, $20,000,000.

(2) To accelerate security upgrades at warhead storage sites located in Russia or another country of the former Soviet Union, $15,000,000.

(3) To accelerate the closure of the plutonium producing reactor at Zheleznogorsk, Russia as part of the program to eliminate weapons grade plutonium production, $25,000,000.

(4) To accelerate completion of comprehensive security upgrades at Russian storage sites for weapons-usable nuclear materials, $15,000,000.

(c) Authorization of Appropriations for the Department of State.—

(1) In general.—There is authorized to be appropriated to the Department of State $25,000,000 for fiscal year 2006 for nonproliferation activities as follows:

(A) To accelerate engagement of former chemical an biological weapons scientists in Russia and the countries of the former Soviet Union through the Bio-Chem Redirect Program, $15,000,000.

(B) To enhance efforts to combat bioterrorism by transforming the for Soviet biological weapons research and production facilities to commercial enterprises through the BioIndustry Initiative, $10,000,000.

(2) Availability of funds.—The amount authorized to be appropriated by paragraph (1) shall remain available until expended.

SEC. 305. ADDITIONAL ASSISTANCE TO THE INTERNATIONAL ATOMIC ENERGY AGENCY.

There is authorized to be appropriated to the Department of Energy $20,000,000 to be used to provide technical and other assistance to the International Atomic Energy Agency to support nonproliferation programs. Such amount is in addition to amounts otherwise available for such purpose.

Subtitle B—Border Protection

SEC. 311. FINDINGS.

Congress makes the following findings:

(1) More than 500,000,000 people cross the borders of the United States at legal points of entry each year, including approximately 330,000,000 people who are not citizens of the United States.

(2) The National Commission on Terrorist Attacks Upon the United States found that 15 of the 19 hijackers involved in the September 11, 2001 terrorist attacks "were potentially vulnerable to interception by border authorities".

(3) Officials with the Bureau of Customs and Border Protection and with the Bureau of Immigration and Customs Enforcement have stated that there is a shortage of agents in such Bureaus. Due to an inadequate budget, the Bureau of Immigration and Customs Enforcement has effected a hiring freeze since March 2004, and the Bureau has not made public any plans to end this freeze.

SEC. 312. HIRING AND TRAINING OF BORDER SECURITY PERSONNEL.

(a) Inspectors and Agents.—

(1) Increase in inspectors and agents.—During each of fiscal years 2005 through 2008, the Under Secretary shall—

(A) increase the number of full-time agents and associated support staff in the Bureau of Immigration and Customs Enforcement of the Department of Homeland Security by the equivalent of at least 100 more than the number of such employees in the Bureau as of the end of the preceding fiscal year; and

(B) increase the number of full-time inspectors and associated support staff in the Bureau of Customs and Border Protection by the equivalent of at least 200 more than the number of such employees in the Bureau as of the end of the preceding fiscal year.

(2) Waiver of FTE limitation.—The Under Secretary is authorized to waive any limitation on the number of full-time equivalent personnel assigned to the Department of Homeland Security to fulfill the requirements of paragraph (1).

(b) Training.—The Under Secretary shall provide appropriate training for agents, inspectors, and associated support staff on an ongoing basis to utilize new technologies and to ensure that the proficiency levels of such personnel are acceptable to protect the borders of the United States.

Subtitle C—Seaport Protection

SEC. 321. FINDINGS.

Congress makes the following findings:

(1) The United States port system is a vital artery of the economy of the United States. Almost 95 percent of all foreign trade passes through one or more of the 361 ports in the United States. Such seaports handle more than 2,000,000,000 tons of domestic and international freight each year of which has a value of more than $740,000,000. The shipment of cargo in vessels creates employment for 13,000,000 people within the United States.

(2) The United States Coast Guard has estimated that, given this tremendous commerce, a terrorist attack shutting down a major port in the United States would have a $60,000,000 impact on the United States economy during the first 30 days after such an attack.

(3) Although 6,000,000 cargo containers, each a possible hiding place for a bomb or other weapon, are off-loaded at ports in the United States each year, less than 1/10 of these containers are physically inspected. A container ship can carry as many as 3,000 containers, each one weighing up to 45,000 pounds, hundreds of which may be off-loaded at a port.

(4) The United States Coast Guard has estimated that the maritime security requirements set for ports by the Maritime Transportation Security Act of 2002 (Public Law 107–295; 116 Stat. 2064), which are critical to protecting United States ports from a nuclear terrorist attack, will cost $5,400,000,000 to implement over a 10-year period.

SEC. 322. PORT SECURITY GRANT FUNDING.

Section 70107(h) of title 46, United States Code, is amended to read as follows:

"(h) Authorization of Appropriations.—There are authorized to be appropriated to the Secretary to carry out subsections (a) through (g)—

"(1) $500,000,000 for fiscal year 2006;

"(2) $750,000,000 for fiscal year 2007;

"(3) $1,000,000,000 for fiscal year 2008;

"(4) $1,250,000,000 for fiscal year 2009; and

"(5) such sums as may be needed for each fiscal year after fiscal year 2009.".

SEC. 323. DEPLOYMENT OF RADIATION DETECTION PORTAL EQUIPMENT; INTEGRATED CARGO INSPECTION SYSTEM.

(a) In General.—Subtitle C of title IV of the Homeland Security Act of 2002 (6 U.S.C. 231 et seq.) is amended by adding at the end the following new section:

"SEC. 431. DETECTION OF NUCLEAR MATERIAL AT UNITED STATES SEAPORTS.

"(a) Deployment of Radiation Detection Portal Equipment.—

"(1) Deployment.—Not later than September 30, 2006, the Undersecretary for Border and Transportation Security shall deploy radiation detection portal equipment at all United States seaports, other United States ports of entry, and major facilities as determined by the Undersecretary.

"(2) REPORT.—Not later than December 31, 2005, the Undersecretary shall submit to the appropriate congressional committees a report on the implementation of the requirement under paragraph (1).

"(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Undersecretary $217,000,000 for fiscal year 2006 to carry out this subsection.

"(b) INTEGRATED CARGO INSPECTION SYSTEM.—

"(1) PLAN.—The Undersecretary for Border and Transportation Security shall develop a plan to integrate radiation detection portal equipment with gamma-ray inspection technology equipment at United States seaports and foreign seaports that are participating the Container Security Initiative in order to facilitate the detection of nuclear weapons in maritime cargo containers. Such plan shall include methods for automatic identification of containers and vehicles for inspection in a timely manner and a data sharing network capable of transmitting gamma-ray images and cargo data among relevant ports and the National Targeting Center of the Bureau of Customs and Border Protection.

"(2) REPORT.—Not later than 180 days after the date of the enactment of the Targeting Terrorists More Effectively Act of 2005, the Undersecretary for Border and Transportation Security shall prepare and submit to the appropriate congressional committees a report that contains—

"(A) a description of the plan developed under paragraph (1), including any infrastructure improvements required at the seaports involved;

"(B) an estimate of the costs associated with implementation of the plan; and

"(C) an estimate of the timeframe for implementation of the plan.".

SEC. 324. ACCELERATION OF THE MEGAPORTS INITIATIVE.

(a) DEPLOYMENT.—Not later than September 30, 2007, the Administrator of the National Nuclear Security Administration shall—

(1) complete agreements under the Megaports Initiative of the Office of International Material Protection and Cooperation with each country that possesses one or more of the world's twenty largest seaports, as defined by volume of maritime cargo traffic; and

(2) deploy radiation portal monitoring equipment to each seaport operating under an agreement described in subsection (a)(1).

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator such funds as are necessary to carry out the provisions of this section.

SEC. 325. TANKER SECURITY INITIATIVE.

(a) ESTABLISHMENT.—The Secretary of Homeland Security shall establish a Tanker Security Initiative to promulgate and enforce standards and carry out activities to ensure that tanker vessels that transport oil, natural gas, or other materials are not used by terrorists or as carriers of weapons of mass destruction.

(b) ELEMENTS.—To carry out the Tanker Security Initiative the Secretary of Homeland Security may—

(1) develop physical standards intended to prevent terrorists from placing a weapon of mass destruction in or on a tanker vessel without detection;

(2) develop detection equipment, and prescribe the use of such equipment, to be employed on a tanker vessel that is bound for a United States port of entry;

(3) develop new security inspection procedures required to be carried out on a tanker vessel at a foreign port of embarkation, on the high seas, or in United States waters prior to the arrival of such tanker at a United States port of entry;

(4) carry out research and development of sensing devices to detect any nuclear device that is placed in or on a tanker vessel; and

(5) provide assistance to a foreign country to assist such country in carrying out any provisions of the Tanker Security Initiative.

(c) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary of Homeland Security shall submit to Congress a report that includes—

(1) a description of the terrorism risks posed by tanker vessels;

(2) the elements of the Tanker Security Initiative developed to combat such risks;

(3) a proposed budget describing the resources needed to carry out the Tanker Security Initiative during the 3-year period beginning on the date of the enactment of this Act; and

(4) any proposal for legislation that the Secretary determines would address effectively such risks.

Subtitle D—First Responders

SEC. 331. FINDINGS.

Congress makes the following findings:

(1) In a report entitled "Emergency First Responders: Drastically Underfunded, Dangerously Unprepared", an independent task force sponsored by the Council on Foreign Relations found that "America's local emergency responders will always be the first to confront a terrorist incident and will play the central role in managing its immediate consequences. Their efforts in the first minutes and hours following an attack will be critical to saving lives, establishing order, and preventing mass panic. The United States has both a responsibility and a critical need to provide them with the equipment, training, and other resources necessary to do their jobs safely and effectively.".

(2) The task force further concluded that many state and local emergency responders, including police officers and firefighters, lack the equipment and training needed to respond effectively to a terrorist attack involving weapons of mass destruction.

(3) The Federal Government has a responsibility to ensure that the people of the United States are protected to the greatest possible extent against a terrorist attack, especially an attack that utilizes nuclear, chemical, biological, or radiological weapons, and consequently, the Federal Government has a critical responsibility to address the equipment, training, and other needs of State and local first responders.

SEC. 332. RESTORATION OF JUSTICE ASSISTANCE FUNDING.

(a) FINDINGS.—Congress makes the following findings:

(1) State and local police officers, firefighters, and emergency responders play an essential role in the efforts of the United States to prevent terrorist attacks and, if an attack occurred, to address the effects of the attack.

(2) An independent task force has concluded that hundreds of local police offices and firefighting and emergency response units throughout the United States are unprepared for responding to a terrorist attack involving nuclear, chemical, biological, or radiological weapons.

(3) The Edward Byrne Memorial Justice Assistance Grant Program provides critical Federal support for personnel, equipment, training, and technical assistance for the homeland security responsibilities of local law enforcement offices.

(4) The Consolidated Appropriations Act, 2005 (Public Law 108-447) appropriated funding for the Edward Byrne Memorial Justice Assistance Grant Program, a program that resulted from the combination of the Edward Byrne Memorial Grant Program and the Local Law Enforcement Block Grant Program.

(5) Funding for the Edward Byrne Memorial Justice Assistance Grant Program, as provided in the Consolidated Appropriations Act, 2005, has been reduced by nearly 50 percent since fiscal year 2002.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should request in the annual budget proposal, and Congress should appropriate, the full amount authorized to be appropriated in subsection (c).

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Edward Byrne Memorial Justice Assistance Grant Program—

(1) for fiscal year 2006, $1,250,000,000;

(2) for fiscal year 2007, $1,400,000,000; and

(3) for fiscal year 2008, $1,600,000,000.

SEC. 333. PROVIDING RELIABLE OFFICERS, TECHNOLOGY, EDUCATION, COMMUNITY PROSECUTORS, AND TRAINING IN OUR NEIGHBORHOOD INITIATIVE.

(a) COPS PROGRAM.—Section 1701(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(a)) is amended by—

(1) inserting "and prosecutor" after "increase police"; and

(2) inserting "to enhance law enforcement access to new technologies, and" after "presence,".

(b) HIRING AND REDEPLOYMENT GRANT PROJECTS.—Section 1701(b) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B)—

(i) by inserting after "Nation" the following: ", or pay overtime to existing career law enforcement officers to the extent that such overtime is devoted to community policing efforts"; and

(ii) by striking "and" at the end;

(B) in subparagraph (C), by—

(i) striking "or pay overtime"; and

(ii) striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(D) promote higher education among in-service State and local law enforcement officers by reimbursing them for the costs associated with seeking a college or graduate school education."; and

(2) in paragraph (2) by striking all that follows "SUPPORT SYSTEMS.—" and inserting "Grants pursuant to—

"(A) paragraph (1)(B) for overtime may not exceed 25 percent of the funds available for grants pursuant to this subsection for any fiscal year;

"(B) paragraph (1)(C) may not exceed 20 percent of the funds available for grants pursuant to this subsection in any fiscal year; and

"(C) paragraph (1)(D) may not exceed 5 percent of the funds available for grants pursuant to this subsection for any fiscal year.".

(c) ADDITIONAL GRANT PROJECTS.—Section 1701(d) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (2)—

(A) by inserting "integrity and ethics" after "specialized"; and

(B) by inserting "and" after "enforcement officers";

(2) in paragraph (7) by inserting "school officials, religiously-affiliated organizations," after "enforcement officers";

(3) by striking paragraph (8) and inserting the following:

"(8) establish school-based partnerships between local law enforcement agencies and local school systems, by using school resource officers who operate in and around elementary and secondary schools to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, combat school-related crime and disorder problems, gang membership and criminal activity, firearms and explosives-related incidents, illegal use and possession of alcohol, and the illegal possession, use, and distribution of drugs;";

(4) in paragraph (10) by striking "and" at the end;

(5) in paragraph (11) by striking the period that appears at the end and inserting "; and"; and

(6) by adding at the end the following:

"(12) develop and implement innovative programs (such as the TRIAD program) that bring together a community's sheriff, chief of police, and elderly residents to address the public safety concerns of older citizens.".

(d) Technical Assistance.—Section 1701(f) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(f)) is amended—

(1) in paragraph (1)—

(A) by inserting "use up to 5 percent of the funds appropriated under subsection (a) to" after "The Attorney General may";

(B) by inserting at the end the following: "In addition, the Attorney General may use up to 5 percent of the funds appropriated under subsections (d), (e), and (f) for technical assistance and training to States, units of local government, Indian tribal governments, and to other public and private entities for those respective purposes.";

(2) in paragraph (2) by inserting "under subsection (a)" after "the Attorney General"; and

(3) in paragraph (3)—

(A) by striking "the Attorney General may" and inserting "the Attorney General shall";

(B) by inserting "regional community policing institutes" after "operation of"; and

(C) by inserting "representatives of police labor and management organizations, community residents," after "supervisors,".

(e) Technology and Prosecution Programs.—Section 1701 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd) is amended by—

(1) striking subsection (k);

(2) redesignating subsections (f) through (j) as subsections (g) through (k); and

(3) striking subsection (e) and inserting the following:

"(e) Law Enforcement Technology Program.—Grants made under subsection (a) may be used to assist police departments, in employing professional, scientific, and technological advancements that will help them—

"(1) improve police communications through the use of wireless communications, computers, software, videocams, databases and other hardware and software that allow law enforcement agencies to communicate more effectively across jurisdictional boundaries and effectuate interoperability;

"(2) develop and improve access to crime solving technologies, including DNA analysis, photo enhancement, voice recognition, and other forensic capabilities; and

"(3) promote comprehensive crime analysis by utilizing new techniques and technologies, such as crime mapping, that allow law enforcement agencies to use real-time crime and arrest data and other related information—including non-criminal justice data—to improve their ability to analyze, predict, and respond pro-actively to local crime and disorder problems, as well as to engage in regional crime analysis.

"(f) Community-Based Prosecution Program.—Grants made under subsection (a) may be used to assist State, local or tribal prosecutors' offices in the implementation of community-based prosecution programs that build on local community policing efforts. Funds made available under this subsection may be used to—

"(1) hire additional prosecutors who will be assigned to community prosecution programs, including programs that assign prosecutors to handle cases from specific geographic areas, to address specific violent crime and other local crime problems (including intensive illegal gang, gun and drug enforcement projects and quality of life initiatives), and to address localized violent and other crime problems based on needs identified by local law enforcement agencies, community organizations, and others;

"(2) redeploy existing prosecutors to community prosecution programs as described in paragraph (1) of this section by hiring victim and witness coordinators, paralegals, community outreach, and other such personnel; and

"(3) establish programs to assist local prosecutors' offices in the implementation of programs that help them identify and respond to priority crime problems in a community with specifically tailored solutions.

At least 75 percent of the funds made available under this subsection shall be reserved for grants under paragraphs (1) and (2) and of those amounts no more than 10 percent may be used for grants under paragraph (2) and at least 25 percent of the funds shall be reserved for grants under paragraphs (1) and (2) to units of local government with a population of less than 50,000.".

(f) Retention Grants.—Section 1703 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-2) is amended by inserting at the end the following:

"(d) Retention Grants.—The Attorney General may use no more than 50 percent of the funds under subsection (a) to award grants targeted specifically for retention of police officers to grantees in good standing, with preference to those that demonstrate financial hardship or severe budget constraint that impacts the entire local budget and may result in the termination of employment for police officers funded under subsection (b)(1).".

(g) Definitions.—

(1) Career Law Enforcement Officer.—Section 1709(1) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended by inserting after "criminal laws" the following: "including sheriffs deputies charged with supervising offenders who are released into the community but also engaged in local community policing efforts.".

(2) School Resource Officer.—Section 1709(4) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd-8) is amended—

(A) by striking subparagraph (A) and inserting the following:

"(A) to serve as a law enforcement liaison with other Federal, State, and local law enforcement and regulatory agencies, to address and document crime and disorder problems including gangs and drug activities, firearms and explosives-related incidents, and the illegal use and possession of alcohol affecting or occurring in or around an elementary or secondary school;";

(B) by striking subparagraph (E) and inserting the following:

"(E) to train students in conflict resolution, restorative justice, and crime awareness, and to provide assistance to and coordinate with other officers, mental health professionals, and youth counselors who are responsible for the implementation of prevention/intervention programs within the schools;"; and

(C) by adding at the end the following:

"(H) to work with school administrators, members of the local parent teacher associations, community organizers, law enforcement, fire departments, and emergency medical personnel in the creation, review, and implementation of a school violence prevention plan;

"(I) to assist in documenting the full description of all firearms found or taken into custody on school property and to initiate a firearms trace and ballistics examination for each firearm with the local office of the Bureau of Alcohol, Tobacco, and Firearms;

"(J) to document the full description of all explosives or explosive devices found or taken into custody on school property and report to the local office of the Bureau of Alcohol, Tobacco, and Firearms; and

"(K) to assist school administrators with the preparation of the Department of Education, Annual Report on State Implementation of the Gun-Free Schools Act which tracks the number of students expelled per year for bringing a weapon, firearm, or explosive to school.".

(h) Authorization of Appropriations.—Section 1001(a)(11) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)(11)) is amended—

(1) by amending subparagraph (A) to read as follows:

"(A) There are authorized to be appropriated to carry out part Q, to remain available until expended—

"(i) $1,150,000,000 for fiscal year 2006;

"(ii) $1,150,000,000 for fiscal year 2007;

"(iii) $1,150,000,000 for fiscal year 2008;

"(iv) $1,150,000,000 for fiscal year 2009;

"(v) $1,150,000,000 for fiscal year 2010; and

"(vi) $1,150,000,000 for fiscal year 2011."; and

(2) in subparagraph (B)—

(A) by striking "3 percent" and inserting "5 percent";

(B) by striking "1701(f)" and inserting "1701(g)";

(C) by striking the second sentence and inserting "Of the remaining funds, if there is a demand for 50 percent of appropriated hiring funds, as determined by eligible hiring applications from law enforcement agencies having jurisdiction over areas with populations exceeding 150,000, no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations exceeding 150,000 or by public and private entities that serve areas with populations exceeding 150,000, and no less than 50 percent shall be allocated for grants pursuant to applications submitted by units of local government or law enforcement agencies having jurisdiction over areas with populations less than 150,000 or by public and private entities that serve areas with populations less than 150,000.";

(D) by striking "85 percent" and inserting "$600,000,000"; and

(E) by striking "1701(b)," and all that follows through "of part Q" and inserting the following: "1701 (b) and (c), $350,000,000 to grants for the purposes specified in section 1701(e), and $200,000,000 to grants for the purposes specified in section 1701(f).".

SEC. 334. FIRST RESPONDERS ANTI-TERRORISM PARTNERSHIP.

(a) DEFINITIONS.—In this section:

(1) INDIAN TRIBE.—The term "Indian tribe" has the same meaning as in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(2) LAW ENFORCEMENT OFFICER.—The term "law enforcement officer" means any officer, agent, or employee of a State, unit of local government, public or private college or university, or Indian tribe authorized by law or by a government agency to engage in or supervise the prevention, detection, or investigation of any violation of criminal law, or authorized by law to supervise sentenced criminal offenders.

(3) PUBLIC SAFETY OFFICER.—The term "public safety officer" means any person serving a public or private agency with or without compensation as a law enforcement officer, as a firefighter, or as a member of a rescue squad or ambulance crew.

(4) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(5) STATE.—The term "State" means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(6) UNIT OF LOCAL GOVERNMENT.—The term "unit of local government" means a county, municipality, town, township, village, parish, borough, or other unit of general government below the State level.

(b) FIRST RESPONDERS PARTNERSHIP GRANT PROGRAM FOR PUBLIC SAFETY OFFICERS.—

(1) IN GENERAL.—The Secretary is authorized to make grants to States, units of local government, and Indian tribes to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

(2) USE OF FUNDS.—Grants awarded under this section shall be—

(A) distributed directly to the State, unit of local government, or Indian tribe; and

(B) used to fund overtime expenses, equipment, training, and facilities to support public safety officers in their efforts to protect homeland security and prevent and respond to acts of terrorism.

(3) ALLOCATION AND DISTRIBUTION OF FUNDS.—

(A) SET-ASIDE FOR INDIAN TRIBES.—

(i) IN GENERAL.—The Secretary shall reserve 1 percent of the amount appropriated for grants pursuant to this section to be used for grants to Indian tribes.

(ii) SELECTION OF INDIAN TRIBES.—

(I) IN GENERAL.—The Secretary shall award grants under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria.

(II) RULEMAKING.—The criteria under subclause (I) shall be contained in a regulation promulgated by the Secretary after notice and public comment.

(B) SET-ASIDE FOR RURAL STATES.—

(i) IN GENERAL.—The Secretary shall reserve 5 percent of the amount appropriated for grants pursuant to this section to be used for grants to rural States.

(ii) SELECTION OF RURAL STATES.—The Secretary shall award grants under this subparagraph to rural States (as defined in section 1501(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796bb(b))).

(C) MINIMUM AMOUNT.—The Secretary shall allocate, from the total amount appropriated for grants to States under this subsection—

(i) not less than 0.75 percent for each State; and

(ii) not less than 0.25 percent for American Samoa, Guam, the Northern Mariana Islands, and the United States Virgin Islands, respectively.

(D) ALLOCATION TO METROPOLITAN CITIES AND URBAN COUNTIES.—The balance of the total amount appropriated for grants to States under this subsection after allocations have been made to Indian tribes, rural States, and the minimum amount to each State pursuant to subparagraphs (A) through (C), shall be allocated by the Secretary to metropolitan cities and urban counties pursuant to subparagraphs (E) and (F).

(E) COMPUTATION OF AMOUNT ALLOCATED TO METROPOLITAN CITIES.—

(i) COMPUTATION RATIOS.—The Secretary shall determine the amount to be allocated to each metropolitan city, which shall bear the same ratio to the allocation for all metropolitan cities as the weighted average of—

(I) the population of the metropolitan city divided by the population of all metropolitan cities;

(II) the potential chemical security risk of the metropolitan city divided by the potential chemical security risk of all metropolitan cities;

(III) the proximity of the metropolitan city to the nearest operating nuclear power plant compared to the proximity of all metropolitan cities to the nearest operating nuclear power plant to each such city;

(IV) the proximity of the metropolitan cities to the nearest United States land or water port compared with the proximity of all metropolitan cities to the nearest United States land or water port to each such city;

(V) the proximity of the metropolitan city to the nearest international border compared with the proximity of all metropolitan cities to the nearest international border to each such city; and

(VI) the proximity of the metropolitan city to the nearest Disaster Medical Assistance Team (referred to in this subsection as "DMAT") compared with the proximity of all metropolitan cities to the nearest DMAT to each such city.

(ii) CLARIFICATION OF COMPUTATION RATIOS.—

(I) RELATIVE WEIGHT OF FACTOR.—In determining the average of the ratios under clause (i), the ratio involving population shall constitute 50 percent of the formula in calculating the allocation and the remaining factors shall be equally weighted.

(II) POTENTIAL CHEMICAL SECURITY RISK.—If a metropolitan city is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency, or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities), the ratio under clause (i)(II) shall be 1 divided by the total number of metropolitan cities that are within such a zone.

(III) PROXIMITY AS IT PERTAINS TO NUCLEAR SECURITY.—If a metropolitan city is located within 50 miles of an operating nuclear power plant (as identified by the Nuclear Regulatory Commission), the ratio under clause (i)(III) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(IV) PROXIMITY AS IT PERTAINS TO PORT SECURITY.—If a metropolitan city is located within 50 miles of 1 of the 100 largest United States ports (as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes), or within 50 miles of 1 of the 30 largest United States water ports by metric tons and value (as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics), the ratio under clause (i)(IV) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a United States land or water port.

(V) PROXIMITY TO INTERNATIONAL BORDER.—If a metropolitan city is located within 50 miles of an international border, the ratio under clause (i)(V) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of an international border.

(VI) PROXIMITY TO DISASTER MEDICAL ASSISTANCE TEAM.—If a metropolitan city is located within 50 miles of a DMAT, as organized by the National Disaster Medical System, the ratio under clause (i)(VI) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a DMAT.

(F) COMPUTATION OF AMOUNT ALLOCATED TO URBAN COUNTIES.—

(i) COMPUTATION RATIOS.—The Secretary shall determine the amount to be allocated to each urban county, which shall bear the same ratio to the allocation for all urban counties as the weighted average of—

(I) the population of the urban county divided by the population of all urban counties;

(II) the potential chemical security risk of the urban county divided by the potential chemical security risk of all urban counties;

(III) the proximity of the urban county to the nearest operating nuclear power plant compared to the proximity of all urban counties to the nearest operating nuclear power plant to each such county;

(IV) the proximity of the urban counties to the nearest United States land or water port compared with the proximity of all urban counties to the nearest United States land or water port to each such county;

(V) the proximity of the urban county to the nearest international border compared with the proximity of all urban counties to the nearest international border to each such county; and

(VI) the proximity of the urban county to the nearest Disaster Medical Assistance Team compared with the proximity of all urban counties to the nearest DMAT to each such county.

(ii) CLARIFICATION OF COMPUTATION RATIOS.—

(I) RELATIVE WEIGHT OF FACTOR.—In determining the average of the ratios under clause (i), the ratio involving population shall constitute 50 percent of the formula in calculating the allocation and the remaining factors shall be equally weighted.

(II) POTENTIAL CHEMICAL SECURITY RISK.—If an urban county is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency, or another instrument developed by the Environmental Protection Agency or the Homeland Security Department that captures the same information for the same facilities), the ratio under clause (i)(II) shall be 1 divided by the total number of urban counties that are within such a zone.

(III) PROXIMITY AS IT PERTAINS TO NUCLEAR SECURITY.—If an urban county is located within 50 miles of an operating nuclear power plant (as identified by the Nuclear Regulatory Commission), the ratio under clause (i)(III) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(IV) PROXIMITY AS IT PERTAINS TO PORT SECURITY.—If an urban county is located within 50 miles of 1 of the 100 largest United States ports (as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Port Report by All Land Modes), or within 50 miles of 1 of the 30 largest United States water ports by metric tons and value (as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics), the ratio under clause (i)(IV) shall be 1 divided by the total number of urban counties that are located within 50 miles of a United States land or water port.

(V) PROXIMITY TO INTERNATIONAL BORDER.—If an urban county is located within 50 miles of an international border, the ratio under clause (i)(V) shall be 1 divided by the total number of urban counties that are located within 50 miles of an international border.

(VI) PROXIMITY TO DISASTER MEDICAL ASSISTANCE TEAM.—If an urban county is located within 50 miles of a DMAT, as organized by the National Disaster Medical System, the ratio under clause (i)(VI) shall be 1 divided by the total number of urban counties that are located within 50 miles of a DMAT.

(G) EXCLUSIONS.—

(i) IN GENERAL.—In computing amounts or exclusions under subparagraph (F) with respect to any urban county, units of general local government located in the county shall be excluded if the populations of such units are not counted to determine the eligibility of the urban county to receive a grant under this paragraph.

(ii) INDEPENDENT CITIES.—

(I) IN GENERAL.—In computing amounts under clause (i), there shall be included any independent city (as defined by the Bureau of the Census) which—

(aa) is not part of any county;

(bb) is not eligible for a grant;

(cc) is contiguous to the urban county;

(dd) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(ee) is not included as a part of any other unit of general local government for purposes of this section.

(II) LIMITATION.—Any independent city that is included in the computation under subclause (I) shall not be eligible to receive assistance under this paragraph for the fiscal year for which such computation is used to allocate such assistance.

(H) INCLUSION.—

(i) LOCAL GOVERNMENT STRADDLING COUNTY LINE.—In computing amounts or exclusions under subparagraph (F) with respect to any urban county, all of the area of any unit of local government shall be included, which is part of, but is not located entirely within the boundaries of, such urban county if—

(I) the part of such unit of local government that is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this subsection; and

(II) the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this subsection.

(ii) USE OF GRANT FUNDS OUTSIDE URBAN COUNTY.—Any amount received under this section by an urban county described under clause (i) may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(I) POPULATION.—

(i) EFFECT OF CONSOLIDATION.—Where data are available, the amount to be allocated to a metropolitan city that has been formed by the consolidation of 1 or more metropolitan cities within an urban county shall be equal to the sum of the amounts that would have been allocated to the urban county or cities and the balance of the consolidated government if such consolidation had not occurred.

(ii) LIMITATION.—Clause (i) shall apply only to a consolidation that—

(I) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(II) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(III) took place on or after January 1, 2005.

(iii) GROWTH RATE.—The population growth rate of all metropolitan cities defined in this section shall be based on the population of metropolitan cities other than consolidated governments the grant for which is determined under this paragraph and cities that were metropolitan cities before their incorporation into consolidated governments.

(4) MAXIMUM AMOUNT PER GRANTEE.—

(A) IN GENERAL.—A qualifying State, unit of local government, or Indian tribe may not receive more than 5 percent of the total amount appropriated for grants under this section.

(B) AGGREGATE AMOUNT PER STATE.—A State, together with the grantees within the State, may not receive more than 20 percent of the total amount appropriated for grants under this section.

(5) MATCHING FUNDS.—

(A) IN GENERAL.—The portion of the costs of a program provided by a grant under paragraph (1) may not exceed 90 percent.

(B) WAIVER.—If the Secretary determines that a grantee is experiencing fiscal hardship, the Secretary may waive, in whole or in part, the matching requirement under subparagraph (A).

(C) EXCEPTION.—Any funds appropriated by Congress for the activities of any agency of an Indian tribal government or the Bureau of Indian Affairs performing law enforcement functions on any Indian lands may be used to provide the non-Federal share of a matching requirement under subparagraph (A).

(c) APPLICATIONS.—

(1) IN GENERAL.—To request a grant under this section, the chief executive of a State, unit of local government, or Indian tribe shall submit an application to the Secretary in such form and containing such information as the Secretary may reasonably require.

(2) REGULATIONS.—Not later than 90 days after the date of enactment of this Act, the Secretary shall promulgate regulations to implement this subsection (including the information that must be included and the requirements that the States, units of local government, and Indian tribes must meet) in submitting the applications required under this subsection.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000,000 for fiscal year 2006 to carry out this section.

TITLE IV—PROTECTING TAXPAYERS

SEC. 401. REPORTS ON METRICS FOR MEASURING SUCCESS IN GLOBAL WAR ON TERRORISM.

(a) REQUIREMENT FOR REPORTS.—The Comptroller General of the United States shall submit to Congress reports on the metrics for use in tracking and measuring acts of global terrorism, international counterterrorism efforts, and the success of United States counterterrorism policies and practices including specific, replicable definitions, criteria, and standards of measurement to be used for the following:

(A) Counting and categorizing acts of international terrorism.

(B) Monitoring counterterrorism efforts of foreign governments.

(C) Monitoring financial support provided to terrorist groups.

(D) Assessing the success of United States counterterrorism policies and practices.

(b) SCHEDULE OF REPORTS.—The Comptroller General shall submit to Congress an initial report under subsection (a) not later than 1 year after the date of enactment of this Act and a second report not later than 1 year after the date on which the initial report is submitted.

SEC. 402. PROHIBITION ON WAR PROFITEERING.

(a) FINDINGS.—Congress makes the following findings:

(1) War profiteering, the overcharging of taxpayers for any good or service with the specific intent to excessively profit from a conflict or reconstruction situation, not only defrauds taxpayers in the United States, but also threatens the safety of United States troops in harms way by hindering reconstruction progress, damaging the credibility of the United States, and wasting resources that could be used for troop protection.

(2) Laws prohibiting fraud protect against waste of tax dollars within the United States, but no current fraud statute expressly prohibits waste of tax dollars resulting from war profiteering during conflicts in foreign countries.

(3) War profiteers have hindered United States efforts to secure and reconstruct Iraq. In its third quarterly report, the Coalition Provisional Authority Inspector General reported that, as of October 12, 2004, it had received a total of 113 potential criminal cases.

(4) In nine separate reports, the Defense Contract Audit Agency, the Coalition Provisional Authority Inspector General, and the Government Accountability Office have found widespread, systematic abuses by the Halliburton Company and its subsidiaries, including instances of overcharging worth tens of millions of dollars, fraudulent accounting practices, and kickbacks. Contracts awarded to Custer Battles, LLC, were suspended by the Department of Defense after it uncovered fraudulent billing practices including the establishment of phantom off-shore corporations. Government investigators have found contract irregularities, including lack of transparency and poor accounting, in contracts awarded to other firms.

(b) PROHIBITION OF PROFITEERING.—

(1) PROHIBITION.—

(A) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following new section:

"§ 1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts

"(a) PROHIBITION.—

"(1) IN GENERAL.—Whoever, in any matter involving a contract or the provision of goods or services, directly or indirectly, in connection with the war, military action, or relief or reconstruction activities, knowingly and willfully—

"(A) executes or attempts to execute a scheme or artifice to defraud the United States;

"(B) falsifies, conceals, or covers up by any trick, scheme, or device a material fact;

"(C) makes any materially false, fictitious, or fraudulent statements or representations, or makes or uses any materially false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; or

"(D) materially overvalues any good or service with the specific intent to excessively profit from the war, military action, or relief or reconstruction activities;

shall be fined under paragraph (2), imprisoned not more than 20 years, or both.

"(2) FINE.—A person convicted of an offense under paragraph (1) may be fined the greater of—

"(A) $1,000,000; or

"(B) if such person derives profits or other proceeds from the offense, not more than twice the gross profits or other proceeds.

"(b) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial Federal jurisdiction over an offense under this section.

"(c) VENUE.—A prosecution for an offense under this section may be brought—

"(1) as authorized by chapter 211 of this title;

"(2) in any district where any act in furtherance of the offense took place; or

"(3) in any district where any party to the contract or provider of goods or services is located.".

(2) TABLE OF SECTIONS.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"1038. War profiteering and fraud relating to military action, relief, and reconstruction efforts.".

(c) CIVIL FORFEITURE.—Section 981(a)(1)(C) of title 18, United States Code, is amended by inserting "1038," after "1032,".

(d) CRIMINAL FORFEITURE.—Section 982(a)(2)(B) of title 18, United States Code, is amended by striking "or 1030" and inserting "1030, or 1038".

(e) MONEY LAUNDERING.—Section 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 1038 (relating to war profiteering and fraud relating to military action, relief, and reconstruction efforts)," after "liquidating agent of financial institution),".

(f) RELATIONSHIP TO EXISTING LAW.—This section shall not limit or repeal any additional authorities provided by law.

(g) EFFECTIVE DATE OF AMENDMENTS.—The amendments made by this section shall be effective during the 7-year period beginning on the date of enactment of this Act.

By Mr. AKAKA (for himself, Mr. REID, Ms. MIKULSKI, Ms. STABENOW, Mr. INOUYE, Mr. DORGAN, Mr. LAUTENBERG, Mr. LEAHY, Mr. SALAZAR, Mr. ROCKEFELLER, Mrs. MURRAY, Mr. BINGAMAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. KENNEDY, Mr. CORZINE, Mr. PRYOR, Mr. SCHUMER, Mr. SARBANES, and Mr. DAYTON):

S. 13. A bill to amend titles 10 and 38, United States Code, to expand and enhance health care, mental health, transition, and disability benefits for veterans, and for other purposes; to the Committee on Veterans' Affairs.

Mr. AKAKA. Mr. President, I rise today to introduce a bill that would make sweeping changes to the way the Department of Veterans Affairs (VA) delivers health care and benefits to our nation's veterans. S. 13 would, among other things, guarantee full funding for VA health care, provide for full concurrent receipt, enhance mental health care services, and ease the transition from military service to civilian life.

This bill would mean that the 115,000 veterans who choose to make Hawaii their home would be assured the services they have earned. The nearly 18,000 veterans who avail themselves of VA health care in Honolulu, Hawaii, Kauai, and Maui would not have to worry if resources for doctors and nurses will materialize next year.

And because so many of our reservists and Guardsmen are being deployed for the current wars in Iraq and Afghanistan, this bill will help ensure they get the care they need upon their return.

Every year the President sends forward his budget proposal to Congress, and every year we go through the same battles to get VA health care the money it needs to adequately serve its veteran patients. The time has come to approach this process more rationally. This legislation would ensure full funding for VA health care by simply changing the way funds are allocated. To be perfectly clear, this bill merely shifts money already being allocated over to a more reliable mechanism.

The American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars support this approach to fully fund the veterans health care system.

These three organizations—representing more than 7 million military veterans—rightly believe that veterans have earned the right to VA medical care through their "extraordinary sacrifices and service to this Nation."

We have seen huge numbers of veterans seeking VA care for the first time. I, for one, believe this is a good thing. Others rationalize that as we are at war, we must cut back on VA care. I simply do not understand this logic. We are at war, and therefore we must do everything we can to show our military that VA health care will be there for all veterans who served. To accomplish this goal, we must change the way VA health care is funded.

Although we have continued to make progress on eliminating the long-standing injustice that has affected our disabled retired veterans' retirement pay, we still have work to do.

S. 13 will correct this unfairness by allowing all disabled military retirees to collect both their full military retired and VA disability pay concurrently.

Most military retirees who have a service-connected disability are not permitted to collect both their retirement and disability benefits concurrently. Military retired pay is the promised reward for 20 or more years of uniformed service and is based on length of service. VA disability compensation is unrelated to length of service and is intended to compensate a veteran for a service-connected loss of function.

In order to continue to recruit and retain quality soldiers, sailors, airmen and marines, we must pay attention not only to the present, but also to the future. George Washington said:

> The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive the Veterans of earlier wars were treated and appreciated by their nation.

Our disabled military retirees deserve to receive the retirement pay that they earned and be compensated for their service-connected disabilities. Our young people will wear the uniforms of our Armed Forces only if they believe that their service is appreciated and compensated accordingly.

Along those lines, S. 13 also seeks to ensure that veterans and returning service members can receive the mental health care they might need as a result of their service. The legislation requires that VA employ at least one psychiatrist and treatment team at each medical center that does not currently have one. This legislation would also mandate that VA carry out a community outreach program to let Operation Iraqi Freedom and Operation Enduring Freedom veterans know about the services available to them at VA.

Why is good VA mental health care so important?

Because so often battle wounds do not manifest in physical illness, but in quiet and equally debilitating mental illness. These wounds are revealed as post-traumatic stress disorder with effects that linger and symptoms that can be brought on years after combat.

While hypertension and heart disease afflict vast numbers of veterans, mental illness is not far behind. It might surprise some of my colleagues to know that cancer and depression affect roughly the same number of veterans. But is VA reaching and treating all veterans who need care? This remains very much an open question.

This legislation also seeks to improve access to needed prescription drugs. Many veterans have expressed their desire to bring prescriptions from their Medicare doctors to VA pharmacies to get them filled. Current VA policy requires that nearly all veterans see a VA doctor before such prescriptions are issued. This does not make sense.

The Department's inspector general testified that VA could see savings of $1 billion a year if veterans were allowed to bring their outside prescriptions, because it would obviate the need for VA to re diagnose patients and then re-issue prescriptions that have already been written. S. 13 would allow these veterans to get their prescriptions filled by VA at prices that are far better than in the private sector.

This legislation also seeks to help veterans with their education. S. 13 would exclude MGIB benefits from computation as income when calculating campus based aid, such as Perkins loans. This draws the distinction between a benefit that has been earned, and paid for, by the veterans, and other types of income. This allows the individual applying for financial aid to subtract $1,200 from the expected family contribution for 1 year. This $1,200 represents the money that the individual paid to participate in the MGIB program.

S. 13 also offers an opportunity for enrollment in the MGIB education program for servicemembers who participated in or were eligible to participate in the post-Vietnam era educational assistance program, known as VEAP. This bill would create a 1-year window and requires the individual to pay $2,700, which was the VEAP contribution.

Last year, Congress extended the period of eligibility for education benefits for survivors of servicemembers who were killed during active duty. We would like to further extend this delimiting date for veterans and other dependents. The 10-year period of eligibility would not begin to toll until they began to use the benefit, rather than when they became eligible for the benefit.

Overall, this is a bill to spur dialogue started on the issues that are truly important to our Nation's veterans.

We all need to work harder towards the goal of seeing that the promises made to the men and women who are serving today are met; that their sacrifices were not in vain.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 13

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fulfilling Our Duty to America's Veterans Act of 2005".

TITLE I—HEALTH CARE MATTERS

SEC. 100. FINDINGS.

Congress makes the following findings:

(1) The three largest veterans advocacy groups, the Disabled American Veterans, the American Legion, and the Veterans of Foreign Wars, have called upon Congress to change veterans funding to a mandatory process, stating, "We believe it is time to guarantee health care funding for all veterans. We believe health care rationing must end. We believe it is time the promise is kept.".

(2) The May 2003 report of The President's Task Force To Improve Health Care Delivery For Our Nation's Veterans found that "there is a significant mismatch in VA between demand and available funding—an imbalance that . . . if unresolved, will delay veterans' access to care and could threaten the quality of VA health care.".

(3) Under the current funding process, the VA has experienced billion-dollar shortfalls every year for the past several years, resulting in waiting lists several months long for appointments with physicians, a substantial disability claims backlog, and policies designed to prevent veterans from obtaining the health care they were promised.

Subtitle A—Funding Matters

SEC. 101. FUNDING TO ADDRESS CHANGES IN POPULATION AND INFLATION.

(a) In General.—Chapter 17 of title 38, United States Code, is amended by inserting after section 1706 the following new section:

"§ 1706A. Management of health care: funding to address changes in population and inflation

"(a) By the enactment of this section, Congress and the President intend to ensure access to health care for all veterans. Upon the enactment of this section, funding for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d) to accomplish this objective shall be provided through a combination of discretionary and mandatory funds. The discretionary amount should be equal to the fiscal year 2005 discretionary funding for such programs, functions, and activities, and should remain unchanged each fiscal year thereafter. The annual level of mandatory amount shall be adjusted according to the formula specified in subsection (c). While this section does not purport to control the outcome of the annual appropriations process, it anticipates cooperation from Congress and the President in sustaining discretionary funding for such programs, functions, and activities in future fiscal years at the level of discretionary funding for such programs, functions, and activities for fiscal year 2005. The success of that arrangement, as well as of the funding formula, are to be reviewed after two years.

"(b) On the first day of each fiscal year, the Secretary of the Treasury shall make available to the Secretary of Veterans Affairs the amount determined under subsection (c) with respect to that fiscal year. Each such amount is available, without fiscal year limitation, for the programs, functions, and activities of the Veterans Health Administration specified in subsection (d). There is hereby appropriated, out of any sums in the Treasury not otherwise appropriated, amounts necessary to implement this section.

"(c)(1) The amount applicable to fiscal year 2006 under this subsection is the amount equal to—

"(A) 130 percent of the amount obligated by the Department during fiscal year 2004 for the purposes specified in subsection (d); minus

"(B) the amount appropriated for those purposes for fiscal year 2005.

"(2) The amount applicable to any fiscal year after fiscal year 2006 under this subsection is the amount equal to the product of the following, minus the amount appropriated for the purposes specified for subsection (d) for fiscal year 2005:

"(A) The sum of—

"(i) the number of veterans enrolled in the Department health care system under section 1705 of this title as of July 1 preceding the beginning of such fiscal year; and

"(ii) the number of persons eligible for health care under chapter 17 of this title who are not covered by clause (i) and who were provided hospital care or medical services under such chapter at any time during the fiscal year preceding such fiscal year.

"(B) The per capita baseline amount, as increased from time to time pursuant to paragraph (3)(B).

"(3)(A) For purposes of paragraph (2)(B), the term 'per capita baseline amount' means the amount equal to—

"(i) the amount obligated by the Department during fiscal year 2005 for the purposes specified in subsection (d); divided by

"(ii) the number of veterans enrolled in the Department health care system under section 1705 of this title as of September 30, 2004.

"(B) With respect to any fiscal year, the Secretary shall provide a percentage increase (rounded to the nearest dollar) in the per capita baseline amount equal to the percentage by which—

"(i) the Consumer Price Index (all Urban Consumers, United States City Average, Hospital and related services, Seasonally Adjusted), published by the Bureau of Labor Statistics of the Department of Labor for the 12-month period ending on the June 30 preceding the beginning of the fiscal year for which the increase is made; exceeds

"(ii) such Consumer Price Index for the 12-month period preceding the 12-month period described in clause (i).

"(d)(1) Except as provided in paragraph (2), the purposes for which amounts are made available pursuant to subsection (b) shall be all programs, functions, and activities of the Veterans Health Administration.

"(2) Amounts made available pursuant to subsection (b) are not available for—

"(A) construction, acquisition, or alteration of medical facilities as provided in subchapter I of chapter 81 of this title (other than for such repairs as were provided for before the date of the enactment of this section through the Medical Care appropriation for the Department); or

"(B) grants under subchapter III of chapter 81 of this title.

"(e) Nothing in this section shall be construed to prevent or limit the authority of Congress to reauthorize provisions relating to veterans health care.".

(b) Clerical Amendment.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1706A. Management of health care: funding to address changes in population and inflation.".

SEC. 102. COMPTROLLER GENERAL REPORT.

(a) Requirement for Report.—Not later than January 31, 2008, the Comptroller General of the United States shall submit to Congress a report on the extent to which section 1706A of title 38, United States Code (as added by section 101 of this Act), has achieved the objective set forth in subsection (a) of such section 1706A during fiscal years 2006 and 2007.

(b) Content.—The report under subsection (a) shall set forth the following:

(1) The amount appropriated for fiscal year 2005 for the programs, functions, and activities of the Veterans Health Administration

specified in subsection (d) of section 1706A of title 38, United States Code (as so added).

(2) The amount appropriated by annual appropriations Acts for each of fiscal years 2006 and 2007 for such programs, functions, and activities.

(3) The amount provided by section 1706A of title 38, United States Code (as so added), for each of fiscal years 2006 and 2007 for such programs, functions, and activities.

(4) An assessment whether the amount described in paragraph (3) for each of fiscal years 2006 and 2007 was appropriate to address the changes in costs to the Veterans Health Administration for such programs, functions, and activities that were attributable to changes in population and in inflation over the course of such fiscal years.

(5) An assessment whether the amount provided by section 1706A of title 38, United States Code (as so added), in each of fiscal years 2006 and 2007, when combined with amounts appropriated by annual appropriations Acts for each of such fiscal years for such programs, functions, and activities, provided adequate funding of such programs, functions, and activities in each such fiscal year.

(6) Such recommendations as the Comptroller General considers appropriate regarding modifications of the formula under subsection (c) of section 1706A of title 38, United States Code (as so added), or any other modifications of law, to better ensure adequate funding of such programs, functions, and activities.

SEC. 103. CONGRESSIONAL CONSIDERATION OF COMPTROLLER GENERAL RECOMMENDATIONS.

(a) APPLICABLE PROCEDURE.—The procedure provided under this section shall apply to consideration of a joint resolution described in subsection (b) in the Senate and the House of Representatives.

(b) JOINT RESOLUTION DEFINED.—For purposes of this section, the term "joint resolution" means only a joint resolution that is introduced in the House of Representatives by the Speaker of the House of Representatives (or the Speaker's designee) or the Minority Leader (or the Minority Leader's designee), or in the Senate by the Majority Leader (or the Majority Leader's designee) or the Minority Leader (or the Minority Leader's designee), within the 10-day period beginning on the date on which Congress receives the report of the Comptroller General of the United States under section 102, and—

(1) that does not have a preamble;

(2) the matter after the resolving clause of which consists of amendments of title 38, United States Code, or other amendments or modifications of laws administered by the Secretary of Veterans Affairs to implement the recommendations of the Comptroller General in the report under section 102(b)(6); and

(3) the title of which is as follows: "Joint resolution to ensure adequate funding of health care for veterans.".

(c) REFERRAL.—A joint resolution described in subsection (b) that is introduced in the House of Representatives shall be referred to the Committee on Veterans' Affairs of the House of Representatives. A joint resolution described in subsection (b) introduced in the Senate shall be referred to the Committee on Veterans' Affairs of the Senate.

(d) DISCHARGE.—If the committee to which a joint resolution described in subsection (b) is referred has not reported such resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the Comptroller General submits to Congress the report under section 102, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(e) CONSIDERATION.—

(1) MOTION TO PROCEED TO CONSIDERATION.—On or after the third day after the date on which the committee to which such a joint resolution is referred has reported, or has been discharged (under subsection (d)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution (but only on the day after the calendar day on which such Member announces to the House concerned the Member's intention to do so). The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to the consideration of the resolution is agreed to, the respective House shall immediately proceed to consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) DEBATE.—Debate on the resolution, and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed to is not in order.

(3) VOTE ON FINAL PASSAGE.—Immediately following the conclusion of the debate on a joint resolution described in subsection (b) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) APPEALS FROM DECISIONS OF THE CHAIR.—Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a joint resolution described in subsection (b) shall be decided without debate.

(f) CONSIDERATION BY OTHER HOUSE.—

(1) PROCEDURE.—If, before the passage by one House of a joint resolution of that House described in subsection (b), that House receives from the other House a joint resolution described in subsection (b), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a joint resolution described in subsection (b) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) DISPOSITION.—Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(g) RULES OF SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a joint resolution described in subsection (b), and it supersedes other rules only to the extent that it is inconsistent with such rules; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

Subtitle B—Mental Health Matters

SEC. 111. FINDINGS.

Congress makes the following findings:

(1) A study published in the New England Journal of Medicine reported that about one in six soldiers of the Iraq war displays symptoms of post-traumatic stress disorder.

(2) Clinical experts are anticipating an increase in the number of post-traumatic stress disorder cases in light of the increasing duration of military deployment.

(3) 86 of 163 Department of Veterans Affairs Medical Centers have post-traumatic stress disorder treatment programs.

(4) Section 1706 of title 38, United States Code, requires that the Secretary of Veterans Affairs ensure, in accordance with that section, that the Department of Veterans Affairs maintains its capacity to provide for the specialized treatment and rehabilitative needs of disabled veterans within distinct programs or facilities of the Department.

SEC. 112. POST-TRAUMATIC STRESS DISORDER TREATMENT FOR VETERANS OF SERVICE IN AFGHANISTAN AND IRAQ AND THE WAR ON TERROR.

(a) ENHANCED CAPACITY FOR DEPARTMENT OF VETERANS AFFAIRS.—Using funds available to the Secretary of Veterans Affairs for fiscal year 2006 for "Medical Care", the Secretary shall employ at least one psychiatrist and a complementary clinical team at each medical center of the Department of Veterans Affairs in order to conduct a specialized program for the diagnosis and treatment of post-traumatic stress disorder and to employ additional mental health services specialists at the medical center.

(b) OUTREACH AT THE COMMUNITY LEVEL.—

(1) PROGRAM.—The Secretary of Veterans Affairs shall, within the authorities of the Secretary under title 38, United States Code, carry out a program to provide outreach at the community level to veterans who participated in Operation Iraqi Freedom or Operation Enduring Freedom who are or may be suffering from post-traumatic stress disorder.

(2) PROGRAM SITES.—The program shall be carried out on a nation-wide basis through facilities of the Department of Veterans Affairs.

(3) PROGRAM CONTENT.—The program shall provide for individualized case management to be conducted on a one-on-one basis, counseling, education, and group therapy to help participants cope with post-traumatic stress disorder. The program—

(A) shall emphasize early identification of veterans who may be experiencing symptoms of post-traumatic stress disorder; and

(B) shall include group-oriented, peer-to-peer settings for treatment.

SEC. 113. ARMED FORCES REVIEW OF MENTAL HEALTH PROGRAMS.

(a) Review of Mental Health Programs.—The Secretary of each military department shall conduct a comprehensive review of the mental health care programs of the Armed Forces under the jurisdiction of that Secretary in order to determine ways to improve the efficacy of such care, including a review of joint Department of Defense and Department of Veterans Affairs clinical guidelines to ensure a seamless delivery of care during transitions from active duty or reserve status to civilian life.

(b) Report to Congress.—The Secretary of Defense shall submit to Congress a report setting forth the results of such review not later than 90 days after the date of the enactment of this Act.

Subtitle C—Other Matters

SEC. 121. AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS PHARMACIES TO DISPENSE MEDICATIONS TO VETERANS ON PRESCRIPTIONS WRITTEN BY PRIVATE PRACTITIONERS.

(a) Findings.—Congress makes the following findings:

(1) Under longstanding regulations of the Department of Veterans Affairs, most veterans who receive prescriptions for medication from private doctors are forced to complete physicals conducted by Department of Veterans Affairs physicians before the veterans can have their prescriptions filled by a pharmacy. This bureaucratic red tape can prevent veterans from quickly receiving the medical treatment they need.

(2) In December 2000, the Inspector General of the Department of Veterans Affairs reported that eliminating this unnecessary red tape would save the underfunded Department of Veterans Affairs over $1,000,000,000 per year. The report concluded that "a decision to continue the current policies results in inefficiency and waste that we estimate annually costs the Department over $1,000,000,000 in resources that could be better used in the delivery of healthcare services to veterans.".

(3) In 2004, the Department of Justice, in a reversal of an earlier legal opinion, stating that the Secretary of Veterans Affairs has the authority to eliminate this rule without further legislative action. The Secretary has failed to take such a step, thus necessitating action by Congress.

(b) Authority.—Section 1712 of title 38, United States Code, is amended—

(1) by redesignating subsection (e) as subsection (f); and

(2) by inserting after subsection (d) the following new subsection (e):

"(e)(1) The Secretary shall furnish to any medicare-eligible veteran on an out-patient basis such drugs and medicines as may be ordered on prescription of a duly licensed physician as specific therapy in the treatment of any illness or injury suffered by such veteran.

"(2) In this subsection, the term 'medicare-eligible veteran' means any veteran who—

"(A) is entitled to or enrolled in hospital insurance benefits under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); or

"(B) is enrolled in the supplementary medical insurance program under part B of such title (42 U.S.C. 1395j et seq.).

"(3) The furnishing of drugs and medicines under this subsection shall be subject to the provisions of section 1722A(b) of this title.".

(c) Copayment Requirements.—

(1) In general.—Section 1722A of such title is amended—

(A) in subsection (a)(1), by inserting "(other than a veteran covered by subsection (b))" after "require a veteran";

(B) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(C) by inserting after subsection (a) the following new subsection (b):

"(b)(1) In the case of a veteran who is furnished medications on an out-patient basis under section 1712(e) of this title, the Secretary shall require the veteran to pay, at the election of the Secretary, one or more of the following:

"(A) An annual enrollment fee in an amount determined appropriate by the Secretary.

"(B) A copayment for each 30-day supply of such medications in an amount determined appropriate by the Secretary.

"(C) An amount equal to the cost to the Secretary of such medications, as determined by the Secretary.

"(2)(A) In determining the amounts to be paid by a veteran under paragraph (1), and the basis of payment under one or more subparagraphs of that paragraph, the Secretary shall ensure that the total amount paid by veterans for medications under that paragraph in a year is not less than the costs of the Department in furnishing medications to veterans under section 1712(e) of this title during that year, including the cost of purchasing and furnishing medications, and other costs of administering that section.

"(B) The Secretary shall take appropriate actions to ensure, to the maximum extent practicable, that amounts paid by veterans under paragraph (1) in a year are equal to the costs of the Department referred to in subparagraph (A) in that year.

"(3) In determining amounts under paragraph (1), the Secretary may take into account the following:

"(A) Whether or not the medications furnished are generic medications or brand name medications.

"(B) Whether or not the medications are furnished by mail.

"(C) Whether or not the medications furnished are listed on the National Prescription Drug Formulary of the Department.

"(D) Any other matters the Secretary considers appropriate.

"(4) The Secretary may from time to time adjust any amount determined by the Secretary under paragraph (1), as previously adjusted under this paragraph, in order to meet the purpose specified in paragraph (2)."; and

(D) in subsection (d), as so redesignated—

(i) by striking "subsection (a)" and inserting "subsections (a) and (b)"; and

(ii) by striking "subsection (b)" and inserting "subsection (c)".

(2) Deposit of collections in medical care collections fund.—Paragraph (4) of section 1729A(b) of such title is amended to read as follows:

"(4) Subsection (a) or (b) of section 1722A of this title.".

(d) Clerical Amendments.—(1) The heading for section 1712 of such title is amended by striking "**for certain disabled veterans**".

(2) The table of sections at the beginning of chapter 17 of such title is amended in the item relating to section 1712 by striking "for certain disabled veterans".

TITLE II—CONCURRENT RECEIPT OF RETIRED PAY AND SERVICE-CONNECTED DISABILITY COMPENSATION

SEC. 201. SHORT TITLE.

This title may be cited as the "Retired Pay Restoration Act of 2005".

SEC. 202. FINDINGS.

Congress makes the following findings:

(1) The United States Government has an essential obligation to provide support and care for men and women who have completed honorable military service in defense of the Nation. In no instance is this obligation more critical than for veterans who were injured or disabled during their military service.

(2) Disability compensation and military retired pay are benefits earned for two distinct reasons. Disability compensation is provided to veterans for disabilities resulting from their military service to the Nation as an expression of the Nation's gratitude and as recompense for their sacrifice. Military retired pay is earned by members of the Armed Forces for the devotion of 20 or more years of their lives to the military service of the Nation.

(3) Until 2002, Federal law prohibited disabled veterans from concurrently receiving both disability compensation and retirement pay. The prohibition against concurrent receipt was a gross violation of the Government's commitment to veterans.

(4) Despite recent legislative advances, over 1,500,000 disabled veterans continue to be prohibited from receiving both military retirement and disability payments concurrently.

SEC. 203. FULL PAYMENT OF BOTH RETIRED PAY AND COMPENSATION TO DISABLED MILITARY RETIREES.

(a) Restoration of Full Retired Pay Benefits.—Section 1414 of title 10, United States Code, is amended to read as follows:

"§ 1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: payment of retired pay and veterans' disability compensation

"(a) Payment of Both Retired Pay and Compensation.—Except as provided in subsection (b), a member or former member of the uniformed services who is entitled to retired pay (other than as specified in subsection (c)) and who is also entitled to veterans' disability compensation is entitled to be paid both without regard to sections 5304 and 5305 of title 38.

"(b) Special Rule for Chapter 61 Career Retirees.—The retired pay of a member retired under chapter 61 of this title with 20 years or more of service otherwise creditable under section 1405 of this title at the time of the member's retirement is subject to reduction under sections 5304 and 5305 of title 38, but only to the extent that the amount of the member's retired pay under chapter 61 of this title exceeds the amount of retired pay to which the member would have been entitled under any other provision of law based upon the member's service in the uniformed services if the member had not been retired under chapter 61 of this title.

"(c) Exception.—Subsection (a) does not apply to a member retired under chapter 61 of this title with less than 20 years of service otherwise creditable under section 1405 of this title at the time of the member's retirement.

"(d) Definitions.—In this section:

"(1) The term 'retired pay' includes retainer pay, emergency officers' retirement pay, and naval pension.

"(2) The term 'veterans' disability compensation' has the meaning given the term 'compensation' in section 101(13) of title 38.".

(b) Repeal of Combat-Related Special Compensation Program.—Section 1413a of such title is repealed.

(c) Clerical Amendment.—The table of sections at the beginning of chapter 71 of such title is amended by striking the items relating to sections 1413a and 1414 and inserting the following:

"1414. Members eligible for retired pay who are also eligible for veterans' disability compensation: payment of retired pay and veterans' disability compensation.".

SEC. 204. EFFECTIVE DATE; PROHIBITION ON RETROACTIVE BENEFITS.

(a) In General.—The amendments made by section 202 shall take effect on—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted, if later than the date specified in paragraph (1).

(b) Retroactive Benefits.—No benefits may be paid to any person by reason of section 1414 of title 10, United States Code, as amended by section 202(a), for any period before the effective date applicable under subsection (a).

TITLE III—SEAMLESS TRANSITION FROM MILITARY SERVICE TO VETERANS STATUS

SEC. 301. FINDINGS.

Congress makes the following findings:

(1) In its final report, the President's Task Force To Improve Health Care Delivery For Our Nation's Veterans found that ". . . increased collaboration between the Departments [of Defense and Veterans Affairs] for the transfer of personnel and health information is needed. Within VA, broader sharing of the information received from the DOD and individual veterans is required so that veterans are not met at every turn with the question, 'Who are you and what do you want?' A 'seamless transition' from military service to veteran status is especially critical in the context of health care, where readily available, accurate, and current medical information must be accessible to health care providers".

(2) The Task Force put forward a series of seven recommendations designed to create a seamless transition from military service to veteran status. Nearly two years after the submittal of its final report, few of the recommendations have been adopted.

(3) Leading nonpartisan veterans' advocates, including the American Legion, Veterans of Foreign Wars, Disabled American Veterans, and the Military Officers Association of America, support the adoption of the recommendations made by the Task Force to create a seamless transition from military service to veteran status.

SEC. 302. REPORT ON DEVELOPMENT OF INTEROPERABLE ELECTRONIC MEDICAL RECORDS.

Not later than 60 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the status of the development of interoperable electronic medical records for members of the Armed Forces and veterans that are utilizable by both the Department of Defense and the Department of Veterans Affairs.

SEC. 303. EXCHANGE OF MEDICAL RECORDS FOR SEAMLESS TRANSITION IN THE PROVISION OF HEALTHCARE SERVICES.

The Secretary of Health and Human Services shall modify section 164.512(k)(1) of title 45, Code of Federal Regulations, to provide that the Department of Defense and the Department of Veterans Affairs may exchange protected health information of members of the Armed Forces and veterans in a manner that, as determined jointly by the Secretary of Health and Human Services, the Secretary of Defense, and the Secretary of Veterans Affairs, facilitates a seamless transition between the provision of health care services by the Department of Defense to members of the Armed Forces and the provision of health care services by the Department of Veterans Affairs to veterans who require such services after their separation or retirement from the Armed Forces.

SEC. 304. ENHANCEMENT OF PRESEPARATION PHYSICAL EXAMINATION REQUIREMENTS.

Section 1145 of title 10, United States Code, is amended—

(1) in subsection (a), by striking paragraph (4);

(2) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(3) by inserting after subsection (c) the following new subsection (d):

"(d) Preseparation Physical.—(1) The Secretary concerned shall require a member of the armed forces to be separated from active duty to undergo a physical examination before that separation.

"(2) The physical examination of a member under this subsection shall be conducted before the member receives preseparation counseling under section 1142 of this title.

"(3)(A) The physical examinations conducted under this subsection shall be comprehensive and, to the maximum extent practicable, uniform throughout the armed forces.

"(B) The purpose of a physical examination conducted for a member under this subsection shall be—

"(i) to determine the immediate health care needs, if any, of the member as of separation and the ongoing health care needs, if any, of the member after separation; and

"(ii) to identify any illness, injury, or other medical conditions that may make the member eligible for benefits as a veteran under the laws administered by the Secretary of Veterans Affairs.

"(C) The Secretary of Defense shall prescribe in regulations the requirements for physical examinations conducted under this subsection.

"(4) The results of the physical examination of a member under this subsection shall be included on the Form DD214 of the member (or any successor form).

"(5) The Secretary concerned shall transmit in electronic form to the Secretary of Veterans Affairs the results of each physical examination conducted by such Secretary under this subsection.".

SEC. 305. ENHANCEMENT OF PRESEPARATION COUNSELING REQUIREMENTS.

Section 1142(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (3) through (10) as paragraphs (4) through (11), respectively; and

(2) by striking paragraph (2) and inserting the following new paragraphs:

"(2) A description (to be developed with the assistance of the Secretary of Veterans Affairs) of the health care and other benefits to which the member may be entitled under the laws administered by the Secretary of Veterans Affairs, including compensation and vocational rehabilitation benefits in the case of a member being medically separated or being retired under chapter 61 of this title, which shall be taken into account the preseperation physical examination of the member conducted under section 1145(d) of this title.

"(3) In the case of a member who, as determined pursuant to the preseperation physical examination conducted under section 145(d) of this title, may be entitled to compensation or pensions benefits under the laws administered by the Secretary of Veterans Affairs, a referral (to be provided with the assistance of the Secretary of Veterans Affairs) for a compensation and pension examination by the Secretary of Veterans Affairs.".

SEC. 306. EPIDEMIOLOGICAL STUDIES.

(a) In General.—The Secretary of Defense and the Secretary of Veterans Affairs may, during the five-year period beginning on October 1, 2005, jointly carry out such epidemioligical studies relating to veterans' health conditions that develop as a result of occupational exposure during military service as such Secretaries consider appropriate.

(b) Funding.—

(1) Department of Defense.—Of the amount authorized to be appropriated for fiscal year 2006 for the Department of Defense for the Defense Health Program, $2,500,000 shall be available for the epidemiological studies authorized by subsection (a).

(2) Department of Veterans Affairs.—Of the amount appropriated for fiscal year 2006 for the Department of Veterans Affairs for Medical Care, $2,500,000 shall be available for the epidemiological studies authorized by subsection (a).

(3) Availability.—Amounts available under this subsection shall be available without fiscal year limitation.

SEC. 307. INFORMATION SHARING.

(a) In General.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly develop protocols to facilitate the sharing of information between the Department of Defense and the Department of Veterans Affairs on the matters referred to in subsection (c) with respect to each member of the Armed Forces.

(b) Purpose.—The purpose of the protocols is to facilitate determinations by the Department of Veterans Affairs of the existence and extent of a connection any illness or injury experienced by a former member of the Armed Forces after separation from the Armed Forces and the exposure of the member to toxic or hazardous substances in the course of the member's duties or assignments as a member of the Armed Forces.

(c) Covered Matters.—The matters referred to in this subsection with respect to a member of the Armed Forces are as follows:

(1) The duties and assignments of the member, including the location of such duties and assignments.

(2) Any exposures of the member in the course of such duties and assignments to toxic or hazardous substances.

(3) Any illness or injury of the member incurred or aggravated in the course of such duties and assignments.

(d) Elements of Protocols.—The protocols on the sharing of information developed under subsection (a) shall include the following:

(1) Mechanisms to ensure that the Department of Veterans Affairs receives information to facilitate the timely and accurate assessment of the illnesses or injuries of a member of the Armed Forces that may have been incurred or aggravated by the members's exposure to toxic or hazardous substances during service in the Armed Forces.

(2) Mechanisms that provide, to the maximum extent practicable consistent with the national security interests of the United States, for the declassification of information necessary to achieve the purpose of the protocols.

(3) Procedures to ensure that information is shared under the protocols as a matter of routine operations of the Department of Defense and the Department of Veterans Affairs.

(e) REPORT.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress a report on the protocols developed under subsection (a). The report shall include such recommendations for legislative or administrative action as the Secretaries consider appropriate.

(f) FUNDING.—

(1) DEPARTMENT OF DEFENSE.—Amounts authorized to be appropriated for fiscal year 2006 for the Department of Defense for operation and maintenance, defense-wide, shall be available for the development of protocols under subsection (a).

(2) DEPARTMENT OF VETERANS AFFAIRS.—Amounts authorized to be appropriated for fiscal year 2006 for the Department of Veterans Affairs shall be available for the development of protocols under subsection (a).

SEC. 308. COORDINATION OF LONG-TERM RESEARCH ON HEALTH CARE.

(a) DEPARTMENT OF VETERANS AFFAIRS REPRESENTATIVE ON ARMED FORCE EPIDEMIOLOGICAL BOARD.—

(1) IN GENERAL.—The Secretary of Defense shall appoint to the Armed Forces Epidemiological Board, as an ex officio member, an officer of the Department of Veterans Affairs designated by the Secretary of Veterans Affairs for the purpose of this subsection.

(2) PURPOSE.—The purpose of the appointment under this subsection is to ensure that the Armed Forces Epidemiological Board considers and takes into account the views and recommendations of the Department of Veterans Affairs in providing advice to the Assistant Secretary of Defense for Health Affairs and the surgeons general of the Armed Forces.

(b) DEPARTMENT OF VETERANS AFFAIRS REPRESENTATIVE ON DEPARTMENT OF DEFENSE SAFETY AND OCCUPATIONAL HEALTH COMMITTEE.—

(1) IN GENERAL.—The Secretary of Defense shall appoint to the Department of Defense Safety and Occupational Health Committee, as an ex officio member, an officer of the Department of Veterans Affairs designated by the Secretary of Veterans Affairs for the purpose of this subsection.

(2) PURPOSE.—The purpose of the appointment under paragraph (1) is to ensure that the Department of Defense and the Department of Veterans Affairs establish and maintain effective collaboration on matters relating to occupational safety and health of current and former members of the Armed Forces.

(c) ANNUAL REPORT ON FORCE HEALTH PROTECTION.—Not later than March 1 each year, the Secretary of Defense and the Secretary of Veterans Affairs shall jointly submit to Congress each year a report on the efforts of the Department of Defense and Department of Veterans Affairs, respectively, during the preceding calendar year, to accomplish the following:

(1) The identification of illnesses and injuries incurred or aggravated by members of the Armed Forces during service in the Armed Forces through exposure to occupational hazards and other toxic and hazardous substances.

(2) The treatment of members of the Armed Forces and veterans for illnesses and injuries described in paragraph (1).

(3) The conduct of epidemiological studies on the health consequences of the exposure of members of the Armed Forces to occupational hazards and other toxic and hazardous substances during service in the Armed Forces.

(4) The development of guidance and other information on policies and practices intended to prevent, reduce, or mitigate the exposure of members of the Armed Forces to occupational hazards and other toxic and hazardous substances during service in the Armed Forces.

TITLE IV—INCREASED GOVERNMENT COMMITMENT TO VETERANS' EDUCATION

SEC. 401. SHORT TITLE.

This title may be cited as the "Montgomery GI Bill for the 21st Century Act".

SEC. 402. FINDINGS.

Congress makes the following findings:

(1) 2004 marked the 60th anniversary of the Servicemen's Readjustment Act of 1944, better known as the G.I. Bill. Out of an eligible population of 15,500,000 veterans, nearly 8,000,000 received education or training as a result of this legislation, one of the most successful Federal Government programs in United States history.

(2) Since Congress first enacted the G.I. Bill, veterans' benefits have been updated to keep pace with changing times. Over 21,000,000 veterans have now received educational assistance through the G.I. Bill and its successors.

(3) Congress has a duty to ensure that the VA can continue to offer an education assistance program that robustly supports veterans' efforts to obtain higher education and make a successful transition from military to civilian life.

SEC. 403. EXCLUSION OF BASIC PAY CONTRIBUTIONS FOR PARTICIPATION IN BASIC EDUCATIONAL ASSISTANCE IN CERTAIN COMPUTATIONS ON STUDENT FINANCIAL AID.

(a) EXCLUSION.—Subchapter II of chapter 30 of title 38, United States Code, is amended by adding at the end the following new section:

"§ 3020A. Exclusion of basic pay contributions in certain computations on student financial aid

"(a) IN GENERAL.—The expected family contribution computed under section 475, 476, or 477 of the Higher Education Act of 1965 (20 U.S.C. 1087oo, 1087pp, 1087qq) for a covered student shall be decreased by $1,200 for the applicable year.

"(b) DEFINITIONS.—In this section:

"(1) The term 'academic year' has the meaning given the term in section 481(a)(2) of the Higher Education Act of 1965 (20 U.S.C. 1088(a)(2)).

"(2) The term 'applicable year' means the first academic year for which a student uses entitlement to basic educational assistance under this chapter.

"(3) The term 'covered student' means any individual entitled to basic educational assistance under this chapter whose basic pay or voluntary separation incentives was or were subject to reduction under section 3011(b), 3012(c), 3018(c), 3018A(b), or 3018B(b) of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 3020 the following new item:

"3020A. Exclusion of basic pay contributions in certain computations on student financial aid.".

SEC. 404. OPPORTUNITY FOR ENROLLMENT IN BASIC EDUCATIONAL ASSISTANCE PROGRAM OF CERTAIN INDIVIDUALS WHO PARTICIPATED OR WERE ELIGIBLE TO PARTICIPATE IN POST-VIETNAM ERA VETERANS EDUCATIONAL ASSISTANCE PROGRAM.

(a) OPPORTUNITY FOR ENROLLMENT.—Section 3018C(e) of title 38, United States Code, is amended—

(1) in paragraph (1), by inserting "or (3)" after "paragraph (2)";

(2) by redesignating paragraphs (3), (4), and (5) as paragraphs (4), (5), and (6), respectively;

(3) by inserting after paragraph (2) the following new paragraph (3):

"(3) A qualified individual referred to in paragraph (1) is also an individual who meets each of the following requirements:

"(A) The individual is a participant in the educational benefits program under chapter 32 of this title as of the date of the enactment of the Montgomery GI Bill for the 21st Century Act, or was eligible to participate in such program, but had not participated in that program or any other educational benefits program under this title, as of that date.

"(B) The individual meets the requirements of subsection (a)(3).

"(C) The individual, when discharged or released from active duty, is discharged or released therefrom with an honorable discharge.";

(4) in paragraph (5), as so redesignated, by striking "paragraph (3)(A)(ii)" and inserting "paragraph (4)(A)(ii)"; and

(5) in paragraph (6), as so redesignated, by inserting ", or individuals eligible to participate in that program who have not participated in that program or any other educational benefits program under this title," after "chapter 32 of this title".

(b) CONFORMING AND CLERICAL AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 3018C. Opportunity to enroll: certain VEAP participants; certain individuals eligible for participation in VEAP".

(2) The table of sections at the beginning of chapter 30 of such title is amended by striking the item relating to section 3018C and inserting the following new item:

"3018C. Opportunity to enroll: certain VEAP participants; certain individuals eligible for participation in VEAP.".

SEC. 405. COMMENCEMENT OF 10-YEAR DELIMITING PERIOD FOR VETERANS, SURVIVORS, AND DEPENDENTS WHO ENROLL IN TRAINING PROGRAM.

(a) VETERANS.—Section 3031 of title 38, United States Code, is amended—

(1) in subsection (a), by striking "through (g), and subject to subsection (h)" and inserting "through (h), and subject to subsection (i)";

(2) by redesignating subsection (h) as subsection (i); and

(3) by inserting after subsection (g) the following new subsection (h):

"(h) In the case of an individual eligible for educational assistance under this chapter who, during the 10-year period described in subsection (a) of this section, enrolls in a program of training under this chapter, the period during which the individual may use the individual's entitlement to educational assistance under this chapter expires on the last day of the 10-year period beginning on the first day of the individual's pursuit of such program of training.".

(b) ELIGIBLE CHILDREN.—Subsection (a) of section 3512 of such title is amended—

(1) in paragraph (6)(B), by striking "and" at the end;

(2) in paragraph (7), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(8) if the person enrolls in a program of special restorative training under subchapter V of this chapter, such period shall begin on the first day of the person's pursuit of such program of special restorative training.".

(c) Eligible Surviving Spouses.—Subsection (b) of such section is amended by adding at the end the following new paragraph:

"(3) Notwithstanding the provisions of paragraph (1) of this subsection, any eligible person (as defined in section 3501(a)(1)(B) or (D)(ii) of this title) who, during the 10-year period described in paragraph (1) of this subsection, enrolls in a program of special restorative training under subchapter V of this chapter may be afforded educational assistance under this chapter during the 10-year period beginning on the first day of the individual's pursuit of such program of special restorative training.".

By Ms. STABENOW (for herself, Mr. Reid, Mr. Corzine, Mr. Kennedy, Mr. Inouye, Ms. Mikulski, Mr. Dorgan, Mr. Leahy, Mr. Rockefeller, Mr. Schumer, Mr. Durbin, and Mr. Dayton):

S. 14. A bill to provide fair wages for America's workers, to create new jobs through investment in America, to provide for fair trade and competitiveness, and for other purposes; to the Committee on Finance.

Ms. STABENOW. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 14

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Fair Wage, Competition, and Investment Act of 2005".

(b) Table of Contents.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—FAIR WAGES FOR AMERICA'S WORKERS

Subtitle A—Overtime Rights Protection

Sec. 111. Short title.
Sec. 112. Clarification of regulations relating to overtime compensation.

Subtitle B—Fair Minimum Wage

Sec. 121. Short title.
Sec. 122. Minimum wage.

Subtitle C—Sense of the Senate Regarding Multiemployer Pension Plans

Sec. 131. Sense of the Senate regarding multiemployer pension plans.

TITLE II—CREATING NEW JOBS THROUGH INVESTMENT IN AMERICA

Subtitle A—Eliminating Incentives for Outsourcing

Sec. 211. Taxation of income of controlled foreign corporations attributable to imported property.
Sec. 212. Amendments to the Worker Adjustment and Retraining Notification Act.

Subtitle B—Investment in Infrastructure

Chapter 1—Transportation Infrastructure

Sec. 221. Transportation infrastructure funding.

Chapter 2—Water Infrastructure

Sec. 231. Water infrastructure funding.

Chapter 3—Rail Infrastructure

Sec. 241. Rail infrastructure funding.
Sec. 242. Grant authority.
Sec. 243. Grant conditions for right-of-way projects.
Sec. 244. Use of funds for near-term projects.
Sec. 245. Treatment of rail operators using grant-funded rail infrastructure.

Chapter 4—Transit Infrastructure

Sec. 251. Transit.

Chapter 5—Aviation Infrastructure

Sec. 261. Authorization of appropriations.
Sec. 262. Distribution of funds.
Sec. 263. Nonapplicability of certain laws.
Sec. 264. Use of funds for near-term projects.

Chapter 6—Broadband Access Tax Credit

Sec. 271. Expensing of broadband Internet access expenditures.

Chapter 7—Research And Development Tax Credit

Sec. 281. Findings.
Sec. 282. Permanent extension of research credit.
Sec. 283. Increase in rates of alternative incremental credit.
Sec. 284. Alternative simplified credit for qualified research expenses.
Sec. 285. Expansion of research credit.

Subtitle C—Technology Programs

Sec. 291. Authorizations of appropriations for the Advanced Technology Program and the Manufacturing Extension Partnership Program.
Sec. 292. Sense of the Senate promoting science and technology funding for a strong economic future.

TITLE III—FAIR TRADE AND COMPETITIVENESS

Subtitle A—Trade Enforcement Enhancement

Sec. 311. Identification of trade expansion priorities.
Sec. 312. Chief enforcement negotiator.
Sec. 313. Foreign debt.
Sec. 314. Authorization of appropriations.

Subtitle B—Exchange Rate Policy and Currency Manipulation

Sec. 321. Negotiations regarding currency valuation.

Subtitle C—Trade Adjustment Assistance

Chapter 1—Service Workers

Sec. 331. Short title.
Sec. 332. Extension of trade adjustment assistance to services sector.
Sec. 333. Trade adjustment assistance for firms and industries.
Sec. 334. Monitoring and reporting.
Sec. 335. Alternative trade adjustment assistance.
Sec. 336. Effective date.

Chapter 2—Trade Adjustment Assistance for Communities

Sec. 341. Short title.
Sec. 342. Purpose.
Sec. 343. Trade adjustment assistance for communities.
Sec. 344. Conforming amendments.
Sec. 345. Effective date.

Chapter 3—Office Of Trade Adjustment Assistance

Sec. 351. Short title.
Sec. 352. Office of Trade Adjustment Assistance.
Sec. 353. Effective date.

Chapter 4—Improvement Of Credit for Health Insurance Costs of Eligible Individuals

Sec. 361. Improvement of the affordability of the credit.
Sec. 362. Offering of Federal fallback coverage.
Sec. 363. Clarification of eligibility of spouse of certain individuals entitled to medicare.

Subtitle D—Sense of the Senate on Free Trade Agreements

Sec. 371. Sense of the Senate on free trade agreements.

TITLE I—FAIR WAGES FOR AMERICA'S WORKERS

Subtitle A—Overtime Rights Protection

SEC. 111. SHORT TITLE.

This subtitle may be cited as the "Overtime Rights Protection Act of 2005".

SEC. 112. CLARIFICATION OF REGULATIONS RELATING TO OVERTIME COMPENSATION.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(k)(1) Notwithstanding the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) or any other provision of law, any portion of the final rule promulgated on April 23, 2004, revising part 541 of title 29, Code of Federal Regulations, that exempts from the overtime pay provision of section 7 of this Act any employee who would not otherwise be exempt if the regulations in effect on March 31, 2003 remained in effect, shall have no force or effect and that portion of such regulations (as in effect on March 31, 2003) that would prevent such employee from being exempt shall be reinstated.

"(2) The Secretary shall adjust the minimum salary level for exemption under section 13(a)(1) in the following manner:

"(A) Not later than 60 days after the date of enactment of this subsection, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) for executive, administrative, and managerial occupations from the level of $155 per week in 1975 to $591 per week (an amount equal to the increase in the Employment Cost Index (published by the Bureau of Labor Statistics) for executive, administrative, and managerial occupations between 1975 and 2005).

"(B) Not later than December 31 of the calendar year following the increase required in subparagraph (A), and each December 31 thereafter, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) by an amount equal to the increase in the Employment Cost Index for executive, administrative, and managerial occupations for the year involved.".

Subtitle B—Fair Minimum Wage

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2005".

SEC. 122. MINIMUM WAGE.

(a) In General.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2005;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

Subtitle C—Sense of the Senate Regarding Multiemployer Pension Plans

SEC. 131. SENSE OF THE SENATE REGARDING MULTIEMPLOYER PENSION PLANS.

(a) FINDINGS.—The Senate makes the following findings:

(1) Multiemployer pension plans have been a major force in the delivery of employee benefits to active and retired American workers and their dependents for over half a century.

(2) There are approximately 1,700 multiemployer defined benefit pension plans in which approximately 9,700,000 workers and retirees participate.

(3) Three-quarters of the approximately 60,000 to 65,000 employers that participate in multiemployer plans have fewer that 100 employees.

(4) Multiemployer plans allow for greater access and affordability for smaller employers and pension portability for their employees as they move from one job to another, and permit workers to earn a pension where they might otherwise not be able to do so.

(5) The 2000-2002 drop in the stock market and decline in equity values has affected all investors, including multiemployer plans.

(6) The decline in value sustained by multiemployer defined benefit pension plans have threatened the stability of this private sector source of secure retirement income.

(7) Participating employers could face onerous excise taxes and other penalties as a result of the serious, adverse financial impact due to these market losses.

(8) In 2004, the United States Senate recognized the severity of this situation and passed by an overwhelmingly, large bipartisan margin of 86 to 9 temporary relief provisions for single and multiemployer defined benefit pension plans.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate—

(1) expresses its strong support for multiemployer defined benefit pension plans;

(2) recognizes the importance of an environment in which multiemployer plans can continue their vital role in providing benefits to working men and women;

(3) recognizes that multiemployer pension plan relief must be designed for the multiemployer labor-relations environment that supports the plans; and

(4) supports legislation to strengthen and protect the viability of multiemployer pension plans for the continued benefit of current and retired members, and their families and survivors, and to strengthen the ability of all plans to address funding problems that occur.

TITLE II—CREATING NEW JOBS THROUGH INVESTMENT IN AMERICA

Subtitle A—Eliminating Incentives for Outsourcing

SEC. 211. TAXATION OF INCOME OF CONTROLLED FOREIGN CORPORATIONS ATTRIBUTABLE TO IMPORTED PROPERTY.

(a) GENERAL RULE.—Subsection (a) of section 954 of the Internal Revenue Code of 1986 (defining foreign base company income) is amended by striking "and" at the end of paragraph (4), by striking the period at the end of paragraph (5) and inserting ", and", and by adding at the end the following new paragraph:

"(6) imported property income for the taxable year (determined under subsection (j) and reduced as provided in subsection (b)(5)).".

(b) DEFINITION OF IMPORTED PROPERTY INCOME.—Section 954 of the Internal Revenue Code of 1986 is amended by adding at the end the following new subsection:

"(j) IMPORTED PROPERTY INCOME.—

"(1) IN GENERAL.—For purposes of subsection (a)(6), the term 'imported property income' means income (whether in the form of profits, commissions, fees, or otherwise) derived in connection with—

"(A) manufacturing, producing, growing, or extracting imported property;

"(B) the sale, exchange, or other disposition of imported property; or

"(C) the lease, rental, or licensing of imported property.

Such term shall not include any foreign oil and gas extraction income (within the meaning of section 907(c)) or any foreign oil related income (within the meaning of section 907(c)).

"(2) IMPORTED PROPERTY.—For purposes of this subsection—

"(A) IN GENERAL.—Except as otherwise provided in this paragraph, the term 'imported property' means property which is imported into the United States by the controlled foreign corporation or a related person.

"(B) IMPORTED PROPERTY INCLUDES CERTAIN PROPERTY IMPORTED BY UNRELATED PERSONS.—The term 'imported property' includes any property imported into the United States by an unrelated person if, when such property was sold to the unrelated person by the controlled foreign corporation (or a related person), it was reasonable to expect that—

"(i) such property would be imported into the United States; or

"(ii) such property would be used as a component in other property which would be imported into the United States.

"(C) EXCEPTION FOR PROPERTY SUBSEQUENTLY EXPORTED.—The term 'imported property' does not include any property which is imported into the United States and which—

"(i) before substantial use in the United States, is sold, leased, or rented by the controlled foreign corporation or a related person for direct use, consumption, or disposition outside the United States; or

"(ii) is used by the controlled foreign corporation or a related person as a component in other property which is so sold, leased, or rented.

"(3) DEFINITIONS AND SPECIAL RULES.—

"(A) IMPORT.—For purposes of this subsection, the term 'import' means entering, or withdrawal from warehouse, for consumption or use. Such term includes any grant of the right to use intangible property (as defined in section 936(h)(3)(B)) in the United States.

"(B) UNITED STATES.—For purposes of this subsection, the term 'United States' includes the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(C) UNRELATED PERSON.—For purposes of this subsection, the term 'unrelated person' means any person who is not a related person with respect to the controlled foreign corporation.

"(D) COORDINATION WITH FOREIGN BASE COMPANY SALES INCOME.—For purposes of this section, the term 'foreign base company sales income' shall not include any imported property income.".

(c) SEPARATE APPLICATION OF LIMITATIONS ON FOREIGN TAX CREDIT FOR IMPORTED PROPERTY INCOME.—

(1) BEFORE 2007.—

(A) IN GENERAL.—Paragraph (1) of section 904(d) of the Internal Revenue Code of 1986 (relating to separate application of section with respect to certain categories of income), as in effect for taxable years beginning before January 1, 2007, is amended by striking "and" at the end of subparagraph (H), by redesignating subparagraph (I) as subparagraph (J), and by inserting after subparagraph (H) the following new subparagraph:

"(I) imported property income, and".

(B) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code, as so in effect, is amended by redesignating subparagraphs (H) and (I) as subparagraphs (I) and (J), respectively, and by inserting after subparagraph (G) the following new subparagraph:

"(H) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).".

(C) LOOK-THRU RULES TO APPLY.—Subparagraph (F) of section 904(d)(3) of such Code, as so in effect, is amended by striking "or (D)" and inserting "(D), or (I)".

(2) AFTER 2006.—

(A) IN GENERAL.—Paragraph (1) of section 904(d) of such Code (relating to separate application of section with respect to certain categories of income), as in effect for taxable years beginning after December 31, 2006, is amended by striking "and" at the end of subparagraph (A), by redesignating subparagraph (B) as subparagraph (C), and by inserting after subparagraph (A) the following new subparagraph:

"(B) imported property income, and".

(B) IMPORTED PROPERTY INCOME DEFINED.—Paragraph (2) of section 904(d) of such Code, as so in effect, is amended by redesignating subparagraphs (I) and (J) as subparagraphs (J) and (K), respectively, and by inserting after subparagraph (H) the following new subparagraph:

"(I) IMPORTED PROPERTY INCOME.—The term 'imported property income' means any income received or accrued by any person which is of a kind which would be imported property income (as defined in section 954(j)).".

(C) CONFORMING AMENDMENT.—Clause (ii) of section 904(d)(2)(A) of such Code, as so in effect, is amended by inserting "or imported property income" after "passive category income".

(d) TECHNICAL AMENDMENTS.—

(1) Clause (iii) of section 952(c)(1)(B) of the Internal Revenue Code of 1986 (relating to certain prior year deficits may be taken into account) is amended—

(A) by redesignating subclauses (II), (III), (IV), and (V) as subclauses (III), (IV), (V), and (VI), and

(B) by inserting after subclause (I) the following new subclause:

"(II) imported property income,".

(2) Paragraph (5) of section 954(b) of such Code (relating to deductions to be taken into account) is amended by striking "and the foreign base company oil related income" and inserting "the foreign base company oil related income, and the imported property income".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this

section shall apply to taxable years of foreign corporations beginning after the date of the enactment of this Act, and to taxable years of United States shareholders within which or with which such taxable years of such foreign corporations end.

(2) SUBSECTION (c).—The amendments made by subsection (c)(1) shall apply to taxable years beginning after the date of the enactment of this Act and before January 1, 2007, and the amendments made by subsection (c)(2) shall apply to taxable years beginning after December 31, 2006.

SEC. 212. AMENDMENTS TO THE WORKER ADJUSTMENT AND RETRAINING NOTIFICATION ACT.

(a) DEFINITION.—Section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)) is amended—

(1) in paragraph (3)(B), by striking "for—" and all that follows through "500 employees" in clause (ii), and inserting "for not less than 50 employees";

(2) in paragraph (7), by striking "and" after the semicolon;

(3) in paragraph (8), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(9) the term 'offshoring of jobs' means any action taken by an employer the effect of which is to create, shift, or transfer employment positions or facilities outside the United States and which results in an employment loss during any 30-day period for 15 or more employees.".

(b) NOTICE.—Section 3 of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2102) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "60-day" and inserting "90-day";

(B) in paragraph (1), by striking "and" after the semicolon;

(C) in paragraph (2), by striking the period and inserting "; and"; and

(D) by inserting after paragraph (2), the following:

"(3) to the Secretary of Labor.";

(2) in subsection (b) by striking "60-day" both places that such term appears and inserting "90-day"; and

(3) by adding at the end the following:

"(e) NOTICE FOR OFFSHORING OF JOBS.—In the case of a notice under subsection (a) regarding the offshoring of jobs, the notice shall include, in addition to the information otherwise required by the Secretary with respect to other notices under such subsection, information concerning—

"(1) the number of jobs affected;

"(2) the location that the jobs are being shifted or transferred to; and

"(3) the reasons that such shifting or transferring of jobs is occurring.".

(c) TECHNICAL AMENDMENTS.—The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) is amended—

(1) by striking "plant closing or mass layoff" each place that such term appears and inserting "plant closing, mass layoff, or offshoring of jobs";

(2) by striking "closing or layoff" each place that such term appears and inserting "closing, layoff, or offshoring";

(3) in section 3—

(A) in the section heading by striking "**PLANT CLOSINGS AND MASS LAYOFFS**" and inserting "**PLANT CLOSINGS, MASS LAYOFFS, AND OFFSHORING OF JOBS**";

(B) in subsection (b)(2)(A), by striking "the closing or mass layoff" and inserting "the closing, layoff, or offshoring"; and

(C) in subsection (d), by striking "section 2(a) (2) or (3)" and inserting "paragraph (2), (3), or (9) of section 2(a)"; and

(4) in section 5(a)(1), in the matter following subparagraph (B), by striking "60 days" and inserting "90 days".

(d) POSTING OF EMPLOYEE RIGHTS.—The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.) is amended by adding at the end the following:

"SEC. 12. POSTING OF NOTICE OF RIGHTS.

"(a) DEVELOPMENT.—Not later than 60 days after the date of enactment of this section, the Secretary of Labor shall develop a notice of employee rights under this Act for posting by employers.

"(b) POSTING.—Each employer shall post in a conspicuous place in places of employment the notice of the rights of employees as developed by the Secretary under subsection (a).".

(e) ANNUAL REPORT.—The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.), as amended by subsection (d), is further amended by adding at the end the following:

"SEC. 13. CONTENTS OF ANNUAL REPORTS BY THE SECRETARY OF LABOR.

"(a) IN GENERAL.—The Secretary of Labor shall collect and compile statistics based on the information submitted to the Secretary under subsections (a)(3) and (e) of section 3.

"(b) REPORT.—Not later than 120 days after the date on which each regular session of Congress commences, the Secretary of Labor shall prepare and submit to the President and the appropriate committees of Congress a report on the offshoring of jobs (as defined in section 2(a)(9)). Each such report shall include information concerning—

"(1) the number of jobs affected by offshoring;

"(2) the locations to which jobs are being shifted or transferred;

"(3) the reasons why such shifts and transfers are occurring; and

"(4) any other relevant data compiled under subsection (a).".

Subtitle B—Investment in Infrastructure

CHAPTER 1—TRANSPORTATION INFRASTRUCTURE

SEC. 221. TRANSPORTATION INFRASTRUCTURE FUNDING.

(a) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this chapter for each of fiscal years 2005 and 2006 $7,000,000,000, to remain available until expended.

(2) DISTRIBUTION.—The Secretary of Transportation, acting through the Administrator of the Federal Highway Administration, shall distribute funds made available under this subsection to States in accordance with section 105 of title 23, United States Code.

(b) ADDITIONAL REQUIREMENTS.—

(1) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Funds made available under this section shall not be subject to—

(A) section 120 of title 23, United States Code; or

(B) any limitation on obligations under any other provision of law.

(2) USE OF FUNDS FOR NEAR-TERM PROJECTS.—The Secretary of Transportation shall ensure, to the maximum extent practicable, that funds made available under this section are directed to projects that may be obligated in the near term, as determined by the Secretary of Transportation.

CHAPTER 2—WATER INFRASTRUCTURE

SEC. 231. WATER INFRASTRUCTURE FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Administrator of the Environmental Protection Agency to make grants to States under—

(1) title VI of the Federal Water Pollution Control Act (33 U.S.C. 1381 et seq.), $3,000,000,000 for each of fiscal years 2005 and 2006; and

(2) section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12), $3,000,000,000 for each of fiscal years 2005 and 2006.

(b) AVAILABILITY OF FUNDS.—Funds transferred under subsection (a) shall remain available until expended.

CHAPTER 3—RAIL INFRASTRUCTURE

SEC. 241. RAIL INFRASTRUCTURE FUNDING.

(a) AMOUNT FOR CAPITAL PROJECTS GRANTS.—There is authorized to be appropriated to the Secretary of Transportation for each of fiscal years 2005 and 2006, $1,500,000,000, which shall be available for the Secretary of Transportation to make grants to States, rail carriers, and other entities as determined by the Secretary of Transportation for intercity passenger and freight railroad capital projects in accordance with this chapter.

(b) AVAILABILITY OF FUNDS.—Funds transferred under subsection (a) shall remain available until expended.

(c) NONAPPLICABILITY OF CERTAIN PROVISIONS.—Funds made available under this chapter shall not be subject to any limitation on obligations under any other provision of law.

SEC. 242. GRANT AUTHORITY.

(a) PUBLIC BENEFIT PROJECTS.—The Secretary of Transportation shall make grants to States, rail carriers, and other entities, as determined by the Secretary, for intercity passenger and freight railroad capital projects that provide a public benefit, including projects involving the following purposes:

(1) Track and track structure rehabilitation, relocation, improvement, and development.

(2) Railroad safety and security improvements.

(3) Communications and signaling improvements.

(4) Intercity passenger rail equipment acquisition.

(5) Rail station and intermodal facilities development.

(b) PUBLIC BENEFIT DEFINED.—In this section, the term "public benefit" means a benefit accrued to the public in the form of enhanced mobility of people or goods, environmental protection or enhancement, congestion mitigation, enhanced trade and economic development, improved air quality or land use, more efficient energy use, enhanced public safety or security, reduction of public expenditures due to improved transportation efficiency or infrastructure preservation, and any other positive community effects (as defined by the Secretary after any consultation with State official and rail carriers that the Secretary determines appropriate).

SEC. 243. GRANT CONDITIONS FOR RIGHT-OF-WAY PROJECTS.

The Secretary of Transportation shall require as a condition of making any grant under this chapter that includes the improvement or use of rights-of-way owned by a railroad that—

(1) a written agreement exist between the applicant and the railroad regarding such use and ownership, including—

(A) any compensation for such use;

(B) assurances regarding the adequacy of infrastructure capacity to accommodate both existing and future freight and passenger operations; and

(C) an assurance by the railroad that collective bargaining agreements with the railroad's employees (including terms regulating the contracting of work) will remain in full force and effect according to their terms for work performed by the railroad on the railroad transportation corridor; and

(2) the applicant agrees to comply with—

(A) the standards under section 24312 of title 49, United States Code, as such section was in effect on September 1, 2003, with respect to the project in the same manner that the National Railroad Passenger Corporation is required to comply with those standards for construction work financed under an agreement made under section; and

(B) the protective agreements established under section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 with respect to employees affected by actions taken in connection with the project.

SEC. 244. USE OF FUNDS FOR NEAR-TERM PROJECTS.

The Secretary of Transportation shall ensure, to the maximum extent practicable, that funds made available under this chapter are directed to projects that may be obligated in the near term, as determined by the Secretary of Transportation.

SEC. 245. TREATMENT OF RAIL OPERATORS USING GRANT-FUNDED RAIL INFRASTRUCTURE.

A person that conducts rail operations over rail infrastructure constructed or improved with funding provided in whole or in part in a grant made under this chapter—

(1) shall be considered an employer for purposes of the Railroad Retirement Act of 1974 (45 20 U.S.C. 231 et seq.); and

(2) shall be considered a carrier for purposes of the Railway Labor Act (43 U.S.C. 151 et seq.) unless such a person is an operator with respect to commuter rail passenger transportation (as defined in section 24102(4) of title 49, United States Code) of a State or local government authority (as such terms are defined in section 5302 of such title) eligible to receive financial assistance under section 5307 of such title, a contractor performing services in connection with the operations with respect to commuter rail passenger transportation (as so defined), or the Alaska Railroad or its contractors.

CHAPTER 4—TRANSIT INFRASTRUCTURE

SEC. 251. TRANSIT.

(a) AUTHORIZATION OF APPROPRIATIONS.—

(1) AMOUNTS FOR FISCAL YEARS 2005 AND 2006.—There is authorized to be appropriated to the Secretary of Transportation for each of the fiscal years 2005 and 2006, $1,750,000,000.

(2) AVAILABILITY OF FUNDS.—Funds appropriated under paragraph (1) shall remain available until expended.

(b) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—Of the funds authorized to be appropriated under subsection (a)—

(A) 50.18 percent shall be available to carry out section 5307 of title 49, United States Code;

(B) 45 percent shall be available to carry out section 5309(a)(1) of title 49, United States Code, of which—

(i) 40 percent shall be available to carry out subparagraph (A) of such paragraph;

(ii) 40 percent shall be available to carry out subparagraph (E) of such paragraph; and

(iii) 20 percent shall be available to carry out subparagraph (F) of such paragraph;

(C) 1.32 percent shall be available to carry out section 5310 of title 49, United States Code; and

(D) 3.5 percent shall be available to carry out section 5311 of title 49, United States Code.

(2) FORMULAS.—Funds made available under subparagraphs (A), (C), and (D) of paragraph (1) shall be distributed in accordance with the formulas established under sections 5307, 5310, and 5311, respectively, of title 49, United States Code.

(3) DETERMINATION BY SECRETARY.—

(A) IN GENERAL.—The Secretary of Transportation shall determine the allocation of funds made available under clauses (i) and (iii) of paragraph (1)(B).

(B) MODERNIZATION OF EXISTING FIXED GUIDEWAY SYSTEMS.—The Secretary of Transportation shall determine the amount apportioned to each urbanized area under paragraph (1)(B)(ii) on a pro rata basis in accordance with the distribution formula established under section 5337 of title 49, United States Code.

(C) NEAR TERM PROJECTS.—In allocating funds under this paragraph, the Secretary of Transportation shall ensure, to the maximum extent practicable, that funds are directed to near term projects.

(c) LIMITATION FOR CAPITAL PROJECTS.—Funds may be used under this section only for capital projects.

(d) INAPPLICABILITY OF CERTAIN PROVISIONS.—Funds distributed under subsection (b) shall not be subject to sections 5307(e), 5309(h), or 5311(g) of title 49, United States Code.

CHAPTER 5—AVIATION INFRASTRUCTURE

SEC. 261. AUTHORIZATION OF APPROPRIATIONS FOR AVIATION INFRASTRUCTURE.

There is authorized to be appropriated for each of fiscal years 2005 and 2006 to carry out this chapter, $1,500,000,000, to remain available until expended.

SEC. 262. DISTRIBUTION OF FUNDS.

The Secretary of Transportation, acting through the Administrator of the Federal Aviation Administration, shall distribute funds made available under this chapter to public use airports for the purposes provided under chapter 471 of title 49, United States Code, including for enhancement of aviation safety, enhancement of aviation capacity, and defrayal of the cost of security requirements imposed on airport operators by the Administrator or by the Administrator of the Transportation Security Administration.

SEC. 263. NONAPPLICABILITY OF CERTAIN LAWS.

Funds made available under this chapter shall not be subject to—

(1) a matching requirement under section 47109 of title 49, United States Code; or

(2) any limitation on obligation under any other provision of law.

SEC. 264. USE OF FUNDS FOR NEAR-TERM PROJECTS.

The Secretary of Transportation shall ensure, to the maximum extent practicable, that funds made available under this chapter are directed to projects that may be obligated in the near-term, as determined by the Secretary of Transportation.

CHAPTER 6—BROADBAND ACCESS TAX CREDIT

SEC. 271. EXPENSING OF BROADBAND INTERNET ACCESS EXPENDITURES.

(a) IN GENERAL.—Part VI of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to itemized deductions for individuals and corporations) is amended by inserting after section 190 the following new section:

"SEC. 191. BROADBAND EXPENDITURES.

"(a) TREATMENT OF EXPENDITURES.—

"(1) IN GENERAL.—A taxpayer may elect to treat any qualified broadband expenditure which is paid or incurred by the taxpayer as an expense which is not chargeable to capital account. Any expenditure which is so treated shall be allowed as a deduction.

"(2) ELECTION.—An election under paragraph (1) shall be made at such time and in such manner as the Secretary may prescribe by regulation.

"(b) QUALIFIED BROADBAND EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified broadband expenditure' means, with respect to any taxable year, any direct or indirect costs incurred and properly taken into account with respect to—

"(A) the purchase or installation of qualified equipment (including any upgrades thereto), and

"(B) the connection of such qualified equipment to any qualified subscriber.

"(2) CERTAIN SATELLITE EXPENDITURES EXCLUDED.—Such term shall not include any costs incurred with respect to the launching of any satellite equipment.

"(3) LEASED EQUIPMENT.—Such term shall include so much of the purchase price paid by the lessor of qualified equipment subject to a lease described in subsection (c)(2)(B) as is attributable to expenditures incurred by the lessee which would otherwise be described in paragraph (1).

"(4) LIMITATION WITH REGARD TO CURRENT GENERATION BROADBAND SERVICES.—Only 50 percent of the amounts taken into account under paragraph (1) with respect to qualified equipment through which current generation broadband services are provided shall be treated as qualified broadband expenditures.

"(c) WHEN EXPENDITURES TAKEN INTO ACCOUNT.—For purposes of this section—

"(1) IN GENERAL.—Qualified broadband expenditures with respect to qualified equipment shall be taken into account with respect to the first taxable year in which—

"(A) current generation broadband services are provided through such equipment to qualified subscribers, or

"(B) next generation broadband services are provided through such equipment to qualified subscribers.

"(2) LIMITATION.—

"(A) IN GENERAL.—Qualified expenditures shall be taken into account under paragraph (1) only with respect to qualified equipment—

"(i) the original use of which commences with the taxpayer, and

"(ii) which is placed in service, after the date of the enactment of this Act.

"(B) SALE-LEASEBACKS.—For purposes of subparagraph (A), if property—

"(i) is originally placed in service after the date of the enactment of this Act by any person, and

"(ii) sold and leased back by such person within 3 months after the date such property was originally placed in service,

such property shall be treated as originally placed in service not earlier than the date on which such property is used under the leaseback referred to in clause (ii).

"(d) SPECIAL ALLOCATION RULES.—

"(1) CURRENT GENERATION BROADBAND SERVICES.—For purposes of determining the amount of qualified broadband expenditures under subsection (a)(1) with respect to qualified equipment through which current generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified broadband expenditures shall be multiplied by a fraction—

"(A) the numerator of which is the sum of the number of potential qualified subscribers within the rural areas and the underserved areas which the equipment is capable of serving with current generation broadband services, and

"(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with current generation broadband services.

“(2) NEXT GENERATION BROADBAND SERVICES.—For purposes of determining the amount of qualified broadband expenditures under subsection (a)(1) with respect to qualified equipment through which next generation broadband services are provided, if the qualified equipment is capable of serving both qualified subscribers and other subscribers, the qualified expenditures shall be multiplied by a fraction—

“(A) the numerator of which is the sum of—

“(i) the number of potential qualified subscribers within the rural areas and underserved areas, plus

“(ii) the number of potential qualified subscribers within the area consisting only of residential subscribers not described in clause (i),

which the equipment is capable of serving with next generation broadband services, and

“(B) the denominator of which is the total potential subscriber population of the area which the equipment is capable of serving with next generation broadband services.

“(e) DEFINITIONS.—For purposes of this section—

“(1) ANTENNA.—The term ‘antenna’ means any device used to transmit or receive signals through the electromagnetic spectrum, including satellite equipment.

“(2) CABLE OPERATOR.—The term ‘cable operator’ has the meaning given such term by section 602(5) of the Communications Act of 1934 (47 U.S.C. 522(5)).

“(3) COMMERCIAL MOBILE SERVICE CARRIER.—The term ‘commercial mobile service carrier’ means any person authorized to provide commercial mobile radio service as defined in section 20.3 of title 47, Code of Federal Regulations.

“(4) CURRENT GENERATION BROADBAND SERVICE.—The term ‘current generation broadband service’ means the transmission of signals at a rate of at least 1,000,000 bits per second to the subscriber and at least 128,000 bits per second from the subscriber.

“(5) MULTIPLEXING OR DEMULTIPLEXING.—The term ‘multiplexing’ means the transmission of 2 or more signals over a single channel, and the term ‘demultiplexing’ means the separation of 2 or more signals previously combined by compatible multiplexing equipment.

“(6) NEXT GENERATION BROADBAND SERVICE.—The term ‘next generation broadband service’ means the transmission of signals at a rate of at least 22,000,000 bits per second to the subscriber and at least 5,000,000 bits per second from the subscriber.

“(7) NONRESIDENTIAL SUBSCRIBER.—The term ‘nonresidential subscriber’ means any person who purchases broadband services which are delivered to the permanent place of business of such person.

“(8) OPEN VIDEO SYSTEM OPERATOR.—The term ‘open video system operator’ means any person authorized to provide service under section 653 of the Communications Act of 1934 (47 U.S.C. 573).

“(9) OTHER WIRELESS CARRIER.—The term ‘other wireless carrier’ means any person (other than a telecommunications carrier, commercial mobile service carrier, cable operator, open video system operator, or satellite carrier) providing current generation broadband services or next generation broadband service to subscribers through the radio transmission of energy.

“(10) PACKET SWITCHING.—The term ‘packet switching’ means controlling or routing the path of any digitized transmission signal which is assembled into packets or cells.

“(11) PROVIDER.—The term ‘provider’ means, with respect to any qualified equipment—

“(A) a cable operator,

“(B) a commercial mobile service carrier,

“(C) an open video system operator,

“(D) a satellite carrier,

“(E) a telecommunications carrier, or

“(F) any other wireless carrier,

providing current generation broadband services or next generation broadband services to subscribers through such qualified equipment.

“(12) PROVISION OF SERVICES.—A provider shall be treated as providing services to 1 or more subscribers if—

“(A) such a subscriber has been passed by the provider's equipment and can be connected to such equipment for a standard connection fee,

“(B) the provider is physically able to deliver current generation broadband services or next generation broadband services, as applicable, to such a subscriber without making more than an insignificant investment with respect to such subscriber,

“(C) the provider has made reasonable efforts to make such subscribers aware of the availability of such services,

“(D) such services have been purchased by 1 or more such subscribers, and

“(E) such services are made available to such subscribers at average prices comparable to those at which the provider makes available similar services in any areas in which the provider makes available such services.

“(13) QUALIFIED EQUIPMENT.—

“(A) IN GENERAL.—The term ‘qualified equipment’ means equipment which provides current generation broadband services or next generation broadband services—

“(i) at least a majority of the time during periods of maximum demand to each subscriber who is utilizing such services, and

“(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under subsection (a)(1).

“(B) ONLY CERTAIN INVESTMENT TAKEN INTO ACCOUNT.—Except as provided in subparagraph (C) or (D), equipment shall be taken into account under subparagraph (A) only to the extent it—

“(i) extends from the last point of switching to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a telecommunications carrier,

“(ii) extends from the customer side of the mobile telephone switching office to a transmission/receive antenna (including such antenna) owned or leased by a subscriber in the case of a commercial mobile service carrier,

“(iii) extends from the customer side of the headend to the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a cable operator or open video system operator, or

“(iv) extends from a transmission/receive antenna (including such antenna) which transmits and receives signals to or from multiple subscribers, to a transmission/receive antenna (including such antenna) on the outside of the unit, building, dwelling, or office owned or leased by a subscriber in the case of a satellite carrier or other wireless carrier, unless such other wireless carrier is also a telecommunications carrier.

“(C) PACKET SWITCHING EQUIPMENT.—Packet switching equipment, regardless of location, shall be taken into account under subparagraph (A) only if it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of packet switching for current generation broadband services or next generation broadband services, but only if such packet switching is the last in a series of such functions performed in the transmission of a signal to a subscriber or the first in a series of such functions performed in the transmission of a signal from a subscriber.

“(D) MULTIPLEXING AND DEMULTIPLEXING EQUIPMENT.—Multiplexing and demultiplexing equipment shall be taken into account under subparagraph (A) only to the extent it is deployed in connection with equipment described in subparagraph (B) and is uniquely designed to perform the function of multiplexing and demultiplexing packets or cells of data and making associated application adaptions, but only if such multiplexing or demultiplexing equipment is located between packet switching equipment described in subparagraph (C) and the subscriber's premises.

“(14) QUALIFIED SUBSCRIBER.—The term ‘qualified subscriber’ means—

“(A) with respect to the provision of current generation broadband services—

“(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) any residential subscriber residing in a dwelling located in a rural area or underserved area which is not a saturated market, and

“(B) with respect to the provision of next generation broadband services—

“(i) any nonresidential subscriber maintaining a permanent place of business in a rural area or underserved area, or

“(ii) any residential subscriber.

“(15) RESIDENTIAL SUBSCRIBER.—The term ‘residential subscriber’ means any individual who purchases broadband services which are delivered to such individual's dwelling.

“(16) RURAL AREA.—The term ‘rural area’ means any census tract which—

“(A) is not within 10 miles of any incorporated or census designated place containing more than 25,000 people, and

“(B) is not within a county or county equivalent which has an overall population density of more than 500 people per square mile of land.

“(17) RURAL SUBSCRIBER.—The term ‘rural subscriber’ means any residential subscriber residing in a dwelling located in a rural area or nonresidential subscriber maintaining a permanent place of business located in a rural area.

“(18) SATELLITE CARRIER.—The term ‘satellite carrier’ means any person using the facilities of a satellite or satellite service licensed by the Federal Communications Commission and operating in the Fixed-Satellite Service under part 25 of title 47 of the Code of Federal Regulations or the Direct Broadcast Satellite Service under part 100 of title 47 of such Code to establish and operate a channel of communications for distribution of signals, and owning or leasing a capacity or service on a satellite in order to provide such point-to-multipoint distribution.

“(19) SATURATED MARKET.—The term ‘saturated market’ means any census tract in which, as of the date of the enactment of this section—

“(A) current generation broadband services have been provided by a single provider to 85 percent or more of the total number of potential residential subscribers residing in dwellings located within such census tract, and

"(B) such services can be utilized—

"(i) at least a majority of the time during periods of maximum demand by each such subscriber who is utilizing such services, and

"(ii) in a manner substantially the same as such services are provided by the provider to subscribers through equipment with respect to which no deduction is allowed under subsection (a)(1).

"(20) SUBSCRIBER.—The term 'subscriber' means any person who purchases current generation broadband services or next generation broadband services.

"(21) TELECOMMUNICATIONS CARRIER.—The term 'telecommunications carrier' has the meaning given such term by section 3(44) of the Communications Act of 1934 (47 U.S.C. 153(44)), but—

"(A) includes all members of an affiliated group of which a telecommunications carrier is a member, and

"(B) does not include a commercial mobile service carrier.

"(22) TOTAL POTENTIAL SUBSCRIBER POPULATION.—The term 'total potential subscriber population' means, with respect to any area and based on the most recent census data, the total number of potential residential subscribers residing in dwellings located in such area and potential nonresidential subscribers maintaining permanent places of business located in such area.

"(23) UNDERSERVED AREA.—The term 'underserved area' means—

"(A) any census tract which is located in—

"(i) an empowerment zone or enterprise community designated under section 1391, or

"(ii) the District of Columbia Enterprise Zone established under section 1400, or

"(B) any census tract—

"(i) the poverty level of which is at least 30 percent (based on the most recent census data), and

"(ii) the median family income of which does not exceed—

"(I) in the case of a census tract located in a metropolitan statistical area, 70 percent of the greater of the metropolitan area median family income or the statewide median family income, and

"(II) in the case of a census tract located in a nonmetropolitan statistical area, 70 percent of the nonmetropolitan statewide median family income.

"(24) UNDERSERVED SUBSCRIBER.—The term 'underserved subscriber' means any residential subscriber residing in a dwelling located in an underserved area or nonresidential subscriber maintaining a permanent place of business located in an underserved area.

"(f) SPECIAL RULES.—

"(1) PROPERTY USED OUTSIDE THE UNITED STATES, ETC., NOT QUALIFIED.—No expenditures shall be taken into account under subsection (a)(1) with respect to the portion of the cost of any property referred to in section 50(b) or with respect to the portion of the cost of any property specified in an election under section 179.

"(2) BASIS REDUCTION.—

"(A) IN GENERAL.—For purposes of this title, the basis of any property shall be reduced by the portion of the cost of such property taken into account under subsection (a)(1).

"(B) ORDINARY INCOME RECAPTURE.—For purposes of section 1245, the amount of the deduction allowable under subsection (a)(1) with respect to any property which is of a character subject to the allowance for depreciation shall be treated as a deduction allowed for depreciation under section 167.

"(3) COORDINATION WITH SECTION 38.—No credit shall be allowed under section 38 with respect to any amount for which a deduction is allowed under subsection (a)(1).".

(b) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—Section 512(b) of the Internal Revenue Code of 1986 (relating to modifications) is amended—

(1) by redesignating paragraph (18) as added by section 702(a) of the American Jobs Creation Act of 2004 as paragraph (19), and

(2) by adding at the end the following new paragraph:

"(20) SPECIAL RULE FOR MUTUAL OR COOPERATIVE TELEPHONE COMPANIES.—A mutual or cooperative telephone company which for the taxable year satisfies the requirements of section 501(c)(12)(A) may elect to reduce its unrelated business taxable income for such year, if any, by an amount that does not exceed the qualified broadband expenditures which would be taken into account under section 191 for such year by such company if such company was not exempt from taxation. Any amount which is allowed as a deduction under this paragraph shall not be allowed as a deduction under section 191 and the basis of any property to which this paragraph applies shall be reduced under section 1016(a)(32).".

(c) CONFORMING AMENDMENTS.—

(1) Section 263(a)(1) of the Internal Revenue Code of 1986 (relating to capital expenditures) is amended by striking "or" at the end of subparagraph (H), by striking the period at the end of subparagraph (I) and inserting ", or", and by adding at the end the following new subparagraph:

"(J) expenditures for which a deduction is allowed under section 191.".

(2) Section 1016(a) of such Code is amended by striking "and" at the end of paragraph (30), by striking the period at the end of paragraph (31) and inserting ", and", and by adding at the end the following new paragraph:

"(32) to the extent provided in section 191(f)(2).".

(3) The table of sections for part VI of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 190 the following new item:

"Sec. 191. Broadband expenditures.".

(d) DESIGNATION OF CENSUS TRACTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 90 days after the date of the enactment of this Act, designate and publish those census tracts meeting the criteria described in paragraphs (16), (22), and (23) of section 191(e) of the Internal Revenue Code of 1986 (as added by this section). In making such designations, the Secretary of the Treasury shall consult with such other departments and agencies as the Secretary determines appropriate.

(2) SATURATED MARKET.—

(A) IN GENERAL.—For purposes of designating and publishing those census tracts meeting the criteria described in subsection (e)(19) of such section 191—

(i) the Secretary of the Treasury shall prescribe not later than 30 days after the date of the enactment of this Act the form upon which any provider which takes the position that it meets such criteria with respect to any census tract shall submit a list of such census tracts (and any other information required by the Secretary) not later than 60 days after the date of the publication of such form, and

(ii) the Secretary of the Treasury shall publish an aggregate list of such census tracts and the applicable providers not later than 30 days after the last date such submissions are allowed under clause (i).

(B) NO SUBSEQUENT LISTS REQUIRED.—The Secretary of the Treasury shall not be required to publish any list of census tracts meeting such criteria subsequent to the list described in subparagraph (A)(ii).

(e) OTHER REGULATORY MATTERS.—

(1) PROHIBITION.—No Federal or State agency or instrumentality shall adopt regulations or ratemaking procedures that would have the effect of eliminating or reducing any deduction or portion thereof allowed under section 191 of the Internal Revenue Code of 1986 (as added by this section) or otherwise subverting the purpose of this section.

(2) TREASURY REGULATORY AUTHORITY.—It is the intent of Congress in providing the election to deduct qualified broadband expenditures under section 191 of the Internal Revenue Code of 1986 (as added by this section) to provide incentives for the purchase, installation, and connection of equipment and facilities offering expanded broadband access to the Internet for users in certain low income and rural areas of the United States, as well as to residential users nationwide, in a manner that maintains competitive neutrality among the various classes of providers of broadband services. Accordingly, the Secretary of the Treasury shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of section 191 of such Code, including—

(A) regulations to determine how and when a taxpayer that incurs qualified broadband expenditures satisfies the requirements of section 191 of such Code to provide broadband services, and

(B) regulations describing the information, records, and data taxpayers are required to provide the Secretary to substantiate compliance with the requirements of section 191 of such Code.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to expenditures incurred after the date of the enactment of this Act and before the date which is 60 months after the date of the enactment of this Act.

CHAPTER 7—RESEARCH AND DEVELOPMENT TAX CREDIT

SEC. 281. FINDINGS.

Congress finds the following:

(1) Research and development performed in the United States results in quality jobs, better and safer products, increased ownership of technology-based intellectual property, and higher productivity in the United States.

(2) Since 1994, private sector research and development employment has grown at a faster rate than overall private sector employment in the United States. From 1994 to 2000, there was an average annual growth rate of 5.4 percent in research and development employment, compared with 2.7 percent in total employment.

(3) The extent to which companies perform and increase research and development activities in the United States is in part dependent on Federal tax policy.

(4) The private sector performed most of the Nation's research and development and accounted for more than two-thirds of total research and development performance in 2003. Of the $194,000,000,000 in industrial research and development performed in 2003, more than 90 percent was funded by industry.

(5) Many of the countries with which the United States competes have introduced new or revised national plans for science, technology, and innovation policy, and a growing number of countries have established targets

for increased research and development spending. Virtually all countries are seeking ways to enhance the quality and efficiency of public research, stimulate business investments in research and development, and strengthen linkages between the public and private sectors.

(6) Direct government support to business research and development has declined, both in absolute terms and as a share of business research and development, and greater emphasis is being placed on indirect measures, such as tax incentives for research and development.

(7) Congress should make permanent a research and development credit that provides a meaningful incentive to all types of taxpayers.

SEC. 282. PERMANENT EXTENSION OF RESEARCH CREDIT.

(a) In General.—Section 41 of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking subsection (h).

(b) Conforming Amendment.—Paragraph (1) of section 45C(b) of such Code is amended by striking subparagraph (D).

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 283. INCREASE IN RATES OF ALTERNATIVE INCREMENTAL CREDIT.

(a) In General.—Subparagraph (A) of section 41(c)(4) of the Internal Revenue Code of 1986 (relating to election of alternative incremental credit) is amended—

(1) by striking "2.65 percent" and inserting "3 percent",

(2) by striking "3.2 percent" and inserting "4 percent", and

(3) by striking "3.75 percent" and inserting "5 percent".

(b) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 284. ALTERNATIVE SIMPLIFIED CREDIT FOR QUALIFIED RESEARCH EXPENSES.

(a) In General.—Subsection (c) of section 41 of the Internal Revenue Code of 1986 (relating to base amount) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

"(5) Election of alternative simplified credit.—

"(A) In general.—At the election of the taxpayer, the credit determined under subsection (a)(1) shall be equal to 12 percent of so much of the qualified research expenses for the taxable year as exceeds 50 percent of the average qualified research expenses for the 3 taxable years preceding the taxable year for which the credit is being determined.

"(B) Special rule in case of no qualified research expenses in any of 3 preceding taxable years.—

"(i) Taxpayers to which subparagraph applies.—The credit under this paragraph shall be determined under this subparagraph if the taxpayer has no qualified research expenses in any 1 of the 3 taxable years preceding the taxable year for which the credit is being determined.

"(ii) Credit rate.—The credit determined under this subparagraph shall be equal to 6 percent of the qualified research expenses for the taxable year.

"(C) Election.—An election under this paragraph shall apply to the taxable year for which made and all succeeding taxable years unless revoked with the consent of the Secretary. An election under this paragraph may not be made for any taxable year to which an election under paragraph (4) applies.".

(b) Coordination With Election of Alternative Incremental Credit.—

(1) In general.—Section 41(c)(4)(B) of the Internal Revenue Code of 1986 (relating to election) is amended by adding at the end the following: "An election under this paragraph may not be made for any taxable year to which an election under paragraph (5) applies.".

(2) Transition rule.—In the case of an election under section 41(c)(4) of the Internal Revenue Code of 1986 which applies to the taxable year which includes the date of the enactment of this Act, such election shall be treated as revoked with the consent of the Secretary of the Treasury if the taxpayer makes an election under section 41(c)(5) of such Code (as added by subsection (a)) for such year.

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 285. EXPANSION OF RESEARCH CREDIT.

(a) Credit for Expenses Attributable to Certain Collaborative Research Consortia.—

(1) In general.—Section 41(a) of the Internal Revenue Code of 1986 (relating to credit for increasing research activities) is amended by striking "and" at the end of paragraph (1), by striking the period at the end of paragraph (2) and inserting ", and", and by adding at the end the following new paragraph:

"(3) 20 percent of the amounts paid or incurred by the taxpayer in carrying on any trade or business of the taxpayer during the taxable year (including as contributions) to a research consortium.".

(2) Research consortium defined.—Section 41(f) of such Code (relating to special rules) is amended by adding at the end the following new paragraph:

"(6) Research consortium.—

"(A) In general.—The term 'research consortium' means any organization—

"(i) which is—

"(I) described in section 501(c)(3) or 501(c)(6) and is exempt from tax under section 501(a) and is organized and operated primarily to conduct research, or

"(II) organized and operated primarily to conduct research in the public interest (within the meaning of section 501(c)(3)),

"(ii) which is not a private foundation,

"(iii) to which at least 5 unrelated persons paid or incurred during the calendar year in which the taxable year of the organization begins amounts (including as contributions) to such organization for research, and

"(iv) to which no single person paid or incurred (including as contributions)' during such calendar year an amount equal to more than 50 percent of the total amounts received by such organization during such calendar year for research.

"(B) Treatment of persons.—All persons treated as a single employer under subsection (a) or (b) of section 52 shall be treated as related persons for purposes of subparagraph (A)(iii) and as a single person for purposes of subparagraph (A)(iv).".

(3) Conforming amendment.—Section 41(b)(3)(C)(ii) of such Code is amended by inserting "(other than a research consortium)" after "organization".

(b) Repeal of Limitation on Contract Research Expenses Paid to Small Businesses, Universities, and Federal Laboratories.—Section 41(b)(3) of the Internal Revenue Code of 1986 (relating to contract research expenses) is amended by adding at the end the following new subparagraph:

"(D) Amounts paid to eligible small businesses, universities, and federal laboratories.—

"(i) In general.—In the case of amounts paid by the taxpayer to—

"(I) an eligible small business,

"(II) an institution of higher education (as defined in section 3304(f)), or

"(III) an organization which is a Federal laboratory,

for qualified research, subparagraph (A) shall be applied by substituting '100 percent' for '65 percent'.

"(ii) Eligible small business.—For purposes of this subparagraph, the term 'eligible small business' means a small business with respect to which the taxpayer does not own (within the meaning of section 318) 50 percent or more of—

"(I) in the case of a corporation, the outstanding stock of the corporation (either by vote or value), and

"(II) in the case of a small business which is not a corporation, the capital and profits interests of the small business.

"(iii) Small business.—For purposes of this subparagraph—

"(I) In general.—The term 'small business' means, with respect to any calendar year, any person if the annual average number of employees employed by such person during either of the 2 preceding calendar years was 500 or fewer. For purposes of the preceding sentence, a preceding calendar year may be taken into account only if the person was in existence throughout the year.

"(II) Startups, controlled groups, and predecessors.—Rules similar to the rules of subparagraphs (B) and (D) of section 220(c)(4) shall apply for purposes of this clause.

"(iv) Federal laboratory.—For purposes of this subparagraph, the term 'Federal laboratory' has the meaning given such term by section 4(6) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3703(6)), as in effect on the date of the enactment of this subparagraph.".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.

Subtitle C—Technology Programs

SEC. 291. AUTHORIZATIONS OF APPROPRIATIONS FOR THE ADVANCED TECHNOLOGY PROGRAM AND THE MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.

(a) Advanced Technology Program.—

(1) Findings.—Congress makes the following findings:

(A) The Advanced Technology Program (ATP) has played an important role in helping United States companies develop new, breakthrough technologies. ATP has funded research ranging from cancer vaccines, to hi-tech flexible displays, to composite materials, to fuel cells, all of which are the kinds of technological advances that give the United States a competitive advantage globally.

(B) The National Academy of Science has found it to be an effective program that could use more funding wisely, and the National Association of Manufacturers (NAM), the Biotechnology Industry Organization (BIO), the Industrial Research Institute, the Alliance for Science and Technology Research in America, and the American Chemical Society support ATP.

(C) Businesses need this type of program more than ever as venture capital funds have become more scarce in the current economy. ATP bridges this gap between the research lab and market capital, facilitating the critical transfer of technology to the private sector that leads to the development of products and services that make use of new, technological breakthroughs.

(D) Not only does ATP promote economic security and global competitiveness for the nation as a whole, it is an important program for generating jobs domestically. Last year nearly 80 percent of ATP awards went to small businesses, an essential job-creating sector in the United States economy.

(E) ATP is also vital to the homeland security of the United States. ATP has funded many projects in detection, preparedness, prevention and response with significant applications for homeland security. With continued financial support through ATP to develop these projects and their security applications, the United States will become more secure.

(F) Despite the importance and success of ATP, current funding levels do not meet the demand. Over 1,000 proposals for ATP funding that were submitted in 2002 yielded enough high quality projects for the ATP funding that was available in both fiscal years 2002 and 2003. The 870 applications for ATP funding received in fiscal year 2004 made the second highest number of applications for ATP funding that were received in any fiscal year, but funding was only available for 59 awards. No funding for new awards is available in fiscal year 2005.

(G) According to the 2004 annual report on the ATP, returns from just 41 of the 736 ATP projects have exceeded $17,000,000,000 in economic benefits, more than 8 times the amount of money spent on all 736 projects.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Advanced Technology Program of the National Institute of Standards and Technology—

(A) $247,200,000 for fiscal year 2005;

(B) $254,616,000 for fiscal year 2006;

(C) $262,254,000 for fiscal year 2007; and

(D) $270,122,000 for fiscal year 2008.

(b) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM.—

(1) FINDINGS.—Congress makes the following findings:

(A) Small- and medium-sized manufacturers in the United States employ 7,000,000 people and contribute $711,000,000,000, or 7 percent of the Gross Domestic Product to the United States economy. The Hollings Manufacturing Extension Partnership (MEP) Program supports a network of locally run centers that provide technical advice and consulting to these firms in all fifty States and Puerto Rico. Since its inception, the Hollings MEP Program has assisted 149,000 of the 380,000 small and medium-sized manufacturers in the United States.

(B) The Hollings MEP Program is a proven program. Studies show that Hollings MEP Program manufacturers have four times more productivity growth than non-MEP firms, and the program has proven to lead to increased sales, increased capital investment, cost savings and the creation or retention of jobs in the United States.

(C) The Hollings MEP Program is more important today than ever as the Nation faces a looming current account deficit. The United States has lost over 880,000 manufacturing jobs during 2003 and 2004. Such manufacturing jobs pay on average 19 percent higher wages than the industry average.

(D) The Hollings MEP Program is not just about economic security. Manufacturers with fewer than 500 employees comprise more than 80 percent of the suppliers in key defense sectors. Helping such manufacturers helps the national security of the United States.

(2) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Commerce for the Hollings Manufacturing Extension Partnership Program of the National Institute of Standards and Technology—

(A) $110,210,000 for fiscal year 2005;

(B) $113,516,000 for fiscal year 2006;

(C) $116,921,000 for fiscal year 2007; and

(D) $120,429,000 for fiscal year 2008.

(3) MANUFACTURING EXTENSION PARTNERSHIP PROGRAM DEFINED.—In this subsection, the term "Hollings Manufacturing Extension Partnership Program" means the program of Hollings Manufacturing Extension Partnership carried out by the National Institute of Standards and Technology under section 26 of the National Institute of Standards and Technology Act (15 U.S.C. 2781), as provided in part 292 of title 15, Code of Federal Regulations.

SEC. 292. SENSE OF THE SENATE PROMOTING SCIENCE AND TECHNOLOGY FUNDING FOR A STRONGER ECONOMIC FUTURE.

(a) FINDINGS.—The Senate makes the following findings:

(1) Leading economists have consistently attributed more than 50 percent of the growth in the economy of the United States to scientific and technological innovation. The economic future of the United States, thus, depends on the United States remaining the world leader in science and technology.

(2) If the United States loses its leadership in science and technology, its capacity for economic growth and high-wage job creation will soon atrophy, with deleterious effects on the national security of the United States. In 2001, the Hart-Rudman Commission on National Security for the 21st Century characterized the failure of the United States to invest in science and to reform science and mathematics education as the second biggest threat to national security, stating that "[s]econd only to a weapon of mass destruction detonating in an American city, we can think of nothing more dangerous than a failure to manage properly science, technology, and education for the common good over the next quarter century".

(3) The United States has reaped enormous economic benefits from being the first country to lead in the development of the Internet and the harnessing of biotechnology. These developments, though, are far from being the last technological revolutions to influence the economy of the United States. Technological changes that promise major economic effects are now being made in areas such as—

(A) microelectronics, including the continued miniaturization of electronic devices and the increasingly widespread diffusion of data processing power;

(B) high-end supercomputing;

(C) telecommunications technologies;

(D) artificial materials, including materials in which the structure has been designed and built at the atomic or molecular level, the essence of nanotechnology;

(E) robotics; and

(F) new energy technologies, particular including renewable energy technologies that are as inexpensive as traditional fossil sources of energy, technologies using hydrogen as an energy carrier, and technologies for energy efficiencies.

(4) Because of the interconnected nature of modern science and technology, advances in one field depend on research results in other, seemingly unrelated fields. Biomedical science has been consistently shown to rely on advances in fields such as chemistry, materials science, mathematics, computer science, and physics. Without basic advances in chemistry, computer science, and mathematics, the sequencing of the human genome could not have been successfully undertaken.

(5) In the 60 years since World War II, other countries and regions of the world have built science and technology capabilities that rival those of the United States today, or that could rival such capabilities of the United States in the future. The governments of China, India, Japan, and the countries of the European Union have all targeted significant advancements in research and innovation as central elements of the plans for future national and regional economic prosperity.

(6) President George W. Bush has largely ignored this challenge, proposing budgets that have under-funded or terminated key programs promoting United States scientific and technological strength, including cuts to—

(A) basic and applied research in the Department of Defense;

(B) agricultural research;

(C) transportation research; and

(D) fundamental research in the physical sciences and engineering at the Department of Energy and elsewhere.

(7) For other programs that have been proposed for small increases, such as the National Science Foundation, the amount of funding provided to individual grantees is well below the amounts that would lead to optimal scientific productivity and continued United States leadership in science and technology. In fiscal year 2004, the National Science Foundation's stringent peer review evaluation process judged approximately 12,000 out of some 40,000 proposals as "very good to excellent" or "excellent," yet, due to budget constraints, only 56 percent of such proposals were funded.

(8) The National Science Foundation and the Office of Science in the Department of Energy are among the greatest assets of the United States for the advancement of science, mathematical, engineering, and technology research and education. Although the National Science Foundation accounts for only 4 percent of Federal research and development spending, it provides nearly 50 percent of all Federal support for nonmedical basic research conducted in United States colleges and universities. Similarly, the Office of Science of the Department of Energy funds over half of all university research in disciplines such as physics and materials science, and has played a crucial role in national science and technology initiatives such as advancing high-performance computing and the sequencing of the human genome. Both the National Science Foundation and the Office of Science fund research in new frontiers of scientific inquiry and contribute to creating a highly skilled, competitive workforce in science and engineering.

(9) President Bush has also consistently proposed terminating the Advanced Technology Program at the Department of Commerce, which helps stimulate companies to participate in high-risk, high-payoff research and development and is perhaps one of the most successful programs in directly stimulating industrial innovation in the United

States. Projects supported by the Advanced Technology Program span a broad range of key technology areas, such as oil exploration, automobile manufacturing, and new medical diagnostic and therapeutic technologies and investments made by the program accelerate the development process for innovative technologies that promise significant commercial payoff and widespread benefits.

(10) The continual cycle of basic research, applied research, and development gives rise to new products and processes, new ideas and understanding, and new researchers and educators. Each link in this chain depends on the others. Basic research produces the fundamental understandings that underpin applications and the development process. The resulting technologies and innovations create economic growth through new products and job creation and stimulate new thinking and advances in scientific instrumentation, which in turn stimulate new inquiries that lead to new fundamental research. All of this activity improves the quality of life in the United States, and when adequately supported, contributes to the continued leadership of the United States in science and technology.

(11) A revitalized science and technology policy focused on advancing all of the links of this chain, from basic research through technology deployment, is necessary if the United States is to maintain its technological preeminence over the next decade and beyond. Applications stemming from basic research can take over 20 years to evolve into next generation technologies. Inadequate funding of basic research may not seem acute today, but 20 years from now, it will be extremely difficult to correct an inability of the United States to compete scientifically and technologically, which could be caused by inadequate funding now.

(12) In order to ensure strength in these areas, it is necessary for the United States Government to ensure that scientists and technology experts in the United States receive the best education possible. After the Russians launched Sputnik, Congress passed the National Defense Education Act of 1958 (Public Law 85–864), which declared "an educational emergency" and led to the more than doubling of Federal expenditures for education. The programs authorized under that Act helped the United States to improve rapidly in the areas of science and technology, and led to United States dominance in the arms race and the global economy.

(13) The United States would be well served by the enactment of a new National Defense Education Act. Third in the world in 1975, America now ranks 15th in the development of new scientists and engineers. Today, India and China annually produce 10 times as many new engineers as the United States. Out of over 15,000,000 college students in the United States, fewer than 400,000 individuals graduate with a bachelor's degree in math, science, engineering, or technology each year, and only 75,000 postgraduate students go on to obtain a master's degree in math, science, engineering, or technology.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) Congress and the President should direct significant new investments in the National Science Foundation, the Office of Science at the Department of Energy, the National Institutes of Health, and the National Institute of Standards and Technology to increase federally funded research in basic science and technology so that the United States can better compete in the international economy; and

(2) Congress and the President should direct significant new investments into the enhancement of elementary and secondary education programs related to math, science, and technology and substantially expand access to postsecondary education for United States students seeking degrees in math, science, and technology.

TITLE III—FAIR TRADE AND COMPETITIVENESS

Subtitle A—Trade Enforcement Enhancement

SEC. 311. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.

Section 310 of the Trade Act of 1974 (19 U.S.C. 2420) is amended to read as follows:

"SEC. 310. IDENTIFICATION OF TRADE EXPANSION PRIORITIES.

"(a) Identification.—

"(1) Identification and report.—Within 30 days after the submission in each of calendar year 2005 through 2009 of the report required by section 181(b), the Trade Representative shall—

"(A) review United States trade expansion priorities;

"(B) identify priority foreign country practices, the elimination of which is likely to have the most significant potential to increase United States exports, either directly or through the establishment of a beneficial precedent; and

"(C) submit to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives and publish in the Federal Register a report on the priority foreign country practices identified.

"(2) Factors.—In identifying priority foreign country practices under paragraph (1), the Trade Representative shall take into account all relevant factors, including—

"(A) the major barriers and trade distorting practices described in the National Trade Estimate Report required under section 181(b);

"(B) the trade agreements to which a foreign country is a party and its compliance with those agreements;

"(C) the medium- and long-term implications of foreign government procurement plans; and

"(D) the international competitive position and export potential of United States products and services.

"(3) Contents of report.—The Trade Representative may include in the report, if appropriate—

"(A) a description of foreign country practices that may in the future warrant identification as priority foreign country practices; and

"(B) a statement about other foreign country practices that were not identified because they are already being addressed by provisions of United States trade law, by existing bilateral trade agreements, or as part of trade negotiations with other countries and progress is being made toward the elimination of such practices.

"(b) Initiation of Consultations.—By no later than the date that is 21 days after the date on which a report is submitted to the appropriate congressional committees under subsection (a)(1), the Trade Representative shall seek consultations with each foreign country identified in the report as engaging in priority foreign country practices for the purpose of reaching a satisfactory resolution of such priority practices.

"(c) Initiation of Investigation.—If a satisfactory resolution of priority foreign country practices has not been reached under subsection (b) within 90 days after the date on which a report is submitted to the appropriate congressional committees under subsection (a)(1), the Trade Representative shall initiate under section 302(b)(1) an investigation under this chapter with respect to such priority foreign country practices.

"(d) Agreements for the Elimination of Barriers.—In the consultations with a foreign country that the Trade Representative is required to request under section 303(a) with respect to an investigation initiated by reason of subsection (c), the Trade Representative shall seek to negotiate an agreement that provides for the elimination of the practices that are the subject of the investigation as quickly as possible or, if elimination of the practices is not feasible, an agreement that provides for compensatory trade benefits.

"(e) Reports.—The Trade Representative shall include in the semiannual report required by section 309 a report on the status of any investigations initiated pursuant to subsection (c) and, where appropriate, the extent to which such investigations have led to increased opportunities for the export of products and services of the United States.".

SEC. 312. CHIEF ENFORCEMENT NEGOTIATOR.

(a) Establishment of Position.—Section 141(b)(2) of the Trade Act of 1974 (19 U.S.C. 2171(b)(2)) is amended to read as follows:

"(2) There shall be in the Office 3 Deputy United States Trade Representatives, 1 Chief Agricultural Negotiator, and 1 Chief Enforcement Negotiator. The 3 Deputy United States Trade Representatives and the 2 Chief Negotiators shall be appointed by the President, by and with the advice and consent of the Senate. As an exercise of the rulemaking power of the Senate, any nomination of a Deputy United States Trade Representative, the Chief Agricultural Negotiator, or the Chief Enforcement Negotiator submitted to the Senate for its advice and consent, and referred to a committee, shall be referred to the Committee on Finance. Each Deputy United States Trade Representative, the Chief Agricultural Negotiator, and the Chief Enforcement Negotiator shall hold office at the pleasure of the President and shall have the rank of Ambassador.".

(b) Functions of Position.—Section 141(c) of the Trade Act of 1974 (19 U.S.C. 2171(c)) is amended by adding at the end the following new paragraph:

"(6) The principal function of the Chief Enforcement Negotiator shall be to conduct negotiations to ensure compliance with trade agreements relating to United States manufactured goods and services. The Chief Enforcement Negotiator shall recommend investigating and prosecuting cases before the World Trade Organization and under trade agreements to which the United States is a party. The Chief Enforcement Negotiator shall recommend administering United States trade laws relating to foreign government barriers to United States goods and services. The Chief Enforcement Negotiator shall perform such other functions as the United States Trade Representative may direct.".

SEC. 313. FOREIGN DEBT.

(a) Short Title.—This section may be cited as the "Foreign Debt Ceiling Act of 2005".

(b) Foreign Debt Ceiling.—

(1) Findings.—Congress makes the following findings:

(A) The United States has become the world's largest net debtor Nation, having run up massive trade deficits since the 1990s.

(B) At the end of 2002, the net United States foreign debt stood at $2,553,000,000,000.

(C) The United States foreign debt position worsened in 2003, when the United States had a record trade deficit of $489,000,000,000, equivalent to 4.4 percent of the United States GDP that year.

(D) The large and growing United States foreign debt represents claims on United States assets by foreign nationals, which will eventually have to be repaid. If unchecked, the foreign debt could seriously undermine our children's future standard of living.

(E) Moreover, the growing accumulation of foreign claims on United States assets, including over $1,200,000,000,000 in United States Treasury securities, makes the United States economy vulnerable to the whims of foreign investors.

(F) Congress presently places a ceiling on United States public debt, but does not place a ceiling on United States foreign debt.

(G) Just as Congress recognized the importance of placing a ceiling on the United States public debt, it is appropriate that Congress place a limit on the United States foreign debt.

(2) ACTIONS TRIGGERED BY UNITED STATES FOREIGN DEBT.—

(A) IN GENERAL.—Not later than the 15th day of the second month after the date of enactment of this Act, and every 3 months thereafter, the United States Trade Representative shall determine if—

(i) the net United States foreign debt for the preceding 12-month period is more than 25 percent of United States GDP for the same period; or

(ii) the United States trade deficit for the preceding 12-month period is more than 5 percent of United States GDP for the same period.

(B) ACTION BY USTR.—Whenever an affirmative determination is made under subparagraph (A) (i) or (ii), the United States Trade Representative shall—

(i) within 15 days of the determination, convene an emergency meeting of the Trade Policy Review Group to develop a plan of action to reduce the United States trade deficit; and

(ii) within 45 days of the determination, present to Congress a report detailing the Trade Policy Review Group's trade deficit reduction plan.

(3) MEASUREMENT OF FOREIGN DEBT.—

(A) STATISTICAL SOURCES.—For purposes of the calculations described in paragraph (2)(A), the United States Trade Representative shall rely on the most recent period for which the following data, published by the Department of Commerce, is available:

(i) In the case of United States foreign debt, the United States Trade Representative shall use the net international investment position of the United States, with direct investment positions determined at market value, as compiled by the Bureau of Economic Analysis.

(ii) In the case of the United States trade deficit, the United States Trade Representative shall use the goods and services trade deficit data compiled by the United States Census Bureau.

(iii) In the case of the United States GDP, the United States Trade Representative shall use the nominal gross domestic product data compiled by the Bureau of Economic Analysis.

(B) ADJUSTMENT.—The United States Trade Representative may adjust the data described in subparagraph (A) to ensure that the determination is made for comparable time period.

SEC. 314. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS FOR THE OFFICE OF THE GENERAL COUNSEL AND THE OFFICE OF MONITORING AND ENFORCEMENT.—There are authorized to be appropriated to the Office of the United States Trade Representative for the appointment of additional staff in the Office of the General Counsel and the Office of Monitoring and Enforcement—

(1) $2,000,000 for fiscal year 2005; and

(2) $2,000,000 for fiscal year 2006.

(b) RESPONSIBILITIES OF ADDITIONAL STAFF.—The responsibilities of the additional staff appointed under subsection (a) shall include—

(1) investigating, prosecuting, and defending cases before the World Trade Organization and under trade agreements to which the United States is a party;

(2) administering United States trade laws, including title III of the Trade Act of 1974 (19 U.S.C. 2411 et seq.) and other trade laws relating to foreign government barriers to United States goods and services, including barriers involving intellectual property rights, government procurement, and telecommunications; and

(3) monitoring compliance with the Uruguay Round Agreements (as defined in section 2 of the Uruguay Round Agreements Act (19 U.S.C. 3501)) and other trade agreements, particularly by the People's Republic of China.

Subtitle B—Exchange Rate Policy and Currency Manipulation

SEC. 321. NEGOTIATIONS REGARDING CURRENCY VALUATION.

(a) FINDINGS.—Congress makes the following findings:

(1) The currency of the People's Republic of China, known as the yuan or renminbi, is artificially pegged at a level significantly below its market value. Economists estimate the yuan to be undervalued by between 15 percent and 40 percent or an average of 27.5 percent.

(2) The undervaluation of the yuan provides the People's Republic of China with a significant trade advantage by making exports less expensive for foreign consumers and by making foreign products more expensive for Chinese consumers. The effective result is a significant subsidization of China's exports and a virtual tariff on foreign imports.

(3) The Government of the People's Republic of China has intervened in the foreign exchange markets to hold the value of the yuan within an artificial trading range. China's foreign reserves are estimated to be over $609,900,000,000 as of January 12, 2004, and have increased by over $206,700,000,000 in the last 12 months.

(4) China's undervalued currency, China's trade advantage from that undervaluation, and the Chinese Government's intervention in the value of its currency violates the spirit and letter of the world trading system of which the People's Republic of China is now a member.

(5) The Government of the People's Republic of China has failed to promptly address concerns or to provide a definitive timetable for resolution of these concerns raised by the United States and the international community regarding the value of its currency.

(6) Article XXI of the GATT 1994 (as defined in section 2(1)(B) of the Uruguay Round Agreements Act (19 U.S.C. 3501(1)(B))) allows a member of the World Trade Organization to take any action which it considers necessary for the protection of its essential security interests. Protecting the United States manufacturing sector is essential to the interests of the United States.

(b) NEGOTIATIONS AND CERTIFICATION REGARDING THE CURRENCY VALUATION POLICY OF THE PEOPLE'S REPUBLIC OF CHINA.—

(1) IN GENERAL.—Notwithstanding the provisions of title I of Public Law 106–286 (19 U.S.C. 2431 note), on and after the date that is 180 days after the date of enactment of this Act, unless a certification described in paragraph (2) has been made to Congress, in addition to any other duty, there shall be imposed a rate of duty of 27.5 percent ad valorem on any article that is the growth, product, or manufacture of the People's Republic of China, imported directly or indirectly into the United States.

(2) CERTIFICATION.—The certification described in this paragraph means a certification by the President to Congress that the People's Republic of China is no longer acquiring foreign exchange reserves to prevent the appreciation of the rate of exchange between its currency and the United States dollar for purposes of gaining an unfair competitive advantage in international trade. The certification shall also include a determination that the currency of the People's Republic of China has undergone a substantial upward revaluation placing it at or near its fair market value.

(3) ALTERNATIVE CERTIFICATION.—If the President certifies to Congress 180 days after the date of enactment of this Act that the People's Republic of China has made a good faith effort to revalue its currency upward placing it at or near its fair market value, the President may delay the imposition of the tariffs described in paragraph (1) for an additional 180 days. If at the end of the 180-day period the President determines that China has developed and started actual implementation of a plan to revalue its currency, the President may delay imposition of the tariffs for an additional 12 months, so that the People's Republic of China shall have time to implement the plan.

(4) NEGOTIATIONS.—Beginning on the date of enactment of this Act, the Secretary of the Treasury, in consultation with the United States Trade Representative, shall begin negotiations with the People's Republic of China to ensure that the People's Republic of China adopts a process that leads to a substantial upward currency revaluation within 180 days after the date of enactment of this Act. Because various Asian governments have also been acquiring substantial foreign exchange reserves in an effort to prevent appreciation of their currencies for purposes of gaining an unfair competitive advantage in international trade, and because the People's Republic of China has concerns about the value of those currencies, the Secretary shall also seek to convene a multilateral summit to discuss exchange rates with representatives of various Asian governments and other interested parties, including representatives of other G–7 nations.

Subtitle C—Trade Adjustment Assistance

CHAPTER 1—SERVICE WORKERS

SEC. 331. SHORT TITLE.

This chapter may be cited as the "Trade Adjustment Assistance Equity for Service Workers Act of 2005".

SEC. 332. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE TO SERVICES SECTOR.

(a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)(A)) is amended by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)".

(b) GROUP ELIGIBILITY REQUIREMENTS.—Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (1), by inserting "or public agency" after "of the firm"; and

(C) in paragraph (2)—

(i) in subparagraph (A)(ii), by striking "like or directly competitive with articles produced" and inserting "or services like or directly competitive with articles produced or services provided"; and

(ii) by striking subparagraph (B) and inserting the following:

"(B)(i) there has been a shift, by such workers' firm, subdivision, or public agency to a foreign country, of production of articles, or in provision of services, like or directly competitive with articles which are produced, or services which are provided, by such firm, subdivision, or public agency; or

"(ii) such workers' firm, subdivision, or public agency has obtained or is likely to obtain such services from a foreign country.";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "agricultural firm)" and inserting "agricultural firm, and workers in a service sector firm or subdivision of a service sector firm or public agency)";

(B) in paragraph (2), by inserting "or service" after "related to the article"; and

(C) in paragraph (3)(A), by inserting "or services" after "component parts";

(3) in subsection (c)—

(A) in paragraph (3)—

(i) by inserting "or services" after "value-added production processes";

(ii) by striking "assembly or finishing" and inserting "assembly, finishing, or testing";

(iii) by inserting "or services" after "for articles"; and

(iv) by inserting "(or subdivision)" after "such other firm"; and

(B) in paragraph (4)—

(i) by striking "for articles" and inserting ", or services, used in the production of articles or in the provision of services"; and

(ii) by inserting "(or subdivision)" after "such other firm"; and

(4) by adding at the end the following new subsection:

"(d) BASIS FOR SECRETARY'S DETERMINATIONS.—

"(1) INCREASED IMPORTS.—For purposes of subsection (a)(2)(A)(ii), the Secretary may determine that increased imports of like or directly competitive articles or services exist if the workers' firm or subdivision or customers of the workers' firm or subdivision accounting for not less than 20 percent of the sales of the workers' firm or subdivision certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) OBTAINING SERVICES ABROAD.—For purposes of subsection (a)(2)(B)(ii), the Secretary may determine that the workers' firm, subdivision, or public agency has obtained or is likely to obtain like or directly competitive services from a firm in a foreign country based on a certification thereof from the workers' firm, subdivision, or public agency.

"(3) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraphs (1) and (2) through questionnaires or in such other manner as the Secretary determines is appropriate.".

(c) TRAINING.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)) is amended by striking "$220,000,000" and inserting "$440,000,000".

(d) DEFINITIONS.—Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (1)—

(A) by inserting "or public agency" after "of a firm"; and

(B) by inserting "or public agency" after "or subdivision";

(2) in paragraph (2)(B), by inserting "or public agency" after "the firm";

(3) by redesignating paragraphs (8) through (17) as paragraphs (9) through (18), respectively; and

(4) by inserting after paragraph (6) the following:

"(7) The term 'public agency' means a department or agency of a State or local government or of the Federal Government.

"(8) The term 'service sector firm' means an entity engaged in the business of providing services.".

(e) TECHNICAL AMENDMENT.—Section 245(a) of the Trade Act of 1974 (19 U.S.C. 2317(a)) is amended by striking ", other than subchapter D".

SEC. 333. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS AND INDUSTRIES.

(a) FIRMS.—

(1) ASSISTANCE.—Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(A) in subsection (a), by inserting "or service sector firm" after "(including any agricultural firm";

(B) in subsection (c)(1)—

(i) in the matter preceding subparagraph (A), by inserting "or service sector firm" after "(including any agricultural firm";

(ii) in subparagraph (B)(ii), by inserting "or service" after "of an article"; and

(iii) in subparagraph (C), by striking "articles like or directly competitive with articles which are produced" and inserting "articles or services like or directly competitive with articles or services which are produced or provided"; and

(C) by adding at the end the following:

"(e) BASIS FOR SECRETARY DETERMINATION.—

"(1) INCREASED IMPORTS.—For purposes of subsection (c)(1)(C), the Secretary may determine that increases of imports of like or directly competitive articles or services exist if customers accounting for not less than 20 percent of the sales of the workers' firm certify to the Secretary that they are obtaining such articles or services from a foreign country.

"(2) AUTHORITY OF THE SECRETARY.—The Secretary may obtain the certifications under paragraph (1) through questionnaires or in such other manner as the Secretary determines is appropriate. The Secretary may exercise the authority under section 249 in carrying out this subsection.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 256(b) of the Trade Act of 1974 (19 U.S.C. 2346(b)) is amended by striking "$16,000,000" and inserting "$32,000,000".

(3) DEFINITIONS.—Section 261 of the Trade Act of 1974 (19 U.S.C. 2351) is amended to read as follows:

"SEC. 261. DEFINITIONS.

"For purposes of this chapter:

"(1) FIRM.—The term 'firm' includes an individual proprietorship, partnership, joint venture, association, corporation (including a development corporation), business trust, cooperative, trustee in bankruptcy, and receiver under decree of any court. A firm, together with any predecessor or successor firm, or any affiliated firm controlled or substantially beneficially owned by substantially the same persons, may be considered a single firm where necessary to prevent unjustifiable benefits.

"(2) SERVICE SECTOR FIRM.—The term 'service sector firm' means a firm engaged in the business of providing services.".

(b) INDUSTRIES.—Section 265(a) of the Trade Act of 1974 (19 U.S.C. 2355(a)) is amended by inserting "or service" after "new product".

SEC. 334. MONITORING AND REPORTING.

Section 282 of the Trade Act of 1974 (19 U.S.C. 2393) is amended—

(1) in the first sentence—

(A) by striking "The Secretary" and inserting "(a) MONITORING PROGRAMS.—The Secretary";

(B) by inserting "and services" after "imports of articles";

(C) by inserting "and domestic provision of services" after "domestic production";

(D) by inserting "or providing services" after "producing articles"; and

(E) by inserting ", or provision of services," after "changes in production"; and

(2) by adding at the end the following:

"(b) COLLECTION OF DATA AND REPORTS ON SERVICES SECTOR.—

"(1) SECRETARY OF LABOR.—Not later than 3 months after the date of the enactment of the Trade Adjustment Assistance Equity for Service Workers Act of 2005, the Secretary of Labor shall implement a system to collect data on adversely affected service workers that includes the number of workers by State, industry, and cause of dislocation of each worker.

"(2) SECRETARY OF COMMERCE.—Not later than 6 months after such date of enactment, the Secretary of Commerce shall, in consultation with the Secretary of Labor, conduct a study and report to the Congress on ways to improve the timeliness and coverage of data on trade in services, including methods to identify increased imports due to the relocation of United States firms to foreign countries, and increased imports due to United States firms obtaining services from firms in foreign countries.".

SEC. 335. ALTERNATIVE TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Section 246(a)(3) of the Trade Act of 1974 (19 U.S.C. 2318(a)(3)) is amended to read as follows:

"(3) ELIGIBILITY.—A worker in the group that the Secretary has certified as eligible for the alternative trade adjustment assistance program may elect to receive benefits under the alternative trade adjustment assistance program if the worker—

"(A) is covered by a certification under subchapter A of this chapter;

"(B) obtains reemployment not more than 26 weeks after the date of separation from the adversely affected employment;

"(C) is at least 40 years of age;

"(D) earns not more than $50,000 a year in wages from reemployment;

"(E) is employed on a full-time basis as defined by State law in the State in which the worker is employed; and

"(F) does not return to the employment from which the worker was separated.".

(b) CONFORMING AMENDMENTS.—Section 246 of the Trade Act of 1974 (19 U.S.C. 2318) is amended—

(1) in subsection (a)(2)(A), by striking "paragraph (3)(B)" and inserting "paragraph (3)";

(2) in subsection (a)(2)(B), by striking "paragraph (3)(B)" and inserting "paragraph (3)"; and

(3) in subsection (b)(2), by striking "subsection (a)(3)(B)" and inserting "subsection (a)(3)".

SEC. 336. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this chapter shall take effect on the date of enactment of this Act.

(b) SPECIAL RULE FOR CERTAIN SERVICE WORKERS.—A group of workers in a service sector firm, or subdivision of a service sector firm, or public agency (as defined in section 247 (7) and (8) of the Trade Act of 1974, as added by section 332(d) of this Act) who—

(1) would have been certified eligible to apply for adjustment assistance under chapter 2 of title II of the Trade Act of 1974 if the amendments made by this Act had been in effect on November 4, 2002; and

(2) file a petition pursuant to section 221 of the Trade Act of 1974 (19 U.S.C. 2271) not later than 6 months after the date of enactment of this Act, shall be eligible for certification under section 223 of the Trade Act of 1974 (19 U.S.C. 2273) if the workers' last total or partial separation from the firm or subdivision of the firm or public agency occurred on or after November 4, 2002 and before the date of enactment of this Act.

CHAPTER 2—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

SEC. 341. SHORT TITLE.

This chapter may be cited as the "Trade Adjustment Assistance for Communities Act of 2005".

SEC. 342. PURPOSE.

The purpose of this chapter is to assist communities negatively impacted by trade with economic adjustment through the integration of political and economic organizations, the coordination of Federal, State, and local resources, the creation of community-based development strategies, and the provision of economic transition assistance.

SEC. 343. TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.

(a) REPEAL OF TERMINATED PROVISIONS.—Chapter 4 of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is repealed.

(b) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—Title II of the Trade Act of 1974 (19 U.S.C. 2251 et seq.) is amended by inserting after chapter 3 the following new chapter:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"SEC. 271. DEFINITIONS.

"In this chapter:

"(1) AFFECTED DOMESTIC PRODUCER.—The term 'affected domestic producer' means any manufacturer, producer, service provider, farmer, rancher, fisherman or worker representative (including associations of such persons) that was affected by a finding under the Antidumping Act, 1921 (title II of the Act of May 27, 1921; 42 Stat. 11, chapter 14), or by an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.).

"(2) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the same meaning as the term 'person' as prescribed by regulations promulgated under section 1001(e) of the Food Security Act of 1985 (7 U.S.C. 1308(e)).

"(3) COMMUNITY.—The term 'community' means a city, county, or other political subdivision of a State or a consortium of political subdivisions of a State that the Secretary certifies as being negatively impacted by trade.

"(4) COMMUNITY NEGATIVELY IMPACTED BY TRADE.—A community negatively impacted by trade means a community with respect to which a determination has been made under section 273.

"(5) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community certified under section 273 for assistance under this chapter.

"(6) FISHERMAN.—

"(A) IN GENERAL.—The term 'fisherman' means any person who—

"(i) is engaged in commercial fishing; or

"(ii) is a United States fish processor.

"(B) COMMERCIAL FISHING, FISH, FISHERY, FISHING, FISHING VESSEL, PERSON, AND UNITED STATES FISH PROCESSOR.—The terms 'commercial fishing', 'fish', 'fishery', 'fishing', 'fishing vessel', 'person', and 'United States fish processor' have the same meanings as given such terms in section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802).

"(7) JOB LOSS.—The term 'job loss' means the total separation or partial separation of an individual, as those terms are defined in section 247.

"(8) SECRETARY.—Except as otherwise provided, the term 'Secretary' means the Secretary of Commerce.

"SEC. 272. COMMUNITY TRADE ADJUSTMENT ASSISTANCE PROGRAM.

"(a) ESTABLISHMENT.—Not later than 6 months after the date of enactment of the Trade Adjustment Assistance for Communities Act of 2005, the Secretary shall establish a Trade Adjustment Assistance for Communities Program at the Department of Commerce.

"(b) PERSONNEL.—The Secretary shall designate such staff as may be necessary to carry out the responsibilities described in this chapter.

"(c) COORDINATION OF FEDERAL RESPONSE.—The Secretary shall—

"(1) provide leadership, support, and coordination for a comprehensive management program to address economic dislocation in eligible communities;

"(2) coordinate the Federal response to an eligible community—

"(A) by identifying all Federal, State, and local resources that are available to assist the eligible community in recovering from economic distress;

"(B) by ensuring that all Federal agencies offering assistance to an eligible community do so in a targeted, integrated manner that ensures that an eligible community has access to all available Federal assistance;

"(C) by assuring timely consultation and cooperation between Federal, State, and regional officials concerning economic adjustment for an eligible community; and

"(D) by identifying and strengthening existing agency mechanisms designed to assist eligible communities in their efforts to achieve economic adjustment and workforce reemployment;

"(3) provide comprehensive technical assistance to any eligible community in the efforts of that community to—

"(A) identify serious economic problems in the community that are the result of negative impacts from trade;

"(B) integrate the major groups and organizations significantly affected by the economic adjustment;

"(C) access Federal, State, and local resources designed to assist in economic development and trade adjustment assistance;

"(D) diversify and strengthen the community economy; and

"(E) develop a community-based strategic plan to address economic development and workforce dislocation, including unemployment among agricultural commodity producers, and fishermen;

"(4) establish specific criteria for submission and evaluation of a strategic plan submitted under section 274(d);

"(5) establish specific criteria for submitting and evaluating applications for grants under section 275;

"(6) administer the grant programs established under sections 274 and 275; and

"(7) establish an interagency Trade Adjustment Assistance for Communities Working Group, consisting of the representatives of any Federal department or agency with responsibility for economic adjustment assistance, including the Department of Agriculture, the Department of Education, the Department of Labor, the Department of Housing and Urban Development, the Department of Health and Human Services, the Small Business Administration, the Department of the Treasury, the Department of Commerce, and any other Federal, State, or regional department or agency the Secretary determines necessary or appropriate.

"SEC. 273. CERTIFICATION AND NOTIFICATION.

"(a) CERTIFICATION.—Not later than 45 days after an event described in subsection (c)(1), the Secretary shall determine if a community described in subsection (b)(1) is negatively impacted by trade, and if a positive determination is made, shall certify the community for assistance under this chapter.

"(b) DETERMINATION THAT COMMUNITY IS ELIGIBLE.—

"(1) COMMUNITY DESCRIBED.—A community described in this paragraph means a community with respect to which on or after October 1, 2005—

"(A) the Secretary of Labor certifies a group of workers (or their authorized representative) in the community as eligible for assistance pursuant to section 223;

"(B) the Secretary of Commerce certifies a firm located in the community as eligible for adjustment assistance under section 251;

"(C) the Secretary of Agriculture certifies a group of agricultural commodity producers (or their authorized representative) in the community as eligible for adjustment assistance under section 293;

"(D) an affected domestic producer is located in the community; or

"(E) the Secretary determines that a significant number of fishermen in the community is negatively impacted by trade.

"(2) NEGATIVELY IMPACTED BY TRADE.—The Secretary shall determine that a community is negatively impacted by trade, after taking into consideration—

"(A) the number of jobs affected compared to the size of the workforce in the community;

"(B) the severity of the rates of unemployment in the community and the duration of the unemployment in the community;

"(C) the income levels and the extent of underemployment in the community;

"(D) the outmigration of population from the community and the extent to which the outmigration is causing economic injury in the community; and

"(E) the unique problems and needs of the community.

"(c) EVENTS DESCRIBED.—

"(1) IN GENERAL.—An event described in this paragraph means one of the following:

"(A) A notification described in paragraph (2).

"(B) A certification of a firm under section 251.

"(C) A finding under the Antidumping Act, 1921, or an antidumping or countervailing duty order issued under title VII of the Tariff Act of 1930.

"(D) A determination by the Secretary that a significant number of fishermen in a community have been negatively impacted by trade.

"(2) NOTIFICATION.—The Secretary of Labor, immediately upon making a determination that a group of workers is eligible for trade adjustment assistance under section 223, (or the Secretary of Agriculture, immediately upon making a determination that a group of agricultural commodity producers is eligible for adjustment assistance under section 293, as the case may be) shall notify the Secretary of the determination.

"(d) NOTIFICATION TO ELIGIBLE COMMUNITIES.—Immediately upon certification by the Secretary that a community is eligible for assistance under subsection (b), the Secretary shall notify the community—

"(1) of the determination under subsection (b);

"(2) of the provisions of this chapter;

"(3) how to access the clearinghouse established by the Department of Commerce regarding available economic assistance;

"(4) how to obtain technical assistance provided under section 272(c)(3); and

"(5) how to obtain grants, tax credits, low income loans, and other appropriate economic assistance.

"SEC. 274. STRATEGIC PLANS.

"(a) IN GENERAL.—An eligible community may develop a strategic plan for community economic adjustment and diversification.

"(b) REQUIREMENTS FOR STRATEGIC PLAN.—A strategic plan shall contain, at a minimum, the following:

"(1) A description and justification of the capacity for economic adjustment, including the method of financing to be used.

"(2) A description of the commitment of the community to the strategic plan over the long term and the participation and input of groups affected by economic dislocation.

"(3) A description of the projects to be undertaken by the eligible community.

"(4) A description of how the plan and the projects to be undertaken by the eligible community will lead to job creation and job retention in the community.

"(5) A description of how the plan will achieve economic adjustment and diversification.

"(6) A description of how the plan and the projects will contribute to establishing or maintaining a level of public services necessary to attract and retain economic investment.

"(7) A description and justification for the cost and timing of proposed basic and advanced infrastructure improvements in the eligible community.

"(8) A description of how the plan will address the occupational and workforce conditions in the eligible community.

"(9) A description of the educational programs available for workforce training and future employment needs.

"(10) A description of how the plan will adapt to changing markets and business cycles.

"(11) A description and justification for the cost and timing of the total funds required by the community for economic assistance.

"(12) A graduation strategy through which the eligible community demonstrates that the community will terminate the need for Federal assistance.

"(c) GRANTS TO DEVELOP STRATEGIC PLANS.—The Secretary, upon receipt of an application from an eligible community, may award a grant to that community to be used to develop the strategic plan.

"(d) SUBMISSION OF PLAN.—A strategic plan developed under subsection (a) shall be submitted to the Secretary for evaluation and approval.

"SEC. 275. GRANTS FOR ECONOMIC DEVELOPMENT.

"(a) IN GENERAL.—The Secretary, upon approval of a strategic plan from an eligible community, may award a grant to that community to carry out any project or program that is certified by the Secretary to be included in the strategic plan approved under section 274(d), or consistent with that plan.

"(b) ADDITIONAL GRANTS.—

"(1) IN GENERAL.—Subject to paragraph (2), in order to assist eligible communities to obtain funds under Federal grant programs, other than the grants provided for in section 274(c) or subsection (a), the Secretary may, on the application of an eligible community, make a supplemental grant to the community if—

"(A) the purpose of the grant program from which the grant is made is to provide technical or other assistance for planning, constructing, or equipping public works facilities or to provide assistance for public service projects; and

"(B) the grant is one for which the community is eligible except for the community's inability to meet the non-Federal share requirements of the grant program.

"(2) USE AS NON-FEDERAL SHARE.—A supplemental grant made under this subsection may be used to provide the non-Federal share of a project, unless the total Federal contribution to the project for which the grant is being made exceeds 80 percent and that excess is not permitted by law.

"(c) RURAL COMMUNITY PREFERENCE.—The Secretary shall develop guidelines to ensure that rural communities receive preference in the allocation of resources.

"SEC. 276. GENERAL PROVISIONS.

"(a) REGULATIONS.—The Secretary shall prescribe such regulations as are necessary to carry out the provisions of this chapter. Before implementing any regulation or guideline proposed by the Secretary with respect to this chapter, the Secretary shall submit the regulation or guideline to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives for approval.

"(b) SUPPLEMENT NOT SUPPLANT.—Funds appropriated under this chapter shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide economic development assistance for communities.

"(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary $100,000,000 for each of fiscal years 2005 through 2008, to carry out this chapter. Amounts appropriated pursuant to this subsection shall remain available until expended.".

SEC. 344. CONFORMING AMENDMENTS.

(a) TERMINATION.—Section 285(b) of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by adding at the end the following new paragraph:

"(3) ASSISTANCE FOR COMMUNITIES.—Technical assistance and other payments may not be provided under chapter 4 after September 30, 2008.".

(b) TABLE OF CONTENTS.—The table of contents for title II of the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting after the items relating to chapter 3 the following new items:

"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES

"Sec. 271. Definitions.
"Sec. 272. Community Trade Adjustment Assistance Program.
"Sec. 273. Certification and notification.
"Sec. 274. Strategic plans.
"Sec. 275. Grants for economic development.
"Sec. 276. General provisions.".

(c) JUDICIAL REVIEW.—Section 284(a) of the Trade Act of 1974 (19 U.S.C. 2395(a)) is amended by striking "section 271" and inserting "section 273".

SEC. 345. EFFECTIVE DATE.

The amendments made by this chapter shall take effect on the date of enactment of this Act.

CHAPTER 3—OFFICE OF TRADE ADJUSTMENT ASSISTANCE

SEC. 351. SHORT TITLE.

This chapter may be cited as the "Trade Adjustment Assistance for Firms Reorganization Act".

SEC. 352. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following new section:

"SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.

"(a) ESTABLISHMENT.—Not later than 90 days after the date of enactment of the Trade Adjustment Assistance for Firms Reorganization Act, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance.

"(b) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary to carry out the responsibilities of the Secretary of Commerce described in this chapter.

"(c) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the Secretary's responsibilities under this chapter.".

(b) CONFORMING AMENDMENT.—The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 255, the following new item:

"Sec. 255A. Office of Trade Adjustment Assistance.".

SEC. 353. EFFECTIVE DATE.

The amendments made by this chapter shall take effect on the date of enactment of this Act.

CHAPTER 4—IMPROVEMENT OF CREDIT FOR HEALTH INSURANCE COSTS OF ELIGIBLE INDIVIDUALS

SEC. 361. IMPROVEMENT OF THE AFFORDABILITY OF THE CREDIT.

(a) IMPROVEMENT OF AFFORDABILITY.—

(1) IN GENERAL.—Section 35(a) of the Internal Revenue Code of 1986 (relating to credit for health insurance costs of eligible individuals) is amended to read as follows:

"(a) AMOUNT OF CREDIT.—

"(1) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by subtitle A an amount equal to the excess of—

"(A) the amount paid by the taxpayer for coverage of the taxpayer and qualifying family members under qualified health insurance for eligible coverage months beginning in the taxable year, over

"(B) the amount described in paragraph (2).

"(2) AMOUNT DESCRIBED.—For purposes of paragraph (1), the amount described in this paragraph is the lesser of—

"(A) the amount equal to 20 percent of the amount determined under paragraph (1)(A) for the taxable year, or

"(B) the amount equal to 5 percent of the taxpayer's certified income (as determined under subsection (g)(9)) for such taxable year.".

(2) CONFORMING AMENDMENT.—Section 7527(b) of such Code (relating to advance payment of credit for health insurance costs of eligible individuals) is amended by striking "65 percent of the amount" and all that follows through the period at the end and inserting "the amount determined under section 35(a)(1) for such taxable year.".

(b) DETERMINATION OF CERTIFIED INCOME.—Section 35(g) of such Code (relating to special rules), is amended—

(1) by redesignating paragraph (9) as paragraph (10), and

(2) by inserting after paragraph (8) the following new paragraph:

"(9) CERTIFIED INCOME.—

"(A) IN GENERAL.—The Secretary shall enter into agreements with States to determine an individual's certified income for purposes of subsection (a)(2)(B) for any taxable year.

"(B) REQUIREMENTS.—An agreement under subparagraph (A) with a State shall—

"(i) permit an individual to complete an application for certification of income for a taxable year (in such form and manner as the Secretary shall determine) and to submit the application to the State,

"(ii) require the State to determine the individual's income for the taxable year on the basis of the individual's monthly family income as of the month preceding the month in which the application is submitted, and

"(iii) require the State to issue a certification of income to the individual upon receipt of an application under clause (i), which shall apply for purposes of determining the taxpayer's certified income for purposes of subsection (a)(2)(B) for the taxable year unless the State determines upon completion of the processing of the application that the certification is erroneous.

"(C) NOTIFICATION OF CHANGE IN INCOME.—An individual issued a certification of income shall notify the State of any substantial change in income that applies for at least 60 days and the taxpayer's certified income for the taxable year shall be adjusted accordingly. An individual who fails to so notify the State shall remit the difference (if any) between the amount described in subsection (a)(2) for the taxable year and such amount which would have been described under such subsection for such taxable year if the notification had been made as an addition to tax, plus interest at the underpayment rate established under section 6621.".

(c) EFFECTIVE DATE.—The amendments made by this section apply to taxable years beginning after December 31, 2004.

SEC. 362. OFFERING OF FEDERAL FALLBACK COVERAGE.

(a) PROVISION OF FALLBACK COVERAGE.—

(1) IN GENERAL.—The Director of the Office of Personnel Management jointly with the Secretary of the Treasury shall establish a program under which eligible individuals (as defined in section 35(c) of the Internal Revenue Code of 1986) are offered enrollment under health benefit plans that are made available under FEHBP.

(2) TERMS AND CONDITIONS.—The terms and conditions of health benefits plans offered under paragraph (1) shall be the same as the terms and coverage offered under FEHBP, except that the percentage of the premium charged to eligible individuals (as so defined) for such health benefit plans shall be equal to the percentage that an employee would be required to contribute for coverage under FEHBP.

(3) STUDY.—The Director of the Office of Personnel Management jointly with the Secretary of the Treasury shall conduct a study of the impact of the offering of health benefit plans under this subsection on the terms and conditions, including premiums, for health benefit plans offered under FEHBP and shall submit to Congress, not later than 2 years after the date of the enactment of this Act, a report on such study. Such report may contain such recommendations regarding the establishment of separate risk pools for individuals covered under FEHBP and eligible individuals covered under health benefit plans offered under paragraph (1) as may be appropriate to protect the interests of individuals covered under FEHBP and alleviate any adverse impact on FEHBP that may result from the offering of such health benefit plans.

(4) FEHBP DEFINED.—In this section, the term "FEHBP" means the Federal Employees Health Benefits Program offered under chapter 89 of title 5, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (1) of section 35(e) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

"(K) Coverage under a health benefits plan offered under section 362(a)(1) of the Fair Wage, Competition, and Investment Act of 2005.".

(2) Section 173(f)(2)(A) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(2)(A)) is amended by adding at the end the following new clause:

"(xi) Coverage under a health benefits plan offered under section 362(a)(1) of the Fair Wage, Competition, and Investment Act of 2005.".

SEC. 363. CLARIFICATION OF ELIGIBILITY OF SPOUSE OF CERTAIN INDIVIDUALS ENTITLED TO MEDICARE.

(a) IN GENERAL.—Subsection (b) of section 35 of the Internal Revenue Code of 1986 (defining eligible coverage month) is amended by adding at the end the following:

"(3) SPECIAL RULE FOR SPOUSE OF INDIVIDUAL ENTITLED TO MEDICARE.—Any month which would be an eligible coverage month with respect to a taxpayer (determined without regard to subsection (f)(2)(A)) shall be an eligible coverage month for any spouse of such taxpayer.".

(b) CONFORMING AMENDMENT.—Section 173(f)(5)(A)(i) of the Workforce Investment Act of 1998 (29 U.S.C. 2918(f)(5)(A)(i)) is amended by inserting "(including with respect to any month for which the eligible individual would have been treated as such but for the application of paragraph (7)(B)(i))" before the comma.

Subtitle D—Sense of the Senate on Free Trade Agreements

SEC. 371. SENSE OF THE SENATE ON FREE TRADE AGREEMENTS.

(a) FINDINGS.—The Senate makes the following findings:

(1) The United States is participating in the Doha Round of World Trade Organization ("WTO") negotiations, which seeks to lower trade barriers for all members of the WTO.

(2) In addition to participating in the Doha Round of WTO negotiations, the United States is negotiating bilateral free trade agreements with 20 countries.

(3) Only 1 of those 20 countries is among the top 30 trading partners of the United States.

(4) During the debate on the legislation that was enacted as the Trade Act of 2002 (Public Law 107-210; 116 Stat. 933), a representative of the President argued that "[i]ncreased trade will help our workers, farmers, businesses, and economy by enhancing employment opportunities, opening more markets to American goods and services, and increasing choices and lowering costs for consumers".

(5) During that debate and on other occasions, the President and individuals in the Executive Branch of the United States have repeatedly argued that increased trade means an increase in the number of jobs in the United States and a higher standard of living for people in the United States.

(6) The President and individuals in the Executive Branch of the United States have also argued that trade expands markets for United States goods and services, creates higher-paying jobs in the United States, and invigorates local communities and their economies.

(7) Trade agreements between the United States and countries with small economies have little impact on creating jobs in the United States or a higher standard of living for people in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the trade policy of the United States should focus on creating more jobs in the United States and a higher standard of living for people in the United States; and

(2) to best accomplish these goals, the United States should focus its efforts on trade negotiations occurring at the WTO and, when negotiating trade agreements on a bilateral basis, focus on agreements with countries that have large economies that will provide meaningful export opportunities for United States farmers, workers, and businesses.

By Mr. BINGAMAN (for himself, Mr. REID, Mr. KENNEDY, Mr. CORZINE, Mr. DURBIN, Mr. REED, Mr. SCHUMER, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Ms. STABENOW, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mrs. CLINTON, Mr. INOUYE, Mr. ROCKEFELLER, Mr. SARBANES, and Mr. DAYTON):

S. 15. A bill to improve education for all students, and for other purposes; to the Committee on Finance

Mr. BINGAMAN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 15

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Quality Education for All Act".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.

TITLE I—STRENGTHENING HEAD START AND CHILD CARE PROGRAMS

SUBTITLE A—INCREASING ACCESS TO HEAD START PROGRAMS

Sec. 101. Authorization of appropriations.

Sec. 102. Strengthening Indian and migrant and seasonal Head Start programs.
Sec. 103. Expanding Early Head Start programs.
Sec. 104. Participation in Head Start programs.

SUBTITLE B—ENHANCING THE SCHOOL READINESS OF HEAD START CHILDREN

Sec. 111. School readiness standards.
Sec. 112. Staff.

SUBTITLE C—EXPANDING ACCESS TO QUALITY, AFFORDABLE CHILD CARE

Sec. 121. Authorization of appropriations.

SUBTITLE D—STRENGTHENING THE QUALITY OF CHILD CARE

Sec. 131. State plan requirements relating to training.
Sec. 132. Strengthening the quality of child care.

TITLE II—PROVIDING SAFE, RELIABLE TRANSPORTATION FOR RURAL SCHOOL CHILDREN

Sec. 201. Findings and purpose.
Sec. 202. Definitions.
Sec. 203. Grant program.
Sec. 204. Authorization of appropriations.

TITLE III—SENSE OF THE SENATE REGARDING FULLY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY 2011

Sec. 301. Findings.
Sec. 302. Sense of the Senate regarding authorization of appropriations.

TITLE IV—IMPROVEMENT OF ELEMENTARY AND SECONDARY EDUCATION

SUBTITLE A—PUBLIC SCHOOL CHOICE, SUPPLEMENTAL EDUCATIONAL SERVICES, AND TEACHER QUALITY

Sec. 401. Public school choice capacity.
Sec. 402. Supplemental educational services.
Sec. 403. Qualifications for teachers and paraprofessionals.

SUBTITLE B—ADEQUATE YEARLY PROGRESS DETERMINATIONS

Sec. 421. Review of adequate yearly progress determinations for schools for the 2002–2003 school year.
Sec. 422. Review of adequate yearly progress determinations for local educational agencies for the 2002–2003 school year.
Sec. 423. Definitions.

SUBTITLE C—TECHNICAL ASSISTANCE

Sec. 451. Technical assistance.

TITLE V—IMPROVING ASSESSMENT AND ACCOUNTABILITY

Sec. 501. Grants for increasing data capacity for purposes of assessment and accountability.
Sec. 502. Grants for assessment of children with disabilities and children who are limited English proficient.
Sec. 503. Reports on student enrollment and graduation rates.
Sec. 504. Civil rights.

TITLE VI—SENSE OF THE SENATE REGARDING FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

Sec. 601. Sense of the Senate.

TITLE VII—PROVIDING A ROADMAP FOR FIRST GENERATION COLLEGE FOR STUDENTS

Sec. 701. Expansion of TRIO and GEARUP.

TITLE VIII—COLLEGE TUITION RELIEF FOR STUDENTS AND THEIR FAMILIES THROUGH PELL GRANTS

Sec. 801. Pell Grants tax tables hold harmless.
Sec. 802. Sense of the Senate regarding increasing the maximum Pell Grant.
Sec. 803. Establishment of a Pell demonstration program.

TITLE IX—TUITION FREE COLLEGE FOR MATHEMATICS, SCIENCE, AND SPECIAL EDUCATION TEACHERS

Sec. 901. Purpose.
Sec. 902. Tuition free college for mathematics, science, and special education teachers.
Sec. 903. Offset for tuition free college for mathematics, science, and special education teachers.

TITLE X—MAKING COLLEGE AFFORDABLE FOR ALL STUDENTS

Sec. 1001. Expansion of deduction for higher education expenses.
Sec. 1002. Credit for interest on higher education loans.
Sec. 1003. Hope and Lifetime Learning credits to be refundable.

TITLE I—STRENGTHENING HEAD START AND CHILD CARE PROGRAMS

Subtitle A—Increasing Access to Head Start Programs

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Section 639(a) of the Head Start Act (42 U.S.C. 9834(a)) is amended by striking "such sums" and all that follows and inserting the following: "$8,570,000,000 for fiscal year 2006, $10,445,000,000 for fiscal year 2007, $12,384,000,000 for fiscal year 2008, $14,334,000,000 for fiscal year 2009, and $16,332,000,000 for fiscal year 2010.".

SEC. 102. STRENGTHENING INDIAN AND MIGRANT AND SEASONAL HEAD START PROGRAMS.

Section 640(a)(2) of the Head Start Act (42 U.S.C. 9835(a)(2)) is amended by striking subparagraph (A) and inserting the following:

"(A) Indian Head Start programs, services for children with disabilities, and migrant and seasonal Head Start programs, except that the Secretary shall reserve for each fiscal year for use by Indian Head Start and migrant and seasonal Head Start programs (referred to in this subparagraph as 'covered programs'), on a nationwide basis, a sum that is the total of not less than 4 percent of the amount appropriated under section 639(a) for that fiscal year (for Indian Head Start programs), and not less than 5 percent of that appropriated amount (for migrant and seasonal Head Start programs), except that—

"(i) if reserving the specified percentages for covered programs and would reduce the number of children served by Head Start programs, relative to the number of children served on the date of enactment of the Quality Education for All Act, taking into consideration an appropriate adjustment for inflation, the Secretary shall reserve percentages that approach, as closely as practicable, the specified percentages and that do not cause such a reduction; and

"(ii) notwithstanding any other provision of this subparagraph, the Secretary shall reserve for each fiscal year for use by Indian Head Start programs and by migrant and seasonal Head Start programs, on a nationwide basis, not less than the amount that was obligated for use by Indian Head Start programs and by migrant and seasonal Head Start programs, respectively, for the previous fiscal year;".

SEC. 103. EXPANDING EARLY HEAD START PROGRAMS.

Section 640(a)(6) of the Head Start Act (42 U.S.C. 9835(a)(6)) is amended—

(1) in subparagraph (A), by striking "7.5 percent for fiscal year 1999" and all that follows and inserting "12 percent for fiscal year 2006, 14 percent for fiscal year 2007, 16 percent for fiscal year 2008, 18 percent for fiscal year 2009, and 20 percent for fiscal year 2010, of the amount appropriated pursuant to section 639(a).";

(2) by striking subparagraph (B); and

(3) by redesignating subparagraph (C) as subparagraph (B).

SEC. 104. PARTICIPATION IN HEAD START PROGRAMS.

Section 645 of the Head Start Act (42 U.S.C. 9840) is amended—

(1) in subsection (a)(1)(A), by inserting "130 percent of" after "below"; and

(2) by adding at the end the following:

"(e) After demonstrating a need through a community needs assessment, a Head Start agency may apply to the Secretary to convert part-day sessions, particularly consecutive part-day sessions, into full-day sessions.".

Subtitle B—Enhancing the School Readiness of Head Start Children

SEC. 111. SCHOOL READINESS STANDARDS.

Section 641A(a)(1)(B)(ii) of the Head Start Act (42 U.S.C. 9836(a)(1)(B)(ii)) is amended by striking "at a minimum" and all that follows and inserting the following: "at a minimum, develop and demonstrate—

"(I) language skills, including an expanded use of vocabulary;

"(II) interest in and appreciation of books, reading, and writing (either alone or with others), phonological and phonemic awareness, and varied modes of expression and communication;

"(III) premathematics knowledge and skills, including knowledge and skills relating to aspects of classification, seriation, numbers, spatial relations, and time;

"(IV) cognitive abilities related to academic achievement;

"(V) abilities related to social and emotional development;

"(VI) gross and fine motor skills; and

"(VII) in the case of children with limited English proficiency, abilities related to progress toward acquisition of the English language.".

SEC. 112. STAFF.

(a) STAFF QUALIFICATIONS AND DEVELOPMENT.—Section 648A of the Head Start Act (42 U.S.C. 9843a) is amended—

(1) in subsection (a)(2)—

(A) in subparagraph (A)—

(i) in the matter preceding clause (i), by striking "not later than September 30, 2003" and all that follows through "programs have" and inserting "not later than the date determined under subparagraph (D) for a Head Start region, each Head Start agency in the region with a center-based program shall ensure that all classrooms in the program have at least 1 teacher who has";

(ii) in clause (i), strike "an associate, baccalaureate," and insert "a baccalaureate"; and

(iii) in clause (ii), strike "an associate, baccalaureate," and insert "a baccalaureate"; and

(B) by striking subparagraph (B) and inserting the following:

"(B) TEMPORARY REQUIREMENT.—Until the date determined under subparagraph (D) for a Head Start region, the Secretary shall ensure that at least 50 percent of all Head Start teachers in the region in center-based programs have—

"(i) an associate, baccalaureate, or advanced degree in early childhood education; or

"(ii) an associate, baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children.

"(C) REQUIREMENT FOR NEW HEAD START TEACHERS.—Not later than 3 years after the date of enactment of the Quality Education for All Act, the Secretary shall require that all teachers hired nationwide in center-based programs of Head Start agencies following the date of the requirement—

"(i) have an associate, baccalaureate, or advanced degree in early childhood education;

"(ii) have an associate, baccalaureate, or advanced degree in a field related to early childhood education, with experience in teaching preschool children; or

"(iii) be enrolled, or enroll not later than 1 year after the date of hire, in a program of study leading to an associate degree in early childhood education.

"(D) APPROPRIATE DATE.—The Secretary shall determine an appropriate date for Head Start agencies in each Head Start region to reach the result described in subparagraph (A), but in no case shall such a date be later than 8 years after the date of enactment of Quality Education for All Act.

"(E) PROGRESS.—

"(i) REQUIREMENT.—The Secretary shall require Head Start agencies with center-based programs to demonstrate continuing and consistent progress each year to reach the results described in subparagraphs (A) and (C).

"(ii) PLAN.—Each State shall establish a plan for the Head Start agencies with center-based programs in the State to reach the results described in subparagraphs (A) and (C).

"(iii) PROGRESS.—Each Head Start agency shall prepare and submit to the Secretary and the Governor of the State a report indicating the number and percentage of its teachers in center-based programs with child development associate credentials or associate, baccalaureate, or advanced degrees in early childhood education or a field related to early childhood education. The Secretary shall compile all such reports and submit a summary of the compiled reports to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives.";

(2) in subsection (a)(3), by striking "(2)(A)" and inserting "(2)(B)"; and

(3) by adding at the end the following:

"(f) PRE-LITERACY AND LANGUAGE TRAINING.—To support local efforts to enhance early language and pre-literacy development of children in Head Start programs, and to provide the children with high-quality oral language skills and environments that are rich in literature, in which to acquire early language and pre-literacy skills, each Head Start agency shall ensure that all of the agency's Head Start teachers receive ongoing training in language and emergent literacy. Such training shall also include information regarding appropriate curricula and assessments to improve instruction and learning. Such training shall include training in methods to promote phonological and phonemic awareness and vocabulary development in an age-appropriate and culturally and linguistically appropriate manner.

"(g) PROFESSIONAL DEVELOPMENT PLANS.—Each Head Start agency and center shall create, in consultation with employees of the agency or center (including family service workers), a professional development plan for employees who provide direct services to children, including a plan for teachers, to meet the requirements set forth in subsection (a).".

(b) ATTRACTING AND RETAINING HIGH-QUALITY HEAD START TEACHERS; TRIBAL COLLEGE OR UNIVERSITY-HEAD START PARTNERSHIP PROGRAM.—

(1) PROGRAM.—The Head Start Act is amended by inserting after section 648A (42 U.S.C. 9843a) the following:

"SEC. 648B. ATTRACTING AND RETAINING HIGH-QUALITY HEAD START TEACHERS.

"(a) IN GENERAL.—The Secretary shall make grants to eligible Head Start agencies to enable the agencies to reach the results described in subparagraphs (A) and (C) of section 648A(a)(2). The Secretary shall make the grants from allotments determined under subsection (b).

"(b) ALLOTMENTS.—From the funds made available under section 639(c) for a fiscal year and not reserved under subsection (d), the Secretary shall allot to each Head Start agency an amount that bears the same relationship to such funds as the amount received by the agency under section 640 for that fiscal year bears to the amount received by all Head Start agencies under section 640 for that fiscal year.

"(c) SALARY PLAN.—A Head Start agency that receives a grant under this section shall develop and carry out a plan to raise the average salaries of teachers in the agency's Head Start programs. In developing the plan, the agency shall take into consideration the training, level of education, and experience of the teachers, and the average salaries of prekindergarten and kindergarten teachers employed by the local educational agency for the school district in which the Head Start agency is located, with similar training, level of education, and experience.

"(d) SALARIES IN HIGH-COST AREAS.—The Secretary may reserve and use a portion of the funds available under section 639(c) to assist Head Start agencies located in high-cost areas to help reduce the discrepancy between such average salaries of such teachers and such average salaries of such prekindergarten and kindergarten teachers.

"SEC. 648C. TRIBAL COLLEGE OR UNIVERSITY-HEAD START PARTNERSHIP PROGRAM.

"(a) TRIBAL COLLEGE OR UNIVERSITY-HEAD START PARTNERSHIP PROGRAM.—

"(1) GRANTS.—The Secretary is authorized to award grants, of not less than 5 years duration, to Tribal Colleges and Universities to—

"(A) implement education programs that include tribal culture and language and increase the number of associate, baccalaureate, and graduate degrees in early childhood education and related fields that are earned by Indian Head Start agency staff members, parents of children served by such an agency, and members of the tribal community involved;

"(B) develop and implement the programs under subparagraph (A) in technology-mediated formats; and

"(C) provide technology literacy programs for Indian Head Start agency staff members and children and families of children served by such an agency.

"(2) STAFFING.—The Secretary shall ensure that the American Indian Programs Branch of the Head Start Bureau of the Department of Health and Human Services shall have staffing sufficient to administer the programs under this section and to provide appropriate technical assistance to Tribal Colleges and Universities receiving grants under this section.

"(b) APPLICATION.—Each Tribal College or University desiring a grant under this section shall submit an application to the Secretary, at such time, in such manner, and containing such information as the Secretary may require, including a certification that the Tribal College or University has established a partnership with 1 or more Indian Head Start agencies for the purpose of conducting the activities described in subsection (a).

"(c) DEFINITIONS.—In this section:

"(1) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

"(2) TRIBAL COLLEGE OR UNIVERSITY.—The term 'Tribal College or University' means an institution—

"(A) defined by such term in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)); and

"(B) determined to be accredited or a candidate for accreditation by a nationally recognized accrediting agency or association.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2010.".

(2) AUTHORIZATION OF APPROPRIATIONS.—Section 639 of the Head Start Act (42 U.S.C. 9834) is amended—

(A) in subsection (a), by inserting "(other than section 648B)" after "this subchapter"; and

(B) by adding at the end the following:

"(c) There are authorized to be appropriated to carry out section 648B $387,000,000 for fiscal year 2006, $496,000,000 for fiscal year 2007, $608,000,000 for fiscal year 2008, $723,000,000 for fiscal year 2009, and $841,000,000 for fiscal year 2010.".

(3) CONFORMING AMENDMENTS.—Section 640 of the Head Start Act (42 U.S.C. 9835) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "section 639" and inserting "section 639(a)";

(ii) in paragraph (2)—

(I) in the matter preceding subparagraph (A), by inserting "pursuant to section 639(a)" after "appropriated";

(II) in subparagraph (B), in the matter following clause (ii), by inserting "pursuant to section 639(a)" after "appropriated"; and

(III) in subparagraph (C), by inserting "pursuant to section 639(a)" after "appropriated" each place it appears; and

(iii) in paragraph (4), in the matter preceding subparagraph (A), by inserting "pursuant to section 639(a)" after "appropriated"; and

(B) in subsection (g)(1), by inserting "pursuant to section 639(a)" after "appropriated" each place it appears.

Subtitle C—Expanding Access to Quality, Affordable Child Care

SEC. 121. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "is" and inserting "are"; and

(2) by striking "subchapter" and all that follows and inserting "subchapter $3,100,000,000 for fiscal year 2006, $4,100,000,000 for fiscal year 2007, $5,100,000,000 for fiscal year 2008, $6,100,000,000 for fiscal year 2009, and $7,100,000,000 for fiscal year 2010.".

Subtitle D—Strengthening the Quality of Child Care

SEC. 131. STATE PLAN REQUIREMENTS RELATING TO TRAINING.

Section 658E(c) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C.

9858c(c)) is amended by adding at the end the following:

“(6) TRAINING IN EARLY LEARNING AND CHILDHOOD DEVELOPMENT.—The State plan shall describe any training requirements that are in effect within the State that are designed to enable child care providers to promote the social, emotional, physical, and cognitive development of children and that are applicable to child care providers that provide services for which assistance is made available under this subchapter in the State.”.

SEC. 132. STRENGTHENING THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

“SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

“(a) IN GENERAL.—

“(1) RESERVATION.—Each State that receives funds appropriated under section 639(a) for a fiscal year shall reserve and use not less than 6 percent of the funds for activities provided directly, or through grants or contracts with resource and referral organizations or other appropriate entities, that are designed to improve the quality of child care services.

“(2) ACTIVITIES.—The funds reserved under paragraph (1) may only be used to—

“(A) develop and implement voluntary guidelines on pre-reading and language skills and activities, for child care programs in the State, that are aligned with State standards for kindergarten through grade 12 or the State's general goals for school preparedness;

“(B) support activities and provide technical assistance in child care settings to enhance early learning for young children, to promote literacy, and to foster school preparedness;

“(C) offer training, professional development, and educational opportunities for child care providers that relate to the use of developmentally appropriate and age-appropriate curricula, and early childhood teaching strategies, that are scientifically based and aligned with the social, emotional, physical, and cognitive development of children, including—

“(i) developing and operating distance learning child care training infrastructures;

“(ii) developing model technology-based training courses;

“(iii) offering training for caregivers in informal child care settings; and

“(iv) offering training for child care providers who care for infants and toddlers and children with special needs;

“(D) engage in programs designed to increase the retention and improve the competencies of child care providers, including wage incentive programs and initiatives that establish tiered payment rates for providers that meet or exceed child care services guidelines, as defined by the State;

“(E) evaluate and assess the quality and effectiveness of child care programs and services offered in the State to young children on improving overall school preparedness; and

“(F) carry out other activities determined by the State to improve the quality of child care services provided in the State and for which measurement of outcomes relating to improved child safety, child well-being, or school preparedness is possible.

“(b) CERTIFICATION.—For each fiscal year beginning after September 30, 2005, the State shall annually submit to the Secretary a certification in which the State certifies and demonstrates that the State was in compliance with subsection (a) during the preceding fiscal year and describes how the State used funds made available to carry out this subchapter to comply with subsection (a) during that preceding fiscal year.”.

TITLE II—PROVIDING SAFE, RELIABLE TRANSPORTATION FOR RURAL SCHOOL CHILDREN

SEC. 201. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) school transportation issues have concerned parents, local educational agencies, lawmakers, the National Highway Traffic Safety Administration, the National Transportation Safety Board, and the Environmental Protection Agency for years;

(2) millions of children face potential future health problems because of exposure to noxious fumes emitted from older school buses;

(3) the Environmental Protection Agency established the Clean School Bus USA program to replace 129,000 of the oldest diesel buses that cannot be retrofitted in an effort to help children and the environment by improving air quality;

(4) unfortunately, many rural local educational agencies are unable to participate in that program because of the specialized fuels needed to sustain a clean bus fleet;

(5) many rural local educational agencies are operating outdated, unsafe school buses that are failing inspections because of automotive flaws, resulting in the depletion of the school bus fleets of the local educational agencies; and

(6) many rural local educational agencies are unable to afford to buy newer, safer buses.

(b) PURPOSE.—The purpose of this title is to establish within the Department of Education a Federal cost-sharing program to assist rural local educational agencies with older, unsafe school bus fleets in purchasing newer, safer school buses.

SEC. 202. DEFINITIONS.

In this title:

(1) RURAL LOCAL EDUCATIONAL AGENCY.—The term “rural local educational agency” means a local educational agency, as defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801), with respect to which—

(A) each county in which a school served by the local educational agency is located has a total population density of fewer than 10 persons per square mile;

(B) all schools served by the local educational agency are designated with a school locale code of 7 or 8, as determined by the Secretary; or

(C) all schools served by the local educational agency have been designated, by official action taken by the legislature of the State in which the local educational agency is located, as rural schools for purposes relating to the provision of educational services to students in the State.

(2) SECRETARY.—The term “Secretary” means the Secretary of Education.

(3) SCHOOL BUS.—The term “school bus” means a vehicle the primary purpose of which is to transport students to and from school or school activities.

SEC. 203. GRANT PROGRAM.

(a) IN GENERAL.—From amounts appropriated under subsection (e) for a fiscal year, the Secretary shall provide grants, on a competitive basis, to rural local educational agencies to pay the Federal share of the cost of purchasing new school buses.

(b) APPLICATION.—

(1) IN GENERAL.—Each rural local educational agency that seeks to receive a grant under this title shall submit to the Secretary for approval an application at such time, in such manner, and accompanied by such information (in addition to information required under paragraph (2)) as the Secretary may require.

(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

(A) documentation that, of the total number of school buses operated by the rural local educational agency, not less than 50 percent of the school buses are in need of repair or replacement;

(B) documentation of the number of miles that each school bus operated by the rural local educational agency traveled in the most recent 9-month academic year;

(C) documentation that the rural local educational agency is operating with a reduced fleet of school buses;

(D) a certification from the rural local educational agency that—

(i) authorizes the application of the rural local educational agency for a grant under this title; and

(ii) describes the dedication of the rural local educational agency to school bus replacement programs and school transportation needs (including the number of new school buses needed by the rural local educational agency); and

(E) an assurance that the rural local educational agency will pay the non-Federal share of the cost of the purchase of new school buses under this title from non-Federal sources.

(c) PRIORITY.—In providing grants under this title, the Secretary shall give priority to rural local educational agencies that, as determined by the Secretary—

(1) are transporting students in a bus manufactured before 1977;

(2) have a grossly depleted fleet of school buses; or

(3) serve a school that is required, under section 1116(b)(9) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(9)), to provide transportation to students to enable the students to transfer to another public school served by the rural local educational agency.

(d) USE OF FUNDS.—School buses purchased with grant funds awarded under subsection (a) shall be in compliance with proposed air quality regulations and standards of the Environmental Protection Agency for 2006.

(e) PAYMENTS; FEDERAL SHARE.—

(1) PAYMENTS.—The Secretary shall pay to each rural local educational agency having an application approved under this section the Federal share described in paragraph (2) of the cost of purchasing such number of new school buses as is specified in the approved application.

(2) FEDERAL SHARE.—The Federal share of the cost of purchasing a new school bus under this title shall be 75 percent.

SEC. 204. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out this title $50,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 through 2010.

TITLE III—SENSE OF THE SENATE REGARDING FULLY FUNDING THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT BY 2011

SEC. 301. FINDINGS.

(a) FINDINGS.—The Senate finds the following:

(1) Disability is a natural part of the human experience and in no way diminishes the right of individuals to participate in or contribute to society. Improving educational

results for children with disabilities is an essential element of our national policy of ensuring equality of opportunity, full participation, independent living, and economic self-sufficiency for individuals with disabilities.

(2) Before the date of enactment of the Education for All Handicapped Children Act of 1975 (Public Law 94-142), the predecessor to the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the educational needs of millions of children with disabilities were not being fully met because—

(A) the children did not receive appropriate educational services;

(B) the children were excluded entirely from the public school system and from being educated with their peers;

(C) undiagnosed disabilities prevented the children from having a successful educational experience; or

(D) a lack of adequate resources within the public school system forced such families to find services outside the public school system.

(3) The Individuals with Disabilities Education Act has been successful in ensuring children with disabilities and the families of such children access to a free appropriate public education and in improving educational results for children with disabilities.

(4) The implementation of the Individuals with Disabilities Education Act has been impeded by the Federal Government's failure to honor the commitment it made 30 years ago to provide States with 40 percent of the excess costs of special education.

(5) While States, local educational agencies, and educational service agencies are primarily responsible for providing an education for all children with disabilities, it is in the national interest that the Federal Government have a supporting role in assisting State and local efforts to educate children with disabilities in order to improve results for such children and to ensure equal protection of the law.

(6) Congress passed authorizing language to fully fund the Individuals with Disabilities Education Act and should appropriate such sums as authorized.

(7) A more equitable allocation of resources is essential for the Federal Government to meet its responsibility to provide an equal educational opportunity for all individuals.

SEC. 302. SENSE OF THE SENATE REGARDING AUTHORIZATION OF APPROPRIATIONS.

It is the sense of the Senate that for the purpose of carrying out the Federal Government's commitment to children, parents, and the States, there should be authorized to be appropriated—

(1) $14,648,647,143 or the maximum amount available for awarding grants under section 611(a)(2) of the Individuals with Disabilities Education Act, whichever is lower, for fiscal year 2006, and there should be appropriated $4,058,901,319 for fiscal year 2006, which should become available for obligation on July 1, 2006, and should remain available through September 30, 2007, except that if the maximum amount available for awarding grants under section 611(a)(2) of such Act is less than $14,648,647,143, then the amount should be reduced by the difference between $14,648,647,143 and the maximum amount available for awarding grants under section 611(a)(2) of such Act;

(2) $16,938,917,714 or the maximum amount available for awarding grants under section 611(a)(2) of the Individuals with Disabilities Education Act, whichever is lower, for fiscal year 2007, and there should be appropriated $6,349,171,890 for fiscal year 2007, which should become available for obligation on July 1, 2007, and should remain available through September 30, 2008, except that if the maximum amount available for awarding grants under section 611(a)(2) of such Act is less than $16,938,917,714, then the amount should be reduced by the difference between $16,938,917,714 and the maximum amount available for awarding grants under section 611(a)(2) of such Act;

(3) $19,229,188,286 or the maximum amount available for awarding grants under section 611(a)(2) of the Individuals with Disabilities Education Act, whichever is lower, for fiscal year 2008, and there should be appropriated $8,639,442,462 for fiscal year 2008, which should become available for obligation on July 1, 2008, and should remain available through September 30, 2009, except that if the maximum amount available for awarding grants under section 611(a)(2) of such Act is less than $19,229,188,286, then the amount should be reduced by the difference between $19,229,188,286 and the maximum amount available for awarding grants under section 611(a)(2) of such Act;

(4) $21,519,458,857 or the maximum amount available for awarding grants under section 611(a)(2) of the Individuals with Disabilities Education Act, whichever is lower, for fiscal year 2009, and there should be appropriated $10,929,713,033 for fiscal year 2009, which should become available for obligation on July 1, 2009, and should remain available through September 30, 2010, except that if the maximum amount available for awarding grants under section 611(a)(2) of such Act is less than $21,519,458,857, then the amount should be reduced by the difference between $21,519,458,857 and the maximum amount available for awarding grants under section 611(a)(2) of such Act;

(5) $23,809,729,429 or the maximum amount available for awarding grants under section 611(a)(2) of the Individuals with Disabilities Education Act, whichever is lower, for fiscal year 2010, and there should be appropriated $13,219,983,605 for fiscal year 2010, which should become available for obligation on July 1, 2010, and should remain available through September 30, 2011, except that if the maximum amount available for awarding grants under section 611(a)(2) of such Act is less than $23,809,729,429, then the amount should be reduced by the difference between $23,809,729,429 and the maximum amount available for awarding grants under section 611(a)(2) of such Act;

(6) $26,100,000,000 or the maximum amount available for awarding grants under section 611(a)(2) of the Individuals with Disabilities Education Act, whichever is lower, for fiscal year 2011, and there should be appropriated $15,510,254,176 for fiscal year 2011, which should become available for obligation on July 1, 2011, and should remain available through September 30, 2012, except that if the maximum amount available for awarding grants under section 611(a)(2) of such Act is less than $26,100,000,000, then the amount should be reduced by the difference between $26,100,000,000 and the maximum amount available for awarding grants under section 611(a)(2) of such Act; and

(7) the maximum amount available for awarding grants under section 611(a)(2) of the Individuals with Disabilities Education Act for fiscal year 2012 and each succeeding fiscal year, and there should be appropriated for each such year an amount equal to the maximum amount available for awarding grants under section 611(a)(2) of such Act for the fiscal year for which the determination is made minus $10,589,745,824, which should become available for obligation on July 1 of the fiscal year for which the determination is made and should remain available through September 30 of the succeeding fiscal year.

TITLE IV—IMPROVEMENT OF ELEMENTARY AND SECONDARY EDUCATION

Subtitle A—Public School Choice, Supplemental Educational Services, and Teacher Quality

SEC. 401. PUBLIC SCHOOL CHOICE CAPACITY.

(a) SCHOOL CAPACITY.—Section 1116(b)(1)(E) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(1)(E)) is amended—

(1) in clause (i), by striking "In the case" and inserting "Subject to clauses (ii) and (iii), in the case";

(2) by redesignating clause (ii) as clause (iii);

(3) by inserting after clause (i) the following:

"(ii) SCHOOL CAPACITY.—The obligation of a local educational agency to provide the option to transfer to students under clause (i) is subject to all applicable State and local health and safety code requirements regarding facility capacity."; and

(4) in clause (iii) (as redesignated by paragraph (2)), by inserting "and subject to clause (ii)," after "public school,".

(b) GRANTS FOR SCHOOL CONSTRUCTION AND RENOVATION.—

(1) IN GENERAL.—Subpart 1 of part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) is amended by adding at the end the following:

"SEC. 1120C. GRANTS FOR SCHOOL CONSTRUCTION AND RENOVATION.

"(a) PROGRAM AUTHORIZED.—From funds appropriated under subsection (g), the Secretary is authorized to award grants to local educational agencies experiencing overcrowding in the schools served by the local educational agencies, for the construction and renovation of safe, healthy, high-performance school buildings.

"(b) APPLICATION.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such additional information as the Secretary may require.

"(c) PRIORITY.—In awarding grants under this section, the Secretary shall give priority to local educational agencies—

"(1) who have documented difficulties in meeting the public school choice requirements of paragraph (1)(E), (5)(A), (7)(C)(i), or (8)(A)(i) of section 1116(b), or section 1116(c)(10)(C)(vii); and

"(2) with the highest number of schools at or above capacity.

"(d) AWARD BASIS.—From funds remaining after awarding grants under subsection (c), the Secretary shall award grants to local educational agencies that are experiencing overcrowding in the schools served by the local educational agencies.

"(e) PREVAILING WAGES.—Any laborer or mechanic employed by any contractor or subcontractor in the performance of work on any construction funded by a grant awarded under this section will be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor under subchapter IV of chapter 31 of title 40, United States Code (commonly referred to as the Davis-Bacon Act).

"(f) DEFINITIONS.—In this section:

"(1) AT OR ABOVE CAPACITY.—The term 'at or above capacity', in reference to a school, means a school in which 1 additional student would increase the average class size of the school above the average class size of all schools in the State in which the school is located.

"(2) HEALTHY, HIGH-PERFORMANCE SCHOOL BUILDING.—The term 'healthy, high-performance school building' has the meaning given such term in section 5586.

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $250,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 2 succeeding fiscal years.".

(2) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 (20 U.S.C.6301 note) is amended by inserting after the item relating to section 1120B the following:

"Sec. 1120C. Grants for school construction and renovation.".

SEC. 402. SUPPLEMENTAL EDUCATIONAL SERVICES.

Section 1116(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(e)) is amended—

(1) in paragraph (4)—

(A) in subparagraph (B), by striking the semicolon and inserting ", including criteria that—

"(i) ensure that personnel delivering supplemental educational services to students have adequate qualifications; and

"(ii) may, at the State's discretion, ensure that personnel delivering supplemental educational services to students are teachers that are highly qualified, as such term is defined in section 9101;";

(B) in subparagraph (D), by striking "and" after the semicolon;

(C) in subparagraph (E), by striking the period and inserting "; and"; and

(D) by adding at the end the following:

"(F) ensure that the list of approved providers of supplemental educational services described in subparagraph (C) includes a choice of providers that have sufficient capacity to provide effective services for children who are limited English proficient and children with disabilities.";

(2) in paragraph (5)(C)—

(A) by striking "applicable"; and

(B) by inserting before the period ", and acknowledge in writing that, as an approved provider in the relevant State educational agency program of providing supplemental educational services, the provider is deemed to be a recipient of Federal financial assistance";

(3) by redesignating paragraphs (6), (7), (8), (9), (10), (11), and (12) as paragraphs (7), (8), (9), (10), (11), (12), and (13), respectively;

(4) by inserting after paragraph (5) the following:

"(6) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to prohibit a local educational agency from being considered by a State educational agency as a potential provider of supplemental educational services under this subsection, if such local educational agency meets the criteria adopted by the State educational agency in accordance with paragraph (5).";

(5) in paragraph (13) (as redesignated by paragraph (3))—

(A) in subparagraph (B)—

(i) in clause (ii), by striking "and" after the semicolon;

(ii) in clause (iii), by striking "and" after the semicolon; and

(iii) by adding at the end the following:

"(iv) may employ teachers who are highly qualified, as such term is defined in section 9101; and

"(v) pursuant to its inclusion on the relevant State educational agency's list described in paragraph (4)(C), is deemed to be a recipient of Federal financial assistance; and"; and

(B) in subparagraph (C)—

(i) in the matter preceding clause (i), by striking "are";

(ii) in clause (i)—

(I) by inserting "are" before "in addition"; and

(II) by striking "and" after the semicolon;

(iii) in clause (ii), by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(iii) if provided by providers that are included on the relevant State educational agency's list described in paragraph (4)(C), shall be deemed to be programs or activities of the relevant State educational agency."; and

(6) by adding at the end the following:

"(14) CIVIL RIGHTS.—In providing supplemental educational services under this subsection, no State educational agency or local educational agency may, directly or through contractual, licensing, or other arrangements with a provider of supplemental educational services, engage in any form of discrimination prohibited by—

"(A) title VI of the Civil Rights Act of 1964;

"(B) title IX of the Education Amendments of 1972;

"(C) section 504 of the Rehabilitation Act of 1973;

"(D) titles II and III of the Americans with Disabilities Act;

"(E) the Age Discrimination Act of 1975;

"(F) regulations promulgated under the authority of the laws listed in subparagraphs (A) through (E); or

"(G) other Federal civil rights laws.".

SEC. 403. QUALIFICATIONS FOR TEACHERS AND PARAPROFESSIONALS.

(a) HIGH OBJECTIVE UNIFORM STATE STANDARD OF EVALUATION.—Section 1119 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6319) is amended—

(1) in subsection (a)(2)—

(A) by redesignating subparagraphs (A) through (C) as clauses (i) through (iii), respectively, and indenting as appropriate;

(B) by striking "(2) STATE PLAN.—As part" and inserting the following:

"(2) STATE PLAN.—

"(A) IN GENERAL.—As part"; and

(C) by adding at the end the following:

"(B) AVAILABILITY OF STATE STANDARDS.—Each State educational agency shall make available to teachers in the State the high objective uniform State standard of evaluation, as described in section 9101(23)(C)(ii), for the purpose of meeting the teacher qualification requirements established under this section.";

(2) by redesignating subsections (e), (f), (g), (h), (i), (j), (k), and (l) as subsections (f), (g), (h), (i), (j), (k), (l), and (m), respectively;

(3) by inserting after subsection (d) the following:

"(e) STATE RESPONSIBILITIES.—Each State educational agency shall ensure that local educational agencies in the State make available all options described in subparagraphs (A) through (C) of subsection (c)(1) to each new or existing paraprofessional for the purpose of demonstrating the qualifications of the paraprofessional, consistent with the requirements of this section."; and

(4) in subsection (l) (as redesignated by paragraph (2)), by striking "subsection (l)" and inserting "subsection (m)".

(b) DEFINITION OF HIGHLY QUALIFIED TEACHERS.—Section 9101(23)(B)(ii) is amended—

(1) in subclause (I), by striking "or" after the semicolon;

(2) in subclause (II), by striking "and" after the semicolon; and

(3) by adding at the end the following:

"(III) in the case of a middle school teacher, passing a State-approved middle school generalist exam when the teacher receives a license to teach middle school in the State;

"(IV) obtaining a State middle school or secondary school social studies certificate that qualifies the teacher to teach history, geography, economics, civics, and government in middle schools or in secondary schools, respectively, in the State; or

"(V) obtaining a State middle school or secondary school science certificate that qualifies the teacher to teach earth science, biology, chemistry, and physics in middle schools or secondary schools, respectively, in the State; and".

(c) ENSURING HIGHLY QUALIFIED TEACHERS.—

(1) REQUIREMENT.—The Secretary of Education shall improve coordination among the teacher quality programs authorized under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.), and the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.), to provide a unified effort in strengthening the American teaching workforce and ensuring highly qualified teachers.

(2) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary of Education shall submit a report to the relevant committees of Congress, that shall be made available on the website of the Department of Education, on efforts to coordinate programs pursuant to paragraph (1).

Subtitle B—Adequate Yearly Progress Determinations

SEC. 421. REVIEW OF ADEQUATE YEARLY PROGRESS DETERMINATIONS FOR SCHOOLS FOR THE 2002–2003 SCHOOL YEAR.

(a) IN GENERAL.—The Secretary shall require each local educational agency to provide each school served by the agency with an opportunity to request a review of a determination by the agency that the school did not make adequate yearly progress for the 2002–2003 school year.

(b) FINAL DETERMINATION.—Not later than 30 days after receipt of a request by a school for a review under this section, a local educational agency shall issue and make publicly available a final determination on whether the school made adequate yearly progress for the 2002–2003 school year.

(c) EVIDENCE.—In conducting a review under this section, a local educational agency shall—

(1) allow the principal of the school involved to submit evidence on whether the school made adequate yearly progress for the 2002–2003 school year; and

(2) consider that evidence before making a final determination under subsection (b).

(d) STANDARD OF REVIEW.—In conducting a review under this section, a local educational agency shall revise, consistent with the applicable State plan under section 1111 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311), the local educational agency's original determination that a school did not make adequate yearly progress for the 2002–2003 school year if the agency finds that the school made such progress, taking into consideration—

(1) the amendments made to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698) (relating to accountability for the academic achievement of students with the most significant cognitive disabilities); or

(2) any regulation or guidance that, subsequent to the date of such original determination, was issued by the Secretary relating to—

(A) the assessment of limited English proficient children;

(B) the inclusion of limited English proficient children as part of the subgroup described in section 1111(b)(2)(C)(v)(II)(dd) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)(v)(II)(dd)) after such children have obtained English proficiency; or

(C) any requirement under section 1111(b)(2)(I)(ii) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(I)(ii)).

(e) EFFECT OF REVISED DETERMINATION.—

(1) IN GENERAL.—If pursuant to a review under this section a local educational agency determines that a school made adequate yearly progress for the 2002-2003 school year, upon such determination—

(A) any action by the Secretary, the State educational agency, or the local educational agency that was taken because of a prior determination that the school did not make such progress shall be terminated; and

(B) any obligations or actions required of the local educational agency or the school because of the prior determination shall cease to be required.

(2) EXCEPTIONS.—Notwithstanding paragraph (1), a determination under this section shall not affect any obligation or action required of a local educational agency or school under the following:

(A) Section 1116(b)(13) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6316(b)(13)) (requiring a local educational agency to continue to permit a child who transferred to another school under such section to remain in that school until completion of the highest grade in the school).

(B) Section 1116(e)(9) of the Elementary and Secondary Education Act of 1965 (as redesignated by section 402(3)) (20 U.S.C. 6316(e)(9)) (requiring a local educational agency to continue to provide supplemental educational services under such section until the end of the school year).

(3) SUBSEQUENT DETERMINATIONS.—In determining whether a school is subject to school improvement, corrective action, or restructuring as a result of not making adequate yearly progress, the Secretary, a State educational agency, or a local educational agency may not take into account a determination that the school did not make adequate yearly progress for the 2002–2003 school year if such determination was revised under this section and the school received a final determination of having made adequate yearly progress for the 2002–2003 school year.

(f) NOTIFICATION.—The Secretary—

(1) shall require each State educational agency to notify each school served by the agency of the school's ability to request a review under this section; and

(2) not later than 30 days after the date of the enactment of this section, shall notify the public by means of the Department of Education's website of the review process established under this section.

SEC. 422. REVIEW OF ADEQUATE YEARLY PROGRESS DETERMINATIONS FOR LOCAL EDUCATIONAL AGENCIES FOR THE 2002–2003 SCHOOL YEAR.

(a) IN GENERAL.—The Secretary shall require each State educational agency to provide each local educational agency in the State with an opportunity to request a review of a determination by the State educational agency that the local educational agency did not make adequate yearly progress for the 2002–2003 school year.

(b) APPLICATION OF CERTAIN PROVISIONS.—Except as inconsistent with, or inapplicable to, this section, the provisions of section 421 shall apply to review by a State educational agency of a determination described in subsection (a) in the same manner and to the same extent as such provisions apply to review by a local educational agency of a determination described in section 421(a).

SEC. 423. DEFINITIONS.

In this subtitle:

(1) The term "adequate yearly progress" has the meaning given to that term in section 1111(b)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2)(C)).

(2) The term "local educational agency" means a local educational agency (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) receiving funds under part A of title I of such Act (20 U.S.C. 6311 et seq.).

(3) The term "Secretary" means the Secretary of Education.

(4) The term "school" means an elementary school or a secondary school (as those terms are defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) served under part A of title I of such Act (20 U.S.C. 6311 et seq.).

(5) The term "State educational agency" means a State educational agency (as that term is defined in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) receiving funds under part A of title I of such Act (20 U.S.C. 6311 et seq.).

Subtitle C—Technical Assistance

SEC. 451. TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Part F of title IX of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7941) is amended—

(1) in the part heading, by inserting "**AND TECHNICAL ASSISTANCE**" after "**EVALUATIONS**"; and

(2) by adding at the end the following:

"SEC. 9602. TECHNICAL ASSISTANCE.

"The Secretary shall ensure that the technical assistance provided by, and the research developed and disseminated through, the Institute of Education Sciences and other offices or agencies of the Department provide educators and parents with the needed information and support for identifying and using educational strategies, programs, and practices, including strategies, programs, and practices available through the clearinghouses supported under the Education Sciences Reform Act of 2002 (20 U.S.C. 9501 et seq.) and other federally supported clearinghouses, that have been successful in improving educational opportunities and achievement for all students.".

(b) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended by inserting after the item relating to section 9601 the following:

"Sec. 9602. Technical assistance.".

TITLE V—IMPROVING ASSESSMENT AND ACCOUNTABILITY

SEC. 501. GRANTS FOR INCREASING DATA CAPACITY FOR PURPOSES OF ASSESSMENT AND ACCOUNTABILITY.

(a) PROGRAM AUTHORIZED.—From funds appropriated for a fiscal year, the Secretary may award grants, on a competitive basis, to State educational agencies—

(1) to enable the State educational agencies to develop or increase the capacity of data systems for assessment and accountability purposes, including the collection of graduation rates; and

(2) to award subgrants to increase the capacity of local educational agencies to upgrade, create, or manage longitudinal data systems for the purpose of measuring student academic progress and achievement.

(b) STATE APPLICATION.—Each State educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(c) STATE USE OF FUNDS.—Each State educational agency that receives a grant under this section shall use—

(1) not more than 20 percent of the grant funds for the purpose of—

(A) increasing the capacity of, or creating, State databases to collect, disaggregate, and report information related to student achievement, enrollment, and graduation rates for assessment and accountability purposes; and

(B) reporting, on an annual basis, for the elementary schools and secondary schools within the State, on—

(i) the enrollment data from the beginning of the academic year;

(ii) the enrollment data from the end of the academic year; and

(iii) the twelfth grade graduation rates; and

(2) not less than 80 percent of the grant funds to award subgrants to local educational agencies within the State to enable the local educational agencies to carry out the authorized activities described in subsection (e).

(d) LOCAL APPLICATION.—Each local educational agency desiring a subgrant under this section shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may require. Each such application shall include, at a minimum, a demonstration of the local educational agency's ability to put a longitudinal data system in place.

(e) LOCAL AUTHORIZED ACTIVITIES.—Each local educational agency that receives a subgrant under this section shall use the subgrant funds to increase the capacity of the local educational agency to upgrade or manage longitudinal data systems consistent with the uses in subsection (c)(1), by—

(1) purchasing database software or hardware;

(2) hiring additional staff for the purpose of managing such data;

(3) providing professional development or additional training for such staff; and

(4) providing professional development or training for principals and teachers on how to effectively use such data to implement instructional strategies to improve student achievement and graduation rates.

(f) DEFINITIONS.—In this section:

(1) GRADUATION RATE.—The term "graduation rate" means the percentage that—

(A) the total number of students who—

(i) graduate from a secondary school with a regular diploma (which shall not include the recognized equivalent of a secondary school diploma or an alternative degree) in an academic year; and

(ii) graduated on time by progressing 1 grade per academic year; represents of

(B) the total number of students who entered the secondary school in the entry level academic year applicable to the graduating students.

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

(3) STATE EDUCATIONAL AGENCY AND LOCAL EDUCATIONAL AGENCY.—The terms "State educational agency" and "local educational agency" have the meanings given such terms in section 9101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $100,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 2 succeeding fiscal years.

SEC. 502. GRANTS FOR ASSESSMENT OF CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.

(a) GRANTS FOR ASSESSMENT OF CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.—Part E of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

"SEC. 1505. GRANTS FOR ASSESSMENT OF CHILDREN WITH DISABILITIES AND CHILDREN WHO ARE LIMITED ENGLISH PROFICIENT.

"(a) GRANTS AUTHORIZED.—From amounts authorized to be appropriated under subsection (e) for a fiscal year, the Secretary shall award grants, on a competitive basis, to State educational agencies, or to consortia of State educational agencies, to enable the State educational agencies or consortia to collaborate with institutions of higher education, research institutions, or other organizations—

"(1) to design and improve State academic assessments for students who are limited English proficient and students with disabilities; and

"(2) to ensure the most accurate, valid, and reliable means to assess academic content standards and student academic achievement standards for students who are limited English proficient and students with disabilities.

"(b) AUTHORIZED ACTIVITIES.—A State educational agency or consortium that receives a grant under this section shall use the grant funds to carry out 1 or more of the following activities:

"(1) Developing alternate assessments for students with disabilities, consistent with section 1111 and the amendments made on December 9, 2003, to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698) (relating to accountability for the academic achievement of students with the most significant cognitive disabilities), including—

"(A) the alignment of such assessments, as appropriate and consistent with such amendments, with—

"(i) State student academic achievement standards and State academic content standards for all students; or

"(ii) alternate State student academic achievement standards that reflect the intended instructional construct for students with disabilities;

"(B) activities to ensure that such assessments do not reflect the disabilities, or associated characteristics, of the students that are extraneous to the intent of the measurement;

"(C) the development of an implementation plan for pilot tests for such assessments, in order to determine the level of appropriateness and feasibility of full-scale administration; and

"(D) activities that provide for the retention of all feasible standardized features in the alternate assessments.

"(2) Developing alternate assessments that meet the requirements of section 1111 for students who are limited English proficient, including—

"(A) the alignment of such assessments with State student academic achievement standards and State academic content standards for all students;

"(B) the development of parallel native language assessments or linguistically modified assessments for limited English proficient students that meet the requirements of section 1111(b)(3)(C)(ix)(III);

"(C) the development of an implementation plan for pilot tests for such assessments, in order to determine the level of appropriateness and feasibility of full-scale administration; and

"(D) activities that provide for the retention of all feasible standardized features in the alternate assessments.

"(3) Developing, modifying, or revising State policies and criteria for appropriate accommodations to ensure the full participation of students who are limited English proficient and students with disabilities in State academic assessments, including—

"(A) developing a plan to ensure that assessments provided with accommodations are fully included and integrated into the accountability system, for the purpose of making the determinations of adequate yearly progress required under section 1116;

"(B) ensuring the validity, reliability, and appropriateness of such accommodations, such as—

"(i) a modification to the presentation or format of the assessment;

"(ii) the use of assistive devices;

"(iii) an extension of the time allowed for testing;

"(iv) an alteration of the test setting or procedures;

"(v) the administration of portions of the test in a method appropriate for the level of language proficiency of the test taker;

"(vi) the use of a glossary or dictionary; and

"(vii) the use of a linguistically modified assessment;

"(C) ensuring that State policies and criteria for appropriate accommodations take into account the form or program of instruction provided to students, including the level of difficulty, reliability, cultural difference, and content equivalence of such form or program;

"(D) ensuring that such policies are consistent with the standards prepared by the Joint Committee on Standards for Educational and Psychological Testing of the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education; and

"(E) developing a plan for providing training on the use of accommodations to school instructional staff, families, students, and other appropriate parties.

"(4) Developing universally designed assessments that can be accessible to all students, including—

"(A) examining test item or test performance for students with disabilities and students who are limited English proficient, to determine the extent to which the test item or test is universally designed;

"(B) using think aloud and cognitive laboratory procedures, as well as item statistics, to identify test items that may pose particular problems for students with disabilities or students who are limited English proficient;

"(C) developing and implementing a plan to ensure that developers and reviewers of test items are trained in the principles of universal design; and

"(D) developing computer-based applications of universal design principles.

"(c) APPLICATION.—Each State educational agency, or consortium of State educational agencies, desiring to apply for a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including—

"(1) information regarding the institutions of higher education, research institutions, or other organizations that are collaborating with the State educational agency or consortium, in accordance with subsection (a);

"(2) in the case of a consortium of State educational agencies, the designation of 1 State educational agency as the fiscal agent for the receipt of grant funds;

"(3) a description of the process and criteria by which the State educational agency will identify students that are unable to participate in general State content assessments and are eligible to take alternate assessments, consistent with the amendments made to part 200 of title 34, Code of Federal Regulations (68 Fed. Reg. 68698);

"(4) in the case of a State educational agency or consortium carrying out the activity described in subsection (b)(1)(A), a description of how the State educational agency plans to fulfill the requirement of subsection (b)(1)(A);

"(5) in the case of a State educational agency or consortium carrying out the activities described in paragraphs (1), (2), and (4) of subsection (b), information regarding the proposed techniques for the development of alternate assessments, including a description of the technical adequacy of, technical aspects of, and scoring for such assessments;

"(6) a plan for providing training for school instructional staff, families, students, and other appropriate parties on the use of alternate assessments; and

"(7) information on how the scores of students participating in alternate assessments will be reported to the public and to parents.

"(d) EVALUATION AND REPORTING REQUIREMENTS.—Each State educational agency receiving a grant under this section shall submit an annual report to the Secretary describing the activities carried out under the grant and the result of such activities, including—

"(1) details on the effectiveness of the activities supported under this section in helping students with disabilities, or students who are limited English proficient, better participate in State assessment programs; and

"(2) information on the change in achievement, if any, of students with disabilities and students who are limited English proficient, as a result of a more accurate assessment of such students.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $50,000,000 for fiscal year 2006, and such sums as may be necessary for each of the 2 succeeding fiscal years.".

(b) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 note) is amended by inserting after the item relating to section 1504 the following:

"Sec. 1505. Grants for assessment of children with disabilities and children who are limited English proficient.".

SEC. 503. REPORTS ON STUDENT ENROLLMENT AND GRADUATION RATES.

(a) STUDENT ENROLLMENT AND GRADUATION RATES.—Part E of title I of the Elementary and Secondary Education Act of 1965 (as amended by section 502) (20 U.S.C. 6491 et seq.) is amended by adding at the end the following:

"SEC. 1506. REPORTS ON STUDENT ENROLLMENT AND GRADUATION RATES.

"(a) IN GENERAL.—The Secretary shall collect from each State educational agency, local educational agency, and school, on an annual basis, the following data:

"(1) The number of students enrolled in each of grades 7 through 12 at the beginning of the most recent school year.

"(2) The number of students enrolled in each of grades 7 through 12 at the end of the most recent school year.

"(3) The graduation rate for the most recent school year.

"(4) The data described in paragraphs (1) through (3), disaggregated by the groups of students described in section 1111(b)(2)(C)(v)(II).

"(b) ANNUAL REPORT.—The Secretary shall report the information collected under subsection (a) on an annual basis.".

(b) TABLE OF CONTENTS.—The table of contents of the Elementary and Secondary Education Act of 1965 (as amended by section 502(b)) (20 U.S.C. 6301 note) is amended by inserting after the item relating to section 1505 the following:

"Sec. 1506. Reports on student enrollment and graduation rates.".

SEC. 504. CIVIL RIGHTS.

Section 9534 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7914) is amended—

(1) by redesignating subsections (a) and (b) as subsections (b) and (c), respectively; and

(2) by inserting before subsection (b) (as redesignated by paragraph (1)) the following:

"(a) PROHIBITION OF DISCRIMINATION.—Discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, or disability in any program funded under this Act is prohibited.".

TITLE VI—SENSE OF THE SENATE REGARDING FUNDING FOR ELEMENTARY AND SECONDARY EDUCATION

SEC. 601. SENSE OF THE SENATE.

(a) FINDINGS.—The Senate finds the following:

(1) Congress enacted, with bipartisan support, and the President signed into law the No Child Left Behind Act of 2001 (Public Law 107-210; 115 Stat. 1425), that reauthorized the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.). The new law required States to set high standards for learning and required schools to implement reforms to help improve student achievement. In return, Congress and the President pledged to make sure schools would have resources to carry out the reforms as called for in the new law.

(2) $22,750,000,000 is needed to fund part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in fiscal year 2006, as promised pursuant to the No Child Left Behind Act of 2001 (Public Law 107–210; 115 Stat. 1425).

(3) $25,000,000,000 is needed to fund part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) in fiscal year 2007, as promised pursuant to the No Child Left Behind Act of 2001 (Public Law 107–210; 115 Stat. 1425).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) it is in the best interest of the Nation that all students have access to a high-quality elementary and secondary education; and

(2) part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311 et seq.) should be funded as promised pursuant to the No Child Left Behind Act of 2001 (Public Law 107-210; 115 Stat. 1425).

TITLE VII—PROVIDING A ROADMAP FOR FIRST GENERATION COLLEGE FOR STUDENTS

SEC. 701. EXPANSION OF TRIO AND GEARUP.

The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) in section 402A(f), by striking "$700,000,000 for fiscal year 1999" and inserting "$1,000,000,000 for fiscal year 2006"; and

(2) by striking section 404H and inserting the following:

"SEC. 404H. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this chapter $400,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 4 succeeding fiscal years.".

TITLE VIII—COLLEGE TUITION RELIEF FOR STUDENTS AND THEIR FAMILIES THROUGH PELL GRANTS

SEC. 801. PELL GRANTS TAX TABLES HOLD HARMLESS.

Notwithstanding any other provision of law, the annual updates to the allowance for State and other taxes in the tables used in the Federal Need Analysis Methodology to determine a student's expected family contribution for the award year 2005–2006 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.), published in the Federal Register on Thursday, December 23, 2004 (69 Fed. Reg. 76926), shall not apply to a student to the extent the updates will reduce the amount of Federal student assistance for which the student is eligible.

SEC. 802. SENSE OF THE SENATE REGARDING INCREASING THE MAXIMUM PELL GRANT.

(a) FINDINGS.—The Senate makes the following findings:

(1) Increasing the percentage of individuals who obtain a postsecondary education has become increasingly important, not just to the individual beneficiary, but to the Nation as a whole. The growth and continued expansion of the Nation's economy is heavily dependent on an educated and highly skilled workforce.

(2) The opportunity to gain a postsecondary education also is important to the Nation as a means to help advance the American ideals of progress and equality.

(3) The Federal Government plays an invaluable role in making student financial aid available to ensure that qualified students are able to attend college, regardless of their financial means. Since the inception of the Pell Grant program in 1973, nearly 80,000,000 grants have helped low- and middle-income students go to college, enrich their lives, and become productive members of society.

(4) Nationwide, almost 63 percent of secondary school graduates continue on to higher education immediately after completing secondary school. This degree of college participation would not exist without the Federal investment in student aid, especially the Pell Grant program. More than 4,000,000 low- and middle-income students receive Pell Grants; 95 percent of whom have a family income of not more than $40,000.

(5) In the next 10 years, the number of undergraduate students enrolled in the Nation's colleges and universities will increase by 15 percent to more than 15,000,000 students. Many of these students will be the first in their families to attend college. The continued investment in the Pell Grant program is essential if college is to remain an achievable part of the American dream.

(6) Increasing the maximum Pell Grant to $5,100 would allow more than 430,000 additional students to benefit from the program.

(7) Increasing the maximum Pell Grant to $5,100 would result in 200,000 new Pell Grant recipients.

(8) Pell Grant recipients are more likely to graduate with student loan debt and to amass more debt than other student borrowers. Increasing the maximum Pell Grant to $5,100 will help remedy this disparity.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) the maximum Pell Grant should be increased to $5,100 during award year 2006–2007; and

(2) the maximum Pell Grant amount set by Congress should be the amount eligible students receive.

SEC. 803. ESTABLISHMENT OF A PELL DEMONSTRATION PROGRAM.

(a) FINDINGS.—Congress finds that:

(1) A student remains eligible to receive a Federal Pell Grant as long as the student is income-eligible and has not received a bachelor's degree.

(2) By encouraging persistence and degree acquisition in a timely manner, the Federal Government, in effect, saves money—

(A) by reducing the courses that do not lead to a degree; and

(B) by helping students get the financial benefits of a college degree as soon as possible.

(b) PELL DEMONSTRATION PROGRAM.—

(1) AUTHORIZATION.—The Secretary of Education shall establish a demonstration program to facilitate the ability of low-income students to complete the students' degree within 150 percent of the time expected to complete such degree.

(2) GRANTS.—The Secretary of Education shall award competitive grants to institutions of higher education to enable students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.) to enroll in courses in the summer at such institutions to expedite the students' graduation from the institutions.

(3) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $500,000,000 for the period of fiscal years 2006 through 2008.

TITLE IX—TUITION FREE COLLEGE FOR MATHEMATICS, SCIENCE, AND SPECIAL EDUCATION TEACHERS

SEC. 901. PURPOSE.

It is the purpose of this title to make public college tuition free for future mathematics, science, and special education teachers and to provide additional assistance to students eligible to receive a Federal Pell Grant under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.).

SEC. 902. TUITION FREE COLLEGE FOR MATHEMATICS, SCIENCE, AND SPECIAL EDUCATION TEACHERS.

(a) ADDITIONAL AMOUNTS FOR TEACHERS IN MATHEMATICS, SCIENCE, AND SPECIAL EDUCATION.—

(1) FFEL LOANS.—Section 428J(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1078–10(c)(3)) is amended by striking "$17,500" and inserting "$23,000".

(2) DIRECT LOANS.—Section 460(c)(3) of the Higher Education Act of 1965 (20 U.S.C. 1087j(c)(3)) is amended by striking "$17,500" and inserting "$23,000".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply only with respect to eligible individuals who are new borrowers on or after October 1, 1998.

SEC. 903. OFFSET FOR TUITION FREE COLLEGE FOR MATHEMATICS, SCIENCE, AND SPECIAL EDUCATION TEACHERS.

(a) SPECIAL ALLOWANCES.—

(1) IN GENERAL.—Section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) is amended—

(A) in clause (iv), by striking "or refunded after September 30, 2004, and before January 1, 2006," and inserting "or refunded on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004,"; and

(B) by striking clause (v) and inserting the following:

"(v) Notwithstanding clauses (i) and (ii), the quarterly rate of the special allowance shall be the rate determined under subparagraph (A), (E), (F), (G), (H), or (I) of this paragraph, or paragraph (4), as the case may be, for loans—

"(I) originated, transferred, or purchased on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

"(II) financed by an obligation that has matured, been retired, or defeased on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

"(III) which the special allowance was determined under such subparagraphs or paragraph, as the case may be, on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004;

"(IV) for which the maturity date of the obligation from which funds were obtained for such loans was extended on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004; or

"(V) sold or transferred to any other holder on or after the date of enactment of the Taxpayer-Teacher Protection Act of 2004.".

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to abrogate a contractual agreement between the Federal Government and a student loan provider.

(b) AVAILABLE FUNDS FROM REDUCED EXPENDITURES.—

(1) IN GENERAL.—Any funds available to the Secretary of Education as a result of reduced expenditures under section 438 of the Higher Education Act of 1965 (20 U.S.C. 1087–1) secured by the enactment of subsection (a) shall first be used by the Secretary for loan cancellation and loan forgiveness for teachers under sections 428J and 460 of the Higher Education Act of 1965 (20 U.S.C. 1078–10, 1087j), as amended by section 902 of this Act.

(2) REMAINING FUNDS.—

(A) IN GENERAL.—Any such funds remaining after carrying out paragraph (1) shall be used by the Secretary of Education to make payments to each nonprofit lender in an amount that bears the same relation to the remaining funds as the amount the nonprofit lender receives for fiscal year 2005 under section 438(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1087–1(b)(2)(B)) bears to the total amount received by nonprofit lenders for fiscal year 2005 under such section.

(B) DEFINITION OF NONPROFIT LENDER.—In this paragraph the term "nonprofit lender" means an eligible lender (as defined in section 435(d) of the Higher Education Act of 1965 (20 U.S.C.1085(d)) that—

(i) is an organization described in section 501(c)(3) of the Internal Revenue Code of 1986;

(ii) is a nonprofit entity as defined by applicable State law; and

(iii) meets the following requirements:

(I) The nonprofit lender does not confer a salary or benefits to any employee of the nonprofit lender in an amount that is in excess of the salary and benefits provided to the Secretary of Education by the Department of Education.

(II) The nonprofit lender does not maintain an ongoing relationship whereby the nonprofit lender passes on revenue directly or indirectly through lease, securitization, resale, or any other financial instrument to a for-profit entity or to shareholders.

(III) The nonprofit lender does not offer benefits to a borrower in a manner directly or indirectly predicated on such borrower's participation—

(aa) in a program under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq., 1087a et seq.); or

(bb) with any particular lender.

(IV) The nonprofit lender certifies that the nonprofit lender uses the payment received pursuant to subparagraph (A) to confer grant or scholarship benefits to students who are eligible to receive Federal Pell Grants under subpart 1 of part A of title IV of the Higher Education Act of 1965 (20 U.S.C. 1070a et seq.).

(V) The nonprofit lender is subject to public oversight through either a State charter, or through not less than 50 percent of the nonprofit lender's board of directors consisting of State appointed representatives.

(VI) The nonprofit lender does not engage in the marketing of the relative value of programs under part B of title IV of the Higher Education Act of 1965 as compared to programs under part D of title IV of the Higher Education Act of 1965, nor does the nonprofit lender engage in the marketing of loans or programs offered by for-profit lenders. This subclause shall not be construed to prohibit the nonprofit lender from conferring basic information on lenders under part B of title IV of the Higher Education Act of 1965 and the related benefits offered by such nonprofit lenders.

TITLE X—MAKING COLLEGE AFFORDABLE FOR ALL STUDENTS

SEC. 1001. EXPANSION OF DEDUCTION FOR HIGHER EDUCATION EXPENSES.

(a) AMOUNT OF DEDUCTION.—Subsection (b) of section 222 of the Internal Revenue Code of 1986 (relating to deduction for qualified tuition and related expenses) is amended to read as follows:

"(b) LIMITATIONS.—

"(1) DOLLAR LIMITATIONS.—

"(A) IN GENERAL.—Except as provided in paragraph (2), the amount allowed as a deduction under subsection (a) with respect to the taxpayer for any taxable year shall not exceed the applicable dollar limit.

"(B) APPLICABLE DOLLAR LIMIT.—The applicable dollar limit for any taxable year shall be determined as follows:

"Taxable year:	Applicable dollar amount:
2005 and 2006	$6,000
2007 and 2008	$8,000
2009 and 2010	$10,000
2011 and thereafter	$12,000.

"(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

"(A) IN GENERAL.—The amount which would (but for this paragraph) be taken into account under subsection (a) shall be reduced (but not below zero) by the amount determined under subparagraph (B).

"(B) AMOUNT OF REDUCTION.—The amount determined under this subparagraph equals the amount which bears the same ratio to the amount which would be so taken into account as—

"(i) the excess of—

"(I) the taxpayer's modified adjusted gross income for such taxable year, over

"(II) $65,000 ($130,000 in the case of a joint return), bears to

"(ii) $15,000 ($30,000 in the case of a joint return).

"(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year determined—

"(i) without regard to this section and sections 199, 911, 931, and 933, and

"(ii) after the application of sections 86, 135, 137, 219, 221, and 469.

For purposes of the sections referred to in clause (ii), adjusted gross income shall be determined without regard to the deduction allowed under this section.

"(D) INFLATION ADJUSTMENTS.—

"(i) IN GENERAL.—In the case of any taxable year beginning in a calendar year after 2005, both of the dollar amounts in subparagraph (B)(i)(II) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2004' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING.—If any amount as adjusted under clause (i) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.".

(b) QUALIFIED TUITION AND RELATED EXPENSES OF ELIGIBLE STUDENTS.—

(1) IN GENERAL.—Section 222(a) of the Internal Revenue Code of 1986 (relating to allowance of deduction) is amended by inserting "of eligible students" after "expenses".

(2) DEFINITION OF ELIGIBLE STUDENT.—Section 222(d) of such Code (relating to definitions and special rules) is amended by redesignating paragraphs (2) through (6) as paragraphs (3) through (7), respectively, and by inserting after paragraph (1) the following new paragraph:

"(2) ELIGIBLE STUDENT.—The term 'eligible student' has the meaning given such term by section 36(b)(3).".

(c) DEDUCTION MADE PERMANENT.—Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to the amendments made by section 431 of such Act.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made in taxable years beginning after December 31, 2004.

SEC. 1002. CREDIT FOR INTEREST ON HIGHER EDUCATION LOANS.

(a) IN GENERAL.—Subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to nonrefundable personal credits) is amended by inserting after section 25B the following new section:

"SEC. 25C. INTEREST ON HIGHER EDUCATION LOANS.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to the interest paid by the taxpayer during the taxable year on any qualified education loan.

“(b) MAXIMUM CREDIT.—

“(1) IN GENERAL.—Except as provided in paragraph (2), the credit allowed by subsection (a) for the taxable year shall not exceed $1,500.

“(2) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

“(A) IN GENERAL.—If the modified adjusted gross income of the taxpayer for the taxable year exceeds $50,000 ($100,000 in the case of a joint return), the amount which would (but for this paragraph) be allowable as a credit under this section shall be reduced (but not below zero) by the amount which bears the same ratio to the amount which would be so allowable as such excess bears to $20,000 ($40,000 in the case of a joint return).

“(B) MODIFIED ADJUSTED GROSS INCOME.—The term ‘modified adjusted gross income’ means adjusted gross income determined without regard to sections 199, 222, 911, 931, and 933.

“(C) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2005, the $50,000 and $100,000 amounts referred to in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘2004’ for ‘1992’.

“(D) ROUNDING.—If any amount as adjusted under subparagraph (C) is not a multiple of $50, such amount shall be rounded to the nearest multiple of $50.

“(c) DEPENDENTS NOT ELIGIBLE FOR CREDIT.—No credit shall be allowed by this section to an individual for the taxable year if a deduction under section 151 with respect to such individual is allowed to another taxpayer for the taxable year beginning in the calendar year in which such individual's taxable year begins.

“(d) LIMIT ON PERIOD CREDIT ALLOWED.—A credit shall be allowed under this section only with respect to interest paid on any qualified education loan during the first 60 months (whether or not consecutive) in which interest payments are required. For purposes of this paragraph, any loan and all refinancings of such loan shall be treated as 1 loan.

“(e) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED EDUCATION LOAN.—The term ‘qualified education loan’ has the meaning given such term by section 221(d)(1).

“(2) DEPENDENT.—The term ‘dependent’ has the meaning given such term by section 152.

“(f) SPECIAL RULES.—

“(1) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under this section for any amount taken into account for any deduction under any other provision of this chapter.

“(2) MARRIED COUPLES MUST FILE JOINT RETURN.—If the taxpayer is married at the close of the taxable year, the credit shall be allowed under subsection (a) only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

“(3) MARITAL STATUS.—Marital status shall be determined in accordance with section 7703.”.

(b) CONFORMING AMENDMENT.—The table of sections for subpart A of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 25B the following new item:

“Sec. 25C. Interest on higher education loans.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any qualified education loan (as defined in section 25C(e)(1) of the Internal Revenue Code of 1986, as added by this section) incurred on, before, or after the date of the enactment of this Act, but only with respect to any loan interest payment due after December 31, 2004.

SEC. 1003. HOPE AND LIFETIME LEARNING CREDITS TO BE REFUNDABLE.

(a) CREDIT TO BE REFUNDABLE.—Section 25A of the Internal Revenue Code of 1986 (relating to Hope and Lifetime Learning credits) is hereby moved to subpart C of part IV of subchapter A of chapter 1 of such Code (relating to refundable credits) and inserted after section 35.

(b) TECHNICAL AMENDMENTS.—

(1) Section 36 of such Code is redesignated as section 37.

(2) Section 25A of such Code (as moved by subsection (a)) is redesignated as section 36.

(3) Paragraph (1) of section 36(a) of such Code (as redesignated by paragraph (2)) is amended by striking “this chapter” and inserting “this subtitle”.

(4) Subparagraph (B) of section 72(t)(7) of such Code is amended by striking “section 25A(g)(2)” and inserting “section 36(g)(2)”.

(5) Subparagraph (A) of section 135(d)(2) of such Code is amended by striking “section 25A” and inserting “section 36”.

(6) Section 221(d) of such Code is amended—

(A) by striking “section 25A(g)(2)” in paragraph (2)(B) and inserting “section 36(g)(2)”,

(B) by striking “section 25A(f)(2)” in the matter following paragraph (2)(B) and inserting “section 36(f)(2)”, and

(C) by striking “section 25A(b)(3)” in paragraph (3) and inserting “section 36(b)(3)”.

(7) Section 222 of such Code is amended—

(A) by striking “section 25A” in subparagraph (A) of subsection (c)(2) and inserting “section 36”,

(B) by striking “section 25A(f)” in subsection (d)(1) and inserting “section 36(f)”, and

(C) by striking “section 25A(g)(2)” in subsection (d)(1) and inserting “section 36(g)(2)”.

(8) Section 529 of such Code is amended—

(A) by striking “section 25A(g)(2)” in subclause (I) of subsection (c)(3)(B)(v) and inserting “section 36(g)(2)”,

(B) by striking “section 25A” in subclause (II) of subsection (c)(3)(B)(v) and inserting “section 36”, and

(C) by striking “section 25A(b)(3)” in clause (i) of subsection (e)(3)(B) and inserting “section 36(b)(3)”.

(9) Section 530 of such Code is amended—

(A) by striking “section 25A(g)(2)” in subclause (I) of subsection (d)(2)(C)(i) and inserting “section 36(g)(2)”,

(B) by striking “section 25A” in subclause (II) of subsection (d)(2)(C)(i) and inserting “section 36”, and

(C) by striking “section 25A(g)(2)” in clause (iii) of subsection (d)(4)(B) and inserting “section 36(g)(2)”.

(10) Subsection (e) of section 6050S of such Code is amended by striking “section 25A” and inserting “section 36”.

(11) Subparagraph (J) of section 6213(g)(2) of such Code is amended by striking “section 25A(g)(1)” and inserting “section 36(g)(1)”.

(12) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “or from section 36 of such Code”.

(13) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 36 and inserting the following:

“Sec. 36. Hope and Lifetime Learning credits.

“Sec. 37. Overpayments of tax.”.

(14) The table of sections for subpart A of such part IV is amended by striking the item relating to section 25A.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

By Mr. KENNEDY (for himself, Mr. REID, Ms. STABENOW, Mr. CORZINE, Mr. SCHUMER, Ms. MIKULSKI, Mr. AKAKA, Mr. INOUYE, Mr. LEVIN, Mr. KERRY, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. DODD, Mr. PRYOR, and Mr. DURBIN):

S. 16. A bill to reduce to the cost of quality health care coverage and improve the availability of health care coverage for all Americans; to the Committee on Finance.

Mr. KENNEDY. Mr. President, it's an honor to join our Democratic Leader and so many of our colleagues in introducing the Affordable Health Care Act.

This legislation states our strong commitment as Democrats to end the crisis in health care that affects every family. It's a down payment on our commitment to quality, affordable health care for every American, and we will not rest until that goal is achieved.

The worsening crisis in health care is caused by skyrocketing costs, declining insurance coverage, and less security for every family. Businesses—especially small businesses—find it increasingly difficult to provide decent coverage for their employees. Companies struggling with foreign competition are at an every-larger competitive disadvantage because of their constantly rising costs.

Last year, the percentage of the Nation's gross domestic product devoted to health was 15.5%, the highest in our history. Since 2000, annual spending on health care has risen from $1.3 trillion to $1.7 trillion, an increase of almost half a trillion dollars in just four years.

Even worse, insurance premiums have soared by 59 percent during those four years. The cost of insurance for a family has risen by almost $3,000. Last year, the cost of the premiums for family coverage averaged $10,000, and was much higher for many families.

Drug costs are also out of control. According to current data, they rose 47 percent in the first three years of the Bush Administration. Too many patients are cutting the pills their doctors prescribe in half or going without them altogether, because they can't afford the drugs they need to treat or prevent disease.

Even Medicare premiums are out of control. The largest premium increase in Medicare's history went into effect just three weeks ago. Since President Bush took office, Medicare premiums have climbed by 72 percent. Senior citizens, with an average income of $15,000, now have to pay almost $1,000 a year for their Part B premiums under Medicare. The recent report of the Medicare trustees included the stunning revelation that Medicare cost sharing and premiums will soon eat up more than 40 percent of the total Social Security benefit of the typical 85 year old.

As a proportion of Gross Domestic Product spent on health care, America is first in the world by a large margin. We spend 30 percent more than the Swiss who are number two, a third more than the Germans, fifty percent more than the French and the Canadians, and seventy-eight percent more than the Japanese.

These extraordinarily high levels of health spending might be justified if they produced dramatically better health care for the American people. But they don't. Among the world's leading industrialized countries, the United States ranks 22nd in average life expectancy and 25th in infant mortality.

We also face a worsening crisis of the uninsured. Since President Bush took office, the number of uninsured Americans has increased by a shameful million a year. Today, 45 million Americans have no coverage. Between 2001 and 2004, five million jobs offering health insurance were lost.

Even these figures understate the problem. Over a two-year period, 82 million Americans—one out of every three non-elderly Americans—will be uninsured for a significant period of time.

Tragically, eight and a half million children are uninsured and may well be denied the opportunity for a healthy start in life that should be the birthright of every child. Even people who have health insurance today cannot count on it being there for them tomorrow. No American family is more than one pink slip or one employer decision away from being uninsured.

The uninsured are vulnerable not only to unaffordable costs, but to substandard or health care or no care at all. In any given year, one-third of the uninsured go without needed medical care. Two hundred seventy thousand children suffering from asthma never see a doctor. Three hundred fifty thousand children with recurrent earaches never see a doctor. Three hundred fifty thousand children with severe sore throats never see a doctor.

Twenty-seven thousand uninsured women are diagnosed with breast cancer each year. They are twice as likely as insured women not to receive medical treatment until their cancer has spread too far, and they are 50 percent more likely to die of the disease.

Thirty-two thousand Americans with heart disease go without life-saving and life-enhancing bypass surgery or angioplasty—because they are uninsured.

The bottom line is that whether the disease is AIDS or mental illness or cancer or heart disease or diabetes, the uninsured are left out and left behind. In hospital and out, young or old, black or brown or white, they receive less care, suffer more, and are 25 percent more likely to die prematurely than those who have insurance.

Even for those with insurance, the quality of health care is often needlessly compromised. Recent events cast serious doubt on the FDA's ability to respond promptly when drugs it has approved turn out to have dangerous side effects. By some estimates, tens of thousands of unnecessary deaths have resulted.

The lack of coordination in our system results in duplicative, costly, and often counterproductive tests and procedures. The Midwest Business Group on Health estimates that the cost of poor quality care to employers providing health insurance coverage is $2,000 per worker, and it's paid in the form of higher insurance premiums. A recent study found that for many serious illnesses, patients are as likely to receive substandard care as they are to receive care meeting accepted professional standards.

In the face of this massive crisis in health care, the Administration and Congress have been missing in action for too long. The Bush Administration and the Republican leadership in Congress defend the special interests that profit from the status quo and ignore the suffering of the millions of families victimized by their neglect.

Reports suggest in fact that the Administration's new budget will propose to cut Medicaid, which provides health care for more than 50 million of the poorest of the poor. The deficit must be addressed—but it was created by the Administration's tax breaks for the wealthy, and the poor and the sick should not have to bear the burden of reducing it. That's the wrong priority and the wrong values.

The legislation we are offering today will not solve all these problems, but it is a good start, and we are committed to finishing the job.

The Affordable Health Care Act guarantees that every child in America will have quality health care coverage.

It reduces health costs substantially, by making FDA-approved drugs available at the same fair prices available to Canadians and Europeans, rather than the inflated prices charged to U.S. patients.

It takes a giant step toward adoption of modern information technology in health care, which has the potential to dramatically improve the quality of care and dramatically reduce its cost—by as much as $140 billion a year. It also improves quality by giving the FDA additional authority to monitor the safety of approved drugs.

It addresses the special burden faced by small businesses by offering tax credits to reduce the premiums they pay to cover their employees. It also establishes a demonstration program in 25 cities to see if a successful program in Michigan to expand insurance coverage for small businesses can be replicated elsewhere. Finally, our bill includes a sense of the Senate resolution to put Congress firmly on record against destructive cuts in Medicaid.

Affordable health care is a high priority for every family, and it should be an equally high priority for this Congress. We face a crisis, and it is time to act. Senate Democrats are committed to guaranteeing the basic right to health care for all Americans, and when we say "all", we mean "all".

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 16

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Affordable Health Care Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title: table of contents.

TITLE I—MAKING PRESCRIPTION DRUGS MORE SAFE AND AFFORDABLE

Subtitle A—Access to Prescription Drugs

Sec. 101. Findings.
Sec. 102. Repeal of certain section regarding importation of prescription drugs.
Sec. 103. Importation of prescription drugs; waiver of certain import restrictions.
Sec. 104. Additional waivers regarding personal importation: enforcement policies of Secretary.
Sec. 105. Disposition of certain drugs denied admission into United States.
Sec. 106. Civil actions regarding property.
Sec. 107. Wholesale distribution of drugs; Statements regarding prior sale, purchase, or trade.
Sec. 108. Repeal of importation exemption under Controlled Substances Import and Export Act.
Sec. 109. Effect on administration practices.

Subtitle B—Ensuring Drug Safety

Sec. 121. Drug safety.
Sec. 122. Report by GAO on drug safety.

TITLE II—MODERNIZING THE HEALTH CARE SYSTEM

Sec. 201. Amendment to the Public Health Service Act.
Sec. 202. Standardized measures of quality health care and data collection.

TITLE III—MAKING HEALTH CARE MORE AFFORDABLE FOR CHILDREN AND PREGNANT WOMEN

Subtitle A—Covering all Children

Sec. 300. Findings.

CHAPTER 1—EXPANDED COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

Sec. 301. State option to receive 100 percent fmap for medical assistance for children in poverty in exchange for expanded coverage of children in working poor families under title XXI.

Sec. 302. Elimination of cap on SCHIP funding for States that expand eligibility for children.
CHAPTER 2—STATE OPTIONS FOR INCREMENTAL CHILD COVERAGE EXPANSIONS
Sec. 311. State option to enroll low-income children of State employees in SCHIP.
Sec. 312. State option for passive renewal of eligibility for children under medicaid and SCHIP.
CHAPTER 3—TAX INCENTIVES FOR HEALTH INSURANCE COVERAGE OF CHILDREN
Sec. 321. Refundable credit for health insurance coverage of children.
Sec. 322. Forfeiture of personal exemption for any child not covered by health insurance.
CHAPTER 4—MISCELLANEOUS
Sec. 331. Requirement for group market health insurers to offer dependent coverage option for workers with children.
Sec. 332. Effective date.
Subtitle B—Covering Pregnant Women
Sec. 351. State option to expand or add coverage of pregnant women under the medicaid program and State Children's Health Insurance Program.
Sec. 352. Optional coverage of legal immigrants under the medicaid program and SCHIP.
Sec. 353. Promoting cessation of tobacco use under the medicaid program.
Sec. 354. Promoting cessation of tobacco use under the maternal and child health services block grant program.
Sec. 355. State option to provide family planning services and supplies to individuals with incomes that do not exceed a State's income eligibility level for medical assistance.
Sec. 356. State option to extend the postpartum period for provision of family planning services and supplies.
Sec. 357. State option to provide wrap-around SCHIP coverage to children who have other health coverage.
Sec. 358. Innovative outreach programs.
Subtitle C—Affirming the Importance of Medicaid
Sec. 361. Sense of the Senate.
TITLE IV—REDUCING HEALTH CARE COSTS FOR SMALL EMPLOYERS
Subtitle A—Tax Relief
Sec. 401. Refundable credit for small business employee health insurance expenses.
Subtitle B—Three-Share Program
Sec. 421. Three-share programs.

TITLE I—MAKING PRESCRIPTION DRUGS MORE SAFE AND AFFORDABLE

Subtitle A—Access to Prescription Drugs

SEC. 101. FINDINGS.

Congress finds that—

(1) Americans unjustly pay up to 5 times more to fill their prescriptions than consumers in other countries;

(2) the United States is the largest market for pharmaceuticals in the world, yet American consumers pay the highest prices for brand pharmaceuticals in the world;

(3) a prescription drug is neither safe nor effective to an individual who cannot afford it;

(4) allowing and structuring the importation of prescription drugs to ensure access to safe and affordable drugs approved by the Food and Drug Administration will provide a level of safety to American consumers that they do not currently enjoy;

(5) American seniors alone will spend $1,800,000,000,000 on pharmaceuticals over the next 10 years; and

(6) allowing open pharmaceutical markets could save American consumers at least $38,000,000,000 each year.

SEC. 102. REPEAL OF CERTAIN SECTION REGARDING IMPORTATION OF PRESCRIPTION DRUGS.

Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.) is amended by striking section 804.

SEC. 103. IMPORTATION OF PRESCRIPTION DRUGS; WAIVER OF CERTAIN IMPORT RESTRICTIONS.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 102, is further amended by inserting after section 803 the following:

"SEC. 804. COMMERCIAL AND PERSONAL IMPORTATION OF PRESCRIPTION DRUGS.

"(a) IMPORTATION OF PRESCRIPTION DRUGS.—

"(1) IN GENERAL.—The Secretary shall in accordance with this section provide by regulation that, in the case of qualifying drugs imported or offered for import into the United States from registered exporters or by registered importers—

"(A) the limitation on importation that is established in section 801(d)(1) is waived; and

"(B) the standards referred to in section 801(a) regarding admission of the drugs are subject to subsection (g) of this section (including with respect to qualifying drugs to which section 801(d)(1) does not apply).

"(2) IMPORTERS.—A qualifying drug may not be imported under paragraph (1) unless—

"(A) the drug is imported by a pharmacy or a wholesaler that is a registered importer; or

"(B) the drug is imported by an individual for personal use or for the use of a family member of the individual (not for resale) from a registered exporter.

"(3) RULE OF CONSTRUCTION.—This section shall apply only with respect to a drug that is imported or offered for import into the United States—

"(A) by a registered importer; or

"(B) from a registered exporter to an individual.

"(4) DEFINITIONS.—

"(A) REGISTERED EXPORTER; REGISTERED IMPORTER.—For purposes of this section:

"(i) The term 'registered exporter' means an exporter for which a registration under subsection (b) has been approved and is in effect.

"(ii) The term 'registered importer' means a pharmacy, group of pharmacies, or a wholesaler for which a registration under subsection (b) has been approved and is in effect.

"(iii) The term 'registration condition' means a condition that must exist for a registration under subsection (b) to be approved.

"(B) QUALIFYING DRUG.—For purposes of this section, the term 'qualifying drug' means a prescription drug, other than any of the following:

"(i) A controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802).

"(ii) A biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262).

"(iii) An infused drug, including a peritoneal dialysis solution.

"(iv) An intravenously injected drug.

"(v) A drug that is inhaled during surgery.

"(C) OTHER DEFINITIONS.—For purposes of this section:

"(i) The term 'exporter' means a person that is in the business of exporting a drug from Canada to individuals in the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

"(ii) The term 'importer' means a pharmacy, a group of pharmacies, or a wholesaler that is in the business of importing a drug into the United States or that, pursuant to submitting a registration under subsection (b), seeks to be in such business.

"(iii) The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

"(iv) The term 'pharmacy' means a person that—

"(I) is licensed by a State to engage in the business of selling prescription drugs at retail; and

"(II) employs 1 or more pharmacists.

"(v) The term 'prescription drug' means a drug that is described in section 503(b)(1).

"(vi) The term 'wholesaler'—

"(I) means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A); and

"(II) does not include a person authorized to import drugs under section 801(d)(1).

"(D) PERMITTED COUNTRY.—The term 'permitted country' means—

"(i) Australia;

"(ii) Canada;

"(iii) a member country of the European Union as of January 1, 2003;

"(iv) Japan;

"(v) New Zealand; and

"(vi) Switzerland.

"(b) REGISTRATION OF IMPORTERS AND EXPORTERS.—

"(1) REGISTRATION OF IMPORTERS AND EXPORTERS.—A registration condition is that the importer or exporter involved (referred to in this subsection as a 'registrant') submits to the Secretary a registration containing the following:

"(A) The name of the registrant and an identification of all places of business of the registrant that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the registrant.

"(B) Such information as the Secretary determines to be necessary to demonstrate that the registrant is in compliance with registration conditions under—

"(i) in the case of an importer, subsections (c), (d), (e), (g), and (j) (relating to the sources of exported drugs; the inspection of facilities of the importer; the payment of fees; compliance with the standards referred to in section 801(a); and maintenance of records and samples); or

"(ii) in the case of an exporter, subsections (c), (d), (f), (g), (h), (i), and (j) (relating to the sources of exported drugs; the inspection of facilities of the exporter and the marking of compliant shipments; the payment of fees; and compliance with the standards referred to in section 801(a); being licensed as a pharmacist; conditions for individual importation from Canada; and maintenance of records and samples).

"(C) An agreement by the registrant that the registrant will not under subsection (a) import or export any drug that is not a qualifying drug.

"(D) An agreement by the registrant to—

"(i) notify the Secretary of a recall or withdrawal of a drug distributed in a permitted country that the registrant has exported or imported, or intends to export or import, to the United States under subsection (a);

"(ii) provide for the return to the registrant of such drug; and

"(iii) cease, or not begin, the exportation or importation of such drug unless the Secretary has notified the registrant that exportation or importation of such drug may proceed.

"(E) An agreement by the registrant to ensure and monitor compliance with each registration condition, to promptly correct any noncompliance with such a condition, and to promptly report to the Secretary any such noncompliance.

"(F) A plan describing the manner in which the registrant will comply with the agreement under subparagraph (E).

"(G) An agreement by the registrant to enforce a contract under subsection (c)(3)(B) against a party in the chain of custody of a qualifying drug with respect to the authority of the Secretary under clauses (ii) and (iii) of that subsection.

"(H) An agreement by the registrant to notify the Secretary of—

"(i) any change that the registrant intends to make regarding information provided under subparagraph (A) or (B); and

"(ii) any change that the registrant intends to make in the compliance plan under subparagraph (F).

"(I) In the case of an exporter—

"(i) An agreement by the exporter that a qualifying drug will not under subsection (a) be exported to any individual not authorized pursuant to subsection (a)(2)(B) to be an importer of such drug.

"(ii) An agreement to post a bond, payable to the Treasury of the United States if, after opportunity for an informal hearing, the Secretary determines that the exporter has exported a drug to the United States that is not a qualifying drug or that is not in compliance with subsections (g) or (i), that is equal in value to the lesser of—

"(I) the value of drugs exported by the exporter to the United States in a typical 4-week period over the course of a year under this section; or

"(II) $1,000,000.

"(J) Such other provisions as the Secretary may require to protect the public health while permitting—

"(i) the importation by pharmacies, groups of pharmacies, wholesalers as registered importers of qualifying drugs under subsection (a); and

"(ii) importation by individuals of qualifying drugs under subsection (a).

"(2) Approval or Disapproval of Registration.—

"(A) In General.—Not later than 90 days after the date on which a registrant submits to the Secretary a registration under paragraph (1), the Secretary shall notify the registrant whether the registration is approved or is disapproved. The Secretary shall disapprove a registration if there is reason to believe that the registrant is not in compliance with one or more registration conditions, and shall notify the registrant of such reason. In the case of a disapproved registration, the Secretary shall subsequently notify the registrant that the registration is approved if the Secretary determines that the registrant is in compliance with such conditions.

"(B) Changes in Registration Information.—Not later than 30 days after receiving a notice under paragraph (1)(G) from a registrant, the Secretary shall determine whether the change involved affects the approval of the registration of the registrant under paragraph (1), and shall inform the registrant of the determination.

"(3) Publication of Contact Information for Registered Exporters.—Through the Internet website of the Food and Drug Administration, the Secretary shall make readily available to the public a list of registered exporters, including contact information for the exporters. Promptly after the approval of a registration submitted under paragraph (1), the Secretary shall update the Internet website accordingly.

"(4) Suspension and Termination.—

"(A) Suspension.—With respect to the effectiveness of a registration submitted under paragraph (1):

"(i) Subject to clause (ii), if the Secretary determines, after notice and opportunity for a hearing, that the registrant has failed to maintain substantial compliance with all registration conditions, the Secretary may suspend the registration.

"(ii) If the Secretary determines that, under color of the registration, the exporter has exported a drug or the importer has imported a drug that is not a qualifying drug, or a drug that does not meet the criteria under subsection (g)(2)(A), or has exported a qualifying drug to an individual in violation of subsection (i)(1)(F), the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registrant an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

"(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registrant has demonstrated that further violations of registration conditions will not occur.

"(B) Termination.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under paragraph (1) of a registrant if the Secretary determines that the registrant has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registrant. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration is terminated, any registration submitted under paragraph (1) by the registrant, or a person that is a partner in the export or import enterprise, or a principal officer in such enterprise, and any registration prepared with the assistance of the registrant or such a person, has no legal effect under this section.

"(c) Sources of Qualifying Drugs.—A registration condition is that the exporter or importer involved agrees that a qualifying drug will under subsection (a) be exported or imported to the United States only if there is compliance with the following:

"(1) The drug was manufactured in an establishment—

"(A) required to register under subsection (h) or (i) of section 510; or

"(B) inspected by the Secretary as provided by this section.

"(2) The establishment is located in the United States or in any foreign country, and the establishment manufactured the drug for distribution in the United States or for distribution in 1 or more of the permitted countries (without regard to whether in addition the drug was manufactured for distribution in a foreign country that is not a permitted country).

"(3) The exporter or importer obtained the drug—

"(A) directly from the establishment; or

"(B) directly from an entity that, by contract with the exporter or importer—

"(i) provides to the exporter or importer a statement (in such form and containing such information as the Secretary may require) that, for the chain of custody from the establishment, identifies each prior sale, purchase, or trade of the drug (including the date of the transaction and the names and addresses of all parties to the transaction);

"(ii) agrees to permit the Secretary to inspect such statements and related records to determine their accuracy;

"(iii) agrees, with respect to the qualifying drugs involved, to permit the Secretary to inspect warehouses and other facilities of the entity for purposes of determining whether the facilities are in compliance with any standards under this Act that are applicable to facilities of that type in the United States; and

"(iv) has ensured, through such contractual relationships as may be necessary, that the Secretary has the same authority regarding other parties in the chain of custody from the establishment that the Secretary has under clauses (ii) and (iii) regarding such entity.

"(4) The foreign country from which the importer will import the drug is a permitted country.

"(5) The foreign country from which the exporter will export the drug is Canada.

"(6) During any period in which the drug was not in the control of the manufacturer of the drug, the drug did not enter any country that is not a permitted country.

"(7) The exporter or importer retains a sample of each lot of the drug sufficient for testing by the Secretary.

"(d) Inspection of Facilities; Marking of Shipments.—

"(1) Inspection of Facilities.—A registration condition is that, for the purpose of assisting the Secretary in determining whether the exporter involved is in compliance with all other registration conditions—

"(A) the exporter agrees to permit the Secretary—

"(i) to conduct onsite inspections, including monitoring on a day-to-day basis, of places of business of the exporter that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the exporter;

"(ii) to have access, including on a day-to-day basis, to—

"(I) records of the exporter that relate to the export of such drugs, including financial records; and

"(II) samples of such drugs;

"(iii) to carry out the duties described in paragraph (3); and

"(iv) to carry out any other functions determined by the Secretary to be necessary regarding the compliance of the exporter; and

"(B) the Secretary has assigned 1 or more employees of the Secretary to carry out the functions described in this subsection for the Secretary not less than every 3 weeks on the premises of places of businesses referred to in subparagraph (A)(i), and such an assignment remains in effect on a continuous basis.

"(2) Marking of Compliant Shipments.—A registration condition is that the exporter involved agrees to affix to each shipping container of qualifying drugs exported under subsection (a) such markings as the Secretary determines to be necessary to identify the shipment as being in compliance with all registration conditions. Markings under the preceding sentence—

"(A) shall be designed to prevent affixation of the markings to any shipping container that is not authorized to bear the markings; and

"(B) may include anti-counterfeiting or track-and-trace technologies.

"(3) CERTAIN DUTIES RELATING TO EXPORTERS.—Duties of the Secretary with respect to an exporter include the following:

"(A) Verifying the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the exporter, which may be accomplished by the use of anticounterfeiting or track-and-trace technologies, if available.

"(B) Randomly reviewing records of exports to individuals for the purpose of determining whether the drugs are being imported by the individuals in accordance with the conditions under subsection (i). Such reviews shall be conducted in a manner that will result in a statistically significant determination of compliance with all such conditions.

"(C) Monitoring the affixing of markings under paragraph (2).

"(D) Inspect as the Secretary determines is necessary the warehouses and other facilities of other parties in the chain of custody of qualifying drugs.

"(E) Determine whether the exporter is in compliance with all other registration conditions.

"(4) CERTAIN DUTIES RELATING TO IMPORTERS.—Duties of the Secretary with respect to an importer include the following:

"(A) As authorized under section 704, inspect not less than every 3 weeks, the places of business of the importer that relate to the receipt and distribution of a qualifying drug, including each warehouse or other facility owned or controlled by, or operated for, the importer at which qualifying drugs are received or from which they are distributed to pharmacies.

"(B) During the inspections under subparagraph (A), verify the chain of custody of a statistically significant sample of qualifying drugs from the establishment in which the drug was manufactured to the importer, which may be accomplished by the use of anticounterfeiting or track-and-trace technologies, if available.

"(C) Inspect as the Secretary determines is necessary the warehouses and other facilities of other parties in the chain of custody of qualifying drugs.

"(D) Determine whether the importer is in compliance with all other registration conditions.

"(e) IMPORTER FEES.—

"(1) REGISTRATION FEE.—A registration condition is that the importer involved pays to the Secretary a fee of $10,000 due on the date on which the importer first submits the registration to the Secretary under subsection (b).

"(2) INSPECTION FEE.—A registration condition is that the importer involved pays to the Secretary in accordance with this subsection a fee on a semiannual basis, with the first fee due on the date that is 6 months after the date on which the registration of the importer under subsection (b) is first approved by the Secretary.

"(3) AMOUNT OF INSPECTION FEE.—

"(A) AGGREGATE TOTAL OF FEES.—The Secretary shall ensure that the aggregate total of fees collected under paragraph (2) for a fiscal year from all importers is sufficient, and no more than necessary, to pay the costs of administering this section with respect to registered importers for a fiscal year, including—

"(i) inspection of the facilities of importers under subsection (d)(4);

"(ii) reviewing qualifying drugs offered for import to importers; and

"(iii) determining the compliance of importers with registration conditions.

"(B) LIMITATION.—The aggregate total of fees collected under paragraph (2) shall not exceed 1 percent of the total price of drugs imported annually to the United States by registered importers under this section.

"(C) INDIVIDUAL IMPORTER FEE.—Subject to the limitation described in subparagraph (B), a fee under paragraph (2) for an importer shall be an amount that is a reasonable estimate by the Secretary of the semiannual share of the importer of the volume of drugs imported by importers under this section.

"(D) ADJUSTMENT OF FEE.—The Secretary shall annually adjust the fees under paragraph (2) to ensure that the fees accurately reflect the actual costs referred to in subparagraph (A) and do not exceed, in the aggregate, 1 percent of the total price of drugs imported annually to the United States under this section.

"(4) USE OF FEES.—Subject to appropriations Acts, fees collected by the Secretary under paragraphs (1) and (2) are available only to the Secretary and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

"(f) EXPORTER FEES.—

"(1) REGISTRATION FEE.—A registration condition is that the exporter involved pays to the Secretary a fee of $10,000 due on the date on which the exporter first submits that registration to the Secretary under subsection (b).

"(2) INSPECTION FEE.—A registration condition is that the exporter involved pays to the Secretary in accordance with this subsection a fee on a semiannual basis, with the first fee due on the date that is 6 months after the date on which the registration of the exporter under subsection (b) is first approved by the Secretary.

"(3) AMOUNT OF INSPECTION FEE.—

"(A) AGGREGATE TOTAL OF FEES.—The Secretary shall ensure that the aggregate total of fees collected under paragraph (2) for a fiscal year from all exporters is sufficient, and not more than necessary, to pay the costs of administering this section with respect to registered exporters for a fiscal year, including—

"(i) monitoring foreign facilities under subsection (d);

"(ii) developing, implementing, and maintaining under such subsection a system to mark shipments to indicate compliance with all registration conditions; and

"(iii) conducting under such subsection inspections within the United States to determine compliance with conditions under subsections (h) and (i).

"(B) LIMITATION.—The aggregate total of fees collected under paragraph (2) shall not exceed 1 percent of the total price of drugs imported annually to the United States by registered exporters under this section.

"(C) INDIVIDUAL EXPORTER FEE.—Subject to the limitation described in subparagraph (B), a fee under paragraph (2) for an exporter shall be an amount that is a reasonable estimate by the Secretary of the semiannual share of the exporter of the volume of drugs exported by exporters under this section.

"(D) ADJUSTMENT OF FEE.—The Secretary shall annually adjust the fees under paragraph (2) to ensure that the fees accurately reflect the actual costs referred to in subparagraph (A) and do not exceed, in the aggregate, 1 percent of the total price of drugs imported annually to the United States under this section.

"(4) USE OF FEES.—Subject to appropriations Acts, fees collected by the Secretary under paragraphs (1) and (2) are only available to the Secretary and are for the sole purpose of paying the costs referred to in paragraph (3)(A).

"(g) COMPLIANCE WITH SECTION 801(a).—

"(1) IN GENERAL.—A registration condition is that each qualifying drug exported under subsection (a) by the registered exporter involved or imported under subsection (a) by the registered importer involved is in compliance with the standards referred to in section 801(a) regarding admission of the drug into the United States, subject to paragraphs (2), (3), and (4).

"(2) SECTION 505; APPROVAL STATUS.—

"(A) IN GENERAL.—For purposes of administrative and judicial procedure, there is a presumption that a drug proposed for export or import under subsection (a) is an approved drug under section 505(b) if the following criteria are met:

"(i) The drug proposed for export or import is in compliance with subsection (c).

"(ii) The drug proposed for export or import has the same active ingredient or ingredients, route of administration, dosage form, and strength, according to information provided by the labeling of the drug proposed for export or import, as a drug (referred to in this subsection as a 'U.S. label drug') that—

"(I) is manufactured by or for the person that manufactures the drug proposed for export or import; and

"(II) is approved under section 505(b).

"(B) IMPORTATION.—Subject to subparagraphs (D) and (E), a drug meeting the criteria described in subparagraph (A) may, in accordance with the other subsections of this section, be imported into the United States.

"(C) NOTICE BY MANUFACTURER; GENERAL PROVISIONS.—

"(i) IN GENERAL.—The person that manufactures a drug that may be imported under subsection (a) shall in accordance with this paragraph submit to the Secretary a notice that—

"(I) includes each difference in the drug from a condition established in the approved application for the U.S. label drug beyond the variations provided for in the application, any difference in labeling, the date on which the drug with such difference was, or will be, introduced for commercial distribution in a permitted country, and such additional information as the Secretary may require; or

"(II) states that there is no difference in the drug from a condition established in the approved application for the U.S. label drug beyond the variations provided for in the application and differences in labeling.

"(ii) INFORMATION REGARDING FOREIGN GOVERNMENT.—A notice under clause (i)(I) shall with respect to the permitted country that approved the drug for commercial distribution, or with respect to which such approval is sought, include the following:

"(I) Information demonstrating that the person submitting the notice has also notified the government of the permitted country in writing that the person is submitting to the Secretary a notice under clause (i)(I), which notice describes the difference in the drug from a condition established in the approved application for the U.S. label drug.

“(II) The information that the person submitted or will submit to the government of the permitted country for purposes of obtaining approval for commercial distribution of the drug in the country which, if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation.

“(iii) CERTIFICATIONS.—The chief executive officer and the chief medical officer of the manufacturer involved shall each certify in the notice under clause (i) that—

“(I) the information provided in the notice is complete and true; and

“(II) a copy of the notice has been provided to the Federal Trade Commission and to the Assistant Attorney General in charge of the Antitrust Division of the Department of Justice (referred to in this subsection as the ‘Assistant Attorney General’).

“(iv) FEE.—If a notice submitted under clause (i) includes a difference that would, under section 506A, require the submission of a supplemental application if made as a change to the U.S. label drug, the person that submits the notice shall pay to the Secretary a fee in the same amount as would apply if the person were paying a fee pursuant to section 736(a)(1)(A)(ii). Subject to appropriations Acts, fees collected by the Secretary under the preceding sentence are available only to the Secretary and are for the sole purpose of paying the costs of reviewing notices submitted under clause (i).

“(v) TIMING OF SUBMISSION OF NOTICES.—

“(I) PRIOR APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (D) applies shall be submitted to the Secretary not later than 120 days before the drug with the difference is introduced for commercial distribution in a permitted country, unless the country requires that distribution of the drug with the difference begin less than 120 days after the country requires the difference.

“(II) OTHER APPROVAL NOTICES.—A notice under clause (i) to which subparagraph (E) applies shall be submitted to the Secretary not later than the day on which the drug with the difference is introduced for commercial distribution in a permitted country.

“(III) OTHER NOTICES.—A notice under clause (i) to which subparagraph (F) applies shall be submitted to the Secretary on the date that the drug is first introduced for commercial distribution in a permitted country and annually thereafter.

“(vi) REVIEW BY SECRETARY.—

“(I) IN GENERAL.—In this paragraph, the difference in a drug that may be imported under subsection (a) from the U.S. label drug shall be treated by the Secretary as if it was a manufacturing change to the U.S. label drug under section 506A.

“(II) REVIEW BY THE SECRETARY.—The Secretary shall review and approve or disapprove the difference in a notice submitted under clause (i), if required under section 506A, not later than 120 days after the date on which the notice is submitted.

“(III) ESTABLISHMENT INSPECTION.—If review of such difference would require an inspection by the Secretary of the establishment in which the drug is manufactured, such inspection shall be authorized by section 704.

“(vii) PUBLICATION OF INFORMATION ON NOTICES.—

“(I) IN GENERAL.—Through the Internet website of the Food and Drug Administration, the Secretary shall readily make available to the public a list of notices submitted under clause (i).

“(II) CONTENTS.—The list under subclause (I) shall include the date on which a notice is submitted and whether—

“(aa) a notice is under review;

“(bb) the Secretary has ordered that importation of the drug from a permitted country cease; or

“(cc) the importation of the drug is permitted under subsection (a).

“(III) UPDATE.—The Secretary shall promptly update the Internet website with any changes to the list.

“(D) NOTICE; DRUG DIFFERENCE REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (C)(i) that includes a difference that would, under section 506A(c) or (d)(3)(B)(i), require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

“(i) Promptly after the notice is submitted, the Secretary shall notify registered exporters, registered importers, the Federal Trade Commission, and the Assistant Attorney General that the notice has been submitted with respect to the drug involved.

“(ii) If the Secretary has not made a determination whether a supplemental application regarding the U.S. label drug would be approved or disapproved by the date on which the drug involved is to be introduced for commercial distribution in a permitted country, the Secretary shall—

“(I) order that the importation of the drug involved from the permitted country cease for the period in which the Secretary completes review of the notice; and

“(II) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the Attorney General of the order.

“(iii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall—

“(I) order that the importation of the drug involved from the permitted country cease, or provide that an order under clause (ii), if any, remains in effect;

“(II) notify the permitted country that approved the drug for commercial distribution of the determination; and

“(III) promptly notify registered exporters, registered importers, the Federal Trade Commission, and the Assistant Attorney General of the determination.

“(iv) If the Secretary determines that such a supplemental application regarding the U.S. label drug would be approved, the Secretary shall vacate the order under clause (ii), if any, permit importation of the drug under subsection (a), and promptly notify registered exporters, registered importers, the Federal Trade Commission, and the Assistant Attorney General of the determination.

“(E) NOTICE; DRUG DIFFERENCE NOT REQUIRING PRIOR APPROVAL.—In the case of a notice under subparagraph (C)(i) that includes a difference that would, under section 506A(d)(3)(B)(ii), not require the approval of a supplemental application before the difference could be made to the U.S. label drug the following shall occur:

“(i) During the period in which the notice is being reviewed by the Secretary, the authority under this subsection to import the drug involved continues in effect.

“(ii) If the Secretary determines that such a supplemental application regarding the U.S. label drug would not be approved, the Secretary shall order that the importation of the drug involved from the permitted country cease, shall notify the permitted country that approved the drug for commercial distribution of the determination, and shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the Assistant Attorney General of the determination.

“(F) NOTICE; DRUG DIFFERENCE NOT REQUIRING APPROVAL; NO DIFFERENCE.—In the case of a notice under subparagraph (C)(i) that includes a difference for which, under section 506A(d)(1)(A), a supplemental application would not be required for the difference to be made to the U.S. label drug, or that states that there is no difference, the Secretary—

“(i) may not order that the importation of the drug involved cease; and

“(ii) shall promptly notify registered exporters and registered importers.

“(G) DIFFERENCES IN ACTIVE INGREDIENT, ROUTE OF ADMINISTRATION, DOSAGE FORM, OR STRENGTH.—

“(i) IN GENERAL.—A person who manufactures a U.S. label drug shall submit an application under section 505(b) for a drug that is manufactured for distribution in a permitted country by or for the person that manufactures the U.S. label drug if—

“(I) there is no drug for export from at least half of the permitted countries with the same active ingredient or ingredients, route of administration, dosage form, and strength as the U.S. label drug; and

“(II) each active ingredient of the drug is related to an active ingredient of the U.S. label drug, as defined in clause (v).

“(ii) APPLICATION UNDER SECTION 505(b).—The application under section 505(b) required under clause (i) shall—

“(I) request approval of the drug for the indication or indications for which the U.S. label drug is approved under section 505;

“(II) include the information that the person submitted to the government of the permitted country for purposes of obtaining approval for commercial distribution of the drug in that country, which if in a language other than English, shall be accompanied by an English translation verified to be complete and accurate, with the name, address, and a brief statement of the qualifications of the person that made the translation;

“(III) include a right of reference to the application under section 505(b) for the U.S. label drug; and

“(IV) include such additional information as the Secretary may require.

“(iii) TIMING OF SUBMISSION OF APPLICATION.—An application under section 505(b) required under clause (i) shall be submitted to the Secretary not later than the day on which the information referred to in clause (ii)(II) is submitted to the government of the permitted country.

“(iv) NOTICE OF DECISION ON APPLICATION.—The Secretary shall promptly notify registered exporters, registered importers, the Federal Trade Commission, and the Assistant Attorney General of a determination to approve or to disapprove an application under section 505(b) required under clause (i).

“(v) RELATED ACTIVE INGREDIENTS.—For purposes of clause (i)(II), 2 active ingredients are related if they are—

“(I) the same; or

“(II) different salts, esters, or complexes of the same moiety.

“(3) SECTION 502; LABELING.—

“(A) IMPORTATION BY REGISTERED IMPORTER.—

“(i) IN GENERAL.—In the case of a qualifying drug that is imported or offered for import by a registered importer, such drug shall be considered to be in compliance with section 502 if the drug bears—

"(I) a copy of the labeling approved for the drug under section 505, without regard to whether the copy bears the trademark involved;

"(II) the name of the manufacturer and location of the manufacturer;

"(III) the lot number assigned by the manufacturer; and

"(IV) the name, location, and registration number of the importer.

"(ii) REQUEST FOR COPY OF THE LABELING.—The Secretary shall provide such copy to the registered importer involved, upon request of the importer.

"(B) IMPORTATION BY INDIVIDUAL.—In the case of a qualifying drug that is imported or offered for import by a registered exporter to an individual, such drug shall be considered to be in compliance with section 502 if the drug bears a label providing the directions for use by the consumer, and bears a copy of any special labeling that would be required by the Secretary had the drug been dispensed by a pharmacist in the United States, without regard to whether the special labeling bears the trademark involved. The Secretary shall provide to the registered exporter involved a copy of the special labeling, upon request of the exporter.

"(4) SECTION 501; STANDARDS FOR REFUSING ADMISSION.—

"(A) IN GENERAL.—For purposes of administrative and judicial procedure, there is a presumption that a drug proposed for export or import under subsection (a) is in compliance with section 501 if the drug is in compliance with subsection (c).

"(B) STANDARDS FOR REFUSING ADMISSION.—A qualifying drug exported under subsection (a) from a registered exporter or imported by a registered importer may be refused admission into the United States if 1 or more of the following applies:

"(i) The shipping container appears damaged in a way that may affect the strength, quality, or purity of the drug.

"(ii) The Secretary becomes aware that—

"(I) the drug may be counterfeit;

"(II) the drug may have been prepared, packed, or held under insanitary conditions; or

"(III) the methods used in, or the facilities or controls used for, the manufacturing, processing, packing, or holding of the drug do not conform to good manufacturing practice.

"(iii) The Secretary has obtained an injunction under section 302 that prohibits the distribution of the drug in interstate commerce.

"(iv) The Secretary has under section 505(e) withdrawn approval of the drug.

"(v) The manufacturer of the drug has instituted a recall of the drug.

"(vi) If the qualifying drug is exported from a registered exporter to an individual and 1 or more of the following applies:

"(I) The shipping container for such drug does not bear the markings required under subsection (d)(2).

"(II) The markings on the shipping container appear to be counterfeit.

"(III) The shipping container or markings appear to have been tampered with.

"(h) LICENSING AS PHARMACIST.—A registration condition is that the exporter involved agrees that a qualifying drug will be exported to an individual only if the Secretary has verified that—

"(1) the exporter is authorized under Canadian law to dispense prescription drugs; and

"(2) the exporter employs persons that are licensed under Canadian law to dispense prescription drugs in sufficient number to dispense safely the qualifying drugs exported by the exporter to individuals, and the exporter assigns to those persons responsibility for dispensing such qualifying drugs to individuals.

"(i) INDIVIDUALS; CONDITIONS FOR IMPORTATION FROM CANADA.—

"(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the importation of a qualifying drug by an individual is in accordance with this subsection if the following conditions are met:

"(A) The drug is accompanied by a copy of a prescription for the drug, which prescription—

"(i) is valid under applicable Federal and State laws; and

"(ii) was issued by a practitioner who, under the law of a State of which the individual is a resident, or in which the individual receives care from the practitioner who issues the prescription, is authorized to administer prescription drugs.

"(B) The drug is accompanied by a copy of the documentation that was required under the law or regulations of Canada as a condition of dispensing the drug to the individual.

"(C) The copies referred to in subparagraphs (A)(i) and (B) are marked in a manner sufficient—

"(i) to indicate that the prescription, and the equivalent document in Canada, have been filled; and

"(ii) to prevent a duplicative filling by another pharmacist.

"(D) The individual has provided to the registered exporter a complete list of all drugs used by the individual for review by the individuals who dispense the drug.

"(E) The quantity of the drug does not exceed a 90-day supply.

"(F) The drug is not an ineligible subpart H drug. For purposes of this section, a prescription drug is an 'ineligible subpart H drug' if the drug was approved by the Secretary under subpart H of part 314 of title 21, Code of Federal Regulations (relating to accelerated approval), with restrictions under section 520 of such part to assure safe use, and the Secretary has published in the Federal Register a notice that the Secretary has determined that good cause exists to prohibit the drug from being imported pursuant to this subsection.

"(2) NOTICE REGARDING DRUG REFUSED ADMISSION.—If a registered exporter ships a drug to an individual pursuant to subsection (a)(2)(B) and the drug is refused admission to the United States, a written notice shall be sent to the individual and to the exporter that informs the individual and the exporter of such refusal and the reason for the refusal.

"(j) MAINTENANCE OF RECORDS AND SAMPLES.—A registration condition is that the importer or exporter involved shall—

"(1) maintain records required under this section for not less than 2 years; and

"(2) maintain samples of each lot of a drug required under this section for not less than 2 years.

"(k) DRUG RECALLS.—

"(1) MANUFACTURERS.—A person that manufactures a prescription drug imported from a permitted country under this section shall promptly inform the Secretary—

"(A) if the drug is recalled or withdrawn from the market in a permitted country;

"(B) how the drug may be identified, including lot number; and

"(C) the reason for the recall or withdrawal.

"(2) SECRETARY.—With respect to each permitted country, the Secretary shall—

"(A) enter into an agreement with the government of the country to receive information about recalls and withdrawals of prescription drugs in the country; or

"(B) monitor recalls and withdrawals of prescription drugs in the country using any information that is available to the public in any media.

"(3) NOTICE.—The Secretary may notify, as appropriate, registered exporters, registered importers, wholesalers, pharmacies, or the public of a recall or withdrawal of a prescription drug in a permitted country.".

(b) PROHIBITED ACTS.—The Federal Food, Drug, and Cosmetic Act is amended—

(1) in section 301 (21 U.S.C. 331), by striking paragraph (aa) and inserting the following:

"(aa)(1) The sale or trade by a pharmacist, or by a business organization of which the pharmacist is a part, of a qualifying drug that under section 804(a)(2)(A) was imported by the pharmacist, other than—

"(A) a sale at retail made pursuant to dispensing the drug to a customer of the pharmacist or organization; or

"(B) a sale or trade of the drug to a pharmacy or a wholesaler registered to import drugs under section 804.

"(2) The sale or trade by an individual of a qualifying drug that under section 804(a)(2)(B) was imported by the individual.

"(3) The making of a materially false, fictitious, or fraudulent statement or representation, or a material omission, in a notice under clause (i) of section 804(g)(2)(C) or in an application required under section 804(g)(2)(G), or the failure to submit such a notice or application.

"(4) The importation of a drug in violation of a requirement under section 804."; and

(2) in section 303(a) (21 U.S.C. 333(a)), by striking paragraph (6) and inserting the following:

"(6) Notwithstanding subsection (a), any person that knowingly violates section 301(aa) (3) or (4) shall be imprisoned not more than 10 years, or fined in accordance with title 18, United States Code, or both.".

(c) IMPLEMENTATION.—

(1) RULEMAKING.—

(A) IN GENERAL.—

(i) PROMULGATION BY SECRETARY.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Health and Human Services shall promulgate an interim rule for implementing section 804 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a) of this section. Such rule shall be developed and promulgated by the Secretary without providing general notice of proposed rulemaking. Not later than 1 year after the date on which the interim rule is promulgated, the Secretary shall, in accordance with procedures under section 553 of title 5, United States Code, promulgate a final rule for implementing such section 804, which may incorporate by reference provisions of the interim rule, to the extent that such provisions are not modified.

(ii) EFFECT OF RULES.—The rules promulgated under clause (i) shall permit the importation of prescription drugs—

(I) from registered exporters by individuals effective on the date of the promulgation of the interim rule;

(II) from Canada by registered importers effective on the date of the promulgation of the interim rule; and

(III) from Australia, a member country of the European Union as of January 1, 2003, Japan, New Zealand, or Switzerland by registered importers on the date that is 1 year after the date of the enactment of this Act.

(B) CERTAIN EXPORTERS.—The interim rule under subparagraph (A) shall provide that, in the review of registrations submitted under subsection (b) of the section 804 referred to in such subparagraph, registrations submitted by entities in Canada that are significant exporters of prescription drugs to individuals in the United States as of the date of the enactment of this Act will have priority during the period in which the interim rule under subparagraph (A) is in effect. During such period, the reference in subsection (b)(2)(A) of such section 804 to 90 days (relating to approval or disapproval of registrations) is, as applied to such entities, deemed to be 30 days.

(C) DRUGS FOR IMPORT FROM CANADA.—The notices with respect to drugs to be imported from Canada that are required under subsection (g)(2)(C)(i)(I) of such section 804 and that require approval under subsection (g)(2)(D) or (E) of such section 804 shall be submitted to the Secretary not later than 30 days after the date of enactment of this Act. The notices with respect to drugs to be imported from Canada that are required under subsection (g)(2)(C)(i) of such section 804 and that do not require approval under subsection (g)(2)(D) or (E) of such section 804 shall be submitted to the Secretary not later than 90 days after the date of enactment of this Act.

(D) DRUGS FOR IMPORT FROM OTHER COUNTRIES.—The notices with respect to drugs to be imported from Australia, a member country of the European Union as of January 1, 2003, Japan, New Zealand, or Switzerland that are required under subsection (g)(2)(C)(i)(I) of such section 804 and that require approval under subsection (g)(2)(D) or (E) of such section 804 shall be submitted to the Secretary not later than 180 days after the date of enactment of this Act. The notices with respect to drugs to be imported from such countries that are required under subsection (g)(2)(C)(i)(II) of such section 804 and that do not require approval under subsection (g)(2)(D) or (E) of such section 804 shall be submitted to the Secretary not later than 270 days after the date of enactment of this Act.

(2) PERSONAL IMPORTATION FROM CANADA.—Until the expiration of the 60-day period beginning on the date on which the interim rule under paragraph (1)(A) is promulgated, an individual may import a prescription drug from Canada for personal use or for the use of a family member of the individual (rather than for resale), subject to compliance with the following conditions:

(A) The drug is not—

(i) a controlled substance, as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802);

(ii) a biological product, as defined in section 351 of the Public Health Service Act (42 U.S.C. 262);

(iii) an infused drug, including a peritoneal dialysis solution;

(iv) an intravenously injected drug;

(v) a drug that is inhaled during surgery; or

(vi) a drug approved by the Secretary under subpart H of part 314 of title 21, Code of Federal Regulations (relating to accelerated approval) with restrictions under section 520 of such part to assure safe use.

(B) The drug is dispensed by a person licensed in Canada to dispense such drugs.

(C) The drug is accompanied by a copy of the prescription for the drug, which prescription—

(i) is valid under applicable Federal and State laws; and

(ii) was issued by a practitioner who, under the law of a State of which the individual is a resident, or in which the individual receives care from the practitioner who issues the prescription, is authorized to administer prescription drugs.

(D) The drug is accompanied by a copy of the document that was required in Canada as a condition of dispensing the drug to the individual.

(E) The copies referred to in subparagraphs (C) and (D) are marked in a manner sufficient—

(i) to indicate that the prescription, and the equivalent document in Canada, have been filled; and

(ii) to prevent a duplicative filling by another pharmacist.

(F) The quantity of the drug does not exceed a 90-day supply.

(3) FACILITATION OF CANADIAN IMPORTS.—Not less than 15 days after the enactment of this Act and until the expiration of the 60-day period that begins on the date on which the interim rule under paragraph (1)(A) is promulgated, the Secretary shall, through the Internet website of the Food and Drug Administration, make readily available to the public a list of persons licensed in Canada to dispense prescription drugs who are willing to export drugs under paragraph (2) to individuals in the United States.

(4) EFFECT OF PROVISIONS.—The amendments made in subsection (d), section 6, and section 7 of this Act shall have no effect with respect to imports made under paragraph (2).

(d) AMENDMENT OF CERTAIN PROVISION.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by striking subsection (g) and inserting the following:

"(g) With respect to a prescription drug that is imported or offered for import into the United States by an individual who is not in the business of such importation, that is not shipped by a registered exporter under section 804, and that is refused admission under subsection (a), the Secretary shall notify the individual that—

"(1) the drug has been refused admission because the drug was not a lawful import under section 804;

"(2) the drug is not otherwise subject to a waiver of the requirements of subsection (a);

"(3) the individual may under section 804 lawfully import certain prescription drugs from Canadian exporters registered with the Secretary; and

"(4) the individual can find information about such importation, including a list of registered exporters, on the Internet website of the Food and Drug Administration.".

(e) ANTICOMPETITIVE PRACTICES RELATING TO IMPORTING AND EXPORTING DRUGS TO THE UNITED STATES.—

(1) IN GENERAL.—The Clayton Act (15 U.S.C. 12 et seq.) is amended by adding at the end the following:

"SEC. 27. RESTRAINT OF TRADE REGARDING PRESCRIPTION DRUGS.

"(a) IN GENERAL.—It shall be unlawful for any person engaged in commerce, directly or indirectly to—

"(1) charge a higher price for prescription drugs sold to a registered exporter or other person that exports prescription drugs to the United States under section 804 of the Federal Food, Drug, and Cosmetic Act than the price that is charged to another person that is in the same country and that does not export prescription drugs into the United States under section 804 of such Act;

"(2) charge a higher price for prescription drugs sold to a registered importer or other person that distributes, sells, or uses prescription drugs imported to the United States under section 804 of such Act than the price that is charged to another person in the United States that does not import prescription drugs under section 804 of such Act, or that does not distribute, sell, or use such drugs;

"(3) deny supplies of prescription drugs to a registered exporter or other person that exports prescription drugs to the United States under section 804 of such Act or to a registered importer or other person that distributes, sells, or uses prescription drugs imported to the United States under section 804 of such Act;

"(4) publicly, privately, or otherwise refuse to do business with a registered exporter or other person that exports prescription drugs to the United States under section 804 of such Act or with a registered importer or other person that distributes, sells, or uses prescription drugs imported to the United States under section 804 of such Act;

"(5) specifically restrict supplies of prescription drugs to a registered exporter or other person that exports prescription drugs to the United States under section 804 of such Act or to a registered importer or other person that distributes, sells, or uses prescription drugs imported to the United States under section 804 of such Act;

"(6) fail to submit a notice under subsection (g)(2)(C)(i) of section 804 of such Act, fail to submit such a notice on or before the date specified in subsection (g)(2)(C)(v) of section 804 of such Act, submit such a notice that makes a materially false, fictitious, or fraudulent statement, or fail to provide promptly any information requested by the Secretary of Health and Human Services to review such a notice;

"(7) fail to submit an application required under subsection (g)(2)(G) of section 804 of such Act, fail to submit such an application on or before the date specified in subsection (g)(2)(G)(ii) of section 804 of such Act, submit such an application that makes a materially false, fictitious, or fraudulent statement, or fail to provide promptly any information requested by the Secretary of Health and Human Services to review such an application;

"(8) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and a prescription drug for distribution in Australia, Canada, a member country of the European Union as of January 1, 2003, Japan, New Zealand, or Switzerland for the purpose of restricting importation of the drug to the United States under section 804 of such Act;

"(9) refuse to allow an inspection authorized under section 804 of such Act of an establishment that manufactures a prescription drug that is offered for import under such section;

"(10) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a prescription drug offered for import under section 804 to good manufacturing practice under such Act; or

"(11) engage in any other action that the Federal Trade Commission determines to unfairly restrict competition under section 804 of such Act.

"(b) PRESUMPTION.—A difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and a prescription drug for distribution in Australia, Canada, a member country of the European Union as of January 1, 2003, Japan, New Zealand, or Switzerland made after January 1, 2004, shall be presumed to be for the purpose of restricting importation of the drug to the United States under section 804 of the Federal Food, Drug, and Cosmetic Act unless—

"(1) the person manufacturing the drug for distribution in the United States proves that the difference was required by the country in which the drug is distributed;

"(2) the Secretary of Health and Human Services, acting through the Commissioner of Food and Drug, determines that the difference was necessary to improve the safety or efficacy of the drug; or

"(3) the person manufacturing the drug for distribution in the United States has given notice to the Secretary of Health and Human Services under subsection (g)(2)(C)(i) of section 804 of such Act that the drug for distribution in the United States is not different from a drug for distribution in not fewer than half of those countries.

"(c) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge that a person has violated paragraph (1), (2), (3), (4), or (5) of subsection (a) that the higher prices charged for prescription drugs sold to a person, the denial of supplies of prescription drugs to a person, the refusal to do business with a person, or the specific restriction or delay of supplies to a person is not based, in whole or in part, on—

"(1) the person exporting or importing prescription drugs to the United States under section 804 of the Federal Food, Drug, and Cosmetic Act; or

"(2) the person distributing, selling, or using prescription drugs imported to the United States under section 804 of such Act.

"(d) DEFINITIONS.—In this section:

"(1) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug that is described in section 503(b)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(b)(1)).

"(2) REGISTERED IMPORTER.—The term 'registered importer' has the meaning given such term in section 804 of the Federal Food, Drug, and Cosmetic Act.

"(3) REGISTERED EXPORTER.—The term 'registered exporter' has the same meaning as in section 804 of the Federal Food, Drug, and Cosmetic Act.".

(2) APPLICABILITY OF AMENDMENTS TO IMPORTATION UNDER THE PHARMACEUTICAL MARKET ACCESS AND FAIR TRADE ACT OF 2004.—

(A) PERSONAL IMPORTATION FROM CANADA.—Paragraphs (1) through (5) and (11) of subsection (a) of section 27 of the Clayton Act (15 U.S.C. et seq.) (as amended by paragraph (1)) shall apply with respect to the importation of drugs from Canada under subsection (c)(2).

(B) NOTICES RESPECTING DRUG FOR IMPORT.—Paragraph (6) of subsection (a) of section 27 of the Clayton Act (15 U.S.C. et seq.) (as amended by paragraph (1)) shall apply with respect to notices required under section 804(g)(2)(C)(i) of the Federal Food Drug and Cosmetic Act (21 U.S.C. 384(g)(2)(C)(i)) that are not submitted by the dates required under subsections (c)(1)(C) and (D).

(f) EXHAUSTION.—

(1) IN GENERAL.—Section 271 of title 35, United States Code, is amended—

(A) by redesignating subsections (h) and (i) as (i) and (j), respectively; and

(B) by inserting after subsection (g) the following:

"(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.".

(2) RULE OF CONSTRUCTION.—Nothing in the amendment made by paragraph (1) shall be construed to affect the ability of a patent owner or licensee to enforce their patent, subject to such amendment.

SEC. 104. ADDITIONAL WAIVERS REGARDING PERSONAL IMPORTATION; ENFORCEMENT POLICIES OF SECRETARY.

(a) IN GENERAL.—Section 801 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381) is amended by adding at the end the following:

"(p)(1) Waivers under this subsection are in addition to, and independent of, the waiver pursuant to section 804(a)(2)(B).

"(2) With respect to the standards referred to in subsection (d)(1), the Secretary shall establish by regulation a waiver of such standards in the case of the importation by an individual of a drug into the United States in the following circumstances:

"(A) The drug was dispensed to the individual while the individual was in the United States, the drug was dispensed by a pharmacist or by a practitioner licensed by law to administer the drug, and the individual traveled from the United States with the drug.

"(B) The individual is entering the United States and the drug accompanies the individual at the time of entry.

"(C) The drug does not appear to the Secretary to be adulterated.

"(D) The quantity of the drug does not exceed a 90-day supply.

"(E) The drug is accompanied by a statement that the individual seeks to import the drug into the United States under a personal importation waiver.

"(F) Such additional standards as the Secretary determines to be appropriate to protect the public health.

"(3) With respect to the standards referred to in subsections (a) and (d)(1), the Secretary shall establish by regulation a waiver of such standards in the case of the importation by an individual of a drug into the United States in the following circumstances:

"(A) The drug was dispensed to the individual while the individual was in a foreign country, and the drug was dispensed in accordance with the laws and regulations of such country.

"(B) The individual is entering the United States and the drug accompanies the individual at the time of entry.

"(C) The drug is approved for commercial distribution in the foreign country in which the drug was obtained.

"(D) The drug does not appear to the Secretary to be adulterated.

"(E) The quantity of the drug does not exceed—

"(i) a 90-day supply if the drug is dispensed in Australia, Canada, a member country of the European Union as of January 1, 2003, Japan, New Zealand, or Switzerland; or

"(ii) a 14-day supply otherwise.

"(F) The drug is accompanied by a statement that the individual seeks to import the drug into the United States under a personal importation waiver.

"(G) Such additional standards as the Secretary determines to be appropriate to protect the public health.

"(q) The Secretary may not administer any enforcement policy that has the effect of permitting the importation of a prescription drug into the United States in violation of this Act or section 351 of the Public Health Service Act.".

(b) ADDITIONAL WAIVER.—This Act and the amendments made by this Act shall not be construed as limiting the authority of the Secretary of Health and Human Services to establish a waiver of the standards referred to in section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) with respect to the importation by an individual of a drug into the United States that does not meet such standards, provided that such waiver is no more permissive than the guidance, as in effect on January 1, 2004, that is provided in the item numbered 2 (relating to a specific situation, consisting of conditions (a) through (d)) under the heading "Drugs, Biologics, and Devices" in chapter 9 of the FDA/ORA Regulatory Procedures Manual (relating to import operations/actions), in the subchapter relating to coverage of personal importations.

SEC. 105. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION INTO UNITED STATES.

(a) IN GENERAL.—Chapter VIII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381 et seq.), as amended by section 102, is further amended by adding at the end the following section:

"SEC. 805. DISPOSITION OF CERTAIN DRUGS DENIED ADMISSION.

"(a) IN GENERAL.—The Secretary of Homeland Security shall refuse admission to a shipment of drugs that is imported or offered for import into the United States if the shipment has a declared value of less than $10,000 and the drugs are in violation of any standard referred to in section 801(a) or 801(d)(1), including any drugs imported or offered for import under enforcement policies prohibited under section 801(q).

"(b) IMPORTATION UNDER SECTION 804.—In the case of a drug that under section 804 is imported or offered for import from a registered exporter, the reference in subsection (a) to standards referred to in section 801(a) or 801(d)(1) shall be considered a reference to standards referred to in section 804(g)(4)(B).

"(c) DESTRUCTION OF VIOLATIVE SHIPMENTS.—Drugs refused admission under subsection (a) or (b) shall be destroyed, subject to subsection (e). Section 801(b) does not authorize the delivery of the drugs pursuant to the execution of a bond, and the drugs may not be exported.

"(d) CERTAIN PROCEDURES.—

"(1) IN GENERAL.—The refusal of admission and destruction of drugs under this section may be carried out without notice to the importer, owner, or consignee of the drugs except as required by section 801(g) or section 804(i)(2). The issuance of receipts for the drugs, and recordkeeping activities regarding the drugs, may be carried out on a summary basis.

"(2) OBJECTIVE OF PROCEDURES.—Procedures promulgated under paragraph (1) shall be designed toward the objective of ensuring that, with respect to efficiently utilizing Federal resources available for carrying out this section, a substantial majority of shipments of drugs subject to subsection (a) or (b) are identified and refused admission and destroyed.

"(e) Evidence Exception.—Drugs may not be destroyed under subsection (c) to the extent that the Attorney General of the United States determines that the drugs should be preserved as evidence or potential evidence with respect to an offense against the United States.

"(f) Rule of Construction.—This section may not be construed as having any legal effect on applicable law with respect to a shipment of drugs that is imported or offered for import into the United States and has a declared value equal to or greater than $10,000.".

(b) Procedures.—Procedures for carrying out section 805 of the Federal Food, Drug, and Cosmetic Act, as added by subsection (a), shall be established not later than 90 days after the date of the enactment of this Act.

SEC. 106. CIVIL ACTIONS REGARDING PROPERTY.

Section 303 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 333) is amended by adding at the end the following subsection:

"(g)(1) If a person is alienating or disposing of property, or intends to alienate or dispose of property, that is obtained as a result of or is traceable to a drug imported in violation of section 801(a) or 801(d), the Attorney General may commence a civil action in any Federal court—

"(A) to enjoin such alienation or disposition of property; or

"(B) for a restraining order to—

"(i) prohibit any person from withdrawing, transferring, removing, dissipating, or disposing of any such property or property of equivalent value; and

"(ii) appoint a temporary receiver to administer such restraining order.

"(2) Proceedings under paragraph (1) shall be carried out in the same manner as applies under section 1345 of title 18, United States Code.".

SEC. 107. WHOLESALE DISTRIBUTION OF DRUGS; STATEMENTS REGARDING PRIOR SALE, PURCHASE, OR TRADE.

(a) Striking of Exemptions; Applicability to Registered Exporters.—Section 503(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(e)) is amended—

(1) in paragraph (1)—

(A) by striking "and who is not the manufacturer or an authorized distributor of record of such drug";

(B) by striking "to an authorized distributor of record or"; and

(C) by striking subparagraph (B) and inserting the following:

"(B) The fact that a drug subject to subsection (b) is exported from the United States does not with respect to such drug exempt any person that is engaged in the business of the wholesale distribution of the drug from providing the statement described in subparagraph (A) to the person that receives the drug pursuant to the export of the drug.

"(C)(i) The Secretary may by regulation establish requirements that supersede subparagraph (A) (referred to in this subparagraph as 'alternative requirements') to identify the chain of custody of a drug subject to subsection (b) from the manufacturer of the drug throughout the wholesale distribution of the drug to a pharmacist who intends to sell the drug at retail if the Secretary determines that the alternative requirements, which may include anti-counterfeiting or track-and-trace technologies, will identify such chain of custody or the identity of the drug with equal certainty to the requirements of subparagraph (A), and that the alternative requirements are economically and technically feasible.

"(ii) If the Secretary promulgates a final rule to establish such alternative requirements, the final rule in addition shall, with respect to the registration condition established in clause (i) of section 804(c)(3)(B), establish a condition equivalent to the alternative requirements, and such equivalent condition supersedes such clause (i).";

(2) in paragraph (2)(A), by adding at the end the following: "The preceding sentence may not be construed as having any applicability with respect to a registered exporter under section 804."; and

(3) in paragraph (3), by striking "and subsection (d)—" in the matter preceding subparagraph (A) and all that follows through "the term 'wholesale distribution' means" in subparagraph (B) and inserting the following: "and subsection (d), the term 'wholesale distribution' means".

(b) Conforming Amendment.—Section 503(d) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 353(d)) is amended by adding at the end the following:

"(4) Each manufacturer of a drug subject to subsection (b) shall maintain at its corporate offices a current list of the authorized distributors of record of such drug.

"(5) For purposes of this subsection, the term 'authorized distributors of record' means those distributors with whom a manufacturer has established an ongoing relationship to distribute such manufacturer's products.".

SEC. 108. REPEAL OF IMPORTATION EXEMPTION UNDER CONTROLLED SUBSTANCES IMPORT AND EXPORT ACT.

Section 1006 of the Controlled Substances Import and Export Act (21 U.S.C. 956) is repealed.

SEC. 109. EFFECT ON ADMINISTRATION PRACTICES.

Notwithstanding any provision of this Act (and the amendments made by this Act), nothing in this Act (or the amendments made by this Act) shall be construed to change, limit, or restrict the practices of the Food and Drug Administration or the Bureau of Customs and Border Protection in effect on January 1, 2004, with respect to the importation of prescription drugs into the United States by an individual, on the person of such individual, for personal use.

Subtitle B—Ensuring Drug Safety

SEC. 121. DRUG SAFETY.

(a) In General.—Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 506C the following:

"SEC. 507. DRUG SAFETY.

"(a) Phase IV Studies.—

"(1) In general.—The Secretary may require that the sponsor of a drug that is approved or licensed under section 505(c) or under section 351 of the Public Health Service Act conduct one or more studies, to be completed by a date after approval or licensing of such drug specified by the Secretary, that confirms or refutes an empirical or theoretical hypothesis of a significant safety issue with the drug, raised with respect to the drug or the class of the drug, found in—

"(A) the MedWatch post-market surveillance system;

"(B) a clinical or epidemiological study; or

"(C) the scientific literature.

"(b) Supplements.—The sponsor of a drug that is approved or licensed under section 505(c) or under section 351 of the Public Health Service Act shall promptly submit the results of a study required under subsection (a) as a supplement to the application for the drug.

"(c) Public Disclosure.—The Secretary shall, not less than every quarter, make public each study required under subsection (a), including a description of, and the reason for, the study, the required completion date, and whether the study has been completed, through—

"(1) a notice in the Federal Register; and

"(2) a database that shall be readily accessible to the public through the Internet site of the Food and Drug Administration.

"(d) Civil Penalties.—

"(1) In general.—The Secretary may order the sponsor of a drug that is approved or licensed under section 505(c) or under section 351 of the Public Health Service Act to pay a civil penalty, subject to paragraph (2), if, after providing an opportunity for an informal hearing, the Secretary determines that—

"(A) the sponsor has failed to complete a study required under subsection (a) by the date specified by the Secretary; and

"(B) there is no legitimate reason for such failure.

"(2) Amount of penalties.—The civil penalty order under paragraph (1) may be assessed for each day the completion of a required study of a drug is delayed in an amount that is not more than 3 times the gross revenue received by the sponsor for the average sales of the drug in a day.

"(3) Records relating to gross revenue.—When provided an opportunity for an informal hearing under paragraph (1), a drug sponsor shall provide to the Secretary all records relating to the gross revenues received by the sponsor for average sales of the drug in a day.

"(4) Procedure.—The provisions of paragraphs (3) (other than subparagraph (A)), (4), and (5) of section 303(f) shall apply to a violation under subsection (a) in the same manner as such provisions apply to a violation of a requirement of this Act that relates to devices.".

(b) Resources.—In addition to fees that may be available to the Office of Drug Safety under sections 735 and 736 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 379g and 379h), there is authorized to be appropriated for the Office of Drug Safety within the Center for Drug Evaluation and Research of the Food and Drug Administration—

(1) $30,000,000 for fiscal year 2006;

(2) $40,000,0000 for fiscal year 2007;

(3) $50,000,000 for fiscal year 2008;

(4) $60,000,000 for fiscal year 2009; and

(5) $70,00,000 for fiscal year 2010.

SEC. 122. REPORT BY GAO ON DRUG SAFETY.

(a) In General.—The Government Accountability Office shall provide for the conduct of a study concerning measures to increase the safety of prescription drugs, including—

(1) whether Federal funding levels are adequate to ensure drug safety and whether the uncertainty associated with the Federal budgetary process hampers planning;

(2) whether the lack of permanent leadership at the Food and Drug Administration has contributed to problems in decisionmaking and in transmitting information to the public concerning the safety of drugs;

(3) whether prolonged and rampant vacancies within the Food and Drug Administration have contributed to the ability of the Food and Drug Administration to properly examine drug safety;

(4) whether conflicts of interest exist that unduly bias approvals or later reviews of drug safety;

(5) whether employees of the Food and Drug Administration have been improperly

threatened or face any barriers to raising concerns about drug safety;

(6) whether the procedure of the Food and Drug Administration for notifying the public of possible drug safety issues is appropriate and complied with;

(7) whether further measures or authorities are necessary to ensure the safety of drugs; and

(8) other matters determined appropriate.

(b) Report.—Not later than 90 days after the date of enactment of this Act, the Government Accountability Office shall prepare and submit to the appropriate committees of Congress a report concerning the results of the study conducted under subsection (a). Such report shall include a proposal (including legislative language) for improving the safety of prescription drugs.

TITLE II—MODERNIZING THE HEALTH CARE SYSTEM

SEC. 201. AMENDMENT TO THE PUBLIC HEALTH SERVICE ACT.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end thereof the following:

"TITLE XXIX—HEALTH CARE INFORMATION TECHNOLOGY

"SEC. 2901. DEFINITIONS.

"In this title:

"(1) Coverage area.—The term 'coverage area' means the boundaries of a local health information infrastructure.

"(2) Director.—The term 'Director' means the Director of the Office of Health Information Technology.

"(3) Health care provider.—The term 'health care provider' means a hospital, skilled nursing facility, home health entity, health care clinic, community health center, group practice (as defined in section 1877(h)(4) of the Social Security Act, including practices with only 1 physician), and any other facility or clinician determined appropriate by the Director.

"(4) Health information technology.—The term 'health information technology' means a computerized system that—

"(A) is consistent with the standards developed pursuant to section 2903;

"(B) permits the secure electronic transmission of information to other health care providers and public health entities; and

"(C) includes—

"(i) an electronic health record (EHR) that provides access in real-time to the patient's complete medical record;

"(ii) a personal health record (PHR) through which an individual (and anyone authorized by such individual) can maintain and manage their health information;

"(iii) computerized provider order entry (CPOE) technology that permits the electronic ordering of diagnostic and treatment services, including prescription drugs;

"(iv) decision support to assist physicians in making clinical decisions by providing electronic alerts and reminders to improve compliance with best practices, promote regular screenings and other preventive practices, and facilitate diagnoses and treatments;

"(v) error notification procedures so that a warning is generated if an order is entered that is likely to lead to a significant adverse outcome for the patient; and

"(vi) tools to allow for the collection, analysis, and reporting of data on adverse events, near misses, and the quality of care provided to the patient.

"(5) Local health information infrastructures.—The term 'local health information infrastructure' means an independent organization of health care entities established for the purpose of linking health information systems to electronically shared information. A local health information infrastructure may not be a single business entity.

"(6) Office.—The term 'Office' means the Office of Health Information Technology established under section 2902.

"SEC. 2902. OFFICE OF HEALTH INFORMATION TECHNOLOGY.

"(a) Establishment.—There is established within the executive office of the President an Office of Health Information Technology. The Office shall be headed by a Director to be appointed by the President. The Director shall report directly to the President.

"(b) Purpose.—It shall be the purpose of the Office to—

"(1) improve the quality and increase the efficiency of health care delivery through the use of health information technology;

"(2) provide national leadership relating to, and encourage the adoption of, health information technology;

"(3) direct all health information technology activities within the Federal Government; and

"(4) facilitate the interaction between the Federal Government and the private sector relating to health information technology development and use.

"(c) Duties and Responsibilities.—The Office shall be responsible for the following:

"(1) National strategy.—The Office shall develop a national strategy for improving the quality and enhancing the efficiency of health care through the improved use of health information technology and the creation of a National Health Information Infrastructure.

"(2) Federal leadership.—The Office shall—

"(A) serve as the principle advisor to the President concerning health information technology;

"(B) direct all health information technology activity within the Federal Government, including approving or disapproving agency policies submitted under paragraph (3);

"(C) work with public and private health information technology stakeholders to implement the national strategy described in paragraph (1); and

"(D) ensure that health information technology is utilized as fully as practicable in carrying out health surveillance efforts.

"(3) Agency policies.—

"(A) In general.—The Office shall, in accordance with this paragraph, approve or disapprove the policies of Federal departments or agencies with respect to any policy proposed to be implemented by such agency or department that would significantly affect that agency or department's use of health information technology.

"(B) Submission of proposal.—The head of any Federal Government agency or department that desires to implement any policy with respect to such agency or department that would significantly affect that agency or department's use of health information technology shall submit an implementation proposal to the Office at least 60 days prior to the proposed date of the implementation of such policy.

"(C) Approval or disapproval.—Not later than 60 days after the date on which a proposal is received under subparagraph (B), the Office shall determine whether to approve the implementation of such proposal. In making such determination, the Office shall consider whether the proposal is consistent with the national strategy described in paragraph (1). If the Office fails to make a determination within such 60-day period, such proposal shall be deemed to be approved.

"(D) Failure to approve.—Except as otherwise provided for by law, a proposal submitted under subparagraph (B) may not be implemented unless such proposal is approved or deemed to be approved under subparagraph (C).

"(4) Coordination.—The Office shall—

"(A) encourage the development and adoption of clinical, messaging, and decision support health information data standards, pursuant to the requirements of section 2903;

"(B) ensure the maintenance and implementation of the data standards described in subparagraph (A);

"(C) oversee and coordinate the health information technology efforts of the Federal Government;

"(D) ensure the compliance of the Federal Government with Federally adopted health information technology data standards;

"(E) ensure that the Federal Government consults and collaborates on decision making with respect to health information technology with the private sector and other interested parties; and

"(F) in consultation with private sector, adopt certification and testing criteria to determine if electronic health information systems interoperate.

"(5) Communication.—The Office shall—

"(A) act as the point of contact for the private sector with respect to the use of health information technology; and

"(B) work with the private sector to collect and disseminate best health information technology practices.

"(6) Evaluation and dissemination.—The Office shall coordinate with the Agency for Health Research and Quality and other Federal agencies to—

"(A) evaluate and disseminate information relating to evidence of the costs and benefits of health information technology and to whom those costs and benefits accrue;

"(B) evaluate and disseminate information on the impact of health information technology on the quality and efficiency of patient care; and

"(C) review Federal payment structures and differentials for health care providers that utilize health information technology systems.

"(7) Technical assistance.—The Office shall utilize existing private sector quality improvement organizations to—

"(A) promote the adoption of health information technology among healthcare providers; and

"(B) provide technical assistance concerning the implementation of health information technology to healthcare providers.

"(8) Federal reimbursement.—

"(A) In general.—Not later than 6 months after the date of enactment of this title, the Office shall make recommendations to the President and the Secretary of Health and Human Services on changes to Federal reimbursement and payment structures that would encourage the adoption of information technology (IT) to improve health care quality and safety.

"(B) Plan.—Not later than 90 days after receiving recommendations under subparagraph (A), the Secretary shall provide to the relevant Committees of Congress a report that provides, with respect to each recommendation, a plan for the implementation, or an explanation as to why implementation is inadvisable, of such recommendations. The Office shall continue to monitor federally funded and supported information technology and quality initiatives (including the initiatives authorized in this title), and periodically update recommendations to the President and the Secretary.

"(d) Resources.—The President shall make available to the Office, the resources, both financial and otherwise, necessary to enable the Director to carry out the purposes of, and perform the duties and responsibilities of the Office under, this section.

"(e) Detail of Federal Employees.—Upon the request of the Director, the head of any Federal agency is authorized to detail, without reimbursement from the Office, any of the personnel of such agency to the Office to assist it in carrying out its duties under this section. Any such detail shall not interrupt or otherwise affect the civil service status or privileges of the Federal employee.

"SEC. 2903. PROMOTING THE INTEROPERABILITY OF HEALTH CARE INFORMATION TECHNOLOGY SYSTEMS.

"(a) Development, and Federal Government Adoption, of Standards.—

"(1) Adoption.—

"(A) In general.—Not later than 2 years after the date of the enactment of this title, the Director, in collaboration with the Consolidated Health Informatics Initiative (or a successor organization to such Initiative), shall provide for the adoption by the Federal Government of national data and communication health information technology standards that promote the efficient exchange of data between varieties of provider health information technology systems. In carrying out the preceding sentence, the Director may adopt existing standards. Except as otherwise provided for in this title, standards adopted under this section shall be voluntary for private sector entities.

"(B) Grants or contracts.—The Director may utilize grants or contracts to provide for the private sector development of standards for adoption by the Federal Government under subparagraph (A).

"(C) Definition.—In this paragraph, the term 'provide for' means that the Director shall promulgate, and each Federal agency or department shall adopt, regulations to ensure that each such agency or department complies with the requirements of subsection (b).

"(2) Requirements.—The standards developed and adopted under paragraph (1) shall be designed to—

"(A) enable health information technology to be used for the collection and use of clinically specific data;

"(B) promote the interoperability of health care information across health care settings;

"(C) facilitate clinical decision support through the use of health information technology; and

"(D) ensure the privacy and confidentiality of medical records.

"(3) Public private partnership.—Consistent with activities being carried out on the date of enactment of this title, including the Consolidated Health Informatics Initiative (or a successor organization to such Initiative), health information technology standards shall be adopted by the Director under paragraph (1) at the conclusion of a collaborative process that includes consultation between the Federal Government and private sector health care and information technology stakeholders.

"(4) Privacy and security.—The regulations promulgated by the Secretary under part C of title XI of the Social Security Act (42 U.S.C. 1320d et seq.) and sections 261, 262, 263, and 264 of the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 1320d-2 note) with respect to the privacy, confidentiality, and security of health information shall apply to the implementation of programs and activities under this title.

"(5) Pilot tests.—To the extent practical, the Director shall pilot test the health information technology data standards developed under paragraph (1) prior to their implementation under this section.

"(6) Dissemination.—

"(A) In general.—The Director shall ensure that the standards adopted under paragraph (1) are widely disseminated to interested stakeholders.

"(B) Licensing.—To facilitate the dissemination and implementation of the standards developed and adopted under paragraph (1), the Director may license such standards, or utilize other means, to ensure the widespread use of such standards.

"(b) Implementation of Standards.—

"(1) Purchase of systems by the Secretary.—Effective beginning on the date that is 1 year after the adoption of the technology standards pursuant to subsection (a), the Secretary shall not purchase any health care information technology system unless such system is in compliance with the standards adopted under subsection (a), nor shall the Director approve any proposal pursuant to section 2902(c)(3) unless such proposal utilizes systems that are in compliance with the standards adopted under subsection (a).

"(2) Recipients of federal funds.—Effective on the date described in paragraph (1), no appropriated funds may be used to purchase a health care information technology system unless such system is in compliance with applicable standards adopted under subsection (a).

"(c) Modification of Standards.—The Director shall provide for ongoing oversight of the health information technology standards developed under subsection (a) to—

"(1) identify gaps or other shortcomings in such standards; and

"(2) modify such standards when determined appropriate or develop additional standards, in collaboration with standard setting organizations.

"SEC. 2904. LOAN GUARANTEES FOR THE ADOPTION OF HEALTH INFORMATION TECHNOLOGY.

"(a) In General.—The Director shall guarantee payment of the principal of and the interest on loans made to eligible entities to enable such entities—

"(1) to implement local health information infrastructures to facilitate the development of interoperability across health care settings to improve quality and efficiency; or

"(2) to facilitate the purchase and adoption of health information technology to improve quality and efficiency.

"(b) Eligibility.—To be eligible to receive a loan guarantee under subsection (a) an entity shall—

"(1) with respect to an entity desiring a loan guarantee—

"(A) under subsection (a)(1), be a coalition of entities that represent an independent consortium of health care stakeholders within a community that—

"(i) includes—

"(I) physicians (as defined in section 1881(r)(1) of the Social Security Act);

"(II) hospitals; and

"(III) group health plans or other health insurance issuers (as such terms are defined in section 2791); and

"(ii) may include any other health care providers; or

"(B) under subsection (a)(2) be a health care provider;

"(2) to the extent practicable, adopt the national health information technology standards adopted under section 2903;

"(3) provide assurances that the entity shall submit to the Director regular reports on the activities carried out under the loan guarantee, including—

"(A) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

"(B) a description of the impact of the project on health care quality and safety; and

"(C) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

"(4) provide assurances that not later than 30 days after the development of the standard quality measures pursuant to section 2906, the entity shall submit to the Director regular reports on such measures, including provider level data and analysis of the impact of information technology on such measures;

"(5) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require.

"(c) Use of Funds.—Amounts received under a loan guarantee under subsection (a) shall be used—

"(1) with respect to a loan guarantee described in subsection (a)(1)—

"(A) to develop a plan for the implementation of a local health information infrastructure under this section;

"(B) to establish systems for the sharing of data in accordance with the national health information technology standards developed under section 2903;

"(C) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a local health care information infrastructure; and

"(D) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols;

"(2) with respect to a loan guarantee described in subsection (a)(2)—

"(A) to develop a plan for the purchase and installation of health information technology;

"(B) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a national or local health care information infrastructure; and

"(C) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols; and

"(3) to carry out any other activities determined appropriate by the Director.

"(d) Special Considerations for Certain Entities.—In awarding loan guarantees under this section, the Director shall give special consideration to eligible entities that—

"(1) provide service to low-income and underserved populations; and

"(2) agree to electronically submit the information described in paragraphs (3) and (4) of subsection (b) on a daily basis.

"(e) Special Considerations for Local Health Information Infrastructures.—In awarding loan guarantees under this section to local health information infrastructures, the Director shall give special consideration to eligible entities that—

"(1) include at least 50 percent of the patients living in the designated coverage area;

‘‘(2) incorporate public health surveillance and reporting into the overall architecture of the proposed infrastructure; and

‘‘(3) link local health information infrastructures.

‘‘(f) AREAS OF SPECIFIC INTEREST.—In awarding loan guarantees under this section, the Director shall include—

‘‘(1) entities with a coverage area that includes an entire State; and

‘‘(2) entities with a multi-state coverage area.

‘‘(g) ADMINISTRATIVE PROVISIONS.—

‘‘(1) AGGREGATE AMOUNT.—

‘‘(A) IN GENERAL.—Except as provided in subparagraph (B), the aggregate amount of principal of loans guaranteed under subsection (a) with respect to an eligible entity may not exceed $5,000,000. In any 12-month period the amount disbursed to an eligible entity under this section (by a lender under a guaranteed loan) may not exceed $5,000,000.

‘‘(B) EXCEPTION.—The cumulative total of the principal of the loans outstanding at any time to which guarantees have been issued under subsection (a) may not exceed such limitations as may be specified in appropriation Acts.

‘‘(2) PROTECTION OF FEDERAL GOVERNMENT.—

‘‘(A) IN GENERAL.—The Director may not approve an application for a loan guarantee under this section unless the Director determines that—

‘‘(i) the terms, conditions, security (if any), and schedule and amount of repayments with respect to the loan are sufficient to protect the financial interests of the United States and are otherwise reasonable, including a determination that the rate of interest does not exceed such percent per annum on the principal obligation outstanding as the Director determines to be reasonable, taking into account the range of interest rates prevailing in the private market for loans with similar maturities, terms, conditions, and security and the risks assumed by the United States; and

‘‘(ii) the loan would not be available on reasonable terms and conditions without the enactment of this section.

‘‘(B) RECOVERY.—

‘‘(i) IN GENERAL.—The United States shall be entitled to recover from the applicant for a loan guarantee under this section the amount of any payment made pursuant to such loan guarantee, unless the Director for good cause waives such right of recovery, and, upon making any such payment, the United States shall be subrogated to all of the rights of the recipient of the payments with respect to which the loan was made.

‘‘(ii) MODIFICATION OF TERMS.—Any terms and conditions applicable to a loan guarantee under this section may be modified by the Director to the extent the Director determines it to be consistent with the financial interest of the United States.

‘‘(3) DEFAULTS.—The Director may take such action as the Director deems appropriate to protect the interest of the United States in the event of a default on a loan guaranteed under this section, including taking possession of, holding, and using real property pledged as security for such a loan guarantee.

‘‘(h) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2011.

‘‘(2) AVAILABILITY.—Amounts appropriated under subparagraph (A) shall remain available for obligation until expended.

‘‘SEC. 2905. GRANTS FOR THE PURCHASE OF HEALTH INFORMATION TECHNOLOGY.

‘‘(a) IN GENERAL.—The Director may award competitive grants to eligible entities—

‘‘(1) to implement local health information infrastructures to facilitate the development of interoperability across health care settings; or

‘‘(2) to facilitate the purchase and adoption of health information technology.

‘‘(b) ELIGIBILITY.—To be eligible to receive a grant under subsection (a) an entity shall—

‘‘(1) demonstrate financial need to the Director;

‘‘(2) with respect to an entity desiring a grant—

‘‘(A) under subsection (a)(1), represent an independent consortium of health care stakeholders within a community that—

‘‘(i) includes—

‘‘(I) physicians (as defined in section 1881(r)(1) of the Social Security Act);

‘‘(II) hospitals; and

‘‘(III) group health plans or other health insurance issuers (as such terms are defined in section 2791); and

‘‘(ii) may include any other health care providers; or

‘‘(B) under subsection (a)(2) be a health care provider that provides health care services to low-income and underserved populations;

‘‘(3) adopt the national health information technology standards developed under section 2903;

‘‘(4) provide assurances that the entity shall submit to the Director regular reports on the activities carried out under the loan guarantee, including—

‘‘(A) a description of the financial costs and benefits of the project involved and of the entities to which such costs and benefits accrue;

‘‘(B) a description of the impact of the project on health care quality and safety; and

‘‘(C) a description of any reduction in duplicative or unnecessary care as a result of the project involved;

‘‘(5) provide assurances that not later than 30 days after the development of the standard quality measures pursuant to section 2906, the entity shall submit to the Director regular reports on such measures, including provider level data and analysis of the impact of information technology on such measures;

‘‘(6) prepare and submit to the Director an application at such time, in such manner, and containing such information as the Director may require; and

‘‘(7) agree to provide matching funds in accordance with subsection (g).

‘‘(c) USE OF FUNDS.—Amounts received under a grant under subsection (a) shall be used to—

‘‘(1) with respect to a grant described in subsection (a)(1)—

‘‘(A) to develop a plan for the implementation of a local health information infrastructure under this section;

‘‘(B) to establish systems for the sharing of data in accordance with the national health information technology standards developed under section 2903;

‘‘(C) to implement, enhance, or upgrade a comprehensive, electronic health information technology system; and

‘‘(D) to maintain adequate security and privacy protocols;

‘‘(2) with respect to a grant described in subsection (a)(2)—

‘‘(A) to develop a plan for the purchase and installation of health information technology;

‘‘(B) to purchase directly related integrated hardware and software to establish an interoperable health information technology system that is capable of linking to a national or local health care information infrastructure; and

‘‘(C) to train staff, maintain health information technology systems, and maintain adequate security and privacy protocols;

‘‘(3) maintain adequate security and privacy protocols; and

‘‘(4) carry out any other activities determined appropriate by the Director.

‘‘(d) SPECIAL CONSIDERATIONS FOR CERTAIN ENTITIES.—In awarding grants under this section, the Director shall give special consideration to eligible entities that—

‘‘(1) provide service to low-income and underserved populations; and

‘‘(2) agree to electronically submit the information described in paragraphs (4) and (5) of subsection (b).

‘‘(e) SPECIAL CONSIDERATIONS FOR LOCAL HEALTH INFORMATION INFRASTRUCTURES.—In awarding grants under this section to local health information infrastructures, the Director shall give special consideration to eligible entities that—

‘‘(1) include at least 50 percent of the patients living in the designated coverage area;

‘‘(2) incorporate public health surveillance and reporting into the overall architecture of the proposed infrastructure; and

‘‘(3) link local health information infrastructures;

‘‘(f) AREAS OF SPECIFIC INTEREST.—In awarding grants under this section, the Director shall include—

‘‘(1) entities with a coverage area that includes an entire State; and

‘‘(2) entities with a multi-state coverage area.

‘‘(g) MATCHING REQUIREMENT.—

‘‘(1) IN GENERAL.—The Director may not make a grant under this section to an entity unless the entity agrees that, with respect to the costs to be incurred by the entity in carrying out the infrastructure program for which the grant was awarded, the entity will make available (directly or through donations from public or private entities) non-Federal contributions toward such costs in an amount equal to not less than 20 percent of such costs ($1 for each $5 of Federal funds provided under the grant).

‘‘(2) DETERMINATION OF AMOUNT CONTRIBUTED.—Non-Federal contributions required under paragraph (1) may be in cash or in kind, fairly evaluated, including equipment, technology, or services. Amounts provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of such non-Federal contributions.

‘‘(h) AUTHORIZATION OF APPROPRIATIONS.—

‘‘(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2011.

‘‘(2) AVAILABILITY.—Amounts appropriated under paragraph (1) shall remain available for obligation until expended.’’.

SEC. 202. STANDARDIZED MEASURES OF QUALITY HEALTH CARE AND DATA COLLECTION.

Title XXIX of the Public Health Service Act, as added by section 201, is amended by adding at the end the following:

‘‘SEC. 2906. STANDARDIZED MEASURES OF QUALITY HEALTH CARE.

‘‘(a) IN GENERAL.—

"(1) COLLABORATION.—The Secretary of Health and Human Services, the Secretary of Defense, and the Secretary of Veterans Affairs (referred to in this section as the 'Secretaries'), in consultation with the Quality Interagency Coordination Taskforce (as established by Executive Order on March 13, 1998), the Institute of Medicine, the Joint Commission on Accreditation of Healthcare Organizations, the National Committee for Quality Assurance, the American Health Quality Association, the National Quality Forum, the Medicare Payment Advisory Committee, and other individuals and organizations determined appropriate by the Secretaries, shall establish uniform health care quality measures to assess the effectiveness, timeliness, patient-centeredness, efficiency, equity, and safety of care delivered across all federally supported health delivery programs.

"(2) DEVELOPMENT OF MEASURES.—Not later than 18 months after the date of enactment of this title, the Secretaries shall develop standardized sets of quality measures for each of the 20 priority areas for improvement in health care quality as identified by the Institute of Medicine in their report entitled 'Priority Areas for National Action' in 2003, or other such areas as identified by the Secretaries in order to assist beneficiaries in making informed choices about health plans or care delivery systems. The selection of appropriate quality indicators under this subsection shall include the evaluation criteria formulated by clinical professionals, consumers, and data collection experts.

"(3) PILOT TESTING.—Each federally supported health delivery program may conduct a pilot test of the quality measures developed under paragraph (2) that shall include a collection of patient-level data and a public release of comparative performance reports.

"(b) PUBLIC REPORTING REQUIREMENTS.—The Secretaries, working collaboratively, shall establish public reporting requirements for clinicians, institutional providers, and health plans in each of the federally supported health delivery program described in subsection (a). Such requirements shall provide that the entities described in the preceding sentence shall report to the appropriate Secretary on the measures developed under subsection (a).

"(c) FULL IMPLEMENTATION.—The Secretaries, working collaboratively, shall implement all sets of quality measures and reporting systems developed under subsections (a) and (b) by not later than the date that is 1 year after the date on which the measures are developed under subsection (a)(2).

"(d) REPORTS.—Not later than 1 year after the date of enactment of this title, and annually thereafter, the Secretary shall—

"(1) submit to Congress a report that details the collaborative efforts carried out under subsection (a), the progress made on standardizing quality indicators throughout the Federal Government, and the state of quality measurement for priority areas that links data to the report submitted under paragraph (2) for the year involved; and

"(2) submit to Congress a report that details areas of clinical care requiring further research necessary to establish effective clinical treatments that will serve as a basis for additional quality indicators.

"(e) COMPARATIVE QUALITY REPORTS.—Beginning not later than 3 years after the date of enactment of this title, in order to make comparative quality information available to health care consumers, including members of health disparity populations, health professionals, public health officials, researchers, and other appropriate individuals and entities, the Secretaries shall provide for the pooling, analysis, and dissemination of quality measures collected under this section. Nothing in this section shall be construed as modifying the privacy standards under the Health Insurance Portability and Accountability Act of 1996 (Public Law 104-191).

"(f) ONGOING EVALUATION OF USE.—The Secretary of Health and Human Services shall ensure the ongoing evaluation of the use of the health care quality measures established under this section.

"(g) EVALUATION AND REGULATIONS.—

"(1) EVALUATION.—

"(A) IN GENERAL.—The Secretary shall, directly or indirectly through a contract with another entity, conduct an evaluation of the collaborative efforts of the Secretaries to establish uniform health care quality measures and reporting requirements for federally supported health care delivery programs as required under this section.

"(B) REPORT.—Not later than 1 year after the date of enactment of this title, the Secretary of Health and Human Services shall submit a report to the appropriate committees of Congress concerning the results of the evaluation under subparagraph (A).

"(2) REGULATIONS.—

"(A) PROPOSED.—Not later than 6 months after the date on which the report is submitted under paragraph (1)(B), the Secretary shall publish proposed regulations regarding the application of the uniform health care quality measures and reporting requirements described in this section to federally supported health delivery programs.

"(B) FINAL REGULATIONS.—Not later than 1 year after the date on which the report is submitted under paragraph (1)(B), the Secretary shall publish final regulations regarding the uniform health care quality measures and reporting requirements described in this section.

"(h) DEFINITIONS.—In this section, the term 'federally supported health delivery program' means a program that is funded by the Federal Government under which health care items or services are delivered directly to patients.".

TITLE III—MAKING HEALTH CARE MORE AFFORDABLE FOR CHILDREN AND PREGNANT WOMEN

Subtitle A—Covering all Children

SEC. 300. FINDINGS.

Congress makes the following findings:

(1) NEED FOR UNIVERSAL COVERAGE.—

(A) Currently, there are 9,000,000 children under the age of 19 that are uninsured. One out of every 8 children are uninsured while 1 in 5 Hispanic children and 1 in 7 African American children are uninsured. Three-quarters, approximately 6,800,000, of these children are eligible but not enrolled in the medicaid program or the State children's health insurance program (SCHIP).. Long-range studies found that 1 in 3 children went without health insurance for all or part of 2002 and 2003.

(B) Low-income children are 3 times as likely as children in higher income families to be uninsured. It is estimated that 65 percent of uninsured children have at least 1 parent working full time over the course of the year.

(C) It is estimated that 50 percent of all legal immigrant children in families with income that is less than 200 percent of the Federal poverty line are uninsured. In States without programs to cover immigrant children, 57 percent of non-citizen children are uninsured.

(D) Children in the Southern and Western parts of the United States were nearly 1.7 times more likely to be uninsured than children in the Northeast. In the Northeast, 9.4 percent of children are uninsured while in the Midwest, 8.3 percent are uninsured. The South's rate of uninsured children is 14.3 percent while the West has an uninsured rate of 13 percent.

(E) Children's health care needs are neglected in the United States. One-quarter of young children in the United States are not fully up to date on their basic immunizations. One-third of children with chronic asthma do not get a prescription for the necessary medications to manage the disease.

(F) According to the Centers for Disease Control and Prevention, nearly ½ of all uninsured children have not had a well-child visit in the past year. One out of every 5 children has problems accessing needed care, and 1 out of every 4 children do not receive annual dental exams. One in 6 uninsured children had a delayed or unmet medical need in the past year. Minority children are less likely to receive proven treatments such as prescription medications to treat chronic disease.

(G) There are 7,600,000 young adults between the ages of 19 and 20. In the United States, approximately 28 percent, or 2,100,000 individuals, of this group are uninsured.

(H) Chronic illness and disability among children are on the rise. Children most at risk for chronic illness and disability are children who are most likely to be poor and uninsured.

(2) ROLE OF THE MEDICAID AND STATE CHILDREN'S HEALTH INSURANCE PROGRAMS.—

(A) The medicaid program and SCHIP serve as a crucial health safety net for 30,000,000 children. During the recent economic downturn and the highest number of uninsured individuals ever recorded in the United States, the medicaid program and SCHIP offset losses in employer-sponsored coverage. While the number of children living in low-income families increased by 2,000,000 between 2000 and 2003, the number of uninsured children fell due to the medicaid program and SCHIP.

(B) In 2003, 25,000,000 children were enrolled in the medicaid program, accounting for ½ of all enrollees and only 19 percent of total program costs.

(C) The medicaid program and SCHIP do more than just fill in the gaps. Gains in public coverage have reduced the percentage of low-income uninsured by a ⅓ from 1997 to 2003. In addition, a recent study found that publicly-insured children are more likely to obtain medical care, preventive care and dental care than similar low-income privately -insured children.

(D) Publicly funded programs such as the medicaid program and SCHIP actually improve children's health. Children who are currently insured by public programs are in better health than they were a year ago. Expansion of coverage for children and pregnant women under the medicaid program and SCHIP reduces rates of avoidable hospitalizations by 22 percent.

(E) Studies have found that children enrolled in public insurance programs experienced a 68 percent improvement in measures of school performance.

(F) Despite the success of expansions in general under the medicaid program and SCHIP, due to current budget constraints, many States have stopped doing aggressive outreach and have raised premiums and cost-sharing requirements on families under these programs. In addition, 8 States stopped enrollment in SCHIP for a period of time between April 2003 and July 2004. As a result, SCHIP enrollment fell by 200,000 children for the first time in the program's history.

(G) It is estimated that nearly 50 percent of children covered through SCHIP do not remain in the program due to reenrollment barriers. A recent study found that between 10 and 40 percent of these children are "lost" in the system. Difficult renewal policies and reenrollment barriers make seamless coverage in SCHIP unattainable. Studies indicate that as many as 67 percent of children who were eligible but not enrolled for SCHIP had applied for coverage but were denied due to procedural issues.

(H) While the medicaid program and SCHIP expansions to date have done much to offset what otherwise would have been a significant loss of coverage among children because of declining access to employer coverage, the shortcomings of previous expansions, such as the failure to enroll all eligible children and caps on enrollment in SCHIP because of under-funding, also are clear.

CHAPTER 1—EXPANDED COVERAGE OF CHILDREN UNDER MEDICAID AND SCHIP

SEC. 301. STATE OPTION TO RECEIVE 100 PERCENT FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN IN POVERTY IN EXCHANGE FOR EXPANDED COVERAGE OF CHILDREN IN WORKING POOR FAMILIES UNDER TITLE XXI.

(a) State Option.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by redesignating section 1936 as section 1937, and by inserting after section 1935 the following:

"STATE OPTION FOR INCREASED FMAP FOR MEDICAL ASSISTANCE FOR CHILDREN IN POVERTY IN EXCHANGE FOR EXPANDED COVERAGE OF CHILDREN IN WORKING POOR FAMILIES UNDER TITLE XXI

"Sec. 1936. (a) 100 Percent FMAP.—

"(1) In general.—Notwithstanding any other provision of this title, in the case of a State that, through an amendment to each of its State plans under this title and title XXI (or to a waiver of either such plan), agrees to satisfy the conditions described in subsections (b), (c), and (d) the Federal medical assistance percentage shall be 100 percent with respect to the total amount expended by the State for providing medical assistance under this title for each fiscal year quarter beginning on or after the date described in subsection (e) for children whose family income does not exceed 100 percent of the poverty line.

"(2) Limitation on scope of application of increase.—The increase in the Federal medical assistance percentage for a State under this section shall apply only with respect to the total amount expended for providing medical assistance under this title for a fiscal year quarter for children described in paragraph (1) and shall not apply with respect to—

"(A) any other payments made under this title, including disproportionate share hospital payments described in section 1923;

"(B) payments under title IV or XXI; or

"(C) any payments made under this title or title XXI that are based on the enhanced FMAP described in section 2105(b).

"(b) Eligibility Expansions.—The condition described in this subsection is that the State agrees to do the following:

"(1) Coverage under medicaid or SCHIP for children in families whose income does not exceed 300 percent of the poverty line.—

"(A) In general.—The State agrees to provide medical assistance under this title or child health assistance under title XXI to children whose family income exceeds the medicaid applicable income level (as defined in section 2110(b)(4) but by substituting 'January 1, 2005' for 'March 31, 1997'), but does not exceed 300 percent of the poverty line.

"(B) State option to expand coverage through subsidized purchase of family coverage.—A State may elect to carry out subparagraph (A) through the provision of assistance for the purchase of dependent coverage under a group health plan or health insurance coverage if—

"(i) the dependent coverage is consistent with the benefit standards under this title or title XXI, as approved by the Secretary; and

"(ii) the State provides 'wrap-around' coverage under this title or title XXI.

"(C) Deemed satisfaction for certain States.—A State that, as of January 1, 2005, provides medical assistance under this title or child health assistance under title XXI to children whose family income is 300 percent of the poverty line shall be deemed to satisfy this paragraph.

"(2) Coverage for children under age 21.—The State agrees to define a child for purposes of this title and title XXI as an individual who has not attained 21 years of age.

"(3) Opportunity for higher income children to purchase SCHIP coverage.—The State agrees to permit any child whose family income exceeds 300 percent of the poverty line to purchase full or 'wrap-around' coverage under title XXI at the full cost of providing such coverage, as determined by the State.

"(4) Coverage for legal immigrant children.—The State agrees to—

"(A) provide medical assistance under this title and child health assistance under title XXI for alien children who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance in accordance with section 1903(v)(4) and 2107(e)(1)(E); and

"(B) not establish or enforce barriers that deter applications by such aliens, including through the application of the removal of the barriers described in subsection (c).

"(c) Removal of Enrollment and Access Barriers.—The condition described in this subsection is that the State agrees to do the following:

"(1) Presumptive eligibility for children.—The State agrees to—

"(A) provide presumptive eligibility for children under this title and title XXI in accordance with section 1920A;

"(B) treat any items or services that are provided to an uncovered child (as defined in section 2110(c)(8)) who is determined ineligible for medical assistance under this title as child health assistance for purposes of paying a provider of such items or services, so long as such items or services would be considered child health assistance for a targeted low-income child under title XXI.

"(2) Adoption of 12-month continuous enrollment.—The State agrees to provide that eligibility for assistance under this title and title XXI shall not be regularly redetermined more often than once every year for children.

"(3) Acceptance of self-declaration of income.—The State agrees to permit the family of a child applying for medical assistance under this title or child health assistance under title XXI to declare and certify by signature under penalty of perjury family income for purposes of collecting financial eligibility information.

"(4) Adoption of acceptance of eligibility determinations for other assistance programs.—The State agrees to accept determinations (made within a reasonable period, as found by the State, before its use for this purpose) of an individual's family or household income made by a Federal or State agency (or a public or private entity making such determination on behalf of such agency), including the agencies administering the Food Stamp Act of 1977, the Richard B. Russell National School Lunch Act, and the Child Nutrition Act of 1966, notwithstanding any differences in budget unit, disregard, deeming, or other methodology, but only if—

"(A) such agency has fiscal liabilities or responsibilities affected or potentially affected by such determinations; and

"(B) any information furnished by such agency pursuant to this subparagraph is used solely for purposes of determining eligibility for medical assistance under this title or for child health assistance under title XXI.

"(5) No assets test.—The State agrees to not (or demonstrates that it does not) apply any assets or resources test for eligibility under this title or title XXI with respect to children.

"(6) Eligibility Determinations and Redeterminations.—

"(A) In general.—The State agrees for purposes of initial eligibility determinations and redeterminations of children under this title and title XXI not to require a face-to-face interview and to permit applications and renewals by mail, telephone, and the Internet.

"(B) Nonduplication of information.—

"(i) In general.—For purposes of redeterminations of eligibility for currently or previously enrolled children under this title and title XXI, the State agrees to use all information in its possession (including information available to the State under other Federal or State programs) to determine eligibility or redetermine continued eligibility before seeking similar information from parents.

"(ii) Rule of construction.—Nothing in clause (i) shall be construed as limiting any obligation of a State to provide notice and a fair hearing before denying, terminating, or reducing a child's coverage based on such information in the possession of the State.

"(7) No waiting list for children under SCHIP.—The State agrees to not impose any numerical limitation, waiting list, waiting period, or similar limitation on the eligibility of children for child health assistance under title XXI or to establish or enforce other barriers to the enrollment of eligible children based on the date of their application for coverage.

"(8) Adequate provider payment rates.—The State agrees to—

"(A) establish payment rates for children's health care providers under this title that are no less than the average of payment rates for similar services for such providers provided under the benchmark benefit packages described in section 2103(b);

"(B) establish such rates in amounts that are sufficient to ensure that children enrolled under this title or title XXI have adequate access to comprehensive care, in accordance with the requirements of section 1902(a)(30)(A); and

"(C) include provisions in its contracts with providers under this title guaranteeing compliance with these requirements.

"(d) Maintenance of Medicaid Eligibility Levels for Children.—

"(1) In general.—The condition described in this subsection is that the State agrees to maintain eligibility income, resources, and methodologies applied under this title (including under a waiver of such title or under section 1115) with respect to children that are no more restrictive than the eligibility income, resources, and methodologies applied with respect to children under this title (including under such a waiver) as of January 1, 2005.

"(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as implying that a State does not have to comply with the minimum income levels required for children under section 1902(l)(2).

"(e) DATE DESCRIBED.—The date described in this subsection is the date on which, with respect to a State, a plan amendment that satisfies the requirements of subsections (b), (c), and (d) is approved by the Secretary.

"(f) DEFINITION OF POVERTY LINE.—In this section, the term 'poverty line' has the meaning given that term in section 2110(c)(5).".

(b) CONFORMING AMENDMENTS.—

(1) The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting before the period the following: ", and with respect to amounts expended for medical assistance for children on or after the date described in subsection (d) of section 1936, in the case of a State that has, in accordance with such section, an approved plan amendment under this title and title XXI".

(2) Section 1903(f)(4) of the Social Security Act (42 U.S.C. 1396b(f)(4)) is amended—

(A) in subparagraph (C), by adding "or" after "section 1611(b)(1),"; and

(B) by inserting after subparagraph (C), the following:

"(D) who would not receive such medical assistance but for State electing the option under section 1936 and satisfying the conditions described in subsections (b), (c), and (d) of such section,".

SEC. 302. ELIMINATION OF CAP ON SCHIP FUNDING FOR STATES THAT EXPAND ELIGIBILITY FOR CHILDREN.

(a) IN GENERAL.—Section 2105 of the Social Security Act (42 U.S.C. 1397dd) is amended by adding at the end the following:

"(h) GUARANTEED FUNDING FOR CHILD HEALTH ASSISTANCE FOR COVERAGE EXPANSION STATES.—

"(1) IN GENERAL.—Only in the case of a State that has, in accordance with section 1936, an approved plan amendment under this title and title XIX, any payment cap that would otherwise apply to the State under this title as a result of having expended all allotments available for expenditure by the State with respect to a fiscal year shall not apply with respect to amounts expended by the State on or after the date described in section 1936(d).

"(2) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of paying a State described in paragraph (1) for each quarter beginning on or after the date described in section 1936(d), an amount equal to the enhanced FMAP of expenditures described in paragraph (1) and incurred during such quarter.".

(b) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended—

(1) in subsection (a), by inserting "subject to section 2105(h)," after "under this section,";

(2) in subsection (b)(1), by inserting "and section 2105(h)" after "Subject to paragraph (4)"; and

(3) in subsection (c)(1), by inserting "subject to section 2105(h)," after "for a fiscal year,".

CHAPTER 2—STATE OPTIONS FOR INCREMENTAL CHILD COVERAGE EXPANSIONS

SEC. 311. STATE OPTION TO ENROLL LOW-INCOME CHILDREN OF STATE EMPLOYEES IN SCHIP.

Section 2110(b)(2) of the Social Security Act (42 U.S.C. 1397jj(b)(2)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively and realigning the left margins of such clauses appropriately;

(2) by striking "Such term" and inserting the following:

"(A) IN GENERAL.—Such term"; and

(3) by adding at the end the following:

"(B) STATE OPTION TO ENROLL LOW-INCOME CHILDREN OF STATE EMPLOYEES.—At the option of a State, subparagraph (A)(ii) shall not apply to any low-income child who would otherwise be eligible for child health assistance under this title but for such subparagraph.".

SEC. 312. STATE OPTION FOR PASSIVE RENEWAL OF ELIGIBILITY FOR CHILDREN UNDER MEDICAID AND SCHIP.

(a) IN GENERAL.—Section 1902(l) of the Social Security Act (42 U.S.C. 1396a(l)) is amended by adding at the end the following:

"(5) Notwithstanding any other provision of this title, a State may provide that an individual who has not attained 21 years of age who has been determined eligible for medical assistance under this title shall remain eligible for medical assistance until such time as the State has information demonstrating that the individual is no longer so eligible.".

(b) APPLICATION UNDER TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)) is amended—

(1) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively; and

(2) by inserting after subparagraph (A), the following:

"(B) Section 1902(l)(5) (relating to passive renewal of eligibility for children).".

CHAPTER 3—TAX INCENTIVES FOR HEALTH INSURANCE COVERAGE OF CHILDREN

SEC. 321. REFUNDABLE CREDIT FOR HEALTH INSURANCE COVERAGE OF CHILDREN.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. HEALTH INSURANCE COVERAGE OF CHILDREN.

"(a) IN GENERAL.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle an amount equal to so much of the amount paid during the taxable year, not compensated for by insurance or otherwise, for qualified health insurance for each dependent child of the taxpayer, as exceeds 5 percent of the adjusted gross income of such taxpayer for such taxable year.

"(b) DEPENDENT CHILD.—For purposes of this section, the term 'dependent child' means any child (as defined in section 152(f)(1)) who has not attained the age of 19 as of the close of the calendar year in which the taxable year of the taxpayer begins and with respect to whom a deduction under section 151 is allowable to the taxpayer.

"(c) QUALIFIED HEALTH INSURANCE.—For purposes of this section—

"(1) IN GENERAL.—The term 'qualified health insurance' means insurance, either employer-provided or made available under title XIX or XXI of the Social Security Act, which constitutes medical care as defined in section 213(d) without regard to—

"(A) paragraph (1)(C) thereof, and

"(B) so much of paragraph (1)(D) thereof as relates to qualified long-term care insurance contracts.

"(2) EXCLUSION OF CERTAIN OTHER CONTRACTS.—Such term shall not include insurance if a substantial portion of its benefits are excepted benefits (as defined in section 9832(c)).

"(d) MEDICAL SAVINGS ACCOUNT AND HEALTH SAVINGS ACCOUNT CONTRIBUTIONS.—

"(1) IN GENERAL.—If a deduction would (but for paragraph (2)) be allowed under section 220 or 223 to the taxpayer for a payment for the taxable year to the medical savings account or health savings account of an individual, subsection (a) shall be applied by treating such payment as a payment for qualified health insurance for such individual.

"(2) DENIAL OF DOUBLE BENEFIT.—No deduction shall be allowed under section 220 or 223 for that portion of the payments otherwise allowable as a deduction under section 220 or 223 for the taxable year which is equal to the amount of credit allowed for such taxable year by reason of this subsection.

"(e) SPECIAL RULES.—

"(1) DETERMINATION OF INSURANCE COSTS.—The Secretary shall provide rules for the allocation of the cost of any qualified health insurance for family coverage to the coverage of any dependent child under such insurance.

"(2) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.

"(3) COORDINATION WITH MEDICAL EXPENSE AND HIGH DEDUCTIBLE HEALTH PLAN DEDUCTIONS.—The amount which would (but for this paragraph) be taken into account by the taxpayer under section 213 or 224 for the taxable year shall be reduced by the credit (if any) allowed by this section to the taxpayer for such year.

"(4) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(5) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under subsection (a) if the credit under section 35 is allowed and no credit shall be allowed under 35 if a credit is allowed under this section.

"(6) ELECTION NOT TO CLAIM CREDIT.—This section shall not apply to a taxpayer for any taxable year if such taxpayer elects to have this section not apply for such taxable year.".

(b) INFORMATION REPORTING.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 of the Internal Revenue Code of 1986 (relating to information concerning transactions with other persons) is amended by inserting after section 6050T the following new section:

"SEC. 6050U. RETURNS RELATING TO PAYMENTS FOR QUALIFIED HEALTH INSURANCE.

"(a) IN GENERAL.—Any governmental unit or any person who, in connection with a trade or business conducted by such person, receives payments during any calendar year from any individual for coverage of a dependent child (as defined in section 36(b)) of such individual under creditable health insurance, shall make the return described in subsection (b) (at such time as the Secretary may by regulations prescribe) with respect to each individual from whom such payments were received.

"(b) Form and Manner of Returns.—A return is described in this subsection if such return—

"(1) is in such form as the Secretary may prescribe, and

"(2) contains—

"(A) the name, address, and TIN of the individual from whom payments described in subsection (a) were received,

"(B) the name, address, and TIN of each dependent child (as so defined) who was provided by such person with coverage under creditable health insurance by reason of such payments and the period of such coverage, and

"(C) such other information as the Secretary may reasonably prescribe.

"(c) Creditable Health Insurance.—For purposes of this section, the term 'creditable health insurance' means qualified health insurance (as defined in section 36(c)).

"(d) Statements To Be Furnished to Individuals With Respect to Whom Information Is Required.—Every person required to make a return under subsection (a) shall furnish to each individual whose name is required under subsection (b)(2)(A) to be set forth in such return a written statement showing—

"(1) the name and address of the person required to make such return and the phone number of the information contact for such person,

"(2) the aggregate amount of payments described in subsection (a) received by the person required to make such return from the individual to whom the statement is required to be furnished, and

"(3) the information required under subsection (b)(2)(B) with respect to such payments.

The written statement required under the preceding sentence shall be furnished on or before January 31 of the year following the calendar year for which the return under subsection (a) is required to be made.

"(e) Returns Which Would Be Required To Be Made by 2 or More Persons.—Except to the extent provided in regulations prescribed by the Secretary, in the case of any amount received by any person on behalf of another person, only the person first receiving such amount shall be required to make the return under subsection (a).".

(2) Assessable penalties.—

(A) Subparagraph (B) of section 6724(d)(1) of such Code (relating to definitions) is amended by redesignating clauses (xiii) through (xviii) as clauses (xiv) through (xix), respectively, and by inserting after clause (xii) the following new clause:

"(xiii) section 6050U (relating to returns relating to payments for qualified health insurance),".

(B) Paragraph (2) of section 6724(d) of such Code is amended by striking "or" at the end of the next to last subparagraph, by striking the period at the end of the last subparagraph and inserting ", or", and by adding at the end the following new subparagraph:

"(CC) section 6050U(d) (relating to returns relating to payments for qualified health insurance).".

(3) Clerical amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 of such Code is amended by inserting after the item relating to section 6050T the following new item:

"Sec. 6050U. Returns relating to payments for qualified health insurance.".

(c) Conforming Amendments.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period ", or from section 36 of such Code".

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

"Sec. 36. Health insurance coverage of children.

"Sec. 37. Overpayments of tax.".

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 322. FORFEITURE OF PERSONAL EXEMPTION FOR ANY CHILD NOT COVERED BY HEALTH INSURANCE.

(a) In General.—Section 151(d) of the Internal Revenue Code of 1986 (relating to exemption amount) is amended by adding at the end the following new paragraph:

"(5) Reduction of exemption amount for any child not covered by health insurance.—

"(A) In general.—Except as otherwise provided in this paragraph, the exemption amount otherwise determined under this subsection for any dependent child (as defined in section 36(b)) for any taxable year shall be reduced by the same percentage as the percentage of such taxable year during which such dependent child was not covered by qualified health insurance (as defined in section 36(c)).

"(B) Full reduction if no proof of coverage is provided.—For purposes of subparagraph (A), in the case of any taxpayer who fails to attach to the return of tax for any taxable year a copy of the statement furnished to such taxpayer under section 6050U, the percentage reduction under such subparagraph shall be deemed to be 100 percent.

"(C) Nonapplication of paragraph to taxpayers in lowest tax bracket.—This paragraph shall not apply to any taxpayer whose taxable income for the taxable year does not exceed the initial bracket amount determined under section 1(i)(1)(B).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2004.

CHAPTER 4—MISCELLANEOUS

SEC. 331. REQUIREMENT FOR GROUP MARKET HEALTH INSURERS TO OFFER DEPENDENT COVERAGE OPTION FOR WORKERS WITH CHILDREN.

(a) ERISA.—

(1) In general.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. REQUIREMENT TO OFFER OPTION TO PURCHASE DEPENDENT COVERAGE FOR CHILDREN.

"(a) Requirements for Coverage.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall offer an individual who is enrolled in such coverage the option to purchase dependent coverage for a child of the individual.

"(b) No Employer Contribution Required.—An employer shall not be required to contribute to the cost of purchasing dependent coverage for a child by an individual who is an employee of such employer.

"(c) Definition of Child.—In this section, the term 'child' means an individual who has not attained 21 years of age.".

(2) Clerical amendment.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

"Sec. 714. Requirement to offer option to purchase dependent coverage for children.".

(b) Public Health Service Act.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. REQUIREMENT TO OFFER OPTION TO PURCHASE DEPENDENT COVERAGE FOR CHILDREN.

"(a) Requirements for Coverage.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, shall offer an individual who is enrolled in such coverage the option to purchase dependent coverage for a child of the individual.

"(b) No Employer Contribution Required.—An employer shall not be required to contribute to the cost of purchasing dependent coverage for a child by an individual who is an employee of such employer.

"(c) Definition of Child.—In this section, the term 'child' means an individual who has not attained 21 years of age.".

(c) Effective Date.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2006.

SEC. 332. EFFECTIVE DATE.

Unless otherwise provided, the amendments made by this subtitle shall take effect on October 1, 2005, and shall apply to child health assistance and medical assistance provided on or after that date without regard to whether or not final regulations to carry out such amendments have been promulgated by such date.

Subtitle B—Covering Pregnant Women

SEC. 351. STATE OPTION TO EXPAND OR ADD COVERAGE OF PREGNANT WOMEN UNDER THE MEDICAID PROGRAM AND STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

(a) Medicaid.—

(1) Authority to expand coverage.—Section 1902(l)(2)(A)(i) of the Social Security Act (42 U.S.C. 1396a(l)(2)(A)(i)) is amended by inserting "(or such higher percentage as the State may elect for purposes of expenditures for medical assistance for pregnant women described in section 1905(u)(4)(A))" after "185 percent".

(2) Enhanced matching funds available if certain conditions met.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 311(b)(2), is amended—

(A) in the fourth sentence of subsection (b), by striking "or (u)(4)" and inserting ", (u)(4), or (u)(5)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following new paragraph:

"(5) For purposes of the fourth sentence of subsection (b) and section 2105(a), the expenditures described in this paragraph are the following:

"(A) Certain pregnant women.—If the conditions described in subparagraph (B) are met, expenditures for medical assistance for pregnant women described in subsection (n) or under section 1902(l)(1)(A) in a family the income of which exceeds 185 percent of the poverty line, but does not exceed the income eligibility level established under title XXI for a targeted low-income child.

"(B) CONDITIONS.—The conditions described in this subparagraph are the following:

"(i) The State plans under this title and title XXI do not provide coverage for pregnant women described in subparagraph (A) with higher family income without covering such pregnant women with a lower family income.

"(ii) The State does not apply an effective income level for pregnant women that is lower than the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under the State plan under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2005, to be eligible for medical assistance as a pregnant woman.

"(C) DEFINITION OF POVERTY LINE.—In this subsection, the term 'poverty line' has the meaning given such term in section 2110(c)(5).".

(3) PAYMENT FROM TITLE XXI ALLOTMENT FOR MEDICAID EXPANSION COSTS; ELIMINATION OF COUNTING MEDICAID CHILD PRESUMPTIVE ELIGIBILITY COSTS AGAINST TITLE XXI ALLOTMENT.—Section 2105(a)(1) of the Social Security Act (42 U.S.C. 1397ee(a)(1)) is amended—

(A) in the matter preceding subparagraph (A), by striking "(or, in the case of expenditures described in subparagraph (B), the Federal medical assistance percentage (as defined in the first sentence of section 1905(b)))"; and

(B) by striking subparagraph (B) and inserting the following new subparagraph:

"(B) for the provision of medical assistance that is attributable to expenditures described in section 1905(u)(5)(A);".

(b) SCHIP.—

(1) COVERAGE.—Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.) is amended by adding at the end the following new section:

"SEC. 2111. OPTIONAL COVERAGE OF TARGETED LOW-INCOME PREGNANT WOMEN.

"(a) OPTIONAL COVERAGE.—Notwithstanding any other provision of this title, a State may provide for coverage, through an amendment to its State child health plan under section 2102, of pregnancy-related assistance for targeted low-income pregnant women in accordance with this section, but only if—

"(1) the State has established an income eligibility level for pregnant women under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 that is at least 185 percent of the income official poverty line; and

"(2) the State meets the conditions described in section 1905(u)(5)(B).

"(b) DEFINITIONS.—For purposes of this title:

"(1) PREGNANCY-RELATED ASSISTANCE.—The term 'pregnancy-related assistance' has the meaning given the term child health assistance in section 2110(a) as if any reference to targeted low-income children were a reference to targeted low-income pregnant women, except that the assistance shall be limited to services related to pregnancy (which include prenatal, delivery, and postpartum services and services described in section 1905(a)(4)(C)) and to other conditions that may complicate pregnancy.

"(2) TARGETED LOW-INCOME PREGNANT WOMAN.—The term 'targeted low-income pregnant woman' means a woman—

"(A) during pregnancy and through the end of the month in which the 60-day period (beginning on the last day of her pregnancy) ends;

"(B) whose family income exceeds the effective income level (expressed as a percent of the poverty line and considering applicable income disregards) that has been specified under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902, as of January 1, 2005, to be eligible for medical assistance as a pregnant woman under title XIX but does not exceed the income eligibility level established under the State child health plan under this title for a targeted low-income child; and

"(C) who satisfies the requirements of paragraphs (1)(A), (1)(C), (2), and (3) of section 2110(b).

"(c) REFERENCES TO TERMS AND SPECIAL RULES.—In the case of, and with respect to, a State providing for coverage of pregnancy-related assistance to targeted low-income pregnant women under subsection (a), the following special rules apply:

"(1) Any reference in this title (other than in subsection (b)) to a targeted low-income child is deemed to include a reference to a targeted low-income pregnant woman.

"(2) Any such reference to child health assistance with respect to such women is deemed a reference to pregnancy-related assistance.

"(3) Any such reference to a child is deemed a reference to a woman during pregnancy and the period described in subsection (b)(2)(A).

"(4) In applying section 2102(b)(3)(B), any reference to children found through screening to be eligible for medical assistance under the State medicaid plan under title XIX is deemed a reference to pregnant women.

"(5) There shall be no exclusion of benefits for services described in subsection (b)(1) based on any preexisting condition and no waiting period (including any waiting period imposed to carry out section 2102(b)(3)(C)) shall apply.

"(6) Subsection (a) of section 2103 (relating to required scope of health insurance coverage) shall not apply insofar as a State limits coverage to services described in subsection (b)(1) and the reference to such section in section 2105(a)(1)(C) is deemed not to require, in such case, compliance with the requirements of section 2103(a).

"(7) In applying section 2103(e)(3)(B) in the case of a pregnant woman provided coverage under this section, the limitation on total annual aggregate cost-sharing shall be applied to such pregnant woman.

"(8) The reference in section 2107(e)(1)(D) to section 1920A (relating to presumptive eligibility for children) is deemed a reference to section 1920 (relating to presumptive eligibility for pregnant women).

"(d) AUTOMATIC ENROLLMENT FOR CHILDREN BORN TO WOMEN RECEIVING PREGNANCY-RELATED ASSISTANCE.—If a child is born to a targeted low-income pregnant woman who was receiving pregnancy-related assistance under this section on the date of the child's birth, the child shall be deemed to have applied for child health assistance under the State child health plan and to have been found eligible for such assistance under such plan or to have applied for medical assistance under title XIX and to have been found eligible for such assistance under such title, as appropriate, on the date of such birth and to remain eligible for such assistance until the child attains 1 year of age. During the period in which a child is deemed under the preceding sentence to be eligible for child health or medical assistance, the child health or medical assistance eligibility identification number of the mother shall also serve as the identification number of the child, and all claims shall be submitted and paid under such number (unless the State issues a separate identification number for the child before such period expires).".

(2) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

(A) IN GENERAL.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd) is amended by inserting after subsection (c) the following new subsection:

"(d) ADDITIONAL ALLOTMENTS FOR PROVIDING COVERAGE OF PREGNANT WOMEN.—

"(1) APPROPRIATION; TOTAL ALLOTMENT.—For the purpose of providing additional allotments to States under this title, there is appropriated, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2006 through 2009, $200,000,000.

"(2) STATE AND TERRITORIAL ALLOTMENTS.—In addition to the allotments provided under subsections (b) and (c), subject to paragraphs (3) and (4), of the amount available for the additional allotments under paragraph (1) for a fiscal year, the Secretary shall allot to each State with a State child health plan approved under this title—

"(A) in the case of such a State other than a commonwealth or territory described in subparagraph (B), the same proportion as the proportion of the State's allotment under subsection (b) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (b) for such States eligible for an allotment under this paragraph for such fiscal year; and

"(B) in the case of a commonwealth or territory described in subsection (c)(3), the same proportion as the proportion of the commonwealth's or territory's allotment under subsection (c) (determined without regard to subsection (f)) to the total amount of the allotments under subsection (c) for commonwealths and territories eligible for an allotment under this paragraph for such fiscal year.

"(3) USE OF ADDITIONAL ALLOTMENT.—Additional allotments provided under this subsection are not available for amounts expended before October 1, 2005. Such amounts are available for amounts expended on or after such date for child health assistance for targeted low-income children, as well as for pregnancy-related assistance for targeted low-income pregnant women.

"(4) NO PAYMENTS UNLESS ELECTION TO EXPAND COVERAGE OF PREGNANT WOMEN.—No payments may be made to a State under this title from an allotment provided under this subsection unless the State provides pregnancy-related assistance for targeted low-income pregnant women under this title, or provides medical assistance for pregnant women under title XIX, whose family income exceeds the effective income level applicable under subsection (a)(10)(A)(i)(III) or (l)(2)(A) of section 1902 to a family of the size involved as of January 1, 2005.".

(B) CONFORMING AMENDMENTS.—Section 2104 of the Social Security Act (42 U.S.C. 1397dd), as amended by section 302(b), is amended—

(i) in subsection (a), in the matter preceding paragraph (1), by inserting "subsection (d) and" before "section 2105(h)";

(ii) in subsection (b)(1), by inserting ", subsection (d)," after "Subject to paragraph (4)"; and

(iii) in subsection (c)(1), by inserting "subsection (d) and" after "section 2105(h)".

(3) ADDITIONAL CONFORMING AMENDMENTS.—

(A) NO COST-SHARING FOR PREGNANCY-RELATED BENEFITS.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended—

(i) in the heading, by inserting "OR PREGNANCY-RELATED SERVICES" after "PREVENTIVE SERVICES"; and

(ii) by inserting before the period at the end the following: "or for pregnancy-related services".

(B) NO WAITING PERIOD.—Section 2102(b)(1)(B) (42 U.S.C. 1397bb(b)(1)(B)) is amended—

(i) in clause (i), by striking ", and" at the end and inserting a semicolon;

(ii) in clause (ii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iii) may not apply a waiting period (including a waiting period to carry out paragraph (3)(C)) in the case of a targeted low-income pregnant woman.".

(c) AUTHORITY FOR STATES THAT PROVIDE MEDICAID OR SCHIP COVERAGE FOR PREGNANT WOMEN WITH INCOME ABOVE 185 PERCENT OF THE POVERTY LINE TO USE PORTION OF SCHIP FUNDS FOR MEDICAID EXPENDITURES.—Section 2105(g) of the Social Security Act (42 U.S.C. 1397ee(g)) is amended—

(1) in the subsection heading, by inserting "AND CERTAIN PREGNANCY COVERAGE EXPANSION STATES" after "QUALIFYING STATES";

(2) by adding at the end the following:

"(4) SPECIAL AUTHORITY FOR CERTAIN PREGNANCY COVERAGE EXPANSION STATES.—

"(A) IN GENERAL.—In the case of a State that, as of the date of enactment of the Affordable Health Care Act of 2005, has an income eligibility standard under title XIX or this title (under section 1902(a)(10)(A) or under a statewide waiver in effect under section 1115 with respect to title XIX or this title) that is at least 185 percent of the poverty line with respect to pregnant women, the State may elect to use not more than 20 percent of any allotment under section 2104 for any fiscal year (insofar as it is available under subsections (e) and (g) of such section) for payments under title XIX in accordance with subparagraph (B), instead of for expenditures under this title.

"(B) PAYMENTS TO STATES.—

"(i) IN GENERAL.—In the case of a State described in subparagraph (A) that has elected the option described in that subparagraph, subject to the availability of funds under such subparagraph and, if applicable, paragraph (1)(A), with respect to the State, the Secretary shall pay the State an amount each quarter equal to the additional amount that would have been paid to the State under title XIX with respect to expenditures described in clause (ii) if the enhanced FMAP (as determined under subsection (b)) had been substituted for the Federal medical assistance percentage (as defined in section 1905(b)).

"(ii) EXPENDITURES DESCRIBED.—For purposes of this subparagraph, the expenditures described in this clause are expenditures, made after the date of the enactment of this paragraph and during the period in which funds are available to the State for use under subparagraph (A), for medical assistance under title XIX for pregnant women whose family income is at least 185 percent of the poverty line.

"(iii) NO IMPACT ON DETERMINATION OF BUDGET NEUTRALITY FOR WAIVERS.—In the case of a State described in subparagraph (A) that uses amounts paid under this paragraph for expenditures described in clause (ii) that are incurred under a waiver approved for the State, any budget neutrality determinations with respect to such waiver shall be determined without regard to such amounts paid."; and

(3) in paragraph (3), by striking "and (2)" and inserting "(2), and (4)".

(d) OTHER AMENDMENTS TO MEDICAID.—

(1) ELIGIBILITY OF A NEWBORN.—Section 1902(e)(4) of the Social Security Act (42 U.S.C. 1396a(e)(4)) is amended in the first sentence by striking "so long as the child is a member of the woman's household and the woman remains (or would remain if pregnant) eligible for such assistance".

(2) APPLICATION OF QUALIFIED ENTITIES TO PRESUMPTIVE ELIGIBILITY FOR PREGNANT WOMEN UNDER MEDICAID.—Section 1920(b) of the Social Security Act (42 U.S.C. 1396r–1(b)) is amended by adding after paragraph (2) the following flush sentence:

"The term 'qualified provider' includes a qualified entity as defined in section 1920A(b)(3).".

(e) EFFECTIVE DATE.—The amendments made by this section apply to items and services furnished on or after October 1, 2005, without regard to whether regulations implementing such amendments have been promulgated.

SEC. 352. OPTIONAL COVERAGE OF LEGAL IMMIGRANTS UNDER THE MEDICAID PROGRAM AND SCHIP.

(a) MEDICAID PROGRAM.—Section 1903(v) of the Social Security Act (42 U.S.C. 1396b(v)) is amended—

(1) in paragraph (1), by striking "paragraph (2)" and inserting "paragraphs (2) and (4)"; and

(2) by adding at the end the following new paragraph:

"(4)(A) A State may elect (in a plan amendment under this title) to provide medical assistance under this title for aliens who are lawfully residing in the United States (including battered aliens described in section 431(c) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996) and who are otherwise eligible for such assistance, within any of the following eligibility categories:

"(i) PREGNANT WOMEN.—Women during pregnancy (and during the 60-day period beginning on the last day of the pregnancy).

"(ii) CHILDREN.—Children (as defined under such plan), including optional targeted low-income children described in section 1905(u)(2)(B).

"(B)(i) In the case of a State that has elected to provide medical assistance to a category of aliens under subparagraph (A), no debt shall accrue under an affidavit of support against any sponsor of such an alien on the basis of provision of assistance to such category and the cost of such assistance shall not be considered as an unreimbursed cost.

"(ii) The provisions of sections 401(a), 402(b), 403, and 421 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 shall not apply to a State that makes an election under subparagraph (A).".

(b) TITLE XXI.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended by adding at the end the following new subparagraph:

"(E) Section 1903(v)(4) (relating to optional coverage of permanent resident alien pregnant women and children), but only with respect to an eligibility category under this title, if the same eligibility category has been elected under such section for purposes of title XIX.".

(c) EFFECTIVE DATE.—The amendments made by this section take effect on October 1, 2005, and apply to medical assistance and child health assistance furnished on or after such date.

SEC. 353. PROMOTING CESSATION OF TOBACCO USE UNDER THE MEDICAID PROGRAM.

(a) DROPPING EXCEPTION FROM MEDICAID PRESCRIPTION DRUG COVERAGE FOR TOBACCO CESSATION MEDICATIONS.—Section 1927(d)(2) of the Social Security Act (42 U.S.C. 1396r-8(d)(2)) is amended—

(1) by striking subparagraph (E);

(2) by redesignating subparagraphs (F) through (J) as subparagraphs (E) through (I), respectively; and

(3) in subparagraph (F) (as redesignated by paragraph (2)), by inserting before the period at the end the following: ", except agents approved by the Food and Drug Administration for purposes of promoting, and when used to promote, tobacco cessation".

(b) REQUIRING COVERAGE OF TOBACCO CESSATION COUNSELING SERVICES FOR PREGNANT WOMEN.—Section 1905 of the Social Security Act (42 U.S.C. 1396d(a)(4)) is amended—

(1) in subsection (a)(4)—

(A) by striking "and" before "(C)"; and

(B) by inserting before the semicolon at the end the following new subparagraph: "; and (D) counseling for cessation of tobacco use (as defined in subsection (x)) for pregnant women"; and

(2) by adding at the end the following:

"(y)(1) For purposes of this title, the term 'counseling for cessation of tobacco use' means therapy and counseling for cessation of tobacco use for pregnant women who use tobacco products or who are being treated for tobacco use that is furnished—

"(A) by or under the supervision of a physician; or

"(B) by any other health care professional who—

"(i) is legally authorized to furnish such services under State law (or the State regulatory mechanism provided by State law) of the State in which the services are furnished; and

"(ii) is authorized to receive payment for other services under this title or is designated by the Secretary for this purpose.

"(2) Subject to paragraph (3), such term is limited to—

"(A) therapy and counseling services recommended in 'Treating Tobacco Use and Dependence: A Clinical Practice Guideline', published by the Public Health Service in June 2000, or any subsequent modification of such Guideline; and

"(B) such other therapy and counseling services that the Secretary recognizes to be effective.

"(3) Such term shall not include coverage for drugs or biologicals that are not otherwise covered under this title.".

(c) REMOVAL OF COST-SHARING FOR TOBACCO CESSATION COUNSELING SERVICES FOR PREGNANT WOMEN.—Section 1916 of the Social Security Act (42 U.S.C. 1396o) is amended in each of subsections (a)(2)(B) and (b)(2)(B) by inserting ", and counseling for cessation of tobacco use (as defined in section 1905(x))" after "complicate the pregnancy".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished on or after the date that is 1 year after the date of enactment of this Act.

SEC. 354. PROMOTING CESSATION OF TOBACCO USE UNDER THE MATERNAL AND CHILD HEALTH SERVICES BLOCK GRANT PROGRAM.

(a) QUALITY MATERNAL AND CHILD HEALTH SERVICES INCLUDES TOBACCO CESSATION COUNSELING AND MEDICATIONS.—

(1) IN GENERAL.—Section 501 of the Social Security Act (42 U.S.C. 701) is amended by

adding at the end the following new subsection:

"(c) For purposes of this title, counseling for cessation of tobacco use (as defined in section 1905(y)), drugs and biologicals used to promote smoking cessation, and the inclusion of antitobacco messages in health promotion counseling shall be considered to be part of quality maternal and child health services.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date that is 1 year after the date of enactment of this Act.

(b) EVALUATION OF NATIONAL CORE PERFORMANCE MEASURES.—

(1) IN GENERAL.—The Administrator of the Health Resources and Services Administration shall assess the current national core performance measures and national core outcome measures utilized under the Maternal and Child Health Block Grant under title V of the Social Security Act (42 U.S.C. 701 et seq.) for purposes of expanding such measures to include some of the known causes of low birthweight and prematurity, including the percentage of infants born to pregnant women who smoked during pregnancy.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator of the Health Resources and Services Administration shall submit to the appropriate committees of Congress a report concerning the results of the evaluation conducted under paragraph (1).

SEC. 355. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO INDIVIDUALS WITH INCOMES THAT DO NOT EXCEED A STATE'S INCOME ELIGIBILITY LEVEL FOR MEDICAL ASSISTANCE.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), as amended by section 301(a), is amended—

(1) by redesignating section 1937 as section 1938; and

(2) by inserting after section 1936 the following new section:

"STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES

"SEC. 1937. (a) IN GENERAL.—Subject to subsections (b) and (c), a State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual whose family income does not exceed the greater of—

"(1) 185 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved; or

"(2) the eligibility income level (expressed as a percentage of such poverty line) that has been specified under a waiver authorized by the Secretary or under section 1902(r)(2)), as of January 1, 2005, for an individual to be eligible for medical assistance under the State plan.

"(b) COMPARABILITY.—Medical assistance described in section 1905(a)(4)(C) that is made available under a State plan amendment under subsection (a) shall—

"(1) not be less in amount, duration, or scope than the medical assistance described in that section that is made available to any other individual under the State plan; and

"(2) be provided in accordance with the restrictions on deductions, cost sharing, or similar charges imposed under section 1916(a)(2)(D).

"(c) OPTION TO EXTEND COVERAGE DURING A POST-ELIGIBILITY PERIOD.—

"(1) INITIAL PERIOD.—A State plan amendment made under subsection (a) may provide that any individual who was receiving medical assistance described in section 1905(a)(4)(C) as a result of such amendment, and who becomes ineligible for such assistance because of hours of, or income from, employment, may remain eligible for such medical assistance through the end of the 6-month period that begins on the first day the individual becomes so ineligible.

"(2) ADDITIONAL EXTENSION.—A State plan amendment made under subsection (a) may provide that any individual who has received medical assistance described in section 1905(a)(4)(C) during the entire 6-month period described in paragraph (1) may be extended coverage for such assistance for a succeeding 6-month period.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2005.

SEC. 356. STATE OPTION TO EXTEND THE POSTPARTUM PERIOD FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e)(5) of the Social Security Act (42 U.S.C. 1396a(e)(5)) is amended—

(1) by striking "eligible under the plan, as though" and inserting "eligible under the plan—

"(A) as though";

(2) by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(B) for medical assistance described in section 1905(a)(4)(C) for so long as the family income of such woman does not exceed the maximum income level established by the State for the woman to be eligible for medical assistance under the State plan (as a result of pregnancy or otherwise).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2005.

SEC. 357. STATE OPTION TO PROVIDE WRAP-AROUND SCHIP COVERAGE TO CHILDREN WHO HAVE OTHER HEALTH COVERAGE.

(a) IN GENERAL.—

(1) SCHIP.—

(A) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—Section 2110(b) of the Social Security Act (42 U.S.C. 1397jj(b)) is amended—

(i) in paragraph (1)(C), by inserting ", subject to paragraph (5)," after "under title XIX or"; and

(ii) by adding at the end the following:

"(5) STATE OPTION TO PROVIDE WRAP-AROUND COVERAGE.—A State may waive the requirement of paragraph (1)(C) that a targeted low-income child may not be covered under a group health plan or under health insurance coverage, if the State satisfies the conditions described in subsection (c)(8). The State may waive such requirement in order to provide—

"(A) services for a child with special health care needs; or

"(B) all services.

In waiving such requirement, a State may limit the application of the waiver to children whose family income does not exceed a level specified by the State, so long as the level so specified does not exceed the maximum income level otherwise established for other children under the State child health plan.".

(B) CONDITIONS DESCRIBED.—Section 2105(c) of the Social Security Act (42 U.S.C. 1397ee(c)) is amended by adding at the end the following:

"(8) CONDITIONS FOR PROVISION OF WRAP-AROUND COVERAGE.—For purposes of section 2110(b)(5), the conditions described in this paragraph are the following:

"(A) INCOME ELIGIBILITY.—The State child health plan (whether implemented under title XIX or this XXI)—

"(i) has the highest income eligibility standard permitted under this title as of January 1, 2005;

"(ii) subject to subparagraph (B), does not limit the acceptance of applications for children; and

"(iii) provides benefits to all children in the State who apply for and meet eligibility standards.

"(B) NO WAITING LIST IMPOSED.—With respect to children whose family income is at or below 200 percent of the poverty line, the State does not impose any numerical limitation, waiting list, or similar limitation on the eligibility of such children for child health assistance under such State plan.

"(C) NO MORE FAVORABLE TREATMENT.—The State child health plan may not provide more favorable coverage of dental services to the children covered under section 2110(b)(5) than to children otherwise covered under this title.".

(C) STATE OPTION TO WAIVE WAITING PERIOD.—Section 2102(b)(1)(B) of the Social Security Act (42 U.S.C. 1397bb(b)(1)(B)), as amended by section 2(b)(3)(B), is amended—

(i) in clause (ii), by striking ", and" at the end and inserting a semicolon;

(ii) in clause (iii), by striking the period at the end and inserting "; and"; and

(iii) by adding at the end the following new clause:

"(iv) at State option, may not apply a waiting period in the case of a child described in section 2110(b)(5), if the State satisfies the requirements of section 2105(c)(8).".

(2) APPLICATION OF ENHANCED MATCH UNDER MEDICAID.—Section 1905 of the Social Security Act (42 U.S.C. 1396d), as amended by section 2(a)(2), is amended—

(A) in subsection (b), in the fourth sentence, by striking "or (u)(4)" and inserting "(u)(4), or (u)(5)"; and

(B) in subsection (u)—

(i) by redesignating paragraph (5) as paragraph (6); and

(ii) by inserting after paragraph (4) the following:

"(5) For purposes of subsection (b), the expenditures described in this paragraph are expenditures for items and services for children described in section 2110(b)(5), but only in the case of a State that satisfies the requirements of section 2105(c)(8).".

(3) APPLICATION OF SECONDARY PAYOR PROVISIONS.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)), as amended by section 3(b), is amended by adding at the end the following:

"(F) Section 1902(a)(25) (relating to coordination of benefits and secondary payor provisions) with respect to children covered under a waiver described in section 2110(b)(5).".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on January 1, 2005, and shall apply to child health assistance and medical assistance provided on or after that date.

SEC. 358. INNOVATIVE OUTREACH PROGRAMS.

Title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), as amended by section 351(b), is amended by adding at the end the following:

"SEC. 2112. EXPANDED OUTREACH ACTIVITIES.

"(a) IN GENERAL.—Funds made available under subsection (f) for expenditure under this section for a fiscal year shall be used by the Secretary to award grants to eligible entities to conduct innovative outreach and enrollment efforts that are designed to increase the enrollment and participation of eligible children under this title and title XIX.

"(b) Priority for Grants in Certain Areas.—In making grants under subsection (a), the Secretary shall give priority to eligible entities that propose to target geographic areas with high rates of—

"(1) eligible but unenrolled children, including such children who reside in rural areas;

"(2) families for whom English is not their primary language; or

"(3) racial and ethnic minorities and health disparity populations

"(c) Application.—An eligible entity that desires to receive a grant under this section shall submit an application to the Secretary in such form and manner, and containing such information, as the Secretary may decide. Such application shall include—

"(1) quality and outcomes performance measures to evaluate the effectiveness of activities funded by a grant under this paragraph to ensure that the activities are meeting their goals; and

"(2) an assurance that the entity will—

"(A) collect and report enrollment data; and

"(B) disseminate findings from evaluations of the activities funded under the grant.

"(d) Report.—The Secretary shall report to Congress on an annual basis the results of the outreach efforts under grants awarded under this section.

"(e) Definition of Eligible Entity.—In this section, the term 'eligible entity' means any of the following:

"(1) A State.

"(2) A national, local, or community-based public or nonprofit private organization.

"(f) Appropriation.—For the purpose of awarding grants to eligible entities under this section, there is appropriated, out of any money in the Treasury not otherwise appropriated, $50,000,000 for each of fiscal years 2006 and 2007.".

Subtitle C—Affirming the Importance of Medicaid

SEC. 361. SENSE OF THE SENATE.

(a) Findings.—The Senate makes the following findings:

(1) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) provides essential health care and long-term care coverage to more than 50,000,000 low-income children, pregnant women and families, individuals with disabilities, and senior citizens. It is a Federal guarantee that even the most vulnerable will have access to needed medical services.

(2) Medicaid provides health insurance for more than ¼ of America's children and is the largest purchaser of maternity care, paying for more than ⅓ of all the births in the United States each year.

(3) Medicaid provides critical help for the elderly and individuals living with disabilities. Medicaid is America's single largest purchaser of nursing home services and other long-term care, covering the majority of nursing home residents.

(4) Medicaid pays for personal care and other supportive services, which are typically not provided by private health insurance, even if individuals could obtain it. These services are necessary to enable individuals with spinal cord injuries, developmental disabilities, neurological degenerative diseases, serious and persistent mental illnesses, HIV/AIDS, and other chronic conditions to remain in the community, to work, and to maintain independence.

(5) Medicaid is an essential supplement to the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for more than 6,000,000 Medicare beneficiaries who are low-income elderly or disabled, assisting them with their Medicare premiums and co-insurance, wrap-around benefits, and, in most States, the costs of nursing home care that Medicare does not cover.

(6) About 42 percent of all Medicaid spending is for those who are elderly or are living with disabilities and are dually eligible for Medicare and Medicaid.

(7) Medicaid faces an ever growing burden as a result of Medicare's gaps. The Medicaid program spent nearly $40,000,000,000 on uncovered Medicare services in 2002. Medicaid payments for low-income Medicare beneficiary cost-sharing are the largest and fastest growing share of Medicaid spending.

(8) The Medicare drug benefit imposes additional costs on States, which will add to the already significant long-term care cost burden. Medicaid spending on Medicare beneficiaries' long-term care costs is expected to double from $25,000,000,000 in 2002 to $51,000,000,000 in 2012.

(9) Medicaid helps ensure access to care for all Americans. Medicaid is the single largest source of revenue for the Nation's safety net hospitals and health centers and is critical to the ability of those providers to serve Medicaid enrollees and uninsured Americans.

(10) Medicaid serves a major role in ensuring that the number of Americans without health insurance, approximately 45,000,000 in 2003, is not substantially higher. Medicaid helps buffer the drop in private coverage during recessions. More than 4,800,000 Americans lost employer sponsored coverage between 2000 and 2003. Medicaid covered an additional 5,800,000 Americans during this period, preventing even greater numbers of uninsured.

(11) Medicaid matters to women in America. More than 16,000,000 women depend on Medicaid for their health care. Women comprise the majority of seniors (71 percent) on Medicaid. Half of nonelderly women with permanent mental or physical disabilities have health coverage through Medicaid. Medicaid provides treatment for low-income women diagnosed with breast or cervical cancer in every State.

(12) Medicaid is critical for children with disabilities. Medicaid covers 78 percent of poor children with disabilities who are under 5 years of age and 70 percent of poor children with disabilities who are between the ages of 5 and 17. Similarly, Medicaid covers a substantial portion of children with disabilities who are near poor, covering 40 percent of children with disabilities who are under 5 years of age and 25 percent of children with disabilities who are between the ages of 5 and 17.

(13) Medicaid is the Nation's largest source of payment for mental health services, HIV/AIDS care, and care for children with special needs. Much of this care is either not covered by private insurance or limited in scope or duration. Medicaid is also a critical source of funding for health care for children in foster care and for health services in schools.

(14) The need for Medicaid is greater than ever today, because the number of Americans living in poverty has increased by 8,000,000 over the last 4 years and the number of the uninsured has increased by 5,000,000.

(15) The system of Federal matching for State Medicaid expenditures ensures that Federal funds will grow as State spending increases in response to unmet needs.

(16) Despite the varied population served by the Medicaid program, including those with significant health care needs, Medicaid per capita growth has been consistently about half the rate of growth in private insurance premiums and Medicaid has far lower administrative costs. Medicaid costs less per person than private coverage for people who have similar health status.

(b) Sense of the Senate.—It is the sense of the Senate that—

(1) the Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is a critical component of the health care system of the United States;

(2) Federal support for the Medicaid program must be adequate to support State spending meeting the essential health needs of the low-income elderly, low-income individuals with disabilities, and low-income children and families, and should not be cut or capped; and

(3) any retreat from the Federal commitment to Medicaid would threaten not only the health care safety net of the United States but the entire health care system

TITLE IV—REDUCING HEALTH CARE COSTS FOR SMALL EMPLOYERS

Subtitle A—Tax Relief

SEC. 401. REFUNDABLE CREDIT FOR SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

(a) In General.—Subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 (relating to refundable credits) is amended by redesignating section 36 as section 37 and inserting after section 35 the following new section:

"SEC. 36. SMALL BUSINESS EMPLOYEE HEALTH INSURANCE EXPENSES.

"(a) Determination of Amount.—In the case of a qualified small employer, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the expense amount described in subsection (b) paid by the taxpayer during the taxable year.

"(b) Expense Amount.—For purposes of this section—

"(1) In general.—The expense amount described in this subsection is the applicable percentage of the amount of qualified employee health insurance expenses of each qualified employee.

"(2) Applicable percentage.—For purposes of paragraph (1), the applicable percentage is equal to—

"(A) for any qualified small employer described in subparagraph (A) of paragraph (4), 50 percent,

"(B) for any qualified small employer described in subparagraph (B) of paragraph (4), 35 percent, and

"(C) for any qualified small employer described in subparagraph (C) of paragraph (4), 25 percent.

"(3) Per employee dollar limitation.—The amount of qualified employee health insurance expenses taken into account under paragraph (1) with respect to any qualified employee for any taxable year shall not exceed—

"(A) $1,500 in the case of self-only coverage; and

"(B) $3,500 in the case of family coverage.

"(4) Qualified small employers described.—A qualified small employer is described in—

"(A) this subparagraph if such employer employed an average of 9 or fewer employees (as determined under subsection (c)(1)(A)(ii)), “(B) this subparagraph if such employer employed an average of more than 9 but less than 25 employees (as so determined), and

“(C) this subparagraph if such employer employed an average of more than 24 but not more than 50 employees (as so determined).

“(c) DEFINITIONS.—For purposes of this section—

“(1) QUALIFIED SMALL EMPLOYER.—

“(A) IN GENERAL.—The term ‘qualified small employer’ means, with respect to any calendar year, any employer if—

“(i) such employer pays or incurs at least 75 percent of the qualified employee health insurance expenses of each qualified employee (determined without regard to subsection (b)(3)), and

“(ii) such employer employed an average of 50 or fewer employees on business days during either of the 2 preceding calendar years.

For purposes of clause (ii), a preceding calendar year may be taken into account only if the employer was in existence throughout such year.

“(B) EMPLOYERS NOT IN EXISTENCE IN PRECEDING YEAR.—In the case of an employer which was not in existence throughout the 1st preceding calendar year, the determination under subparagraph (A)(ii) shall be based on the average number of employees that it is reasonably expected such employer will employ on business days in the current calendar year.

“(2) QUALIFIED EMPLOYEE HEALTH INSURANCE EXPENSES.—

“(A) IN GENERAL.—The term ‘qualified employee health insurance expenses’ means any amount paid by an employer for health insurance coverage (as defined in section 9832(b)(1)) to the extent such amount is attributable to coverage provided to any employee while such employee is a qualified employee.

“(B) EXCEPTION FOR AMOUNTS PAID UNDER SALARY REDUCTION ARRANGEMENTS.—No amount paid or incurred for health insurance coverage pursuant to a salary reduction arrangement shall be taken into account under subparagraph (A).

“(3) QUALIFIED EMPLOYEE.—

“(A) IN GENERAL.—The term ‘qualified employee’ means, with respect to any period, an employee of an employer if—

“(i) the annual amount of hours in the employ of such employer by such employee is at least 400 hours,

“(ii) the total amount of wages paid or incurred by such employer to such employee at an annual rate during the taxable year is at least $5,000, and

“(iii) such employee is not eligible for—

“(I) any benefits under title XVIII, XIX, or XXI of the Social Security Act, or

“(II) any other publicly-sponsored health insurance program.

“(B) TREATMENT OF CERTAIN EMPLOYEES.—For purposes of subparagraph (A), the term ‘employee’—

“(i) shall not include an employee within the meaning of section 401(c)(1), and

“(ii) shall include a leased employee within the meaning of section 414(n).

“(C) WAGES.—The term ‘wages’ has the meaning given such term by section 3121(a) (determined without regard to any dollar limitation contained in such section).

“(d) CERTAIN RULES MADE APPLICABLE.—For purposes of this section, rules similar to the rules of section 52 shall apply.

“(e) COORDINATION WITH DEDUCTION FOR HEALTH INSURANCE COSTS OF SELF-EMPLOYED INDIVIDUALS.—In the case of a taxpayer who is eligible to deduct any amount under section 162(l) for the taxable year, this section shall apply only if the taxpayer elects not to claim any amount as a deduction under such section for such year.”.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting before the period “, or from section 36 of such Code”.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the last item and inserting the following new items:

“Sec. 36. Small business employee health insurance expenses.

“Sec. 37. Overpayments of tax.”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred in taxable years beginning after December 31, 2005.

Subtitle B—Three-Share Program

SEC. 421. THREE-SHARE PROGRAMS.

The Social Security Act (42 U.S.C. 301 et seq.) is amended by adding at the end the following:

“TITLE XXII—PROVIDING FOR THE UNINSURED

“SEC. 2201. THREE-SHARE PROGRAMS.

“(a) PILOT PROGRAMS.—The Secretary, acting through the Administrator, shall award grants under this section for the startup and operation of 25 eligible three-share pilot programs for a 5-year period.

“(b) GRANTS FOR THREE-SHARE PROGRAMS.—

“(1) ESTABLISHMENT.—The Administrator may award grants to eligible entities—

“(A) to establish three-share programs;

“(B) to provide for contributions to the premiums assessed for coverage under a three-share program as provided for in subsection (c)(2)(B)(iii); and

“(C) to establish risk pools.

“(2) THREE-SHARE PROGRAM PLAN.—Each entity desiring a grant under this subsection shall develop a plan for the establishment and operation of a three-share program that meets the requirements of paragraphs (2) and (3) of subsection (c).

“(3) APPLICATION.—Each entity desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner and containing such information as the Administrator may require, including—

“(A) the three-share program plan described in paragraph (2); and

“(B) an assurance that the eligible entity will—

“(i) determine a benefit package;

“(ii) recruit businesses and employees for the three-share program;

“(iii) build and manage a network of health providers or contract with an existing network or licensed insurance provider;

“(iv) manage all administrative needs; and

“(v) establish relationships among community, business, and provider interests.

“(4) PRIORITY.—In awarding grants under this section the Secretary shall give priority to an applicant—

“(A) that is an existing three-share program;

“(B) that is an eligible three-share program that has demonstrated community support; or

“(C) that is located in a State with insurance laws and regulations that permit three-share program expansion.

“(c) GRANT ELIGIBILITY.—

“(1) IN GENERAL.—The Secretary, acting through the Administrator, shall promulgate regulations providing for the eligibility of three-share programs for participation in the pilot program under this section.

“(2) THREE-SHARE PROGRAM REQUIREMENTS.—

“(A) IN GENERAL.—To be determined to be an eligible three-share program for purposes of participation in the pilot program under this section a three-share program shall—

“(i) be either a non-profit or local governmental entity;

“(ii) define the region in which such program will provide services;

“(iii) have the capacity to carry out administrative functions of managing health plans, including monthly billings, verification/enrollment of eligible employers and employees, maintenance of membership rosters, development of member materials (such as handbooks and identification cards), customer service, and claims processing; and

“(iv) have demonstrated community involvement.

“(B) PAYMENT.—To be eligible under paragraph (1), a three-share program shall pay the costs of services provided under subparagraph (A)(ii) by charging a monthly premium for each covered individual to be divided as follows:

“(i) Not more than 30 percent of such premium shall be paid by a qualified employee desiring coverage under the three-share program.

“(ii) Not more than 30 percent of such premium shall be paid by the qualified employer of such a qualified employee.

“(iii) At least 40 percent of such premium shall be paid from amounts provided under a grant under this section.

“(iv) Any remaining amount shall be paid by the three-share program from other public, private, or charitable sources.

“(C) PROGRAM FLEXIBILITY.—A three-share program may set an income eligibility guideline for enrollment purposes.

“(3) COVERAGE.—

“(A) IN GENERAL.—To be an eligible three-share program under this section, the three-share program shall provide at least the following benefits:

“(i) Physicians services.

“(ii) In-patient hospital services.

“(iii) Out-patient services.

“(iv) Emergency room visits.

“(v) Emergency ambulance services.

“(vi) Diagnostic lab fees and x-rays.

“(vii) Prescription drug benefits.

“(B) LIMITATION.—Nothing in subparagraph (A) shall be construed to require that a three-share program provide coverage for services performed outside the region described in paragraph (2)(A)(i).

“(C) PREEXISTING CONDITIONS.—A program described in subparagraph (A) shall not be an eligible three-share program under paragraph (1) if any individual can be excluded from coverage under such program because of a preexisting health condition.

“(d) GRANTS FOR EXISTING THREE-SHARE PROGRAMS TO MEET CERTIFICATION REQUIREMENTS.—

“(1) IN GENERAL.—The Administrator may award grants to three-share programs that are operating on the date of enactment of this section.

“(2) APPLICATION.—Each eligible entity desiring a grant under this subsection shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

“(e) APPLICATION OF STATE LAWS.—Nothing in this section shall be construed to preempt State law.

"(f) Distressed Business Formula.—

"(1) In general.—Not later than 60 days after the date of enactment of this section, the Administrator of the Health Resources and Services Administration shall develop a formula to determine which businesses qualify as distressed businesses for purposes of this section.

"(2) Effect on insurance market.—Granting eligibility to a distressed business using the formula under paragraph (1) shall not interfere with the insurance market. Any business found to have reduced benefits to qualify as a distressed business under the formula under paragraph (1) shall not be eligible to be a three-share program for purposes of this section.

"(g) Definitions.—In this section:

"(1) Administrator.—The term 'Administrator' means the Administrator of the Health Resources and Services Administration.

"(2) Covered individual.—The term 'covered individual' means—

"(A) a qualified employee; or

"(B) a child under the age of 23 or a spouse of such qualified employee who—

"(i) lacks access to health care coverage through their employment or employer;

"(ii) lacks access to health coverage through a family member;

"(iii) is not eligible for coverage under the medicare program under title XVIII or the medicaid program under title XIX; and

"(iv) does not qualify for benefits under the State Children's Health Insurance Program under title XXI.

"(3) Distressed business.—The term 'distressed business' means a business that—

"(A) in light of economic hardship and rising health care premiums may be forced to discontinue or scale back its health care coverage; and

"(B) qualifies as a distressed business according to the formula under subsection (g).

"(4) Eligible entity.—The term 'eligible entity' means an entity that meets the requirements of subsection (a)(2)(A).

"(5) Qualified employee.—The term 'qualified employee' means any individual employed by a qualified employer who meets certain criteria including—

"(A) lacking access to health coverage through a family member or common law partner;

"(B) not being eligible for coverage under the medicare program under title XVIII or the medicaid program under title XIX; and

"(C) agreeing that the share of fees described in subsection (a)(2)(B)(i) shall be paid in the form of payroll deductions from the wages of such individual.

"(6) Qualified employer.—The term 'qualified employer' means an employer as defined in section 3(d) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(d)) who—

"(A) is a small business concern as defined in section 3(a) of the Small Business Act (15 U.S.C. 632);

"(B) is located in the region described in subsection (a)(2)(A)(i); and

"(C) has not contributed to the health care benefits of its employees for at least 12 months consecutively or currently provides insurance but is classified as a distressed business.

"(h) Evaluation.—Not later than 90 days after the end of the 5-year period during which grants are available under this section, the Government Accountability Office shall submit to the Secretary and the appropriate committees of Congress a report concerning—

"(1) the effectiveness of the programs established under this section;

"(2) the number of individuals covered under such programs;

"(3) any resulting best practices; and

"(4) the level of community involvement.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section, such sums as may be necessary for each of fiscal years 2006 through 2011.".

By Mr. DODD (for himself, Mr. Reid, Ms. Mikulski, Ms. Stabenow, Mr. Rockefeller, and Mr. Schumer):

S. 17. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on Rules and Administration.

Mr. DODD. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 17

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Voting Opportunity and Technology Enhancement Rights Act of 2005".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.
Sec. 3. National Federal write-in absentee ballot.
Sec. 4. Voter verified ballots.
Sec. 5. Requirements for counting provisional ballots.
Sec. 6. Minimum required voting systems and poll workers in polling places.
Sec. 7. Election day registration.
Sec. 8. Integrity of voter registration list.
Sec. 9. Early voting.
Sec. 10. Acceleration of study on election day as a public holiday.
Sec. 11. Improvements to voting systems.
Sec. 12. Voter registration.
Sec. 13. Establishing voter identification.
Sec. 14. Impartial administration of elections.
Sec. 15. Strengthening the election assistance commission.
Sec. 16. Authorization of appropriations.
Sec. 17. Effective date.

SEC. 2. FINDINGS AND PURPOSES.

(a) Findings.—Congress makes the following findings:

(1) The right of all eligible citizens to vote and have their vote counted is the cornerstone of a democratic form of government and the core precondition of government of the people, by the people, and for the people.

(2) The right of citizens of the United States to vote is a fundamental civil right guaranteed under the United States Constitution.

(3) Congress has an obligation to reaffirm the right of each American to have an equal opportunity to vote and have that vote counted in Federal elections, regardless of color, ethnicity, disability, language, or the resources of the community in which they live.

(4) Congress has an obligation to ensure the uniform and nondiscriminatory exercise of that right by removing barriers in the form of election administration procedures and technology and insufficient and unequal resources of State and local governments.

(b) Purposes.—The purposes of this Act are as follows:

(1) To secure the opportunity to participate in democracy for all eligible American citizens by establishing a national Federal write-in absentee ballot for Federal elections.

(2) To expand and establish uniform and nondiscriminatory requirements and standards to remove administrative procedural barriers and technological obstacles to casting a vote and having that vote counted in Federal elections.

(3) To expand and establish uniform and nondiscriminatory requirements and standards to provide for the accessibility, accuracy, verifiability, privacy, and security of all voting systems and technology used in Federal elections.

(4) To provide a Federal funding mechanism for the States to implement the requirements and standards to preserve and protect voting rights and th integrity of Federal elections in the United States.

SEC. 3. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

(a) In General.—

(1) In general.—Title III of the Help America Vote Act of 2002 (42 U.S.C. 15481 et seq.) is amended by adding at the end the following new subtitle:

"Subtitle C—Additional Requirements

"SEC. 321. USE OF NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

"(a) In General.—Any person who is otherwise qualified to vote in a Federal election in a State shall be permitted to use the national Federal write-in absentee ballot prescribed by the Election Assistance Commission under section 298 to cast a vote in an election for Federal office.

"(b) Submission and Processing.—

"(1) In general.—Except as otherwise provided in this section, a national Federal write-in absentee ballot shall be submitted and processed in the manner provided by law for absentee ballots in the State involved.

"(2) Deadline.—An otherwise eligible national Federal write-in absentee ballot shall be counted if postmarked or signed before the close of the polls on election day and received by the appropriate State election official on or before the date which is 10 days after the date of the election or the date provided for receipt of absentee ballots under State law, whichever is later.

"(c) Special Rules.—The following rules shall apply with respect to national Federal write-in absentee ballots:

"(1) In completing the ballot, the voter may designate a candidate by writing in the name of the candidate or by writing in the name of a political party (in which case the ballot shall be counted for the candidate of that political party).

"(2) In the case of the offices of President and Vice President, a vote for a named candidate or a vote by writing in the name of a political party shall be counted as a vote for the electors supporting the candidate involved.

"(3) Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or a political party shall be disregarded in determining the validity of the ballot.

"(d) Effective Date.—Each State shall be required to comply with the requirements of this section on and after January 1, 2007.".

(2) Conforming amendment.—Section 401 of the Help America Vote Act of 2002 (42

U.S.C. 15511) is amended by striking “and 303” and inserting “303, and subtitle C”.

(b) NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.—

(1) IN GENERAL.—Title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by adding at the end the following new subtitle:

“Subtitle E—Guidance and Standards

“SEC. 297. NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

“(a) FORM OF BALLOT.—The Commission shall prescribe a national Federal write-in absentee ballot (including a secrecy envelope and mailing envelope for such ballot) for use in elections for Federal office.

“(b) STANDARDS.—The Commission shall prescribe standards for—

“(1) distributing the national Federal write-in absentee ballot, including standards for distributing such ballot through the Internet; and

“(2) processing and submission of the national Federal write-in absentee ballot.”.

(2) CONFORMING AMENDMENT.—Section 202 of the Help America Vote Act of 2002 (42 U.S.C. 15322) is amended by redesignating paragraphs (5) and (6) as paragraphs (6) and (7), respectively, and by inserting after paragraph (4) the following new paragraph:

“(5) carrying out the duties described in subtitle E.”.

(c) COORDINATION WITH UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.—

(1) IN GENERAL.—The Presidential designee under the Uniformed and Overseas Absentee Voting Act, in consultation with the Election Assistance Commission, shall facilitate the use and return of the national Federal write-in ballot for absent uniformed services voters and overseas voters.

(2) DEFINITIONS.—The terms “absent uniformed service voter” and “overseas voter” shall have the meanings given such terms by section 107 of the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973gg-6).

SEC. 4. VOTER VERIFIED BALLOTS.

(a) VERIFICATION.—

(1) IN GENERAL.—Section 301(a) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)) is amended by adding at the end the following new paragraph:

“(7) VOTER VERIFIED BALLOTS.—In order to meet the requirements of paragraph (1)(A)(i), on and after January 1, 2009:

“(A) The voting system shall provide an independent means of voter verification which meets the requirements of subparagraph (B) and which allows each voter to verify the ballot before it is cast and counted.

“(B) A means of voter verification meets the requirements of this subparagraph if the voting system allows the voter to choose from one of the following options to verify the voter's vote selection:

“(i) A paper record.

“(ii) An audio record.

“(iii) A pictorial record.

“(iv) An electronic record or other means that provides for voter verification that is accessible for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides privacy and independence equal to that provided for other voters.

“(C) Any means of verification described in clause (ii), (iii), or (iv) of subparagraph (B) must provide verification which is equal or superior to verification through the use of a paper record.

“(D) The requirements of this paragraph shall not apply to any voting system purchased before January 1, 2009, in order to meet the requirements of paragraph (3)(B).”.

(2) CONFORMING AMENDMENT.—Clause (i) of section 301(a)(1)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)(i)) is amended by inserting “and consistent with the requirements of paragraphs (2), (4), and (7)” after “independent manner”.

(b) GUIDANCE.—Subtitle E of Title II of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

“SEC. 298. VOTER VERIFIED BALLOTS.

“The Commission shall issue uniform and nondiscriminatory standards—

“(1) for voter verified ballots required under section 301(a)(7); and

“(2) for meeting the audit requirements of section 301(a)(2).”.

(c) REPORTS.—

(1) ELECTION ASSISTANCE COMMISSION.—Section 207 of the Help America Vote Act of 2002 (42 U.S.C. 15327) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

“(5) A description of the progress on implementing the voter verified ballot requirements of section 301(a)(7) and the impact of the use of such requirements on the accessibility, privacy, security, usability, and auditability of voting systems.”.

(2) STATE REPORTS.—Section 258 of the Help America Vote Act of 2002 (42 U.S.C. 15408) is amended by striking “and” at the end of paragraph (2), by striking the period at the end of paragraph (3) and inserting “; and”, and by adding at the end the following new paragraph:

“(4) an analysis and description in the form and manner prescribed by the Commission of the progress on implementing the voter verified ballot requirements of section 301(a)(7).”.

SEC. 5. REQUIREMENTS FOR COUNTING PROVISIONAL BALLOTS.

(a) IN GENERAL.—Section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482) is amended by redesignating subsection (d) as subsection (e) and by inserting after subsection (c) the following new subsection:

“(d) STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—For purposes of subsection (a)(4), notwithstanding at which polling place a provisional ballot is cast within the State, the State shall count such ballot if the individual who cast such ballot is otherwise eligible to vote.”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by adding at the end the following:

“(2) EFFECTIVE DATE FOR STATEWIDE COUNTING OF PROVISIONAL BALLOTS.—Each State shall be required to comply with the requirements of subsection (d) on and after January 1, 2007.”.

(2) CONFORMING AMENDMENT.—Subsection (e) of section 302 of the Help America Vote Act of 2002 (42 U.S.C. 15482(e)), as redesignated under subsection (a), is amended by striking “Each” and inserting the following:

“(1) IN GENERAL.—Except as provided in paragraph (2), each”.

SEC. 6. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS IN POLLING PLACES.

(a) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added by this Act, is amended by adding at the end the following new section:

“SEC. 322. MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

“(a) IN GENERAL.—Each State shall provide for the minimum required number of voting systems and poll workers for each polling place on the day of any Federal election and on any days during which such State allows early voting for a Federal election in accordance with the standards determined under section 299A

“(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2007.”.

(b) STANDARDS.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

“SEC. 299. STANDARDS FOR ESTABLISHING THE MINIMUM REQUIRED VOTING SYSTEMS AND POLL WORKERS.

“(a) IN GENERAL.—The Commission shall issue standards regarding the minimum number of voting systems and poll workers required in each polling place on the day of any Federal election and on any days during which early voting is allowed for a Federal election.

“(b) DISTRIBUTION.—The standards described in subsection (a) shall provide for a uniform and nondiscriminatory geographic distribution of such systems and workers.

“(c) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any allocation requirements in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.”.

SEC. 7. ELECTION DAY REGISTRATION.

(a) REQUIREMENT.—Subtitle C of title III of the Help America Vote Act of 2002 is, as added and amended by this Act, is amended by adding at the end the following new section:

“SEC. 323. ELECTION DAY REGISTRATION.

“(a) IN GENERAL.—

“(1) REGISTRATION.—Notwithstanding section 8(a)(1)(D) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-6), each State shall permit any individual on the day of a Federal election—

“(A) to register to vote in such election at the polling place using the form established by the Election Assistance Commission pursuant to section 297; and

“(B) to cast a vote in such election.

“(2) EXCEPTION.—The requirements under paragraph (1) shall not apply to a State in which, under a State law in effect continuously on and after the date of the enactment of this Act, there is no voter registration requirement for individuals in the State with respect to elections for Federal office.

“(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of subsection (a) on and after January 1, 2007.”.

(b) ELECTION DAY REGISTRATION FORM.—Subtitle E of Title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

“SEC. 299A. ELECTION DAY REGISTRATION FORM.

“The Commission shall develop an election day registration form for elections for Federal office.”.

SEC. 8. INTEGRITY OF VOTER REGISTRATION LIST.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

“SEC. 324. REMOVAL FROM VOTER REGISTRATION LIST.

“(a) PUBLIC NOTICE.—Not later than 45 days before any Federal election, each State shall provide public notice of all names which have been removed from the voter registration list of such State under section 303 since the later of the most recent election for Federal office or the day of the most recent previous public notice provided under this section.

"(b) NOTICE TO INDIVIDUAL VOTERS.—

"(1) IN GENERAL.—No individual shall be removed from the voter registration list under section 303 unless such individual is first provided with a notice which meets the requirements of paragraph (2).

"(2) REQUIREMENTS OF NOTICE.—The notice required under paragraph (1) shall be—

"(A) provided to each voter in a uniform and nondiscriminatory manner;

"(B) consistent with the requirements of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg et seq.); and

"(C) in the form and manner prescribed by the Election Assistance Commission.

"(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2007.".

SEC. 9. EARLY VOTING.

(a) IN GENERAL.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 325. EARLY VOTING.

"(a) IN GENERAL.—Each State shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on such day.

"(b) MINIMUM EARLY VOTING REQUIREMENTS.—Each polling place which allows voting prior to the day of a Federal election pursuant to subsection (a) shall—

"(1) allow such voting for no less than 4 hours on each day (other than Sunday); and

"(2) have uniform hours each day for which such voting occurs.

"(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2007.".

(b) STANDARDS FOR EARLY VOTING.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299B. STANDARDS FOR EARLY VOTING.

"(a) IN GENERAL.—The Commission shall issue standards for the administration of voting prior to the day scheduled for a Federal election. Such standards shall include the nondiscriminatory geographic placement of polling places at which such voting occurs.

"(b) DEVIATION.—The standards described in subsection (a) shall permit States, upon providing adequate public notice, to deviate from any requirement in the case of unforseen circumstances such as a natural disaster, terrorist attack, or a change in voter turnout.".

SEC. 10. ACCELERATION OF STUDY ON ELECTION DAY AS A PUBLIC HOLIDAY.

(a) IN GENERAL.—Section 241 of the Help America Vote Act of 2002 (42 U.S.C. 15381) is amended by adding at the end the following new subsection:

"(d) REPORT ON ELECTION DAY.—

"(1) IN GENERAL.—The report required under subsection (a) with respect to election administration issues described in subsection (b)(10) shall be submitted not later than 6 months after the date of the enactment of the Voting Enhancement and Technology Accuracy Rights Act of 2005.

"(2) AUTHORIZATION OF APPROPRIATIONS.—Of the amount authorized to be appropriated under section 210 for fiscal year 2006, $100,000 shall be authorized solely to carry out the purposes of this subsection.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 11. IMPROVEMENTS TO VOTING SYSTEMS.

(a) IN GENERAL.—Subparagraph (B) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(B)) is amended by striking ", a punch card voting system, or a central count voting system".

(b) CLARIFICATION OF REQUIREMENTS FOR PUNCH CARD SYSTEMS.—Subparagraph (A) of section 301(a)(1) of the Help America Vote Act of 2002 (42 U.S.C. 15481(a)(1)(A)) is amended by inserting "punch card voting system," after "any".

SEC. 12. VOTER REGISTRATION.

(a) IN GENERAL.—Paragraph (4) of section 303(b) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(4)) is amended by adding at the end the following new subparagraph:

"(C) EXCEPTION.—On and after January 1, 2007—

"(i) in lieu of the questions and statements required under subparagraph (A), such mail voter registration form shall include an affidavit to be signed by the registrant attesting both to citizenship and age; and

"(ii) subparagraph (B) shall not apply.".

(b) INTERNET REGISTRATION.—Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 326. INTERNET REGISTRATION.

"(a) INTERNET REGISTRATION.—Each State shall establish a program under which individuals may access and submit voter registration forms electronically through the Internet.

"(b) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2009.".

(c) STANDARDS FOR INTERNET REGISTRATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299C. STANDARDS FOR INTERNET REGISTRATION PROGRAMS.

"The Commission shall establish standards regarding the design and operation of programs which allow electronic voter registration through the Internet.".

SEC. 13. ESTABLISHING VOTER IDENTIFICATION.

(a) IN GENERAL.—

(1) IN PERSON VOTING.—Clause (i) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(i)) is amended by striking "or" at the end of subclause (I) and by adding at the end the following new subclause:

"(III) executes a written affidavit attesting to such individual's identity; or".

(2) VOTING BY MAIL.—Clause (ii) of section 303(b)(2)(A) of the Help America Vote Act of 2002 (42 U.S.C. 15483(b)(2)(A)(ii)) is amended by striking "or" at the end of subclause (I), by striking the period at the end of subclause (II) and inserting "; or", and by adding at the end the following new subclause:

"(III) a written affidavit, executed by such individual, attesting to such individual's identity.".

(b) STANDARDS FOR VERIFYING VOTER INFORMATION.—Subtitle E of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299D. VOTER IDENTIFICATION.

"The Commission shall develop standards for verifying the identification information required under section 303(a)(5) in connection with the registration of an individual to vote in a Federal election.".

SEC. 14. IMPARTIAL ADMINISTRATION OF ELECTIONS.

Subtitle C of title III of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 327. ELECTION ADMINISTRATION REQUIREMENTS.

"(a) NOTICE OF CHANGES IN STATE ELECTION LAWS.—Not later than 15 days prior to any Federal election, each State shall issue a public notice describing all changes in State law affecting the administration of Federal elections since the most recent prior election.

"(b) OBSERVERS.—

"(1) IN GENERAL.—Each State shall allow uniform and nondiscriminatory access to any polling place for purposes of observing a Federal election to—

"(A) party challengers;

"(B) voting rights and civil rights organizations; and

"(C) nonpartisan domestic observers and international observers.

"(2) NOTICE OF DENIAL OF OBSERVATION REQUEST.—Each State shall issue a public notice with respect to any denial of a request by any observer described in paragraph (1) for access to any polling place for purposes of observing a Federal election. Such notice shall be issued not later than 24 hours after such denial.

"(c) EFFECTIVE DATE.—Each State shall be required to comply with the requirements of this section on and after January 1, 2007.".

SEC. 15. STRENGTHENING THE ELECTION ASSISTANCE COMMISSION.

(a) BUDGET REQUESTS.—Part 1 of subtitle A of title II of the Help America Vote Act of 2002 (42 U.S.C. 15321 et seq.) is amended by inserting after section 209 the following new section:

"SEC. 209A. SUBMISSION OF BUDGET REQUESTS.

"Whenever the Commission submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit a copy of such estimate or request to the Congress and to the Committee on House Administration of the House of Representatives and the Committee on Rules and Administration of the Senate.".

(b) EXEMPTION FROM PAPERWORK REDUCTION ACT.—Paragraph (1) of section 3502 of title 44, United States Code, is amended by redesignating subparagraphs (B), (C), and (D) as subparagraphs (C), (D), and (E), respectively, and by inserting after subparagraph (A) the following new subparagraph:

"(B) the Election Assistance Commission;".

(c) RULEMAKING.—Section 209 of the Help America Vote Act of 2002 (42 U.S.C. 15239) is amended—

(1) by striking "The Commission" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), the Commission", and

(2) by inserting at the end the following new subsection:

"(b) EXCEPTION.—On and after January 1, 2007, subsection (a) shall not apply to any authority granted under subtitle E of this title or subtitle C of title III.".

(d) NIST AUTHORITY.—Subtitle E of title II of the Help America Vote Act of 2002, as added and amended by this Act, is amended by adding at the end the following new section:

"SEC. 299E. TECHNICAL SUPPORT.

"At the request of the Commission, the Director of the National Institute of Standards and Technology shall provide the Commission with technical support necessary for the Commission to carry out its duties under this title.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 210 of the Help America Vote Act of 2002 (42 U.S.C. 15330) is amended by striking "for each of fiscal years 2003 through 2005 such sums as may be necessary (but not to exceed $10,000,000 for each such year)" and inserting "$23,000,000 for fiscal year 2006 (of which $3,000,000 are authorized solely to carry out the purposes of section 299E) and such sums as may be necessary for succeeding fiscal years".

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

Subsection (a) of section 257 of the Help America Vote Act of 2002 (42 U.S.C. 15408(a)) is amended by adding at the end the following new paragraphs:

"(4) For fiscal year 2006, $2,000,000,000.

"(5) For each fiscal year after 2006, such sums as are necessary.".

SEC. 17. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided by section 10 and subsection (b), the amendments made by this Act shall take effect on January 1, 2007.

(b) EXCEPTIONS.—The amendments made by section 4, section 11, section 12(b), and subsections (a) and (b) of section 15 shall take effect on January 1, 2009.

By Mr. DAYTON (for himself, Mr. REID, Ms. STABENOW, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. CORZINE, Mr. SCHUMER, Mrs. MURRAY, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. AKAKA, Mr. INOUYE, Mrs. CLINTON, Mr. LEVIN, Mr. KERRY, Mr. LEAHY, Mr. ROCKEFELLER, Mr. DODD, Mr. SARBANES, and Mr. DURBIN):

S. 18. A bill to amend title XVIII of the Social Security Act to make improvements to the medicare program for beneficiaries; to the Committee on Finance.

Mr. DAYTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 18

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Meeting Our Responsibility to Medicare Beneficiaries Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—ELIMINATING SPECIAL INTEREST PREFERENCES

Sec. 101. Negotiating fair prices for medicare prescription drugs.
Sec. 102. Elimination of MA Regional Plan Stabilization Fund (Slush Fund).
Sec. 103. Application of risk adjustment reflecting characteristics for the entire medicare population in payments to Medicare Advantage organizations.

TITLE II—IMPROVING THE MEDICARE PROGRAM FOR BENEFICIARIES

Sec. 201. Eliminating coverage gap.
Sec. 202. Requiring two prescription drug plans to avoid Federal fallback.
Sec. 203. Waiver of part D late enrollment penalty for transition period.
Sec. 204. Improving the transition of full-benefit dual eligible individuals to coverage under the medicare drug benefit.
Sec. 205. Part B premium reduction.
Sec. 206. Study and report on providing incentives to preserve retiree coverage.
Sec. 207. Promoting transparency in employer subsidy payments.

TITLE I—ELIMINATING SPECIAL INTEREST PREFERENCES

SEC. 101. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) IN GENERAL.—Section 1860D–11 of the Social Security Act (42 U.S.C. 1395w–111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following new subsection:

"(i) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—

"(1) IN GENERAL.—The Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

"(2) REQUIRED USE OF AUTHORITY.—

"(A) FALLBACK PLANS.—The Secretary shall exercise the authority described in paragraph (1) with respect to covered part D drugs offered under each fallback prescription drug plan under subsection (g).

"(B) PDPS AND MA–PD PLANS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA–PD plans and taxpayers are getting fair and affordable prices for covered part D drugs that reflect the bulk purchasing power of such enrollees, the Secretary shall exercise the authority described in paragraph (1) with respect to such drugs offered under all such plans if the Secretary determines that the negotiated prices available under such plans for such drugs are not fair and affordable prices compared to the prices obtained by other Federal government programs for such drugs.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

SEC. 102. ELIMINATION OF MA REGIONAL PLAN STABILIZATION FUND (SLUSH FUND).

(a) IN GENERAL.—Subsection (e) of section 1858 of the Social Security Act (42 U.S.C. 1395w–27a) is repealed.

(b) CONFORMING AMENDMENT.—Section 1858(f)(1) of the Social Security Act (42 U.S.C. 1395w–27a(f)(1)) is amended by striking "subject to subsection (e),".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 221(c) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2181).

SEC. 103. APPLICATION OF RISK ADJUSTMENT REFLECTING CHARACTERISTICS FOR THE ENTIRE MEDICARE POPULATION IN PAYMENTS TO MEDICARE ADVANTAGE ORGANIZATIONS.

Effective January 1, 2006, in applying risk adjustment factors to payments to organizations under section 1853 of the Social Security Act (42 U.S.C. 1395w–23), the Secretary of Health and Human Services shall ensure that payments to such organizations are adjusted based on such factors to ensure that the health status of the enrollee is reflected in such adjusted payments, including adjusting for the difference between the health status of the enrollee and individuals enrolled under the original medicare fee-for-service program under parts A and B of title XVIII of such Act. Payments to such organizations must, in aggregate, reflect such differences.

TITLE II—IMPROVING THE MEDICARE PROGRAM FOR BENEFICIARIES

SEC. 201. ELIMINATING COVERAGE GAP.

(a) IN GENERAL.—Section 1860D–2(b)(4)(B) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)(B)) is amended to read as follows:

"(B) ANNUAL OUT-OF-POCKET THRESHOLD.—For purposes of this part, the 'annual out-of-pocket threshold' specified in this subparagraph for a year is equal to the greater of—

"(i) $3,600; or

"(ii) the initial coverage limit for the year specified in paragraph (3).".

(b) CONFORMING AMENDMENT.—Section 1860D–22(a)(3)(B)(ii) of the Social Security Act (42 U.S.C. 1395w–132(b)(4)(B)(ii)) is amended by striking "and the annual out-of-pocket threshold, respectively, are annually adjusted under paragraphs (1) and (4)(B) of section 1860D–2(b)" and inserting "is annually adjusted under paragraph (1) of section 1860D–2(b) (using the percentage increase specified in paragraph (6) of such section)".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

SEC. 202. REQUIRING TWO PRESCRIPTION DRUG PLANS TO AVOID FEDERAL FALLBACK.

(a) IN GENERAL.—Section 1860D–3(a) of the Social Security Act (42 U.S.C. 1395w–103(a)) is amended—

(1) in paragraph (1)—

(A) by striking "qualifying plans (as defined in paragraph (3))" and inserting "prescription drug plans"; and

(B) by striking ", at least one of which is a prescription drug plan";

(2) in paragraph (2), by striking "qualifying plans" and inserting "prescription drug plans"; and

(3) by striking paragraph (3).

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

SEC. 203. WAIVER OF PART D LATE ENROLLMENT PENALTY FOR TRANSITION PERIOD.

(a) IN GENERAL.—Section 1860D–13(b) of the Social Security Act (42 U.S.C. 1895w–113(b)) is amended by adding at the end the following new paragraph:

"(8) WAIVER OF PENALTY FOR MONTHS PRIOR TO 2008.—A part D eligible individual who enrolls for the first time in a prescription drug plan or an MA–PD plan under this part prior to January 1, 2008, shall not be subject an increase in the monthly beneficiary premium established under subsection (a) with respect to months occurring prior to such date.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (117 Stat. 2071).

SEC. 204. IMPROVING THE TRANSITION OF FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS TO COVERAGE UNDER THE MEDICARE DRUG BENEFIT.

(a) In General.—Notwithstanding subsection (d)(1) of section 1935 of the Social Security Act (42 U.S.C. 1396u–5), beginning on January 1, 2006, the Secretary of Health and Human Services shall administer a 12-month period during which full-benefit dual eligible individuals (as defined in section 1935(c)(6) of the Social Security Act) shall gradually transition from receiving medical assistance for prescribed drugs under the medicaid program under title XIX of such Act to obtaining coverage of covered part D drugs (as defined in section 1860D–2(e) (42 U.S.C. 1395w–102(e)) under title XVIII of such Act in order to assure that such individuals continue to receive the outpatient prescription drugs they need.

(b) Adjustments to Phased-Down State Contribution.—The Secretary of Health and Human Services shall make appropriate adjustments to the amount of payments required to be made by a State or the District of Columbia under section 1935(c) of the Social Security Act (42 U.S.C. 1396u–5(c)) for months occurring during the period described in subsection (a) in order to account for increased costs for the provision of medical assistance incurred by the State or the District of Columbia by reason of the application of the transition period required under this section.

SEC. 205. PART B PREMIUM REDUCTION.

Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in paragraph (3), in the first sentence, by striking "The Secretary" and inserting "Subject to paragraph (5), the Secretary"; and

(2) by adding at the end the following new paragraph:

"(5) For each year (beginning with 2006), the Secretary shall reduce the monthly premium rate determined under paragraph (3) for each month in the year for each individual enrolled under this part (including such an individual subject to an increased premium under subsection (b) or (i)) so that the aggregate amount of such reductions in the year is equal to the aggregate amount of reduced expenditures from the Federal Supplementary Medicare Insurance Trust Fund in the year that the Secretary estimates will result from the provisions of section 103 of the Meeting Our Responsibility to Medicare Beneficiaries Act of 2005.".

SEC. 206. STUDY AND REPORT ON PROVIDING INCENTIVES TO PRESERVE RETIREE COVERAGE.

(a) Study.—The Secretary of Health and Human Services shall conduct a study to determine what additional incentives should be provided to employers in order for such employers to continue to provide retirees with prescription drug coverage. Such study shall include an assessment of permitting costs incurred by an employer for covered part D drugs on behalf of a retiree to be treated as incurred costs for purposes of reaching the annual out-of-pocket threshold under section 1860D–2(b)(4) of the Social Security Act (42 U.S.C. 1395w–102(b)(4)).

(b) Report.—Not later than January 1, 2006, the Secretary of Health and Human Services shall submit to Congress a report on the study under subsection (a) together with such recommendations for legislation as the Secretary deems appropriate.

SEC. 207. PROMOTING TRANSPARENCY IN EMPLOYER SUBSIDY PAYMENTS.

(a) In General.—Section 1860D–22(a) of the Social Security Act (42 U.S.C. 1895w–132(a)) is amended by adding at the end the following new paragraph:

"(7) Disclosure of certain information.—The Secretary shall make the following information regarding the sponsor of a qualified prescription drug plan receiving a subsidy under this section available to the public through the Internet website of the Centers for Medicare & Medicaid Services and other appropriate means:

"(A) The information used by the Secretary to ensure that the prescription drug coverage offered under the plan meets the requirements for subsidy payments under this section.

"(B) The total amount of the subsidy payments made to the sponsor under this section.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

Mr. KENNEDY. Mr. President, the Bush Administration and the Republican Congress are no friend of America's seniors. In 2003, they enacted legislation to dismantle Medicare, even though Medicare has helped a generation of seniors live their golden years with health and dignity.

Now their target is Social Security. They want to privatize this trusted program for the benefit of Wall Street bankers. They even want to cut benefits for women because—in the Republican view—they live too long. It's time to end these shameful attacks on our senior citizens, restore Medicare and protect Social Security.

I commend the leadership of my colleague from Minnesota, Senator Dayton, and our Democratic Leader, Senator Reid, in introducing this urgently needed legislation today to enable Medicare to keep its promise to the elderly.

Forty years ago, Congress enacted the landmark legislation that established Medicare. We would do well today to remember President Lyndon Johnson's words on signing that historic bill in 1965: "No longer will older Americans be denied the healing miracle of modern medicine. No longer will illness crush and destroy the savings they have so carefully put away over a lifetime so that they might enjoy dignity in their later years."

The ruinous Medicare legislation that the Republican Congress enacted in 2003 breaks that solemn promise.

Before Medicare was created, millions of seniors could obtain health care coverage only at the whim of the insurance industry. If they were too sick or too poor to be profitable to an insurance company, they would be denied health care coverage. Their savings—and their children's savings—were in jeopardy when illness struck. Before Medicare, senior citizens were among the poorest Americans, with almost three in ten living in poverty. Bankruptcies from overwhelming medical bills were common.

Medicare changed all that, and 40 years later, President Bush and the Republican Congress are wrong to try to turn back the clock.

Some of my colleagues attempt to portray Medicare as a failure. But the facts show that it is one of the most successful endeavors the Nation has ever undertaken. In 1963, before Medicare was enacted, almost half of America's seniors were uninsured. Today that number is one in a hundred.

Before Medicare was enacted, Americans turning 65 could expect to live another 14 years. Today, they can expect almost 18 more years.

Seniors understand that Medicare works. They don't want to return to the days when they had to gamble their health, their savings and their lives on risky private insurance.

The 2003 Republican bill was sold to the American people as a way to help seniors with the high cost of prescription drugs, so you might think it does something about the high cost of drugs. But it doesn't.

It not only fails to help Medicare lower the cost of drugs—it actually makes it illegal for Medicare to try. Republicans were so worried about protecting drug company profits that they made it illegal for Medicare to do what the Veterans Administration does for veterans—negotiate discounts on drug prices. The Bush Administration and the GOP Congress wouldn't dare to prohibit the VA from doing that for the veterans, and they shouldn't do it for senior citizens either.

The discounts on drug prices for veterans are substantial. On average, the price paid by the VA is 45 percent of the retail price, but often, the savings are even more dramatic. The retail price for Mevacor is $4 a pill, but the VA pays only 23 cents. The undiscounted price of Zantac is $1.83, but the VA pays two cents.

Senator Dayton's legislation abolishes the unconscionable provision that bars Medicare from negotiating discounts on drug prices for America's seniors. That's not price control—it's common sense.

Republicans also claim that their new drug benefit is "voluntary." Not exactly. If seniors don't sign up the first year, they have to pay more and more to join in subsequent years. When they need the coverage, they may not be able to afford it.

Senator Dayton's legislation reverses this flagrant system of fines and makes the Medicare drug program truly voluntary. When Congress enacts it, seniors will be able to sign up for the drug program without facing ruinous fines.

Good prescription drug coverage for senior citizens is a priority for Democrats. For the Administration and the Republicans in Congress, however, tax cuts for billionaires are more important than health care for senior citizens.

In addition, the 2003 Medicare law leaves too many elderly citizens with unaffordable costs. Seniors with moderate incomes and high drug expenses still face high drug costs. The benefits under the GOP law—with its $250 deductible, 25 percent cost-sharing, an out-of-pocket limit of $3,600 on costs, but continued co-payment obligations even after the limit is reached—are far less generous than those enjoyed by most younger Americans, even though the elderly's need for prescription drugs is much greater.

Senior citizens with an income of $15,000 and drug expenses of $4,000 would have to pay more than $2,900, including premiums, out of their own pocket. That's too heavy a burden.

If they fall into the so-called doughnut hole, their situation is much worse. Under the 2003 law, the government makes no contribution to any drug costs between $2,250 in expenditures and $5,100 in expenditures. Patients who need $5,200 worth of prescriptions could be forced to pay $2,850 in drug expenses without any help at all from Medicare. That's too much for an elderly person to pay and still meet other essential medical needs, pay the rent or mortgage, and buy food and other necessities of life.

Senator DAYTON's proposal begins to fill in that doughnut hole by not allowing the cap on total out of pocket expenditures to rise year after year, as it does under the GOP act. Under Senator DAYTON's proposal, seniors will have the certainty of knowing where that limit is from one year to the next. As drug expenses rise, more seniors will gain the benefit of the assistance from Medicare at these high spending levels, and ultimately, the doughnut hole will close.

The Republican Medicare law is a raw deal for seniors, but it's a bonanza for the drug industry and the insurance industry.

It gives massive subsidies to HMOs. Most Americans probably think it's the job of insurance companies to guarantee the health of their beneficiaries, but according to the Republican view that's wrong. They make America's seniors guarantee the health and wealth of HMOs.

The government already pays private insurance plans 104 percent of what it costs Medicare to provide seniors with the same health care. Republicans claim to be in favor of competition, but the playing field is tilted toward HMOs, and their 2003 Act tilted it further. You might think HMOs need that overpayment because they serve sicker or needier beneficiaries. Not true. Enrollees in private plans are actually healthier than those in Medicare, resulting in a further bonus of 8.7 percent to the private plans.

Senator DAYTON's legislation requires realistic risk adjustment for private plans that provide services to seniors under Medicare. It removes the artificial calculations that inflate payments to HMOs and other private insurance carriers.

Another problem with the 2003 Act is that if the subsidies don't provide enough profits, the Republican bill provides cash handouts for the insurance industry. If an HMO doesn't think it can make enough money in some area of the country, the Bush Administration can simply ladle out the cash—up to $12 billion a year—until the bribe is high enough to get the company to participate.

Senator DAYTON's legislation reverses this outrageous giveaway and ensures that the dollars devoted to this slush fund are used instead to provide better health care for seniors.

The Republican law stacks the deck against seniors in other ways. It allows a region to be served by only one prescription drug plan, along with a PPO. That gives the drug plan a monopoly in that region for seniors who want to remain in Medicare. If the only available drug plan is tailored to the healthiest and youngest seniors, it might be acceptable for a senior whose prescription needs are limited. But it gives no help to seniors who take medications for multiple chronic conditions every day. Seniors have no real recourse if they can't afford the monopoly drug plan. The only way they can get prescription drug coverage is to enroll in the PPO.

Senator DAYTON's legislation provides an effective guarantee that seniors who wish to remain in traditional Medicare will have a genuine choice of prescription-only plans. If a choice between at least two private drug-only plans is not available in any region, the Federal Government will provide a plan. This proposal ensures that any senior who wishes to remain in Medicare will have access to high-quality affordable prescription drug coverage.

The Republican Medicare law also dealt a harsh blow to the employer plans that millions of retirees depend on. The Congressional Budget Office estimates that almost three million retirees will lose their current drug coverage, because employers will drop the coverage when retirees become eligible for the new federal benefit, which is not as comprehensive.

Democrats fought to include provisions in that flawed legislation to help employers maintain the good coverage that so many Americans depend on to meet their needs in retirement. Sadly, some employers could abuse these subsidies by failing to use them to assist their employees—and the Bush Administration is letting them get away with it. Toothless enforcement and weak regulation allow some unscrupulous employers to pocket the subsidy and weaken the coverage.

Senator DAYTON's legislation will put an end to this scandalous practice by requiring employers to account for the funds they receive in subsidies. No longer will employers be able to hide that they are accepting subsidies to maintain retiree health coverage and still cut back the coverage. The Dayton bill also requires new research on ways to help employers maintain retiree coverage.

One of the most troubling aspects of the 2003 Act is that it victimizes six million senior citizens and disabled people on Medicaid—the poorest of the poor. Their out-of-pocket payments for drugs will be raised, even though they do not even have coverage for the drugs they need the most.

Today, under Federal law, people with drug coverage under Medicaid may be charged only nominal amounts for the drugs they need. The vast majority of states charge nothing.

For every other Medicare benefit, Medicaid wraps around Medicare coverage and picks up the out-of-pocket costs that Medicare does not pay. Not under this legislation. States are prohibited from wrapping around the Medicare benefits with their Medicaid program. Instead, a uniform Federal co-payment is imposed. It is indexed, so that it increases every year. If low income seniors need a drug that is not in the insurance company formulary, they have to go through a burdensome appeals process. Most will simply go without the drug they need.

The people we are talking about are truly the poorest of the poor. In most cases, their incomes are well below poverty. And the impact of even small co-payments is devastating. Study after study finds that when the poor have to pay more for drugs, they end up hospitalized, in nursing homes, or dead.

Senator DAYTON's legislation reverses this cruel provision and allows States to delay implementing the requirement that the new Medicare provisions must immediately supplant State Medicaid programs for the poorest of the poor.

Congress should be helping seniors with the burden of high drug costs, not allowing a right wing agenda to destroy the guarantee of affordable health care that America's seniors deserve and expect.

That's why Senator DAYTON and Senator REID have introduced this needed legislation, and I urge my colleagues to support it.

By Mr. CONRAD (for himself, Mr. REID, Mr. FEINGOLD, Ms. MIKULSKI, Ms. STABENOW, Mr. INOUYE, Mr. LEAHY, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. SCHUMER, Mrs. FEINSTEIN, Mr. DAYTON, Mr. DODD, and Mrs. CLINTON):

S. 19. A bill to reduce budget deficits by restoring budget enforcement and strengthening fiscal responsibility; to the Committee on the Budget.

Mr. CONRAD. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 19

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fiscal Responsibility for a Sound Future Act".

SEC. 2. EXTENSION OF THE DISCRETIONARY SPENDING CAPS.

(a) IN GENERAL.—Section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 901(c)) is amended to read as follows:

"(c) DISCRETIONARY SPENDING LIMIT.—As used in this part, the term 'discretionary spending limit' means, with respect to fiscal year 2005—

"(1) for the discretionary category: $836,268,000,000 in new budget authority and $895,966,000,000 in outlays;

"(2) for the highway category: $31,761,000,000 in outlays; and

"(3) for the mass transit category: $956,000,000 in new budget authority and $6,748,000,000 in outlays;

as adjusted in strict conformance with subsection (b).".

(b) COMMITMENT OF THE SENATE.—Congress should enact a limit on total discretionary spending for fiscal year 2006.

SEC. 3. EXTENSION OF PAY-AS-YOU-GO REQUIREMENT.

Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 is amended—

(1) in subsection (a), by striking "enacted before October 1, 2002"; and

(2) in subsection (b), by striking "enacted before October 1, 2002,".

SEC. 4. EXTENSION OF BUDGET ENFORCEMENT THROUGH 2015.

Section 275 of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900 note) is amended by adding at the end the following:

"(d) REENACTMENT.—Part C of this title is reenacted into law effective for fiscal year 2005. Part C shall expire at the end of fiscal year 2015.".

SEC. 5. RECONCILIATION FOR DEFICIT REDUCTION IN THE SENATE.

(a) IN GENERAL.—It shall not be in order in the Senate to consider under the expedited procedures applicable to reconciliation in sections 305 and 310 of the Congressional Budget Act of 1974 any bill, resolution, amendment, amendment between Houses, motion, or conference report that increases the deficit in the first fiscal year covered by the most recently adopted concurrent resolution on the budget, the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget, or the period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(b) BUDGET RESOLUTION.—It shall not be in order in the Senate to consider pursuant to sections 301, 305, or 310 of the Congressional Budget Act of 1974 pertaining to concurrent resolutions on the budget any resolution, concurrent resolution, amendment, amendment between the Houses, motion, or conference report that contains any reconciliation directive that would increase the deficit in the first fiscal year covered by the most recently adopted concurrent resolution on the budget, the period of the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget, or the period of the 5 fiscal years following the first 5 fiscal years covered by the most recently adopted concurrent resolution on the budget.

(c) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 6. SENATE PAYGO RULE.

(a) IN GENERAL.—Section 505(a)(5)(A) of H. Con. Res. 95 (108th Congress) is amended by striking "as adjusted for any changes in revenues or direct spending assumed by such resolution".

(b) EXPIRATION DATE.—Section 505(e) of H. Con. Res. 95 (108th Congress) is amended by striking "2008" and inserting "2015".

By Mr. REID (for himself, Mrs. MURRAY, Mr. SCHUMER, Mr. CORZINE, Mr. LAUTENBERG, Mrs. CLINTON, Mr. KERRY, Mrs. FEINSTEIN, Ms. CANTWELL, Mr. HARKIN, Ms. MIKULSKI, Mr. INOUYE, Mr. AKAKA, Mr. LEVIN, Mr. KENNEDY, Mr. LEAHY, Mr. WYDEN, and Ms. STABENOW):

S. 20. A bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care; to the Committee on Health, Education, Labor, and Pensions.

Mr. REID. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 20

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Prevention First Act".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

Sec. 101. Short title.
Sec. 102. Authorization of appropriations.

TITLE II—FAMILY PLANNING STATE EMPOWERMENT

Sec. 201. Short title.
Sec. 202. State option to provide family planning services and supplies to additional low-income individuals.
Sec. 203. State option to extend the period of eligibility for provision of family planning services and supplies.

TITLE III—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

Sec. 301. Short title.
Sec. 302. Amendments to Employee Retirement Income Security Act of 1974.
Sec. 303. Amendments to Public Health Service Act relating to the group market.
Sec. 304. Amendment to Public Health Service Act relating to the individual market.

TITLE IV—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

Sec. 401. Short title.
Sec. 402. Emergency contraception education and information programs.

TITLE V—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

Sec. 501. Short title.
Sec. 502. Survivors of sexual assault; provision by hospitals of emergency contraceptives without charge.

TITLE VI—TEENAGE PREGNANCY PREVENTION

Sec. 601. Short title.
Sec. 602. Teenage pregnancy prevention.

TITLE VII—ACCURACY OF CONTRACEPTIVE INFORMATION

Sec. 701. Short title.
Sec. 702. Accuracy of contraceptive information.

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Although the Centers for Disease Control and Prevention (referred to in this section as the "CDC") included family planning in its published list of the Ten Great Public Health Achievements in the 20th Century, the United States still has one of the highest rates of unintended pregnancies among industrialized nations.

(2) Each year, 3,000,000 pregnancies, nearly half of all pregnancies, in the United States are unintended, and nearly half of unintended pregnancies end in abortion.

(3) In 2002, 34,000,000 women-half of all women of reproductive age (ages 15-44)-were in need of contraceptive services and supplies to help prevent unintended pregnancy, and half of those were in need of public support for such care.

(4) The United States also has the highest rate of infection with sexually transmitted diseases of any industrialized country. In 2003 there were approximately 19,000,000 new cases of sexually transmitted diseases. According to the CDC (November 2004), these sexually transmitted diseases impose a tremendous economic burden with direct medical costs as high as $15,500,000,000 per year.

(5) Increasing access to family planning services will improve women's health and reduce the rates of unintended pregnancy, abortion, and infection with sexually transmitted diseases. Contraceptive use saves public health dollars. Every dollar spent on providing family planning services saves an estimated $3 in expenditures for pregnancy-related and newborn care for Medicaid alone.

(6) Contraception is basic health care that improves the health of women and children by enabling women to plan and space births.

(7) Women experiencing unintended pregnancy are at greater risk for physical abuse and women having closely spaced births are at greater risk of maternal death.

(8) The child born from an unintended pregnancy is at greater risk of low birth weight, dying in the first year of life, being abused, and not receiving sufficient resources for healthy development.

(9) The ability to control fertility also allows couples to achieve economic stability by facilitating greater educational achievement and participation in the workforce.

(10) The average American woman desires two children and spends five years of her life pregnant or trying to get pregnant and

roughly 30 years trying to prevent pregnancy. Without contraception, a sexually active woman has an 85 percent chance of becoming pregnant within a year.

(11) The percentage of sexually active women ages 15 through 44 who were not using contraception increased from 5.4 percent to 7.4 percent in 2002, an increase of 37 percent, according to the CDC. This represents an apparent increase of 1,430,000 women and could raise the rate of unintended pregnancy.

(12) Many poor and low-income women cannot afford to purchase contraceptive services and supplies on their own. 12,100,000 or 20 percent of all women ages 15 through 24 were uninsured in 2002, and that proportion has increased by 10 percent since 1999.

(13) Public health programs like Medicaid and title X (of the Public Health Service Act), the national family planning program, provide high-quality family planning services and other preventive health care to underinsured or uninsured individuals who may otherwise lack access to health care.

(14) Medicaid is the single largest source of public funding for family planning services and HIV/AIDS care in the United States. Half of all public dollars spent on contraceptive services and supplies in the United States are provided through Medicaid and approximately 5,500,000 women of reproductive age-nearly one in 10 women between the ages of 15 and 44-rely on Medicaid for their basic health care needs.

(15) Each year, title X services enable Americans to prevent approximately 1,000,000 unintended pregnancies, and one in three women of reproductive age who obtains testing or treatment for sexually transmitted diseases does so at a title X-funded clinic. In 2003, title X-funded clinics provided 2,800,000 Pap tests, 5,100,000 sexually transmitted disease tests, and 526,000 HIV tests.

(16) The increasing number of uninsured, stagnant funding, health care inflation, new and expensive contraceptive technologies, and improved but expensive screening and treatment for cervical cancer and sexually transmitted diseases, have diminished the ability of title X funded clinics to adequately serve all those in need. Taking inflation into account, funding for the title X program declined by 58 percent between 1980 and 2003.

(17) While Medicaid remains the largest source of subsidized family planning services, States are facing significant budgetary pressures to cut their Medicaid programs, putting many women at risk of losing coverage for family planning services.

(18) In addition, eligibility for Medicaid in many States is severely restricted leaving family planning services financially out of reach for many poor women. Many States have demonstrated tremendous success with Medicaid family planning waivers that allow them to expand access to Medicaid family planning services. However, the administrative burden of applying for a waiver poses a significant barrier to States that would like to expand their coverage of family planning programs through Medicaid.

(19) As of January of 2005, 21 States offered expanded family planning benefits as a result of Medicaid family planning waivers. The cost-effectiveness of these waivers was affirmed by a recent evaluation funded by the Centers for Medicare & Medicaid. This evaluation of six waivers found that all such programs resulted in significant savings to both the Federal and State governments. Moreover, the researchers found measurable reductions in unintended pregnancy.

(20) Although employer-sponsored health plans have improved coverage of contraceptive services and supplies, largely in response to State contraceptive coverage laws, there is still significant room for improvement. The ongoing lack of coverage in health insurance plans, particularly in self-insured and individual plans, continues to place effective forms of contraception beyond the financial reach of many women.

(21) Including contraceptive coverage in private health care plans saves employers money. Not covering contraceptives in employee health plans costs employers 15 to 17 percent more than providing such coverage.

(22) Approved for use by the Food and Drug Administration, emergency contraception is a safe and effective way to prevent unintended pregnancy after unprotected sex. It is estimated that the use of emergency contraception could cut the number of unintended pregnancies in half, thereby reducing the need for abortion. New research confirms that easier access to emergency contraceptives does not increase sexual risk-taking or sexually transmitted diseases.

(23) In 2000, 51,000 abortions were prevented by the use of emergency contraception. Increased use of emergency contraception accounted for up to 43 percent of the total decline in abortions between 1994 and 2000.

(24) A February 2004 CDC study of declining birth and pregnancy rates among teens concluded that the reduction in teen pregnancy between 1991 and 2001 suggests that increased abstinence and increased use of contraceptives were equally responsible for the decline. As such, it is critically important that teens receive accurate, unbiased information about contraception.

(25) Thirteen percent of all teens give birth before age 20. 88 percent of births to teens age 17 or younger were unintended. 24 percent of Hispanic females gave birth before the age of 20. (CDC, December 2004).

(26) The American Medical Association, the American Nurses Association, the American Academy of Pediatrics, the American College of Obstetricians and Gynecologists, the American Public Health Association, and the Society for Adolescent Medicine, support responsible sexuality education that includes information about both abstinence and contraception.

(27) Teens who receive sex education that includes discussion of contraception are more likely than those who receive abstinence-only messages to delay sex and to have fewer partners and use contraceptives when they do become sexually active.

(28) Government-funded abstinence only programs are precluded from discussing contraception except to talk about failure rates. A December 2004 review of federally-funded abstinence-only programs by the United States House of Representatives Committee on Government Reform (Minority Staff) found that many federally funded abstinence-only program curricula distort public health data and misrepresent the effectiveness of contraception. Information on the effectiveness of condoms, in preventing pregnancy and sexually transmitted diseases, including HIV, was often highly inaccurate.

TITLE I—TITLE X OF PUBLIC HEALTH SERVICE ACT

SEC. 101. SHORT TITLE.

This Act may be cited as the "Title X Family Planning Services Act of 2005".

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

For the purpose of making grants and contracts under section 1001 of the Public Health Service Act, there are authorized to be appropriated $643,000,000 for fiscal year 2006, and such sums as may be necessary for each subsequent fiscal year.

TITLE II—FAMILY PLANNING STATE EMPOWERMENT

SEC. 201. SHORT TITLE.

This Act may be cited as the "Family Planning State Empowerment Act".

SEC. 202. STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO ADDITIONAL LOW-INCOME INDIVIDUALS.

(a) IN GENERAL.—Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended—

(1) by redesignating section 1936 as section 1937; and

(2) by inserting after section 1935 the following:

"STATE OPTION TO PROVIDE FAMILY PLANNING SERVICES AND SUPPLIES TO ADDITIONAL LOW-INCOME INDIVIDUALS

"SEC. 1936.

"(a) IN GENERAL.—A State may elect (through a State plan amendment) to make medical assistance described in section 1905(a)(4)(C) available to any individual not otherwise eligible for such assistance—

"(1) whose family income does not exceed an income level (specified by the State) that does not exceed the greatest of—

"(A) 200 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved;

"(B) in the case of a State that has in effect (as of the date of the enactment of this section) a waiver under section 1115 to provide such medical assistance to individuals based on their income level (expressed as a percent of the poverty line), the eligibility income level as provided under such waiver; or

"(C) the eligibility income level (expressed as a percent of such poverty line) that has been specified under the plan (including under section 1902(r)(2)), for eligibility of pregnant women for medical assistance; and

"(2) at the option of the State, whose resources do not exceed a resource level specified by the State, which level is not more restrictive than the resource level applicable under the waiver described in paragraph (1)(B) or to pregnant women under paragraph (1)(C).

"(b) FLEXIBILITY.—A State may exercise the authority under subsection (a) with respect to one or more classes of individuals described in such subsection.".

(b) CONFORMING AMENDMENT.—Section 1905(a) of such Act (42 U.S.C. 1396d(a)) is amended, in the matter before paragraph (1)—

(1) by striking "and" at the end of clause (xii);

(2) by adding "and" at the end of clause (xiii); and

(3) by inserting after clause (xiii) the following new clause:

"(xiv) individuals described in section 1935, but only with respect to items and services described in paragraph (4)(C),".

(c) EFFECTIVE DATE.—The amendments made by this section apply to medical assistance provided on and after October 1, 2005.

SEC. 203. STATE OPTION TO EXTEND THE PERIOD OF ELIGIBILITY FOR PROVISION OF FAMILY PLANNING SERVICES AND SUPPLIES.

(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended by adding at the end the following new paragraph:

"(13) At the option of a State, the State plan may provide that, in the case of an individual who was eligible for medical assistance described in section 1905(a)(4)(C), but who no longer qualifies for such assistance because of an increase in income or resources or because of the expiration of a post-partum period, the individual may remain eligible for such assistance for such period as the State may specify, but the period of extended eligibility under this paragraph shall not exceed a continuous period of 24 months for any individual. The State may apply the previous sentence to one or more classes of individuals and may vary the period of extended eligibility with respect to different classes of individuals.".

(b) Effective Date.—The amendments made by subsection (a) apply to medical assistance provided on and after October 1, 2005.

TITLE III—EQUITY IN PRESCRIPTION INSURANCE AND CONTRACEPTIVE COVERAGE

SEC. 301. SHORT TITLE.

This Act may be cited as the "Equity in Prescription Insurance and Contraceptive Coverage Act".

SEC. 302. AMENDMENTS TO EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.

(a) In General.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 714. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) Requirements for Coverage.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) Prohibitions.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from a covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) Rules of Construction.—

"(1) In general.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

"(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(2) Limitations.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) Notice Under Group Health Plan.—The imposition of the requirements of this section shall be treated as a material modification in the terms of the plan described in section 102(a)(1), for purposes of assuring notice of such requirements under the plan, except that the summary description required to be provided under the last sentence of section 104(b)(1) with respect to such modification shall be provided by not later than 60 days after the first day of the first plan year in which such requirements apply.

"(e) Preemption.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for participants or beneficiaries that are greater than the coverage or protections provided under this section.

"(f) Definition.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) Clerical Amendment.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001) is amended by inserting after the item relating to section 713 the following:

"Sec. 714. Standards relating to benefits for contraceptives.".

(c) Effective Date.—The amendments made by this section shall apply with respect to plan years beginning on or after January 1, 2006.

SEC. 303. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT RELATING TO THE GROUP MARKET.

(a) In General.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–4 et seq.) is amended by adding at the end the following:

"SEC. 2707. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"(a) Requirements for Coverage.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) exclude or restrict benefits for prescription contraceptive drugs or devices approved by the Food and Drug Administration, or generic equivalents approved as substitutable by the Food and Drug Administration, if such plan or coverage provides benefits for other outpatient prescription drugs or devices; or

"(2) exclude or restrict benefits for outpatient contraceptive services if such plan or coverage provides benefits for other outpatient services provided by a health care professional (referred to in this section as 'outpatient health care services').

"(b) Prohibitions.—A group health plan, and a health insurance issuer providing health insurance coverage in connection with a group health plan, may not—

"(1) deny to an individual eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan because of the individual's or enrollee's use or potential use of items or services that are covered in accordance with the requirements of this section;

"(2) provide monetary payments or rebates to a covered individual to encourage such individual to accept less than the minimum protections available under this section;

"(3) penalize or otherwise reduce or limit the reimbursement of a health care professional because such professional prescribed contraceptive drugs or devices, or provided contraceptive services, described in subsection (a), in accordance with this section; or

"(4) provide incentives (monetary or otherwise) to a health care professional to induce such professional to withhold from covered individual contraceptive drugs or devices, or contraceptive services, described in subsection (a).

"(c) Rules of Construction.—

"(1) In general.—Nothing in this section shall be construed—

"(A) as preventing a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan from imposing deductibles, coinsurance, or other cost-sharing or limitations in relation to—

"(i) benefits for contraceptive drugs under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such drug shall be consistent with those imposed for other outpatient prescription drugs otherwise covered under the plan or coverage;

"(ii) benefits for contraceptive devices under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such device shall be consistent with those imposed for other outpatient prescription devices otherwise covered under the plan or coverage; and

"(iii) benefits for outpatient contraceptive services under the plan or coverage, except that such a deductible, coinsurance, or other cost-sharing or limitation for any such service shall be consistent with those imposed for other outpatient health care services otherwise covered under the plan or coverage;

"(B) as requiring a group health plan and a health insurance issuer providing health insurance coverage in connection with a group health plan to cover experimental or investigational contraceptive drugs or devices, or experimental or investigational contraceptive services, described in subsection (a), except to the extent that the plan or issuer provides coverage for other experimental or investigational outpatient prescription drugs or devices, or experimental or investigational outpatient health care services; or

"(C) as modifying, diminishing, or limiting the rights or protections of an individual under any other Federal law.

"(2) LIMITATIONS.—As used in paragraph (1), the term 'limitation' includes—

"(A) in the case of a contraceptive drug or device, restricting the type of health care professionals that may prescribe such drugs or devices, utilization review provisions, and limits on the volume of prescription drugs or devices that may be obtained on the basis of a single consultation with a professional; or

"(B) in the case of an outpatient contraceptive service, restricting the type of health care professionals that may provide such services, utilization review provisions, requirements relating to second opinions prior to the coverage of such services, and requirements relating to preauthorizations prior to the coverage of such services.

"(d) NOTICE.—A group health plan under this part shall comply with the notice requirement under section 714(d) of the Employee Retirement Income Security Act of 1974 with respect to the requirements of this section as if such section applied to such plan.

"(e) PREEMPTION.—Nothing in this section shall be construed to preempt any provision of State law to the extent that such State law establishes, implements, or continues in effect any standard or requirement that provides coverage or protections for enrollees that are greater than the coverage or protections provided under this section.

"(f) DEFINITION.—In this section, the term 'outpatient contraceptive services' means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent an unintended pregnancy.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to group health plans for plan years beginning on or after January 1, 2006.

SEC. 304. AMENDMENT TO PUBLIC HEALTH SERVICE ACT RELATING TO THE INDIVIDUAL MARKET.

(a) IN GENERAL.—Part B of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-41 et seq.) is amended—

(1) by redesignating the first subpart 3 (relating to other requirements) as subpart 2; and

(2) by adding at the end of subpart 2 the following:

"SEC. 2753. STANDARDS RELATING TO BENEFITS FOR CONTRACEPTIVES.

"The provisions of section 2707 shall apply to health insurance coverage offered by a health insurance issuer in the individual market in the same manner as they apply to health insurance coverage offered by a health insurance issuer in connection with a group health plan in the small or large group market.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to health insurance coverage offered, sold, issued, renewed, in effect, or operated in the individual market on or after January 1, 2006.

TITLE IV—EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION

SEC. 401. SHORT TITLE.

This Act may be cited as the "Emergency Contraception Education Act".

SEC. 402. EMERGENCY CONTRACEPTION EDUCATION AND INFORMATION PROGRAMS.

(a) DEFINITIONS.—For purposes of this section:

(1) EMERGENCY CONTRACEPTION.—The term "emergency contraception" means a drug or device (as the terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321)) or a drug regimen that is—

(A) used after sexual relations;

(B) prevents pregnancy, by preventing ovulation, fertilization of an egg, or implantation of an egg in a uterus; and

(C) approved by the Food and Drug Administration.

(2) HEALTH CARE PROVIDER.—The term "health care provider" means an individual who is licensed or certified under State law to provide health care services and who is operating within the scope of such license.

(3) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the same meaning given such term in section 1201(a) of the Higher Education Act of 1965 (20 U.S.C. 1141(a)).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(b) EMERGENCY CONTRACEPTION PUBLIC EDUCATION PROGRAM.—

(1) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop and disseminate to the public information on emergency contraception.

(2) DISSEMINATION.—The Secretary may disseminate information under paragraph (1) directly or through arrangements with nonprofit organizations, consumer groups, institutions of higher education, Federal, State, or local agencies, clinics and the media.

(3) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum, a description of emergency contraception, and an explanation of the use, safety, efficacy, and availability of such contraception.

(c) EMERGENCY CONTRACEPTION INFORMATION PROGRAM FOR HEALTH CARE PROVIDERS.—

(1) IN GENERAL.—The Secretary, acting through the Administrator of the Health Resources and Services Administration and in consultation with major medical and public health organizations, shall develop and disseminate to health care providers information on emergency contraception.

(2) INFORMATION.—The information disseminated under paragraph (1) shall include, at a minimum—

(A) information describing the use, safety, efficacy and availability of emergency contraception;

(B) a recommendation regarding the use of such contraception in appropriate cases; and

(C) information explaining how to obtain copies of the information developed under subsection (b), for distribution to the patients of the providers.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2006 through 2010.

TITLE V—COMPASSIONATE ASSISTANCE FOR RAPE EMERGENCIES

SEC. 501. SHORT TITLE.

This Act may be cited as the "Compassionate Assistance for Rape Emergencies Act".

SEC. 502. SURVIVORS OF SEXUAL ASSAULT; PROVISION BY HOSPITALS OF EMERGENCY CONTRACEPTIVES WITHOUT CHARGE.

(a) IN GENERAL.—Federal funds may not be provided to a hospital under any health-related program, unless the hospital meets the conditions specified in subsection (b) in the case of—

(1) any woman who presents at the hospital and states that she is a victim of sexual assault, or is accompanied by someone who states she is a victim of sexual assault; and

(2) any woman who presents at the hospital whom hospital personnel have reason to believe is a victim of sexual assault.

(b) ASSISTANCE FOR VICTIMS.—The conditions specified in this subsection regarding a hospital and a woman described in subsection (a) are as follows:

(1) The hospital promptly provides the woman with medically and factually accurate and unbiased written and oral information about emergency contraception, including information explaining that—

(A) emergency contraception does not cause an abortion; and

(B) emergency contraception is effective in most cases in preventing pregnancy after unprotected sex.

(2) The hospital promptly offers emergency contraception to the woman, and promptly provides such contraception to her on her request.

(3) The information provided pursuant to paragraph (1) is in clear and concise language, is readily comprehensible, and meets such conditions regarding the provision of the information in languages other than English as the Secretary may establish.

(4) The services described in paragraphs (1) through (3) are not denied because of the inability of the woman or her family to pay for the services.

(c) DEFINITIONS.—For purposes of this section:

(1) The term "emergency contraception" means a drug, drug regimen, or device that is—

(A) used postcoitally;

(B) prevents pregnancy by delaying ovulation, preventing fertilization of an egg, or preventing implantation of an egg in a uterus; and

(C) is approved by the Food and Drug Administration.

(2) The term "hospital" has the meanings given such term in title XVIII of the Social Security Act, including the meaning applicable in such title for purposes of making payments for emergency services to hospitals that do not have agreements in effect under such title.

(3) The term "Secretary" means the Secretary of Health and Human Services.

(4) The term "sexual assault" means coitus in which the woman involved does not consent or lacks the legal capacity to consent.

(d) EFFECTIVE DATE: AGENCY CRITERIA.—This section takes effect upon the expiration of the 180-day period beginning on the date of enactment of this Act. Not later than 30 days prior to the expiration of such period, the Secretary shall publish in the Federal Register criteria for carrying out this section.

TITLE VI—TEENAGE PREGNANCY PREVENTION

SEC. 601. SHORT TITLE.

This title may be cited as the "Preventing Teen Pregnancy Act".

SEC. 602. TEENAGE PREGNANCY PREVENTION.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by inserting after section 399N the following section:

"SEC. 399N-1. TEENAGE PREGNANCY PREVENTION GRANTS.

"(a) AUTHORITY.—The Secretary may award on a competitive basis grants to public and private entities to establish or expand teenage pregnancy prevention programs.

"(b) GRANT RECIPIENTS.—Grant recipients under this section may include State and local not-for-profit coalitions working to prevent teenage pregnancy, State, local, and tribal agencies, schools, entities that provide afterschool programs, and community and faith-based groups.

"(c) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give—

"(1) highest priority to applicants seeking assistance for programs targeting communities or populations in which—

"(A) teenage pregnancy or birth rates are higher than the corresponding State average; or

"(B) teenage pregnancy or birth rates are increasing; and

"(2) priority to applicants seeking assistance for programs that—

"(A) will benefit underserved or at-risk populations such as young males or immigrant youths; or

"(B) will take advantage of other available resources and be coordinated with other programs that serve youth, such as workforce development and after school programs.

"(d) USE OF FUNDS.—Funds received by an entity as a grant under this section shall be used for programs that—

"(1) replicate or substantially incorporate the elements of one or more teenage pregnancy prevention programs that have been proven (on the basis of rigorous scientific research) to delay sexual intercourse or sexual activity, increase condom or contraceptive use (without increasing sexual activity), or reduce teenage pregnancy; and

"(2) incorporate one or more of the following strategies for preventing teenage pregnancy: encouraging teenagers to delay sexual activity; sex and HIV education; interventions for sexually active teenagers; preventive health services; youth development programs; service learning programs; and outreach or media programs.

"(e) COMPLETE INFORMATION.—Programs receiving funds under this section that choose to provide information on HIV/AIDS or contraception or both must provide information that is complete and medically accurate.

"(f) RELATION TO ABSTINENCE-ONLY PROGRAMS.—Funds under this section are not intended for use by abstinence-only education programs. Abstinence-only education programs that receive Federal funds through the Maternal and Child Health Block Grant, the Administration for Children and Families, the Adolescent Family Life Program, and any other program that uses the definition of 'abstinence education' found in section 510(b) of the Social Security Act are ineligible for funding.

"(g) APPLICATIONS.—Each entity seeking a grant under this section shall submit an application to the Secretary at such time and in such manner as the Secretary may require.

"(h) MATCHING FUNDS.—

"(1) IN GENERAL.—The Secretary may not award a grant to an applicant for a program under this section unless the applicant demonstrates that it will pay, from funds derived from non-Federal sources, at least 25 percent of the cost of the program.

"(2) APPLICANT'S SHARE.—The applicant's share of the cost of a program shall be provided in cash or in kind.

"(i) SUPPLEMENTATION OF FUNDS.—An entity that receives funds as a grant under this section shall use the funds to supplement and not supplant funds that would otherwise be available to the entity for teenage pregnancy prevention.

"(j) EVALUATIONS.—

"(1) IN GENERAL.—The Secretary shall—

"(A) conduct or provide for a rigorous evaluation of 10 percent of programs for which a grant is awarded under this section;

"(B) collect basic data on each program for which a grant is awarded under this section; and

"(C) upon completion of the evaluations referred to in subparagraph (A), submit to the Congress a report that includes a detailed statement on the effectiveness of grants under this section.

"(2) COOPERATION BY GRANTEES.—Each grant recipient under this section shall provide such information and cooperation as may be required for an evaluation under paragraph (1).

"(k) DEFINITION.—For purposes of this section, the term 'rigorous scientific research' means based on a program evaluation that:

"(1) Measured impact on sexual or contraceptive behavior, pregnancy or childbearing.

"(2) Employed an experimental or quasi-experimental design with well-constructed and appropriate comparison groups.

"(3) Had a sample size large enough (at least 100 in the combined treatment and control group) and a follow-up interval long enough (at least six months) to draw valid conclusions about impact.

"(l) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $20,000,000 for fiscal year 2006, and such sums as may be necessary for each subsequent fiscal year. In addition, there are authorized to be appropriated for evaluations under subsection (j) such sums as may be necessary for fiscal year 2006 and each subsequent fiscal year.".

TITLE VII—ACCURACY OF CONTRACEPTIVE INFORMATION

SEC. 701. SHORT TITLE.

This title may be cited as the "Truth in Contraception Act".

SEC. 702. ACCURACY OF CONTRACEPTIVE INFORMATION.

Notwithstanding any other provision of law, any information concerning the use of a contraceptive provided through any federally funded sex education, family life education, abstinence education, comprehensive health education, or character education program shall be medically accurate and shall include health benefits and failure rates relating to the use of such contraceptive.

By Mrs. HUTCHISON:

S. 24. A bill to establish an emergency reserve fund to provide timely financial assistance in response to domestic disasters and emergencies; to the Committee on the Budget.

Mrs. HUTCHISON. Mr. President, over the past decade, Congress has approved over $46 billion in disaster relief and emergency spending. This is an average of $4.6 billion a year. The majority of this funding—$34 billion—has been provided through supplemental bills, not subject to the normal appropriations process.

Supporters of supplemental spending suggest it provides Congress flexibility to respond to emergencies and to priorities that did not receive the proper consideration during the budget cycle. While supplemental bills do offer flexibility, they are not always helpful for fiscal responsibility. Millions of dollars are put in emergency spending bills that should go through the regular budget process, adding more and more to the bottom line.

America is at a critical time—we must be prepared to address domestic emergencies without increasing the deficit or being forced to fund non-emergency projects in order to release necessary funds. Supplemental spending circumvents budgetary enforcement mechanisms and can lead lawmakers to under-fund programs in the regular appropriations process, because they know they ultimately can get what is needed through a supplemental.

Supplemental bills allocate funding for emergencies, and we have all witnessed, firsthand, how a natural disaster can impact a country severely. Merely because something is unforeseen does not mean we should not prepare. Congress needs to plan in a manner that is fiscally responsible and procedurally transparent.

Today, I offer a bill to create an emergency fund under the office of the Secretary of the Treasury, in an interest bearing account, containing 1.2 percent of the annual non-defense domestic spending, or roughly $4.6 billion. This will be America's rainy day fund—a savings account ready for almost any potential unforeseen domestic emergencies.

This account is not designed to eliminate the need for supplemental bills but rather lessen the need for them.

Last year, in supplemental spending alone, Congress spent $2.5 billion on disaster relief in America. Domestic discretionary supplemental bills enacted in response to natural disasters, such as hurricanes and earthquakes, rose steadily through the 1990s. Federal Emergency Management Agency, FEMA, was the second-largest recipient of supplemental spending during the 1990s. Supplemental appropriations for "non-natural" disasters such as the Los Angeles riots in 1992 and the Oklahoma City bombing in 1995 as well as the September 11 terrorist attack have also demanded quick and efficient funding. History is teaching us a lesson; while we do not know what the emergencies will be, we can feel certain there will be something to which we will need to respond.

Beyond the clear fiscal conservatism we need, I believe this rainy day fund would reduce the time it takes to respond to emergencies by giving Congress a more efficient, less political process. My bill would require the contingency fund to be expended before supplemental spending for domestic disasters can be pursued, with the exclusion of defense spending.

As we seek to be more fiscally responsible, our next step forward should be this account, from which the funds we draw upon are planned for and set aside through the normal appropriations process. Our current system regularly underfunds FEMA and other agencies for emergencies, and this should end.

As we prepare for the future, it is my goal that we save and prepare for the vital needs of our people should there be a domestic emergency. Recent events worldwide demand we be fiscally responsible and procedurally capable of this, our most important duty, the protection and safe-keeping of the American people.

By Mr. CHAMBLISS:

S. 25. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Finance.

Mr. CHAMBLISS. Mr. President, I rise today to introduce the Fair Tax Act of 2005. This bill will promote freedom, fairness, and economic opportunity by repealing the Federal income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax.

The Fair Tax, which offers a national sales tax as the primary source of Federal revenue, is a necessary piece of tax reform that, should it pass, upon its inception would eliminate our current archaic and inefficient Tax Code and replace it with a simpler, fairer means of collecting revenue.

Our antiquated Tax Code was implemented in 1913 and has since been modified numerous times. The Federal Tax Code in its present form is overly complicated and desperately in need of an overhaul. We are well beyond rectifying the unfairness in our current system by tinkering around the edges. All Americans are in dire need of unbiased, sweeping tax reform—and the Fair Tax provides just that.

The Fair Tax Act of 2005 would repeal the individual income tax, the corporate income tax, capital gains taxes, all payroll taxes, the self-employment tax and the estate and gift taxes in lieu of a 23 percent tax on the final sale of all goods and services. Elimination of these inefficient taxing mechanisms will not only bring about equality within in our tax system, it will also bring about simplicity.

This bill will also provide for tax relief for business-to-business transactions. These transactions, including used-product transactions which have already been taxed, are not subject to the sales tax, thereby abrogating any double taxation.

Social Security and Medicare benefits would remain untouched under the Fair Tax bill. There would be no financial reductions to either one of these vital programs. Instead, the source of the trust-fund revenue for these two programs would be replaced simply by sales-tax revenue instead of payroll-tax revenue.

Lastly, under the Fair Tax Act, every American would receive a monthly rebate check equal to spending up to the Federal poverty level according to the Department of Health and Human Services guidelines. This rebate would ensure that no American pays taxes on the purchase of necessities.

The Fair Tax creates a fairer, simpler code that allows every American the freedom to determine his or her own priorities and opportunities. Ronald Reagan once said, "I believe we really can, however, say that God did give mankind virtually unlimited gifts to invent, produce and create. And for that reason alone, it would be wrong for governments to devise a tax structure or economic system that suppresses and denies those gifts." I couldn't agree more.

And as long as we continue to operate under our current skewed Tax Code, we will continue to suppress and deny these unlimited gifts to the American people, who would otherwise thrive boundlessly under the Fair Tax.

By Mrs. HUTCHISON (for herself, Mr. FRIST, Ms. CANTWELL, Mr. ENSIGN, Mr. ALEXANDER, and Mr. CORNYN):

S. 27. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes; to the Committee on Finance.

Mrs. HUTCHISON. Mr. President, I am pleased to introduce a bill to permanently correct an injustice in the tax code that has harmed citizens in many States of this great Nation.

State and local governments have various alternatives for raising revenue. Some levy income taxes, some use sales taxes, and others use a combination of the two. The citizens who pay State and local income taxes have been able to offset some of what they pay by receiving a deduction on their federal taxes. Before 1986, taxpayers also had the ability to deduct their sales taxes.

The philosophy behind these deductions is simple: people should not have to pay taxes on their taxes. The money that people must give to one level of government should not also be taxed by another level of government.

Unfortunately, citizens of some States were treated differently after 1986 when the deduction for State and local sales taxes was eliminated. This discriminated against those living in States, such as my home State of Texas, with no income taxes. It is important to remember the lack of an income tax does not mean citizens in these States do not pay State taxes; revenues are simply collected differently.

It is unfair to give citizens from some States a deduction for the revenue they provide their State and local governments, while not doing the same for citizens from other States. Federal tax law should not treat people differently on the basis of State residence and differing tax collection methods, and it should not provide an incentive for States to establish income taxes over sales taxes.

This discrepancy had a significant impact on Texas. According to the Texas Comptroller, the ability of taxpayers to deduct their sales taxes will lead to an additional $974 million staying in the hands of Texans each year, the creation of more than 21,800 new jobs, and the addition of $1.2 billion in State economic activity.

Last year, we took an important step by reinstating a sales tax deduction. As a result, everyone now has the opportunity to deduct either their State and local income taxes or sales taxes. For the 55 million of us in the 7 States with a sales tax but no income tax, this means the tax code no longer discriminates against us. Unfortunately, the new deduction is only in effect for 2004 and 2005. We must act to prevent the inequity from returning.

The legislation I am offering today will fix this problem for good by making the State and local sales tax deduction permanent. This will permanently end the discrimination suffered by my fellow Texans and citizens of other States who do not have the option of an income tax deduction.

This legislation is about reestablishing equity to the tax code and defending the important principle of eliminating taxes on taxes. I hope my fellow Senators will support this effort.

I ask unanimous consent that the test of the bill be printed in the RECORD.

Ms. CANTWELL. Mr. President, today I am joining my good friend the Senator from Texas, (Mrs. HUTCHISON), and the Senator from Tennessee, the Majority Leader, Mr. FRIST, in legislation to permanently extend the State sales tax deduction. This bill aims to make permanent legislation that the Congress passed and the President signed into law last year on October 22, 2004 as a provision of the JOBS Act. It is a change to the tax code that I have worked to see enacted since coming to the U.S. Senate, and one I want to maintain.

The JOBS Act reinstituted, for a period of 2 years, the ability of taxpayers to deduct State and local sales taxes just as they would State and local income taxes. Residents of States such as Washington that do not have income taxes, but have State sales taxes, had not been able to do this since the 1986.

Make no mistake about it: permanently extending the sales tax deduction is a tax cut for Washington State taxpayers. Such a cut will strengthen our economy and fundamentally restore basic tax fairness.

When the Federal income tax was first imposed in 1913, Congress allowed taxpayers to deduct State and local sales so they would not be taxed on once at the State level and then, again, at the Federal level in the same calendar year.

In 1986, after 74 years of precedent, this tax equity abruptly ended. Taxpayers from States without income taxes were given a raw deal when Congress made a budgetary squeeze play and ended the tax deduction for State sales taxes.

For States like Washington, where sales tax revenues are nearly 60 percent of the State budget, the impact is immense. The loss to Washington State taxpayers in 2004 alone, is estimated to be $500 million.

Washington taxpayers waited 18 years to for the Federal government to correct the unique burden on them that amounts to requiring them to pay taxes twice on the same money. Now that the burden has been lifted for 2 years, with thanks to this body and the President, Washington taxpayers are now looking for—and must have—permanence in the tax code with regard to their ability to deduct State and local sales taxes from their Federal income tax.

As I mentioned, this issue has been a primary one for me on behalf of the people I serve. In fact, when I became a member of this body in the 107th Congress, one of my first legislative acts was to cosponsor sales tax deduction legislation that at the time was introduced by the former Senator from Tennessee, Mr. Thompson. In the 108th Congress, Senator HUTCHISON and I carried the banner as the lead sponsors of similar legislation, the core of which we saw enacted into law for a 2-year period.

I am here once again in the 109th Congress with the Senator from Texas, Mrs. HUTCHISON, on the heels of a victory for a two-year reprieve for our constituents, looking, now, for permanent equity in the tax code. I look forward to continuing to work with Senator HUTCHISON, as well as Senator FRIST and others, in moving this sales tax deduction legislation forward in the coming months.

Only by making the two-year law permanent will we be able to see to it that taxpayers from Washington State, or any other State, are not unfairly singled out to pay higher taxes.

I urge prompt action on this measure.

By Mrs. FEINSTEIN (for herself and Mr. LEAHY):

S. 29. A bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEN. Mr. President, I rise on behalf of myself and Senator LEAHY to again introduce legislation to protect one of Americans' most valuable but vulnerable assets: Social Security numbers. This is the second Congress in a row that I have introduced this legislation, to restrict the sale and display of Social Security numbers.

We have just begun the New Year, and unfortunately we can say with certainty that it will be another year in which millions of Americans will be victimized by identity theft, a crime so often linked to unprotected Social Security numbers. It is my hope that Congress will finally approve this legislation this year. For the benefit of all Californians and of all Americans, the Senate needs to take this step, to stop those who would do us harm by taking our very identities.

The goal of this bill is straightforward—to get Social Security numbers out of the public domain, so that identity thieves can't get them. Toward this goal, this bill will do the following:

The heart of this bill prohibits anyone from selling or displaying an individual's Social Security number to the general public without the individual's express consent.

But in recognition that sometimes there are legitimate needs for Social Security numbers, the bill also makes exceptions. Perhaps the most important exception allows the sale of Social Security numbers between businesses, or between the government and businesses. The bill also makes exceptions for law enforcement, national security, compliance with other laws, and a few other areas.

Additionally, this bill prohibits government entities from displaying Social Security numbers on public records that are posted on the Internet or in other electronic media after the legislation's effective date. It also prohibits governments from printing Social Security numbers on government checks.

This bill also punishes people who fraudulently use Social Security numbers to obtain benefits that they do not deserve.

Finally, this law has teeth to enforce its provisions. It gives the Attorney General the authority to issue civil penalties of up to $5,000 for people who misuse Social Security numbers. It also creates a criminal penalty, of up to five years in prison, for anyone who obtains another person's Social Security number for the purpose of locating or identifying that individual with the intent to physically harm that person. And it lets the victims of identity theft sue in court to recover their loss from the person who causes it.

Mr. President, the need for this bill should be clear. Theft of a Social Security number can be especially devastating, because that piece of information has become a de facto universal identifier in American society.

Despite the widespread use of Social Security numbers, the General Accounting Office reported recently that "No single federal law regulates the overall use or restricts the disclosure of SSNs by governments." (Source: Social Security numbers: SSNs are Widely Used by Government and Could be Better Protected, 2002 (Report Number GAO–02–691T) at page 5). As a result, the use of Social Security numbers is regulated by an inconsistent and insufficient patchwork of state and federal laws, that often leaves the numbers in plain view of the whole world.

One recent book on privacy in the United States documents how far the use of Social Security numbers has spread beyond its original purpose, when they were created in 1936, of tracking American workers' earnings and benefits. According to the book: "The SSN began to be used for military personnel, legally admitted aliens, anyone receiving or applying for federal benefits, food stamps, school lunch program eligibility, draft registration, and federal loans. State and local governments, as well as private sector entities such as schools and banks, began to use SSNs as well—for drivers' licenses, birth certificates, blood donation, jury selection, worker's compensation, occupational licenses, and marriage licenses." (Source: Daniel Solove and Marc Rotenberg, Information Privacy Law, Aspen Publishers, 2003, at page 447–48.)

It isn't surprising, then, that the sale of Social Security numbers is proceeding at a furious pace. According to the GAO in a report that it released earlier this year, "Internet-based information resellers whose Web sites we accessed also obtain SSNs from their customers and scour public records and other publicly available information to provide the information to persons willing to pay a fee." (Source: Social Security numbers: Private Sector Entities Routinely Obtain and Use SSNs, and Laws Limit the Disclosure of this Information (2004, Report Number GAO–04–11, on Highlights Page).

Governments also play a role in the widespread availability of Social Security numbers to the general public. According to another GAO report, issued just the other month in November 2004, "State agencies in 41 States and the District of Columbia reported visible SSNs in at least one type of record." (Source: Government Could Do More to Reduce Display in Public Records and on Identity Cards, (November 2004, Report Number GAO-05-59, on Highlights Page). This affects about 94 percent of the country's population. The report continues that "15 to 28 percent of the nation's 3,141 counties do place [Social Security numbers] on the Internet and this could affect millions of people."

If anyone who has doubts about the important role that this legislation will in protecting the identity of Americans, let me offer a few facts.

For the past four years, the Federal Trade Commission has ranked identity theft as its top consumer complaint. When the new numbers for 2004 come out in early February, I will not be surprised if identity theft again ranks as the most common complaint.

The most comprehensive survey of identity-theft victimization, a Federal Trade Commission report released in 2003, found that nearly 10 million Americans had been victimized by identity theft in the previous year. The California Office of Privacy Protection estimates that 1.1 million of those victims were Californians.

A separate FTC report found California to have the third-highest rate of identity theft per capita in 2003, with the number of victims increasing by more than 28 percent from 2002.

For anyone still unconvinced about the need for this law, let me offer a few specific examples of identity theft.

In November, 2004, in my home state of California, a married couple—Antonio and Rose Espino—pled guilty after stealing the identities of over 1,000 victims, and also stealing more than $8.8 million in fraudulent unemployment insurance. They obtained employer payroll lists that included names and Social Security numbers. (Source: "San Joaquin couple plead guilty in identity-theft case," Fresno Bee, November 23, 2004).

In another case, Christopher Jones, a twenty-five-year-old employee at the University of North Carolina-Pembroke, stole approximately 3,000 Social Security numbers through his job, handing out towels and other equipment at the university gym, and then tried to sell them in blocks of 1,000 on eBay. He stated in his advertisement: "100 (one hundred Social Security # Numbers Obtain False Credit Cards Idenity Theft I Don't Care Bid Starts at a Dollar a Piece USPS Money Orders only all Different."

Similar behavior—using the Web to gather Social Secuirty numbers—still continues. As The Washington Post reported last February, by using the common search engine Google on the Web, "Search strings . . . often bring up spread sheets, credit card numbers, and Social Security numbers linked to a customer list." (Source: "Online Search Engines Help Lift Cover of Privacy," The Washington Post, February 9, 2004, at A1).

I personally first became aware of the need for a law to restrict the sale and display of Social Security numbers about eight years ago, when one of my staff members sat me down and downloaded my own Social Security Number from the Internet in a matter of minutes.

Unfortunately, Congress has done little to protect Social Security numbers since then. We still badly need a uniform law. Year after year, I have advocated and proposed such legislation that would restrict the public display and use of Social Security numbers:

In the 106th Congress, I introduced S. 2966.

In the 107th Congress, I introduced, S. 848 and S. 3100.

In the 108th Congress, I introduced S. 228, S. 745, and S. 2801.

None of these bills moved. Today, I stand before you yet again, to introduce for a seventh time a bill to take steps that will make it more difficult for thieves to steal this precious resource. This issue does not concern Republican government or Democratic government; this is an issue of good government.

Last year, the President signed into law a bill that I helped to author, to increase penalties for those who steal the identities of others. But punishment is not enough. We need to stop identity theft from occurring in the first place. This information should have been under lock and key long ago. It is time for us to act. Thank you Mr. President.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 29

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Social Security Number Misuse Prevention Act".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents
Sec. 2. Findings
Sec. 3. Prohibition of the display, sale, or purchase of social security numbers
Sec. 4. Application of prohibition of the display, sale, or purchase of social security numbers to public records
Sec. 5. Rulemaking authority of the Attorney General
Sec. 6. Treatment of social security numbers on government documents
Sec. 7. Limits on personal disclosure of a social security number for consumer transactions
Sec. 8. Extension of civil monetary penalties for misuse of a social security number
Sec. 9. Criminal penalties for the misuse of a social security number
Sec. 10. Civil actions and civil penalties
Sec. 11. Federal injunctive authority

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of social security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used social security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security number in order to pay taxes, to qualify for social security benefits, or to seek employment. An unintended consequence of these requirements is that social security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of social security numbers.

(4) The display, sale, or purchase of social security numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of social security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this Act provides each individual that has been assigned a social security number some degree of protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 3. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028 the following:

"§ 1028A. Prohibition of the display, sale, or purchase of social security numbers

"(a) DEFINITIONS.—In this section:

"(1) DISPLAY.—The term 'display' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

"(2) PERSON.—The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

"(3) PURCHASE.—The term 'purchase' means providing directly or indirectly, anything of value in exchange for a social security number.

"(4) SALE.—The term 'sale' means obtaining, directly or indirectly, anything of value in exchange for a social security number.

"(5) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

"(b) LIMITATION ON DISPLAY.—Except as provided in section 1028B, no person may display any individual's social security number to the general public without the affirmatively expressed consent of the individual.

"(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

"(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

"(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

"(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

"(e) EXCEPTIONS.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number—

"(1) required, authorized, or excepted under any Federal law;

"(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

"(3) for a national security purpose;

"(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

"(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

"(A) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

"(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

"(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private nonprofit organizations; or

"(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

"(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

"(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

"(f) LIMITATION.—Nothing in this section shall prohibit or limit the display, sale, or purchase of social security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make social security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

"1028A. Prohibition of the display, sale, or purchase of social security numbers".

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Attorney General shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act, the impact of such uses on privacy and data security, and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

SEC. 4. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(a) PUBLIC RECORDS EXCEPTION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code (as amended by section 3(a)(1)), is amended by inserting after section 1028A the following:

"§ 1028B. Display, sale, or purchase of public records containing social security numbers

"(a) DEFINITION.—In this section, the term 'public record' means any governmental record that is made available to the general public.

"(b) IN GENERAL.—Except as provided in subsections (c), (d), and (e), section 1028A shall not apply to a public record.

"(c) PUBLIC RECORDS ON THE INTERNET OR IN AN ELECTRONIC MEDIUM.—

"(1) IN GENERAL.—Section 1028A shall apply to any public record first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity after the date of enactment of this section, except as limited by the Attorney General in accordance with paragraph (2).

"(2) EXCEPTION FOR GOVERNMENT ENTITIES ALREADY PLACING PUBLIC RECORDS ON THE INTERNET OR IN ELECTRONIC FORM.—Not later than 60 days after the date of enactment of this section, the Attorney General shall issue regulations regarding the applicability of section 1028A to any record of a category of public records first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity prior to the date of enactment of this section. The regulations will determine which individual records within categories of records of these government entities, if any, may continue to be posted on the Internet or in electronic form after the effective date of this section. In promulgating these regulations, the Attorney General may include in the regulations a set of procedures for implementing the regulations and shall consider the following:

"(A) The cost and availability of technology available to a governmental entity to redact social security numbers from public records first provided in electronic form after the effective date of this section.

"(B) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028A with respect to such records.

"(C) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.

Nothing in the regulation shall permit a public entity to post a category of public records on the Internet or in electronic form after the effective date of this section if such category had not been placed on the Internet or in electronic form prior to such effective date.

"(d) HARVESTED SOCIAL SECURITY NUMBERS.—Section 1028A shall apply to any public record of a government entity which contains social security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

"(e) ATTORNEY GENERAL RULEMAKING ON PAPER RECORDS.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Attorney General shall determine the feasibility and advisability of applying section 1028A to the records listed in paragraph (2) when they appear on paper or on another nonelectronic medium. If the Attorney General deems it appropriate, the Attorney General may issue regulations applying section 1028A to such records.

"(2) LIST OF PAPER AND OTHER NONELECTRONIC RECORDS.—The records listed in this paragraph are as follows:

"(A) Professional or occupational licenses.

"(B) Marriage licenses.

"(C) Birth certificates.

"(D) Death certificates.

"(E) Other short public documents that display a social security number in a routine and consistent manner on the face of the document.

"(3) CRITERIA FOR ATTORNEY GENERAL REVIEW.—In determining whether section 1028A should apply to the records listed in paragraph (2), the Attorney General shall consider the following:

"(A) The cost or burden to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments of complying with section 1028A.

"(B) The benefit to the general public, businesses, commercial enterprises, nonprofit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.".

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 3(a)(2)), is amended by inserting after the item relating to section 1028A the following:

"1028B. Display, sale, or purchase of public records containing social security numbers".

(b) STUDY AND REPORT ON SOCIAL SECURITY NUMBERS IN PUBLIC RECORDS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study and prepare a report on social security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely use public records that contain social security numbers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

(A) a review of the uses of social security numbers in non-federal public records;

(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(C) a review of the advantages or utility of public records that contain social security numbers, including the utility for law enforcement, and for the promotion of homeland security;

(D) a review of the disadvantages or drawbacks of public records that contain social security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

(E) the costs and benefits for State and local governments of removing social security numbers from public records, including a review of current technologies and procedures for removing social security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, their customers, and the general public of prohibiting the display of social security numbers on public records (with separate assessments for both paper records and electronic records).

(c) EFFECTIVE DATE.—The prohibition with respect to electronic versions of new classes of public records under section 1028B(b) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 5. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028A(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(b) DISPLAY, SALE, OR PURCHASE RULEMAKING WITH RESPECT TO INTERACTIONS BETWEEN BUSINESSES, GOVERNMENTS, OR BUSINESS AND GOVERNMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Chairman of the Federal Trade Commission, and such other heads of Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction) permitted under section 1028A(e)(5) of title 18, United States Code (as added by section 3(a)(1)).

(2) FACTORS TO BE CONSIDERED.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual's social security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of social security numbers.

(C) The risk that a particular business practice will promote the use of a social security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards, procedures, and technologies to prevent—

(i) misuse of social security numbers by employees within a business; and

(ii) misappropriation of social security numbers by the general public, while permitting internal business uses of such numbers.

(E) The presence of procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain social security numbers.

(F) The impact of such uses on privacy.

SEC. 6. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) PROHIBITION OF USE OF SOCIAL SECURITY ACCOUNT NUMBERS ON CHECKS ISSUED FOR PAYMENT BY GOVERNMENTAL AGENCIES.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No Federal, State, or local agency may display the social security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date that is 3 years after the date of enactment of this Act.

(b) PROHIBITION OF INMATE ACCESS TO SOCIAL SECURITY ACCOUNT NUMBERS.—

(1) IN GENERAL.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following:

"(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 7. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) IN GENERAL.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

"(a) IN GENERAL.—A commercial entity may not require an individual to provide the individual's social security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

"(1) for any purpose relating to—

"(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

"(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

"(C) law enforcement; or

"(D) a Federal, State, or local law requirement; or

"(2) if the social security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

"(b) APPLICATION OF CIVIL MONEY PENALTIES.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

"(c) APPLICATION OF CRIMINAL PENALTIES.—A violation of this section shall be deemed to be a violation of section 208(a)(8).

"(d) LIMITATION ON CLASS ACTIONS.—No class action alleging a violation of this section shall be maintained under this section by an individual or any private party in Federal or State court.

"(e) STATE ATTORNEY GENERAL ENFORCEMENT.—

"(1) IN GENERAL.—

"(A) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

"(i) enjoin that practice;

"(ii) enforce compliance with such section;

"(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

"(iv) obtain such other relief as the court may consider appropriate.

"(B) NOTICE.—

"(i) IN GENERAL.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

"(I) written notice of the action; and

"(II) a copy of the complaint for the action.

"(ii) EXEMPTION.—

"(I) IN GENERAL.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

"(II) NOTIFICATION.—With respect to an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

"(2) INTERVENTION.—

"(A) IN GENERAL.—On receiving notice under paragraph (1)(B), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

"(B) EFFECT OF INTERVENTION.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

"(3) CONSTRUCTION.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

"(A) conduct investigations;

"(B) administer oaths or affirmations; or

"(C) compel the attendance of witnesses or the production of documentary and other evidence.

"(4) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

"(5) VENUE; SERVICE OF PROCESS.—

"(A) VENUE.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(B) SERVICE OF PROCESS.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

"(i) is an inhabitant; or

"(ii) may be found.

"(f) SUNSET.—This section shall not apply on or after the date that is 6 years after the effective date of this section.".

(b) EVALUATION AND REPORT.—Not later than the date that is 6 years and 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness and efficiency of section 1150A of the Social Security Act (as added by subsection (a)) and shall make recommendations to Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize such section.

(c) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to requests to provide a social security number occurring after the date that is 1 year after the date of enactment of this Act.

SEC. 8. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking "who" and inserting "who—";

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(B) makes such a statement or representation for such use with knowing disregard for the truth; or

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to";

(C) by inserting "or each receipt of such benefits while withholding disclosure of such fact" after "each such statement or representation";

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation"; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation".

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—The first sentence of section 1129A(a) of the Social Security Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking "who" and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(2) makes such a statement or representation for such use with knowing disregard for the truth; or

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to".

(b) APPLICATION OF CIVIL MONEY PENALTIES TO ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following:

"(3) Any person (including an organization, agency, or other entity) who—

"(A) uses a social security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

"(B) falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the social security account number assigned by the Commissioner to such individual;

"(C) knowingly alters a social security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

"(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

"(E) counterfeits a social security card, or possesses a counterfeit social security card with intent to display, sell, or purchase it;

"(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the social security account number of any person in violation of the laws of the United States;

"(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

"(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number which purports to be a social security account number; or

"(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(c)(2)(C), shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.".

(c) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(d) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320–8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(2) VIOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)(I)), as added by subsection (b), shall apply with respect to violations of that section occurring on or after the effective date described in section 3(c).

SEC. 9. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's social security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8) the following:

"(9) except as provided in subsections (e) and (f) of section 1028A of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028A(a) of title 18, United States Code) any individual's social security account number without having met the prerequisites for consent under section 1028A(d) of title 18, United States Code; or

"(10) obtains any individual's social security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;".

SEC. 10. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) CIVIL ACTION IN STATE COURTS.—

(1) IN GENERAL.—Any individual aggrieved by an act of any person in violation of this Act or any amendments made by this Act may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this Act. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) STATUTE OF LIMITATIONS.—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

(3) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated any section of this Act or of any amendments made by this Act shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than $5,000 for each such violation; and

(B) to a civil penalty of not more than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a-7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a-7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a-7a) to the Secretary shall be deemed to be a reference to the Attorney General.

SEC. 11. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or the amendments made by this Act, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this Act or of any amendments made by this Act.

By Mr. SARBANES (for himself, Mr. CORZINE, Mrs. CLINTON, Mr. AKAKA, Mr. BINGAMAN, Mr. SCHUMER, Mr. DODD, Mrs. BOXER, Ms. MIKULSKI, and Mr. REID):

S. 31. A bill to amend the Electronic Fund Transfer Act to extend certain consumer protections to international remittance transfers of funds originating in the United States, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. SARBANES. Mr. President, today I am introducing the International Remittance Consumer Protection Act of 2005. This legislation extends basic consumer protection rights to those who send remittances, and it creates new avenues and incentives for federally insured financial institutions to provide remittance and basic banking services to those who currently do not use such institutions to send remittances.

The practice of sending remittances is not new. Immigrants to the United States traditionally have used remittances to provide financial assistance to family members who remained in their country of origin, but the practice has been largely overlooked; it has not been systematically studied and its implications have not been fully understood. The 2000 census shows that 30 million people in this country are foreign-born—the largest number in our Nation's history—and the vast majority of them—22 million are citizens or legal residents. More than 40 percent of our Nation's foreign-born population immigrated to the United States in the 1990s, and some 15.4 million, or more than half the immigrant community, have come from Latin American countries. Immigrants make a vital contribution to the economic and social life of our Nation.

In a recent study, Sending Money Home: Remittances to Latin America from the U.S., 2004, the Inter-American Development Bank, IADB, found that nationwide over 60 percent of Latin American immigrants send remittances. On average, each immigrant sends $240 at a time, 12 times per year. Although these individual transactions are not large, they have constituted an aggregate amount of over $30 billion from America to our Latin American neighbors in this year alone.

In my State of Maryland, we have 175,000 immigrants from Latin America and the vast majority send remittances back home. According to the IADB's study 80 percent of Maryland's immigrants from Latin America send remittances. The typical sender remits an average of $245, 14 times per year—in other words, remittances are a monthly matter, with special gifts for Christmas and Mother's Day.

The subject of remittances has been a major interest of mine for some time. As chairman of the Banking Committee, in February, 2002, during the 107th Congress, I chaired what I understand was the first Congressional hearing devoted exclusively to the subject. Dr. Manuel Orozco, a leading researcher on remittances at the Inter-American Dialogue, told the Committee that remittances from the U.S. to Latin America had grown substantially—at that point to an estimated $20 billion in 2001—and that between 15 to 20 percent—$3-$4 billion—was being lost in fees and other transaction costs. Since Dr. Orozco testified, remittances to Latin America have grown by $10 billion, or 50 percent, in just three years, and continued growth is expected.

That an estimated 15 percent to 20 percent of the money sent in remittances is diverted to fees and other transaction costs, often hidden from the remittance sender, is evidence of the abusive practices that exist in the remittance market. There are two primary factors that account for this abuse. First, studies have shown that people who send remittances tend to be relatively low-wage earners, with modest formal education and relatively little experience in dealing with this country's complex system of financial institutions. As a result they are susceptible to unscrupulous actors who can take advantage of them by charging all sorts of exorbitant fees, which are often hidden or misrepresented. The exchange rate conversion is often the mechanism for this abusive practice.

Second, remittances are currently not subject to the requirements set by Federal consumer protection law, including the disclosure of fees. There is no requirement that a remittance transfer provider disclose to the consumer the exchange rate fee that will be applied in the transaction. Without knowing the exchange rate fee that the company is charging, a consumer has little ability to gauge accurately the full cost of sending a remittance. As Sergio Bendixen, a leading researcher of public opinion and behavior, with a specialty among Hispanic consumers, testified before the Banking Committee: "an overwhelming majority of Hispanic immigrants are unaware that their families in Latin America receive less money than what they send from the United States." Further, a remittance sender cannot effectively shop between remittance transfer providers. The lack of basic information limits the amount of competition in this market.

The legislation I am introducing today extends basic consumer rights to those who send remittances. Further, by requiring clear and understandable disclosures to the remittance sender of the cost of the remittance, thus presenting to the consumer the full cost of sending money, the legislation will enhance competition, which in turn should lead to an overall decrease in the cost of sending remittances. As Sergio Bendixen testified to the Banking Committee, "Full disclosure should unleash market forces that, hopefully, will result in a significant reduction in the cost of sending cash remittances."

This legislation amends the Electronic Fund Transfer Act, EFTA, which is the primary vehicle for providing basic protections to most persons who engage in electronic transactions, to cover remittances, and to provide the basic rights associated with EFTA to remittance transactions. The two most important components of EFTA are the requirement of full disclosure of fees and the establishment of a process for the resolution of transactional errors. These rights have been an integral part of the regulations that govern our banking infrastructure since EFTA's enactment in 1978. The new legislation will build upon the success of EFTA by extending these basic rights to remittance senders.

The cornerstone of this legislation is the requirement that remittance transfer providers make three key disclosures to their consumers: One, the total cost of the remittance, represented in a single dollar amount; two, the total amount of currency that will be sent to the designated recipient; and three, the promised date of delivery for the remittance. These disclosures follow the core recommendations of the Inter-American Development Bank, which in its publication, Remittances to Latin America and the Caribbean: Goals and Recommendations, states: "Remittance institutions should disclose in a fully transparent manner, complete information on total costs and transfer conditions, including all commissions and fees, foreign exchange rates applied and execution time."

The total cost disclosure will include the cost of the exchange rate conversion as well as all up-front fees. This single item will both give consumers a more accurate representation of the cost of the remittance transaction and allow consumers to more effectively compare costs between remittance transfer providers.

In order to calculate the cost of the exchange rate conversion, which is part of the total cost, the legislation requires that the Treasury Department post on its website, on a daily basis, the exchange rate for all currencies. At present the Treasury receives this information on a daily basis, but posts it only on a quarterly basis on the Treasury website. By posting the information daily, the Treasury could create a uniform and credible source for exchange rate information.

To calculate the cost to the consumer of the exchange rate differential, remittance transfer providers will use the difference between the previous business day's exchange rate, as posted on the Treasury website, and the exchange rate that the remittance transfer provider offers. Using the exchange rate posted by the Treasury will ensure that the exchange rate cost is calculated on a uniform base. When the exchange rate cost is disclosed to the consumer as part of the total cost of the remittance transfer, the consumer will be better able to understand the full cost of the transaction and to shop between different remittance transfer providers.

In addition to fee disclosure requirements, this legislation establishes an error resolution mechanism so that consumers whose remittance transactions experience an error have a fair, open, and expedient process through which they may resolve those errors with the institution that conducted the flawed transaction. This basic right is already afforded to consumers who are protected by EFTA, and now this right will be extended to cover consumers who send remittances as well. Further, the legislation establishes an error resolution mechanism for remittance transfer errors that is responsive to the different types of errors that can occur in a remittance transaction and is reflective of the unique characteristics of the remittance market and its participants.

Under this legislation, a consumer has one year from the date that the remittance transfer company promised to deliver the money to notify the company that an error has occurred. The company is then required to resolve the error within 90 days. To resolve the error, the company must either 1. refund the full amount of the remittance that was not properly transferred, 2. resend that amount at no additional cost to the consumer or the designated recipient, or 3. demonstrate to the consumer that there was no error. The Federal Reserve Board is also granted the authority to establish additional remedies for specific situations that cannot be addressed by the three specific remedies that are described in the legislation.

It is urgent that we continue to encourage efforts to bring those who send remittances into the financial mainstream. In his testimony to the Banking Committee, Dr. Orozco pointed out that, "About two-thirds of immigrants cash their salary checks in check cashing stores that charge exorbitant fees. Many of these same immigrants then use what remains of their income to send remittances back home. In this common scenario, immigrants are penalized in both receiving and sending their earnings." In order to further bank those who are currently unbanked, the legislation that I am introducing today requires that the Federal banking agencies and the National Credit Union Administration provide guidelines to financial institutions regarding the offering of low-cost remittance transfers and no-cost or low-cost basic consumer accounts. This legislation also amends the Federal Credit Union Act to allow credit unions to offer remittances and to cash checks for persons who are in their field of membership but are not credit union members. The guidelines set out in the legislation will help educate the financial services industry about the importance and potential profitability of providing these services.

The sending of remittances in a fair and scrupulous manner is likely to be profitable for the institution that provides the remittance service, and indeed we have begun to see aggressive moves into the remittance market by many of the largest banking institutions. Individuals who send remittances but are currently unbanked represent an expanded and profitable customer base for financial institutions.

By its very nature, the issues involved in sending remittances affect both the United States and other nations. As Professor Susan Martin of Georgetown University, who also testified at our hearing, told the Banking Committee: "Until relatively recently, researchers and policy makers tended to dismiss the importance of remittances or emphasize only their negative aspects . . . but recent work on remittances show a far more complex and promising picture. . . . Experts now recognize that remittances have far greater positive impact on communities in developing countries than previously acknowledged." In fact, the size of the remittance market is such that for six Central American and Caribbean nations—Nicaragua, Haiti, El Salvador, Honduras, Guyana and Jamaica—remittances constitute more than 10 percent of GDP; Haiti and Jamaica receive more in remittances than in revenues from trade. The World

Bank estimates that Mexico receives more in remittances than it does in foreign direct investment. Reducing the costs of remittances is in the interest of both the United States and the countries that receive them.

Given the growing importance of annual remittance flows, we must work to increase their efficiency. One mechanism for accomplishing this objective, and for increasing the ability of financial institutions to offer remittances, is linking our banking infrastructure with the banking infrastructures of other nations. The Federal Reserve operates an international automated clearing house system, ACHi, that is currently linked to seven countries, of which the vast majority are highly developed trading partners that receive relatively low levels of remittances. The ACHi was recently connected to Mexico, however, which will allow financial institutions throughout the United States, especially those institutions of smaller size, to provide remittance services more easily and cheaply to Mexico. This legislation directs the Fed to take into account the importance of remittance flows to other countries as it continues to expand the ACHi system. Linking the ACHi to countries that receive significant remittances has the potential to result in great benefits to consumers who send remittances from America as well as to those who receive the remittances around the world.

Finally, I am acutely aware of the need for better and more broadly available financial literacy and education for all Americans. I am pleased to report that in the last Congress, as part of the reauthorization of the Fair Credit Reporting Act, we established a Presidential Financial Literacy and Education Commission, which is charged with developing a national strategy to promote financial literacy and education. The Act addresses the issue of remittances by including in the Commission's work a focus on increasing the "awareness of the particular financial needs and financial transactions, such as the sending of remittances, of consumers who are targeted in multilingual financial literacy and education programs." The legislation that I am introducing today builds on that framework by instructing the bank and credit union regulators to work with the Commission to specifically increase the financial education efforts that target those persons who send remittances.

Millions of Americans send remittances to family members around the world, for a total far exceeding the $30 billion that goes to Latin America alone. Yet almost all of these transactions take place without the basic consumer rights and protections that apply to other electronic transfers. Consumers who send remittances are often immigrants and workers who earn modest wages, who are not aware of the full costs of each remittance, and as a practical matter have no way of finding out, and, as a consequence, in the aggregate pay billions of dollars in costs and hidden fees. They do not have available to them an established procedure for resolving transactional errors. This legislation rectifies this situation by extending to remittances the basic consumer rights established in EFTA. The bill also contains provisions that, when implemented, will allow more insured financial institutions to provide remittance services—and potentially at lower costs to consumers. The bill contains important provisions to help bring the unbanked—men and women without an account at a bank or credit union into the financial mainstream. Taken together, these measures will increase transparency, competition and efficiency in the remittance market, while helping to bring more Americans into the financial mainstream.

A broad range of community, civil rights, and consumer groups have endorsed this legislation including the National Council of La Raza, the Mexican American Legal Defense and Educational Fund, the League of United Latin American Citizens, the Leadership Conference on Civil Rights, United Farm Workers of America, the Farmworker Justice Fund, the NAACP, Casa de Maryland, the National Federation of Filipino American Associations, the Asian Pacific American Labor Alliance, National Asian Pacific American Legal Consortium, Consumers Union, Consumer Federation of America, the National Consumer Law Center, the National Community Reinvestment Coalition, the Center for Responsible Lending, U.S. PIRG, ACORN, Woodstock Institute, and the National Association of Consumer Advocates. The Credit Union National Association and the World Council of Credit Unions, both of whom provide remittance services, have also endorsed this legislation.

I ask unanimous consent that the text of International Remittance Consumer Protection Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 31

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Remittance Consumer Protection Act of 2005".

SEC. 2. TREATMENT OF REMITTANCE TRANSFERS.

(a) IN GENERAL.—The Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.) is amended—

(1) in section 902(b), by inserting "and remittance" after "electronic fund";

(2) by redesignating sections 918, 919, 920, and 921 as sections 919, 920, 921, and 922, respectively; and

(3) by inserting after section 917 the following:

"SEC. 918. REMITTANCE TRANSFERS.

"(a) DISCLOSURES REQUIRED FOR REMITTANCE TRANSFERS.—

"(1) IN GENERAL.—Each remittance transfer provider shall make disclosures to consumers, as specified by this section and augmented by regulation of the Board.

"(2) SPECIFIC DISCLOSURES.—In addition to any other disclosures applicable under this title, a remittance transfer provider shall clearly and conspicuously disclose, in writing and in a form that the consumer may keep, to each consumer requesting a remittance transfer—

"(A) at the time at which the consumer makes the request, and prior to the consumer making any payment in connection with the transfer—

"(i) the total amount of currency that will be required to be tendered by the consumer in connection with the remittance transfer;

"(ii) the amount of currency that will be sent to the designated recipient of the remittance transfer, using the values of the currency into which the funds will be exchanged;

"(iii) the total remittance transfer cost, identified as the 'Total Cost'; and

"(iv) an itemization of the charges included in clause (iii), as determined necessary by the Board; and

"(B) at the time at which the consumer makes payment in connection with the remittance transfer, if any—

"(i) a receipt showing—

"(I) the information described in subparagraph (A);

"(II) the promised date of delivery;

"(III) the name and telephone number or address of the designated recipient; and

"(ii) a notice containing—

"(I) information about the rights of the consumer under this section to resolve errors; and

"(II) appropriate contact information for the remittance transfer provider and its State licensing authority and Federal or State regulator, as applicable.

"(3) EXEMPTION AUTHORITY.—The Board may, by rule, and subject to subsection (d)(3), permit a remittance transfer provider—

"(A) to satisfy the requirements of paragraph (2)(A) orally if the transaction is conducted entirely by telephone;

"(B) to satisfy the requirements of paragraph (2)(B) by mailing the documents required under such paragraph to the consumer not later than 1 business day after the date on which the transaction is conducted, if the transaction is conducted entirely by telephone; and

"(C) to satisfy the requirements of subparagraphs (A) and (B) of paragraph (2) with 1 written disclosure, but only to the extent that the information provided in accordance with paragraph (2)(A) is accurate at the time at which payment is made in connection with the subject remittance transfer.

"(b) FOREIGN LANGUAGE DISCLOSURES.—The disclosures required under this section shall be made in English and in the same languages principally used by the remittance transfer provider, or any of its agents, to advertise, solicit, or market, either orally or in writing, at that office, if other than English.

"(c) REMITTANCE TRANSFER ERRORS.—

"(1) ERROR RESOLUTION.—

"(A) IN GENERAL.—If a remittance transfer provider receives oral or written notice from the consumer within 365 days of the promised date of delivery that an error occurred with respect to a remittance transfer, including that the full amount of the funds to be remitted was not made available to the designated recipient in the foreign country, the remittance transfer provider shall resolve the error pursuant to this subsection.

"(B) REMEDIES.—Not later than 90 days after the date of receipt of a notice from the consumer pursuant to subparagraph (A), the remittance transfer provider shall, as applicable to the error and as designated by the consumer—

"(i) refund to the consumer the total amount of funds tendered by the consumer in connection with the remittance transfer which was not properly transmitted;

"(ii) make available to the designated recipient, without additional cost to the designated recipient or to the consumer, the amount appropriate to resolve the error;

"(iii) provide such other remedy, as determined appropriate by rule of the Board for the protection of consumers; or .

"(iv) demonstrate to the consumer that there was no error.

"(2) RULES.—The Board shall establish, by rule, clear and appropriate standards for remittance transfer providers with respect to error resolution relating to remittance transfers, to protect consumers from such errors.

"(d) APPLICABILITY OF OTHER PROVISIONS OF LAW.—

"(1) APPLICABILITY OF TITLE 18 AND TITLE 31 PROVISIONS.—A remittance transfer provider may only provide remittance transfers if such provider is in compliance with the requirements of section 5330 of title 31, United States Code, and section 1960 of title 18, United States Code, as applicable.

"(2) APPLICABILITY OF THIS TITLE.—A remittance transfer that is not an electronic fund transfer, as defined in section 903, shall not be subject to any of sections 905 through 913. A remittance transfer that is an electronic fund transfer, as defined in section 903, shall be subject to all provisions of this title that are otherwise applicable to electronic fund transfers under this title.

"(3) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

"(A) to affect the application to any transaction, to any remittance provider, or to any other person of any of the provisions of subchapter II of chapter 53 of title 31, United States Code, section 21 of the Federal Deposit Insurance Act (12 U.S.C. 1829b), or chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), or any regulations promulgated thereunder; or

"(B) to cause any fund transfer that would not otherwise be treated as such under paragraph (2) to be treated as an electronic fund transfer, or as otherwise subject to this title, for the purposes of any of the provisions referred to in subparagraph (A) or any regulations promulgated thereunder.

"(e) PUBLICATION OF EXCHANGE RATES.—The Secretary of the Treasury shall make available to the public in electronic form, not later than noon on each business day, the dollar exchange rate for all foreign currencies, using any methodology that the Secretary determines appropriate, which may include the methodology used pursuant to section 613(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2363(b)).

"(f) AGENTS AND SUBSIDIARIES.—A remittance transfer provider shall be liable for any violation of this section by any agent or subsidiary of that remittance transfer provider.

"(g) DEFINITIONS.—As used in this section—

"(1) the term 'exchange rate fee' means the difference between the total dollar amount transferred, valued at the exchange rate offered by the remittance transfer provider, and the total dollar amount transferred, valued at the exchange rate posted by the Secretary of the Treasury in accordance with subsection (e) on the business day prior to the initiation of the subject remittance transfer;

"(2) the term 'remittance transfer' means the electronic (as defined in section 106(2) of the Electronic Signatures in Global and National Commerce Act (15 U.S.C. 7006(2))) transfer of funds at the request of a consumer located in any State to a person in another country that is initiated by a remittance transfer provider, whether or not the consumer is an account holder of the remittance transfer provider or whether or not the remittance transfer is also an electronic fund transfer, as defined in section 903;

"(3) the term 'remittance transfer provider' means any person or financial institution that provides remittance transfers on behalf of consumers in the normal course of its business, whether or not the consumer is an account holder of that person or financial institution;

"(4) the term 'State' means any of the several States, the Commonwealth of Puerto Rico, the District of Columbia, and any territory or possession of the United States; and

"(5) the term 'total remittance transfer cost' means the total cost of a remittance transfer expressed in dollars, including all fees charged by the remittance transfer provider, including the exchange rate fee.".

(b) EFFECT ON STATE LAWS.—Section 919 of the Electronic Fund Transfer Act (12 U.S.C. 1693q) is amended—

(1) in the first sentence, by inserting "or remittance transfers (as defined in section 918)" after "transfers"; and

(2) in the fourth sentence, by inserting ", or remittance transfer providers (as defined in section 918), in the case of remittance transfers," after "financial institutions".

SEC. 3. FEDERAL CREDIT UNION ACT AMENDMENT.

Paragraph (12) of section 107 of the Federal Credit Union Act (12 U.S.C. 1757(12)) is amended to read as follows:

"(12) in accordance with regulations prescribed by the Board—

"(A) to provide remittance transfers, as defined in section 918(h) of the Electronic Fund Transfer Act, to persons in the field of membership; and

"(B) to cash checks and money orders for persons in the field of membership for a fee;".

SEC. 4. AUTOMATED CLEARINGHOUSE SYSTEM.

(a) EXPANSION OF SYSTEM.—The Board of Governors of the Federal Reserve System shall work with the Federal reserve banks to expand the use of the automated clearinghouse system for remittance transfers to foreign countries, with a focus on countries that receive significant remittance transfers from the United States, based on—

(1) the number, volume, and sizes of such transfers;

(2) the significance of the volume of such transfers, relative to the external financial flows of the receiving country; and

(3) the feasibility of such an expansion.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of enactment of this Act, and on April 30 biannually thereafter, the Board of Governors of the Federal Reserve System shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the status of the automated clearinghouse system and its progress in complying with the requirements of this section.

SEC. 5. EXPANSION OF FINANCIAL INSTITUTION PROVISION OF REMITTANCE TRANSFERS.

(a) PROVISION OF GUIDELINES TO INSTITUTIONS.—Each of the Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act) and the National Credit Union Administration shall provide guidelines to financial institutions under the jurisdiction of the agency regarding the offering of low-cost remittance transfers and no-cost or low-cost basic consumer accounts, as well as agency services to remittance transfer providers.

(b) CONTENT OF GUIDELINES.—Guidelines provided to financial institutions under this section shall include—

(1) information as to the methods of providing remittance transfer services;

(2) the potential economic opportunities in providing low-cost remittance transfers; and

(3) the potential value to financial institutions of broadening their financial bases to include persons that use remittance transfers.

(c) ASSISTANCE TO FINANCIAL LITERACY COMMISSION.—The Secretary of the Treasury and each agency referred to in subsection (a) shall, as part of their duties as members of the Financial Literacy and Education Commission, assist that Commission in improving the financial literacy and education of consumers who send remittances.

SEC. 6. STUDY AND REPORT ON REMITTANCES.

(a) STUDY.—The Comptroller General of the United States shall conduct a study and analysis of the remittance transfer system, including an analysis of its impact on consumers.

(b) AREAS OF CONSIDERATION.—The study conducted under this section shall include, to the extent that information is available—

(1) an estimate of the total amount, in dollars, transmitted from individuals in the United States to other countries, including per country data, historical data, and any available projections concerning future remittance levels;

(2) a comparison of the amount of remittance funds, in total and per country, to the amount of foreign trade, bilateral assistance, and multi-development bank programs involving each of the subject countries;

(3) an analysis of the methods used to remit the funds, with estimates of the amounts remitted through each method and descriptive statistics for each method, such as market share, median transaction size, and cost per transaction, including through—

(A) depository institutions;

(B) postal money orders and other money orders;

(C) automatic teller machines;

(D) wire transfer services; and

(E) personal delivery services;

(4) an analysis of advantages and disadvantages of each remitting method listed in subparagraphs (A) through (E) of paragraph (3);

(5) an analysis of the types and specificity of disclosures made by various types of remittance transaction providers to consumers who send remittances; and

(6) if reliable data are unavailable, recommendations concerning options for Congress to consider to improve the state of information on remittances from the United States.

(c) REPORT TO CONGRESS.—Not later than 1 year after the date of enactment of this Act, the Comptroller General shall submit a report to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives on the results of the study conducted under this section.

By Ms. CANTWELL (for herself, Mr. BINGAMAN, Mrs. FEINSTEIN, Mrs. MURRAY, and Mr. FEINGOLD):

S. 33. A bill to prohibit energy market manipulation; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, today I am introducing the Electricity Needs Rules and Oversight Now, or ENRON, Act.

This legislation does two simple—yet critical—things. The ENRON Act would amend the Federal Power Act to put in place a broad prohibition on all manipulative practices in electricity markets—rather than just round-trip trading, as included in last year's comprehensive energy bill: and it would specify that electricity rates resulting from manipulative practices are not just and reasonable under the Federal Power Act.

Many of my colleagues are, by now, familiar with the provisions of this legislation, as I have often described the circumstances that led me to propose it. While the Senate has been considering comprehensive energy legislation over the past few years, various investigations have unearthed Enron's "smoking gun" memos—detailing the company's schemes to drive up electricity prices—and other evidence leading the Federal Energy Regulatory Commission (FERC) to conclude that market manipulation was "epidemic" in western markets during 2000–2001. Recently, even more information—including audio files detailing Enron traders' conversations—has come to light. Meanwhile, the energy crisis continues to take a serious toll on American consumers and businesses: it's been estimated that, as a result, the West has lost $35 billion in domestic economic product—in other words, a 1.5 percent decline in productivity and a total loss of 589,000 jobs. Adding insult to injury, Enron has now sued a number of utilities throughout the country—for almost a $1 billion—attempting to collect penalty charges on inflated contracts, cancelled when the company went bankrupt. In essence, Enron is asking the same consumers it gouged to pay yet again.

As I have discussed on the Senate floor many times, the Western market meltdown of 2000–2001 has had a profound impact on my state's economy, the pocketbooks and economic well-being of my constituents—too many of whom have had to make the choice between keeping their heat and lights on and buying food, paying rent, and purchasing prescription drugs. In some parts of Washington state, utility disconnection rates have risen more than 40 percent. People just can't pay their utility bills.

As my colleagues can imagine, what we have seen and heard since the height of the crisis—as we have learned about the market manipulation and fraud that took place in the Western market, while Enron energy traders laughed about the plight of "Grandma Millie"—has added tremendous insult to substantial economic injury. Moreover, the Western crisis has brought to the forefront a number of very important policy questions about the kind of behavior that will be tolerated in our Nation's electricity markets, as the Federal Energy Regulatory Commission has continued to pursue its "restructuring" agenda.

I believe we need strong leadership that will condemn the types of schemes used by Enron traders—manipulation tactics with infamous nicknames like Get Shorty, Death Star and Ricochet. We need to send a strong and unanimous message that these practices will not be tolerated in our nation's electricity markets. Next, we need to agree—as a matter of policy—that the victims of these schemes should not have to pay the inflated power prices resulting from market manipulation. The ENRON Act will make these commonsense principles the law of the land.

I would like to thank the original cosponsors of this legislation, the Senator from New Mexico, Mr. BINGAMAN, the Senator from California, Mrs. FEINSTEIN, the senior Senator from Washington, Mrs. MURRAY, and the junior Senator from Wisconsin, Mr. FEINGOLD, for joining me today. It is our hope that the Senate will move toward swift passage of the ENRON Act.

Mr. President, I ask unanimous consent that a copy of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 33

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Electricity Needs Rules and Oversight Now (ENRON) Act".

SEC. 2. PROHIBITION OF ENERGY MARKET MANIPULATION.

(a) PROHIBITION.—Part II of the Federal Power Act (16 U.S.C. 824 et seq.) is amended by adding at the end the following:

"SEC. 215. PROHIBITION OF MARKET MANIPULATION.

"It shall be unlawful for any person, directly or indirectly, to use or employ, in connection with the purchase or sale of electric energy or the purchase or sale of transmission services subject to the jurisdiction of the Commission, any manipulative or deceptive device or contrivance in contravention of such regulations as the Commission may promulgate as appropriate in the public interest or for the protection of electric ratepayers.".

(b) RATES RESULTING FROM MARKET MANIPULATION.—Section 205(a) of the Federal Power Act (16 U.S.C. 824d(a)) is amended by inserting after "not just and reasonable" the following: "or that result from a manipulative or deceptive device or contrivance".

Mr. FEINGOLD. Mr. President, I am proud to cosponsor the Energy Needs Regulatory Oversight Now or ENRON Act of 2005, S. 33, introduced today by Senator CANTWELL. Last summer the release of audiotapes of Enron traders gloating about their ability to manipulate energy markets shocked the Nation. As more tapes surface and energy prices continue to rise, the need for the Senate to pass the ENRON Act has never been more clear.

A public utility near Seattle, which is trying to get back the money it lost to Enron's unscrupulous energy trading practices, received the tapes from the Justice Department. These tapes confirm what we all suspected: Enron manipulated energy markets and gouged consumers. According to these tapes, Enron traders celebrated when a forest fire shut down a major transmission line into California in 2000. This shutdown cut power supplies and raised energy prices. An energy trader sang: "Burn, baby, burn. That's a beautiful thing." These taped conversations also provide evidence that Enron made secret pacts with power producers, and Enron traders deliberately drove up prices by ordering power plants to shut down. The traders also brag about their ability to manipulate markets and steal money from the "grandmothers of California," who one trader called "Grandma Millie." The arrogance of these traders shocks the conscience. It also demonstrates the need for Congress to protect consumers from energy market manipulation. We cannot let the market abuses that took place during the Western energy crisis of 2000 happen again.

S. 2105 requires the Federal Energy Regulatory Commission to prohibit the use of manipulative practices like these that put at risk consumers and the reliability of the transmission grid. We learned from this crisis that electricity markets need close government oversight to ensure that companies do not engage in risky and deceptive trading schemes leading to soaring energy prices and their own possible financial failure. In both cases, consumers—the people who depend upon the electricity these companies generate or trade—are the losers.

The Senate recently went on record in support of barring abusive energy market practices when it approved an amendment to the fiscal year 2004 agricultural appropriations bill offered by Senator CANTWELL. I am disappointed this language was stripped from the omnibus spending bill. These necessary protections were also omitted from the final energy conference report and the revised energy bill we voted on in April 2004.

We need to send a clear message to the energy industry that this behavior will not be tolerated, and we must show consumers that we will protect them from energy market manipulation. I encourage my fellow colleagues to pass this legislation.

By Mr. LIEBERMAN:

S. 34. A bill to provide for the development of a global tsunami detection and warning system, to improve existing communication of tsunami warnings to all potentially affected nations, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. LIEBERMAN. Mr. President, I rise today to introduce legislation that would close the gaps in our present tsunami warning system and establish a global network that will give all the world's coastal communities a chance to evacuate—much like the hurricane and typhoon warning system works today across international boundaries.

Although the probability is slim, the United States, like all coastal nations, is vulnerable to tsunamis. The threat to the Pacific is greatest because of its relatively extensive seismic activity. But while the threat is less in the Atlantic, it also does exist. Tsunamis early in the last century struck coastal Newfoundland and regions of the Caribbean including Puerto Rico, and the U.S. Virgin Islands.

As events last month in the Indian Ocean have shown, a large tsunami can be catastrophic when it catches a coastal population unwarned and unprepared. Existing technology, however, can detect tsunamis and with the right forecasting models, be used to predict potential landfall of a tsunami and provide the warning needed for those in the path of the destructive waves.

The United States has been a leader in developing instrumentation for detecting tsunamis and developing forecasting models used for predicting tsunami landfall. Such technology is used in two existing tsunami warning centers, one in Alaska and one in Hawaii. The recent tsunami in South Asia has alerted the world to the dangers of these destructive waves, and has caused many of us to seek ways that the United States can help the world avoid such tragic loss again.

The legislation I am introducing today builds on the existing United States model. It authorizes funding that will enable us to expand our existing capabilities, completes our network of seismic and tsunami sensors, and directs us to work in partnership with other nations as needed to build additional centers and the necessary network for disseminating warnings to the appropriate local officials. Similar efforts are being put forth by Senators Stevens and Inouye as leaders of the Commerce Committee, and by the Administration. I look forward to working with them to enact legislation which, at relatively low cost, will allow us to partner with other nations and complete a global detection and warning system. This will help ensure that the kind of tragedy that befell the nations of the Indian Ocean region never happens again.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 34

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION. 1. SHORT TITLE.

This Act may be cited as the "Global Tsunami Detection and Warning System Act of 2005".

SEC. 2. DEVELOPMENT AND DEPLOYMENT OF TSUNAMI SENSORS.

(a) Responsibilities of Secretary of Commerce.—The Secretary of Commerce shall—

(1) identify deficiencies in the existing system of worldwide seismic stations that can identify in real or near real time potentially tsunamigenic earthquakes in any location in the Pacific, Atlantic, or Indian Oceans and associated seas;

(2) work with the Secretary of State to enlist international cooperation in deploying seismic sensors to eliminate such deficiencies;

(3) work with the Secretary of the Interior, through the Director of the United States Geological Survey to identify and implement any additions or improvements to the United States' maintained network of seismic stations that are necessary to improve real time or near real time signal acquisition and processing capability for detection of potentially tsunamigenic seismic events.

(4) identify tsunami sensors, such as those developed by the National Oceanic and Atmospheric Administration and deployed under its Deep Ocean Assessment and Report of Tsunamis Project, or other appropriate ocean-based sensors, that can be deployed to detect potential tsunamis generated by any type of disturbance, including earthquake, underwater landslide, above water landslide, eruption of an explosive volcano, and meteor impact;

(5) identify the number and location of such sensors that must be deployed throughout the Atlantic, Indian, and Pacific Oceans, and associated seas, and any other bodies of water of concern, to provide a system offering complete global coverage for detection of a tsunami, taking into consideration and coordinating with any regional systems in place or under development through other nations in the affected regions;

(6) procure and deploy such sensors;

(7) establish the measurement system, forecast system, and communication system and infrastructure needed to receive and process the signals generated by such tsunami sensors, by building on existing infrastructure at existing Centers of the National Oceanic and Atmospheric Administration, such as the Pacific Tsunami Warning Center and West Coast and Alaska Tsunami Center; and

(8) disseminate tsunami forecasts and warnings as necessary to all potentially affected nations.

(b) Report to Congress.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall submit to Congress a report on the progress made in carrying out the requirements of subsection (a).

SEC. 3. INTERNATIONAL CONFERENCE ON GLOBAL TSUNAMI DETECTION AND WARNING.

(a) Sense of Congress on Convening Conference.—It is the sense of Congress that the President, in consultation with the leaders of nations described in section 4(a)(1), should undertake to convene, within 180 days after the date of the enactment of this Act, an international conference on global tsunami detection and warning for the purposes of—

(1) supporting the common objective of such nations of preventing or reducing the toll of human loss from future tsunami-related natural disasters in the Pacific, Indian, and Atlantic Oceans and associated seas; and

(2) seeking international agreement on the most effective means for deploying and funding a global tsunami detection and warning system.

(b) Sense of Congress on Alternative Action.—It is further the sense of Congress that a conference described in subsection (a) would not be necessary if, as determined by the President after consultation with the Secretary of State and the Secretary of Commerce, satisfactory international agreement as described in paragraph (2) of that subsection has been reached within 90 days after the date of the enactment of this Act.

SEC. 4. NETWORK OF NATIONS POTENTIALLY AFFECTED BY TSUNAMIS.

(a) Requirement for Strategy.—The Secretary of State, in consultation with the Secretary of Commerce, shall prepare and implement a comprehensive strategy to achieve the following objectives:

(1) Identify all coastal nations that have the potential to be adversely affected by tsunamis, particularly the nations that border the Pacific, Indian, and Atlantic Oceans, and associated seas.

(2) Identify appropriate organizations, agencies, and contacts within the governments of those nations for disseminating tsunami warnings by working with—

(A) the United Nations Educational, Scientific, and Cultural Organization; and

(B) other appropriate organizations.

(3) Develop, with cooperating nations and their agencies and organizations, a structure for a Global Tsunami Warning System that has an appropriate number of regional operational headquarters.

(4) Identify, with cooperating nations and their agencies and organizations, and establish an appropriate chain of command structure to ensure that warnings of potential or approaching tsunamis are directed to the appropriate contacts in potentially affected countries in a timely manner through the Global Tsunami Warning System network.

(5) Implement, with cooperating nations and their agencies and organizations, a tsunami forecasting system that includes tsunami early detection and monitoring instrumentation integrated with modeling technology essential to producing real-time tsunami forecasts.

(6) Utilize the forecasts developed under the tsunami forecasting system to form appropriate warnings, and rapidly disseminate such warnings to potentially affected nations.

(7) Develop an appropriate warning communications system involving telephone, Internet, radio, fax, and other appropriate

means to convey warnings as rapidly as possible to all potentially affected nations.

(8) Work in partnership with the nations identified as described in paragraph (1), as needed, to develop, establish, and maintain appropriate educational and response planning partnerships to ensure that tsunami warnings are properly interpreted by officials in other nations and that coastal communities respond appropriately to tsunami warnings.

(9) Seek funding assistance from participating nations to fund the sensor systems identified under section 4 and the ongoing operation and maintenance of such systems.

(b) REPORT TO CONGRESS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report on the strategy required under subsection (a). The report shall include the following:

(1) The strategy.

(2) The progress made on implementing the strategy.

SEC. 5. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated to carry out this Act as follows:

(1) For fiscal year 2005, $30,000,000.

(2) For each of fiscal years 2006 through 2014, $7,500,000.

By Mr. CONRAD:

S. 35. A bill to amend the Internal Revenue Code of 1986 to extend the credit for production of electricity from wind; to the Committee on Finance.

Mr. CONRAD. Mr. President, I rise today to introduce the Wind Energy Production Tax Credit Extension Act. This legislation is very important for the expansion and competitiveness of the wind energy sector in North Dakota and the rest of the country.

There should be no doubt that the wind energy production tax credit, PTC, is vital for the continued growth of the wind energy sector. The PTC was enacted in 1992. Delays in renewing the PTC have caused a boom-and-bust cycle in the development of new wind projects. These delays of the credit inhibit the development of a favorable and secure investment climate for wind projects and are also economically damaging as companies involved in wind energy lay off workers or put off hiring until the credit is extended. Given the long lead time required to develop new wind projects, short-term extensions of the credit do not give companies enough certainty to expand wind energy production. We need a long-term extension to provide that certainty.

Wind energy is an important component of our Nation's energy portfolio. Wind is a clean source of energy that fosters economic development in rural communities. Combined with other domestic sources of energy, the use of wind energy helps reduce our dependence on foreign sources of energy. In addition, advanced wind energy technology could one day be an important component of a hydrogen-based economy. In order to ensure that wind power remains competitive with other fuels, passage of a longer-term wind PTC is necessary.

In my home State, a long-term extension of the wind PTC is especially important. North Dakota is ranked number one in wind energy potential. As in other parts of the country, reliance on Congress to re-extend the wind PTC prevents companies tied to wind energy from adding workers and negotiating long-term contracts. In general terms, this uncertainty inflicts economic costs on communities and certain manufacturers. For North Dakota, a long-term wind PTC extension is vital to continue the development of wind energy resources that are second to none.

The bill I am introducing today will extend the wind energy PTC, indexed to inflation, for five years. I believe that Congress has the responsibility to ensure that the wind energy sector in this country grows at its full potential. In my view, wind is a crucial part of our country's energy portfolio and energy security. This bill will help the wind energy industry grow and remain competitive with other types of energy. I urge my colleagues to support this legislation.

By Mr. INOUYE:

S. 36. A bill to amend title 10, United States Code, to recognize the United States Military Cancer Institute as an establishment within the Uniformed Services University of the Health Sciences, to require the Institute to promote the health of members of the Armed Forces and their dependents by enhancing cancer research and treatment, to provide for a study of the epidemiological causes of cancer among various ethnic groups for cancer prevention and early detection efforts, and for other purposes; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I introduce the United States Military Cancer Institute Research Collaborative Act. This legislation would formally establish the United States Military Cancer Institute (USMCI), and support the collaborative augmentation of research efforts in cancer epidemiology, prevention and control. Although the USMCI already exists as an informal collaborative effort, this bill will formally establish the institution with a mission of providing for the maintenance of health in the military by enhancing cancer research and treatment, and studying the epidemiological causes of cancer among various ethnic groups. By formally establishing the USMCI, it will be in a better position to unite military research efforts with other cancer research centers.

Cancer prevention, early detection, and treatment are significant issues for the military population, thus the USMCI was organized to coordinate the existing military cancer assets. The USMCI has a comprehensive database of its beneficiary population of 9 million people. The military's nationwide tumor registry, the Automated Central Tumor Registry, has acquired more than 180,000 cases in the last 14 years, and a serum repository of 30 million specimens from military personnel collected sequentially since 1987. This population is predominantly Caucasian, African-American, and Hispanic.

The Director of the USMCI, Dr. John Potter, is a Professor of Surgery at the Uniformed Services University of the Health Sciences (USUHS). A highly talented cancer epidemiologist, Dr. Kangmin Zhu, has also been recruited to lead the USMCI Prevention and Control Programs.

The USMCI currently resides in the Washington, D.C., area, and its components are located at the National Naval Medical Center, the Malcolm Grow Medical Center, the Armed Forces Institute of Pathology, and the Armed Forces Radiobiology Research Institute. There are more than 70 research workers, both active duty and Department of Defense civilian scientists, working in the USMCI.

The USMCI intends to expand its research activities to military medical centers across the Nation. Special emphasis will be placed on the study of genetic and environmental factors in carcinogenesis among the entire population, including Asian, Caucasian, African-American and Hispanic subpopulations.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 36

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. THE UNITED STATES MILITARY CANCER INSTITUTE.

(a) ESTABLISHMENT.—Chapter 104 of title 10, United States Code, is amended by adding at the end the following new section:

"§ 2117. United States Military Cancer Institute

"(a) ESTABLISHMENT.—(1) There is a United States Military Cancer Institute in the University. The Director of the United States Military Cancer Institute is the head of the Institute.

"(2) The Institute is composed of clinical and basic scientists in the Department of Defense who have an expertise in research, patient care, and education relating to oncology and who meet applicable criteria for participation in the Institute.

"(3) The components of the Institute include military treatment and research facilities that meet applicable criteria and are designated as affiliates of the Institute.

"(b) RESEARCH.—(1) The Director of the United States Military Cancer Institute shall carry out research studies on the following:

"(A) The epidemiological features of cancer, including assessments of the carcinogenic effect of genetic and environmental factors, and of disparities in health, inherent or common among populations of various ethnic origins.

"(B) The prevention and early detection of cancer.

"(C) Basic, translational, and clinical investigation matters relating to the matters described in subparagraphs (A) and (B).

"(2) The research studies under paragraph (1) shall include complementary research on oncologic nursing.

"(c) COLLABORATIVE RESEARCH.—The Director of the United States Military Cancer Institute shall carry out the research studies under subsection (b) in collaboration with other cancer research organizations and entities selected by the Institute for purposes of the research studies.

"(d) ANNUAL REPORT.—(1) Promptly after the end of each fiscal year, the Director of the United States Military Cancer Institute shall submit to the President of the University a report on the results of the research studies carried out under subsection (b).

"(2) Not later than 60 days after receiving the annual report under paragraph (1), the President of the University shall transmit such report to the Secretary of Defense and to Congress.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"2117. United States Military Cancer Institute.".

By Mrs. FEINSTEIN (for herself and Mrs. HUTCHISON):

S. 37. A bill to extend the special postage stamp for breast cancer research for 2 years; to the Committee on Homeland Security and Governmental Affairs.

Mrs. FEINSTEIN. Mr. President, on behalf of Senator HUTCHISON and myself, I rise today to introduce legislation to reauthorize the tremendously successful Breast Cancer Research Stamp for 2 additional years.

Without Congressional action, the Breast Cancer Research Stamp will expire on December 31 of this year.

The life of this extraordinary stamp deserves to be extended as it has proven to be a highly effective and self-supporting fundraiser.

Since 1998, the American people have bought over 588 million breast cancer stamps—raising $42.66 million for breast cancer research.

The National Cancer Institute and the Department of Defense have put these research dollars to good use by funding novel and innovative research in the area of breast cancer.

Over a 7 year period, the Breast Cancer Stamp has demonstrated a very sustained and committed customer base.

Millions of Americans have bought the stamps to honor loved ones with the disease, to highlight their own personal battle with breast cancer or to promote general public awareness—in hope of helping to find a cure.

One cannot calculate in dollars and cents how the stamp has focused public awareness on this devastating disease and the need for additional research funding.

There is still so much more to do because this disease has far reaching effects on our Nation:

Breast cancer is the most commonly diagnosed cancer among women in the United States, ranking second among cancer deaths in women after lung cancer.

In 2005, approximately 211,240 women in the U.S. will get breast cancer.

About 40,410 women will die from the disease this year.

There are over two million women living today in the U.S. who have been treated for breast cancer.

Though much less common, about 1,300 men in America are diagnosed with breast cancer each year.

It is imperative that we extend the life of this stamp so that we can continue to reach out to American women and men who do not know of their cancer and to those who are living with it.

This legislation would extend the authorization of the Breast Cancer Research stamp for two additional years until December 31, 2007.

The stamp would continue to have a surcharge of up to 25 percent above the value of a first-class stamp with the surplus revenues going to breast cancer research.

Extending the Breast Cancer Research stamp does not affect any other semi-postal proposals under consideration by the Postal Service.

We urge our colleagues to join us in passing this important legislation to extend the Breast Cancer Research Stamp for another 2 years.

Thanks to breakthroughs in cancer research, more and more people are becoming cancer survivors rather than cancer victims. Every dollar we continue to raise will help save lives.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 37

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. 2-YEAR EXTENSION OF POSTAGE STAMP FOR BREAST CANCER RESEARCH.

Section 414(h) of title 39, United States Code, is amended by striking "2005" and inserting "2007".

By Mr. NELSON of Nebraska (for himself, Mr. DOMENICI, and Mr. CRAIG):

S. 41. A bill to amend the Safe Drinking Water Act to exempt nonprofit small public water systems from certain drinking water standards relating to naturally occurring contaminants; to the Committee on Environment and Public Works.

Mr. NELSON of Nebraska. Mr. President, today I am offering legislation with Senator PETE DOMENICI and Senator LARRY CRAIG to allow small rural communities more time to meet an onerous and financially burdensome water quality regulation that is being imposed on local governments by the Environmental Protection Agency. The bipartisan Rural Community Arsenic Relief Act (RCARA) will amend the Safe Drinking Water Act to exempt small rural communities with population of up to ten thousand from the EPA's strict requirement to limit arsenic in drinking water to 10 parts per billion by January 1, 2006. Currently the allowable level of arsenic in drinking water is 50 ppb.

As a former governor who fought against unfunded Federal mandates from Washington, I understand the impact a policy such as this can have on local budgets.

Small rural communities simply don't have the resources and tax base to meet the arsenic standard arbitrarily set by the EPA. This unfunded mandate is a strain on local government budgets and will drive up local taxes. It is not right to ask the elected officials of our small communities to spend their limited funds on risks that we are learning are not as dangerous as they have been portrayed. This legislation will allow local governments more time to plan for and absorb the costs of meeting the EPA's standards for arsenic.

With each passing day it is increasingly evident that small communities will not be able to count on any immediate federal assistance in converting their water systems to meet the new arsenic standard. This bipartisan bill represents one means of giving more time to these communities, most of which have lived with arsenic—a widely distributed naturally occurring element—for ages.

Rural communities across America are grasping for solutions to comply with the new arsenic standard. Many reach the same conclusion—it is just too expensive. RCARA acknowledges that this is happening, recognizes that a one-size-fits-all solution doesn't work, and provides a framework to protect public health, while at the same time giving communities the flexibility they need to comply.

State officials in Nebraska estimate it could cost communities $120 million—$176 million to comply with the standard. Many communities, fearing that this regulation could bankrupt them, are considering dramatically raising rates for drinking water to cover the cost of new treatment and equipment. Extending the deadline is crucial for taxpayers and ratepayers throughout the country.

This bill allows small communities to adopt a locally supported public health policy as an alternative to the one prescribed by EPA. In many communities, the rule can reasonably be expected to more than double water rates on low-income families without improving the quality of their water in any appreciative manner. Our bill provides a reasonable amount of time for our small communities to understand and implement EPA's requirements, without bankrupting the system. It is the least we should do.

Mr. CRAIG. Mr. President, I rise to address an issue that has begun to emerge and gain our attention in rural America. This issue is an important one because it has the potential to devastate, economically, small cities and towns across the inter-mountain west—like in my State, of Idaho.

The new Environmental Protection Agency drinking water standard of 10 parts per billion for arsenic is something the current Administration inherited from the prior Administration and is now trying to implement. I would remind my colleagues, however, that the new lowered arsenic standard was not universally supported in Congress when it was proposed.

There were Senators—not many, but I was certainly one of them—that knew that the cost of complying with the new arsenic standard was going to cripple economically—was going to break the back financially—of rural communities and small towns across the western United States.

I fought this new standard on the floor of the Senate. I knew the costs were crippling and the health benefit was bogus. I also knew that the science to support the lower standard is being exposed as based on examples and sample populations that were very, very flawed. The science is now revealing that extrapolating from those sample communities to the whole of the United States was a very, very flawed basis for the drinking water standard.

I fought this new standard, but I did not succeed.

There are communities now in Idaho that will not be able to come into compliance with this new standard by the time it takes effect. Some of these Idaho communities have estimated that it would take double or triple their entire city budget, just to try to come into compliance—and that would mean that no other city services could be paid for.

That kind of situation is clearly ridiculous, and I will fight as long and as hard as I can to find solutions to this problem.

Last year, I raised this issue with then-EPA Administrator Mike Leavitt. Mike Leavitt is a Westerner—his folks in Utah are having some of the same problems.

I discussed the issue with him. I will raise it with any successor of his who is nominated to head the EPA. I will keep raising this issue and looking for solutions. The problem is that EPA bureaucrats—who are so good at being bureaucrats—think they know Idaho better than Idahoans do. Some of our Idaho communities have requested of EPA Region 10 that EPA exercise some flexibility with this standard. This is flexibility that EPA has already incorporated into its final agency rule on the arsenic standard.

Unfortunately, EPA bureaucrats are doing what they are good at. They are saying no to flexibility and hey, by the way, Castleford, Idaho or New Plymouth, Idaho—this won't disadvantage you economically as much as you say. That is what EPA says to the communities of Idaho. We know better than you.

Seeing that EPA cannot be reasonable, I have worked with my colleagues Senator NELSON of Nebraska and Senator DOMENICI of New Mexico. Both of their States have similar problems. The product of our collaboration is a bill that we introduced last year and are re-introducing today. The name of this bill is the Rural Community Arsenic Relief Act. While it may not provide all the relief that I would like to see, and it does not repeal the new arsenic standard—as I believe is merited by the science—this bill is a good compromise and a good start.

With this bill, we are trying to force States—and in Idaho's case, the EPA since Idaho is what they call a "nonprimacy state"—to approve requests from communities to delay their compliance with the new arsenic standard.

The bill is straightforward, it is vital, and it is needed. It will save some of these communities from bankruptcy or from discontinuing essential community services. Many other States—other than Idaho, Nebraska, and New Mexico—face this same crisis. I implore my colleagues to learn about what their small communities are facing, and to join with us in enacting this essential regulatory relief.

By Mr. ALLEN (for himself, Mr. NELSON of Florida, Mr. DEWINE, Mr. NELSON of Nebraska, Mrs. DOLE, Ms. MURKOWSKI, and Mr. VITTER).

S. 42. A bill to amend title 10, United States Code, to increase the death gratuity payable with respect to deceased members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. ALLEN. Mr. President, I rise to bring to my colleagues' attention a bill I introduced today called the Honoring the Fallen Soldiers and Families Act of 2005, sharing the same views of Senator SESSIONS of Alabama, who has worked on this legislation, as well as many of us over the years, including my partner, Senator WARNER. This measure is originally cosponsored by Senators BILL NELSON, MIKE DEWINE, BEN NELSON, ELIZABETH DOLE, LISA MURKOWSKI, and DAVID VITTER.

Mr. President, as Americans, I believe we need to do everything we can to make sure our men and women in uniform are provided with the most technologically advanced armaments and equipment for their safety and their security when they are protecting our liberty. We also need to take care of the families of the soldiers who lose their lives, those who are killed in action and on duty. We need to care more about their surviving families.

Currently, there are a number of benefits that are provided to family members who lose a loved one while serving our great Nation. Some of these benefits include the Servicemen's Group Life Insurance policies, the Dependency and Indemnity Compensation Program, education benefits, and Government housing.

However, there is one benefit I have been concerned with during my tenure in the Senate. This is called the military death gratuity. It is a tax-exempt cash payment, currently at the amount of $12,000, which provides immediate financial compensation to families of those service men and women who have lost their lives serving our great Nation. During the past 108th Congress, I cosponsored legislation authored by Senator SUSAN COLLINS of Maine to double the death gratuity from $6,000 to $12,000, which at the time was apparently a big deal, since Congress had sparingly raised the death gratuity since its inception in 1908. The last increase before then was at the end of the first gulf war in 1991. Even then, half of that benefit was subjected to taxation.

Some of us in Congress understood the need to provide this financial assistance and were able to get this provision included in a larger bill, the Military Family Tax Relief Act of 2003. Not only did this legislation double the death gratuity from $6,000 to $12,000, but it also made the payments of these moneys tax exempt.

However, that is not enough, $12,000. I still believe this current amount of $12,000 is a miserly and paltry amount. Indeed, I consider it insulting. I have been speaking with people from Virginia and all across America and listening to them. It is confirmed to me how truly insulting this sum of money is. My sense is that a grateful Nation wants to better help the widows, widowers, and the children of those who have given their lives and their futures in defense of our country and our liberties, whether it was in Afghanistan, Iraq, or elsewhere in the world.

When I was bringing this issue up, I got an e-mail and many messages from people across the country. This one is from Mrs. Margaret Stubenhofer from Springfield, VA, who wrote:

> DEAR SENATOR ALLEN: On December 7, 2004, our son Captain Mark Stubenhofer (U.S. Army) was killed in action while serving in Iraq. He was shot by insurgents. Mark, who was born and raised in Springfield, VA, leaves behind his wife (Patty, age 30) and 3 small children (Lauren, 5 yrs, Justin, 2½ yrs, and Hope, 4 months). I am writing to you in support of the proposed legislation to raise the military survivor benefits. It is appalling

> to me that our people, who also suffered a great tragedy, are receiving millions of dollars after their loved ones died on 9-11 . . . yet, dependents of military personnel killed in action while bravely serving their country in a foreign land receive only slightly more than $12,000 as a death gratuity and $100,000 in insurance benefits. I am very much in favor of these benefits being raised to a more reasonable level; and I ask you to continue to support such action as to make this possible. In all good conscience, how can we possibly ask these young men and women to be ready to die for their country . . . and then leave their survivors with almost nothing when their worst nightmare actually becomes a reality?

That is a good question. That is why I am introducing, with a number of my Senate colleagues who are cosponsoring, the Honoring Our Fallen Soldiers and Families Act of 2005. I am glad this is getting a lot of support from both sides of the aisle and leadership.

This legislation will raise the military death gratuity from $12,000 to $100,000 for the families of those service men and women who have lost their lives serving our great Nation since October 1, 2001. The reason for October 1, 2001—the retroactivity—is that is when the military action began in Afghanistan. As I mentioned, there a number of other benefits that family members whose loved one has died will receive, but unlike the death gratuity that reaches family members within 48 hours of the death, the other benefits can take some time—in fact, months—to make it to the family. That is just too long a period of time. They will eventually get it, but that short-term, immediate influx of money helps provide for the monetary stability at a time of great grief and uncertainty. The money can help pay for a home mortgage or for rent or gas or utilities bills, car payments, or schooling. School kids may be in schools where there are expenses. It will also help put food on the table. As a matter of fact, many of the fallen soldiers were the sole or significant breadwinner for the families, and the families are left without any immediate source of income.

It is doubly important for members of the Guard and Reserve. Approximately a quarter to a third of those who serve in the Guard and Reserve actually take a pay cut when they are called up or activated to serve. While it is a source of income that may be less than they were receiving in the private sector, it is still a significant, substantial part of that family household's income. So when a soldier loses his or her life, even if it is a lower amount, the money stops. That is why it is imperative that we in Congress raise the death gratuity to a level that will take care of the immediate financial needs of these families.

Some have questioned or critics may argue that raising the death gratuity to $100,000 is too costly. I contend that if you look at firefighters and police officers, these great citizens of our communities who are our warriors at home, saving lives from fires or in law enforcement actions, they generally get a death gratuity in the amount of $50,000 to $100,000. In our Commonwealth of Virginia, a police officer or firefighter who loses his or her life in the line of duty receives a $75,000 death gratuity. My proposal is to put some logical symmetry between what our warriors on the homefront—the police officers and firefighters—get and what our soldiers stationed at home and abroad get.

In addition, as long as we have an all-volunteer Army, we need to make sure our soldiers know and their families know they have the best possible benefits should the unthinkable happen. I believe this legislation will help put some of those worries at ease. Whatever the amount may be, I guarantee to each of my colleagues that any family would rather have their loved one there at holidays and birthdays and anniversaries than the $100,000, but there is a big financial hole in their lives. There is also one that cannot be compensated. But it is one that a grateful Nation would want to provide.

I will close by quoting George Washington, who was one of our greatest leaders, when he made a very wise and still cogent observation.

He cautioned that the willingness of future generations to fight for their country, no matter how just the cause, will be proportional to how they perceive previous veterans were treated.

It is important that we show a deeper appreciation for those heroic soldiers who died defending our liberty and also their brave families back home who have paid the ultimate sacrifice as well. This legislation is a significant striding step in that direction.

I urge my colleagues in the Senate to quickly act on this legislation and all others trying to help our families of fallen heroes and their loved ones and pass these measures as quickly as possible, and also make them retroactive for all of those nearly 1,500 who have lost their lives protecting our freedom, advancing liberty throughout the world, and people who are truly American heroes whom we will always remember.

By Mr. HAGEL (for himself, Mr. COLEMAN, Mr. KENNEDY, Mr. DEWINE, and Mr. OBAMA):

S. 43. A bill to provide certain enhancements to the Montgomery GI Bill Program for certain individuals who serve as members of the Armed Forces after the September 11, 2001, terrorist attacks, and for other purposes; to the Committee on Armed Services.

Mr. HAGEL. Mr. President, I rise today to re-introduce the "Military Death Benefit Improvement Act of 2005" and the "G.I. Bill Enhancement Act of 2005." These pieces of legislation recognize the service and sacrifice of the men and women of our armed forces who are proudly and bravely serving our country around the world. These bills also recognize the sacrifices borne by the families of our men and women in uniform.

The "Military Death Benefit Improvement Act of 2005" would raise the military death gratuity paid to the families of military personnel killed while on active duty from $12,000 to $100,000. This increase would also be applied retroactively to all service members on active duty who have died since September 11, 2001.

The military death gratuity is money provided within 72 hours to families of service members who are killed while on active duty. These funds assist next-of-kin with their immediate financial needs.

Though nothing can replace the hole left in a family by the loss of a son, daughter, mother or father, this bill will help alleviate some of the financial hardships faced by the families of our brave service men and women who give their lives in service to our country. It will send a message to our brave young men and women and their families that their Nation appreciates their service and sacrifice.

As we face the challenges of the 21st Century, service men and women sacrificing for their country in a time of war should be assured that their families will be taken care of. The loss of a loved one is a tremendous emotional hardship for families. Congress must do what it can to ensure that it does not cause devastating financial hardship as well.

I also rise today to re-introduce the "G.I. Bill Enhancement Act of 2005." This legislation would waive the Montgomery G.I. Bill program's $1,200 enrollment fee for active duty members of our Nation's military.

The G.I. Bill Enhancement Act covers any member of the United States military, including Reserve and National Guard members, serving on active duty during the period after President Bush's November 2001 Executive Order that placed the military on a wartime footing. This legislation would: Waive the G.I. Bill enrollment fee until President Bush's November 2001 Executive Order is rescinded; allow all service men and women to opt into the G.I. Bill with no penalty or enrollment fee; and reimburse those service men and women covered by this bill who have already paid the $1,200 enrollment fee prior to the enactment of this legislation.

The current Montgomery G.I. Bill is tailored to serve members of our military in a time of peace. Upon enlistment, recruits are given the option of enrolling in the G.I. Bill. If they choose to participate, they are charged a $1,200 enrollment fee which is deducted from their monthly pay over 12 months.

However, we are now in a time of war and the demands on our service members and their families have been transformed and increased. To that end, changes must be made to the G.I. Bill to ensure that it continues to provide realistic and relevant educational opportunities to those who are defending our country.

This is an issue of fundamental fairness. The men and women serving our country in wartime should not have to choose between the long-term benefits of the G.I. Bill and the short-term demands of their paycheck. The G.I. Bill is one of the great legacies of military service to our country. Men and women sacrificing for their country in a time of war need to be assured that access to higher education is in their future. Congress must do all it can to ensure that education options for our veterans are accessible and real.

The G.I. Bill has long been recognized as one of the most important Congressional acts of post World War II America. This legislation ensured that all who served their Nation would not be penalized as a result of their time away from their careers and communities in service to their country. The G.I. Bill helped members of our "greatest generation" upon their return home by providing them with the educational tools necessary to pursue the opportunities enjoyed by all Americans.

Over the last 60 years, the Federal Government has invested billions of dollars in education benefits for our Nation's veterans. Over 21 million men and women have benefitted from the G.I. Bill, resulting in a workforce that transformed American society. The bill's far-reaching impact can be seen here today, as Members of this body, including this Senator, have prospered as a result of the benefits of the G.I. Bill.

Every American should be proud of how we have responded to the challenges of terrorism following September 11, 2001. We owe much to the men and women who have fought bravely in Afghanistan and Iraq. The "Military Death Benefit Improvement Act of 2005" and the "G.I. Bill Enhancement Act of 2005" recognize these sacrifices. I hope that my Senate colleagues will give serious consideration to these important pieces of legislation, and that we will pass these bills and they will be signed into law by President Bush. I ask unanimous consent that the text of these two bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 43

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Montgomery GI Bill Enhancement Act of 2005".

SEC. 2. EXEMPTION FROM PAYMENT OF INDIVIDUAL CONTRIBUTIONS UNDER MONTGOMERY GI BILL OF INDIVIDUALS WHO SERVE AS ACTIVE DUTY MEMBERS OF THE ARMED FORCES UNDER EXECUTIVE ORDER 13235.

(a) ACTIVE DUTY PROGRAM.—Notwithstanding section 3011(b) of title 38, United States Code, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

(b) SELECTED RESERVE PROGRAM.—Notwithstanding section 3012(c) of such title, no reduction in basic pay otherwise required by such section shall be made in the case of a covered member of the Armed Forces.

(c) TERMINATION OF ON-GOING REDUCTIONS IN BASIC PAY.—In the case of a covered member of the Armed Forces who first became a member of the Armed Forces or first entered on active duty as a member of the Armed Forces before the date of the enactment of this Act and whose basic pay would, but for subsection (a) or (b) of this section, be subject to reduction under section 3011(b) or 3012(c) of such title for any month beginning on or after that date, the reduction of basic pay of such covered member of the Armed Forces under such section 3011(b) or 3012(c), as applicable, shall cease commencing with the first month beginning on or after that date.

(d) REFUND OF CONTRIBUTIONS.—(1) In the case of any covered member of the Armed Forces whose basic pay was reduced under section 3011(b) or 3012(c) of such title for any month beginning before the date of the enactment of this Act, the Secretary concerned shall pay to such covered member of the Armed Forces an amount equal to the aggregate amount of reductions of basic pay of such member of the Armed Forces under such section 3011(b) or 3012(c), as applicable, as of that date.

(2) Any amount paid to a covered member of the Armed Forces under paragraph (1) shall not be included in gross income under the Internal Revenue Code of 1986.

(3) Amounts for payments made by a Secretary concerned under paragraph (1) during fiscal year 2005 shall be derived from amounts made available for such fiscal year in an Act making supplemental appropriations for defense and the reconstruction of Iraq.

(4) In this subsection, the term "Secretary concerned" means—

(A) the Secretary of the Army, with respect to matters concerning the Army;

(B) the Secretary of the Navy, with respect to matters concerning the Navy or the Marine Corps;

(C) the Secretary of the Air Force, with respect to matters concerning the Air Force; and

(D) the Secretary of Homeland Security, with respect to matters concerning the Coast Guard.

(e) COVERED MEMBER OF THE ARMED FORCES DEFINED.—In this section, the term "covered member of the Armed Forces" means any individual who serves on active duty as a member of the Armed Forces during the period—

(1) beginning on November 16, 2001, the date of Executive Order 13235, relating to National Emergency Construction Authority; and

(2) ending on the termination date of the Executive order referred to in paragraph (1).

SEC. 3. OPPORTUNITY FOR INDIVIDUALS WHO SERVE AS ACTIVE DUTY MEMBERS OF THE ARMED FORCES UNDER EXECUTIVE ORDER 13235 TO WITHDRAW ELECTION NOT TO ENROLL IN MONTGOMERY GI BILL.

Section 3018 of title 38, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsection (d) and (e), respectively;

(2) by inserting after subsection (b) the following new subsection (c):

"(c)(1) Notwithstanding any other provision of this chapter, during the one-year period beginning on the date of the enactment of this subsection, an individual who—

"(A) serves on active duty as a member of the Armed Forces during the period beginning on November 16, 2001, and ending on the termination date of Executive Order 13235, relating to National Emergency Construction Authority; and

"(B) has served continuously on active duty without a break in service following the date the individual first becomes a member or first enters on active duty as a member of the Armed Forces,

shall have the opportunity, on such form as the Secretary of Defense shall prescribe, to withdraw an election under section 3011(c)(1) or 3012(d)(1) of this title not to receive education assistance under this chapter.

"(2) An individual described paragraph (1) who made an election under section 3011(c)(1) or 3012(d)(1) of this title and who—

"(A) while serving on active duty during the one-year period beginning on the date of the enactment of this subsection makes a withdrawal of such election;

"(B) continues to serve the period of service which such individual was obligated to serve;

"(C) serves the obligated period of service described in subparagraph (B) or before completing such obligated period of service is described by subsection (b)(3)(B); and

"(D) meets the requirements set forth in paragraphs (4) and (5) of subsection (b),

is entitled to basic educational assistance under this chapter."; and

(3) in subsection (e), as so redesignated, by inserting "or (c)(2)(A)" after "(b)(1)".

By Mr. HAGEL (for himself, Mr. DEWINE, Mrs. CLINTON, Mr. KENNEDY, Mr. LAUTENBERG, and Mr. SALAZAR):

S. 44. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $100,000; to the Committee on Armed Services.

S. 44

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Death Benefit Improvement Act of 2005".

SEC. 2. INCREASE IN DEATH GRATUITY PAYABLE WITH RESPECT TO MEMBERS OF THE ARMED FORCES.

(a) AMOUNT OF DEATH GRATUITY.—Section 1478(a) of title 10, United States Code, is amended by striking "$12,000" and inserting "$100,000".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply with respect to deaths occurring on or after November 16, 2001, the date of Executive Order 13235, relating to National Emergency Construction Authority.

(c) FUNDING.—

(1) SOURCE OF FUNDS.—Amounts for the payment during fiscal year 2005 of death gratuities by a Secretary concerned under sections 1475 through 1477 of title 10, United States Code, as amended by subsection (a), shall be derived from amounts made available for such fiscal year in an Act making emergency supplemental appropriations for defense and for the reconstruction of Iraq.

(2) SECRETARY CONCERNED DEFINED.—In this subsection, the term "Secretary concerned" has the meaning given such term in section 101(a)(9) of title 10, United States Code.

By Mr. LEVIN (for himself, Mr. HATCH, and Mr. BIDEN):

S. 45. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. LEVIN. Mr. President, the legislation I am introducing today along with my colleagues Senator HATCH and Senator BIDEN, addresses an unintended effect of a provision in the original Drug Abuse and Treatment Act of 2000 (DATA) that hinders access to a revolutionary new treatment for thousands of individuals who seek it.

When Congress passed DATA as Title XXXV of the Children's Health Act of 2000, it allowed for the dispensing and prescribing of Schedule III drugs, like buprenorphine/naloxone, in an office-based setting, for the treatment of heroin addiction. As a result of DATA, access to treatment is significantly expanded: patients no longer are restricted to receiving treatment in a large public clinic, usually at a great distance, but now may receive such care in the private, nearby office of qualified physicians.

DATA limits individual physicians to treating no more than 30-patients at a time. Unfortunately, the law results in the same 30-patient limit on physician group practices. The difficulties that have arisen, including the dashed hopes for treatment of many, have resulted in the underutilization of this proven therapy all across this country, including my home state of Michigan.

One of the authors of DATA, I can tell you that it clearly was not our intention that individuals seeking this new treatment have less access simply because they receive care from a physician practicing in a group, or from a group-based or mixed-model health plan. Nevertheless, this is the effect and it is having a severe effect.

The problem is addressed by removing the 30-patient aggregate limit on medical groups. This is achieved in the bill we are introducing today. Our bill simply removes the statutory limit on physician group practices, while maintaining the 30-patient limit on each physician. I am pleased that the Senate has already gone on record in support of this modification to DATA. On October 11, 2004, the Senate Passed S. 2976, to remove the 30-patient limit on the group practices. However, the House adjourned before acting on the legislation. It is our hope that the bill we are introducing today will receive speedy action in both the Senate and House in the very near future.

Mr. President, I would like to share some of the sentiments that have been expressed in support of the group practice modification, as well as some first hand accounts of individuals who are being successfully treated with buprenorphine/naloxone. Dr. Charles Schuster, a former director of the National Institute on Drug Abuse who currently heads the Addiction Research Institute at Wayne State University, writes:

> We have three physicians in a group, all of whom have been trained and granted waivers by the U.S. Department of Health and Human Services to prescribe Suboxone and Subutex for the treatment of opiate addiction. All are specialists in the treatment of addictive disorders. Rather than being able to bring this potentially life saving therapy to 90 members of our community, they are restricted to a total of thirty.
>
> This situation is particularly heart breaking in places where there are a few or only one provider. This situation will only get worse as physicians and practice plans reach their 30-patient limitation.
>
> I have been involved in the development of Suboxone and Subutex for the treatment of opiate addiction for many years. It is a safer medication with less abuse potential than methadone. It allows people who fear public knowledge of their addictive disease to more discreetly seek help from a private physician. It is a medication that can be used for a short period with adolescents who have become addicted to opiates because it is easier to taper them off of this drug than methadone. In short, office-based practice with Suboxone and Subutex is a major addition to our country's treatment system for opiate addiction. It is essential that we remove the impediment of limiting Physician Practice Plans to 30 patients so that each of the physicians in such Practice Plans who are trained to use this medication can bring their services to those in need.

Peter DeMarco, in an article in the May 30, 2004 Boston Globe, writes:

> When buprenorphine became available as a treatment for OxyContin and heroin addiction 18 months ago, many medical professionals and addicts hailed it as a miracle drug, bringing addicts back from the brink and helping them lead normal lives when all else had failed. But for many addicts, buprenorphine remains one of the hardest drugs to obtain. . . . (B)prenorphine doesn't cloud the minds of patients, allowing them to work or study as if they're not on any drug at all. Nearly all who take buprenorphine, meanwhile, say they lose all physical cravings for street drugs.
>
> But a combination of federal limits on the distribution of buprenorphine . . . has kept thousands of opiate addicts from receiving the drug in Massachusetts and across the country. At the heart of the issue is federal legislation passed in 2000—two years before the drug was approved by the FDA—that restricts individual clinical practices from treating more than 30 patients with buprenorphine at a time.
>
> While many substance-abuse experts say the 30-patient figure is too low for some practices, their main quarrel with the Drug Addiction Treatment Act of 2000 is its failure to differentiate single-physician practices, hospitals, and health care organizations. For example, all the doctors who work for Tufts Health Plan can treat a combined 30 patients—the same total as can be seen by a physician practicing alone.
>
> Boston health officials, along with their counterparts in the State and Federal governments, say the Federal legislation erred on the side of caution, and needs to be changed to allow wider access to buprenorphine.
>
> "Boston Medical Center's main practice has 200 or more general internal-medicine doctors, and within that practice, we can only treat 30 people. It's the craziest loophole," said Colleen Labelle, nurse-manager of the hospital's Office-Based Opioid Treatment Program. "We get 20 calls a day from across the state. People are begging, desperate to get treated, who we can't treat."
>
> The Federal Substance Abuse and Mental Health Services Administration has begun an internal process to increase the 30-patient cap. But because any proposed change would be subject to the public-review process, approval could take as long as two years, said Nick Reuter, a senior public health analyst with the agency.
>
> Timothy Tigges says his addiction began after he wrenched his back and bummed a few Percocet pills, a prescription analgesic, from a friend to dull the pain. Before he knew it, he was hooked on opiates, alternating between OxyContin and shooting up heroin as his life went to pieces.
>
> In October, Tigges, a 27-year-old East Boston carpet installer, began taking buprenorphine, placing an orange pill the size of a dime under his tongue until it dissolves, four times daily. He hasn't touched an illegal drug since the day he started the program, has put on 80 pounds from lifting weights at the gym, and has yet to miss a day of work. For the first time in three years, Tigges hopes to see his 5-year-old daughter, whose mother has refused to let him visit.
>
> "I've had clean urines, 100 percent, for nine months now. There's nothing I'm prouder of than that," he said, choking back emotion. "What I read on the front page of the paper every day is 18- and 20-year-old kids dying of garbage drugs. There's just no need for it. I would take every ounce of heroin off the street and give them this stuff. You watch the crime rate go down."

Mr. President, I ask unanimous consent that the text of the legislation be included at the end of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 45

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MAINTENANCE OR DETOXIFICATION TREATMENT WITH CERTAIN NARCOTIC DRUGS; ELIMINATION OF 30-PATIENT LIMIT FOR GROUP PRACTICES.

(a) IN GENERAL.—Section 303(g)(2)(B) of the Controlled Substance Act (21 U.S.C. 823(g)(2)(B)) is amended by striking clause (iv).

(b) CONFORMING AMENDMENT.—Section 303(g)(2)(B) of the Controlled Substance Act (21 U.S.C. 823(g)(2)(B)) is amended in clause (iii) by striking "In any case" and all that follows through "the total" and inserting "The total".

(c) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act.

By Mr. LEVIN (for himself and Mr. LUGAR):

S. 46. A bill to authorize the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of Ukraine, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today I introduce with my colleague, Senator LUGAR, a bill to grant normal trade treatment to the products of Ukraine. My brother, Congressman SANDER LEVIN and other members are introducing a similar bill in the House. It is our hope that enactment of this legislation will help to build stronger economic ties between the United States and Ukraine.

The Cold War era Jackson-Vanik trade restrictions that deny most favored nation trade status to imports from former Soviet-Bloc countries are outdated and, when applied to Ukraine, inappropriate. Those restrictions were established as a tool to pressure Communist nations to allow their people to freely emigrate in exchange for favorable trade treatment by the United States.

Ukraine does allow its citizens the right and opportunity to emigrate. It has met the Jackson-Vanik test. In fact, Ukraine has been found to be in full compliance with the freedom of emigration requirements under the Jackson-Vanik law. Ukraine has been certified as meeting the Jackson-Vanik requirements on an annual basis since 1992 when a bilateral trade agreement went into effect.

It is time the United States recognizes this reality by eliminating the Jackson-Vanik restrictions and granting Ukraine normal trading status on a permanent basis. Our bill does this as well as addressing traditional Jackson-Vanik issues such as emigration, religious freedom, restoration of property, and human rights. It also deals with the important trade issues that must be considered when granting a country permanent normal trade relations (PNTR), such as making progress toward World Trade Organization (WTO), accession and tariff and excise tax reductions.

Since reestablishing independence in 1991, Ukraine has taken important steps toward the creation of democratic institutions and a free-market economy. As a member state of the Organization for Security and Cooperation in Europe (OSCE), Ukraine is committed to developing a system of governance in accordance with the principles regarding human rights that are set forth in the Final Act of the Conference on Security and Cooperation in Europe, the Helsinki Final Act.

On December 26, 2004, Ukraine took another historic step in its pursuit of democracy with the legitimate election of its new President Viktor Yuschenko. This election showed the world that Ukraine has joined the family of democracies. The United States can help advance this young democracy by repealing our Cold War-era laws that should no longer apply to them and welcoming them to the international economic community as a full partner. This bill will accomplish these goals.

In addition to welcoming the Ukrainian government to the family of democracies, we must also take a moment to honor the Ukranian people for their commitment to democratic institutions in civil society through peaceful demonstrations. Free and fair elections were conducted only because of the courage and hard work of the Ukranian people. Without their persistence Ukraine was in danger of moving forward with an illegitimately elected president.

By drawing Ukraine into normal trade relations, the international community will be helping Ukraine to achieve greater market reform and continue its commitment to safeguarding religious liberty and enforcing laws to combat discrimination. PNTR status will hopefully do more than increase bilateral trade between the United States and Ukraine and encourage increased international investment in Ukraine. Hopefully it will also stimulate the reform we all want and the Ukrainian people deserve on their way to achieving a more mature and stable democracy.

It's time we recognize Ukraine's accomplishments and status as an emerging democracy and market economy by lifting the Jackson-Vanik restrictions. I hope my colleagues will support this important bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 46

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds that—

(1) Ukraine allows its citizens the right and opportunity to emigrate, free of anything more than a nominal tax on emigration or on the visas or other documents required for emigration and free of any tax, levy, fine, fee, or other charge on any citizens as a consequence of the desire of such citizens to emigrate to the country of their choice;

(2) Ukraine has been found to be in full compliance with the freedom of emigration requirements under title IV of the Trade Act of 1974 since 1997;

(3) since reestablishing independence in 1991, Ukraine has taken important steps toward the creation of democratic institutions and a free-market economy and, as a participating state of the Organization for Security and Cooperation in Europe (OSCE), is committed to developing a system of governance in accordance with the principles regarding human rights and humanitarian affairs that are set forth in the Final Act of the Conference on Security and Cooperation in Europe (also known as the "Helsinki Final Act") and successive documents;

(4) the people of Ukraine deserve praise for demonstrating a deep commitment to democracy and through peaceful civil action demanding a process that achieved a fair election in Ukraine's most recent Presidential runoff;

(5) Ukraine has made progress toward meeting international commitments and standards in the most recent Presidential runoff elections, including in the implementation of Ukraine's new elections laws;

(6) as a participating state of the Organization for Security and Co-operation in Europe (OSCE), Ukraine is committed to addressing issues relating to its national and religious minorities and to adopting measures to ensure that persons belonging to national minorities have full equality both individually and communally;

(7) Ukraine has enacted legislation providing protection against incitement to violence against persons or groups based on national, racial, ethnic, or religious discrimination, including anti-Semitism, and has committed itself, including through a letter to the President of the United States, to ensuring freedom of religion and combating racial and ethnic intolerance and hatred;

(8) Ukraine has engaged in efforts to combat ethnic and religious intolerance by cooperating with various United States nongovernmental organizations;

(9) Ukraine is continuing the restitution of religious properties, including religious and communal properties confiscated from national and religious minorities during the Soviet era, is facilitating the revival of those minority groups, and remains committed to developing a legislative framework for completing this process, as promised in a letter to the President of the United States;

(10) Ukraine has received normal trade relations treatment since concluding a bilateral trade agreement with the United States that entered into force on June 23, 1992;

(11) Ukraine's accession to the World Trade Organization would be a welcome step, recognizing that many issues remain to be resolved, including commitments relating to access of United States agricultural products, protection of intellectual property rights, tariff and excise tax reductions for goods (including automobiles), trade in services, elimination of export incentives for industrial goods, and reform of customs procedures and other non-tariff barriers;

(12) Ukraine has enacted protections reflecting internationally recognized labor rights;

(13) as a participating state of the OSCE, Ukraine has committed itself to respecting freedom of the press, and the new administration has affirmed this commitment;

(14) Ukraine has stated its desire to pursue a course of Euro-Atlantic integration with a commitment to ensuring democracy and prosperity for its citizens; and

(15) Ukraine has participated with the United States in its peacekeeping operations in Europe and has provided important cooperation in the global struggle against international terrorism.

SEC. 2. TERMINATION OF APPLICATION OF TITLE IV OF THE TRADE ACT OF 1974 TO UKRAINE.

(a) PRESIDENTIAL DETERMINATIONS AND EXTENSION OF UNCONDITIONAL AND PERMANENT

Nondiscriminatory Treatment.—Notwithstanding any provision of title IV of the Trade Act of 1974 (19 U.S.C. 2431 et seq.), the President may—

(1) determine that such title should no longer apply to Ukraine; and

(2) after making a determination under paragraph (1) with respect to Ukraine, proclaim the extension of unconditional and permanent nondiscriminatory treatment (permanent normal trade relations treatment) to the products of that country.

(b) Termination of Application of Title IV.—On and after the effective date of the extension under subsection (a)(2) of nondiscriminatory treatment to the products of Ukraine, chapter 1 of title IV of the Trade Act of 1974 shall cease to apply to that country.

SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that the United States remain fully committed to a multifaceted engagement with Ukraine, including by—

(1) encouraging Ukraine to continue to meet its commitments as a participating member of the OSCE and welcoming further progress on implementing policy—

(A) of providing for the free emigration of its citizens;

(B) of safeguarding religious liberty throughout Ukraine;

(C) of enforcing existing Ukrainian laws at the national and local levels to combat ethnic, religious, and racial discrimination and violence;

(D) of expanding the restitution of religious and communal properties, including establishing a legal framework for the completion of such restitution in the future;

(E) of meeting international standards of democracy, including implementation of newly adopted election laws;

(F) of creating a more independent legal and judicial system, governed by the rule of law, and free of political interference and corruption; and

(G) of respecting media freedoms fully, including by prohibiting physical harm to and intimidation of journalists;

(2) supporting Ukraine's efforts to make further market-oriented reforms, to pursue a policy of Euro-Atlantic integration, to join the WTO, and to combat corruption;

(3) supporting Ukraine's efforts to make substantial and meaningful progress in enacting and enforcing the protection of intellectual property rights; and

(4) working with Ukraine to ensure quick resolution of trade disputes that may arise, particularly in the intellectual property, poultry, and other agricultural sectors.

SEC. 4. CONTINUED ENJOYMENT OF RIGHTS UNDER THE JUNE 23, 1992, BILATERAL TRADE AGREEMENT.

(a) Finding.—Congress finds that the trade agreement between the United States and Ukraine that entered into force on June 23, 1992, remains in force between the 2 countries and provides the United States with important rights, including the right to use specific safeguard rules to respond to import surges from Ukraine.

(b) Applicability of Safeguard.—Section 421 of the Trade Act of 1974 (19 U.S.C. 2451) shall apply to Ukraine to the same extent as such section applies to the People's Republic of China, so long as the trade agreement described in subsection (a) remains in force.

SEC. 5. EXERCISE OF CONGRESSIONAL OVERSIGHT OVER WTO ACCESSION NEGOTIATIONS.

(a) Notice of Agreement on Accession to WTO by Ukraine.—Not later than 5 days after the date on which the United States has entered into a bilateral agreement with Ukraine on the terms of accession by Ukraine to the World Trade Organization, the President shall so notify Congress, and the President shall transmit to Congress, not later than 15 days after that agreement is entered into, a report that sets forth the provisions of that agreement.

(b) Congressional Oversight Resolution.—

(1) Introduction.—If a Congressional Oversight Resolution is introduced in the House of Representatives or the Senate during the 30-day period (not counting any day which is excluded under section 154(b) of the Trade Act of 1974 (19 U.S.C. 2194(b)), beginning on the date on which the President first notifies Congress under subsection (a) of the agreement referred to in that subsection, that Congressional Oversight Resolution shall be considered in accordance with this subsection.

(2) Congressional oversight resolution.—In this subsection, the term "Congressional Oversight Resolution" means only a joint resolution of the two Houses of Congress, the matter after the resolving clause of which is as follows: "That it is the sense of the Congress that the agreement between the United States and Ukraine on the terms of accession by Ukraine to the World Trade Organization, of which Congress was notified on   , does not adequately advance the interests of the United States.", with the blank space being filled with the appropriate date.

(3) Procedures for considering resolutions.—

(A) Introduction and referral.—A Congressional Oversight Resolution—

(i) in the House of Representatives—

(I) may be introduced by any Member of the House;

(II) shall be referred to the Committee on Ways and Means and, in addition, to the Committee on Rules; and

(III) may not be amended by either Committee; and

(ii) in the Senate—

(I) may be introduced by any Member of the Senate;

(II) shall be referred to the Committee on Finance; and

(III) may not be amended.

(B) Committee discharge and floor consideration.—The provisions of subsections (c) through (f) of section 152 of the Trade Act of 1974 (19 U.S.C. 2192 (c) through (f)) (relating to committee discharge and floor consideration of certain resolutions in the House and Senate) apply to a Congressional Oversight Resolution to the same extent as such subsections apply to resolutions under such section.

(c) Rules of House of Representatives and Senate.—Subsection (b) is enacted by Congress—

(1) as an exercise of the rulemaking power of the House of Representatives and the Senate, respectively, and as such is deemed a part of the rules of each House, respectively, and the procedures described in such subsection supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with the full recognition of the constitutional right of either House to change the rules (so far as relating to the procedures of that House) at any time, in the same manner, and to the same extent as any other rule of that House.

Mr. LUGAR. Mr. President, I rise today in support of a bill that I have introduced with Senator Carl Levin authorizing the extension of permanent normal trade relations treatment. Ukraine is still subject to the provisions of the Jackson-Vanik amendment to the Trade Act of 1974, which sanctions nations for failure to comply with freedom of emigration requirements. Our bill would repeal permanently the application of Jackson-Vanik to Ukraine.

In the post-cold-war era, Ukraine has demonstrated a commitment to meet these requirements, and in addition, has expressed a strong desire to abide by free market principles and good governance. Last November, I served as President Bush's personal representative to the runoff election between Prime Minister Yanukovich and Viktor Yushchenko. During that visit, I promoted free and fair election procedures that would strengthen worldwide respect for the legitimacy of the winning candidate. Unfortunately, that was not possible. The Government of Ukraine allowed, or aided and abetted, wholesale fraud and abuse that changed the results of the election. It is clear that Prime Minister Yanukovich did not win the election.

In response, the people of Ukraine rallied in the streets and demanded justice. After tremendous international pressure and mediation, Ukraine repeated the runoff election on December 26. A newly named Central Election Commission and a new set of election laws led to a much-improved process. International monitors concluded that the process was generally free and fair. This past weekend Viktor Yushchenko was inaugurated as President of Ukraine.

Extraordinary events have occurred in Ukraine over the last three months. A free press has revolted against government intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has embraced democracy and openness. A society has rebelled against the illegal activities of its government. It is in our interest to recognize and protect these advances in Ukraine.

The United States has a long record of cooperation with Ukraine through the Nunn-Lugar Cooperative Threat Reduction. Ukraine inherited the third largest nuclear arsenal in the world with the fall of the Soviet Union. Through the Nunn-Lugar program the United States has assisted Ukraine in eliminating this deadly arsenal and joining the Nonproliferation Treaty as a non-nuclear State.

One of the areas where we can deepen United States-Ukrainian relations is bilateral trade. Our trade relations between the United States and Ukraine are currently governed by a bilateral trade agreement signed in 1992. There are other economic agreements in place seeking to further facilitate economic cooperation between the United

States and Ukraine, including a bilateral investment treaty which was signed in 1996, and a taxation treaty signed in 2000. In addition, Ukraine commenced negotiations to become a member of the World Trade Organization in 1993, further demonstrating its commitment to adhere to free market principles and fair trade. In light of its adherence to freedom of emigration requirements, democratic principles, compliance with threat reduction and several agreements on economic cooperation, the products of Ukraine should not be subject to the sanctions of Jackson-Vanik.

There are areas in which Ukraine needs to continue to improve. These include market access, protection of intellectual property and reduction of tariffs. The U.S. must remain committed to assisting Ukraine in pursuing market economic reforms. The permanent waiver of Jackson-Vanik and establishment of permanent normal trade relations will be the foundation on which further progress in a burgeoning economic partnership can be made.

I am hopeful that my colleagues will review this legislation and join Senator LEVIN and I in supporting this important legislation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 47. A bill to provide for the exchange of certain Federal land in the Santa Fe National Forest and certain non-Federal land in the Pecos National Historical Park in the State of New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today, I am introducing along with Mr. DOMENICI the "Pecos National Historical Park Land Exchange Act of 2005". This bill will authorize a land exchange between the Federal government and a private landowner that will benefit the Pecos National Historical Park in my State of New Mexico.

Specifically, the bill will enable the Park Service to acquire a private inholding within the Park's boundaries in exchange for the transfer of a nearby tract of National Forest System land. The National Forest parcel has been identified as available for exchange in the Santa Fe National Forest Land and Resource Management Plan and is surrounded by private lands on three sides.

The Pecos National Historical Park possesses exceptional historic and archaeological resources. The Park preserves the ruins of the great Pecos pueblo, which was a major trade center, and the ruins of two Spanish colonial missions dating from the 17th and 18th centuries.

The Glorieta Unit of the Park protects key sites associated with the 1862 Civil War Battle of Glorieta Pass, a significant event that ended the Confederate attempt to expand the war into the West. This Unit will directly benefit from the land exchange.

Similar bills passed the Senate in both the 106th and the 108th Congresses, and I hope it finally will be enacted this Congress.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 47

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pecos National Historical Park Land Exchange Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the approximately 160 acres of Federal land within the Santa Fe National Forest in the State, as depicted on the map.

(2) LANDOWNER.—The term "landowner" means the 1 or more owners of the non-Federal land.

(3) MAP.—The term "map" means the map entitled "Proposed Land Exchange for Pecos National Historical Park", numbered 430/80,054, dated November 19, 1999, and revised September 18, 2000.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the approximately 154 acres of non-Federal land in the Park, as depicted on the map.

(5) PARK.—The term "Park" means the Pecos National Historical Park in the State.

(6) SECRETARIES.—The term "Secretaries" means the Secretary of the Interior and the Secretary of Agriculture, acting jointly.

(7) STATE.—The term "State" means the State of New Mexico.

SEC. 3. LAND EXCHANGE.

(a) IN GENERAL.—On conveyance by the landowner to the Secretary of the Interior of the non-Federal land, title to which is acceptable to the Secretary of the Interior—

(1) the Secretary of Agriculture shall, subject to the conditions of this Act, convey to the landowner the Federal land; and

(2) the Secretary of the Interior shall, subject to the conditions of this Act, grant to the landowner the easement described in subsection (b).

(b) EASEMENT.—

(1) IN GENERAL.—The easement referred to in subsection (a)(2) is an easement (including an easement for service access) for water pipelines to 2 well sites located in the Park, as generally depicted on the map.

(2) ROUTE.—The Secretary of the Interior, in consultation with the landowner, shall determine the appropriate route of the easement through the Park.

(3) TERMS AND CONDITIONS.—The easement shall include such terms and conditions relating to the use of, and access to, the well sites and pipeline, as the Secretary of the Interior, in consultation with the landowner, determines to be appropriate.

(4) APPLICABLE LAW.—The easement shall be established, operated, and maintained in compliance with applicable Federal law.

(c) VALUATION, APPRAISALS, AND EQUALIZATION.—

(1) IN GENERAL.—The value of the Federal land and non-Federal land—

(A) shall be equal, as determined by appraisals conducted in accordance with paragraph (2); or

(B) if the value is not equal, shall be equalized in accordance with paragraph (3).

(2) APPRAISALS.—

(A) IN GENERAL.—The Federal land and non-Federal land shall be appraised by an independent appraiser selected by the Secretaries.

(B) REQUIREMENTS.—An appraisal conducted under subparagraph (A) shall be conducted in accordance with—

(i) the Uniform Appraisal Standards for Federal Land Acquisition; and

(ii) the Uniform Standards of Professional Appraisal Practice.

(C) APPROVAL.—The appraisals conducted under this paragraph shall be submitted to the Secretaries for approval.

(3) EQUALIZATION OF VALUES.—

(A) IN GENERAL.—If the values of the non-Federal land and the Federal land are not equal, the values may be equalized by—

(i) the Secretary of the Interior making a cash equalization payment to the landowner;

(ii) the landowner making a cash equalization payment to the Secretary of Agriculture; or

(iii) reducing the acreage of the non-Federal land or the Federal land, as appropriate.

(B) CASH EQUALIZATION PAYMENTS.—Any amounts received by the Secretary of Agriculture as a cash equalization payment under section 206(b) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716(b)) shall—

(i) be deposited in the fund established by Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a); and

(ii) be available for expenditure, without further appropriation, for the acquisition of land and interests in land in the State.

(d) COSTS.—Before the completion of the exchange under this section, the Secretaries and the landowner shall enter into an agreement that allocates the costs of the exchange among the Secretaries and the landowner.

(e) APPLICABLE LAW.—Except as otherwise provided in this Act, the exchange of land and interests in land under this Act shall be in accordance with—

(1) section 206 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1716); and

(2) other applicable laws, including the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretaries may require, in addition to any requirements under this Act, such terms and conditions relating to the exchange of Federal land and non-Federal land and the granting of easements under this Act as the Secretaries determine to be appropriate to protect the interests of the United States.

(g) COMPLETION OF THE EXCHANGE.—

(1) IN GENERAL.—The exchange of Federal land and non-Federal land shall be completed not later than 180 days after the later of—

(A) the date on which the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) have been met;

(B) the date on which the Secretary of the Interior approves the appraisals under subsection (c)(2)(C); or

(C) the date on which the Secretaries and the landowner agree on the costs of the exchange and any other terms and conditions of the exchange under this section.

(2) NOTICE.—The Secretaries shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on

Resources of the House of Representatives notice of the completion of the exchange of Federal land and non-Federal land under this Act.

SEC. 4. ADMINISTRATION.

(a) IN GENERAL.—The Secretary of the Interior shall administer the non-Federal land acquired under this Act in accordance with the laws generally applicable to units of the National Park System, including the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.).

(b) MAPS.—

(1) IN GENERAL.—The map shall be on file and available for public inspection in the appropriate offices of the Secretaries.

(2) TRANSMITTAL OF REVISED MAP TO CONGRESS.—Not later than 180 days after completion of the exchange, the Secretaries shall transmit to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives a revised map that depicts—

(A) the Federal land and non-Federal land exchanged under this Act; and

(B) the easement described in section 3(b).

By Mr. LAUTENBERG (for himself and Mr. CORZINE):

S. 48. A bill to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. LAUTENBERG. Mr. President, I rise today to speak about a bill that Senator CORZINE and I are introducing, the New Jersey Coastal Heritage Trail Route bill. Our bill would reauthorize a law based on a bill that former Senator Bill Bradley and I first introduced in 1988. That law was extended once but its authorization has now expired, bringing work on the Trail to a complete standstill.

This bill would reauthorize federal appropriations for New Jersey's Coastal Heritage Trail. This authority would sunset in 2009, allowing enough time for unfinished trail projects to be completed.

The 300-mile Trail is divided into five sections that extend south from Perth Amboy to Cape May and west to Deepwater. New Jersey's Coastal Heritage Trail is unique. It is neither a National Heritage Area, nor a National Trail. Collaboration on this Trail marked the National Park Service's first attempt at protecting a significant resource without actually acquiring it. This experiment has been a resounding success.

The State of New Jersey is heavily developed, and the National Park Service, the State, and many other public and private organizations have worked hard to preserve the natural and cultural heritage along the Trail.

This experiment has also been a bargain. Between 1988 and 2004, the Park Service spent 3.9 million dollars on Trail projects, while non-federal sources contributed 5.4 million dollars in matching funds. These funds represent an important investment in New Jersey's economy. Last year, 65 million visitors came to New Jersey, and the majority of those visitors went to the shore where many spent time on sections of the Coastal Heritage Trail.

In the past, Federal funds have contributed to signs and exhibits along the Trail which entice tourists and local New Jerseyans to explore our maritime history, coastal habitats, and wildlife migration.

Most people think that New Jersey is a crowded, highly industrialized State. That is true. But New Jersey also contains incredible beauty, such as a Bald Eagle silhouetted against a Delaware Bay sunset; a lone fishing boat making its way through Barnegat Inlet at dawn; or the quiet, dark waters flowing slowly through the Pine Barrens.

Such sights can be enjoyed in New Jersey, and the Coastal Heritage Trail invites New Jerseyans and our many visitors to enjoy these splendors.

Mr. President, in the House, Congressman LOBIONDO is sponsoring a companion bill to this legislation, so this is truly a bipartisan effort. The Congressman and I have worked with our respective committees of jurisdiction and have come to agreement on identical language in our bills. So, it is my hope that the Senate will be able to pass this bill promptly. Getting it passed and signed into law will help to protect our environment and markedly improve the quality of life for millions of Americans—all at a very low cost to the Nation's taxpayers.

Mr. President, I ask for unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 48

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REAUTHORIZATION OF APPROPRIATIONS FOR NEW JERSEY COASTAL HERITAGE TRAIL ROUTE.

(a) REAUTHORIZATION.—Section 6 of Public Law 100-515 (16 U.S.C. 1244 note) is amended—

(1) in subsection (b)(1), by striking "$4,000,000" and all that follows and inserting "such sums as are necessary"; and

(2) in subsection (c), by striking "10" and inserting "12".

(b) STRATEGIC PLAN.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary of the Interior shall prepare a strategic plan for the New Jersey Coastal Heritage Trail Route.

(2) CONTENTS.—The strategic plan shall describe—

(A) opportunities to increase participation by national and local private and public interests in the planning, development, and administration of the New Jersey Coastal Heritage Trail Route; and

(B) organizational options for sustaining the New Jersey Coastal Heritage Trail Route.

By Mr. STEVENS (for himself and Ms. MURKOWSKI):

S. 49. A bill to establish a joint Federal-State Floodplain and Erosion Mitigation Commission for the State of Alaska; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, on behalf of myself and Senator MURKOWSKI, I introduce S. 49, the Alaska Floodplain and Erosion Mitigation Commission Act.

For the last several years, we have seen coastal river flooding and erosion destroy homes, public buildings, and runways, threatening the traditional lifestyle of our Alaska Native people and rural residents. Over 100 feet of land can be lost in a single storm, with homes and buildings literally being washed into the ocean.

Last year, the Federal Emergency Management Agency was called in after one storm and assessed millions of dollars in damages.

In Alaska, there are over 213 communities that have been identified as being affected by erosion, 4 of which are in imminent danger and will be forced to relocate.

Given the devastating impacts of erosion on Alaska Native villages, I held a full 2-day Appropriations field hearing in July of 2004. Senator CONRAD BURNS of Montana, Senator JOHN SUNUNU of New Hampshire, and Senator LISA MURKOWSKI were all in attendance.

Testifying at the hearing were witnesses from the Federal Government, State of Alaska, and representatives from the villages most affected by coastal erosion and flooding.

These hearings examined the findings and recommendations from the Government Accounting Office, GAO, report on the severe flooding and erosion problems faced in many Native Alaska villages. Congress had previously directed GAO to study flooding and erosion of Alaska Native villages and to determine the extent to which these villages are affected, identify Federal and State flooding and erosion programs, determine the current status of efforts to respond to flooding and erosion in nine villages, and identify alternatives that Congress may wish to consider when providing assistance for flooding and erosion.

This bill is a culmination of the GAO report and the field hearings I have mentioned. It will focus the efforts of the Federal agencies and the State of Alaska to better serve the impacted Native villages and rural residents. This bill is intended to provide relief for these communities. It is going to be a very difficult problem to solve.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 49

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Alaska Floodplain and Erosion Mitigation Commission Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—JOINT FEDERAL-STATE FLOODPLAIN AND EROSION MITIGATION COMMISSION FOR ALASKA

Sec. 101. Establishment of commission.
Sec. 102. Duties.
Sec. 103. Administration.
Sec. 104. Commission personnel matters.
Sec. 105. Reports.
Sec. 106. Termination of commission.

TITLE II—FLOOD AND EROSION CONTROL AND MITIGATION

Sec. 201. Evaluation and prioritization.
Sec. 202. Flood and erosion control and mitigation.
Sec. 203. Mitigation.
Sec. 204. Administration.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

Sec. 301. Authorization of appropriations.

SEC. 2. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Joint Federal-State Floodplain and Erosion Mitigation Commission for Alaska established by section 101(a).

(2) ALASKA NATIVE.—The term "Alaska Native" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(3) ALASKA NATIVE VILLAGE.—The term "Alaska Native village" has the meaning given the term in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Alaska.

TITLE I—JOINT FEDERAL-STATE FLOODPLAIN AND EROSION MITIGATION COMMISSION FOR ALASKA

SEC. 101. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established a commission to be known as the "Joint Federal-State Floodplain and Erosion Mitigation Commission for Alaska".

(b) MEMBERSHIP.—

(1) COMPOSITION.—The Commission shall be composed of 7 members, of whom—

(A) 1 member shall be the Governor of the State, who shall serve as Cochairperson;

(B) 3 members shall be appointed by the Governor of the State, of whom—

(i) 1 member shall be a nonvoting ex officio Alaska Native; and

(ii) at least 1 member shall represent city or borough governments;

(C) 1 shall be appointed by the Secretary, shall be an employee of the Department of the Interior, and shall serve as Cochairperson;

(D) 1 member appointed by the Secretary of Agriculture shall be an employee of the Natural Resources Conservation Service of the Department of Agriculture; and

(E) 1 member, appointed by the Secretary of Defense, shall be an employee of—

(i) the Department of Defense; or

(ii) the Corps of Engineers.

(2) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than 90 days after the date of enactment of this Act.

(c) APPOINTMENT; VACANCIES.—

(1) APPOINTMENT.—A member of the Commission shall serve at the pleasure of the appointing authority.

(2) VACANCIES.—A vacancy on the Commission—

(A) shall not affect the powers of the Commission; and

(B) shall be filled in the same manner as the original appointment was made.

(d) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Commission have been appointed, the Commission shall hold the initial meeting of the Commission.

(e) MEETINGS.—Subject to section 102(a), the Commission shall meet at the call of the Cochairpersons.

(f) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(g) CONCURRENCE OF COCHAIRPERSONS.—A decision of the Commission shall require the concurrence of the Cochairpersons.

(h) PRINCIPAL OFFICE.—The principal office of the Commission shall be in the State of Alaska.

SEC. 102. DUTIES.

(a) MEETINGS.—For the first 2 years following the date of enactment of this Act, the Commission shall meet not less than 2 times per year.

(b) STUDY.—

(1) IN GENERAL.—The Commission shall conduct a study of all matters relating to—

(A) the feasibility of alternatives for flooding or erosion assistance; and

(B) the development of a policy to guide infrastructure investments in the Alaska Native villages, cities, and boroughs that are most affected by flooding or erosion.

(2) MATTERS TO BE STUDIED.—The matters to be studied by the Commission include—

(A) flood and erosion processes;

(B) the planning needs associated with flood and erosion processes, including identifying and making recommendations concerning—

(i) specific flood and erosion circumstances that affect life and property in the State;

(ii) land use regulations, including area standards for designation of flood- and erosion-prone land;

(iii) uses to be made of flood- and erosion-prone land, and how State and Federal grants, loans, and capital improvements shall be invested in designated areas; and

(iv) how to regulate and implement the uses described in clause (iii) on—

(I) land designated as an allotment for Alaska Native people;

(II) land owned by an Alaska Native village corporation or a regional village corporation under the Alaska Native Claims Settlement Act (Public Law 92-203);

(III) land owned by the Federal or State government;

(IV) city and borough land; and

(V) other private land; and

(C) the establishment of procedures to obtain the view of the public on land use planning needs, such as implementation and enforcement of flood and erosion control and mitigation solutions, including—

(i) increased hydrologic and other specialized data collection; and

(ii) public hearings.

(c) EVALUATION.—Not later than 120 days after the date of enactment of this Act and annually thereafter, the Commission shall evaluate specific flood and erosion circumstances that affect life and property in the State.

(d) RECOMMENDATIONS.—The Commission shall develop recommendations on—

(1) the development and implementation of flood and erosion control and mitigation solutions in villages and communities identified by the Commission as being most in need of those solutions;

(2) programs and budgets of Federal and State agencies responsible for administrating Federal and State floodplain management authorities;

(3) the establishment of State erosion management responsibilities and authorities;

(4) changes in law, policies, and programs that the Commission determines are necessary or desirable to provide an integrated Federal-State erosion and flood management authority;

(5) improving coordination and consultation between the Federal and State governments in making resource allocation and flood and erosion control and mitigation decisions;

(6) ways to avoid conflict between the State and Alaska Native people in the allocation of resources;

(7) ensuring that higher priority is given to achieving long-term sustainability of communities from debilitating flood and erosion losses than to short-term project and infrastructure development needs, if the flood and erosion control and mitigation solution is publicly funded; and

(8) ensuring that the economic and social well-being of Alaska Native people and other residents of the State is not compromised by a risk of erosion or flood that could be avoided through long-term planning.

SEC. 103. ADMINISTRATION.

(a) ADVISERS.—To assist the Commission in carrying out this Act, the Commission shall establish a committee of technical advisers to the Commission with expertise in—

(1) coastal engineering;

(2) the adverse impact of flood and erosion management;

(3) rural community planning in the State;

(4) how city and borough governments are affected by erosion;

(5) the relationship between State and local governments and Alaska Native villages; and

(6) any other interest that the Commission determines is appropriate.

(b) RECORDS.—

(1) IN GENERAL.—The Commission shall maintain complete records of the activities of the Commission.

(2) PUBLIC INSPECTION.—Records maintained under paragraph (1) shall be available for public inspection.

(c) HEARINGS.—The Commission may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this title.

(d) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Commission may secure directly from a Federal agency such information as the Commission considers necessary to carry out this title.

(2) PROVISION OF INFORMATION.—On request of a Cochairperson of the Commission, the head of the agency shall provide the information to the Commission.

(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property to carry out the duties of the Commission.

SEC. 104. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—

(1) NON-FEDERAL EMPLOYEES.—A member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive

Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(2) FEDERAL OR STATE EMPLOYEES.—A member of the Commission who is an officer or employee of the Federal or State government shall serve without compensation in addition to the compensation received for the services of the member as an officer or employee of the Federal or State Government.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(c) STAFF.—

(1) IN GENERAL.—The Cochairpersons of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(2) CONFIRMATION OF EXECUTIVE DIRECTOR.—The employment of an executive director shall be subject to confirmation by the Commission.

(3) COMPENSATION.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the Cochairpersons of the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(B) MAXIMUM RATE OF PAY.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(d) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(1) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(2) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Cochairpersons of the Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

SEC. 105. REPORTS.

(a) INTERIM REPORTS.—Not later than September 30 of each year, the Commission shall submit to Congress, the Secretary, and the legislature of the State—

(1) a report that describes the activities of the Commission in the preceding calendar year; and

(2) a report that describes—

(A) any immediate need of the Commission; and

(B) any imminent threat action directive for the coordinated response to erosion and flooding in the case of an emergency.

(b) FINAL REPORT.—Not later than September 30, 2011, the Commission shall submit to Congress, the Secretary, and the legislature of the State a final report that describes—

(1) the activities and findings of the Commission; and

(2) the recommendations of the Commission for legislation and administrative actions the Commission considers appropriate.

SEC. 106. TERMINATION OF COMMISSION.

The Commission shall terminate on September 30, 2011.

TITLE II—FLOOD AND EROSION CONTROL AND MITIGATION

SEC. 201. EVALUATION AND PRIORITIZATION.

Not later than 120 days after the date of enactment of this Act and annually thereafter, the Secretary, in consultation with the Commission, shall evaluate and prioritize specific flood and erosion circumstances that affect life and property in the State.

SEC. 202. FLOOD AND EROSION CONTROL AND MITIGATION.

(a) IN GENERAL.—Not later than September 15, 2006, the Secretary, in consultation with the Commission, shall examine the most cost-effective ways of carrying out flood and erosion control and mitigation solutions devised by the Commission for the 9 villages in the State identified in the Government Accountability Office Report 04-142.

(b) COST-EFFECTIVE TECHNOLOGY.—The Secretary, in consultation with the Commission, shall implement a solution described in subsection (a) using the most cost-effective technology to protect life and property in the State, including—

(1) movement of structures;

(2) nonstructural land management of erosion-prone areas; and

(3) structural erosion control techniques.

(c) GRANTS TO STATE AND LOCAL GOVERNMENTS.—For any fiscal year after fiscal year 2006, the Secretary may implement a solution described in subsection (a) through the State government or a local government by making a grant to a government using the remainder of any funds appropriated to the Secretary for appropriate flood and erosion control and mitigation solutions.

(d) FACTORS.—In implementing a solution under this section, the Secretary, in consultation with the Commission, shall consider—

(1) the design life of structural erosion control projects;

(2) the cost effectiveness of all erosion control projects; and

(3) the availability of a revolving loan fund administered by the State for relocation, elevation, and flood proofing of flood- or erosion-prone structures.

(e) FEDERAL SHARE.—The Federal share of the cost of carrying out a project or activity under this section shall be 75 percent.

SEC. 203. MITIGATION.

(a) IN GENERAL.—The Secretary, in consultation with the Commission, may take any action necessary to mitigate the loss of structures and infrastructure from flood and erosion using the most cost effective means practicable to provide the longest-term benefit, including—

(1) relocation;

(2) elevation;

(3) flood proofing; and

(4) land management alternatives.

SEC. 204. ADMINISTRATION.

(a) CONSULTATION.—The Secretary shall—

(1) consult with the Commission and appropriate Federal and State agencies; and

(2) provide oversight authority, responsibility, and directives to agencies developing relocation and flood and erosion control and mitigation plans.

(b) VALID EXISTING RIGHTS.—This subsection does not limit any right recognized under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) that is in existence at the time of the enactment of this Act.

(c) AUTHORITY OF THE SECRETARY.—This title does not impair the authority of the Secretary to make contracts and grant leases, permits, rights-of-way, and easements.

TITLE III—AUTHORIZATION OF APPROPRIATIONS

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated for each of fiscal years 2006 through 2011 such sums as are necessary to carry out this Act, to remain available until expended.

(b) COMMISSION.—The Secretary may use not to exceed $250,000 of the funds made available under subsection (a) for the expenses of the Commission, including hiring any necessary staff.

By Mr. INOUYE (for himself, Mr. STEVENS, Ms. CANTWELL, Mr. BURNS, Mr. LAUTENBERG, Ms. SNOWE, Mr. AKAKA, Ms. MURKOWSKI, Mrs. CLINTON, Mr. SMITH, and Mrs. MURRAY):

S. 50. A bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. INOUYE. Mr. President, today I introduce the Tsunami Preparedness Act with my friend and distinguished colleague, Senator TED STEVENS, in our new capacities as Co-Chair and Chair of the Commerce Committee. Our bill today provides a scientific and technological response to minimize the threats posed by tsunami to our own shores, and the coastal communities of the world, as exemplified by the appalling scope of the Indian Ocean tragedy. The bill builds on our work to establish a system in the Pacific that is a model for the world, and also provides for its expansion and improvement to repair gaps that have been identified recently.

Protecting human life and property from natural disaster requires the ability to reliably detect and forecast, the capacity to broadcast warnings in a timely and informative manner, and the knowledge in communities of how to respond and evacuate to safety. Above all, however, it requires the willingness to invest resources to prepare for a threat that is largely unseen and unpredictable until the last moment, when a monstrous wave actually strikes.

The people of Alaska and Hawaii have long memories of the threat of tsunami. Perhaps it is because Hawaii sits in a position of terrible vulnerability in the Pacific Ocean, which is the site of 85 percent of the world's tsunami activity, and because Alaska, perched on the northern edge of the Pacific's Ring of Fire, suffers frequent tsunami-generating earthquakes.

In order to protect local communities, Hawaii established in 1949 a tsunami warning center, following a tragic Hilo tsunami. In response to the Good Friday earthquake and tsunami of 1964, which accounted for 90 percent of the deaths in the state that year, Alaska followed suit by establishing an observatory in Palmer, Alaska, in 1967. Collaborations between the two centers and other partners led to a nascent capacity for predicting and warning coastal communities about potential tsunami in Alaska and Hawaii and beyond.

As we came to understand the broader threat that tsunami posed, TED STEVENS and I worked together to pass legislation in 1994 to direct the National Oceanic and Atmospheric Administration (NOAA) to develop a Tsunami Hazard Mitigation Program.

We are pleased to report that the program has laid the foundation for tsunami preparedness. Through its Pacific Marine Environmental Laboratory (PMEL), NOAA has developed Deep ocean Assessment and Reporting of Tsunami—or "DART"—buoys, which accurately measure the subtle variations in the ocean's sea level caused by tsunami traveling over open water. With these measurements, as well as readings from coastal gauges, the mathematical models PMEL and others have developed can forecast tsunami direction, speed, and inundation with astonishing accuracy. Although the worldwide network of seismic sensors operated by the U.S. Geological Survey (USGS) provides excellent notice of earthquakes with the potential to generate tsunami, the DART buoys represent a next-generation approach to detection and forecasting of tsunami that will form the backbone of our domestic preparedness.

Interpreting these data and issuing warnings are Hawaii's Pacific Tsunami Warning Center, and Alaska's West Coast/Alaska Tsunami Warning Center, which jointly have the capacity to cover our domestic shores, and, at the same time, to reach out to all cooperating nations of the world.

Forecasting and warning networks, however, depend on ears who know how to respond, and so the Tsunami Hazard Mitigation Program has partnered with states and local authorities to produce inundation mapping, develop evacuation routes, and conduct tsunami education. As a result of much hard work, fifteen counties up and down the west coast, and in Alaska and Hawaii have become national and world leaders by becoming "tsunami ready."

The appalling scope of the Indian Ocean tragedy illustrates the importance and necessity of our work of the past ten years, and with stark clarity, we can see that despite our best efforts, much remains to be done. Now, as before, Senator STEVENS and I have come together to lead the charge toward national and international tsunami preparedness.

Our legislation today formally authorizes NOAA to establish, operate, and maintain a dependable national tsunami warning system that would provide maximum tsunami detection capability for the nation. The system would build on the model established in the Pacific, and provide for its repair, expansion and modernization by the close of calendar year 2007. The system would include four components: an expanded and upgraded detection and warning system, a federal-state tsunami hazard mitigation program, a tsunami research program, and a modernization and upgrade program. In addition, the bill would direct NOAA to provide any necessary technical or other assistance to international efforts to establish regional systems in other parts of the world, including the Indian Ocean.

The detection and warning system established by the bill would cover the Pacific Ocean region, as well as the Atlantic-Caribbean-Gulf of Mexico region, and incorporate a variety of seismic and tsunami detection technologies, including deep ocean buoys, as well as encompass tsunami warning centers charged with collecting and analyzing the data and distributing warnings—including the existing Pacific Tsunami Warning Center in Hawaii and the West Coast/Alaska Tsunami Warning Center in Alaska, as well as any others deemed necessary by the NOAA Administrator.

The bill also formally authorizes NOAA's Tsunami Hazard Mitigation Program and its community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas. The bill directs a Federal-State coordinating committee for the program, consisting (FEMA), the United States Geological Survey (USGS), the National Science Foundation (NSF), and affected coastal states and territories, to work together to improve inundation mapping, community outreach and education, and promote and integrate tsunami warning and mitigation measures, including rescue and recovery guidelines. The program would provide grants to states to ensure the program elements are implemented in coastal communities.

The bill also requires NOAA to establish, along with other agencies and academic institutions, a tsunami research program to continuously improve detection, prediction, communication, and mitigation science and technology to support tsunami forecasts and warnings. This program would also focus on the potential for improved communications systems for tsunami and other hazard warnings, including telephones, wireless and satellite technology, the Internet, television and radio, and any innovative combination of these technologies.

A critical component of the bill requires NOAA to upgrade and modernize the U.S. tsunami detection system by December 2007, as well as provide accountability for the long-term operation of the system. NOAA is required to repair and upgrade the system, ensuring deployment of existing deep ocean detection buoys and related detection equipment, as well as notify Congress upon any equipment or system failures that will impair regional detection, and of significant contractor failures or delays. In addition, the bill calls for the National Academy of Sciences to review the system for further modernization recommendations.

The bill recognizes the need for global coordination on tsunami preparedness, requiring NOAA, and the interagency coordinating committee of the U.S. Tsunami Hazard Mitigation Program, to provide technical assistance and advice to international entities as part of an international effort to develop a fully functional global tsunami warning system.

Finally, the bill authorizes $35 million annually for six years to support these activities. Through this legislation, the work Senator STEVENS and I started over ten years ago will step up to the next level, and provide our nation with coverage and protection that it needs, while fulfilling our duties as citizens of the global community.

I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 50

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tsunami Preparedness Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds the following:

(1) Tsunami are a series of large waves of long wavelength created by the displacement of water by violent undersea disturbances such as earthquakes, volcanic eruptions, landslides, explosions, and the impact of cosmic bodies.

(2) Tsunami have caused, and can cause in the future, enormous loss of human life, injury, destruction of property, and economic and social disruption in coastal and island communities.

(3) While 85 percent of tsunami occur in the Pacific Ocean, and coastal and island communities in this region are the most vulnerable to the destructive results, tsunami can occur at any point in any ocean or related body of water where there are earthquakes, volcanoes, or any other activity that displaces a large volume of water.

(4) A number of States and territories are subject to the threat of tsunamis, including Alaska, California, Hawaii, Oregon, Washington, American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands.

(5) The National Oceanic and Atmospheric Administration is responsible for maintaining a tsunami detection and warning system for the Nation, issuing warnings to United States communities at risk from tsunami, and preparing those communities to respond appropriately, through—

(A) the Pacific Tsunami Warning Center in Ewa Beach, Hawaii, which serves as a warning center for Hawaii, all other United States assets in the Pacific, and Puerto Rico;

(B) the Alaska/West Coast Tsunami Warning Center in Palmer, Alaska, which is responsible for issuing warnings for Alaska, British Columbia, California, Oregon, and Washington;

(C) the Federal-State national tsunami hazard mitigation program;

(D) a tsunami research and assessment program, including programs conducted by the Pacific Marine Environmental Laboratory;

(E) the TsunamiReady Program, which educates and prepares communities for survival before and during a tsunami; and

(F) other related programs.

(6) The National Oceanic and Atmospheric Administration also represents the United States as a member of the International Coordination Group for the Tsunami Warning System in the Pacific, administered by the Intergovernmental Oceanographic Commission of UNESCO, for which the Pacific Tsunami Warning Center acts as the operational center and shares seismic and water level information with 26 member states, and maintains UNESCO's International Tsunami Information Center, in Honolulu, Hawaii, which provides technical and educational assistance to member states.

(7) The Tsunami Warning Centers receive seismographic information from the Global Seismic Network, an international system of earthquake monitoring stations, from the United States Geological Survey National Earthquake Information Center, and from cooperative regional seismic networks, and use these data to issue tsunami warnings and integrate the information with data from their own tidal and deep ocean monitoring stations, to cancel or verify the existence of a damaging tsunami. Warnings are disseminated by the National Oceanic and Atmospheric Administration to State emergency operation centers.

(8) Current gaps in the International Tsunami Warning System, such as the lack of regional warning systems in the Indian Ocean, the southwest Pacific Ocean, Central and South America, the Mediterranean Sea, and Caribbean, pose risks for coastal and island communities.

(9) The tragic and extreme loss of life experienced by countries in the Indian Ocean following the magnitude 9.0 earthquake and resulting tsunami in that region on December 26, 2004, illustrates the destructive consequences which can occur in the absence of an effective tsunami warning and notification system.

(10) An effective tsunami warning and notification system is part of a multi-hazard disaster warning and preparedness program and requires near real-time seismic, sea level, and oceanographic data, high-speed data analysis capabilities, a high-speed tsunami warning communication system, a sustained program of education and risk assessment, and an established local communications infrastructure for timely and effective dissemination of warnings to activate evacuation of tsunami hazard zones.

(11) The Tsunami Warning System for the Pacific is a model for other regions of the world to adopt, and can be expanded and modernized to increase detection, forecast, and warning capabilities for vulnerable states and territories, reduce the incidence of costly false alarms, improve reliability of measurement and assessment technology, and increase community preparedness.

(12) Tsunami warning and preparedness capability can be developed in other vulnerable areas of the world, such as the Indian Ocean, by identifying tsunami hazard zones, educating populations, developing alert and notification communications infrastructure, and by deploying near real-time tsunami detection sensors and gauges, establishing hazard communication and warning networks, expanding global monitoring of seismic activity, encouraging the increased exchange of seismic and tidal data between nations, and improving international coordination when a tsunami is detected.

(13) UNESCO has recognized the need to establish tsunami warning systems for regions beyond the Pacific Basin that are vulnerable to tsunami, including the Indian Ocean, and has convened a working group to lead an effort to expand the International Tsunami Warning System in the Pacific to such vulnerable regions.

(14) The international community and all vulnerable nations should take coordinated efforts to establish and participate in regional tsunami warning systems and other hazard warnings systems developed to meet the goals of the United Nations International Strategy for Disaster Reduction.

(b) PURPOSES.—The purposes of this Act are—

(1) to improve tsunami detection, forecast, warnings, notification, preparedness, and mitigation in order to protect life and property both in the United States and elsewhere in the world;

(2) to improve and modernize the existing Pacific Tsunami Warning System to increase coverage, reduce false alarms and increase accuracy of forecasts and warnings, and expand detection and warning systems to include other vulnerable States and United States territories, including the Caribbean/Atlantic/Gulf region;

(3) to increase and accelerate mapping, modeling, research, assessment, education, and outreach efforts in order to improve forecasting, preparedness, mitigation, response, and recovery of tsunami and related coastal hazards;

(4) to provide technical and other assistance to speed international efforts to establish regional tsunami warning systems in vulnerable areas worldwide, including the Indian Ocean; and

(5) to improve Federal, State, and international coordination for tsunami and other coastal hazard warnings and preparedness.

SEC. 3. TSUNAMI DETECTION AND WARNING SYSTEM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration shall operate regional tsunami detection and warning systems for the Pacific Ocean region and for the Atlantic Ocean, Caribbean, and Gulf of Mexico region that will provide maximum detection capability for United States coastal tsunami.

(b) SYSTEM REQUIREMENTS.—

(1) PACIFIC SYSTEM.—The Pacific tsunami warning system shall cover the entire Pacific Ocean area, including the Western Pacific, the Central Pacific, the North Pacific, the South Pacific, and the East Pacific and Arctic areas.

(2) ATLANTIC, CARIBBEAN, AND GULF OF MEXICO SYSTEM.—The Atlantic, Caribbean, and Gulf system shall cover areas of the Atlantic Ocean, Caribbean Sea, and the Gulf of Mexico that the Administrator determines—

(A) to be geologically active, or to have significant potential for geological activity; and

(B) to pose measurable risks of tsunamis for States along the coastal areas of the Atlantic Ocean or the Gulf of Mexico.

(3) COMPONENTS.—The systems shall—

(A) utilize an array of deep ocean detection buoys, including redundant and spare buoys;

(B) include an associated tide gauge and water level system designed for long-term continuous operation tsunami transmission capability;

(C) provide for establishment of a cooperative effort between the National Oceanic and Atmospheric Administration and the United States Geological Survey under which the Geological Survey provides rapid and reliable seismic information to the Administration from international and domestic seismic networks;

(D) provide for information and data processing through the tsunami warning centers established under subsection (c);

(E) be integrated into United States and global ocean and earth observing systems; and

(F) provide a communications infrastructure for at-risk tsunami communities that supports rapid and reliable alert and notification to the public such as the National Oceanic and Atmospheric Administration weather radio and the All Hazard Alert Broadcasting Radio.

(c) TSUNAMI WARNING CENTERS.—

(1) IN GENERAL.—The Administrator shall establish tsunami warning centers to provide a link between the detection and warning system and the tsunami hazard mitigation program established under section 4 including—

(A) a Pacific Tsunami Warning Center in Hawaii;

(B) a West Coast and Alaska Tsunami Warning Center in Alaska; and

(C) any additional warning centers determined by the Administrator to be necessary.

(2) RESPONSIBILITIES.—The responsibilities of each tsunami warning center shall include—

(A) continuously monitoring data from seismological, deep ocean, and tidal monitoring stations;

(B) evaluating earthquakes that have the potential to generate tsunami;

(C) evaluating deep ocean buoy data and tidal monitoring stations for indications of tsunami resulting from sources other than earthquakes; and

(D) disseminating information and warning bulletins appropriate for local and distant tsunamis to government agencies and the public and alerting potentially impacted coastal areas for evacuation.

(d) TRANSFER OF TECHNOLOGY; MAINTENANCE AND UPGRADES.—In carrying out this section, the Administrator shall—

(1) promulgate specifications and standards for forecast, detection, and warning systems, including detection equipment;

(2) develop and execute a plan for the transfer of technology from ongoing research to long-term operations;

(3) ensure that detection equipment is maintained in operational condition to fulfill the forecasting, detection and warning requirements of the regional tsunami detection and warning systems;

(4) obtain, to the greatest extent practicable, priority treatment in budgeting for, acquiring, transporting, and maintaining weather sensors, tide gauges, water level

gauges, and tsunami buoys incorporated into the system including obtaining ship time; and

(5) ensure integration of the tsunami detection system with other United States and global ocean and coastal observation systems, the global earth observing system of systems, global seismic networks, and the Advanced National Seismic System.

(e) CERTIFICATION.—Amounts appropriated for any fiscal year pursuant to section 8 to carry out this section may not be obligated or expended for the acquisition of services for construction or deployment of tsunami detection equipment unless the Administrator certifies in writing to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 60 calendar days after the date on which the President submits the Budget of the United States for that fiscal year to the Congress that—

(1) each contractor for such services has met the requirements of the contract for such construction or deployment;

(2) the equipment to be constructed or deployed is capable of becoming fully operational without the obligation or expenditure of additional appropriated funds; and

(3) the Administrator does not reasonably foresee unanticipated delays in the deployment and operational schedule specified in the contract.

SEC. 4. TSUNAMI HAZARD MITIGATION PROGRAM.

(a) IN GENERAL.—The Administrator of the National Oceanic and Atmospheric Administration is authorized to conduct a community-based tsunami hazard mitigation program to improve tsunami preparedness of at-risk areas.

(b) COORDINATING COMMITTEE.—In conducting the program, the Administrator shall establish a coordinating committee comprising representatives of—

(1) the National Oceanic and Atmospheric Administration;

(2) the United States Geological Survey;

(3) the Federal Emergency Management Agency;

(4) the National Science Foundation; and

(5) affected coastal States and territories.

(c) PROGRAM COMPONENTS.—The program shall—

(1) improve the quality and extent of inundation mapping, including assessment of vulnerable inner coastal areas;

(2) promote and improve community outreach and education networks and programs to ensure community readiness, including the development of multi-hazard risk and vulnerability assessment training and decision support tools, implementation of technical training and public education programs, and provide for certification of prepared communities;

(3) integrate tsunami preparedness and mitigation programs into ongoing hazard warning and risk management programs in affected areas including the National Response Plan;

(4) promote the adoption of tsunami warning and mitigation measures by Federal, State, tribal, and local governments and non-governmental entities through a grant program for training, development of guidelines, and other purposes;

(5) through the Federal Emergency Management Agency as the lead agency, develop tsunami specific rescue and recovery guidelines for the National Response Plan, including long-term mitigation measures, educational programs to discourage development in high-risk areas, and use of remote sensing and other technology in rescue and recovery operations;

(6) require budget coordination, through the Administration, to carry out the purposes of this Act and to ensure that participating agencies provide necessary funds for matters within their respective areas of authority and expertise; and

(7) provide for periodic external review of the program and for inclusion of the results of such reviews in the report required by section 6(c).

SEC. 5. TSUNAMI RESEARCH PROGRAM.

(a) ESTABLISHMENT.—The Administrator of the National Oceanic and Atmospheric Administration shall, in coordination with other agencies and academic institutions, establish a tsunami research program to develop detection, prediction, communication, and mitigation science and technology that supports tsunami forecasts and warnings, including advanced sensing techniques, information and communication technology, data collection, analysis and assessment for tsunami tracking and numerical forecast modeling that will—

(1) help determine—

(A) whether an earthquake or other seismic event will result in a tsunami; and

(B) the likely path, severity, duration, and travel time of a tsunami;

(2) develop techniques and technologies that may be used to communicate tsunami forecasts and warnings as quickly and effectively as possible to affected communities;

(3) develop techniques and technologies to support evacuation products, including real-time notice of the condition of critical infrastructure along tsunami evacuation routes for public officials and first responders; and

(4) develop techniques for utilizing remote sensing technologies in rescue and recovery operations.

(b) COMMUNICATIONS TECHNOLOGY.—The Administrator, in consultation with in consultation with the Assistant Secretary of Commerce for Communications and Information and the Federal Communications Commission, shall investigate the potential for improved communications systems for tsunami and other hazard warnings by incorporating into the existing network a full range of options for providing those warnings to the public, including, as appropriate—

(1) telephones, including special alert rings;

(2) wireless and satellite technology, including cellular telephones and pagers;

(3) the Internet, including e-mail;

(4) automatic alert televisions and radios;

(5) innovative and low-cost combinations of such technologies that may provide access to remote areas; and

(6) other technologies that may be developed.

SEC. 6. TSUNAMI SYSTEM UPGRADE AND MODERNIZATION.

(a) SYSTEM UPGRADES.—The Administrator of the National Oceanic and Atmospheric Administration shall—

(1) authorize and direct the immediate repair of existing deep ocean detection buoys and related components of the system;

(2) ensure the deployment of an array of deep ocean detection buoys in the regions described in section 3(a) of this Act;

(3) ensure expansion or upgrade of the tide gauge network in the regions described in section 3(a); and

(4) complete the upgrades not later than December 31, 2007.

(b) CONGRESSIONAL NOTIFICATIONS.—The Administrator shall notify the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science of—

(1) impaired regional detection coverage due to equipment or system failures; and

(2) significant contractor failures or delays in completing work associated with the tsunami detection and warning system.

(c) ANNUAL REPORT.—The Administrator shall transmit an annual report to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science the status of the tsunami detection and warning system, including accuracy, false alarms, equipment failures, improvements over the previous year, and goals for further improvement (or plans for curing failures) of the system, as well as progress and accomplishments of the national tsunami hazard mitigation program.

(d) EXTERNAL REVIEW.—The National Academy of Science shall review the tsunami detection, forecast, and warning system operated by the National Oceanic and Atmospheric Administration under this Act to assess further modernization and coverage needs, as well as long-term operational reliability issues, taking into account measures implemented under this Act, and transmit a report containing its recommendations, including an estimate of the costs of implementing those recommendations, to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Science within 24 months after the date of enactment of this Act.

SEC. 7. GLOBAL TSUNAMI WARNING AND MITIGATION NETWORK.

(a) INTERNATIONAL TSUNAMI WARNING SYSTEM.—The Administrator of the National Oceanic and Atmospheric Administration, in coordination with other members of the United States Interagency Committee of the National Tsunami Mitigation Program, shall provide technical assistance and advice to the Intergovernmental Oceanographic Commission of UNESCO, the World Meteorological Organization, and other international entities, as part of international efforts to develop a fully functional global tsunami warning system comprised of regional tsunami warning networks, modeled on the International Tsunami Warning System of the Pacific.

(b) DETECTION EQUIPMENT; TECHNICAL ADVICE.—In carrying out this section, the Administrator—

(1) shall give priority to assisting nations in identifying vulnerable coastal areas, creating inundation maps, obtaining or designing real-time detection and reporting equipment, and establishing communication and warning networks and contact points in each vulnerable nation; and

(2) may establish a process for transfer of detection and communication technology to affected nations for the purposes of establishing the international tsunami warning system.

(c) DATA-SHARING REQUIREMENT.—The Administrator may not provide assistance under this section for any region unless all affected nations in that region participating in the tsunami warning network agree to share relevant data associated with the development and operation of the network.

(d) RECEIPT OF INTERNATIONAL REIMBURSEMENT AUTHORIZED.—The Administrator may accept payment to, or reimbursement of, the National Oceanic and Atmospheric Administration in cash or in kind from international organizations and foreign authorities, or payment or reimbursement made on behalf of such an authority, for expenses incurred by the Administrator in carrying out any activity under this Act. Any such payments or reimbursements shall be considered a reimbursement to the appropriated funds of the Administration.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Administrator of the National Oceanic and Atmospheric Administration $35,000,000 for each of fiscal years 2006 through 2012 to carry out this Act.

Mr. STEVENS. Mr. President, the Tsunami Preparedness Act, S. 50, will authorize much of the work that Senator INOUYE and I have done on the Appropriations Committee. It establishes a National Tsunami Hazard Mitigation Program in the National Oceanic and Atmospheric Administration. The recent events in Indonesia reminds us all how critical it is to have a strong detection network and warning system for coastal communities. Currently there are 15 communities from Alaska, the west coast and Hawaii that are "Tsunami Ready", a certification by NOAA that the community has a communication and coordination plan in case of a Tsunami event.

The Tsunami Preparedness Act provides the essential component of any warning system—a program for outreach and education to inform potentially Tsunami-impacted communities and for these coastal areas to plan accordingly.

I have worked closely with Senator INOUYE on this legislation and it is an example of how we plan to coordinate on bills from the Commerce Committee. This legislation also represents the importance of tsunami detection and early warning for our States, both of which have experienced deadly tsunamis in the past and are ever vigilant to remain prepared for future possible events.

The administration released its plan for an improved tsunami monitoring system on January 14, 2005, committing $37.5 million to improving early detection and warning of tsunami events. The administration's proposal is a good one and this bill will build on many of the commitments made in their plan. In addition, the bill improves the federal coordination and dissemination of tsunami information and research. It establishes a multi-agency task force consisting of representatives from NOAA, FEMA, USGS, NSF and potentially impacted coastal states and territories.

The tsunami preparedness act will expand tsunami research, and consistently upgrade and maintain the improved system, which would cover the Pacific and Atlantic-Caribbean-Gulf of Mexico regions. In an effort to lend help internationally, the bill also directs NOAA to assist other countries that could be impacted by tsunamis and build on the United States efforts to establish an international earth observing system.

It is a pleasure to work with my good friend from Hawaii on this important legislation.

By Mr. INOUYE:

S. 58. A bill to amend title 10, United States Code, to permit former members of the Armed Forces who have a service-connected disability rated as total to travel on military aircraft in the same manner and to the same extent as retired members of the Armed Forces are entitled to travel on such aircraft; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a bill which is of great importance to a group of patriotic Americans. This legislation is designed to extend space-available travel privileges on military aircraft to those who have been totally disabled in the service of our country.

Currently, retired members of the Armed Services are permitted to travel on a space-available basis on nonscheduled military flights within the continental United States, and on scheduled overseas flights operated by the Military Airlift Command. My bill would provide the same benefits for veterans with 100 percent service-connected disabilities.

We owe these heroic men and women who have given so much to our country a debt of gratitude. Of course, we can never repay them for the sacrifices they have made on behalf of our Nation, but we can surely try to make their lives more pleasant and fulfilling. One way in which we can help is to extend military travel privileges to these distinguished American veterans. I have received numerous letters from all over the country attesting to the importance attached to this issue by veterans. Therefore, I ask that my colleagues show their concern and join me in saying "thank you" by supporting this legislation.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 58

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TRAVEL ON MILITARY AIRCRAFT OF CERTAIN DISABLED FORMER MEMBERS OF THE ARMED FORCES.

(a) IN GENERAL.—Chapter 53 of title 10, United States Code, is amended by inserting after section 1060b the following new section:

"§ 1060c. Travel on military aircraft: certain disabled former members of the armed forces

"The Secretary of Defense shall permit any former member of the armed forces who is entitled to compensation under the laws administered by the Secretary of Veterans Affairs for a service-connected disability rated as total to travel, in the same manner and to the same extent as retired members of the armed forces, on unscheduled military flights within the continental United States and on scheduled overseas flights operated by the Air Mobility Command. The Secretary of Defense shall permit such travel on a space-available basis.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1060b the following new item:

"1060c. Travel on military aircraft: certain disabled former members of the armed forces.".

By Mr. INOUYE:

S. 59. A bill to amend title 10, United States Code, to authorize certain disabled former prisoners of war to use Department of Defense commissary and exchange stores; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing legislation to enable those former prisoners of war who have been separated honorably from their respective services and who have been rated as having a 30 percent service-connected disability to have the use of both the military commissary and post exchange privileges. While I realize it is impossible to adequately compensate one who has endured long periods of incarceration at the hands of our Nation's enemies, I do feel this gesture is both meaningful and important to those concerned because it serves as a reminder that our Nation has not forgotten their sacrifices.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 59

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. USE OF COMMISSARY AND EXCHANGE STORES BY CERTAIN DISABLED FORMER PRISONERS OF WAR.

(a) IN GENERAL.—Chapter 54 of title 10, United States Code, is amended by inserting after section 1064 the following new section:

"§ 1064a. Use of commissary and exchange stores by certain disabled former prisoners of war

"(a) IN GENERAL.—Under regulations prescribed by the Secretary of Defense, former prisoners of war described in subsection (b) may use commissary and exchange stores.

"(b) COVERED INDIVIDUALS.—Subsection (a) applies to any former prisoner of war who—

"(1) separated from active duty in the armed forces under honorable conditions; and

"(2) has a service-connected disability rated by the Secretary of Veterans Affairs at 30 percent or more.

"(c) DEFINITIONS.—In this section:

"(1) The term 'former prisoner of war' has the meaning given that term in section 101(32) of title 38.

"(2) The term 'service-connected' has the meaning given that term in section 101(16) of title 38.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1064 the following new item:

"1064a. Use of commissary and exchange stores by certain disabled former prisoners of war.".

By Mr. FEINGOLD:

S. 60. A bill to repeal the provision of law that provides automatic pay adjustments for Members of Congress; to the Committee on Homeland Security and Governmental Affairs.

Mr. FEINGOLD. Mr. President, I am pleased to reintroduce legislation that would put an end to automatic cost-of-living adjustments for congressional pay.

As I have noted when I raised this issue in past years, it is an unusual thing to have the power to raise our own pay. Most of our constituents do not have that power. And that this power is so unusual is good reason for the Congress to exercise that power openly, and to exercise it subject to regular procedures that include debate, amendment, and a vote on the record.

I regret to say, that current law permits Congress to avoid that public debate and vote. All that is necessary for Congress to get a pay raise is that nothing be done to stop it. The annual pay raise takes effect unless Congress acts.

This stealth pay raise mechanism began with a change Congress enacted in the Ethics Reform Act of 1989. In section 704 of that act, Members of Congress voted to make themselves entitled to an annual raise equal to half a percentage point less than the employment cost index, one measure of inflation.

It is true, that on occasion Congress has voted to deny itself the raise, and the traditional vehicle for the pay raise vote is the Treasury appropriations bill. But that vehicle is not always made available to those who want a public debate and vote on the matter. Just last year, for example, the Treasury appropriations bill was slipped into the massive Omnibus Appropriations conference report, and thus it was completely shielded from amendment. Senators were effectively prevented from offering an amendment to force an up or down vote on the annual pay raise. And that situation was not unique.

Getting a vote on the annual congressional pay raise is a haphazard affair at best, and it should not be that way. The burden should not be on those who seek a public debate and recorded vote on the Member pay raise. On the contrary, Congress should have to act if it decides to award itself a hike in pay. This process of pay raises without accountability must end.

This issue is not a new question. It was something that our Founders considered from the beginning of our Nation. In August 1789, as part of the package of 12 amendments advocated by James Madison that included what has become our Bill of Rights, the House of Representatives passed an amendment to the Constitution providing that Congress could not raise its pay without an intervening election. On September 9, 1789, the Senate passed that amendment. In late September 1789, Congress submitted the amendments to the States.

Although the amendment on pay raises languished for two centuries, in the 1980s, a campaign began to ratify it. While I was a member of the Wisconsin State Senate, I was proud to help ratify the amendment. Its approval by the Michigan Legislature on May 7, 1992, gave it the needed approval by three-fourths of the States.

The 27th amendment to the Constitution now states: "No law, varying the compensation for the services of the senators and representatives, shall take effect, until an election of representatives shall have intervened."

I try to honor that limitation in my own practices. In my own case, throughout my 6-year term, I accept only the rate of pay that Senators receive on the date on which I was sworn in as a Senator. And I return to the Treasury any additional income Senators get, whether from a cost-of-living adjustment or a pay raise we vote for ourselves. I don't take a raise until my bosses, the people of Wisconsin, give me one at the ballot box. That is the spirit of the 27th amendment. The stealth pay raises like the one that Congress allowed last year, at a minimum, certainly violate the spirit of that amendment.

This practice must end. This bill will end it. Senators and Congressmen should have to vote up-or-down to raise congressional pay. My bill would simply require us to vote in the open. We owe our constituents nothing less.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 60

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ELIMINATION OF AUTOMATIC PAY ADJUSTMENTS FOR MEMBERS OF CONGRESS.

(a) IN GENERAL.—Paragraph (2) of section 601(a) of the Legislative Reorganization Act of 1946 (2 U.S.C. 31) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 601(a)(1) of such Act is amended—

(1) by striking "(a)(1)" and inserting "(a)";

(2) by redesignating subparagraphs (A), (B), and (C) as paragraphs (1), (2), and (3), respectively; and

(3) by striking "as adjusted by paragraph (2) of this subsection" and inserting "adjusted as provided by law".

(c) EFFECTIVE DATE.—This section shall take effect on February 1, 2007.

By Mr. INOUYE:

S. 61. A bill to amend title XVIII of the Social Security Act to provide improved reimbursement for clinical social worker services under the medicare program; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I am introducing legislation to amend Title XVIII of the Social Security Act to correct discrepancies in the reimbursement of clinical social workers covered through Medicare, Part B. The three proposed changes contained in this legislation clarify the current payment process for clinical social workers and establish a reimbursement methodology for the profession that is similar to other health care professionals reimbursed through the Medicare program.

First, this legislation sets payment for clinical social worker services according to a fee schedule established by the Secretary. Second, it explicitly states that services and supplies furnished by a clinical social worker are a covered Medicare expense, just as these services are covered for other mental health professionals in Medicare. Third, the bill allows clinical social workers to be reimbursed for services provided to a client who is hospitalized.

Clinical social workers are valued members of our health care provider network. They are legally regulated in every state of the nation and are recognized as independent providers of mental health care throughout the health care system. It is time to correct the disparate reimbursement treatment of this profession under Medicare.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 61

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Equity for Clinical Social Workers Act of 2005".

SEC. 2. IMPROVED REIMBURSEMENT FOR CLINICAL SOCIAL WORKER SERVICES UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(a)(1)(F)(ii) of the Social Security Act (42 U.S.C. 1395l(a)(1)(F)(ii)) is amended to read as follows: "(ii) the amount determined by a fee schedule established by the Secretary.".

(b) DEFINITION OF CLINICAL SOCIAL WORKER SERVICES EXPANDED.—Section 1861(hh)(2) of the Social Security Act (42 U.S.C. 1395x(hh)(2)) is amended by striking "services performed by a clinical social worker (as defined in paragraph (1))" and inserting "such services and such services and supplies furnished as an incident to such services performed by a clinical social worker (as defined in paragraph (1))".

(c) CLINICAL SOCIAL WORKER SERVICES NOT TO BE INCLUDED IN INPATIENT HOSPITAL SERVICES.—Section 1861(b)(4) of the Social Security Act (42 U.S.C. 1395x(b)(4)) is amended by striking "and services" and inserting "clinical social worker services, and services".

(d) TREATMENT OF SERVICES FURNISHED IN INPATIENT SETTING.—Section 1832(a)(2)(B)(iii) of the Social Security Act (42 U.S.C. 1395k(a)(2)(B)(iii)) is amended by striking "and services" and inserting "clinical social worker services, and services".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made for clinical social worker services furnished on or after January 1, 2006.

By Mr. INOUYE:

S. 62. A bill for the relief of Jim K. Yoshida; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, today I am introducing a private relief bill on behalf of Jim K. Yoshida, to obtain recognition of his service with the U.S. military in Korea so that he may obtain veteran's status.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 62

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. VETERAN STATUS.

(a) ENTITLEMENT TO STATUS.—Notwithstanding any other provision of law, Jim K. Yoshida of Honolulu, Hawaii, is deemed to be a veteran for the purposes of all laws administered by the Secretary of Veterans Affairs.

(b) TREATMENT OF SERVICE.—Notwithstanding any other provision of law, the service of Jim K. Yoshida of Honolulu, Hawaii, as a volunteer member of the United States Army during the period beginning on July 2, 1950, and ending on January 17, 1951, shall be deemed to be active military service from which Jim K. Yoshida was discharged under honorable conditions for the purposes of all laws administered by the Secretary of Veterans Affairs.

(c) PROSPECTIVE APPLICABILITY.—No benefits may be paid or otherwise provided to Jim K. Yoshida of Honolulu, Hawaii, by reason of the enactment of this Act with respect to any period before the date of the enactment of this Act.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 63. A bill to establish the Northern Rio Grande National Heritage Area in the State of New Mexico, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today to reintroduce legislation to establish the Northern Rio Grande National Heritage Area in northern New Mexico. I am pleased that Senator DOMENICI is again joining me in sponsoring this bill. The Northern Rio Grande National Heritage Area will be established as part of a collaborative effort between local residents. Indian tribes, businesses and local governments, who are working together to preserve the area.

By establishing the Northern Rio Grande National Heritage Area, I hope to commemorate the significant but complex heritage of northern New Mexico communities and Indian tribes, from the pre-Spanish colonization period to present day. Establishing a National Heritage Area will benefit the northern New Mexico communities, local residents, students, and visitors, as well as help the local protection and interpretation of the unique cultural, historical, and natural resources of northern New Mexico.

Last Congress, identical legislation passed the Senate by unanimous consent and again as part of a comprehensive heritage area bill. The House of Representatives amended the bill to add authorizations for other heritage areas but unfortunately the different versions were not able to be reconciled prior to the sine die adjournment of the Congress. However, I am encouraged that the Senate and House have each approved authorization for the Northern Rio Grande National Heritage Area, and it is my hope that since both Houses have now passed legislation that is essentially identical to the bill I am introducing today, it can be swiftly considered and enacted into law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 63

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Northern Rio Grande National Heritage Area Act".

SEC. 2. CONGRESSIONAL FINDINGS.

The Congress finds that—

(1) northern New Mexico encompasses a mosaic of cultures and history, including eight Pueblos and the descendants of Spanish ancestors who settled in the area in 1598;

(2) the combination of cultures, languages, folk arts, customs, and architecture make northern New Mexico unique;

(3) the area includes spectacular natural, scenic, and recreational resources;

(4) there is broad support from local governments and interested individuals to establish a National Heritage Area to coordinate and assist in the preservation and interpretation of these resources;

(5) in 1991, the National Park Service study Alternative Concepts for Commemorating Spanish Colonization identified several alternatives consistent with the establishment of a National Heritage Area, including conducting a comprehensive archaeological and historical research program, coordinating a comprehensive interpretation program, and interpreting a cultural heritage scene; and

(6) establishment of a National Heritage Area in northern New Mexico would assist local communities and residents in preserving these unique cultural, historical and natural resources.

SEC. 3. DEFINITIONS.

As used in this Act—

(1) the term "heritage area" means the Northern Rio Grande Heritage Area; and

(2) the term "Secretary" means the Secretary of the Interior.

SEC. 4. NORTHERN RIO GRANDE NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is hereby established the Northern Rio Grande National Heritage Area in the State of New Mexico.

(b) BOUNDARIES.—The heritage area shall include the counties of Santa Fe, Rio Arriba, and Taos.

(c) MANAGEMENT ENTITY.—

(1) The Northern Rio Grande National Heritage Area, Inc., a non-profit corporation chartered in the State of New Mexico, shall serve as the management entity for the heritage area.

(2) The Board of Directors for the management entity shall include representatives of the State of New Mexico, the counties of Santa Fe, Rio Arriba and Taos, tribes and pueblos within the heritage area, the cities of Santa Fe, Espanola and Taos, and members of the general public. The total number of Board members and the number of Directors representing State, local and tribal governments and interested communities shall be established to ensure that all parties have appropriate representation on the Board.

SEC. 5. AUTHORITY AND DUTIES OF THE MANAGEMENT ENTITY.

(a) MANAGEMENT PLAN.—

(1) Not later than 3 years after the date of enactment of this Act, the management entity shall develop and forward to the Secretary a management plan for the heritage area.

(2) The management entity shall develop and implement the management plan in cooperation with affected communities, tribal and local governments and shall provide for public involvement in the development and implementation of the management plan.

(3) The management plan shall, at a minimum—

(A) provide recommendations for the conservation, funding, management, and development of the resources of the heritage area;

(B) identify sources of funding;

(C) include an inventory of the cultural, historical, archaeological, natural, and recreational resources of the heritage area;

(D) provide recommendations for educational and interpretive programs to inform the public about the resources of the heritage area; and

(E) include an analysis of ways in which local, State, Federal, and tribal programs may best be coordinated to promote the purposes of this Act.

(4) If the management entity fails to submit a management plan to the secretary as provided in paragraph (1), the heritage area shall no longer be eligible to receive Federal funding under this Act until such time as a plan is submitted to the Secretary.

(5) The Secretary shall approve or disapprove the management plan within 90 days after the date of submission. If the Secretary disapproves the management plan, the Secretary shall advise the management entity in writing of the reasons therefore and shall make recommendations for revisions to the plan.

(6) The management entity shall periodically review the management plan and submit to the Secretary any recommendations for proposed revisions to the management plan. Any major revisions to the management plan must be approved by the Secretary.

(b) AUTHORITY.—The management entity may make grants and provide technical assistance to tribal and local governments, and other public and private entities to carry out the management plan.

(c) DUTIES.—The management entity shall—

(1) give priority in implementing actions set forth in the management plan;

(2) coordinate with tribal and local governments to better enable them to adopt land

use policies consistent with the goals of the management plan;

(3) encourage by appropriate means economic viability in the heritage area consistent with the goals of the management plan; and

(4) assist local and tribal governments and non-profit organizations in—

(A) establishing and maintaining interpretive exhibits in the heritage area;

(B) developing recreational resources in the heritage area;

(C) increasing public awareness of, and appreciation for, the cultural, historical, archaeological and natural resources and sits in the heritage area;

(D) the restoration of historic structures related to the heritage area; and

(E) carrying out other actions that the management entity determines appropriate to fulfill the purposes of this Act, consistent with the management plan.

(d) PROHIBITION ON ACQUIRING REAL PROPERTY.—The management entity may not use Federal funds received under this Act to acquire real property or an interest in real property.

(e) PUBLIC MEETINGS.—The management entity shall hold public meetings at least annually regarding the implementation of the management plan.

(f) ANNUAL REPORTS AND AUDITS.—

(1) For any year in which the management entity receives Federal funds under this Act, the management entity shall submit an annual report to the Secretary setting forth accomplishments, expenses and income, and each entity to which any grant was made by the management entity.

(2) The management entity shall make available to the Secretary for audit all records relating to the expenditure of Federal funds and any matching funds. The management entity shall also require, for all agreements authorizing expenditure of Federal funds by other organizations, that the receiving organization make available to the Secretary for audit all records concerning the expenditure of those funds.

SEC. 6. DUTIES OF THE SECRETARY.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—The Secretary may, upon request of the management entity, provide technical and financial assistance to develop and implement the management plan.

(b) PRIORITY.—In providing assistance under subsection (a), the Secretary shall give priority to actions that facilitate—

(1) the conservation of the significant natural, cultural, historical, archaeological, scenic, and recreational resources of the heritage area; and

(2) the provision of educational, interpretive, and recreational opportunities consistent with the resources and associated values of the heritage area.

SEC. 7. SAVINGS PROVISIONS.

(a) NO EFFECT ON PRIVATE PROPERTY.—Nothing in this Act shall be construed—

(1) to modify, enlarge, or diminish any authority of Federal, State, or local governments to regulate any use of privately owned lands; or

(2) to grant the management entity any authority to regulate the use of privately owned lands.

(b) TRIBAL LANDS.—Nothing in this Act shall restrict or limit a tribe from protecting cultural or religious sites on tribal lands.

(c) AUTHORITY OF GOVERNMENTS.—Nothing in this Act shall—

(1) modify, enlarge, or diminish any authority of Federal, State, tribal, or local governments to manage or regulate any use of land as provided for by law or regulation; or

(2) authorize the management entity to assume any management authorities over such lands.

(d) TRUST RESPONSIBILITIES.—Nothing in this Act shall diminish the Federal Government's trust responsibilities or government-to-government obligations to any federally recognized Indian tribe.

SEC. 8. SUNSET.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be authorized to be appropriated for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

By Mr. INHOFE (for himself, Mr. STEVENS, and Mr. BURNS):

S. 65. A bill to amend the age restrictions for pilots; to the Committee on Commerce, Science, and Transportation.

Mr. INHOFE. Mr. President, I rise today, as an experienced pilot over age 60, along with my colleagues, Senator STEVENS and Senator BURNS, to introduce a bill that will help end age discrimination among airline pilots. I also want to thank my colleague in the other chamber, Congressman JIM GIBBONS, for his leadership on this issue and for introducing the companion version of this bill.

This bill will abolish the Federal Aviation Administration's Age 60 Rule-the regulation that for more than 40 years has forced the retirement of airline pilots the day they turn 60 and replace it with a rational plan that ties the commercial pilot retirement age to the Social Security retirement age currently 65.

Most nations have abolished mandatory age 60 retirement rules. The United States is one of only two countries in the Joint Aviation Authority that requires its commercial pilots to retire at the age of 60. Some countries, including Canada, Australia, and New Zealand have no upper age limit at all.

The Age 60 Rule has no basis in science or safety and never did. FAA data shows that pilots over age 60 are as safe as, and in some cases safer than, their younger colleagues. There have been numerous studies and statements in support of abolishing the Age 60 Rule.

In 1981, the National Institute of Aging stated that "the Age 60 Rule appears indefensible on medical grounds" and "there is no convincing medical evidence to support age 60, or any other specific age, for mandatory pilot retirement."

The FAA released the Hilton Study in 1993, which stated "the data for all groups of pilots were remarkably consistent in showing a modest decrease in accident rate with age no hint of an increase in accident rates as pilots near age 60."

Furthermore, in May 1999, the Senate Appropriations Committee asked the FAA to report on why the US should not cautiously increase the age to 63, "like other countries have for commercial aviation."

Airline Pilots magazine stated in a September 2003 article, "If a permanent replacement for the 30 year Treasury bond rate is also applied to the calculation of lump-sum payments, we recommend a long transition period, similar to that proposed in H.R. 1776, the pension legislation introduced by Rep. BOB PORTMAN. For pilots who must retire at age 60, this is particularly important. It would be unfair to pull the rug out from under employees who have carefully planned their retirement finances, especially pilots who can't fly longer to make up for the amounts lost because of a change in the basis used to calculate lump-sum payments."

As recently as September 14, 2004, in a hearing before the Senate Special Committee on Aging, Captain Joseph "Ike" Eichelkraut, President of Southwest Airlines Pilots' Association, testified:

"The 4400 plus pilots of the Southwest Airlines Pilots' Association, oppose the Age 60 Rule.

"Flying a commercial airliner is not the physically demanding environment I encountered 15 years ago in the 7 9 "G" world of the F-16 I flew in the Air Force. Commercial piloting is, however, a job requiring key management skills and sound judgment. These are talents that I have found typically come with age and experience.

"The facts are that plain. The FAA has the ideal mechanisms for ensuring safe pilots at any age are already in place. To retain my license and fly as a pilot for Southwest Airlines, I must pass semi-annual flight physicals administered by a qualified (FAA licensed) Aero-Medical Examiner (AME). When a pilot turns 40 years of age, he must undergo an EKG every other flight physical, which is electronically transmitted by the AME directly to FAA headquarters where a computer program alerts if parameters dictate.

"Pilots must also successfully pass semiannual simulator training and flight checks designed to evaluate the crewmember's ability to respond to various aircraft emergencies and/or competently handle advances in flight technology and the Air Traffic Control (ATC) environment. Captains must demonstrate, twice yearly, complete knowledge of systems and procedures, safe piloting skills and multi-tasking by managing emergency and normal flight situations, typically in instrument flight conditions conducted in advanced simulators. There is no greater test of cognitive ability and mental dexterity than these simulator rides. Flight crews are also administered random inflight check rides by FAA inspectors and Southwest check airmen. Further, we are subject to random alcohol and drug testing at any time while on duty. There is no other profession examined to this level. The 59 year old Captain arrives at this point in his career having demonstrated successful performance following years of this kind of scrutiny. FAA studies have verified the superior level of safety exhibited by this senior Captain.

"At Southwest, our pilots are trained to fly the aircraft on instruments down to 50' above the ground in poor visibility conditions before acquiring the intended runway and landing visually. In simulators, both pilots must demonstrate the ability to immediately determine whether a safe landing can be made at this point and then either execute a "go-around" or land. The First Officer is trained to assume control of the aircraft and execute a "go-around" if the Captain fails to respond to procedures at this critical decision point. If either pilot should become incapacitated, even at touchdown, the other pilot is capable of assuming control in order to fly the airplane to a safe landing. The passengers would probably remain unaware that a pilot had become ill until the aircraft is met at the gate by Emergency Medical Technicians (EMT).

"Simulator failure rates among SWA pilots are low. Last year there were only 31 out of 4,200 simulator checkrides. But as pilots approach age 60 the failure numbers are at their lowest. The graph attached shows this and I believe that experience is the key. As pilots get older, they know how to better handle the extreme situations they may have encountered in simulator checks. The mean failure rate declines at an even rate from a pilot's thirties through his fifties. Of course, because of the Age 60 rule, I don't have data to show that this trend would continue throughout a pilot's sixties, but I suspect it would."

I urge the Commerce Committee to hold hearings along these lines.

Furthermore, on September 29, 2004, thousands of people watched as 63-year-old Michael Melvill made history by becoming the first civilian to pilot a craft into space. In doing so, he helped Paul Allen, the owner of Mojave Aerospace Ventures, which owns SpaceShipOne technology, along with the designer of SpaceShipOne, Burt Rutan, win the coveted $10 million Ansari X-Prize.

Melvill took SpaceShipOne above the 62-mile altitude point, ultimately soaring to 337,500 feet. Despite rolling nearly 30 times, Melvill was able to gain control of the vehicle, re-enter the atmosphere, and glide to a landing. I attribute this recovery and subsequent landing to Melvill's years of extensive experience as a test pilot.

This bill will allow our most experienced pilots, those like Michael Melvill demonstrably healthy, and fit for duty-to retain their jobs, a step that will benefit pilots, the financially burdened airlines, and most importantly, passengers. Now, more than ever before, we need to keep our best pilots flying.

Again, there is no scientific justification for requiring pilots to retire at age 60. Our pilots, our airlines, and our passengers deserve our consideration. I urge the rest of my colleagues to support this important legislation.

By Mr. INOUYE:

S. 66. A bill to amend title XIX of the Social Security Act to provide for coverage of services provided by nursing school clinics under medicaid programs; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Nursing School Clinics Act. This measure builds on our concerted efforts to provide access to quality health care for Americans by offering grants and incentives for nursing schools to establish primary care clinics in underserved areas where additional medical services are most needed. In addition, this measure provides the opportunity for nursing schools to enhance the scope of student training and education by providing firsthand clinical experience in primary care facilities.

Primary care clinics administered by nursing schools are university or nonprofit primary care centers developed mainly in collaboration with university schools of nursing and the communities they serve. These centers are staffed by faculty and staff who are nurse practitioners and public health nurses. Students supplement patient care while receiving preceptorships provided by college of nursing faculty and primary care physicians, often associated with academic institutions, who serve as collaborators with nurse practitioners. To date, the comprehensive models of care provided by nursing clinics have yielded excellent results, including significantly fewer emergency room visits, fewer hospital inpatient days, and less use of specialists, as compared to conventional primary health care.

This bill reinforces the principle of combining health care delivery in underserved areas with the education of advanced practice nurses. To accomplish these objectives, Title XIX of the Social Security Act would be amended to designate that the services provided in these nursing school clinics are reimbursable under Medicaid. The combination of grants and the provision of Medicaid reimbursement furnishes the financial incentives for clinic operators to establish the clinics.

In order to meet the increasing challenges of bringing cost-effective and quality health care to all Americans, we must consider a wide range of proposals, both large and small. Most importantly, we must approach the issue of health care with creativity and determination, ensuring that all reasonable avenues are pursued. Nurses have always been an integral part of health care delivery. The Nursing School Clinics Act recognizes the central role nurses can perform as care givers to the medically underserved.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 66

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Nursing School Clinics Act of 2005".

SEC. 2. MEDICAID COVERAGE OF SERVICES PROVIDED BY NURSING SCHOOL CLINICS.

(a) IN GENERAL.—Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (27), by striking "and" at the end;

(2) by redesignating paragraph (28) as paragraph (29); and

(3) by inserting after paragraph (27), the following new paragraph:

"(28) nursing school clinic services (as defined in subsection (x)) furnished by or under the supervision of a nurse practitioner or a clinical nurse specialist (as defined in section 1861(aa)(5)), whether or not the nurse practitioner or clinical nurse specialist is under the supervision of, or associated with, a physician or other health care provider; and".

(b) NURSING SCHOOL CLINIC SERVICES DEFINED.—Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended by adding at the end the following new subsection:

"(y) The term 'nursing school clinic services' means services provided by a health care facility operated by an accredited school of nursing which provides primary care, long-term care, mental health counseling, home health counseling, home health care, or other health care services which are within the scope of practice of a registered nurse.".

(c) CONFORMING AMENDMENT.—Section 1902(a)(10)(C)(iv) of the Social Security Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting "and (28)" after "(24)".

(d) EFFECTIVE DATE.—The amendments made by this section shall be effective with respect to payments made under a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) for calendar quarters commencing with the first calendar quarter beginning after the date of enactment of this Act.

By Mr. INOUYE:

S. 67. A bill to amend the Public Health Act to provide health care practitioners in rural areas with training in preventive health care, including both physical and mental care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce the Rural Preventive Health Care Training Act, a bill that responds to the dire need of our rural communities for quality health care and disease prevention programs. Almost one fourth of Americans live in rural areas and frequently lack access to adequate physical and mental health care. As many as 21 million of the 34 million people living in underserved rural areas are without access to a primary care provider. Even in areas where providers do exist, there are numerous limits to access, such as geography, distance, lack of transportation, and lack of knowledge about available resources. Due to the diversity of rural populations, language and cultural obstacles are often a factor in the access to medical care.

Compound these problems with limited financial resources, and the result is that many Americans living in rural communities go without vital health care, especially preventive care. Children fail to receive immunizations and routine checkups. Preventable illnesses and injuries occur needlessly, and lead to expensive hospitalizations. Early symptoms of emotional problems and substance abuse go undetected, and often develop into full-blown disorders.

An Institute of Medicine IOM report entitled, "Reducing Risks for Mental Disorders: Frontiers for Preventive Intervention Research," highlights the benefits of preventive care for all health problems. The training of health care providers in prevention is crucial in order to meet the demand for care in underserved areas. Currently, rural health care providers lack preventive care training opportunities.

Interdisciplinary preventive training of rural health care providers must be encouraged. Through such training, rural health care providers can build a strong educational foundation from the behavioral, biological, and psychological sciences. Interdisciplinary team prevention training will also facilitate operations at sites with both health and mental health clinics by facilitating routine consultation between groups. Emphasizing the mental health disciplines and their services as part of the health care team will contribute to the overall health of rural communities.

The Rural Preventive Health Care Training Act would implement the risk-reduction model described in the IOM study. This model is based on the identification of risk factors and targets specific interventions for those risk factors. The human suffering caused by poor health is immeasurable, and places a huge financial burden on communities, families, and individuals. By implementing preventive measures to reduce this suffering, the potential psychological and financial savings are enormous.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 67

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rural Preventive Health Care Training Act of 2005".

SEC. 2. PREVENTIVE HEALTH CARE TRAINING.

Part D of title VII of the Public Health Service Act (42 U.S.C. 294 et seq.) is amended by inserting after section 754 the following:

"SEC. 754A. PREVENTIVE HEALTH CARE TRAINING.

"(a) IN GENERAL.—The Secretary may make grants to, and enter into contracts with, eligible applicants to enable such applicants to provide preventive health care training, in accordance with subsection (c), to health care practitioners practicing in rural areas. Such training shall, to the extent practicable, include training in health care to prevent both physical and mental disorders before the initial occurrence of such disorders. In carrying out this subsection, the Secretary shall encourage, but may not require, the use of interdisciplinary training project applications.

"(b) LIMITATION.—To be eligible to receive training using assistance provided under subsection (a), a health care practitioner shall be determined by the eligible applicant involved to be practicing, or desiring to practice, in a rural area.

"(c) USE OF ASSISTANCE.—Amounts received under a grant made or contract entered into under this section shall be used—

"(1) to provide student stipends to individuals attending rural community colleges or other institutions that service predominantly rural communities, for the purpose of enabling the individuals to receive preventive health care training;

"(2) to increase staff support at rural community colleges or other institutions that service predominantly rural communities to facilitate the provision of preventive health care training;

"(3) to provide training in appropriate research and program evaluation skills in rural communities;

"(4) to create and implement innovative programs and curricula with a specific prevention component; and

"(5) for other purposes as the Secretary determines to be appropriate.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of fiscal years 2006 through 2009.".

By Mr. INOUYE:

S. 68. A bill to amend title XIX of the Social Security Act to provide 100 percent reimbursement for medical assistance provided to a Native Hawaiian through a federally-qualified health center or a Native Hawaiian health care system; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Native Hawaiian Medicaid Coverage Act. This legislation would authorize a Federal Medicaid Assistance Percent (FMAP) of 100 percent for the payment of health care costs of Native Hawaiians who receive health care from Federally Qualified Health Centers or the Native Hawaiian Health Care System.

This bill was originally a provision within the Medicare Prescription Drug Bill, which the Senate passed by an overwhelming majority of 76 to 21, but was dropped from the final Medicare Prescription Drug Conference Report.

This bill is modeled on the Native Alaskan Health Care Act, which provides for a Federal Medicaid Assistance Percent (FMAP) of 100 percent for payment of health care costs for Native Alaskans by the Indian Health Service, an Indian tribe, or a tribal organization.

Community health centers serve as the "safety net" for uninsured and medically underserved Native Hawaiians and other United States citizens, providing comprehensive primary and preventive health services to the entire community. Outpatient services offered to the entire family include comprehensive primary care, preventive health maintenance, and education outreach in the local community. Community health centers, with their multidisciplinary approach, offer cost effective integration of health promotion and wellness with chronic disease management and primary care focused on serving vulnerable populations.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 68

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Medicaid Coverage Act of 2005".

SEC. 2. 100 PERCENT FMAP FOR MEDICAL ASSISTANCE PROVIDED TO A NATIVE HAWAIIAN THROUGH A FEDERALLY-QUALIFIED HEALTH CENTER OR A NATIVE HAWAIIAN HEALTH CARE SYSTEM UNDER THE MEDICAID PROGRAM.

(a) MEDICAID.—The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended by inserting ", and with respect to medical assistance provided to a Native Hawaiian (as defined in section 12 of the Native Hawaiian Health Care Improvement Act) through a federally-qualified health center or a Native Hawaiian health care system (as so defined) whether directly, by referral, or under contract or other arrangement between a federally-qualified health center or a Native Hawaiian health care system and another health care provider" before the period.

(b) EFFECTIVE DATE.—The amendment made by this section applies to medical assistance provided on or after the date of enactment of this Act.

By Mr. INOUYE:

S. 69. A bill for the relief of Donald C. Pence; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I am reintroducing a private relief mill on behalf of Donald C. Pence of Stanford, North Carolina, for compensation for the failure of the Department of Veterans Affairs to pay dependency and indemnity compensation to Kathryn E. Box, the now-deceased mother of Donald C. Pence. It is rare that a federal agency admits a mistake. In this case, the Department of Veterans Affairs has admitted that a mistake was made and explored ways to permit payment under the law, including equitable relief, but has found no provision authorizing the Department to release the remaining benefits that were unpaid to Mrs. Box at the time of her death. My bill would correct this injustice, and I urge my colleagues to support this measure.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 69

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RELIEF OF DONALD C. PENCE.

(a) RELIEF.—The Secretary of the Treasury shall pay, out of any moneys in the Treasury not otherwise appropriated, to Donald C. Pence, of Sanford, North Carolina, the sum of $31,128 in compensation for the failure of the Department of Veterans Affairs to pay dependency and indemnity compensation to Kathryn E. Box, the now-deceased mother of Donald C. Pence, for the period beginning on July 1, 1990, and ending on March 31, 1993.

(b) LIMITATION ON FEES.—Not more than a total of 10 percent of the payment authorized by subsection (a) shall be paid to or received by agents or attorneys for services rendered in connection with obtaining such payment, any contract to the contrary notwithstanding. Any person who violates this subsection shall be fined not more than $1,000.

By Mr. INOUYE:

S. 70. A bill to amend title XVIII of the Social Security Act to remove the restriction that a clinical psychologist or a clinical social worker provide services in a comprehensive outpatient rehabilitation facility to a patient only under the care of a physician; to the Committee on Armed Services.

Mr. INOUYE. Mr. President, today I introduce legislation to authorize the autonomous functioning of clinical psychologists and clinical social workers within the Medicare comprehensive outpatient rehabilitation facility program.

In my judgment, it is unfortunate that Medicare requires clinical supervision of the services provided by certain health professionals and does not allow them to function to the full extent of their State practice licenses. Those who need the services of outpatient rehabilitation facilities should have access to a wide range of social and behavioral science expertise. Clinical psychologists and clinical social workers are recognized as independent providers of mental health care services under the Federal Employee Health Benefits Program, the TRICARE Military Health Program of the Uniformed Services, the Medicare (Part B) Program, and numerous private insurance plans. This legislation will ensure that these qualified professionals achieve the same recognition under the Medicare comprehensive outpatient rehabilitation facility program.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 70

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Autonomy for Psychologists and Social Workers Act of 2005".

SEC. 2. REMOVAL OF RESTRICTION THAT A CLINICAL PSYCHOLOGIST OR CLINICAL SOCIAL WORKER PROVIDE SERVICES IN A COMPREHENSIVE OUTPATIENT REHABILITATION FACILITY TO A PATIENT ONLY UNDER THE CARE OF A PHYSICIAN.

(a) IN GENERAL.—Section 1861(cc)(2)(E) of the Social Security Act (42 U.S.C. 1395x(cc)(2)(E)) is amended by striking "physician" and inserting "physician, except that a patient receiving qualified psychologist services (as defined in subsection (ii)) may be under the care of a clinical psychologist with respect to such services to the extent permitted under State law and except that a patient receiving clinical social worker services (as defined in subsection (hh)(2)) may be under the care of a clinical social worker with respect to such services to the extent permitted under State law".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to services provided on or after January 1, 2006.

By Mr. INOUYE:

S. 71. A bill to amend title XVIII of the Social Security Act to provide for patient protection by limiting the number of mandatory overtime hours a nurse may be required to work at certain medicare providers, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I introduce the Registered Nurse Safe Staffing Act. I am introducing this bill on behalf of the American Nurses Association's Chief Executive Officer and President Linda Stierle, MSN, RN, CNAA and Barbara A. Blakeney, MS, APRN, BC, ANP, respectively. For over four decades I have been a committed supporter of nurses and the delivery of safe patient care. While enforceable regulations will help to ensure patient safety, the complexity and variability of today's hospitals require that staffing patterns be determined at the hospital and unit level, with the professional input of registered nurses. More than a decade of research demonstrates that nurse staff levels and the skill mix of nursing staff directly affect the clinical outcomes of hospitalized patients. Studies show that when there are more registered nurses, there are lower mortality rates, shorter lengths of stay, reduced costs, and fewer complications.

A study published in the Journal of the American Medical Association found that the risks of patient mortality rose by 7 percent for every additional patient added to the average nurse's workload. In the midst of a nursing shortage and increasing financial pressures, hospitals often find it difficult to maintain adequate staffing. While nursing research indicates that adequate registered nurse staffing is vital to the health and safety of patients, there is no standardized public reporting mechanism, nor enforcement of adequate staffing plans. The only regulations addressing nursing staff exists vaguely in Medicare Conditions of Participation which states: "The nursing service must have an adequate number of licensed registered nurses, licensed practice (vocational) nurse, and other personnel to provide nursing care to all patients as needed".

This bill will require Medicare Participating Hospitals to develop and maintain reliable and valid systems to determine sufficient registered nurse staffing. Given the demands that the healthcare industry faces today, it is our responsibility to ensure that patients have access to adequate nursing care. However, we must ensure that the decisions by which care is provided are made by the clinical experts, the registered nurses caring for these patients. Support of this bill supports our nation's nurses during a critical shortage, but more importantly, works to ensure the safety of their patients.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 71

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Registered Nurse Safe Staffing Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) There are hospitals throughout the United States that have inadequate staffing of registered nurses to protect the well-being and health of the patients.

(2) Studies show that the health of patients in hospitals is directly proportionate to the number of registered nurses working in the hospital.

(3) There is a critical shortage of registered nurses in the United States.

(4) The effect of that shortage is revealed in unsafe staffing levels in hospitals.

(5) Patient safety is adversely affected by these unsafe staffing levels, creating a public health crisis.

(6) Registered nurses are being required to perform professional services under conditions that do not support quality health care or a healthful work environment for registered nurses.

(7) As a payer for inpatient and outpatient hospital services for individuals entitled to benefits under the medicare program established under title XVIII of the Social Security Act, the Federal Government has a compelling interest in promoting the safety of such individuals by requiring any hospital participating in such program to establish minimum safe staffing levels for registered nurses.

SEC. 3. ESTABLISHMENT OF MINIMUM STAFFING RATIOS BY MEDICARE PARTICIPATING HOSPITALS.

(a) Requirement of Medicare Provider Agreement.—Section 1866(a)(1) of the Social Security Act (42 U.S.C. 1395cc(a)(1)) is amended—

(1) in subparagraph (R), by striking "and" after the comma at the end;

(2) in subparagraph (S), by striking the period at the end and inserting ", and"; and

(3) by inserting after subparagraph (S) the following new subparagraph:

"(T) in the case of a hospital, to meet the requirements of section 1889.".

(b) Requirements.—Part D of title XVIII of the Social Security Act is amended by inserting after section 1888 the following new section:

"STAFFING REQUIREMENTS FOR MEDICARE PARTICIPATING HOSPITALS

"Sec. 1889. (a) Establishment of Staffing System.—

"(1) In general.—Each participating hospital shall adopt and implement a staffing system that ensures a number of registered nurses on each shift and in each unit of the hospital to ensure appropriate staffing levels for patient care.

"(2) Staffing system requirements.—Subject to paragraph (3), a staffing system adopted and implemented under this section shall—

"(A) be based upon input from the direct care-giving registered nurse staff or their exclusive representatives, as well as the chief nurse executive;

"(B) be based upon the number of patients and the level and variability of intensity of care to be provided, with appropriate consideration given to admissions, discharges, and transfers during each shift;

"(C) account for contextual issues affecting staffing and the delivery of care, including architecture and geography of the environment and available technology;

"(D) reflect the level of preparation and experience of those providing care;

"(E) account for staffing level effectiveness or deficiencies in related health care classifications, including but not limited to, certified nurse assistants, licensed vocational nurses, licensed psychiatric technicians, nursing assistants, aides, and orderlies;

"(F) reflect staffing levels recommended by specialty nursing organizations;

"(G) establish upwardly adjustable registered nurse-to-patient ratios based upon registered nurses' assessment of patient acuity and existing conditions;

"(H) provide that a registered nurse shall not be assigned to work in a particular unit without first having established the ability to provide professional care in such unit; and

"(I) be based on methods that assure validity and reliability.

"(3) Limitation.—A staffing system adopted and implemented under paragraph (1) may not—

"(A) set registered-nurse levels below those required by any Federal or State law or regulation; or

"(B) utilize any minimum registered nurse-to-patient ratio established pursuant to paragraph (2)(G) as an upper limit on the staffing of the hospital to which such ratio applies.

"(b) Reporting, and Release to Public, of Certain Staffing Information.—

"(1) Requirements for hospitals.—Each participating hospital shall—

"(A) post daily for each shift, in a clearly visible place, a document that specifies in a uniform manner (as prescribed by the Secretary) the current number of licensed and unlicensed nursing staff directly responsible for patient care in each unit of the hospital, identifying specifically the number of registered nurses;

"(B) upon request, make available to the public—

"(i) the nursing staff information described in subparagraph (A); and

"(ii) a detailed written description of the staffing system established by the hospital pursuant to subsection (a); and

"(C) submit to the Secretary in a uniform manner (as prescribed by the Secretary) the nursing staff information described in subparagraph (A) through electronic data submission not less frequently than quarterly.

"(2) Secretarial responsibilities.—The Secretary shall—

"(A) make the information submitted pursuant to paragraph (1)(C) publicly available, including by publication of such information on the Internet site of the Department of Health and Human Services; and

"(B) provide for the auditing of such information for accuracy as a part of the process of determining whether an institution is a hospital for purposes of this title.

"(c) Recordkeeping; Data Collection; Evaluation.—

"(1) Recordkeeping.—Each participating hospital shall maintain for a period of at least 3 years (or, if longer, until the conclusion of pending enforcement activities) such records as the Secretary deems necessary to determine whether the hospital has adopted and implemented a staffing system pursuant to subsection (a).

"(2) Data collection on certain outcomes.—The Secretary shall require the collection, maintenance, and submission of data by each participating hospital sufficient to establish the link between the staffing system established pursuant to subsection (a) and—

"(A) patient acuity from maintenance of acuity data through entries on patients' charts;

"(B) patient outcomes that are nursing sensitive, such as patient falls, adverse drug events, injuries to patients, skin breakdown, pneumonia, infection rates, upper gastrointestinal bleeding, shock, cardiac arrest, length of stay, and patient readmissions;

"(C) operational outcomes, such as work-related injury or illness, vacancy and turnover rates, nursing care hours per patient day, on-call use, overtime rates, and needlestick injuries; and

"(D) patient complaints related to staffing levels.

"(3) Evaluation.—Each participating hospital shall annually evaluate its staffing system and establish minimum registered nurse staffing ratios to assure ongoing reliability and validity of the system and ratios. The evaluation shall be conducted by a joint management-staff committee comprised of at least 50 percent of registered nurses who provide direct patient care.

"(d) Enforcement.—

"(1) Responsibility.—The Secretary shall enforce the requirements and prohibitions of this section in accordance with the succeeding provisions of this subsection.

"(2) Procedures for receiving and investigating complaints.—The Secretary shall establish procedures under which—

"(A) any person may file a complaint that a participating hospital has violated a requirement or a prohibition of this section; and

"(B) such complaints are investigated by the Secretary.

"(3) Remedies.—If the Secretary determines that a participating hospital has violated a requirement of this section, the Secretary—

"(A) shall require the facility to establish a corrective action plan to prevent the recurrence of such violation; and

"(B) may impose civil money penalties under paragraph (4).

"(4) Civil money penalties.—

"(A) In general.—In addition to any other penalties prescribed by law, the Secretary may impose a civil money penalty of not more than $10,000 for each knowing violation of a requirement of this section, except that the Secretary shall impose a civil money penalty of more than $10,000 for each such violation in the case of a participating hospital that the Secretary determines has a pattern or practice of such violations (with the amount of such additional penalties being determined in accordance with a schedule or methodology specified in regulations).

"(B) Procedures.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

"(C) Public notice of violations.—

"(i) Internet site.—The Secretary shall publish on the Internet site of the Department of Health and Human Services the names of participating hospitals on which civil money penalties have been imposed under this section, the violation for which the penalty was imposed, and such additional information as the Secretary determines appropriate.

"(ii) Change of ownership.—With respect to a participating hospital that had a change in ownership, as determined by the Secretary, penalties imposed on the hospital while under previous ownership shall no longer be published by the Secretary of such Internet site after the 1-year period beginning on the date of change in ownership.

"(e) Whistleblower Protections.—

"(1) Prohibition of discrimination and retaliation.—A participating hospital shall not discriminate or retaliate in any manner against any patient or employee of the hospital because that patient or employee, or any other person, has presented a grievance or complaint, or has initiated or cooperated in any investigation or proceeding of any kind, relating to the staffing system or other requirements and prohibitions of this section.

"(2) Relief for prevailing employees.—An employee of a participating hospital who has been discriminated or retaliated against in employment in violation of this subsection may initiate judicial action in a United States district court and shall be entitled to reinstatement, reimbursement for lost wages, and work benefits caused by the unlawful acts of the employing hospital. Prevailing employees are entitled to reasonable attorney's fees and costs associated with pursuing the case.

"(3) Relief for prevailing patients.—A patient who has been discriminated or retaliated against in violation of this subsection may initiate judicial action in a United States district court. A prevailing patient shall be entitled to liquidated damages of $5,000 for a violation of this statute in addition to any other damages under other applicable statutes, regulations, or common law. Prevailing patients are entitled to reasonable attorney's fees and costs associated with pursuing the case.

"(4) Limitation on actions.—No action may be brought under paragraph (2) or (3) more than 2 years after the discrimination or retaliation with respect to which the action is brought.

"(5) Treatment of adverse employment actions.—For purposes of this subsection—

"(A) an adverse employment action shall be treated as retaliation or discrimination; and

"(B) the term 'adverse employment action' includes—

"(i) the failure to promote an individual or provide any other employment-related benefit for which the individual would otherwise be eligible;

"(ii) an adverse evaluation or decision made in relation to accreditation, certification, credentialing, or licensing of the individual; and

"(iii) a personnel action that is adverse to the individual concerned.

"(f) Relationship to State Laws.—Nothing in this section shall be construed as exempting or relieving any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful practice under this title.

"(g) Relationship To Conduct Prohibited Under the National Labor Relations Act or Other Collective Bargaining Laws.—Nothing in this section shall be construed as permitting conduct prohibited under the National Labor Relations Act or under any other Federal, State, or local collective bargaining law.

"(h) Regulations.—The Secretary shall promulgate such regulations as are appropriate and necessary to implement this section.

"(i) Definitions.—In this section:

"(1) Participating hospital.—The term 'participating hospital' means a hospital that has entered into a provider agreement under section 1866.

"(2) Registered nurse.—The term 'registered nurse' means an individual who has been granted a license to practice as a registered nurse in at least 1 State.

"(3) Unit.—The term 'unit' of a hospital is an organizational department or separate geographic area of a hospital, such as a burn unit, a labor and delivery room, a post-anesthesia service area, an emergency department, an operating room, a pediatric unit, a stepdown or intermediate care unit, a specialty care unit, a telemetry unit, a general medical care unit, a subacute care unit, and a transitional inpatient care unit.

"(4) Shift.—The term 'shift' means a scheduled set of hours or duty period to be worked at a participating hospital.

"(5) Person.—The term 'person' means 1 or more individuals, associations, corporations, unincorporated organizations, or labor unions.".

(c) Effective Date.—The amendments made by this section shall take effect on January 1, 2006.

By Mr. INOUYE:

S. 72. A bill to amend title 5, United States Code, to require the issuance of a prisoner-of-war medal to civilian employees of the Federal Government who are forcibly detained or interned by an enemy government or a hostile force under wartime conditions; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, all too often we find that our Nation's civilian employees of the Federal Government who have been forcibly detained or interned by a hostile government do not receive the recognition they deserve. My bill would correct this inequity and provide a prisoner of war medal for such citizens.

Mr. President, I ask unanimous consent that the text of my bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 72

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PRISONER-OF-WAR MEDAL FOR CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT.

(a) Authority To Issue Prisoner-of-War Medal.—(1) Subpart A of part III of title 5, United States Code, is amended by inserting after chapter 23 the following new chapter:

"CHAPTER 25—MISCELLANEOUS AWARDS

"Sec.
"2501. Prisoner-of-war medal: issue.

"§ 2501. Prisoner-of-war medal: issue

"(a) The President shall issue a prisoner-of-war medal to any person who, while serving in any capacity as an officer or employee of the Federal Government, was forcibly detained or interned, not as a result of such person's own willful misconduct—

"(1) by an enemy government or its agents, or a hostile force, during a period of war; or

"(2) by a foreign government or its agents, or a hostile force, during a period other than a period of war in which such person was held under circumstances which the President finds to have been comparable to the circumstances under which members of the armed forces have generally been forcibly detained or interned by enemy governments during periods of war.

"(b) The prisoner-of-war medal shall be of appropriate design, with ribbons and appurtenances.

"(c) Not more than one prisoner-of-war medal may be issued to a person under this section or section 1128 of title 10. However, for each succeeding service that would otherwise justify the issuance of such a medal, the President (in the case of service referred to in subsection (a) of this section) or the Secretary concerned (in the case of service referred to in section 1128(a) of title 10) may issue a suitable device to be worn as determined by the President or the Secretary, as the case may be.

"(d) For a person to be eligible for issuance of a prisoner-of-war medal, the person's conduct must have been honorable for the period of captivity which serves as the basis for the issuance.

"(e) If a person dies before the issuance of a prisoner-of-war medal to which the person is entitled, the medal may be issued to that person's representative, as designated by the President.

"(f) Under regulations prescribed by the President, a prisoner-of-war medal that is lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom it was issued may be replaced without charge.

"(g) In this section, the term 'period of war' has the meaning given such term in section 101(11) of title 38.".

(2) The table of chapters at the beginning of part III of such title is amended by inserting after the item relating to chapter 23 the following new item:

"25. Miscellaneous Awards .... **2501".**

(b) Applicability.—Section 2501 of title 5, United States Code, as added by subsection (a), applies with respect to any person who, after April 5, 1917, is forcibly detained or interned as described in subsection (a) of such section.

By Ms. CANTWELL:

S. 73. A bill to promote food safety and to protect the animal feed supply from bovine spongiform encephalopathy; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. CANTWELL. Mr. President, today I am introducing the Animal Feed Protection Act of 2005. It is similar to legislation that I introduced in the 108th Congress.

Last week, during the Senate's consideration of the nomination of Governor Mike Johanns to be the Secretary of Agriculture, I spoke in favor of exercising caution with respect to re-opening the U.S.-Canadian border to imports of live animals and processed beef products until the Animal Protective Health Inspection Service fully investigates the most recent case of Mad Cow in that country. This legislation is important to our ongoing efforts to eradicate the possibility that Mad Cow disease will infect U.S. cattle herds.

My legislation provides necessary enhancements to current Federal feed regulations. It reduces the chance that the riskiest materials, those most likely to transmit Mad Cow disease, cross-contaminate cattle feed or are accidentally fed to cattle.

Specifically, my legislation would ban the inclusion of specified risk materials, or SRM, in all animal feed. Currently these materials are only banned from ruminant feed.

As we continue to negotiate the re-opening of export markets to U.S. beef, a comprehensive SRM ban is a prudent step. It is necessary to assure our trading partners that we have secured our domestic feed, and eliminated the risk of spreading Mad Cow disease through feed.

As our domestic beef producers continue to suffer from the closure of our largest export markets, I encourage my colleagues to join me by cosponsoring this legislation—a measure that will strengthen our Mad Cow firewalls and our assurances to foreign beef consumers. I also hope that as the Senate

Agriculture Committee conducts hearings next month into the appropriate Federal response to the most recent Canadian Mad Cow case, the committee will consider examining this legislation as well. The Senate should move toward its swift passage. Mr. President, I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 73

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Animal Feed Protection Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) BSE.—The term "BSE" means bovine spongiform encephalopathy.

(2) COVERED ARTICLE.—

(A) IN GENERAL.—The term "covered article" means—

(i) feed for an animal;

(ii) a nutritional supplement for an animal;

(iii) medicine for an animal; and

(iv) any other article of a kind that is ordinarily ingested, implanted, or otherwise taken into an animal.

(B) EXCLUSIONS.—The term "covered article" does not include—

(i) an unprocessed agricultural commodity that is readily identifiable as nonanimal in origin, such as a vegetable, grain, or nut;

(ii) an article described in subparagraph (A) that, based on compelling scientific evidence, the Secretary determines does not pose a risk of transmitting prion disease; or

(iii) an article regulated by the Secretary that, as determined by the Secretary—

(I) poses a minimal risk of carrying prion disease; and

(II) is necessary to protect animal health or public health.

(3) SPECIFIED RISK MATERIAL.—

(A) IN GENERAL.—The term "specified risk material" means—

(i) the skull, brain, trigeminal ganglia, eyes, tonsils, spinal cord, vertebral column, or dorsal root ganglia of—

(I) cattle and bison 30 months of age and older; or

(II) sheep, goats, deer, and elk 12 months of age and older;

(ii) the intestinal tract of a ruminant of any age; and

(iii) any other material of a ruminant that may carry a prion disease, as determined by the Secretary, based on scientifically credible research.

(B) MODIFICATION.—The Secretary shall conduct an annual review of scientific research and may modify the definition of specified risk material based on scientifically credible research (including the conduct of ante-mortem and post-mortem tests certified by the Secretary of Agriculture).

(4) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 3. PROTECTION OF ANIMAL FEED AND PUBLIC HEALTH.

It shall be unlawful for any person to introduce into interstate or foreign commerce a covered article if the covered article contains—

(1)(A) specified risk material from a ruminant; or

(B) any material from a ruminant that—

(i) was in any foreign country at a time at which there was a risk of transmission of BSE in the country, as determined by the Secretary of Agriculture; and

(ii) may contain specified risk material from a ruminant; or

(2) any material from a ruminant exhibiting signs of a neurological disease.

SEC. 4. ENFORCEMENT.

(a) COOPERATION.—The Secretary and the heads of other Federal agencies, as appropriate, shall cooperate with the Attorney General in enforcing this Act.

(b) DUE PROCESS.—Any person subject to enforcement action under this section shall have the opportunity for an informal hearing on the enforcement action as soon as practicable after, but not later than 10 days after, the enforcement action is taken.

(c) REMEDIES.—In addition to any remedies available under other provisions of law, the head of a Federal agency may enforce this Act by—

(1) seizing and destroying an article that is introduced into interstate or foreign commerce in violation of this Act; or

(2) issuing an order requiring any person that introduces an article into interstate or foreign commerce in violation of this Act—

(A) to cease the violation;

(B)(i) to recall any article that is sold; and

(ii) to refund the purchase price to the purchaser;

(C) to destroy the article or forfeit the article to the United States for destruction; or

(D) to cease operations at the facility at which the article is produced until the head of the appropriate Federal agency determines that the operations are no longer in violation of this Act.

(d) CIVIL AND MONETARY PENALTIES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall promulgate regulations establishing the appropriate level of civil and monetary penalties necessary to carry out this Act.

SEC. 5. TRAINING STANDARDS.

The Secretary, in consultation with the Secretary of Agriculture, shall issue training standards to industry for the removal of specified risk materials.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated $5,000,000 to carry out this Act.

SEC. 7. EFFECTIVE DATE.

This Act takes effect on the date that is 180 days after the date of enactment of this Act.

By Ms. CANTWELL (for herself and Mrs. MURRAY):

S. 74. A bill to designate a portion of the White Salmon River as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, today I am introducing the White Salmon Wild and Scenic Rivers Act. I am pleased to be joined by the Senior Senator from Washington (Mrs. MURRAY), who has been a strong supporter of this legislation.

This bill would designate some 20 miles of the main stem of the upper White Salmon River Salmon and one of its tributaries, Cascade Creek, all within the Gifford Pinchot National Forest, as components of the National Wild and Scenic Rivers System. By designating this upper third of the White Salmon, we can permanently protect this special river as a premiere recreational destination, a Southwest Washington economic resource, and an important wildlife habitat.

I am happy to note that my delegation colleague, Congressman BAIRD, recently offered identical legislation in the House.

The White Salmon River's remarkable beauty and pristine condition are not in question. In fact, the lower eight miles of the river received protection when Congress granted that stretch of the river Wild and Scenic status in 1986. As we saw then, its protected status hasn't prevented residents and visitors from taking advantage of the unique recreational opportunities the White Salmon River offers. Extending Wild and Scenic protection to the river's upper reaches today is an important step forward in protecting even more of its wild character for fishing, boating, and other recreational activities.

As one of the best whitewater rivers in the Pacific Northwest, the White Salmon already supports a number of whitewater rafting companies. About 12,000 whitewater boaters visit the river each year. So I see this designation as not just protecting a pristine river, but also its beneficial impact on the local economy downstream.

Protecting the White Salmon River will help increase opportunities for other outdoor sports, as well. This is an important sector of our state's economy. According to the Washington Department of Fish and Wildlife, fish and wildlife related recreation pumps nearly $2.2 billion per year into our economy. And we rank first in the Northwest and eighth in the nation in spending by sport fishers.

Safeguarding the White Salmon through this designation will also be an important step toward restoring wildlife habitat. Once the Condit Dam is removed from the lower reach of the river, the White Salmon will again become valuable spawning habitat for salmon and steelhead.

I am proud that identical legislation to the measure I introduce today passed the Senate unanimously on October 10, 2004. While the bill narrowly missed clearing the House of Representatives, I am confident that because this bill has a broad range of support, and is a true win-win proposal for local interests, that it will become law during the 109th Congress.

Mr. President, I look forward to working with my colleagues in the Senate, as well as other members of the Washington state congressional delegation, to ensure swift passage of this important legislation. I ask unanimous consent that the text of the legislation be printed in the RECORD at the conclusion of my remarks.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 74

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Upper White Salmon Wild and Scenic Rivers Act".

SEC. 2. UPPER WHITE SALMON WILD AND SCENIC RIVER.

Section 3(a) of the Wild and Scenic Rivers Act (16 U.S.C. 1274(a)) is amended by adding at the end the following:

"( ) WHITE SALMON RIVER, WASHINGTON.—The 20 miles of river segments of the main stem of the White Salmon River and Cascade Creek, Washington, to be administered by the Secretary of Agriculture in the following classifications:

"(A) The approximately 1.6-mile segment of the main stem of the White Salmon River from the headwaters on Mount Adams in section 17, township 8 north, range 10 east, downstream to the Mount Adams wilderness boundary as a wild river.

"(B) The approximately 5.1-mile segment of Cascade Creek from its headwaters on Mount Adams in section 10, township 8 north, range 10 east, downstream to the Mount Adams Wilderness boundary as a wild river.

"(C) The approximately 1.5-mile segment of Cascade Creek from the Mount Adams Wilderness boundary downstream to its confluence with the White Salmon River as a scenic river.

"(D) The approximately 11.8-mile segment of the main stem of the White Salmon River from the Mount Adams Wilderness boundary downstream to the Gifford Pinchot National Forest boundary as a scenic river.".

SEC. 3. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

By Ms. CANTWELL:

S. 75. A bill to permanently increase the maximum annual contribution allowed to be made to Coverdell education savings accounts; to the Committee on Finance.

By Ms. CANTWELL:

S. 76. A bill to amend the Internal Revenue Code of 1986 to permanently increase the maximum annual contribution allowed to be made to Coverdell education savings accounts, and to provide for a deduction for contributions to education savings accounts; to the Committee on Finance.

Ms. CANTWELL. Mr. President, today I am introducing two pieces of legislation to help families save for their children's education.

In today's global marketplace, ensuring access to high-quality education—starting in early childhood and grade school, moving on to college and beyond—is central in maintaining America's competitive edge. To make paying for school easier, I am introducing two pieces of legislation that would expand Coverdell Education Savings Accounts or ESAs: The Education Savings for Students Act and College Savings Act.

Coverdell ESAs are trusts created solely for the educational benefit of any child under the age of 18. Contributions to a Coverdell Education Savings account can be used toward a child's education from kindergarten through 12th grade, college, and even graduate school. All earnings in the account grow tax-free and can be withdrawn on a tax-deferred basis, if used for educational expenses. Currently, annual contributions to each Coverdell ESA cannot exceed $2,000. But this particular provision will sunset on 12/31/2010 unless Congress takes action to extend it, otherwise the maximum contribution will drop back to a previously set stipulation of $500.

My bill, the Education for Students Act would expand the existing Coverdell ESA by permanently increasing the maximum annual contribution from $2,000 to $5,000. This bill keeps the current Coverdell ESA provision that investment earnings accumulate tax-free and withdrawals from the account are tax-exempt when the child uses the funds for school.

My other bill, the College Savings Act would also permanently increase the maximum annual contribution to a Coverdell ESA to $5,000. Instead of anticipating future earnings, families would be able to deduct the amount they contribute to their education savings account from income.

Rather than putting away money ad-hoc, both bills provide a financial incentive to save for college or other educational expenses. And since there is no limit on the number of Coverdell ESAs that may be opened for a child under age 18, parents have the flexibility to set aside money now through deductible contributions or bank on projected savings through tax-deferred earnings and withdrawals, or even take on both options. The College Savings and Education Savings for Students Acts will help families plan for future educational expenses, paving a path to financial self-sufficiency.

I understand that all families are different. Saving for college may be the last thing on a parent's mind, especially when their child is young and their family has significant financial needs. But just as fast as our children grow, so does the cost of tuition. Mounting prices for books and materials, plus room and board have made colleges and universities less affordable for most families.

College is expensive. There are many parents whose children aim to go to college, but soon discover they can't afford it because the price of pursuing a higher education costs too much. If the College Savings and Education for Students Acts became law, families would have another powerful tool to help their children realize their educational dreams.

By saving money early and often, families won't feel as hard hit by skyrocketing college prices because you'll know what's coming in and what's going out of these accounts.

In 2002, the National Center for Public Policy and Higher Education reported on the national trends of rising college prices. The Center determined that if educational costs are unaddressed there will be adverse consequences for expanding students' opportunities to pursue a higher education and future career.

This report found that over the last two decades, the cost of attending two- and four-year public and private colleges have not only grown more rapidly than inflation, but faster than family incomes, increasing the share of family income that is needed to pay for tuition and other college expenses. From 1991 through 2001, tuition at four-year public colleges and universities rose faster than family income in 41 states, including my home state of Washington.

The Washington State Higher Education Coordinating Board reports that, over the last ten years, tuition and fees have far outpaced family income, increasing 89 percent compared to 51 percent in per capita personal income in my state. In comparison, the cost of most consumer goods increased an average of 20 percent during the same time. Per capita personal income in Washington increased 51 percent during this same period.

As a result, more students and families at all income levels are borrowing more money than ever before to pay for college. According to a recent study by the College Board, nonfederal borrowing reached $11.3 billion in 2003–04, up 39 percent over the previous year, and jumping nearly 150 percent in three years. Over $10 billion of these loans are private. Over the past five years, borrowing through banks and other private lenders has increased from 7 percent to 16 percent of education loan volume.

Although borrowing is an acceptable way to pay for college, the financial consequences of high debt can still ensue, and students spend years paying back loans, undermining their ability to purchase a home or save for retirement. Additionally, college students on average graduate with about $3,300 in credit card debit alone. Concern about the increase in educational loan debt may cause students to spend more time working than attending class or to opt out of enrolling in college altogether.

Moreover, the steepest increases in college and university tuition have been imposed during times of greatest economic hardship. Just in the past three years, our economy has experienced a loss of 1.8 million private sector jobs and 2.7 million manufacturing jobs. Preparing America's workforce and keeping up with the demand for skilled workers across all sectors of the 21st century economy is my priority. If we want to maintain our economic competitiveness, it is imperative that there are opportunities for individuals to fully take advantage of educational opportunities.

The Bureau of Labor Statistics reports that six of the ten fastest-growing occupations in the U.S. economy require an associate's degree or bachelor's degree, and that all ten of these careers will require some type of skills training. By 2010, 40 percent of all job growth will require some form of post-secondary education.

On average, a college graduate earns nearly 73 percent more than a typical high school graduate. In 2003, the average worker in the U.S. with a four-year college degree earned just under $50,000, over 60 percent more than the $30,800 earned by the average worker with a high school diploma, reports the College Board. Those with advanced degrees earn two to three times as much as high school graduates. In addition, society reaps the benefits of an educated workforce by improving quality of life and overall, the well-being of our communities.

Affordability is key to expanding opportunities to go to college. Saving for college early and often will help lift the pressures off of parents who are feeling the financial squeeze of increased tuition and fees.

Because my family qualified for financial aid, I was able to work my way through college using Pell grant funding. But there are many families who do not qualify for Pell or other sources of financial aid.

For these families, Coverdell Education Savings plans provide necessary relief for the middle class. The purpose of education savings plans are to increase saving by increasing net returns. Today, parents can put up to $2,000 a year into a Coverdell Education Savings account. The actual contribution is not tax deductible, but all earnings in this account are free from taxes when they are withdrawn to pay for school.

However, the current $2,000 annual limit on Coverdell contributions will be repealed in 2010 unless Congress acts to extend it. If we don't extend the contribution level, the maximum contribution will drop to $500.

While the current tax benefit makes it easier to save for college, the Education Savings for Students Act would increase the annual contributions from $2,000 to $5,000; making this change permanent ensures greater savings for families. By increasing the amount parents can put aside for their children's college savings, middle-income parents will be able to save more easily for their child's college education.

Say, for example, parents start saving when their child turns eight years old. If they put away just $100.00 a month—at an interest rate of savings of four percent—by the time their kid turns 18, their account would have earned more than $12,400 in interest. Parents will save over $3,100 in taxes when that child is old enough to go to school.

In addition to projected savings, parents also have the option to save now. The College Savings Act would allow families to deduct Coverdell ESA contributions from their taxes each year.

Mr. President, both of these bills, the College Savings Act and the Education Savings for Students Act are financial incentives for people to save by allowing families to deduct the amount they contribute and take tax-free earnings when their child is ready to go to school. These bills would further lessen the financial burden that parents bear by saving money early and often.

Permanently expanding the Coverdell maximum contribution from its current threshold of $2,000 to $5,000 a year and allowing this contribution to be tax deductible is a common-sense savings vehicle that keeps future college costs from spinning out of control. Increasing contribution caps will make school more affordable at a time when a college education and advanced job training is becoming more and more important for economic success.

I urge my colleagues to support these measures and I ask unanimous consent that the full text of these bills be printed in the RECORD.

There being no objection, the bills was ordered to be printed in the RECORD, as follows:

S. 75

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The Education Savings for Students Act of 2005".

SEC. 2. INCREASE IN MAXIMUM ANNUAL CONTRIBUTION FOR COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 (defining Coverdell education savings account) is amended by striking "$2,000" and inserting "$5,000".

(b) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "$2,000" and inserting "$5,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

S. 76

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "The College Savings Act of 2005".

SEC. 2. INCREASE IN MAXIMUM ANNUAL CONTRIBUTION FOR COVERDELL EDUCATION SAVINGS ACCOUNTS.

(a) IN GENERAL.—Section 530(b)(1)(A)(iii) of the Internal Revenue Code of 1986 (defining Coverdell education savings account) is amended by striking "$2,000" and inserting "$5,000".

(b) CONFORMING AMENDMENT.—Section 4973(e)(1)(A) of the Internal Revenue Code of 1986 is amended by striking "$2,000" and inserting "$5,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2004.

SEC. 3. EDUCATION SAVINGS ACCOUNTS.

(a) DEDUCTION FOR CONTRIBUTIONS.—Part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 (relating to additional itemized deductions for individuals) is amended by redesignating section 224 as section 225 and inserting after section 223 the following new section:

"SEC. 224. EDUCATION SAVINGS.

"(a) DEDUCTION ALLOWED.—In the case of an individual, there shall be allowed as a deduction an amount equal to the amount of contributions made by such individual to an education savings account during the taxable year.

"(b) DEFINITIONS.—

"(1) EDUCATION SAVINGS ACCOUNT.—The term 'education savings account' means a trust created or organized in the United States exclusively for the purpose of paying the qualified education expenses of an individual who is the designated beneficiary of the trust (and designated as an education savings account at the time created or organized), but only if the written governing instrument creating the trust meets the following requirements:

"(A) No contribution will be accepted—

"(i) unless it is in cash,

"(ii) after the date on which such beneficiary attains age 18, or

"(iii) except in the case of rollover contributions described in subsection (e)(4), if such contribution would result in aggregate contributions for the taxable year exceeding $5,000.

"(B) The trustee is a bank (as defined in section 408(n)) or another person who demonstrates to the satisfaction of the Secretary that the manner in which that person will administer the trust will be consistent with the requirements of this section or who has so demonstrated with respect to any individual retirement plan or any Coverdell education savings account.

"(C) No part of the trust assets will be invested in life insurance contracts.

"(D) The assets of the trust shall not be commingled with other property except in a common trust fund or common investment fund.

"(E) Except as provided in subsection (e)(6), any balance to the credit of the designated beneficiary on the date on which the beneficiary attains age 30 shall be distributed within 30 days after such date to the beneficiary or, if the beneficiary dies before attaining age 30, shall be distributed within 30 days after the date of death of such beneficiary.

"(F) The age limitations in subparagraphs (A)(ii) and (E), and paragraphs (4) and (5) of subsection (e), shall not apply to any designated beneficiary with special needs (as determined under regulations prescribed by the Secretary).

"(2) QUALIFIED EDUCATION EXPENSES.—The term 'qualified education expenses' has the meaning given such term in section 530(b)(2).

"(3) CERTAIN RULES TO APPLY.—Rules similar to the following rules shall apply for purposes of this section:

"(A) Section 219(d)(2) (relating to no deduction for rollovers),

"(B) Section 530(b)(5) (relating to time when contributions deemed made),

"(C) Section 530(f) (relating to community property laws),

"(D) Section 530(g) (relating to custodial accounts), and

"(E) Section 530(h) (relating to reports).

"(c) Reduction in Permitted Contribution Based on Adjusted Gross Income.—

"(1) In general.—The maximum amount which a contributor could otherwise make to an account under this section shall be reduced by an amount which bears the same ratio to such maximum amount as—

"(A) the excess of—

"(i) the contributor's modified adjusted gross income for such taxable year, over

"(ii) $95,000 ($190,000 in the case of a joint return), bears to

"(B) $15,000 ($30,000 in the case of a joint return).

"(2) Modified adjusted gross income.—For purposes of paragraph (1), the term 'modified adjusted gross income' means the adjusted gross income of the taxpayer for the taxable year increased by any amount excluded from gross income under section 911, 931, or 933.

"(d) Tax Treatment of Accounts.—

"(1) In general.—An education savings account is exempt from taxation under this subtitle unless such account has ceased to be an education savings account. Notwithstanding the preceding sentence, any such account is subject to the taxes imposed by section 511 (relating to imposition of tax on unrelated business income of charitable, etc. organizations).

"(2) Account terminations.—Rules similar to the rules of paragraphs (2) and (4) of section 408(e) shall apply to education savings accounts, and any amount treated as distributed under such rules shall be treated as not used to pay qualified education expenses.

"(e) Treatment of Distributions.—

"(1) In general.—Any distribution shall be includible in the gross income of the distributee in the manner as provided in section 72.

"(2) Special rules for applying estate and gift taxes with respect to account.—Rules similar to the rules of paragraphs (2), (4), and (5) of section 529(c) shall apply for purposes of this section.

"(3) Additional tax for distributions not used for educational expenses.—

"(A) In general.—The tax imposed by this chapter for any taxable year on any taxpayer who receives a payment or distribution from an education savings account which is in excess of the qualified education expenses of the designated beneficiary during the taxable year shall be increased by 10 percent of the amount of such excess.

"(B) Exceptions.—Subparagraph (A) shall not apply if the payment or distribution is—

"(i) made to a beneficiary (or to the estate of the designated beneficiary) on or after the death of the designated beneficiary,

"(ii) attributable to the designated beneficiary's being disabled (within the meaning of section 72(m)(7)),

"(iii) made on account of a scholarship, allowance, or payment described in section 25A(g)(2) received by the account holder to the extent the amount of the payment or distribution does not exceed the amount of the scholarship, allowance, or payment, or

"(iv) made on account of the attendance of the designated beneficiary at the United States Military Academy, the United States Naval Academy, the United States Air Force Academy, the United States Coast Guard Academy, or the United States Merchant Marine Academy, to the extent that the amount of the payment or distribution does not exceed the costs of advanced education (as defined by section 2005(e)(3) of title 10, United States Code, as in effect on the date of the enactment of this section) attributable to such attendance.

"(C) Contributions returned before certain date.—Subparagraph (A) shall not apply to the distribution of any contribution made during a taxable year on behalf of the designated beneficiary if—

"(i) such distribution is made before the first day of the sixth month of the taxable year following the taxable year, and

"(ii) such distribution is accompanied by the amount of net income attributable to such excess contribution.

Any net income described in clause (ii) shall be included in gross income for the taxable year in which such excess contribution was made.

"(4) Rollover contributions.—Paragraph (1) shall not apply to any amount paid or distributed from an education savings account to the extent that the amount received is paid, not later than the 60th day after the date of such payment or distribution, into another education savings account for the benefit of the same beneficiary or a member of the family (within the meaning of section 529(e)(2)) of such beneficiary who has not attained age 30 as of such date. The preceding sentence shall not apply to any payment or distribution if it applied to any prior payment or distribution during the 12-month period ending on the date of the payment or distribution.

"(5) Change in beneficiary.—Any change in the beneficiary of an education savings account shall not be treated as a distribution for purposes of paragraph (1) if the new beneficiary is a member of the family (as so defined) of the old beneficiary and has not attained age 30 as of the date of such change.

"(6) Special rules for death and divorce.—Rules similar to the rules of paragraphs (7) and (8) of section 220(f) shall apply. In applying the preceding sentence, members of the family (as so defined) of the designated beneficiary shall be treated in the same manner as the spouse under such paragraph (8).

"(7) Deemed distribution on required distribution date.—In any case in which a distribution is required under subsection (b)(1)(E), any balance to the credit of a designated beneficiary as of the close of the 30-day period referred to in such subsection for making such distribution shall be deemed distributed at the close of such period.".

(b) Tax on Excess Contributions.—

(1) In general.—Subsection (a) of section 4973 of the Internal Revenue Code of 1986 (relating to tax on excess contributions to certain tax-favored accounts and annuities) is amended by striking "or" at the end of paragraph (4), by inserting "or" at the end of paragraph (5), and by inserting after paragraph (5) the following new paragraph:

"(6) an education savings account (as defined in section 224),".

(2) Excess contribution.—Section 4973 of such Code is amended by adding at the end the following new subsection:

"(h) Excess Contributions to Education Savings Accounts.—For purposes of this section—

"(1) In general.—In the case of education savings accounts maintained for the benefit of any one beneficiary, the term 'excess contributions' means the sum of—

"(A) the amount by which the amount contributed for the taxable year to such accounts exceeds $5,000 (or, if less, the sum of the maximum amounts permitted to be contributed under section 224(c) by the contributors to such accounts for such year); and

"(B) the amount determined under this subsection for the preceding taxable year, reduced by the sum of—

"(i) the distributions out of the accounts for the taxable year (other than distributions described in section 224(e)(4)); and

"(ii) the excess (if any) of the maximum amount which may be contributed to the accounts for the taxable year over the amount contributed to the accounts for the taxable year.

"(2) Special rules.—For purposes of paragraph (1), the following contributions shall not be taken into account:

"(A) Any contribution which is distributed out of the education savings account in a distribution to which section 224(e)(3)(C) applies.

"(B) Any rollover contribution.".

(c) Failure To Provide Reports on Education Savings Accounts.—Paragraph (2) of section 6693(a) of the Internal Revenue Code of 1986 (relating to failure to provide reports on individual retirement accounts or annuities) is amended by striking "and" at the end of subparagraph (D), by striking the period at the end of subparagraph (E) and inserting ", and", and by adding at the end the following new subparagraph:

"(F) section 224(b)(3)(E) (relating to education savings accounts).".

(d) Clerical Amendment.—The table of section for part VII of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by striking the item relating to section 224 and inserting the following new items:

"Sec. 224. Education savings.
"Sec. 225. Cross reference.".

(e) Effective Date.—The amendments made by this section shall apply to contributions made in taxable years beginning after December 31, 2004.

By Mr. SESSIONS (for himself and Mr. Lieberman):

S. 77. A bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. SESSIONS. Mr. President, I want to take a few minutes to discuss legislation that I offer today along with Senator Lieberman and I believe 15 other cosponsors called the HEROES Act of 2005, the Honoring Every Requirement of Exemplary Service Act, that will increase substantially the death benefits provided to the families of our service personnel who lose their lives in service to their country. I see Senator Allen. I know he deeply cares about this issue. We are working together on this same idea.

Fundamentally, this bill would raise the basic death benefit from $12,420 to $100,000. It will raise the servicemen's group life insurance payment from $250,000 to $400,000. Senator Lieberman and I, all of us in this body believe we need to make sure that our servicemen's families are well taken care of if something were to happen to them.

I am very pleased that Senator Frist on Friday made this part of his leadership package and that Senator John Warner, chairman of the Armed Services Committee, promised quick action in the committee on the subject. And I am very pleased that the Defense Department has worked with us in helping to craft this legislation, actually supports it and the funding it will require.

I asked last year about it when our defense bill moved. When no consensus was reached as that bill was moving, we put in the legislation a requirement that the DOD work with the Congress to develop a plan to improve death benefits, and they have done so. It is the right thing to do.

Just last Monday, I was in Iraq. I had the ability to travel throughout that country, and we flew back from Baghdad to Kuwait about 9 or 10 that night. On the C–130 in which we flew back, in the bay of that great aircraft were two flag-draped coffins of American service personnel who had given their life to their country. There should be no doubt in any soldier's mind that if something happens to them while in service to their country, their family will be well taken care of. The American people want that. I believe the people in this Congress will support that.

This legislation needs to be passed promptly. I am proud that Senator WARNER and Senator FRIST have indicated they would accelerate it and do what they can to see that it does become law. I look forward to working with Senator LIEBERMAN and my fellow Senators to move this bill to final passage.

I see the chairman of Armed Services, Senator WARNER. I express my appreciation to him for his commitment to do what he can to move this bill forward promptly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my colleague for his thoughtful remarks. I so commit to do that.

Ms. SNOWE. Mr. President, America's finest citizens and the world's greatest military men and women continue to put themselves in harm's way in support of the establishment of freedom and democracy in Iraq and Afghanistan. They also are helping millions throughout South and Southeast Asia to recover from the devastating tsunami that destroyed so many lives.

These great Americans have made a commitment to serve this country come what may. They are prepared to make the ultimate sacrifice with the knowledge that in doing so, they are defending the security of our Nation and advancing the very ideals upon which this great country was founded.

Just as these men and women have agreed to make this commitment, so too must we commit to supporting the families of these soldiers who give the "last full measure of devotion" for us. It is the very least we can do to provide a greater degree of peace of mind to our service men and women, who should always know and trust that a grateful America will stand with and support their family members should tragedy strike.

It is in recognition of their extraordinary selflessness that I join my colleagues, Mr. SESSIONS, Mr. LIEBERMAN and others in cosponsoring the HEROES Act of 2005. Although Congress last year raised the amount offered to families following the death of a service man or woman for the first time in over a decade, I continue to believe that even that amount is an inadequate level of support in this day and age.

For decades, we offered a nominal amount of between $800 and $3,000, depending upon rank, for immediate expenses to surviving family members upon the death of a member of our armed forces. In the wake of the 1991 Gulf War, Congress raised this to a flat $6,000, of which half was subject to income tax. Finally, we raised that to $12,000, made the entire amount tax-free, and tied future increases to the annual increase in base pay.

Of course, no amount of money can replace the loved ones that are lost in combat. It's an unimaginable loss which can never be ameliorated by financial comfort. However, despite the increase in the level of support last year, the amount that we currently offer the families of our soldiers remains woefully inadequate to try to begin to address the immediate costs of funeral arrangements, the loss of what may in most cases be the primary wage earner in the family and the additional costs associated with the loss of a mother, father, or spouse.

When one considers how long it may take for a family to regain its footing, how surviving family members may need to move out of military-provided housing and to secure private housing elsewhere, how a surviving spouse may need to search for employment to support his or her family, and how long it may take for insurance benefits to be paid out, this improvement in benefits is the very least we can do to alleviate the burdens and financial worry that come with such a loss.

I strongly support raising the amount to $100,000, in addition to increasing the maximum benefit of the Servicemen's Group Life Insurance policy from $250,000 to $400,000, as this bill does.

In acknowledgment of and appreciation for the sacrifices of our brave men and women in uniform, I hope that we can all agree on the need to help ensure that the futures of their children are secured should they sacrifice their lives in combat.

It is for the sake of our brave servicemen and women and the families who depend on them that we introduce this legislation and for them that I urge full support.

By Mrs. HUTCHISON (for herself, Mr. BROWNBACK, Mr. CORNYN, Mr. BUNNING, Mr. BURNS, Mr. HAGEL, and Mr. ENSIGN):

S. 78. A bill to make permanent marriage penalty relief; to the Committee on Finance.

Ms. HUTCHISON. Mr. President I am pleased to introduce a bill to provide permanent tax relief from the marriage penalty—the most egregious, anti-family provision that has been in the tax code. One of my highest priorities in the U.S. Senate has been to relieve American taxpayers of this punitive burden.

Over the past four years we have made important strides to eliminate this unfair tax and provide marriage penalty relief by raising the standard deduction and enlarging the 15 percent tax bracket for married joint filers to twice that of single filers. Before these provisions were changed, 44 million Americans, including 2.4 million Texas families, paid an average penalty of $1,480.

Enacting marriage penalty relief has been a giant step for tax fairness, but it may be fleeting. Even as married couples use the money they now save to put food on the table and clothes on their children, a tax increase looms in the future. Since the 2001 tax relief bill was restricted, the marriage penalty provisions will only be in effect through 2010. In 2011, marriage will again be a taxable event and 43 percent of married couples will again pay more in taxes unless we act decisively.

Given the challenges many families face in making ends meet, we must make sure we do not backtrack on this important reform.

The benefits of marriage are well established, yet, without marriage penalty relief, the tax code provides a significant disincentive for people to walk down the aisle. Marriage is a fundamental institution in our society and should not be discouraged by the IRS. Children living in a married household are far less likely to live in poverty or to suffer from child abuse. Research indicates they are less likely to be depressed or have developmental problems. Scourges such as adolescent drug use are less common in married families, and married mothers are less likely to be victims of domestic violence.

We should celebrate marriage, not penalize it. The bill I am offering would make marriage penalty relief permanent, because we cannot be satisfied until couples never again must decide between love and money. Marriage should not be a taxable event.

I call on the Senate to finish the job we started to make marriage penalty relief permanent today.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 78

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Permanent Marriage Penalty Relief Act of 2005".

SEC. 2. REPEAL OF SUNSET ON MARRIAGE PENALTY RELIEF.

Title IX of the Economic Growth and Tax Relief Reconciliation Act of 2001 (relating to sunset of provisions of such Act) shall not apply to sections 301, 302, and 303 of such Act (relating to marriage penalty relief).

By Mr. INOUYE:

S. 79. A bill to require the Secretary of the Army to determine the validity of the claims of certain Filipinos that they performed military service on behalf of the United States during World War II; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, I am reintroducing legislation today that would direct the Secretary of the Army to determine whether certain nationals of the Philippine Islands performed military service on behalf of the United States during World War II.

Mr. President, our Filipino veterans fought side by side with Americans and sacrificed their lives on behalf of the United States. This legislation would confirm the validity of their claims and further allow qualified individuals the opportunity to apply for military and veterans benefits that, I believe, they are entitled to. As this population becomes older, it is important for our nation to extend its firm commitment to the Filipino veterans and their families who participated in making us the great nation that we are today.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 79

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DETERMINATIONS BY THE SECRETARY OF THE ARMY.

(a) IN GENERAL.—Upon the written application of any person who is a national of the Philippine Islands, the Secretary of the Army shall determine whether such person performed any military service in the Philippine Islands in aid of the Armed Forces of the United States during World War II which qualifies such person to receive any military, veterans', or other benefits under the laws of the United States.

(b) INFORMATION TO BE CONSIDERED.—In making a determination for the purpose of subsection (a), the Secretary shall consider all information and evidence (relating to service referred to in subsection (a)) that is available to the Secretary, including information and evidence submitted by the applicant, if any.

SEC. 2. CERTIFICATE OF SERVICE.

(a) ISSUANCE OF CERTIFICATE OF SERVICE.—The Secretary of the Army shall issue a certificate of service to each person determined by the Secretary to have performed military service described in section 1(a).

(b) EFFECT OF CERTIFICATE OF SERVICE.—A certificate of service issued to any person under subsection (a) shall, for the purpose of any law of the United States, conclusively establish the period, nature, and character of the military service described in the certificate.

SEC. 3. APPLICATIONS BY SURVIVORS.

An application submitted by a surviving spouse, child, or parent of a deceased person described in section 1(a) shall be treated as an application submitted by such person.

SEC. 4. LIMITATION PERIOD.

The Secretary of the Army may not consider for the purpose of this Act any application received by the Secretary more than two years after the date of the enactment of this Act.

SEC. 5. PROSPECTIVE APPLICATION OF DETERMINATIONS BY THE SECRETARY OF THE ARMY.

No benefits shall accrue to any person for any period before the date of the enactment of this Act as a result of the enactment of this Act.

SEC. 6. REGULATIONS.

The Secretary of the Army shall prescribe regulations to carry out sections 1, 3, and 4.

SEC. 7. RESPONSIBILITIES OF THE SECRETARY OF VETERANS AFFAIRS.

Any entitlement of a person to receive veterans' benefits by reason of this Act shall be administered by the Department of Veterans Affairs pursuant to regulations prescribed by the Secretary of Veterans Affairs.

SEC. 8. DEFINITION.

In this Act, the term "World War II" means the period beginning on December 7, 1941, and ending on December 31, 1946.

By Mr. INOUYE:

S. 80. A bill to restore the traditional day of observance of Memorial Day, and for other purposes; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, in our effort to accommodate many Americans by making Memorial Day the last Monday in May, we have lost sight of the significance of this day to our nation. My bill would restore Memorial Day to May 30 and authorize our flag to fly at half mast on that day. In addition, this legislation would authorize the President to issue a proclamation designating Memorial Day and Veterans Day as days for prayer and ceremonies. This legislation would help restore the recognition our veterans deserve for the sacrifices they have made on behalf of our Nation.

Mr. President, I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 80

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTORATION OF TRADITIONAL DAY OF OBSERVANCE OF MEMORIAL DAY.

(a) DESIGNATION OF LEGAL PUBLIC HOLIDAY.—Section 6103(a) of title 5, United States Code, is amended by striking "Memorial Day, the last Monday in May." and inserting the following:

"Memorial Day, May 30.".

(b) OBSERVANCES AND CEREMONIES.—Section 116 of title 36, United States Code, is amended—

(1) in subsection (a), by striking "The last Monday in May" and inserting "May 30"; and

(2) in subsection (b)—

(A) by striking "and" at the end of paragraph (3);

(B) by redesignating paragraph (4) as paragraph (5); and

(C) by inserting after paragraph (3) the following new paragraph (4):

"(4) calling on the people of the United States to observe Memorial Day as a day of ceremonies for showing respect for American veterans of wars and other military conflicts; and".

(c) DISPLAY OF FLAG.—Section 6(d) of title 4, United States Code, is amended by striking "the last Monday in May;" and inserting "May 30;".

By Mr. INOUYE:

S. 83. A bill to amend the Internal Revenue Code of 1986 to provide tax relief for the conversion of cooperative housing corporations into condominiums; to the Committee on Finance.

Mr. INOUYE. Mr. President, today I rise to introduce legislation which would amend the Internal Revenue Code of 1986 to allow Cooperative Housing Corporations (co-ops), to convert to condominium forms of ownership.

Under current law, a conversion from cooperative shareholding to condominium ownership is taxable at a corporate level as well as an individual level. The conversion is treated as a corporate liquidation, and therefore taxed accordingly. In addition, a capital gains tax is levied on any increase between the owner's basis in the co-op share pre-conversion and the market value of the condominium interest post-conversion. This double taxation dissuades condominium conversion because the owner is being taxed on the transaction which is nothing more than a change in the form of ownership. While the Internal Revenue Service concedes that there are no discernable advantages to society of the cooperative form of ownership, they do not view federal tax statutes as providing sufficient flexibility with which to address the obstacles of conversion.

Cooperative housing organizes the ownership structure into a corporation, with shares of stock for each apartment unit, which are sold to buyers. The corporation then issues a proprietary lease entitling the owner of the stock to the use of the unit in perpetuity. Because the investment is in the form of a share of stock, investors sometimes lose their entire investment as a result of debt incurred by the corporation in construction and development. In addition, due to the structure of a cooperative housing corporation, a prospective purchaser of shares in the corporation from an existing tenant-stockholders has difficulty obtaining mortgage financing for the purchase. Furthermore, tenant-stockholders of cooperative housing also encounter difficulties in securing bank loans for the full value of their investment.

As a result, owners of cooperative housing are increasingly looking toward conversion to the condominium structure of ownership. Condominium ownership permits the owner of a unit to own the unit itself, eliminating the cooperative housing dilemma of corporate debt that supercedes the investment of cooperative housing share owners, and other financial concerns.

The legislation I introduce today will remove the penalty of double taxation from the conversion of cooperative housing to condominium ownership, and will greatly benefit co-op owners across the nation. The bill does not apply to cooperatives which have been or are now being financed by any federal, state, or local programs for the purpose of assisting in the construction of affordable housing cooperatives or the conversion of rental units to affordable housing cooperatives. I urge my colleagues' consideration and support for this measure.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 83

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NONRECOGNITION OF GAIN OR LOSS ON DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.

(a) IN GENERAL.—Section 216(e) of the Internal Revenue Code of 1986 (relating to distributions by cooperative housing corporations) is amended to read as follows:

"(e) DISTRIBUTIONS BY COOPERATIVE HOUSING CORPORATIONS.—

"(1) IN GENERAL.—Except as provided in regulations—

"(A) no gain or loss shall be recognized to a cooperative housing corporation on the distribution by such corporation of a dwelling unit to a stockholder in such corporation if such distribution is in exchange for the stockholder's stock in such corporation, and

"(B) no gain or loss shall be recognized to a stockholder of such corporation on the transfer of such stockholder's stock in an exchange described in subparagraph (A).

"(2) BASIS.—The basis of a dwelling unit acquired in a distribution to which paragraph (1) applies shall be the same as the basis of the stock in the cooperative housing corporation for which it is exchanged, decreased in the amount of any money received by the taxpayer in such exchange.

"(3) APPLICABILITY.—This subsection shall not apply with respect to any dwelling unit the basis of which includes financing under any Federal, State, or local program for the purpose of assisting the construction of affordable housing cooperatives or the conversion of rental units to affordable housing cooperatives.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to distributions after the date of the enactment of this Act.

By Mr. INOUYE:

S. 84. A bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise to introduce a bill that would amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from the air transportation excise tax. A clarifying amendment to the Tax Code is needed due to a problem that exists in the application of the excise tax.

In 1986, the Internal Revenue Service (IRS), issued a Private Letter Ruling in which it exempted one Hawaii-based air tour operator from paying the air passenger transportation excise tax, but has not applied equal treatment to other similarly situated aerial sightseeing tour operators. It is my belief that the IRS should be consistent in its application of this excise tax.

Under current law, a variety of excise taxes on air transportation are imposed to finance the Airport and Airway Trust funds program that is administered by the Federal Aviation Administration. For example, an air passenger transportation excise tax is imposed on users of our nation's airports and airways. The Congress intended that the tax be levied on passengers traveling on scheduled commercial airlines. In addition, for the most part, the tax is imposed on each flight segment.

The Congress did not intend to have the tax applied to air tour operators, who utilize our system of airways differently. Our national transportation system receives little or no benefit from aerial sightseeing operations. Air tour operations are not scheduled commercial airlines. They are for entertainment purposes and are circular, in that they begin and end at the same destination point.

Hawaii is among a small handful of states where our citizens can enjoy aerial tours of sights that are remote or difficult to reach by land. Aerial sightseeing tours are also enjoyed in Alaska, California, Washington, Arizona, and even New York City. The imposition of the air transportation excise tax on aerial sightseeing flights will significantly raise the consumer price on air tours. Doing so will cause many small aerial sightseeing tour operators, especially in my home state, to lose customers. Many of these small companies have struggled to stay in business after incurring significant losses in the months following September 11, 2001, when our government imposed flight restrictions across the nation. Those flight restrictions prevented many flight operations in all segments of the general aviation industry for many months into early 2002.

Accordingly, I urge my colleagues to support my bill, which would amend the Internal Revenue Code of 1986 to exempt certain sightseeing trips from the air transportation excise tax. Under my bill, air tour operations would still be subject to the aviation fuel excise tax.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 84

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN SIGHTSEEING FLIGHTS EXEMPT FROM TAXES ON AIR TRANSPORTATION.

(a) IN GENERAL.—Section 4281 of the Internal Revenue Code of 1986 (relating to small aircraft on nonestablished lines) is amended by adding at the end the following new sentence: "For purposes of this section, an aircraft shall not be considered as operated on an established line if such aircraft is operated on a flight the sole purpose of which is sightseeing.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply with respect to transportation beginning on or after the date of the enactment of this Act, but shall not apply to any amount paid before such date.

By Mr. INOUYE:

S. 87. A bill to recognize the organization known as the National Academies of Practice; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President today I am introducing legislation that would provide a federal charter for the National Academies of Practice. This organization represents outstanding health care professionals who have made significant contributions to the practice of applied psychology, medicine, dentistry, nursing, optometry, osteopathic medicine, pharmacy, podiatry, social work, and veterinary medicine. When fully established, each of the ten academies will possess 150 distinguished practitioners selected by their peers. This umbrella organization will be able to provide the Congress of the United States and the executive branch with considerable health policy expertise, especially from the perspective of those individuals who are in the forefront of actually providing health care.

As we continue to grapple with the many complex issues surrounding the delivery of health care services, it is clearly in our best interest to ensure that the Congress has direct and immediate access to the recommendations of an interdisciplinary body of health care practitioners.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 87

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Academies of Practice Recognition Act of 2005".

SEC. 2. CHARTER.

The National Academies of Practice organized and incorporated under the laws of the District of Columbia, is hereby recognized as such and is granted a Federal charter.

SEC. 3. CORPORATE POWERS.

The National Academies of Practice (referred to in this Act as the "corporation") shall have only those powers granted to it through its bylaws and articles of incorporation filed in the State in which it is incorporated and subject to the laws of such State.

SEC. 4. OBJECTIVES AND PURPOSES OF THE CORPORATION.

The objectives and purposes for which the corporation is organized shall be provided for in the articles of incorporation and shall include the following:

(1) Honoring persons who have made significant contributions to the practice of applied dentistry, medicine, nursing, optometry, osteopathy, pharmacy, podiatry, psychology, social work, veterinary medicine, and other health care professions.

(2) Improving the effectiveness of such professions by disseminating information about new techniques and procedures, promoting interdisciplinary practices, and stimulating multidisciplinary exchange of scientific and professional information.

(3) Upon request, advising the President, the members of the President's Cabinet, Congress, Federal agencies, and other relevant groups about practitioner issues in health care and health care policy, from a multidisciplinary perspective.

SEC. 5. SERVICE OF PROCESS.

With respect to service of process, the corporation shall comply with the laws of the State in which it is incorporated and those States in which it carries on its activities in furtherance of its corporate purposes.

SEC. 6. MEMBERSHIP.

Eligibility for membership in the corporation and the rights and privileges of members shall be as provided in the bylaws of the corporation.

SEC. 7. BOARD OF DIRECTORS; COMPOSITION; RESPONSIBILITIES.

The composition and the responsibilities of the board of directors of the corporation shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 8. OFFICERS OF THE CORPORATION.

The officers of the corporation and the election of such officers shall be as provided in the articles of incorporation of the corporation and in conformity with the laws of the State in which it is incorporated.

SEC. 9. RESTRICTIONS.

(a) USE OF INCOME AND ASSETS.—No part of the income or assets of the corporation shall inure to any member, officer, or director of the corporation or be distributed to any such person during the life of the charter under this Act. Nothing in this subsection shall be construed to prevent the payment of reasonable compensation to the officers of the corporation or reimbursement for actual necessary expenses in amounts approved by the board of directors.

(b) LOANS.—The corporation shall not make any loan to any officer, director, or employee of the corporation.

(c) POLITICAL ACTIVITY.—The corporation, any officer, or any director of the corporation, acting as such officer or director, shall not contribute to, support, or otherwise participate in any political activity or in any manner attempt to influence legislation.

(d) ISSUANCE OF STOCK AND PAYMENT OF DIVIDENDS.—The corporation shall have no power to issue any shares of stock nor to declare or pay any dividends.

(e) CLAIMS OF FEDERAL APPROVAL.—The corporation shall not claim congressional approval or Federal Government authority for any of its activities.

(f) FEDERAL ADVISORY ACTIVITIES.—While providing advice to Federal agencies, the corporation shall be subject to the Federal Advisory Committee Act (5 U.S.C. Appendix; 86 stat. 700).

SEC. 10. LIABILITY.

The corporation shall be liable for the acts of its officers and agents when acting within the scope of their authority.

SEC. 11. MAINTENANCE AND INSPECTION OF BOOKS AND RECORDS.

(a) BOOKS AND RECORDS OF ACCOUNT.—The corporation shall keep correct and complete books and records of account and shall keep minutes of any proceeding of the corporation involving any of its members, the board of directors, or any committee having authority under the board of directors.

(b) NAMES AND ADDRESSES OF MEMBERS.—The corporation shall keep at its principal office a record of the names and addresses of all members having the right to vote in any proceeding of the corporation.

(c) RIGHT TO INSPECT BOOKS AND RECORDS.—All books and records of the corporation may be inspected by any member having the right to vote, or by any agent or attorney of such member, for any proper purpose, at any reasonable time.

(d) APPLICATION OF STATE LAW.—Nothing in this section shall be construed to contravene any applicable State law.

SEC. 12. ANNUAL REPORT.

The corporation shall report annually to the Congress concerning the activities of the corporation during the preceding fiscal year. The report shall not be printed as a public document.

SEC. 13. RESERVATION OF RIGHT TO AMEND OR REPEAL CHARTER.

The right to alter, amend, or repeal this Act is expressly reserved to Congress.

SEC. 14. DEFINITION.

In this Act, the term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 15. TAX-EXEMPT STATUS.

The corporation shall maintain its status as an organization exempt from taxation as provided in the Internal Revenue Code of 1986 or any corresponding similar provision.

SEC. 16. TERMINATION.

If the corporation fails to comply with any of the restrictions or provisions of this Act the charter granted by this Act shall terminate.

By Mr. INOUYE:

S. 88. A bill to allow the psychiatric or psychological examinations required under chapter 313 of title 18, United States Code, relating to offenders with mental disease or defect, to be conducted by a clinical social worker; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, today I introduce legislation to amend Title 18 of the United States Code to allow our Nation's clinical social workers to use their mental health expertise on behalf of the federal judiciary by conducting psychological and psychiatric exams.

I feel that the time has come to allow our Nation's judicial system to have access to a wide range of behavioral science and mental health expertise. I am confident that the enactment of this legislation would be very much in our Nation's best interest.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 88

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Psychiatric and Psychological Examinations Act of 2005".

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS.

Section 4247(b) of title 18, United States Code, is amended, in the first sentence, by striking "psychiatrist or psychologist" and inserting "psychiatrist, psychologist, or clinical social worker".

By Mr. INOUYE:

S. 89. A bill to amend title VII of the Public Health Service Act to make certain graduate programs in professional psychology eligible to participate in various health professions loan programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President. I rise to introduce legislation today to modify Title VII of the Public Health Service Act in order to provide students enrolled in graduate psychology programs with the opportunity to participate in various health professions loan programs.

Providing students enrolled in graduate psychology programs with eligibility for financial assistance in the form of loans, loan guarantees, and scholarships will facilitate a much-needed infusion of behavioral science expertise into our community of public health providers. There is a growing recognition of the valuable contribution being made by psychologists toward solving some of our Nation's most distressing problems.

The participation of students from all backgrounds and clinical disciplines is vital to the success of health care training. The Title VII programs play a significant role in providing financial support for the recruitment of minorities, women, and individuals from economically disadvantaged backgrounds. Minority therapists have an advantage in the provision of critical services to minority populations because often they can communicate with clients in their own language and cultural framework. Minority therapists are more likely to work in community settings where ethnic minority and economically disadvantaged individuals are most likely to seek care. It is critical that continued support be provided for the training of individuals who provide health care services to underserved communities.

Mr. President. I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 89

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthen the Public Health Service Act".

SEC. 2. PARTICIPATION IN VARIOUS HEALTH PROFESSIONS LOAN PROGRAMS.

(a) LOAN AGREEMENTS.—Section 721 of the Public Health Service Act (42 U.S.C. 292q) is amended—

(1) in subsection (a), by inserting ", or any public or nonprofit school that offers a graduate program in professional psychology" after "veterinary medicine";

(2) in subsection (b)(4), by inserting ", or to a graduate degree in professional psychology" after "or doctor of veterinary medicine or an equivalent degree"; and

(3) in subsection (c)(1), by inserting ", or schools that offer graduate programs in professional psychology" after "veterinary medicine".

(b) LOAN PROVISIONS.—Section 722 of the Public Health Service Act (42 U.S.C. 292r) is amended—

(1) in subsection (b)(1), by inserting ", or to a graduate degree in professional psychology" after "or doctor of veterinary medicine or an equivalent degree";

(2) in subsection (c), in the matter preceding paragraph (1), by inserting ", or at a school that offers a graduate program in professional psychology" after "veterinary medicine"; and

(3) in subsection (k)—

(A) in the matter preceding paragraph (1), by striking "or podiatry" and inserting "podiatry, or professional psychology"; and

(B) in paragraph (4), by striking "or podiatric medicine" and inserting "podiatric medicine, or professional psychology".

SEC. 3. GENERAL PROVISIONS.

(a) HEALTH PROFESSIONS DATA.—Section 792(a) of the Public Health Service Act (42 U.S.C. 295k(a)) is amended by striking "clinical" and inserting "professional".

(b) PROHIBITION AGAINST DISCRIMINATION ON BASIS OF SEX.—Section 794 of the Public Health Service Act (42 U.S.C. 295m) is amended in the matter preceding paragraph (1) by striking "clinical" and inserting "professional".

(c) DEFINITIONS.—Section 799B(1)(B) of the Public Health Service Act (42 U.S.C. 295p(1)(B)) is amended by striking "clinical" each place the term appears and inserting "professional".

By Mr. INOUYE:

S. 90. A bill to amend the Public Health Service Act to provide for the establishment of a National Center for Social Work Research; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I rise today to introduce legislation to amend the Public Health Service Act for the establishment of a National Center for Social Work Research. Social workers provide a multitude of health care delivery services throughout America to our children, families, the elderly, and persons suffering from various forms of abuse and neglect. The purpose of this center is to support and disseminate information about basic and clinical social work research, and training, with emphasis on service to underserved and rural populations.

While the Federal Government provides funding for various social work research activities through the National Institutes of Health and other Federal agencies, there presently is no coordination or direction of these critical activities and no overall assessment of needs and opportunities for empirical knowledge development. The establishment of a Center for Social Work Research would result in improved behavioral and mental health care outcomes for our Nation's children, families, the elderly, and others.

In order to meet the increasing challenges of bringing cost-effective, research-based, quality health care to all Americans, we must recognize the important contributions of social work researchers to health care delivery and the central role that the Center for Social Work can provide in facilitating their work.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 90

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

This Act may be cited as the "National Center for Social Work Research Act".

SEC. 2. FINDINGS.

Congress finds that—

(1) social workers focus on the improvement of individual and family functioning and the creation of effective health and mental health prevention and treatment interventions in order for individuals to become more productive members of society;

(2) social workers provide front line prevention and treatment services in the areas of school violence, aging, teen pregnancy, child abuse, domestic violence, juvenile crime, and substance abuse, particularly in rural and underserved communities; and

(3) social workers are in a unique position to provide valuable research information on these complex social concerns, taking into account a wide range of social, medical, economic and community influences from an interdisciplinary, family-centered and community-based approach.

SEC. 3. ESTABLISHMENT OF NATIONAL CENTER FOR SOCIAL WORK RESEARCH.

(a) IN GENERAL.—Section 401(b)(2) of the Public Health Service Act (42 U.S.C. 281(b)(2)) is amended by adding at the end the following:

"(H) The National Center for Social Work Research.".

(b) ESTABLISHMENT.—Part E of title IV of the Public Health Service Act (42 U.S.C. 287 et seq.) is amended by adding at the end the following:

"Subpart 7—National Center for Social Work Research

"SEC. 485J. PURPOSE OF CENTER.

"The general purpose of the National Center for Social Work Research (referred to in this subpart as the 'Center') is the conduct and support of, and dissemination of targeted research concerning social work methods and outcomes related to problems of significant social concern. The Center shall—

"(1) promote research and training that is designed to inform social work practices, thus increasing the knowledge base which promotes a healthier America; and

"(2) provide policymakers with empirically-based research information to enable such policymakers to better understand complex social issues and make informed funding decisions about service effectiveness and cost efficiency.

"SEC. 485K. SPECIFIC AUTHORITIES.

"(a) IN GENERAL.—To carry out the purpose described in section 485J, the Director of the Center may provide research training and instruction and establish, in the Center and in other nonprofit institutions, research traineeships and fellowships in the study and investigation of the prevention of disease, health promotion, the association of socioeconomic status, gender, ethnicity, age and geographical location and health, the social work care of individuals with, and families of individuals with, acute and chronic illnesses, child abuse, neglect, and youth violence, and child and family care to address problems of significant social concern especially in underserved populations and underserved geographical areas.

"(b) STIPENDS AND ALLOWANCES.—The Director of the Center may provide individuals receiving training and instruction or traineeships or fellowships under subsection (a) with such stipends and allowances (including amounts for travel and subsistence and dependency allowances) as the Director determines necessary.

"(c) GRANTS.—The Director of the Center may make grants to nonprofit institutions to provide training and instruction and traineeships and fellowships under subsection (a).

"SEC. 485L. ADVISORY COUNCIL.

"(a) DUTIES.—

"(1) IN GENERAL.—The Secretary shall establish an advisory council for the Center that shall advise, assist, consult with, and make recommendations to the Secretary and the Director of the Center on matters related to the activities carried out by and through the Center and the policies with respect to such activities.

"(2) GIFTS.—The advisory council for the Center may recommend to the Secretary the acceptance, in accordance with section 231, of conditional gifts for study, investigations, and research and for the acquisition of grounds or construction, equipment, or maintenance of facilities for the Center.

"(3) OTHER DUTIES AND FUNCTIONS.—The advisory council for the Center—

"(A)(i) may make recommendations to the Director of the Center with respect to research to be conducted by the Center;

"(ii) may review applications for grants and cooperative agreements for research or training and recommend for approval applications for projects that demonstrate the probability of making valuable contributions to human knowledge; and

"(iii) may review any grant, contract, or cooperative agreement proposed to be made or entered into by the Center;

"(B) may collect, by correspondence or by personal investigation, information relating to studies that are being carried out in the United States or any other country and, with the approval of the Director of the Center, make such information available through appropriate publications; and

"(C) may appoint subcommittees and convene workshops and conferences.

"(b) MEMBERSHIP.—

"(1) IN GENERAL.—The advisory council shall be composed of the ex officio members described in paragraph (2) and not more than 18 individuals to be appointed by the Secretary under paragraph (3).

"(2) EX OFFICIO MEMBERS.—The ex officio members of the advisory council shall include—

"(A) the Secretary of Health and Human Services, the Director of NIH, the Director of the Center, the Chief Social Work Officer of the Veterans' Administration, the Assistant Secretary of Defense for Health Affairs, the Associate Director of Prevention Research at the National Institute of Mental Health, the Director of the Division of Epidemiology and Services Research, the Assistant Secretary of Health and Human Services for the Administration for Children and Families, the Assistant Secretary of Education for the Office of Educational Research and Improvement, the Assistant Secretary of Housing and Urban Development for Community Planning and Development, and the Assistant Attorney General for Office of Justice Programs (or the designees of such officers); and

"(B) such additional officers or employees of the United States as the Secretary determines necessary for the advisory council to effectively carry out its functions.

"(3) APPOINTED MEMBERS.—The Secretary shall appoint not to exceed 18 individuals to the advisory council, of which—

"(A) not more than two-thirds of such individual shall be appointed from among the leading representatives of the health and scientific disciplines (including public health and the behavioral or social sciences) relevant to the activities of the Center, and at least 7 such individuals shall be professional social workers who are recognized experts in the area of clinical practice, education, or research; and

"(B) not more than one-third of such individuals shall be appointed from the general public and shall include leaders in fields of public policy, law, health policy, economics, and management.

The Secretary shall make appointments to the advisory council in such a manner as to ensure that the terms of the members do not all expire in the same year.

"(4) COMPENSATION.—Members of the advisory council who are officers or employees of the United States shall not receive any compensation for service on the advisory council. The remaining members shall receive, for each day (including travel time) they are engaged in the performance of the functions of the advisory council, compensation at rates not to exceed the daily equivalent of the annual rate in effect for an individual at grade GS–18 of the General Schedule.

"(c) TERMS.—

"(1) IN GENERAL.—The term of office of an individual appointed to the advisory council under subsection (b)(3) shall be 4 years, except that any individual appointed to fill a vacancy on the advisory council shall serve for the remainder of the unexpired term. A member may serve after the expiration of the member's term until a successor has been appointed.

"(2) REAPPOINTMENTS.—A member of the advisory council who has been appointed under subsection (b)(3) for a term of 4 years may not be reappointed to the advisory council prior to the expiration of the 2-year period beginning on the date on which the prior term expired.

"(3) VACANCY.—If a vacancy occurs on the advisory council among the members under subsection (b)(3), the Secretary shall make an appointment to fill that vacancy not later than 90 days after the date on which the vacancy occurs.

"(d) CHAIRPERSON.—The chairperson of the advisory council shall be selected by the Secretary from among the members appointed under subsection (b)(3), except that the Secretary may select the Director of the Center to be the chairperson of the advisory council. The term of office of the chairperson shall be 2 years.

"(e) MEETINGS.—The advisory council shall meet at the call of the chairperson or upon the request of the Director of the Center, but not less than 3 times each fiscal year. The location of the meetings of the advisory council shall be subject to the approval of the Director of the Center.

"(f) ADMINISTRATIVE PROVISIONS.—The Director of the Center shall designate a member of the staff of the Center to serve as the executive secretary of the advisory council. The Director of the Center shall make available to the advisory council such staff, information, and other assistance as the council may require to carry out its functions. The Director of the Center shall provide orientation and training for new members of the advisory council to provide such members with such information and training as may be appropriate for their effective participation in the functions of the advisory council.

"(g) COMMENTS AND RECOMMENDATIONS.—The advisory council may prepare, for inclusion in the biennial report under section 485M—

"(1) comments with respect to the activities of the advisory council in the fiscal years for which the report is prepared;

"(2) comments on the progress of the Center in meeting its objectives; and

"(3) recommendations with respect to the future direction and program and policy emphasis of the center.

The advisory council may prepare such additional reports as it may determine appropriate.

"SEC. 485M. BIENNIAL REPORT.

"The Director of the Center, after consultation with the advisory council for the Center, shall prepare for inclusion in the biennial report under section 403, a biennial report that shall consist of a description of the activities of the Center and program policies of the Director of the Center in the fiscal years for which the report is prepared. The Director of the Center may prepare such additional reports as the Director determines appropriate. The Director of the Center shall provide the advisory council of the Center an opportunity for the submission of the written comments described in section 485L(g).

"SEC. 485N. QUARTERLY REPORT.

"The Director of the Center shall prepare and submit to Congress a quarterly report that contains a summary of findings and policy implications derived from research conducted or supported through the Center.".

By Mr. INOUYE:

S. 91. A bill to amend title VII of the Public Health Service Act to ensure that social work students or social work schools are eligible for support under certain programs to assist individuals in pursuing health careers and programs of grants for training projects in geriatrics, and to establish a social work training program; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, on behalf of our Nation's clinical social workers, I am introducing legislation to amend the Public Health Service Act. This legislation would (1) establish a new social work training program, (2) ensure that social work students are eligible for support under the Health Careers Opportunity Program, (3) provide social work schools with eligibility for support under the Minority Centers of Excellence programs, (4) permit schools offering degrees in social work to obtain grants for training projects in geriatrics, and (5) ensure that social work is recognized as a profession under the Public Health Maintenance Organization Act.

Despite the impressive range of services social workers provide to people of this Nation, few Federal programs exist to provide opportunities for social work training in health and mental health care.

Social workers have long provided quality mental health services to our citizens and continue to be at the forefront of establishing innovative programs to serve our disadvantaged populations. I believe it is important to ensure that the special expertise social workers possess continues to be available to the citizens of this Nation. This bill, by providing financial assistance to schools of social work and social work students, acknowledges the long history and critical importance of the services provided by social work professionals. I believe it is time to provide them with the recognition they deserve.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 91

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Strengthen Social Work Training Act of 2005".

SEC. 2. SOCIAL WORK STUDENTS.

(a) HEALTH PROFESSIONS SCHOOLS.—Section 736(g)(1)(A) of the Public Health Service Act (42 U.S.C. 293(g)(1)(A)) is amended by striking "graduate program in behavioral or mental health" and inserting "graduate program in behavioral or mental health, including a school offering graduate programs in clinical social work, or programs in social work".

(b) SCHOLARSHIPS.—Section 737(d)(1)(A) of the Public Health Service Act (42 U.S.C. 293a(d)(1)(A)) is amended by striking "mental health practice" and inserting "mental health practice (including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work)".

(c) FACULTY POSITIONS.—Section 738(a)(3) of the Public Health Service Act (42 U.S.C. 293b(a)(3)) is amended by striking "offering graduate programs in behavioral and mental health" and inserting "offering graduate programs in behavioral and mental health, including graduate programs in clinical psychology, graduate programs in clinical social work, or programs in social work".

SEC. 3. GERIATRICS TRAINING PROJECTS.

Section 753(b)(1) of the Public Health Service Act (42 U.S.C. 294c(b)(1)) is amended by inserting "schools offering degrees in social work," after "teaching hospitals,".

SEC. 4. SOCIAL WORK TRAINING PROGRAM.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) by redesignating section 770 as section 770A;

(2) by inserting after section 769, the following:

"SEC. 770. SOCIAL WORK TRAINING PROGRAM.

"(a) TRAINING GENERALLY.—The Secretary may make grants to, or enter into contracts with, any public or nonprofit private hospital, any school offering programs in social work, or to or with a public or private nonprofit entity that the Secretary has determined is capable of carrying out such grant or contract—

"(1) to plan, develop, and operate, or participate in, an approved social work training program (including an approved residency or internship program) for students, interns, residents, or practicing physicians;

"(2) to provide financial assistance (in the form of traineeships and fellowships) to students, interns, residents, practicing physicians, or other individuals, who—

"(A) are in need of such assistance;

"(B) are participants in any such program; and

"(C) plan to specialize or work in the practice of social work;

"(3) to plan, develop, and operate a program for the training of individuals who plan to teach in social work training programs; and

"(4) to provide financial assistance (in the form of traineeships and fellowships) to individuals who are participants in any such program and who plan to teach in a social work training program.

"(b) ACADEMIC ADMINISTRATIVE UNITS.—

"(1) IN GENERAL.—The Secretary may make grants to or enter into contracts with schools offering programs in social work to meet the costs of projects to establish, maintain, or improve academic administrative units (which may be departments, divisions, or other units) to provide clinical instruction in social work.

"(2) PREFERENCE IN MAKING AWARDS.—In making awards of grants and contracts under paragraph (1), the Secretary shall give preference to any qualified applicant for such an award that agrees to expend the award for the purpose of—

"(A) establishing an academic administrative unit for programs in social work; or

"(B) substantially expanding the programs of such a unit.

"(c) DURATION OF AWARD.—The period during which payments are made to an entity from an award of a grant or contract under subsection (a) may not exceed 5 years. The provision of such payments shall be subject to annual approval by the Secretary and subject to the availability of appropriations for the fiscal year involved to make the payments.

"(d) FUNDING.—

"(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of the fiscal years 2006 through 2008.

"(2) ALLOCATION.—Of the amounts appropriated under paragraph (1) for a fiscal year, the Secretary shall make available not less than 20 percent for awards of grants and contracts under subsection (b)."; and

(3) in section 770A (as redesignated by paragraph (1)) by inserting "other than section 770," after "carrying out this subpart,".

SEC. 5. CLINICAL SOCIAL WORKER SERVICES.

Section 1302 of the Public Health Service Act (42 U.S.C. 300e–1) is amended—

(1) in paragraphs (1) and (2), by inserting "clinical social worker," after "psychologist," each place the term appears;

(2) in paragraph (4)(A), by striking "and psychologists" and inserting "psychologists, and clinical social workers"; and

(3) in paragraph (5), by inserting "clinical social work," after "psychology,".

By Mr. INOUYE:

S. 92. A bill to amend title VII of the Public Health Service Act to establish a psychology post-doctoral fellowship program, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. INOUYE. Mr. President, I am introducing legislation today to amend Title VII of the Public Health Service Act to establish a psychology post-doctoral program. Psychologists have made a unique contribution in reaching out to the nation's medically underserved populations. Expertise in behavioral science is useful in addressing grave concerns such as violence, addiction, mental illness, adolescent and child behavioral disorders, and family disruption. Establishment of a psychology post-doctoral program could be an effective way to find solutions to these issues.

Similar programs supporting additional, specialized training in traditionally underserved settings have been successful in retaining participants to serve the same populations. For example, mental health professionals who have participated in these specialized federally funded programs have tended not only to meet their repayment obligations, but have continued to work in the public sector or with the underserved.

While a doctorate in psychology provides broad-based knowledge and mastery in a wide variety of clinical skills, specialized post-doctoral fellowship programs help to develop particular diagnostic and treatment skills required to respond effectively to underserved populations. For example, what appears to be poor academic motivation in a child recently relocated from Southeast Asia might actually reflect a cultural value of reserve rather than a disinterest in academic learning. Specialized assessment skills enable the clinician to initiate effective treatment.

Domestic violence poses a significant public health problem and is not just a problem for the criminal justice system. Violence against women results in thousands of hospitalizations a year. Rates of child and spouse abuse in rural areas are particularly high, as are the rates of alcohol abuse and depression in adolescents. A post-doctoral fellowship program in the psychology of the rural populations could be of special benefit in addressing these problems.

Given the demonstrated success and effectiveness of specialized training programs, it is incumbent upon us to encourage participation in post-doctoral fellowships that respond to the needs of the nation's underserved.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 92

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Psychologists in the Service of the Public Act of 2005".

SEC. 2. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

Part C of title VII of the Public Health Service Act (42 U.S.C. 293k et seq.) is amended by adding at the end the following:

"SEC. 749. GRANTS FOR FELLOWSHIPS IN PSYCHOLOGY.

"(a) IN GENERAL.—The Secretary shall establish a psychology post-doctoral fellowship program to make grants to and enter into contracts with eligible entities to encourage the provision of psychological training and services in underserved treatment areas.

"(b) ELIGIBLE ENTITIES.—

"(1) INDIVIDUALS.—In order to receive a grant under this section an individual shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such individual—

"(A) has received a doctoral degree through a graduate program in psychology provided by an accredited institution at the time such grant is awarded;

"(B) will provide services to a medically underserved population during the period of such grant;

"(C) will comply with the provisions of subsection (c); and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(2) INSTITUTIONS.—In order to receive a grant or contract under this section, an institution shall submit an application to the Secretary at such time, in such form, and containing such information as the Secretary shall require, including a certification that such institution—

"(A) is an entity, approved by the State, that provides psychological services in medically underserved areas or to medically underserved populations (including entities that care for the mentally retarded, mental health institutions, and prisons);

"(B) will use amounts provided to such institution under this section to provide financial assistance in the form of fellowships to qualified individuals who meet the requirements of subparagraphs (A) through (C) of paragraph (1);

"(C) will not use more than 10 percent of amounts provided under this section to pay for the administrative costs of any fellowship programs established with such funds; and

"(D) will provide any other information or assurances as the Secretary determines appropriate.

"(c) CONTINUED PROVISION OF SERVICES.—Any individual who receives a grant or fellowship under this section shall certify to the Secretary that such individual will continue to provide the type of services for which such grant or fellowship is awarded for not less than 1 year after the term of the grant or fellowship has expired.

"(d) REGULATIONS.—Not later than 180 days after the date of enactment of this section, the Secretary shall promulgate regulations necessary to carry out this section, including regulations that define the terms 'medically underserved areas' and 'medically underserved populations'.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of the fiscal years 2006 through 2008.".

By Mr. LUGAR (for himself, Mr. LEAHY, Mrs. LINCOLN, Mrs. DOLE, and Mr. SMITH):

S. 94. A bill to amend the Internal Revenue Code of 1986 to provide for a charitable deduction for contributions of food inventory; to the Committee on Finance.

Mr. LUGAR. Mr. President, on behalf of myself and Senators LEAHY, LINCOLN, DOLE, and SMITH, I rise today to introduce the Good Samaritan Hunger Relief Tax Incentive Act of 2005. This important legislation allows for expanded charitable tax deductions for contributions of food inventory to our nation's food banks and would permit farmers and businesses of all sizes to take advantage of this tax deduction. Demand on food banks has been rising, and these tax deductions would be an important step in increasing private donations to the non-profit hunger relief charities playing a critical role in meeting America's nutritional needs.

To a certain degree, donations have not diminished or have even modestly increased, but most areas surveyed report that donations cannot keep up with the growing demand. According to the U.S. Conference of Mayors and Sodexho USA "Hunger and Homelessness Survey" released in December 2004, requests for emergency food assistance has increased fourteen percent. Fifty-six percent of the people requesting emergency food assistance are either children or their parents. The number of elderly persons requesting food assistance has increased by twelve percent. The success of welfare reform legislation has moved many recipients off welfare and into jobs. Over the last decade, in many states, welfare roles have been reduced by more than one half. But we need to recognize that these individuals and their families are living on modest wages. As the states' unemployment rates have risen, so have the demands placed on the food banks and soup kitchens. The problem of hunger goes well beyond the unemployed. The Mayors' survey points out that thirty-four percent of people requesting food assistance were working. Due to increases in rent, underemployment, multigenerational residences, families have to make the tough financial decisions. As a result, food needs of families have been pushed further and further down the priority list. This is coupled with the nutritional value becoming less important to some families because fast food and "junk" food is more economical to those on a tight budget.

Private food banks provide a key safety net against hunger. According to the 2002 report by U.S. Department of Agriculture, over 13 million children were hungry or at the risk of being hungry.

America's Second Harvest, a nationwide umbrella group of over 200 food banks and food rescue organization, released a 2001 report entitled "Hunger in America" stating that 23.3 million people sought and received emergency hunger relief from just their network of charitable organizations. That would be the equivalent of the populations of New York, Los Angeles, Chicago, Houston, Philadelphia, San Diego, Phoenix, San Antonio, Dallas, and Detroit combined. In 1997, the USDA estimated that up to 96 billion pounds of food goes to waste each year in the United States at a cost of an estimated $1 billion in increased disposal fees paid by municipalities. This is food and fresh produce that is left unharvested or in storage bins, discarded by wholesales, restaurants, and grocery stores, or reduced by the manufacturing or transportation process. If a small percentage of this wasted food could be redirected to food banks, we could make important strides in our fight against hunger. I believe the enactment of this legislation would be a great incentive in redirecting this food from being discarded to being distributed to hungry families.

The Good Samaritan Hunger Relief Tax Incentive Act would allow farmers and small business owners to take a deduction when they donate food to their community food bank. Currently this reduction is available to large corporations but not for small businesses. This approach would stimulate private charitable giving to food banks at the community level. Each citizen can make an important contribution to the fight against hunger at a local level. Over the years, I have had the opportunity to visit numerous Hoosier food banks, and have been especially impressed by the remarkable work of these organizations. In many cases, they are partnered with churches and faith-based organizations and are making a tremendous difference in our communities. We should support this private sector activity, which not only feeds people, but also strengthens community bonds and demonstrates the power of faith, charity, and civic involvement.

Thank you, Mr. President. I yield the floor.

By Mr. LAUTENBERG (for himself and Mr. DEWINE):

S. 95. A bill to amend titles 23 and 49, United States Code, concerning length and weight limitations for vehicles operating on Federal-aid highways, and for other purposes; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Today, I am proud to introduce, along with my colleague Senator DEWINE, legislation which will make our roads safer and last longer. Our bill, the "Safe Highways and Infrastructure Preservation Act," will extend the current limited freeze of current truck size and weight limits set by states, which only applies to our 44,000-mile Interstate Highway System, to the entire 156,000-mile National Highway System (NHS). This extension will make more roads safer and will further reduce the wear and tear of our highways and bridges.

Fifteen years ago, I got a provision into the ISTEA highway reauthorization bill to ban triple-trailer trucks and other so-called "longer combination vehicles" (LCVs) from New Jersey and most other States. At that time and ever since, the trucking industry has fought to defeat and repeal this ban, under the guise of arguments for "states' rights" and "unfair re-distribution of business to railroads." But these are not rational arguments for allowing larger and heavier trucks as well as triple-trailer trucks on our roads. Additionally, the trucking industry's proclaimed hardships have not materialized. In fact, the trucking companies have survived the current laws quite well, and trucks have refined their role in our national freight transportation system.

Anyone who has ever shared the road with a large tractor-trailer truck has probably wondered whether the truck driver is aware of the smaller vehicles around the truck. Anyone who has seen the third trailer on a triple-trailer truck swinging around in a 'crack the whip' fashion probably knows that these trucks are to be avoided.

Moving to the use of even larger trucks is not safe. The U.S. Department of Transportation has determined that multi-trailer trucks are likely to be involved in more fatal crashes—11 percent more than today's single-trailer trucks. By expanding the limits on triples and other longer combination vehicles to the entire NHS including more than 2,000 miles of highway in New Jersey the Safe Highways and Infrastructure Protection Act will save lives and prevent further deterioration of our roads and bridges.

The State of New Jersey sees its share of the nation's truck traffic. And we are concerned about recent projections that show the amount of traffic increasing considerably over the next 10 to 20 years. We are concerned about these 53-foot, 80,000-pound vehicles on our highways and the pressure from other states to increase weight and length limitations to allow larger trucks to come through our State. This makes truck safety even more important to New Jersey drivers.

Triple-trailers and other LCVs do more damage to our roads and bridges but don't come close to paying associated maintenance and repair costs. Currently, some 37 percent of bridges in New Jersey are considered structurally deficient or functionally obsolete. Their average age is 42 years old. But the fees, tolls, and gasoline taxes paid by the operator of a 100,000-pound truck only covers 40 percent of the cost of the damage that truck does to our roads and bridges; taxpayers make up the difference. I believe that motorists should not have to share the road with these dangerous behemoths and pay for the extra damage they cause.

In the 108th Congress, the Senate passed portions of this legislation in the highway reauthorization legislation package. I believe that if we act to pass this legislation, we can make a big difference in the lives of people who share our highways with large truck traffic.

I thank my colleague Senator DEWINE for once again joining me in sponsoring this important legislation, and I look forward to working with my colleagues in the Congress to improve highway safety and increase the remaining life of our country's roads and bridges.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD.

(The bill will be printed in a future edition of the RECORD.)

By Mr. INHOFE:

S. 96. A bill to target Federal funding for research and development, to amend section 1928 of the Social Security Act to encourage the production of influenza vaccines by eliminating the price cap applicable to the purchase of such vaccines under contracts entered into by the Secretary of Health and Human Services, to amend the Internal Revenue Code of 1986 to establish a tax credit to encourage vaccine production capacity, and for other purposes; to the Committee on Finance.

Mr. INHOFE. Mr. President, I have long been dedicated to quality healthcare for my constituents in Oklahoma and across America. I supported the Medicare bill of 2003 to give a voluntary prescription drug benefit to seniors. I have championed the rural health care providers, who received some of the greatest benefits of the Medicare bill. In 1997, I was one of few Republican to vote against the Balanced Budget Act because of its lack of support for rural hospitals. Back then, I made a commitment to not allow our rural hospitals to be closed, and I am pleased we finally addressed that important issue in the Medicare legislation. I also co-sponsored S. 816, the Health Care Access and Rural Equity Act, to protect and preserve access of Medicare beneficiaries to health care in rural regions.

I am a strong advocate of medical liability reform and am an original cosponsor of S. 11, the Patients First Act, to protect patients' access to quality and affordable health care by reducing the effects of excessive liability costs. There are solutions to alleviate the burden placed on physicians and patients by excessive medical malpractice lawsuits, and I am committed to this vital reform.

I have also worked with officials from the Center for Medicare and Medicaid Services to expand access to lifesaving Implantable Cardiac Defibrillators. I supported legislation to increase the supply of pancreatic islet cells for research and co-sponsored a bill to take the abortion pill RU-486 off the market in the United States.

The Federal Government invests in improving hospitals and healthcare initiatives, and I have fought hard to ensure that Oklahoma gets its fair share. Specifically, over the past three years, I have helped to secure $5.2 million in funding for the Oklahoma Medical Research Foundation, the Oklahoma State Department of Health planning initiative for a rural telemedicine system, the INTEGRIS Healthcare System, the University of Oklahoma Health Sciences Center, the Oklahoma Center for the Advancement of Science and Technology, St. Anthony's Heart Hospital, the Hillcrest Healthcare System, and the Morton Health Center.

Mr. President, the unexpected influenza (flu) vaccine shortage beginning last month highlights the need to encourage the production of flu vaccine in America. As you know, on October 5, 2004, Chiron, a California-based biotechnology company, notified U.S. health officials that its plant in Liverpool, England had been shut down due to vaccine contamination. Almost 50,000 doses of flu vaccine were thrown away, which created a severe shortage for Americans just as the flu season began.

In light of the current shortage, I have examined why America found itself unable to accommodate the public demand for the flu vaccine. As we have seen, once a vaccine shortage strikes, a rapid response is difficult and often impossible. Thirty years ago, more than a dozen American companies were in the flu vaccine business. Today, only two companies make the vaccine for America, and only one is an America-based company. This is no coincidence. High liability costs, tedious production, price caps, and the complicated United States tax code have kept the market bare.

In October, President Bush signed the JOBS bill, which curbed the billion-dollar lawsuits that have crippled the flu vaccination industry. By adding flu vaccine to the list of vaccines protected by the National Vaccine Injury Compensation Program (VICP), a no-fault alternative must be used for resolving vaccine injury claims. I am encouraged with this progress, but more can be done to prevent a shortage in the future.

The FY2005 Omnibus bill provides $100 million to the Department of Health and Human Services (HHS) to ensure a year-round flu vaccine production capacity and for the development of rapidly expandable flu vaccine production technologies. The Omnibus language also permits HHS to purchase flu vaccine with these funds, if deemed necessary. Such costly purchasing is a waste of federal dollars that could otherwise be used for research through the National Institutes of Health to develop faster and safer vaccine production technology. My bill strikes the language that allows government purchasing of the flu vaccine with these funds.

Optimizing the flu vaccine production process is imperative. The ever-changing nature of the flu virus results in a complicated production process. The dominant strain of the flu virus mutates each year, requiring a different vaccine for every flu season. Because harvesting the flu vaccine currently takes at least six months and requires tens of thousands of fertilized eggs susceptible to contamination, this process must begin nearly a year before the flu season begins.

Research should be focused on developing new technologies to allow us to produce more vaccine—in the same season—when we encounter a shortage. For example, a company in Connecticut is developing a flu vaccine relying on cell lines from silk moths. Reverse genetics technology also holds potential that researchers should explore. These types of innovative research promise to shave at least one month off of production time and significantly reduce cost.

Rather than temporarily masking problems through wasted spending on vaccine surpluses, my bill would ensure that the federal government invests in lasting solutions to the challenges of flu vaccine production. The encouragement of safer and faster flu vaccine production technology is a prudent use of federal research dollars through the National Institutes of Health.

To invest in these new technologies, flu vaccine manufacturers will have to renovate existing facilities or construct new ones. My bill gives a tax credit to companies, new and old, to assist them in this important venture.

Currently, ten American companies produce the forty-seven FDA-approved vaccines. An investment tax credit will encourage these existing companies to expand their production to cover the flu vaccine and will invite start-up companies to join the industry. This will better equip the United States market to prevent and deal with a shortage in the future.

Furthermore, my bill removes the suffocating price controls that have discouraged companies from producing the flu vaccine. The Vaccines For Children program (VFC), enacted under the Clinton Administration, imposed a price cap on all vaccines purchased through federal contracts. From a shortsighted perspective, these regulated prices may expand access to vaccines. However, in the long run this policy devastates the vaccine production industry and decreases the availability of vaccines. This occurred in 1998 when manufacturers of Tetanus Diphtheria vaccine refused to bid on government contracts. Consequently, this vaccine is no longer available to children through the VFC program.

Similarly, the CDC purchased nearly 12 percent of the flu vaccine this season, and significant quantities were purchased through the Department of Defense, the Veteran's Administration, and Medicare. The price controls imposed from federal government purchasing create a high-risk, low-reward business market. Price controls destroy any profit incentive. Manufacturers avoid this artificial environment and will continue to as long as the government over steps its bounds.

The harmful effect of government price controls is especially pronounced in the flu vaccine market because the vaccine has a single-season shelf life. The difficulty of predicting the demand for vaccines each year exposes companies great risk. A slight drop in demand can force them out of the market. Financial losses—from seven million extra doses in 2002 and 4.5 million extra in 2003—compelled Wyeth Pharmaceutical Company to end its flu vaccine manufacturing.

Scientific experts consider vaccination to be the most effective medical intervention, and we live in an age of unprecedented vaccine development and implementation. We cannot continue to over-regulate the flu vaccine industry and hope companies will hang on and produce vaccines regardless of profit. The current national flu vaccine shortage reveals the need to act.

My bill would steer NIH research dollars towards cutting-edge technology, remove suffocating price controls, and free American companies to enter the flu vaccine industry with an investment tax credit. I urge my colleagues to stand with me in supporting this vital legislation.

By Mr. TALENT:

S. 102. A bill to provide grants to States to combat methamphetamine abuse; to the Committee on the Judiciary.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Exile Meth Act".

SEC. 2. ESTABLISHMENT OF GRANT PROGRAM FOR COMBATING METHAMPHETAMINE REPEAT OFFENDERS.

The Attorney General shall establish a program that provides grants to qualified States for combating the problem of methamphetamine abuse, with a specific focus on the prosecution of repeat offenders.

SEC. 3. DEFINITION.

As used in this Act, the term "qualified State" means a State that—

(1) had more than 200 methamphetamine lab seizures in 2004, as reported by the National Clandestine Laboratory Database; and

(2) has a law that provides that a person who possesses or distributes 5 grams or more of methamphetamine, its salts, isomers, or salts of its isomers, or 50 grams or more of a mixture or substance containing a detectable amount of methamphetamine, its salts, isomers, or salts of its isomers, qualifies for a mandatory minimum sentence, without the possibility of probation or parole, of 5 to 40 years for a first offense, 10 years to life for a second offense, and life for a third offense.

SEC. 4. DISTRIBUTION OF GRANT AMOUNTS.

The Attorney General shall distribute grants authorized under this Act to 2 States.

SEC. 5. ADMINISTRATION.

The Attorney General shall prescribe requirements, including application requirements, for grants under the program established under this Act.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated $10,000,000 for each of the fiscal years 2006 and 2007 to carry out this Act.

(b) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in subsection (a) shall remain available until expended.

By Mr. TALENT (for himself, Mrs. FEINSTEIN, Mr. BAYH, Mr. NELSON of Nebraska, Mr. DAYTON, Mr. WYDEN, Mr. SALAZAR, Mr. HAGEL, Mr. HARKIN, Mr. SMITH, Mr. COLEMAN, and Mr. GRASSLEY):

S. 103. A bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill were ordered to be printed in the RECORD, as follows:

S. 103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat Meth Act of 2005".

TITLE I—ENFORCEMENT

SEC. 101. AUTHORIZATION OF APPROPRIATIONS RELATING TO COPS GRANTS.

(a) IN GENERAL.—In addition to any other funds authorized to be appropriated for fiscal year 2006 for grants under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.), commonly known as the COPS program, there are authorized to be appropriated $15,000,000 for such purpose to provide training to State and local prosecutors and law enforcement agents for the investigation and prosecution of methamphetamine offenses.

(b) RURAL SET-ASIDE.—Of amounts made available under subsection (a), $3,000,000 shall be available only for prosecutors and law enforcement agents for rural communities.

SEC. 102. EXPANSION OF METHAMPHETAMINE HOT SPOTS PROGRAM TO INCLUDE PERSONNEL AND EQUIPMENT FOR ENFORCEMENT, PROSECUTION, AND CLEANUP.

Section 1701(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd(d)) is amended—

(1) in paragraph (11) by striking "and" at the end;

(2) in paragraph (12) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(13) hire personnel and purchase equipment to assist in the enforcement and prosecution of methamphetamine offenses and the cleanup of methamphetamine-affected areas.".

SEC. 103. SPECIAL UNITED STATES ATTORNEYS' PROGRAM.

(a) IN GENERAL.—The Attorney General shall allocate any amounts appropriated pursuant to the authorization under subsection (c) for the hiring and training of special assistant United States attorneys.

(b) USE OF FUNDS.—The funds allocated under subsection (a) shall be used to—

(1) train local prosecutors in techniques used to prosecute methamphetamine cases, including the presentation of evidence related to the manufacture of methamphetamine;

(2) train local prosecutors in Federal and State laws involving methamphetamine manufacture or distribution;

(3) cross-designate local prosecutors as special assistant United States attorneys; and

(4) hire additional local prosecutors who—

(A) with the approval of the United States attorney, shall be cross-designated to prosecute both Federal and State methamphetamine cases;

(B) shall be assigned a caseload, whether in State court or Federal court, that gives the highest priority to cases in which—

(i) charges related to methamphetamine manufacture or distribution are submitted by law enforcement for consideration; and

(ii) the defendant has been previously convicted of a crime related to methamphetamine manufacture or distribution.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section.

SEC. 104. PSEUDOEPHEDRINE AMENDMENTS TO CONTROLLED SUBSTANCES ACT.

(a) ADDITION OF PSEUDOEPHEDRINE TO SCHEDULE V.—Section 202 of the Controlled Substances Act (21 U.S.C. 812) is amended by adding at the end the following:

"(6) Any detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical isomers.".

(b) PRESCRIPTIONS.—Section 309(c) of the Controlled Substances Act (21 U.S.C. 829(c)) is amended—

(1) by inserting "(1)" before "No controlled substance"; and

(2) by adding at the end the following:

"(2) If the substance described in paragraph (6) of Schedule V of section 202 is dispensed, sold, or distributed in a pharmacy—

"(A) the substance shall be dispensed, sold, or distributed only by a licensed pharmacist or a licensed pharmacy technician; and

"(B) any person purchasing, receiving, or otherwise acquiring any such substance shall—

"(i) produce a photo identification showing the date of birth of such person; and

"(ii) sign a written log or receipt showing—

"(I) the date of the transaction;

"(II) the name of the person; and

"(III) the name and the amount of the substance purchased, received, or otherwise acquired.

"(3)(A) No person shall purchase, receive, or otherwise acquire more than 9 grams of the substance described in paragraph (6) of Schedule V of section 202 within any 30-day period.

"(B) The limit described in subparagraph (A) shall not apply to any quantity of such substance dispensed under a valid prescription.

"(4)(A) The Director of the Federal Drug Administration, by rule, may exempt a product from Schedule V of section 202 if the Director determines that the produce is not used in the illegal manufacture of methamphetamine or other controlled dangerous substance.

"(B) The Director of the Federal Drug Administration, upon the application of a manufacturer of a drug product, may exempt the product from Schedule V of section 202 if the Director determines that the product has been formulated in such a way as to effectively prevent the conversion of the active ingredient into methamphetamine.

"(C) The Director of the Federal Drug Administration, by rule, may authorize the sale of the substance described in paragraph (6) of Schedule V of section 202 by persons other than licensed pharmacists or licensed pharmacy technicians if—

"(i) the Director finds evidence that the absence of a pharmacy creates a hardship for a community; and

"(ii) the authorized personnel follow the procedure set forth in this Act".

TITLE II—EDUCATION, PREVENTION, AND TREATMENT

SEC. 201. GRANTS FOR SERVICES FOR CHILDREN OF SUBSTANCE ABUSERS.

Section 519 of the Public Health Service Act (42 U.S.C. 290bb–25) is amended—

(1) in subsection (b), by inserting after paragraph (8) the following:

"(9) Development of drug endangered children rapid response teams that will intervene on behalf of children exposed to methamphetamine as a result of residing or being present in a home-based clandestine drug laboratory."; and

(2) in subsection (o)—

(A) by striking "For the purpose" and inserting the following:

"(1) IN GENERAL.—For the purpose"; and

(B) by adding at the end the following:

"(2) DRUG ENDANGERED CHILDREN RAPID RESPONSE TEAMS.—There are authorized to be appropriated $2,500,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of subsection (b)(9).".

SEC. 202. LOCAL GRANTS FOR TREATMENT OF METHAMPHETAMINE ABUSE AND RELATED CONDITIONS.

Subpart 1 of part B of title V of the Public Health Service Act (42 U.S.C. 290bb et seq.) is amended—

(1) by redesignating the section 514 that relates to methamphetamine and appears after section 514A as section 514B;

(2) in section 514B, as redesignated—

(A) by amending subsection (a)(1) to read as follows:

"(1) GRANTS AUTHORIZED.—The Secretary may award grants to States, political subdivisions of States, American Indian Tribes, and private, nonprofit entities to provide treatment for methamphetamine abuse.";

(B) by amending subsection (b) to read as follows:

"(b) PRIORITY FOR RURAL AREAS.—In awarding grants under subsection (a), the Secretary shall give priority to entities that will serve rural areas experiencing an increase in methamphetamine abuse."; and

(C) in subsection (d)(1), by striking "2000" and all that follows and inserting "2005 and such sums as may be necessary for each of fiscal years 2006 through 2009"; and

(3) by inserting after section 514B, as redesignated, the following:

"SEC. 514C. METHAMPHETAMINE RESEARCH, TRAINING, AND TECHNICAL ASSISTANCE CENTER.

"(a) PROGRAM AUTHORIZED.—The Secretary, acting through the Administrator, and in consultation with the Director of the National Institutes of Health, shall award grants to, or enter into contracts with, public or private, nonprofit entities to establish a research, training, and technical assistance center to carry out the activities described in subsection (d).

"(b) APPLICATION.—A public or private, nonprofit entity seeking a grant or contract under subsection (a) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

"(c) CONDITION.—In awarding grants or entering into contracts under subsection (a), the Secretary shall ensure that not less than 1 of the centers will focus on methamphetamine abuse in rural areas.

"(d) AUTHORIZED ACTIVITIES.—Each center established under this section shall—

"(1) engage in research and evaluation of the effectiveness of treatment modalities for the treatment of methamphetamine abuse;

"(2) disseminate information to public and private entities on effective treatments for methamphetamine abuse;

"(3) provide direct technical assistance to States, political subdivisions of States, and private entities on how to improve the treatment of methamphetamine abuse; and

"(4) provide training on the effects of methamphetamine use and on effective ways of treating methamphetamine abuse to substance abuse treatment professionals and community leaders.

"(e) REPORTS.—Each grantee or contractor under this section shall annually submit a report to the Administrator that contains—

"(1) a description of the previous year's activities of the center established under this section;

"(2) effective treatment modalities undertaken by the center; and

"(3) evidence to demonstrate that such treatment modalities were successful.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $3,000,000 for fiscal year 2006 and such sums as may be necessary for each of fiscal years 2007 and 2008.".

SEC. 203. METHAMPHETAMINE PRECURSOR MONITORING GRANTS.

(a) GRANTS AUTHORIZED.—The Attorney General, acting through the Bureau of Justice Assistance, may award grants to States to establish methamphetamine precursor monitoring programs.

(b) PURPOSE.—The purpose of the grant program established under this section is to—

(1) prevent the sale of methamphetamine precursors, such as pseudoephedrine, to individuals in quantities so large that the only reasonable purpose of the purchase would be to manufacture methamphetamine;

(2) educate businesses that legally sell methamphetamine precursors of the need to balance the legitimate need for lawful access to medication with the risk that those substances may be used to manufacture methamphetamine; and

(3) recalibrate existing prescription drug monitoring programs designed to track the sale of controlled substances to also track the sale of pseudoephedrine in any amount greater than 6 grams.

(c) USE OF GRANT FUNDS.—Grant funds awarded to States under this section may be used to—

(1) implement a methamphetamine precursor monitoring program, including hiring personnel and purchasing computer hardware and software designed to monitor methamphetamine precursor purchases;

(2) expand existing methamphetamine precursor or prescription drug monitoring programs to accomplish the purposes described in subsection (b);

(3) pay for training and technical assistance for law enforcement personnel and employees of businesses that lawfully sell substances, which may be used as methamphetamine precursors;

(4) improve information sharing between adjacent States through enhanced connectivity; or

(5) make grants to subdivisions of the State to implement methamphetamine precursor monitoring programs.

(d) APPLICATION.—Any State seeking a grant under this section shall submit an application to the Attorney General at such time, in such manner, and containing such information as the Attorney General may require.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 for each of the fiscal years 2006 and 2007 to carry out the provisions of this section.

By Mr. TALENT (for himself, Mr. WYDEN, Mr. COLEMAN, and Mr. CORZINE):

S. 104. A bill to amend the Internal Revenue Code of 1986 to provide tax-exempt financing of highway projects and rail-truck transfer facilities; to the Committee on Finance.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX-EXEMPT FINANCING OF HIGHWAY PROJECTS AND RAIL-TRUCK TRANSFER FACILITIES.

(a) TREATMENT AS EXEMPT FACILITY BOND.—Subsection (a) of section 142 of the Internal Revenue Code of 1986 (relating to exempt facility bond) is amended by striking "or" at the end of paragraph (13), by striking the period at the end of paragraph (14), and by adding at the end the following:

"(15) qualified highway facilities, or

"(16) qualified surface freight transfer facilities.".

(b) QUALIFIED HIGHWAY FACILITIES AND QUALIFIED SURFACE FREIGHT TRANSFER FACILITIES.—Section 142 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"(m) QUALIFIED HIGHWAY AND SURFACE FREIGHT TRANSFER FACILITIES.—

"(1) QUALIFIED HIGHWAY FACILITIES.—For purposes of subsection (a)(15), the term 'qualified highway facilities' means—

"(A) any surface transportation project which receives Federal assistance under title 23, United States Code (as in effect on the date of the enactment of this subsection), or

"(B) any project for an international bridge or tunnel for which an international entity authorized under Federal or State law is responsible and which receives Federal assistance under such title 23.

"(2) QUALIFIED SURFACE FREIGHT TRANSFER FACILITIES.—For purposes of subsection (a)(16), the term 'qualified surface freight transfer facilities' means facilities for the transfer of freight from truck to rail or rail to truck (including any temporary storage facilities directly related to such transfers) which receives Federal assistance under either title 23 or title 49, United States Code (as in effect on the date of the enactment of this subsection).

"(3) AGGREGATE FACE AMOUNT OF TAX-EXEMPT FINANCING FOR FACILITIES.—

"(A) IN GENERAL.—An issue shall not be treated as an issue described in subsection (a)(15) or (a)(16) if the aggregate face amount of bonds issued by any State pursuant thereto (when added to the aggregate face amount of bonds previously so issued) exceeds $15,000,000,000.

"(B) ALLOCATION BY SECRETARY OF TRANSPORTATION.—The Secretary of Transportation shall allocate the amount described in subparagraph (A) among eligible projects described in subsections (a)(15) and (a)(16) in such manner as the Secretary determines appropriate.".

(c) EXEMPTION FROM GENERAL STATE VOLUME CAPS.—Paragraph (3) of section 146(g) of the Internal Revenue Code of 1986 (relating to exception for certain bonds) is amended by striking "or (14)" and all that follows through the end of the paragraph and inserting "(14), (15), or (16) of section 142(a), and".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

By Mr. TALENT (for himself, Mr. SESSIONS, and Mr. DEMINT):

S. 105. A bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes; to the Committee on Finance.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 105

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Personal Responsibility, Work, and Family Promotion Act of 2005".

SEC. 2. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. References.
Sec. 4. Findings.

TITLE I—TANF

Sec. 101. Purposes.
Sec. 102. Family assistance grants.
Sec. 103. Promotion of family formation and healthy marriage.
Sec. 104. Supplemental grant for population increases in certain States.
Sec. 105. Bonus to reward employment achievement.
Sec. 106. Contingency fund.
Sec. 107. Use of funds.
Sec. 108. Repeal of Federal loan for State welfare programs.
Sec. 109. Universal engagement and family self-sufficiency plan requirements.
Sec. 110. Work participation requirements.
Sec. 111. Maintenance of effort.
Sec. 112. Performance improvement.
Sec. 113. Data collection and reporting.
Sec. 114. Direct funding and administration by Indian tribes.
Sec. 115. Research, evaluations, and national studies.
Sec. 116. Studies by the Census Bureau and the Government Accountability Office.
Sec. 117. Definition of assistance.
Sec. 118. Technical corrections.
Sec. 119. Fatherhood program.
Sec. 120. State option to make TANF programs mandatory partners with one-stop employment training centers.
Sec. 121. Sense of the Congress.
Sec. 122. Extension through fiscal year 2005.

TITLE II—CHILD CARE

Sec. 201. Short title.
Sec. 202. Goals.
Sec. 203. Authorization of appropriations.
Sec. 204. Application and plan.
Sec. 205. Activities to improve the quality of child care.
Sec. 206. Report by Secretary.
Sec. 207. Definitions.
Sec. 208. Entitlement funding.

TITLE III—CHILD SUPPORT

Sec. 301. Federal matching funds for limited pass through of child support payments to families receiving TANF.
Sec. 302. State option to pass through all child support payments to families that formerly received TANF.
Sec. 303. Mandatory review and adjustment of child support orders for families receiving TANF.
Sec. 304. Mandatory fee for successful child support collection for family that has never received TANF.
Sec. 305. Report on undistributed child support payments.
Sec. 306. Decrease in amount of child support arrearage triggering passport denial.
Sec. 307. Use of tax refund intercept program to collect past-due child support on behalf of children who are not minors.
Sec. 308. Garnishment of compensation paid to veterans for service-connected disabilities in order to enforce child support obligations.
Sec. 309. Improving Federal debt collection practices.
Sec. 310. Maintenance of technical assistance funding.
Sec. 311. Maintenance of Federal Parent Locator Service funding.

TITLE IV—CHILD WELFARE

Sec. 401. Extension of authority to approve demonstration projects.
Sec. 402. Elimination of limitation on number of waivers.
Sec. 403. Elimination of limitation on number of States that may be granted waivers to conduct demonstration projects on same topic.
Sec. 404. Elimination of limitation on number of waivers that may be granted to a single State for demonstration projects.
Sec. 405. Streamlined process for consideration of amendments to and extensions of demonstration projects requiring waivers.
Sec. 406. Availability of reports.
Sec. 407. Technical correction.

TITLE V—SUPPLEMENTAL SECURITY INCOME

Sec. 501. Review of State agency blindness and disability determinations.

TITLE VI—STATE AND LOCAL FLEXIBILITY

Sec. 601. Program coordination demonstration projects.
Sec. 602. State food assistance block grant demonstration project.

TITLE VII—ABSTINENCE EDUCATION

Sec. 701. Extension of abstinence education program.

TITLE VIII—TRANSITIONAL MEDICAL ASSISTANCE

Sec. 801. Extension of medicaid transitional medical assistance program through fiscal year 2006.
Sec. 802. Adjustment to payments for medicaid administrative costs to prevent duplicative payments and to fund extension of transitional medical assistance.

TITLE IX—EFFECTIVE DATE

Sec. 901. Effective date.

SEC. 3. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the amendment or repeal shall be considered to be made to a section or other provision of the Social Security Act.

SEC. 4. FINDINGS.

The Congress makes the following findings:

(1) The Temporary Assistance for Needy Families (TANF) Program established by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193) has succeeded in moving families from welfare to work and reducing child poverty.

(A) There has been a dramatic increase in the employment of current and former welfare recipients. The percentage of working recipients reached an all-time high in fiscal year 1999 and continued steady in fiscal years 2000 and 2001. In fiscal year 2003, 31.3 percent of adult recipients were counted as meeting the work participation requirements. All States but one met the overall participation rate standard in fiscal year 2003, as did the District of Columbia and Puerto Rico.

(B) Earnings for welfare recipients remaining on the rolls have also increased significantly, as have earnings for female-headed households. The increases have been particularly large for the bottom 2 income quintiles, that is, those women who are most likely to be former or present welfare recipients.

(C) Welfare dependency has plummeted. As of June 2004, 1,969,909 families and 4,727,291 individuals were receiving assistance. Accordingly, the number of families in the welfare caseload and the number of individuals receiving cash assistance declined 55 percent and 61 percent, respectively, since the enactment of TANF.

(D) The child poverty rate continued to decline between 1996 and 2003, falling 14 percent from 20.5 to 17.6 percent. Child poverty rates for African-American and Hispanic children have also fallen dramatically during the past 7 years.

(2) As a Nation, we have made substantial progress in reducing teen pregnancies and births, slowing increases in nonmarital childbearing, and improving child support collections and paternity establishment.

(A) The birth rate to teenagers declined 30 percent from its high in 1991 to 2002. The 2002 teenage birth rate of 43.0 per 1,000 women aged 15–19 is the lowest recorded birth rate for teenagers.

(B) During the period from 1991 through 2001, teenage birth rates fell in all States and the District of Columbia, Puerto Rico, Guam, and the Virgin Islands. Declines also have spanned age, racial, and ethnic groups. There has been success in lowering the birth rate for both younger and older teens. The birth rate for those 15–17 years of age has declined 40 percent since 1991, and the rate for those 18 and 19 has declined 23 percent. The rate for African American teens—until recently the highest—has declined the most—42 percent from 1991 through 2002.

(C) Since the enactment of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, child support collections within the child support enforcement system have grown every year, increasing from $12,000,000,000 in fiscal year 1996 to over $21,000,000,000 in fiscal year 2003. The number of paternities established or acknowledged in fiscal year 2003 (over 1,500,000) includes a more than 100 percent increase through in-hospital acknowledgement programs—862,043 in 2003 compared to 324,652 in 1996. Child support collections were made in nearly 8,000,000 cases in fiscal year 2003, significantly more than the almost 4,000,000 cases having a collection in 1996.

(3) The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 gave States great flexibility in the use of Federal funds to develop innovative programs to help families leave welfare and begin employment and to encourage the formation of 2-parent families.

(A) Total Federal and State TANF expenditures in fiscal year 2003 were $26,300,000,000, up from $25,400,000,000 in fiscal year 2002 and $22,600,000,000 in fiscal year 1999. This increased spending is attributable to significant new investments in supportive services in the TANF program, such as child care and activities to support work.

(B) Since the welfare reform effort began there has been a dramatic increase in work participation (including employment, community service, and work experience) among welfare recipients, as well as an unprecedented reduction in the caseload because recipients have left welfare for work.

(C) States are making policy choices and investment decisions best suited to the needs of their citizens.

(i) To expand aid to working families, almost all States disregard a portion of a family's earned income when determining benefit levels.

(ii) Most States increased the limits on countable assets above the former Aid to Families with Dependent Children (AFDC) program. Every State has increased the vehicle asset level above the prior AFDC limit for a family's primary automobile.

(iii) States are experimenting with programs to promote marriage and paternal involvement. Over half of the States have eliminated restrictions on 2-parent families. Many States use TANF, child support, or State funds to support community-based activities to help fathers become more involved in their children's lives or strengthen relationships between mothers and fathers.

(4) However, despite this success, there is still progress to be made. Policies that support and promote more work, strengthen families, and enhance State flexibility are necessary to continue to build on the success of welfare reform.

(A) Significant numbers of welfare recipients still are not engaged in employment-related activities. While all States have met the overall work participation rates required by law, in an average month, only 41 percent of all families with an adult participated in work activities that were countable toward the State's participation rate. In fiscal year 2003, four jurisdictions failed to meet the more rigorous 2-parent work requirements, and 25 jurisdictions (States and territories) are not subject to the 2-parent requirements, most because they moved their 2-parent cases to separate State programs where they are not subject to a penalty for failing the 2-parent rates.

(B) In 2002, 34 percent of all births in the U.S. were to unmarried women. And, with fewer teens entering marriage, the proportion of births to unmarried teens has increased dramatically (80 percent in 2002 versus 30 percent in 1970). The negative consequences of out-of-wedlock birth on the mother, the child, the family, and society are well documented. These include increased likelihood of welfare dependency, increased risks of low birth weight, poor cognitive development, child abuse and neglect, and teen parenthood, and decreased likelihood of having an intact marriage during adulthood.

(C) There has been a dramatic rise in cohabitation as marriages have declined. It is estimated that 40 percent of children are expected to live in a cohabiting-parent family at some point during their childhood. Children in single-parent households and cohabiting-parent households are at much higher risk of child abuse than children in intact married families.

(D) Children who live apart from their biological fathers, on average, are more likely to be poor, experience educational, health, emotional, and psychological problems, be victims of child abuse, engage in criminal behavior, and become involved with the juvenile justice system than their peers who live with their married, biological mother and father. A child living with a single mother is nearly 5 times as likely to be poor as a child living in a married-couple family. In 2003, in married-couple families, the child poverty rate was 8.6 percent, and in households headed by a single mother the poverty rate was 41.7 percent.

(5) Therefore, it is the sense of the Congress that increasing success in moving families from welfare to work, as well as in promoting healthy marriage and other means of improving child well-being, are very important Government interests and the policy contained in part A of title IV of the Social Security Act (as amended by this Act) is intended to serve those ends.

TITLE I—TANF

SEC. 101. PURPOSES.

Section 401(a) (42 U.S.C. 601(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "increase" and inserting "improve child well-being by increasing";

(2) in paragraph (1), by inserting "and services" after "assistance";

(3) in paragraph (2), by striking "parents on government benefits" and inserting "families on government benefits and reduce poverty"; and

(4) in paragraph (4), by striking "two-parent families" and inserting "healthy, 2-parent married families, and encourage responsible fatherhood".

SEC. 102. FAMILY ASSISTANCE GRANTS.

(a) Extension of Authority.—Section 403(a)(1)(A) (42 U.S.C. 603(a)(1)(A)) is amended—

(1) by striking "1996, 1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2006 through 2010"; and

(2) by inserting "payable to the State for the fiscal year" before the period.

(b) State Family Assistance Grant.—Section 403(a)(1)(C) (42 U.S.C. 603(a)(1)(C)) is amended by striking "fiscal year 2003" and inserting "each of fiscal years 2006 through 2010".

(c) Matching Grants for the Territories.—Section 1108(b)(2) (42 U.S.C. 1308(b)(2)) is amended by striking "1997 through 2003" and inserting "2006 through 2010".

SEC. 103. PROMOTION OF FAMILY FORMATION AND HEALTHY MARRIAGE.

(a) State Plans.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by adding at the end the following:

"(vii) Encourage equitable treatment of married, 2-parent families under the program referred to in clause (i).".

(b) Healthy Marriage Promotion Grants; Repeal of Bonus for Reduction of Illegitimacy Ratio.—

(1) In general.—Section 403(a)(2) (42 U.S.C. 603(a)(2)) is amended to read as follows:

"(2) Healthy marriage promotion grants.—

"(A) Authority.—The Secretary shall award competitive grants to States, territories, and tribal organizations for not more than 50 percent of the cost of developing and implementing innovative programs to promote and support healthy, married, 2-parent families.

"(B) Healthy marriage promotion activities.—Funds provided under subparagraph (A) shall be used to support any of the following programs or activities:

"(i) Public advertising campaigns on the value of marriage and the skills needed to increase marital stability and health.

"(ii) Education in high schools on the value of marriage, relationship skills, and budgeting.

"(iii) Marriage education, marriage skills, and relationship skills programs, that may include parenting skills, financial management, conflict resolution, and job and career advancement, for non-married pregnant women and non-married expectant fathers.

"(iv) Pre-marital education and marriage skills training for engaged couples and for couples or individuals interested in marriage.

"(v) Marriage enhancement and marriage skills training programs for married couples.

"(vi) Divorce reduction programs that teach relationship skills.

"(vii) Marriage mentoring programs which use married couples as role models and mentors in at-risk communities.

"(viii) Programs to reduce the disincentives to marriage in means-tested aid programs, if offered in conjunction with any activity described in this subparagraph.

"(C) APPROPRIATION.—

"(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for each of fiscal years 2005 through 2010 $100,000,000 for grants under this paragraph.

"(ii) EXTENDED AVAILABILITY OF FY2005 FUNDS.—Funds appropriated under clause (i) for fiscal year 2005 shall remain available to the Secretary through fiscal year 2006, for grants under this paragraph for fiscal year 2005.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(c) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)) is amended by adding at the end the following:

"(V) COUNTING OF SPENDING ON NON-ELIGIBLE FAMILIES TO PREVENT AND REDUCE INCIDENCE OF OUT-OF-WEDLOCK BIRTHS, ENCOURAGE FORMATION AND MAINTENANCE OF HEALTHY, 2-PARENT MARRIED FAMILIES, OR ENCOURAGE RESPONSIBLE FATHERHOOD.—The term 'qualified State expenditures' includes the total expenditures by the State during the fiscal year under all State programs for a purpose described in paragraph (3) or (4) of section 401(a).".

SEC. 104. SUPPLEMENTAL GRANT FOR POPULATION INCREASES IN CERTAIN STATES.

Section 403(a)(3) (42 U.S.C. 603(a)(3)) is amended—

(1) in subparagraph (E)—

(A) by striking "1998, 1999, 2000, and 2001" and inserting "2006 through 2009"; and

(B) by striking ", in a total amount not to exceed $800,000,000";

(2) in subparagraph (G), by striking "2001" and inserting "2009"; and

(3) by striking subparagraph (H) and inserting the following:

"(H) FURTHER PRESERVATION OF GRANT AMOUNTS.—A State that was a qualifying State under this paragraph for fiscal year 2004 or any prior fiscal year shall be entitled to receive from the Secretary for each of fiscal years 2006 through 2009 a grant in an amount equal to the amount required to be paid to the State under this paragraph for the most recent fiscal year for which the State was a qualifying State.".

SEC. 105. BONUS TO REWARD EMPLOYMENT ACHIEVEMENT.

(a) IN GENERAL.—Section 403(a)(4) (42 U.S.C. 603(a)(4)) is amended—

(1) in the paragraph heading, by striking "HIGH PERFORMANCE STATES" and inserting "EMPLOYMENT ACHIEVEMENT"; and

(2) by striking subparagraphs (A) through (F) and inserting the following:

"(A) IN GENERAL.—The Secretary shall make a grant pursuant to this paragraph to each State for each bonus year for which the State is an employment achievement State.

"(B) AMOUNT OF GRANT.—

"(i) IN GENERAL.—Subject to clause (ii) of this subparagraph, the Secretary shall determine the amount of the grant payable under this paragraph to an employment achievement State for a bonus year, which shall be based on the performance of the State as determined under subparagraph (D)(i) for the fiscal year that immediately precedes the bonus year.

"(ii) LIMITATION.—The amount payable to a State under this paragraph for a bonus year shall not exceed 5 percent of the State family assistance grant.

"(C) FORMULA FOR MEASURING STATE PERFORMANCE.—

"(i) IN GENERAL.—Subject to clause (ii), not later than October 1, 2006, the Secretary, in consultation with the States, shall develop a formula for measuring State performance in operating the State program funded under this part so as to achieve the goals of employment entry, job retention, and increased earnings from employment for families receiving assistance under the program, as measured on an absolute basis and on the basis of improvement in State performance.

"(ii) SPECIAL RULE FOR BONUS YEAR 2006.—For the purposes of awarding a bonus under this paragraph for bonus year 2006, the Secretary may measure the performance of a State in fiscal year 2005 using the job entry rate, job retention rate, and earnings gain rate components of the formula developed under section 403(a)(4)(C) as in effect immediately before the effective date of this paragraph.

"(D) DETERMINATION OF STATE PERFORMANCE.—For each bonus year, the Secretary shall—

"(i) use the formula developed under subparagraph (C) to determine the performance of each eligible State for the fiscal year that precedes the bonus year; and

"(ii) prescribe performance standards in such a manner so as to ensure that—

"(I) the average annual total amount of grants to be made under this paragraph for each bonus year equals $100,000,000; and

"(II) the total amount of grants to be made under this paragraph for all bonus years equals $600,000,000.

"(E) DEFINITIONS.—In this paragraph:

"(i) BONUS YEAR.—The term 'bonus year' means each of fiscal years 2006 through 2011.

"(ii) EMPLOYMENT ACHIEVEMENT STATE.—The term 'employment achievement State' means, with respect to a bonus year, an eligible State whose performance determined pursuant to subparagraph (D)(i) for the fiscal year preceding the bonus year equals or exceeds the performance standards prescribed under subparagraph (D)(ii) for such preceding fiscal year.

"(F) APPROPRIATION.—

"(i) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for fiscal years 2006 through 2011 $600,000,000 for grants under this paragraph.

"(ii) EXTENDED AVAILABILITY OF PRIOR APPROPRIATION.—Amounts appropriated under section 403(a)(4)(F) of the Social Security Act (as in effect before the date of the enactment of this clause) that have not been expended as of such date of enactment shall remain available through fiscal year 2006 for grants under section 403(a)(4) of such Act (as in effect before such date of enactment) for bonus year 2005.[needed?]

"(G) GRANTS FOR TRIBAL ORGANIZATIONS.—This paragraph shall apply with respect to tribal organizations in the same manner in which this paragraph applies with respect to States. In determining the criteria under which to make grants to tribal organizations under this paragraph, the Secretary shall consult with tribal organizations.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act.

SEC. 106. CONTINGENCY FUND.

(a) DEPOSITS INTO FUND.—Section 403(b)(2) (42 U.S.C. 603(b)(2)) is amended—

(1) by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2006 through 2010"; and

(2) by striking all that follows "$2,000,000,000" and inserting a period.

(b) GRANTS.—Section 403(b)(3)(C)(ii) (42 U.S.C. 603(b)(3)(C)(ii)) is amended by striking "fiscal years 1997 through 2005" and inserting "fiscal years 2006 through 2010".

(c) DEFINITION OF NEEDY STATE.—Clauses (i) and (ii) of section 403(b)(5)(B) (42 U.S.C. 603(b)(5)(B)) are amended by inserting after "1996" the following: ", and the Food Stamp Act of 1977 as in effect during the corresponding 3-month period in the fiscal year preceding such most recently concluded 3-month period,".

(d) ANNUAL RECONCILIATION: FEDERAL MATCHING OF STATE EXPENDITURES ABOVE "MAINTENANCE OF EFFORT" LEVEL.—Section 403(b)(6) (42 U.S.C. 603(b)(6)) is amended—

(1) in subparagraph (A)(ii)—

(A) by adding "and" at the end of subclause (I);

(B) by striking "; and" at the end of subclause (II) and inserting a period; and

(C) by striking subclause (III);

(2) in subparagraph (B)(i)(II), by striking all that follows "section 409(a)(7)(B)(iii))" and inserting a period;

(3) by amending subparagraph (B)(ii)(I) to read as follows:

"(I) the qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for the fiscal year; plus"; and

(4) by striking subparagraph (C).

(e) CONSIDERATION OF CERTAIN CHILD CARE EXPENDITURES IN DETERMINING STATE COMPLIANCE WITH CONTINGENCY FUND MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(10) (42 U.S.C. 609(a)(10)) is amended—

(1) by striking "(other than the expenditures described in subclause (I)(bb) of that paragraph)) under the State program funded under this part" and inserting a close parenthesis; and

(2) by striking "excluding any amount expended by the State for child care under subsection (g) or (i) of section 402 (as in effect during fiscal year 1994) for fiscal year 1994,".

SEC. 107. USE OF FUNDS.

(a) GENERAL RULES.—Section 404(a)(2) (42 U.S.C. 604(a)(2)) is amended by striking "in any manner that" and inserting "for any purposes or activities for which".

(b) TREATMENT OF INTERSTATE IMMIGRANTS.—

(1) STATE PLAN PROVISION.—Section 402(a)(1)(B) (42 U.S.C. 602(a)(1)(B)) is amended by striking clause (i) and redesignating clauses (ii) through (iv) as clauses (i) through (iii), respectively.

(2) USE OF FUNDS.—Section 404 (42 U.S.C. 604) is amended by striking subsection (c).

(c) INCREASE IN AMOUNT TRANSFERABLE TO CHILD CARE.—Section 404(d)(1) (42 U.S.C. 604(d)(1)) is amended by striking "30" and inserting "50".

(d) INCREASE IN AMOUNT TRANSFERABLE TO TITLE XX PROGRAMS.—Section 404(d)(2)(B) (42 U.S.C. 604(d)(2)(B)) is amended to read as follows:

"(B) APPLICABLE PERCENT.—For purposes of subparagraph (A), the applicable percent is 10 percent for fiscal year 2006 and each succeeding fiscal year.".

(e) CLARIFICATION OF AUTHORITY OF STATES TO USE TANF FUNDS CARRIED OVER FROM PRIOR YEARS TO PROVIDE TANF BENEFITS AND SERVICES.—Section 404(e) (42 U.S.C. 604(e)) is amended to read as follows:

"(e) AUTHORITY TO CARRYOVER OR RESERVE CERTAIN AMOUNTS FOR BENEFITS OR SERVICES OR FOR FUTURE CONTINGENCIES.—

"(1) CARRYOVER.—A State or tribe may use a grant made to the State or tribe under this part for any fiscal year to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part.

"(2) CONTINGENCY RESERVE.—A State or tribe may designate any portion of a grant made to the State or tribe under this part as a contingency reserve for future needs, and may use any amount so designated to provide, without fiscal year limitation, any benefit or service that may be provided under the State or tribal program funded under this part. If a State or tribe so designates a portion of such a grant, the State shall, on an annual basis, include in its report under section 411(a) the amount so designated.".

SEC. 108. REPEAL OF FEDERAL LOAN FOR STATE WELFARE PROGRAMS.

(a) REPEAL.—Section 406 (42 U.S.C. 606) is repealed.

(b) CONFORMING AMENDMENTS.—

(1) Section 409(a) (42 U.S.C. 609(a)) is amended by striking paragraph (6).

(2) Section 412 (42 U.S.C. 612) is amended by striking subsection (f) and redesignating subsections (g) through (i) as subsections (f) through (h), respectively.

(3) Section 1108(a)(2) (42 U.S.C. 1308(a)(2)) is amended by striking "406,".

SEC. 109. UNIVERSAL ENGAGEMENT AND FAMILY SELF-SUFFICIENCY PLAN REQUIREMENTS.

(a) MODIFICATION OF STATE PLAN REQUIREMENTS.—Section 402(a)(1)(A) (42 U.S.C. 602(a)(1)(A)) is amended by striking clauses (ii) and (iii) and inserting the following:

"(ii) Require a parent or caretaker receiving assistance under the program to engage in work or alternative self-sufficiency activities (as defined by the State), consistent with section 407(e)(2).

"(iii) Require families receiving assistance under the program to engage in activities in accordance with family self-sufficiency plans developed pursuant to section 408(b).".

(b) ESTABLISHMENT OF FAMILY SELF-SUFFICIENCY PLANS.—

(1) IN GENERAL.—Section 408(b) (42 U.S.C. 608(b)) is amended to read as follows:

"(b) FAMILY SELF-SUFFICIENCY PLANS.—

"(1) IN GENERAL.—A State to which a grant is made under section 403 shall—

"(A) assess, in the manner deemed appropriate by the State, the skills, prior work experience, and employability of each work-eligible individual (as defined in section 407(b)(2)(C)) receiving assistance under the State program funded under this part;

"(B) establish for each family that includes such an individual, in consultation as the State deems appropriate with the individual, a self-sufficiency plan that specifies appropriate activities described in the State plan submitted pursuant to section 402, including direct work activities as appropriate designed to assist the family in achieving their maximum degree of self-sufficiency, and that provides for the ongoing participation of the individual in the activities;

"(C) require, at a minimum, each such individual to participate in activities in accordance with the self-sufficiency plan;

"(D) monitor the participation of each such individual in the activities specified in the self sufficiency plan, and regularly review the progress of the family toward self-sufficiency;

"(E) upon such a review, revise the self-sufficiency plan and activities as the State deems appropriate.

"(2) TIMING.—The State shall comply with paragraph (1) with respect to a family—

"(A) in the case of a family that, as of October 1, 2005, is not receiving assistance from the State program funded under this part, not later than 60 days after the family first receives assistance on the basis of the most recent application for the assistance; or

"(B) in the case of a family that, as of such date, is receiving the assistance, not later than 12 months after the date of enactment of this subsection.

"(3) STATE DISCRETION.—A State shall have sole discretion, consistent with section 407, to define and design activities for families for purposes of this subsection, to develop methods for monitoring and reviewing progress pursuant to this subsection, and to make modifications to the plan as the State deems appropriate to assist the individual in increasing their degree of self-sufficiency.

"(4) RULE OF INTERPRETATION.—Nothing in this part shall preclude a State from requiring participation in work and any other activities the State deems appropriate for helping families achieve self-sufficiency and improving child well-being.".

(2) PENALTY FOR FAILURE TO ESTABLISH FAMILY SELF-SUFFICIENCY PLAN.—Section 409(a)(3) (42 U.S.C. 609(a)(3)) is amended—

(A) in the paragraph heading, by inserting "or establish family self-sufficiency plan" after "rates"; and

(B) in subparagraph (A), by inserting "or 408(b)" after "407(a)".

SEC. 110. WORK PARTICIPATION REQUIREMENTS.

(a) ELIMINATION OF SEPARATE PARTICIPATION RATE REQUIREMENTS FOR 2-PARENT FAMILIES.—

(1) Section 407 (42 U.S.C. 607) is amended in each of subsections (a) and (b) by striking paragraph (2).

(2) Section 407(b)(4) (42 U.S.C. 607(b)(4)) is amended by striking "paragraphs (1)(B) and (2)(B)" and inserting "paragraph (1)(B)".

(3) Section 407(c)(1) (42 U.S.C. 607(c)(1)) is amended by striking subparagraph (B).

(4) Section 407(c)(2)(D) (42 U.S.C. 607(c)(2)(D)) is amended by striking "paragraphs (1)(B)(i) and (2)(B) of subsection (b)" and inserting "subsection (b)(1)(B)(i)".

(b) WORK PARTICIPATION REQUIREMENTS.—Section 407 (42 U.S.C. 607) is amended by striking all that precedes subsection (b)(3) and inserting the following:

"SEC. 407. WORK PARTICIPATION REQUIREMENTS.

"(a) PARTICIPATION RATE REQUIREMENTS.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this section, a State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate equal to not less than—

"(A) 50 percent for fiscal year 2006;

"(B) 55 percent for fiscal year 2007;

"(C) 60 percent for fiscal year 2008;

"(D) 65 percent for fiscal year 2009; and

"(E) 70 percent for fiscal year 2010 and each succeeding fiscal year.

"(2) MINIMUM PARTICIPATION RATE FLOOR.—

"(A) IN GENERAL.—A State to which a grant is made under section 403 for a fiscal year shall achieve a minimum participation rate floor, calculated in accordance with subparagraph (B), that is not less than—

"(i) 10 percent for fiscal year 2006;

"(ii) 20 percent for fiscal year 2007;

"(iii) 30 percent for fiscal year 2008;

"(iv) 40 percent for fiscal year 2009; and

"(v) 55 percent for fiscal year 2010 and each succeeding fiscal year.

"(B) CALCULATION OF PARTICIPATION RATES FOR DETERMINING COMPLIANCE WITH MINIMUM PARTICIPATION RATE FLOOR.—

"(i) IN GENERAL.—For purposes of determining compliance with subparagraph (A), the provisions of subsection (b) shall apply with respect to the calculation of the participation rate of a State for a fiscal year except as provided in clauses (ii) and (iii).

"(ii) SPECIAL RULES.—For purposes of this paragraph—

"(I) a reduction under subsection (b)(3) shall not be applied with respect to a State for a fiscal year to the extent it would reduce the minimum participation rate the State is otherwise required to meet below the level specified in subparagraph (A) for such fiscal year;

"(II) the participation rate determined under paragraphs (1) and (2) of subsection (b) for a State for a fiscal year may not be increased as provided in subsection (b)(4) if the State's participation rate (as so determined) is below the level specified for such fiscal year in subparagraph (A); and

"(III) the options to exclude certain families for purposes of determining monthly participation rates provided in subsection (b)(2)(B)(ii) shall not apply.

"(iii) DEFINITION OF ASSISTANCE.—For purposes of this paragraph, the term 'assistance' in subsection (b) shall be deemed to mean assistance to a family that—

"(I) meets the definition of that term in section 419; and

"(II) is provided—

"(aa) under the State program funded under this part; or

"(bb) under a program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)).

"(C) NO WORK REQUIREMENT IMPOSED FOR FAMILIES WITH AN INFANT.—Nothing in this paragraph shall be construed as requiring a State to require a family in which the youngest child has not attained 12 months of age to engage in work or other activities.

"(b) CALCULATION OF PARTICIPATION RATES.—

"(1) AVERAGE MONTHLY RATE.—For purposes of subsection (a), the participation rate of a State for a fiscal year is the average of the participation rates of the State for each month in the fiscal year.

"(2) MONTHLY PARTICIPATION RATES; INCORPORATION OF 40-HOUR WORK WEEK STANDARD.—

"(A) IN GENERAL.—For purposes of paragraph (1), the participation rate of a State for a month is—

"(i) the total number of countable hours (as defined in subsection (c)) with respect to the counted families for the State for the month; divided by

"(ii) 160 multiplied by the number of counted families for the State for the month.

"(B) COUNTED FAMILIES DEFINED.—

"(i) IN GENERAL.—In subparagraph (A), the term 'counted family' means, with respect to a State and a month, a family that includes a work-eligible individual and that receives assistance in the month under the State program funded under this part, subject to clause (ii).

“(ii) STATE OPTION TO EXCLUDE CERTAIN FAMILIES.—At the option of a State, the term ‘counted family’ shall not include—

“(I) a family in the first month for which the family receives assistance from a State program funded under this part on the basis of the most recent application for such assistance; or

“(II) on a case-by-case basis, a family in which the youngest child has not attained 12 months of age.

“(iii) STATE OPTION TO INCLUDE INDIVIDUALS RECEIVING ASSISTANCE UNDER A TRIBAL FAMILY ASSISTANCE PLAN OR TRIBAL WORK PROGRAM.—At the option of a State, the term ‘counted family’ may include families in the State that are receiving assistance under a tribal family assistance plan approved under section 412 or under a tribal work program to which funds are provided under this part.

“(C) WORK-ELIGIBLE INDIVIDUAL DEFINED.—In this section, the term ‘work-eligible individual’ means an individual—

“(i) who is married or a single head of household; and

“(ii) whose needs are (or, but for sanctions under this part that have been in effect for more than 3 months (whether or not consecutive) in the preceding 12 months or under part D, would be) included in determining the amount of cash assistance to be provided to the family under the State program funded under this part.”.

(c) RECALIBRATION OF CASELOAD REDUCTION CREDIT.—

(1) IN GENERAL.—Section 407(b)(3)(A)(ii) (42 U.S.C. 607(b)(3)(A)(ii)) is amended to read as follows:

“(ii) the average monthly number of families that received assistance under the State program funded under this part during the base year.”.

(2) CONFORMING AMENDMENT.—Section 407(b)(3)(B) (42 U.S.C. 607(b)(3)(B)) is amended by striking “and eligibility criteria” and all that follows through the close parenthesis and inserting “and the eligibility criteria in effect during the then applicable base year”.

(3) BASE YEAR DEFINED.—Section 407(b)(3) (42 U.S.C. 607(b)(3)) is amended by adding at the end the following:

“(C) BASE YEAR DEFINED.—In this paragraph, the term ‘base year’ means, with respect to a fiscal year—

“(i) if the fiscal year is fiscal year 2006, fiscal year 1996;

“(ii) if the fiscal year is fiscal year 2007, fiscal year 1998;

“(iii) if the fiscal year is fiscal year 2008, fiscal year 2001; or

“(iv) if the fiscal year is fiscal year 2009 or any succeeding fiscal year, the then 4th preceding fiscal year.”.

(d) SUPERACHIEVER CREDIT.—Section 407(b) (42 U.S.C. 607(b)) is amended by striking paragraphs (4) and (5) and inserting the following:

“(4) SUPERACHIEVER CREDIT.—

“(A) IN GENERAL.—The participation rate, determined under paragraphs (1) and (2) of this subsection, of a superachiever State for a fiscal year shall be increased by the lesser of—

“(i) the amount (if any) of the superachiever credit applicable to the State; or

“(ii) the number of percentage points (if any) by which the minimum participation rate required by subsection (a) for the fiscal year exceeds 50 percent.

“(B) SUPERACHIEVER STATE.—For purposes of subparagraph (A), a State is a superachiever State if the State caseload for fiscal year 2001 has declined by at least 60 percent from the State caseload for fiscal year 1995.

“(C) AMOUNT OF CREDIT.—The superachiever credit applicable to a State is the number of percentage points (if any) by which the decline referred to in subparagraph (B) exceeds 60 percent.

“(D) DEFINITIONS.—In this paragraph:

“(i) STATE CASELOAD FOR FISCAL YEAR 2001.—The term ‘State caseload for fiscal year 2001’ means the average monthly number of families that received assistance during fiscal year 2001 under the State program funded under this part.

“(ii) STATE CASELOAD FOR FISCAL YEAR 1995.—The term ‘State caseload for fiscal year 1995’ means the average monthly number of families that received aid under the State plan approved under part A (as in effect on September 30, 1995) during fiscal year 1995.”.

(e) COUNTABLE HOURS.—Section 407 of such Act (42 U.S.C. 607) is amended by striking subsections (c) and (d) and inserting the following:

“(c) COUNTABLE HOURS.—

“(1) DEFINITION.—In subsection (b)(2), the term ‘countable hours’ means, with respect to a family for a month, the total number of hours in the month in which any member of the family who is a work-eligible individual is engaged in a direct work activity or other activities specified by the State (excluding an activity that does not address a purpose specified in section 401(a)), subject to the other provisions of this subsection.

“(2) LIMITATIONS.—Subject to such regulations as the Secretary may prescribe:

“(A) MINIMUM WEEKLY AVERAGE OF 24 HOURS OF DIRECT WORK ACTIVITIES REQUIRED.—If the work-eligible individuals in a family are engaged in a direct work activity for an average total of fewer than 24 hours per week in a month, then the number of countable hours with respect to the family for the month shall be zero.

“(B) MAXIMUM WEEKLY AVERAGE OF 16 HOURS OF OTHER ACTIVITIES.—An average of not more than 16 hours per week of activities specified by the State (subject to the exclusion described in paragraph (1)) may be considered countable hours in a month with respect to a family.

“(3) SPECIAL RULES.—For purposes of paragraph (1):

“(A) PARTICIPATION IN QUALIFIED ACTIVITIES.—

“(i) IN GENERAL.—If, with the approval of the State, the work-eligible individuals in a family are engaged in 1 or more qualified activities for an average total of at least 24 hours per week in a month, then all such engagement in the month shall be considered engagement in a direct work activity, subject to clause (iii).

“(ii) QUALIFIED ACTIVITY DEFINED.—The term ‘qualified activity’ means an activity specified by the State (subject to the exclusion described in paragraph (1)) that meets such standards and criteria as the State may specify, including—

“(I) substance abuse counseling or treatment;

“(II) rehabilitation treatment and services;

“(III) work-related education or training directed at enabling the family member to work;

“(IV) job search or job readiness assistance; and

“(V) any other activity that addresses a purpose specified in section 401(a).

“(iii) LIMITATION.—

“(I) IN GENERAL.—Except as provided in subclause (II), clause (i) shall not apply to a family for more than 3 months in any period of 24 consecutive months.

“(II) SPECIAL RULE APPLICABLE TO EDUCATION AND TRAINING.—A State may, on a case-by-case basis, apply clause (i) to a work-eligible individual so that participation by the individual in education or training, if needed to permit the individual to complete a certificate program or other work-related education or training directed at enabling the individual to fill a known job need in a local area, may be considered countable hours with respect to the family of the individual for not more than 4 months in any period of 24 consecutive months.

“(B) SCHOOL ATTENDANCE BY TEEN HEAD OF HOUSEHOLD.—The work-eligible members of a family shall be considered to be engaged in a direct work activity for an average of 40 hours per week in a month if the family includes an individual who is married, or is a single head of household, who has not attained 20 years of age, and the individual—

“(i) maintains satisfactory attendance at secondary school or the equivalent in the month; or

“(ii) participates in education directly related to employment for an average of at least 20 hours per week in the month.

“(d) DIRECT WORK ACTIVITY.—In this section, the term ‘direct work activity’ means—

“(1) unsubsidized employment;

“(2) subsidized private sector employment;

“(3) subsidized public sector employment;

“(4) on-the-job training;

“(5) supervised work experience; or

“(6) supervised community service.”.

(f) PENALTIES AGAINST INDIVIDUALS.—Section 407(e)(1) (42 U.S.C. 607(e)(1)) is amended to read as follows:

“(1) REDUCTION OR TERMINATION OF ASSISTANCE.—

“(A) IN GENERAL.—Except as provided in paragraph (2), if an individual in a family receiving assistance under a State program funded under this part fails to engage in activities required in accordance with this section, or other activities required by the State under the program, and the family does not otherwise engage in activities in accordance with the self-sufficiency plan established for the family pursuant to section 408(b), the State shall—

“(i) if the failure is partial or persists for not more than 1 month—

“(I) reduce the amount of assistance otherwise payable to the family pro rata (or more, at the option of the State) with respect to any period during a month in which the failure occurs; or

“(II) terminate all assistance to the family, subject to such good cause exceptions as the State may establish; or

“(ii) if the failure is total and persists for at least 2 consecutive months, terminate all cash payments to the family including qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for at least 1 month and thereafter until the State determines that the individual has resumed full participation in the activities, subject to such good cause exceptions as the State may establish.

“(B) SPECIAL RULE.—

“(i) IN GENERAL.—In the event of a conflict between a requirement of clause (i)(II) or (ii) of subparagraph (A) and a requirement of a State constitution, or of a State statute that, before 1966, obligated local government to provide assistance to needy parents and children, the State constitutional or statutory requirement shall control.

“(ii) LIMITATION.—Clause (i) of this subparagraph shall not apply after the 1-year period that begins with the date of the enactment of this subparagraph.''.

(g) CONFORMING AMENDMENTS.—

(1) Section 407(f) (42 U.S.C. 607(f)) is amended in each of paragraphs (1) and (2) by striking ''work activity described in subsection (d)'' and inserting ''direct work activity''.

(2) The heading of section 409(a)(14) (42 U.S.C. 609(a)(14)) is amended by inserting ''or refusing to engage in activities under a family self-sufficiency plan'' after ''work''.

SEC. 111. MAINTENANCE OF EFFORT.

(a) IN GENERAL.—Section 409(a)(7) (42 U.S.C. 609(a)(7)) is amended—

(1) in subparagraph (A), by striking ''fiscal year 1998, 1999, 2000, 2001, 2002, 2003, 2004, 2005, or 2006'' and inserting ''fiscal year 2006, 2007, 2008, 2009, 2010, or 2011''; and

(2) in subparagraph (B)(ii)—

(A) by inserting ''preceding'' before ''fiscal year''; and

(B) by striking ''for fiscal years 1997 through 2005,''.

(b) STATE SPENDING ON PROMOTING HEALTHY MARRIAGE.—

(1) IN GENERAL.—Section 404 (42 U.S.C. 604) is amended by adding at the end the following:

''(l) MARRIAGE PROMOTION.—A State, territory, or tribal organization to which a grant is made under section 403(a)(2) may use a grant made to the State, territory, or tribal organization under any other provision of section 403 for marriage promotion activities, and the amount of any such grant so used shall be considered State funds for purposes of section 403(a)(2).''.

(2) FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION DISREGARDED FOR PURPOSES OF MAINTENANCE OF EFFORT REQUIREMENT.—Section 409(a)(7)(B)(i) (42 U.S.C. 609(a)(7)(B)(i)), as amended by section 103(c) of this Act, is amended by adding at the end the following:

''(VI) EXCLUSION OF FEDERAL TANF FUNDS USED FOR MARRIAGE PROMOTION ACTIVITIES.—Such term does not include the amount of any grant made to the State under section 403 that is expended for a marriage promotion activity.''.

SEC. 112. PERFORMANCE IMPROVEMENT.

(a) STATE PLANS.—Section 402(a) (42 U.S.C. 602(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by redesignating clause (vi) and clause (vii) (as added by section 103(a) of this Act) as clauses (vii) and (viii), respectively; and

(ii) by striking clause (v) and inserting the following:

''(v) The document shall—

''(I) describe how the State will pursue ending dependence of needy families on government benefits and reducing poverty by promoting job preparation and work;

''(II) describe how the State will encourage the formation and maintenance of healthy 2-parent married families, encourage responsible fatherhood, and prevent and reduce the incidence of out-of-wedlock pregnancies;

''(III) include specific, numerical, and measurable performance objectives for accomplishing subclauses (I) and (II), and with respect to subclause (I), include objectives consistent with the criteria used by the Secretary in establishing performance targets under section 403(a)(4)(B) if available; and

''(IV) describe the methodology that the State will use to measure State performance in relation to each such objective.

''(vi) Describe any strategies and programs the State may be undertaking to address—

''(I) employment retention and advancement for recipients of assistance under the program, including placement into high-demand jobs, and whether the jobs are identified using labor market information;

''(II) efforts to reduce teen pregnancy;

''(III) services for struggling and noncompliant families, and for clients with special problems; and

''(IV) program integration, including the extent to which employment and training services under the program are provided through the One-Stop delivery system created under the Workforce Investment Act of 1998, and the extent to which former recipients of such assistance have access to additional core, intensive, or training services funded through such Act.''; and

(B) in subparagraph (B), by striking clause (iii) (as so redesignated by section 107(b)(1) of this Act) and inserting the following:

''(iii) The document shall describe strategies and programs the State is undertaking to engage religious organizations in the provision of services funded under this part and efforts related to section 104 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

''(iv) The document shall describe strategies to improve program management and performance.''; and

(2) in paragraph (4), by inserting ''and tribal'' after ''that local''.

(b) CONSULTATION WITH STATE REGARDING PLAN AND DESIGN OF TRIBAL PROGRAMS.—Section 412(b)(1) (42 U.S.C. 612(b)(1)) is amended—

(1) by striking ''and'' at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting ''; and''; and

(3) by adding at the end the following:

''(G) provides an assurance that the State in which the tribe is located has been consulted regarding the plan and its design.''.

(c) PERFORMANCE MEASURES.—Section 413 (42 U.S.C. 613) is amended by adding at the end the following:

''(k) PERFORMANCE IMPROVEMENT.—The Secretary, in consultation with the States, shall develop uniform performance measures designed to assess the degree of effectiveness, and the degree of improvement, of State programs funded under this part in accomplishing the purposes of this part.''.

(d) ANNUAL RANKING OF STATES.—Section 413(d)(1) (42 U.S.C. 613(d)(1)) is amended by striking ''long-term private sector jobs'' and inserting ''private sector jobs, the success of the recipients in retaining employment, the ability of the recipients to increase their wages''.

SEC. 113. DATA COLLECTION AND REPORTING.

(a) CONTENTS OF REPORT.—Section 411(a)(1)(A) (42 U.S.C. 611(a)(1)(A)) is amended—

(1) in the matter preceding clause (i), by inserting ''and on families receiving assistance under State programs funded with other qualified State expenditures (as defined in section 409(a)(7)(B))'' before the colon;

(2) in clause (vii), by inserting ''and minor parent'' after ''of each adult'';

(3) in clause (viii), by striking ''and educational level'';

(4) in clause (ix), by striking '', and if the latter 2, the amount received'';

(5) in clause (x)—

(A) by striking ''each type of''; and

(B) by inserting before the period ''and, if applicable, the reason for receipt of the assistance for a total of more than 60 months'';

(6) in clause (xi), by striking the subclauses and inserting the following:

''(I) Subsidized private sector employment.

''(II) Unsubsidized employment.

''(III) Public sector employment, supervised work experience, or supervised community service.

''(IV) On-the-job training.

''(V) Job search and placement.

''(VI) Training.

''(VII) Education.

''(VIII) Other activities directed at the purposes of this part, as specified in the State plan submitted pursuant to section 402.'';

(7) in clause (xii), by inserting ''and progress toward universal engagement'' after ''participation rates'';

(8) in clause (xiii), by striking ''type and'' before ''amount of assistance'';

(9) in clause (xvi), by striking subclause (II) and redesignating subclauses (III) through (V) as subclauses (II) through (IV), respectively; and

(10) by adding at the end the following:

''(xviii) The date the family first received assistance from the State program on the basis of the most recent application for such assistance.

''(xix) Whether a self-sufficiency plan is established for the family in accordance with section 408(b).

''(xx) With respect to any child in the family, the marital status of the parents at the birth of the child, and if the parents were not then married, whether the paternity of the child has been established.''.

(b) USE OF SAMPLES.—Section 411(a)(1)(B) (42 U.S.C. 611(a)(1)(B)) is amended—

(1) in clause (i)—

(A) by striking ''a sample'' and inserting ''samples''; and

(B) by inserting before the period '', except that the Secretary may designate core data elements that must be reported on all families''; and

(2) in clause (ii), by striking ''funded under this part'' and inserting ''described in subparagraph (A)''.

(c) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—Section 411(a) (42 U.S.C. 611(a)) is amended—

(1) by striking paragraph (5);

(2) by redesignating paragraph (6) as paragraph (5); and

(3) by inserting after paragraph (5) (as so redesignated) the following:

''(6) REPORT ON FAMILIES THAT BECOME INELIGIBLE TO RECEIVE ASSISTANCE.—The report required by paragraph (1) for a fiscal quarter shall include for each month in the quarter the number of families and total number of individuals that, during the month, became ineligible to receive assistance under the State program funded under this part (broken down by the number of families that become so ineligible due to earnings, changes in family composition that result in increased earnings, sanctions, time limits, or other specified reasons).''.

(d) REGULATIONS.—Section 411(a)(7) (42 U.S.C. 611(a)(7)) is amended—

(1) by inserting ''and to collect the necessary data'' before ''with respect to which reports'';

(2) by striking ''subsection'' and inserting ''section''; and

(3) by striking ''in defining the data elements'' and all that follows and inserting '', the National Governors' Association, the American Public Human Services Association, the National Conference of State Legislatures, and others in defining the data elements.''.

(e) ADDITIONAL REPORTS BY STATES.—Section 411 (42 U.S.C. 611) is amended—

(1) by redesignating subsection (b) as subsection (e); and

(2) by inserting after subsection (a) the following:

"(b) ANNUAL REPORTS ON PROGRAM CHARACTERISTICS.—Not later than 90 days after the end of fiscal year 2006 and each succeeding fiscal year, each eligible State shall submit to the Secretary a report on the characteristics of the State program funded under this part and other State programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)). The report shall include, with respect to each such program, the program name, a description of program activities, the program purpose, the program eligibility criteria, the sources of program funding, the number of program beneficiaries, sanction policies, and any program work requirements.

"(c) MONTHLY REPORTS ON CASELOAD.—Not later than 3 months after the end of a calendar month that begins 1 year or more after the enactment of this subsection, each eligible State shall submit to the Secretary a report on the number of families and total number of individuals receiving assistance in the calendar month under the State program funded under this part.

"(d) ANNUAL REPORT ON PERFORMANCE IMPROVEMENT.—Beginning with fiscal year 2007, not later than January 1 of each fiscal year, each eligible State shall submit to the Secretary a report on achievement and improvement during the preceding fiscal year under the numerical performance goals and measures under the State program funded under this part with respect to each of the matters described in section 402(a)(1)(A)(v).".

(f) ANNUAL REPORTS TO CONGRESS BY THE SECRETARY.—Section 411(e), as so redesignated by subsection (e) of this section, is amended—

(1) in the matter preceding paragraph (1), by striking "and each fiscal year thereafter" and inserting "and by July 1 of each fiscal year thereafter";

(2) in paragraph (2), by striking "families applying for assistance," and by striking the last comma; and

(3) in paragraph (3), by inserting "and other programs funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i))" before the semicolon.

(g) INCREASED ANALYSIS OF STATE SINGLE AUDIT REPORTS.—Section 411 (42 U.S.C. 611) is amended by adding at the end the following:

"(f) INCREASED ANALYSIS OF STATE SINGLE AUDIT REPORTS.—

"(1) IN GENERAL.—Within 3 months after a State submits to the Secretary a report pursuant to section 7502(a)(1)(A) of title 31, United States Code, the Secretary shall analyze the report for the purpose of identifying the extent and nature of problems related to the oversight by the State of nongovernmental entities with respect to contracts entered into by such entities with the State program funded under this part, and determining what additional actions may be appropriate to help prevent and correct the problems.

"(2) INCLUSION OF PROGRAM OVERSIGHT SECTION IN ANNUAL REPORT TO THE CONGRESS.—The Secretary shall include in each report under subsection (e) a section on oversight of State programs funded under this part, including findings on the extent and nature of the problems referred to in paragraph (1), actions taken to resolve the problems, and to the extent the Secretary deems appropriate make recommendations on changes needed to resolve the problems.".

SEC. 114. DIRECT FUNDING AND ADMINISTRATION BY INDIAN TRIBES.

(a) TRIBAL FAMILY ASSISTANCE GRANT.—Section 412(a)(1)(A) (42 U.S.C. 612(a)(1)(A)) is amended by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2006 through 2010".

(b) GRANTS FOR INDIAN TRIBES THAT RECEIVED JOBS FUNDS.—Section 412(a)(2)(A) (42 U.S.C. 612(a)(2)(A)) is amended by striking "1997, 1998, 1999, 2000, 2001, 2002, and 2003" and inserting "2006 through 2010".

SEC. 115. RESEARCH, EVALUATIONS, AND NATIONAL STUDIES.

(a) SECRETARY'S FUND FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—

(1) IN GENERAL.—Section 413 (42 U.S.C. 613), as amended by section 112(c) of this Act, is further amended by adding at the end the following:

"(l) FUNDING FOR RESEARCH, DEMONSTRATIONS, AND TECHNICAL ASSISTANCE.—

"(1) APPROPRIATION.—

"(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated $102,000,000 for each of fiscal years 2005 through 2010, which shall be available to the Secretary for the purpose of conducting and supporting research and demonstration projects by public or private entities, and providing technical assistance to States, Indian tribal organizations, and such other entities as the Secretary may specify that are receiving a grant under this part, which shall be expended primarily on activities described in section 403(a)(2)(B), and which shall be in addition to any other funds made available under this part.

"(B) EXTENDED AVAILABILITY OF FY 2005 FUNDS.—Funds appropriated under this paragraph for fiscal year 2005 shall remain available to the Secretary through fiscal year 2006, for use in accordance with this paragraph for fiscal year 2005.

"(2) SET ASIDE FOR DEMONSTRATION PROJECTS FOR COORDINATION OF PROVISION OF CHILD WELFARE AND TANF SERVICES TO TRIBAL FAMILIES AT RISK OF CHILD ABUSE OR NEGLECT.—

"(A) IN GENERAL.—Of the amounts made available under paragraph (1) for a fiscal year, $2,000,000 shall be awarded on a competitive basis to fund demonstration projects designed to test the effectiveness of tribal governments or tribal consortia in coordinating the provision to tribal families at risk of child abuse or neglect of child welfare services and services under tribal programs funded under this part.

"(B) USE OF FUNDS.—A grant made to such a project shall be used—

"(i) to improve case management for families eligible for assistance from such a tribal program;

"(ii) for supportive services and assistance to tribal children in out-of-home placements and the tribal families caring for such children, including families who adopt such children; and

"(iii) for prevention services and assistance to tribal families at risk of child abuse and neglect.

"(C) REPORTS.—The Secretary may require a recipient of funds awarded under this paragraph to provide the Secretary with such information as the Secretary deems relevant to enable the Secretary to facilitate and oversee the administration of any project for which funds are provided under this paragraph.".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act.

(b) FUNDING OF STUDIES AND DEMONSTRATIONS.—Section 413(h)(1) (42 U.S.C. 613(h)(1)) is amended in the matter preceding subparagraph (A) by striking "1997 through 2002" and inserting "2006 through 2010".

(c) REPORT ON ENFORCEMENT OF CERTAIN AFFIDAVITS OF SUPPORT AND SPONSOR DEEMING.—Not later than March 31, 2006, the Secretary of Health and Human Services, in consultation with the Attorney General, shall submit to the Congress a report on the enforcement of affidavits of support and sponsor deeming as required by section 421, 422, and 432 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996.

(d) REPORT ON COORDINATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services and the Secretary of Labor shall jointly submit a report to the Congress describing common or conflicting data elements, definitions, performance measures, and reporting requirements in the Workforce Investment Act of 1998 and part A of title IV of the Social Security Act, and, to the degree each Secretary deems appropriate, at the discretion of either Secretary, any other program administered by the respective Secretary, to allow greater coordination between the welfare and workforce development systems.

SEC. 116. STUDIES BY THE CENSUS BUREAU AND THE GOVERNMENT ACCOUNTABILITY OFFICE.

(a) CENSUS BUREAU STUDY.—

(1) IN GENERAL.—Section 414(a) (42 U.S.C. 614(a)) is amended to read as follows:

"(a) IN GENERAL.—The Bureau of the Census shall implement or enhance a longitudinal survey of program participation, developed in consultation with the Secretary and made available to interested parties, to allow for the assessment of the outcomes of continued welfare reform on the economic and child well-being of low-income families with children, including those who received assistance or services from a State program funded under this part, and, to the extent possible, shall provide State representative samples. The content of the survey should include such information as may be necessary to examine the issues of out-of-wedlock childbearing, marriage, welfare dependency and compliance with work requirements, the beginning and ending of spells of assistance, work, earnings and employment stability, and the well-being of children.".

(2) APPROPRIATION.—Section 414(b) (42 U.S.C. 614(b)) is amended—

(A) by striking "1996," and all that follows through "2003" and inserting "2006 through 2010"; and

(B) by adding at the end the following: "Funds appropriated under this subsection shall remain available through fiscal year 2010 to carry out subsection (a).".

(b) GAO STUDY.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study to determine the combined effect of the phase-out rates for Federal programs and policies which provide support to low-income families and individuals as they move from welfare to work, at all earning levels up to $35,000 per year, for at least 5 States including Wisconsin and California, and any potential disincentives the combined phase-out rates create for families to achieve independence or to marry.

(2) REPORT.—Not later than 1 year after the date of the enactment of this subsection, the Comptroller General shall submit a report to Congress containing the results of the study conducted under this section and, as appropriate, any recommendations consistent with the results.

SEC. 117. DEFINITION OF ASSISTANCE.

(a) IN GENERAL.—Section 419 (42 U.S.C. 619) is amended by adding at the end the following:

"(6) ASSISTANCE.—

"(A) IN GENERAL.—The term 'assistance' means payment, by cash, voucher, or other means, to or for an individual or family for the purpose of meeting a subsistence need of the individual or family (including food, clothing, shelter, and related items, but not including costs of transportation or child care).

"(B) EXCEPTION.—The term 'assistance' does not include a payment described in subparagraph (A) to or for an individual or family on a short-term, nonrecurring basis (as defined by the State in accordance with regulations prescribed by the Secretary).".

(b) CONFORMING AMENDMENTS.—

(1) Section 404(a)(1) (42 U.S.C. 604(a)(1)) is amended by striking "assistance" and inserting "aid".

(2) Section 404(f) (42 U.S.C. 604(f)) is amended by striking "assistance" and inserting "benefits or services".

(3) Section 408(a)(5)(B)(i) (42 U.S.C. 608(a)(5)(B)(i)) is amended in the heading by striking "ASSISTANCE" and inserting "AID".

(4) Section 413(d)(2) (42 U.S.C. 613(d)(2)) is amended by striking "assistance" and inserting "aid".

SEC. 118. TECHNICAL CORRECTIONS.

(a) Section 409(c)(2) (42 U.S.C. 609(c)(2)) is amended by inserting a comma after "appropriate".

(b) Section 411(a)(1)(A)(ii)(III) (42 U.S.C. 611(a)(1)(A)(ii)(III)) is amended by striking the last close parenthesis.

(c) Section 413(j)(2)(A) (42 U.S.C. 613(j)(2)(A)) is amended by striking "section" and inserting "sections".

(d)(1) Section 413 (42 U.S.C. 613) is amended by striking subsection (g) and redesignating subsections (h) through (j) and subsections (k) and (l) (as added by sections 112(c) and 115(a) of this Act, respectively) as subsections (g) through (k), respectively.

(2) Each of the following provisions is amended by striking "413(j)" and inserting "413(i)":

(A) Section 403(a)(5)(A)(ii)(III) (42 U.S.C. 603(a)(5)(A)(ii)(III)).

(B) Section 403(a)(5)(F) (42 U.S.C. 603(a)(5)(F)).

(C) Section 403(a)(5)(G)(ii) (42 U.S.C. 603(a)(5)(G)(ii)).

(D) Section 412(a)(3)(B)(iv) (42 U.S.C. 612(a)(3)(B)(iv)).

SEC. 119. FATHERHOOD PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Promotion and Support of Responsible Fatherhood and Healthy Marriage Act of 2005".

(b) FATHERHOOD PROGRAM.—

(1) IN GENERAL.—Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) is amended by adding at the end the following:

"SEC. 117. FATHERHOOD PROGRAM.

"(a) IN GENERAL.—Title IV (42 U.S.C. 601-679b) is amended by inserting after part B the following:

'PART C—FATHERHOOD PROGRAM

'SEC. 441. FINDINGS AND PURPOSES.

'(a) FINDINGS.—The Congress finds that there is substantial evidence strongly indicating the urgent need to promote and support involved, committed, and responsible fatherhood, and to encourage and support healthy marriages between parents raising children, including data demonstrating the following:

'(1) In approximately 84 percent of cases where a parent is absent, that parent is the father.

'(2) If current trends continue, half of all children born today will live apart from one of their parents, usually their father, at some point before they turn 18.

'(3) Where families (whether intact or with a parent absent) are living in poverty, a significant factor is the father's lack of job skills.

'(4) Committed and responsible fathering during infancy and early childhood contributes to the development of emotional security, curiosity, and math and verbal skills.

'(5) An estimated 19,400,000 children (27 percent) live apart from their biological father.

'(6) Forty percent of children under age 18 not living with their biological father had not seen their father even once in the last 12 months, according to national survey data.

'(b) PURPOSES.—The purposes of this part are:

'(1) To provide for projects and activities by public entities and by nonprofit community entities, including religious organizations, designed to test promising approaches to accomplishing the following objectives:

'(A) Promoting responsible, caring, and effective parenting through counseling, mentoring, and parenting education, dissemination of educational materials and information on parenting skills, encouragement of positive father involvement, including the positive involvement of nonresident fathers, and other methods.

'(B) Enhancing the abilities and commitment of unemployed or low-income fathers to provide material support for their families and to avoid or leave welfare programs by assisting them to take full advantage of education, job training, and job search programs, to improve work habits and work skills, to secure career advancement by activities such as outreach and information dissemination, coordination, as appropriate, with employment services and job training programs, including the One-Stop delivery system established under title I of the Workforce Investment Act of 1998, encouragement and support of timely payment of current child support and regular payment toward past due child support obligations in appropriate cases, and other methods.

'(C) Improving fathers' ability to effectively manage family business affairs by means such as education, counseling, and mentoring in matters including household management, budgeting, banking, and handling of financial transactions, time management, and home maintenance.

'(D) Encouraging and supporting healthy marriages and married fatherhood through such activities as premarital education, including the use of premarital inventories, marriage preparation programs, skills-based marriage education programs, marital therapy, couples counseling, divorce education and reduction programs, divorce mediation and counseling, relationship skills enhancement programs, including those designed to reduce child abuse and domestic violence, and dissemination of information about the benefits of marriage for both parents and children.

'(2) Through the projects and activities described in paragraph (1), to improve outcomes for children with respect to measures such as increased family income and economic security, improved school performance, better health, improved emotional and behavioral stability and social adjustment, and reduced risk of delinquency, crime, substance abuse, child abuse and neglect, teen sexual activity, and teen suicide.

'(3) To evaluate the effectiveness of various approaches and to disseminate findings concerning outcomes and other information in order to encourage and facilitate the replication of effective approaches to accomplishing these objectives.

'SEC. 442. DEFINITIONS.

'In this part, the terms "Indian tribe" and "tribal organization" have the meanings given them in subsections (e) and (l), respectively, of section 4 of the Indian Self-Determination and Education Assistance Act.

'SEC. 443. COMPETITIVE GRANTS FOR SERVICE PROJECTS.

'(a) IN GENERAL.—The Secretary may make grants for fiscal years 2006 through 2010 to public and nonprofit community entities, including religious organizations, and to Indian tribes and tribal organizations, for demonstration service projects and activities designed to test the effectiveness of various approaches to accomplish the objectives specified in section 441(b)(1).

'(b) ELIGIBILITY CRITERIA FOR FULL SERVICE GRANTS.—In order to be eligible for a grant under this section, except as specified in subsection (c), an entity shall submit an application to the Secretary containing the following:

'(1) PROJECT DESCRIPTION.—A statement including—

'(A) a description of the project and how it will be carried out, including the geographical area to be covered and the number and characteristics of clients to be served, and how it will address each of the 4 objectives specified in section 441(b)(1); and

'(B) a description of the methods to be used by the entity or its contractor to assess the extent to which the project was successful in accomplishing its specific objectives and the general objectives specified in section 441(b)(1).

'(2) EXPERIENCE AND QUALIFICATIONS.—A demonstration of ability to carry out the project, by means such as demonstration of experience in successfully carrying out projects of similar design and scope, and such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

'(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

'(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

'(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs under parts A, B, and D of this title, including programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

'(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(7) SELF-INITIATED EVALUATION.—If the entity elects to contract for independent evaluation of the project (part or all of the cost of which may be paid for using grant funds), a commitment to submit to the Secretary a copy of the evaluation report within 30 days after completion of the report and not more than 1 year after completion of the project.

‘(8) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including random assignment of clients to service recipient and control groups, if determined by the Secretary to be appropriate, and affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(c) ELIGIBILITY CRITERIA FOR LIMITED PURPOSE GRANTS.—In order to be eligible for a grant under this section in an amount under $25,000 per fiscal year, an entity shall submit an application to the Secretary containing the following:

‘(1) PROJECT DESCRIPTION.—A description of the project and how it will be carried out, including the number and characteristics of clients to be served, the proposed duration of the project, and how it will address at least 1 of the 4 objectives specified in section 441(b)(1).

‘(2) QUALIFICATIONS.—Such information as the Secretary may require as to the capacity of the entity to carry out the project, including any previous experience with similar activities.

‘(3) COORDINATION WITH RELATED PROGRAMS.—As required by the Secretary in appropriate cases, an undertaking to coordinate and cooperate with State and local entities responsible for specific programs relating to the objectives of the project including, as appropriate, jobs programs and programs serving children and families.

‘(4) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(5) COOPERATION WITH SECRETARY'S OVERSIGHT AND EVALUATION.—An agreement to cooperate with the Secretary's evaluation of projects assisted under this section, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(d) CONSIDERATIONS IN AWARDING GRANTS.—

‘(1) DIVERSITY OF PROJECTS.—In awarding grants under this section, the Secretary shall seek to achieve a balance among entities of differing sizes, entities in differing geographic areas, entities in urban and in rural areas, and entities employing differing methods of achieving the purposes of this section, including working with the State agency responsible for the administration of part D to help fathers satisfy child support arrearage obligations.

‘(2) PREFERENCE FOR PROJECTS SERVING LOW-INCOME FATHERS.—In awarding grants under this section, the Secretary may give preference to applications for projects in which a majority of the clients to be served are low-income fathers.

‘(e) FEDERAL SHARE.—

‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for a share of the cost of such project in such fiscal year equal to—

‘(A) up to 80 percent (or up to 90 percent, if the entity demonstrates to the Secretary's satisfaction circumstances limiting the entity's ability to secure non-Federal resources) in the case of a project under subsection (b); and

‘(B) up to 100 percent, in the case of a project under subsection (c).

‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

‘SEC. 444. MULTICITY, MULTISTATE DEMONSTRATION PROJECTS.

‘(a) IN GENERAL.—The Secretary may make grants under this section for fiscal years 2006 through 2010 to eligible entities (as specified in subsection (b)) for 2 multicity, multistate projects demonstrating approaches to achieving the objectives specified in section 441(b)(1). One of the projects shall test the use of married couples to deliver program services.

‘(b) ELIGIBLE ENTITIES.—An entity eligible for a grant under this section must be a national nonprofit fatherhood promotion organization that meets the following requirements:

‘(1) EXPERIENCE WITH FATHERHOOD PROGRAMS.—The organization must have substantial experience in designing and successfully conducting programs that meet the purposes described in section 441.

‘(2) EXPERIENCE WITH MULTICITY, MULTISTATE PROGRAMS AND GOVERNMENT COORDINATION.—The organization must have experience in simultaneously conducting such programs in more than 1 major metropolitan area in more than 1 State and in coordinating such programs, where appropriate, with State and local government agencies and private, nonprofit agencies (including community-based and religious organizations), including State or local agencies responsible for child support enforcement and workforce development.

‘(c) APPLICATION REQUIREMENTS.—In order to be eligible for a grant under this section, an entity must submit to the Secretary an application that includes the following:

‘(1) QUALIFICATIONS.—

‘(A) ELIGIBLE ENTITY.—A demonstration that the entity meets the requirements of subsection (b).

‘(B) OTHER.—Such other information as the Secretary may find necessary to demonstrate the entity's capacity to carry out the project, including the entity's ability to provide the non-Federal share of project resources.

‘(2) PROJECT DESCRIPTION.—A description of and commitments concerning the project design, including the following:

‘(A) IN GENERAL.—A detailed description of the proposed project design and how it will be carried out, which shall—

‘(i) provide for the project to be conducted in at least 3 major metropolitan areas;

‘(ii) state how it will address each of the 4 objectives specified in section 441(b)(1);

‘(iii) demonstrate that there is a sufficient number of potential clients to allow for the random selection of individuals to participate in the project and for comparisons with appropriate control groups composed of individuals who have not participated in such projects; and

‘(iv) demonstrate that the project is designed to direct a majority of project resources to activities serving low-income fathers (but the project need not make services available on a means-tested basis).

‘(B) OVERSIGHT, EVALUATION, AND ADJUSTMENT COMPONENT.—An agreement that the entity—

‘(i) in consultation with the evaluator selected pursuant to section 445, and as required by the Secretary, will modify the project design, initially and (if necessary) subsequently throughout the duration of the project, in order to facilitate ongoing and final oversight and evaluation of project operation and outcomes (by means including, to the maximum extent feasible, random assignment of clients to service recipient and control groups), and to provide for mid-course adjustments in project design indicated by interim evaluations;

‘(ii) will submit to the Secretary revised descriptions of the project design as modified in accordance with clause (i); and

‘(iii) will cooperate fully with the Secretary's ongoing oversight and ongoing and final evaluation of the project, by means including affording the Secretary access to the project and to project-related records and documents, staff, and clients.

‘(3) ADDRESSING CHILD ABUSE AND NEGLECT AND DOMESTIC VIOLENCE.—A description of how the entity will assess for the presence of, and intervene to resolve, domestic violence and child abuse and neglect, including how the entity will coordinate with State and local child protective service and domestic violence programs.

‘(4) ADDRESSING CONCERNS RELATING TO SUBSTANCE ABUSE AND SEXUAL ACTIVITY.—A commitment to make available to each individual participating in the project education about alcohol, tobacco, and other drugs, and about the health risks associated with abusing such substances, and information about diseases and conditions transmitted through substance abuse and sexual contact, including HIV/AIDS, and to coordinate with providers of services addressing such problems, as appropriate.

‘(5) COORDINATION WITH SPECIFIED PROGRAMS.—An undertaking to coordinate, as appropriate, with State and local entities responsible for the programs funded under parts A, B, and D of this title, programs under title I of the Workforce Investment Act of 1998 (including the One-Stop delivery system), and such other programs as the Secretary may require.

‘(6) RECORDS, REPORTS, AND AUDITS.—An agreement to maintain such records, make such reports, and cooperate with such reviews or audits (in addition to those required under the preceding provisions of paragraph (2)) as the Secretary may find necessary for purposes of oversight of project activities and expenditures.

‘(d) FEDERAL SHARE.—

‘(1) IN GENERAL.—Grants for a project under this section for a fiscal year shall be available for up to 80 percent of the cost of such project in such fiscal year.

‘(2) NON-FEDERAL SHARE.—The non-Federal share may be in cash or in kind. In determining the amount of the non-Federal share, the Secretary may attribute fair market value to goods, services, and facilities contributed from non-Federal sources.

‘SEC. 445. EVALUATION.

‘(a) IN GENERAL.—The Secretary, directly or by contract or cooperative agreement, shall evaluate the effectiveness of service projects funded under sections 443 and 444 from the standpoint of the purposes specified in section 441(b)(1).

‘(b) EVALUATION METHODOLOGY.—Evaluations under this section shall—

‘(1) include, to the maximum extent feasible, random assignment of clients to service delivery and control groups and other appropriate comparisons of groups of individuals receiving and not receiving services;

'(2) describe and measure the effectiveness of the projects in achieving their specific project goals; and

'(3) describe and assess, as appropriate, the impact of such projects on marriage, parenting, domestic violence, child abuse and neglect, money management, employment and earnings, payment of child support, and child well-being, health, and education.

'(c) EVALUATION REPORTS.—The Secretary shall publish the following reports on the results of the evaluation:

'(1) An implementation evaluation report covering the first 24 months of the activities under this part to be completed by 36 months after initiation of such activities.

'(2) A final report on the evaluation to be completed by September 30, 2013.

'SEC. 446. PROJECTS OF NATIONAL SIGNIFICANCE.

'The Secretary is authorized, by grant, contract, or cooperative agreement, to carry out projects and activities of national significance relating to fatherhood promotion, including—

'(1) COLLECTION AND DISSEMINATION OF INFORMATION.—Assisting States, communities, and private entities, including religious organizations, in efforts to promote and support marriage and responsible fatherhood by collecting, evaluating, developing, and making available (through the Internet and by other means) to all interested parties information regarding approaches to accomplishing the objectives specified in section 441(b)(1).

'(2) MEDIA CAMPAIGN.—Developing, promoting, and distributing to interested States, local governments, public agencies, and private nonprofit organizations, including charitable and religious organizations, a media campaign that promotes and encourages involved, committed, and responsible fatherhood and married fatherhood.

'(3) TECHNICAL ASSISTANCE.—Providing technical assistance, including consultation and training, to public and private entities, including community organizations and faith-based organizations, in the implementation of local fatherhood promotion programs.

'(4) RESEARCH.—Conducting research related to the purposes of this part.

'SEC. 447. NONDISCRIMINATION.

'The projects and activities assisted under this part shall be available on the same basis to all fathers and expectant fathers able to benefit from such projects and activities, including married and unmarried fathers and custodial and noncustodial fathers, with particular attention to low-income fathers, and to mothers and expectant mothers on the same basis as to fathers.

'SEC. 448. AUTHORIZATION OF APPROPRIATIONS; RESERVATION FOR CERTAIN PURPOSE.

'(a) AUTHORIZATION.—There are authorized to be appropriated $20,000,000 for each of fiscal years 2006 through 2010 to carry out the provisions of this part.

'(b) RESERVATION.—Of the amount appropriated under this section for each fiscal year, not more than 15 percent shall be available for the costs of the multicity, multicounty, multistate demonstration projects under section 444, evaluations under section 445, and projects of national significance under section 446.'.

"(b) INAPPLICABILITY OF EFFECTIVE DATE PROVISIONS.—Section 116 shall not apply to the amendment made by subsection (a) of this section.".

(2) CLERICAL AMENDMENT.—Section 2 of such Act is amended in the table of contents by inserting after the item relating to section 116 the following new item:

"117. Fatherhood program.".

SEC. 120. STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.

Section 408 of the Social Security Act (42 U.S.C. 608) is amended by adding at the end the following:

"(h) STATE OPTION TO MAKE TANF PROGRAMS MANDATORY PARTNERS WITH ONE-STOP EMPLOYMENT TRAINING CENTERS.—For purposes of section 121(b) of the Workforce Investment Act of 1998, a State program funded under part A of title IV of the Social Security Act shall be considered a program referred to in paragraph (1)(B) of such section, unless, after the date of the enactment of this subsection, the Governor of the State notifies the Secretaries of Health and Human Services and Labor in writing of the decision of the Governor not to make the State program a mandatory partner.".

SEC. 121. SENSE OF THE CONGRESS.

It is the sense of the Congress that a State welfare-to-work program should include a mentoring program.

SEC. 122. EXTENSION THROUGH FISCAL YEAR 2005.

(a) IN GENERAL.—Except as otherwise provided in this Act and the amendments made by this Act, activities authorized by part A of title IV of the Social Security Act, and by sections 429A, 1108(b), and 1130(a) of such Act, shall continue through September 30, 2005, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose. Grants and payments may be made pursuant to this authority through the fourth quarter of fiscal year 2005 at the level provided for such activities through the fourth quarter of fiscal year 2004, except that in the case of section 403(a)(4) of such Act, the level shall be $100,000,000.

(b) EFFECTIVE DATE.—Subsection (a) shall take effect on the date of the enactment of this Act.

TITLE II—CHILD CARE

SEC. 201. SHORT TITLE.

This title may be cited as the "Caring for Children Act of 2005".

SEC. 202. GOALS.

(a) GOALS.—Section 658A(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9801 note) is amended—

(1) in paragraph (3) by striking "encourage" and inserting "assist",

(2) by amending paragraph (4) to read as follows:

"(4) to assist States to provide child care to low-income parents;",

(3) by redesignating paragraph (5) as paragraph (7), and

(4) by inserting after paragraph (4) the following:

"(5) to encourage States to improve the quality of child care available to families;

"(6) to promote school readiness by encouraging the exposure of young children in child care to nurturing environments and developmentally-appropriate activities, including activities to foster early cognitive and literacy development; and".

(b) CONFORMING AMENDMENT.—Section 658E(c)(3)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(3)(B)) is amended by striking "through (5)" and inserting "through (7)".

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

Section 658B of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858) is amended—

(1) by striking "is" and inserting "are", and

(2) by striking "$1,000,000,000 for each of the fiscal years 1996 through 2002" and inserting "$2,100,000,000 for fiscal year 2005, $2,300,000,000 for fiscal year 2006, $2,500,000,000 for fiscal year 2007, $2,700,000,000 for fiscal year 2008, $2,900,000,000 for fiscal year 2009, and $3,100,000,000 for fiscal year 2010".

SEC. 204. APPLICATION AND PLAN.

Section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858C(c)(2)) is amended—

(1) by amending subparagraph (D) to read as follows:

"(D) CONSUMER AND CHILD CARE PROVIDER EDUCATION INFORMATION.—Certify that the State will collect and disseminate, through resource and referral services and other means as determined by the State, to parents of eligible children, child care providers, and the general public, information regarding—

"(i) the promotion of informed child care choices, including information about the quality and availability of child care services;

"(ii) research and best practices on children's development, including early cognitive development;

"(iii) the availability of assistance to obtain child care services; and

"(iv) other programs for which families that receive child care services for which financial assistance is provided under this subchapter may be eligible, including the food stamp program, the WIC program under section 17 of the Child Nutrition Act of 1966, the child and adult care food program under section 17 of the Richard B. Russell National School Lunch Act, and the medicaid and SCHIP programs under titles XIX and XXI of the Social Security Act.", and

(2) by inserting after subparagraph (H) the following:

"(I) COORDINATION WITH OTHER EARLY CHILD CARE SERVICES AND EARLY CHILDHOOD EDUCATION PROGRAMS.—Demonstrate how the State is coordinating child care services provided under this subchapter with Head Start, Early Reading First, Even Start, Ready-To-Learn Television, State pre-kindergarten programs, and other early childhood education programs to expand accessibility to and continuity of care and early education without displacing services provided by the current early care and education delivery system.

"(J) PUBLIC-PRIVATE PARTNERSHIPS.—Demonstrate how the State encourages partnerships with private and other public entities to leverage existing service delivery systems of early childhood education and increase the supply and quality of child care services.

"(K) CHILD CARE SERVICE QUALITY.—

"(i) CERTIFICATION.—For each fiscal year after fiscal year 2006, certify that during the then preceding fiscal year the State was in compliance with section 658G and describe how funds were used to comply with such section during such preceding fiscal year.

"(ii) STRATEGY.—For each fiscal year after fiscal year 2006, contain an outline of the strategy the State will implement during such fiscal year for which the State plan is submitted, to address the quality of child care services in the State available to low-income parents from eligible child care providers, and include in such strategy—

"(I) a statement specifying how the State will address the activities described in paragraphs (1), (2), and (3) of section 658G;

"(II) a description of quantifiable, objective measures for evaluating the quality of child care services separately with respect to the activities listed in each of such paragraphs that the State will use to evaluate its progress in improving the quality of such child care services;

"(III) a list of State-developed child care service quality targets for such fiscal year quantified on the basis of such measures; and

"(IV) for each fiscal year after fiscal year 2006, a report on the progress made to achieve such targets during the then preceding fiscal year.

"(iii) RULE OF CONSTRUCTION.—Nothing in this subparagraph shall be construed to require that the State apply measures for evaluating quality to specific types of child care providers.

"(L) ACCESS TO CARE FOR CERTAIN POPULATIONS.—Demonstrate how the State is addressing the child care needs of parents eligible for child care services for which financial assistance is provided under this subchapter who have children with special needs, work nontraditional hours, or require child care services for infants or toddlers.".

SEC. 205. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE.

Section 658G of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e) is amended to read as follows:

"SEC. 658G. ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.

"A State that receives funds to carry out this subchapter for a fiscal year, shall use not less than 6 percent of the amount of such funds for activities provided through resource and referral services or other means, that are designed to improve the quality of child care services in the State available to low-income parents from eligible child care providers. Such activities include—

"(1) programs that provide training, education, and other professional development activities to enhance the skills of the child care workforce, including training opportunities for caregivers in informal care settings;

"(2) activities within child care settings to enhance early learning for young children, to promote early literacy, and to foster school readiness;

"(3) initiatives to increase the retention and compensation of child care providers, including tiered reimbursement rates for providers that meet quality standards as defined by the State; or

"(4) other activities deemed by the State to improve the quality of child care services provided in such State.".

SEC. 206. REPORT BY SECRETARY.

Section 658L of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858j) is amended to read as follows:

"SEC. 658L. REPORT BY SECRETARY.

"(a) REPORT REQUIRED.—Not later than October 1, 2007, and biennially thereafter, the Secretary shall prepare and submit to the Committee on Education and the Workforce of the House of Representatives and the Committee on Health, Education, Labor and Pensions of the Senate a report that contains the following:

"(1) A summary and analysis of the data and information provided to the Secretary in the State reports submitted under section 658K.

"(2) Aggregated statistics on the supply of, demand for, and quality of child care, early education, and non-school-hours programs.

"(3) An assessment, and where appropriate, recommendations for the Congress concerning efforts that should be undertaken to improve the access of the public to quality and affordable child care in the United States.

"(b) COLLECTION OF INFORMATION.—The Secretary may utilize the national child care data system available through resource and referral organizations at the local, State, and national level to collect the information required by subsection (a)(2)."

SEC. 207. DEFINITIONS.

Section 658P(4)(B) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858N(4)(B)) is amended by striking "85 percent of the State median income" and inserting "income levels as established by the State, prioritized by need.".

SEC. 208. ENTITLEMENT FUNDING.

Section 418(a)(3) (42 U.S.C. 618(a)(3)) is amended—

(1) by striking "and" at the end of subparagraph (E);

(2) by striking the period at the end of subparagraph (F) and inserting "; and"; and

(3) by adding at the end the following:

"(G) $2,917,000,000 for each of fiscal years 2006 through 2010.".

TITLE III—CHILD SUPPORT

SEC. 301. FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)) is amended—

(1) in paragraph (1)(A), by inserting "subject to paragraph (7)" before the semicolon; and

(2) by adding at the end the following:

"(7) FEDERAL MATCHING FUNDS FOR LIMITED PASS THROUGH OF CHILD SUPPORT PAYMENTS TO FAMILIES RECEIVING TANF.—Notwithstanding paragraph (1), a State shall not be required to pay to the Federal Government the Federal share of an amount collected during a month on behalf of a family that is a recipient of assistance under the State program funded under part A, to the extent that—

"(A) the State distributes the amount to the family;

"(B) the total of the amounts so distributed to the family during the month—

"(i) exceeds the amount (if any) that, as of December 31, 2001, was required under State law to be distributed to a family under paragraph (1)(B); and

"(ii) does not exceed the greater of—

"(I) $100; or

"(II) $50 plus the amount described in clause (i); and

"(C) the amount is disregarded in determining the amount and type of assistance provided to the family under the State program funded under part A.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2007.

SEC. 302. STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.

(a) IN GENERAL.—Section 457(a) (42 U.S.C. 657(a)), as amended by section 301(a) of this Act, is amended—

(1) in paragraph (2)(B), in the matter preceding clause (i), by inserting ", except as provided in paragraph (8)," after "shall"; and

(2) by adding at the end the following:

"(8) STATE OPTION TO PASS THROUGH ALL CHILD SUPPORT PAYMENTS TO FAMILIES THAT FORMERLY RECEIVED TANF.—In lieu of applying paragraph (2) to any family described in paragraph (2), a State may distribute to the family any amount collected during a month on behalf of the family.".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to amounts distributed on or after October 1, 2007.

SEC. 303. MANDATORY REVIEW AND ADJUSTMENT OF CHILD SUPPORT ORDERS FOR FAMILIES RECEIVING TANF.

(a) IN GENERAL.—Section 466(a)(10)(A)(i) (42 U.S.C. 666(a)(10)(A)(i)) is amended—

(1) by striking "parent, or," and inserting "parent or"; and

(2) by striking "upon the request of the State agency under the State plan or of either parent,".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 304. MANDATORY FEE FOR SUCCESSFUL CHILD SUPPORT COLLECTION FOR FAMILY THAT HAS NEVER RECEIVED TANF.

(a) IN GENERAL.—Section 454(6)(B) (42 U.S.C. 654(6)(B)) is amended—

(1) by inserting "(i)" after "(B)";

(2) by redesignating clauses (i) and (ii) as subclauses (I) and (II), respectively;

(3) by adding "and" after the semicolon; and

(4) by adding after and below the end the following new clause:

"(ii) in the case of an individual who has never received assistance under a State program funded under part A and for whom the State has collected at least $500 of support, the State shall impose an annual fee of $25 for each case in which services are furnished, which shall be retained by the State from support collected on behalf of the individual (but not from the 1st $500 so collected), paid by the individual applying for the services, recovered from the absent parent, or paid by the State out of its own funds (the payment of which from State funds shall not be considered as an administrative cost of the State for the operation of the plan, and such fees shall be considered income to the program);".

(b) CONFORMING AMENDMENT.—Section 457(a)(3) (42 U.S.C. 657(a)(3)) is amended to read as follows:

"(3) FAMILIES THAT NEVER RECEIVED ASSISTANCE.—In the case of any other family, the State shall distribute to the family the portion of the amount so collected that remains after withholding any fee pursuant to section 454(6)(B)(ii).".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 305. REPORT ON UNDISTRIBUTED CHILD SUPPORT PAYMENTS.

Not later than 6 months after the date of the enactment of this Act, the Secretary of Health and Human Services shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report on the procedures that the States use generally to locate custodial parents for whom child support has been collected but not yet distributed. The report shall include an estimate of the total amount of undistributed child support and the average length of time it takes undistributed child support to be distributed. To the extent the Secretary deems appropriate, the Secretary shall include in the report recommendations as to whether additional procedures should be established at the State or Federal level to expedite the payment of undistributed child support.

SEC. 306. DECREASE IN AMOUNT OF CHILD SUPPORT ARREARAGE TRIGGERING PASSPORT DENIAL.

(a) IN GENERAL.—Section 452(k)(1) (42 U.S.C. 652(k)(1)) is amended by striking "$5,000" and inserting "$2,500".

(b) CONFORMING AMENDMENT.—Section 454(31) (42 U.S.C. 654(31)) is amended by striking "$5,000" and inserting "$2,500".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on October 1, 2006.

SEC. 307. USE OF TAX REFUND INTERCEPT PROGRAM TO COLLECT PAST-DUE CHILD SUPPORT ON BEHALF OF CHILDREN WHO ARE NOT MINORS.

(a) IN GENERAL.—Section 464 (42 U.S.C. 664) is amended—

(1) in subsection (a)(2)(A), by striking "(as that term is defined for purposes of this paragraph under subsection (c))"; and

(2) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "(1) Except as provided in paragraph (2), as used in" and inserting "In"; and

(ii) by inserting "(whether or not a minor)" after "a child" each place it appears; and

(B) by striking paragraphs (2) and (3).

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 308. GARNISHMENT OF COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES IN ORDER TO ENFORCE CHILD SUPPORT OBLIGATIONS.

(a) IN GENERAL.—Section 459(h) (42 U.S.C. 659(h)) is amended—

(1) in paragraph (1)(A)(ii)(V), by striking all that follows "Armed Forces" and inserting a semicolon; and

(2) by adding at the end the following:

"(3) LIMITATIONS WITH RESPECT TO COMPENSATION PAID TO VETERANS FOR SERVICE-CONNECTED DISABILITIES.—Notwithstanding any other provision of this section:

"(A) Compensation described in paragraph (1)(A)(ii)(V) shall not be subject to withholding pursuant to this section—

"(i) for payment of alimony; or

"(ii) for payment of child support if the individual is fewer than 60 days in arrears in payment of the support.

"(B) Not more than 50 percent of any payment of compensation described in paragraph (1)(A)(ii)(V) may be withheld pursuant to this section.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on October 1, 2007.

SEC. 309. IMPROVING FEDERAL DEBT COLLECTION PRACTICES.

(a) IN GENERAL.—Section 3716(h)(3) of title 31, United States Code, is amended to read as follows:

"(3) In applying this subsection with respect to any debt owed to a State, other than past due support being enforced by the State, subsection (c)(3)(A) shall not apply. Subsection (c)(3)(A) shall apply with respect to past due support being enforced by the State notwithstanding any other provision of law, including sections 207 and 1631(d)(1) of the Social Security Act (42 U.S.C. 407 and 1383(d)(1)), section 413(b) of Public law 91-173 (30 U.S.C. 923(b)), and section 14 of the Act of August 29, 1935 (45 U.S.C. 231m).".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 2006.

SEC. 310. MAINTENANCE OF TECHNICAL ASSISTANCE FUNDING.

Section 452(j) (42 U.S.C. 652(j)) is amended by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater," before "which shall be available".

SEC. 311. MAINTENANCE OF FEDERAL PARENT LOCATOR SERVICE FUNDING.

Section 453(o) (42 U.S.C. 653(o)) is amended—

(1) in the 1st sentence, by inserting "or the amount appropriated under this paragraph for fiscal year 2002, whichever is greater," before "which shall be available"; and

(2) in the 2nd sentence, by striking "for each of fiscal years 1997 through 2001".

TITLE IV—CHILD WELFARE

SEC. 401. EXTENSION OF AUTHORITY TO APPROVE DEMONSTRATION PROJECTS.

Section 1130(a)(2) (42 U.S.C. 1320a-9(a)(2)) is amended by striking "2002" and inserting "2010".

SEC. 402. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS.

Section 1130(a)(2) (42 U.S.C. 1320a-9(a)(2)) is amended by striking "not more than 10".

SEC. 403. ELIMINATION OF LIMITATION ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT DEMONSTRATION PROJECTS ON SAME TOPIC.

Section 1130 (42 U.S.C. 1320a-9) is amended by adding at the end the following:

"(h) NO LIMIT ON NUMBER OF STATES THAT MAY BE GRANTED WAIVERS TO CONDUCT SAME OR SIMILAR DEMONSTRATION PROJECTS.—The Secretary shall not refuse to grant a waiver to a State under this section on the grounds that a purpose of the waiver or of the demonstration project for which the waiver is necessary would be the same as or similar to a purpose of another waiver or project that is or may be conducted under this section.".

SEC. 404. ELIMINATION OF LIMITATION ON NUMBER OF WAIVERS THAT MAY BE GRANTED TO A SINGLE STATE FOR DEMONSTRATION PROJECTS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

"(i) NO LIMIT ON NUMBER OF WAIVERS GRANTED TO, OR DEMONSTRATION PROJECTS THAT MAY BE CONDUCTED BY, A SINGLE STATE.—The Secretary shall not impose any limit on the number of waivers that may be granted to a State, or the number of demonstration projects that a State may be authorized to conduct, under this section.".

SEC. 405. STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS TO AND EXTENSIONS OF DEMONSTRATION PROJECTS REQUIRING WAIVERS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

"(j) STREAMLINED PROCESS FOR CONSIDERATION OF AMENDMENTS AND EXTENSIONS.—The Secretary shall develop a streamlined process for consideration of amendments and extensions proposed by States to demonstration projects conducted under this section.".

SEC. 406. AVAILABILITY OF REPORTS.

Section 1130 (42 U.S.C. 1320a-9) is further amended by adding at the end the following:

"(k) AVAILABILITY OF REPORTS.—The Secretary shall make available to any State or other interested party any report provided to the Secretary under subsection (f)(2), and any evaluation or report made by the Secretary with respect to a demonstration project conducted under this section, with a focus on information that may promote best practices and program improvements.".

SEC. 407. TECHNICAL CORRECTION.

Section 1130(b)(1) (42 U.S.C. 1320a-9(b)(1)) is amended by striking "422(b)(9)" and inserting "422(b)(10)".

TITLE V—SUPPLEMENTAL SECURITY INCOME

SEC. 501. REVIEW OF STATE AGENCY BLINDNESS AND DISABILITY DETERMINATIONS.

Section 1633 (42 U.S.C. 1383b) is amended by adding at the end the following:

"(e)(1) The Commissioner of Social Security shall review determinations, made by State agencies pursuant to subsection (a) in connection with applications for benefits under this title on the basis of blindness or disability, that individuals who have attained 18 years of age are blind or disabled as of a specified onset date. The Commissioner of Social Security shall review such a determination before any action is taken to implement the determination.

"(2)(A) In carrying out paragraph (1), the Commissioner of Social Security shall review—

"(i) at least 20 percent of all determinations referred to in paragraph (1) that are made in fiscal year 2006;

"(ii) at least 40 percent of all such determinations that are made in fiscal year 2007; and

"(iii) at least 50 percent of all such determinations that are made in fiscal year 2008 or thereafter.

"(B) In carrying out subparagraph (A), the Commissioner of Social Security shall, to the extent feasible, select for review the determinations which the Commissioner of Social Security identifies as being the most likely to be incorrect.".

TITLE VI—STATE AND LOCAL FLEXIBILITY

SEC. 601. PROGRAM COORDINATION DEMONSTRATION PROJECTS.

(a) PURPOSE.—The purpose of this section is to establish a program of demonstration projects in a State or portion of a State to coordinate multiple public assistance, workforce development, and other programs, for the purpose of supporting working individuals and families, helping families escape welfare dependency, promoting child well-being, or helping build stronger families, using innovative approaches to strengthen service systems and provide more coordinated and effective service delivery.

(b) DEFINITIONS.—In this section:

(1) ADMINISTERING SECRETARY.—The term "administering Secretary" means, with respect to a qualified program, the head of the Federal agency responsible for administering the program.

(2) QUALIFIED PROGRAM.—The term "qualified program" means—

(A) a program under part A of title IV of the Social Security Act;

(B) the program under title XX of such Act;

(C) activities funded under title I of the Workforce Investment Act of 1998, except subtitle C of such title;

(D) a demonstration project authorized under section 505 of the Family Support Act of 1988;

(E) activities funded under the Wagner-Peyser Act;

(F) activities funded under the Adult Education and Family Literacy Act;

(G) activities funded under the Child Care and Development Block Grant Act of 1990;

(H) activities funded under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), except that such term shall not include—

(i) any program for rental assistance under section 8 of such Act (42 U.S.C. 1437f); and

(ii) the program under section 7 of such Act (42 U.S.C. 1437e) for designating public housing for occupancy by certain populations;

(I) activities funded under title I, II, III, or IV of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11301 et seq.); or

(J) the food stamp program as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)).

(c) Application Requirements.—The head of a State entity or of a sub-State entity administering 2 or more qualified programs proposed to be included in a demonstration project under this section shall (or, if the project is proposed to include qualified programs administered by 2 or more such entities, the heads of the administering entities (each of whom shall be considered an applicant for purposes of this section) shall jointly) submit to the administering Secretary of each such program an application that contains the following:

(1) Programs included.—A statement identifying each qualified program to be included in the project, and describing how the purposes of each such program will be achieved by the project.

(2) Population served.—A statement identifying the population to be served by the project and specifying the eligibility criteria to be used.

(3) Description and justification.—A detailed description of the project, including—

(A) a description of how the project is expected to improve or enhance achievement of the purposes of the programs to be included in the project, from the standpoint of quality, of cost-effectiveness, or of both; and

(B) a description of the performance objectives for the project, including any proposed modifications to the performance measures and reporting requirements used in the programs.

(4) Waivers requested.—A description of the statutory and regulatory requirements with respect to which a waiver is requested in order to carry out the project, and a justification of the need for each such waiver.

(5) Cost neutrality.—Such information and assurances as necessary to establish to the satisfaction of the administering Secretary, in consultation with the Director of the Office of Management and Budget, that the proposed project is reasonably expected to meet the applicable cost neutrality requirements of subsection (d)(4).

(6) Evaluation and reports.—An assurance that the applicant will conduct ongoing and final evaluations of the project, and make interim and final reports to the administering Secretary, at such times and in such manner as the administering Secretary may require.

(7) Public housing agency plan.—In the case of an application proposing a demonstration project that includes activities referred to in subsection (b)(2)(H) of this section—

(A) a certification that the applicable annual public housing agency plan of any agency affected by the project that is approved under section 5A of the United States Housing Act of 1937 (42 U.S.C. 1437c–1) by the Secretary includes the information specified in paragraphs (1) through (4) of this subsection; and

(B) any resident advisory board recommendations, and other information, relating to the project that, pursuant to section 5A(e)(2) of the United States Housing Act of 1937 (42 U.S.C. 1437c-1(e)(2), is required to be included in the public housing agency plan of any public housing agency affected by the project.

(8) Other information and assurances.—Such other information and assurances as the administering Secretary may require.

(d) Approval of Applications.—

(1) In general.—The administering Secretary with respect to a qualified program that is identified in an application submitted pursuant to subsection (c) may approve the application and, except as provided in paragraph (2), waive any requirement applicable to the program, to the extent consistent with this section and necessary and appropriate for the conduct of the demonstration project proposed in the application, if the administering Secretary determines that the project—

(A) has a reasonable likelihood of achieving the objectives of the programs to be included in the project;

(B) may reasonably be expected to meet the applicable cost neutrality requirements of paragraph (4), as determined by the Director of the Office of Management and Budget; and

(C) includes the coordination of 2 or more qualified programs.

(2) Provisions excluded from waiver authority.—A waiver shall not be granted under paragraph (1)—

(A) with respect to any provision of law relating to—

(i) civil rights or prohibition of discrimination;

(ii) purposes or goals of any program;

(iii) maintenance of effort requirements;

(iv) health or safety;

(v) labor standards under the Fair Labor Standards Act of 1938; or

(vi) environmental protection;

(B) with respect to section 241(a) of the Adult Education and Family Literacy Act;

(C) in the case of a program under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.), with respect to any requirement under section 5A of such Act (42 U.S.C. 1437c-1; relating to public housing agency plans and resident advisory boards);

(D) in the case of a program under the Workforce Investment Act, with respect to any requirement the waiver of which would violate section 189(i)(4)(A)(i) of such Act;

(E) in the case of the food stamp program (as defined in section 3(h) of the Food Stamp Act of 1977 (7 U.S.C. 2012(h)), with respect to any requirement under—

(i) section 6 (if waiving a requirement under such section would have the effect of expanding eligibility for the program), 7(b) or 16(c) of the Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.); or

(ii) title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.);

(F) with respect to any requirement that a State pass through to a sub-State entity part or all of an amount paid to the State;

(G) if the waiver would waive any funding restriction or limitation provided in an appropriations Act, or would have the effect of transferring appropriated funds from 1 appropriations account to another; or

(H) except as otherwise provided by statute, if the waiver would waive any funding restriction applicable to a program authorized under an Act which is not an appropriations Act (but not including program requirements such as application procedures, performance standards, reporting requirements, or eligibility standards), or would have the effect of transferring funds from a program for which there is direct spending (as defined in section 250(c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985) to another program.

(3) Agreement of each administering secretary required.—

(A) In general.—An applicant may not conduct a demonstration project under this section unless each administering Secretary with respect to any program proposed to be included in the project has approved the application to conduct the project.

(B) Agreement with respect to funding and implementation.—Before approving an application to conduct a demonstration project under this section, an administering Secretary shall have in place an agreement with the applicant with respect to the payment of funds and responsibilities required of the administering Secretary with respect to the project.

(4) Cost-neutrality requirement.—

(A) General rule.—Notwithstanding any other provision of law (except subparagraph (B)), the total of the amounts that may be paid by the Federal Government for a fiscal year with respect to the programs in the State in which an entity conducting a demonstration project under this section is located that are affected by the project shall not exceed the estimated total amount that the Federal Government would have paid for the fiscal year with respect to the programs if the project had not been conducted, as determined by the Director of the Office of Management and Budget.

(B) Special rule.—If an applicant submits to the Director of the Office of Management and Budget a request to apply the rules of this subparagraph to the programs in the State in which the applicant is located that are affected by a demonstration project proposed in an application submitted by the applicant pursuant to this section, during such period of not more than 5 consecutive fiscal years in which the project is in effect, and the Director determines, on the basis of supporting information provided by the applicant, to grant the request, then, notwithstanding any other provision of law, the total of the amounts that may be paid by the Federal Government for the period with respect to the programs shall not exceed the estimated total amount that the Federal Government would have paid for the period with respect to the programs if the project had not been conducted.

(5) 90-day approval deadline.—

(A) In general.—If an administering Secretary receives an application to conduct a demonstration project under this section and does not disapprove the application within 90 days after the receipt, then—

(i) the administering Secretary is deemed to have approved the application for such period as is requested in the application, except to the extent inconsistent with subsection (e); and

(ii) any waiver requested in the application which applies to a qualified program that is identified in the application and is administered by the administering Secretary is deemed to be granted, except to the extent inconsistent with paragraph (2) or (4) of this subsection.

(B) Deadline extended if additional information is sought.—The 90-day period referred to in subparagraph (A) shall not include any period that begins with the date the Secretary requests the applicant to provide additional information with respect to the application and ends with the date the additional information is provided.

(e) Duration of Projects.—A demonstration project under this section may be approved for a term of not more than 5 years.

(f) Reports to Congress.—

(1) Report on disposition of applications.—Within 90 days after an administering Secretary receives an application submitted pursuant to this section, the administering Secretary shall submit to each

Committee of the Congress which has jurisdiction over a qualified program identified in the application notice of the receipt, a description of the decision of the administering Secretary with respect to the application, and the reasons for approving or disapproving the application.

(2) REPORTS ON PROJECTS.—Each administering Secretary shall provide annually to the Congress a report concerning demonstration projects approved under this section, including—

(A) the projects approved for each applicant;

(B) the number of waivers granted under this section, and the specific statutory provisions waived;

(C) how well each project for which a waiver is granted is improving or enhancing program achievement from the standpoint of quality, cost-effectiveness, or both;

(D) how well each project for which a waiver is granted is meeting the performance objectives specified in subsection (c)(3)(B);

(E) how each project for which a waiver is granted is conforming with the cost-neutrality requirements of subsection (d)(4); and

(F) to the extent the administering Secretary deems appropriate, recommendations for modification of programs based on outcomes of the projects.

(g) AMENDMENT TO UNITED STATES HOUSING ACT OF 1937.—Section 5A(d) of the United States Housing Act of 1937 (42 U.S.C. 1437c–1(d)) is amended—

(1) by redesignating paragraph (18) as paragraph (19); and

(2) by inserting after paragraph (17) the following new paragraph:

"(18) PROGRAM COORDINATION DEMONSTRATION PROJECTS.—In the case of an agency that administers an activity referred to in section 601(b)(2)(H) of the Personal Responsibility, Work, and Family Promotion Act of 2005 that, during such fiscal year, will be included in a demonstration project under section 601 of such Act, the information that is required to be included in the application for the project pursuant to paragraphs (1) through (4) of section 601(b) of such Act.".

SEC. 602. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

The Food Stamp Act of 1977 (7 U.S.C. 2011 et seq.) is amended by adding at the end the following:

"SEC. 28. STATE FOOD ASSISTANCE BLOCK GRANT DEMONSTRATION PROJECT.

"(a) ESTABLISHMENT.—The Secretary shall establish a program to make grants to States in accordance with this section to provide—

"(1) food assistance to needy individuals and families residing in the State;

"(2) funds to operate an employment and training program under subsection (g) for needy individuals under the program; and

"(3) funds for administrative costs incurred in providing the assistance.

"(b) ELECTION.—

"(1) IN GENERAL.—A State may elect to participate in the program established under subsection (a).

"(2) ELECTION REVOCABLE.—A State that elects to participate in the program established under subsection (a) may subsequently reverse the election of the State only once thereafter. Following the reversal, the State shall only be eligible to participate in the food stamp program in accordance with the other sections of this Act and shall not receive a block grant under this section.

"(3) PROGRAM EXCLUSIVE.—A State that is participating in the program established under subsection (a) shall not be subject to, or receive any benefit under, this Act except as provided in this section.

"(c) LEAD AGENCY.—

"(1) DESIGNATION.—A State desiring to participate in the program established under subsection (a) shall designate, in an application submitted to the Secretary under subsection (d)(1), an appropriate State agency that complies with paragraph (2) to act as the lead agency for the State.

"(2) DUTIES.—The lead agency shall—

"(A) administer, either directly, through other State agencies, or through local agencies, the assistance received under this section by the State;

"(B) develop the State plan to be submitted to the Secretary under subsection (d)(1); and

"(C) coordinate the provision of food assistance under this section with other Federal, State, and local programs.

"(d) APPLICATION AND PLAN.—

"(1) APPLICATION.—To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary shall by regulation require, including—

"(A) an assurance that the State will comply with the requirements of this section;

"(B) a State plan that meets the requirements of paragraph (2); and

"(C) an assurance that the State will comply with the requirements of the State plan under paragraph (2).

"(2) REQUIREMENTS OF PLAN.—

"(A) LEAD AGENCY.—The State plan shall identify the lead agency.

"(B) USE OF BLOCK GRANT FUNDS.—The State plan shall provide that the State shall use the amounts provided to the State for each fiscal year under this section—

"(i) to provide food assistance to needy individuals and families residing in the State, other than residents of institutions who are ineligible for food stamps under section 3(i);

"(ii) to administer an employment and training program under subsection (g) for needy individuals under the program and to provide reimbursements to needy individuals and families as would be allowed under section 16(h)(3); and

"(iii) to pay administrative costs incurred in providing the assistance.

"(C) ASSISTANCE FOR ENTIRE STATE.—The State plan shall provide that benefits under this section shall be available throughout the entire State.

"(D) NOTICE AND HEARINGS.—The State plan shall provide that an individual or family who applies for, or receives, assistance under this section shall be provided with notice of, and an opportunity for a hearing on, any action under this section that adversely affects the individual or family.

"(E) OTHER ASSISTANCE.—

"(i) COORDINATION.—The State plan may coordinate assistance received under this section with assistance provided under the State program funded under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

"(ii) PENALTIES.—If an individual or family is penalized for violating part A of title IV of the Act, the State plan may reduce the amount of assistance provided under this section or otherwise penalize the individual or family.

"(F) ELIGIBILITY LIMITATIONS.—The State plan shall describe the income and resource eligibility limitations that are established for the receipt of assistance under this section.

"(G) RECEIVING BENEFITS IN MORE THAN 1 JURISDICTION.—The State plan shall establish a system to verify and otherwise ensure that no individual or family shall receive benefits under this section in more than 1 jurisdiction within the State.

"(H) PRIVACY.—The State plan shall provide for safeguarding and restricting the use and disclosure of information about any individual or family receiving assistance under this section.

"(I) OTHER INFORMATION.—The State plan shall contain such other information as may be required by the Secretary.

"(3) APPROVAL OF APPLICATION AND PLAN.—During fiscal years 2006 through 2010, the Secretary may approve the applications and State plans that satisfy the requirements of this section of not more than 5 States for a term of not more than 5 years.

"(e) CONSTRUCTION OF FACILITIES.—No funds made available under this section shall be expended for the purchase or improvement of land, or for the purchase, construction, or permanent improvement of any building or facility.

"(f) BENEFITS FOR ALIENS.—No individual shall be eligible to receive benefits under a State plan approved under subsection (d)(3) if the individual is not eligible to participate in the food stamp program under title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1601 et seq.).

"(g) EMPLOYMENT AND TRAINING.—Each State shall implement an employment and training program for needy individuals under the program.

"(h) ENFORCEMENT.—

"(1) REVIEW OF COMPLIANCE WITH STATE PLAN.—The Secretary shall review and monitor State compliance with this section and the State plan approved under subsection (d)(3).

"(2) NONCOMPLIANCE.—

"(A) IN GENERAL.—If the Secretary, after reasonable notice to a State and opportunity for a hearing, finds that—

"(i) there has been a failure by the State to comply substantially with any provision or requirement set forth in the State plan approved under subsection (d)(3); or

"(ii) in the operation of any program or activity for which assistance is provided under this section, there is a failure by the State to comply substantially with any provision of this section, the Secretary shall notify the State of the finding and that no further payments will be made to the State under this section (or, in the case of noncompliance in the operation of a program or activity, that no further payments to the State will be made with respect to the program or activity) until the Secretary is satisfied that there is no longer any failure to comply or that the noncompliance will be promptly corrected.

"(B) OTHER SANCTIONS.—In the case of a finding of noncompliance made pursuant to subparagraph (A), the Secretary may, in addition to, or in lieu of, imposing the sanctions described in subparagraph (A), impose other appropriate sanctions, including recoupment of money improperly expended for purposes prohibited or not authorized by this section and disqualification from the receipt of financial assistance under this section.

"(C) NOTICE.—The notice required under subparagraph (A) shall include a specific identification of any additional sanction being imposed under subparagraph (B).

"(3) ISSUANCE OF REGULATIONS.—The Secretary shall establish by regulation procedures for—

"(A) receiving, processing, and determining the validity of complaints concerning any failure of a State to comply with the State plan or any requirement of this section; and

"(B) imposing sanctions under this section.

"(i) Payments.—

"(1) In general.—For each fiscal year, the Secretary shall pay to a State that has an application approved by the Secretary under subsection (d)(3) an amount that is equal to the allotment of the State under subsection (l)(2) for the fiscal year.

"(2) Method of payment.—The Secretary shall make payments to a State for a fiscal year under this section by issuing 1 or more letters of credit for the fiscal year, with necessary adjustments on account of overpayments or underpayments, as determined by the Secretary.

"(3) Spending of funds by State.—

"(A) In general.—Except as provided in subparagraph (B), payments to a State from an allotment under subsection (l)(2) for a fiscal year may be expended by the State only in the fiscal year.

"(B) Carryover.—The State may reserve up to 10 percent of an allotment under subsection (l)(2) for a fiscal year to provide assistance under this section in subsequent fiscal years, except that the reserved funds may not exceed 30 percent of the total allotment received under this section for a fiscal year.

"(4) Provision of food assistance.—A State may provide food assistance under this section in any manner determined appropriate by the State to provide food assistance to needy individuals and families in the State, such as electronic benefits transfer limited to food purchases, coupons limited to food purchases, or direct provision of commodities.

"(5) Definition of food assistance.—In this section, the term 'food assistance' means assistance that may be used only to obtain food, as defined in section 3(g).

"(j) Audits.—

"(1) Requirement.—After the close of each fiscal year, a State shall arrange for an audit of the expenditures of the State during the program period from amounts received under this section.

"(2) Independent auditor.—An audit under this section shall be conducted by an entity that is independent of any agency administering activities that receive assistance under this section and be in accordance with generally accepted auditing principles.

"(3) Payment accuracy.—Each annual audit under this section shall include an audit of payment accuracy under this section that shall be based on a statistically valid sample of the caseload in the State.

"(4) Submission.—Not later than 30 days after the completion of an audit under this section, the State shall submit a copy of the audit to the legislature of the State and to the Secretary.

"(5) Repayment of amounts.—Each State shall repay to the United States any amounts determined through an audit under this section to have not been expended in accordance with this section or to have not been expended in accordance with the State plan, or the Secretary may offset the amounts against any other amount paid to the State under this section.

"(k) Nondiscrimination.—

"(1) In general.—The Secretary shall not provide financial assistance for any program, project, or activity under this section if any person with responsibilities for the operation of the program, project, or activity discriminates with respect to the program, project, or activity because of race, religion, color, national origin, sex, or disability.

"(2) Enforcement.—The powers, remedies, and procedures set forth in title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.) may be used by the Secretary to enforce paragraph (1).

"(l) Allotments.—

"(1) Definition of State.—In this section, the term 'State' means each of the 50 States, the District of Columbia, Guam, and the Virgin Islands of the United States.

"(2) State allotment.—

"(A) In general.—Except as provided in subparagraph (B), from the amounts made available under section 18 of this Act for each fiscal year, the Secretary shall allot to each State participating in the program established under subsection (a) an amount that is equal to the sum of—

"(i) the greater of, as determined by the Secretary—

"(I) the total dollar value of all benefits issued under the food stamp program established under this Act by the State during fiscal year 2005; or

"(II) the average per fiscal year of the total dollar value of all benefits issued under the food stamp program by the State during each of fiscal years 2003 through 2005; and

"(ii) the greater of, as determined by the Secretary—

"(I) the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for fiscal year 2005; or

"(II) the average per fiscal year of the total amount received by the State for administrative costs and the employment and training program under subsections (a) and (h), respectively, of section 16 of this Act for each of fiscal years 2003 through 2005.

"(B) Insufficient funds.—If the Secretary finds that the total amount of allotments to which States would otherwise be entitled for a fiscal year under subparagraph (A) will exceed the amount of funds that will be made available to provide the allotments for the fiscal year, the Secretary shall reduce the allotments made to States under this subsection, on a pro rata basis, to the extent necessary to allot under this subsection a total amount that is equal to the funds that will be made available.".

TITLE VII—ABSTINENCE EDUCATION

SEC. 701. EXTENSION OF ABSTINENCE EDUCATION PROGRAM.

(a) Extension of Appropriations.—

(1) In general.—Section 510(d) (42 U.S.C. 710(d)) is amended in the first sentence by inserting before the period the following: "and for each of the fiscal years 2006 through 2010".

(2) Additional funds for fiscal year 2005.—

(A) Additional funds.—Activities authorized by section 510 of the Social Security Act shall continue through September 30, 2005, in the manner authorized for fiscal year 2004, and out of any money in the Treasury of the United States not otherwise appropriated, there are hereby appropriated such sums as may be necessary for such purpose, in addition to other amounts appropriated for such purpose for fiscal year 2005. Grants and payments may be made pursuant to this authority through the fourth quarter of fiscal year 2005 at the level provided for such activities through the fourth quarter of fiscal year 2004.

(B) Effective date.—Subparagraph (A) takes effect upon the date of the enactment of this Act.

(b) Allotment of Funds.—Section 510(a) (42 U.S.C. 710(a)) is amended—

(1) in the matter preceding paragraph (1), by striking "an application for the fiscal year under section 505(a)" and inserting ", for the fiscal year, an application under section 505(a), and an application under this section (in such form and meeting such terms and conditions as determined appropriate by the Secretary),"; and

(2) in paragraph (2), to read as follows:

"(2) the percentage that would be determined for the State under section 502(c)(1)(B)(ii) if the calculation under such section took into consideration only those States that transmitted both such applications for such fiscal year.".

(c) Reallotment of Funds.—Section 510 (42 U.S.C. 710(a)) is amended by adding at the end the following new subsection:

"(e)(1) With respect to allotments under subsection (a) for fiscal year 2006 and subsequent fiscal years, the amount of any allotment to a State for a fiscal year that the Secretary determines will not be required to carry out a program under this section during such fiscal year or the succeeding fiscal year shall be available for reallotment from time to time during such fiscal years on such dates as the Secretary may fix, to other States that the Secretary determines—

"(A) require amounts in excess of amounts previously allotted under subsection (a) to carry out a program under this section; and

"(B) will use such excess amounts during such fiscal years.

"(2) Reallotments under paragraph (1) shall be made on the basis of such States' applications under this section, after taking into consideration the population of low-income children in each such State as compared with the population of low-income children in all such States with respect to which a determination under paragraph (1) has been made by the Secretary.

"(3) Any amount reallotted under paragraph (1) to a State is deemed to be part of its allotment under subsection (a).".

(d) Effective Date.—The amendments made by this section shall be effective with respect to the program under section 510 of the Social Security Act for fiscal years 2006 and succeeding fiscal years.

TITLE VIII—TRANSITIONAL MEDICAL ASSISTANCE

SEC. 801. EXTENSION OF MEDICAID TRANSITIONAL MEDICAL ASSISTANCE PROGRAM THROUGH FISCAL YEAR 2006.

(a) In General.—Section 1925(f) (42 U.S.C. 1396r-6(f)) is amended by striking "2003" and inserting "2006".

(b) Conforming Amendment.—Section 1902(e)(1)(B) (42 U.S.C. 1396a(e)(1)(B)) is amended by striking "September 30, 2003" and inserting "the last date (if any) on which section 1925 applies under subsection (f) of that section".

(c) Effective Date.—The amendments made by this section shall take effect on April 1, 2005.

SEC. 802. ADJUSTMENT TO PAYMENTS FOR MEDICAID ADMINISTRATIVE COSTS TO PREVENT DUPLICATIVE PAYMENTS AND TO FUND EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE.

(a) In General.—Section 1903 (42 U.S.C. 1396b) is amended—

(1) in subsection (a)(7), by striking "section 1919(g)(3)(B)" and inserting "subsection (x) and section 1919(g)(3)(C)"; and

(2) by adding at the end the following:

"(x) ADJUSTMENTS TO PAYMENTS FOR ADMINISTRATIVE COSTS TO FUND EXTENSION OF TRANSITIONAL MEDICAL ASSISTANCE.—

"(1) REDUCTIONS IN PAYMENTS FOR ADMINISTRATIVE COSTS.—Effective for each of the last 2 calendar quarters in fiscal year 2005 and for each calendar quarter in fiscal year 2006, the Secretary shall reduce the amount paid under subsection (a)(7) to each State by an amount equal to 45 percent for calendar quarters in fiscal year 2005, and 80 percent for calendar quarters in fiscal year 2006, of one-quarter of the annualized amount determined for the medicaid program under section 16(k)(2)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(2)(B)).

"(2) ALLOCATION OF ADMINISTRATIVE COSTS.—None of the funds or expenditures described in section 16(k)(5)(B) of the Food Stamp Act of 1977 (7 U.S.C. 2025(k)(5)(B)) may be used to pay for costs—

"(A) eligible for reimbursement under subsection (a)(7) (or costs that would have been eligible for reimbursement but for this subsection); and

"(B) allocated for reimbursement to the program under this title under a plan submitted by a State to the Secretary to allocate administrative costs for public assistance programs;

except that, for purposes of subparagraph (A), the reference in clause (iii) of that section to 'subsection (a)' is deemed a reference to subsection (a)(7) and clause (iv)(II) of that section shall be applied as if 'medicaid program' were substituted for 'food stamp program'.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect on April 1, 2005.

TITLE IX—EFFECTIVE DATE

SEC. 901. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on October 1, 2005.

(b) EXCEPTION.—In the case of a State plan under part A or D of title IV of the Social Security Act which the Secretary determines requires State legislation in order for the plan to meet the additional requirements imposed by the amendments made by this Act, the effective date of the amendments imposing the additional requirements shall be 3 months after the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the preceding sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

By Mr. JOHNSON (for himself, Mr. ENZI, Mr. BINGAMAN, and Mr. DORGAN):

S. 108. A bill to prohibit the operation during a calendar year of the final rule issued by the Secretary of Agriculture to establish standards for the designation of minimal-risk regions for the introduction of bovine spongiform encephalopathy into the United States, including designation of Canada as a minimal-risk region, and the importation into the United States from Canada of certain bovine ruminant products during that calendar year, unless country of origin labeling is required for the retail sale of a covered commodity during that calendar year; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. DORGAN. Mr. President, I am an original cosponsor of legislation which was introduced today by Senators JOHNSON and ENZI. This legislation requires that a mandatory system of country of-origin labeling be in place before the U.S. Department of Agriculture can open the border to imports of live Canadian cattle.

This legislation would not be necessary if USDA and this Administration were not furiously pushing to allow live Canadian cattle into this country. I am very concerned that they are doing this despite the most recent discovery, just a few weeks ago, of two more Canadian cows infected with BSE.

I believe that the decision to open the border to live Canadian cattle should be made based on sound science, not politics. The border should be opened when science indicates that it is safe to do so, and not before.

I also believe that it is necessary that this country have a system of country-of-origin labeling in place before the border is opened. That is the only way American consumers will be able to choose between beef raised in America and beef raised in Canada. Right now there is no way to tell the difference. We must have country-of-origin labeling in place before we allow Canadian cattle into this country, and that is why I am cosponsoring this legislation.

By Mr. VITTER (for himself, Mr. SALAZAR, Mr. THUNE, and Mr. DEMINT):

S. 109. A bill entitled "Pharmaceutical Market Access Act of 2005"; to the Committee on Health, Education, Labor, and Pensions.

Mr. VITTER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 109

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pharmaceutical Market Access Act of 2005".

SEC. 2. FINDINGS.

Congress finds as follows:

(1) Americans unjustly pay up to 1000 percent more to fill their prescriptions than consumers in other countries.

(2) The United States is the world's largest market for pharmaceuticals yet consumers still pay the world's highest prices.

(3) An unaffordable drug is neither safe nor effective. Allowing and structuring the importation of prescription drugs ensures access to affordable drugs, thus providing a level of safety to American consumers they do not currently enjoy.

(4) According to the Congressional Budget Office, American seniors alone will spend $1,800,000,000,000 on pharmaceuticals over the next 10 years.

(5) Allowing open pharmaceutical markets could save American consumers at least $635,000,000,000 of their own money each year.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To give all Americans immediate relief from the outrageously high cost of pharmaceuticals.

(2) To reverse the perverse economics of the American pharmaceutical market.

(3) To allow the importation of prescription drugs only if the drugs and facilities where such drugs are manufactured are approved by the Food and Drug Administration, and to exclude pharmaceutical narcotics.

(4) To require that imported prescription drugs be packaged and shipped using counterfeit-resistant technologies.

SEC. 4. AMENDMENTS TO SECTION 804 OF THE FEDERAL FOOD, DRUG, AND COSMETIC.

(a) DEFINITIONS.—Section 804(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(a)) is amended to read as follows:

"(a) DEFINITIONS.—In this section:

"(1) IMPORTER.—The term 'importer' means a pharmacy, group of pharmacies, pharmacist, or wholesaler.

"(2) PERMITTED COUNTRY.—The term 'permitted country' means a country, union, or economic area that is listed in subparagraph (A) of section 802(b)(1), except that the Secretary—

"(A) may add a country, union, or economic area to such list for purposes of this section if the Secretary determines that the country, union, or economic area has a pharmaceutical infrastructure that is substantially equivalent or superior to the pharmaceutical infrastructure of the United States, taking into consideration pharmacist qualifications, pharmacy storage procedures, the drug distribution system, the drug dispensing system, and market regulation; and

"(B) may remove a country, union, or economic area from such list for purposes of this section if the Secretary determines that the country, union, or economic area does not have such a pharmaceutical infrastructure.

"(3) PHARMACIST.—The term 'pharmacist' means a person licensed by a State to practice pharmacy, including the dispensing and selling of prescription drugs.

"(4) PHARMACY.—The term 'pharmacy' means a person that is licensed by a State to engage in the business of selling prescription drugs at retail that employs 1 or more pharmacists.

"(5) PRESCRIPTION DRUG.—The term 'prescription drug' means a drug subject to section 503(b), other than—

"(A) a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(B) a biological product (as defined in section 351 of the Public Health Service Act (42 U.S.C. 262));

"(C) an infused drug (including a peritoneal dialysis solution);

"(D) an intravenously injected drug;

"(E) a drug that is inhaled during surgery; or

"(F) a drug which is a parenteral drug, the importation of which pursuant to subsection (b) is determined by the Secretary to pose a threat to the public health, in which case section 801(d)(1) shall continue to apply.

"(6) QUALIFYING DRUG.—The term 'qualifying drug' means a prescription drug that—

"(A) is approved under section 505(b)(1); and

"(B) is not—

"(i) a drug manufactured through 1 or more biotechnology processes;

"(ii) a drug that is required to be refrigerated; or

"(iii) a photoreactive drug.

"(7) QUALIFYING INTERNET PHARMACY.—The term 'qualifying Internet pharmacy' means a registered exporter that dispenses qualifying drugs to individuals over an Internet website.

"(8) QUALIFYING LABORATORY.—The term 'qualifying laboratory' means a laboratory in the United States that has been approved by the Secretary for the purposes of this section.

"(9) REGISTERED EXPORTER.—The term 'registered exporter' means a person that is in the business of exporting a drug to individuals in the United States (or that seeks to be in such business), for which a registration under this section has been approved and is in effect.

"(10) WHOLESALER.—

"(A) IN GENERAL.—The term 'wholesaler' means a person licensed as a wholesaler or distributor of prescription drugs in the United States under section 503(e)(2)(A).

"(B) EXCLUSION.—The term 'wholesaler' does not include a person authorized to import drugs under section 801(d)(1).".

(b) REGULATIONS.—Section 804(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(b)) is amended to read as follows:

"(b) REGULATIONS.—Not later than 180 days after the date of enactment of the Pharmaceutical Market Access Act of 2005, the Secretary, after consultation with the United States Trade Representative and the Commissioner of Customs, shall promulgate regulations permitting pharmacists, pharmacies, wholesalers, and individuals to import qualifying drugs from permitted countries into the United States.".

(c) LIMITATION.—Section 804(c) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(c)) is amended by striking "prescription drug" each place it appears and inserting "qualifying drug".

(d) INFORMATION AND RECORDS.—Section 804(d)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(d)(1)) is amended—

(1) by striking subparagraph (G) and redesignating subparagraphs (H) through (N) as subparagraphs (G) through (M), respectively;

(2) in subparagraph (H) (as so redesignated), by striking "telephone number, and professional license number (if any)" and inserting "and telephone number"; and

(3) in subparagraph (L) (as so redesignated), by striking "(J) and (L)" and inserting "(I) and (K)".

(e) TESTING.—Section 804(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(e)) is amended to read as follows:

"(e) TESTING.—The regulations under subsection (b) shall require that the testing described under subparagraphs (I) and (K) of subsection (d)(1) be conducted by the importer of the qualifying drug, unless the qualifying drug is drug subject to the requirements under subsection (l) for counterfeit-resistant technologies.".

(f) REGISTRATION OF EXPORTERS; INSPECTIONS.—Section 804(f) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(f)) is amended to read as follows:

"(f) REGISTRATION OF EXPORTERS; INSPECTIONS.—

"(1) IN GENERAL.—Any person that seeks to be a registered exporter (referred to in this subsection as the 'registrant') shall submit to the Secretary a registration that includes the following:

"(A) The name of the registrant and identification of all places of business of the registrant that relate to qualifying drugs, including each warehouse or other facility owned or controlled by, or operated for, the registrant;

"(B) An agreement by the registrant to—

"(i) make its places of business that relate to qualifying drugs (including warehouses and other facilities owned or controlled by, or operated for, the exporter) and records available to the Secretary for on-site inspections, without prior notice, for the purpose of determining whether the registrant is in compliance with this Act's requirements;

"(ii) export only qualifying drugs;

"(iii) export only to persons authorized to import the drugs;

"(iv) notify the Secretary of a recall or withdrawal of a qualifying drug distributed in a permitted country to or from which the registrant has exported or imported, or intends to export or import, to the United States;

"(v) monitor compliance with registration conditions and report any noncompliance promptly;

"(vi) submit a compliance plan showing how the registrant will correct violations, if any; and

"(vii) promptly notify Secretary of changes in the registration information of the registrant.

"(2) NOTICE OF APPROVAL OR DISAPPROVAL.—

"(A) IN GENERAL.—Not later than 90 days after receiving a completed registration from a registrant, the Secretary shall—

"(i) notify such registrant of receipt of the registration;

"(ii) assign such registrant a registration number; and

"(ii) approve or disapprove the application.

"(B) DISAPPROVAL OF APPLICATION.—

"(i) IN GENERAL.—The Secretary shall disapprove a registration, and notify the registrant of such disapproval, if the Secretary has reason to believe that such registrant is not in compliance with a registration condition.

"(ii) SUBSEQUENT APPROVAL.—The Secretary may subsequently approve a registration that was denied under clause (i) if the Secretary finds that the registrant is in compliance with all registration conditions.

"(3) LIST.—The Secretary shall—

"(A) maintain an up-to-date list of registered exporters (including qualifying Internet pharmacies that sell qualifying drugs to individuals);

"(B) make such list available to the public on the Internet site of the Food and Drug Administration and via a toll-free telephone number; and

"(C) update such list promptly after the approval of a registration under this subsection.

"(4) EDUCATION OF CONSUMERS.—The Secretary shall carry out activities, by use of the Internet website and toll-free telephone number under paragraph (3), that educate consumers with regard to the availability of qualifying drugs for import for personal use under this section, including information on how to verify whether an exporter is registered.

"(5) INSPECTION OF IMPORTERS AND REGISTERED EXPORTERS.—The Secretary shall inspect the warehouses, other facilities, and records of importers and registered exporters as often as the Secretary determines necessary to ensure that such importers and registered exporters are in compliance with this section.".

(g) SUSPENSION OF IMPORTATION.—Section 804(g) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(g)) is amended by—

(1) striking "and the Secretary determines that the public is adequately protected from counterfeit and violative prescription drugs being imported under subsection (b)"; and

(2) by adding after the period at the end the following: "The Secretary shall reinstate the importation by a specific importer upon a determination by the Secretary that the violation has been corrected and that the importer has demonstrated that further violations will not occur. This subsection shall not apply to a prescription drug imported by an individual, or to a prescription drug shipped to an individual by a qualifying Internet pharmacy.".

(h) WAIVER AUTHORITY FOR INDIVIDUALS.—Section 804(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384(j)) is amended to read as follows:

"(j) IMPORTATION BY INDIVIDUALS.—

"(1) IN GENERAL.—Not later than 180 days after the enactment of the Pharmaceutical Market Access Act of 2005, the Secretary shall by regulation permit an individual to import a drug from a permitted country to the United States if the drug is—

"(A) a qualifying drug;

"(B) imported from a licensed pharmacy or qualifying Internet pharmacy;

"(C) for personal use by an individual, or family member of the individual, not for resale;

"(D) in a quantity that does not exceed a 90-day supply during any 90-day period; and

"(E) accompanied by a copy of a prescription for the drug, which—

"(i) is valid under applicable Federal and State laws and:

"(ii) was issued by a practitioner who is authorized administer prescription drugs.

"(2) DRUGS DISPENSED OUTSIDE THE UNITED STATES.—An individual may import a drug from a country that is not a permitted country if—

"(A) the drug was dispensed to the individual while the individual was in such country, and the drug was dispensed in accordance with the laws and regulations of such country;

"(B) the individual is entering the United States and the drug accompanies the individual at the time of entry;

"(C) the drug is approved for commercial distribution in the country in which the drug was obtained;

"(D) the drug does not appear to be adulterated; and

"(E) the quantity of the drug does not exceed a 14-day supply.".

(i) REPEAL OF CERTAIN PROVISIONS.—Section 804 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 384) is amended by striking subsections (l) and (m).

SEC. 5. REGISTRATION FEES.

Subchapter C of chapter VII of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 397f et seq.) is amended by adding at the end the following:

"PART 5—FEES RELATING TO PRESCRIPTION DRUG IMPORTATION

"SEC. 740A. FEES RELATING TO PRESCRIPTION DRUG IMPORTATION.

"(a) REGISTRATION FEE.—The Secretary shall establish a registration fee program under which a registered exporter under section 804 shall be required to pay an annual fee to the Secretary in accordance with this subsection.

"(b) COLLECTION.—

"(1) COLLECTION ON INITIAL REGISTRATION.—A fee under this section shall be payable for the fiscal year in which the registered exporter first submits a registration under section 804 (or reregisters under that section if that person has withdrawn its registration and subsequently reregisters) in a amount of $10,000, due on the date the exporter first submits a registration to the Secretary under section 804.

“(2) COLLECTION IN SUBSEQUENT YEARS.—After the fee is paid for the first fiscal year, the fee described under this subsection shall be payable on or before October 1 of each year.

“(3) ONE FEE PER FACILITY.—The fee shall be paid only once for each registered exporter for a fiscal year in which the fee is payable.

“(c) FEE AMOUNT.—

“(1) IN GENERAL.—The amount of the fee shall be determined each year by the Secretary and shall be based on the anticipated costs to the Secretary of enforcing the amendments made by the Pharmaceutical Market Access Act of 2005 in the subsequent fiscal year.

“(2) LIMITATION.—

“(A) IN GENERAL.—The aggregate total of fees collected under this section shall not exceed 1 percent of the total price of drugs exported annually to the United States by registered exporters under this section.

“(B) REASONABLE ESTIMATE.—Subject to the limitation in described in subparagraph (A), a fee under this subsection for an exporter shall be an amount that is a reasonable estimate by the Secretary of the annual share of the exporter of the volume of drugs exported by exporters under this section.

“(d) USE OF FEES.—The fees collected under this section shall be used for the sole purpose of administering this section with respect to registered exporters, including the costs associated with—

“(1) inspecting the facilities of registered exporters, and of other entities in the chain of custody of a qualifying drug;

“(2) developing, implementing, and maintaining a system to determine registered exporters' compliance with the registration conditions under the Pharmaceutical Market Access Act of 2005, including when shipments of qualifying drugs are offered for import into the United States; and

“(3) inspecting such shipments, as necessary, when offered for import into the United States to determine if any such shipment should be refused admission.

“(e) ANNUAL FEE SETTING.—The Secretary shall establish, 60 days before the beginning of each fiscal year beginning after September 30, 2005, for that fiscal year, registration fees.

“(f) EFFECT OF FAILURE TO PAY FEES.—

“(1) DUE DATE.—A fee payable under this section shall be paid by the date that is 30 days after the date on which the fee is due.

“(2) FAILURE TO PAY.—If a registered exporter subject to a fee under this section fails to pay the fee, the Secretary shall not permit the registered exporter to engage in exportation to the United States or offering for exportation prescription drugs under this Act until all such fees owed by that person are paid.

“(g) REPORTS.—

“(1) FEE ESTABLISHMENT.—Not later than 60 days before the beginning of each fiscal year, the Secretary shall—

“(A) publish registration fees under this section for that fiscal year;

“(B) hold a meeting at which the public may comment on the recommendations; and

“(C) provide for a period of 30 days for the public to provide written comments on the recommendations.

“(2) PERFORMANCE AND FISCAL REPORT.—Beginning with fiscal year 2005, not later than 60 days after the end of each fiscal year during which fees are collected under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes—

“(A) implementation of the registration fee authority during the fiscal year; and

“(B) the use by the Secretary of the fees collected during the fiscal year for which the report is made.”.

SEC. 6. COUNTERFEIT-RESISTANT TECHNOLOGY.

(a) MISBRANDING.—Section 502 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 352; deeming drugs and devices to be misbranded) is amended by adding at the end the following:

“(v) If it is a drug subject to section 503(b), unless the packaging of such drug complies with the requirements of section 505C for counterfeit-resistant technologies.”.

(b) REQUIREMENTS.—Title V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by inserting after section 505B the following:

“SEC. 505C. COUNTERFEIT-RESISTANT TECHNOLOGIES.

“(a) INCORPORATION OF COUNTERFEIT-RESISTANT TECHNOLOGIES INTO PRESCRIPTION DRUG PACKAGING.—The Secretary shall require that the packaging of any drug subject to section 503(b) incorporate—

“(1) overt optically variable counterfeit-resistant technologies that are described in subsection (b) and comply with the standards of subsection (c); or

“(2) technologies that have an equivalent function of security, as determined by the Secretary.

“(b) ELIGIBLE TECHNOLOGIES.—Technologies described in this subsection—

“(1) shall be visible to the naked eye, providing for visual identification of product authenticity without the need for readers, microscopes, lighting devices, or scanners;

“(2) shall be similar to that used by the Bureau of Engraving and Printing to secure United States currency;

“(3) shall be manufactured and distributed in a highly secure, tightly controlled environment; and

“(4) should incorporate additional layers of non-visible covert security features up to and including forensic capability.

“(c) STANDARDS FOR PACKAGING.—

“(1) MULTIPLE ELEMENTS.—For the purpose of making it more difficult to counterfeit the packaging of drugs subject to section 503(b), manufacturers of the drugs shall incorporate the technologies described in subsection (b) into multiple elements of the physical packaging of the drugs, including blister packs, shrink wrap, package labels, package seals, bottles, and boxes.

“(2) LABELING OF SHIPPING CONTAINER.—Shipments of drugs described in subsection (a) shall include a label on the shipping container that incorporates the technologies described in subsection (b), so that officials inspecting the packages will be able to determine the authenticity of the shipment. Chain of custody procedures shall apply to such labels and shall include procedures applicable to contractual agreements for the use and distribution of the labels, methods to audit the use of the labels, and database access for the relevant governmental agencies for audit or verification of the use and distribution of the labels.

“(d) EFFECTIVE DATE.—This section shall take effect 180 days after the date of enactment of the Pharmaceutical Market Access Act of 2005.”.

SEC. 7. PROHIBITED ACTS.

Section 301 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331) is amended by inserting after subsection (k) the following:

“(l) The failure to register in accordance with section 804(f) or to import or offer to import a prescription drug in violation of a suspension order under section 804(g).”.

SEC. 8. PATENTS.

Section 271 of title 35, United States Code, is amended—

(1) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively; and

(2) by inserting after subsection (g) the following:

“(h) It shall not be an act of infringement to use, offer to sell, or sell within the United States or to import into the United States any patented invention under section 804 (21 U.S.C. 384) of the Federal Food, Drug, and Cosmetic Act that was first sold abroad by or under authority of the owner or licensee of such patent.”.

SEC. 9. OTHER ENFORCEMENT ACTIONS.

(a) IN GENERAL.—Section 804 of the Federal Food, Drug, and Cosmetic Act (as amended in section 4) is amended by adding at the end the following:

“(l) UNFAIR OR DISCRIMINATORY ACTS AND PRACTICES.—

“(1) IN GENERAL.—It is unlawful for a manufacturer, directly or indirectly (including by being a party to a licensing or other agreement) to—

“(A) discriminate by charging a higher price for a prescription drug sold to a person in a permitted country that exports a prescription drug to the United States under this section than the price that is charged to another person that is in the same country and that does not export a prescription drug into the United States under this section;

“(B) discriminate by charging a higher price for a prescription drug sold to a person that distributes, sells, or uses a prescription drug imported into the United States under this section than the price that is charged to another person in the United States that does not import a prescription drug under this section, or that does not distribute, sell, or use such a drug;

“(C) discriminate by denying supplies of a prescription drug to a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(D) discriminate by publicly, privately, or otherwise refusing to do business with a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(E) discriminate by specifically restricting or delaying the supply of a prescription drug to a person in a permitted country that exports a prescription drug to the United States under this section or distributes, sells, or uses a prescription drug imported into the United States under this section;

“(F) cause there to be a difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) between a prescription drug for distribution in the United States and the drug for distribution in a permitted country for the purpose of restricting importation of the drug into the United States under this section;

“(G) refuse to allow an inspection authorized under this section of an establishment that manufactures a prescription drug that may be imported or offered for import under this section;

“(H) fail to conform to the methods used in, or the facilities used for, the manufacturing, processing, packing, or holding of a prescription drug that may be imported or offered for import under this section to good manufacturing practice under this Act;

“(I) become a party to a licensing or other agreement related to a prescription drug that fails to provide for compliance with all requirements of this section with respect to such prescription drug or that has the effect of prohibiting importation of the drug under this section; or

“(J) engage in any other action that the Federal Trade Commission determines to discriminate against a person that engages in, or to impede, delay, or block the process for, the importation of a prescription drug under this section.

“(2) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to a charge that a person has discriminated under subparagraph (A), (B), (C), (D), or (E) of paragraph (1) that the higher price charged for a prescription drug sold to a person, the denial of supplies of a prescription drug to a person, the refusal to do business with a person, or the specific restriction or delay of supplies to a person is not based, in whole or in part, on—

“(A) the person exporting or importing a prescription drug into the United States under this section; or

“(B) the person distributing, selling, or using a prescription drug imported into the United States under this section.

“(3) PRESUMPTION AND AFFIRMATIVE DEFENSE.—

“(A) PRESUMPTION.—A difference (including a difference in active ingredient, route of administration, dosage form, strength, formulation, manufacturing establishment, manufacturing process, or person that manufactures the drug) created after January 1, 2005, between a prescription drug for distribution in the United States and the drug for distribution in a permitted country shall be presumed under paragraph (1)(H) to be for the purpose of restricting importation of the drug into the United States under this section.

“(B) AFFIRMATIVE DEFENSE.—It shall be an affirmative defense to the presumption under subparagraph (A) that—

“(i) the difference was required by the country in which the drug is distributed; or

“(ii) the Secretary has determined that the difference was necessary to improve the safety or effectiveness of the drug.

“(4) EFFECT OF SUBSECTION.—

“(A) SALES IN OTHER COUNTRIES.—This subsection applies only to the sale or distribution of a prescription drug in a country if the manufacturer of the drug chooses to sell or distribute the drug in the country. Nothing in this subsection shall be construed to compel the manufacturer of a drug to distribute or sell the drug in a country.

“(B) DISCOUNTS TO INSURERS, HEALTH PLANS, PHARMACY BENEFIT MANAGERS, AND COVERED ENTITIES.—Nothing in this subsection shall be construed to—

“(i) prevent or restrict a manufacturer of a prescription drug from providing discounts to an insurer, health plan, pharmacy benefit manager in the United States, or covered entity in the drug discount program under section 340B in return for inclusion of the drug on a formulary;

“(ii) require that such discounts be made available to other purchasers of the prescription drug; or

“(iii) prevent or restrict any other measures taken by an insurer, health plan, or pharmacy benefit manager to encourage consumption of such prescription drug.

“(C) CHARITABLE CONTRIBUTIONS.—Nothing in this subsection shall be construed to—

“(i) prevent a manufacturer from donating a prescription drug, or supplying a prescription drug at nominal cost, to a charitable or humanitarian organization, including the United Nations and affiliates, or to a government of a foreign country; or

“(ii) apply to such donations or supplying of a prescription drug.

“(5) ENFORCEMENT.—

“(A) UNFAIR OR DECEPTIVE ACT OR PRACTICE.—A violation of this subsection shall be treated as a violation of a rule defining an unfair or deceptive act or practice prescribed under section 18(a)(1)(B) of the Federal Trade Commission Act.

“(B) ACTIONS BY THE COMMISSION.—The Federal Trade Commission—

“(i) shall enforce this subsection in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and provisions of the Federal Trade Commission Act were incorporated into and made a part of this section; and

“(ii) may seek monetary relief threefold the damages sustained.

“(6) ACTIONS BY STATES.—

“(A) IN GENERAL.—

“(i) CIVIL ACTIONS.—The attorney general of a State may bring a civil action on behalf of the residents of the State, and persons doing business in the State, in a district court of the United States of appropriate jurisdiction for a violation of paragraph (1) to—

“(I) enjoin that practice;

“(II) enforce compliance with this subsection;

“(III) obtain damages, restitution, or other compensation on behalf of residents of the State and persons doing business in the State, including threefold the damages; or

“(IV) obtain such other relief as the court may consider to be appropriate.

“(ii) NOTICE.—

“(I) IN GENERAL.—Before filing an action under clause (i), the attorney general of the State involved shall provide to the Federal Trade Commission—

“(aa) written notice of that action; and

“(bb) a copy of the complaint for that action.

“(II) EXEMPTION.—Subclause (I) shall not apply with respect to the filing of an action by an attorney general of a State under this paragraph, if the attorney general determines that it is not feasible to provide the notice described in that subclause before filing of the action. In such case, the attorney general of a State shall provide notice and a copy of the complaint to the Federal Trade Commission at the same time as the attorney general files the action.

“(B) INTERVENTION.—

“(i) IN GENERAL.—On receiving notice under subparagraph (A)(ii), the Commission shall have the right to intervene in the action that is the subject of the notice.

“(ii) EFFECT OF INTERVENTION.—If the Commission intervenes in an action under subparagraph (A), it shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(C) CONSTRUCTION.—For purposes of bringing any civil action under subparagraph (A), nothing in this subsection shall be construed to prevent an attorney general of a State from exercising the powers conferred on the attorney general by the laws of that State to—

“(i) conduct investigations;

“(ii) administer oaths or affirmations; or

“(iii) compel the attendance of witnesses or the production of documentary and other evidence.

“(D) ACTIONS BY THE COMMISSION.—

“(i) IN GENERAL.—In any case in which an action is instituted by or on behalf of the Commission for a violation of paragraph (1), a State may not, during the pendency of that action, institute an action under subparagraph (A) for the same violation against any defendant named in the complaint in that action.

“(ii) INTERVENTION.—An attorney general of a State may intervene, on behalf of the residents of that State, in an action instituted by the Commission.

“(iii) EFFECT OF INTERVENTION.—If an attorney general of a State intervenes in an action instituted by the Commission, such attorney general shall have the right—

“(I) to be heard with respect to any matter that arises in that action; and

“(II) to file a petition for appeal.

“(E) VENUE.—Any action brought under subparagraph (A) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

“(F) SERVICE OF PROCESS.—In an action brought under subparagraph (A), process may be served in any district in which the defendant—

“(i) is an inhabitant; or

“(ii) may be found.

“(G) LIMITATION OF ACTIONS.—Any action under this paragraph to enforce a cause of action under this subsection by the Federal Trade Commission or the attorney general of a State shall be forever barred unless commenced within 5 years after the Federal Trade Commission, or the attorney general, as the case may be, knew or should have known that the cause of action accrued. No cause of action barred under existing law on the effective date of this Act shall be revived by this Act.

“(H) MEASUREMENT OF DAMAGES.—In any action under this paragraph to enforce a cause of action under this subsection in which there has been a determination that a defendant has violated a provision of this subsection, damages may be proved and assessed in the aggregate by statistical or sampling methods, by the computation of illegal overcharges or by such other reasonable system of estimating aggregate damages as the court in its discretion may permit without the necessity of separately proving the individual claim of, or amount of damage to, persons on whose behalf the suit was brought.

“(I) EXCLUSION ON DUPLICATIVE RELIEF.—The district court shall exclude from the amount of monetary relief awarded in an action under this paragraph brought by the attorney general of a State any amount of monetary relief which duplicates amounts which have been awarded for the same injury.

“(7) EFFECT ON ANTITRUST LAWS.—Nothing in this subsection shall be construed to modify, impair, or supersede the operation of the antitrust laws. For the purpose of this subsection, the term ‘antitrust laws’ has the meaning given it in the first section of the Clayton Act, except that it includes section 5 of the Federal Trade Commission Act to the extent that such section 5 applies to unfair methods of competition.

"(8) MANUFACTURER.—In this subsection, the term 'manufacturer' means any entity, including any affiliate or licensee of that entity, that is engaged in—

"(A) the production, preparation, propagation, compounding, conversion, or processing of a prescription drug, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; or

"(B) the packaging, repackaging, labeling, relabeling, or distribution of a prescription drug.".

(b) REGULATIONS.—The Federal Trade Commission shall promulgate regulations to carry out the enforcement program under section 804(l) of the Federal Food, Drug, and Cosmetic Act (as added by subsection (a)).

(c) SUSPENSION AND TERMINATION OF EXPORTERS.—Section 804(g) of the Federal Food, Drug, and Cosmetic Act (as amended by section 4(g)) (21 U.S.C. 384(g)) is amended by—

(1) striking "SUSPENSION OF IMPORTATION.—The Secretary" and inserting "SUSPENSION OF IMPORTATION.—

"(1) The Secretary—"; and

(2) adding at the end the following:

"(2) SUSPENSION AND TERMINATION OF EXPORTERS.—

"(A) SUSPENSION.—With respect to the effectiveness of a registration submitted under subsection (f) by a registered exporter:

"(i) Subject to clause (ii), if the Secretary determines, after notice and opportunity for a hearing, that the registered exporter has failed to maintain substantial compliance with all registration conditions, the Secretary may suspend the registration.

"(ii) If the Secretary determines that, under color of the registration, the registered exporter has exported a drug that is not a qualifying drug, or a drug that does not meet the criteria under this section, or has exported a qualifying drug to an individual in violation of this section, the Secretary shall immediately suspend the registration. A suspension under the preceding sentence is not subject to the provision by the Secretary of prior notice, and the Secretary shall provide to the registered exporter involved an opportunity for a hearing not later than 10 days after the date on which the registration is suspended.

"(iii) The Secretary may reinstate the registration, whether suspended under clause (i) or (ii), if the Secretary determines that the registered exporter has demonstrated that further violations of registration conditions will not occur.

"(B) TERMINATION.—The Secretary, after notice and opportunity for a hearing, may terminate the registration under subsection (f) of a registered exporter if the Secretary determines that the registered exporter has engaged in a pattern or practice of violating 1 or more registration conditions, or if on 1 or more occasions the Secretary has under subparagraph (A)(ii) suspended the registration of the registered exporter. The Secretary may make the termination permanent, or for a fixed period of not less than 1 year. During the period in which the registration of a registered exporter is terminated, any registration submitted under subsection (f) by such exporter or a person who is a partner in the export enterprise or a principal officer in such enterprise, and any registration prepared with the assistance of such exporter or such a person, has no legal effect under this section.".

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act (and the amendments made by this Act).

By Mrs. FEINSTEIN:

S. 110. A bill for the relief of Robert Liang and Alice Liang; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Robert Kuan Liang and his wife, Chun-Mei ("Alice") Hsu-Liang, foreign nationals who live in San Bruno, California.

I have decided to offer private relief immigration bills on their behalf because I believe that, without it, this hardworking couple and their three United States citizen children would endure an immense and unfair hardship. Indeed, without this legislation, this family may not remain a family for much longer.

The Liangs are foreign nationals facing deportation on account of their overstay of visitors visas and the failure of their previous attorney to timely file a suspension of deportation application before the immigration laws changed in 1996.

Mr. Liang is a foreign national and refugee from Laos. His wife is a citizen of Taiwan. They entered the United States 22 years ago as tourists and established residency in the San Bruno, CA. Because they overstayed the terms of their temporary visas, they now face deportation from the United States.

After living here for so many years, removal from the United States would not come easily or perhaps without tearing this family apart. The Liangs have three children born in this country: Wesley, 13 years old, Bruce, 10 years old, and Eva, 7 years old. Young Wesley suffers from asthma and has a history of social and emotional anxiety. The immigration judge who presided over the Liang's case in 1997 concluded that there was no question that the Liang children would be adversely impacted if they were required to leave their relatives and friends behind in California to follow their parents to Taiwan, a country whose language and culture is unfamiliar to them. And that was 7 years ago. I can only imagine how much more they would be adversely impacted now given the passage of 7 more years.

The Liangs have filed annual income tax returns; established a successful business, Fong Yong Restaurant, in the United States; are home owners, and are financially successful. Since they arrived in the United States, they have pursued and, to a degree, achieved the American Dream.

Mr. and Mrs. Liang's quest to legalize their immigration status began in 1993 when they filed for relief from deportation before an immigration judge. The Immigration and Naturalization Service, however, did not act on their application until nearly 5 years later, in 1997, after which time the immigration laws had significantly changed.

According to the immigration judge, had the INS acted on their application for relief from deportation in a timely manner, they would have qualified for suspension of deportation, given that they were long-term residents of this country with US citizen children and other positive factors. By the time INS processed their application, however, Congress passed the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, which changed the requirements for relief from removal to the Liangs' disadvantage.

I supported the changes of the 1996 law, but I believe sometimes there are exceptions which merit special consideration. The Liangs are such a couple and family. Perhaps what distinguishes this family from many others is that through hard work and perseverance, Mr. Liang has achieved a significant degree of success in the United States while battling a severe form of Post Traumatic Stress Disorder. According to his psychologist, this disorder stems from the persecution he, his family and community experienced in his native country of Laos during the Vietnam War. Throughout his childhood and adolescence, Mr. Liang was exposed to numerous traumatic experiences, including the murder of his mother by the North Vietnamese and frequent episodes of wartime violence. He also routinely witnessed the brutal persecution and deaths of others in his village. In 1975, he was granted refugee status in Taiwan.

The emotional impact of Mr. Liang's experiences in his war-torn native country have been profound and continue to haunt him. In addition to being diagnosed with Post Traumatic Stress Disorder, his psychologist has also indicated that he suffers from severe clinical depression, which has been exacerbated by the prospect of being deported to Taiwan, where on account of his nationality, he believes he and his family would be treated as second-class citizens. Moreover, Mr. Liang believes that the pursuit of further mental health treatment in Taiwan would only exacerbate the stigma of being an outsider in a country whose language he does not speak. Given those prospects, he also fears the impact such a stigma would have on the well-being and future of his children.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of the Liangs.

I also ask unanimous consent that the text of the legislation be printed in the RECORD and that the attached three letters of community support also be printed.

There being no objection, the bill and letters were ordered to be printed in the RECORD, as follows:

S. 110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Robert Liang and Alice Liang shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Robert Liang and Alice Liang, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e), 1153(a)), as applicable.

Re the Liang Family.

Hon. DIANNE FEINSTEIN,
U.S. Senate, Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: Robert and Alice Liang and their Fon Yong Restaurant at 1065 Holly Street are members in good standing of the San Carlos Chamber of Commerce. As such they have shown their commitment to be members in good standing of the San Carlos business community. Chamber members tend to reflect a desire for community involvement and support for their city. The Liangs took the initiative to start a business here and have maintained it beautifully. They have a very loyal cadre of customers.

The Chamber is always happy to see good small businesses like Fon Yong thrive. The Chamber stands behind Alice and her family in their quest for permanent residence in the United States. Alice is well known to all who frequent her restaurant as a warm, friendly business woman who even takes the time to remember what her regulars' favorites are.

The Liang family is a stable one and they contribute to the community here. They have done good rather than harm as they settled here. I hope you can respond positively to their example and settle the immigration issue quickly.

Sincerely,

SHERYL POMERENK,
CEO, San Carlos Chamber of Commerce.

JANUARY 13, 2005.

Hon. DIANNE FEINSTEIN,
331 Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing in support of a private bill for Robert and Alice Liang, two outstanding residents of our community for the past twenty-one years.

Robert and Alice are two of the most caring and hardworking people I have ever met. Despite the demands of running a small business and taking care of their three children, they are always trying to help others in need. Recently, Alice heard about Chloe Chang, a young local girl who had acute promyelocytic leukemia. Chloe had undergone chemotherapy, but had a relapse. She needed a bone marrow transplant, and was looking for a donor. Her family was facing mounting bills from the donor search. Alice asked me if there was any way she could help. I should point out that she had never met this family, she just knew they were in need from newspaper articles and TV broadcasts. We put together a fund-raising dinner event at Stanford University in which I bought the ingredients, and Robert and Alice worked all day cooking a hundred dinners. Together, we raised almost a thousand dollars to help Chloe's family.

This is not the only time that Robert and Alice have gone out of their way to help others, even while they themselves face deportation. It amazes me that they can think of others at such a time, but that's the kind of people they are. I am so worried about Robert, especially, because he is still suffering from all the things he saw as a child and a teenager in Laos. People were dragged out and killed in front of him, and his own mother was killed by the Communists before the rest of the family escaped. After two decades here, Robert has found a little peace, and I can't even think what it will do to him to have that taken away. I want you as my senator to do whatever it takes to make sure that these two wonderful people can stay here where they belong. Please sponsor a private bill and try to convince other members of Congress to support it. If there's anything I can do to help, please let me know.

Sincerely,

Sue Chow.

JANUARY 12, 2005.

Senator DIANNE FEINSTEIN,
Hart Senate Office Building, Washington, DC.

DEAR SENATOR FEINSTEIN: I am writing you as a friend and customer of Robert and Alice Liang of San Bruno, because I understand that you may be considering resubmitting a private bill in their favor. I certainly hope that you do resubmit and support this private bill. These are extraordinary people in the way they and their business have enhanced our community of San Carlos. Alice and Robert have really created a special community of customers and friends with their restaurant.

It's hard to describe how much of an asset the Liangs are to our community. They are good neighbors. They are welcoming friends and hosts. They expect only good from people and they reach out with friendship and aid to those around them.

Robert and Alice have touched the hundreds of customers who have walked in the doors of Fon Yong Restaurant by not only preparing very good food, but by reaching us personally with very caring, unsolicited acts of kindness and neighborliness. A couple of examples include their bringing my husband's favorite vegetarian meal to him at Sequoia Hospital, when he was undergoing rehabilitation from a stroke, and regularly assisting the disabled daughter of a customer as she works to feed herself dinner in the restaurant. Their actions of kindness remind all of us what it is to be a good neighbor. These are the values and qualities we hope for in our neighbors.

The private bill you submitted in the last Congress did help reduce Robert's anxiety level. (As you know, he is being treated for Post Traumatic Stress Disorder.) I am very concerned though, about what may happen to the family if they are forced to leave the United States and relocate to a place the children have never seen, is a half a life away for Alice, and is certainly not Robert's home. I hope you will resubmit your bill for the Liangs and encourage your fellow members of the Senate to support the Liangs in their quest to join us as citizens of the United States.

Thank you so much for your support of the Liangs. Also, please know that I am ready and willing to help you help them.

Sincerely,

BARBARA MAAS.

By Mrs. FEINSTEIN:

S. 111. A bill for the relief of Shigeru Yamada; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Shigeru Yamada, a 22-year-old Japanese national who lives in Chula Vista, CA.

I have decided to introduce a private bill on his behalf because I believe that Mr. Yamada represents a model American citizen, for whom removal from this country would represent an unfair hardship. Without this legislation, Mr. Yamada will be forced to return to a country in which he lacks any linguistic, cultural or family ties.

Mr. Yamada legally entered the United States with his mother and two sisters in 1992 at the young age of 10. The family was fleeing from Mr. Yamada's alcoholic father, who had been physically abusive to his mother, the children and even his own parents. Since then, he has had no contact with his father and is unsure if he is even alive. Tragically, Mr. Yamada experienced further hardship when his mother was killed in a car crash in 1995. Orphaned at the age of 13, Mr. Yamada spent time living with his aunt before moving to Chula Vista to live with a close friend of his late mother.

The death of his mother marked more than a personal tragedy for Mr. Yamada; it also served to impede the process for him to legalize his status. At the time of her death, Mr. Yamada's family was living legally in the United States. His mother had acquired a student visa for herself and her children qualified as her dependents. Her death revoked his legal status in the United States. In addition, Mr. Yamada's mother was engaged to an American citizen at the time of her death. Had she survived, her son would likely have become an American citizen through this marriage.

Mr. Yamada has exhausted all administrative options under our current immigration system. Throughout high school, he contacted attorneys in the hopes of legalizing his status, but his attempts were unsuccessful. Unfortunately, time has run out and, for Mr. Yamada, the only option available to him today is private relief legislation.

For several reasons, it would be tragic for Mr. Yamada to be deported from the United States and forced to return to Japan.

First, since arriving in the United States, Mr. Yamada has lived as a model American. He graduated with honors from Eastlake High School in 2000, where he excelled in both academics and athletics. Academically, he earned a number of awards including being named an "Outstanding English Student" his freshman year, an All-American Scholar, and earning the United States National Minority Leadership Award. His teacher and coach, Mr. John Inumerable, describes him as being "responsible, hard working, organized, honest, caring and very dependable." His role as the Vice-President of the Associated Student Body his senior year is an indication of Mr. Yamada's high level of leadership, as well as, his popularity and trustworthiness among his peers. As an athlete, Mr. Yamada was named the "Most Inspirational Player of the Year" in Junior Varsity baseball and football, as well as, Varsity football. His football coach, Mr. Jose Mendoza, expressed his admiration by saying that he has "seen in Shigeru Yamada the responsibility, dedication and loyalty that the average American holds to be virtuous."

Second, Mr. Yamada has distinguished himself as a local volunteer. As a member of the Eastlake High School Link Crew, he helped freshman find their way around campus, offered tutoring and mentoring services, and set an example of how to be a successful member of the student body. After graduating from high school, he volunteered his time for 4 years as the coach of the Eastlake High School Girl's softball team. The former head coach, who has since retired, Dr. Charles Sorge, describes him as an individual full of "integrity" who understands that as a coach it is important to work as a "team player." His level of commitment to the team was further illustrated to Dr. Sorge when he discovered, halfway through the season, that Mr. Yamada's commute to and from practice was 2 hours long each way. It takes an individual with character to volunteer his time to coach and never bring up the issue of how long his commute takes him each day. Dr. Sorge hopes that, once Mr. Yamada legalizes his immigration status, he will be formally hired to continue coaching the team.

Third, sending Mr. Yamada back to Japan would be an immense hardship for him and his family here. Mr. Yamada does not speak Japanese. He is unaware of the nation's current cultural trends. And, he has no immediate family members that he knows of in Japan. Currently, both of his sisters are in the process of legalizing their immigration status in the United States. His older sister is married to a United States citizen and his younger sister is being adopted by a maternal aunt, who is a United States citizen. Since as all of his family lives in California, sending Mr. Yamada back to Japan would serve to split his family apart and separate him from everyone and everything that he knows. His sister contends that her younger brother would be "lost" if he had to return to live in Japan on his own. It is unlikely that he would be able to find any gainful employment in Japan due to his inability to speak or read the language.

As a member of the Chula Vista community, Mr. Yamada has distinguished himself as an honorable individual. His teacher, Mr. Robert Hughes, describes him as being an "upstanding 'All-American' young man". Until being picked up during a routine check of riders' immigration status on a city bus, he had never been arrested or convicted of any crime. Mr. Yamada is not, and has never been, a burden on the State. He has never received any Federal or State assistance.

Currently, Mr. Yamada holds sophomore status at Southwestern Community College. However, he is taking this semester off in order to alleviate his financial burdens by working full time. He had hoped to pursue a career in law enforcement, but his plans have recently changed due to his current immigration status dilemma. Until he obtains citizenship, Mr. Yamada will be prohibited from pursuing a career in law enforcement. Due to the circumstances, Mr. Yamada has changed his career goal to that of becoming a high school teacher. Mr. Yamada's commitment to his education is admirable. He could have easily taken a different path but, through his own "individual fortitude," he has dedicated himself to his studies so that he can live a better life.

With his hard work and giving attitude, Shigeru Yamada represents the ideal American citizen. Although born in Japan, he is truly American in every other sense. I ask you to help right a wrong and grant Mr. Yamada lawful permanent resident status so that he can continue towards his bright future.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Mr. Yamada.

I ask unanimous consent that the text of the bill be printed in the RECORD and that the three letters of community support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR SHIGERU YAMADA.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Shigeru Yamada shall be eligible for issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Shigeru Yamada enters the United States before the filing deadline specified in subsection (c), Shigeru Yamada shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Shigeru Yamada, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 203(a) of the Immigration and Nationality Act or, if applicable, the total number of immigrant visas that are made available to natives of the country of birth of Shigeru Yamada under section 202(e) of that Act.

EASTLAKE HIGH SCHOOL,
Chula Vista, CA, January 17, 2005.

Senator DIANNE FEINSTEIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR FEINSTEIN: I am more than happy to write this letter on behalf of Shigeru Yamada as he pursues his efforts to stay in the United States. I was Shigeru's counselor while he attended Eastlake High School. During that time he always displayed exemplary behavior, academic focus, and personal determination.

Academically Shigeru was a model student. He earned a 3.84 grade point average; he made the National Honor Roll and was nominated to Who's Who Among High School Students for three straight years. Shigeru plans to attend a university to study sports medicine and physical therapy so he has set high goals for himself. He has the ability to not only handle college-level work, but to thrive on the challenge the university will bring. His quiet determination has been an example to his peers and was a joy to his instructors.

Shigeru Yamada not only took the most from his high school experience, but he has consistently "given back" his talents, time, and effort to serve the school community. He was elected ASB vice-president during his senior year. He demonstrated leadership skills as president of the Inter-Club Council on campus; he mentored incoming ninth-grade students and worked on numerous service projects. In addition to his involvement in student government, Shigeru participated in football, baseball, and wrestling. He was named "Most Inspirational Player of the Year" for both his junior varsity baseball and football teams. He was also awarded the J.T. Franks Memorial Award (most inspirational) from the varsity football team. (This award carries a great deal of respect amongst the players as it is named after a teammate who died of cancer.) Shigeru was a role model for our students when he attended our school: He earned good grades; he was an athlete; and he was involved in a variety of additional activities. He is the kind of student that Eastlake High School has been proud to have.

A further testimony to Shigeru's character is what he has been doing since graduating. This young man has come back to serve as an assistant football and wrestling coach for our students. He gives his time and energy to working with individual students during the week and on weekends; he not only advises them on how to improve their athletic skills, but he is also a wonderful role model and mentor. He is someone to whom the young men can relate, a person whose opinions are valued. I have personally seen Shigeru interact with these boys; the respect he gives them and the respect they give Shigeru is an absolute indication of the positive influence he has in their lives.

Shigeru is seeking permanent resident status in the United States through a private bill that you have agreed to sponsor. Were his mother still alive, his residency would not be in question. However, since she died a few years ago in a car accident, Shigeru has had to get through high school without her guidance and support, and now his future in the United States is in jeopardy. Shigeru Yamada has already proven himself to be a hard-working, law-abiding, goal-oriented young man. He has already proven himself to be a productive member of society. And, most importantly, Shigeru wants to not only take the best this society has to offer, but to also give back to the society to make it a better place for those around him.

Perhaps the best endorsement that I can give is that I would be proud to claim Shigeru Yamada as my son. He embodies all the qualities that I have tried to instill in my own sons. Please, I urge you to submit the bill that would give Shigeru Yamada permanent residency in the United States. He will represent all of us well.

Sincerely,

Ann M. Stevens,
Asst. Principal.

Eastlake High School,
Chula Vista, CA, January 13, 2005.

Hon. Dianne Feinstein: I am writing to bring to your attention the need to support a fine young man, Shigeru Yamada. I am a teacher and coach at Eastlake High School; I have known Shigeru for 8 years, both as a student and as a volunteer coach during the last 5 years. What has singularly impressed me about this young man is that he has created himself and never complained about his life's struggles. His mother died when he was young. He got little support from his aunt—materially, emotionally, spiritually. Yet all the while you would not have known that. He set goals for himself academically and athletically; modeled himself on good ideals of community service and service to his school. He was vice-president of the Associated Student Body at Eastlake High and would have pursued an academic future at UCLA were it not for his citizenship status. Instead, he did what he could do and has gone to community college in an effort to pursue his college degree.

All the while, he volunteered his time during these past 5 years to help coach our school's softball team (as well as other sports on campus). It was only recently that I had discovered that it would take him 2 hours with bus transfers just to get to softball practice.

I provide this information to you as a testimonial to the character of this young man. Exceptional in attitude and determination. We need this kind of spirit and resolve in America. We do not want to export it somewhere else. Please help.

Respectfully,

Charles R. Sorge,
Ed.D., English Teacher and
Head Softball Coach.

Eastlake High School,
Associated Student Body,
Chula Vista, CA, January 14, 2005.

Congressman Filner: Please consider the reintroduction of the private bill for permanent residency on behalf of Shigeru Yamada. He is a most outstanding person, with character second to none. Shigeru Yamada has no ties, nor any cultural background with Japan. Since he has been raised in the United States for the past 12 years out of his 22 years, he is not able to communicate in the Japanese language. Therefore, to throw Shiguru back into a world of confusion will not only be a tragic event for him, but a loss for the United States and the Chula Vista community.

Once again we cannot lose a strong member of this society. Please consider his request for sponsorship.

Sincerely,

Bob Barrett,
Assistant Principal.

By Mrs. FEINSTEIN:

S. 112. A bill for the relief of Denes Fulop and Gyorgyi Fulop; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today a private immigration relief bill to provide lawful permanent residence status to Denes and Gyorgyi Fulop, Hungarian nationals who have lived in California for more than 20 years. The Fulops are the parents of six U.S. citizen children. Today, they face deportation having exhausted all administrative remedies under our immigration system.

The Fulop's story is a compelling one and one which I believe merits Congress' consideration for humanitarian relief.

The most poignant tragedy to affect this family occurred in May 2000, when the Fulops eldest child, Robert "Bobby" Fulop, an accomplished 15 year-old teenager, died suddenly of a heart aneurism. Bobby was considered the shining star of his family.

That same year their six-year-old daughter, Elizabeth, was diagnosed with moderate pulmonary stenosis, a potentially life-threatening heart condition and a frightening situation similar to Bobby's. Not long ago, she successfully underwent heart surgery, but requires medical supervision to ensure her good health.

The Fulop's youngest child, Matthew, was born seven weeks premature. He subsequently underwent several kidney surgeries and is still being closely monitored by physicians.

Compounding these tragedies is the fact that today the Fulops face deportation. They face deportation, in part, because in 1995 the family traveled to Hungary and remained there for more than 90 days. Under the pre-1996 immigration law, prior to the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, their stay in Hungary would not have been a factor in their immigration case and they would have been eligible for adjustment of status to lawful permanent residents.

Indeed, in 1996, Mr. and Mrs. Fulop applied to the Immigration and Naturalization Service, INS, for permanent resident status. Due to large backlogs, the INS did not interview them until 1998. By the time their applications were considered, the new 1996 immigration law had taken effect. Given their one-time 90 day trip outside the United States, they were statutorily ineligible for relief pursuant to the cancellation of removal provisions of the Immigration and Nationality Act.

One cannot help but conclude that had the INS acted on the Fulop's application for relief from deportation in a timelier manner, they would have qualified for suspension of deportation under the pre-1996 law, given that they were long-term residents of the United States with U.S. Citizen children and many positive factors in their favor.

The irony of this situation is that the Fulops were gone from the United States for nearly five months in 1995 because they traveled to Hungary to help Mr. Fulop's brother build his home. Mr. Fulop's brother is handicap and they went to help remodel his home.

The Fulops are good and decent people. Mr. Fulop is a masonry contractor and the owner and president of his own construction company—Sumeg International. He has owned this business for 10 years and currently has three full-time employees.

The couple are active in their church and community. As Pastor Peter Petrovic of the Apostolic Christian Church of San Diego says in his letter of support, "[t]he family is an exceptional asset to their community." Mrs. Fulop has served as a Sunday school teacher and volunteers regularly at Heritage K-8 Charter School in Escondido. Mrs. Morris, a Heritage K–8 Charter School faculty member says in her letter of support that Mrs. Fulop is ". . . a valuable asset to our school and community."

Mr. President, this is a tragic situation. Essentially, as happened to many families under the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, the rules of the game were changed in the middle. When the Fulops applied for relief from deportation they were eligible for suspension of deportation. By the time the INS got around to their application, nearly three years later, they were no longer eligible and in fact suspension of deportation as a form of relief ceased to exist.

The Fulops today have been in the United States since the early 1980s. Most harmful is the effect that their deportation will have on the children, all of whom were born here and who range from one year old to 17 years of age. Their eldest, Dennis, is a 4.0 honor student at Palomar Community College having graduated from high school one year early. His sister, Linda, has a 3.8 grade point average and is an honor student in high school.

It is my hope that Congress sees fit to provide an opportunity for this family to remain together in the United States given their many years here, the profound sadness they have already experienced and the harm that would come from their deportation to their six U.S. citizen children.

Mr. President. I ask unanimous consent that the text of the bill and three letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Denes Fulop and Gyorgyi Fulop shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Denes Fulop and Gyorgyi Fulop, the Secretary of State shall instruct the proper officer to reduce by 2, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e), 1153(a)), as applicable.

APOSTOLIC CHRISTIAN CHURCH
OF SAN DIEGO,
Escondido, CA, January 14, 2005.

Re the Denes Fulop Family.

TO WHOM IT MAY CONCERN: My family and I have known Denes and Joy Fulop for many years. They have been members in good standing in our church for approximately 20 years. Denes has served the congregation faithfully in many capacities. He was a building committee member during the construction of our church 10 years ago. He also served as church treasurer for four years and Sunday School Superintendent for many years. Presently he is a member on the board of trustees.

Joy Fulop was a building sub-committee member during the construction of the church and also served for a few years as a Sunday school teacher. Joy is a devoted and committed homemaker, and a wonderful example of a loving mother and wife. Their three younger children, Elizabeth, Sarah and Abigail are actively involved in Sunday school and in various youth group activities. The two oldest, Denny and Linda, are also active in the church. They are very diligent and excellent students in High School and outstanding citizens.

The family is an exceptional asset to their community. Denes has been self-employed for many years and is a knowledgeable and successful contractor. Their family has never depended on any government aid, but rather contributes and shares their blessings with others. Denes, Joy, and their six children are truly an asset to our church and community.

Should you have any further questions, please don't hesitate to contact me.

Respectfully submitted,

PETER PETROVIC,
Pastor.

HERITAGE K-8 CHARTER SCHOOL,
Escondido, CA, January 14, 2005.

DEAR MEMBERS OF CONGRESS, I am writing this letter on behalf of the Fulop Family. I want to express my deep appreciation for Mrs. Fulop's involvement at our elementary school.

Abigail Fulop is a successful kindergarten student in my class who performs above grade level. Sarah and Elizabeth Fulop attend Heritage charter as well and are outstanding students.

Mrs. Fulop volunteers on a regular basis in my kindergarten classroom helping students become better readers. She takes a reading group and works on reading strategies that increase student' learning. She also takes time to volunteer in her daughter Sarah's class. Her time and effort fosters a learning environment. Recently she participated in a cooking demonstration for the class. She also takes time out of her busy schedule to help her daughter's third grade teacher plan and prepare for field trips.

In all these things I have confidence that she is a valuable asset to our school and community. Please consider supporting their desire to remain with us. Please feel free to contact me with any questions.

Sincerely,

MRS. MORRIS.

R. RIMMER CONSTRUCTION INC.,
Cardiff, CA, January 13, 2005.

TO WHOM IT MAY CONCERN: The purpose of this letter is to describe my relationship with Dennis Fulop, whom I have known for approximately twenty-two years.

As a building contractor in the San Diego area I have been fortunate to have worked with Dennis for most of those years. He has constructed nearly all of the foundations for the room additions and new houses that I have built. Dennis has also constructed most of the driveways, sidewalks, retaining walls, fireplaces and masonry on my projects. He has also attended to much of my finish grading, drainage and backhoe construction needs.

Dennis has long been an invaluable member of my construction "team". He is very knowledgeable in nearly all construction matters. He has always been very reliable and responsible in meeting deadlines and upholding high standards of construction quality.

Dennis is also a very successful small business owner. He has his own credit accounts with all of the necessary construction suppliers and to my knowledge has always paid his bills in a timely manner. In fact, I have never been contacted or liened by any of his suppliers to date. Dennis is also very proficient at managing and providing work for his employees.

Dennis's wife Joy is a dedicated wife and mother to their six children.

I am very thankful to know the Fulop family personally and I can attest that their values and deeply held convictions make them valuable contributors to their local community and society as a whole.

Sincerely,

RON RIMMER,
President.

By Mrs. FEINSTEIN:

S. 113. A bill to modify the date as of which certain tribal land of the Lytton Rancheria of California is deemed to be held in trust; to the Committee on Indian Affairs.

Mr. President, I rise today to introduce legislation that would strike a small provision in the Omnibus Indian Advancement Act of 2000; language that circumvents the Indian Gaming Regulatory Act's common-sense protections and safeguards against the inappropriate siting of Nevada-style casinos.

In December 2000, a one-paragraph provision was attached to the Omnibus Indian Advancement Act taking land into trust for a single Indian tribe—the Lytton—with the aim of allowing the tribe to bypass the federal and state review process and expedite plans to establish a large, off-reservation gaming complex in an urban area near San Francisco. Most astoundingly, this provision included a clause which mandated that the Secretary of Interior backdate the acquisition of this land to October 17, 1988—despite the fact that the land was actually taken into trust in 2004. This backdating permitted the tribe to completely circumvent the Indian Gaming Regulatory Act's requirements for gaming on newly acquired lands and avoid an important consultative process prescribed in federal law.

Today California is home to 110 federally recognized tribes. Sixty-six tribes have gaming compacts with the state and there are 57 tribal casinos. With more than 50 tribes seeking federal recognition and approximately 25 recognized tribes seeking gaming compacts from the Governor, revenues from California's tribal gaming industry are expected to be the highest of any state's by the end of the decade. According to the latest statistics released by the National Indian Gaming Commission, in 2003 California by itself accounted for about half of the increase in gaming revenues nationwide.

Mr. President, I have serious reservations about the expansion of Nevada-style gaming—with its slot machines and in-house banking—into urban areas, and I am particularly concerned about off-reservation gambling and "reservation shopping". Off-reservation casinos often cause counties additional costs in public and local services, intrude on residential areas, and are responsible for an increase of traffic and crime within local communities.

That is why Section 20 of the Indian Gaming Regulatory Act requires that tribes complete a "two-part determination" process prior to engaging in Class III gaming on newly acquired, or off-reservation lands. Under this law, tribes seeking to game on lands acquired after October 17, 1988, must receive the approval of both the state

Governor and the Secretary of the Interior. In addition, this process requires that the Secretary of the Interior consult with local communities and nearby tribes before making a final decision in these cases.

In August 2004, the Lytton tribe and the Governor of my state reached an agreement on a compact that would have permitted the development of a 6-8 story casino housing 5,000 slot machines. Notably, this would be the largest inventory of slot machines found in any casino outside of Connecticut. After the State Legislature balked at approving this massive deal, the Governor and the tribe agreed to put forward a revised compact that would allow for a 2,500 slot casino, while permitting the tribe to negotiate for additional slots in 2008. This latest proposal remains unratified by the State Legislature.

Mr. President, without this legislation, the Lytton tribe will be able to open a massive gambling complex in a metropolitan area outside the regulations set up by the Indian Gaming Regulatory Act. Allowing this to happen would set a dangerous precedent not only for California, but every state where tribal gaming is permitted.

The changes I seek today are extremely limited. This legislation would not reverse restoration of the tribe. It would not infringe on Native American sovereignty. It does not affect the land acquisition or even block the casino proposal. It only seeks to give the State and the local communities a voice in the process and ensure that gaming continues to be organized within the framework of the Indian Gaming Regulatory Act.

The Indian Gaming Regulatory Act has provided this Nation with a fair and balanced approach to Indian gaming by facilitating tribal plans for economic recovery without compromising a multitude of factors that should be taken into account when deciding on the siting of casinos. This law works. It is a fair process that should continue to be followed.

It is simply not asking too much to require that Lytton be subject to the regulatory and approval processes applicable to newly acquired tribal lands by the Indian Gaming Regulatory Act.

I hope my colleagues will support this legislation and I look forward to working with the Chairman and Ranking Member of the Indian Affairs Committee to pass this legislation quickly.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 113

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LYTTON RANCHERIA OF CALIFORNIA.

Section 819 of the Omnibus Indian Advancement Act (114 Stat. 2919) is amended by striking the last sentence.

By Mr. KERRY (for himself, Mr. KENNEDY, Mrs. MURRAY, Mr. LAUTENBERG, Mr. CORZINE, and Ms. CANTWELL):

S. 114. A bill to amend titles XIX and XXI of the Social Security Act to ensure that every uninsured child in America has health insurance coverage, and for other purposes; to the Committee on Finance.

Mr. KENNEDY. Mr. President, I'm honored to join my friend and colleague, Senator KERRY, in introducing this legislation to guarantee affordable health insurance for every child. We made a good start toward this goal in the 1990s, by enacting the Children's Health Insurance Program to cover more low-income children. Now it is time to finish the job.

Twelve million Americans who are twenty-one years old or younger have no health insurance today. Seven million are already eligible for Medicaid or CHIP, but five million are not eligible for these current programs.

Every uninsured child represents a national failure. Every uninsured child is at risk for losing the healthy start in life that should be birthright of every American. Every uninsured child is a potential source of heartbreak for parents and other loved ones. Every uninsured child is an American tragedy waiting to happen.

This year, three hundred eighty thousand children suffering from asthma will never see a doctor. Five hundred thousand children with recurrent earaches will never see a doctor. Five hundred thousand children with severe sore throats will never see a doctor.

Uninsured children pay for their lack of coverage in human suffering, unnecessary disability, and even death, and our society pays too. Sick children cannot learn. Every child whose education is limited or whose future potential is lost because of avoidable illness is a loss to America, because America's children are America's future.

The legislation we are introducing today will guarantee coverage for every child twenty-one years of age or younger. It makes health insurance affordable for every family, but it also asks families to share the responsibility of covering their children, when they are able to do so.

The bill expands Medicaid and CHIP up to 300 percent of poverty. Families of moderate means will be able to obtain subsidized coverage for their children. Families with incomes above 300 percent of poverty will be able to buy into Medicaid or CHIP for their children, and they will be guaranteed that the cost will not exceed 5 percent of their family income.

The bill also lifts the cap on CHIP funding that has caused some States to limit enrollment. It assists States financially by shifting current State spending for children under 100 percent of poverty to the Federal government. It requires all States to adopt the proven methods that encourage families to enroll and stay enrolled—methods such as presumptive eligibility, the ability to apply on-line or by telephone for the coverage, and coverage for at least twelve months without eligibility redeterminations.

This legislation is vitally important to all children. It is a pledge that they will have access to good health care without regard to their family's wealth. It is a commitment to a healthy start in life for every child.

As important as those objectives are, the significance of this legislation goes beyond coverage of all children. It is a major step toward the day when the basic right to health care will be a reality for every American, whatever their age or income. We will not rest until that goal is achieved, and I commend Senator KERRY for leading this essential effort.

By Mrs. FEINSTEIN:

S. 115. A bill to require Federal agencies, and persons engaged in interstate commerce, in possession of electronic data containing personal information, to disclose any unauthorized acquisition of such information; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise to introduce the Notification of Risk to Personal Data Act of 2005. This legislation will require that individuals are notified when their most sensitive personal information is stolen from a corporate or government database. This is the second Congress in a row that I have introduced this legislation—it is time for us to pass it to give Americans the notice they need to protect themselves from identity thieves.

Specifically, the bill would require government or private entities to notify individuals if a data breach has compromised their Social Security number, driver's license number, credit card number, debit card number or financial account numbers.

In most cases, if authorities know that someone is a victim of a crime, the victim is notified. But, that isn't the case if an individual's most sensitive personal information is stolen from an electronic database.

Measuring the problem of security breaches is difficult, because many companies never report breaches of their systems for fear that their reputation for securing data would be harmed. But, in a survey conducted in 2004 by the FBI and the Computer Security Institute, 52 percent of respondents reported some level of unauthorized use of their computer systems. (Source: 2004 CSI/FBI Computer Crime and Security Survey)

Data breaches are becoming all too common. Consider the following incidents which have compromised the records of hundreds of thousands of Americans.

On January 10, 2005, George Mason University in Fairfax, Virginia notified 30,000 students that their names, photos and Social Security numbers were taken by an online intruder; (Source: Cnet news, "Hackers Steal ID Info from Virginia University," Monday, January 11, 2005)

On August 30, 2004, a University of California-Berkeley database containing the personal information of 600,000 people was penetrated. The computer contained names, addresses, telephone numbers, dates of birth and Social Security numbers; (Source: Associated Press, October 21, 2004)

Already in the new year, cell phone carrier T-Mobile announced that a hacker broke into its database and accessed the names and Social Security numbers of 400 customers. (Source: Cnet News, "Hacker Had Limited Access" January 12, 2004)

Last year, San Diego State University reported that hackers broke into a server, gaining access to names and Social Security numbers for more than 178,000 former and current students, alumni and staff; (Source: San Francisco Chronicle, "Colleges Leaking Confidential Data," April 5, 2004)

At the Georgia Institute of Technology, a hacker downloaded information that could have included names, addresses, phone numbers and credit card numbers for about 57,775 people; (Source: San Francisco Chronicle, "Colleges Leaking Confidential Data," April 5, 2004) and

Finally, in 2004, a Florida man and his employees hacked into Acxiom Corp.'s computer system for 16 months and stole large amounts of personal information. Christopher Way, a U.S. assistant attorney general, said then that the case represents "what may be the largest intrusion of personal data ever." (Source: Arkansas Democrat-Gazette, "Hacker Accesses Load of Data from Acxiom," July 22, 2004)

My home State of California has a similar data notification law, on which my bill today is modeled. But this sort of protection needs to be extended to all Americans.

I strongly believe Americans should be notified if a hacker gets access to their most personal data. This is both a matter of principle and a practical measure to curb identity theft.

Let me take a moment to describe the proposed legislation.

The Notification of Risk to Personal Data Act will set a national standard for notification of consumers when a data breach occurs.

The legislation requires a business or government entity to notify an individual when there is a reasonable basis to conclude that a hacker or other criminal has obtained unencrypted personal data maintained by the entity.

Personal data is defined by the bill as an individual's Social Security number, State identification number, driver's license number, financial account number, or credit card number.

The legislation's notification scheme minimizes the burdens on companies or agencies that must report a data breach. In general, notice would have to be provided to each person whose data was compromised in writing or through e-mail.

But there are important exceptions.

First, companies that have developed their own reasonable notification policies are given a safe harbor under the bill and are exempted from its notification requirements.

Second, encrypted data is exempted.

Third, where it is too expensive or impractical (e.g., contact address information is incomplete) to notify every individual who is harmed, the bill allows entities to send out an alternative form of notice called "substitute notice." Substitute notice includes posting notice on a website or notifying major media. Substitute notice would be triggered if any of the following factors exist:

(i) the agency or person demonstrates that the cost of providing direct notice would exceed $250,000;

(ii) the affected class of subject persons to be notified exceeds 500,000; or

(iii) the agency or person does not have sufficient contact information to notify people whose information is at risk.

The bill has a tough, but fair enforcement regime. Entities that fail to comply with the bill will be subject to fines by the Federal Trade Commission of $5,000 per violation or up to $25,000 per day while the violation persists. State Attorneys General can also file suit to enforce the statute.

Additionally, the bill would allow California's law to remain in effect, but preempt conflicting state laws. It is my understanding that legislators in a number of states are developing bills modeled after the California law. Reportedly, some of these bills have requirements that are inconsistent with the California legislation. It is not fair to put companies in a situation that forces them to comply with database notification laws of 50 different states.

A year after California's landmark legislation went into effect, the law has raised overall awareness of the need to have strong privacy protections in place. Chris Jay Hoofnagle, associate director of the nonprofit Electronic Privacy Information Center, said: "the California law has given the public a window into a very serious problem of information security." (Source: Associated Press, "Authorities Probe U.C. Hacking Attack," October 21, 2004)

As Beth Givens, director of the Privacy Rights Clearinghouse, points out "if [California] didn't have this law, the vast majority of these situations would go unreported." (Source: The Orange County Register, "Ingram Micro Discloses Database Break-In," May 15, 2004)

I strongly believe individuals have a right to be notified when their most sensitive information is compromised—because it is truly their information. Ask the ordinary person on the street if he or she would like to know if a criminal had illegally gained access to their personal information from a database—the answer will be a resounding yes.

Enabling consumers to be notified in a timely manner of security breaches involving their personal data will help combat the growing scourge of identity theft. If individuals are informed of the theft of their Social Security numbers or other sensitive information, they can take immediate preventative action.

They can place a fraud alert on their credit report to prevent crooks from obtaining credit cards in their name;

They can monitor their credit reports to see if unauthorized activity has occurred;

They can cancel any affected financial or consumer or utility accounts; and

They can change their phone numbers if necessary.

I look forward to working with my colleagues to pass this vitally needed legislation. This bill will give ordinary Americans more control and confidence about the safety of their personal information. Americans will have the security of knowing that should a breach occur, they will be notified and be able to take protective action. Thank you, Mr. President.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Notification of Risk to Personal Data Act".

SEC. 2. DEFINITIONS.

In this Act, the following definitions shall apply:

(1) AGENCY.—The term "agency" has the same meaning given such term in section 551(1) of title 5, United States Code.

(2) BREACH OF SECURITY OF THE SYSTEM.—The term "breach of security of the system"—

(A) means the compromise of the security, confidentiality, or integrity of computerized data that results in, or there is a reasonable basis to conclude has resulted in, the unauthorized acquisition of and access to personal information maintained by the person or business; and

(B) does not include good faith acquisition of personal information by an employee or agent of the person or business for the purposes of the person or business, if the personal information is not used or subject to further unauthorized disclosure.

(3) PERSON.—The term "person" has the same meaning given such term in section 551(2) of title 5, United States Code.

(4) PERSONAL INFORMATION.—The term "personal information" means an individual's last name in combination with any 1 or more of the following data elements, when either the name or the data elements are not encrypted:

(A) Social security number.

(B) Driver's license number or State identification number.

(C) Account number, credit or debit card number, in combination with any required security code, access code, or password that would permit access to an individual's financial account.

(5) SUBSTITUTE NOTICE.—The term "substitute notice" means—

(A) e-mail notice, if the agency or person has an e-mail address for the subject persons;

(B) conspicuous posting of the notice on the Internet site of the agency or person, if the agency or person maintains an Internet site; or

(C) notification to major media.

SEC. 3. DATABASE SECURITY.

(a) DISCLOSURE OF SECURITY BREACH.—

(1) IN GENERAL.—Any agency, or person engaged in interstate commerce, that owns or licenses electronic data containing personal information shall, following the discovery of a breach of security of the system containing such data, notify any resident of the United States whose unencrypted personal information was, or is reasonably believed to have been, acquired by an unauthorized person.

(2) NOTIFICATION OF OWNER OR LICENSEE.—Any agency, or person engaged in interstate commerce, in possession of electronic data containing personal information that the agency does not own or license shall notify the owner or licensee of the information if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person through a breach of security of the system containing such data.

(3) TIMELINESS OF NOTIFICATION.—Except as provided in paragraph (4), all notifications required under paragraph (1) or (2) shall be made as expediently as possible and without unreasonable delay following—

(A) the discovery by the agency or person of a breach of security of the system; and

(B) any measures necessary to determine the scope of the breach, prevent further disclosures, and restore the reasonable integrity of the data system.

(4) DELAY OF NOTIFICATION AUTHORIZED FOR LAW ENFORCEMENT PURPOSES.—If a law enforcement agency determines that the notification required under this subsection would impede a criminal investigation, such notification may be delayed until such law enforcement agency determines that the notification will no longer compromise such investigation.

(5) METHODS OF NOTICE.—An agency, or person engaged in interstate commerce, shall be in compliance with this subsection if it provides the resident, owner, or licensee, as appropriate, with—

(A) written notification;

(B) e-mail notice, if the person or business has an e-mail address for the subject person; or

(C) substitute notice, if—

(i) the agency or person demonstrates that the cost of providing direct notice would exceed $250,000;

(ii) the affected class of subject persons to be notified exceeds 500,000; or

(iii) the agency or person does not have sufficient contact information for those to be notified.

(6) ALTERNATIVE NOTIFICATION PROCEDURES.—Notwithstanding any other obligation under this subsection, an agency, or person engaged in interstate commerce, shall be deemed to be in compliance with this subsection if the agency or person—

(A) maintains its own reasonable notification procedures as part of an information security policy for the treatment of personal information; and

(B) notifies subject persons in accordance with its information security policy in the event of a breach of security of the system.

(7) REASONABLE NOTIFICATION PROCEDURES.—As used in paragraph (6), with respect to a breach of security of the system involving personal information described in section 2(4)(C), the term "reasonable notification procedures" means procedures that—

(A) use a security program reasonably designed to block unauthorized transactions before they are charged to the customer's account;

(B) provide for notice to be given by the owner or licensee of the database, or another party acting on behalf of such owner or licensee, after the security program indicates that the breach of security of the system has resulted in fraud or unauthorized transactions, but does not necessarily require notice in other circumstances; and

(C) are subject to examination for compliance with the requirements of this Act by 1 or more Federal functional regulators (as defined in section 509 of the Gramm-Leach Bliley Act (15 U.S.C. 6809)), with respect to the operation of the security program and the notification procedures.

(b) CIVIL REMEDIES.—

(1) PENALTIES.—Any agency, or person engaged in interstate commerce, that violates this section shall be subject to a fine of not more than $5,000 per violation, to a maximum of $25,000 per day while such violations persist.

(2) EQUITABLE RELIEF.—Any person engaged in interstate commerce that violates, proposes to violate, or has violated this section may be enjoined from further violations by a court of competent jurisdiction.

(3) OTHER RIGHTS AND REMEDIES.—The rights and remedies available under this subsection are cumulative and shall not affect any other rights and remedies available under law.

(c) ENFORCEMENT.—The Federal Trade Commission is authorized to enforce compliance with this section, including the assessment of fines under subsection (b)(1).

SEC. 4. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this Act, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with this Act;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the time the State attorney general files the action.

(b) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(c) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 5. EFFECT ON STATE LAW.

The provisions of this Act shall supersede any inconsistent provisions of law of any State or unit of local government relating to the notification of any resident of the United States of any breach of security of an electronic database containing such resident's personal information (as defined in this Act), except as provided under sections 1798.82 and 1798.29 of the California Civil Code.

SEC. 6. EFFECTIVE DATE.

This Act shall take effect on the expiration of the date which is 6 months after the date of enactment of this Act.

By Mrs. FEINSTEIN:

S. 116. A bill to require the consent of an individual prior to the sale and marketing of such individual's personally identifiable information, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I am pleased to re-introduce the "Privacy Act of 2005."

This legislation would establish, for the first time, a comprehensive national system of privacy protection. This is the second Congress in a row that I have introduced this legislation. Every year that we wait, millions more Americans become victims of identity theft. It is time for us to act.

As you know, Mr. President, I have ardently fought for years for legislation to hamper identity theft. Today, this legislation is one of three bills that I am introducing to continue that fight. I am also introducing the Social Security Number Misuse Prevention Act of 2005, and the Notification of

Risk to Personal Data Act of 2005. I urge my colleagues to pass all of them, to protect Americans from those who would steal our very identities.

At the heart of this bill is the requirement that companies may not sell consumers' most intimate personal information unless consumers affirmatively give their authorization. This is known as "opt-in." Therefore, companies must obtain consumers' written consent prior to selling their personal health information, financial information, Social Security numbers, and drivers' license data (opt-in). For this sensitive data, the bill gives the individual ultimate control over whether or not his or her information is shared. If an individual does not actively decide to permit sharing of personal data, the data is not disclosed.

The bill recognizes that different sorts of information deserve different levels of protection. For information that is still personal, but not as intimate, the bill allows businesses more flexibility. Therefore, for other personal information—names, physical addresses, e-mail addresses, telephones, photographs, birth dates, places of birth, and birth certificate numbers—companies can sell the information so long as consumers receive notice of the companies' intent, and an opportunity to object and prohibit the sale of their information. This is known as "opt-out."

That is structure of the overall bill. Let me take a moment to go over some of the specifics.

For financial data, the Privacy Act would tighten the information-sharing provisions of the Gramm-Leach-Bliley Act. This legislation would modify that statute, to prohibit the sale or disclosure of sensitive personal financial information to third parties unless the consumer affirmatively consents or opts in. The legislation would also require that banks let consumers opt out of the sharing of their personal financial information with the bank's affiliates or joint partners. The bill makes exceptions for vital public safety concerns. The Privacy Act of 2005 also prohibits banks from denying a customer a financial product or financial service if the consumer withholds consent.

For sensitive medical information, this legislation would expand on the Department of Health and Human Services privacy regulations, by extending the restrictions placed on "covered entities" (health insurers, health providers, and health care clearinghouses) to "non-covered entities" (business associates, health researchers, schools or universities, and life insurers). All of those entities will be able to share information only with the patients' consent.

For Social Security numbers, this bill will prohibit the sale or display of an individual's Social Security number to the general public without the individual's express consent, and prohibit federal, state, and local governments from displaying the numbers on the Internet, or from printing them on checks and drivers' licenses. This legislation also recognizes legitimate uses of Social Security numbers, by allowing the sale of Social Security numbers between businesses, or between the government and businesses, among other exceptions.

This legislation protects the privacy of information regardless of the medium through which it is collected. Therefore, it recognizes that both paper and electronic records are important to protecting the identities of Americans.

To minimize the regulatory burden of these privacy rules, the bill sets up a safe harbor so that industries that established approved policies will be exempt from some regulatory requirements of the legislation.

To ensure uniformity of the laws across all 50 states, the bill preempts inconsistent state laws regarding the treatment of non-sensitive information.

I note that this legislation is modeled on the California Financial Information Privacy Act, which gives consumers the right to require their consent before financial companies share their most intimate data. The plan is a good one for Californians, and it is a good one for all Americans. The fact that the California law is under assault in the courts makes it all the more vital that the uniform, national standard I introduce today becomes law.

I want to give a sense of why this legislation is so necessary. Recent statistics on the growth of identity theft show we have no time to waste in protecting personal privacy.

For years, identity theft has topped the list of complaints reported to the Federal Trade Commission. In 2003, the Commission received over half a million such complaints, about 42 percent of the total. While the FTC will not report its numbers for 2004 until early February, I unfortunately expect to again see identity theft as the cause of the most complaints.

According to a 2003 report from the FTC, 10 million Americans discovered that year their identities had been stolen. The report also stated that consumers have to spend an average of 30 hours to clear their name; The Identity Theft Resource Center puts the number at 175 hours. And as Attorney General John Ashcroft said last August, "Identity theft costs the nation's businesses nearly $50 billion a year in fraudulent transactions and often involves coordinated criminal conduct."

My own State, California, has more victims of identity theft than any other state. The FTC recorded 39.452 complaints of identity theft cases in 2003 in California alone.

But the numbers tell only part of the story. More important are the individual people whose lives have been devastated by identity theft. Let me tell just one story that I find particularly disturbing:

Eric Drew was a patient in a hospital receiving a bone marrow transplant. Yet unbeknownst to him, a worker in the hospital had stolen Drew's identity, and had taken advantage of this sick patient. As the Associated Press reported, "Drew said that while he was lying in a hospital bed, dying from cancer and weak from massive doses of chemotherapy, he began to get mail thanking him for opening accounts he knew nothing about." In this case, luckily, the criminal was caught and convicted.

Since I introduced this legislation for the first time in the 108th Congress, there are millions more stories like this one.

Indeed, there are also new common methods of identity theft. There has been a massive upswing in the phenomenon known as "Phishing," in which criminals send emails to people, spoofed to fraudulently look like emails from banks and other financial institutions. These emails tell consumers to click on a Web page, and then to enter their name, account numbers, passwords, and other sensitive financial information. The criminals then use this information not only to steal from the unwitting consumers, but to literally lock them out of their own accounts. This one sort of identity theft has, according to a December study from e-mail security company MessageLabs, increased by almost tenfold over the last year.

Given the grave risks that technology poses to our privacy, it is our responsibility to start taking action. This is especially the case for older Americans, who are disproportionately vulnerable to identity theft, as I tried to highlight last year by cosponsoring the "Protecting Older Americans From Fraud Month" resolution last October.

I would like to highlight some of the key provisions of the law.

For financial information this legislation tightens the privacy provisions of the Financial Services Modernization Act, commonly known as the Gramm-Leach-Bliley Act. Under Gramm-Leach-Bliley, a bank can share a customer's personal information with other companies so long as it gives consumers notice and the right to opt-out of the data sharing.

The problem with the prevailing opt-out is that most people throw away their privacy notices from banks along with the rest of the unrelenting pile of commercial solicitations they receive. Since the passage of Gramm-Leach-Bliley, banks have sent out over one billion privacy notices.

According to available published information, fewer than 5 percent of bank customers have opted out of sharing their personal information, and for many financial institutions, the response rate has been less than one percent.

Accordingly, this legislation prohibits the sale or disclosure of sensitive personal financial information to third parties unless the consumer affirmatively consents or opts in—the burden thus shifts off of the consumer.

This legislation also toughens Federal financial privacy laws for affiliate-sharing and joint-marketing. An affiliate is a company that is linked by common ownership with another company. Under Federal law, a bank can share with affiliates or joint marketing partners regardless of whether the consumer wants this information shared.

This legislation would require that banks give consumers the option of opting out of the sharing of their personal financial information with the bank's affiliates or joint partners.

I would also like to describe several other key components of the financial privacy section.

The bill prohibits banks from denying a customer a financial product or financial service just because the customer chooses to not disclose his personal information to third parties, affiliates, or joint venture partners. However, the bill does allow banks to offer incentives to customers to encourage them to permit the sharing of their personal information.

Additionally, the bill permits banks to disclose, but not sell, personal information to third parties for vital public interest purposes such as identifying or locating missing and abducted children, witnesses, criminals and fugitives, parents delinquent in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs.

Just as with financial data, personal health and medical data deserves the most stringent privacy protections.

The recently adopted Department of Health and Human Services privacy regulations set a basic opt-in framework for disclosure of health information. But more can be done to protect patient privacy.

The regulations only prohibit "covered entities"—namely health insurers, health providers, and health care clearinghouse—from selling a patient's health information without that patient's prior consent.

Meanwhile, non-covered entities—such as business associates, health researchers, schools or universities, and life insurers—are not subject to this opt-in requirement, except through contractual arrangements.

This legislation would preserve the privacy of health information wherever the information is sold. Any business associate, life insurer, school or non-covered entity trying to sell or market protected health information would, like covered entities, have to get the patient's prior consent. This is a crucial step to protect what is truly our most intimate information.

Drivers' license data also are given the strongest level of protection under this bill.

The Driver's Privacy Protection Act, DPPA was amended in 2000 to offer some meaningful protections for drivers' privacy.

For example, under the DPPA, a State Department of Motor Vehicles must obtain the prior consent (opt-in) of the driver before "highly sensitive information"—defined as a physical copy of the license, a Social Security number, medical or disability information, and other information can be disclosed to a third party.

However, loopholes remain. Other sensitive information found on a driver's license deserves equal protection.

This legislation would expand the definition of "highly sensitive information" to include a physical copy of a driver's license, the driver identification number, birth date, information on the driver's physical characteristics and any biometric identifiers, such as a fingerprint, that are found on the driver's license.

Thus, this bill would ensure consumers have control over how their motor vehicle records and driver's license data are used.

I would like to take a moment to highlight the Social Security number section of this legislation. I have also introduced this section as a stand-alone bill, the "Social Security Number Misuse Prevention Act of 2005."

It is crucial to protect Social Security numbers because Social Security numbers are the key to a person's identity. Many identity theft cases start with the theft of a Social Security number. Once a thief has access to a victim's Social Security number, it is only a short step to acquiring credit cards, driver's licenses, or other crucial identification documents.

This legislation bars the sale or display of Social Security numbers to the public except in a very narrow set of circumstances. In general display or sale is permitted only if the Social Security number holder affirmatively consents or if there are compelling public safety needs. Government entities will have to redact Social Security numbers from electronic records that are readily available to the public on the Internet. State governments will no longer be permitted to use the Social Security number as the default driver's license number.

The legislation, however, recognizes that some industries rely on Social Security numbers to exchange information for certain transactions.

Thus, the bill directs the Attorney General to develop regulations allowing for the sale or purchase of Social Security Numbers to facilitate business-to-business and business-to-government transactions, so long as businesses put appropriate safeguards in place and do not permit public access to the number.

This legislation codifies steps Congress can take to protect citizens from identity thieves and other predators of personal information.

It restores to an individual more control over her most sensitive personal information, such as Social Security numbers, health information, and financial information. It also sets reasonable guidelines for businesses that handle our personal information every day. Every American has a fundamental right to privacy, no matter how fast our technology grows or changes.

Last year, President Bush signed into law the Identity Theft Penalty Enhancement Act, legislation that I helped to write, to increase punishment on people who steal others' identities. I am proud of my work to make that bill into a law. But we all must realize that punishment is no substitute for prevention. My legislation today will make fewer suffer from identity theft in the first place.

I look forward to working with my colleagues to enact this legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 116

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Privacy Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents
TITLE I—COMMERCIAL SALE AND MARKETING OF PERSONALLY IDENTIFIABLE INFORMATION
Sec. 101. Collection and distribution of personally identifiable information
Sec. 102. Enforcement
Sec. 103. Safe harbor
Sec. 104. Definitions
Sec. 105. Preemption
Sec. 106. Effective Date
TITLE II—SOCIAL SECURITY NUMBER MISUSE PREVENTION
Sec. 201. Findings
Sec. 202. Prohibition of the display, sale, or purchase of social security numbers
Sec. 203. Application of prohibition of the display, sale, or purchase of social security numbers to public records
Sec. 204. Rulemaking authority of the Attorney General
Sec. 205. Treatment of social security numbers on government documents
Sec. 206. Limits on personal disclosure of a social security number for consumer transactions
Sec. 207. Extension of civil monetary penalties for misuse of a social security number
Sec. 208. Criminal penalties for the misuse of a social security number

Sec. 209. Civil actions and civil penalties
Sec. 210. Federal injunctive authority

TITLE III—LIMITATIONS ON SALE AND SHARING OF NONPUBLIC PERSONAL FINANCIAL INFORMATION

Sec. 301. Definition of sale
Sec. 302. Rules applicable to sale of nonpublic personal information
Sec. 303. Exceptions to disclosure prohibition
Sec. 304. Conforming amendments
Sec. 305. Regulatory authority
Sec. 306. Effective date

TITLE IV—LIMITATIONS ON THE PROVISION OF PROTECTED HEALTH INFORMATION

Sec. 401. Definitions
Sec. 402. Prohibition against selling protected health information
Sec. 403. Authorization for sale or marketing of protected health information by noncovered entities
Sec. 404. Prohibition against retaliation
Sec. 405. Rule of construction
Sec. 406. Regulations
Sec. 407. Enforcement

TITLE V—DRIVER'S LICENSE PRIVACY

Sec. 501. Driver's license privacy

TITLE VI—MISCELLANEOUS

Sec. 601. Enforcement by State Attorneys General
Sec. 602. Federal injunctive authority

TITLE I—COMMERCIAL SALE AND MARKETING OF PERSONALLY IDENTIFIABLE INFORMATION

SEC. 101. COLLECTION AND DISTRIBUTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) Prohibition.—

(1) In general.—It is unlawful for a commercial entity to collect personally identifiable information and disclose such information to any nonaffiliated third party for marketing purposes or sell such information to any nonaffiliated third party, unless the commercial entity provides—

(A) notice to the individual to whom the information relates in accordance with the requirements of subsection (b); and

(B) an opportunity for such individual to restrict the disclosure or sale of such information.

(2) Exception.—A commercial entity may collect personally identifiable information and use such information to market to potential customers such entity's product.

(b) Notice.—

(1) In general.—A notice under subsection (a) shall contain statements describing the following:

(A) The identity of the commercial entity collecting the personally identifiable information.

(B) The types of personally identifiable information that are being collected on the individual.

(C) How the commercial entity may use such information.

(D) A description of the categories of potential recipients of such personally identifiable information.

(E) Whether the individual is required to provide personally identifiable information in order to do business with the commercial entity.

(F) How an individual may decline to have such personally identifiable information used or sold as described in subsection (a).

(2) Time of notice.—Notice shall be conveyed prior to the sale or use of the personally identifiable information as described in subsection (a) in such a manner as to allow the individual a reasonable period of time to consider the notice and limit such sale or use.

(3) Medium of notice.—The medium for providing notice must be—

(A) the same medium in which the personally identifiable information is or will be collected, or a medium approved by the individual; or

(B) in the case of oral communication, notice may be conveyed orally or in writing.

(4) Form of notice.—The notice shall be clear and conspicuous.

(c) Opt-out.—

(1) Opportunity to opt-out of sale or marketing.—The opportunity provided to limit the sale of personally identifiable information to nonaffiliated third parties or the disclosure of such information for marketing purposes, shall be easy to use, accessible and available in the medium the information is collected, or in a medium approved by the individual.

(2) Duration of limitation.—An individual's limitation on the sale or marketing of personally identifiable information shall be considered permanent, unless otherwise specified by the individual.

(3) Revocation of consent.—After an individual grants consent to the use of that individual's personally identifiable information, the individual may revoke the consent at any time, except to the extent that the commercial entity has taken action in reliance thereon. The commercial entity shall provide the individual an opportunity to revoke consent that is easy to use, accessible, and available in the medium the information was or is collected.

(4) Not applicable.—This section shall not apply to disclosure of personally identifiable information—

(A) that is necessary to facilitate a transaction specifically requested by the consumer;

(B) is used for the sole purpose of facilitating this transaction; and

(C) in which the entity receiving or obtaining such information is limited, by contract, to use such formation for the purpose of completing the transaction.

SEC. 102. ENFORCEMENT.

(a) In General.—In accordance with the provisions of this section, the Federal Trade Commission shall have the authority to enforce any violation of section 101 of this Act.

(b) Violations.—The Federal Trade Commission shall treat a violation of section 101 as a violation of a rule under section 18a(a)(1)(B) of the Federal Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

(c) Transfer of Enforcement Authority.—The Federal Trade Commission shall promulgate rules in accordance with section 553 of title 5, United States Code, allowing for the transfer of enforcement authority from the Federal Trade Commission to a Federal agency regarding section 101 of this Act. The Federal Trade Commission may permit a Federal agency to enforce any violation of section 101 if such agency submits a written request to the Commission to enforce such violations and includes in such request—

(1) a description of the entities regulated by such agency that will be subject to the provisions of section 101;

(2) an assurance that such agency has sufficient authority over the entities to enforce violations of section 101; and

(3) a list of proposed rules that such agency shall use in regulating such entities and enforcing section 101.

(d) Actions by the Commission.—Absent transfer of enforcement authority to a Federal agency under subsection (c), the Federal Trade Commission shall prevent any person from violating section 101 in the same manner, by the same means, and with the same jurisdiction, powers, and duties as provided to such Commission under the Federal Trade Commission Act (15 U.S.C. 41 et seq.). Any entity that violates section 101 is subject to the penalties and entitled to the privileges and immunities provided in such Act in the same manner, by the same means, and with the same jurisdiction, power, and duties under such Act.

(e) Relationship to Other Laws.—

(1) Commission authority.—Nothing contained in this title shall be construed to limit authority provided to the Commission under any other law.

(2) Communications act.—Nothing in section 101 requires an operator of a website to take any action that is inconsistent with the requirements of section 222 or 631 of the Communications Act of 1934 (47 U.S.C. 222 and 5551).

(3) Other acts.—Nothing in this title is intended to affect the applicability or the enforceability of any provision of, or any amendment made by—

(A) the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.);

(B) title V of the Gramm-Leach-Bliley Act;

(C) the Health Insurance Portability and Accountability Act of 1996; or

(D) the Fair Credit Reporting Act.

(f) Public Records.—Nothing in this title shall be construed to restrict commercial entities from obtaining or disclosing personally identifying information from public records.

(g) Civil Penalties.—In addition to any other penalty applicable to a violation of section 101(a), a penalty of up to $25,000 may be issued for each violation.

(h) Enforcement Regarding Programs.—

(1) In general.—A Federal agency or department providing financial assistance to any entity required to comply with section 101 of this Act shall issue regulations requiring that such entity comply with such section or forfeit some or all of such assistance. Such regulations shall prescribe sanctions for noncompliance, require that such department or agency provide notice of failure to comply with such section prior to any action being taken against such recipient, and require that a determination be made prior to any action being taken against such recipient that compliance cannot be secured by voluntary means.

(2) Federal financial assistance.—The term "Federal financial assistance" means assistance through a grant, cooperative agreement, loan, or contract other than a contract of insurance or guaranty.

SEC. 103. SAFE HARBOR.

A commercial entity may not be held to have violated any provision of this title if such entity complies with self-regulatory guidelines that—

(1) are issued by seal programs or representatives of the marketing or online industries or by any other person; and

(2) are approved by the Federal Trade Commission, after public comment has been received on such guidelines by the Commission, as meeting the requirements of this title.

SEC. 104. DEFINITIONS.

In this title:

(1) Commercial entity.—The term "commercial entity"—

(A) means any person offering products or services involving commerce—

(i) among the several States or with 1 or more foreign nations;

(ii) in any territory of the United States or in the District of Columbia, or between any such territory and—

(I) another such territory; or

(II) any State or foreign nation; or

(iii) between the District of Columbia and any State, territory, or foreign nation; and

(B) does not include—

(i) any nonprofit entity that would otherwise be exempt from coverage under section 5 of the Federal Trade Commission Act (15 U.S.C. 45);

(ii) any financial institution that is subject to title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.); or

(iii) any group health plan, health insurance issuer, or other entity that is subject to the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. 201 note).

(2) COMMISSION.—The term "Commission" means the Federal Trade Commission.

(3) INDIVIDUAL.—The term :"individual" means a person whose personally identifying information has been, is, or will be collected by a commercial entity.

(4) MARKETING.—The term "marketing" means to make a communication about a product or service a purpose of which is to encourage recipients of the communication to purchase or use the product or service.

(5) MEDIUM.—The term "medium" means any channel or system of communication including oral, written, and online communication.

(6) NONAFFILIATED THIRD PARTY.—The term "nonaffiliated third party" means any entity that is not related by common ownership or affiliated by corporate control with, the commercial entity, but does not include a joint employee of such institution.

(7) PERSONALLY IDENTIFIABLE INFORMATION.—The term "personally identifiable information" means individually identifiable information about the individual that is collected including—

(A) a first, middle, or last name, whether given at birth or adoption, assumed, or legally changed;

(B) a home or other physical address, including the street name, zip code, and name of a city or town;

(C) an e-mail address;

(D) a telephone number;

(E) a photograph or other form of visual identification;

(F) a birth date, birth certificate number, or place of birth for that person; or

(G) information concerning the individual that is combined with any other identifier in this paragraph.

(8) SALE; SELL; SOLD.—The terms "sale", "sell", and "sold", with respect to personally identifiable information, mean the exchanging of such information for any thing of value, directly or indirectly, including the licensing, bartering, or renting of such information.

(9) WRITING.—The term "writing" means writing in either a paper-based or computer-based form, including electronic and digital signatures.

SEC. 105. PREEMPTION.

The provisions of this title shall supersede any statutory and common law of States and their political subdivisions insofar as that law may now or hereafter relate to the—

(1) collection and disclosure of personally identifiable information for marketing purposes; and

(2) collection and sale of personally identifiable information.

SEC. 106. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 1 year after the date of enactment of this Act.

TITLE II—SOCIAL SECURITY NUMBER MISUSE PREVENTION

SEC. 201. FINDINGS.

Congress makes the following findings:

(1) The inappropriate display, sale, or purchase of social security numbers has contributed to a growing range of illegal activities, including fraud, identity theft, and, in some cases, stalking and other violent crimes.

(2) While financial institutions, health care providers, and other entities have often used social security numbers to confirm the identity of an individual, the general display to the public, sale, or purchase of these numbers has been used to commit crimes, and also can result in serious invasions of individual privacy.

(3) The Federal Government requires virtually every individual in the United States to obtain and maintain a social security number in order to pay taxes, to qualify for social security benefits, or to seek employment. An unintended consequence of these requirements is that social security numbers have become one of the tools that can be used to facilitate crime, fraud, and invasions of the privacy of the individuals to whom the numbers are assigned. Because the Federal Government created and maintains this system, and because the Federal Government does not permit individuals to exempt themselves from those requirements, it is appropriate for the Federal Government to take steps to stem the abuse of social security numbers.

(4) The display, sale, or purchase of social security numbers in no way facilitates uninhibited, robust, and wide-open public debate, and restrictions on such display, sale, or purchase would not affect public debate.

(5) No one should seek to profit from the display, sale, or purchase of social security numbers in circumstances that create a substantial risk of physical, emotional, or financial harm to the individuals to whom those numbers are assigned.

(6) Consequently, this title provides each individual that has been assigned a social security number some degree of protection from the display, sale, and purchase of that number in any circumstance that might facilitate unlawful conduct.

SEC. 202. PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS.

(a) PROHIBITION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by inserting after section 1028 the following:

"§ 1028A. Prohibition of the display, sale, or purchase of social security numbers

"(a) DEFINITIONS.—In this section:

"(1) DISPLAY.—The term 'display' means to intentionally communicate or otherwise make available (on the Internet or in any other manner) to the general public an individual's social security number.

"(2) PERSON.—The term 'person' means any individual, partnership, corporation, trust, estate, cooperative, association, or any other entity.

"(3) PURCHASE.—The term 'purchase' means providing directly or indirectly, anything of value in exchange for a social security number.

"(4) SALE.—The term 'sale' means obtaining, directly or indirectly, anything of value in exchange for a social security number.

"(5) STATE.—The term 'State' means any State of the United States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any territory or possession of the United States.

"(b) LIMITATION ON DISPLAY.—Except as provided in section 1028B, no person may display any individual's social security number to the general public without the affirmatively expressed consent of the individual.

"(c) LIMITATION ON SALE OR PURCHASE.—Except as otherwise provided in this section, no person may sell or purchase any individual's social security number without the affirmatively expressed consent of the individual.

"(d) PREREQUISITES FOR CONSENT.—In order for consent to exist under subsection (b) or (c), the person displaying or seeking to display, selling or attempting to sell, or purchasing or attempting to purchase, an individual's social security number shall—

"(1) inform the individual of the general purpose for which the number will be used, the types of persons to whom the number may be available, and the scope of transactions permitted by the consent; and

"(2) obtain the affirmatively expressed consent (electronically or in writing) of the individual.

"(e) EXCEPTIONS.—Nothing in this section shall be construed to prohibit or limit the display, sale, or purchase of a social security number—

"(1) required, authorized, or excepted under any Federal law;

"(2) for a public health purpose, including the protection of the health or safety of an individual in an emergency situation;

"(3) for a national security purpose;

"(4) for a law enforcement purpose, including the investigation of fraud and the enforcement of a child support obligation;

"(5) if the display, sale, or purchase of the number is for a use occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction), including, but not limited to—

"(A) the prevention of fraud (including fraud in protecting an employee's right to employment benefits);

"(B) the facilitation of credit checks or the facilitation of background checks of employees, prospective employees, or volunteers;

"(C) the retrieval of other information from other businesses, commercial enterprises, government entities, or private nonprofit organizations; or

"(D) when the transmission of the number is incidental to, and in the course of, the sale, lease, franchising, or merger of all, or a portion of, a business;

"(6) if the transfer of such a number is part of a data matching program involving a Federal, State, or local agency; or

"(7) if such number is required to be submitted as part of the process for applying for any type of Federal, State, or local government benefit or program;

except that, nothing in this subsection shall be construed as permitting a professional or commercial user to display or sell a social security number to the general public.

"(f) LIMITATION.—Nothing in this section shall prohibit or limit the display, sale, or purchase of social security numbers as permitted under title V of the Gramm-Leach-Bliley Act, or for the purpose of affiliate sharing as permitted under the Fair Credit Reporting Act, except that no entity regulated under such Acts may make social security numbers available to the general public, as may be determined by the appropriate regulators under such Acts. For purposes of this subsection, the general public shall not include affiliates or unaffiliated third-party business entities as may be defined by the appropriate regulators.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code, is amended by inserting after the item relating to section 1028 the following:

"1028A. Prohibition of the display, sale, or purchase of social security numbers''.

(b) STUDY; REPORT.—

(1) IN GENERAL.—The Attorney General shall conduct a study and prepare a report on all of the uses of social security numbers permitted, required, authorized, or excepted under any Federal law. The report shall include a detailed description of the uses allowed as of the date of enactment of this Act and shall evaluate whether such uses should be continued or discontinued by appropriate legislative action.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall report to Congress findings under this subsection. The report shall include such recommendations for legislation based on criteria the Attorney General determines to be appropriate.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is 30 days after the date on which the final regulations promulgated under section 5 are published in the Federal Register.

SEC. 203. APPLICATION OF PROHIBITION OF THE DISPLAY, SALE, OR PURCHASE OF SOCIAL SECURITY NUMBERS TO PUBLIC RECORDS.

(a) PUBLIC RECORDS EXCEPTION.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code (as amended by section 3(a)(1)), is amended by inserting after section 1028A the following:

"§ 1028B. Display, sale, or purchase of public records containing social security numbers

"(a) DEFINITION.—In this section, the term 'public record' means any governmental record that is made available to the general public.

"(b) IN GENERAL.—Except as provided in subsections (c), (d), and (e), section 1028A shall not apply to a public record.

"(c) PUBLIC RECORDS ON THE INTERNET OR IN AN ELECTRONIC MEDIUM.—

"(1) IN GENERAL.—Section 1028A shall apply to any public record first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity after the date of enactment of this section, except as limited by the Attorney General in accordance with paragraph (2).

"(2) EXCEPTION FOR GOVERNMENT ENTITIES ALREADY PLACING PUBLIC RECORDS ON THE INTERNET OR IN ELECTRONIC FORM.—Not later than 60 days after the date of enactment of this section, the Attorney General shall issue regulations regarding the applicability of section 1028A to any record of a category of public records first posted onto the Internet or provided in an electronic medium by, or on behalf of a government entity prior to the date of enactment of this section. The regulations will determine which individual records within categories of records of these government entities, if any, may continue to be posted on the Internet or in electronic form after the effective date of this section. In promulgating these regulations, the Attorney General may include in the regulations a set of procedures for implementing the regulations and shall consider the following:

"(A) The cost and availability of technology available to a governmental entity to redact social security numbers from public records first provided in electronic form after the effective date of this section.

"(B) The cost or burden to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments of complying with section 1028A with respect to such records.

"(C) The benefit to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.

Nothing in the regulation shall permit a public entity to post a category of public records on the Internet or in electronic form after the effective date of this section if such category had not been placed on the Internet or in electronic form prior to such effective date.

"(d) HARVESTED SOCIAL SECURITY NUMBERS.—Section 1028A shall apply to any public record of a government entity which contains social security numbers extracted from other public records for the purpose of displaying or selling such numbers to the general public.

"(e) ATTORNEY GENERAL RULEMAKING ON PAPER RECORDS.—

"(1) IN GENERAL.—Not later than 60 days after the date of enactment of this section, the Attorney General shall determine the feasibility and advisability of applying section 1028A to the records listed in paragraph (2) when they appear on paper or on another nonelectronic medium. If the Attorney General deems it appropriate, the Attorney General may issue regulations applying section 1028A to such records.

"(2) LIST OF PAPER AND OTHER NONELECTRONIC RECORDS.—The records listed in this paragraph are as follows:

"(A) Professional or occupational licenses.

"(B) Marriage licenses.

"(C) Birth certificates.

"(D) Death certificates.

"(E) Other short public documents that display a social security number in a routine and consistent manner on the face of the document.

"(3) CRITERIA FOR ATTORNEY GENERAL REVIEW.—In determining whether section 1028A should apply to the records listed in paragraph (2), the Attorney General shall consider the following:

"(A) The cost or burden to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments of complying with section 1028A.

"(B) The benefit to the general public, businesses, commercial enterprises, non-profit organizations, and to Federal, State, and local governments if the Attorney General were to determine that section 1028A should apply to such records.''.

(2) CONFORMING AMENDMENT.—The chapter analysis for chapter 47 of title 18, United States Code (as amended by section 202(a)(2)), is amended by inserting after the item relating to section 1028A the following:

"1028B. Display, sale, or purchase of public records containing social security numbers''.

(b) STUDY AND REPORT ON SOCIAL SECURITY NUMBERS IN PUBLIC RECORDS.—

(1) STUDY.—The Comptroller General of the United States shall conduct a study and prepare a report on social security numbers in public records. In developing the report, the Comptroller General shall consult with the Administrative Office of the United States Courts, State and local governments that store, maintain, or disseminate public records, and other stakeholders, including members of the private sector who routinely use public records that contain social security numbers.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the study conducted under paragraph (1). The report shall include a detailed description of the activities and results of the study and recommendations for such legislative action as the Comptroller General considers appropriate. The report, at a minimum, shall include—

(A) a review of the uses of social security numbers in non-federal public records;

(B) a review of the manner in which public records are stored (with separate reviews for both paper records and electronic records);

(C) a review of the advantages or utility of public records that contain social security numbers, including the utility for law enforcement, and for the promotion of homeland security;

(D) a review of the disadvantages or drawbacks of public records that contain social security numbers, including criminal activity, compromised personal privacy, or threats to homeland security;

(E) the costs and benefits for State and local governments of removing social security numbers from public records, including a review of current technologies and procedures for removing social security numbers from public records; and

(F) an assessment of the benefits and costs to businesses, their customers, and the general public of prohibiting the display of social security numbers on public records (with separate assessments for both paper records and electronic records).

(c) EFFECTIVE DATE.—The prohibition with respect to electronic versions of new classes of public records under section 1028B(b) of title 18, United States Code (as added by subsection (a)(1)) shall not take effect until the date that is 60 days after the date of enactment of this Act.

SEC. 204. RULEMAKING AUTHORITY OF THE ATTORNEY GENERAL.

(a) IN GENERAL.—Except as provided in subsection (b), the Attorney General may prescribe such rules and regulations as the Attorney General deems necessary to carry out the provisions of section 1028A(e)(5) of title 18, United States Code (as added by section 202(a)(1)).

(b) DISPLAY, SALE, OR PURCHASE RULEMAKING WITH RESPECT TO INTERACTIONS BETWEEN BUSINESSES, GOVERNMENTS, OR BUSINESS AND GOVERNMENT.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Attorney General, in consultation with the Commissioner of Social Security, the Chairman of the Federal Trade Commission, and such other heads of Federal agencies as the Attorney General determines appropriate, shall conduct such rulemaking procedures in accordance with subchapter II of chapter 5 of title 5, United States Code, as are necessary to promulgate regulations to implement and clarify the uses occurring as a result of an interaction between businesses, governments, or business and government (regardless of which entity initiates the interaction) permitted under section 1028A(e)(5) of title 18, United States Code (as added by section 202(a)(1)).

(2) FACTORS TO BE CONSIDERED.—In promulgating the regulations required under paragraph (1), the Attorney General shall, at a minimum, consider the following:

(A) The benefit to a particular business, to customers of the business, and to the general public of the display, sale, or purchase of an individual's social security number.

(B) The costs that businesses, customers of businesses, and the general public may incur as a result of prohibitions on the display, sale, or purchase of social security numbers.

(C) The risk that a particular business practice will promote the use of a social security number to commit fraud, deception, or crime.

(D) The presence of adequate safeguards and procedures to prevent—

(i) misuse of social security numbers by employees within a business; and

(ii) misappropriation of social security numbers by the general public, while permitting internal business uses of such numbers.

(E) The presence of procedures to prevent identity thieves, stalkers, and other individuals with ill intent from posing as legitimate businesses to obtain social security numbers.

SEC. 205. TREATMENT OF SOCIAL SECURITY NUMBERS ON GOVERNMENT DOCUMENTS.

(a) Prohibition of Use of Social Security Account Numbers on Checks Issued for Payment by Governmental Agencies.—

(1) In general.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) is amended by adding at the end the following:

"(x) No Federal, State, or local agency may display the social security account number of any individual, or any derivative of such number, on any check issued for any payment by the Federal, State, or local agency.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to violations of section 205(c)(2)(C)(x) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(x)), as added by paragraph (1), occurring after the date that is 3 years after the date of enactment of this Act.

(b) Prohibition of Appearance of Social Security Account Numbers on Driver's Licenses or Motor Vehicle Registration.—

(1) In general.—Section 205(c)(2)(C)(vi) of the Social Security Act (42 U.S.C. 405(c)(2)(C)(vi)) is amended—

(A) by inserting "(I)" after "(vi)"; and

(B) by adding at the end the following:

"(II)(aa) An agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, may not display the social security account numbers issued by the Commissioner of Social Security, or any derivative of such numbers, on the face of any driver's license or motor vehicle registration or any other document issued by such State (or political subdivision thereof) to an individual for purposes of identification of such individual.

"(bb) Nothing in this subclause shall be construed as precluding an agency of a State (or political subdivision thereof), in the administration of any driver's license or motor vehicle registration law within its jurisdiction, from using a social security account number for an internal use or to link with the database of an agency of another State that is responsible for the administration of any driver's license or motor vehicle registration law.".

(2) Effective date.—The amendments made by this subsection shall apply with respect to licenses, registrations, and other documents issued or reissued after the date that is 1 year after the date of enactment of this Act.

(c) Prohibition of Inmate Access to Social Security Account Numbers.—

(1) In general.—Section 205(c)(2)(C) of the Social Security Act (42 U.S.C. 405(c)(2)(C)) (as amended by subsection (b)) is amended by adding at the end the following:

"(xi) No Federal, State, or local agency may employ, or enter into a contract for the use or employment of, prisoners in any capacity that would allow such prisoners access to the social security account numbers of other individuals. For purposes of this clause, the term 'prisoner' means an individual confined in a jail, prison, or other penal institution or correctional facility pursuant to such individual's conviction of a criminal offense.".

(2) Effective date.—The amendment made by this subsection shall apply with respect to employment of prisoners, or entry into contract with prisoners, after the date that is 1 year after the date of enactment of this Act.

SEC. 206. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

(a) In General.—Part A of title XI of the Social Security Act (42 U.S.C. 1301 et seq.) is amended by adding at the end the following:

"SEC. 1150A. LIMITS ON PERSONAL DISCLOSURE OF A SOCIAL SECURITY NUMBER FOR CONSUMER TRANSACTIONS.

"(a) In General.—A commercial entity may not require an individual to provide the individual's social security number when purchasing a commercial good or service or deny an individual the good or service for refusing to provide that number except—

"(1) for any purpose relating to—

"(A) obtaining a consumer report for any purpose permitted under the Fair Credit Reporting Act;

"(B) a background check of the individual conducted by a landlord, lessor, employer, voluntary service agency, or other entity as determined by the Attorney General;

"(C) law enforcement; or

"(D) a Federal, State, or local law requirement; or

"(2) if the social security number is necessary to verify the identity of the consumer to effect, administer, or enforce the specific transaction requested or authorized by the consumer, or to prevent fraud.

"(b) Application of Civil Money Penalties.—A violation of this section shall be deemed to be a violation of section 1129(a)(3)(F).

"(c) Application of Criminal Penalties.—A violation of this section shall be deemed to be a violation of section 208(a)(8).

"(d) Limitation on Class Actions.—No class action alleging a violation of this section shall be maintained under this section by an individual or any private party in Federal or State court.

"(e) State Attorney General Enforcement.—

"(1) In general.—

"(A) Civil actions.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under this section, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

"(i) enjoin that practice;

"(ii) enforce compliance with such section;

"(iii) obtain damages, restitution, or other compensation on behalf of residents of the State; or

"(iv) obtain such other relief as the court may consider appropriate.

"(B) Notice.—

"(i) In general.—Before filing an action under subparagraph (A), the attorney general of the State involved shall provide to the Attorney General—

"(I) written notice of the action; and

"(II) a copy of the complaint for the action.

"(ii) Exemption.—

"(I) In general.—Clause (i) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

"(II) Notification.—With respect to an action described in subclause (I), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

"(2) Intervention.—

"(A) In general.—On receiving notice under paragraph (1)(B), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

"(B) Effect of intervention.—If the Attorney General intervenes in the action under paragraph (1), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

"(3) Construction.—For purposes of bringing any civil action under paragraph (1), nothing in this section shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

"(A) conduct investigations;

"(B) administer oaths or affirmations; or

"(C) compel the attendance of witnesses or the production of documentary and other evidence.

"(4) Actions by the attorney general of the United States.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under this section, no State may, during the pendency of that action, institute an action under paragraph (1) against any defendant named in the complaint in that action for violation of that practice.

"(5) Venue; service of process.—

"(A) Venue.—Any action brought under paragraph (1) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

"(B) Service of process.—In an action brought under paragraph (1), process may be served in any district in which the defendant—

"(i) is an inhabitant; or

"(ii) may be found.

"(f) Sunset.—This section shall not apply on or after the date that is 6 years after the effective date of this section.".

(b) Evaluation and Report.—Not later than the date that is 6 years and 6 months after the date of enactment of this Act, the Attorney General, in consultation with the chairman of the Federal Trade Commission, shall issue a report evaluating the effectiveness and efficiency of section 1150A of the Social Security Act (as added by subsection (a)) and shall make recommendations to Congress as to any legislative action determined to be necessary or advisable with respect to such section, including a recommendation regarding whether to reauthorize such section.

(c) Effective Date.—The amendment made by subsection (a) shall apply to requests to provide a social security number occurring after the date that is 1 year after the date of enactment of this Act.

SEC. 207. EXTENSION OF CIVIL MONETARY PENALTIES FOR MISUSE OF A SOCIAL SECURITY NUMBER.

(a) TREATMENT OF WITHHOLDING OF MATERIAL FACTS.—

(1) CIVIL PENALTIES.—The first sentence of section 1129(a)(1) of the Social Security Act (42 U.S.C. 1320a–8(a)(1)) is amended—

(A) by striking "who" and inserting "who—";

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(A) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(B) makes such a statement or representation for such use with knowing disregard for the truth; or

"(C) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to";

(C) by inserting "or each receipt of such benefits while withholding disclosure of such fact" after "each such statement or representation";

(D) by inserting "or because of such withholding of disclosure of a material fact" after "because of such statement or representation"; and

(E) by inserting "or such a withholding of disclosure" after "such a statement or representation".

(2) ADMINISTRATIVE PROCEDURE FOR IMPOSING PENALTIES.—The first sentence of section 1129A(a) of the Social Security Act (42 U.S.C. 1320a–8a(a)) is amended—

(A) by striking "who" and inserting "who—"; and

(B) by striking "makes" and all that follows through "shall be subject to" and inserting the following:

"(1) makes, or causes to be made, a statement or representation of a material fact, for use in determining any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI, that the person knows or should know is false or misleading;

"(2) makes such a statement or representation for such use with knowing disregard for the truth; or

"(3) omits from a statement or representation for such use, or otherwise withholds disclosure of, a fact which the individual knows or should know is material to the determination of any initial or continuing right to or the amount of monthly insurance benefits under title II or benefits or payments under title VIII or XVI and the individual knows, or should know, that the statement or representation with such omission is false or misleading or that the withholding of such disclosure is misleading, shall be subject to".

(b) APPLICATION OF CIVIL MONEY PENALTIES TO ELEMENTS OF CRIMINAL VIOLATIONS.—Section 1129(a) of the Social Security Act (42 U.S.C. 1320a–8(a)), as amended by subsection (a)(1), is amended—

(1) by redesignating paragraph (2) as paragraph (4);

(2) by redesignating the last sentence of paragraph (1) as paragraph (2) and inserting such paragraph after paragraph (1); and

(3) by inserting after paragraph (2) (as so redesignated) the following:

"(3) Any person (including an organization, agency, or other entity) who—

"(A) uses a social security account number that such person knows or should know has been assigned by the Commissioner of Social Security (in an exercise of authority under section 205(c)(2) to establish and maintain records) on the basis of false information furnished to the Commissioner by any person;

"(B) falsely represents a number to be the social security account number assigned by the Commissioner of Social Security to any individual, when such person knows or should know that such number is not the social security account number assigned by the Commissioner to such individual;

"(C) knowingly alters a social security card issued by the Commissioner of Social Security, or possesses such a card with intent to alter it;

"(D) knowingly displays, sells, or purchases a card that is, or purports to be, a card issued by the Commissioner of Social Security, or possesses such a card with intent to display, purchase, or sell it;

"(E) counterfeits a social security card, or possesses a counterfeit social security card with intent to display, sell, or purchase it;

"(F) discloses, uses, compels the disclosure of, or knowingly displays, sells, or purchases the social security account number of any person in violation of the laws of the United States;

"(G) with intent to deceive the Commissioner of Social Security as to such person's true identity (or the true identity of any other person) furnishes or causes to be furnished false information to the Commissioner with respect to any information required by the Commissioner in connection with the establishment and maintenance of the records provided for in section 205(c)(2);

"(H) offers, for a fee, to acquire for any individual, or to assist in acquiring for any individual, an additional social security account number or a number which purports to be a social security account number; or

"(I) being an officer or employee of a Federal, State, or local agency in possession of any individual's social security account number, willfully acts or fails to act so as to cause a violation by such agency of clause (vi)(II) or (x) of section 205(c)(2)(C), shall be subject to, in addition to any other penalties that may be prescribed by law, a civil money penalty of not more than $5,000 for each violation. Such person shall also be subject to an assessment, in lieu of damages sustained by the United States resulting from such violation, of not more than twice the amount of any benefits or payments paid as a result of such violation.".

(c) CLARIFICATION OF TREATMENT OF RECOVERED AMOUNTS.—Section 1129(e)(2)(B) of the Social Security Act (42 U.S.C. 1320a–8(e)(2)(B)) is amended by striking "In the case of amounts recovered arising out of a determination relating to title VIII or XVI," and inserting "In the case of any other amounts recovered under this section,".

(d) CONFORMING AMENDMENTS.—

(1) Section 1129(b)(3)(A) of the Social Security Act (42 U.S.C. 1320a–8(b)(3)(A)) is amended by striking "charging fraud or false statements".

(2) Section 1129(c)(1) of the Social Security Act (42 U.S.C. 1320a–8(c)(1)) is amended by striking "and representations" and inserting ", representations, or actions".

(3) Section 1129(e)(1)(A) of the Social Security Act (42 U.S.C. 1320a–8(e)(1)(A)) is amended by striking "statement or representation referred to in subsection (a) was made" and inserting "violation occurred".

(e) EFFECTIVE DATES.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply with respect to violations of sections 1129 and 1129A of the Social Security Act (42 U.S.C. 1320-8 and 1320a–8a), as amended by this section, committed after the date of enactment of this Act.

(2) VIOLATIONS BY GOVERNMENT AGENTS IN POSSESSION OF SOCIAL SECURITY NUMBERS.—Section 1129(a)(3)(I) of the Social Security Act (42 U.S.C. 1320a–8(a)(3)(I)), as added by subsection (b), shall apply with respect to violations of that section occurring on or after the effective date described in section 202(c).

SEC. 208. CRIMINAL PENALTIES FOR THE MISUSE OF A SOCIAL SECURITY NUMBER.

(a) PROHIBITION OF WRONGFUL USE AS PERSONAL IDENTIFICATION NUMBER.—No person may obtain any individual's social security number for purposes of locating or identifying an individual with the intent to physically injure, harm, or use the identity of the individual for any illegal purpose.

(b) CRIMINAL SANCTIONS.—Section 208(a) of the Social Security Act (42 U.S.C. 408(a)) is amended—

(1) in paragraph (8), by inserting "or" after the semicolon; and

(2) by inserting after paragraph (8) the following:

"(9) except as provided in subsections (e) and (f) of section 1028A of title 18, United States Code, knowingly and willfully displays, sells, or purchases (as those terms are defined in section 1028A(a) of title 18, United States Code) any individual's social security account number without having met the prerequisites for consent under section 1028A(d) of title 18, United States Code; or

"(10) obtains any individual's social security number for the purpose of locating or identifying the individual with the intent to injure or to harm that individual, or to use the identity of that individual for an illegal purpose;".

SEC. 209. CIVIL ACTIONS AND CIVIL PENALTIES.

(a) CIVIL ACTION IN STATE COURTS.—

(1) IN GENERAL.—Any individual aggrieved by an act of any person in violation of this title or any amendments made by this title may, if otherwise permitted by the laws or rules of the court of a State, bring in an appropriate court of that State—

(A) an action to enjoin such violation;

(B) an action to recover for actual monetary loss from such a violation, or to receive up to $500 in damages for each such violation, whichever is greater; or

(C) both such actions.

It shall be an affirmative defense in any action brought under this paragraph that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent violations of the regulations prescribed under this title. If the court finds that the defendant willfully or knowingly violated the regulations prescribed under this subsection, the court may, in its discretion, increase the amount of the award to an amount equal to not more than 3 times the amount available under subparagraph (B).

(2) STATUTE OF LIMITATIONS.—An action may be commenced under this subsection not later than the earlier of—

(A) 5 years after the date on which the alleged violation occurred; or

(B) 3 years after the date on which the alleged violation was or should have been reasonably discovered by the aggrieved individual.

(3) NONEXCLUSIVE REMEDY.—The remedy provided under this subsection shall be in addition to any other remedies available to the individual.

(b) CIVIL PENALTIES.—

(1) IN GENERAL.—Any person who the Attorney General determines has violated any section of this title or of any amendments made by this title shall be subject, in addition to any other penalties that may be prescribed by law—

(A) to a civil penalty of not more than $5,000 for each such violation; and

(B) to a civil penalty of not more than $50,000, if the violations have occurred with such frequency as to constitute a general business practice.

(2) DETERMINATION OF VIOLATIONS.—Any willful violation committed contemporaneously with respect to the social security numbers of 2 or more individuals by means of mail, telecommunication, or otherwise, shall be treated as a separate violation with respect to each such individual.

(3) ENFORCEMENT PROCEDURES.—The provisions of section 1128A of the Social Security Act (42 U.S.C. 1320a–7a), other than subsections (a), (b), (f), (h), (i), (j), (m), and (n) and the first sentence of subsection (c) of such section, and the provisions of subsections (d) and (e) of section 205 of such Act (42 U.S.C. 405) shall apply to a civil penalty action under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a) of such Act (42 U.S.C. 1320a–7a(a)), except that, for purposes of this paragraph, any reference in section 1128A of such Act (42 U.S.C. 1320a–7a) to the Secretary shall be deemed to be a reference to the Attorney General.

SEC. 210. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this title or the amendments made by this title, the Federal Government shall have injunctive authority with respect to any violation by a public entity of any provision of this title or of any amendments made by this title.

TITLE III—LIMITATIONS ON SALE AND SHARING OF NONPUBLIC PERSONAL FINANCIAL INFORMATION

SEC. 301. DEFINITION OF SALE.

Section 509 of the Gramm-Leach-Bliley Act (15 U.S.C. 6809) is amended by adding at the end the following:

"(12) SALE.—The terms 'sale', 'sell', and 'sold', with respect to nonpublic personal information, mean the exchange of such information for any thing of value, directly or indirectly, including the licensing, bartering, or renting of such information.".

SEC. 302. RULES APPLICABLE TO SALE OF NONPUBLIC PERSONAL INFORMATION.

Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802) is amended—

(1) in the section heading, by inserting "SALES, AND OTHER SHARING" after "DISCLOSURES";

(2) in subsection (a), by striking "disclose to" and inserting "sell or otherwise disclose to an affiliate or";

(3) in subsection (b)—

(A) in the subsection heading, by inserting "FOR DISCLOSURES TO AFFILIATES" before the period;

(B) by striking "a nonaffiliated third party" each place that term appears and inserting "an affiliate";

(C) by striking "such third party" each place that term appears and inserting "such affiliate";

(D) by striking "may not disclose" and inserting "may not sell or otherwise disclose"; and

(E) by striking paragraph (2) and inserting the following:

"(2) EXCEPTION.—This subsection shall not prevent a financial institution from providing nonpublic personal information to an affiliated third party to perform services for or functions on behalf of the financial institution, including marketing of the financial institution's own products or services, if the financial institution fully discloses the provision of such information and requires the affiliate to maintain the confidentiality of such information.";

(4) in subsection (d), by striking "disclose" and inserting "sell or otherwise disclose";

(5) by striking subsection (e);

(6) by redesignating subsections (c) and (d) as subsections (e) and (f), respectively; and

(7) by inserting after subsection (b) the following:

"(c) OPT IN FOR DISCLOSURES TO NONAFFILIATED THIRD PARTIES.—

"(1) AFFIRMATIVE CONSENT REQUIRED.—A financial institution may not sell or otherwise disclose nonpublic personal information to any nonaffiliated third party, unless the consumer to whom the information pertains—

"(A) has affirmatively consented to the sale or disclosure of such information; and

"(B) has not withdrawn the consent.

"(2) EXCEPTION.—This subsection shall not prevent a financial institution from providing nonpublic personal information to a nonaffiliated third party to perform services for or functions on behalf of the financial institution, including marketing of the financial institution's own products or services (subject to subsection (d) with respect to joint agreements between 2 or more financial institutions), if the financial institution fully discloses the provision of such information and enters into a contractual agreement with the nonaffiliated third party that requires that third party to maintain the confidentiality of such information.

"(d) OPT OUT FOR JOINT AGREEMENTS.—A financial institution may not sell or otherwise disclose nonpublic personal information to a nonaffiliated third party for the purpose of offering financial products or services pursuant to a joint agreement between 2 or more financial institutions, unless—

"(1) the financial institution clearly and conspicuously discloses to the consumer to whom the information pertains, in writing or in electronic form or other form permitted by the regulations prescribed under section 504, that such information may be disclosed to such nonaffiliated third party;

"(2) the consumer is given the opportunity, before the time that such information is initially disclosed, to direct that such information not be disclosed to such nonaffiliated third party;

"(3) the consumer is given an explanation of how the consumer can exercise that nondisclosure option; and

"(4) the financial institution receiving the nonpublic personal information signs a written agreement obliging it—

"(A) to maintain the confidentiality of the information; and

"(B) to refrain from using, selling, or otherwise disclosing the information other than to carry out the joint offering or servicing of the financial product or financial service that is the subject of the written agreement.".

SEC. 303. EXCEPTIONS TO DISCLOSURE PROHIBITION.

(a) IN GENERAL.—Section 502 of the Gramm-Leach-Bliley Act (15 U.S.C. 6802), as amended by this title, is amended by adding at the end the following:

"(g) GENERAL EXCEPTIONS.—Notwithstanding any other provision of this section, this section does not prohibit—

"(1) the sale or other disclosure of nonpublic personal information to an affiliate or a nonaffiliated third party—

"(A) as necessary to effect, administer, or enforce a transaction requested or authorized by the consumer to whom the information pertains, or in connection with—

"(i) servicing or processing a financial product or service requested or authorized by the consumer;

"(ii) maintaining or servicing the account of the consumer with the financial institution, or with another entity as part of a private label credit card program or other extension of credit on behalf of such entity; or

"(iii) a proposed or actual securitization, secondary market sale (including sales of servicing rights), or similar transaction related to a transaction of the consumer;

"(B) with the consent or at the direction of the consumer, in accordance with applicable rules prescribed under this subtitle;

"(C) to the extent specifically permitted or required under other provisions of law and in accordance with the Right to Financial Privacy Act of 1978; or

"(D) to law enforcement agencies (including a Federal functional regulator, the Secretary of the Treasury, with respect to subchapter II of chapter 53 of title 31, United States Code, and chapter 2 of title I of Public Law 91–508 (12 U.S.C. 1951–1959), a State insurance authority, or the Federal Trade Commission), self-regulatory organizations, or for an investigation on a matter related to public safety;

"(2) the disclosure, other than the sale, of nonpublic personal information to identify or locate missing and abducted children, witnesses, criminals, and fugitives, parties to lawsuits, parents, delinquents in child support payments, organ and bone marrow donors, pension fund beneficiaries, and missing heirs; or

"(3) the disclosure, other than the sale, of nonpublic personal information—

"(A) to protect the confidentiality or security of the records of the financial institution pertaining to the consumer, the service or product, or the transaction therein;

"(B) to protect against or prevent actual or potential fraud, unauthorized transactions, claims, or other liability;

"(C) for required institutional risk control, or for resolving customer disputes or inquiries;

"(D) to persons holding a legal or beneficial interest relating to the consumer;

"(E) to persons acting in a fiduciary or representative capacity on behalf of the consumer;

"(F) to provide information to insurance rate advisory organizations, guaranty funds or agencies, applicable rating agencies of the financial institution, persons assessing the compliance of the institution with industry standards, or the attorneys, accountants, or auditors of the institution;

"(G) to a consumer reporting agency, in accordance with the Fair Credit Reporting Act or from a consumer report reported by a consumer reporting agency, as those terms are defined in that Act;

"(H) in connection with a proposed or actual sale, merger, transfer, or exchange of all or a portion of a business or operating unit if the disclosure of nonpublic personal information concerns solely consumers of such business or unit;

"(I) to comply with Federal, State, or local laws, rules, or other applicable legal requirements, or with a properly authorized civil, criminal, or regulatory investigation or subpoena or summons by Federal, State, or local authorities; or

"(J) to respond to judicial process or government regulatory authorities having jurisdiction over the financial institution for examination, compliance, or other purposes, as authorized by law.

"(h) DENIAL OF SERVICE PROHIBITED.—A financial institution may not deny any consumer a financial product or a financial service as a result of the refusal by the consumer to grant consent to disclosure under this section or the exercise by the consumer of a nondisclosure option under this section, except that nothing in this subsection may be construed to prohibit a financial institution from offering incentives to elicit consumer consent to the use of his or her nonpublic personal information.".

(b) REPEAL OF REGULATORY EXEMPTION AUTHORITY.—Section 504 of the Gramm-Leach-Bliley Act (15 U.S.C. 6804) is amended—

(1) by striking subsection (b);

(2) by striking "(a) REGULATORY AUTHORITY.—";

(3) by redesignating paragraphs (1), (2), and (3) as subsections (a), (b), and (c), respectively, and moving the margins 2 ems to the left; and

(4) by striking "paragraph (1)" and inserting "subsection (a)".

SEC. 304. CONFORMING AMENDMENTS.

Title V of the Gramm-Leach-Bliley Act (15 U.S.C. 6801 et seq.) is amended—

(1) in section 503(b)(1) (15 U.S.C. 6803(b)(1))—

(A) by inserting "affiliates and" before "nonaffiliated"; and

(B) in subparagraph (A), by striking "502(e)" and inserting "502(g)"; and

(2) in section 509(3)(D) (15 U.S.C. 6809(3)(D)), by striking "502(e)(1)(C)" and inserting "502(g)(1)(A)(iii)".

SEC. 305. REGULATORY AUTHORITY.

Not later than 6 months after the date of enactment of this Act, the agencies referred to in section 504(a)(1) of the Gramm-Leach-Bliley Act (15 U.S.C. 6804(a)(1)) shall promulgate final regulations in accordance with that section 504 to carry out the amendments made by this Act.

SEC. 306. EFFECTIVE DATE.

This title and the amendments made by this title shall take effect 6 months after the date of enactment of this Act.

TITLE IV—LIMITATIONS ON THE PROVISION OF PROTECTED HEALTH INFORMATION

SEC. 401. DEFINITIONS.

In this title:

(1) BUSINESS ASSOCIATE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "business associate" means, with respect to a covered entity, a person who—

(i) on behalf of such covered entity or of an organized health care arrangement in which the covered entity participates, but other than in the capacity of a member of the workforce of such covered entity or arrangement, performs, or assists in the performance of—

(I) a function or activity involving the use or disclosure of individually identifiable health information, including claims processing or administration, data analysis, processing or administration, utilization review, quality assurance, billing, benefit management, practice management, and repricing; or

(II) any other function or activity regulated under subchapter C of title 45, Code of Federal Regulations; or

(ii) provides, other than in the capacity of a member of the workforce of such covered entity, legal, actuarial, accounting, consulting, data aggregation (as defined in section 164.501 of title 45, Code of Federal Regulations), management, administrative, accreditation, or financial services to or for such covered entity, or to or for an organized health care arrangement in which the covered entity participates, where the provision of the service involves the disclosure of individually identifiable health information from such covered entity or arrangement, or from another business associate of such covered entity or arrangement, to the person.

(B) LIMITATIONS.—

(i) IN GENERAL.—A covered entity participating in an organized health care arrangement that performs a function or activity as described by subparagraph (A)(i) for or on behalf of such organized health care arrangement, or that provides a service as described in subparagraph (A)(ii) to or for such organized health care arrangement, does not, simply through the performance of such function or activity or the provision of such service, become a business associate of other covered entities participating in such organized health care arrangement.

(ii) LIMITATION.—A covered entity may be a business associate of another covered entity.

(2) COVERED ENTITY.—The term "covered entity" means—

(A) a health plan;

(B) a health care clearinghouse; and

(C) a health care provider who transmits any health information in electronic form in connection with a transaction covered by parts 160 through 164 of title 45, Code of Federal Regulations.

(3) DISCLOSURE.—The term "disclosure" means the release, transfer, provision of access to, or divulging in any other manner of information outside the entity holding the information.

(4) EMPLOYER.—The term "employer" has the meaning given that term in section 3401(d) of the Internal Revenue Code of 1986.

(5) GROUP HEALTH PLAN.—The term "group health plan" means an employee welfare benefit plan (as defined in section 3(1) of the Employee Retirement Income and Security Act of 1974 (29 U.S.C. 1002(1)), including insured and self-insured plans, to the extent that the plan provides medical care (as defined in section 2791(a)(2) of the Public Health Service Act, 42 U.S.C. 300gg–91(a)(2)), including items and services paid for as medical care, to employees or their dependents directly or through insurance, reimbursement, or otherwise, that—

(A) has 50 or more participants (as defined in section 3(7) of Employee Retirement Income and Security Act of 1974, 29 U.S.C. 1002(7)); or

(B) is administered by an entity other than the employer that established and maintains the plan.

(6) HEALTH CARE.—The term "health care" includes, but is not limited to, the following:

(A) Preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative care and counseling, service, assessment, or procedure with respect to the physical or mental condition, or functional status, of an individual or that affects the structure or function of the body.

(B) The sale or dispensing of a drug, device, equipment, or other item in accordance with a prescription.

(7) HEALTH CARE CLEARINGHOUSE.—The term "health care clearinghouse" means a public or private entity, including a billing service, repricing company, community health management information system or community health information system, and value-added networks and switches, that—

(A) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or

(B) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

(8) HEALTH CARE PROVIDER.—The term "health care provider" has the meaning given the terms "provider of services" and "provider of medical or health services" in subsections (u) and (s) of section 1861 of the Social Security Act (42 U.S.C. 1395x), respectively, and includes any other person or organization who furnishes, bills, or is paid for health care in the normal course of business.

(9) HEALTH INFORMATION.—The term "health information" means any information, whether oral or recorded in any form or medium, that—

(A) is created or received by a health care provider, health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and

(B) relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

(10) HEALTH INSURANCE ISSUER.—The term "health insurance issuer" means a health insurance issuer (as defined in section 2791(b)(2) of the Public Health Service Act, 42 U.S.C. 300gg–91(b)(2)) and used in the definition of health plan in this section and includes an insurance company, insurance service, or insurance organization (including an HMO) that is licensed to engage in the business of insurance in a State and is subject to State law that regulates insurance. Such term does not include a group health plan.

(11) HEALTH MAINTENANCE ORGANIZATION.—The term "health maintenance organization" (HMO) (as defined in section 2791(b)(3) of the Public Health Service Act, 42 U.S.C. 300gg–91 (b)(3)) and used in the definition of health plan in this section, means a federally qualified HMO, an organization recognized as an HMO under State law, or a similar organization regulated for solvency under State law in the same manner and to the same extent as such an HMO.

(12) HEALTH OVERSIGHT AGENCY.—The term "health oversight agency" means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including the employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is authorized by law to oversee the health care system (whether public or private) or government programs in which health information is necessary to determine eligibility or compliance, or to enforce civil

rights laws for which health information is relevant.

(13) HEALTH PLAN.—The term "health plan" means an individual or group plan that provides, or pays the cost of, medical care, as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(2))—

(A) including, singly or in combination—

(i) a group health plan;

(ii) a health insurance issuer;

(iii) an HMO;

(iv) part A or B of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.);

(v) the medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.);

(vi) an issuer of a medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act, 42 U.S.C. 1395ss(g)(1));

(vii) an issuer of a long-term care policy, excluding a nursing home fixed-indemnity policy;

(viii) an employee welfare benefit plan or any other arrangement that is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers;

(ix) the health care program for active military personnel under title 10, United States Code;

(x) the veterans health care program under chapter 17 of title 38, United States Code;

(xi) the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) (as defined in section 1072(4) of title 10, United States Code);

(xii) the Indian Health Service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.);

(xiii) the Federal Employees Health Benefits Program under chapter 89 of title 5, United States Code;

(xiv) an approved State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa et seq.), providing benefits for child health assistance that meet the requirements of section 2103 of such Act (42 U.S.C. 1397cc);

(xv) the Medicare+Choice program under part C of title XVIII of the Social Security Act (42 U.S.C. 1395w–21 et seq.);

(xvi) a high risk pool that is a mechanism established under State law to provide health insurance coverage or comparable coverage to eligible individuals; and

(xvii) any other individual or group plan, or combination of individual or group plans, that provides or pays for the cost of medical care (as defined in section 2791(a)(2) of the Public Health Service Act (42 U.S.C. 300gg–91(a)(2)); and

(B) excluding—

(i) any policy, plan, or program to the extent that it provides, or pays for the cost of, excepted benefits that are listed in section 2791(c)(1) of the Public Health Service Act (42 U.S.C. 300gg–91(c)(1)); and

(ii) a government-funded program (other than 1 listed in clause (i) through (xvi) of subparagraph (A)), whose principal purpose is other than providing, or paying the cost of, health care, or whose principal activity is the direct provision of health care to persons, or the making of grants to fund the direct provision of health care to persons.

(14) INDIVIDUALLY IDENTIFIABLE HEALTH INFORMATION.—The term "individually identifiable health information" means information that is a subset of health information, including demographic information collected from an individual, that—

(A) is created or received by a covered entity or employer; and

(B)(i) relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and

(ii)(I) identifies an individual; or

(II) with respect to which there is a reasonable basis to believe that the information can be used to identify an individual.

(15) LAW ENFORCEMENT OFFICIAL.—The term "law enforcement official" means an officer or employee of any agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, who is empowered by law to—

(A) investigate or conduct an official inquiry into a potential violation of law; or

(B) prosecute or otherwise conduct a criminal, civil, or administrative proceeding arising from an alleged violation of law.

(16) LIFE INSURER.—The term "life insurer" means a life insurance company (as defined in section 816 of the Internal Revenue Code of 1986), including the employees and agents of such company.

(17) MARKETING.—The term "marketing" means to make a communication about a product or service that encourages recipients of the communication to purchase or use the product or service.

(18) NONCOVERED ENTITY.—The term "noncovered entity" means any person or public or private entity that is not a covered entity, including but not limited to a business associate of a covered entity, a covered entity if such covered entity is acting as a business associate, a health researcher, school or university, life insurer, employer, public health authority, health oversight agency, or law enforcement official, or any person acting as an agent of such entities or persons.

(19) ORGANIZED HEALTH CARE ARRANGEMENT.—The term "organized health care arrangement" means—

(A) a clinically integrated care setting in which individuals typically receive health care from more than 1 health care provider;

(B) an organized system of health care in which more than 1 covered entity participates, and in which the participating covered entities—

(i) hold themselves out to the public as participating in a joint arrangement; and

(ii) participate in joint activities including at least—

(I) utilization review, in which health care decisions by participating covered entities are reviewed by other participating covered entities or by a third party on their behalf;

(II) quality assessment and improvement activities, in which treatment provided by participating covered entities is assessed by other participating covered entities or by a third party on their behalf; or

(III) payment activities, if the financial risk for delivering health care is shared, in part or in whole, by participating covered entities through the joint arrangement and if protected health information created or received by a covered entity is reviewed by other participating covered entities or by a third party on their behalf for the purpose of administering the sharing of financial risk;

(C) a group health plan and a health insurance issuer or HMO with respect to such group health plan, but only with respect to protected health information created or received by such health insurance issuer or HMO that relates to individuals who are or who have been participants or beneficiaries in such group health plan;

(D) a group health plan and 1 or more other group health plans each of which are maintained by the same plan sponsor; or

(E) the group health plans described in subparagraph (D) and health insurance issuers or HMOs with respect to such group health plans, but only with respect to protected health information created or received by such health insurance issuers or HMOs that relates to individuals who are or have been participants or beneficiaries in any of such group health plans.

(20) PROTECTED HEALTH INFORMATION.—

(A) IN GENERAL.—The term "protected health information" means individually identifiable health information that, except as provided in subparagraph (B), is—

(i) transmitted by electronic media;

(ii) maintained in any medium described in the definition of electronic media in section 162.103 of title 45, Code of Federal Regulations; or

(iii) transmitted or maintained in any other form or medium.

(B) EXCLUSIONS.—Such term does not include individually identifiable health information in—

(i) education records covered by the Family Educational Rights and Privacy Act of 1974 (section 444 of the General Education Provisions Act (20 U.S.C. 1232g));

(ii) records described in subsection (a)(4)(B)(iv) of that Act; or

(iii) employment records held by a covered entity in its role as an employer.

(21) PUBLIC HEALTH AUTHORITY.—The term "public health authority" means an agency or authority of the United States, a State, a territory, a political subdivision of a State or territory, or an Indian tribe, or a person or entity acting under a grant of authority from or contract with such public agency, including employees or agents of such public agency or its contractors or persons or entities to whom it has granted authority, that is responsible for public health matters as part of its official mandate.

(22) SCHOOL OR UNIVERSITY.—The term "school or university" means an institution or place for instruction or education, including an elementary school, secondary school, or institution of higher learning, a college, or an assemblage of colleges united under 1 corporate organization or government.

(23) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(24) SALE; SELL; SOLD.—The terms "sale", "sell", and "sold", with respect to protected health information, mean the exchange of such information for anything of value, directly or indirectly, including the licensing, bartering, or renting of such information.

(25) USE.—The term "use" means, with respect to individually identifiable health information, the sharing, employment, application, utilization, examination, or analysis of such information within an entity that maintains such information.

(26) WRITING.—The term "writing" means writing in either a paper-based or computer-based form, including electronic and digital signatures.

SEC. 402. PROHIBITION AGAINST SELLING PROTECTED HEALTH INFORMATION.

(a) VALID AUTHORIZATION REQUIRED.—

(1) IN GENERAL.—A noncovered entity shall not sell the protected health information of an individual or use such information for marketing purposes without an authorization that is valid under section 403. When a noncovered entity obtains or receives authorization to sell such information, such sale must be consistent with such authorization.

(2) NO DUPLICATE AUTHORIZATION REQUIRED.—Nothing in paragraph (1) shall be construed as requiring a noncovered entity that receives from a covered entity an authorization that is valid under section 403 to obtain a separate authorization from an individual before the sale or use of the individual's protected health information so long as the sale or use of the information is consistent with the terms of the authorization.

(b) SCOPE.—A sale of protected health information as described under subsection (a) shall be limited to the minimum amount of information necessary to accomplish the purpose for which the sale is made.

(c) PURPOSE.—A recipient of information sold pursuant to this title may use or disclose such information solely to carry out the purpose for which the information was sold.

(d) NOT REQUIRED.—Nothing in this title permitting the sale of protected health information shall be construed to require such sale.

(e) IDENTIFICATION OF INFORMATION AS PROTECTED HEALTH INFORMATION.—Information sold pursuant to this title shall be clearly identified as protected health information.

(f) NO WAIVER.—Except as provided in this title, an individual's authorization to sell protected health information shall not be construed as a waiver of any rights that the individual has under other Federal or State laws, the rules of evidence, or common law.

SEC. 403. AUTHORIZATION FOR SALE OR MARKETING OF PROTECTED HEALTH INFORMATION BY NONCOVERED ENTITIES.

(a) VALID AUTHORIZATION.—A valid authorization is a document that complies with all requirements of this section. Such authorization may include additional information not required under this section, provided that such information is not inconsistent with the requirements of this section.

(b) DEFECTIVE AUTHORIZATION.—An authorization is not valid, if the document submitted has any of the following defects:

(1) The expiration date has passed or the expiration event is known by the noncovered entity to have occurred.

(2) The authorization has not been filled out completely, with respect to an element described in subsections (e) and (f).

(3) The authorization is known by the noncovered entity to have been revoked.

(4) The authorization lacks an element required by subsections (e) and (f).

(5) Any material information in the authorization is known by the noncovered entity to be false.

(c) REVOCATION OF AUTHORIZATION.—An individual may revoke an authorization provided under this section at any time provided that the revocation is in writing, except to the extent that the noncovered entity has taken action in reliance thereon.

(d) DOCUMENTATION.—

(1) IN GENERAL.—A noncovered entity must document and retain any signed authorization under this section as required under paragraph (2).

(2) STANDARD.—A noncovered entity shall, if a communication is required by this title to be in writing, maintain such writing, or an electronic copy, as documentation.

(3) RETENTION PERIOD.—A noncovered entity shall retain the documentation required by this section for 6 years from the date of its creation or the date when it last was in effect, whichever is later.

(e) CONTENT OF AUTHORIZATION.—

(1) CONTENT.—An authorization described in subsection (a) shall—

(A) contain a description of the information to be sold that identifies such information in a specific and meaningful manner;

(B) contain the name or other specific identification of the person, or class of persons, authorized to sell the information;

(C) contain the name or other specific identification of the person, or class of persons, to whom the information is to be sold;

(D) include an expiration date or an expiration event relating to the selling of such information that signifies that the authorization is valid until such date or event;

(E) include a statement that the individual has a right to revoke the authorization in writing and the exceptions to the right to revoke, and a description of the procedure involved in such revocation;

(F) be in writing and include the signature of the individual and the date, or if the authorization is signed by a personal representative of the individual, a description of such representative's authority to act for the individual; and

(G) include a statement explaining the purpose for which such information is sold.

(2) PLAIN LANGUAGE.—The authorization shall be written in plain language.

(f) NOTICE.—

(1) IN GENERAL.—The authorization shall include a statement that the individual may—

(A) inspect or copy the protected health information to be sold; and

(B) refuse to sign the authorization.

(2) COPY TO THE INDIVIDUAL.—A noncovered entity shall provide the individual with a copy of the signed authorization.

(g) MODEL AUTHORIZATIONS.—The Secretary, after notice and opportunity for public comment, shall develop and disseminate model written authorizations of the type described in this section and model statements of the limitations on such authorizations. Any authorization obtained on a model authorization form developed by the Secretary pursuant to the preceding sentence shall be deemed to satisfy the requirements of this section.

(h) NONCOERCION.—A covered entity or noncovered entity shall not condition the purchase of a product or the provision of a service to an individual based on whether such individual provides an authorization to such entity as described in this section.

SEC. 404. PROHIBITION AGAINST RETALIATION.

A noncovered entity that collects protected health information, may not adversely affect another person, directly or indirectly, because such person has exercised a right under this title, disclosed information relating to a possible violation of this title, or associated with, or assisted, a person in the exercise of a right under this title.

SEC. 405. RULE OF CONSTRUCTION.

The requirements of this title shall not be construed to impose any additional requirements or in any way alter the requirements imposed upon covered entities under parts 160 through 164 of title 45, Code of Federal Regulations.

SEC. 406. REGULATIONS.

(a) IN GENERAL.—The Secretary shall promulgate regulations implementing the provisions of this title.

(b) TIMEFRAME.—Not later than 1 year after the date of enactment of this Act, the Secretary shall publish proposed regulations in the Federal Register. With regard to such proposed regulations, the Secretary shall provide an opportunity for submission of comments by interested persons during a period of not less than 90 days. Not later than 2 years after the date of enactment of this Act, the Secretary shall publish final regulations in the Federal Register.

SEC. 407. ENFORCEMENT.

(a) IN GENERAL.—A covered entity or noncovered entity that knowingly violates section 402 shall be subject to a civil money penalty under this section.

(b) AMOUNT.—The civil money penalty described in subsection (a) shall not exceed $100,000. In determining the amount of any penalty to be assessed, the Secretary shall take into account the previous record of compliance of the entity being assessed with the applicable provisions of this title and the gravity of the violation.

(c) ADMINISTRATIVE REVIEW.—

(1) OPPORTUNITY FOR HEARING.—The entity assessed shall be afforded an opportunity for a hearing by the Secretary upon request made within 30 days after the date of the issuance of a notice of assessment. In such hearing the decision shall be made on the record pursuant to section 554 of title 5, United States Code. If no hearing is requested, the assessment shall constitute a final and unappealable order.

(2) HEARING PROCEDURE.—If a hearing is requested, the initial agency decision shall be made by an administrative law judge, and such decision shall become the final order unless the Secretary modifies or vacates the decision. Notice of intent to modify or vacate the decision of the administrative law judge shall be issued to the parties within 30 days after the date of the decision of the judge. A final order which takes effect under this paragraph shall be subject to review only as provided under subsection (d).

(d) JUDICIAL REVIEW.—

(1) FILING OF ACTION FOR REVIEW.—Any entity against whom an order imposing a civil money penalty has been entered after an agency hearing under this section may obtain review by the United States district court for any district in which such entity is located or the United States District Court for the District of Columbia by filing a notice of appeal in such court within 30 days from the date of such order, and simultaneously sending a copy of such notice by registered mail to the Secretary.

(2) CERTIFICATION OF ADMINISTRATIVE RECORD.—The Secretary shall promptly certify and file in such court the record upon which the penalty was imposed.

(3) STANDARD FOR REVIEW.—The findings of the Secretary shall be set aside only if found to be unsupported by substantial evidence as provided by section 706(2)(E) of title 5, United States Code.

(4) APPEAL.—Any final decision, order, or judgment of the district court concerning such review shall be subject to appeal as provided in chapter 83 of title 28 of such Code.

(e) FAILURE TO PAY ASSESSMENT; MAINTENANCE OF ACTION.—

(1) FAILURE TO PAY ASSESSMENT.—If any entity fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the Secretary, the Secretary shall refer the matter to the Attorney General who shall recover the amount assessed by action in the appropriate United States district court.

(2) NONREVIEWABILITY.—In such action the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

(f) PAYMENT OF PENALTIES.—Except as otherwise provided, penalties collected under this section shall be paid to the Secretary (or other officer) imposing the penalty and shall be available without appropriation and until expended for the purpose of enforcing the provisions with respect to which the penalty was imposed.

TITLE V—DRIVER'S LICENSE PRIVACY

SEC. 501. DRIVER'S LICENSE PRIVACY.

Section 2725 of title 18, United States Code, is amended by striking paragraphs (2) through (4) and adding the following:

"(2) 'person' means an individual, organization, or entity, but does not include a State or agency thereof;

"(3) 'personal information' means information that identifies an individual, including an individual's photograph, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, medical or disability information, any physical copy of a driver's license, birth date, information on physical characteristics, including height, weight, sex or eye color, or any biometric identifiers on a license, including a finger print, but not information on vehicular accidents, driving violations, and driver's status;

"(4) 'highly restricted personal information' means an individual's photograph or image, social security number, medical or disability information, any physical copy of a driver's license, driver identification number, birth date, information on physical characteristics, including height, weight, sex, or eye color, or any biometric identifiers on a license, including a finger print; and".

TITLE VI—MISCELLANEOUS

SEC. 601. ENFORCEMENT BY STATE ATTORNEYS GENERAL.

(a) IN GENERAL.—

(1) CIVIL ACTIONS.—In any case in which the attorney general of a State has reason to believe that an interest of the residents of that State has been or is threatened or adversely affected by the engagement of any person in a practice that is prohibited under title I, II, or IV of this Act or under any amendment made by such a title, the State, as parens patriae, may bring a civil action on behalf of the residents of the State in a district court of the United States of appropriate jurisdiction to—

(A) enjoin that practice;

(B) enforce compliance with such titles or such amendments;

(C) obtain damage, restitution, or other compensation on behalf of residents of the State; or

(D) obtain such other relief as the court may consider to be appropriate.

(2) NOTICE.—

(A) IN GENERAL.—Before filing an action under paragraph (1), the attorney general of the State involved shall provide to the Attorney General—

(i) written notice of the action; and

(ii) a copy of the complaint for the action.

(B) EXEMPTION.—

(i) IN GENERAL.—Subparagraph (A) shall not apply with respect to the filing of an action by an attorney general of a State under this subsection, if the State attorney general determines that it is not feasible to provide the notice described in such subparagraph before the filing of the action.

(ii) NOTIFICATION.—In an action described in clause (i), the attorney general of a State shall provide notice and a copy of the complaint to the Attorney General at the same time as the State attorney general files the action.

(b) INTERVENTION.—

(1) IN GENERAL.—On receiving notice under subsection (a)(2), the Attorney General shall have the right to intervene in the action that is the subject of the notice.

(2) EFFECT OF INTERVENTION.—If the Attorney General intervenes in an action under subsection (a), the Attorney General shall have the right to be heard with respect to any matter that arises in that action.

(c) CONSTRUCTION.—For purposes of bringing any civil action under subsection (a), nothing in this Act shall be construed to prevent an attorney general of a State from exercising the powers conferred on such attorney general by the laws of that State to—

(1) conduct investigations;

(2) administer oaths or affirmations; or

(3) compel the attendance of witnesses or the production of documentary and other evidence.

(d) ACTIONS BY THE ATTORNEY GENERAL OF THE UNITED STATES.—In any case in which an action is instituted by or on behalf of the Attorney General for violation of a practice that is prohibited under title I, II, IV, or V of this Act or under any amendment made by such a title, no State may, during the pendency of that action, institute an action under subsection (a) against any defendant named in the complaint in that action for violation of that practice.

(e) VENUE; SERVICE OF PROCESS.—

(1) VENUE.—Any action brought under subsection (a) may be brought in the district court of the United States that meets applicable requirements relating to venue under section 1391 of title 28, United States Code.

(2) SERVICE OF PROCESS.—In an action brought under subsection (a), process may be served in any district in which the defendant—

(A) is an inhabitant; or

(B) may be found.

SEC. 602. FEDERAL INJUNCTIVE AUTHORITY.

In addition to any other enforcement authority conferred under this Act or under an amendment made by this Act, the Federal Government shall have injunctive authority with respect to any violation of any provision of title I, II, or IV of this Act or of any amendment made by such a title, without regard to whether a public or private entity violates such provision.

By Mrs. FEINSTEIN (for herself and Mr. VOINOVICH):

S. 117. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise today with Senator VOINOVICH to introduce legislation to expand the federal loan forgiveness program to include Head Start teachers.

Nationwide, only 30 percent of Head Start teachers have completed a baccalaureate or advanced degree program.

In California, that number is even smaller: about eighteen percent of Head Start teachers have completed a bachelor's degree.

To prepare Head Start children for elementary school, we must recruit highly qualified teachers who have demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of the preschool curriculum with a particular focus on cognitive learning.

Recruiting and maintaining teachers with such qualifications is the only way to jump-start cognitive development and ensure that our children start elementary school ready to learn.

A survey conducted by the U.S. Department of Health and Human Services called the Head Start Family and Child Experiences Survey (FACES) found a strong relationship between the education of Head Start teachers and classroom quality. Teachers with higher education levels were found to be more sensitive and responsive to their children, to have more high quality language activities, and more creative activities in their classrooms.

Teachers with higher levels of education also had classes with higher quality language activities such as reading books for the children and provided more opportunities for children to develop skills in expressing thoughts.

Head Start is the primary federal program that has the potential to reach out to low-income children early in their formative years when their cognitive skills are just developing.

We know that poor children disproportionately start school behind their peers—they are less likely to count to 10 or to recite the alphabet.

Many of our nation's youngsters enter elementary school without the basic skills necessary to succeed. Often these children lag behind their peers throughout their academic career.

As taxpayers, we will spend millions on efforts to help these children catch up. Many of these children will never catch up. A recent national study by The High/Scope Perry Preschool confirms the importance of providing preschool children with the opportunity early on to gain the basic skills necessary for school.

The study found that preschoolers were more likely to graduate from high school and be employed at age 40, earn more money a year, and were more likely to own a home and have a savings account.

We can save millions by providing low-income children with access to quality preschool where they will gain the necessary skills to succeed in school and life.

In order to give every child a head start in life, we must continue to recruit highly qualified teachers to the Head Start field and prevent the best teachers from leaving.

Many Head Start programs across the country, including in California, are losing qualified teachers to local school districts in part because the pay is better.

Nationally, the average Head Start teacher earns a salary of $21,287 compared to $43,152 for an elementary school teacher.

Head Start teachers are making half of what elementary school teachers are paid on average.

Low pay, combined with increasing student debt, is a real deterrent to getting college graduates to become Head Start teachers.

And every teacher that Head Start loses impacts the quality and access to services for our nation's low-income children.

One way to recruit and retain highly qualified Head Start teachers is to offer incentives to pursue a career in this field.

Current law allows elementary and secondary school teachers to receive up to $5,000 in loan forgiveness in exchange for five years of service.

We believe Head Start teachers should be given this same opportunity.

The legislation we are introducing today is meant to encourage recent graduates, current Head Start teachers without a degree, and college students to enter and remain in the Head Start field.

In exchange for 5 years of service, a Head Start teacher could receive up to $5,000 of their federal loans forgiven.

We must continue to improve the Head Start program so that children will have the necessary cognitive skills when they leave the program, such as being able to count to ten, begin to recite the alphabet, and recognize sizes and colors.

This is just the first step. To further ensure cognitive learning, we must also continue to raise the standards and pay for Head Start teachers.

Providing our nation's low-income children with access to highly educated and qualified teachers so that they enter school ready to learn is critical to their future success and should be a priority of this Congress.

I urge my colleagues to support this legislation. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LOAN FORGIVENESS FOR HEAD START TEACHERS.

(a) SHORT TITLE.—This section may be cited as the "Loan Forgiveness for Head Start Teachers Act of 2005".

(b) HEAD START TEACHERS.—Section 428J of the Higher Education Act of 1965 (20 U.S.C 1078-10) is amended—

(1) in subsection (b), by striking paragraph (1) and inserting the following:

"(1)(A) has been employed—

"(i) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

"(ii) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

"(B)(i) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(ii) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and";

(2) in subsection (g), by adding at the end the following:

"(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in clause (ii) of subsection (b)(1)(A) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2005."; and

(3) by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2009 and succeeding fiscal years to carry out loan repayment under this section for service described in clause (ii) of subsection (b)(1)(A).".

(c) DIRECT STUDENT LOAN FORGIVENESS.—

(1) IN GENERAL.—Section 460 of the Higher Education Act of 1965 (20 U.S.C 1087j) is amended—

(A) in subsection (b)(1), by striking subparagraph (A) and inserting the following:

"(A)(i) has been employed—

"(I) as a full-time teacher for 5 consecutive complete school years in a school that qualifies under section 465(a)(2)(A) for loan cancellation for Perkins loan recipients who teach in such a school; or

"(II) as a Head Start teacher for 5 consecutive complete program years under the Head Start Act; and

"(ii)(I) if employed as an elementary school or secondary school teacher, is highly qualified as defined in section 9101 of the Elementary and Secondary Education Act of 1965; and

"(II) if employed as a Head Start teacher, has demonstrated knowledge and teaching skills in reading, writing, early childhood development, and other areas of a preschool curriculum, with a focus on cognitive learning; and";

(B) in subsection (g), by adding at the end the following

"(3) HEAD START.—An individual shall be eligible for loan forgiveness under this section for service described in subclause (II) of subsection (b)(1)(A)(i) only if such individual received a baccalaureate or graduate degree on or after the date of enactment of the Loan Forgiveness for Head Start Teachers Act of 2005."; and

(C) by adding at the end the following:

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary for fiscal year 2009 and succeeding fiscal years to carry out loan repayment under this section for service described in subclause (II) of subsection (b)(1)(A)(i).".

(d) CONFORMING AMENDMENTS.—

(1) FFEL PROGRAM.—Section 428J, of the Higher Education Act of 1965 (20 U.S.C. 1078–10) is amended—

(A) in subsection (c)(1), by inserting "or fifth complete program year" after "fifth complete school year of teaching";

(B) in subsection (f), by striking "subsection (b)" and inserting "subsection (b)(1)(A)(i)";

(C) in subsection (g)(1)(A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)"; and

(D) in subsection (h), by inserting "except as part of the term 'program year'," before "where".

(2) DIRECT LOAN PROGRAM.—Section 460 of the Higher Education Act of 1965 (20 U.S.C. 1087j) is amended—

(A) in subsection (c)(1), by inserting "or fifth complete program year" after "fifth complete school year of teaching";

(B) in subsection (f), by striking "subsection (b)" and inserting "subsection (b)(1)(A)(i)(I)";

(C) in subsection (g)(1)(A), by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(A)(i)(I)"; and

(D) in subsection (h), by inserting "except as part of the term 'program year'," before "where".

LOAN FORGIVENESS FOR HEAD START TEACHERS ACT OF 2005

Mr. VOINOVICH. Mr. President, I am pleased to join my friend and colleague from California, Senator DIANNE FEINSTEIN, in introducing very important legislation that I believe will encourage young teachers to go into early childhood education, improve the qualifications of current early educators, and lead to a better education for our Nation's youngest children.

Study after study on human development has found that there is no more important time in a child's life than their earliest years. In fact, the learning opportunities in these years have a critical and decisive impact on the development of the brain and on the nature and extent of their adult capacities.

To maximize their potential, we must begin to teach our children the necessary learning skills they will utilize throughout their lives as early as possible; well before they reach kindergarten.

I know of few other programs that have the same potential to meet this goal as Head Start.

When I was Governor of Ohio, we invested heavily in Head Start, increasing funding from $18 million in 1990, to $180 million in 1998.

By the time I left office, there was a space available for every eligible child in Ohio whose parents wanted them in a Head Start or pre-school program, and because of our efforts, Ohio led the Nation in terms of children served by Head Start.

Now that I am in the Senate, I continue to believe that it is absolutely critical that we do more to help our young people prepare to begin school "ready to learn."

The results of a survey undertaken by the U.S. Department of Health and Human Services in 1999 and 2000 has shown a significant correlation between the quality of education a child receives and the amount of education that child's teacher possesses.

Unfortunately, nationwide, just 30 percent of Head Start teachers have earned a baccalaureate or advanced degree.

Under Ohio law, by 2007, all Head Start teachers must have at least an associate's degree. It is hoped that this requirement will encourage Head Start educators to pursue a bachelor's or even an advanced degree. After all, the more education our teachers have, the better off our children will be.

Unfortunately, as we all know, education can be expensive.

The bill we are introducing is designed to encourage currently enrolled and incoming college students working on a bachelor's or a master's degree to pursue a career as a Head Start teacher. It is also intended to assist current Head Start teachers, who wish to pursue a degree, to remain in the field.

In exchange for a 5-year teaching commitment in a qualified Head Start program, a college graduate with a minimum of a bachelor's degree could receive up to $5,000 in forgiveness for their Federal student loan. Current law already permits elementary and secondary educators to receive this type of loan forgiveness. It is time to give Head Start teachers this same opportunity.

Recruiting and retaining Head Start and early childhood teachers continues to be a challenge for Ohio and other States. This is not surprising. On average, Head Start teachers earn about half of the average salary of kindergarten teachers. For Head Start providers, this financial difference combined with the growing cost of a college education and student debt makes it difficult to recruit quality teachers.

This bill will help communities, schools and other funded Head Start providers to meet the challenge of recruiting and retaining high quality teachers. It is one of the best ways that I know of where we can make a real difference in the lives of our most precious resource, our children.

One of the best uses of our Federal education resources is to target them toward our youngest citizens where they can have the most impact.

I am pleased to have been able to work with my colleague Senator FEINSTEIN on this legislation, and I ask for my colleagues' support.

By Mrs. FEINSTEIN:

S. 118. A bill for the relief of Maria Cristina DeGrassi; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private relief legislation to provide lawful permanent residence status to Maria Cristina Degrassi, a 37-year-old severely disabled Italian national currently living with her family in San Mateo, California.

I have decided to offer private relief legislation on Ms. Degrassi's behalf because I believe that her removal from the United States would be tragically unfair not only to her, but to her sister and brother-in-law, Daniela Degrassi and Luca Prasso, who reside legally in the United States and who are Ms. Degrassi's closest family and only willing caregivers.

Ms. Degrassi has legally resided in the United States since 1997 on a nonimmigrant tourist visa. However, she is not like an ordinary tourist. She cannot enjoy California's beautiful coastline or stunning mountain ranges. She cannot tour Hollywood movie studios or Napa Valley wineries. Ms. Degrassi was born premature in 1965 and, consequently, is severely mentally handicapped and autistic. Because of these disabilities, Ms. Degrassi has the mental capacity of a two-year old, cannot speak and understands only a few sentences in Italian.

In addition to these challenges, Ms. Degrassi was diagnosed with diabetes in 2001 and now requires daily insulin shots and a carefully monitored diet.

For Ms. Degrassi, the sum of these health problems means that she must have 24-hour-a-day, 7-day-a-week personal care and attention. Luckily, however, there are two people in Ms. Degrassi's life who are more than happy not only to care for her daily needs, but to love and nurture her.

Ms. Degrassi's sister, Daniela, and her brother-in-law, Luca, are legal permanent residents of the United States. Mr. Prasso is a highly skilled and valued employee of PDI-DreamWorks, the world renowned movie production company. Serving as a Character Technical Supervisor and earning nearly $200,000 per year, Mr. Prasso has worked on such critically acclaimed films as "Shrek" and "ANTZ." In the course of that work, Mr. Prasso has developed and patented new technologies and become a leader in his field. In a letter in support of this private legislation, DreamWorks referred to Mr. Prasso's skills as "rar[e]" and "irreplaceable."

Daniela Degrassi has also excelled in the United States, starting a successful freelance photography career and business.

Together, Mr. Prasso and Daniela Degrassi have provided Ms. Degrassi with the love, care and attention that she so desperately needs. When Ms. Degrassi's father and aunt died in 1997, the couple knew that they were the only family left who was willing to care for her. The choice for them was clear. Mr. Prasso wrote in a letter he sent me, "My wife and I then faced a big decision. We refuse[d] completely to put her in an institution. We [could not] accept the idea of not being able to properly take care of her. No other relative was alive or came forward to offer help. We were the only and closest persons to Cristina. We decided to take care of her like a daughter."

For the past seven years, Mr. Prasso and Daniela Degrassi have done just that, organizing their lives around caring for and attending to Ms. Degrassi. They cook for her and clothe and bathe her on a daily basis. Because of the close monitoring Ms. Degrassi's diabetic condition requires, when the couple wants to go out to dinner or see a movie, they must do so separately so that one of them is always with Ms. Degrassi in case of an emergency.

Despite the hardships that caring for Ms. Degrassi have imposed upon Mr. Prasso and Daniela Degrassi, the experience has deeply enriched their lives. In Mr. Prasso's letter, he wrote, "despite my long work hours and my wife['s] new successful business as a photographer, we are able and fully committed to continue to take care [of Cristina] 24 hours a day . . . The reward of a kiss, hug or smile from Cristina is an amazing thing and makes all the pain disappear."

Unfortunately, if this private relief bill is not approved, this wonderful family will face a tragic set of choices. Since 1997, Ms. Degrassi has applied for and always received six-month extensions of her non-immigrant tourist visa. The Degrassi's lawyer has informed the couple that approval of the current extension is unlikely and has recommended they withdraw their petition. This would leave Ms. Degrassi with nothing. There are no other avenues available for her to remain in the United States lawfully. In short, if this private relief legislation is not approved, Ms. Degrassi will be forced to return to Italy.

However, Mr. Prasso and Daniela Degrassi's love for their sister will never allow her to return to Italy alone. Faced with Ms. Degrassi's removal, the couple will leave their lives in California and move back with her in order to continue to provide the care and attention on which Ms. Degrassi depends.

The consequences of such a move will be tragic for this family. It will mean the end of Mr. Prasso's highly accomplished career with DreamWorks, as well as, the end of the photography career Daniela Degrassi has worked so hard to build. In addition, both Mr. Prasso and Daniela Degrassi are eligible to become United States citizens this year.

I can think of no compelling reasons why the United States should not enable this family to continue as they have in California. Because of the substantial salary that Mr. Prasso and Daniela Degrassi earn and because of the monthly pension Ms. Degrassi receives, due to her disability, from the Italian government, there is almost no chance that Ms. Degrassi will become a burden on the state or federal government.

In Mr. Prasso's letter to me, he made this simple request, "We are looking forward to find[ing] a permanent solution to this dilemma that does not involve dismembering this family or giving up on a wonderful job. A solution that will allow us to live a normal life like a normal family."

We can make this solution a reality for Ms. Degrassi and this wonderful family. For that reason, I offer this private relief legislation and ask my colleagues to support it.

Given these extraordinary and unique facts, I ask my colleagues to support this private relief bill on behalf of Ms. Degrassi.

I also ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 118

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Maria Cristina DeGrassi shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status is filed with appropriate fees within 2 years after the date of enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa to Maria Cristina DeGrassi, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the alien's birth under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e), 1153(a)), as applicable.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. SCHUMER, Mr. HAGEL, Mr. DURBIN, Mr. DEWINE, Ms. CANTWELL, Mr. INOUYE, and Mr. FEINGOLD):

S. 119. A bill to provide for the protection of unaccompanied alien children, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I introduce today the "Unaccompanied Alien Child Protection Act of 2005", legislation to reform the way the federal government treats unaccompanied alien children who are apprehended by federal immigration officials at our borders or within the United States.

I first introduced legislation similar to this bill during the 107th Congress and still strongly believe that its passage is necessary to ensure the proper treatment of unaccompanied alien children within our federal system. With each passing year, as members realize the necessity for this legislation, the bill has moved further along in the process.

I am pleased to be joined by Senators COLLINS, SCHUMER, HAGEL, DURBIN, DEWINE, CANTWELL, INOUYE and FEINGOLD as original co-sponsors of this legislation.

During the 108th Congress, the "Unaccompanied Alien Child Protection Act" passed the Senate by unanimous consent, after garnering no less than 34 co-sponsors. Unfortunately, the bill stalled in the House of Representatives.

So today I re-introduce this legislation, and again, this will be one of my top legislative priorities because I believe we have a special obligation to ensure that every child that comes into contact with federal officials is afforded fair and humane treatment.

In 2004, approximately 6,200 unaccompanied alien children were apprehended by Department of Homeland Security officials and transferred to the care of the Office of Refugee Resettlement within the Department of Health and Human Services. This number has grown over the years and shows no signs of abating.

Thousands of foreign-born children under the age of 18 enter the United States each year unaccompanied by parents or other legal guardians. These children are among the most vulnerable of the immigrant population and these numbers are going to continue to grow given the greater emphasis on enforcement actions by immigration officials—which I support—and the relatively unchanged conditions bringing them here.

These children are from all over the world, although the majority encountered by immigration officials today are from Honduras, Guatemala and El Salvador. Some are asylum seekers fleeing human rights abuses and armed conflict in their homelands. Others are fleeing abuses specific to children, such as forced recruitment of child soldiers, forced prostitution and servitude, sexual slavery and exploitation, child labor, abuse of street children, child brides and female genital mutilation. Yet other children come to the United States because they have been abused, abandoned or neglected by their parents or caregivers. And finally, some come seeking to reunify with family members already in the United States or seeking a better life.

Historically, U.S. immigration law and policies have been developed and implemented without regard to their effect on children. This result has been similar to trying to fit a square peg in a round hole—it just doesn't work.

Under current immigration law, these children are forced to struggle through a system designed for adults, even though they lack the capacity to understand nuanced legal principles or courtroom and administrative procedures. Because of this, children who may very well be eligible for relief are often vulnerable to being deported back to the very life-threatening situations from which they fled—before they are even able to make their cases before the Department of Homeland Security or an immigration judge.

Prior to March 1, 2003, the Immigration and Naturalization Service had responsibility for the care, custody and treatment of unaccompanied alien children. Unfortunately, the Immigration and Naturalization Service fell short in fulfilling these responsibilities. The legislation that I am introducing today builds on Section 462 of Public Law 107–296, the Homeland Security Act of 2002, which provided for the transfer of responsibility for the care and placement of unaccompanied alien children from the now-abolished Immigration and Naturalization Service to the Office of Refugee Resettlement within the Department of Health and Human Services.

Section 462 was based on S. 121, comprehensive legislation relating to unaccompanied alien children that I introduced during the 107th Congress.

With the enactment of the Homeland Security Act of 2002, we set into motion the centralization of responsibility for the care and custody of unaccompanied alien children with the Office of Refugee Resettlement. The first phase of this transfer of responsibility occurred on March 1, 2003. Once the transition was completed, we finally resolved the conflict of interest inherent in the former system which pitted the enforcement side of the Immigration and Naturalization Service against the benefits side of that same agency in the care of unaccompanied alien children.

I am pleased that the provision transferring responsibility for the care and custody of unaccompanied alien children was contained in the Homeland Security Act and that by all accounts the transition in the care of children between the affected agencies has gone well.

But, the transfer of authority to the Office of Refugee Resettlement—by itself—is not enough to ensure that these children are treated fairly and humanely. Congress now has a responsibility to go beyond the simple transfer to actually laying out the process and steps to ensure that unaccompanied alien children are treated fairly and humanely. We must provide the Office of Refugee Resettlement, the Department of Homeland Security and the Department of Justice with the tools they will need to succeed in their missions regarding the care of unaccompanied alien children after the transfer of jurisdiction took place.

First of all, I want to stress that this bill is not about benefits, as it provides no new immigration benefit to unaccompanied alien children. Rather, this bill is about the process of how we treat these children.

The "Unaccompanied Alien Child Protection Act" provides guidance and instruction to the Office of Refugee Resettlement, the Department of Homeland Security and the Department of Justice in the following areas:

First, in the custody, release, family reunification and detention of unaccompanied alien children;

Second, it provides access by unaccompanied alien children to guardians ad litem and pro bono counsel;

Third, it streamlines the Special Immigrant Juvenile (SIJ) program and provides guidance on the training of federal government officials and private parties who come into contact with unaccompanied alien children;

Fourth, it requires the issuance of guidelines specific to children's asylum claims;

Fifth, it authorizes appropriations for the care of unaccompanied alien children; and

Sixth, it amends the Homeland Security Act of 2002 to provide additional responsibilities and powers to the Office of Refugee Resettlement with respect to unaccompanied alien children.

Central throughout the "Unaccompanied Alien Child Protection Act" are two concepts:

The United States government has a fundamental responsibility to protect unaccompanied children in its custody; and in all proceedings and actions, the government should have as a priority protecting the interests of these children.

I first became involved in this issue in 2000 when I heard about a young 15-year old Chinese girl who stood before a U.S. immigration court facing deportation proceedings with her hands chained to her waist, like a criminal. She had found her way to the United States as a stowaway in a container ship captured off of Guam, hoping to escape the repression she had experienced in her home country.

She had been placed on a boat bound for the United States by her very own parents, fleeing China's rigid family planning laws. Under these laws, she was denied citizenship, education and medical care. She came to this country alone and desperate.

And what did our immigration authorities do when they found her? The Immigration and Naturalization Service detained her in a juvenile jail in Portland, Oregon for eight months before her asylum hearing, and more than seven weeks after she was granted asylum.

At her asylum hearing, the young girl stood before a judge, unrepresented by counsel, confused and unable to understand the proceedings against her. She could not wipe away the tears from her face because her hands were chained to her waist. According to a lawyer who later came to represent her, "her only crime was that her parents had put her on a boat so she could get a better life over here."

While the young girl eventually received asylum in our country, she unnecessarily faced an ordeal no child should bear under our immigration system. This young Chinese girl represents only one of the more than 6,000 foreign-born children who, without parents or legal guardians to protect them, are discovered in the United States each year in need of protection.

This is unacceptable treatment and we have a responsibility to do better than this.

Imagine the fear of an unaccompanied alien child, in the United States alone, without a parent or guardian. Imagine that child being thrust into a system he or she does not understand, provided no access to pro bono counsel or guardians ad litem, placed in jail with adults or housed with juveniles with serious criminal convictions. I find it hard to believe that our country would allow children to be treated in such a manner.

That is why I am introducing this legislation today. The "Unaccompanied Alien Child Protection Act" will help our country fulfill the special obligation to these children to treat them fairly and humanely.

I am proud to have the support of the United States Conference of Catholic Bishops, the Women's Commission on Refugee Women and Children, the Lutheran Immigration and Refugee Service, Amnesty International USA and the United Nations High Commissioner for Refugees, and many other organizations with whom I have worked closely to develop this legislation.

I urge my colleagues to join with me by cosponsoring this important measure and ensuring that these reforms are finally enacted.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 119

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Unaccompanied Alien Child Protection Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents
Sec. 2. Definitions

TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

Sec. 101. Procedures when encountering unaccompanied alien children
Sec. 102. Family reunification for unaccompanied alien children with relatives in the United States
Sec. 103. Appropriate conditions for detention of unaccompanied alien children
Sec. 104. Repatriated unaccompanied alien children
Sec. 105. Establishing the age of an unaccompanied alien child
Sec. 106. Effective date

TITLE II—ACCESS BY UNACCOMPANIED ALIEN CHILDREN TO GUARDIANS AD LITEM AND COUNSEL

Sec. 201. Guardians ad litem
Sec. 202. Counsel
Sec. 203. Effective date; applicability

TITLE III—STRENGTHENING POLICIES FOR PERMANENT PROTECTION OF ALIEN CHILDREN

Sec. 301. Special immigrant juvenile visa
Sec. 302. Training for officials and certain private parties who come into contact with unaccompanied alien children
Sec. 303. Report
Sec. 304. Effective date

TITLE IV—CHILDREN REFUGEE AND ASYLUM SEEKERS

Sec. 401. Guidelines for children's asylum claims
Sec. 402. Unaccompanied refugee children
Sec. 403. Exceptions for unaccompanied alien children in asylum and refugee-like circumstances

TITLE V—AUTHORIZATION OF APPROPRIATIONS

Sec. 501. Authorization of appropriations

TITLE VI—AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002

Sec. 601. Additional responsibilities and powers of the Office of Refugee Resettlement with respect to unaccompanied alien children
Sec. 602. Technical corrections
Sec. 603. Effective date

SEC. 2. DEFINITIONS.

(a) IN GENERAL.—In this Act:

(1) COMPETENT.—The term "competent", in reference to counsel, means an attorney who—

(A) complies with the duties set forth in this Act;

(B) is a member in good standing of the bar of the highest court of any State, possession, territory, Commonwealth, or the District of Columbia;

(C) is not under any order of any court suspending, enjoining, restraining, disbarring, or otherwise restricting the attorney in the practice of law; and

(D) is properly qualified to handle matters involving unaccompanied immigrant children or is working under the auspices of a qualified nonprofit organization that is experienced in handling such matters.

(2) DIRECTOR.—The term "Director" means the Director of the Office.

(3) DIRECTORATE.—The term "Directorate" means the Directorate of Border and Transportation Security established by section 401 of the Homeland Security Act of 2002 (6 U.S.C. 201).

(4) OFFICE.—The term "Office" means the Office of Refugee Resettlement established by section 411 of the Immigration and Nationality Act (8 U.S.C. 1521).

(5) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(6) UNACCOMPANIED ALIEN CHILD.—The term "unaccompanied alien child" has the meaning given the term in section 462(g)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(g)(2)).

(7) VOLUNTARY AGENCY.—The term "voluntary agency" means a private, nonprofit voluntary agency with expertise in meeting the cultural, developmental, or psychological needs of unaccompanied alien children, as certified by the Director.

(b) AMENDMENTS TO THE IMMIGRATION AND NATIONALITY ACT.—Section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)) is amended by adding at the end the following:

"(51) The term 'unaccompanied alien child' means a child who—

"(A) has no lawful immigration status in the United States;

"(B) has not attained the age of 18; and

"(C) with respect to whom—

"(i) there is no parent or legal guardian in the United States; or

"(ii) no parent or legal guardian in the United States is able to provide care and physical custody.

"(52) The term 'unaccompanied refugee children' means persons described in paragraph (42) who—

"(A) have not attained the age of 18; and

"(B) with respect to whom there are no parents or legal guardians available to provide care and physical custody.".

(c) RULE OF CONSTRUCTION.—A department or agency of a State, or an individual or entity appointed by a State court or juvenile court located in the United States, acting in loco parentis, shall not be considered a legal guardian for purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act.

TITLE I—CUSTODY, RELEASE, FAMILY REUNIFICATION, AND DETENTION

SEC. 101. PROCEDURES WHEN ENCOUNTERING UNACCOMPANIED ALIEN CHILDREN.

(a) UNACCOMPANIED CHILDREN FOUND ALONG THE UNITED STATES BORDER OR AT UNITED STATES PORTS OF ENTRY.—

(1) IN GENERAL.—Subject to paragraph (2), if an immigration officer finds an unaccompanied alien child who is described in paragraph (2) at a land border or port of entry of the United States and determines that such child is inadmissible under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), the officer shall—

(A) permit such child to withdraw the child's application for admission pursuant to section 235(a)(4) of the Immigration and Nationality Act (8 U.S.C. 1225(a)(4)); and

(B) return such child to the child's country of nationality or country of last habitual residence.

(2) SPECIAL RULE FOR CONTIGUOUS COUNTRIES.—

(A) IN GENERAL.—Any child who is a national or habitual resident of a country that is contiguous with the United States and that has an agreement in writing with the United States providing for the safe return and orderly repatriation of unaccompanied alien children who are nationals or habitual residents of such country shall be treated in accordance with paragraph (1), if a determination is made on a case-by-case basis that—

(i) such child is a national or habitual resident of a country described in this subparagraph;

(ii) such child does not have a fear of returning to the child's country of nationality or country of last habitual residence owing to a fear of persecution;

(iii) the return of such child to the child's country of nationality or country of last habitual residence would not endanger the life or safety of such child; and

(iv) the child is able to make an independent decision to withdraw the child's application for admission due to age or other lack of capacity.

(B) RIGHT OF CONSULTATION.—Any child described in subparagraph (A) shall have the right, and shall be informed of that right in the child's native language—

(i) to consult with a consular officer from the child's country of nationality or country of last habitual residence prior to repatriation; and

(ii) to consult, telephonically, with the Office.

(3) RULE FOR APPREHENSIONS AT THE BORDER.—The custody of unaccompanied alien children not described in paragraph (2) who are apprehended at the border of the United States or at a United States port of entry shall be treated in accordance with subsection (b).

(b) CARE AND CUSTODY OF UNACCOMPANIED ALIEN CHILDREN FOUND IN THE INTERIOR OF THE UNITED STATES.—

(1) ESTABLISHMENT OF JURISDICTION.—

(A) IN GENERAL.—Except as otherwise provided under subparagraphs (B) and (C) and subsection (a), the care and custody of all unaccompanied alien children, including responsibility for their detention, where appropriate, shall be under the jurisdiction of the Office.

(B) EXCEPTION FOR CHILDREN WHO HAVE COMMITTED CRIMES.—Notwithstanding subparagraph (A), the Directorate shall retain or assume the custody and care of any unaccompanied alien child who—

(i) has been charged with any felony, excluding offenses proscribed by the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), while such charges are pending; or

(ii) has been convicted of any such felony.

(C) EXCEPTION FOR CHILDREN WHO THREATEN NATIONAL SECURITY.—Notwithstanding subparagraph (A), the Directorate shall retain or assume the custody and care of an unaccompanied alien child if the Secretary has substantial evidence, based on an individualized determination, that such child could personally endanger the national security of the United States.

(D) TRAFFICKING VICTIMS.—For purposes of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) and this Act, an unaccompanied alien child who is eligible for services authorized under the Victims of Trafficking and Violence Protection Act of 2000 (Public Law 106–386), shall be considered to be in the custody of the Office.

(2) NOTIFICATION.—

(A) IN GENERAL.—The Secretary shall promptly notify the Office upon—

(i) the apprehension of an unaccompanied alien child;

(ii) the discovery that an alien in the custody of the Directorate is an unaccompanied alien child;

(iii) any claim by an alien in the custody of the Directorate that such alien is under the age of 18; or

(iv) any suspicion that an alien in the custody of the Directorate who has claimed to be over the age of 18 is actually under the age of 18.

(B) SPECIAL RULE.—In the case of an alien described in clause (iii) or (iv) of subparagraph (A), the Director shall make an age determination in accordance with section 105 and take whatever other steps are necessary to determine whether such alien is eligible for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act.

(3) TRANSFER OF UNACCOMPANIED ALIEN CHILDREN.—

(A) TRANSFER TO THE OFFICE.—The care and custody of an unaccompanied alien child shall be transferred to the Office—

(i) in the case of a child not described in subparagraph (B) or (C) of paragraph (1), not later than 72 hours after a determination is made that such child is an unaccompanied alien child;

(ii) in the case of a child whose custody and care has been retained or assumed by the Directorate pursuant to subparagraph (B) or (C) of paragraph (1), immediately following a determination that the child no longer meets the description set forth in such subparagraphs; or

(iii) in the case of a child who was previously released to an individual or entity described in section 102(a)(1), upon a determination by the Director that such individual or entity is no longer able to care for the child.

(B) TRANSFER TO THE DIRECTORATE.—Upon determining that a child in the custody of the Office is described in subparagraph (B) or (C) of paragraph (1), the Director shall transfer the care and custody of such child to the Directorate.

(C) PROMPTNESS OF TRANSFER.—In the event of a need to transfer a child under this paragraph, the sending office shall make prompt arrangements to transfer such child and the receiving office shall make prompt arrangements to receive such child.

(c) AGE DETERMINATIONS.—In any case in which the age of an alien is in question and the resolution of questions about the age of such alien would affect the alien's eligibility for treatment under section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279) or this Act, a determination of whether or not such alien meets such age requirements shall be made by the Director in accordance with section 105.

SEC. 102. FAMILY REUNIFICATION FOR UNACCOMPANIED ALIEN CHILDREN WITH RELATIVES IN THE UNITED STATES.

(a) PLACEMENT AUTHORITY.—

(1) ORDER OF PREFERENCE.—Subject to the discretion of the Director under paragraph (4), section 103(a)(2), and section 462(b)(2) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(2)), an unaccompanied alien child in the custody of the Office shall be promptly placed with 1 of the following individuals or entities in the following order of preference:

(A) A parent who seeks to establish custody, as described in paragraph (3)(A).

(B) A legal guardian who seeks to establish custody, as described in paragraph (3)(A).

(C) An adult relative.

(D) An individual or entity designated by the parent or legal guardian that is capable and willing to care for the well-being of the child.

(E) A State-licensed juvenile shelter, group home, or foster care program willing to accept physical custody of the child.

(F) A qualified adult or entity seeking custody of the child when it appears that there is no other likely alternative to long-term detention and family reunification does not appear to be a reasonable alternative. For purposes of this subparagraph, the Office shall decide who is a qualified adult or entity and promulgate regulations in accordance with such decision.

(2) SUITABILITY ASSESSMENT.—Notwithstanding paragraph (1), no unaccompanied alien child shall be placed with a person or entity unless a valid suitability assessment conducted by an agency of the State of the child's proposed residence, by an agency authorized by that State to conduct such an assessment, or by an appropriate voluntary agency contracted with the Office to conduct such assessments, has found that the person or entity is capable of providing for the child's physical and mental well-being.

(3) RIGHT OF PARENT OR LEGAL GUARDIAN TO CUSTODY OF UNACCOMPANIED ALIEN CHILD.—

(A) PLACEMENT WITH PARENT OR LEGAL GUARDIAN.—If an unaccompanied alien child is placed with any person or entity other than a parent or legal guardian, and subsequent to that placement a parent or legal guardian seeks to establish custody, the Director shall—

(i) assess the suitability of placing the child with the parent or legal guardian; and

(ii) make a written determination on the child's placement within 30 days.

(B) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to—

(i) supersede obligations under any treaty or other international agreement to which the United States is a party, including The Hague Convention on the Civil Aspects of International Child Abduction, the Vienna Declaration and Program of Action, and the Declaration of the Rights of the Child; or

(ii) limit any right or remedy under such international agreement.

(4) PROTECTION FROM SMUGGLERS AND TRAFFICKERS.—

(A) POLICIES AND PROGRAMS.—

(i) IN GENERAL.—The Director shall establish policies and programs to ensure that unaccompanied alien children are protected from smugglers, traffickers, or other persons seeking to victimize or otherwise engage such children in criminal, harmful, or exploitative activity.

(ii) WITNESS PROTECTION PROGRAMS INCLUDED.—Programs established pursuant to clause (i) may include witness protection programs.

(B) CRIMINAL INVESTIGATIONS AND PROSECUTIONS.—Any officer or employee of the Office or the Department of Homeland Security, and any grantee or contractor of the Office, who suspects any individual of involvement in any activity described in subparagraph (A) shall report such individual to Federal or State prosecutors for criminal investigation and prosecution.

(C) DISCIPLINARY ACTION.—Any officer or employee of the Office or the Department of Homeland Security, and any grantee or contractor of the Office, who suspects an attorney of involvement in any activity described in subparagraph (A) shall report the individual to the State bar association of which the attorney is a member, or to other appropriate disciplinary authorities, for appropriate disciplinary action, which may include private or public admonition or censure, suspension, or disbarment of the attorney from the practice of law.

(5) GRANTS AND CONTRACTS.—The Director may award grants to, and enter into contracts with, voluntary agencies to carry out this section or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(6) REIMBURSEMENT OF STATE EXPENSES.—The Director may reimburse States for any expenses they incur in providing assistance to unaccompanied alien children who are served pursuant to this Act or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(b) CONFIDENTIALITY.—All information obtained by the Office relating to the immigration status of a person described in subparagraphs (A), (B), and (C) of subsection (a)(1) shall remain confidential and may be used only for the purposes of determining such person's qualifications under subsection (a)(1).

(c) REQUIRED DISCLOSURE.—The Secretary of Health and Human Services or the Secretary of Homeland Security shall provide the information furnished under this section, and any other information derived from such furnished information, to—

(1) a duly recognized law enforcement entity in connection with an investigation or prosecution of an offense described in paragraph (2) or (3) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)), when such information is requested in writing by such entity; or

(2) an official coroner for purposes of affirmatively identifying a deceased individual (whether or not such individual is deceased as a result of a crime).

(d) PENALTY.—Whoever knowingly uses, publishes, or permits information to be examined in violation of this section shall be fined not more than $10,000.

SEC. 103. APPROPRIATE CONDITIONS FOR DETENTION OF UNACCOMPANIED ALIEN CHILDREN.

(a) STANDARDS FOR PLACEMENT.—

(1) PROHIBITION OF DETENTION IN CERTAIN FACILITIES.—Except as provided in paragraph (2), an unaccompanied alien child shall not be placed in an adult detention facility or a facility housing delinquent children.

(2) DETENTION IN APPROPRIATE FACILITIES.—An unaccompanied alien child who has exhibited a violent or criminal behavior that endangers others may be detained in conditions appropriate to such behavior in a facility appropriate for delinquent children.

(3) STATE LICENSURE.—A child shall not be placed with an entity described in section 102(a)(1)(E), unless the entity is licensed by an appropriate State agency to provide residential, group, child welfare, or foster care services for dependent children.

(4) CONDITIONS OF DETENTION.—

(A) IN GENERAL.—The Director and the Secretary of Homeland Security shall promulgate regulations incorporating standards for conditions of detention in such placements that provide for—

(i) educational services appropriate to the child;

(ii) medical care;

(iii) mental health care, including treatment of trauma, physical and sexual violence, or abuse;

(iv) access to telephones;

(v) access to legal services;

(vi) access to interpreters;

(vii) supervision by professionals trained in the care of children, taking into account the special cultural, linguistic, and experiential needs of children in immigration proceedings;

(viii) recreational programs and activities;

(ix) spiritual and religious needs; and

(x) dietary needs.

(B) NOTIFICATION OF CHILDREN.—Regulations promulgated under subparagraph (A) shall provide that all children are notified of such standards orally and in writing in the child's native language.

(b) PROHIBITION OF CERTAIN PRACTICES.—The Director and the Secretary shall develop procedures prohibiting the unreasonable use of—

(1) shackling, handcuffing, or other restraints on children;

(2) solitary confinement; or

(3) pat or strip searches.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to supersede procedures favoring release of children to appropriate adults or entities or placement in the least secure setting possible, as defined in the Stipulated Settlement Agreement under Flores v. Reno.

SEC. 104. REPATRIATED UNACCOMPANIED ALIEN CHILDREN.

(a) COUNTRY CONDITIONS.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that, to the extent consistent with the treaties and other international agreements to which the United States is a party, and to the extent practicable, the United States Government should undertake efforts to ensure that it does not repatriate children in its custody into settings that would threaten the life and safety of such children.

(2) ASSESSMENT OF CONDITIONS.—

(A) IN GENERAL.—The annual Country Reports on Human Rights Practices published by the Department of State shall contain an assessment of the degree to which each country protects children from smugglers and traffickers.

(B) FACTORS FOR ASSESSMENT.—The Directorate shall consult the Country Reports on Human Rights Practices and the Trafficking in Persons Report in assessing whether to repatriate an unaccompanied alien child to a particular country.

(b) REPORT ON REPATRIATION OF UNACCOMPANIED ALIEN CHILDREN.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on efforts to repatriate unaccompanied alien children.

(2) CONTENTS.—The report submitted under paragraph (1) shall include—

(A) the number of unaccompanied alien children ordered removed and the number of such children actually removed from the United States;

(B) a description of the type of immigration relief sought and denied to such children;

(C) a statement of the nationalities, ages, and gender of such children;

(D) a description of the procedures used to effect the removal of such children from the United States;

(E) a description of steps taken to ensure that such children were safely and humanely repatriated to their country of origin; and

(F) any information gathered in assessments of country and local conditions pursuant to subsection (a)(2).

SEC. 105. ESTABLISHING THE AGE OF AN UNACCOMPANIED ALIEN CHILD.

(a) PROCEDURES.—

(1) IN GENERAL.—The Director shall develop procedures to make a prompt determination of the age of an alien in the custody of the Department of Homeland Security or the Office, when the age of the alien is at issue.

(2) EVIDENCE.—The procedures developed under paragraph (1) shall—

(A) permit the presentation of multiple forms of evidence, including testimony of the child, to determine the age of the unaccompanied alien for purposes of placement, custody, parole, and detention; and

(B) allow the appeal of a determination to an immigration judge.

(3) ACCESS TO ALIEN.—The Secretary of Homeland Security shall permit the Office to have reasonable access to aliens in the custody of the Secretary so as to ensure a prompt determination of the age of such alien.

(b) PROHIBITION ON SOLE MEANS OF DETERMINING AGE.—Radiographs or the attestation of an alien shall not be used as the sole means of determining age for the purposes of determining an alien's eligibility for treatment under this Act or section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279).

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to place the burden of proof in determining the age of an alien on the government.

SEC. 106. EFFECTIVE DATE.

This title shall take effect on the date which is 90 days after the date of enactment of this Act.

TITLE II—ACCESS BY UNACCOMPANIED ALIEN CHILDREN TO GUARDIANS AD LITEM AND COUNSEL

SEC. 201. GUARDIANS AD LITEM.

(a) ESTABLISHMENT OF GUARDIAN AD LITEM PROGRAM.—

(1) APPOINTMENT.—The Director may appoint a guardian ad litem, who meets the qualifications described in paragraph (2), for an unaccompanied alien child. The Director is encouraged, wherever practicable, to contract with a voluntary agency for the selection of an individual to be appointed as a guardian ad litem under this paragraph.

(2) QUALIFICATIONS OF GUARDIAN AD LITEM.—

(A) IN GENERAL.—No person shall serve as a guardian ad litem unless such person—

(i) is a child welfare professional or other individual who has received training in child welfare matters; and

(ii) possesses special training on the nature of problems encountered by unaccompanied alien children.

(B) PROHIBITION.—A guardian ad litem shall not be an employee of the Directorate, the Office, or the Executive Office for Immigration Review.

(3) DUTIES.—The guardian ad litem shall—

(A) conduct interviews with the child in a manner that is appropriate, taking into account the child's age;

(B) investigate the facts and circumstances relevant to the child's presence in the United States, including facts and circumstances—

(i) arising in the country of the child's nationality or last habitual residence; and

(ii) arising subsequent to the child's departure from such country;

(C) work with counsel to identify the child's eligibility for relief from removal or voluntary departure by sharing with counsel information collected under subparagraph (B);

(D) develop recommendations on issues relative to the child's custody, detention, release, and repatriation;

(E) take reasonable steps to ensure that—

(i) the best interests of the child are promoted while the child participates in, or is subject to, proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.);

(ii) the child understands the nature of the legal proceedings or matters and determinations made by the court, and that all information is conveyed to the child in an age-appropriate manner; and

(F) report factual findings relating to—

(i) information collected under subparagraph (B);

(ii) the care and placement of the child during the pendency of the proceedings or matters; and

(iii) any other information collected under subparagraph (D).

(4) TERMINATION OF APPOINTMENT.—The guardian ad litem shall carry out the duties described in paragraph (3) until the earliest of the date on which—

(A) those duties are completed;

(B) the child departs the United States;

(C) the child is granted permanent resident status in the United States;

(D) the child attains the age of 18; or

(E) the child is placed in the custody of a parent or legal guardian.

(5) POWERS.—The guardian ad litem—

(A) shall have reasonable access to the child, including access while such child is being held in detention or in the care of a foster family;

(B) shall be permitted to review all records and information relating to such proceedings that are not deemed privileged or classified;

(C) may seek independent evaluations of the child;

(D) shall be notified in advance of all hearings or interviews involving the child that are held in connection with proceedings or matters under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), and shall be given a reasonable opportunity to be present at such hearings or interviews;

(E) shall be permitted to consult with the child during any hearing or interview involving such child; and

(F) shall be provided at least 24 hours advance notice of a transfer of that child to a different placement, absent compelling and unusual circumstances warranting the transfer of such child before such notification.

(b) TRAINING.—

(1) IN GENERAL.—The Director shall provide professional training for all persons serving as guardians ad litem under this section.

(2) TRAINING TOPICS.—The training provided under paragraph (1) shall include training in—

(A) the circumstances and conditions that unaccompanied alien children face; and

(B) various immigration benefits for which such alien child might be eligible.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Director shall establish and begin to carry out a pilot program to test the implementation of subsection (a).

(2) PURPOSE.—The purpose of the pilot program established under paragraph (1) is to—

(A) study and assess the benefits of providing guardians ad litem to assist unaccompanied alien children involved in immigration proceedings or matters;

(B) assess the most efficient and cost-effective means of implementing the guardian ad litem provisions in this section; and

(C) assess the feasibility of implementing such provisions on a nationwide basis for all unaccompanied alien children in the care of the Office.

(3) SCOPE OF PROGRAM.—

(A) SELECTION OF SITE.—The Director shall select 3 sites in which to operate the pilot program established under paragraph (1).

(B) NUMBER OF CHILDREN.—To the greatest extent possible, each site selected under subparagraph (A) should have at least 25 children held in immigration custody at any given time.

(4) REPORT TO CONGRESS.—Not later than 1 year after the date on which the first pilot program site is established under paragraph (1), the Director shall submit a report on the achievement of the purposes described in paragraph (2) to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

SEC. 202. COUNSEL.

(a) ACCESS TO COUNSEL.—

(1) IN GENERAL.—The Director should ensure that all unaccompanied alien children in the custody of the Office or the Directorate, who are not described in section 101(a)(2), have competent counsel to represent them in immigration proceedings or matters.

(2) PRO BONO REPRESENTATION.—To the maximum extent practicable, the Director should—

(A) make every effort to utilize the services of competent pro bono counsel who agree to provide representation to such children without charge; and

(B) ensure that placements made under subparagraphs (D), (E), and (F) of section 102(a)(1) are in cities where there is a demonstrated capacity for competent pro bono representation.

(3) DEVELOPMENT OF NECESSARY INFRASTRUCTURES AND SYSTEMS.—In ensuring that legal representation is provided to unaccompanied alien children, the Director shall develop the necessary mechanisms to identify entities available to provide such legal assistance and representation and to recruit such entities.

(4) CONTRACTING AND GRANT MAKING AUTHORITY.—

(A) IN GENERAL.—The Director shall enter into contracts with, or award grants to, nonprofit agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out the responsibilities of this Act, including providing legal orientation, screening cases for referral, recruiting, training, and overseeing pro bono attorneys.

(B) SUBCONTRACTING.—Nonprofit agencies may enter into subcontracts with, or award grants to, private voluntary agencies with relevant expertise in the delivery of immigration-related legal services to children in order to carry out this subsection.

(C) CONSIDERATIONS REGARDING GRANTS AND CONTRACTS.—In awarding grants and entering into contracts with agencies under this paragraph, the Director shall take into consideration the capacity of the agencies in question to properly administer the services covered by such grants or contracts without an undue conflict of interest.

(5) MODEL GUIDELINES ON LEGAL REPRESENTATION OF CHILDREN.—

(A) DEVELOPMENT OF GUIDELINES.—The Executive Office for Immigration Review, in consultation with voluntary agencies and national experts, shall develop model guidelines for the legal representation of alien children in immigration proceedings. Such guidelines shall be based on the children's asylum guidelines, the American Bar Association Model Rules of Professional Conduct, and other relevant domestic or international sources.

(B) PURPOSE OF GUIDELINES.—The guidelines developed under subparagraph (A) shall be designed to help protect each child from any individual suspected of involvement in any criminal, harmful, or exploitative activity associated with the smuggling or trafficking of children, while ensuring the fairness of the removal proceeding in which the child is involved.

(C) IMPLEMENTATION.—The Executive Office for Immigration Review shall adopt the guidelines developed under subparagraph (A) and submit the guidelines for adoption by national, State, and local bar associations.

(b) DUTIES.—Counsel shall—

(1) represent the unaccompanied alien child in all proceedings and matters relating to the immigration status of the child or other actions involving the Directorate;

(2) appear in person for all individual merits hearings before the Executive Office for Immigration Review and interviews involving the Directorate; and

(3) owe the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due an adult client.

(c) ACCESS TO CHILD.—

(1) IN GENERAL.—Counsel shall have reasonable access to the unaccompanied alien child, including access while the child is being held in detention, in the care of a foster family, or in any other setting that has been determined by the Office.

(2) RESTRICTION ON TRANSFERS.—Absent compelling and unusual circumstances, no child who is represented by counsel shall be transferred from the child's placement to another placement unless advance notice of at least 24 hours is made to counsel of such transfer.

(d) NOTICE TO COUNSEL DURING IMMIGRATION PROCEEDINGS.—

(1) IN GENERAL.—Except when otherwise required in an emergency situation involving the physical safety of the child, counsel shall be given prompt and adequate notice of all immigration matters affecting or involving an unaccompanied alien child, including adjudications, proceedings, and processing, before such actions are taken.

(2) OPPORTUNITY TO CONSULT WITH COUNSEL.—An unaccompanied alien child in the

custody of the Office may not give consent to any immigration action, including consenting to voluntary departure, unless first afforded an opportunity to consult with counsel.

(e) Access to Recommendations of Guardian Ad Litem.—Counsel shall be given an opportunity to review the recommendation by the guardian ad litem affecting or involving a client who is an unaccompanied alien child.

SEC. 203. EFFECTIVE DATE; APPLICABILITY.

(a) Effective Date.—This title shall take effect 180 days after the date of enactment of this Act.

(b) Applicability.—The provisions of this title shall apply to all unaccompanied alien children in Federal custody on, before, or after the effective date of this title.

TITLE III—STRENGTHENING POLICIES FOR PERMANENT PROTECTION OF ALIEN CHILDREN

SEC. 301. SPECIAL IMMIGRANT JUVENILE VISA.

(a) J Visa.—Section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) is amended to read as follows:

"(J) an immigrant, who is 18 years of age or younger on the date of application and who is present in the United States—

"(i) who by a court order, which shall be binding on the Secretary of Homeland Security for purposes of adjudications under this subparagraph, was declared dependent on a juvenile court located in the United States or whom such a court has legally committed to, or placed under the custody of, a department or agency of a State, or an individual or entity appointed by a State or juvenile court located in the United States, due to abuse, neglect, abandonment, or a similar basis found under State law;

"(ii) for whom it has been determined in administrative or judicial proceedings that it would not be in the alien's best interest to be returned to the alien's or parent's previous country of nationality or country of last habitual residence; and

"(iii) with respect to a child in Federal custody, for whom the Office of Refugee Resettlement of the Department of Health and Human Services has certified to the Director of the Bureau of Citizenship and Immigration Services that the classification of an alien as a special immigrant under this subparagraph has not been made solely to provide an immigration benefit to that alien,

except that no natural parent or prior adoptive parent of any alien provided special immigrant status under this subparagraph shall thereafter, by virtue of such parentage, be accorded any right, privilege, or status under this Act;".

(b) Adjustment of Status.—Section 245(h)(2)(A) of the Immigration and Nationality Act (8 U.S.C. 1255(h)(2)(A)) is amended to read as follows:

"(A) paragraphs (4), (5)(A), (6)(A), and (7) of section 212(a) shall not apply; and".

(c) Eligibility for Assistance.—A child who has been granted relief under section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)), shall be eligible for all funds made available under section 412(d) of that Act (8 U.S.C. 1522(d)) until such time as the child attains the age designated in section 412(d)(2)(B) of that Act (8 U.S.C. 1522(d)(2)(B)), or until the child is placed in a permanent adoptive home, whichever occurs first.

(d) Transition Rule.—Notwithstanding any other provision of law, any child described in section 101(a)(27)(J) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(27)(J)) who filed an application for a visa before the date of enactment of this Act and who was 19, 20, or 21 years of age on the date such application was filed shall not be denied a visa after the date of enactment of this Act because of such alien's age.

SEC. 302. TRAINING FOR OFFICIALS AND CERTAIN PRIVATE PARTIES WHO COME INTO CONTACT WITH UNACCOMPANIED ALIEN CHILDREN.

(a) Training of State and Local Officials and Certain Private Parties.—

(1) In general.—The Secretary of Health and Human Services, acting jointly with the Secretary, shall provide appropriate training to State and county officials, child welfare specialists, teachers, public counsel, and juvenile judges who come into contact with unaccompanied alien children.

(2) Curriculum.—The training shall provide education on the processes pertaining to unaccompanied alien children with pending immigration status and on the forms of relief potentially available. The Director shall be responsible for establishing a core curriculum that can be incorporated into education, training, or orientation modules or formats that are currently used by these professionals.

(b) Training of Directorate Personnel.—The Secretary, acting jointly with the Secretary of Health and Human Services, shall provide specialized training to all personnel of the Directorate who come into contact with unaccompanied alien children. Training for Border Patrol agents and immigration inspectors shall include specific training on identifying children at the United States borders or at United States ports of entry who have been victimized by smugglers or traffickers, and children for whom asylum or special immigrant relief may be appropriate, including children described in section 101(a)(2).

SEC. 303. REPORT.

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Secretary of Health and Human Services shall submit a report for the previous fiscal year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives that contains—

(1) data related to the implementation of section 462 of the Homeland Security Act (6 U.S.C. 279);

(2) data regarding the care and placement of children in accordance with this Act;

(3) data regarding the provision of guardian ad litem and counsel services under this Act; and

(4) any other information that the Director or the Secretary of Health and Human Services determines to be appropriate.

SEC. 304. EFFECTIVE DATE.

The amendment made by section 301 shall apply to all aliens who were in the United States before, on, or after the date of enactment of this Act.

TITLE IV—CHILDREN REFUGEE AND ASYLUM SEEKERS

SEC. 401. GUIDELINES FOR CHILDREN'S ASYLUM CLAIMS.

(a) Sense of Congress.—Congress commends the Immigration and Naturalization Service for its issuance of its "Guidelines for Children's Asylum Claims", dated December 1998, and encourages and supports the implementation of such guidelines by the Immigration and Naturalization Service (and its successor entities) in an effort to facilitate the handling of children's asylum claims. Congress calls upon the Executive Office for Immigration Review of the Department of Justice to adopt the "Guidelines for Children's Asylum Claims" in its handling of children's asylum claims before immigration judges and the Board of Immigration Appeals.

(b) Training.—The Secretary shall provide periodic comprehensive training under the "Guidelines for Children's Asylum Claims" to asylum officers, immigration judges, members of the Board of Immigration Appeals, and immigration officers who have contact with children in order to familiarize and sensitize such officers to the needs of children asylum seekers. Voluntary agencies shall be allowed to assist in such training.

SEC. 402. UNACCOMPANIED REFUGEE CHILDREN.

(a) Identifying Unaccompanied Refugee Children.—Section 207(e) of the Immigration and Nationality Act (8 U.S.C. 1157(e)) is amended—

(1) by redesignating paragraphs (3), (4), (5), (6), and (7) as paragraphs (4), (5), (6), (7), and (8), respectively; and

(2) by inserting after paragraph (2) the following:

"(3) An analysis of the worldwide situation faced by unaccompanied refugee children, by region, which shall include an assessment of—

"(A) the number of unaccompanied refugee children, by region;

"(B) the capacity of the Department of State to identify such refugees;

"(C) the capacity of the international community to care for and protect such refugees;

"(D) the capacity of the voluntary agency community to resettle such refugees in the United States;

"(E) the degree to which the United States plans to resettle such refugees in the United States in the coming fiscal year; and

"(F) the fate that will befall such unaccompanied refugee children for whom resettlement in the United States is not possible.".

(b) Training on the Needs of Unaccompanied Refugee Children.—Section 207(f)(2) of the Immigration and Nationality Act (8 U.S.C. 1157(f)(2)) is amended by—

(1) striking "and" after "countries,"; and

(2) inserting before the period at the end the following: ", and instruction on the needs of unaccompanied refugee children".

SEC. 403. EXCEPTIONS FOR UNACCOMPANIED ALIEN CHILDREN IN ASYLUM AND REFUGEE-LIKE CIRCUMSTANCES.

(a) Placement in Removal Proceedings.—Any unaccompanied alien child apprehended by the Directorate, except for an unaccompanied alien child subject to exceptions under paragraph (1)(A) or (2) of section (101)(a), shall be placed in removal proceedings under section 240 of the Immigration and Nationality Act (8 U.S.C. 1229a).

(b) Exception From Time Limit for Filing Asylum Application.—Section 208(a)(2) of the Immigration and Nationality Act (8 U.S.C. 1158(a)(2)) is amended by adding at the end the following:

"(E) Applicability.—Subparagraphs (A) and (B) shall not apply to an unaccompanied alien child as defined in section 101(a)(51).".

TITLE V—AUTHORIZATION OF APPROPRIATIONS

SEC. 501. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—There are authorized to be appropriated to the Department of Homeland Security, the Department of Justice, and the Department of Health and Human Services, such sums as may be necessary to carry out—

(1) the provisions of section 462 of the Homeland Security Act of 2002 (6 U.S.C. 279); and

(2) the provisions of this Act.

(b) AVAILABILITY OF FUNDS.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

TITLE VI—AMENDMENTS TO THE HOMELAND SECURITY ACT OF 2002

SEC. 601. ADDITIONAL RESPONSIBILITIES AND POWERS OF THE OFFICE OF REFUGEE RESETTLEMENT WITH RESPECT TO UNACCOMPANIED ALIEN CHILDREN.

(a) ADDITIONAL RESPONSIBILITIES OF THE DIRECTOR.—Section 462(b)(1) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)(1)) is amended—

(1) in subparagraph (K), by striking "and" at the end;

(2) in subparagraph (L), by striking the period at the end and inserting ", including regular follow-up visits to such facilities, placements, and other entities, to assess the continued suitability of such placements; and"; and

(3) by adding at the end the following:

"(M) ensuring minimum standards of care for all unaccompanied alien children—

"(i) for whom detention is necessary; and

"(ii) who reside in settings that are alternative to detention.".

(b) ADDITIONAL POWERS OF THE DIRECTOR.—Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)) is amended by adding at the end the following:

"(4) AUTHORITY.—In carrying out the duties under paragraph (3), the Director is authorized to—

"(A) contract with service providers to perform the services described in sections 102, 103, 201, and 202 of the Unaccompanied Alien Child Protection Act of 2005; and

"(B) compel compliance with the terms and conditions set forth in section 103 of the Unaccompanied Alien Child Protection Act of 2005, including the power to—

"(i) declare providers to be in breach and seek damages for noncompliance;

"(ii) terminate the contracts of providers that are not in compliance with such conditions; and

"(iii) reassign any unaccompanied alien child to a similar facility that is in compliance with such section.".

SEC. 602. TECHNICAL CORRECTIONS.

Section 462(b) of the Homeland Security Act of 2002 (6 U.S.C. 279(b)), as amended by section 601, is amended—

(1) in paragraph (3), by striking "paragraph (1)(G)" and inserting "paragraph (1)"; and

(2) by adding at the end the following:

"(5) STATUTORY CONSTRUCTION.—Nothing in paragraph (2)(B) may be construed to require that a bond be posted for unaccompanied alien children who are released to a qualified sponsor.".

SEC. 603. EFFECTIVE DATE.

The amendments made by this title shall take effect as if included in the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.).

By Mrs. FEINSTEIN:

S. 120. A bill for the relief of Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today private immigration relief legislation to provide lawful permanent residence status to Esidronio Arreola-Saucedo, Maria Elena Cobian Arreola, Nayely Bibiana Arreola and Cindy Jael Arreola, Mexican nationals living in the Fresno area of California.

Mr. and Mrs. Arreola have lived in the United States for almost 20 years. Two of their five children, Nayely, age 18, and Cindy, age 16, also stand to benefit from this legislation. Their other three children, Roberto, age 13, Daniel, age 9, and Saray, age 8, are United States citizens. Today, Mr. and Mrs. Arreola and their two eldest children face deportation.

The story of the Arreola family is compelling and I believe they merit Congress's special consideration for such an extraordinary form of relief as a private bill.

The Arreolas are in this uncertain situation in part because of grievous errors committed by their previous counsel, who has since been disbarred. In fact, the attorney's conduct was so egregious that it compelled an immigration judge to write the Executive Office of Immigration Review seeking his disbarment for the detriment he caused his immigration clients.

Mr. Arreola has lived in the United States since 1986. He was an agricultural migrant worker in the fields of California for several years, and as such would have been eligible for permanent residence through the Seasonal Agricultural Workers, SAW, program had he known about it.

Mrs. Arreola was living in the United States at the time she became pregnant with her daughter Cindy, but returned to Mexico to give birth so as to avoid any problems with the Immigration and Naturalization Service.

Given the length of time that the Arreolas had, and have been, in the United States it is quite likely that they would have qualified for relief from deportation pursuant to the cancellation of removal provisions of the Immigration and Nationality Act, but for the conduct of their previous attorney.

Perhaps one of the most compelling reasons for permitting the family to remain in the United States is the devastating impact their deportation would have on their children—three of whom are U.S. citizens, as I stated earlier, and the other two who have lived in the United States since they were toddlers. For these children, this country is the only country they really know.

Nayely, the oldest, is a freshman at Fresno Pacific University. She was the first in her family to graduate from high school and the first to attend college. She attends Fresno Pacific University, a regionally ranked university, on a full tuition scholarship package and works part-time in the admissions office.

At her young age, Nayely has demonstrated a strong commitment to the ideals of citizenship in her adopted country. She has worked hard to achieve her full potential both in her academic endeavors and through the service she provides her community. As the Associate Dean of Enrollment Services, Cary Templeton, at Fresno Pacific University states in a letter of support, "[t]he leaders of Fresno Pacific University saw in Nayely, a young person who will become exemplary of all that is good in the American dream."

In high school, Nayely was a member of Advancement Via Individual Determination, AVID, a college preparatory program in which students commit to determining their own futures through achieving a college degree. Nayely was also president of the Key Club, a community service organization. She helped mentor freshmen and participates in several other student organizations in her school. Perhaps the greatest hardship to this family, if forced to return to Mexico, will be her lost opportunity to realize her dreams and further contribute to her community and to this country.

It is clear to me that Nayely feels a strong sense of responsibility for her community and country. By all indications, this is the case as well for all of the members of her family.

The Arreolas also have other family who are lawful permanent residents of this country or United States citizens. Mrs. Arreola has three brothers who are U.S. citizens and Mr. Arreola has a sister who is a U.S. citizen. It is also my understanding that they have no immediate family in Mexico.

According to immigration authorities, this family has never had any problems with law enforcement. I am told that they have filed their taxes for every year from 1990 to the present. They have always worked hard to support themselves. As I previously mentioned, Mr. Arreola was previously employed as a farm worker, but now has his own business repairing electronics. His business has been successful enough to enable him to purchase a home for his family.

It seems so clear to me that this family has embraced the American dream and their continued presence in our country would do so much to enhance the values we hold dear. Enactment of the legislation I have introduced today will enable the Arreolas to continue to make significant contributions to their community as well as the United States.

I ask my colleagues to support this private bill. I also ask unanimous consent that the text of the legislation be printed in the RECORD and that the three letters of community support be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. ADJUSTMENT OF STATUS.

(a) IN GENERAL.—Notwithstanding any other provision of law or any order, for the purposes of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola shall be deemed to have been lawfully admitted to, and remained in, the United States, and shall be eligible for issuance of an immigrant visa or for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255).

(b) APPLICATION AND PAYMENT OF FEES.—Subsection (a) shall apply only if the applications for issuance of immigrant visas or the applications for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(c) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of immigrant visas to Esidronio Arreola-Saucedo, Maria Elna Cobian Arreola, Nayely Bibiana Arreola, and Cindy Jael Arreola, the Secretary of State shall instruct the proper officer to reduce by 4, during the current or subsequent fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) or 203(a) of the Immigration and Nationality Act (8 U.S.C. 1152(e), 1153(a)), as applicable.

FRESNO PACIFIC UNIVERSITY,
Fresno, CA.

Hon. DIANNE FEINSTEIN,
Washington, DC.

SENATOR FEINSTEIN: I am writing to ask you to continue your support for the Arreola family of Porterville, CA. and to ask you to reintroduce a private bill to grant the family permanent residency. It is laudable that you came to this families aid in May 2003 because of grievous errors committed by their former immigration attorney. You recognized the outstanding academic achievements of Nayely, Esidronio and Maria Arreola's oldest daughter, as one of the most compelling reasons to allow the family to remain in the United States. You recognized that the "Arreola family had and continues to embrace the American dream and that their continued presence in our country would enhance the values that we as Americans hold dear." Unfortunately the private bill you introduced was not passed into law and the family is in need of your support again.

You were right about Nayely!!! Nayely Arreola, the oldest daughter, has continued in her outstanding academic achievements and community service. The leaders at Fresno Pacific University saw in Nayely, a young person who will become exemplary of all that is good in the American dream. She has heart in the face of tough times, desire leading to solid community service, and leadership that our country desperately needs. Nayely has become a role model of success and hope that is so important to many young Hispanic students in Central California. She works in the admission office and often speaks to young people about the importance of a college education. Fresno Pacific was so impressed with her high school achievements that we offered her a full tuition scholarship package to attend our fully accredited and regionally ranked university.

Nayely's sister Cindy, now 16, is following Nayely's example. So are Roberto, now 13, Daniel, now 9, and Saray, now 8 years old. Nayely's parents, Esidronio Arreola-Saucedo and Maria Elena Cobian Arreola are continuing to be positive role models to their children and no burden on our American way of life. They would have been eligible for permanent residence through the Seasonal Agricultural Workers (SAW) program except for poor advice from their attorney who government officials have since disbarred. Please reintroduce a private bill seeking to grant this Porterville Family permanent resident status. All of us at Fresno Pacific University who have come to know and love this family would be in your debt as you to continue your support of the Arreola family.

Sincerely,

CARY W. TEMPLETON,
Associate Dean of Enrollment Services.

GRANITE HILLS HIGH SCHOOL,
Porterville, CA, January 14, 2005.

DEAR SENATOR FEINSTEIN: This letter is in support of Granite Hills High School graduate Nayely Arreola whom I have had the pleasure of knowing for the past four and one-half years. Nayely is a responsible, hard working and intelligent young lady.

Nayely was born in Mexico; English is her second language. She came to the United States when she was approximately five years old. When Nayely enrolled in high school at Granite Hills High School she was enrolled in our AVID program. AVID, "Advancement via Individual Determination", is a program for students who have the ability and desire to go to college but no one in their family has attended college.

Nayely took our AVID program and Granite Hills High School by storm. What a successful four year high school career she had. Throughout high school she was still listed as an "English Language Learner". Nayely successfully overcame not only a language barrier but many other obstacles and emerged as a respected scholar.

Nayely graduated from Granite Hills High School with honors, was a speaker at our graduation ceremony, and was and is highly regarded and respected by her peers and our teachers. Upon graduation, she earned The Good Samaratin Scholarship a "full ride" scholarship to Fresno Pacific University where she will excel as she did here I am sure. She will be successful in any career she pursues. Her parents did an excellent job: I wish I had done as well with my children.

Cindy Arreola, Nayely's younger sister, is currently a student at Granite Hills High School.

We need more families like the Arreolas in our country. Thank you for supporting them in the past and I fervently hope and pray the family will be allowed to remain in the United States.

Sincerely yours,

VERYL ANN DUNCAN,
Principal.

GRANITE HILLS HIGH SCHOOL,
Porterville, CA.

DEAR SENATOR FEINSTEIN: I am writing you this letter on behalf of Nayely Arreola and her family. It is with a grateful heart that I praise you for all you have done so far for this family. I am urging that the Arreola bill be reintroduced so that this great family can stay in our country.

While Nayely was at Granite Hills High School, she was my prized pupil. I am the Speech and Debate teacher and Nayely represented our school in the Optimist Speech contest and the Lions Club Speech contest. In the Optimist contest she was a Club and Zone winner and last year in the Lions Club contest she was a club winner. Nayely was not only had my respect as a speaker and a student in my program, she had my highest opinion as the person she represented to her peers and teachers. I can honestly say Nayely was the hardest working student I have encountered in my tenure at Granite Hills High. She graduated fourth in her class and was a C. S. F. seal bearer at graduation. She was the president of the Key Club where she assisted in food, coat and toy drives for the needy of our community. She was a LINK, leader, which works with freshmen and their orientation to our school.

Nayely Arreola is more than a remarkable student, she is a remarkable person. Everything she has done has been to prepare her to go to a University in the United States. She was accepted at Fresno Pacific University as a President's Scholar. She is doing an outstanding job at Fresno Pacific University as a freshman. She is America's dream-her contribution to our country will be great. I have watched with great pride as she has grown into a wonderful young lady, ready to take on the world.

Please, I urge you to reintroduce this bill and work to have it passed.

CHRISTINE L. AMANN,
Reading Specialist/Speech Coordinator.

By Mr. DEWINE (for himself, Mr. DURBIN, Mr. ALLEN, Mr. HAGEL, Mr. COLEMAN, Mr. JOHNSON, Mr. OBAMA, and Mr. LEAHY):

S. 121. A bill to amend titles 10 and 38, United States Code, to improve the benefits provided for survivors of deceased members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

Mr. DEWINE. Mr. President, I rise today to honor the many families of our Nation's servicemen and women. We owe them a tremendous debt of gratitude for the services they have performed in supporting their family members in uniform. These families embody courage, patriotism, and dedication.

Mr. President, we have all heard the saying, "if the military wanted you to have a family, they would have issued you one at boot camp." But, the truth today is that more than 50% of America's men and women in uniform are married and about 50% of those families also have children. These families supply endless support for our servicemen and women in life and I believe we need to provide them that same support in the event of the death of the service member while serving on active duty. That is why I am joining my colleagues Senators DURBIN, ALLEN, HAGEL, COLEMAN, JOHNSON, OBAMA, and LEAHY in introducing legislation today to improve critical survivor benefits for those families who have lost a loved one on active duty.

Our legislation would amend four key benefit programs to improve the overall quality of life for survivors and dependent children. First, it would increase the death gratuity to $100,000 and create a death gratuity for each child under the age of 18 in the amount of $25,000. Currently, the gratuity for spouses is just $12,000, while no benefit exits for dependent children. This change would provide flexibility for the spouse in maintaining a home, paying off remaining debt, and providing immediate funds to transition the family to a life without the service member. Additionally, the dependent benefit would offer surviving children an initial investment that can be used to transition to adulthood, for example, as a down payment on a house or for college tuition.

Second, our legislation would extend military health insurance, known as TRICARE Prime, to every dependent child of a deceased service member at no cost until the age of 21, or until 23 if the dependent attends college. The Department of Defense indicates that this important benefit would save dependents approximately $15,000 per year compared to the cost of private health insurance premiums. Expanded TRICARE coverage also guarantees that surviving dependents would continue to have access to some of the best doctors this country has to offer and would receive adequate health care and treatment.

Third, our legislation would increase the dependency and indemnity compensation, or DIC, for a spouse to $1500 per month, as well as $750 per month for each child. In July 2004, the Government Accountability Office released a report titled "Military Personnel: Survivor Benefits for Service members and Federal, State, and City Employees." This report outlined hypothetical situations to demonstrate the benefits received at certain pay grades. This report indicated that an E-3, meaning a Private First Class or a Lance Corporal, with two dependents and three years of service would receive $1,182 per month from the Survivor Benefit Plan, SBP, and $1208 per month for DIC. This equals $28,680 per year for the family to live on if the surviving spouse is not employed.

In 2003, the USDA Center for Nutrition Policy and Promotion released a report on the costs associated with raising children. The study indicated that, on average across the United States, families spent between $9,500 and $10,500 per child on expenses in a two child, husband-wife family. Further, this study indicated that families with a household income below $47,000 per year were only able to spend from $7000 to $8000 per year on expenses to raise a child. For the hypothetical family I just described, it would cost more than $18,000 per year just to meet the expenses of raising the two dependents. However, since the household income, if the surviving spouse is not employed, would reach just $28,860, then it is likely that only about $14,000 will be spent for that purpose. Clearly, that's just not enough. Our bill would help ensure that the essential needs of the family can be met.

Finally, our legislation would increase the benefits available from the Survivors' and Dependents' Educational Assistance Program. It would eliminate the current 45 month cap on benefit payments and establish an $80,000 lump sum that can be drawn down for any educational expenses, including tuition, fees, room, board, and books. Under current law, a survivor only has access to about $38,867 if he/she attends college or a trade school on a full-time basis. As we know, this amount would not even guarantee a survivor access to a college degree from a state university. In fact, let's use the Ohio State University as an example. This public institution will cost in-state students roughly $18,600 for the 2004–2005 school year. Now, if there were no cost increases over the course of a four year matriculation, which, in this day and age, is an unrealistic assumption, a degree from OSU would cost $75,600. That is $36,733 more than the current benefit available from the Department of Veterans Affairs. Clearly a gap exists.

Mr. President, we owe the families of those who have lost loved ones in active duty our gratitude and support. The President's inauguration last week reminded me of something President Abraham Lincoln said in his second inaugural address. He said this: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in, to bind up the nation's wounds, to care for him who shall have borne the battle and for his widow and his orphan. . . ." It is time to do a better job of caring for these families. It is time to ensure that this Congress does what is right. I ask my colleagues to stand with me in support for these families and do our part, as they have done theirs.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEATH GRATUITIES PAYABLE WITH RESPECT TO DECEASED MEMBERS OF THE ARMED FORCES.

(a) INCREASED AMOUNT OF DEATH GRATUITY.—Section 1478(a) of title 10, United States Code, is amended by striking "$12,000" in the first sentence and inserting "$100,000".

(b) ADDITIONAL DEATH GRATUITY PAYABLE TO CHILD OF DECEASED.—

(1) PAYMENT AT AGE 21.—Section 1477 of such title is amended by adding at the end the following new subsection:

"(e) ADDITIONAL DEATH GRATUITY FOR DEPENDENT CHILDREN.—(1) If, in the case of a death for which a death gratuity is payable under section 1475 or 1476 of this title, the deceased is survived by one or more children described in subsection (b) who are under 18 years of age on the date of the death, the Secretary concerned shall pay an additional death gratuity to each such child when that child attains 21 years of age.

"(2) A death gratuity payable to any person under this subsection with respect to a death is in addition to any death gratuity that is payable to that person under section 1475 or 1476 of this title with respect to such death pursuant to subsection (a)(2).".

(2) AMOUNT.—

(A) Subsection (a) of section 1478 of such title, as amended by subsection (a) of this section, is further amended by inserting after the first sentence the following new sentence: "The death gratuity payable to a child of a deceased person under section 1477(e) of this title shall be $25,000.".

(B) Subsection (c) of such section is amended by striking "the amount" and inserting "each amount".

(3) CONFORMING AMENDMENTS.—(A) Section 1477(d) of such title is amended by striking "he receives the death gratuity," and inserting "receiving payment of a death gratuity under section 1475 or 1476 of this title,".

(B) Section 1479 of such title is amended—

(i) by striking "immediate"; and

(ii) by inserting "or 1477(e)" after "section 1475".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), this section and the amendments made by this section shall take effect as of October 1, 2001, and shall apply with respect to deaths occurring on or after such date.

(2) EXCEPTION.—The amendment made by subsection (b)(2)(B) shall take effect as of October 28, 2004, immediately following the enactment of Public Law 108–375.

SEC. 2. INCREASED PERIOD OF CONTINUED TRICARE COVERAGE OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES WHO DIE WHILE SERVING ON ACTIVE DUTY FOR A PERIOD OF MORE THAN 30 DAYS.

(a) PERIOD OF ELIGIBILITY.—Section 1079(g) of title 10, United States Code, is amended—

(1) by inserting "(1)" after "(g)";

(2) by striking the second sentence and inserting the following:

"(2) In addition to any continuation of eligibility for benefits under paragraph (1), when a member dies while on active duty for a period of more than 30 days, the member's dependents who are receiving benefits under a plan covered by subsection (a) shall continue to be eligible for such benefits during the three-year period beginning on the date of the member's death, except that, in the case of such a dependent who is a child of the deceased, the period of continued eligibility shall be the longer of the following periods beginning on such date:

"(A) Three years.

"(B) The period ending on the date on which the child attains 21 years of age.

"(C) In the case of a child of the deceased who, at 21 years of age, is enrolled in a full-time course of study in a secondary school or in a full-time course of study in an institution of higher education approved by the administering Secretary and was, at the time of the member's death, in fact dependent on the member for over one-half of the child's support, the period ending on the earlier of the following dates:

"(i) The date on which the child ceases to pursue such a course of study, as determined by the administering Secretary.

"(ii) The date on which the child attains 23 years of age.

"(3) For the purposes of paragraph (2)(C), a child shall be treated as being enrolled in a full-time course of study in an institution of higher education during any reasonable period of transition between the child's completion of a full-time course of study in a secondary school and the commencement of an enrollment in a full-time course of study in an institution of higher education, as determined by the administering Secretary.

"(4) No charge may be imposed for any benefits coverage under this chapter that is provided for a child for a period of continued eligibility under paragraph (2), or for any benefits provided to such child during such period under that coverage.".

(b) Effective Date.—This section and the amendments made by this section shall take effect as of October 1, 2001, and shall apply with respect to deaths occurring on or after such date.

SEC. 3. INCREASE AND ENHANCEMENT OF DEPENDENCY AND INDEMNITY COMPENSATION FOR SURVIVING SPOUSES.

(a) In General.—Subsection (a) of section 1311 of title 38, United States Code, is amended—

(1) in paragraph (1), by striking "$967" and inserting "$1,500";

(2) in paragraph (2), by inserting "or (4)" after "paragraph (1)"; and

(3) by adding at the end the following new paragraph:

"(4) In the case of a surviving spouse who remarries, dependency and indemnity compensation shall be paid to the surviving spouse at a monthly rate equal to 50 percent of the monthly rate otherwise provided under paragraph (1) for—

"(A) the first 60 months beginning after the date of such remarriage; or

"(B) in the case of a surviving spouse with one or more children below the age of 18, each month until the first month beginning after the date on which each such child has attained the age of 18.".

(b) Rates for Surviving Spouses With Dependent Children.—Such section is further amended—

(1) by striking subsection (b) and inserting the following new subsection (b):

"(b)(1) If there is a surviving spouse with one or more children below the age of 18, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $750 for each such child.

"(2)(A) Except as provided in subparagraph (B), the increase in dependency and indemnity compensation payable to a surviving spouse under paragraph (1) shall cease beginning with the first month commencing after the month in which all children of the surviving spouse have attained the age of 18.

"(B) The cessation under subparagraph (A) of the increase in dependency and indemnity compensation payable to a surviving spouse under paragraph (1) shall not occur with respect to any child of the surviving spouse who, before attaining the age of 18, becomes permanently incapable of support."; and

(2) by striking subsection (e), as added by section 301(a) of the Veterans Benefits Improvements Act of 2004 (Public Law 104-454).

(c) Effective Date.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2001, and shall apply with respect to months beginning on or after that date.

(2) The amendment made by subsection (b)(2) shall take effect on the date of the enactment of this Act.

SEC. 4. EXPANSION AND ENHANCEMENT OF SURVIVORS' AND DEPENDENTS' EDUCATIONAL ASSISTANCE.

(a) Termination of Durational Limitation on Use of Educational Assistance.—

(1) Termination of limitation and restatement of continuing requirements.—Subsection (a) of section 3511 of title 38, United States Code, is amended to read as follows:

"(a)(1) Notwithstanding any other provision of this chapter or chapter 36 of this title, any payment of educational assistance described in paragraph (2) shall not be charged against the entitlement of any individual under this chapter.

"(2) The payment of educational assistance referred to in paragraph (1) is the payment of such assistance to an individual for pursuit of a course or courses under this chapter if the Secretary finds that the individual—

"(A) had to discontinue such course pursuit as a result of being ordered to serve on active duty under section 688, 12301(a), 12301(d), 12301(g), 12302, or 12304 of title 10; and

"(B) failed to receive credit or training time toward completion of the individual's approved educational, professional, or vocational objective as a result of having to discontinue, as described in subparagraph (A), the course pursuit.".

(2) Conforming amendments.—(A) The heading of section 3511 of such title is amended to read as follows:

"§ 3511. Treatment of certain interruptions in pursuit of programs of education".

(B) Section 3532(g) of such title, as amended by section 106(b)(3) of the Veterans Earn and Learn Act of 2004 (title I of Public Law 108–454), is further amended—

(i) by striking paragraph (2); and

(ii) by redesignating paragraph (3) as paragraph (2).

(C) Section 3541 of such title is amended to read as follows:

"§ 3541. Special restorative training

"(a) The Secretary may, at the request of an eligible person—

"(1) determine whether such person is in need of special restorative training; and

"(2) if such need is found to exist, prescribe a course which is suitable to accomplish the purposes of this chapter.

"(b) A course of special restorative training under subsection (a) may, at the discretion of the Secretary, contain elements that would contribute toward an ultimate objective of a program of education.".

(D) Section 3695(a)(4) of such title is amended by striking "35,".

(b) Extension of Delimiting Age of Eligibility for Dependents.—Section 3512(a) of title 38, United States Code, is amended by striking "twenty-sixth birthday" each place it appears and inserting "thirtieth birthday".

(c) Amount of Educational Assistance.—

(1) In general.—Section 3532 of title 38, United States Code, is amended to read as follows:

"§ 3532. Amount of educational assistance

"(a) The aggregate amount of educational assistance to which an eligible person is entitled under this chapter is $80,000, as increased from time to time under section 3564 of this title.

"(b) Within the aggregate amount provided for in subsection (a), educational assistance under this chapter may be paid for any purpose, and in any amount, as follows:

"(1) A program of education consisting of institutional courses.

"(2) A full-time program of education that consists of institutional courses and alternate phases of training in a business or industrial establishment with the training in the business or industrial establishment being strictly supplemental to the institutional portion.

"(3) A farm cooperative program consisting of institutional agricultural courses prescheduled to fall within forty-four weeks of any period of twelve consecutive months that is pursued by an eligible person who is concurrently engaged in agricultural employment which is relevant to such institutional agricultural courses as determined under standards prescribed by the Secretary.

"(4) A course or courses or other program of special educational assistance as provided in section 3491(a) of this title.

"(5) A program of apprenticeship or other on-job training pursued in a State as provided in section 3687(a) of this title.

"(6) In the case of an eligible spouse or surviving spouse, a program of education exclusively by correspondence as provided in section 3686 of this title.

"(7) A special training allowance for special restorative training as provided in section 3542 of this title.

"(c) If a program of education is pursued by an eligible person at an institution located in the Republic of the Philippines, any educational assistance for such person under this chapter shall be paid at the rate of $0.50 for each dollar.

"(d)(1) Subject to paragraph (2), the amount of educational assistance payable under this chapter for a licensing or certification test described in section 3501(a)(5) of this title is the lesser of $2,000 or the fee charged for the test.

"(2) In no event shall payment of educational assistance under this subsection for such a test exceed the amount of the individual's available entitlement under this chapter.".

(2) Conforming amendments.—(A) Section 3533 of such title is amended to read as follows:

"§ 3533. Tutorial assistance

"An eligible person shall, without any charge to any entitlement of such person to educational assistance under section 3532(a) of this title be entitled to the benefits provided an eligible veteran under section 3492 of this title.".

(B) Section 3534 of such title is repealed.

(C) Section 3542 of such title is amended—

(i) in subsection (a), by striking "computed at the basic rate" and all that follows through the end of the subsection and inserting a period; and

(ii) in subsection (b), by striking "an educational assistance allowance" and inserting "educational assistance".

(D) Section 3543(c) of such title is amended—

(i) in paragraph (1), by adding "and" at the end;

(ii) by striking paragraph (2); and

(iii) by redesignating paragraph (3) as paragraph (2).

(E) Section 3564 of such title is amended by striking "rates payable under sections 3532, 3534(b), and 3542(a)" and inserting "aggregate amount of educational assistance payable under section 3532".

(F) Paragraph (1) of section 3565(b) of such title is amended to read as follows:

"(1) educational assistance payable under section 3532 of this title, including the special training allowance referred to in subsection (b)(7) of such section, shall be paid at the rate of $0.50 for each dollar; and".

(G) Section 3687 of such title is amended—

(i) in subsection (a)—

(I) in the matter preceding paragraph (1), by striking "or an eligible person (as defined in section 3501(a) of this title)"; and

(II) in the flush matter following paragraph (2), by striking "chapters 34 and 35" and inserting "chapter 34";

(ii) in subsection (c), by striking "chapters 34 and 35" and inserting "chapter 34"; and

(iii) in subsection (e), as added by section 102(a) of the Veterans Earn and Learn Act of 2004 (title I of Public Law 108–454), by striking paragraph (3) and inserting the following new paragraph (3):

"(3) In this subsection, the term 'individual' means an eligible veteran who is entitled to monthly educational assistance allowances payable under section 3015(e) of this title.".

(d) OTHER CONFORMING AMENDMENTS.—(1) Section 3524 of title 38, United States Code, is amended by striking "allowance" each place it appears.

(2)(A) Section 3531 of such title is amended—

(i) in subsection (a), by striking "an educational assistance allowance" and inserting "educational assistance"; and

(ii) in subsection (b), by striking "allowance".

(B) The heading of such section is amended by striking "**allowance**".

(3) Section 3537(a) of such title is amended by striking "additional".

(e) CLERICAL AMENDMENTS.—The table of sections at the beginning of chapter 35 of title 38, United States Code, is amended—

(1) by striking the item relating to section 3511 and inserting the following new item:

"3511. Treatment of certain interruptions in pursuit of programs of education.";

(2) by striking the items relating to section 3531, 3532, and 3533 and inserting the following new items:

"3531. Educational assistance.
"3532. Amount of educational assistance.
"3533. Tutorial assistance.";

(3) by striking the item relating to section 3534; and

(4) by striking the item relating to section 3541 and inserting the following new item:

"3541. Special restorative training.".

(f) EFFECTIVE DATES.—(1) Except as provided in paragraph (2), the amendments made by this section shall take effect on October 1, 2001.

(2) The amendments made by subsections (a)(2)(B) and (c)(2)(G)(iii) shall take effect on the date of the enactment of this Act.

(3) Notwithstanding the effective date under paragraph (1) of the amendment to section 3564 of title 38, United States Code, made by subsection (c)(2)(E), the Secretary of Veterans Affairs shall make the first increase in the aggregate amount of educational assistance under section 3532 of such title as required by such section 3564 (as so amended) for fiscal year 2006.

By Mr. FEINGOLD:

S. 122. A bill to abolish the death penalty under Federal law; to the Committee on the Judiciary.

Mr. FEINGOLD. Mr. President, today I introduce the Federal Death Penalty Abolition Act of 2005. This bill would abolish the death penalty at the Federal level. It would put an immediate halt to executions and forbid the imposition of the death penalty as a sentence for violations of Federal law.

Since 1976, when the death penalty was reinstated by the Supreme Court, there have been almost 1,000 executions across the country, including three at the Federal level. At the same time, over 100 people on death row were later found innocent and released from death row. Exonerated inmates are not only removed from death row, but they are usually released from prison altogether. Apparently, these people never should have been convicted in the first place. While death penalty proponents claim that the death penalty is fair, efficient, and a deterrent, the fact remains that our criminal justice system has failed and has resulted in at least 117 very grave mistakes.

Nine hundred and forty-four executions, and 117 exonerations in the modern death penalty era. That is an embarrassing statistic, one that should have us all questioning the use of capital punishment in this country. And we continue to learn about more cases in which our justice system has failed. Since I first introduced this bill in November of 1999, 36 death row inmates have been exonerated throughout the country, 12 since I introduced this bill in the last Congress in February 2003. Since I last introduced this bill, 115 people have been executed nationwide. How many innocents are among them? We may never know.

While executions continue and the death row population grows, the national debate on the death penalty intensifies and has become even more vigorous. The number of voices joining in to express doubt about the use of capital punishment in America is growing. As evidence of the flaws in our system mounts, it has created an awareness that has not escaped the attention of the American people. Layer after layer of confidence in the death penalty system has been gradually peeling away, and the voices of those questioning its fairness are growing louder and louder. Now they can be heard from college campuses and courtrooms and podiums across the Nation, to the Senate Judiciary Committee hearing room, to the Supreme Court. We must not ignore them.

That our modern society relies on killing as punishment is disturbing enough. Even more disturbing, however, is that our States' and Federal Government's use of the death penalty is often not consistent with principles of due process, fairness, and justice. These principles are the foundation of our criminal justice system. It is clearer than ever before that we have put innocent people on death row. In addition, statistics show that those States that have the death penalty are more likely to put people to death for killing white victims than for killing black victims.

After the death penalty was reinstated by the Supreme Court in 1976, the Federal Government first resumed death penalty prosecutions after enactment of a 1988 Federal law that provided for the death penalty for murder in the course of a drug-kingpin conspiracy. The Federal death penalty was then expanded significantly in 1994, when the omnibus crime bill allowed its use to apply to a total of some 60 Federal offenses. Since 1994, Federal prosecutions seeking the death penalty have now accelerated.

A survey on the Federal death penalty system from 1988 to early 2000 was released by the U.S. Department of Justice in September 2000. That report showed troubling racial and geographic disparities in the Federal Government's administration of the death penalty. In other words, who lives and who dies in the Federal system appears to relate to the color of the defendant's skin or the region of the country where the defendant is prosecuted. Attorney General Janet Reno was so disturbed by the results of that report that she ordered a further, in-depth study of the results. Attorney General John Ashcroft pledged to continue that study, but we still await the results of that further study. The Federal Government must do all that it can to ensure that no person is ever subject to harsher penalties because of the color of the defendant's skin.

I am certain that not one of my colleagues here in the Senate, not a single one, would defend racial discrimination in this ultimate punishment. The most fundamental guarantee of our Constitution is equal justice under law, and equal protection of the laws. Yet we have a system in place today that raises grave questions about whether that guarantee is being met.

While the Federal death penalty system is clearly plagued by flaws, there are 38 States across our Nation that also authorize the use of capital punishment. And like the Federal system, those systems are not free from error.

Five years ago, Governor George Ryan took the historic step of placing a moratorium on executions in Illinois and creating an independent, blue ribbon commission to review the State's death penalty system. The Commission conducted an extensive study of the death penalty in Illinois and released a report with 85 recommendations for reform of the death penalty system. The Commission concluded that the death penalty system is not fair, and that the risk of executing the innocent is alarmingly real. Governor Ryan later pardoned four death row inmates and commuted the sentences of all remaining Illinois death row inmates to life in prison before he left office in January 2003:

Illinois is not alone. Four years ago, then Governor Parris Glendening learned of suspected racial disparities in the administration of the death penalty in Maryland. Governor Glendening did not look the other way. He commissioned the University of Maryland to conduct the most exhaustive study of Maryland's application of the death penalty in history. Then faced with the rapid approach of a scheduled execution, Governor Glendening acknowledged that it was unacceptable to allow executions to take place while the study he had ordered was not yet complete. So, in May 2002, he placed a moratorium on executions. Unfortunately, Governor Bob Ehrlich later lifted that moratorium and executions have resumed in Maryland.

The Maryland study was released in January 2003, and the findings should startle us all. The study found that blacks accused of killing whites are simply more likely to receive a death sentence than blacks who kill blacks, or than white killers. According to the report, black offenders who kill whites are four times as likely to be sentenced to death as blacks who kill blacks, and twice as likely to get a death sentence as whites who kill whites.

Maryland and Illinois are not exceptions to a rule, nor anomalies in an otherwise perfect system. In fact, since reinstatement of the modern death penalty, 81 percent of capital cases across the country have involved white victims, even though only 50 percent of murder victims are white. Nationwide, more than half of the death row inmates are African Americans or Hispanic Americans.

There is evidence of racial disparities, inadequate counsel, prosecutorial misconduct, and false scientific evidence in death penalty systems across the country. While the research done in Maryland and Illinois has yielded shocking results, there are 36 other States that authorize the use of the death penalty, most of them far more frequently. Twenty of the 38 States that authorize capital punishment have executed more inmates than Maryland, and 14 of those States have carried out more executions than Illinois. So while we are closer to uncovering the unthinkable truth about the flaws in the Maryland and Illinois death penalty systems, there are 36 other States with systems that are most likely plagued with the same flaws. And yet, the killing continues.

At the beginning of 2005, I cannot help but believe that our progress has been tarnished by our Nation's not only continuing, but increasing use of the death penalty. We are a Nation that prides itself on the fundamental principles of justice, liberty, equality and due process. We are a Nation that scrutinizes the human rights records of other nations. Historically, we are one of the first nations to speak out against torture and killings by foreign governments. We should hold our own system of justice to the highest standard.

Over the last few years, some prominent voices in our country have done just that. And they are not just voices of liberals, or of the faith community. They are the voices of Justice Sandra Day O'Connor, Reverend Pat Robertson, George Will, former FBI Director William Sessions, Republican Governor George Ryan, and Democratic Governor Parris Glendening. The voices of those questioning our application of the death penalty are growing in number, and they are growing louder.

And while we examine the flaws in our death penalty system, we cannot help but note that our use of the death penalty stands in stark contrast to the majority of nations, which have abolished the death penalty in law or practice. There are now 117 countries that have abolished the death penalty in law or in practice. The European Union denies membership in the alliance to those nations that use the death penalty. In fact, it passed a resolution calling for the immediate and unconditional global abolition of the death penalty, and it specifically called on all States within the United States to abolish the death penalty. This is significant because it reflects the unanimous view of a group of nations with which the United States enjoys the closest of relationships and shares the deepest common values.

What is even more troubling in the international context is that the United States is now one of only five countries that imposes the death penalty for crimes committed by juveniles. So, while a May 2002 Gallup poll found that 69 percent of Americans oppose the death penalty for those under the age of 18, we are one of only five nations on this earth that puts to death people who were under 18 years of age when they committed their crimes. The others are Iran, the Democratic Republic of the Congo, Nigeria, and Saudi Arabia. In the last decade, the United States has executed more juvenile offenders than all other nations combined.

These are countries that we often criticize for human rights abuses. We should remove any basis for charges that human rights violations are taking place on our own soil by halting the execution of people who were not even adults when they committed the crimes for which they were sentenced to die. No one can reasonably argue that executing child offenders is a normal or acceptable practice in the world community. And I do not think that we should be proud that the United States is the world leader in the execution of child offenders.

As we begin a new year and another Congress, our society is still far from fully just. The continued use of the death penalty shames us. The penalty is at odds with our best traditions. It is wrong and it is immoral. The adage "two wrongs do not make a right," applies here in the most fundamental way. Our Nation has long ago done away with other barbaric punishments like whipping and cutting off the ears of criminals. Just as our Nation did away with these punishments as contrary to our humanity and ideals, it is time to abolish the death penalty as we seek justice in this new century. And it is not just a matter of morality. The continued viability of our justice system as a truly just system that deserves the respect of our own people and the world requires that we do so. Our Nation's striving to remain the leading defender of freedom, liberty and equality demands that we do so.

Abolishing the death penalty will not be an easy task. It will take patience, persistence, and courage. As we work to move forward in a rapidly changing world, let us leave this archaic practice behind.

I ask my colleagues to join me in taking the first step in abolishing the death penalty in our great Nation. I also call on each State that authorizes the use of the death penalty to cease this practice. Let us step away from the culture of violence and restore fairness and integrity to our criminal justice system.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 122

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Death Penalty Abolition Act of 2005".

SEC. 2. REPEAL OF FEDERAL LAWS PROVIDING FOR THE DEATH PENALTY.

(a) HOMICIDE-RELATED OFFENSES.—

(1) MURDER RELATED TO THE SMUGGLING OF ALIENS.—Section 274(a)(1)(B)(iv) of the Immigration and Nationality Act (8 U.S.C. 1324(a)(1)(B)(iv)) is amended by striking "punished by death or".

(2) DESTRUCTION OF AIRCRAFT, MOTOR VEHICLES, OR RELATED FACILITIES RESULTING IN DEATH.—Section 34 of title 18, United States Code, is amended by striking "to the death penalty or".

(3) MURDER COMMITTED DURING A DRUG-RELATED DRIVE-BY SHOOTING.—Section 36(b)(2)(A) of title 18, United States Code, is amended by striking "death or".

(4) MURDER COMMITTED AT AN AIRPORT SERVING INTERNATIONAL CIVIL AVIATION.—Section 37(a) of title 18, United States Code, is amended, in the matter following paragraph (2), by striking "punished by death or".

(5) CIVIL RIGHTS OFFENSES RESULTING IN DEATH.—Chapter 13 of title 18, United States Code, is amended—

(A) in section 241, by striking ", or may be sentenced to death";

(B) in section 242, by striking ", or may be sentenced to death";

(C) in section 245(b), by striking ", or may be sentenced to death"; and

(D) in section 247(d)(1), by striking ", or may be sentenced to death".

(6) MURDER OF A MEMBER OF CONGRESS, AN IMPORTANT EXECUTIVE OFFICIAL, OR A SUPREME COURT JUSTICE.—Section 351 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking "death or"; and

(B) in subsection (d)(2), by striking "death or".

(7) DEATH RESULTING FROM OFFENSES INVOLVING TRANSPORTATION OF EXPLOSIVES, DESTRUCTION OF GOVERNMENT PROPERTY, OR DESTRUCTION OF PROPERTY RELATED TO FOREIGN OR INTERSTATE COMMERCE.—Section 844 of title 18, United States Code, is amended—

(A) in subsection (d), by striking "or to the death penalty";

(B) in subsection (f)(3), by striking "subject to the death penalty, or";

(C) in subsection (i), by striking "or to the death penalty"; and

(D) in subsection (n), by striking "(other than the penalty of death)".

(8) MURDER COMMITTED BY USE OF A FIREARM DURING COMMISSION OF A CRIME OF VIOLENCE OR A DRUG TRAFFICKING CRIME.—Section 924(j)(1) of title 18, United States Code, is amended by striking "by death or".

(9) GENOCIDE.—Section 1091(b)(1) of title 18, United States Code, is amended by striking "death or".

(10) FIRST DEGREE MURDER.—Section 1111(b) of title 18, United States Code, is amended by striking "by death or".

(11) MURDER BY A FEDERAL PRISONER.—Section 1118 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by death or"; and

(B) in subsection (b), in the third undesignated paragraph—

(i) by inserting "or" before "an indeterminate"; and

(ii) by striking ", or an unexecuted sentence of death".

(12) MURDER OF A STATE OR LOCAL LAW ENFORCEMENT OFFICIAL OR OTHER PERSON AIDING IN A FEDERAL INVESTIGATION; MURDER OF A STATE CORRECTIONAL OFFICER.—Section 1121 of title 18, United States Code, is amended—

(A) in subsection (a), by striking "by sentence of death or"; and

(B) in subsection (b)(1), by striking "or death".

(13) MURDER DURING A KIDNAPING.—Section 1201(a) of title 18, United States Code, is amended by striking "death or".

(14) MURDER DURING A HOSTAGE-TAKING.—Section 1203(a) of title 18, United States Code, is amended by striking "death or".

(15) MURDER WITH THE INTENT OF PREVENTING TESTIMONY BY A WITNESS, VICTIM, OR INFORMANT.—Section 1512(a)(2)(A) of title 18, United States Code, is amended by striking "the death penalty or".

(16) MAILING OF INJURIOUS ARTICLES WITH INTENT TO KILL OR RESULTING IN DEATH.—Section 1716(i) of title 18, United States Code, is amended by striking "to the death penalty or".

(17) ASSASSINATION OR KIDNAPING RESULTING IN THE DEATH OF THE PRESIDENT OR VICE PRESIDENT.—Section 1751 of title 18, United States Code, is amended—

(A) in subsection (b)(2), by striking "death or"; and

(B) in subsection (d)(2), by striking "death or".

(18) MURDER FOR HIRE.—Section 1958(a) of title 18, United States Code, is amended by striking "death or".

(19) MURDER INVOLVED IN A RACKETEERING OFFENSE.—Section 1959(a)(1) of title 18, United States Code, is amended by striking "death or".

(20) WILLFUL WRECKING OF A TRAIN RESULTING IN DEATH.—Section 1992(b) of title 18, United States Code, is amended by striking "to the death penalty or".

(21) BANK ROBBERY-RELATED MURDER OR KIDNAPING.—Section 2113(e) of title 18, United States Code, is amended by striking "death or".

(22) MURDER RELATED TO A CARJACKING.—Section 2119(3) of title 18, United States Code, is amended by striking ", or sentenced to death".

(23) MURDER RELATED TO AGGRAVATED CHILD SEXUAL ABUSE.—Section 2241(c) of title 18, United States Code, is amended by striking "unless the death penalty is imposed,".

(24) MURDER RELATED TO SEXUAL ABUSE.—Section 2245 of title 18, United States Code, is amended by striking "punished by death or".

(25) MURDER RELATED TO SEXUAL EXPLOITATION OF CHILDREN.—Section 2251(d) of title 18, United States Code, is amended by striking "punished by death or".

(26) MURDER COMMITTED DURING AN OFFENSE AGAINST MARITIME NAVIGATION.—Section 2280(a)(1) of title 18, United States Code, is amended by striking "punished by death or".

(27) MURDER COMMITTED DURING AN OFFENSE AGAINST A MARITIME FIXED PLATFORM.—Section 2281(a)(1) of title 18, United States Code, is amended by striking "punished by death or".

(28) TERRORIST MURDER OF A UNITED STATES NATIONAL IN ANOTHER COUNTRY.—Section 2332(a)(1) of title 18, United States Code, is amended by striking "death or".

(29) MURDER BY THE USE OF A WEAPON OF MASS DESTRUCTION.—Section 2332a of title 18, United States Code, is amended—

(A) in subsection (a), by striking "punished by death or"; and

(B) in subsection (b), by striking "by death, or".

(30) MURDER BY ACT OF TERRORISM TRANSCENDING NATIONAL BOUNDARIES.—Section 2332b(c)(1)(A) of title 18, United States Code, is amended by striking "by death, or".

(31) MURDER INVOLVING TORTURE.—Section 2340A(a) of title 18, United States Code, is amended by striking "punished by death or".

(32) MURDER RELATED TO A CONTINUING CRIMINAL ENTERPRISE OR RELATED MURDER OF A FEDERAL, STATE, OR LOCAL LAW ENFORCEMENT OFFICER.—Section 408 of the Controlled Substances Act (21 U.S.C. 848) is amended—

(A) in each of subparagraphs (A) and (B) of subsection (e)(1), by striking ", or may be sentenced to death";

(B) by striking subsections (g) and (h) and inserting the following:

"(g) [Reserved.]

"(h) [Reserved.]";

(C) in subsection (j), by striking "and as to appropriateness in that case of imposing a sentence of death";

(D) in subsection (k), by striking ", other than death," and all that follows before the period at the end and inserting "authorized by law"; and

(E) by striking subsections (l) and (m) and inserting the following:

"(l) [Reserved.]

"(m) [Reserved.]".

(33) DEATH RESULTING FROM AIRCRAFT HIJACKING.—Section 46502 of title 49, United States Code, is amended—

(A) in subsection (a)(2), by striking "put to death or"; and

(B) in subsection (b)(1)(B), by striking "put to death or".

(b) NON-HOMICIDE RELATED OFFENSES.—

(1) ESPIONAGE.—Section 794(a) of title 18, United States Code, is amended by striking "punished by death or" and all that follows before the period and inserting "imprisoned for any term of years or for life".

(2) TREASON.—Section 2381 of title 18, United States Code, is amended by striking "shall suffer death, or".

(c) REPEAL OF CRIMINAL PROCEDURES RELATING TO IMPOSITION OF DEATH SENTENCE.—

(1) IN GENERAL.—Chapter 228 of title 18, United States Code, is repealed.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for part II of title 18, United States Code, is amended by striking the item relating to chapter 228.

SEC. 3. PROHIBITION ON IMPOSITION OF DEATH SENTENCE.

(a) IN GENERAL.—Notwithstanding any other provision of law, no person may be sentenced to death or put to death on or after the date of enactment of this Act for any violation of Federal law.

(b) PERSONS SENTENCED BEFORE DATE OF ENACTMENT.—Notwithstanding any other provision of law, any person sentenced to death before the date of enactment of this Act for any violation of Federal law shall serve a sentence of life imprisonment without the possibility of parole.

By Mr. FEINGOLD:

S. 123. A bill to amend part D of title XVIII of the Social Security Act to provide for negotiation of fair prices for Medicare prescription drugs; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am introducing a bill that will fix one of the fundamental flaws of the Medicare prescription drug benefit signed into law last Congress. The "Efficiency in Government Health Care Spending Act" will remove language included in the Medicare Modernization Act that prohibits the Medicare program from negotiating prescription drug prices with manufacturers. I believe that the Medicare prescription drug benefit does far too little to bring down the prices of prescription drugs, and that there are not enough measures to keep the skyrocketing cost of the program in check. In fact, it actually takes away one of the best tools the Medicare program could use in bringing down prescription drug prices by denying the government the ability to negotiate price discounts on behalf of Medicare beneficiaries.

My bill will allow the Federal Government to take advantage of the purchasing power of the Medicare program, saving taxpayers' dollars while reducing the costs of prescription drugs for Medicare beneficiaries. We need to act now to fix the flaws included in the Medicare prescription drug benefit, before the benefit begins next year.

Mr. President, I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 123

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Efficiency in Government Health Care Spending Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Prohibiting the Federal Government from negotiating prescription drug prices with manufacturers fails to take advantage of the purchasing power of the Medicare program.

(2) Negotiating prescription drug prices can reduce the costs of prescription drugs for both the Medicare program and taxpayers.

(3) A 2002 study by the inspector general of the Department of Health and Human Services found that—

(A) both the Medicare program and the beneficiaries of the Medicare program continually pay too much for medical equipment and medical supplies; and

(B) if the Medicare program paid the same prices for 16 health care supplies as the Department of Veterans Affairs, which directly negotiates prices with manufacturers, pays for those supplies, the Federal Government could save $958,000,000 each year.

SEC. 3. SENSE OF THE SENATE REGARDING THE USE OF AUTHORITY TO NEGOTIATE PRICES FOR MEDICARE PRESCRIPTION DRUGS.

It is the sense of the Senate that the Secretary of Health and Human Services should exercise the authority under section 1860D-11(i)(1) of the Social Security Act (42 U.S.C. 1395w-111(i)(1)), as amended by section 4, so as to assure an affordable medicare drug benefit for medicare beneficiaries and taxpayers.

SEC. 4. NEGOTIATING FAIR PRICES FOR MEDICARE PRESCRIPTION DRUGS.

(a) NEGOTIATION.—Section 1860D-11 of the Social Security Act (42 U.S.C. 1395w-111) is amended by striking subsection (i) (relating to noninterference) and by inserting the following:

"(i) AUTHORITY TO NEGOTIATE; NO NATIONAL FORMULARY.—

"(1) AUTHORITY TO NEGOTIATE PRICES WITH MANUFACTURERS.—In order to ensure that beneficiaries enrolled under prescription drug plans and MA-PD plans pay the lowest possible price, the Secretary shall have authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate contracts with manufacturers of covered part D drugs, consistent with the requirements and in furtherance of the goals of providing quality care and containing costs under this part.

"(2) NO NATIONAL FORMULARY.—In order to promote competition under this part and in carrying out this part, the Secretary may not require a particular formulary for covered part D drugs.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071).

By Mr. FEINGOLD:

S. 124. A bill to amend title XVIII of the Social Security Act to repeal the MA Regional Plan Stabilization Fund; to the Committee on Finance.

Mr. FEINGOLD. Mr. President, today I am introducing a bill that will remove the multi-billion dollar "stabilization fund" from the new Medicare prescription drug benefit. This stabilization fund is in essence a slush fund that gives billions of dollars to private insurance companies. This is not an efficient use of taxpayers' dollars. In fact, it's not clear why it's even necessary. If private managed care plans are successful in bringing costs down, as backers of the new Medicare bill expect, and if seniors supposedly want to choose private plans, as backers of the new Medicare bill believe, then why should American taxpayers pay private companies more money to get more people to enroll in them?

We should not be subsidizing private health insurance companies in the name of Medicare reform. It is fiscally irresponsible, in a time of record deficits, to use taxpayers' dollars as a giveaway to private insurance companies. By removing this multi-billion slush fund, my bill will save the American taxpayers $10 billion. Many analysts, including the Administration's analysts, predict that the new Medicare prescription drug benefit will far surpass the $400 billion budgeted for it. We need to look carefully at how we spend Medicare dollars, so that we can ensure that the program remains solvent for future generations.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 124

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPEAL OF MA REGIONAL PLAN STABILIZATION FUND.

(a) PURPOSE OF SECTION.—The purpose of this section is to reduce the Federal budget deficit and to more efficiently use taxpayer dollars in health care spending.

(b) REPEAL OF MA REGIONAL PLAN STABILIZATION FUND.—Section 1858 of the Social Security Act (42 U.S.C. 1395w-27a) is amended—

(1) by striking subsection (e);

(2) by redesignating subsections (f), (g), and (h) as subsections (e), (f), and (g), respectively; and

(3) in subsection (e), as so redesignated, by striking "subject to subsection (e),".

(c) CONFORMING AMENDMENT.—Section 1851(i)(2) of the Social Security Act (42 U.S.C. 1395w-21(i)(2)), as amended by section 221(d)(5) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, is amended by striking "1858(h)" and inserting "1858(g)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173).

By Mrs. BOXER (for herself, Mrs. FEINSTEIN and Mr. DURBIN):

S. 125. A bill to designate the United States courthouse located at 501 I Street in Sacramento, California, as the "Robert T. Matsui United States Courthouse"; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, I am introducing legislation today to name the courthouse in Sacramento, California, as the "Robert T. Matsui United States Courthouse." I am pleased to be joined in this effort by Senators FEINSTEIN and DURBIN.

Congressman Matsui's death on January 1, 2005 was shocking to all of us. Naming the Federal Courthouse in Sacramento in his honor would be a very appropriate memorial to his continual efforts toward a just and fair society.

After his childhood internment, Bob Matsui could have chosen to dwell on the sadness of his early years. Instead, he chose to give his life to public service, working to improve the lives of those in his congressional district and all Americans. He was a true patriot.

He was first elected to Congress in 1978, and spent the past 26 years representing the citizens of Sacramento with distinction and pride. He served as a senior member of the Committee on Ways and Means, and took a particular interest in complex public policy issues including tax, international trade, social security, healthcare, and welfare reform.

Congressman Matsui's dedication to the well-being of America's children earned him the Congressional Advocate of the Year award from The Child Welfare League of America in 1992 and 1994. The Congressman was also honored with the Anti Defamation League's Lifetime Achievement Award for his commitment to human rights.

Included in Congressman Matsui's long list of legislative achievements were his accomplishments to benefit the people of his district including flood control, transportation, and his success in obtaining $142 million in federal funding for the courthouse in Sacramento.

A graduate of the University of California at Berkeley and Hastings College of Law, he founded his own law practice in 1967, and was elected to the Sacramento City Council in 1971. After winning reelection in 1975 he became vice mayor of Sacramento in 1977. Congressman Matsui is survived by his wife, Doris Matsui, their son Brian and his wife Amy, and granddaughter, Anna.

Mrs. FEINSTEIN. Mr. President, I join Senators BOXER and DURBIN in introducing legislation that would rename the federal courthouse in Sacramento, CA, in honor of recently deceased U.S. Representative Robert T. Matsui. This represents a fitting tribute to a great man and a dedicated public servant.

On January 1, 2005, the people of the Sacramento area, the State of California, and the Nation suffered a great loss when Bob Matsui passed away. For 26 years in Congress and 7 years before that as a member of the Sacramento City Council, Bob was a reasoned and dependable voice. A problem solver, Bob was a thoughtful and constructive leader who brought people together to find solutions to public policy issues.

I had the distinct pleasure of working with Bob on a number of issues relating to our home State of California. I will remember him as a great human being, as a trusted colleague, as a fine public servant, and someone in whom I was proud to place friendship, respect, and collegiality.

Proud of his ideals, Bob never let disagreement lead to rancor. The sheer number of tributes paid from both sides of the aisle clearly demonstrates the enormous respect he inspired among his colleagues. Likewise, the tremendous outpouring of support shown at services held in his honor reminds us just how endeared he had become to those he represented over the years.

Bob's path to public service was greatly fueled by experiences in his youth, especially his internment along with thousands of other Japanese Americans during World War II.

When he was just six months old, Bob and his family were sent to an internment camp in Northern California, leaving behind their home and their livelihood. Bob would spend the first four years of his life there.

I think this experience had a very sobering impact on his life. But rather than let it lead to resentment and hatred, I think it had an impact on his knowing what he wanted to do with his life, and that was public service.

In fact, one of Bob's most significant legacies will be the work he did to help the Government make amends with the Japanese Americans who were interned like himself.

As a member of Congress, Bob was successful in passing legislation that offered a formal apology from the Government for the internment program and provided compensation to victims. This is a great legacy and it will be remembered well.

Bob also excelled in his knowledge and expertise of Social Security as well as tax and trade policy. He had an influential place on the House Ways and Means Committee, which will miss his leadership.

The Sacramento area, where Bob was born and which he represented for over three decades in public office, shows numerous examples of Bob's achievements. From the light-rail train system to comprehensive flood protection, Bob's mark is everywhere.

The renaming of this particular courthouse in Bob's honor is especially fitting. During his career in Congress, Bob was instrumental in obtaining more than $142 million in federal funding for the courthouse.

Bob did what he did extraordinarily well. Throughout his career he showed that he was a skilled politician as well as a great policymaker. His constituents considered themselves lucky to have his representation, and I consider myself lucky to have known him.

Through his many accomplishments, Bob Matsui secured his legacy of devoted public service. I offer my gratitude for his service and support this legislation in his honor.

By Mr. INOUYE:

S. 127. A bill to amend chapter 81 of title 5, United States Code, to authorize the use of clinical social workers to conduct evaluations to determine work-related emotional and mental illnesses; to the Committee on Homeland Security and Governmental Affairs.

Mr. INOUYE. Mr. President, today I introduce the Clinical Social Workers' Recognition Act to correct a continuing problem in the Federal Employees Compensation Act. This bill will also provide clinical social workers the recognition they deserve as independent providers of quality mental health care services.

Clinical social workers are authorized to independently diagnose and treat mental illnesses through public and private health insurance plans across the nation. However, Title V of the United States Code, does not permit the use of mental health evaluations conducted by clinical social workers for use as evidence in determining workers' compensation claims brought by federal employees. The bill I am introducing corrects this problem.

It is a sad irony that Federal employees may select a clinical social worker through their health plans to provide mental health services, but may not go to this same professional for workers' compensation evaluations. The failure to recognize the validity of evaluations provided by clinical social workers unnecessarily limits federal employees' selection of a provider to conduct the workers' compensation mental health evaluations. Lack of this recognition may well impose an undue burden on federal employees where clinical social workers are the only available providers of mental health care.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 127

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clinical Social Workers' Recognition Act of 2005".

SEC. 2. EXAMINATIONS BY CLINICAL SOCIAL WORKERS FOR FEDERAL WORKER COMPENSATION CLAIMS.

Section 8101 of title 5, United States Code, is amended—

(1) in paragraph (2), by striking "and osteopathic practitioners" and inserting "osteopathic practitioners, and clinical social workers"; and

(2) in paragraph (3), by striking "osteopathic practitioners" and inserting "osteopathic practitioners, clinical social workers,".

By Mrs. BOXER (for herself and Mrs. FEINSTEIN):

S. 128. A bill to designate certain public land in Humboldt, Del Norte, Mendocino, Lake, and Napa Counties in the State of California as wilderness, to designate certain segments of the Black Butte River in Mendocino County, California as a wild or scenic river, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. BOXER. Mr. President, I am introducing a bill today that will protect hundreds of thousands of acres of wilderness in Northern California. The Northern California Coastal Wild Heritage Wilderness Act would designate over 300,000 acres in 14 areas as wilderness and would protect 21 miles of the Black Butte Creek as wild and scenic. The Senate passed this legislation during the 108th Congress, and I am hopeful this year that the bill will become law.

California's natural treasures have always been one of the things that make California unique, drawing millions of people to them over the years to revel in their wild beauty. But that beauty must not be taken for granted. It is important that we move now to designate these special places in California as wilderness to protect them for the enjoyment of future generations.

That is why I introduced the statewide California Wild Heritage Act during the 107th Congress and the 108th Congress, and I will soon be reintroducing it. The California Wild Heritage Act would protect more than 2.5 million acres of public land throughout the state of California, as well as the free-flowing portions of 23 rivers. Every acre of wild land is a treasure, but the areas protected in this bill are some of California's most precious.

I am pleased to join Representative Mike Thompson of California in introducing this legislation, which protect those portions of my statewide bill that are located in California's First Congressional District. The areas protected under this legislation are some of the most magnificent wild places in our state. For example, in southwestern Humboldt and northwestern Mendocino counties, over 42,000 acres of the King Range will be protected as wilderness. This is the wildest portion of the California coast, boasting the longest stretch of undeveloped coastline in the United States outside of Alaska.

This bill will protect watersheds that provide clean water to our cities and farms. This bill would also protect the precious plant and animal species that make their homes in these areas. Endangered and threatened species whose habitats will be protected by this bill include the bald eagle, California brown pelican, steelhead trout, coho salmon, bald eagle, peregrine falcon, northern spotted owl, and Roosevelt elk.

During the last 20 years, 675,000 acres of unprotected wilderness lost their wilderness character due to activities such as logging and mining. As our population increases, and California becomes home to almost 50 million people by the middle of the century, development pressures threaten our remaining wild places. We must protect our precious wild lands and wild rivers before they are lost forever.

Mr. President, those of us who live in the United States have a very special responsibility to protect our natural heritage. With this legislation, we are one step closer to protecting this legacy for our children's children, and their children.

By Mr. TALENT:

S. 129. A bill to amend title 23, United States Code, to provide for HOV facilities; to the Committee on Environment and Public Works.

Mr. TALENT. Mr. President, I am pleased to be introducing this bill, which will allow more owners of hybrid electric vehicles, or HEVs, to have access to HOV lanes on Federal highways. For all of us who have a desire to lessen our dependence on foreign oil and encourage the use of renewable energy, this bill represents a step forward towards achieving those goals.

The language that is currently in the highway bills passed by the House and the Senate allows hybrid vehicles that achieve a 45 mile-per-gallon fuel economy highway rating to use HOV lanes. Any hybrid that achieves that kind of fuel economy certainly deserves to get that status, because it is a very impressive fuel economy rating and represents a substantial improvement over non-hybrid vehicles. What the 45 mile-per-gallon standard fails to take into account, however, is that many larger hybrid vehicles achieve a much larger fuel economy improvement over their internal combustion engine counterparts, and thus save more energy, than smaller vehicles which manage to meet the standard but are a less drastic improvement over their non-hybrid counterparts.

To illustrate this, take the 2005 model Honda Civic HEV, which gets just over 45 miles-per-gallon. This represents less than a 40 percent improvement over the comparable internal combustion model. The 2005 Ford Escape HEV, on the other hand, is a truck, so it gets fewer miles per gallon than a Civic, between 35 and 40. However, this is a 75 percent improvement over its internal combustion engine counterpart, and in addition, the Escape HEV emits 3-4 tons fewer greenhouse gases every year than the non-hybrid.

There is no reason to discriminate against these larger, American-made hybrids like the Ford Escape. They are truly engineering marvels and are so clearly beneficial for the environment. The bill that I have sponsored will give States the discretion to open up their HOV lanes to hybrid vehicles that achieve a substantial increase in fuel economy relative to comparable gasoline vehicles, or achieve a substantial increase in lifetime fuel savings relative to comparable gasoline vehicles. It creates a minimum standard of improvement necessary for hybrids, but gives States the option of increasing the requirements. This bill also allows States to open HOV lanes to single occupancy advanced lean burn vehicles that achieve at least a 25 percent increase in fuel economy relative to comparable gasoline vehicles and that are certified to Clean Air Act Tier 2 standards.

I am hopeful that my colleagues on both sides of the aisle can agree that we should do all we can to encourage the use of renewable energy in our country, and hybrid vehicles are an important part of that. The people who drive these vehicles are doing their part to help clean up the air and increase energy conservation, and we should give more people an incentive to buy these vehicles by giving them access to HOV lanes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 129

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOV FACILITIES.

(a) IN GENERAL.—Subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"§ 165. HOV facilities

"(a) DEFINITIONS.—In this section:

"(1) DEDICATED ALTERNATIVE FUEL VEHICLE.—The term 'dedicated alternative fuel vehicle' means a vehicle that operates solely on—

"(A) methanol, denatured ethanol, or other alcohols;

"(B) a mixture containing at least 85 percent of methanol, denatured ethanol, or other alcohols by volume with gasoline or other fuels;

"(C) natural gas;

"(D) liquefied petroleum gas;

"(E) hydrogen;

"(F) coal derived liquid fuels;

"(G) fuels (except alcohol) derived from biological materials;

"(H) electricity, including electricity from solar energy; or

"(I) any other fuel that the Secretary prescribes by regulation that is not substantially petroleum and that would yield substantial energy security and environmental benefits.

"(2) HOV FACILITY.—The term 'HOV facility' means a high occupancy vehicle facility.

"(3) LOW-EMISSION AND ENERGY-EFFICIENT VEHICLE.—The term 'low-emission and energy-efficient vehicle' means a vehicle that—

"(A) has been certified by the Administrator of the Environmental Protection Agency as meeting the Tier II emission level established in regulations prescribed by the Administrator under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)) for that make and model year vehicle; and

"(B)(i) has propulsion energy drawn from onboard hybrid sources of stored energy that are—

"(I) an internal combustion or heat engine using consumable fuel;

"(II) a rechargeable energy storage system; and

"(III) certified by the manufacturer to have achieved either a 10 percent or more increase in city fuel economy relative to a comparable vehicle that is an internal combustion gasoline fueled vehicle (other than a vehicle that has propulsion energy from such onboard hybrid sources), or a 10 percent or more vehicle increase in lifetime fuel savings relative to a comparable vehicle, determined in accordance with guidelines prescribed by the Administrator of the Environmental Protection Agency not later than 180 days after the date of enactment of this section, specifying procedures and methods for calculating either increase and making the comparison, except that the State agency referred to in this section may, subject to the guidelines, increase in combination the percentage under this subclause in furtherance of its responsibilities with respect to a HOV facility specified in subsection (e); or

"(ii) is a dedicated alternative fuel vehicle.

"(4) PUBLIC TRANSPORTATION VEHICLE.—The term 'public transportation vehicle' means a vehicle that provides public transportation (as defined in section 5302(a) of title 49).

"(5) STATE AGENCY.—The term 'State agency', as used with respect to a HOV facility, means an agency of a State or local government (including a State transportation department) having jurisdiction over the operation of the facility.

"(6) ADVANCED LEAN BURN TECHNOLOGY VEHICLE.—The term 'advanced lean burn technology vehicle' means a vehicle with an internal combustion engine that—

"(A) is designed to operate primarily using more air than is necessary for complete combustion of fuel;

"(B) incorporates direct injection;

"(C) achieves at least 125 percent of city fuel economy of a comparable vehicle; and

"(D) has received a certificate that the vehicle meets or exceeds—

"(i) in the case of a vehicle having a gross vehicle weight rating of 6000 pounds or less, the Bin 5 II emission standard established by regulations under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)); and

"(ii) in the case of a vehicle having a gross vehicle weight rating of more than 6,000 pounds but not more than 8,500 pounds, the Bin 8 Tier II emission standard established by regulations under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)).

"(b) IN GENERAL.—

"(1) AUTHORITY OF STATE AGENCIES.—A State agency that has jurisdiction over the operation of a HOV facility shall establish the occupancy requirements of vehicles operating on the facility.

"(2) OCCUPANCY REQUIREMENT.—Except as otherwise provided by this section, not fewer than 2 occupants per vehicle may be required for use of a HOV facility.

"(c) EXCEPTIONS TO OCCUPANCY REQUIREMENT.—Notwithstanding the occupancy requirements of subsection (b)(2), the following exceptions shall apply with respect to a State agency operating a HOV facility:

"(1) MOTORCYCLES AND BICYCLES.—

"(A) IN GENERAL.—Subject to subparagraph (B), the State agency shall allow motorcycles and bicycles to use the HOV facility.

"(B) SAFETY EXCEPTION.—

"(i) IN GENERAL.—A State agency may restrict use of the HOV facility by motorcycles or bicycles if the agency certifies to the Secretary that such use would create a safety hazard and the Secretary accepts the certification.

"(ii) NOTICE.—The Secretary may accept a certification under clause (i) only after the Secretary publishes notice of the certification in the Federal Register and provides an opportunity for public comment.

"(2) PUBLIC TRANSPORTATION VEHICLES.—The State agency may allow public transportation vehicles to use the HOV facility if the agency—

"(A) establishes requirements for clearly identifying the vehicles; and

"(B) establishes procedures for enforcing the restrictions on the use of the facility by the vehicles.

"(3) HIGH OCCUPANCY TOLL VEHICLES.—The State agency may allow vehicles that are not otherwise exempt under this subsection to use the HOV facility if—

"(A) the operators of the vehicles pay a toll charged by the agency for use of the facility; and

"(B) the agency—

"(i) establishes a program that addresses how motorists can enroll and participate in the toll program;

"(ii) develops, manages, and maintains a system that will automatically collect the toll; and

"(iii) establishes policies and procedures to—

"(I) manage the demand to use the facility by varying the toll amount that is charged;

"(II) enforce violations of use of the facility; and

"(III) permit low-income individuals to pay reduced tolls.

"(4) LOW-EMISSION AND ENERGY-EFFICIENT VEHICLES.—

"(A) INHERENTLY LOW-EMISSION VEHICLES.—Before September 30, 2009, the State agency may allow vehicles that are certified and labeled as inherently low-emission vehicles under section 88.311-93 of title 40, Code of Federal Regulations, to use the HOV facility if the agency establishes procedures for enforcing restrictions on the use of the facility by the vehicles.

"(B) OTHER LOW-EMISSION AND ENERGY-EFFICIENT VEHICLES.—Before September 30, 2009, the State agency may allow vehicles that are certified as and labeled low-emission and energy-efficient vehicles under subsection (f) to use the HOV facility if the agency—

"(i) establishes a program that addresses how the vehicles are selected and certified;

"(ii) establishes requirements for labeling the vehicles and procedures for enforcing those requirements;

"(iii) continuously monitors, evaluates, and reports to the Secretary on the performance of the vehicles; and

"(iv) imposes on the use of the HOV facility by vehicles that do not satisfy established occupancy requirements any restrictions that are necessary to ensure that neither the performance of an individual HOV facility nor the HOV facility system are seriously degraded.

"(5) ADVANCED LEAN BURN TECHNOLOGY VEHICLES.—Before September 30, 2009, the State agency may allow vehicles that are certified and labeled as advanced lean burn technology vehicles under subsection (f) to use the HOV facility if the agency—

"(A) establishes a program that address how the vehicles are selected and certified;

"(B) establishes requirements for labeling the vehicles and procedures for enforcing those requirements;

"(C) continuously monitors, evaluates, and reports to the Secretary on the performance of the vehicles; and

"(D) imposes on the use of HOV facilities by vehicles that do not satisfy established occupancy requirements any restrictions that are necessary to ensure that neither the performance of individual HOV facilities nor the HOV facility system are seriously degraded.

"(d) REQUIREMENTS APPLICABLE TO TOLLS.—

"(1) IN GENERAL.—Notwithstanding section 301, tolls may be charged under paragraphs (3) and (4) of subsection (c), subject to the requirements of section 129.

"(2) HOV FACILITIES ON THE INTERSTATE SYSTEM.—Notwithstanding section 129, tolls may be charged under paragraphs (3) and (4) of subsection (c) on a HOV facility on the Interstate System.

"(3) EXCESS TOLL REVENUES.—If a State agency makes a certification under the last sentence of section 129(a)(3) concerning toll revenues collected under paragraphs (3) and (4) of subsection (c), the State shall give priority consideration to projects that develop alternatives to single occupancy vehicle travel or improve highway safety in the use of toll revenues under that sentence.

"(e) HOV FACILITY MANAGEMENT, OPERATION, MONITORING, AND ENFORCEMENT.—

"(1) IN GENERAL.—A State agency that allows low-emission and energy-efficient vehicles to use a HOV facility under subsection (c)(4) in a fiscal year shall certify to the Secretary that the agency will carry out the following responsibilities with respect to the facility in the fiscal year:

"(A) Establish, manage, and support a performance-monitoring, evaluation, and reporting program for the facility that provides for continuous monitoring, assessment, and reporting on the effects that low-emission and energy-efficient vehicles may have on the operation of the facility and adjacent highways.

"(B) Establish, manage, and support an enforcement program that ensures that the facility is operated in accordance with this section.

"(C) Limit or discontinue the use of the facility by low-emission and energy-efficient vehicles if the presence of the vehicles has degraded the operation of the facility.

"(2) MINIMUM AVERAGE OPERATING SPEED; DEGRADED FACILITY.—

"(A) MINIMUM AVERAGE OPERATING SPEED DEFINED.—In this paragraph, the term 'minimum average operating speed' means—

"(i) 45 miles per hour, in the case of a HOV facility with a speed limit of 50 miles per hour or greater; and

"(ii) not more than 10 miles per hour below the speed limit, in the case of a HOV facility with a speed limit of less than 50 miles per hour.

"(B) STANDARD FOR DETERMINING DEGRADATION.—For purposes of paragraph (1), the operation of a HOV facility shall be considered to be degraded if vehicles operating on the facility fail to maintain a minimum average operating speed 90 percent of the time over a consecutive 180-day period during morning or evening weekday peak hour periods.

"(f) CERTIFICATION AND LABELING OF LOW-EMISSION AND ENERGY-EFFICIENT VEHICLES AND ADVANCED LEAN BURN TECHNOLOGY VEHICLES.—Not later than 180 days after the date of enactment of this section, the Administrator of the Environmental Protection Agency shall promulgate a final rule establishing requirements for—

"(1) certification of vehicles—

"(A) as low-emission and energy-efficient vehicles; and

"(B) as advance lean burn technology vehicles; and

"(2) labeling of the vehicles certifed under paragraph (1).".

(b) TECHNICAL AMENDMENT.—Section 102(c) of title 23, United States Code, is amended by striking from "10 years" through "after" and inserting "10 years (or any longer period that the State requests and the Secretary determines to be reasonable) after".

(c) CONFORMING AMENDMENTS.—

(1) PROGRAM EFFICIENCIES.—Section 102 of title 23, United States Code, is amended by striking subsection (a) and redesignating subsections (b) and (c) as subsections (a) and (b), respectively.

(2) CHAPTER ANALYSIS.—The analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by adding at the end the following:

"165. HOV facilities.".

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 130. A bill to authorize an additional district judgeship for the district of Nebraska; to the Committee on the Judiciary.

Mr. HAGEL. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 130

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DISTRICT JUDGESHIP FOR THE DISTRICT OF NEBRASKA.

(a) IN GENERAL.—The President shall appoint, by and with the advice and consent of the Senate, 1 additional district judge for the district of Nebraska.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table under section 133(a) of title 28, United States Code, is amended by striking the item relating to Nebraska and inserting the following:

"Nebraska .... 4".

By Mr. INHOFE (for himself and Mr. VOINOVICH):

S. 131. A bill to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 131

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Clear Skies Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Emission reduction programs.

"TITLE IV—EMISSION REDUCTION PROGRAMS

"PART A—GENERAL PROVISIONS

"Sec. 401. (reserved)
"Sec. 402. Definitions.
"Sec. 403. Allowance system.
"Sec. 404. Permits and compliance plans.
"Sec. 405. Monitoring, reporting, and recordkeeping requirements.
"Sec. 406. Excess emissions penalty; general compliance with other provisions; enforcement.
"Sec. 407. Election for additional units.
"Sec. 408. Clean coal technology regulatory incentives.
"Sec. 409. Electricity reliability.

"PART B—SULFUR DIOXIDE EMISSION REDUCTIONS

"SUBPART 1—ACID RAIN PROGRAM

"Sec. 411. Definitions.

"Sec. 412. Allowance allocation.
"Sec. 413. Phase I sulfur dioxide requirements.
"Sec. 414. Phase II sulfur dioxide requirements.
"Sec. 415. Allowances for States with emissions rates at or below 0.80 lbs/mmBtu.
"Sec. 416. Election for additional sources.
"Sec. 417. Auctions, reserve.
"Sec. 418. Industrial sulfur dioxide emissions.
"Sec. 419. Termination.

"SUBPART 2—CLEAR SKIES SULFUR DIOXIDE ALLOWANCE PROGRAM

"Sec. 421. Definitions.
"Sec. 422. Applicability.
"Sec. 423. Limitations on total emissions.
"Sec. 424. Egu allocations.
"Sec. 425. Disposition of sulfur dioxide allowances allocated under subpart 1.
"Sec. 426. Incentives for sulfur dioxide emission control technology.

"SUBPART 3—WESTERN REGIONAL AIR PARTNERSHIP

"Sec. 431. Definitions.
"Sec. 432. Applicability.
"Sec. 433. Limitations on total emissions.
"Sec. 434. EGU allocations.

"Part C—Nitrogen Oxides Clear Skies Emission Reductions

"SUBPART 1—ACID RAIN PROGRAM

"Sec. 441. Nitrogen oxides emission reduction program.
"Sec. 442. Termination.

"SUBPART 2—CLEAR SKIES NITROGEN OXIDES ALLOWANCE PROGRAM

"Sec. 451. Definitions.
"Sec. 452. Applicability.
"Sec. 453. Limitations on total emissions.
"Sec. 454. EGU allocations.
"Sec. 455. Nitrogen oxides early action reduction credits.

"SUBPART 3—OZONE SEASON NOx BUDGET PROGRAM

"Sec. 461. Definitions.
"Sec. 462. General provisions.
"Sec. 463. Applicable implementation plan.
"Sec. 464. Termination of Federal administration of NOx trading program for EGUs.
"Sec. 465. Carryforward of pre-2008 nitrogen oxides allowances.
"Sec. 466. Non-ozone season voluntary action credits.

"Part D—Mercury Emissions Reductions

"Sec. 471. Definitions.
"Sec. 472. Applicability.
"Sec. 473. Limitations on total emissions.
"Sec. 474. EGU allocations.
"Sec. 475. Mercury early action reduction credits.

"Part E—National Emission Standards; Research, Environmental Accountability; Major Source Preconstruction Review and Best Available Retrofit Control Technology Requirements

"Sec. 481. National emission standards for affected units.
"Sec. 482. Research, environmental monitoring, and assessment.
"Sec. 483. Major source preconstruction review requirements and best available retrofit control technology requirements; applicability to affected units.

Sec. 3. Other amendments.

SEC. 2. EMISSION REDUCTION PROGRAMS.

Title IV of the Clean Air Act (relating to acid deposition control) (42 U.S.C. 7651, et seq.) is amended to read as follows:

"TITLE IV—EMISSION REDUCTION PROGRAMS

"PART A—GENERAL PROVISIONS

"SEC. 401. (Reserved)

"SEC. 402. DEFINITIONS.

"In this title:

"(1) Affected EGU.—The term 'affected EGU' shall have the meaning set forth in section 421, 430, 451, or 471, as appropriate.

"(2) Affected facility.—The term 'affected facility' or 'affected source' means a facility or source that includes one or more affected units.

"(3) Affected unit.—The term 'affected unit' means—

"(A) under this part, a unit that is subject to emission reduction requirements or limitations under part B, C, or D or, if applicable, under a specified part or subpart; or

"(B) under subpart 1 of part B or subpart 1 of part C, a unit that is subject to emission reduction requirements or limitations under that subpart.

"(4) Allowance.—The term 'allowance' means—

"(A) an authorization, by the Administrator under this title, to emit one ton of sulfur dioxide, one ton of nitrogen oxides, or one ounce of mercury; or

"(B) under subpart 1 of part B, an authorization by the Administrator under this title, to emit one ton of sulfur dioxide.

"(5) Baseline heat input.—

"(A) In general.—The term 'baseline heat input' means, except under subpart 1 of part B and section 407, the average annual heat input used by a unit during the three years in which the unit had the highest heat input for the period 1998 through 2002.

"(B) Commencement of operation after January 1, 2001.—Notwithstanding subparagraph (A), if a unit commenced or commences operation after January 1, 2001, then 'baseline heat input' means the manufacturer's design heat input capacity for the unit multiplied by 80 percent for coal-fired units, 50 percent for boilers that are not coal-fired, 80 percent for combustion turbine cogeneration units elected under section 407, 50 percent for combustion turbines other than simple cycle turbines, and 5 percent for simple cycle combustion turbines.

"(C) Heat input determination.—A unit's heat input for a year shall be the heat input—

"(i) required to be reported under section 405 for the unit, if the unit was required to report heat input during the year under that section;

"(ii) reported to the Energy Information Administration for the unit, if the unit was not required to report heat input under section 405;

"(iii) based on data for the unit reported to the State where the unit is located as required by State law, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration; or

"(iv) based on fuel use and fuel heat content data for the unit from fuel purchase or use records, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration and the State.

"(D) Regulations.—Not later than three months after the enactment of the Clear Skies Act of 2005, the Administrator shall promulgate regulations, without notice and opportunity for comment, specifying the format in which the information under subparagraphs (B)(ii) and (C)(ii), (iii), or (iv) shall be submitted. Not later than nine months after the enactment of the Clear Skies Act of 2005, the owner or operator of any unit under subparagraph (B)(ii) or (C)(ii), (iii), or (iv) to which allowances may be allocated under section 424, 434, 454, or 474 shall submit to the Administrator such information. The Administrator is not required to allocate allowances under such sections to a unit for which the owner or operator fails to submit information in accordance with the regulations promulgated under this subparagraph.

"(6) Coal.—The term 'coal' means any solid fuel classified as anthracite, bituminous, subbituminous, or lignite.

"(7) Coal-derived fuel.—The term 'coal-derived fuel' means any fuel (whether in a solid, liquid, or gaseous state) produced by the mechanical, thermal, or chemical processing of coal.

"(8) Coal-fired.—The term 'coal-fired' with regard to a unit means, except under subpart 1 of part B, subpart 1 of part C, and sections 424 and 434, combusting coal or any coal-derived fuel alone or in combination with any amount of any other fuel in any year.

"(9) Cogeneration unit.—The term 'cogeneration unit' means, except under subpart 1 of part B and subpart 1 of part C, a unit that produces through the sequential use of energy—

"(A) electricity; and

"(B) useful thermal energy (such as heat or steam) for industrial, commercial, heating, or cooling purposes.

"(10) Combustion turbine.—

"(A) In general.—The term 'combustion turbine' means any combustion turbine that is not self-propelled.

"(B) Inclusion.—The term 'combustion turbine' includes a simple cycle combustion turbine, a combined cycle combustion turbine and any duct burner or heat recovery device used to extract heat from the combustion turbine exhaust, and a regenerative combustion turbine.

"(C) Exclusions.—The term 'combustion turbine' does not include a combined turbine in an integrated gasification combined cycle plant.

"(11) Commence commercial operation.—The term 'commence commercial operation' with regard to a unit means the start up of the unit's combustion chamber and the commencement of the generation of electricity for sale.

"(12) Compliance plan.—The term 'compliance plan' means either—

"(A) a statement that the facility will comply with all applicable requirements under this title; or

"(B) under subpart 1 of part B or subpart 1 of part C, where applicable, a schedule and description of the method or methods for compliance and certification by the owner or operator that the facility is in compliance with the requirements of that subpart.

"(13) Continuous emission monitoring system.—The term 'continuous emission monitoring system' (CEMS) means the equipment as required by section 405, used to sample, analyze, measure, and provide on a continuous basis a permanent record of emissions and flow (expressed in pounds per million British thermal units (lbs/mmBtu), pounds per hour (lbs/hr) or such other form as the Administrator may prescribe by regulations under section 405.

“(14) DESIGNATED REPRESENTATIVE.—The term ‘designated representative’ means a responsible person or official authorized by the owner or operator of a unit and the facility that includes the unit to represent the owner or operator in matters pertaining to the holding, transfer, or disposition of allowances, and the submission of and compliance with permits, permit applications, and compliance plans.

“(15) DUCT BURNER.—The term ‘duct burner’ means a combustion device that uses the exhaust from a combustion turbine to burn fuel for heat recovery.

“(16) FACILITY.—The term ‘facility’ means all buildings, structures, or installations located on 1 or more contiguous or adjacent properties under common control of the same person or persons.

“(17) FOSSIL FUEL.—The term ‘fossil fuel’ means natural gas, petroleum, coal, or any form of solid, liquid, or gaseous fuel derived from such material.

“(18) FOSSIL FUEL-FIRED.—The term ‘fossil fuel-fired’, with regard to a unit, means the combustion of fuel that is composed of at least 10 percent fossil fuel.

“(19) FUEL OIL.—The term ‘fuel oil’ means a petroleum-based fuel, including diesel fuel or petroleum derivatives.

“(20) GAS-FIRED.—The term ‘gas-fired’, with regard to a unit, means, except under subpart 1 of part B and subpart 1 of part C, combusting only natural gas or fuel oil, with natural gas comprising at least 90 percent, and fuel oil comprising no more than 10 percent, of the unit’s total heat input in any year.

“(21) GASIFY.—The term ‘gasify’ means to convert carbon-containing material into a gas consisting primarily of carbon monoxide and hydrogen.

“(22) GENERATOR.—The term ‘generator’ means a device that produces electricity and, under subpart 1 of part B and subpart 1 of part C, that is reported as a generating unit pursuant to Department of Energy Form 860.

“(23) HEAT INPUT.—

“(A) IN GENERAL.—The term ‘heat input’, with regard to a specific period of time, means the product (in mmBtu/time) obtained by multiplying—

“(i) the gross calorific value of the fuel (in mmBtu/lb); and

“(ii) the fuel feed rate into a unit (in lb of fuel/time).

“(B) EXCLUSIONS.—The term ‘heat input’ does not include the heat derived from preheated combustion air, recirculated flue gases, or exhaust.

“(24) INTEGRATED GASIFICATION COMBINED CYCLE PLANT.—The term ‘integrated gasification combined cycle plant’ means any combination of equipment used to gasify fossil fuels (with or without other material) and then burn the gas in a combined cycle combustion turbine.

“(25) OIL-FIRED.—The term ‘oil-fired’, with regard to a unit, means, except under sections 424 and 434, combusting fuel oil for more than 10 percent the unit’s total heat input, and combusting no coal or coal-derived fuel, in any year.

“(26) OWNER OR OPERATOR.—The term ‘owner or operator’ with regard to a unit or facility means, except for subpart 1 of part B and subpart 1 of part C, any person who owns, leases, operates, controls, or supervises the unit or the facility.

“(27) PERMITTING AUTHORITY.—The term ‘permitting authority’ means the Administrator, or the State or local air pollution control agency, with an approved permitting program under title V of the Act.

“(28) POTENTIAL ELECTRICAL OUTPUT.—The term ‘potential electrical output’ with regard to a generator means the nameplate capacity of the generator multiplied by 8,760 hours.

“(29) SIMPLE CYCLE COMBUSTION TURBINE.—The term ‘simple cycle combustion turbine’ means a combustion turbine that does not extract heat from the combustion turbine exhaust gases.

“(30) STATIONARY SOURCE.—The term ‘stationary source’ means any building, structure, facility, or installation located on one or more contiguous or adjacent properties under common control or ownership of the same person or persons which emits or may emit any air pollutant subject to regulations under the Clear Skies Act of 2005.

“(31) STATE.—The term ‘State’ means—

“(A) 1 of the 48 contiguous States, Alaska, Hawaii, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, or the Commonwealth of the Northern Mariana Islands; or

“(B) under subpart 1 of part B and subpart 1 of part C, 1 of the 48 contiguous States or the District of Columbia.

“(32) UNIT.—The term ‘unit’ means—

“(A) a fossil fuel-fired boiler, combustion turbine, or integrated gasification combined cycle plant;

“(B) under subpart 1 of part B and subpart 1 of part C, a fossil fuel-fired combustion device; and

“(C) a stationary source that—

“(i) emits nitrogen oxides, sulfur dioxide, mercury, or any combination of those substances; and

“(ii) is elected under section 407.

“(33) UTILITY UNIT.—The term ‘utility unit’ shall have the meaning set forth in section 411.

“(34) YEAR.—The term ‘year’ means a calendar year.

“SEC. 403. ALLOWANCE SYSTEM.

“(a) ALLOCATIONS.—

“(1) IN GENERAL.—For the emission limitation programs under this title, the Administrator shall allocate annual allowances for an affected unit, to be held or distributed by the designated representative of the owner or operator in accordance with this title as follows—

“(A) sulfur dioxide allowances in an amount equal to the annual tonnage emission limitation calculated under section 413, 414, 415, or 416, except as otherwise specifically provided elsewhere in subpart 1 of part B, or in an amount calculated under section 424 or 434;

“(B) nitrogen oxides allowances in an amount calculated under section 454; and

“(C) mercury allowances in an amount calculated under section 474.

“(2) NO JUDICIAL REVIEW.—Notwithstanding any other provision of law to the contrary, the calculation of the allocation for any unit or facility, and the determination of any values used in such calculation, under sections 424, 434, 454, and 474 shall not be subject to judicial review.

“(3) ALLOCATION WITHOUT COST.—Allowances shall be allocated by the Administrator without cost to the recipient, in accordance with this title.

“(b) ALLOWANCE TRANSFER SYSTEM.—Allowances allocated or sold by the Administrator under this title may be transferred among designated representatives of the owners or operators of affected facilities under this title and any other person, as provided by the allowance system regulations promulgated by the Administrator. With regard to sulfur dioxide allowances, the Administrator shall implement this subsection under 40 CFR part 73 (2002), amended as appropriate by the Administrator. With regard to nitrogen oxides allowances and mercury allowances, the Administrator shall implement this subsection by promulgating regulations not later than twenty-four months after the date of enactment of the Clear Skies Act of 2005. The regulations under this subsection shall establish the allowance system prescribed under this section, including, but not limited to, requirements for the allocation, transfer, and use of allowances under this title. Such regulations shall prohibit the use of any allowance prior to the calendar year for which the allowance was allocated and shall provide, consistent with the purposes of this title, for the identification of unused allowances, and for such unused allowances to be carried forward and added to allowances allocated in subsequent years. Such regulations shall provide, or shall be amended to provide, that transfers of allowances shall not be effective until certification of the transfer, signed by a responsible official of the transferor, is received and recorded by the Administrator.

“(c) ALLOWANCE TRACKING SYSTEM.—The Administrator shall promulgate regulations establishing a system for issuing, recording, and tracking allowances, which shall specify all necessary procedures and requirements for an orderly and competitive functioning of the allowance system. Such system shall provide, by twenty-four months prior to the compliance year, for one or more facility-wide accounts for holding sulfur dioxide allowances, nitrogen oxides allowances, and, if applicable, mercury allowances for all affected units at an affected facility. With regard to sulfur dioxide allowances, the Administrator shall implement this subsection under 40 CFR part 73 (2002), amended as appropriate by the Administrator. With regard to nitrogen oxides allowances and mercury allowances, the Administrator shall implement this subsection by promulgating regulations not later than twenty-four months after the date of enactment of the Clear Skies Act of 2005. All allowance allocations and transfers shall, upon recording by the Administrator, be deemed a part of each unit’s or facility’s permit requirements pursuant to section 404, without any further permit review and revision.

“(d) NATURE OF ALLOWANCES.—A sulfur dioxide allowance, nitrogen oxides allowance, or mercury allowance allocated or sold by the Administrator under this title is a limited authorization to emit one ton of sulfur dioxide, one ton of nitrogen oxides, or one ounce of mercury, as the case may be, in accordance with the provisions of this title. Such allowance does not constitute a property right. Nothing in this title or in any other provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization. Nothing in this section relating to allowances shall be construed as affecting the application of, or compliance with, any other provision of this Act to an affected unit or facility, including the provisions related to applicable National Ambient Air Quality Standards and State implementation plans. Nothing in this section shall be construed as requiring a change of any kind in any State law regulating electric utility rates and charges or affecting any State law regarding such State regulation or as limiting State regulation (including any prudency review) under such a State law. Nothing in this section shall be construed as modifying the Federal Power Act or as affecting the authority of the Federal Energy Regulatory Commission under that Act. Nothing in this title shall be construed to interfere with or impair any program for competitive bidding for power supply in a State in which such program is established. Allowances, once allocated or sold to a person by the Administrator, may be received, held, and temporarily or permanently transferred in accordance with this title and the regulations of the Administrator without regard to whether or not a permit is in effect under title V of the Clean Air Act or section 404 of the Clear Skies Act of 2005 with respect to the unit for which such allowance was originally allocated and recorded.

"(e) PROHIBITIONS.—

"(1) IN GENERAL.—It shall be unlawful for any person to hold, use, or transfer any allowance allocated or sold by the Administrator under this title, except in accordance with regulations promulgated by the Administrator.

"(2) EMISSIONS.—It shall be unlawful for any affected unit or for the affected units at a facility to emit sulfur dioxide, nitrogen oxides, and mercury, as the case may be, during a year in excess of the number of allowances held for that unit or facility for that year by the designated representative as provided in sections 412(c), 422, 432, 452, and 472.

"(3) PURCHASE OF ALLOWANCES.—The owner or operator of a facility may purchase allowances directly from the Administrator to be used only to meet the requirements of sections 422, 432, 452, and 472, as the case may be, for the year in which the purchase is made or the prior year. Not later than thirty-six months after the date of enactment of the Clear Skies Act of 2005, the Administrator shall promulgate regulations providing for direct sales of sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances to an owner or operator of a facility. The regulations shall provide that—

"(A) such allowances may be used only to meet the requirements of section 422, 432, 452, and 472, as the case may be, for such facility and for the year in which the purchase is made or the prior year;

"(B) each such sulfur dioxide allowance shall be sold for $2,000, each such nitrogen oxides allowance shall be sold for $4,000, and each such mercury allowance shall be sold for $2,187.50, with such prices adjusted for inflation based on the Consumer Price Index on the date of enactment of the Clear Skies Act of 2005 and annually thereafter;

"(C) the proceeds from any sales of allowances under subparagraph (B) shall be, in accordance with paragraph (j), deposited in the Compliance Assistance Account;

"(D) except for allowances subject to (E), the allowances directly purchased for use for the year specified in subparagraph (A) shall be, on a pro rata basis, taken from, and reduce, the amount of sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, that would otherwise be allocated under section 423, 453, or 473 starting for the second year after the specified year and continuing for each subsequent year as necessary; and

"(E) if the designated representative does not use any such allowance in accordance with paragraph (A) the designated representative shall hold the allowance for deduction by the Administrator. The Administrator shall deduct the allowance without refund or other form of recompense.

"(4) USE OF ALLOWANCES.—Allowances may not be used prior to the calendar year for which they are allocated but may be used in succeeding years. Nothing in this section or in the allowance system regulations shall relieve the Administrator of the Administrator's permitting, monitoring and enforcement obligations under this Act, nor relieve affected facilities of their requirements and liabilities under the Act.

"(f) COMPETITIVE BIDDING FOR POWER SUPPLY.—Nothing in this title shall be construed to interfere with or impair any program for competitive bidding for power supply in a State in which such program is established.

"(g) APPLICABILITY OF THE ANTITRUST LAWS.—

"(1) IN GENERAL.—Nothing in this section affects—

"(A) the applicability of the antitrust laws to the transfer, use, or sale of allowances; or

"(B) the authority of the Federal Energy Regulatory Commission under any provision of law respecting unfair methods of competition or anticompetitive acts or practices.

"(2) DEFINITION OF ANTITRUST LAWS.—In this section, the term 'antitrust laws' means those Acts set forth in section 1 of the Clayton Act (15 U.S.C. 12).

"(h) PUBLIC UTILITY HOLDING COMPANY ACT.—The acquisition or disposition of allowances pursuant to this title including the issuance of securities or the undertaking of any other financing transaction in connection with such allowances shall not be subject to the provisions of the Public Utility Holding Company Act of 1935.

"(i) INTERPOLLUTANT TRADING.—Not later than July 1, 2009, the Administrator shall furnish to the Congress a study evaluating the environmental and economic consequences of amending this title to permit trading sulfur dioxide allowances for nitrogen oxides allowances and nitrogen oxides allowances for sulfur dioxide allowances.

"(j) COMPLIANCE ASSISTANCE ACCOUNT.—An account shall be established by the Secretary of Energy in consultation with the Administrator:

"(1) USE OF AMOUNTS.—Payments or monies deposited in this account in accordance with this title shall be used for the purpose of developing emission control technologies through direct grants to affected units that demonstrate new control technologies regulated under this title.

"(2) REGULATIONS.—The Secretary of Energy in consultation with the Administrator shall promulgate regulations with notice and opportunity for comment to establish criteria for affected units to qualify for this subsection.

"SEC. 404. PERMITS AND COMPLIANCE PLANS.

"(a) PERMIT PROGRAM.—The provisions of this title shall be implemented, subject to section 403, by permits issued to units and facilities subject to this title and enforced in accordance with the provisions of title V, as modified by this title. Any such permit issued by the Administrator, or by a State with an approved permit program, shall prohibit—

"(1) annual emissions of sulfur dioxide, nitrogen oxides, and mercury in excess of the number of allowances required to be held in accordance with sections 412(c), 422, 432, 452, and 472;

"(2) exceeding applicable emissions rates under section 441;

"(3) the use of any allowance prior to the year for which it was allocated; and

"(4) contravention of any other provision of the permit.

No permit shall be issued that is inconsistent with the requirements of this title, and title V as applicable.

"(b) COMPLIANCE PLAN.—

"(1) IN GENERAL.—Each initial permit application shall be accompanied by a compliance plan for the facility to comply with its requirements under this title. Where an affected facility consists of more than one affected unit, such plan shall cover all such units, and such facility shall be considered a 'facility' under section 502(c). Nothing in this section regarding compliance plans or in title V shall be construed as affecting allowances.

"(2) STATEMENTS.—

"(A) IN GENERAL.—Submission of a statement by the owner or operator, or the designated representative of the owners and operators, of a unit subject to the emissions limitation requirements of sections 412(c), 413, 414, and 441, that the unit will meet the applicable emissions limitation requirements of such sections in a timely manner or that, in the case of the emissions limitation requirements of sections 412(c), 413, and 414, the owners and operators will hold sulfur dioxide allowances in the amount required by section 412(c), shall be deemed to meet the proposed and approved compliance planning requirements of this section and title V, except that, for any unit that will meet the requirements of this title by means of an alternative method of compliance authorized under section 413 (b), (c), (d), or (f), section 416, and section 441 (d) or (e), the proposed and approved compliance plan, permit application and permit shall include, pursuant to regulations promulgated by the Administrator, for each alternative method of compliance a comprehensive description of the schedule and means by which the unit will rely on one or more alternative methods of compliance in the manner and time authorized under subpart 1 of part B or subpart 1 of part C.

"(B) OTHER STATEMENTS.—Submission of a statement by the owner or operator, or the designated representative, of a facility that includes a unit subject to the emissions limitation requirements of sections 422, 432, 452, and 472 that the owner or operator will hold sulfur dioxide allowances, nitrogen oxide allowances, and mercury allowances, as the case may be, in the amount required by such sections shall be deemed to meet the proposed and approved compliance planning requirements of this section and title V with regard to subparts A through D.

"(3) RECORDING OF TRANSFERS.—Recording by the Administrator of transfers of allowances shall amend automatically, and will not reopen or require reopening of, any or all applicable proposed or approved permit applications, compliance plans, and permits.

"(c) PERMITS.—The owner or operator of each facility under this title that includes an affected unit subject to title V shall submit a permit application and compliance plan with regard to the applicable requirements under sections 412(c), 422, 432, 441, 452, and 472 for sulfur dioxide emissions, nitrogen oxide emissions, and mercury emissions from such unit to the permitting authority in accordance with the deadline for submission of permit applications and compliance plans under title V. The permitting authority shall issue a permit to such owner or operator, or the designated representative of such owner or operator, that satisfies the requirements of title V and this title.

"(d) AMENDMENT OF APPLICATION AND COMPLIANCE PLAN.—At any time after the submission of an application and compliance plan under this section, the applicant may submit a revised application and compliance plan, in accordance with the requirements of this section.

"(e) PROHIBITION.—

"(1) IN GENERAL.—It shall be unlawful for any person to operate any facility subject to this title except in compliance with the terms and requirements of a permit application and compliance plan (including amendments thereto) or permit issued by the Administrator or a State with an approved permit program. For purposes of this subsection, compliance, as provided in section 504(f), with a permit issued under title V which complies with this title for facilities subject to this title shall be deemed compliance with this subsection as well as section 502(a).

"(2) NO TERMINATION OF OPERATIONS.—In order to ensure reliability of electric power, nothing in this title or title V shall be construed as requiring termination of operations of a unit serving a generator for failure to have an approved permit or compliance plan under this section.

"(f) CERTIFICATE OF REPRESENTATION.—No permit shall be issued under this section to an affected unit or facility until the designated representative of the owners or operators has filed a certificate of representation with regard to matters under this title, including the holding and distribution of allowances and the proceeds of transactions involving allowances.

"(g) MULTIPLE OWNERS.—

"(1) IN GENERAL.—No permit shall be issued under this section to an affected unit until the designated representative of the owners or operators has filed a certificate of representation with regard to matters under this title, including the holding and distribution of allowances and the proceeds of transactions involving allowances. Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, such a unit, or where a utility or industrial customer purchases power from an affected unit (or units) under life-of-the-unit, firm power contractual arrangements, the certificate shall state—

"(A) that allowances and the proceeds or transactions involving allowance will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement, or

"(B) if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances and the proceeds of transactions involving allowances will be deemed to be held or distributed in accordance with the contract.

"(2) PASSIVE LESSOR.—A passive lessor, of a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit shall not be deemed to be a holder of a legal, equitable, leasehold, or contractual interest for the purposes of holding or distributing allowances as provided in this subsection, unless expressly provided for in the leasehold agreement. Except as otherwise provided in this subsection, where all legal or equitable title to or interest in an affected unit is held by a single person, the certification shall state that all allowances received by the unit are deemed to be held for that person.

"SEC. 405. MONITORING, REPORTING, AND RECORDKEEPING REQUIREMENTS.

"(a) REQUIREMENTS.—

"(1) APPLICABILITY.—

"(A) IN GENERAL.—The owner and operator of any facility subject to this title shall be required to install and operate CEMS on each affected unit subject to subpart 1 of part B or subpart 1 of part C at the facility, and to quality assure the data, for sulfur dioxide, nitrogen oxides, opacity, and volumetric flow at each such unit.

"(B) SPECIFICATION OF REQUIREMENTS.—The Administrator shall, by regulation, specify the requirements for CEMS under subparagraph (A), for any alternative monitoring system that is demonstrated as providing information with the same precision, reliability, accessibility, and time lines as that provided by CEMS, and for recordkeeping and reporting of information from such systems. Such regulations may include limitations on the use of alternative compliance methods by units equipped with an alternative monitoring system as may be necessary to preserve the orderly functioning of the allowance system, and which will ensure the emissions reductions contemplated by this title. Where 2 or more units utilize a single stack, a separate CEMS shall not be required for each unit, and for such units the regulations shall require that the owner or operator collect sufficient information to permit reliable compliance determinations for each such unit.

"(2) INSTALLATION AND OPERATION.—

"(A) IN GENERAL.—The owner and operator of any facility subject to this title shall be required to install and operate CEMS to monitor the emissions from each affected unit at the facility, and to quality assure the data for—

"(i) sulfur dioxide, opacity, and volumetric flow for all affected units subject to subpart 2 of part B at the facility,

"(ii) nitrogen oxides for all affected units subject to subpart 2 of part C at the facility, and

"(iii) mercury for all affected units subject to part D at the facility.

"(B) ALTERNATIVE MONITORING.—

"(i) IN GENERAL.—The Administrator may specify an alternative monitoring or compliance system for determining mercury emissions. In specifying such alternative monitoring or compliance systems, the lack of commercially available appropriate and reasonable vendor guarantees shall constitute a reasonable and permissible basis for specifying alternative monitoring or compliance systems for mercury.

"(ii) LIMITATIONS.—The regulations under clause (iv) may include limitations on the use of alternative compliance methods by units equipped with an alternative monitoring system as may be necessary to preserve the orderly functioning of the allowance system, and which will ensure to a reasonable extent the emissions reductions contemplated by this title.

"(iii) NO SEPARATE MONITORING SYSTEM.—The regulations under clause (iv) shall not require a separate CEMS or other monitoring system for each unit where two or more units utilize a single stack and shall require that the owner or operator collect sufficient information to permit reliable compliance determinations for such units.

"(iv) SPECIFICATION OF REQUIREMENTS.—The Administrator shall, by regulation, specify the requirements for CEMS under subparagraph (A), for any alternative monitoring or compliance system that is demonstrated as providing information which is reasonably of the same precision, reliability, accessibility, and timeliness as that provided by CEMS, and for recordkeeping and reporting of information from such systems. Such regulations may include limitations on the use of alternative compliance methods by units equipped with an alternative monitoring system as may be necessary to preserve the orderly functioning of the allowance system, and which will ensure to a reasonable extent the emissions reductions contemplated by this title. Where two or more units utilize a single stack, a separate CEMS shall not be required for each unit, and for such units the regulations shall require that the owner or operator collect sufficient information to permit reliable compliance determinations for each such unit.

"(b) DEADLINES.—

"(1) NEW UTILITY UNITS.—Upon commencement of commercial operation of each new utility unit under subpart I of part B, the unit shall comply with the requirements of subsection (a)(1).

"(2) DEADLINE FOR AFFECTED UNITS UNDER SUBPART 2 OF PART B FOR INSTALLATION AND OPERATION OF CEMS.—By the later of the date that is 1 year before the commencement date of the sulfur dioxide allowance requirement of section 422, or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 2 of part B shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to sulfur dioxide, opacity, and volumetric flow.

"(3) DEADLINE FOR AFFECTED UNITS UNDER SUBPART 3 OF PART B FOR INSTALLATION AND OPERATION OF CEMS.—By the later of the date that is 1 year before the first covered year, or the date on which the unit commences commercial operation, the owner or operator of each affected unit under subpart 3 of part B shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to sulfur dioxide and volumetric flow.

"(4) DEADLINE FOR AFFECTED UNITS UNDER SUBPART 2 OF PART C FOR INSTALLATION AND OPERATION OF CEMS.—By the later of the date that is 1 year before the commencement date of the nitrogen oxides allowance requirement under section 452, or the date on which the unit commences operation, the owner or operator of each affected unit under subpart 2 of part C shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to nitrogen oxides.

"(5) DEADLINE FOR AFFECTED UNITS UNDER PART D FOR INSTALLATION AND OPERATION OF CEMS.—By the later of the date that is 1 year before the commencement date of the mercury allowance requirement of section 472 applies to such unit and commences commercial operation, or the date on which the unit commences operation, the owner or operator of each affected unit under part D shall install and operate CEMS, quality assure the data, and keep records and reports in accordance with the regulations issued under paragraph (a)(2) with regard to mercury.

"(c) UNAVAILABILITY OF EMISSIONS DATA.—

"(1) SULFUR DIOXIDE AND NITROGEN OXIDES.—With respect to sulfur dioxide and nitrogen oxides, if CEMS data or data from an alternative monitoring system approved by the Administrator under subsection (a) is not available for any affected unit during any period of a calendar year in which such data is required under this title, and the owner or operator cannot provide information, reasonably satisfactory to the Administrator, on emissions during that period, the Administrator, in coordination with the owner, shall calculate emissions for that period pursuant to regulations promulgated for such purpose. The owner or operator shall be liable for excess emissions fees and offsets under section 406 in accordance with such regulations. Any fee due and payable under this subsection shall not diminish the liability of the unit's owner or operator for any fine, penalty, fee, or assessment against the unit for the same violation under any other section of this Act.

"(2) Mercury.—With respect to mercury, if CEMS data or data from an alternative monitoring system approved by the Administrator under subsection (a) is not available for any affected unit during any period of a calendar year in which such data is required under this title, and the owner or operator cannot provide information, reasonably satisfactory to the Administrator, on emissions during that period, the Administrator in coordination with the owner, shall calculate emissions for that period pursuant to regulations promulgated for such purpose. The owner or operator shall be liable for excess emissions fees and offsets under section 406 in accordance with such regulations. Any fee due and payable under this subsection shall not diminish the liability of the unit's owner or operator for any fine, penalty, fee, or assessment against the unit for the same violation under any other section of this Act.

"(d) Implementation.—With regard to sulfur dioxide, nitrogen oxides, opacity, and volumetric flow, the Administrator shall implement subsections (a) and (c) under 40 CFR part 75 (2002), amended, as appropriate by the Administrator. With regard to mercury, the Administrator shall implement subsections (a) and (c) by issuing proposed regulations not later than 36 months before the commencement date of the mercury allowance requirement under section 472 and final regulations not later than 24 months before that commencement date.

"(e) Prohibition.—It shall be unlawful for the owner or operator of any facility subject to this title to operate a facility without complying with the requirements of this section, and any regulations implementing this section.

"SEC. 406. EXCESS EMISSIONS PENALTY; GENERAL COMPLIANCE WITH OTHER PROVISIONS; ENFORCEMENT.

"(a) Excess Emissions Penalty.—

"(1) Amount for oxides of nitrogen.—The owner or operator of any unit subject to the requirements of section 441 that emits nitrogen oxides for any calendar year in excess of the unit's emissions limitation requirement shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated on the basis of the number of tons emitted in excess of the unit's emissions limitation requirement multiplied by $2,000.

"(2) Amount for sulfur dioxide before 2008.—The owner or operator of any unit subject to the requirements of section 412(c) that emits sulfur dioxide for any calendar year before 2008 in excess of the sulfur dioxide allowances the owner or operator holds for use for the unit for that calendar year shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f) or (g). That penalty shall be calculated as follows:

"(A) The product of the unit's excess emissions (in tons) multiplied by $2,000, if within 30 days after the date on which the owner or operator was required to hold sulfur dioxide allowances—

"(i) the owner or operator offsets the excess emissions in accordance with paragraph (b)(1); and

"(ii) the Administrator receives the penalty payment required under this subparagraph.

"(B) If the requirements of clause (A)(i) or (A)(ii) are not met, the product of the unit's excess emissions (in tons) multiplied by $3,000.

"(3) Amount for sulfur dioxide after 2007.—If the units at a facility that are subject to the requirements of section 412(c) emit sulfur dioxide for any calendar year after 2007 in excess of the sulfur dioxide allowances that the owner or operator of the facility holds for use for the facility for that calendar year, the owner or operator shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be calculated under paragraph (4)(A) or (4)(B).

"(4) Units subject to sections 422, 432, 452, or 472.—If the units at a facility that are subject to the requirements of section 422, 432, 452, or 472 emit sulfur dioxide, nitrogen oxides, or mercury for any calendar year in excess of the sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, that the owner or operator of the facility holds for use for the facility or units for that calendar year, the owner or operator shall be liable for the payment of an excess emissions penalty, except where such emissions were authorized pursuant to section 110(f). That penalty shall be equal to—

"(A) the quantity of the units' excess emissions in tons (or, for mercury emissions, in ounces) multiplied by $2,000 (in the case of sulfur dioxide), $4,000 (in the case of nitrogen oxides), or $2187.50 (in the case of mercury) if, on or before the date that is 30 days after the date on which the owner or operator was required to hold sulfur dioxide, nitrogen oxides allowance, or mercury allowances, as the case may be—

"(i) the owner or operator offsets the excess emissions in accordance with paragraph (2) or (3) of subsection (b), as applicable; and

"(ii) the Administrator receives the penalty required under this subparagraph; or

"(B) if a requirement under subparagraph (A) is not met, the quantity of the units' excess emissions in tons (or, for mercury emissions, in ounces) multiplied by the product obtained by multiplying—

"(i) 1.5; and

"(ii) the respective amount for sulfur dioxide, nitrogen oxides, or mercury specified in subparagraph (A).

"(5) Payment.—Any penalty under paragraph (1), (2), (3), or (4) shall be due and payable without demand to the Administrator as provided in regulations issued by the Administrator. With regard to the penalty under paragraph 1, the Administrator shall implement this paragraph under 40 CFR part 77 (2002), amended as appropriate by the Administrator. With regard to the penalty under paragraphs 2, 3, and 4, the Administrator shall implement this paragraph by issuing regulations no later than 24 months after the date of enactment of the Clear Skies Act of 2005. Any such payment shall be deposited in the Compliance Assistance Account.

"(b) Excess Emissions Offset.—

"(1) In general.—The owner or operator of any unit subject to the requirements of section 412(c) that emits sulfur dioxide during any calendar year before 2008 in excess of the sulfur dioxide allowances held for the unit for the calendar year shall be liable to offset the excess emissions by an equal tonnage amount in the following calendar year, or such longer period as the Administrator may prescribe. The Administrator shall deduct sulfur dioxide allowances equal to the excess tonnage from those held for the facility for the calendar year, or succeeding years during which offsets are required, following the year in which the excess emissions occurred.

"(2) Excess emissions of sulfur dioxide.—If the units at a facility that are subject to the requirements of section 412(c) emit sulfur dioxide for a year after 2007 in excess of the sulfur dioxide allowances that the owner or operator of the facility holds for use for the facility for that calendar year, the owner or operator shall be liable to offset the excess emissions by an equal amount of tons in the following calendar year, or such longer period as the Administrator may prescribe. The Administrator shall deduct sulfur dioxide allowances equal to the excess emissions in tons from those held for the facility for the year, or succeeding years during which offsets are required, following the year in which the excess emissions occurred.

"(3) Excess emissions of sulfur dioxide, nitrogen oxides, or mercury.—If the units at a facility that are subject to the requirements of section 422, 432, 452, or 472 emit sulfur dioxide, nitrogen oxides, or mercury for any calendar year in excess of the sulfur dioxide allowances, nitrogen oxides allowances, or mercury allowances, as the case may be, that the owner or operator of the facility holds for use for the facility for that calendar year, the owner or operator shall be liable to offset the excess emissions by an equal amount of tons or, for mercury, ounces in the following calendar year, or such longer period as the Administrator may prescribe. The Administrator shall deduct sulfur dioxide allowances, nitrogen oxide allowances, or mercury allowances, as the case may be, equal to the excess emissions in tons or, for mercury, ounces from those held for the facility for the year, or succeeding years during which offsets are required, following the year in which the excess emissions occurred.

"(c) Penalty Adjustment.—The Administrator shall, by regulation, adjust the penalty specified in subsection (a)(1) and (a)(2) for inflation, based on the Consumer Price Index, on November 15, 1990, and annually thereafter.

"(d) Prohibition.—It shall be unlawful for the owner or operator of any unit or facility liable for a penalty and offset under this section to fail—

"(1) to pay the penalty under subsection (a); or

"(2) to offset excess emissions as required by subsection (b).

"(e) Savings Provision.—Nothing in this title shall limit or otherwise affect the application of section 113, 114, 120, or 304 except as otherwise explicitly provided in this title.

"(f) Other Requirements.—Except as expressly provided, compliance with the requirements of this title shall not exempt or exclude the owner or operator of any facility subject to this title from compliance with any other applicable requirements of this Act. Notwithstanding any other provision of this Act, no State or political subdivision thereof shall restrict or interfere with the transfer, sale, or purchase of allowances under this title.

"(g) Violations.—Violation by any person subject to this title of any prohibition of, requirement of, or regulation promulgated pursuant to this title shall be a violation of this Act. In addition to the other requirements and prohibitions provided for in this title, the operation of any affected unit or the affected units at a facility to emit sulfur dioxide, nitrogen oxides, or mercury in violation of section 412(c), 422, 432, 452, and 472, as the case may be, shall be deemed a violation, with each ton or, in the case of mercury, each ounce emitted in excess of allowances held constituting a separate violation.

"SEC. 407. ELECTION FOR ADDITIONAL UNITS.

"(a) APPLICABILITY.—

"(1) IN GENERAL.—The owner or operator of any unit that is not an affected EGU under subpart 2 of part B and subpart 2 of part C and whose emissions of sulfur dioxide and nitrogen oxides are vented only through a stack or duct may elect to designate the unit as an affected unit under subpart 2 of part B and subpart 2 of part C.

"(2) EFFECT OF DESIGNATION.—If the owner or operator elects to designate a unit that is solid fuel-fired and emits mercury vented only through a stack or duct, the owner or operator shall also designate the unit as an affected unit under part D. If an elected unit fires only gaseous fuels, the unit may be designated under subpart 2 of part C only.

"(b) APPLICATION.—An owner or operator making an election under subsection (a) shall submit an application for the election to the Administrator for approval.

"(c) APPROVAL.—Subject to subsections (d) through (m), if the Administrator determines that an application for an election under subsection (b) meets the requirements of subsection (a), the Administrator shall approve the designation as an affected unit under subpart 2 of part B and subpart 2 of part C and, if applicable, under part D.

"(d) ESTABLISHMENT OF BASELINE.—

"(1) IN GENERAL.—After approval of a designation under subsection (c), an owner or operator shall install and operate monitoring on the designated unit required under paragraph (5), except that, in a case in which 2 or more units use a single stack, separate monitoring shall be required for each unit unless all units using the same stack are designated as affected units.

"(2) BASELINES.—

"(A) IN GENERAL.—Units shall have baselines established using heat input unless the unit qualifies for a product output baseline under paragraph (4).

"(B) HEAT INPUT OR PRODUCT OUTPUT.—The baselines for heat input or product output and sulfur dioxide and nitrogen oxides emission rates, as the case may be, for the unit shall be the unit's heat input or product output and the emission rates of sulfur dioxide and nitrogen oxides in accordance with paragraphs (3) and (4).

"(C) REGULATIONS.—The Administrator shall promulgate regulations requiring the unit's baselines for heat input or product output and for sulfur dioxide and nitrogen oxides emission rates to be based on the same year and specifying minimum data requirements consistent with paragraph (5) for baseline determination.

"(3) HEAT INPUT AND EMISSIONS BASELINES.—For the purposes of this subsection, heat input and emissions baselines shall be calculated, at the election of the owner or operator of the relevant unit, as—

"(A)(i) for heat input, the average of the unit's highest heat input for 3 of the 5 years before the year for which the Administrator is determining the allocations; and

"(ii) for emissions baselines, the average of the relevant emissions during those same 3 years; or

"(B)(i) for heat input, the average of any period of 24 consecutive months during the 10-year period immediately prior to the date of submission of an application under subsection (b), on the condition that the heat input does not exceed 1.2 times the average of the 10-year period; and

"(ii) for emissions baselines, the average of the relevant emissions for the 4-year period prior to the date of enactment of the Clear Skies Act of 2005 (for units that submit an application on or before January 1, 2009), or the average of the relevant emissions for the 4 years before the date of submission of the application under that Act (for units that submit an application after January 1, 2009).

"(4) DESIGNATION FOR PRODUCT OUTPUT BASIS.—

"(A) IN GENERAL.—The owner or operator of a unit that is subject to new source performance standards or other measures imposed by this Act on a product output basis rather than a heat input basis may elect to designate the unit as an affected unit under subpart 2 of part B and subpart 2 of part C.

"(B) BASELINE PRODUCT OUTPUT AND EMISSIONS BASELINES.—For the purposes of this paragraph, for those units using a product output basis, the baseline product output and emissions baselines in this subparagraph shall be calculated, at the election of the owner or operator of the relevant unit, as—

"(i)(I) for product input, the average of the unit's highest product output for 3 of the 5 years preceding the year for which the Administrator is determining the allocations; and

"(II) for emissions baselines, the average of the relevant emissions for the same years used to determine product output; or

"(B)(i) for product input, the average of any period of 24 consecutive months during the 10-year period immediately prior to the date of submission of an application under subsection (b), on the condition that the product input does not exceed 1.2 times the average of the 10-year period; and

"(ii) for emissions baselines, the average of the relevant emissions for the 4-year period prior to the date of enactment of the Clear Skies Act of 2005 (for units that submit an application on or before January 1, 2009), or the average of the relevant emissions for the 4 years before the date of submission of the application under that Act (for units that submit an application after January 1, 2009).

"(5) BASELINE DETERMINATIONS.—

"(A) IN GENERAL.—In making baseline determinations under this section, the Administrator may accept any reliable data on emissions of sulfur dioxide and nitrogen oxides in addition to, and other than, data collected from CEMS.

"(B) TYPES OF DATA.—Reliable data described in subparagraph (A) includes—

"(i) alternative data that has been used to determine compliance with a regulatory or monitoring requirement under this Act or a comparable State law, if the data establishes a reliable measure of heat input or product output and sulfur dioxide and nitrogen oxides emissions over a simultaneous period of time; or

"(ii) if that data is not available, such other alternative reliable data as the Administrator may prescribe.

"(C) USE OF CEMS FOR COMPLIANCE MONITORING.—The Administrator—

"(i) shall not require the use of CEMS for compliance monitoring by units of less than 250 mmBtu heat input or equivalent product output capacity subject to this section unless the Administrator concludes that a CEMS requirement is necessary to generate reliable data for compliance determinations;

"(ii) shall require the use of CEMS for compliance monitoring by units of between 250 mmBtu and 750 mmBtu heat input or equivalent product output capacity unless the Administrator determines that a CEMS requirement is not necessary to generate reliable data for compliance determinations; and

"(iii) shall require the use of CEMS for compliance monitoring for all units greater than 750 mmBtu heat input or equivalent product output capacity.

"(D) RELIABILITY.—In determining the reliability of data for purposes of this subsection, the Administrator shall consider the cost of generating more reliable data compared to the quantitative importance of the resulting gain in quantifying emissions.

"(e) EMISSION LIMITATIONS.—After approval of the designation of the unit under subsection (c), the unit shall become—

"(1) an affected unit under subpart 2 of part B, and shall be allocated sulfur dioxide allowances under subsection (f), beginning on the later of January 1, 2010, or January 1 of the year after approval of the designation;

"(2) an affected unit under subpart 2 of part C, and shall be allocated nitrogen oxides allowances under subsection (f), beginning on the later of January 1, 2010, or January 1 of the year after approval of the designation; and

"(3) if applicable, an affected unit under part D, and shall be allocated mercury allowances, beginning on the later of January 1, 2010, or January 1 of the year after approval of designation.

"(f) ALLOCATIONS.—

"(1) SULFUR DIOXIDE AND NITROGEN OXIDES.—

"(A) IN GENERAL.—The Administrator shall promulgate regulations determining the allocations of sulfur dioxide allowances and nitrogen oxides allowances for each year during which a unit is an affected unit under subsection (e).

"(B) ALLOCATIONS.—The regulations shall provide for allocations equal to 70 percent (beginning January 1, 2010) and 50 percent (beginning January 1, 2018) of the unit's baseline heat input or product output under subsection (d) multiplied by the lesser of—

"(i) the unit's baseline sulfur dioxide emission rate or nitrogen oxides emission rate, as the case may be; or

"(ii) the unit's most stringent Federal or State emission limitation for sulfur dioxide or nitrogen oxides applicable to the year on which the unit's baseline heat input or product output is based under subsection (d).

"(2) MERCURY.—

"(A) IN GENERAL.—The Administrator shall promulgate regulations providing for the allocation of mercury allowances to solid fuel-fired units designated under this section for each year after January 1, 2010, during which a unit is a designated unit under this section.

"(B) ALLOCATIONS.—The regulations shall provide for allocations equal to the lesser of—

"(i) the product obtained by multiplying—

"(I) the unit's allowable emissions rate for mercury under the national emissions standards for hazardous air pollutants for boilers and process heaters, industrial furnaces, kilns, or other stationary source; by

"(II) the unit's baseline heat input or product output; and

"(i) the product obtained by multiplying—

"(I) the unit's most stringent Federal or State emission limitation for mercury emissions rate; by

"(II) the unit's baseline heat input or product output.

"(3) LIMITATION.—Allowances allocated to electing units under paragraphs (1) and (2) shall comprise a separate limitation on emissions from sections 423, 433, 453, 473, and other provisions of this Act. These allowances for sulfur dioxide, nitrogen oxides, or mercury, as the case may be, shall be tradable with allowances allocated under sections 414, 424, 454, 474, as applicable, on the conditions that—

"(A) electing units may only trade nitrogen oxides within the respective zones established under section 452 within which the electing unit is located; and

"(B) affected units within the WRAP States may only purchase sulfur dioxide allowances allocated or otherwise distributed by the Administrator to electing units within the WRAP States, and will not be counted for purposes of the affected unit's emissions within the meaning of the WRAP Annex.

"(4) INCENTIVES FOR EARLY REDUCTIONS.—

"(A) IN GENERAL.—Not later than 180 months after the date of enactment of this section, the Administrator shall promulgate regulations authorizing the allocation of sulfur dioxide, nitrogen oxides, and mercury allowances to units designated under this section that install or modify pollution control equipment or combustion technology improvements identified in such regulations after the date of enactment of this section and prior to January 1, 2010.

"(B) PROHIBITION ON CERTAIN ALLOCATIONS.—No allowances shall be allocated under this paragraph for emissions reductions attributable to—

"(i) pollution control equipment or combustion technology improvements that were operational or under construction at any time prior to the date of enactment of this section;

"(ii) fuel switching; or

"(iii) compliance with any Federal regulation.

"(C) ALLOWANCES.—The allowances allocated to any unit under this paragraph shall—

"(i) be in addition to the allowances allocated under paragraphs (1) and (2) and sections 414, 424, 434, 454, and 474; and

"(ii) be allocated in an amount equal to 1 allowance of sulfur dioxide and nitrogen oxides for each 1.05 tons of reduction in emissions of sulfur dioxide and nitrogen oxides, respectively, and 1.05 ounces of reduction in the emissions of mercury, achieved by the pollution control equipment or combustion technology improvements starting with the year in which the equipment or improvement is implemented.

"(g) WITHDRAWAL.—The Administrator shall promulgate regulations withdrawing from the approved designation under subsection (c) any unit that qualifies as an affected EGU under subpart 2 of part B or subpart 2 of part C, or part D after the approval of the designation of the unit under subsection (c).

"(h) REGULATIONS.—Not later than 18 months after the date of enactment of the Clear Skies Act of 2005, the Administrator shall promulgate regulations implementing this section.

"(i) APPLICATION PERIOD.—

"(1) IN GENERAL.—Applications for designation of units under this section shall be accepted by the Administrator beginning not later than 180 days after the date of enactment of this section.

"(2) APPROVAL AND DISAPPROVAL.—Except as provided in paragraph (30, not later than 270 days after accepting an application under paragraph (1), the Administrator shall approve or disapprove the application.

"(3) DETERMINATION OF COMPLETION.—

"(A) IN GENERAL.—Not later than 90 days after accepting an application under paragraph (1), the Administrator shall determine whether the application is complete.

"(B) DETERMINATION OF COMPLETION.—Unless an application accepted under paragraph (1) is determined to be incomplete under subparagraph (A), the application shall be subject to paragraph (2).

"(4) STAY OF DEADLINES.—During the period beginning on the date of acceptance by the Administrator of an application under paragraph (1) and ending on the date on which the Administrator acts on the petition, the applicable compliance deadlines for NESHAPs under subsection (j) shall not apply to the applicable unit that is the subject of the application.

"(j) NESHAP APPLICABILITY.—

"(1) APPLICABILITY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), a unit that is designated as an affected unit under this section shall not be subject to the national emissions standards for hazardous air pollutants (NESHAP) promulgated under section 112(d) for—

"(i) Industrial, Commercial, and Institutional Boilers and Process Heaters (Fed. Reg. 69-55217);

"(ii) Plywood and Composite Wood Panel (Fed. Reg. 69-45943);

"(iii) Reciprocating Internal Combustion Engines (Fed. Reg. 69–33473); or

"(iv) Stationary Combustion Turbines (Fed. Reg. 69–10511).

"(B) EXCEPTION.—Units that are boilers or process heaters, industrial furnaces, kilns, or other stationary sources shall be subject on and after January 1, 2010, to the emissions limitation for mercury or the equivalent mercury allocation under subsection (f)(2), along with associated monitoring and compliance requirements, that would be applicable to such units under the NESHAP for those sources promulgated pursuant to section 112(d).

"(2) REPORTS.—

"(A) PRELIMINARY REPORT.—Not later than 18 months after the date of enactment of this section, the Administrator shall publish and make available for public comment a peer reviewed preliminary report characterizing the emissions and public health effects that may reasonably be anticipated to occur from the implementation of subsection (j)(1) and subsection (f).

"(B) FINAL REPORT.—Not later than 30 months after the date on which the preliminary report is published under subparagraph (A), in accordance with section 112(n)(1)(A), the Administrator shall publish a final report, including responses to the comments received.

"(C) REQUIREMENTS.—The requirements of section 112(n)(1)(A), for purposes of this paragraph, shall be considered to be modified to ensure that the final report under subparagraph (B) includes—

"(i) an estimate of the numbers and types of sources that are expected to be designated under this section;

"(ii) an estimate of any increase or decrease in the annual emissions of criteria pollutants and of those hazardous air pollutants subject to emission limitations under the NESHAPs identified in subsection (j)(1) from such sources that may reasonably be expected to occur for each year from 2010 through 2018;

"(iii) an estimate of any increase or decrease in the annual emissions of criteria pollutants and of those hazardous air pollutants subject to emission limitations under the NESHAPs identified in subsection (j)(1) from such sources that might reasonably be expected to occur for each year from 2010 through 2018, if such sources estimated in clause (i) are not designated under this section; and

"(iv) a description of the public health and environmental impacts associated with the emissions increases and decreases described in clauses (ii) and (iii).

"(D) ADDITIONAL AUTHORITY.—

"(i) IN GENERAL.—Notwithstanding subsection (j)(1), the Administrator may regulate emissions of hazardous air pollutants listed under section 112(b), other than mercury compounds, from sources designated under this section in accordance with section 112(f)(2).

"(ii) DETERMINATION.—Not later than 2 years after the date on which the final report under subparagraph (B) is published, the Administrator shall make a determination based on the study and other information satisfying the criteria of the Data Quality Act whether to establish emissions limitations under section 112(f) for sources designated under this section.

"(iii) TREATMENT OF DETERMINATION.—The determination shall be a final agency action subject to judicial review under section 307 and the Administrative Procedures Act.

"(k) EXEMPTION FROM MAJOR SOURCE PRECONSTRUCTION REVIEW REQUIREMENTS AND BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY REQUIREMENTS.—

"(1) MAJOR SOURCE EXEMPTION.—

"(A) IN GENERAL.—Subject to subparagraph (B), a unit designated as an affected unit under this section shall not be considered to be a major source, or a part of a major emitting facility or major stationary source for purposes of compliance with the requirements of parts C and D of title I, for the 20-year period beginning on the date of enactment of the Clear Skies Act of 2005.

"(B) APPLICABILITY.—Subparagraph (A) applies only if, beginning on the date that is 8 years after the date of enactment of this section or designation of a unit as an affected unit—

"(i)(I) the designated unit either achieves in fact, or is subject to a regulatory requirement to achieve, a limit on the emissions of particulate matter from the affected unit to the level not greater than the level applicable to the unit either pursuant to subpart D of part 60 of title 40, Code of Federal Regulations, or the national emissions standards for hazardous air pollutants for industrial boilers and process heaters issued pursuant to section 112; or

"(II) the owner or operator of the affected unit properly operates, maintains, and repairs pollution control equipment to limit emissions of particulate matter; and

"(ii) the owner or operator of the designated unit uses good combustion practices to minimize emissions of carbon monoxide.

"(2) CLASS I AREA PROTECTIONS.—Notwithstanding the exemption in paragraph (1), an affected unit located within 50 kilometers of a Class I area on which construction commences after the date of enactment of this section is subject to those provisions under part C of title I to the review of a new or modified major stationary source's impact on a Class I area.

"(l) LIMITATION.—

"(1) IN GENERAL.—No unit designated under this section shall transfer or bank allowances produced as a result of reduced utilization or shutdown, except that such allowances may be transferred or carried forward for use in subsequent years to the extent that—

“(A) reduced utilization or shutdown results from the replacement of the unit designated under this section, with any other unit or units subject to the requirements of this subpart; and

“(B) the designated unit's allowances are transferred or carried forward for use at such other replacement unit or units.

“(2) NO GREATER ALLOCATION.—In no case may the Administrator allocate to a source designated under this section allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act.

“(3) NO VIOLATION.—No allowances allocated under this Act shall authorize operation of a unit in violation of any other requirements of this Act.

“(m) DEFINITION OF PRODUCT OUTPUT.—In this section, the term ‘product output’ means the output of a stationary source that produces a commercial product other than electricity, heat, or steam which may be used to determine a baseline for units for which heat input is not an appropriate baseline.”.

“SEC. 408. CLEAN COAL TECHNOLOGY REGULATORY INCENTIVES.

“(a) DEFINITION.—For purposes of this section, the term ‘clean coal technology’ means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, process steam, or industrial products, which is not in widespread use as of November 15, 1990.

“(b) REVISED REGULATIONS FOR CLEAN COAL TECHNOLOGY DEMONSTRATIONS.—

“(1) APPLICABILITY.—This subsection applies to physical or operational changes to existing facilities for the sole purpose of installation, operation, cessation, or removal of a temporary or permanent clean coal technology demonstration project. For the purposes of this section, a clean coal technology demonstration project shall mean a project using funds appropriated under the heading ‘Department of Energy—Clean Coal Technology’, up to a total amount of $2,500,000,000 for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The Federal contribution for qualifying project shall be at least twenty percent of the total cost of the demonstration project.

“(2) TEMPORARY PROJECTS.—Installation, operation, cessation, or removal of a temporary clean coal technology demonstration project that is operated for a period of 5 years or less, and which complies with the State implementation plans for the State in which the project is located and other requirements necessary to attain and maintain the national ambient air quality standards during and after the project is terminated, shall not subject such facility to the requirements of section 111 or part C or D of title I.

“(3) PERMANENT PROJECTS.—For permanent clean coal technology demonstration projects that constitute repowering as defined in section 411, any qualifying project shall not be subject to standards of performance under section 111 or to the review and permitting requirements of part C for any pollutant the potential emissions of which will not increase as a result of the demonstration project.

“(4) EPA REGULATIONS.—Not later than twelve months after November 15, 1990, the Administrator shall promulgate regulations or interpretive rulings to revise requirements under section 111 and parts C and D, as appropriate, to facilitate projects consistent in this subsection. With respect to parts C and D, such regulations or rulings shall apply to all areas in which EPA is the permitting authority. In those instances in which the State is the permitting authority under part C or D, any State may adopt and submit to the Administrator for approval revisions to its implementation plan to apply the regulations or rulings promulgated under this subsection.

“(c) EXEMPTION FOR REACTIVATION OF VERY CLEAN UNITS.—Physical changes or changes in the method of operation associated with the commencement of commercial operations by a coal-fired utility unit after a period of discontinued operation shall not subject the unit to the requirements of section 111 or part C of the Act where the unit—

“(1) has not been in operation for the two-year period prior to November 15, 1990, and the emissions from such unit continue to be carried in the permitting authority's emissions inventory on November 15, 1990;

“(2) was equipped prior to shut-down with a continuous system of emissions control that achieves a removal efficiency for sulfur dioxide of no less than 85 percent and a removal efficiency for particulates of no less than 98 percent;

“(3) is equipped with low-NO_x burners prior to the time of commencement; and

“(4) is otherwise in compliance with the requirements of this Act.

“SEC. 409. ELECTRICITY RELIABILITY.

“(a) RELIABILITY.—

“(1) APPLICABILITY.—At any time prior the applicability of this Act under sections 422, 432, 452, and 472, in order to ensure the reliability of an electric utility company or system, including a system cooperatively or municipally owned, for a specified geographic area or service territory, as determined by the Department of Energy in consultation with the Administrator, during the installation of sulfur dioxide pollution control technology or scrubbers, nitrogen oxides, mercury or particulate matter control technology, or any combination thereof, the owner or operator of an affected unit may meet the requirements of sections 422, 432, 452, and 472 by means of the compliance procedures of this subsection (a).

“(2) PETITION.—The owner or operator of an affected unit that believes it may experience an adverse impact on the reliability of the company or system as a result, in substantial part, of the need to construct sulfur dioxide pollution control equipment or scrubbers, nitrogen oxides, mercury or particulate matter control technology, or any combination thereof, may petition the Secretary of Energy, in consultation with the Administrator, for a determination that, to a reasonable degree of certainty, reliability will likely be threatened. Upon such a determination, the owner or operator may elect to adopt a compliance method meeting the requirements of this subsection, as follows:

“(A) REGULATIONS.—Within 12 months of enactment the Secretary of Energy shall promulgate regulations describing the requirements for a petition and the petition process, which will include notice and public comment. The Secretary of Energy, in consultation with the Administrator, shall make a final determination on a petition within 180 days of the submittal of a reasonably complete petition. Failure to act within the 180-day period will extend the applicability by 12 months for all units subject to the petition.

“(B) CONTENTS OF PETITION.—The petition must contain—

“(i) a description of each affected unit, the estimated outage time and a construction schedule;

“(ii) an estimate of demand from date of applicability until 2018;

“(iii) the impacts on reliability associated with constructing all of the pollution control projects, including those for sulfur dioxide, nitrogen oxides, mercury, or particulate matter, by the respective deadlines; and

“(iv) how the proposed compliance schedule would alleviate detrimental impacts.

“(C) FAILURE TO PROMULGATE REGULATIONS.—If the Secretary of Energy fails to promulgate final regulations or such regulations are not effective for any reason, within the prescribed time, petitions containing reasonably sufficient information for a final determination may be submitted to the Secretary of Energy and will be deemed complete.

“(3) FINAL DETERMINATION.—In making a final determination the Secretary of Energy, in consultation with the Administrator, shall consider the following factors, provided that not all factors need be present to make a determination that, to a reasonable degree, reliability will be threatened:

“(A) SUPPLY.—The ability of vendors to supply scrubbers; scrubber system equipment, materials and scrubber affected balance of plant equipment including fans, pumps, electric motors, motor drives, dampers, electrical power supply equipment; at fair prices with meaningful guarantees or warranties as to availability, delivery dates and meeting contracted pollution control reduction requirements or emissions limitations; with similar considerations for nitrogen oxides, mercury or particulate matter control technology, or any combination thereof.

“(B) DESIGN AND CONSTRUCTION RESOURCES.—The availability and limitations of key sulfur dioxide, nitrogen oxides or mercury controls design resources and North American construction resources. The design resources shall include Architect Engineering companies experienced in the design of sulfur dioxide, nitrogen oxides, mercury or particulate matter control technology. The construction resources shall include construction companies with experience in the construction of sulfur dioxide, nitrogen oxides, mercury, or particulate matter control technology and trained and experienced labor resources including but not limited to boilermakers, iron workers, electricians, mechanics;

“(C) FEASIBILITY OF CONSTRUCTION.—The feasibility to complete the construction of all pollution control technology projects by the relevant applicability compliance deadline;

“(D) IMPACT.—The impact in terms of unit outages and construction schedules on a company or systems reliability and whether such impact is unreasonable, which term shall be presumed to be—

“(i) an increase in the price of purchase power of (10) percent over the estimated cost in cents per kilowatt for the company, system or State, utilized in the latest submissions to a relevant State or Federal agency;

“(ii) a projected reduction in available generating capacity such that adequate reserve margins for a company, system or State do not exist, as determined by the Secretary of Energy in coordination with the relevant Federal or State utility agency or reliability council; or "(iii) a supply shortage of coal needed to meet emissions control expectations for any proposed emissions control device.

"(E) POSITIVE DETERMINATION.—A company or system which submits a petition to install sulfur dioxide, nitrogen oxides, mercury, or particulate matter control technology, or any combination thereof, on affected units equaling 25 percent or more of its coal-fired capacity shall be presumed to meet the requirements of a positive determination from the Secretary of Energy.

"(4) COMPLIANCE.—Upon a positive determination by the Secretary of Energy in accordance with paragraph (3)(E), such affected units will be granted a 1-year extension from the relevant applicability date under this title.

"(b) SUBMISSION OF PETITION.—During any year covered by this title, an affected unit may submit a petition in accordance with paragraph (a)(2) to allow use of sulfur dioxide allowances, nitrogen oxides allowances, and mercury allowances, as the case may be, allocated for the immediate next year to meet the applicable requirement to hold such allowances equal to the petitioned year's emissions.

"(c) PRESIDENTIAL WAIVER.—Notwithstanding subsection (a) or any other provision of this Act, The President of the United States shall have authority to temporarily grant waivers from emission limitations under sections 412, 422, 432, 452, and 472, as the case may be, if the President determines that the reliability of any portion of national electricity supply or national security is imperiled.

"PART B—SULFUR DIOXIDE EMISSION REDUCTIONS

"Subpart 1—Acid Rain Program

"SEC. 411. DEFINITIONS.

"For purposes of this subpart and subpart 1 of part B:

"(1) ACTUAL 1985 EMISSION RATE.—The term 'actual 1985 emission rate', for electric utility units means the annual sulfur dioxide or nitrogen oxides emission rate in pounds per million Btu as reported in the 1985 National Acid Precipitation Assessment Program (NAPAP) Emissions Inventory, Version 2, National Utility Reference File (NURF). For nonutility units, the term 'actual 1985 emission rate' means the annual sulfur dioxide or nitrogen oxides emission rate in pounds per million Btu as reported in the NAPAP Emission Inventory, Version 2.

"(2) ALLOWABLE 1985 EMISSIONS RATE.—The term 'allowable 1985 emissions rate' means a federally enforceable emissions limitation for sulfur dioxide or oxides of nitrogen, applicable to the unit in 1985 or the limitation applicable in such other subsequent year as determined by the Administrator if such a limitation for 1985 does not exist. Where the emissions limitation for a unit is not expressed in pounds of emissions per million Btu, or the averaging period of that emissions limitation is not expressed on an annual basis, the Administrator shall calculate the annual equivalent of that emissions limitation.

"(3) ALTERNATIVE METHOD OF COMPLIANCE.—The term 'alternative method of compliance' means a method of compliance in accordance with one or more of the following authorities—

"(A) a substitution plan submitted and approved in accordance with subsections 413(b) and (c); or

"(B) a phase I extension plan approved by the Administrator under section 413(d), using qualifying phase I technology as determined by the Administrator in accordance with that section.

"(4) BASELINE.—The term 'baseline' means the annual quantity of fossil fuel consumed by an affected unit, measured in millions of British Thermal Units ('mmBtu's'), calculated as follows:

"(A) For each utility unit that was in commercial operation prior to January 1, 1985, the baseline shall be the annual average quantity of mmBtu's consumed in fuel during calendar years 1985, 1986, and 1987, as recorded by the Department of Energy pursuant to Form 767. For any utility unit for which such form was not filed, the baseline shall be the level specified for such unit in the 1985 (NAPAP) Emissions Inventory, Version 2 (NURF), or in a corrected data base as established by the Administrator pursuant to paragraph (3). For nonutility units, the baseline in the NAPAP Emissions Inventory, Version 2. The Administrator, in the Administrator's sole discretion, may exclude periods during which a unit is shutdown for a continuous period of 4 calendar months or longer, and make appropriate adjustments under this paragraph. Upon petition of the owner or operator of any unit, the Administrator may make appropriate baseline adjustments for accidents, strikes, disruptions of fuel supplies, failure of equipment, other causes beyond the reasonable control of the owner or operator of the unit that caused prolonged outages.

"(B) For any other nonutility unit that is not included in the NAPAP Emissions Inventory, Version 2, or a corrected data base as established by the Administrator pursuant to paragraph (3), the baseline shall be the annual average quantity, in mmBtu consumed in fuel by that unit, as calculated pursuant to a method which the Administrator shall prescribe by regulation to be promulgated not later than 18 months after November 15, 1990.

"(C) The Administrator shall, upon application or on his own motion, by December 31, 1991, supplement data needed in support of this subpart and correct any factual errors in data from which affected phase II units' baselines or actual 1985 emission rates have been calculated. Corrected data shall be used for purposes of issuing allowances under this subpart. Such corrections shall not be subject to judicial review, nor shall the failure of the Administrator to correct an alleged factual error in such reports be subject to judicial review.

"(5) BASIC PHASE II ALLOWANCE ALLOCATIONS.—The term 'basic phase II allowance allocations' means:

"(A) For calendar years 2000 through 2009 inclusive, allocations of allowances made by the Administrator pursuant to section 412 and subsections (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1); (i); and (j) of section 414.

"(B) For each calendar year beginning in 2010, allocations of allowances made by the Administrator pursuant to section 412 and subsections (b)(1), (3), and (4); (c)(1), (2), (3), and (5); (d)(1), (2), (4), and (5); (e); (f); (g)(1), (2), (3), (4), and (5); (h)(1) and (3); (i); and (j) of section 414.

"(6) CAPACITY FACTOR.—The term 'capacity factor' means the ratio between the actual electric output from a unit and the potential electric output from that unit.

"(7) COMMENCED.—The term 'commenced' as applied to construction of any new electric utility unit means that an owner or operator has undertaken a continuous program of construction or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction.

"(8) COMMENCED COMMERCIAL OPERATION.—The term 'commenced commercial operation' with regard to a unit means the start up of the unit's combustion chamber and commencement of the generation of electricity for sale.

"(9) CONSTRUCTION.—The term 'construction' means fabrication, erection, or installation of an affected unit.

"(10) EXISTING UNIT.—The term 'existing unit' means a unit (including units subject to section 111) that commenced commercial operation before November 15, 1990. Any unit that commenced commercial operation before November 15, 1990, which is modified, reconstructed, or repowered after November 15, 1990, shall continue to be an existing unit for the purposes of this subpart. For the purposes of this subpart, existing units shall not include simple combustion turbines, or units which serve a generator with a nameplate capacity of 25 MWe or less.

"(11) INDEPENDENT POWER PRODUCER.—The term 'independent power producer' means any person who owns or operates, in whole or in part, one or more new independent power production facilities.

"(12) NEW INDEPENDENT POWER PRODUCTION FACILITY.—The term 'new independent power production facility' means a facility that—

"(A) is used for the generation of electric energy, 80 percent or more of which is sold at wholesale;

"(B) in nonrecourse project-financed (as such term is defined by the Secretary of Energy within 3 months of the date of the enactment of the Clean Air Act Amendments of 1990); and

"(C) is a new unit required to hold allowances under this subpart.

"(13) INDUSTRIAL SOURCE.—The term 'industrial source' means a unit that does not serve a generator that produces electricity, a 'nonutility unit' as defined in this section, or a process source.

"(14) LIFE-OF-THE-UNIT, FIRM POWER CONTRACTUAL ARRANGEMENT.—The term 'life-of-the-unit, firm power contractual arrangement' means a unit participation power sales agreement under which a utility or industrial customer reserves, or is entitled to receive, a specified amount or percentage of capacity and associated energy generated by a specified generating unit (or units) and pays its proportional amount of such unit's total costs, pursuant to a contract either—

"(A) for the life of the unit;

"(B) for a cumulative term of no less than 30 years, including contracts that permit an election for early termination; or

"(C) for a period equal to or greater than 25 years or 70 percent of the economic useful life of the unit determined as of the time the unit was built, with option rights to purchase or release some portion of the capacity and associated energy generated by the unit (or units) at the end of the period.

"(15) NEW UNIT.—The term 'new unit' means a unit that commences commercial operation on or after November 15, 1990.

"(16) NONUTILITY UNIT.—The term 'nonutility unit' means a unit other than a utility unit.

"(17) PHASE II BONUS ALLOWANCE ALLOCATIONS.—The term 'phase II bonus allowance allocations' means, for calendar year 2000 through 2009, inclusive, and only for such years, allocations made by the Administrator pursuant to section 412, subsections (a)(2), (b)(2), (c)(4), (d)(3) (except as otherwise provided therein), and (h)(2) of section 414, and section 415.

"(18) QUALIFYING PHASE I TECHNOLOGY.—The term 'qualifying phase I technology' means a technological system of continuous emission reduction which achieves a 90 percent reduction in emissions of sulfur dioxide from the emissions that would have resulted from the use of fuels which were not subject to treatment prior to combustion.

"(19) REPOWERING.—The term 'repowering' means replacement of an existing coal-fired boiler with one of the following clean coal technologies: atmospheric or pressurized fluidized bed combustion, integrated gasification combined cycle, magnetohydrodynamics, direct and indirect coal-fired turbines, integrated gasification fuel cells, or as determined by the Administrator, in consultation with the Secretary of Energy, a derivative of one or more of these technologies, and any other technology capable of controlling multiple combustion emissions simultaneously with improved boiler or generation efficiency and with significantly greater waste reduction relative to the performance of technology in widespread commercial use as of November 15, 1990.

"(20) RESERVE.—The term 'reserve' means any bank of allowances established by the Administrator under this subpart.

"(21) UTILITY UNIT.—

"(A) IN GENERAL.—The term 'utility unit' means—

"(i) a unit that serves a generator located in any State and that produces electricity for sale; or

"(ii) a unit that, during 1985, served a generator located in any State and that produced electricity for sale.

"(B) EXCLUSIONS.—

"(i) IN GENERAL.—Notwithstanding subparagraph (A), a unit described in subparagraph (A) that—

"(I) was in commercial operation during 1985; but

"(II) did not during 1985, serve a generator in any State that produced electricity for sale

shall not be a utility unit for purposes of this subpart.

"(i) UNITS THAT COGENERATE STEAM AND ELECTRICITY.—A unit that cogenerates steam and electricity is not a 'utility unit' for purposes of this subpart unless the unit is constructed for the purpose of supplying, or commences construction after November 15, 1990 and supplies more than one-third of its potential electric output capacity of more than 25 megawatts electrical output to any utility power distribution system for sale.

"SEC. 412. ALLOWANCE ALLOCATION.

"(a) IN GENERAL.—Except as provided in sections 414(a)(2), 415(a)(3), and 416, beginning January 1, 2000, the Administrator shall not allocate annual emission allowances for sulfur dioxide from utility units in excess of 8.90 million tons except that the Administrator shall not take into account unused allowances carried forward by owners and operators of affected units or by other persons holding such allowances, following the year for which they were allocated. If necessary to meeting the restrictions imposed in the preceding sentence, the Administrator shall reduce, pro rata, the basic phase II allowance allocations for each unit subject to the requirements of section 414. Subject to the provisions of section 417, the Administrator shall allocate allowances for each affected until at an affected source annually, as provided in paragraphs (2) and (3) and section 404. Except as provided in sections 416, the removal of an existing affected unit or source from commercial operation at any time after November 15, 1990 (whether before or after January 1, 1995, or January 1, 2000), shall not terminate or otherwise affect the allocation of allowances pursuant to section 413 or 414 to which the unit is entitled. Prior to June 1, 1998, the Administrator shall publish a revised final statement of allowance allocations, subject to the provisions of section 414(a)(2).

"(b) NEW UTILITY UNITS.—

"(1) PROHIBITION OF EXCEEDING UNIT ALLOWANCES.—After January 1, 2000 and through December 31, 2007, it shall be unlawful for a new utility unit to emit an annual tonnage of sulfur dioxide in excess of the number of allowances to emit held for the unit by the unit's owner or operator.

"(2) PROHIBITION OF EXCEEDING SOURCE ALLOWANCES.—Starting January 1, 2008, a new utility unit shall be subject to the prohibition in subsection (c)(3).

"(3) ELIGIBILITY FOR ALLOCATION OF SULFUR DIOXIDE ALLOWANCES.—New utility units shall not be eligible for an allocation of sulfur dioxide allowances under subsection (a)(1), unless the unit is subject to the provisions of subsection (g)(2) or (3) of section 414. New utility units may obtain allowances from any person, in accordance with this title. The owner or operator of any new utility unit in violation of subsection (b)(1) or subsection(c)(3) shall be liable for fulfilling the obligations specified in section 406.

"(c) PROHIBITIONS.—

"(1) IN GENERAL.—It shall be unlawful for any person to hold, use, or transfer any allowance allocated under this subpart, except in accordance with regulations promulgated by the Administrator.

"(2) PROHIBITION OF EXCEEDING UNIT ALLOWANCES.—For any year 1995 through 2007, it shall be unlawful for any affected unit to emit sulfur dioxide in excess of the number of allowances held for that unit for that year by the owner or operator of the unit.

"(3) PROHIBITION OF EXCEEDING SOURCE ALLOWANCES.—Starting January 1, 2008, it shall be unlawful for the affected units at a source to emit a total amount of sulfur dioxide during the year in excess of the number of allowances held for the source for that year by the owner or operator of the source.

"(4) EFFECT ON OTHER EMISSION LIMITATIONS.—Upon the allocation of allowances under this subpart, the prohibition in paragraphs (2) and (3) shall supersede any other emission limitation applicable under this subpart to the units for which such allowances are allocated.

"(d) LIMITATION ON REGULATIONS.—In order to ensure electricity reliability, regulations establishing a system for issuing, recording, and tracking allowances under section 403(b) and this subpart shall not prohibit or affect temporary increases and decreases in emissions within utility systems, power pools, or utilities entering into allowance pool agreements, that result from their operations, including emergencies and central dispatch, and such temporary emissions increases and decreases shall not require transfer of allowances among units nor shall it require recording. The owners or operators of such units shall act through a designated representative. Notwithstanding the preceding sentence, the total tonnage of emissions in any calendar year (calculated at the end thereof) from all units in such a utility system, power pool, or allowance pool agreements shall not exceed the total allowances for such units for the calendar year concerned, including for calendar years after 2007, allowances held for such units by the owner or operator of the sources where the units are located.

"(e) INTEREST IN AFFECTED UNITS.—Where there are multiple holders of a legal or equitable title to, or a leasehold interest in, an affected unit, or where a utility or industrial customer purchases power from an affected unit (or units) under life-of-the-unit, firm power contractual arrangements, the certificate of representation required under section 404(f) shall state—

"(1) that allowances under this subpart and the proceeds of transactions involving such allowances will be deemed to be held or distributed in proportion to each holder's legal, equitable, leasehold, or contractual reservation or entitlement; or

"(2) if such multiple holders have expressly provided for a different distribution of allowances by contract, that allowances under this subpart and the proceeds of transactions involving such allowances will be deemed to be held or distributed in accordance with the contract.

A passive lessor, or a person who has an equitable interest through such lessor, whose rental payments are not based, either directly or indirectly, upon the revenues or income from the affected unit shall not be deemed to be a holder of a legal, equitable, leasehold, or contractual interest for the purpose of holding or distributing allowances as provided in this subsection, during either the term of such leasehold or thereafter, unless expressly provided for in the leasehold agreement. Except as otherwise provided in this subsection, where all legal or equitable title to or interest in an affected unit is held by a single person, the certification shall state that all allowances under this subpart received by the unit are deemed to be held for that person.

"SEC. 413. PHASE I SULFUR DIOXIDE REQUIREMENTS.

"(a) EMISSION LIMITATIONS.—

"(1) ALLOCATION.—After January 1, 1995, each source that includes one or more affected units listed in table A is an affected source under this section. After January 1, 1995, it shall be unlawful for any affected unit (other than an eligible phase I unit under section 413(d)(2)) to emit sulfur dioxide in excess of the tonnage limitation stated as a total number of allowances in table A for phase 1; unless—

"(A) the emissions reduction requirements applicable to such unit have been achieved pursuant to subsection (b) or (d); or

"(B) the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions, except that, after January 1, 2000, the emissions limitations established in this section shall be superseded by those established in section 414. The owner or operator of any unit in violation of this section be fully liable for such violation including, but not limited to, liability for fulfilling the obligations specified in section 406.

"(2) DETERMINATION.—Not later than December 31, 1991, the Administrator shall determine the total tonnage of reductions in the emissions of sulfur dioxide from all utility units in calendar year 1995 that will occur as a result of compliance with the emissions limitation requirements of this section, and shall establish a reserve of allowances equal in amount to the number of tons determined thereby not to exceed a total of 3.50 million tons. In making such a determination, the Administrator shall compute for each unit subject to the emissions limitation requirements of this section the difference between—

"(A) the product of its baseline multiplied by the lesser of each unit's allowable 1985 emissions rate and its actual 1985 emissions rate, divided by 2,000; and

"(B) the product of each unit's baseline multiplied by 2.50 lbs/mmBtu divided by 2,000, and sum the computations. The Administrator shall adjust the foregoing calculation to reflect projected calendar year 1995 utilization of the units subject to the emissions limitations of this subpart that the Administrator finds would have occurred in the absence of the imposition of such requirements. Pursuant to subsection (d), the Administrator shall allocate allowances from the reserve established hereunder until the earlier of such time as all such allowances in the reserve are allocated or December 31, 1999.

"(3) ADDITIONAL ALLOCATIONS.—In addition to allowances allocated pursuant to paragraph (1), in each calendar year beginning in 1995 and ending in 1999, inclusive, the Administrator shall allocate for each unit on table A that is located in the States of Illinois, Indiana, or Ohio (other than units at Kyger Creek, Clifty Creek and Joppa Steam), allowances in an amount equal to 200,000 multiplied by the unit's pro rata share of the total number of allowances allocated for all units on table A in the 3 States (other than units at Kyger Creek, Clifty Creek, and Joppa Steam) pursuant to paragraph (1). Such allowances shall be excluded from the calculation of the reserve under paragraph (2).

"(b) SUBSTITUTIONS.—The owner or operator of an affected unit under subsection (a) may include in its section 404 permit application and proposed compliance plan a proposal to reassign, in whole or in part, the affected unit's sulfur dioxide reduction requirements to any other unit(s) under the control of such owner or operator. Such proposal shall specify—

"(1) the designation of the substitute unit or units to which any part of the reduction obligations of subsection (a) shall be required, in addition to, or in lieu of, any original affected units designated under such subsection;

"(2) the original affected unit's baseline, the actual and allowable 1985 emissions rate for sulfur dioxide, and the authorized annual allowance allocation stated in table A;

"(3) calculation of the annual average tonnage for calendar years 1985, 1986, and 1987, emitted by the substitute unit or units, based on the baseline for each unit, as defined in section 411(4), multiplied by the lesser of the unit's actual or allowable 1985 emissions rate;

"(4) the emissions rates and tonnage limitations that would be applicable to the original and substitute affected units under the substitution proposal;

"(5) documentation, to the satisfaction of the Administrator, that the reassigned tonnage limits will, in total, achieve the same or greater emissions reduction than would have been achieved by the original affected unit and the substitute unit or units without such substitution; and

"(6) such other information as the Administrator may require.

"(c) ADMINISTRATOR'S ACTION ON SUBSTITUTION PROPOSALS.—

"(1) IN GENERAL.—The Administrator shall take final action on such substitution proposal in accordance with section 404(c) if the substitution proposal fulfills the requirements of this subsection. The Administrator may approve a substitution proposal in whole or in part and with such modifications or conditions as may be consistent with the orderly functioning of the allowance system and which will ensure the emissions reductions contemplated by this title. If a proposal does not meet the requirements of subsection (b), the Administrator shall disapprove it. The owner or operator of a unit listed in table A shall not substitute another unit or units without the prior approval of the Administrator.

"(2) ISSUANCE OF PERMITS.—Upon approval of a substitution proposal, each substitute unit, and each source with such unit, shall be deemed affected under this title, and the Administrator shall issue a permit to the original and substitute affected source and unit in accordance with the approved substitution plan and section 404. The Administrator shall allocate allowances for the original and substitute affected units in accordance with the approved substitution proposal pursuant to section 412. It shall be unlawful for any source or unit that is allocated allowances pursuant to this section to emit sulfur dioxide in excess of the emissions limitation provided for in the approved substitution permit and plan unless the owner or operator of each unit governed by the permit and approved substitution plan holds allowances to emit not less than the unit's total annual emissions. The owner or operator of any original or substitute affected unit operated in violation of this subsection shall be fully liable for such violation, including liability for fulfilling the obligations specified in section 406. If a substitution proposal is disapproved, the Administrator shall allocate allowances to the original affected unit or units in accordance with subsection (a).

"(d) ELIGIBLE PHASE I EXTENSION UNITS.—

"(1) IN GENERAL.—The owner or operator of any affected unit subject to an emissions limitation requirement under this section may petition the Administrator in its permit application under section 404 for an extension of 2 years of the deadline for meeting such requirement, provided that the owner or operator of any such unit holds allowances to emit not less than the unit's total annual emissions for each of the 2 years of the period of extension. To qualify for such an extension, the affected unit must either employ a qualifying phase I technology, or transfer its phase I emissions reduction obligation to a unit employing a qualifying phase I technology. Such transfer shall be accomplished in accordance with a compliance plan, submitted and approved under section 404, that shall govern operations at all units included in the transfer, and that specifies the emissions reduction requirements imposed pursuant to this title.

"(2) REQUIREMENTS FOR EXTENSION PROPOSALS.—Such extension proposal shall—

"(A) specify the unit or units proposed for designation as an eligible phase I extension unit;

"(B) provide a copy of an executed contract, which may be contingent upon the Administrator approving the proposal, for the design engineering, and construction of the qualifying phase I technology for the extension unit, or for the unit or units to which the extension unit's emission reduction obligation is to be transferred;

"(C) specify the unit's or units' baselines, actual 1985 emissions rates, allowable 1985 emissions rates, and projected utilizations for calendar years 1995 through 1999;

"(D) require CEMS on both the eligible phase I extension unit or units and the transfer unit or units beginning no later than January 1, 1995; and

"(E) specify the emission limitation and number of allowances expected to be necessary for annual operation after the qualifying phase I technology has been installed.

"(3) APPROVAL OR DISAPPROVAL.—The Administrator shall review and take final action on each extension proposal in order of receipt, consistent with section 404, and for an approved proposal shall designate the unit or units as an eligible phase I extension unit. The Administrator may approve an extension proposal in whole or in part, and with such modifications or conditions as may be necessary, consistent with the orderly functioning of the allowance system, and to ensure the emissions reductions contemplated by the subpart.

"(4) DETERMINING THE AVAILABILITY OF ALLOCATIONS.—In order to determine the number of proposals eligible for allocations from the reserve under subsection (a)(2) and the number of the allowances remaining available after each proposal is acted upon, the Administrator shall reduce the total number of allowances remaining available in the reserve by the number of allowances calculated according to subparagraph (A), (B), and (C) until either no allowances remain available in the reserve for further allocation or all approved proposals have been acted upon. If no allowances remain available in the reserve for further allocation before all proposals have been acted upon by the Administrator, any pending proposals shall be disapproved. The Administrator shall calculate allowances equal to—

"(A) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1995 of each eligible phase I extension unit, as designated under paragraph (3), and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000;

"(B) the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or the projected emissions tonnage for calendar year 1996 of each eligible phase I extension unit, as designated under paragraph (3), and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000; and

"(C) the amount by which (i) the product of each unit's baseline multiplied by an emission rate of 1.20 lbs/mmBtu, divided by 2,000, exceeds (ii) the tonnage level specified under subparagraph (E) of paragraph (2) of this subsection multiplied by a factor of 3.

"(5) ALLOCATION OF INITIAL ALLOWANCES.—Each eligible phase I extension unit shall receive allowances determined under subsection (a)(1) or (c) of this section. In addition, for calendar year 1995, the Administrator shall allocate to each eligible phase I extension unit, from the allowance reserve created pursuant to subsection (a)(2), allowances equal to the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or its projected emission tonnage for calendar year 1995 and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000. In calendar year 1996, the Administrator shall allocate for each eligible unit, from the allowance reserve created pursuant to subsection (a)(2), allowances equal to the difference between the lesser of the average annual emissions in calendar years 1988 and 1989 or its projected emissions tonnage for calendar year 1996 and the product of the unit's baseline multiplied by an emission rate of 2.50 lbs/mmBtu, divided by 2,000. It shall be unlawful for any source or unit subject to an approved extension plan under this subsection to emit sulfur dioxide in excess of the emissions limitations provided for in the permit and approved extension plan, unless the owner or operator of each unit governed by the permit and approved plan holds allowances to emit not less than the unit's total annual emissions.

"(6) ALLOCATION OF ADDITIONAL ALLOWANCES.—In addition to allowances specified in paragraph (4), the Administrator shall allocate for each eligible phase I extension unit employing qualifying phase I technology, for calendar years 1997, 1998, and 1999, additional allowances, from any remaining allowances in the reserve created pursuant to subsection (a)(2), following the reduction in the reserve provided for in paragraph (4), not to exceed the amount by which (A) the product of each eligible unit's baseline times an emission rate of 1.20 lbs/mmBtu, divided by 2,000 exceeds (B) the tonnage level specified under subparagraph (E) of paragraph (2) of this subsection.

"(7) DEDUCTION FROM ANNUAL ALLOWANCE ALLOCATIONS.—After January 1, 1997, in addition to any liability under this Act, including under section 406, if any eligible phase I extension unit employing qualifying phase I technology or any transfer unit under this subsection emits sulfur dioxide in excess of the annual tonnage limitation specified in the extension plan, as approved in paragraph (2) of this subsection, the Administrator shall, in the calendar year following such excess, deduct allowances equal to the amount of such excess from such unit's annual allowance allocation.

"(e) EARLY REDUCTIONS.—

"(1) IN GENERAL.—In the case of a unit that receives authorization from the Governor of the State in which such unit is located to make reductions in the emissions of sulfur dioxide prior to calendar year 1995 and that is part of a utility system that meets the following requirements—

"(A) the total coal-fired generation within the utility system as a percentage of total system generation decreased by more than 20 percent between January 1, 1980, and December 31, 1985; and

"(B) the weighted capacity factor of all coal-fired units within the utility system averaged over the period from January 1, 1985, through December 31, 1987, was below 50 percent, the Administrator shall allocate allowances under this paragraph for the unit pursuant to this subsection. The Administrator shall allocate allowances for a unit that is an affected unit pursuant to section 414 (but is not also an affected unit under this section) and part of a utility system that includes one or more affected units under section 414 for reductions in the emissions of sulfur dioxide made during the period 1995–1999 if the unit meets the requirements of this subsection and the requirements of the preceding sentence, except that for the purposes of applying this subsection to any such unit, the prior year concerned as specified below, shall be any year after January 1, 1995 but prior to January 1, 2000.

"(2) LIMITATIONS.—In the case of an affected unit under this section described in subparagraph (A), the allowances allocated under this subsection for early reductions in any prior year may not exceed the amount which (A) the product of the unit's baseline multiplied by the unit's 1985 actual sulfur dioxide emission rate (in lbs per mmBtu), divided by 2,000 exceeds (B) the allowances specified for such unit in table A. In the case of an affected unit under section 414, the allowances awarded under this subsection for early reductions in any prior year may not exceed the amount by which—

"(A) the product of—

"(i) the quantity of fossil fuel consumed by the unit (in mmBtu) in the prior year multiplied by—

"(ii) the lesser of—

"(I) 2.50, or

"(II) the most stringent emission rate (in lbs per mmBtu) applicable to the unit under the applicable implementation plan—

divided by 2,000 exceeds

"(B) the unit's actual tonnage of sulfur dioxide emission for the prior year concerned. Allowances allocated under this subsection for units may be allocated only for emission reductions achieved as a result of physical changes or changes in the method of operation made after November 15, 1990, including changes in the type or quantity of fossil fuel consumed.

"(3) NO BASIS FOR EXCUSED NONPERFORMANCE.—In no event shall the provisions of this paragraph be interpreted as an event of force majeure or a commercial impracticability or in any other way as a basis for excused nonperformance by a utility system under a coal sales contract in effect before November 15, 1990.

"TABLE A—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS)

State	Plant name	Generator	Phase I allowances
Alabama	Colbert	1	13,570
		2	15,310
		3	15,400
		4	15,410
		5	37,180
	E.C. Gaston	1	18,100
		2	18,540
		3	18,310
		4	19,280
		5	59,840
Florida	Big Bend	1	28,410
		2	27,100
		3	26,740
	Crist	6	19,200
		7	31,680
Georgia	Bowen	1	56,320
		2	54,770
		3	71,750
		4	71,740
	Hammond	1	8,780
		2	9,220
		3	8,910
		4	37,640
	J. McDonough	1	19,910
		2	20,600
	Wansley	1	70,770
		2	65,430
	Yates	1	7,210
		2	7,040
		3	6,950
		4	8,910
		5	9,410
		6	24,760
		7	21,480
Illinois	Baldwin	1	42,010
		2	44,420
		3	42,550
	Coffeen	1	11,790
		2	35,670
	Grand Tower	4	5,910
	Hennepin	2	18,410
	Joppa Steam	1	12,590
		2	10,770
		3	12,270
		4	11,360
		5	11,420
		6	10,620
	Kincaid	1	31,530
		2	33,810
	Meredosia	3	13,890
	Vermilion	2	8,880
Indiana	Bailly	7	11,180
		8	15,630
	Breed	1	18,500
	Cayuga	1	33,370
		2	34,130
	Clifty Creek	1	20,150

"TABLE A—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS)—Continued

State	Plant name	Generator	Phase I allowances
		2	19,810
		3	20,410
		4	20,080
		5	19,360
		6	20,380
	F.W. Stout	5	3,880
		6	4,770
		7	23,610
	F.B. Culley	2	4,290
		3	16,970
	F.E. Ratts	1	8,330
		2	8,480
	Gibson	1	40,400
		2	41,010
		3	41,080
		4	40,320
	H.T. Pritchard	6	5,770
	Michigan City	12	23,310
	Petersburg	1	16,430
		2	32,380
	R. Gallagher	1	6,490
		2	7,280
		3	6,530
		4	7,650
	Tanners Creek	4	24,820
	Wabash River	1	4,000
		2	2,860
		3	3,750
		5	3,670
		6	12,280
	Warrick	4	26,980
Iowa	Burlington	1	10,710
	Des Moines	7	2,320
	George Neal	1	1,290
	M.L. Kapp	2	13,800
	Prairie Creek	4	8,180
	Riverside	5	3,990
Kansas	Quindaro	2	4,220
Kentucky	Coleman	1	11,250
		2	12,840
		3	12,340
	Cooper	1	7,450
		2	15,320
	E.W. Brown	1	7,110
		2	10,910
		3	26,100
	Elmer Smith	1	6,520
		2	14,410
	Ghent	1	28,410
	Green River	4	7,820
	H.L. Spurlock	1	22,780
	Henderson II	1	13,340
		2	12,310
	Paradise	3	59,170
	Shawnee	10	10,170
Maryland	Chalk Point	1	21,910
		2	24,330
	C.P. Crane	1	10,330
		2	9,230
	Morgantown	1	35,260
		2	38,480
Michigan	J.H. Campbell	1	19,780
		2	23,060
Minnesota	High Bridge	6	4,270
Mississippi	Jack Watson	4	17,910
		5	36,700
Missouri	Asbury	1	16,190
	James River	5	4,850
	Labadie	1	40,110
		2	37,710
		3	40,310
		4	35,940
	Montrose	1	7,390
		2	8,200
		3	10,090
	New Madrid	1	28,240
		2	32,480
	Sibley	3	15,580
	Sioux	1	22,570
		2	23,690
	Thomas Hill	1	10,250
		2	19,390
New Hampshire	Merrimack	1	10,190
		2	22,000
New Jersey	B.L. England	1	9,060
		2	11,720
New York	Dunkirk	3	12,600
		4	14,060
	Greenidge	4	7,540
	Milliken	1	11,170
		2	12,410
	Northport	1	19,810
		2	24,110
		3	26,480
	Port Jefferson	3	10,470
		4	12,330
Ohio	Ashtabula	5	16,740
	Avon Lake	8	11,650
		9	30,480
	Cardinal	1	34,270
		2	38,320
	Conesville	1	4,210
		2	4,890
		3	5,500
		4	48,770
	Eastlake	1	7,800

"TABLE A—AFFECTED SOURCES AND UNITS IN PHASE I AND THEIR SULFUR DIOXIDE ALLOWANCES (TONS)—Continued

State	Plant name	Generator	Phase I allowances
		2	8,640
		3	10,020
		4	14,510
		5	34,070
	Edgewater	4	5,050
	Gen. J.M. Gavin	1	79,080
		2	80,560
	Kyger Creek	1	19,280
		2	18,560
		3	17,910
		4	18,710
		5	18,740
	Miami Fort	5	760
		6	11,380
		7	38,510
	Muskingum River	1	14,880
		2	14,170
		3	13,950
		4	11,780
		5	40,470
	Niles	1	6,940
		2	9,100
	Picway	5	4,930
	R.E. Burger	3	6,150
		4	10,780
		5	12,430
	W.H. Sammis	5	24,170
		6	39,930
		7	43,220
	W.C. Beckjord	5	8,950
		6	23,020
Pennsylvania	Armstrong	1	14,410
		2	15,430
	Brunner Island	1	27,760
		2	31,100
		3	53,820
	Cheswick	1	39,170
	Conemaugh	1	59,790
		2	66,450
	Hatfield's Ferry	1	37,830
		2	37,320
		3	40,270
	Martins Creek	1	12,660
		2	12,820
	Portland	1	5,940
		2	10,230
	Shawville	1	10,320
		2	10,320
		3	14,220
		4	14,070
	Sunbury	3	8,760
		4	11,450
Tennessee	Allen	1	15,320
		2	16,770
		3	15,670
	Cumberland	1	86,700
		2	94,840
	Gallatin	1	17,870
		2	17,310
		3	20,020
		4	21,260
	Johnsonville	1	7,790
		2	8,040
		3	8,410
		4	7,990
		5	8,240
		6	7,890
		7	8,980
		8	8,700
		9	7,080
		10	7,550
West Virginia	Albright	3	12,000
	Fort Martin	1	41,590
		2	41,200
	Harrison	1	48,620
		2	46,150
		3	41,500
	Kammer	1	18,740
		2	19,460
		3	17,390
	Mitchell	1	43,980
		2	45,510
	Mount Storm	1	43,720
		2	35,580
		3	42,430
Wisconsin	Edgewater	4	24,750
	La Crosse/Genoa	3	22,700
	Nelson Dewey	1	6,010
		2	6,680
	N. Oak Creek	1	5,220
		2	5,140
		3	5,370
		4	6,320
	Pulliam	8	7,510
	S. Oak Creek	5	9,670
		6	12,040
		7	16,180
		8	15,790

"(f) ENERGY CONSERVATION AND RENEWABLE ENERGY.—

"(1) DEFINITIONS.—As used in this subsection:

"(A) QUALIFIED ENERGY CONSERVATION MEASURE.—The term 'qualified energy conservation measure' means a cost effective measure, as identified by the Administrator in consultation with the Secretary of Energy, that increases the efficiency of the use of electricity provided by an electric utility to its customers.

"(B) QUALIFIED RENEWABLE ENERGY.—The term 'qualified renewable energy' means energy derived from biomass, solar, geothermal, or wind as identified by the Administrator in consultation with the Secretary of Energy.

"(C) ELECTRIC UTILITY.—The term 'electric utility' means any person, State agency, or Federal agency, which sells electric energy.

"(2) ALLOWANCES FOR EMISSIONS AVOIDED THROUGH ENERGY CONSERVATION AND RENEWABLE ENERGY.—

"(A) IN GENERAL.—The regulations under paragraph (4) of this subsection shall provide that for each ton of sulfur dioxide emissions avoided by an electric utility, during the applicable period, through the use of qualified energy conservation measures or qualified renewable energy, the Administrator shall allocate a single allowance to such electric utility, on a first-come-first-served basis from the Conservation and Renewable Energy Reserve established under subsection (g), up to a total of 300,000 allowances for allocation from such Reserve.

"(B) REQUIREMENTS FOR ISSUANCE.—The Administrator shall allocate allowances to an electric utility under this subsection only if all of the following requirements are met:

"(i) Such electric utility is paying for or participating in the qualified energy conservation measures or qualified renewable energy.

"(ii) The emissions of sulfur dioxide avoided through the use of qualified energy conservation measures or qualified renewable energy are quantified in accordance with regulations promulgated by the Administrator under this subsection.

"(iii)(I) Such electric utility has adopted and is implementing a least cost energy conservation and electric power plan which evaluates a range of resources, including new power supplies, energy conservation, and renewable energy resources, in order to meet expected future demand at the lowest system cost.

"(II) The qualified energy conservation measures or qualified renewable energy, or both, are consistent with that plan.

"(III) In the case of electric utilities subject to the jurisdiction of a State regulatory authority such plan shall have been approved by such authority. For electric utilities not subject to the jurisdiction of a State regulatory authority such plan shall have been approved by the Administrator.

"(iv) In the case of qualified energy conservation measures undertaken by a State regulated electric utility, the Secretary of Energy has certified that the State regulatory authority with jurisdiction over the electric rates of such electric utility has established rates and charges which ensure that the net income of such electric utility after implementation of specific cost effective energy conservation measures is at least as high as such net income would have been if the energy conservation measures had not been implemented. Upon the date of any such certification by the Secretary of Energy, all allowances which, but for this paragraph, would have been allocated under subparagraph (B) before such date, shall be allocated to the electric utility. This clause is not a requirement for qualified renewable energy.

"(v) Such utility or any subsidiary of the utility's holding company owns or operates at least one affected unit.

"(C) PERIOD OF APPLICABILITY.—Allowances under this subsection shall be allocated only with respect to kilowatt hours of electric energy saved by qualified energy conservation measures or generated by qualified renewable energy after January 1, 1992, and before the earlier of (i) December 31, 2000, or (ii) the date on which any electric utility steam generating unit owned or operated by the electric utility to which the allowances are allocated becomes subject to this subpart (including those sources that elect to become affected by this title, pursuant to section 417).

"(D) DETERMINATION OF AVOIDED EMISSIONS.—

"(i) APPLICATION.—In order to receive allowances under this subsection, an electric utility shall make an application which—

"(I) designates the qualified energy conservation measures implemented and the qualified renewable energy sources used for purposes of avoiding emissions;

"(II) calculates, in accordance with subparagraphs (F) and (G), the number of tons of emissions avoided by reason of the implementation of such measures or the use of such renewable energy sources; and

"(III) demonstrates that the requirements of subparagraph (B) have been met.

"(ii) APPROVAL.—Such application for allowances by a State-regulated electric utility shall require approval by the State regulatory authority with jurisdiction over such electric utility. The authority shall review the application for accuracy and compliance with this subsection and the rules under this subsection. Electric utilities whose retail rates are not subject to the jurisdiction of a State regulatory authority shall apply directly to the Administrator for such approval.

"(E) AVOIDED EMISSIONS FROM QUALIFIED ENERGY CONSERVATION MEASURES.—For the purposes of this subsection, the emission tonnage deemed avoided by reason of the implementation of qualified energy conservation measures for any calendar year shall be a tonnage equal to the product of multiplying—

"(i) the kilowatt hours that would otherwise have been supplied by the utility during such year in the absence of such qualified energy conservation measures; by

"(ii) 0.004, and dividing the product so derived by 2,000.

"(F) AVOIDED EMISSIONS FROM THE USE OF QUALIFIED RENEWABLE ENERGY.—The emissions tonnage deemed avoided by reason of the use of qualified renewable energy by an electric utility for any calendar year shall be a tonnage equal to the product of multiplying—

"(i) the actual kilowatt hours generated by, or purchased from, qualified renewable energy; by

"(ii) 0.004, and dividing the product so derived by 2,000.

"(G) PROHIBITIONS.—

"(i) No allowances shall be allocated under this subsection for the implementation of programs that are exclusively informational or educational in nature.

"(ii) No allowances shall be allocated for energy conservation measures or renewable energy that were operational before January 1, 1992.

"(3) SAVINGS PROVISION.—Nothing in this subsection precludes a State or State regulatory authority from providing additional incentives to utilities to encourage investment in demand-side resources.

"(4) REGULATIONS.—The Administrator shall implement this subsection under 40 CFR part 73 (2002), amended as appropriate by the Administrator. Such regulations shall list energy conservation measures and renewable energy sources which may be treated as qualified energy conservation measures and qualified renewable energy for purposes of this subsection. Allowances shall only be allocated if all requirements of this subsection and the rules promulgated to implement this subsection are complied with. The Administrator shall review the determinations of each State regulatory authority under this subsection to encourage consistency from electric utility and from State-to-State in accordance with the Administrator's rules. The Administrator shall publish and make available to the public the findings of this review no less than annually.

"(g) CONSERVATION AND RENEWABLE ENERGY RESERVE.—The Administrator shall establish a Conservation and Renewable Energy Reserve under this subsection. Beginning on January 1, 1995, the Administrator may allocate from the Conservation and Renewable Energy Reserve an amount equal to a total of 300,000 allowances for emissions of sulfur dioxide pursuant to section 411. In order to provide 300,000 allowances for such reserve, in each year beginning in calendar year 2000 and until calendar year 2009, inclusive, the Administrator shall reduce each unit's basic phase II allowance allocation on the basis of its pro rata share of 30,000 allowances. Notwithstanding the prior sentence, if allowances remain in the reserve on January 1, 2010, the Administrator shall allocate such allowances for affected units under section 414 on a pro rata basis. For purposes of this subsection, for any unit subject to the emissions limitation requirements of section 414, the term 'pro rata basis' refers to the ratio which the reductions made in such unit's allowances in order to establish the reserve under this subsection bears to the total of such reductions for all such units.

"(h) ALTERNATIVE ALLOWANCE ALLOCATION FOR UNITS IN CERTAIN UTILITY SYSTEMS WITH OPTIONAL BASELINE.—

"(1) OPTIONAL BASELINE FOR UNITS IN CERTAIN SYSTEMS.—In the case of a unit subject to the emissions limitation requirements of this section which (as of November 15, 1990)—

"(A) has an emission rate below 1.0 lbs/mmBtu,

"(B) has decreased its sulfur dioxide emissions rate by 60 percent or greater since 1980, and

"(C) is part of a utility system which has a weighted average sulfur dioxide emissions rate for all fossil fueled-fired units below 1.0 lbs/mmBtu, at the election to the owner or operator of such unit, the unit's baseline may be calculated—

"(i) as provided under section 411, or

"(ii) by utilizing the unit's average annual fuel consumption at a 60 percent capacity factor. Such election shall be made no later than March 1, 1991.

"(2) ALLOWANCE ALLOCATION.—Whenever a unit referred to in paragraph (1) elects to calculate its baseline as provided in clause (ii) of paragraph (1), the Administrator shall allocate allowances for the unit pursuant to section 412(a), this section, and section 414 (as basic phase II allowance allocations) in an amount equal to the baseline selected multiplied by the lower of the average annual emission rate for such unit in 1989, or 1.0 lbs/mmBtu. Such allowance allocation shall be in lieu of any allocation of allowances under this section and section 414.

"SEC. 414. PHASE II SULFUR DIOXIDE REQUIREMENTS.

"(a) APPLICABILITY.—

"(1) BASIC PHASE II ALLOWANCE ALLOCATIONS.—After January 1, 2000, each existing utility unit as provided below is subject to the limitations or requirements of this section. Each utility unit subject to an annual sulfur dioxide tonnage emission limitation under this section is an affected unit under this subpart. Each source that includes one or more affected units is an affected source. In the case of an existing unit that was not in operation during calendar year 1985, the emission rate for a calendar year after 1985, as determined by the Administrator, shall be used in lieu of the 1985 rate.

"(2) BASIC PHASE II BONUS ALLOWANCE ALLOCATIONS.—In addition to basic phase II allowance allocations, in each year beginning in calendar year 2000 and ending in calendar year 2009, inclusive, the Administrator shall allocate up to 530,000 phase II bonus allowances pursuant to subsections (b)(2), (c)(4), (d)(3) (A) and (B), and (h)(2) of this section and section 415.

"(3) ADDITIONAL ALLOWANCE ALLOCATIONS FOR CERTAIN AFFECTED SOURCES AND UNITS.—In addition to basic phase II allowances allocations and phase II bonus allowance allocations, beginning January 1, 2000, the Administrator shall allocate for each unit listed on table A in section 413 (other than units at Kyger Creek, Clifty Creek, and Joppa Stream) and located in the States of Illinois, Indiana, Ohio, Georgia, Alabama, Missouri, Pennsylvania, West Virginia, Kentucky, or Tennessee allowances in an amount equal to 50,000 multiplied by the unit's pro rata share of the total number of basic allowances allocated for all units listed on table A (other than units at Kyger Creek, Clifty Creek, and Joppa Stream). Allowances allocated pursuant to this paragraph shall not be subject to the 8,900,000 ton limitation in section 412(a).

"(b) UNITS EQUAL TO, OR ABOVE, 75 MWE AND 1.20 LBS/MMBTU.—

"(1) BASIC PHASE II ALLOWANCE ALLOCATIONS.—Except as otherwise provided in paragraph (3), after January 1, 2000, it shall be unlawful for any existing utility unit that serves a generator with nameplate capacity equal to, or greater, than 75 MWe and an actual 1985 emission rate equal to or greater than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(2) RESERVE ALLOWANCES.—In addition to allowances allocated pursuant to paragraph (1) and section 412(a) as basic phase II allowance allocations, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate greater than 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 percent, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 percent of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 percent capacity factor.

"(3) PROHIBITION.—After January 1, 2000, it shall be unlawful for any existing utility unit with an actual 1985 emissions rate equal to or greater than 1.20 lbs/mmBtu whose annual average fuel consumption during 1985, 1986, and 1987 on a Btu basis exceeded 90 percent in the form of lignite coal which is located in a State in which, as of July 1, 1989, no county or portion of a county was designated nonattainment under section 107 of this Act for any pollutant subject to the requirements of section 109 of this Act to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the lesser of the unit's actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(4) ANNUAL ALLOWANCE ALLOCATIONS.—After January 1, 2000, the Administrator shall allocate annually for each unit, subject to the emissions limitation requirements of paragraph (1), which is located in a State with an installed electrical generating capacity of more than 30,000,000 kw in 1988 and for which was issued a prohibition order or a proposed prohibition order (from burning oil), which unit subsequently converted to coal between January 1, 1980, and December 31, 1985, allowances equal to the difference between (A) the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of its actual or allowable emissions rate during the first full calendar year after conversion, divided by 2,000, and (B) the number of allowances allocated for the unit pursuant to paragraph (1): *Provided*, That the number of allowances allocated pursuant to this paragraph shall not exceed an annual total of five thousand. If necessary to meeting the restriction imposed in the preceding sentence the Administrator shall reduce, pro rata, the annual allowances allocated for each unit under this paragraph.

"(c) COAL OR OIL-FIRED UNITS BELOW 75 MWE AND ABOVE 1.20 LBS/MMBTU.—

"(1) STEAM-ELECTRIC CAPACITY EQUAL TO OR GREATER THAN 250MWE.—Except as otherwise provided in paragraph (3), after January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit that serves a generator with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is, as of December 31, 1989, equal to, or greater than, 250 MWe to exceed an annual sulfur dioxide emissions limitation equal to the product of the unit's baseline multiplied by an emission rate equal to 1.20 lbs/mmBtu, divided by 2,000 unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(2) STEAM-ELECTRIC CAPACITY LESS THAN 250MWE.—After January 1, 2000, it shall be unlawful for a coal or oil-fired existing utility unit that serves a generator with nameplate capacity of less than 75 MWe and an actual 1985 emission rate equal to, or greater than, 1.20 lbs/mmBtu (excluding units subject to section 111 of the Act or to a federally enforceable emissions limitation for sulfur dioxide equivalent to an annual rate of less than 1.20 lbs/mmBtu) and which is a unit owned by a utility operating company whose aggregate nameplate fossil fuel steam-electric capacity is, as of December 31, 1989, less than 250 MWe, to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions, for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(3) STEAM-ELECTRIC CAPACITY BETWEEN 250 AND 450 MWE.—After January 1, 2000 it shall be unlawful for any existing utility unit with a nameplate capacity below 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu which became operational on or before December 31, 1965, which is owned by a utility operating company with, as of December 31, 1989, a total fossil fuel steam-electric generating capacity greater than 250 MWe, and less than 450 MWe which serves fewer than 78,000 electrical customers as of November 15, 1990, to exceed an annual sulfur dioxide emissions tonnage limitation equal to the product of its baseline multiplied by the lesser of its actual or allowable 1985 emission rate, divided by 2,000, unless the owner or operator holds allowances to emit not less than the units total annual emissions or, for a year after 2007, unless the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source. After January 1, 2010, it shall be unlawful for each unit subject to the emissions limitation requirements of this paragraph to exceed an annual emissions tonnage limitation equal to the product of its baseline multiplied by an emissions rate of 1.20 lbs/mmBtu, divided by 2,000, unless the owner or operator holds allowances to emit not less than the unit's total annual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(4) RESERVE ALLOWANCES.—In addition to allowances allocated pursuant to paragraph (1) and section 412(a) as basic phase II allowance allocations, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, inclusive, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) with an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu and less than 2.50 lbs/mmBtu and a baseline capacity factor of less than 60 percent, allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to 1.20 lbs/mmBtu multiplied by 50 percent of the difference, on a Btu basis, between the unit's baseline and the unit's fuel consumption at a 60 percent capacity factor.

"(5) CERTAIN ELECTRIC UTILITY SYSTEMS.—After January 1, 2000, it shall be unlawful for any existing unit with a nameplate capacity below 75 MWe and an actual 1985 emissions rate equal to, or greater than, 1.20 lbs/mmBtu which is part of an electric utility system which, as of November 15, 1990—

"(A) has at least 20 percent of its fossil-fuel capacity controlled by flue gas desulfurization devices;

"(B) has more than 10 percent of its fossil-fuel capacity consisting of coal-fired units of less than 75 MWe; and

"(C) has large units (greater than 400 MWe) all of which have difficult or very difficult FGD Retrofit Cost Factors (according to the Emissions and the FGD Retrofit Feasibility at the 200 Top Emitting Generating Stations, prepared for the United States Environmental Protection Agency on January 10,

1986) to exceed an annual sulfur dioxide emissions tonnage limitation equal to the product of its baseline multiplied by an emissions rate of 2.5 lbs/mmBtu, divided by 2,000, unless the owner or operator holds allowances to emit not less than the unit's total annual emissions, for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source. After January 1, 2010, it shall be unlawful for each unit subject to the emissions limitation requirements of this paragraph to exceed an annual emissions tonnage limitation equal to the project of its baseline multiplied by an emissions rate of 1.20 lbs/mmBtu, divided by 2,000, unless the owner or operator holds for use allowances to emit not less than the unit's total annual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(d) COAL-FIRED UNITS BELOW 1.20 LBS/MMBTU.—

"(1) RATE LESS THAN 0.60 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any existing coal-fired utility unit the lesser of whose actual or allowable 1985 sulfur dioxide emissions rate is less than 0.60 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emission limitation equal to the product of the unit's baseline multiplied by—

"(A) the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate; and

"(B) a numerical factor of 120 percent, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(2) RATE BETWEEN 0.60 AND 1.20 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any existing coal-fired utility unit the lesser of whose actual or allowable 1985 sulfur dioxide emissions rate is equal to, or greater than, 0.60 lbs/mmBtu and less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by (A) the lesser of its actual 1985 emissions rate or its allowable 1985 emissions rate, and (B) a numerical factor of 120 percent, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(3) RESERVE ALLOWANCE.—

"(A) IN GENERAL.—In addition to allowances allocated pursuant to paragraph (1) and section 412(a) as basic phase II allowance allocations, at the election of the designated representative of the operating company, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the amount by which—

"(i) the product of the lesser of 0.60 lbs/mmBtu or the unit's allowable 1985 emissions rate multiplied by the unit's baseline adjusted to reflect operation at a 60 percent capacity factor, divided by 2,000, exceeds

"(ii) the number of allowances allocated for the unit pursuant to paragraph (1) and section 403(a)(1) as basic phase II allowance allocations.

"(B) UNITS SUBJECT TO CERTAIN LIMITATIONS.—In addition to allowances allocated pursuant to paragraph (2) and section 412(a) as basic phase II allowance allocations, at the election of the designated representative of the operating company, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (2) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the amount by which—

"(i) the product of the lesser of the unit's actual 1985 emissions rate or its allowable 1985 emissions rate multiplied by the unit's baseline adjusted to reflect operation at a 60 percent capacity factor, divided by 2,000; exceeds

"(ii) the number of allowances allocated for the unit pursuant to paragraph (2) and section 412(a) as basic phase II allowance allocations.

"(C) ELECTION BY OPERATING COMPANY.—An operating company with units subject to the emissions limitation requirements of this subsection may elect the allocation of allowances as provided under subparagraphs (A) and (B). Such election shall apply to the annual allowance allocation for each and every unit in the operating company subject to the emissions limitation requirements of this subsection. The Administrator shall allocate allowances pursuant to subparagraphs (A) and (B) only in accordance with this subparagraph.

"(4) ALTERNATIVE ALLOCATION.—Notwithstanding any other provision of this section, at the election of the owner or operator, after January 1, 2000, the Administrator shall allocate in lieu of allocation, pursuant to paragraph (1), (2), (3), (5), or (6), allowances for a unit subject to the emissions limitation requirements of this subsection which commenced commercial operation on or after January 1, 1981 and before December 31, 1985, which was subject to, and in compliance with, section 111 of the Act in an amount equal to the unit's annual fuel consumption, on a Btu basis, at a 65-percent-capacity factor multiplied by the unit's allowable 1985 emissions rate, divided by 2,000.

"(5) CLEAN COAL TECHNOLOGY DEMONSTRATION GRANT.—For the purposes of this section, in the case of an oil- and gas-fired unit which has been awarded a clean coal technology demonstration grant as of January 1, 1991, by the United States Department of Energy, beginning January 1, 2002, the Administrator shall allocate for the unit allowances in an amount equal to the unit's baseline multiplied by 1.20 lbs/mmBtu, divided by 2,000.

"(e) OIL AND GAS-FIRED UNITS EQUAL TO OR GREATER THAN 0.60 LBS/MMBTU AND LESS THAN 1.20 LBS/MMBTU.—After January 1, 2000, it shall be unlawful for any existing oil and gas-fired utility unit the lesser of whose actual or allowable 1985 sulfur dioxide emission rate is equal to, or greater than, 0.60 lbs/mmBtu, but less than 1.20 lbs/mmBtu to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by (A) the lesser of the unit's allowable 1985 emissions rate or its actual 1985 emissions rate and (B) a numerical factor of 120 percent divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(f) OIL AND GAS-FIRED UNITS LESS THAN 0.60 LBS/MMBTU.—

"(1) IN GENERAL.—After January 1, 2000, it shall be unlawful for any oil and gas-fired existing utility unit the lesser of whose actual or allowance 1985 emission rate is less than 0.60 lbs/mmBtu and whose average annual fuel consumption during the period 1980 through 1989 on a Btu basis was 90 percent or less in the form of natural gas to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's baseline multiplied by—

"(A) the lesser of 0.60 lbs/mmBtu or the unit's allowance 1985 emissions, and

"(B) a numerical factor of 120 percent, divided by 2,000, unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions, for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(2) ADDITIONAL ALLOCATION.—In addition to allowances allocated pursuant to paragraph (1) as basic phase II allowance allocations and section 412(a), beginning January 1, 2000, the Administrator shall, in the case of any unit operated by a utility that furnishes electricity, electric energy, steam, and natural gas within an area consisting of a city and 1 contiguous county, and in the case of any unit owned by a State authority, the output of which unit is furnished within that same area consisting of a city and 1 contiguous county, the Administrator shall allocate for each unit in the utility its pro rata share of 7,000 allowances and for each unit in the State authority its pro rata share of 2,000 allowances.

"(g) UNITS THAT COMMENCE COMMERCIAL OPERATION BETWEEN 1986 AND DECEMBER 31, 1995.—

"(1) IN GENERAL.—After January 1, 2000, it shall be unlawful for any utility unit that has commenced commercial operation on or after January 1, 1986, but not later than September 30, 1990 to exceed an annual tonnage emission limitation equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65-percent-capacity factor multiplied by the unit's allowance 1985 sulfur dioxide emission rate (converted, if necessary, to pounds per mmBtu), divided by 2,000 unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(2) UNIT ALLOWANCES.—After January 1, 2000, the Administrator shall allocate allowances pursuant to section 411 to each unit which is listed in table B of this paragraph in an annual amount equal to the amount specified in table B.

"TABLE B

Unit	Allowances
Brandon Shores	8,907
Miller 4	9,197
TNP One 2	4,000
Zimmer 1	18,458
Spruce 1	7,647
Clover 1	2,796
Clover 2	2,796
Twin Oak 2	1,760
Twin Oak 1	9,158
Cross 1	6,401
Malakoff 1	1,759

Notwithstanding any other paragraph of this subsection, for units subject to this paragraph, the Administrator shall not allocate allowances pursuant to any other paragraph of this subsection, provided that the owner or operator of a unit listed on table B may elect an allocation of allowances under another paragraph of this subsection in lieu of an allocation under this paragraph.

"(3) UNITS THAT COMMENCED COMMERCIAL OPERATION BETWEEN OCTOBER 1, 1990, AND DECEMBER 31, 1992.—Beginning January 1, 2000, the Administrator shall allocate to the owner or operator of any utility unit that commences commercial operation, or has commenced commercial operation, on or after October 1, 1990, but not later than December 31, 1992, allowances in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the unit's allowable sulfur dioxide emission rate (converted, if necessary, to pounds per mmBtu), divided by 2,000.

"(4) UNITS THAT COMMENCED COMMERCIAL OPERATION BETWEEN JANUARY 1, 1993, AND DECEMBER 31, 1995.—Beginning January 1, 2000, the Administrator shall allocate to the owner or operator of any utility unit that has commenced construction before December 31, 1990 and that commences commercial operation between January 1, 1993, and December 31, 1995, allowances in an amount equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of 0.30 lbs/mmBtu or the unit's allowable sulfur dioxide emission rate (converted, if necessary, to pounds per mmBtu), divided by 2,000.

"(5) UNITS THAT CONVERTED TO COAL FIRED OPERATION BETWEEN JANUARY 1, 1985, AND DECEMBER 31, 1987.—After January 1, 2000, it shall be unlawful for any existing utility unit that has completed conversion from predominantly gas fired existing operation to coal fired operation between January 1, 1985, and December 31, 1987, for which there has been allocated a proposed or final prohibition order pursuant to section 301(b) of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8301 et seq., repealed 1987) to exceed an annual sulfur dioxide tonnage emissions limitation equal to the product of the unit's annual fuel consumption, on a Btu basis, at a 65 percent capacity factor multiplied by the lesser of 1.20 lbs/mmBtu or the unit's allowable 1987 sulfur dioxide emissions rate, divided by 2,000, unless the owner or operator of such unit has obtained allowances equal to its actual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(6) APPLICABILITY TO QUALIFYING SMALL POWER PRODUCTION FACILITIES, QUALIFYING COGENERATION FACILITIES, AND NEW INDEPENDENT POWER PRODUCTION FACILITIES.—Unless the Administrator has approved a designation of such facility under section 417, the provisions of this subpart shall not apply to a 'qualifying small power production facility' or 'qualifying cogeneration facility' (within the meaning of section 3(17)(C) or 3(18)(B) of the Federal Power Act) or to a 'new independent power production facility' if, as of November 15, 1990—

"(A) an applicable power sales agreement has been executed;

"(B) the facility is the subject of a State regulatory authority order requiring an electric utility to enter into a power sales agreement with, purchase capacity from, or (for purposes of establishing terms and conditions of the electric utility's purchase of power) enter into arbitration concerning, the facility;

"(C) an electric utility has issued a letter of intent or similar instrument committing to purchase power from the facility at a previously offered or lower price and a power sales agreement is executed within a reasonable period of time; or

"(D) the facility has been selected as a winning bidder in a utility competitive bid solicitation.

"(h) OIL- AND GAS-FIRED UNITS LESS THAN 10 PERCENT OIL CONSUMED.—

"(1) IN GENERAL.—After January 1, 2000, it shall be unlawful for any oil- and gas-fired utility unit whose average annual fuel consumption during the period 1980 through 1989 on a Btu basis exceeded 90 percent in the form of natural gas to exceed an annual sulfur dioxide tonnage limitation equal to the product of the unit's baseline multiplied by the unit's actual 1985 emissions rate divided by 2,000 unless the owner or operator of such unit holds allowances to emit not less than the unit's total annual emissions for a year after 2007, or the owner or operator of the source that includes such unit holds allowances to emit not less than the total annual emissions of all affected units at the source.

"(2) RESERVE ALLOWANCES.—In addition to allowances allocated pursuant to paragraph (1) and section 412(a) as basic phase II allowance allocations, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances from the reserve created pursuant to subsection (a)(2) in an amount equal to the unit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2,000.

"(3) ADDITIONAL ALLOWANCES.—In addition to allowances allocated pursuant to paragraph (1) and section 412(a), beginning January 1, 2010, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of paragraph (1) allowances in an amount equal to the unit's baseline multiplied by 0.050 lbs/mmBtu, divided by 2,000.

"(i) UNITS IN HIGH GROWTH STATES.—

"(1) ANNUAL ALLOCATIONS.—In addition to allowances allocated pursuant to this section and section 412(a) as basic phase II allowance allocations, beginning January 1, 2000, the Administrator shall allocate annually allowances for each unit, subject to an emissions limitation requirement under this section, and located in a State that—

"(A) has experienced a growth in population in excess of 25 percent between 1980 and 1988 according to State Population and Household Estimates, With Age, Sex, and Components of Change: 1981–1988 allocated by the United States Department of Commerce, and

"(B) had an installed electrical generating capacity of more than 30,000,000 kw in 1988, in an amount equal to the difference between—

"(i) the number of allowances that would be allocated for the unit pursuant to the emissions limitation requirements of this section applicable to the unit adjusted to reflect the unit's annual average fuel consumption on a Btu basis of any three consecutive calendar years between 1980 and 1989 (inclusive) as elected by the owner or operator; and

"(ii) the number of allowances allocated for the unit pursuant to the emissions limitation requirements of this section:

Provided, That the number of allowances allocated pursuant to this subsection shall not exceed an annual total of 40,000. If necessary to meeting the 40,000 allowance restriction imposed under this subsection the Administrator shall reduce, pro rata, the additional annual allowances allocated to each unit under this subsection.

"(2) ADDITIONAL ALLOCATIONS.—Beginning January 1, 2000, in addition to allowances allocated pursuant to this section and section 403(a)(1) as basic phase II allowance allocations, the Administrator shall allocate annually for each unit subject to the emissions limitation requirements of subsection (b)(1)—

"(A) the lesser of whose actual or allowable 1980 emissions rate has declined by 50 percent or more as of November 15, 1990;

"(B) whose actual emissions rate is less than 1.2 lbs/mmBtu as of January 1, 2000;

"(C) which commenced operation after January 1, 1970;

"(D) which is owned by a utility company whose combined commercial and industrial kilowatt-hour sales have increased by more than 20 percent between calendar year 1980 and November 15, 1990; and

"(E) whose company-wide fossil-fuel sulfur dioxide emissions rate has declined 40 percent or more from 1980 to 1988, allowances in an amount equal to the difference between—

"(i) the number of allowances that would be allocated for the unit pursuant to the emissions limitation requirements of subsection (b)(1) adjusted to reflect the unit's annual average fuel consumption on a Btu basis for any three consecutive years between 1980 and 1989 (inclusive) as elected by the owner or operator; and

"(ii) the number of allowances allocated for the unit pursuant to the emissions limitation requirements of subsection (b)(1):

Provided, That the number of allowances allocated pursuant to this paragraph shall not exceed an annual total of 5,000. If necessary to meeting the 5,000 allowance restriction imposed in the last clause of the preceding sentence the Administrator shall reduce, pro rata, the additional allowances allocated to each unit pursuant to this paragraph.

"(j) CERTAIN MUNICIPALLY OWNED POWER PLANTS.—Beginning January 1, 2000, in addition to allowances allocated pursuant to this section and section 412(a) as basic phase II allowance allocations, the Administrator shall allocate annually for each existing municipally owned oil and gas-fired utility unit with nameplate capacity equal to, or less than, 40 MWe, the lesser of whose actual or allowable 1985 sulfur dioxide emission rate is less than 1.20 lbs/mmBtu, allowances in an amount equal to the product of the unit's annual fuel consumption on a Btu basis at a 60 percent capacity factor multiplied by the lesser of its allowable 1985 emission rate or its actual 1985 emission rate, divided by 2,000.

"SEC. 415. ALLOWANCES FOR STATES WITH EMISSIONS RATES AT OR BELOW 0.80 LBS/MMBTU.

"(a) ELECTION OF GOVERNOR.—In addition to basic phase II allowance allocations, upon the election of the Governor of any State, with a 1985 statewide annual sulfur dioxide emissions rate equal to or less than, 0.80 lbs/mmBtu, averaged over all fossil fuel-fired utility steam generating units, beginning January 1, 2000, and for each calendar year thereafter until and including 2009, the Administrator shall allocate, in lieu of other phase 11 bonus allowance allocations, allowances from the reserve created pursuant to section 414(a)(2) to all such units in the State in an amount equal to 125,000 multiplied by the unit's pro rata share of electricity generated in calendar year 1985 at fossil fuel-fired utility steam units in all States eligible for the election.

"(b) Notification of Administrator.—Pursuant to section 412(a), each Governor of a State eligible to make an election under paragraph (a) shall notify the Administrator of such election. In the event that the Governor of any such State fails to notify the Administrator of the Governor's elections, the Administrator shall allocate allowances pursuant to section 414.

"(c) Allowances After January 1, 2010.—After January 1, 2010, the Administrator shall allocate allowances to units subject to the provisions of this section pursuant to section 414.

"SEC. 416. ELECTION FOR ADDITIONAL SOURCES.

"(a) Applicability.—The owner or operator of any unit that is not, nor will become, an affected unit under section 412(b), 413, or 414, that emits sulfur dioxide, may elect to designate that unit or source to become an affected unit and to receive allowances under this subpart. An election shall be submitted to the Administrator for approval, along with a permit application and proposed compliance plan in accordance with section 404. The Administrator shall approve a designation that meets the requirements of this section, and such designated unit shall be allocated allowances, and be an affected unit for purposes of this subpart.

"(b) Establishment of Baseline.—The baseline for a unit designated under this section shall be established by the Administrator by regulation, based on fuel consumption and operating data for the unit for calendar years 1985, 1986, and 1987, or if such data is not available, the Administrator may prescribe a baseline based on alternative representative data.

"(c) Emission Limitations.—

"(1) Elections submitted before January 1, 2002.—For a unit for which an election, along with a permit application and compliance plan, is submitted to the Administrator under paragraph (a) before January 1, 2002, annual emissions limitations for sulfur dioxide shall be equal to the product of the baseline multiplied by the lesser of the unit's 1985 actual or allowable emission rate in lbs/mmBtu, or, if the unit did not operate in 1985, by the lesser of the unit's actual or allowable emission rate for a calendar year after 1985 (as determined by the Administrator); divided by 2,000.

"(2) Elections submitted after January 1, 2002.—For a unit for which an election, along with a permit application and compliance plan, is submitted to the Administrator under paragraph (a) on or after January 1, 2002, annual emissions limitations for sulfur dioxide shall be equal to the product of the baseline multiplied by the lesser of the unit's 1985 actual or allowable emission rate in lbs/mmBtu, or, if the unit did not operate in 1985, by the lesser of the unit's actual or allowable emission rate for a calendar year after 1985 (as determined by the Administrator); divided by 4,000.

"(d) Allowances and Permits.—The Administrator shall issue allowances to an affected unit under this section in an amount equal to the emissions limitation calculated under subsection (c), in accordance with section 412. Such allowance may be used in accordance with, and shall be subject to, the provisions of section 412. Affected sources under this section shall be subject to the requirements of sections 404, 405, 406, and 412.

"(e) Limitation.—Any unit designated under this section shall not transfer or bank allowances produced as a result of reduced utilization or shutdown, except that, such allowances may be transferred or carried forward for use in subsequent years to the extent that the reduced utilization or shutdown results from the replacement of thermal energy from the unit designated under this section, with thermal energy generated by any other unit or units subject to the requirements of this subpart, and the designated unit's allowances are transferred or carried forward for use at such other replacement unit or units. In no case may the Administrator allocate to a source designated under this section allowances in an amount greater than the emissions resulting from operation of the source in full compliance with the requirements of this Act. No such allowances shall authorize operation of a unit in violation of any other requirements of this Act.

"(f) Implementation.—The Administrator shall implement this section under 40 CFR part 74 (2002), amended as appropriate by the Administrator.

"SEC. 417. AUCTIONS, RESERVE.

"(a) Special Reserve of Allowances.—For purposes of establishing the Special Allowance Reserve, the Administrator shall withhold—

"(1) 2.8 percent of the allocation of allowances for each year from 1995 through 1999 inclusive; and

"(2) 2.8 percent of the basic phase II allowance allocation of allowances for each year beginning in the year 2000;

which would (but for this subsection) be issued for each affected unit at an affected source. The Administrator shall record such withholding for purposes of transferring the proceeds of the allowance sales under this subsection. The allowances so withheld shall be deposited in the Reserve under this section.

"(b) Auction Sales.—

"(1) Subaccount for auctions.—The Administrator shall establish an Auction Subaccount in the Special Reserve established under this section. The Auction Subaccount shall contain allowances to be sold at auction under this section in the amount of 150,000 tons per year for each year from 1995 through 1999, inclusive and 250,000 tons per year for each year from 2000 through 2009, inclusive.

"(2) Annual auctions.—Commencing in 1993 and in each year thereafter until 2010, the Administrator shall conduct auctions at which the allowances referred to in paragraph (1) shall be offered for sale in accordance with regulations promulgated by the Administrator. The allowances referred to in paragraph (1) shall be offered for sale at auction in the amounts specified in table C. The auction shall be open to any person. A person wishing to bid for such allowances shall submit (by a date set by the Administrator) to the Administrator (on a sealed bid schedule provided by the Administrator) offers to purchase specified numbers of allowances at specified prices. Such regulations shall specify that the auctioned allowances shall be allocated and sold on the basis of bid price, starting with the highest-priced bid and continuing until all allowances for sale at such auction have been allocated. The regulations shall not permit that a minimum price be set for the purchase of withheld allowances. Allowances purchased at the auction may be used for any purpose and at any time after the auction, subject to the provisions of this subpart and subpart 2.

TABLE C—NUMBER OF ALLOWANCES AVAILABLE FOR AUCTION

Year of sale	Spot auction (same year)	Advance auction
1993	50,000	100,000
1994	50,000	100,000
1995	50,000	100,000
1996	150,000	100,000
1997	150,000	100,000
1998	150,000	100,000
1999	150,000	100,000
2000	125,000	125,000
2001	125,000	125,000
2002	125,000	125,000
2003	125,000	0
2004 2009	125,000	0

"(3) Proceeds.—

"(A) Transfer.—Notwithstanding section 3302 of title 31 of the United States Code or any other provision of law, within 90 days of receipt, the Administrator shall transfer the proceeds from the auction under this section, on a pro rata basis, to the owners or operators of the affected units at an affected source from whom allowances were withheld under subsection (b). No funds transferred from a purchaser to a seller of allowances under this paragraph shall be held by any officer or employee of the United States or treated for any purpose as revenue to the United States or the Administrator.

"(B) Return.—At the end of each year, any allowances offered for sale but not sold at the auction shall be returned without charge, on a pro rata basis, to the owner or operator of the affected units from whose allocation the allowances were withheld. With 170 days after the date of enactment of the Clear Skies Act of 2005, any allowance withheld under paragraph (a)(2) but not offered for sale at an auction shall be returned without charge, on a pro rata basis, to the owner or operator of the affected units from whose allocation the allowances were withheld.

"(4) Recording by EPA.—The Administrator shall record and publicly report the nature, prices and results of each auction under this subsection, including the prices of successful bids, and shall record the transfers of allowances as a result of each auction in accordance with the requirements of this section. The transfer of allowances at such auction shall be recorded in accordance with the regulations promulgated by the Administrator under this subpart.

"(c) Changes in Auctions and Withholding.—Pursuant to rulemaking after public notice and comment the Administrator may at any time after the year 1998 (in the case of advance auctions) and 2005 (in the case of spot auctions) decrease the number of allowances withheld and sold under this section.

"(d) Termination of Auctions.—Not later than the commencement date of the sulfur dioxide allowance requirement under section 422, the Administrator shall terminate the withholding of allowances and the auction sales under this section. Pursuant to regulations under this section, the Administrator may by delegation or contract provide for the conduct of sales or auctions under the Administrator's supervision by other departments or agencies of the United States Government or by nongovernmental agencies, groups, or organizations.

"(e) Applicable Law.—The Administrator shall implement this section under 40 CFR part 73 (2002), amended as appropriate by the Administrator.

"SEC. 418. INDUSTRIAL SULFUR DIOXIDE EMISSIONS.

"(a) REPORT.—Not later than January 1, 1995 and every 5 years thereafter, the Administrator shall transmit to the Congress a report containing an inventory of national annual sulfur dioxide emissions from industrial sources (as defined in section 411(11)), including units subject to section 414(g)(2), for all years for which data are available, as well as the likely trend in such emission over the following twenty-year period. The reports shall also contain estimates of the actual emission reduction in each year resulting from promulgation of the diesel fuel desulfurization regulations under section 214.

"(b) 5.60 MILLION TON CAP.—Whenever the inventory required by this section indicates that sulfur dioxide emissions from industrial sources, including units subject to section 414(g)(2), and may reasonably be expected to reach levels greater than 5.60 million tons per year, the Administrator shall take such actions under the Act as may be appropriate to ensure that such emissions do not exceed 5.60 million tons per year. Such actions may include the promulgation of new and revised standards of performance for new sources, including units subject to section 414(g)(2), under section 111(b), as well as promulgation of standards of performance for existing sources, including units subject to section 414(g)(2), under authority of this section. For an existing source regulated under this section, 'standard of performance' means a standard which the Administrator determines is applicable to that source and which reflects the degree of emission reduction achievable through the application of the best system of continuous emission reduction which (taking into consideration the cost of achieving such emission reduction, and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated for that category of sources.

"(c) ELECTION.—Regulations promulgated under section 414(b) shall not prohibit a source from electing to become an affected unit under section 417.

"SEC. 419. TERMINATION.

"Starting January 1, 2010, the owners or operators of affected units and affected facilities under sections 412(b) and (c) and 416 and shall no longer be subject to the requirements of sections 412 through 417.

"Subpart 2—Clear Skies Sulfur Dioxide Allowance Program

"SEC. 421. DEFINITIONS.

"For purposes of this subpart—

"(1) AFFECTED EGU.—The term 'affected EGU' means—

"(A) for a unit serving a generator before the date of enactment of the Clear Skies Act of 2005, a unit in a State serving a generator with a nameplate capacity of greater than twenty-five megawatts that produced or produces electricity for sale during 2002 or any year thereafter, except for a cogeneration unit that meets the criteria for qualifying cogeneration facilities codified in section 292.205 of title 18 of the Code of Federal Regulations as issued on April 1, 2002,during 2002 and each year thereafter; and

"(B) for a unit commencing service of a generator on or after the date of enactment of the Clear Skies Act of 2005, a unit in a State serving a generator that produces electricity for sale during any year starting with the year the unit commences service of a generator, except for a unit serving one or more generators with total nameplate capacity of twenty-five megawatts or less, or a cogeneration unit that meets the criteria for qualifying cogeneration facilities codified in section 292.205 of title 18 of the Code of Federal Regulations as issued on April 1, 2002, during each year starting with the year the unit commences services of a generator.

Notwithstanding paragraphs (A) and (B), the term 'affected EGU' does not include a solid waste incineration unit subject to section 129 or a unit for the treatment, storage, or disposal of hazardous waste subject to section 3005 of the Solid Waste Disposal Act.

"(2) COAL-FIRED.—The term 'coal-fired' with regard to a unit means, for purposes of section 424, combusting coal or any coal-derived fuel alone or in combination with any amount of any other fuel in any year during 1998 through 2002 or, for a unit that commenced operation on or after January 1, 2003, a unit designed to combust coal or any coal derived fuel alone or in combination with any other fuel.

"(3) EASTERN BITUMINOUS.—The term 'Eastern bituminous' means bituminous that is from a mine located in a State east of the Mississippi River.

"(4) GENERAL ACCOUNT.—The term 'general account' means an account in the Allowance Tracking System under section 403(c) established by the Administrator for any person under 40 CFR part 73.31(c) (2002), amended as appropriate by the Administrator.

"(5) OIL-FIRED.—The term 'oil-fired' with regard to a unit means, for purposes of section 424, combusting fuel oil for more than 10 percent of the unit's total heat input, and combusting no coal or coal-derived fuel, in any year during 1998 through 2002 or, for a unit that commenced operation on or after January 1, 2003, a unit designed to combust oil for more than 10 percent of the unit's total heat input and not to combust any coal or coal-derived fuel.

"(6) UNIT ACCOUNT.—The term 'unit account' means an account in the Allowance Tracking System under section 403(c) established by the Administrator for any unit under 40 CFR section 73.31 (a) and (b) (2002), amended as appropriate by the Administrator.

"SEC. 422. APPLICABILITY.

"(a) PROHIBITION.—Starting January 1, 2010, it shall be unlawful for the affected EGUs at a facility to emit a total amount of sulfur dioxide during the year in excess of the number of sulfur dioxide allowances held for such facility for that year by the owner or operator of the facility.

"(b) ALLOWANCES HELD.—Only sulfur dioxide allowances under section 423 shall be held in order to meet the requirements of subsection (a).

"SEC. 423. LIMITATIONS ON TOTAL EMISSIONS.

"For affected EGUs for 2010 and each year thereafter, the Administrator shall allocate sulfur dioxide allowances under section 424.

"TABLE A—TOTAL SO_2 ALLOWANCES ALLOCATED FOR EGUs

Year	SO_2 allowances allocated
2010	4.416.666
2011–2012	4.416.667
2013–2017	4,500,000
2018 and thereafter	3,000,000.

"SEC. 424. EGU ALLOCATIONS.

"(a) IN GENERAL.—Not later than 3 years before the commencement date of the sulfur dioxide allowance requirement of section 422, the Administrator shall promulgate regulations determining allocations of sulfur dioxide allowances for affected EGUs for each year during 2010 and thereafter. The regulations shall provide that:

"(1) 93 percent of the total amount of sulfur dioxide allowances shall be allocated to fossil-fuel-fired affected EGUs under section 424 shall be allocated by the Administrator to individual EGUs as follows:

"(A) For each unit account and each general account in the Allowance Tracking System, the Administrator shall determine the total amount of sulfur dioxide allowances allocated under subpart 1 for 2010 and thereafter that are recorded, as of 12:00 noon, Eastern Standard time, on the date 180 days after enactment of the Clear Skies Act of 2005. The Administrator shall determine this amount in accordance with 40 CFR part 73 (2002), amended as appropriate by the Administrator, except that the Administrator shall apply a discount rate of 7 percent for each year after 2010 to the amounts of sulfur dioxide allowances allocated for 2011 or later.

"(B) For each unit account and each general account in the Allowance Tracking System, the Administrator shall determine an amount of sulfur dioxide allowances equal to the allocation amount under subparagraph (A) multiplied by the ratio of the amount of sulfur dioxide allowances determined to be recorded in that account under clause (i) to the total amount of sulfur dioxide allowances determined to be recorded in all unit accounts and general accounts in the Allowance Tracking System under clause (i).

"(C) The Administrator shall allocate to each facility's account in the Allowance Tracking System an amount of sulfur dioxide allowances equal to the total amount of sulfur dioxide allowances determined under clause (ii) for the unit accounts of the units at the facility and shall allocate to each general account in the Allowance Tracking System the amount of sulfur dioxide allowances determined under clause (ii) for that general account.

"(2)(A) 7 percent of the total amount of sulfur dioxide allowances allocated each year under section 423 shall be allocated for units at a facility that are affected EGUs, but did not receive sulfur dioxide allocations under subpart 1 of this title.

"(B) The Administrator shall allocate each year for the units under subparagraph (A) that commenced operation before January 1, 2001, an amount of sulfur dioxide allowances determined by:

"(i) For such units at the facility that are coal-fired, multiplying 0.40 lb/mmBtu by the total baseline heat input of such units and converting to tons.

"(ii) For such units at the facility that are oil-fired, multiplying 0.20 lb/mmBtu by the total baseline heat input of such units and converting to tons.

"(iii) For all such other units at the facility that are not covered by clause (i) or (ii), multiplying 0.05 lb/mmBtu by the total baseline heat input of such units and converting to tons.

"(iv) If the total of the amounts for all facilities under clauses (i), (ii), and (iii) exceeds the allocation amount under subparagraph (A), multiplying the allocation amount under subparagraph (A) by the ratio of the total of the amounts for the facility under clauses (i), (ii), and (iii) to the total of the amounts for all facilities under clause (i), (ii), and (iii).

"(v) Allocating to each facility the lesser of the total of the amounts for the facility under clauses (i), (ii), and (iii) or, if the total of the amounts for all facilities under clauses (i), (ii), and (iii) exceeds the allocation amount under subparagraph (A), the amount under clause (iv).

"(C) The Administrator shall allocate each year for units under subparagraph (A) that commence commercial operation on or after January 1, 2001 and before January 1, 2005, an amount of sulfur dioxide allowances determined by:

“(i) For such units at the facility that are coal-fired or oil-fired, multiplying 0.19 lb/mmBtu by the total baseline heat input of such units and converting to tons.

“(ii) For all such other units at the facility that are not covered by clause (i), multiplying .005 lb/mmBtu by the total baseline heat input of such units and converting to tons.

“(iii) If the total of the amounts for all facilities under clauses (i) and (ii) exceeds the allocation amount under subparagraph (A), multiplying the allocation amount under subparagraph (A) by the ratio of the total of the amounts for the facility under clauses (i) and (ii) to the total of the amounts for all facilities under clauses (i) and (ii).

“(iv) Allocating to each facility the lesser of the total of the amounts for the facility under clauses (i) and (ii) or, if the total of the amounts for all facilities under clauses (i) and (ii) exceeds the allocation amount under subparagraph (A), the amount under clause (iv). The Administrator shall allocate to the facilities under paragraph (1) and this paragraph on a pro rata basis (based on the allocations under those paragraphs) any allowances not allocated under this paragraph.

“(D) The Administrator shall allocate each year for units under subparagraph (A) that commence commercial operation on or after January 1, 2005, an amount of sulfur dioxide allowances determined for each such unit at the facility by multiplying the applicable National Emissions Standard under section 481 by the applicable “baseline heat input,” considering fuel and combustion type, as defined in section 402(5)(B) and converting to tons.

“(E) In the event that allocation demand exceeds supply, the Administrator shall allocate allowances under subparagraph (A) giving first priority to units qualifying under subparagraph (B), second priority to units qualifying under subparagraph (C), and third priority to units qualifying under subparagraph (D). Allowances allocated under subparagraph (D) shall be allocated to units on a first come basis determined by date of unit commencement of construction, provided that such unit actually commences operation. As such, allocations to units under sub-paragraph (D) will not be reduced as a result of new units commencing commercial operation.

“(b) FAILURE TO PROMULGATE.—

“(1) ANNUAL NOTICE.—For each year 2010 and thereafter, if the Administrator has not promulgated regulations, determining allocations under subsection (a), each affected EGU shall comply with section 422 by providing annual notice to the permitting authority. Such notice shall indicate the amount of allowances the affected EGU believes it has for the relevant year and the amount of sulfur dioxide emissions for such year. The amount of sulfur dioxide emissions shall be determined using reasonable industry accepted methods unless the Administrator has promulgated applicable monitoring and alternative monitoring requirements.

“(2) RECONCILIATION.—Upon promulgation of regulations under subsection (a) determining the allocations for 2010 and thereafter, and promulgating regulations under section 403(b) providing for the transfer of sulfur dioxides and section 403(c) establishing an Allowance Transfer System for sulfur dioxide allowances, each unit's emissions shall be compared to and reconciled to its actual allocations under the promulgated regulations. Each unit will have nine (9) months to purchase any allowance shortfall through allowances purchased from other allowance holders or through direct sale.

“SEC. 425. DISPOSITION OF SULFUR DIOXIDE ALLOWANCES ALLOCATED UNDER SUBPART 1.

“(a) REMOVAL FROM ACCOUNTS.—After allocating allowances under section 424(a)(1), the Administrator shall remove from the unit accounts and general accounts in the Allowance Tracking System under section 403(c) and from the Special Allowances Reserve under section 418 all sulfur dioxide allowances allocated or deposited under subpart 1 for 2010 or later.

“(b) REGULATIONS.—The Administrator shall promulgate regulations as necessary to assure that the requirement to hold allowances under section 422 may be met using sulfur dioxide allowances allocated under subpart 1 for 1995 through 2009. No part of this Act shall be construed to prevent use of unused pre-2010 allowances to meet the requirements of section 422.

“SEC. 426. INCENTIVES FOR SULFUR DIOXIDE EMISSION CONTROL TECHNOLOGY.

“(a) RESERVE.—The Administrator shall establish a reserve of 250,000 sulfur dioxide allowances comprising 83,334 sulfur dioxide allowances for 2010, 83,333 sulfur dioxide allowances for 2011, and 83,333 sulfur dioxide allowances for 2012.

“(b) APPLICATION.—Not later than 18 months after the enactment of the Clear Skies Act of 2005, an owner or operator of an affected EGU that commenced operation before 2001 and that during 2001 combusted Eastern bituminous may submit an application to the Administrator for sulfur dioxide allowances from the reserve under subsection (a). The application shall include each of the following:

“(1) A statement that the owner or operator will install and commence commercial operation of specified sulfur dioxide control technology at the unit within 24 months after approval of the application under subsection (c) if the unit is allocated the sulfur dioxide allowances requested under paragraph (4). The owner or operator shall provide description of the control technology.

“(2) A statement that, during the period starting with the commencement of operation of sulfur dioxide technology under paragraph (1) through 2009, the unit will combust Eastern bituminous at a percentage of the unit's total heat input equal to or exceeding the percentage of total heat input combusted by the unit in 2001 if the unit is allocated the sulfur dioxide allowances requested under paragraph (4).

“(3) A demonstration that the unit will achieve, while combusting fuel in accordance with paragraph (2) and operating the sulfur dioxide control technology specified in paragraph (1), a specified tonnage of sulfur dioxide emission reductions during the period starting with the commencement of operation of sulfur dioxide control technology under subparagraph (1) through 2009. The tonnage of emission reductions shall be the difference between emissions monitored at a location at the unit upstream of the control technology described in paragraph (1) and emissions monitored at a location at the unit downstream of such control technology, while the unit is combusting fuel in accordance with paragraph (2).

“(4) A request that the Administrator allocate for the unit a specified number of sulfur dioxide allowances from the reserve under subsection (a) for the period starting with the commencement of operation of the sulfur dioxide technology under paragraph (1) through 2009.

“(5) A statement of the ratio of the number of sulfur dioxide allowances requested under paragraph (4) to the tonnage of sulfur dioxide emissions reductions under paragraph (3).

“(c) APPROVAL OR DISAPPROVAL.—By order subject to notice and opportunity for comment, the Administrator shall—

“(1) determine whether each application meets the requirements of subsection (b);

“(2) list the applications meeting the requirements of subsection (b) and their respective allowance-to-emission-reduction ratios under paragraph (b)(5) in order, from lowest to highest, of such ratios;

“(3) for each application listed under paragraph (2), multiply the amount of sulfur dioxide emission reductions requested by each allowance-to-emission-reduction ratio on the list that equals or is less than the ratio for the application;

“(4) sum, for each allowance-to-emission-reduction ratio in the list under paragraph (2), the amounts of sulfur dioxide allowances determined under paragraph (3);

“(5) based on the calculations in paragraph (4), determine which allowance-to-emission-reduction ratio on the list under paragraph (2) results in the highest total amount of allowances that does not exceed 250,000 allowances; and

“(6) approve each application listed under paragraph (2) with a ratio equal to or less than the allowance-to-emission-reduction ratio determined under paragraph (5) and disapprove all the other applications.

“(d) MONITORING.—An owner or operator whose application is approved under subsection (c) shall install and operate a CEMS for monitoring sulfur dioxide and to quality assure the data. The installation of the CEMS and the quality assurance of data shall be in accordance with subparagraph (a)(2)(B) and subsections (c) through (e) of section 405, except that, where two or more units utilize a single stack, and one or more units are not subject to such standards, separate monitoring shall be required for each unit.

“(e) ALLOCATIONS.—Not later than 6 months after the commencement date of the sulfur dioxide allowance requirement of section 422, for the units for which applications are approved under subsection (c), the Administrator shall allocate sulfur dioxide allowances as follows:

“(1) For each unit, the Administrator shall multiply the allowance-to-emission-reduction ratio of the last application that the Administrator approved under subsection (c) by the lesser of—

“(A) the total tonnage of sulfur dioxide emissions reductions achieved by the unit, during the period starting with the commencement of operation of the sulfur dioxide control technology under subparagraph (b)(1) through 2009, through use of such control technology; or

“(B) the tonnage of sulfur dioxide emission reductions under paragraph (b)(3).

“(2) If the total amount of sulfur dioxide allowances determined for all units under paragraph (1) exceeds 250,000 sulfur dioxide allowances, the Administrator shall multiply 250,000 sulfur dioxide allowances by the ratio of the amount of sulfur dioxide allowances determined for each unit under paragraph (1) to the total amount of sulfur dioxide allowances determined for all units under paragraph (1).

“(3) The Administrator shall allocate to each unit the lesser of the amount determined for that unit under paragraph (1) or, if the total amount of sulfur dioxide allowances determined for all units under paragraph (1) exceeds 250,000 sulfur dioxide allowances, under paragraph (2). The Administrator shall allocate to the facilities under section 424 paragraphs (1) and (2) on a pro rata basis (based on the allocations under those paragraphs) any unallocated allowances under this paragraph.

“Subpart 3—Western Regional Air Partnership

“SEC. 431. DEFINITIONS.

“For purposes of this subpart—

“(1) ADJUSTED BASELINE HEAT INPUT.—The term ‘adjusted baseline heat input’ means the average annual heat input used by a unit during the three years in which the unit had the highest heat input for the period from the eighth through the fourth year before the first covered year.

“(A) Notwithstanding paragraph (1), if a unit commences operation during such period and—

“(i) on or after January 1 of the fifth year before the first covered year, then ‘adjusted baseline heat input’ shall mean the average annual heat input used by the unit during the fifth and fourth years before the first covered year; and

“(ii) on or after January 1 of the fourth year before the first covered year, then ‘adjusted baseline heat input’ shall mean the annual heat input used by the unit during the fourth year before the first covered year.

“(B) A unit’s heat input for a year shall be the heat input—

“(i) required to be reported under section 405 for the unit, if the unit was required to report heat input during the year under that section;

“(ii) reported to the Energy Information Administrator for the unit, if the unit was not required to report heat input under section 405;

“(iii) based on data for the unit reported to the WRAP State where the unit is located as required by State law, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration; or

“(iv) based on fuel use and fuel heat content data for the unit from fuel purchase or use records, if the unit was not required to report heat input during the year under section 405 and did not report to the Energy Information Administration and the WRAP State.

“(2) AFFECTED EGU.—The term ‘affected EGU’ means an affected EGU under subpart 2 that is in a WRAP State and that—

“(A) in 2000, emitted 100 tons or more of sulfur dioxide and was used to produce electricity for sale; or

“(B) in any year after 2000, emits 100 tons or more of sulfur dioxide and is used to produce electricity for sale.

“(3) COAL-FIRED.—The term ‘coal-fired’ with regard to a unit means, for purposes of section 434, a unit combusting coal or any coal-derived fuel alone or in combination with any amount of any other fuel in any year during the period from the eighth through the fourth year before the first covered year.

“(4) COVERED YEAR.—The term ‘covered year’ means—

“(A)(i) the third year after the year 2018 or later when the total annual sulfur dioxide emissions of all affected EGUs in the WRAP States first exceed 271,000 tons; or

“(ii) the third year after the year 2013 or later when the Administrator determines by regulation that the total annual sulfur dioxide emissions of all affected EGUs in the WRAP States are reasonably projected to exceed 271,000 tons in 2018 or any year thereafter. The Administrator may make such determination only if all the WRAP States submit to the Administrator a petition requesting that the Administrator issue such determination and make all affected EGUs in the WRAP States subject to the requirements of sections 432 through 434; and

“(B) each year after the ‘covered year’ under subparagraph (A).

“(5) OIL-FIRED.—The term ‘oil-fired’ with regard to a unit means, for purposes of section 434, a unit combusting fuel oil for more than 10 percent of the unit’s total heat input, and combusting no coal or coal-derived fuel, and any year during the period from the eighth through the fourth year before the first covered year.

“(6) WRAP STATE.—The term ‘WRAP State’ means Arizona, California, Colorado, Idaho, Nevada, New Mexico, Oregon, Utah, and Wyoming.

“SEC. 432. APPLICABILITY.

“(a) PROHIBITION.—Starting January 1 of the first covered year, it shall be unlawful for the affected EGUs at a facility to emit a total amount of sulfur dioxide during the year in excess of the number of sulfur dioxide allowances held for such facility for that year by the owner or operator of the facility.

“(b) ALLOWANCES HELD.—Only sulfur dioxide allowances under section 433 shall be held in order to meet the requirements of subsection (a).

“SEC. 433. LIMITATIONS ON TOTAL EMISSIONS.

For affected EGUs, the total amount of sulfur dioxide allowances that the Administrator shall allocate for each covered year under section 434 shall equal 271,000 tons.

“SEC. 434. EGU ALLOCATIONS.

“(a) IN GENERAL.—By January 1 of the year before the first covered year, the Administrator shall promulgate regulations determining, for each covered year, the allocations of sulfur dioxide allowances for the units at a facility that are affected EGUs as of December 31 of the fourth year before the covered year by—

“(1) for such units at the facility that are coal-fired, multiplying 0.40 lb/mmBtu by the total adjusted baseline heat input of such units and converting to tons;

“(2) for such units at the facility that are oil-fired, multiplying 0.20 lb/mmBtu by the total adjusted baseline heat input of such units and converting to tons;

“(3) for all such other units at the facility that are not covered by paragraph (1) or (2) multiplying 0.05 lb/mmBtu by the total adjusted baseline heat input of such units and converting to tons; and

“(4) multiplying by 0.95 the allocation amount under section 433 by the ratio of the total of the amounts for the facility under paragraphs (1), (2), and (3) to the total of the amounts for all facilities under paragraphs (1), (2), and (3); and

“(5)(A) 5 percent of the total amount of sulfur dioxide allowances allocated each year under section 433 shall be allocated for units at a facility that are affected EGUs, but did not receive sulfur dioxide allocations under paragraph (4). These units shall be allocated allowances in accordance with paragraphs (1), (2), and (3).

“(B) Allowances allocated under subparagraph (A) shall be allocated to units on a first come basis determined by date of unit commencement of construction, provided that such unit actually commences operation. As such, allocations to units under paragraph (A) will not be reduced as a result of new units commencing commercial operation.

“(C) Allowances not allocated under subparagraph (B) shall be allocated to units in paragraphs (A) and (B) on a pro rata basis.

“(b) FAILURE TO PROMULGATE.—

“(1) IN GENERAL.—For each year 2010 and thereafter, if the Administrator has not promulgated regulations, determining allocations under paragraph (a), each affected EGU shall comply with section 422 by provided annual notice to the permitting authority. Such notice shall indicate the amount of allowances the affected EGU believes it has for the relevant year and the amount of sulfur dioxide emissions for such year. The amount of sulfur dioxide emissions shall be determined using reasonable industry accepted methods unless the Administrator has promulgated applicable monitoring and alternative monitoring requirements.

“(2) RECONCILIATION.—Upon promulgation of regulations under subsection (a) determining the allocations for 2010 and thereafter, and promulgating regulations under section 403(b) providing for the transfer of sulfur dioxides and section 403(c) establishing an Allowance Transfer System for sulfur dioxide allowances, each unit’s emissions shall be compared to and reconciled to its actual allocations under the promulgated regulations. Each unit will have nine (9) months to purchase any allowance shortfall through allowances purchased from other allowance holders or through direct sale.

“PART C—NITROGEN OXIDES CLEAR SKIES EMISSION REDUCTIONS

“Subpart 1—Acid Rain Program

“SEC. 441. NITROGEN OXIDES EMISSION REDUCTION PROGRAM.

“(a) APPLICABILITY.—On the date that a coal-fired utility unit becomes an affected unit pursuant to sections 413 or 414, or on the date a unit subject to the provisions of section 413(d), must meet the NO_x reduction requirements, each such unit shall become an affected unit for purposes of this section and shall be subject to the emission limitations for nitrogen oxides set forth herein.

“(b) EMISSION LIMITATIONS.—

(1) IN GENERAL.—The Administrator shall by regulation establish annual allowable emission limitations for nitrogen oxides for the types of utility boilers listed below, which limitations shall not exceed the rates listed below: *Provided*, That the Administrator may set a rate higher than that listed for any type of utility boiler if the Administrator finds that the maximum listed rate for that boiler type cannot be achieved using low NO_x burner technology. The Administrator shall implement this paragraph under 40 CFR part 76.5 (2002). The maximum allowable emission rates are as follows:

“(A) for tangentially fired boilers, 0.45 lb/mmBtu; and

“(B) for dry bottom wall-fired boilers (other than units applying cell burner technology), 0.50 lb/mmBtu. After January 1, 1995, it shall be unlawful for any unit that is an affected unit on that date and is of the type listed in this paragraph to emit nitrogen oxides in excess of the emission rates set by the Administrator pursuant to this paragraph.

“(2) UTILITY BOILERS.—The Administrator shall, by regulation, establish allowable emission limitations on a lb/mmBtu, annual average basis, for nitrogen oxides for the following types of utility boilers:

“(A) wet bottom wall-fired boilers;

"(B) cyclones;

"(C) units applying cell burner technology; and

"(D) all other types of utility boilers.

"(3) BASIS OF RATES.—The Administrator shall base such rates on the degree of reduction achievable through the retrofit application of the best system of continuous emission reduction, taking into account available technology, costs and energy and environmental impacts; and which is comparable to the costs of nitrogen oxides controls set pursuant to subsection (b)(1). The Administrator may revise the applicable emission limitations for tangentially fired and dry bottom, wall-fired boilers (other than cell burners) to be more stringent if the Administrator determines that more effective low NO_X burned technology is available: *Provided*, That, no unit that is an affected unit pursuant to section 413 and that is subject to the requirements of subsection (b)(1), shall be subject to the revised emission limitations, if any. The Administrator shall implement that paragraph under 40 CFR parts 76.6 and 76.7 (2002).

"(c) ALTERNATIVE EMISSION LIMITATIONS.—(1) The permitting authority shall, upon request of an owner or operator of a unit subject to this section, authorize an emission limitation less stringent than the applicable limitation established under subsection (b)(1) or (b)(2) upon a determination that—

"(A) a unit subject to subsection (b)(1) cannot meet the applicable limitation using low NO_X burner technology; or

"(B) a unit subject to subsection (b)(2) cannot meet the applicable rate using the technology on which the Administrator based the applicable emission limitation.

"(2) ELIGIBILITY FOR ALTERNATIVE EMISSION LIMITATIONS.—The permitting authority shall base such determination upon a reasonable showing satisfactory to the permitting authority, in accordance with regulations established by the Administrator, that the owner or operator—

"(A) has properly installed appropriate control equipment designed to meet the applicable emission rate;

"(B) has properly operated such equipment for a period of 15 months (or such other period of time as the Administrator determines through the regulations), and provides operating and monitoring data for such period demonstrating that the unit cannot meet the applicable emission rate; and

"(C) has specified an emission rate that such unit can meet on an annual average basis. The permitting authority shall issue an operating permit for the unit in question, in accordance with section 404 and title V—

"(i) that permits the unit during the demonstration period referred to in subparagraph (B), to emit at a rate in excess of the applicable emission rate;

"(ii) at the conclusion of the demonstration period to revise the operating permit to reflect the alternative emission rate demonstrated in subparagraphs (B) and (C).

"(3) ADDITIONAL CONTROL TECHNOLOGY.—Units subject to subsection (b)(1) for which an alternative emission limitation is established shall not be required to install any additional control technology beyond low NO_X burners. Nothing in this section shall preclude an owner or operator from installing and operating an alternative NO_X control technology capable of achieving the applicable emission limitation. The Administrator shall implement this subsection under 40 CFR part 76 (2002), amended as appropriate by the Administrator.

"(d) EMISSIONS AVERAGING.—

"(1) ALERNATIVE CONTEMPORANEOUS EMISSION LIMITATIONS.—In lieu of complying with the applicable emission limitations under subsection (b)(1), (2), or (c), the owner or operator of two or more units subject to one or more of the applicable emission limitations set pursuant to these sections, may petition the permitting authority for alternative contemporaneous annual emission limitations for such units that ensure that—

"(A) the actual annual emission rate in pounds of nitrogen oxides per million Btu averaged over the units in question is a rate that is less than; or equal to

"(B) the Btu-weighted average annual emission rate for the same units if they had been operated, during the same period of time, in compliance with limitations set in accordance with the applicable emission rates set pursuant to subsections (b)(1) and (2).

"(2) OPERATING PERMITS.—If the permitting authority determines, in accordance with regulations issued by the Administrator that the conditions in paragraph (1) can be met, the permitting authority shall issue operating permits for such units, in accordance with section 404 and title V, that allow alternative contemporaneous annual emission limitations. Such emission limitations shall only remain in effect while both units continue operation under the conditions specified in their respective operating permits. The Administrator shall implement this subsection under 40 CFR part 76 (2002), amended as appropriate by the Administrator.

"SEC. 442. TERMINATION.

"Starting January 1, 2008, the owner or operator of affected units and affected facilities under section 441 shall no longer be subject to the requirements of that section.

"Subpart 2—Clear Skies Nitrogen Oxides Allowance Program

"SEC. 451. DEFINITIONS.

"For purposes of this subpart:

"(1) AFFECTED EGU.—The term 'affected EGU' means—

"(A) for a unit serving a generator before the date of enactment of the Clear Skies Act of 2005, a unit in a State serving a generator with a nameplate capacity of greater than 25 megawatts that produced or produces electricity for sale during 2002 or any year thereafter, except for a cogeneration unit that meets the criteria for qualifying for a cogeneration facilities codified in section 292.205 of title 18 of the Code of Federal Regulations as issued on April 1, 2002 during 2002 and each year thereafter; and

"(B) for a unit commencing service of a generator on or after the date of enactment of the Clear Skies Act of 2005, a unit in a State serving a generator that produces electricity for sale during any year starting with the year the unit commences service of a generator, except for a gas-fired unit serving one or more generators with total nameplate capacity of 25 megawatts or less, or a cogeneration unit that meets the criteria for qualifying for a cogeneration facilities codified in section 292.205 of title 18 of the Code of Federal Regulations as issued on April 1, 2002, during each year starting with the unit commences service of a generator.

"(C) EXCLUSION.—Notwithstanding paragraphs (A) and (B), the term 'affected EGU' does not include a solid waste incineration unit subject to section 129 or a unit for the treatment, storage, or disposal of hazardous waste subject to section 3005 of the Solid Waste Disposal Act.

"(2) ADJUSTED BASELINE HEAT INPUT.—The term 'adjusted baseline heat input' with regard to a unit means, for purposes of allocating nitrogen oxides allowances in a particular year under this subpart, the units baseline multiplied by—

"(A) 1.0 for affected coal-fired units for 2008 and each year thereafter;

"(B) 0.55 for affected oil- and gas-fired units located in a Zone 1 State for years 2008 through 2017 inclusive;

"(C) 0.8 for affected oil- and gas-fired units located in a Zone 1 State for 2018 and each year thereafter; and

"(D) 0.4 for affected oil- and gas-fired units located in a Zone 2 State for 2008 and each year thereafter.

"(3) ALLOWABLE NITROGEN OXIDES EMISSIONS RATE.—The term 'allowable nitrogen oxides emissions rate' means the most stringent Federal or State emissions limitation for nitrogen oxides that applies to the unit as of date of enactment of this subpart. If the emissions limitation for a unit is not expressed in pounds of emissions per million Btu, or the averaging period of that emissions limitation is not expressed on an annual basis, the Administrator shall calculate the annual equivalent of that emissions limitation to establish the allowable rate. Such limitation shall not include any requirement to hold nitrogen oxides allowances under the Federal NO_X Budget Trading Program as codified at 40 CFR part 97 (2002), or any State program adopted to meet the requirements of the NO_X SIP Call as codified at 40 CFR 51.121 (2002).

"(4) ZONE 1 STATE.—The term 'Zone 1 State' means Alabama, Arkansas, Connecticut, Delaware, the District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, the fine grid portion (as defined in section 51.121 of title 40, Code of Federal Regulations (as in effect for 2002)) of Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas east of Interstate 35, Vermont, Virginia, West Virginia, and Wisconsin.

"(5) ZONE 2 STATE.—The term 'Zone 2 State' means Alaska, American Samoa, Arizona, California, Colorado, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, Hawaii, Idaho, Kansas, Minnesota, the coarse grid portion (as defined in section 51.121 of title 40, Code of Federal Regulations (as in effect for 2002)) of Missouri, Montana, Nebraska, North Dakota, New Mexico, Nevada, Oklahoma, Oregon, South Dakota, Texas west of Interstate 35, Utah, the Virgin Islands, Washington, and Wyoming.

"SEC. 452. APPLICABILITY.

"(a) ZONE 1 PROHIBITION.—

(1) IN GENERAL.—Starting January 1, 2008, it shall be unlawful for the affected EGUs at a facility in a Zone 1 State to emit a total amount of nitrogen oxides during a year in excess of the number of nitrogen oxides allowances held for such facility for that year by the owner or operator of the facility.

"(2) LIMITATION.—Only nitrogen oxides allowances under section 453(a) shall be held in order to meet the requirements of paragraph (1), except as provided under section 465.

"(b) ZONE 2 PROHIBITION.—

(1) IN GENERAL.—Starting January 1, 2008, it shall be unlawful for the affected EGUs at a facility in a Zone 2 State to emit a total amount of nitrogen oxides during a year in excess of the number of nitrogen oxides allowances held for such facility for that year by the owner or operator of the facility.

"(2) LIMITATION.—Only nitrogen oxides allowances under section 453(b) shall be held in order to meet the requirements of paragraph (1).

"SEC. 453. LIMITATIONS ON TOTAL EMISSIONS.

"(a) Zone 1 Allocations.—For affected EGUs in the Zone 1 States for 2008 and each year thereafter, the Administrator shall allocate nitrogen oxides allowances under section 454(a) as specified in table A.

"TABLE A—TOTAL NO_X ALLOWANCES ALLOCATED FOR EGUS IN ZONE 1

Year	NO_X allowances allocated
2008–2017	1,473,603
2018 and thereafter	1,073,603

"(b) Zone 2 Allocations.—For affected EGUs in the Zone 2 States for 2008 and each year thereafter, the Administrator shall allocate nitrogen oxides allowances under section 454(b) as specified in table B.

"TABLE B—TOTAL NO_X ALLOWANCES ALLOCATED FOR EGUS IN ZONE 2

Year	NO_X allowance allocated
2008 and thereafter	714,794

"SEC. 454. EGU ALLOCATIONS.

"(a) EGU Allocations in the Zone 1 States.—

"(1) EPA regulations.—Not later than 18 months before the date on which the nitrogen oxides allowance requirement under section 452 takes effect, the Administrator shall promulgate regulations determining the allocation of nitrogen oxide allowances for 2008 and each subsequent year for units at a facility in a Zone 1 State that are affected EGUs as of the date of enactment of this section.

"(2) Formula for allocation.—

"(A) In general.—Subject to subparagraph (B) and paragraph (3), the regulations shall specify that the allocation of nitrogen oxide allowances for each unit referred to in paragraph (1) for each year shall be the product obtained by multiplying—

"(i) the product of 0.95 and the allocation amount under section 453(a); and

"(ii) the ratio that—

"(I) the total quantity of the adjusted baseline heat input of the units at the facility; bears to

"(II) the total quantity of adjusted baseline heat input to all affected EGUs in the Zone 1 States; and

"(B) Maximum allocation.—Notwithstanding subparagraph (A) and paragraph (3), no unit shall receive an allocation in excess of the product obtained by multiplying—

"(i) the baseline heat input of the unit; and

"(ii) the quotient obtained by dividing the allowable nitrogen oxides emissions rate of the unit by 2000.

"(3) Distribution of remaining allowances.—

"(A) In general.—Subject to paragraph (2)(B), any nitrogen oxide allowances remaining after the allocation of allowances under paragraph (2) shall be distributed on a pro rata basis among the units that received nitrogen oxide allowances under that paragraph.

"(B) Additional remaining allowances.—Allowances remaining after each iteration of the calculation under subparagraph (A) as a result of the limitation under paragraph (2)(B) shall be allocated in accordance with subparagraph (A).

"(4) Set-aside for new units.—

"(A) In general.—5 percent of the total amount of nitrogen oxide allowances allocated each year under section 453 shall be allocated for units at a facility that are affected EGUs, but did not receive nitrogen oxide allocations under paragraph (2).

"(B) Formula for allocation.—

"(i) In general.—Subject to clause (ii) and subparagraph (E), the regulations promulgated under paragraph (1) shall specify that the allocation of nitrogen oxide allowances for each unit referred to in subparagraph (A) for each year shall be the product obtained by multiplying—

"(I) the product of 0.05 and the allocation amount under section 453(a); and

"(II) the ratio that—

"(aa) the total quantity of the adjusted baseline heat input of the units at the facility; bears to

"(bb) the total quantity of adjusted baseline heat input to all affected EGUs in the Zone 1 States, including those affected EGUs that receive allowances under paragraph (2).

"(ii) Additional allowances.—Notwithstanding clause (i) and subparagraph (E), no unit shall receive an allocation under this paragraph in excess of the product obtained by multiplying—

"(I) the baseline heat input of the unit; and

"(II) the quotient obtained by dividing the allowable nitrogen oxides emissions rate of the unit by 2000.

"(C) Method of allocation.—Allowances allocated under this paragraph shall be allocated to each unit on a first-come basis determined by the date on which the unit commences operation.

"(D) No reduction in allocations.—Allocations to units under this paragraph shall not be reduced as a result of new units commencing commercial operation.

"(E) Distribution of remaining allowances.—Any nitrogen oxide allowances remaining after the allocation of allowances under subparagraph (B) shall be distributed on a pro rata basis among the units that received nitrogen oxide allowances under that subparagraph and paragraphs (2) and (3).

"(5) Failure to promulgate regulations.—For calendar year 2008 and each calendar year thereafter, if the Administrator has not promulgated the regulations determining the allocations under this subsection—

"(A) each affected unit shall comply with section 452 by providing an annual notice to the permitting authority that indicates the amount of allowances the affected unit believes the affected unit has for the relevant year (including the quantity of nitrogen oxide emissions of the affected unit for that year);

"(B) the amount of nitrogen oxide emissions of an affected unit described in subparagraph (A) shall be determined using reasonable industry accepted methods unless the Administrator has promulgated applicable monitoring and alternative monitoring requirements; and

"(C) upon promulgation of regulations under this subsection for Zone 1 determining the allocations for 2008 and each year thereafter, and promulgation of regulations under section 403(b) providing for the transfer of nitrogen oxides and regulations under section 403(c) establishing an Allowance Transfer System for nitrogen oxide allowances—

"(i) the emissions of each unit shall be compared to and reconciled with actual allocations to the unit under the regulations; and

"(ii) each unit shall have not more than 270 days to submit allowances to the Administrator, without recompense, for any allowance shortfall (including submitted allowances obtained and held by any mechanism consistent with this Act, including direct sale).

"(b) EGU Allocations in the Zone 2 States.—

"(1) EPA regulations.—Not later than 18 months before the date on which the nitrogen oxides allowance requirement under section 452 takes effect, the Administrator shall promulgate regulations determining the allocation of nitrogen oxide allowances for 2008 and each subsequent year for units at a facility in a Zone 2 State that are affected EGUs as of the date of enactment of this section.

"(2) Formula for allocation.—

"(A) In general.—Subject to subparagraph (B) and paragraph (3), the regulations shall specify that the allocation of nitrogen oxide allowances for each unit referred to in paragraph (1) for each year shall be the product obtained by multiplying—

"(i) the product of 0.95 and the allocation amount under section 453(b); and

"(ii) the ratio that—

"(I) the total quantity of the adjusted baseline heat input of the units at the facility; bears to

"(II) the total quantity of adjusted baseline heat input to all affected EGUs in the Zone 2 States.

"(B) Maximum allocation.—Notwithstanding subparagraph (A) and paragraph (3), no unit shall receive an allocation in excess of the product obtained by multiplying—

"(i) the baseline heat input of the unit; and

"(ii) the quotient obtained by dividing the allowable nitrogen oxides emissions rate of the unit by 2000.

"(3) Distribution of remaining allowances.—

"(A) In general.—Subject to paragraph (2)(B), any nitrogen oxide allowances remaining after the allocation of allowances under paragraph (2) shall be distributed on a pro rata basis among the units that received nitrogen oxide allowances under that paragraph.

"(B) Additional remaining allowances.—Allowances remaining after each iteration of the calculation under subparagraph (A) as a result of the limitation under paragraph (2)(B) shall be allocated in accordance with subparagraph (A).

"(4) Set-aside for new units.—

"(A) In general.—5 percent of the total amount of nitrogen oxide allowances allocated each year under section 453 shall be allocated for units at a facility that are affected EGUs, but did not receive nitrogen oxide allocations under paragraph (2).

"(B) Formula for allocation.—

"(i) In general.—Subject to clause (ii) and subparagraph (E), the regulations promulgated under paragraph (1) shall specify that the allocation of nitrogen oxide allowances for each unit referred to in subparagraph (A) for each year shall be the product obtained by multiplying—

"(I) the product of 0.05 and the allocation amount under section 453(a); and

"(II) the ratio that—

"(aa) the total quantity of the adjusted baseline heat input of the units at the facility; bears to

"(bb) the total quantity of adjusted baseline heat input to all affected EGUs in the Zone 2 States, including those affected EGUs that receive allowances under paragraph (2).

"(ii) Additional allowances.—Notwithstanding clause (i) and subparagraph (E), no unit shall receive an allocation under this paragraph in excess of the product obtained by multiplying—

"(I) the baseline heat input of the unit; and

"(II) the quotient obtained by dividing the allowable nitrogen oxides emissions rate of the unit by 2000.

"(C) Method of allocation.—Allowances allocated under this paragraph shall be allocated to each unit on a first-come basis determined by the date on which the unit commences operation.

"(D) NO REDUCTION IN ALLOCATIONS.—Allocations to units under this paragraph shall not be reduced as a result of new units commencing commercial operation.

"(E) DISTRIBUTION OF REMAINING ALLOWANCES.—Any nitrogen oxide allowances remaining after the allocation of allowances under subparagraph (B) shall be distributed on a pro rata basis among the units that received nitrogen oxide allowances under that subparagraph and paragraphs (2) and (3).

"(5) FAILURE TO PROMULGATE REGULATIONS.—For calendar year 2008 and each calendar year thereafter, if the Administrator has not promulgated the regulations determining the allocations under this subsection—

"(A) each affected unit shall comply with section 452 by providing an annual notice to the permitting authority that indicates the amount of allowances the affected unit believes the affected unit has for the relevant year (including the quantity of nitrogen oxide emissions of the affected unit for that year);

"(B) the amount of nitrogen oxide emissions of an affected unit described in subparagraph (A) shall be determined using reasonable industry accepted methods unless the Administrator has promulgated applicable monitoring and alternative monitoring requirements; and

"(C) upon promulgation of regulations under this subsection for Zone 2 determining the allocations for 2008 and each year thereafter, and promulgation of regulations under section 403(b) providing for the transfer of nitrogen oxides and regulations under section 403(c) establishing an Allowance Transfer System for nitrogen oxide allowances—

"(i) the emissions of each unit shall be compared to and reconciled with actual allocations to the unit under the regulations; and

"(ii) each unit shall have not more than 270 days to submit allowances to the Administrator, without recompense, for any allowance shortfall (including submitted allowances obtained and held by any mechanism consistent with this Act, including direct sale).

"SEC. 455 NITROGEN OXIDES EARLY ACTION REDUCTION CREDITS.

"(a) CREDITS.—Except as provided in subsection (e), the Administrator shall promulgate regulations within 18 months authorizing the allocation of nitrogen oxides allowances to units designated under this section that install or modify pollution control equipment or combustion technology improvements identified in such regulations after the date of enactment of this section and prior to January 1, 2008.

"(b) EMISSIONS REDUCTIONS.—No allowances shall be allocated under this section for emissions reductions that are—

"(1) attributable to pollution control equipment or combustion technology improvements that were operational at any time prior to the date of enactment of this section;

"(2) attributable to fuel switching;

"(3) required under any Federal or State regulation for the applicable year; or

"(4) made by a unit, subject to—

"(A) subpart 1 of part C, that are necessary for compliance with the limitation on the Btu-weighted average annual emission rate of the unit and 1 or more other units under section 441(d); or

"(B) the requirements in the applicable implementation plan of a NO_X SIP Call State (as defined in section 461(3)) that meet the requirements under sections 51.121 and 51.122 of title 40, Code of Federal Regulations (as in effect for calendar year 2004) during the period beginning on May 1 and ending on September 30.

"(c) ALLOCATION.—The allowances allocated to any unit under this section shall be in addition to the allowances allocated under section 454 and shall be allocated in an amount equal to one allowance of nitrogen oxides for each 1.05 tons of reduction in emissions of nitrogen oxides achieved by the pollution control equipment or combustion technology improvements starting with the year in which the equipment or improvement is implemented. The early compliance reduction allowances available under this section shall be used and tradable in the same manner as allowances under section 454.

"(d) EARLY COMPLIANCE ALLOWANCE CREDIT.—The Administrator shall promulgate regulations as necessary to ensure affected units receive early compliance allowance credit. Early compliance allowances shall be allocated at the end of an early compliance year. Should the Administrator fail to promulgate allocation regulations by the end of a given year, early compliance allowances for each year shall be allocated at the earliest possible time after allocation regulations are promulgated.

"(e) EXCEPTION.—This section shall not apply to reductions that are—

"(1) made during the period beginning on May 1 and ending on September 30 of a year by units that are subject to an applicable implementation plan for a NO_X SIP Call State (as defined in section 461(3)) required under section 51.121 of title 40, Code of Federal Regulations (as in effect for calendar year 2004); or

"(2) necessary to comply with subpart 1 of part C for the applicable year.

"Subpart 3—Ozone Season NO_X Budget Program

"SEC. 461. DEFINITIONS.

"For purposes of this subpart:

"(1) OZONE SEASON.—The term 'ozone season' means—

"(A) with regard to Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, the period May 1 through September 30 for each year starting in 2003; and

"(B) with regard to all other States, the period May 1 through September 30, for each year starting in 2004 and thereafter.

"(2) NON-OZONE SEASON.—The term 'non-ozone season' means—

"(A) with regard to Connecticut, Delaware, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, and Rhode Island, the period October 1 through April 30; and

"(B) with regard to all other States, the period October 1, 2003, through May 29, 2004 and the period October 1 through April 30 beginning in the year 2004 and for each year thereafter.

"(3) NO_X sip call state.—The term 'NO_X SIP Call State' means Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia and the fine grid portions of Alabama, Georgia, Michigan, and Missouri.

"(4) FINE GRID PORTIONS OF ALABAMA, GEORGIA, MICHIGAN, AND MISSOURI.—The term 'fine grid portions of Alabama, Georgia, Michigan, and Missouri' means the areas in Alabama, Georgia, Michigan, and Missouri subject to 40 CFR part 51.121 (2001).

"SEC. 462. GENERAL PROVISIONS.

"The provisions of sections 402 through 406 shall not apply to this subpart.

"SEC. 463. APPLICABLE IMPLEMENTATION PLAN.

"(a) SIPS.—Except as provided in subsection (b), the applicable implementation plan for each NO_X SIP Call State shall be consistent with the requirements, including the NO_X SIP Call State's nitrogen oxides budget and compliance supplement pool, in sections 51.121 and 51.122 of title 40, Code of Federal Regulations (as in effect for calendar year 2004).

"(b) REQUIREMENTS.—Notwithstanding any provision to the contrary in section 51.121 or 51.122 of title 40, Code of Federal Regulations (as in effect for calendar year 2004):

"(1) IMPLEMENTATION PLAN.—The applicable implementation plan for each NO_X SIP Call State shall require full implementation of the required emission control measures starting no later than the first ozone season.

"(2) EXEMPTION.—Starting January 1, 2008—

"(A) the owners and operators of a boiler, combustion turbine, or integrated gasification combined cycle plant subject to emission reduction requirements or limitations under part B, C, or D shall no longer be subject to the requirements in a NO_X SIP Call State's applicable implementation plan that meet the requirements of subsection (a) and paragraph (1); and

"(B) notwithstanding subparagraph (A), if the Administrator determines, by December 31, 2007, that a NO_X SIP Call State's applicable implementation plan meets the requirements of subsection (a) and paragraph (1), such applicable implementation plan shall be deemed to continue to meet such requirements.

"(c) SAVINGS PROVISION.—Nothing in this section or section 464 shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, limitation, or standard, relating to a boiler, combustion turbine, or integrated gasification combined cycle plant subject to emission reduction requirements or limitations under part B, C, or D, that is more stringent than a regulation, requirement, limitation, or standard in effect under this section or under any other provision of this Act.

"SEC. 464. TERMINATION OF FEDERAL ADMINISTRATION OF NO_X TRADING PROGRAM FOR EGUS.

"Starting January 1, 2008, with regard to any boiler, combustion turbine, or integrated gasification combined cycle plant subject to emission reduction requirements or limitations under part B, C, or D, the Administrator shall not administer any nitrogen oxides trading program included in any NO_X SIP Call State's applicable implementation plan and meeting the requirements of section 463(a) and (b)(1).

"SEC. 465. CARRYFORWARD OF PRE-2008 NITROGEN OXIDES ALLOWANCES.

"The Administrator shall promulgate regulations as necessary to assure that the requirement to hold allowances under section 452(a)(1) may be met using nitrogen oxides allowances allocated for an ozone season before 2008 under a nitrogen oxides trading program that the Administrator administers, is included in a NO_X SIP Call State's applicable implementation plan, and meets the requirements of section 463 (a) and (b)(1).

"SEC. 466. NON-OZONE SEASON VOLUNTARY ACTION CREDITS.

"An affected facility that voluntarily elects to operate selective catalytic reduction (SCR) units, installed prior to enactment of this title, during the non-ozone season under section 461(2) shall be credited 0.5

allowances per ton of NO_X emissions avoided as a result of operating these controls. The amount avoided will equal every ton of nitrogen oxides reduction below the allowable emission rate. The Administrator shall determine if any other existing NO_X emission control devices are generally uneconomic to operate unless EGUs are provided incentives to control NO_X emissions during the nonozone season. If the Administrator finds that incentives using different control equipment are necessary to make the operation of these devices economic, the Administrator shall specify these types of control devices and, for an affected facility with these specified devices, installed prior to enactment of this title, that voluntarily elects to operate these devices during the nonozone season under section 461(2) shall be credited 0.5 allowances per ton of emissions avoided as a result of operating these controls. The Administrator shall promulgate regulations as necessary to establish this NO_X allowance credit program. Failure of the Administrator to promulgate implementing regulations prior to voluntary reductions being undertaken by affected facilities shall not in any manner reduce the number of allowances an otherwise qualifying facility shall be credited upon promulgation of the regulations.

"PART D—MERCURY EMISSIONS REDUCTIONS

"SEC. 471. DEFINITIONS.

"For purposes of this part:

"(1) ADJUSTED BASELINE HEAT INPUT.—The term 'adjusted baseline heat input' with regard to a unit means the unit's baseline heat input multiplied by—

"(A) 1.0, for the portion of the baseline heat input that is the unit's average annual combustion of bituminous during the years on which the unit's baseline heat input is based;

"(B) 3.0, for the portion of the baseline heat input that is the unit's average annual combustion of lignite during the years on which the unit's baseline heat input is based;

"(C) 1.25, for the portion of the baseline heat input that is the unit's average annual combustion of subbituminous during the years on which the unit's baseline heat input is based; and

"(D) 1.0, for the portion of the baseline heat input that is not covered by subparagraph (A), (B), or (C) or for the entire baseline heat input if such baseline heat input is not based on the unit's heat input in specified years.

"(2) AFFECTED EGU.—The term 'affected EGU' means—

"(A) for a unit serving a generator before the date of enactment of the Clear Skies Act of 2005, a coal-fired unit in a State serving a generator with a nameplate capacity of greater than 25 megawatts that produced or produces electricity for sale during 2002 or any year thereafter, except for a cogeneration unit meets the criteria for qualifying for a cogeneration facilities codified in section 292.205 of title 18 of the Code of Federal Regulations as issued on April 1, 2002, during 2002 and each year thereafter; and

"(B) for a unit commencing service of a generator on or after the date of enactment of the Clear Skies Act of 2005, a coal-fired unit in a State serving a generator that produces electricity for sale during any year starting with the year the unit commences service of a generator, except for a cogeneration unit that meets the criteria for qualifying for a cogeneration facilities codified in section 292.205 of title 18 of the Code of Federal Regulations as issued on April 1, 2002, during each year starting with the year the unit commences service of a generator.

"(C) EXCLUSION.—Notwithstanding paragraphs (A) and (B), the term 'affected EGU' does not include—

"(i) a solid waste incineration unit subject to section 129;

"(ii) a unit for the treatment, storage, or disposal of hazardous waste subject to section 3005 of the Solid Waste Disposal Act; or

"(iii) a unit with de minimis emissions equal to or less than 50 pounds on an average annual basis, as calculated by the Administrator for a 3-year period using—

"(I) for calendar year 2010, the emissions data for a facility for calendar years 2006 through 2009; and

"(II) for calendar year 2011 and subsequent calendar years, the 3 most recent calendar years for which emissions data are available.

"SEC. 472. APPLICABILITY.

"Starting January 1, 2010, it shall be unlawful for the affected EGUs at a facility in a State to emit a total amount of mercury during the year in excess of the number of mercury allowances held for such facility for that year by the owner or operator of the facility.

"SEC. 473. LIMITATIONS ON TOTAL EMISSIONS.

"For affected EGUs for 2010 and each year thereafter, the Administrator shall allocate mercury allowances pursuant to section 474.

TABLE A.—TOTAL MERCURY ALLOWANCES ALLOCATED FOR EGUS

Year	Mercury allowances allocated
2010–2017	1,088,000
2018 and thereafter	480,000

"SEC. 474. EGU ALLOCATIONS.

"(a) IN GENERAL.—Not later than 24 months before the commencement date of the mercury allowance requirement of section 472, the Administrator shall promulgate regulations determining allocations of mercury allowances for 2010 and thereafter for units at a facility that commence commercial operation by and are affected EGUs as of date of enactment. The regulations shall provide that the Administrator shall allocate each year for such units an amount determined by multiplying by 0.95 the allocation amount in section 473 by the ratio of the total amount of the adjusted baseline heat input of such units at the facility to the total amount of adjusted baseline heat input of all affected EGUs.

"(b) NEW FACILITIES.—5 percent of the total amount of nitrogen oxides allowances allocated each year under section 473 shall be allocated for units at a facility that commence commercial operation and are affected EGUs after the date of enactment. These units shall be allocated allowances for each year by multiplying the allocation amount under section 473 by the ratio of the total amount of the adjusted baseline heat input of such units at the facility to the total amount of adjusted baseline heat input to all affected EGUs, including those covered in subsection (a). However, the regulations shall not allocate allowances to any affected unit in excess of the product of the unit's baseline heat input multiplied by the unit's allowable mercury emissions rate, divided by 2000.

"(c) ALLOCATION.—Allowances allocated under subsection (b) shall be allocated to units on a first come basis determined by date of unit commencement of construction, provided that such unit actually commences commercial operation. As such, allocations to units under subsection (b) will not be reduced as a result of new units commencing commercial operation.

"(d) UNALLOCATED ALLOWANCES.—Allowances not allocated under paragraph (2) shall be allocated to units in subsections (a) and (b) on a pro rata basis.

"(e) AMOUNT OF ALLOWANCES.—For each year 2010 and thereafter, if the Administrator has not promulgated the regulations determining allocation under subsection (a)—

"(1) each affected unit shall comply with section 472 by providing annual notice to the permitting authority. Such notice shall indicate the amount of allowances the affected unit believes it has for the relevant year and the amount of mercury emissions for such year. The amount of mercury emissions shall be determined using reasonable industry accepted methods unless the Administrator has promulgated applicable monitoring and alternative monitoring requirements; and

"(2) upon promulgation of regulations under subsection (a) determining the allocations for 2010 and thereafter, and promulgating regulations under section 403(b) providing for the transfer of mercury allowances and section 403(c) establishing an Allowance Transfer System for mercury allowances, each unit's emissions shall be compared to and reconcile with its actual allocations under the promulgated regulation. Each unit will have nine (9) months to submit allowances to the Administrator, without recompense, for any allowances shortfall. The submitted allowances may have been obtained and held by any mechanism consistent with the Act including, but not limited to, direct sale.

"SEC. 475. MERCURY EARLY ACTION REDUCTION CREDITS.

"(a) IN GENERAL.—The Administrator shall promulgate regulations within 18 months authorizing the allocation of mercury allowances to units designated under this section that install or modify pollution control equipment or combustion technology improvements identified in such regulations after the date of enactment of this section and prior to January 1, 2010.

"(b) NONALLOCATION OF ALLOWANCES.—No allowances shall be allocated under this paragraph for emissions reductions: attributable to pollution control equipment or combustion technology improvements that were operational or under construction at any time prior to the date of enactment of this section; attributable to fuel switching; or required under any Federal regulation.

"(c) AMOUNT OF ALLOWANCES.—The allowances allocated to any unit under this paragraph shall be in addition to the allowances allocated under section 474 and shall be allocated in an amount equal to 1 allowance of mercury for each 1.05 ounces of reduction in emissions of mercury achieved by the pollution control equipment or combustion technology improvements starting with the year in which the equipment or improvement is implemented. The early compliance reduction allowances available under this section shall be used and tradable in the same manner as allowances under section 474.

"(d) EARLY COMPLIANCE ALLOWANCE CREDIT.—The Administrator shall promulgate regulations as necessary to ensure affected units receive early compliance allowance credit. Early compliance allowances shall be allocated at the end of an early compliance year. Should the Administrator fail to promulgate allocation regulations by the end of a given year, early compliance allowances for each year shall be allocated at the earliest possible time after allocation regulations are promulgated.

“PART E—NATIONAL EMISSION STANDARDS; RESEARCH, ENVIRONMENTAL ACCOUNTABILITY; MAJOR SOURCE PRECONSTRUCTION REVIEW AND BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY REQUIREMENTS

“SEC. 481. NATIONAL EMISSION STANDARDS FOR AFFECTED UNITS.

“(a) DEFINITIONS.—For purposes of this section:

“(1) COMMENCED.—The term ‘commenced’, with regard to construction, means that an owner or operator has either undertaken a continuous program of construction or has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction. For boilers and integrated gasification combined cycle plants, this term does not include undertaking such a program or entering into such an obligation more than 36 months prior to the date on which the unit begins operation. For combustion turbines, this term does not include undertaking such a program or entering into such an obligation more than 18 months prior to the date on which the unit begins operation.

“(2) CONSTRUCTION.—The term ‘construction’ means fabrication, erection, or installation of an affected unit.

“(3) AFFECTED UNIT.—The term ‘affected unit’ means any unit that is subject to emission limitations under subpart 2 of part B, subpart 2 of part C, or part D.

“(4) EXISTING AFFECTED UNIT.—The term ‘existing affected unit’ means any affected unit that is not a new affected unit.

“(5) NEW AFFECTED UNIT.—The term ‘new affected unit;’ means any affected unit, the construction or reconstruction of which is commenced after the date of enactment of the Clear Skies Act of 2005, except that for the purpose of any revision of a standard pursuant to subsection (e), ‘new affected unit’ means any affected unit, the construction or reconstruction of which is commenced after the publication of regulations (or, if earlier, proposed regulations) prescribing a standard under this section that will apply to such unit.

“(6) RECONSTRUCTION.—The term ‘reconstruction’ means the replacement of components of a unit to such an extent that—

“(A) the fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required to construct a comparable entirely new unit; and

“(B) it is technologically and economically feasible to meet the applicable standards set forth in this section.

“(b) EMISSION STANDARDS.—

“(1) IN GENERAL.—No later than 12 months after the date of enactment of the Clear Skies Act of 2005, the Administrator shall promulgate regulations prescribing the standards in subsections (c) through (d) for the specified affected units and establishing requirements to ensure compliance with these standards, including monitoring, recordkeeping, and reporting requirements.

“(2) MONITORING.—

“(A) IN GENERAL.—The owner or operator of any affected unit subject to the standards for sulfur dioxide, nitrogen oxides, or mercury under this section shall meet the requirements of section 405, except that, where two or more units utilize a single stack, separate monitoring shall be required for each affected unit for the pollutants for which the unit is subject to such standards.

“(B) REQUIREMENTS.—The Administrator shall, by regulation, require—

“(i) the owner or operator of any affected unit subject to the standards for sulfur dioxide, nitrogen oxides, or mercury under this section to—

“(I) install and operate CEMS for monitoring output, including electricity and useful thermal energy, on the affected unit and to quality assure the data; and

“(II) comply with recordkeeping and reporting requirements, including provisions for reporting output data in megawatt hours.

“(ii) the owner or operator of any affected unit subject to the standards for particulate matter under this section to—

“(I) install and operate CEMS for monitoring particulate matter on the affected unit and to quality assure the data;

“(II) comply with recordkeeping and reporting requirements; and

“(III) comply with alternative monitoring, quality assurance, recordkeeping, and reporting requirements for any period of time for which the Administrator determines that CEMS with appropriate vendor guarantees are not commercially available for particulate matter.

“(3) COMPLIANCE.—For boilers, integrated gasification combined cycle plants, and coal fired or gas-fired combustion turbines the Administrator shall require that the owner or operator demonstrate compliance with the standards daily, using a 30-day rolling average, except that in the case of mercury, the compliance period shall be the calendar year. For combustion turbines that are oil-fired the Administrator shall require that the owner or operator demonstrate compliance with the standards hourly, using a 4-hour rolling average.

“(c) BOILERS AND INTEGRATED GASIFICATION COMBINED CYCLE PLANTS.—

“(1) IN GENERAL.—After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any boiler or integrated gasification combined cycle plant that is a new affected unit to discharge into the atmosphere any gases which contain—

“(A) sulfur dioxide in excess of 2.0 lb/MWh;

“(B) nitrogen oxides in excess of 1.0 lb/MWh;

“(C) particulate matter in excess of 0.20 lb/MWh; or

“(D) if the unit is coal-fired, mercury in excess of 0.015 lb/GWh, unless—

“(i) mercury emissions from the unit, determined assuming no use of on-site or off-site pre-combustion treatment of coal and no use of technology that captures mercury, are reduced by 80 percent;

“(ii) flue gas desulfurization (FGD) and selective catalytic reduction (SCR) are applied to the unit; or

“(iii) a technology is applied to the unit and the permitting authority determines that the technology is equivalent in terms of mercury capture to the application of FGD and SCR.

“(2) EXEMPTION.—Notwithstanding subparagraph (1)(D), integrated gasification combined cycle plants with a combined capacity of less than 5 GW are exempt from the mercury requirement under subparagraph (1)(D) if they are constructed as part of a demonstration project under the Secretary of Energy that will include a demonstration of removal of significant amounts of mercury as determined by the Secretary of Energy in conjunction with the Administrator as part of the solicitation process.

“(3) DISCHARGES.—After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any oil-fired boiler that is an existing affected unit to discharge into the atmosphere any gases which contain particulate matter in excess of 0.30 lb/MWh.

“(d) COMBUSTION TURBINES.—

“(1) GAS-FIRED COMBUSTION TURBINES.—After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any gas-fired combustion turbine that is a new affected unit to discharge into the atmosphere any gases which contain nitrogen oxides in excess of—

“(A) 0.56 lb/MWh (15 ppm at 15 percent oxygen), if the unit is a simple cycle combustion turbine;

“(B) 0.084 lb/MWh (3.5 ppm at 15 percent oxygen), if the unit is not a simple cycle combustion turbine and either uses add-on controls or is located within 50 km of a class I area; or

“(C) 0.21 lb/MWh (9 ppm at 15 percent oxygen), if the unit is not a simple cycle turbine and neither uses add-on controls nor is located within 50 km of a class I area.

“(2) COAL-FIRED COMBUSTION TURBINES.—After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any coal-fired combustion turbine that is a new affected unit to discharge into the atmosphere any gases which contain sulfur dioxide, nitrogen oxides, particulate matter, or mercury in excess of the emission limits under subparagraphs (c)(1)(A) through (D).

“(3) COMBUSTION TURBINES THAT ARE NOT GAS-FIRED OR COAL-FIRED.—After the effective date of standards promulgated under subsection (b), no owner or operator shall cause any combustion turbine that is not gas-fired or coal-fired and that is a new affected unit to discharge into the atmosphere any gases which contain—

“(A) sulfur dioxide in excess of 2.0 lb/MWh;

“(B) nitrogen oxides in excess of—

“(i) 0.289 lb/MWh (12 ppm at 15 percent oxygen), if the unit is not a simple cycle combustion turbine, is dual-fuel capable, and uses add-on controls; or is not a simple cycle combustion turbine and is located within 50 km of a class I area; and

“(ii) 1.01 lb/MWh (42 ppm at 15 percent oxygen), if the unit is a simple cycle combustion turbine; is not a simple cycle combustion turbine and is not dual-fuel capable; or is not a simple cycle combustion turbine, is dual-fuel capable, and does not use add-on controls.

“(C) particulate matter in excess of 0.20 lb/MWh.

“(e) PERIODIC REVIEW AND REVISION.—

“(1) IN GENERAL.—The Administrator shall, at least every eight years following the promulgation of standards under subsection (b), review and, if appropriate, revise such standards to reflect the degree of emission limitation demonstrated by substantial evidence to be achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impacts and energy requirements). When implementation and enforcement of any requirement of this Act indicate that emission limitations and percent reductions beyond those required by the standards promulgated under this section are achieved in practice, the Administrator shall, when revising standards promulgated under this section, consider the emission limitations and percent reductions achieved in practice.

“(2) EXCEPTION.—Notwithstanding the requirements of paragraph (1) the Administrator need not review any standard promulgated under subsection (b) if the Administrator determines that such review is not appropriate in light of readily available information on the efficacy of such standard.

"(f) EFFECTIVE DATE.—The standard promulgated pursuant to this section shall become effective upon promulgation.

"(g) DELEGATION.—

"(1) IN GENERAL.—Each State may develop and submit to the Administration a procedure for implementing and enforcing standards promulgated under this section for affected units located in such State. If the Administrator finds the State procedure is adequate, the Administrator shall delegate to such State any authority the Administrator has under this Act to implement and enforce such standards.

"(2) ENFORCEMENT.—Nothing in this subsection shall prohibit the Administrator from enforcing any applicable standard under this section.

"(h) VIOLATIONS.—After the effective date of standards promulgated under this section, it shall be unlawful for any owner or operator of any affected unit to operate such unit in violation of any standard, established by this section applicable to such unit.

"(i) COORDINATION WITH OTHER AUTHORITIES.—For purposes of sections III(e), 113, 114, 116, 120, 303, 304, 307, and other provisions for the enforcement of this Act, each standard established pursuant to this section shall be treated in the same manner as a standard of performance under section 111, and each affected unit subject to standards under this section shall be treated in the same manner as a stationary source under section 111.

"(j) STATE AUTHORITY.—Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, limitation, or standard relating to affected units, or other EGUs, that is more stringent than a regulation, requirement, limitation, or standard in effect under this section or under any other provision of this Act.

"(k) OTHER AUTHORITY UNDER THIS ACT.—Nothing in this section shall diminish the authority of the Administrator or a State to establish any other requirements applicable to affected units under any other authority of law, including the authority to establish for any air pollutant a national ambient air quality standard, except that no new affected unit subject to standards under this section shall be subject to standards under section 111 of this Act.

"SEC. 482. RESEARCH, ENVIRONMENTAL MONITORING, AND ASSESSMENT.

"(a) PURPOSES.—The Administrator, in collaboration with the Secretary of Energy and the Secretary of the Interior, shall conduct a comprehensive program of research, environmental monitoring, and assessment to enhance scientific understanding of the human health and environmental effects of particulate matter and mercury and to demonstrate the efficacy of emission reductions under this title for purposes of reporting to Congress under (e)(2). The purposes of such a program are to—

"(1) expand current research and knowledge of the contribution of emissions from electricity generation to exposure and health effects associated with particulate matter and mercury;

"(2) enhance current research and development of promising multi-pollutant control strategies and CEMS for mercury;

"(3) produce peer-reviewed scientific and technology information;

"(4) improve environmental monitoring and assessment of sulfur dioxide, nitrogen oxides and mercury, and their transformation products, to track changes in human health and the environment attributable to emission reductions under this title; and

"(5) periodically provide peer-reviewed reports on the costs, benefits, and effectiveness of emission reductions achieved under this title.

"(b) RESEARCH.—The Administrator shall enhance planned and ongoing laboratory and field research and modeling analyses, and conduct new research and analyses to produce peer-reviewed information concerning the human health and environmental effects of mercury and particulate matter and the contribution of United States electrical generating units to those effects. Such information shall be included in the report under subsection (d). In addition, such research and analyses shall—

"(1) improve understanding of the rates and processes governing chemical and physical transformations of mercury in the atmosphere, including speciation of emissions from electricity generation and the transport of these species;

"(2) improve understanding of the contribution of mercury emissions from electricity generation to mercury in fish and other biota, including—

"(A) the response of and contribution to mercury in the biota owing to atmospheric deposition of mercury from U.S. electricity generation on both local and regional scales;

"(B) long-term contributions of mercury from U.S. electricity generation on mercury accumulations in ecosystems, and the effects of mercury reductions in that sector on the environment and public health;

"(C) the role and contribution of mercury, from U.S. electricity generating facilities and anthropogenic and natural sources to fish contamination and to human exposure, particularly with respect to sensitive populations;

"(D) the contribution of U.S. electricity generation to population exposure to mercury in freshwater fish and seafood and quantification of linkages between U.S. mercury emissions and domestic mercury exposure and its health effects; and

"(E) the contribution of mercury from U.S. electricity generation in the context of other domestic and international sources of mercury, including transport of global anthropogenic and natural background levels;

"(3) improve understanding of the health effects of fine particulate matter components related to electricity generation emissions (as distinct from other fine particle fractions and indoor air exposures) and the contribution of U.S. electrical generating units to those effects including—

"(A) the chronic effects of fine particulate matter from electricity generation in sensitive population groups; and

"(B) personal exposure to fine particulate matter from electricity generation; and

"(4) improve understanding, by way of a review of the literature, of methods for valuing human health and environmental benefits associated with fine particulate matter and mercury.

"(c) INNOVATIVE CONTROL TECHNOLOGIES.—The Administrator shall collaborate with the Secretary of Energy to enhance research and development, and conduct new research that facilitates research into and development of innovative technologies to control sulfur dioxide, nitrogen oxides, mercury, and particulate matter at a lower cost than existing technologies. Such research and development shall provide updated information on the cost and feasibility of technologies. Such information shall be included in the report under subsection (d). In addition, the research and development shall—

"(1) upgrade cost and performance models to include results from ongoing and future electricity generation and pollution control demonstrations by the Administrator and the Secretary of Energy;

"(2) evaluate the overall environmental implications of the various technologies tested including the impact on the characteristics of coal combustion residues;

"(3) evaluate the impact of the use of selective catalytic reduction on mercury emissions from the combustion of all coal types;

"(4) evaluate the potential of integrated gasification combined cycle to adequately control mercury;

"(5) expand current programs by the Administrator to conduct research and promote, lower cost CEMS capable of providing real-time measurements of both speciated and total mercury and integrated compact CEMS that provide cost-effective real-time measurements of sulfur dioxide, nitrogen oxides, and mercury;

"(6) expand lab- and pilot-scale mercury and multi-pollutant control programs by the Secretary of Energy and the Administrator, including development of enhanced sorbents and scrubbers for use on all coal types;

"(7) characterize mercury emissions from low-rank coals, for a range of traditional control technologies, like scrubbers and selective catalytic reduction; and

"(8) improve low cost combustion modifications and controls for dry-bottom boilers.

"(d) ENVIRONMENTAL ACCOUNTABILITY.—

"(1) MONITORING AND ASSESSMENT.—The Administrator shall conduct a program of environmental monitoring and assessment to track on a continuing basis, changes in human health and the environment attributable to the emission reductions required under this title. Such a program shall—

"(A) develop and employ methods to routinely monitor, collect, and compile data on the status and trends of mercury and its transformation products in emissions from affected facilities, atmospheric deposition, surface water quality, and biological systems. Emphasis shall be placed on those methods that—

"(i) improve the ability to routinely measure mercury in dry deposition processes;

"(ii) improve understanding of the spatial and temporal distribution of mercury deposition in order to determine source-receptor relationships and patterns of long-range, regional, and local deposition;

"(iii) improve understanding of aggregate exposures and additive effects of methylmercury and other pollutants; and

"(iv) improve understanding of the effectiveness and cost of mercury emissions controls;

"(B) modernize and enhance the national air quality and atmospheric deposition monitoring networks in order to cost-effectively expand and integrate, where appropriate, monitoring capabilities for sulfur, nitrogen, and mercury to meet the assessment and reporting requirements of this section;

"(C) perform and enhance long-term monitoring of sulfur, nitrogen, and mercury, and parameters related to acidification, nutrient enrichment, and mercury bioaccumulation in freshwater and marine biota;

"(D) maintain and upgrade models that describe the interactions of emissions with the atmosphere and resulting air quality implications and models that describe the response of ecosystems to atmospheric deposition; and

"(E) assess indicators of ecosystems health related to sulfur, nitrogen, and mercury, including characterization of the causes and effects of episodic exposure to air pollutants and evaluation of recovery.

"(2) Reporting Requirements.—Not later than January 1, 2008, and not later than every 4 years thereafter, the Administrator shall provide a peer reviewed report to the Congress on the costs, benefits, and effectiveness of emission reduction programs under this title.

"(A) The report under this subparagraph shall address the relative contribution of emission reductions from U.S. electricity generation under this title compared to the emission reductions achieved under other titles of the Clean Air Act with respect to—

"(i) actual and projected emissions of sulfur dioxide, nitrogen oxides, and mercury;

"(ii) average ambient concentrations of sulfur dioxide and nitrogen oxides transformation products, related air quality parameters, and indicators of reductions in human exposure;

"(iii) status and trends in total atmospheric deposition of sulfur, nitrogen, and mercury, including regional estimates of total atmospheric deposition;

"(iv) status and trends in visibility;

"(v) status of terrestrial and aquatic ecosystems (including forests and forested watersheds, streams, lakes, rivers, estuaries, and nearcoastal waters);

"(vi) status of mercury and its transformation products in fish;

"(vii) causes and effects of atmospheric deposition, including changes in surface water quality, forest and soil conditions;

"(viii) occurrence and effects of coastal eutrophication and episodic acidification, particularly with respect to high elevation watersheds; and

"(ix) reduction in atmospheric deposition rates that should be achieved to prevent or reduce adverse ecological effects.

"(B) The report under this subparagraph shall address the relative contribution of the United States to world-wide emissions as well as a comparison of the stringency of fossil fuel-fired requirements under the Act to other countries.

"SEC. 483. MAJOR SOURCE PRECONSTRUCTION REVIEW REQUIREMENTS AND BEST AVAILABLE RETROFIT CONTROL TECHNOLOGY REQUIREMENTS; APPLICABILITY TO AFFECTED UNITS.

"(a) Major Source Exemption.—An affected unit shall be considered neither a major emitting facility or major stationary source nor a part of a major emitting facility or major stationary source, for purposes of compliance with the requirements of parts C and part D of title I, and shall not otherwise be subject to the requirements of section 169A or 169B, for a period of 20 years after the date of enactment of this section. This applicability provision only applies to affected units that are either subject to the performance standards of section 481 or meet the following requirements within 3 years after the date of enactment of the Clear Skies Act of 2005:

"(1) The owner or operator of the affected unit properly operates, maintains and repairs pollution control equipment to limit emissions of particulate matter, or the owner or operator of the affected unit is subject to an enforceable permit issued pursuant to title V or a permit program approved or promulgated as part of an applicable implementation plan to limit the emissions of particulate matter from the affected unit to 0.03 lb/mmBtu within eight years after the date of enactment of the Clear Skies Act of 2005, and

"(2) The owner or operator of the affected unit uses good combustion practices to minimize emissions of carbon monoxide. Good combustion practices may be accomplished through control technology, combustion technology improvements, or workplace practices.

"(b) Class I Area Protections.—Notwithstanding the provisions of subsection (a), an affected unit located within 50 km of a Class I area on which construction commences after the date of enactment of the Clear Skies Act of 2005 is subject to those provisions under part C of title I pertaining to the review of a new or reconstructed major stationary source's impact on a Class I area.

"(c) Preconstruction Requirements.—Each State shall include in its plan under section 110, as program to provide for the regulation of the construction of an affected unit that ensures that the following requirements are met prior to the commencement of construction of an affected unit—

"(1) in an area designated as attainment or unclassifiable under section 107(d), the owner or operator of the affected unit must demonstrate to the State that the emissions increase from the construction or operation of such unit will not cause, or contribute to, air pollution in excess of any national ambient air quality standard;

"(2) in an area designated as nonattainment under section 107(d), the State must determine that the emissions increase from the construction or operation of such unit will not interfere with any program to assure that the national ambient air quality standards are achieved provided that interference with any program will be deemed not to occur, with respect to each nonattainment area located wholly or partially within the State, if on the date of submission of a complete permit application and throughout a continuous period of three years immediately preceding such date, the nonattainment area was in full compliance with all requirements of this Act, including but not limited to requirements for State Implementation Plans;

"(3) for a reconstructed unit, prior to beginning operation, the unit must comply with either the performance standards of section 481 or best available control technology as defined in part C of title I for the pollutants whose hourly emissions will increase at the unit's maximum capacity; and

"(4) the State must provide for an opportunity for interested persons to comment on the Class I area protections and preconstruction requirements as set forth in this section.

"(d) Definitions.—For purposes of this section:

"(1) Affected Unit.—The term 'affected unit' means any unit that is subject to emission limitations under subpart 2 of part B, subpart 2 of part C, or part D.

"(2) Construction.—The term 'construction' includes the construction of a new affected unit and the modification of any affected unit.

"(3) Modification.—The term 'modification' means any physical change in, or change in the method of operation of, an affected unit that increases the maximum hourly emissions of any pollutant regulated under this Act above the maximum hourly emissions achievable at that unit during the five years prior to the change or that results in the emission of any pollutant regulated under this Act and not previously emitted.

"(e) Savings Clause.—Nothing in this section shall preclude or deny the right of any State or political subdivision thereof to adopt to enforce any regulation, requirement, limitation, or standard relating to affected units that is more stringent than a regulation, requirement, limitation, or standard in effect under this section or under any other provision of this Act.".

SEC. 3. OTHER AMENDMENTS.

(a) Title I.—Title I of the Clean Air Act is amended as follows:

(1) In section 103 by repealing subparagraphs (E) and (F).

(2) In section 107(d)(1)(A)—

(i) by striking "or" at the end of clause (ii);

(ii) by striking the period at the end of clause (iii) and inserting ", or"; and

(iii) by adding at the end the following:

"(iv) notwithstanding clauses (i) through (iii) and subsection (d)(3), if requested by a State, an area may be redesignated as transitional for the PM 2.5 national primary or secondary ambient air quality standards or the 8-hour ozone national primary or secondary ambient air quality standard if—

"(I) the Administrator has performed air quality modeling and, in the case of an area that needs additional local control measures, the State has performed supplemental air quality modeling, demonstrating that the area will attain the applicable standard or standards not later than December 31, 2015;

"(II) such modeling demonstration and all necessary local controls have been approved into the State implementation plan not later than 1 year after the date of enactment of the Clear Skies Act of 2005; and

"(III) the redesignation is made not later than 180 days after the date of that approval."

(3) In section 110 as follows:

(A) By amending clause (i) of subsection (a)(2)(D) by inserting "except as provided in subsection (q)," before the word "prohibiting".

(B) By adding the following new subsections at the end thereof:

"(q) Review of Certain Plans.—

"(1) In general.—The Administrator shall, in reviewing, under subsection (a)(2)(D)(i), any plan with respect to affected units, within the meaning of section 126(d)(1)—

"(A) consider, among other relevant factors, emissions reductions required to occur by the attainment date or dates of any relevant nonattainment areas in the other State or States;

"(B) not require submission of plan provisions mandating emissions reductions from such affected units, unless the Administrator determines that—

"(i) emissions from such units may be reduced at least as cost-effectively as emissions reductions in the State or each other State from each other principal category of sources of the relevant pollutant, pollutants, or pre-cursors thereof, including industrial boilers, on-road mobile sources, and off-road mobile sources, and any other category of sources that the Administrator may identify, and

"(ii) reductions in such emissions will improve air quality in the other State's or States' nonattainment areas at least as cost-effectively as reductions in emissions in the State or each other State from each other principal category of sources of the relevant pollutant, pollutants, or pre-cursors thereof, to the maximum extent that a methodology is reasonably available to make such a determination;

"(C) develop an appropriate peer reviewed methodology for making determinations under subparagraph (B) by December 31, 2006; and

"(D) not require submission of plan provisions subjecting affected units, within the meaning of section 126(d)(1), to requirements with an effective date prior to December 31, 2014.

"(2) PROXIMITY.—In making the determination under clause (ii) of subparagraph (B) of paragraph (1), the Administrator will use the best available peer-reviewed models and methodology that consider the proximity of the source or sources to the other State or States and incorporate other source characteristics.

"(3) EFFECT ON REGULATIONS.—Nothing in paragraph (1) shall be interpreted to require revisions to the provisions of 40 CFR parts 51.121 and 51.122 (2001).

"(r) TRANSITIONAL AREAS.—

"(1) MAINTENANCE.—

"(A) SUBMISSION OF INVENTORY AND ANALYSIS.—By December 31, 2011, each area designated as transitional pursuant to section 107(d)(1) shall submit an updated emission inventory and an analysis of whether growth in emissions, including growth in vehicle miles traveled, will interfere with attainment by December 31, 2014.

"(B) REVIEW.—No later than December 31, 2011, the Administrator shall review each transitional area's maintenance analysis, and, if the Administrator determines that growth in emissions will interfere with attainment by December 31, 2014, the Administrator shall consult with the State and determine what action, if any, is necessary to assure that attainment will be achieved by December 31, 2014.

"(2) PREVENTION OF SIGNIFICANT DETERIORATION.—Each area designated as transitional pursuant to section 107(d)(1) shall be treated as an attainment or unclassifiable area for purposes of the prevention of significant deterioration provisions of part C of this title.

"(3) CONSEQUENCES OF FAILURE TO ATTAIN BY 2015.—No later than June 30, 2016, the Administrator shall determine whether each area designated as transitional for the 8-hour ozone standard or for the PM 2.5 standard has attained that standard. If the Administrator determines that a transitional area has not attained the standard, the area shall be redesignated as nonattainment within one year of the determination and the State shall be required to submit a State implementation plan revision satisfying the provisions of section 172 within three years of redesignation as nonattainment.".

(4) In section 111(b)(1) by adding the following new subparagraph (C) after subparagraph (B):

"(C) No standards of performance promulgated under this section shall apply to units subject to regulations promulgated pursuant to section 481.".

(5) In section 112:

(A) By amending paragraph (1) of subsection (c) to read as follows:

"(1) IN GENERAL.—Not later than 12 months after November 15, 1990, the Administrator shall publish, and shall from time to time, but not less often than every eight years, revise, if appropriate, in response to public comment or new information, a list of all categories and subcategories of major sources and area sources (listed under paragraph (3)) of the air pollutants listed pursuant to subsection (b). Electric utility steam generating units not subject to section 3005 of the Solid Waste Disposal Act shall not be included in any category or subcategory listed under this subsection. The Administrator shall have the authority to regulate the emission of hazardous air pollutants listed under section 112(b), other than mercury compounds, by electric utility steam generating units, provided that any determination shall be based on public health concerns and, on an individual source basis shall: consider the effects of emissions controls installed or anticipated to be installed in order to meet other emission reduction requirements under this Act by 2018; and, be based on a peer reviewed study with notice and opportunity to comment, to be completed not before January 2015. Any such regulations shall be promulgated within, and shall not take effect before, the date eight years after the commencement date of the requirements set forth in section 472. To the extent practicable, the categories and subcategories listed under this subsection shall be consistent with the list of source categories established pursuant to section 111 and part C. Nothing in the preceding sentence limits the Administrator's authority to establish subcategories under this section, as appropriate.".

(B) By amending subparagraph (A) of subsection (n)(1) to read as follows:

"(A) STUDY.—The Administrator shall perform a study of the hazards to public health reasonably anticipated to occur as a result of emissions by electric utility steam generating units of pollutants listed under subsection (b) after imposition of the requirements of this Act. The Administrator shall report the results of this study to the Congress within three years after November 15, 1990."

(6) Section 126 is amended as follows:

(A) By replacing "section 110(a)(2)(D)(ii) or this section" in subsection (b) with "section 110(a)(2)(D)(i)".

(B) In the language at end of subsection (c) by striking "section 110(a)(2)(D)(ii)" and inserting "section 110(a)(2)(D)(i)" and deleting the last sentence.

(D) By adding at the end the following:

"(d) DEFINITION OF AFFECTED UNIT.—

"(1) IN GENERAL.—For purposes of this subsection, the term 'affected unit' means any unit that is subject to emission limitations under subpart 2 of part B, subpart 2 of part C, or part D, or is a designated unit under section 407.

"(2) FINDING FOR AFFECTED UNITS.—To the extent that any petition submitted under subsection (b) after the date of enactment of the Clear Skies Act of 2005 seeks a finding for any affected unit, then, notwithstanding any provision in subsections (a) through (c) to the contrary:

"(A) In determining whether to make a finding under subsection (b) for any affected unit, the Administrator shall consider, among other relevant factors, emissions reductions required to occur by the attainment date or dates of any relevant nonattainment areas in the petitioning State or political subdivision.

"(B) The Administrator may not determine that affected units emit, or would emit, any air pollutant in violation of the prohibition of section 110(a)(2)(D)(i) unless that Administrator determines that—

"(i) such emissions may be reduced at least as cost-effectively as emissions from each other principal category of sources of sulfur dioxide or nitrogen oxides, including industrial boilers, on-road mobile sources, and off-road mobile sources, and any other category of sources that the Administrator may identify; and

"(ii) reductions in such emissions will improve air quality in the petitioning State's nonattainment area or areas at least as cost-effectively as reductions in emissions from each other principal category of sources of sulfur dioxide or nitrogen oxides to the maximum extent that a methodology is reasonably available to make such a determination.

In making the determination under clause (ii), the Administrator shall use the best available peer-reviewed models and methodology that consider the proximity of the source or sources to the petitioning State or political subdivision and incorporate other sources characteristics.

"(C) The Administrator shall develop an appropriate peer reviewed methodology for making determinations under subparagraph (B) by December 31, 2006.

"(D) The Administrator shall not make any findings with respect to an affected unit under this section prior to December 1, 2011. For any petition submitted prior to January 1, 2010, the Administrator shall make a finding or deny the petition by the December 31, 2011.

"(E) The Administrator, by rulemaking, shall extend the compliance and implementation deadlines in subsection (c) to the extent necessary to assure that no affected unit shall be subject to any such deadline prior to January 1, 2014.".

(b) TITLE III.—Section 307(d)(1)(G) of title III of the Clean Air Act is amended to read as follows:

"(G) the promulgation or revision of any regulation under title IV,".

(c) NOISE POLLUTION.—Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.) is redesignated as title VII and amended by renumbering sections 401 through 403 as sections 701 through 703, respectively, and conforming all cross-references thereto accordingly.

(d) SECTION 406.—Title IV of the Clean Air Act Amendments of 1990 (relating to acid deposition control) is amended by repealing section 406 (industrial sulfur dioxide emissions).

(e) MONITORING.—Section 821 (a) of title VIII of the Clean Air Act Amendments of 1990 (miscellaneous provisions) is amended to read as follows:

"(a) MONITORING.—The Administrator shall promulgate regulations within eighteen months after November 15, 1990, to require that all affected sources subject to subpart 1 of part B of title IV of the Clean Air Act as of December 31, 2009, shall also monitor carbon dioxide emissions according to the same timetable as in section 405(b). The regulations shall require that such data be reported to the Administrator. The provisions of section 405(e) of title IV of the Clean Air Act shall apply for purposes of this section in the same manner and to the same extent as such provision applies to the monitoring and data referred to in section 405. The Administrator shall implement this subsection under 40 CFR part 75 (2002), amended as appropriate by the Administrator.".

By Mr. SMITH (for himself and Mrs. LINCOLN):

S. 132. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance; to the Committee on Finance.

Mr. SMITH. Mr. President, today, I am reintroducing important legislation to help more Americans realize the dream of homeownership. The Mortgage Insurance Fairness Act would make mortgage insurance payment premiums tax deductible. In doing so, it will help more lower-income Americans purchase homes for their families.

It is widely recognized that homeownership helps to create stable and safe communities. As such, the Federal Government has long sought to increase homeownership. President Bush has announced a goal of 5.5 million new homeowners by the year 2010. Achieving that goal requires helping those that have typically had difficulty purchasing homes—young people, low-income families, members of minority groups.

Government and private mortgage insurance programs help first-time, low-income and veteran borrowers afford to purchase homes. The Veterans Affairs (VA), Federal Housing Authority (FHA), Regional Housing Authority (RHA) and Private Mortgage Insurance (PMI) programs allow buyers to make a down payment of 3 percent or less of the appraised value. For many lower- and middle-income families, mortgage insurance makes it possible for them to buy their first home.

In Oregon, more than 137,000 families held mortgages with either FHA or private mortgage insurance in 2002. In 2001, 62 percent of the insured home purchases in Oregon were low-income borrowers, and insured mortgages covered 25 percent of all home purchase loans that year.

Nationwide, mortgage insurance covers over half of home loans made to African American and Hispanic borrowers. Similarly, over half of the loans to borrowers with incomes below the median income were covered by mortgage insurance. The people who use mortgage insurance are regular working families who live in every community throughout the country. In all, more than twelve million American families pay mortgage insurance.

Currently, these borrowers are not allowed to deduct the cost of their mortgage insurance from their Federal taxes. If these payments were made deductible, the cost of homeownership would go down and more families would be able to buy homes. It is estimated that the Mortgage Insurance Fairness Act would increase the number of homeowners by 300,000 per year.

Extending tax deductions to mortgage insurance will help to make the dream of owning a home attainable for more Americans. We came very close to enacting this legislation last year when it was included in the Senate version of the JOBS Act. Unfortunately, in the end we were not able to complete action on this bill. I look forward to again working with my colleagues to see this legislation is passed and signed into law. I thank you for the opportunity to speak today, and I urge my colleagues to support this important bi-partisan legislation. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Mortgage Insurance Fairness Act".

SEC. 2. PREMIUMS FOR MORTGAGE INSURANCE.

(a) IN GENERAL.—Paragraph (3) of section 163(h) of the Internal Revenue Code of 1986 (relating to qualified residence interest) is amended by adding after subparagraph (D) the following new subparagraph:

"(E) MORTGAGE INSURANCE PREMIUMS TREATED AS INTEREST.—

"(i) IN GENERAL.—Premiums paid or accrued for qualified mortgage insurance by a taxpayer during the taxable year in connection with acquisition indebtedness with respect to a qualified residence of the taxpayer shall be treated for purposes of this subsection as qualified residence interest.

"(ii) PHASEOUT.—The amount otherwise allowable as a deduction under clause (i) shall be reduced (but not below zero) by 10 percent of such amount for each $1,000 ($500 in the case of a married individual filing a separate return) (or fraction thereof) that the taxpayer's adjusted gross income for the taxable year exceeds $100,000 ($50,000 in the case of a married individual filing a separate return).".

(b) DEFINITION AND SPECIAL RULES.—Paragraph (4) of section 163(h) of the Internal Revenue Code of 1986 (relating to other definitions and special rules) is amended by adding at the end the following new subparagraphs:

"(E) QUALIFIED MORTGAGE INSURANCE.—The term 'qualified mortgage insurance' means—

"(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

"(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subparagraph).

"(F) SPECIAL RULES FOR PREPAID QUALIFIED MORTGAGE INSURANCE.—Any amount paid by the taxpayer for qualified mortgage insurance that is properly allocable to any mortgage the payment of which extends to periods that are after the close of the taxable year in which such amount is paid shall be chargeable to capital account and shall be treated as paid in such periods to which so allocated. No deduction shall be allowed for the unamortized balance of such account if such mortgage is satisfied before the end of its term. The preceding sentences shall not apply to amounts paid for qualified mortgage insurance provided by the Veterans Administration or the Rural Housing Administration.".

SEC. 3. INFORMATION RETURNS RELATING TO MORTGAGE INSURANCE.

Section 6050H of the Internal Revenue Code of 1986 (relating to returns relating to mortgage interest received in trade or business from individuals) is amended by adding at the end the following new subsection:

"(h) RETURNS RELATING TO MORTGAGE INSURANCE PREMIUMS.—

"(1) IN GENERAL.—The Secretary may prescribe, by regulations, that any person who, in the course of a trade or business, receives from any individual premiums for mortgage insurance aggregating $600 or more for any calendar year, shall make a return with respect to each such individual. Such return shall be in such form, shall be made at such time, and shall contain such information as the Secretary may prescribe.

"(2) STATEMENT TO BE FURNISHED TO INDIVIDUALS WITH RESPECT TO WHOM INFORMATION IS REQUIRED.—Every person required to make a return under paragraph (1) shall furnish to each individual with respect to whom a return is made a written statement showing such information as the Secretary may prescribe. Such written statement shall be furnished on or before January 31 of the year following the calendar year for which the return under paragraph (1) was required to be made.

"(3) SPECIAL RULES.—For purposes of this subsection—

"(A) rules similar to the rules of subsection (c) shall apply, and

"(B) the term 'mortgage insurance' means—

"(i) mortgage insurance provided by the Veterans Administration, the Federal Housing Administration, or the Rural Housing Administration, and

"(ii) private mortgage insurance (as defined by section 2 of the Homeowners Protection Act of 1998 (12 U.S.C. 4901), as in effect on the date of the enactment of this subsection).".

SEC. 4. EFFECTIVE DATE.

The amendments made by this Act shall apply to amounts paid or accrued after the date of enactment of this Act in taxable years ending after such date.

By Mr. TALENT (for himself and Mr. FEINGOLD):

S. 133. A bill to amend section 302 of the PROTECT Act to modify the standards for the issuance of alerts through the AMBER Alert communications network; to the Committee on the Judiciary.

Mr. TALENT. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 133

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Tory Jo's AMBER Response Act".

SEC. 2. MINIMUM STANDARDS FOR ISSUANCE AND DISSEMINATION OF ALERTS THROUGH AMBER ALERT COMMUNICATIONS NETWORK.

Section 302(b) of the PROTECT Act (42 U.S.C. 5791a(b)) is amended by adding at the end the following:

"(5) The minimum standards shall, to the maximum extent practicable (as determined by the Coordinator in consultation with State and local law enforcement agencies), allow local law enforcement officials to issue, and to provide for the dissemination of, an alert through the AMBER Alert communications network to facilitate the recovery of an abducted newborn.".

SEC. 3. DEFINITION.

Title III of the PROTECT Act (42 U.S.C. 5791 et seq.) is amended by adding at the end the following:

"SEC. 306. DEFINITION.

"For purposes of this title, the term 'child' means—

"(1) an individual under 18 years of age; or

"(2) a newborn.".

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 134. A bill to adjust the boundary of Redwood National Park in the State of California; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce legislation cosponsored by Senator BOXER to adjust the boundary of Redwood National Park in the State of California to include the addition of the Mill Creek property. This continues the effort initiated in the last Congress with the leadership of Congressman MIKE THOMPSON, to solidify and expand the co-operative management relationship between the United States Government and the State of California, working together to protect forever the ancient majesty of the redwood forest.

In 2002, the California Department of Parks and Recreation acquired from the Save-the-Redwoods League 25,000 acres of forest land known as the Mill Creek property in Del Norte County, which is contiguous with the Redwood National and State parks boundary. This bill would include within the park boundary the Mill Creek acquisition and about 900 acres of land acquired and added to the State redwood parks since the 1978 expansion of the Redwood National Park boundary. There would be no Federal costs for land acquisition or development resulting from this legislation.

Approval of the expansion of the boundary of Redwood National Park to include the headwaters of Mill Creek will complete the vision of the Redwood Park embraced by Senator Kuchel in S.1370 that he introduced in 1967, a vision dating back to the McLaughlin-Cook report issued by the National Park Service in 1937. Protection of the headwaters of Mill Creek will secure the long term viability of the ancient redwoods already within Redwood National and State Park. It would permanently safeguard the coho salmon who return to spawn in the clear, cold waters of this forest.

These lands will be managed by the same cooperative management agreement between the National Park Service and the California Department of Parks and Recreation. This partnership is viewed as a model of interagency cooperative management efforts and will provide for more efficient and costeffective management of an ecologically significant resource.

This bill enjoys strong support from local and Federal officials, including Del Norte County and the Department of the Interior. Given this support and lack of controversy, I believe this legislation to be of great importance to ensure that our Redwood National Park is further protected.

I have long held a deep interest in protecting California's magnificent Redwoods. The coast redwood, the sequoia sempervirens, is native only to the West Coast where it stands in a narrow band from the tip of the Big Sur Coast to the Chetco River, just north of the California-Oregon border. The redwood stands taller than any other tree in the world and traces its lineage to among the oldest of living things. The cathedrals formed by these ancient trees inspire the best in us as a people. The redwood forests of California are a national and worldwide treasure that is ours to protect and preserve.

In 1966, the Headwaters Agreement was negotiated in part in my offices to protect approximately 7,500 acres of old growth redwoods, which was the largest grove of redwoods held in private ownership at the time. It is my great pleasure today to introduce this legislation to extend our national commitment to collaboration in preservation of the redwoods and the watersheds they anchor.

I applaud Congressman MIKE THOMPSON'S commitment to this issue and urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Redwood National Park Boundary Adjustment Act of 2005".

SEC. 2. REDWOOD NATIONAL PARK BOUNDARY ADJUSTMENT.

Section 2(a) of the Act of Public Law 90–545 (16 U.S.C. 79b(a)) is amended—

(1) in the first sentence, by striking "(a) The area" and all that follows through the period at the end and inserting the following: "(a)(1) The Redwood National Park consists of the land generally depicted on the map entitled 'Redwood National Park, Revised Boundary', numbered 167/60502, and dated February, 2003.";

(2) by inserting after paragraph (1) (as designated by paragraph (1)) the following:

"(2) The map referred to in paragraph (1) shall be—

"(A) on file and available for public inspection in the appropriate offices of the National Park Service; and

"(B) provided by the Secretary of the Interior to the appropriate officers of Del Norte and Humboldt Counties, California."; and

(3) in the second sentence—

(A) by striking "The Secretary" and inserting the following:

"(3) The Secretary;" and

(B) by striking "one hundred and six thousand acres" and inserting "133,000 acres".

By Mrs. FEINSTEIN:

S. 136. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing education services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. I rise today to introduce a bill that combines needed help for small Yosemite schools, and an addition to the beautiful Golden Gate National Recreation Area. Each of these bills individually has passed both the House and Senate in previous Congresses.

The first title of this legislation provides critical funds to three small schools nestled in the heart of Yosemite National Park and authorizes the Yosemite Regional Transportation System to shuttle visitors in and out of the park.

Approximately 130 children of park service employees are taught in the three elementary small schools located in Yosemite National Park—Wawona, El Portal, and Yosemite Valley elementary schools.

These schools represent a dying breed of education models: they are small schools that teach children who live in remote communities and are taught by one or a group of teachers. At El Portal, three teachers instruct 53 students in seven grades. Wawona has 17 students in 7 grades who are taught by one teacher/principal.

And Yosemite Valley serves 60 students in 8 grades who are taught by two teachers.

The remote location of these schools, their small sizes and California's unique method for funding education, have all contributed to the schools amassing a combined deficit of $290,000. In their efforts to continue to provide basic educational services to students, the schools have had to cut supplemental instruction that would normally be available to students taught outside of the park.

Some have suggested that these schools consolidate into one to pool their limited resources. While this may seem to solve the problem, you must understand that many of these students already travel many miles on treacherous mountainous roads to attend their current schools. If the three schools were to consolidate, this problem would be exacerbated, requiring many students to make a 2 hour commute to their new schools.

I do not believe this is a viable option and that is why I support this legislation.

Last year, Senator BINGAMAN, Congressman RADANOVICH and I worked out a compromise on this legislation that would help the schools while protecting the National Park Service's budget. The compromise includes the following terms:

For fiscal year 2006 through 2009, the Secretary of the Interior may provide up to $400,000 in funds to the Bass Lake Union Elementary School District and the Mariposa Unified School District for educational services to students who are dependents of persons engaged in the administration, operation, and maintenance of the Park or students who live at or near the Park; the Secretary can only provide the funds if the State of California and local agencies maintain 2005 per-student funding levels to the schools, and the Secretary also must make sure that the assistance to the schools does not reduce the remaining funding available to Yosemite National Park below fiscal year 2005 levels.

Furthermore, this legislation allows the Park Service to allot federal funds for the continuing operation of a bus service that shuttles visitors through Yosemite National Park—the Yosemite Area Regional Transportation System.

The federally funded demonstration project that allowed YARTS to offer services on a temporary basis expired in May 2002 and since then, YARTS has leveraged local funds to ensure that services were not discontinued.

Both the Park Service and YARTS are supportive of continuing their mutually beneficial agreement. This legislation would do just that by taking the burden off local entities and providing the necessary assistance that this service needs.

I am also pleased to introduce today a second title in this legislation to allow the National Park Service to extend the boundaries of the Golden Gate National Recreation Area, GGNRA, by acquiring critical natural landscapes and scenic vistas.

This bill meets several distinct needs in California and national needs of all National Park System visitors by adding 4,600 acres of pristine natural land to the boundary of the Golden Gate Recreation Area. It will protect four major watersheds, preserve the home of numerous threatened, rare and endangered plant and animal species in the region, allow potential access to valuable future trail links to contiguous State and county parks, and establish a dramatic and logical southern entrance to the park.

A key component of this legislation is its three-way, local-state-federal partnership. Half of the total purchase price of these lands has already been donated by local and State sources. Additionally, this legislation specifically provides that all land transactions involve a willing seller and willing buyer.

Furthermore, this bill has the strong support of local community groups, the former Golden Gate National Recreation Area Advisory Commission, the San Mateo County Board of Supervisors, the National Park Service, and the California State Farm Bureau. It also has the endorsement of the San Francisco Chronicle and the San Jose Mercury News. I know of no opposition to this bill.

Expanding the boundary of the Golden Gate National Recreation Area to include Rancho Corral de Tierra through such a beneficial partnership is an opportunity not to be missed. A vast land within a major metropolitan area that offers extraordinary scenic views of the Pacific coastline and the greater Bay Area, a place with plants found nowhere else on earth find refuge, a home for rare and endangered animals, is available now for protection and enjoyment. We have the chance to enjoy this special land and to leave a lasting legacy for our children and our grandchildren.

California's national parks are truly invaluable and the park that this bill supports offers an opportunity for visitors and residents to enjoy unique national habitats and offers a unique chance for the National Park Service and the community to work together, not only to protect the environment, but also the interests of the nearby communities and national and international visitors.

This bill enjoys strong support from local and State officials and I hope that it will have as much strong bipartisan support this Congress, as it did last Congress. Congressman TOM LANTOS plans to introduce companion legislation for this bill in the House and I applaud his leadership on this issue.

I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 136

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TABLE OF CONTENTS.

The table of contents of this Act is as follows:

Sec. 1. Table of contents.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

Sec. 102. Payments for educational services.
Sec. 103. Authorization for park facilities to be located outside the boundaries of Yosemite National Park.

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT.

Sec. 201. Short title.
Sec. 202. Golden Gate National Recreation Area, California.

TITLE I—YOSEMITE NATIONAL PARK AUTHORIZED PAYMENTS

SEC. 101. PAYMENTS FOR EDUCATIONAL SERVICES.

(a) IN GENERAL.—(1) For fiscal years 2006 through 2009, the Secretary of the Interior may provide funds to the Bass Lake Joint Union Elementary School District and the Mariposa Unified School District in the State of California for educational services to students—

(A) who are dependents of persons engaged in the administration, operation, and maintenance of Yosemite National Park; or

(B) who live within or near the park upon real property owned by the United States.

(2) The Secretary's authority to make payments under this section shall terminate if the State of California or local education agencies do not continue to provide funding to the schools referred to in subsection (a) at per student levels that are no less than the amount provided in fiscal year 2005.

(b) LIMITATION ON USE OF FUNDS.—Payments made under this section shall only be used to pay public employees for educational services provided in accordance with subsection (a). Payments may not be used for construction, construction contracts, or major capital improvements.

(c) LIMITATION ON AMOUNT OF FUNDS.—Payments made under this section shall not exceed the lesser of—

(1) $400,000 in any fiscal year; or

(2) the amount necessary to provide students described in subsection (a) with educational services that are normally provided and generally available to students who attend public schools elsewhere in the State of California.

(d) SOURCE OF PAYMENTS.—(1) Except as otherwise provided in this subsection, the Secretary may use funds available to the National Park Service from appropriations, donations, or fees.

(2) Funds from the following sources shall not be used to make payments under this section:

(A) Any law authorizing the collection or expenditure of entrance or use fees at units of the National Park System, including the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-4 et seq.); the recreational fee demonstration program established under section 315 of the Department of the Interior and Related Agencies Appropriations Act, 1996 (16 U.S.C. 4601-6a note); and the National Park Passport Program established under section 602 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5992).

(B) Emergency appropriations for flood recovery at Yosemite National Park.

(3)(A) The Secretary may use an authorized funding source to make payments under this section only if the funding available to Yosemite National Park from such source (after subtracting any payments to the school districts authorized under this section) is greater than or equal to the amount made available to the park for the prior fiscal year, or in fiscal year 2005, whichever is greater.

(B) It is the sense of Congress that any payments made under this section should not result in a reduction of funds to Yosemite National Park from any specific funding source, and that with respect to appropriated funds, funding levels should reflect annual increases in the park's operating base funds that are generally made to units of the National Park System.

SEC. 102. AUTHORIZATION FOR PARK FACILITIES TO BE LOCATED OUTSIDE THE BOUNDARIES OF YOSEMITE NATIONAL PARK.

(a) FUNDING AUTHORITY FOR TRANSPORTATION SYSTEMS AND EXTERNAL FACILITIES.—Section 814(c) of the Omnibus Parks and Public Lands Management Act of 1996 (16 U.S.C. 346e) is amended—

(1) in the heading by inserting "AND YOSEMITE NATIONAL PARK" after "ZION NATIONAL PARK";

(2) in the first sentence—

(A) by inserting "and Yosemite National Park" after "Zion National Park"; and

(B) by inserting "for transportation systems or" after "appropriated funds"; and

(3) in the second sentence by striking "facilities" and inserting "systems or facilities".

(b) CLARIFYING AMENDMENT FOR TRANSPORTATION FEE AUTHORITY.—Section 501 of the National Parks Omnibus Management Act of 1998 (16 U.S.C. 5981) is amended in the first sentence by striking "service contract" and inserting "service contract, cooperative agreement, or other contractual arrangement".

TITLE II—RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT

SEC. 201. SHORT TITLE.

This title may be cited as the "Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act".

SEC. 202. GOLDEN GATE NATIONAL RECREATION AREA, CALIFORNIA.

(a) Section 2(a) of Public Law 92-589 (16 U.S.C. 460bb-1(a)) is amended—

(1) by striking "The recreation area shall comprise" and inserting the following:

"(1) INITIAL LANDS.—The recreation area shall comprise"; and

(2) by striking "The following additional lands are also" and all that follows through the period at the end of the subsection and inserting the following new paragraphs:

"(2) ADDITIONAL LANDS.—In addition to the lands described in paragraph (1), the recreation area shall include the following:

"(A) The parcels numbered by the Assessor of Marin County, California, 119–040–04, 119-040-05, 119-040-18, 166-202-03, 166-010-06, 166-010-07, 166-010-24, 166-010-25, 119-240-19, 166–010–10, 166–010–22, 119–240–03, 119–240–51, 119-240-52, 119-240-54, 166-010-12, 166-010-13, and 119–235–10.

"(B) Lands and waters in San Mateo County generally depicted on the map entitled 'Sweeney Ridge Addition, Golden Gate National Recreation Area', numbered NRA GG-80,000–A, and dated May 1980.

"(C) Lands acquired under the Golden Gate National Recreation Area Addition Act of 1992 (16 U.S.C. 460bb-1 note; Public Law 102-299).

"(D) Lands generally depicted on the map entitled 'Additions to Golden Gate National Recreation Area', numbered NPS–80–076, and dated July 2000/PWR-PLRPC.

"(E) Lands generally depicted on the map entitled 'Rancho Corral de Tierra Additions to the Golden Gate National Recreation Area', numbered NPS-80,079E, and dated March 2004.

"(3) ACQUISITION LIMITATION.—The Secretary may acquire land described in paragraph (2)(E) only from a willing seller.".

By Mr. KERRY:

S. 137. A bill to modify the contract consolidation requirements in the Small Business Act, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY (for himself and Mr. BINGAMAN):

S. 138. A bill to make improvements to the microenterprise programs administered by the Small Business Administration; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY:

S. 139. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, as Ranking Member of the Small Business and Entrepreneurship Committee, today I am introducing a package of bills that will help small business owners with access to loans, business counseling and Federal procurement opportunities. Each of the bills was previously introduced on its own or as part of the Committee's extensive Small Business Administration reauthorization proposal that passed the Senate unanimously last Congress. These are provisions that are necessary for enabling our nation's small businesses to continue to have the resources and tools they need to compete with larger companies. They will help America's budding entrepreneurs continue to seek out business opportunities and continue to start businesses. Enactment of this assistance will show that the Federal government is not there to make the road to success more difficult for small businesses, but to help them where the private sector will not.

Mr. President, the first bill of this package is the Small Business Federal Contractor Safeguard Act. It includes essential contractor protections that were a part of the Small Business Administration reauthorization package that passed the Senate unanimously last Congress but was stalled during negotiations in the House of Representatives. These much-needed protections will help level the playing field for small firms and create a procurement atmosphere that fosters competition, fair access and equal opportunity for smaller entities.

With Federal agencies awarding larger, more complex and more costly contracts, and with less staff at the Small Business Administration and within Agency contracting offices performing oversight, this nation's small businesses and its taxpayers are the ones shouldering the burden when small business goals continue to be unmet. In addition to helping small businesses obtain access to procurement opportunities, these goals are meant to help the government benefit from the cost-savings and innovations small business contractors can often provide.

Significant steps were made during the last Congress to address the challenges of contract bundling; however, it is my belief that passing and implementing binding statutory requirements is the only long-term solution to the on-going problem of contract bundling, also called contract consolidation. The first section of the bill creates a two-tiered approach to preventing unnecessary contract consolidation. Civilian agencies will be required to meet specific standards if they attempt to consolidate contracts above $2 million and additional requirements for those contracts above $5 million. The Department of Defense is required to meet two types of similar requirements for contracts above $5 million and $7 million. The bill also eliminates the use of the term "contract bundling" and expands the definition of "contract consolidation," closing a loophole that has been widely used to the detriment of many small businesses.

In addition to increasing opportunities for prime contracts by eliminating unnecessary contract consolidation, this bill addresses another serious problem: the dishonest treatment of small business subcontractors by large business prime contractors. Small businesses have been severely hamstrung by the dishonest practices of some large business prime contracts that delay paying their subcontractors, falsely report their subcontracting plans and use "bait and switch" tactics.

This bill holds prime contractors responsible for the validity of subcontracting data, requiring the CEO to certify to the accuracy of the subcontracting report under penalty of law. It also makes the penalties for falsifying data included in subcontracting reports match the current $500,000 penalty for businesses that falsify their status as a small and disadvantaged business. Under this bill, if one intentionally falsifies data as a part of a subcontracting report to a federal Agency, he is defrauding the United States government and will be punished to the full extent of the law.

Finally, the bill requires contracting officers to maintain a database of contract performance that is made available to the small business subcontractor upon completion of the contract. This report can then be used as a record of past performance, building a history that will help successful small firms bid on future Federal prime contracts or subcontracts. Each contracting officer will be empowered to withhold a portion of the payment to the prime contractor until he also receives the completed and accurate performance report. Any material breach of contract that is found will be immediately reported to the Inspector General of that Agency for a complete investigation.

The second bill of this small business legislative package is the SBA Microenterprise Improvements Act. It was also included as part of the Small Business Administration reauthorization package and passed by the Senate unanimously last Congress. I am reintroducing these provisions because they are vital to the microenterprise programs administered by the SBA: the Microloan Program and the Program for Investment in Microentrepreneurs (PRIME).

As I have stated on numerous occasions, I disagree with the Administration's proposals to cut back funding for microloans and training assistance intended to encourage entrepreneurship and foster America's smallest small businesses. And I wholeheartedly disagree with the Administration's ill-founded argument that these borrowers are being, or will be, served through the SBA's 7(a) loan guarantee program. SBA's loan programs are not one-size fits all. The small borrower in the Microloan program is different, and therefore has different needs, than the small business borrower being served through the 7(a) loan program. Both lending vehicles are important, but they are different, and one is not a substitute for the other.

Who are these borrowers being served through the microloan program? Thirty percent are African American; 11 percent are Hispanic; 37 percent are women; and, anywhere from 30 percent to 40 percent go to small businesses in rural areas. Because of their size, the size of the loan they need and their relative inexperience, small businesses borrowers are turned away by banks, and yet the Administration proposed cutting the Microloan program by 36 percent in its fiscal year 2004 budget, and cut all funding in its fiscal year 2005 budget. The SBA needs to fully fund these programs and put more resources into the office that manages the program. Four people are not enough to manage 1,400 loans and 180 grants. To make matters worse, the SBA's long-time manager of micro-enterprise programs, Jody Raskind, is leaving the Agency. All those who support the good work of fostering SBA's Microloan program are sorry to see her go, not only because of her dedication and hard work, but also because they are concerned that the Administration will never really fill the job, letting the programs languish. I urge the Administration to move quickly to fill that position, just as the private sector would, by working with the Microloan community to identify someone who is competent, resourceful and dedicated to monitoring integrity of these programs and fostering their success.

In addition, we need to finally enact some changes to the Microloan program that have passed the Senate several times over the last four years but have yet to pass the full Congress because of unrelated political fights. I urge my colleagues to let us move forward with making these provisions law, once and for all. The first part of the SBA Microenterprise Improvements Act includes many of the provisions passed as part of S. 174, a bill which Senator SNOWE and I introduced in 2001 and the Committee and the full Senate voted to pass by unanimous consent in 2002. As I mentioned earlier, these provisions were also included as part of S.1375, the SBA reauthorization bill that passed the Senate unanimously in 2003. The updates and changes to the Microloan program included in this bill will improve the program in several ways.

First, it will allow intermediaries to make revolving-term loans or longer fixed term loans to small businesses. Currently, intermediaries may only make "short-term" loans with fixed terms, which restrict the ability of microlenders to structure loans that meet the needs of certain small enterprises. This will benefit small businesses, the lenders, and the SBA because it will eliminate repeated paperwork and unnecessary administrative burdens. It will help small businesses, such as carpenters, who need revolving loans to finance the jobs as they come in, rather than taking multiple little, fixed-term loans. Second, this bill also contains a change to the Microlenders eligibility. Rather than tying eligibility to the expertise of the entity, this bill makes it possible for new entities to qualify as the SBA microlending intermediaries if they have staffs who are experienced in this unique or specialized lending and technical assistance. This bill also adjusts, reflecting changes in the market, the average smaller size of microloans from $7,500 to $10,000, to make it consistent with similar changes enacted in December 2000. This is important because microloan intermediaries that have a microloan portfolio with an average loan size of not more than $10,000 will now be eligible to receive an interest rate lower than the normal rate extended by the SBA to intermediaries. This bill also changes, from 25 percent to 30 percent, the amount of technical assistance (TA) funds an intermediary can contract with an outside expert and the amount of grants a lender can use to counsel prospective borrowers. In addition, the legislation requires the SBA to report annually on the requirement that states that Agency must contract out 7 percent of its loan dollars for intermediary training.

Last, the SBA Microenterprise Improvements Act, like S.1375, requires the SBA to develop an improved subsidy rate model to determine the cost of microloans. The one the Agency has used since the program's inception does not reflect the performance of the program. For example, in Fiscal Year 2003, the administration's budget doubled the subsidy rate (which is the government's cost of the program) from 6.78 percent to 13.05 percent, even though the program had not experienced any loss of federal funds since the first loan was made in 1992. This broken method of calculating the cost of these loans is a waste of taxpayer money because Congress has to appropriate unnecessary funds to run the program. Now is the time to fix it.

The second part of the SBA Microenterprise Improvements Act also comes from S.1375, but was not included in the small business reauthorization bill that passed Congress last session. It begins by reauthorizing the PRIME program through 2007 and transfers its legislative language from the Riegle Community Development and Regulatory Improvement Act of 1994 to section 37 of the Small Business Act. Additionally, it includes a provision that Senator BINGAMAN and I worked closely to develop that will expand PRIME with a separate $2 million authorization to provide direct, in-depth technical assistance and counseling to disadvantaged Native American small business owners. The rationale for amending the PRIME Act, rather than creating a separate program, is that PRIME is currently operational and simply needs additional targeted efforts and funding so it can better address the needs of the Native American entrepreneurial community. The Bingaman-Kerry approach uses an existing program structure to help find a solution to the long-term economic handicap existing in Native American communities nationwide. There are a number of microenterprise organizations in states across the country that are willing and prepared to take on the additional challenge of assisting disadvantaged Native American entrepreneurs, and there are a number of Native American communities that are eager to explore a different path to economic development. However, there are currently a limited amount of funds to allow that to happen. Again, I commend Senator BINGAMAN for his continued attention to these needs, for his continued support of small business legislation to address them, and for his foresight and vision for Native Americans in New Mexico and across the country. The Native American communities of our nation will be better off with the assistance that this provision makes possible.

Again, it is time to move forward. Out of 66 pages of Small Business Administration reauthorizations and improvements that were slipped into the Omnibus Appropriations bill that passed at the end of the 108th Congress, these non-controversial provisions were included. They should have been.

The third part of the package that I'm introducing today is a reintroduction of the Vocational and Technical Entrepreneurship Development Act. Last Congress, I introduced this important piece of legislation as a companion to H.R. 1387, which bears the same name and was introduced in the House, in the 107th and 108th Congresses, by Congressman ROBERT BRADY of Pennsylvania.

Let me begin by reminding my colleagues that the Small Business Administration's Office of Advocacy states that only half of all small businesses survive past four years and that management and education remain two of the most important ingredients to small business success. We often think that small businesses only need money to succeed, but while adequate financing is vital, so too is careful planning and competent management. Often Americans who work in the trade sector—construction, plumbing, electrical work, etc.—enter these professions with the goal of one day starting their own business; however many of these aspiring entrepreneurs who participate in career training or vocational training in certain trades, unfortunately, fail to obtain the necessary education and "back room" management skills to grow and develop their fledgling business. This initiative would develop a program that allows workers within the trades industry to move toward starting a new business by giving them the entrepreneurial skills to successfully manage a small business. Many small businesses fail not because they don't know the industry or make low-quality products or have poor service, but because they don't know the ins and outs of running a successful business.

The purpose of the Vocational and Technical Entrepreneurship Development Act is to assist in the development of curricula that will encourage the successful growth of small businesses. This legislation passed the House in each of the last Congresses, but was not taken up by the full Senate. I hope that the committee and full Senate will act quickly on it now.

The bill, in a business-education partnership, establishes a "vocational entrepreneurship development demonstration program," under which the SBA would provide grants, through the Small Business Development Center network, to provide technical assistance to high school and technical career institutes, vo-tech schools, to promote small business ownership in their curriculum.

The SBDC program is designed to deliver such up-to-date counseling, training and technical assistance in all aspects of small business management and is the ideal vehicle to provide such a program. Each grant awarded under this program will be worth at least $200,000—which, in today's environment where vo-tech programs get short-changed in government education budgets, can do a great deal to help rebuild a worker-strapped trades industry.

There has been some concern that this legislation will duplicate programs such as those at the Department of Education's Office of Vocational and Adult Education, OVAE, which does provide valuable vocational education. The OVAE, and other such government programs, however, focus on helping workers gain new and updated skills so that they may find employment. In contrast, this legislation is targeted toward turning workers, not into better employees, but into potential employers. Traditional vocational education programs do not provide entrepreneurial training. This is a fundamental difference between this legislation's objective and that of the traditional vocation education provided by the Department of Education. Giving our trades industry professionals the skills to be successful business owners creates better employers and better, long-lasting businesses. This, in turn, will go a long way toward creating additional trade jobs across the country.

I again want to commend Representative BRADY for his years of hard work on behalf of entrepreneurs not just from his home State but on behalf of every trades industry worker who has ever thought of becoming his or her own boss by starting a business.

Mr. President, I urge all of my colleagues to cosponsor and support these three bills.

I ask unanimous consent that the text of the bills be printed in the RECORD.

S. 137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business Federal Contractor Safeguard Act of 2005".

SEC. 2. CONTRACT CONSOLIDATION.

(a) DEFINITIONS.—Section 3(o) of the Small Business Act (15 U.S.C. 632(o)) is amended to read as follows:

"(o) DEFINITIONS RELATING TO CONSOLIDATION OF CONTRACT REQUIREMENTS.—For purposes of this Act—

"(1) the terms 'consolidation of contract requirements' and 'consolidation', with respect to contract requirements of a military department, Defense Agency, Department of Defense Field Activity, or any other Federal department or agency having contracting authority mean a use of a solicitation to obtain offers for a single contract or a multiple award contract to satisfy 2 or more requirements of that department, agency, or activity for goods or services that—

"(A) have previously been provided to or performed for that department, agency, or activity under 2 or more separate contracts that are smaller in cost than the total cost of the contract for which the offers are solicited; or

"(B) are of a type capable of being provided or performed by a small business concern for that department, agency, or activity under 2 or more separate contracts that are smaller in cost than the total cost of the contract for which the offers are solicited;

"(2) the term 'multiple award contract' means—

"(A) a contract that is entered into by the Administrator of General Services under the multiple award schedule program referred to in section 2302(2)(C) of title 10, United States Code;

"(B) a multiple award task order contract or delivery order contract that is entered into under the authority of sections 2304a through 2304d of title 10, United States Code, or sections 303H through 303K of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253h through 253k); and

"(C) any other indeterminate delivery, indeterminate quantity contract that is entered into by the head of a Federal agency with 2 or more sources pursuant to the same solicitation; and

"(3) the term 'senior procurement executive' means—

"(A) with respect to a military department, the official designated under section 16(3) of the Office of Federal Procurement Policy Act (41 U.S.C. 414(3)) as the senior procurement executive for the military department;

"(B) with respect to a Defense Agency or a Department of Defense Field Activity, the official so designated for the Department of Defense; and

"(C) with respect to a Federal department or agency other than those referred to in subparagraphs (A) and (B), the official so designated by that department or agency.".

(b) PROCUREMENT STRATEGIES.—Section 15(e) of the Small Business Act (15 U.S.C. 644(e)) is amended—

(1) in paragraph (2)—

(A) by striking ".—

"(A) IN GENERAL "; and

(B) by striking subparagraphs (B) and (C); and

(2) by amending paragraph (3) to read as follows:

"(3) LIMITATION ON USE OF ACQUISITION STRATEGIES INVOLVING CONSOLIDATION.—

"(A) CERTAIN DEFENSE CONTRACT REQUIREMENTS.—An official of a military department, defense agency, or Department of Defense Field Activity shall not execute an acquisition strategy that includes a consolidation of contract requirements of the military department, agency, or activity with a total value in excess of $5,000,000, unless the senior procurement executive first—

"(i) conducts market research;

"(ii) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(iii) determines that the consolidation is necessary and justified.

"(B) CERTAIN CIVILIAN AGENCY CONTRACT REQUIREMENTS.—The head of a Federal agency not described in subparagraph (A) that has contracting authority shall not execute an acquisition strategy that includes a consolidation of contract requirements of the agency with a total value in excess of $2,000,000, unless the senior procurement executive of the agency first—

"(i) conducts market research;

"(ii) identifies any alternative contracting approaches that would involve a lesser degree of consolidation of contract requirements; and

"(iii) determines that the consolidation is necessary and justified.

"(C) ADDITIONAL REQUIREMENTS FOR HIGHER VALUE CONSOLIDATED CONTRACTS.—In addition to meeting the requirements under subparagraph (A) or (B), a procurement strategy by a civilian agency that includes a consolidated contract valued at more than $5,000,000, or by a defense agency that includes a consolidated contract valued at more than $7,000,000 shall include—

"(i) an assessment of the specific impediments to participation by small business concerns as prime contractors that will result from the consolidation;

"(ii) the identification of the alternative strategies that would reduce or minimize the scope of the consolidation and the rationale for not choosing those alternatives;

"(iii) actions designed to maximize small business participation as prime contractors, including provisions that encourage small business teaming for the consolidated requirement; and

"(iv) actions designed to maximize small business participation as subcontractors (including suppliers) at any tier under the contract or contracts that may be awarded to meet the requirements.

"(D) NECESSARY AND JUSTIFIED.—A senior procurement executive may determine that an acquisition strategy involving a consolidation of contract requirements is necessary and justified for purposes of subparagraph (A), (B), or (C), if the benefits of the acquisition strategy substantially exceed the benefits of each of the possible alternative contracting approaches identified under clause (ii) of any of those subparagraphs, as applicable. Savings in administrative or personnel costs alone shall not constitute, for such purpose, a sufficient justification for a consolidation of contract requirements in a procurement, unless the total amount of the cost savings is expected to be substantial in relation to the total cost of the procurement.

"(E) BENEFITS.—Benefits considered for purposes of this paragraph may include cost and, regardless of whether quantifiable in dollar amounts—

"(i) quality;

"(ii) acquisition cycle;

"(iii) terms and conditions; and

"(iv) any other benefit directly related to national security or homeland defense.".

(c) ADDITIONAL TO TECHNICAL ADVISERS.—Section 15(k) of the Small Business Act (15 U.S.C. 644(k)) is amended—

(1) in paragraph (5), by striking "bundled contract" and inserting "consolidated contract"; and

(2) in paragraph (8), by striking "representative—" and inserting "representative at each major procurement center under subsection (l)(1)—".

(d) PROCUREMENT CENTER REPRESENTATIVES.—Section 15(l) of the Small Business Act (15 U.S.C. 644(l)) is amended—

(1) by redesignating paragraphs (2) through (7) as paragraphs (3) through (8), respectively;

(2) by striking "(l)(1)" and inserting "(2)";

(3) by inserting before paragraph (2), as redesignated, the following:

"(l)(1) The Administration shall assign not fewer than 1 procurement center representative at each major procurement center, in addition to not fewer than 1 for each State.";

(4) in paragraph (2), as redesignated, by striking "to the representative referred to in subsection (k)(6)" and inserting "to the traditional procurement center representative and the commercial market representative, with each such position filled by a different individual, and each such representative having separate and distinct duties and responsibilities."; and

(5) by striking "paragraph (2)" each place that term appears and inserting "paragraph (3)".

(e) REPORT REQUIREMENTS.—Section 15(p)(4)(B) of the Small Business Act (15 U.S.C. 644(p)(4)(B)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii), by striking the period at the end and inserting the following: "; and"; and

(3) by adding at the end the following:

"(iii) a description of best practices for maximizing small business prime and subcontracting opportunities.".

(f) CONFORMING AMENDMENTS.—Section 15(p) of the Small Business Act (15 U.S.C. 644(p)) is amended—

(1) in the subsection heading, by striking "BUNDLED CONTRACTS" and inserting "CONSOLIDATED CONTRACTS";

(2) in the heading to paragraph (1), by striking "BUNDLED CONTRACT" and inserting "CONSOLIDATED CONTRACT";

(3) in the heading to paragraph (4), by striking "CONTRACT BUNDLING" and inserting "CONTRACT CONSOLIDATION";

(4) by striking "bundled contracts" each place that term appears and inserting "consolidated contracts";

(5) by striking "bundled contract" each place that term appears and inserting "consolidated contract";

(6) by striking "bundling of contract requirements" each place that term appears and inserting "consolidation of contract requirements";

(7) in paragraph (4)(B)(ii), by striking "previously bundled" and inserting "previously consolidated";

(8) in paragraph (4)(B)(ii)(I), by striking "were bundled" and inserting "were consolidated";

(9) in paragraph (4)(B)(ii)(II)(bb), by striking "bundling the contract requirements" and inserting "the consolidation of contract requirements"; and

(10) in paragraph (4)(B)(ii)(II)(cc), by striking "bundled status" and inserting "consolidated status".

SEC. 3. AGENCY ACCOUNTABILITY.

(a) IN GENERAL.—Each procurement employee—

(1) shall communicate to their subordinates the importance of achieving small business goals; and

(2) shall have as an annual performance evaluation factor, if appropriate, the success of that procurement employee in small business utilization, in accordance with the goals established under this section.

(b) DEFINITION.—As used in this section, the term "procurement employee" means a senior procurement executive, senior program manager, or small and disadvantaged business utilization manager of a Federal agency having contracting authority.

SEC. 4. SMALL BUSINESS PARTICIPATION IN PRIME CONTRACTING.

(a) RESERVED CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended by adding at the end the following:

"(4) Any adjustment to the simplified acquisition threshold (as defined in section 4(11) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(11))), shall be immediately matched by an identical adjustment to the small business reserve for purposes of this subsection.".

(b) PARTICIPATION IN MULTIPLE AWARD CONTRACTS.—Section 15(j) of the Small Business Act (15 U.S.C. 644(j)) is amended—

(1) in paragraph (2), by striking "(2) In carrying out paragraph (1)" and inserting "(3) In carrying out paragraphs (1) and (2)";

(2) in paragraph (3), by striking "(3) Nothing in paragraph (1)" and inserting "(4) Nothing in this subsection"; and

(3) by inserting after paragraph (1) the following:

"(2)(A) In the case of orders under multiple award contracts, including Federal Supply Schedule contracts and multi-agency contracts, that are subject to the small business reserve, contracting officers shall consider not fewer than 2 small business concerns if such small business concerns can offer the items sought by the contracting officer on competitive terms, with respect to price, quality, and delivery schedule, with the goods or services available in the market.

"(B) If only 1 small business concern can satisfy the requirement, the contracting officer shall include such small business concern in their evaluation.".

(c) REPORT REQUIREMENT.—

(1) IN GENERAL.—Not less than once every 180 days, the Comptroller General of the United States shall submit a report on the level of participation in multiple award contracts, including the Federal Supply Schedule to—

(A) the Small Business Administration;

(B) the Committee on Small Business and Entrepreneurship of the Senate; and

(C) the Committee on Small Business of the House of Representatives.

(2) CONTENTS.—Each report submitted under paragraph (1) shall contain, for the 6-month reporting period—

(A) the total number of multiple award contracts;

(B) the total number of small business concerns that received multiple award contracts;

(C) the total number of orders;

(D) the total value of orders;

(E) the number of orders received by small business concerns;

(F) the value of orders received by small business concerns;

(G) the number of small business concerns that received orders; and

(H) such other information that the Comptroller General considers relevant.

SEC. 5. SMALL BUSINESS PARTICIPATION IN SUBCONTRACTING.

(a) CERTIFICATIONS REQUIRED.—Section 8(d)(6) of the Small Business Act (15 U.S.C. 637(d)(6)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(G) certification that the offeror or bidder will acquire articles, equipment, supplies, services, or materials, or obtain the performance of construction work from small business concerns in the amount and quality used in preparing the bid or proposal, unless such small business concerns are no longer in business or can no longer meet the quality, quantity, or delivery date.".

(b) PENALTIES FOR FALSE CERTIFICATIONS.—Section 16(f) of the Small Business Act (15 U.S.C. 645(f)) is amended by striking "of this Act" and inserting "or the reporting requirements of section 8(d)(11)".

SEC. 6. EVALUATING SUBCONTRACT PARTICIPATION IN AWARDING CONTRACTS.

(a) SIGNIFICANT FACTORS.—Section 8(d)(4)(G) of the Small Business Act (15 U.S.C. 637(d)(4)(G)) is amended by striking "a bundled" and inserting "any".

(b) EVALUATION REPORTS.—Section 8(d)(10) of the Small Business Act (15 U.S.C. 637(d)(10)) is amended—

(1) by striking "is authorized to" and inserting "shall";

(2) in subparagraph (B), by striking "and" at the end;

(3) in subparagraph (C), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following:

"(D) report the results of each evaluation under subparagraph (C) to the appropriate contracting officers.".

(c) CENTRALIZED DATABASE; PAYMENTS PENDING REPORTS.—Section 8(d) of the Small Business Act (15 U.S.C. 637(d)) is amended—

(1) by redesignating paragraph (11) as paragraph (14); and

(2) by inserting after paragraph (10) the following:

"(11) CERTIFICATION.—A report submitted by the prime contractor pursuant to paragraph (6)(E) to determine the attainment of a subcontract utilization goal under any subcontracting plan entered into with a Federal agency under this subsection shall contain the name and signature of the president or chief executive officer of the contractor, certifying that the subcontracting data provided in the report are accurate and complete.

"(12) CENTRALIZED DATABASE.—The results of an evaluation under paragraph (10)(C) shall be included in a national centralized governmentwide database.

"(13) PAYMENTS PENDING REPORTS.—Each Federal agency having contracting authority shall ensure that the terms of each contract for goods and services includes a provision allowing the contracting officer of an agency to withhold an appropriate amount of payment with respect to a contract (depending on the size of the contract) until the date of receipt of complete, accurate, and timely subcontracting reports in accordance with paragraph (11).".

(d) REFERRAL OF MATERIAL BREACH TO INSPECTORS GENERAL.—Section 8(d)(8) of the Small Business Act (15 U.S.C. 637(d)(8)) is amended by adding at the end the following: "A material breach described in this paragraph shall be referred for investigation to the Inspector General (or the equivalent) of the affected agency.".

SEC. 7. BUSINESSLINC REPORT TO CONGRESS.

Section 8(n) of the Small Business Act (15 U.S.C. 637(n)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by adding after paragraph (2) the following:

"(3) ANNUAL REPORT.—

"(A) IN GENERAL.—The Associate Administrator of Business Development of the Administration shall collect data on the BusinessLINC program and submit an annual report by April 30 of each year on the effectiveness of the program to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives.

"(B) CONTENTS.—The report submitted under subparagraph (A) shall include—

"(i) the number of programs administered in each State;

"(ii) the corresponding grant awards and the date of each award;

"(iii) the dollar amount of the contracts in effect in each State as a result of the BusinessLINC program; and

"(iv) the number of teaming arrangements or partnerships created as a result of the BusinessLINC program.".

S. 138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "SBA Microenterprise Improvements Act".

SEC. 2. MICROLOAN PROGRAM IMPROVEMENTS.

(a) INTERMEDIARY ELIGIBILITY REQUIREMENTS.—Section 7(m)(2) of the Small Business Act (15 U.S.C. 636(m)(2)) is amended—

(1) in subparagraph (A), by striking "in paragraph (10); and" and inserting "of the term 'intermediary' under paragraph (11);"; and

(2) in subparagraph (B)—

(A) by striking "(B) has at least" and inserting the following:

"(B) has—

"(i) at least"; and

(B) by striking the period at the end and inserting the following: "; or

"(ii) a full-time employee who has not less than 3 years experience making microloans to startup, newly established, or growing small business concerns; and

"(C) has at least 1 year experience providing, as an integral part of its microloan program, intensive marketing, management, and technical assistance to its borrowers.".

(b) CONFORMING CHANGE IN AVERAGE SMALLER LOAN SIZE.—Section 7(m)(3)(F)(iii) of the Small Business Act (15 U.S.C. 636(m)(3)(F)(iii)) is amended by striking "$7,500" and inserting "$10,000".

(c) LIMITATION ON THIRD PARTY TECHNICAL ASSISTANCE.—Section 7(m)(4)(E)(ii) of the Small Business Act (15 U.S.C. 636(m)(4)(E)(ii)) is amended—

(1) by striking "TECHNICAL ASSISTANCE" and inserting "THIRD PARTY TECHNICAL ASSISTANCE"; and

(2) by striking "25 percent" and inserting "30 percent".

(d) LOAN TERMS.—Section 7(m)(1)(B)(i) of the Small Business Act (15 U.S.C. 636(m)(1)(B)(i)) is amended by striking "short-term".

(e) REPORT ON TRANSFERRED AMOUNTS.—Section 7(m)(9)(B) of the Small Business Act (15 U.S.C. 636(m)(9)(B)) is amended—

(1) by striking "The Administration" and inserting the following:

"(i) IN GENERAL.—The Administration";

(2) by striking the period after "financing"; and

(3) by adding at the end the following:

"(ii) REPORT.—The Administration shall report, in its annual budget request and performance plan to Congress, on the performance by the Administration of the requirements of clause (i).".

(f) ACCURATE SUBSIDY MODEL.—Section 7(m) of the Small Business Act (15 U.S.C. 636(m)) is amended by adding at the end the following:

"(14) IMPROVED SUBSIDY MODEL.—The Administrator shall develop a subsidy model for the microloan program under this subsection, to be used in the fiscal year 2006 budget, that is more accurate than the subsidy model in effect on the day before the date of enactment of this paragraph.".

(g) INCREASED FLEXIBILITY FOR PROVIDING TECHNICAL ASSISTANCE TO POTENTIAL BORROWERS.—Section 7(m)(4)(E)(i) of the Small Business Act (15 U.S.C. 636(m)(4)(E)(i)) is amended by striking "25 percent" and inserting "30 percent".

SEC. 3. PRIME REAUTHORIZATION AND TRANSFER TO THE SMALL BUSINESS ACT.

(a) PROGRAM REAUTHORIZATION.—Subtitle C of title I of the Riegle Community Development and Regulatory Improvement Act of 1994 (15 U.S.C. 6901 note) is amended to read as follows:

"SEC. 37. PROGRAM FOR INVESTMENT IN MICROENTREPRENEURS.

"(a) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

"(1) ADMINISTRATION.—The term 'Administration' means the Small Business Administration.

"(2) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration.

"(3) CAPACITY BUILDING SERVICES.—The term 'capacity building services' means services provided to an organization that is, or that is in the process of becoming, a microenterprise development organization or program, for the purpose of enhancing its ability to provide training and services to disadvantaged entrepreneurs.

"(4) COLLABORATIVE.—The term 'collaborative' means 2 or more nonprofit entities that agree to act jointly as a qualified organization under this section.

"(5) DISADVANTAGED ENTREPRENEUR.—The term 'disadvantaged entrepreneur' means a microentrepreneur that—

"(A) is a low-income person;

"(B) is a very low-income person; or

"(C) lacks adequate access to capital or other resources essential for business success, or is economically disadvantaged, as determined by the Administrator.

"(6) DISADVANTAGED NATIVE AMERICAN ENTREPRENEUR.—The term 'disadvantaged Native American entrepreneur' means 'a disadvantaged entrepreneur who is also a member of an Indian Tribe.

"(7) INDIAN TRIBE.—The term 'Indian tribe' has the same meaning as in section 4(a) of the Indian Self-Determination and Education Assistance Act.

"(8) INTERMEDIARY.—The term 'intermediary' means a private, nonprofit entity that seeks to serve microenterprise development organizations and programs, as authorized under subsection (d).

"(9) LOW-INCOME PERSON.—The term 'low-income person' means having an income, adjusted for family size, of not more than—

"(A) for metropolitan areas, 80 percent of the area median income; and

"(B) for nonmetropolitan areas, the greater of—

"(i) 80 percent of the area median income; or

"(ii) 80 percent of the statewide nonmetropolitan area median income.

"(10) MICROENTREPRENEUR.—The term 'microentrepreneur' means the owner or developer of a microenterprise.

"(11) MICROENTERPRISE.—The term 'microenterprise' means a sole proprietorship, partnership, or corporation that—

"(A) has fewer than 5 employees; and

"(B) generally lacks access to conventional loans, equity, or other banking services.

"(12) MICROENTERPRISE DEVELOPMENT ORGANIZATION OR PROGRAM.—The term 'microenterprise development organization or program' means a nonprofit entity, or a program administered by such an entity, including community development corporations or other nonprofit development organizations and social service organizations, that provides services to disadvantaged entrepreneurs.

"(13) TRAINING AND TECHNICAL ASSISTANCE.—The term 'training and technical assistance' means services and support provided to disadvantaged entrepreneurs, such as assistance for the purpose of enhancing business planning, marketing, management, financial management skills, and assistance for the purpose of accessing financial services.

"(14) VERY LOW-INCOME PERSON.—The term 'very low-income person' means having an income, adjusted for family size, of not more than 150 percent of the poverty line (as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by that section).

"(b) ESTABLISHMENT OF PROGRAM.—The Administrator shall establish a microenterprise technical assistance and capacity building grant program to provide assistance from the Administration in the form of grants to qualified organizations in accordance with this section.

"(c) USES OF ASSISTANCE.—A qualified organization shall use grants made under this section—

"(1) to provide training and technical assistance to disadvantaged entrepreneurs;

"(2) to provide training and capacity building services to microenterprise development organizations and programs and groups of such organizations to assist such organizations and programs in developing microenterprise training and services;

"(3) to aid in researching and developing the best practices in the field of microenterprise and technical assistance programs for disadvantaged entrepreneurs;

"(4) to provide training and technical assistance to disadvantaged Native American entrepreneurs and prospective entrepreneurs; and

"(5) for such other activities as the Administrator determines are consistent with the purposes of this section.

"(d) QUALIFIED ORGANIZATIONS.—For purposes of eligibility for assistance under this section, a qualified organization shall be—

"(1) a nonprofit microenterprise development organization or program (or a group or collaborative thereof) that has a demonstrated record of delivering microenterprise services to disadvantaged entrepreneurs;

"(2) an intermediary;

"(3) a microenterprise development organization or program that is accountable to a local community, working in conjunction with a State or local government or Indian tribe; or

"(4) an Indian tribe acting on its own, if the Indian tribe can certify that no private organization or program referred to in this subsection exists within its jurisdiction.

"(e) ALLOCATION OF ASSISTANCE; SUBGRANTS.—

"(1) ALLOCATION OF ASSISTANCE.—

"(A) IN GENERAL.—The Administrator shall allocate assistance from the Administration under this section to ensure that—

"(i) activities described in subsection (c)(1) are funded using not less than 75 percent of amounts made available for such assistance; and

"(ii) activities described in subsection (c)(2) are funded using not less than 15 percent of amounts made available for such assistance.

"(B) LIMIT ON INDIVIDUAL ASSISTANCE.—No single person may receive more than 10 percent of the total funds appropriated under this section in a single fiscal year.

"(2) TARGETED ASSISTANCE.—The Administrator shall ensure that not less than 50 percent of the grants made under this section are used to benefit very low-income persons, including those residing on Indian reservations.

"(3) SUBGRANTS AUTHORIZED.—

"(A) IN GENERAL.—A qualified organization receiving assistance under this section may provide grants using that assistance to qualified small and emerging microenterprise organizations and programs, subject to such rules and regulations as the Administrator determines to be appropriate.

"(B) LIMIT ON ADMINISTRATIVE EXPENSES.—Not more than 7.5 percent of assistance received by a qualified organization under this section may be used for administrative expenses in connection with the making of subgrants under subparagraph (A).

"(4) DIVERSITY.—In making grants under this section, the Administrator shall ensure that grant recipients include both large and small microenterprise organizations, serving urban, rural, and Indian tribal communities serving diverse populations.

"(5) PROHIBITION ON PREFERENTIAL CONSIDERATION OF CERTAIN SBA PROGRAM PARTICIPANTS.—In making grants under this section, the Administrator shall ensure that any application made by a qualified organization that is a participant in the program established under section 7(m) of the Small Business Act does not receive preferential consideration over applications from other qualified organizations that are not participants in such program.

"(f) MATCHING REQUIREMENTS.—

"(1) IN GENERAL.—Financial assistance under this section shall be matched with funds from sources other than the Federal Government on the basis of not less than 50 percent of each dollar provided by the Administration.

"(2) SOURCES OF MATCHING FUNDS.—Fees, grants, gifts, funds from loan sources, and in-kind resources of a grant recipient from public or private sources may be used to comply with the matching requirement in paragraph (1).

"(3) EXCEPTION.—

"(A) IN GENERAL.—In the case of an applicant for assistance under this section with severe constraints on available sources of matching funds, the Administrator may reduce or eliminate the matching requirements of paragraph (1).

"(B) LIMITATION.—Not more than 10 percent of the total funds made available from the Administration in any fiscal year to carry out this section may be excepted from the matching requirements of paragraph (1), as authorized by subparagraph (A) of this paragraph.

"(g) APPLICATIONS FOR ASSISTANCE.—An application for assistance under this section shall be submitted in such form and in accordance with such procedures as the Administrator shall establish.

"(h) RECORDKEEPING AND REPORTING.—

"(1) IN GENERAL.—Each organization that receives assistance from the Administration in accordance with this section shall—

"(A) submit to the Administration not less than once in every 18-month period, financial statements audited by an independent certified public accountant;

"(B) submit an annual report to the Administration on its activities; and

"(C) keep such records as may be necessary to disclose the manner in which any assistance under this section is used.

"(2) ACCESS.—The Administration shall have access upon request, for the purposes of determining compliance with this section, to any records of any organization that receives assistance from the Administration in accordance with this section.

"(3) DATA COLLECTION.—Each organization that receives assistance from the Administration in accordance with this section shall collect information relating to, as applicable—

"(A) the number of individuals counseled or trained;

"(B) the number of hours of counseling provided;

"(C) the number of startup small business concerns formed;

"(D) the number of small business concerns expanded;

"(E) the number of low-income individuals counseled or trained; and

"(F) the number of very low-income individuals counseled or trained.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to the Administrator $15,000,000 for each of the fiscal years 2005 through 2007 to carry out the provisions of this section, which shall remain available until expended.

"(2) TRAINING FOR NATIVE AMERICAN ENTREPRENEURS.—In addition to the amount authorized under subsection (i)(1), there are authorized to be appropriated to the Administrator $2,000,000 for each of the fiscal years 2005 through 2007 to carry out the provisions of subsection (c)(4), which shall remain available until expended.".

(b) TRANSFER PROVISIONS.—

(1) SMALL BUSINESS ACT AMENDMENTS.—The Small Business Act (15 U.S.C. 631 et seq.) is amended by redesignating section 37 as section 38.

(2) TRANSFER.—Section 37 of the Riegle Community Development and Regulatory Improvement Act of 1994 (15 U.S.C. 6901 note), as so designated by subsection (a) of this section, is transferred to, and inserted after, section 36 of the Small Business Act.

(c) REFERENCES.—All references in Federal law to the "Program for Investment in Microentrepreneurs Act of 1999" or the "PRIME Act" shall be deemed to be references to section 37 of the Small Business Act, as added by this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section or the amendments made by this section shall affect any grant or assistance provided under the Program for Investment in Microentrepreneurs Act of 1999, before the date of enactment of this Act, and any such grant or assistance shall be subject to the Program for Investment in Microentrepreneurs Act of 1999, as in effect on the day before the date of enactment of this Act.

S. 139

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vocational and Technical Entrepreneurship Development Act of 2005".

SEC. 2. VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT PROGRAM.

The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. VOCATIONAL AND TECHNICAL ENTREPRENEURSHIP DEVELOPMENT PROGRAM.

"(a) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Small Business Administration.

"(2) ASSOCIATION.—The term 'Association' means the association of small business development centers recognized under section 21(a)(3)(A).

"(3) PROGRAM.—The term 'program' means the program established under subsection (b).

"(4) SMALL BUSINESS DEVELOPMENT CENTER.—The term 'small business development center' means a small business development center described in section 21.

"(5) STATE SMALL BUSINESS DEVELOPMENT CENTER.—The term 'State small business development center' means a small business development center from each State selected by the Administrator, in consultation with the Association and giving substantial weight to the Association's recommendations, to carry out the program on a statewide basis in such State.

"(b) ESTABLISHMENT.—In accordance with this section, the Administrator shall establish a program under which the Administrator shall make grants to State small business development centers to enable such centers to provide, on a statewide basis, technical assistance to secondary schools, or to postsecondary vocational or technical schools, for the development and implementation of curricula designed to promote vocational and technical entrepreneurship.

"(c) MINIMUM GRANT.—Each grant awarded under the program shall be in an amount equal to not less than $200,000.

"(d) APPLICATION.—Each State small business development center seeking a grant under the program shall submit to the Administrator an application in such form as the Administrator may require. The application shall include information regarding the goals and objectives of the applicant for the educational programs to be assisted.

"(e) Report to Administrator.—The Administrator shall make as a condition of each grant under the program, that not later than 18 months after the date of receipt of the grant, the recipient shall transmit to the Administrator a report describing how the grant funds were used.

"(f) Cooperative Agreements and Contracts.—The Administrator may enter into a cooperative agreement or contract with any State small business development center receiving a grant under this section to provide additional assistance that furthers the purposes of this section.

"(g) Evaluation of Program.—Not later than March 31, 2008, the Administrator shall transmit to Congress a report containing an evaluation of the program.

"(h) Clearinghouse.—The Association shall act as a clearinghouse of information and expertise regarding vocational and technical entrepreneurship education programs. In each fiscal year in which grants are made under the program, the Administrator shall provide additional assistance to the Association to carry out the functions described in this subsection.

"(i) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $7,000,000 for each of the fiscal years 2006 through 2008. Such sums shall remain available until expended.".

By Mrs. CLINTON (for herself and Mr. Schumer):

S. 140. A bill to provide for a domestic defense fund to improve the Nation's homeland defense, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mrs. CLINTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 140

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Domestic Defense Fund Act of 2005".

(b) Table of Contents.—

Sec. 1. Short title; table of contents
Sec. 2. Findings
Sec. 3. Definitions
Sec. 4. Grants to States, units of general local government and Indian tribes; authorizations
Sec. 5. Statement of activities and review
Sec. 6. Activities eligible for assistance
Sec. 7. Allocation and distribution of funds
Sec. 8. State and regional planning and communication systems
Sec. 9. Urban Area Security Initiative
Sec. 10. Flexible emergency assistance fund
Sec. 11. Federal preparedness, equipment, and training standards
Sec. 12. Nondiscrimination in programs and activities
Sec. 13. Remedies for noncompliance with requirements
Sec. 14. Reporting requirements
Sec. 15. Consultation by Attorney General
Sec. 16. Interstate agreements or compacts; purposes
Sec. 17. Matching requirements; suspension of requirements for economically distressed areas

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since the September 11, 2001, terrorist attacks on our country, communities all across America have been on the front lines in the war against terrorism on United States soil.

(2) Since September 11, 2001, communities have been forced to bear a significant portion of the burden that goes along with the war against terrorism, a burden that local governments should not have to bear alone.

(3) Our homeland defense will only be as strong as the weakest link at the State and local level. By providing our communities with the resources and tools they need to bolster emergency response efforts and provide for other emergency response initiatives, we will have a better-prepared home front and a stronger America.

(4) Homeland security experts have repeatedly called upon Congress to allocate homeland security resources based on threat- and risk-based factors. The National Commission on Terrorist Attacks Upon the United States (referred to in this Act as the "9/11 Commission") stated in its report: "We understand the contention that every State and city needs to have some minimum infrastructure for emergency response. But Federal homeland security assistance should not remain a program for general revenue sharing. It should supplement State and local resources based on the risks or vulnerability that merit additional support. Congress should not use this money as a pork barrel." The Commission made unequivocally clear that the current method of allocating the majority of Federal homeland security resources to states and local communities, on a per capita basis alone, must be changed.

(5) Not only did the 9/11 Commission recommend that such changes be made in how Federal homeland security funds are allocated, but commissions before it, such as the Homeland Security Independent Task Force of the Council on Foreign Relations, chaired by former Senators Gary Hart and Warren Rudman, have strongly recommended it as well.

(6) The Hart-Rudman Commission stated almost 2 years ago that "Congress should establish a system for allocating scarce resources based less on dividing the spoils and more on addressing identified threats and vulnerabilities. To do this, the Federal Government should consider such factors as population, population density, vulnerability assessment, and presence of critical infrastructure within each State."

(7) In addition to the need for threat and risk-based funding, direct funding to our major cities and counties across the country is necessary if we are to ensure that these communities, who are on the front lines of our nation's homeland defense, receive critical Federal homeland security resources quickly and efficiently. Numerous reports by organizations such as the United States Conference of Mayors, have clearly demonstrated that the current method of distributing Federal homeland security resources intended for local communities has not worked. Too often, too many communities receive resources, if at all, years after Congress appropriated the subject funds.

SEC. 3. DEFINITIONS.

(a) Definitions.—As used in this Act, the following definitions shall apply:

(1) City.—The term "city" means—

(A) any unit of general local government that is classified as a municipality by the United States Bureau of the Census; or

(B) any other unit of general local government that is a town or township and which, in the determination of the Secretary—

(i) possesses powers and performs functions comparable to those associated with municipalities;

(ii) is closely settled; and

(iii) does not contain within its boundaries any incorporated place, as defined by the United States Bureau of the Census, that has not entered into cooperation agreements with such town or township to undertake or to assist in the performance of homeland security objectives.

(2) Federal grant-in-aid program.—The term "Federal grant-in-aid program" means a program of Federal financial assistance other than loans and other than the assistance provided by this Act.

(3) Indian tribe.—The term "Indian tribe" means any Indian tribe, band, group, and nation, including Alaska Indians, Aleuts, and Eskimos, and any Alaskan Native Village, of the United States, which is considered an eligible recipient under the Indian Self-Determination and Education Assistance Act (Public Law 93-638) or was considered an eligible recipient under chapter 67 of title 31, United States Code, prior to the repeal of such chapter.

(4) Metropolitan area.—The term "metropolitan area" means a standard metropolitan statistical area as established by the Office of Management and Budget.

(5) Metropolitan city.—

(A) In general.—The term "metropolitan city" means—

(i) a city within a metropolitan area that is the central city of such area, as defined and used by the Office of Management and Budget; or

(ii) any other city, within a metropolitan area, which has a population of not less than 50,000.

(B) Period of classification.—Any city that was classified as a metropolitan city for at least 2 years pursuant to subparagraph (A) shall remain classified as a metropolitan city. Any unit of general local government that becomes eligible to be classified as a metropolitan city, and was not classified as a metropolitan city in the immediately preceding fiscal year, may, upon submission of written notification to the Secretary, defer its classification as a metropolitan city for all purposes under this Act, if it elects to have its population included in an urban county under subsection (d).

(C) Election by a city.—Notwithstanding subparagraph (B), a city may elect not to retain its classification as a metropolitan city. Any unit of general local government that was classified as a metropolitan city in any year, may, upon submission of written notification to the Secretary, relinquish such classification for all purposes under this Act if it elects to have its population included with the population of a county for purposes of qualifying for assistance (for such following fiscal year) under section 5(e) as an urban county.

(6) Nonqualifying community.—The term "nonqualifying community" means an area that is not a metropolitan city or part of an urban county and does not include Indian tribes.

(7) Population.—The term "population" means total resident population based on data compiled by the United States Bureau of the Census and referable to the same point or period of time.

(8) Secretary.—The term "Secretary" means the Secretary of the Department of Homeland Security.

(9) State.—The term "State" means any State of the United States, or any instrumentality thereof approved by the Governor; and the Commonwealth of Puerto Rico, the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands.

(10) Unit of general local government.—The term "unit of general local government" means any city, county, town, township, parish, village, or other general purpose political subdivision of a State; a combination of such political subdivisions is recognized by the Secretary; and the District of Columbia.

(11) Urban county.—The term "urban county" means any county within a metropolitan area.

(b) Basis and Modification of Definitions.—

(1) Basis.—Where appropriate, the definitions listed in subsection (a) shall be based, with respect to any fiscal year, on the most recent data compiled by the United States Bureau of the Census and the latest published reports of the Office of Management and Budget available 90 days before the beginning of such fiscal year.

(2) Modification.—The Secretary may by regulation change or otherwise modify the meaning of the terms defined in subsection (a) in order to reflect any technical change or modification thereof made subsequent to such date by the United States Bureau of the Census or the Office of Management and Budget.

(c) Designation of Public Agencies.—The chief executive officer of a State or a unit of general local government may designate 1 or more public agencies, including existing local public agencies, to undertake activities assisted under this Act.

(d) Inclusion of Local Governments in Urban County Population.—With respect to program years beginning with the program year for which grants are made available from amounts appropriated for fiscal year 2005 under section 4, the population of any unit of general local government which is included in that of an urban county shall be included in the population of such urban county for 3 program years beginning with the program year in which its population was first so included and shall not otherwise be eligible for a grant as a separate entity, unless the urban county does not receive a grant for any year during such 3-year period.

(e) Exclusion of Local Governments From Urban County Population.—

(1) Notification by urban county.—Any county seeking qualification as an urban county, including any urban county seeking to continue such qualification, shall notify each unit of general local government, located within its geographical boundaries and eligible to elect to have its population excluded from that of the urban county, of its opportunity to make such an election. Such notification shall, at a time and in a manner prescribed by the Secretary, be provided so as to provide a reasonable period for response prior to the period for which such qualification is sought.

(2) Failure of local government to elect to be excluded.—The population of any unit of general local government which is provided such notification and which does not inform, at a time and in a manner prescribed by the Secretary, the county of its election to exclude its population from that of the county shall, if the county qualifies as an urban county, be included in the population of such urban county as provided under subsection (d).

SEC. 4. GRANTS TO STATES, UNITS OF GENERAL LOCAL GOVERNMENT AND INDIAN TRIBES; AUTHORIZATIONS.

(a) Authorization.—The Secretary may award grants to States, units of general local government, and Indian tribes to carry out activities in accordance with this Act.

(b) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated to carry out section 7—

(A) $3,500,000 for each of the fiscal years 2006 through 2009; and

(B) such sums as may be necessary for fiscal year 2010 and each fiscal year thereafter.

(2) State, regional, and local planning, training, and communication systems.—There are authorized to be appropriated to carry out section 8—

(A) $1,000,000,000 for each of the fiscal years 2006 through 2009; and

(B) such sums as may be necessary for fiscal year 2010 and each fiscal year thereafter.

(3) Urban area security initiative (UASI).—There are authorized to be appropriated to carry out section 9—

(A) $2,000,000,000 for each of the fiscal years 2006 through 2009; and

(B) such sums as may be necessary for fiscal year 2010 and each fiscal year thereafter.

(4) Homeland security flexible emergency assistance.—There are authorized to be appropriated to carry out section 10—

(A) $500,000,000 for each of the fiscal years 2006 through 2009; and

(B) such sums as may be necessary for fiscal year 2010 and each fiscal year thereafter.

(c) Supplement Not Supplant.—Funds appropriated pursuant to the authority of this section shall be used to supplement and not supplant full Federal funding for other first responder programs, including—

(1) the Community Oriented Policing Services Program, as authorized under part Q of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796dd et seq.);

(2) the Local Law Enforcement Block Grant Program, as authorized under the Violent Crime Control and Law Enforcement Act of 1994 (Public Law 103–322) and described in H.R. 728, as passed by the House of Representatives on February 14, 1995;

(3) the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs, as authorized under part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3750 et seq.);

(4) the Assistance to Firefighters Grant Program, as authorized under section 33 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229); and

(5) section 34 of the Federal Fire Prevention and Control Act of 1974 (15 U.S.C. 2229a).

SEC. 5. STATEMENT OF ACTIVITIES AND REVIEW.

(a) Application.—

(1) In general.—A State, metropolitan city, urban county, or unit of general local government desiring a grant under subsection (b) or (i) of section 7 shall submit an application to the Secretary that contains—

(A) a statement of homeland security objectives and projected use of grant funds; and

(B) the certifications required under paragraph (2) and, if appropriate, subsection (b).

(2) Grantee statement.—

(A) Contents.—

(i) Local government.—In the case of metropolitan cities or urban counties receiving grants under section 7(b) and units of general local government receiving grants under section 7(i)(3), the statement of projected use of funds shall consist of proposed homeland security activities.

(ii) States.—In the case of States receiving grants under section 7, the statement of projected use of funds shall consist of the method by which the States will distribute funds to units of general local government.

(B) Consultation.—In preparing the statement required under this subsection, the grantee shall consult with appropriate law enforcement agencies and emergency response authorities.

(C) Final statement.—A copy of the final statement and the certifications required under paragraph (3) and, where appropriate, subsection (b), shall be furnished to the Secretary and the Attorney General.

(D) Modifications.—Any final statement of activities may be modified or amended from time to time by the grantee in accordance with the same procedures required under this paragraph for the preparation and submission of such statement.

(3) Certification of enumerated criteria by grantee to secretary.—A grant under section 7 shall not be awarded unless the grantee certifies to the satisfaction of the Secretary that the grantee—

(A) has developed a homeland security plan that identifies both short- and long-term homeland security needs that have been developed in accordance with the primary objective and requirements of this Act; and

(B) will comply with the other provisions of this Act and with other applicable laws.

(b) Submission of Annual Performance Reports, Audits, and Adjustments.—

(1) In general.—Each grantee shall submit to the Secretary, at a time determined by the Secretary, a performance and evaluation report concerning the use of funds made available under section 7, together with an assessment by the grantee of the relationship of such use to the objectives identified in the grantee's statement under subsection (a)(2).

(2) Uniform reporting requirements.—

(A) Recommendations by national associations.—The Secretary shall encourage and assist national associations of grantees eligible under section 7, national associations of States, and national associations of units of general local government in nonqualifying areas to develop and recommend to the Secretary, not later than 1 year after the date of enactment of this Act, uniform recordkeeping, performance reporting, evaluation reporting, and auditing requirements for such grantees, States, and units of general local government, respectively.

(B) Establishment of uniform reporting requirements.—Based on the Secretary's approval of the recommendations submitted pursuant to subparagraph (A), the Secretary shall establish uniform reporting requirements for grantees, States, and units of general local government.

(3) Reviews and audits.—Not less than annually, the Secretary shall make such reviews and audits as may be necessary or appropriate to determine—

(A) in the case of grants awarded under section 7(b), whether the grantee—

(i) has carried out its activities;

(ii) where applicable, has carried out its activities and its certifications in accordance with the requirements and the primary objectives of this Act and with other applicable laws; and

(iii) has a continuing capacity to carry out those activities in a timely manner; and

(B) in the case of grants to States made under section 7(i), whether the State—

(i) has distributed funds to units of general local government in a timely manner and in conformance to the method of distribution described in its statement;

(ii) has carried out its certifications in compliance with the requirements of this Act and other applicable laws; and

(iii) has made such reviews and audits of the units of general local government as may be necessary or appropriate to determine whether they have satisfied the applicable performance criteria described in subparagraph (A).

(4) Adjustments.—The Secretary may make appropriate adjustments in the amount of the annual grants in accordance with the Secretary's findings under this subsection. With respect to assistance made available to units of general local government under section 7(i)(3), the Secretary may adjust, reduce, or withdraw such assistance, or take other action as appropriate in accordance with the Secretary's reviews and audits under this subsection, except that funds already expended on eligible activities under this Act shall not be recaptured or deducted from future assistance to such units of general local government.

(c) Audits.—Insofar as they relate to funds provided under this Act, the financial transactions of recipients of such funds may be audited by the General Accounting Office under such rules and regulations as may be prescribed by the Comptroller General of the United States. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and other papers, things, or property belonging to or in use by such recipients pertaining to such financial transactions and necessary to facilitate the audit.

(d) Metropolitan City as Part of Urban County.—In any case in which a metropolitan city is located, in whole or in part, within an urban county, the Secretary may, upon the joint request of such city and county, approve the inclusion of the metropolitan city as part of the urban county for purposes of submitting a statement under subsection (a) and carrying out activities under this Act.

SEC. 6. ACTIVITIES ELIGIBLE FOR ASSISTANCE.

Activities assisted under this Act may include—

(1) funding additional law enforcement, fire, and emergency resources, including covering overtime expenses;

(2) purchasing and refurbishing personal protective equipment for fire, police, and emergency personnel and acquire state-of-the-art technology to improve communication and streamline efforts;

(3) improving cyber and infrastructure security by improving—

(A) security for water treatment plants, distribution systems, other water infrastructure, nuclear power plants, electrical grids, and other energy infrastructure;

(B) security for tunnels, bridges, locks, canals, railway systems, airports, land and water ports, and other transportation infrastructure;

(C) security for oil and gas pipelines and storage facilities;

(D) security for chemical plants and transportation of hazardous substances;

(E) security for agriculture infrastructure; and

(F) security for national icons and Federal facilities that may be terrorist targets;

(4) assisting local emergency planning committees so that local public agencies can design, review, and improve disaster response systems;

(5) assisting communities in coordinating their efforts and sharing information with all relevant agencies involved in responding to terrorist attacks;

(6) establishing timely notification systems that enable communities to communicate with each other when a threat emerges;

(7) improving communication systems to provide information to the public in a timely manner about the facts of any threat and the precautions the public should take; and

(8) devising a homeland security plan, including determining long-term goals and short-term objectives, evaluating the progress of the plan, and carrying out the management, coordination, and monitoring of activities necessary for effective planning implementation.

SEC. 7. ALLOCATION AND DISTRIBUTION OF FUNDS.

(a) Set-Aside for Indian Tribes.—

(1) In general.—The Secretary shall reserve 1 percent of the amount appropriated for each fiscal year for grants pursuant to section 4(b)(1) (excluding the amounts for activities described in section 6) for grants to Indian tribes.

(2) Selection of indian tribes.—

(A) In general.—The Secretary shall distribute amounts under this paragraph to Indian tribes on the basis of a competition conducted pursuant to specific criteria for the selection of Indian tribes to receive such amounts.

(B) Rulemaking.—The Secretary, after notice and public comment, shall promulgate regulations, which establish the criteria described in subparagraph (A).

(b) Allocation to Metropolitan Cities and Urban Counties.—

(1) Allocation percentage.—Of the amount remaining after allocations have been made to Indian tribes under subsection (a), the Secretary shall, not later than 60 days after the date on which such funds are appropriated, allocate and directly transfer 70 percent to metropolitan cities and urban counties.

(2) Entitlement.—Except as otherwise specifically authorized, each metropolitan city and urban county shall be entitled to an annual grant, to the extent authorized beyond fiscal year 2008, from such allocation in an amount not to exceed its basic amount computed pursuant to subsections (c) and (d).

(c) Computation of Amount Allocated to Metropolitan Cities.—

(1) Vulnerability and threat factors.—The Secretary shall calculate the amount to be allocated to each metropolitan city, which shall bear the same ratio to the allocation for all metropolitan cities as the weighted average of—

(A) the population (including tourist, military, and commuting populations) of the metropolitan city divided by the population of all metropolitan cities;

(B) the population density of the metropolitan city;

(C) the proximity of the metropolitan city to international borders;

(D) the vulnerability of the metropolitan city as it pertains to chemical security;

(E) the vulnerability of the metropolitan city as it pertains to nuclear security;

(F) the vulnerability of the metropolitan city as it pertains to land and water port security;

(G) the vulnerability of the metropolitan city as it pertains to the security of energy infrastructure;

(H) the vulnerability of the metropolitan city as it pertains to the security of inland waterway infrastructure;

(I) the vulnerability of the metropolitan city as it pertains to the security of freight and passenger rail transportation infrastructure;

(J) the vulnerability of the metropolitan city as it pertains to the security of aviation infrastructure;

(K) the vulnerability of the metropolitan city as it pertains to the security of agriculture infrastructure;

(L) the proximity of the metropolitan city to the nearest national icons and Federal facilities that may be a terrorist target, as determined by the Department of Homeland Security, and the proximity of all metropolitan cities to the nearest national icons and Federal buildings that may be a terrorist target, as determined by the Department of Homeland Security; and

(M) the threat to the metropolitan city based upon intelligence information from the Department of Homeland Security;

(2) Clarification of computation ratios.—

(A) Relative weight of factors.—In determining the weighted average of the ratios under paragraph (1)—

(i) threat, as defined by paragraph (1)(M), shall constitute 25 percent;

(ii) population, as defined by paragraph (1)(A), shall constitute 20 percent;

(iii) population density, as defined by paragraph (1)(B), shall constitute 15 percent; and

(iv) the remaining factors shall be equally weighted.

(B) Population density.—The metropolitan cities shall be ranked according to the density of their populations in calculating the weighted average of this factor. The population density ratio shall be 1 divided by the total number of metropolitan cities, not to exceed 100.

(C) Proximity to international borders.—If a metropolitan city is located within 50 miles of an international border, the ratio under paragraph (1)(C) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an international border.

(D) Vulnerability as it pertains to chemical security.—If a metropolitan city is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency or another instrument development by the Environmental Protection Agency or the Department of Homeland Security that captures the same information for the same facilities), the ratio under paragraph (1)(D) shall be 1 divided by the total number of metropolitan cities that are within such a zone, not to exceed 100.

(E) Vulnerability as it pertains to nuclear security.—If a metropolitan city is located within 50 miles of an operating nuclear power plant, as identified by the Nuclear Regulatory Commission, the ratio under paragraph (1)(E) shall be 1 divided by the total number of metropolitan cities, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(F) Vulnerability as it pertains to port security.—If a metropolitan city is located within 50 miles of—

(i) one of the 75 largest United States ports, as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Ports Report by All Land Modes; or

(ii) one of the 25 largest United States water ports by metric tons and value, as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics,

the ratio under paragraph (1)(F) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of a United States land or water port, not to exceed 100.

(G) VULNERABILITY AS IT PERTAINS TO ENERGY INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, non-nuclear power generating plants, compressors, and other significant components of critical energy infrastructure as identified by the Department of Energy or the Department of Homeland Security, the ratio under paragraph (1)(G) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical energy infrastructure, not to exceed 100.

(H) VULNERABILITY AS IT PERTAINS TO INLAND WATERWAY INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, the most significant locks, canals, and other components of critical inland waterway system infrastructure as identified by the Department of Transportation, the ratio under paragraph (1)(H) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical inland water infrastructure, not to exceed 100.

(I) VULNERABILITY AS IT PERTAINS TO RAIL TRANSPORTATION INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, the largest railroad hubs and other significant components of critical freight and passenger rail infrastructure, as identified by the Department of Transportation, the ratio under paragraph (1)(I) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical inland water infrastructure, not to exceed 100.

(J) VULNERABILITY AS IT PERTAINS TO AVIATION INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, major passenger or cargo airports that are significant components of the Nation's air transportation infrastructure as identified by the Department of Transportation, the ratio under paragraph (1)(J) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical aviation transportation infrastructure, not to exceed 100.

(K) VULNERABILITY AS IT PERTAINS TO AGRICULTURE INFRASTRUCTURE SECURITY.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, major feed yards, food processing facilities, and other significant components of the nation's agriculture infrastructure, as defined and determined by the Department of Agriculture and the Department of Homeland Security, the ratio under paragraph (1)(K) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of critical agriculture infrastructure, not to exceed 100.

(L) PROXIMITY TO NATIONAL ICONS AND FEDERAL BUILDINGS.—If a metropolitan city is among the 100 metropolitan cities that are closest to, or within 50 miles of, national icons and Federal buildings that the Department of Homeland Security determines are most vulnerable with respect to a terrorist attack, the ratio under paragraph (1)(L) shall be 1 divided by the total number of metropolitan cities that are located within 50 miles of such icons or Federal buildings, not to exceed 100.

(M) INTELLIGENCE.—If a metropolitan city is among the 100 metropolitan cities that have been identified by the Department of Homeland Security as being special alert or heightened alert status for the longest periods of time, the ratio under paragraph (1)(M) shall be 1 divided by the total number of metropolitan cities that have been identified by the Department of Homeland Security, not to exceed 100.

(d) COMPUTATION OF AMOUNT ALLOCATED TO URBAN COUNTIES.—

(1) VULNERABILITY AND THREAT FACTORS.—The Secretary shall determine the amount to be allocated to each urban county, which shall bear the same ratio to the allocation for all urban counties as the weighted average of—

(A) the population (including tourist, military, and commuting populations) of the urban county divided by the population of all urban counties;

(B) the population density of the urban county;

(C) the proximity of the urban county to international borders;

(D) the vulnerability of the urban county as it pertains to chemical security;

(E) the vulnerability of the urban county as it pertains to nuclear security;

(F) the vulnerability of the urban county as it pertains land and water port security;

(G) the vulnerability of the urban county as it pertains to the security of energy infrastructure;

(H) the vulnerability of the urban county as it pertains to the security of inland waterway infrastructure;

(I) the vulnerability of the urban county as it pertains to the security of freight and passenger rail transportation infrastructure;

(J) the vulnerability of the urban county as it pertains to the security of aviation infrastructure;

(K) the vulnerability of the urban county as it pertains to the security of agriculture infrastructure;

(L) the proximity of the urban county to the nearest national icons and Federal facilities that may be a terrorist target, as determined by the Department of Homeland Security, and the proximity of all urban counties to the nearest national icons and Federal buildings that may be a terrorist target, as determined by the Department of Homeland Security; and

(M) the threat to the urban county based upon intelligence information from the Department of Homeland Security;

(2) CLARIFICATION OF COMPUTATION RATIOS.—

(A) RELATIVE WEIGHT OF FACTORS.—In determining the weighted average of the ratios under paragraph (1)—

(i) threat, as defined in paragraph (1)(M), shall constitute 25 percent;

(ii) population, as defined in paragraph (1)(A), shall constitute 20 percent;

(iii) population density, as defined in paragraph (1)(B), shall constitute 15 percent; and

(iv) the remaining factors shall be equally weighted.

(B) POPULATION DENSITY.—The population density ratio shall be 1 divided by the total number of urban counties, not to exceed 100. The urban counties shall be ranked according to the density of their populations in calculating the weighted average of this factor.

(C) PROXIMITY TO INTERNATIONAL BORDERS.—If an urban county is located within 50 miles of an international border, the ratio under paragraph (1)(C) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an international border.

(D) VULNERABILITY AS IT PERTAINS TO CHEMICAL SECURITY.—If an urban county is within the vulnerable zone of a worst-case chemical release (as specified in the most recent risk management plans filed with the Environmental Protection Agency or another instrument development by the Environmental Protection Agency or the Department of Homeland Security that captures the same information for the same facilities), the ratio under paragraph (1)(D) shall be 1 divided by the total number of urban counties that are within such a zone, not to exceed 100.

(E) VULNERABILITY AS IT PERTAINS TO NUCLEAR SECURITY.—If an urban county is located within 50 miles of an operating nuclear power plant, as identified by the Nuclear Regulatory Commission, the ratio under paragraph (1)(E) shall be 1 divided by the total number of urban counties, not to exceed 100, which are located within 50 miles of an operating nuclear power plant.

(F) VULNERABILITY AS IT PERTAINS TO PORT SECURITY.—If an urban county is located within 50 miles of—

(i) one of the 75 largest United States ports, as stated by the Department of Transportation, Bureau of Transportation Statistics, United States Ports Report by All Land Modes; or

(ii) one of the 25 largest United States water ports by metric tons and value, as stated by the Department of Transportation, Maritime Administration, United States Foreign Waterborne Transportation Statistics, the ratio under paragraph (1)(F) shall be 1 divided by the total number of urban counties that are located within 50 miles of a United States land or water port, not to exceed 100.

(G) VULNERABILITY AS IT PERTAINS TO ENERGY INFRASTRUCTURE SECURITY.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, non-nuclear power generating plants, compressors, and other significant components of critical energy infrastructure as identified by the Department of Energy or the Department of Homeland Security, the ratio under paragraph (1)(G) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical energy infrastructure, not to exceed 100.

(H) VULNERABILITY AS IT PERTAINS TO INLAND WATERWAY INFRASTRUCTURE SECURITY.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, the most significant locks, canals, and other components of critical inland waterway system infrastructure as identified by the Department of Transportation, the ratio under paragraph (1)(H) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical inland water infrastructure, not to exceed 100.

(I) VULNERABILITY AS IT PERTAINS TO RAIL TRANSPORTATION INFRASTRUCTURE SECURITY.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, the largest railroad hubs and other significant components of critical freight and passenger rail infrastructure, as identified by the Department of Transportation, the ratio under paragraph (1)(I) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical inland water infrastructure, not to exceed 100.

(J) VULNERABILITY AS IT PERTAINS TO AVIATION INFRASTRUCTURE SECURITY.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, major passenger or cargo airports that are significant components of the Nation's air transportation infrastructure as identified by the

Department of Transportation, the ratio under paragraph (1)(J) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical aviation transportation infrastructure, not to exceed 100.

(K) VULNERABILITY AS IT PERTAINS TO AGRICULTURE INFRASTRUCTURE SECURITY.—If urban county is among the 100 urban counties that are closest to, or within 50 miles of, major feed yards, food processing facilities, and other significant components of the Nation's agriculture infrastructure, as defined and determined by the Department of Agriculture and the Department of Homeland Security, the ratio under paragraph (1)(K) shall be 1 divided by the total number of urban counties that are located within 50 miles of critical agriculture infrastructure, not to exceed 100.

(L) PROXIMITY TO NATIONAL ICONS AND FEDERAL BUILDINGS.—If an urban county is among the 100 urban counties that are closest to, or within 50 miles of, national icons and Federal buildings that the Department of Homeland Security determines are most vulnerable with respect to a terrorist attack, the ratio under paragraph (1)(L) shall be 1 divided by the total number of urban counties that are located within 50 miles of such icons or Federal buildings, not to exceed 100.

(M) INTELLIGENCE.—If an urban county is among the 100 urban counties that have been identified by the Department of Homeland Security as being special alert or heightened alert status for the longest periods of time, the ratio under paragraph (1)(M) shall be 1 divided by the total number of urban counties that have been identified by the Department of Homeland Security, not to exceed 100.

(e) EXCLUSIONS.—

(1) IN GENERAL.—In computing amounts or exclusions under subsection (d) with respect to any urban county, units of general local government located in the county that are not included in the population of the county in determining the eligibility of the county to receive a grant under this subsection shall be excluded, except that any independent city (as defined by the Bureau of the Census) shall be included if it—

(A) is not part of any county;

(B) is not eligible for a grant;

(C) is contiguous to the urban county;

(D) has entered into cooperation agreements with the urban county which provide that the urban county is to undertake or to assist in the undertaking of essential community development and housing assistance activities with respect to such independent city; and

(E) is not included as a part of any other unit of general local government for purposes of this section.

(2) INDEPENDENT CITIES.—Any independent city that is included in any fiscal year for purposes of computing amounts pursuant to the preceding sentence shall not be eligible to receive assistance under subsection (i) for that fiscal year.

(f) INCLUSIONS.—

(1) LOCAL GOVERNMENT STRADDLING COUNTY LINE.—In computing amounts under subsection (d) with respect to any urban county, there shall be included all of the area of any unit of local government which is part of, but is not located entirely within the boundaries of, such urban county if—

(A) the part of such unit of local government that is within the boundaries of such urban county would otherwise be included in computing the amount for such urban county under this section; and

(B) the part of such unit of local government that is not within the boundaries of such urban county is not included as a part of any other unit of local government for the purpose of this section.

(2) USE OF GRANT FUNDS OUTSIDE URBAN COUNTY.—Any amount received under this section by an urban county described under paragraph (1) may be used with respect to the part of such unit of local government that is outside the boundaries of such urban county.

(g) POPULATION.—

(1) EFFECT OF CONSOLIDATION.—Where data are available, the amount to be allocated to a metropolitan city that has been formed by the consolidation of 1 or more metropolitan cities within an urban county shall be equal to the sum of the amounts that would have been allocated to the urban county or cities and the balance of the consolidated government, if such consolidation had not occurred.

(2) LIMITATION.—Paragraph (1) shall apply only to a consolidation that—

(A) included all metropolitan cities that received grants under this section for the fiscal year preceding such consolidation and that were located within the urban county;

(B) included the entire urban county that received a grant under this section for the fiscal year preceding such consolidation; and

(C) took place on or after January 1, 2005.

(3) GROWTH RATE.—The population growth rate of all metropolitan cities defined in section 3(a)(6) shall be based on the population of—

(A) metropolitan cities other than consolidated governments the grant for which is determined under this paragraph; and

(B) cities that were metropolitan cities before their incorporation into consolidated governments.

(4) ENTITLEMENT SHARE.—For purposes of calculating the entitlement share for the balance of the consolidated government under this subsection, the entire balance shall be considered to have been an urban county.

(h) REALLOCATION.—

(1) IN GENERAL.—Except as provided under paragraph (2), any amounts allocated to a metropolitan city or an urban county under this section that are not received by the city or county for a fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5, or that otherwise became available, shall be reallocated in the succeeding fiscal year to the other metropolitan cities and urban counties in the same metropolitan area that certify to the satisfaction of the Secretary that they would be adversely affected by the loss of such amounts from the metropolitan area.

(2) RATIO.—The amount of the share of funds reallocated under this subsection for any metropolitan city or urban county shall bear the same ratio to the total of such reallocated funds in the metropolitan area as the amount of funds awarded to the city or county for the fiscal year in which the reallocated funds become available bears to the total amount of funds awarded to all metropolitan cities and urban counties in the same metropolitan area for that fiscal year.

(3) TRANSFER.—Notwithstanding paragraphs (1) and (2), the Secretary may, upon request, transfer to any metropolitan city the responsibility for the administration of any amounts received, but not obligated, by the urban county in which such city is located if—

(A) such city was an included unit of general local government in such county prior to the qualification of such city as a metropolitan city;

(B) such amounts were designated and received by such county for use in such city prior to the qualification of such city as a metropolitan city; and

(C) such city and county agree to such transfer of responsibility for the administration of such amounts.

(i) ALLOCATION TO STATES ON BEHALF OF NON-QUALIFYING COMMUNITIES.—

(1) IN GENERAL.—Of the amount appropriated pursuant to section 4 that remains after allocations under subsections (a) and (b), the Secretary shall allocate 30 percent among the States for use in nonqualifying communities.

(2) ALLOCATION FORMULA.—

(A) FACTORS.—The Secretary shall make the allocation for each State based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors considered appropriate by the Secretary.

(B) PRO-RATA REDUCTION.—The Secretary shall make a pro rata reduction of each amount allocated to the nonqualifying communities in each State under subparagraph (A) so that the nonqualifying communities in each State will receive the same percentage of the total amount available under this subsection as the percentage that such communities would have received if the total amount available had equaled the total amount allocated under subparagraph (A).

(3) DISTRIBUTION.—

(A) STATES.—A State shall distribute amounts it receives under this subsection to units of general local government located in nonqualifying areas of the State in such manner and at such time as the Secretary shall prescribe, consistent with the statement submitted under section 5(a), and not later than 45 days after the date on which the State receives such amounts from the Federal Government.

(B) CERTIFICATION.—Before a State may receive or distribute amounts allocated under this subsection, the State must certify that—

(i) with respect to units of general local government in nonqualifying areas, the State—

(I) provides, or will provide, technical assistance to units of general local government in connection with homeland security initiatives;

(II) will not refuse to distribute such amounts to any unit of general local government on the basis of the particular eligible activity selected by such unit of general local government to meet its homeland security objectives, except that this clause may not be considered to prevent a State from establishing priorities in distributing such amounts on the basis of the activities selected; and

(III) has consulted with local elected officials from among units of general local government located in nonqualifying areas of that State in determining the method of distribution of funds required by subparagraph (A); and

(ii) each unit of general local government to be distributed funds will be required to identify its homeland security objectives, and the activities to be undertaken to meet such objectives.

(4) MINIMUM AMOUNT.—

(A) IN GENERAL.—Except as provided under subparagraph (B), each State shall be allocated, for each fiscal year authorized under this Act and under this section, the greater of—

(i) 0.25 percent of the total amount appropriated in the fiscal year for grants to States that are not located on an international border under this section;

(ii) 0.45 percent of the fatal amount appropriated in the fiscal year for grants to States that are located on an international border; or

(iii) the amount the State would otherwise be allocated under the formula set forth in this section.

(B) EXCEPTION.—Notwithstanding subparagraph (A), the United States Virgin Islands, American Samoa, Guam, and the Northern Mariana Islands shall each be allocated 0.25 percent of the total amount appropriated in each fiscal year for grants to States under this section.

(5) ADMINISTRATION.—

(A) IN GENERAL.—Each State shall be responsible for the administration of all funds received and distributed under paragraph (1). Except as provided under subparagraph (B), the State shall pay for all administrative expenses incurred by the State in carrying out its responsibilities under this Act.

(B) FEDERAL SHARE.—From the amounts received by each State for distribution in nonqualifying areas, the State may deduct an amount to pay—

(i) the first $150,000 of its administrative expenses under this subsection; and

(ii) 50 percent of any State administrative expenses under this subsection in excess of $150,000, which amount shall not exceed 2 percent of the amount received by the State under paragraph (1).

(C) DISTRIBUTION.—Any distribution by the Secretary under paragraph (1) shall be made in accordance with—

(i) determinations of the Secretary;

(ii) statements submitted and the other requirements under section 5 (except for subsection (c));

(iii) regulations and procedures prescribed by the Secretary.

(D) REALLOCATION.—

(i) FAILURE TO COMPLY.—Any amounts allocated for use in a State under paragraph (1) that are not received by the State for any fiscal year because of failure to meet the requirements of subsection (a) or (b) of section 5 shall be added to amounts allocated to all States under paragraph (1) for the succeeding fiscal year.

(ii) CLOSEOUT.—Any amounts allocated for use in a State under paragraph (1) that become available as a result of the closeout of a grant made by the Secretary under this section in nonqualifying areas of the State shall be added to amounts allocated to the State under paragraph (1) for the fiscal year in which such amounts become available.

(6) SINGLE UNIT.—Any combination of units of general local governments may not be required to obtain recognition by the Secretary to be treated as a single unit of general local government for purposes of this subsection.

(7) DEDUCTION.—From the amounts received under paragraph (1) for distribution in nonqualifying areas, the State may use not more than 1 percent to provide technical assistance to local governments.

(8) APPLICABILITY.—Any activities conducted with amounts received by a unit of general local government under this subsection shall be subject to the applicable provisions of this Act and other Federal law in the same manner and to the same extent as activities conducted with amounts received by a unit of general local government under subsection (a).

(j) QUALIFICATIONS AND DETERMINATIONS.—The Secretary may prescribe such qualification or submission dates as the Secretary determines to be necessary to permit the computations and determinations required by this section to be made in a timely manner, and all such computations and determinations shall be final and conclusive.

(k) PRO RATA REDUCTION AND INCREASE.—

(1) REDUCTION.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section is insufficient to provide the amounts to which metropolitan cities and urban counties would be entitled under this section, and funds are not otherwise appropriated to meet the deficiency, the Secretary shall meet the deficiency through a pro rata reduction of all amounts determined under this section.

(2) INCREASE.—If the total amount available for distribution in any fiscal year to metropolitan cities and urban counties under this section exceeds the amounts to which metropolitan cities and urban counties would be entitled under this section, the Secretary shall distribute the excess through a pro rata increase of all amounts determined under this section.

SEC. 8. STATE AND REGIONAL PLANNING AND COMMUNICATION SYSTEMS.

(a) ALLOCATIONS.—From the amounts appropriated pursuant to section 4(b)(2), the Secretary shall allocate $1,000,000,000 to States, regional cooperations, and units of general local government for—

(1) homeland defense planning within the States;

(2) providing increased security through additional first responder personnel;

(3) purchasing and refurbishing personal protective equipment for first responder personnel;

(4) homeland defense planning within the regions;

(5) the development and maintenance of Statewide training facilities and homeland security best-practices clearinghouses; and

(6) the development and maintenance of communications systems that can be used between and among first responders, including law enforcement, fire, and emergency medical personnel.

(b) USE OF FUNDS.—Of the amount allocated under subsection (a)—

(1) $500,000,000 shall be used by the States for homeland defense planning and coordination within each State;

(2) $50,000,000 shall be used by regional cooperations and regional, multistate, or intrastate authorities for homeland defense planning and coordination within each region;

(3) $50,000,000 shall be used by the States to develop and maintain statewide training facilities and best-practices clearinghouses; and

(4) $400,000,000 shall be used by the States and units of general local government to develop and maintain communications systems that can be used between and among first responders at the State and local level, including law enforcement, fire, and emergency personnel.

(c) ALLOCATIONS TO STATES.—

(1) IN GENERAL.—Amounts allocated to States under this section shall be allocated among the States based on factors such as threat, vulnerability, population, population density, the presence of critical infrastructure, and other factors considered appropriate by the Secretary.

(2) MINIMUM AMOUNT PROVISION.—The provision under section 7(i)(4) relating to a minimum amount shall apply to amounts allocated to States under this section.

(3) LOCAL COMMUNICATIONS SYSTEMS.—

(A) IN GENERAL.—Not less than 50 percent of the amounts allocated under subsection (b)(4) shall be used for the development and maintenance of local communications systems.

(B) DISTRIBUTION OF FUNDS.—Each State shall distribute amounts reserved for local communications systems in that State under subparagraph (A) to units of general local government not later than 45 days after the State receives such amounts from the Federal Government.

(d) ALLOCATIONS TO REGIONAL COOPERATIONS.—Funds allocated under subsection (b)(2) shall be allocated to regional cooperations and regional, multistate, or intrastate authorities, based upon the population of the areas covered by each regional cooperative.

SEC. 9. URBAN AREA SECURITY INITIATIVE.

(a) ALLOCATIONS.—

(1) IN GENERAL.—From the amounts appropriated pursuant to section 4(b)(3), the Secretary shall allocate $2,000,000 for discretionary grants made under the Urban Area Security Initiative to high-threat, high-risk urban areas, as determined by the Secretary, for rail security, port security, inter-city bus security, trucking industry security, and high-threat non-profit organizations.

(2) DISTRIBUTION.—Grant funds awarded under this section shall be transferred directly to Urban Areas Security Initiative recipients not later than 60 days after the date on which funds are appropriated pursuant to section 4(b)(3).

(b) SELECTION CRITERIA.—In selecting high-threat, high-risk urban area grantees under this section, the Secretary shall consider—

(1) credible threat;

(2) vulnerability;

(3) the presence of critical infrastructure, including infrastructure described in section 7;

(4) population;

(5) population density;

(6) identified needs of public agencies; and

(7) other factors considered appropriate by the Secretary.

(c) HOMELAND SECURITY PLAN.—Each grantee awarded a grant under this section shall submit a homeland security plan to the State in which it is located and to the Secretary that describes the intended use of grant funds received under this section.

(d) MINIMUM AMOUNT.—Section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3711(c)(3)) and section 7(i)(4) of this Act shall not apply to funds awarded under this section.

SEC. 10. FLEXIBLE EMERGENCY ASSISTANCE FUND.

(a) IN GENERAL.—From the amounts appropriated pursuant to section 4(b)(4), $500,000,000 shall be used to create a flexible emergency assistance fund, from which the Secretary shall provide funds directly to State and units of local government that incur extraordinary homeland security costs.

(b) RELEASE OF FUNDS.—The Secretary may release emergency assistance funds to a State or local community as the Secretary determines to be appropriate, including—

(1) when the Secretary determines that a State or local community may be the specific target of a terrorist threat;

(2) when a local community is the venue of a high profile trial related to homeland security or terrorism;

(3) when the State or local community has been asked to assist in a Federal investigation concerning homeland security or terrorism; and

(4) when an agency of the Federal Government has requested the State or local community to assist that agency in performing homeland security functions.

(c) Reimbursements.—The Secretary may disburse flexible emergency assistance funds to reimburse States and units of general local government for increased personnel costs associated with the activation of first responders who serve in the Reserves or National Guard.

(d) Minimum Amount.—Section 1014(c)(3) of the USA PATRIOT ACT (42 U.S.C. 3711(c)(3)) and section 7(i)(4) of this Act shall not apply to funds awarded under this section.

SEC. 11. FEDERAL PREPAREDNESS, EQUIPMENT, AND TRAINING STANDARDS.

(a) In General.—The Department of Homeland Security shall develop national homeland security preparedness, first responder training, and equipment standards, and best practices to facilitate the most effective and efficient use of funds authorized under this Act.

(b) Consultation.—Not later than 1 year after the date of enactment of this Act, the Secretary shall develop the standards described in subsection (a) in consultation with first responders, States, local communities, nongovernmental homeland security experts, and such other persons and organizations as the Secretary determines to be appropriate.

(c) Reports.—

(1) Development of standards and best practices.—The Secretary shall submit a report to Congress on the progress made in developing the standards and best practices described in subsection (a)—

(A) not later than 90 days after the date of enactment of this Act; and

(B) not later than 180 days after the date of enactment of this Act.

(2) Allocation methods.—The Secretary shall submit a report to Congress detailing the specific methods used to make the allocations under section 9. The report shall be submitted in unclassified form to the greatest extent consistent with the protection of law enforcement-sensitive information and classified information and the administration of applicable law. The report may contain a classified annex, if necessary.

SEC. 12. NONDISCRIMINATION IN PROGRAMS AND ACTIVITIES.

(a) In General.—No person in the United States shall on the ground of race, color, national origin, religion, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this Act.

(b) Age or Handicap.—Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.) or with respect to an otherwise qualified handicapped individual as provided in section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794) shall also apply to any such program or activity.

SEC. 13. REMEDIES FOR NONCOMPLIANCE WITH REQUIREMENTS.

If the Secretary finds, after reasonable notice and opportunity for a hearing, that a recipient of assistance under this Act has failed to comply substantially with any provision of this Act, the Secretary shall—

(1) terminate payments to the recipient under this Act;

(2) reduce payments to the recipient under this Act by an amount equal to the amount of such payments which were not expended in accordance with this Act; or

(3) limit the availability of payments under this Act to programs, projects, or activities not affected by such failure to comply.

SEC. 14. REPORTING REQUIREMENTS.

(a) In General.—Not later than 180 days after the end of each fiscal year in which assistance is awarded under this Act, the Secretary shall submit to Congress a report containing—

(1) a description of the progress made in accomplishing the objectives under this Act;

(2) a summary of the use of such funds during the preceding fiscal year; and

(3) a description of the activities carried out under section 7.

(b) Reports to Secretary.—The Secretary may require recipients of assistance under this Act to submit such reports and other information as may be necessary in order for the Secretary to comply with subsection (a).

SEC. 15. CONSULTATION BY ATTORNEY GENERAL.

In carrying out the provisions of this Act including the issuance of regulations, the Secretary shall consult with the Attorney General and other Federal departments and agencies administering Federal grant-in-aid programs.

SEC. 16. INTERSTATE AGREEMENTS OR COMPACTS; PURPOSES.

The consent of Congress is hereby given to any 2 or more States to enter into agreements or compacts, not in conflict with any law of the United States—

(1) for cooperative effort and mutual assistance in support of homeland security planning and programs carried out under this Act as they pertain to interstate areas and to localities within such States; and

(2) to establish such agencies, joint or otherwise, that the States consider desirable for making such agreements and compacts effective.

SEC. 17. MATCHING REQUIREMENTS; SUSPENSION OF REQUIREMENTS FOR ECONOMICALLY DISTRESSED AREAS.

(a) Matching Requirement.—Grant recipients shall contribute, from funds other than those received under this Act, an amount equal to 10 percent of the total funds received under this Act, which shall be used in accordance with the grantee's statement of homeland security objectives.

(b) Waiver for Economic Distress.—The Secretary shall waive the matching requirement under subsection (a) for grant recipients that the Secretary determines to be economically distressed.

By Mr. LEVIN (for himself and Mr. Jeffords):

S. 141. A bill to amend part A of title IV of the Social Security Act to allow up to 24 months of vocational educational training to be counted as a work activity under the temporary assistance to needy families program; to the Committee on Finance.

I am pleased to be joined by Senator Jeffords in reintroducing legislation that seeks to add an important measure of flexibility to a provision of the Temporary Assistance for Needy Families program, TANF, under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The legislation we are introducing increases the limit on the amount of vocational education training that a State can count towards meeting its work participation rate, from 12 to 24 months.

This legislation enjoys the support of the American Association of University Women, with over 100,000 members; The Workforce Alliance, a coalition of experienced leaders nationwide from the field of workforce development, who know what works in preparing people for jobs; the National Association of State Directors of Career Technical Education Consortium; the Center for law and Social Policy and the American Association of Community Colleges.

Under the pre-1996 Aid to Families with Dependent Children program, recipients could participate in post-secondary vocational training or community college programs for up to 24 months. While I support TANF's emphasis on moving welfare recipients more quickly into jobs, I am troubled by the restriction on post-secondary education training, limiting it to 12 months. One year of vocational education is, under current law, an approved work activity, but the second year of post-secondary education study is not.

The limitation on post-secondary education and training raises a number of concerns, not the least of which is whether individuals may be forced into lower paying, short-term employment that will lead them back onto public assistance because they are unable to support themselves or their families. Well, according to recent studies, this is exactly what has happened in far too many cases.

According to a findings of the Congressional Research Service, although the majority of recipients who have left the welfare rolls left because they became employed, most remained poor. The research also revealed that the hourly wage for these former welfare recipients ranged from $5.50 to $8.80 per hour.

Study after study indicates that short-term training programs raise the income of workers only marginally, while completion of at least a 2-year associate degree has the greater potential of breaking the cycle of poverty for welfare recipients. According to the U.S. Census Bureau, the mean earnings of adults with an associate degree are 20 percent higher than adults who have not achieved such a degree.

In June of 2003, we were very pleased that our proposal was included in the Senate Finance Committee reported bill, which reauthorized TANF. However, the reauthorization bill was not considered by the full Senate. Rather the Temporary Assistance for Needy Families Act has been twice extended. It is our hope that the Senate will again act favorably and expeditiously on this legislation and that the House will support this much-needed State flexibility. We must do what is necessary to achieve TANF's intended goal of getting families permanently off of welfare and onto self-sufficiency.

All citizens should have the opportunity to become productive and successful members of the workforce. Again, I urge my colleagues to act quickly on this legislation. This modification will give the States the flexibility they need to improve the economic status of families across America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 141

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INCREASE IN NUMBER OF MONTHS OF VOCATIONAL EDUCATIONAL TRAINING COUNTED AS A WORK ACTIVITY UNDER THE TANF PROGRAM.

Section 407(d)(8) of the Social Security Act (42 U.S.C. 607(d)(8)) is amended by striking "12" and inserting "24".

By Mr. DAYTON:

S. 143. A bill to ensure that Members of Congress do not receive better prescription drug benefits than medicare beneficiaries; to the Committee on Homeland Security and Governmental Affairs.

Mr. DAYTON. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 143

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taste of Our Own Medicine Act of 2005".

SEC. 2. LIMITATION ON PRESCRIPTION DRUG BENEFITS OF MEMBERS OF CONGRESS.

(a) LIMITATION ON BENEFITS.—Notwithstanding any other provision of law, the actuarial value of the prescription drug benefits of any Member of Congress enrolled in a health benefits plan under chapter 89 of title 5, United States Code, may not exceed the actuarial value of basic prescription drug coverage (as defined in section 1860D–2(a)(3) of the Social Security Act (42 U.S.C. 1395w-102(a)(3)), as added by section 101(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108–173; 117 Stat. 2071)).

(b) REGULATIONS.—The Director of the Office of Personnel Management shall promulgate regulations to carry out this section.

By Mr. KOHL (for himself and Mr. CORZINE):

S. 144. A bill to change the date for regularly scheduled Federal elections and establish polling place hours; to the Committee on Rules and Administration.

Mr. KOHL. Mr. President, today I am introducing the Weekend Voting Act. This legislation will change the day for Congressional and Presidential elections from the first Tuesday in November to the first weekend in November. This legislation is virtually identical to legislation that I first proposed in 1997 in the 105th Congress and most recently reintroduced in the 107th Congress.

The last two elections have revealed a glaring need for us to rethink how we conduct elections in our Nation. The 2000 election galvanized Congress into passing major election reform legislation. The Help American Vote Act, which was enacted into law in 2002, was an important step forward in establishing minimum standards for states in the administration of federal elections and in providing funds to replace outdated voting systems and improve election administration. The HAVA legislation also created a new federal agency, the Election Assistance Commission, to serve as a clearinghouse for election administration information. That Commission is finally on its feet after a delayed start.

However, as the 2004 election made clear, there is much that still needs to be done.

With more and more voters needing to cast their ballots on Election Day, we need to build on the movement which already exists to make it easier for Americans to cast their ballots by providing alternatives to voting on just one election day. Twenty-six States, including my own state of Wisconsin, now permit any registered voter to vote by absentee ballot. These States constitute 45 percent of the voting age citizens of the United States. Twenty three states permit in-person early voting at election offices or at other satellite locations. The state of Oregon now conducts statewide elections completely by mail. These innovations are critical if we are to conduct fair elections for it has become unreasonable to expect that a nation of 294 million people can line up at the same time and cast their ballots at the same time. And if we continue to try to do so, we will encounter even more reports of broken machines and long lines in the rain and registration errors that create barriers to voting.

That is why I have been a long-time advocate of moving our Federal election day from the first Tuesday after the first Monday in November to the first weekend in November. Holding our federal elections on a weekend will create more opportunities for voters to cast their ballots and will help end the gridlock at the polling places which threaten to undermine our elections.

Under this bill, polls would be open nationwide for a uniform period of time from Saturday, 6 p.m. eastern time to Sunday, 6 p.m. eastern time. Polls in other time zones would also open and close at this time. Election officials would be permitted to close polls during the overnight hours if they determine it would be inefficient to keep them open. Because the polls are open from Saturday to Sunday, they also would not interfere with religious observances.

Keeping polls open the same hours across the continental United States, also addresses the challenge of keeping results on one side of the country, or even a State, from influencing voting in places where polls are still open. Moving elections to the weekend will expand the pool of buildings available for polling stations and people available to work at the polls, addressing the critical shortage of poll workers.

Most important, weekend voting has the potential to increase voter turnout by giving all voters ample opportunity to get to the polls without creating a national holiday. There is already evidence that holding elections on a nonworking day can increase voter turnout. In one survey of 44 democracies, 29 held elections on holidays or weekends and in all these cases voter turnout surpassed our country's voter participation rates. Closer to home, weekend voting in some California counties resulted in increased voter turnout compared to comparable elections held on Tuesdays.

In 2001, the National Commission on Federal Election Reform recommended that we move our federal election day to a national holiday, in particular Veterans Day. As expected, the proposal was not well received among veterans and I do not endorse such a move, but I share the Commission's goal of moving election day to a nonworking day.

Since the mid-19th century, election day has been on the first Tuesday of November. Ironically, this date was selected because it was convenient for voters. Tuesdays were traditionally court day, and land-owning voters were often coming to town anyway.

Just as the original selection of our national voting day was done for voter convenience, we must adapt to the changes in our society to make voting easier for the regular family. Sixty percent of all households have two working adults. Since most polls in the United States are open only 12 hours, from 7 a.m. to 7 p.m., voters often have only one or two hours to vote. As we saw in this last election, long lines in many polling places kept some waiting much longer than one or two hours. If voters have children, and are dropping them off at day care, or if they have a long work commute, there is just not enough time in a workday to vote.

With long lines and chaotic polling places becoming the unacceptable norm in many communities, we have an obligation to reexamine how our Nation votes. In the last election, too many Americans had to confront a variety of obstacles to cast their ballots at their local polling places. We can do better by offering more flexible voting hours for Americans, especially working families.

Serious allegations have been raised about voting irregularities in Ohio during the 2004 presidential election. I agree with many of my colleagues that these allegations must be investigated to the fullest extent possible because every eligible citizen in this nation must have an equal opportunity to exercise the constitutional right to cast a vote in federal elections.

In the meantime, we have an obligation to do more than investigate. If we are to grant all Americans an equal opportunity to participate in the electoral process, and to elect our representatives in this great democracy, then we must be willing to reexamine all aspects of voting in America. Changing our election day to a weekend may seem like a change of great magnitude. Given the stakes—the integrity of future elections—I hope my colleagues will recognize it as a common sense proposal whose time has come.

I ask unanimous consent that the text of the Weekend Voting Act be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 144

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Weekend Voting Act".

SEC. 2. CHANGE IN CONGRESSIONAL ELECTION DAY TO SATURDAY AND SUNDAY.

Section 25 of the Revised Statutes (2 U.S.C. 7) is amended to read as follows:

"SEC. 25. The first Saturday and Sunday after the first Friday in November, in every even numbered year, are established as the days for the election, in each of the States and Territories of the United States, of Representatives and Delegates to the Congress commencing on the 3d day of January thereafter.".

SEC. 3. CHANGE IN PRESIDENTIAL ELECTION DAY TO SATURDAY AND SUNDAY.

Section 1 of title 3, United States Code, is amended by striking "Tuesday next after the first Monday" and inserting "first Saturday and Sunday after the first Friday".

SEC. 4. POLLING PLACE HOURS IN CONTINENTAL UNITED STATES.

(a) IN GENERAL.—

(1) PRESIDENTIAL GENERAL ELECTION.—Chapter 1 of title 3, United States Code, is amended—

(A) by redesignating section 1 as section 1A; and

(B) by inserting before section 1A the following:

"§1. Polling place hours in continental United States

"(a) DEFINITIONS.—In this section:

"(1) CONTINENTAL UNITED STATES.—The term 'continental United States' means a State (other than Alaska and Hawaii) and the District of Columbia.

"(2) PRESIDENTIAL GENERAL ELECTION.—The term 'Presidential general election' means the election for electors of President and Vice President.

"(b) POLLING PLACE HOURS.—

"(1) IN GENERAL.—Each polling place in the continental United States shall be open, with respect to a Presidential general election, beginning on Saturday at 6:00 p.m. eastern standard time and ending on Sunday at 6:00 p.m. eastern standard time.

"(2) EARLY CLOSING.—A polling place may close between the hours of 12:00 p.m. (midnight) and 5:00 a.m. local time as provided by the law of the State in which the polling place is located.".

(2) CONGRESSIONAL GENERAL ELECTION.—Section 25 of the Revised Statutes of the United States (2 U.S.C. 7) is amended—

(A) by redesignating section 25 as section 25A; and

(B) by inserting before section 25A the following:

"SEC. 25. POLLING PLACE HOURS IN THE CONTINENTAL UNITED STATES.

"(a) DEFINITIONS.—In this section:

"(1) CONTINENTAL UNITED STATES.—The term 'continental United States' means a State (other than Alaska and Hawaii) and the District of Columbia.

"(2) CONGRESSIONAL GENERAL ELECTION.—The term 'congressional general election' means the general election for the office of Senator or Representative in, or Delegate or Resident Commissioner to, the Congress.

"(b) POLLING PLACE HOURS.—

"(1) IN GENERAL.—Each polling place in the continental United States shall be open, with respect to a congressional general election, beginning on Saturday at 6:00 p.m. eastern standard time and ending on Sunday at 6:00 p.m. eastern standard time.

"(2) EARLY CLOSING.—A polling place may close between the hours of 12:00 p.m. (midnight) and 5:00 a.m. local time as provided by the law of the State in which the polling place is located.".

(b) CONFORMING AMENDMENTS.—

(1) The table of sections for chapter 1 of title 3, United States Code, is amended by striking the item relating to section 1 and inserting the following:

"1. Polling place hours in continental United States.

"1A. Time of appointing electors.".

(2) Sections 871(b) and 1751(f) of title 18, United States Code, are each amended by striking "title 3, United States Code, sections 1 and 2" and inserting "sections 1A and 2 of title 3".

By Mr. ALLARD (for himself, Mr. INHOFE, Mr. LOTT, Mr. ENZI, Mr. DEMINT, Mr. SANTORUM, Mr. CRAPO, Mr. SESSIONS, Mr. VITTER, Mr. THUNE, Mr. ALEXANDER, Mr. FRIST, Mr. TALENT, Mr. BURR, Mrs. HUTCHISON, Mr. KYL, Mrs. DOLE, Mr. MARTINEZ, Mr. ISAKSON, Mr. MCCONNELL, Mr. HATCH, Mr. ROBERTS, and Mr. CORNYN):

S.J. Res. 1. A joint resolution proposing an amendment to the Constitution of the United States relating to marriage; to the Committee on the Judiciary.

Mr. ALLARD. Mr. President, I would like to first express my gratitude to the leadership for making the Marriage Protection Amendment a priority in this Congress. The Marriage Protection Amendment is a constitutional amendment that I have introduced today. It is S.J. Res. 1. In the press conference earlier today I indicated I hoped that the designation of the number would reflect its priority with the leadership. I realize that was an overly optimistic request, but I am very pleased we have the support from leadership that we do and that it is among their priority items. We have the complete support of the leadership. They all signed as cosponsors on S.J. Res. 1.

As of this very moment, we have a quarter of the Senate who have signed on as cosponsors. I think that is fabulous. It is certainly a better start than we had in the last session. In the last session, if my memory serves me correctly, I think we only had about 13 or so cosponsors on it, even after we had the debate in the Senate. So even before we have sent out a letter to our colleagues in the Senate, we have 25 original cosponsors. I am excited about that.

So today we have reintroduced the Marriage Protection Amendment in the Senate. The intent and policy goals remain the same as last year. It is the same bill we debated on the floor of the Senate. What it does is define marriage as a union between a man and a woman.

The amendment represents a democratic process: the voice of the American people following recent and widespread efforts by activist courts to change this ages-old definition of marriage.

People say, well, what about the rights of the State legislature? What we are trying to do is protect the voice of the American people. The right place for this to be determined is in the legislative bodies of this country, in the Congress of the United States and each and every legislature in every State, and not in the Federal courts. The amendment does restrict the ability of the courts to define marriage. The Marriage Protection Amendment does not override State and local authority. Under the Marriage Protection Amendment, cities, States, and private companies would still be free to determine for themselves civil union, benefit, and partnership definitions.

The Marriage Protection Amendment would not permit the redefining of marriage, a definition agreed upon by every civilization, culture, ethnicity, and religion around the world.

The definition of marriage in itself is not discriminatory. Those who have been opposed to the amendment tried to make that argument in the last session. Even civil rights leaders, Hispanic and African Americans, have said this is not a civil rights issue.

Congress does have a vital role to play in this debate. The policy goals are widely agreed upon. Recent election results illustrate broad support for the definition of marriage.

Mr. President, 14 million voters in 11 States voted for constitutional amendments on November 2, 2004, with an average majority of 67 percent. This reflects great support throughout the country. Some 13 States voted on the ballot issue in 2004.

Mr. President, I ask unanimous consent to have the information on this chart printed in the RECORD, which illustrates what happened in each one of those elections.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2004 STATEWIDE BALLOT RESULTS ON MARRIAGE AMENDMENTS

	State	Date of vote	Referred by	Vote in legislature	Signatures required	Signatures turned in	Certified by SOS	Outcome of vote	Percentages
1	Arkansas	Nov. 2	People's Initiative	N/A	80,570	200,000	Certified	Passed	Y: 75 N: 25
2	Georgia	Nov. 2	Legislature	S: 40 14 H: 122–52–3 3	N/A	N/A	N/A	Passed	Y: 77 N: 23
3	Kentucky	Nov. 2	Legislature	S: 33-4-1 H: 85–11	N/A	N/A	N/A	Passed	Y: 75 N: 25
4	Louisiana	Sept 18	Legislature	S: 31–6 H: 88–13	N/A	N/A	N/A	Passed	Y: 78 N: 22
5	Michigan	Nov 2	People's Initiative	N/A	317,757	500,000	Certified	Passed	Y: 59 N: 41
6	Mississippi	Nov 2	Legislature	S: 51–0 1 H: 97–17	N/A	N/A	N/A	Passed	Y: 86 N: 14
7	Missouri	Aug 3	Legislature	S: 26–6 H: 90–63	N/A	N/A	N/A	Passed	Y: 70.8 N: 29.2
8	Montana	Nov. 2	People's Initiative	N/A	41,020	70,000	Certified	Passed	Y: 66 N: 34
9	North Dakota	Nov. 2	People's Initiative	N/A	25,688	52,000	Certified	Passed	Y: 73 N: 27
10	Ohio	Nov. 2	People's Initiative	N/A	322,899 390,508	Waiting for	Passed	Y: 62 N: 38	
11	Oklahoma	Nov 2	Legislature	S: 38–7 H: 92–4	N/A	N/A	N/A	Passed	Y: 76 N: 24
12	Oregon	Nov. 2	People's Initiative	N/A	100,840	204,360	Certified	Passed	Y: 57 N: 43

Mr. ALLARD. The emphasis here must be on the process, democratic, deliberative, and responsive to the electorate, not to just appointed judges and lawyers. We want the American public to have a say in this debate. Courtrooms are not the place for this important decision about the most fundamental institution of mankind, and that is the definition of marriage. Courts should interpret the law, not write it.

So we are eager to begin to have hearings, to talk about the research, to debate and have constructive dialog on this very important issue. It is important to the American people. It is important we continue to move forward with the momentum that has evolved as a result of our debate last year and the momentum that has evolved as a result of the elections of this past fall.

I am excited about introducing the Marriage Protection Amendment, which is exactly the same amendment we debated on the floor of the Senate last year.

Mr. President, before I wrap up, I ask unanimous consent that Senator COBURN be added as an original cosponsor and Senator STEVENS be added as an original cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLARD. Again, in conclusion, I thank the leadership for their support and my colleagues for their support on this particular amendment. We had a number of elections for Senate seats where this was a very important issue and critical to the election of many of our new Members in the Senate. We have at least five votes that have switched as a result of this election. I think that is the American people having an opportunity to speak their mind.

I can say, this amendment is to protect the voice of the American people. The proper way to have this debate is in the legislative bodies of America. That includes the Congress and each and every legislature.

Again, I thank the leader for his leadership on this particular issue. I also thank my colleagues who showed up at the press conference this morning to talk about this issue, particularly Senator SANTORUM, Senator HUTCHISON, Senator SESSIONS, and Senator THUNE who joined me in the press conference. I thank them for their leadership this morning in that press conference.

Mr. ALLARD. Mr. President, I ask unanimous consent that the text of the joint resolution be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S.J. RES. 1

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE—

"SECTION 1. This article may be cited as the 'Marriage Protection Amendment'.

"SECTION 2. Marriage in the United States shall consist only of the union of a man and a woman. Neither this Constitution, nor the constitution of any State, shall be construed to require that marriage or the legal incidents thereof be conferred upon any union other than the union of a man and a woman.".

By Mr. CRAIG:

S.J. Res. 2. A joint resolution proposing an amendment to the Constitution of the United States relative to require a balanced budget and protect Social Security surpluses; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, today I am reintroducing the Balanced Budget Amendment to the Constitution of the United States. When we were in deficit and when we were in surplus, I have always said, if we could adopt one fundamental reform to the way the Federal Government does business, this is it. The fiscal events of the last few years have again demonstrated the need for this long-term, fundamental, permanent reform.

For many Americans, one of the signs of our deep respect for the Constitution is our acknowledgment that, in exceptional cases, a problem rises to such a level that it can be adequately addressed only in the Constitution—by way of a constitutional amendment.

From 1998 through 2001, Congress balanced the Federal budget. These four budget surpluses in a row, for the first time since the 1920s, set the modern record for balancing the Federal budget. The first Republican Congresses in 40 years made balancing the budget our top priority, and did what was necessary, reaching across the aisle and working on a bipartisan basis. We ran surpluses and began the process we needed to pay down the national debt. This in turn promised, among other things, to help us safeguard the future of Social Security.

Then events intervened.

A return to budget deficits was caused by an economic recession and a war begun by terrorist attacks. Even before taking office in 2001, President Bush correctly foresaw the coming recession and prescribed the right medicine—the tax relief that has bolstered the economy and has saved and created jobs. The current economic recovery, in turn, has prevented even worse Federal budget deficits.

The return to deficit spending can and should be a temporary phenomenon. We are rebounding from the recession of 2001 and the body blow to the economy caused by the war with terrorism.

We must do whatever it takes to win that war. Providing for the self-defense and survival of our people and our Nation is the most fundamental responsibility of the Federal Government. That principle has been reflected in every significant version of the balanced budget constitutional amendment, in exceptions for war and imminent military threats. Historically, that principle was followed even when balancing the budget was the norm, because the U.S. Government always has borrowed when necessary to fight and win a war.

Beyond that, we must keep all other Federal spending under control, so that we return, as soon as possible, to balancing the budget.

In other words, the return to deficit spending will be a temporary problem only if we make a permanent commitment to the moral imperative of fiscal responsibility.

We always did, and always will, need a balanced budget amendment to our Constitution.

Even in the heady days of budget surpluses, I always maintained the only way to guarantee that the Federal Government would stay fiscally responsible was to add a balanced budget amendment to the Constitution.

Before we balanced the budget in 1998, the Government was deficit spending for 28 years in a row and for 59 out of 67 years. The basic law of political temptation—to just say "yes"—was not repealed in 1998, but only restrained some, when we came together and briefly faced up to the great threat to the future posed by decades of debt.

Now, the Government is back to borrowing. And for some, a return to deficit spending seems to have been liberating, as the demands for new spending only seem to be multiplying again.

That is why, today, I am again introducing a balanced budget amendment to the Constitution and calling upon my colleagues to send it to the States for ratification.

The amendment I introduce today is the same one I sponsored in the 108th Congress. This is essentially the same as the amendment that came within a single vote of the two-thirds necessary for passage, twice in two previous Senates. In addition, this amendment would not count the Social Security surplus in its calculation of a balanced budget. Those annual surpluses would be set aside exclusively to meet the future needs of Social Security beneficiaries.

It's a new day, a new year, and a new Senate. We have the opportunity of a fresh start and, hopefully, the wisdom of experience. Today, with the first piece of legislation I am introducing in the 109th Congress, I call on the Senate to safeguard the future, by considering and passing a balanced budget amendment to the Constitution—a bill of economic rights for our future and our children.

I ask unanimous consent that a copy of this joint resolution, proposing a balanced budget amendment to the Constitution, be printed in the RECORD.

There being no objection, the joint resolution was ordered to be printed in the RECORD, as follows:

S. J. RES. 2

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years after the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Total outlays for any fiscal year shall not exceed total receipts for that fiscal year, unless three-fifths of the whole number of each House of Congress shall provide by law for a specific excess of outlays over receipts by a rollcall vote.

"SECTION 2. Total receipts shall include all receipts of the United States Government except those derived from borrowing. Total outlays shall include all outlays of the United States Government except for those for repayment of debt principal.

"SECTION 3. Any surplus of receipts (including attributable interest) over outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall not be counted for purposes of this article. Any deficit of receipts (including attributable interest) relative to outlays of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds shall be counted for purposes of this article, and must be completely offset by a surplus of all other receipts over all other outlays.

"SECTION 4. The limit on the debt of the United States held by the public shall not be increased, unless three-fifths of the whole number of each House shall provide by law for such an increase by a rollcall vote.

"SECTION 5. Prior to each fiscal year, the President shall transmit to the Congress a proposed budget for the United States Government for that fiscal year, in which total outlays do not exceed total receipts.

"SECTION 6. No bill to increase revenue shall become law unless approved by a majority of the whole number of each House by a rollcall vote.

"SECTION 7. The Congress may waive the provisions of this article for any fiscal year in which a declaration of war is in effect. The provisions of this article may be waived for any fiscal year in which the United States is engaged in military conflict which causes an imminent and serious military threat to national security and is so declared by a joint resolution, adopted by a majority of the whole number of each House, which becomes law.

"SECTION 8. The Congress shall enforce and implement this article by appropriate legislation, which may rely on estimates of outlays and receipts.

"SECTION 9. This article shall take effect the second fiscal year beginning after its ratification.".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 7—RELATING TO THE DEATH OF HOWARD S. LIEBENGOOD, FORMER SERGEANT AT ARMS OF THE SENATE

Mr. FRIST (for himself, Mr. ALEXANDER, Mr. DOMENICI, Mr. COCHRAN, Mr. HAGEL, Mr. WARNER, Mr. BIDEN, Mr. HATCH, Mr. KENNEDY, Mr. DODD, and Mr. GRAHAM) submitted the following resolution; which was considered and agreed to:

S. RES. 7

Whereas Howard S. Liebengood served as a captain in the United States Army Military Police Corps in Vietnam from 1968 to 1970, receiving the Bronze Star and the Army Commendation Medal for his exemplary service;

Whereas Howard S. Liebengood began his service to the Senate in 1973 as minority counsel to the Senate Watergate Committee;

Whereas Howard S. Liebengood served as an aide to the Senate Church Committee in 1975, as the minority staff director of the Senate Select Committee on Intelligence in 1976, and as legislative counsel to Senate Majority Leader Howard H. Baker, Jr., in 1980;

Whereas Howard S. Liebengood served as Sergeant at Arms of the Senate from 1981 to 1983;

Whereas Howard S. Liebengood served as chief of staff to Senator Fred Thompson from 2001 to 2003, and as chief of staff to Senate Majority Leader William H. Frist, M.D., from 2003 until his death in January, 2005;

Whereas Howard S. Liebengood was a caring and devoted husband, father, and colleague who served with the utmost humility and distinction and was admired and respected by all as a teacher, adviser, and friend; and

Whereas Howard S. Liebengood inspired others through his personal leadership, generosity, and great love for the United States: Now, therefore, be it

Resolved, That—

(1) the Senate has heard with profound sorrow and deep regret the announcement of the death of Howard S. Liebengood; and

(2) the Secretary of the Senate communicate these resolutions to the House of Representatives and transmit an enrolled copy of these resolutions to the family of Howard S. Liebengood.

SENATE RESOLUTION 8—EXPRESSING THE SENSE OF THE SENATE REGARDING THE MAXIMUM AMOUNT OF A FEDERAL PELL GRANT

Ms. COLLINS (for herself, Mr. FEINGOLD, and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on Health, Education, Labor, and Pensions:

S. RES. 8

Whereas public investment in higher education yields a return of several dollars for each dollar invested;

Whereas higher education promotes economic opportunity and recipients of bachelor's degrees earn 73 percent more in lifetime earnings than those with only a secondary school diploma and are also significantly less likely to be unemployed;

Whereas access to a college education has become a hallmark of American society, and is vital to upholding our belief in equality of opportunity;

Whereas for a generation, the Federal Pell Grant has served as an established and effective means of providing access to higher education;

Whereas when viewed in constant dollars, the value of today's Pell Grant maximum award has actually declined by 16 percent since the mid 1970s;

Whereas grant aid as a portion of student aid has fallen significantly in the past 30 years;

Whereas in 1975, grant aid constituted approximately 80 percent of total student aid awarded to college students and loans constituted only 17 percent, now this has reversed with grants making up only 38 percent, and loans covering 56 percent of total student aid; and

Whereas the increasing reliance on borrowing to finance a higher education is particularly burdensome on low-income families and has negative consequences for the enrollment of these students.

Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the maximum Federal Pell Grant for which a student should be eligible during award year 2005–2006 should be $4,500; and

(2) the authorized levels for the Federal Pell Grant maximum amount found in section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) should be set high enough to accommodate a Federal Pell Grant amount of $9,000 by award year 2010–2011.

Ms. COLLINS. Mr. President, I rise today to introduce the first piece of legislation that I will sponsor in the 109th Congress—a resolution calling on the Senate to strengthen the Pell grant program so that more families can afford higher education.

The Pell grant program is the single largest source of grant aid for postsecondary education funded by the Federal Government. It provides grants to students based on their level of financial need to support their studies at the institutions they have chosen to attend. For this fiscal year, the Pell program is funded at $12.8 billion and is estimated to serve more than 5.3 million students.

I am pleased to have Senator FEINGOLD and Senator COLEMAN joining me in this bipartisan effort to marshal additional Federal resources for the Pell program. They each have been a leader in the effort to expand access to higher education.

Our system of higher education is in many ways the envy of the world, but its benefits have not been equally available. Unfortunately, it is still the case that one of the most determinative factors of whether students will pursue higher education is their family income. Students from families with incomes above $75,000 are more than twice as likely to attend college as students from families with incomes of less that $25,000.

Even more unsettling are studies demonstrating the negative effect of unmet financial need on college attendance for even the most academically prepared students. Among the most highly qualified high school students, those from low-income families were 43 percent less likely to attend college than their wealthier counterparts.

To help remedy these inequities, the Federal Government has wisely invested in a need-based system of student financial aid designed to help remove the economic barriers to higher education. Central to this effort over the past 30 years has been the Pell grant program. This program was designed as the cornerstone of Federal student assistance.

Unfortunately, the purchasing power of the Pell grant has been significantly eroded in recent years, forcing students to rely increasingly on loans to finance their higher education. In 1975, the maximum Pell grant covered approximately 80 percent of the costs of attending a public, 4-year institution. Today, it covers less than half of these costs, forcing students to make up the difference by taking on larger and larger amounts of debt. On average, students from the University of Maine graduate with approximately $18,000 in debt from Federal student loans alone, and this reflects national trends. As startling as this figure is, it does not include additional indebtedness that many students incur through private loans or credit card debt to finance their education.

The decline in the value of grant aid and the growing reliance on loans bring other negative consequences. The staggering amount of loans can force some students to abandon their plans to attend college altogether. According to the College Board, low-income families are significantly less willing, by almost 50 percent, to finance a college education through borrowed money than their wealthier counterparts.

That does not surprise me. Many working families in Maine are committed to living within their means. Understandably, they are extremely wary of the staggering amount of debt that is now required to finance a college education.

I also know this to be true from my experiences as a college administrator at Husson College in Maine. At Husson, 85 to 90 percent of students currently receive some sort of Federal financial aid, and approximately 60 percent of students receive Pell grants.

As Linda Conant, the financial aid director at Husson told me, "You cannot imagine how difficult it is to sit with a family and to explain to them the amount of loans that are needed to finance a post-secondary degree. It scares them. That is why Pell grant aid is so important for low-income families. For these families, loans don't always work, but Pell does."

I also heard from Judy Kenney from Northern Maine about the importance of Pell grants. Judy lives in Castle Hill, not far from my home town of Caribou. Her daughter and son both were able to attend college with the help of Pell grants. As she told me, "At the time, my husband Maylen was farming and having a rough go of it and I was a teacher and didn't make much. But the Pell grants my children received made it possible for them to graduate, one from the University of New England and one from Thomas College. Without these grants, they couldn't have finished and now they are making good wages and paying taxes!"

Judy couldn't be more right on both counts. Not only can the typical bachelor's degree recipient expect to earn about 73 percent more over a lifetime than a high school graduate, they also typically contribute 100 percent more in Federal income taxes than the average high school graduate. So this is truly a Federal investment that pays for itself over the long run.

We also know that having a well-educated workforce is crucial to our economic future and competitiveness in the global economy. The Bureau of Labor Statistics has projected that over the next 10 years, there will be significant growth in jobs requiring at least some post-secondary education. So increasingly, higher education is going to be necessary to ensure employability and to prepare Americans to participate in tomorrow's economy.

Pell grants make the difference in whether students have access to higher education, and a chance to participate fully in the American dream. That is why today I am introducing a resolution calling on the Senate to begin restoring the value of the Pell grant program.

This resolution calls on the Senate to raise the Pell maximum grant award to $4,500, a $450 increase in a single year. This increase is long overdue. The maximum grant award has been essentially level-funded for 4 straight years—at $4,050 for the past 3 years and only a $50 increase in FY 2002.

During these 4 years, think of the students who might have entered college and graduated with a degree, if only they had received additional Pell grant aid. Pell grants are targeted to the neediest of students—recipients have a median family income of only $15,200. An additional $450 in Pell grant aid may very well be the deciding factor on whether these students can pursue their college dreams.

The resolution also calls on the Senate to amend the Higher Education Act to provide higher authorization levels for the Pell maximum grant that would allow for a doubling of the maximum grant to $9,000 over the next 5 years. This is an ambitious goal but a worthy one for a nation that understands the opportunities that a college education brings.

As my colleagues know, the Higher Education Act is expected to be reauthorized this year. As the Senate HELP

Committee considers the reauthorization, it is my hope that this resolution will prompt a discussion about the need for the maximum grant to grow.

I know that my good friends Senator ENZI, the new chairman of the Senate HELP Committee; Senator KENNEDY, the ranking member; Senator ALEXANDER, the chairman of the new Education and Early Childhood Development Subcommittee; and his Democratic counterpart will all work hard with other committee members to produce a strong reauthorization bill. I look forward to working with them further; they are all champions of ensuring greater access to quality education for all Americans, regardless of their financial means.

The President also has recently announced his intention to include a proposal in his 2006 budget request to eliminate the Pell shortfall and to provide an increase in the maximum grant of $100 for each of the next 5 years. I commend the President for focusing on Pell grants, and I hope that we can work together to provide a more substantial increase for the maximum grant for the upcoming year. An increase of approximately $100 for each of the next 5 years will not be enough to increase the purchasing power of Pell grants and will not keep pace with inflation or rising tuition costs. For 2004–2005, the average costs of tuition and fees for a public, 4-year institution rose by over 10 percent.

I will ask unanimous consent to have a letter of support for my legislation printed in the RECORD. This letter is from the Student Aid Alliance, a coalition of more than 60 organizations representing students, colleges and universities. Founded by the American Council on Education and the National Association of Independent Colleges and Universities, the Student Aid Alliance includes members such as the American Association of Community Colleges, the American Association of State Colleges and Universities, and the National Association of Student Financial Aid Administrators, to name just a few. I am pleased to have their support.

Mr. President, now is the time for us to make a commitment to raising the Pell maximum award to $4,500 for the upcoming award year. The Pell grant program is the foundation of making good on the American promise of access to higher education. I hope that my colleagues will join me in supporting this resolution.

I ask unanimous consent to have the letter to which I referred printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

STUDENT AID ALLIANCE,
Washington, DC, January 24, 2005.

Re support for Collins-Feingold Resolution on Pell Grants

DEAR SENATOR: The Student Aid Alliance, a coalition of over 60 higher education associations representing students, parents, colleges and universities, supports the passage of the Collins-Feingold resolution to increase the Pell Grant maximum award to $4,500 in the 2005-06 award year, and to double the maximum over the next 5 years. We urge the Senate to adopt this legislation, which paves the way toward achieving increased support for students seeking to finance a college education.

The Pell Grant program is one of the most successful programs that the federal government has ever initiated. It has financed the education of millions of college students who are now contributing members of society—doctors, teachers, mayors, and members of Congress. It is rooted in the abiding American value that one's aspirations—not one's income—should determine the shape of one's future.

Increasing the Pell Grant maximum award by $450 is vitally important to the millions of college students who have seen no increase in their grants for the past three years in a row. During this period, the college-age population has continued to expand, states have been cutting their investments in higher education, and family savings have been diminished by economic losses. Increasing the Pell Grant maximum award is an essential and necessary component of keeping college possible for these students.

Passage of the Collins-Feingold resolution will signal Congress' interest in and support of America's neediest students. We encourage you to support this important legislation.

Sincerely,

DAVID WARD,
Co-Chair.
DAVID WARREN,
Co-Chair.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

2005 LIST OF MEMBERS

American Association for Higher Education
American Association of Colleges for Teacher Education
American Association of Colleges of Nursing
American Association of Colleges of Pharmacy
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Dental Education Association
American Association of State Colleges and Universities
American Association of University Professors
American College Personnel Association
American College Testing
American Council on Education
American Indian Higher Education Consortium
American Jewish Congress
American Psychological Association
American Society for Engineering Education
American Student Association of Community Colleges
APPA: The Association of Higher Education Facilities Officers
Association of Academic Health Centers
Association of Advanced Rabbinical and Talmudic Schools
Association of American Colleges and Universities
Association of American Law Schools
Association of American Medical Colleges
Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Citizen's Scholarship Foundation of America
Coalition of Higher Education Assistance Organizations
College and University Personnel Association for Human Resources
College Board
College Parents of America
Council for Advancement and Support of Education
Council for Christian Colleges and Universities
Council for Higher Education Accreditation
Council of Graduate Schools
Council of Independent Colleges
Council for Opportunity in Education
Educational Testing Service
Hispanic Association of Colleges and Universities
Lutheran Educational Conference of North America
NAFSA: Association of International Educators
National Association for College Admission Counseling
National Association for Equal Opportunity in Higher Education
National Association of College and University Business Officers
National Association of Graduate and Professional Students
National Association of Independent Colleges and Universities
National Association of State Student Grant and Aid Programs
National Association of State Universities and Land-Grant Colleges
National Association of Student Financial Aid Administrators
National Association of Student Personnel Administrators
National College Access Network
National Collegiate Athletic Association
National Council for Community and Education Partnerships
National Council of University Research Administrators
National Education Association
NAWE: Advancing Women in Higher Education
The Council on Government Relations
United Negro College Fund
United States Public Interest Research Group
United States Student Association
University Continuing Education Association
Women's College Coalition

SENATE RESOLUTION 9—EXPRESSING THE SENSE OF THE SENATE REGARDING DESIGNATION OF THE MONTH OF NOVEMBER AS "NATIONAL MILITARY FAMILY MONTH"

Mr. INOUYE submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 9

Whereas military families, through their sacrifices and their dedication to our Nation and its values, represent the bedrock upon which our Nation was founded and upon which our Nation continues to rely in these perilous and challenging times: Now, therefore, be it

Resolved, That it is the sense of the Senate—

(1) that the month of November should be designated as “National Military Family Month”; and

(2) to request that the President—

(A) designate the month of November as “National Military Family Month”; and

(B) issue a proclamation calling upon the people of the United States to observe the month with appropriate ceremonies and activities.

Mr. INOUYE. Mr. President, today I rise to honor all our military families by introducing a Resolution to designate November as National Military Family Month. As we all know, memories fade and the hardships experienced by our military families are easily forgotten unless they touch our own immediate family.

Today, we have our men and women deployed all over the world, engaged in this war on terrorism. These far-ranging military deployments are extremely difficult on the families who bear this heavy burden.

To honor these families, the Armed Services YMCA has sponsored Military Family Week in late November since 1996. However, due to frequent “short week” conflicts around the Thanksgiving holidays, the designated week has not always afforded enough time to schedule observance on and near our military bases.

I believe a month long observation will allow greater opportunity to plan events. Moreover, it will provide a greater opportunity to stimulate media support.

A resolution will help pave the way for this effort. I ask my colleagues to join me in supporting this tribute to our military families.

SENATE CONCURRENT RESOLUTION 3—EXPRESSING THE SENSE OF THE CONGRESS WITH RESPECT TO THE MURDER OF EMMETT TILL

Mr. SCHUMER (for himself and Mr. TALENT) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 3

Whereas Emmett Till was born in Chicago, Illinois, at Cook County Hospital, on July 25, 1941, to Mamie and Louis Till;

Whereas Emmett Till traveled to Money, Mississippi, to spend the summer with his uncle, Moses Wright, and his relatives;

Whereas in August 1955, 14-year-old Emmett Till—with adolescent flamboyance, but unfamiliarity of the racial customs of the South—allegedly whistled at Carolyn Bryant, a White woman;

Whereas on August 28, at about 2:30 a.m., Roy Bryant, Carolyn Bryant's husband, and his half brother, J.W. Milam, kidnaped Emmett Till from his uncle Moses Wright's home;

Whereas Bryant and Milam brutally beat Emmett Till, took him to the edge of the Tallahatchie River, shot him in the head, fastened a large metal fan used for ginning cotton to his neck with barbed wire, and pushed the body into the river;

Whereas 3 days later, Emmett Till's decomposed corpse was pulled from the Tallahatchie River;

Whereas Emmett's mother, Mamie Till, made the extraordinary decision to leave the casket open at her son's funeral in Chicago, in order to allow the world to see the brutality of the crime perpetrated against her son;

Whereas tens of thousands of people viewed Emmett Till's body in a Chicago church for 4 days; and press from around the world published photographs of Emmett's maimed face; and the sheer brutality of his murder became international news that highlighted the violent racism of the Jim Crow South;

Whereas Jet Magazine and the Chicago Defender published photographs of Emmett Till's body outraging African-Americans around the United States;

Whereas the trial of J.W. Milam and Roy Bryant began in September of that year with an all-male, all-White jury, because African-Americans and women were banned from serving;

Whereas the trial of Milam and Bryant was a microcosm of the Jim Crow South: African-Americans were packed in a specific section of the courtroom balcony; the defendants' families were seen laughing and joking with the prosecution and the jury; and food and snacks were passed out to White observers;

Whereas Moses Wright did the unthinkable as an African-American and openly accused the White defendants in public court of murdering his nephew;

Whereas Moses Wright was run out of town for his actions in court;

Whereas J.W. Milam and Roy Bryant were acquitted of the murder of Emmett Till, and Bryant celebrated his acquittal with his wife in front of the cameras;

Whereas protected from further prosecution, Milam and Bryant candidly confessed their torture and murder of Emmett Till; Milam did so on the record to Look Magazine for $4,000;

Whereas Mamie Till and thousands of others pleaded with the Department of Justice and the Federal Bureau of Investigation to reopen and investigate the case;

Whereas the Federal Government did absolutely nothing, and President Eisenhower and FBI Director J. Edgar Hoover refused to reopen the case and did not even answer Mamie Till's urgent telegraph;

Whereas 100 days later, Rosa Parks refused to give up her bus seat to a White patron and the modern civil rights revolution began;

Whereas many historians regard the murder of Emmett Till as the true spark of the civil rights movement;

Whereas Mamie Till, who died on January 6, 2003, moved back to Chicago, taught, and continued to talk about her son Emmett's murder; and expressed her wishes for a full Federal investigation;

Whereas more than 48 years have passed since the murder of Emmett Till;

Whereas the remaining witnesses to this gruesome crime are elderly;

Whereas House Concurrent Resolution 360 entitled “Expressing the sense of Congress with respect to the murder of Emmett Till”, was introduced on February 10, 2004, by Representative Bobby Rush;

Whereas the Department of Justice reopened the investigation into the murder of Emmett Till on May 11, 2004; and

Whereas Congress supports the decision to reopen the investigation of the murder of Emmett Till: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) calls on all authorities with jurisdiction, including the Department of Justice and the State of Mississippi, to—

(A) expeditiously bring those responsible for the murder of Emmett Till to justice, due to the amount of time that has passed since the murder and the age of the witnesses; and

(B) provide all the resources necessary to ensure a timely and thorough investigation; and

(2) calls on the Department of Justice to fully report the findings of their investigation to Congress.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Wednesday, January 26, 2005, at 10:30 a.m. in room 485 of the Russell Senate Office Building to conduct a business meeting to consider the Committee budget resolution and proposed changes to the Committee rules and any other organizational business the committee needs to attend to.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

SUBCOMMITTEE ON PUBLIC LANDS AND FORESTS

Mr. McCAIN. Mr. President, I would like to announce for the information of the Senate and the public that an oversight hearing has been scheduled before the Subcommittee on Public Lands and Forests of the Committee on Energy and Natural Resources.

The hearing will be held on Tuesday, February 8, 2005, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to review the implementation of Titles I through III of P.L. 106-393, the Secure Rural Schools and Community Self-Determination Act of 2000.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should sent two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150.

For further information, please contact Frank M. Gladics at 202–224–2878 or Amy Millet at 202-224-8276.

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a business meeting on January 26, 2005 in SR-332 at 10 a.m. The purpose of this meeting will be to discuss the organization of the Committee for the 109th Congress.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON VETERANS' AFFAIRS

Mr. STEVENS. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Monday, January 24, 2005, for a hearing to consider the nomination of: Mr. R. James Nicholson to be Secretary of Veterans' Affairs.

The hearing will take place in room 418 of the Russell Senate Office Building at 10:00 a.m.

A markup on Mr. Nicholson's nomination will take place in room 418 of the Russell Senate Office Building at 2:00 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR TUESDAY, JANUARY 25, 2005

Mr. FRIST. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on Tuesday, January 25. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business for up to 60 minutes with the first half of the time under the control of the majority leader or his designee and the remaining time under the control of the Democratic leader or his designee; provided that following morning business, the Senate proceed to executive session as provided under the previous order.

I further ask consent that the Senate recess tomorrow from 12:30 p.m. until 2:15 for the weekly party lunches.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. FRIST. Tomorrow, following morning business, the Senate will begin debate on the nomination of Condoleeza Rice to be Secretary of State. Under the order, there will be up to 9 hours of debate on the nomination during tomorrow's session with a short period of additional debate on Wednesday, prior to a vote on confirmation. In addition, the nomination of Jim Nicholson to be Secretary of Veterans Affairs was reported today. The Senate may act on that nomination and any other nomination that is available during the remainder of this week.

We are working across the aisle together, at the committee level and the floor level, to consider these nominations just as soon as they are made available.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. FRIST. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order, as a further mark of respect for Howard S. Liebengood.

There being no objection, the Senate, at 7:16 p.m. adjourned until Tuesday, January 25, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate January 24, 2005:

DEPARTMENT OF AGRICULTURE

THOMAS C. DORR, OF IOWA, TO BE UNDER SECRETARY OF AGRICULTURE FOR RURAL DEVELOPMENT, VICE JILL L. LONG, RESIGNED.

THOMAS C. DORR, OF IOWA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE COMMODITY CREDIT CORPORATION, VICE JILL L. LONG, RESIGNED.

DEPARTMENT OF DEFENSE

PETER CYRIL WYCHE FLORY, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE JACK DYER CROUCH, II.

JOHN PAUL WOODLEY, JR., OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE ARMY, VICE MICHAEL PARKER.

BUDDIE J. PENN, OF VIRGINIA, TO BE AN ASSISTANT SECRETARY OF THE NAVY, VICE H. T. JOHNSON.

NATIONAL SECURITY EDUCATION BOARD

ANDREW J. MCKENNA, JR., OF ILLINOIS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE ROBERT N. SHAMANSKY, TERM EXPIRED.

GEORGE M. DENNISON, OF MONTANA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE BRUCE SUNDLUN, TERM EXPIRED.

JAMES WILLIAM CARR, OF ARKANSAS, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE MANUEL TRINIDAD PACHECO, TERM EXPIRED.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

PAMELA HUGHES PATENAUDE, OF NEW HAMPSHIRE, TO BE AN ASSISTANT SECRETARY OF HOUSING AND URBAN DEVELOPMENT, VICE ROMOLO A. BERNARDI.

FEDERAL HOUSING FINANCE BOARD

RONALD ROSENFELD, OF OKLAHOMA, TO BE A DIRECTOR OF THE FEDERAL HOUSING FINANCE BOARD FOR THE REMAINDER OF THE TERM EXPIRING FEBRUARY 27, 2009, VICE JOHN THOMAS KORSMO, RESIGNED.

NATIONAL INSTITUTE OF BUILDING SCIENCES

WILLIAM HARDIMAN, OF MICHIGAN, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL INSTITUTE OF BUILDING SCIENCES FOR A TERM EXPIRING SEPTEMBER 7, 2006, VICE H. TERRY RASCO, TERM EXPIRED.

REFORM BOARD (AMTRAK)

FLOYD HALL, OF NEW JERSEY, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE AMY M. ROSEN, TERM EXPIRED.

AMTRAK

ENRIQUE J. SOSA, OF FLORIDA, TO BE A MEMBER OF THE REFORM BOARD (AMTRAK) FOR A TERM OF FIVE YEARS, VICE LINWOOD HOLTON, TERM EXPIRED.

ENVIRONMENTAL PROTECTION AGENCY

THOMAS V. SKINNER, OF ILLINOIS, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JOHN PETER SUAREZ, RESIGNED.

LUIS LUNA, OF MARYLAND, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE MORRIS X. WINN.

MISSISSIPPI RIVER COMMISSION

MAJOR GENERAL DON T. RILEY, UNITED STATES ARMY, TO BE A MEMBER AND PRESIDENT OF THE MISSISSIPPI RIVER COMMISSION.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

D. MICHAEL RAPPOPORT, OF ARIZONA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008. (REAPPOINTMENT)

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

MICHAEL BUTLER, OF TENNESSEE, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008, VICE ERIC D. EBERHARD, TERM EXPIRED.

DEPARTMENT OF THE TREASURY

RAYMOND THOMAS WAGNER, JR., OF MISSOURI, TO BE A MEMBER OF THE INTERNAL REVENUE SERVICE OVERSIGHT BOARD FOR A TERM EXPIRING SEPTEMBER 14, 2009. (REAPPOINTMENT)

HAROLD DAMELIN, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF THE TREASURY, VICE JEFFREY RUSH, JR., RESIGNED.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DANIEL R. LEVINSON, OF MARYLAND, TO BE INSPECTOR GENERAL, DEPARTMENT OF HEALTH AND HUMAN SERVICES, VICE JANET REHNQUIST, RESIGNED.

DEPARTMENT OF STATE

HOWARD J. KRONGARD, OF NEW JERSEY, TO BE INSPECTOR GENERAL, DEPARTMENT OF STATE, VICE CLARK KENT ERVIN.

INTER-AMERICAN FOUNDATION

NADINE HOGAN, OF FLORIDA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING JUNE 26, 2008, VICE FRANK D. YTURRIA, TERM EXPIRED.

BROADCASTING BOARD OF GOVERNORS

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE CHAIRMAN OF THE BROADCASTING BOARD OF GOVERNORS. (REAPPOINTMENT)

D. JEFFREY HIRSCHBERG, OF WISCONSIN, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007. (REAPPOINTMENT)

KENNETH Y. TOMLINSON, OF VIRGINIA, TO BE A MEMBER OF THE BROADCASTING BOARD OF GOVERNORS FOR A TERM EXPIRING AUGUST 13, 2007. (REAPPOINTMENT)

EXECUTIVE OFFICE OF THE PRESIDENT

JORGE A. PLASENCIA, OF FLORIDA, TO BE A MEMBER OF THE ADVISORY BOARD FOR CUBA BROADCASTING FOR A TERM EXPIRING OCTOBER 27, 2006, VICE JOSEPH FRANCIS GLENNON, TERM EXPIRED.

INTER-AMERICAN FOUNDATION

ROGER W. WALLACE, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2008, VICE FRED P. DUVAL.

JACK VAUGHN, OF TEXAS, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE INTER-AMERICAN FOUNDATION FOR A TERM EXPIRING SEPTEMBER 20, 2006, VICE PATRICIA HILL WILLIAMS, TERM EXPIRED.

UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY

JAY T. SNYDER, OF NEW YORK, TO BE A MEMBER OF THE UNITED STATES ADVISORY COMMISSION ON PUBLIC DIPLOMACY FOR A TERM EXPIRING JULY 1, 2007. (REAPPOINTMENT)

DEPARTMENT OF STATE

DAVID B. BALTON, OF THE DISTRICT OF COLUMBIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS DEPUTY ASSISTANT SECRETARY OF STATE FOR OCEANS AND FISHERIES. (NEW POSITION)

JOSEPH R. DETRANI, OF VIRGINIA, FOR THE RANK OF AMBASSADOR DURING HIS TENURE OF SERVICE AS SPECIAL ENVOY FOR THE SIX PARTY TALKS. (NEW POSITION)

JOHN THOMAS SCHIEFFER, OF TEXAS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO JAPAN.

DEPARTMENT OF EDUCATION

CRAIG T. RAMEY, OF WEST VIRGINIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE NATIONAL BOARD FOR EDUCATION SCIENCES FOR A TERM OF TWO YEARS. (NEW POSITION)

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

A. WILSON GREENE, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009. (REAPPOINTMENT)

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

HARRY ROBINSON, JR., OF TEXAS, TO BE A MEMBER OF THE NATIONAL MUSEUM SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2008. (REAPPOINTMENT)

NATIONAL MUSEUM AND LIBRARY SERVICES BOARD

KATINA P. STRAUCH, OF SOUTH CAROLINA, TO BE A MEMBER OF THE NATIONAL MUSEUM AND LIBRARY

SERVICES BOARD FOR A TERM EXPIRING DECEMBER 6, 2009, VICE ELIZABETH J. PRUET, TERM EXPIRING.

LEGAL SERVICES CORPORATION

THOMAS A. FUENTES, OF CALIFORNIA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE THOMAS F. SMEGAL, JR., TERM EXPIRED.

BERNICE PHILLIPS, OF NEW YORK, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF THE LEGAL SERVICES CORPORATION FOR A TERM EXPIRING JULY 13, 2005, VICE MARIA LUISA MERCADO, TERM EXPIRED.

JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION

GEORGE PERDUE, OF GEORGIA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE JAMES MADISON MEMORIAL FELLOWSHIP FOUNDATION FOR A TERM EXPIRING NOVEMBER 5, 2006, VICE CARROLL A. CAMPBELL, JR., TERM EXPIRED.

NATIONAL LABOR RELATIONS BOARD

RONALD E. MEISBURG, OF VIRGINIA, TO BE A MEMBER OF THE NATIONAL LABOR RELATIONS BOARD FOR THE TERM OF FIVE YEARS EXPIRING AUGUST 27, 2008, VICE RENE ACOSTA, RESIGNED.

NATIONAL SECURITY EDUCATION BOARD

KIRON KANINA SKINNER, OF PENNSYLVANIA, TO BE A MEMBER OF THE NATIONAL SECURITY EDUCATION BOARD FOR A TERM OF FOUR YEARS, VICE HERSCHELLE S. CHALLENOR.

BARRY GOLDWATER SCHOLARSHIP & EXCELLENCE IN EDUCATION FOUNDATION

CHARLES P. RUCH, OF SOUTH DAKOTA, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE BARRY GOLDWATER SCHOLARSHIP AND EXCELLENCE IN EDUCATION FOUNDATION FOR A TERM EXPIRING AUGUST 11, 2010, VICE NIRANJAN SHAMALBHAI SHAH, TERM EXPIRED.

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

EDWARD L. FLIPPEN, OF VIRGINIA, TO BE INSPECTOR GENERAL, CORPORATION FOR NATIONAL AND COMMUNITY SERVICES, VICE J. RUSSELL GEORGE.

GENERAL SERVICES ADMINISTRATION

BRIAN DAVID MILLER, OF VIRGINIA, TO BE INSPECTOR GENERAL, GENERAL SERVICES ADMINISTRATION, VICE DANIEL R. LEVINSON.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

ALLEN WEINSTEIN, OF MARYLAND, TO BE ARCHIVIST OF THE UNITED STATES, VICE JOHN W. CARLIN.

UNITED STATES POSTAL SERVICE

CAROLYN L. GALLAGHER, OF TEXAS, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 8, 2009, VICE LOUIS J. GIULIANO, RESIGNED.

LOUIS J. GIULIANO, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2005, VICE CAROLYN L. GALLAGHER.

POSTAL RATE COMMISSION

TONY HAMMOND, OF VIRGINIA, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2010. (REAPPOINTMENT)

UNITED STATES POSTAL SERVICE

LOUIS J. GIULIANO, OF NEW YORK, TO BE A GOVERNOR OF THE UNITED STATES POSTAL SERVICE FOR A TERM EXPIRING DECEMBER 8, 2014. (REAPPOINTMENT)

DEPARTMENT OF JUSTICE

STEPHEN THOMAS CONBOY, OF VIRGINIA, TO BE UNITED STATES MARSHAL FOR THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA FOR THE TERM OF FOUR YEARS, VICE TODD WALTHER DILLARD.

FOREIGN CLAIMS SETTLEMENT COMMISSION

DAVID B. RIVKIN, JR., OF VIRGINIA, TO BE A MEMBER OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES FOR THE TERM EXPIRING SEPTEMBER 30, 2007, VICE LARAMIE FAITH MCNAMARA.

FOREIGN SERVICE

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF CAREER-MINISTER:

DONALD B. CLARK, OF NEW HAMPSHIRE
WALTER E. NORTH, OF WASHINGTON
CARLOS PASCUAL, OF THE DISTRICT OF COLUMBIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF MINISTER-COUNSELOR:

OLIVER CHARLES CARDUNER, OF VIRGINIA
SHARON CROMER, OF THE DISTRICT OF COLUMBIA
DAVID ECKERSON, OF WASHINGTON
WILLIAM JOHN GRAVELINK, OF VIRGINIA
JAMES R. KIRKLAND, OF TENNESSEE
MARY CATHERINE OTT, OF MARYLAND
ANDREW B. SISSON, OF NEW YORK
JAMES THOMPSON SMITH, JR., OF VIRGINIA
JAMES STEPHENSON, OF VIRGINIA
DIANE SWAIN, OF VIRGINIA
LOUISE B. WISE, OF VIRGINIA
STEVEN G. WISECARVER, OF VIRGINIA

THE FOLLOWING-NAMED CAREER MEMBERS OF THE FOREIGN SERVICE OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT FOR PROMOTION INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE OF THE UNITED STATES OF AMERICA, CLASS OF COUNSELOR:

JAMES B. AHN, OF FLORIDA
DAVID ADKINS ATWOOD, OF VIRGINIA
CAROL BECKER, OF MARYLAND
JEFF BORNS, OF MARYLAND
ROBERT STEPHEN BRENT, OF MARYLAND
CLIFFORD H. BROWN, OF WASHINGTON
LESLIE B. CURTIN, OF CONNECTICUT
FRANCIS ALOYSIUS DONOVAN, OF MARYLAND
PATRICK CHILION FINE, OF NEW HAMPSHIRE
KAREN L. FREEMAN, OF VIRGINIA
MICHAEL T. FRITZ, OF WYOMING
EARL W. GAST, OF CALIFORNIA
RICHARD S. GREENE, OF VIRGINIA
WALTER M. KINDRED, OF VIRGINIA
HENDERSON M. PATRICK, OF FLORIDA
CARL ABDOU RAHMAAN, OF MARYLAND
JAMES H. REDDER, OF NEW YORK
TIM C. RIEDLER, OF CALIFORNIA
MONICA STEIN-OLSON, OF WASHINGTON
LEON S. WASKINS, OF VIRGINIA
ROBERT J. WILSON, OF CONNECTICUT

THE FOLLOWING NAMED CAREER MEMBERS OF THE SENIOR FOREIGN SERVICE OF THE DEPARTMENT OF AGRICULTURE FOR PROMOTION WITHIN AND INTO THE SENIOR FOREIGN SERVICE TO THE CLASS INDICATED:

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF CAREER MINISTER:

PETER FERNANDEZ, OF NEW YORK
FRANKLIN D. LEE, OF VIRGINIA
KENNETH J. ROBERTS, OF MISSOURI

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER COUNSELOR:

MAURICE W. HOUSE, OF TENNESSEE
M. KATHRYN TING, OF FLORIDA
HOWARD R. WETZEL, OF VIRGINIA

CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR:

CHARLES T. ALEXANDER, OF VIRGINIA
ELIZABETH B. BERRY, OF VIRGINIA
LLOYD S. HARBERT, OF VIRGINIA
ROSS G. KREAMER, OF VIRGINIA

CONFIRMATION

Executive nomination confirmed by the Senate Monday, January 24, 2005:

DEPARTMENT OF COMMERCE

CARLOS M. GUTIERREZ, OF MICHIGAN, TO BE SECRETARY OF COMMERCE.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, January 25, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JANUARY 26

9:15 a.m.
Environment and Public Works
Business meeting to consider pending business.
SD–406

9:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

Judiciary
Business meeting to continue consideration of the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.
SD–226

10 a.m.
Agriculture, Nutrition, and Forestry
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 109th Congress, and subcommittee assignments.
SR–332

Environment and Public Works
Clean Air, Climate Change, and Nuclear Safety Subcommittee
To hold hearings to examine multi-emissions legislation.
SD–406

Banking, Housing, and Urban Affairs
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 109th Congress, and subcommittee assignments.
SD–538

Homeland Security and Governmental Affairs
To hold hearings to examine the Department of Homeland Security.
SD–342

Aging
To hold hearings to examine the risks and benefits associated with Internet pharmacy and importation.
SD–628

10:30 a.m.
Indian Affairs
Business meeting to consider Committee budget resolution and proposed changes to the Committee rules.
SR–485

2:30 p.m.
Intelligence
To receive a closed briefing on certain intelligence matters.
SH–219

FEBRUARY 1

2:30 p.m.
Judiciary
To hold hearings to examine certain issues relative to CIA document disclosure under the Nazi War Crimes Disclosure Act.
SD–226

FEBRUARY 3

10 a.m.
Veterans' Affairs
To hold hearings to examine benefits for survivors of those killed in the line of duty.
SR–418

11 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the effects of Bovine Spongiform Encephalopathy (BSE) on United States imports and exports of cattle and beef.
SD–106

FEBRUARY 8

10 a.m.
Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the implementation of Titles I through III of P.L. 106–393, The Secure Rural Schools and Community Self-Determination Act of 2000.
SD–366

FEBRUARY 10

9:30 a.m.
Armed Services
To hold hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

FEBRUARY 15

10 a.m.
Veterans' Affairs
To hold hearings to examine the Adminstration's proposed fiscal year 2006 Department of Veterans Affairs budget.
SR–418

MARCH 8

2 p.m.
Veterans' Affairs
To hold hearings to examine legislative presentation of the Disabled American Veterans.
345 CHOB

MARCH 9

10 a.m.
Veterans' Affairs
To hold hearings to examine legislative presentation of the Veterans of Foreign Wars.
SH–216

MARCH 10

10 a.m.
Veterans' Affairs
To hold hearings to examine legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans.
345 CHOB

APRIL 14

10 a.m.
Veterans' Affairs
To hold hearings to examine legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.
345 CHOB

APRIL 21

10 a.m.
Veterans' Affairs
To hold hearings to examine legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.
345 CHOB

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold hearings to examine legislative presentation of the American Legion.
345 CHOB

POSTPONEMENTS

JANUARY 26

9:30 a.m.
Judiciary
To hold hearings to examine pending judicial nominations.
SD–226

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

SENATE—*Tuesday, January 25, 2005*

The Senate met at 9:45 a.m. and was called to order by the President pro tempore.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, who blesses and protects those who run to You for hope. You are our hiding place. You protect us from trouble and You put songs in our hearts. Forgive us when we have failed to act because of the paralysis of analysis. Remind us that all that is necessary for evil to triumph is for good people to do nothing.

Thank You for Your unfailing promises that illuminate our past through life. Thank You also for the privilege to serve and honor You.

Give our lawmakers wisdom for today's challenges. Point out to them the road they should follow. Be their teacher and watch over them as Your kindness provides them with a shield.

Strengthen our Nation with right living, and may each citizen live for Your honor. Protect our military and all who fight for freedom. We pray this in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning we will have a 60-minute period for morning business to allow Senators to make statements. Following that 1-hour period, the Senate will proceed to executive session for the consideration of the nomination of Condoleezza Rice to be Secretary of State. Chairman LUGAR will be here to manage the debate time on our side of the aisle. The order does provide for up to 9 hours of debate during today's session. I am not sure if all of that debate time will be necessary, but we do want to give every Senator the opportunity to speak if they so wish. We will remain in session until that debate is used or yielded back over the course of the afternoon or into the evening.

Tomorrow morning, for the information of our colleagues, the consent agreement allows for 40 minutes of closing remarks, and I now ask unanimous consent that the time, 60 minutes, be equally divided prior to the vote on the nomination. Mr. President, I now ask unanimous consent for that 60 minutes at this juncture.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FRIST. I expect that tomorrow morning we would begin that final debate on the Rice nomination immediately upon convening. I will be talking with the Democratic leadership, but I would like to convene and go straight to that debate.

I would also add that the Nicholson nomination for Secretary of Veterans Affairs was reported yesterday. We will be asking for a short time agreement on that nomination. As I mentioned yesterday, as the nominations do come from committee, we do want to consider them as soon as possible on the floor of the Senate.

Lastly, I remind my colleagues there will be additional nominations this week, and although this week will be a shorter week—we will be in session today and tomorrow—we will be seeking agreements over the course of this afternoon and tomorrow to proceed on these other nominations.

Mr. President I have a brief opening statement, but I would like to turn to the assistant Democratic leader.

ORDER OF PROCEDURE

Mr. DURBIN. If the majority leader will yield, consent has just been granted for 60 minutes of time for closing debate on the nomination of Condoleezza Rice, and the Democrats would like to allocate the 30 minutes we are allocated with 20 minutes to Senator BIDEN, 5 minutes to Senator BYRD, and 5 minutes to Senator BOXER.

The PRESIDENT pro tempore. Without objection, it is so ordered.

60TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. FRIST. Mr. President, when Soviet troops reached Auschwitz in January 1945, they found only a few thousand thin, frail, emaciated survivors. SS soldiers, determined to carry out the final solution, had forced most of the surviving prisoners on a long death march into the heart of the Reich.

As they retreated, the German forces destroyed most of the warehouses and many of the documents at Auschwitz. But what they left stunned even the battle-hardened Soviet troops. One soldier describes the camp's inmates as "skin and bones [who] could hardly stand on their feet."

Soviet troops discovered hundreds of men's suits, more than 800,000 women's outfits, and more than 14,000 pounds of human hair.

One survivor recalls:

> What was Auschwitz? It was hell. Hell. A death factory. If you weren't gassed, you were exhausted to death. If you weren't exhausted to death, you starved. If you didn't starve, you died of disease.

It was at Auschwitz that Joseph Mengele performed his horrific experiments, injecting the hearts of live children with chloroform and performing all sorts of bizarre and vile surgeries on twins and pregnant women.

It was at Auschwitz that the Nazi killing machine first discovered and perfected the use of Zyklon-B to gas their innocent captives by the hundreds every day.

It was at Auschwitz that doomed prisoners, trapped inside the gas chambers with only a few choking minutes left to live, found the strength to scratch into the walls the words: Never forget.

This week, on January 27, the world will commemorate the 60th anniversary of the liberation of Auschwitz and the 1.5 million victims, most of them Jewish, who perished in the death machine's fires.

Vice President DICK CHENEY is leading an American delegation to stand alongside the 2,000 survivors, as well as surviving Red Army soldiers. He will be joined by Lynne, his wife, numerous world leaders, and by the Nobel Peace Prize Laureate Elie Wiesel.

It will be a time for reflection, a time for remembrance but also for determination—determination that mankind will never again stand by as innocents perish in the monstrous designs of tyrants and despots.

It will be a time to recommit ourselves to the battle against intolerance, against fanaticism and hatred, all of which can so easily poison the hearts of the most seemingly civilized men and women.

As Kofi Annan declared yesterday during the United Nations General Assembly first ever recognition of the Holocaust:

> The evil that destroyed 6 million Jews and others in those camps is one that still threatens all of us today.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Indeed, if you think of areas around the world, you think of the Darfur region today in western Sudan. To the innocents who perished, to those who survived and to the victims of genocide who now cry out, America's leaders hear your plea. We will never forget, and we will not stand by.

Auschwitz taught us that the war against tyranny is more than a war of territory, more than a war of geographic boundaries. It is a war against evil itself. As Justice Robert Jackson solemnly inveighed to the world at the start of the Nuremberg trials:

> The wrongs which we seek to condemn and punish have been so calculated, so malignant, so devastating that civilization cannot tolerate their being ignored, because it cannot survive their being repeated.

NOMINATION OF CONDOLEEZZA RICE

Mr. FRIST. Mr. President, over the course of today, we will be considering the nomination of Condoleezza Rice to be Secretary of State. I want to be the first on this floor and on this day to honor Condoleezza Rice with our expression of strong support. She is an outstanding choice, and the American people are fortunate to have a public servant of her talent and her intellect.

During her tenure as National Security Adviser, Dr. Rice has been a steady and trusted adviser, a confidante of the President of the United States. In a role of crafting policy and helping guide decisionmaking, she has demonstrated extraordinary skill. But this should come as no surprise. Dr. Rice is a woman of remarkable accomplishments. Throughout her life, she has applied her razor-sharp mind and her steely determination to reach the highest peaks of achievement. And it started early.

Dr. Rice was born in Birmingham in 1954. By the age of 3, she was already a piano prodigy, playing hymnals for her family. By age 5, she was playing right alongside her mother on the church organ bench. At 19, Condoleezza Rice earned her bachelor degree in political science cum laude, Phi Beta Kappa from the University of Denver, and just a year later her master's from Notre Dame. At the young age of 26, having earned her Ph.D., Dr. Rice became an assistant professor at Stanford University. A decade later, Dr. Rice was elevated to the post of provost, which at Stanford and most universities is the equivalent of the chief operating officer of the university.

From 1989 to 1991, Dr. Rice served the first Bush administration as Director and then as Senior Director of Soviet and East European Affairs at the National Security Council. During this time, Dr. Rice brought her considerable expertise in Eastern European affairs to the administration's handling of the collapse of the Berlin Wall, Germany's reunification, and the transition of the Soviet Union to the Russian Federation. This, combined with her years of foreign policy experience, particularly in the post-9/11 context, makes her distinctly qualified to lead the Department of State.

We are a nation at war. As Secretary of State, Dr. Rice will be a key player in winning this war. She will have the responsibility of advancing democracy and freedom across the globe, not only to protect us from attack but to fulfill America's unique moral purpose. Outlaw regimes must be confronted. Dangerous weapons of proliferation must be stopped. Terrorist organizations must be destroyed. Dr. Rice has both the ability and the experience, from fighting the Cold War through fighting this war on terror, to meet these daunting challenges.

Dr. Rice possesses a rare combination of management and administrative experience, of public policy expertise, of high academic achievement and, not least importantly, a graciousness that will serve America's interests well in these difficult and challenging times. America needs a leader of her caliber.

Dr. Rice has said that while growing up, her dad John and her mother Angelena taught her that in a country where racial segregation and Jim Crow were an ugly fact of life, she had to be twice as good to get ahead. I think it is fair to say she has surpassed this high charge.

Dr. Rice is an author, a classically trained pianist, an ice skater, and tennis player. She speaks Russian fluently and is an avid fan of football. In fact, we are grateful she has set aside at least for the moment her ambition to become commissioner of the National Football League.

A woman of deep faith in God, liberty, and freedom, Condoleezza Rice will protect and serve our national interests. I should also note Dr. Rice would be the first African-American woman to serve as Secretary of State. I urge the Senate to give Dr. Rice their strong support. I hope and expect to see her confirmed swiftly so she can begin addressing the urgent threats and challenges that face our Nation.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. VITTER). Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with the first half of the time under the control of the majority leader or his designee and the second half of the time under the control of the Democratic leader or his designee.

The Senator from Colorado.

NOMINATION OF CONDOLEEZZA RICE

Mr. ALLARD. Mr. President, I thank the majority leader for his very strong support of President Bush's nominee, Dr. Condoleezza Rice. I like to think of her as a Coloradan. In Colorado, we are extremely proud of her record.

I rise today in strong support of President Bush's nominee for Secretary of State, Dr. Condoleezza Rice. I ask my colleagues to join me in approving this nominee so that she can assist President Bush in making his version of a more secure, democratic, and prosperous world for the benefit of the American people and the international community a reality.

As many already know, Dr. Rice was born and raised in Alabama. In 1969, her father moved their family to Colorado to take an academic position at the University of Denver. Dr. Rice soon enrolled in Denver's St. Mary's Academy, an independent Catholic school and the first integrated school she attended. After high school, she earned her bachelor's degree in political science, cum laude and Phi Beta Kappa, from the University of Denver in 1974 and returned a few years later to get her Ph.D. from the Graduate School of International Studies at the University of Denver in 1981.

Dr. Rice may have only spent a few years in Colorado but we in Colorado are certainly proud of what she has accomplished and like to consider her a daughter of the Centennial State.

Clearly, Condoleezza Rice is eminently qualified for the post of Secretary of State. I know many of my colleagues are aware of her years at Stanford University, including her service as provost. In addition, she served on the National Security Council during George H. W. Bush's administration as Director of Soviet and Eastern European Affairs, which witnessed the fall of the Berlin Wall. She has come full circle since then and again served on the National Security Council but this time as the national security adviser to our current President and has done a magnificent job during very turbulent times.

Since then, Dr. Rice has consistently provided the President with sound advice on national security and foreign policy. She has been balanced, fair, and determined to ensure that President Bush received the best possible advice.

Some have questioned Dr. Rice's role as national security adviser and how she shaped the Bush administration's policies since the tragedy of September 11, 2001—specifically, our action against the Saddam Hussein regime. I believe she was instrumental in encouraging the President to utilize every diplomatic approach possible. We should not forget that President Bush went to the United Nations, secured a Security Council resolution demanding disarmament, and worked with our closest allies to ensure that Saddam Hussein complied with his obligations. The President also sought authorization from this Congress, which over three-quarters of this body supported. Unfortunately, Saddam Hussein would not keep his end of the bargain and we were left with no choice but military action. I am thankful during this turbulent period that Dr. Rice ensured the President received advice from multiple viewpoints so he could make the bold decisions necessary for our security.

The Hussein regime is now out of power. The former dictator and killer of thousands is sitting in prison and the first democratic elections in Iraq are about to take place. Our Nation is more secure because a dangerous regime, with a history of aggression and links to terrorist organizations, is no longer in power.

Today, America has demonstrated its resolve in the global war on terror. American troops and their coalition allies have achieved this historic effort thanks to their sacrifice.

As democracy in Iraq succeeds, a message will be sent forth that freedom can be the future of every nation and that freedom improves the peace and security of the United States.

I am certain Dr. Rice will present this powerful message abroad with skill and determination. Just as importantly, Dr. Rice understands that successfully fighting the war on terror is not solely a military task. Dr. Rice will seek to use our powerful diplomatic leverage to better protect our Nation. She will also guide our Nation's diplomatic efforts to solve regional and civil conflicts in the Middle East, between Israel and its Arab neighbors, in Sudan, Congo, and Liberia, in the Balkans, in Cyprus, in Haiti, in Northern Ireland, and elsewhere. Her leadership in the important multilateral discussions with the North Koreans on their pursuit for weapons of mass destruction will be pivotal.

There are also other challenges which Dr. Rice must tackle with our social and economic development programs that the State Department manages. The promotion of free trade and investment worldwide, the fight against HIV/AIDS, and the implementation of the Millennium Challenge Account are but a few ways we can seek to provide our friends and allies around the globe with much needed stability and vitality.

When the President announced his intention to nominate Dr. Rice to be Secretary of State, he spoke of relying on her counsel, benefiting from her experience, and appreciating her sound and steady judgment. I am pleased that the President has sought to replace our current Secretary of State, Colin Powell, with another so well equipped for the challenges that lie ahead.

I would be remiss if I did not thank Secretary Powell for his service to our great Nation. He has given so much of himself while serving during his long and distinguished military career before finally leading the Department of State. These two Americans are two of our best. We are privileged that while Secretary Powell steps down to pursue new challenges, the United States has someone of Dr. Rice's credentials to continue to carry the torch of liberty abroad.

I urge my colleagues to confirm Condoleezza Rice as our 66th Secretary of State.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SIXTIETH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. COLEMAN. Mr. President, historians Will and Ariel Durant have told us, "The present is the past rolled up for action and the past is the present unrolled for understanding." In our search for understanding and guidance for our actions, we are pausing today to commemorate one of the darkest moments of modern history, the Nazi Holocaust, the effort by the Nazi regime to exterminate the Jewish people. Six million Jews were sent to their death before the end of the death camps. Sixty years ago today, the Auschwitz death camp was liberated, bringing an end to the slaughter of well over 1 million people at that location alone. As unfathomable as that reality is, we need to seek to understand it in order to prevent it. I am not sure if we can ever truly understand it.

In some ways it is kind of bizarre, but we need to understand that while genocide in Germany, Cambodia, Rwanda, and elsewhere may end up as a kind of mass insanity in some almost bizarre way, it begins in a terribly misplaced idealism.

The Khmer Rouge thought that returning Cambodia to its rural beginnings was the way to create a good society. They became so convinced that modernity was destroying their people that they attempted to forcibly empty the cities and kill anyone with a professional degree or anyone who even wore glasses. They even kept careful records of those they killed because they assumed history would honor them for their actions. The Germans kept records, too. It is difficult for me to fathom they would believe that history would honor them for their actions.

The situation in Rwanda dates back to the colonial period, when European colonial powers favored Tutsis over Hutus. When independence was hastily granted and the Europeans departed, a seesaw of vengeance and reprisals began, which escalated unchecked for 30 years. When historic anger boiled over, with the failure of the international community to step in, a terrible period of violence claimed over half a million people.

The fact that genocide could happen in an industrialized, cultured nation that had produced Beethoven and Goethe is especially chilling. As we read the various accounts of what was happening in the Third Reich, it astounds us that people could come to such conclusions. It astounds us that so many good people could do nothing, did nothing. While millions were slaughtered, they turned their backs and shut their eyes.

Auschwitz was not conceived as a death camp. It was part of Hitler's and Albert Speer's master plans for bold new Nazi "Cities of the East" that would express their vision for society. Such projects required slave labor for which Jews and others were likely candidates. The rise of democratic socialism in Germany was in part a reaction to their hatred of communism in the Soviet Union. So they had a strategy to empty the lands of Poland and Russia for resettlement by an expanded Germany. Such was their grandiosity that human beings became objects to be used for their plans and obstacles to be destroyed. They dehumanized the Jewish people.

The lessons of these three examples is: Hatred combined with any number of other circumstances can explode into genocide. Even as the situations in Darfur and elsewhere continue, we would be naive and foolish to believe that mankind has "learned its lesson." First, we need to go on the moral offensive whenever hatred arises. That is why I have risen on the floor several times to decry the growth of antisemitism in Europe. Even on American college campuses, antisemitism is raising its ugly head today. We need to speak out. We need to put a cork in the bottle. We need to make sure it does not spread.

Second, I think we need to understand that with American power comes responsibility. In concert with our allies in the U.N., we must be prepared to intervene when we can to prevent bad situations from going over the abyss into genocide. Diplomacy is by its nature slow and cautious while situations such as these are fast moving and can degenerate overnight. We need to find ways to respond quickly. The history of the quick action of the British in 1941 to stop the Farhud, a genocidal program against Iraqi Jews, is an event deserving more attention and more study.

There is one other reason for us to focus on these monstrously evil events. They provide stirring examples of the nobility and resiliency of human beings as well: The story of "Schindler's

List", the compassionate soldiers who liberated the concentration camps. Soviet troops liberated Auschwitz on January 27, 1945, and were able to save about 7,000 prisoners from certain death. The stories of surviving prisoners themselves are remarkable. Those who managed to maintain their humanity in the most inhumane of circumstances inspired us all.

Victor Frankl offered this recollection:

> We who lived in concentration camps can remember the men who walked through the huts comforting others, giving away their last piece of bread. They may have been few in number, but they offer sufficient proof that everything can be taken from a man but one thing: the last of the human freedoms—to choose one's attitude in any given set of circumstances, to choose one's own way.

Frankl also wrote:

> A thought transfixed me: for the first time in my life I saw the truth as it is set into song by so many poets, proclaimed as the final truth by so many thinkers. The truth that love is the ultimate and highest goal to which man can aspire. Then I grasped the meaning of the greatest secret that human poetry and human thought and belief have to impart: The salvation of man is through love and in love.

The Holocaust and similar events discourage us with the realization of the extent of evil of which people are capable, and we must guard against it vigilantly. But they also display the highest and best human beings can rise to, which gives us courage and hope.

We will never, ever forget man's inhumanity to man in the Holocaust. We reflect on the liberation of Auschwitz, so we assure that we never forget. But at the same time we have a sense of courage and hope that in the worst of circumstances man can still turn to love and to faith and to salvation.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. THOMAS. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. There is 11 minutes 50 seconds remaining.

NOMINATION OF CONDOLEEZZA RICE

Mr. THOMAS. Mr. President, as most of today's program will be based on Condoleezza Rice and her appointment to be Secretary of State, I rise to make some comments to show my admiration for Ms. Rice and my support for her to serve in this task. I certainly cannot think of a better candidate. I rise to offer my strong support for Dr. Rice because I believe she not only brings a remarkable record of public service and academic credentials to this position, but also great experience and integrity in troubled times, times of war.

I find it troublesome that we are here today, unfortunately, not so much to debate the qualifications of Dr. Rice, even though they are certainly impressive and she is equal to the task. Instead, to some extent we have chosen to return, at this time, to the honored position of trying to score political points by distorting the record of the President's decision to use force in Iraq. The ongoing operations in both Iraq and Afghanistan are critical components to the global war on terrorism, a war with the purpose of fundamentally changing the environment which has given rise to the power of the extremists in that part of the world. It remains an aggressive effort, not only to bring to justice the perpetrators of 9/11 but also the nations that aid and support them.

There has been a great deal of discussion, of course, with Dr. Rice about the facts that brought us into Iraq. The fact is, at that time everyone involved—whether it was the United States, whether it was Britain, whether it was the CIA—had this view of what the world was and that is what it was based on. Some of those views turned out not to be correct, but at the time that was the information we had.

So I certainly hope we can move forward here. I agree, everyone should have a right to say what they choose with regard to these nominations. On the other hand, they ought to be here for the purpose of examining those persons for that task, and not talking about the politics of all the surrounding issues.

I also have to say I am not at all surprised that someone nominated to serving on the Cabinet would be supportive of the President. If you were President, would you appoint people who disagreed with you and would not be with you, who would not support your positions? Of course not. So that is where we are.

At any rate, I support the decision to use force, supporting the action in Iraq today. We have to finish our work there. I think we are offering freedom and hope to the people of these poor and oppressed countries. The best way is to neutralize the effect of fanatical Islam. We continue to make progress with other nations, and that is great.

Dr. Rice has performed admirably in her role as National Security Adviser and will continue to serve the country well as Secretary of State. I urge my colleagues to join me in support of this nomination today and move it on down the line.

ISSUES FACING THE SENATE

Mr. THOMAS. Mr. President, I also wish to take a few minutes, as others have, to talk about some of the issues that will be before us. We have a great opportunity now to move forward on these issues, many of which we have discussed in the last session. Many are ready to be acted upon, and I hope we can do that.

We need to talk about taxes and simplifying taxes. We need to talk about ensuring that we have the tax support there to create jobs and strengthen the economy. We seem to be moving in the right direction. I think the tax reductions have proven themselves to be useful, but many of them, particularly on taxes such as the estate tax, unless that is made permanent so people can have confidence in their investments, they really do not fully do what we hoped they would do.

We need to continue to work to keep America safe; security is probably our top priority. We have made a considerable amount of change in that area. We need to continue to evaluate that, of course, and ensure that we have the best.

I hope we can come back to deal with the issue of energy—clean, economic energy. That is, again, one of the basic issues in creating jobs, in growing an economy, and one that we have worked on now for several years.

We had a long meeting yesterday. We had a series of meetings to talk about the need for conservation, to talk about the need for efficiency. We talked about the need for alternative sources of energy—renewable energy as well as domestic production. Those things are so important. Yet, somehow, we have not been able to move forward. I cannot think of anything that is more important to us than to have a policy with respect to the future, to be able to look into the future with regard to energy.

I suspect most of my friends here would agree that as they go home and meet with people, one of the issues that is most often talked about is the cost of health care. It is a tough issue. I think we have a good health care system, probably the best in the world, but we are getting to the point where access to that system is being limited by the cost. I am not just talking about Medicare or Medicaid: I am talking about health care generally. I am talking about families on the ranch, for example, when they have to pay for their own and it costs $15,000 a year for insurance. I am talking about the things we might do to give more tax-free savings accounts so these insurance policies can be more for coverage of catastrophic events and be less expensive and we can have more ownership in them. Those are the kinds of things we need to take a look at.

We need to promote agriculture in our trade programs that will be coming up. Agriculture is a very difficult issue with respect to foreign trade, but it is very important.

I spent some time in Argentina at the global warming meeting and I got some insight as to what is happening in Brazil and Argentina in terms of livestock production, and it is going to be enormous. We have to be prepared.

Obviously, we will be talking about changes in Social Security. We will be meeting with the President today, with the Finance Committee, to get better ideas of what the details are, but clearly we need to do something there.

The highway bill—we have gone several years without the highway bill we passed some time ago. Can you think of anything more important in our communities than to maintain and develop new highways and keep them up? We have not done that, and we need to do it.

Tort reform—whether it is broad, whether it is class action suits, whether it is malpractice in health care—these are issues we need to accomplish. We talk about them, we argue about them, and then we walk away from them. It seems to me there are a number of those issues where we ought to just buckle down and come to the snugging post and do some things that need to be done.

Spending? I don't think any of us deny that we need to do something about spending. We need to do something about the deficit that we have created—that we have created. We need to do some things there.

I think we have some real opportunities to do some more than we have in the past. We have a chance to move forward.

Class action is apparently going to be out here soon. Clearly, there are some changes that need to be made. The whole tort reform area is difficult. Nevertheless, we ought to be able to do that.

Those are the things I hope we can take a long look at. I know we all have some different ideas about what the priorities ought to be. But it is pretty clear some of these things need to be handled. There are different views about how they need to be handled, but something needs to be done about them, and it is our responsibility to do that. We can fuss and have disagreements and walk off the floor and all that sort of thing, but the fact is, it is our responsibility to do things. It is our opportunity to do them now. I look forward to a productive session. I hope we can get started very soon.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

NOMINATION OF CONDOLEEZZA RICE

Mr. LIEBERMAN. Mr. President, I rise according to the order to speak as in morning business, but I will be addressing my remarks to the nomination of Dr. Rice to be Secretary of State.

First, in supporting Dr. Rice's nomination, I wish to set this in context. President Bush was reelected last November. He took the oath of office last Thursday and swore to protect and defend the Constitution of the United States. The Constitution and the laws give him the authority to nominate people who he wants to take leadership positions in his administration.

We, now, have our constitutional responsibility in the Senate of the United States to advise and consent. But I have always believed that our responsibility to advise and consent does not mean we have to agree with every opinion or every action the nominee has ever taken, but that nominee deserves the benefit of the doubt and our responsibility is to determine whether the nominee is fit for the position for which the President has nominated him or her, and whether the nominee, in our judgment, will serve in the national interest. Of course, I conclude that Dr. Condoleezza Rice met that standard at least and much more.

Second, this element of the context in which this nomination is put before us. We are at war. It is a war unlike any we have ever fought before. Here I speak of the world war with Islamic terrorism. It is joined on battlefields in places like Iraq, of course, but it is being fought in the shadows and corners against an enemy that is driven by fanaticism and acts without regard to human life—others or their own.

I embrace the best tradition of American foreign policy that says and always has said that partisanship should end at the Nation's shores. Note this: It doesn't say policy differences should end; it doesn't say ideological differences should end; it says partisanship should end at the Nation's shores, particularly so when our Nation is engaged in war, a global war on terrorism, a war in Iraq in which Americans have lost their lives in the cause of freedom and in protection of our security.

What I wish to say here is that the nomination of Secretary of State in a second term of a President naturally is an opportunity, appropriately, for people to raise questions about the foreign policy of that administration. But in the final analysis, I hope it is also an opportunity around this very qualified nominee for us to come together and say to one another and to the world, both our enemy and our allies, that in the final analysis Americans will stand shoulder to shoulder against terrorism, against the enemy in pursuit of the freedom and liberty and opportunity that Dr. Rice spoke about in her opening statement before the Foreign Relations Committee and that President Bush spoke about in his inaugural address last week.

One of the great strengths which Condoleezza Rice will bring to the office of Secretary of State is that the world knows she has the President's trust and confidence. I respect the right of any of my colleagues, of course, to reach a different decision today and to oppose this nomination, but I hope and believe that the Senate today across partisan lines will resoundingly endorse this nomination and send the message to friend and foe alike that while we have our disagreements, ultimately what unites us around this very qualified nominee in this hour of war is much greater than that which divides us. In times like these, it is important that the world not only know that this Secretary of State has the ear of the President, but that she has, if you will allow me to put it this way, America's heart—a heart that beats with the freedom and security and opportunity that we dream of for our own people and for the people of the world.

In the world today, we face a time of grave peril but also great promise. It is in many ways, it seems to me, like the time our predecessors faced after the Second World War at the outbreak of the Cold War. As then, now it is a hostile ideology which threatens freedom around the world as terrorism has replaced communism as liberty's foremost foe. Now, as then, it is the United States that must show leadership and resolve as the world's strongest nation in the face of this danger from terrorism to life and liberty—not just ourselves but everyone who does not exactly agree with the terrorists. Now, as then, the President and Members of Congress must depend on the advice and counsel of the Secretary of State as we craft the policies with an unblinking resolve that will rally our friends and rattle our enemies, that will diminish—we pray, eliminate—the perils we face and realize the extraordinary promises of our time.

The very first Secretary of State, Thomas Jefferson, once wrote:

> We confide in our strength without boasting of it. We respect that of others without fearing it.

Jefferson's 18th century insights will serve us well in the face of the 21st century threats we confront. I know Dr. Rice understands and appreciates that well.

Economic development and trade and foreign direction investment and the spread of modern technology and telecommunications have raised the standard of living throughout the world and connected people of the world as never before. But too many nations and people have been left behind because of failed governments or failed economies. They have become breeding grounds for terrorists who threaten us all.

Today, there is hope. Members of democracy are beginning to glow where that powerful light has existed little or none before. The Afghans and the Palestinians have recently held successful elections. This Sunday, Iraq will hold a historic democratic election. I know the circumstances are difficult there, but having been there myself just a few weeks ago I can speak with some confidence that the turnout will be large and the affirmation of the Iraqi people for a better and freer future will be clear.

Whether these embers grow into beacons for the rest of the Arab world or fade into dark and cold will depend uniquely upon strong, skillful American leadership and diplomacy. I conclude that Dr. Condoleezza Rice is capable of such leadership.

Nuclear proliferation threatens the world as Iran and North Korea and others strive to develop deadly weapons which will make the arms race of the Cold War look sane in comparison. In response to these dangers, President Bush in his inaugural address and Dr. Rice in her testimony before the Senate Foreign Relations Committee last week have set down some basic principles which will guide our foreign and defense policy. They are based on values and hopes that have defined America: freedom, opportunity, faith, and community.

Let me read a paragraph of Dr. Rice's opening statement before the Foreign Relations Committee last Tuesday:

> In these momentous times, American diplomacy has three great tasks.
>
> First, we will unite the community of democracies in building an international system that is based on our shared values and the rule of law.
>
> Second, we will strengthen the community of democracies to fight the threats to our common security and alleviate the hopelessness that feeds terror.
>
> Third, we will spread freedom and democracy throughout the globe. That is the mission that the President has set for America in the world—and a great mission of American diplomacy today.

Let me read a few words from President Bush's inaugural last Thursday:

> We are led by events and common sense to one conclusion. The survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world. This is not primarily the task of arms, though we will defend ourselves and our friends by force of arms when necessary. Freedom by its nature must be chosen and defended by citizens and sustained by the rule of law and the protection of minorities. Democratic reformers facing oppression, prison or exile can know America sees you for who you are—future leaders of your free country. The rulers of outlaw regimes can know that we still believe, as Abraham Lincoln did, that those who deny freedom to others deserve it not for themselves, and under the rule of a just God cannot long retain it.

These principles and policies are neither Republican nor Democratic; they are American. In fact, the words spoken by President Bush last Thursday could just as easily have been spoken by some of the great Democratic Presidents such as Woodrow Wilson, Franklin Roosevelt, Harry Truman, and John F. Kennedy. In fact, similar words were spoken by each of those Democratic Presidents at times of crisis—times of crisis similar in many ways to our own.

I hope, therefore, that we will now come together to implement those principles and policies in a way that will spread hope and security and build bridges throughout the world, that the President will reach out to Members of both parties in Congress, and we in turn will reach out halfway at least and meet him to implement these stirring, uniquely American goals and policies and principles with real programs that are effective public diplomacy and outreach of economic development of trade, of rule of law, of ultimately, most importantly, the spread of freedom and democracy. I conclude that Dr. Condoleezza Rice is uniquely prepared by ability and experience to lead this effort as Secretary of State.

I want to say a final word about Dr. Rice herself, whom I have come to know over the years.

President Bush has clearly nominated Dr. Rice to be Secretary of State because he values her experience, he knows her skill, and he trusts her counsel. No one believes this President chose this nominee for Secretary of State for reasons of gender or race. No one here will vote for her in this Senate for reasons of gender or race. But the fact is that Dr. Condoleezza Rice is an African-American woman. I believe, in addition to every other standard by which we judge and respond to this nomination, we should celebrate the fact that when she is confirmed, another barrier will be broken in American life. We should celebrate this fact because Dr. Rice's life speaks to the promise of America, and in very personal terms says to people throughout the world what America is about and what we hope for them.

Let us speak directly. Dr. Rice, born in 1954 in the then racially segregated South, knew the sting of bigotry. No one on the day of her birth could have rationally predicted she would grow up to be the Secretary of State of the United States of America. But she was blessed with great natural abilities, with a strong family, with an abiding faith in God. She worked hard, as others worked in her time, to break the barriers of segregation to establish the rule of law to create opportunities. She has earned the nomination the President has given her.

Just as no one in Birmingham, when this African-American girl was born in 1954, could have dreamed she would grow up to be Secretary of State of the most powerful country in the world, there are babies being born today in Baghdad and Ramallah and Kabul and Riyadh and in countries and cities throughout the world where no one could dream they might grow up to be President of their nation or Prime Minister or Foreign Minister or president of a high-tech enterprise or a professor at a great university. They will if we, working with the people of their countries, will it.

A great man once said if you will it, it is no dream. In this hour when our security is being threatened, the promise of opportunity can, in response to the source of those threats, become real for tens of millions of children being born and growing up in places today where there is no freedom and no hope. That is the great mission our country has today. Dr. Rice understands that. Her life, as I said, speaks to brave men and women of color who, like Dr. Rice, have worked to change our Nation. Now she can, and I believe will, help lead our Nation to change the world, and in doing so enhance our values and protect our security for our children and grandchildren, as well.

I urge my colleagues to support the nomination of Dr. Condoleezza Rice to be Secretary of State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. AKAKA. I thank the Chair.

(The remarks of Mr. AKAKA pertaining to the introduction of S. 147 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CONDOLEEZZA RICE TO BE SECRETARY OF STATE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session for the consideration of Executive Calendar No. 4, which the clerk will report.

The assistant legislative clerk read the nomination of Condoleezza Rice, of California, to be Secretary of State.

The PRESIDING OFFICER. Under the previous order, there will be 9 hours of debate on the nomination equally divided between the two leaders or their designees.

The Senator from Indiana.

Mr. LUGAR. I thank the Chair. I yield myself as much time as I may require of the time on our side.

Mr. President, I have the pleasure and honor today of speaking in support of the nomination of Dr. Condoleezza Rice to be our Secretary of State.

As a result of her distinguished career as National Security Adviser to President Bush and her earlier assignment on the NSC, she is well known to most Members of the Senate. I admire her accomplishments, and I am particularly thankful for the cooperation she has provided to the Senate Foreign Relations Committee and to me personally.

The enormously complex job before Dr. Rice will require all of her talents and experience. American credibility in the world, the progress in the war on terrorism, and our relationships with our allies will be greatly affected by the Secretary of State's actions and the effectiveness of the State Department in the coming years. Dr. Rice is highly qualified to meet those challenges. We recognize the deep personal commitment necessary to undertake this difficult assignment, and we are grateful that a leader of her stature is willing to step forward.

I had the good fortune to get to know Dr. Rice before she assumed the post of National Security Adviser to President Bush. Before President George W. Bush was elected, I enjoyed visits with Dr. Rice when we both attended Stanford University meetings on foreign policy hosted by former Secretary of State George Shultz. Secretary Shultz, a close friend of many of us in the Senate, was a very early supporter of the then-Governor Bush of Texas. He recognized Dr. Rice's prodigious talents and encouraged her leadership within the Bush foreign policy team. At the Stanford University meetings, Dr. Rice's analytical brilliance and broad knowledge of world affairs were evident. During the campaign for the Presidency of George Bush, she established a trusted relationship with then-Governor Bush that has carried through in her work as National Security Adviser to President Bush.

Last week, the Committee on Foreign Relations held exhaustive hearings on this nomination. Dr. Rice fielded questions on every imaginable subject for more than 10½ hours over 2 days. All 18 members of our committee took advantage of the opportunity to ask Dr. Rice questions. At the hearings, she responded to 199 questions, 129 from Democrats and 70 from Republicans. In addition, in advance of the hearings, members of the committee submitted 191 additional detailed questions for the record to Dr. Rice. Members received answers to each of those questions. Thus, Dr. Rice responded to a total of 390 questions from Senators.

In American history, few Cabinet members have provided as much information or answered as many questions as Dr. Rice answered during the confirmation process. She demonstrated that her understanding of U.S. foreign policy is comprehensive and insightful.

Our hearings served not only as an examination of Dr. Rice's substantial qualifications but also as a fundamental debate on the direction of American foreign policy. I believe this debate was useful to the Senate and to the American people. Having the opportunity to question a Secretary of State nominee is a key aspect of congressional oversight of any administration's foreign policy. Dr. Rice enthusiastically embraced this function of the hearing, and at many points she engaged in theoretical exchanges on national security choices.

Dr. Rice emphasized that support for freedom, democracy, and the rule of law would be at the core of U.S. foreign policy during her watch. She said:

> In these momentous times, American diplomacy has three great tasks. First, we will unite the community of democracies in building an international system that is based on our shared values and the rule of law. Second, we will strengthen the community of democracies to fight the threats to our common security and alleviate the hopelessness that feeds terror. And third, we will spread freedom and democracy throughout the globe.

The Secretary of State serves as the President's top foreign policy adviser, as our Nation's most visible emissary to the rest of the world, and as manager of one of the most important departments in our Government. Any one of these jobs would be a challenge for even the most talented public servant, but, as I told Dr. Rice during our hearings, the Secretary of State, at this critical time in our history, must excel in all three roles.

Since 2001, we have witnessed terrorists killing thousands of people in our country and the destruction of the World Trade Center and a part of the Pentagon. We have seen U.S. military personnel engaged in two difficult and costly wars. We have seen the expansion of a nihilistic form of terrorism that is only loosely attached to political objectives and is, therefore, very difficult to deter. We have seen frequent expressions of virulent anti-Americanism in many parts of the Islamic world. We have seen our alliances, our international standing, and our Federal budget strained by the hard choices we have to make in response to terrorism.

In this context, many diplomatic tasks must be approached with urgency. In particular, our success in Iraq is critical. The elections scheduled for January 30 must go forward, and the United States must work closely with Iraqi authorities to achieve the fairest and the most complete outcome. At the same time, we must understand that those forces that want to keep Iraq in chaos will commit violence and intimidation. Both Iraqis and the coalition will have to be resilient and flexible in the elections' aftermath.

The Bush administration and the State Department also must devote themselves to achieving a settlement of the Arab-Israeli conflict; to coming to grips with the nuclear proliferation problems in Iran and North Korea; to continuing urgent humanitarian efforts in Sudan, the Indian Ocean region, and elsewhere; to maintaining our commitment to the global fight against AIDS and other infectious diseases; to advancing democracy in Afghanistan, Ukraine, and elsewhere; to repairing alliances with longstanding friends in Europe; to reinvigorating our economic and security relationships in our own hemisphere; and to engaging with rapidly changing national powers, especially China, India, and Russia.

Even though this list of diplomatic priorities is daunting, it is not exhaustive, and it does not anticipate unforeseeable events. Just weeks ago, none of us could have predicted a tragic earthquake and a tsunami would change the face of the Indian Ocean region. Our efforts must include the expansion of our foreign policy capabilities so we are better prepared for crises that cannot be averted and better able to prevent those that can be.

With this in mind, I would observe that Congress must improve its own performance in foreign affairs, particularly in the area of legislation. The enthusiasm for engaging in the details of U.S. foreign policy the Senate demonstrated last week, and will again demonstrate today, too often has been absent when it is time to perform our legislative duties.

Even as Senators have cited shortcomings of administration policy in responding to extraordinarily difficult circumstances in Iraq and elsewhere, the Senate has allowed partisan fights and unrelated domestic legislation and disagreements over that legislation during the last Congress to delay the far simpler task of passing the foreign affairs authorization bill, for example. Now, this bill includes new initiatives and funding authority related to the security and productivity of our diplomats, our outreach to the Muslim world, our nonproliferation efforts, our foreign assistance, and innumerable other national security priorities. Yet politically motivated obstacles were thrown in the path of the bill almost cavalierly, as if Congress's duty to pass foreign affairs legislation had little connection to our success in Iraq or in our war against terrorism.

Even as we do our duty to oversee the foreign policy performance of the executive branch, we must take a sober look at our own performance. We must critique ourselves with the same diligence that we have applied to the administration. Every Senator should reflect on the troubling fact that we have not passed a comprehensive foreign assistance bill since 1985. This means that for 20 years we have depended primarily on stopgap measures and bandaids applied during the appropriations process to govern one of the major tools of U.S. foreign policy.

Only 24 Members of the current Senate body were here the last time we passed a comprehensive foreign aid bill. Our single largest foreign assistance program, the Millennium Challenge Account, cannot even be found in the core legislation affecting foreign assistance.

Moreover, many aspects of our foreign assistance law have not been updated since the original Foreign Assistance Act of 1961. Forty-four years ago, when our basic foreign assistance law was written, we were preoccupied with the Cold War, terrorism was a rare phenomenon, scientists had not identified the HIV/AIDS virus, the illegal trade in drugs was a small fraction of what it is today, dozens of present day countries did not exist, and only one Senator who still sits in this body was present.

Congress's most basic responsibility is to write and pass good legislation that provides clear direction to U.S. policy. In the area of foreign assistance, however, we are operating under an archaic Rube Goldberg contraption that has been patched hundreds of times. Much of the underlying law is irrelevant or redundant. Other parts are contradictory. As a result, the law is a confusing muddle that serves neither the interests of U.S. taxpayers nor our national security goals. We are tolerating this legislation of irresponsibility at a time of great national vulnerability.

Congress's failure in this area has more to do with inattention than with disagreement. In both 2003 and 2004, the Senate Foreign Relations Committee passed a foreign affairs authorization bill by a unanimous vote. In 2003, we were mere hours away from final Senate passage, when the bill was derailed by unrelated domestic issues.

We have not been blocked by intractable policy disagreements but by our devaluation of our own legislative role in foreign policy. We need to make a bipartisan decision that passing a foreign affairs authorization bill each Congress is as important as passing a defense authorization bill or a homeland security authorization bill. We must be prepared to fulfill our own core national security responsibilities.

Dr. Rice indicated her strong support for passage of a comprehensive foreign affairs bill. I know we will have a powerful advocate in Dr. Rice for such action.

I would like to emphasize another critical area of national security policy where Dr. Rice's advocacy has been strong, consistent, and persuasive. During the Foreign Relations Committee hearings last week, I opened the question period with three questions pertaining to the Nunn-Lugar program and other aspects of our nonproliferation efforts. In each case Dr. Rice expressed the administration's strongest commitment to the programs and to diplomatic objectives in question. She stated:

> I really can think of nothing more important than being able to proceed with the safe dismantlement of the Soviet arsenal, with nuclear safeguards to make certain that nuclear programs facilities and the like are well secured, and then the blending down—as we are doing—of a number of hazardous, potentially lethal materials that could be used to make nuclear weapons, as well as, of course . . . the chemical weapons. . . . It is just an extremely important program that I think you know that we continue to push.

In fact, the Bush administration has achieved a great deal in the area of nonproliferation. Dr. Rice has been a stalwart proponent of a robust Nunn-Lugar program. Chief among these successes is the rarely mentioned Global Partnership Against the Spread of Weapons and Materials of Mass Destruction, informally known as "10 plus 10 over 10."

Under this agreement, negotiated by the Bush administration, the United States will spend $10 billion over the next 10 years to safeguard and to dismantle the weapons of mass destruction arsenal of the former Soviet Union. The other members of the G8 agreed collectively to spend another $10 billion over the same time period. Our commitment of funds is primarily money that we had planned to spend in any event through the Nunn-Lugar program and other associated efforts. With this agreement, the President effectively doubled the funds committed to securing weapons of mass destruction in Russia with minimal additional obligation to American taxpayers.

The Bush administration also has successfully recruited more than 60 countries to join the Proliferation Security Initiative Program that has enhanced our ability to interdict illegal weapons of mass destruction shipments around the world. Through the Energy Department, it established the Global Threat Reduction Initiative, which aims to secure high-risk nuclear and radiological materials globally. It has facilitated at several junctures the acceleration of Nunn-Lugar work at critical chemical weapons destruction facilities at Shchuchye in Russia through personal intervention by the President and by Dr. Rice. It finalized the deal with Libya to lay open that country's weapons of mass destruction programs. And it advocated passage of the IAEA additional protocol which greatly expands that international agency's ability to detect clandestine nuclear activities.

It secured the passage of U.N. Security Council Resolution 1540 in April 2004, which for the first time declared that weapons of mass destruction proliferation is illegal. It has also provided constant encouragement to the promising talks between India and Pakistan that represent the best chance in years to reduce tensions between these nuclear powers.

The President supported, through personal communication to congressional leaders, and signed into law the Nunn-Lugar Expansion Act, which establishes the authority to use Nunn-Lugar moneys and expertise outside the former Soviet Union.

In these cases and others, the President and his administration have embraced diplomacy and skillfully employed multilateralists in support of important nonproliferation objectives. I believe Dr. Rice's strong statements of support for nonproliferation programs last week demonstrate the Bush administration's continuing commitment to these vital objectives.

Last November, I introduced two new bills to strengthen U.S. nonproliferation efforts, and I will be introducing these bills again this week. They represent the fourth installment of the Nunn-Lugar legislation that I have offered since 1991. In that year, former Senator Sam Nunn of Georgia and I authored the Nunn-Lugar Act, which established the Cooperative Threat Reduction Program. That program has provided U.S. funding and expertise to help the former Soviet Union safeguard and dismantle an enormous stockpile of nuclear, chemical, and biological weapons, the means of delivery, and related materials.

In 1997, Senator Nunn and I were joined by Senator DOMENICI in introducing the Defense Against Weapons of Mass Destruction Act, which expanded Nunn-Lugar authorities in the former Soviet Union and provided weapons of mass destruction expertise to first responders in American cities.

In 2003, Congress adopted the Nunn-Lugar Expansion Act, which authorized the Nunn-Lugar program to operate outside the former Soviet Union to address proliferation threats.

The bills I am introducing this week would strengthen the Nunn-Lugar program and other nonproliferation efforts and provide them with greater flexibility to address emerging threats. To date, the Nunn-Lugar program has deactivated or destroyed 6,564 nuclear warheads, 568 ICBMs, 477 ICBM silos, 17 ICBM mobile missile launchers, 142 bombers, 761 nuclear air-to-surface missiles, 420 submarine missile launchers, 543 submarine-launched missiles, 28 nuclear submarines, and 194 nuclear test tunnels. The Nunn-Lugar program also facilitated the removal of all nuclear weapons from Ukraine, Belarus, and Kazakhstan. And after the fall of the Soviet Union, these three nations emerged as the third, fourth, and eighth largest nuclear powers in the world. Today, all three are nuclear weapons free as a result of the cooperative efforts under the Nunn-Lugar program.

In addition, the program provides the primary tool with which the United States is working with Russian authorities to identify, to safeguard, and to destroy Russia's massive chemical and biological warfare capacity. Countless individuals of great dedication, serving on the ground in the former Soviet Union and in our Government, have made the Nunn-Lugar program work. Nevertheless, from the beginning we have encountered resistance to the concept in both the United States and Russia.

In our own country opposition has sometimes been motivated by false perceptions that Nunn-Lugar money is foreign assistance or by the belief that Defense Department funds should only be spent on troops, weapons, or other warfighting capabilities. Until recently, we also faced a general disinterest in nonproliferation which made gaining support for Nunn-Lugar funding and activities an annual struggle.

The attacks of September 11 changed the political discourse radically on that subject. We have turned a corner. The public, the media, and political candidates are now paying more attention. In a remarkable moment in the first Presidential debate of 2004, both President Bush and Senator KERRY agreed that the No. 1 national security threat facing the United States was the prospect that weapons of mass destruction would fall into the hands of terrorists. The 9/11 Commission weighed in with another important endorsement of the Nunn-Lugar program saying that:

> Preventing the proliferation of [weapons of mass destruction] warrants a maximum effort—by strengthening counterproliferation efforts, expanding the Proliferation Security Initiative, and supporting the Cooperative Threat Reduction Program.

The report went on to say that:

> Nunn-Lugar . . . is now in need of expansion, improvement and resources.

The first new bill I have introduced is the Nunn-Lugar Cooperative Threat Reduction Act of 2005. This bill, which is cosponsored by Senators DOMENICI and HAGEL, would underscore the bipartisan consensus on Nunn-Lugar by streamlining and accelerating Nunn-Lugar implementation. It would grant more flexibility to the President and to the Secretary of Defense to undertake nonproliferation projects outside the former Soviet Union. It also would eliminate congressionally imposed conditions on Nunn-Lugar assistance that in the past have forced the suspension of time-sensitive nonproliferation projects.

The purpose of the bill is to reduce bureaucratic redtape and friction within our Government that hinder effective responses to nonproliferational opportunities and emergencies.

At last week's hearing, Dr. Rice reiterated the administration's strong support of the bill. She understands how important it is to prevent needless delays in our weapons dismantlement schedule.

Our recent experience in Albania is illustrative of the need to reduce bureaucratic delays. Last year in 2004, Albania appealed for help in destroying 16 tons of chemical agent left over from the Cold War. In August of last year, I visited this remote facility, the location of which still remains classified. Nunn-Lugar officials are working closely with Albanian leaders to destroy this dangerous stockpile. But from beginning to end, the bureaucratic process to authorize the dismantlement of chemical weapons in Albania took more than 3 months, largely because of requirements in current law. Fortunately, the situation in Albania was not a crisis. But we may not be able to afford these timelines in future nonproliferation emergencies.

The second piece of legislation that I will introduce is the Conventional Arms Threat Reduction Act of 2005 or CATRA. This legislation, cosponsored by Senator DOMENICI, is modeled on the original Nunn-Lugar Act. Its purpose is to provide the Department of State with a focused response to the threat posed by vulnerable stockpiles of conventional weapons around the world, including tactical missiles and man portable air defense systems, or MANPADS, as they are now more commonly called. Such missile systems could be used by terrorists to attack commercial airlines, military installations, and government facilities at home and abroad. Reports suggest that al-Qaida has attempted to acquire these kinds of weapons.

In addition, unsecured conventional weapons stockpiles are a major obstacle to peace, reconstruction, and economic development in regions suffering from instability. My bill declares it to be the policy of the United States to seek out surplus and unguarded stocks of conventional armaments, including small arms and light weapons and tactical missile systems, for elimination.

It authorizes the Department of State to carry out a global effort to destroy such weapons and to cooperate with allies and international organizations when possible. The Secretary of State is charged with devising a strategy for prioritizing, on a country-by-country basis, the obligation of funds in a global program of conventional arms elimination. Lastly, the Secretary is required to unify program planning, coordination, and implementation of the strategy into one office at the State Department and to request a budget commensurate with the risk posed by these weapons.

The Department of State has been working to address the threats posed by conventional weapons. But in my judgment, the current funding allocation and organizational structure are not up to the task. Only about $6 million was devoted to securing small arms and light weapons during the two-year period that covered FY 2003 and FY 2004. We need more focus on this problem and more funding to take advantage of opportunities to secure vulnerable stockpiles.

In August, I visited Albania, Ukraine, and Georgia. Each of these countries has large stockpiles of MANPADS and tactical missile systems and each has requested U.S. assistance to destroy them. On August 27, I stood in a remote Albanian military storage facility as the base commander unloaded a fully functioning MANPAD from its crate and readied it for use. This storage site contained 79 MANPADS that could have been used to attack an American commercial aircraft or installation. Fortunately, the MANPADS that I saw that day were destroyed on September 2, but there are many more like them throughout the world. Too often, conventional weapons are inadequately stored and protected. This presents grave risk to American military bases, embassy compounds, and even targets within the United States. We must develop a response that is commensurate with the threat.

I am offering these two bills, with the hope of passing them at the earliest opportunity. I anticipate and welcome strong support from Members of the Senate that reflects the priority status of U.S. nonproliferation efforts.

Mr. President, I would like to highlight another topic that is critical to U.S. foreign policy. This is our effort to lead the global fight against the horrific HIV/AIDS pandemic. During the hearings on Dr. Rice's nomination, she responded to several questions on the administration's Global AIDS initiative. I was pleased that she reiterated the administration's strong commitment to fighting AIDS and underscored the importance of paying special attention to the needs of women, who are contracting AIDS at an accelerated rate.

In 2003, at the administration's urging, Congress passed comprehensive legislation that created the Office of the Global AIDS Coordinator and pledged $15 billion over five years to address the HIV/AIDS crisis. We must be mindful of the President's observation that, "Time is not on our side," in combating this disease. In Africa, nearly 10,000 people contract the HIV virus each day. The United States has a clear moral obligation to respond generously and quickly to this crisis.

The United States has acted with unprecedented urgency in combating HIV/AIDS globally, and the President's emergency plan for HIV/AIDS Relief is showing clear signs of progress. In the first 8 months of the President's emergency plan, the United States has supported bilateral programs in 15 of the most afflicted countries in Africa, Asia and the Caribbean to provide antiretroviral treatment to those living with HIV/AIDS. I am pleased with the emergency plan's deep commitment to international cooperation. In fact, tomorrow, at the World Economic Forum in Davos, Switzerland, Ambassador Tobias will be joining the leaders of the World Health Organization, UNAIDS, and the Global Fund to report on the progress that has been made in making drug treatment available to the developing world.

The Senate Foreign Relations Committee continues to work closely with the administration to make the fight against HIV/AIDS a priority. Charged with the oversight of the President's initiative, we will continue to hold hearings and briefings on the subject of AIDS and the progress of the President's emergency plan for AIDS Relief. In 2004, for instance, we held a hearing focused on the intersection of HIV/AIDS and hunger. At this hearing, Ambassador Randall Tobias, the Global AIDS Coordinator, and Jim Morris, Executive Director of the World Food Program, testified about the devastating effects that the HIV/AIDS crisis is having on agricultural workers and the food supply in sub-Saharan Africa. In addition, we explored the special nutritional needs of individuals who are taking antiretroviral medication.

We are just beginning to understand how women, and young girls in particular, are especially vulnerable to HIV and AIDS, due to a combination of biological, cultural, economic, social and legal factors. Young girls constitute 75 percent of new infections in South Africa among individuals between 14 and 25 years of age. In Malawi, the National AIDS Commission has said that HIV and AIDS is killing more women than men, and that HIV-positive girls between 15 and 24 years of age outnumber males in the same age group by a six to one margin. Even in the United States, the disease is having a devastating effect on women, and is the leading cause of death among African American women ages 25 to 34.

Not only are women and girls more vulnerable to infection, they are also shouldering much of the burden of taking care of sick and dying relatives and friends. In addition, in the vast majority of cases, they are the caretakers of the estimated 11 million children who have been orphaned by this pandemic. Grandmothers often take the responsibility of caring for grandchildren, and older female children often take care of their younger siblings.

One such young girl is Fanny Madanitsa. Fanny is a 16-year-old girl living in Malawi with her two younger sisters and a brother. Life has been difficult for Fanny and her siblings since they lost their parents to AIDS. As the oldest child, Fanny must deal with the stress of taking care of her younger siblings. They live in a modest house and share one bed. Fanny dreams of being a nurse, but reaching this goal will be a challenge for her. She cannot always attend classes, as she sometimes has to look after her siblings. Because money is scarce, she has a difficult time paying for school materials and other costs of her education.

But Fanny is more fortunate that many girls in similar circumstances. With the help of her Village AIDS Committee, a community-based organization that has organized to take care of the orphans in its village, Fanny and her siblings receive food, soap, school materials and also medicines. Through the Village AIDS Committee, which receives support from Save the Children, the community assists Fanny in watching her siblings so she can attend school.

Last June, I introduced the Assistance for Orphans and Other Vulnerable Children in Developing Countries Act of 2004. I will reintroduce this bill in the coming days. It was written with the support of the administration, and I have received letters from both the State Department and USAID endorsing its passage. My bill would require the United States Government to develop a comprehensive strategy for providing assistance to orphans and would authorize the President to support community-based organizations that provide basic care for orphans and vulnerable children.

Furthermore, my bill aims to improve enrollment and access to primary school education for orphans and vulnerable children by supporting programs that reduce the negative impact of school fees and other expenses. It also would reaffirm our commitment to international school lunch programs. School meals provide basic nutrition to children who otherwise do not have access to reliable food. They have been a proven incentive for poor and orphaned children to enroll in school.

In addition, many women and children who lose one or both parents often face difficulty in asserting their inheritance rights. Even when the inheritance rights of women and children are spelled out in law, such rights are difficult to claim and are seldom enforced. In many countries it is difficult or impossible for a widow—even if she has small children—to claim property after the death of her husband. This often leaves the most vulnerable children impoverished and homeless. My bill seeks to support programs that protect the inheritance rights of orphans and widows with children. I know that Dr. Rice is supportive of this legislation, and I am hopeful that, with bipartisan action, it will become law early this year.

The AIDS orphans crisis in sub-Saharan Africa has implications for political stability, development, and human welfare that extend far beyond the region. Turning the tide on this crisis will require a coordinated, comprehensive, and swift response. I know Dr. Rice shares the view that fighting Global AIDS must be a priority for U.S. foreign policy. I am hopeful that, with the President's Emergency Plan for AIDS Relief, the Global Fund, and Congressional initiatives, we can make great strides together in the battle against this pandemic.

In addition, I ask unanimous consent to have printed in the RECORD an editorial that I co-authored in the January 19 edition of the Washington Post with Patty Stonesifer, co-chair and President of the Bill and Melinda Gates Foundation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 19, 2005]

IN THE FOOTSTEPS OF HISTORY

(By Dorothy Height)

When Condoleezza Rice is sworn in as secretary of state, she will be following in the footsteps of Mary McLeod Bethune, the founder of the National Council of Negro Women. Mrs. Bethune was the first black woman to be called upon for policy help by the White House, when Republican President Calvin Coolidge asked her to take part in a conference on child care in 1928. She went on to work with Republican and Democratic presidents while always fighting to advance the interests of black women and children.

From Sojourner Truth speaking out in the abolitionist movement, to Constance Baker Motley as a voice in the courtroom to Shirley Chisholm as a candidate for president, African American women have braved a world that did not welcome their participation.

Ms. Rice will be the first woman of color to assume the highest diplomatic post in the U.S. government. As secretary of state, she will face challenges that confront women everywhere. As we engage the Muslim and Arab worlds, efforts are being renewed to suppress women's participation in education, politics and civil society. In Africa, HIV and AIDS are ravaging a generation of women and leaving millions of orphans to be comforted. In Central and Eastern Europe, women and girls are being sold into prostitution.

Despite the challenges she will face, Ms. Rice's appointment is a time for women of color to smile. Our nation finally will put forward a face that reflects the hopes of generations of black women to sit at the table of national and global affairs and participate as equals.

Many women sacrificed to make this moment possible. I pray that Ms. Rice will use this profound honor and heavy burden to represent our country with compassion, strength and integrity, while seeking peaceful solutions and working to make the world a better place for all people.

Mr. LUGAR. This editorial entitled "Speeding an AIDS Vaccine" lays out the case for improved global coordination in this area. Achievement of an AIDS vaccine would save millions of lives and billions of dollars in treatment costs in the coming decades. I am pleased that the Bush administration, through the NIH, already has taken the initiative to establish one Vaccine Research Center and has unveiled support for a second one. These centers are a critical element in improving global cooperation on the development of an AIDS vaccine.

Mr. President, I have cited just a small sample of critical issues on which work in both the executive and legislative branches is proceeding with good results. From my own conversations with Dr. Rice, I am confident that she understands that the President's foreign policy can be enhanced in the second term by a closer working relationship with Congress. In moving to head the State Department, she understands that much of this communication will depend on her. Last week's hearings were an excellent start. Her attitude throughout these arduous hearings was always accommodating and always respectful of the Senate's constitutional role in the nomination process. From the start she made clear her desire to have a wide-ranging discussion of U.S. foreign policy and to take all the questions that members wanted to ask.

If confirmed, it will be her duty to use the foundation of these hearings to build a consistent bridge of communication to the Congress. As legislators, we have equal responsibility in this process. We have the responsibility of educating ourselves about national security issues, even when they are not the top issues in headlines or polls. We have the responsibility to maintain good foreign affairs law, even when taking care of this duty yields little credit back home. We have the responsibility to ensure that our first impulse in foreign affairs is one of bipartisanship. And we have the responsibility to speak plainly when we disagree with the administration, but to avoid inflammatory rhetoric that is designed merely to create partisan advantage or settle partisan scores.

I believe that we have the opportunity with the beginning of a new Presidential term to enhance the constructive role of Congress in foreign policy. We have made an excellent start during the past week. I thank all 18 Senators who participated in the Foreign Relations Committee hearings and all Senators who will join in the debate today. I strongly urge Members to vote in favor of the nomination of Dr. Rice to be Secretary of State. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I ask unanimous consent that the time allotted for Democratic Members under the agreement regarding the Rice nomination be modified as follows: The time for Senator LIEBERMAN be allocated to Senator BAYH; Senator DAYTON be allocated 15 minutes, 5 minutes from Senator BOXER's time and 10 minutes from the time controlled by Senator DURBIN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I commend my friend and colleague, the chairman of the Foreign Relations Committee, for the way he conducted the hearings on the nomination for Secretary of State. I think many of us who were not members of the committee but followed the hearings very closely were enormously impressed by the conduct of the hearings, by the flexibility he showed in permitting Senators to follow up on questions so we could reach the real nub of the situation and yet to move the hearings along in a timely way. That is part of the long tradition that is associated with the chairman of the committee, and it is one of the reasons, among others, that he is held in such high regard and respect in the Senate.

I intend to oppose Condoleezza Rice's nomination. There is no doubt that Dr. Rice has impressive credentials. Her life story is very moving, and she has extensive experience in foreign policy. In general, I believe the President should be able to choose his Cabinet officials, but this nomination is different because of the war in Iraq.

Dr. Rice was a key member of the national security team that developed and justified the rationale for war, and it has been a catastrophic failure, a continuing quagmire. In these circumstances, she should not be promoted to Secretary of State.

There is a critical question about accountability. Dr. Rice was a principal architect and advocate of the decision to go to war in Iraq at a time when our mission in Afghanistan was not complete and Osama bin Laden was a continuing threat because of our failure to track him down. In the Armed Services Committee before the war, generals advised against the rush to war, but Dr. Rice and others in the administration pressed forward anyway despite the clear warnings.

Dr. Rice was the first in the administration to invoke the terrifying image of a nuclear holocaust to justify the need to go to war in Iraq. On September 9, 2002, as Congress was first considering the resolution to authorize the war, Dr. Rice said: We do not want the smoking gun to become a mushroom cloud.

In fact, as we now know, there was significant disagreement in the intelligence community that Iraq had a nuclear weapons program, but Dr. Rice spoke instead about a consensus in the intelligence community that the infamous aluminum tubes were for the development of nuclear weapons. On the eve of the war many of us argued that inspectors should be given a chance to do their job and that America should share information to facilitate their work.

In a March 6, 2000, letter to Senator LEVIN, Dr. Rice assured the Congress that the United Nations inspectors had been briefed on every high or medium priority weapons of mass destruction missile and UAV-related site the U.S. intelligence community has identified. In fact, we had not done so. Dr. Rice was plain wrong.

The Intelligence Committee report on the prewar intelligence at page 418 stated:

> Public pronouncements by Administration officials that the Central Intelligence Agency had shared information on all high and moderate priority suspect sites with United Nations inspectors were factually incorrect.

Had Dr. Rice and others in the administration shared all of the information, it might have changed the course of history. We might have discovered that there were no weapons of mass destruction. The rush to war might have been stopped. We would have stayed focused on the real threat, kept faith with our allies, and would be safer today.

America is in deep trouble in Iraq today because of our misguided policy, and the quagmire is very real. Nearly 1,400 of our finest men and women in uniform have been killed and more than 10,000 have been wounded. We now know that Saddam had no nuclear weapons, had no weapons of mass destruction of any kind, and that the war has not made America safer from the threat of al-Qaida. Instead, as the National Intelligence Council recently stated, the war has made Iraq a breeding ground for terrorism that previously did not exist.

As a result, the war has made us less secure, not more secure. It has increased support for al-Qaida, made America more hated in the world, and made it much harder to win the real war against terrorism, the war against al-Qaida.

Before we can repair our broken policy, the administration needs to admit it is broken. Yet in 2 days of confirmation hearings, Dr. Rice categorically defended the President's decision to invade Iraq, saying the strategic decision to overthrow Saddam Hussein was the right one. She defended the President's decision to ignore the advice of GEN Eric Shinseki, the Army Chief of Staff, who thought that a large number of troops would be necessary if we went to war.

She said:

> I do believe that the plan and forces that we went in with were appropriate to the task.

She refused to disavow the shameful acts of torture that have undermined America's credibility in Iraq and the world.

When Senator DODD asked her whether in her personal view, as a matter of basic humanity, the interrogation techniques amounted to torture, she said:

> I'm not going to speak to any specific interrogation techniques . . . The determination of whether interrogation techniques are consistent with our international obligations and American law are made by the Justice Department. I don't want to comment on any specific interrogation techniques.

This is after Senator DODD asked about water-boarding and other interrogation techniques. She continued:

> I don't think that would be appropriate, and I think it would not be very good for American security.

Yet, as Secretary of State, Dr. Rice will be the chief human rights official for our Government. She will be responsible for monitoring human rights globally, and defending America's human rights record. She cannot abdicate that responsibility or hide behind the Justice Department if Secretary of State.

Dr. Rice also minimized the enormous challenge we face in training a competent Iraqi security force. She insisted 120,000 Iraqis now have been trained, when the quality of training for the vast majority of them is obviously very much in doubt.

There was no reason to go to war in Iraq when we did, the way we did, and for the false reasons we were given. As a principal architect of our failed policy, Dr. Rice is the wrong choice for Secretary of State. We need, instead, a Secretary who is open to a clearer vision and a better strategy to stabilize Iraq, to work with the international community, to bring our troops home with dignity and honor, and to restore our lost respect in the world.

The stakes are very high and the challenge is vast. Dr. Rice's failed record on Iraq makes her unqualified for promotion to Secretary of State and I urge the Senate to oppose her nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, First let me thank my colleagues, Senator BOXER and Senator DURBIN for making available this time for me to address the Senate regarding this nomination. I rise today to oppose the nomination of national security adviser Condoleezza Rice for Secretary of State. I do so because she misled me about the situation in Iraq before and after the congressional resolution in October of 2002 authorizing that war, a resolution that I opposed. She misled other Members of Congress about the situation in Iraq, Members who have said they would have opposed that resolution if they had been told the truth, and she misled the people of Minnesota and Americans everywhere about the situation in Iraq before and after that war began.

It is a war in which 1,372 American soldiers have lost their lives, and over 10,000 have been wounded—many of them maimed for life. Thousands more have been scarred emotionally and physically. All of those families and thousands of other American families whose loved ones are now serving in Iraq are suffering serious financial and family hardships, and must wonder and worry every day and night for a year or longer whether their husbands, wives, fathers, mothers, sons, and daughters are still alive, will stay alive, and wonder when they will be coming home. For many, the answer is: Not soon.

I read in today's Washington Post that the Army is planning to keep its current troop strength in Iraq at 120,000 for at least 2 more years. I did not learn that information as a Member of Congress. I did not learn it as a member of the Senate Armed Services Committee where I regularly attend public hearings, classified meetings, and top secret briefings. I did not learn it from the U.S. military command in Iraq with whom I met in Baghdad last month. I read it in the Washington Post, just as I read last weekend that the Secretary of Defense has created his own new espionage arm by "reinterpreting an existing law," without informing most, if any, Members of Congress and by reportedly "reprogramming funds appropriated for other purposes;" just as I learned last weekend by reading the New York Times that the Administration is exploring a reinterpretation of the law to allow secret U.S. commando units to operate in this country.

I also learned of official reports documenting horrible abuses of prisoners, innocent civilians as well as enemy combatants, at numerous locations in countries besides the Abu Ghraib prison in Iraq, which directly contradicts assurances we have been given repeatedly by administration officials in the Senate Armed Services Committee.

I might as well skip all the Senate Armed Services Committee hearings and meetings and top secret briefings and just read the papers—and thank goodness for a free and vigilant press to ferret out the truth and to report the truth, because we cannot get the truth from this administration.

Sadly, the attitude of too many of my colleagues across the aisle is: Our President, regardless whether he is wrong, wrong, or wrong, they defend him, they protect him, and they allow his top administration officials to get away with lying. Lying to Congress, lying to our committees, and lying to the American people. It is wrong. It is immoral. It is un-American. And it has to stop.

It stops by not promoting top administration officials who engage in the practice, who have been instrumental in deceiving Congress and the American people and, regrettably, that includes Dr. Rice.

Dr. Rice, in a television interview on September 8, 2002, as the administration was launching its campaign to scare the American people and stampede Congress about Saddam Hussein's supposedly urgent threat to our national security, shrewdly invoked the ultimate threat, that he possessed or would soon possess nuclear weapons. She said that day:

> We don't want the smoking gun to be a mushroom cloud.

Soon thereafter she and other top administration officials cited intercepted aluminum tubes as definite proof that Saddam Hussein had an active nuclear weapons program underway. Dr. Rice stated publicly at the time the tubes:

> . . . are only really suited for nuclear weapons programs, centrifuge programs.

In late September of 2002, shortly before we in Congress were to vote on the Iraq war resolution, Dr. Rice invited me, along with I believe five of my Senate colleagues, to the White House where we were briefed by her and then-CIA Director George Tenet. That briefing was classified. What I was shown and told conformed to Dr. Rice's public statements, with no qualification whatsoever. Now, of course, we have been told, after an exhaustive search for 18 months by over 1,400 United States weapons inspectors, that Saddam Hussein did not have an active nuclear weapons development program underway and that he apparently possessed no weapons of mass destruction of any kind. We have also been told that in the fall of 2002, right at the time of my meeting in the White House, right at the time of the Senate and the House's votes on the Iraq war resolution, the top nuclear experts at the U.S. Department of Energy and officials in other Federal agencies were disagreeing strongly with Dr. Rice's claim that those aluminum tubes could only have been intended for use in developing nuclear weapons materials.

That expert dissent and honest disagreement—a different point of view—was not communicated to me then nor was it brought to me later. I received no phone call or letter saying: Senator DAYTON just wanted to correct a misimpression that I unintentionally gave you at that meeting. I now have information that contradicts what we were told then. I still believe in my own views but I want you to be aware of others before you cast the most important vote of your Senate career or even a call or communication after that vote was cast. There was nothing.

When Senator BOXER rightly pressed Dr. Rice on this point in the Foreign Relations confirmation hearing, there was no admission even then of any mistake. In fact, she replied: "I really hope that you will refrain from impugning my integrity. Thank you, very much."

There is a saying that we judge ourselves by our intentions; others judge it by our actions.

I don't know what Dr. Rice's intentions were, but I do have direct experience with her actions. There was no slight misunderstanding, or a slip, or even a mistake that was limited to one meeting. This was a public statement made repeatedly by Dr. Rice and similar words by Vice President CHENEY and even by President Bush as part of an all-out campaign, which continues even today, to mobilize public support and maintain public support for the invasion of Iraq and for continuing war there regardless of what the facts were then, or are now, and it has been done by misrepresenting those facts, by distorting the facts, by withholding the facts, by hiding the truth, by hiding the truth in matters of life and death, of war and peace, that profoundly affect our national security, our international reputation, and our future well-being—and will for many years to come.

I don't like to impugn anyone's integrity. But I really do not like being lied to repeatedly, flagrantly, intentionally. It is wrong. It is undemocratic. It is un-American, and it is dangerous. It is very dangerous, and it is occurring far too frequently in this administration.

This Congress, this Senate must demand that it stop now. My vote against this nomination is my statement that this administration's lying must stop now. I urge my colleagues to join me in this demand, Democrat, Republicans, Independents. All of us first and foremost are Americans. We must be told the truth—for us to govern our country and to preserve our world. That is why we must vote against this nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that an editorial by Dorothy Height of the Washington Post of January 19 be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 19, 2005]

IN THE FOOTSTEPS OF HISTORY

(By Dorothy Height)

When Condoleezza Rice is sworn in as secretary of state, she will be following in the footsteps of Mary McLeod Bethune, the founder of the National Council of Negro Women. Mrs. Bethune was the first black woman to be called upon for policy help by the White House, when Republican President Calvin Coolidge asked her to take part in a conference on child care in 1928. She went on to work with Republican and Democratic presidents while always fighting to advance the interests of black woman and children.

From Sojourner Truth speaking out in the abolitionist movement, to Constance Baker Motley as a voice in the courtroom to Shirley Chisholm as a candidate for president, African American women have braved a world that did not welcome their participation.

Ms. Rice will be the first woman of color to assume the highest diplomatic post in the U.S. government. As secretary of state, she will face challenges that confront women everywhere. As we engage the Muslim and Arab worlds, efforts are being renewed to suppress women's participation in education, politics and civil society. In Africa, HIV and AIDS are ravaging a generation of women and leaving millions of orphans to be comforted. In Central and Eastern Europe, woman and girls are being sold into prostitution.

Despite the challenges she will face, Ms. Rice's appointment is a time for women of color to smile. Our nation finally will put forward a face that reflects the hopes of generations of black women to sit at the table of national and global affairs and participates as equals.

Many women sacrificed to make this moment possible. I pray that Ms. Rice will use this profound honor and heavy burden to represent our country with compassion, strength and integrity, while seeking peaceful solutions and working to make the world a better place for all people.

Mr. LUGAR. Mr. President, I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, the President's nomination of Dr. Condoleezza Rice to be Secretary of State presents the Senate with a difficult decision. Dr. Rice will bring an impressive set of public policy and academic credentials to the job of Secretary of State. Her personal story is inspiring. Nonetheless, Dr. Rice's record on Iraq gives me great concern.

In her public statements, she clearly overstated and exaggerated the intelligence concerning Iraq before the war in order to support the President's decision to initiate military action against Iraq. Since the Iraq effort has run into great difficulty, she has also attempted to revise history as to why we went into Iraq.

I approach this issue as the ranking member of the Armed Services Committee and as a member of the Intelligence Committee. Both committees have devoted a great deal of time over the last 2 years to issues concerning Iraq, including the Intelligence Committee inquiry into prewar intelligence.

These inquiries indicated major problems with the intelligence on Iraq and how it was exaggerated or misused to make the case to the American people of the need to initiate an attack against Iraq. Dr. Rice is a major player in that effort—a frequent and highly visible public voice.

Dr. Rice is not directly responsible for the intelligence failures prior to the Iraq war. The intelligence community's many failures are catalogued in the 500-page report of the Senate Intelligence Committee. But Dr. Rice is responsible for her own distortions and exaggerations of the intelligence which was provided to her.

Here are a few of those exaggerations and distortions.

One of the most well known was the allegation that Iraq was trying to obtain uranium from Africa, which was cited to demonstrate that Iraq was reconstituting its nuclear weapons program. But our intelligence community did not believe it was true, and took numerous actions to make its concerns known—even urging the British not to publish the allegation in September of 2002.

So how did it happen that President Bush in his January 28, 2003, State of the Union speech said that "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa"?

When the CIA saw a draft of the President's Cincinnati speech for October 7, 2002, it asked the White House to delete the allegation that Iraq had been seeking uranium from Africa, and the White House did remove the reference entirely.

On October 5, 2002, the CIA sent a memo explaining its views to Steven Hadley, Dr. Rice's deputy. It sent another memo to Dr. Rice and to Mr. Hadley on October 6, again expressing doubt about the reports of Iraq's attempt to get uranium from Africa.

Finally, George Tenet, the Director of Central Intelligence himself, personally called Mr. Hadley to urge that the uranium allegation be removed from the speech—which it was.

This was not just some routine staff action or a low-level CIA analyst who called the National Security Council. It was a memorandum from the CIA to Dr. Rice, and the Director of Central Intelligence himself who called Dr. Rice's deputy to make it clear what his concerns were and to request the removal of the allegation.

Yet just 3½ months later the White House put the African uranium allegation back into a draft of the State of the Union speech. That draft made no mention of the British. It was a reference like the one that was removed from the Cincinnati speech a few months before. It asserted in that draft what purported to be the view of the U.S. Government—that Iraq had been trying to obtain uranium from Africa.

According to Director Tenet, shortly before the speech was delivered, the CIA received portions of the draft of the State of the Union to review, including the allegation about uranium from Africa. A senior CIA staff member called the National Security Council staff to repeat his concerns about the allegation. Instead of removing the text from the speech, the National Security Council and the White House changed the text to make reference to the British view, suggesting, of course, that the United States believed the British view to be accurate.

That formula was highly deceptive. The only reason to say the "British have learned" that Saddam Hussein was seeking uranium from Africa was to create the impression that we believed it.

But our intelligence community did not believe it. Indeed, they had attempted to dissuade the British from publishing the allegation in September, and they successfully made several high-level interventions with the White House in October to have the allegation removed from the President's Cincinnati speech. Concerning the British report, Director Tenet said the CIA "differed with the British on the reliability of the uranium reporting."

What was the role of Dr. Rice in all of this? I asked her in my questions for the record whether she was aware the intelligence community had doubts about the credibility of the reports, and if not, how she could not know, given all of the activity prior to the President's October 7 Cincinnati speech, including the memo to her.

In response, Dr. Rice said, "I do not recall reading or receiving the CIA memo," and "I do not recall Intelligence Community concerns about the credibility of reports about Iraq's attempts to obtain uranium from Africa either at the time of the Cincinnati speech or the State of the Union speech."

Frankly, I am surprised and disappointed that the National Security Adviser would not remember an issue of this magnitude.

However, it was not only the President who made that allegation. Dr. Rice made it herself in an op-ed in the New York Times on January 23, 2003, 5 days before the State of the Union speech, and 3½ months after the same allegation had been removed from the Cincinnati speech at the CIA's request. She wrote that Iraq's declaration to the U.N. "fails to account for or explain Iraq's efforts to get uranium from abroad."

Another question I asked Dr. Rice for the record was whether, prior to the January 2003 State of the Union speech, she had discussed with Steven Hadley, her Deputy, the choice of wording in that portion of the speech and whether she was aware that the language had been changed to refer to the British rather than stating it as the U.S. Government's view. In her response she said:

> Yes, I did discuss with Stephen Hadley concerns the intelligence community had about protecting sources and methods regarding reports on Iraq's attempts to procure uranium from Africa. These concerns were addressed by citing a foreign government service. I do not recall any discussion of concerns about the credibility of the report.

However, the CIA requested on three separate occasions that the reference in the Cincinnati speech be removed entirely because the CIA had doubts about the credibility of the reports.

In Dr. Rice's answers to my questions, while she failed to remember all the direct interventions by the CIA to have the uranium allegation removed from the President's Cincinnati speech, including a CIA memo to her, she instead relied on a single sentence from the October 1, 2002, national intelligence estimate, asserting that "Iraq also began vigorously trying to procure uranium and yellow cake" from Africa.

There are four problems with her answers. First, after that national intelligence estimate was produced, the CIA made its multiple interventions with the National Security Council, including two memos and the call from DCI Tenet to Dr. Rice's Deputy, to have the uranium allegation removed from the draft October 7 Cincinnati speech because of the doubts about the credibility of the reports. It was then removed.

So the CIA's doubts about the reporting and the White House's removal of that allegation from the Cincinnati speech came after the hastily assembled national intelligence estimate of October 1, 2002.

Second, according to George Tenet, the Director of Central Intelligence, the CIA's concerns were with the credibility of the reports, not with sources and methods. In a statement issued in July of 2003, he said the CIA received portions of the draft speech shortly before it was given and that the CIA officials "raised several concerns about the fragmentary nature of the intelligence with the National Security Council colleagues." In that statement he made no fewer than five references to CIA doubts about the reliability of the intelligence. He did not mention concerns about protecting sources and methods.

Third, in relying on one erroneous sentence in the NIE, Dr. Rice did not mention the opposing sentence in that same NIE written by the State Department's Bureau of Intelligence and Research, which stated that "the claims of Iraqi pursuit of natural uranium in Africa are, in INR's assessment, highly dubious." So the NIE, which she referred to, also contained an explicit dissenting view on the issue of African uranium, but she ignored that portion of the NIE.

Finally, and most significantly, if the State of the Union speech was relying upon that one sentence in the national intelligence estimate, it would have presented the allegation about Iraq seeking African uranium as something the United States believed rather than something the "British have learned."

That is where Dr. Rice's answers unravel. If the NIE's erroneous statement that "Iraq also began vigorously trying to procure uranium ore and yellowcake" from Africa was the basis for the State of the Union speech representations, that speech would not have relied on the British view. It would have been stated as our own view. The problem is that it was not our view. The statement about the British learning of Iraq's efforts to obtain uranium in Africa was a conscious effort to create an impression that we believed something that we actually did not believe. .

Now, there are other examples in which Dr. Rice exaggerated the intelligence or overstated the case to help persuade the public of the need to go to war against Iraq. Let me cite a few.

On September 8, 2002, Dr. Rice said on CNN:

> We do know that there have been shipments going into . . . Iraq, for instance, of . . . high quality aluminum tubes that are only really suited for nuclear weapons, centrifuge programs.

On July 30, 2003, she said that "the consensus view of the American intelligence agency" was that the aluminum tubes "were most likely for this use"—meaning for centrifuges to make nuclear weapons.

However, contrary to her claim, there was no certainty and no consensus view within the intelligence community about the use of the aluminum tubes. In fact, there was a fundamental disagreement, and the Department of Energy, which has the Nation's foremost centrifuge experts, and the State Department did not believe the tubes were intended for centrifuges. They believed the tubes were intended for conventional artillery rockets. Their disagreeing views were explicitly included in the October 2002 national intelligence estimate.

In my questions for the record, I asked Dr. Rice why she had said there was a consensus when there was none. Her answer did not respond to my question. So the question remains: Why did she say there was a consensus when there was not a consensus, and why did she say they were "only really suited for nuclear weapons" when they were, in fact, not only suitable for other purposes but, indeed, had been used for other purposes by Iraq—namely, for conventional artillery rockets?

In summary, Dr. Rice made the public case against Iraq as having reconstituted its nuclear weapons program far stronger than was supported by the classified intelligence. She exaggerated and distorted the facts and the intelligence provided to her in order to help convince the American public of the need to go to war.

Dr. Rice has also not been forthcoming on the question of when she knew of the differences within the intelligence community relative to the intended use of the aluminum tubes. Senator BIDEN asked Dr. Rice in a written question before the confirmation hearings whether she knew of the longstanding debate within the intelligence community at the time of her September 8, 2002 statement that the aluminum tubes "are only really suited for nuclear weapons programs, centrifuge programs," and when President Bush said four days later that "Iraq has made several attempts to buy high-strength aluminum tubes used to enrich uranium for a nuclear weapon."

She simply ducked the issue, and quoted a passage from the October 2002 NIE about a number of alleged Iraqi uranium enrichment activities—including the aluminum tubes—noting that the Department of Energy believed the tubes "probably are not part of" the nuclear program. She never answered the question of whether she was aware of the debate when she and the President made their erroneous statements.

One more example. On November 15, 2002, Dr. Rice said Saddam Hussein had been "helping some al Qaeda operatives gain training in CBRN [Chemical, Biological, Radiological or Nuclear weapons]."

On March 9, 2003, shortly before the war, she made a statement about the links between Saddam and al Qaeda, including a "very strong link to training al Qaeda in chemical and biological weapons techniques."

On September 7, 2003, she said:

> we know there was training of al Qaeda in chemical and perhaps biological warfare.

Those comments indicated certainty that Iraq provided training in chemical and biological weapons to al-Qaida. But the CIA had said that the reports of training came from sources of "varying reliability," and were "contradictory," as the Senate Intelligence Committee report makes clear.

Dr. Rice took what was a possibility and portrayed it as a fact.

Prior to the war, senior administration officials repeatedly and publicly stated that the reason the United States had to be prepared to use military force, and then go to war against Saddam, was to disarm Iraq of its weapons of mass destruction, which Saddam was said to be likely to provide to terrorists like al-Qaida.

Before the war, Dr. Rice said the following, on September 25, 2002: "This is a matter of disarming the Iraqi regime, because that's the danger, is that Saddam Hussein with nuclear, chemical, biological weapons will be a threat to his people, his neighbors, and to us."

On March 9, 2003, just 10 days before the start of the war, she said: "What the President is saying to the American people is . . . 'I will not stand by until the moment when Saddam Hussein is good at delivering biological weapons, by unmanned aerial vehicles.'"

On April 10, 2003 Ari Fleischer, the President's spokesman, summarized the point succinctly: "We have high confidence that they have weapons of mass destruction. That is what this war was about and it is about."

When questioned about this issue at her confirmation hearing on January 18, Dr. Rice joined the effort to rewrite the history of the publicly stated reasons for attacking Iraq. She said: "It wasn't just weapons of mass destruction. . . . It was the total picture, Senator, not just weapons of mass destruction, that caused us to decide that, post-September 11th, it was finally time to deal with Saddam Hussein."

The simple fact is that before the war, the administration repeatedly and dramatically made the case for war on the issue of Iraq possessing and continuing to develop weapons of mass destruction, and the likelihood that Saddam Hussein would provide those weapons to terrorists like al Qaeda. For Dr. Rice to suggest that there were many other, equally compelling, reasons to go to war simply does not square with the reality of how the administration persuaded the American people and the Congress of the need for war. Her suggestion is an effort to revise the history of the administration's presentations to the American people.

Dr. Rice again engaged in revisionist history about the Iraq military campaign during her nomination hearings before the Senate Foreign Relations Committee on January 18, 2005. Dr. Rice claimed: "This was never going to be easy; it was always going to have ups and downs."

Dr. Rice's statement is striking, not because of its substance, but because of how it stands in contrast to what the administration was telling Congress and the American people in the months before the invasion of Iraq.

The administration downplayed the difficulties of invading Iraq by claiming that we would be greeted as "liberators" by the Iraqi people. When Army Chief of Staff General Eric Shinseki predicted that "several hundred thousand soldiers" probably would be needed for the occupation of Iraq following the fall of Saddam Hussein, senior Defense Department officials rejected General Shinseki's assessment. Instead, Deputy Secretary of Defense Wolfowitz told the House Budget Committee before the start of the war: "I am reasonably certain that they [the Iraqi people] will greet us as liberators, and that will help us to keep requirements down." He also said that "the notion of hundreds of thousands of American troops is way off the mark."

Vice President CHENEY also repeated this claim to downplay the cost of regime change in Iraq. During an appearance on NBC's "Meet the Press" on March 16, 2003, the Vice President said: "The read we get on the people of Iraq is there is no question . . . they will welcome as liberators the United States when we come to do that."

It was precisely the administration's rose-colored conviction that our troops would be hailed by the Iraqi people as liberators that resulted in the inexcusable failure to plan for a difficult and costly occupation of Iraq following the end of major hostilities.

Similarly, administration officials grossly underestimated the costs to the American people of rebuilding Iraq. In March 2003, Deputy Secretary of Defense Wolfowitz testified before Congress that Iraq "can really finance its own reconstruction, and relatively soon." The next month, in April 2003, the head of the U.S. Agency for International Development publicly estimated that the American taxpayers' portion of Iraqi reconstruction costs would be $1.7 billion, adding that there were "no plans for any further-on funding for this." Instead, Congress has approved over $20 billion in reconstruction funds for Iraq, and the final bill for the American taxpayer could reach hundreds of billions of dollars.

The Administration used the same rose-colored glasses in estimating the cost of rebuilding Iraq. Dr. Rice said there were always going to be "ups and downs". But before the war, the administration never talked about, never planned for, and never prepared the American people for the "downs" of rebuilding Iraq. It only focused on the "ups". So I find Dr. Rice's latest assessment that the administration never thought that the post-Saddam period was going to be easy to be startlingly at odds with the administration's claims in making the case for the Iraq war in the first place.

One of my main concerns about this administration, including Dr. Rice, is that there appears to be no accountability for the many mistakes.

Consider the case of George Tenet, the former Director of Central Intelligence, who covered the administration's exaggerations on Iraq. President Bush had been publicly saying things like "on any given day," Saddam could provide WMD to terrorists, and that Saddam "would like nothing more than to use a terrorist network to attack and kill and leave no fingerprints." President Bush repeatedly indicated that Saddam might give WMD to terrorists without provocation.

On October 7, 2002 DCI Tenet sent a letter to the Senate Intelligence Committee declassifying portions of its new National Intelligence Estimate on Iraq. That letter made clear that the intelligence community believed it was unlikely that Saddam would share WMD with terrorists, and said it would be an "extreme step" and a "last chance to exact vengeance" if the U.S. had already attacked Iraq.

So there was a clear inconsistency between the views of the intelligence community and the public comments of the President. Yet, incredibly, on October 8, 2002, just a few days before the Senate was to vote on the resolution to authorize the use of force against Iraq, DCI Tenet issued a statement to the press saying "there is no inconsistency" between the views in the letter and the President's views, which was simply false. Its motivation was transparent: An honest acknowledgment of inconsistency might have had a negative effect on the Senate vote.

Instead of being held accountable for that critical misstatement, and instead of being held accountable for the October 2002 NIE, which was rife with errors, all in the direction of making Iraq more threatening, including erroneous statements not based on the underlying intelligence, George Tenet was awarded the Presidential Medal of Freedom by President Bush. That is not accountability. Accountability for mistakes and failures, no matter how serious, is not the hallmark of this administration.

Dr. Rice's exaggerations and distortions concerning Iraq were an important part of the administration's effort to convince the American people of the need to go to war. Few things are as fateful as that decision.

Finally, Secretaries of State must be strong enough to tell a President what he may not want to hear. There is admittedly one recent glimmer of hope in that regard.

In response to my written question, Dr. Rice did acknowledge that "there is of course a distinction" between Saddam Hussein and al Qaeda when it comes to the war on terrorism. That stands in contrast to President Bush's claim on September 25, 2002, that "[Y]ou can't distinguish between al Qaeda and Saddam when you talk about the war on terror."

But that glimmer of independence is not enough to change my view that Dr. Rice should not be confirmed as Secretary of State.

The Bush administration's prewar distortions and exaggerations of intelligence concerning Iraq's weapons of mass destruction and ties to al Qaeda were the publicly stated basis for initiating the war.

I ask unanimous consent the questions and answers I asked of Dr. Rice also be printed in the RECORD following my statement.

The PRESIDING OFFICER (Mr. BURR). Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEVIN. Finally, I think I have 1 additional minute. I will use that to conclude.

Voting to confirm Dr. Rice as Secretary of State would be a stamp of approval for her participation in the distortions and exaggerations of intelligence that the administration used before it initiated the war in Iraq, and the hubris which led to the administration's inexcusable failure to plan and prepare for the aftermath of the overthrow of Saddam Hussein, with tragic ongoing consequences.

I believe we must do all we can to support our troops in their efforts to create a democratic government in Iraq, despite the circumstances we are in. But I cannot, in good conscience, give my approval to the mistakes and misjudgments that helped to create those circumstances. I will, therefore, vote against the confirmation of Dr. Rice to be Secretary of State.

I thank the Chair and yield the floor.

Exhibit 1

Questions for the Record From Senator Carl Levin to Dr. Condoleezza Rice, and Her Responses (in Conjunction With Her Nomination To Be Secretary of State)

URANIUM FROM AFRICA

1. The CIA had sent a memo to you and Mr. Hadley on October 6, 2002 concerning a draft of the President's scheduled October 7, 2002 Cincinnati speech. That memo included an explanation of the reasons why the CIA believed the reference to Iraq's attempts to obtain uranium from Africa should be deleted. The CIA had sent a previous memo to Mr. Hadley (and Mr. Gerson, who was the speechwriter) the day before that memo sent to you, again expressing its doubts about the reports of Iraq's attempts to get uranium from Africa. Finally, the Director of Central Intelligence, George Tenet, called Mr. Hadley directly to ask that the reference to uranium from Africa be deleted from the October 7 speech. As a result of the CIA's multiple expressions of its doubts about these reports, the reference was deleted, and the October 2002 speech made no mention of Iraq's purported attempts to obtain uranium from Africa. Given all this and other activity, were you aware at that time (October 2002) that the Intelligence Community had doubts about the reports of Iraq's purported efforts to obtain uranium from Africa? Were you aware prior to January 28, 2003, the date of the President's State of the Union speech?

Answer: I do not recall Intelligence Community concerns about the credibility of reports about Iraq's attempts to obtain uranium from Africa either at the time of the Cincinnati speech or the State of the Union speech. I would note that the Senate Select Committee on Intelligence report on prewar intelligence assessments on Iraq stated:

"When coordinating the State of the Union, no Central Intelligence Agency (CIA) analysts or officials told the National Security Council (NSC) to remove the '6 words' or that there were concerns about the credibility of the Iraq-Niger uranium reporting."

2. Prior to the State of the Union speech (January 28, 2003), did you ever discuss with the Director of Central Intelligence, George Tenet, the Intelligence Community's doubts about reports of Iraq's attempts to get uranium from Africa? If so, when was the first time you discussed the matter with him, and how many times did you discuss the issue prior to the State of the Union?

Answer: I do not recall discussing Intelligence Community doubts about such reports with Director Tenet prior to the State of the Union.

3. Prior to the State of the Union speech of January 2003, did you ever discuss with Stephen Hadley, your deputy, the choice of wording for the speech concerning Iraq's purported attempts to obtain uranium from Africa? Prior to the speech, were you aware that the language had been changed to make reference to the British having learned of such efforts, rather than stating it as the US Government view?

Answer: Yes, I did discuss with Stephen Hadley concerns the Intelligence Community had about protecting sources and methods regarding reports on Iraqi attempts to procure uranium from Africa. These concerns were addressed by citing a foreign government service. I do not recall any discussion of concerns about the credibility of the reports.

4. Were you at all involved in the decision-making process about the phraseology of the wording for the January 28, 2003 State of the Union speech concerning Iraq's purported attempts to obtain uranium from Africa ("The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa")? Who was the author of the wording, and was the author aware that the CIA had serious doubts about the claim at least as early as September 2002?

Answer: Yes, I did discuss with Stephen Hadley concerns the Intelligence Community had about protecting sources and methods regarding reports on Iraqi attempts to procure uranium from Africa. The State of the Union speech was prepared by the President's speechwriters, in coordination with other members of the executive branch. I do not know who actually authored the words about Iraq's attempts to procure uranium from Africa.

5. On July 13, 2004 you said the following on Face the Nation: "What I knew at the time is that no one had told us that there were concerns about the British reporting." Given all the activity indicating CIA doubts and concerns about the claim, including a CIA memo sent to you in early October 2002, how could you not know of the doubts and concerns?

Answer: I do not recall reading or receiving the CIA memo of October 2002. However, I was aware of the October 2002 National Intelligence Estimate stating "Iraq also began vigorously trying to procure uranium ore and yellowcake; acquiring either could shorten the time Baghdad needs to produce nuclear weapons."

6. On June 8, 2003, on ABC's This Week with George Stephanopoulos, you said "At the time the State of the Union address was prepared, there were also other sources that said that they were, the Iraqis were seeking yellow-cake, uranium oxide, from Africa. And that was taken out of a British report. Clearly, that particular report, we learned subsequently, subsequently, was not credible. . . . The intelligence community did not know at that time or at levels that got to us that this, that there was serious questions about this report."

How could you say such a thing when, before the State of the Union speech, the CIA had told the British of its doubts about the claim and urged them to remove it from their dossier; when the Director of Central Intelligence had personally called your Deputy, Stephen Hadley; when the DCI had sent a memo on October 5 to Mr. Hadley; and when he sent another memo to you and Mr. Hadley on October 6, all explaining why the claim should be removed from the President's October 7 Cincinnati speech, which it was. How can you claim that "the intelligence community did not know at that time or at levels that got to us that this, that there was serious questions about this report"?

Answer: National Intelligence Estimates represent the authoritative judgment of the Intelligence Community. CIA also provided information citing Iraq's attempts to procure uranium from Africa to the White House four days before the State of the Union speech. I would also note that the Senate Intelligence Committee concluded that no CIA analysts or officials expressed doubt about the uranium reporting when coordinating on the State of the Union speech.

IRAQ: ALUMINUM TUBES

7. On July 30, 2003, you said "the consensus view of the American intelligence agency" [sic] was . . . that the aluminum tubes "were most likely for this use," meaning for centrifuges to make nuclear weapons. However, there was no consensus view on the use of the aluminum tubes; there was a fundamental disagreement within the Intelligence Community, and the Department of Energy and the State Department did not believe the tubes were intended for centrifuges. Given that there was no consensus, why did you say there was?

Answer: The October 2002 National Intelligence Estimate established the Intelligence Community's authoritative assessment on the aluminum tubes issue. It stated:

"Most agencies believe that Saddam's personal interest in and Iraq's aggressive attempts to obtain high-strength aluminum tubes for centrifuge rotors—as well as Iraq's attempts to acquire magnets, high-speed balancing machines and machine tools—provide compelling evidence that Saddam is reconstituting a uranium enrichment effort for

Baghdad's nuclear weapons program. (DOE agrees that reconstitution of the nuclear program is underway but assesses that the tubes are probably not part of the program.)" A footnote noted INR's alternative view to the NIE's authoritative assessment.

NO DISTINCTION BETWEEN IRAQ AND AL QAEDA?

8. Do you make any distinction between Saddam Hussein and al Qaeda when it comes to the war on terror, or do you think they are indistinguishable?

Answer: Yes, there is of course a distinction, but Saddam Hussein did harbor terrorists and had many other ties to terrorists, including contacts with al Qaeda, as the 9-11 Commission recognized. And he was an avowed enemy of America and of our allies. The possibility that an outlaw state might pass a weapon of mass destruction to a terrorist is the greatest danger of our time.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that when the Senate reconvenes at 2:15, the following be the order of speakers: Senator MCCONNELL, Senator BYRD, Senator HAGEL, Senator ALLEN, Senator BOXER, Senator ALEXANDER, Senator DURBIN, a Republican Senator, and Senator FEINSTEIN.

The PRESIDING OFFICER. Is there objection?

Mrs. HUTCHISON. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. No objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair. This will be helpful, I believe, so Senators can allocate their time. I would comment to the Chair this means that essentially the period from 2:15 to approximately 5 o'clock will be consumed by these Senators. But the order allows for 9 hours of debate, which means theoretically there could be 4 more hours-plus after that to accommodate other Senators.

Mr. President, I also ask unanimous consent that during quorum calls the time be charged equally against both sides.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Indiana.

Mr. BAYH. I ask my colleague from Texas, which of us was on the floor first?

Mrs. HUTCHISON. Mr. President, I do not know. I thought I was supposed to speak at 12:15, but if——

Mr. BAYH. I thought I was supposed to speak at 12:10. So I guess the trains are not running on schedule today.

Mrs. HUTCHISON. Mr. President, I ask the distinguished chairman, are there any other speakers or are Senator BAYH and I the last two?

Mr. LUGAR. My information is at some point Senator SALAZAR wishes to speak before the luncheons.

Mrs. HUTCHISON. I would suggest, then, that Senator BAYH go next and I be able to follow him.

Mr. LUGAR. And then Senator SALAZAR be accommodated. I ask unanimous consent that be the order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Indiana.

Mr. BAYH. Mr. President, I thank the Senator from Texas for her courtesy, and I pledge I will do my best to finish in 10 minutes or less.

It is a pleasure to be on the floor today with my friend and colleague from Indiana. I have often thought that events around the world, and particularly in Iraq, would have gone so much better if those in a position to make policy for our country had listened to his wise counsel and advice. It is not often I find myself in disagreement with my friend, but on this occasion I do.

I rise to express my opposition to the nomination of Condoleezza Rice and her proposed promotion to that of the position of Secretary of State—not because I object to her personally; I do not; not because I oppose the mission of establishing freedom and democracy in Iraq; on the contrary, I support it; but because I believe she has been a principal architect of policy errors that have tragically undermined our prospects for success in this endeavor.

Those in charge must be held accountable for mistakes. We must learn from them, correct them, so we may succeed in Iraq. If the President of the United States will not do this, then those in the Senate must.

The list of errors is lengthy and profound, and, unfortunately, many could have been avoided if Dr. Rice and others had only listened to the counsel offered from both sides of the aisle.

From the beginning of this undertaking, we have had inadequate troop strength to accomplish the mission. The mission was, of course, not to simply realize regime change in Iraq but, instead, to recognize and accomplish nation building at its most profound. We violated a fundamental tenet of planning for war, which is to plan for the worst and hope for the best. Instead, all too often in Iraq we have hoped for the best and, instead, are reaching the worst.

The advice to have greater troop strength was not partisan. Our colleagues, Senator MCCAIN, Senator HAGEL, and others, virtually pleaded with the administration to provide for greater security through troop strength on the ground. Those pleas fell on deaf ears.

We have never had a realistic plan for the aftermath of this conflict. The State Department made plans. They were disregarded. The CIA warned of the potential for a growing insurgency. Their concerns were dismissed. Senator LUGAR held hearings that were prescient in this regard, pointing out the importance of planning for the aftermath and the inadequacy of the preparation for the aftermath before the war. The results of those hearings were ignored.

This is no ordinary incompetence. Men and women are dying as a result of these mistakes. Accountability must be had. We dismissed the Iraqi Army.

In my trip to Iraq in December, one of our top ranking officials told me there that things today in Iraq would be 100-percent better—100-percent better—if we had only not dismissed the Iraqi Army; not the generals, not the human rights violators, not those who should be held accountable for their own actions, but the privates, the corporals, the lieutenants, the captains, those who should be on our side providing for stability and security in Iraq and now, tragically, are being paid to kill Americans because we sent them home and said they had no future in the Iraq that we were hoping to build.

Likewise, we disqualified all former Baathists from serving even in lower levels of the bureaucracy in that country. They could have helped us run the nation. They could have helped us to reassure the Sunni community that we wanted to reincorporate them in the future of Iraq. Instead, many of them are fighting us today in Iraq as well.

All of these mistakes have substantially undermined our prospects for success, and tragically so. The chaos that has arisen from the lack of security and stability has fed this insurgency.

I asked one of our top ranking officials in Iraq in December which was growing more quickly, our ability to train Iraqis to combat the insurgency or the insurgency itself? His two-word response: The insurgency. Unfortunately, in some regards we have even succeeded in discrediting the very cause for which we are fighting and dying today. I listened intently to the President's inaugural address on the steps of this Capitol in which he spoke repeatedly about the need to advocate freedom and liberty and democracy around the world, not only because it is in our interest but because it is in the interest of peace and stability across the planet as a whole. In that regard he is right.

But I could not help but recall the words of a member of the Iraqi Electoral Commission, a Turkoman from Kirkuk, who finally looked at me in Baghdad and said: Senator, you do not understand. For too many of my people, when they hear the word "democracy," they think violence, they think disorder, they think death and economic disintegration.

It does not get much sadder than that. It is heartbreaking that the sacrifices that have been made, the idealism of our troops, America's prospects for success in Iraq, our very standing in the world, have too often been undercut by ineptitude at the highest levels of our own Government.

I think of a visit, 6 months ago, with some of our colleagues to Walter Reed Army Hospital to visit with some of the soldiers who have returned. They are constantly on my mind. I think of their idealism, their heroism, their perseverance in the face of an adversity that those of us who are not there can hardly imagine.

We have a moral obligation to provide better leadership than that which has been provided in this conflict. Too often this administration has suggested that the refusal to admit error, to learn from error, to correct error is a virtue. When lives and limbs are at stake, it is not.

As a former executive of our own State, I have always believed that accountability for performance is vitally important to success. If this President will not provide it, then it is up to those of us in the Senate to do so.

I believe with all of my heart that our country is strongest when we stand for freedom and democracy. We are attempting to accomplish the right thing in Iraq. We have been the authors of much of our own misery. As a result of that, I cannot find it in my heart or in my mind to vote for the promotion of Dr. Rice. Accountability is important. I will vote no and urge my colleagues to do the same.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I have listened to some of the debate on this nomination. It is unfortunate that we have lost focus about what we should be doing in the confirmation of the Secretary of State. I don't think rehashing potential mistakes some think may have been made in the war on terrorism, specifically in Iraq, is something that should be brought up as a reason to vote against Condoleezza Rice for Secretary of State.

I, for one, will say mistakes have been made. I don't think war is ever perfect. You can't make an outline and say this is how a war is going to go and expect it to go in that exact way. However, I don't think anyone could have anticipated all that has happened or the kind of enemy that we face. An enemy that is willing to blow itself up to kill innocent people requires a different strategy and approach. We are making the adjustments.

One of the leaders who has kept a steady focus on the war on terrorism and our efforts in Iraq is the woman who is before us today. It is Condoleezza Rice who has kept the steady aim and helped our President see all of the minefields out there. This has strengthened our country, to stay the course in the war on terrorism. The stabilization of Iraq is a step forward to promoting peace worldwide.

Condoleezza Rice is absolutely the most qualified person to succeed a wonderful Secretary of State, Colin Powell. What do you want in a Secretary of State? What do you look for? What would foreign leaders look for in a Secretary of State?

No. 1: Somebody who has a deep understanding of foreign policy. Condoleezza Rice has had a 25-year career in foreign policy, an exemplary academic background, graduating with a Ph.D. in international studies with a Russian focus—concentration on Russian history and Russian relations—cum laude and Phi Beta Kappa. She has the absolute ability to do this job, unquestionably, and she has the experience. For 25 years she has served three Presidents, been a key adviser in the one of the most tumultuous times of our history, and after 9/11, brought our country together by focusing on an enemy that is a new kind of enemy. Condoleezza Rice has done that, and she has done a great job.

No. 2: In looking for a Secretary of State, you want someone who is known to our country and known to foreign leaders. She will not be a stranger, speaking for our President. She is known to foreign leaders because as national security advisor, she has dealt with foreign leaders throughout the world. She has strong working relationships with world leaders, foreign ministers, national security advisers, and our closest allies. These relationships have been developed for over a quarter of a century. They will be valuable assets to our country and to her.

Having been a Soviet affairs specialist, who worked during the Cold War, she helped guide our Nation's efforts to promote freedom and democracy throughout that part of the world in the emerging Soviet republics. She helped guide our Nation to promote freedom throughout the world, by stressing the virtues of democracy, defying those who suggested that communism was here to stay and Eastern Europe could not be liberated. With the unification of Germany and the collapse of the Soviet Union, the Reagan administration made history with Condoleezza Rice in a key position.

No 3: You want a Secretary of State to be a trusted adviser to the President. There is no doubt the President and Dr. Rice know each other well. The President trusts her. And when foreign leaders talk to Condoleezza Rice; they will know she is speaking for the President, through offers made and pronouncements stated. Being a trusted adviser to the President is very important.

And, No. 4: You need someone who can manage a very large and important department of our Government with offices strewn throughout the world and with ambassadors reporting affairs in those countries. It will be important to have someone who is a good manager. She has served as Provost of Stanford University during her 6 years there, managing a diverse population.

On a personal note, I wrote a book called "American Heroines," and one of the interviewees I had was Condoleezza Rice. I was talking to contemporary women who have broken barriers, and I interviewed Condoleezza Rice. I asked her the question: What is the best preparation for the rough and tumble of your job? She said: Without a doubt, being provost of Stanford University, because I dealt with 1,400 very smart people who were basically independent contractors, and I had to learn when to persuade, when to inform, and when to demand.

If that isn't a recipe for Secretary of State, I don't know one: When to persuade, when to inform, and when to demand. Diplomats need to know when to do each of these and she has honed these skills during her time as National Security Adviser, and most certainly while managing the 1,400-member faculty at Stanford University.

She has become a person uniquely qualified for this position. I am so proud to support her. She is a woman who is unflappable and has comported herself with dignity through the most trying times, through trying hearings and trying questioning. She has dealt with the largest crisis that we have had in our country, surely in the last 25 years, 9/11, finding out who the enemy is, where that enemy was being trained, and trying to make sure that we had a strategy to combat it.

Condoleezza Rice will be a great Secretary of State. She will make her mark on this position as some of the best Secretaries of State in our history have done. She has the capability. She has the trusted ear of the President. She has the knowledge of foreign policy from 25 years of experience and relationships with heads of state and foreign ministers, friend and enemy alike, and will work well with them.

She is going to collaborate when collaboration is called for in our foreign policy but more importantly, she will protect America when it is necessary.

I am proud of this nomination. I am proud of the President for bringing her in as National Security Adviser, working with her, learning from her and teaching her at the same time. The relationship is perfect for the new challenge she will face.

She is up to this challenge. I have every faith in her. I hope our colleagues will look to the future, look to what she can do, and will not rehash things in the past for which she was not responsible. She deserves the opportunity to represent our country, and, more important, give the President of the United States the person he wants in this job. As we face a very difficult 4 years, he deserves to have the person he chose. I hope the vote will be overwhelming.

I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Colorado.

Mr. SALAZAR. Mr. President, I rise today in relation to the nomination of Dr. Rice to be Secretary of State. Section 2 of Article II of the Constitution obligates the Senate to advise and consent on the President's nominees for his cabinet.

That is a solemn duty, to be sure. So let me be clear up front that I will give my consent to Dr. Rice's nomination. I believe she is qualified for this important post and I am hopeful she will do an outstanding job advancing the interests and ideals of this great country.

As a U.S. Senator, given the gravity of the situation facing the United States in Iraq, I also want to take this moment to meet my obligation to advise Dr. Rice and the President.

I do this for one reason. We all serve here at the pleasure of the citizens of our States. Our efforts fail or succeed based on the informed consent of those citizens. Nowhere is that more clear than in the areas of war and peace. The consequences of war are clear. Like so many American families, my family knows the pain and sacrifice of war. My relatives have been killed on the soils of Europe and other places.

In World War II, we lost nearly half a million Americans. In the war in Iraq, we have lost 1,371 soldiers and more than 10,000 have been wounded. I visited some of our young brave men and women at Walter Reed Army Medical Center a few weeks ago and saw the struggles and pains of them and their families as they suffered from the wounds of war.

I support our troops and I pray and hope that their efforts in Iraq will have not been in vain and that the elections next week will usher in a new and free democracy in that nation.

Nor do I rise today out of some partisan spirit. In fact, over the last 3 weeks I have very publicly and very clearly spoken in favor of two other cabinet nominees. This is a patriotic obligation, not a partisan exercise.

As we look to the future, I believe strongly we must reflect on the past and constantly review and assess our performance for lessons learned for the American people. In fact, no one does a better job of this than the United States military. It invests great manpower and hours in after-action reviews to ensure that its doctrine, planning and execution were as good as it could have and should have been.

Such an after-action review for the aministration would, I think, reveal clear concerns. There has been a general lack of candor—to our troops and their families, to our taxpayers and even, to some extent, to ourselves. Only by addressing this failure can we hope to ensure the continued informed consent of the American people for this historic undertaking in Iraq.

This morning's paper reports that the Army is preparing to keep the level of U.S. troops in Iraq unchanged through the next 2 years. It is troubling because our troops have been told so many different things so many times that I fear they no longer know what lies ahead in their future.

I have to believe that was a troubling headline to read for the 150,000 families—including the more than 2,000 in Colorado—who have loved ones deployed to Iraq and the thousands of others who know that their loved ones will be redeploying to Iraq for a second or even a third tour.

This morning's newspaper also reports that the administration will seek an additional $80 billion for ongoing operations in Iraq. This is over and above the more than $149 billion already appropriated for this effort. Compare that with what the aministration told the American people on January 19, 2003, when it said that this entire effort would cost less than $50 billion.

I remind my colleagues that each and every dollar of this operation is money added to the deficit. That is money borrowed from foreign governments that will have to be paid for by our children.

As troubling as that deficit is, we will soon be faced with the challenge of deciding how to pay for many domestic issues, including most importantly, the health care our veterans have earned, and some are arguing we should tell the American people and our veterans that we simply cannot afford a level of care they have come to expect.

Lastly, I am concerned about what can only be called a lack of candor—and urgency—with ourselves and our decisions.

What else could explain the massive intelligence failures that preceded 9/11—the failure to see what was coming from al-Qaida, despite the years of its hateful rhetoric and despicable actions. And what else can explain the slowness in creating the Department on Homeland Security, or the lack of support for the 9/11 Commission and its clarion call for intelligence reform in the face of this hateful enemy. And what else—unless it was that, counter to all warnings from our military, we convinced ourselves that this effort in Iraq would be over in weeks, not years—can account for the fact that now, nearly 2 years since the start of this operation, our troops do not have the armor they need?

I end where I began, Mr. President. My advice is simple. To succeed in Iraq and elsewhere in the world, we need to heed the lessons learned over the past years. We need to be sure our intelligence is sound before we commit our troops, ensure our troops are prepared, and ensure our citizens are informed.

Educated, as she was, in Denver, I am confident Dr. Rice took to heart the candor and straight talk that we value in the West and in Colorado. Those will be important attributes for her to employ as she becomes Secretary of State.

I yield the floor.

Mr. LUGAR. Mr. President, I ask the Chair how much time remains on both sides of the aisle for debate this afternoon?

The PRESIDING OFFICER. The majority has 3 hours 35 minutes. The minority has 3 hours 39 minutes.

Mr. LUGAR. I thank the Chair and yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:45 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

NOMINATION OF CONDOLEEZZA RICE TO BE SECRETARY OF STATE—Continued

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I rise today to declare my unqualified support for the President's nominee to be America's 66th Secretary of State, Dr. Condoleezza Rice.

Dr. Rice's fitness for the job is plain to every Member of this Chamber. She has excelled in the foreign policy arena for 25 years and served three Presidents. She has built lasting, personal relationships with world leaders and foreign policymakers throughout the world. She has been one of the main authors of America's new approach to foreign policy in the aftermath of September 11. Most importantly, she has the complete trust and confidence of the President, and is perfectly poised to follow his leadership as America promotes freedom and democracy across the globe. Dr. Rice is the ideal person to lead the State Department at this time. The Department's mission will be to shatter the barriers to liberty and human dignity overseas, and Dr. Rice has already broken many barriers in her relatively short lifetime.

This remarkable woman was born in Birmingham, AL, in the same year that the Supreme Court of the United States handed down its Brown v. Board of Education decision. Few then would have believed that a young African-American girl, born under the heavy hand of Jim Crow, could one day become this Nation's chief diplomat. But

Dr. Rice's mother, a music teacher named Angelina, and her father, the Reverend John Rice, knew their Condi was meant for great things, and Reverend Rice nicknamed his daughter "Little Star."

Dr. Rice may not have inherited great financial wealth from her parents, but she did inherit a love of learning. Her parents were both educators and made sure their only child could read prodigiously by age 5. At age 3, she had begun the piano lessons that would one day lead to her accompanying world-renowned cellist Yo-Yo Ma. She excelled in school and received her bachelor's degree with honors at the age of 19. She went on to earn her master's and Ph.D. in international studies, and later became, at age 38, the youngest provost in the history of Stanford University.

Her accomplished career led to her appointment as Assistant to the President for National Security Affairs in 2001. In that role, Dr. Rice has been at the center of some of the most important foreign policy decisions since President Harry Truman, George Marshall and Dean Acheson navigated the beginning of the Cold War.

In the past 4 years, she has helped formulate a national security strategy to protect the United States by draining the swamps that permit terrorism to flourish. She has been a key architect of the President's two-state solution in the Middle East—a policy that led to the first free and democratic Palestinian elections ever.

She has helped develop a more secure relationship between the United States and Russia, leading to record reductions in that country's amount of nuclear warheads. She has helped craft the important six-party talks designed to end North Korea's nuclear program.

She was at the center of the President's successful operation to remove the Taliban from Afghanistan and enable the Afghan people to practice democracy for the first time ever.

I might say, just having been in Afghanistan within the last couple of weeks, it is an enormous success story that we all have a right to feel proud about.

She led the effort to remove Saddam Hussein from power in Iraq, eliminate the possibility of his ever unleashing weapons of mass destruction, and liberate over 25 million Iraqis from his reign of terror.

We need Dr. Rice's leadership at this crucial time in America's history. As President Bush so eloquently stated last week in his second inaugural address, our country's safety is inextricably tied to the progress of freedom in faraway lands. Those lands are not so far away anymore. Two vast oceans are no defense against a small band of terrorists with a dirty bomb, a vial of ricin, or boxcutters.

In the post-September 11 world, our national security depends heavily on our foreign policy, and our foreign policy will be determined largely by our national security needs. Because the light of liberty chases away the shadows of resentment, intolerance, and violence that lead to attacks on America, it is in America's interests to promote freedom and democracy in every corner of the globe.

Democracy and economic development are crucial components to winning the global war on terror. Soon, if we finish our mission, Iraq will be a beacon of economic and political freedom in the Middle East, and the rogue despots of the region will watch helplessly as their citizens demand the freedoms and economic prosperity enjoyed by their Iraqi neighbors. That day will be very uncomfortable for them—and a victory for the free world.

The Department of State must be a primary actor in this mission, because American diplomacy will be the primary force to create a world more favored toward freedom. The global war on terror requires us to cooperate with other nations more than any other global conflict before. It requires focus in parts of the world that were unfamiliar to many Americans 3 years ago. We will need to argue the virtues of liberty and democracy to an audience that may be hearing such arguments for the first time.

America will need to rely on the multinational institutions that have served her so well in the past to succeed in this new era. Our relations with NATO, the European Union, and other partners must be reassured and reaffirmed. And, just as we formed coalitions of the willing to liberate Afghanistan and Iraq, we should continue to cultivate alliances of democracies when the need arises, to serve as an example to the world that the best method of governing is to seek the consent of the governed.

For all of these hard tasks before us, I can think of no better person to ensure success than Dr. Rice. Her personal courage is eclipsed only by her professional pre-eminence. Her parents aptly named her "Condoleezza" after the Italian musical term "con dolcezza" which is a direction to play "with sweetness." But she is also brilliant, compassionate, and determined to advance the President's vision of a world free from despotism.

The State Department will play the lead in American foreign policy. Its foreign-service officers are the face of America to millions worldwide. What better way to empower them than by confirming the President's most-trusted advisor as Secretary of State?

I wish to address briefly the criticisms that some of my colleagues have directed at Dr. Rice. As far as I can tell, no one has impugned her ability or moral integrity. Most of the criticisms seem to rest on the concern that she will not make it her primary mission as Secretary of State to disagree with the President.

Think about that. Some would suggest that the Secretary of State's job is to oppose the President's policies. The Senate has not attempted to so micromanage the relationship between the President and a cabinet officer since passing the Tenure of Office Act.

Let me be clear to my colleagues: It is the role of the President to set foreign policy. It is the role of the Secretary of State to execute it.

Of course, as America's top diplomat, Dr. Rice will be expected to bring her expertise on a wide variety of issues to the table. The President has chosen her because he values her opinion. But all foreign policy decisions ultimately rest with the President. For some to suggest that a Secretary of State should be some kind of agitator-in-residence, constantly complicating the implementation of policy, is irresponsible.

Furthermore, Dr. Rice enthusiastically subscribes to President Bush's doctrine of spreading liberty. She was in the White House on September 11 when it was feared the building would come under attack. From a bunker beneath the White House, she watched the footage of those two planes striking the Twin Towers over and over. She was with the President that night, when he first formulated the policy that America would make no distinction between the terrorists who committed those evil acts and those who harbored them.

Dr. Rice was with the President during Operation Enduring Freedom. She was with him when he made the case to the United Nations that Saddam Hussein must face serious consequences. And she was with the President when he decided to liberate Iraq and the world from Saddam Hussein's evil intent.

After sharing so many searing experiences, President Bush and Dr. Rice now share a vision for responding to them. This should be no surprise.

Like the President, Dr. Rice realizes that the challenges we face today are daunting and will take generations to overcome. Winning the Global War on Terror and spreading peace and freedom will not be easy. But few things worth doing are. This administration has taken the long view, and is committed to a long-term strategy, the reward for which is years in the future. Posterity will thank them, and this Congress, for seeing the fight through.

The liberation of Iraq was the right thing to do. We removed a tyrant who had both the means and the motive to attack America or her interests. I urge my colleagues who focus only on the setbacks, mistakes, or tragedies of Operation Iraqi Freedom: Take the long view.

If there had been as many television cameras at Omaha Beach on D-Day as there are in this chamber today, General Eisenhower would have been fired before sunset. War is messy, but history tells us we must see our fights through to the end. The goal of spreading peace and freedom in the Middle East is too important to suffer hypercritical, politicized attacks.

I am happy to praise Dr. Rice today. My experiences with her over the years justify every word I have said. But we should not be debating her nomination today. This Senate should have confirmed her on January 20.

Finally, I wish to leave you with a question for every Member of this body to ponder. It is too easy to snipe from the sidelines at nominees like Dr. Rice, who are willing to make great sacrifices to serve their country. So I ask, what positive actions can this Senate take to further the spread of peace, liberty and democracy over the globe?

I would refer my colleagues to the Asia Freedom Act of 2004, which Senator LUGAR and I proposed last November. The act provides an integrated and coherent framework for U.S. policy towards North and Southeast Asia. It ties U.S. foreign aid to commitments from governments in the region to better their records in democracy, civil liberties, cooperation in the global war on terror, and several other areas. It requires the State Department to judge these governments not by what they say, but rather the concrete actions they undertake to further democracy, security and stability in the region.

This act would contribute to the march of freedom from sea to sea. This is the kind of business this Senate should be focusing on. Advancing freedom, attacking terrorism and ending tyranny is the mission of our time. I have no doubt that this Senate recognizes that and will act with commensurate speed and wisdom.

America has passed weighty tests before. Sixty years ago, emerging wearily from a great war, this country began the struggle with another seemingly entrenched enemy—the Soviet Union and its scourge of Communism. When that battle began, Americans could not know when it would end. But they knew they had to fight it. In 1947, President Harry Truman spoke to a joint session of Congress about this new Cold War. He said, "Great responsibilities have been placed upon us by the swift movement of events. I am confident that the Congress will face these responsibilities squarely."

Now it falls to us to face our responsibilities just as squarely. We can, we will, and we must.

I yield the floor.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ISAKSON). Without objection, it is so ordered.

Mr. BYRD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The time is 60 minutes.

Mr. BYRD. I thank the Chair.

Mr. President, in Federalist No. 77, Alexander Hamilton wrote:

> It will readily be comprehended, that a man who had himself the sole disposition of offices, would be governed much more by his private inclinations and interests, than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body, and that body an entire branch of the legislature. The possibility of rejection would be a strong motive to care in proposing.

Although Hamilton explains the importance of the role of the Senate in the appointment of officers of the United States, neither he nor the Constitution is specific about what criteria Senators must use to judge the qualifications of a nominee. The Constitution only requires that the Senate give its advice and consent. It is therefore left to Senators to use their own judgment in considering their vote. The factors involved in such judgments may vary among Senators, among nominees, and may even change in response to the needs of the times.

The position of Secretary of State is among the most important offices for which the Constitution requires the advice and the consent of the Senate. It is the Secretary of State who sits at the right hand of the President during meetings of the President's Cabinet. The Secretary of State is all the more important today, considering the enormous diplomatic challenges our country will face in the next 4 years.

I commend the Foreign Relations Committee for its work in bringing the nomination of Dr. Condoleezza Rice to the Senate. Chairman Richard Lugar conducted 2 days of hearings for this nominee and the debate that began in the committee on this nomination is now being continued on the floor of the Senate. Senator BIDEN also provided a voice in great foreign policy experience during those hearings. I was particularly impressed by Senator BOXER who tackled her role on the committee with passion and with forthrightness, as did Senator KERRY.

There is no doubt that Dr. Rice has a remarkable record of personal achievement. She obtained her bachelor's degree at the tender age of 19—get that. Speaking as someone who did not earn a bachelor's degree until I had reached 77 years of age, I have a special appreciation for Dr. Rice's impressive academic achievement. It was a remarkable achievement indeed.

She then obtained a doctorate in international studies and quickly rose through the academic ranks to become provost of Stanford University. Dr. Rice has also gathered extensive experience in foreign policy matters. She is a recognized expert on matters relating to Russia and the former Soviet Union. She has twice worked on the National Security Council, once as the senior adviser on Soviet issues and most recently for 4 years as National Security Adviser.

Dr. Rice has had ample exposure to the nuances of international politics and by that measure she is certainly qualified for the position of Secretary of State.

The next Secretary of State will have large shoes to fill. I have closely watched the career of Colin Powell since he served as National Security Adviser to President Reagan and we worked together during the Senate consideration of the INF treaty of 1988. Colin Powell distinguished himself in his service as chairman of the Joint Chiefs of Staff, particularly during the 1991 Gulf War. When his nomination came before the Senate in 2001, I supported his confirmation and I supported it strongly based upon the strength of his record.

The vote that the Senate will conduct tomorrow, however, is not simply a formality to approve of a nominee's educational achievement or level of expertise. I do not subscribe to the notion that the Senate must confirm a President's nominees barring criminality or lack of experience. The Constitution enjoins Senators to use their judgment in considering nominations. I am particularly dismayed by accusations I have read that Senate Democrats, by insisting on having an opportunity to debate the nomination of Dr. Rice, have somehow been engaged in nothing more substantial than "petty politics," partisan delaying tactics. Nothing, nothing, nothing could be further from the truth.

The Senate's role of advice and consent to Presidential nominations is not a ceremonial exercise. Here is the proof. Here is the record. Here is the document that requires more than just a ceremonial exercise.

I have stood in the Senate more times than I can count to defend the prerogatives of this institution and the separate but equal—with emphasis on the word "equal"—powers of the three branches of Government. A unique power of the legislative branch is the Senate's role in providing advice and consent on the matter of nominations. That power is not vested in the Senate Foreign Relations Committee, it is not vested in any other committee, nor does it repose in a handful of Senate leaders. It is not a function of pomp and circumstance, and it was never intended by the Framers to be used to burnish the image of a President on Inauguration Day. Yet that is exactly what Senators were being pressured to do last week, to acquiesce mutely to the nomination of one of the most important members on the President's

Cabinet without the slightest hiccup of debate or the smallest inconvenience of a rollcall vote.

And so, Mr. President, we are here today to fulfill our constitutional duty to consider the nomination of Dr. Rice to be Secretary of State.

I have carefully considered Dr. Rice's record as National Security Adviser in the 2 months that have passed since the President announced her nomination to be Secretary of State, and that record, I am afraid, is one of intimate—intimate—involvement in a number of administration foreign policies which I strongly oppose. These policies have fostered enormous opposition, both at home and abroad, to the White House's view of America's place in the world.

That view of America is one which encourages our Nation to flex its muscles without being bound by any calls for restraint. The most forceful explanation of this idea can be found in the "National Security Strategy of the United States," a report which was issued by the White House in September 2002. Under this strategy, the President lays claim to an expansive power to use our military to strike other nations first, even if we have not been threatened or provoked to do so.

There is no question, of course, that the President of the United States has the inherent authority to repel attacks against our country, but this National Security Strategy is unconstitutional on its face. It takes the checks and balances established in the Constitution that limit the President's ability to use our military at his pleasure and throws them out the window.

This doctrine of preemptive strikes places the sole decision of war and peace in the hands of a President—one man or woman—and undermines the constitutional power of Congress to declare war. The Founding Fathers required that such an important issue of war be debated by the elected representatives of the people, the people out there, in the legislative branch precisely, because no single man could be trusted with such an awesome power as bringing a nation to war by his decision alone. And yet that is exactly what the National Security Strategy proposes.

Not only does this pernicious doctrine of preemptive war contradict the Constitution, it barely acknowledges the Constitution's existence. The National Security Strategy makes only one passing reference, one small passing reference, to the Constitution. It states that "America's constitution"—that is "constitution" with a small "c"—"has served us well"—as if the Constitution does not still serve this country well. One might ask if that reference to the Constitution is intended to be a compliment or an obituary.

As National Security Adviser, Dr. Rice was in charge of developing the National Security Strategy. She also spoke out forcefully in favor of the dangerous doctrine of preemptive war. In one speech, she argues that there need not be an imminent threat before the United States attacked another nation. "So as a matter of common sense," said Dr. Rice, on October 1, 2002, "the United States must be prepared to take action, when necessary, before threats have fully materialized." But that "matter of common sense" is nowhere to be found in the Constitution. For that matter, isn't it possible to disagree with this "matter of common sense"? What is common sense to one might not be shared by another. What's more, matters of common sense can lead people to the wrong conclusions. John Dickinson, the chief author of the Articles of Confederation, said in 1787, "Experience must be our only guide; reason may mislead us."

As for me, I will heed the experience of the Founding Fathers as enshrined in the Constitution over the reason and "common sense" of the administration's National Security Strategy.

We can all agree that the President, any President, has the inherent duty and power to repel an attack on the United States. He doesn't have to call Congress into session to do that. That is a matter that confronts the Nation immediately and the people and our institutions are in imminent danger.

But where in the Constitution can the President claim the right to strike another nation before it has even threatened our country, as Dr. Rice asserted in that speech? To put it plainly, Dr. Rice has asserted that the President holds far more of the warpower than the Constitution grants him.

This doctrine of attacking countries before a threat has "fully materialized" was put into motion as soon as the National Security Strategy was released.

Beginning in September 2002, Dr. Rice also took a position on the frontlines of the administration's efforts to hype the danger of Saddam's weapons of mass destruction. Dr. Rice is responsible for some of the most overblown rhetoric that the administration used to scare the American people into believing there was an imminent threat from Iraq. On September 8, 2002, Dr. Rice conjured visions of American citizens being consumed by mushroom clouds. On an appearance on CNN, she warned, "The problem here is that there will always be some uncertainty about how quickly he," meaning Saddam, "can acquire nuclear weapons. But we don't want the smoking gun to be a mushroom cloud."

Dr. Rice also claimed that she had conclusive evidence about Iraq's alleged nuclear weapons program. During that same interview, she also said:

> We do know that he is actively pursuing a nuclear weapon. We do know that there have been shipments going into . . . Iraq, for instance, of aluminum tubes . . . that are really only suited for nuclear weapons programs.

Well, my fellow Senators, we now know that Iraq's nuclear program was a fiction. Charles Duelfer, the chief arms inspector of the CIA's Iraq Survey Group, reported on September 30, 2004 as follows:

> Saddam Husayn ended the nuclear program in 1991 following the Gulf War. [The Iraq Survey Group] found no evidence to suggest concerted efforts to restart the program.

But Dr. Rice's statements in 2002 were not only wrong, they also did not accurately reflect the intelligence reports of the time. Declassified portions of the CIA's National Intelligence Estimate from October 2002 make it abundantly clear that there were disagreements among our intelligence analysts about the state of Iraq's nuclear program. But Dr. Rice seriously misrepresented their disputes when she categorically stated:

> We do know that [Saddam] is actively pursuing a nuclear weapon.

Her allegation also misrepresented to the American people the controversy in those same intelligence reports about the aluminum tubes. Again, Dr. Rice said that these tubes were "really only suited for nuclear weapons programs." But intelligence experts at the State Department and the Department of Energy believed that those tubes had nothing to do with building a nuclear weapon, and they made their dissent known in the October 2002 National Intelligence Estimate. This view, which was at odds with Dr. Rice's representations, was later confirmed by the International Atomic Energy Agency and our own CIA arms inspectors.

Well, Dr. Rice made other statements that helped to build a case for war by implying a link—a link—between Iraq and September 11. On multiple occasions, Dr. Rice spoke about the supposed evidence that Saddam and al-Qaida were in league with each other. For example, on September 25, 2002, Dr. Rice said on the PBS NewsHour:

> No one is trying to make an argument at this point that Saddam Hussein somehow had operational control of what happened on September 11, so we don't want to push this too far, but this is a story that is unfolding, and it is getting clear, and we're learning more. . . . But yes, there clearly are contact[s] between Al Qaeda and Iraq that can be documented; there clearly is testimony that some of the contacts have been important contacts and that there is a relationship there.

Well, what Dr. Rice did not say was that some of those supposed links were being called into question by our intelligence agencies, such as the alleged meeting between a 9/11 ringleader and an Iraqi intelligence agent in Prague that has now been debunked. These attempts to connect Iraq and al-Qaida appear to be a prime example of cherry-picking intelligence to hype the supposed threat of Iraq while keeping contrary evidence away from the

American people, wrapped up in the redtape of top secret reports.

Dr. Rice pressed the point even further, creating scenarios that threatened tens of thousands of American lives, even when that threat was not supported by intelligence. On March 9, 2003, just 11 days before the invasion of Iraq, Dr. Rice appeared—where?—on Face the Nation. What did she say? She said:

> Now the al-Qaida is an organization that's quite dispersed and—and quite widespread in its effects, but it clearly has had links to the Iraqis, not to mention Iraqi links to all kinds of other terrorists. And what we do not want is the day when Saddam Hussein decides that he's had enough of dealing with sanctions, enough of dealing with, quote, unquote, "containment," enough of dealing with America, and it's time to end it on his terms, by transferring one of these weapons, just a little vial of something, to a terrorist for blackmail or for worse.

How scary is that?

But the intelligence community had already addressed this scenario with great skepticism. In fact, the CIA's National Intelligence Estimate from October 2002 concluded that it had "low confidence" that Saddam would ever transfer any weapons of mass destruction—weapons that he did not have, as it turned out—to anyone outside of his control. This is yet more evidence of an abuse of intelligence in order to build the case for an unprovoked war with Iraq.

And what has been the effect of the first use of this reckless doctrine of preemptive war? In a most ironic and deadly twist, the false situation described by the administration before the war, namely, that Iraq was a training ground for terrorists poised to attack the United States, is exactly the situation that our war in Iraq has created.

But it was this unjustified war that created the situation that the President claimed he was trying to prevent. Violent extremists have flooded into Iraq from all corners of the world. Iraqis have taken up arms themselves to fight against the continuing U.S. occupation of their country.

According to a CIA report released in December 2004, intelligence analysts now see Iraq, destabilized by the administration's ill-conceived war, as the training ground for a new generation of terrorists. That is from the report "Mapping the Global Future: Report of the National Intelligence Council's 2020 Project," page 94.

It should be profoundly disturbing to all Americans if the most dangerous breeding ground for terrorism has shifted from Afghanistan to Iraq simply because of the administration's ill-advised rush to war in March 2003.

Dr. Rice's role in the war against Iraq was not limited to building the case for an unprecedented, preemptive invasion of a country that had not attacked us first. Her role also extends to the administration's failed efforts to establish peace in Iraq.

In October 2003, 5 months after he declared "mission accomplished," the President created the Iraq Stabilization Group, headed by Dr. Rice. The task of the Iraq Stabilization Group was to coordinate efforts to speed reconstruction aid to help bring the violence in Iraq to an end.

But what has the Iraq Stabilization Group accomplished under the leadership of Dr. Rice? When she took the helm of the stabilization group, 319 U.S. troops had been killed in Iraq. That number now stands at 1,368, as of today, Tuesday, January 25, 2005. More than 10,600 troops have been wounded, and what horrible wounds. The cost of the war has spiraled to $149 billion. That is $149 for every minute since Jesus Christ was born. And the White House is on the verge of asking Congress for another $80 billion.

Despite the mandate of the Iraq Stabilization Group, the situation in Iraq has gone from bad to worse. More ominously, the level of violence only keeps growing week after week after week, month after month, and no administration official, whether from the White House, the Pentagon, or Foggy Bottom has made any predictions about when the violence will finally subside.

Furthermore, of the $18.4 billion in Iraqi reconstruction aid appropriated by Congress in October 2003, the administration has spent only $2.7 billion. Now, with these funds moving so slowly, it is hard to believe that the Iraq Stabilization Group has had any success at all in speeding the reconstruction efforts in Iraq. For all of the hue and cry about the need to speed up aid to Iraq, one wonders if there should be more tough questions asked of Dr. Rice about what she has accomplished as the head of this group.

There are also many unanswered questions about Dr. Rice's record as the National Security Adviser. Richard Clarke, the former White House counterterrorism adviser, had leveled scathing criticism against Dr. Rice and the National Security Council for failing to recognize the threat from al-Qaida and Osama bin Laden in the months leading up to the September 11, 2001, terrorist attack. In particular, Mr. Clarke states that he submitted a request on January 25, 2001, for an urgent meeting of the National Security Council on the threat of al-Qaida.

However, due to decisions made by Dr. Rice and her staff, that urgent meeting did not occur until too late. The meeting was not actually called until September 4, 2001.

Mr. Clarke, who was widely acknowledged as one of the Government's leading authorities on terrorism at that time, told the 9/11 Commission he was so frustrated with those decisions that he asked to be reassigned to different issues and the Bush White House approved that request.

Dr. Rice appeared before the 9/11 Commission on April 8, 2004, but, if anything, her testimony raised only more questions about what the President and others knew about the threat to New York City and Washington, DC, in the weeks before the attacks, and whether more could have been done to prevent them.

Why wasn't any action taken when she and the President received an intelligence report on August 6, 2001, entitled "Bin Laden Determined to Attack Inside the United States"? Why did Dr. Rice and President Bush reassign Richard Clarke, the leading terrorism expert in the White House, soon after taking office in 2001? Why did it take 9 months for Dr. Rice to call the first high-level National Security Council meeting on the threat of Osama bin Laden?

As the Senate debates her nomination today, we still have not heard full answers from Dr. Rice to these questions.

In addition to Mr. Clarke's criticism, Dr. David Kay, the former CIA weapons inspector in Iraq, also has strong words for the National Security Council and its role in the runup to the war in Iraq. When Dr. Kay appeared before the Senate Intelligence Committee on August 18, 2004, to analyze why the administration's prewar intelligence was so wrong about weapons of mass destruction, he described the National Security Council as the "dog that didn't bark" to warn the President about the weaknesses of those intelligence reports.

Dr. Kay continued:

> Every President who has been successful, at least that I know of, in the history of this republic, has developed both informal and formal means of getting checks on whether people who tell him things are in fact telling him the whole truth. . . . The recent history has been a reliance on the NSC system to do it. I quite frankly think that that has not served this President very well.

What Dr. Kay appeared to state was his view that the National Security Council, under the leadership of Dr. Rice, did not do a sufficient job of raising doubts about the quality of the intelligence about Iraq. On the contrary, based upon Dr. Rice's statements that I quoted earlier, her rhetoric even went beyond the questionable intelligence that the CIA had available on Iraq in order to hype the threats of aluminum tubes, mushroom clouds, and connections between Iraq and September 11.

In light of the massive reorganization of our intelligence agencies enacted by Congress last year, shouldn't this nomination spur the Senate to stop, look, and listen about what has been going on in the National Security Council for the last 4 years? Don't these serious questions about the failings of the National Security Council under Dr. Rice deserve a more thorough examination before the Senate votes to confirm her as the next Secretary of State?

Mr. President, accountability has become an old-fashioned notion in some circles these days. But accountability is not a negotiable commodity when it comes to the highest circles of our Nation's Government. The accountability of Government officials is an obligation, not a luxury. Yet accountability is an obligation that this President and this President's administration appear loathe to fulfill.

Instead of being held to account for their actions, the architects of the policies that led our Nation down the road into war with Iraq, policies based on faulty intelligence and phantom weapons of mass destruction, have been rewarded by the President with accolades and promotions. Instead of admitting to mistakes in the war on Iraq, instead of admitting to its disastrous aftermath, the President and his inner circle of advisers continue to cling to myths and misconceptions.

The only notion of accountability that this President is willing to acknowledge is the November elections, which he has described as a moment of accountability and an endorsement of his policies. Unfortunately, after-the-fact validation of victory is hardly the standard of accountability that the American people have the right to expect from their elected officials. It is one thing to accept responsibility for success; it is quite another to accept accountability for failure. Sadly, failure has tainted far too many aspects of our Nation's international policies over the past 4 years, culminating in the deadly insurgency that has resulted from the invasion of Iraq.

With respect to this particular nomination, I believe there needs to be accountability for the mistakes and missteps that have led the United States into the dilemma in which it finds itself today, besieged by increasing violence in Iraq, battling an unprecedented decline in world opinion, and increasingly isolated from our allies due to our provocative, belligerent, bellicose, and unilateralist foreign policy. Whether the administration will continue to pursue these policies cannot be known to Senators today as we prepare to cast our vote. At her confirmation hearing on January 18, Dr. Rice proclaimed that our interaction with the rest of the world must be a conversation, not a monologue, but 2 days later, President Bush gave an inaugural address that seemed to rattle sabers at any nation that he does not consider to be free.

Before Senators cast their votes, we must wonder whether we are casting our lot for more diplomacy or more belligerence, reconciliation, or more confrontation. Which face of this Dr. Jekyll and Mr. Hyde foreign policy will be revealed in the next 4 years?

Although I do not question her credentials, I do oppose many of the critical decisions Dr. Rice has made during her 4 years as National Security Adviser. She has a record, and the record is there for us to judge. There remain too many unanswered questions about Dr. Rice's failure to protect our country before the tragic attacks of September 11, her public efforts to politicize intelligence, and her often stated allegiance to the doctrine of preemption.

To confirm Dr. Rice to be the next Secretary of State is to say to the American people and to the world that the answers to those questions are no longer important. Her confirmation will almost certainly be viewed as another endorsement of the administration's unconstitutional doctrine of preemptive strikes, its bullying policies of unilateralism, and its callous rejection of our longstanding allies.

Dr. Rice's record in many ways is one to be greatly admired. She is a very intelligent lady, very knowledgeable about the subject matter, very warm and congenial, but the stakes for the United States are too high. I cannot endorse higher responsibilities for those who helped to set our great country down the path of increasing isolation, enmity in the world, and a war that has no end. When will our boys come home? When will our men and women be able to sit down at the table with their families and their friends in their own communities again? For these reasons, I shall cast my vote in opposition to the confirmation of Condoleezza Rice to be the next Secretary of State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. HAGEL. Mr. President, I rise today in support of President Bush's nominee for Secretary of State, Dr. Condoleezza Rice.

Hers is a remarkable personal story, from her upbringing in Birmingham, AL, during the era of Bull Connor, to the White House, to her nomination as Secretary of State. She is a woman of many parts, an accomplished musician, a leading academic and policy intellectual, and a dedicated public official. This is a nomination all of America can be proud of.

Dr. Rice has served with distinction as assistant to the President for national security, as well as in other National Security Council positions. She comes to this job well-qualified and prepared to take on her new responsibilities.

America's challenges over the next four years will be formidable. U.S. foreign policy cannot be separated from our energy, economic, defense and domestic policies. It all falls within the "arch of our national interest." There will be windows of opportunity, but they will open and close quickly.

Foreign policy will require a strategic agility that, whenever possible, gets ahead of problems, strengthens U.S. security and alliances, and promotes American interests, credibility, and global freedom.

Last week, Dr. Rice faced approximately 11 hours of probing and difficult questions about U.S. foreign policy, including the war in Iraq. Dr. Rice deserves credit for her thoughtful answers, patience, and I might say, grace under that questioning.

In her testimony, Dr. Rice said that, "the time for diplomacy is now." She understands that our success in the war on terrorism, Iraq, the Middle East, and throughout the world depends on the strength of our alliances. Our alliances should be understood as a means to expand our influence, not as a constraint on our power. The expansion of democracy and freedom in the world should be a shared interest and value with all nations.

Dr. Rice also noted that, "America and all free nations are facing a generational struggle against a new and deadly ideology of hatred that we cannot ignore." She stressed the importance of public diplomacy to counter this ideology of hate, including increasing our exchanges with the rest of the world. A unilateralist course would only complicate our relations with the Muslim world.

Dr. Rice's nomination has offered an opportunity for the Senate to consider not only the merits of the nominee, but the foreign policy challenges that we face. The Senate should be a forum for debate about foreign policy.

The former Chairman of the Senate Foreign Relations Committee, J. William Fulbright, observed that the Congress has a:

> traditional responsibility, in keeping with the spirit if not the precise words of the Constitution, to serve as a forum of diverse opinions and as a channel of communication between the American people and their government.

Chairman LUGAR's distinguished leadership of the Foreign Relations Committee has been in concert with the former chairman's words.

Senator Fulbright received criticism for holding public hearings on Vietnam, especially with a President of his own party in office.

He later wrote that he held those hearings:

> in the hope of helping to shape a true consensus in the long run, even at the cost of dispelling the image of a false one in the short run.

The Senate should not be party to a false consensus on Iraq. The stakes are too high.

America is fighting a counter-insurgency war in a complicated and diverse region, in a country with an intense and long standing anti-colonial tradition, deep ethnic and sectarian divisions, and a political system and culture brutalized for more than three decades by a tyrannical dictatorship, more than a decade of international sanctions, and three costly wars.

America's exit strategy for Iraq is linked to the capabilities of the Iraqi government and security forces to take responsibility for their future. That has not yet happened. Iraq may be free, but it is not yet stable, secure, or governable. Since Iraq's liberation, American and coalition forces are what have held the country together.

Despite the sacrifice and courage of our brave men and women fighting in Iraq, and the sacrifice and courage of many Iraqis, the Iraqi state cannot yet reliably deliver services or security to its people.

The elections on January 30 will be a critical benchmark for Iraqi sovereignty. Elections alone will not bring stability and security to Iraq. But they are an essential and historic step.

All Americans should be concerned about what is happening in Iraq. Iraq will influence and constrain America's foreign policy for years to come. It is our top foreign policy priority, and there are no easy answers or easy options.

Hopefully, Iraq will someday be a democratic example for the Middle East. But Iraq could also become a failed state. We cannot let this happen.

These are big issues that will affect every American in some way. The Senate is an appropriate forum to debate our policies that will be applied to dealing with these issues.

To sustain any foreign policy will require the informed consent of the American people through their voices in Congress. Dr. Rice understands this clearly.

Let me conclude by once again noting that Dr. Rice has the intelligence, experience, and integrity for this job. She has the President's confidence.

In my interactions and conversations with Dr. Rice over the last four years, she has always been candid and honest, and she listens. It is also important that Dr. Rice always be brutally frank with the President. She must give him the bad news as well as the good news, and when she disagrees with other members of the Cabinet and the President and Vice President, she must say so. I believe she will do that.

I look forward to working with Dr. Rice in support of American interests and security. I urge my colleagues to vote in favor of her nomination.

The PRESIDING OFFICER. The Chair recognizes the distinguished Senator from Virginia, Mr. ALLEN.

Mr. ALLEN. Mr. President, I rise today to voice my strong support of the nomination of Dr. Condoleezza Rice to be our next Secretary of State. She comes to this position and this nomination with unquestioned credentials and the experience to carry out the U.S. foreign policy during these very trying times. She is, in my view, the personification of the American dream. Although she grew up in the days of segregation, applying herself and working hard allowed her to advance through academia, and clearly also in this President's administration.

The goals of this administration are not just the goals of the Bush administration; they ought to be the goals of America and all other freedom-loving people around the world.

Dr. Rice, in her testimony before the Foreign Relations Committee, talked about the advancement of freedom. The President mentioned it several times in his inaugural address. What we aim to do as Americans, for our own security but also because of our care for fellow human beings here on this Earth, is to make sure they have freedom—freedom of opportunity regardless of one's race, ethnicity, gender, or religious beliefs.

We are trying to advance what I like to call the four pillars of freedom: No. 1, freedom of religion; No. 2, freedom of expression; No. 3, private ownership of property; and, No. 4, the rule of law to help adjudicate disputes as well as protect those God-given rights.

Dr. Rice, through her own life history and through her service to this administration, has the background that is going to help us and help others during this heroic time.

The President nominated Dr. Rice because he trusts her. She has provided him counsel during these turbulent times in our Nation's history. She was part of the effort in formulating the Nation's response and ultimately toppling a despotic and repressive regime in Afghanistan.

Following the 9/11 attacks in the United States, the world recognized the necessity of having a global, international war against terrorism. As National Security Adviser, Dr. Rice had been at the forefront of this effort and advised President Bush on how best to execute the war on terror and help ensure that the United States is not attacked again.

The global war on terror is not over. We all know it is ongoing and we know it is challenging. There have been some criticisms from those on the other side of the aisle, but there are also positives. It would be nice, once in a while, to talk about some of the positives.

We have captured numerous senior-level al-Qaida figures. They have been killed or they have been captured, and hundreds of others are on the run.

We are working with other countries—even those which are not necessarily with us in the military action in Iraq. They are helping in trying to intercept financial assistance to terrorist organizations.

Another positive is the fall of the Taliban in Afghanistan, and that repressive regime has been replaced by an unprecedented but promising democracy in Afghanistan.

The Government of Pakistan, which, prior to 9/11, was aligned with that Taliban government in Afghanistan, has become a strong and helpful ally in the global war against terrorism.

In Libya, Muammar Qadhafi, who was a thorn in our side—a threat, clearly; a terrorist state—has been convinced to give up his nuclear ambitions and rejoin the world community.

And our military has liberated 25 million Iraqis from the murderous regime of Saddam Hussein.

While conditions on the ground in Iraq continue to be difficult—no one is going to question that—if the Iraqis coalesce around the new, popularly elected government, it will likely have the positive repercussions that we would like to see throughout the Middle East region. Shortly they will be having an election.

I think Dr. Rice's active role in these events provide her with valuable preparation to serve our country as Secretary of State. Having worked closely with President Bush on national security and foreign policy matters for the previous 4 years, Dr. Rice is uniquely qualified to communicate this President's message, our position, to capitals around the world.

All of us are a composition of our life experiences. From rising above discrimination and racism in her youth to her work during the fall of the Soviet Union, to her role in liberating the people of Afghanistan and Iraq, Dr. Rice is very well prepared to advocate freedom and democracy around the world.

Before the Foreign Relations Committee we heard several hours of testimony. We have heard comments in this Chamber. Detractors have used some bump-and-run defenses and tactics against her. Opponents have framed the war on Iraq—and Dr. Rice as having stated this—as one solely based on Saddam Hussein's possession of weapons of mass destruction; that our only reason for going in and using military action in Iraq was weapons of mass destruction.

I will grant you, that was a pressing, salient concern, but that was not the only reason. Weapons of mass destruction was a major reason; however, this body voted on an authorization measure that outlined a much broader case. If you want to use a legal term, it was a multi-count indictment against the Saddam Hussein regime.

The resolution that we passed by a strong margin noted Iraq's brutal repression of its civilian population and its unwillingness to repatriate non-Iraqi citizens. We all know how they had used weapons of mass destruction against their own people.

Congress also went on record as supporting using the necessary means to enforce multiple United Nations resolutions that had been ignored and flouted by the Iraqi regime, including shooting at some of our planes in the no-fly zones in the north and to some extent in the southern part of Iraq as well.

The Iraq Liberation Act of 1998 expressed the sense of Congress that it should be the policy of the United States to support efforts to remove from power Saddam's regime and promote the emergence of a democratic government.

Senator BYRD—and I was listening to his comments—mentioned common sense. I listened to the remarks of the senior Senator from Massachusetts, Mr. KENNEDY, earlier on. He is criticizing Dr. Rice for supporting President Bush's policies. He said that "might have changed the course of history had she not given the reasons and the advice that she did to the President."

Because of that, that she agrees with President Bush, has been an architect and key adviser, because of that support, because of that knowledge, because of the advice she has given in the past and presently, she should not be Secretary of State for this President.

If one wants to use common sense, why would any Executive bring on a Cabinet Secretary—particularly one as important as Secretary of State—if that person does not share his views, his values, his philosophy, his goals for our country, as well as have that President's trust?

Also, looking through the comments that have been made by others, the junior Senator from Indiana said why he is going to be voting against Dr. Rice, complaining that there was too little troop strength, dismissal of the Iraqi army, and the refusal to include Baathists in the armies and security efforts there in Iraq. Opponents have held Dr. Rice personally accountable for the decision to disband the Iraqi army and remove members of the Baathist Party from Iraq's government.

Let us again use some common sense. When we are reflecting on this decision, it is easy, I suppose, to Monday morning quarterback and criticize and question whether that was wise. But at the time of that decision—it was clear that institutions that were repressing the people of Iraq was the Baathist Party. So the Baathist component of the insurgency, which some are saying should have been incorporated, they are the ones who are carrying on these terror attacks—not just on Americans and coalition forces but also on Iraqi civilians.

To me, it is illogical to be criticizing Dr. Rice for any of the decisions that were made insofar as Baathists and the security forces of Iraq when these same people could have been infiltrating the security forces, not knowing what sort of information they might transmit to other guerillas or terrorists on the outside. To criticize that, again, doesn't make much sense to me because they are the ones who are most concerned that the Baathist Party was thrown out of power. They had their good bureaucratic jobs. They had all the power. They had all the privileges. To criticize for not incorporating them into the interim government and the security forces doesn't make a great deal of sense.

You also hear, again, from the junior Senator from Indiana—and others have said this as well—that those in charge must be held accountable for the mistakes. That is why they are going to vote against Dr. Rice. Dr. Rice allowed in the committee hearing of the Foreign Relations Committee that every decision that was made was not the right decision; that they did it with the best of intentions, the right principles, based on the evidence and information they had. But if you are going to criticize the pursuit of regime change, the liberation of Iraq, the advancement of freedom in countries such as Iraq, which is in very short order, within a week, going to have elections for the first time ever, what is the solution if you are going to criticize all of this? To tuck tail and run? I don't think that is what the American people want. The American people want to see freedom in Iraq because they recognize it is good for fellow human beings, but also the logic that it also makes this country much more secure.

In analyzing all of the statements, they are not talking about her fitness or her qualifications to serve as Secretary of State. The opponents have used this nomination to launch these broadside attacks on the Bush administration and use the Monday morning quarterback approach to dissect every decision out of context. We have heard about a lot of this, again, in the Foreign Relations Committee.

But even there, I want to repeat, Dr. Rice did not say that every decision was perfect. She allowed as much during those hearings. But let us also note that 25 million Iraqis have been freed from Saddam's repressive regime. In 5 days, these people are going to have elections. They are going to be forming their own government. From statements of clerics and otherwise, they seem to want a constitution and a government that allows for individual rights, where people's rights will be enhanced and not diminished on account of their ethnicity or their religious beliefs, and also unprecedented opportunities for women to serve in government.

One other thing to note is with Saddam out of power, which seems to be criticized indirectly, we don't have Saddam's regime giving $35,000 to parents to send their children on suicide-murder missions into Israel. Instead of that repressive regime sending terrorist attackers into Israel, also disrupting the whole region, now we have the chance of elections in Iraq for the first time ever, a first step towards a representative democracy.

I ask my colleagues to be cognizant. This is not an agency head. It is a Cabinet Secretariat, the Secretary of State, which is arguably the most important Cabinet position in the Government. The Vice President obviously is very important, but the Secretary of State, particularly in a time with all the diplomatic relations and all the efforts that we are going to need to be making and continue to make to get allies, converts, and assistance from other countries around the world, it is important that the President's representative to the rest of the world is a person who advocates and garners further support for our position in matters of great consequence to our country.

I ask my colleagues to be careful in your criticism. People can say whatever they want. They will say something, and I will say that doesn't make sense; here is a more logical approach. That sort of bantering back and forth is fine. But in the criticism and statements and also trying to divide opinion on this nomination of Dr. Rice, be careful not to diminish her credibility in the eyes of those in capitals around the world. Detractors can do this country a great disservice by playing too hard a partisan game. We need to show a unity of purpose to advance freedom. Folks can second-guess, criticize. That is all fine. But while doing that, a more positive and constructive approach would be to say, here is where a mistake was made; here is where we need to hitch up; here is the stage of events in Iraq; and here are some positive, constructive ideas to help us achieve this goal; that all Americans, regardless of whether you are Republican, Democrat, Independent, or don't care about politics, all Americans are inspired to the idea that our fellow human beings can live in freedom and opportunity; that their children are not starving and hungry when they go to bed, where there is a better world.

Indeed, our new doctrine is peace through liberty, peace through strength. That mattered against the Soviet Union. The doctrine in the future, in my view, is peace through liberty. As more people are tasting that sweet nectar of liberty, it is good for them, and it helps our security as a country.

As we listen to some of these partisan detractors and statements, be cognizant that the rest of the world is watching. Do not diminish Dr. Rice's credibility in capitals around the world. Also, try to be positive in your ideas of where we need to go in the future rather than just carping and sniping on decisions made in the past. I do not see any value in attacking Dr. Rice personally or inhibiting her ability to bring our allies along, on board, whether or not they were in every aspect of the military action in Iraq.

In sum, obviously, I believe Dr. Rice will be an outstanding Secretary of State. It is unfortunate some of this has devolved into an overly partisan attack. This debate, as it goes forward this afternoon, this evening, and tomorrow, can end on a more positive, constructive sense. I ask my colleagues in a respectful way to recognize that inspirational path that Dr. Rice has taken to this nomination. Please focus and review her impeccable credentials and experience on the matters of foreign policy. Upon doing so, I believe it is clear she should be confirmed overwhelmingly, strongly, and proudly as our next Secretary of State.

I ask unanimous consent that an article from today's Wall Street Journal by Brendan Miniter entitled "Woman of the Year, Instead of Celebrating Condi Rice, Democrats Nip at Her Ankles," be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Wall Street Journal, Jan. 25, 2005]

WOMAN OF THE YEAR:

INSTEAD OF CELEBRATING CONDI RICE, DEMOCRATS NIP AT HER ANKLES

(By Brendan Miniter)

With 24 new women elected to the House and five to the Senate, 1992 was called the "year of the woman." But how much did Barbara Boxer, Patty Murray or Carol Moseley Braun really change the world? Now, though, a woman is on the rise who has already helped reshape geopolitics. Today Condoleezza Rice will face another round of hearings as she prepares to be confirmed as secretary of state—a position Thomas Jefferson, James Madison and James Monroe used as a springboard into the presidency. If Ms. Rice were a Democrat, the media would have dubbed 2005 the "year of Condi."

Ms. Rice has already exerted tremendous influence on world affairs. As President Bush's national security adviser, she was instrumental in developing the administration's response to 9/11 into a policy that involved more than raiding terrorist camps throughout the world. Ms. Rice, who well understands the larger global political forces at work since the end of the Cold War, was one of a handful of powerbrokers who came to realize the best defense against terrorism was to spread freedom and democracy in the world.

There has been some public doubt whether Ms. Rice actually believes in the policies of this administration. But that has been much wishful thinking by administration critics. Before the Iraq war, she passionately made the case for removing Saddam Hussein. Minutes before one speech on the issue—at an event sponsored by the Manhattan Institute—I had the opportunity to talk with her one on one about Iraq. What I quickly realized was that the policy of peace through liberty was something she cared personally about. Now, as she has been tapped to head the State Department and after President Bush dedicated his second inaugural address to the idea that America's best defense is promoting human liberty, there should be little doubt as to the central role Ms. Rice has played and will continue to play in shaping American foreign policy and the global political landscape.

Ms. Rice has been loyal to Mr. Bush, but she is an intellectual power in her own right. She has the president's ear and has been deeply immersed in the movement to halt the spread of tyranny by waging a war of ideas since long before Ronald Reagan consigned the Soviet Union to the ash heap of history. This is the year Ms. Rice steps onto the public stage; a year her influence and her intellect is no longer confined to the quiet rooms of power. Her rise deserves to be celebrated.

That it isn't—and that Senate Democrats instead are delaying her confirmation—says more about the Bush administration's opponents than it does about her. Every day she must face those who would rather that someone like her—with her intelligence, political savvy and personal appeal (and anyone who has met her knows, she has a warm, personal touch)—hadn't come along at all. So they ignore her, deny her influence or send out a legion of ankle biters who recycle the same complaints that won John Kerry 251 electoral votes—mostly that the administration she serves promotes torture or that she is too much of a hardliner to soothe relations with other nations.

These criticisms ring hollow, of course. The Abu Ghraib prosecutions dispel the accusations of systematic torture. As for soothing relations, either foreign leaders see their interests in line with the U.S. or the divisions will persist. France and Germany aren't childishly sulking about some perceived personal rebuke; they genuinely disagree with American policies. Only by subverting American foreign policy could anyone engender the kind of international "cooperation" John Kerry and the Democratic establishment so desperately seek.

Ms. Rice has persisted in the face of her critics. It is no wonder then, that some on the right speculate that she will one day seek elective office—governor or senator in California, or maybe even the presidency. It is a plausible idea. A high profile and good character translate into political power, and she has enough of both to be a political player. Of course, before doing so she'd have to flesh out her views on a wide range of domestic subjects. It's also one of the reasons Democrats would like to tarnish her now, before she becomes a formidable candidate. It is a fair bet, though, that Ms. Rice isn't now playing for a new job four years out. Serving ably as secretary of state is of paramount importance. Judging by her remarks before the Senate so far, this is something Ms. Rice clearly understands. Which is why we should be celebrating this as the year of Condi Rice.

The PRESIDING OFFICER (Mr. BURNS). The Senator from California.

Mrs. BOXER. Mr. President, I compliment my colleagues on both sides of the aisle for a very good and thoughtful debate today on this particular nominee.

I come to the Senate today to report and inform my colleagues on the Secretary of State confirmation hearings held in the Foreign Relations Committee last week.

By now, everyone knows I posed some very direct questions to Dr. Rice about her statements leading up to the Iraqi war and beyond. As National Security Adviser, Dr. Rice gave confidential advice to the President regarding the war in Iraq. She also made the case for the war in Iraq to the American people through hours of television appearances and commentary.

My questions, every one of them, revolved around her own words. As a result of my questions and comments at the hearing, I have been hailed as both a hero and a petty person. I have been called both courageous and partisan. I have been very surprised at this response. Tens of thousands of people signed a petition asking me to hold Dr. Rice accountable for her past statements.

The reason I am so surprised at this reaction is that I believe I am doing my job. It is as simple at that. I am on the Foreign Relations Committee. This is a very high profile nominee. This is a Secretary of State nomination in a time of war. My constituents want me to be thorough. They want me to exercise the appropriate role of a Senator.

Let's look for a moment at what that role is, how it was defined by our Founding Fathers. Article II, section 2, clause 2, of the Constitution, which I have sworn to uphold, says the President:

> shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for.

The Cabinet is covered in Article II, section 2, clause 2, of the U.S. Constitution.

Now, if you read this, it does not say anywhere in here that the President shall nominate and the Senate shall confirm. It says the President "shall nominate, and by and with the Advice and Consent of the Senate" shall make the appointments.

Why is it our Founders believed it was crucial for the Senate to play such a strong role in the selection of these very important and powerful members of the administration and members of the bench? It is because our Founders believed that the executive branch must never be too powerful or too overbearing.

In Federal No. 76, Alexander Hamilton wrote:

> It will readily be comprehended that a man who had himself the sole disposition of offices would be governed much more by his private inclinations and interests than when he was bound to submit the propriety of his choice to the discussion and determination of a different and independent body . . .

In today's vernacular, any President needs a check and balance. That certainly applies today, and it would apply to a Democratic President as much as to a Republican President.

Our Founders are clear, and the Constitution is clear. Again, it does not say anywhere in the Constitution that a President, Democratic or Republican, has free rein in the selection of his or her Cabinet. That is exactly what the Founders did not want. They wanted the President, and I will quote Alexander Hamilton again, to "submit the propriety of his choice to the discussion and determination of a different and independent body." And that body is the Senate.

It also doesn't say anywhere in the Constitution that the only reason for a Senator to vote no on a Presidential nominee is because of some personal or legal impediment of that nominee. It leaves the door open. Senators have to ponder each and every one of these nominations. It is very rare that I step forward to oppose one. I have opposed just a couple. I have approved hundreds.

Let me be clear. I will never be deterred—and I know my colleagues feel the same, I believe, on both sides of the aisle—I will never be deterred from doing a job the Constitution requires of me or it would be wrong to have taken the oath and raise my right hand to God and swear to uphold the Constitution if I did not take this role seriously.

I make a special comment to the White House Chief of Staff, who called Members of the Senate petty for seeking time to speak out on this particular nomination. It is important to know that the White House Chief of Staff does a great job for the President, but he does not run the Senate. I know he finds the constitutional requirement of advice and consent perhaps a nuisance, and others have as well in the White House, be they Republicans or Democrats. It is the system of government we have inherited from our Founders. As we go around the world, hoping to bring freedom and liberty to people, we better make sure we get it right here. This is very important, whether it is fair and free elections that really work so people do not stand in line for 10 hours and wait until 4 in the morning to vote, that we fix that, and that we, in fact, act as a check and balance in these nominations.

I have been motivated by a lot of people in my life. One of them is Martin Luther King. I wish to share something he said which is not as widely quoted as other things. He said that our lives begin to end the day we become silent about things that matter. That is important for everyone to take to heart. Sometimes it is easier to be silent, to just go along, even if in your heart you know there are certain issues that have to be put out on the table. But the fact is, our lives begin to end the day we become silent about things that matter.

Why does this nomination matter so much to me and to my constituents and to the tens of thousands who signed a petition that they sent to me? It is because we are looking at a Secretary of State nomination in a time of war, someone who is very loyal to this President. And, of course, the President picked someone loyal to him. I do not fault him for that in any way, shape, or form. But what matters is this war. A very strong majority of Americans are worried about this war, and they are worried about what comes next.

So, yes, it matters, and it is our job to look at these nominees very seriously. I think it would be terribly condescending to have someone of the caliber of Dr. Rice, with all her intelligence and qualifications and her record of public service with this administration, and not ask the tough questions. That would be condescending. That would be wrong.

Now, I am so honored to serve on the Foreign Relations Committee with the Senator from Virginia, who just made a very eloquent talk. I know he would join me in saying that RICHARD LUGAR is one of the fairest chairmen with whom we have ever served. He allowed members on both sides of the aisle to ask any questions they wanted. He supported our right to do so. To me, RICHARD LUGAR is a model chairman. And I want to thank my colleagues on both sides of the aisle who asked very important questions of this nominee on everything from exit strategy in Iraq, to issues surrounding the torture question, to policies in Latin America, to tsunami relief. All of these colleagues from both sides of the aisle asked very important questions. As for me, I had five areas of questioning, and I want to lay them out briefly for the Senate.

Now, one more point as to why I believed it was so important to ask Dr. Rice these questions. I think everyone remembers when Dr. Rice went on television and talked about the mushroom cloud that we could get courtesy of Saddam Hussein—an evil tyrant, absolutely. In my opinion, as I said in the committee, he ought to rot. So let's not get confused on that point. I do not know any American who feels any differently. The question is, How many people had to die? That is an important question. How many people had to be wounded? That is an important question.

Let me tell you, 1,368 soldiers are dead, as of the latest numbers that we got this morning from the Department of Defense, and 10,502 wounded. My understanding is that about a third of them may well come home in tremendous need of mental health counseling to try to help them cope with the horrors they have seen, those brave, incredible soldiers. As I said in the committee, and I say it again on the floor of the Senate, not one of them died in vain. Not one of them got injured in vain because when your Commander in Chief sends you to fight in a war, it is the most noble of things to do that. And they have done that.

President Bush, in his inaugural address, talked about bringing freedom to countries that do not have it. He did not specify how. Now, the nongovernmental organization, Freedom House, estimates there are 49 countries in the world that are not free. The group believes there are another 54 countries that are considered only partly free. I worry about sending more troops on military missions based on hyped up rhetoric. That is why these questions are so important.

So the first set of questions that I posed to Dr. Rice had to do with her comments about Saddam's nuclear program. On July 30, 2003, Dr. Rice was asked by PBS NewsHour's Gwen Ifill if she continued to stand by the claims made about Saddam's nuclear program in the days and months leading up to the war.

In what appears to be an effort to downplay the nuclear weapons scare tactics, she said:

> It was a case that said he is trying to reconstitute. He's trying to acquire nuclear weapons.

And then she says:

> Nobody ever said that it was going to be the next year. . . .

Well, that was false, because 9 months before that, this is what the President said:

> If the Iraqi regime is able to produce, buy, or steal an amount of highly enriched uranium a little larger than a single softball, it could have a nuclear weapon in less than a year.

So she tells the American people nobody ever said he would have a weapon within a year, when in fact the President himself made that comment.

Then, later, a year after she said nobody has ever said this, she herself says it:

> . . . the intelligence assessment was that he was reconstituting his nuclear programs; that, left unchecked, he would have a nuclear weapon by the end of the year. . . .

That is what she says to Fox News.

So first she says nobody ever said it. We showed her the fact that the President did. And then she contradicts herself. She contradicts the President and then she contradicts herself.

Now, this is very troubling. I wanted to give her a chance to correct the record. Did Dr. Rice correct the record? Let me tell you what she said. She had two responses. First she said to this committee, my committee:

> The fact is that we did face a very difficult intelligence challenge in trying to understand what Saddam Hussein had in terms of weapons of mass destruction.

Notice she does not mention the word "nuclear weapons." And she says: We had a very difficult challenge. But that is a contradiction because on July 31, 2003, this is what she told a German TV station:

> Going into the war against Iraq, we had very strong intelligence. I've been in this business for 20 years. And some of the strongest intelligence cases that I've seen. . . . We had very strong intelligence going in.

So she tells the committee: We faced a difficult intelligence challenge—when she had told a German TV station: It was the best intelligence we ever had. This is contradictory, plus she never ever addresses the issue that we asked her about. Why did you contradict the President and why did she contradict herself?

Then she had a second response. She pointed to the Duelfer report and cited it but failed to tell the whole story where the Duelfer report said:

> Saddam Hussein ended the nuclear program in 1991 following the Gulf War.

There you go. She never said that. She never cited that. She cited other quotes from the Duelfer report.

So her answers to the questions I asked her, saying once that Saddam would not have a weapon within a year, and another to me saying he would, her answers are completely nonresponsive to the question and raise more credibility lapses.

Then we have another area of aluminum tubes. On September 8, 2002, Dr. Rice was on CNN's Late Edition with Wolf Blitzer and made this statement:

> We do know that there have been shipments going . . . into Iraq, for instance, of aluminum tubes that really are only suited to . . . nuclear weapons programs. . . .

And then President Bush repeated the same thing:

> Our intelligence sources tell us that (Saddam) has attempted to purchase high-strength aluminum tubes suitable for nuclear weapons production.

I pointed out to Dr. Rice that the Department of Energy thought otherwise as far back as April 11, 2001. They said the "specifications [for the tubes] are not consistent with a gas centrifuge end use. . . ."

On May 9, 2001, they said:

> The Intelligence Community's original analysis of these tubes focused on their possible use in developing gas centrifuges for the enrichment of uranium. Further investigation reveals, however, Iraq has purchased similar aluminum tubes previously to manufacture chambers for a multiple rocket launcher.

In other words, not suitable for nuclear weapons.

Then in July 2002, Australian intelligence said tube evidence is "patchy and inconclusive." And IAEA said they are "not directly suitable" for uranium enrichment and are "consistent" with making ordinary artillery rockets.

So we laid this all out there for Dr. Rice, and she refused again to correct the record. She had a chance.

This is what she said at the hearing after she saw all of this:

> We didn't go to war because of aluminum tubes.

That is what she said to the committee. Well, if that is the case, why did President Bush cite the aluminum tubes in his speech in which he made the case for the war? He said:

> Our intelligence sources tell us that he [Saddam] has attempted to purchase high strength aluminum tubes suitable for nuclear weapons production.

So you can't say that the aluminum tubes were not a reason for going to war when the President used it in his speech where he was building support for the war. She doesn't answer the question. She doesn't correct the record. It is very troubling.

The third issue I raised was the matter of linking Saddam to al-Qaida which she did over and over again. I voted for the war against Osama bin Laden. I believed the President when he said we are going to get him dead or alive. I thought we wouldn't stop—we wouldn't turn away—and that we would not end until we broke the back of al-Qaida.

Well, unfortunately, when we went into Iraq—and this was sold to us in part by Dr. Rice; she viewed that as her job; I think the President gave that job to her—we took our eye off al-Qaida. We took our eye off bin Laden. And the consequences are being seen and felt.

Dr. Rice told the committee that the terrorists "are on the run." The truth is, they are now in 60 countries when before 9/11 they were in 45 countries.

I want to read to you a paragraph that best expresses my views on the impact of the Iraqi war on the war against terrorism. It was written by one of the world's experts on terror, Peter Bergen, 5 months ago:

> What we have done in Iraq is what bin Laden could not have hoped for in his wildest dreams: We invaded an oil-rich Muslim nation in the heart of the Middle East, the very type of imperial adventure that bin Laden has long predicted was the United States' long-term goal in the region. We deposed the secular socialist Saddam, whom bin Laden long despised, ignited Sunni and Shia fundamentalist fervor in Iraq, and have now provoked a "defensive" jihad that has galvanized jihad-minded Muslims around the world. It is hard to imagine a set of policies better designed to sabotage the war on terrorism.

This conclusion was supported by the CIA Director's think tank.

I ask unanimous consent to print in the RECORD an article that describes this recent report that says Iraq has replaced Afghanistan as the training ground for the next generation of "professionalized" terrorists.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 14, 2005]

IRAQ NEW TERROR BREEDING GROUND; WAR CREATED HAVEN, CIA ADVISERS REPORT

(By Dana Priest)

Iraq has replaced Afghanistan as the training ground for the next generation of "professionalized" terrorists, according to a report released yesterday by the National Intelligence Council, the CIA director's think tank.

Iraq provides terrorists with "a training ground, a recruitment ground, the opportunity for enhancing technical skills," said David B. Low, the national intelligence officer for transnational threats. "There is even, under the best scenario, over time, the likelihood that some of the jihadists who are not killed there will, in a sense, go home, wherever home is, and will therefore disperse to various other countries."

Low's comments came during a rare briefing by the council on its new report on long-term global trends. It took a year to produce and includes the analysis of 1,000 U.S. and foreign experts. Within the 119-page report is an evaluation of Iraq's new role as a breeding ground for Islamic terrorists.

President Bush has frequently described the Iraq war as an integral part of U.S. efforts to combat terrorism. But the council's report suggests the conflict has also helped terrorists by creating a haven for them in the chaos of war.

"At the moment," NIC Chairman Robert L. Hutchings said, Iraq "is a magnet for international terrorist activity."

Before the U.S. invasion, the CIA said Saddam Hussein had only circumstantial ties with several al Qaeda members. Osama bin Laden rejected the idea of forming an alliance with Hussein and viewed him as an enemy of the jihadist movement because the Iraqi leader rejected radical Islamic ideals and ran a secular government.

Bush described the war in Iraq as a means to promote democracy in the Middle East. "A free Iraq can be a source of hope for all the Middle East," he said one month before the invasion. "Instead of threatening its neighbors and harboring terrorists, Iraq can be an example of progress and prosperity in a region that needs both."

But as instability in Iraq grew after the toppling of Hussein, and resentment toward the United States intensified in the Muslim world, hundreds of foreign terrorists flooded into Iraq across its unguarded borders. They found tons of unprotected weapons caches that, military officials say, they are now using against U.S. troops. Foreign terrorists are believed to make up a large portion of today's suicide bombers, and U.S. intelligence officials say these foreigners are forming tactical, ever-changing alliances with former Baathist fighters and other insurgents.

"The al-Qa'ida membership that was distinguished by having trained in Afghanistan will gradually dissipate, to be replaced in part by the dispersion of the experienced survivors of the conflict in Iraq," the report says.

According to the NIC report, Iraq has joined the list of conflicts—including the Israeli-Palestinian stalemate, and independence movements in Chechnya, Kashmir, Mindanao in the Philippines, and southern Thailand—that have deepened solidarity among Muslims and helped spread radical Islamic ideology.

At the same time, the report says that by 2020, al Qaeda "will be superseded" by other Islamic extremist groups that will merge with local separatist movements. Most terrorism experts say this is already well underway. The NIC says this kind of ever-morphing decentralized movement is much more difficult to uncover and defeat.

Terrorists are able to easily communicate, train and recruit through the Internet, and their threat will become "an eclectic array of groups, cells and individuals that do not need a stationary headquarters," the council's report says. "Training materials, targeting guidance, weapons know-how, and fund-raising will become virtual (i.e. online)."

The report, titled "Mapping the Global Future," highlights the effects of globalization and other economic and social trends. But NIC officials said their greatest concern remains the possibility that terrorists may acquire biological weapons and, although less likely, a nuclear device.

The council is tasked with midterm and strategic analysis, and advises the CIA director. "The NIC's goal," one NIC publication states, "is to provide policymakers with the best, unvarnished, and unbiased information—regardless of whether analytic judgments conform to U.S. policy."

Other than reports and studies, the council produces classified National Intelligence Estimates, which represent the consensus

> among U.S. intelligence agencies on specific issues.
>
> Yesterday, Hutchings, former assistant dean of the Woodrow Wilson School of Public and International Affairs at Princeton University, said the NIC report tried to avoid analyzing the effect of U.S. policy on global trends to avoid being drawn into partisan politics.
>
> Among the report's major findings is that the likelihood of "great power conflict escalating into total war . . . is lower than at any time in the past century." However, "at no time since the formation of the Western alliance system in 1949 have the shape and nature of international alignments been in such a state of flux as they have in the past decade."
>
> The report also says the emergence of China and India as new global economic powerhouses "will be the most challenging of all" Washington's regional relationships. It also says that in the competition with Asia over technological advances, the United States "may lose its edge" in some sectors.

(Mr. MARTINEZ assumed the Chair.)

Mrs. BOXER. Here is the thing. Dr. Rice told the American people that there were strong ties between Saddam Hussein's Iraq and Osama bin Laden and al-Qaida. These are her words:

> We clearly know that there were in the past and have been contacts between senior Iraqi officials and members of al-Qaeda going back for actually quite a long time.
>
> And there are some al-Qaeda personnel who found refuge in Baghdad.

Now, I want to show a map that the State Department put out, and it was accompanied by a letter from President Bush, a month after 9/11. Here is the map. The red indicates where there are al-Qaida cells. Unfortunately, we notice the United States is red. That is why we have to win this war. This is the list where al-Qaida or affiliated groups have operated, and this is a month after 9/11, put out by this administration. No Iraq. So how do you then go on television, look the American people in the eye, and tell them that in fact—and I will go back to her quote again:

> We clearly know that there were in the past and have been contacts between senior Iraqi officials and members of al-Qaeda going back for actually quite a long time.
>
> And there are some al-Qaeda personnel who found refuge in Baghdad.

She did not tell the full story there, and I gave her a chance to do it.

It is really troubling to me. After all this time, these are the things she could have said: I never checked out that map. You are right, Senator, there were no al-Qaida there. But she didn't do that. She could have listened to what the experts were saying about how bin Laden loathed Saddam Hussein, two despicable tyrants who hated each other.

Peter Bergen said:

> . . . I met bin Laden in '97 and . . . asked him at the end of the interview . . . his opinion of Saddam Hussein. And [bin Laden] said, "Well, Saddam is a bad Muslim and he took Kuwait for his own self-aggrandizement."

In November 2001, the former head of the Saudi intelligence said:

> Iraq doesn't come very high in the estimation of Osama bin Laden. . . . He thinks of [Saddam Hussein] as an apostate, an infidel, or someone who is not worthy of being a fellow Muslim.

Then the bipartisan 9/11 Commission says there is "no collaborative" relationship between Iraq and al-Qaida, and Dr. Rice received that memo on September 18, 2001, and still she went before the American people. When I asked her about it, she said:

> As to the question of al Qaeda and its presence in Iraq, I think we did say that there was never an issue of operational control . . . that Saddam Hussein had nothing to do with 9/11 as far as we know or could tell.
>
> It wasn't a question of operational alliance. It was a question of an attitude about terrorism that allowed Zarqawi to be in Baghdad and to operate out of Baghdad.

Well, those statements continued to mislead. There is no question about it. When she says there wasn't an operational alliance and she believed there never was, why was it that aboard the USS *Abraham Lincoln*, when President Bush had that famous sign "mission accomplished," he said:

> The liberation of Iraq is a crucial advance in the campaign against terror. We have removed an ally of al Qaeda.

How do you tell the committee that this administration never thought there was an operational link, when the President, standing on the USS *Abraham Lincoln*, was saying mission accomplished, and the major fighting is behind us?

He said:

> In the war against Saddam, we have removed an ally of al Qaeda.

It isn't right to continue this kind of talk when you already know from the 9/11 Commission that it isn't true, and you know from looking at the State Department that it wasn't true. Yet it all continues.

In her point about allowing Zarqawi to be in Baghdad, she failed to mention a CIA document that was reportedly sent to the White House in September 2004 that states there is no conclusive evidence that Saddam harbored Zarqawi.

Last October, a senior U.S. official told ABC News there was, in fact, no evidence that Saddam even knew Zarqawi was in Baghdad. So we are not being told the whole truth. We are not being given all of the facts. I have to say that I think it is a disservice to the American people.

The fourth issue I raised with Dr. Rice concerns U.S. relations with Iran during the Iraq-Iran war. That sounds like, why would I raise that because that war was in the 1980s? It is important because, in making her case for the war in Iraq, Dr. Rice cited Saddam's deplorable use of chemical weapons during the Iran-Iraq war. It certainly was a sin against humanity. She failed to mention, however, that it was Special Envoy Donald Rumsfeld—here he is in this picture—in December 1983 who met with Saddam 1 month after the United States confirmed he was using chemical weapons almost daily against Iran. In an attempt to support Iraq during that war, Iraq was removed from the terrorism list in 1982. None other than Donald Rumsfeld was giving the good news to Saddam Hussein and tried to restore full diplomatic relations. As a matter of fact, during this whole Iran-Iraq war, we all know the story that American firms were selling materials to Saddam Hussein.

Now, this is what Dr. Rice said. She said:

> I will say it right now. The U.S. Government has often, as the President said, supported regimes in the hope that they would bring stability. We have been in the Middle East sometimes blind to the freedom deficit. We are not going to do that anymore. What happened with Saddam is probably evidence that that policy was not a very wise policy.

That is an understatement. It was a horrific policy. It was a terrible policy. It was a policy of appeasing Saddam Hussein, making sure that he had the weapons, because we were essentially taking his side quietly in the Iran-Iraq war, and Donald Rumsfeld was super involved in it, and here is the picture to prove it.

Now, I do appreciate that Dr. Rice said it probably was not a very wise policy. I was glad to hear her say that. But you know what. She doesn't explain to us why. When she cited Iraq's use of chemical weapons against Iran as a justification for the U.S. attack on Iraq, she doesn't mention that the U.S. Government was working at that very same time to reestablish robust relations with Saddam. Indeed, our own Government took Saddam off the terror list, and the American people deserve to know that from her, when she advanced this issue as a reason for the war. Full disclosure. Give the whole story.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 24 minutes.

Mrs. BOXER. Mr. President, I raise the issue of Dr. Rice's opposition to a provision in the intelligence reform bill that would have outlawed the use of cruel, inhumane, or degrading treatment of foreign prisoners by intelligence officials. The section of this provision is here. It was passed unanimously by the Senate. The overall amendment was written by Senators MCCAIN and LIEBERMAN, but this particular provision was written by Senator DURBIN:

> Prohibition on torture or cruel, inhumane, or degrading treatment or punishment.
>
> In general, no prisoner shall be subject to torture or cruel, inhumane, or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States.

That is very straightforward. When I asked Dr. Rice, why did you sign a letter with Mr. Bolton and object to this provision and ask that it be stricken, she had a couple of different responses. The first response she gave me was:

> This is duplicative of language that was in the Defense Department bill.

So I checked with the authors of this provision, and I said: Is it true that this is duplicative? They said the language is in the Department of Defense, but it does not apply to the CIA and intelligence officers who work outside of the DOD. So I explained it to her, and she argued with me and she said it is not true, it is duplicative. I said: Do you think Senators MCCAIN, LIEBERMAN, and DURBIN don't know what they are doing when they added this to the intelligence bill? She didn't answer. The fact is, this is not duplicative. This is necessary so that we cover those intelligence officials who may not be part of the Department of Defense but are part of other agencies not covered by the Department of Defense.

And then she went on and said:

> We did not want to afford to people who did not—shouldn't enjoy certain protections those protections. And the Geneva Conventions should not apply to terrorists like al-Qaida. They can't or you will stretch the meaning of the Geneva Convention.

That was her second problem with it, which was that you are granting more rights than the Geneva Conventions. However, this explanation makes no sense because the following language was also part of this, which is:

> Nothing in this section shall affect the status of any person under the Geneva Conventions or whether any person is entitled to the protections of the Geneva Conventions.

So she gave two reasons as to why she wrote a letter and demanded this be removed from the intelligence bill, neither of which is true. It is not duplicative, and there is no problem with the Geneva Conventions because we make a special exception for them.

But that is not all. The next day, Dr. Rice came back and changed what she said the day before. She said she doesn't oppose the subsection that clearly prohibited torture and cruel, inhumane, or degrading treatment. She said she opposes other provisions in the section.

Well, Mr. President, this was the operative language of the section. That second day's excuse just doesn't hold up under scrutiny because she wrote in a letter—this is what Dr. Rice wrote to the committee.

This says:

> The administration also opposes [she names the section] which provides legal protections to foreign prisoners to which they are not now entitled under applicable law and policy.

And she says that section 1095 of the Defense Authorization Act already addresses this issue. So Dr. Rice's own words in the letter contradict what she told the committee.

Now, this issue of torture is one that matters. It matters to me for many reasons. The first is it is about our humanity. It is about our humanity. Second is that it is about our soldiers, who may find themselves in captivity and in a circumstance where they might well get treated the way we are treating people we capture. That is why the protective words here and living up to our treaties or obligations of our Constitution and international treaties are so important. It is not some vague academic discussion; it is very serious.

Now, I went and saw, as many colleagues did, the pictures from Abu Ghraib prison. As long as I live, they will be seared in my memory. There are a lot more pictures that the public didn't see. I can tell you—and I think I can say this of most of my colleagues I was sitting with from both sides of the aisle—I could barely watch what was shown.

I am sometimes torn to talk about what I saw. I have done it in small groups where my constituents have asked me what I saw, but I will not do it today. I do not want to do it, but let it be said that the kinds of pictures that I saw do not reflect our country or our values. We have to be united on this.

Senator DODD asked Dr. Rice to please tell us her personal views on torture, and he laid out a couple of examples of torture. She demurred and would not respond to those specific questions. I thought that was a moment in time where she could have sent out a signal to the whole world about America. She said for sure that Abu Ghraib was terrible. She was eloquent on the point. In fact, I will read to my colleagues what she said right after Abu Ghraib:

> What took place at the Abu Ghraib prison does not represent America. Our nation is a compassionate country that believes in freedom. The U.S. government is deeply sorry for what has happened to some Abu Ghraib prisoners and people worldwide should be assured that President Bush is determined to learn the full truth of the prisoner reports in Iraq.

Those comments at that time were very important. They were the type of comments that I think pull us all together. It was a comment that reflected humanity.

Then we have this language that she writes a couple of months after she makes this beautiful speech in October saying she opposes this provision that says no prisoner shall be subject to torture or cruel, inhuman or degrading treatment or punishment that is prohibited by the Constitution, laws, or treaties of the United States. She writes a letter opposing this section after she makes this beautiful speech.

When I asked her to explain it, she gives me reasons that just do not hold up, that it is duplicative, which it is not, that she really did not oppose it, which cannot possibly be true because we have her letter in writing where she did.

There is no doubt that Dr. Rice has the resume, the story, the intelligence, and the experience to be Secretary of State. She certainly is loyal to this President, we know that, and I think that is important. The President wants to have someone who is loyal. He should also want to have someone who will be independent such as Colin Powell was.

After 9 hours of grueling questions and answers before the committee, she proved her endurance for the job. In responding to me, she used a very clever tactic that we all learn in politics, which is to go after the questioner, why are you attacking me, and then do not answer the questions. It was OK that she did that. I did not mind that she did that. But she did not answer the questions. That is the point.

I believe the committee gave Dr. Rice the opportunity to speak candidly and set the record straight. It is not only my questions. Senator BIDEN asked her how many Iraqi security forces were trained, and without blinking an eye she said 120,000. And he said, wait a minute—and anyone who knows Senator BIDEN knows that he kind of roots for someone when they sit in the hot seat—let us really be candid here. He said: I went to Iraq and I was told by the military that there is nothing close to 120,000. He said he was told there were 4,000. She stuck by the 120,000.

Later, when others were asked in the administration, such as Ambassador Negroponte, he would not put out a number but he sure did not say 120,000.

Everyone with a heart and a pulse knows it is not 120,000 trained troops, because as Senator BIDEN said at that hearing, if there are 120,000 trained Iraqi troops to protect the Iraqi people, why in God's name are we there in the numbers we are and keeping people there, who are leaving their families, for extra tours of duty? She would not budge.

I am troubled because we gave Dr. Rice every opportunity to speak candidly, set the record straight, and she just did not do that.

In her role as National Security Adviser, she was not responsible for coming to the Senate Foreign Relations Committee or the House equivalent committee. Now she is going to be responsible for that. She could not have a friendlier chairman than Senator LUGAR in terms of being given every opportunity to work with our committee. I know Senator BIDEN and Senator LUGAR work together just like brothers. This is a very bipartisan committee. We are going to see Dr. Rice there very often because she will be confirmed. I hope when she comes back before the committee that she will be more candid with the committee.

At this time I am judging her on her answers to these questions. She dodged so many of them and again resorted to half the story and even got herself in deeper water in some of her responses. So I cannot support this nomination.

The cost of the policy in Iraq, a policy that she embraced wholeheartedly, a policy that she did, in fact, bring to the American people and she led them to certain conclusions that turned out not to be true, whether it was the aluminum tubes, the ties to al-Qaida, whether it was her half argument on the Iran-Iraq war, whether it was her obvious contradictory statements on we never said he would have a nuclear weapon in a year one day and then the next year she said we did not say that, it is too hard to overlook these things.

I will close with the Martin Luther King quote, which I will not recite exactly but I do agree that our lives begin to end when we stop caring about things that matter. Accountability matters. Truth telling matters. The whole truth matters. Responsibility matters. The advice and consent role of the Senate is one that is really very important. I hope my colleagues on both sides will recognize that this Senate is at its best when we have some of these tough debates.

It is not as if we are having a vote to confirm a Cabinet position that will not have as much reach. It is not as if we are voting to confirm a position where the individual is brand new and does not have a record. This is a very important position in a time of war where the nominee had a record of making many statements to the American people. I believe that out of respect for the American people, out of respect for the Senate, out of respect for the Foreign Relations Committee, and out of respect to Condoleezza Rice herself, we needed to ask these questions.

Now that he is on the floor again, I would say to Senator LUGAR what I said before, that he is such a fair chairman. All of us on the committee have such respect for him. I look forward to working with him on many issues. I think there will be many times where we will be voting the same way. We will not be today, but that is just one time. There will be many other occasions where we will be together.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Tennessee is now recognized.

Mr. ALEXANDER. Mr. President, I rise in support of the nomination of Dr. Condoleezza Rice to be America's next Secretary of State. President Bush has made an excellent choice for this preeminent position in his Cabinet. Her experience as National Security Adviser will make her even more effective than one normally might be. When foreign leaders talk with Dr. Rice, they will know she is speaking with the President's voice.

I had the privilege of attending much of the 9-plus hours of hearings. Dr. Rice got about every kind of question. She handled the questions, I thought, with dignity, with intelligence, with grace. It was an excellent performance. It augurs well for her time as a U.S. Secretary of State. I am proud to support her.

The major issue confronting Dr. Rice and our Nation today is the war in Iraq. At the hearings to which I just referred, some of my colleagues talked about needing an exit strategy. I disagree. I don't believe we need an exit strategy in Iraq. We need a success strategy. But such a strategy may mean taking a little more realistic view of what we mean by success. It is one thing to help people win their freedom, as we did in Iraq. It is another to help a country become a stable, pluralistic democracy, a flourishing society. We need to ask ourselves how many American lives are we willing to sacrifice to do this? How long are we willing for it to take? And what is our standard for success?

We should be thinking well beyond Iraq. The next time the opportunity occurs for the United States to undertake what we now call regime change, or nation building, what lessons have we learned in Iraq? During his campaign for the Presidency in 2000, President Bush was critical of nation building. That was before September 11, 2001. Today the situation has obviously changed.

Our initial war in Iraq was a stunning success. What came afterwards has been a series of miscalculations. But the United States has engaged in nation building more than a dozen times since World War II and, based on those experiences, should we not have anticipated that nation building in Iraq would have required more troops, more money, and taken longer than we expected? And what do those lessons say about our future policy toward nation building?

I asked Dr. Rice about this when she appeared before the Foreign Relations Committee. One lesson she said we learned was that we need to train our own diplomatic personnel with the skills of nation building. She said we need to learn how to help a country set up a new, independent judiciary, how to establish a currency, how to train up police forces, among other things. I am sure other lessons will be learned as we move forward, and we should be humble enough to learn them.

I would hope that our experience in Iraq has reminded us of what a major commitment regime change and nation building require. I hope the next time someone suggests to this President, or to any future President, that he pursue regime change, that one of his advisers, perhaps Dr. Rice, will say: Mr. President, based on the history of postwar reconstruction and what we have learned in Iraq, any regime change is likely to take us several years, is likely to cost us hundreds of billions of dollars, and require the sacrifice of thousands of lives. If it is in our national interest to go ahead, then the President may decide that, but he needs to have that advice. And we need to discuss that as we did in the hearing the other day.

American history is the story of setting noble goals and struggling to reach them and often falling short. We sincerely say, in our country, that anything is possible, that all men are created equal, that no child will be left behind—even though we know down deep we will fall short and we know we will then have to pick ourselves up and keep trying again to reach those noble goals.

We also said we want to make the world safe for democracy, and we remember an inaugural speech 44 years ago in which a new President named John F. Kennedy said we would "pay any price, bear any burden" to defend freedom. And we heard last Thursday President Bush echo those sentiments when he said to the people of the world: When you stand for your liberty, we will stand with you.

Yet there is obviously a limit to what we can do and to what we are willing to do and to the number of lives we will sacrifice to secure the blessings of freedom and democracy for others. So, now that we have a new Secretary of State—almost have one—new Iraqi elections within the next few days, and we are about to spend another $80 billion in Iraq, now is a good time to be clearer about what our success strategy would be in Iraq. When I asked Dr. Rice about this in her hearing, she acknowledged we need a success strategy but didn't want to commit to a timetable.

In a Washington Post op-ed this morning, two of Dr. Rice's predecessors, Secretaries Henry Kissinger and George Shultz, agreed we should not set a specific timetable for pulling out our troops. But they also go further than Dr. Rice did in the hearing in outlining the framework for what a success strategy in Iraq might look like.

Dr. Kissinger and Dr. Shultz wrote this:

> A successful strategy needs to answer these questions: Are we waging "one war" in which military and political efforts are mutually reinforcing? Are the institutions guiding and monitoring these tasks sufficiently coordinated? Is our strategic goal to achieve complete security in at least some key towns and major communication routes (defined as reducing violence to historical criminal levels)? This would be in accordance with the maxim that complete security in 70 percent of the country is better than 70 percent security in 100 percent of the country—because fully secure areas can be models and magnets for those who are suffering in insecure places. Do we have a policy for eliminating the sanctuaries in Syria and Iran from which the enemy can be instructed, supplied, and given refuge and time to regroup? Are we designing a policy that can

> produce results for the people and prevent civil strife for control of the State and its oil revenue? Are we maintaining American public support so that staged surges of extreme violence do not break domestic public confidence at a time when the enemy may, in fact, be on the verge of failure? And are we gaining international understanding and willingness to play a constructive role in what is a global threat to peace and security?
>
> An exit strategy based on performance, not artificial time limits, will judge progress by the ability to produce positive answers to these questions.

That is what Secretaries Kissinger and Shultz wrote this morning. I ask unanimous consent the article be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. When Dr. Rice comes back to the committee as Secretary Rice—and she will be there often—I hope she will address these questions and say more about what our objectives are. When she does, I also wouldn't mind if she acknowledges when things aren't going well, or when we need to change our strategy or tactics because our earlier approach is not working. I think such acknowledgments only strengthen the administration's credibility and reassure us that needed adjustments are being made.

At President Reagan's funeral last June, former Senator Jack Danforth said the text for his homily was "the obvious," Matthew 5:14–16.

> You are the light of the world. A city built on a hill cannot be hid. No one after lighting a lamp puts it in a bushel basket, but on a lampstand, and it gives light to all in the house. In the same way, let your light shine before others, so that they may see your good works, and give glory to your father in heaven.

From our beginning, that vision of the city on a hill has helped to define what it means to be an American and provided America with a moral mission. It helps explain why we invaded Iraq, why we fought wars "to make the world safe for democracy," and why President Bush said last Thursday:

> All who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors.

It is why we are forever involving ourselves in other nations' business. It is why when I was in Mozambique last summer I found 800 Americans, 400 of them missionaries and most of the rest diplomats or aid workers.

But is it possible that too much nation building runs the risk of extending too far the vision of the city on the hill?

Letting a light shine so others may see our good works does not necessarily mean we must invade a country and change its regime and reshape it until it begins to look like us. It may mean instead that we strive harder to understand and celebrate our own values of democracy, of equal opportunity, of individualism, of tolerance, the rule of law and other principles that unite us and that we hope will be exported to other parts of the world. How we ourselves live would then become our most persuasive claim to real leadership in a world filled with people hungry to know how to live their lives.

For example, in my own experience—and Dr. Rice said at the hearings in her experience—we have found that sometimes the most effective way to export our values is to train foreign students at our American universities who then return home to become leaders in their own countries.

Of course, we Americans will never say that only some men are created equal, that only some children will not be left behind, or that we will pay only some price to defend freedom. But perhaps we should be thinking more about strategies for extending freedom and democracy in the world other than nation building and determine what those strategies are and when they most appropriately might be used.

Thank you, Mr. President.

EXHIBIT 1

[From the Washington Post, Jan. 25, 2005]

RESULTS, NOT TIMETABLES, MATTER IN IRAQ

(By Henry A. Kissinger and George P. Shultz)

The debate on Iraq is taking a new turn. The Iraqi elections scheduled for Jan. 30, only recently viewed as a culmination, are described as inaugurating a civil war. The timing and the voting arrangements have become controversial. All this is a way of foreshadowing a demand for an exit strategy, by which many critics mean some sort of explicit time limit on the U.S. effort.

We reject this counsel. The implications of the term "exit strategy" must be clearly understood; there can be no fudging of consequences. The essential prerequisite for an acceptable exit strategy is a sustainable outcome, not an arbitrary time limit. For the outcome in Iraq will shape the next decade of American foreign policy. A debacle would usher in a series of convulsions in the region as radicals and fundamentalists moved for dominance, with the wind seemingly at their backs. Wherever there are significant Muslim populations, radical elements would be emboldened. As the rest of the world related to this reality, its sense of direction would be impaired by the demonstration of American confusion in Iraq. A precipitate American withdrawal would be almost certain to cause a civil war that would dwarf Yugoslavia's, and it would be compounded as neighbors escalated their current involvement into full-scale intervention.

We owe it to ourselves to become clear about what post-election outcome is compatible with our values and global security. And we owe it to the Iraqis to strive for an outcome that can further their capacity to shape their future.

The mechanical part of success is relatively easy to define: establishment of a government considered sufficiently legitimate by the Iraqi people to permit recruitment of an army able and willing to defend its institutions. That goal cannot be expedited by an arbitrary deadline that would be, above all, likely to confuse both ally and adversary. The political and military efforts cannot be separated. Training an army in a political vacuum has proved insufficient. If we cannot carry out both the political and military tasks, we will not be able to accomplish either.

But what is such a government? Optimists and idealists posit that a full panoply of Western democratic institutions can be created in a time frame the American political process will sustain. Reality is likely to disappoint these expectations. Iraq is a society riven by centuries of religious and ethnic conflicts; it has little or no experience with representative institutions. The challenge is to define political objectives that, even when falling short of the maximum goal, nevertheless represent significant progress and enlist support across the various ethnic groups. The elections of Jan. 30 should therefore be interpreted as the indispensable first phase of a political evolution from military occupation to political legitimacy.

Optimists also argue that, since the Shiites make up about 60 percent of the population and the Kurds 15 to 20 percent, and since neither wants Sunni domination, a democratic majority exists almost automatically. In that view, the Iraqi Shiite leaders have come to appreciate the benefits of democratization and the secular state by witnessing the consequences of their absence under the Shiite theocracy in neighboring Iran.

A pluralistic, Shiite-led society would indeed be a happy outcome. But we must take care not to base policy on the wish becoming father to the thought. If a democratic process is to unify Iraq peacefully, a great deal depends on how the Shiite majority defines majority rule.

So far the subtle Shiite leaders, hardened by having survived decades of Saddam Hussein's tyranny, have been ambiguous about their goals. They have insisted on early elections—indeed, the date of Jan. 30 was established on the basis of a near-ultimatum by the most eminent Shiite leader, Grand Ayatollah Ali Sistani. The Shiites have also urged voting procedures based on national candidate lists, which work against federal and regional political institutions. Recent Shiite pronouncements have affirmed the goal of a secular state but have left open the interpretation of majority rule. An absolutist application of majority rule would make it difficult to achieve political legitimacy. The Kurdish minority and the Sunni portion of the country would be in permanent opposition.

Western democracy developed in homogeneous societies; minorities found majority rule acceptable because they had a prospect of becoming majorities, and majorities were restrained in the exercise of their power by their temporary status and by judicially enforced minority guarantees. Such an equation does not operate where minority status is permanently established by religious affiliation and compounded by ethnic differences and decades of brutal dictatorship. Majority rule in such circumstances is perceived as an alternative version of the oppression of the weak by the powerful. In multiethnic societies, minority rights must be protected by structural and constitutional safeguards. Federalism mitigates the scope for potential arbitrariness of the numerical majority and defines autonomy on a specific range of issues.

The reaction to intransigent Sunni brutality and the relative Shiite quiet must not tempt us into identifying Iraqi legitimacy with unchecked Shiite rule. The American experience with Shiite theocracy in Iran since 1979 does not inspire confidence in our ability to forecast Shiite evolution or the prospects of a Shiite-dominated bloc extending to the Mediterranean. A thoughtful American policy will not mortgage itself to one side in a religious conflict fervently conducted for 1,000 years.

The Constituent Assembly emerging from the elections will be sovereign to some extent. But the United States' continuing leverage should be focused on four key objectives: (1) to prevent any group from using the political process to establish the kind of dominance previously enjoyed by the Sunnis; (2) to prevent any areas from slipping into Taliban conditions as havens and recruitment centers for terrorists; (3) to keep Shiite government from turning into a theocracy, Iranian or indigenous; (4) to leave scope for regional autonomy within the Iraqi democratic process.

The United States has every interest in conducting a dialogue with all parties to encourage the emergence of a secular leadership of nationalists and regional representatives. The outcome of constitution-building should be a federation, with an emphasis on regional autonomy. Any group pushing its claims beyond these limits should be brought to understand the consequences of a breakup of the Iraqi state into its constituent elements, including an Iranian-dominated south, an Islamist-Hussein Sunni center and invasion of the Kurdish region by its neighbors.

A calibrated American policy would seek to split that part of the Sunni community eager to conduct a normal life from the part that is fighting to reestablish Sunni control. The United States needs to continue building an Iraqi army, which, under conditions of Sunni insurrection, will be increasingly composed of Shiite recruits—producing an unwinnable situation for the Sunni rejectionists. But it should not cross the line into replacing Sunni dictatorship with Shiite theocracy. It is a fine line, but the success of Iraq policy may depend on the ability to walk it.

The legitimacy of the political institutions emerging in Iraq depends significantly on international acceptance of the new government. An international contact group should be formed to advise on the political and economic reconstruction of Iraq. Such a step would be a gesture of confident leadership, especially as America's security and financial contributions will remain pivotal. Our European allies must not shame themselves and the traditional alliance by continuing to stand aloof from even a political process that, whatever their view of recent history, will affect their future even more than ours. Nor should we treat countries such as India and Russia, with their large Muslim populations, as spectators to outcomes on which their domestic stability may well depend.

Desirable political objectives will remain theoretical until adequate security is established in Iraq. In an atmosphere of political assassination, wholesale murder and brigandage, when the road from Baghdad to its international airport is the scene of daily terrorist or criminal incidents, no government will long be able to sustain public confidence. Training, equipping and motivating effective Iraqi armed forces is a precondition to all the other efforts. Yet no matter how well trained and equipped, that army will not fight except for a government in which it has confidence. This vicious circle needs to be broken.

It is axiomatic that guerrillas win if they do not lose. And in Iraq the guerrillas are not losing, at least not in the Sunni region, at least not visibly. A successful strategy needs to answer these questions: Are we waging "one war" in which military and political efforts are mutually reinforcing? Are the institutions guiding and monitoring these tasks sufficiently coordinated? Is our strategic goal to achieve complete security in at least some key towns and major communication routes (defined as reducing violence to historical criminal levels)? This would be in accordance with the maxim that complete security in 70 percent of the country is better than 70 percent security in 100 percent of the country—because fully secure areas can be models and magnets for those who are suffering in insecure places. Do we have a policy for eliminating the sanctuaries in Syria and Iran from which the enemy can be instructed, supplied, and given refuge and time to regroup? Are we designing a policy that can produce results for the people and prevent civil strife for control of the state and its oil revenue? Are we maintaining American public support so that staged surges of extreme violence do not break domestic public confidence at a time when the enemy may, in fact, be on the verge of failure? And are we gaining international understanding and willingness to play a constructive role in what is a global threat to peace and security?

An exit strategy based on performance, not artificial time limits, will judge progress by the ability to produce positive answers to these questions. In the immediate future, a significant portion of the anti-insurrection effort will have to be carried out by the United States. A premature shift from combat operations to training missions might create a gap that permits the insurrection to rally its potential. But as Iraqi forces increase in number and capability, and as the political construction proceeds after the election, a realistic exit strategy will emerge.

There is no magic formula for a quick, non-catastrophic exit. But there is an obligation to do our utmost to bring about an outcome that will mark a major step forward in the war against terrorism, in the transformation of the Middle East and toward a more peaceful and democratic world order.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, it is my understanding that under a previous order I am allowed 20 minutes. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DURBIN. I understand Senator REED of Rhode Island is also on the list to speak. Is he not? I make inquiry of the Chair: Under the order, is Senator REED of Rhode Island also allotted time?

Mr. LUGAR. Mr. President, if I may respond to the distinguished Senator, Senator REED is on a list but is not designated precisely. Perhaps while the speaker is speaking we can work this out.

Mr. DURBIN. I recommend that even though he may miss part of my speech.

Thank you, Mr. President.

President Bush has nominated Condoleezza Rice as Secretary of State. It is one of the highest positions in our Government. She is a person of considerable accomplishment and formidable intellect. I have watched her service from afar, and this morning I had my first opportunity to meet her personally. Dr. Rice came by my office and we sat down for half an hour and discussed many different issues. I was impressed with her ability and with her forthright approach.

I will tell you that I am also troubled. I am troubled because I followed closely the exchange between Dr. Rice and Senator BOXER during the confirmation hearing before the Foreign Relations Committee. The reason I followed this closely was not only because it was important and it related to the issue of torture but because it involved an amendment which I had drafted. As every American I have met, I was shocked by the information and photographs that came out of Abu Ghraib; troubled by reports from Guantanamo.

As a result, I joined in a bipartisan effort in both the Department of Defense authorization bill, as well as later in the intelligence reform bill, to put a clear restatement of American law to a vote, that the United States is prohibited from engaging in torture, or cruel, inhuman or degrading treatment. It is important to restate this principle and value so there would be no questions asked as to whether the United States had deviated from the legal standard which we had held for over 50 years—a standard first embodied in the Geneva Conventions and then in the Convention on Torture, and in other places in our laws.

My anti-torture amendment passed in the Senate, went to conference on the Department of Defense authorization bill, but it was changed slightly from a prohibition to a statement of policy. I didn't care much for the change, but I accepted it because I thought it still preserved the basic goal, which was to restate our country's policy against torture. The part that did not change was my amendment's requirement that the Department of Defense report regularly on any violations of this policy against torture. That was what happened in the Department of Defense bill.

Then came the intelligence reform bill, and I felt it was important that we try again to restate our law of prohibition against torture. It was equally important that the reporting requirements for violations apply not only to the military agencies as we did in the Defense bill, but also apply to the variety of different intelligence agencies covered by the intelligence bill.

I tried with both bipartisan amendments to cover the circumstances of those who would take into detention someone during the course of war in Iraq or Afghanistan or some other place.

This amendment passed and it was sent to conference. I followed the conference closely as a Senate conferee and a member of the Governmental Affairs Committee.

I was surprised and disappointed to learn as I went to conference that a message had come down from the White House—specifically from Dr. Rice and OMB Director Joshua Bolten—which said they objected to my amendment which condemned torture by any American, including members of the American intelligence community.

I couldn't believe it—they first accepted the underlying policy goals and the reporting requirements of this same amendment for the Department of Defense, and now they were making an exception when it came to intelligence agencies.

I have to tell you that I am very troubled by that. When Senator BOXER asked repeated questions of Dr. Rice on the issue, she received conflicting answers. So I returned to the same question this morning. I asked Dr. Rice point blank: Why did you object to that amendment? She said incorrectly: We had already taken care of that. Your Department of Defense amendment took care of intelligence agencies.

That is not the case. The Department of Defense amendment which I offered, which she should have read and apparently did not read, had reporting requirements for the Department of Defense but not for the intelligence agencies. My intelligence reform bill amendment would have extended these requirements for the intelligence agencies.

I am disappointed by that. It is not just another amendment being offered on the floor. Taking away any personal pride and authorship in this, it was a timely amendment after the Abu Ghraib prison scandal to try to restate for America and the world where we stood and where our principles are. Yet this administration opposed it. I am troubled by it. I understand Senator BOXER is even more troubled by it.

This is a critical moment in our history. It is critical because of the war in Iraq to pick up the morning paper—most Americans probably did as well—and read in this paper that the Pentagon announced there will be 120,000 American soldiers in Iraq for at least 2 more years. It is a stunning and sad admission.

I remember when the invasion took place. I remember a colleague of mine from Indiana—who happens to be the chairman of the committee before us today, Senator LUGAR—and his statement. I don't know if he still holds to this position, but I have quoted him at length. He said at the moment of our invasion in Iraq that we are likely to be there for 5 years. When I repeated his statement and believed it to be true, many people said: We are sure you are wrong. We are going to be home more quickly than that. After we knock Saddam Hussein out of power, the Iraqi people will take over and we will come home.

Here we are 2 years in the conflict, 1,400 Americans have been killed, 10,000 or 12,000 injured—more by the day—hundreds of incidents of insurgency, terrorism, and we are still there.

I went to Litchfield, IL, 3 weeks ago to watch an MP Illinois Guard unit go off for their deployment for 18 months. There are 80, all men, in this unit. I shook hands with each of them and looked them in the eye and gave them all my best wishes, as did the crowd at the Litchfield High School gym. As I looked at them, I thought: Is there any possibility they will be home soon? This report in the morning paper says the answer is no.

What troubles me is not that it is a situation demanding of Americans. We have risen to challenges before. But what troubles me the most about this is I think it evidences one of the most profound failures in a democracy. When leaders of a democratic government mislead the people of the country in relation to a war and an invasion of another country, I think that is the lowest point one can reach. Note that I said misleading and not intentionally misleading. There is a big difference.

In this situation, it is the argument of President Bush and his White House that it is true—they misled the American people about the presence of weapons of mass destruction, about nuclear weapons, about aluminum tubes, about connections with al-Qaida, about unmanned aerial vehicles. The list goes on and on. But their argument is, well, we had intelligence; we received bad information. If we told the American people something was wrong, don't blame us; blame the intelligence agencies.

That has been the position of the White House. That is a sad defense when you consider where we are today, with 150,000 American troops with their lives in danger after being misled by the White House about the circumstances surrounding Iraq.

Dr. Rice, as the National Security Adviser, was in the room and at the table when decisions were made. She has to accept responsibility for what she said, which has been quoted at length on the floor. Some of the suggestions about nuclear threats, some of the suggestions about the threats of Saddam Hussein out of the mouth of Dr. Rice were just plain wrong and repeated. That, to me, is very troubling.

Five days from today, Iraq is scheduled to hold its first election in nearly half a century. It is a step forward. We want to see this move toward democracy. I hope it is just not an occasion for more bloodshed. I hope it is not just an occasion for more bloodshed. It may be.

We have to ask what kind of election this will be. How many people will vote? That is an indicator of whether the election reflects the popular will. Is it an election which will be carried out with integrity? Is it one where the people clearly have a choice and where the election ballots are counted?

We have to ask what kind of elections they will be if candidates' names cannot be published, if polling places cannot be designated, and when few Sunni Muslims are likely to participate. However successful the elections may be, we all know that the bloodshed will not end at that point. Our present policies in Iraq seem unlikely to bring an end to the killing there any time soon.

Last year, Congress allocated $18 billion for the reconstruction of Iraq for the basic necessities of life—electricity, clean water. Only $2.2 billion of that amount has been spent. Why? Because it is unsafe to spend the rest. It is so unsafe that anything we build is likely to be blown up as soon as we build it. The violence we see there reflects the frustration of the people of Iraq who think the occupying United States Army is not improving their lives. We are caught in this vicious circle. We cannot rebuild Iraq because what we build will likely be destroyed, and until we rebuild Iraq, the people will not feel their fate has improved by the occupation of the American troops. Maybe this election will change that dynamic. I certainly hope so.

Now comes the administration saying they are going to need $80 to $100 billion more to continue this war. I was 1 of 23 Senators who voted against the authorization for this war: 1 Republican and 22 Democrats voted against it. After that vote, though, we had an opportunity to vote for the money for the troops. I voted for every single penny this administration has asked for. I will tell you why. I think to myself, what if it were your son or daughter in uniforms risking their lives, would you shortchange them anything? The answer is, clearly, no.

Yet despite all the money we have put into Iraq, one of the soldiers from Tennessee stands up and asks the Secretary of Defense a few weeks ago: Why do I have to dig through junk piles to find pieces of steel to protect my humvee? What is going on, Mr. Secretary? His answer was hardly satisfying or responsive. For all the money we have given to this administration, we cannot say they have spent it well when it comes to protecting our troops.

I have a friend with a son in uniform, in service in Iraq. He and his wife came up with $2,000 to buy body armor for their son, which they sent to him in Iraq. We are spending billions of dollars, and individual families have to send body armor to their soldiers.

Humvees—I don't have to tell you the story there. In the middle of last year, this administration discontinued armoring humvees even though there were hundreds, if not thousands, still vulnerable. Now they have resumed after that one Tennessee soldier had the courage to stand up.

Dr. Rice estimates there are 120,000 trained Iraqi forces under arms. Senator BIDEN of Delaware and many others dispute that number. They think it is vastly inflated. When asked whether you would stand and allow one of these troops to defend you, these Iraqi forces with their current equipment and training, most people honestly answered no.

We have had many failures in Iraq. The National Security Adviser to the President who was there as we devised this strategy and executed this strategy now comes before us for a substantial promotion to Secretary of State. It is troubling.

I am also worried about this whole issue of torture. We will revisit this on the nomination of Alberto Gonzales to be Attorney General because his fingerprints are all over this administration's torture policy.

When members of the Foreign Relations Committee asked Dr. Rice about certain interrogation techniques, whether they constituted torture, she said it would not be appropriate for her to comment. Yet, I think she understands, and we understand, that if she is to be successful as the diplomat representing the United States of America, one of the first things she has to try to dispel are those ghastly, horrible images of Abu Ghraib. Do not believe for a moment that people across the world dismiss that as an aberration of renegade night shift soldiers. They believe that this is America at work. We know better. We know our troops are better. Our men and women are much better than what was demonstrated at Abu Ghraib, but it is, in fact, an image which haunts and will continue to haunt America for years to come.

Senator BOXER asked Dr. Rice why the administration opposed the language I have talked about earlier on prohibiting torture. As I have said before, I thought her answers were, at best, confusing and unresponsive. Frankly, this administration should not waste any time restating the obvious.

Every year, our Department of State issues a report card on the world. We stand in judgment of the world on issues of human rights. We call it the "Country Reports on Human Rights Practices." These reports are pretty harsh on some countries. They say about these countries around the world that they are involved in torture and degrading treatment, including beatings, threats to detainees and their families, sleep deprivation, deprivation of food and water, suspension for long periods in contorted positions, prolonged isolation, forced prolonged standing, tying of the hands and feet for extended periods of time, public humiliation, sexual humiliation, and female detainees being forced to strip in front of male security officers.

These are the charges we level against other countries around the world, saying they are engaging in inhumane practices. Do any of these techniques sound familiar? If you pick up the morning paper you will see that our military and intelligence forces were engaged in similar techniques in Iraq and other places around the world. How can we stand in judgment of other countries? How can we hold ourselves up as a model when we are guilty of the same conduct? If there is ever a time when this administration should have embraced my amendments to both the Defense bill and the intelligence bill to say what we stand for in this country, it is now. Unfortunately, they have not.

Let me say a word about a recent editorial in the Wall Street Journal which took me to task because I am condemning torture techniques and demanding accountability for agencies of government that engage in them. I would say to the editors of the Wall Street Journal, it is time for you to make a choice. If you support torture, for goodness' sake, make that your editorial policy; if not, join us in condemning those who violate the standards of this Government, which have held up for decades.

Condoleezza Rice, as National Security Adviser, understands what has happened in Iraq and what her new job will require. It will require diplomacy, a diplomacy which failed before our invasion of Iraq. Many who opposed the invasion felt at the time we needed a broader coalition. But the President and his supporters argued about the coalition of the willing—150 nations, whatever the number happened to be. But let's be very honest about that. When you pick up the morning paper, whose soldiers are being killed? When you look at the message for supplemental appropriation, whose taxpayer dollars are being spent? It is the Americans. The British have stood by us. Other countries have provided help. But when it comes to carrying this burden, it is American soldiers and American taxpayers. Diplomacy had its place before the invasion of Iraq. It will have its place in the future.

I also talked to Dr. Rice about the situation in Sudan. I commended the administration for finally crossing that difficult line which the Clinton administration refused to cross when it came to Rwanda. The Clinton administration refused to use the word "genocide," and that is what happened in Rwanda. Hundreds of thousands of innocent people died. I commended Dr. Rice because the Bush administration, Secretary Powell, has stepped forward and has said clearly this is genocide. But it is not enough to just say it when civilized nations who have signed the Genocide Convention step forward and say it is taking place, it requires positive action on our part. There has been very little. Calling in the African Union forces is too little, too late. It will take much more. I tried to make that point as clearly as I could.

We also discussed at length the AIDS epidemic that faces this world. If there is one thing that Secretary Powell said that I believe will be historic in its importance, it is his reference to HIV/AIDS and the global epidemic. Here is what he said. He referred to that epidemic as "the greatest weapon of mass destruction in the world today." I know he believed it. I have spoken to him about it many times. Every 10 seconds another person dies of AIDS in this world. Every 6 seconds another person becomes infected.

The President pledged $15 billion for this cause. We have fallen short in the first 2 years of reaching a $3 billion target. I have asked Dr. Rice, if she is confirmed by the Senate, whether she is committed to our meeting that obligation. She said she was.

We also talked about the role of women in the world, particularly when it comes to the AIDS epidemic. It is important that we teach abstinence and teach moral values and spiritual belief. But it is also important that we empower women around the world to control their own fate and future. We can tell women to be faithful to their partners, but what if their partners are unfaithful to them? We can encourage condom use but must remember that women may not have the ability to negotiate when it comes to that issue, even with their husbands.

It is important that our global strategies against HIV/AIDS are realistic. In a speech at the International AIDS Conference in July 2004, Nelson Mandela reminded us that:

> In the course of human history, there has never been a greater threat than the HIV/AIDS epidemic.

We have a chance in America, under the President's initiative to continue to lead, both with our own bilateral aid to individual countries and through the Global Fund. I hope Ms. Rice in that capacity will assume that leadership position.

We have to also look to economic development. I said to Dr. Rice, if I went to a struggling country anywhere in the world and could only ask one question to decide the likelihood that they would be able to control their problems and their future, it would be this: How do you treat your women? And if women are treated like chattel, like property, like slaves, I can virtually guarantee you that country has little or no chance of conquering its problems. How many girls are in school? Are there forced child marriages? Do women enjoy economic opportunities? Is maternal health care a national priority? Give me the answers to those questions and I will give you a pretty good idea as to whether I think your country is moving forward. The President created the Millennium Challenge Account, and it has many important initiatives and goals in it. I said to her, and I repeat, I think elevating the role of women around the world should be one of those goals.

The President's new foreign assistance initiative, the Millennium Challenge Account embodies an innovative and important initiative.

It is a program of immense but as yet completely unrealized potential.

The Millennium Challenge Account seeks to provide assistance to those countries with a proven record of investing in their own people, as well as meeting other criteria.

I would like to apply the same standard to our own foreign assistance programs: Are we investing enough in people?

Are we helping build the infrastructure that will help eliminate poverty and not merely ease the latest crisis for a few months?

Are we making sure that our assistance reaches women in developing nations, women who are the key to successful development?

These same principles must guide us as we seek to help those devastated by the tsunami.

For instance, half the people of Aceh, Indonesia, the region hit hardest by the tidal wave, lacked clean water before the tsunami.

Disasters hit hardest where poverty is greatest, and they affect women and children most of all.

The tsunami swept away entire villages in a matter of minutes. We must commit to helping these regions recover over a period of years.

Secretary-designate Rice steps into her position at a critical juncture.

Well over 1,300 American soldiers, marines, sailors, and airmen have died in Iraq.

Nearly 150,000 are still over there.

Mr. President, 70,000 people have died in Darfur. Thousands more are still at risk every day. In South Africa, one in three adults are HIV positive. In Botswana the numbers are even higher.

Over a billion people live on less than a dollar a day. A billion people in the world cannot write their own names or read a single sentence.

We simply cannot afford to get this wrong. We cannot afford to repeat mistakes or to fall short in our commitments. These are matters of profound moral obligation and deepest national security and interest.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DURBIN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Indiana.

Mr. LUGAR. Mr. President, I ask unanimous consent that an editorial endorsing Dr. Rice for Secretary of State, published in the Evansville Courier & Press, on January 24, 2005, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Evansville Courier & Press, Jan. 24, 2005]

COOL CONDI

Senate Democrats rather churlishly pushed Condoleezza Rice's certain approval as secretary of state over to this week. Perhaps they felt that the gracious gesture of confirming her on Inauguration Day would be interpreted as a sign of weakness by the Bush White House.

Democrats on the Senate Foreign Relations Committee seemed disappointed that Rice would not distance herself from, backtrack from or apologize for President Bush's foreign policy. In hearings last week, they failed to force any daylight between Rice and the president. And they tried; one session even ran into the night.

Rice's credentials to be secretary of state were not in question. She is a career student of foreign policy and spent the last four years as White House national security adviser. No one who has followed her career was surprised by her performance before the Foreign Relations Committee.

She was informed, poised and unflappable, her voice only taking on a slight edge when Sen. Barbara Boxer, D-Calif., all but accused her of being a liar—"your loyalty to the mission you were given, to sell this war, overwhelmed your respect for the truth."

Rice's icy response: "I never, ever lost my respect for the truth in the service of anything." In the end, only Boxer and Sen. John Kerry, D-Mass., of the 18 committee members, voted against Rice, for whatever significance that symbolic gesture had.

Rice defended and endorsed administration positions on Iraq—the war was right even if the intelligence was wrong—and on North Korea, Iran and the Mideast. The consistency is admirable, but it raises the worrisome prospect that there is no fresh thinking on these problems within the administration.

That said, she made several worthy commitments. She would work to rebuild relations with our traditional allies, refocus administration attention on neglected Latin America, take an active role in a Mideast settlement and reassert the State Department as "the primary instrument of American diplomacy"—a clear if diplomatic shot at Donald Rumsfeld and the Pentagon.

The Senate should confirm Rice without delay. She needs to get to work.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I thank my distinguished colleague, the chairman, for his great leadership in handling this nomination. That leadership is consistent with what I have observed these many years, now being in my 27th year in the Senate, my colleague being a year or 2 senior to me. But on behalf of the Senate and on behalf of the country, we thank you, Mr. Chairman. And I must say, I think your ranking member, in large measure, has been supportive. I am anxious to see how this works out tomorrow. But well done to you, sir, from one old sailor to another.

I am privileged to join my colleagues today in this very important debate with regard to the nomination of perhaps the most important member of any President's Cabinet, that of Secretary of State.

Before referring to Dr. Rice, I would like to pause and express my heartfelt appreciation to Secretaries Powell and Armitage. I have been privileged to have known them and worked with them for many years.

When I was Secretary of the Navy, while I did not know him at that time, during the war in Vietnam, Secretary Powell was on the very front lines of that war. And to this day, in his heart and in other ways, he carries the heavy burdens of that conflict. I have always been so impressed with him. I have worked with him as he rose through the ranks.

I first met him as a colonel and followed his career all the way through being a four star general, particularly when I was actively working with him and he was the executive military assistant to Secretary of Defense Caspar Weinberger. And by his side he wisely chose to put Secretary Rich Armitage, another Vietnam veteran who bears the scars of that war. They were a magnificent team on behalf of the United States of America, and they both quietly have stepped down in the manner in which they have always conducted their lives. I want to be among the many to pay their respects to those two fine public servants on the eve of confirming the successor to Secretary Powell.

I have also known, through the years, the nominee to take Secretary Armitage's place, and he is an excellent choice. The President is to be commended.

I must refer to history. I love this institution I think as much as anyone; not more than anyone, but as much. I respect the heritage and traditions of this Chamber. It is quite interesting, if you go back, the Presidents of the United States—certainly I would yield to the chairman; I have the history of these here—Presidents have always had the Senate confirm their Secretary of State on the day of the inauguration. It goes quite a ways back in history.

I expressed at that time that I regret this Chamber could not act, and I continue to express that. I think this debate is an important one. I do not in any way suggest that this debate not take place, but I think it could have taken place in the ensuing days and weeks following that. But that is history. I did not want this tradition of the Senate to be overlooked in the context of these remarks.

It is clear from the exhaustive nomination hearings conducted by the Foreign Relations Committee over the course of 2 days that Dr. Rice is extraordinarily capable and qualified. She is as capable and qualified a candidate as has ever been appointed in my lifetime to this position. She stands with the finest because of her extraordinary record of achievements. I say to the chairman, she was reported out of your committee by a vote of 16 to 2. To me, that is a resounding affirmation by bipartisan members of that committee.

The personal attacks on her character and integrity, we have now witnessed them. I find them somewhat astonishing, the level of the attack, particularly as it relates to her lifetime dedication to what we call here in the Senate the standards for truthfulness.

And I was delayed, Mr. Chairman, because I had been trying through the day to reach former Secretary of State George Shultz, with whom you and I and many others have had so many years of warm and excellent relations—sometimes not so warm, maybe a little heated on occasion, I recall. But Secretary Shultz reminded me that Dr. Rice first met President Bush in his living room. And the relationship goes way back.

So I wrote down just a few of the remarks by that distinguished Secretary because it goes to the very heart of the critics who challenge her integrity. He said, without any reservation whatsoever, she was absolutely honest in her convictions and a woman of impeccable loyalty and integrity.

He said loyalty, of course. But truthfulness will always prevail over any degree of loyalty.

I found that important, and I wanted to share it with my colleagues. She, in his judgment, will rise to the occasion and in due course, if not already, she will receive the trust and confidence of the people of this country, and that her record, as she works through her challenges, will be one that they, the United States of America and its citizens, can be proud of.

I thank Secretary Shultz for his remarks.

I also thought to myself, the chairman and I have paralleled our careers. One of my Commanders in Chief, actually two times—for a brief period at the end of World War II and then Korea—was Harry Truman. Harry Truman very often had directed at him some remarks which didn't exactly reflect with great resounding in his heart. He came out with that priceless statement: If you can't take the heat, get out of the kitchen.

Well, the most profound thing that I may say today is this Secretary of State can take the heat, and she will remain in that kitchen. In my judgment, in the vote by the Senate tomorrow, you will find by virtue of the size of that vote a statement by this Senate reflecting their trust and their confidence in this distinguished American's record of achievement over her lifetime, her entire lifetime, not just that in public office recently.

Going back to some of the comments that were leveled at her, the essence of the criticism was that she has been less than truthful. It turned in large measure on this issue of weapons of mass destruction. That is an issue that I take a back seat to no one on. I tried in every respect with others to be in the very forefront of that debate.

I remember one hearing of the Senate Armed Services Committee, and Director Tenet was before the committee. I asked him a question. This was before we had engaged in active military operations to liberate the people of Iraq. The President was there in the final moments of his decisionmaking. I was one of four who worked up a bipartisan resolution that the Senate worked up. Seventy-seven Senators voted for that resolution.

I said to Director Tenet, the issue of weapons that can bring about such destruction is important in this debate and this decision process. I used the phrase such as "should we be compelled," as the President was, in my judgment, rightfully, to go in and use military power, and at such time as the battles have reached a position where the television cameras of the world can come in and photograph what is there, will those photographs, the television pictures, carry clearly evidence of the existence of weapons of mass destruction. And his acknowledgment was: Without a doubt.

Now that testimony reflects the best judgment within our Government of the situation with regard to weapons of mass destruction. Hussein had defied 17 or 18 United Nations resolutions. Literally because of his defiance and inaction, it propelled this Nation into this war. And because of his past history with the use of such weapons and the clear documentation following the 1991 conflict that they were there in some measure, there was every reason to attach considerable credibility to the prevailing thinking at that time, not only within our Government but many other governments of the world, that these weapons did exist in the hands of a despot and in one way or another they could be released either by him or by surrogates on free nations elsewhere in the world. That is a statement of fact. I question anybody who wants to take me up on that.

Against that background, this criticism is made of this distinguished public servant. But it is clear to me that the actions taken by the President were the correct ones in light of the facts that were known to the best of our judgment at that time. It was a strong case to utilize force to back up the diplomacy. I mention that "force to back up diplomacy." Diplomacy, throughout the history of mankind, can be no stronger than the commitment to enforce it, to back it up in the event it fails. I think throughout this process we followed that time-honored tradition of world powers. We did everything we could to withhold the use of force and to allow diplomacy to work its will. The rest is history.

From the time of Iraq's defeat in the first Persian Gulf war in 1991, and following his brutal invasion of Kuwait, Hussein followed a pattern of deceit, manipulation, and defiance of the international community. He continued to brutally repress his own citizens. He continued to support terrorist organizations in Palestine and elsewhere. He made a mockery of the U.N. sanctions and the U.N. Security Council resolutions, as he pursued banned weapons and technologies of mass destruction. He systematically robbed the coffers of the humanitarian programs established to ensure that Iraqi citizens received sufficient medicines and food and other nourishment.

Over the course of the next 12 years, since 1991, the Hussein regime defied the will of the international community. Every conceivable diplomatic effort has been expended in an attempt to require him to destroy and account for the weapons of mass destruction he clearly possessed in 1991, to account for missing Kuwaiti nationals, and to comply with at least 17 U.N. Security Council resolutions.

Prior to 9/11, Saddam Hussein's conduct was of grave concern to the United States and, indeed, the larger international community. Based on his repressive treatment of his own citizens in defiance of U.N. weapons inspectors, it became the policy of the United States, as embodied in the Iraq Liberation Act in October of 1998, to actively seek regime change in Iraq.

In a statement to the Nation shortly after ordering United States armed forces to strike Iraq in December 1998, after Saddam Hussein had expelled U.N. weapons inspectors, President Clinton stated the following—I might add a personal note. I remember so well our former colleague and dear friend Bill Cohen was Secretary of Defense at that time. I was chairman of the committee.

He invited me over several hours before the order was executed to utilize force. We sat in that office of the Secretary of Defense which I had been in so many times over the years, and he went through very carefully the reason why President Clinton decided to use force. I remember saying to him: Well, Mr. Secretary—I obviously said Bill—it is on the eve of Christmas. Could not this matter be delayed for a brief period. Let's face it, the world is celebrating one of the great religious and historic precedents. He said: No. We are going to launch it.

Well, the President said the following as he launched that strike:

> Earlier today I ordered America's armed forces to strike military and security targets in Iraq. Their mission is to attack Iraq's nuclear, chemical, and biological weapons programs and its military capacity to threaten its neighbors. The international community had little doubt then, and I have no doubt today, that left unchecked, Saddam Hussein will use these terrible weapons again . . . The hard fact is that so long as Saddam Hussein remains in power, he threatens the well-

> being of his own people, the peace of the region, and the security of the world. And, mark my words: he will develop weapons of mass destruction. He did deploy them and he will use them.

I don't know what additional needs to be said. To me that is very clear. It is understandable. It is explicit. It was a proper use of Presidential power. Even though he made, I think, at that point a very courageous and proper decision, it did not deter Saddam Hussein.

In the post-9/11 world, the thought of a rogue tyrant—one who had used weapons of mass destruction in the past—joining forces with terrorists was even more unsettling. As the Congress debated the resolution to authorize the President to use force in Iraq in October 2002, our colleague Senator KERRY made the following statement:

> When I vote to give the President of the United States the authority to use force, if necessary, to disarm Saddam Hussein, [it is] because I believe that a deadly arsenal of weapons of mass destruction in his hands is a real and grave threat to our security. . . ."

In a speech 3 months later at Georgetown University, Senator KERRY stated:

> Without question, we need to disarm Saddam Hussein. He is a brutal, murderous dictator, leading an oppressive regime. He presents a particularly grievous threat because he is so consistently prone to miscalculation. And now he is miscalculating America's response to his continued deceit and his consistent grasp of weapons of mass destruction. So the threat of Saddam Hussein with weapons of mass destruction is real.

Is anyone taking the floor today to suggest that President Clinton and others who spoke out so forcibly at that time were untruthful? I hear a silence.

I believe that we should give consideration to this fine public servant who is stepping up to become Secretary of State and consider the environment, the state of the knowledge, the statements made by a former President, and statements made by colleagues in the context of the issue of weapons of mass destruction, and I suggest that I do not find any disloyalty or any lack of truthfulness in her remarks publicly and throughout this process as it related to the earlier base of knowledge on weapons of mass destruction.

As a member of the Intelligence Committee in the last Congress, I went through a very careful set of hearings with other members of that committee, and we issued a report that I think helped explain how the mistakes were made with regard to the judgments on weapons of mass destruction, on which I certainly do not find any basis to challenge Dr. Rice's truthfulness.

In retrospect, we were wrong as a Nation, together with other countries, in our assumptions about Saddam Hussein's stockpiles of weapons of mass destruction. This shortcoming in our intelligence estimates has been the subject of exhaustive investigations by the Congress and independent commissions, and it continues with other commissions that are looking at it. We were not alone in those assessments. The best estimates of most foreign intelligence agencies, including those of Britain, Italy, Germany, Russia, and those of the U.N., were that Saddam Hussein had weapons of mass destruction. How can the critics possibly say that Dr. Rice and others in the administration would intentionally deceive the American people and the world?

Hindsight has also revealed several other interesting facts. Saddam Hussein's strategy of ignoring sanctions and eroding support for them over time was clearly working. International will to continue sanctions was waning. What is clear in the findings of the Iraq Survey Group is that it was Saddam Hussein's intent to revive a weapons of mass destruction program, including a nuclear program, once sanctions were removed or sufficiently eroded and the attention of the world was diverted elsewhere. That comes out of that survey group. Our committee had a great deal of work with that group, and I have high respect for their findings.

It is true that we did not find stockpiles of weapons of mass destruction in Iraq. That is a fact. But, we did find clear evidence of Saddam Hussein's intent to reconstitute those programs in the future. Such a finding has to be viewed in the context of Saddam Hussein's Iraqi regime. Saddam Hussein, his repressive policies, his regional ambitions, and his weapons of mass destruction had killed hundreds of thousands of people over three decades. His relationship with terrorists—and his direct role as the head of a state that sponsors terrorism and engaged in terrorist operations—contributed to death and destruction in Israel and elsewhere. The ultimate intent of his terrorist ties was unclear, but very unsettling, in the post 9/11 world.

Considering the compelling factual case, assembled over many years, our President made the right decision. In a bipartisan vote, 77 Members of this body agreed.

Iraq was a grave and gathering threat, to its own citizens, to the region, and to the world. The issue of weapons of mass destruction was a factor, but by no means the only reason for considering the use of military force against Iraq—it was one among many concerns.

Courageously, our President did act, with the support of the Congress, the voice of the American people. It was the right decision. The world is a safer place today and Iraq and the entire Middle Eastern region is a better place without Saddam Hussein. We owe a timeless debt of gratitude to those of our military and to other nations whose uniformed personnel have borne the brunt of battle, together with their families.

Dr. Rice has often, in my visits and consultations with her, expressed her concern for those who bear the brunt of war and, indeed, also the tens of thousands of Iraqi citizens who regrettably at this very moment are suffering from the internal strife in that nation on the eve of these historic elections, which will go forward this weekend.

We have before us an extraordinarily well-qualified nominee to be Secretary of State—an educator, a manager, a public servant, a proven leader of international renown. Dr. Rice is enormously talented and we are fortunate, as a Nation, to have someone of her caliber so willing to serve.

I strongly support the nomination of Dr. Rice to be Secretary of State and urge my colleagues to confirm her appointment quickly and overwhelmingly.

The PRESIDING OFFICER. The Senator from Indiana is recognized.

Mr. LUGAR. I thank the Senator, my friend and colleague from Virginia, for his generous remarks.

I ask unanimous consent at this point, to try to formulate the program for much of the rest of the evening, that following the remarks of Senator FEINSTEIN, this be the order of speakers: Senator STEVENS; REED of Rhode Island; VOINOVICH; KERRY; INHOFE; a Democratic Senator at this point, if one seeks recognition; Senator CORNYN; once again, at the next point a Democratic Senator, if one seeks recognition; and there may be as many as three additional speakers who have not determined whether they were prepared to speak.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. At this point, in trying to formulate for the benefit of the Senators the rest of the program, how much time remains on both sides of the aisle at this juncture?

The PRESIDING OFFICER. The majority controls 2 hours 14 minutes; the minority controls 1 hour 52 minutes.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I thank the Chair and the chairman of the Foreign Relations Committee. I had the pleasure of introducing Dr. Rice to the Foreign Relations Committee. I thought I might just come to the floor of the Senate and share with the Senate as a whole some of my feelings and beliefs about this nominee.

I consider myself a friend of Dr. Rice's. She is a fellow Californian. I have known her. We have participated together in various think tank discussions. I know the bright, incisive mind that she has. I also know her background. This is a woman who was born 50 years ago in the segregated South, in Alabama. She has been able to reach the highest level of academia and public service. Can you imagine, she went to college at the age of 15 and graduated at the age of 19. Not many people know that. In January of 2001, she became the first African-American woman to serve as National Security Adviser. She has distinguished herself as a thoughtful, determined, and hardworking individual. Consequently, I believe she can be a strong and effective voice for America's interests abroad.

Now, looking at the foreign policy landscape, the United States faces several very complex challenges in many parts of the world. How we respond to these challenges will have a tremendous impact not only on our future, but on the future of the world. If you just take Iraq—and we are coming up to an election—what happens after that election? What will be done with the "de-Baathification" policy of Mr. Bremer, which I happen to think was a huge mistake? Yes, one of the mistakes the administration made was to effectively remove many managers and supervisors, of virtually all of the significant infrastructure of Iraq, including the military and the police department.

I am one who believes that was a mistake. I am one who believes that because of that, the Sunni population has become part of the problem rather than part of the solution. That needs to be dealt with. I do not know what Dr. Rice will do, but I do know I have had an opportunity to discuss it with her, and I do believe she knows that it is a significant problem that needs to be addressed.

In the Middle East, there is a real window of opportunity to advance the peace process with the election of Abu Mazen as the President of the Palestinian Authority and Prime Minister Ariel Sharon's plan to withdraw from Gaza. It has also been helped by the fact that the Labor Party has become part of the coalition government, thereby giving Ariel Sharon more flexibility.

I was very pleased to hear her statements before the Senate Foreign Relations Committee in which she said:

> I look forward to personally working with the Palestinian and Israeli leaders, and bringing American diplomacy to bear on this difficult but crucial issue. Peace can only come if all parties choose to do the difficult work and choose to meet their responsibilities. And the time for peace is now.

That is a quote from the next Secretary of State of the United States of America, who has said that she will make a solution to the Palestinian-Israeli struggle a major priority. That is a very important step and a very important statement.

Iran and North Korea's nuclear weapons programs pose serious risks for peace and stability in the Middle East, in Asia, and they have set back efforts to curb nuclear proliferation. Here, there is need for consistent and effective diplomacy, not to further isolate North Korea but rather to convince North Korean leadership that it is in their country's self-interest to cooperate in dismantling their nuclear programs.

I basically believe countries do what they perceive to be in their self-interest, not because we tell them to do something, and I look forward to an initiative to convince the North Korean leadership that it is indeed in their self-interest to rid themselves of a nuclear weapons program.

In Russia, President Vladimir Putin has consolidated power and taken several steps calling into question his commitment to democracy, human rights, and the rule of law. Dr. Rice has a very strong background in Soviet and Russian affairs, and I believe this is going to be a big help in charting future diplomatic efforts with President Putin.

Serious challenges deserve quality leadership. I believe Dr. Rice has the skill, the judgment, and the poise to take on these challenges and lead America's foreign policy in the coming years.

I understand that some of my colleagues, many of them on my own side, have serious concerns about Dr. Rice's nomination, stating that she was a key architect of U.S. foreign policy during President Bush's first term. Let me be clear, I believe the key architects were, in fact, the President, the Vice President, and the Secretary of Defense. Obviously, Dr. Rice offered advice and counsel as the President's National Security Adviser, but remember, 78 Members of this body voted to authorize use of force in Iraq based on the intelligence which we received, which at the time was compelling and chilling but which we now know was not credible and was both bad and wrong.

Should Dr. Rice be blamed for wrong and bad intelligence? I think not. That is what intelligence reform was all about. That is what improved oversight over the intelligence community by the Intelligence Committees of both the House and the Senate is really all about, and that is what a new national intelligence director, to coordinate the 14 or 15 different agencies is all about.

For my part, I will continue to fight for a principled foreign policy based not just on military strength but cooperation, understanding, humility, and a desire to seek multilateral solutions to problems that indeed touch on many different nations. I want to see the United States reclaim the respect and admiration of the world and once again be seen as a champion and a leader of democracy, justice, and human rights. I believe the best way to do this is by example, by listening and by understanding that America's great strength is not our military prowess but our sense of justice, freedom, and liberty.

Importantly, Dr. Rice has the trust and confidence of the President of the United States and the world knows that she will have direct access to him. I believe this makes her a very powerful Secretary of State. I believe she will assume this office with a new dimension. To see this brilliant, young African-American woman represent our country's national interests on the world stage can bring about a new dimension of American foreign policy. So clearly this is an asset.

I did not expect this President of the United States to appoint anyone who seriously disagreed with him. The question really is, Is this woman competent? Is she able? Can she handle and lead the enormous State Department? I believe the answer to those questions is clearly yes. I also believe that she will be able to advocate a course and make changes and adjustments when and where necessary, and enhance the ability of the United States to restore lost credibility among many nations and allies.

Indeed, barring serious questions about a nominee's integrity and ability to serve, a President deserves to have his selections confirmed. There is nothing in Dr. Rice's past performance to suggest she is not capable of performing the job as America's chief diplomat, having the responsibility to conduct America's foreign policy. There is every reason to believe that she is up for this challenge. No one can be sure if she will succeed.

I conclude by saying this: Only time and events will tell if Dr. Rice will indeed make a great Secretary of State. To be sure, her vision, thinking, and problem-solving skills will be tested. I believe she is a remarkable woman, and I look forward to working with her as the next Secretary of State.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I rise today in support of Dr. Condoleezza Rice's nomination for Secretary of State. I first met Dr. Rice when she served as the Soviet and East European Affairs adviser during the first Bush administration. Her reputation as an invaluable adviser was well established even then. She helped guide that administration through the reunification of Germany, rebellion in the Balkans, and the collapse of the Soviet Union. Her unshakable commitment to freedom, democracy, international peace and justice are unquestioned.

Philip Zelikow, who served with Dr. Rice on the National Security Council during this time, and is the Executive Director of the National Commission on Terrorist Attacks, stated this:

> She believes in empowering people. In international affairs, that means real commitment to liberty and freedom. She sees the message of her life as a message of how to realize a person's potential. No one should ever

become the prisoner of other people's expectations.

Dr. Rice returned to Stanford at the close of the first Bush administration. In 1993, she became the first female and non-white provost in the university's history. She was also the youngest.

My daughter, Lily, graduated from Stanford in 2003, so I have a unique appreciation for Dr. Rice's accomplishments. During her 6 years as provost, Dr. Rice succeeded in restoring Stanford's financial position, and also engaged in one of her passions—sports.

A stalwart sports fan, Dr. Rice would regularly be seen cheering the Stanford Cardinals from the bleachers. I even saw her one day when Stanford beat UCLA—a terrible day. She was also seen working out with the Stanford football team. Dr. Rice is a role model, especially for young women. During her time at Stanford she was loved by undergraduates and appreciated by faculty members.

Dr. Rice has had a profound impact on students across our Nation. A political science major at nearby Howard University put it best, saying:

> She has opened the door for not only women but minorities in government and, hopefully, she [will] be a role model for women and minorities to achieve high, important positions in government.

Dr. Rice is also capable of making tough decisions. Up to this point she's had mostly advisory roles in government, and she has served in that capacity with honor, dignity and unwavering dedication. It is those qualities—and her unsurpassed intellectual abilities—that prompted Forbes magazine to name her the most powerful woman in the world last year. I believe she is entitled to that acclaim.

Dr. Rice is a balanced genius in her own right. And, when the Senate confirms her nomination to become Secretary of State—as I believe it will and should—she will be the boss. The Nation could not be in better hands. Dr. Rice has my complete support. I look forward to working with her in her new role.

I ask unanimous consent it be possible for me at this time to introduce S. 39.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. STEVENS pertaining to the introduction of S. 39 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Rhode Island is recognized.

Mr. REED. Mr. President, may I inquire how much time I have been allotted?

The PRESIDING OFFICER. The Senator has 30 minutes.

Mr. REED. Mr. President, I rise today to join my colleagues in discussing the nomination of Dr. Condoleezza Rice for Secretary of State of the United States. I must confess, after careful deliberation I intend to oppose this nomination.

There is no doubt that Dr. Rice is an extraordinarily talented, capable individual. Her credentials as an academic are impeccable. She has a compelling life story. She has done remarkable things in her life. But I believe the best way to judge what would be her performance as Secretary of State is looking closely at what she has done as a National Security Adviser under this Bush administration. I think in that regard she leaves some very troubling questions unanswered as her nomination comes before us this day.

Most of what she did with the President, obviously, as his National Security Adviser, was confidential and necessarily is not subject to public view. But she has not, in my view, successfully responded to obvious questions about inconsistencies in her statements, about policies she advocated, apparently, and about her role in marshaling information for the President of the United States. In a very simplistic view, I think the National Security Adviser's chief role is to make sure the President has every bit of information he needs to make very difficult judgments—not just the information that favors one side or the other but all the information. Indeed, not just the bold strokes but the nuances. My sense is that this mission was not adequately performed by Dr. Rice.

She has been a key figure in the Bush foreign policy establishment going back years when Governor Bush decided to run for President. She is someone who is very close to the President. Again, I think she has to be judged on the result of that partnership.

One of the aspects that is troubling to me is the fact that Dr. Rice has maintained that Iraq is the central arena in the war on terror, when, in fact, this is a global, international threat to the United States and that, in fact, it appears that Iraq was not the global center, the central arena in this war on terror.

She applied a doctrine of preemption which is applicable to terrorist cells, but I believe she applied it incorrectly in the case of Iraq—at least the administration did, and she was the principal architect or one of the principal architects of that policy.

Many people expressed alternate views about the role of Iraq as a center of terror. Brent Scowcroft, a predecessor as National Security Adviser, pointed out in an editorial:

> An attack on Iraq, at this time, would seriously jeopardize, if not destroy, the global counterterrorist campaign we have undertaken.

To this date I think it certainly has not advanced the policy we are actively pursuing throughout the world.

She suggested on several occasions there are strong links between al-Qaida and Saddam Hussein. On March 9, 2003, on "Face the Nation," Dr. Rice declared:

> Now the al-Qaeda is an organization that's quite disbursed, and quite widespread in its effects, but it clearly has had links to the Iraqis, not to mention Iraqi links to all kinds of other terrorists.

On "Meet the Press" on September 28, 2003, Dr. Rice said:

> No one has said that there is evidence that Saddam Hussein directed or controlled 9/11, but let's be very clear, he had ties to al Qaeda, he had al Qaeda operatives who had operated out of Baghdad.

That, in my view, is not accurately reflecting what many other sources subsequently confirmed, that, in fact, any ties Saddam Hussein had with al-Qaida were very tenuous if they existed at all.

On June 27, 2003, the New York Times reported:

> The chairman of the monitoring group appointed by the UN Security Council to track al Qaida told reporters that his team had found no evidence linking al Qaida to Saddam Hussein.

And 6 months later, the New York Times further reported:

> CIA interrogators have already elicited from the top al Qaida officials in custody that, before the American-led invasion, Osama bin Laden had rejected entreaties from some of his lieutenants to work jointly with Saddam.

As far back as November 2002, Europe's top investigator of terrorism told the LA Times:

> We have found no evidence of links between Iraq and al Qaeda. If there were such links, we would have found them. But we have found no serious connections whatsoever.

But what I think Dr. Rice did publicly, and perhaps even within the confines of the West Wing, is to make the case for these links when the case was at least highly questionable. None of that questioning, none of that nuance seemed to have been presented effectively to the President, certainly not effectively to the public.

During her confirmation hearings, Dr. Rice asserted her belief, reiterated her belief on the topic of troop strength, that she believed that the levels in Iraq were sufficient from the beginning of the war up to and including phase IV operations. Phase IV operations are those posthostility operations to stabilize the country. In her phrase she said that they were "adequately resourced."

What we have discovered in the months since the successful action leading to the fall of Saddam is instability, violence—demonstrating, I think, less than adequate forces there in country to deal with these problems.

It turns out that in March 2003 when a lieutenant colonel was briefing the issue of phase IV, the postoperation activities of our military forces, phase 4-C, the chart was very simple. It said, "To Be Provided." Again, I think this is a glaring error. If you are the National Security Adviser, you have to be able to assure the President of at least a plan for every contingency, thorough, adequate, with sufficient resources and sufficient troops. Since the success of the military campaign, we have been, in my view, plagued by insufficient troops. Indeed, it was interesting to note that Ambassador Bremer, just last October, stated:

> We never had enough troops on the ground.

This, I think, is a glaring mistake. It might have been the decision of a principal to overrule their best advice, but that is not the case she is making today as she seeks this nomination for Secretary of State.

There is another troubling issue and that, of course, is the one that received quite a bit of notoriety—the appearance in the State of the Union speech of a reference to Iraq attempting to buy yellow cake from Africa even though weeks before that, many weeks before that, the CIA claimed that such an assertion was unsubstantiated.

In a July 2003 interview with Jim Lehrer, Dr. Rice stated she either did not see or could not remember reading this CIA clearance memo.

I would argue if a piece of information is going to be uttered by the President of the United States in a State of the Union speech dealing with the critical issues of peace and war, of weapons of mass destruction, of the attempt of one nation to obtain nuclear material from another, that is a point of information that has to be of concern to the National Security Adviser.

She claims she delegated it to her deputy, Stephen Hadley. But still it is her responsibility. That was a misstatement—a misstatement that had already been pointed out by the CIA before the President made such a statement before our colleagues in the State of the Union Address.

The interesting point to make also is that Mr. Hadley now apparently has been selected to be the National Security Adviser even though if there was a mistake he apparently is the one who is determined to be responsible—at least in Dr. Rice's recollection.

There is another issue, too. In October 2003, the White House announced the creation of an "Iraq Stabilization Group," recognizing that something more had to be done to stabilize the situation. Dr. Rice was charged with leading this stabilization group. This group was designed to coordinate activities there. She was in charge. There were four coordinating committees on counterterrorism, economic development, political affairs, and creation of clearer messages to the media both in the United States and within Iraq.

There has been no product of this committee, no apparent impact on policy. It is a void in terms of what it has done. Yet this was one of her major responsibilities.

I think these are serious issues about her stewardship of the very critical role as National Security Adviser and raises serious questions in my mind of her capacity to do differently as Secretary of State.

She also indicated many times that prior to 9/11 the policy of the Bush administration—and her advice by inference—was a strong focus on counterterrorism. Yet I understand Dr. Rice was scheduled to deliver a speech on September 11 at Johns Hopkins in which she would indicate the cornerstone of the Bush foreign policy was missile defense.

Having served in this body during that period of time, I can tell you the emphasis was on missile defense. It was not on counterterrorism. It was not on the old-fashioned kind of boots on the ground, intelligence, striking brigades. It was a multibillion-dollar effort on developing a national missile system. I think her speech scheduled for that day was emblematic of what the focus was.

Also, before 9/11, the Bush administration was preparing significant cuts in the counterterrorism program. Those cuts were obviously obviated by the terrible attacks on New York on that dreadful day.

Richard Clarke, the counterterrorism expert in the Clinton administration, sent an urgent memo to Dr. Rice directly asking for a meeting of principals about the impending attack by al-Qaida. That was January 24, 2001—days after the President took office. There was no meeting with her on such topic until 1 week before 9/11.

Internal Government documents show that the Clinton administration officially prioritized counterterrorism as the "tier I" priority, but when the Bush administration took office, top officials downgraded counterterrorism. Even Dr. Rice admitted, "We decided to take a different track."

There again, was the President given the best advice? Was all the information marshaled so he could make good judgments? Were the people who had viewpoints that might be inconsistent with the group think of the time allowed in? That is a special role of the National Security Adviser, and a very difficult role.

These are a few of the issues which I think have to be considered with this nomination. There are other issues, too.

The President, in my view, is basically replicating his inner circle now in the broader context of the Cabinet. This raises an issue that was identified by John Prados, a senior fellow at the National Security Archive at George Washington University. What he said is:

> The administration is setting itself up for a very closed process of creating foreign policy. It's going to eliminate consideration of wider points of view.

In effect, we are in danger of creating an echo chamber of foreign policy in which one loud voice carries because it reverberates without check. That, I think, would be a very dangerous situation.

There are other areas of concern that I have with respect to Dr. Rice's nomination. She has excellent access to the President. There are friends of hers who say she and the President have a "mind meld."

I guess they think alike. But being Secretary of State or being any Cabinet Secretary is not just having access, rapport, and a sense of what the boss wants; it is also having the ability and the interest to tell hard truths which you know are not going to be accepted well. That is something that is important.

Again, I don't know. It is hard to predict these things—whether she possesses that kind of ability to tell someone whose mind is melded with hers that he is wrong, or she will even understand where policy requires a different perspective.

As the New York Times editorial characterized her first term as National Security Adviser, according to their words:

> She seemed to tell [President Bush] what he wanted to hear about the decisions he's already made, rather than what he needed to know to make sound judgments in the first place.

That type of approach will not serve a Secretary of State very well.

She has also broken a longstanding precedent recognized by preceding National Security Advisers who refrain from partisan politics. She gave speeches espousing the administration's policy in key battleground States of Ohio, Florida, and Pennsylvania beginning in May 2004. Her actions were sharply criticized by her predecessor, Zbigniew Brzezinski, National Security Adviser for President Carter. He stated that "the national security adviser is the custodian of the nation's most sensitive national security secrets and should be seen as an objective adviser to the President" and not just another member of the political team.

We have I think serious issues raised by this nomination. No one can deny her ability. But I think she has not successfully explained these inconsistencies of statements and these policy mistakes which I believe have seriously eroded our position in the world.

She has, along with the President, apparently espoused a unilateral policy that has isolated many of our traditional allies. It has us going it alone in Iraq at a huge cost. The President is sending up to us a supplemental budget of $80 billion. Today, the operations officer for the U.S. Army indicated they assume they will have over 100,000 troops in Iraq not just this year but next year. That means—just doing the arithmetic—that we can expect another $80 billion-plus bill next year, and still we are in a difficult and confusing situation.

I think Dr. Rice's nomination recognizes and represents a continuation of a policy which has us bogged down in Iraq while Iran and North Korea continue to advance their nuclear ambitions and while a diminished but still dangerous al-Qaida continues to plot against us.

These facts—this strategic situation—I believe requires if not a change in direction at least a realistic reassessment of where we are and how we got there.

Dr. Rice's nomination does not appear to give hope to this change in direction or realistic reassessment. Therefore, I will vote against this nomination.

I yield the remainder of time. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CHAMBLISS). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LUGAR. Mr. President, I ask the distinguished Senator from Ohio be recognized.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. VOINOVICH. Mr. President, I rise today to join Chairman LUGAR and other members of the Foreign Relations Committee to express my strong support for the nomination of Condoleezza Rice to serve as our next Secretary of State.

Dr. Rice has the qualifications, the educational background, and professional experience to serve as an outstanding Secretary of State. She is an academic expert of the former Soviet Union, earning her doctorate before the age of 30, and rising to serve as provost of Stanford University before turning 40. Her experience as provost at Stanford University allowed her to have substantial management experience.

In addition to her experience in academia, Dr. Rice is an experienced professional in the national security arena. She served as Director of Soviet and Eastern European Affairs at the National Security Council under the administration of President George H. W. Bush and most recently as the National Security Adviser to President George W. Bush.

Dr. Rice brings a great deal of talent, skill, and intellect to the table. As our country continues to confront global challenges in Iraq, Afghanistan, and other parts of the world, it is essential our Secretary of State have the stature, skill, and ability to help protect our national security interests and promote the President's vision of freedom and democracy abroad that he so eloquently communicated in his inaugural address.

This Senator from Ohio shares the President's vision. This vision must be successful so our children and grandchildren are able to live in a country free from the fear of terrorism.

During the last 4 years as National Security Adviser, Dr. Rice has played a major role in the formulation of our foreign policy, serving as a vital part of the administration's effort to promote peace and democracy throughout the world.

Dr. Rice has a close relationship and the confidence of the President which will serve her well as she assumes the position of Secretary of State at home and abroad. She is a good listener, an important trait for someone who is going to be this country's chief diplomat. I know this from contacts with her over the years. I had the pleasure of knowing Dr. Rice since joining then Governor Bush as adviser during the 2000 Presidential elections. I found her ready and willing to work together on important issues, including United States policy toward Southeast Europe, NATO enlargement, and efforts to combat global anti-Semitism.

While working with Governor Bush on the campaign trail—and I will not forget in 2000 Dr. Rice knew of my strong concerns with proposed legislation from two respected members of the Senate, Senator WARNER and Senator BYRD, that would have forced the new American President who was to be elected in 2000—at that stage of the game we were not sure who would be elected in 2000—they were going to force that new President by July of the first year of his term to decide whether to remove United States troops from Kosovo. She listened and became involved.

Ultimately, and I remember the debate quite vividly, the provision was defeated with the help of then Presidential candidate George W. Bush and with the help of then sitting President Clinton.

Now, nearly 5 years later I continue to believe it is essential we remain engaged in Southeast Europe, particularly as we look to ensure peace and security in Kosovo following the violence that erupted last March. I know Dr. Rice will continue to work on matters important to the stability of this part of the world and I am confident she understands how important it is for the United States to play a leadership role in the Balkans.

During her tenure as National Security Adviser, I have worked with Dr. Rice on other foreign policy priorities, including efforts to bring seven new nations into the NATO alliance, strengthening a Europe that is whole, free, and at peace. Among these seven countries were the Baltic nations of Lithuania, Latvia, and Estonia—all countries I strongly believe deserve membership in NATO despite strong objections from Russia. Again, Dr. Rice was willing to listen and to serve as an ear for the President.

I was pleased when the President made clear his support for NATO enlargement during a speech in Warsaw, Poland, in June of 2001. At that time there were many people in this country who were concerned that because the President wanted to move away from the ABM Treaty that he might negotiate with Russia in a quid pro quo for their backing off of the ABM if he would back off from pushing for expansion of NATO, particularly the three countries I mentioned.

President Bush made an outstanding speech in Warsaw, Poland, and he made clear his support for NATO enlargement. He remarked at that time:

> I believe the NATO membership for all of Europe's democracies that seek it.

President Bush went on to say:

> As we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others. We will not trade away the fate of free European peoples.

The seven countries that went in—Slovenia, Slovakia, Bulgaria, Romania, Estonia, Latvia, and Lithuania—all of those people who have relatives in the United States should know it was Condoleezza Rice who worked with the President to prepare that speech so he made it very clear he supports the expansion of NATO. And even though our relations have thawed with Russia today, the fact of the matter is, we have continued to have serious differences of opinion with Russia.

Again, her special expertise—Think about it. We are going to have a Secretary of State who can "ponimat porusski." I think that is very important. We have not had a Secretary of State who is fluent in languages as is Dr. Rice. I think some people may not think that is important, but I will tell you, it is important that people know she thinks enough of other languages that she has become an expert in those languages.

Dr. Rice has also worked with me and other colleagues of the Senate and the House of Representatives to combat global anti-Semitism. We have made important strides in this effort during the last several years, but there is still more to be done, particularly to establish a new office at the State Department to monitor and combat anti-Semitism. Dr. Rice has expressed her support for such action, which is called for as part of the Global Anti-Semitism Review Act, which the President signed into law on October 16, 2004.

I am pleased that Dr. Rice appeared receptive to attending the third OSCE conference on anti-Semitism which is scheduled to take place in Cordoba, Spain this June. Her presence as Secretary of State of the United States at this conference is essential, as was the presence of Secretary Powell at the prior OSCE conference in Berlin, as an example of the concern of the United States about the growing menace of anti-Semitism. I am confident, under her leadership, this good work will continue, and I am hopeful we can take it to an even greater level.

I say that every one of us here, in one way or another, could be critical of decisions made in U.S. foreign policy. It is easy to be a Monday-morning quarterback. As we continue to move forward with efforts to promote stability and security in Iraq and the greater Middle East and other parts of the world, I think it is an advantage to have someone serving as Secretary of State who has experience and has seen the pluses and minuses, and had the opportunity to take away lessons learned.

She has been there for 4 years. Even though some people do not want to admit it, we have had some ups and downs, and she has experienced those. I would rather have somebody who has been there and experienced these things as Secretary of State than bring in some fresh face that has not had that experience. I am sure Dr. Rice has learned some important lessons during these last 4 years.

I agree with the Cleveland Plain Dealer, the largest newspaper in Ohio, which had an editorial titled, "A little respect, please: Dems should remove petty obstacles to Rice's confirmation, but she owes senators much better answers as secretary of state."

I ask unanimous consent it be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

A LITTLE RESPECT, PLEASE: DEMS SHOULD REMOVE PETTY OBSTACLES TO RICE'S CONFIRMATION, BUT SHE OWES SENATORS MUCH BETTER ANSWERS AS SECRETARY OF STATE

> Condoleezza Rice ought to make an accomplished secretary of state for reasons that go well beyond having the president's ear. She has the skills, interest and drive to reinvigorate U.S. diplomacy and repair severely frayed international relations. Her communication abilities, personal warmth, work ethic and knowledge, combined with the fervor of her beliefs, could make her a national treasure at a fateful moment when the Iraq war has tarnished American standing in the world. Her stated and obviously heartfelt commitment to foreign engagement, public diplomacy and more U.S. efforts to foster foreign-language study could inject needed fire and focus to the diplomatic arts, as practiced by America.
>
> That's why no one seriously opposes Rice's nomination to be this country's chief diplomat, four heartbeats away from the presidency.
>
> Democratic senators who are playing juvenile games by delaying her confirmation should lift their objections, forthwith.
>
> It's one thing to mount principled opposition to policies or people who could injure American interests. It's quite another to throw monkey wrenches just to hear them clank in the cogs. The handful of Democrats, including Sen. Robert Byrd of West Virginia, who are obstructing Rice's moment must stop, and vote her in.
>
> That said, Rice's performance during nearly 11 hours of confirmation hearings before the Senate Foreign Relations Committee last week was more than just disappointing. It was alarming to see an official who played such a central role in crafting U.S. Iraq policy turn vague and uncommunicative when specific questions were asked. Congress deserves fuller responses on critical matters such as the U.S. exit strategy, how soon before adequate numbers of Iraqi security forces are trained and the overall rationale for U.S. engagement in Iraq.
>
> These are the seminal questions the second George W. Bush administration must answer today, not tomorrow.
>
> Rice also must clear up the contradiction she herself put forth to the committee: She cannot be both a "good soldier" who molds every public statement to the president's message, and also a Cabinet member who speaks her mind and answers Congress candidly. Rice must choose to be the latter, committing herself to the role that her predecessor and friend Colin Powell performed at State—offering her own voice on U.S. diplomacy, not simply an echo of the Oval Office chorus.
>
> If Rice can find her voice—and use it to push blinkered State Department underlings to better understand both friends and rivals abroad—these next four years could do much to dispel the international ill will and suspicions aroused by the last four. If she cannot, she will be true neither to herself nor to the trust that is about to be placed in her to manage this nation's foreign relations.

Mr. VOINOVICH. Quoting from the article:

> [Dr. Rice]'s performance during nearly 11 hours of confirmation hearings before the Senate Foreign Relations Committee last week was more than just disappointing. It was alarming to see an official who played such a central role in crafting U.S. Iraq policy turn vague and uncommunicative when specific questions were asked.
>
> Congress deserves fuller responses on critical matters such as U.S. exit strategy, how soon before adequate numbers of Iraqi security forces are trained and the overall rationale for U.S. engagement in Iraq.

I share some of those concerns, and so do lots of other members of the Foreign Relations Committee. I think the administration has not been as candid and forthright with us during the last couple of years in regard to some of the questions I and other members of the Foreign Relations Committee have asked. I want to make it clear publicly that I expect more candor from this administration during the next 4 years, particularly with members on the Foreign Relations Committee, so we can maintain a bipartisan foreign policy. We have some good people on the Foreign Relations Committee. There are some Democrats who have been very supportive of the President during the last several years, and some of them, I think, are frustrated that they do not feel they are getting the kind of answers they should be getting. I think that is something Dr. Rice has to understand if we are going to have this bipartisan foreign policy that is so essential to us moving forward to do what the President would like to accomplish.

That being said, I agree with the Plain Dealer which also said in that editorial:

> Condoleezza Rice ought to make an accomplished secretary of state for reasons that go well beyond having the president's ear.
>
> She has the skills, interest and drive to reinvigorate U.S. Diplomacy and repair severely frayed international relations.
>
> Her communication abilities, personal warmth—

Boy, she is a wonderful person. You feel good when you are around her.

> [Her] work ethic and knowledge, combined with the fervor of her beliefs, could make her—

Listen to this—

> a national treasure at a fateful moment when the Iraq war has tarnished American standing in the world.

I am continuing to read from the editorial:

> Her stated and obviously heartfelt commitment to foreign engagement, public diplomacy and more U.S. efforts to foster foreign-language study could inject needed fire and focus to the diplomatic arts, as practiced by America.

I think that is one wonderful editorial in support of her nomination from Ohio's largest newspaper, the Cleveland Plain Dealer.

Dr. Rice has the experience, intellect, and ability to serve our country well as Secretary of State. She is absolutely qualified to have this job. I urge my colleagues to join me in supporting her nomination.

I would hope that many of our colleagues on the other side of the aisle who may have some questions will look beyond some of the things we have heard from the other side of the aisle and support her nomination so we send a signal to the rest of the world that we have a Secretary of State who has the overwhelming support of the Senate. It is so important, I think, to her success as our Secretary of State.

I yield the floor.

The PRESIDING OFFICER. Who seeks time?

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, first let me say to the Senator from Ohio, Mr. VOINOVICH, I have always considered him to be the expert on the Balkans, and it is interesting that he would make the comments about Dr. Rice and her knowledge of that area. At the conclusion of my remarks, I am going to be talking a little bit about West Africa, an area in which I have had a lot of personal experience. There again, she is an expert.

We are presented with an extraordinary opportunity to confirm as Secretary of State a truly remarkable American. Dr. Condoleezza Rice is no stranger to the international scene. Her long record of accomplishments is well known to all of us, and her record of exemplary service to this country is without parallel.

As President Bush's National Security Adviser, Dr. Rice has played a vital role in protecting our Nation both here and abroad, while providing the President with everything he needed to know to defend the American people and advance the cause of freedom. Her experience, along with her prior knowledge, makes Condoleezza Rice the ideal Secretary of State for these difficult times.

Being the Secretary of State has to be one of the toughest jobs I can imagine. The person in that job has to be an expert on everything from Albania to Zimbabwe. Over the last 25 years, Dr. Rice has studied foreign policy in the academic world and lived foreign policy in the trenches, and she is a master of it in both theory and practice.

In addition to being an expert, the Secretary of State also has to be something of a salesman. It is not enough to understand every detail of America's foreign policy; you also have to be able to explain it to others who might be reluctant or even defiant; and then you have to convince them that joining in our work is the right thing to do. Again, Dr. Rice possesses this ability in abundance, and I cannot imagine anyone more qualified to be the face of America in the world of diplomacy.

As if these two jobs were not enough, the Secretary also has to manage an enormous Cabinet Department spread across the globe. Most of us have been in many parts of the world where you are dealing with people in each one of these countries. These people are experts, and you have to be more of an expert than they are. Staying on top of the day-to-day workings of the State Department would be enough for any three people, apart from the other jobs. But Dr. Rice has proven her ability in this area as well, managing a giant research university with great success.

Of course, Dr. Rice will face many challenges as Secretary of State: the ongoing military action in Iraq and Afghanistan, our efforts to rebuild those countries as we continue to share the joys of freedom, the relationships with our allies that have been strained in recent years, and of course the threat of ideological hatred that we know all too well.

Dr. Rice will also have to rally our allies and coordinate their support to carry out the global war on terrorism. But Dr. Rice has both the experience and the vision to chart America's course in the international community. The path ahead of us is clear. It is a path that Dr. Rice knows, believes in, and can articulate better than anyone else. I have no doubt she will continue the great tradition of American diplomacy with honor, confidence, and the utmost dedication.

Dr. Rice has faced some intense questioning during the nomination. I have been very proud of her. One of the characteristics of Dr. Rice is that she knows she can stand up against anyone. We have seen this. We have seen it over and over again on television. I said in one of the shows not too long ago one of her great characteristics is, she cannot be intimidated. Quite frankly, there are a lot of Senators who don't like someone they can't intimidate, but she cannot be intimidated. I was very proud of her during the process that I was able to watch mostly on television. I know Dr. Rice will acquit herself well, as she has thus far.

Last week President Bush laid out his vision. He said:

> It is the policy of the United States to seek and support the growth of democratic movements and institutions in every nation and culture, with the ultimate goal of ending tyranny in our world.

Dr. Rice helped formulate this vision for our foreign policy, and she knows how to make it happen.

Senator VOINOVICH was talking about the Balkans. I have had the opportunity over the last 8 years to spend a great deal of time in West Africa. I have to say that 4 years ago last month, I was the first visitor Dr. Rice had in the White House. As she was unpacking her things, I told her about things we were dealing with in countries such as Benin, Cote d'Ivoire, Ghana, Nigeria, Congo Brazzaville, Congo Kinshasa, Gabon. Each country I brought up to her, she knew the history of that country, the individuals and problems that are there and how we must deal with the problems. I can't think of anyone who is even similarly equipped for this job unless we go back to Henry Kissinger.

There was an editorial in the Washington Post this morning by Henry Kissinger and George Shultz. People are struggling to try to find reasons that she should not be confirmed. Those reasons all seem to boil down to one of the argument on weapons of mass destruction. Why is it that she thought there were weapons of mass destruction? That was answered so articulately by Senator JOHN WARNER a few minutes ago on the floor when he read the quotations of former President Bill Clinton as well as Senator JOHN KERRY when they said: there are weapons of mass destruction. We have to go in and take out Saddam Hussein. And so everybody knows that was the prevailing wisdom and it was accurate. There were weapons of mass destruction. Anyway, that argument has been diffused.

They are going to say, we want to know a timetable as to when our troops are going to come out. That is what this article was about this morning. It was an editorial by Kissinger and George Shultz. And they talk about it. I will read part of one paragraph:

> An exit strategy based on performance, not artificial time limits, will judge progress by the ability to produce positive answers to these questions. In the immediate future, a significant portion of the anti-insurrection effort will have to be carried out by the United States. A premature shift from combat operations to training missions might create a gap that permits the insurrection to rally its potential. But as Iraqi forces increase in number and capability, and as the political construction proceeds after the election, a realistic exit strategy will emerge.

This is two people thought to be as knowledgeable as anyone else, certainly, one of those being Henry Kissinger.

I ask unanimous consent to print this editorial at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. INHOFE. One of the great experiences I had in my career on the Hill was when I was in the other body. It was about a year before former President Nixon died. No matter what you think of former President Nixon, I don't think there is anyone who won't tell you that he was the most knowledgeable person on foreign affairs of anyone of his time. He came before the House of Representatives where I was serving at the time and gave a 2½ hour talk. He didn't use any notes. He stood up there, stood erect at his age and his health condition, and he took us for 2½ hours all the way around the world, every remote country there was, and talked about the history of that country, the history of our relationship to that country, what our relationship would be and should be with those countries. I don't think there is anyone who can do that today other than the nominee we are talking about today in Dr. Condoleezza Rice. I have seen her do the same thing. We are blessed to have her as our nominee for Secretary of State. I am certainly looking forward to serving with her.

I yield the floor.

EXHIBIT 1

[From the Washington Post, Jan. 25, 2005]

RESULTS, NOT TIMETABLES, MATTER IN IRAQ

(By Henry A. Kissinger and George P. Shultz)

The debate on Iraq is taking a new turn. The Iraqi elections scheduled for Jan. 30, only recently viewed as a culmination, are described as inaugurating a civil war. The timing and the voting arrangements have become controversial. All this is a way of foreshadowing a demand for an exit strategy, by which many critics mean some sort of explicit time limit on the U.S. effort.

We reject this counsel. The implications of the term "exit strategy" must be clearly understood; there can be no fudging of consequences. The essential prerequisite for an acceptable exit strategy is a sustainable outcome, not an arbitrary time limit. For the outcome in Iraq will shape the next decade of American foreign policy. A debacle would usher in a series of convulsions in the region as radicals and fundamentalists moved for dominance, with the wind seemingly at their backs. Wherever there are significant Muslim populations, radical elements would be emboldened. As the rest of the world related to this reality, its sense of direction would be impaired by the demonstration of American confusion in Iraq. A precipitate American withdrawal would be almost certain to cause a civil war that would dwarf Yugoslavia's, and it would be compounded as neighbors escalated their current involvement into fullscale intervention.

We owe it to ourselves to become clear about what post-election outcome is compatible with our values and global security. And we owe it to the Iraqis to strive for an outcome that can further their capacity to shape their future.

The mechanical part of success is relatively easy to define: establishment of a government considered sufficiently legitimate by the Iraqi people to permit recruitment of an army able and willing to defend its institutions. That goal cannot be expedited by an arbitrary deadline that would be, above all, likely to confuse both ally and adversary. The political and military efforts cannot be separated. Training an army in a political vacuum has proved insufficient. If we cannot carry out both the political and military tasks, we will not be able to accomplish either.

But what is such a government? Optimists and idealists posit that a full panoply of Western democratic institutions can be created in a time frame the American political process will sustain. Reality is likely to disappoint these expectations. Iraq is a society riven by centuries of religious and ethnic conflicts; it has little or no experience with representative institutions. The challenge is to define political objectives that, even when falling short of the maximum goal, nevertheless represent significant progress and enlist support across the various ethnic groups. The elections of Jan. 30 should therefore be interpreted as the indispensable first phase of a political evolution from military occupation to political legitimacy.

Optimists also argue that, since the Shiites make up about 60 percent of the population and the Kurds 15 to 20 percent, and since neither wants Sunni domination, a democratic majority exists almost automatically. In that view, the Iraqi Shiite leaders have come to appreciate the benefits of democratization and the secular state by witnessing the consequences of their absence under the Shiite theocracy in neighboring Iran.

A pluralistic, Shiite-led society would indeed be a happy outcome. But we must take care not to base policy on the wish becoming father to the thought. If a democratic process is to unify Iraq peacefully, a great deal depends on how the Shiite majority defines majority rule.

So far the subtle Shiite leaders, hardened by having survived decades of Saddam Hussein's tyranny, have been ambiguous about their goals. They have insisted on early elections—indeed, the date of Jan. 30 was established on the basis of a near-ultimatum by the most eminent Shiite leader, Grand Ayatollah Ali Sistani. The Shiites have also urged voting procedures based on national candidate lists, which work against federal and regional political institutions. Recent Shiite pronouncements have affirmed the goal of a secular state but have left open the interpretation of majority rule. An absolutist application of majority rule would make it difficult to achieve political legitimacy. The Kurdish minority and the Sunni portion of the country would be in permanent opposition.

Western democracy developed in homogeneous societies; minorities found majority rule acceptable because they had a prospect of becoming majorities, and majorities were restrained in the exercise of their power by their temporary status and by judicially enforced minority guarantees. Such an equation does not operate where minority status is permanently established by religious affiliation and compounded by ethnic differences and decades of brutal dictatorship. Majority rule in such circumstances is perceived as an alternative version of the oppression of the weak by the powerful. In multiethnic societies, minority rights must be protected by structural and constitutional safeguards. Federalism mitigates the scope for potential arbitrariness of the numerical majority and defines autonomy on a specific range of issues.

The reaction to intransigent Sunni brutality and the relative Shiite quiet must not tempt us into identifying Iraqi legitimacy with unchecked Shiite rule. The American experience with Shiite theocracy in Iran since 1979 does not inspire confidence in our ability to forecast Shiite evolution or the prospects of a Shiite-dominated bloc extending to the Mediterranean. A thoughtful American policy will not mortgage itself to one side in a religious conflict fervently conducted for 1.000 years.

The Constituent Assembly emerging from the elections will be sovereign to some extent. But the United States' continuing leverage should be focused on four key objectives: (1) to prevent any group from using the political process to establish the kind of dominance previously enjoyed by the Sunnis; (2) to prevent any areas from slipping into Taliban conditions as havens and recruitment centers for terrorists; (3) to keep Shiite government from turning into a theocracy, Iranian or indigenous; (4) to leave scope for regional autonomy within the Iraqi democratic process.

The United States has every interest in conducting a dialogue with all parties to encourage the emergence of a secular leadership of nationalists and regional representatives. The outcome of constitution-building should be a federation, with an emphasis on regional autonomy. Any group pushing its claims beyond these limits should be brought to understand the consequences of a breakup of the Iraqi state into its constituent elements, including an Iranian-dominated south, an Islamist-Hussein Sunni center and invasion of the Kurdish region by its neighbors.

A calibrated American policy would seek to split that part of the Sunni community eager to conduct a normal life from the part that is fighting to reestablish Sunni control. The United States needs to continue building an Iraqi army, which, under conditions of Sunni insurrection, will be increasingly composed of Shiite recruits—producing an unwinnable situation for the Sunni rejectionists. But it should not cross the line into replacing Sunni dictatorship with Shiite theocracy. It is a fine line, but the success of Iraq policy may depend on the ability to walk it.

The legitimacy of the political institutions emerging in Iraq depends significantly on international acceptance of the new government. An international contact group should be formed to advise on the political and economic reconstruction of Iraq. Such a step would be a gesture of confident leadership, especially as America's security and financial contributions will remain pivotal. Our European allies must not shame themselves and the traditional alliance by continuing to stand aloof from even a political process that, whatever their view of recent history, will affect their future even more than ours. Nor should we treat countries such as India and Russia, with their large Muslim populations, as spectators to outcomes on which their domestic stability may well depend.

Desirable political objectives will remain theoretical until adequate security is established in Iraq. In an atmosphere of political assassination, wholesale murder and brigandage, when the road from Baghdad to its international airport is the scene of daily terrorist or criminal incidents, no government will long be able to sustain public confidence. Training, equipping and motivating effective Iraqi armed forces is a precondition to all the other efforts. Yet no matter how well trained and equipped, that army will not fight except for a government in which it has confidence. This vicious circle needs to be broken.

It is axiomatic that guerrillas win if they do not lose. And in Iraq the guerrillas are not losing, at least not in the Sunni region, at least not visibly. A successful strategy needs to answer these questions: Are we waging "one war" in which military and political efforts are mutually reinforcing? Are the institutions guiding and monitoring these tasks sufficiently coordinated? Is our strategic goal to achieve complete security in at least some key towns and major communication routes (defined as reducing violence to historical criminal levels)? This would be in accordance with the maxim that complete security in 70 percent of the country is better than 70 percent security in 100 percent of the country—because fully secure areas can be models and magnets for those who are suffering in insecure places. Do we have a policy for eliminating the sanctuaries in Syria and Iran from which the enemy can be instructed, supplied, and given refuge and time to regroup? Are we designing a policy that can produce results for the people and prevent civil strife for control of the State and its oil revenue? Are we maintaining American public support so that staged surges of extreme violence do not break domestic public confidence at a time when the enemy may, in fact, be on the verge of failure? And are we gaining international understanding and willingness to play a constructive role in what is a global threat to peace and security?

An exit strategy based on performance, not artificial time limits, will judge progress by the ability to produce positive answers to these questions. In the immediate future, a significant portion of the antiinsurrection effort will have to be carried out by the United States. A premature shift from combat operations to training missions might create a gap that permits the insurrection to rally its potential. But as Iraqi forces increase in number and capability, and as the political construction proceeds after the election, a realistic exit strategy will emerge.

There is no magic formula for a quick, non-catastrophic exit. But there is an obligation to do our utmost to bring about an outcome that will mark a major step forward in the war against terrorism, in the transformation of the Middle East and toward a more peaceful and democratic world order.

Mr. KYL. I rise today in strong support of the nomination of Dr. Condoleezza Rice to be the Secretary of State.

Dr. Rice has a distinguished. 25-year foreign policy career and has served three Presidents. Over the past 4 years, she has worked closely with the President, as his National Security Advisor, to develop and implement a broad range of foreign policy initiatives—among them, the Broader Middle East Initiative, the liberation of Afghanistan from the brutal Taliban regime, the liberation of the Iraqi people from decades of tyranny under Saddam Hussein, the signing of the Moscow Treaty with Russia, the six-party talks with North Korea, and the Millennium Challenge Account, just to name a few.

I must say that I was highly disappointed that this body did not vote on Dr. Rice's nomination last week because of the objections of a few Members. Policy disagreements are one thing; personal attacks are quite another. Our country is at war. We need a Secretary of State who will be able to speak on behalf of the President and who will be able to tend to America's fragile alliances. There is no better person for that job.

Unfortunately, Dr. Rice was unable to attend the swearing-in of Ukraine's new democratically elected President, Victor Yushchenko. This event, which took place over the weekend, is one of the shining examples of the unmistakable power of freedom and the importance of U.S. leadership in promoting it. Dr. Rice, like the President, understands this vital U.S. role. As she stated in her testimony to the Senate Foreign Relations Committee on January 18:

> We must use American diplomacy to help create a balance of power in the world that favors freedom. . . . One of history's clearest lessons is that America is safer, and the world is more secure, whenever and wherever freedom prevails.

Dr. Rice continued in her statement to discuss the "three great tasks" of American diplomacy, one of which is to spread freedom and democracy throughout the world. She noted that, "No less than were the last decades of the 20th century, the first decades of this new century can be an era of liberty. And we in America must do everything we can to make it so."

The administration's actions in its first term—including the removal of Saddam's regime in Iraq—adhered closely to the principles articulated by Dr. Rice in her testimony, stated by the President in his inaugural address, and those on which our great Nation was founded. Life, liberty, and the pursuit of happiness are the inalienable rights of every person, not a select few. And when we are able to transform what Natan Sharansky calls "fear societies" into free ones, we will not only do a service to those who are the direct beneficiaries of our actions, we will also cultivate an environment in which a lasting peace is attainable.

President Bush wants Dr. Rice to serve in his Cabinet as the Secretary of State. Dr. Rice has served this country ably and honorably for many years. This body should act quickly to confirm her to this new position.

Mr. BURNS. Mr. President, I support the nomination of Condoleezza Rice to be our next Secretary of State. She will replace a great patriot and a man I call my friend, Secretary of State Colin Powell, who has served over the past 4 years with decency, strength and selflessness. While I am sad to see him go, I look forward to working with Condoleezza Rice in her new capacity and know she will serve tirelessly and thoughtfully in the challenges ahead.

As President Bush's national security adviser, Condoleezza Rice was instrumental in developing the nation's response to September 11th. Ms. Rice understands as good as, or better than anyone, the global political forces at work. Her great intellect and sound judgment will lend themselves well to the office—one which is America's face to the world.

She has served our country well in the past, and I have full confidence in Condoleezza Rice's abilities as Secretary of State. I urge my colleagues to quickly move to a vote on her nomination and approve Ms. Rice as our next Secretary of State.

Mr. HATCH. Mr. President, I stand today to give my strong support for President Bush's choice to be our next Secretary of State, Dr. Condoleeza Rice. I believe that Dr. Rice will be a superb diplomat to lead the State Department, while remaining one of the President's principal confidantes and advisers on the challenges to our national security that we will face in the difficult years before us. Indeed, not since President Nixon nominated his National Security Advisor, Dr. Henry Kissinger, to the same post, has an administration seen the same continuity in assigning a key foreign policy advisor to the more public role of principal diplomat.

I was pleased that Chairman LUGAR and Ranking Minority Member BIDEN expeditiously moved Dr. Rice's nomination out of their committee last week. I am disappointed that we could not hold this vote last week. At a time when this Nation is at war, procedural delays on a position as important as the Secretary of State would appear to inhibit the conduct of our foreign policy and would have been of great concern to me and my constituents in Utah, where the sense of fair play is strong, but the duty to a Nation at war is even stronger.

Yes, I certainly recognize the prerogatives of the Senate for thorough and critical debate. I will listen carefully to the debate today and tomorrow and see if I hear anything that is worthy of delaying this important nomination so critical to the national security efforts of the administration. I will listen for arguments I have not heard before, on the Senate floor or the campaign trail, and I will be open to all the insights that come from arguments never made before, and relevant to this nomination. But I know that I represent the vast majority of all Utahns when I say that confirming a President's Secretary of State while we are at war, while the President is preparing an aggressive diplomacy that will begin with a trip to Europe to meet with key allies next month, is a matter the Senate should take expeditiously.

We are at war, in Iraq and around the world. Utah's sons and daughters are paying the price, nobly and selflessly sacrificing for their duty, and in too many cases, with their lives.

For those who wish to debate Iraq policy—and I am the first to recognize that spirited and substantive debate is essential for these grave matters—we have all the opportunities to do so before us, and we should avail ourselves of these opportunities. Many today may use the confirmation process of Dr. Rice to criticize or review Iraq policy. We should confirm Dr. Rice and then continue to debate this subject, as we have done so over the past years.

Because I wish a speedy confirmation for Dr. Rice, I will keep my comments about Iraq to a minimum. My statements of support for the President's policies and my arguments for that support are a matter of record. I will add to that record in the coming weeks, months and years.

For now, I will leave it to this observation. This Sunday the Iraqi people, amidst great insecurity but with even greater resolve, will go to vote to choose their National Assembly, one that will write a constitution and set the next elections. Depending on which polls you see, between 67 percent and 84 percent of the Iraqi people want this opportunity to vote this coming Sunday, despite the perils many face every day. To see the ideology they are so resoundingly rejecting, I direct my colleagues to the long statement by Abu al-Zarqawi released 4 days ago. It is a statement of extremist, Islamic fascism: In the most explicit manner possible, for 9 pages, it lists all the reasons why the Islamic fascists reject democracy, declaring "fierce war on this malicious ideology" democracy. That is what we are against. And that is what the majority of the Iraqi people utterly reject. And I believe that America's interest—once again—is to stand against the fascists who have declared war on democracy.

We are well aware of Dr. Rice's resume and experience. Her academic credentials are remarkable, and her professional experience extensive. She was a senior professional at the National Security Council under the first President Bush, where she worked on Soviet affairs and was directly involved in our policy of supporting a peaceful reunification of Germany at the end of the Cold War. I believe that the successful reunification of Germany was the most successful aspect of the first President Bush's foreign policy, often overlooked because of all of the tumult during those crucial years when Soviet communism collapsed. Dr. Rice's involvement in that policy at that crucial time in Europe's history demonstrates her experience at shepherding a critical transition between an authoritarian model and a democratic one. While one should not analogize between German reunification and Iraq's transition today, one can look at Dr. Rice's experience and understand why the current President Bush chose her first to be his National Security Adviser during her first term and now has the confidence to make her America's top diplomat.

In the last 4 years Dr. Rice has been at the center of this administration's foreign policy. That that policy was a target of legitimate criticism during the past presidential campaign, as well as during the last 2 days of hearings before the Senate Foreign Relations Committee, is to be expected. The candidates presented their distinctively different worldviews throughout last year's campaign, during a difficult war that rages still, and the public made its choice.

In the United States Senate, it is our responsibility to debate, honestly, candidly and critically, all aspects of our Nation's foreign policy. My only admonition to my colleagues is that this debate be constructive, that it illuminate rather calumniate, and that, when in disagreement, it provide alternatives. Yes, it is legitimate to review the rationales for war, the flaws in intelligence and the faults in rhetoric. I believe Republicans have been quite candid and forthright about doing so. The chairmen and chairwoman of the Senate Armed Services, Foreign Relations, Intelligence and Government Affairs and Homeland Security Committees have all had hearings, conducted investigations and released reports critical in various degrees of the conduct and implementation of various administration policies. That is as it should be, and, for most of us, and certainly for me, it does not detract from our support for the administration's foreign policy at a critical time in this Nation's history.

Partisan critics of this administration have perpetuated about its foreign policy a myth that has morphed into a meme: And that is that this administration has failed at diplomacy. This specious belief that diplomacy can neutralize the dangers and the threats to the international community is puzzling to me. It is a variant of a theme in American foreign policy, deriving from the Wilsonian belief that a League of Nations to which we submit our sovereign responsibilities can prevent conflict. I, and Dr. Rice, do not subscribe to this view, so overwhelmingly proved wanting into the historical laboratory that was the 20th century.

And yet this meme parroted so often by many in the Democratic party—that this administration has not conducted a robust diplomacy—is false, simply false. No President more regularly addressed the General Assembly in the history of the United Nations than did the current President Bush. He spoke honestly and, to me, compellingly about that body's many trounced-upon resolutions. He cajoled and he listened and he waited, but at no time did this President suggest that the United Nations or any ally would be in a position to veto the actions we deemed necessary to protect our national security. No President would ever do so.

And while we failed to get Security Council support for our invasion of Iraq as President Clinton failed before he belatedly led the attack on Serbia over Kosovo—this President leads a global war on terrorism where most of the nations of the world are cooperating with us, in one form or another, through intelligence sharing, law enforcement cooperation, or any of a number of multilateral initiatives. Disagree with the President's foreign policy if you wish, criticize, if you must, but do not suggest that such a global effort can occur without sustained and successful diplomacy.

Credit for the diplomacy for the first term of this administration must go to those who formulated the policy, the President and Dr. Rice and the rest of the national security team, and to the man who led the State Department, Secretary Colin Powell. To this day, the standard for dignity and graciousness has been set by Secretary Powell, who once again took the call from his country and served it with honor, diligence and character. Secretary Powell assembled a strong team at the Department, and he represented this Nation in a way that made every one of us proud. Dr. Rice knows that, as she assumes this important position, she follows a decent and serious diplomat and a dedicated servant. I have no doubt that she will meet the standard.

Dr. Rice will assume the responsibility of Secretary of State while we are at war, with global terrorism and with an insurgency in Iraq that every day puts in stark contrast the darkness of the past dictatorship against the light of a hopeful democracy. These next 2 years, I expect, will be some of the most difficult years in this Nation's foreign policy. We will continue to need the experience and wisdom of Dr. Rice as she serves this administration in a new role.

That role, as the Secretary of State, will have outstanding challenges. Dr. Rice will need to advance further cooperation of a multinational coalition in the war on terrorism; she will have to renew a push for more international support for a more effective political and economic reconstruction of Iraq; she will need to strengthen U.S. support for counterproliferation initiatives in Europe and Asia; and she will need to maintain U.S. leadership in the fight against poverty and disease. She can count on me for support as she assumes these huge and historic responsibilities.

In her testimony, Dr. Rice has conceded that our public diplomacy needs serious reconsideration. Many cite ongoing and growing dissatisfaction among international audiences regarding the United States. I would caution Dr. Rice against overemphasizing this reality as she redesigns our public diplomacy. The U.S. is a source of resentment and disparagement among many audiences throughout the world, but many of those audiences are contaminated by the propaganda of their own autocratic regimes. Today, more people still want to immigrate to this country than any other nation in the world, and more people take inspiration in the institutions that protect and promote our freedoms, be it our Constitution or our free press or our culture of openness. I have long been a strong supporter of public diplomacy. Today's challenges are not only to rebut the ever-growing sophistication of the biases and distortions that compete in global media, but to continue to find new ways to promote the American message and the American story. The days of United States Information Service libraries are over, but cultural exchange programs, in particular visitor programs to this country, must continue and, in my opinion, should grow. I will help Dr. Rice in any way that I can to reinvigorate our public diplomacy.

In the last few years, I believe the State Department has failed to grasp the value of culture of lawfulness programs. These programs use education ministries to advance core primary and secondary curricula on anticorruption lessons. It is impossible to advance the rule of law, which is a fundamental goal of bringing stability in regions we cannot afford to lose to anarchy or criminality, without the local population learning the value of clean government. We have seen success with such programs in Italy, Mexico, Colombia and other countries, and yet I have seen no enthusiasm from the State Department in making these programs an essential aspect of all our foreign assistance planning. Perhaps that is because these programs are so inexpensive, and there is still the bias against programs that don't require billions of taxpayer funds; perhaps the Department does not yet understand the potential for these programs, despite the clear affirmation of the Undersecretary of State for Global Affairs, who has spoken eloquently in favor of such programs. I am heartened by Dr. Rice's testimony before the Senate Foreign

Relations Committee last week, she asserted that "we are joining with developing nations to fight corruption, instill the rule of law, and create a culture of transparency." She has my support, and I am going to ask Dr. Rice to study the experience and potential of these culture of lawfulness programs and work with me and other Members of Congress to integrate them into our foreign assistance plans.

I will work with Dr. Rice in every way that I can to make her mission a success. Because the mission of the Department of State is to work to manage conflicts so that they do not erupt into violence and war. In a world where we can not control so many factors beyond our shores, we need the very best diplomacy to be constantly working our alliances, presenting our policies and engaging those who would challenge our security. Dr. Condoleeza Rice has 25 years of experience in advancing the national security of this nation. She has 4 years as the principal advisor to President Bush, as he has charted a foreign policy that has responded to global terror and taken on the most destabilizing regime in the Middle East. She has the knowledge and character and experience of one who can lead this country in our diplomacy around the world. Dr. Rice has my strong support.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the remarks of the Senator from Oklahoma. I, too, want to speak on the confirmation of Condoleezza Rice to serve as Secretary of State. We are all aware, because it has been the subject of quite a bit of discussion and we have seen her in action for the last 4 years at the White House and even before that, of Dr. Rice's accomplishments. She is a woman of fantastic achievement, a profoundly talented individual who has excelled at virtually everything to which she has set her mind. I dare say there are few people in this Nation's history who would make both an excellent Secretary of State and an excellent commissioner of the National Football League. I am sure Dr. Rice, in keeping with her stated aspirations, will fill both roles with dedication, intellect, and passion in due time.

Yet the reaction to this nomination, which you would think would be a cause for great celebration, given the historic nature of this particular appointment, is also sadly predictable. For example, it is a shame to think that with the overwhelming voice of the people so recently expressed in the recent national elections and with the 109th Congress just having begun, with the President having been sworn in last week, with early pledges of bipartisanship and working together in the best interest of the American people, we are yet again already seeing the specter of partisan politics being brought to bear on this nomination.

Of course, the Senate does have a very important role in the confirmation process known as advice and consent. No one is questioning the right of any Senator, indeed the duty of every Senator, to ask hard questions and to determine to the best of their ability the qualifications of a nominee to serve in the office to which the President has chosen to appoint them. But there is a difference between exercising the role of advice and consent and the line that seems to have been crossed with impunity when it comes to the attacks we have seen on some of the President's nominees. Condoleezza Rice just happens to be the one we are focusing on today. We have seen much of the same vitriol and poison used to assassinate the character of people like Alberto Gonzales, another American success story, a personification of the American dream.

I would hope that no one in this body would feel it necessary to bring all the left-over angst of the campaign season to bear against a bright and honorable nominee such as the one who is presently before us. You may disagree with Dr. Rice's view of the world. You may take issue with some of her policy preferences. But to impugn her motives or the integrity of a woman held in such high esteem is a tactic that I believe is simply unacceptable and beneath the dignity of this body. Yet we see this tactic clearly, again, in the attempt to—first in the committee hearings, the Foreign Relations Committee, and even on the floor of the Senate—try to tie her actions to the tragic events at Abu Ghraib prison, the crimes that occurred by a handful of individuals that simply crossed the line between human decency and criminality. They were acts that violated U.S. policy and basic human rights. They were disgusting actions undertaken by sick individuals who are being investigated and being brought to justice—the most recent of which, of course, was the conviction and sentencing of Mr. Graner to 10 years in prison.

Now, my colleagues know well that at no point has Dr. Rice ever supported, condoned, or advocated such acts of torture or humiliation. I believe to try to link her, through some vague references, to these crimes is nothing more than a blatant attempt to score political points, to somehow demean her in her service, and to taint her nomination. It should not be necessary to raise these points, but I realize that in politics, particularly in Washington, a charge unanswered is too often a charge believed.

Let me just refer to a brief reference in the Schlesinger report—of course, referring to the former Secretary of Defense, who served on an independent commission with former Defense Secretary Harold Brown, who served in the Carter administration, as well as a former distinguished Member of the House of Representatives. They concluded after their investigation—and this was just one of, I believe, eight investigations. There are three more that are not yet completed. But this was the conclusion of the independent Schlesinger commission:

> No approved procedures called for or allowed the kinds of abuse that in fact occurred. There is no evidence of a policy of abuse promulgated by senior officials or military authorities.

So to suggest, to hint, to imply that this nominee, or any senior officials in the Bush administration has condoned or adopted a policy that resulted in the criminal abuses that occurred at Abu Ghraib is simply without foundation and any fact. Indeed, it is a scurrilous allegation, and the American people need to understand that. They also need to understand the motives why such allegations are made.

In addition to these inappropriate partisan attacks against a nominee who deserves our respect, there are a handful of my colleagues who have used this opportunity to roll out the same tired, old arguments concerning the war on terror, and particularly Operation Iraqi Freedom. We know that we are in the midst of a global war on terrorism. This is not just about Afghanistan and Iraq. This is not just about isolated incidents of terrorism. This is about a conflict that has been building for more than a decade and, indeed, will likely last a generation.

Since America suffered an attack on our own soil in New York in 1993, we have been hit at our embassies in Kenya and Tanzania; we have been hit at the Khobar Towers in Saudi Arabia; our Navy was hit at the USS Cole in Yemen; of course, we had the attacks of 9/11; and Bali, Madrid, and in Beslan. The list goes on and on.

In the aftermath of the attacks of September 11, President Bush decided, with the authorization of Congress at every turn, that if diplomacy would not yield a pacified Saddam, that if the U.N. declined to enforce its own resolutions requiring inspections and disarmament, we would, when necessary, use preemptive action against those who seek to harm America and those who threaten world peace and supply sanctuary to terrorists.

We also decided that it was in America's self-interest to take the battle to the terrorists where they live, where they plot, where they plan, and where they train and build weapons—not to wait until we are attacked again and where innocent civilians' lives are lost and innocent blood is shed. The post-9/11 reality is that America must choose to fight this terrorist threat on their ground, or they will fight us on ours.

This is not some grand conspiracy of this current administration or any policy which is really strange to history or unknown to history. It was in 1941, after Pearl Harbor, when President Franklin Delano Roosevelt said:

> If you hold your fire until you see the whites of their eyes, you will never know what hit you.

That was Israel's policy in 1981 when it knocked out Saddam's Osirak nuclear reactor. The fact that Israel continues to exist today was in part because its leaders had the wisdom and courage to take on a growing threat by the use of preemptive action—sometimes called preventive self-defense—whenever it was necessary.

No one wants to imagine what could have happened if Iraq's nuclear program, which was well documented after Saddam invaded Kuwait in 1991, when we were surprised to learn after we repulsed that attack that Saddam's nuclear program was much further along than our intelligence authorities had previously thought. But no one wants to imagine what would have happened if Iraq had continued to develop its nuclear capability, or if they had been able to reconstitute their nuclear program after we left Iraq in 1991. It was a horrific possibility for America and the rest of the world, and indeed a responsibility of the leaders of this country and the free world to eliminate this gathering threat.

Ms. Rice has also been criticized for the belief that Saddam had stockpiles of weapons of mass destruction. But you know what? And the critics know this. The truth is, virtually every intelligence service in the world believed that Saddam had these weapons of mass destruction. Indeed, this was one of the premises for the Iraq Liberation Act in 1998. It was for the authorization given to then-President Clinton to use necessary force to remove this threat. Our intelligence, though, as we all now know with the benefit of 20/20 hindsight, proved to be incorrect—at least at the time that we entered Iraq—that Saddam had stockpiles of weapons of mass destruction. Of course, we have been undertaking the necessary reforms both in this body and in the intelligence community to stop that kind of intelligence failure from ever occurring again.

The critics should not be allowed to rewrite history. The fact is that no one party or person misled the rest of us—Democrat, Republican, or Independent. The truth is, we were all misled by this erroneous intelligence, and rather than point the finger of blame where no blame is due, what we ought to be about—and, indeed, what we have been doing—is correcting the reasons for that failure and making sure that it never happens again.

Yet even though we did not find stockpiles of WMD, the bottom line is this: This was not the only reason that Congress voted overwhelmingly to authorize the use of force against Saddam Hussein. Indeed, there are numerous other reasons set out in the resolution that passed this Senate by overwhelming margins. It is beyond debate that Saddam continued to have the intent to acquire WMD and there is little doubt that but for our intervention and the fact that he was pulled from a spider hole and put in prison awaiting future accountability at the hands of the Iraqi people that he would have fully reconstituted his program just as soon as he was able.

One does not have to take my word for it. Mr. Duelfer, who succeeded Mr. Kay, and was in charge of looking into the possibility that Saddam had WMD, concluded in September 2004:

> Saddam wanted to recreate Iraq's WMD capability—which was essentially destroyed in 1991—after sanctions were removed and Iraq's economy stabilized. . . .

Indeed, that has been the evidence we learned in the oil-for-food scandal in the United Nations, that Iraq would siphon off money to stabilize and support his failing economy, but his job, he thought, was to wait out the sanctions in such a way that once the sanctions were removed he would reconstitute Iraq's WMD capability. To somehow point the finger of blame at this distinguished nominee, where she, like all of us, was given the erroneous reports from the intelligence community, is simply unjustified and unfounded and indeed, in the end, it is revisionist history.

Lest this point be lost in the debate and the fingerpointing, we are in Iraq for our own good and for the good of the world, and I might add for the good of the Iraqi people. September 11 taught us all a very important lesson, that security in the modern world depends on taking aggressive and focused action to prevent terrorist acts before they occur, not just opening a criminal investigation after innocent blood is shed.

We have marshaled the force of freedom in this fight, one of the most powerful weapons that we have in our arsenal, and indeed on this Sunday, as has been recounted over and over again, the Iraqi people will make their first major step toward self-government as a free Iraq.

There are some who continue to argue that we did not have the right plan to deal with postwar Iraq. We have hashed that argument out a hundred times. Yes, hindsight is always 20/20, and we did not know then what we know now, but that is no real revelation. That really suggests, again, another failure of our intelligence-gathering capability and particularly our HUMINT, our human intelligence capability, which we are fixing.

I point out that it serves no one's interests, and certainly not the national interest of this country or the interests of the Iraqi people, to continue to try to point the finger of blame at past errors, particularly in connection with our intelligence-gathering capability. Indeed, even those who did not support the resolution authorizing the use of force must now concede that it is in our best interest not to have Iraq fail and become perhaps a sanctuary for terrorists. Even those who oppose this war should acknowledge at this point that it is in our best interest for Iraq to become a working democracy and to avoid strife and become a free and peaceful nation.

It is counterproductive, unless of course one's purpose is merely partisan politics, to dwell on the past at the expense of our present duty and our plans for the future. It is time to focus on what is our duty in Iraq, along with other nations, the coalition and the Iraqi people, and that is to secure Iraq, to help this new democracy take root, and to further the cause of freedom around the globe.

There is no question that Iraq continues to be a very fragile place, but in truth, Iraq is making solid progress on a difficult road when one takes into consideration the fact that Saddam had an iron grip on power in this nation a mere 2 years ago. Consider what has been accomplished. A valid voter registration list of 14.3 million names has been completed. More than 500 voter registration centers have been established to help Iraqis verify their registration status. Iraqis will vote on election day in the thousands of voting centers across that country and in 14 other countries, including the United States of America. Candidate lists for 111 political entities have been submitted for the national elections and, in total, 256 political entities, composed of 18,900 candidates, have registered to compete in 20 different elections: The national election, 18 provincial elections, and the Kurdistan regional government election.

These 254 entities include 27 individuals, 33 coalitions, and 196 parties, all demonstrating widespread enthusiasm for this opportunity they have for free and fair elections.

I believe we will see the true ramifications of freedom in Iraq over the next generation, and I believe this first election is a watershed at the beginning of this new generation of a free Iraq.

As responsible leaders rise to the forefront and the vestiges of tyranny are replaced by a fledgling republic, we will see that the victories won, the hardship that has been endured, and the lives risked and indeed tragically lost have not been in vain.

Before this election season that just concluded, or I thought concluded on November 2 but which seems to have continued now with attacks against the President's nominees—those who were unsuccessful in persuading the American public of the correctness of their opinions on November 2—I never thought I would hear anyone utter what I think is one of the most foolish notions yet. And yet I have heard the suggestion made again and again in the context of Dr. Rice's hearing. And it is the suggestion that Iraq today and the world as a whole is worse off than it was with Saddam Hussein in power.

Have these people somehow missed the fact that we found unspeakable horrors in Saddam's Iraq, torture cells, rape rooms, execution chambers, children's prisons. We found a legacy of terror and fear and vestiges of unimaginable cruelty. We have found that more than 1 million people are simply missing; 300,000 are dead, lying in mass graves throughout Iraq in nearly 100 reported sites, including one that I personally viewed a year ago last August. These mass graves are silent monuments to Saddam's ruthlessness left behind for all to see.

With due respect for my colleagues who advanced the idea that Iraq or America was better off with Saddam Hussein in power, to suggest that the world is safer when despots rule in palaces instead of serving time, being held accountable in jails, is to ignore the bulk, if not the entirety, of human history.

It was Senator Daniel Patrick Moynihan who enjoined against similar foreign policy foolishness in an earlier era when he said:

> Unable to distinguish between our friends and our enemies [you adopt] our enemies' view of the world.

I think we must also be sobered and cautioned by that injunction, and we should all be responsible enough to not let our desire to score partisan political points lapse into adopting our enemy's view of the world.

As President Bush urged just last week, America has the moral responsibility to take a stand for liberty as the guiding force in the world and the defining principle of this age. We have the strength and the will to see this purpose through.

I urge my colleagues to support a Secretary of State who understands the stakes, who sees the right course, and has the will to follow it.

In conclusion, I have talked about the attacks that have been directed on this honorable nominee and why I believe that they are unfounded and how I believe those who are disappointed, perhaps, in the way the election turned out on November 2 have continued their sort of political insurgency directed at the President but through his nominees for his Cabinet, and particularly Condoleezza Rice and Alberto Gonzales. I have said that while it is our responsibility as Senators to exercise with diligence our advice and consent function and to ask hard questions in good faith, there is a line that should not be crossed, which I believe has been crossed in the attacks made against these nominees, including Condoleezza Rice.

One reason I believe that is true is because of the evidence that I have in my hand. This is a solicitation, a fundraising solicitation sent out by the Democratic Senatorial Campaign Committee.

I ask unanimous consent this be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. This is over the signature of Senator BARBARA BOXER, who has been one of the most acerbic critics of this nominee. But at the same time she argues why this nominee should not be confirmed, she ties this to fundraising efforts by the Democratic Senatorial Committee.

She said in part:

> The Republicans were expecting the Senate to confirm Dr. Rice with little debate and questioning from the Foreign Relations Committee.

I think we found that already not to be true. The distinguished chairman, who is in the Chamber now, held lengthy hearings and allowed all Senators a chance to ask numerous questions of this nominee, and we know now, from the 9 hours that have been agreed to as part of this debate, that, indeed, there is substantial debate about this nominee. But she goes on, from Senator BOXER's pen:

> They didn't count on me to ask the tough questions. What the Republicans don't realize is, no matter who is in charge in the White House, the role of Congress will always be to act as a check on the Executive branch of government. And when it comes to the President's nominees, the Senate must take its "advise and consent" role during the confirmation process seriously.

I agree with that. I have said as much in my comments today. But what I do not agree with, and I think where this fundraising solicitation crosses the line and where it finds itself in company with some of the partisan attacks that have been made without substance against this nominee, is when it goes on to say to contribute to the Democratic Senatorial Campaign Committee, making this part of not only a political attack but a fundraising effort by the Democrats in the Senate. That, I believe, crosses a line that should not have been crossed, and one for which I believe Dr. Rice is entitled to an apology. To tie the confirmation of the Secretary of State to a fundraising campaign and to propagate misinformation or disinformation about this distinguished nominee, who is an American success story, in an effort to raise money for the Democratic Senatorial Committee is inappropriate and I think would offend and does offend the American people.

I believe this offense deserves a quick repudiation by our colleagues on the other side of the aisle who maybe were not involved in this and, indeed, an apology to Dr. Rice for the way she has been treated.

In conclusion, let me say that I have seen, in my relatively short time in the Senate, some pretty rough treatment of the President's nominees. We have seen filibusters of judicial nominees when there is a bipartisan majority of the Senate to confirm those nominees. Indeed, this has been a part of an unconstitutional burden that neither this President nor those nominees should have to bear.

But we have also seen sort of a character attack on nominees that I think is not only unfair to those nominees but completely unbecoming to the dignity of the Senate and the kind of respect with which they should be treated. It is one thing to disagree about policy; it is one thing to ask hard questions. No one is asking anyone to vote against their conscience on a nominee. But to abuse these nominees in a way that is unfair, not only to them and their family but one that mischaracterizes the facts and is part of a disinformation campaign which is clearly tied to politics, is something we ought to call an end to.

I had held out some hope, and increasingly it appears to be a vain hope, that somehow with the reconvening of this 109th Congress we would see a change in attitude, we would see a willingness to work together.

We have seen some comments, some speeches, some promises to that end. But when it comes to this sort of inappropriate political activity and politicizing the confirmation process for America's diplomat in chief and the President's other judicial nominees, all I can say is it is a crying shame.

I yield the floor.

EXHIBIT 1

DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE

DEAR DSCC FRIEND, The Republicans were expecting the Senate to confirm Dr. Rice with little debate and questioning from the Foreign Relations Committee.

They didn't count on me to ask the tough questions. What the Republicans don't realize is, no matter who is in charge in the White House, the role of Congress will always be to act as a check on the Executive branch of government. And when it comes to presidential nominees, the Senate must take its "advise and consent" role during the confirmation process seriously.

That's why I took a stand last week and voiced my concerns about Dr. Rice's misleading statements leading up to the war in Iraq and beyond. I will continue to make my voice heard on the Senate Foreign Relations committee, but in order to put the brakes on four more years of misdirection in Iraq and reckless policies at home, we need to elect more Democrats to the Senate during the 2006 midterm elections.

Because after Dr. Rice is confirmed, the Senate will face many more crucial decisions in the coming months: confirmation of President Bush's choice for Attorney General Alberto Gonzales, social security, Iraq and possibly a Supreme Court nomination. My Democratic colleagues and I will hold the Bush Administration accountable for its decisions. But we will need your help to hold them accountable in the ultimate public hearing: the next midterm elections in 2006.

The Republicans want us Democrats to step back and pave the way not only for this one nominee, but for their entire social, economic and international agenda. We have a chance during the midterm elections to make sure the Republicans don't have four years to do so. The DSCC is working every day to recruit the strongest candidates in every Senate race across the country. They are fighting early and fighting hard, but they need your ongoing support today.

So while I raise my voice on the Senate floor, I hope you will join us on the campaign trail and send the loudest message of all—one that the Republicans will not be able to ignore—unseating them in the midterm elections and sending more Democrats to the Senate.

Yours sincerely,
Senator BARBARA BOXER.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I rise to speak in behalf of Condoleezza Rice for Secretary of State. I hope the chairman would yield to me such time as I might consume.

Mr. LUGAR. How much time does the Senator plan to speak?

Mr. BROWNBACK. About 10 minutes.

Mr. LUGAR. I yield the Senator the time he may need.

The PRESIDING OFFICER. The Senator is recognized.

Mr. BROWNBACK. Mr. President, I thank the distinguished chairman of the Foreign Relations Committee, Senator LUGAR. I have had an opportunity to work with him in the years I have been in the Senate on the Foreign Relations Committee. He is an outstanding Member and such a good colleague and so knowledgeable on so many issues. It is quite wonderful to have his work and the things he has done, particularly the incredibly important Nunn-Lugar, or I call it the Lugar-Nunn Act on Nuclear Proliferation, getting rid of some material in the Soviet Union. I have seen that bill in action and that has been a powerful good to possibly reduce the spread of nuclear weapons around the world. I thank my colleague.

I rise to express my strong support for the nomination of Dr. Condoleezza Rice for the position of Secretary of State. While it is regrettable that we are continuing to debate this nomination after 2 days of hearings, I believe it will only confirm what the President has done in making such a great choice. As the first woman to hold the key post as the President's National Security Adviser, she has had a distinguished career already in Government, as well as in academics. I still recall her wise and learned comments made nearly a decade ago about how systems failures were occurring at that time in the Soviet Union that led to the fall of the Soviet Union.

It wasn't seen at the time. Yet she was able to look at the disparate situations that were happening, saying how systems failures in the Soviet Union presaged a place none of us thought possible to fall. And she was seeing that—observing that as an astute observer years ahead of her time. That kind of judgment and foresight will be critical in the months and years ahead for the United States.

It is a complex job, Secretary of State. I believe she has the necessary talent and experience and is, without doubt, one of the most qualified people in the world for this job.

Like Secretary Powell, who has done an outstanding job and whose humanity and professionalism and dedication will be sorely missed, she recognizes the deep personal commitment necessary, and this Nation is grateful for someone of her stature who is willing to serve in this position.

The Secretary of State serves as the President's top foreign policy adviser and in that capacity is this Nation's most visible diplomat here and around the world. It is a position that demands the full confidence of the President, and in Dr. Rice, we know the President trusts her judgment.

That relationship is critical when one considers the state of the world in which Dr. Rice will work. According to a recent National Intelligence Council report: Not since the end of World War II has the international order been in such a state of flux. During the past 3 years, we have seen terrorists kill thousands of people in this country and around the world. While terrorism will continue to be a serious threat to the Nation's security as well as many countries around the world, genocide—even after Bosnia and Rwanda and even Auschwitz—continues to this day in Darfur. This proliferation of weapons of mass destruction among rogue regimes continues apace. Meanwhile, in the East, the rise of China and India promises to reshape familiar patterns of geopolitics and economics.

Still, there is great reason to be encouraged by the world that Dr. Rice will face. Freedom is on the march in places some had written off as potentially unsuitable for democracy. Ukraine's Orange Revolution, Georgia's Rose Revolution, Serbia's Democratic Revolution, and successful elections in Indonesia, Malaysia, Afghanistan, and the Palestinian Authority demonstrate the longing for democracy that embraces the most diverse cultures. Iraq will continue to pose challenges even after the elections at the end of this month.

The new Secretary of State will have to engage the United States and our allies in working closely with the Iraqis to seize the opportunities that lie before them to forge a nation that is free of the past and that is ultimately and uniquely Iraqi. The only exit strategy for the United States and the coalition forces is to ensure that Iraqis are in control of their own destiny.

The new Secretary of State must devote her time and resources to achieving a settlement in the Arab-Israeli conflict by clearly articulating the robust vision of peace in the Middle East. We must not only come to grips with nuclear proliferation issues in Iran and North Korea, but we must have the moral courage to bring attention to the human rights abuses in both of these countries that sustain these nuclear ambitions.

Similarly, we must confront the regime in Khartoum where crimes against humanity must be brought to justice so that urgent humanitarian assistance can continue in Darfur and elsewhere in Sudan. There are many actions we can take and must take, especially after we have had the bold initiative to clearly call Darfur for what it is—it is genocide that is happening there. If we are to maintain our credibility in this area, we must act decisively.

In addition to the humanitarian efforts in the Indian Ocean region and elsewhere as a result of the tsunami, I am certain that the new Secretary will maintain our commitment to the global fight against AIDS and other infectious diseases. But to do so with the kind of prudent and result-based efforts that have been so successful in past efforts, we have to maintain a focus and an effort to be able to get things done.

Last week, President Bush laid down a marker by which we would define what it means not to just be an American but a citizen of the world. Declaring in his inaugural address that our liberty is increasingly tied to the fate of liberty abroad, he placed the United States on the side of democratic reformers and vowed to judge governments by their treatment of their own people.

President Bush's vision draws on the wellsprings of our Nation's spirit and value. I believe Secretary-designate Rice possesses the skills and talents necessary to turn the President's visionary goals into a reality.

In her statement before the Foreign Relations Committee, she said, "The time for diplomacy is now." Her qualifications to carry that prescription into practice will be indispensable. She combines a big-picture mindset born of academic training with a wealth of hands-on experience at the highest level. Perhaps most importantly, she can always be sure of having the President's confidence and ear.

Finally, Dr. Rice's own biography testifies to the promise of America. Born and raised in the segregated South, her talent, determination, and intellect will place her fourth in line to the Presidency. She has often said to get ahead she had to be "twice as good"—and she is that and more.

Her childhood shaped her strong determination of self-respect, but it was her parents' commitment to education and her brilliant success at it that defined her style.

She managed to work her way to college by the age of 15 and graduate at 19 from the University of Denver with a degree in political science. It was at Denver that Dr. Rice became interested in international relations and the study of the Soviet Union. Her inspiration came from a course taught by a Czech refugee. That background will become increasingly important as we deal with the changing dynamics and challenges posed around the world.

In short, I am moved to think that she will soon be confirmed as our 66th Secretary of State, and it will be time for us to move forward. She is already well known to the world. Dr. Rice will now become the face of America's diplomacy.

We need to support her in every way we can. She can be assured of my support. As the newly appointed chairman of the Commission on Security and Cooperation in Europe, I look forward to working with her and other officials at the State Department to further promote democracy, human rights, and the rule of law in Europe and Eurasia. Charged with the responsibility for monitoring and promoting implementation of the Helsinki Final Act in all 55 signatory countries, the Commission has been and will continue to be a force for human freedom, seeking to encourage change, consistent with the commitment these countries have voluntarily accepted. As President Ford remarked when signing the Helsinki Final Act on behalf of the United States:

> History will judge this Conference . . . not only by the promises we make, but the promises we keep.

As we approach the 30th anniversary of the historic occasion this year, a number of Helsinki signatories seem determined to undermine the shared values enshrined in the Final Act and diminish the commitment they accepted when they joined the Organization for Security and Cooperation in Europe. It is imperative that the United States hold firm to the values that have inspired democratic change in much of the OSCE region. Dr. Rice in her confirmation testimony referred to the potential role that multilateral institutions can play in multiplying the strength of freedom-loving nations. Indeed, the OSCE has tremendous potential to play even a greater role in promoting democracy, human rights, and rule of law in a region of strategic importance to the United States.

I look forward to building upon the partnership forged between the Helsinki Commission and the State Department as we stand with oppressed and downtrodden people wherever they are in the world.

I urge my colleagues to support Dr. Rice for the position of Secretary of State. I wish her good luck and Godspeed.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I rise and express my strong support for Condoleezza Rice for confirmation as Secretary of State of the United States of America. She is a native of my home state of Alabama and grew up in a very difficult time in our State. I remember vividly and was touched by the 16th Street Baptist Church bombing in Birmingham that occurred during her youth. Her family later moved to Colorado, I believe, where she grew up.

She is a pianist and a talented person in so many ways. I think few would dispute her talent, her incredible background and personal history, and the many accomplishments that she has achieved through the years.

In the course of doing so, she has won the confidence of the President of the United States, George W. Bush. He has relied on her foreign policy expertise for quite a number of years. He believes she is the right person to serve this country today as Secretary of State. She is a perfect fit in this role and I strongly support her confirmation.

Condoleezza Rice served as provost at Stanford University. She worked in the National Security Council of former President Bush. She has served our current President Bush as National Security Advisor for 4 years. That is an excellent background for the job; that, along with her studies in international relations and history, particularly the Soviet Union.

I remember early on we had a problem with national missile defense and the test ban treaty that would have required us to either not implement a national missile defense system or would have required us to manipulate it as some sort of test program in a way that was not very practical.

She suggested we ought to avail ourselves of the privileges the treaty gave us to give notice and step out of the agreement with Russia. It had been signed with the Soviet Union in an entirely different global setting. At this point, we were dealing with Russia, which was friendly in many ways. Many on the other side of the aisle—very much the same ones criticizing her today—were saying that this was just awful. They claimed that it would destabilize relations between Russia and the United States.

I remember seeing Dr. Rice being questioned about that, meeting with Senators and discussing it. She listened carefully to the comments others had and then articulated her own considered thoughts with crystal clarity. She was inclined to believe we ought to get out of that treaty. She and the President eventually made the decision to do so. They did so in a way of which Russia was accepting. It caused no problems.

I remember vividly the warnings from the liberal Members of this body that withdrawing from that treaty, and thus allowing us to build a legitimate national missile defense, was somehow going to cause permanent damage to the relationship between Russia and the United States. She concluded that this was not true. In fact, it was not true. She helped execute that action that allows us now to have missiles in place that are capable of knocking down incoming weapons that could wreak havoc, nuclear or otherwise, on the people of the United States. It is one of many memories I have that demonstrate her capabilities and skill.

Partly, I suspect, as a result of her growing up in an area where, sadly, everyone was not treated equally, when people were discriminated against quite significantly and were treated as second-class citizens, she has a deep and abiding respect for liberty. She has a deep and abiding respect for the legal system of this country. She believes we ought to promote liberty, promote equality and promote progress in the world. It is a responsibility this Nation has and that she must champion as she serves as Secretary of State. I have no doubt that she is equal to the task.

Absolutely we have to be careful. Absolutely there are limits to what we can do as a nation to help other nations. We simply are not able, and it would not be wise, even, to attempt to fix all of the problems of every nation around the world.

I want a Secretary of State who understands America, who understands the values and ideals of this country, and who has values and ideals herself, to serve as Secretary of State. I want a Secretary of State who looks forward to seizing opportunities whenever they may appear—and we do not know when they will during the course of her service—where she can promote liberty, freedom, progress and peace throughout the world.

When you find liberty and freedom in countries, they usually don't fight. It is my impression we have few, if any, examples of war—certainly not in recent memory—that have occurred between two democratic states. Democratic states somehow are used to working out difficulties within their own country and somehow they are normally able to work out difficulties between an opposing state if they are a democracy.

It is only when you come up against dictators, these people who are used to always doing it their way, who have an obsession with expansionism and oppression of their own people and their own self-interest, those are the ones who are difficult to deal with.

Condoleezza Rice understands that. She is a student of history and international relations. She can help our President make those tough choices. When do we step up to the plate? When do we not step up to the plate? How can we be most effective? When should we negotiate? When should we seek the assistance of other nations to negotiate?

When should we involve ourselves directly? When, Heaven forbid, should we have go to war?

This is the kind of expertise she brings to the table. Her personal history and her experience as the National Security Advisor to the President is just the kind of background we need.

The State Department is composed of some of the finest people I have had the privilege of knowing. They work extremely hard. They are extraordinarily educated and steeped in the countries they have as their responsibility. They provide a tremendous resource to our Nation. People forget as they serve around the world—and I have visited them as I have traveled—that they are at risk just for bearing the American flag and being a representative of this Nation, because they are in dangerous places in our world. They do a great job every day. Sometimes a great organization such as that, that creates and forms itself over many years, develops an inertia, an inability to change, to see new ideas and new ways of proceeding.

Having someone at the helm such as Condoleezza Rice who has been involved in the National Security Council, she will be perfectly respectful of those fine people who serve in the State Department. She will also have the ability to lift that agency, to transform it into a more nimble and more responsive agency that can help promote American ideals aggressively throughout the world.

I am very proud of her. I am proud that she is from Alabama. I am proud that President Bush has chosen to nominate her. I am confident she will be a terrific Secretary of State and very confident she will be confirmed.

I am sorry that some of my colleagues on the other side of the aisle—I guess in response to complaints from those among the hard left who are never happy when America commits itself around the world and stands up for its values—have chosen to hold up this nominee. I thought she was moving along rather quickly and that we would have already confirmed her by now. But there are those who want to use this opportunity to express their views, many of which are not helpful to our soldiers who are out in the field executing the policies we voted on in this body by an overwhelming vote—more than three-fourths. We sent them there. Members of this Senate voted overwhelmingly to do so. It is not appropriate to delay Dr. Rice's nomination in order to reopen the debate on our nation's actions in Iraq, particularly when there is no likelihood she will be voted down.

Some of the comments made to her have not been of the most respectful and appropriate kind. Her integrity—perhaps inadvertently, but in reality—was questioned. I certainly believe she should have every right to push back and defend herself under those circumstances.

I am always happy to allow my colleagues to have their say, but it has taken longer than it should. We need to move this nomination forward. We need a Secretary of State in place. She will be an outstanding Secretary of State. I look forward to seeing her confirmed, hopefully no later than tomorrow.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. May I inquire of the Chair, how much time remains on both sides of the aisle in this debate?

The PRESIDING OFFICER. There is 53 minutes to the majority, and 1 hour 22 minutes to the minority.

Mr. LUGAR. I thank the Chair.

Mr. President, let me comment that we have been privileged to hear from 22 colleagues today. Thirteen Republicans and nine Democrats have spoken on the confirmation. I would comment, it has been my privilege to hear more of the testimony while I chaired the hearings and likewise the debate today. On both occasions, we have made clear to colleagues on both sides of the aisle that there would be ample opportunity, first of all, to question Dr. Rice during the confirmation hearings. And, as I pointed out earlier in the day, well over 300 questions were raised, some before the hearings, to which she gave response in written answers, and over half of the 300 actually during the hearings in face-to-face dialog with Dr. Rice. Let me point that out because I think the record for this nominee is as full as any confirmation procedure I have witnessed.

Today, we have had 22 contributions that were substantial and thoughtful. Tomorrow, we will have another hour of debate prior to a vote and will come to a conclusion which I pray will bring about the confirmation of Dr. Rice to be our next Secretary of State, and a move forward as she assists our President and all of us in the statecraft of our country.

In any event, I simply point out for the record that as we conclude the debate this evening—and we will do so shortly because no further Senators have sought to speak—there was at least on our side of the aisle 53 minutes available and on the other side 1 hour 22 minutes. Therefore, the time that was requested turned out to be more than ample.

I am hopeful our debate will conclude constructively and affirmatively tomorrow. We certainly will attempt to work with that. I am advised that the distinguished ranking member of the committee, Senator BIDEN, will be present, and he will make a statement tomorrow, and that will be important as we conclude our debate.

Mr. President, seeing no other Senators who seek recognition, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

MORNING BUSINESS

Mr. LUGAR. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LIFE OF MURRAY BARR

Mr. REID. Mr. President, Reno, NV, is a wonderful city and a great place to live.

The sparkling Truckee River flows through the heart of town. The campus of the University of Nevada sits on a hillside overlooking the city. The Nevada Museum of Art is nearby.

And standing on the streets of downtown Reno, one can see majestic mountains in every direction, including the peaks of the Sierra Nevada around Lake Tahoe. A beautiful city and a fine place to raise a family.

But like any other city, Reno has its rough side. In "Folsom Prison Blues," Johnny Cash sang, "I shot a man in Reno, just to watch him die." Reno has its share of rundown bars and alleys, where men and women chase the remnants of broken dreams. This is a world most people rarely notice, but where some spend their lives.

One who lived in that world was a man named Murray Barr.

Murray drank a lot. He was, in fact, an alcoholic, and he was homeless. He slept in the streets and alleys. When he did sleep indoors, it was usually in jail or the hospital.

But Murray was also a proud Native American, an ex-Marine, and a friend to many who came in contact with him.

Murray Barr was a big bear of a man. He barely had a tooth in his head, but when he smiled, he brought joy to the people who cared about him.

And many people did care about Murray.

Reno Police Officer Patrick O'Bryan crossed paths with Murray many times—sometimes when he was arresting him or taking him to the hospital.

O'Bryan—who is known as "Paddy O" on the streets of Reno—tried everything he could think of to help Murray quit drinking.

He told Murray to "get a life", "get a grip", he threatened him, he pleaded, and he warned Murray that he was killing himself.

Sometimes Murray would stop drinking. Once he was on house arrest for 6 months. He got a job as a cook and showed up on time every day. He saved money. And he stayed sober for 6 months.

As long as the system was monitoring him, Murray was okay. He was a proud man, and he was not going to let down the people who were responsible for him.

But when he had finished serving his sentence, Murray let himself down, and picked up the bottle again.

Marla Johns works as a social worker at St. Johns Medical Center in Reno. Her husband Steve is a Reno cop. They both had a soft spot for Murray. They gave him gifts at Christmas—and the gift of their friendship year round.

Murray called Marla "my angel." He was protective toward her. Once when an intoxicated patient started to threaten Marla, Murray stepped in front of the man.

Marla tried to protect Murray, too. But she felt him slipping away. "I always knew Murray's life would be cut short by the choices he was making," she said.

Early one morning last spring, Steve called Marla at home. There had been an announcement at the morning police briefing. Murray had died the night before.

Marla and Steve cried. She said, "There will never be another Murray."

But there are many others like him. I have known some of them. We have all known them.

Despite the pleas of loved ones and friends, despite their own best intentions, they are pulled down, time and again, by their addiction to alcohol.

We try to help them, just as Murray's friends tried to help him. We try to get them into rehab programs, and we encourage them to try AA. We give them warm clothes and buy them a hot meal. We help them find a job or a place to stay.

Some manage to escape their addiction. I have to believe that escape is a form of grace, a gift from above.

Others never find that grace, no matter how badly they might want it. And no matter how much we try to help, we cannot give them that gift.

Maybe the greatest gift we can give them is to see them as individuals—"there will never be another Murray." Not just another homeless face on the street, not just another cot in the drunk tank, but a man who was proud of his heritage, who served his country, who refused to let down his friends, some mother's son, maybe somebody's brother or husband.

Back in December there was a memorial gathering at First Methodist Church in Reno to mourn the homeless citizens who had died during the year and highlight the need for programs to help them.

Officers Johns and O'Bryan told a few stories about their friend Murray Barr.

I never knew Murray, but I think he would have liked that. He would have been proud to have such good friends.

I tell this story as a reminder that we should never assume we know a person's story just because of what is on one fleeting page. And we should never forget that every person is unique.

"There will never be another Murray."

RULES OF PROCEDURE, COMMITTEE ON FINANCE

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the Rules for the Committee on Finance, for the 109th Congress, be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON FINANCE

I. RULES OF PROCEDURE

(Adopted January 25, 2005)

Rule 1. *Regular Meeting Days.*—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. *Committee Meetings.*—(a) Except as provided by paragraph 3 of Rule XXVI of the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. *Presiding Officer.*—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. *Quorums.*—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. *Reporting of Measures or Recommendations.*—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. *Proxy Voting; Polling.*—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. *Order of Motions.*—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. *Bringing a Matter to a Vote.*—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. *Public Announcement of Committee Votes.*—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. *Subpoenas.*—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

Rule 11. *Nominations.*—In considering a nomination, the Committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the Committee may request. The Committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

Rule 12. *Open Committee Hearings.*—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

Rule 13. *Announcement of Hearings.*—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

Rule 14. *Witnesses at Hearings.*—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

Rule 15. *Audiences.*—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

Rule 16. *Broadcasting of Hearings.*—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

(f) No witness shall be required to be photographed at any hearing or to give testimony while the broadcasting (or coverage) of that hearing is being conducted. At the request of any such witness who does not wish to be subjected to radio or television coverage, all equipment used for coverage shall be turned off.

Rule 17. *Subcommittees.*—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) Because the Senate is constitutionally prohibited from passing revenue legislation originating in the Senate, subcommittees may mark up legislation originating in the Senate and referred to them under Rule 16(a) to develop specific proposals for full committee consideration but may not report such legislation to the full committee. The preceding sentence does not apply to nonrevenue legislation originating in the Senate.

(f) The chairman and ranking minority members shall serve as nonvoting *ex officio* members of the subcommittees on which they do not serve as voting members.

(g) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(h) Subcommittee meeting times shall be coordinated by the staff director to insure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time.

Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(i) All nominations shall be considered by the full committee.

(j) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

Rule 18. *Transcripts of Committee Meetings.*—An accurate record shall be kept of all markups of the committee, whether they be open or closed to the public. This record, marked as "uncorrected," shall be available for inspection by Members of the Senate, or members of the committee together with their staffs, at any time. This record shall not be published or made public in any way except:

(a) By majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

(b) Any member may release his own remarks made in any markup of the committee provided that every member or witness whose remarks are contained in the released portion is given a reasonable opportunity before release to correct their remarks.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

Rule 19. *Amendment of Rules.*—The foregoing rules may be added to, modified, amended or suspended at any time.

60TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. SMITH. Mr. President, I rise today to observe a solemn anniversary. On January 27, 2005, the world will pause and remember as we mark the sixtieth anniversary of the liberation of Auschwitz, the most notorious of Nazi Germany's concentration and death camps.

In 1940, Germany established the Auschwitz concentration camp 37 miles west of Krakow in Poland. Formerly a Polish Army barracks, Auschwitz was first used as a prison for captured Polish soldiers and those who were considered by the Nazis to be dangerous. The prison held captive the elite of Poland—their civic and spiritual leaders, educated classes, cultural and scientific figures, army officers, and members of the resistance movement. Throughout World War II, Auschwitz continued to be used to house prisoners-of-war, gypsies, and others who opposed the Nazi regime.

In 1942, Germany began to use Auschwitz as one of its principle camps to carry out the systematic extermination of Jews across the European continent. As the Nazis pursued their horrific "final solution," over one million Jews and tens of thousands of others perished at Auschwitz, the majority of whom were executed in the infamous gas chambers.

As the Soviet Army approached at the end of 1944, the Nazis attempted to destroy evidence of their atrocities. In late January 1945, the Germans evacuated Auschwitz with the SS leading over 50,000 prisoners on a death march that eventually claimed the lives of thousands more. When the Soviets finally reached the camp, only a few thousand prisoners remained alive to see their liberation.

It was some time before the world knew the extent of the atrocities committed at Auschwitz. But as the truth became known, we made the promise to never forget what happened there and at other Nazi extermination camps. Today, by marking this somber anniversary, we keep that promise.

Yet, it is not enough to simply pause and remember.

I have walked that ground in Auschwitz. I have felt the weight of the air and seen the ruins of the crematoria. It is an unquestionably chilling experience that I have trouble expressing in words.

But I do know and understand the words of Auschwitz survivor and Nobel laureate Elie Weisel, who said, "to remain silent and indifferent is the greatest sin of all." It is in that spirit that we not only recall the horrors perpetrated at Auschwitz, but we work to ensure that such unbridled hatred and evil never again goes unchecked.

So, too, we must recognize that hatred does still exist in the world and we see signs of it every day. It is our duty as a free people to work against its growth and fight evil wherever it is found. As a beacon of liberty for the entire world. I am inspired by the words spoken by President Bush in his Inaugural address last week, "we cannot carry the message of freedom and the baggage of bigotry at the same time."

So, as we mark 60th anniversary of the liberation of Auschwitz, it is not enough to simply remember, we must be ever vigilant in our fight against bigotry and hatred both at home and abroad.

Mr. DODD. Mr. President, I rise today to reflect on an important and meaningful anniversary that is being commemorated worldwide this week. Two days from now, January 27, 2005, will mark 60 years since the liberation of Auschwitz, the concentration and death camp at which over 1.1 million innocent men, women, and children were murdered at the hands of the Nazis.

As many of my colleagues know, I have long felt a very deep and personal connection to the tragedy of the Holocaust. My father, who would later serve two terms in this body, was the Executive Trial Counsel at the Nuremberg trials of Nazi war criminals.

He left this country for Nuremberg when I was only 1½ years old, and he spent the next two years poring over documents and conducting interviews that revealed to him the shocking, staggering process by which over 6 million people were systematically killed. He found himself face to face with many of the men who had planned and carried out Hitler's "Final Solution." He found himself asking, wondering how so many human beings many of whom had loving families of their own, had been educated in universities, had enjoyed the fine arts how could they possibly conceive and execute a mass murder on an unimaginable scale? How was it that only a tiny sliver of a minority in Europe stood up against a plan to wipe out that continent's entire Jewish population, as well as Gypsies, the disabled, and homosexuals? And how was it that the United States and its allies failed to act in time to save millions of innocent lives?

When my father came home from Europe, he didn't have answers to those questions. Indeed, we have continued asking these questions for the past six decades. What my father did bring back from Nuremberg was an unyielding and firm conviction to teach what he learned to as many people as he could, beginning with the members of his own family. From an early age, I can remember learning from my father names of people like Goebbels, Mengele, and Eichmann, and places like Auschwitz, Majdanek, and Treblinka.

As an Irish Catholic boy growing up in Connecticut, my early education in the history of the Holocaust was something of an anomaly. Fortunately, this is no longer the case today. Yet there are still communities, here in America, and even more so around the world, where far too little is known about the Holocaust. More shockingly still, there are those individuals and groups which question or deny the very existence of the Holocaust a charge that is often interwoven with the very same poisonous anti-Semitism that led to this human tragedy.

On this anniversary, therefore, it is critical not only to remember those who perished, but to redouble our efforts to enhance and increase awareness of the Holocaust. This is particularly important today, as each day there remain fewer and fewer living witnesses to the Holocaust those who themselves wore the yellow star and still have prisoner numbers tattooed on their arms.

In the effort to keep the memory of the Holocaust alive, we have an invaluable resource located just a few minutes from here, the United States Holocaust Memorial Museum. That museum represents a steadfast commitment by our Nation to ensure that the Holocaust will never, ever fade away into the mist of history. I imagine that most, if not all, of my colleagues have already visited the museum. I would certainly urge any of my colleagues who might not have done so to visit, and to encourage their staffs and their constituents who visit our Nation's Capital to do the same.

Finally, it is crucial that on this anniversary, we take meaningful steps to address acts of genocide in our own time. Today, in the Darfur province of Sudan, tens of thousands have already died as a result of a murderous ethnic cleansing campaign by the government-supported Janjaweed militias. It is estimated that as many as 350,000 could die in the coming months if action is not taken. Certainly, the sheer magnitude of the events in Darfur does not approach that of the Holocaust. On a fundamental level, however, the world is facing the same choice we did over 60 years go: do we respond to heinous crimes against humanity, or do we ignore a growing tragedy until it is far, far too late? This is the challenge that confronts us today, as we commemorate the liberation of Auschwitz and the other Nazi death camps to ensure that the cry of "never again" does not ring tragically hollow.

In closing, Mr. President, I would like to note that in addition to the anniversary that we are commemorating this week, today's date marks a special occasion in the Jewish calendar. Today is the holiday of Tu B'Shvat, the traditional New Year for trees. It heralds the coming of the spring, and is an occasion for celebrating renewal, transition, and hope. It is my hope that as Americans and people around the world reflect on the 60th anniversary of liberation, we can seize this solemn occasion to look towards the future, and to plant new seeds of hope, tolerance, and justice among all of humankind.

Ms. COLLINS. Mr. President, the world pauses this week to observe the 60th anniversary of an event that calls for the deepest solemnity and reflection. In early 1945, as American and British armies closed in on the Third Reich from the west, Soviet forces were on the march through Poland. On January 27, they came to a place called Auschwitz.

In the Nazi death industry, Auschwitz was its most productive factory. It is estimated that some one and a half million were murdered there. The victims were Poles, Slavs, Russians, Gypsies, but the majority were Jews. They died from disease, starvation, exposure and exhaustion, on the gallows and in front of the firing squads, but mostly they were marched into the gas chambers. From the camp's establishment in 1940 until its liberation, the ovens of Auschwitz operated around the clock, their smokestacks spewing the stench of inhumanity across the countryside.

The Holocaust is a story of incomprehensible inhumanity, of an act of enormity that passed all moral bounds and entered the realm of pure evil. It also, however, is a story of incredible heroism, of men and women who risked their lives, many who sacrificed their lives, for others—not just family and friends, but often total strangers.

Some of these heroes are well known to us: Raoul Wallenberg and Oskar Schlindler, to name just two. Some are less known, but equally deserving of mankind's gratitude. The American journalist Varian Fry, the beneficiary of a privileged childhood and an Ivy League education, risked his life repeatedly spiriting 2,000 Jews out of occupied France through the network he created of black-market funds, forged documents and secret escape routes. In 1941, in retaliation for an escape by others, a group of Auschwitz prisoners was lined up before a firing squad. At the last moment, the Roman Catholic Priest Maximillian Kolbe voluntarily stepped forward to take a father's place.

The names of some heroes will never be known to us. In the weeks before the liberation, the Nazis began dismantling the machinery of death at Auschwitz in order to hide their crimes. The gas chambers and crematoria were dynamited, the mass graves were disguised, and the infamous March of Death began. Nearly 60.000 prisoners, already weakened by hunger and illness, were driven on foot across the harsh winter countryside to camps within the Reich. The penalty for failure to keep up was summary execution.

That also was the penalty for the people who offered food, water, and—whenever the opportunity arose—escape when this sorrowful parade passed through their villages. One survivor of the March of Death, Jan Wygas, tells of a villager who approached his column of prisoners with a bottle of water:

> "Let them drink," she said in German to the SS guards. "They are people, too." She gave the water to one of the prisoners. The SS man yelled at her to move back. As she turned to walk away, he shot her in the back of the head. I saw this with my own eyes.

And yet, despite this brutality heaped on top of brutality, the people of the villages continued to offer aid, in Poland, in Silesia, even in Germany itself.

Indeed, there are stories of those within the regime who resisted in whatever way they could. In his inspiring Holocaust memoir, "Anton the Dove Fancier," Bernard Gotfryd tells of the time in 1944 when he was sent as a slave laborer to a German aircraft plant. Like his co-workers, Gotfryd did his best to be the worst worker possible, turning out defective parts and causing his machine to break down constantly. His stern German supervisor, known only as Herr Gruber, seemed not to notice this widespread incompetence, despite being under constant pressure to increase production.

Once, Gotfryd sprained his ankle so severely he could not walk and could barely stand. In most cases, this disability would have earned a prisoner a spot on a train to a death camp. Again, Herr Gruber seemed not to notice.

In the summer of 1944, Gotfryd discovered a treasure in the pocket of his work overalls: a sausage and a slab of real bread wrapped in newspaper. The rare and delicious food nourished his body. The newspaper nourished his soul, for it told of the Allied invasion of Normandy. The meaning of this message was to hold on, salvation was on the way. Gotfryd knew the messenger could only have been Herr Gruber.

From where does this courage, this compassion, this self-sacrifice for total strangers come? None of us can say with certainty, but we all are blessed by its presence.

On the other hand, the source of the hatred that led one of Europe's greatest powers to enact blatantly discriminatory laws, then to revel in a night of shattered windows, and finally to commit mass murder is known to us all too well. It is that particularly virulent and persistent form of mindless bigotry called anti-Semitism.

One would think that the stories of Holocaust survivors, the irrefutable evidence before our eyes for the last 60 years, the memorials at such places as Auschwitz, and the debt we owe 6 million victims would be more than enough to eradicate this scourge. Tragically, Mr. President, that is not the case.

Earlier this month, our State Department released a Report on Global Anti-Semitism. This report is the result of the Global Anti-Semitism Review Act of 2004, introduced by my distinguished colleague from Ohio, Senator VOINOVICH. I am proud to have been a co-sponsor.

To say that the findings of this report are discouraging is a gross understatement. In country after country around the world, there has been a sharp increase in both the frequency and severity of anti-Semitic incidents in the first years of the 21st Century. Clearly, the lessons of the first half of the 20th are in danger of being forgotten.

These incidents are not just the random vandalism of Jewish cemeteries or synagogues, or the occasional incident of harassment or assault, and the perpetrators are not just neo-Nazis or skinheads on the fringe of society. The new strain of this disease combines ancient anti-Jewish prejudice with a new demonization of the State of Israel and unbridled anti-Americanism, replete with Nazi comparisons and symbolism. In this new anti-Semitism, the extreme right and the extreme left have gone around the bend so far that they now have joined forces.

We see evidence of this new anti-Semitism all around us. The Protocols of the Elders of Zion is cited with increasing frequency in the Middle East press, instead of being consigned, along with its ideological sequel, Mein Kampf, to the ash heap of literary history. In some areas of Europe, the swastika replaces the letter "s" in anti-Israel and anti-American posters, bumper stickers and buttons. There is the absurd rumor that Jews in New York City had advance warning of the September 11 attacks. The Holocaust itself, when not being denied, is at least being diminished.

The answer is not to silence these despicable ideas but to respond to them. We all have an obligation to history and to humanity to speak out, loudly and without exception, to this perversion of the truth and this degradation of civilization.

Julia Skalina is an Auschwitz survivor, a native of Czechoslovakia who now lives in my home State, in the city of Portland. She is a frequent speaker at schools in Maine. These are her words: "I learned what hatred can do, what people driven by hatred can do. I wish any future generation should never have to live through what we lived through."

That wish will come true only if we—all of us—make it so. The horror of the Holocaust and the magnificence of the human spirit that it revealed demand this of us.

COUNTRY OF ORIGIN LABELING

Mr. BURNS. Mr. President, yesterday, along with my colleagues Senators JOHNSON, THOMAS, THUNE, BINGAMAN, and DORGAN, I introduced a bill on country-of-origin labeling. The bill would accelerate the date of implementation of mandatory COOL, and expand labeling requirements to include processed foods.

Country-of-origin labeling is probably one of the most important issues for cattle producers in Montana. They raise the best beef in the world, and they are proud of that. They want the American consumer to know that beef in the freezer case is "Made in the U.S.A".

Of course, I have supported country-of-origin labeling for many years, and I was glad to see it finally pass in 2002 when we passed the 2002 farm bill. But since then, there have been some folks who won't rest until they dismantle the program. The implementation has been delayed, writing the rules has been delayed—well, I say enough is enough. Mandatory COOL is the law of the land. Let's get it implemented.

We need to get the country-of-origin labeling done. It needs to be done right, and it needs to be mandatory. Getting it done right is the key. I have a concern with the COOL law currently on the books. My legislation begins to fix one part of that law.

Right now, very little beef will actually be labeled in the grocery stores. The law excludes over half of the beef sold in this country. "Processed foods" includes a big portion of the beef products you and I are used to: Beef jerky, sausage, marinated foods—all of these items would be excluded under the current COOL law. I want to see that fixed, and that is what my bill will do. But I do not want mandatory COOL to be delayed any longer. That is why my legislation will implement the mandatory COOL law, as it is written, 1 year ahead of what the current law says, and then direct USDA to work on including processed foods.

Let me be clear. I want to see COOL done right, but under no set of circumstances do I support rolling back country-of-origin labeling. COOL needs to be mandatory. We have tried a voluntary program for 2 years. No one has participated. It is time for the packers and the processors to realize that Montana's cow/calf producers want labeling. They want to tell consumers where their beef comes from. I support that. I have pushed for mandatory COOL for years, and I will continue to do so in this Congress.

TRIBUTE TO HOWARD LIEBENGOOD

Mr. WARNER. Mr. President, I today pay tribute to my friend, Howard Liebengood, who died earlier this month. Howard's most recent service to the Senate was as Senator BILL FRIST's Chief of Staff. I was privileged to meet Howard when I came to the Senate 27 years ago, when he was our Sergeant at Arms. Howard was a treasured and invaluable member of the Senate family who will be greatly missed.

As I reflect on the privilege of serving my State and working with so many able and dedicated Senate staffers, Howard Liebengood stands out as one of the most effective members of our Senate staff whose exemplary career is testimony of his dedication to public service.

Howard's hallmark was his ever-present smile and vast knowledge of Senate practices and procedures.

His air of calm pervaded hot debates on tough issues as he reminded us that more challenging issues had been resolved with less acrimony in days past.

His outstanding record of service will stand as an everlasting manual from which present and future generations of Senate staffers can learn. Howard made the Senate a better place to work and our Nation a better place to live. His enormous contributions over his lengthy career will be remembered and cherished by his colleagues.

My staff joins me in sending our deepest sympathy to the Liebengood family.

FOOD AID FUNDING

Mr. KOHL. Mr. President, very soon the administration is expected to send to Congress supplemental appropriation requests to address ongoing military needs in Iraq and the humanitarian crisis posed by the tsunami in the Indian Ocean. My hope is that the administration will include adequate food aid funding in that supplemental proposal. Recent press reports suggest they may be moving in that direction. If, however, the administration's proposed supplemental fails to provide adequate food aid funding, it is my intention to offer an amendment that would essentially accomplish four things.

First, my amendment would provide full funding to meet U.S. food aid commitments from the tsunami under PL–480 title II. Second, my amendment will replenish PL–480 title II development funds that help meet our ongoing development programs across the globe. Third, it will shore up PL–480 title I funds that have been used as a stop-gap measure to address the crisis. And finally, it will replenish the Bill Emerson Humanitarian Trust, BEHT, so that our aid workers and development personnel can be assured of adequate resources to carry out their important lifesaving work in future crises.

The tsunami brought images of destruction and human suffering on a scale that is hard for many of us to imagine. Americans responded with great generosity by committing unprecedented funds through private donations. Some $50 million, I am told, has been pledged through the American Red Cross alone.

Federal workers and their cooperators in Washington and around the globe made an extraordinary effort to respond. Food resources that were prepositioned, and even some in transit, were shifted to address this crisis. For all their hard work and creativity, I commend them.

What concerns me now, however, is how we proceed after the television networks scale back their coverage. Enormous need will remain even after the emergency is contained. It will be months, perhaps years, before rice paddies are desalinated, fishing boats are rebuilt and fishing nets are repaired. Self-sufficiency will not happen overnight. And while the people most directly affected by the tsunami are struggling to achieve a measure of self-sufficiency, the dire need for food aid continues in places such as Ethiopia and Sudan and many others. That is why I believe it is so critical that we reinforce our food aid capacity.

In his inaugural address, the President spoke forcefully about ending tyranny and spreading democracy. Everyone shares those objectives. We also know that those objectives cannot be achieved solely by force or gesture politics. They demand a commitment to diplomacy and human compassion. Adequate funding for food aid is central to that process, and I invite my colleagues to join me in this effort.

ADDITIONAL STATEMENTS

CONGRATULATIONS TO THE RED ROVER MARCHING BAND

• Mr. SANTORUM. Mr. President, President George W. Bush's inauguration ceremony was truly a spectacular event. The sights and sounds that thousands of Americans witnessed on Thursday, January 20, 2005, will remain in their minds forever.

The 243 students of the Easton High School Red Rover Marching Band in Easton, PA, however, will have the lasting memory of marching up Pennsylvania Avenue to the White House to perform for the President and First Lady.

The Presidential inauguration is not only a time to peacefully celebrate a transition of power, but it is a time for students and bands from all over the nation to perform for the President and the First Lady. As bystanders and thousands across the country watched the inaugural parade, the performers put a face and familiarity to such a momentous event.

Prior to the inauguration, on Tuesday, January 18th, 2005, I had the opportunity to meet with the students of the Red Rover Marching Band and to listen as they practiced for their inaugural performance. The Red Rover Marching Band was chosen out of 300 bands from across the nation. In our meeting, I could feel the excitement of these high school students as they prepared for the opportunity to display their talents and participate in such an important event. It brings a great sense of pride to the residents of Easton and to all Pennsylvanians that the Red Rover Marching Band was selected to represent the musical talents of Pennsylvania youth in the inaugural parade.

It is a great honor for the Red Rover Marching Band to participate in such a dramatic event of pomp and circumstance. I am thankful for the time that they put in practicing and reviewing their song selection. They should be proud to be among the many other top-notch bands that performed before the President and First Lady in the Inaugural Parade. Their hard work certainly paid off. I am pleased that the Red Rover Marching Band represented our Commonwealth and specifically Easton, Pennsylvania on such an historic day in our Nation's history.•

REMEMBERING G. FRED DIBONA, JR.

• Mr. SANTORUM. Mr. President, today I reflect on the loss of a dear friend. On January 11, 2005, G. Fred DiBona, Jr. passed away after a 15-month battle with cancer. I have known Fred for more than 11 years and have developed a close relationship with Fred and his family. The DiBona family has suffered a tremendous loss, and I offer them my condolences and deepest sympathy during this difficult time.

On February 20, 1951, G. Fred DiBona, Jr. was born in South Philadelphia to Common Pleas Court Judge, G. Fred DiBona and the former Rose D'Amico. Fred Jr. was raised in Philadelphia, and went on to graduate from South Philadelphia High School and Davis and Elkins College. He also received a law degree from the Delaware School of Law.

At the age of 25, Fred became chairman of the Philadelphia Zoning Board of Adjustment. After a three-year post with the Zoning Board, Fred served as President of the Philadelphia Port Corporation, President of the Greater

Philadelphia Chamber of Commerce, and finally as President and Chief Executive Officer of Independence Blue Cross.

With vision and confidence, Fred completely revolutionized Independence Blue Cross. He devoted a great deal of time and energy to Independence Blue Cross, and implemented a vision of trustworthy insurance service to his customers for many years. Throughout his career, Fred worked vigorously and tirelessly in the pursuit of excellence, and I am grateful for the many years of service he provided to his community.

Fred will also be remembered for his community activism and willingness to serve on several boards and councils. Specifically, he served consecutive terms as chairman of the Blue Cross and Blue Shield Association, the country's largest association of private health insurers. He is also a former member of the Harvard Health Policy and Management Executive Council, a group at the Harvard School of Public Health. Fred also served on the boards of Aqua America Inc., Crown Holdings Inc., Exelon Corporation, The GEO Group, Inc., and Tasty Baking Company. Fred's involvement in civic organizations, including the Peter Nero and Philly Pops Board, displayed his dedication as a professional to his community.

It is noticeable by the several awards that Fred received over the years that his dedication to service graced his community tremendously. In 1995 Fred received the National Patriot's Award from the Congressional Medal of Honor Society. In 1996, he received the Thomas Cahill Leadership Award and the Jewish National Fund Tree of Life Award. Fred has also been honored with the Annual Business Leadership Award from LaSalle University; the Good Scout Award for the Cradle of Liberty Council, Boy Scouts of America; the 95th Annual Whitney M. Young Jr. Leadership Award from the Urban League of Philadelphia; and the 50th annual Business Leader of the Year award from Drexel University.

Despite his numerous accolades, Fred was an extremely humble man and a positive role model to others. I was proud to have Fred serve as my first finance chairman in my 1994 race for the Senate. It was during that time that we began to develop a close relationship.

Fred not only leaves behind a legacy, but also a wonderful family. Fred was a loving husband to Sylvia and father to Fred and Christine. My thoughts and prayers are with the DiBona family during the days and months ahead.●

CARROLL COLLEGE FIGHTING SAINTS

● Mr. BURNS. Mr. President, with great pride and admiration I honor the Carroll College football team, better known as the Fighting Saints who, on December 18, 2004, defeated the University of St. Francis Cougars to win their third consecutive NAIA football championship. Carroll is the first team to achieve this feat since Texas A & I accomplished it in 1974–1976.

St. Francis was leading 13–12 with just 1:13 left to play in the game and 89 long yards for Carroll College. Without a timeout remaining, quarterback Tyler Emmert drove the Saints within field goal range and with ten seconds on the clock to spare, which gave freshmen kicker Marcus Miller an opportunity to kick a 32-yard field goal.

Along with the honor of being national champions, quarterback Tyler Emmert was named the offensive MVP of the NAIA All-American Team. Four other team members of the Fighting Saints were also named to the NAIA All-American Team and two received honorable mentions. This great team is led by head coach Mike Van Diest who was named 2003 NAIA National Coach of the Year and Frontier Conference Coach of the Year. Van Diest also received the Frank Leahy Coach of the Year Award and the Johnny Vaught Head Coach Award, both presented by the All-American Football Foundation. The Carroll College football team was well represented on the 2004 NAIA All-American squad with five players making the first team. The Saints placed three players on offense—lineman Kyle Baker, quarterback Tyler Emmert and wide receiver Kevin McCutcheon. Linebacker Gary Cooper and defensive lineman Kevin Cicero were named to the first-team defense.

On this outstanding Carroll team, 23 of the 52 players had never been to a championship game before. This victory must be credited to all of the players on this fine team. At this time I would like to submit a full roster of the Fighting Saints to be printed for the RECORD of the Senate following my statement.

Carroll College is not known just for their football program. U.S. News and World Report ranked Carroll College as the Fourth Best Western Regional Comprehensive College in America's Best Colleges for 2005. The Talking Saints forensics team is ranked in the top five of all universities and colleges in the United States. Their Nursing Department uses state-of-the-art technology including a $30,000 simulated patient, the most advanced of its kind and the only one in the state of Montana. Nine faculty members received Fulbright Scholarships, which continues to add to the school's excellent reputation. The ABET, Accreditation Board for Engineering and Technology, recently presented Carroll College with its Innovation Award in recognition of the creative way that they combined their engineering and mathematics curriculums.

I congratulate the three-time national champions and the fine educational institution of Carroll College.

Carroll College 2004 Football Roster, 51-man playoff roster:

A.J. Porrini, Mike Pancich, Seamus Mohillo, Justin Rigen, Mark Esponda, Cody Zimmerman, Marcus Miller, Andy Johnson, John Barnett, Matt Thomas, Dustin Michaelis, Tyler Emmert, Kevin McCutcheon, Jed Thomas, Regan Mack, Zach Thiry, Nick Milodragovich, Josh Schmidt, Zach Bumgarner, Austin Hall, T.J. Lehman, Jayce Peavler, Ryan Grosulak, Mike Maddox, Gary Cooper, Ellis Beckwith, Nick Bradeen, C.J. Bugas, Jeff Pasha, Phil Lenoue, Dan Mazurek, Kyle Baker, Kyle Cicero, Jason Ostler, Devin Wolf, Bryson Pelc, Sam Morton, Kevin Cicero, Nick Hammond, Paul Barnett, Tom Boyle, Scott Holbrook, Kendall Selle, Casey Crites, Nick Colasurdo, Mike Donovan, John Klaboe, Andrew Davenport, Jeff Shirley, and Chris Ramstead.

President: Dr. Tom Trebon.

Athletic Director: Bruce M. Parker.

Head Coach: Mike Van Diest.

Assistant Coaches: Nick Howlett, Jim Hogan, Mike McMahon, Kyle Mihelish, Gary Guthmiller, Mark Gallik, Mark Lenhardt, Jarod Wirt, Daryl Wilkerson.

Student Coaches: Mike Mahoney, Tyler Peterson.●

CELEBRATION OF THE 75TH ANNIVERSARY OF THE JEWISH FEDERATION OF SILICON VALLEY

● Mrs. BOXER. Mr. President, I take this opportunity to recognize the 75th anniversary of the Jewish Federation of Silicon Valley.

In 1930, the Jewish Federation of Silicon Valley, JFSV, was incorporated into the national Jewish Federation system to promote philanthropic and humanitarian activities in Santa Clara County. For 75 years, JFSV has served as a focal point for the Jewish community in Silicon Valley. With a membership of over 13,000, the JFSV is committed to preservation and enrichment of Jewish culture, and to expressing Jewish community concerns about Jewish life in Santa Clara County, the United States, Israel and throughout the world.

Over the past 75 years, JFSV has expanded greatly, and now offers a wide variety of programs to its members. The Silicon Valley Young Adults Division offers educational and social programs to members ages 25–40. The Women's Philanthropy Division focuses on community-building, educational, social, and cultural enrichment for women, while offering great networking opportunities to women members. Blue Knot, the Jewish Technology Initiative, creates opportunities for Jewish professionals in the technology sector to exchange ideas and expand networks.

JFSV is based on the caring philosophies of Klal Yisrael, the responsibility of each Jew for another, and Tikun Olam, repairing the world through social action. JFSV has mentored many members who have dedicated themselves to community service in Silicon

Valley and the Greater Bay Area. Through its outreach, JFSV has successfully enhanced social and civic participation in the Silicon Valley community.

The Jewish Federation of Silicon Valley's service to the Jewish community, both in Santa Clara County and nationwide, is truly inspiring. I congratulate the Jewish Federation of Silicon Valley on their 75th anniversary and wish them another 75 years of success.•

40TH ANNIVERSARY OF ANALOG DEVICES, INC.

• Mr. KENNEDY. Mr. President, I welcome this opportunity to recognize a significant milestone in the life of a truly innovative Massachusetts company. On January 18, Analog Devices, Inc., of Norwood, MA celebrated its 40th anniversary.

The firm was founded in 1965 by two M.I.T. graduates, Ray Stata and Matthew Lorber. It is now the world's largest supplier of some of the key data converters and amplifiers used in nearly every form of electronic communications equipment.

Its earnings place it in the top 10 among companies in Massachusetts, and it has manufacturing plants and technology design centers in Massachusetts and nine other States, including Arizona, California, New Hampshire, New Jersey, North Carolina, Oregon, Texas, Utah, and Washington, as well as 11 other countries.

Analog Devices has been in the vanguard of the innovation revolution that has transformed the economy of Massachusetts, and that continues to shape the economic future of this country. When I first came to the Senate, our State economy was characterized by a reliance on older industries, many of which migrated South, and then overseas.

Fortunately, in the decades since then, innovators like Ray Stata and Matthew Lorber, began to launch the industries of the future in our State, including information technology, electronics, and biomedicine. We still face significant economic challenges, as all States do. But we take great pride in reports that consistently place us among the most economically competitive regions of the country, and we are hopeful about our future.

The Analog Devices team has a great deal to celebrate as they conclude their 40th year, including several noteworthy recent accomplishments.

Analog Devices was recognized by its industry peers in the Massachusetts Telecommunications Council as State Telecom Company of the Year in 2004.

Jerald G. Fishman was named CEO of the Year in 2004 by Electronic Business magazine, a prestigious industry publication with a large circulation among electronic industry executives.

In 2001, in recognition of his enormous contributions and commitment to education, the United States Semiconductor Industry Association honored Ray Stata with the prestigious Robert N. Noyce Award.

The strong foundation laid by Analog Devices in its first 40 years will bring decades more of creativity, innovation, prosperity, and investment to our State, and I congratulate this outstanding company for it's done so well.•

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–101. A message from the President of the United States, transmitting, pursuant to law, the report of the continuation of the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process; to the Committee on Banking, Housing, and Urban Affairs.

EC–102. A communication from the Deputy Secretary, Department of the Treasury, transmitting, pursuant to law, the periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on Banking, Housing, and Urban Affairs.

EC–103. A communication from the Deputy Secretary, Department of the Treasury, transmitting, pursuant to law the periodic report on the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on Banking, Housing, and Urban Affairs.

EC–104. A communication from the Deputy Secretary, Department of the Treasury, transmitting, pursuant to law, a final periodic report on the national emergency with respect to Libya that was declared in Executive Order 12543 of January 7, 1986, and terminated in Executive Order 13357 of September 20, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–105. A communication from the Chief Financial Officer, Department of Housing and Urban Development, transmitting, pursuant to law, the Department of Housing and Urban Development's report on its competitive sourcing efforts for FY 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–106. A communication from the Regulatory Specialist, Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Proper disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003" (RIN1557–AC84) received on January 13, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–107. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (69 FR 70192)" (44 CFR 67) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–108. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (69 FR 71718)" (44 CFR 65) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–109. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (69 FR 72128)" (44 CFR 65) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–110. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (69 FR 70191)" (44 CFR 67) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–111. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (69 FR 72131)" (44 CFR Part 67) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–112. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations (69 FR 70185)" (44 CFR 67) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–113. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Suspension of Community Eligibility (69 FR 70377)" (44 CFR part 64) received on ; to the Committee on Banking, Housing, and Urban Affairs.

EC–114. A communication from the General Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations (69 FR 71721)" (44 CFR Part 67) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–115. A communication from the Assistant General Counsel, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revisions to FHA Credit Watch Termination Initiative" (RIN2502–AH60) received on January 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–116. A communication from the Assistant General Counsel, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs; Additional Exceptions to Time Restrictions on Sales" (RIN2502–AI18) received on January 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–117. A communication from the Assistant General Counsel, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Home Equity Conversion Mortgage (HECM) Program: Insurance for Mortgages to Refinance Existing HECMs and Reduced Initial Mortgage Insurance Premiums (MIP)" (RIN2502–AH63) received on

January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–118. A communication from the Assistant General Counsel, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Modification of the Community Development Block Grant for Metropolitan City and Other Conforming Amendments" (RIN2506–AC15) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–119. A communication from the Assistant General Counsel, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Distribution of Tax Credit Proceeds" (RIN2502–AH91) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–120. A communication from the Assistant General Counsel, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "HOME Investment Partnerships Program; Amendments to Homeownership Affordability Requirements" (RIN2501–AD06) received on January 5, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–121. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 747 Civil Monetary Penalty Inflation Adjustment" received on January 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–122. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR 717.83 Fair Credit Reporting—Disposal of Consumer Information; 12 CFR 748.0—Security Program ; 12 CFR Part 748, appendix A—Guidelines for Safeguarding Member Information" received on January 24, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–123. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Asset-Backed Securities" (RIN3235–AF74) received on January 13, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–124. A communication from the Deputy General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Public Affairs, received on December 31, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–125. A communication from the Deputy General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Secretary for Policy Development and Research, received on December 31, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–126. A communication from the Deputy General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Deputy Secretary, received on December 31, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–127. A communication from the Deputy General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Chief Financial Officer, received on December 31, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–128. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the Financial Report of the United States Government for Fiscal Year 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–129. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, the report of a transaction involving exports to Egypt; to the Committee on Banking, Housing, and Urban Affairs.

EC–130. A communication from the Director of the Office of Federal Housing Enterprise Oversight, transmitting a report on the standard of reasonable assurance pertaining to the effectiveness of its internal management controls during Fiscal Year 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–131. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the periodic report on the national emergency with respect to the Development Fund for Iraq that was declared in Executive Order 13303 of May 22, 2003; to the Committee on Banking, Housing, and Urban Affairs.

EC–132. A communication from the Deputy Secretary of the Treasury, transmitting, pursuant to law, the report on the national emergency with respect to Burma that was declared in Executive Order 13046 of May 20, 1997; to the Committee on Banking, Housing, and Urban Affairs.

EC–133. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Registration Under the Advisers Act of Certain Hedge Fund Advisers" (RIN3235–AJ25) received on December 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–134. A communication from the Deputy Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Disposal of Consumer Report Information" (RIN3235–AJ24) received on December 3, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–135. A communication from the Director of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting, pursuant to law, the report of a rule entitled "Deposit Insurance Assessments—Certified Statements" received on December 31, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–136. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustment" (RIN1550–AB95) received on December 17, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–137. A communication from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "EGRPRA Regulatory Review—Application and Reporting Requirements" (RIN1550–AB93) received on December 17, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–138. A communication from the Chief Counsel of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "31 CFR Parts 515, 538 and 560: Cuban Assets Control Regulations; Sudanese Sanctions Regulations; Iranian Assets Control Regulations" received on December 17, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–139. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Entity List: Removal of Four Russian Entities" (RIN0694–AD12) received on December 6, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–140. A communication from the Assistant Secretary, Division of Corporate Finance, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Temporary Postponement of Final Phase-In Period for Acceleration of Periodic Reports" (RIN3235–AJ30) received on December 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–141. A communication from the Assistant Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, the report of a rule entitled "Rule 17Ad–20: Issuer Restrictions and Prohibitions to or from Securities Intermediaries" (RIN3235–AJ26) received on December 8, 2004; to the Committee on Banking, Housing, and Urban Affairs.

EC–142. A communication from the Assistant to the Federal Reserve Board, transmitting, pursuant to law, the report of a rule entitled "12 CFR Parts 208, 211, 222, and 225: Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003" received on January 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–143. A communication from the Assistant to the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Regulation C (Home Mortgage Disclosure)" received on January 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–144. A communication from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Implementation of Requirement in HUD Programs for Use of Data Universal Numbering System (DUNS) Identifier" (RIN2501–AD01) received on January 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–145. A communication from the General Counsel, National Credit Union Administration, transmitting, pursuant to law, the report of a rule entitled "12 CFR Part 723: Member Business Loans" received on January 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–146. A communication from the Assistant General Counsel, Office of Public and Indian Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "PHA Discretion in Treatment of Over-Income Families" (RIN2577–AC42) received on January 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–147. A communication from the Assistant General Counsel, Office of Housing, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "FHA TOTAL Mortgage Scorecard" (RIN2502–AI00) received on January 3, 2005; to the Committee on Banking, Housing, and Urban Affairs.

EC–148. A communication from the Deputy General Counsel, Government Contracting and Business Development, Small Business Administration, transmitting, pursuant to law, the report of a rule entitled "Small Business Government Contracting Programs; Subcontracting (and Correction)" (RIN3245–AF12); to the Committee on Small Business and Entrepreneurship.

EC–149. A communication from the Deputy Assistant Administrator, Drug Enforcement Administration, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Exemption of Chemical Mixtures" (RIN1117–AA31) received on January 5, 2005; to the Committee on the Judiciary.

EC–150. A communication from the Deputy Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Yamhill-Carlton District Viticultural Area" (RIN1513–AA59) received on January 5, 2005; to the Committee on the Judiciary.

EC–151. A communication from the Deputy Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, transmitting, pursuant to law, the report of a rule entitled "Establishment of the Southern Oregon Viticultural Area (2002R–38P)" (RIN1513–AA75) received on January 5, 2005; to the Committee on the Judiciary.

EC–152. A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Execution of Removal Orders: Countries to Which Aliens May be Removed" (RIN1125–AA50) received on January 24, 2005; to the Committee on the Judiciary.

EC–153. A communication from the Deputy Assistant Administrator, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Recordkeeping and Reporting Requirements for Drug Products Containing Gamma-Hydroxybutyric Acid (GHB)" (RIN1117–AA71) received on January 24, 2005; to the Committee on the Judiciary.

EC–154. A communication from the Under Secretary and Director of the United States Patent Office, transmitting, pursuant to law, the report of a rule entitled "Changes to Implement the Cooperative Research and Technology Enhancement Act of 2004" (RIN0651–AB76) received on January 13, 2005; to the Committee on the Judiciary.

EC–155. A communication from the Under Secretary and Director of the United States Patent and Trademark Office, transmitting, pursuant to law, the report of a rule entitled "Changes in Fees for Filing Applications for Trademark Registration" (RIN0651–AB83) received on January 13, 2005; to the Committee on the Judiciary.

EC–156. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Semiannual Report of the Inspector General and the Management Response for the period of April 1, 2004 to September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–157. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the report of the Office of Inspector General for the period April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–158. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report on the Office of the Inspector General for the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–159. A communication from the Chairman, Federal Trade Commission, transmitting, pursuant to law, the report on the Office of Inspector General from the period ending September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–160. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–161. A communication from the Attorney General, transmitting, pursuant to law, the Semiannual Management Report to Congress: April 1, 2004 through September 30, 2004, and the Semiannual Report to Congress by the Office of the Inspector General for the same period; to the Committee on Homeland Security and Governmental Affairs.

EC–162. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the semiannual report on Office of Inspector General auditing activity, and the report providing management's perspective on the implementation status of audit recommendations; to the Committee on Homeland Security and Governmental Affairs.

EC–163. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report on Fiscal Year 2004 Annual Performance and Accountability; to the Committee on Homeland Security and Governmental Affairs.

EC–164. A communication from the Chair, Equal Employment Opportunity Commission, transmitting, pursuant to law, the report on the Office of Inspector General for the period ended September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–165. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the report on Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–166. A communication from the Executive Director, National Capitol Planning Commission, transmitting, pursuant to law, the report on competitive sourcing initiatives in Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–167. A communication from the Chairman, Board of Governors, United States Postal Service, transmitting, pursuant to law, the Board's report under the Government in the Sunshine Act for the calendar year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–168. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report on competitive sourcing accomplishments for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–169. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–170. A communication from the Director, Office of Personnel Management, transmitting the report on the Federal Senior Executive Service Candidate Development Program; to the Committee on Homeland Security and Governmental Affairs.

EC–171. A communication from the Special Counsel, transmitting, pursuant to law, the report on Fiscal Year 2004 performance and accountability; to the Committee on Homeland Security and Governmental Affairs.

EC–172. A communication from the Secretary of Education, transmitting, pursuant to law, the report on Inspector General audit follow-up from the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–173. A communication from the Special Counsel, Office of Special Counsel, transmitting, pursuant to law, the Fiscal Year 2004 Report on Agency Management of Commercial Activities under the FAIR Act; to the Committee on Homeland Security and Governmental Affairs.

EC–174. A communication from the Secretary of Energy, transmitting, pursuant to law, the report of the Office of the Inspector General for the period April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–175. A communication from the Director, Financial Management and Assurance, General Accounting Office, transmitting, pursuant to law, the Congressional Award Foundation's Fiscal Years 2003 and 2002 Financial Statements; to the Committee on Homeland Security and Governmental Affairs.

EC–176. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–177. A communication from the Director, Information Security Oversight Office, National Archives and Records Administration, transmitting, pursuant to law, a report to the President concerning an assessment of declassification in the Executive Branch; to the Committee on Homeland Security and Governmental Affairs.

EC–178. A communication from the Public Printer, Government Printing Office, transmitting, pursuant to law, the Annual Report for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–179. A communication from the Executive Director, Federal Retirement Thrift Investment Board, transmitting, pursuant to law, the report of the Office of the Inspector General for fiscal year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–180. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–181. A communication from the Federal Co-Chair, Appalachian Regional Commission, transmitting, a report relative to competitive sourcing efforts during fiscal year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–182. A communication from the Chairman, National Labor Relations Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–183. A communication from the United States Trade Representative, Executive Office of the President, transmitting, pursuant to law, the fiscal year 2003 Annual Performance Report, and the fiscal year 2005 Performance Plan; to the Committee on Homeland Security and Governmental Affairs.

EC–184. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–185. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Managing Federal Recruitment: Issues, Insights, and Illustrations"; to the Committee on Homeland Security and Governmental Affairs.

EC–186. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–187. A communication from the Chairman, National Science Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–188. A communication from the Administrator, Agency for International Development, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–189. A communication from the Inspector General, Railroad Retirement Board, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–190. A communication from the Secretary of Education, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–191. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–192. A communication from the Inspector General, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–193. A communication from the Director, Office of Personnel Management, the President's Pay Agent, transmitting, pursuant to law, a report justifying the reasons for the extension of locality-based comparability payments to categories of positions that are in more than one executive agency; to the Committee on Homeland Security and Governmental Affairs.

EC–194. A communication from the Acting Chairman, Merit Systems Protection Board, transmitting, pursuant to law, the Performance and Accountability Report for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–195. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the Fiscal Year 2004 Performance and Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–196. A communication from the Chief Executive Officer, Corporation for National and Community Service, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Inspector General; to the Committee on Homeland Security and Governmental Affairs.

EC–197. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, the report on Fiscal Year 2004 competitive sourcing accomplishments; to the Committee on Homeland Security and Governmental Affairs.

EC–198. A communication from the Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–199. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report on the Office of Inspector General for the period ending September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–200. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004, through September 30, 2004, and the report on the Office of Treasury Inspector General for Tax Administration for the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–201. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Locality-Based Comparability Payments" (RIN3206-AJ45) received on January 5, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–202. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees' Retirement System; Death Benefits and Employee Refunds" (RIN3206-AK57) received on January 5, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–203. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Final Regulations on Senior Executive Pay and Performance Awards: Aggregate Limitation on Pay" (RIN3206-AK32) received on January 13, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–204. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation; Federal Acquisition Circular 2001-27" (FAC 2001-27) received on January 24, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–205. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled "Federal Employees Health Benefits Program: Modification of Two-Option Limitation for Health Benefits Plans and Continuation of Coverage for Annuitants Whose Plan Terminates an Option" (RIN3206-AK48) received on January 24, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–206. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Post-Employment Conflict of Interest Restrictions; Revision of Departmental Component Designations" (RIN3209-AA14) received on January 24, 2005; to the Committee on Homeland Security and Governmental Affairs.

EC–207. A communication from the Chairman, Consumer Product Safety Commission, transmitting, pursuant to law, the report on Fiscal Year 2004 Performance and Accountability; to the Committee on Homeland Security and Governmental Affairs.

EC–208. A communication from the Assistant Administrator, United States Agency for International Development, transmitting, pursuant to law, the report on Fiscal Year 2004 performance and accountability; to the Committee on Homeland Security and Governmental Affairs.

EC–209. A communication from the Chairman, National Credit Union Administration, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–210. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–211. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–212. A communication from the Chairman, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the report on the Federal Managers' Financial Integrity Act and the Inspector General Act Amendments of 1978; to the Committee on Homeland Security and Governmental Affairs.

EC–213. A communication from the Administrator, Small Business Administration, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–214. A communication from the Secretary of Commerce, transmitting, pursuant to law, the report on the Office of Inspector General for the period April 1, 2004, through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–215. A communication from the Secretary of State, transmitting, pursuant to law, the Department's Performance and Accountability Report and the report of the Office of the Inspector General for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–216. A communication from the Director, Financial Management, General Accounting Office, transmitting, pursuant to law, the Fiscal Year 2004 annual report of the Comptrollers' General Retirement System; to the Committee on Homeland Security and Governmental Affairs.

EC–217. A communication from the Deputy Archivist, National Archives and Records Administration, transmitting, pursuant to law, the report of a rule entitled "Records Management; Unscheduled Records"

(RIN3095-AB41); to the Committee on Homeland Security and Governmental Affairs.

EC–218. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–219. A communication from the Director of Administration, National Labor Relations Board, transmitting, pursuant to law, the Board's Performance and Accountability Report for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–220. A communication from the Chairman, International Trade Commission, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–221. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Auditor's Examination of Personnel Process Used to Fill a Vacant Position in the Emergency Medical Services"; to the Committee on Homeland Security and Governmental Affairs.

EC–222. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Letter Report: Responses to Specific Questions Regarding the District's Proposed Baseball Stadium"; to the Committee on Homeland Security and Governmental Affairs.

EC–223. A communication from the Chairman, Federal Maritime Commission, transmitting, pursuant to law, the Commission's Performance and Accountability Reports for Fiscal Year 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–224. A communication from the Acting Secretary, Commission of Fine Arts, transmitting, pursuant to law, a report concerning the 2004 Inventory of Commercial and Inherently Governmental Activities Report; to the Committee on Homeland Security and Governmental Affairs.

EC–225. A communication from the President and CEO, Overseas Private Investment Corporation, transmitting, pursuant to law, the report of the Office of the Inspector General for the period of April 1, 2004 through September 30, 2004; to the Committee on Homeland Security and Governmental Affairs.

EC–226. A communication from the Acting Director, Office of Government Ethics, transmitting, pursuant to law, the Fiscal Year 2004 Performance Accountability Report; to the Committee on Homeland Security and Governmental Affairs.

EC–227. A communication from the General Counsel, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the report of a nomination confirmed for the position of Administrator, Office of Federal Procurement Policy; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE REPORT OF COMMITTEE

The following executive report of committee was submitted:

By Mr. GRASSLEY for the Committee on Finance.

*Michael O. Leavitt, of Utah, to be Secretary of Health and Human Services.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. GRASSLEY (for himself, Mr. Kohl, Mr. Hatch, Mr. Carper, Mr. Frist, Mr. Chafee, Mr. Dodd, Mrs. Feinstein, Mr. Hagel, Mr. Kyl, Ms. Landrieu, Mrs. Lincoln, Mr. Lugar, Mr. McConnell, Mr. Schumer, Mr. Thune, Mr. Vitter, Mr. Voinovich, Mr. Lott, Mr. Alexander, Ms. Snowe, Mr. Sessions, Mr. DeMint, Mr. Lieberman, Mr. Martinez, and Mr. Ensign):

S. 5. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

By Ms. COLLINS (for herself, Mr. Carper, Mr. Voinovich, Mr. Feingold, Mr. Akaka, and Mr. Lieberman):

S. 21. A bill to provide for homeland security grant coordination and simplification, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. STEVENS (for himself, Mr. Inouye, Ms. Snowe , and Mr. Dodd):

S. 39. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Florida (for himself, Mr. Martinez, Mr. Sessions, and Mr. Allen):

S. 145. A bill to amend title 10, United States Code, to require the naval forces of the Navy to include not less than 12 operational aircraft carriers; to the Committee on Armed Services.

By Mr. INOUYE:

S. 146. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. AKAKA (for himself and Mr. Inouye):

S. 147. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

By Mr. McCAIN (for himself, Mr. Stevens, and Mr. Dorgan):

S. 148. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. BINGAMAN:

S. 149. A bill for the relief of Ziad Mohamed Shaban Khweis, Heyam Ziad Khweis, and Juman Ziad Khweis; to the Committee on the Judiciary.

By Mr. JEFFORDS (for himself, Ms. Collins, Mr. Lieberman, Ms. Snowe, Mr. Schumer, Mr. Biden, Mrs. Boxer, Mrs. Clinton, Mr. Corzine, Mr. Dodd, Mr. Feingold, Mrs. Feinstein, Mr. Kennedy, Mr. Kerry, Mr. Lautenberg, Mr. Leahy, Mr. Reed, and Mr. Sarbanes):

S. 150. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

By Mr. COLEMAN (for himself and Mr. Pryor):

S. 151. A bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mrs. MURRAY (for herself and Ms. Cantwell):

S. 152. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 153. A bill to direct the Secretary of the Interior to conduct a resource study of the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting the resources of the Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. JOHNSON:

S. 154. A bill to grant a Federal charter to the National American Indian Veterans, Incorporated; to the Committee on the Judiciary.

By Mrs. FEINSTEIN (for herself, Mr. Hatch, Mr. Grassley, Mr. Cornyn, and Mr. Kyl):

S. 155. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 156. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 157. A bill to amend the Internal Revenue Code of 1986 to permit interest on Federally guaranteed water, wastewater, and essential community facilities loans to be tax exempt; to the Committee on Finance.

By Mr. LIEBERMAN (for himself, Mrs. Clinton, Mr. Dodd, and Mr. Schumer):

S. 158. A bill to establish the Long Island Sound Stewardship Initiative; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI:

S. 159. A bill to eliminate the sunset for the determination of the Federal medical assistance percentage for Alaska; to the Committee on Finance.

By Ms. MURKOWSKI:

S. 160. A bill to amend the Internal Revenue Code of 1986 to allow individuals a refundable credit against income tax for the purchase of private health insurance, and for other purposes; to the Committee on Finance.

By Mr. McCAIN (for himself and Mr. KYL):

S. 161. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Energy and Natural Resources.

By Mr. ROCKEFELLER:

S. 162. A bill to amend chapter 99 of the Internal Revenue Code of 1986 to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Finance.

By Mr. BENNETT:

S. 163. A bill to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BENNETT:

S. 164. A bill to provide for the acquisition of certain property in Washington County, Utah; to the Committee on Energy and Natural Resources.

By Mr. COLEMAN:

S. 165. A bill for the relief of Tchisou Tho; to the Committee on the Judiciary.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 166. A bill to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, and Mrs. FEINSTEIN):

S. 167. A bill to provide for the protection of intellectual property rights, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. NELSON of Nebraska (for himself, Mr. HAGEL, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. INOUYE):

S. Res. 10. A resolution honoring the life of Johnny Carson; considered and agreed to.

By Mr. KYL (for himself, Mr. BROWNBACK, Mr. LOTT, Mr. CHAMBLISS, and Mr. SANTORUM):

S. Res. 11. A resolution honoring the service of Reverend Lloyd Ogilvie; considered and agreed to.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. Res. 12. A resolution commending the University of Southern California Trojans football team for winning the 2004 Bowl Championship Series national championship game; considered and agreed to.

By Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. ALLEN, Mr. NELSON of Nebraska, Mr. SESSIONS, and Mr. ENZI):

S. Con. Res. 4. A concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees; to the Committee on Armed Services.

By Mr. LUGAR (for himself and Mr. BIDEN):

S. Con. Res. 5. A concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 8

At the request of Mr. ENSIGN, the names of the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Arizona (Mr. McCAIN) were added as cosponsors of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 14

At the request of Ms. STABENOW, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 14, a bill to provide fair wages for America's workers, to create new jobs through investment in America, to provide for fair trade and competitiveness, and for other purposes.

S. 15

At the request of Mr. REID, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 15, a bill to improve education for all students, and for other purposes.

S. 16

At the request of Mr. KENNEDY, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 16, a bill to reduce to the cost of quality health care coverage and improve the availability of health care coverage for all Americans.

S. 19

At the request of Mr. CONRAD, the names of the Senator from Wisconsin (Mr. KOHL) and the Senator from Michigan (Mr. LEVIN) were added as cosponsors of S. 19, a bill to reduce budget deficits by restoring budget enforcement and strengthening fiscal responsibility.

S. 20

At the request of Mr. REID, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 20 , a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 27

At the request of Mrs. HUTCHISON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 27, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 50

At the request of Mr. INOUYE, the names of the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 51

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 51, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 57

At the request of Mr. ALLARD, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 57, a bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 98

At the request of Mr. ALLARD, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 103

At the request of Mr. TALENT, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 132

At the request of Mrs. LINCOLN, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 132, a bill to amend the Internal Revenue Code of 1986 to allow a deduction for premiums on mortgage insurance.

At the request of Mr. SMITH, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 132, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRASSLEY (for himself, Mr. KOHL, Mr. HATCH, Mr. CARPER, Mr. FRIST, Mr. CHAFEE, Mr. DODD, Mrs. FEINSTEIN, Mr. HAGEL, Mr. KYL, Ms. LANDRIEU, Mrs. LINCOLN, Mr. LUGAR, Mr.

McCONNELL, Mr. SCHUMER, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. LOTT, Mr. ALEXANDER, Ms. SNOWE, Mr. SESSIONS, Mr. DEMINT, Mr. LIEBERMAN, Mr. MARTINEZ, and Mr. ENSIGN):

S. 5. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to join Senators GRASSLEY, HATCH, CARPER, and many others in introducing the Class Action Fairness Act of 2005. This legislation addresses the continuing problems in class action litigation, particularly unfair and abusive settlements that shortchange consumers across America.

The time for this bill has come. We have worked together on a bipartisan basis on this legislation in past Congresses. In fact, versions of this bill have passed the House of Representatives on two occasions in the past. In the Senate, we passed this bill through the Judiciary Committee in each of the last two Congresses and came within one vote of gaining cloture on the bill.

We worked successfully to substantially improve this bill during the last Congress. As a result of the interest of Senators FEINSTEIN, DODD, SCHUMER and LANDRIEU, we have changed the bill in important ways. Now, only cases that are truly national in scope will be tried primarily in the Federal courts. Cases that primarily involve people from only one State and that interpret State law will remain in State court. These changes will ensure that class action cases are handled efficiently and in the appropriate venues and that no case that has merit will be turned away.

We have a simple story to tell. Consumers are too often getting the short end of the stick in class action cases, recovering coupons or pocket change, while their lawyers reap millions. Many of these complex class action cases proceed exactly as we would hope. Injured parties, represented by strong advocates, get their day in court or reach a positive settlement that is good for the parties and handled well by their attorney.

Unfortunately, this is not how it always works. Rather, more and more frequently, some are taking advantage of the system and, as a result, consumers are getting the short end of the stick, recovering coupons or pocket change, while the real reward is going to others. The Washington Post put it clearly, "no portion of the American civil justice system is more of a mess than the world of class actions."

Our remedy is straightforward. Consumers deserve notices that are written in plain English so they can understand their rights and responsibilities in the lawsuit. Too many of the class action notices are designed to be impossible to comprehend. Further, if the cases are settled, the notice to the class members must clearly describe the terms of the settlement, the benefits to each plaintiff and a summary of the attorneys' fees in the case and how they were calculated. We are grateful that the Federal Judicial Conference has adopted our idea and has already begun to improve the notices provided to class action plaintiffs.

Second, State attorneys general should be notified of proposed class action settlements to stop abusive cases if they want. This encourages a neutral third party to weigh in on whether a settlement is fair and to alert the court if they do not believe that it is. The Attorney General review is an extra layer of security for the plaintiffs and is designed to ensure that abusive settlements are not approved without a critical review by one or more experts.

Third, a class action consumer bill of rights will help limit coupon or other unfair settlements.

Finally, we allow many class action lawsuits to be removed to Federal court. This is only common sense. These are national cases affecting consumers in 50 States. If the court rules were being drafted today, these are exactly the types of cases which we would want and expect to be tried in Federal court.

Stories of nightmare class action settlements that affect consumers around the country are all too frequent. For example, a suit against Blockbuster video yielded dollar off coupons for future video rentals for the plaintiffs while their attorneys collected $9.25 million. In California State court, a class of 40 million consumers received $13 rebates on their next purchase of a computer or monitor—in other words they had to purchase hundreds of dollars more of the defendants' product to redeem the coupons. In essence, the plaintiffs received nothing, while their attorneys took almost $6 million in legal fees. We could list many, many more examples, but let me discuss just one more case that is almost too strange to believe.

I am speaking about the Bank of Boston class action suit and the outrageous case of Martha Preston from Baraboo, WI. She was an unnamed class member of a class action lawsuit against her mortgage company that ended in a settlement. The plaintiffs' lawyers were supposed to represent her. Instead, the settlement that they negotiated for her was a bad joke. She received $4 and change in the lawsuit, while her attorneys pocketed $8 million.

Yet, the huge sums her attorneys received were not the worst of the story. Soon after receiving her $4, Ms. Preston discovered that her lawyers took $80, 20 times her recovery, from her escrow account to help pay their fees. Naturally shocked, she and the other plaintiffs sued the lawyers who quickly turned around and sued her in Alabama, a State she had never visited, for $25 million. Not only was she $75 poorer for her class action experience, but she also had to defend herself against a $25 million suit by the very people who took advantage of her in the first place.

No one can argue with a straight face that the class action process is not in serious need of reform.

Comprehensive studies support the anecdotes we have discussed. For example, a study on the class action problem by the Manhattan Institute demonstrates that class action cases are being brought disproportionately in a few counties where plaintiffs expect to be able to take advantage of lax certification rules.

The study focused on three county courts—Madison County, IL; Jefferson County, TX; and Palm Beach County, FL—that have seen a steep rise in class action filings over the last several years that seems disproportional to their populations. They found that rural Madison County, IL, ranked third nationwide, after Los Angeles County, CA, and Cook County, IL, in the estimated number of class actions filed each year, whereas rural Jefferson County and Palm Beach County ranked eighth and ninth, respectively. As plaintiff attorneys found that Madison County was a welcoming host, the number of class action suits filed there rose 1,850 percent between 1998 and 2000.

Another trend evident in the research was the use of "cut-and-paste" complaints in which plaintiffs' attorneys file a number of suits against different defendants in the same industry challenging standard industry practices. For example, in one situation, six law firms filed nine nearly identical class actions in Madison County in the same week alleging that the automobile insurance industry is defrauding Americans in the way that they calculate claims rates for totaled vehicles.

The system is not working as intended and needs to be fixed. The way to fix it is to move more of these cases currently being brought in small State courts like Madison County, IL, to Federal court.

The Federal courts are better venues for class actions for a variety of reasons articulated clearly in a RAND study. RAND proposed three primary explanations why these cases should be in Federal court. "First, federal judges scrutinize class action allegations more strictly than state judges, and deny certification in situations where a state judge might grant it improperly. Second, state judges may not have adequate resources to oversee and manage class actions with a national scope. Finally, if a single judge is to be charged with deciding what law will apply in a multistate class action, it is more appropriate that this take place in federal court than in state court."

We all know that class actions can result in significant and important benefits for class members and society, and that most class lawyers and most State courts are acting responsibly. Class actions have been used to desegregate racially divided schools, to obtain redress for victims of employment discrimination, and to compensate individuals exposed to toxic chemicals or defective products. Class actions increase access to our civil justice system because they enable people to pursue claims that collectively would otherwise be too expensive to litigate.

The difficulty in any effort to improve a basically good system is weeding out the abuses without causing undue damage. The legislation we propose attempts to do this.

Let me emphasize the limited scope of this legislation. We do not close the courthouse door to any class action. We do not require that State attorneys general do anything with the notice they receive. We do not deny reasonable fees for class lawyers. And we do not mandate that every class action be brought in Federal court. Instead, we simply promote closer and fairer scrutiny of class actions and class settlements.

Right now, people across the country can be dragged into lawsuits unaware of their rights and unarmed on the legal battlefield. What our bill does is give back to regular people their rights and representation. This measure may not stop all abuses, but it moves us forward. It will help ensure that unsuspecting people like Martha Preston don't get ripped off.

We believe this is a moderate approach to correct the worst abuses, while preserving the benefits of class actions. It is both pro-consumer and pro-defendant. We believe it will make a difference.

By Ms. COLLINS (for herself, Mr. CARPER, Mr. VOINOVICH, Mr. FEINGOLD, Mr. AKAKA, and Mr. LIEBERMAN):

S. 21. A bill to provide for homeland security grant coordination and simplification, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President I rise with my good friend Senator CARPER to offer the Homeland Security Grant Enhancement Act in order to streamline and strengthen the way we help our States, communities, and first responders protect our homeland.

Three years ago, the Senate spent nearly three months on the Homeland Security Act, yet the law contains virtually no guidance on how the Department is to assist State and local governments with their homeland security needs. In fact, the 187-page Homeland Security Act mentions the issue of grants to first responders in but a single paragraph. The decisions on how Federal dollars should be spent or how much money should be allocated to whom were left for another day. That day has come.

During the 108th Congress, Senator CARPER and I introduced similar legislation to more than double the proportion of homeland Security funding distributed based on risk, while also helping all States achieve a baseline level of preparedness and an ability to respond. The Senate Committee on Homeland Security and Governmental Affairs held three hearings at which first responders, State and local officials, and Secretary Ridge all testified that the grant distribution system needs fixing. The 9/11 Commission also urged that the system be changed. It is therefore time for Congress to finally address this critical issue.

The bill that we introduce today is identical to legislation that passed the Senate by voice-vote as an amendment to the Intelligence reform bill at the end of the last Congress.

That measure was supported by Senators from big States—like Michigan and Ohio—and small States like Maine, Delaware and Connecticut. The wide breadth of support in the Senate is indicative of the fact that this bill takes a balanced approach to homeland security funding.

It recognizes that threat-based funding is a critical part of homeland security funding. It also recognizes that first responders in every State and territory stand at the front lines of securing the homeland.

This legislation will also coordinate government-wide homeland security funding by promoting one-stop-shopping for homeland security funding opportunities. It would establish an information clearinghouse to assist first responders and State and local governments in accessing homeland security grant information and other resources within the new department. This clearinghouse will improve access to homeland security grant information, coordinate technical assistance for vulnerability and threat assessments, provide information regarding homeland security best practices, and compile information regarding homeland security equipment purchased with Federal funds.

Establishment of these programs will mean first responders can spend more time training to save lives and less time filling out paper work. The inflexible structure of past homeland security funding, along with shifting federal requirements and increasing amounts of paperwork, poses a number of challenges to State and local governments as they attempt to provide these funds to first responders.

The legislation would provide greater flexibility in the use of those unspent funds. It would give the Department of Homeland Security flexibility to allow States, via a wavier from the Secretary, to use funds from one category, such as training, for another purpose, such as purchasing equipment.

The Senate Committee on Homeland Security and Governmental Affairs will act promptly to mark-up and report this important measure to establish a streamlined, efficient, and fair method for homeland security funds to get into the hands of first responders.

By Mr. STEVENS (for himself, Mr. INOUYE, Ms. SNOWE, and Mr. DODD):

S. 39. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration; to the Committee on Commerce, Science, and Transportation.

Mr. STEVENS. Mr. President, I introduce today S. 39, the "National Ocean Exploration Program Act" to expand exploration and knowledge of our Nation's oceans. When I introduced this bill in the 108th Congress, Senator Hollings and Senator INOUYE were original co-sponsors. Senator Hollings has left this body, but he worked closely with Senator INOUYE and me on this bill and we thank him for his contributions to ocean policy. Senators SNOWE and DODD would like to be added as original co-sponsors of this bill.

Senator INOUYE and I introduce this legislation today in an effort to increase and coordinate research and exploration of our Nation's oceans. Alaska and Hawaii are uniquely dependent on the ocean for food, employment, recreation, and the delivery of goods. However, approximately 95 percent of the ocean floor remains unexplored, much of it located in the polar latitudes and the southern ocean. This legislation will advance ocean exploration and increase funding for greater research.

In its final report, the U.S. Commission on Ocean Policy recommended that the National Oceanic and Atmospheric Administration and the National Science Foundation lead an expanded National Ocean Exploration Program. This legislation will accomplish that goal.

The National Exploration Program expands ocean exploration. Through this program we will determine whether there are new marine substances with potential therapeutic benefits; study unique marine ecosystems, organisms and the geology of the world's oceans; and maximize ocean research by integrating multiple scientific disciplines in the ocean science community.

The program will focus on remote ocean research and exploration. Specifically, research will be conducted on hydrothermal vents communities and seamounts. Increased research in these areas, where organisms exist in highly toxic environments, should yield significant scientific and medical breakthroughs.

Decades ago I help Oscar Dyson, a great Alaska fisherman, secure a small grant to explore the North Pacific. With that grant he discovered a great number of marine species that are now considered vital to the North Pacific. It is my hope that the National Ocean Exploration Program Act will be the catalyst for that type of ocean exploration and discovery.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 39

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Ocean Exploration Program Act".

SEC. 2. ESTABLISHMENT.

The Secretary of Commerce, through the Administrator of the National Oceanic and Atmospheric Administration, shall, in consultation with the National Science Foundation and other appropriate Federal agencies, establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration.

SEC. 3. PURPOSES.

The purposes of the program are the following:

(1) To explore the physical, biological, chemical, geological, archaeological, temporal, and other related characteristics of the oceans to benefit, inform, and inspire the American people.

(2) To create missions and scientific activities of discovery that will improve our understanding, appreciation, and stewardship of the unique marine ecosystems, organisms, chemistry, and geology of the world's oceans, and to enhance knowledge of submerged maritime historical and archaeological sites.

(3) To facilitate discovery of marine natural products from these ecosystems that may have potential beneficial uses, including those that may help combat disease or provide therapeutic benefits.

(4) To communicate such discoveries and knowledge to policymakers, regulators, researchers, educators, and interested non-governmental entities in order to support policy decisions and to spur additional scientific research and development.

(5) To maximize effectiveness by integrating multiple scientific disciplines, employing the diverse resources of the ocean science community, and making ocean exploration data and information available in a timely and consistent manner.

(6) To achieve heightened education, environmental literacy, public understanding and appreciation of the oceans.

SEC. 4. AUTHORITIES.

In carrying out the program the Administrator of the National Oceanic and Atmospheric Administration shall—

(1) conduct interdisciplinary exploration voyages or other scientific activities in conjunction with other Federal agencies or academic or educational institutions, to survey little known areas of the marine environment, inventory, observe, and assess living and nonliving marine resources, and report such findings;

(2) give priority attention to deep ocean regions, with a focus on surveying deep water marine systems that hold potential for important scientific and medical discoveries, such as hydrothermal vent communities and seamounts;

(3) conduct scientific voyages to locate, define, and document historic shipwrecks, submerged sites, and other ocean exploration activities that combine archaeology and oceanographic sciences;

(4) develop, in consultation with the National Science Foundation, a transparent process for reviewing and approving proposals for activities to be conducted under this program;

(5) enhance the technical capability of the United States marine science community by promoting the development of improved oceanographic research, communication, navigation, and data collection systems, as well as underwater platforms and sensors;

(6) conduct public education and outreach activities that improve the public understanding of ocean science, resources, and processes, in conjunction with relevant educational programs of the National Oceanic and Atmospheric Administration, the National Science Foundation, and other agencies;

(7) accept donations of property, data, and equipment to be applied for the purpose of exploring the oceans or increasing knowledge of the oceans; and

(8) establish an ocean exploration forum to encourage partnerships and promote communication among experts and other stakeholders in order to enhance the scientific and technical expertise and relevance of the national program.

SEC. 5. EXPLORATION TECHNOLOGY AND INFRASTRUCTURE TASK FORCE.

The National Oceanic and Atmospheric Administration, in coordination with the National Aeronautics and Space Administration, the U.S. Geological Survey, Office of Naval Research, and relevant governmental, non-governmental, academic, and other experts, shall convene an ocean technology and infrastructure task force to develop and implement a strategy—

(1) to facilitate transfer of new exploration technology to the program;

(2) to improve availability of communications infrastructure, including satellite capabilities, to the program;

(3) to develop an integrated, workable and comprehensive data management information processing system that will make information on unique and significant features obtained by the program available for research and management purposes; and

(4) to encourage cost-sharing partnerships with governmental and non-governmental entities that will assist in transferring exploration technology and technical expertise to the program.

SEC. 6. INTERAGENCY FINANCING.

The National Oceanic and Atmospheric Administration, the National Science Foundation, and other Federal agencies involved in the program, are authorized to participate in interagency financing and share, transfer, receive and spend funds appropriated to any federal participant the program for the purposes of carrying out any administrative or programmatic project or activity under this section. Funds may be transferred among such departments and agencies through a appropriate instrument that specifies the goods, services, or space being acquired from another Federal participant and the costs of the same.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the National Oceanic and Atmospheric Administration to carry out the program—

(1) $45,000,000 for each of fiscal years 2006 through 2011; and

(2) $55,000,000 for each of fiscal years 2012 through 2017.

By Mr. NELSON of Florida (for himself, Mr. MARTINEZ, Mr. SESSIONS, and Mr. ALLEN):

S. 145. A bill to amend title 10, United States Code, to require the naval forces of the Navy to include not less than 12 operational aircraft carriers; to the Committee on Armed Services.

Mr. NELSON of Florida. Mr. President, I feel strongly that any reduction in the size of the Nation's carrier fleet is not in the best interest of national security. Therefore, I am introducing legislation to require the Navy to include not less than 12 operational aircraft carriers. I am pleased to be joined by my co-sponsors, Senator MARTINEZ, Senator ALLEN, and Senator SESSIONS.

America's aircraft carrier fleet has played and continues to play a critical role in the global war on terrorism. Carrier based strike, electronic warfare, and reconnaissance aircraft, and even more importantly, special operations forces have provided the most responsive and capable support throughout operations in the Gulf region. Nothing has changed in the strategic environment to suggest that America is more, or as secure with eleven carriers as we are with twelve. The operational tempo of our aircraft carriers has never been higher and it is hard to imagine that it will slow any time soon.

The range of strategic threats and opportunities that face the Nation at this moment in the war on terror does not support the idea that we can reduce our carrier fleet without creating significant and unavoidable risk to our global reach and sustainability. I urge my colleagues to join with us to ensure the Navy's global flexibility and striking power. Cutting our carrier fleet now increases strategic risk and reduces our combat power and capability, all for relatively small budgetary savings.

I look forward to working with Chairman WARNER and Senator LEVIN to gain the Armed Services Committee's approval of this legislation, and its passage by the full Senate. Identical legislation is being introduced in the House by Representative ANDER CRENSHAW, and I look forward to working with my colleagues in both houses to see that this vital national security legislation reaches the President's desk.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 145

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REQUIREMENT FOR 12 OPERATIONAL AIRCRAFT CARRIERS WITHIN NAVAL FORCES OF THE NAVY.

Section 5062 of title 10, United States Code, is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) The naval combat forces of the Navy shall include not less than 12 operational aircraft carriers. For purposes of this subsection, an operational aircraft carrier includes an aircraft carrier that is temporarily unavailable for worldwide deployment due to routine or scheduled maintenance or repair.".

By Mr. INOUYE:

S. 146. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. INOUYE. Mr. President, many of you know of my continued support and advocacy on the importance of addressing the plight of Filipino World War II veterans. As an American, I believe the treatment of Filipino World War II veterans is bleak and shameful. The Philippines became a United States possession in 1898, when it was ceded by Spain, following the Spanish-American War. In 1934, the Congress enacted the Philippine Independence Act, Public Law 73–127, which provided a 10-year time frame for the independence of the Philippines. Between 1934 and final independence in 1946, the United States retained certain powers over the Philippines including the right to call military forces organized by the newly-formed Commonwealth government into the service of the United States Armed Forces.

The Commonwealth Army of the Philippines was called to serve with the United States Armed Forces in the Far East during World War II under President Roosevelt's July 26, 1941 military order. The Filipinos who served were entitled to full veterans' benefits by reason of their active service with our armed forces. Hundreds were wounded in battle and many hundreds more died in battle. Shortly after Japan's surrender, the Congress enacted the Armed Forces Voluntary Recruitment Act of 1945 for the purpose of sending Filipino troops to occupy enemy lands, and to oversee military installations at various overseas locations. These troops were authorized to receive pay and allowances for services performed throughout the Western Pacific. Although hostilities had ceased, wartime service of these troops continued as a matter of law until the end of 1946.

Despite all of their sacrifices, on February 18, 1946, the Congress passed the Rescission Act of 1946, now codified as Section 107 of Title 38 of the United States Code. The 1946 Act deemed that the service performed by these Filipino veterans would not be recognized as "active service" for the purpose of any U.S. law conferring "rights, privileges, or benefits." Accordingly, Section 107 denied Filipino veterans access to health care, particularly for non-service-connected disabilities, and pension benefits. Section 107 also limited service-connected disability and death compensation for Filipino veterans to 50 percent of what their American counterparts receive.

On May 27, 1946, the Congress enacted the Second Supplemental Surplus Appropriations Rescission Act, which duplicated the language that had eliminated Filipino veterans' benefits under the First Rescission Act. Thus, Filipino veterans who fought in the service of the United States during World War II have been precluded from receiving most of the veterans' benefits that had been available to them before 1946, and that are available to all other veterans of our armed forces regardless of race, national origin, or citizenship status.

The Filipino Veterans Equity Act, which I introduce today, would restore the benefits due to these veterans by granting full recognition of service for the sacrifices they made during World War II. These benefits include veterans health care, service-connected disability compensation, non-service connected disability compensation, dependent indemnity compensation, death pension, and full burial benefits.

Throughout the years, I have sponsored several measures to rectify the lack of appreciation America has shown to these gallant men and women who stood in harm's way with our American soldiers and fought the common enemy during World War II. It is time that we as a Nation, recognize our long-standing history and friendship with the Philippines. Of the 120,000 that served in the Commonwealth Army during World War II, there are approximately 60,000 Filipino veterans currently residing in the United States and the Philippines. According to the Department of Veterans Affairs, the Filipino veteran population is expected to decrease to approximately 20,000 or roughly one-third of the current population by 2010.

Heroes should never be forgotten or ignored; let us not turn our backs on those who sacrificed so much. Let us instead work to repay all of these brave men for their sacrifices by providing them the veterans' benefits they deserve.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 146

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Filipino Veterans Equity Act of 2005".

SEC. 2. CERTAIN SERVICE IN THE ORGANIZED MILITARY FORCES OF THE PHILIPPINES AND THE PHILIPPINE SCOUTS DEEMED TO BE ACTIVE SERVICE.

(a) IN GENERAL.—Section 107 of title 38, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "not" after "Army of the United States, shall"; and

(B) by striking ", except benefits under—" and all that follows in that subsection and inserting a period;

(2) in subsection (b)—

(A) by striking "not" after "Armed Forces Voluntary Recruitment Act of 1945 shall"; and

(B) by striking "except—" and all that follows in that subsection and inserting a period; and

(3) by striking subsections (c) and (d).

(b) CONFORMING AMENDMENTS.—(1) The heading of such section is amended to read as follows:

"§ 107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts".

(2) The item relating to such section in the table of sections at the beginning of chapter 1 of such title is amended to read as follows:

"107. Certain service deemed to be active service: service in organized military forces of the Philippines and in the Philippine Scouts.".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by this Act shall take effect on January 1, 2005.

(b) APPLICABILITY.—No benefits shall accrue to any person for any period before the effective date of this Act by reason of the amendments made by this Act.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 147. A bill to express the policy of the United State regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Indian Affairs.

Mr. AKAKA. Mr. President, I rise today with the senior Senator from Hawaii to introduce the Native Hawaiian Government Reorganization Act of 2005. This is bipartisan legislation that we have been working on with our colleagues in Hawaii's Congressional delegation for the past 6 years. During the past 2 years, we have worked closely with Hawaii's Governor, Linda Lingle, Hawaii's first Republican governor in 40 years, to get this legislation enacted. We have also worked closely with the Hawaii State legislature which has passed two resolutions unanimously in support of Federal Recognition for Native Hawaiians. I mention this, to underscore the fact that this is bipartisan legislation.

The Native Hawaiian Government Reorganization Act of 2005 does three things:

(1) It authorizes the Office of Native Hawaiian Relations in the Department of the Interior to serve as a liaison between Native Hawaiians and the federal government. Funding for Native Hawaiian programs currently administered by the Departments of Health and Human Services, HHS, Education, or Housing and Urban Development, HUD, would continue to be administered by those agencies.

(2) It establishes the Native Hawaiian Interagency Coordinating Group—an interagency group to be composed of federal officials from agencies which administer Native Hawaiian programs and services. Many are not aware that Native Hawaiians have their own programs which are currently administered by different agencies in the Federal Government. This group would encourage communication and collaboration between the Federal agencies working with Native Hawaiians.

(3) It establishes a process for the reorganization of the Native Hawaiian governing entity. While Congress has traditionally treated Native Hawaiians in a manner parallel to American Indians and Alaska Natives, the formal policy of self-governance and self determination has not been extended to Native Hawaiians. The bill establishes a process for the reorganization of the Native Hawaiian governing entity for the purposes of Federal recognition. The bill itself does not extend Federal recognition—it authorizes the process for Federal recognition.

Following recognition of the Native Hawaiian government, negotiations will ensue between the Native Hawaiian governing entity and Federal and State Governments over matters such as the transfer of lands and natural resources; the exercise of governmental authority over any transferred lands, natural resources and other assets, including land use; the exercise of civil and criminal jurisdiction, and the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the Federal and State Governments. This reflects the cooperation between the Federal and State governments and the Native Hawaiian governing entity. It also reflects a new paradigm where recognition provides the governing entity with a seat at the table to negotiate such matters.

The bill will not diminish funding for American Indians and Alaska Natives because Native Hawaiians have their own education, health and housing programs which have been separately funded since their creation in 1988.

Finally, the bill does not authorize gaming in Hawaii.

Some have characterized this bill as race-based legislation. As indigenous peoples, Native Hawaiians never relinquished their inherent rights to sovereignty. We were a government that was overthrown. While the history of the Native Hawaiian government ended in 1893 with great emotion and despair, inspired by the dignity and grace of Queen Liliuokalani, Native Hawaiians have preserved their culture, tradition, subsistence rights, language, and distinct communities. We have tried to hold on to our homeland. Hawaii, for us, is our homeland.

I am Native Hawaiian and Chinese. I appreciate the culture and ethnicity of my ancestors. I can trace my Chinese roots back to Fukien Province in China. My Native Hawaiian roots, however, are in Hawaii because it is our Hawaiian homeland.

My Chinese ancestors came to Hawaii to build a better life. My Native Hawaiian grandparents and parents had America come into their homeland and forever change their lives. This is a profound difference.

I am proud to be an American, and I am proud to have served my country in the military. As long as Hawaii is a part of the United States, however, I believe the United States must fulfill its responsibility to Hawaii's indigenous peoples. I believe it is imperative to clarify the existing legal and political relationship between the United States and Native Hawaiians by providing Native Hawaiians with Federal recognition for the purposes of a government-to-government relationship. Therefore, because this legislation is based on the political and legal relationship between the United States and its indigenous peoples, which has been upheld for many, many years, by the United States Supreme Court, based on the Indian Commerce Clause, I strenuously disagree with the mischaracterization of this legislation as race-based.

Why is this bill so important? This bill is critical for the people of Hawaii because of the monumental step forward it provides for Hawaii's indigenous peoples. As many of my colleagues know, the Kingdom of Hawaii was overthrown in 1893 with the assistance of agents from the United States. In 1993, we enacted Public Law 103–150, commonly referred to as the Apology Resolution, which acknowledged the illegal overthrow of the Kingdom of Hawaii and the deprivation of the rights of Native Hawaiians to self determination. The Apology Resolution committed the United States to acknowledge the ramifications of the overthrow in order to provide a proper foundation of reconciliation between the United States and the Native Hawaiian people.

This bill provides a step forward in the process of reconciliation. The bill establishes the structure for Native Hawaiians and non-Native Hawaiians to discuss longstanding issues resulting from the overthrow of the Kingdom of Hawaii. The structure is the negotiation process between the federally recognized Native Hawaiian government and the Federal and State governments that I referred to earlier in my statement.

This discussion has been assiduously avoided because no one has known how to address or deal with the emotions that are involved when these matters are discussed. There has been no structured process. Instead, there has been fear as to what the discussion would entail, causing people to avoid and shirk the issues. Such behavior has led to high levels of anger and frustration as well as misunderstanding between Native Hawaiians and non-Native Hawaiians.

As a young child, I was discouraged from speaking Hawaiian because I was told that I needed to succeed in the Western world. My parents witnessed the overthrow and lived during a time when all things Hawaiian, including language, which they both spoke fluently, hula, custom, and tradition, were viewed unfavorably and discouraged. I, therefore, was discouraged from speaking the language and practicing Hawaiian customs and tradition. My experience mirrors that of my generation of Hawaiians.

My generation learned to accept what was ingrained into us by our parents, and while we were concerned about the longstanding issues resulting from the overthrow dealing with political status and lands, we were told not to "make waves" by addressing these matters. My children, however, have had the advantage of growing up during the Hawaiian renaissance, a period of revival for Hawaiian language, custom, and tradition. My grandchildren, benefitting from this revival, can speak Hawaiian and know so much about our history.

It is this generation, however, that is growing impatient with the lack of progress in efforts to resolve longstanding issues. It is this generation that does not understand why we have not discussed these matters. It is this generation that cannot believe that we, as Native Hawaiians, have let the situation continue for 110 years.

It is an active minority within this generation, spurred by frustration and sadness, that embraces independence from the United States.

It is for this generation that I bring this bill forward to ensure that there is a structured process to address these issues.

My point is that Hawaii's people, both Native Hawaiians and non-Native Hawaiians, are no longer willing to pretend that the longstanding issues resulting from the overthrow do not exist. We need the structured process that this bill provides, first in reorganizing the Native Hawaiian governing entity, and second by providing that entity with the opportunity to negotiate and resolve issues with the Federal and State governments to alleviate the growing mistrust, misunderstanding, anger, and frustration about these matters in Hawaii. This can only be done through a government-to-government relationship.

This bill is of significant importance in Hawaii. It has no impact on any of the other states. Hawaii's entire Congressional delegation supports this legislation. Our Governor, the first Republican to be elected in 40 years, supports this legislation. Indeed, it is her Number One Federal priority. The Hawaii State Legislature supports this legislation. And most importantly, a clear majority of the Native Hawaiian people and the people of Hawaii support this legislation.

I ask you to stand with me and my esteemed friend, Hawaii's revered senior Senator, our two House members, our Governor, the Hawaii State legislature, and the people of Hawaii to enact this critical measure for my state.

I ask unanimous consent that the text of my bill be printed in the RECORD.

Mr. AKAKA. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 147

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Government Reorganization Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) the Constitution vests Congress with the authority to address the conditions of the indigenous, native people of the United States;

(2) Native Hawaiians, the native people of the Hawaiian archipelago that is now part of the United States, are indigenous, native people of the United States;

(3) the United States has a special political and legal responsibility to promote the welfare of the native people of the United States, including Native Hawaiians;

(4) under the treaty making power of the United States, Congress exercised its constitutional authority to confirm treaties between the United States and the Kingdom of Hawaii, and from 1826 until 1893, the United States—

(A) recognized the sovereignty of the Kingdom of Hawaii;

(B) accorded full diplomatic recognition to the Kingdom of Hawaii; and

(C) entered into treaties and conventions with the Kingdom of Hawaii to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

(5) pursuant to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), the United States set aside approximately 203,500 acres of land to address the conditions of Native Hawaiians in the Federal territory that later became the State of Hawaii;

(6) by setting aside 203,500 acres of land for Native Hawaiian homesteads and farms, the Hawaiian Homes Commission Act assists the members of the Native Hawaiian community in maintaining distinct native settlements throughout the State of Hawaii;

(7) approximately 6,800 Native Hawaiian families reside on the Hawaiian Home Lands and approximately 18,000 Native Hawaiians who are eligible to reside on the Hawaiian Home Lands are on a waiting list to receive assignments of Hawaiian Home Lands;

(8)(A) in 1959, as part of the compact with the United States admitting Hawaii into the Union, Congress established a public trust (commonly known as the "ceded lands trust"), for 5 purposes, 1 of which is the betterment of the conditions of Native Hawaiians;

(B) the public trust consists of lands, including submerged lands, natural resources, and the revenues derived from the lands; and

(C) the assets of this public trust have never been completely inventoried or segregated;

(9) Native Hawaiians have continuously sought access to the ceded lands in order to establish and maintain native settlements and distinct native communities throughout the State;

(10) the Hawaiian Home Lands and other ceded lands provide an important foundation for the ability of the Native Hawaiian community to maintain the practice of Native Hawaiian culture, language, and traditions, and for the survival and economic self-sufficiency of the Native Hawaiian people;

(11) Native Hawaiians continue to maintain other distinctly native areas in Hawaii;

(12) on November 23, 1993, Public Law 103-150 (107 Stat. 1510) (commonly known as the "Apology Resolution") was enacted into law, extending an apology on behalf of the United States to the native people of Hawaii for the United States' role in the overthrow of the Kingdom of Hawaii;

(13) the Apology Resolution acknowledges that the overthrow of the Kingdom of Hawaii occurred with the active participation of agents and citizens of the United States and further acknowledges that the Native Hawaiian people never directly relinquished to the United States their claims to their inherent sovereignty as a people over their national lands, either through the Kingdom of Hawaii or through a plebiscite or referendum;

(14) the Apology Resolution expresses the commitment of Congress and the President—

(A) to acknowledge the ramifications of the overthrow of the Kingdom of Hawaii;

(B) to support reconciliation efforts between the United States and Native Hawaiians; and

(C) to consult with Native Hawaiians on the reconciliation process as called for in the Apology Resolution;

(15) despite the overthrow of the government of the Kingdom of Hawaii, Native Hawaiians have continued to maintain their separate identity as a distinct native community through cultural, social, and political institutions, and to give expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency;

(16) Native Hawaiians have also given expression to their rights as native people to self-determination, self-governance, and economic self-sufficiency—

(A) through the provision of governmental services to Native Hawaiians, including the provision of—

(i) health care services;

(ii) educational programs;

(iii) employment and training programs;

(iv) economic development assistance programs;

(v) children's services;

(vi) conservation programs;

(vii) fish and wildlife protection;

(viii) agricultural programs;

(ix) native language immersion programs;

(x) native language immersion schools from kindergarten through high school;

(xi) college and master's degree programs in native language immersion instruction;

(xii) traditional justice programs, and

(B) by continuing their efforts to enhance Native Hawaiian self-determination and local control;

(17) Native Hawaiians are actively engaged in Native Hawaiian cultural practices, traditional agricultural methods, fishing and subsistence practices, maintenance of cultural use areas and sacred sites, protection of burial sites, and the exercise of their traditional rights to gather medicinal plants and herbs, and food sources;

(18) the Native Hawaiian people wish to preserve, develop, and transmit to future generations of Native Hawaiians their lands and Native Hawaiian political and cultural identity in accordance with their traditions, beliefs, customs and practices, language, and social and political institutions, to control and manage their own lands, including ceded lands, and to achieve greater self-determination over their own affairs;

(19) this Act provides a process within the framework of Federal law for the Native Hawaiian people to exercise their inherent rights as a distinct, indigenous, native community to reorganize a Native Hawaiian governing entity for the purpose of giving expression to their rights as native people to self-determination and self-governance;

(20) Congress—

(A) has declared that the United States has a special responsibility for the welfare of the native peoples of the United States, including Native Hawaiians;

(B) has identified Native Hawaiians as a distinct group of indigenous, native people of the United States within the scope of its authority under the Constitution, and has enacted scores of statutes on their behalf; and

(C) has delegated broad authority to the State of Hawaii to administer some of the United States' responsibilities as they relate to the Native Hawaiian people and their lands;

(21) the United States has recognized and reaffirmed the special political and legal relationship with the Native Hawaiian people through the enactment of the Act entitled, "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86-3; 73 Stat. 4), by—

(A) ceding to the State of Hawaii title to the public lands formerly held by the United States, and mandating that those lands be held as a public trust for 5 purposes, 1 of which is for the betterment of the conditions of Native Hawaiians; and

(B) transferring the United States' responsibility for the administration of the Hawaiian Home Lands to the State of Hawaii, but retaining the authority to enforce the trust, including the exclusive right of the United States to consent to any actions affecting the lands that comprise the corpus of the trust and any amendments to the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42) that are enacted by the legislature of the State of Hawaii affecting the beneficiaries under the Act;

(22) the United States has continually recognized and reaffirmed that—

(A) Native Hawaiians have a cultural, historic, and land-based link to the aboriginal, indigenous, native people who exercised sovereignty over the Hawaiian Islands;

(B) Native Hawaiians have never relinquished their claims to sovereignty or their sovereign lands;

(C) the United States extends services to Native Hawaiians because of their unique status as the indigenous, native people of a once-sovereign nation with whom the United States has a political and legal relationship; and

(D) the special trust relationship of American Indians, Alaska Natives, and Native Hawaiians to the United States arises out of their status as aboriginal, indigenous, native people of the United States; and

(23) the State of Hawaii supports the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States as evidenced by 2 unanimous resolutions enacted by the Hawaii State Legislature in the 2000 and 2001 sessions of the Legislature and by the testimony of the Governor of the State of Hawaii before the Committee on Indian Affairs of the Senate on February 25, 2003.

SEC. 3. DEFINITIONS.

In this Act:

(1) ABORIGINAL, INDIGENOUS, NATIVE PEOPLE.—The term "aboriginal, indigenous, native people" means people whom Congress has recognized as the original inhabitants of the lands that later became part of the United States and who exercised sovereignty in the areas that later became part of the United States.

(2) ADULT MEMBER.—The term "adult member" means a Native Hawaiian who has attained the age of 18 and who elects to participate in the reorganization of the Native Hawaiian governing entity.

(3) APOLOGY RESOLUTION.—The term "Apology Resolution" means Public Law 103–150, (107 Stat. 1510), a Joint Resolution extending an apology to Native Hawaiians on behalf of the United States for the participation of agents of the United States in the January 17, 1893, overthrow of the Kingdom of Hawaii.

(4) COMMISSION.—The term "commission" means the Commission established under section 7(b) to provide for the certification that those adult members of the Native Hawaiian community listed, on the roll meet the definition of Native Hawaiian set forth in paragraph (8).

(5) COUNCIL.—The term "council" means the Native Hawaiian Interim Governing Council established under section 7(c)(2).

(6) INDIGENOUS, NATIVE PEOPLE.—The term "indigenous, native people" means the lineal descendants of the aboriginal, indigenous, native people of the United States.

(7) INTERAGENCY COORDINATING GROUP.—The term "Interagency Coordinating Group" means the Native Hawaiian Interagency Coordinating Group established under section 6.

(8) NATIVE HAWAIIAN.—For the purpose of establishing the roll authorized under section 7(c)(1) and before the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the term "Native Hawaiian" means—

(A) an individual who is one of the indigenous, native people of Hawaii and who is a direct lineal descendant of the aboriginal, indigenous, native people who—

(i) resided in the islands that now comprise the State of Hawaii on or before January 1, 1893; and

(ii) occupied and exercised sovereignty in the Hawaiian archipelago, including the area that now constitutes the State of Hawaii; or

(B) an individual who is one of the indigenous, native people of Hawaii and who was eligible in 1921 for the programs authorized by the Hawaiian Homes Commission Act (42 Stat. 108, chapter 42) or a direct lineal descendant of that individual.

(9) NATIVE HAWAIIAN GOVERNING ENTITY.—The term "Native Hawaiian Governing Entity" means the governing entity organized by the Native Hawaiian people pursuant to this Act.

(10) OFFICE.—The term "Office" means the United States Office for Native Hawaiian Relations established by section 5(a).

(11) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. UNITED STATES POLICY AND PURPOSE.

(a) POLICY.—The United States reaffirms that—

(1) Native Hawaiians are a unique and distinct, indigenous, native people with whom the United States has a special political and legal relationship;

(2) the United States has a special political and legal relationship with the Native Hawaiian people which includes promoting the welfare of Native Hawaiians;

(3) Congress possesses the authority under the Constitution, including but not limited to Article I, section 8, clause 3, to enact legislation to address the conditions of Native Hawaiians and has exercised this authority through the enactment of—

(A) the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42);

(B) the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union", approved March 18, 1959 (Public Law 86–3, 73 Stat. 4); and

(C) more than 150 other Federal laws addressing the conditions of Native Hawaiians;

(4) Native Hawaiians have—

(A) an inherent right to autonomy in their internal affairs;

(B) an inherent right of self-determination and self-governance;

(C) the right to reorganize a Native Hawaiian governing entity; and

(D) the right to become economically self-sufficient; and

(5) the United States shall continue to engage in a process of reconciliation and political relations with the Native Hawaiian people.

(b) PURPOSE.—The purpose of this Act is to provide a process for the reorganization of the Native Hawaiian governing entity and the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity for purposes of continuing a government-to-government relationship.

SEC. 5. UNITED STATES OFFICE FOR NATIVE HAWAIIAN RELATIONS.

(a) ESTABLISHMENT.—There is established within the Office of the Secretary, the United States Office for Native Hawaiian Relations.

(b) DUTIES.—The Office shall—

(1) continue the process of reconciliation with the Native Hawaiian people in furtherance of the Apology Resolution;

(2) upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, effectuate and coordinate the special political and legal relationship between the Native Hawaiian governing entity and the United States through the Secretary, and with all other Federal agencies;

(3) fully integrate the principle and practice of meaningful, regular, and appropriate consultation with the Native Hawaiian governing entity by providing timely notice to, and consulting with, the Native Hawaiian people and the Native Hawaiian governing entity before taking any actions that may have the potential to significantly affect Native Hawaiian resources, rights, or lands;

(4) consult with the Interagency Coordinating Group, other Federal agencies, the Governor of the State of Hawaii and relevant agencies of the State of Hawaii on policies, practices, and proposed actions affecting Native Hawaiian resources, rights, or lands; and

(5) prepare and submit to the Committee on Indian Affairs and the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives an annual report detailing the activities of the Interagency Coordinating Group that are undertaken with respect to the continuing process of reconciliation and to effect meaningful consultation with the Native Hawaiian governing entity and providing recommendations for any necessary changes to Federal law or regulations promulgated under the authority of Federal law.

SEC. 6. NATIVE HAWAIIAN INTERAGENCY COORDINATING GROUP.

(a) ESTABLISHMENT.—In recognition that Federal programs authorized to address the conditions of Native Hawaiians are largely administered by Federal agencies other than the Department of the Interior, there is established an interagency coordinating group to be known as the "Native Hawaiian Interagency Coordinating Group".

(b) COMPOSITION.—The Interagency Coordinating Group shall be composed of officials, to be designated by the President, from—

(1) each Federal agency that administers Native Hawaiian programs, establishes or implements policies that affect Native Hawaiians, or whose actions may significantly or uniquely impact Native Hawaiian resources, rights, or lands; and

(2) the Office.

(c) LEAD AGENCY.—

(1) IN GENERAL.—The Department of the Interior shall serve as the lead agency of the Interagency Coordinating Group.

(2) MEETINGS.—The Secretary shall convene meetings of the Interagency Coordinating Group.

(d) DUTIES.—The Interagency Coordinating Group shall—

(1) coordinate Federal programs and policies that affect Native Hawaiians or actions by any agency or agencies of the Federal Government that may significantly or uniquely affect Native Hawaiian resources, rights, or lands;

(2) ensure that each Federal agency develops a policy on consultation with the Native Hawaiian people, and upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States, consultation with the Native Hawaiian governing entity; and

(3) ensure the participation of each Federal agency in the development of the report to Congress authorized in section 5(b)(5).

SEC. 7. PROCESS FOR THE REORGANIZATION OF THE NATIVE HAWAIIAN GOVERNING ENTITY AND THE REAFFIRMATION OF THE POLITICAL AND LEGAL RELATIONSHIP BETWEEN THE UNITED STATES AND THE NATIVE HAWAIIAN GOVERNING ENTITY.

(a) RECOGNITION OF THE NATIVE HAWAIIAN GOVERNING ENTITY.—The right of the Native

Hawaiian people to reorganize the Native Hawaiian governing entity to provide for their common welfare and to adopt appropriate organic governing documents is recognized by the United States.

(b) Commission.—

(1) In general.—There is authorized to be established a Commission to be composed of nine members for the purposes of—

(A) preparing and maintaining a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certifying that the adult members of the Native Hawaiian community proposed for inclusion on the roll meet the definition of Native Hawaiian in paragraph (8) of section 3.

(2) Membership.—

(A) Appointment.—Within 180 days of the date of enactment of this Act, the Secretary shall appoint the members of the Commission in accordance with subclause (B). Any vacancy on the Commission shall not affect its powers and shall be filled in the same manner as the original appointment.

(B) Requirements.—The members of the Commission shall be Native Hawaiian, as defined in section 3(8), and shall have expertise in the determination of Native Hawaiian ancestry and lineal descendancy.

(3) Expenses.—Each member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(4) Duties.—The Commission shall—

(A) prepare and maintain a roll of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity; and

(B) certify that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(8).

(5) Staff.—

(A) In general.—The Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as are necessary to enable the Commission to perform the duties of the Commission.

(B) Compensation.—

(i) In general.—Except as provided in clause (ii), the Commission may fix the compensation of the executive director and other personnel without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates.

(ii) Maximum rate of pay.—The rate of pay for the executive director and other personnel shall not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(6) Detail of federal government employees.—

(A) In general.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(B) Civil service status.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(7) Procurement of temporary and intermittent services.—The Commission may procure temporary and intermittent services in accordance with section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of that title.

(8) Expiration.—The Secretary shall dissolve the Commission upon the reaffirmation of the political and legal relationship between the Native Hawaiian governing entity and the United States.

(c) Process for the Reorganization of the Native Hawaiian Governing Entity.—

(1) Roll.—

(A) Contents.—The roll shall include the names of the adult members of the Native Hawaiian community who elect to participate in the reorganization of the Native Hawaiian governing entity and are certified to be Native Hawaiian as defined in section 3(8) by the Commission.

(B) Formation of roll.—Each adult member of the Native Hawaiian community who elects to participate in the reorganization of the Native Hawaiian governing entity shall submit to the Commission documentation in the form established by the Commission that is sufficient to enable the Commission to determine whether the individual meets the definition of Native Hawaiian in section 3(8).

(C) Documentation.—The Commission shall—

(i) identify the types of documentation that may be submitted to the Commission that would enable the Commission to determine whether an individual meets the definition of Native Hawaiian in section 3(8);

(ii) establish a standard format for the submission of documentation; and

(iii) publish information related to clauses (i) and (ii) in the Federal Register;

(D) Consultation.—In making determinations that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(8), the Commission may consult with Native Hawaiian organizations, agencies of the State of Hawaii including but not limited to the Department of Hawaiian Home Lands, the Office of Hawaiian Affairs, and the State Department of Health, and other entities with expertise and experience in the determination of Native Hawaiian ancestry and lineal descendancy.

(E) Certification and submittal of roll to secretary.—The Commission shall—

(i) submit the roll containing the names of the adult members of the Native Hawaiian community who meet the definition of Native Hawaiian in section 3(8) to the Secretary within two years from the date on which the Commission is fully composed; and

(ii) certify to the Secretary that each of the adult members of the Native Hawaiian community proposed for inclusion on the roll meets the definition of Native Hawaiian in section 3(8).

(F) Publication.—Upon certification by the Commission to the Secretary that those listed on the roll meet the definition of Native Hawaiian in section 3(8), the Secretary shall publish the roll in the Federal Register.

(G) Appeal.—The Secretary may establish a mechanism for an appeal for any person whose name is excluded from the roll who claims to meet the definition of Native Hawaiian in section 3(8) and to be 18 years of age or older.

(H) Publication; update.—The Secretary shall—

(i) publish the roll regardless of whether appeals are pending;

(ii) update the roll and the publication of the roll on the final disposition of any appeal;

(iii) update the roll to include any Native Hawaiian who has attained the age of 18 and who has been certified by the Commission as meeting the definition of Native Hawaiian in section 3(8) after the initial publication of the roll or after any subsequent publications of the roll.

(I) Failure to act.—If the Secretary fails to publish the roll, not later than 90 days after the date on which the roll is submitted to the Secretary, the Commission shall publish the roll notwithstanding any order or directive issued by the Secretary or any other official of the Department of the Interior to the contrary.

(J) Effect of publication.—The publication of the initial and updated roll shall serve as the basis for the eligibility of adult members of the Native Hawaiian community whose names are listed on those rolls to participate in the reorganization of the Native Hawaiian governing entity.

(2) Organization of the native hawaiian interim governing council.—

(A) Organization.—The adult members of the Native Hawaiian community listed on the roll published under this section may—

(i) develop criteria for candidates to be elected to serve on the Native Hawaiian Interim Governing Council;

(ii) determine the structure of the Council; and

(iii) elect members from individuals listed on the roll published under this subsection to the Council.

(B) Powers.—

(i) In general.—The Council—

(I) may represent those listed on the roll published under this section in the implementation of this Act; and

(II) shall have no powers other than powers given to the Council under this Act.

(ii) Funding.—The Council may enter into a contract with, or obtain a grant from, any Federal or State agency to carry out clause (iii).

(iii) Activities.—

(I) In general.—The Council may conduct a referendum among the adult members of the Native Hawaiian community listed on the roll published under this subsection for the purpose of determining the proposed elements of the organic governing documents of the Native Hawaiian governing entity, including but not limited to—

(aa) the proposed criteria for citizenship of the Native Hawaiian governing entity;

(bb) the proposed powers and authorities to be exercised by the Native Hawaiian governing entity, as well as the proposed privileges and immunities of the Native Hawaiian governing entity;

(cc) the proposed civil rights and protection of the rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities of the Native Hawaiian governing entity; and

(dd) other issues determined appropriate by the Council.

(II) Development of organic governing documents.—Based on the referendum, the Council may develop proposed organic governing documents for the Native Hawaiian governing entity.

(III) Distribution.—The Council may distribute to all adult members of the Native Hawaiian community listed on the roll published under this subsection—

(aa) a copy of the proposed organic governing documents, as drafted by the Council; and

(bb) a brief impartial description of the proposed organic governing documents;

(IV) Elections.—The Council may hold elections for the purpose of ratifying the proposed organic governing documents, and on certification of the organic governing documents by the Secretary in accordance with paragraph (4), hold elections of the officers of the Native Hawaiian governing entity pursuant to paragraph (5).

(3) Submittal of organic governing documents.—Following the reorganization of the Native Hawaiian governing entity and the adoption of organic governing documents, the Council shall submit the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(4) Certifications.—

(A) In general.—Within the context of the future negotiations to be conducted under the authority of section 8(b)(1), and the subsequent actions by the Congress and the State of Hawaii to enact legislation to implement the agreements of the 3 governments, not later than 90 days after the date on which the Council submits the organic governing documents to the Secretary, the Secretary shall certify that the organic governing documents—

(i) establish the criteria for citizenship in the Native Hawaiian governing entity;

(ii) were adopted by a majority vote of the adult members of the Native Hawaiian community whose names are listed on the roll published by the Secretary;

(iii) provide authority for the Native Hawaiian governing entity to negotiate with Federal, State, and local governments, and other entities;

(iv) provide for the exercise of governmental authorities by the Native Hawaiian governing entity, including any authorities that may be delegated to the Native Hawaiian governing entity by the United States and the State of Hawaii following negotiations authorized in section 8(b)(1) and the enactment of legislation to implement the agreements of the 3 governments;

(v) prevent the sale, disposition, lease, or encumbrance of lands, interests in lands, or other assets of the Native Hawaiian governing entity without the consent of the Native Hawaiian governing entity;

(vi) provide for the protection of the civil rights of the citizens of the Native Hawaiian governing entity and all persons affected by the exercise of governmental powers and authorities by the Native Hawaiian governing entity; and

(vii) are consistent with applicable Federal law and the special political and legal relationship between the United States and the indigenous, native people of the United States; provided that the provisions of Public Law 103-454, 25 U.S.C. 479a, shall not apply.

(B) Resubmission in case of noncompliance with the requirements of subparagraph (A).—

(i) Resubmission by the secretary.—If the Secretary determines that the organic governing documents, or any part of the documents, do not meet all of the requirements set forth in subparagraph (A), the Secretary shall resubmit the organic governing documents to the Council, along with a justification for each of the Secretary's findings as to why the provisions are not in full compliance.

(ii) Amendment and resubmission of organic governing documents.—If the organic governing documents are resubmitted to the Council by the Secretary under clause (i), the Council shall—

(I) amend the organic governing documents to ensure that the documents meet all the requirements set forth in subparagraph (A); and

(II) resubmit the amended organic governing documents to the Secretary for certification in accordance with this paragraph.

(C) Certifications deemed made.—The certifications under paragraph (4) shall be deemed to have been made if the Secretary has not acted within 90 days after the date on which the Council has submitted the organic governing documents of the Native Hawaiian governing entity to the Secretary.

(5) Elections.—On completion of the certifications by the Secretary under paragraph (4), the Council may hold elections of the officers of the Native Hawaiian governing entity.

(6) Reaffirmation.—Notwithstanding any other provision of law, upon the certifications required under paragraph (4) and the election of the officers of the Native Hawaiian governing entity, the political and legal relationship between the United States and the Native Hawaiian governing entity is hereby reaffirmed and the United States extends Federal recognition to the Native Hawaiian governing entity as the representative governing body of the Native Hawaiian people.

SEC. 8. REAFFIRMATION OF DELEGATION OF FEDERAL AUTHORITY; NEGOTIATIONS; CLAIMS.

(a) Reaffirmation.—The delegation by the United States of authority to the State of Hawaii to address the conditions of the indigenous, native people of Hawaii contained in the Act entitled "An Act to provide for the admission of the State of Hawaii into the Union" approved March 18, 1959 (Public Law 86-3, 73 Stat. 4), is reaffirmed.

(b) Negotiations.—

(1) In general.—Upon the reaffirmation of the political and legal relationship between the United States and the Native Hawaiian governing entity, the United States and the State of Hawaii may enter into negotiations with the Native Hawaiian governing entity designed to lead to an agreement addressing such matters as—

(A) the transfer of lands, natural resources, and other assets, and the protection of existing rights related to such lands or resources;

(B) the exercise of governmental authority over any transferred lands, natural resources, and other assets, including land use;

(C) the exercise of civil and criminal jurisdiction;

(D) the delegation of governmental powers and authorities to the Native Hawaiian governing entity by the United States and the State of Hawaii; and

(E) any residual responsibilities of the United States and the State of Hawaii.

(2) Amendments to existing laws.—Upon agreement on any matter or matters negotiated with the United States, the State of Hawaii, and the Native Hawaiian governing entity, the parties are authorized to submit—

(A) to the Committee on Indian Affairs of the Senate, the Committee on Energy and Natural Resources of the Senate, and the Committee on Resources of the House of Representatives, recommendations for proposed amendments to Federal law that will enable the implementation of agreements reached between the 3 governments; and

(B) to the Governor and the legislature of the State of Hawaii, recommendations for proposed amendments to State law that will enable the implementation of agreements reached between the 3 governments.

(c) Claims.—

(1) In general.—Nothing in this Act serves as a settlement of any claim against the United States.

(2) Statute of limitations.—Any claim against the United States arising under Federal law that—

(A) is in existence on the date of enactment of this Act;

(B) is asserted by the Native Hawaiian governing entity on behalf of the Native Hawaiian people; and

(C) relates to the legal and political relationship between the United States and the Native Hawaiian people;

shall be brought in the court of jurisdiction over such claims not later than 20 years after the date on which Federal recognition is extended to the Native Hawaiian governing entity under section 7(c)(6).

SEC. 9. APPLICABILITY OF CERTAIN FEDERAL LAWS.

(a) Indian Gaming Regulatory Act.—Nothing in this Act shall be construed to authorize the Native Hawaiian governing entity to conduct gaming activities under the authority of the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.).

(b) Bureau of Indian Affairs.—Nothing contained in this Act provides an authorization for eligibility to participate in any programs and services provided by the Bureau of Indian Affairs for any persons not otherwise eligible for the programs or services.

SEC. 10. SEVERABILITY.

If any section or provision of this Act is held invalid, it is the intent of Congress that the remaining sections or provisions shall continue in full force and effect.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

Mr. INOUYE. Mr. President, I am pleased to join my colleague, Senator Akaka, as a cosponsor of the Native Hawaiian Government Reorganization Act.

Having served on the Indian Affairs Committee for the past 27 years, I know that most of our colleagues are more familiar with conditions and circumstances in Indian country, and naturally, they bring their experience with Indian country to bear in considering this measure, which has been pending in the Senate for the past six years.

Accordingly, Mr. President, I believe it is important that our colleagues understand what this bill seeks to accomplish as well as how it differs from legislation affecting Indian country.

It is a little known fact that beginning in 1910 and since that time, the Congress has passed and the President has signed into law over 160 Federal laws designed to address the conditions of Native Hawaiians.

Thus, Federal laws which authorize the provision of health care, education, housing, and job training and employment services, as well as programs to provide for the preservation of the Native Hawaiian language, Native language immersion, Native cultural and grave protections and repatriation of Native sacred objects have been in place for decades.

The Native Hawaiian programs do not draw upon funding that is appropriated for American Indians or Alaska Natives—there are separate authorizations for programs that are administered by different Federal agencies—not the Bureau of Indian Affairs or the Indian Health Service, for instance—and the Native Hawaiian program funds are not drawn from the Interior Appropriations Subcommittee account. Thus, they have no impact on the funding that is provided for the other indigenous, native people of the United States.

However, unlike the native people residing on the mainland, Native Hawaiians have not been able to exercise their rights as Native people to self-determination or self-governance because their government was overthrown on January 17, 1893.

This bill would provide a process for the reorganization of the Native Hawaiian government and the resumption of a political and legal relationship between that government and the government of the United States.

Because the Native Hawaiian government is not an Indian tribe, the body of Federal Indian law that would otherwise customarily apply when the United States extends Federal recognition to an Indian tribal group does not apply.

Thus, the bill provides authority for a process of negotiations amongst the United States, the State of Hawaii, and the reorganized Native Hawaiian government to address such matters as the exercise of civil and criminal jurisdiction by the respective governments, the transfer of land and natural resources and other assets, and the exercise of governmental authority over those lands, natural resources and other assets.

Upon reaching agreement, the U.S. Congress and the legislature of State of Hawaii would have to enact legislation implementing the agreements of the three governments, including amendments that will necessarily have to be made to existing Federal law, such as the Hawaii Admissions Act and the Hawaiian Homes Commission Act, and to State law, including amendments to the Hawaii State Constitution, before any of the new governmental relationships and authorities can take effect.

That is why concerns which are premised on the manner in which Federal Indian law provides for the respective governmental authorities of the state governments and Indian tribal governments simply don't apply in Hawaii.

Our state government, both the Governor and the state legislature of Hawaii, fully support enactment of this measure. They will be at the table with the United States and the Native Hawaiian government to shape the relationships amongst governments that will best serve the needs and interests not only of the Native Hawaiian community but those of all of the citizens of Hawaii.

Mr. President, we have every confidence that consistent with the Federal policy of the last 35 years, the restoration of the rights to self-determination and self-governance will enable the Native Hawaiian people, as the direct, lineal descendants of the aboriginal, indigenous native people of what has become our nation's fiftieth state, to take their rightful place in the family of governments that makes up our constitutional system of governance.

By Mr. McCAIN (for himself, Mr. STEVENS, and Mr. DORGAN):

S. 148. A bill to establish a United States Boxing Commission to administer the Act, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. McCAIN. Mr. President, today I am pleased to be joined by Senators STEVENS and DORGAN in introducing the Professional Boxing Amendments Act of 2005. This legislation is virtually identical to a measure approved unanimously by the Senate last year. I remain committed to moving the Professional Boxing Amendments Act through the Senate and I trust that my colleagues will once again vote favorably on this important legislation. Simply put, this legislation would better protect professional boxing from the fraud, corruption, and ineffective regulation that have plagued the sport for far too many years, and that have devastated physically and financially many of our Nation's professional boxers.

For almost a decade, Congress has made efforts to improve the sport of professional boxing—and for very good reason. With rare exception, professional boxers come from the lowest rung on our economic ladder. They are the least educated and most exploited athletes in our Nation. The Professional Boxing Safety Act of 1996 and the Muhammad Ali Boxing Reform Act of 2000 established uniform health and safety standards for professional boxers, as well as basic protections for boxers against the sometimes coercive, exploitative, and unethical business practices of promoters, managers, and sanctioning organizations. But further action is needed.

The Professional Boxing Amendments Act would strengthen existing Federal boxing law by improving the basic health and safety standards for professional boxers, establishing a centralized medical registry to be used by local commissions to protect boxers, reducing the arbitrary practices of sanctioning organizations, and enhancing the uniformity and basic standards for professional boxing contracts. Most importantly, this legislation would establish a Federal regulatory entity to oversee professional boxing and set basic uniform standards for certain aspects of the sport.

Current Federal boxing law has improved to some extent the state of professional boxing. However, I remain concerned, as do many others, that the sport remains at risk. Some State and tribal boxing commissions still to this day do not comply with Federal boxing law, and there is still a troubling lack of enforcement of the law by both Federal and State officials. Indeed, professional boxing remains the only major sport in the United States that does not have a strong, centralized association, league, or other regulatory body to establish and enforce uniform rules and practices. Because a powerful few benefit greatly from the current system of patchwork compliance and enforcement of Federal boxing law, a national self-regulating organization—though preferable to Federal government oversight—is not a realistic option.

Ineffective and inconsistent oversight of professional boxing has contributed to the continuing scandals, controversies, unethical practices, and unnecessary deaths in the sport. These problems have led many in professional boxing to conclude that the only solution is an effective and accountable Federal boxing commission. The Professional Boxing Amendments Act would create such an entity.

This bill would establish the United States Boxing Commission (USBC or Commission). The Commission would be responsible for protecting the health, safety, and general interests of professional boxers. The USBC would also be responsible for ensuring uniformity, fairness, and integrity in professional boxing. More specifically, the Commission would administer Federal boxing law and coordinate with other Federal regulatory agencies to ensure that this law is enforced; oversee all professional boxing matches in the United States; and work with the boxing industry and local commissions to improve the safety, integrity, and professionalism of professional boxing in the United States.

The USBC would also license boxers, promoters, managers, and sanctioning organizations. The Commission would have the authority to revoke such a license for violations of Federal boxing law, to stop unethical or illegal conduct, to protect the health and safety of a boxer, or if the revocation is otherwise in the public interest.

It is important to state clearly and plainly for the record that the purpose of the USBC is not to interfere with the daily operations of State and tribal boxing commissions. Instead, the Commission would work in consultation with local commissions, and it would only exercise its authority when reasonable grounds exist for such intervention. In point of fact, the Professional Boxing Amendments Act states explicitly that it would not prohibit any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing to the extent not inconsistent with the provisions of Federal boxing law.

Let there be no doubt, however, of the very basic and pressing need in professional boxing for a Federal boxing commission. The establishment of the USBC would address that need.

The problems that plague the sport of professional boxing undermine the credibility of the sport in the eyes of the public—and more importantly—compromise the safety of boxers. The Professional Boxing Amendments Act provides an effective approach to curbing these problems. I again urge my colleagues to support this legislation.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 148

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Professional Boxing Amendments Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Amendment of Professional Boxing Safety Act of 1996.
Sec. 3. Definitions.
Sec. 4. Purposes.
Sec. 5. United States Boxing Commission approval, or ABC or commission sanction, required for matches.
Sec. 6. Safety standards.
Sec. 7. Registration.
Sec. 8. Review.
Sec. 9. Reporting.
Sec. 10. Contract requirements.
Sec. 11. Coercive contracts.
Sec. 12. Sanctioning organizations.
Sec. 13. Required disclosures by sanctioning organizations.
Sec. 14. Required disclosures by promoters and broadcasters.
Sec. 15. Judges and referees.
Sec. 16. Medical registry.
Sec. 17. Conflicts of interest.
Sec. 18. Enforcement.
Sec. 19. Repeal of deadwood.
Sec. 20. Recognition of tribal law.
Sec. 21. Establishment of United States Boxing Commission.
Sec. 22. Study and report on definition of promoter.
Sec. 23. Effective date.

SEC. 2. AMENDMENT OF PROFESSIONAL BOXING SAFETY ACT OF 1996.

Except as otherwise expressly provided, whenever in this title an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Professional Boxing Safety Act of 1996 (15 U.S.C. 6301 et seq.).

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 2 (15 U.S.C. 6301) is amended to read as follows:

"SEC. 2. DEFINITIONS.

"In this Act:

"(1) COMMISSION.—The term 'Commission' means the United States Boxing Commission.

"(2) BOUT AGREEMENT.—The term 'bout agreement' means a contract between a promoter and a boxer that requires the boxer to participate in a professional boxing match for a particular date.

"(3) BOXER.—The term 'boxer' means an individual who fights in a professional boxing match.

"(4) BOXING COMMISSION.—The term 'boxing commission' means an entity authorized under State or tribal law to regulate professional boxing matches.

"(5) BOXER REGISTRY.—The term 'boxer registry' means any entity certified by the Commission for the purposes of maintaining records and identification of boxers.

"(6) BOXING SERVICE PROVIDER.—The term 'boxing service provider' means a promoter, manager, sanctioning body, licensee, or matchmaker.

"(7) CONTRACT PROVISION.—The term 'contract provision' means any legal obligation between a boxer and a boxing service provider.

"(8) INDIAN LANDS; INDIAN TRIBE.—The terms 'Indian lands' and 'Indian tribe' have the meanings given those terms by paragraphs (4) and (5), respectively, of section 4 of the Indian Gaming Regulatory Act (25 U.S.C. 2703).

"(9) LICENSEE.—The term 'licensee' means an individual who serves as a trainer, corner man, second, or cut man for a boxer.

"(10) MANAGER.—The term 'manager' means a person other than a promoter who, under contract, agreement, or other arrangement with a boxer, undertakes to control or administer, directly or indirectly, a boxing-related matter on behalf of that boxer, including a person who is a booking agent for a boxer.

"(11) MATCHMAKER.—The term 'matchmaker' means a person that proposes, selects, and arranges for boxers to participate in a professional boxing match.

"(12) PHYSICIAN.—The term 'physician' means a doctor of medicine legally authorized to practice medicine by the State in which the physician performs such function or action and who has training and experience in dealing with sports injuries, particularly head trauma.

"(13) PROFESSIONAL BOXING MATCH.—The term 'professional boxing match' means a boxing contest held in the United States between individuals for financial compensation. The term 'professional boxing match' does not include a boxing contest that is regulated by a duly recognized amateur sports organization, as approved by the Commission.

"(14) PROMOTER.—The term 'promoter'—

"(A) means the person primarily responsible for organizing, promoting, and producing a professional boxing match; but

"(B) does not include a hotel, casino, resort, or other commercial establishment hosting or sponsoring a professional boxing match unless—

"(i) the hotel, casino, resort, or other commercial establishment is primarily responsible for organizing, promoting, and producing the match; and

"(ii) there is no other person primarily responsible for organizing, promoting, and producing the match.

"(15) PROMOTIONAL AGREEMENT.—The term 'promotional agreement' means a contract, for the acquisition of rights relating to a boxer's participation in a professional boxing match or series of boxing matches (including the right to sell, distribute, exhibit, or license the match or matches), with—

"(A) the boxer who is to participate in the match or matches; or

"(B) the nominee of a boxer who is to participate in the match or matches, or the nominee is an entity that is owned, controlled or held in trust for the boxer unless that nominee or entity is a licensed promoter who is conveying a portion of the rights previously acquired.

"(16) STATE.—The term 'State' means each of the 50 States, Puerto Rico, the District of Columbia, and any territory or possession of the United States, including the Virgin Islands.

"(17) SANCTIONING ORGANIZATION.—The term 'sanctioning organization' means an organization, other than a boxing commission, that sanctions professional boxing matches, ranks professional boxers, or charges a sanctioning fee for professional boxing matches in the United States—

"(A) between boxers who are residents of different States; or

"(B) that are advertised, otherwise promoted, or broadcast (including closed circuit television) in interstate commerce.

"(18) SUSPENSION.—The term 'suspension' includes within its meaning the temporary revocation of a boxing license.

"(19) TRIBAL ORGANIZATION.—The term 'tribal organization' has the same meaning as in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).".

(b) CONFORMING AMENDMENT.—Section 21 (15 U.S.C. 6312) is amended to read as follows:

"SEC. 21. PROFESSIONAL BOXING MATCHES CONDUCTED ON INDIAN LANDS.

"(a) IN GENERAL.—Notwithstanding any other provision of law, a tribal organization may establish a boxing commission to regulate professional boxing matches held on Indian land under the jurisdiction of that tribal organization.

"(b) STANDARDS AND LICENSING.—A tribal organization that establishes a boxing commission shall, by tribal ordinance or resolution, establish and provide for the implementation of health and safety standards, licensing requirements, and other requirements relating to the conduct of professional boxing matches that are at least as restrictive as—

"(1) the otherwise applicable requirements of the State in which the Indian land on which the professional boxing match is held is located; or

"(2) the guidelines established by the United States Boxing Commission.

"(c) APPLICATION OF ACT TO BOXING MATCHES ON TRIBAL LANDS.—The provisions of this Act apply to professional boxing matches held on tribal lands to the same extent and in the same way as they apply to professional boxing matches held in any State.".

SEC. 4. PURPOSES.

Section 3(2) (15 U.S.C. 6302(2)) is amended by striking "State".

SEC. 5. UNITED STATES BOXING COMMISSION APPROVAL, OR ABC OR COMMISSION SANCTION, REQUIRED FOR MATCHES.

(a) IN GENERAL.—Section 4 (15 U.S.C. 6303) is amended to read as follows:

"SEC. 4. APPROVAL OR SANCTION REQUIREMENT.

"(a) IN GENERAL.—No person may arrange, promote, organize, produce, or fight in a professional boxing match within the United States unless the match—

"(1) is approved by the Commission; and

"(2) is held in a State, or on tribal land of a tribal organization, that regulates professional boxing matches in accordance with standards and criteria established by the Commission.

"(b) Approval Presumed.—

"(1) In general.—For purposes of subsection (a), the Commission shall be presumed to have approved any match other than—

"(A) a match with respect to which the Commission has been informed of an alleged violation of this Act and with respect to which it has notified the supervising boxing commission that it does not approve;

"(B) a match advertised to the public as a championship match;

"(C) a match scheduled for 10 rounds or more; or

"(D) a match in which 1 of the boxers has—

"(i) suffered 10 consecutive defeats in professional boxing matches; or

"(ii) has been knocked out 5 consecutive times in professional boxing matches.

"(2) Delegation of approval authority.—Notwithstanding paragraph (1), the Commission shall be presumed to have approved a match described in subparagraph (B), (C), or (D) of paragraph (1) if—

"(A) the Commission has delegated its approval authority with respect to that match to a boxing commission; and

"(B) the boxing commission has approved the match.

"(3) Knocked-out defined.—Except as may be otherwise provided by the Commission by rule, in paragraph (1)(D)(ii), the term 'knocked out' means knocked down and unable to continue after a count of 10 by the referee or stopped from continuing because of a technical knockout.".

(b) Conforming Amendment.—Section 19 (15 U.S.C. 6310) is repealed.

SEC. 6. SAFETY STANDARDS.

Section 5 (15 U.S.C. 6304) is amended—

(1) by striking "requirements or an alternative requirement in effect under regulations of a boxing commission that provides equivalent protection of the health and safety of boxers:" and inserting "requirements:";

(2) by adding at the end of paragraph (1) "The examination shall include testing for infectious diseases in accordance with standards established by the Commission.";

(3) by striking paragraph (2) and inserting the following:

"(2) An ambulance continuously present on site.";

(4) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively, and inserting after paragraph (2) the following:

"(3) Emergency medical personnel with appropriate resuscitation equipment continuously present on site."; and

(5) by striking "match." in paragraph (5), as redesignated, and inserting "match in an amount prescribed by the Commission.".

SEC. 7. REGISTRATION.

Section 6 (15 U.S.C. 6305) is amended—

(1) by inserting "or Indian tribe" after "State" the second place it appears in subsection (a)(2);

(2) by striking the first sentence of subsection (c) and inserting "A boxing commission shall, in accordance with requirements established by the Commission, make a health and safety disclosure to a boxer when issuing an identification card to that boxer.";

(3) by striking "should" in the second sentence of subsection (c) and inserting "shall, at a minimum,"; and

(4) by adding at the end the following:

"(d) Copy of Registration and Identification Cards To Be Sent to Commission.—A boxing commission shall furnish a copy of each registration received under subsection (a), and each identification card issued under subsection (b), to the Commission.".

SEC. 8. REVIEW.

Section 7 (15 U.S.C. 6306) is amended—

(1) by striking "that, except as provided in subsection (b), no" in subsection (a)(2) and inserting "that no";

(2) by striking paragraphs (3) and (4) of subsection (a) and inserting the following:

"(3) Procedures to review a summary suspension when a hearing before the boxing commission is requested by a boxer, licensee, manager, matchmaker, promoter, or other boxing service provider which provides an opportunity for that person to present evidence.";

(3) by striking subsection (b); and

(4) by striking "(a) Procedures.—".

SEC. 9. REPORTING.

Section 8 (15 U.S.C. 6307) is amended—

(1) by striking "48 business hours" and inserting "2 business days";

(2) by striking "bxoing" and inserting "boxing"; and

(3) by striking "each boxer registry." and inserting "the Commission.".

SEC. 10. CONTRACT REQUIREMENTS.

Section 9 (15 U.S.C. 6307a) is amended to read as follows:

"SEC. 9. CONTRACT REQUIREMENTS.

"(a) In General.—The Commission, in consultation with the Association of Boxing Commissions, shall develop guidelines for minimum contractual provisions that shall be included in each bout agreement, boxer-manager contract, and promotional agreement. Each boxing commission shall ensure that these minimal contractual provisions are present in any such agreement or contract submitted to it.

"(b) Filing and Approval Requirements.—

"(1) Commission.—A manager or promoter shall submit a copy of each boxer-manager contract and each promotional agreement between that manager or promoter and a boxer to the Commission, and, if requested, to the boxing commission with jurisdiction over the bout.

"(2) Boxing commission.—A boxing commission may not approve a professional boxing match unless a copy of the bout agreement related to that match has been filed with it and approved by it.

"(c) Bond or Other Surety.—A boxing commission may not approve a professional boxing match unless the promoter of that match has posted a surety bond, cashier's check, letter of credit, cash, or other security with the boxing commission in an amount acceptable to the boxing commission.".

SEC. 11. COERCIVE CONTRACTS.

Section 10 (15 U.S.C. 6307b) is amended—

(1) by striking paragraph (3) of subsection (a);

(2) by inserting "or elimination" after "mandatory" in the heading of subsection (b); and

(3) by inserting "or elimination" after "mandatory" in subsection (b).

SEC. 12. SANCTIONING ORGANIZATIONS.

(a) In General.—Section 11 (15 U.S.C. 6307c) is amended to read as follows:

"SEC. 11. SANCTIONING ORGANIZATIONS.

"(a) Objective Criteria.—Within 1 year after the date of enactment of the Professional Boxing Amendments Act of 2005, the Commission shall develop guidelines for objective and consistent written criteria for the rating of professional boxers based on the athletic merits and professional record of the boxers. Within 90 days after the Commission's promulgation of the guidelines, each sanctioning organization shall adopt the guidelines and follow them.

"(b) Notification of Change in Rating.—A sanctioning organization shall, with respect to a change in the rating of a boxer previously rated by such organization in the top 10 boxers—

"(1) post a copy, within 7 days after the change, on its Internet website or home page, if any, including an explanation of the change, for a period of not less than 30 days;

"(2) provide a copy of the rating change and a thorough explanation in writing under penalty of perjury to the boxer and the Commission;

"(3) provide the boxer an opportunity to appeal the ratings change to the sanctioning organization; and

"(4) apply the objective criteria for ratings required under subsection (a) in considering any such appeal.

"(c) Challenge of Rating.—If, after disposing with an appeal under subsection (b)(3), a sanctioning organization receives a petition from a boxer challenging that organization's rating of the boxer, it shall (except to the extent otherwise required by the Commission), within 7 days after receiving the petition—

"(1) provide to the boxer a written explanation under penalty of perjury of the organization's rating criteria, its rating of the boxer, and the rationale or basis for its rating (including a response to any specific questions submitted by the boxer); and

"(2) submit a copy of its explanation to the Association of Boxing Commissions and the Commission for their review.".

(b) Conforming Amendments.—Section 18(e) (15 U.S.C. 6309(e)) is amended—

(1) by striking "Federal Trade Commission," in the subsection heading and inserting "United States Boxing Commission"; and

(2) by striking "Federal Trade Commission," in paragraph (1) and inserting "United States Boxing Commission,".

SEC. 13. REQUIRED DISCLOSURES BY SANCTIONING ORGANIZATIONS.

Section 12 (15 U.S.C. 6307d) is amended—

(1) by striking the matter preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the sanctioning organization, if any, for that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match, a written statement of—";

(2) by striking "will assess" in paragraph (1) and inserting "has assessed, or will assess,"; and

(3) by striking "will receive" in paragraph (2) and inserting "has received, or will receive,".

SEC. 14. REQUIRED DISCLOSURES BY PROMOTERS AND BROADCASTERS.

Section 13 (15 U.S.C. 6307e) is amended—

(1) by striking "**PROMOTERS.**" in the section caption and inserting "**PROMOTERS AND BROADCASTERS.**";

(2) by striking so much of subsection (a) as precedes paragraph (1) and inserting the following:

"(a) Disclosures to Boxing Commissions and the Commission.—Within 7 days after a professional boxing match of 10 rounds or more, the promoter of any boxer participating in that match shall provide to the Commission, and, if requested, to the boxing commission in the State or on Indian land responsible for regulating the match—";

(3) by striking "writing." in subsection (a)(1) and inserting "writing, other than a bout agreement previously provided to the commission,";

(4) by striking "all fees, charges, and expenses that will be" in subsection (a)(3)(A) and inserting "a written statement of all fees, charges, and expenses that have been, or will be,";

(5) by inserting "a written statement of" before "all" in subsection (a)(3)(B);

(6) by inserting "a statement of" before "any" in subsection (a)(3)(C);

(7) by striking the matter in subsection (b) following "Boxer.—" and preceding paragraph (1) and inserting "Within 7 days after a professional boxing match of 10 rounds or more, the promoter of the match shall provide to each boxer participating in the bout or match with whom the promoter has a bout or promotional agreement a statement of—";

(8) by striking "match;" in subsection (b)(1) and inserting "match, and that the promoter has paid, or agreed to pay, to any other person in connection with the match;"; and

(9) by adding at the end the following:

"(d) Required Disclosures by Broadcasters.—

"(1) In general.—A broadcaster that owns the television broadcast rights for a professional boxing match of 10 rounds or more shall, within 7 days after that match, provide to the Commission—

"(A) a statement of any advance, guarantee, or license fee paid or owed by the broadcaster to a promoter in connection with that match;

"(B) a copy of any contract executed by or on behalf of the broadcaster with—

"(i) a boxer who participated in that match; or

"(ii) the boxer's manager, promoter, promotional company, or other representative or the owner or representative of the site of the match; and

"(C) a list identifying sources of income received from the broadcast of the match.

"(2) Copy to boxing commission.—Upon request from the boxing commission in the State or Indian land responsible for regulating a match to which paragraph (1) applies, a broadcaster shall provide the information described in paragraph (1) to that boxing commission.

"(3) Confidentiality.—The information provided to the Commission or to a boxing commission pursuant to this subsection shall be confidential and not revealed by the Commission or a boxing commission, except that the Commission may publish an analysis of the data in aggregate form or in a manner which does not disclose confidential information about identifiable broadcasters.

"(4) Television broadcast rights.—In paragraph (1), the term 'television broadcast rights' means the right to broadcast the match, or any part thereof, via a broadcast station, cable service, or multichannel video programming distributor as such terms are defined in section 3(5), 602(6), and 602(13) of the Communications Act of 1934 (47 U.S.C. 153(5), 602(6), and 602(13), respectively).".

SEC. 15. JUDGES AND REFEREES.

(a) In General.—Section 16 (15 U.S.C. 6307h) is amended—

(1) by inserting "(a) Licensing and Assignment Requirement.—" before "No person";

(2) by striking "certified and approved" and inserting "selected";

(3) by inserting "or Indian lands" after "State"; and

(4) by adding at the end the following:

"(b) Championship and 10-round Bouts.—In addition to the requirements of subsection (a), no person may arrange, promote, organize, produce, or fight in a professional boxing match advertised to the public as a championship match or in a professional boxing match scheduled for 10 rounds or more unless all referees and judges participating in the match have been licensed by the Commission.

"(c) Role of Sanctioning Organization.—A sanctioning organization may provide a list of judges and referees deemed qualified by that organization to a boxing commission, but the boxing commission shall select, license, and appoint the judges and referees participating in the match.

"(d) Assignment of Nonresident Judges and Referees.—A boxing commission may assign judges and referees who reside outside that commission's State or Indian land.

"(e) Required Disclosure.—A judge or referee shall provide to the boxing commission responsible for regulating a professional boxing match in a State or on Indian land a statement of all consideration, including reimbursement for expenses, that the judge or referee has received, or will receive, from any source for participation in the match. If the match is scheduled for 10 rounds or more, the judge or referee shall also provide such a statement to the Commission.".

(b) Conforming Amendment.—Section 14 (15 U.S.C. 6307f) is repealed.

SEC. 16. MEDICAL REGISTRY.

The Act is amended by inserting after section 13 (15 U.S.C. 6307e) the following:

"SEC. 14. MEDICAL REGISTRY.

"(a) In General.—The Commission shall establish and maintain, or certify a third party entity to establish and maintain, a medical registry that contains comprehensive medical records and medical denials or suspensions for every licensed boxer.

"(b) Content; Submission.—The Commission shall determine—

"(1) the nature of medical records and medical suspensions of a boxer that are to be forwarded to the medical registry; and

"(2) the time within which the medical records and medical suspensions are to be submitted to the medical registry.

"(c) Confidentiality.—The Commission shall establish confidentiality standards for the disclosure of personally identifiable information to boxing commissions that will—

"(1) protect the health and safety of boxers by making relevant information available to the boxing commissions for use but not public disclosure; and

"(2) ensure that the privacy of the boxers is protected.".

SEC. 17. CONFLICTS OF INTEREST.

Section 17 (15 U.S.C. 6308) is amended—

(1) by striking "enforces State boxing laws," in subsection (a) and inserting "implements State or tribal boxing laws, no officer or employee of the Commission,";

(2) by striking "belong to," and inserting "hold office in," in subsection (a);

(3) by striking the last sentence of subsection (a);

(4) by striking subsection (b) and inserting the following:

"(b) Boxers.—A boxer may not own or control, directly or indirectly, an entity that promotes the boxer's bouts if that entity is responsible for—

"(1) executing a bout agreement or promotional agreement with the boxer's opponent; or

"(2) providing any payment or other compensation to—

"(A) the boxer's opponent for participation in a bout with the boxer;

"(B) the boxing commission that will regulate the bout; or

"(C) ring officials who officiate at the bout.".

SEC. 18. ENFORCEMENT.

Section 18 (15 U.S.C. 6309) is amended—

(1) by striking "(a) Injunctions.—" in subsection (a) and inserting "(a) Actions by Attorney General.—";

(2) by inserting "any officer or employee of the Commission," after "laws," in subsection (b)(3);

(3) by inserting "has engaged in or" after "organization" in subsection (c);

(4) by striking "subsection (b)" in subsection (c)(3) and inserting "subsection (b), a civil penalty, or"; and

(5) by striking "boxer" in subsection (d) and inserting "person".

SEC. 19. REPEAL OF DEADWOOD.

Section 20 (15 U.S.C. 6311) is repealed.

SEC. 20. RECOGNITION OF TRIBAL LAW.

Section 22 (15 U.S.C. 6313) is amended—

(1) by insert "**OR TRIBAL**" in the section heading after "**STATE**"; and

(2) by inserting "or Indian tribe" after "State".

SEC. 21. ESTABLISHMENT OF UNITED STATES BOXING COMMISSION.

(a) In General.—The Act is amended by adding at the end the following:

"TITLE II—UNITED STATES BOXING COMMISSION

"SEC. 201. PURPOSE.

"The purpose of this title is to protect the health, safety, and welfare of boxers and to ensure fairness in the sport of professional boxing.

"SEC. 202. UNITED STATES BOXING COMMISSION.

"(a) In General.—The United States Boxing Commission is established as a commission within the Department of Commerce.

"(b) Members.—

"(1) In general.—The Commission shall consist of 3 members appointed by the President, by and with the advice and consent of the Senate.

"(2) Qualifications.—

"(A) In general.—Each member of the Commission shall be a citizen of the United States who—

"(i) has extensive experience in professional boxing activities or in a field directly related to professional sports;

"(ii) is of outstanding character and recognized integrity; and

"(iii) is selected on the basis of training, experience, and qualifications and without regard to political party affiliation.

"(B) Specific qualifications for certain members.—At least 1 member of the Commission shall be a former member of a local boxing authority. If practicable, at least 1 member of the Commission shall be a physician or other health care professional duly licensed as such.

"(C) Disinterested persons.—No member of the Commission may, while serving as a member of the Commission—

"(i) be engaged as a professional boxer, boxing promoter, agent, fight manager, matchmaker, referee, judge, or in any other capacity in the conduct of the business of professional boxing;

"(ii) have any pecuniary interest in the earnings of any boxer or the proceeds or outcome of any boxing match; or

"(iii) serve as a member of a boxing commission.

"(3) Bipartisan membership.—Not more than 2 members of the Commission may be members of the same political party.

“(4) GEOGRAPHIC BALANCE.—Not more than 2 members of the Commission may be residents of the same geographic region of the United States when appointed to the Commission. For purposes of the preceding sentence, the area of the United States east of the Mississippi River is a geographic region, and the area of the United States west of the Mississippi River is a geographic region.

“(5) TERMS.—

“(A) IN GENERAL.—The term of a member of the Commission shall be 3 years.

“(B) REAPPOINTMENT.—Members of the Commission may be reappointed to the Commission.

“(C) MIDTERM VACANCIES.—A member of the Commission appointed to fill a vacancy in the Commission occurring before the expiration of the term for which the member's predecessor was appointed shall be appointed for the remainder of that unexpired term.

“(D) CONTINUATION PENDING REPLACEMENT.—A member of the Commission may serve after the expiration of that member's term until a successor has taken office.

“(6) REMOVAL.—A member of the Commission may be removed by the President only for cause.

“(c) EXECUTIVE DIRECTOR.—

“(1) IN GENERAL.—The Commission shall employ an Executive Director to perform the administrative functions of the Commission under this Act, and such other functions and duties of the Commission as the Commission shall specify.

“(2) DISCHARGE OF FUNCTIONS.—Subject to the authority, direction, and control of the Commission the Executive Director shall carry out the functions and duties of the Commission under this Act.

“(d) GENERAL COUNSEL.—The Commission shall employ a General Counsel to provide legal counsel and advice to the Executive Director and the Commission in the performance of its functions under this Act, and to carry out such other functions and duties as the Commission shall specify.

“(e) STAFF.—The Commission shall employ such additional staff as the Commission considers appropriate to assist the Executive Director and the General Counsel in carrying out the functions and duties of the Commission under this Act.

“(f) COMPENSATION.—

“(1) MEMBERS OF COMMISSION.—

“(A) IN GENERAL.—Each member of the Commission shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

“(B) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

“(2) EXECUTIVE DIRECTOR AND STAFF.—The Commission shall fix the compensation of the Executive Director, the General Counsel, and other personnel of the Commission. The rate of pay for the Executive Director, the General Counsel, and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of title 5, United States Code.

“SEC. 203. FUNCTIONS.

“(a) PRIMARY FUNCTIONS.—The primary functions of the Commission are—

“(1) to protect the health, safety, and general interests of boxers consistent with the provisions of this Act; and

“(2) to ensure uniformity, fairness, and integrity in professional boxing.

“(b) SPECIFIC FUNCTIONS.—The Commission shall—

“(1) administer title I of this Act;

“(2) promulgate uniform standards for professional boxing in consultation with the Association of Boxing Commissions;

“(3) except as otherwise determined by the Commission, oversee all professional boxing matches in the United States;

“(4) work with the boxing commissions of the several States and tribal organizations—

“(A) to improve the safety, integrity, and professionalism of professional boxing in the United States;

“(B) to enhance physical, medical, financial, and other safeguards established for the protection of professional boxers; and

“(C) to improve the status and standards of professional boxing in the United States;

“(5) ensure, in cooperation with the Attorney General (who shall represent the Commission in any judicial proceeding under this Act), the chief law enforcement officer of the several States, and other appropriate officers and agencies of Federal, State, and local government, that Federal and State laws applicable to professional boxing matches in the United States are vigorously, effectively, and fairly enforced;

“(6) review boxing commission regulations for professional boxing and provide assistance to such authorities in meeting minimum standards prescribed by the Commission under this title;

“(7) serve as the coordinating body for all efforts in the United States to establish and maintain uniform minimum health and safety standards for professional boxing;

“(8) if the Commission determines it to be appropriate, publish a newspaper, magazine, or other publication and establish and maintain a website consistent with the purposes of the Commission;

“(9) procure the temporary and intermittent services of experts and consultants to the extent authorized by section 3109(b) of title 5, United States Code, at rates the Commission determines to be reasonable; and

“(10) promulgate rules, regulations, and guidance, and take any other action necessary and proper to accomplish the purposes of, and consistent with, the provisions of this title.

“(c) PROHIBITIONS.—The Commission may not—

“(1) promote boxing events or rank professional boxers; or

“(2) provide technical assistance to, or authorize the use of the name of the Commission by, boxing commissions that do not comply with requirements of the Commission.

“(d) USE OF NAME.—The Commission shall have the exclusive right to use the name ‘United States Boxing Commission’. Any person who, without the permission of the Commission, uses that name or any other exclusive name, trademark, emblem, symbol, or insignia of the Commission for the purpose of inducing the sale or exchange of any goods or services, or to promote any exhibition, performance, or sporting event, shall be subject to suit in a civil action by the Commission for the remedies provided in the Act of July 5, 1946 (commonly known as the ‘Trademark Act of 1946’; 15 U.S.C. 1051 et seq.).

“SEC. 204. LICENSING AND REGISTRATION OF BOXING PERSONNEL.

“(a) LICENSING.—

“(1) REQUIREMENT FOR LICENSE.—No person may compete in a professional boxing match or serve as a boxing manager, boxing promoter, or sanctioning organization for a professional boxing match except as provided in a license granted to that person under this subsection.

“(2) APPLICATION AND TERM.—

“(A) IN GENERAL.—The Commission shall—

“(i) establish application procedures, forms, and fees;

“(ii) establish and publish appropriate standards for licenses granted under this section; and

“(iii) issue a license to any person who, as determined by the Commission, meets the standards established by the Commission under this title.

“(B) DURATION.—A license issued under this section shall be for a renewable—

“(i) 4-year term for a boxer; and

“(ii) 2-year term for any other person.

“(C) PROCEDURE.—The Commission may issue a license under this paragraph through boxing commissions or in a manner determined by the Commission.

“(b) LICENSING FEES.—

“(1) AUTHORITY.—The Commission may prescribe and charge reasonable fees for the licensing of persons under this title. The Commission may set, charge, and adjust varying fees on the basis of classifications of persons, functions, and events determined appropriate by the Commission.

“(2) LIMITATIONS.—In setting and charging fees under paragraph (1), the Commission shall ensure that, to the maximum extent practicable—

“(A) club boxing is not adversely effected;

“(B) sanctioning organizations and promoters pay comparatively the largest portion of the fees; and

“(C) boxers pay as small a portion of the fees as is possible.

“(3) COLLECTION.—Fees established under this subsection may be collected through boxing commissions or by any other means determined appropriate by the Commission.

“SEC. 205. NATIONAL REGISTRY OF BOXING PERSONNEL.

“(a) REQUIREMENT FOR REGISTRY.—The Commission shall establish and maintain (or authorize a third party to establish and maintain) a unified national computerized registry for the collection, storage, and retrieval of information related to the performance of its duties.

“(b) CONTENTS.—The information in the registry shall include the following:

“(1) BOXERS.—A list of professional boxers and data in the medical registry established under section 114 of this Act, which the Commission shall secure from disclosure in accordance with the confidentiality requirements of section 114(c).

“(2) OTHER PERSONNEL.—Information (pertinent to the sport of professional boxing) on boxing promoters, boxing matchmakers, boxing managers, trainers, cut men, referees, boxing judges, physicians, and any other personnel determined by the Commission as performing a professional activity for professional boxing matches.

“SEC. 206. CONSULTATION REQUIREMENTS.

“The Commission shall consult with the Association of Boxing Commissions—

“(1) before prescribing any regulation or establishing any standard under the provisions of this title; and

“(2) not less than once each year regarding matters relating to professional boxing.

“SEC. 207. MISCONDUCT.

“(a) SUSPENSION AND REVOCATION OF LICENSE OR REGISTRATION.—

"(1) AUTHORITY.—The Commission may, after notice and opportunity for a hearing, suspend or revoke any license issued under this title if the Commission finds that—

"(A) the license holder has violated any provision of this Act;

"(B) there are reasonable grounds for belief that a standard prescribed by the Commission under this title is not being met, or that bribery, collusion, intentional losing, racketeering, extortion, or the use of unlawful threats, coercion, or intimidation have occurred in connection with a license; or

"(C) the suspension or revocation is necessary for the protection of health and safety or is otherwise in the public interest.

"(2) PERIOD OF SUSPENSION.—

"(A) IN GENERAL.—A suspension of a license under this section shall be effective for a period determined appropriate by the Commission except as provided in subparagraph (B).

"(B) SUSPENSION FOR MEDICAL REASONS.—In the case of a suspension or denial of the license of a boxer for medical reasons by the Commission, the Commission may terminate the suspension or denial at any time that a physician certifies that the boxer is fit to participate in a professional boxing match. The Commission shall prescribe the standards and procedures for accepting certifications under this subparagraph.

"(3) PERIOD OF REVOCATION.—In the case of a revocation of the license of a boxer, the revocation shall be for a period of not less than 1 year.

"(b) INVESTIGATIONS AND INJUNCTIONS.—

"(1) AUTHORITY.—The Commission may—

"(A) conduct any investigation that it considers necessary to determine whether any person has violated, or is about to violate, any provision of this Act or any regulation prescribed under this Act;

"(B) require or permit any person to file with it a statement in writing, under oath or otherwise as the Commission shall determine, as to all the facts and circumstances concerning the matter to be investigated;

"(C) in its discretion, publish information concerning any violations; and

"(D) investigate any facts, conditions, practices, or matters to aid in the enforcement of the provisions of this Act, in the prescribing of regulations under this Act, or in securing information to serve as a basis for recommending legislation concerning the matters to which this Act relates.

"(2) POWERS.—

"(A) IN GENERAL.—For the purpose of any investigation under paragraph (1) or any other proceeding under this title—

"(i) any officer designated by the Commission may administer oaths and affirmations, subpena or otherwise compel the attendance of witnesses, take evidence, and require the production of any books, papers, correspondence, memoranda, or other records the Commission considers relevant or material to the inquiry; and

"(ii) the provisions of sections 6002 and 6004 of title 18, United States Code, shall apply.

"(B) WITNESSES AND EVIDENCE.—The attendance of witnesses and the production of any documents under subparagraph (A) may be required from any place in the United States, including Indian land, at any designated place of hearing.

"(3) ENFORCEMENT OF SUBPOENAS.—

"(A) CIVIL ACTION.—In case of contumacy by, or refusal to obey a subpoena issued to, any person, the Commission may file an action in any district court of the United States within the jurisdiction of which an investigation or proceeding is carried out, or where that person resides or carries on business, to enforce the attendance and testimony of witnesses and the production of books, papers, correspondence, memorandums, and other records. The court may issue an order requiring the person to appear before the Commission to produce records, if so ordered, or to give testimony concerning the matter under investigation or in question.

"(B) FAILURE TO OBEY.—Any failure to obey an order issued by a court under subparagraph (A) may be punished as contempt of that court.

"(C) PROCESS.—All process in any contempt case under subparagraph (A) may be served in the judicial district in which the person is an inhabitant or in which the person may be found.

"(4) EVIDENCE OF CRIMINAL MISCONDUCT.—

"(A) IN GENERAL.—No person may be excused from attending and testifying or from producing books, papers, contracts, agreements, and other records and documents before the Commission, in obedience to the subpoena of the Commission, or in any cause or proceeding instituted by the Commission, on the ground that the testimony or evidence, documentary or otherwise, required of that person may tend to incriminate the person or subject the person to a penalty or forfeiture.

"(B) LIMITED IMMUNITY.—No individual may be prosecuted or subject to any penalty or forfeiture for, or on account of, any transaction, matter, or thing concerning the matter about which that individual is compelled, after having claimed a privilege against self-incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

"(5) INJUNCTIVE RELIEF.—If the Commission determines that any person is engaged or about to engage in any act or practice that constitutes a violation of any provision of this Act, or of any regulation prescribed under this Act, the Commission may bring an action in the appropriate district court of the United States, the United States District Court for the District of Columbia, or the United States courts of any territory or other place subject to the jurisdiction of the United States, to enjoin the act or practice, and upon a proper showing, the court shall grant without bond a permanent or temporary injunction or restraining order.

"(6) MANDAMUS.—Upon application of the Commission, the district courts of the United States, the United States District Court for the District of Columbia, and the United States courts of any territory or other place subject to the jurisdiction of the United States, shall have jurisdiction to issue writs of mandamus commanding any person to comply with the provisions of this Act or any order of the Commission.

"(c) INTERVENTION IN CIVIL ACTIONS.—

"(1) IN GENERAL.—The Commission, on behalf of the public interest, may intervene of right as provided under rule 24(a) of the Federal Rules of Civil Procedure in any civil action relating to professional boxing filed in a district court of the United States.

"(2) AMICUS FILING.—The Commission may file a brief in any action filed in a court of the United States on behalf of the public interest in any case relating to professional boxing.

"(d) HEARINGS BY COMMISSION.—Hearings conducted by the Commission under this Act shall be public and may be held before any officer of the Commission. The Commission shall keep appropriate records of the hearings.

"SEC. 208. NONINTERFERENCE WITH BOXING COMMISSIONS.

"(a) NONINTERFERENCE.—Nothing in this Act prohibits any boxing commission from exercising any of its powers, duties, or functions with respect to the regulation or supervision of professional boxing or professional boxing matches to the extent not inconsistent with the provisions of this Act.

"(b) MINIMUM STANDARDS.—Nothing in this Act prohibits any boxing commission from enforcing local standards or requirements that exceed the minimum standards or requirements promulgated by the Commission under this Act.

"SEC. 209. ASSISTANCE FROM OTHER AGENCIES.

"Any employee of any executive department, agency, bureau, board, commission, office, independent establishment, or instrumentality may be detailed to the Commission, upon the request of the Commission, on a reimbursable or nonreimbursable basis, with the consent of the appropriate authority having jurisdiction over the employee. While so detailed, an employee shall continue to receive the compensation provided pursuant to law for the employee's regular position of employment and shall retain, without interruption, the rights and privileges of that employment.

"SEC. 210. REPORTS.

"(a) ANNUAL REPORT.—The Commission shall submit a report on its activities to the Senate Committee on Commerce, Science, and Transportation and the House of Representatives Committee on Commerce each year. The annual report shall include—

"(1) a detailed discussion of the activities of the Commission for the year covered by the report; and

"(2) an overview of the licensing and enforcement activities of the State and tribal organization boxing commissions.

"(b) PUBLIC REPORT.—The Commission shall annually issue and publicize a report of the Commission on the progress made at Federal and State levels and on Indian lands in the reform of professional boxing, which shall include comments on issues of continuing concern to the Commission.

"(c) FIRST ANNUAL REPORT ON THE COMMISSION.—The first annual report under this title shall be submitted not later than 2 years after the effective date of this title.

"SEC. 211. INITIAL IMPLEMENTATION.

"(a) TEMPORARY EXEMPTION.—The requirements for licensing under this title do not apply to a person for the performance of an activity as a boxer, boxing judge, or referee, or the performance of any other professional activity in relation to a professional boxing match, if the person is licensed by a boxing commission to perform that activity as of the effective date of this title.

"(b) EXPIRATION.—The exemption under subsection (a) with respect to a license issued by a boxing commission expires on the earlier of—

"(1) the date on which the license expires; or

"(2) the date that is 2 years after the date of the enactment of the Professional Boxing Amendments Act of 2005.

"SEC. 212. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated for the Commission for each fiscal year such sums as may be necessary for the Commission to perform its functions for that fiscal year.

"(b) RECEIPTS CREDITED AS OFFSETTING COLLECTIONS.—Notwithstanding section 3302 of title 31, United States Code, any fee collected under this title—

"(1) shall be credited as offsetting collections to the account that finances the activities and services for which the fee is imposed;

"(2) shall be available for expenditure only to pay the costs of activities and services for which the fee is imposed; and

"(3) shall remain available until expended.".

(b) CONFORMING AMENDMENTS.—

(1) PBSA.—The Professional Boxing Safety Act of 1996, as amended by this Act, is further amended—

(A) by amending section 1 to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Professional Boxing Safety Act'.

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Definitions.

"TITLE I—PROFESSIONAL BOXING SAFETY

"Sec. 101. Purposes.
"Sec. 102. Approval or sanction requirement.
"Sec. 103. Safety standards.
"Sec. 104. Registration.
"Sec. 105. Review.
"Sec. 106. Reporting.
"Sec. 107. Contract requirements.
"Sec. 108. Protection from coercive contracts.
"Sec. 109. Sanctioning organizations.
"Sec. 110. Required disclosures to State boxing commissions by sanctioning organizations.
"Sec. 111. Required disclosures by promoters and broadcasters.
"Sec. 112. Medical registry.
"Sec. 113. Confidentiality.
"Sec. 114. Judges and referees.
"Sec. 115. Conflicts of interest.
"Sec. 116. Enforcement.
"Sec. 117. Professional boxing matches conducted on Indian lands.
"Sec. 118. Relationship with State or Tribal law.

"TITLE II—UNITED STATES BOXING COMMISSION

"Sec. 201. Purpose.
"Sec. 202. United States Boxing Commission.
"Sec. 203. Functions.
"Sec. 204. Licensing and registration of boxing personnel.
"Sec. 205. National registry of boxing personnel.
"Sec. 206. Consultation requirements.
"Sec. 207. Misconduct.
"Sec. 208. Noninterference with boxing commissions
"Sec. 209. Assistance from other agencies.
"Sec. 210. Reports.
"Sec. 211. Initial implementation.
"Sec. 212. Authorization of appropriations.";

(B) by inserting before section 3 the following:

"TITLE I—PROFESSIONAL BOXING SAFETY";

(C) by redesignating sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 21, and 22 as sections 101 through 118, respectively;

(D) by striking subsection (a) of section 113, as redesignated, and inserting the following:

"(a) IN GENERAL.—Except to the extent required in a legal, administrative, or judicial proceeding, a boxing commission, an Attorney General, or the Commission may not disclose to the public any matter furnished by a promoter under section 111.";

(E) by striking "section 13" in subsection (b) of section 113, as redesignated, and inserting "section 111";

(F) by striking "9(b), 10, 11, 12, 13, 14, or 16," in paragraph (1) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114,";

(G) by striking "9(b), 10, 11, 12, 13, 14, or 16" in paragraph (2) of section 116(b), as redesignated, and inserting "107, 108, 109, 110, 111, or 114";

(H) by striking "section 17(a)" in subsection (b)(3) of section 116, as redesignated, and inserting "section 115(a)";

(I) by striking "section 10" in subsection (e)(3) of section 116, as redesignated, and inserting "section 108"; and

(J) by striking "of this Act" each place it appears in sections 101 through 120, as redesignated, and inserting "of this title".

(2) COMPENSATION OF MEMBERS.—Section 5315 of title 5, United States Code, is amended by adding at the end the following:

"Members of the United States Boxing Commission.".

SEC. 22. STUDY AND REPORT ON DEFINITION OF PROMOTER.

(a) STUDY.—The United States Boxing Commission shall conduct a study on how the term "promoter" should be defined for purposes of the Professional Boxing Safety Act.

(b) HEARINGS.—As part of that study, the Commission shall hold hearings and solicit testimony at those hearings from boxers, managers, promoters, premium, cable, and satellite program service providers, hotels, casinos, resorts, and other commercial establishments that host or sponsor professional boxing matches, and other interested parties with respect to the definition of that term as it is used in the Professional Boxing Safety Act.

(c) REPORT.—Not later than 12 months after the date of the enactment of this Act, the Commission shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the study conducted under subsection (a). The report shall—

(1) set forth a proposed definition of the term "promoter" for purposes of the Professional Boxing Safety Act; and

(2) describe the findings, conclusions, and rationale of the Commission for the proposed definition, together with any recommendations of the Commission, based on the study.

SEC. 23. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), the amendments made by this Act shall take effect on the date of enactment of this Act.

(b) 1-YEAR DELAY FOR CERTAIN TITLE II PROVISIONS.—Sections 205 through 212 of the Professional Boxing Safety Act of 1996, as added by section 21(a) of this Act, shall take effect 1 year after the date of enactment of this Act.

By Mr. JEFFORDS (for himself, Ms. COLLINS, Mr. LIEBERMAN, Ms. SNOWE, Mr. SCHUMER, Mr. BIDEN, Mrs. BOXER, Mrs. CLINTON, Mr. CORZINE, Mr. DODD, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. KERRY, Mr. LAUTENBERG, Mr. LEAHY, Mr. REED, and Mr. SARBANES):

S. 150. A bill to amend the Clean Air Act to reduce emissions from electric powerplants, and for other purposes; to the Committee on Environment and Public Works.

Mr. JEFFORDS. Mr. President, I am both sad and happy to re-introduce the Clean Power Act again with Senators LIEBERMAN and COLLINS and the other 16 cosponsors of the legislation from the last Congress. I am happy that they are all still as committed as I am to the fight to reduce pollution and to protect the public's health and to clean up and conserve the environment for future generations.

I am sad that we have not made more progress in this fight to reduce harmful emissions of sulfur dioxides (SO_X), nitrogen oxides (NO_X), mercury, and carbon dioxide from fossil fuel power plants. More than 25,000 people are dying prematurely every year because of fine particulate pollution ($PM_{2.5}$) that is emitted by power plants in the form of SO_X and NO_X. More than 4,000 people are dying of heart attacks due to ozone exposure, part of which is caused by power plant emissions. And, over 160 million people are living in areas with unhealthy air quality.

Acid rain continues to fall on our forests and lakes stressing ecosystems in the Northeast and the Southeast. Nearly all the States have some kind of fish consumption warning or advisory due to mercury contamination. And, earlier this week, the chairman of the International Panel on Climate Change, who was placed at the request of the Bush Administration, said that he personally believes that the world has "already reached the level of dangerous concentrations of carbon dioxide in the atmosphere."

I am sad because there has been zero movement on multi-pollutant legislation in Congress since this legislation was approved by the Senate Committee on Environment and Public Works in June 2002 in basically the same form we are introducing. As Senators may be aware, prior to that Committee action, I and Senator REID before me, sought to engage in a bipartisan dialogue to move four pollutant legislation. Though the President promised to support such legislation while a candidate in 2000, he reversed himself on that pledge in early 2001.

Since early 2001, the Administration refused to negotiate, to consider compromise or even to respond to legitimate requests for information or timely technical assistance. Instead, they have concentrated their efforts on undermining the Clean Air Act with a particularly focus on gutting New Source Review. They have not shown any real interest in legislating in this matter.

I am sad that the Administration's general approach has been to go backward before 1990, to undue President Bush Sr.'s legacy. That is not what the

American people want and it is not what they and their children deserve. They deserve better. They deserve the promise of the Clean Air Act which is constant improvement and moving forward to provide safe air for everyone to breathe.

It is long past time that all power plants in this country meet modern emission performance standards. There is simply no excuse in a technologically advanced society like ours to have power plants running on 1930s technology. It should be embarrassing for us all and requires a swift and concerted effort and significantly more funding than the Administration and Congress have appropriated thus far to maximize the use of all of our energy resources, including coal and renewables, in an environmentally friendly way.

Simply letting these old dirty dinosaurs keep chugging along is bad for public health and the environment and bad for innovation and the development of new technologies. It is a stone age response to a modern day problem.

Mr. President, I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the text of the bill was ordered to be printed in the Record, as follows:

S. 150

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Power Act of 2005".

SEC. 2. ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS.

(a) In General.—The Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following:

"TITLE VII—ELECTRIC ENERGY GENERATION EMISSION REDUCTIONS

"Sec. 701. Findings.
"Sec. 702. Purposes.
"Sec. 703. Definitions.
"Sec. 704. Emission limitations.
"Sec. 705. Emission allowances.
"Sec. 706. Permitting and trading of emission allowances.
"Sec. 707. Emission allowance allocation.
"Sec. 708. Mercury emission limitations.
"Sec. 709. Other hazardous air pollutants.
"Sec. 710. Effect of failure to promulgate regulations.
"Sec. 711. Prohibitions.
"Sec. 712. Modernization of electricity generating facilities.
"Sec. 713. Relationship to other law.

"SEC. 701. FINDINGS.

"Congress finds that—

"(1) public health and the environment continue to suffer as a result of pollution emitted by powerplants across the United States, despite the success of Public Law 101-549 (commonly known as the 'Clean Air Act Amendments of 1990') (42 U.S.C. 7401 et seq.) in reducing emissions;

"(2) according to the most reliable scientific knowledge, acid rain precursors must be significantly reduced for the ecosystems of the Northeast and Southeast to recover from the ecological harm caused by acid deposition;

"(3) because lakes and sediments across the United States are being contaminated by mercury emitted by powerplants, there is an increasing risk of mercury poisoning of aquatic habitats and fish-consuming human populations;

"(4)(A) electricity generation accounts for approximately 40 percent of the total emissions in the United States of carbon dioxide, a major greenhouse gas causing global warming; and

"(B) the quantity of carbon dioxide in the atmosphere is growing without constraint and well beyond the international commitments of the United States;

"(5) the cumulative impact of powerplant emissions on public and environmental health must be addressed swiftly by reducing those harmful emissions to levels that are less threatening; and

"(6)(A) the atmosphere is a public resource; and

"(B) emission allowances, representing permission to use that resource for disposal of air pollution from electricity generation, should be allocated to promote public purposes, including—

"(i) protecting electricity consumers from adverse economic impacts;

"(ii) providing transition assistance to adversely affected employees, communities, and industries; and

"(iii) promoting clean energy resources and energy efficiency.

"SEC. 702. PURPOSES.

"The purposes of this title are—

"(1) to alleviate the environmental and public health damage caused by emissions of sulfur dioxide, nitrogen oxides, carbon dioxide, and mercury resulting from the combustion of fossil fuels in the generation of electric and thermal energy;

"(2) to reduce by 2010 the annual national emissions from electricity generating facilities to not more than—

"(A) 2,250,000 tons of sulfur dioxide;

"(B) 1,510,000 tons of nitrogen oxides; and

"(C) 2,050,000,000 tons of carbon dioxide;

"(3) to reduce by 2009 the annual national emissions of mercury from electricity generating facilities to not more than 5 tons;

"(4) to effectuate the reductions described in paragraphs (2) and (3) by—

"(A) requiring electricity generating facilities to comply with specified emission limitations by specified deadlines; and

"(B) allowing electricity generating facilities to meet the emission limitations (other than the emission limitation for mercury) through an alternative method of compliance consisting of an emission allowance and transfer system; and

"(5) to encourage energy conservation, use of renewable and clean alternative technologies, and pollution prevention as long-range strategies, consistent with this title, for reducing air pollution and other adverse impacts of energy generation and use.

"SEC. 703. DEFINITIONS.

"In this title:

"(1) Covered pollutant.—The term 'covered pollutant' means—

"(A) sulfur dioxide;

"(B) any nitrogen oxide;

"(C) carbon dioxide; and

"(D) mercury.

"(2) Electricity generating facility.—The term 'electricity generating facility' means an electric or thermal electricity generating unit, a combination of such units, or a combination of 1 or more such units and 1 or more combustion devices, that—

"(A) has a nameplate capacity of 15 megawatts or more (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

"(B) generates electric energy, for sale, through combustion of fossil fuel; and

"(C) emits a covered pollutant into the atmosphere.

"(3) Electricity intensive product.—The term 'electricity intensive product' means a product with respect to which the cost of electricity consumed in the production of the product represents more than 5 percent of the value of the product.

"(4) Emission allowance.—The term 'emission allowance' means a limited authorization to emit in accordance with this title—

"(A) 1 ton of sulfur dioxide;

"(B) 1 ton of nitrogen oxides; or

"(C) 1 ton of carbon dioxide.

"(5) Energy efficiency project.—The term 'energy efficiency project' means any specific action (other than ownership or operation of an energy efficient building) commenced after the date of enactment of this title—

"(A) at a facility (other than an electricity generating facility), that verifiably reduces the annual electricity or natural gas consumption per unit output of the facility, as compared with the annual electricity or natural gas consumption per unit output that would be expected in the absence of an allocation of emission allowances (as determined by the Administrator); or

"(B) by an entity that is primarily engaged in the transmission and distribution of electricity, that significantly improves the efficiency of that type of entity, as compared with standards for efficiency developed by the Administrator, in consultation with the Secretary of Energy, after the date of enactment of this title.

"(6) Energy efficient building.—The term 'energy efficient building' means a residential building or commercial building completed after the date of enactment of this title for which the projected lifetime consumption of electricity or natural gas for heating, cooling, and ventilation is at least 30 percent less than the lifetime consumption of a typical new residential building or commercial building, as determined by the Administrator (in consultation with the Secretary of Energy)—

"(A) on a State or regional basis; and

"(B) taking into consideration—

"(i) applicable building codes; and

"(ii) consumption levels achieved in practice by new residential buildings or commercial buildings in the absence of an allocation of emission allowances.

"(7) Energy efficient product.—The term 'energy efficient product' means a product manufactured after the date of enactment of this title that has an expected lifetime electricity or natural gas consumption that—

"(A) is less than the average lifetime electricity or natural gas consumption for that type of product; and

"(B) does not exceed the lesser of—

"(i) the maximum energy consumption that qualifies for the applicable Energy Star label for that type of product; or

"(ii) the average energy consumption of the most efficient 25 percent of that type of product manufactured in the same year.

"(8) Lifetime.—The term 'lifetime' means—

"(A) in the case of a residential building that is an energy efficient building, 30 years;

“(B) in the case of a commercial building that is an energy efficient building, 15 years; and

“(C) in the case of an energy efficient product, a period determined by the Administrator to be the average life of that type of energy efficient product.

“(9) MERCURY.—The term ‘mercury’ includes any mercury compound.

“(10) NEW CLEAN FOSSIL FUEL-FIRED ELECTRICITY GENERATING UNIT.—The term ‘new clean fossil fuel-fired electricity generating unit’ means a unit that—

“(A) has been in operation for 10 years or less; and

“(B) is—

“(i) a natural gas fired generator that—

“(I) has an energy conversion efficiency of at least 55 percent; and

“(II) uses best available control technology (as defined in section 169);

“(ii) a generator that—

“(I) uses integrated gasification combined cycle technology;

“(II) uses best available control technology (as defined in section 169); and

“(III) has an energy conversion efficiency of at least 45 percent; or

“(iii) a fuel cell operating on fuel derived from a nonrenewable source of energy.

“(11) NONWESTERN REGION.—The term ‘nonwestern region’ means the area of the States that is not included in the western region.

“(12) RENEWABLE ELECTRICITY GENERATING UNIT.—The term ‘renewable electricity generating unit’ means a unit that—

“(A) has been in operation for 10 years or less; and

“(B) generates electric energy by means of—

“(i) wind;

“(ii) biomass;

“(iii) landfill gas;

“(iv) a geothermal, solar thermal, or photovoltaic source; or

“(v) a fuel cell operating on fuel derived from a renewable source of energy.

“(13) SMALL ELECTRICITY GENERATING FACILITY.—The term ‘small electricity generating facility’ means an electric or thermal electricity generating unit, or combination of units, that—

“(A) has a nameplate capacity of less than 15 megawatts (or the equivalent in thermal energy generation, determined in accordance with a methodology developed by the Administrator);

“(B) generates electric energy, for sale, through combustion of fossil fuel; and

“(C) emits a covered pollutant into the atmosphere.

“(14) WESTERN REGION.—The term ‘western region’ means the area comprising the States of Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming.

“SEC. 704. EMISSION LIMITATIONS.

“(a) IN GENERAL.—Subject to subsections (b) and (c), the Administrator shall promulgate regulations to ensure that, during 2010 and each year thereafter, the total annual emissions of covered pollutants from all electricity generating facilities located in all States does not exceed—

“(1) in the case of sulfur dioxide—

“(A) 275,000 tons in the western region; or

“(B) 1,975,000 tons in the nonwestern region;

“(2) in the case of nitrogen oxides, 1,510,000 tons;

“(3) in the case of carbon dioxide, 2,050,000,000 tons; or

“(4) in the case of mercury, 5 tons.

“(b) EXCESS EMISSIONS BASED ON UNUSED ALLOWANCES.—The regulations promulgated under subsection (a) shall authorize emissions of covered pollutants in excess of the national emission limitations established under that subsection for a year to the extent that the number of tons of the excess emissions is less than or equal to the number of emission allowances that are—

“(1) used in the year; but

“(2) allocated for any previous year under section 707.

“(c) REDUCTIONS.—For 2010 and each year thereafter, the quantity of emissions specified for each covered pollutant in subsection (a) shall be reduced by the sum of—

“(1) the number of tons of the covered pollutant that were emitted by small electricity generating facilities in the second preceding year; and

“(2) any number of tons of reductions in emissions of the covered pollutant required under section 705(h).

“SEC. 705. EMISSION ALLOWANCES.

“(a) CREATION AND ALLOCATION.—

“(1) IN GENERAL.—For 2010 and each year thereafter, subject to paragraph (2), there are created, and the Administrator shall allocate in accordance with section 707, emission allowances as follows:

“(A) In the case of sulfur dioxide—

“(i) 275,000 emission allowances for each year for use in the western region; and

“(ii) 1,975,000 emission allowances for each year for use in the nonwestern region.

“(B) In the case of nitrogen oxides, 1,510,000 emission allowances for each year.

“(C) In the case of carbon dioxide, 2,050,000,000 emission allowances for each year.

“(2) REDUCTIONS.—For 2010 and each year thereafter, the number of emission allowances specified for each covered pollutant in paragraph (1) shall be reduced by a number equal to the sum of—

“(A) the number of tons of the covered pollutant that were emitted by small electricity generating facilities in the second preceding year; and

“(B) any number of tons of reductions in emissions of the covered pollutant required under subsection (h).

“(b) NATURE OF EMISSION ALLOWANCES.—

“(1) NOT A PROPERTY RIGHT.—An emission allowance allocated by the Administrator under subsection (a) is not a property right.

“(2) NO LIMIT ON AUTHORITY TO TERMINATE OR LIMIT.—Nothing in this title or any other provision of law limits the authority of the United States to terminate or limit an emission allowance.

“(3) TRACKING AND TRANSFER OF EMISSION ALLOWANCES.—

“(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish an emission allowance tracking and transfer system for emission allowances of sulfur dioxide, nitrogen oxides, and carbon dioxide.

“(B) REQUIREMENTS.—The emission allowance tracking and transfer system established under subparagraph (A) shall—

“(i) incorporate the requirements of subsections (b) and (d) of section 412 (except that written certification by the transferee shall not be necessary to effect a transfer); and

“(ii) permit any entity—

“(I) to buy, sell, or hold an emission allowance; and

“(II) to permanently retire an unused emission allowance.

“(C) PROCEEDS OF TRANSFERS.—Proceeds from the transfer of emission allowances by any person to which the emission allowances have been allocated—

“(i) shall not constitute funds of the United States; and

“(ii) shall not be available to meet any obligations of the United States.

“(c) IDENTIFICATION AND USE.—

“(1) IN GENERAL.—Each emission allowance allocated by the Administrator shall bear a unique serial number, including—

“(A) an identifier of the covered pollutant to which the emission allowance pertains; and

“(B) the first year for which the allowance may be used.

“(2) SULFUR DIOXIDE EMISSION ALLOWANCES.—In the case of sulfur dioxide emission allowances, the Administrator shall ensure that the emission allowances allocated to electricity generating facilities in the western region are distinguishable from emission allowances allocated to electricity generating facilities in the nonwestern region.

“(3) YEAR OF USE.—Each emission allowance may be used in the year for which the emission allowance is allocated or in any subsequent year.

“(d) ANNUAL SUBMISSION OF EMISSION ALLOWANCES.—

“(1) IN GENERAL.—On or before April 1, 2011, and April 1 of each year thereafter, the owner or operator of each electricity generating facility shall submit to the Administrator 1 emission allowance for the applicable covered pollutant (other than mercury) for each ton of sulfur dioxide, nitrogen oxides, or carbon dioxide emitted by the electricity generating facility during the previous calendar year.

“(2) SPECIAL RULE FOR OZONE EXCEEDANCES.—

“(A) IDENTIFICATION OF FACILITIES CONTRIBUTING TO NONATTAINMENT.—Not later than December 31, 2009, and the end of each 3-year period thereafter, each State, consistent with the obligations of the State under section 110(a)(2)(D), shall identify the electricity generating facilities in the State and in other States that are significantly contributing (as determined based on guidance issued by the Administrator) to nonattainment of the national ambient air quality standard for ozone in the State.

“(B) SUBMISSION OF ADDITIONAL ALLOWANCES.—In 2010 and each year thereafter, on petition from a State or a person demonstrating that the control measures in effect at an electricity generating facility that is identified under subparagraph (A) as significantly contributing to nonattainment of the national ambient air quality standard for ozone in a State during the previous year are inadequate to prevent the significant contribution described in subparagraph (A), the Administrator, if the Administrator determines that the electricity generating facility is inadequately controlled for nitrogen oxides, may require that the electricity generating facility submit 3 nitrogen oxide emission allowances for each ton of nitrogen oxides emitted by the electricity generating facility during any period of an exceedance of the national ambient air quality standard for ozone in the State during the previous year.

“(3) REGIONAL LIMITATIONS FOR SULFUR DIOXIDE.—The Administrator shall not allow—

“(A) the use of sulfur dioxide emission allowances allocated for the western region to meet the obligations under this subsection of electricity generating facilities in the nonwestern region; or

“(B) the use of sulfur dioxide emission allowances allocated for the nonwestern region to meet the obligations under this subsection of electricity generating facilities in the western region.

"(e) EMISSION VERIFICATION, MONITORING, AND RECORDKEEPING.—

"(1) IN GENERAL.—The Administrator shall ensure that Federal regulations, in combination with any applicable State regulations, are adequate to verify, monitor, and document emissions of covered pollutants from electricity generating facilities.

"(2) INVENTORY OF EMISSIONS FROM SMALL ELECTRICITY GENERATING FACILITIES.—On or before July 1, 2006, the Administrator, in cooperation with State agencies, shall complete, and on an annual basis update, a comprehensive inventory of emissions of sulfur dioxide, nitrogen oxides, carbon dioxide, and particulate matter from small electricity generating facilities.

"(3) MONITORING INFORMATION.—

"(A) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Administrator shall promulgate regulations to require each electricity generating facility to submit to the Administrator—

"(i) not later than April 1 of each year, verifiable information on covered pollutants emitted by the electricity generating facility in the previous year, expressed in—

"(I) tons of covered pollutants; and

"(II) tons of covered pollutants per megawatt hour of energy (or the equivalent thermal energy) generated; and

"(ii) as part of the first submission under clause (i), verifiable information on covered pollutants emitted by the electricity generating facility in 2002, 2003, and 2004, if the electricity generating facility was required to report that information in those years.

"(B) SOURCE OF INFORMATION.—Information submitted under subparagraph (A) shall be obtained using a continuous emission monitoring system (as defined in section 402).

"(C) AVAILABILITY TO THE PUBLIC.—The information described in subparagraph (A) shall be made available to the public—

"(i) in the case of the first year in which the information is required to be submitted under that subparagraph, not later than 18 months after the date of enactment of this title; and

"(ii) in the case of each year thereafter, not later than April 1 of the year.

"(4) AMBIENT AIR QUALITY MONITORING FOR SULFUR DIOXIDE AND HAZARDOUS AIR POLLUTANTS.—

"(A) IN GENERAL.—Beginning January 1, 2006, each coal-fired electricity generating facility with an aggregate generating capacity of 50 megawatts or more shall, in accordance with guidelines issued by the Administrator, commence ambient air quality monitoring within a 30-mile radius of the coal-fired electricity generating facility for the purpose of measuring maximum concentrations of sulfur dioxide and hazardous air pollutants emitted by the coal-fired electricity generating facility.

"(B) LOCATION OF MONITORING POINTS.—Monitoring under subparagraph (A) shall include monitoring at not fewer than 2 points—

"(i) that are at ground level and within 3 miles of the coal-fired electricity generating facility;

"(ii) at which the concentration of pollutants being monitored is expected to be the greatest; and

"(iii) at which the monitoring shall be the most frequent.

"(C) FREQUENCY OF MONITORING OF SULFUR DIOXIDE.—Monitoring of sulfur dioxide under subparagraph (A) shall be carried out on a continuous basis and averaged over 5-minute periods.

"(D) AVAILABILITY TO THE PUBLIC.—The results of the monitoring under subparagraph (A) shall be made available to the public.

"(f) EXCESS EMISSION PENALTY.—

"(1) IN GENERAL.—Subject to paragraph (2), section 411 shall be applicable to an owner or operator of an electricity generating facility.

"(2) CALCULATION OF PENALTY.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the penalty for failure to submit emission allowances for covered pollutants as required under subsection (d) shall be equal to 3 times the product obtained by multiplying—

"(i) as applicable—

"(I) the number of tons emitted in excess of the emission limitation requirement applicable to the electricity generating facility; or

"(II) the number of emission allowances that the owner or operator failed to submit; and

"(ii) the average annual market price of emission allowances (as determined by the Administrator).

"(B) MERCURY.—In the case of mercury, the penalty shall be equal to 3 times the product obtained by multiplying—

"(i) the number of grams emitted in excess of the emission limitation requirement for mercury applicable to the electricity generating facility; and

"(ii) the average cost of mercury controls at electricity generating units that have a nameplate capacity of 15 megawatts or more in all States (as determined by the Administrator).

"(g) SIGNIFICANT ADVERSE LOCAL IMPACTS.—

"(1) IN GENERAL.—If the Administrator determines that emissions of an electricity generating facility may reasonably be anticipated to cause or contribute to a significant adverse impact on an area (including endangerment of public health, contribution to acid deposition in a sensitive receptor area, and other degradation of the environment), the Administrator shall limit the emissions of the electricity generating facility as necessary to avoid that impact.

"(2) VIOLATION.—Notwithstanding the availability of emission allowances, it shall be a violation of this Act for any electricity generating facility to exceed any limitation on emissions established under paragraph (1).

"(h) ADDITIONAL REDUCTIONS.—

"(1) PROTECTION OF PUBLIC HEALTH OR WELFARE OR THE ENVIRONMENT.—If the Administrator determines that the emission levels necessary to achieve the national emission limitations established under section 704 are not reasonably anticipated to protect public health or welfare or the environment (including protection of children, pregnant women, minority or low-income communities, and other sensitive populations), the Administrator may require reductions in emissions from electricity generating facilities in addition to the reductions required under the other provisions of this title.

"(2) EMISSION ALLOWANCE TRADING.—

"(A) STUDIES.—

"(i) IN GENERAL.—In 2013 and at the end of each 3-year period thereafter, the Administrator shall complete a study of the impacts of the emission allowance trading authorized under this title.

"(ii) REQUIRED ASSESSMENT.—The study shall include an assessment of ambient air quality in areas surrounding electricity generating facilities that participate in emission allowance trading, including a comparison between—

"(I) the ambient air quality in those areas; and

"(II) the national average ambient air quality.

"(B) LIMITATION ON EMISSIONS.—If the Administrator determines, based on the results of a study under subparagraph (A), that adverse local impacts result from emission allowance trading, the Administrator may require reductions in emissions from electricity generating facilities in addition to the reductions required under the other provisions of this title.

"(i) USE OF CERTAIN OTHER EMISSION ALLOWANCES.—

"(1) IN GENERAL.—Subject to paragraph (2), emission allowances or other emission trading instruments created under title I or IV for sulfur dioxide or nitrogen oxides shall not be valid for submission under subsection (d).

"(2) EMISSION ALLOWANCES PLACED IN RESERVE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), an emission allowance described in paragraph (1) that was placed in reserve under section 404(a)(2) or 405 or through regulations implementing controls on nitrogen oxides, because an affected unit emitted fewer tons of sulfur dioxide or nitrogen oxides than were permitted under an emission limitation imposed under title I or IV before the date of enactment of this title, shall be considered to be equivalent to ¼ of an emission allowance created by subsection (a) for sulfur dioxide or nitrogen oxides, respectively.

"(B) EMISSION ALLOWANCES RESULTING FROM ACHIEVEMENT OF NEW SOURCE PERFORMANCE STANDARDS.—If an emission allowance described in subparagraph (A) was created and placed in reserve during the period of 2001 through 2009 by the owner or operator of an electricity generating facility through the application of pollution control technology that resulted in the achievement and maintenance by the electricity generating facility of the applicable standards of performance required of new sources under section 111, the emission allowance shall be valid for submission under subsection (d).

"SEC. 706. PERMITTING AND TRADING OF EMISSION ALLOWANCES.

"(a) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish a permitting and emission allowance trading compliance program to implement the limitations on emissions of covered pollutants from electricity generating facilities established under section 704.

"(b) EMISSION ALLOWANCE TRADING WITH FACILITIES OTHER THAN ELECTRICITY GENERATING FACILITIES.—

"(1) IN GENERAL.—Subject to paragraph (2) and section 705(i), the regulations promulgated to establish the program under subsection (a) shall prohibit use of emission allowances generated from other emission control programs for the purpose of demonstrating compliance with the limitations on emissions of covered pollutants from electricity generating facilities established under section 704.

"(2) EXCEPTION FOR CERTAIN CARBON DIOXIDE EMISSION CONTROL PROGRAMS.—The prohibition described in paragraph (1) shall not apply in the case of carbon dioxide emission allowances generated from an emission control program that limits total carbon dioxide emissions from the entirety of any industrial sector.

"(c) METHODOLOGY.—The program established under subsection (a) shall clearly identify the methodology for the allocation of emission allowances, including standards for measuring annual electricity generation and energy efficiency as the standards relate to emissions.

"SEC. 707. EMISSION ALLOWANCE ALLOCATION.

"(a) ALLOCATION TO ELECTRICITY CONSUMERS.—

"(1) IN GENERAL.—For 2010 and each year thereafter, after making allocations of emission allowances under subsections (b) through (f), the Administrator shall allocate the remaining emission allowances created by section 705(a) for the year for each covered pollutant other than mercury to households served by electricity.

"(2) ALLOCATION AMONG HOUSEHOLDS.—The allocation to each household shall reflect—

"(A) the number of persons residing in the household; and

"(B) the ratio that—

"(i) the quantity of the residential electricity consumption of the State in which the household is located; bears to

"(ii) the quantity of the residential electricity consumption of all States.

"(3) REGULATIONS.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations making appropriate arrangements for the allocation of emission allowances to households under this subsection, including as necessary the appointment of 1 or more trustees—

"(A) to receive the emission allowances for the benefit of the households;

"(B) to obtain fair market value for the emission allowances; and

"(C) to distribute the proceeds to the beneficiaries.

"(b) ALLOCATION FOR TRANSITION ASSISTANCE.—

"(1) IN GENERAL.—For 2010 and each year thereafter through 2019, the Administrator shall allocate the percentage specified in paragraph (2) of the emission allowances created by section 705(a) for the year for each covered pollutant other than mercury in the following manner:

"(A) 80 percent shall be allocated to provide transition assistance to—

"(i) dislocated workers (as defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) whose employment has been terminated or who have been laid off as a result of the emission reductions required by this title; and

"(ii) communities that have experienced disproportionate adverse economic impacts as a result of the emission reductions required by this title.

"(B) 20 percent shall be allocated to producers of electricity intensive products in a number equal to the product obtained by multiplying—

"(i) the ratio that—

"(I) the quantity of each electricity intensive product produced by each producer in the previous year; bears to

"(II) the quantity of the electricity intensive product produced by all producers in the previous year;

"(ii) the average quantity of electricity used in producing the electricity intensive product by producers that use the most energy efficient process for producing the electricity intensive product; and

"(iii) with respect to the previous year, the national average quantity (expressed in tons) of emissions of each such pollutant per megawatt hour of electricity generated by electricity generating facilities in all States.

"(2) SPECIFIED PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) in the case of 2010, 6 percent;

"(B) in the case of 2011, 5.5 percent;

"(C) in the case of 2012, 5 percent;

"(D) in the case of 2013, 4.5 percent;

"(E) in the case of 2014, 4 percent;

"(F) in the case of 2015, 3.5 percent;

"(G) in the case of 2016, 3 percent;

"(H) in the case of 2017, 2.5 percent;

"(I) in the case of 2018, 2 percent; and

"(J) in the case of 2019, 1.5 percent.

"(3) REGULATIONS FOR ALLOCATION FOR TRANSITION ASSISTANCE TO DISLOCATED WORKERS AND COMMUNITIES.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations making appropriate arrangements for the distribution of emission allowances under paragraph (1)(A), including as necessary the appointment of 1 or more trustees—

"(i) to receive the emission allowances allocated under paragraph (1)(A) for the benefit of the dislocated workers and communities;

"(ii) to obtain fair market value for the emission allowances; and

"(iii) to apply the proceeds to providing transition assistance to the dislocated workers and communities.

"(B) FORM OF TRANSITION ASSISTANCE.—Transition assistance under paragraph (1)(A) may take the form of—

"(i) grants to employers, employer associations, and representatives of employees—

"(I) to provide training, adjustment assistance, and employment services to dislocated workers; and

"(II) to make income-maintenance and needs-related payments to dislocated workers; and

"(ii) grants to States and local governments to assist communities in attracting new employers or providing essential local government services.

"(c) ALLOCATION TO RENEWABLE ELECTRICITY GENERATING UNITS, EFFICIENCY PROJECTS, AND CLEANER ENERGY SOURCES.—For 2010 and each year thereafter, the Administrator shall allocate not more than 20 percent of the emission allowances created by section 705(a) for the year for each covered pollutant other than mercury—

"(1) to owners and operators of renewable electricity generating units, in a number equal to the product obtained by multiplying—

"(A) the number of megawatt hours of electricity generated in the previous year by each renewable electricity generating unit; and

"(B) with respect to the previous year, the national average quantity (expressed in tons) of emissions of each such pollutant per megawatt hour of electricity generated by electricity generating facilities in all States;

"(2) to owners and operators of energy efficient buildings, producers of energy efficient products, and entities that carry out energy efficient projects, in a number equal to the product obtained by multiplying—

"(A) the number of megawatt hours of electricity or cubic feet of natural gas saved in the previous year as a result of each energy efficient building, energy efficient product, or energy efficiency project; and

"(B) with respect to the previous year, the national average quantity (expressed in tons) of emissions of each such pollutant per, as appropriate—

"(i) megawatt hour of electricity generated by electricity generating facilities in all States; or

"(ii) cubic foot of natural gas burned for a purpose other than generation of electricity in all States;

"(3) to owners and operators of new clean fossil fuel-fired electricity generating units, in a number equal to the product obtained by multiplying—

"(A) the number of megawatt hours of electricity generated in the previous year by each new clean fossil fuel-fired electricity generating unit; and

"(B) with respect to the previous year, ½ of the national average quantity (expressed in tons) of emissions of each such pollutant per megawatt hour of electricity generated by electricity generating facilities in all States; and

"(4) to owners and operators of combined heat and power electricity generating facilities, in a number equal to the product obtained by multiplying—

"(A) the number of British thermal units of thermal energy produced and put to productive use in the previous year by each combined heat and power electricity generating facility; and

"(B) with respect to the previous year, the national average quantity (expressed in tons) of emissions of each such pollutant per British thermal unit of thermal energy generated by electricity generating facilities in all States.

"(d) TRANSITION ASSISTANCE TO ELECTRICITY GENERATING FACILITIES.—

"(1) IN GENERAL.—For 2010 and each year thereafter through 2019, the Administrator shall allocate the percentage specified in paragraph (2) of the emission allowances created by section 705(a) for the year for each covered pollutant other than mercury to the owners or operators of electricity generating facilities in the ratio that—

"(A) the quantity of electricity generated by each electricity generating facility in 2003; bears to

"(B) the quantity of electricity generated by all electricity generating facilities in 2003.

"(2) SPECIFIED PERCENTAGES.—The percentages referred to in paragraph (1) are—

"(A) in the case of 2010, 10 percent;

"(B) in the case of 2011, 9 percent;

"(C) in the case of 2012, 8 percent;

"(D) in the case of 2013, 7 percent;

"(E) in the case of 2014, 6 percent;

"(F) in the case of 2015, 5 percent;

"(G) in the case of 2016, 4 percent;

"(H) in the case of 2017, 3 percent;

"(I) in the case of 2018, 2 percent; and

"(J) in the case of 2019, 1 percent.

"(e) ALLOCATION TO ENCOURAGE BIOLOGICAL CARBON SEQUESTRATION.—

"(1) IN GENERAL.—For 2010 and each year thereafter, the Administrator shall allocate, on a competitive basis and in accordance with paragraphs (2) and (3), not more than 0.075 percent of the carbon dioxide emission allowances created by section 705(a) for the year for the purposes of—

"(A) carrying out projects to reduce net carbon dioxide emissions through biological carbon dioxide sequestration in the United States that—

"(i) result in benefits to watersheds and fish and wildlife habitats; and

"(ii) are conducted in accordance with project reporting, monitoring, and verification guidelines based on—

"(I) measurement of increases in carbon storage in excess of the carbon storage that would have occurred in the absence of such a project;

"(II) comprehensive carbon accounting that—

"(aa) reflects net increases in carbon reservoirs; and

"(bb) takes into account any carbon emissions resulting from disturbance of carbon reservoirs in existence as of the date of commencement of the project;

"(III) adjustments to account for—

"(aa) emissions of carbon that may result at other locations as a result of the impact of the project on timber supplies; or

"(bb) potential displacement of carbon emissions to other land owned by the entity that carries out the project; and

"(IV) adjustments to reflect the expected carbon storage over various time periods, taking into account the likely duration of the storage of the carbon stored in a carbon reservoir; and

"(B) conducting accurate inventories of carbon sinks.

"(2) Carbon inventory.—The Administrator, in consultation with the Secretary of Agriculture, shall allocate not more than ⅓ of the emission allowances described in paragraph (1) to not more than 5 State or multistate land or forest management agencies or nonprofit entities that—

"(A) have a primary goal of land conservation; and

"(B) submit to the Administrator proposals for projects—

"(i) to demonstrate and assess the potential for the development and use of carbon inventorying and accounting systems;

"(ii) to improve the standards relating to, and the identification of, incremental carbon sequestration in forests, agricultural soil, grassland, or rangeland; or

"(iii) to assist in development of a national biological carbon storage baseline or inventory.

"(3) Revolving loan program.—The Administrator shall allocate not more than ⅔ of the emission allowances described in paragraph (1) to States, based on proposals submitted by States to conduct programs under which each State shall—

"(A) use the value of the emission allowances to establish a State revolving loan fund to provide loans to owners of nonindustrial private forest land in the State to carry out forest and forest soil carbon sequestration activities that will achieve the purposes specified in paragraph (2)(B); and

"(B) for 2011 and each year thereafter, contribute to the program of the State an amount equal to 25 percent of the value of the emission allowances received under this paragraph for the year in cash, in-kind services, or technical assistance.

"(4) Use of emission allowances.—An entity that receives an allocation of emission allowances under this subsection may use the proceeds from the sale or other transfer of the emission allowances only for the purpose of carrying out activities described in this subsection.

"(5) Recommendations concerning carbon dioxide emission allowances.—

"(A) In general.—Not later than 4 years after the date of enactment of this title, the Administrator, in consultation with the Secretary of Agriculture, shall submit to Congress recommendations for establishing a system under which entities that receive grants or loans under this section may be allocated carbon dioxide emission allowances created by section 705(a) for incremental carbon sequestration in forests, agricultural soils, rangeland, or grassland.

"(B) Guidelines.—The recommendations shall include recommendations for development, reporting, monitoring, and verification guidelines for quantifying net carbon sequestration from land use projects that address the elements specified in paragraph (1)(A).

"(f) Allocation to Encourage Geological Carbon Sequestration.—

"(1) In general.—For 2010 and each year thereafter, the Administrator shall allocate not more than 1.5 percent of the carbon dioxide emission allowances created by section 705(a) to entities that carry out geological sequestration of carbon dioxide produced by an electric generating facility in accordance with requirements established by the Administrator—

"(A) to ensure the permanence of the sequestration; and

"(B) to ensure that the sequestration will not cause or contribute to significant adverse effects on the environment.

"(2) Number of emission allowances.—For 2010 and each year thereafter, the Administrator shall allocate to each entity described in paragraph (1) a number of emission allowances that is equal to the number of tons of carbon dioxide produced by the electric generating facility during the previous year that is geologically sequestered as described in paragraph (1).

"(3) Use of emission allowances.—An entity that receives an allocation of emission allowances under this subsection may use the proceeds from the sale or other transfer of the emission allowances only for the purpose of carrying out activities described in this subsection.

"SEC. 708. MERCURY EMISSION LIMITATIONS.

"(a) In General.—

"(1) Regulations.—

"(A) In general.—Not later than 1 year after the date of enactment of this title, the Administrator shall promulgate regulations to establish emission limitations for mercury emissions by coal-fired electricity generating facilities.

"(B) No exceedance of national limitation.—The regulations shall ensure that the national limitation for mercury emissions from each coal-fired electricity generating facility established under section 704(a)(4) is not exceeded.

"(C) Emission limitations for 2009 and thereafter.—In carrying out subparagraph (A), for 2009 and each year thereafter, the Administrator shall not—

"(i) subject to subsections (e) and (f) of section 112, establish limitations on emissions of mercury from coal-fired electricity generating facilities that allow emissions in excess of 2.48 grams of mercury per 1000 megawatt hours; or

"(ii) differentiate between facilities that burn different types of coal.

"(2) Annual review and determination.—

"(A) In general.—Not later than April 1 of each year, the Administrator shall—

"(i) review the total mercury emissions during the 2 previous years from electricity generating facilities located in all States; and

"(ii) determine whether, during the 2 previous years, the total mercury emissions from facilities described in clause (i) exceeded the national limitation for mercury emissions established under section 704(a)(4).

"(B) Exceedance of national limitation.—If the Administrator determines under subparagraph (A)(ii) that, during the 2 previous years, the total mercury emissions from facilities described in subparagraph (A)(i) exceeded the national limitation for mercury emissions established under section 704(a)(4), the Administrator shall, not later than 1 year after the date of the determination, revise the regulations promulgated under paragraph (1) to reduce the emission rates specified in the regulations as necessary to ensure that the national limitation for mercury emissions is not exceeded in any future year.

"(3) Compliance flexibility.—

"(A) In general.—Each coal-fired electricity generating facility subject to an emission limitation under this section shall be in compliance with that limitation if that limitation is greater than or equal to the quotient obtained by dividing—

"(i) the total mercury emissions of the coal-fired electricity generating facility during each 30-day period; by

"(ii) the quantity of electricity generated by the coal-fired electricity generating facility during that period.

"(B) More than 1 unit at a facility.—In any case in which more than 1 coal-fired electricity generating unit at a coal-fired electricity generating facility subject to an emission limitation under this section was operated in 1999 under common ownership or control, compliance with the emission limitation may be determined by averaging the emission rates of all coal-fired electricity generating units at the electricity generating facility during each 30-day period.

"(b) Prevention of Re-Release.—

"(1) Regulations.—Not later than July 1, 2006, the Administrator shall promulgate regulations to ensure that any mercury captured or recovered by emission controls installed at an electricity generating facility is not re-released into the environment.

"(2) Required elements.—The regulations shall require—

"(A) daily covers on all active waste disposal units, and permanent covers on all inactive waste disposal units, to prevent the release of mercury into the air;

"(B) monitoring of groundwater to ensure that mercury or mercury compounds do not migrate from the waste disposal unit;

"(C) waste disposal siting requirements and cleanup requirements to protect groundwater and surface water resources;

"(D) elimination of agricultural application of coal combustion wastes; and

"(E) appropriate limitations on mercury emissions from sources or processes that reprocess or use coal combustion waste, including manufacturers of wallboard and cement.

"SEC. 709. OTHER HAZARDOUS AIR POLLUTANTS.

"(a) In General.—Not later than January 1, 2006, the Administrator shall issue to owners and operators of coal-fired electricity generating facilities requests for information under section 114 that are of sufficient scope to generate data sufficient to support issuance of standards under section 112(d) for hazardous air pollutants other than mercury emitted by coal-fired electricity generating facilities.

"(b) Deadline for Submission of Requested Information.—The Administrator shall require each recipient of a request for information described in subsection (a) to submit the requested data not later than 180 days after the date of the request.

"(c) Promulgation of Emission Standards.—The Administrator shall—

"(1) not later than January 1, 2006, propose emission standards under section 112(d) for hazardous air pollutants other than mercury; and

"(2) not later than January 1, 2007, promulgate emission standards under section 112(d) for hazardous air pollutants other than mercury.

"(d) PROHIBITION ON EXCESS EMISSIONS.—It shall be unlawful for an electricity generating facility subject to standards for hazardous air pollutants other than mercury promulgated under subsection (c) to emit, after December 31, 2008, any such pollutant in excess of the standards.

"(e) EFFECT ON OTHER LAW.—Nothing in this section or section 708 affects any requirement of subsection (e), (f)(2), or (n)(1)(A) of section 112, except that the emission limitations established by regulations promulgated under this section shall be deemed to represent the maximum achievable control technology for mercury emissions from electricity generating units under section 112(d).

"SEC. 710. EFFECT OF FAILURE TO PROMULGATE REGULATIONS.

"If the Administrator fails to promulgate regulations to implement and enforce the limitations specified in section 704—

"(1)(A) each electricity generating facility shall achieve, not later than January 1, 2010, an annual quantity of emissions that is less than or equal to—

"(i) in the case of nitrogen oxides, 15 percent of the annual emissions by a similar electricity generating facility that has no controls for emissions of nitrogen oxides; and

"(ii) in the case of carbon dioxide, 75 percent of the annual emissions by a similar electricity generating facility that has no controls for emissions of carbon dioxide; and

"(B) each electricity generating facility that does not use natural gas as the primary combustion fuel shall achieve, not later than January 1, 2010, an annual quantity of emissions that is less than or equal to—

"(i) in the case of sulfur dioxide, 5 percent of the annual emissions by a similar electricity generating facility that has no controls for emissions of sulfur dioxide; and

"(ii) in the case of mercury, 10 percent of the annual emissions by a similar electricity generating facility that has no controls included specifically for the purpose of controlling emissions of mercury; and

"(2) the applicable permit under this Act for each electricity generating facility shall be deemed to incorporate a requirement for achievement of the reduced levels of emissions specified in paragraph (1).

"SEC. 711. PROHIBITIONS.

"It shall be unlawful—

"(1) for the owner or operator of any electricity generating facility—

"(A) to operate the electricity generating facility in noncompliance with the requirements of this title (including any regulations implementing this title);

"(B) to fail to submit by the required date any emission allowances, or pay any penalty, for which the owner or operator is liable under section 705;

"(C) to fail to provide and comply with any plan to offset excess emissions required under section 705(f); or

"(D) to emit mercury in excess of the emission limitations established under section 708; or

"(2) for any person to hold, use, or transfer any emission allowance allocated under this title except in accordance with regulations promulgated by the Administrator.

"SEC. 712. MODERNIZATION OF ELECTRICITY GENERATING FACILITIES.

"(a) IN GENERAL.—Beginning on the later of January 1, 2014, or the date that is 40 years after the date on which the electricity generating facility commences operation, each electricity generating facility shall be subject to emission limitations reflecting the application of best available control technology on a new major source of a similar size and type (as determined by the Administrator) as determined in accordance with the procedures specified in part C of title I.

"(b) ADDITIONAL REQUIREMENTS.—The requirements of this section shall be in addition to the other requirements of this title.

"SEC. 713. RELATIONSHIP TO OTHER LAW.

"(a) IN GENERAL.—Except as expressly provided in this title, nothing in this title—

"(1) limits or otherwise affects the application of any other provision of this Act; or

"(2) precludes a State from adopting and enforcing any requirement for the control of emissions of air pollutants that is more stringent than the requirements imposed under this title.

"(b) REGIONAL SEASONAL EMISSION CONTROLS.—Nothing in this title affects any regional seasonal emission control for nitrogen oxides established by the Administrator or a State under title I.".

(b) CONFORMING AMENDMENT.—Section 412(a) of the Clean Air Act (42 U.S.C. 7651k(a)) is amended in the first sentence by striking "opacity" and inserting "mercury, opacity,".

SEC. 3. SAVINGS CLAUSE.

Section 193 of the Clean Air Act (42 U.S.C. 7515) is amended by striking "date of the enactment of the Clean Air Act Amendments of 1990" each place it appears and inserting "date of enactment of the Clean Power Act of 2005".

SEC. 4. ACID PRECIPITATION RESEARCH PROGRAM.

Section 103(j) of the Clean Air Act (42 U.S.C. 7403(j)) is amended—

(1) in paragraph (3)—

(A) in subparagraph (F)(i), by striking "effects; and" and inserting "effects, including an assessment of—

"(I) acid-neutralizing capacity; and

"(II) changes in the number of water bodies in the sensitive ecosystems referred to in subparagraph (G)(ii) with an acid-neutralizing capacity greater than zero; and"; and

(B) by adding at the end the following:

"(G) SENSITIVE ECOSYSTEMS.—

"(i) IN GENERAL.—Beginning in 2006, and every 4 years thereafter, the report under subparagraph (E) shall include—

"(I) an identification of environmental objectives necessary to be achieved (and related indicators to be used in measuring achievement of the objectives) to adequately protect and restore sensitive ecosystems; and

"(II) an assessment of the status and trends of the environmental objectives and indicators identified in previous reports under this paragraph.

"(ii) SENSITIVE ECOSYSTEMS TO BE ADDRESSED.—Sensitive ecosystems to be addressed under clause (i) include—

"(I) the Adirondack Mountains, mid-Appalachian Mountains, Rocky Mountains, and southern Blue Ridge Mountains;

"(II) the Great Lakes, Lake Champlain, Long Island Sound, and the Chesapeake Bay; and

"(III) other sensitive ecosystems, as determined by the Administrator.

"(H) ACID DEPOSITION STANDARDS.—Beginning in 2006, and every 4 years thereafter, the report under subparagraph (E) shall include a revision of the report under section 404 of Public Law 101-549 (42 U.S.C. 7651 note) that includes a reassessment of the health and chemistry of the lakes and streams that were subjects of the original report under that section."; and

(2) by adding at the end the following:

"(4) PROTECTION OF SENSITIVE ECOSYSTEMS.—

"(A) DETERMINATION.—Not later than December 31, 2012, the Administrator, taking into consideration the findings and recommendations of the report revisions under paragraph (3)(H), shall determine whether emission reductions under titles IV and VII are sufficient to—

"(i) achieve the necessary reductions identified under paragraph (3)(F); and

"(ii) ensure achievement of the environmental objectives identified under paragraph (3)(G).

"(B) REGULATIONS.—

"(i) IN GENERAL.—Not later than 2 years after the Administrator makes a determination under subparagraph (A) that emission reductions are not sufficient, the Administrator shall promulgate regulations to protect the sensitive ecosystems referred to in paragraph (3)(G)(ii).

"(ii) CONTENTS.—Regulations under clause (i) shall include modifications to—

"(I) provisions relating to nitrogen oxide and sulfur dioxide emission reductions;

"(II) provisions relating to allocations of nitrogen oxide and sulfur dioxide allowances; and

"(III) such other provisions as the Administrator determines to be necessary.".

SEC. 5. AUTHORIZATION OF APPROPRIATIONS FOR DEPOSITION MONITORING.

(a) OPERATIONAL SUPPORT.—In addition to amounts made available under any other law, there are authorized to be appropriated for each of fiscal years 2006 through 2015—

(1) for operational support of the National Atmospheric Deposition Program National Trends Network—

(A) $2,000,000 to the United States Geological Survey;

(B) $600,000 to the Environmental Protection Agency;

(C) $600,000 to the National Park Service; and

(D) $400,000 to the Forest Service;

(2) for operational support of the National Atmospheric Deposition Program Mercury Deposition Network—

(A) $400,000 to the Environmental Protection Agency;

(B) $400,000 to the United States Geological Survey;

(C) $100,000 to the National Oceanic and Atmospheric Administration; and

(D) $100,000 to the National Park Service;

(3) for the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,500,000 to the National Oceanic and Atmospheric Administration;

(4) for the Clean Air Status and Trends Network $5,000,000 to the Environmental Protection Agency; and

(5) for the Temporally Integrated Monitoring of Ecosystems and Long-Term Monitoring Program $2,500,000 to the Environmental Protection Agency.

(b) MODERNIZATION.—In addition to amounts made available under any other law, there are authorized to be appropriated—

(1) for equipment and site modernization of the National Atmospheric Deposition Program National Trends Network $6,000,000 to the Environmental Protection Agency;

(2) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Mercury Deposition Network $2,000,000 to the Environmental Protection Agency;

(3) for equipment and site modernization and network expansion of the National Atmospheric Deposition Program Atmospheric Integrated Research Monitoring Network $1,000,000 to the National Oceanic and Atmospheric Administration; and

(4) for equipment and site modernization and network expansion of the Clean Air Status and Trends Network $4,600,000 to the Environmental Protection Agency.

(c) AVAILABILITY OF AMOUNTS.—Each of the amounts appropriated under subsection (b) shall remain available until expended.

SEC. 6. TECHNICAL AMENDMENTS.

Title IV of the Clean Air Act (relating to noise pollution) (42 U.S.C. 7641 et seq.)—

(1) is amended by redesignating sections 401 through 403 as sections 801 through 803, respectively; and

(2) is redesignated as title VIII and moved to appear at the end of that Act.

Ms. COLLINS. Mr. President, I rise today to join Senator JEFFORDS and Senator LIEBERMAN in introducing the Clean Power Act of 2005. This bill closes the loophole that has allowed the dirtiest, most polluting power plants in the Nation to escape significant pollution controls for more than 30 years.

Maine is one of the most beautiful and pristine States in the Nation. It is also one of the most environmentally responsible States in the Nation. Maine has fewer emissions of the pollutants that cause smog and acid rain than all but a handful of States. It also has one of the lowest emissions of carbon dioxide nationwide.

Unfortunately, despite the collective environmental commitment of both its citizens and industries, Maine still suffers from air pollution. Every freshwater lake, river, and stream in Maine is subject to a State mercury advisory that warns pregnant women and young children to limit consumption of fish caught in those waters. Even Acadia National Park, one of our most beautiful national parks, experiences days in which visibility is obscured by smog.

Where does all this pollution come from? A large part of it comes from a relatively small number of mostly coal-fired powerplants that exploit loopholes to escape the provisions of the Clean Air Act. Coal-fired powerplants are the single largest source of air pollution, mercury contamination, and greenhouse gas emissions in the Nation. A single coal-fired powerplant can emit more of the pollutants that cause smog and acid rain than all of the cars, factories, and businesses in Maine combined.

As the easternmost State in the Nation, Maine is downwind of almost all powerplants in the United States. Many of the pollutants emitted by these powerplants—mercury, sulfur dioxide, nitrogen oxides, and carbon dioxide—end up in or over Maine. Airborne mercury falls into our lakes and streams, contaminating freshwater fish and threatening our people's health. Carbon dioxide is causing climate change that threatens to alter Maine's delicate ecological balance. Sulfur dioxide and nitrogen oxides come to Maine in the form of acid rain and smog that damage the health of our people and the health of our environment.

A single powerplant can emit nearly a ton of mercury in a single year. That's equivalent to incinerating over one million mercury thermometers and is enough to contaminate millions of acres of freshwater lakes. In contrast, Maine has zero powerplant emissions of mercury. This bill would reduce mercury emissions from powerplants by 90 percent.

Powerplants are also one of the largest contributors of greenhouse gas emissions in the United States. In fact, powerplants account for 40 percent of our carbon dioxide emissions, which scientists believe are the primary cause of man-made global warming.

I recently had the opportunity to view firsthand some of the dramatic impacts of global warming. In August, I traveled with Senator McCAIN and several other Senators to the northernmost community in the world. We visited Ny-Alesund on the Norwegian island of Spitsbergen. Located at 79°N, Ny-Alesund lies well north of the Arctic Circle and is much closer to the North Pole than to Oslo, the country's capital. It has even served as a starting point for several polar expeditions.

Scientists tell us that the global climate is changing more rapidly than at any time since the beginning of civilization. They further state that the region of the globe changing most rapidly is the Arctic. The changes are remarkable and disturbing.

In the last 30 years, the Arctic has lost sea-ice cover over an area 10 times as large as the State of Maine. In the summer, the change is even more dramatic, with twice as much ice loss. The ice that remains is as much as 40% thinner than it was just a few decades ago. In addition to disappearing sea-ice, Arctic glaciers are also rapidly retreating. In Ny-Alesund, Senator McCAIN and I witnessed massive blocks of ice falling off glaciers that had already retreated well back from the shores where they once rested.

The Clean Power Act takes an important step in addressing global warming by reducing powerplant emissions of carbon dioxide to 2000 levels by the year 2010. Although doing so will not solve the problem of global warming, it is an important first step. In light of the rapid warming in the Arctic and the significance that this warming portends for the rest of the planet, reducing carbon dioxide emissions is a step that we can no longer afford to put off.

I am pleased that the Senate Environment and Public Works Committee will be considering clean air legislation in the 109th Congress. The Jeffords-Collins-Lieberman bill does more to reduce smog, acid rain, mercury pollution, and global warming than any other bill. Our bill provides more public health and environmental benefits than any other serious proposal, and it provides those benefits sooner.

I believe it is time to stop acid rain, free our lakes from mercury pollution, reduce global warming, and eliminate the smog that drifts in to obscure Maine skies and jeopardize our health. I look forward to working with the administration and my colleagues on both sides of the aisle to provide cleaner air.

Ms. SNOWE. Mr. President, I rise today to cosponsor Senator JEFFORDS' bill—as I have in the last three Congresses—because I remain dedicated to reducing power plant emissions that cause some of the Nation's—and Maine's—most serious public health and environmental problems.

For too many years, coal-burning power plants exempt from emissions standards under the Clean Air Act have created massive pollution problems for the Northeast because whatever spews out of their smokestacks in the Midwest, blows into the Northeast, including my State of Maine, giving it the dubious distinction of being at the "end of the tailpipe", so to speak.

The Jeffords' legislation calls for reductions of power plant emissions for pollutants that cause smog, soot, respiratory disease; acid rain that kills our forests and may be affecting Atlantic salmon streams; mercury that contaminates our lakes, rivers and streams; and poses health risks to children and the unborn, and climate variabilities from manmade carbon dioxide emissions that cause severe shifts in our weather patterns. Maine currently leads the nation in asthma cases per capita, which is not a surprise, but which it can do little about when nearly 80 percent of the State's dirty air—some days as high as 90 percent—is not of their own making but is transported by winds blowing in from the Midwest and Southeast.

This bill will dramatically cut aggregate power plant emissions by 2010 for the four major power plant pollutants: nitrogen oxides (NO_X), the primary cause of smog, by 71 percent from 2000 levels; sulfur dioxide (SO_2), that causes acid rain and respiratory disease, by 81 percent from 2000 levels; mercury (Hg), which poisons our lakes and rivers, causing fish to be unfit for human consumption, through a 90 percent reduction by 2009; and carbon dioxide (CO_2), the greenhouse gas most directly linked to global climate change, by 21 percent from 2000 levels. Of note, the NO_X, SO_2, and mercury reductions are set at levels that are known to be cost-effective with available technology.

The Clean Power Act will also eliminate the outdated coal-burning power plants that were grandfathered in under the Clean Air Act unless they apply the best available pollution control technology by their 40th birthday or 2014, whichever is later. The thinking for the exemption in the Clean Air Act was based, at the time, on the assumption that the plants would not stay on line much longer. However, as energy has gotten more expensive, companies are keeping these older, dirtier plants up and running.

Furthermore, just as the Clean Air Act already provides tradable allowances for sulfur dioxide that causes acid rain, the Jeffords' legislation also allows for tradable allowances to control emissions for three other pollutants—NO_X, SO_X, and CO_2—by using market-oriented mechanisms to meet emissions reduction requirements.

The tradable allowances would be distributed to five main categories, including 63 percent or more to households: six percent for transition assistance to affected communities and industries, which will decline over time; up to 20 percent to renewable energy generation, efficiency projects and cleaner energy sources, based on avoided pollution; 10 percent to existing electric generating facilities based on 2003 output; and up to 1.5 percent of the carbon dioxide allowances for biological and geological carbon sequestration. Of note, trading will not be allowed if it enables a power plant to pollute at a level that damages public health or the environment.

I am disappointed that the Clear Skies initiative addresses neither carbon dioxide as a pollutant nor anthropogenic emissions reductions for CO_2. While I recognize that the pollutants listed under the Clean Air Act were chosen in order to achieve healthier air for humans by cutting back on smog and soot, and also for mercury contamination. I believe it is long past due that carbon dioxide be recognized as a pollutant that is harming the health of the planet, and indirectly, all of us.

I am supporting the goal of CO_2 emissions reduction in the Jeffords' bill in the hopes that the bill will be a rallying point to further the debate for reducing CO_2 and at the same time, get our air cleaner on a quicker timeframe. In particular, Congress needs to develop a market mechanism approach for CO_2 emissions trading—such as we now have for acid rain—to allow U.S. industries the flexibility and certainty to reduce CO_2 emissions without the threat of higher energy production costs in the future that will be passed on to the consumer. I will continue to work with my colleagues, the White House and representatives from various industry groups, and environmental organizations to achieve this goal.

The bottom line is that we have the opportunity to raise the bar for cleaner domestic energy production in an economically effective manner. Solutions exist in available and developing technologies, and most of all in the entrepreneurial spirit of the American people who want a cleaner and healthier environment, including those in Maine who want to ensure that the State's pristine lakes and coast will remain clean and our forests and fish healthy for generations to come.

My State of Maine is leading the way in attempting to reduce CO_2 emissions as it is the first state in the nation to enact a law setting goals for the reduction of global warming emissions, through An Act to Provide Leadership in Addressing the Threat of Climate Change. The Act requires Maine to develop a climate change action plan to reduce carbon dioxide emissions to 1990 levels by 2010, 10 percent below 1990 levels by 2020, and by as much as 75 to 80 percent over the long term. These are the cuts previously agreed to by the New England Governors and Eastern Canadian Premiers. The State law will also inventory and reduce CO_2 emissions from state-funded programs and facilities, and to spur at least 50 partnerships with businesses and non-profit organizations to reduce CO_2 emissions.

While Maine was the first to put into effect a comprehensive climate change law, other states from the Northeast and around the country have taken, or are currently taking, actions to address climate change at the state or regional level. The Jeffords' legislation calls for Federal leadership as well and sends a powerful message to those who would heavily pollute our air: your days are numbered.

I am optimistic that the Congress can come together with the President, industry and all those who want cleaner, healthier air to create a cohesive policy that is best suited for our nation, and I urge my colleagues to support the Jeffords' four-pollutant legislation.

By Mr. COLEMAN (for himself and Mr. PRYOR):

S. 151. A bill to amend title 38, United States Code, to require an annual plan on outreach activities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

Mr. COLEMAN. Mr. President, today I am pleased to introduce the Veterans Benefits Outreach Act of 2005 with my good friend and colleague, Senator MARK PRYOR of Arkansas.

The idea for this legislation emanated from a very troubling story I read in my hometown paper, the Saint Paul Pioneer Press entitled, "Wounded and Forgotten."

The article reported that nearly 600,000 veterans are eligible for benefits but not receiving them simply because they don't know they are eligible.

It is clear that we need to do a better job of reaching out to veterans so they get the benefits they have earned. Our bill would do this by requiring the Veterans Administration to develop an annual plan to identify veterans who are eligible for but not receiving their benefits and an outreach plan to enroll them.

Pretty simply really: matching benefits with people who have earned them, and often through a lot of sacrifice for us and the freedoms we enjoy every day.

I hope the Senate will be able to act on this important legislation early this year so my hometown newspaper can report that our veterans are always remembered.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 151

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Veterans Benefits Outreach Act of 2005".

SEC. 2. ANNUAL PLAN ON OUTREACH ACTIVITIES.

(a) ANNUAL PLAN REQUIRED.—Subchapter II of chapter 5 of title 38, United States Code, is amended by inserting after section 523 the following new section:

"§ 523A. Annual plan on outreach activities

"(a) ANNUAL PLAN REQUIRED.—The Secretary shall prepare each year a plan for the outreach activities of the Department for the following year.

"(b) ELEMENTS.—Each annual plan under subsection (a) shall include the following:

"(1) Plans for efforts to identify veterans who are not enrolled or registered with the Department for benefits or services under the programs administered by the Secretary.

"(2) Plans for informing veterans and their dependents of modifications of the benefits and services under the programs administered by the Secretary, including eligibility for medical and nursing care and services.

"(c) COORDINATION IN DEVELOPMENT.—In developing an annual plan under subsection (a), the Secretary shall consult with the following:

"(1) Directors or other appropriate officials of organizations recognized by the Secretary under section 5902 of this title.

"(2) Directors or other appropriate officials of State and local education and training programs.

"(3) Representatives of non-governmental organizations that carry out veterans outreach programs.

"(4) Representatives of State and local veterans employment organizations.

"(5) Businesses and professional organizations.

"(6) Other individuals and organizations that assist veterans in adjusting to civilian life.

"(d) INCORPORATION OF ASSESSMENT OF PREVIOUS ANNUAL PLANS.—In developing an annual plan under subsection (a), the Secretary shall take into account the lessons learned from the implementation of previous annual plans under such subsection.

"(e) INCORPORATION OF RECOMMENDATIONS TO IMPROVE OUTREACH AND AWARENESS.—In developing an annual plan under subsection (a), the Secretary shall incorporate the recommendations for the improvement of veterans outreach and awareness activities included in the report submitted to Congress by the Secretary pursuant to section 805 of the Veterans Benefits Improvement Act of 2004 (Public Law 108–454).".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 523 the following new item:

"523A. Annual plan on outreach activities.".

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 153. A bill to direct the Secretary of the Interior to conduct a resource study of the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting the resources of the Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today along with Senator BOXER as cosponsor to direct the Interior Secretary to conduct a study to evaluate the suitability and feasibility of expanding the Santa Monica National Recreation Area to include the Rim of the Valley Corridor.

The Rim of the Valley Corridor encircles the San Fernando Valley, La Crescenta, Simi, Conejo, and Santa Clarita Valleys, consisting of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, San Rafael Hills and connects to the adjacent Los Padres and San Bernardino National Forests.

This parcel of land is unique because of its rare Mediterranean ecosystem and wildlife corridor that stretches north from the Santa Monicas. With the population growth forecasted to multiply exponentially over the next several decades, the need for parks to balance out the expected population growth has become critical in California.

Since the creation of the Santa Monica Recreation Area in 1978, Federal, State, and local authorities have worked successfully together to create and maintain the highly successful Santa Monica Mountains National Recreation Area, the world's largest urban park, hemmed in on all sides by development.

Park and recreational lands provide people with a vital refuge from urban life while preserving valuable habitat and wildlife. With the passage of this legislation, Congress will hold true to its original commitment to preserve the scenic, natural, and historic setting of the Santa Monica Mountains Recreation Area.

With the inclusion of the Rim of the Valley Corridor in the Santa Monica Mountains Recreation Area, greater ecological health and diversity will be promoted, particularly for larger animals like mountain lions, bobcats, and the golden eagle. By creating a single contiguous Rim of the Valley Trail, people will enjoy greater access to existing trails in the Recreational Area.

After the study called for in this bill is complete, the Secretary of the Interior and Congress will be in a key position to determine whether all or portions of the Rim of the Valley Corridor warrant national park status.

This bill enjoys strong support from local and State officials and I hope that it will have as much strong bipartisan support this Congress, as it did last Congress. Congressman ADAM SCHIFF plans to introduce companion legislation for this bill in the House and I applaud his commitment to this issue.

I urge my colleagues to support this legislation and I ask unanimous consent that the text of this proposed legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 153

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rim of the Valley Corridor Study Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) CORRIDOR.—

(A) IN GENERAL.—The term "Corridor" means the land, water, and interests of the area in the State known as the "Rim of the Valley Corridor".

(B) INCLUSIONS.—The term "Corridor" includes the mountains surrounding the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo valleys in the State.

(2) RECREATION AREA.—The term "Recreation Area" means the Santa Monica Mountains National Recreation Area in the State.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of California

SEC. 3. RESOURCE STUDY OF THE RIM OF THE VALLEY CORRIDOR, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall conduct a resource study of the Corridor to evaluate various alternatives for protecting the resources of the Corridor, including designating all or a portion of the Corridor as a unit of the Recreation Area.

(b) REQUIREMENTS.—In conducting the study under subsection (a), the Secretary shall—

(1) seek to achieve the objectives of—

(A) protecting wildlife populations in the Recreation Area by preserving habitat linkages and wildlife movement corridors between large blocks of habitat in adjoining regional open space;

(B) establishing connections along the State-designated Rim of the Valley Trail System for the purposes of—

(i) creating a single contiguous Rim of the Valley Trail; and

(ii) encompassing major feeder trails connecting adjoining communities and regional transit to the Rim of the Valley Trail System;

(C) preserving recreational opportunities;

(D) facilitating access to open space for a variety of recreational users;

(E) protecting—

(i) rare, threatened, or endangered plant and animal species; and

(ii) rare or unusual plant communities and habitats;

(F) protecting historically significant landscapes, districts, sites, and structures; and

(G) respecting the needs of communities in, or in the vicinity of, the Corridor;

(2) analyze the potential impact of each alternative on staffing and other potential costs to Federal, State, and local agencies and other organizations; and

(3) analyze the potential impact that designating all or a portion of the Corridor as a unit of the Recreation Area would have on land in or bordering the area that is privately owned as of the date on which the study is conducted.

(c) CONSULTATION.—In conducting the study, the Secretary shall consult with appropriate Federal, State, county, and local government entities.

(d) APPLICABLE LAW.—Section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)) shall apply to the conduct and completion of the study required by subsection (a).

SEC. 4. REPORT.

(a) IN GENERAL.—Not later than 3 years after the date on which funds are first made available for the study, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and to the Committee on Resources of the House of Representatives a report that describes the results of the study conducted under section 3.

(b) INCLUSION.—The report submitted under subsection shall include the concerns of private landowners within the boundaries of the Recreation Area.

By Mrs. FEINSTEIN (for herself, Mr. HATCH, Mr. GRASSLEY, Mr. CORNYN, and Mr. KYL):

S. 155. A bill to increase and enhance law enforcement resources committed to investigation and prosecution of violent gangs, to deter and punish violent gang crime, to protect law-abiding citizens and communities from violent criminals, to revise and enhance criminal penalties for violent crimes, to reform and facilitate prosecution of juvenile gang members who commit violent crimes, to expand and improve gang prevention programs, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to join my good friend and colleague Senator ORRIN HATCH, to introduce the "Gang Prevention and Effective Deterrence Act of 2005."

Gangs are spreading across our country, increasing in violence and power in every State. The growth and spread of these gangs illustrate the simple fact that they are no longer a local problem. They are a national problem, and require a national solution. This bill is designed to contribute to that solution by bringing together Federal, State and local law enforcement, equipping them with the right legal tools, and providing authorization for funds to make this partnership effective.

First, let me illustrate the scope of the problem we face: In 2002, there were approximately 731,500 gang members and 21,500 gangs in the United States. Additionally, the FBI report on national crime statistics found that youth-gang homicides had jumped to more than 1,100 in 2002, up from 692 in 1999. According to a report commissioned by a coalition of big city police chiefs, gang-related killings skyrocketed by 50 percent from 1999 to

2002. In 2002, there were a little more than 16,000 homicides in the United States—more than a thousand of those murders were gang-related. In Southern California alone there have been about 3,100 gang-related killings since 1999. 87 percent of U.S. cities with a population of more than 100,000 have reported gang problems, according to the Department of justice.

The bottom line is that this is a major problem.

This legislation before us today squarely addresses these serious issues. Its main point is to create a new type of crime, by defining and criminalizing "Criminal Street Gangs." This recognizes the basic point of a street gang—it is more powerful, and more dangerous, than its individual members. Defeating gangs means recognizing what is so dangerous about them, and then making that conduct against the law.

This bill does exactly that. It makes illegal participation in a criminal street gang a federal crime. A "criminal street gang" is defined to mean a formal or informal group, club, organization or association of 3 or more persons who act together to commit gang crimes. This legislation makes it a crime for a member of a criminal street gang to commit, conspire or attempt to commit two or more predicate gang crimes; or to get another individual to commit a gang crime. The term "gang crime" is defined to include violent and other serious State and Federal felony crimes such as: murder, maiming, manslaughter, kidnapping, arson, robbery, assault with a dangerous weapon, obstruction of justice, carjacking, distribution of a controlled substance, certain firearms offenses and money laundering. And it criminalizes violent crimes in furtherance or in aid of criminal street gangs.

These two provisions are at the heart of this legislation. Armed with this new law, Federal prosecutors, working in tandem with State and local law enforcement, will be able to take on gangs in much the same way that traditional Mafia families have been systematically destroyed by effective RICO prosecutions. The legislation also recognizes that the core changes, standing alone, are not sufficient.

The Gang Prevention and Effective Deterrence Act is a comprehensive bill to increase gang prosecution and prevention efforts. The bill authorizes approximately $650 million over the next five years to support Federal, State and local law enforcement efforts against violent gangs including the funding of witness protection programs and for intervention and prevention programs for at-risk youth. In support of this effort, the bill increases funding for Federal prosecutors and FBI agents to increase coordinated enforcement efforts against violent gangs.

Witness protection is particularly important—as an example, recent press reports from Boston show that gang members are distributing what is, in essence, a witness intimidation media kit, complete with graphics and CDs that warn potential witnesses that they will be killed—one CD depicts three bodies on its covers. In another incident, a witnesses' grand jury testimony was taped to his home—soon afterward he was killed.

The Act also creates new criminal gang prosecution offenses, enhances existing gang and violent crime penalties to deter and punish illegal street gangs, proposes violent crime reforms needed to effectively prosecute gang members, and proposes a limited reform of the juvenile justice system to facilitate Federal prosecution of 16 and 17 year old gang members who commit serious acts of violence—specifically it:

Makes recruiting minors to join criminal street gangs a Federal crime and requires offenders to pay the costs associated with housing and treating any recruited minor who is prosecuted for their gang activity.

Makes murder and other violent crimes committed in connection with drug trafficking Federal crimes.

Creates a new offense of multiple interstate murders, where an individual crosses State lines and intends to cause the death of two or more people.

Allows for prosecution of gang members who cross State lines to obstruct justice, intimidate or retaliate against witnesses, jurors, informants, or victims.

Creates tougher laws for certain Federal crimes like assault, carjacking, manslaughter, conspiracy, and for specific types of crimes occurring in Indian country.

Requires that someone convicted of hiring another person to commit murder be punished with imprisonment, instead of a fine.

Makes sexual assault a predicate act under RICO and increases the maximum sentences for these RICO crimes.

Allows for detention of persons charged with firearms who have been previously convicted of prior crimes of violence or serious drug offenses. Current law does not allow a prosecutor to ask that a person be held without bail even if the person has previously been convicted of a crime of violence or a serious drug offense. This bill would allow prosecutors to make that request of a judge but would allow a criminal defendant the right to argue why he or she should not be held.

Makes it clear that in a death penalty case, the case can be tried where the murder, or related conduct, occurred.

Extends the time within which a violent crime case can be charged and tried. For violent crime cases, the time is extended from 5 years to 10 years after the offense occurred or the continuing offense was completed, and from 5 years to 8 years after the date on which the violation was first discovered.

Permits wiretaps to be used for new gang crimes created by this bill.

Allows for a murdered witness's statements to be admitted at trial in cases where the defendant caused the witness's death.

Makes clear where a case can be tried involving retaliation against a witness—in either the district where the case is being tried, or where the intimidation took place.

Increases penalties for criminal use of firearms in crimes of violence and drug trafficking.

Includes modified juvenile provisions. This bill will allow prosecutors to more easily charge 16 and 17 year olds who are charged with serious violent felonies. A judge will review every decision a prosecutor makes to charge a juvenile as an adult.

Creates and provides assistance for "High Intensity" Interstate Gang Activity areas. This legislation requires the Attorney General to designate certain locations as "high intensity interstate gang activity areas" and provides assistance in the form of criminal street gang enforcement teams made up of local, State and Federal law enforcement authorities to investigate and prosecute criminal street gangs in each high intensity interstate gang activity area.

Authorizes funding of $500 million for 2004 through 2008 to meet the goals of suppression and intervention: $50 million a year will be used to support the criminal gang enforcement teams. $50 million a year will be used to make grants available for community-based programs to provide for crime prevention and intervention services for gang members and at-risk youth in areas designated as high intensity interstate gang activity areas.

Authorizes $150 million over five years to support anti-gang efforts including: Expanding the Project Safe Neighborhood program to require U.S. Attorneys to identify and prosecute significant gangs within their district; coordinating such prosecutions among all local, State, and Federal law enforcement; and coordinating criminal street gang enforcement teams in designated high intensity interstate gang activity areas. Supporting the Federal Bureau of Investigation's Safe Streets Program. Creating and expanding witness protection programs, the hiring of additional State and local prosecutors, funding gang prevention and community prosecution programs and purchasing equipment to increase the accurate identification and prosecution of violent offenders.

The bottom line is that this legislation would provide the tools and the resources to begin that national task of destroying criminal street gangs. It is designed to emphasize and encourage

Federal, State and local cooperation. It combines enforcement with prevention. It is a tough, effective and fair approach.

This is not a new bill. I have been working on it for almost ten years. In 1996, I joined Senator HATCH and others to develop the Federal Gang Violence Act, which would have increased criminal penalties for gang members, made recruiting persons into a criminal street gang a crime, and enhanced penalties for transferring a gun to a minor. Many of the provisions of that bill were incorporated into the 1999 Juvenile Justice bill, which was approved overwhelmingly (73-25) by the Senate in the 106th Congress. However, the Juvenile Justice bill stalled in conference, and these provisions were never signed into law.

In the years that followed we kept up our efforts, with Republicans and Democrats working together on this critical issue. In the 108th Congress a version of this bill was introduced, and eventually was co-sponsored by Senators HATCH and others. That bill was the subject of much discussion and debate. Some of my colleagues raised some valuable suggestions and criticisms, many of which were incorporated in the bill last year. The result of that compromise was reported favorably by the Judiciary Committee last Fall, but was never considered by the full Senate.

The legislation today is the same as that which was approved by the Judiciary Committee, and I hope this year we will move quickly to pass it into law. That said, I understand that some of my colleagues are still concerned about certain aspects of the bill. My intention is to continue to negotiate in the weeks ahead. I am open to change, and welcome further discussion and analysis.

We all agree that gangs are a terrible and growing problem. We all agree that something needs to be done. I believe that this legislation is desperately needed, and I look forward to working with my colleagues on both sides of the aisle to take this bill and make it law.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 155

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Gang Prevention and Effective Deterrence Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—CRIMINAL STREET GANG ABATEMENT ACT

Sec. 100. Findings.

SUBTITLE A—CRIMINAL LAW REFORMS AND ENHANCED PENALTIES TO DETER AND PUNISH ILLEGAL STREET GANG ACTIVITY

Sec. 101. Solicitation or recruitment of persons in criminal street gang activity.
Sec. 102. Criminal street gangs.
Sec. 103. Violent crimes in furtherance or in aid of criminal street gangs.
Sec. 104. Interstate and foreign travel or transportation in aid of criminal street gangs.
Sec. 105. Amendments relating to violent crime in areas of exclusive Federal jurisdiction.
Sec. 106. Increased penalties for use of interstate commerce facilities in the commission of murder-for-hire and other felony crimes of violence.
Sec. 107. Increased penalties for violent crimes in aid of racketeering activity.
Sec. 108. Murder and other violent crimes committed during and in relation to a drug trafficking crime.

SUBTITLE B—INCREASED FEDERAL RESOURCES TO DETER AND PREVENT AT-RISK YOUTH FROM JOINING ILLEGAL STREET GANGS

Sec. 110. Designation of and assistance for "high intensity" interstate gang activity areas.
Sec. 111. Enhancement of project safe neighborhoods initiative to improve enforcement of criminal laws against violent gangs.
Sec. 112. Additional resources needed by the Federal Bureau of Investigation to investigate and prosecute violent criminal street gangs.
Sec. 113. Grants to State and local prosecutors to combat violent crime and to protect witnesses and victims of crimes.
Sec. 114. Reauthorize the gang resistance education and training projects program.

TITLE II—VIOLENT CRIME REFORMS NEEDED TO DETER AND PREVENT ILLEGAL GANG CRIME

Sec. 201. Multiple interstate murder.
Sec. 202. Expansion of rebuttable presumption against release of persons charged with firearms offenses.
Sec. 203. Venue in capital cases.
Sec. 204. Statute of limitations for violent crime.
Sec. 205. Predicate crimes for authorization of interception of wire, oral, and electronic communications.
Sec. 206. Clarification to hearsay exception for forfeiture by wrongdoing.
Sec. 207. Clarification of venue for retaliation against a witness.
Sec. 208. Amendment of sentencing guidelines relating to certain gang and violent crimes.
Sec. 209. Increased penalties for criminal use of firearms in crimes of violence and drug trafficking.
Sec. 210. Possession of firearms by dangerous felons.
Sec. 211. Conforming amendment.

TITLE III—JUVENILE CRIME REFORM FOR VIOLENT OFFENDERS

Sec. 301. Treatment of Federal juvenile offenders.
Sec. 302. Notification after arrest.
Sec. 303. Release and detention prior to disposition.
Sec. 304. Speedy trial.
Sec. 305. Federal sentencing guidelines.

TITLE I—CRIMINAL STREET GANG ABATEMENT ACT

SEC. 100. FINDINGS.

Congress finds that—

(1) violent crime and drug trafficking are pervasive problems at the national, State, and local level;

(2) the crime rate is exacerbated by the association of persons in gangs to commit acts of violence and drug offenses;

(3) according to the most recent National Drug Threat Assessment, criminal street gangs are responsible for the distribution of much of the cocaine, methamphetamine, heroin, and other illegal drugs being distributed in rural and urban communities throughout the United States;

(4) gangs commit acts of violence or drug offenses for numerous motives, such as membership in or loyalty to the gang, for protecting gang territory, and for profit;

(5) gang presence has a pernicious effect on the free flow of commerce in local businesses and directly affects the freedom and security of communities plagued by gang activity;

(6) gangs often recruit and utilize minors to engage in acts of violence and other serious offenses out of a belief that the criminal justice systems are more lenient on juvenile offenders;

(7) gangs often intimidate and threaten witnesses to prevent successful prosecutions;

(8) gang recruitment can be deterred through increased vigilance, strong criminal penalties, equal partnerships with State and local law enforcement, and proactive intervention efforts, particularly targeted at juveniles, prior to gang involvement;

(9) State and local prosecutors, in hearings before the Committee on the Judiciary of the Senate, enlisted the help of Congress in the prevention, investigation, and prosecution of gang crimes and in the protection of witnesses and victims of gang crimes; and

(10) because State and local prosecutors and law enforcement have the expertise, experience, and connection to the community that is needed to combat gang violence, consultation and coordination between Federal, State, and local law enforcement is critical to the successful prosecutions of criminal street gangs.

Subtitle A—Criminal Law Reforms and Enhanced Penalties To Deter and Punish Illegal Street Gang Activity

SEC. 101. SOLICITATION OR RECRUITMENT OF PERSONS IN CRIMINAL STREET GANG ACTIVITY.

Chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"§ 522. Recruitment of persons to participate in a criminal street gang

"(a) PROHIBITED ACTS.—It shall be unlawful for any person to recruit, employ, solicit, induce, command, or cause another person to be or remain as a member of a criminal street gang, or conspire to do so, with the intent to cause that person to participate in an offense described in section 521(a).

"(b) DEFINITION.—In this section:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' shall have the same meaning as in section 521(a) of this title.

"(2) MINOR.—The term 'minor' means a person who is less than 18 years of age.

"(c) PENALTIES.—Any person who violates subsection (a) shall—

"(1) be imprisoned not more than 5 years, fined under this title, or both; or

"(2) if the person recruited, solicited, induced, commanded, or caused to participate or remain in a criminal street gang is under the age of 18—

"(A) be imprisoned for not more than 10 years, fined under this title, or both; and

"(B) at the discretion of the sentencing judge, be liable for any costs incurred by the Federal Government, or by any State or local government, for housing, maintaining, and treating the person until the person attains the age of 18 years.".

SEC. 102. CRIMINAL STREET GANGS.

(a) CRIMINAL STREET GANG PROSECUTIONS.—Section 521 of title 18, United States Code, is amended to read as follows:

"§ 521. Criminal street gang prosecutions

"(a) DEFINITIONS.—As used in this chapter:

"(1) CRIMINAL STREET GANG.—The term 'criminal street gang' means a formal or informal group, club, organization, or association of 3 or more individuals, who individually, jointly, or in combination, have committed or attempted to commit for the direct or indirect benefit of, at the direction of, in furtherance of, or in association with the group, club organization, or association at least 2 separate acts, each of which is a predicate gang crime, 1 of which occurs after the date of enactment of the Gang Prevention and Effective Deterrence Act of 2004 and the last of which occurs not later than 10 years (excluding any period of imprisonment) after the commission of a prior predicate gang crime, and 1 predicate gang crime is a crime of violence or involves manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemicals (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)) provided that the activities of the criminal street gang affect interstate or foreign commerce, or involve the use of any facility of, or travel in, interstate or foreign commerce.

"(2) PREDICATE GANG CRIME.—The term 'predicate gang crime' means—

"(A) any act, threat, conspiracy, or attempted act, which is chargeable under Federal or State law and punishable by imprisonment for more than 1 year involving—

"(i) murder;

"(ii) manslaughter;

"(iii) maiming;

"(iv) assault with a dangerous weapon;

"(v) assault resulting in serious bodily injury;

"(vi) gambling;

"(vii) kidnapping;

"(viii) robbery;

"(ix) extortion;

"(x) arson;

"(xi) obstruction of justice;

"(xii) tampering with or retaliating against a witness, victim, or informant;

"(xiii) burglary;

"(xiv) sexual assault (which means any offense that involves conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction);

"(xv) carjacking; or

"(xvi) manufacturing, importing, distributing, possessing with intent to distribute, or otherwise dealing in a controlled substance or listed chemicals (as those terms are defined in section 102 of the Controlled Substances Act (21 U.S.C. 802));

"(B) any act punishable by imprisonment for more than 1 year under—

"(i) section 844 (relating to explosive materials);

"(ii) section 922(g)(1) (where the underlying conviction is a violent felony (as defined in section 924(e)(2)(B) of this title) or is a serious drug offense (as defined in section 924(e)(2)(A) of this title));

"(iii) subsection (a)(2), (b), (c), (g), or (h) of section 924 (relating to receipt, possession, and transfer of firearms);

"(iv) sections 1028 and 1029 (relating to fraud and related activity in connection with identification documents or access devices);

"(v) section 1503 (relating to obstruction of justice);

"(vi) section 1510 (relating to obstruction of criminal investigations);

"(vii) section 1512 (relating to tampering with a witness, victim, or informant), or section 1513 (relating to retaliating against a witness, victim, or informant);

"(viii) section 1708 (relating to theft of stolen mail matter);

"(ix) section 1951 (relating to interference with commerce, robbery or extortion);

"(x) section 1952 (relating to racketeering);

"(xi) section 1956 (relating to the laundering of monetary instruments);

"(xii) section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity);

"(xiii) section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire); or

"(xiv) sections 2312 through 2315 (relating to interstate transportation of stolen motor vehicles or stolen property); or

"(C) any act involving the Immigration and Nationality Act, section 274 (relating to bringing in and harboring certain aliens), section 277 (relating to aiding or assisting certain aliens to enter the United States), or section 278 (relating to importation of alien for immoral purpose).

"(3) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

"(b) PARTICIPATION IN CRIMINAL STREET GANGS.—It shall be unlawful—

"(1) to commit, or conspire or attempt to commit a predicate crime—

"(A) in furtherance or in aid of the activities of a criminal street gang;

"(B) for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

"(C) for the direct or indirect benefit of the criminal street gang, or in association with the criminal street gang; or

"(2) to employ, use, command, counsel, persuade, induce, entice, or coerce any individual to commit, cause to commit, or facilitate the commission of, a predicate gang crime—

"(A) in furtherance or in aid of the activities of a criminal street gang;

"(B) for the purpose of gaining entrance to or maintaining or increasing position in such a gang; or

"(C) for the direct or indirect benefit or the criminal street gang, or in association with the criminal street gang.

"(c) PENALTIES.—Whoever violates paragraph (1) or (2) of subsection (b)—

"(1) shall be fined under this title, imprisoned for not more than 30 years, or both; and

"(2) if the violation is based on a predicate gang crime for which the maximum penalty includes life imprisonment, shall be fined under this title, imprisoned for any term of years or for life, or both.

"(d) FORFEITURE.—

"(1) IN GENERAL.—The court, in imposing sentence on a person who is convicted of an offense under this section, shall order that the defendant forfeit to the United States—

"(A) any property, real or personal, constituting or traceable to gross proceeds obtained from such offense; and

"(B) any property used or intended to be used, in any manner or part, to commit or to facilitate the commission of such violation.

"(2) CRIMINAL PROCEDURES.—The procedures set forth in section 413 of the Controlled Substances Act (21 U.S.C. 853), other than subsection (d) of that section, and in rule 32.2 of the Federal Rules of Criminal Procedure, shall apply to all stages of a criminal forfeiture proceeding under this section.

"(3) CIVIL PROCEDURES.—Property subject to forfeiture under paragraph (1) may be forfeited in a civil case pursuant to the procedures set forth in chapter 46 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended to read as follows:

"521. Criminal street gang prosecutions.".

SEC. 103. VIOLENT CRIMES IN FURTHERANCE OR IN AID OF CRIMINAL STREET GANGS.

(a) VIOLENT CRIMES AND CRIMINAL STREET GANG RECRUITMENT.—Chapter 26 of title 18, United States Code, as amended by section 101, is amended by adding at the end the following:

"§ 523. Violent crimes in furtherance or in aid of a criminal street gang

"(a) Any person who, for the purpose of gaining entrance to or maintaining or increasing position in, or in furtherance or in aid of, or for the direct or indirect benefit of, or in association with a criminal street gang, or as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value to or from a criminal street gang, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, commits any other crime of violence or threatens to commit a crime of violence against any individual, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for any other violation of this chapter—

"(1) for murder, by death or imprisonment for any term of years or for life, a fine under this title, or both;

"(2) for kidnapping or sexual assault, by imprisonment for any term of years or for life, a fine under this title, or both;

"(3) for maiming, by imprisonment for any term of years or for life, a fine under this title, or both;

"(4) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years, a fine under this title, or both;

"(5) for any other crime of violence, by imprisonment for not more than 20 years, a fine under this title, or both;

"(6) for threatening to commit a crime of violence specified in paragraphs (1) through (4), by imprisonment for not more than 10 years, a fine under this title, or both;

"(7) for attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under this title, or both; and

"(8) for attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 20 years, a fine under this title, or both.

"(b) DEFINITION.—In this section, the term 'criminal street gang' has the same meaning as in section 521 of this title.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 26 of title 18, United States Code, is amended by adding at the end the following:

"522. Recruitment of persons to participate in a criminal street gang.

"523. Violent crimes in furtherance of a criminal street gang.".

SEC. 104. INTERSTATE AND FOREIGN TRAVEL OR TRANSPORTATION IN AID OF RACKETEERING ENTERPRISES AND CRIMINAL STREET GANGS.

Section 1952 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "and thereafter performs or attempts to perform" and inserting "and thereafter performs, or attempts or conspires to perform";

(B) by striking "5 years" and inserting "10 years"; and

(C) by inserting "punished by death or" after "if death results shall be";

(2) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively;

(3) by inserting after subsection (a) the following:

"(b) Whoever travels in interstate or foreign commerce or uses the mail or any facility in interstate or foreign commerce, with the intent to kill, assault, bribe, force, intimidate, or threaten any person, to delay or influence the testimony of, or prevent from testifying, a witness in a State criminal proceeding and thereafter performs, or attempts or conspires to perform, an act described in this subsection, shall—

"(1) be fined under this title, imprisoned for any term of years, or both; and

"(2) if death results, be punished by death or imprisonment for any term of years or for life."; and

(4) in subsection (c)(2), as redesignated under subparagraph (B), by inserting "intimidation of, or retaliation against, a witness, victim, juror, or informant," after "extortion, bribery,".

SEC. 105. AMENDMENTS RELATING TO VIOLENT CRIME IN AREAS OF EXCLUSIVE FEDERAL JURISDICTION.

(a) ASSAULT WITHIN MARITIME AND TERRITORIAL JURISDICTION OF UNITED STATES.—Section 113(a)(3) of title 18, United States Code, is amended by striking "with intent to do bodily harm, and without just cause or excuse,".

(b) MANSLAUGHTER.—Section 1112(b) of title 18, United States Code, is amended by—

(1) striking "ten years" and inserting "20 years"; and

(2) striking "six years" and inserting "10 years".

(c) OFFENSES COMMITTED WITHIN INDIAN COUNTRY.—Section 1153(a) of title 18, United States Code, is amended by inserting "an offense for which the maximum statutory term of imprisonment under section 1363 is greater than 5 years," after "a felony under chapter 109A,".

(d) RACKETEER INFLUENCED AND CORRUPT ORGANIZATIONS.—Section 1961(1) of title 18, United States Code, is amended—

(1) in subparagraph (A), by inserting ", or would have been so chargeable if the act or threat (other than lawful forms of gambling) had not been committed in Indian country (as defined in section 1151) or in any other area of exclusive Federal jurisdiction," after "chargeable under State law"; and

(2) in subparagraph (B), by inserting "section 1123 (relating to multiple interstate murder)," after "section 1084 (relating to the transmission of wagering information),".

(e) CARJACKING.—Section 2119 of title 18, United States Code, is amended by striking ", with the intent to cause death or serious bodily harm".

(f) CLARIFICATION OF ILLEGAL GUN TRANSFERS TO COMMIT DRUG TRAFFICKING CRIME OR CRIMES OF VIOLENCE.—Section 924(h) of title 18, United States Code, is amended to read as follows:

"(h) ILLEGAL TRANSFERS.—Whoever knowingly transfers a firearm, knowing that the firearm will be used to commit, or possessed in furtherance of, a crime of violence (as defined in subsection (c)(3)) or drug trafficking crime (as defined in subsection (c)(2)), shall be imprisoned for not more than 10 years, fined under this title, or both.".

(g) AMENDMENT OF SPECIAL SENTENCING PROVISION.—Section 3582(d) of title 18, United States Code, is amended—

(1) by striking "chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations) of this title" and inserting "section 521 (criminal street gangs) or 522 (violent crimes in furtherance or in aid of criminal street gangs), in chapter 95 (racketeering) or 96 (racketeer influenced and corrupt organizations),"; and

(2) by inserting "a criminal street gang or" before "an illegal enterprise".

(h) CONFORMING AMENDMENT RELATING TO ORDERS FOR RESTITUTION.—Section 3663(c)(4) of title 18, United States Code, is amended by striking "chapter 46 or chapter 96 of this title" and inserting "section 521, under chapter 46 or 96,".

(i) SPECIAL PROVISION FOR INDIAN COUNTRY.—No person subject to the criminal jurisdiction of an Indian tribal government shall be subject to section 3559(e) of title 18, United States Code, for any offense for which Federal jurisdiction is solely predicated on Indian country (as defined in section 1151 of such title 18) and which occurs within the boundaries of such Indian country unless the governing body of such Indian tribe elects to subject the persons under the criminal jurisdiction of the tribe to section 3559(e) of such title 18.

SEC. 106. INCREASED PENALTIES FOR USE OF INTERSTATE COMMERCE FACILITIES IN THE COMMISSION OF MURDER-FOR-HIRE AND OTHER FELONY CRIMES OF VIOLENCE.

Section 1958 of title 18, United States Code, is amended—

(1) by striking the header and inserting the following:

"§ 1958. Use of interstate commerce facilities in the Commission of murder-for-hire and other felony crimes of violence"

; and

(2) by amending subsection (a) to read as follows:

"(a) Any person who travels in or causes another (including the intended victim) to travel in interstate or foreign commerce, or uses or causes another (including the intended victim) to use the mail or any facility in interstate or foreign commerce, with intent that a murder or other felony crime of violence be committed in violation of the laws of any State or the United States as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value, or who conspires to do so—

"(1) may be fined under this title and shall be imprisoned not more than 20 years;

"(2) if personal injury results, may be fined under this title and shall be imprisoned for not more than 30 years; and

"(3) if death results, may be fined not more than $250,000, and shall be punished by death or imprisoned for any term of years or for life, or both.".

SEC. 107. INCREASED PENALTIES FOR VIOLENT CRIMES IN AID OF RACKETEERING ACTIVITY.

Section 1959(a) of title 18, United States Code, is amended to read as follows:

"(a) Any person who, as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value from an enterprise engaged in racketeering activity, or for the purpose of gaining entrance to or maintaining or increasing position in an enterprise engaged in racketeering activity, or in furtherance or in aid of an enterprise engaged in racketeering activity, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, or threatens to commit a crime of violence against any individual in violation of the laws of any State or the United States, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for any other violation of this chapter—

"(1) for murder, by death or imprisonment for any term of years or for life, a fine under this title, or both;

"(2) for kidnapping or sexual assault, by imprisonment for any term of years or for life, a fine under this title, or both;

"(3) for maiming, by imprisonment for any term of years or for life, a fine under this title, or both;

"(4) for assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 30 years, a fine under this title, or both;

"(5) for threatening to commit a crime of violence, by imprisonment for not more than 10 years, a fine under this title, or both;

"(6) for attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under this title, or both; and

"(7) for attempting or conspiring to commit assault with a dangerous weapon or assault which would result in serious bodily injury, by imprisonment for not more than 20 years, a fine under this title, or both.".

SEC. 108. MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

(a) IN GENERAL.—Part D of the Controlled Substances Act (21 U.S.C. 841 et seq.) is amended by adding at the end the following:

"MURDER AND OTHER VIOLENT CRIMES COMMITTED DURING AND IN RELATION TO A DRUG TRAFFICKING CRIME.

"SEC. 424. (a) IN GENERAL.—Any person who, during and in relation to any drug trafficking crime, murders, kidnaps, sexually assaults (which means any offense that involved conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction), maims, assaults with a dangerous weapon, commits assault resulting in serious bodily injury upon, commits any other crime of violence or threatens to commit a crime of violence against, any individual, or attempts or conspires to do so, shall be punished, in addition and consecutive to the punishment provided for the drug trafficking crime—

"(1) in the case of murder, by death or imprisonment for any term of years or for life, a fine under title 18, United States Code, or both;

"(2) in the case of kidnapping or sexual assault by imprisonment for any term of years or for life, a fine under such title 18, or both;

"(3) in the case of maiming, by imprisonment for any term of years or for life, a fine under such title 18, or both;

"(4) in the case of assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment not more than 30 years, a fine under such title 18, or both;

"(5) in the case of committing any other crime of violence, by imprisonment for not more than 20 years, a fine under this title, or both;

"(6) in the case of threatening to commit a crime of violence specified in paragraphs (1) through (4), by imprisonment for not more than 10 years, a fine under such title 18, or both;

"(7) in the case of attempting or conspiring to commit murder, kidnapping, maiming, or sexual assault, by imprisonment for not more than 30 years, a fine under such title 18, or both; and

"(8) in the case of attempting or conspiring to commit a crime involving assault with a dangerous weapon or assault resulting in serious bodily injury, by imprisonment for not more than 20 years, a fine under such title 18, or both.

"(b) Venue.—A prosecution for a violation of this section may be brought in—

"(1) the judicial district in which the murder or other crime of violence occurred; or

"(2) any judicial district in which the drug trafficking crime may be prosecuted.

"(c) Applicable Death Penalty Procedures.—A defendant who has been found guilty of an offense under this section for which a sentence of death is provided shall be subject to the provisions of chapter 228 of title 18, United States Code.

"(d) Definitions.—As used in this section—

"(1) the term 'crime of violence' has the meaning given that term in section 16 of title 18, United States Code; and

"(2) the term 'drug trafficking crime' has the meaning given that term in section 924(c)(2) of title 18, United States Code.".

(b) Clerical Amendment.—The table of contents for the Controlled Substances Act is amended by inserting after the item relating to section 423, the following:

"Sec. 424. Murder and other violent crimes committed during and in relation to a drug trafficking crime.".

Subtitle B—Increased Federal Resources To Suppress, Deter, and Prevent At-Risk Youth From Joining Illegal Street Gangs

SEC. 110. DESIGNATION OF AND ASSISTANCE FOR "HIGH INTENSITY" INTERSTATE GANG ACTIVITY AREAS.

(a) Definitions.—In this section the following definitions shall apply:

(1) Governor.—The term "Governor" means a Governor of a State or the Mayor of the District of Columbia.

(2) High intensity interstate gang activity area.—The term "high intensity interstate gang activity area" means an area within a State that is designated as a high intensity interstate gang activity area under subsection (b)(1).

(3) State.—The term "State" means a State of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States. The term "State" shall include an "Indian tribe", as defined by section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

(b) High Intensity Interstate Gang Activity Areas.—

(1) Designation.—The Attorney General, after consultation with the Governors of appropriate States, may designate as high intensity interstate gang activity areas, specific areas that are located within 1 or more States. To the extent that the goals of a high intensity interstate gang activity area (HIGAA) overlap with the goals of a high intensity drug trafficking area (HIDTA), the Attorney General may merge the 2 areas to serve as a dual-purpose entity. The Attorney General may not make the final designation of a high intensity interstate gang activity area without first consulting with and receiving comment from local elected officials representing communities within the State of the proposed designation.

(2) Assistance.—In order to provide Federal assistance to high intensity interstate gang activity areas, the Attorney General shall—

(A) establish criminal street gang enforcement teams, consisting of Federal, State, and local law enforcement authorities, for the coordinated investigation, disruption, apprehension, and prosecution of criminal street gangs and offenders in each high intensity interstate gang activity area;

(B) direct the reassignment or detailing from any Federal department or agency (subject to the approval of the head of that department or agency, in the case of a department or agency other than the Department of Justice) of personnel to each criminal street gang enforcement team; and

(C) provide all necessary funding for the operation of the criminal street gang enforcement team in each high intensity interstate gang activity area.

(3) Composition of criminal street gang enforcement team.—The team established pursuant to paragraph (2)(A) shall consist of agents and officers, where feasible, from—

(A) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

(B) the Department of Homeland Security;

(C) the Department of Housing and Urban Development;

(D) the Drug Enforcement Administration;

(E) the Internal Revenue Service;

(F) the Federal Bureau of Investigation;

(G) the United States Marshal's Service;

(H) the United States Postal Service;

(I) State and local law enforcement; and

(J) Federal, State and local prosecutors.

(4) Criteria for designation.—In considering an area for designation as a high intensity interstate gang activity area under this section, the Attorney General shall consider—

(A) the current and predicted levels of gang crime activity in the area;

(B) the extent to which violent crime in the area appears to be related to criminal street gang activity, such as drug trafficking, murder, robbery, assaults, carjacking, arson, kidnapping, extortion, and other criminal activity;

(C) the extent to which State and local law enforcement agencies have committed resources to—

(i) respond to the gang crime problem; and

(ii) participate in a gang enforcement team;

(D) the extent to which a significant increase in the allocation of Federal resources would enhance local response to the gang crime activities in the area; and

(E) any other criteria that the Attorney General considers to be appropriate.

(c) Authorization of Appropriations.—

(1) In general.—There are authorized to be appropriated $100,000,000 for each of the fiscal years 2005 to 2009 to carry out this section.

(2) Use of funds.—Of amounts made available under paragraph (1) in each fiscal year—

(A) 50 percent shall be used to carry out subsection (b)(2); and

(B) 50 percent shall be used to make grants available for community-based programs to provide crime prevention, research, and intervention services that are designed for gang members and at-risk youth in areas designated pursuant to this section as high intensity interstate gang activity areas.

(3) Reporting requirements.—By February 1st of each year, the Attorney General shall provide a report to Congress which describes, for each designated high intensity interstate gang activity area—

(A) the specific long-term and short-term goals and objectives;

(B) the measurements used to evaluate the performance of the high intensity interstate gang activity area in achieving the long-term and short-term goals;

(C) the age, composition, and membership of "gangs";

(D) the number and nature of crimes committed by "gangs"; and

(E) the definition of the term "gang" used to compile this report.

SEC. 111. ENHANCEMENT OF PROJECT SAFE NEIGHBORHOODS INITIATIVE TO IMPROVE ENFORCEMENT OF CRIMINAL LAWS AGAINST VIOLENT GANGS.

(a) In General.—While maintaining the focus of Project Safe Neighborhoods as a comprehensive, strategic approach to reducing gun violence in America, the Attorney General is authorized to expand the Project Safe Neighborhoods program to require each United States attorney to—

(1) identify, investigate, and prosecute significant criminal street gangs operating within their district;

(2) coordinate the identification, investigation, and prosecution of criminal street gangs among Federal, State, and local law enforcement agencies; and

(3) coordinate and establish criminal street gang enforcement teams, established under section 110(b), in high intensity interstate gang activity areas within a United States attorney's district.

(b) Additional Staff for Project Safe Neighborhoods.—

(1) In general.—The Attorney General may hire Assistant United States attorneys, non-attorney coordinators, or paralegals to carry out the provisions of this section.

(2) Authorization of appropriations.—There are authorized to be appropriated $7,500,000 for each of the fiscal years 2005 through 2009 to carry out this section.

SEC. 112. ADDITIONAL RESOURCES NEEDED BY THE FEDERAL BUREAU OF INVESTIGATION TO INVESTIGATE AND PROSECUTE VIOLENT CRIMINAL STREET GANGS.

(a) Responsibilities of Attorney General.—The Attorney General is authorized to require the Federal Bureau of Investigation to—

(1) increase funding for the Safe Streets Program; and

(2) support the criminal street gang enforcement teams, established under section 110(b), in designated high intensity interstate gang activity areas.

(b) Authorization of Appropriations.—

(1) In general.—In addition to amounts otherwise authorized, there are authorized to be appropriated to the Attorney General $5,000,000 for each of the fiscal years 2005 through 2009 to carry out the Safe Streets Program.

(2) Availability.—Any amounts appropriated pursuant to paragraph (1) shall remain available until expended.

SEC. 113. GRANTS TO PROSECUTORS AND LAW ENFORCEMENT TO COMBAT VIOLENT CRIME AND TO PROTECT WITNESSES AND VICTIMS OF CRIMES.

(a) IN GENERAL.—Section 31702 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13862) is amended—

(1) in paragraph (3), by striking "and" at the end;

(2) in paragraph (4), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(5) to hire additional prosecutors to—

"(A) allow more cases to be prosecuted; and

"(B) reduce backlogs;

"(6) to fund technology, equipment, and training for prosecutors and law enforcement in order to increase accurate identification of gang members and violent offenders, and to maintain databases with such information to facilitate coordination among law enforcement and prosecutors; and

"(7) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 31707 of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13867) is amended to read as follows:

"SEC. 31707. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated $20,000,000 for each of the fiscal years 2005 through 2009 to carry out this subtitle.

"(b) USE OF FUNDS.—Of the amounts made available under subsection (a), in each fiscal year 60 percent shall be used to carry out section 31702(7) to create and expand witness and victim protection programs to prevent threats, intimidation, and retaliation against victims of, and witnesses to, violent crimes.".

SEC. 114. REAUTHORIZE THE GANG RESISTANCE EDUCATION AND TRAINING PROJECTS PROGRAM.

Section 32401(b) of the Violent Crime Control Act of 1994 (42 U.S.C. 13921(b)) is amended by striking paragraphs (1) through (6) and inserting the following:

"(1) $20,000,000 for fiscal year 2005;

"(2) $20,000,000 for fiscal year 2006;

"(3) $20,000,000 for fiscal year 2007;

"(4) $20,000,000 for fiscal year 2008; and

"(5) $20,000,000 for fiscal year 2009.".

TITLE II—VIOLENT CRIME REFORMS NEEDED TO DETER AND PREVENT ILLEGAL GANG CRIME

SEC. 201. MULTIPLE INTERSTATE MURDER.

Chapter 51 of title 18, United States Code, is amended by adding at the end of the new section:

"§ 1123. Multiple murders in furtherance of common scheme of purpose

"(a) IN GENERAL.—Whoever, having committed murder in violation of the laws of any State or the United States, moves or travels in interstate or foreign commerce with the intent to commit one or more murders in violation of the laws of any State or the United States, and thereafter commits one or more murders in violation of the laws of any State or the United States in furtherance of a common scheme or purpose, or who conspires to do so—

"(1) shall be fined under this title, imprisoned for not more than 30 years, or both, for each murder; and

"(2) if death results, may be fined not more than $250,000 under this title, and shall be punished by death or imprisoned for any term of years or for life for each murder.

"(b) DEFINITION.—The term 'State' means each of the several States of the United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

SEC. 202. EXPANSION OF REBUTTABLE PRESUMPTION AGAINST RELEASE OF PERSONS CHARGED WITH FIREARMS OFFENSES.

Section 3142 of title 18, United States Code, is amended—

(1) in subsection (e), in the matter following paragraph (3)—

(A) by inserting "an offense under section 922(g)(1) where the underlying conviction is a serious drug offense as defined in section 924(e)(2)(A) of title 18, United States Code, for which a period of not more than 10 years has elapsed since the date of the conviction or the release of the person from imprisonment, whichever is later, or is a serious violent felony as defined in section 3559(c)(2)(F) of title 18, United States Code," after "that the person committed"; and

(B) by inserting "or" before "the Maritime";

(2) in subsection (f)(1)—

(A) in subparagraph (C), by striking "or" at the end; and

(B) by adding at the end the following:

"(E) an offense under section 922(g); or"; and

(3) in subsection (g), by amending paragraph (1) to read as follows:

"(1) the nature and circumstances of the offense charged, including whether the offense is a crime of violence, or involves a drug, firearm, explosive, or destructive devise;".

SEC. 203. VENUE IN CAPITAL CASES.

Section 3235 of title 18, United States Code, is amended to read as follows:

"§ 3235. Venue in capital cases

"(a) The trial for any offense punishable by death shall be held in the district where the offense was committed or in any district in which the offense began, continued, or was completed.

"(b) If the offense, or related conduct, under subsection (a) involves activities which affect interstate or foreign commerce, or the importation of an object or person into the United States, such offense may be prosecuted in any district in which those activities occurred.".

SEC. 204. STATUTE OF LIMITATIONS FOR VIOLENT CRIME.

(a) IN GENERAL.—Chapter 214 of title 18, United States Code, is amended by adding at the end the following:

"§ 3297. Violent crime offenses

"Except as otherwise expressly provided by law, no person shall be prosecuted, tried, or punished for any noncapital felony, crime of violence (as defined in section 16), including any racketeering activity or gang crime which involves any violent crime, unless the indictment is found or the information is instituted by the later of—

"(1) 10 years after the date on which the alleged violation occurred;

"(2) 10 years after the date on which the continuing offense was completed; or

"(3) 8 years after the date on which the alleged violation was first discovered.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 214 of title 18, United States Code, is amended by adding at the end the following:

"3296. Violent crime offenses.".

SEC. 205. PREDICATE CRIMES FOR AUTHORIZATION OF INTERCEPTION OF WIRE, ORAL, AND ELECTRONIC COMMUNICATIONS.

Section 2516(1) of title 18, United States Code, is amended—

(1) in paragraph (q), by striking "or'.";

(2) by redesignating paragraph (r) as paragraph (u); and

(3) by inserting after paragraph (q) the following:

"(r) any violation of section 424 of the Controlled Substances Act (relating to murder and other violent crimes in furtherance of a drug trafficking crime);

"(s) any violation of 1123 of title 18, United States Code (relating to multiple interstate murder);

"(t) any violation of section 521, 522, or 523 (relating to criminal street gangs); or".

SEC. 206. CLARIFICATION TO HEARSAY EXCEPTION FOR FORFEITURE BY WRONGDOING.

Rule 804(b)(6) of the Federal Rules of Evidence is amended to read as follows:

"(6) FORFEITURE BY WRONGDOING. A statement offered against a party that has engaged, acquiesced, or conspired, in wrongdoing that was intended to, and did, procure the unavailability of the declarant as a witness.".

SEC. 207. CLARIFICATION OF VENUE FOR RETALIATION AGAINST A WITNESS.

Section 1513 of title 18, United States Code, is amended by—

(1) redesignating subsection (e) beginning with "Whoever conspires" as subsection (f); and

(2) adding at the end the following:

"(g) A prosecution under this section may be brought in the district in which the official proceeding (whether or not pending, about to be instituted or was completed) was intended to be affected or was completed, or in which the conduct constituting the alleged offense occurred.".

SEC. 208. AMENDMENT OF SENTENCING GUIDELINES RELATING TO CERTAIN GANG AND VIOLENT CRIMES.

(a) DIRECTIVE TO THE UNITED STATES SENTENCING COMMISSION.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this section, the United States Sentencing Commission shall review and, if appropriate, amend its guidelines and its policy statements to conform to the provisions of title I and this title.

(b) REQUIREMENTS.—In carrying out this section, the Sentencing Commission shall—

(1) establish new guidelines and policy statements, as warranted, in order to implement new or revised criminal offenses created under this title;

(2) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses and the penalties set forth in this title, the growing incidence of serious gang and violent crimes, and the need to modify the sentencing guidelines and policy statements to deter, prevent, and punish such offenses;

(3) consider the extent to which the guidelines and policy statements adequately address—

(A) whether the guideline offense levels and enhancements for gang and violent crimes—

(i) are sufficient to deter and punish such offenses; and

(ii) are adequate in view of the statutory increases in penalties contained in the Act; and

(B) whether any existing or new specific offense characteristics should be added to reflect congressional intent to increase gang and violent crime penalties, punish offenders, and deter gang and violent crime;

(4) assure reasonable consistency with other relevant directives and with other sentencing guidelines;

(5) account for any additional aggravating or mitigating circumstances that might justify exceptions to the generally applicable sentencing ranges;

(6) make any necessary conforming changes to the sentencing guidelines; and

(7) assure that the guidelines adequately meet the purposes of sentencing under section 3553(a)(2) of title 18, United States Code.

SEC. 209. INCREASED PENALTIES FOR CRIMINAL USE OF FIREARMS IN CRIMES OF VIOLENCE AND DRUG TRAFFICKING.

(a) In General.—Section 924(c)(1)(A) of title 18, United States Code, is amended—

(1) by striking "shall" and inserting "or conspires to commit any of the above acts, shall, for each instance in which the firearm is used, carried, or possessed";

(2) in clause (i), by striking "5 years" and inserting "7 years"; and

(3) by striking clause (ii).

(b) Conforming Amendments.—Section 924 of title 18, United States Code, is amended—

(1) in subsection (c), by striking paragraph (4); and

(2) by striking subsection (o).

SEC. 210. POSSESSION OF FIREARMS BY DANGEROUS FELONS.

(a) In General.—Section 924(e) of title 18, United States Code, is amended to read as follows:

"(e)(1) In the case of a person who violates section 922(g) of this title and has previously been convicted by any court referred to in section 922(g)(1) for a violent felony or a serious drug offense shall—

"(A) in the case of 1 such prior conviction, where a period of not more than 10 years has elapsed since the date of conviction or release of the person from imprisonment for that conviction, be subject to imprisonment for not more than 15 years, a fine under this title, or both;

"(B) in the case of 2 such prior convictions, committed on occasions different from one another, and where a period of not more than 10 years has elapsed since the date of conviction or release of the person from imprisonment for that conviction, be subject to imprisonment for not more than 20 years, a fine under this title, or both; and

"(C) in the case of 3 such prior convictions, committed on occasions different from one another, be subject to imprisonment for not less than 15 years, a fine under this title, or both, and notwithstanding any other provision of law, the court shall not suspend the sentence of, or grant a probationary sentence to, such person with respect to the conviction under section 922(g).

"(2) As used in this subsection—

"(A) the term 'serious drug offense' means—

"(i) an offense under the Controlled Substances Act (21 U.S.C. 801 et seq.), the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), or the Maritime Drug Law Enforcement Act (46 U.S.C. App. 1901 et seq.), punishable by a maximum term of imprisonment of not less than 10 years; or

"(ii) an offense under State law, involving manufacturing, distributing, or possessing with intent to manufacture or distribute, a controlled substance (as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802)), punishable by a maximum term of imprisonment of not less than 10 years;

"(B) the term 'violent felony' means any crime punishable by a term of imprisonment exceeding 1 year, or any act of juvenile delinquency involving the use or carrying of a firearm, knife, or destructive device that would be punishable by a maximum term of imprisonment for such term if committed by an adult, that—

"(i) has, as an element of the crime or act, the use, attempted use, or threatened use of physical force against the person of another; or

"(ii) is burglary, arson, or extortion, involves the use of explosives, or otherwise involves conduct that presents a serious potential risk of physical injury to another; and

"(C) the term 'conviction' includes a finding that a person has committed an act of juvenile delinquency involving a violent felony.".

(b) Amendment to Sentencing Guidelines.—Pursuant to its authority under section 994(p) of title 28, United States Code, the United States Sentencing Commission shall amend the Federal Sentencing Guidelines to provide for an appropriate increase in the offense level for violations of section 922(g) of title 18, United States Code, in accordance with section 924(e) of such title 18, as amended by subsection (a).

SEC. 211. CONFORMING AMENDMENT.

The matter before paragraph (1) in section 922(d) of title 18, United States Code, is amended by inserting ", transfer," after "sell".

TITLE III—JUVENILE CRIME REFORM FOR VIOLENT OFFENDERS

SEC. 301. TREATMENT OF FEDERAL JUVENILE OFFENDERS.

(a) In General.—Section 5032 of title 18, United States Code, is amended to read as follows:

"§ 5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for criminal prosecution

"(a) Delinquency Proceedings in District Courts.—

"(1) In general.—A juvenile alleged to have committed an act of juvenile delinquency, other than a violation of law committed within the special maritime and territorial jurisdiction of the United States for which the maximum authorized term of imprisonment does not exceed 6 months, shall not be proceeded against in any court of the United States unless the Attorney General, after investigation, certifies to the appropriate district court of the United States that—

"(A) the juvenile court or other appropriate court of a State does not have jurisdiction or refuses to assume jurisdiction over that juvenile with respect to such alleged act of juvenile delinquency;

"(B) the State does not have available programs and services adequate for the needs of juveniles; or

"(C) the offense charged is a crime of violence that is a felony or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), section 1002(a), 1003, 1005, 1009, or 1010(b) (1), (2), or (3) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 955, 959, 960(b) (1), (2), (3)), section 922(x), or section 924 (b), (g), or (h) of this title, and there is a substantial Federal interest in the case or the offense to warrant the exercise of Federal jurisdiction.

"(2) Failure to certify.—If the Attorney General does not certify under paragraph (1), the juvenile shall be surrendered to the appropriate legal authorities of such State.

"(3) Federal proceedings.—If an alleged juvenile delinquent is not surrendered to the authorities of a State pursuant to this section, any proceedings against him shall be in an appropriate district court of the United States. For such purposes, the court may be convened at any time and place within the district, in chambers or otherwise. The Attorney General shall proceed by information or as authorized under section 3401(g) of this title, and no criminal prosecution shall be instituted for the alleged act of juvenile delinquency except as provided below.

"(b) Transfer for Federal Criminal Prosecution.—

"(1) In general.—A juvenile who is alleged to have committed an act of juvenile delinquency and who is not surrendered to State authorities shall be proceeded against under this chapter unless—

"(A) the juvenile has requested in writing upon advice of counsel to be proceeded against as an adult;

"(B) with respect to a juvenile 15 years and older alleged to have committed an act after his fifteenth birthday which if committed by an adult would be a felony that is a crime of violence or an offense described in section 401 of the Controlled Substances Act (21 U.S.C. 841), or section 1002(a), 1005, or 1009 of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 955, 959), or section 922(x) of this title, or in section 924 (b), (g), or (h) of this title, the Attorney General makes a motion to transfer the criminal prosecution on the basis of the alleged act in the appropriate district court of the United States and the court finds, after hearing, such transfer would be in the interest of justice as provided in paragraph (2); or

"(C) with respect to a juvenile 13 years and older alleged to have committed an act after his thirteenth birthday which if committed by an adult would be a felony that is the crime of violence under section 113 (a), (b), (c), 1111, 1113, or, if the juvenile possessed a firearm during the offense, an offense under section 2111, 2113, 2241(a), or 2241(c), the Attorney General makes a motion to transfer the criminal prosecution on the basis of the alleged act in the appropriate district court of the United States and the court finds, after hearing, such transfer would be in the interest of justice as provided in paragraph (2).

Notwithstanding sections 1152 and 1153, no person subject to the criminal jurisdiction of an Indian tribal government shall be subject to subparagraph (C) for any offense the Federal jurisdiction for which is predicated solely on Indian country (as defined in section 1151), and which has occurred within the boundaries of such Indian country, unless the governing body of the tribe has elected that the preceding sentence have effect over land and persons subject to its criminal jurisdiction.

"(2) Factors.—

"(A) In general.—Evidence of the following factors shall be considered, and findings with regard to each factor shall be made in the record, in assessing whether a transfer under subparagraph (B) or (C) of paragraph (1), and paragraph (4) of subsection (d), would be in the interest of justice:

"(i) The age and social background of the juvenile.

"(ii) The nature of the alleged offense, including the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities.

"(iii) Whether prosecution of the juvenile as an adult would protect public safety.

"(iv) The extent and nature of the juvenile's prior delinquency record.

‘‘(v) The juvenile's present intellectual development and psychological maturity.

‘‘(vi) The nature of past treatment efforts and the juvenile's response to such efforts.

‘‘(vii) The availability of programs designed to treat the juvenile's behavioral problems.

‘‘(B) Nature of the Offense.—In considering the nature of the offense, as required by this paragraph, the court shall consider the extent to which the juvenile played a leadership role in an organization, or otherwise influenced other persons to take part in criminal activities, involving the use or distribution of controlled substances or firearms. Such a factor, if found to exist, shall weigh in favor of a transfer to adult status, but the absence of this factor shall not preclude such a transfer.

‘‘(C) Notice.—Reasonable notice of the transfer hearing under subparagraph (B) or (C) of paragraph (1) shall be given to the juvenile, the juvenile's parents, guardian, or custodian and to the juvenile's counsel. The juvenile shall be assisted by counsel during the transfer hearing, and at every other critical stage of the proceedings.

‘‘(c) Mandatory Transfer of Juvenile 16 or Older.—A juvenile who is alleged to have committed an act on or after his sixteenth birthday, which if committed by an adult would be a felony offense, that has an element thereof the use, attempted use, or threatened use of physical force against the person of another, or that, by its very nature, involves a substantial risk that physical force against the person of another, may be used in committing the offense or would be an offense described in section 32, 81, or 2275 or subsection (d), (e), (f), (h), or (i) of section 844 of this title, subsection (d) or (e) or subparagraphs (A), (B), (C), (D), or (E) of subsection (b)(1) of section 401 of the Controlled Substances Act, or section 1002(a), 1003, or 1009, or paragraphs (1), (2), or (3) of section 1010(b) of the Controlled Substances Import and Export Act (21 U.S.C. 952(a), 953, 959, 960(b) (1), (2), and (3)), and who has previously been found guilty of an act which if committed by an adult would have been one of the offenses set forth in this subsection or subsection (b), or an offense in violation of a State felony statute that would have been such an offense if a circumstance giving rise to Federal jurisdiction had existed, shall be transferred, upon notification by the United States, to the appropriate district court of the United States for criminal prosecution.

‘‘(d) Sixteen and Seventeen Year Olds Charged With the Most Serious Violent Felonies.—

‘‘(1) In general.—Notwithstanding any other provision of law, a juvenile may be prosecuted as an adult if the juvenile is alleged to have committed, conspired, solicited or attempted to commit, on or after the day the juvenile attains the age of 16 any offense involving—

‘‘(A) murder;

‘‘(B) manslaughter;

‘‘(C) assault with intent to commit murder;

‘‘(D) sexual assault (which means any offense that involves conduct that would violate chapter 109A if the conduct occurred in the special maritime and territorial jurisdiction);

‘‘(E) robbery (as described in section 2111, 2113, or 2118);

‘‘(F) carjacking with a dangerous weapon;

‘‘(G) extortion;

‘‘(H) arson;

‘‘(I) firearms use;

‘‘(J) firearms possession (as described in section 924(c);

‘‘(K) drive-by shooting;

‘‘(L) kidnapping;

‘‘(M) maiming;

‘‘(N) assault resulting in serious bodily injury; or

‘‘(O) obstruction of justice (as described in 1512(a)(1)) on or after the day the juvenile attains the age of 16.

‘‘(2) Other offenses.—In a prosecution under this subsection the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted as an adult of a lesser included offense.

‘‘(3) Reviewability.—Except as otherwise provided by this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under this subsection shall not be reviewable in any court.

‘‘(4) Prosecution.—(A) In any prosecution of a juvenile under this subsection, upon motion of the defendant, the court in which the criminal charges have been filed shall after a hearing determine whether to issue an order that the defendant should be transferred to juvenile status.

‘‘(B) A motion by a defendant under this paragraph shall not be considered unless filed no later than 30 days after the date on which the defendant initially appears through counsel or expressly waives the right to counsel and elects to proceed pro se.

‘‘(C) The court shall not order the transfer of a defendant to juvenile status under this paragraph unless the defendant establishes by clear and convincing evidence that removal to juvenile status would be in the interest of justice. In making a determination under this paragraph, the court shall consider the factors specified in subsection (b)(2) of this section.

‘‘(5) Order.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall not be a final order for the purpose of enabling an appeal, except that an appeal by the United States shall lie to a court of appeals pursuant to section 3731 of this title from an order of a district court removing a defendant to juvenile status. Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis. The court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnesses, and shall accept the findings of fact of the district court unless they are clearly erroneous, and the court of appeals shall review de novo the district court's application of the law to the facts.

‘‘(e) Sixteen and Seventeen Year Olds Charged With Other Serious Violent Felonies.—

‘‘(1) In general.—Except as provided by subsection (d), a juvenile may be prosecuted as an adult if the juvenile is alleged to have committed an act on or after the day the juvenile attains the age of 16 which is committed by an adult would be a serious violent felony as described in paragraphs (2) and (3) of section 3559(a).

‘‘(2) Other offenses.—In a prosecution under this subsection the juvenile may be prosecuted and convicted as an adult for any other offense which is properly joined under the Federal Rules of Criminal Procedure, and may also be convicted as an adult of a lesser included offense.

‘‘(3) Reviewability.—Except as otherwise provided by this subsection, a determination to approve or not to approve, or to institute or not to institute, a prosecution under this subsection shall not be reviewable in any court.

‘‘(4) Prosecution.—(A) In any prosecution of a juvenile under this subsection, upon motion of the defendant, the court in which the criminal charges have been filed shall after a hearing determine whether to issue an order that the defendant should be transferred to juvenile status.

‘‘(B) A motion by a defendant under this paragraph shall not be considered unless filed no later than 30 days after the date on which the defendant initially appears through counsel or expressly waives the right to counsel and elects to proceed pro se.

‘‘(C) The court shall not order the transfer of a defendant to juvenile status under this paragraph unless the defendant establishes by clear and convincing evidence that removal to juvenile status would be in the interest of justice. In making a determination under this paragraph, the court shall consider the factors specified in subsection (b)(2) of this section.

‘‘(5) Order.—An order of the court made in ruling on a motion by a defendant to transfer a defendant to juvenile status under this subsection shall be a final order for the purpose of enabling an appeal. Upon receipt of a notice of appeal of an order under this paragraph, a court of appeals shall hear and determine the appeal on an expedited basis. The court of appeals shall give due regard to the opportunity of the district court to judge the credibility of the witnesses, and shall accept the findings of fact of the district court unless they are clearly erroneous, and the court of appeals shall review de novo the district court's application of the law to the facts.

‘‘(f) Proceedings.—

‘‘(1) Subsequent proceeding barred.—Once a juvenile has entered a plea of guilty or the proceeding has reached the stage that evidence has begun to be taken with respect to a crime or an alleged act of juvenile delinquency subsequent criminal prosecution or juvenile proceedings based upon such alleged act of delinquency shall be barred.

‘‘(2) Statements.—Statements made by a juvenile prior to or during a transfer hearing under this section shall not be admissible at subsequent criminal prosecutions except for impeachment purposes or in a prosecution for perjury or making a false statement.

‘‘(3) Further proceedings.—Whenever a juvenile transferred to district court under subsection (b) or (c) is not convicted of the crime upon which the transfer was based or another crime which would have warranted transfer had the juvenile been initially charged with that crime, further proceedings concerning the juvenile shall be conducted pursuant to the provisions of this chapter.

‘‘(4) Receipt of records.—A juvenile shall not be transferred to adult prosecution under subsection (b) nor shall a hearing be held under section 5037 (disposition after a finding of juvenile delinquency) until any prior juvenile court records of such juvenile have been received by the court, or the clerk of the juvenile court has certified in writing that the juvenile has no prior record, or that the juvenile's record is unavailable and why it is unavailable.

‘‘(5) Specific acts described.—Whenever a juvenile is adjudged delinquent pursuant to the provisions of this chapter, the specific acts which the juvenile has been found to have committed shall be described as part of the official record of the proceedings and part of the juvenile's official record.

‘‘(g) State.—For purposes of this section, the term ‘State’ includes a State of the

United States, the District of Columbia, and any commonwealth, territory, or possession of the United States.".

(b) CONFORMING AMENDMENT.—The analysis for chapter 403 of title 18, United States Code, is amended by striking the item relating to section 5032 and inserting the following:

"5032. Delinquency proceedings in district courts; juveniles tried as adults; transfer for criminal prosecution.".

SEC. 302. NOTIFICATION AFTER ARREST.

Section 5033 of title 18, United States Code, is amended in the first sentence, by striking "immediately notify the Attorney General and" and inserting "immediately, or as soon as practicable thereafter, notify the Attorney General and shall promptly take reasonable steps to notify".

SEC. 303. RELEASE AND DETENTION PRIOR TO DISPOSITION.

(a) DUTIES OF MAGISTRATE JUDGE.—Section 5034 of title 18, United States Code, is amended—

(1) in the first undesignated paragraph, by striking "The magistrate judge shall insure" and inserting the following:

"(a) IN GENERAL.—

"(1) REPRESENTATION BY COUNSEL.—The magistrate judge shall ensure";

(2) in the second undesignated paragraph, by striking "The magistrate judge may appoint" and inserting the following:

"(2) GUARDIAN AD LITEM.—The magistrate judge may appoint";

(3) in the third undesignated paragraph, by striking "If the juvenile" and inserting the following:

"(b) RELEASE PRIOR TO DISPOSITION.—Except as provided in subsection (c), if the juvenile"; and

(4) by adding at the end the following:

"(c) RELEASE OF CERTAIN JUVENILES.—

"(1) IN GENERAL.—A juvenile, who is to be tried as an adult under section 5032, shall be released pending trial in accordance with the applicable provisions of chapter 207.

"(2) CONDITIONS.—A release under paragraph (1) shall be conducted in the same manner, and shall be subject to the same terms, conditions, and sanctions for violation of a release condition, as provided for an adult under chapter 207.

"(d) PENALTY FOR AN OFFENSE COMMITTED WHILE ON RELEASE.—

"(1) IN GENERAL.—A juvenile alleged to have committed, while on release under this section, an offense that, if committed by an adult, would be a Federal criminal offense, shall be subject to prosecution under section 5032.

"(2) APPLICABILITY OF CERTAIN PENALTIES.—Section 3147 shall apply to a juvenile who is to be tried as an adult under section 5032 for an offense committed while on release under this section.".

(b) DETENTION PRIOR TO DISPOSITION.—Section 5035 of title 18, United States Code, is amended—

(1) by striking "A juvenile" and inserting the following:

"(a) IN GENERAL.—Except as provided in subsection (b), a juvenile"; and

(2) by adding at the end the following:

"(b) DETENTION OF CERTAIN JUVENILES.—A juvenile who is to be tried as an adult under section 5032 shall be subject to detention in accordance with chapter 207.".

SEC. 304. SPEEDY TRIAL.

Section 5036 of title 18, United States Code, is amended to read as follows:

"§ 5036. Speedy trial

"(a) IN GENERAL.—If an alleged delinquent, who is to be proceeded against as a juvenile pursuant to section 5032 and who is in detention pending trial, is not brought to trial within 70 days from the date upon which such detention began, the information shall be dismissed on motion of the alleged delinquent or at the direction of the court.

"(b) PERIODS OF EXCLUSION.—The periods of exclusion under section 3161(h) shall apply to this section.

"(c) JUDICIAL CONSIDERATIONS.—In determining whether an information should be dismissed with or without prejudice, the court shall consider—

"(1) the seriousness of the alleged act of juvenile delinquency;

"(2) the facts and circumstances of the case that led to the dismissal; and

"(3) the impact of a reprosecution on the administration of justice.".

SEC. 305. FEDERAL SENTENCING GUIDELINES.

(a) APPLICATION OF GUIDELINES TO CERTAIN JUVENILE DEFENDANTS.—Section 994(h) of title 28, United States Code, is amended by inserting ", or in which the defendant is a juvenile who is tried as an adult," after "old or older".

(b) GUIDELINES FOR JUVENILE CASES.—Section 994 of title 28, United States Code, is amended by adding at the end the following:

"(z) GUIDELINES FOR JUVENILE CASES.—Not later than May 1, 2006, the Commission, pursuant to its rules and regulations and consistent with all pertinent provisions of any Federal statute, shall promulgate and distribute, to all courts of the United States and to the United States Probation System, guidelines, as described in this section, for use by a sentencing court in determining the sentence to be imposed in a criminal case if the defendant committed the offense as a juvenile, and is tried as an adult pursuant to section 5032 of title 18.".

Mr. HATCH. Mr. President, I rise today to introduce with my colleagues, Senators FEINSTEIN, GRASSLEY, KYL, and CORNYN, a comprehensive bipartisan bill to increase gang prosecution and prevention efforts. The bill I introduce today is identical to S. 1735 that was favorably reported by the Senate Judiciary Committee in the 108th Congress.

This legislation, "The Gang Prevention and Effective Deterrence Act of 2005," authorizes approximately $650 million over the next five years to support law enforcement and efforts to prevent youngsters from joining gangs. Of that, $450 million would be used to support Federal, State and local law enforcement efforts against violent gangs, and $200 million would be used for intervention and prevention programs for at-risk youth. The bill increases funding for the Federal prosecutors and Federal Bureau of Investigation (FBI) agents needed to conduct coordinated enforcement efforts against violent gangs.

This bill also creates new criminal gang prosecution offenses, enhances existing gang and violent crime penalties to deter and punish illegal street gangs, enacts violent crime reforms needed to prosecute effectively gang members, and implements a limited reform of the juvenile justice system to facilitate Federal prosecution of 16- and 17-year-old gang members who commit serious violent felonies.

The problem of gang violence in America is not a new one, nor is it a problem that is limited to major urban areas. Once thought to be only a problem in our Nation's largest cities, gangs have invaded smaller communities. Gangs in Salt Lake County result in significant measure from the influence of gangs existing in Los Angeles and Chicago, but with local mutations.

Constituents frequently mention to me their extreme concern about gang violence in Utah. According to the Salt Lake Area Gang Project, a multi-jurisdictional task force created in 1989 to fight gang crime in the Salt Lake area, there are at least 250 identified gangs in Utah with over 3,500 members. In Utah, there are street gangs that are ethnically oriented, such as Hispanic gangs, as well as those affiliated with gangs from other cities, such as the Crips and Bloods, Folks and People, motorcycle gangs, Straight Edge gangs, Animal Liberation Front, Skinheads, Varrio Loco Town, Oquirrh Shadow Boys, Salt Lake Posse, and the list goes on. Some of these gangs are racist; some are extremist.

And what I find particularly troubling is that over one-third of the total gang membership is made up of juveniles. Thus, these crimes have a particular impact on youths.

Gangs now resemble organized crime syndicates which readily engage in gun violence, illegal gun trafficking, illegal drug trafficking and other serious crimes. All too often we read in the headlines about gruesome and tragic stories of rival gang members gunned down, innocent bystanders—adults, teenagers and children—caught in the cross fire of gangland shootings, and family members crying out in grief as they lose loved ones to the gang wars plaguing our communities.

Recent studies confirm that gang violence is an increasing problem in all of our communities. Based on the latest available National Youth Gang Survey, it is now estimated that there are more than 25,000 gangs, and over 750,000 gang members who are active in more than 3,000 jurisdictions across the United States. The most current reports indicate that in 2002 alone, after five years of decline, gang membership has spiked nationwide.

I have been—and remain—committed to supporting Federal, State and local task forces as a model for effective gang enforcement strategies. Working together, these task forces have demonstrated that they can make a difference in the community. In Salt Lake City, the Metro Gang Multi-Jurisdiction Task Force stands out as a critical player in fighting gang violence in Salt Lake City. We need to reassure outstanding organizations like this that there will be adequate resources available to expand and fund these critical task force operations to fight gang violence.

In my study of this problem, it has become clear that the government needs to work with communities to meet this problem head-on and defeat it. If we really want to reduce gang violence, we must ensure that law enforcement has adequate resources and legal tools, and that our communities have the ability to implement proven intervention and prevention strategies, so that gang members who are removed from the community are not simply replaced by the next generation of new gang members.

In closing, I want to commend my colleagues—Senators FEINSTEIN, GRASSLEY, KYL and CORNYN. They have worked very closely with me as we considered these issues last Congress and I look forward to working with them and others as we proceed this year. I urge my colleagues to join with us in promptly passing this important legislation.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 156. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I am proud to introduce the "Ojito Wilderness Act". This bill was passed in various forms by both the Senate and the House of Representatives in the 108th Congress. I am pleased that the senior Senator from New Mexico, Mr. DOMENICI, is cosponsoring this bill.

The support for this proposal truly is impressive. It has been formally endorsed by the Governor of New Mexico; the local Sandoval County Commission and the neighboring Bernalillo County Commission; the Albuquerque City Council; New Mexico House of Representatives Energy and Natural Resources Committee Chairman James Roger Madalena; the Governors of the Pueblos of Zia, Santa Ana, Santo Domingo, Cochiti, Tesuque, San Ildefonso, Pojoaque, Nambe, Santa Clara, San Juan, Sandia, Laguna, Acoma, Isleta, Picuris, and Taos; the National Congress of American Indians; the Hopi Tribe; The Wilderness Society; the New Mexico Wilderness Alliance; the Coalition for New Mexico Wilderness, on behalf of more than 375 businesses and organizations; the Rio Grande Chapter of the Sierra Club; the National Parks Conservation Association; the Albuquerque Convention and Visitors Bureau; 1000 Friends of New Mexico; and numerous individuals.

The Ojito provides a unique wilderness area that is important not only to its local stewards, but also to the nearby residents of Albuquerque and Santa Fe, as well as visitors from across the country. It is an outdoor geology laboratory, offering a spectacular and unique opportunity to view from a single location the juxtaposition of the southwestern margin of the Rocky Mountains, the Colorado Plateau, and the Rio Grande Rift, along with the volcanic necks of the Rio Puerco Fault. Its rugged terrain offers a rewarding challenge to hikers, backpackers, and photographers. It shelters ancient Puebloan ruins and an endemic endangered plant, solitude and inspiration. Designating Ojito as a wilderness area ensures that the beauty of this special place will be protected and enjoyed for years to come.

I have made a number of changes to this bill in order clarify a number of issues and to facilitate its enactment, and I hope that it will be enacted quickly.

I ask unanimous consent that the text of the bill I have introduced today be printed in RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ojito Wilderness Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) MAP.—The term "map" means the map entitled "Ojito Wilderness Act" and dated October 1, 2004.

(2) PUEBLO.—The term "Pueblo" means the Pueblo of Zia.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of New Mexico.

SEC. 3. DESIGNATION OF THE OJITO WILDERNESS.

(a) IN GENERAL.—In furtherance of the purposes of the Wilderness Act (16 U.S.C. 1131 et seq.), there is hereby designated as wilderness, and, therefore, as a component of the National Wilderness Preservation System, certain land in the Albuquerque District-Bureau of Land Management, New Mexico, which comprise approximately 11,183 acres, as generally depicted on the map, and which shall be known as the "Ojito Wilderness".

(b) MAP AND LEGAL DESCRIPTION.—The map and a legal description of the wilderness area designated by this Act shall—

(1) be filed by the Secretary with the Committee on Energy and Natural Resources of the Senate and the Committee on Resources of the House of Representatives as soon as practicable after the date of enactment of this Act;

(2) have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in the legal description and map; and

(3) be on file and available for public inspection in the appropriate offices of the Bureau of Land Management.

(c) MANAGEMENT OF WILDERNESS.—Subject to valid existing rights, the wilderness area designated by this Act shall be managed by the Secretary in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to the wilderness area designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(d) MANAGEMENT OF NEWLY ACQUIRED LAND.—If acquired by the United States, the following land shall become part of the wilderness area designated by this Act and shall be managed in accordance with this Act and other applicable law:

(1) Section 12 of township 15 north, range 01 west, New Mexico Principal Meridian.

(2) Any land within the boundaries of the wilderness area designated by this Act.

(e) MANAGEMENT OF LANDS TO BE ADDED.—The lands generally depicted on the map as "Lands to be Added" shall become part of the wilderness area designated by this Act if the United States acquires, or alternative adequate access is available to, section 12 of township 15 north, range 01 west.

(f) RELEASE.—The Congress hereby finds and directs that the lands generally depicted on the map as "Lands to be Released" have been adequately studied for wilderness designation pursuant to section 603 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1782) and no longer are subject to the requirement of section 603(c) of such Act (43 U.S.C. 1782(c)) pertaining to the management of wilderness study areas in a manner that does not impair the suitability of such areas for preservation as wilderness.

(g) GRAZING.—Grazing of livestock in the wilderness area designated by this Act, where established before the date of enactment of this Act, shall be administered in accordance with the provisions of section 4(d)(4) of the Wilderness Act (16 U.S.C. 1133(d)(4)) and the guidelines set forth in Appendix A of the Report of the Committee on Interior and Insular Affairs to accompany H.R. 2570 of the One Hundred First Congress (H. Rept. 101-405).

(h) FISH AND WILDLIFE.—As provided in section 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)), nothing in this section shall be construed as affecting the jurisdiction or responsibilities of the State with respect to fish and wildlife in the State.

(i) WATER RIGHTS.—

(1) FINDINGS.—Congress finds that—

(A) the land designated as wilderness by this Act is arid in nature and is generally not suitable for use or development of new water resource facilities; and

(B) because of the unique nature and hydrology of the desert land designated as wilderness by this Act, it is possible to provide for proper management and protection of the wilderness and other values of lands in ways different from those used in other legislation.

(2) STATUTORY CONSTRUCTION.—Nothing in this Act—

(A) shall constitute or be construed to constitute either an express or implied reservation by the United States of any water or water rights with respect to the land designated as wilderness by this Act;

(B) shall affect any water rights in the State existing on the date of enactment of this Act, including any water rights held by the United States;

(C) shall be construed as establishing a precedent with regard to any future wilderness designations;

(D) shall affect the interpretation of, or any designation made pursuant to, any other Act; or

(E) shall be construed as limiting, altering, modifying, or amending any of the interstate compacts or equitable apportionment decrees that apportion water among and between the State and other States.

(3) STATE WATER LAW.—The Secretary shall follow the procedural and substantive requirements of the law of the State in order

to obtain and hold any water rights not in existence on the date of enactment of this Act with respect to the wilderness area designated by this Act.

(4) NEW PROJECTS.—

(A) WATER RESOURCE FACILITY.—As used in this subsection, the term "water resource facility"—

(i) means irrigation and pumping facilities, reservoirs, water conservation works, aqueducts, canals, ditches, pipelines, wells, hydropower projects, and transmission and other ancillary facilities, and other water diversion, storage, and carriage structures; and

(ii) does not include wildlife guzzlers.

(B) RESTRICTION ON NEW WATER RESOURCE FACILITIES.—Except as otherwise provided in this Act, on and after the date of enactment of this Act, neither the President nor any other officer, employee, or agent of the United States shall fund, assist, authorize, or issue a license or permit for the development of any new water resource facility within the wilderness area designated by this Act.

(j) WITHDRAWAL.—Subject to valid existing rights, the wilderness area designated by this Act, the lands to be added under subsection (e), and lands identified on the map as the "BLM Lands Authorized to be Acquired by the Pueblo of Zia" are withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patent under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(k) EXCHANGE.—Not later than 3 years after the date of enactment of this Act, the Secretary shall seek to complete an exchange for State land within the boundaries of the wilderness area designated by this Act.

SEC. 4. LAND HELD IN TRUST.

(a) IN GENERAL.—Subject to valid existing rights and the conditions under subsection (d), all right, title, and interest of the United States in and to the lands (including improvements, appurtenances, and mineral rights to the lands) generally depicted on the map as "BLM Lands Authorized to be Acquired by the Pueblo of Zia" shall, on receipt of consideration under subsection (c) and adoption and approval of regulations under subsection (d), be declared by the Secretary to be held in trust by the United States for the Pueblo and shall be part of the Pueblo's Reservation.

(b) DESCRIPTION OF LANDS.—The boundary of the lands authorized by this section for acquisition by the Pueblo where generally depicted on the map as immediately adjacent to CR906, CR923, and Cucho Arroyo Road shall be 100 feet from the center line of the road.

(c) CONSIDERATION.—

(1) IN GENERAL.—In consideration for the conveyance authorized under subsection (a), the Pueblo shall pay to the Secretary the amount that is equal to the fair market value of the land conveyed, as subject to the terms and conditions in subsection (d), as determined by an independent appraisal.

(2) APPRAISAL.—To determine the fair market value, the Secretary shall conduct an appraisal paid for by the Pueblo that is performed in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(3) AVAILABILITY.—Any amounts paid under paragraph (1) shall be available to the Secretary, without further appropriation and until expended, for the acquisition from willing sellers of land or interests in land in the State.

(d) PUBLIC ACCESS.—

(1) IN GENERAL.—Subject to paragraph (2), the declaration of trust and conveyance under subsection (a) shall be subject to the continuing right of the public to access the land for recreational, scenic, scientific, educational, paleontological, and conservation uses, subject to any regulations for land management and the preservation, protection, and enjoyment of the natural characteristics of the land that are adopted by the Pueblo and approved by the Secretary; *Provided* that the Secretary shall ensure that the rights provided for in this paragraph are protected and that a process for resolving any complaints by an aggrieved party is established.

(2) CONDITIONS.—Except as provided in subsection (f)—

(A) the land conveyed under subsection (a) shall be maintained as open space and the natural characteristics of the land shall be preserved in perpetuity; and

(B) the use of motorized vehicles (except on existing roads or as is necessary for the maintenance and repair of facilities used in connection with grazing operations), mineral extraction, housing, gaming, and other commercial enterprises shall be prohibited within the boundaries of the land conveyed under subsection (a).

(e) RIGHTS OF WAY.—

(1) EXISTING RIGHTS OF WAY.—Nothing in this section shall affect—

(A) any validly issued right-of-way or the renewal thereof; or

(B) the access for customary construction, operation, maintenance, repair, and replacement activities in any right-of-way issued, granted, or permitted by the Secretary.

(2) NEW RIGHTS OF WAY AND RENEWALS.—

(A) IN GENERAL.—The Pueblo shall grant any reasonable request for rights-of-way for utilities and pipelines over the land acquired under subsection (a) that is designated as the "Rights-of-Way corridor #1" in the Rio Puerco Resource Management Plan that is in effect on the date of the grant.

(B) ADMINISTRATION.—Any right-of-way issued or renewed after the date of enactment of this Act located on land authorized to be acquired under this section shall be administered in accordance with the rules, regulations, and fee payment schedules of the Department of the Interior, including the Rio Puerco Resources Management Plan that is in effect on the date of issuance or renewal of the right-of-way.

(f) JUDICIAL RELIEF.—

(1) IN GENERAL.—To enforce subsection (d), any person may bring a civil action in the United States District Court for the District of New Mexico seeking declaratory or injunctive relief.

(2) SOVEREIGN IMMUNITY.—The Pueblo shall not assert sovereign immunity as a defense or bar to a civil action brought under paragraph (1).

(3) EFFECT.—Nothing in this section—

(A) authorizes a civil action against the Pueblo for money damages, costs, or attorneys fees; or

(B) except as provided in paragraph (2), abrogates the sovereign immunity of the Pueblo.

By Mr. KOHL:

S. 157. A bill to amend the Internal Revenue Code of 1986 to permit interest on Federally guaranteed water, wastewater, and essential community facilities loans to be tax exempt; to the Committee on Finance.

Mr. KOHL. Mr. President, I'm introducing a bill today that is aimed at helping rural communities build or improve essential community facilities such as shelters, nursing homes, hospitals, medical clinics, and fire and rescue-type projects. My bill would make it possible for project sponsors to accept certain USDA loan guarantees without risking the tax exempt status that enables them to finance these initiatives.

Clarification of existing tax rules, as proposed in this bill, will provide certainty for project sponsors, help lower project costs for rural communities, and help deal with a backlog of loan applications for small communities.

The needs are great in many rural communities. This measure will help communities help themselves and I look forward to working with the Senate Finance Committee on this important topic.

I ask unanimous consent that the text of the measure be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 157

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TAX-EXEMPT INTEREST ON FEDERALLY GUARANTEED WATER, WASTEWATER, AND FEDERALLY GUARANTEED ESSENTIAL COMMUNITY FACILITIES LOANS.

(a) IN GENERAL.—Section 149(b)(3)(A) of the Internal Revenue Code 1986 (relating to certain insurance programs) is amended by striking "or" at the end of clause (ii), by striking period at the end of clause (iii) and inserting ", or", and by adding at the end the following new clause:

"(iv) any guarantee by the Secretary of Agriculture pursuant to section 306(a)(1) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926(a)(1)) to finance water, wastewater, and essential community facilities.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

By Mr. LIEBERMAN (for himself, Mrs. CLINTON, Mr. DODD, and Mr. SCHUMER):

S. 158. A bill to establish the Long Island Sound Stewardship Initiative; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, I rise today to re-introduce legislation that would establish a new system to preserve the environmental quality of Long Island Sound by identifying, protecting, and enhancing sites within the Long Island Sound ecosystem that have significant ecological, educational, open space, public access, or recreational value.

With this legislation, we hope to preserve the natural beauty and ecological wonder of the majestic waterway between New York and Connecticut, which my New York and Connecticut colleagues and I have worked hard together to improve. We have come a long way in restoring the Sound and its rich biodiversity over the past several decades, but our progress may be in jeopardy if we do not take measures now to protect remaining sites of biological diversity. Despite our best efforts, we are continuing to lose unprotected open sites along the shore. That is why this Act is so important.

One of the important features of the Stewardship Act I am introducing is that it will use new approaches to address an old problem, the proper conservation of our resources. The legislation includes novel conservation techniques that are designed to accomplish their goals at the least cost. First, it involves purchasing property or property rights or entering into binding legal agreements with property owners, but does so through a process that is voluntary and that explicitly respects the interests and rights of private property owners. It also uses established scientific methods for identifying potential coastal sites. Finally, it incorporates a flexible management system that institutionalizes learning and ensures efficiency in the identification and acquisition of conservation and recreation sites.

The value of this legislation, which passed the Senate by unanimous consent during the last Congress, is clear. I look forward to working with my cosponsors from Connecticut and New York, Senators DODD, CLINTON, and SCHUMER, and a bipartisan group of our Connecticut and New York House colleagues to enact this legislation and ensure that we can take necessary common-sense steps to protect and preserve Long Island Sound for generations to come.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 158

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Long Island Sound Stewardship Act of 2005".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) Long Island Sound is a national treasure of great cultural, environmental, and ecological importance;

(2) 8,000,000 people live within the Long Island Sound watershed and 28,000,000 people (approximately 10 percent of the population of the United States) live within 50 miles of Long Island Sound;

(3) activities that depend on the environmental health of Long Island Sound contribute more than $5,000,000,000 each year to the regional economy;

(4) the portion of the shoreline of Long Island Sound that is accessible to the general public (estimated at less than 20 percent of the total shoreline) is not adequate to serve the needs of the people living in the area;

(5) existing shoreline facilities are in many cases overburdened and underfunded;

(6) large parcels of open space already in public ownership are strained by the effort to balance the demand for recreation with the needs of sensitive natural resources;

(7) approximately ⅓ of the tidal marshes of Long Island Sound have been filled, and much of the remaining marshes have been ditched, dyked, or impounded, reducing the ecological value of the marshes; and

(8) much of the remaining exemplary natural landscape is vulnerable to further development.

(b) PURPOSE.—The purpose of this Act is to establish the Long Island Sound Stewardship Initiative to identify, protect, and enhance sites within the Long Island Sound ecosystem with significant ecological, educational, open space, public access, or recreational value through a bi-State network of sites best exemplifying these values.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADAPTIVE MANAGEMENT.—The term "adaptive management" means a scientific process—

(A) for—

(i) developing predictive models;

(ii) making management policy decisions based upon the model outputs;

(iii) revising the management policies as data become available with which to evaluate the policies; and

(iv) acknowledging uncertainty, complexity, and variance in the spatial and temporal aspects of natural systems; and

(B) that requires that management be viewed as experimental.

(2) ADMINISTRATOR.—The term "Administrator" means the Administrator of the Environmental Protection Agency.

(3) COMMITTEE.—The term "Committee" means the Long Island Sound Stewardship Advisory Committee established by section 5(a).

(4) REGION.—The term "Region" means the Long Island Sound Stewardship Initiative Region established by section 4(a).

(5) STATES.—The term "States" means the States of Connecticut and New York.

(6) STEWARDSHIP SITE.—The term "stewardship site" means a site that—

(A) qualifies for identification by the Committee under section 8; and

(B) is an area of land or water or a combination of land and water—

(i) that is in the Region; and

(ii) that is—

(I) Federal, State, local, or tribal land or water;

(II) land or water owned by a nonprofit organization; or

(III) privately owned land or water.

(7) SYSTEMATIC SITE SELECTION.—The term "systematic site selection" means a process of selecting stewardship sites that—

(A) has explicit goals, methods, and criteria;

(B) produces feasible, repeatable, and defensible results;

(C) provides for consideration of natural, physical, and biological patterns,

(D) addresses reserve size, replication, connectivity, species viability, location, and public recreation values;

(E) uses geographic information systems technology and algorithms to integrate selection criteria; and

(F) will result in achieving the goals of stewardship site selection at the lowest cost.

(8) THREAT.—The term "threat" means a threat that is likely to destroy or seriously degrade a conservation target or a recreation area.

SEC. 4. LONG ISLAND SOUND STEWARDSHIP INITIATIVE REGION.

(a) ESTABLISHMENT.—There is established in the States the Long Island Sound Stewardship Initiative Region.

(b) BOUNDARIES.—The Region shall encompass the immediate coastal upland and underwater areas along Long Island Sound, including—

(1) those portions of the Sound with coastally influenced vegetation, as described on the map entitled the "Long Island Sound Stewardship Region" and dated April 21, 2004; and

(2) the Peconic Estuary, as described on the map entitled "Peconic Estuary Program Study Area Boundaries", included in the Comprehensive Conservation and Management Plan for the Peconic Estuary Program and dated November 15, 2001.

SEC. 5. LONG ISLAND SOUND STEWARDSHIP ADVISORY COMMITTEE.

(a) ESTABLISHMENT.—There is established a committee to be known as the "Long Island Sound Stewardship Advisory Committee".

(b) CHAIRPERSON.—The Chairperson of the Committee shall be the Director of the Long Island Sound Office of the Environmental Protection Agency, or a designee of the Director.

(c) MEMBERSHIP.—

(1) COMPOSITION.—

(A) APPOINTMENT OF MEMBERS.—

(i) IN GENERAL.—The Chairperson shall appoint the members of the Committee in accordance with this subsection and section 320(c) of the Federal Water Pollution Control Act (33 U.S.C. 1330(c)).

(ii) ADDITIONAL MEMBERS.—In addition to the requirements described in clause (i), the Committee shall include—

(I) a representative from the Regional Plan Association;

(II) a representative of the marine trade organizations; and

(III) a representative of private landowner interests.

(B) REPRESENTATION.—In appointing members to the Committee, the Chairperson shall consider—

(i) Federal, State, and local government interests;

(ii) the interests of nongovernmental organizations;

(iii) academic interests; and

(iv) private interests.

(2) DATE OF APPOINTMENTS.—Not later than 180 days after the date of enactment of this Act, the appointment of all members of the Committee shall be made.

(d) TERM; VACANCIES.—

(1) TERM.—

(A) IN GENERAL.—A member shall be appointed for a term of 4 years.

(B) MULTIPLE TERMS.—A person may be appointed as a member of the Committee for more than 1 term.

(2) VACANCIES.—A vacancy on the Committee shall—

(A) be filled not later than 90 days after the vacancy occurs;

(B) not affect the powers of the Committee; and

(C) be filled in the same manner as the original appointment was made.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Committee may appoint and terminate personnel as necessary to enable the Committee to perform the duties of the Committee.

(B) PERSONNEL AS FEDERAL EMPLOYEES.—

(i) IN GENERAL.—Any personnel of the Committee who are employees of the Committee shall be employees under section 2105 of title 5, United States Code, for purposes of chapters 63, 81, 83, 84, 85, 87, 89, and 90 of that title.

(ii) MEMBERS OF COMMITTEE.—Clause (i) does not apply to members of the Committee.

(e) INITIAL MEETING.—Not later than 30 days after the date on which all members of the Committee have been appointed, the Committee shall hold the initial meeting of the Committee.

(f) MEETINGS.—The Committee shall meet at the call of the Chairperson, but no fewer than 4 times each year.

(g) QUORUM.—A majority of the members of the Committee shall constitute a quorum, but a lesser number of members may hold hearings.

SEC. 6. DUTIES OF THE COMMITTEE.

The Committee shall—

(1) consistent with the guidelines described in section 8—

(A) evaluate applications from government or nonprofit organizations qualified to hold conservation easements for funds to purchase land or development rights for stewardship sites;

(B) evaluate applications to develop and implement management plans to address threats;

(C) evaluate applications to act on opportunities to protect and enhance stewardship sites; and

(D) recommend that the Administrator award grants to qualified applicants;

(2) recommend guidelines, criteria, schedules, and due dates for evaluating information to identify stewardship sites;

(3) publish a list of sites that further the purposes of this Act, provided that owners of sites shall be—

(A) notified prior to the publication of the list; and

(B) allowed to decline inclusion on the list;

(4) raise awareness of the values of and threats to these sites; and

(5) leverage additional resources for improved stewardship of the Region.

SEC. 7. POWERS OF THE COMMITTEE.

(a) HEARINGS.—The Committee may hold such hearings, meet and act at such times and places, take such testimony, and receive such evidence as the Committee considers advisable to carry out this Act.

(b) INFORMATION FROM FEDERAL AGENCIES.—

(1) IN GENERAL.—The Committee may secure directly from a Federal agency such information as the Committee considers necessary to carry out this Act.

(2) PROVISION OF INFORMATION.—

(A) IN GENERAL.—Subject to subparagraph (C), on request of the Chairperson of the Committee, the head of a Federal agency shall provide the information requested by the Chairperson to the Committee.

(B) ADMINISTRATION.—The furnishing of information by a Federal agency to the Committee shall not be considered a waiver of any exemption available to the agency under section 552 of title 5, United States Code.

(C) INFORMATION TO BE KEPT CONFIDENTIAL.—

(i) IN GENERAL.—For purposes of section 1905 of title 18, United States Code—

(I) the Committee shall be considered an agency of the Federal Government; and

(II) any individual employed by an individual, entity, or organization that is a party to a contract with the Committee under this Act shall be considered an employee of the Committee.

(ii) PROHIBITION ON DISCLOSURE.—Information obtained by the Committee, other than information that is available to the public, shall not be disclosed to any person in any manner except to an employee of the Committee as described in clause (i) for the purpose of receiving, reviewing, or processing the information.

(c) POSTAL SERVICES.—The Committee may use the United States mails in the same manner and under the same conditions as other agencies of the Federal Government.

(d) DONATIONS.—The Committee may accept, use, and dispose of donations of services or property that advance the goals of the Long Island Sound Stewardship Initiative.

SEC. 8. STEWARDSHIP SITES.

(a) INITIAL SITES.—

(1) IDENTIFICATION.—

(A) IN GENERAL.—The Committee shall identify 20 initial Long Island Sound stewardship sites that the Committee has determined—

(i)(I) are natural resource-based recreation areas; or

(II) are exemplary natural areas with ecological value; and

(ii) best promote the purposes of this Act.

(B) EXEMPTION.—Sites described in subparagraph (A) are not subject to the site identification process described in subsection (d).

(2) EQUITABLE DISTRIBUTION OF FUNDS FOR INITIAL SITES.—In identifying initial sites under paragraph (1), the Committee shall exert due diligence to recommend an equitable distribution of funds between the States for the initial sites.

(b) APPLICATION FOR IDENTIFICATION AS A STEWARDSHIP SITE.—Subsequent to the identification of the initial stewardship sites under subsection (a), owners of sites may submit applications to the Committee in accordance with subsection (c) to have the sites identified as stewardship sites.

(c) IDENTIFICATION.—The Committee shall review applications submitted by owners of potential stewardship sites to determine whether the sites should be identified as exhibiting values consistent with the purposes of this Act.

(d) SITE IDENTIFICATION PROCESS.—

(1) NATURAL RESOURCE-BASED RECREATION AREAS.—The Committee shall identify additional recreation areas with potential as stewardship sites using a selection technique that includes—

(A) public access;

(B) community support;

(C) areas with high population density;

(D) environmental justice (as defined in section 385.3 of title 33, Code of Federal Regulations (or successor regulations));

(E) connectivity to existing protected areas and open spaces;

(F) cultural, historic, and scenic areas; and

(G) other criteria developed by the Committee.

(2) NATURAL AREAS WITH ECOLOGICAL VALUE.—The Committee shall identify additional natural areas with ecological value and potential as stewardship sites—

(A) based on measurable conservation targets for the Region; and

(B) following a process for prioritizing new sites using systematic site selection, which shall include—

(i) ecological uniqueness;

(ii) species viability;

(iii) habitat heterogeneity;

(iv) size;

(v) quality;

(vi) connectivity to existing protected areas and open spaces;

(vii) land cover;

(viii) scientific, research, or educational value;

(ix) threats; and

(x) other criteria developed by the Committee.

(3) PUBLICATION OF LIST.—After completion of the site identification process, the Committee shall—

(A) publish in the Federal Register a list of sites that further the purposes of this Act; and

(B) prior to publication of the list, provide to owners of the sites to be published—

(i) a notification of publication; and

(ii) an opportunity to decline inclusion of the site of the owner on the list.

(4) DEVIATION FROM PROCESS.—

(A) IN GENERAL.—The Committee may identify as a potential stewardship site, a site that does not meet the criteria in paragraph (1) or (2), or reject a site selected under paragraph (1) or (2), if the Committee—

(i) selects a site that makes significant ecological or recreational contributions to the Region;

(ii) publishes the reasons that the Committee decided to deviate from the systematic site selection process; and

(iii) before identifying or rejecting the potential stewardship site, provides to the owners of the site the notification of publication, and the opportunity to decline inclusion of the site on the list published under paragraph (3)(A), described in paragraph (3)(B).

(5) PUBLIC COMMENT.—In identifying potential stewardship sites, the Committee shall consider public comments.

(e) GENERAL GUIDELINES FOR MANAGEMENT.—

(1) IN GENERAL.—The Committee shall use an adaptive management framework to identify the best policy initiatives and actions through—

(A) definition of strategic goals;

(B) definition of policy options for methods to achieve strategic goals;

(C) establishment of measures of success;

(D) identification of uncertainties;

(E) development of informative models of policy implementation;

(F) separation of the landscape into geographic units;

(G) monitoring key responses at different spatial and temporal scales; and

(H) evaluation of outcomes and incorporation into management strategies.

(2) APPLICATION OF ADAPTIVE MANAGEMENT FRAMEWORK.—The Committee shall apply the adaptive management framework to the process for updating the list of recommended stewardship sites.

SEC. 9. REPORTS.

(a) IN GENERAL.—For each of fiscal years 2006 through 2013, the Committee shall submit to the Administrator an annual report that contains—

(1) a detailed statement of the findings and conclusions of the Committee since the last report;

(2) a description of all sites recommended by the Committee to be approved as stewardship sites;

(3) the recommendations of the Committee for such legislation and administrative actions as the Committee considers appropriate; and

(4) in accordance with subsection (b), the recommendations of the Committee for the awarding of grants.

(b) GENERAL GUIDELINES FOR RECOMMENDATIONS.—

(1) IN GENERAL.—The Committee shall recommend that the Administrator award grants to qualified applicants to help to secure and improve the open space, public access, or ecological values of stewardship sites, through—

(A) purchase of the property of the site;

(B) purchase of relevant property rights of the site; or

(C) entering into any other binding legal arrangement that ensures that the values of the site are sustained, including entering into an arrangement with a land manager or owner to develop or implement an approved management plan that is necessary for the conservation of natural resources.

(2) EQUITABLE DISTRIBUTION OF FUNDS.—The Committee shall exert due diligence to recommend an equitable distribution of funds between the States.

(c) ACTION BY THE ADMINISTRATOR:—

(1) IN GENERAL.—Not later than 90 days after receiving a report under subsection (a), the Administrator shall—

(A) review the recommendations of the Committee; and

(B) take actions consistent with the recommendations of the Committee, including the approval of identified stewardship sites and the award of grants, unless the Administrator makes a finding that any recommendation is unwarranted by the facts.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall develop and publish a report that—

(A) assesses the current resources of and threats to Long Island Sound;

(B) assesses the role of the Long Island Sound Stewardship Initiative in protecting Long Island Sound;

(C) establishes guidelines, criteria, schedules, and due dates for evaluating information to identify stewardship sites;

(D) includes information about any grants that are available for the purchase of land or property rights to protect stewardship sites;

(E) accounts for funds received and expended during the previous fiscal year;

(F) shall be made available to the public on the Internet and in hardcopy form; and

(G) shall be updated at least every other year, except that information on funding and any new stewardship sites identified shall be published more frequently.

SEC. 10. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act—

(1) requires any private property owner to allow public access (including Federal, State, or local government access) to the private property; or

(2) modifies any provision of Federal, State, or local law with regard to public access to or use of private property, except as entered into by voluntary agreement of the owner or custodian of the property.

(b) LIABILITY.—Approval of the Long Island Sound Stewardship Initiative Region does not create any liability, or have any effect on any liability under any other law, of any private property owner with respect to any person injured on the private property.

(c) RECOGNITION OF AUTHORITY TO CONTROL LAND USE.—Nothing in this Act modifies the authority of Federal, State, or local governments to regulate land use.

(d) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN THE LONG ISLAND SOUND STEWARDSHIP INITIATIVE REGION.—Nothing in this Act requires the owner of any private property located within the boundaries of the Region to participate in or be associated with the Initiative.

(e) EFFECT OF ESTABLISHMENT.—

(1) IN GENERAL.—The boundaries approved for the Region represent the area within which Federal funds appropriated for the purpose of this Act may be expended.

(2) REGULATORY AUTHORITY.—The establishment of the Region and the boundaries of the Region does not provide any regulatory authority not in existence on the date of enactment of this Act on land use in the Region by any management entity, except for such property rights as may be purchased from or donated by the owner of the property (including the Federal Government or a State or local government, if applicable).

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $25,000,000 for each of fiscal years 2006 through 2013.

(b) USE OF FUNDS.—For each fiscal year, funds made available under subsection (a) shall be used by the Administrator, after reviewing the recommendations of the Committee submitted under section 9, for—

(1) acquisition of land and interests in land;

(2) development and implementation of site management plans;

(3) site enhancements to reduce threats or promote stewardship; and

(4) administrative expenses of the Committee.

(c) FEDERAL SHARE.—The Federal share of the cost of an activity carried out using any assistance or grant under this Act shall not exceed 75 percent of the total cost of the activity.

SEC. 12. LONG ISLAND SOUND AUTHORIZATION OF APPROPRIATIONS.

Section 119(f) of the Federal Water Pollution Control Act (33 U.S.C. 1269(f)) is amended by striking "2005" each place it appears and inserting "2009".

SEC. 13. TERMINATION OF COMMITTEE.

The Committee shall terminate on December 31, 2013.

By Mr. McCAIN (for himself and Mr. KYL):

S. 161. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Energy and Natural Resources.

Mr. McCAIN. Mr. President, I am pleased to join with Senator KYL in introducing the Northern Arizona Forest Lands Exchange and Verde River Basin Partnership Act of 2005. The Senate passed by unanimous consent a nearly identical measure late last year. Unfortunately, the House did not have the time to pass the bill before the 108th Congress adjourned. It is my hope that this compromise bill will pass quickly in both Houses and become law in the near future.

This legislation is the product of many years of negotiation and compromise. It provides a sound framework for a fair and equal value exchange of 50,000 acres of private and public land in Northern Arizona. The bill also addresses water issues associated with the exchange of lands located within the Verde River Basin watershed by limiting water usage on certain exchanged lands and supporting the development of a collaborative science-based water resource planning and management entity for the Verde River Basin watershed.

After countless hours of deliberation and discussion by all parties, I believe that the compromise reached on the bill is both balanced and foresighted in addressing the various issues raised by the exchange. I want to thank Senator KYL and his staff, as well as Senators DOMENICI and BINGAMAN, and their staffs on the Senate Energy and Natural Resources Committee, for their tireless efforts in reaching this agreement at the end of the last session. I also want to recognize the work of Congressmen RENZI and HAYWORTH who have championed this legislation in the House of Representatives. Representative RENZI plans to introduce a companion bill in the House this week.

The Arizona delegation is strongly supportive of the legislation because it will offer significant benefits for all parties. Benefits will accrue to the U.S. Forest Service and the public with the consolidation of checkerboard lands and the protection and enhanced management of extensive forest and grasslands. The communities of Flagstaff, Williams, and Camp Verde will also benefit in terms of economic development opportunities, water supply, and other important purposes.

While facilitating the exchange of public and private lands is a very important objective of this legislation, and indeed, was the original purpose when we began working on it several years ago, I now consider the provisions concerning water management even more crucial. Since introducing the original legislation in April 2003, I have heard from hundreds of Arizonans and learned first-hand of the significant water issues raised by the transfer of Federal land into private ownership. We have modified the bill to take into account many of the concerns raised during meetings held in Northern Arizona by limiting water usage on exchanged lands and removing certain lands entirely from the exchange.

There is growing recognition throughout Arizona of the need to face the crucial challenge of wise management of limited water supplies, particularly with the extended drought coupled with rapid population growth. Earlier this month, I had the opportunity to participate in an Arizona Water Conservation Forum which was attended by educators, business leaders, and State and local officials. I think the majority of us came away more aware of the management measures needed to provide for a more secure water future.

This bill promotes an important opportunity to encourage sound water management in Northern Arizona by supporting the creation of a collaborative, science-based decision-making body to advance essential planning and management at the State and local level. To be successful, this effort will require the involvement of all the stakeholders with water supply responsibilities and interests and a solid foundation of knowledge about available resources and existing demands. We are fortunate to have an existing model of collaborative science-based water resource planning and management with the Upper San Pedro Partnership in the Sierra Vista subwatershed of Arizona. In my view, the establishment of a similar, cooperative body in the Verde Basin will be a vital step in assuring the wise use of our limited water resources.

I look forward to the expeditious passage of this legislation in this Congress and again thank all of the parties involved with this effort during the past several years. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 161

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—NORTHERN ARIZONA LAND EXCHANGE

Sec. 101. Definitions.
Sec. 102. Land exchange.
Sec. 103. Description of non-Federal land.
Sec. 104. Description of Federal land.
Sec. 105. Status and management of land after exchange.
Sec. 106. Miscellaneous provisions.
Sec. 107. Conveyance of additional land.

TITLE II—VERDE RIVER BASIN PARTNERSHIP

Sec. 201. Purpose.
Sec. 202. Definitions.
Sec. 203. Verde River Basin Partnership.
Sec. 204. Verde River Basin studies.
Sec. 205. Verde River Basin Partnership final report.
Sec. 206. Memorandum of understanding.
Sec. 207. Effect.

TITLE I—NORTHERN ARIZONA LAND EXCHANGE

SEC. 101. DEFINITIONS.

In this title:

(1) CAMP.—The term "camp" means Camp Pearlstein, Friendly Pines, Patterdale Pines, Pine Summit, Sky Y, and Young Life Lost Canyon camps in the State of Arizona.

(2) CITIES.—The term "cities" means the cities of Flagstaff, Williams, and Camp Verde, Arizona.

(3) FEDERAL LAND.—The term "Federal land" means the land described in section 104.

(4) NON-FEDERAL LAND.—The term "non-Federal land" means the land described in section 103.

(5) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(6) YAVAPAI RANCH.—The term "Yavapai Ranch" means the Yavapai Ranch Limited Partnership, an Arizona Limited Partnership, and the Northern Yavapai, L.L.C., an Arizona Limited Liability Company.

SEC. 102. LAND EXCHANGE.

(a) IN GENERAL.—(1) Upon the conveyance by Yavapai Ranch of title to the non-Federal land identified in section 103, the Secretary shall simultaneously convey to Yavapai Ranch title to the Federal land identified in section 104.

(2) Title to the lands to be exchanged shall be in a form acceptable to the Secretary and Yavapai Ranch.

(3) The Federal and non-Federal lands to be exchanged under this title may be modified prior to the exchange as provided in this title.

(4)(A) By mutual agreement, the Secretary and Yavapai Ranch may make minor and technical corrections to the maps and legal descriptions of the lands and interests therein exchanged or retained under this title, including changes, if necessary to conform to surveys approved by the Bureau of Land Management.

(B) In the case of any discrepancy between a map and legal description, the map shall prevail unless the Secretary and Yavapai Ranch agree otherwise.

(b) EXCHANGE PROCESS.—(1) Except as otherwise provided in this title, the land exchange under subsection (a) shall be undertaken in accordance with section 206 of the Federal Land Policy and Management Act (43 U.S.C. 1716).

(2) Before completing the land exchange under this title, the Secretary shall perform any necessary land surveys and pre-exchange inventories, clearances, reviews, and approvals, including those relating to hazardous materials, threatened and endangered species, cultural and historic resources, and wetlands and flood plains.

(c) EQUAL VALUE EXCHANGE.—(1) The value of the Federal land and the non-Federal land shall be equal, or equalized by the Secretary by adjusting the acreage of the Federal land in accordance with paragraph (2).

(2) If the final appraised value of the Federal land exceeds the final appraised value of the non-Federal land, prior to making other adjustments, the Federal lands shall be adjusted by deleting all or part of the parcels or portions of the parcels in the following order:

(A) A portion of the Camp Verde parcel described in section 104(a)(4), comprising approximately 316 acres, located in the Prescott National Forest, and more particularly described as lots 1, 5, and 6 of section 26, the NE¼NE¼ portion of section 26 and the N½N½ portion of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(B) A portion of the Camp Verde parcel described in section 104(a)(4), comprising approximately 314 acres, located in the Prescott National Forest, and more particularly described as lots 2, 7, 8, and 9 of section 26, the SE¼NE¼ portion of section 26, and the S½N½ of section 27, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(C) Beginning at the south boundary of section 31, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 33 and 35, Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, by adding to the non-Federal land to be conveyed to the United States in ⅛-section increments (E-W 64th line) while deleting from the conveyance to Yavapai Ranch Federal land in the same incremental portions of section 32, Township 20 North, Range 5 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, and sections 32, 34, and 36 in Township 20 North, Range 6 West, Gila and Salt River Base and Meridian, Yavapai County, Arizona, to establish a linear and continuous boundary that runs east-to-west across the sections.

(D) Any other parcels, or portions thereof, agreed to by the Secretary and Yavapai Ranch.

(3) If any parcel of Federal land or non-Federal land is not conveyed because of any reason, that parcel of land, or portion thereof, shall be excluded from the exchange and the remaining lands shall be adjusted as provided in this subsection.

(4) If the value of the Federal land exceeds the value of the non-Federal land by more than $50,000, the Secretary and Yavapai Ranch shall, by mutual agreement, delete additional Federal land from the exchange until the value of the Federal land and non-Federal land is, to the maximum extent practicable, equal.

(d) APPRAISALS.—(1) The value of the Federal land and non-Federal land shall be determined by appraisals prepared in accordance with the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards of Professional Appraisal Practice.

(2)(A) After the Secretary has reviewed and approved the final appraised values of the Federal land and non-Federal land to be exchanged, the Secretary shall not be required to reappraise or update the final appraised values before the completion of the land exchange.

(B) This paragraph shall apply during the three-year period following the approval by the Secretary of the final appraised values of the Federal land and non-Federal land unless the Secretary and Yavapai Ranch have entered into an agreement to implement the exchange.

(3) During the appraisal process, the appraiser shall determine the value of each parcel of Federal land and non-Federal land (including the contributory value of each individual section of the intermingled Federal and non-Federal land of the property described in sections 103(a) and 104(a)(1)) as an assembled transaction.

(4)(A) To ensure the timely and full disclosure to the public of the final appraised values of the Federal land and non-Federal land, the Secretary shall provide public notice of any appraisals approved by the Secretary and copies of such appraisals shall be available for public inspection in appropriate offices of the Prescott, Coconino, and Kaibab National Forests.

(B) The Secretary shall also provide copies of any approved appraisals to the cities and the owners of the camps described in section 101(1).

(e) CONTRACTING.—(1) If the Secretary lacks adequate staff or resources to complete the exchange by the date specified in section 106(c), Yavapai Ranch, subject to the agreement of the Secretary, may contract with independent third-party contractors to carry out any work necessary to complete the exchange by that date.

(2) If, in accordance with this subsection, Yavapai Ranch contracts with an independent third-party contractor to carry out any work that would otherwise be performed by the Secretary, the Secretary shall reimburse Yavapai Ranch for the costs for the third-party contractors.

(f) Easements.—(1) The exchange of non-Federal and Federal land under this title shall be subject to any easements, rights-of-way, utility lines, and any other valid encumbrances in existence on the date of enactment of this Act, including acquired easements for water pipelines as generally depicted on the map entitled "Yavapai Ranch Land Exchange, YRLP Acquired Easements for Water Lines" dated August 2004, and any other reservations that may be agreed to by the Secretary and Yavapai Ranch.

(2) Upon completion of the land exchange under this title, the Secretary and Yavapai Ranch shall grant each other at no charge reciprocal easements for access and utilities across, over, and through—

(A) the routes depicted on the map entitled "Yavapai Ranch Land Exchange, Road and Trail Easements, Yavapai Ranch Area" dated August 2004; and

(B) any relocated routes that are agreed to by the Secretary and Yavapai Ranch.

(3) An easement described in paragraph (2) shall be unrestricted and non-exclusive in nature and shall run with and benefit the land.

(g) Conveyance of Federal Land to Cities and Camps.—(1) Prior to the completion of the land exchange between Yavapai Ranch and the Secretary, the cities and the owners of the camps may enter into agreements with Yavapai Ranch whereby Yavapai Ranch, upon completion of the land exchange, will convey to the cities or the owners of the camps the applicable parcel of Federal land or portion thereof.

(2) If Yavapai Ranch and the cities or camp owners have not entered into agreements in accordance with paragraph (1), the Secretary shall, on notification by the cities or owners of the camps no later than 30 days after the date the relevant approved appraisal is made publicly available, delete the applicable parcel or portion thereof from the land exchange between Yavapai Ranch and the United States as follows:

(A) Upon request of the City of Flagstaff, Arizona, the parcels, or portion thereof, described in section 104(a)(2).

(B) Upon request of the City of Williams, Arizona, the parcels, or portion thereof, described in section 104(a)(3).

(C) Upon request of the City of Camp Verde, Arizona, a portion of the parcel described in section 104(a)(4), comprising approximately 514 acres located southeast of the southeastern boundary of the I-17 right-of-way, and more particularly described as the SE¼ portion of the southeast quarter of section 26, the E½ and the E½W½ portions of section 35, and lots 5 through 7 of section 36, Township 14 North, Range 4 East, Gila and Salt River Base and Meridian, Yavapai County, Arizona.

(D) Upon request of the owners of the Younglife Lost Canyon camp, the parcel described in section 104(a)(5).

(E) Upon request of the owner of Friendly Pines Camp, Patterdale Pines Camp, Camp Pearlstein, Pine Summit, or Sky Y Camp, as applicable, the corresponding parcel described in section 104(a)(6).

(3)(A) Upon request of the specific city or camp referenced in paragraph (2), the Secretary shall convey to such city or camp all right, title, and interest of the United States in and to the applicable parcel of Federal land or portion thereof, upon payment of the fair market value of the parcel and subject to any terms and conditions the Secretary may require.

(B) A conveyance under this paragraph shall not require new administrative or environmental analyses or appraisals beyond those prepared for the land exchange.

(4) A city or owner of a camp purchasing land under this subsection shall reimburse Yavapai Ranch for any costs incurred which are directly associated with surveys and appraisals of the specific property conveyed.

(5) A conveyance of land under this subsection shall not affect the timing of the land exchange.

(6) Nothing in this subsection limits the authority of the Secretary or Yavapai Ranch to delete any of the parcels referenced in this subsection from the land exchange.

(7)(A) The Secretary shall deposit the proceeds of any sale under paragraph (2) in a special account in the fund established under Public Law 90-171 (commonly known as the "Sisk Act") (16 U.S.C. 484a).

(B) Amounts deposited under subparagraph (A) shall be available to the Secretary, without further appropriation, to be used for the acquisition of land in the State of Arizona for addition to the National Forest System, including the land to be exchanged under this title.

SEC. 103. DESCRIPTION OF NON-FEDERAL LAND.

(a) In General.—The non-Federal land referred to in this title consists of approximately 35,000 acres of privately-owned land within the boundaries of the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Non-Federal Lands", dated August 2004.

(b) Easements.—(1) The conveyance of non-Federal land to the United States under section 102 shall be subject to the reservation of—

(A) water rights and perpetual easements that run with and benefit the land retained by Yavapai Ranch for—

(i) the operation, maintenance, repair, improvement, development, and replacement of not more than 3 wells in existence on the date of enactment of this Act;

(ii) related storage tanks, valves, pumps, and hardware; and

(iii) pipelines to point of use; and

(B) easements for reasonable access to accomplish the purposes of the easements described in subparagraph (A).

(2) Each easement for an existing well referred to in paragraph (1) shall be 40 acres in area, and to the maximum extent practicable, centered on the existing well.

(3) The United States shall be entitled to one-half the production of each existing or replacement well, not to exceed a total of 3,100,000 gallons of water annually for National Forest System purposes.

(4) The locations of the easements and wells shall be as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Reserved Easements for Water Lines and Wells", dated August 2004.

SEC. 104. DESCRIPTION OF FEDERAL LAND.

(a) In General.—The Federal land referred to in this title consists of the following:

(1) Certain land comprising approximately 15,300 acres located in the Prescott National Forest, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Yavapai Ranch Area Federal Lands", dated August 2004.

(2) Certain land located in the Coconino National Forest—

(A) comprising approximately 1,500 acres as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Flagstaff Federal Lands Airport Parcel", dated August 2004; and

(B) comprising approximately 28.26 acres in two separate parcels, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Flagstaff Federal Lands Wetzel School and Mt. Elden Parcels", dated August 2004.

(3) Certain land located in the Kaibab National Forest, and referred to as the Williams Airport, Williams golf course, Williams Sewer, Buckskinner Park, Williams Railroad, and Well parcels number 2, 3, and 4, cumulatively comprising approximately 950 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Williams Federal Lands", dated August 2004.

(4) Certain land located in the Prescott National Forest, comprising approximately 2,200 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Camp Verde Federal Land General Crook Parcel", dated August 2004.

(5) Certain land located in the Kaibab National Forest, comprising approximately 237.5 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Younglife Lost Canyon", dated August 2004.

(6) Certain land located in the Prescott National Forest, including the "Friendly Pines", "Patterdale Pines", "Camp Pearlstein", "Pine Summit", and "Sky Y" camps, cumulatively comprising approximately 200 acres, as generally depicted on the map entitled "Yavapai Ranch Land Exchange, Prescott Federal Lands, Summer Youth Camp Parcels", dated August 2004.

(b) Condition of Conveyance of Camp Verde Parcel.—(1) To conserve water in the Verde Valley, Arizona, and to minimize the adverse impacts from future development of the Camp Verde General Crook parcel described in subsection (a)(4) on current and future holders of water rights in existence of the date of enactment of this Act and the Verde River and National Forest System lands retained by the United States, the United States shall limit in perpetuity the use of water on the parcel by reserving conservation easements that—

(A) run with the land;

(B) prohibit golf course development on the parcel;

(C) require that any public park or greenbelt on the parcel be watered with treated wastewater;

(D) limit total post-exchange water use on the parcel to not more than 300 acre-feet of water per year;

(E) provide that any water supplied by municipalities or private water companies shall count towards the post-exchange water use limitation described in subparagraph (D); and

(F) except for water supplied to the parcel by municipal water service providers or private water companies, require that any water used for the parcel not be withdrawn from wells perforated in the saturated Holocene alluvium of the Verde River.

(2) If Yavapai Ranch conveys the Camp Verde parcel described in subsection (a)(4), or any portion thereof, the terms of conveyance shall include a recorded and binding agreement of the quantity of water available for use on the land conveyed, as determined by Yavapai Ranch, except that total water use on the Camp Verde parcel may not exceed the amount specified in paragraph (1)(D).

(3) The Secretary may enter into a memorandum of understanding with the State or political subdivision of the State to enforce the terms of the conservation easement.

SEC. 105. STATUS AND MANAGEMENT OF LAND AFTER EXCHANGE.

(a) In General.—Land acquired by the United States under this title shall become part of the Prescott National Forest and shall be administered by the Secretary in accordance with this title and the laws applicable to the National Forest System.

(b) GRAZING.—Where grazing on non-Federal land acquired by the Secretary under this title occurs prior to the date of enactment of this Act, the Secretary may manage the land to allow for continued grazing use, in accordance with the laws generally applicable to domestic livestock grazing on National Forest System land.

(c) TIMBER HARVESTING.—(1) After completion of the land exchange under this title, except as provided in paragraph (2), commercial timber harvesting shall be prohibited on the non-Federal land acquired by the United States.

(2) Timber harvesting may be conducted on the non-Federal land acquired under this title if the Secretary determines that such harvesting is necessary—

(A) to prevent or control fires, insects, and disease through forest thinning or other forest management techniques;

(B) to protect or enhance grassland habitat, watershed values, native plants and wildlife species; or

(C) to improve forest health.

SEC. 106. MISCELLANEOUS PROVISIONS.

(a) REVOCATION OF ORDERS.—Any public orders withdrawing any of the Federal land from appropriation or disposal under the public land laws are revoked to the extent necessary to permit disposal of the Federal land.

(b) WITHDRAWAL OF FEDERAL LAND.—Subject to valid existing rights, the Federal land is withdrawn from all forms of entry and appropriation under the public land laws: location, entry, and patent under the mining laws: and operation of the mineral leasing and geothermal leasing laws, until the date on which the land exchange is completed.

(c) COMPLETION OF EXCHANGE.—It is the intent of Congress that the land exchange authorized and directed under this title be completed not later than 18 months after the date of enactment of this Act.

SEC. 107. CONVEYANCE OF ADDITIONAL LAND.

(a) IN GENERAL.—The Secretary shall convey to a person that represents the majority of landowners with encroachments on the lot by quitclaim deed the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (a) is lot 8 in section 11, T. 21 N., R. 7 E., Gila and Salt River Base and Meridian, Coconino County, Arizona.

(c) AMOUNT OF CONSIDERATION.—In exchange for the land described in subsection (b), the person acquiring the land shall pay to the Secretary consideration in the amount of—

(1) $2500; plus

(2) any costs of re-monumenting the boundary of land.

(d) TIMING.—(1) Not later than 90 days after the date on which the Secretary receives a power of attorney executed by the person acquiring the land, the Secretary shall convey to the person the land described in subsection (b).

(2) If, by the date that is 270 days after the date of enactment of this Act, the Secretary does not receive the power of attorney described in paragraph (1)—

(A) the authority provided under this section shall terminate; and

(B) any conveyance of the land shall be made under Public Law 97-465 (16 U.S.C. 521c et seq.).

TITLE II—VERDE RIVER BASIN PARTNERSHIP

SEC. 201. PURPOSE.

The purpose of this title is to authorize assistance for a collaborative and science-based water resource planning and management partnership for the Verde River Basin in the State of Arizona, consisting of members that represent—

(1) Federal, State, and local agencies; and

(2) economic, environmental, and community water interests in the Verde River Basin.

SEC. 202. DEFINITIONS.

In this title:

(1) DIRECTOR.—The term "Director" means the Director of the Arizona Department of Water Resources.

(2) PARTNERSHIP.—The term "Partnership" means the Verde River Basin Partnership.

(3) PLAN.—The term "plan" means the plan for the Verde River Basin required by section 204(a)(1).

(4) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

(5) STATE.—The term "State" means the State of Arizona.

(6) VERDE RIVER BASIN.—The term "Verde River Basin" means the land area designated by the Arizona Department of Water Resources as encompassing surface water and groundwater resources, including drainage and recharge areas with a hydrologic connection to the Verde River.

(7) WATER BUDGET.—The term "water budget" means the accounting of—

(A) the quantities of water leaving the Verde River Basin—

(i) as discharge to the Verde River and tributaries;

(ii) as subsurface outflow;

(iii) as evapotranspiration by riparian vegetation;

(iv) as surface evaporation;

(v) for agricultural use; and

(vi) for human consumption; and

(B) the quantities of water replenishing the Verde River Basin by precipitation, infiltration, and subsurface inflows.

SEC. 203. VERDE RIVER BASIN PARTNERSHIP.

(a) IN GENERAL.—The Secretary may participate in the establishment of a partnership, to be known as the "Verde River Basin Partnership", made up of Federal, State, local governments, and other entities with responsibilities and expertise in water to coordinate and cooperate in the identification and implementation of comprehensive science-based policies, projects, and management activities relating to the Verde River Basin.

(b) AUTHORIZATION OF APPROPRIATIONS.—On establishment of the Partnership, there are authorized to be appropriated to the Secretary and the Secretary of the Interior such sums as are necessary to carry out the activities of the Partnership for each of fiscal years 2006 through 2010.

SEC. 204. VERDE RIVER BASIN STUDIES.

(a) STUDIES.—

(1) IN GENERAL.—The Partnership shall prepare a plan for conducting water resource studies in the Verde River Basin that identifies—

(A) the primary study objectives to fulfill water resource planning and management needs for the Verde River Basin; and

(B) the water resource studies, hydrologic models, surface and groundwater monitoring networks, and other analytical tools helpful in the identification of long-term water supply management options within the Verde River Basin.

(2) REQUIREMENTS.—At a minimum, the plan shall—

(A) include a list of specific studies and analyses that are needed to support Partnership planning and management decisions;

(B) identify any ongoing or completed water resource or riparian studies that are relevant to water resource planning and management for the Verde River Basin;

(C) describe the estimated cost and duration of the proposed studies and analyses; and

(D) designate as a study priority the compilation of a water budget analysis for the Verde Valley.

(b) VERDE VALLEY WATER BUDGET ANALYSIS.—

(1) IN GENERAL.—Subject to the availability of appropriations, not later than 14 months after the date of enactment of this Act, the Director of the U.S. Geological Survey, in cooperation with the Director, shall prepare and submit to the Partnership a report that provides a water budget analysis of the portion of the Verde River Basin within the Verde Valley.

(2) COMPONENTS.—The report submitted under paragraph (1) shall include—

(A) a summary of the information available on the hydrologic flow regime for the portion of the Middle Verde River from the Clarkdale streamgauging station to the city of Camp Verde at United States Geological Survey Stream Gauge 09506000;

(B) with respect to the portion of the Middle Verde River described in subparagraph (A), estimates of—

(i) the inflow and outflow of surface water and groundwater;

(ii) annual consumptive water use; and

(iii) changes in groundwater storage; and

(C) an analysis of the potential long-term consequences of various water use scenarios on groundwater levels and Verde River flows.

(c) PRELIMINARY REPORT AND RECOMMENDATIONS.—.

(1) IN GENERAL.—Not later than 16 months after the date of enactment of this Act, using the information provided in the report submitted under subsection (b) and any other relevant information, the Partnership shall submit to the Secretary, the Governor of Arizona, and representatives of the Verde Valley communities, a preliminary report that sets forth the findings and recommendations of the Partnership regarding the long-term available water supply within the Verde Valley.

(2) CONSIDERATION OF RECOMMENDATIONS.—The Secretary may take into account the recommendations included in the report submitted under paragraph (1) with respect to decisions affecting land under the jurisdiction of the Secretary, including any future sales or exchanges of Federal land in the Verde River Basin after the date of enactment of this Act.

(3) EFFECT.—Any recommendations included in the report submitted under paragraph (1) shall not affect the land exchange process or the appraisals of the Federal land and non-Federal land conducted under sections 103 and 104.

SEC. 205. VERDE RIVER BASIN PARTNERSHIP FINAL REPORT.

Not later than 4 years after the date of enactment of this Act, the Partnership shall submit to the Secretary and the Governor of Arizona a final report that—

(1) includes a summary of the results of any water resource assessments conducted under this title in the Verde River Basin;

(2) identifies any areas in the Verde River Basin that are determined to have groundwater deficits or other current or potential water supply problems;

(3) identifies long-term water supply management options for communities and water resources within the Verde River Basin; and

(4) identifies water resource analyses and monitoring needed to support the implementation of management options.

SEC. 206. MEMORANDUM OF UNDERSTANDING.

The Secretary (acting through the Chief of the Forest Service) and the Secretary of the Interior, shall enter into a memorandum of understanding authorizing the United States Geological Survey to access Forest Service land (including stream gauges, weather stations, wells, or other points of data collection on the Forest Service land) to carry out this title.

SEC. 207. EFFECT.

Nothing in this title diminishes or expands State or local jurisdiction, responsibilities, or rights with respect to water resource management or control.

Mr. KYL. Mr. President, today, I am pleased to join with Senator MCCAIN to introduce the Northern Arizona Land Exchange and Verde River Basin Partnership Act of 2005. This bill facilitates a large and complex land exchange of over 50,000 acres of Federal and private land in Arizona to consolidate the largest remaining checkerboard ownership in the State. It also encourages the formation of a partnership between Federal, State, and local stakeholders to facilitate sound water resource planning and management in the Verde River Basin. This bill is the product of two years of discussions and compromise between the Arizona delegation, United States Forest Service, community groups, local officials, and other stakeholders. The bill passed the Senate last session, but unfortunately was not enacted before adjournment. I am introducing this legislation with the hope that the Senate will act quickly to pass it early in this Congress.

The bill is divided into two titles. Title I provides the framework for the land exchange between Yavapai Ranch Limited Partnership and the United States Forest Service. Title II outlines the key aspects of the Verde River Basin Partnership. The land exchange outlined in Title I is a fair and equitable exchange that will yield many environmental benefits to the citizens of Arizona. It will place approximately 35,000 acres of private land in federal ownership for public use. This acreage is important ecologically because it contains such key features as old growth ponderosa pine, and high quality grassland that serves as excellent habitat for pronghorn antelope and is critical to the preservation of the watershed. In addition, it consolidates under Forest Service ownership a 110-square mile area in the Prescott National Forest near the existing Juniper Mesa Wilderness, to preserve the area in its natural state. Without this land exchange, these private tracts would be open to future development. I am pleased that this bill will preserve them for future generations.

The land exchange also significantly improves the management of the Prescott National Forest. The existing checkboard ownership pattern makes management and access difficult. By consolidating this land, the exchange will enable the Forest Service will be able to effectively apply forest restoration treatments to reduce the fire risk and improve the overall health of the forest. I cannot emphasize enough how crucial this is, given the history of devastating forest fires in the state.

In addition to protecting Arizona's natural resources, Title I of the bill allows several Northern Arizona communities to accommodate future growth and economic development, and to meet other municipal needs. This exchange will allow the cities of Flagstaff and Williams to expand their airports, meet their water-treatment needs, and develop town parks and recreation areas. The town of Camp Verde will have an opportunity to acquire land to build an emergency center and protect its viewshed. Several youth organizations will be able to acquire land for their camps.

This bill addresses one of the most crucial challenges facing Arizona: sound management of water resources. I have heard from many state and local officials, and the constituents affected by the land exchange, that we needed to do more in this bill to address water issues. I note in response that this bill has two key features: First, it establishes a conservation easement on the Camp Verde General Crook parcel, which limits water use after private acquisition to just 300 acre feet a year. This limitation was strengthened from the previous versions of the bill which included a use restriction of 700 acre feet a year. This provision sets an important precedent for responsible water use in the Verde Valley and across the state. Second, and most recently, Senator MCCAIN and I added Title II to the bill. This title facilitates and encourages the creation of the Verde River Basin Partnership to examine water issues in the long term. Such a collaborative, multi-stakeholder group would be authorized to receive federal assistance to develop the scientific and technical data needed to make sound water-management decisions.

Finally, this bill saves significant taxpayer dollars. It obviates the administrative route for a land exchange; doing an exchange of this size administratively would require considerable financial and personnel resources from the Forest Service. The agency estimates that using legislation instead will cost half as much as the administrative alternative—resulting in potential savings to the taxpayers in excess of $500,000.

This land exchange is a unique opportunity to protect Arizona's natural resources, accommodate the state's tremendous growth, and plan for the future. I intend to work with my colleagues to ensure that we pass this important legislation this year.

By Mr. ROCKEFELLER:

S. 162. A bill to amend chapter 99 of the Internal Revenue code of 1986 to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Finance.

Mr. ROCKEFELLER. Mr. President, today I am introducing legislation to make very clear that Congress fully protected the health insurance benefits of miners and their families when we passed the Coal Act in 1992. This legislation is identical to S. 3004 which I introduced in the 108th Congress. Unfortunately, it is necessary, because we have recently seen bankruptcy courts disregard the Coal Act and absolve companies of their obligations to provide health benefits for workers and retirees. This is unacceptable. And the bill I am introducing today reiterates that the bankruptcy code does not supersede the Coal Act.

Last fall, another company abandoned promises it made to workers and retirees in West Virginia. Horizon Natural Resources sought and received a court ruling that released it from its contracts with union miners and allowed it to avoid honoring health care benefit obligations for over 2,300 retired miners. This is a morally bankrupt corporate strategy, and is inconsistent with the Coal Act passed by Congress in 1992.

The Coal Act was needed in 1992 to prevent some companies from walking away from their clear contractual obligations and agreements with their workers. One of the provisions of that bill was written especially with the intent of not allowing companies to simply reorganize as a way to get out of their obligations to their workers. Unfortunately, too many companies are increasingly using bankruptcy courts to achieve the same results.

It should not be necessary for me to introduce this bill today. Congress has already spoken on this subject. The law is clear: Coal Act retirees are entitled to full benefits provided under the statute. No judge should rewrite the law to take those benefits away. However, because judges are legislating from the bench, it will be helpful for Congress to reiterate our intention to protect the health benefits of coal miners and their families.

This issue is extremely important to all of those who are being victimized by the bankruptcy courts. I hope that my colleagues will join me in this effort to protect the miners, retired miners, and families who are simply seeking the benefits they were promised in exchange for years of hard work.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 162

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PROTECTION OF COAL INDUSTRY HEALTH BENEFITS.

Section 9711(g) of the Internal Revenue Code of 1986 (relating to rules applicable to this part and part II) is amended by adding at the end the following new paragraph:

"(3) PROHIBITION ON TERMINATION AND MODIFICATION OF BENEFITS.—Except as provided in subsection (d), the benefits required to be provided by a last signatory operator under this chapter may not be terminated or modified by any court in a proceeding under title 11 of the United States Code or by agreement at any time when such operator is participating in such a proceeding.".

By Mr. BENNETT:

S. 163. A bill to establish the National Mormon Pioneer Heritage Area in the State of Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, I rise today to re-introduce the National Mormon Pioneer Heritage Area Act.

The story behind and about the Mormon pioneers' 1,400-mile trek from Illinois to the Great Salt Lake Valley is one of the most compelling and captivating in our Nation's history. This legislation would designate as a National Heritage Area an area that spans some 250 miles along Highway 89 and encompasses outstanding examples of historical, cultural, and natural resources that demonstrate the colonization of the western United States, and the experience and influence of the Mormon pioneers in furthering that colonization.

The landscape, architecture, artisan skills, and events along Highway 89 convey in a very real way the legacy of the Mormon pioneers' achievements. The community of Panquitch for example, has an annual Quilt Day celebration to commemorate the sacrifice and fortitude of its pioneers whose efforts saved the community from starvation in 1864. The celebration is in remembrance of the Quilt Walk, a walk in which a group of men from Panquitch used quilts to form a path that would bear their weight across the snow. This quilt walk enabled these men to cross over the mountains to procure food for their community, which was facing starvation as it experienced its first winter in Utah.

Another example of the tenacity of pioneers can be seen today at the Hole-in-the-Rock. Here, in 1880, a group of 250 people, 80 wagons, and 1,000 head of cattle upon the Colorado River Gorge. Finding no pathways down to the river, the pioneers decided to use a narrow crevice leading down to the bottom of the gorge. To make the crevice big enough to accommodate wagons, the pioneers spent 6 weeks enlarging the crevice by hand, using hammers, chisels, and blasting powder. They then attached large ropes to the wagons as they began their descent down the steep incline. It is because of such tenacity and innovation on the part of pioneers that the western United States was shaped the way it was and much of that has contributed to the way of life and landscape still found in the West today.

The National Mormon Pioneer Heritage Area will serve as a special recognition of the people and places that have contributed greatly to our Nation's development. It will allow for the conservation of historical and cultural resources, the establishment of interpretive exhibits, will increase public awareness of the surviving skills and crafts of those living along Highway 89, and specifically allows for the preservation of historic buildings. In light of the benefits associated with preserving the rich heritage of the founding of many of the communities along Highway 89, my legislation has broad support from Sanpete, Sevier, Piute, Garfield, and Kane counties and is a locally based, locally supported undertaking.

Since the introduction of this legislation in the 108th Congress, I am pleased that the local counties, who have been unanimously supportive of this legislation, have come together to outline in a Memorandum of Understanding, with the local coordinating entity identified in the legislation, the cooperative relationship the coordinating entity enjoys with the elected officials of the local counties.

This legislation passed the Senate both in the 107th and 108th Congresses as part of packages agreed upon by the committee of jurisdiction. Unfortunately, both times the packages were not able to be considered by the other body prior to adjournment. I reintroduce this bill today with the hope that during this session of Congress we might achieve success in this body early enough to be considered by the House.

By Mr. BENNETT:

S. 164. A bill to provide for the acquisition of certain property in Washington County, Utah; to the Committee on Energy and Natural Resources.

Mr. BENNETT. Mr. President, today I am re-introducing a bill which is intended to bring to a close the Federal acquisition of an important piece of privately held land, located within the federally designated desert tortoise reserve in Washington County, UT.

As some of my colleagues are aware, this is not the first time legislation has been introduced in an attempt to resolve this issue. Most recently, on December 7, 2004, at the conclusion of the 108th Congress, the Senate passed by unanimous consent an amendment in the nature of a substitute to H.R. 620, which adopted as title XVI agreed upon provisions of S. 1209. Unfortunately, the House of Representatives adjourned sine die before it had time to act upon H.R. 620. The legislation I am introducing today is virtually the same as the language earlier adopted by the Senate, except for a technical clarification regarding management of the acquired lands.

I want to personally express my appreciation to Chairman DOMENICI and his staff for their leadership and assistance on this issue. I would also like to thank the ranking minority member, Mr. BINGAMAN, the Department of the Interior, and their respective staffs, for their assistance and support of this measure.

Earlier in July of 2000, I introduced S. 2873, which was referred to and reported favorably by the Senate Committee on Energy and Natural Resources. In addition, similar legislation was twice approved by the House of Representatives, both in the 106th and 107th Congresses. For over a decade, the private property addressed by this bill has been under Federal control and the Federal Government has enjoyed the benefits of the private property without fulfilling its constitutional obligation to compensate the landowner. The government's failure to timely acquire the landowner's private property has forced the landowner into bankruptcy. It is my hope that the time has come to finally resolve this issue.

In March of 1991, the desert tortoise was listed as an endangered species under the Endangered Species Act. Government and environmental researchers determined that the land immediately north of St. George, UT, was prime desert tortoise habitat. Consequently, in February 1996, nearly 5 years after the listing, the United States Fish and Wildlife Service, USFWS, issued Washington County a Section 10 permit under the Endangered Species Act which paved the way for the adoption of a habitat conservation plan, HCP, and an implementation agreement. Under the Plan and Agreement, the Bureau of Land Management, BLM, committed to acquire all private lands in the designated habitat area for the formation of the Red Cliffs Reserve for the protection of the desert tortoise.

One of the private land owners within the reserve is Environmental Land Technology, Ltd., ELT, which began acquiring lands from the State of Utah in 1981 for residential and recreational development several years prior to the listing of the species. Moreover, in the years preceding the listing of the desert tortoise and the adoption of the habitat conservation plan, ELT completed appraisals, cost estimates, engineering studies, site plans, surveys, utility layouts, and right-of-way negotiations. ELT staked out golf courses, and obtained water rights for the development of this land. Prior to the adoption of the HCP, it was not clear which lands the Federal and local governments would set aside for the desert tortoise, although it was assumed that there were sufficient surrounding Federal lands to provide adequate habitat. However, when the HCP was adopted in 1996, the decision was made to include ELT's lands within the boundaries of the reserve primarily because of the high concentrations of tortoises. The tortoises on ELT land also appeared to be one of, if not the only population without an upper respiratory disease that afflicted all of the other populations. As a consequence of the inclusion of the ELT lands, ELT's development efforts were halted.

With assurances from the Federal Government that the acquisition of the ELT development lands was a high priority, the owner negotiated with, and entered into, an assembled land exchange agreement with the BLM in anticipation of intrastate land exchanges. The private land owner then began a costly process of identifying comparable Federal lands within the State that would be suitable for an exchange for his lands in Washington County. Over the last 7 years, BLM and the private land owners, including ELT, have completed several exchanges, and the Federal Government has acquired, through those exchanges or direct purchases, nearly all of the private property located within the reserve, except for approximately 1,516 acres of the ELT development land. However, with the unforeseen creation of the Grand Staircase-Escalante National Monument in September 1996, and the subsequent land exchanges between the State of Utah and the Federal Government to consolidate Federal lands within that monument, there are no longer sufficient comparable Federal lands within Utah to complete the originally contemplated intrastate exchanges for the remainder of the ELT land.

Faced with this problem, and in light of the high priority the Department of the Interior has placed on acquiring these lands, BLM officials recommended that the ELT lands be acquired by direct purchase. During the FY 2000 budget process, BLM proposed that $30 million be set aside to begin acquiring the remaining lands in Washington County. Unfortunately, because this project involves endangered species habitat and the USFWS is responsible for administering activities under the Endangered Species Act, the Office of Management and Budget shifted the $30 million from the BLM budget request to the USFWS's Cooperative Endangered Species Conservation Fund budget request. Ultimately, however, none of those funds was made available for BLM acquisitions within the Federal section of the reserve. Instead, the funds in that account were made available on a matching basis for the use of individual States to acquire wildlife habitat. The result of this bureaucratic fumbling has resulted in extreme financial hardship for ELT.

The lands within the Red Cliffs Reserve are ELT's only asset. The establishment of the Washington County HCP has effectively taken this property and prevented ELT from developing or otherwise disposing of the property. ELT has been brought to the brink of financial ruin as it has exhausted its resources in an effort to hold the property while awaiting the compensation to which it is entitled. ELT has had to sell its remaining assets, and the private land owner has also had to sell his personal assets, including his home, to simply hold the property. This has become a financial crisis for the landowner. It is simply wrong for the Federal Government to expect the landowner to continue to bear the cost of the government's efforts to provide habitat for an endangered species. That is the responsibility of the Federal Government. Moreover, while the landowner is bearing these costs, he continues to pay taxes on the property. This situation is made more egregious by the failure of the Department of the Interior to request any acquisition funding for FY 2004 or FY 2005, even though this acquisition has been designated a high priority by the agency. Over the past several years, ELT has pursued all possible avenues to complete the acquisition of these lands. The private land owner has spent millions of dollars pursuing both intrastate and interstate land exchanges and has worked cooperatively with the Department of the Interior. Unfortunately, all of these efforts have thus far been fruitless.

The bill that I am introducing today will finally bring this acquisition to a close. In my view, a legislative taking should be an action of last resort. But, if ever a case warranted legislative condemnation, this is it. This bill will transfer to the Federal Government all right, title, and interest in the ELT development property within the Red Cliffs Reserve, including an additional 34 acres of landlocked real property owned by ELT adjacent to the land within the reserve. Subject to existing law, the Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards and Practices for Appraisal Professionals, USPAP, a United States Court of competent jurisdiction shall determine the value for the land.

The bill includes language to allow, as part of the legislative taking, for the landowner to recover reasonable costs, interest, and damages, if any, as determined by the court. It is important to understand that, while Federal acquisitions should be completed on the basis of fair market value, when the Federal Government makes the commitment to acquire private land, the landowner should not have to be driven into financial ruin while waiting upon the Federal Government to discharge its obligation. While the Federal Government has never disputed its obligation to acquire the property, it has had the benefit of the private land for all these years without having to pay for it. The private landowner should not have to bear the costs of this Federal foot-dragging.

This legislation is consistent with the high priority the Department of the Interior has repeatedly placed on this land acquisition, and is a necessary final step towards an equitable resolution. The time for pursuing other options has long since expired and it is unfortunate that it requires legislative action. Without commenting on the Endangered Species Act itself, it would seem that if it is the government's objective to provide habitat for the benefit of an endangered species, then the government ought to bear the costs, rather than forcing them upon the landowner. It is also time to address this issue so that the Federal agencies may be single-minded in their efforts to recover the desert tortoise which remains the aim of the creation of the reserve. This legislation simply codifies the status quo by enabling the private land owner to obtain the compensation to which he is constitutionally entitled. It is time to right this wrong and get on with the efforts to recover the species and I encourage my colleagues to again support the immediate enactment of this important legislation.

By Mr. COLEMAN:

S. 165. A bill for the relief of Tchisou Tho; to the Committee on the Judiciary.

Mr. COLEMAN. Mr. President, today I am introducing a private relief bill for an outstanding young man from my State of Minnesota, Tchisou Tho.

This legislation would allow Tchisou, a Hmong immigrant, to stay in this country by adjusting his status to permanent resident. Not only would this allow him to stay in the country he has lived in since he was 5 years old, but it will make him eligible for in-State tuition at the University of Minnesota.

Tchisou's family came to the United States 14 years ago on a visitor's visa from France after fleeing Communist rule in Laos in 1975. He was 5 years old at the time. They moved to Minnesota in 1993 to find work and to give their children an opportunity to receive a quality education.

Tchisou was an all-American high school kid. He watched movies, hung out at the mall with his friends and attended prom. He was an honor roll student, active in his community, church, and school. Tchisou was going to be the first member of his family to graduate from high school, and he was getting ready to begin his freshman year on a scholarship to the University of Minnesota.

But in May 2003, just as Tchisou was getting ready to graduate from high school, his family met with immigration officials to request changes to their immigration status. Instead, they received a deportation order.

Tchisou's parents acknowledged that they had broken the law by overstaying their visas, and agreed to leave the country. But we all wanted Tchisou to have the chance to graduate with his high school class. Legislation I introduced last year allowed Tchisou to stay. And thanks to the compassion of the immigration authorities, Tchisou's family was allowed to remain in the country just long enough to see their son walk in his high school graduation ceremony. Shortly thereafter, Tchisou's parents and brothers and sisters returned to France as they promised, where they live today.

Still focused on his educational goals and now living with his married sister in St. Paul, Tchisou enrolled at the University of Minnesota as an international student. However, he was required to pay out-of-State tuition and unfortunately had to drop out after one semester when he ran out of money.

Determined to finish college, Tchisou is currently driving a forklift at the loading docks of a home improvement store, to save money for college while his immigration status is being sorted out. He was recently named employee of the month. Tchisou hopes to re-enroll at the University of Minnesota.

I acknowledge that Tchisou's parents broke the law. They overstayed their visas to remain in this country, which they should not have done. And they have since been deported. But I think it would be unfair to punish Tchisou for the actions of his parents. This private relief bill would allow Tchisou the chance to live the American dream.

With the help of my good friend and colleague, the senior Senator from Georgia, Chairman CHAMBLISS, we were able to pass this legislation last year. I hope the Senate will be able to act on this important legislation early this year so that Tchisou may enroll at the University of Minnesota, graduate, and be an asset to our community.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 165

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PERMANENT RESIDENT STATUS FOR TCHISOU THO.

(a) IN GENERAL.—Notwithstanding subsections (a) and (b) of section 201 of the Immigration and Nationality Act (8 U.S.C. 1151), Tchisou Tho shall be eligible for the issuance of an immigrant visa or for adjustment of status to that of an alien lawfully admitted for permanent residence upon filing an application for issuance of an immigrant visa under section 204 of that Act (8 U.S.C. 1154) or for adjustment of status to lawful permanent resident.

(b) ADJUSTMENT OF STATUS.—If Tchisou Tho enters the United States before the filing deadline specified in subsection (c), Tchisou Tho shall be considered to have entered and remained lawfully and shall be eligible for adjustment of status under section 245 of the Immigration and Nationality Act (8 U.S.C. 1255) as of the date of enactment of this Act.

(c) DEADLINE FOR APPLICATION AND PAYMENT OF FEES.—Subsections (a) and (b) shall apply only if the application for issuance of an immigrant visa or the application for adjustment of status are filed with appropriate fees within 2 years after the date of enactment of this Act.

(d) REDUCTION OF IMMIGRANT VISA NUMBERS.—Upon the granting of an immigrant visa or permanent residence to Tchisou Tho, the Secretary of State shall instruct the proper officer to reduce by 1, during the current or next following fiscal year, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)) or, if applicable, the total number of immigrant visas that are made available to natives of the country of the aliens' birth under section 202(e) of that Act (8 U.S.C. 1152(e)).

By Mr. SMITH (for himself and Mr. WYDEN):

S. 166. A bill to amend the Oregon Resource Conservation Act of 1996 to reauthorize the participation of the Bureau of Reclamation in the Deschutes River Conservancy, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. SMITH. Mr. President, today I am introducing legislation, cosponsored by my colleague from Oregon, to reauthorize participation by the Bureau of Reclamation in the Deschutes River Conservancy for an additional 10 years.

The Deschutes River Conservancy, formerly know as the Deschutes Resources Conservancy, was originally authorized in 1996 as a pilot project. It was so successful it was reauthorized in the 106th Congress. The Conservancy is designed to achieve local consensus for on-the-ground projects to improve ecosystem health in the Deschutes River Basin.

The Deschutes River is truly one of Oregon's greatest resources. It drains Oregon's high desert along the eastern front of the Cascades, eventually flowing into the Columbia River. It is the State's most intensively used recreational river. It provides water to both irrigation projects and to the city of Bend, which is one of Oregon's fastest growing cities. The Deschutes Basin also contains hundreds of thousands of acres of productive forest and rangelands, serves the treaty fishing and water rights of the Confederated Tribes of Warm Springs, and has Oregon's largest non-Federal hydroelectric project.

By all accounts, the Deschutes River Conservancy has been a huge success. It has brought together diverse interests within the Basin, including irrigators, tribes, ranchers, environmentalists, an investor-owned utility, local businesses, as well as local elected officials and representatives of State and Federal agencies. Together, the Conservancy board members have been able to develop project criteria and identify a number of water quality, water quantity, fish passage and habitat improvement projects that could be funded. Over the years, projects have been selected by consensus, and there must be a fifty-fifty cost share from non-Federal sources.

Over the past 8 years, they have been very successful at finding cooperative, market-based solutions to enhance the ecosystem in the basin. The Conservancy has used this approach to restore over ninety cubic-feet-per-second of streamflow in the Deschutes Basin. In addition, by planting over 100,000 trees, installing miles of riparian fencing, removing berms and reconstructing stream beds, the Conservancy has helped improve fish habitat and water quality along one hundred miles of the Deschutes River and its tributaries.

The existing authorization provides for up to two million dollars each year for projects. This bill would continue that annual authorization ceiling for 10 years. Funds are provided through the Bureau of Reclamation, the group's lead Federal agency.

The Deschutes River Conservancy enjoys widespread support in Oregon. It has very committed board members who represent diverse interests in the Basin. The high caliber of their work, and their pragmatic approach to ecosystem restoration have been recognized by others outside the region.

I am convinced that Federal participation in this project needs to continue. This organization has helped to avoid the conflicts over water that we have seen in too many watersheds in the western United States. I urge my colleagues to continue support for this project. Not only is it important to central Oregon, but the Deschutes River Conservancy can serve as a national model for cooperative watershed restoration at the local level.

By Mr. HATCH (for himself, Mr. LEAHY, Mr. CORNYN, and Mrs. FEINSTEIN):

S. 167. A bill to provide for the protection of intellectual property rights, and for other purposes; to the Committee on the Judiciary.

Mr. HATCH. Mr. President, I rise today to introduce the Family Entertainment and Copyright Act of 2005. This important legislation consists of a package of smaller intellectual property bills that the House and Senate have been working to enact since last Congress. This legislation passed the Senate not once, but twice, during the waning days of the last Congress. Unfortunately, though, it was doomed by a non-germane amendment unrelated to intellectual property law. My hope is that we can work together this Congress to avoid this type of pitfall, and I commit to work with other members to do so.

Before beginning my substantive discussion of the bill, I would like to thank my colleagues Senators LEAHY, CORNYN, and FEINSTEIN for their ongoing efforts on this legislation. Just as it was last year, this legislation is a group effort, and I want to take care to recognize the contributions and their excellent work along with that of Representatives SENSENBRENNER, SMITH, BERMAN, and CONYERS in the House.

Before going into a title-by-title discussion of the bill, I would like to express my particular support for the Family Movie Act, which has been included in this legislation. Chairman LAMAR SMITH and I worked on this bill last Congress. It's important legislation both to parents who want the ability to use new technologies to help shield their families from inappropriate content as well as the technology companies, such as ClearPlay in my home State of Utah, that are working to develop these technologies. The Family Movie Act will give parents more say over what their children see, without limiting the creative control of directors and movie studios.

Title I of this Act, the Artists' Rights and Theft Prevention Act of 2005, (the ART Act), contains a slightly modified version of S. 1932, authored by Senators CORNYN and FEINSTEIN in the 108th Congress. This bill will close two significant gaps in our copyright laws that are feeding some of the piracy now rampant on the Internet.

First, it criminalizes attempts to record movies off of theater screens. These camcorded copies of new movies now appear on filesharing networks almost contemporaneously with the theatrical release of a film. Several States have already taken steps to criminalize this activity, but providing a uniform Federal law—instead of a patchwork of State criminal statutes—will assist law enforcement officials in combating the theft and redistribution of valuable intellectual property embodied in newly-released motion pictures.

Second, the bill will create a pre-registration system that will permit criminal penalties and statutory-damage awards. This will also provide a tool for law enforcement officials combating the growing problem of music and movies being distributed on filesharing networks and circulating on the Internet before they are even released. Obviously, the increasingly frequent situation of copyrighted works being distributed illegally via the Internet before they are even made available for sale to the public severely undercuts the ability of copyright holders to receive fair and adequate compensation for their works.

Title II of this Act, the Family Movie Act of 2005 (the FMA), resolves some ongoing disputes about the legality of so-called "jump-and-skip" technologies that companies like Clearplay in my home State of Utah have developed to permit family-friendly viewing of films that may contain objectionable content. The FMA creates a narrowly defined safe-harbor clarifying that distributors of such technologies will not face liability for copyright or trademark infringement, provided that they comply with the requirements of the Act. I have been working with my colleagues in the Senate and several leaders in the House—including, most importantly Chairmen SMITH and SENSENBRENNER—for the past couple of years to resolve this issue. The FMA will help to end aggressive litigation threatening the viability of small companies like Clearplay which are busy creating innovative technologies for consumers that allow them to tailor their home viewing experience to their own individual or family preferences.

The Family Movie Act creates a new exemption in section 110(11) of the Copyright Act for skipping and muting audio and video content in motion pictures during performances of an authorized copy of the motion picture taking place in the course of a private viewing in a household. The version passed last year by the House explicitly excluded from the scope of the new copyright exemption so-called "ad-skipping" technologies that make changes, deletions, or additions to commercial advertisements or to network or station promotional announcements that would otherwise be displayed before, during, or after the performance of the motion picture. This provision was included on the House floor to address the concerns of some Members who were concerned that a court might misread the new section 110(11) exemption to apply to "ad-skipping"' cases, such as in the recent litigation involving ReplayTV.

In the Senate, however, some expressed concern that the inclusion of such explicit language could create unwanted inferences with respect to the merits of the legal positions at the heart of recent "ad-skipping" litigation. Those issues remain unsettled in the courts, and it was never the intent of this legislation to resolve or affect those issues in any way. Indeed, the Copyright Act contains literally scores of similar exemptions, and none of those exemptions have been or should be construed to imply anything about the legality of conduct falling outside their scope. As a result, the Copyright Office has now confirmed that such an explicit exclusion is unnecessary to achieve the desired outcome, which is to avoid application of this new exemption in potential future cases involving ad-skipping devices. In order to avoid unnecessary controversy, the Senate bill omits the exclusionary language with the understanding that doing so does not in any way change the scope of the bill.

That this change in no way affects the scope of the exemption is clear when considering that the new section 110(11) exemption protects the "making imperceptible . . . limited portions of audio or video content of a motion picture. . . ." An advertisement, under the Copyright Act, is itself a "motion picture," and thus a product or service that enables the skipping of an entire advertisement, in any media, would be beyond the scope of the exemption. Moreover, the phrase "limited portions" is intended to refer to portions that are both quantitatively and qualitatively insubstantial in relation to the work as a whole. Where any substantial part of a complete work, such as a commercial advertisement, is made imperceptible, the new section 110(11) exemption would not apply. The limited scope of this exemption does not, however, imply or show that such conduct or a technology that enables such conduct would be infringing. This legislation does not in any way deal with that issue. It means simply that such conduct and products enabling such conduct are not immunized from liability by this exemption.

This bill also differs from the version passed by the House last year in that it adds two "savings clauses." The copyright savings clause makes clear that there should be no spillover effect from the passage of this law: that is, nothing shall be construed to have any effect on rights, defenses, or limitations on rights granted under title 17, other than those explicitly provided for in the new section 110(11) exemption. The trademark savings clause clarifies that no inference can be drawn that a person or company who fails to qualify for the exemption from trademark infringement found in this provision is therefore liable for trademark infringement.

Title III of this Act, the National Film Preservation Act of 2004, will reauthorize the National Film Preservation Board and the National Film Preservation Foundation. These entities have worked successfully to recognize and preserve historically or culturally significant films—often by providing the grants and expertise that enable local historical societies to protect and preserve historically significant films for the local communities for which they are most important. This fine work will ensure that the history of the 20th century will be preserved and available to future generations.

As a conservative Senator from a socially conservative state, I occasionally take a few swings at the movie industry for the quality and content of the motion pictures they are currently creating, but I will note for the record that I commend efforts to ensure that important artistic, cultural, and historically significant films are preserved for future generations. I commend my friend from Vermont for his perseverance in reauthorizing Federal funds to continue this important effort.

Title IV of this act, the "Preservation of Orphan Works Act," also ensures the preservation of valuable historic records by correcting a technical error that unnecessarily narrows a limitation on the copyright law applicable to librarians and archivists. This will strengthen the ability of librarians and archivists to better meet the needs of both researchers and ordinary individuals and will result in greater accessibility of important works. I applaud my colleague in the House—Representative HOWARD BERMAN of California—for his efforts on this bill and am pleased to see it included in this Senate package.

Just to conclude, I will again thank Ranking Democratic Member LEAHY, Senator CORNYN, Chairmen SENSENBRENNER and SMITH, as well as Mr. CONYERS and Mr. BERMAN for their bicameral, bipartisan approach to these bills and to intellectual property issues generally.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Entertainment and Copyright Act of 2005".

TITLE I—ARTISTS' RIGHTS AND THEFT PREVENTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Artists' Rights and Theft Prevention Act of 2005" or the "ART Act".

SEC. 102. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

"§ 2319B. Unauthorized recording of Motion pictures in a Motion picture exhibition facility

"(a) OFFENSE.—Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—

"(1) be imprisoned for not more than 3 years, fined under this title, or both; or

"(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

The possession by a person of an audiovisual recording device in a motion picture exhibition facility may be considered as evidence in any proceeding to determine whether that person committed an offense under this subsection, but shall not, by itself, be sufficient to support a conviction of that person for such offense.

"(b) FORFEITURE AND DESTRUCTION.—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

"(c) AUTHORIZED ACTIVITIES.—This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or by a person acting under a contract with the United States, a State, or a political subdivision of a State.

"(d) IMMUNITY FOR THEATERS.—With reasonable cause, the owner or lessee of a motion picture exhibition facility where a motion picture or other audiovisual work is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture or other audiovisual work being exhibited, or the agent or employee of such licensor—

"(1) may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section with respect to that motion picture or audiovisual work for the purpose of questioning or summoning a law enforcement officer; and

"(2) shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

"(e) VICTIM IMPACT STATEMENT.—

"(1) IN GENERAL.—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) CONTENTS.—A victim impact statement submitted under this subsection shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in the works described in subparagraph (A); and

"(C) the legal representatives of such producers, sellers, and holders.

"(f) STATE LAW NOT PREEMPTED.—Nothing in this section may be construed to annul or limit any rights or remedies under the laws of any State.

"(g) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) TITLE 17 DEFINITIONS.—The terms 'audiovisual work', 'copy', 'copyright owner', 'motion picture', 'motion picture exhibition facility', and 'transmit' have, respectively, the meanings given those terms in section 101 of title 17.

"(2) AUDIOVISUAL RECORDING DEVICE.—The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

"2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.".

(c) DEFINITION.—Section 101 of title 17, United States Code, is amended by inserting after the definition of "Motion pictures" the following: "The term "motion picture exhibition facility" means a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.".

SEC. 103. CRIMINAL INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PROHIBITED ACTS.—Section 506(a) of title 17, United States Code, is amended to read as follows:

"(a) CRIMINAL INFRINGEMENT.—

"(1) IN GENERAL.—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

"(A) for purposes of commercial advantage or private financial gain;

"(B) by the reproduction or distribution, including by electronic means, during any 180–day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000; or

"(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

"(2) EVIDENCE.—For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

"(3) DEFINITION.—In this subsection, the term 'work being prepared for commercial distribution' means—

"(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if, at the time of unauthorized distribution—

"(i) the copyright owner has a reasonable expectation of commercial distribution; and

"(ii) the copies or phonorecords of the work have not been commercially distributed; or

"(B) a motion picture, if, at the time of unauthorized distribution, the motion picture—

"(i) has been made available for viewing in a motion picture exhibition facility; and

"(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.".

(b) CRIMINAL PENALTIES.—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "Any person who"; and

(B) by striking "and (c) of this section" and inserting ", (c), and (d)";

(2) in subsection (b), by striking "section 506(a)(1)" and inserting "section 506(a)(1)(A)";

(3) in subsection (c), by striking "section 506(a)(2) of title 17, United States Code" and inserting "section 506(a)(1)(B) of title 17";

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(5) by adding after subsection (c) the following:

"(d) Any person who commits an offense under section 506(a)(1)(C) of title 17—

"(1) shall be imprisoned not more than 3 years, fined under this title, or both;

"(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;

"(3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a second or subsequent offense; and

"(4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a second or subsequent offense under paragraph (2)."; and

(6) in subsection (f), as redesignated—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'financial gain' has the meaning given the term in section 101 of title 17; and

"(4) the term 'work being prepared for commercial distribution' has the meaning given the term in section 506(a) of title 17.".

SEC. 104. CIVIL REMEDIES FOR INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) Preregistration.—Section 408 of title 17, United States Code, is amended by adding at the end the following:

"(f) Preregistration of Works Being Prepared for Commercial Distribution.—

"(1) Rulemaking.—Not later than 180 days after the date of enactment of this subsection, the Register of Copyrights shall issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published.

"(2) Class of works.—The regulations established under paragraph (1) shall permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution.

"(3) Application for registration.—Not later than 3 months after the first publication of a work preregistered under this subsection, the applicant shall submit to the Copyright Office—

"(A) an application for registration of the work;

"(B) a deposit; and

"(C) the applicable fee.

"(4) Effect of untimely application.—An action under this chapter for infringement of a work preregistered under this subsection, in a case in which the infringement commenced no later than 2 months after the first publication of the work, shall be dismissed if the items described in paragraph (3) are not submitted to the Copyright Office in proper form within the earlier of—

"(A) 3 months after the first publication of the work; or

"(B) 1 month after the copyright owner has learned of the infringement.".

(b) Infringement Actions.—Section 411(a) of title 17, United States Code, is amended by inserting "preregistration or" after "shall be instituted until".

(c) Exclusion.—Section 412 of title 17, United States Code, is amended by inserting after "section 106A(a)" the following: ", an action for infringement of the copyright of a work that has been preregistered under section 408(f) before the commencement of the infringement and that has an effective date of registration not later than the earlier of 3 months after the first publication of the work or 1 month after the copyright owner has learned of the infringement,".

SEC. 105. FEDERAL SENTENCING GUIDELINES.

(a) Review and Amendment.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including any offense under—

(1) section 506, 1201, or 1202 of title 17, United States Code; or

(2) section 2318, 2319, 2319A, 2319B, or 2320 of title 18, United States Code.

(b) Authorization.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) Responsibilities of United States Sentencing Commission.—In carrying out this section, the United States Sentencing Commission shall—

(1) take all appropriate measures to ensure that the Federal sentencing guidelines and policy statements described in subsection (a) are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property rights crimes;

(2) determine whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized by the copyright owner, whether in the media format used by the infringing party or in any other media format;

(3) determine whether the scope of "uploading" set forth in application note 3 of section 2B5.3 of the Federal sentencing guidelines is adequate to address the loss attributable to people who, without authorization, broadly distribute copyrighted works over the Internet; and

(4) determine whether the sentencing guidelines and policy statements applicable to the offenses described in subsection (a) adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyrighted material has been reproduced or distributed.

TITLE II—EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES

SEC. 201. SHORT TITLE.

This title may be cited as the "Family Movie Act of 2005".

SEC. 202. EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES.

(a) In General.—Section 110 of title 17, United States Code, is amended—

(1) in paragraph (9), by striking "and" after the semicolon at the end;

(2) in paragraph (10), by striking the period at the end and inserting "; and";

(3) by inserting after paragraph (10) the following:

"(11) the making imperceptible, by or at the direction of a member of a private household, of limited portions of audio or video content of a motion picture, during a performance in or transmitted to that household for private home viewing, from an authorized copy of the motion picture, or the creation or provision of a computer program or other technology that enables such making imperceptible and that is designed and marketed to be used, at the direction of a member of a private household, for such making imperceptible, if no fixed copy of the altered version of the motion picture is created by such computer program or other technology."; and

(4) by adding at the end the following:

"For purposes of paragraph (11), the term 'making imperceptible' does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture.

" Nothing in paragraph (11) shall be construed to imply further rights under section 106 of this title, or to have any effect on defenses or limitations on rights granted under any other section of this title or under any other paragraph of this section.".

(b) Exemption From Trademark Infringement.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended by adding at the end the following:

"(3)(A) Any person who engages in the conduct described in paragraph (11) of section 110 of title 17, United States Code, and who complies with the requirements set forth in that paragraph is not liable on account of such conduct for a violation of any right under this Act. This subparagraph does not preclude liability, nor shall it be construed to restrict the defenses or limitations on rights granted under this Act, of a person for conduct not described in paragraph (11) of section 110 of title 17, United States Code, even if that person also engages in conduct described in paragraph (11) of section 110 of such title.

"(B) A manufacturer, licensee, or licensor of technology that enables the making of limited portions of audio or video content of a motion picture imperceptible as described in subparagraph (A) is not liable on account of such manufacture or license for a violation of any right under this Act, if such manufacturer, licensee, or licensor ensures that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or copyright holder of the motion picture. The limitations on liability in subparagraph (A) and this subparagraph shall not apply to a manufacturer, licensee, or licensor of technology that fails to comply with this paragraph.

"(C) The requirement under subparagraph (B) to provide notice shall apply only with respect to technology manufactured after the end of the 180-day period beginning on the date of the enactment of the Family Movie Act of 2005.

"(D) Any failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption under subparagraphs (A) and (B) shall not be construed to create an inference that any such party that engages in conduct described in paragraph (11) of section 110 of title 17, United States Code, is liable for trademark infringement by reason of such conduct.".

(c) Definition.—In this section, the term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

TITLE III—NATIONAL FILM PRESERVATION

Subtitle A—Reauthorization of the National Film Preservation Board

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "National Film Preservation Act of 2005".

SEC. 302. REAUTHORIZATION AND AMENDMENT.

(a) Duties of the Librarian of Congress.—Section 103 of the National Film Preservation Act of 1996 (2 U.S.C. 179m) is amended—

(1) in subsection (b)—

(A) by striking "film copy" each place that term appears and inserting "film or other approved copy";

(B) by striking "film copies" each place that term appears and inserting "film or other approved copies"; and

(C) in the third sentence, by striking "copyrighted" and inserting "copyrighted, mass distributed, broadcast, or published"; and

(2) by adding at the end the following:

"(c) Coordination of Program With Other Collection, Preservation, and Accessibility Activities.—In carrying out the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, the Librarian, in consultation with the Board established pursuant to section 104, shall—

"(1) carry out activities to make films included in the National Film registry more broadly accessible for research and educational purposes, and to generate public awareness and support of the Registry and the comprehensive national film preservation program;

"(2) review the comprehensive national film preservation plan, and amend it to the extent necessary to ensure that it addresses technological advances in the preservation and storage of, and access to film collections in multiple formats; and

"(3) wherever possible, undertake expanded initiatives to ensure the preservation of the moving image heritage of the United States, including film, videotape, television, and born digital moving image formats, by supporting the work of the National Audio-Visual Conservation Center of the Library of Congress, and other appropriate nonprofit archival and preservation organizations.".

(b) National Film Preservation Board.—Section 104 of the National Film Preservation Act of 1996 (2 U.S.C. 179n) is amended—

(1) in subsection (a)(1) by striking "20" and inserting "22";

(2) in subsection (a) (2) by striking "three" and inserting "5";

(3) in subsection (d) by striking "11" and inserting "12"; and

(4) by striking subsection (e) and inserting the following:

"(e) Reimbursement of Expenses.—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.".

(c) National Film Registry.—Section 106 of the National Film Preservation Act of 1996 (2 U.S.C. 179p) is amended by adding at the end the following:

"(e) National Audio-Visual Conservation Center.—The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

"(1) title 17, United States Code; and

"(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.".

(d) Use of Seal.—Section 107 (a) of the National Film Preservation Act of 1996 (2 U.S.C. 179q(a)) is amended—

(1) in paragraph (1), by inserting "in any format" after "or any copy"; and

(2) in paragraph (2), by striking "or film copy" and inserting "in any format".

(e) Effective Date.—Section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w) is amended by striking "7" and inserting "12".

Subtitle B—Reauthorization of the National Film Preservation Foundation

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "National Film Preservation Foundation Reauthorization Act of 2005".

SEC. 312. REAUTHORIZATION AND AMENDMENT.

(a) Board of Directors.—Section 151703 of title 36, United States Code, is amended—

(1) in subsection (b)(2)(A), by striking "nine" and inserting "12"; and

(2) in subsection (b)(4), by striking the second sentence and inserting "There shall be no limit to the number of terms to which any individual may be appointed.".

(b) Powers.—Section 151705 of title 36, United States Code, is amended in subsection (b) by striking "District of Columbia" and inserting "the jurisdiction in which the principal office of the corporation is located".

(c) Principal Office.—Section 151706 of title 36, United States Code, is amended by inserting ", or another place as determined by the board of directors" after "District of Columbia".

(d) Authorization of Appropriations.—Section 151711 of title 36, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) Authorization of Appropriations.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed $530,000 for each of the fiscal years 2005 through 2009. These amounts are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

"(b) Limitation Related to Administrative Expenses.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.".

TITLE IV—PRESERVATION OF ORPHAN WORKS

SEC. 401. SHORT TITLE.

This title may be cited as the "Preservation of Orphan Works Act".

SEC. 402. REPRODUCTION OF COPYRIGHTED WORKS BY LIBRARIES AND ARCHIVES.

Section 108(i) of title 17, United States Code, is amended by striking "(b) and (c)" and inserting "(b), (c), and (h)".

Mr. LEAHY. Mr. President, today I join my colleagues, Senators Hatch, Feinstein, and Cornyn, introducing an important piece of bipartisan intellectual property legislation. The provisions of the "Family Entertainment and Copyright Act of 2005" are virtually identical to those in the bill we passed in the waning days of the 108th Congress. Unfortunately, that package of intellectual property bills was hijacked in an effort to use it as a vehicle to pass unrelated legislation. The effort failed, and in the end so did Congress: we were not able to send to the President the most important package of intellectual property legislation on last year's agenda. The legislation passed in the Senate—several times in fact—but there was simply not enough time for the House of Representatives to act.

I am pleased that we were able to salvage two components of last year's bill. As Congress came to a close, the House passed the Senate version of the CREATE Act, legislation I cosponsored with Senator Hatch. The new law will continue to encourage collaborative research partnerships between private industry and not-for-profits, such as universities. We were also able to send to the President the Anti-counterfeiting Amendments Act, a version of Senator Biden's legislation that my friend from Delaware has championed for several years. Both laws are important, but our task remains incomplete.

It is time to enact the remaining components of the Family Entertainment and Copyright Act, to finish off the work of the 108th Congress as we begin the 109th.

Title I of the bill contains the "Artists" Rights and Theft Prevention Act," better known as the ART Act. This provision passed the Senate as a standalone bill in June of 2004, and again as part of the FECA bill at the end of the last Congress. The bill will make important inroads in the fight against movie piracy by criminalizing the use of camcorders to pilfer movies from the big screen. It will also direct the Register of Copyrights to create a registry of pre-release works in order to better address the problem of movie-theft before these works are offered for legal distribution.

The next title of the bill is the Family Movie Act, which will preserve the rights of families to watch motion pictures in the manner they see fit. At the same time, the Act protects the rights of directors and copyright holders to maintain the artistic vision and integrity of their works. A version of this legislation passed the other chamber in September of 2004, and it passed the Senate as part of the FECA bill at the end of the 108th Congress.

Title III of the bill is the Film Preservation Act, legislation that I sponsored in the last Congress. A version of this bill, too, was part of the FECA bill that passed the Senate last Congress. The Film Preservation Act will allow the Library of Congress to continue its important work in preserving America's fading film treasures. The works preserved by this important program include silent-era films, avant-garde works, ethnic films, newsreels, and home movies that are in many ways more illuminating on the question of who we are as a society than the Hollywood sound features kept and preserved by major studios. What's more, the bill will assist libraries, museums, and archives in preserving films, and in making those works available to researchers and the public.

Finally, the bill contains the Preservation of Orphan Works Act. This provision corrects for a drafting error in the Sonny Bono Copyright Term Extension Act. Correction of this error will allow libraries to create copies of certain copyrighted works, such as films and musical compositions that are in the last 20 years of their copyright term, are no longer commercially exploited, and are not available at a reasonable price. Again, this provision ensures that copies of culturally-illuminating works are not lost to history.

Anytime we enact a package of legislation as large as the "Family Entertainment and Copyright Act," building consensus is difficult. However, this is a chamber built on collegiality and compromise, and while I may have crafted specific components of this package differently, I believe that the final result we have achieved is one worthy of enactment. The components of this package have already passed the Senate at least once, and I have received assurances from the other chamber that the bill will receive swift consideration once it is approved in this body.

The legislative process is functioning well when we work with our colleagues across the aisle, and it is at its best when we work on a bipartisan basis with our friends in the other chamber. This bill has benefited from both. The agenda of the 109th Congress promises many issues that divide us, but this is not such a bill: It has garnered broad consensus, and I hope that we can finally move to swiftly enact it.

Mr. CORNYN. Mr. President, in the fall of 2003, I introduced S. 1932, the Artists' Rights and Theft Prevention Act of 2003, along with my friend from California, Senator FEINSTEIN. As introduced, the ART Act was a modest but necessary first step to combat the rampant piracy plaguing the motion picture, recording and general content industries. The Bill focuses on the most egregious form of copyright piracy plaguing the entertainment industry today—the piracy of film, movies, and other copyrighted materials before copyright owners have had the opportunity to market fully their products.

Now, as part of a comprehensive package, "the Family Entertainment and Copyright Act of 2005," it is even more significant. This package contains a number of targeted, important reforms that help strengthen our intellectual property laws. I rise to express my strong support for the bill and ask my colleagues to move it expeditiously.

Intellectual property laws and the American businesses that rely on them deserve our strongest support. Our Nation was founded on a number of important ideas. One central one was that the value created by the work and sweat of a person should be recognized as that person's property and should be protected. Protecting the creativity and capital that American innovators invest to make our lives richer is the right thing to do. Failure to do so not only would diminish the quality of our individual lives, but our country would suffer too. Intellectual property-related industries are a central driver of our Nation's economy and a staple of our international trade.

The copyright-based industries alone accounted for more than 5 percent of the U.S. GDP or $535,100,000,000 in 2001 and almost 6 percent of U.S. employment, and led all major industry sectors in foreign sales and exports in 2001, the last year for which we have figures.

As the Justice Department recently has pointed out:

> Ideas and the people who generate them serve as critical resources both in our daily lives and in the stability and growth of America's economy. The creation of intellectual property—from designs for new products to artistic creations—unleashes our Nation's potential, brings ideas from concept to commerce, and drives future economic and productivity gains. In the increasingly knowledge-driven, information age economy, intellectual property is the new coin of the realm. . . . [Report of the DOJ Task Force on Intellectual Property, p. 7.]

As the DOJ IP Task Force Report notes, America's economy relies more and more on ideas we create, not things we make. We need to protect our Nation's innovative and creative works with strong laws and enforcement of those laws because doing so is vital to our national economic security.

Having noted and quoted the DOJ Report, I want to pause to thank the Justice Department and outgoing Attorney General John Ashcroft for taking these issues seriously and for taking significant steps to address them. The formation of the Intellectual Property Task Force spotlighted these issues at the Justice Department and the work of the Task Force, headed by David Israelite did a superb job in developing comprehensive and serious steps better protecting our intellectual property interests. The DOJ engaged in serious domestic and international investigations and prosecutions against digital thieves who have misused promising digital technology like the Internet to further their attacks on American businesses. General Ashcroft and the Justice Department, who deserve our gratitude for so many reasons, certainly deserve it for their efforts on this area.

Having provided that foundation, let me discuss briefly some of the important provisions contained in this legislative package.

We have purposefully compiled a package of legislation that strikes a balance between innovation and copyright protection. One needn't be sacrificed to encourage the other—rather they go hand-in-hand.

First, I would mention the Cornyn-Feinstein "Artist's Rights and Theft Prevention Act" or the ART Act. Notably, it contains a provision making it a felony to record a movie in a theater. One of the principal ways that movie piracy happens is by thieves sitting in a movie theater, or bribing a projectionist to help them, and recording movies with small camcorders. These camcorded copies can then make their way around the world on the internet and usually land on the streets of cities around the world in pirated copies sold on the street, often the day the movie opens in the U.S. or even before the movie opens in many countries.

All it takes is a single or a small handful of camcorded copies distributed worldwide to have a devastating effect on a movie's profitability. Movies are generally an investment of tens or hundreds of millions of dollars that rely on box office and home video and other subsequent sales to recoup this investment. A camcorded copy released early in any of these cycles can undermine the economics of this business, and especially if they hit the streets or the internet while the movie is still in theaters. This is theft, and it is theft that supports organized crime groups, and perhaps, even terrorism. It deserves to be stopped by the specter of a federal felony.

Its second key provision focuses on so-called "pre-released" works. Because serious harm can be done to both the reputation of and market for creative products if they are pirated before they actually come to market, we have included reforms in the ART Act and this package that make it easier for the Justice Department to prosecute those who steal and distribute copies of copyrighted works on the internet before they are released to the public by their owners or authorized distributors. We make the prosecutor's job easier by allowing certain presumptions with regard to the harm caused, including the dollar amount and number of copies, necessary to allow the prosecutor to bring a felony action where the works in question are being prepared for commercial release but have not been released to the public legitimately. This is fair because no one can legitimately believe that they are within their rights copying and distributing works that are not yet available in the marketplace. Again this is a common sense concept, which deserves the support of the Congress.

Also, I would mention the Family Movie Act—another important component of this package. This provision allows the use of certain, specified technology to skip or mute content that may be objectionable to certain viewers when watching a movie at home, so long as no fixed copy of the edited work is made.

Very few would argue that many of the movies produced today contain significant amounts of gratuitous sex, violence, foul language or other potentially objectionable content. A number of innovative companies have stepped forward to solve this problem by providing filters that tag such scenes and allows consumers to tailor their viewing experience.

This legislation is designed to solve an on-going controversy surrounding the use of such technology. Specifically, there is litigation pending over the issue of whether providing edited versions of movies to consumers creates a "derivative work" that violates the rights of those who created or own the copyrights and trademarks for the original movies. The existence of this controversy arguably is hampering the development of the technology that families may find helpful in protecting children from potentially objectionable content.

Let me make clear that this bill is not designed to deal with ad-skipping by consumers in the home. I know that there has been some misinformation about this by groups who apparently oppose copyright protections generally, but this bill has nothing to do with anything other than using a certain kind of technology to modify the viewing experience of a movie to skip over objectionable content.

Finally, the two remaining provisions—though relatively small—are not insignificant. The Film Preservation Act, legislation that I recognize is particularly important to Senator LEAHY, and I thank him for his efforts in promoting it, will reauthorize a Library of Congress Program dedicated to saving rare and significant films. Additionally, we make a small but necessary change to the Sonny Bono Copyright Term Extension Act. Correction of this error will allow libraries to create copies of certain copyrighted works, such as films and musical compositions that are in the last 20 years of their copyright term, are no longer commercially exploited, and are not available at a reasonable price.

Before I relinquish my time, I do want to thank a number of people who have worked tirelessly on behalf of this bill. Allow me to thank David Jones and Tom Sydnor of the staff of Chairman ORRIN HATCH, who is not only our previous Judiciary Committee Chairman, but a leader on copyright and intellectual property issues; Susan Davies and Dan Fine of Senator LEAHY's staff, who also has long been a leader on intellectual property issues; and finally, David Hantman of Senator FEINSTEIN's staff, a Senator with whom I am happy to have teamed to introduce the ART Act in the last Congress.

Having begun with the staff, who rarely get mentioned as much as they deserve for the great work they do, let me also thank the Senators they work for: Senators HATCH, LEAHY, and FEINSTEIN for their co-sponsorship, as well as the Majority Leader, who has taken a personal interest in this legislation and worked to make it happen.

Mr. CORNYN. Mr. President, would the Senator yield for a quick question?

Mr. HATCH. I would be happy to yield for a question from the distinguished Senator from Texas.

Mr. CORNYN. As the chairman knows, he and I and our other cosponsors have worked throughout last Congress on the provisions of the Family Entertainment and Copyright Act of 2005 that we have introduced today. With respect to the Family Movie Act portion of the bill, I just wanted to raise the point that there had been some concern over the potential effect of the FMA on future cases involving "ad skipping" technologies and ask if you would have any objection to including in the record the relevant portion of the floor discussion on that issue from last Congress?

Mr. HATCH. I thank my friend, the Senator from Texas, for that reminder. I would certainly have no objection to entering our previous colloquy into the RECORD again and ask unanimous consent that it appear after our remarks.

Mr. HATCH. Mr. President, Section 102 of the ART Act establishes a new provision of Title 18 entitled, "Unauthorized Recording of Motion Pictures in a Motion Picture Exhibition Facility." I ask Senator CORNYN, what is the purpose of this provision?

Mr. CORNYN. Section 102 addresses a serious piracy issue facing the movie business: the use of camcorders in a motion picture theater. Sad to say, there are people who go to the movie theater, generally during pre-opening "screenings" or during the first weekend of theatrical release, and using sophisticated digital equipment, record the movie. They're not trying to save $8.00 so they can see the movie again. Instead, they sell the camcorded version to a local production factory or to an overseas producer, where it is converted into DVDs or similar products and sold on the street for a few dollars per copy. This misuse of camcorders is a significant factor in the estimated $3.5 billion per year of losses the movie industry suffers because of hard goods piracy. Even worse, these camcorded versions are posted on the Internet through "P2P" networks such as KaZaA, Grokster and Morpheus—and made available for millions to download. The goal of our bill is to provide a potent weapon in the arsenal of prosecutors to stem the piracy of commercially valuable motion pictures at its source.

Mr. HATCH. I have heard it said that this bill could be used against a salesperson or a customer at stores such as Best Buy or Circuit City if he or she were to point a video camera at a television screen showing a movie. Is this cause for concern?

Mr. CORNYN. Absolutely not. The offense is only applicable to transmitting or copying a movie in a motion picture exhibition facility, which has to be a movie theater or similar venue "that is being used primarily for the exhibition of a copyrighted motion picture." In the example of Best Buy—the store is being used primarily to sell electronic equipment, not to exhibit motion pictures. For the same reason, the statute would not cover a university student who records a short segment of a film being shown in film class, as the venue is being used primarily as a classroom, and not as a movie theater.

Mr. HATCH. Does the Senator from California agree with your colleague from Texas?

Mrs. FEINSTEIN. Absolutely on all points.

Mr. HATCH. I have also heard some say that this statute could be used to prosecute someone for camcording a DVD at his home. Is this a fair concern?

Mrs. FEINSTEIN. No, it is not. The definition of a motion picture exhibition facility includes the concept that the exhibition has to be "open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances." This definition makes clear that someone recording from a television in his home does not meet that definition. It is important to emphasize that the clause "open to the public" applies specifically to the exhibition, not to the facility. An exhibition in a place open to the public that is itself not made to the public is not the subject of this bill.

Thus, for example, a university film lab may be "open to the public." However, a student who is watching a film in that lab for his or her own study or research would not be engaging in an exhibition that is "open to the public." Thus, if that student copied an excerpt from such an exhibition, he or she would not be subject to liability under the bill.

Mr. HATCH. Do the users of hearing aids, cell phones or similar devices have anything to fear from this statute?

Mrs. FEINSTEIN. Of course not. The statute covers only a person who "knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under Title 17, or any part thereof. . . ." In other words, the defendant would have to be making, or attempting to make, a copy that is itself an audiovisual work, or make, or attempt to make, a transmission embodying an audiovisual work, as that term is defined in Section 101 of Title 17. As such, the Act would not reach the conduct of a person who uses a hearing aid, a still camera, or a picture phone to capture an image or mere sound from the movie.

Mr. HATCH. It appears that there is no fair use exception to this provision. Is that correct?

Mrs. FEINSTEIN. This is a criminal provision under Title 18, not a copyright provision under Title 17. Accordingly, there is no fair use exception included. However, Federal prosecutors should use their discretion not to bring criminal prosecutions against activities within movie theaters that would constitute fair use under the copyright laws. The object of this legislation is to prevent the copying and distribution of motion pictures in a manner that causes serious commercial harm. This legislation is not intended to chill legitimate free speech.

Mr. HATCH. Does the Senator from Texas agree?

Mr. CORNYN. Yes, on all points.

Mr. CORNYN. Mr. President, would the chairman yield for a question?

Mr. HATCH. I would be happy to yield for a question from the distinguished Senator from Texas.

Mr. CORNYN. As the chairman knows, he and I and our other co-sponsors have worked throughout this Congress on the provisions of the Family Entertainment and Copyright Act of 2004 that we have introduced today. I just want to confirm what I believe to be our mutual understanding about the effect of certain provisions of the Family Movie Act. Title II of the Family Entertainment and Copyright Act of 2004 that we introduced today modifies slightly the Family Movie Act provisions of H.R. 4077 as passed by the House of Representatives. That bill created a new exemption in section 110(11) of the Copyright Act for skipping and muting audio and video content in motion pictures during performances that take place in the course of a private viewing in a household from an authorized copy of the motion picture. The House-passed version specifically excluded from the scope of the new copyright exemption computer programs or technologies that make changes, deletions, or additions to commercial advertisements or to network or station promotional announcements that would otherwise be displayed before, during, or after the performance of the motion picture.

My understanding is that this provision reflected a "belt and suspenders" approach that was adopted to quiet the concerns of some Members in the House who were concerned that a court might misread the statute to apply to "ad-skipping" cases. Some Senators, however, expressed concern that the inclusion of such explicit language could create unwanted inferences as to the "ad-skipping" issues at the heart of the recent litigation. Those issues remain unsettled, and it was never the intent of this legislation to resolve or affect those issues. In the meantime, the Copyright Office has confirmed that such a provision is unnecessary to achieve the intent of the bill, which is to avoid application of this new exemption in potential future cases involving "ad-skipping" devices; therefore, the Senate amendment we offer removes the unnecessary exclusionary language.

Would the chairman confirm for the Senators present his understanding of the intent and effect, or perhaps stated more appropriately, the lack of any effect, of the Senate amendment on the scope of this bill?

Mr. HATCH. My cosponsor, Senator CORNYN, raises an important point. While we removed the "ad-skipping" language from the statute to avoid this unnecessary controversy, you are absolutely correct that this does not in any way change the scope of the bill. The bill protects the "making imperceptible . . . limited portions of audio or video content of a motion picture . . ." An advertisement, under the Copyright Act, is itself a "motion picture," and thus a product or service that enables the skipping of an entire advertisement, in any media, would be beyond the scope of the exemption. Moreover, the phrase "limited portions" is intended to refer to portions that are both quantitatively and qualitatively insubstantial in relation to the work as a whole. Where any substantial part of a complete work, such as a commercial advertisement, is made imperceptible, the new section 110(11) exemption would not apply.

The limited scope of this exemption does not, however, imply or show that such a product would be infringing. This legislation does not in any way deal with that issue. It means simply that such a product is not immunized from liability by this exemption.

Mr. CORNYN. I thank the chairman. I am pleased that we share a common understanding. If the chairman would yield for one more question about the Family Movie Act?

Mr. HATCH. Certainly.

Mr. CORNYN. This bill also differs from the House-passed version because it adds two "savings clauses." As I understand it, the "copyright" savings clause makes clear that there should be no "spillover effect" from the passage of this law: that is, nothing shall be construed to have any effect on rights, defenses, or limitations on rights granted under title 17, other than those explicitly provided for in the new section 110(11) exemption. The second, relating to trademark, clarifies that no inference can be drawn that a person or company who fails to qualify for the exemption from trademark infringement found in this provision is therefore liable for trademark infringement. Is that the chairman's understanding as well?

Mr. HATCH. Yes it is. Let me ask that a copy of the section-by-section analysis of the Family Movie Act as amended by the Senate be included in the RECORD. This section-by-section analysis contains a more complete analysis of the bill as proposed today in the Senate, including the limited changes made by the bill Senators LEAHY, CORNYN, BIDEN, and I offer today.

The analysis follows.

SECTION-BY-SECTION ANALYSIS OF THE FAMILY MOVIE ACT OF 2004, AMENDED AND PASSED BY THE SENATE

OVERVIEW

Title II of the Family Entertainment and Copyright Act of 2004 incorporates the House-passed provision of the Family Movie Act of 2004, with limited changes as reflected in this section-by-section analysis. As discussed herein, these changes are not intended to and do not affect the scope, effect or application of the bill.

The purpose of the Family Movie Act is to empower private individuals to use technology to skip and mute material that they find objectionable in movies, without impacting established doctrines of copyright or trademark law or those whose business models depend upon advertising. This amendment to the law should be narrowly construed to effect its intended purpose only. The sponsors of the legislation have been careful to tailor narrowly the legislation to clearly allow specific, consumer-directed activity and not to open or decide collateral issues or to affect any other potential or actual disputes in the law.

The bill as proposed in the Senate makes clear that, under certain conditions, "making imperceptible" of limited portions of audio or video content of a motion picture—that is, skipping and muting limited portions of movies without adding any content—as well as the creation or provision of a computer program or other technology that enables such making imperceptible, does not violate existing copyright or trademark laws. That is true whether the movie is on prerecorded media, like a DVD, or is transmitted to the home, as through pay-per-view and "video-on-demand" services.

Subsection (a): Short Title

Subsection (a) sets forth the short title of the bill as the Family Movie Act of 2004.

Subsection (b): Exemption from Copyright and Trademark Infringement for Skipping of Audio or Video Content of Motion Pictures

Subsection (b) is the Family Movie Act core provision and creates a new exemption at section 110(11) of the Copyright Act for the "making imperceptible" of limited portions of audio or video content of a motion picture during a performance in a private household. This new exemption sets forth a number of conditions to ensure that it achieves its intended effect while remaining carefully circumscribed and avoiding any unintended consequences. The conditions that allow an exemption, which are discussed in more detail below, consist of the following:

The making imperceptible must be "by or at the direction of a member of a private household." This legislation contemplates that any altered performances of the motion picture would be made either directly by the viewer or at the direction of a viewer where the viewer is exercising substantial choice over the types of content they choose to skip or mute.

The making imperceptible must occur "during a performance in or transmitted to the household for private home viewing." Thus, this provision does not exempt an unauthorized "public performance" of an altered version.

The making imperceptible must be "from an authorized copy of a motion picture." Thus, skipping and muting from an unauthorized or "bootleg" copy of a motion picture would not be exempt.

No "fixed copy" of the altered version of the motion picture may be created by the computer program or other technology that makes imperceptible portions of the audio or video content of the motion picture. This provision makes clear that services or technologies that make a fixed copy of the altered version are not afforded the benefit of this exemption.

The "making imperceptible" of limited portions of a motion picture does not include the addition of audio or video content over or in place of other content, such as placing a modified image of a person, a product, or an advertisement in place of another, or adding content of any kind.

These limitations, and other operative provisions of this new section 110(11) exemption, merit further elaboration as to their purposes and effects.

The bill makes clear that the "making imperceptible" of limited portions of audio or video content of a motion picture must be done by or at the direction of a member of a private household. While this limitation does not require that the individual member of the private household exercise ultimate decision-making over each and every scene or element of dialog in the motion picture that is to be made imperceptible, it does require that the making imperceptible be made at the direction of that individual in response to the individualized preferences expressed by that individual. The test of "at the direction of an individual" would be satisfied when an individual selects preferences from among options that are offered by the technology.

An example is the ClearPlay model. ClearPlay provides so-called " filter files" that allow a viewer to express his or her preferences in a number of different categories, including language, violence, drug content, sexual content, and several others. The version of the movie that the viewer sees depends upon the preferences expressed by that viewer. Such a model would fall under the liability limitation of the Family Movie Act.

This limitation, however, would not allow a program distributor, such as a provider of video-on-demand services, a cable or satellite channel, or a broadcaster, to make imperceptible limited portions of a movie in order to provide an altered version of that movie to all of its customers, which could violate a number of the copyright owner's exclusive rights, or to make a determination of scenes to be skipped or dialog to be muted and to offer to its viewers no more of a choice than to view an original or an altered version of that film. Some element of individualized preferences and control must be present such that the viewer exercises substantial choice over the types of content they choose to skip or mute.

It is also important to emphasize that the new section 110(11) exemption is targeted narrowly and specifically at the act of "making imperceptible" limited portions of audio or video content of a motion picture during a performance that occurs in, or that is transmitted to, a private household for private home viewing. This section would not exempt from liability an otherwise infringing performance, or a transmission of a performance, during which limited portions of audio or video content of the motion picture are made imperceptible. In other words, where a performance in a household or a transmission of a performance to a household is done lawfully, the making imperceptible limited portions of audio or video content of the motion picture during that performance, consistent with the requirements of this new section, will not result in infringement liability. Similarly, an infringing performance in a household, or an infringing transmission of a performance to a household, are not rendered non-infringing by section 110(11) by virtue of the fact that limited portions of audio or video content of the motion picture being performed are made imperceptible during such performance or transmission in a manner consistent with that section.

The bill also provides additional guidance, if not an exact definition, of what the term "making imperceptible" means. The bill provides specifically that the term "making imperceptible" does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture. This is intended to make clear in the text of the statute what has been expressed throughout the consideration of this legislation, which is that the Family Movie Act does not enable the addition of content of any kind, including the making imperceptible of audio or video content by replacing it or by superimposing other content over it. In other words, for purposes of section 110(11), "making imperceptible" refers solely to skipping scenes and portions of scenes or muting audio content from the original, commercially available version of the motion picture. No other modifications of the content are addressed or immunized by this legislation.

The House sponsor of this legislation noted in his explanation of his bill, and the Senate is also aware, that some copy protection technologies rely on matter placed into the audio or video signal. The phrase "limited portions of audio or video content of a motion picture" means what it would naturally seem to mean (i.e., the actual content of the motion picture) and does not refer to any component of a copy protection scheme or technology. This provision does not allow the skipping of technologies or other copy-protection-related matter for the purpose of defeating copy protection. Rather, it is expected that skipping and muting of content in the actual motion picture will be skipped or muted at the direction of the viewer based on that viewer's desire to avoid seeing or hearing the action or sound in the motion picture. Skipping or muting done for the purpose of or having the effect of avoiding copy protection technologies would be an abuse of the safe harbor outlined in this legislation and may violate section 1201 of title 17.

Violating the Digital Millennium Copyright Act, and particularly its anti-circumvention provisions, is not necessary to enable technology of the kind contemplated under the Family Movie Act. Although the amendment to section 110 provides that it is not an infringement of copyright to engage in the conduct that is the subject of the Family Movie Act, the Act does not provide any exemption from the anti-circumvention provisions of section 1201 of title 17, or from any other provision of chapter 12 of title 17. It would not be a defense to a claim of violation of section 1201 that the circumvention is for the purpose of engaging in the conduct covered by this new exemption in section 110(11), just as it is not a defense under section 1201 that the circumvention is for the purpose of engaging in any other non-infringing conduct.

There are a number of companies currently providing the type of products and services covered by this Act. The Family Movie Act is intended to facilitate the offering of such products and services, and it certainly creates no impediment to the technology employed by those companies. Indeed, it is important to underscore the fact that the support for such technology and consumer offerings that is reflected in this legislation is driven in some measure by the desire for copyright law to be respected and to ensure that technology is deployed in a way that supports the continued creation and protection of entertainment and information products that rely on copyright protection. This legislation reflects the firm expectation that those rights and the interests of viewers in their homes can work together in the context defined in this bill. Any suggestion that support for the exercise of viewer choice in modifying their viewing experience of copyrighted works requires violation of either the copyright in the work or of the copy protection schemes that provide protection for such work should be rejected as counter to legislative intent or technological necessity.

The House-passed bill included an explicit exclusion to the new section 110(11) exemption in cases involving the making imperceptible of commercial advertisements or network or station promotional announcements. This provision was added on the House floor to respond to concerns expressed by Members during the House Judiciary Committee markup that the bill might be read somehow to exempt from copyright infringement liability devices that allow for skipping of advertisements in the playback of recorded television (so called "ad-skipping" devices). Such a reading is not consistent with the language of the bill or its intent.

The phrase "limited portions of audio or video content of a motion picture" applies only to the skipping and muting of scenes or dialog that are part of the motion picture itself, and not to the skipping of commercial advertisements, which are themselves considered motions pictures under the Copyright Act. It also should be noted that the phrase "limited portions" is intended to refer to portions that are both quantitatively and qualitatively insubstantial in relation to the work as a whole. Where any substantial part of a complete work (including a commercial advertisement) is made imperceptible, the section 110(11) exemption would not apply.

The House-passed bill adopted a "belt and suspenders" approach to this question by adding exclusionary language in the statute itself. Ultimately that provision raised concerns in the Senate that such exclusionary language would result in an inference that the bill somehow expresses an opinion, or even decides, the unresolved legal questions underlying recent litigation related to these so-called "ad-skipping" devices. In the meantime, the Copyright Office also made clear that such exclusionary language is not necessary. In other words, the exclusionary language created unnecessary controversy without adding any needed clarity to the statute.

Thus, the Senate amendment omits the exclusionary language while leaving the scope and application of the bill exactly as it was when it passed the House. The legislation does not provide a defense in cases involving so-called "ad-skipping" devices, and it also does not affect the legal issues underlying such litigation, one way or another. Consistent with the intent of the legislation to fix a narrow and specific copyright issue, this bill seeks very clearly to avoid unnecessarily interfering with current business models, especially with respect to advertising, promotional announcements, and the like. Simply put, the bill as amended in the Senate is narrowly targeted to the use of technologies and services that filter out content in movies that a viewer finds objectionable, and it in no way relates to or affects the legality of so-called "ad-skipping" technologies.

There are a variety of services currently in litigation that distribute actual copies of altered movies. This type of activity is not covered by the section 110(11) exemption created by the Family Movie Act. There is a basic distinction between a viewer choosing to alter what is visible or audible when viewing a film, the focus of this legislation, and a separate entity choosing to create and distribute a single, altered version to members of the public. The section 110(11) exemption only applies to viewer directed changes to the viewing experience, and not the making or distribution of actual altered copies of the motion picture.

Related to this point, during consideration of this legislation in the House there were conflicting expert opinions on whether fixation is required to infringe the derivative work right under the Copyright Act, as well as whether evidence of Congressional intent in enacting the 1976 Copyright Act supports the notion that fixation should not be a prerequisite for the preparation of an infringing derivative work. This legislation should not be construed to be predicated on or to take a position on whether fixation is necessary to violate the derivative work right, or whether the conduct that is immunized by this legislation would be infringing in the absence of this legislation. Subsection (b) also provides a savings clause to make clear that the newly-created copyright exemption is not to be construed to have any effect on rights, defenses, or limitations on rights granted under title 17, other than those explicitly provided for in the new section 110(11) exemption.

Subsection (c): Exemption from Trademark Infringement

Subsection (c) provides for a limited exemption from trademark infringement for those engaged in the conduct described in the new section 110(11) of the Copyright Act. In short, this subsection makes clear that a person engaging in the conduct described in section 110(11)—the "making imperceptible" of portions of audio or video content of a motion picture or the creation or provision of technology to enable such making available—is not subject to trademark infringement liability based on that conduct, provided that person's conduct complies with the requirements of section 110(11). This section provides a similar exemption for a manufacturer, licensee or licensor of technology that enables such making imperceptible, but such manufacturer, licensee or licensor is subject to the additional requirement that it ensure that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or the copyright holder.

Of course, nothing in this section would immunize someone whose conduct, apart from the narrow conduct described by 110(11), rises to the level of a Lanham Act violation. For example, someone who provides technology to enable the making imperceptible limited portions of a motion picture consistent with section 110(11) could not be held liable on account of such conduct under the Trademark Act, but if in providing such . . .

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 10—HONORING THE LIFE OF JOHNNY CARSON

Mr. NELSON of Nebraska (for himself, Mr. HAGEL, Mr. KENNEDY, Mrs. FEINSTEIN, and Mr. INOUYE) submitted the following resolution; which was considered and agreed to:

S. RES. 10

Whereas Johnny Carson, a friend to the United States Senate, passed away January 23, 2005;

Whereas Johnny Carson was a philanthropist, friend, and favorite Nebraska native son;

Whereas Johnny Carson was born in Iowa, raised in Norfolk, Nebraska, and made famous in Hollywood as a late night friend to all of America;

Whereas Johnny Carson served in the United States Navy as an ensign during World War II;

Whereas Johnny Carson late hosted "The Tonight Show" for 30 years;

Whereas Johnny Carson was best known as America's late night king of comedy;

Whereas Johnny Carson was one of the biggest stars in Hollywood but never forgot his roots;

Whereas Johnny Carson was respected by his colleagues as a gentleman; and

Whereas Johnny Carson was bright and witty, and always set the highest of standards for his performances: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Johnny Carson;

(2) recognizes the contributions of Johnny Carson to his home State of Nebraska;

(3) admires the sense of humor and late night presence of Johnny Carson in homes in the United States for over 30 years;

(4) expresses gratitude for the lifetime of memories Johnny Carson provided; and

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Johnny Carson.

SENATE RESOLUTION 11—HONORING THE SERVICE OF REVEREND LLOYD OGILVIE

Mr. KYL (for himself, Mr. BROWNBACK, Mr. LOTT, Mr. CHAMBLISS, and Mr. SANTORUM) submitted the following resolution; which was considered and agreed to:

S. RES. 11

Whereas a decade ago, on January 24, 1995, the Reverend Lloyd Ogilvie was elected by the Senate as its 61st Chaplain;

Whereas Reverend Lloyd Ogilvie is a friend and confidant to Senators, and to many staff members and Senate employees;

Whereas Reverend Lloyd Ogilvie was always a soothing presence in a body whose Members are sometimes at loggerheads;

Whereas Reverend Lloyd Ogilvie is someone upon whom Democrats and Republicans, men and women of different religious faiths, can count as a sympathetic and trusted advisor; and

Whereas after the tragedy of September 11, 2001, and until his retirement in 2003, we depended on him even more to strengthen our spirit and help us find consolation in Scripture: Now, therefore, be it

Resolved, That the Senate honors the significance of this 10-year anniversary by declaring to the Reverend Lloyd Ogilvie that we remember his loving service to the Senate and this Country, and use this anniversary to express our gratitude to him for his ministry to the Senate family.

SENATE RESOLUTION 12—COMMENDING THE UNIVERSITY OF SOUTHERN CALIFORNIA TROJANS FOOTBALL TEAM FOR WINNING THE 2004 BOWL CHAMPIONSHIP SERIES NATIONAL CHAMPIONSHIP GAME

Mrs. FEINSTEIN (for herself and Mrs. BOXER) submitted the following resolution; which was considered and agreed to:

S. RES. 12

Whereas the University of Southern California Trojans football team won the 2004 Bowl Championship Series national championship game, defeating Oklahoma University by a score of 55 to 19 in the FedEx Orange Bowl at Pro Player Stadium in Miami, Florida, on January 4, 2004;

Whereas the University of Southern California Trojans football team has won 11 national championships;

Whereas the University of Southern California Trojans football team has won 34 Pacific 10 conference championships;

Whereas the University of Southern California Trojans football team has won 27 bowl games, only 2 games fewer than the University of Alabama;

Whereas the University of Southern California Trojans football team won 13 games during the 2004 season for the first time in the history of the school and became the first team since the University of Nebraska in 1994–1995 to repeat as Associated Press national champions and the second team to start and finish the season at number 1 in the Associated Press poll;

Whereas the University of Southern California Trojans football team has won 22 consecutive games;

Whereas the University of Southern California Trojans football team is ranked in the top 10 in every defensive category;

Whereas the University of Southern California Trojans football team has set a school record by scoring at least 20 points in its last 38 games;

Whereas Head Coach Pete Carroll has a record of 42 wins, 9 losses at the University of Southern California and is the second University of Southern California coach to win back-to-back national championships;

Whereas Heisman Trophy winner and Associated Press Player of the Year, quarterback Matt Leinart, completed 18 of 35 passes for a total of 332 yards and set an Orange Bowl record with 5 touchdown passes;

Whereas tailback Reggie Bush was a Heisman Trophy finalist and the winner of the Chic Harley award, presented annually to the College Football Player of the Year by the Touchdown Club of Columbus; and

Whereas quarterback Matt Leinert, tailback Reggie Bush, defensive tackle Shaun Cody, and linebacker Matt Grootegoed were named to the Associated Press All-American first team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Southern California Trojans football team for winning the 2004 Bowl Championship Series national championship game; and

(2) directs the Secretary of the Senate to make available to the University of Southern California an enrolled copy of this resolution for appropriate display.

SENATE CONCURRENT RESOLUTION 4—EXPRESSING THE SENSE OF THE CONGRESS THAT THE DEPARTMENT OF DEFENSE SHOULD CONTINUE TO EXERCISE ITS STATUTORY AUTHORITY TO SUPPORT THE ACTIVITIES OF THE BOY SCOUTS OF AMERICA, IN PARTICULAR THE PERIODIC NATIONAL AND WORLD BOY SCOUT JAMBOREES

Mr. NELSON of Florida (for himself, Mr. ALLARD, Mr. ALLEN, Mr. NELSON of Nebraska, Mr. SESSIONS, and Mr. ENZI) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 4

Whereas the Boy Scouts of America was incorporated on February 8, 1910, and received a Federal charter on June 15, 1916, which is codified as chapter 309 of title 36, United States Code;

Whereas section 30902 of title 36, United States Code, states that it is the purpose of the Boy Scouts of America to promote, through organization, and cooperation with other agencies, the ability of boys to do things for themselves and others, to train them in scoutcraft, and to teach them patriotism, courage, self-reliance, and kindred virtues;

Whereas, since its inception, millions of Americans of every race, creed, and religion have participated in the Boy Scouts of America, and the Boy Scouts of America, as of October 1, 2004, utilizes more than 1,200,000 adult volunteers to serve 2,863,000 youth members organized in 121,051 units;

Whereas the Department of Defense and members of the Armed Forces have a long history of supporting the activities of the Boy Scouts of America and individual Boy Scout troops inside the United States, and section 2606 of title 10, United States Code, enacted in 1988, specifically authorizes the Department of Defense to cooperate with and assist the Boy Scouts of America in establishing and providing facilities and services for members of the Armed Forces and their dependents, and civilian employees of the Department of Defense and their dependents, at locations outside the United States;

Whereas sections 4682, 7541, and 9682 of title 10, United States Code, authorize the Department of Defense to sell and, in certain cases, donate obsolete or excess material to the Boy Scouts of America to support its activities; and

Whereas Public Law 92–249, enacted on March 10, 1972, and codified as section 2554 of title 10, United States Code, recognizes that Boy Scout Jamborees may be held on military installations and authorizes the Department of Defense, in support of Boy Scout Jamborees, to lend certain equipment and to provide transportation from the United States or military commands overseas, and return, at no expense to the United States Government, and to provide other personnel services and logistical support to the Boy Scouts of America to support national and world gatherings of Boy Scouts at events known as Boy Scout Jamborees: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress that the Department of Defense should continue to exercise its longstanding statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

Mr. NELSON of Florida. Mr. President, today I rise to submit a concurrent resolution on behalf of myself, Senators ALLARD, ALLEN, BEN NELSON of Nebraska, SESSIONS and ENZI expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

I ask unanimous consent that, the attached letter from Secretary of Defense Rumsfeld be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, DC, November 19, 2004.

Hon. BILL FRIST,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The Department of Defense takes great pride in its longstanding and rich tradition of support to the Boy Scouts of America. Accordingly, the Department of Defense supports the proposed Concurrent Resolution expressing the sense of Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

Sincerely,

DONALD RUMSFELD.

SENATE CONCURRENT RESOLUTION 5—CONGRATULATING THE PEOPLE OF UKRAINE FOR CONDUCTING A DEMOCRATIC, TRANSPARENT, AND FAIR RUNOFF PRESIDENTIAL ELECTION ON DECEMBER 26, 2004, AND CONGRATULATING VIKTOR YUSHCHENKO ON HIS ELECTION AS PRESIDENT OF UKRAINE AND HIS COMMITMENT TO DEMOCRACY AND REFORM

Mr. LUGAR (for himself and Mr. BIDEN) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 5

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system have been prerequisites for that country's full integration into the international community of democracies;

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE);

Whereas the election of Ukraine's next president was seen as an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas efforts by national and local officials and others acting at the behest of such officials to impose obstacles to free assembly, free speech, and a free and fair political campaign took place throughout Ukraine during the entire 2004 presidential election campaign without condemnation or remedial action by the Government of Ukraine;

Whereas on October 31, 2004, Ukraine held the first round of its presidential election and on November 21, 2004, Ukraine held a runoff presidential election between the two leading candidates, Prime Minister Viktor Yanukovich and opposition leader Viktor Yushchenko;

Whereas a consensus of Ukrainian and international election observers determined that the runoff election did not meet a considerable number of international standards for democratic elections, and these observers specifically declared that state resources were abused in support of Viktor Yanukovich, and that illegal voting by absentee ballot, multiple voting, assaults on electoral observers and journalists, and the use of counterfeit ballots were widespread;

Whereas following the runoff presidential election on November 21, 2004, tens of thousands of Ukrainian citizens engaged in peaceful demonstrations in Kiev and elsewhere to protest the unfair election and the declaration by the Ukrainian Central Election Commission that Viktor Yanukovich had won a majority of the votes;

Whereas, on November 25, 2004, the Ukrainian Supreme Court blocked the publication of the official runoff election results thus preventing the inauguration of the next president of Ukraine until the Supreme Court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff presidential election on November 21, 2004, and that the results of the election did not reflect the will of the Ukrainian people;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion regarding the government of Prime Minister Viktor Yanukovich;

Whereas European mediators and current Ukrainian President Leonid Kuchma began discussions on December 1, 2004, to attempt to work out a resolution to the standoff between the supporters of both presidential candidates;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the runoff presidential election on November 21, 2004, was invalid and ordered a new presidential election to take place on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed laws to reform the Ukrainian electoral process, including to reconstitute the Ukrainian Central Election Commission, and to close loopholes for fraud in preparation for a new presidential election;

Whereas on December 26, 2004, the people of Ukraine again went to the polls to elect the next president of Ukraine in what the consensus of domestic and international observers declared as a more democratic, transparent, and fair election process with fewer problems than the previous two rounds;

Whereas on January 10, 2005, the election victory of opposition leader Viktor Yushchenko was certified by the Ukrainian Central Election Commission; and

Whereas the runoff presidential election on December 26, 2004, signifies a turning point for Ukraine which offers new hope and opportunity to the people of Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people and Government of Ukraine for their commitment to democracy and their determination to end the political crisis in that country in a peaceful and democratic manner;

(2) congratulates the people and Government of Ukraine for ensuring a free and fair runoff presidential election which represents the true choice of the Ukrainian people;

(3) congratulates Viktor Yushchenko on his election as President of Ukraine;

(4) applauds the Ukrainian presidential candidates, the European Union and other European representatives, and the United States Government for the role they played in helping to find a peaceful resolution of the crisis;

(5) acknowledges and welcomes the strong relationship formed between the United States and Ukraine and expresses its strong and continuing support for the efforts of the Ukrainian people and the new Government of Ukraine to establish a full democracy, the rule of law, and respect for human rights; and

(6) pledges its assistance to the strengthening of a fully free and open democratic system in Ukraine, the creation of a prosperous free market economy in Ukraine, the reaffirmation of Ukraine's independence and territorial sovereignty, and Ukraine's full integration into the international community of democracies.

Mr. LUGAR. Mr. President, today I offer a resolution celebrating the December 26 election in Ukraine. I am pleased that Ukraine has dominated newspaper headlines and media broadcasts all over the world for the last sixty days. In that time, extraordinary events have occurred. A free press has revolted against government intimidation and reasserted itself. An emerging middle class has found its political footing. A new generation has found its hope for the future. A society has rebelled against the illegal activities of its government. It is in our interests to recognize and protect these advances.

I congratulate the people of Ukraine in their undeniable quest for freedom and democracy. Furthermore, I would also like to congratulate President Viktor Yushchenko, who was inaugurated last Sunday, for his victory.

The December 26 election in Ukraine was a tribute to Ukraine's maturing democracy and places Ukraine on a path to join the community of European democracies. A fraudulent and illegal election would have left Ukraine crippled. The new president would have lacked legitimacy with the Ukrainian people and the international community.

With the stakes so high, I commend President Bush, his Administration, and the international community for providing the people of Ukraine with the support they needed to withstand the threats to free and fair elections. Even in the face of repeated attempts to end any hope of a free and fair election. I was inspired by the willingness and courage of so many citizens of Ukraine to demonstrate their passion for free expression and the building of a truly democratic Ukraine.

I am hopeful that the momentum to foster democratic freedom around the world will continue. In his inaugural speech last week, President Bush stated his unequivocal support for democracy and put securing individual freedom at the forefront of America's foreign policy. I agree with the President. We must be prepared to play an active role in ensuring that democracy and basic freedoms are promoted and preserved around the world.

The future of Ukraine rests with its leaders and its people, but the United States and Europe must continue to support a foundation of democracy, rule of law, and a market economy, which will allow Ukraine to prosper and reach its full potential. I urge my colleagues to lend their support to U.S. policy in Ukraine and ask their support for this resolution.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearings have been scheduled before the Committee on Energy and Natural Resources to consider the President's Proposed Budget for FY 2006 for the agencies and programs under the jurisdiction of this Committee:

Tuesday, March 1 at 10 a.m., in Room SD–366—Department of the Interior.

Wednesday, March 2 at 10 a.m., in Room SD–366—Forest Service.

Thursday, March 3 at 10 a.m., in Room SD–366—Department of Energy.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit testimony for the hearing send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Carole McGuire at 202–224–0537.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet in open executive session during the session on Tuesday, January 25, 2005, at 10 a.m., to organize for the 109th Congress. The committee will also consider favorably reporting the nomination of Michael O. Leavitt, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. CORNYN. Mr. President, I ask unanimous consent that Brian George, an intern in my office, be granted the privileges of the floor for the duration of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING THE LIFE OF JOHNNY CARSON

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 10, submitted earlier today by Senator NELSON of Nebraska.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 10) honoring the life of Johnny Carson.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 10) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 10

Whereas Johnny Carson, a friend to the United States Senate, passed away January 23, 2005;

Whereas Johnny Carson was a philanthropist, friend, and favorite Nebraska native son;

Whereas Johnny Carson was born in Iowa, raised in Norfolk, Nebraska, and made famous in Hollywood as a late night friend to all of America;

Whereas Johnny Carson served in the United States Navy as an ensign during World War II;

Whereas Johnny Carson late hosted "The Tonight Show" for 30 years;

Whereas Johnny Carson was best known as America's late night king of comedy;

Whereas Johnny Carson was one of the biggest stars in Hollywood but never forgot his roots;

Whereas Johnny Carson was respected by his colleagues as a gentleman; and

Whereas Johnny Carson was bright and witty, and always set the highest of standards for his performances: Now, therefore, be it

Resolved, That the Senate—

(1) mourns the loss of Johnny Carson;

(2) recognizes the contributions of Johnny Carson to his home State of Nebraska;

(3) admires the sense of humor and late night presence of Johnny Carson in homes in the United States for over 30 years;

(4) expresses gratitude for the lifetime of memories Johnny Carson provided; and

(5) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to the family of Johnny Carson.

HONORING THE SERVICE OF REVEREND LLOYD OGILVIE

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 11, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 11) honoring the service of Reverend Lloyd Ogilvie.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LUGAR. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 11) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 11

Whereas a decade ago, on January 24, 1995, the Reverend Lloyd Ogilvie was elected by the Senate as its 61st Chaplain;

Whereas Reverend Lloyd Ogilvie is a friend and confidant to Senators, and to many staff members and Senate employees;

Whereas Reverend Lloyd Ogilvie was always a soothing presence in a body whose Members are sometimes at loggerheads;

Whereas Reverend Lloyd Ogilvie is someone upon whom Democrats and Republicans, men and women of different religious faiths, can count as a sympathetic and trusted advisor; and

Whereas after the tragedy of September 11, 2001, and until his retirement in 2003, we depended on him even more to strengthen our spirit and help us find consolation in Scripture: Now, therefore, be it

Resolved, That the Senate honors the significance of this 10-year anniversary by declaring to the Reverend Lloyd Ogilvie that we remember his loving service to the Senate and this Country, and use this anniversary to express our gratitude to him for his ministry to the Senate family.

COMMENDING THE UNIVERSITY OF SOUTHERN CALIFORNIA TROJANS FOOTBALL TEAM

Mr. LUGAR. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 12, submitted earlier today by Senators FEINSTEIN and BOXER.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 12) commending the University of Southern California Trojans football team for winning the 2004 Bowl Championship Series national championship game.

The Senate proceeded to consider the resolution.

Mrs. FEINSTEIN. Mr. President, as a strong supporter of California's college athletes, I rise today with Senator BOXER in support of S. Res. 12 commending the University of Southern California Trojans football team for winning the 2004 Bowl Championship Series national championship game.

No one who witnessed the Trojans decisive 55 to 19 victory over the University of Oklahoma in the FedEx Orange Bowl can deny that USC is the best college football team in the Nation. Led by Head Coach Pete Carroll, the Trojans brought home their 11th national championship, their 22nd straight win, and 27th victory in a bowl game, second all time to only the University of Alabama.

Not even the most die-hard Trojan fan could have anticipated such a win.

In addition to winning 13 games during the 2004 season for the first time in the history of the school, USC became the first team since the University of Nebraska in 1994–1995 to repeat as Associated Press national champions and the second team to start and finish the season at number one in the Associated Press poll. As the number one team in the country, they took on the best and they beat the best.

Every USC player deserves praise and recognition for their fine play on the field, but I would like to particularly point out the accomplishments of Heisman Trophy winner and Associated Press Player of the Year, quarterback Matt Leinert, who completed 18 of 35 passes for a total of 332 yards and set an Orange Bowl record with five touchdown passes. There were times when he could do no wrong and his play reminded me of a couple quarterbacks from my hometown team, the 49ers: Joe Montana and Steve Young.

Matt has also distinguished himself by announcing that he would return to school for his senior year, foregoing an opportunity to be the first pick in the National Football League draft. I wish more college athletes would follow his lead.

Ultimately, however, this was a team win featuring a high scoring offense and a tenacious defense. USC ranked in the top 10 in every defensive category and set a school record by scoring at least 20 points in the last 38 games.

Led by All-Americans Matt Leinert, tailback Reggie Bush, defensive tackle Shaun Cody, and linebacker Matt Grootegoed, USC brought much pride to the University and the Pacific Ten Conference.

Legions of Trojan fans across the country celebrated the victory and have already made plans for a return trip to the championship game in 2005.

And anyone who has seen a USC game over the past few years knows that another championship run is a strong possibility.

Let me also take a moment to congratulate the University of Oklahoma Sooners for their great season. They were a worthy opponent and a credit to the University and their State.

Years from now, as Americans engage in one of their favorite pastimes and debate the great college football teams of all-time, the 2004 University of Southern California Trojans will surely make the list. I congratulate the team once again for their incredible season and I look forward to watching them make another run at a championship next year.

Mrs. BOXER. Mr. President, I rise to pay tribute to the outstanding accomplishments of the University of Southern California football team. Earlier this month, the Trojans completed a perfect season by winning the Orange Bowl and their second consecutive national championship.

Last year, USC shared the championship after being excluded from the Bowl Championship Series title game.

This year, there was no doubt. The Trojans won all 13 of their games and led both the Associated Press and the USA Today/ESPN coaches polls from the preseason through the bowl games.

On Tuesday, January 4, they ended the season with a bang. In a much-anticipated meeting with second-ranked Oklahoma, the Trojans overwhelmed the Sooners by a score of 55–19 to win the Orange Bowl and the national championship in utterly convincing fashion.

I would like to congratulate USC President Steven B. Sample, Head Coach Pete Carroll, and the Trojan football team for an unforgettable season.

Mr. LUGAR. Mr. President, I ask unanimous consent that the resolution and preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 12) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 12

Whereas the University of Southern California Trojans football team won the 2004 Bowl Championship Series national championship game, defeating Oklahoma University by a score of 55 to 19 in the FedEx Orange Bowl at Pro Player Stadium in Miami, Florida, on January 4, 2004;

Whereas the University of Southern California Trojans football team has won 11 national championships;

Whereas the University of Southern California Trojans football team has won 34 Pacific 10 conference championships;

Whereas the University of Southern California Trojans football team has won 27 bowl games, only 2 games fewer than the University of Alabama;

Whereas the University of Southern California Trojans football team won 13 games during the 2004 season for the first time in the history of the school and became the first team since the University of Nebraska in 1994-1995 to repeat as Associated Press national champions and the second team to start and finish the season at number 1 in the Associated Press poll;

Whereas the University of Southern California Trojans football team has won 22 consecutive games;

Whereas the University of Southern California Trojans football team is ranked in the top 10 in every defensive category;

Whereas the University of Southern California Trojans football team has set a school record by scoring at least 20 points in its last 38 games;

Whereas Head Coach Pete Carroll has a record of 42 wins, 9 losses at the University of Southern California and is the second University of Southern California coach to win back-to-back national championships;

Whereas Heisman Trophy winner and Associated Press Player of the Year, quarterback Matt Leinart, completed 18 of 35 passes for a total of 332 yards and set an Orange Bowl record with 5 touchdown passes;

Whereas tailback Reggie Bush was a Heisman Trophy finalist and the winner of the Chic Harley award, presented annually to the College Football Player of the Year by the Touchdown Club of Columbus; and

Whereas quarterback Matt Leinert, tailback Reggie Bush, defensive tackle Shaun Cody, and linebacker Matt Grootegoed were named to the Associated Press All-American first team: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Southern California Trojans football team for winning the 2004 Bowl Championship Series national championship game; and

(2) directs the Secretary of the Senate to make available to the University of Southern California enrolled copies of this resolution for appropriate display;

Mr. LUGAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LUGAR. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT—EXECUTIVE CALENDAR

Mr. LUGAR. Mr. President, I ask unanimous consent that immediately following the vote on the Rice nomination, the Senate remain in executive session and proceed to the consideration of Calendar No. 5, the nomination of Jim Nicholson to be Secretary of Veterans Affairs; provided further that there be 30 minutes equally divided between the chairman and ranking member, and that at the expiration or yielding back of time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate; provided further that following the vote the President be immediately notified of the Senate's action; provided further that following that vote, the Senate proceed to the consideration of the nomination of Michael Leavitt to be Secretary of Health and Human Services; that there be 2 hours of debate equally divided between the chairman and ranking members or their designees, and that following the use or yielding back of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

Finally, I ask unanimous consent that the President then be notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LUGAR. I thank the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, on our side, I ask unanimous consent that the time for debate on the Leavitt nomination be divided as follows: Senator BAUCUS, 15 minutes; Senator DORGAN, 15 minutes; Senator STABENOW, 20 minutes; and Senator KENNEDY, 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces on behalf of the Committee on Finance, pursuant to section 8002 of title 26, U.S. Code, the designation of the following Senators as members of the Joint Committee on Taxation: the Senator from Iowa, Mr. GRASSLEY; the Senator from Utah, Mr. HATCH; the Senator from Mississippi, Mr. LOTT; the Senator from Montana, Mr. BAUCUS; and the Senator from West Virginia, Mr. ROCKEFELLER.

ORDERS FOR WEDNESDAY, JANUARY 26, 2005

Mr. LUGAR. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:30 a.m. on Wednesday, January 26. I further ask that following the prayer and the pledge, the morning hour be deemed to have expired, the Journal of the proceedings be approved to date, the time for the two leaders be reserved, that there then be a period of morning business equally divided until 10:30 a.m., with the first half of the time under the control of the Democratic leader or his designee, and the remaining time under the control of Senator BROWNBACK or his designee; provided that at 10:30 a.m. the Senate proceed to executive session, as provided under the previous order; provided further that the vote occur on the Rice nomination at 11:30 a.m. with the debate prior to the 11:30 a.m. vote occurring in the following order: Senator LUGAR, Senator BIDEN, Senator BOXER, Senator BYRD, Senator REID, and Senator FRIST.

I further ask that the last 5 minutes be reserved for Senator LUGAR or his designee.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

PROGRAM

Mr. LUGAR. Mr. President, tomorrow, following morning business, the Senate will resume debate on the nomination of Condoleezza Rice to be Secretary of State. Under the order, there will be 1 hour of debate on the nomination prior to the vote on confirmation. Again, the vote on the Rice nomination will occur at 11:30 a.m.

Following that vote, the Senate will act on two additional Cabinet nominations; Jim Nicholson to be Secretary of Veterans Affairs and Michael Leavitt to be Secretary of Health and Human Services. Under the agreement just entered, we will require some time to debate each nomination, but rollcall votes will not be necessary. The Senate may also act on other nominations should they become available.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. LUGAR. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:52 p.m., adjourned until Wednesday, January 26, 2005, at 9:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, January 25, 2005*

The House met at 2 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

As we begin this regular session of the 109th Congress, the words of Deuteronomy demand our attention and spring into action the solemn oath sworn by Members of this Chamber to uphold the Constitution and serve God's people.

"Today you are making an agreement with the Lord: He is to be your God and you are to walk in His ways and observe His statutes, commandments and decrees, and to hearken to His voice.

"And today the Lord is making this agreement with you. You are to be a people especially His own, as He promised you; and provided you keep all His commandments, He will then raise you high in praise and renown and glory above all other nations He had made, and you will be a people sacred to the Lord your God."

Let the people say: Amen. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas (Mr. CUELLAR) come forward and lead the House in the Pledge of Allegiance.

Mr. CUELLAR led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, DC,
January 25, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 25, 2005 at 9:07 a.m.:

That the Senate passed S. Res. 7.

Appointments:

Senate National Security Working Group;

Commission on Security and Cooperation in Europe.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

HONORING THE LAKEVILLE HIGH SCHOOL MARCHING BAND

(Mr. KLINE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINE. Mr. Speaker, I rise today to recognize the efforts of a talented group of young men and women from my hometown of Lakeville, Minnesota.

Over 300 members of the Lakeville High School Panther Band made all Minnesotans proud with their outstanding performance last week in the Presidential Inaugural Parade. The skill and enthusiasm demonstrated by these 10th- through 12th-graders reflected well upon their director, Nathan Earp, and the families, teachers and fellow students who support them.

As a neighbor and a fan of the Marching Panthers, I was proud to watch them go by, and I am proud to pay tribute to them today.

HONORING THE OUTSTANDING CONTRIBUTIONS OF JOSEPH A. SCOTT, JR.

(Mr. CUELLAR asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CUELLAR. Mr. Speaker, I rise today to honor the outstanding contributions of Joseph A. Scott, Jr., and to acknowledge a scholarship fund in his name recognizing his exceptional years of service to the people of San Antonio.

Joe paved the way for others and became the first African American in San Antonio to become a licensed insurance agent. He then went on to found World Technical Services, providing jobs for the disabled and those conquering substance abuse. He most recently served as a cofounder of the New Covenant Baptist Church.

Joe has also played an integral role in San Antonio politics, working closely with former President Lyndon B. Johnson, former mayor and HUD Secretary Henry Cisneros and the late Congressman Frank Tejeda.

Mr. Speaker, I am proud to have this opportunity to recognize the many accomplishments of Mr. Joseph A. Scott, Jr.

COMMENDING ERSKINE COLLEGE

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I rise today to recognize Erskine College, the oldest 4-year, church-related college in South Carolina, which was founded by the Associate Reformed Presbyterian Church.

For over 106 years, Erskine's faculty and staff have created an environment of excellence, where students are taught to incorporate their first-class education and good moral values into their day-to-day lives as members of society.

Recently, the Erskine Seminary announced the opening of a new campus in partnership with the First Presbyterian Church in Columbia, which my family has attended for six generations. As well, Erskine Seminary trains our U.S. Army Medcom Chaplains at Fort Sam Houston.

Finally, I would like to commend President John Carson, working with Board of Trustees Chairman John Moore, for his strong leadership and vision throughout his 7 years at Erskine. Because of President Carson's efforts, the school has reported record increases in enrollment for both the college and the seminary. When he steps down from his post in June, he can leave with the confidence that Erskine is better because of his service.

In conclusion, may God bless our troops, and we will never forget September 11.

CONGRATULATING THE IRAQI PEOPLE ON HOLDING ELECTIONS JANUARY 30

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise today to speak about the upcoming Iraqi national elections on Saturday, January 30, and to congratulate the millions of brave Iraqi citizens who plan on voting in their first free election.

After suffering for decades under Saddam Hussein's brutal regime, the Iraqi people finally have an opportunity to form a representative government that truly reflects the will of the

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Iraqi nation. Despite ongoing pockets of violence in a few Iraqi cities, it is clear that millions of Iraqis will finally be able to shape their own futures by expressing and exercising their right to vote.

Mr. Speaker, this will truly be a national election that Iraq and the rest of the Middle East can and should be proud of. More than 14.3 million Iraqi citizens have registered to vote. More than 190 political parties will be on the ballot, encompassing almost 19,000 Iraqi citizens standing for election. Finally and most importantly, nearly 80 percent of Iraqis say that they will vote, even in the face of threatened violence from the terrorist insurgency.

Mr. Speaker, these are fantastic statistics.

THE NEGATIVE EFFECTS OF SOCIAL SECURITY PRIVATIZATION ON WOMEN

(Ms. SOLIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SOLIS. Mr. Speaker, I rise today to represent the millions of American women who would be disproportionately hurt by privatizing Social Security.

First of all, women on average earn less than men. Full-time working women still receive only 73 cents to every dollar earned by a man. This means that women count on Social Security's progressive benefits structure as their primary retirement income more than men.

Women make up about 60 percent of Social Security beneficiaries, and on average live 6 to 8 years longer, so their savings run out sooner.

In my district, there are more than 10,700 households headed by women who are the guardians of their families. The average income in my district is about $41,000, and Social Security assures economic stability for women retirees. At the end of 2003, women's average monthly retirement benefit in my district was about $798, and the men's average benefit was about $1,039.

The gender disparities mean we must fight to protect women. Let us not call Social Security a crisis. Let us fix it so that everybody is treated equally and so that benefits are stabilized.

TROOP STRENGTH

(Mr. BLUNT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUNT. Mr. Speaker, I rise today to talk for a minute about the importance of maintaining America's all-volunteer military in order to fight and win the global war on terror.

That military is very dependent on the integrated Armed Forces, our guardsmen and Reserves who are available to us at what I think should be times of crisis or need.

I would like to place before the House today six guidelines that I intend to use as we move forward toward looking at our decisions on military preparedness.

The first of those points is simply to maintain our commitment to a fully integrated force.

Number two, to challenge the administration to allocate resources in a manner that ensures that our soldiers, sailors, airmen and marines are well-equipped and well-funded.

Number three, achieve the right size of force.

Number four, establish the right mix of force.

Number five, retain the force by doing those things necessary for relieving the burden on soldiers and their families.

Number six, preserve the long-term dominance of America's fighting force.

Mr. Speaker, we have no greater responsibility than to provide for our national defense. The Founders of our government stated this very clearly in the Preamble to our Constitution. We must continue to maintain that constitutional commitment.

REBUILDING SOCIETY WITH TRUE RESPECT FOR WOMEN AND THE BEAUTIFUL GIFT OF LIFE

(Mr. FORTENBERRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FORTENBERRY. Mr. Speaker, yesterday tens of thousands of people came to Washington to peacefully stand for life.

I am particularly encouraged, Mr. Speaker, by the multitudes of young people who came and who, despite a culture of death that rages around them, have courageously challenged the judgment of the Supreme Court, showing us that we can be a country of life-giving love, even for those in the most difficult situations.

These young people are saying that abortion is a fundamental injustice against women and their unborn children; that abortion has caused a deep wound in the soul of the country, resulting in untold grief and violence.

These young people are saying that women deserve better, especially those who may feel coerced into abortion. They are the compassionate voices for so many of us in need of healing.

Mr. Speaker, these young people have given me hope that we can rebuild our society with true respect for women and the beautiful gift of life.

HONORING MONSIGNOR IGNATIUS McDERMOTT

(Mr. DAVIS of Illinois asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS of Illinois. Mr. Speaker, during the period when we were away, the Nation lost one of my favorite people, Father Ignatius McDermott, better known as Father Mac.

Father Mac was a Catholic priest who, when Chicago had an area known as Skid Row, used to walk among the men who were basically alcoholics, out of work, and would minister to them at night, and became known as the Skid Row Priest.

Later on he founded Haymarket Center, which has become one of the most effective substance abuse treatment centers in the country today. Father Mac worked right up to the moment when he gave his last measure of life.

Mr. Speaker, I commend him for his work and for his efforts. There are thousands who are living rejuvenated lives because of the work of Father Mac.

We thank you, Father Mac.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote of the yeas and nays are ordered or on which the vote is objected to under clause 8 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CONGRATULATING PEOPLE OF UKRAINE FOR DEMOCRATIC, TRANSPARENT AND FAIR RUN-OFF PRESIDENTIAL ELECTION

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 16) congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff Presidential election on December 26, 2004, and congratulating Victor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform, as amended.

The Clerk read as follows:

H. CON. RES. 16

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system have been prerequisites for that country's full integration into the international community of democracies;

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE);

Whereas the election of Ukraine's next president was seen as an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas efforts by national and local officials and others acting at the behest of such officials to impose obstacles to free assembly, free speech, and a free and fair political campaign took place throughout Ukraine during the entire 2004 presidential election campaign without condemnation or remedial action by the Government of Ukraine;

Whereas on October 31, 2004, Ukraine held the first round of its presidential election and on November 21, 2004, Ukraine held a runoff presidential election between the two leading candidates, Prime Minister Viktor Yanukovich and opposition leader Viktor Yushchenko;

Whereas a consensus of Ukrainian and international election observers determined that the runoff election did not meet a considerable number of international standards for democratic elections, and these observers specifically declared that state resources were abused in support of Viktor Yanukovich, and that illegal voting by absentee ballot, multiple voting, assaults on electoral observers and journalists, and the use of counterfeit ballots were widespread;

Whereas following the runoff presidential election on November 21, 2004, tens of thousands of Ukrainian citizens engaged in peaceful demonstrations in Kiev and elsewhere to protest the unfair election and the declaration by the Ukrainian Central Election Commission that Viktor Yanukovich had won a majority of the votes;

Whereas the Ukrainian Supreme Court blocked the publication of the official runoff election results thus preventing the inauguration of the next president of Ukraine until the Supreme Court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff presidential election on November 21, 2004, and that the results of this election did not reflect the will of the Ukrainian people;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion regarding the government of Prime Minister Viktor Yanukovich;

Whereas European mediators and current Ukrainian President Leonid Kuchma began discussions on December 1, 2004, to attempt to work out a resolution to the standoff between the supporters of both presidential candidates;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the runoff presidential election on November 21, 2004, was invalid and ordered a new presidential election to take place on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed laws to reform the Ukrainian electoral process, including to reconstitute the Ukrainian Central Election Commission, and to close loopholes for fraud in preparation for a new presidential election;

Whereas on December 26, 2004, the people of Ukraine again went to the polls to elect the next president of Ukraine in what the consensus of domestic and international observers declared as a more democratic, transparent, and fair election process with fewer problems than the previous two rounds;

Whereas on January 10, 2005, the election victory of opposition leader Viktor Yushchenko was certified by the Ukrainian Central Election Commission; and

Whereas the runoff presidential election on December 26, 2004, signifies a turning point for Ukraine which offers new hope and opportunity to the people of Ukraine: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress—

(1) commends the people and Government of Ukraine for their commitment to democracy and their determination to end the political crisis in that country in a peaceful and democratic manner;

(2) congratulates the people and Government of Ukraine for ensuring a free and fair runoff presidential election which represents the true choice of the Ukrainian people;

(3) congratulates Viktor Yushchenko on his election as President of Ukraine;

(4) applauds the Ukrainian presidential candidates, the European Union and other European representatives, and the United States Government for the role they played in helping to find a peaceful resolution of the crisis;

(5) acknowledges and welcomes the strong relationship formed between the United States and Ukraine and expresses its strong and continuing support for the efforts of the Ukrainian people and the new Government of Ukraine to establish a full democracy, the rule of law, and respect for human rights; and

(6) pledges its assistance to the strengthening of a fully free and open democratic system in Ukraine, the creation of a prosperous free market economy in Ukraine, the reaffirmation of Ukraine's independence and territorial sovereignty, and Ukraine's full integration into the international community of democracies.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Con. Res. 16.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1415

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H. Con. Res. 16 as amended regarding the presidential elections recently held in Ukraine. I want to thank the ranking Democrat member of the Committee on International Relations and others who have joined me in sponsoring this resolution.

This resolution has been amended to include a few clarifications of the original language.

No issue was judged to be more important to Ukraine's future standing with the West and its ability to become a full partner with the Euro-Atlantic community than the strength of its democracy. The presidential election represented a historic opportunity for the people of Ukraine to decide whether or not democracy can flourish in this important nation.

So important was the desire for a free, fair and transparent election that this House overwhelmingly passed a resolution regarding the election in October. Unfortunately, despite the assurance we received from the Government of Ukraine, the rhetoric did not meet the actions. The October 31 election and the November 21 runoff election were marred by serious irregularities. The highly charged second-round vote on November 21 met all of our worst expectations.

We all have read the media accounts of the election-day problems, and I will not repeat them here. The election was so compromised by open fraud that much of Ukraine's population took to the streets determined to preserve their liberties and prevent the installation of an illegitimate regime. Given the strength of that resistance and the near-universal condemnation of the election process by the international community, the once powerful government was forced to admit that the election over which it presided was fraudulent.

In the aftermath of this contested election, an extraordinary series of events took place in Ukraine which confirmed to many that Ukraine's democracy may have survived the effects of the election abuses and may have received new life.

The outpouring of public opposition to the faulty election process was beyond expectation. The thousands of demonstrators who flooded into the capital to protect the election outcome and to demand honest democracy even in the face of personal hardship were commendable. To their credit, the people of Ukraine spoke with determination that the will of the people would not be thwarted.

Ukrainian institutions such as the Parliament and the Supreme Court affirmed their commitment to the rule of law and took their responsibilities seriously in order to resolve this crisis.

Finally, the effort made by the European Union, Poland, Lithuania, joined by the United States to help broker a fair solution to the crisis, was a perfect example of how the transatlantic partnership is working.

As a result of the convergence of all these elements inside Ukraine, a new runoff election was held on December 26. Witnessed by thousands of international observers, this time the election was determined to be free and fair, and Victor Yushchenko emerged as the new President-elect. This past Sunday he was inaugurated as the new President of Ukraine.

This resolution congratulates Victor Yushchenko on his election as President of Ukraine. It was a difficult struggle in which his campaign was denied fundamental rights, where he was the target of an assassination attempt and where his victory in the first runoff election was literally stolen from him by forces which could not accept defeat and were now not prepared to relinquish power.

The resolution also commends the people of Ukraine for the remarkable effort they made to ensure that democracy was carried out in their country and the true will of the people to elect the president of their choice was accomplished.

Mr. Speaker, rather than an external geopolitical struggle, events which took place in Ukraine between November 21 and December 26 were all about democracy, of freedom, of real, rather than declared, rights, as we heard Mr. Yushchenko explain, and the right of the people to freely and fairly choose their leaders.

The United States Congress attaches great importance to the success of Ukraine's continued transition to a democratic state, with strong institutions and a flourishing market economy. U.S. Government policy must remain focused on promoting and strengthening a stable, democratic, and prosperous Ukraine.

Today, through H. Con. Res. 16, we congratulate President Yushchenko. We commend the people of Ukraine for their commitment to democracy and to their nation and to their place in modern Europe. I urge passage of this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I might consume, and I rise in strong support of this resolution.

Mr. Speaker, all of us were excited and exhilarated as we were watching the Orange Revolution unfold in the streets of Kiev. And I want to congratulate my dear friend and the distinguished chairman of the Committee on International Relations for his leadership in presenting this resolution to the House.

Mr. Speaker, the bipartisan resolution before the House today congratulates Ukraine on having its first truly free and fair election since gaining its independence in 1991. These democratic elections are remarkable in the sense that they took place in a country which historically is closely tied to Russia, a country where, unfortunately, democracy has taken many huge steps backward over the past 4 years.

Mr. Speaker, I want to take this opportunity to express my admiration and respect for the Ukrainian people who took to the streets last November. The unwillingness of the Ukrainian people to accept a fraudulent and manipulated election and, ultimately, their success in forcing new, fair, free, and open elections should inspire people committed to democracy throughout the world.

I hope that Ukraine's elections on December 26 will have lasting effects, not only on the future of Ukraine, but also on Ukraine's immediate neighbors: Georgia, Belarus, and Moldova, and on the autocratic regimes in Central Asia that are all slated to hold elections next year.

The peaceful and powerful democratic protests in Ukraine spurred the Ukrainian Parliament to fulfill its obligations as a legislature in a democracy and to dismiss the last government.

The protests sparked a rebellion among Ukraine's journalists and TV anchors who refused to be voices for government-concocted news. The judiciary in Ukraine has also found its noble and independent mission. We can only hope that the citizens of Russia and other former Soviet republics will act similarly in the months and years ahead.

Mr. Speaker, as we congratulate the citizens of Ukraine and consider the way forward for Ukraine, we must also acknowledge that the situation in Ukraine is still very complex and the success of the new government is very far from certain.

Mr. Yushchenko has a very small window of opportunity to pass the necessary reforms that will improve the lives of ordinary Ukrainians. The United States, the European Union, and multilateral organizations may be prepared to help Ukraine; but it is Mr. Yushchenko and his political allies in the government and in the Parliament who have to make the difficult choices to ensure that reforms are implemented.

It remains to be seen whether President Yushchenko will live up to the high expectations many of us in the West have for his presidency. I am pleased with his clean and noncorrupt political record, his willingness to take on the oligarchs, and his efforts to pass long overdue economic reforms; but I caution my colleagues on both sides of the aisle to remain vigilant so that the ugly remnants of the Ukrainian and Soviet past do not overwhelm what may be a promising future of democracy in the eastern part of Europe.

Mr. Speaker, among my concerns about the nature of the political forces in Ukraine today are a number of laws and executive decisions taken by the former president, Mr. Kuchma's lame duck government, which I think will hurt the Yushchenko presidency. The Kuchma government's decision to withdraw the Ukrainian contingent from coalition troops in Iraq was an insult to the American people and to the Government of the United States which have done so much to help Ukraine to earn its freedom and stood by her people in this difficult time.

Today, I formally call upon President Yushchenko to reverse this ill-advised decision and, in so doing, firmly signal his desire for a strong relationship with the United States. What this new administration does with respect to its international commitments will be an important marker for its future relations with the United States, and it will undoubtedly affect Ukraine's ability to integrate into Atlantic institutions. Mr. Speaker, democracy bestows priceless privileges, but it also demands the acceptance of some burdensome responsibilities.

I urge my colleagues to support H. Con. Res. 16.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from New Jersey (Mr. SMITH), one of the leading battlers for human rights in Congress.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the chairman, the gentleman from Illinois (Chairman HYDE), for his leadership on Ukraine and on so many other important human rights issues around the world. And for the resolution that he offered and gave us the opportunity to vote on in the latter part of last year, calling on the Ukrainian Government to respect the democracy process and to have a fair and free election which, thankfully, on the second go around, they indeed did.

I also want to thank Chairman HYDE for H. Con. Res. 16, which gives us as a body the opportunity to congratulate the people of Ukraine for conducting a democratic, transparent, and fair runup election. The historic triumph of the Ukrainian people, Mr. Speaker, in what has come to be known around the world as the Orange Revolution, did not come about easily. There were many moments of uncertainty.

Congratulations to Victor Yushchenko on his election as Ukraine's president. President Yushchenko displayed remarkable personal courage and dignity as he led the struggle for democracy and freedom, despite the debilitating dioxin poisoning attempt on his life and numerous other attempts that were designed to thwart him. He deserves our admiration for his incredible persistence in carrying out the fight for Ukraine's democratic future.

Mr. Speaker, I chaired the Helsinki Commission during the last 2 years, and we followed very closely the developments in Ukraine. We ourselves tried to influence and to bring to light many of the problems associated with the run-up to the election and the first election which thankfully was nullified. In various statements and speeches leading up to that election, and in hearings of the commission we noted that this election when conducted freely and fairly was perhaps the most important event in Ukraine since the restoration of independence.

□ 1430

Accordingly, we sent members of the commission staff to Ukraine to act as poll watchers to try to ensure that ballot stuffing and a myriad of devices used to steal an election did not happen.

I would also point out to my friends that in a remarkable display of people power, more than a million Ukrainians took to the streets of Kiev and elsewhere in a historic, peaceful and well-organized protest, a protest that caught the attention and the imagination of the world, and many people in dictatorships noted as well. This people power intention was to compel a second election. We got the run-off election, and thankfully, that was judged to be free and fair, and the outcome is beyond dispute.

With the stunning success of the Orange Revolution, Mr. Speaker, Ukraine is now firmly on the path to fulfill its quest to become a thriving democracy in which human rights are honored and the rule of law prevails. The model of Putin's Russia or Lukashenka's Belarus have been rejected resolutely by the Ukrainian people. Ukraine has made its choice for democracy and freedom and for integration with the Euro-Atlantic community versus reintegration with Eurasia, with all of the implications of that choice for Ukraine's independence and its freedom.

Mr. Speaker, throughout much of the 20th century, the Ukrainian people were the victims of unspeakable suffering, most notably the genocidal Ukrainian famine of the early 1930s, perpetrated by brutal dictatorships and various invaders. Toward the end of that century, the promise of renewed independence, for which so many had sacrificed, at long last came to fruition. The Orange Revolution and the victory of Viktor Yushchenko have brought Ukraine its freedom and, despite the formidable challenges that lie ahead, the true promise of a bright future.

Mr. Speaker, finally, while listening to President Bush's inaugural address, I could not help but think of the recent events in Ukraine as a powerful example of what he called, and I quote him, "one force of history that can break the reign of hatred and resentment, and expose the pretensions of tyrants, and reward the hopes of the decent and tolerant people, and that is the force of human freedom." We have seen, Mr. Speaker, this happen in Ukraine, and we must stand ready to offer our help and support and assistance to President Yushchenko and the Ukrainian people as they consolidate their free, democratic future.

I thank my good friend for this resolution, for his great leadership, and for my good friends, the gentleman from Maryland (Mr. CARDIN) on the Helsinki Commission, and the gentleman from California (Mr. LANTOS), the ranking member. We are united as a Congress on this very important issue.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 3 minutes to the gentleman from Illinois (Mr. DAVIS), my good friend and our distinguished colleague.

Mr. DAVIS of Illinois. Mr. Speaker, I want to thank the gentleman from California for yielding me time.

Mr. Speaker, I represent an area in Chicago known as Ukrainian Village, and last fall, I was privileged to visit Ukraine with my friends from the Self-Reliance Credit Union to celebrate Ukrainian independence and to assist with the development of credit unions in that country.

I left impressed with the passion and commitment of the people of the Ukraine to the development of democracy in their homeland. They have been rewarded with a massive victory for their notions of the democratic process.

I congratulate President Yushchenko on his election as President of Ukraine and commend all of the diverse forces who assisted in bringing about this triumph of the democratic process.

Ukraine is emerging as a vigorous and forward-looking member of the European community, recognized for stepping away from nuclear weapons, and acknowledged for a flourishing, developing economy.

I trust that relations between the Ukraine and the United States will continue to strengthen. The elections in the Ukraine mark a kind of fork in the road for U.S. foreign policy. We can move down the road toward mutually beneficial relations with Russia and all of the former Soviet republics and allies in Eastern Europe, or we can return to the kind of relationships which characterized the Cold War.

I believe our choice ought to be clear: strong and peaceful relationships, rejecting all interference in the internal affairs of other states; mutually beneficial relationships based on fair trade; strict observance of international law; cultural and scientific cooperation; and people-to-people interaction.

Again, Mr. Speaker, I commend the people of the Ukraine for demonstrating what democracy can and should really mean, and that is rule by the people.

Mr. LANTOS. Mr. Speaker, I am delighted to yield 2 minutes to the gentleman from Maryland (Mr. CARDIN), the distinguished leader on the Democratic side of the Helsinki Commission.

Mr. CARDIN. Mr. Speaker, I want to thank the gentleman from California (Mr. LANTOS) and the gentleman from Illinois (Mr. HYDE) for their leadership on bringing this resolution forward. It is a very important moment in the history of the Ukraine.

I also want to congratulate my colleague, the gentleman from New Jersey (Mr. SMITH) for his leadership on the Helsinki Commission that has consistently raised the issue of fair and transparent elections among the member states for the Organization of Security and Cooperation in Europe.

I want to congratulate Viktor Yushchenko and the people of the Ukraine on the fair and transparent run-off elections on December 26. What is very noteworthy is just 5 weeks earlier, that country had a run-off election that was marked by widespread fraud.

After that election on November 21, something happened in the Ukraine. The spirit of democracy that we have seen in so many of the former republics of the Soviet Union finally made its way to the Ukraine. The support from the United States was instrumental in bringing about a change in the Ukraine. The support within the OSCE in insisting that its member states comply with requirements of the fair and transparent elections also helped. The will of the people prevailed.

All of us remember what happened in Independence Square in Kiev known as the Orange Revolution. It gave strength to their country to seek freedom and fair elections. It gave strength to their institutions, and on December 3, the Supreme Court ruled the November 21 election invalid.

Now the Ukraine has followed the lead of the former Soviet republic Georgia in their Revolution of Roses to bring about a fair election process, but, Mr. Speaker, there is a hard task ahead. They have to overcome the dual legacy of corruption and disregard for the rule of law.

I know I speak for every person of this Chamber that if Ukraine follows the path of democracy and respect for human rights, as they showed in this past election, they will have this body, they will have this Nation on their side as they fight to develop a democratic system within their country.

I applaud this resolution. I strongly support it. I urge my colleagues to support it.

Mr. SCHIFF. Mr. Speaker, I rise in support of H. Con. Res. 16, regarding the recent elections in Ukraine, and President Victor Yushchenko's victory.

Today, America looks upon a world very different from that which existed less than twenty years ago. Where once millions of people were trapped under the heels of tyrants, they now are enjoying the liberties we fought for more than two centuries ago. Our former rivals have become allies in the fight for freedom and democracy. The most recent example of this comes from Ukraine, where a drawn-out election has produced a new leadership for the citizens of this former Soviet Republic.

In Ukraine, the will of the people proved stronger than threats and oppression, as tens of thousands of young Ukrainians took to the streets to protest fraudulent elections. Ultimately, they were heard, and Victor Yushchenko was elected to be their President.

These elections are a triumphant accomplishment for the people of Ukraine, but by no means do they guarantee freedom. The struggle for liberty is a constant one, and in order for Ukrainians to fully realize their dream for representation, the new government of President Victor Yushchenko must rid the country of the corruption that has plagued it for so long. If this can be done, Ukraine will be able to realize a bright and productive future.

When I visited Ukraine in December, I met some of the people who made it possible to overturn the fraudulent elections. It is hard to express how inspiring it was to see the pride and dedication that those young people exhibited. I can only hope that these qualities can find a home in the hearts of the young people in other societies and fuel the desire for freedom around the globe.

I also met with the physician who diagnosed President Yushchenko with dioxin poisoning, after his face was so badly distorted by what appears to have been an effort to kill him and the reforms he represents. The symbolism behind this man's struggle is hard to ignore. Parallels can be drawn between the desperate grasps for dwindling power by others who have ruled without consent, and the cowardly poisoning of this remarkable man. President Yushchenko also represents the strength and inevitability of freedom itself. Rather than surrender, he drove forward, both for his supporters and for his country.

Through its "Orange Revolution," Ukraine has shown the world the strength and courage of its people. With its well educated workforce and bountiful natural resources, the country is poised for a prosperous future. President Yushchenko has expressed his desire for his country to join NATO and the European Union. The United States should support Ukraine's desire to fully join the west. At the same time, we must work to reassure Russia that a Ukraine that is fully integrated into Euro-Atlantic institutions is not a threat, but instead represents a more stable neighbor and a potential future for Russia itself.

Mr. LEVIN. Mr. Speaker, I rise today to offer my full support as a cosponsor to this resolution, congratulating the Ukrainian people for their role in ensuring a fair and free election on December 26, and congratulating Viktor Yushchenko for his perseverance in winning the presidency.

Democracy in Ukraine has come a long way in a very short time. The Orange Revolution, as it has been called, will be remembered as a historic milestone. This revolution succeeded through the peaceful efforts of the Ukrainian people standing up for democracy and genuine liberty for their country.

Hundreds of thousands of Mr. Yushchenko's supporters, many wearing the orange color of his political party, poured into the streets of Kiev and blocked entrances to government buildings to protest a rigged vote and demand the Ukrainian Supreme Court invalidate the election results.

It was stirring to watch these men, women and children brave the bitter cold and snow in Independence Square and throughout the country, demanding to have their voices heard and their just demands met, namely, free and fair elections.

Here in Washington, I was proud to stand with nearly 1,500 Ukrainian-Americans from around the country on the day before Thanksgiving at a demonstration in front of Ukraine's embassy to demand that the will of the voters of Ukraine be upheld in that nation's presidential election. We gathered together in the rain just as the AP Wire announced that Ukraine's Election Commission had grievously certified the election of Viktor Yanukovych. Ukraine has come such a long way since then.

The United States stood with the hundreds of thousands of Ukrainians demonstrating for democracy, and made clear that Mr. Yanukovych must not be recognized as president. The U.S. must continue to stand with the people of Ukraine and strengthen the relationship that has formed between our nations.

I have joined the other co-chairs of the Congressional Ukrainian Caucus in writing to Speaker HASTERT asking him to invite President Yushchenko to address a joint session of Congress. This should only be the next step. The U.S. must remain committed to assist Ukraine establish a full democracy and create a prosperous free market economy.

Mr. Speaker, I urge all my colleagues to vote in favor of House Concurrent Resolution 16.

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the resolution offered by my Chairman, the gentleman from Illinois, Mr. HYDE, congratulating the people of Ukraine for the fair and free election of a new President.

I also commend and congratulate President Victor A. Yushchenko for his victory—and more importantly, his determination to see fair and free elections in this fledgling democracy.

The world watched this race unfold—the poisoning of the democratic candidate, a stolen victory, and marches in the street by people hungry for freedom and for a better future for their children.

The world witnessed true passion. We witnessed people expressing themselves and their will to live freely and democratically. We witnessed people determined to take charge of their nation's destiny and risk all to do so. We witnessed young and old, families and students, camping outdoors in the blistering Ukrainian cold to protest against a sham victory and demand true elections. What we witnessed was true everyday heroism.

While we, the people of the world, witnessed victory—the people of Ukraine lived it, by forcing it. By rejecting tyranny and corruption and demanding equality and freedom, they brought about peaceful democratic regime change.

And at the inaugural, an inspiring historical event itself, we saw the symbolic break with the past and a nation's hopes soar, as President Yushchenko released a dove—a symbol of peace—into the air to fly free. This dove rose into the sky much like the hopes of this newly free people, united for a better nation for themselves and their families.

President Yushchenko represents the continued peaceful demand by people on every continent for self-governance and free market principles.

Mr. Speaker, I am pleased to join with my colleagues, and so many of my constituents, including Emil Eisdorfer of the Bronx, New York in welcoming President Yushchenko. I welcome the people of Ukraine into the family of democratic and free nations.

Mr. HOYER. Mr. Speaker, I want to thank the Chairman (Mr. HYDE) and the Ranking Member (Mr. LANTOS) for bringing this important legislation to the Floor today.

As the former Chairman and Ranking Democrat on the Helsinki Commission, I was honored to advocate for the basic human rights of dissidents in the former Soviet Union, including in Ukraine, and know well their commitment to freedom and democracy.

And today, as this legislation recognizes, the people of Ukraine have achieved their long sought goal and under the leadership of their new President, Viktor Yushchenko, and today are moving forward with a spirit of optimism and hope.

Over the last several months, the people of Ukraine have weathered nothing short of political crisis.

The November 21st presidential runoff between then-Prime Minister Viktor Yanukovich and President Yushchenko, who was then the opposition leader, was racked by voting irregularities and illegalities.

Ukranian and international observers both determined that state resources were abused in support of Prime Minister Yanukovich, who "won" that runoff. There was illegal voting by absentee ballot, multiple voting, assaults on election observers and the use of counterfeit ballots.

Ukranian citizens bravely engaged in peaceful demonstrations, the Parliament passed a resolution declaring that there were violations of law during the runoff, and it passed a resolution expressing no confidence in the govemment of Prime Minister Yanukovich.

Then, the Ukrainian Supreme Court declared the runoff invalid and ordered a new presidential election on December 26th.

As all the world watched, the people of Ukraine elected Victor Yushchenko as their President by a clear margin.

Mr. Speaker, I specifically want to note the great personal courage of President Yushchenko, who was poisoned by dioxin in late summer. He also has shown maturity and leadership throughout this political crisis.

In fact, yesterday, on his first full day in office, President Yushchenko visited Russian President Putin in Moscow, who had openly backed Mr. Yankukovich.

The new President's leadership, as well as the people of Ukraine's commitment to democracy, bodes well for this nation. And I join my colleagues in congratulating them on this accomplishment.

Ms. SLAUGHTER. Mr. Speaker, I rise today to congratulate Viktor A. Yushchenko on being sworn in as the President of Ukraine on January 23, 2005. After enduring personal hardships, President Yushchenko enters office as powerful symbol of victory over tyranny. His inauguration ends a bitter chapter in Ukraine's history and paves the way for the country to become a democratic leader in the former Soviet Union.

As a founding member and former Co-Chair of the Congressional Ukrainian Caucus, I have regularly spoken out in favor of a democratic Ukraine. In 2002, I introduced a resolution urging the Government of Ukraine to ensure a democratic, transparent, and fair election process leading up to the March 2002 parliamentary elections. This resolution passed overwhelmingly and let the Ukrainian government know that the U.S. would not simply rubberstamp aid to the Ukraine without also considering the serious issues involved in Ukraine's democratic development.

Unfortunately Mr. Speaker, the former Ukrainian government continued to turn a blind-eye to the international community's insistence on truly democratic elections. The November 21 runoff presidential race was plagued by voter fraud, intimidation, and widespread use of counterfeit ballots. However, a truly significant event occurred after Viktor Yushchenko's opponent was initially declared the winner. Thousands of Ukrainians took to the streets in protest, surrounding the government buildings and refusing to leave until a new and fair election was announced. Their faith and determination was signified by the donning of orange scarves, and came to be known as the Orange Revolution. It was instrumental in forcing the Ukrainian government to hold new elections on December 26, which Yushchenko won handedly. I want to commend the Ukrainian people for their commitment to ending their political crisis in a peaceful and democratic way.

The United States Congress stands ready to work with President Yushchenko as he undertakes the political and economic reforms necessary to bring about a bright future for Ukraine. I am hopeful, Mr. Speaker, that President Bush will soon invite President Yushchenko to Washington so that Congress can congratulate him and hear firsthand his vision for bringing about a reformed Ukraine dedicated to freedom and justice.

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC, and therefore unable to be on the House Floor for rollcall votes 8 and 9.

Had I been here I would have voted "aye" for rollcall vote 8, on H. Con. Res. 16—Congratulating the people of the Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Victor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

The voice of the Ukrainian people spoke loudly on December 26th as Ukrainians united and re-affirmed their commitment to reform, democracy, and further Trans-Atlantic cooperation with their selection of Mr. Yushchenko as President. The peaceful, orange-clad demonstrators who rallied throughout Ukraine and helped achieve this historic moment should be an inspiration to all of us. And Mr. Yushchenko's peaceful inauguration, and smooth transition to power, displays yet another positive sign for a bright future for the Ukrainians and sets an exceptional example of the power of freedom and democracy for the entire region.

As a senior Member of the House International Relations Committee, I extend my personal congratulations to Mr. Yushchenko and wish him all the best as he works to bring Ukraine into the community of democratic nations. As freedom and democracy descends on Ukraine, I hope that their peaceful transition to a modern democratic country will serve as a further catalyst for the growing international movement to bring liberty to all peoples of the world that still suffer in the shadows of tyranny and dictatorship.

Mr. LANTOS. Mr. Speaker, we have no further requests for time, and I yield back the balance of our time.

Mr. HYDE. Mr. Speaker, I have no further requests for time, and I, too, yield back the balance of my time.

The SPEAKER pro tempore (Mr. SHIMKUS). The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 16, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

COMMENDING COUNTRIES AND ORGANIZATIONS FOR MARKING 60TH ANNIVERSARY OF LIBERATION OF AUSCHWITZ

Mr. HYDE. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 39) commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism.

The Clerk read as follows:

H. RES. 39

Whereas on January 27, 1945, the Nazi concentration camp at Auschwitz, including Birkenau and other related camps near the Polish city of Oswiecim, was liberated by elements of the Soviet Army under the command of Field Marshal Ivan Konev;

Whereas, according to the United States Holocaust Memorial Museum, at a minimum 1,300,000 people were deported to Auschwitz between 1940 and 1945, and of these, at least 1,100,000 were murdered at that camp;

Whereas an estimated 6,000,000 Jews, more than 60 percent of the pre-World War II Jewish population of Europe, were murdered by the Nazis and their collaborators at Auschwitz and elsewhere in Europe;

Whereas in addition, hundreds of thousands of civilians of Polish, Roma, and other nationalities, including in particular handicapped and retarded individuals, homosexuals, political, intellectual, labor, and religious leaders, all of whom the Nazis considered "undesirable", as well as Soviet and other prisoners of war, perished at Auschwitz and elsewhere in Europe;

Whereas the complex of concentration and death camps at Auschwitz has come to symbolize the brutality and inhumanity of the Holocaust;

Whereas on January 24, 2005, the United Nations General Assembly, in response to a resolution proposed by Australia, Canada, New Zealand, Russia, the United States, and the European Union, convened its first-ever special session marking the liberation of Auschwitz and other concentration camps on the 60th anniversary of that event;

Whereas on January 27, 2005, the Government of Poland will host a state ceremony at Auschwitz/Oswiecim, Poland, to mark the anniversary of the liberation of the camps in which the Presidents of Israel, Germany, Poland, and Russia, and the Vice President of the United States, and leaders of many other countries will participate;

Whereas January 27 of each year is the official Holocaust Memorial Day in many European countries, including Denmark, Estonia, Germany, Greece, Italy, Sweden, and the United Kingdom, and has been designated by Israel as a National Day to Combat Anti-Semitism; and

Whereas the Department of State in the Report on Global Anti-Semitism transmitted to Congress in December 2004 noted that "anti-Semitism in Europe increased significantly in recent years", "Holocaust denial and Holocaust minimization efforts" have found increasingly overt acceptance in a number of Middle Eastern countries, and anti-Semitism has appeared "in countries where historically or currently there are few or even no Jews": Now, therefore, be it

Resolved, That the House of Representatives—

(1) recalls with gratitude the sacrifices made by Allied soldiers, as well as partisans and underground fighters, whose service and dedication resulted in the defeat of the Nazi regime and the liberation of Auschwitz and other concentration camps during World War II;

(2) expresses gratitude to those individuals and organizations that assisted and cared for the survivors of Nazi brutality and helped those survivors establish new lives;

(3) commends those countries that are marking the 60th anniversary of the liberation of Auschwitz, as well as the United Nations General Assembly and other international organizations, for honoring the victims of the Holocaust and using this tragic anniversary to increase awareness of the Holocaust;

(4) urges all countries and peoples to strengthen their efforts to fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism; and

(5) urges governments and educators throughout the world to teach the lessons of the Holocaust in order that future generations will understand that racial, ethnic, and religious intolerance and prejudice can lead to the genocide carried out in camps such as Auschwitz.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois (Mr. HYDE) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from Illinois (Mr. HYDE).

GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 39, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is, of course, difficult to describe the horrors of the death camp at Auschwitz, the 60th anniversary of whose liberation occurs this week. One wonders if it is even appropriate to try. A commemorative reading widely used in the Jewish community suggests refraining "from dwelling on the deeds of evil ones lest we defame the image of God in which man was created."

Rather, it is better when marking this anniversary to allow ourselves to be directed forward, to be more inspired by a recollection of the liberation of the camps and heroic deeds of combat and resistance that eventually defeated the Nazis than we are repulsed by the Nazis' deeds.

This pending resolution is drafted by my esteemed colleague, the gentleman from California (Mr. LANTOS), the ranking Democratic member of our committee, and it expresses sentiments that I trust are widely shared in the House:

That we recognize that we should fight against racism, intolerance, bigotry, prejudice, discrimination and anti-Semitism which, if unchecked, can lead to mass murder;

That we thank the liberators of the camps and those who cared for the survivors of the Nazi death machine;

And that we commend those states which now, at last, are willing to recognize an anniversary of the liberation of the camps in a body such as the United Nations General Assembly.

The administration and the governments of the allies in World War II and of the European Union deserve our thanks for their efforts to arrange for a session of the U.N. General Assembly to commemorate this anniversary, and I also thank the U.N. Secretary General for his important, personal support for the special session and for his remarks yesterday.

Yesterday's U.N. meeting did not take place on January 27, the precise anniversary of the liberation of Auschwitz, because many of the leaders participating at the U.N. are traveling to Auschwitz for a special commemoration at that site, where well over a million souls perished.

I commend the President for asking Vice President CHENEY to lead the American delegation to that commemoration. The President demonstrated additional insight by naming Mrs. Lynne Cheney, as well as our friends, the gentleman from California (Mr. LANTOS) and his wife Annette Tillemann Lantos, both Holocaust survivors, among the other members of the delegation.

When the House passes this resolution, it will endow the delegation with a specific sense of the House for it to convey to the others participating in the commemoration at Auschwitz. I know that the entire delegation will represent the highest values of our Nation with great skill and sensitivity, and I wish them Godspeed on their mission.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

First, I want to express my sincere thanks to my friend, the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, for his steadfast support for this important resolution and for the ideas and values on which it is based and for his efforts to bring it to the floor today. I also want to thank him for his powerful and moving statement.

Mr. Speaker, I spent yesterday at the General Assembly of the United Nations which met in extraordinary session to mark the 60th anniversary of the liberation of Auschwitz, one of the horror camps of Hitler, and I had the opportunity of meeting with delegates from scores of countries across the globe which came to New York to pay their tribute to innocent victims and the heroic liberators of Nazi death camps.

The special session had the strong support of my friend, United Nations Secretary General Kofi Annan. I should mention that there are 191 members of the United Nations, and for a long time, many of us have made special efforts to have all of them support the calling of this extraordinary session. Over 150 countries have responded in the affirmative, and I will put in the CONGRESSIONAL RECORD what I can only refer to as a roll call of shame and hatred of those who failed to recognize that 6 million innocent people were put to death by Hitler, and some countries have chosen not to pay honor to their memory and tribute to the heroic liberators of the death camps.

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After a moment of silence in memory of the more than 6 million victims of Nazi brutality, delegates from nations around the world paid tribute to our and other allied troops who made ultimate sacrifices to defeat the Nazi regime and to liberate the innocent victims in these death camps. They also honored those who helped the survivors of Nazi brutality to return to civilized life and reaffirmed their commitment that such a nightmare will never again be repeated.

The General Assembly session marked the beginning of this week of solemn observances around the world commemorating the unspeakable tragedy of the Holocaust. The final event will take place the day after tomorrow, January 27, at Auschwitz. The President of Poland, Aleksander Kwasniewski, will host an international assembly, including the President of Israel, President of Russia, and a host of other heads of state and government.

Vice President and Mrs. Cheney will lead the United States delegation on this occasion; and I am deeply honored that my wife, Annette, and I, along with Elie Wiesel, the conscience of the Holocaust, will be members of this delegation.

Mr. Speaker, this resolution today and the commemorative activities all this week are not merely remembering the horror of the distant past. Unfortunately, the memories of mankind are all too short and new generations have been born who cannot remember, and unfortunately have not been taught, about these horrors.

A recent survey reported that 63 percent of passersby on a street in Orlando, Florida, had no idea what Auschwitz was. A survey in Britain reported that 45 percent of the respondents had never heard of Auschwitz. We are all too familiar with the recent controversy over Prince Harry appearing at a party wearing a uniform with an arm band emblazoned with the Nazi swastika.

Mr. Speaker, the conditions that led to the Holocaust are still very much with us today. Just 3 weeks ago, as mandated by my legislation adopted by this body last fall, the Department of State submitted to us its first annual "Report on Global Anti-Semitism." Its findings, in the context of the commemoration of the 60th anniversary of the liberation of Auschwitz, were chilling: "Hatred of Jews is on the increase by hate mongers of all types; anti-Israel sentiment crosses the line between criticism of Israeli policies and anti-Semitism; Holocaust denial and Holocaust minimization find increasingly overt acceptance as sanctioned historical discourse in a number of Middle Eastern countries."

The report also identifies "the recent phenomenon of anti-Semitism appearing in countries where historically or currently there are no Jews."

Mr. Speaker, this chilling report and the shocking lack of knowledge about the Holocaust only reaffirm the importance of our resolution today and the importance of the educational events that are taking place in Auschwitz and elsewhere around the globe.

Our resolution calls for governments and teachers to use this occasion to speak to young people about the unspeakable brutality of the Holocaust: the gas chambers and all they imply. Not because we are remembering the past, but because it is vital to our own future that we remember why Auschwitz happened, why the horrors of the

Holocaust occurred, and why we must fight bigotry, intolerance, racism, and anti-Semitism in order to make the world safer and better and more civilized for our children and our grandchildren.

Yesterday. I had occasion at the United Nations to point out that genocides are not just matters of events of 60 years ago. In Cambodia, in Rwanda, and as we meet here today in Darfur, there is a genocide going on; and it is long overdue for all governments and all international organizations and all of us as individuals to take responsibility to terminate the ongoing nightmare. I urge all of my colleagues to support my resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. HYDE. Mr. Speaker, I am very pleased to yield such time as he may consume to the distinguished gentleman from New Jersey (Mr. SMITH), and one of the leading crusaders for human rights.

Mr. SMITH of New Jersey. Mr. Speaker, I thank the distinguished chairman for yielding me this time and for his leadership on this resolution. I also want to thank the gentleman from California (Mr. LANTOS), who along with his wife is a survivor of the Holocaust. He is to be commended for his clear and unmistakable and nonambiguous condemnation of these horrific occurrences that occurred 60 years ago and before; and for his leadership today in Congress and around the world on behalf of the plight of Jews, who are still subjected to a gross anti-Semitism all over the world.

Mr. Speaker, perhaps no other single word evokes the horrors of the Holocaust as much as the name Auschwitz, the most notorious death camp in the history of humanity. On January 27, the Government of Poland will mark the liberation of that camp by the Soviet Army some 60 years ago. Leaders from across the globe, including our Vice President DICK CHENEY, will rightly and solemnly remember the victims of Auschwitz and the sacrifices of those who fought against Nazism.

This resolution, H. Res. 39, recognizes the 60th anniversary of the liberation of Auschwitz in German-occupied Poland. We also seek to strengthen the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism. The Congress of the United States joins those in Poland and elsewhere who are marking this solemn occasion.

I particularly support, Mr. Speaker, this resolution's call for education about what happened during the Holocaust in general and at Auschwitz in particular. At that single camp, an estimated 1.1 million men, women, and children were slaughtered. All in all, more than 60 percent of the pre-World War II Jewish population perished during the Holocaust. Others drawn into the Nazi machinery of death included Poles, Roman and other nationalities, religious leaders and religious minorities, the mentally or physically handicapped individuals, those who were considered inferior by the Nazis. The lives of countless survivors were forever broken.

When Soviet troops entered Auschwitz, they found hundreds of thousands of men's suits, more than 800,000 women's suits, and more than 14,000 pounds of human hair, a silent and grim testimony to the magnitude of the crimes that had been committed there.

Mr. Speaker, throughout the last several years, the Helsinki Commission, which I chaired during the last 2 years, has tried to focus on this terrible rising tide of anti-Semitism that has been occurring throughout Europe, among the OSCE's 55 countries, and really throughout the world. I am very glad that the Global Anti-Semitism Awareness Act of 2004, which the gentleman from California (Mr. LANTOS), the gentleman from Illinois (Mr. HYDE), and I and Senator VOINOVICH and the gentleman from Maryland (Mr. CARDIN) all worked so hard to enact, now has given us its first installment, including a very comprehensive report, which the gentleman from California (Mr. LANTOS) just read from, and which I would like to make a part of the RECORD as well.

Members need to read this, Mr. Speaker. Anti-Semitism is on the rise, and it must be countered. A tourniquet must be put on this hate every time it reappears.

Mr. HOYER. Mr. Speaker, will the gentleman yield?

Mr. SMITH of New Jersey. I will be happy to yield to the gentleman from Maryland.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding. First of all, I want to congratulate him on the extraordinary work he has done in leading the Commission on Security and Cooperation in Europe on behalf of the Congress and on behalf of the American people known as the Helsinki Commission. The gentleman from New Jersey (Mr. SMITH) has been a stalwart, steadfast, strong voice on behalf of making sure that we confront anti-Semitism; that we confront prejudice; that we confront hate; that we confront the adverse effects of all of those human emotions, and has been a strong voice within the Parliamentary Assembly of the Commission on Security and Cooperation in Europe dealing with this issue of anti-Semitism.

In fact, the gentleman from New Jersey and the gentleman from Maryland (Mr. CARDIN), and others, but primarily the gentleman from New Jersey and the gentleman from Maryland (Mr. CARDIN), have been responsible for the seminars that have been held in Europe raising the consciousness of all Europeans, as we need to raise the consciousness of all Americans and all peoples of the world to be aware of the invidious, tragic, horrific consequences of prejudice and hate.

Mr. Speaker, I rise to congratulate the gentleman from New Jersey on his extraordinary leadership. He has been a giant in this effort, and I thank him.

Mr. SMITH of New Jersey. Mr. Speaker, reclaiming my time, I thank the distinguished Democrat whip for his very kind remarks; but note that this has been a very strong bipartisan effort, and he has been very much a part of that Parliamentary Assembly.

When we first began to raise this issue, one of the focuses we brought to bear on the Parliamentary Assembly was the importance of Holocaust education. And I would ask every American when they visit Washington to go down to the Holocaust Museum and walk through that museum. Look at the pictures of the people doing the hail to Hitler, the Hail Hitler salute. Seemingly normal, everyday people who, whether they knew it or not, were buying into this extermination campaign that is the most horrific in all of human history.

We would hope that when the Parliamentary Assembly comes to Washington in July that the 220-plus members of Parliaments from each of the countries will spend at least half a day going through the Holocaust Museum to remember so that the past does not become prologue.

I would also point out to my colleagues that my own sense of Holocaust remembrance and education began when I was a young teenager, and a man who used to visit a store right next to my family's sporting goods store who was a survivor himself. I will never forget when he rolled up his sleeve one day and showed us that tattooed mark, the number. He was one of the lucky ones, like our good friend and colleague, the gentleman from California (Mr. LANTOS), who survived this terrible time when hell was in session.

So, again, this is another one of those issues that we all are deeply concerned about. There is no division between Democrat or Republican. And again I want to thank the gentleman from Illinois (Mr. HYDE) for his leadership on this as well. It has been extraordinary.

Mr. Speaker, I submit herewith the "Report on Global Anti-Semitism" referred to earlier.

REPORT ON GLOBAL ANTI-SEMITISM

July 1, 2003–December 15, 2004, submitted by the Department of State to the Committee on Foreign Relations and the Committee on International Relations in accordance with Section 4 of PL 108–332, December 30, 2004. Released by the Bureau of Democracy, Human Rights, and Labor, January 5, 2005.

Executive Summary

I. ANTI-SEMITISM

Anti-Semitism has plagued the world for centuries. Taken to its most far-reaching and violent extreme, the Holocaust, anti-Semitism resulted in the deaths of millions of Jews and the suffering of countless others. Subtler, less vile forms of anti-Semitism have disrupted lives, decimated religious communities, created social and political cleavages, and complicated relations between countries as well as the work of international organizations. For an increasingly interdependent world, anti-Semitism is an intolerable burden.

The increasing frequency and severity of anti-Semitic incidents since the start of the 21st century, particularly in Europe, has compelled the international community to focus on anti-Semitism with renewed vigor. Attacks on individual Jews and on Jewish properties occurred in the immediate post World War II period, but decreased over time and were primarily linked to vandalism and criminal activity. In recent years, incidents have been more targeted in nature with perpetrators appearing to have the specific intent to attack Jews and Judaism. These attacks have disrupted the sense of safety and well-being of Jewish communities.

The definition of anti-Semitism has been the focus of innumerable discussions and studies. While there is no universally accepted definition, there is a generally clear understanding of what the term encompasses.

For the purposes of this report, anti-Semitism is considered to be hatred toward Jews—individually and as a group—that can be attributed to the Jewish religion and/or ethnicity. An important issue is the distinction between legitimate criticism of policies and practices of the State of Israel, and commentary that assumes an anti-Semitic character. The demonization of Israel, or vilification of Israeli leaders, sometimes through comparisons with Nazi leaders, and through the use of Nazi symbols to caricature them, indicates an anti-Semitic bias rather than a valid criticism of policy concerning a controversial issue.

Global anti-Semitism in recent years has had four main sources:

Traditional anti-Jewish prejudice that has pervaded Europe and some countries in other parts of the world for centuries. This includes ultra-nationalists and others who assert that the Jewish community controls governments, the media, international business, and the financial world.

Strong anti-Israel sentiment that crosses the line between objective criticism of Israeli policies and anti-Semitism.

Anti-Jewish sentiment expressed by some in Europe's growing Muslim population, based on longstanding antipathy toward both Israel and Jews, as well as Muslim opposition to developments in Israel and the occupied territories, and more recently in Iraq.

Criticiam of both the United States and globalization that spills over to Israel, and to Jews in general who are identified with both.

II. HARASSMENT, VANDALISM AND PHYSICAL VIOLENCE

Europe and Eurasia

Anti-Semitism in Europe increased significantly in recent years. At the same time it should be noted that many European countries have comprehensive reporting systems that record incidents more completely than is possible in other countries. Because of this significant difference in reporting systems, it is not possible to make direct comparisons between countries or geographic regions. Beginning in 2000, verbal attacks directed against Jews increased while incidents of vandalism (e.g. graffiti, fire bombings of Jewish schools, desecration of synagogues and cemeteries) surged. Physical assaults including beatings, stabbings and other violence against Jews in Europe increased markedly, in a number of cases resulting in serious injury and even death. Also troubling is a bias that spills over into anti-Semitism in some of the left-of-center press and among some intellectuals.

The disturbing rise of anti-Semitic intimidation and incidents is widespread throughout Europe, although with significant variations in the number of cases and the accuracy of reporting. European governments in most countries now view anti-Semitism as a serious problem for their societies and demonstrate a greater willingness to address the issue. The Vienna-based European Union Monitoring Center (EUMC), for 2002 and 2003, identified France, Germany, the United Kingdom, Belgium, and The Netherlands as EU member countries with notable increases in incidents. As these nations keep reliable and comprehensive statistics on anti-Semitic acts, and are engaged in combating anti-Semitism, their data was readily available to the EUMC. Governments and leading public figures condemned the violence, passed new legislation, and mounted positive law enforcement and educational efforts.

In Western Europe, traditional far-right groups still account for a significant proportion of the attacks against Jews and Jewish properties; disadvantaged and disaffected Muslim youths increasingly were responsible for most of the other incidents. This trend appears likely to persist as the number of Muslims in Europe continues to grow while their level of education and economic prospects remain limited.

In Eastern Europe, with a much smaller Muslim population, skinheads and other members of the radical political fringe were responsible for most anti-Semitic incidents. Anti-Semitism remained a serious problem in Russia and Belarus, and elsewhere in the former Soviet Union, with most incidents carried out by ultra-nationalist and other far-right elements. The stereotype of Jews as manipulators of the global economy continues to provide fertile ground for anti-Semitic aggression.

Holocaust and tolerance education as well as teacher training provide a potential long-term solution to anti-Semitism; however, the problem is still rapidly outpacing the solution. At the end of 2003, and continuing into this year, some Jews, especially in Europe, faced the dilemma either of hiding their identity or facing harassment and sometimes even serious bodily injury and death. The heavy psychological toll in this increasingly difficult environment should not be overlooked or underestimated.

Middle East

Jews left the countries of the Middle East and North Africa in large numbers near the mid-point of the last century as their situation became increasingly precarious. This trend continues. Today few remain, and few incidents involving the remaining members of the Jewish community have been reported. Nonetheless, Syria condoned and, in some cases, even supported through radio, television programming, news articles, and other mass media the export of the virulent domestic anti-Semitism. The official and state-supported media's anti-Zionist propaganda frequently adopts the terminology and symbols of the Holocaust to demonize Israel and its leaders. This rhetoric often crosses the line separating the legitimate criticism of Israel and its policies to become anti-Semitic vilification posing as legitimate political commentary. At the same time, Holocaust denial and Holocaust minimization efforts find increasingly overt acceptance as sanctioned historical discourse in a number of Middle Eastern countries.

Other Regions

The problem of anti-Semitism is not only significant in Europe and in the Middle East, but here are also worrying expressions of it elsewhere. For example, in Pakistan, a country without a Jewish community, anti-Semitic sentiment fanned by anti-Semitic Articles in the press is widespread. This reflects the more recent phenomenon of anti-Semitism appearing in the countries where historically or currently there are few or even no Jews.

Elsewhere, in Australia, the level of intimidation and attacks against Jews and Jewish property and anti-Zionist and anti-Semitic rhetoric decreased somewhat over the past year. This year, New Zealand experienced several desecrations of Jewish tombstones and other incidents. In the Americas, in addition to manifestations of anti-Semitism in the United States, Canada experienced a significant increase in attacks against Jews and Jewish property. There were notable anti-Semitic incidents in Argentina and isolated incidents in a number of other Latin American countries.

III. MEDIA

The proliferation of media outlets (television, radio, print media and the Internet) has vastly increased the opportunity for purveyors of anti-Semitic material to spread their propaganda unhindered. Anti-hater laws provide some protection, but freedom of expression safeguards in many western counties limited the preventive measures that governments could take. Satellite television programming easily shifts from one provider to another and Internet offerings cross international borders with few or no impediments.

In June, the Organization for Security and Cooperation in Europe (OSCE) organized a separate meeting in Paris dealing with intolerance on the Internet, and subsequently approved a decision on "Promoting Tolerance and Media Freedom on the Internet." The decision is prescriptive in nature and carefully caveated to avoid conflict with the varied legal systems within the countries of the OSCE. It calls upon Participating States to investigate and fully prosecute criminal threats on violence based on anti-Semitic and other intolerance on the Internet, as well as to establish programs to educate children about hate speech and other forms of bias.

Critics of Israel frequently use anti-Semitic cartoons depicting anti-Jewish images and caricatures to attack the State of Israel and its policies, as well as Jewish communities and other who support Israel. These media attacks can lack any pretext of balance or even factual basis and focus on the demonization of Israel. The United States is frequently included as a target of such attacks, which often assert that U.S. foreign policy is made in Israel or that Jews control the media and financial markets in the United States and the rest of the world. During the 2004 United States presidential campaign, the Arab press ran numerous cartoons closely identifying both of the major American political parties with Israel and with Israeli Prime Minister Sharon.

"The Protocols of the Elders of Zion," a text debunked many years ago as a fraud perpetrated by Czarist intelligence agents, continued to appear in the Middle East media, not as a hoax, but as established fact. Government-sponsored television in Syria ran lengthy serials based on the Protocols. The representations emphasized blood libel and the alleged control by the Jewish community of international finance. The clear purpose of the programs was to incite hatred of Jews and of Israel. Copies of the Protocols and other similar anti-Semitic forgeries were readily available in Middle Eastern countries, former Soviet republics and elsewhere. Similarly, allegations that Jews were behind the 9/11 attacks were widely disseminated.

In November 2004, Al-Manar, the Lebanon-based television network controlled by Hizballah featuring blatantly anti-Semitic material, obtained a limited 1-year satellite broadcast license from the French authorities. This was revoked shortly thereafter due to Al-Manar's continued transmission of anti-Semitic material. Al-Manar is now off the air in France. Other Middle East networks with questionable content, such as Al-Jazeerah and Al-Arrabiya, maintain their French broadcast licenses.

IV. ACTIONS BY GOVERNMENTS

In Europe and other geographic regions, many governments became increasingly aware of the threat presented by anti-Semitism and spoke out against it. Some took effective measures to combat it with several countries, including France, Belgium, and Germany, now providing enhanced protection for members of the Jewish community and Jewish properties.

For the most part, the police response to anti-Semitic incidents was uneven. Most law enforcement officials are not specifically trained to deal with hate crimes, particularly anti-Semitic hat crimes. Police sometimes dismissed such crimes as hooliganism or petty crime, rather than attacks against Jews because of their ethnicity or religion, or because the assailants identified the victims with the actions of the State of Israel.

In countries where anti-Semitism is a serious problem, specialized training for police and members of the judiciary remains a pressing need. Many nations still do not have hate crimes laws that address anti-Semitic and other intolerance-related crimes. In some instances where such laws already exist, stronger enforcement is needed.

V. MULTILATERAL ACTION

Anti-Semitism is a global problem that requires a coordinated multinational approach. Thus far, the most effective vehicle for international cooperation has been the OSCE, comprised of 55 participating states from Europe, Eurasia and North America plus Mediterranean and Asian partners for cooperation. The OSCE organized two groundbreaking conferences on anti-Semitism—in June 2003, in Vienna and in April 2004, in Berlin. These were the first international conferences to focus high-level political attention solely on the problem of anti-Semitism. The Vienna Conference identified anti-Semitism as a human rights issue.

OSCE Foreign Ministers gave further high-level political acknowledgment to the seriousness of anti-Semitism at their December 2003 meeting in Maastricht. There they took the formal decision to spotlight the need to combat anti-Semitism by deciding to task the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) to serve as a collection point for hate crimes information. ODIHR is now working with OSCE member states to collect information on hate crimes legislation and to promote "best practices" in the areas of law enforcement, combating hate crimes, and education. ODIHR established a Program on Tolerance and Non-Discrimination and now has an advisor to deal exclusively with the issue.

At their December 2004 meeting in Sofia, OSCE Foreign Ministers welcomed the Chair-in-Office's decision to appoint three special representatives for tolerance issues, including a special representative for anti-Semitism, to work with member states on implementing specific commitments to fight anti-Semitism. In addition, the Foreign Ministers accepted the Spanish Government's offer to host a third anti-Semitism conference in June 2005 in Cordoba.

The United Nations also took important measures in the fight against anti-Semitism. One was a June 2004 seminar on anti-Semitism hosted by Secretary General Kofi Annan. Another measure was a resolution of the United Nations Third Committee in November 2004, which called for the elimination of all forms of religious intolerance, explicitly including anti-Semitism.

Education remains a potentially potent antidote for anti-Semitism and other forms of intolerance. Following the first Stockholm Conference in 1998, convoked out of concern for the decreasing level of knowledge of the Holocaust particularly among the younger generation, Sweden, the United Kingdom and the United States decided to address the issue collaboratively. The Task Force for International Cooperation on Holocaust Education, Remembrance, and Research (ITF) emerged from this initial effort.

Today the ITF, an informal international organization operating on the basis of consensus, and without a bureaucracy, consists of 20 countries. ITF member states agree to commit themselves to the Declaration of the Stockholm International Forum on the Holocaust and to its implementation. Current members of the ITF include Argentina, Austria, Czech Republic, Denmark, France, Germany, Hungary Israel, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Norway, Poland, Romania, Sweden, Switzerland, United Kingdom, and the United States. In addition four other countries (Croatia, Estonia, Greece, Slovakia) maintain a liaison relationship with the ITF.

VI. U.S. GOVERNMENT ACTIONS TO MONITOR AND COMBAT ANTI-SEMITISM

The U.S. Government is committed to monitoring and combating anti-Semitism throughout the world as an important human rights and religious freedom issue. As President Bush said when he signed the Global Anti-Semitism Review Act on October 16, 2004, "Defending freedom also means disrupting the evil of anti-Semitism."

Annually, the U.S. Department of State publishes the International Religious Freedom Report and the Country Reports on Human Rights Practices. Both detail incidents and trends of anti-Semitism worldwide. The State Department's instructions to U.S. Embassies for the 2004 Country Reports on Human Rights Practices explicitly required them to describe acts of violence against Jews and Jewish properties, as well as actions governments are taking to prevent this form of bigotry and prejudice.

In multilateral fora, the Department of State called for recognition of the rise of anti-Semitism and the development of specific measures to address it. The Department played a leading role in reaching agreement in the OSCE to hold the two conferences on combating anti-Semitism noted above in Section V. Former New York City Mayors Rudolph Giuliani and Edward Koch led the United States delegations to the conferences in Vienna and Berlin, respectively. Each brought a wealth of knowledge and experience in fostering respect for minorities in multicultural communities. Key NGOs worked productively with the Department to prepare for these conferences. In his address to the Berlin Conference, Secretary Powell said: " We must not permit anti-Semitism crimes to be shrugged off as inevitable side effects of inter-ethnic conflicts. Political disagreements do not justify physical assaults against Jews in our streets, the destruction of Jewish schools, or the desecration of synagogues and cemeteries. There is no justification for anti-Semitism." At the United Nations, the United States has supported resolutions condemning anti-Semitism both at the General Assembly and at the UN Commission on Human Rights.

An important lesson of the Holocaust is that bigotry and intolerance can lead to future atrocities and genocides if not addressed forcefully by governments and other sectors of society. The United States is committed to working bilaterally to promote efforts with other governments to arrest and roll back the increase in anti-Semitism. President Bush affirmed that commitment during his visit to Auschwitz-Birkenau in 2003, stating: "This site is a sobering reminder that when we find anti-Semitism, whether it be in Europe, in America or anywhere else, mankind must come together to fight such dark impulses."

U.S. Embassies implement this commitment by speaking out against anti-Semitic acts and hate crimes. Ambassadors and other embassy officers work with local Jewish communities to encourage prompt law enforcement action against hate crimes. In Turkey, the U.S. Embassy worked closely with the Jewish community following the November 2003 bombing of the Neve Shalom Synagogue. In the Middle East, our embassies have protested to host governments against practices that have allowed their institutions to promote anti-Semitism, such as the heavily watched television series Rider Without a Horse and Diaspora that respectively promoted the canard of the blood libel, and "The Protocols of Elders of Zion." U.S. bilateral demarches were effective in specific instances, but more remains to be done to encourage national leaders to speak out forcefully against anti-Semitism and in support of respectful, tolerant societies.

Building on the success achieved to date, the Department of State is accelerating its efforts with its partners globally to improve both monitoring and combating anti-Semitism in three specific areas: education, legislation, and law enforcement. The Department will continue to promote the development of Holocaust education curricula and teacher training programs. A successful program in this area has been summer teacher training partially funded through U.S. Embassies in cooperation with the Association of American Holocaust Organizations (AHO) and the United States Holocaust Memorial Museum (USHMM). At the October 2004 OSCE Human Dimension Meeting, the United States and France hosted a seminar on methodologies for teaching the Holocaust in multicultural societies. The United States also supports the work of NGOs in promoting educational programs abroad, in part based on successful seminars in the United States that teach respect for individuals and minority groups. Additionally, the U.S. State Department has supported efforts to promote tolerance in the Saudi educational system including by sponsoring the travel of religious educators to the United States to examine interreligious education.

The roots of anti-Semitism run deep and the United States does not underestimate the difficulty of reversing the recent resurgence of this ancient scourge. The legislative and executive branches, together with NGOs, constitute an important partnership in continuing the vital effort to find creative ways to monitor, contain, and finally stop anti-Semitism.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to express my deepest admiration to both my friend, the gentleman from New Jersey (Mr. SMITH), and the gentleman from Maryland (Mr. HOYER), who not only on the Helsinki Commission and in this body but in their own personal activities have provided extraordinary leadership in fighting bigotry and hatred in all its forms.

Mr. Speaker, I am pleased to yield such time as he may consume to the gentleman from Maryland (Mr. HOYER), the Democratic whip and my good friend.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise as well to say that no Member of this body has been any more personally affected, and certainly no Member of this body has more consistently raised the consciousness of the American people and, indeed, the international community on the importance of never forgetting.

□ 1500

Madam Speaker, I thank the gentleman from Illinois (Chairman HYDE), who is committed to this issue and has been a leader and has traveled and headed the delegations of the Helsinki Commission to the Parliamentary Assembly and raised our voice in foreign lands.

I also thank the gentleman from California (Mr. LANTOS), the ranking member, the only Holocaust survivor ever elected to Congress. In particular, I want to say to the gentleman from California, his indefatigable commitment to human freedom and basic human dignity is a source of inspiration to all of us privileged to serve with the gentleman. It should be emulated by us all.

Madam Speaker, 60 years ago at 3 p.m. on January 27, 1945, Soviet Red Army soldiers entered Auschwitz concentration camp. Those of us who visited Auschwitz long after that date but who saw the horrible implements of death constructed there by the Nazi regime can only imagine, knowing the horror that we felt, the horror and revulsion that those Soviet soldiers, human beings, must have felt as they entered that camp in a village in southern Poland 30 miles west of Krakow. What they discovered there haunts us today and should haunt us every day.

A Russian Army officer described the reaction to the sight of the camp's remaining 7,000 prisoners, who had been too ill or weak to move and were left to die in the cold by the fleeing Germans. He said, "The soldiers from my battalion asked me, 'Let us go. We cannot stay. This is unbelievable.' It was so terrible, it was hard for the mind to absorb it."

But the mind, Madam Speaker, must never forget it. The Nazis had spent weeks moving the most able-bodied prisoners, destroying documents and bulldozing buildings. But the liberation of the largest Nazi concentration camp, where 1.5 million innocent souls were murdered, women and children, young and old, opened the world's eyes to the unspeakable evil of the Holocaust.

While it is appropriate that this somber day be marked in ceremonies all around the globe, it will be a further tragedy if on this occasion we only look back without also looking ahead. The gentleman from California (Mr. LANTOS) did that.

We cannot remember the liberation of the concentration camps and the defeat of the Nazis in World War II and at the same time cast a blind eye toward the growing problem of anti-Semitism that still infects the world today, and tragically grows today. Nor can we ignore the hatred and prejudice that fuels the genocide in Sudan today. The gentleman from California (Mr. LANTOS) mentioned Darfur.

Hatred knows no gender, no race, no ethnicity. It lurks in man's heart today as surely as it did during the Holocaust. Even today in this country we talk about some people in our country in a way that demeans them and dehumanizes them and gives to others the misapprehension that they can act against those people, whoever they might be. We see tragic instances of that. And that reality, as painful as it is to accept, compels us to use this solemn occasion to restate our commitment to freedom and basic human rights. And it compels us to fight hatred and prejudice wherever it rears its head.

Our President spoke just a few days ago in his Inaugural Address about the commitment of this country to freedom, to liberty and, yes, to human rights. He was right to do so. We owe those souls who perished at the hands of Nazis at Auschwitz, who perished at the hands of Milosevic, who died at the hands of those in Sudan and in every other place where hate and prejudice was the motivation for murder. We owe those souls our unremitting pledge to never, never, never permit these horrific periods in human history to be repeated. I was one of those who felt that we waited too long as we saw the genocide in Serbia and in Kosovo and in Bosnia. We must not delay our response. If we do so, we remember Auschwitz, but we remember it without learning its lesson.

Mr. LANTOS. Madam Speaker, I yield such time as she may consume to the gentlewoman from Pennsylvania (Ms. SCHWARTZ), a new Member of the House who has already made her mark on this institution.

Ms. SCHWARTZ of Pennsylvania. Madam Speaker, I rise with profound gratitude to the people of Pennsylvania's 13th Congressional District for electing me to represent them in Congress. As the daughter of a Holocaust survivor, I am honored that my first opportunity to speak on the House floor is on an issue so close to my heart.

My colleagues, the gentleman from California (Mr. LANTOS) and the gentleman from Maryland (Mr. HOYER), I and so many others stand today in remembrance of the 6 million Jews who lost their lives during the Second World War, many of whom were our aunts and uncles, mothers and fathers, friends and loved ones.

My mother, Renee Perl, was one of the many who fled their homeland. Forced to start anew at the young age of 14, she left Austria alone, spending time in Holland and England before arriving in Philadelphia at the age of 16 in 1941. Once arriving on the shores of America, my mother, like so many Jews, was hesitant to tell her story, hoping that by trying to forget about the war, the violence, the dislocation, the fear she could move on. Yet once in the United States, those who survived the Holocaust could not hide their gratitude and love for this country, relishing the opportunity and freedom granted to them as new Americans. My own love and respect for our country and my belief in our responsibility to each other stems in great part from this strong sense of patriotism.

Elie Wiesel once said, "We should all respect the uniqueness, the originality, the specificity in one another." It was leaders like Mr. Wiesel who inspired Jews to acknowledge the importance of remembering, of telling the stories, so as to never let a Holocaust happen again.

My colleagues, what makes our country great is we respect differences: ethnic, religious, race, gender, geographic and political; that we have a government that reflects and embraces our Nation's broad diversity; and that we, as a community, are afforded opportunities to recall the good and the dark times in our shared history.

Madam Speaker, I am tremendously grateful for being able to share my family's story, to know my mother would be proud to know that we were not only paying tribute to those who suffered tremendous pain and hardship, but to recall the Jewish people's great spirit to survive, continued faith in God, and unwavering belief in freedom and democracy.

Mr. LANTOS. Madam Speaker, I yield such time as he may consume to the gentleman from Maryland (Mr. CARDIN), the Democratic leader on the Helsinki Commission.

Mr. CARDIN. Madam Speaker, as we commemorate the 60th anniversary of the liberation of Auschwitz, I want to acknowledge how fortunate we are in this body to have the gentleman from California (Mr. LANTOS) as one of our Members. His passion on human rights is so welcomed in this body. He has been the champion on these issues for many years. We thank the gentleman for everything he has meant to our sensitivity on human rights issues. The gentleman has seen it firsthand and has helped us understand the need for activism in this body.

I also acknowledge the gentleman from Illinois (Chairman HYDE) for his leadership on human rights issues, and the gentleman from New Jersey (Mr. SMITH) who is our leader on the Helsinki Commission, not only on this issue, but on anti-Semitism generally. He has led the effort in the international body to make sure that we pay attention to the rise of anti-Semitism in Europe today.

Last year I had an opportunity to visit Auschwitz and see firsthand where a million people lost their lives in the factory of death. It has an impact on all of us who have seen how inhumane people can be.

Madam Speaker, in 1991 the participating states of the Organization for Security and Cooperation in Europe agreed in Krakow, Poland, to "strive to preserve and protect these monuments and sites of remembrance, including extermination camps, and the related archives, which are themselves testimonials to their tragic experience in their common past. Such steps need to be taken in order that those experiences may be remembered, may help to teach present and future generations of these events, and thus ensure that they are never repeated."

Auschwitz is just such a site of remembrance. With this resolution, we mourn innocent lives lost and vibrant communities destroyed. We honor those who fought fascism and helped liberate Auschwitz and other Nazi camps.

This resolution also goes further and speaks to the compelling need for Holocaust education throughout the globe. In the words of the Krakow Document, we must "teach present and future generations of these events, and thus ensure that they are never repeated." This chilling rise of anti-Semitism in recent years tells us that more must be done.

Madam Speaker, I can speak a long time on this subject. This resolution calls on all nations and people to strengthen their efforts to fight against racism, intolerance, bigotry, prejudice, discrimination and anti-Semitism. I am proud that this body is bringing forward this resolution. I commend my colleagues and the leadership of the committee for bringing it forward. I urge all of my colleagues to support the resolution.

Madam Speaker, Yad Vashem exhibits the sketches of Zinovii Tolkatchev, a Soviet soldier who was among those who liberated Majdanek and Auschwitz, under the fitting title, "Private Tolkatchev at the Gates of Hell." For surely that is what he saw and what Auschwitz was. As ranking member of the Helsinki Commission, I visited Auschwitz last year and saw for myself the furnaces that took the lives of more than one million human beings at the camp. These furnaces stoked hatred and intolerance to a degree never before seen in human history.

Today, I rise as a cosponsor and in strong support of this resolution, which seeks to join the voices of this body to all those gathered in Poland and elsewhere in our common remembrance of the liberation of Auschwitz 60 years ago, on January 27, by Soviet Army troops.

I commend Congressman LANTOS, the ranking member of the International Relations Committee, for introducing this resolution and for his steadfast leadership in his work against anti-Semitism and for Holocaust education and awareness. I am also deeply heartened that the United Nations General Assembly, at the request of many governments and with the support of Secretary General Kofi Annan, convened a special session on January 24 to mark the liberation of the Auschwitz and other death camps.

Madam Speaker, in 1991, the participating State of the Organization for Security and Cooperation in Europe (OSCE) agreed in Cracow, Poland, to "strive to preserve and protect those monuments and sites of remembrance, including most notably extermination camps, and the related archives, which are themselves testimonials to their tragic experiences in their common past. Such steps need to be taken in order that those experiences may be remembered, may help to teach present and future generations of these events, and thus ensure that they are never repeated."

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In the last Congress I was pleased to join with Mr. LANTOS and Helsinki Commission Chairman CHRIS SMITH in working to enact the Global Anti-Semitism Review Act of 2004. Earlier this month the U.S. State Department issued its first-ever global report on anti-Semitism, as mandated by the legislation. We now have a roadmap to build upon in the future, which details both best practices by states as well as areas in which participating States are still falling short of their OSCE commitments.

In April 2004 I attended the Conference on Anti-Semitism of the OSCE in Berlin with Secretary of State Colin Powell. The 55 Participating States of the OSCE adopted a strong action plan, the Berlin Declaration, which lays out specific steps for states to take regarding Holocaust education, data collection and monitoring of hate crimes against Jews, and improved coordination between nongovernmental organizations and European law enforcement agencies.

During our conference, on the evening of April 28, President Johannes Rau of Germany hosted a dinner for the President of the State of Israel Moshe Katsav. President Katsav spoke powerfully about the need to combat the rising tide of anti-Semitism throughout the world. I cannot tell you how powerful it was to listen to the German President and the Israeli President address the issue of anti-Semitism together in Berlin.

Let me just highlight one section of President Katsav's remarks:

"The violence against the Jews in Europe is evidence that anti-Semitism, which we have not known since the Second World War, is on the rise. This trend of the new anti-Semitism is a result of the aggressive propaganda, made possible by modern technologies, globalilzation and abuse of democracy and which creates an infrastructure for developing and increasing anti-Semitism, of a kind we have not known before . . . Many times I have heard voices saying that anti-Semitism is not unique and that it is no different from other kinds of racism. Anti-Semitism should indeed receive special attention. Hatred against the Jews has existed for many generations and it is rooted in many cultures and continents through the world. However, now anti-Semitism has become an instrument for achieving political aims . . . The genocide of the Jews was the result of anti-Semitism and was not caused by a war between countries or a territorial conflict and, therefore, anti-Semitism is a special danger for world Jewry and the whole of Europe."

I urge others here today to join me in supporting this resolution.

Mr. LANTOS. Madam Speaker, I yield 2 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), a courageous fighter for human rights in all realms.

Ms. JACKSON-LEE of Texas. Madam Speaker, I thank the gentleman from California (Mr. LANTOS), the ranking member, and the gentleman from Illinois (Chairman HYDE).

I could spend my 2 minutes speaking about the gentleman from California (Mr. LANTOS) and the defining stature that he represents in this body and in this Nation. This resolution today on Auschwitz really helps to confirm all of the teaching that the gentleman from California (Mr. LANTOS) has been able to provide to those of us who have been willing to be tutored.

Today we acknowledge the 6 million murdered and the terrible tragic loss of life in all the other concentration camps throughout WWII. Today we stand in support of a resolution that acknowledges that brutality, but does not accept it. Although it existed in human treatment, we stand today against it. Today we also acknowledge and humbly pray over the souls who lost their lives and make a pledge on the floor of the House: Never, never again.

Madam Speaker, I rise today simply to be one of those who would never ignore this horrific tragedy and terrible brutality, and to be able to lift my voice in support of H. Res. 39 by, first, thanking the gentleman from California (Mr. LANTOS) for bringing the personal inhumane experience that he faced and confronted to this Congress and to America so that we might learn to be better.

I am very grateful that the resolution stands against bigotry and speaks to the world that we must do better. I ask my colleagues to support this resolution and, of course, to acknowledge the fact that we can be a better Nation if we are reminded of the fact that we are all fighters against inhumane treatment to others around us.

□ 1515

The SPEAKER pro tempore (Mrs. BIGGERT). The time of the gentleman from California has expired.

Mr. HYDE. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. LANTOS), and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LANTOS. Madam Speaker, I am very pleased to yield such time as he may consume to the gentleman from New York (Mr. OWENS) who has been an indefatigable fighter for human rights for all people.

Mr. OWENS. Madam Speaker, this 60th anniversary observance of the liberation of Auschwitz presents the people of all civilized nations with an opportunity to focus a searing light of exposure on one of the deadliest landmark events of human history. More than 1 million human beings died in this hellish extermination factory which was part of a system that murdered more than 6 million Jews.

As often as possible, in every way conceivable, the leaders of the present must be forced to gaze with thorough and undivided attention upon the horror of the Holocaust. The observance of this 60th anniversary is an empty, useless ceremony if it does not arouse massive, worldwide anger, pity, and fear. The anger must be directed not only at Hitler and the SS; but also the anger should be focused on the millions who helped to maintain the poison fog of racism, anti-Semitism, and religious hatred. The pity levels must be raised high to envelop all of the more than 6 million individual souls whose opportunities to breathe and live, to develop their potential and to pursue happiness were so brutally snuffed out. The fear must be shared by us all as we contemplate our unforgivable impotence in the face of other epidemics of genocide that have been allowed since the landmark lesson of the Holocaust.

Stalin and his gulags; Pol Pot and his killing fields; the Hutu intelligentsia and their exhortation to "cut the tall trees" with machete executions. All of this competition with Hitler has occurred within the last 60 years. We applaud the civilized governments of the world for drawing a line at Kosovo. But we are burdened with a great fear that more mass slaughters are coming because we still have not learned this most profound lesson of modern history.

On the occasion of this 60th anniversary, we must remember that the lesson of history is that perpetrators of genocide must have us come down on them with an uncompromising, righteous wrath; and we must trumpet their punishment throughout the Earth. The message for future mass murderers with their convoluted rationale and twisted theories is that there will be swift and universally supported punishment. The message for the populations that support them is that there will be no acceptance of sentimental schemes for truth and reconciliation. For ignoring Auschwitz, there can be no pardons, no acceptance of sentimental schemes for truth and reconciliation. For permitting their leaders to violate the most important principles of human society, the citizens of any nation must be collectively judged and their nation must be forced to pay a special debt to civilization.

Madam Speaker, this sixtieth anniversary observance of the liberation of Auschwitz presents the people of all civilized nations with an opportunity to focus a searing light of exposure on one of the deadliest landmark events of human history. More than one million human beings died in this hellish extermination factory which was part of a system that murdered more than six million Jews.

As often as possible, in every way conceivable, the leaders of the present must be forced to gaze with thorough and undivided attention upon the horror of the holocaust. Auschwitz and all of the similar death camps document the levels to which civilized men can descend. No savage and primitive tribe could ever have engaged in such monumental and systematic slaughter. That these crimes were committed by one of the most scientifically advanced, well educated, culturally sophisticated, thoroughly organized nations that the world has ever seen is a fact that magnifies the need to forever study this bloody man-made tsunami.

The observance of this sixtieth anniversary is an empty, useless ceremony if it does not arouse massive worldwide anger, pity and fear. The anger must be directed not only at Hitler and the SS; but also the anger should be focused on the millions who help to maintain the poison fog racism, anti-Semitism and religious hatred. The pity levels must be raised high to envelope all of the more than six million individual souls whose opportunities to breathe and live, to develop their potential and to pursue happiness were so brutally snuffed out. The fear must be shared by us all as we contemplate our unforgivable impotence in the face of other epidemics of genocide that have been allowed since the landmark lesson the holocaust.

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On the occasion of this sixtieth anniversary let us remember that the trials of the major killers at Nuremberg also failed to take place, that Nazi scholars are still daring to deny the reality of the holocaust. We must remember that new statutes are being contemplated for Stalin. We must also note the fact the Pol Pot died of natural causes. We must show fear in the face of our present inability to advance the trials and convictions of many of the obvious architects of the genocide in Rwanda.

The lesson of history is that we must come down on the perpetrators of genocide with an uncompromising righteous wrath and trumpet their punishment throughout the earth. The message for future mass murders with their convoluted rational and twisted theories is that there will be swift and universally supported punishment. The message for the populations that support genocide in the future must be that there is no acceptable excuse for your actions. For ignoring Auschwitz there can be no pardons, no acceptance of sentimental schemes for truth and reconciliation. For permitting their leaders to violate the most vital principles of human society the citizens must be collectively judged and their nation must be forced to pay a special debt to civilization.

Mr. LANTOS. Madam Speaker, I am very pleased to yield 2 minutes to the gentleman from Texas (Mr. GENE GREEN) who has fought against discrimination, bigotry and anti-Semitism throughout his entire career.

Mr. GENE GREEN of Texas. Madam Speaker, I rise in strong support of this resolution. January 27, 2005, marks the 60th anniversary of the liberation of Auschwitz and serves as a reminder to each of us where racism, bigotry, and religious intolerance can lead.

Poles, Soviets, and prisoners of other nationalities were imprisoned and died in this camp; but it was the mass murder of millions of European Jews by Hitler that made Auschwitz the symbol of inhumanity and brutality during the Holocaust.

From 1940 to 1945, the Nazis deported over 1 million Jews, 150,000 Poles, 23,000 Roma, 15,000 Soviet POWs, and over 10,000 prisoners of other nationalities to Auschwitz. Nearly 1.5 million prisoners perished in gas chambers or died of starvation and disease. Overall, 6 million Jews died in the Holocaust.

Sixty years after Allied troops liberated Auschwitz, it is important to remember what lessons can be taken from the unspeakable atrocities that took place during the Holocaust. It was racism, bigotry, anti-Semitism, and general religious intolerance that drove Hitler to pursue the destruction of the Jewish people.

To honor the victims who lost their lives in the Holocaust and ensure that such acts never happen again, there must be a concerted effort to fight intolerance and discrimination. That is what this resolution does.

Madam Speaker, I have not had the opportunity to visit Auschwitz; but before I was elected to Congress in 1990, my family and I and our two children visited Dachau in southern Germany, not only for my wife and I but also for our, at that time, 14- and 15-year-old children to see what inhumanity mankind could do to itself and not only for our generation but for that next generation to make sure that that never happens again.

Mr. LANTOS. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

Mr. HYDE. Madam Speaker, I yield 1 minute to the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ).

The SPEAKER pro tempore (Mrs. BIGGERT). The gentlewoman from Florida is recognized for 2 minutes.

Ms. WASSERMAN SCHULTZ. Madam Speaker, Libusa Breder, a Jewish prisoner, said, "There was no God in Auschwitz. There were such horrible conditions that God decided not to go there."

With the passage of time, it has become more difficult for my generation to grasp what happened 60 years ago. The contributions and courage of the Greatest Generation enabled my generation of Americans to grow up in peace and be the first generation in decades to live without facing conscription.

In Auschwitz, at least 1.5 million innocent people suffered unfathomable pain and ultimate death. They were from many different nations, over 90 percent of them Jews. South Florida, where I am from, is home to the second largest population of Holocaust survivors in North America, the majority of whom live in my home county of Broward.

The concept of "never again" was instilled in me for my entire life. Unfortunately, in recent times, we have had vicious criminal acts against humanity, and we must remember that we must stay vigilant and not let the passage of time weaken our resolve. We are all proud of the Greatest Generation; but with today's resolution and the anniversary approaching, we focus on the Lost Generation.

It is our solemn responsibility to make sure that these lost souls did not die in vain. We must never forget what happened to them, and we must use the lessons of Auschwitz to stop modern-day atrocities such as the ethnic cleansing in Sudan. History can and will repeat itself unless we stand in the way and fight against evil.

Mr. LANTOS. Madam Speaker, I yield myself the balance of my time.

This is one of the finest moments of this body. We stand together without any difference as to party or geographic region in our determination that human rights throughout our land and throughout this globe be honored and respected.

I urge all of our colleagues to vote for this resolution.

Madam Speaker, I yield back the balance of my time.

Mr. HYDE. Madam Speaker, I yield myself such time as I may consume.

I would like to say to the gentlewoman from Florida who remarked that God forgot to come to Auschwitz, if she would read Elie Wiesel's book "Night," she would find an instance where the Nazis lined up the Jewish prisoners in front of the gallows and they were having a hanging of some person who tried to escape and a low voice said, "Where is God?" Someone said, "He's up there on the gallows." He was there. He was just being punished.

The gentleman from California (Mr. LANTOS), the gentleman from New Jersey (Mr. SMITH), the gentleman from Maryland (Mr. HOYER), the gentleman from Maryland (Mr. CARDIN), the gentleman from Virginia (Mr. WOLF), there is a long, honorable list of people who are really the conscience of this Congress and, hence, of our country on this matter of human rights.

God must look down on this globe and see the killing that goes on in the Sudan, that went on in the gulag, that goes on in China. We just honored Ukraine's accession to democracy. Well do we remember the collectivization of the farms in the early thirties when millions of Ukrainians were starved to death. Life is very cheap. I think every human being should visit Auschwitz. It is an education. It makes you understand the depths to which human nature can sink.

Someone said when Napoleon died it was because God got bored with him. I wonder that God is not bored with us, the cheapening of life. Democracy is more than a way of establishing rules for lawsuits, for litigation. It ascribes value to every human being, intrinsic value. That is the important thing about democracy.

I remember as a young man, I thought education was the cure for bigotry, but Germany had one of the highest literacy rates in Europe when Hitler ruled that country and they marched with their swastikas. So it is a little more than education. It is, as President Bush said in his inaugural, we have to change hearts.

This has been a good debate. We are going back to principles. We are going back to the value of human life and how capable we are of abusing it and of denigrating it. Let us hope that this resolution elevates people's ideas, focuses on how terrible we have treated other human beings, and resolve to do better.

Ms. KAPTUR. Madam Speaker, I would like to place in the RECORD the compelling story of Mr. Marian Wojciechowski, now a U.S. citizen, who is an Auschwitz survivor. The book "Seven Roads to Freedom", in which his chapter is included, traces the tragic journey of 6 million human beings who perished in Nazi death camps. Mr. Wojciechowski and his wife Wladyslawa survived, by a series of miracles and brave encounters. History must record these noble stories so their vast sacrifice shall be remembered and honored. May the world save itself in the future from this horrific suffering. This story, translated into English, from the original Polish publication deserves our attention and respect on this 60th anniversary commemoration of the liberation of Auschwitz.

Seven Roads to Freedom

(Edited by Miroslawa Zawadzka and Andrzej Zawadzki)

The Martyrology of Poles in Hilter's Death Camps

(Translated by: Anna Wojciechowski)

(A Presentation delivered by Marian Wojciechowski on May 8, 1998 to the Discussion Club at the American Polish Cultural Center in Troy, Michigan, USA).

"Who is victorious shall be free, and who has died is already free."—words from "Warszawianka"

6 million victims of the Holocaust in Poland in the years 1939–1945: 3 million Christian Poles; 3 million Jewish Poles.

The historians of future generations will research the archives, evaluate and then write how many additional hundreds of thousands of Polish Christians—on whose orders, where, by whom and under what circumstances—were murdered in the years 1939–1989 by the henchmen of communist authorities.

1. INTRODUCTION

I'm very happy that I came here, because I see that I have already met here many colleagues and friends from past times—now pleasant ones, in America—as well as from the times of our national martyrology: the occupation and the concentration camps. I was in three concentration camps, in Auschwitz, Gross Rosen and Leitmeritz, and here I meet after many years my colleague, Mr. Romanski, who was in the same camps and we knew each other in Gross Rosen and met there together quite frequently; and with the husband of Mrs. Romanska, who is here today—Zbyszek Romanski and I were friends, and we talked for many hours during the time free from labor in the Gross Rosen camp.

At the beginning I would like to make clear, that I am describing my wartime and concentration camp experiences not for the purpose of inciting any hatred in anyone, or anger, or a desire for revenge. Absolutely not. For a long time, I was unable either to speak or to write on this subject, because there stood before my eyes all the macabre scenes which one saw then, as well as deaths, which took away many of my friends and acquaintances under horrible camp conditions.

I was afraid of these memories; I did not want to talk about them.

But time heals wounds, and in the end, we see that it is necessary to touch on this subject, because history repeats itself. History repeats itself especially there, where it is forgotten. We pass it on, to avoid forgetting it and repeating its horrible moments. Some of us (for example, my colleague Romanski) are still in the possession of authentic notes written in the heat of the moment, in the camps, in pencil, already faded today. These historical artifacts should not be allowed to disappear; we have to take care of their conservation.

My narration pertains to my own experiences. As those who survived the concentration camps also know very well, in the same camp, and even during the same time period and commando—it was possible to have more luck or less, to encounter better or worse conditions and treatment, to survive or to perish. My reminiscences then cannot be related exactly to the fate of other prisoners. Almighty God helped me in these oppressions, and I survived.

I will begin with my youth, which has a connection with the main topic of my story. I come from the region of Sandomierz. Forty some kilometers to the south of Sandomierz, there is a small town called Polaniec, laid out on sandy soil. In the area, there were two or three mills, and at that time there was no factory or work establishment, besides the Ruszcza estate where one could get agricultural work. I remember, that in those difficult times after the First World War, the local small landowners ate bread only on such important feast days like Christmas and Easter, or during the harvest. For everyday meals, there was barszcz and potatoes for breakfast, lunch and supper. Not until somewhat later, around 1937, did construction begin there (for example, the embankments near the Wisla river), which gave people work and better conditions for living. Besides, these people worked very well and the results were very beautiful. Afterwards, industrial centers (COP—Centralny Okreg Przemyslowy) were also built, and the situation was systematically improved.

After finishing elementary school in Polaniec, in 1939 I received my high school diploma in Busko-Zdroj (in the beautiful newly constructed building) and went to the Szkola Glowna Handlowa in Warsaw (Warsaw School of Economics). My parents, who were small farmers, did not have the funds to pay for my tuition, clothes, and room and board. That's why, during the four years of high school, my brother and I earned money for our keep by tutoring for money. I would get up at around 5, no later than 6 in the morning, and I would go to bed after 11 in the evening. During the last two years I was a so-called "Marszalek" (the chairman of chairmen) of the high school. During my college studies in Warsaw, I was able to get a job as the assistant of the secretary in the Union of Agricultural and Economic Cooperatives (Zwiazek Spoldzielni Rolniczych i Zarobkowo-Gospodarczych), with the benefit of being able to do my work during the day or at night, during the workweek, as well as on Saturdays and Sundays.

Even before the beginning of my studies I belonged to the Polish Scouting movement, I participated in military preparation. I was interested in various political directions and social problems, trying to find answers to the question, how we should manage our country, in order to improve the welfare of the people. During my college studies, I had many colleagues with various persuasions. There were many forms of the so-called "sanacja" of the former Pilsudski camp, such as Straz Przednia, Legion Mlodych, BBWR, OZON, various shades of the Stronnictwo Narodowe, Polska Partia Socjalistyczna, Stronnictwo Ludowe. There were some who communized (Jerzy Wuensche, Roman Ujma). There were also a few who usually played cards in the restrooms of the library, and some who were not interested in anything beyond their studies.

I studied two faculties simultaneously: cooperatives and business education; and of the required foreign languages, German and English. I joined the group of friends of the Stronnictwo Ludowe.

In discussions then we searched for the appropriate road to improve the conditions in the country. While still in high school, I read a copy of Kapital by Marx, translated into Polish, which I borrowed from the local Jewish library. By such searching around, I came to the conclusion that in Poland we must work out our own way, and I found—the cooperative movement. Working in the co-op movement, first as the secretary's assistant, and later as an auditor of the agricultural-cooperatives, I made contacts with many people of the Warsaw and Lodz provinces, which helped me very much during WWII in the underground resistance.

Immediately after my studies, I performed my military service in the School of Ensizns of the Cavalry (Szkola Podchorazych Kawalerii) in Grudziadz, and after finishing there, I was assigned to the 21st Regiment of the Nadwislanski Lancers (21-szy Pulk Ulanow Nadwislanskich) in Rowne Wolynskie, in the Luck province.

During military service in the cavalry military college in Grudziadz, I taught evening courses after service hours about cooperatives for the non-career soldiers in Grudziadl. I organized courses in wheat-product ("zbozowo-towarowe:" purchase, cleaning, milling, revision, storage, sale as well as basic bookkeeping). The point was that after returning to their homes from the army, they could join in the co-op work in their hometowns.

That's a broad view of what my prewar past looked like.

2. THE WAR OF 1939

During the war in 1939 I was with my regiment in the Lodz Army, in the Wolynska Cavalry Brigade, in the region around the locality of Mokra near Czestochowa. History appraises our battles there very positively.

During the retreat towards Warsaw, my platoon was in the rear guard that is in shielding formation. Before reaching Warsaw, I received the order to march on Garwolin and further on east for regrouping. But other detachments of my regiment, walking behind us, received an order to remain in the vicinity of Warsaw to defend the capital (I learned about this from the leadership of the regiment after the military actions of 1939 were over). Because Garwolin was already burning, my platoon and I joined in with various detachments of the Army of General Kleeberg—the grouping, of Lieutenant-Colonel Mossor (Czas Ulanow, Bohdan Krolikowski, page 217 and we took part in the successful cavalry charge of Cavalry Captain Burtowy (ibid, page 221) at the same time that Lieutenant-Colonel Mossor surrendered to the Germans with the rest of the grouping in the forest near Osuchowo.

The disbanding of our detachment did not take place until the area near Uchnowo or Rawa Ruska at night, when the Germans were attacking us from one side of the forest, and Soviet detachments were attacking from the other side. The order was: bury the weapons and ammunition, give the horses and uniforms to the peasants, change into civilian clothes, march home and await further orders.

Over half of the soldiers of my platoon came from Wolyn. The entire detachment was a well-harmonized group, fought bravely, heroically. The losses in human lives were large. My deputy, a Wolynian, Corporal Szkurski was killed in the first week of the war. I filled the losses in this way, by putting always-willing volunteers, stray infantrymen, on the horses left by those who were killed. I named as my deputy one of the leaders of the section, a senior lancer. He fulfilled his function very well.

After changing into civilian clothes, groups of people started to form in a loose march towards different directions: to their homes, to nearby relatives and acquaintances. I proposed a march through Hungary or Rumania to the Polish Army in France. Two colleagues joined in: one a second lieutenant of the reserve of a different detachment, who was originally from Warsaw, and one ensign of the career school of cavalry. As I recall, his name was Bratkowski or Bartkowski, having finished his second year. We agreed to go to Stanislawow, stay there with a colleague of Bratkowski's and look for a way to cross the border. After a few hours the Russians detained us, and added us to a group of demobilized soldiers headed for Lwów.

After various difficulties we were able to leave the barracks in Lwów and get to the colleague's house in Stanislawow. We were received hospitably, but with fear that the Soviets might find us, because then the whole family was in danger of arrest. After a few days of gathering news, we determined that the Rumanian border was surrounded by the army with dogs, and that crossing the border seemed to be impossible at that time. After about a week, we decided we couldn't place Bratkowski's friend's entire family in danger, we had to return to Warsaw. We reached the new Soviet-German border and there we fell into Germans hands. They packed us into autos and conveyed the entire transport to Radom, where we were unloaded onto an empty field fenced in with barbed wire. During the night, the two of us dug our way out under the barbed wire and fled in the direction of Warsaw.

Sometime towards the end of October 1939, we got to the locality of Pyry near Warsaw. The farmer let us sleep in the barn. The next day we were invited in for breakfast, and they told us about the destruction and lack of food in Warsaw. After breakfast my colleague and I parted company. He went in the direction of his home, and I towards my rented room on Narbutta Street. A friend of mine from studies in the Szkola Glówna Handlowa (Warsaw School of Economics), Hieronim Tatar and I rented one room, two other student acquaintances rented the second room, and the lanlords took up the rest of the house.

However, it appeared that the landlords had already signed the volksliste, so that after a few days, my colleague Tatar and I moved in with a colleague from school—Andrzejewski, on Mokotowska Street. The two of us took up one room. The rest of the house was occupied by our colleague Andrzejewski, his mother and his elderly grandfather Jakubowski (the mother's father).

3. PROFESSIONAL WORK AND THE UNDERGROUND

Immediately the next day after returning to Warsaw, I went to my place of employment, the Zwiazek Spoldzielni Rolniczych i

Zarobkowo-Gospodarczych (the Union of Agricultural and Economic Cooperatives) in Warsaw, 11a Warecka Street. The Kasa Spoldzielcza (Cooperative Cashier) occupied the first floor, the second floor was taken up by the Okreg w Warszawie (Warsaw District), the sections Rolniczo-Handlowy, Jajczarsko-Mleczarski (agricultural-commerce and ovo-dairy), as well as the cashiers and Banki Spoldzielcze (Cooperative Banks). The third floor was occupied by the Zarzad Centrali (Central Administration), and the Institytut Spoldzielczy (Cooperative Institute) was on the fourth floor. Many workers "camped out" there with their families, because family members were slowly finding each other.

During the siege of Warsaw food supplies were exhausted, the prices on the black market were very high, and a large part of the populace was starving. Situations were especially difficult in hospitals, children shelters and so on. Many of my coworkers denied themselves part of what were rightfully their own rationed portions to jointly gather food supplies, for example for the hospitals. The director of the section of agricultural-commerce cooperatives was senior colleague Franciszek Kielan, a very honest individual, unusually generous and universally much respected. He convinced the German commissar on cooperative matters in Warsaw to transport food for the employees from the cooperative in Kutno (the largest cooperative in the Warsaw district).

Along with fellow friend Jan Boniuk, we set out for Kutno and brought to Warsaw, to our office, a food-filled ladder wagon harnessed to three horses. Part of the food was designated for hospitals, and the rest was divided according to the number of members in each family, regardless of the employee's position. A majority of the younger co-op employees began to carry food to the hospitals. In this way, I found in the hospital (probably the Ujazdowski Hospital) the leader of my regiment, the 21st Regiment of the Nadwislanski Lancers from the Wolynska Cavalry Brigade Lieutenant-Colonel Kazimierz Rostwosuski, as well as many officers from our regiment and brigade. I have to admit, that from that time on the food situation in the hospital improved very much.

After a certain time, we learned that the officers in the hospital were going to be transported somewhere, and that the Germans were already examining the lists of patients. I had the most acquaintances in the municipal offices in the former Sandomierski district. So I set out on a circuit and brought back as many as possible of clean unfilled personal identification documents (identity cards) and municipal seals. I brought all these back to Warsaw and handed them over to the reconnaissance liaison from Sluzba Zwyciestwu Polski (SWP—Service for the Victory of Poland). I already belonged at that time to the underground group "Raclawice." After a few days, the sick officers were released from the hospital and directed to an agreed upon residence location. The new identity cards turned out to be very good—they passed the test.

One day, the wife of Lieutenant-Colonel Rostwosuski contacted my office to let me know not to spend the night at home, because her husband was arrested during a street roundup (lapanka) and would be interrogated by the Gestapo that night. Luckily the next day, she advised me that he had already been released on the basis of a previously issued identity card (as I recall, it was issued to an "agricultural engineer" from an estate somewhere in Podole).

After the end of the September campaign, there began the underground phase of the battle. I was very much engaged in two groups. The first one was the group "Raclawice" belonging to the peoples' movement (most from the pre-war "Siew"). In connection with my work in the co-op movement, I was invited to prepare the statutes and to help with the organizational work of the newly established restaurant in Warsaw, the "Wymiana," on 73 Mokotowska Street. This was only going to be a cover for the "Raclawice" group in its underground resistance work. After a few months there occurred a desconspiration (wpadka) of a cell of our group in Lublin (from where we received printing paper for the underground press). Using torture, the Germans forced information about our Warsaw group from the arrested members of that cell, but for now did nothing to us as yet.

One day a friend of mine, with the same first and last name besides (we called him Marian Wojciechowski number one, I was number two) came to me and asked if I could help them in the following matter. Apparently there was for sale an entire printing press hidden from the Germans by one of the printer compositors somewhere in a barn in the countryside. But for this printing press, the compositor wanted money—which needed to be organized. I didn't promise anything at first, because I didn't have the money, but I began some efforts in that direction. In Rawa Mazowiecka the director of the agricultural cooperative was my friend, Zygmunt Jedlinski. I went to him, explained the situation and asked for help. Over the time interval of several weeks, Zygmunt sent two ladder wagons loaded with food (all the automobiles were requisitioned by the Germans, and for the Poles they were unattainable). The printing press was purchased for the money received from the sale of this food on the black market. This was one of the first printing presses in service of the Polish underground in Warsaw.

The Germans depended very much on the agricultural cooperatives that supplied food for them on location, as well as for the residents of the Reich. Because of this, they wanted to have precise reports and inventories regarding existing cooperatives. The execution of such reports also constituted my work. Traveling around to the cooperatives as an inspector, I had special privileges in buying tickets for busses and trains, of course only in work-related matters. I made the most of these trips to contact other organizations. They were given information, and communiqués, meetings and terms were discussed, and so on.

Springtime 1941 was the date set for the meeting of the representatives of the organization "Raclawice." This meeting was to take place in the cooperative restaurant in Warsaw in the evening. I was going to that meeting from Nowe Miasto near Pilica, where I was staying with my brother after recent surgery on my appendix. At departure, my brother asked me to take along his wife, who was going to visit her family in Sandomierz and continue further on to Polaniec, and was going to have to change trains in Warsaw. I agreed readily and promised to help my sister-in-law to transfer from one train station to the other. Meanwhile, my sister-in-law suddenly got sick on the train, so that in Warsaw, instead of escorting her to the second train station, I took her to my place on the Aleje Niepodleglosci. I brought over a woman doctor acquaintance of mine, brought medicine from the pharmacy and gave it to my sister-in-law. She already felt significantly better. I announced to her that in the evening I was going to the meeting. My sister-in-law began to cry, she didn't know my landlords, they didn't know her, she was afraid to remain by herself without my care. She finally convinced me with this lamenting so much, that I resigned from attending the evening dinner meeting of the underground organization "Raclawice" in the co-op restaurant. I planned to find out about the details the next day by going there for breakfast.

At five in the morning I received a phone call from my colleague Wegierski (he was my friend from the cooperative and the "konspiracja"), who asked me if I was coming for "breakfast." I answered yes, because I wasn't at the "supper" yesterday, so I should go for "breakfast." And my friend replied: "Better don't go there, because last night there was some poisoning with mushrooms." In our language, "mushroom poisoning" meant deconspiration or betrayal. It turned out that the Gestapo arrived before the hour designated for the meeting in the restaurant, and planted all the halls as well as the stairway with its people, both in uniforms and in civilian clothes. And afterwards, they would admit all incoming guests, but they were not let in. In this way, they arrested about 30 people. From this group of arrested individuals, two women (a cook and her daughter assisting her) survived: all the remaining people died from exhaustion at labor or were executed by shooting—the men in Auschwitz, the women in Ravensbruck. I would undoubtedly have shared their fate, if not for the fact that my sister-in-law's illness and strong pleas kept me at home.

But I survived luckily for some time afterwards, until the next year, 1942. Because I was informed that at the Gestapo they are inquiring about Marian Wojciechowski, and I didn't know which one, then I would change residences often (more or less every 4-6 months). The last residence I rented in Warsaw was in Zoliborz, in the housing co-op of musicians—the landlord of the residence, who also was a Wojciechowski (but Kazimierz) besides, was a musician.

I continued to travel around the General Government region. One day, shortly after the arrests at the restaurant, Kazik Wegierski came to me and announced to me, that he would like me to meet his sister who had just arrived from Lodz. I went to visit them, we talked some, and when the family went to bed, Kazik's sister told me that she has a task for me. She worked in reconnaissance and needed a place near the border of the General Government on the train line Lowicz-Zychlin-Kutno, where couriers crossing the border could stay the night for some rest and a place to sleep. After a few months, her brother advised her to ask me for help. I promised that I would look around. Under the German occupation Warsaw, Sochaczew and Lowicz still belonged to the General Government, however the next train station—Zychlin—was already on the side of the Reich, or territory incorporated into Germany. As quarters for the woman courier, Lowicz seemed the best fit to me, especially since I had very good relations there in the local agricultural-commerce co-op. That person was a woman courier of the Polish underground (Kazik's sister from Lodz, Wanda Wegierska). Because of the assignment of the liaison of the Polish underground, she took on German citizenship, traveled quite often across the border into German territory, met there with our intelligence personnel and brought back from them information, among other things including the localization of German armament plants. This information was transmitted from Warsaw to London via radio, to be utilized for bombing raids by the British air force. The woman courier (a young girl, about 18–19 years old) realized at one point in Berlin that she was being followed, and she fled to hide in the hotel. Sometimes even very sensible and brave people sometimes do tragically stupid things. She did just such a stupid thing. Back in the hotel, she wrote several letters, addressed the envelopes and mailed them. One of those letters was addressed to me. The Gestapo intercepted the letters and copied them along with the addresses. The woman courier was arrested in Berlin only after three or four months during her third trip. All the recipients of her letters were also arrested. I had already organized for her a point of transfer, everything was prepared, but unfortunately it was too late.

Sometime during the second half of 1940 or maybe at the beginning of 1941, I believe it was Kazimierz Wegierski himself who came to my office room with his friend and asked me to help him as much as I would be able to, after which he left the room, leaving me alone with his friend. I asked what was it all about? It was about making contact with people through whom he would be able to acquire smaller or larger quantities of every kind of food. In my travels around the co-ops for inspection, before and even during the occupation—I knew the remaining stock products of the co-ops, and I tried to get to know people whom I could trust.

Verifying the percent of so called "tluczek" (breakage) of eggs, "rozsyp" (spillage) of flour, cereal or grain, I knew roughly how much and of what it was possible to take away without putting people at risk of suspicion by the German authorities. If there were suspicions about the black market, that was only just half the problem. People were in danger of being thrown out of work, being sent to labor in Germany and so on. However, if there was suspicion that the food was being handed over to partisans or to Jews—there was the threat of punishment by death, preceded by torturing all suspects and their families. We had to help, but always we had to be cautious. My colleague Wegierski's friend came to me to the office several times, and if I had them—I always gave him some contacts in the cooperatives of the Warsaw or Radom districts. A contact could be the director of the cooperative, the director of a certain section, the warehouse keeper, the bookkeeper or also even an ordinary laborer who was initiated into the underground.

Only after the war, looking at a photograph in the press, I recognized that friend of my colleague Wegierski. It was Julian Grobelny, founder of the Council to Assist the Jews, "Zegota." During that time he was buying food and was more than likely providing it for Jews.

4. ARRESTED BY THE GESTAPO

I was arrested in Radom, where I had moved, because in Warsaw it was "too tight" for me, the Gestapo was tripping over my heels. In Radom, I resided at the local high school teacher's home (as I recall, his name was Oder). On April 23, 1942, at night, the Gestapo was battering at the door of the house where I lived. At that time I was not at home, and the landlord tried to open and escape through the back door, but they shot him in the leg. His son died from the wounds received during the shooting. The Gestapo inquired about me and found out that I was working in the cooperative. The next day, they went to the office of the Union of Agricultural and Economic Cooperatives, and without mentioning my name, made a general survey of the employees. They made accusations that the office produced fictional work cards for people who in reality don't work there. Under that pretext, they checked the entire registered personnel "from a to z," what and where a given individual did during a given day. By this method they got to me, and learned at which co-op I was performing an inspection at that point in time. It was in the Wloscianska Agricultural-Commerce Cooperative in Piotrkow Trybunalski. They returned to their headquarters and telephoned the order to arrest me by the local Gestapo. The Gestapo came to the commissar of the cooperative during the dinner hour asking about me. Meanwhile, not expecting anything, I had just had a secret meeting at the cemetery and returned at noon to the co-op bureau. There I found a message that the commissar of the cooperative, a German, wanted to see me in his office. This was nothing unusual, so I calmly went to his bureau, and the Gestapo were already there waiting for me. They checked my personal documents and informed me that I was under arrest. The protestations of the German commissar, who needed my help in the work of the cooperative, did not help. I was arrested; the Radom Gestapo demanded my immediate transport to Radom. At the moment of the arrest, I had on my person several "trefne" (secret under ground) documents, that is, such that should not, under any circumstances, fall into German hands. Handing over my briefcase to a colleague who was my assistant-apprentice, I told him quietly to burn whatever could be damaging to us. Unfortunately, I also had some papers on me in my clothes; I could not get rid of these without attracting the attention of the Gestapo. We arrived in Radom (that was April 24, 1942) around 11 pm at night. And here, fate was kind to me in a most miraculous way.

Now, about a month earlier I was taking the train from Radom to Warsaw. At the train station, using my cooperative inspector's identification card, I could buy a train ticket without having to wait in line (this was no small matter: there were barely 20 tickets available for about 200 people in the queue). At that time, there walked up to me a stranger in the uniform of a prison guard, asking me to help him to buy a ticket: he had received a telegram that his sister in Warsaw is dying and he desperately wanted to visit her (he was going to be busy at work the next day). I like people and I like to help them. Therefore, I agreed, and I bought him a ticket in the next ticket cashier's window to avoid suspicion. And it so happened, that we were passengers in the same train car and chatted with each other a bit.

When, in accordance with their received orders the Gestapo brought me to the Radom prison that night, it was this "acquaintance" from the train station who was the guard on duty!

On the first floor of the prison building there was the criminal section (for prisoners accused of theft, etc.) and on the upper floor, I believe either on the second or third story, there was the political section. After bringing me in, the Gestapo led me to the guard on duty and told him to sign a document that I had been delivered. When he signed the receipt for my person, they left, leaving me in his responsibility. We were left alone, and we began a discussion as to what to do next. My eventual escape would risk reparations against our entire families (his and mine), as well as against my colleagues from work and from home. I felt that it was too dangerous not only for my loved ones, but also for the family of the prison guard. I decided that I do not have the right to put so many people in danger, and I decided not to escape. The guard advised me to destroy anything that was "trefne" (secret underground documents) that I had with me. In the middle of a large hall on the first floor in which we found ourselves, there stood a huge stove (so called "koza") with a fire burning inside. The guard lifted the cover of the stove and said: "Throw it in here." I had with me a notebook with coded names, telephone numbers and addresses. Without knowing the code, it would have been difficult to decode them. However, the Gestapo could come to the conclusion that the information in the notebook is coded, and with additional beatings maybe get that necessary information out of me. Without a moment's hesitation, I took advantage of the "koza" and threw in my notebook along with the rest of the "trefne" papers into the fire.

5. INTERROGATION AND TORTURE IN RADOM

And so I fell into the hands of the Gestapo, but with the exception of what they already knew about me, I did not provide them with any other indications. Everything I possessed was "clean," because anything else had been burned.

During the first few days of my stay at the prison, I received a package with a large pot of buckwheat cereal. The Gestapo checked this cereal rather thoroughly, but fortunately, they did not find the tiny rolled up ball of paper hidden inside it. It contained only the brief piece of information, that the Wegierskis had been arrested with their entire family. I did not receive any additional information: why, who and how. Kazik Wegierski, a scout instructor (I believe from the scout troop "Wigry") was that colleague from work and the underground, who had informed me earlier in Warsaw about the "mushroom poisoning," or "wpadka" (deconspiration of a cell of my underground organization). He was very actively engaged in the Polish underground, and his sister was that courier who traveled to Germany for reconnaissance.

I wasn't sure what the Gestapo already knew or what it didn't know, but just in case, I didn't admit to anything. For the first interrogation, there arrived at the prison a special envoy from German intelligence, who spoke Polish perfectly. As it turned out, he knew Poland, and about two weeks earlier, that is, right before the outbreak of war, he had returned to Germany from a ski trip to Zakopane. He wanted me to tell him everything that I knew about people acquainted with me, where they work, what they do. Naturally, when it came to Wegierski, I pretended not to know anything. At that point, there was not yet any beating or anything of that sort. The person leading the interrogation said, that's too bad, that I don't know anything, and left the prison. About two weeks later at the next interrogation I was beaten so thoroughly, that after finishing they threw me into the cell completely disabled.

Normal interrogation took place in this way, that in the attic of the Gestapo headquarters, they would put handcuff the prisoner's hands in back of him, tie the handcuffs to a rope hanging from the ceiling, and pull the rope upwards so that one would hang above the floor of the attic at the height of an average chair or table. Then, there would take place a beating over the entire body, including the head and legs. A person would be completely covered in blood. Because I was hanging by my hands with the entire weight of my body, and sometimes pulled downwards by my legs, I lost complete use of my fingers and hands already after the second interrogation. It was possible to prick me in the fingers, and I would not be able to feel it. I could not bend my arms at the elbows, so that when eating, for example, a piece of bread, I had to use a spoon, because I could not reach my mouth with my hand. They maltreated me horribly. Luckily, my prison guard acquaintance alerted the persons indicated by me about my imprisonment. These individuals tried to help me through the commissar of the co-op union where I worked, and also through his secretary. As I learned later in the Gross Rosen camp, where I met the son-in-Law of my Radom landlords, it was that German woman secretary who suggested that one of the stapo (he had a high position and loved to play around) be bribed. Of course, there could in no way be any agreement about my release from prison, but it was about sending me to Auschwitz without a death sentence. Normally in similar incidences the prisoner, after the interrogations were concluded, was executed by shooting in the prison or in nearby forests, or sent to Auschwitz with a death sentence. This sentence was executed by shooting in the camp after a two- or several-month stay. Such a sentence was not sent after me. I was transported to Auschwitz, but all my things were returned to my mother with the announcement of my death. They didn't want to release the body, but they sent a message that I am no longer on this earth.

6. AUSCHWITZ

In the camp I met with a series of events that appeared to be miraculous, or perhaps accidental coincidences ordained by the Providence of God. It is difficult for me to say that God wanted to retain my person, because there were so many who were so much better and so much more needed. But it all happened so that I was saved.

I arrived at Auschwitz as a complete human ruin: I could not bend or move my hands. At the camp apels, when the orders "caps off" or "caps on" were issued, I grabbed the cap on my head without feeling it in my fingers. Not obeying the command risked being beaten or even being killed on the spot.

They took me to Block 11, the block of death. Had they learned about my state and that I was unable to work, a death sentence would have been immediate. I was unfit for work, so there was no reason why I should be kept alive. In such a state, I was held in the death block for a day or two. I was hit over the head with a club several times, but after about a week they sent me, in a group of about 20 prisoners, to the kitchen for food, for the afternoon soup. This soup—a bit of water with some thing like nettle in it—and yet hot, was carried on poles in barrels of various dimensions (25, 50 liters) by two prisoners. They sent a few too many people to carry the soup, under the assumption that there would be more barrels. But as it turned out, the barrels were larger and a few of us didn't have to carry anything. I tried to walk in the back, so that they would not choose me when changing carriers, because I knew that I would be unable to carry the barrel. And spilling the soup, especially a barrel of soup—that would have been death on the spot for certain, for the reckless denial of food for many people. And after all, I could not tell them that I had no feeling in my hands. So I walked in the back of the group of these carriers down a street leading to Block 11, and suddenly I saw a man in front of me, coming closer, also wearing prison garb, but shaped and well-fitting. We got closer to each other and both of us stood: "Marian, is that you?" and I answered, "Zdzisiek, is that you?" It turned out that this was my friend, with whom I shared a room in 1937–1938 at the cavalry training center in Grudziadz for a period of about 9 months. At that time, after military service, I returned to work in the co-op movement, and he remained in the army as a candidate or a career officer. During the occupation, he was rounded up along with all the remaining men on a train on the Krakow-Tarnow line and sent to Auschwitz. Because the man was strong and healthy, he survived the first few months in the camp not all that badly, and then people like that, if they were able to do something, were assigned various positions in maintaining the camp. My friend Zdzisiek Wroblewski was appointed as the block scribe: he had the responsibility of keeping the prisoners' register up to date, where and what each one was doing at each hour. We briefly recounted to each other our histories; he decided to accompany me. He went with me to block monitor—it was a German criminal, who beat and killed people without hesitation; he told him not to do me any harm, because I was his friend.

In about a week, Zdzisiek arranged to have me transferred to his block. I don't know how he did that, but at the new place there were many former colleagues and acquaintances from various political parties and factions, from various universities and various cities. They already had formed an entire underground organization Auschwitz, and everyone helped each other as much as was possible. Zdzisiek drew me to him and said that he would make me a "sztubowy." The "sztubowy" was responsible for one large camp ward. I told him that I was not suitable for that function; I saw that a "sztubowy" beats people, hitting them with a ladle wherever it fell. I was not suited for this. Zdzisiek replied, "Listen, this is the way it is here, that either you will beat, or you will be beaten." But I refused; I wanted to be in the middle, to not beat and not to be beaten. So I bounced here and there, working in different commandos in the camp territory.

A typhus epidemic broke out. Two blocks were reserved for the sick. The Germans were not at all that concerned about the prisoners, who were dying in masses from the typhus, but they were afraid of getting infected themselves. Because the prisoner worked in many sections, for example, in the canteens where they had contact with SS-men, they could infect them. One day, two large trucks arrived, onto which were loaded all the people in those two "typhus" blocks: the sick, the reconvalescing and the orderlies. They were all gassed. Less than a week later, I fell ill with typhus myself. My companions in adversity took me arm in arm and led me to the receiving hall for the sick, and then they themselves had to quickly report to work. The doctor in reception, a young Jew fresh after medical studies (probably from Hungary) had already been alerted about my coming by my colleagues or their acquaintances. At that very moment an SS-man appeared. He was an older man, who went about the camp and observed the prisoners, writing down the numbers of those who were working poorly—as well those who were so weak that they could not work. These numbers were then passed on to the camp registry office. All those recorded prisoners were then immediately murdered in the gas chambers or (more frequently) by injection with phenol. At the moment of the SS-man's arrival, I had already been examined by the doctor, with a filled out health card. The SS-man came up and took my card, and noticed the high fever. Seeing this, and knowing that in a moment my number would be recorded and passed on for execution, the doctor quickly reported: "High fever, for observation." In the Auschwitz camp, on Block 10, there were performed various types of observations and medical experiments. German doctors inoculated male and female prisoners with bacteria of various diseases, performed research and observations, and then of course they killed the subjects. In connection with this, the visiting SS-man understood that I would be sent there for observation; he put away his notebook and did not record my number. At that time, I was already semiconscious.

Next, they sent me to a newly opened "revier" for those who were sick with typhus. I was visited there by my friend and one of the leaders of the conspiracy—Kazimierz Wegierski, who was arrested even earlier than I. During his interrogation, the Gestapo beat him so severely that his kidneys, liver and other internal organs were damaged. As a result, this very slender man was so badly swollen that I could not recognize him. He died the next day, without betraying anyone to the very end.

From the entire group that was arrested along with him, not one person broke under cruel interrogation, no one was betrayed. His sister, Wanda Wegierska, caught by the Germans and accused of spying, was sentenced to death and executed by beheading in the prison in Berlin. Working for the Polish intelligence, she presented herself as a German citizen and that type of death was administered to her. For her achievements in the underground resistance movement, she received the Virtuti Military Cross posthumously after the war, and was also promoted to the rank of second lieutenant. She was the woman courier about whom I spoke earlier at the beginning of my lecture.

After getting well, I was sent back to the block of my friend Zdzisiek, who started to look for work for me. He found for me the position of bookkeeper for a German civilian—an engineer, assigned to supervise the storage of building and construction materials intended for the camp, as well as for military objectives. At the Auschwitz camp there was a main warehouse of that type. At the beginning, we observed each other: on the third day of such an acquaintance, the engineer placed a piece of bread with marmalade on my table, and later we began to talk with each other. Of course, I did not admit to my underground connections. Our conversations were held cautiously and only inside the building. The German warned me that if our contacts were revealed, then he would become a prisoner like myself, and I would end up in the crematorium. We worked together, we exchanged words of greeting, the relationship between us was arranged on a level plane of not so much as work colleague or friend, but human being nonetheless.

After about two weeks, my work was changed: at the Sunday morning apel, I was assigned along with about a hundred other prisoners to clean the overgrown drainage ditches outside the camp. Standing on the bottom of the ditch with water up to the knees, one had to deepen the trench and hand the soil up to people located higher. The work assigned to me was at the bottom of the ditch, and any kind of protest would of course risk a beating. At that time I already had enough feeling in my hands so that I could hold a shovel, but my fingers were still not fully functional (moreover, that condition has persisted till this day). I worked this way for a full day; it was already the middle of November, the water was very cold. After returning to the camp I was shaking with the cold, but the next day I went to do the same work, not saying anything to the German engineer with whom I had worked previously. After the second day of working in the ditches, I got a very high fever during the night, and they took me for a medical examination. It was pure luck that there were Polish doctors there, who, even though they had no medicines, were able to do advice what to do. They diagnosed pneumonia, pleurisy, water in the side as well as inflammation of the kidneys. They had no medicinal supplies, because people were held in the camp to be finished off, completely without any care as to their medical treatment. And once again, I met with Divine Providence. In this so-called hospital to which I was taken, there worked a prisoner—called the block tailor, who had been arrested along with one of my friends. This friend, like me, was a recipient of one of the letters from our woman courier, which had been intercepted by the Gestapo. The Gestapo came for him at his place of work—a tailor shop on Wiejska Street right nearby the Sejm. He was arrested along with other workers. A handy tailor from just that group by the name of Wladek Dabrowski was presently in Auschwitz. He performed a series of tailoring tasks for the camp "dignitaries"—the functionaries and the SS-men. Wladek and I recognized each other and he helped me in the treatment. Once again, God showed His mercy. How was I treated? They cut off a small barrel and installed heating elements in the form of several light bulbs. They would place me on blankets on the ground, they would place the so "armed" barrel on my chest, and they would connect the electrical wire conduit to the electrical contact. After a half hour of such heating, I was almost unconscious, but the blanket on which I was laying was completely wet from the water coming out from within my body. Besides this, the water from my side was extracted with the help of a syringe. When the SS-man who was writing down the numbers of the prisoners for execution, because they were very sick and not fit for work, would draw near us, a well-organized camp intelligence would warn us ahead of time. Then I would be pulled out of bed, wrapped in a blanket and placed on the ground by a wall. That was done with prisoners who had already died, because at the morning, afternoon and evening apels every man in every block had to be accounted for. After the SS-man left, my friend the tailor, along with his friends, put me back into bed. This would be repeated during my entire stay at the hospital.

Meanwhile on the block to which I belonged, Zdzisiek had a fatal fallout. He organized contacts from outside the camp for the purpose of bringing in medicines for so many sick prisoners. This was realized in the following way: Some of the specialists (for example, welders, plumbers, and so on) needed in the camp were imported as civilian workers from outside the camp. Zdzisiek would pass on a list of needed medicines to them, which they would bring to the camp at the next opportunity. One of those workers was caught with such a list during inspection, and under torture revealed who had given it to him. Zdzisiek was arrested immediately along with the two "sztubowy" who were responsible for the wards, which Zdzisiek frequented most. Despite the tortures, all three did not betray anyone and did not admit to anything; they all perished either from starvation, or by phenol injection. Had it not been for my stay in the hospital, because I was so closely connected to them, I would have probably been also taken, tortured and bestially murdered.

I stayed in the hospital until the moment that my fever dropped, then I had to go back to work. I was released from the hospital one Sunday and assigned to a different block. This was the block of the so-called "Zugange" (prisoners newly-arrived to the camp as well as prisoners discharged from the hospital). The ward of the block I was assigned to was located on the first floor; I was so exhausted by the illness that I would walk up the wide stairs on all fours. I had a card of discharge from the hospital and was assigned to work the next day. This time the work consisted of arranging in layers boards, still wet, freshly brought in from the mill, in tall stacks with some air draft to dry the boards. To accomplish this, some of the workers had to climb upwards and pull up heavy boards handed up from below. I barely managed to drag myself to the place of work; I was assigned the work at the top, but I lacked the strength to climb up the stack. Even if I had been able to do so, with the frosty weather (and it was about the middle of January) I would undoubtedly have frozen to death or, unable to climb down, would have been pushed off to the ground, breaking my bones. I thought to myself then, there is no point in climbing up, better let them kill me here on the ground and it will be the end of it. I decided not to go to the top of the stack—this was a refusal to work, which in the camp meant inevitable death.

At that time there was in Auschwitz an obercapo of the Bauhoff (building section), a German criminal prisoner known as "Bloody August," who was renowned for his cruelty. Tall, thin, with long hands like an ape. It was enough for him to smack a prisoner with such a hand, to make a corpse out of him. I suddenly saw that "Bloody August" from a distance of about 10 meters. I thought that this is the end of me; but he suddenly became interested in someone else, jumped to the side and reached him, getting further away from me. However, the other person accompanying him came up to me. Normally, a prisoner of the concentration camp when approached by anyone from the camp administration, was obligated to take off his cap and stand at attention. I did not do this; it was a matter of complete indifference to me whether they would kill me or not. The person approaching me noticed that, came up closer, looked at me and said in German: "Marian, is that you?" I recognized that it was the German engineer, for whom I had worked as a bookkeeper. He asked what I was doing here, why I didn't come to him to work. I answered, that they assigned me to different work, that I had been in the hospital and then they told me to report to the present work site. I added, that I could not perform the work, because I did not have the strength to do it, therefore because of that they will kill me. The engineer looked at me and told me to come with him. He took me to a huge storage place for pipes and other plumbing parts. Outside the building there were all kinds of concrete pipes, and inside there were copper and nickel pipes, as well as all sorts of joints for pipes. The director of this whole warehouse was a prisoner from Stalowa Wola, engineer Sledziewski or maybe Sledzinski. The German led me to him and said that he is leaving me with him as his responsibility, turned around and left. Sledziewski knew nothing about me, but he saw that I was barely able to stand on my feet. He told me to sit down, brought me a piece of bread, pointed to the hot water for bread soup. And I sat like that next to him, by the hot stove, not doing anything for about two or three days.

Under camp conditions this was something completely unheard of and meant inevitable death. Soon we began to talk with each other; I told him everything about myself honestly. When I had rested some, I started to help him more and more. I worked in this way to approximately the middle of March, 1943, when the transfer of prisoners from Auschwitz to other camps was begun, because the Auschwitz camp was already overloaded.

7. GROSS ROSEN—ROGOZNICA

I was sent to the camp in Gross Rosen. The stay in Gross Rosen began as usual with a quarantine. Even before it was over, I was sent to Hirshberg (today, Jelenia Góra) to work on the construction of a factory to make products from wood fibers. The task of the workers was construction of timbering for cement walls. I volunteered as a carpenter, trying to avoid work with sand or cement, where one had to work full speed running with wheelbarrows filled with sand or cement; with this, one received a lot of lashes. The work of a carpenter, requiring precision in matching timber or boards, was slower. Later, I was even appointed the secretary of the entire group, because it turned out that the former candidate for the position was unable to write well, and quickly. So I held the position of carpenter and secretary until about November, when they brought us from Hirschberg back to the mother camp of Gross Rosen. There I was again employed as a carpenter in the construction of new barracks. One had to work very fast, because everyday there arrived new transports of thousands of prisoners pulled from many other camps (from Majdanek and others). In the construction of the barracks there were used ready-made slabs which had to be put together, next the windows were mounted, and also finishing work was performed. Part of the work was done in the interiors, where it was hot, and for other types of work one had to run, and fast at that, outside. Under these conditions I caught a very severe cold, I was close to pneumonia, I had trouble with breathing and speaking. My olleagues decided to help me, taking me to the "revier" where I could rest. I stayed there, and already on the second day there came to my bed the "revier" kapo by the me of Siehsdumich and started a conversation with me. I told him a bit of this and at about myself, of course hiding my activity in the underground; he asked me from here do I know German so well, and learning about my education he proposed a more responsible job. He suggested a project employing me in the camp post office, the parcel section. This change suited me very much and I began the new work of receiving and delivering parcels.

Some time later there came to Gross Rosen a transport of prisoners from Majdanek. Right after that, a few weeks later, this was followed by a large shipment from Majdanek of food parcels which had been sent to these prisoners by their families. The director of the post office, SS Unterscharfurer Layer, decided to send the packages back to the families, because some of the addresses were no longer current. The parcels were delivered to the prisoners in accordance with their prisoner number as well as the number of the block in which they slept and ate. The first and last names of the prisoners were not important, it was only those numbers that mattered. However, after arrival in Gross Rosen from Majdanek, prisoners were located in a new block and received a new prisoner number, so that finding the original addressees among so many thousands of prisoners was unusually complicated. Therefore, the director of the post office decided to send back the entire transport of parcels to the senders. I knew that with the hunger prevailing in the camp, the return of the food packages constituted a huge loss: in addition, the families of the prisoners receiving the returns will be convinced that the addressees were dead. This type of explanation would not be effective with the director of the post office, who was an SS-man. Certainly he was not concerned with the hunger of the prisoners and the pain of the families. I decided then, to propose other arguments to him. I told him that returning the packages places an additional burden on the communication centers, whose main purpose should be services for the German populace and armed forces. I cited the slogan placed on German trains: "Die Rader rollen fur den Sieg" ("The wheels are rolling for victory.") With this I convinced the German, who asked me for advice what to do, because it would be difficult to just distribute the packages at random. I offered to help: if I received permission from the commandant of the camp and his deputy (Raportfuhrer Eschner) to spend additional hours during the week working in the camp chancellery after normal work hours, then I would attempt to find the addressees of the parcels, by comparing their former registered numbers with the currently assigned numbers, as well as searching for the block in which they were presently residing.

In the camp registry office, there were card index tiles of the mother camp Gross Rosen and all the subcamps of this region, all living and dead prisoners with their new numbers, occupation, and cause of death in case the prisoners were no longer alive. After receiving the consent of the camp authorities, I spent the next week working additionally until about 11 or 12 at night, in search of the owners of the parcels. The beginning was the hardest, that is, finding the first few. Next, those who were found helped me to find the next addressees. And in this way during the week we unloaded the entire shipment of parcels, additionally earning the confidence of the director of the post office, SS-man Layer, and of Raportfurer Eschner with this work well done.

Shortly thereafter, this SS-man's goodwill, earned in this way, became very useful to me. For one of the prisoners, it pains me to say—a Pole (he currently resides in Warsaw), supplemented his food rations by stealing the best foodstuffs from some of the packages, for example, pieces of sausage. Noticing this process, of course I did not denounce him, but I sharply called his attention to it to have him stop doing this. I even threatened him, that the next time this offense occurred, he would receive from me a healthy lesson. The angry prisoner, along with another Polish "volksdeutch," wrote a denunciation about me, that I was taking advantage of my work at the post office to send letters outside the camp, even though I was under the so-called "Postsperre" (forbidden to write letters, and to receive letters and packages). I knew nothing about this denunciation. One day, when I arrived at work, the SS-man, director of the post office Unterscharfuhrer, called me to his office and told me from whom and what kind of denunciation was deposed about me. The main chief of the political section of the camp, representing the highest authority of the Gestapo in the camp, came to him to verify this and to eventually take me in for interrogation. "My" SS-man supervisor guaranteed that it was not true, that I am a very good worker, and that the denunciation was probably caused by jealousy. In the conversation with me he added, that he was not asking me if the accusation is true, but warned me not to do anything like that, and also not to mention our conversation to anyone. This SS-man saved my life then, because the denunciation about me was true. Of course, having correspondence forbidden to me (camp authorities ordered such types of prohibition concerning certain dangerous prisoners). I would occasionally send letters, availing myself of the kindness of my colleagues, who were able to write once or twice a month to their loved ones. From time to time (for example, once a year) they would give up one of their own letters so I could send one of my own, signed with their name and number (and to these same numbers there could also come a reply to me from my family, which they then transmitted to me later).

Luckily, the matter of the denunciation ended on this note without any consequences. Additionally in my favor there was also the following fact from the recent work time spent building the warehouse in Hirschberg. Due to intervention from the International Red Cross to the highest German authorities in Berlin, it was demanded that all prisoners receive the order one Sunday to write a letter home. I reflected on what I should do. Since I had the "Postsperre" (under penalty of death, it was forbidden to send out or receive any kind of correspondence or parcel, which effectively made the prisoner "dead" to the outside world). I delayed with writing the letter, in fear of the consequences. So I went to the commandant of the subcamp Hirschberg and asked what I should do. After coming to an agreement with the main camp, he said that the prohibition is binding and that I am not allowed to write. This proof of subordination was registered in my records, and also helped me to survive in face of the denunciation.

A group of prisoners from Majdanek, who received food parcels thanks to my work, was most grateful to me. Hunger ruled in the camp; food parcels were unbelievably valuable. They invited me most warmly for a tasty treat, but I declined—not accepting even a piece from anyone. At that time, I worked inside the building and not that hard, so it wasn't very bad for me; if they wanted to, then they could share the food products with their friends and colleagues. Helping my colleagues I saw as my duty, without accepting even the smallest payment, not even in the form of food.

8. LEITMERITZ

In January 1945, the German-Russian battles already moved to the west of Wroclaw. The prisoners were transported by train and on foot to the west. As I recall, on the 4th or 5th of February 1945 there occurred the final liquidation of the concentration camp Gross Rosen. They loaded us on various uncovered train cars (for example, coal cars). They packed as many of us as possible into each train car, putting in one or two SS-men with machine guns. All prisoners were told to kneel or to sit, and who ever raised himself or stood up was immediately shot. The train drew near several locations where there were concentration camps, but they were already overfilled. On some stops, the bodies of dead prisoners were removed from the wagons. Finally we reached Flossenburg, and from there the subcamp Leitmeritz. It was a camp of murderous labor in digging tunnels into the rock walls, into which were then placed machines to produce armaments and ammunition. The mountains protected the production against bombing explosions. Those prisoners who were still alive in the last few train cars, where I also found myself, received orders to take the corpses out of the wagons outside, and lay them out on the embankments along the railroad tracks. This caused a considerable delay in entering the camp itself. Walking in through the gate, I heard someone calling my name. It turned out that they were the former prisoners of the Majdanek camp, and later Gross Rosen, whose parcels from their families I had rescued in Gross Rosen, with that additional night work in the camp registry office.

After the quarantine, the entire transport of prisoners was sent to set up camp Leitmeritz, and many of them now occupied good positions (for example, as functionaries of the camp's firefighting service). Out of gratitude, they fed me and my colleagues, assigned me a bed to sleep on (many of the prisoners slept two or three on one bed or on the ground) and arranged work for me outside the main camp, under good conditions, at the construction of a house for the camp commandant. Because the German criminal prisoners, and especially those so-called "kapo," had already been dismissed by then from the camps, and after a short training were sent to the eastern front, they made me the "kayo" of that group. I chose the following individuals for the group:

(1) Kazimierz Wisniewski, former student of the Szkola Glowna Handlowa in Warsaw (Warsaw School of Economics), still sick after typhus.

(2) Jerzy Cesarski, pre-war activist of the PPS (Polska Partia Socjalistyczna) and an active member of the underground.

(3) A German (whose name I do not remember) "kapo" of the electricians in the commando "Steinbruch," the exploitation of the quarries in camp Gross Rosen. He was known for secretly constructing a radio receiver together with a few Poles and Germans; they jointly listened to the radio broadcasts from London and also news about the situation of battles on the fronts, and passed them on by word of mouth to their colleagues in the camp, by which they really raised their hopes for surviving. And that was a great deal. Caught red-handed listening to this radio, despite terrible beatings and other tortures, he did not betray anyone, taking the entire responsibility on himself. The liquidation of camp Gross Rosen probably saved him from death.

One evening, a group of Polish colleagues at work digging the tunnel, reported to me—explaining, that the German supervisor working there, who murdered people at work, had already promised one Pole that he would finish him off the next day. This Pole, already sentenced for extermination, was engineer Dr. Henryk Stankiewicz, docent lecturer of the Warsaw Politechnical School (as I recall, before the war he specialized in research on the endurance of building materials). Because I could not take more than three people to work, I had to release someone in order to take in Stankiewicz. I decided to dismiss Jerzy Cesarski, who scolded me terribly, that I was sacrificing a political activist in favor of some kind of engineer.

Fortunately, both survived and both returned to Poland. On a marginal note on this matter, I will only add that as I recall, the 68-year old SS-man who watched us, of Czech origin, and who knew the Czech, German, Russian and even the Polish language rather well, stated to us at the very beginning, that in his presence we can say whatever we like about Hitler and the Germans, but if his wife or his daughters arrived, we were not allowed to say anything, because they were real Germans and would immediately report this fact to the Gestapo.

To build the house for the commandant of the camp (it was already under roofing) we had absolutely no materials and no desire. We spent our whole time looking for wood remnants nearby, which we exchanged with the local residents for a beet, a turnip, a few potatoes, or a piece of bread. From these products we would make a soup, which we shared honestly with our guard. This commando was kept for me for a long time, so that I think that it was due to the gratitude shown me for that time in Gross Rosen. I have great respect and gratitude for my colleagues.

9. ESCAPE FROM THE TRANSPORT ON FOOT

In the months of March and April 1945, the Russian armies were pressing to the west. One could hear in the distance somewhere the bombs bursting and the cannonade of the artillery. All work outside the barbed wire of the camp was halted, and also within our commando. Whole columns of prisoners were prepared to march out one after the other somewhere to the west. On May 5, 1945, my colleagues Wisniewski and Stankiewicz, and I were included in such a column marching on foot. In the camp it was already a public secret that the prisoners in the transports on foot, who no longer had the strength to continue further, were finished off with a rifle shot and left by the roadside to be buried by the local residents. Long marches, often without food and water, left numerous victims. Therefore, at the first occasion during the night, walking through a dense forest, at a given password all three of us jumped into the roadside thicket. We waited until the entire column passed us and then we hid ourselves in even thicker shrubs and waited for sunrise. In the morning, we turned into the first forest path crossing, which led us to a Czech village, where we were greeted very, very hospitably. Bathed, fed and dressed in clean undergarments, and in clean albeit old clothes, we finally felt like human beings. The Czechs informed us that the Russian armies were already in Prague (or in the vicinity of Prague), and the American armies were in the area of Pilzno.

While still in the concentration camps, we all knew about the fate of the Polish officers at Katyn. The German press made this known, and it was confirmed by the Polish underground press, with the exception of procommunist gazettes. We already knew about the mass arrests of Poles on territories taken over by Russia and of their transports under terrible conditions to Siberia. We already knew what would be waiting for us there, if we believed in the communist prattle and headed east. That's why we had already planned earlier to head west. The roads were already obstructed with German deserters and other nationalities in all directions. Almost everywhere there were organized kitchens for the fugitives. Without greater obstacles, we made it to the vicinity of Pilzno. There, on the main road to Germany, we were stopped by an American patrol. Only those who had documents proving that they resided in the west were allowed to go on. Residents of Central and Eastern Europe were to return to their homes. The three of us went off to the side to consult on what to do. A young Czech boy was listening in on our conversation. Apparently he understood our situation, because he informed us that he could show us where to cross the border. He returned with us part of the way towards the village, then turned off to the side through the field boundary strips, in the direction of some small shrubs and thickets, and said that beyond those shrubs we would reach a grove, and beyond that would be Germany. That's how we made it to the German locality in the area of Schwandorf, and then further on to the town of Amberg, where a Polish DP (Displaced Persons) camp was being formed. There the commandant of the camp, a prisoner of concentration camps, a major in the AK (Armia Krajowa—Polish Home Army), Wojcik (Jozef was his first name, I think) greeted us, and in a pleasant, friendly new-camp atmosphere we slowly regained our old selves mentally and physically, after the tragic experiences of the preceding years. The nightmare of German concentration camps still remained in our subconsciousness for decades and even now after more than fifty years of freedom, sometimes I wake up from a terrible dream and I see the silent pleading eyes of my friends standing in front of the camp administration office in Gross Rosen, under the guard of SS-men, I hear the shots into the back of their skulls; and I sense and I see in the dream the black cloud of smoke weaving lazily out of the crematorium. Those who survived this hell did not speak of it for a long time. But it is necessary to talk about it, so that the memory will not be obliterated, so that the history of the Polish Holocaust will not be further falsified.

10. THE POLISH CIVILIAN GUARD

In August and September 1945, the news spread around in Amberg that:

(1) the Polish DP camp in Amberg would be transferred to a larger camp in Wildflecken.

(2) the Americans were organizing the Polish Civilian Guard and Transitional Training Camps.

The commandant of our camp, Major Jozef Wojcik, became the commandant of one of such camps (Wincer) and asked me to help in enrolling participants. I traveled around the DP camps, made speeches and kept sending to Wincer even more candidates for the Civilian Guard. Finally-late in the autumn of 1945, I also went through a period of training as a second lieutenant, and at the beginning of 1946, our Civilian Guard company was sent into service at Bad Aibling (near Rosenheim by Munich). As I recall, there were three of our companies all-together. We performed our duty by guarding German POWs; mechanical vehicles and their spare parts; and stores of weapons, ammunition, etc. In the summer of 1946, they transferred our company for repeat short training do Mannheim Kafertal. There I found many young officers and soldiers whom I knew from my college years, my military service and during my professional work. I became friends with the deputy of the leader of the Civilian Guard of the American Army, Lieutenant-Colonel Wladyslaw Rylko, and he, knowing that I am a member of the cooperative movement, asked me for help in organizing co-ops in the Civilian Guard companies. I began work on preparing the statutes as well as the accounting forms and cash settlements. However, since part of the company to which I was assigned was transferred to Buttelborn near Gross Gerau in the vicinity of Darmstadt, in order to guard the warehouses of automobile parts and automotive service columns, I went along with them. After a few days in Buttelborn, I became aware of two things:

(1) the members of the companies and their families were still somewhat hungry;

(2) the American army would employ the Civilian Guard only for as long as they needed us. In case of dismissal, our soldiers will go looking for work in Germany or through emigration, without possessing any practical professional skills.

I resolved to do something to remedy both these cases. Regarding the suffering due to hunger, I again started up the company cooperative, making the bookkeeping, the accounting, and the periodical rights of control by members (the auditing committee) more efficient. Regarding the guardsmen's lack of professional skills, I held a meeting of the soldiers and asked them, who would like to learn which profession. Next, I applied to the local village resident Germans individually, owners of trade workshops, with a request to accept our candidates for training in the profession. In this way I was able to accommodate all who wanted to learn. Next, I sat down with my friend, the leader of the company, Captain Roman Weislo-Winnicki, to work out the scheduling of guard service for afternoon or evening hours, so that those who wanted to learn could go to work during the day in the trade workshops and learn the trade skills. With the help of the educational officer of our center, Captain Jerzy Wilski (my colleague from the concentration camp Gross Rosen), a scouting instructor before the war, we founded clubs for soccer, basketball, volleyball, and an educational club with a handy reference library and so on. The work came out just fine. It was time to think about myself, too. Lieutenant-Colonel Wladyslaw Rylko suggested that I transfer to the center of civilian guard training in Mannheim Kafertal. I applied to the University (Wirtschaftshochschule) in Mannheim for admission to studies and to work on a doctorate in economics (Wirtschaftswissenschaft). They accepted me and assigned study subjects and an amount of time for two semesters, that is, with a possibility of finishing studies in one year. Unfortunately, just after I passed the examinations for the first doctoral semester, I was dismissed from the Civilian Guard of the American army in the summer of 1947 (Reduction In Force). Because this was equivalent to depriving me of financial resources for me and my entire family (wife and daughter), I had to resign from further studies. Luckily, before the dismissal, and with a greater cooperation of a special co-op committee, I was able to work out the statutes, bookkeeping, and plant the seed of trade courses in very many guard companies, so that the Civilian Guard of the American Army could rightly be proud of beautiful attainments in education, culture, profession, charity and finances—and always in the spirit of the true independence of Poland.

During the autumn of 1947, I moved with my family to the Polish DP camp in Hochenfels (Lechów) near Regensburg, where I was drawn immediately into collaborative work with a circle of farmers; and I began lectures on economics and accounting subjects. After a few months, they offered me a position with the chief Polonian organization in the American-occupied zone in Germany, called "Zjednoc zenie Polskie" ("Polish Union") with headquarters in Regensburg—Brunnleite 7. But that is a completely different topic.

11. ADDITIONAL INFORMATION, WHICH WAS NOT PRESENTED AT THE DISCUSSION CLUB

Due to lack of time and the huge amount of material to discuss, I did not touch on many details. Having that opportunity presently, I would like to complete some of the topics in short fashion.

While working in the post office in Gross Rosen in parcel reception, I was also on a block with other prisoners working at the camp registry office, such as:

In the Political Section, which settled prisoner affairs in the course of further interrogations (and torture!), verified the records of prisoners sentenced to death, kept under surveillance those prisoners suspected of enemy anti-Nazi propaganda or even anti-camp, and hunted after secret underground organizations in the same camp, as well as checked every so often whether prisoners with death sentences were really executed (by phenol injections, gassing or shooting).

In the Labor Section, which located and controlled the status of prisoners in all commandos of the mother camp Gross Rosen and in all its subcamps.

In the Camp Enlargement Section.

In the Post Office Section, and so forth.

However, the most important was the Political Section and the Labor Section. It depended on them whether one would eventually survive the camp or not.

In periods free from work tasks, there were many occasions for conversations between prisoners on various topics, discrete exchanges of opinions, getting to know each other. The highest prominent of the not very numerous Polish group in the camp registry office was Jan Dolinski, a political prisoner who spoke German excellently, but who did not blindly serve the Germans. He did what he had to. He was polite but he kept his distance. In the group of foreigners, a young Ukrainian from the Polish territories, Antoni Kaminski attracted attention (he was friendly, but something told me to avoid him); and also a tall, stout, middle-aged resident of Belgium or Denmark (I don't remember exactly), with whom I quickly formed a friendship (unfortunately, I don't remember his name either). After a short time he told me, that he worked in the Political Section of the camp (Politische Abteilung), that I am on the list of prisoners who are under surveillance at least once a month without knowing about it—by other prisoners, mostly Germans. He gave me the name of my "guardian angel," warning me not to give away that I know anything about it. Such a prisoner-spy would try to make friends, would bring up certain questions during a conversation, such as who will win the war, who is losing the war, why and whom do I wish victory, what was my attitude towards the communists, and of course the whole time he would agree with my opinions. Afterwards the entire content of that conversation would be reported where he was so told. The information from this Belgian protected me from painful consequences and increased my vigilance and caution in pronouncements to strangers. Shortly after the first warnings, "my" Belgian told me that he has access to a list of individuals of Polish nationality, who, after interrogation by Gestapo in various cities are sent to the camp in Gross Rosen, but with a sentence of death. These individuals after a few months were called to the Political Section; after their identity had been verified, they were made to stand at attention before the camp administration office, until a designated SS-man would lead them to the crematorium and there kill them with a phenol injection, gas or a bullet. Then on the prisoner's card file in the camp registry office would be noted the date and the letters "ABE" which meant "Auf Befehl Erschossen"—shot on orders.

Because Polish names are difficult to remember for foreigners, the Belgian prepared a short list with the names of the new Polish prisoners that were under a sentence of death. On one of the first lists was the name Antoni Suchon, my younger brother's friend from the Stopnica high school. I had already met with him before in camp. During the German occupation he belonged to the peoples' movement and was a member of the underground organization. One day, a meeting of that organization was scheduled in a village during a dance party. The Germans surrounded all the participants, and Suchon had with him a loaded revolver, which he tossed out unnoticed. The Germans found the revolver, and in order not to put the others in jeopardy of interrogation, torture and maybe even death, he himself confessed during the search that it was he who tossed the gun and that the weapon is his. All were set free, and after interrogation he was sent to camp Gross Rosen with a death sentence.

The camp in Gross Rosen had many subcamps. In some of them mortality was so high, that rarely were prisoners transferred from them to the mother camp in Gross Rosen in order to execute death sentences. Usually the prisoners died themselves from exhaustion or poisoning (for example from the exhaust fumes in the factory of poison gases). The director of the Labor Section was a small, slender, middle-aged hunchback "Krieger," who wore the pink triangle (pederast). For a piece of cake, bacon, lard or onion, he agreed to send—without any publicizing—a Polish prisoner to a subcamp designated by me. In this way the lives of certain worthy people were saved. Unfortunately, I was unable to save the life of my younger (he was about 26 years old) colleague Antoni Suchon. After several months, during the afternoon apel, I noticed him standing at attention before the administration office. He didn't look too badly, he was calm, resigned. Already next to him stood the SS-man who was to lead him to the crematorium for execution. I wept for Antoni like a child.

Unfortunately one day, probably already in autumn of 1944, as I was returning from work for the afternoon apel, I noticed my friend the Belgian standing at attention in front of the camp administration office. I walked slowly across to the other side of the camp street and looked at him. He also looked at me and with his head signaled "no." I understood: he did not betray anyone. Someone denounced him and the SS searched his pockets when leaving work and found some names. He was handed over to the penal company of the horrible murderer "Vogel." My friends and I had to put in a lot of effort, and live through much fear, to save "my" Belgian as well as another of my friends from college years, Stanislaw Dziadus. Dziadus, who was sent from Gross Rosen to the subcamp in Biedrusk near Poznan, escaped from there and was caught by the Gestapo and returned to camp Gross Rosen. We were able to arrange that he would not be killed, only sent to the penal block. Since the camp in Gross Rosen was overloaded with prisoners, they were sending transports to other camps, located further west. For a bit more cake, bacon and other items received from colleagues, we were able to include our friend the Belgian and Stas Dziadus (later, a doctor and peoples' activist in Poland) on the list of participants of the transport and give them provisions for the trip.

12. DISCUSSIONS ABOUT THE POLISH HOLOCAUST

For almost fifty years after the attack of Germany and the Soviets on Poland and after the experiences in the concentration camps, I was unable to withstand the psychological stress involved in discussing or even listening to conversations on the subject of the terrible effects of the war, and above all the results of Gestapo rule. I had a nervous breakdown and burst out in bitter weeping on the stand while testifying in the federal case in Chicago regarding the deportation of a former SS-man from Gross Rosen, Reinhold Kulle, which took place in the years 1983–1984.

But I was also aware of the fact that the recording of experiences of former prisoners of German and Soviet concentration camps is a necessity to preserve historical truth—and I slowly began to control myself, and to speak on those subjects. And so, on September 1, 1989 on the fiftieth anniversary of the attack of Germany and the Soviets on Poland and the outbreak of WWII, two television stations (Channel 11 and Channel 13) in Toledo, Ohio, and also the locally well-known and widely-read daily newspaper, The Blade, came to me with a request for an interview.

The matter of the Polish Holocaust and my wartime experiences was widely commented on the two TV stations and written up in an interesting, lengthy article of the major local press. The local Polish American Congress (of which I was vice-president) arranged a solemn observance of the 50th anniversary of the attack on Poland in the local theater located in the old Polish neighborhood, where Rev. Chaplain George Rinkowski presented his war history and experiences, and I presented my own experiences—my Polish Holocaust. In September of 1989, an instructor (Applied Economics) in the high school in Maumee, Ohio, also asked me to lecture on the subject of differences between capitalism and communism.

In October 1989, Mr. Dale Schroeder of Monroe, Michigan invited me to speak about my experiences during the war to the members at a dinner meeting of the local Kiwanis Club. My lecture also appeared in the local gazette, The Monroe Evening News.

In December 1989, Congresswoman Marcy Kaptur, the U.S. Representative from Toledo and herself of Polish heritage, a very well-known, loved and respected person, organized for middle-school students a memorial observance of the Holocaust at the University of Toledo Urban Affairs Center, with the participation of ethnic groups. I was the lecturer from the Polish group.

The terminal illness and death of my late wife, Wladyslawa (who, with her parents and two brothers had already been arrested on January 18, 1940, and whose brother was murdered in a mass execution at Palmiry, and her father at Auschwitz) interrupted my thoughts about the Polish Holocaust.

Only towards the beginning of 1995 did I accept an invitation from the high school in Oak Harbor, Ohio (from teachers Mr. & Mrs. S. Kirian) for a chat about my experiences in the concentration camps (it was also recorded on videotape). The children listened with great interest.

If I remember correctly, on October 15, 1995 there was a solemn Mass (on the occasion of the annual meeting) at the American Czestochowa in Doylestown, Pennsylvania, in the intention of those who were deceased and those who survived the German and Soviet concentration camps. We set out there together with my friend Albert Ziegler, who is of Jewish heritage. Because Al did not speak

Polish, I was his interpreter. The Poles present at the meeting greeted Ziegler very cordially. There weren't even the slightest missteps or shortcomings. They even asked him to light a candle during Holy Mass, in memory of the Jews who perished in the Holocaust.

More or less around this time, I had a short interview by the editor (or perhaps owner) of The Monroe Evening News, which later appeared in their published book, In the Rockets' Red Glare: Recollections of Monroe County Veterans.

In 1996 we again decided to travel to Doylestown for the solemn observance, and Al was even prepared with special video equipment for this occasion. However, in the interim there was an intensification of anti-Polish attacks in the press and TV, after the so-called "documentary" film PBS/Frontline Shtetl. Al Ziegler filmed the entire ceremony. They greeted him very politely, but coldly. There was no sign of the previous outpouring of courtesy and friendship from the entire hall. It was replaced by a polite reserve, although no one told him even one unpleasant word. I know that Al Ziegler felt this very sharply, but he was probably not surprised at this reaction, which resulted from the current attacks on Poles.

After the nationwide broadcast of the PBS/Frontline film Shtetl, my daughter called the local PBS TV station with a request that they show the documentary film Zegota. Although they received a copy of the video from the film director, they still decided not to broadcast it. So, on several occasions we invited groups of people to our home to show them this real, other side of the problem. Naturally, we also invited over our Jewish friends.

After all, the majority of the actors of this documentary film Zegota are real witnesses of the drama. They are the participants and authors of this history, which unfortunately a majority of Jews does not wish to view and doesn't even want to hear about it. The kind of help that the Jews received during WWII in Poland was not found in any other country under German control. And this is precisely demonstrated in the film Zegota.

On September 17, 1997 I was invited by my friend Mr. Dale Schroeder to talk to the members of the local Kiwanis Club about the attack of the Soviets on Poland on September 17, 1939.

In 1997 and 1998, I had two presentations for students of American history at the University of Toledo, Ohio (at the invitation of teacher Carol Holeman). After my lectures, the students admitted to me privately that they had not known anything about the Polish part of the Holocaust.

In November 1997, I attended a public meeting at the Erie United Methodist Church in Erie, Michigan. Two students from the church had just returned from mission vacations spent in Poland, and were relating their impressions in a most flattering way about Poland. Following their presentation, I spoke on the subject of the Polish Holocaust.

In April 1998, the minister of the same church invited me to their Sunday service to speak at length on the subject of the Holocaust (during which the Germans murdered 6 million Polish citizens: 3 million Christian Poles and 3 million Jewish Poles). The lecture was received very favorably, and the attendees of that meeting recalled it to me on many occasions.

In 1997 and 1998, my friend Al Ziegler and I took part in a whole series of interviews and occasional discussions on the topic of the Jewish and Polish Holocaust, presenting it as it really had happened. Schools in Toledo, Maumee and Sylvania, Ohio, invited my Jewish friend along with me, a Christian, to speak on and explain those topics. Often, they were videotaped. I must state that my Jewish friend was very objective and reported the matters entirely in agreement with the truth.

Albert Ziegler recorded very many interviews with both Jews and Christians, probably hundreds of hours. Unfortunately, we were not always able to lecture together. Some schools only allotted 45 minutes for a presentation. The best situation was on those occasions when we had 2-3 hours for both of us.

On January 30, 1998, I was interviewed for the Steven Spielberg Survivors of the Shoah Visual History Foundation, with a specially hired videographer. The interview itself was performed by Albert Ziegler, one of the specially trained Spielberg interviewers in the region.

13. BIOGRAPHICAL NOTE

Mr. Marian Wojciechowski was born April 25, 1914 in Polaniec, formerly Sandomierz district, currently Staszow district, Swietokrzyskie province in Poland. He finished basic school in Polaniec, and a co-educational high school in Busko Zdroj. A graduate of the Szkola Glowna Handlowa in Warsaw (SGH—Warsaw School of Economics), Cooperatives Faculty (master's examination passed in 1937), and Business Education Faculty in 1940.

Former auditor of the Agricultural-Commerce Division (Dzial Rolniczo Handlowy) of the Union of Agricultural and Economic Cooperatives in Warsaw (Zwiazek Spoldzielm Rolniczych i Zarobkowo-Gospodarczych w Warszawie).

Former platoon leader in the 21st Regiment of the Nadwislanski Lancers (21-szy Pulk Ulanow Nadwislanskich) in the Wolynska Cavalry Brigade in September 1939.

Former active member of the people's underground movement, Grupa "Raclawice"—AK (Armia Krajowa—People's Home Army).

Former prisoner of the Gestapo in Radom, and of the concentration camps Auschwitz, Gross Rosen and Leitmeritz—from April 1942 to May 1945.

Former officer of the Polish Civilian Guard in the American Army under the name "Jan Wojmar."

Former member of the board "Zjednoczenie" and liaison officer for the Poles in the American-occupied zone in Germany to the International Refugee Organization (IRO) in Bad Kissingen.

Former bookkeeper, and later owner and publisher of the Polish weekly newspaper Ameryka Echo in Toledo, Ohio (1952–1961).

One of the former administrators of the City of Toledo, Ohio (1962–1980) in the Relocation, Housing, Rehabilitation and Community Organization.

Former administrator of the Neighborhood Housing Services in Toledo, Ohio in the years 1980–1994 (low percentage loans for repair of homes, also for the purchase of used homes and their reconstruction).

Founder of the Kolo Polskich Imigrantow (Circle of Polish Immigrants) in Toledo, Ohio.

Co-founder of the Skarb Narodowa (National Treasury) in Toledo, Ohio.

Former member of the Rada Narodowa R. P. (National Council of the Republic of Poland) in exile (awarded the Gold Cross of Merit).

Former ten-year commander of Post 74 PAVA (Polish Army Veterans of America; SWAP—Stowarzyszenie Weteranow Armii Polskiej) in Toledo, Ohio; Honorary Post Commander.

For many years, vice-president and for two years, president of the Polish American Congress in Toledo, Ohio (reorganized the local Congress by bringing in the younger generation of Americans of Polish heritage, and proposing a plan of projects for the coming years).

Member of many other organizations:

Polish National Alliance (Zwiazek Narodowy Polski).

Polish Legion of American Veterans—Post 207, Las Vegas, Nevada.

Toledo Polish Cultural Association

Toledo Poznan Alliance (Sister Cities International)

The American Center of Polish Culture

Urban Renewal Housing Authority

American Legion—Ohio, Post 545 in Toledo

International Institute of Greater Toledo, Inc.

Kosciuszko Foundation

Public Employee Retirees, Inc.

Mr. WEINER. Madam Speaker, today we commemorate the 60th anniversary of the liberation of Auschwitz. It is a powerful and important reminder of terror, genocide, and the Holocaust. More than 1.5 million prisoners—most of them Jews—perished in gas chambers or died of starvation and disease at Auschwitz.

Today it is important to remember those crimes against humanity. We must recall those whose lives were lost to the savagery of fascism, racism, and bigotry. We must never forget them.

We must also remember the heroes of that war who helped save lives by risking their own.

On this 60th anniversary, we reflect back, but we also look ahead. We mark this date with a pledge to the living.

We must keep the stories of the survivors—our siblings, parents, and grandparents—alive. We must remain steadfast in our dedication to eliminating anti-Semitism in every country and here at home. We must ensure that all Jews have a secure homeland in the State of Israel to seek refuge.

And we must act to stop genocide—in Sudan or anywhere else. The murder of innocent people must never happen again.

Mr. WAXMAN. Madam Speaker, this week marks the 60th anniversary of the liberation of the Auschwitz-Birkenau death camp. Around the world we join together to mourn the millions of Jews and others who perished in its gruesome gates. We reaffirm our collective responsibility to wipe out anti-Semitism and hatred and remember the silence that let the Holocaust go unnoticed for so long.

Auschwitz was only one of many extermination camps the Nazi's used, but it was the largest and the place where the gas chambers were first refined for mass murder. The searing image of the many tracks leading straight to its crematoria is a tragic emblem of its horrors. It is also a painful reminder of the United States government's decision not to bomb those tracks when it had the chance and its refusal to admit Jewish refugees who later arrived at the camp's railroad platforms.

Yesterday, for the first time in its history, the United Nations held a special session to commemorate the Holocaust and the Auschwitz liberation. While this is appropriate, we should not forget that this international organization, set up to stop atrocities such as the ones in the Second World War, has spent so much of its effort criticizing Israel, the nation that emerged from the remnants of the Holocaust, and still today has refused to designate the murders in Darfur as an official genocide.

Today we say "never again" to both the intolerance that created Auschwitz and the intransigence that stopped the world from acting sooner. At the same time, we must turn our attention to the neglected crises of our day like the genocide in Darfur where more than 2.2 million people have already been victimized and displaced by a brutal campaign of ethnic cleansing.

The only way to fight indifference is to make a difference. One example is a project undertaken by the students of Milken Community High School in Los Angeles. These students raised more than $10,000 this year to donate to the International Medical Corps to build water wells for displaced refugees in Chad and Sudan. I am very proud of them for reaching out to help improve the lives of some of the world's most vulnerable people. Let us all learn from their example and the lessons of history so we do not need to wait for 60 years to mark a genocide we might prevent or stop.

Mr. SCHIFF. Madam Speaker, I rise today in support of H. Res. 39, to recognize and honor the 60th anniversary of the liberation of Auschwitz, and to honor the 13 million who perished in the Nazi concentration camps.

It is important not only that we continue to study the terrible lessons of the Holocaust, but that we also express our gratitude to the Allied troops whose service and sacrifice helped liberate those trapped in these factories of death.

The Holocaust represented the systematic persecution and murder of approximately 6 million Jews by the Nazi regime and its collaborators. Dubbed the "final solution" by the Nazi bureaucrats who ran it, the attempted extermination of European Jewry was carried out in camps across occupied Europe. The center of this hell was Auschwitz.

A complex of camps, Auschwitz was built 37 miles west of Krakow, near the prewar German-Polish border, to extract the labor of its prisoners before they were exterminated in gas chambers that ran around-the-clock. It is estimated that at least 1.3 million people were deported to Auschwitz between 1940 and 1945; of these, at least 1.1 million were murdered there.

Sixty years ago, on January 27, 1945, the Soviet army liberated Auschwitz and freed more than 7,000 people, most of whom were ill and dying.

Thirteen years ago, I was able to see this camp firsthand when I visited Poland. Decades after the liberation, the thought of all the men, women and children murdered there was and still is chilling and difficult to endure.

The United Nations held a special session yesterday to commemorate the Holocaust and the liberation of the camps. The ceremony featured speakers Elie Wiesel, a Holocaust survivor and Nobel Peace Prize winner, Deputy Defense Secretary Paul D. Wollowitz and the foreign ministers of Israel, Germany, and France.

Even as we struggle to come to terms with events that happened more than half a century ago, we must recognize that there are other genocides occurring in the world. In the wake of the conflagration that befell the Jews during the Nazi era, the world pledged that "Never Again" would we stand by as others were hunted and murdered just because they existed. Sadly, we have not yet lived up to that simple vow—the dead of Cambodia, Bosnia, Rwanda and now Darfur, have joined the Jews of Europe. I hope that the 60th anniversary of the liberation of Auschwitz will act as a catalyst for a re-dedication of humanity to ending the crime of genocide.

Mr. FARR. Madam Speaker, I rise today in strong and heartfelt support of H. Res. 39. This resolution underlies the moral fabric of our global society: We must never ever forget and we must be ever vigilant to prevent the hatred that led to the creation of concentration camps like Auschwitz.

The resolution rightly urges that we rededicate ourselves to the fight against racism, intolerance, bigotry, prejudice, discrimination and anti-Semitism. Clearly, such a call to arms is needed now more than ever. For example, the State Department's Report on Global Anti-Semitism states, "anti-Semitism in Europe increased significantly in recent years." Genocide in Rwanda, the ethnic massacres in Bosnia and the mass killings of children in Russia reminds us that not every corner of the world or country is committed to respecting the dignity of its citizens. As we solemnly remember the sacrifice of 12 million people who were persecuted and died because of their ethnicity, political or religious beliefs, we must fight anti-Semitism and other forms of discrimination with renewed vigor. We will be judged poorly by history itself if we do not.

Mr. HOLT. Madam Speaker, I rise to join my colleagues in support of H. Con. Res. 16, which commemorates the 60th Anniversary of the liberation of Auschwitz.

Yesterday, I went to New York to attend the United Nations first commemoration of the liberation of Auschwitz. It was an incredible day—the first of its kind. It gave me hope that we, as a world, may be learning lessons so desperately needed.

Among other things, yesterday's General Assembly session was a reminder that we, as a country and a world community, must not forget the battles we have waged in the name of humanity. This anniversary provides us with an opportunity to reflect on the horrors that occurred at Auschwitz, and to commemorate the lives of those it took. But it is more than that. That, I suppose, is something we all know.

Hearing the stories of Auschwitz is difficult. It is tempting to want to avoid these horrific memories—to bury the Holocaust deep, so that it will not haunt us. But understanding the immeasurable wrongs the Jewish people have endured—and the scale on which they occurred—is vital to understanding our world today. It is also vital to understanding the depravity of which human beings, when hardened to others' suffering, are capable. It is only through the process of acknowledging and discussing these horrific events that we can prevent similar iniquity in the future.

Anniversaries, as I have said, give rise to reflection. But understanding our past and respecting each other's differences have never been more vital that they are today. Distrust, misunderstanding, and hate have found fertile ground in many parts of the world. We see it in the Sudan, for example. We must meet this challenge by demanding that all world leaders anticipate, understand, and address the issues that emerge from poverty, injustice, militarism, and racism. A good speech can move its audience, but speech without action does nothing for those who most need the words to mean something.

As U.N. Secretary General Kofi Anan reminded us yesterday, in the 60 years since the liberation of Auschwitz, the world has failed more than once to prevent genocide. As we look around the world today, we must open our eyes to the many horrific examples of inhumanity that we are allowing to continue. The Secretary General recounted the history and pointed out that like Israel, the founding of the United Nations in a real sense was a direct response to the Holocaust.

The international community must deal honestly with the Holocaust and with the atrocities that are occurring at this very moment. We must acknowledge its roots, and anti-Semitism persist in too many places around the globe. World leaders must shake themselves out of indifference and rise above political considerations. They must use their position to combat the intolerance that has been allowed to fester for too long. Without an honest assessment and vigilant commitment, we fail to learn the lessons of Auschwitz and prevent the recurrence of these crimes against humanity.

I urge my colleagues to do more than vote for this resolution today. We must work within our communities and across borders to foster respect for all people and deepen understanding of other cultures. We must reach out to the organizations and community groups that teach values such as tolerance and diversity to our young people. We must challenge the seeds of hate before they take root, even when it means confronting our friends. Failing to take these steps is more than a moral failing on our part. It is a failure to make good on the promise we made at Auschwitz six decades ago.

Mr. CANTOR. Madam Speaker, today we mark the 60th anniversary of the liberation of the Auschwitz death camp, a component of the murderous network used by the Nazis in World War II. Throughout their network of evil, the Nazis slew the blameless and pure, men and women and children, with vapors of poison and burned them with fire.

For many of the survivors, the Holocaust did not end with liberation. Those who survived faced the enormous challenge of rebuilding their lives. Many succeeded, others did not, but all would remember the horror of the crimes that they were forced to witness. Survivors who suffered this hell are a living testament to the depths of evil to which men can fall. We must never again allow such a heinous crime of man to be committed against his fellow man.

I want to take this opportunity to thank the countless people who have devoted their lives to ensuring that the history of the death camps has not been forgotten by following generations.

Today marks the Jewish holiday of Tu'Beshvat. Tu'Beshvat is considered the New Year for nature in the Jewish calendar and marks the first signs of spring in Israel. On this day of spring and hope, let us renew our commitment to hope in man and rededicate ourselves to those words, "never again."

Mr. LANGEVIN. Madam Speaker, today I join my colleagues to commemorate the 60th anniversary of the liberation of Auschwitz. On January 27, 1945, Soviet troops entered the Nazi concentration camp and freed the prisoners held there. From the survivors, we have heard heartbreaking tales of cruelty and oppression and now consider Auschwitz a symbol of the brutality of the Nazi regime—a place whose horrors test the bounds of imagination.

The liberation of Auschwitz was a pivotal moment in ending the Holocaust, during which more than 12 million innocent civilians were murdered, including 6 million Jews. These people were singled out not because of any wrongdoing, but rather because of their religion, beliefs, birthplace, or personal characteristics.

Sixty years after the end of this attempt to exterminate an entire religion, anti-Semitism, racism, and xenophobia continue to plague humanity. Despite the lessons of history, the world has witnessed genocide in Armenia, Cambodia, Rwanda, Yugoslavia, and even recently in Sudan, among other places. Furthermore, we continue to hear anti-Semitic sentiments coming out of Europe, the Middle East, and North Africa, and even here at home in America. Now more than ever, we all must work to understand those of different cultures, races, and religions. Mutual respect for our differences will lead to the end of hostilities, and only then will the opportunity for world peace exist.

One of our colleagues, the gentleman from California, Mr. LANTOS, survived the Holocaust and knows firsthand humankind's potential for cruelty. However, he has dedicated his entire life to combating the forces that permit such atrocities, thereby demonstrating humankind's potential for compassion. His tireless efforts to fight racism, anti-Semitism, and hatred in all of its forms remind us of our responsibility to protect those in need, both in the U.S. and throughout the world.

On this important anniversary, I solemnly remember and honor all of those who lost their lives in the Holocaust, thank those that worked for their freedom, and pledge to do all in my power to prevent such evil from ever occurring again.

Mr. MENENDEZ. Madam Speaker, I rise in strong support of this resolution and would like to commend my colleague and the Ranking Member on our committee for his work on this resolution. Mr. LANTOS, I realize that as the only Holocaust survivor to ever serve in Congress, these events, which for many of us are a part of history, are personal for you. We honor you for your story and thank you for your leadership.

This week we, along with countries around the globe, mark the 60th Anniversary of the liberation of Auschwitz.

Sixty years ago this week, Soviet soldiers arrived at a camp only recently evacuated by the Nazis and liberated nearly 7,000 people. They found people on the edge of death who had witnessed horrors beyond belief and lost their families and their homes. It is almost incomprehensible to understand what took place at Auschwitz, the largest of the concentration camps. Over a million Jews, as well as at least 70,000 Poles, 21,000 Roma, and 15,000 Soviet POWs were killed there.

Sixty years ago seems like a lifetime away. Generations of children have been born since then. Generations have been raised thinking that the Holocaust and events like it are from a distant past.

But these events are not distant and are not in the past. Today, those who survived the camps live to tell us their story and the stories of their families and their lives before the Holocaust. And their children and grandchildren are here with us, too. They are living testimony to the strength, courage, and optimism of their parents and grandparents. But in their hearts and in their souls they feel the pain and suffering of those who raised them. In them, too, the past is present.

Unfortunately, the past is also present in the rising anti-Semitism we see today. According to a new report released by the State Department, anti-Semitism has "increased significantly" in Europe, is a serious problem in the Middle East, and is appearing in countries with no historic Jewish community. From verbal and physical attacks to vandalism, this new surge of hate must be confronted, condemned, and stopped.

We must also say no to the naysayers who deny the horrors of the Holocaust. It is only by remembering the past that we can change the future.

Before I close, I must also note that we are marking another significant event. Yesterday, for the first time in its history, the United Nations' General Assembly held a special commemorative session on the anniversary of the liberation of the camps. In the past, certain groups within the U.N. have blocked commemoration of the Holocaust. I hope that this is a turning point for the U.N. I hope that this commemoration is only the beginning. I hope that we see more United Nations actions, like this one, taking a strong stand against anti-Semitism throughout the world.

Today is a day for quiet remembrance and strong action. We pause to commemorate all those who were killed in the Nazi genocide and in other acts of genocide around the globe. We honor those who survive. We remember the past. We will act to create a future without genocide, without anti-Semitism, and without hate.

Mr. HASTINGS of Florida. Madam Speaker, I rise today to commemorate the 60th anniversary of the liberation of the Auschwitz death camp by Allied Forces, this week in 1945. Soldiers of the Soviet Union found only a few thousand prisoners remaining, most of them too sick to leave, the rest taken away on a forced death march. It is said that when soldiers and prisoners first stared at each other across the barbed wire, some laughed, some cried, and others just gazed at each other in disbelief.

Madam Speaker, it has been 60 years since that day, and we are still in disbelief. Despite all that we know of the Holocaust from books and movies, academic studies and personal memories, we still wonder why, why Auschwitz could have happened. Why was the world silent in the face of such evil? Why did fellow human beings perpetuate such a totality of destruction on innocent men, women, and children? Perhaps there are no definitive answers. It is rather for us to learn from these questions how not to ever let it happen again.

The Allied forces who liberated not just Auschwitz but concentration camps throughout Europe, all shared in the experience of entering a different world, a world where death was the future and life the past. It was their compassion towards the Nazi's victims that enabled the beginning of the survivor's long journey back to civilization, back to justice, and back to humanity. To them we owe a great debt of gratitude.

Out of every historical wrong there comes some right, and the Holocaust is no exception. We have been taught in the last 60 years a great deal about humanitarianism, human dignity, the need for hope, and the will to survive. Holocaust survivors have reminded us not only about what we've lost but also about how important it is to remember. The State of Israel was formed in the wake of this tragedy, and so many other organizations dedicated to the pursuit of freedom, equality and tolerance have since been founded.

Madam Speaker, today is a time for reflection, but it is not enough today to simply remember. The Holocaust has affirmed in us a commitment to prevent the use of genocide as a tool of war, a tool that unfortunately has been used many times since Auschwitz was liberated 60 years ago. It appears that barbarity, wanton murder, and senseless annihilation know no statute of limitations, and we would be betraying the memories of the millions who died if we continued to justify and excuse our disengagement from that reality. We must continue to fight hatred and intolerance wherever it exists, for human freedom depends on the presence of justice, the justice that was denied to so many during the dark days of World War II. To ignore that lesson is unforgivable.

Today in Darfur, in the Sudan, genocide is taking place. Though not yet on the scale of the Nazi Holocaust, this conflict has engulfed millions of people and cost hundreds of thousands of lives. Innocent people are today being murdered, starved, and driven from their homes simply because of the color of their skin. Though the United States has acknowledged that this is genocide, we have failed to act. Shame on us for failing to absorb the lessons of the Holocaust. How can this Congress commemorate the liberation of Auschwitz while turning a blind eye to the terrible crimes being committed in Darfur? How dare we honor the memory of those who died with only our words and not our deeds.

Madam Speaker, I cannot simply commemorate one terrible event without insisting that we must prevent others like it. History will long record the sins of those who failed to act to stop the Holocaust. Shame on us for allowing history to record that failure yet again.

Ms. ROS-LEHTINEN. Madam Speaker, I rise in strong support of this important resolution commemorating the 60th anniversary of the liberation of Auschwitz and call on my colleagues to join me in honoring the memory of the Holocaust victims and to pay tribute to the Allied soldiers who fought and sacrificed for the cause of freedom.

This resolution draws from the lessons of history by calling for the strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism.

I would like to commend the gentleman from Illinois, Mr. HYDE, and the gentleman from California, Mr. LANTOS, for bringing this measure to the Floor at this time.

When we talk of the Holocaust, we speak of a grim and unprecedented period in human history—a unique atrocity, distinct from any other. The mass murders that were inflicted upon the Jewish people and scores of other victims must never be forgotten.

Similarly, we must remember the compassion of the many brave men and women who risked their lives to rescue and shelter Jewish refugees fleeing the Nazi reign of terror. The incidents of countless non-Jews who risked their lives to protect people of another faith were as real as the Nazi death camps themselves.

As Europe and the Middle East experience a dramatic rise in the frequency and intensity of anti-Semitic acts, it is imperative that we educate and remind the new and future generations about the atrocities committed at Auschwitz and other camps against an innocent people.

Only a concerted, multi-faceted approach to combating this virulent hatred will effectively silence it. Anti-Semitism, intolerance, and bigotry must be answered and fought with all the means at our disposal, so that the horrors of Auschwitz are never again repeated.

We must continue to tell the story, for we owe something to those who perished at the hands of the Nazis. As Elie Wiesel has warned: ". . . anyone who does not remember betrays them again."

I urge my colleagues to render their overwhelming support to this resolution and to the noble cause of eradicating prejudice and hatred throughout the world.

Mr. HIGGINS. Madam Speaker, I rise today in strong support of H. Res. 39 offered by the gentleman from California, commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism. I thank my colleague, Mr. LANTOS, for bringing this important resolution to the floor today.

The lessons of January 27, 1945 are forever with us. That day and the many days of liberation afterwards showed us of the fight which exists to make sure that the world strengthens its efforts to fight against any form of discrimination.

There is great danger in being inactive about the threat of anti-Semitism. It was anti-Semitism that was responsible for the horrors of the Holocaust, for the death of over 6 million Jews, and for the slaughter of over 1.1 million people at Auschwitz.

Sadly, even though we have reached the 60th anniversary of the liberation of Auschwitz, anti-Semitism in Europe has been on the rise. Once again, we witness evil propaganda, physical attacks against Jews, the burning of Jewish sites and the desecration of synagogues. We must not stand aside and ignore this grave escalation of anti-Semitic violence and hatred.

We also saw the shadow of this anti-Semitism yesterday at the special session of the United Nations' General Assembly. Nobel laureate and Holocaust survivor Elie Wiesel, Deputy Secretary of Defense Paul Wolfowitz and foreign ministers from Israel and a number of European countries spoke to many empty seats in the General Assembly chamber while they delivered powerful and often moving addresses about intolerance and genocide. Of the 191 members of the General Assembly, only 138 agreed with the proposal by the U.S. to hold the special day of commemoration. We must wonder why, after all these years, there are over 50 countries which did not agree to this most basic proposal to recognize a day which will forever be etched in our minds.

Any government whose people exhibit any act of anti-Semitism must provide security and safety to their Jewish communities, must prosecute and punish perpetrators of anti-Semitic violence, and must cultivate a climate in which all forms of anti-Semitism and discrimination are rejected.

Mass violence, the abuse of fundamental human rights, and the mistreatment of human beings as a result of discrimination are ugly faces of our humanity. Apart from the Holocaust, the genocides in Turkey, Cambodia, Tibet, and Bosnia, the killing of the Tutsi in Rwanda, the slaying of thousands in Sudan, and the deaths of millions during the Irish Famine, are all instances of oppression and prejudice succeeding throughout our history. The complacency and inaction of governments around the world, standing silently by while discrimination grows, is inexcusable.

Today must be used as a day of education, since without education, there can be no real change. Teachers throughout the world must have the support of their governments to teach their students the lessons of the Holocaust and of all discrimination. Our grandchildren, great-grandchildren, and generations to come must be made to understand that racial, ethnic, and religious intolerance and prejudice can lead to the genocide carried out in camps such as Auschwitz, and these intolerances will never have a place in our world again.

Madam Speaker, I am pleased to join with my colleagues in supporting this resolution, and thank my colleague, Mr. LANTOS, for his unwavering leadership on this issue.

Ms. MCCOLLUM. Madam Speaker, as an original cosponsor of H. Res. 39, I rise today to support this resolution marking the 60th anniversary of the liberation of Auschwitz and exposing the world to this dark chapter in human history.

An estimated 6 million Jewish men, women and children, more than 60 percent of the pre-Second World War Jewish population of Europe, were murdered by the Nazis at Auschwitz and other death camps during World War II. The Holocaust and the human suffering perpetrated by the Nazi regime against the Jews of Europe deserves to be commemorated with prayer, reflection and the solemn words of this resolution.

On this day, as we remember the victims of Auschwitz and the genocide which ravaged Europe during World War II, genocide is not a relic of history, but a reality in today's world. The human race has not conquered the tyranny of men willing to commit mass murder—genocide—against other human beings. At this moment in the Darfur region of Sudan our own Secretary of State has called the systematic murder and rape of tens of thousands—along with the forced dislocation of some 1.8 million people—a modern day "genocide." In fact, it is because I am traveling back from the Sudan and eastern Chad having visited directly with the victims of the ethnic cleansing in Darfur that I am not present to vote in support of H. Res. 39.

Today, as we remember the liberation of Auschwitz, the liberation of human beings forced to suffer unimaginable horrors, let us commit this House as well as the will and power of our great Nation, to the cause of eradicating genocide and holding the perpetrators of such grotesque crimes against humanity accountable.

I commend my friend Mr. LANTOS for his leadership on this resolution and I look forward to working closely with him and Chairman HYDE to end the tyranny of genocide in the world today.

Mr. MEEK of Florida. Madam Speaker, I rise to honor the memory of the approximately one million European Jews who were murdered between 1940 and 1945 by the Nazis at the concentration camp of Auschwitz, the site of the single largest mass murder in history.

The camp was originally built to confine and control Polish dissidents that the Nazis deemed were a threat to the occupation. Polish Jews were held elsewhere, typically in ghettos. At Auschwitz, the Polish prisoners were treated atrociously and in 20 months, more than 10,000 died. In January 1942, a Nazi plan for the mass murder of Jews was developed. What was called the "Final Solution" was the Nazi policy to murder European Jews. In the spring of 1942, Auschwitz took on a more important role in the Nazis' "Final Solution." The horrifying ability of Nazis to kill thousands per hour took time to achieve and involved such cruel methods as gassing prisoners using carbon monoxide or the lethal pesticide Zyklon B. Conservative and reliable estimates show that the Nazis gassed at least 1.1 million humans at Auschwitz, about 90 percent Jews. However, the torture and killings were not just limited to the Jews as the Nazis targeted other groups they saw as inferior such as Gypsies, the handicapped, Poles, Russians, Communists, Socialists, Jehovah's Witnesses, and homosexuals.

As the end of World War II approached, the Nazis marched Auschwitz prisoners west into Germany in the winter cold. During this march, many prisoners lost their lives. A remaining few thousand prisoners deemed too sick to travel were left at Auschwitz to be killed later by the Schuzstaffel (SS). However, the SS left them alive in the disorder that resulted when the Nazis abandoned the concentration camp on January 17 and 18, 1945. Soviet forces found the prisoners and liberated Auschwitz, the site of so much horror, on January 27, 1945.

The merciless brutality inflicted on the Jews by the Nazis over the course of World War II is unfathomable. It is still entirely unbelievable that individuals contemplated in seriousness the systematic destruction of over 6 million men, women, and children. On this, the 60th Anniversary of the Liberation of Auschwitz, as we honor the lives lost, my heartfelt condolences go out to those who lost loved ones in the Holocaust. They will never be forgotten.

Mrs. MALONEY. Madam Speaker, 60 years ago, allied forces entered the scene of the greatest mass murder in history—the concentration camp known as Auschwitz. Auschwitz has become recognized around the world as a symbol of genocide, terror and brutality. The liberation of Auschwitz by the Red Army became a turning point in our understanding of the world and of inhumanity. Auschwitz showed us the face of evil incarnate and to our horror, it was an ordinary face.

Auschwitz did not start out as an experiment in death. Established by the Nazis in 1940, it was initially a camp for individuals deemed problematic by the Third Reich—Polish dissidents and Soviet prisoners of war. Soon after its creation, the Germans decided to use prisoners as slave laborers for their large industrial complex.

Once Auschwitz became a work camp, the Germans found themselves faced with the question of what to do with prisoners who could not work. At first, they simply shot them. Eventually they began looking for ways to kill prisoners without unduly discomfitting the killers—ultimately discovering the effectiveness of crystallized prussic acid, a pesticide mass produced under the trade name Zyklon B. When the crystals dissolved in air, they created a lethal gas. The Germans first used this deadly gas to kill Soviet POWs.

In 1942, the Germans drew up plans for the so-called "Final Solution," which contemplated the murder of every Jew under their control. Auschwitz, which had already proved itself to be effective at killing large numbers of people, was perfectly situated to carry out the deadly plan. It was located on major railroad lines and it was easy to move large numbers of people there. Auschwitz became a crucial part of the Germans' effort to eradicate an entire people.

The majority of the Jewish men, women and children deported to Auschwitz were sent to their deaths in the Birkenau gas chambers immediately after arrival. As Germany conquered new territory, the SS gathered and sent the Jewish populations to Auschwitz and other death camps. Meanwhile, other atrocities were also being committed at Auschwitz. In May 1943 Dr. Josef Mengele, an SS physician, and his colleagues began conducting experiments on thousands of human guinea pigs.

By January 1945 the SS knew that the Red Army was approaching Auschwitz. In an effort to eliminate evidence of the crimes they had committed, the SS blew up the gas chambers, crematoria, and other buildings, and burned documents. On January 18 and 19, 1945, more than 60,000 Auschwitz inmates deemed capable of walking were forced by the SS to march through freezing weather into German-occupied territory. Lacking proper food, clothing and medical attention, thousands died during the death march. Many were shot. Those who made it to the rail stations were put in open wagons and sent west to become slave laborers. Some prisoners, many of them too weak or ill to travel, were left behind. Those who remained behind in the camp were liberated by Red Army soldiers on January 27, 1945.

Perhaps the most eloquent survivor of Auschwitz, Elie Wiesel, commemorated the 50th anniversary of the liberation of the camps with these words, "In this place of darkness and malediction we can but stand in awe and remember its stateless, faceless and nameless victims. Close your eyes and look: endless nocturnal processions are converging here, and here it is always night. Here heaven and earth are on fire. Close your eyes and listen. Listen to the silent screams of terrified mothers, the prayers of anguished old men and women. Listen to the tears of children, Jewish children, a beautiful little girl among them, with golden hair, whose vulnerable tenderness has never left me. Look and listen as they quietly walk towards dark flames so gigantic that the planet itself seemed in danger. All these men and women and children came from everywhere, a gathering of exiles drawn by death."

From 1940 to 1945, the Nazis deported over a million Jews, almost 150,000 Poles, 23,000 Roma, 15,000 Soviet POWs, and over 10,000 prisoners of other nationalities to Auschwitz. The overwhelming majority of them died in the camp.

Madam Speaker, I ask my colleagues to join me in recognizing the 60th anniversary of the liberation of Auschwitz. May we forever remember those who perished there, and may their deaths remind us how our own humanity suffers when we serve as silent witnesses to genocide.

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to join my colleagues in marking the 60th anniversary of the liberation of Auschwitz.

The acts performed at Auschwitz 60 years ago represent the darkest chapter of human history. I am often struck by the stark contrast the concentration camps provide juxtaposed with the enlightenment, scientific advancement and progress made by mankind in the 20th century. They serve as a chilling reminder of the evil man is capable of, especially toward those perceived to be different or apart.

Kosovo, Rwanda and the Sudan unfortunately highlight the fact that genocide is an issue that still troubles our world. It is therefore all the more important to remember Auschwitz and reaffirm our global commitment to forever end such wicked practices.

I was very pleased to hear on Monday, January 24, 2005, that the United Nations General Assembly convened in a special session to mark the 60th anniversary of the liberation of the death camps. This was the first time the UN General Assembly has ever met to commemorate the Holocaust, and the first time that the General Assembly convened a special session at Israel's request.

Madam Speaker, in closing I would like to commend the sponsors and leadership for bringing this important resolution to the floor and I urge an "aye" vote.

Ms. HARMAN. Madam Speaker, as we vote today to recognize the 60th anniversary of the liberation of Auschwitz, it is worth noting that the number of Holocaust survivors who bore witness to the atrocities at the German camps is dwindling.

One, respected lawyer, Samuel Pisar, wrote an impressive op-ed piece several days ago in the Washington Post. It is hard to imagine witnessing—let alone surviving—the horror. Mr. Pisar movingly describes the last time he saw his mother and sister.

Some, like my father, were more fortunate. A graduate of medical school in Germany, he was able to immigrate to New York in 1935. But he taught our family well: never to forget.

I also want to take this moment to celebrate the life and achievement of the only survivor who serves in Congress—our esteemed colleague from California, Mr. LANTOS, who brought this Resolution to the House floor today. I thank him and ask unanimous consent that Samuel Pisar's article be printed in the CONGRESSIONAL RECORD.

[From the Washington Post, Jan. 23, 2005]

WILL WE 'NEVER FORGET'?

(By Samuel Pisar)

Sixty years ago the Russians liberated Auschwitz, as the Americans approached Dachau. The Allied advance revealed to a stunned world the horrors of the greatest catastrophe ever to befall our civilization. To a survivor of both death factories, where Hitler's gruesome reality eclipsed Dante's imaginary inferno, being alive and well so many years later feels unreal.

We the survivors are now disappearing one by one. Soon history will speak of Auschwitz at best with the impersonal voice of researchers and novelists, at worst with the malevolence of demagogues and falsifiers. This week the last of us, with a multitude of heads of state and other dignitaries, are gathering at that cursed site to remind the world that past can be prologue, that the mountains of human ashes dispersed there are a warning to humanity of what may still lie ahead.

The genocides in Armenia, Cambodia, Bosnia, Kosovo and Rwanda and the recent massacres of innocents in the United States, Spain, Israel, Indonesia and so many other countries have demonstrated our inability to learn from the blood-soaked past. Auschwitz, the symbol of absolute evil, is not only about that past, it is about the present and the future of our newly enflamed world, where a coupling of murderous ideologues and means of mass destruction can trigger new catastrophes.

When the ghetto liquidation in Bialystok, Poland, began, only three members of our family were still alive: my mother, my little sister and I, age 13. Father had already been executed by the Gestapo. Mother told me to put on long pants, hoping I would look more like a man, capable of slave labor. "And you and Frieda?" I asked. She didn't answer. She knew that their fate was sealed. As they were chased, with the other women, the children, the old and the sick, toward the waiting cattle cars, I could not take my eyes off them. Little Freida held my mother with one hand, and with the other, her favorite doll. They looked at me too, before disappearing from my life forever.

Their train went directly to Auschwitz-Birkenau, mine to the extermination camp of Majdanek. Months later, I also landed in Auschwitz, still hoping naively to find their trace. When the SS guards, with their dogs and whips, unsealed my cattle car, many of my comrades were already dead from hunger, thirst and lack of air. At the central ramp, surrounded by electrically charged barbed wire, we were ordered to strip naked and file past the infamous Dr. Josef Mengele. The "angel of death" performed on us his ritual "selection"—those who were to die immediately to the right, those destined to live a little longer and undergo other atrocious medical experiments, to the left.

In the background there was music. At the main gate, with its sinister slogan "Work Brings Freedom," sat, dressed in striped prison rags like mine, one of the most remarkable orchestras ever assembled. It was made up of virtuosos from Warsaw and Paris, Kiev and Amsterdam, Rome and Budapest. To accompany these selections, hangings and shootings while the gas chambers and crematoria belched smoke and fire, these gentle musicians were forced to play Bach, Schubert and Mozart, interspersed with marches to the glory of the Fuhrer.

In the summer of 1944, the Third Reich was on the verge of collapse, yet Berlin's most urgent priority was to accelerate the "final solution." The death toll in the gas chambers on D-Day, as on any other day, far surpassed the enormous Allied losses suffered on the beaches of Normandy.

My labor commando was assigned to remove garbage from a ramp near the crematoria. From there I observed the peak of human extermination and heard the blood-curdling cries of innocents as they were herded into the gas chambers. Once the doors were locked, they had only three minutes to live, yet they found enough strength to dig their fingernails into the walls and scratch in the words "Never Forget."

Have we already forgotten?

I also witnessed an extraordinary act of heroism. The Sonderkommando—inmates coerced to dispose of bodies—attacked the SS guards, threw them into the furnaces, set fire to buildings and excaped. They were rapidly captured and executed, but their courage boosted our morale.

As the Russians advanced, those of us still able to work were evacuated deep into Germany. My misery continued at Dachau. During a final death march, while our column was being strafed by Allied plans that mistook us for Wehrmacht troops, I escaped with a few others. An armored battalion of GIs brought me life and freedom. I had just turned 16—a skeletal "subhuman" with shaved head and sunken eyes who had been trying so long to hold on to a flicker of hope. "God bless America," I shouted uncontrollably.

In the autumn of their lives, the survivors of Auschwitz feel a visceral need to transmit what we have endured, to warn younger generations that today's intolerance, fanaticism and hatred can destroy their world as they once destroyed ours, that powerful alert systems must be built not only against the fury of nature—a tsunami or storm or eruption—but above all against the folly of man. Because we know from bitter experience that the human animal is capable of the worst, as well as the best—of madness as of genius—and that the unthinkable remains possible.

In the wake of so many recent tragedies, a wave of compassion and solidarity for the victims, a fragile yearning for peace, democracy and liberty, seem to be spreading around the plant. It is far too early to evaluate their potential. Mankind, divided and confused, still hesitates, vacillates like a sleepwalker on the edge of an abyss. But the irrevocable has not yet happened; our chances are still intact. Pray that we learn how to seize them.

Mr. BURTON of Indiana. Madam Speaker, had I been present, I would have voted "aye" for rollcall vote 9, on H. Res. 39—Commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz, and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism.

Over 6 million Jews were exterminated in Nazi camps, and millions of others including Poles, Soviet prisoners, Romanies, members of the Resistance, and clergymen were among those killed, imprisoned or used as slave labor within the confines of these brutal camps. It is estimated that between 1.2 and 1.6 million of these victims perished at Auschwitz alone; and—as a result—no single word in modern language has a deeper symbolic meaning for pure evil than the word Auschwitz.

Auschwitz symbolizes the dark side of human nature, and serves as a lasting reminder that our civilized world must remain forever vigilant in the defense of human rights and human dignity. For Jewish people throughout the world, Auschwitz is a reminder of an unprecedented tragedy, the extreme expression of Hitler's Nazi regime's hatred of the Jewish people and their determined attempt to annihilate the Jews through genocide.

By passing this bill tonight, and through the numerous ways other countries and organizations have marked the 60th anniversary of the liberation of Auschwitz, we collectively and emphatically demonstrate the world's awareness of the terrible wounds inflicted by the heinous crimes committed at the hands of Hitler's evil regime, and the need to keep the memory of these tragic events alive so as to protect the victims from suffering a second great tragedy—that of being forgotten.

Mr. NADLER. Madam Speaker, I solemnly rise today to commemorate the 60th anniversary of the liberation of Auschwitz, the first and largest Nazi concentration camp stumbled across by Allied troops as they fought back Nazi Germany.

Today, the twin camps of Auschwitz-Birkenau are silent, yet full of the ghosts of horrors of boundless slaughter, torture and sadistic human experimentation. We lost over one million souls at Auschwitz alone. Over 5 million more innocent people with names, families and lives were murdered at several other Nazi concentration camps.

On January 27, 1945, Allied troops marched by the ashes of those killed at Auschwitz, and freed the few remaining survivors. Tattooed with a number on their left forearm, and inconceivable torment in their minds and bodies, the survivors walked under the Auschwitz gate adorned with the words "Arbeit Macht Frei" or "Work Makes Freedom" as emancipated men and women.

The survivors miraculously got on with their lives, although the pain of their memories did not diminish. Many have become successful doctors, teachers, writers and entrepreneurs. Others served valiantly in defending the state of Israel against hatemongers with similar intentions as the Nazis. Many others settled in New York's Eight Congressional District, which I proudly represent, and added immensely to New York City's soul and wealth of character. Theirs is a remarkable story of the human spirit.

It is an appalling realization that 60 years after the Holocaust, the Jewish people are still persecuted, anti-Semitism remains prevalent in many parts of the world, and genocide occurs and is often ignored.

As we commemorate this 60th anniversary, we face the terrible reality that anti-Semitism did not die in Auschwitz. Many of those who survived the holocaust are now reliving the unspeakable horror of anti-Semitic hatred for the sole reason of their religion and identity.

Moreover, sixty years later, we continue to turn our backs on the victims of hatred and genocide. We failed to appropriately respond to devastation and death in Rwanda, and now we repeat our desertion of innocent women and children in Sudan.

Let us honor the memories of those who died in Auschwitz and the Holocaust and the lives of those who survived it, by combating anti-Semitism, hate and bigotry today, tomorrow, and always.

Let us never forget.

Mr. DAVIS of Alabama. Mr. Speaker, as we convene for the beginning of the 109th Congress, one of our first acts is the commemoration of the 60th anniversary of the liberation of Auschwitz. We remember the heroic forces that brought an end to the brutal atrocities against mankind, and we necessarily remember the death camp itself, the immoral center of last century's greatest genocide.

We understand better today than we did then that the purpose of genocide, racism, of anti-Semitism, is the degradation of the spirit of the victims and their kind. It is the malice of group hatred that reigned at Auschwitz. Consequently, our moral necessity today is to leave bigotry without any safe ground to stand upon. A false understanding of our liberal values sometimes leads us to refrain from attacks on intolerance—the harder truth is that we should put our liberal values in fierce competition with religious and ethnic hatred, and deploy those values to counter the demonizing of race and sects that still goes on.

Freedom is a worldwide value worth defending and expanding. To be won, that struggle too must be informed by remembrance: Freedom fares very well in the tolerant places in the human condition and never lasts long in the bigoted, hateful, mean spirited places.

Madam Speaker that is one reason we pass this resolution today—to link our current struggles to our past ones.

Never Again, Never Forget

Mr. SULLIVAN. Madam Speaker, on this tragic anniversary, I rise in strong support of H. Res. 39, which commends countries and organizations for marking the 60th anniversary of the liberation of the Nazi Concentration Camp at Auschwitz.

On January 27, 1945, the Nazi concentration camp at Auschwitz, including Birkenau and other related camps near the Polish city of Oswiecim, was liberated by elements of the Soviet Army. According to the United States Holocaust Memorial Museum, at a minimum, 1,300,000 people were deported to Auschwitz between 1940 and 1945, and at least 1,100,000 were murdered at that camp. That fateful day marked the end of the horror at Auschwitz.

In total, an estimated 6,000,000 Jews, more than 60 percent of the pre-World War II Jewish population of Europe, were murdered by the Nazis and their collaborators at Auschwitz and elsewhere in Europe. Also, hundreds of thousands of civilians from many nationalities, all of whom the Nazis considered "undesirable," perished at Auschwitz and other concentration camps throughout Europe.

It is important that the United Nations General Assembly, in response to a resolution proposed by Australia, Canada, New Zealand, Russia, the United States, and the European Union, recently convened its first-ever special session marking the liberation of Auschwitz and other concentration camps. Several countries around the globe are taking part in remembrance ceremonies and honoring the victims of Auschwitz and the Holocaust. We must never forget the tragic events that led up to the Holocaust and we must urge all countries and all peoples to strengthen their efforts to fight against racism, anti-Semitism and intolerance around the globe. If we do not remain committed to teaching the lessons of the Holocaust for future generations, then history will be doomed to repeat itself.

Mr. HONDA. Madam Speaker, I rise today to recognize a tragic anniversary, one which we can never afford to forget. Last week, my colleagues and I voted unanimously in support of a resolution commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz-Birkenau and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism.

January 27, 2005—marked the day 60 years ago that Soviet troops opened the gates of the Auschwitz-Birkenau concentration camp in Poland and liberated the Jewish prisoners who had managed to survive the atrocities committed within those walls.

I join with many others in remembering those who perished, in honoring their memory, and in promising survivors: "never again."

Countries around the world will commemorate this event as a reminder to us all of what can befall humanity when we turn away from injustice and fail to speak out when those in power single out innocents for persecution.

Together, we have made progress in battling anti-Semitism around the world. As part of its effort to say "never again", the United Nations General Assembly last week, commemorated the six million Jews who perished in the Holocaust, a signal that the UN will assert leadership in the ongoing struggle against anti-Semitism.

This year's memorial ceremonies are particularly important because concentration camp survivors are aging at a rapid rate and may not be able to participate in such future events.

Despite ongoing efforts, Jews throughout the world continue to suffer vandalism, verbal assaults, and even physical attacks. On this day of commemoration, we should all resolve to work towards a world where the Holocaust can never happen again.

Mr. HYDE. Madam Speaker. I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 39.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 26 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1833

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. CULBERSON) at 6 o'clock and 33 minutes p.m.

JOINT SESSION OF THE CONGRESS—STATE OF THE UNION MESSAGE

Mr. BEAUPREZ. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 20) and ask for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 20

Resolved by the House of Representatives (the Senate concurring), That the two Houses of Congress assemble in the Hall of the House of Representatives on Wednesday, February 2, 2005, at 9 p.m., for the purpose of receiving such communication as the President of the United States shall be pleased to make to them.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Mr. BEAUPREZ. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 21) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 21

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 26, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 1, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Wednesday, January 26, 2005, or Thursday, January 27, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, January 31, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will now resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

House Concurrent Resolution 16, by the yeas and nays.

House Resolution 39, by the yeas and nays.

These will both be 15-minute votes.

CONGRATULATING PEOPLE OF UKRAINE FOR DEMOCRATIC, TRANSPARENT AND FAIR RUN-OFF PRESIDENTIAL ELECTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 16, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 16, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 392, nays 1, not voting 40, as follows:

[Roll No. 8]

YEAS—392

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps

Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Watt
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—40

Berkley
Bilirakis
Boehner
Bono
Brown, Corrine
Burton (IN)
Costa
DeFazio
Delahunt
Ehlers
Fattah
Foley
Frank (MA)
Gallegly
Granger
Graves
Hunter
Israel
Jenkins
Lantos
Lee
Manzullo
McCollum (MN)
McCotter
McDermott
Murtha
Platts
Pombo
Rahall
Rohrabacher
Roybal-Allard
Royce
Rush
Ryan (OH)
Shays
Stark
Sullivan
Towns
Wamp
Watson

SWEARING IN OF MEMBERS-ELECT

The SPEAKER (during the vote). Will the gentleman from Utah (Mr. CANNON), the gentleman from Illinois (Mr. GUTIERREZ), the gentleman from California (Mr. HONDA), and the gentleman from Nebraska (Mr. OSBORNE) kindly come to the well of the House and take the oath of office at this time.

Messrs. CANNON, GUTIERREZ, HONDA and OSBORNE appeared at the bar of the House and took the oath of office, as follows:

Do you solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that you will well and faithfully discharge the duties of the office on which you are about to enter, so help you God.

The SPEAKER. Congratulations, gentlemen.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER (during the vote). Under clause 5(d) of rule XX, the Chair announces to the House that the whole number of the House is adjusted to 434.

□ 1901

Mr. HIGGINS changed his vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, I was unable to cast my vote on the motion to suspend the rules and adopt H. Con. Res. 16. Had I been present, I would have voted "yea."

COMMENDING COUNTRIES AND ORGANIZATIONS FOR MARKING 60TH ANNIVERSARY OF LIBERATION OF AUSCHWITZ

The SPEAKER pro tempore (Mr. CULBERSON). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 39.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Illinois (Mr. HYDE) that the House suspend the rules and agree to the resolution, H. Res. 39, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 393, nays 0, not voting 40, as follows:

[Roll No. 9]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Bonilla
Bonner
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeGette
DeLauro
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Forbes
Ford
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green (WI)
Green, Al
Green, Gene
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Hyde
Inglis (SC)
Inslee
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam

Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan

Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Poe
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky

Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Stupak
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wasserman Schultz
Waters
Waxman
Weiner
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—40

Berkley
Bilirakis
Boehner
Bono
Brown, Corrine
Burton (IN)
Costa
DeFazio
Delahunt
Ehlers
Fattah
Foley
Frank (MA)
Gallegly

Gillmor
Granger
Graves
Israel
Jenkins
Lantos
Lee
Manzullo
McCollum (MN)
McCotter
McDermott
Murtha
Platts
Pombo

Rahall
Rohrabacher
Roybal-Allard
Royce
Rush
Shays
Stark
Sullivan
Towns
Wamp
Watson
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CULBERSON) (during the vote). Members are advised 2 minutes remain in this vote.

□ 1919

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BILIRAKIS. Mr. Speaker, I was unable to cast my vote on the motion to suspend the rules and adopt H. Res. 39. Had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. LANTOS. Mr. Speaker, due to my participation in the President's delegation to Poland to commemorate the 60th anniversary of the liberation of Auschwitz, I will miss two rollcall votes on January 25. If I were present, I would vote "yea" on H. Res. 39 and H. Con. Res. 16.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BURGESS). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY AND THE CASE FOR LEAVING IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the time has come for the United States military to leave Iraq. Even though I was not a supporter of our role in Iraq in the first place, this is not a statement that I make lightly, nor is it a decision that I arrived at easily. But now, more than ever, I am convinced that it is the right decision.

Not all Members of Congress supported the war in Iraq, but we all have to live with its consequences. The global havoc wreaked by this war will affect the world in ways that we can only imagine. And as I said, as someone who did not support the invasion of Iraq from the outset, I still believed at first, once we had invaded them, that the United States had a moral responsibility to assist the Iraqi people as they struggled to rebuild their war-torn country.

But it has become all too clear now that the presence of the nearly 150,000 American soldiers in Iraq, rather than helping to bring about stability and political independence, is actually stifling the country's ability to develop into a flourishing democracy. That is why tomorrow I will introduce legislation calling for a withdrawal of U.S. military forces from Iraq.

I believe that it is the presence in Iraq of our military that has engendered so much hatred of the United States throughout the Muslim world. We talk of holding free elections in Iraq, but we cannot hold free elections when the very country yearning to be free is under the thumb of more than 150,000 foreign troops. Democracy cannot be forced from the barrel of a gun.

Instead of issuing an arbitrary date for holding elections, why not let the Iraqi people themselves determine when they are ready to knock on democracy's door? That way, at least we would adhere to the very democratic principles we are trying to export to the Middle East.

There are some that say we need to remain in Iraq until we are sure we have destroyed every last remnant of Iraqi's growing insurgency. The United States has faced this kind of elusive enemy before, in places like Vietnam in the 1970s and the Philippines in the early 1900s. We learned then and we should know now that this is a battle that we cannot win, because it is a battle that is not fought on a traditional battlefield.

Bullets will not win this war, because for every insurgent killed, three more sign up to fill his shoes. The suicide bombers of tomorrow are born from the bombed-out homes of Iraq's war zones of today. We have to be smarter than the insurgents if we wish to see a free and democratic Iraq.

In the end, withdrawing our forces is the smarter option. This is not a suggestion that our troops have failed. It is an acknowledgment that the military option itself has failed us. It is a recognition that we need to address the root causes of the Iraq insurgency instead of watching America become further bogged down in an unwinnable war.

In the 108th Congress I introduced a SMART Security Resolution for the 21st Century which called for a Sensible, Multilateral, American Response to Terrorism. Adopting this type of foreign policy will help us avoid the many mistakes that have been characterized in the war in Iraq.

SMART security calls for the United States to address the root causes of terrorism by engaging our international partners and the humanitarian community in international reconstruction and political transition processes.

SMART security calls for increased developmental aid programs, integrated with peace-building and conflict-resolution measures. By withdrawing U.S. military forces from Iraq, we can spend some of the billions of dollars which formerly paid for military operations on humanitarian projects for the Iraqi people, such as new schools for Iraq's children, water desalination plants and improved economic and civil infrastructure.

Mr. Speaker, the United States must stop engaging in a reckless national security strategy, because our current path only encourages further terrorist activities. It costs Americans in our taxes, in our loss of our loved ones. It costs our international reputation, and it makes our troops sitting ducks.

It is time we pursue the SMART security strategy for America. That is the best way to secure Iraq, and it is the best way to keep America safe and secure for the future. If we do not, all we will be left with is the consequences of our current failed policies.

LEGENDARY TWIN CITIES SPORTSWRITER SID HARTMAN CELEBRATES 60TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota (Mr. RAMSTAD) is recognized for 5 minutes.

Mr. RAMSTAD. Mr. Speaker, I rise to pay tribute to legendary sportswriter Sid Hartman on his 60th anniversary with the Star Tribune, Minnesota's largest newspaper.

For six decades Sid Hartman has been writing his celebrated column, and his WCCO radio show and daily sports reports are heard by hundreds of thousands of loyal listeners throughout the Upper Midwest.

Mr. Speaker, Sid Hartman personifies the American dream. Born and raised on the north side of Minneapolis, Sid started peddling newspapers as a fifth-grader in downtown Minneapolis and doing chores for the sports editor of the Star Tribune when he was in high school. In all, Sid Hartman has worked for the Star Tribune for 70 years, and to this day nobody, nobody, works harder or gets more scoops than Sid. As he puts it, "I get out every day and make the rounds," and that is exactly what Sid does.

The Golden Gophers, Vikings, Timberwolves, Twins, Wild, Lynx, area colleges and high schools, Sid is there every day, as he puts it, "talking to people in person every day, all the time."

Mr. Speaker, Sid Hartman is a true Minnesota institution. He is the pivotal player and chief architect in making Minnesota major league in the world of big-time sports.

But Sid will tell you he is the lucky one to have lived such a remarkable life and career. Now in his eighties, Sid Hartman has not slowed down one bit. He is the consummate "homer" and Minnesota's biggest booster of our beloved sports teams.

Minnesotans can always count on turning to page 3 of the sports section of the Star Tribune and reading Sid's latest jottings on "sports heroes," "stiffs" and "geniuses," as only Sid can label them.

And, Mr. Speaker, nobody has more close personal friends than Sid Hartman. From Bud Grant and Lou Holtz to Bobby Knight and George Steinbrenner, Sid knows them all in the world of sports. I dare say there is not one major sports figure in the United States who is not a close, personal friend of Sid Hartman.

Mr. Speaker, on behalf of the House of Representatives, it is a privilege to recognize and congratulate Sid Hartman on his 60th anniversary. The people of Minnesota, well, at least most of us, hope Sid continues his legendary sports writing for many years to come.

HONORING THE MEMORY OF UNITED STATES MARINE LANCE CORPORAL JUAN RODRIGO RODRIGUEZ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. CUELLAR) is recognized for 5 minutes.

Mr. CUELLAR. Mr. Speaker, I rise today to honor the memory of United States Marines Lance Corporal Juan Rodrigo Rodriguez.

On Thursday, January 13, Lance Corporal Rodriguez, a member of the Weapons Platoon, 1st Battalion, 23rd Marines Division, died at the young age of 23.

□ 1930

Mr. Rodriguez was deployed in Iraq in August of 2004 where he served as an infantry assaultman. Juan, along with another Marine, was killed in an enemy attack explosion on January 13. He has been described by friends as a true Marine who was proud to fight for his country.

Before joining the United States Marine Corps, Mr. Rodriguez was part of the United South High School Marine Corps Junior ROTC, where he was described as a model cadet by Junior ROTC staff.

A 4-year member of the Junior ROTC, he always sought out perfection as he devoted countless hours to the Color Guard Team, the Shooting Team, and the Unarmed Drill Team.

In his senior year in high school, Juan Rodriguez was part of United South High School Marine Corps Junior ROTC that earned top honors at the National High School Drill Team Championships at Daytona Beach, Florida. In his senior year in high school, Juan Rodrigo Rodriguez went on to earn the rank of cadet colonel and was named the school's Junior ROTC battalion commander.

His exemplary extracurricular record in school brought him the recognition and respect of his classmates, teachers, and school administrators. Juan Rodriguez received the highest honor bestowed upon the graduating seniors: the United South High School Panther Award presented to those who exemplify the true spirit of the United South High School. Only 10 seniors out of a class of 471 received the award that year.

Amid all of his obligations to school and Junior ROTC, Juan Rodriguez found the time to volunteer in multiple community service projects. He played an active role in Christmas drives for underprivileged children, including Toys For Tots and Blue Santa.

In addition, Mr. Rodriguez was an active participant during Veterans Day and Memorial Day celebrations and, on several occasions, volunteering his time by placing U.S. flags at the city cemetery to honor those who made the ultimate sacrifice for our country, or participated with the Presentation of Colors.

Mr. Speaker, on behalf of my constituents in El Cenizo and Laredo, Texas, I ask this great body to join me in sending our most heartfelt condolences to the family of Lance Corporal Juan Rodrigo Rodriguez. May God watch over his parents, Rodrigo and Juana, and sister, Fatima, in this time of need.

RECOGNIZING AND ENCOURAGING MENTORING DURING NATIONAL MENTORING MONTH OF JANUARY

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Nebraska (Mr. OSBORNE) is recognized for 5 minutes.

Mr. OSBORNE. Mr. Speaker, between 1962 and 1998 I was involved with young people as a member of the coaching profession; and during that period of time, that 36-year stretch, I saw some alarming trends. The out-of-wedlock birth rate went from 5 percent to 33 percent; an increase in children living without both biological parents has increased to nearly 50 percent; the United States has become the most violent Nation for young people in the civilized world; it has the highest homicide and the highest suicide rate. Back in 1960, cocaine, marijuana, and methamphetamine were practically unheard of and today, of course, we have a major epidemic.

So as far as I am concerned, Mr. Speaker, the greatest threat that we have to our Nation is what is happening to our young people.

I would like to suggest that the best available solution that I have been able to observe is mentoring. A mentor is, number one, someone who cares. Many children simply have no one in their lives, no adult who shows unconditional love and acceptance of them, and a mentor is somebody who does that.

Mentoring also provides affirmation. No one, whether you are 5 years old, 10 years old, or 60 years old, can function very well if there is not someone who occasionally says, we care about you, we approve of what you are doing, way to go. So a mentor is one who provides affirmation in a world where many young people get very little of it.

Then, thirdly, a mentor is one who provides a vision of what is possible. So many of our young children realize that when they get to be 16, they can leave school; and it is assumed that they will do that because they have never seen anyone in their family finish high school or go to college or contemplate a career. So a mentor provides vision.

Mentoring works. A mentoring program that I have been involved with in my home State of Nebraska has done some follow-up study with the Gallup organization. We found that a mentoring program, at least in this case, increased attendance by those being mentored by 80 percent, reduced disciplinary referrals by 60 percent, and increased academic performance by 40 percent. Other studies have shown that a reduction in drug and alcohol abuse has been about 50 percent, teenage pregnancy has gone down, violent crime has been reduced, graduation rates have been improved, peer relationships have been improved, including relationships with parents.

Mentoring is cost-effective. It usually costs about $300 to $500 per mentor-mentee match, whereas it costs $30,000 to $40,000 a year to incarcerate somebody. A young person on drugs may cost more than $30,000 to $40,000 a year.

The National Mentoring Partnership estimates that roughly 17.5 million young people badly need a mentor; and yet at the present time, we have only about 2.5 million children in mentoring relationships. So we have a gap of roughly 15 million young people.

The Congress and the President have recognized the need by providing $50 million for Mentoring For Success grants, and another $50 million for mentoring children of prisoners, and this was provided last year. However, much more could be done.

I urge Members of Congress to recognize and encourage mentoring during this National Mentoring Month of January. Members of the Mentoring Caucus are introducing a resolution honoring mentors. This will be done tomorrow, and we hope that we will have a broad base of support throughout the Congress.

FINDING AND IMPLEMENTING NEW WAYS TO DECREASE HEALTH CARE COSTS AND IMPROVE PATIENT SAFETY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MURPHY) is recognized for 5 minutes.

Mr. MURPHY. Mr. Speaker, I come to the floor today to discuss an important way to address the ongoing crisis of sky-rocketing health care costs. As the burden of paying for medical insurance continues to climb by double digits each year, it is clear that we cannot continue to do the same thing and expect different results.

Efforts to reduce health care costs have focused on health and medical savings accounts, medical liability reform, and association health plans. While these steps are vital and must not be abandoned, there are other actions we must take if we want to make quality health care more affordable and accessible.

As lawmakers, we currently have a limited focus when it comes to health care. Instead of always asking who will pay for health care services, we should begin to focus on what we are paying for. We continue to fund an antiquated health care system in which patients too often end up paying for preventable medical errors that could be avoided with modern technology.

We need to institute fundamental changes to bring our Nation's health care delivery system into the 21st century.

We live in the Information Age; but health care, one of the most information-intensive fields, remains mired in a pen-and-paper past. We can buy plane tickets online, take cash out of an ATM anywhere in the world; and yet the health care industry remains dangerously disconnected.

Our inefficient health care information systems hold serious consequences for all of us. Patients must still carry their paper records and scribbled-down prescriptions from one provider to another, and any information that slips from their folder is lost forever. This lack of comprehensive technology results in medical errors, misdiagnosis, and needless test duplications; increases costs; and reduces the overall quality of health care.

Doctors and nurses often have only brief moments to examine voluminous paper medical records and risk missing critical patient information.

A wealth of information is available highlighting the need to modernize the American health care system sooner rather than later.

The Institute of Medicine reports that over 7,000 people die every year just from medication errors alone, with anywhere between 44,000 and 98,000 deaths attributed to medical errors in hospitals.

A study by the Rand Corporation estimates that only 55 percent of our Nation's patients are receiving the recommended care they need.

A recent study by the State of Pennsylvania found that 10 percent of hospitalizations in Pennsylvania under the age of 65 were unnecessary and avoidable had the patient been offered early intervention or high-quality outpatient care.

The absence of information technology in health care significantly contributes to inappropriate or inadequate treatment. These mistakes cost money and cost lives. According to the Pennsylvania Health Care Cost Containment Council, unnecessary hospitalizations cost $2.8 billion in unnecessary treatment in Pennsylvania alone. And the Agency For Health Care Research and Quality reports that $100 billion a year is linked to medical errors in this Nation.

Any other industry would not tolerate the mistakes and the costs associated with these mistakes. As far back as 1998, the Department of Health at the Mt. Sinai Medical Center reported the disparities between private business quality control and the rate of mistakes in health care.

At the time, it was found that some companies had 3.4 million defects per million parts produced in electronics, and health care had an average of 10,000 defects per million. I do not mean that health care should be compared to the electronics industry, but 10,000 defects per million should be an unacceptable number.

We must begin to look at health care costs in a new way, focusing on overall health and not simply disease, emphasizing the need to move forward in integrated care.

The situation our constituents face every month when trying to pay for their health care insurance requires Congress to bring the information technology that touches every other aspect of our lives to the one area that may mean the most. We must promote ideas to bring the transformative power of information technology to every corner of our health care system in an effort to ensure quality, patient safety, and efficiency through bipartisan solutions.

This is just one of the many measures of quality we need to be addressing to make health care more affordable and accessible. As co-chairman of the 21st Century Health Care Caucus, I intend to come to this floor often during this session with new ways to reduce the cost of health care and offer tangible ways to decrease costs and improve patient safety, and I invite my colleagues to do the same.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 54, CONGRESSIONAL GOLD MEDAL ENHANCEMENT ACT OF 2005

Mr. SESSIONS, from the Committee on Rules, submitted a privileged report (Rept. No. 109–1) on the resolution (H. Res. 42) providing for consideration of the bill (H.R. 54) to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, which was referred to the House Calendar and ordered to be printed.

CELEBRATING 100 YEARS OF THE ROTARY CLUB OF CHICAGO'S SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, on February 23, 1905, Paul Harris, a Chicago attorney, invited three friends to a meeting: Sylvester Schiele, a coal dealer; Hiram Shorey, a merchant tailor; and Gustavus Loehr, a mining engineer. All four men gathered in Loehr's business office in room 711 of the Unity Building at 127 North Dearborn Street in downtown Chicago, which is my district. They discussed Harris' idea that business needed to meet periodically to enjoy camaraderie and to enlarge the circle of business and professional acquaintances.

The club met weekly. Membership was limited to one representative from each business and profession. Though the men did not use the term "rotary" that night, that gathering is commonly regarded as the first Rotary Club meeting. The name "rotary" was suggested later on by Paul Harris as meetings were rotated from office to office in the early days of the organization.

During the early days, the Rotarians realized that fellowship and mutual self-interest were not enough to keep a club of busy professionals meeting each week. Reaching out to improve the lives of the less fortunate proved to be an even more powerful motivation. The Rotary commitment to service began when the Rotary Club of Chicago donated a horse to a preacher so that he could make the rounds of his churches and parishioners. A few weeks later, the club constructed Chicago's first public lavatory. These actions of service and improvement of communities continued in 1967 to support the pediatric program at the Rehabilitation Institute of Chicago.

Of course, through the years, these services have continued and they have continued to make valuable contributions to the most needy members of our society.

So, Mr. Speaker, I warmly congratulate the Rotary Club of Chicago for 100 years of service, making a difference in the lives of the less fortunate and showing the true commitment of business leaders to strengthen our local and global communities. I wish the club another 100 years of service and Tuesday lunches in downtown Chicago.

ABORTION CLINICS: NOT ONLY KILLING MILLS BUT TORTURE CENTERS AS WELL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. SMITH) is recognized for 5 minutes.

Mr. SMITH of New Jersey. Mr. Speaker, yesterday, 100,000 human rights advocates endured the numbing cold and snow in a great witness for life here in our Nation's Capital. Their presence on behalf of those who have no voice of their own was truly inspiring. It was gratifying beyond words to see so many teenagers full of idealism and full of compassion and love for their littlest brothers and sisters and for all human life that is at risk.

Indeed, Mr. Speaker, the pro-life movement is the greatest human rights movement on Earth.

□ 1945

It is a struggle based on unconditional love, even for the proabortionists, unconditional empathy for the victims, both the child and his or her mother, and unconditional courage.

We are a movement with deep hope and expectation, that with God's all-powerful grace, and through that all-powerful grace, the culture of death will soon be vanquished by the culture of life, where all human life is cherished and respected. We pray for the day when branding an unborn child as unwanted will no longer mean a death sentence in America.

Mr. Speaker, I have always found the term "unwanted child" dehumanizing, for it relegates a child to the status of a commodity, an object, a thing, something that can be chosen or unchosen at will, not unlike any other consumer product.

Mr. Speaker, with each passing year, the horrific toll of abortion on women's lives becomes more evident, and it is time the media especially stopped censoring the truth. Women deserve better than abortion, and the compelling stories of the brave women, the postabortive women who are silent no more need to be heard. These very special women bear witness not only to the agony and the trauma of their own abortions, but to the hope of healing, reconciliation and inner peace as well.

Wounded women like Dr. Alveda King, the niece of the late Dr. Martin Luther King, who has had an abortion, Jennifer O'Neill, singer Melba Moore, civil rights activist, like I said, Dr. King, and so many others, and co-founder of this group called Silent No More Awareness Campaign, Georgette Forney, have all called on us to listen to their heart-wrenching stories and take seriously our moral duty to protect women and children from the predators who ply their lethal trade in abortion mills throughout the land.

These brave women are the new champions of life. They have refused to be silent any longer. They care too deeply about other women and their children, and they want others to be spared the anguish that they themselves have endured. And to the millions of women who have aborted, they are uniquely equipped to convey the breathtaking love and healing and reconciliation that God provides to those who ask. They do have a connection, the silentnomoreawareness.org. if those who might want to contact them just go on the Web and check them out. They are unbelievably full of compassion.

Mr. Speaker, let me also point out that with each passing year, the child body count from abortion in America grows. Since the infamous decision in 1973, more than 46 million babies have been killed by dismemberment or chemical poisoning, a number fast approaching the total worldwide deaths attributable to World War II: that is civilian and military deaths.

And as we have feared, Mr. Speaker, the much touted baby pesticide, RU-486, rushed to approval by a very biased FDA, is poison not only to the baby, but women are dying from it as well.

And now we learn, Mr. Speaker, from science and medicine that due to nerve cell development, unborn children from at least 20 weeks onward, and most likely even earlier, feel excruciating pain, two to four times more painful than you or I would feel from the same assault.

Today, along with 75 cosponsors, I have reintroduced legislation, the Unborn Child Pain Awareness Act, to require in part that women seeking abortions at this stage of development be informed of this gruesome reality. These kids feel pain, and we need to make that known to those women who are procuring abortions at that gestational period.

The bill would also require that women be given the option of having anesthesia administered directly to the unborn child, because indirect administration does not cross the placenta to numb the pain that the child feels as they are being slowly dismembered by these later-term abortion methods. One of those methods, the D and E, takes about 30 minutes as the arms and the legs and the body and the torso are all hacked off. And the baby feels pain during this hideous procedure.

Interestingly, Mr. Speaker, the partial-birth abortion legal trials in various courts around the country drew new attention to the pain that unborn children feel during an abortion. In expert testimony during these trials, Dr. Sunny Anand, Director of the Pain Neurobiology Lab at Arkansas Children's Hospital, said, and I quote him, "The human fetus possesses the ability to experience pain from 20 weeks of gestation, if not earlier, and the pain that is perceived by a fetus is more intense than that perceived by newborns or older children."

He went on to explain that the pain inhibitory mechanisms, in other words the fibers that dampen and modulate the experience of pain, do not begin to develop until 32 to 34 weeks of gestation. Thus these children feel pain, and they feel it excruciatingly so.

Abortion is violence against children. Mr. Speaker, and these kids feel that pain.

Abortion clinics, if we look at them as what they really are, are not only killing centers, they are torture chambers as well. I hope that we all can move on this legislation as quickly as possible.

HONOR THY FATHER AND THY MOTHER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, the theme for my remarks tonight is honor thy father and thy mother. The Congressional Budget Office has confirmed, and I might say they are nonpartisan, that the projected budget deficit for this year for our country will be over $368 billion, not even counting the additional $80 billion that will be added to that when bills come before this Congress for additional funding for Iraq and Afghanistan. Though these dollars literally are coming from the Social Security Trust Fund itself, the Congressional Budget Office noted that last year was the largest deficit in the history of our Nation, $412 billion, is the reason that the dollar value of currency is dropping. In fact, if we add up the last 3 years, we have the largest budget deficit in the history of the Republic.

When President Bush came into office, there was a $5.6 trillion surplus. In fact, I thought it was rather funny at the time. Alan Greenspan was starting to get worried that we might actually pay our bills. He was a little uncomfortable that maybe the bond market would not be completely happy. What would we do if we paid all our bills?

But now we have a $2.6 trillion deficit. That is a reversal of nearly $3 trillion. It is obvious this administration and their allies in the Congress cannot handle the pursestrings of this Nation.

The very same people who brought us this fiscal train wreck, which is getting worse, are now proposing radical surgery on Social Security. Nothing President Bush has attempted to date, not even his incessant effort to shift the tax burden off the shoulders of the rich onto the middle class, is as brazen and audacious as his misguided efforts to try to gut Social Security.

There is no crisis in Social Security. Repeat, there is no crisis in Social Security. There is only a crisis in the Bush administration's handling of the budget. Why would anyone trust the Bush administration on anything regarding Social Security, seeing that they are a miserable failure in terms of the management of the account of the people of the United States?

Social Security is the most successful domestic program in the modern history of our Nation. Approximately 45 million Americans receive their Social Security insurance benefits and disability benefits. Just over 7 million of those are disability recipients. In the State that I am from, Ohio, 1,922,406 individuals receive Social Security insurance benefits and 208,000 disability benefits.

We do not know what is going to happen to our families. One out of five families in this country are going to have an unforeseen happening that will require eligibility for disability. There is no private sector policy that will ever offer it. These are insurance and disability benefits. They are not private accounts. They are not 401(k)s. They are not certificates of deposit. This is an insurance and disabilities program. It has always been that.

The Congress voted repeatedly not to allow the executive branch to dip into the trust fund, and yet that is exactly what is happening today. The President is trying to whip up a frenzy in the country and say the sky is falling, the sky is falling, trying to scare America's seniors and our young people who are going to get old someday into thinking Social Security is in crisis. Even the head of the AARP has said Social Security is not in crisis, the program will remain solvent, and what we have to do over the next 50 years is just to make sure that the gap financing that is there will cover future beneficiaries.

We can do that in several ways. We have done it before. We can do it again. In fact, what is interesting, the Bush administration's four enacted tax cuts being made permanent would cost 2 percent of GDP over the next 75 years, which is three to five times as much as any of Social Security's future financing needs. Under their plan, instead of benefits being tied to prevailing standards of living during the course of a worker's career, the change would freeze Social Security benefits at today's standard of living, which means we would keep regressing backwards, and future generations of retirees would have lower and lower benefits compared to their wages during their working lives.

This cut would apply to all beneficiaries whether or not they had chosen to have a private account. It should not be an either/or, private accounts or Social Security. It should be both, and make sure Social Security is solvent. Stop borrowing against it. And fine, let us encourage private savings like we used to in this country up until the last few years.

Social Security should be a guarantee, an insurance guarantee and a disability guarantee, as Democrats have not only promised but have delivered from the time of Franklin Roosevelt. Social Security should be a guarantee, not a gamble.

Let me end with the words to the Republicans. I can only say if they want to fight on Social Security, bring it on, because this Member intends to honor thy father and thy mother.

ABORTION

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from Florida (Mr. WELDON) is recognized for 5 minutes.

Mr. WELDON of Florida. Mr. Speaker, the foundation of American democracy is freedom. In particular, as Americans we are all free to choose or decline issues of conscience, but regarding abortion, choice is losing in a way that may surprise many people.

Such is the case regarding physicians, hospitals and health plans that choose not to perform, pay for or refer for abortions. From Alaska to New Jersey, abortion advocacy groups are forcing health care entities to do the very thing they would not if they had the choice. Abortion advocates are using the courts, State and local agencies and laws to mandate that abortions be performed, paid for and referred for.

In July of 2002, an Alaska court forced a community hospital to provide elective, non-life-threatening, late-term abortions contrary to its policy. In New Jersey, abortion advocacy groups urged the State of New Jersey to require a Catholic health system to build an abortion clinic on its premises. Last year, the State of New Mexico refused to approve a hospital lease because the hospital-owned system declined to perform elective abortions.

Such coercion is wrong and should not be permitted, particularly with Federal taxpayer dollars. Roe v. Wade created a woman's right to an abortion. Today Federal law requires that an abortion be provided to a woman in a life-threatening situation, but in a perverse concerted effort, radical advocates for abortion are engaging in legislative and court efforts to coerce health care providers, health plans and clinics to provide, pay for and refer for elective, non-life-threatening abortions.

In July of last year, I offered an amendment during committee consideration of the Labor-HHS appropriation bill to stop this coercion. This provision was included in the bill when it came to the floor of the House, to which no one objected. It was then included in the final consolidated appropriation bill for 2005.

The Hyde-Weldon amendment is simple. It prevents Federal funding when courts and other government agencies force or require physicians, clinics and hospitals and health insurers to participate in elective abortions. My amendment in no way infringes on a woman's ability to seek and receive elective abortions. It simply states you cannot force the unwilling.

The amendment does not apply to willing abortion providers. Hyde-

Weldon allows any health care entity to participate in abortions in any way they choose.

□ 2000

It simply prohibits coercion in nonlife-threatening situations.

But there is the rub. People who call themselves prochoice want no tolerance afforded toward health care entities that desire their rights of conscience be respected. Sadly, radical abortion advocates only support choice on their terms and are more than willing to use the coercive power of government to advance their agenda. Their true mantra seems to be: safe, legal, and coerced.

It is predictable that abortion advocates would look to the courts to enforce their bizarre notion that abortion should not be provided just by the willing but also the unwilling, and that is just what has happened today. In California, Attorney General Lockyer filed a lawsuit against the Hyde-Weldon amendment. He makes a number of assertions in the complaint, and I want to look at some of them right now.

Interestingly, Mr. Lockyer seems to be eager to reserve the right of the State to coerce an unwilling health care provider to participate in an elective abortion, despite the fact their own State law prohibits them, and which my amendment attempts to provide such protection to all health care providers nationally.

In the 26-page complaint, the California Attorney General fails to point to even one example of a single case supporting the assertion that the Hyde-Weldon amendment would somehow interfere with the State's desire to see abortion services offered as an emergency medical service. The complaint offers no specific case where an emergency situation required an abortion in which a health care provider refused on grounds of conscience. Why? Because it does not happen. The bulk of the rhetoric in the complaint is about this very speculative scenario.

The question I have for the California Attorney General is: Prior to my amendment, was California compelling non-willing providers to perform emergency abortions? If no, then the Attorney General has nothing to fear from my amendment because that is all it addresses. If the answer is yes, then the Attorney General wishes to protect this practice as evidenced by his desire to litigate over it.

In fact, if the answer is yes, the Attorney General is ready to subordinate all other spending priorities in his State to defend his position of coerced abortions.

In this court filing he raises the notion that women will die because they will not have access to an abortion needed to save the life of the mother. Hyde-Weldon does nothing of the sort. It ensures that in situations where a mother's life is in danger a health care provider must act to protect the mother's life.

In fact, Congress passed the Federal Emergency Medical Treatment and Active Labor Act (EMTALA) forbidding critical-care health facilities to abandon patients in medical emergencies, and requires them to provide treatment to stabilize the medical condition of such patients—particularly pregnant women.

The bottom line is that this lawsuit seems to be more about politics and using the coercive power of the state for forced participation in abortion, rather than ensuring that pregnant women in emergency situations have access to life-saving care.

IRAQ SUPPLEMENTAL AND TROOPS

The SPEAKER pro tempore (Mr. BURGESS). Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, today we learn the Bush administration plans to ask Congress for another $80 billion in emergency funds for the war in Iraq and Afghanistan. This $80 billion comes on top of an additional $200 billion that we have spent in Iraq since the beginning of the war 2 years ago.

Mr. Speaker, the Bush administration never leveled with the American people about the kind of sacrifices they would have to make in order to fight this war. You will remember that before the war, President Bush and his war cabinet said the sacrifices would be minimal. They falsely claimed the majority of the war costs could be paid for by the royalties Iraq received on the sale of its oil. Nearly 2 years have passed since the beginning of the war, and we have yet to see one cent from the sale of Iraqi oil.

You would think my Republican colleagues, particularly the ones who repeatedly come to the well of the floor to rail against the waste, fraud, and abuse in our Federal Government, would be demanding some accountability from the administration about the cost of the war. You would think they would be calling for congressional hearings demanding to hear from Defense Secretary Rumsfeld on exactly where the Pentagon spent the $200 billion Congress already appropriated for the war.

Unfortunately, Republicans have abdicated their oversight responsibility and are giving the Bush administration a free ride on the enormous miscalculations we have all witnessed in the Iraq war.

Mr. Speaker, during World War II, then Senator Harry Truman created a war investigating committee charged with exposing any fraud or mismanagement in our Nation's war efforts in both the Pacific and the Atlantic. Truman was, of course, a Democratic Senator serving in a Democratic Senate majority, overseeing the Democratic administration of President Franklin Roosevelt. Truman never worried about the fact he was investigating a President of his own party. He refused to allow politics to get in the way of good government; and as a result, his investigations saved the American taxpayer more than $15 billion.

Now, that was a lot of money back in the 1940s, and it is still a lot of money today. But I wonder just how much more money we could save the American taxpayer if congressional Republicans took their oversight responsibility seriously.

Where is the Republican Party's Harry Truman? Why are congressional Republicans so worried about asking the Bush administration for specifics on where it is spending the $200 billion Congress has already appropriated? Could it be that congressional Republicans are afraid of what they would uncover if they looked too closely into the administration's handling of the war?

The Bush administration has awarded Vice President CHENEY's old company, Halliburton, billions of dollars of no-bid contracts since the beginning of the war. Despite the lack of congressional oversight, we discovered that Halliburton was charging for meals it never served our troops. Obviously, that is a waste of America's taxpayers' money. How many other examples of fraud and abuse are out there?

Mr. Speaker, I opposed giving President Bush the authority to begin this war. I also opposed the $87 billion emergency supplemental because I believed the administration had to explain to those of us in Congress exactly how it planned to spend the money.

The days of handing a blank check to the Bush administration should be over. It is time for Republicans to realize that our Founding Fathers gave Congress oversight responsibilities for a reason. We are not here to be lap dogs to any administration. As we prepare to debate another Iraq supplemental, I would hope congressional Republicans would keep that in mind.

STATUS REPORT ON CURRENT SPENDING LEVELS OF ON-BUDGET SPENDING AND REVENUES FOR FY 2005 AND THE 5-YEAR PERIOD FY 2005 THROUGH FY 2009

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. NUSSLE) is recognized for 5 minutes.

Mr. NUSSLE. Mr. Speaker, I am transmitting a status report on the current levels of on-budget spending and revenues for fiscal year 2005 and for the 5-year period of fiscal years 2005 through 2009. This report is necessary to facilitate the application of sections 302 and 311 of the Congressional Budget Act and section 401 of the conference report on the concurrent resolution on the budget for fiscal year 2005 (S. Con. Res. 95, which is currently in effect as a concurrent resolution on the budget in the House under H. Res. 5). This status report is current through January 21, 2005.

The term "current level" refers to the amounts of spending and revenues estimated for each fiscal year based on laws enacted or awaiting the President's signature.

The first table in the report compares the current levels of total budget authority, outlays, and revenues with the aggregate levels set forth by S. Con. Res. 95. This comparison is needed to enforce section 311(a) of the Budget Act, which creates a point of order against measures that would breach the budget resolution's aggregate levels. The table does not show budget authority and outlays for years after fiscal year 2005 because appropriations for those years have not yet been considered.

The second table compares the current levels of budget authority and outlays for discretionary action by each authorizing committee with the "section 302(a)" allocations made under S. Con. Res. 95 for fiscal year 2005 and fiscal years 2005 through 2009. "Discretionary action" refers to legislation enacted after the adoption of the budget resolution. This comparison is needed to enforce section 302(f) of the Budget Act, which creates a point of order against measures that would breach the section 302(a) discretionary action allocation of new budget authority for the committee that reported the measure. It is also needed to implement section 311(b), which exempts committees that comply with their allocations from the point of order under section 311(a).

The third table compares the current levels of discretionary appropriations for fiscal year 2005 with the "section 302(b)" suballocations of discretionary budget authority and outlays among Appropriations subcommittees. The comparison is also needed to enforce section 302(f) of the Budget Act because the point of order under that section equally applies to measures that would breach the applicable section 302(b) suballocation.

The fourth table gives the current level for 2006 of accounts for advance appropriations under section 401 S. Con. Res. 95. This list is needed to enforce section 401 of the budget resolution, which creates a point of order against appropriation bills that contain advance appropriations that are: (i) not identified in the statement of managers or (ii) would cause the aggregate amount of such appropriations to exceed the level specified in the resolution.

REPORT TO THE SPEAKER FROM THE COMMITTEE ON THE BUDGET—STATUS OF THE FISCAL YEAR 2005 CONGRESSIONAL BUDGET ADOPTED IN S. CON. RES. 95

[Reflecting Action Completed as of January 21, 2005—on-budget amounts, in millions of dollars]

	Fiscal year 2005	Fiscal year 2005–2009
Appropriate Level:		
Budget Authority	2,012,726	n.a.
Outlays	2,010,964	n.a.
Revenues	1,454,637	8,638,287
Current Level:		
Budget Authority	1,966,349	n.a.
Outlays	1,989,590	n.a.
Revenues	1,450,760	8,565,703
Current Level over (+) /under (−) Appropriate Level:		
Budget Authority	−46,377	n.a.
Outlays	−21,374	n.a.
Revenues	−3,877	−72,584

n.a. = Not applicable because annual appropriations Acts for fiscal years 2006 through 2009 will not be considered until future.

BUDGET AUTHORITY

Enactment of measures providing new budget authority for fiscal year 2005 in excess of $46,377,000,000 (if not already included in the current level estimate) would cause fiscal year 2005 budget authority to exceed the appropriate level set by S. Con. Res. 95

OUTLAYS

Enactment of measures providing new outlays for fiscal year 2005 in excess of $21,374,000,000 (if not already included in the current level estimate) would cause fiscal year 2005 outlays to exceed the appropriate level set by S. Con. Res. 95.

REVENUES

Enactment of measures that would reduce revenue for fiscal year 2005 (if not already included in the current level estimate) would cause revenues to fall further below the appropriate level set by S. Con. Res. 95.

Enactment of measures resulting in revenue reduction for the period of fiscal years 2005 through 2009 (if not already included in the current level estimate) would cause revenues to fall further below the appropriate levels set by S. Con. Res. 95.

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF JANUARY 21, 2005

[Fiscal years, in millions of dollars]

House committee	2005		2005–2009 total	
	BA	Outlays	BA	Outlays
Agriculture:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Armed Services:				
Allocation	0	0	0	0
Current Level	−1.530	581	−17	1,659
Difference	−1,530	581	−17	1,659
Education and the Workforce:				
Allocation	68	56	236	230
Current Level	−14	42	230	207
Difference	−82	−14	−6	−23
Energy and Commerce:				
Allocation	576	483	4,350	3,381
Current Level	445	145	2,645	1,333
Difference	−131	−338	−1,705	−2,048
Financial Services:				
Allocation	1	1	17	17
Current Level	−6	−6	−5	−5
Difference	−7	−7	−22	−22
Government Reform:				
Allocation	1	1	19	19
Current Level	22	4	42	32
Difference	21	3	23	13
House Administration:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Intelligence:				
Allocation	0	0	0	0
Current Level	0	0	−1	−1
Difference	0	0	−1	−1
International Relations:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Judiciary:				
Allocation	15	15	35	35
Current Level	5	5	29	29
Difference	−10	−10	−6	−6
Resources:				
Allocation	2	2	10	10
Current Level	2	2	14	14
Difference	0	0	4	4
Science:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0

DIRECT SPENDING LEGISLATION—COMPARISON OF CURRENT LEVEL WITH AUTHORIZING COMMITTEE 302(A) ALLOCATIONS FOR DISCRETIONARY ACTION, REFLECTING ACTION COMPLETED AS OF JANUARY 21, 2005—Continued

[Fiscal years, in millions of dollars]

House committee	2005		2005–2009 total	
	BA	Outlays	BA	Outlays
Small Business:				
Allocation	0	0	0	0
Current Level	0	0	0	0
Difference	0	0	0	0
Transportation and Infrastructure:				
Allocation	1,737	4	22,070	12
Current Level	4,615	−2	4,623	17
Difference	2,878	−6	−17,447	5
Veterans' Affairs:				
Allocation	0	0	0	0
Current Level	−26	−28	−23	−22
Difference	−26	−28	−23	−22
Ways and Means:				
Allocation	1,368	804	3,470	3,244
Current Level	3,455	3,434	19,949	19,981
Difference	2,087	2,630	16,479	16,737
Reconciliation	0	0	4,600	4,600
Current Level	0	0	0	0
Difference	0	0	−4,600	−4,600

DISCRETIONARY APPROPRIATIONS FOR FISCAL YEAR 2005—COMPARISON OF CURRENT LEVEL WITH APPROPRIATIONS COMMITTEE 302(a) ALLOCATION AND APPROPRIATIONS SUBCOMMITTEE 302(b) SUBALLOCATIONS

[In millions of dollars]

Appropriations Subcommittee	302(b) suballocations as of July 22, 2004 (H. Rpt. 108–633)		Current level reflecting action completed as of January 21, 2005		Current level minus suballocations	
	BA	OT	BA	OT	BA	OT
Agriculture, Rural Development	16,841	18,113	16,833	18,378	−8	265
Commerce, Justice, State	39,815	40,463	39,826	40,215	11	−248
National Defense	390,931	415,987	390,933	415,774	2	−213
District of Columbia	560	554	556	538	−4	−16
Energy & Water Development	27,993	27,973	28,256	28,027	263	54
Foreign Operations	19,386	26,735	19,545	26,740	159	5
Homeland Security	32,000	29,873	31,980	29,665	−20	−208
Interior	20,039	20,214	19,875	19,927	−164	−287
Labor, HHS & Education	142,526	141,117	142,394	141,522	−132	405
Legislative Branch	3,575	3,696	3,546	3,688	−29	−8
Military Construction	10,003	10,015	10,003	9,975	0	−40
Transportaiton-Treasury	25,320	68,993	25,484	70,152	164	1,159
VH-HUD-Independent Agencies	92,930	101,732	93,069	101,744	139	12
Unassigned	0	283	0	0	0	−283
Total (Section 302(a) Allocation)	821,919	905,748	822,300	906,345	381	597

Statement of FY2006 advance appropriations under section 401 of S. Con. Res. 95 reflecting action completed as of January 21, 2005

[In millions of dollars]

	Budget authority
Appropriate Level	23,158
Current Level:	
Interior Subcommittee: Elk Hills	36
Labor, Health and Human Services, Education Subcommittee:	
Employment and Training Administration	2,463
Education for the Disadvantaged	7,383
School Improvement	1,435
Children and Family Services (Head Start)	1,400
Special Education	5,413
Vocational and Adult Education	791
Transportation and Treasury Subcommittee: Payment to Postal Service	62
Veterans, Housing and Urban Development Subcommittee: Section 8 Renewals	4,200
Total	23,183
Current Level over (+) / under (−) Appropriate Level	25

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, January 24, 2005.
Hon. JIM NUSSLE,
Chairman, Committee on the Budget,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The enclosed report shows the effects of Congressional action on the fiscal year 2005 budget and is current through January 21, 2004. This report is submitted under section 308(b) and in aid of section 311 of the Congressional Budget Act, as amended.

The estimates of budget authority, outlays, and revenues are consistent with the technical and economic assumptions of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005. The budget resolution figures incorporate revisions submitted by the Committee on the Budget to the House to reflect funding for wildland fire suppression and for technical reasons. These revisions are authorized by sections 312 and 313 of S. Con. Res. 95. In addition, under section 402 of S. Con. Res. 95, amounts designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, the enclosed current level report excludes these amounts (see footnote 2 of the report).

Since my last letter, dated November 17, the Congress has cleared and the President has signed the following acts that changed budget authority, outlays, or revenues for fiscal year 2005:

The Second Continuing Resolution, 2005 (Public Law 108-416);

The Miscellaneous Trade and Technical Corrections Act (Public Law 108-429);

The Third Continuing Resolution, 2005 (Public Law 108–434);

The Consolidated Appropriations Act, 2005 (Public Law 108-447);

An act to amend title XIX of the Social Security Act (Public Law 108-448);

The Arizona Water Settlements Act (Public Law 108–451);

The Veterans' Benefits Improvement Act of 2004 (Public Law 108-454);

The Thrift Savings Plan Open Elections Act of 2004 (Public Law 108–469);

An act to authorize salary adjustments for Justices and Judges of the United States (Public Law 108–491);

An act to amend to Internal Revenue Code of 1986 (Public Law 108–493);

An act to amend the National Telecommunications and Information Administration Organization Act (Public Law 108–494);

The Federal Employee Dental and Visions Benefits Act of 2004 (Public Law 108–496); and

An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami (Public Law 109-1).

The effects of the actions listed above are detailed in the accompanying report.

Sincerely,

DOUGLAS HOLTZ-EAKIN,
Director.

Enclosure.

FISCAL YEAR 2005 HOUSE CURRENT LEVEL REPORT AS OF JANUARY 21, 2004

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in previous sessions:			
Revenues	n.a.	n.a.	1,482,831
Permanent and other spending legislation	1,175,185	1,129,242	n.a.
Appropriation legislation[1]	0	391,841	n.a.
Offsetting receipts	−398,008	−398,008	n.a.
Total, enacted in previous sessions	777,178	1,123,075	1,482,831
Enacted this session:			
Authorizing Legislation:			
TANF and Related Programs Continuation Act of 2004 (P.L. 108–262)	122	138	0
Bunning-Bereuter-Blumenauer Flood Insurance Reform Act of 2004 (P.L. 108–264)	−1	−1	0
Child Nutrition and WIC Reauthorization Act of 2004 (P.L. 108–265)	66	57	0
GAO Human Capital Reform Act of 2004 (P.L. 108–271)	1	1	0
An act to renew import restrictions on Burma (P.L. 108–272)	0	0	−10
AGOA Acceleration Act of 2004 (P.L. 108–274)	0	0	−30
Surface Transportation Extension Act of 2004 (P.L. 108–280)	0	−11	0
United States Australia Free Trade Implementation Act (P.L. 108–286)	0	0	−29
John Marshall Commemorative Coin Act (P.L. 108–290)	−2	−2	0
Marine Corps 230th Anniversary Commemorative Coin Act (P.L. 108–291)	−3	−3	0
Coast Guard and Maritime Transportation Act (P.L. 108–293)	2	2	0
SUTA Dumping Prevention Act of 2004 (P.L. 108–295)	−7	−7	0
Morocco Free Trade Agreement (P.L. 108–302)	0	0	−5
Welfare Reform Extension Act, Part VIII (P.L. 108–308)	416	379	0
First Continuing Resolution, 2005 (P.L. 108–309)[2]	143	24	25
Surface Transportation Extension Act of 2004, Part V (P.L. 108–310)	4,493	7	0
Working Families Tax Relief Act of 2004 (P.L. 108–310)	2,126	2,126	27,054
An act to amend the Lease Lot Conveyance Act of 2002 (P.L. 108–351)	1	1	0
American Jobs Creation Act of 2004 (P.L. 108–357)	764	764	−4,927
Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (P.L. 108–375)	−1,530	581	0
Provo River Project Transfer Act (P.L. 108–382)	−1	−1	0
2004 District of Columbia Omnibus Authorization Act (P.L. 108–386)	20	2	0
Taxpayer-Teacher Protection Act of 2004 (P.L. 108–409)	−80	−15	0
Second Continuing Resolution, 2005 (P.L. 108–416)	12	12	5
Miscellaneous Trade and Technical Corrections Act of 2004 (P.L. 108–429)	0	0	−167
Third Continuing Resolution, 2005 (P.L. 108–434)	0	0	2
An act to amend title XIX of the Social Security Act (P.L. 108–448)	145	145	0
Arizona Water Settlements Act (P.L. 108–451)	2	2	0
Veterans' Benefits Improvement Act of 2004 (P.L. 108–454)	−26	−28	0
Thrift Savings Plan Open Elections Act of 2004 (P.L. 108–469)	0	0	−1
An act to authorize salary adjustments for Justices and Judges of the United States (P.L. 108–491)	5	5	0
An act to amend the Internal Revenue Code of 1986 (P.L. 108–493)	−1	−1	−1
An act to amend the National Telecommunications and Information Administration Organization Act (P.L. 108–494)	300	0	0
Federal Employee Dental and Vision Benefits Enhancement Act of 2004 (P.L. 108–496)	1	1	0
An act to accelerate the income tax benefits for charitable cash contributions for the relief of victims of the Indian Ocean tsunami (P.L. 108–1)[3]	0	0	−11
Total, authorizing legislation	6,968	4,178	−32,203
Appropriations Acts:			
Department of Defense Appropriations Act, 2005 (P.L. 108–287)[2]	391,153	266,777	0
Military Construction Appropriations Act, 2005 (P.L. 108–324)[2]	10,003	2,447	0
Homeland Security Appropriations Act, 2005 (P.L. 108–334)	30,557	18,473	0
District of Columbia Appropriations Act, 2005 (P.L. 108–335)	560	481	0
Consolidated Appropriations Act, 2005 (P.L. 108–447)[2]	764,621	576,603	131
Total, enacted this session	1,203,862	868,959	−32,072
Entitlements and mandatories: Difference between enacted levels and budget resolution estimates for appropriated entitlements and other mandatory programs	−14,691	−2,444	n.a.
Total Current Level[1,2]	1,966,349	1,989,590	1,450,760
Total Budget Resolution	2,012,726	2,010,964	1,454,637
Current Level Over Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Budget Resolution	46,377	21,374	3,877
Memorandum:			
Revenues, 2005–2009:			
House Current Level	n.a.	n.a.	8,565,703
House Budget Resolution	n.a.	n.a.	8,638,287
Current Level Over Budget Resolution	n.a.	n.a.	n.a.
Current Level Under Budget Resolution	n.a.	n.a.	72,584

Notes: n.a. = not applicable; P.L. = Public Law. Numbers may not sum to totals because of rounding.

[1] For purposes of enforcing section 311 of the Congressional Budget Act in the House, the budget resolution does not include Social Security administrative expenses, which are off budget. As a result, the current level excludes these items.

[2] Per section 402 of S. Con. Res. 95, the Concurrent Resolution on the Budget for Fiscal Year 2005, provisions designated as emergency requirements are exempt from enforcement of the budget resolution. As a result, current level excludes the following amounts: outlays of $19,902 million from 2004 budget authority provided in the Defense Appropriations Act, 2005 (P.L. 108–287); outlays of $622 million from funds provided in the Emergency Supplemental Appropriations for Disaster Relief Act, 2004 (P.L. 108–303); outlays of $444 million from funds provided in the Continuing Resolution, 2005 (P.L. 108–309); budget authority of $14,528 million and outlays of $6,995 million from the Military Construction Appropriations Act, 2005 (P.L. 108–324); and budget authority of $396 million and outlays of $167 million from the Consolidated Appropriations Act, 2005 (P.L. 108–447).

[3] Legislation to aid victims of the tsunami (P.L. 109–1) was enacted in the 109th Congress. All other legislation listed in this section was enacted in the 108th Congress.

Source: Congressional Budget Office.

SUPPORTING OUR TROOPS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, there has been wide political discussion recently on the imperative nature of support for our troops. Yesterday, unexpectedly, Senators from the Democrat Party used strong rhetoric in discussing the needed support for both our military and our veterans. These are wonderful comments of support, but they must not stop as mere comments. This should be a matter of bipartisan support.

I was in the United States Army on active duty from 1978 to 1982. I personally believe President Carter was one of the most honest, caring, and decent Presidents we have ever had; but his administration was exceedingly weak in its support for the military and for its veterans. Terrorists were sent a clear message when his administration failed to respond in any meaningful way after U.S. soil was attacked and terrorists took U.S. hostages who were held for over a year. The U.S. appeared to be a toothless, hapless, spineless paper tiger.

At Fort Benning, Georgia, we in the United States Army saw the dawn of a new day with the Reagan administration. We began to see supply requests met, improved conditions, and, yes, much better morale. We had a President who meant what he said and he said he supported the military. President Reagan kept his promises. However, under the President in office during the 1990s, the military budget was again severely cut.

Once again my friends who remained in the military could feel the renewed respect and help for the military when President George W. Bush took office. Not only has the military been much better equipped and supplied, but also the Republican-controlled Congress has been increasing veterans' benefits. In fact, since Republicans took control of Congress there has been a 58 percent increase in veterans funding.

Just as the vast cuts during the Carter administration depleted and drained the strength of the U.S. military, during the 1990s the White House bragged of vast cuts in government when, in fact, the only true cuts were in military personnel. As a result of those cuts during the 1990s, George W. Bush's administration found itself, just as President Reagan had, battling to rebuild military strength.

We in this Republican-controlled Congress have done that and continue to do that along with some other friends. If yesterday's speeches were heartfelt, and there truly is a desire among Senators across the aisle to strengthen the military, to protect those who are protecting us and to keep and help our courageous veterans, I say, with arms open wide, Welcome to the Republican agenda.

KEEPING PROMISES TO VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS. Mr. Speaker, for the past 14 years, I have had the privilege of representing the largest U.S. Army installation in the world, Fort Hood, an installation that has sent over 40,000 brave American soldiers to fight in Iraq. That is why I am so deeply offended and shocked that the Under Secretary of Defense in this administration, the Under Secretary of Defense for personnel and readiness, Dr. Chu, was quoted in today's Wall Street Journal as saying, in reference to programs funding military retirees and veterans, "The amounts have gotten to the point where they are hurtful. They are taking away from the Nation's ability to defend itself."

I am appalled, Mr. Speaker, and I believe veterans and military retirees all across this country have a right to be offended that the Under Secretary of Defense in this administration would say that the very men and women who risk their lives and sacrifice greatly to defend our Nation are responsible for hurting our Nation's ability "to defend itself." It is a wrong statement.

The truth is that veterans have kept their promises to our Nation and now our Nation has a moral obligation to keep its promises to those who have served our Nation in uniform. The truth is, Mr. Speaker, that respecting the sacrifices of our veterans in responsible ways with quality health care and decent benefits is not only the right thing to do, because our veterans have earned those benefits, it is the smart thing to do.

As someone who has represented 40,000 soldiers over the last 14 years, I can tell you that when we break our promises to yesterday's service men and women we call veterans, today's service men and women are going to pay attention. The fact is, in a voluntary military force, we cannot bring the best and brightest into our military if we do not keep our promises made to our veterans.

My good colleague and friend from Texas, the previous speaker, talked about the 58 percent increase in veterans funding during this administration. That is part of the facts. The rest of the story is that much of those increases came from the leadership of Democrats and Republicans here in this Congress. The fact is that over the last couple of years we have added well over $1 billion, now approaching $2 billion in funding for veterans health care that the administration did not ask for.

The fact is that we are spending too little, not too much on our veterans and military retirees. The truth is that last year's budget for veterans health care did not even keep up with inflation. So, in effect, we had a real cut in veterans health care spending during a time of war. What happened to the principle of shared sacrifice during a time of war?

I find it outrageous and offensive that Secretary Chu blamed veterans for trying to undermine our Nation's security, when just as easily this administration, along with Dr. Chu, could suggest perhaps we reduce a little bit of that $124,000-a-year tax break that the administration and the Republicans in Congress have given to people in America making over $1 million a year.

Maybe before we start blaming military widows for undermining our Nation's security, maybe before Dr. Chu starts criticizing veterans and military retirees who risked their lives in Vietnam and Iraq, Korea, Iwo Jima and Normandy, maybe they should look at their own policies that have provided tax breaks for Members of Congress, tax breaks for people making over $1 million a year that, in my opinion, make a farce out of the quintessential American value and principle of shared sacrifice during a time of war.

I would hope Dr. Chu will quickly retract his outrageous attack on our Nation's finest, those men and women who have served our country so admirably in uniform.

□ 2015

Mr. Speaker, I would hope that the administration before the sun sets another day will say that Dr. Chu's statement does not reflect administration policy. I hope that the Republican leadership in the House joins with me in a bipartisan effort to criticize this outrageous and wrong attack on America's military veterans and retirees.

The fact is we should be saluting our veterans, especially during a time of war, not criticizing and attacking them. The fact is that we spend much too little in keeping our promises to our servicemen and women who have retired, not too much.

I hope we can see this kind of statement relegated to the back pages of mistakes made by administration officials. Together the leadership of this House should fight for veterans benefits in the months ahead, although I would say, Mr. Speaker, I am concerned that the House leadership recently fired rather than saluted the Republican chairman of the Committee on Veterans' Affairs in the House because he had stood up for veterans. Our veterans have stood up for us, let us stand up for them.

ONGOING WAR IN IRAQ

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Massachusetts (Mr. MEEHAN) is recognized for 60 minutes as the designee of the minority leader.

Mr. MEEHAN. Mr. Speaker, tonight I would like to address the most urgent issue facing our Nation today, the ongoing war in Iraq.

I recently returned from a congressional delegation trip to Iraq with the gentleman from New Jersey (Mr. SAXTON) and several of our colleagues on the House Committee on Armed Services. Meeting with our servicemen and women in Iraq made me appreciate their service and their courage even more. My trip also reinforced my conviction that America needs an exit strategy from Iraq, and that is what I would like to discuss tonight.

It has been nearly 2 years since we invaded Iraq and removed one of the world's most brutal regimes; but 2 years later, America's Armed Forces are confronting a far more resilient enemy, a growing insurgency that has plunged Iraq into violence and chaos.

The elections are drawing closer. The peace and stability seem to be moving further and further away. How we got to this point in time has been the subject of an extensive debate. How did our intelligence fail us so badly about Iraq's weapons of mass destruction? Was that intelligence deliberately manipulated by the administration in order to rush to war? Why did the Bush administration not give the U.N. inspectors more time to conduct their inspections, and how did we allow so much chaos to grow out of Saddam Hussein's downfall? And why did we not have a better plan to secure the peace?

Many of us have strong views about these issues, and many of us have been quite vocal in expressing them. Unfortunately, when there is a hotly contested Presidential campaign, the national debate often descends into starkly partisan terms. I believe this is what happened to much of the debate about our policy in Iraq.

In Congress the bipartisanship was lacking, and partisanship was especially bad. Most Republicans saw it as their responsibility to defend the President's policies, however flawed. Many Democrats viewed their role as questioning and criticizing all that went wrong without necessarily offering policy alternatives. The result has been a failure to forge bipartisan consensus and develop answers to the pressing questions about our involvement in Iraq. By rallying behind the administration's policy, the Republican leadership in Congress failed in its responsibility to lead, not just follow, on issues of war and peace. At the same time, many Democrats who opposed the war from the beginning have spent more energy lamenting the past than thinking about solutions for the future.

A substantive, nonpartisan reassessment of America's goals and options in Iraq is long overdue. The time has come for us to change our focus from the missteps of the past to the challenge that confronts us in the immediate future.

When I visited with our soldiers on the front lines, they were not focused on the mistakes of last year, they were concerned about what we are doing today and tomorrow. Now more than ever, with our current policy going nowhere, America needs to form a bipartisan consensus behind a strategy, a responsible strategy, in Iraq.

Today I challenge my colleagues in Congress to work together to develop answers to the most urgent question facing our country today: How can the United States put Iraq on a path toward self-sufficiency and begin to bring our troops home in a way that advances our strategic interests? We owe it to the American people and we owe it to the brave men and women who are putting their lives on the line every day.

All of us in Congress have met with the family of guardsmen and reservists whose deployments have been extended. We have spoken to too many mothers of soldiers and attended too many funerals to leave these fundamental questions unanswered. We must stop looking backward and thinking defensively. We must start looking forward and developing proactive ideas about the next steps in Iraq.

It is clear that the administration has no endgame in sight. It is time for Congress to reassert its role in foreign policy and take the lead on providing an exit strategy in Iraq.

The first step in Iraq to any exit strategy is an honest assessment of the facts on the ground there. It is time to take the rose-tinted glasses off and put aside our partisan hostilities and start with the basics: What is going well, and what is not? What is still possible in Iraq, and how do we get there?

In search of answers to these questions, I returned to Iraq earlier this month. The last time I was in Iraq was August 2003, 4 months after the fall of Baghdad. Iraq was hardly a safe place then, but we were able to walk the streets and talk with average Iraqis, something I had hoped to do this time. Unfortunately, the threat of violence was simply too high. Baghdad is still a war zone.

My colleagues and I traveled in heavily armed military convoys, zigzagging through the streets to avoid ambushes. In Iraq today the expectation is that any American or anyone associated with the Americans will be attacked.

The United States has spent more than $150 billion on military operations in Iraq, with another $80 billion that the administration is going to request from this House next month in a new supplemental budget. We have maintained between 100,000 and 150,000 troops for 2 years. The Army's current plan is to maintain that level until at least 2007.

Over the past year, America has sent more soldiers and more money to Iraq, but we have seen more violence. As Iraq prepares to hold elections 5 days from now, the violence is worse than it has ever been. All of us hope that the elections will proceed peacefully and safely with maximum participation, but we should be realistic that regardless of who votes or who wins, the insurgency will continue.

When Saddam was captured, we hoped the insurgents would give up. When we transferred sovereignty, we hoped that the violence would end. And when we routed the insurgents in Fallujah, we hoped it would break their backs. But with each milestone, the insurgency has come back stronger and more deadly. Attacks on U.S. forces have grown steadily both in frequency and sophistication. Attacks on Iraqi security forces, civilians and the infrastructure are also on the rise. Coalition forces have been killing and capturing 1,000 to 3,000 insurgents every month for more than a year. But over that same time, the insurgency has quadrupled its ranks from at least 5,000 insurgents to at least 20,000 insurgents in that same amount of time.

More troubling is a network of Iraqi civilians, 200,000 by some estimates, who offer both active and passive support, arms, materiel, sanctuary, and, most important, intelligence. It is often better intelligence than what our own forces have.

It is time to accept one of the basic assumptions held by the Bush administration, and many of its critics, no longer applies: More troops do not mean more security in Iraq. Despite 150,000 boots on the ground and tactical victories in Fallujah and elsewhere, the insurgency is only growing in size and lethal capacity. It may have been possible at one point in time to pacify Iraq with an overwhelming American force. Had we gone in with 700,000 troops like General Shinseki said we needed, perhaps the insurgency would not have developed. We will never know for sure. But whatever chance we had is now gone.

Ramping up our troop presence now will not turn the tables in Iraq, and it will probably make the situation worse. The undeniable fact is that the insurgency is being fueled by the very presence of the American military. Back in July of 2003, General John Abizaid called Iraq a "classic guerrilla war," but we have continued to wage war as if we were fighting a conventional army.

The result has been the "center of gravity" of any counterinsurgency, the civilian population, has moved further and further away from us. The growing hostility is palpable in Iraq. It is measured by polls taken of Iraqis by our own government and our own State Department. In November 2003, only 11 percent of Iraqis said they would feel safer if coalition forces left; 6 months later, 55 percent did. In the most recent poll that asked the question, 2 percent viewed the United States as liberators, and 92 percent viewed the United States as occupiers.

Iraqis have grown tired of an occupation that has provided them neither security nor meaningful sovereignty. Iraqis were apprehensive of America's intentions to begin with, and every time President Bush signals our forces will remain in Iraq "for as long as it takes," it reconfirms their suspicion that we intend a permanent presence. Every time Iraqi citizens see a Bradley fighting vehicle rolling through their streets or a Black Hawk helicopter overhead, it undermines our assertion that Iraq is already sovereign. Every time Iraqi bystanders are killed in coalition actions, it further erodes the goodwill we earned by ridding them of Saddam Hussein.

And even when innocent Iraqis are murdered by insurgents, the United States is blamed for failing to provide security. If the world's most potent Army cannot make the streets safe, Iraqis are asking, what is it that they are really here for?

So the first step in achieving stability in Iraq is recognizing that the United States presence there has become inherently destabilizing. We also need to recognize the fact that for the most part we are fighting not foreign terrorists or former regime loyalists, but indigenous factions within Iraq who have united against us.

It is a native insurgency, fueled by a combination of volatile ingredients: a population of 25 million, 5 million of them Sunnis, with a median age of 19 years old; a jobless rate of 30 to 40 percent with pockets of extreme unemployment; 400,000 skilled and experienced army soldiers dispersed throughout the country with their weapons but without their salaries or pensions; 4,000 shoulder-fired missiles left over from the old regime; and 250,000 tons of unsecured explosives.

☐ 2030

The insurgency's size and strength are unlikely to decrease any time soon. Attempting to kill or capture every last insurgent is an impossible task. And as long as that is the thrust of our strategy, we will continue along a downward spiral.

Confronted with a growing native insurgency, America is left with three options, and two of them are not really options at all. The first one is to withdraw immediately. Given the current state of Iraqi security forces, we cannot cut and run. This option is a nonstarter. Even if you believe that the United States should never have entered Iraq, it does not follow that we should leave now. The chaos that would result would be much worse than the vacuum of authority left by the downfall of Saddam, and the humanitarian consequences could be even greater.

From a strategic standpoint, immediate withdrawal undermines America's credibility and destabilizes the entire region. The second option is to stay on the same path, as the President says, for as long as it takes. I believe that this course of action would only cause the problem to grow worse. As of May of 2003, the administration was predicting that only 30,000 troops would remain in Iraq by the fall of that year. Twenty months later, five times that many remain. The most compelling reason not to continue down the same path is that the occupation has become counterproductive to stability and progress in Iraq. With United States forces serving as a focal point for tensions and violence, factions within Iraq have turned against us when they should be confronting each other peacefully in setting up a new Iraqi Government. The indefinite U.S. presence is forestalling the political compromises that are ultimately necessary to end the violence in Iraq.

I am proposing a third option, an option that Prime Minister Alawi and President Bush announce a timetable for a phased drawdown of U.S. forces in Iraq. This could be done in concert either with Prime Minister Alawi in Iraq with President Bush or with the new Prime Minister who will be elected after these elections. Changing the dynamic in Iraq means handing the security of the Iraqi people back to the Iraqis and bringing an end to the occupation. Under this proposal, the United States would draw down the majority of our forces by the end of this year. Only a small and mobile force would remain by mid-2006, 2 years after the transfer of sovereignty.

Announcing a timetable for a phased-in withdrawal over the next 12 to 18 months will change the underlying dynamic in Iraq in several ways. First, it would help win the support of the Iraqi people for a political process and a government untainted by the appearance that the United States controls them. Second, announcing a drawdown would splinter insurgent groups who have set aside their own differences in order to unite against the United States. Foreign jihadists, Sunni nationalists, and Shiite extremists have little in common except their opposition to the United States' presence in Iraq.

Third, a timetable for withdrawal would encourage the Iraqi Government and the factions within Iraq to deal with each other rather than relying on American troops to make the sacrifices. A withdrawal could be structured in such a way as to create incentives for violent factions within Iraq to come to the negotiating table rather than engaging in armed insurrection.

Fourth, renouncing any long-term presence in Iraq would enhance America's legitimacy throughout the world. It would be the first step in putting the division that we have had with our allies behind us so we can focus on the war on terror. Fifth, the central political question in Iraq is not whether the United States should leave, but how soon. The politics in Iraq are such that the incoming government, no matter who is elected, will demand that the United States withdraw as soon as it is confident of its own survival. The fact that 70 to 80 percent of the Iraqi people do not want us there makes it clear, if elections determine who is in power in Iraq, whoever is elected Prime Minister will want to work with the United States to set up a timetable for a withdrawal.

Finally, a timetable for withdrawal would be that light at the end of the tunnel for our military which has been severely overstretched and unfairly deployed. While in Iraq, I met with many of our soldiers and Marines. Their spirits are high. Morale is strong. They are prepared for any mission. But they and their families want a reasonable expectation of when this mission will end. From a standpoint of readiness, a phased drawdown in Iraq would forestall what could otherwise soon become a recruiting and retention crisis in the Armed Forces.

We can withdraw the vast majority of our forces in Iraq by the end of this year under a realistic plan. This is not a cut and run strategy, but a phased drawdown that would leave a small, mobile and low-profile U.S. presence in Iraq for a reasonable time frame in agreement with the new Iraqi Government. This smaller contingent of approximately 30,000 troops could continue to fill specialty roles, such as training Iraqi forces and engaging in quick strikes against insurgent or terrorist infrastructures that minimize the risk of civilian casualties. A smaller, more remote presence would not patrol Iraqi cities or streets, but it would be enough to prevent outbreaks of civil warfare.

Two factors will allow Iraq to move forward while our troops come home. First, our highest priority must be on training high-quality Iraqi security forces. It must be our number one priority. For too long, the Bush administration assumed that Americans would bear an indefinite burden of security in Iraq. But lasting security can only be provided by Iraqis. In the words of President Bush, ultimately the success in Iraq is going to be the willingness of the Iraqi citizens to fight for their own freedom. With the United States providing an open-ended guarantee for security, there is little urgency for Iraqis opposed to the insurgency to take charge and to fight it.

In addition, the training program was set back for months by a focus on quantity over quality. A couple weeks' training is clearly not enough. One of the reasons why there were problems with our policy on training in the beginning was that we would train Iraqi soldiers for 2 weeks and then send them out into battle and oftentimes many of those Iraqi soldiers when faced with the violence of an insurgency would run away or, in some instances, join the insurgency.

While I was in Iraq, I met with General Petraeus and surveyed the training of Iraqi security forces. General Petraeus gets it. He knows that to fight a sophisticated insurgency, these Iraqis will need to be highly skilled. Despite the rocky start, the training program is moving forward. I believe 12 to 18 months is enough time to train Iraqi security forces with the skills they will need to confront the insurgency.

As important as training Iraqi security forces is, creating jobs for Iraqis is also important. It is outrageous that of the $22 billion that Congress has committed to Iraq reconstruction, only $4 billion has actually been spent. And a huge percentage of that $4 billion has gone to provide security for foreign contractors. When General Petraeus took the 101st Airborne into Mosul, he used riches from Saddam's palaces to keep Iraqi soldiers on the payroll. He invested in local reconstruction projects that put people to work immediately. It was one of the reasons that Mosul was relatively quiet for so long. It may not be a model of free market capitalism, but it is a model for success in a country that is desperate for jobs. It is worth replicating. As the United States begins to reduce our military involvement in Iraq, our investment in Iraq's reconstruction must endure.

Last week. President Bush spoke eloquently about America's special responsibility to spread freedom around the globe, but his inaugural address did not include a single mention of the actual war we are fighting. the war that 150,000 of our servicemen and -women are fighting every day in one of the most volatile and violent places on Earth. In the realm of rhetoric and abstraction, President Bush has clearly defined ideas about the struggle for human freedom, but his policy for Iraq has not yet included a clear path for when or how we will leave.

Our national conversation about Iraq needs more realism. It needs more focus on the future rather than on the past. We need to refocus on our original goal. a stable Iraq that does not threaten its neighbors, develop weapons of mass destruction, export terrorism. or terrorize and murder its own people. Hard experience and tragedy have taught us that prolonged military occupation in Iraq will not end the insurgency. will not stabilize Iraq or bring us closer to our strategic goals. It will only cause more casualties and more hatred toward America within Iraq and beyond. Iraqis want freedom. and they also want control over their daily lives and their country's future. The best hopes for a stable. peaceful Iraq are achieved by making it clear to the Iraqis that the occupation is not indefinite and that soon they will bear the burden of creating a responsible. democratic state.

Iraq's political development is occurring on a clearly defined timetable. Elections will be held this Sunday: a constitution drafted by August 15; an election to ratify that constitution by October 15; new elections by December of this year; and a permanent government in place by the end of December. Iraq needs a similar timetable for taking responsibility for its own security. By laying out a timetable for a phased-down withdrawal. the United States sends a clear message to Iraqis, and all citizens of the world. that we believe Iraq is capable of governing itself and making decisions about its future.

The removal of Saddam Hussein was a victory for the United States. but lasting success in Iraq will not be achieved until the country is stable and American soldiers have the opportunity to come home and be with their families. I believe adopting a strategy of phased-down withdrawal is the only course of action for the United States. and I would hope that the Members of the Congress of the United States would engage in this very important policy issue and have an influence on the direction this country takes in the weeks and months ahead.

CHALLENGES TO OUR FREEDOMS AND RIGHTS HERE AT HOME

The SPEAKER pro tempore (Mr. MIKE ROGERS of Alabama). Under the Speaker's announced policy of January 4, 2005, the gentleman from Louisiana (Mr. JINDAL) is recognized for 60 minutes as the designee of the majority leader.

Mr. JINDAL. Mr. Speaker, this month. this year started off as potentially a great month. a great year for democracy and for freedom. The President gave a soaring speech about spreading freedom and liberty across the world. We have elections coming for the first time to the people of Iraq.

Yet even despite this optimism and this hope. there are also serious challenges to our freedoms and our rights right here at home. Tonight I want to speak about both those opportunities and those challenges. We have got opportunity in Iraq with free elections. We have got threats here at home with frivolous lawsuits threatening our freedoms. threatening our way of life. We have got threats here at home with recent IRS rulings and decisions threatening the ability of homeowners to keep their homes, to live in their homes. Finally. we have threats here at home threatening the ability of people across the wonderful State of California from enjoying the great oysters from my home State of Louisiana.

Just today, I want to start first with the threat of frivolous lawsuits and the threat that poses to our way of life. In today's news, we find that a Federal appellate court has reinstated a lawsuit against the McDonald's restaurant. against the McDonald's chain. For those of you not familiar with this lawsuit. it was brought in New York by a family claiming that McDonald's restaurant should be responsible for the fact that their children have eaten too much of McDonald's food.

□ 2045

I am a parent. I have got two beautiful young children, a 3-year-old girl and a little 9-month-old boy. My little 3-year-old girl enjoys McDonald's. She likes eating out. She likes the playground as much as the food. And it is my job, it is her mother's job, it is both of our jobs to make sure that our daughter eats a balanced meal. We would never in a million years think of blaming another. think of bringing a lawsuit against a restaurant for the fact that our daughter eats too many chicken McNuggets or too many French fries.

In my mind this is just one more example of frivolous lawsuits, one more example of how frivolous lawsuits can actually erode our freedoms, our liberties. our economic rights. If this lawsuit in particular and frivolous lawsuits in general are allowed to stand. I fear that we will not have freedoms that we take for granted. the freedoms to go our favorite restaurants, the freedoms to open and operate small businesses, the freedoms to earn a living.

In today's newspaper as well, from today's Wall Street Journal. I want to share with this House. all the way from Europe and Ireland they talk about curbing the "American disease." I put that in quotes. "American disease." They are not talking about our agricultural products. They are not talking about some kind of new biological threat. They are talking about personal injury lawsuits. Today in the Wall Street Journal, on the front page of the B section, they talk about the fact that litigation has been booming in Europe. Indeed, the nickname in some circles is the "American disease." They talk about a restaurant owner, Pat McDonagh, who is worried about the fact that American-style lawsuits are coming to Ireland. In his restaurant he actually videotaped an adolescent customer pouring water on the floor in the restroom in one of his restaurants so that he could pretend to fall and sue the restaurant owner.

In Ireland they have put in place several reforms. They have put in place a mandatory arbitration panel without involving lawyers. where plaintiffs and defendants can go and argue their case. Both of them still maintain the right to go to court after this arbitration panel. But already despite the fact they have got one of the highest concentrations of attorneys per people. already with some of these reforms, they are beginning to see real results.

In Europe, again quoting from the Wall Street Journal. they said the Republic of Ireland was the Texas of Europe in terms of litigation before the new reforms. The Republic of Ireland was the Texas of Europe. I do not think this is an export we want to become known for. I do not think we want to brag about the fact we are exporting our legal system. our lawsuits to other corners of the world.

In Ireland the number of personal injury claims dropped 20 percent, 20 percent, this year after they adopted these reforms. Liability insurance rates for both government and private employers also dropped 40 percent last year alone. Auto insurance premiums are back to where they were in 1999. It is not just Ireland. The UK has also introduced reforms to cut down the cost of litigation in civil claims courts. In France they are trying to slow down the runaway costs of medical malpractice insurance.

Going back to Mr. McDonagh, going back to Ireland, not only did he see an adolescent stage a fall, he also saw a young pregnant woman with her husband also apparently stage a fall in his restaurant. That adolescent tried to file a 38.000 pound claim. When Mr. McDonagh went public with his evidence. went public with the proof that he had. not only was the adolescent reprimanded but many claims suddenly disappeared. After this video, after these reforms, they have seen the total liability claims, which in Ireland had been climbing at a rate of over 50 percent for the previous 3 years, finally begin to slow down. Insurance rates had tripled in 3 years, and finally they are beginning to see some relief. In Ireland legal fees and related costs account for almost half, 46 percent, of the awards in settlements. So this is money that is not even going to legitimately injured customers.

The moral of this story: one, when Ireland adopted commonsense reforms, they saw insurance rates drop. They saw the number of claims being filed drop. They saw legal fees dropping. What we can learn from this case is with commonsense reforms, we can restore Americans' trust in our legal system. We can also make sure that we are not known across the world for exporting our legal system.

I am proud of the fact that the administration is introducing three commonsense reforms to reform our legal system, first, in the medical liability area; second, in the class action lawsuit reform area; and, third, in asbestos litigation.

First, let us start off talking a little bit about the need for reforms in class action lawsuits. These are an important part of our legal system. However, when they are abused, they truly harm not only the injured parties; they undermine our country's faith in our entire judicial system. When we look at the reforms that are being offered, first we need to understand the problems that we face. Right now the cost of litigation per person in the United States is far higher than in any other major industrialized nation. Let me repeat that. The cost of litigation per person in United States is far higher than any other industrialized nation. That is an important fact. These are countries we have to compete with economically. And as long as the cost of lawsuits and defending those lawsuits are higher here, that is like a hidden tax on every worker, on every consumer right here in America.

Lawsuit costs have risen substantially over the past several decades. A large portion of these costs are going to lawyers' fees, transaction costs, never even reaching injured parties. Small businesses spend on average about $150,000 per year on litigation expenses alone. Looking at the medical liability area alone, we could save billions of dollars for American taxpayers. We could lower the cost of health care by billions of dollars just by adopting commonsense reforms.

These are the kinds of reforms that were adopted in my home State of Louisiana, adopted in California decades ago through Democratic legislatures, through bipartisan majorities. These are the kinds of reforms that can restore not only some sensibility to our legal system, save our taxpayers, save our health care patients billions of dollars. They can also make sure that injured patients are truly being compensated for their injuries. Frivolous lawsuits, excessive jury awards, are driving many health care providers out of communities, forcing doctors to practice overly defensive medicine.

In the neighboring State, in Mississippi, last year alone, they had a health care crisis. Many towns, many communities could not find doctors willing to deliver babies because of the malpractice crisis right next door. They literally had doctors threatening to move across the border into Louisiana, setting up clinics and hospitals across the border to treat patients from Mississippi. Fortunately, they have taken some steps to reform their legal system. We still have a health care system in crisis. We still have many communities that do not have health care providers. Even those communities with health care providers often have to charge higher insurance premiums, higher health care costs thanks to frivolous lawsuits.

The President has proposed a very sensible plan. He allows unlimited compensation for true economic losses. He allows recoveries for noneconomic damages up to a reasonable amount. He allows punitive damages for the worst cases. He also makes sure that old cases cannot be brought to court several years after they have actually taken place. And, finally, he makes sure that defendants only pay judgments in proportion to their actual fault. If we listen carefully, patients will be able to collect their noneconomic damages; they would be able to collect reasonable punitive damages in the worst cases. We would make sure that defendants are only liable for what they caused, that we do not go searching for the deep pockets, we do not just go suing the first person we can find. We would make sure that the people that are hurt are truly compensated. At the same time we control the unnecessary costs, the frivolous lawsuits that are plaguing our health care system today.

The second reform that has been presented is truly reforming our class action system. We support class action reforms to limit the abuse of large nationwide class action cases to return justice to the truly injured parties. The current system, which is so abused, often does not benefit injured parties. It undermines our American judicial system. Often we have injured parties that receive awards with little or no value. They give us little coupons in the mail, while their attorneys receive large fees.

It makes sense to move these cases to the Federal system. And oftentimes we are involving interstate class action lawsuits. We are talking about cases that affect many citizens. We are talking about cases that involve more money, that involve interstate commerce issues. It makes sense that these cases should be heard in a Federal court. This does not alter in one way the right of a plaintiff to bring a legitimate claim to court. So in addition to protecting our physicians, protecting our health care system from frivolous lawsuits, we also need to do more to revamp our current class action system.

Finally, the third piece of tort reform, frivolous lawsuit reform, that has been proposed is fixing our asbestos litigation system. We need to help those workers that have truly been injured with a fairer system and a long-term solution. The current system leaves little or no funds to pay current and future asbestos victims. Already we have bankrupted over 74 companies. My concern is those that were truly injured, there will be no funds left for them, and in the meantime we will destroy several companies rather than truly compensating those that have been injured.

I think that the frivolous lawsuits and out-of-control legal system can pose a very serious threat to America's freedoms, can pose a very serious threat to the American Dream. We are a country of economic opportunity. We are a country where small business owners can create a better quality of life by serving their customers. We need to preserve the risk-taking, the entrepreneurial spirit that not only makes America great, makes America a beacon of hope and opportunity for people all over the world, but also makes sure that not only we but our children have jobs, make sure that their economic growth continues unabated.

These three reforms are necessary, in the medical malpractice, in the class action area, and then finally in the asbestos area, to make sure that we restore some reason to our legal system, to make sure that we truly compensate those that have been injured, those that have been injured through others' neglect, but at the same time we do not punish honest business people, we do not punish physicians trying to provide high-quality medical care, we do not engage in frivolous lawsuits, we do not perpetuate a lottery-style system.

A second topic I would like to talk about to the Members of the House today is that, now that we have talked about one of the challenges facing us here at home, I would like to talk about an opportunity abroad. And if the Members will permit me, I would like to quote from our President's inaugural address, just a few lines from that stirring speech where he talked about the hope, the freedom, the principles of democracy being spread across the world. I would like to quote from what our President said on that cold morning: "We have seen our vulnerability, and we have seen its deepest source. For as long as whole regions of the world simmer in resentment and tyranny, prone to ideologies that feed hatred and excuse murder, violence will gather and multiply in destructive power and cross the most defended borders and raise a mortal threat. There is only one force of history that can break the reign of hatred and resentment and expose the pretensions of tyrants and reward the hopes of the decent and tolerant, and that is the force of human freedom."

Our President went on to say: "We are led by events and common sense to one conclusion: the survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is an expansion of freedom in all the world."

The President then later in his remarks and as he was talking about how our national interests coincide with the basic principles upon which this country was founded, our national interests lie in promoting freedom and democracy to the peoples of the world. But he goes on to caution: "This is not primarily the task of arms, though we will defend ourselves and our friends by force of arms when necessary. Freedom, by its nature, must be chosen and defended by citizens, and sustained by the rule of law and the protection of minorities. And when the soul of a nation finally speaks, the institutions that arise may reflect customs and traditions very different from our own. America will not impose our own style of government on the unwilling. Our goal instead is to help others find their own voice, attain their own freedom, and make their own way."

As I think about the President's remarks, I think in particular of the situation in Iraq. And I want to share just one last line from the President before I talk further about what is happening in Iraq. Our President went on to say: "Some, I know, have questioned the global appeal of liberty, though this time in history, 4 decades defined by the swiftest advance of freedom ever seen, is an odd time for doubt. Americans, of all people, should never be surprised by the power of our ideals. Eventually, the call of freedom comes to every mind and every soul. We do not accept the existence of permanent tyranny because we do not accept the possibility of permanent slavery. Liberty will come to those who love it."

When I listened to those remarkable words, when I listened to the President's inaugural address, I thought what a wonderful role America has to play. It is not our job to be the policemen of the world. The President was very quick to say this is not primarily a matter of arms, but it is a matter of spreading hope and standing on the side of those fighting for freedom and democracy across the world. Not only is it the right thing to do, and it is, but it also is the best way to secure America's safety.

There is a little girl back at home in Louisiana that gets this, and before I share with the Members what she has to say, I yield to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, I rise to discuss an issue of great importance to the citizens of the Fifth District of North Carolina. We are deeply concerned about the skyrocketing costs of medical malpractice insurance because it is limiting access to quality and affordable health care all over western North Carolina, but particularly in the rural portions. The escalating cost of health care is a major concern in the fifth district.

□ 2100

Just 2 weeks ago, I held meetings with community leaders in all 12 counties in my district. The issue of the rising cost of medical insurance was raised at each and every meeting. After all, the American Medical Association has determined that North Carolina is one of 19 States in the country that is currently identified as a "crisis" State.

Due to an onslaught of frivolous lawsuits, our physicians are being forced to pay exorbitant premiums on their liability insurance. The rates have risen so high that many family practitioners and OB GYNs are being forced to retire early or simply go out of business. Doctors are refusing to deliver babies or perform surgery because they are afraid of being sued. That is especially a problem in our rural communities, where many doctors are sole practitioners.

Just as alarming, our medical school enrollments are on the decline, which will limit the health care available to our future generations.

Recently, I spent 2 days with medical professionals in my district. According to the experts in the medical community of Forsyth County, there was at least a 20 to 40 percent increase last year in medical malpractice insurance premiums. The biggest impact, again, was felt in the specialty fields like OB–GYN, emergency medicine and surgery.

What is happening across North Carolina is that doctors are no longer going into specialized fields like obstetrics. This is short-changing the people of the Fifth District, because it is limiting access to the health care specialists they need. We must remember that this is an issue that affects everyone, not just doctors.

In early 2003, with the backing of the Bush administration, the U.S. House of Representatives moved quickly to address medical liability reform by passing H.R. 5, the HEALTH Act, Help Efficient, Accessible, Low-Cost, Timely Health Care. Unfortunately, the U.S. Senate failed to pass this meaningful and important legislation. I look forward to the debate this year in the House.

Mr. Speaker, I urge my colleagues in the House and Senate to address this health care crisis. We need to enact meaningful medical malpractice reform. My priority is that the citizens of Fifth District of North Carolina and all across the Nation have continued access to quality, affordable health care.

Mr. JINDAL. Mr. Speaker, reclaiming my time, I want to thank my colleague for making the point and reiterating the point how important it is to defend our freedoms at home, even as we are fighting to defend freedoms abroad.

As I was saying, the President in his stirring inaugural remarks talked about the importance of spreading freedom across the world; not only that it is consistent with our highest ideals, our goals, our principles, but also as an effective means of defending America's freedoms here at home.

I want to share this with you. There is a little girl back in my district that understands it. The story in our local paper opens with a quote that says, "They fight for us."

"Four-year-old Katelyn Swansen is talking about her heroes, the American troops fighting overseas in Iraq. It seems like a big statement coming from a very little girl's mouth, but she says it with pride as she shows off the poster she made to send to the troops."

I am going to read a little bit from this article.

Her pre-K teacher at the local YMCA has taught not only little Katelyn, but also her 12 classmates, to know all about what it means to be an American and about the sacrifices the American troops are making in Iraq. These kids, they may not be able to say "patriotism," they may not even know what it means, but they are practicing being good Americans.

The words may seem jumbled, they may not be pronounced correctly, but when they say the Pledge of Allegiance, they say it with pride, they say it from their heart.

On a blackboard behind them, the words say, "The YMCA Supports our Troops USA," and there is a flag. And on Ms. Restivo's desk, that is the teacher, there is a small picture of her stepson, who is a private first class.

Seth Restivo is a member of the U.S. Army National Guard. He is currently deployed to Iraq. The kids have made a stack of posters to send to his unit and made handprints on the posters. The teachers wrote on these handprints, "These small hands support our troops in a big way."

A poster was also made using handprints from Seth's 4-year-old son Triston, who also attends that same YMCA childcare center in Covington.

Ms. Restivo says her son signed up to be in the National Guard when he was only 16. He is now 19. He left for boot camp as soon as he graduated from high school in May 2004. He left for Iraq a week before Christmas. He is currently in Baghdad, spending most of his time cleaning weapons. He has been deployed for 10 months.

She says it is important for her students, even though they are too young to learn about the soldiers who are fighting for their freedom, she says it is important that they know about America and about the true heroes. It is important for them to learn about what is going on for our country.

Those posters will be mailed to her stepson. I think 4-year-old Katelyn and I think her classmates truly understand what it means to be American. I think they truly understand the sacrifices being made by our brave men and women in uniform, being made overseas to defend our way of life and also to help the Iraqi people to find freedom.

On January 30th, an historic day is approaching us as, for the first time in decades, after decades of dictatorship and oppression, the Iraqi people will be finally be able in a free election to decide their own freedom.

Back in December, the International Republican Institute did a survey that showed over 67 percent of Iraqis supported going forth with the elections as scheduled, over 67 percent. According to their own independent election committee, over 7,000 candidates representing 75 political entities, 27 organizations and 9 coalitions plan to participate in the National Assembly elections, over 7,400 candidates.

These elections should reflect the will of the Iraqi people. They should lay the groundwork for the drafting of a constitution that represents the will of the Iraqi people and embraces freedom and democracy, and, finally, to result in a representative government committed to peace, stability and democracy. These are our hopes, these are our goals.

Now, can we in America guarantee what happens after these elections? Certainly there is no guarantee. But what we can know, what we can do is this: We can give the Iraqi people the best chance they have got for stability, for peace, for freedom. We can give them the best chance that entire region has by allowing these elections to proceed.

It will be up to the Iraqi people after these elections take place to decide for themselves. We are not able to impose order externally. What we are able to do is turn over, with time, turn over as quickly as we can, the responsibility for the safety back to Iraqi forces. Over 120,000 forces of varying kinds have been trained.

You have got not only the national elections, but in local elections you have got over 111 political entities that have submitted candidate lists. You have 256 political entities composed of almost 19,000 candidates registered to compete in the 20 different elections.

You see just the birth of democracy in that country. Is it perfect? No. Are there challenges? Absolutely. But what we are witnessing is an historic moment, an important moment for the Iraqi people, an important moment for that entire region.

Now, again, America cannot force its will on another country. We cannot force the Iraqi people to live in peace, or we cannot force upon them a stable democracy. What we can do by giving them these elections is give them the opportunity to take that responsibility for themselves. What we can do by transferring the responsibility of security back to trained Iraqi forces is to make sure they have the best chance for a peaceful future. That is good for the Iraqi people. That is also good, however, for the entire region and also for the American people.

I have talked today about the threats to freedom at home, I have talked about the opportunity to spread freedom across the world. I also want to talk in closing about two additional threats to freedoms right here in America, and in particular threats that impact the people of Louisiana.

The first threat I want to talk to you about concerns a bill that I am filing tomorrow. This is a bill about people, the Disaster Prevention Protection Act of 2005.

My State and many States have properties that are subject to flooding, and because of this problem, FEMA has got a program, flood mitigation grant program, that has been in place for several years. These grants have been given out in my State in particular for the last 10 years, but there has been a similar program literally in place for decades.

These grants are given to people after a disaster hits or to prevent a future disaster from hitting. They are designed to save the Federal Government money. Instead of allowing homes to flood repeatedly, the Federal Government, in partnership with local homeowners, acts to prevent the worst floods, acts to prevents the worst floods damage from happening.

The grants are 75 percent from the Federal Government, 25 percent from the private homeowner. The States work with local municipalities, so there is a State component as well. Over the last 3 years, this has benefited literally dozens, hundreds of families, in Louisiana. We are talking about approximately $8 million.

This is a program that has worked well, but here is the challenge: Eighteen months ago the IRS changed how these grants were considered. The grant is now going to be considered as income. The result is we are now forcing families in the higher tax brackets. We are talking about families who were never told these grants would be considered taxable income when they got this money in the first place. So now you have the awful situations where people may be forced to sell their homes to pay the taxes on the grants that they received to save their homes in the first place.

I think this is a tragedy, and one that would be very simple to fix. That is why tomorrow I am filing my very first piece of legislation to address this problem.

This sounds like a theoretical problem. We are talking about 500 homes. But I want to give you three specific examples to show what I am talking.

In Slidell, Louisiana, we have a family whose home was damaged again during two hurricanes, Hurricane Isadore and Hurricane Lili. It has been substantially damaged. The challenge the owner of this home has, she is eligible to receive and received one of these Federal grants. However, she has a son who is now injured and is now a paraplegic. He is going to college on a Pell grant. If she has to pay Federal income tax on her grant, not only will her son lose his grant, he may very well have to drop out of college.

I will give you a second case. We have a 67-year-old widow living in Slidell, Louisiana, in a home her husband built for her many, many years ago. Her only income is Social Security. Her home is substantially damaged, and she is actually in a rental property right now. She has saved every penny and used all of her savings to participate in the FEMA program, to come up with the matching funds, her 25 percent. Her plans are finally completed, she is ready to go back and construct and repair her home, but now she is afraid. She is afraid to start, because she cannot afford to pay the taxes.

Her house has been sitting empty for 2 years in substantially damaged condition. It continues to deteriorate. If she is not allowed to participate in this program, she will have to sell her home to pay the taxes on the grant. She will lose the home that her husband built for her.

Finally, a third example. We have a family of five whose home was declared substantially damaged, again after Hurricanes Isadore and Lili. The primary homeowner is now disabled, and they are now also in a rental unit. One of their children is receiving a Pell grant for college.

If they are forced to pay Federal taxes on their grant, not only will they lose their Pell grant, they are looking at not only the loss of their home, but they are worried they may have to file for bankruptcy protection.

To me, this is the worst kind of tragedy. We are adding insult to injury. We are talking about families that have already been hurt through a natural disaster. We as the Federal Government have tried to help them recover and to avoid future losses.

To come in now, after the fact, to try to impose an income tax after the fact I think does serious harm not only to their personal finances, but to their liberties, their ability to live in their own homes, to own their own homes. For their sake and for the sake of many families that may find themselves in a similar situation, I hope this House will pass this legislation.

Finally, the final threat to our freedoms at home that I would like to talk about today, we in Louisiana are proud of the fact that we are home to some of the world's finest seafood. I know many people in this House and across the country watching tonight have enjoyed our shrimp, have enjoyed crawfish. You have probably also enjoyed our oysters.

This week we are celebrating in Washington Mardi Gras. Many people will be eating Louisiana's fine oysters this week. To this House, I want to make sure that we free the American people, we allow the good people of the Great State of California to enjoy the freedom of also partaking in Louisiana's oysters. I call upon the good Governor of California to lift the ban and allow Louisiana's oysters to be consumed in California so they might not be deprived of this valuable commodity.

It has been my privilege, Mr. Speaker, to address this House, to talk about the opportunities to spread democracy and freedom across the world; the excitement of watching the Iraqi people participate in their first free election in decades. A perfect election, no; an historic election, yes; and one filled with great promise and potential for the future.

I have also talked today about the threats we face to our future right here at home, through frivolous lawsuits, what we can do to address that. Just today we found out that McDonald's is yet again going to court to defend itself from the claims of a family who ate too much McDonald's food and now wants to blame the restaurant.

We also heard from my colleague today from North Carolina, also talking about the threat of frivolous lawsuits and the threat that we may lose doctors in our most underserved communities.

We also talked about the threat to that most important property right in America, the right to own one's home, posed by a recent IRS ruling.

And finally, not to trivialize it, but finally the threat being faced by those communities who may not have access to Louisiana's fine seafood.

CORRECTION TO THE CONGRESSIONAL RECORD OF THURSDAY, JANUARY 20, 2005, AT PAGE 267

OMISSION FROM THE CONGRESSIONAL RECORD OF THURSDAY JANUARY 6, 2005, AT PAGE 243

The tellers delivered to the President of the Senate the following statement of results.

JOINT SESSION OF CONGRESS FOR THE COUNTING OF THE ELECTORAL VOTES FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES, OFFICIAL TALLY

The undersigned, TRENT LOTT and TIM JOHNSON, tellers on the part of the Senate, ROBERT W. NEY and JOHN B. LARSON of Connecticut, tellers on the part of the House of Representatives, report the following as the result of the ascertainment and counting of the electoral vote for President and Vice President of the United States for the term beginning on the Twentieth day of January, two thousand and five.

Electoral votes of each State	For President			For Vice President	
	George W. Bush	John F. Kerry	John Edwards	Dick Cheney	John Edwards
Alabama—9	9	....	....	9	....
Alaska—3	3	....	....	3	....
Arizona—10	10	....	....	10	....
Arkansas—6	6	....	....	6	....
California—55	....	55	....	....	55
Colorado—9	9	....	....	9	....
Connecticut—7	....	7	....	....	7
Delaware—3	....	3	....	....	3
District of Columbia—3	....	3	....	....	3
Florida—27	27	....	....	27	....
Georgia—15	15	....	....	15	....
Hawaii—4	....	4	....	....	4
Idaho—4	4	....	....	4	....
Illinois—21	....	21	....	....	21
Indiana—11	11	....	....	11	....
Iowa—7	7	....	....	7	....
Kansas—6	6	....	....	6	....
Kentucky—8	8	....	....	8	....
Louisiana—9	9	....	....	9	....
Maine—4	....	4	....	....	4
Maryland—10	....	10	....	....	10
Massachusetts—12	....	12	....	....	12
Michigan—17	....	17	....	....	17
Minnesota—10	....	9	1	....	10
Mississippi—6	6	....	....	6	....
Missouri—11	11	....	....	11	....
Montana—3	3	....	....	3	....
Nebraska—5	5	....	....	5	....
Nevada—5	5	....	....	5	....
New Hampshire—4	....	4	....	....	4
New Jersey—15	....	15	....	....	15
New Mexico—5	5	....	....	5	....
New York—31	....	31	....	....	31
North Carolina—15	15	....	....	15	....
North Dakota—3	3	....	....	3	....
Ohio—20	20	....	....	20	....
Oklahoma—7	7	....	....	7	....
Oregon—7	....	7	....	....	7
Pennsylvania—21	....	21	....	....	21
Rhode Island—4	....	4	....	....	4
South Carolina—8	8	....	....	8	....
South Dakota—3	3	....	....	3	....
Tennessee—11	11	....	....	11	....
Texas—34	34	....	....	34	....
Utah—5	5	....	....	5	....
Vermont—3	....	3	....	....	3
Virginia—13	13	....	....	13	....
Washington—11	....	11	....	....	11
West Virginia—5	5	....	....	5	....
Wisconsin—10	....	10	....	....	10
Wyoming—3	3	....	....	3	....
Total—538	286	251	1	286	252

TRENT LOTT,
TIM JOHNSON,
Tellers on the part of the Senate.
ROBERT W. NEY,
JOHN B. LARSON,
Tellers on the part of the House of Representatives.

The state of the vote for President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for President of the United States is 538, of which a majority is 270.

George W. Bush, of the State of Texas, has received for President of the United States 286 votes;

JOHN F. KERRY, of the Commonwealth of Massachusetts, has received 251 votes;

JOHN EDWARDS, of the State of North Carolina, has received 1 vote.

The state of the vote for Vice President of the United States, as delivered to the President of the Senate, is as follows:

The whole number of the electors appointed to vote for Vice President of the United States is 538, of which a majority is 270.

DICK CHENEY, of the State of Wyoming, has received for Vice President of the United States 286 votes;

JOHN EDWARDS, of the State of North Carolina, has received 252 votes;

This announcement of the state of the vote by the President of the Senate shall be deemed a sufficient declaration of the persons elected President and Vice President of the United States, each for the term beginning on the twentieth day of January, two thousand and five and shall be entered, together with the list of the votes, on the Journals of the Senate and House of Representatives.

Note: The certificate from the State of Minnesota reflected that one elector cast ballots for JOHN EDWARDS, of the State of North Carolina, for both President and Vice President.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. BERKLEY (at the request of Ms. PELOSI) for today and January 26 on account of official business—congressional delegation to Poland.

Ms. ESHOO (at the request of Ms. PELOSI) for January 6.

Mr. ISRAEL (at the request of Ms. PELOSI) for today and January 26 on account of official business.

Mr. LANTOS (at the request of Ms. PELOSI) for today and January 26 on account of official business.

Mrs. BONO (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mr. BURTON of Indiana (at the request of Mr. DELAY) for today and January 26 on account of a family emergency.

Mr. EHLERS (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mr. FOLEY (at the request of Mr. DELAY) for today and the balance of the week on account of illness in the family.

Mr. MCCOTTER (at the request of Mr. DELAY) for today and the balance of the week on account of his leading a congressional delegation to the 60th anniversary of liberation of Auschwitz.

Mr. ROHRABACHER (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mr. WAMP (at the request of Mr. DELAY) for today on account of family reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. BLUMENAUER, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mrs. MALONEY, for 5 minutes, today.

(The following Members (at the request of Mr. GOHMERT) to revise and extend their remarks and include extraneous material:)

Mr. RAMSTAD, for 5 minutes, today.

Mr. OSBORNE, for 5 minutes, today.

Mr. MURPHY, for 5 minutes, today.

Mr. SMITH of New Jersey, for 5 minutes, today.

Mr. WOLF, for 5 minutes, January 26.

Mr. WELDON of Florida, for 5 minutes, today.

Mr. NUSSLE, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. EDWARDS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Ms. KAPTUR and to include extraneous material, notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $3,224.

ADJOURNMENT

Mr. JINDAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, January 26, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

199. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Multiple Chemicals; Extension of Tolerances for Emergency Exemptions [OPP-2004-0392; FRL-7688-6] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

200. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Bacillus pumilus GB34; Exemption from the Requirement of a Tolerance [OPP-2004-0175; FRL-7382-6] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

201. A letter from the Deputy Commandant for Installations and Logistics, USMC, Department of Defense, transmitting Notice of decision to convert the Real Property Management and Grounds Maintenance functions at Marine Corps Base, Camp Lejune, North Carolina to contractor performance, pursuant to 10 U.S.C. 2461; to the Committee on Armed Services.

202. A letter from the Assistant Secretary for Housing — Federal Housing Commissioner, Department of Housing and Urban Development, transmitting results of a study on housing needs of grandparent-headed and relative-headed families, pursuant to (117 Stat. 2691); to the Committee on Financial Services.

203. A letter from the Assistant Secretary for Housing — Federal Housing Commissioner, Department of Housing and Urban Development, transmitting the Federal Housing Administration's Annual Report On Initiatives to Address Management Deficiencies Identified in the Audit of FHA's FY 2002 and 2003 Financial Statements; to the Committee on Financial Services.

204. A letter from the Chairperson, National Council on Disability, transmitting a copy of the NCD's "National Disability Policy: A Progress Report," as required by Section 401(b)(1) of the Rehabilitation Act of 1973, as amended, covering the period from December 2002 through December 2003; to the Committee on Education and the Workforce.

205. A letter from the Corporation for Public Broadcasting, transmitting a report, entitled "Activities and Expenditures of the Independent Television Service (ITVS) for FY 2003," pursuant to 47 U.S.C. 396(k)(3)(iii)(v); to the Committee on Energy and Commerce.

206. A letter from the Corporation for Public Broadcasting, transmitting a report, entitled "Public Broadcasting and The Needs of Minority and Diverse Audiences and Public Broadcasting's Services to Minorities and Other Groups," dated December 2004, pursuant to 47 U.S.C. 396(m)(2); to the Committee on Energy and Commerce.

207. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision [Region 2 Docket No. R02-OAR-2004-NY-0001; FRL-7852-5] received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

208. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — New York: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7857-8] received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

209. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Revision to the 1-Hour Ozone Maintenance Plan for the Pittsburg-Beaver Valley Area to Reflect the Use of MOBILE6 [PA217-4232; FRL-7845-6] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

210. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans: Minnesota: Minneapolis-St. Paul Carbon Monoxide Maintenance Plan Update [R05-OAR-2004-MN-0002; FRL-7846-7] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

211. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision; 1-Hour Ozone Control Program [Region 2 Docket No. NY70-279, FRL-7845-8] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

212. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — National Emission Standards for Hazardous Air Pollutants; Delegation of Authority to Louisiana [R06-OAR-2004-LA-0001; FRL-7847-8] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

213. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — North Carolina: Final Authorization of State Hazardous Waste Management Program Revision [FRL-7847-9] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

214. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implemenation Plans; Maryland; Control of VOC Emissions from Yeast Manufacturing: Correction [MD170-3113a; FRL-7851-5] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

215. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Implementation Plans; Michigan: Oxides of Nitrogen [R05-OAR-2004-MI-0002; FRL-7849-1] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

216. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Availibility of Federally-Enforceable State Implementation Plans for All States [FRL-7852-2] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

217. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department; Revisions to the California State Implementation Plan, South Coast Air Quality Management District; Disapproval of State Implementation Plan Revisions, Monterey Bay Unified Air Pollution Control District [AZ 134-082, CA 250-0453, CA 310-0465; FRL-7847-6] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

218. A letter from the Chairman, Nuclear Waste Technical Review Board, transmitting the second report of 2004, as required by the Nuclear Waste Policy Amendments Act of 1987, Public Law 100-203, pursuant to 42 U.S.C. 10268; to the Committee on Energy and Commerce.

219. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on International Relations.

220. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report of the national emergency with respect to the Western Balkans that was declared in Executive Order 13219 of June 26, 2001; to the Committee on International Relations.

221. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation that was declared in Executive Order 13159 of June 21, 2000; to the Committee on International Relations.

222. A letter from the Secretary, Department of Labor, transmitting a report entitled "The International HIV/AIDS Workplace Program," submitted in accordance with the Conference Report of the FY 2004 Labor-HHS-Education appropriation; to the Committee on International Relations.

223. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Paragraph (5)(D) of the Senate's May 1997 resolution of advice and consent to the ratification of the Conventional Armed Forces in Europe Treaty Flank Document of May 31, 1996; to the Committee on International Relations.

224. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a Drawdown under Sections 652 and 506(a)(2) of the Foreign Assistance Act of 1961, as amended, to support the Governments of Indonesia, Thailand, Sri Lanka, India, Maldives, Malaysia, Burma, Kenya, Somalia, Tanzania, Bangladesh, and Seychelles; to the Committee on International Relations.

225. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-566, "Prevention of Premature Release of Mentally Incompentent Defendents Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

226. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-567, "Retail Natural Gas Supplier Licensing and Consumer Protection Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

227. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-577, "Anesthesiologist Assistant Licensure Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

228. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-568, "Historic Preservation Process for Public Safety Facilities Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

229. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-578, "Property Management Reform Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

230. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-569, "Public Assistance Confidentiality of Information Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

231. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-528, "Fleeing Law Enforcement Prohibition Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

232. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-529, "Alcohol Beverage Penalty Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

233. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-530, "Gallery Place Project Graphics Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

234. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-571, "Contract No. DCFJ-2004-B-0031 (Delivery of Electrical Power and Ancillary Services) Exemption Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

235. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-531, "Umemployment Compensation Pension Offset Reduction Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

236. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-572, "Distracted Driving Safety Revised Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

237. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-573, "Unclaimed Property Demutualization Proceeds Technical Correction Amendment Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

238. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-532, "Juvenile Justice Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

239. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-574, "Fiscal Year 2004 Year-End State Aid Re-Allocation Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

240. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-563, "Pedestrian Protection Right-of-Way at Crosswalks Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

241. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-575, "Unemployment Compensation Funds Appropriation Authorization Temporary Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

242. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-564, "Miscellaneous Vehicles Helmet Safety Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

243. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-576, "Housing and Community Development Reform Advisory Commission Extension Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

244. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-565, "District of Columbia Statefood Delegation Fund Commission Establishment and Tax Check-Off Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

245. A letter from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

246. A letter from the Director of Congressional Relations, Consumer Product Safety Commission, transmitting the FY 2004 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

247. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-570, "Low-Income Housing Tax Credit Fund Temporary Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

248. A letter from the Secretary, Department of Energy, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

249. A letter from the Secretary, Department of Health and Human Services, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

250. A letter from the Chief Financial Officer, Department of Housing and Urband Development, transmitting in accordance with

Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

251. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 05-01, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

252. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

253. A letter from the Secretary, Department of Veterans Affairs, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 05-01, the Department's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

254. A letter from the United States Trade Representative, Executive Office of the President, transmitting the FY 2005 Performance Plan and FY 2003 Annual Performance Report, pursuant to the requirements of the Government Performance and Results Act (GPRA); to the Committee on Government Reform.

255. A letter from the Director, Office of Management, Federal Housing Finance Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

256. A letter from the Chairman, Federal Maritime Commission, transmitting in accordance with instructions in OMB Memorandum M-05-01, the Commission's report on competitive sourcing competitions in FY 2004; to the Committee on Government Reform.

257. A letter from the Chairman, Federal Trade Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period ending September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

258. A letter from the Administrator, General Services Administration, transmitting in accordance with the Office of Management and Budget Circular A-76, the Administration's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

259. A letter from the Assistant Administrator, Office of Legislative Affairs, National Aeronautics and Space Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 05-01, the Administration's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

260. A letter from the Director, National Gallery of Art, transmitting in accordance with the Office of Management and Budget Memorandum 05-01, the Gallery's report on competitive sourcing efforts for FY 2003 and 2004; to the Committee on Government Reform.

261. A letter from the Chairman, National Mediation Board, transmitting the FY 2004 report pursuant to the Federal Managers' Financial Integrity Act, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

262. A letter from the Chairman, Nuclear Regulatory Commission, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Commission's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

263. A letter from the Acting Director, Office of Government Ethics, transmitting the annual report under the Federal Managers' Financial Integrity Act for FY 2004, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

264. A letter from the Director, Office of Personnel Management, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 05-01, the Office's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

265. A letter from the Director, Office of Personnel Management, transmitting the semiannual report on the activities of the Inspector General and the Management Response for the period of April 1, 2004 to September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform.

266. A letter from the Office of Special Counsel, transmitting the Office's FY 2004 Performance and Accountability Report; to the Committee on Government Reform.

267. A letter from the Chairman, Securities and Exchange Commission, transmitting the FY 2004 report pursuant to the Federal Managers' Financial Integrity Act of 1982, pursuant to 31 U.S.C. 3512(c)(3); to the Committee on Government Reform.

268. A letter from the Director, U.S. Trade and Development Agency, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

269. A letter from the Chief Administrative Officer, transmitting the quarterly report of receipts and expenditures of appropriations and other funds for the period October 1, 2004 through December 31, 2004 as compiled by the Chief Administrative Officer, pursuant to 2 U.S.C. 104a Public Law 88–454; (H. Doc. No. 109–7); to the Committee on House Administration and ordered to be printed.

270. A letter from the Office of the Independent Counsel, transmitting the 2004 annual report for the Office of Independent Counsel-Barrett, pursuant to 28 U.S.C. 595(a)(2); to the Committee on the Judiciary.

271. A letter from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting a report on the study to identify state laws that address discrimination against victims of domestic violence and sexual assault related to issuance or administration of insurance policies, as required by Section 1206 of the Violence Against Women Act of 2000 (VAWA 2000); to the Committee on the Judiciary.

272. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting the revocation as "foreign terrorist organization" pursuant to Section 219 of the Immigration and Nationality Act, pursuant to 8 U.S.C. 1189; to the Committee on the Judiciary.

273. A letter from the Secretary, Judicial Conference of the United States, transmitting the sixth Judicial Conference Report on the Continuing Need for Existing Bankruptcy Judgeships, pursuant to 28 U.S.C. 152(b)(2); to the Committee on the Judiciary.

274. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Bering Sea, Aleutian Islands, Unalaska Island, AK [COTP Western Alaska-04-003] (RIN: 1625-AA00) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

275. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Wantagh Parkway 3 Bridge over the Sloop Channel, Town of Hempstead, New York [CGD01-04-155] (RIN: 1625-AA00) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

276. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Indian River, Cocoa Village Mardi Gras, Cocoa, FL [COTP Jacksonville 04-134] (RIN: 1625-AA00) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

277. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Sacramento River, Sacramento, CA [CGD 11-04-053] received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

278. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulation; Boeuf River, Mason, LA [CGD08-04-032] (RIN: 1625-AA09) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

279. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Drawbridge Operation Regulations; Vermillion River, Flanders, LA. [CGD08-05-002] received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

280. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area: East Rockaway Inlet to Atlantic Beach Bridge, Nassau County, Long Island, New York [CGD01-04-152] (RIN: 1625-AA11) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

281. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Anchorage Grounds; Buzzards Bay, MA [CGD01-04-004] (RIN: 1625-AA01) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

282. A letter from the Chief, Regulations and Administrative Law, USCG, Department

of Homeland Security, transmitting the Department's final rule — Shipping and Transportation: Technical, Organizational and Conforming Amendments [USCG-2004-18884] (RIN: 1625-ZA03) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

283. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Review and Approval of Classification Societies [USCG 2004-19483] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

284. A letter from the Chief, Regulations and Administrative Law, USCG, Department of Homeland Security, transmitting the Department's final rule — Regulated Navigation Area; San Carlos Bay, FL [CGD07-04-146] (RIN: 1625-AA11) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

285. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400D Series Airplanes [Docket No. 2003-NM-217-AD: Amendment 39-13843; AD 2004-22-15] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

286. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; GROB-WERKE Model G120A Airplanes [Docket No. FAA-2004-18030; Directorate Identifier 2004-CE-13-AD; Amendment 39-13849; AD 2004-22-21] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

287. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 747-400 and -400F Series Airplanes [Docket No. FAA-2004-18728; Directorate Identifier 2003-NM-176-AD; Amendment 39-13838; AD 2004-22-10] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

288. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class E Airspace; St. Francis, KS. [Docket No. FAA-2004-18821; Airspace Docket No. 04-ACE-47] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

289. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Modification of Class D Airspace; Alamogordo, NM [Docket No. FAA-2004-19404; Airspace Docket No. 2004-ASW-13] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

290. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30428; Amdt. No. 3108] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

291. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Picture Identification Requirements [Docket No. FAA-2002-11666; Amendment No. 61-111] (RIN: 2120-AH76) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

292. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — IFR Altitudes: Miscellaneous Amendments [Docket No. 30427; Amdt. No. 451] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

293. A letter from the Secretary, Department of Transportation, transmitting a report on hauling truck weight standards for specialized hauling vehicles, pursuant to Public Law 105–175, section 1213(f) (112 Stat 202); to the Committee on Transportation and Infrastructure.

294. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30426; Amdt. No. 3107] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

295. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30425; Amdt. No. 3106] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

296. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A and SAAB 340B Series Airplanes [Docket No. FAA-2004-19001; Directorate Identifier 2004-NM-98-AD; Amendment 39-13842; AD 2004-22-14] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

297. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. FAA-2004-18787; Directorate Identifier 2003-NM-264-AD; Amendment 39-13837; AD 2004-22-09] (RIN: 2120-AA64) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

298. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures; Miscellaneous Amendments [Docket No. 30429; Amdt. 3109] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

299. A letter from the Senior Attorney Advisor, RSPA, Department of Transportation, transmitting the Department's final rule — Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage [Docket No. RSPA-98-4952(HM-223)] (RIN: 2137-AC68) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

300. A letter from the Attorney Advisor, RSPA, Department of Transportation, transmitting the Department's final rule — Hazardous Materials; Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft [Docket No. RSPA-04-19886(HM-224E)] (RIN: 2137-AE05) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

301. A letter from the Regulations Officer, FHWA, Department of Transportation, transmitting the Department's final rule — National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways: Specific Service and General Service Signing for 24-Hour Pharmacies [FHWA Docket No. FHWA-2004-17321] (RIN: 2125-AF02) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

302. A letter from the Trial Attorney, FRA, Department of Transportation, transmitting the Department's final rule — Reflectorization of Rail Freight Rolling Stock [Docket No. FRA-1999-6689, Notice No. 4] (RIN: 2130-AB41) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

303. A letter from the Senior Attorney — RSPA, Department of Transportation, transmitting the Department's final rule — Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instruments [Docket No. RSPA-04-17036 (HM-215G)] (RIN: 2137-AD92) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

304. A letter from the Administrator, Environmental Protection Agency, transmitting a report entitled "The Incidence and Severity of Sediment Contamination in Surface Waters of the United States, National Sediment Quality Survey," Second Edition, pursuant to Public Law 102-580, section 503(a)(2), (b)(2) (106 Stat. 4866); to the Committee on Transportation and Infrastructure.

305. A letter from the Chairman, Federal Maritime Commission, transmitting the Commission's final rule — Non-Vessel-Operating Common Carrier Service Arrangements [Docket No. 04-12] (RIN: 3072-AC30) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

306. A letter from the Chief, Regulations & Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting the Department's final rule — Flavored Malt Beverage and Related Regulatory Amendments (2002R-044P) [TTB T.D.-21; Re: TTB Notice No. 4] (RIN: 1513-AA12) received January 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

307. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a semi-annual report concerning emigration laws and policies of Armenia, Azerbaijan, Kazakhstan, Moldova, the Russian Federation, Tajikistan, Ukraine, and Uzbekistan, as required by Sections 402 and 409 of the 1974 Trade Act, as amended; to the Committee on Ways and Means.

308. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Coordinated Issue All Industries: Notional Principal Contracts -- received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

309. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Suspension of Interest and Certain Penalties Where Secretary Fails to Contact Taxpayer (Rev. Rul. 2005-4) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

310. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Low-Income Housing Credit (Rev. Rul. 2005-1) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

311. A letter from the Acting Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Notice: Securities Exchanges under Section 367(a) [Notice 2005-6] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

312. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2005-9] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

313. A letter from the Assistant Secretary for Civil Rights, Department of Education, transmitting the Department's report entitled "Annual Report to Congress" for fiscal year 2003: jointly to the Committees on Education and the Workforce and the Judiciary.

314. A letter from the Regulations Coordinator, Office of Inspector General, Department of Health and Human Services, transmitting the Department's final rule — Medicare and State Health Care Programs; Fraud and Abuse: OIG Civil Money Penalties Under the Medicare Prescription Drug Discount Card Program (RIN: 0991-AB30) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Energy and Commerce and Ways and Means.

315. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Certification to the Congress for Venezuela, and a modification to the 2004 Certification to Congress relating to Trinidad and Tobago and Panama, pursuant to Public Law 101–162, section 609(b)(2) (103 Sat. 1038); jointly to the Committees on Resources and Appropriations.

316. A letter from the Regulations Coordinator, Centers for Medicare & Medicaid, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Modification to Managed Care Rules [CMS-4041-IFC] (RIN: 0938-AK71) received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

317. A letter from the Medicare Payment Advisory Commission, transmitting A report on the study on the feasibility and advisability of allowing Medicare fee-for-service beneficiaries to have "direct access" to outpatient physical therapy services and comprehensive rehabilitation facility services, pursuant to 42 U.S.C. 1395n note Public Law 108-173, section 647(b); jointly to the Committees on Ways and Means and Energy and Commerce.

318. A letter from the Medicare Payment Advisory Commission, transmitting a report on the study of the payment for thoracic and cardiac surgeons, pursuant to 42 U.S.C. 1395w–4 note Public Law 108–173, section 644(b); jointly to the Committees on Ways and Means and Energy and Commerce.

319. A letter from the Medicare Payment Advisory Commission, transmitting A report on the study of coverage of surgical first assisting services of certified registered nurse first assistants, pursuant to 42 U.S.C. 1395x note Public Law 108–173, section 643(b); jointly to the Committees on Ways and Means and Energy and Commerce.

320. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a two-part report to the Congress on various conditions in Bosnia and Herzegovina. Part I responds to the requirements of section 7(b) of Pub. L. 105-174 (1998 Supplemental Appropriations and Rescissions Act) and outlines the latest developments in our continuing efforts to achieve a sustainable peace in Bosnia and Herzegovina. Part II responds to the supplementary reporting requirements contained in section 1203(a) of Pub. L. 105-261 (Strom Thurmond National Defense Authorization Act for FY 1999), covering the period from July through December, 2004; jointly to the Committees on International Relations, Armed Services, and Appropriations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SESSIONS: Committee on Rules. House Resolution 42. Resolution providing for consideration of the bill (H.R. 54) to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes (Rept. 109–1). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. LANTOS (for himself, Ms. PELOSI, Mr. GEORGE MILLER of California, Ms. LEE, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. STARK, Ms. WOOLSEY, and Mr. HONDA):

H.R. 296. A bill to adjust the boundary of the Rancho Corral de Tierra Golden Gate National Recreation Area; to the Committee on Resources.

By Mr. RAHALL (for himself and Mr. WHITFIELD):

H.R. 297. A bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros; to the Committee on Resources.

By Mr. RAHALL (for himself and Mr. POMBO):

H.R. 298. A bill to require the Secretary of the Interior to provide public access to Farallon National Wildlife Refuge, Navassa National Wildlife Refuge, and Desecheo National Wildlife Refuge; to the Committee on Resources.

By Mr. RAHALL (for himself and Mr. COSTELLO):

H.R. 299. A bill to clarify that certain coal industry health benefits may not be modified or terminated; to the Committee on Ways and Means.

By Mr. RAHALL (for himself and Mr. BOUCHER):

H.R. 300. A bill to amend the Black Lung Benefits Act, and for other purposes; to the Committee on Education and the Workforce.

By Mr. NORWOOD (for himself and Mr. KINGSTON):

H.R. 301. A bill to require a study and report regarding the construction and designation of a new interstate highway from Savannah, Georgia, to Knoxville, Tennessee; to the Committee on Transportation and Infrastructure.

By Mr. CUNNINGHAM (for himself, Mr. FILNER, Mr. ISSA, Mr. EMANUEL, Mr. SHIMKUS, Mr. HONDA, Mr. WELLER, Mr. MENENDEZ, Ms. NORTON, Ms. MILLENDER-MCDONALD, and Mr. WOLF):

H.R. 302. A bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 303. A bill to amend title 10, United States Code, to permit certain additional retired members of the Armed Forces who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation and to eliminate the phase-in period under current law with respect to such concurrent receipt; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CRENSHAW (for himself, Mr. PUTNAM, Mr. STEARNS, Mrs. JO ANN DAVIS of Virginia, Mr. CANTOR, Ms. CORRINE BROWN of Florida, Mrs. DRAKE, Mr. MICA, Mr. SCOTT of Georgia, Mr. FORBES, Mr. MEEK of Florida, and Mr. SHAW):

H.R. 304. A bill to amend title 10, United States Code, to require the naval forces of the Navy to include not less than 12 operational aircraft carriers; to the Committee on Armed Services.

By Mr. WILSON of South Carolina:

H.R. 305. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Ways and Means.

By Mr. ISSA (for himself, Mr. HUNTER, Mr. CUNNINGHAM, Mr. FILNER, and Mrs. DAVIS of California):

H.R. 306. A bill to amend title XIX of the Social Security Act to permit local public agencies to act as Medicaid enrollment brokers; to the Committee on Energy and Commerce.

By Mr. SIMMONS (for himself, Mr. SHAYS, Mrs. JOHNSON of Connecticut, Ms. DELAURO, Mr. LARSON of Connecticut, Mr. ISRAEL, Mr. ACKERMAN, Mrs. MCCARTHY, Mr. CROWLEY, Mr. KING of New York, Mr. BOEHLERT, Mr. ENGEL, Mr. SERRANO, Mr. WEINER, Mr. RANGEL, Mr. BISHOP of New York, Mr. NADLER, Mrs. LOWEY, and Mr. OWENS):

H.R. 307. A bill to establish the Long Island Sound Stewardship Initiative; to the Committee on Resources, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McINTYRE:

H.R. 308. A bill to amend title II of the Social Security Act to eliminate the 5-month waiting period for entitlement to disability benefits and to eliminate reconsideration as an intervening step between initial benefit entitlement decisions and subsequent hearings on the record on such decisions; to the Committee on Ways and Means.

By Mr. ABERCROMBIE (for himself, Mr. Case, Mr. Young of Alaska, Mr. Faleomavaega, Ms. Bordallo, Mr. Moran of Virginia, and Mr. Grijalva):

H.R. 309. A bill to express the policy of the United States regarding the United States relationship with Native Hawaiians and to provide a process for the recognition by the United States of the Native Hawaiian governing entity; to the Committee on Resources.

By Mr. UPTON (for himself, Mr. Markey, Mr. Barton of Texas, and Mr. Dingell):

H.R. 310. A bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane material, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BACA (for himself, Mr. McDermott, Ms. Eddie Bernice Johnson of Texas, Mr. Evans, Mr. George Miller of California, Mrs. Napolitano, Ms. Carson, and Ms. DeLauro):

H.R. 311. A bill to posthumously award a Congressional gold medal to Alice Paul in recognition of her role in the women's suffrage movement and in advancing equal rights for women; to the Committee on Financial Services.

By Mr. BACA (for himself, Mr. Shimkus, Ms. Baldwin, Ms. Jackson-Lee of Texas, Mr. Burton of Indiana, Mr. Van Hollen, Mr. Kind, Mrs. Maloney, Mr. Abercrombie, Mr. Conyers, Mr. Baird, Mr. Bass, Mrs. Biggert, Mr. Bishop of Georgia, Mr. Moran of Virginia, Mr. McDermott, Mr. Boehlert, Mr. Emanuel, Mr. Udall of New Mexico, Mr. Doggett, Mr. Bishop of New York, Mrs. Tauscher, Mr. Grijalva, Mr. George Miller of California, Mr. Nadler, Mrs. Napolitano, Mr. Boyd, Mr. Cardoza, Mr. Kildee, Ms. Carson, and Mr. Sanders):

H.R. 312. A bill to extend the provision of title 39, United States Code, under which the United States Postal Service is authorized to issue a special postage stamp to benefit breast cancer research; to the Committee on Government Reform, and in addition to the Committees on Energy and Commerce, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BLUNT:

H.R. 313. A bill to provide grants to States to combat methamphetamine abuse; to the Committee on the Judiciary.

By Mr. BLUNT (for himself, Mr. Akin, Mr. Shimkus, Mr. Duncan, Mr. Etheridge, Mr. Renzi, and Mr. Lewis of Kentucky):

H.R. 314. A bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. CORRINE BROWN of Florida (for herself and Mr. Crenshaw):

H.R. 315. A bill to designate the United States courthouse at 300 North Hogan Street, Jacksonville, Florida, as the "John Milton Bryan Simpson United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. CARDIN:

H.R. 316. A bill to provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility; to the Committee on Government Reform.

By Mrs. CHRISTENSEN:

H.R. 317. A bill to establish the District Court of the Virgin Islands as a court under article III of the United States Constitution; to the Committee on the Judiciary.

By Mrs. CHRISTENSEN:

H.R. 318. A bill to authorize the Secretary of the Interior to study the suitability and feasibility of designating Castle Nugent Farms located on St. Croix, Virgin Islands, as a unit of the National Park System, and for other purposes; to the Committee on Resources.

By Mr. CUNNINGHAM:

H.R. 319. A bill to require a temporary moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California, and for other purposes; to the Committee on Resources.

By Mr. CUNNINGHAM (for himself, Mr. Cantor, and Mr. Issa):

H.R. 320. A bill to amend the Internal Revenue Code of 1986 to provide tax incentives to encourage manufacturers of computer, cell phone, and television equipment to operate an environmentally sound recycling program for use by consumers who want to discard the equipment; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 321. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to certain senior citizens for premiums paid for coverage under Medicare Part B; to the Committee on Ways and Means.

By Mrs. EMERSON:

H.R. 322. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit to military retirees for premiums paid for coverage under Medicare part B; to the Committee on Ways and Means.

By Mr. ENGEL (for himself, Mr. Gallegly, Mr. Wolf, Mrs. Christensen, Mr. McNulty, Mr. Waxman, Ms. Watson, Mr. Gene Green of Texas, Mr. Serrano, Mr. Meeks of New York, Mrs. Lowey, Mr. Berman, Mr. Lewis of California, and Mr. Weiner):

H.R. 323. A bill to redesignate the Ellis Island Library on the third floor of the Ellis Island Immigration Museum, located on Ellis Island in New York Harbor, as the "Bob Hope Memorial Library"; to the Committee on Resources.

By Mr. FEENEY (for himself, Mr. Putnam, Mr. Mica, Ms. Harris, Mr. Mario Diaz-Balart of Florida, Mr. Foley, Mr. Keller, Ms. Ginny Brown-Waite of Florida, Mr. Miller of Florida, Mr. Lincoln Diaz-Balart of Florida, Mr. Stearns, Mr. Shaw, Mr. Mack, Mr. Weldon of Florida, Mr. Boyd, Mr. Meek of Florida, Mr. Davis of Florida, Mr. Hastings of Florida, Ms. Ros-Lehtinen, Mr. Bilirakis, Mr. Crenshaw, Mr. Young of Florida, Ms. Wasserman Schultz, Ms. Corrine Brown of Florida, and Mr. Wexler):

H.R. 324. A bill to designate the facility of the United States Postal Service located at 321 Montgomery Road in Altamonte Springs, Florida, as the "Arthur Stacey Mastrapa Post Office Building"; to the Committee on Government Reform.

By Mr. GRAVES:

H.R. 325. A bill to amend title 23, United States Code, to establish requirements for the operation of high occupancy vehicle facilities on highways; to the Committee on Transportation and Infrastructure.

By Mr. GRIJALVA:

H.R. 326. A bill to amend the Yuma Crossing National Heritage Area Act of 2000 to adjust the boundary of the Yuma Crossing National Heritage Area and to extend the authority of the Secretary of the Interior to provide assistance under that Act; to the Committee on Resources.

By Mr. GRIJALVA (for himself and Mr. Hayworth):

H.R. 327. A bill to allow binding arbitration clauses to be included in all contracts affecting land within the Gila River Indian Community Reservation; to the Committee on Resources.

By Mr. GUTKNECHT (for himself, Mr. Emanuel, Mrs. Emerson, Mr. Sanders, Ms. DeLauro, Mrs. Northup, Mr. Burton of Indiana, Ms. Ginny Brown-Waite of Florida, Mr. Jones of North Carolina, Mr. Brown of Ohio, Mr. Istook, Mr. Kingston, Mr. Ramstad, Mr. King of Iowa, and Mr. Langevin):

H.R. 328. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HAYWORTH:

H.R. 329. A bill to require the Secretary of the Treasury to redesign the face of $10 Federal reserve notes so as to include a likeness of President Ronald Wilson Reagan, and for other purposes; to the Committee on Financial Services.

By Mr. HAYWORTH:

H.R. 330. A bill to amend the Internal Revenue Code of 1986 to exempt certain sightseeing flights from taxes on air transportation; to the Committee on Ways and Means.

By Mr. HAYWORTH (for himself and Mr. Kildee):

H.R. 331. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to clarify that federally recognized Indian tribal governments are to be regulated under the same government employer rules and procedures that apply to Federal, State, and other local government employers with regard to the establishment and maintenance of employee benefit plans; to the Committee on Ways and Means, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York:

H.R. 332. A bill to amend the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 to require that, in order to determine that a democratically elected government in Cuba exists, the government extradite to the United States convicted felon William Morales and all other individuals who are living in Cuba in order to escape prosecution or confinement for criminal offenses committed in the United States; to the Committee on International Relations.

By Mr. LYNCH:

H.R. 333. A bill to amend the Higher Education Act of 1965 to require institutions of higher education to preserve the educational status and financial resources of military personnel called to active duty; to the Committee on Education and the Workforce.

By Mr. LYNCH:

H.R. 334. A bill to designate Angola under section 244 of the Immigration and Nationality Act in order to make nationals of Angola eligible for temporary protected status under such section; to the Committee on the Judiciary.

By Mr. LYNCH:

H.R. 335. A bill to amend the Child Care and Development Block Grant Act of 1990 to increase the availability and affordability of quality child care services by creating incentives for older individuals to join the child care workforce, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LYNCH:

H.R. 336. A bill to amend the Public Works and Economic Development Act of 1965 to provide assistance to communities for the redevelopment of brownfield sites; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY:

H.R. 337. A bill to amend title 13, United States Code, to provide that the term of office of the Director of the Census shall be 5 years, to provide that the Director of the Census report directly to the Secretary of Commerce, and for other purposes; to the Committee on Government Reform.

By Mrs. MALONEY (for herself and Mr. PETRI):

H.R. 338. A bill to amend the Federal Election Campaign Act of 1971 to require the disclosure of certain information by persons conducting phone banks during campaigns for election for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. MCCRERY:

H.R. 339. A bill to amend the Internal Revenue Code of 1986 to allow a deduction for contributions to individual investment accounts, and for other purposes; to the Committee on Ways and Means.

By Mr. MORAN of Virginia:

H.R. 340. A bill to amend the Clean Air Act to prohibit stationary sources located in ozone nonattainment areas from purchasing nitrogen oxide emission credits under the Environmental Protection Agency's nitrogen oxide trading program without the consent of the State in which such source is located, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OSBORNE (for himself, Mr. BOEHNER, Mr. CASTLE, and Mr. WILSON of South Carolina):

H.R. 341. A bill to amend the Community Services Block Grant Act to provide for quality improvements; to the Committee on Education and the Workforce.

By Mr. OWENS:

H.R. 342. A bill to provide for adjustment of immigration status for certain aliens granted temporary protected status in the United States because of conditions in Montserrat; to the Committee on the Judiciary.

By Mr. PITTS:

H.R. 343. A bill to establish a pilot program of Central Asian scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. PITTS:

H.R. 344. A bill to establish a pilot program of Afghanistan scholarships for undergraduate and graduate level public policy internships in the United States; to the Committee on International Relations.

By Mr. PLATTS:

H.R. 345. A bill to amend the Internal Revenue Code of 1986 to suspend the running of periods of limitation for credit or refund of overpayment of Federal income tax by veterans while their service-connected compensation determinations are pending with the Secretary of Veterans Affairs; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 346. A bill to amend the Internal Revenue Code of 1986 to allow volunteer firefighters a deduction for personal safety clothing; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 347. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for adoption expenses shall be permanent and to repeal the 5-year limitation on carryforwards of unused credit; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 348. A bill to amend the Internal Revenue Code of 1986 to provide for an enhanced deduction for qualified residence interest on acquisition indebtedness for heritage homes; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 349. A bill to amend the Internal Revenue Code of 1986 to allow a full deduction for meals and lodging in connection with medical care; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 350. A bill to amend the Internal Revenue Code of 1986 to allow certain individuals who have attained age 50 and who are unemployed to receive distributions from qualified retirement plans without incurring a 10 percent additional tax; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 351. A bill to repeal the sunset on the increased assistance pursuant to the dependent care tax credit provisions of the Economic Growth and Tax Relief Reconciliation Act of 2001 and to make the credit refundable; to the Committee on Ways and Means.

By Mr. PLATTS:

H.R. 352. A bill to amend the Internal Revenue Code of 1986 to increase the standard mileage rate for charitable purposes to the standard mileage rate established by the Secretary of the Treasury for business purposes; to the Committee on Ways and Means.

By Mr. RADANOVICH:

H.R. 353. A bill to authorize the Secretary of the Interior to provide supplemental funding and other services that are necessary to assist certain local school districts in the State of California in providing educational services for students attending schools located within Yosemite National Park, to authorize the Secretary of the Interior to adjust the boundaries of the Golden Gate National Recreation Area, and for other purposes; to the Committee on Resources, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAMSTAD:

H.R. 354. A bill to amend title I of the Omnibus Crime Control and Safe Streets Act of 1968 to provide standards and procedures to guide both State and local law enforcement agencies and law enforcement officers during internal investigations, interrogation of law enforcement officers, and administrative disciplinary hearings, to ensure accountability of law enforcement officers, to guarantee the due process rights of law enforcement officers, and to require States to enact law enforcement discipline, accountability, and due process laws; to the Committee on the Judiciary.

By Mr. SCHIFF (for himself, Mr. DREIER, Mr. GEORGE MILLER of California, and Mr. SHERMAN):

H.R. 355. A bill to provide for a resource study of the area known as the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting resources of the corridor, and for other purposes; to the Committee on Resources.

By Mr. SMITH of New Jersey (for himself, Mr. DAVIS of Tennessee, Mrs. JO ANN DAVIS of Virginia, Mr. CANTOR, Mr. MCINTYRE, Mr. HYDE, Mr. STUPAK, Mr. WICKER, Mrs. MUSGRAVE, Mr. BLUNT, Mr. COSTELLO, Mr. HAYES, Mr. FERGUSON, Mr. SOUDER, Mr. AKIN, Mr. PITTS, Mr. MCCAUL of Texas, Mr. BEAUPREZ, Mr. SHIMKUS, Mr. ENGLISH of Pennsylvania, Mr. ROGERS of Alabama, Mr. CUNNINGHAM, Mr. FLAKE, Mr. BURGESS, Mr. FORTUÑO, Mr. LEWIS of Kentucky, Mr. GOODE, Mr. GREEN of Wisconsin, Mr. JINDAL, Mr. HUNTER, Mr. WAMP, Mrs. BLACKBURN, Mr. LAHOOD, Mrs. MYRICK, Mr. BURTON of Indiana, Mr. KING of Iowa, Mr. GARRETT of New Jersey, Mr. ALEXANDER, Mr. KINGSTON, Mr. RYUN of Kansas, Mr. BAKER, Mr. CARTER, Mr. CHABOT, Mr. WILSON of South Carolina, Mr. FORBES, Mr. SAM JOHNSON of Texas, Mr. SHUSTER, Mr. MCHENRY, Mr. HALL, Mr. MILLER of Florida, Mr. PUTNAM, Mr. KENNEDY of Minnesota, Mr. BISHOP of Utah, Mr. STEARNS, Mr. LUCAS, Mr. DOOLITTLE, Mr. SESSIONS, Mr. BACHUS, Mr. CHOCOLA, Mr. RENZI, Mr. PICKERING, Mr. DAVIS of Kentucky, Mr. GOODLATTE, Mr. PETERSON of Pennsylvania, Mr. TANCREDO, Mr. FEENEY, Mr. CONAWAY, Mrs. DRAKE, Mrs. NORTHUP, Mr. WESTMORELAND, Mr. BOOZMAN, Mr. MCCOTTER, Mr. POMBO, Mr. NEUGEBAUER, Ms. ROS-LEHTINEN, and Mr. WELDON of Florida):

H.R. 356. A bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child; to the Committee on Energy and Commerce.

By Mr. SMITH of Texas (for himself, Mr. GOODLATTE, and Mr. JENKINS):

H.R. 357. A bill to provide for the protection of intellectual property rights, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SNYDER (for himself, Mr. BOOZMAN, Mr. BERRY, Mr. SHAYS, Mr. ROSS, Mr. SHIMKUS, Mr. BRADY of Pennsylvania, Mr. THOMPSON of Mississippi, Mr. KENNEDY of Minnesota, Mr. THORNBERRY, Mr. TAYLOR of Mississippi, Mr. SAXTON, Mr. HAYWORTH, Mrs. DAVIS of California, Mrs. TAUSCHER, Ms. KILPATRICK of Michigan, Mr. SESSIONS, Mr. GINGREY, and Mr. HULSHOF):

H.R. 358. A bill to require the Secretary of the Treasury to mint coins in commemoration of the 50th anniversary of the desegregation of the Little Rock Central High School in Little Rock, Arkansas, and for other purposes; to the Committee on Financial Services.

By Mr. TERRY (for himself, Mr. GENE GREEN of Texas, Mr. NUNES, Mr. ENGLISH of Pennsylvania, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. GONZALEZ, and Mr. LATOURETTE):

H.R. 359. A bill to require certain terms and conditions for the siting, construction, expansion, and operation of liquefied natural gas import terminals, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMAS:

H.R. 360. A bill to provide for the preservation of the historic confinement sites where Japanese Americans were detained during World War II, and for other purposes; to the Committee on Resources.

By Mr. THOMPSON of California:

H.R. 361. A bill to adjust the boundary of Redwood National Park in the State of California, and for other purposes; to the Committee on Resources.

By Mr. UDALL of New Mexico (for himself and Mrs. WILSON of New Mexico):

H.R. 362. A bill to designate the Ojito Wilderness Study Area as wilderness, to take certain land into trust for the Pueblo of Zia, and for other purposes; to the Committee on Resources.

By Mr. VAN HOLLEN (for himself, Mr. GEORGE MILLER of California, Ms. WOOLSEY, Mr. KILDEE, Mr. OWENS, Mr. PAYNE, Mr. ANDREWS, Mr. HINOJOSA, Mrs. MCCARTHY, Mr. TIERNEY, Mr. KIND, Mr. KUCINICH, Mr. WU, Mr. HOLT, Mrs. DAVIS of California, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Illinois, Mr. CASE, Mr. GRIJALVA, Mr. RYAN of Ohio, Mr. BISHOP of New York, Mr. SCOTT of Virginia, Ms. LEE, Mr. WEINER, Mr. CROWLEY, Mrs. MALONEY, Mr. MCDERMOTT, Mr. ABERCROMBIE, Mr. PALLONE, Ms. WATSON, Mr. BARROW, and Mr. WEXLER):

H.R. 363. A bill to require full funding of the Elementary and Secondary Education Act of 1965 and the Individuals with Disabilities Education Act; to the Committee on Education and the Workforce, and in addition to the Committee on Appropriations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina:

H.R. 364. A bill to amend the Internal Revenue Code of 1986 to extend bonus depreciation for 2 years; to the Committee on Ways and Means.

By Mr. WILSON of South Carolina:

H.R. 365. A bill to amend the Internal Revenue Code of 1986 to exclude working capital in applying the accumulated earnings tax; to the Committee on Ways and Means.

By Mr. CUNNINGHAM (for himself, Mr. MURTHA, Mr. BARTLETT of Maryland, Mr. BASS, Mr. BOEHLERT, Mr. BUYER, Mr. CROWLEY, Mr. DAVIS of Tennessee, Mr. DOOLITTLE, Mr. FERGUSON, Mr. GARRETT of New Jersey, Mr. GOODE, Mr. HEFLEY, Mr. HOLDEN, Mr. ISSA, Mrs. JOHNSON of Connecticut, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. MCINTYRE, Mr. MENENDEZ, Mr. PITTS, Mr. RAMSTAD, Mr. ROGERS of Michigan, Mr. SIMMONS, Mr. SMITH of Texas, Mr. TANCREDO, Mr. TAYLOR of North Carolina, Mr. TAYLOR of Mississippi, Mr. WAMP, Mr. WICKER, Mr. WILSON of South Carolina, Mr. MCCAUL of Texas, Mrs. JO ANN DAVIS of Virginia, Mr. HUNTER, Mrs. CUBIN, Mr. KNOLLENBERG, Mr. MOLLOHAN, Mr. MCHUGH, Mr. WOLF, Mr. OTTER, Mr. ROYCE, Mr. GREEN of Wisconsin, Mrs. MCCARTHY, Mr. GIBBONS, Mr. HASTINGS of Washington, Mr. MCGOVERN, Mr. TERRY, and Mr. BRADLEY of New Hampshire):

H.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States; to the Committee on the Judiciary.

By Mr. PLATTS:

H.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to limit the number of consecutive terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. BEAUPREZ:

H. Con. Res. 20. Concurrent resolution providing for a joint session of Congress to receive a message from the President; considered and agreed to.

By Mr. BEAUPREZ:

H. Con. Res. 21. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mrs. EMERSON:

H. Con. Res. 22. Concurrent resolution expressing the sense of Congress regarding the need to prevent the closure or consolidation of post offices; to the Committee on Government Reform.

By Mr. GENE GREEN of Texas:

H. Con. Res. 23. Concurrent resolution urging increased Federal funding for juvenile (Type 1) diabetes research; to the Committee on Energy and Commerce.

By Mr. KING of New York (for himself, Mr. JACKSON of Illinois, Mr. RANGEL, and Ms. MCKINNEY):

H. Con. Res. 24. Concurrent resolution expressing the sense of Congress that the President should grant a posthumous pardon to John Arthur "Jack" Johnson for the 1913 racially motivated conviction of Johnson, which diminished his athletic, cultural, and historic significance, and tarnished his reputation; to the Committee on the Judiciary.

By Mr. MILLER of North Carolina (for himself, Mr. COBLE, Mr. WATT, Mr. CAPUANO, Mr. CONYERS, Mr. COOPER, Mr. DICKS, Mr. DOGGETT, Mr. GRIJALVA, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. MCINTYRE, Ms. MILLENDER-MCDONALD, Mr. PRICE of North Carolina, Mr. PALLONE, Mr. BARROW, Mr. BUTTERFIELD, Mr. MARSHALL, Mr. ETHERIDGE, Mr. LEWIS of Georgia, Mr. WYNN, and Mr. CLYBURN):

H. Con. Res. 25. Concurrent resolution recognizing the contributions of Jibreel Khazan (Ezell Blair, Jr.), David Richmond, Joseph McNeil, and Franklin McCain, the "Greensboro Four", to the civil rights movement; to the Committee on Government Reform.

By Mr. ROGERS of Alabama (for himself, Mr. TURNER, Mr. BONNER, Mr. CRAMER, Mr. EHLERS, Mr. DAVIS of Alabama, Mr. ADERHOLT, Mr. BACHUS, Mr. BUTTERFIELD, Mr. EVERETT, Mr. MCDERMOTT, Mr. PAYNE, Mr. RANGEL, Ms. CORRINE BROWN of Florida, Mr. OWENS, Mr. DUNCAN, Mr. COX, Mr. CUNNINGHAM, Mr. SIMMONS, Mrs. MCCARTHY, Mr. MCCOTTER, Mr. CALVERT, Mr. BISHOP of Georgia, Mr. SCOTT of Georgia, Mr. FORTUÑO, and Mr. SCHWARZ of Michigan):

H. Con. Res. 26. Concurrent resolution honoring the Tuskegee Airmen for their bravery in fighting for our freedom in World War II, and for their contribution in creating an integrated United States Air Force; to the Committee on Armed Services.

By Ms. LINDA T. SÁNCHEZ of California (for herself, Mr. MICHAUD, and Mr. LYNCH):

H. Con. Res. 27. Concurrent resolution recognizing and honoring America's labor movement, supporting the designation of a National Labor History Month, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LANTOS (for himself, Mr. HYDE, Ms. PELOSI, Mr. BLUNT, Mr. HOYER, Mr. CANTOR, Mr. TANCREDO, Mr. ACKERMAN, Ms. BERKLEY, Mr. BERMAN, Mr. BROWN of Ohio, Mr. BURTON of Indiana, Mr. CAPUANO, Mr. CARDIN, Mr. CARDOZA, Mr. CHABOT, Mr. CHANDLER, Mr. CROWLEY, Mrs. JO ANN DAVIS of Virginia, Mr. DENT, Mr. DICKS, Mr. EMANUEL, Mr. ENGEL, Mr. ETHERIDGE, Mr. FALEOMAVAEGA, Mr. FILNER, Mr. FITZPATRICK of Pennsylvania, Mr. GALLEGLY, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. HASTINGS of Florida, Mr. ISRAEL, Ms. KAPTUR, Mr. KIRK, Mr. LEACH, Mr. LEVIN, Mr. LEWIS of Georgia, Mrs. MALONEY, Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Mr. MCDERMOTT, Mr. MCNULTY, Mr. MEEK of Florida, Mr. MENENDEZ, Mr. GEORGE MILLER of California, Mr. OWENS, Mr. PALLONE, Mr. PAYNE, Mr. PENCE, Mr. PITTS, Ms. ROS-LEHTINEN, Mr. ROTHMAN, Mr. ROYCE, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ of Pennsylvania, Mr. SERRANO, Mr. SHERMAN, Mr. SMITH of New Jersey, Mrs. TAUSCHER, Mr. TERRY, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. VISCLOSKY, Ms. WASSERMAN SCHULTZ, Mr. WAXMAN, Mr. WEINER, Mr. WELLER, Mr. WEXLER, Mr. WYNN, Mr. BURGESS, Mr. CALVERT, Mr. FRANKS of Arizona, Mr. HONDA, Ms. JACKSON-LEE of Texas, Mr. KING of New York, Mr. SCHWARZ of Michigan, and Ms. WATSON):

H. Res. 39. A resolution commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism; to the Committee on International Relations. considered and agreed to.

By Mr. FORTENBERRY (for himself, Ms. WATSON, Mr. TERRY, Mr. KING of Iowa, Mrs. BONO, Ms. LEE, Mr. SCHIFF, Mr. MOORE of Kansas, Mr. SHERMAN, Mr. OSBORNE, Mr. HAYWORTH, and Mr. TOM DAVIS of Virginia):

H. Res. 40. A resolution honoring the career and philanthropic contributions of Johnny Carson; to the Committee on Government Reform.

By Mr. MCINTYRE (for himself and Mr. DUNCAN):

H. Res. 41. A resolution expressing the sense of the House of Representatives that a day should be established as "National Tartan Day" to recognize the outstanding achievements and contributions made by Scottish-Americans to the United States; to the Committee on Government Reform.

By Mrs. JO ANN DAVIS of Virginia (for herself, Mr. SMITH of New Jersey, Mr. BURTON of Indiana, Mr. KING of New York, Mr. MCCOTTER, Mr. BERMAN, and Mr. BLUMENAUER):

H. Res. 43. A resolution urging the European Council to continue to maintain its embargo on the sales of arms to the People's Republic of China; to the Committee on International Relations.

By Ms. KAPTUR:

H. Res. 44. A resolution supporting the establishment and full funding of a staff exchange program between the House of Representatives and the Parliament of Ukraine, the Verkhovna Rada, as soon as possible; to the Committee on International Relations.

By Mr. NUNES (for himself and Mr. THOMAS):

H. Res. 45. A resolution recognizing the 100th anniversary of the founding of the California League of Food Processors and congratulating the members and officers of the California League of Food Processors for its achievements; to the Committee on Government Reform.

By Mr. OSBORNE (for himself, Ms. MCCOLLUM of Minnesota, Mr. KELLER, and Mrs. DAVIS of California):

H. Res. 46. A resolution supporting the goals and ideals of National Mentoring Month; to the Committee on Education and the Workforce.

By Mr. PITTS:

H. Res. 47. A resolution urging a peaceful resolution of the conflict over Kashmir, and for other purposes; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. MCINTYRE.

H.R. 13: Mr. COSTELLO, Mr. GRIJALVA, Mr. ETHERIDGE, Mr. PAYNE, Mr. MATHESON, Mr. OWENS, Mr. UDALL of New Mexico, Mr. OSBORNE, Mr. BERRY, Mr. TERRY, Ms. LORETTA SANCHEZ of California, Ms. HARMAN, Mr. TURNER, and Mr. CASE.

H.R. 16: Mr. MILLER of Florida.

H.R. 17: Mr. BARTLETT of Maryland, Mr. GENE GREEN of Texas, Mr. SANDERS, and Mr. SIMMONS.

H.R. 20: Mr. PRICE of North Carolina, Mr. MARSHALL, and Mr. GOODE.

H.R. 22: Mr. MURPHY, Mr. CLAY, Mr. FRANK of Massachusetts, Mr. MCNULTY, Mrs. MALONEY, Mr. RUSH, Mr. OWENS, Mr. TOWNS, Mr. VAN HOLLEN, and Mr. CUMMINGS.

H.R. 23: Mr. TANNER, Mr. KILDEE, Mr. FORD, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. MCDERMOTT, Mr. EHLERS, Mr. MCCOTTER, Mr. DELAHUNT, Mrs. MCCARTHY, Mr. ENGLISH of Pennsylvania, Ms. LEE, Mr. SCOTT of Georgia, Mr. FORTUÑO, and Mr. RUPPERSBERGER.

H.R. 25: Mr. MILLER of Florida, Mr. BILIRAKIS, and Mr. MCCAUL of Texas.

H.R. 27: Mr. NORWOOD and Mrs. MILLER of Michigan.

H.R. 29: Mr. GENE GREEN of Texas and Mr. BAKER.

H.R. 30: Mr. FILNER.

H.R. 32: Mr. SMITH of Washington, Mr. PENCE, Mr. SOUDER, Ms. VELÁZQUEZ, and Mr. CALVERT.

H.R. 36: Ms. HERSETH and Mr. SHIMKUS.

H.R. 37: Mr. PITTS, Mr. SCOTT of Georgia, Mr. GRAVES, Mr. PLATTS, Mr. SENSENBRENNER, Mrs. JO ANN DAVIS of Virginia, Mr. MCHUGH, Mr. FLAKE, Mrs. BLACKBURN, and Mr. BRADLEY of New Hampshire.

H.R. 41: Mrs. MUSGRAVE, Mr. MILLER of Florida, and Mr. GOODLATTE.

H.R. 63: Mr. JEFFERSON, Mr. DAVIS of Alabama, and Mr. HINCHEY.

H.R. 64: Mr. HOSTETTLER, Mr. PAUL, Mr. CANNON, Mr. CULBERSON, Mr. SODREL, Mr. RADANOVICH, Mr. MCCAUL of Texas, Mr. GOODE, Mr. GARRETT of New Jersey, Mr. GALLEGLY, Mr. RENZI, Mr. WALDEN of Oregon, Ms. HARRIS, Mr. SMITH of Texas, Mr. FORTUÑO, Mr. GILLMOR, Ms. FOXX, Mr. JOHNSON of Illinois, Mr. WICKER, Mr. KUHL of New York, Mr. BILIRAKIS, Mr. MORAN of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mr. NUNES, Mr. WALSH, Mr. GILCHREST, Mr. PITTS, Mr. PETERSON of Pennsylvania, and Mr. WESTMORELAND.

H.R. 68: Mr. PICKERING, Mr. GORDON, Mr. BRADY of Texas, Mr. COX, Mr. CALVERT, Mr. MOORE of Kansas, Mr. SERRANO, Mr. WELDON of Pennsylvania, Mr. BARTLETT of Maryland, Mr. EHLERS, Mr. WICKER, Mr. SIMPSON, Mr. CRAMER, Mr. TAYLOR of Mississippi, Mr. BOEHLERT, Ms. LORETTA SANCHEZ of California, Mr. SPRATT, Ms. CORRINE BROWN of Florida, Mr. HYDE, Mr. BOYD, Mr. GOODE, Mr. TANCREDO, Mr. HOYER, Mr. MCCOTTER, Mr. GIBBONS, Mr. ORTIZ, Mr. WOLF, Mr. HASTINGS of Florida, Mr. RUPPERSBERGER, Mrs. LOWEY, Mr. MCCAUL of Texas, Mr. BERMAN, Mr. GERLACH, Mr. KUCINICH, Mr. BACHUS, Mr. SHAYS, Mr. SAM JOHNSON of Texas, Mrs. JO ANN DAVIS of Virginia, and Mr. BLUNT.

H.R. 72: Mr. AKIN, Mr. RYUN of Kansas, Mr. GOODE, and Mr. GARRETT of New Jersey.

H.R. 98: Mrs. MYRICK, Mr. MCCAUL of Texas, and Mr. BILIRAKIS.

H.R. 99: Mr. POMBO, Mr. COSTA, and Mr. CARDOZA.

H.R. 112: Mr. TOWNS, Ms. CARSON, Mr. MCDERMOTT, and Mr. DAVIS of Illinois.

H.R. 114: Mrs. DAVIS of California, Mr. OWENS, Mr. TOWNS, Mr. MCGOVERN, Ms. BALDWIN, Mr. ISRAEL, Mr. STRICKLAND, Mr. ETHERIDGE, Mr. RAHALL, Mr. MCDERMOTT, Mr. LANTOS, Mrs. MALONEY, Mr. WEINER, Mr. CONYERS, Mr. FORD, Mr. SCHIFF, Mr. MICHAUD, Mr. BROWN of Ohio, Mr. HINCHEY, Mr. FRANK of Massachusetts, Mr. CHANDLER, Mr. KUCINICH, Mr. HOLDEN, Mr. GORDON, Mr. OBERSTAR, Ms. LEE, Mr. FILNER, Mrs. CHRISTENSEN, Ms. ESHOO, Mr. SANDERS, Mr. DOGGETT, Mr. AL GREEN of Texas, Mr. CLEAVER, Mr. SCOTT of Virginia, Mr. MENENDEZ, Mr. SERRANO, Mr. PALLONE, Ms. WATSON, Mr. CAPUANO, Ms. LINDA T. SÁNCHEZ of California, Mr. MCNULTY, and Mr. LANGEVIN.

H.R. 132: Mr. GARRETT of New Jersey, Mr. KENNEDY of Minnesota, and Mr. HEFLEY.

H.R. 133: Mr. MCHUGH, Mr. BISHOP of Georgia, and Mr. FORTUÑO.

H.R. 135: Mr. BEAUPREZ and Mr. RENZI.

H.R. 136: Mr. WICKER and Mrs. CUBIN.

H.R. 139: Mr. GEORGE MILLER of California, Ms. CARSON, Ms. MILLENDER-MCDONALD, Mr. ACKERMAN, and Mr. BERRY.

H.R. 179: Mr. DUNCAN.

H.R. 180: Mr. DUNCAN.

H.R. 181: Mr. MILLER of Florida and Mr. HYDE.

H.R. 187: Mr. PETERSON of Minnesota, Ms. HERSETH, and Ms. HOOLEY.

H.R. 219: Mr. CHABOT.

H.R. 239: Mr. MCHENRY and Mr. AKIN.

H.R. 278: Mr. LINCOLN DIAZ-BALART of Florida, Mr. BRADLEY of New Hampshire, Mr. DUNCAN, Mrs. CUBIN, and Mr. NORWOOD.

H.R. 284: Ms. LEE, Mr. GRIJALVA, and Mr. FARR.

H.R. 285: Mr. THOMPSON of Mississippi.

H.R. 289: Mr. SHERMAN, Mrs. TAUSCHER, Mr. LANTOS, Ms. SOLIS, Mr. BERMAN, Ms. ESHOO, Mr. DOOLITTLE, Ms. MILLENDER-MCDONALD, Mr. CARDOZA, Mr. ROHRABACHER, Mr. SCHIFF, Ms. MCKINNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. CALVERT, and Ms. WATSON.

H.R. 292: Mr. ENGLISH of Pennsylvania, Mr. CANTOR, Mr. OSBORNE, Mr. BILIRAKIS, Mr. EVERETT, Mr. BISHOP of Utah, Mrs. CAPITO, Mr. HERGER, Mrs. CHRISTENSEN, Mr. CROWLEY, Mr. CUELLAR, Mr. DAVIS of Tennessee, Ms. DELAURO, Mr. EDWARDS, Mr. EMANUEL, Mrs. EMERSON, Mr. FITZPATRICK of Pennsylvania, Mr. FOLEY, Mr. FORD, Mr. AL GREEN of Texas, Mr. HALL, Mr. HASTINGS of Washington, Ms. SLAUGHTER, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mr. KOLBE, Mr. LAHOOD, Mr. LYNCH, Mr. MATHESON, Mr. SALAZAR, Ms. MCCOLLUM of Minnesota, Mr. MCINTYRE, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. BARROW, Mr. PAUL, Mr. POMEROY, Ms. ROS-LEHTINEN, Mr. RUPPERSBERGER, Mr. MCCAUL of Texas, Mr. NUNES, Mr. SCHIFF, Mr. SHERMAN, Mr. STEARNS, Mr. STRICKLAND, Mr. VAN HOLLEN, Mrs. WILSON of New Mexico, Ms. PELOSI, Mr. WEINER, Mr. SANDERS, Mr. WEXLER, Mrs. JOHNSON of Connecticut, Mr. GOODE, Mr. ACKERMAN, Mr. RANGEL, Mr. FOSSELLA, Ms. GINNY BROWN-WAITE of Florida, Ms. CARSON, Ms. KILPATRICK of Michigan, Mr. UDALL of New Mexico, Mr. CRAMER, Mr. BISHOP of Georgia, Ms. ZOE LOFGREN of California, Mr. OWNES, Mr. JOHNSON of Illinois, Mr. GRIJALVA, Mr. KENNEDY of Rhode Island, Ms. WATSON, Mr. MICHAUD, Mr. KUCINICH, Mr. HONDA, Mrs. BONO, Mr. RADANOVICH, Mr. BARTLETT of Maryland, Mr. FORTUÑO, and Mr. BOOZMAN.

H.J. Res. 3: Mr. COLE of Oklahoma.

H.J. Res. 6: Mr. OTTER.

H. Con. Res. 16: Mr. ISSA, Mr. BARTLETT of Maryland, Mr. SMITH of New Jersey, Mr. LEVIN, Mr. GALLEGLY, and Mr. CARDIN.

H. Con. Res. 19: Mr. MARSHALL, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. WOLF, and Mr. CALVERT.

H. Res. 14: Mr. GARRETT of New Jersey, Ms. HART, and Mr. TURNER.

EXTENSIONS OF REMARKS

CONGRATULATING BOY SCOUT TROOP 733

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Boy Scout Troop 733 of New Wilmington, Pennsylvania on its 75th anniversary. For the last 75 years, Troop 733 has provided invaluable direction for boys of all ages, turning them into fine young men and leaders within their communities.

To honor this special occasion, a dinner will be held at 6 p.m. on February 12, 2005, at the New Wilmington Presbyterian Church in New Wilmington, Pennsylvania. Following the dinner will be a presentation on the history of Troop 733, presided over by former Scoutmaster Dr. Jack Reed, Troop Committee Chairman Steve Kulik and current Scoutmaster Michael Banko.

I ask my colleagues in the United States House of Representatives to join me in honoring Boy Scout Troop 733 of New Wilmington, Pennsylvania, as they celebrate their 75th year. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute organizations such as Troop 733 who provides such valuable services to the community.

RECOGNIZING LOREN BEWICK FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Loren Bewick of Kansas City, Missouri, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 271, and in earning the most prestigious award of Eagle Scout. Loren will attain the rank of Eagle Scout on Saturday, January 29, 2005 at Gashland United Methodist Church in Kansas City.

Loren has been very active with his troop, participating in many scout activities. Over the many years Loren has been involved with scouting, he has not only earned numerous merit badges, but the respect of his family, peers, and community.

Mr. Speaker, I proudly ask you to join me in commending Loren Bewick for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

REINTRODUCTION OF THE FLAG PROTECTION AMENDMENT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to reintroduce legislation which would amend the Constitution to prevent desecration of the American flag. This measure is identical to H.J. Res. 4, which I sponsored in the last session of Congress, and language adopted by the House five times. This amendment is necessary to restore protections for the symbol of our Nation that the Supreme Court wiped away in its 1989 ruling on Texas v. Johnson.

In that fateful 5–4 ruling, the Court cast aside longstanding national laws and 48 State laws recognizing the flag's special status and honoring its place in American society—ruling that its desecration is protected under the First Amendment. For those who see our flag as a revered symbol of freedom and the great sacrifices that were made to sustain it at home and abroad, that decision was a horrible affront—and the call to action was immediate.

Inspired to preserve our national trademark and unalloyed symbol of unity, Congress quickly moved to pass a law restoring flag protections. But in its 5–4 ruling on United States v. Eichman in 1990, the Supreme Court once again found that flag protections were inconsistent with free expression rights accorded under the First Amendment. That ruling made it clear that restoration of flag protections would require a Constitutional Amendment.

Since that ruling, the House has five times passed a Flag Protection Constitutional Amendment with well over the two-thirds majority required. The Senate has also acted, failing to achieve the two-thirds votes necessary to move the amendment forward to the States for ratification by a mere handful of votes. Since that time, our Nation has endured some of its most difficult challenges and we have been reminded once again how important the flag is in unifying our Nation, demonstrating our resolve and honoring those who have sacrificed to protect the lives and liberties of the American people.

Each color on the flag, each star and each stripe evokes emotion in me, and together they stand as a symbol of everything I believed in about this country when I fought to defend it. When I heard that some in my country were opposing my military's involvement in Vietnam, that flag reminded me of our tolerance for differences and our endurance through unity. It was a steady symbol of the liberties we enjoy—a way of life that should be protected for future generations and defended for others who aspire to it. From the soldier deployed or detained abroad to the policemen and firefighters protecting citizens in communities, it has stood as a symbol of the country we love, the reason we serve and most important, the sacrifices that have been made.

There have been several major incidents of flag burning since the Court ruling in 1990. These incidents tear at me, and represent a direct attack on all I hold dear about this country. The Constitution was not designed to protect actions which jeopardize others' rights, and the government has long acted to restrict speech and conduct that could cause harm to others. Those who want to express their anger against this country have options that don't involve destroying the sacred symbol that belongs to all citizens.

At a time when we are faced with increasing youth violence and cultural breakdown, restoring our most recognized sign of unity would be a positive step in the right direction—providing a steady reminder that living free comes with responsibility to respect others. Since 9–11, the flag has come to represent even more for all Americans and a reminder of those who were lost protecting us. Allowing its desecration is an insult to all those who perished.

Over 75 percent of Americans consistently agree: The time to restore protections for our flag is long overdue. I ask my colleagues to join me in support of this Constitutional Amendment, and to move it back to the American people for speedy ratification.

HONORING WILLIAM C. PORTMAN II AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. PORTMAN. Mr. Speaker, I rise today to honor William C. Portman II, my father, who will be formally honored on February 24, 2005 as a Great Living Cincinnatian by the Greater Cincinnati Chamber of Commerce. Recipients of this prestigious annual honor are chosen on the basis of professional achievement; leadership; vision; and community service. Past honorees include such Greater Cincinnati leaders as Neil Armstrong, Albert Sabin and Charles Scripps.

Although my father has always been an extraordinary role model for me, he has also been a role model for so many others in our community. Throughout his lifetime, he has led, trained and motivated people with integrity and by example.

Dad was born in the Pleasant Ridge neighborhood of Cincinnati, and graduated from Walnut Hills High School in 1941. He received a bachelor's degree in chemistry from Dartmouth College in 1946, after interrupting his studies to serve as a lieutenant in World War II. After the war, he went on to earn an M.B.A. from Dartmouth's Amos Tuck School of Business Administration in 1947.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

He began his career in Cincinnati with Procter & Gamble's chemical division, and then joined the Clark Equipment Company as sales manager. He enjoyed the material handling business, and in 1960, he decided to strike out on his own and start his own business. Along with my late mother, Joan, as bookkeeper, the Portman Equipment Company began modestly, with two salespeople and two mechanics. The company was started with borrowed funds, and it took a few years to turn a profit.

Today, the company employs over 400 people, handles multiple lines and services, and is one of the largest material handling distributors in the United States. Dad would tell you that's because he hired outstanding people, which is true, but it is also because he is a good leader and a hardworking entrepreneur.

He was the first equipment dealer in the country to recognize the importance of operator safety and mechanic education. In 1972, Dad initiated a training operation, now called the "Learning Center," which offers twenty industry courses, has instructed over 80,000 students worldwide, and is the largest regional training site for Caterpillar and Mitsubishi forklifts. Portman Equipment Company, now run by my brother, William C. "Wym" Portman III, is now one of the country's largest Cat Lift Truck distributors, and was listed as one of Cincinnati's top 100 privately held firms twelve times.

Dad always recognized the importance of giving back through community service. In 1975, he became the first small businessperson to chair the Greater Cincinnati United Way campaign. He was the first chair to visit all 105 agencies that received United Way funding, and fundraising set a new record. He has served on the boards of United Way; Community Chest & Council; the Greater Cincinnati Chamber of Commerce; and the Greater Cincinnati Foundation. He has held leadership positions with the Cincinnati Business Committee; the Federal Reserve Bank of Cleveland's Small Business Advisory Council; the Hamilton County Regional Airport Authority; and chaired the Chamber's first Leadership Cincinnati class, which is one of the country's most prestigious leadership development programs.

In all his business and community endeavors, he was strongly supported by my mother, Joan, who herself was an accomplished civic leader. Among her accomplishments, she was named a Cincinnati Enquirer Woman of the Year in 1979, and was the recipient of the Jacob E. Davis Volunteer of the Year Award of the Greater Cincinnati Foundation.

Our family, including my wife, Jane; brother, Wym; sister-in-law, Jan; sister, Ginna; brother-in-law Allan; and Dad's nine grandchildren; are proud of all of Dad's accomplishments, and congratulate him on being named a Great Living Cincinnatian.

CONGRATULATING HISTORY DAY SCHOLARS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, the nation was relieved that on January 7, Edgar Ray Killen was arraigned for the 1964 murder of three civil rights martyrs—Andrew Goodman, Michael Schwerner, and James Chaney. The brutal murders of these three men, who were registering African-American voters in Mississippi during the 1964 Freedom Summer campaign, helped to galvanize the civil rights movement in the nation and centuries of legal and de facto mistreatment of our fellow citizens.

In 1967, Killen was one of several men charged with violating the advocates' civil rights, but an all-white jury failed to convict Killen and only lightly sentenced 7 of the men involved. Prosecution in connection with the 1964 killings lay dormant for 40 years and would have continued to do so had Sarah Siegel, Allison Nichols, and Brittany Saltiel, students at Chicago's Stevenson High School, not prompted a reopening of the case.

Mr. Speaker, these young women chose the 1964 Goodman-Schwerner-Chaney case as the subject of their project for the National History Day competition last year. As many of our colleagues know, NHD programs target over half a million students throughout this country, promoting the teaching and study of American history. Entries to its yearly contest are chosen at the school, city and state level and consist of presentations of topics in American history based on themes developed by NHD. Students may prepare research papers, storyboards, video documentaries or performances on their subject.

The reopening of this long-dormant civil rights case demonstrates the NHD's dramatic impact on American historical literacy, and illustrates better than any other development the impact of the study of history on student understanding of and ability to affect world events. Through the creation and promotion of dynamic, participation-driven programs, NHD has changed the way that teachers present American history. Students who engage in NHD programs enjoy a boost in historical literacy and interest in matters of key historical interest.

Mr. Speaker, I am also very pleased that the Congress recently authorized federal support for the National History Day program. Under P.L. 108–474, the Secretary of Education may award grants to the NHD program, and we are very hopeful that he will do so. I know that we are joined in that wish by thousands of administrators, teachers, students and historians around the country who share our pride in NHD and in the work of these, and many other talented young students. With the added support of federal funding, NHD will be able to expand its commendable work of promoting historical literacy in our nation's schools.

I urge my colleagues to join me in congratulating Sarah, Allison and Brittany for their work in publicizing the Goodman-Schwerner-Chaney case. Their research has not only improved our understanding of history; it has helped make history.

THE LIBERATION OF NAVASSA AND DESECHEO ISLANDS BEGINS ANEW

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. RAHALL. Mr. Speaker, regardless of the fact that the Federal Government holds land in trust for the American people, sadly it appears that what the people own, the people may not necessarily ever get to use.

Last year, I informed this House of the case of two tiny islands in the western Carribean. It is a story worth repeating.

Navassa and Desecheo islands have interesting histories, but I doubt most Americans even know they exist, let alone that the islands are, in fact, part of our very own country.

The story of Navassa Island is a classic tale of American capitalism. It came to be part of America in the late 1800's through the mining and sale of petrified bird guano, yes, guano, as fertilizer. It is also the site of one of our Nation's early, ugly labor disputes. Over time, guano went out of fashion, but the outpost served a new purpose for 80 years, as a light source to guide ships through the islands of the Caribbean. In 1996, with the advent of new technologies, the lighthouse went dark. The property, however, remained part of the U.S.

Eventually that island and Desecheo Island, a former military training range, were incorporated into the National Wildlife Refuge system. The designation rightfully recognizes the unique qualities of the two islands, which are rich in uncommon plant and animal life. But, in turn, it has also led to their being essentially fenced off from the people who own them, the American public. For in fact, today, the Fish and Wildlife Service bars legal access to these two islands apparently under any circumstance.

That might be the end of the story, were it not for a group of Ham radio operators, who, after having been granted special use access to these public lands for 20 years, were suddenly denied permission to visit the islands to broadcast.

Indeed, for no sensible reason, the Fish and Wildlife Service, the same agency that had been granting access to these radio operators, arbitrarily reversed course and denied permits for a non-controversial recreational activity that had been approved for two decades of responsible and uneventful public use.

Not only did the agency cut off these broadcasters, it did so even after they agreed to assume all liability, to submit to any regulation or permit condition, and even to pay all administrative, management and travel costs for the Federal agency to remove all financial and logistical hurdles.

It has also come to my attention recently that Ham radio operators have also been denied access to the Farallon National Wildlife

Refuge located off the California coast 28 miles from San Francisco, even though this refuge allows access by special use permits. Moreover, there are eight broadcast antennae already on one of the islands that provide radio communications and the transmission of weather and seismic information to the mainland.

This is an instance of outrageous administrative arrogance to deny permits for a recreational use that has been shown to be harmless to fish and wildlife. Public recreation at our National Wildlife Refuges is as much a part of the history of Refuge System as the critters themselves.

The Secretary of the Interior has been given congressional authority to grant special use permits for just such circumstances, when a public use is not incompatible with the purpose of the refuge. Yet, for some reason that escapes me, this Secretary will not budge. In the case of these two islands, the Secretary's discretionary powers amount to guano.

Such hubris cannot be allowed to stand unchallenged. Along with my colleague, the chairman of the Resources Committee, RICHARD POMBO, I am introducing today legislation to address this deplorable situation and to restore the public's right of access to its Federal public lands. The liberation of Navassa and Desecheo Islands begins today.

This legislation would accomplish two main goals. First, it would require the Fish and Wildlife Service to provide public access, use of, and recreational opportunities to resolve this particular dispute. Second, the legislation would require the Service to establish at least one period of time each year for public access to each refuge.

Of great importance to me, language authorizing the Service to specify use periods and to attach reasonable permit restrictions in order to protect resources and public safety should provide adequate flexibility to balance the competing interests of resource protection and public recreation.

Another benefit of this legislation will be to help harmonize existing use policies at these refuges with three other remote refuges in the Pacific, Baker Island, Johnson Island and Jarvis Island. These three refuges, all accessible by way of special use permits, show plainly that controlled public recreational access is possible even at extremely remote and fragile refuges.

In fact, the ham radio operators were successful in securing a permit to visit Baker Island as recently as 2002. In fairness, the same access should be provided to Navassa Island and Desecheo.

I am fully aware of the Service's need to balance public access with the Refuge System's overall "wildlife first" mission.

The Service cannot, however, be allowed to selectively choose to implement those parts of its authority it favors but ignore those requirements to provide for public recreation which are clearly stated in existing law.

I urge members to support this important legislation.

CONGRATULATING RAMSEY COUNTY COMMISSIONER SUSAN HAIGH AS THE NEW EXECUTIVE DIRECTOR OF TWIN CITIES HABITAT FOR HUMANITY

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to congratulate Ramsey County Commissioner Susan Haigh on being named the new Executive Director of Twin Cities Habitat for Humanity. Ms. Haigh will assume this new position after she leaves her seat on the County Board on February 1st.

For the past ten years, Commissioner Haigh served on the Ramsey County Board, championing affordable housing and improving the quality of life for the families of Ramsey County. Currently she chairs the Board's Human Services and Workforce Solutions Committee where she has advocated for families throughout Ramsey County. Before serving in her elected office, Haigh worked in the Ramsey County Attorney's Office, serving as chief legal counsel to the County Board, chief deputy prosecutor and managing attorney.

Throughout her years of service, Commissioner Haigh has put the families of Ramsey County first. As county commissioner, Ms. Haigh led the creation of the Housing Endowment Fund, a $5 million incentive program to spur construction of affordable rental housing. This kind of valuable experience will help Twin Cities Habitat address the increasing challenges of affordable housing development.

Commissioner Haigh brings fresh vision and wisdom of experience to Habitat for Humanity. I have had the privilege of working with her, and I know that she is deeply committed to affordable housing issues. Ms. Haigh believes in Habitat's mission of helping to build strong homes and strong families.

Over the years, Twin Cities Habitat for Humanity has helped nearly 600 families become owners of quality, affordable housing. I am confident that Ms. Haigh will continue this record of success.

It has been a privilege to work with Sue, and I wish her the best of luck on her new position.

RECOGNIZING VICTOR O. WOY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Victor O. Woy for his 32 years of committed service to the Pennsylvania Turnpike Commission. His presence with the Commission will be sorely missed.

A lifelong resident of Everett, PA, Victor began his journey through the Pennsylvania Turnpike Commission as a clerk. After proving himself as a capable worker and quietly earning recognition for his incomparable performance on the job, Mr. Woy's distinguishing loyalty was acknowledged as he became a Construction Manager. Working tirelessly to overcome the obstacles of having to learn and master continually changing technology, Victor flourished in this position, where he remained until December 9, 2004, and was awarded the Senior Inspector-in-Charge of the Year award in 1999.

To the enjoyment of local citizens, Mr. Woy's spirit and dedication has translated into every aspect of his life. He remains actively involved with his church and various projects in and around Everett, as well as spending time with his wife, five children and five grandchildren. His uncompromising sense of duty to the community in which he lives has been a source of inspiration.

In the 32 years that Mr. Woy has had a significant hand in the operations, the Turnpike Commission has become a more efficient organization, making a strong impact on the State. He has demonstrated an unyielding enthusiasm and care for the Commission which he has served. For his incomparable generosity, service to the Pennsylvania Turnpike Commission, and unabated commitment to excellence, Victor O. Woy deserves the highest recognition. He has left behind a legacy as an outstanding manager, incorporating leadership skills, innovative solutions to problems, and an efficient work ethic.

As a pillar of strength within his community of Everett, Mr. Woy has been a role model and leader who is admired by many. His contributions will not go unnoticed by the business for which he worked nor the community in which he lives. I would like to congratulate Mr. Woy on his accomplishments, and I wish him the best of luck in his retirement.

TRIBUTE TO WALTER W. PORTER, JR.

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the life and work of a man who I am proud to represent in Congress and prouder still to call a friend, Walter W. Porter, Jr. I have worked with Walter closely over the years and can say without reservation Mr. Speaker, that you would be hard pressed to find an individual more committed to improving the lives of those in his community than Walter Porter.

A life-long resident of my hometown, Paterson, New Jersey, Walter Porter has had an extensive career in public service. Matriculating from the Paterson Public School System, Walter met and married his wife Mildred shortly after graduating from Eastside High School. Walter Porter's life has long been intertwined with public service. His selfless devotion to others began when he entered into the Army to fight in World War II. As an Infantry Combat Officer, Water earned a Bronze Star, Combat Infantry Badge and Purple Heart for his heroic actions.

Upon returning from the frontlines of the Battle of the Bulge, Walter joined the Paterson Police Department. It was during his tenure as a motorcycle officer that Walter came to be known around town as a "straight shooter and a man of the people." The knowledge and experiences Walter gained on the streets of Paterson laid the foundation for the many successful years of public service ahead.

Remaining in the law enforcement sector, Walter transferred to the Passaic County Prosecutor's Office where he rose to the rank of Captain. After a long and successful tenure with the Prosecutor's Office, Walter retired in 1979. However, he would not rest on his laurels. The year following his retirement, Walter ran for a seat on the Passaic County Board of chosen Freeholders.

After a successful bid for Freeholder, Walter began to work diligently on behalf of the people of Passaic County. Throughout his tenure on the Board of Chosen Freeholders Walter Porter has been a steady supporter of the law enforcement community, veterans groups and the senior citizen community of Passaic County.

Chosen by his colleagues on the Freeholder Board, Walter has served four one-year terms as Freeholder Director. Additionally, he has served on each of the committees within the Freeholder Board. His professional demeanor and commitment to good government earned Walter the moniker, "Dean of the Board of Freeholders."

Walter's tireless devotion to serving the people of Passaic County extends far beyond his life as a public official. He is a co-founder of the Boys & Girls Club of Paterson, a Life Member of Elks Lodge #60 and a member of several veterans' organizations.

His continued support of the law enforcement community has earned Walter many accolades from various groups. The Paterson Police Benevolent Association presented Mr. Porter, a past president of the association, the Lifetime Silver PBA Card. Additionally he is an Honorary Chief of the Passaic County Chiefs Association.

Walter Porter will be deeply missed on the Passaic County Board of Chosen Freeholders. His legacy of integrity, devotion and commitment to his community will carry on in all of the wonderful accomplishments he saw come to fruition during his tenure in public service.

Mr. Speaker, the job of a United States Congressman involves so much that is rewarding, yet nothing compares to recognizing the extraordinary efforts of public servants like Walter Porter. I ask that you join our colleagues, Walter's family and friends, a grateful County of Passaic, New Jersey and me in recognizing Walter W. Porter, Jr. for his long history of leadership and community service.

IN MEMORY OF JACK ROSENBERG

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the lifelong accomplishments of Jack Rosenberg. Mr. Rosenberg died January 11, 2005, at the age of 84.

A graduate of Milwaukee's Riverside High School, Jack Rosenberg went on to serve in the armed forces in WWII before settling into a long and successful business career. He led several corporate entities, and retired in 1995 after overseeing the national franchise of TeleCheck for over 18 years.

Throughout his life Jack maintained a strong commitment to improving life in the City of Milwaukee. He had a great variety of interests and he never hesitated to offer hands-on leadership when needed. His concern for the needs of low income families is evident in his work with the COA Youth and Family Center. He received the Grand Avenue Leadership Award in recognition of his efforts to provide work opportunities and cultural experiences for people with disabilities. Several noted small businesses benefited from a loan fund he endowed with the Wisconsin Women's Business Initiative Corporation.

His financial contributions to productive nonprofit organizations working in the areas of arts, civil liberties, entrepreneurship, and education are too numerous to list.

It saddens me to note the passing of such a committed and distinguished individual. I am pleased to have this opportunity to recognize Jack for these profound contributions to so many individuals, as well as the entire Milwaukee community.

CONGRATULATING THE ST. LUKE A.M.E. ZION CHURCH

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the St. Luke A.M.E. Zion Church of Lawrence County, Pennsylvania on its 160th anniversary.

This past December the church celebrated the anniversary of its foundation in 1844 and stands as the oldest African American church in Lawrence County. St. Luke's is a source of inspiration and symbol of strength for all its members and the Lawrence County community as a whole. In order to mark the special occasion Reverend Kevin Lee, assistant pastor of the Second Baptist Church of New Brighton, spoke at the 11 a.m., Sunday worship. Reverend Robert Lewis Sr., former pastor of St. Luke's and current pastor of St. James of Massillon, Ohio, spoke following a 4 p.m. catered dinner.

I ask my colleagues in the United States House of Representatives to join me in honoring the congregation of St. Luke A.M.E. Zion Church in Lawrence County, Pennsylvania. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute an enduring institution like St. Luke's.

RECOGNIZING RYAN GARY FRAZER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ryan Gary Frazer, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 45, and in earning the most prestigious award of Eagle Scout. Ryan is currently a senior at Central High School in Saint Joseph, Missouri, and is the son of Gary and Sandy Frazer.

Ryan began his scouting career as a Tiger Cub Scout before advancing to Webelo Scout. After completing Cub Scouts, Ryan rose through the ranks of the Boy Scouts, achieving the ranks of Tenderfoot, Second Class Scout, First Class Scout, Star Scout, Life Scout, and now Eagle Scout. Ryan served his troop in numerous leadership positions, including Librarian, Historian, Scribe, and Patrol Leader. Along the way, Ryan earned 24 merit badges and several awards including the Arrow of Light Award and the 50 Miler Award on three separate occasions for Adventure Trips to Wyoming, Mississippi, and Philmont Scout Ranch in New Mexico. Ryan is also a member of the Tribe of Mic-O-Say, where he holds the name "Ice Badger."

For his Eagle Scout project, Ryan led a team of volunteers that renovated the children's playground area at Ashland United Methodist Church in Saint Joseph. The playground area is an integral part of Church life, as it sits in the center of the Ashland United Methodist's courtyard; the playground is used by children attending numerous church classes and activities. Ryan and his team spent over 100 hours completing this project.

Mr. Speaker, I proudly ask you to join me in commending Ryan Gary Frazer for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

FILIPINO VETERANS' EQUITY ACT INTRODUCTION

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise to introduce the Filipino Veterans Equity Act, bipartisan legislation which would grant full recognition of the service and sacrifices of a key group of veterans and return to them the benefits promised to them by the U.S. government.

On July 26, 1941, President Roosevelt issued a military order, calling members of the Philippine Commonwealth Army into the service of the United States Forces of the Far East, under the command of then Lieutenant General Douglas MacArthur.

From 1941 to 1945, over 100,000 Filipinos of the Philippine Commonwealth Army fought alongside the allies to reclaim the Philippine Islands from Japan. A second group of Filipino veterans, the New Philippine Scouts (or "Special Philippine Scouts") enlisted under U.S. Armed Forces command after October 6, 1945. Regrettably, instead of fulfilling promises made and providing equal benefits in return for their service, Congress enacted the Rescission Act of 1946. The Rescission Act limited Filipino veterans' eligibility for service-connected disability pensions, death benefits, and other benefits provided to U.S. Armed Forces veterans.

Correcting this inequity is long overdue. There are less than 50,000 survivors of the total estimated 300,000 Filipino veterans who served during World War II. Approximately 20,000 of these survivors are not receiving the full benefits they earned. By 2010, the VA estimates there will only be a total of 20,000 World War II Filipino veterans in all categories. I urge my colleagues to join me in moving this legislation forward in the 109th Congress, and working with me to provide these deserving veterans the benefits they deserve.

HONORING DONALD A. SPENCER, SR. AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. PORTMAN. Mr. Speaker, I rise today to honor Donald A. Spencer, Sr., an educator, real estate broker, community activist, musician and composer, who will be formally honored as a Great Living Cincinnatian on February 24, 2005 by the Greater Cincinnati Chamber of Commerce. Recipients of this prestigious annual award are chosen on the basis of professional achievement; leadership; vision; and community service. Past honorees have included Neil Armstrong; Dr. Albert Sabin and Charles Scripps—and Mr. Spencer's energetic wife of 64 years, Marian, a former vice mayor of Cincinnati and longtime community activist. In fact, Mr. Spencer is the first recipient of the award to be married to a Great Living Cincinnatian.

Born in Cincinnati, Mr. Spencer graduated from Walnut Hills High School and earned bachelor's and master's degrees from the University of Cincinnati before embarking upon an eighteen year teaching career at Douglas Elementary and Stowe and Bloom Junior High Schools.

He enjoyed teaching, but became interested in selling real estate in 1944 after he and Marian purchased their first home. He opened a real estate office while he continued teaching for six years. Eventually, Donald A. Spencer and Associates grew to 23 employees in two offices, and flourished for thirty years. In 1986, Mr. Spencer was the first African American member of the Cincinnati Board of Realtors, and served on its statewide legislative committee. Later, he was named President of the Cincinnati Association of Real Estate Brokers, and was active with the National Association of Real Estate Brokers.

Mr. Spencer has remained active in education. He co-chaired the Cincinnati Public Schools' successful 2001 school levy campaign, and in 2003, he co-chaired the Cincinnatians Active in the Support of Education, which helped pass a $485 million school levy to build 35 new schools and renovate the remaining ones.

A lifetime member of the NAACP, Mr. Spencer has also served on the boards of Ohio University; Family Housing Developers; Friends of Cincinnati Parks; Walnut Hills High School Foundation; and Ohio Valley Goodwill. Among his many awards are the Ohio University Board of Trustees' Founders Citation and the Cincinnati Charter Committee's Charles P. Taft Civic Gumption Award.

The Spencers have two sons and two grandsons.

All of us in Cincinnati congratulate Donald Spencer on being named a Great Living Cincinnatian.

HONORING JUDY HART, SUPERINTENDENT OF THE ROSIE THE RIVETER/WORLD WAR II HOME FRONT NATIONAL HISTORICAL PARK UPON HER RETIREMENT

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to recognize Judy Hart who is retiring after a twenty-seven year career with the National Park Service.

Judy Hart has served as the first superintendent of the Rosie the Riveter/World War II Home Front National Historical Park in Richmond, California. My legislation creating the new national park was signed into law by President Clinton on October 24, 2000, and Ms. Hart began as Superintendent on January 15, 2001.

Prior to becoming Superintendent, Judy coordinated the study for the new park. She has devoted the last four years of her career to laying the foundation for this national park. The Rosie Park recognizes the City of Richmond and its unique heritage as the epicenter of a national effort to memorialize and interpret the contribution of the Home Front. Many of the experiences that began in Richmond not only helped to win World War II but also changed the way the nation thought about civil rights, child care, health care and labor rights.

The challenges Judy has faced, and the obstacles she has overcome, are even more remarkable because, as a "partnership park," all of the land and buildings are owned by entities other than the National Park Service. In addition, the federal funds available for start-up are limited. Working with a number of grants, volunteers and her public and private donors, Judy will turn over to her successor a sound structure on which to build. She made an incomparable contribution to moving the RRNP from concept to reality.

Her accomplishments at RRNP include working with many partners to accomplish the following: oversaw the implementation of the General Management Plan process which she also is coordinating with the City of Richmond's general plan amendment; worked with the Port of Richmond to open Shipyard #3 to visitors; none of the historic structures have been torn down even though every structure in the Park legislation has been threatened with demolition; National Register nominations will shortly be completed for all structures but one within the Park; developed Phases one and two for oral histories of home front workers. In addition, over 9,000 Rosies have contacted the Park to share their names and short stories. After connecting with the Park, over 2,000 Rosies have written out the whole story of their home front adventures, up to 55 typed pages from one Rosie. Over 2,000 Rosies have donated their precious mementos, treasured for over 50 years and now delivered to the safekeeping of the Park. Volunteer hours went from 0 in 2003 to over 3,000 hours in 2004.

Judy Hart's career in the Park Service spans 27 years. Prior to moving to California for this new position, Ms. Hart worked for 12 years in the Washington, D.C. headquarters. She was the first National Program Coordinator for the National Heritage Areas which are partnership areas privately owned and managed in cooperation with the NPS. Previous to that Ms. Hart developed the Conservation Study Institute, now operated in partnership with the University of Vermont and the new Marsh Billings National Historical Park in Woodstock, Vermont.

Ms. Hart served in the Washington office of Legislation for 6 years, supporting the creation of Petroglyphs National Monument, Marsh Billings National Historical Park, the Mary McLeod Bethune National Historic Site, and Manzanar National Historic Site, as well as many other park units.

Ms. Hart lived for 6 years in Seneca Falls, NY and was the first superintendent of the Women's Rights National Historical Park in Seneca Falls, after suggesting the idea, working on the study and working on the legislation. Prior to that, Ms. Hart worked on park legislation out of the NPS Regional office in Boston, MA.

Prior to her career with the Park Service, Ms. Hart worked for the Boston Redevelopment Authority, City of Boston, and the Commonwealth of Massachusetts, as Director of the Bureau of Relocation. She also worked for the Federal Highway Administration on Environmental Impact Statement reviews.

She began her career in publishing at Little, Brown and Company, and as a company newsletter editor for the Boston Safe Deposit and Trust Company, both in Boston. Her graduate degree is in English Literature from Cornell University, and her graduate degree is a Master of Arts in law from Goddard College in Vermont.

Mr. Speaker, because of Ms. Hart's many contributions to preserving and interpreting our nation's history, I am delighted to have this opportunity to recognize her unique contributions, especially to the Rosie the Riveter National Park, and to ask all Members of the House to join me in wishing her well in the years to come.

RECOGNIZING THE SENECA VALLEY GIRLS VOLLEYBALL TEAM

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize the Seneca Valley Girl's Volleyball team, this year's Class AAA WPIAL Champions. Head coach Heather

Haff, lead the Seneca Valley Raiders to the WPIAL Championship game, where they defeated the Mount Lebanon Lady Blue Devils. The Lady Raiders ended the season with an impressive 18–1 record.

I am happy to see such spirit, dedication, and teamwork flourishing in the congressional district that I represent. I wish the members of 2004 Seneca Girl's Volleyball team continued success.

I am proud to have such talented young athletes in the 4th Congressional District of Pennsylvania, and I ask that all of my colleagues in the House of Representatives join with me in recognizing their great achievement.

DISASTER ON THE HORIZON

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. RAHALL. Mr. Speaker, I cannot begin to guess how many times throughout my years of service in this institution I have heard my colleagues stand on this floor and pay homage to America's workers. I could probably paper these walls a dozen times over with the copies of speeches delivered here that have praised American working families for their contributions to our economy and our culture.

Patriotism, fairness, loyalty, a belief in hard work—these are just some of the qualities I have heard so accurately ascribed to America's working families. They are certainly traits deserving of public admiration. But I believe that they are also qualities that deserve to be preserved and maintained by Congress, because these are the threads that form the fabric of American life.

Today, the quality of life and the core values of America's working families are under siege, again, and the work of Congress faces unraveling. In particular, I raise the matter of a court decision last fall that knocked loose a core underpinning of the Coal Act.

In horrendous decisions, a federal judge thumbed his nose at Congress, and its work to ensure that the federal promise to America's miners would be kept. In a wrong-headed decision, that court placed in jeopardy the health care of thousands of elderly and ill retired miners and their spouses. The case involved Horizon Natural Resources—the nation's fourth largest coal company—which had gone to court to seek a way out of its obligations to its workers.

This was not so much a matter of a company whose tills were empty and whose assets were gone. It was, more precisely, a matter of a company that wanted the books to look better for prospective buyers who could scoop of the existing mines and processing facilities free of the weight of Coal Act obligations.

So Horizon went to court and asked a judge to let it use bankruptcy loopholes to circumvent its legal duties to its workers under the Coal Act. The company, quite plainly, wanted a seal of approval to turn its back on the men and women who had devoted their lives to it. Then, in September, almost inconceivably, the judge gave Horizon the final nod. It was OK, it was ruled, for an American company to so devalue the American worker and to go around the intent of Congress. Horizon could merely dump its obligations, and go along its merry way.

It is not just the workers of Horizon who will suffer. In turn, the cost of the benefits legally owed by Horizon have been thrown onto already financially strained benefits plans. Consequently, Horizon and the courts, have sent a shock wave that jeopardizes the health care benefits of thousands of other retirees and beneficiaries. The weight of those obligations cannot long be managed in the current scenario. And if other companies follow suit, collapse will only be hastened. The need for a fix is urgent.

I have, therefore, joined with Senator ROCKEFELLER in introducing legislation intended to address this court decision. My bill will make it clear that the benefits and obligations mandated by the Congress through the Coal Act cannot be modified by the bankruptcy courts. It will, as well, prevent additional companies from trying to circumvent the Coal Act through bankruptcy, while leaving others, who play by the rules, holding the bag.

I am all too familiar with the struggles of working men and women in our country. I have always believed that a fair day's labor deserves a fair day's wages. I believe, too, that a company has certain obligations to a faithful worker who has devoted his life to laboring for the good of the company. It has been here, in the halls of Congress, where these beliefs have found refuge in the form of legislation, such as the Coal Act. The bill I introduce today reaffirms a federal promise made to America's coal miners and helps to fulfill the duty of Congress to America's working families.

HONORING THE CHIEF CLERK OF THE MINNESOTA HOUSE OF REPRESENTATIVES, EDWARD A. BURDICK

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today to honor a loyal public servant and a nationally renowned parliamentary expert, Edward A. Burdick. On January 10th, 2005, Minnesota paid tribute to Mr. Burdick, Chief Clerk of the Minnesota House of Representatives, upon his retirement after nearly four decades of service.

After beginning work in the Minnesota House as a page in 1941, Mr. Burdick became the second full-time employee in House history when he took the job of desk clerk in 1955. At the age of 83, he leaves the position of Chief Clerk where he oversaw House operations with 250 full-time employees. He served through six changes in majority, alongside 12 speakers and more than 700 representatives. Throughout his tenure, Mr. Burdick worked tirelessly to ensure that the needs of Minnesota's Representatives were met.

Mr. Burdick has set a national standard as an expert, impartial parliamentary mediator and administrator of House operations. As a former Member of the Minnesota House, I was privileged to work with him and witnessed first-hand how he commands utmost respect and credibility through his selfless commitment to the institution. He taught me the Rules of the House, and the most important rule—that debate is about policy not personality. His faithful stewardship of the rules ensured that all voices could be heard.

Mr. Burdick is among the most highly respected and honored individuals living in our State. He is the only living Minnesotan whose bust stands in the Capitol, where it is located outside the entrance to the House chambers. Mr. Burdick has been a vital part of the daily life of the Capitol, helping drive the business of the Minnesota House of Representatives since 1967.

Few public servants have such a distinguished and lengthy record of service. Mr. Speaker, it is a true honor to thank Ed for his years of service and wish him a happy and healthy retirement.

RECOGNIZING FLASH GORDON QUARRY

HON. BILL SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. SHUSTER. Mr. Speaker, I rise today to recognize Flash Gordon Quarry for his 35 years of committed service to AMTRAN. His knowledge and experience have made the transportation organization the efficient machine that it is today.

Flash began his journey through AMTRAN as an operator 35 years ago. He quickly proved himself as a capable worker and quietly earned recognition for his incomparable performance on the job. Mr. Quarry's distinguishing loyalty was acknowledged as he became a Director of Transportation in only 10 years. Working tirelessly to overcome the obstacles of having to learn and master continually changing technology, Flash flourished in his position as Director and for his continually professional performance he was awarded the very first Superstar of Transportation award in 1999.

Mr. Quarry's spirit and dedication to AMTRAN remains unparalleled. To the enjoyment of his family, friends, and coworkers, Flash has proven to be reliable and dependable time and time again. He willingly shoulders every major responsibility and handles the most difficult problems with patience and ease. Amongst all of his demands at work however, Flash always finds time to spend with his family, teaching his children and grandchildren to be exemplary citizens.

In the 35 years that Mr. Quarry has had a significant hand in the operations, AMTRAN has become a more efficient organization, making a strong impact on the Altoona area. He has demonstrated an unyielding enthusiasm and care for the organization which he has served. For his incomparable generosity, service to AMTRAN, and unabated commitment to excellence, Flash Gordon Quarry deserves the highest recognition. He has built a legacy as an outstanding director, incorporating leadership skills, innovative solutions to problems, and an efficient work ethic. His uncompromising sense of duty to AMTRAN has been a source of inspiration, and the organization would definitely not be the same without the guidance, leadership, and expertise that Flash offers.

As a pillar of strength within his community, Mr. Quarry is a role model and leader who is admired by many, and he will undoubtedly continue to surprise all who know him. His contributions will not go unnoticed by the business for which he works nor the community in which he lives. I would like to congratulate Mr. Quarry on his accomplishments, and I look forward to the future of AMTRAN under his guidance.

CONGRATULATING THE PASSAVANT RETIREMENT COMMUNITY

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate the Passavant Retirement Community in Zelienople on its 100th year celebration. For the past century the Passavant Retirement community has provided valuable services to the senior citizens of Zelienople.

The centennial celebration will be marked with numerous events in the coming year including lectures and the annual light up night that kicks off the holiday season for members of the retirement community. This year's light up night was different however, because the staff and members of the community planned something special for the event. Pat Goetz, the director of the Main Street Community Life Program and resident Chuck Miller decided to construct homemade lanterns for the occasion. Miller used Goetz's design to fashion over 200 lanterns that were hung throughout the retirement community. The entire Passavant staff also wore vintage clothing dating back to the early part of the 20th century when the community was founded.

The Passavant Retirement community was founded in 1905 by a board of directors consisting of 15 individuals who organized the Old Peoples Home of the Pittsburgh Synod of the Evangelical Lutheran Church. Initially the community consisted of six residents, but now has over 600 members on a 42 acre campus.

I ask my colleagues in the United States House of Representatives to join me in honoring the Passavant Retirement Community in Zelienople on its 100th anniversary. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute organizations such as the Passavant Retirement community which provide such valuable services.

RECOGNIZING ROSS CLAYTON WOODBURY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ross Clayton Woodbury, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 45, and in earning the most prestigious award of Eagle Scout. Ross is currently a senior at Central High School in Saint Joseph, Missouri and is the son of Mark and Karen Woodbury.

Ross has been very active with his troop, participating in many scout activities. Ross started out as a Cub Scout, became a Webelo, completed Cub Scouts and then moved on to the Boy Scouts. During his Boy Scout career, Ross rose through the ranks of Tenderfoot, Second Class Scout, First Class Scout, Star Scout, Life Scout, and now Eagle Scout. Ross earned 25 merit badges and served as Troop 45's Troop Guide. Additionally, Ross was the recipient of the 50 Miler Award on three occasions for Adventure Trips to Wyoming, Colorado, and Canada. Ross was also tapped into the Tribe of Mic-O-Say and was given the name "Little Iron Ring."

For his Eagle Scout project, Ross led a team of scouts in association with the Saint Joseph Museum and the Missouri Department of Conservation to preserve Mount Mora Cemetery in Saint Joseph, an historical funeral park where Civil War Generals, Missouri Governors, and Pony Express Riders are buried. Mr. Speaker, it may please the House to know that Mount Mora's designer helped craft the plan for the Washington Monument here in our nation's capital.

Mr. Speaker, I proudly ask you to join me in commending Ross Clayton Woodbury, for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF LEGISLATION REGARDING LANDS OF THE OUTER CONTINENTAL SHELF OFF THE STATE OF CALIFORNIA

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise to introduce legislation to require a moratorium on leasing, exploration, and development on lands of the Outer Continental Shelf off the State of California. It is imperative to the people of California and San Diego County that we continue the Federal ban on offshore gas or oil drilling off of California's coast. The environmental sensitivities along the entire California coastline make the region an inappropriate place to drill for oil or gas using current technology. The 1989 National Academy of Sciences (NAS) study confirmed that new exploration and drilling on existing leases and on undeveloped leases in the same area would be detrimental to the environment. While I believe that it is vital to explore additional domestic sources of oil, and to pursue effective energy research and conservation programs, it is clear that immediately drilling off of California's delicate shoreline would be worth far less than the threat that such drilling poses on California's beaches.

HONORING J. MACK SWIGERT AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. PORTMAN. Mr. Speaker, I rise today to honor J. Mack Swigert, a friend and constituent, who will be formally honored as a Great Living Cincinnatian on February 24, 2005 by the Greater Cincinnati Chamber of Commerce. The recipients of this prestigious annual award, presented since 1967, are selected on the basis of professional achievement; leadership; vision; and community service. Past honorees include Neil Armstrong; Dr. Albert B. Sabin; and Charles Scripps.

Mr. Swigert is well known for his work on the historic National Labor-Management Relations Act of 1947, better known as the Taft-Hartley Act, which is still the critical center of America's labor law. At the time, Mr. Swigert was a young associate attorney representing employers at the Cincinnati firm of Taft, Stettinius and Hollister. He was asked by U.S. Senator Robert Taft to draft some suggested amendments to the Wagner Act, the 1935 law protecting the bargaining rights of unions. While he believed that the Wagner Act had generally good features, Mr. Swigert felt some key changes were needed. Eventually these important amendments were passed over President Truman's veto. Although Mr. Swigert credits Senator Taft's political acumen with getting the changes passed, the law's endurance today is truly Mr. Swigert's legacy.

Ironically, Mr. Swigert never intended to become a lawyer. Born in Illinois and raised in Iowa, he graduated from Harvard. He met his late wife, Alice, in 1930 while visiting his parents in Tennessee, and she encouraged him to attend law school. Following a brief stint with a Chicago law firm, in 1936 he was asked by Charles Taft to work in the labor department at Taft, Stettinius and Hollister, one of Greater Cincinnati's largest and most distinguished law firms. He was named partner in 1948, and in 1979 was named managing partner and chairman of the Executive Committee. He still retains the title "Of Counsel" with the firm.

In Cincinnati, Mr. Swigert has held leadership posts with the Queen City Club; Cincinnati Country Club; Queen City Optimists Club; Cincinnati Tennis Club; Recess Club; and Harvard Law Club. In 2004, the Cincinnati Bar Foundation presented him with its Lifetime Achievement in Law award. Mr. Swigert has two living children, David and Sally, and five grandchildren.

All of us in Greater Cincinnati congratulate Mr. Swigert on being named a Great Living Cincinnatian.

RETIREMENT TRIBUTE TO GLENN R. FULLER

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to recognize Superintendent Glenn R. Fuller who has retired after thirty-two years of service in the National Park Service.

During his career Glenn R. Fuller worked in several national parks including Grand Canyon National Park as a back-country district ranger doing search and rescue; Cape Cod National Seashore as a Park Ranger; Rocky Mountain National Park as a Park Technician; Golden Gate National Recreation Area as a Park Ranger; and Site Manager at Muir Woods National Park. He is also a retired law enforcement officer.

Glenn became Park Superintendent at Eugene O'Neill National Historic Site in November 1993. In December 2001, he was promoted to Superintendent of O'Neill NHS, John Muir National Historic Site, and Port Chicago Naval Magazine National Memorial.

Glenn's accomplishments are many and varied including the following:

Successfully negotiating after fourteen years a settlement agreement with the Kuss Road Homeowners allowing access to Eugene O'Neill NHS. The agreement was signed in 1994.

Developing the treatment plan for the Cultural Landscape Report at Eugene O'Neill NHS. This included installation of a deer fence, new irrigation system and removal of hazardous and non-historic trees and shrubs.

Contracting in 2000 with a commercial video company to produce a video tour of areas in the Tao House that are not accessible to wheelchair users.

Securing funding and requesting a Site Assessment for Livestock Pond Wetland Restoration at Eugene O'Neill NHS.

Collaborating with Contra Costa County, Friends of Alhambra Creek, and neighbors on the Strenzel Lane Erosion and Sediment Reduction Projects Stability of Alhambra Creek at the John Muir family gravesite.

Securing funds and initiating the Environmental Assessment and Fire Management Plan for John Muir NHS and Eugene O'Neill NHS.

Securing funds and initiating Environmental Assessments for two large construction projects at John Muir NHS. One project is to create a new parking and staging area on Franklin Canyon Road. This will allow multiple school buses and visitors to park safely and provide a staging area for the entrance at Mt. Wanda. The other project improves the back entrance to the park on Canyon Way and access through the Highway 4 tunnel.

Successfully negotiating with the Navy and Army an agreement for access to the Port Chicago National Memorial. For eleven years, the National Park Service has been trying to get this agreement and, after a concerted effort during the last three years, an agreement was signed November 24, 2004. Port Chicago and the story the Memorial tells has been a personal and professional commitment of Glenn's. He has long believed that the story is of national significance that needs to reach all Americans. Glenn has, within existing resources, managed to share that story with hundreds of people in the years since the Memorial was created. Most especially, Glenn has coordinated the public observance of the anniversary of the explosion for the past ten years.

Glenn is largely responsible for the overwhelming success of the 60th anniversary ceremony of the 1944 Port Chicago explosion and the 10th anniversary of the creation of the Memorial. The ceremony was a mix of speeches, recognition, personal letters from relatives who were stationed at Port Chicago in 1944 and personal accounts of the injustice to black sailors during World War II.

Glenn is an active member of the San Francisco Network Inventory and Monitoring Program which provides natural resource management for both John Muir NHS and Eugene O'Neill NHS. Under Glenn's watch the park now has a new soil map, Vegetation Management Plan and Watershed Management Plan, moth and butterfly inventories, plans to remove unused fire roads, and containment of invasive plants.

Mr. Speaker, because of Glenn Fuller's many contributions to our nation's history and his commitment to the National Park Service, it is proper for us, and it is my honor, to recognize him today.

CONGRATULATING THOMAS LARKIN

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Thomas Larkin on his retirement after 40 years of service to the Ohio Township Volunteer Fire Department.

Thomas held the position of Fire Chief, and oversaw 75 volunteer firefighters. Thomas will continue to serve as the Ohio Township Fire Marshall, and sit on the planning commission for Ohio Township.

I ask my colleagues in the United States House of Representatives to join me in honoring Thomas Larkin. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute citizens such as Thomas who truly embody the spirit of public service.

A LIVING SYMBOL OF AMERICA MUST NOT BE SLAUGHTERED

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. RAHALL. Mr. Speaker, today I am introducing legislation to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros.

My legislation is necessary because of 36 lines that were hidden away in the recently enacted Consolidated Appropriations Act that overturned more than 30 years of national policy on the protection and management of wild free-roaming horses and burros. This backdoor legislative maneuver, enacted without public notice, will make these animals available to the highest bidder for processing into commercial products.

We need to stop this senseless and inhumane policy change before it can be carried out.

This body needs to be reminded of the public outcry, much of it from the voices of children across the United States, that sparked Congress in 1971 to pass the Wild Free-Roaming Horses and Burros Act (Public Law 92–195). That law established as national policy "that wild free-roaming horses and burros shall be protected from capture, branding, harassment, and death; and to accomplish this they are considered in the area where presently found, as an integral part of the natural system of the public lands." Just as importantly, the law directed that "no wild free-roaming horse or burros or its remains may be sold or transferred for consideration for processing into commercial products."

It has been illegal for the past 33 years to sell or transfer wild horses and burros for processing into commercial products because many Americans abhor the thought. They would be aghast to know that these animals now can and will be slaughtered so their meat can be offered on menus in France, Belgium and Japan.

The 1971 Act directed the Bureau of Land Management (BLM) and the Forest Service to enforce the law on public lands. Unfortunately, these agencies, especially the BLM, have not lived up to the task. Reports of the Government Accountability Office and the Inspector General, as well as newspaper exposes, have outlined numerous instances where the BLM has failed to properly manage these animals.

Instead of addressing these long-term and widespread management problems, we have just seen the enactment of a quick and dirty fix. Now under the guise of "managing" these living symbols of the American West, the agency will be permitted to allow the slaughter of animals that they had been previously charged with protecting.

What makes this slaughter provision all the more senseless is that humane alternatives exist and federal agencies have the authority to carry out such humane actions as adoption, sterilization, relocation, and placement with qualified individuals and organizations. To suggest that an acceptable solution to a federal agency's management shortcomings is commercial slaughter is an irresponsible approach to our public lands and the wildlife that roam them.

A public outcry has again begun across the United States over the change in law that now allows the commercial sale and slaughter of wild free-roaming horses and burros. We need to act before it is too late for thousands of these animals. I am pleased to introduce my legislation today with my colleague from Kentucky Mr. WHITFIELD. I urge my other colleagues to support this bill so that we may have the prompt restoration of a just and humane policy for wild free-roaming horses and burros.

HONORING SISTER MARY WILLIAM BRADY (1907–2005), FORMER PRESIDENT OF THE COLLEGE OF ST. CATHERINE IN ST. PAUL, MINNESOTA

HON. BETTY McCOLLUM

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. MCCOLLUM of Minnesota. Mr. Speaker, I rise to honor the life of Sister Mary William Brady, who was an inspiration to her family and everyone who knew her, particularly the students, faculty and staff at the College of St. Catherine in St. Paul, Minnesota. Sister Mary passed away on January 10, 2005 at the age of 98.

Sister Mary William Brady served as president of the College of St. Catherine from 1955 to 1961 and was associated with the college for more than 70 years. An outstanding professor and forward-looking president, she helped build St. Kate's into the largest Catholic college for women. As an alumna, I feel privileged to have known her.

Sister Mary made lasting contributions to the College of St. Catherine, as well as to the education and preparation of many young women as leaders of our communities. Her dedication and integrity will be greatly missed at St. Kate's.

Mr. Speaker, I would like to insert into the CONGRESSIONAL RECORD the following Star Tribune article honoring Sister Mary William Brady:

[From the Minneapolis Star Tribune, Jan. 14, 2005]

SISTER MARY WILLIAM BRADY, 98

(By Mary Jane Smetanka)

Sister Mary William Brady, the oldest living former president of the College of St. Catherine in St. Paul, died Monday at Bethany Convent. She was 98.

Brady, president of St. Kate's from 1955 to 1961, was associated with the college for more than 70 years. In an interview three weeks before her death, on the occasion of the college's centennial, she told a life story that made it seem she was destined for St. Kate's. A native of Fall River, Mass., she joined her brother William in St. Paul in 1930 after her father's death.

"I had no intention of staying in 'the West,'" Brady recalled. Each summer between classes at St. Kate's and an early job as a teacher at a St. Paul Catholic school, she returned to Fall River. Her mother finally told her there was nothing left for an educated woman to do there, and Brady moved back to St. Paul permanently.

"I liked it here very much," she said.

Her brother went on to become archbishop of St. Paul from 1956 to 1961.

Brady joined the Sisters of St. Joseph of Carondelet and became an English professor at St. Kate's, specializing in American literature. She became one of a corps of remarkably outward-looking nuns who built the school into the nation's largest Catholic college for women, earning her doctorate from the University of Chicago in a time when the sight of a black habit on that campus drew double-takes from other students.

"Every young sister had to develop herself as far as she could go," she said. "They could barely afford to send me to the University of Minnesota or Chicago, but they did.

"You were educated not for yourself, but for what you could give to others."

Brady downplayed her accomplishments as president, saying, "I wasn't a good administrator—I preferred teaching."

But it was during her tenure as president that the school built a much-needed new library. As students and faculty members carried the 95,000 books from the old building to the new, they received a brownie from a nun.

When she left the presidency, Brady studied in Rome for a year, taught at a college in Los Angeles and rejoined St. Kate's as a professor and archivist. She retired in 1993, moving to Bethany Convent, a residence and nursing home for older sisters at the edge of the St. Kate's campus.

Brady kept a rosary on the table next to her easy chair and had a keen memory up to the time of her death. Interested in horse racing, she insisted on going to a movie theater in her wheelchair to see "Seabiscuit" and had a portrait of Kentucky Derby winner Smarty Jones taped to a cabinet in her room.

"I love that horse!" she said.

Brady's brother preceded her in death. There are no immediate survivors.

TRIBUTE TO BARRY J. COLICELLI

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention the work of a man I am proud to represent in Congress, Captain Barry J. Colicelli. Barry was recognized on Tuesday, January 18, 2005 in honor of his recent retirement from the Newark, New Jersey Police Department.

It is only fitting that he be honored, in this, the permanent record of the greatest freely elected body on earth, for he has a long history of dedication, leadership, and commitment to his community.

Barry has enjoyed a career in law enforcement that has spanned nearly three decades. In 1977, he began his tenure in law enforcement with the Newark Police Department. Shortly after his assignment to Newark, Barry was reassigned to the Camden Police Department and then to the Union County Prosecutor's Office before returning to Newark.

Upon his return to the Newark Police Department in 1980, Barry was assigned to the East District as a Police Officer. In 1982 Barry received his first of several promotions to Detective and was assigned to the Violent Crimes Bureau.

Ten years following his first promotion, Barry received a subsequent promotion to Detective Sergeant. It was at this time that he was placed in charge of the Narcotics Squad. During his post as Detective Sergeant, Barry created a program that would garner him national recognition.

The Tactical Auto Recovery Group and Enforcement Team (TARGET) aimed at limiting the amount of auto thefts and carjackings in the City of Newark. The program's success netted over $5 million worth of stolen autos, $600,000 in stolen currency and 52 firearms confiscated. The program was not only successful in the amount of property recovered, but it also removed Newark as the number one city for car theft in the nation. For its achievements, the TARGET program received praise from the United States Department of State.

Barry has been successful in every undertaking with the Newark Police Department. His final promotion before retiring came in 2000 when he achieved the rank of Captain. His most recent work in the field of Gang Enforcement and Intelligence has benefited not only the residents of Newark, but the entire State of New Jersey as well. Through collaborations with State Senator Ronald Rice, Barry was able to introduce legislation targeting gang violence and activities.

Mr. Speaker, I ask that you join our colleagues, the City of Newark, Barry's family and friends, and me in recognizing the outstanding and invaluable achievements of Barry J. Colicelli.

RECOGNIZING JIM CONNER

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize Jim Conner on being named the 2005 President of the Pennsylvania Builders Association.

Jim is the owner of Conner Construction in New Castle, Pennsylvania and has been a member of the Pennsylvania Builders Association for 18 years. Prior to being elected President he has served as regional vice president, director, treasurer and secretary not to mention serving on the membership and bylaw committees. In 2001, Mr. Conner was named the Pennsylvania Builders Association's Small Contractor of the Year.

Locally, Mr. Conner has served two terms as President of the Lawrence County Builders Association, 5 years as a national representative and has been on the board of directors for the past 10 years. Mr. Conner is also an active member of the Lawrence County Chamber of Commerce, of the New Castle Mahoning Lodge 243 and the Coachmen Conservation Club. He is married to his wife Kathy and has two sons, Patrick and Justin.

I ask my colleagues in the U.S. House of Representatives to join me in honoring Jim Conner. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute citizens such as Jim who make the communities that they live in truly special.

RECOGNIZING DAVID RALL BRADLEY III FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize David Rall Bradley III, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 45, and in earning the most prestigious award of Eagle Scout. Rall is currently a senior at Pembroke Hill in Kansas City, and is the son of David Bradley, Jr. and Suzanne Bradley of Saint Joseph, Missouri.

Rall has been very active with his troop, participating in many scout activities. Rall started as a Tiger Cub Scout, and then rose through the Boy Scout ranks of Tenderfoot, Second Class Scout, First Class Scout, Star Scout, Life Scout, and now Eagle Scout. Along the way, Rall earned 23 merit badges, and several scouting awards such as the Arrow of Light Award and the 50 Miler Award, which he received following an Adventure Trip to the San Juan Mountains in Colorado. Rall was inducted into the Honorary Tribe of Mic-O-Say, and also has served as Historian and Quartermaster of his troop.

For his Eagle Scout project, Rall led a team of scouts in association with the Saint Joseph Museum and the Missouri Department of Conservation to preserve Mount Mora Cemetery in Saint Joseph, an historical funeral park where Civil War Generals, Missouri Governors, and Pony Express Riders are buried. Mr. Speaker, it may please the House to know that Mount Mora's designer helped craft the plan for the Washington Monument here in our nation's capital.

Mr. Speaker, I proudly ask you to join me in commending David Rall Bradley III, for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TAX INCENTIVES TO ENCOURAGE RECYCLING (TIER) ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CUNNINGHAM. Mr. Speaker, I rise today to introduce the Tax Incentives to Encourage Recycling (TIER) Act, legislation to address the problem of electronic waste in this country.

E-waste is a growing problem. With continuing advancements in technology, computers, televisions and cell phones are quickly becoming obsolete, and soon after arriving on the market, end up in our landfills. This equipment contains some toxic material that should be recycled or disposed of in a way that does not pose harm to the environment.

For this reason, I have introduced the Tax Incentives to Encourage Recycling (TIER) Act. This bill will provide tax incentives to computer, electronic and cell phone manufacturers that implement recycling programs. The benefits are two-fold: the TIER Act will help protect the environment and will keep the costs of computers and electronic equipment low.

The biggest burden to recycling is the transportation of the equipment from the residence or business to the recycling center. This legislation will provide the incentive for manufacturers or third parties to transport old equipment to recycling centers.

Some state legislatures have already passed laws to impose user fees on the purchase of computer equipment. This drives up the cost of computers and only serves to further widen the digital divide. We should be working to make computer equipment more affordable for all Americans.

I would like to thank my colleague, Mr. CANTOR, for cosponsoring this important legislation. By providing incentives for recycling, we can keep the costs of computers reasonable and protect our environment.

HONORING RICHARD W. VILTER, M.D. AS A GREAT LIVING CINCINNATIAN

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. PORTMAN. Mr. Speaker, I rise today to honor Richard W. Vilter, M.D., a leader in our medical community, who will be formally honored as a Great Living Cincinnatian on February 24, 2005 by the Greater Cincinnati Chamber of Commerce. Recipients of this prestigious annual award are chosen on the basis of professional achievement, leadership, vision, and community service. Past honorees include Neil Armstrong, Dr. Albert Sabin, and Charles Scripps.

A native Cincinnatian, Dr. Vilter has said that not only did he want to follow in the footsteps of his father, Dr. William F. Vilter, he never considered doing anything else. After graduating from Hughes High School in 1929, he earned his undergraduate and medical degrees from Harvard. Dr. Vilter promised to join his father in practice when he returned to Cincinnati, but, tragically, his father died of leukemia before he could do so. Dr. Vilter has said this is what led him to pursue his distinguished career in blood diseases.

After graduating from medical school in 1937, Dr. Vilter earned an internship at Cincinnati General Hospital specializing in internal medicine. In 1940, he was named senior resident, and later became chief medical resident. He went on to hold many leadership positions at Cincinnati General, including founding director of the Division of Hematology and Assistant Director of the Department of Internal Medicine. In 1956, he became the Gordon and Helen Hughes Taylor Professor of Medicine and director of the Department of Internal Medicine at the University of Cincinnati, positions he held until 1978. He still serves as the Gordon and Helen Hughes Taylor Professor Emeritus of Medicine, continuing his teaching and consulting work. Dr. Vilter has also spread his practice of medicine internationally, acting as a consultant for the United Nations' World Health Organization, traveling for the Pan American Sanitary Bureau, and serving as chair of the National Advisory Committee's Malnutrition Research Center in Thailand.

Dr. Vilter has held leadership positions with many organizations, including the University of Cincinnati College of Medicine's Medical Heritage Library Board; the American College of Physicians/American Society of Internal Medicine; American Society of Clinical Nutrition, where he was the first president; the American Clinical and Climitalogical Association; and the Cincinnati Society of Internal Medicine. He received the American College of Physicians Ohio Chapter's Laureate Award in 2002; the American Medical Association's Joseph Goldberger Award for outstanding contributions in the field of nutrition; the National March of Dimes Foundation's Dan Tehan Humanitarian Award; the University of Cincinnati College of Medicine's Daniel Drake Award for major and lasting contributions to the College; and the University of Cincinnati Excellence Award.

In August, 2003, Dr. Vilter lost his beloved wife of 70 years, Sue. He lost his son, Richard Jr., in 1990.

All of us in Cincinnati congratulate Dr. Vilter on being named a Great Living Cincinnatian.

TRIBUTE TO ELLEN BRAVO, OUTGOING EXECUTIVE DIRECTOR OF 9TO5 NATIONAL ASSOCIATION OF WORKING WOMEN

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to pay tribute to a colleague and contemporary: Ellen Bravo, outgoing Executive Director of 9to5 National Association of Working Women.

Ellen is a longtime resident of the city of Milwaukee who has made innumerable contributions to the advancement of women's rights. For over 20 years she has overseen the growth and evolution of 9to5. Under her leadership, this organization has brought women's voices into debates over state and national policies on issues ranging from welfare reform to sexual harassment in the workplace.

Ellen's efforts have resulted in concrete advances for all women. She fought for a higher minimum wage for all workers, while challenging State lawmakers to ensure women received equal pay for equal work. She led the fight to win family and medical leave benefits for Wisconsin workers. She was a critical voice in the national move to replace welfare with a work-based system. Even now, she is working with coalitions in several states to expand workers' access to sick leave benefits.

An accomplished speaker and trainer, a noted public commentator, Ellen has contributed to our understanding of the needs of working women and their families. Not only has her advocacy expanded the research agenda, her commitment to organizing has ensured that women are empowered to fight for the policies they need.

Ellen's vision is that all women should have more power. I can say with certainty that her work has helped support and sustain lawmakers who share that vision. I have firsthand knowledge of her support as a lawmaker. She is one of my advisors and, more importantly, my friend.

I am pleased to take this opportunity to congratulate Ellen on these achievements, and to wish her well in the next phase of her life.

RECOGNIZING MELISSA SIEG

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to recognize Melissa Sieg, on being elected the 2005 President of the Pennsylvania Association of Realtors.

On January 25, 2005 Melissa will be inaugurated as the 82nd president, only the sixth woman in the 85 year history of the Association to be named to the position. Melissa is an associate broker who, along with her husband Bill, owns and operates the Prudential First Choice Realty located in State College, Pennsylvania. Besides her participation in the Pennsylvania Association of Realtors, Melissa has also been actively involved in the Centre County Association of Realtors where she has served on the Board of Directors, as vice president and also as president. In 1996 she was named the Centre County Association of Realtors' "Realtor of the Year."

Besides being professionally active, Melissa finds time to give back to her community as a YMCA swimming official and as the Bellefonte High School varsity swim coach. She has also served on the community boards for the Bellefonte YMCA, the Centre County United Way and served as Vice President for the Marion-Walker Youth Baseball League and as President of the Bellefonte YMCA Swim Team Parent's Association.

I ask my colleagues in the U.S. House of Representatives to join me in honoring Melissa Sieg. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute citizens such as Melissa who make the communities that they live in truly special.

HONORING PATRICIA SCATOLONI DEDICATION TO EDUCATION AND HELPING THOSE LESS FORTUNATE

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to honor the memory of Patricia D. Scatoloni who served her local community as a school teacher for 50 years and served the people of Macedonia as a member of the Peace Corps since December. She died of natural causes on January 1, 2005.

Patricia Scatoloni began her Peace Corps training in September 2004, and took her official oath as a volunteer in December. She focused on English education in the village of Leskoec where she worked on both elementary and adult education. Since 1961 the Peace Corps has sent more than 178,000 volunteers to live and work around the world.

The 74-year-old mother of three will be remembered as an enthusiastic and creative teacher who cared deeply about her students. She taught in the Los Angeles public schools for 18 years and finished her career in the Pasadena public schools as a full-time substitute teacher.

I ask all Members of Congress to join me today in honoring the memory of Patricia Scatoloni for her immense dedication to public service.

REMEMBERING THE DEATH OF SIR WINSTON CHURCHILL

HON. MAC THORNBERRY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. THORNBERRY. Mr. Speaker, I am honored to submit for the RECORD a statement by the Churchill Centre commemorating the 40th anniversary of the death of Sir Winston Churchill. The Churchill Centre has members around the globe and a mission to "foster leadership, statesmanship, vision and courage among democratic and freedom-loving peoples worldwide, through the thoughts, words, works and deeds of Winston Spencer Churchill." One of its recent activities, for example, was to help sponsor the widely acclaimed "Churchill and the Great Republic" exhibit that began at the Library of Congress last year and is now moving around the country.

I have been a member of the Churchill Centre and its predecessors for nearly 20 years. I believe that each of us today, as well as the generations to come, can learn from and be inspired by the life of Sir Winston Churchill. I commend the statement and the work of this organization to all my colleagues.

REMEMBERING A GREAT MAN 40 YEARS ON

January 24 marked the 40th anniversary of the passing of the great British statesman and war leader, and honorary U.S. citizen, Sir Winston S. Churchill. Believed by many to be the greatest individual of the past Century, and widely recognized as the single greatest obstacle to Nazi tyranny, Sir Winston died on this date in 1965 at the age of 90.

In a career that spanned from the Victorian age to the Space age, Winston Spencer Churchill held almost every major government position in the British government; served in Parliament under every monarch from Queen Victoria to Queen Elizabeth II; won the Nobel Prize for literature in recognition of a body of work that encompassed forty books and innumerable articles and speeches; and, was an accomplished artist, producing over 500 paintings in his lifetime. His official biographer, Sir Martin Gilbert, when asked to produce a one sentence description of Churchill, wrote: "He was a great humanitarian who was himself distressed that the accidents of history gave him his greatest power at a time when everything had to be focused on defending the country from destruction, rather than achieving his goals of a fairer society."

As the 20th Century drew to a close, The Churchill Centre, Washington, D.C., a broadly-based international organization of over 3,500 members that exists to foster leadership and boldness through the words, works, and deeds of Sir Winston Churchill, published in its journal, Finest Hour, statements issued by world leaders and the media supporting the designation of Winston Churchill as the "Person of the Century". Here are two of those statements:

"Churchill was the century's best example of how individuals can shape history rather than being shaped by it. The force of his will and his words gave courage to his country and saved the West. Yet it was also Churchill who, after World War II, discerned the dangers to come from communist tyranny. Just as he defined the moral issues of the 1930s and 1940s, he defined the great moral challenge up to our own time. Totalitarianism was the greatest evil of the 20th century, and Churchill its most able adversary."—Governor George W. Bush in Time, 22 November 1999.

"We can make sense of the future if we understand the lessons of the past. Winston Churchill, my first prime minister, said that 'the further backward you look, the further forward you can see.' And it was this importance of history which was much in my mind when I opened the new Scottish Parliament in July this year."—Her Majesty the Queen, Christmas Message, 25 December 1999.

Why should the world remember a man who lived so long ago at a time seemingly so remote from the present? Quite simply, because the words, the deeds, and the works of Winston Churchill take on an aura of immortality that transcend years and generations and can provide guidance to the world today and into the future.

Churchill was a defender of the family as it is traditionally understood. He believed that government should foster independence of spirit. He believed this requires that people own property, with little hindrance and light taxation, and remain responsible for their own well-being. Churchill believed Western Civilization is a force for good. He believed that the traditions of the English-Speaking Peoples, rightly understood, reflected truths of unchanging vitality and application to all persons and all times. He thought socialism and bureaucracy incompatible with human liberty and even with the survival of nations. He believed that certain codes of morality find sanction in a permanent law, not made by mankind. A violation of this law is, he believed, always wrong. Virtue, not creativity, was his touchstone. These principles will continue to require champions in this century.

Churchill's motto, expressed as the "moral" of his acclaimed six-volume history of The Second World War, clearly expresses these ideals.

In War: Resolution.
In Defeat: Defiance.
In Victory: Magnanimity.
In Peace: Good Will.

Now, forty years after his passing, Winston Churchill is still quoted, read, revered, and referred to as much, if not more, than when he was alive. Let us, therefore, take a moment to reflect on a man who gave so much to the world during his lifetime, and who will be remembered and honored as long as a free world continues to exist and continues to honor its heroes.

CONGRATULATING DOBBS FERRY HIGH SCHOOL

HON. NITA M. LOWEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mrs. LOWEY. Mr. Speaker, I rise today to recognize Dobbs Ferry High School for winning the 2004 New York State Class C Football Championship.

Through hard work, commitment and by always keeping their eye on the ball, this team completed a perfect 13–0 season en route to the title.

This championship continues the rich tradition that Dobbs Ferry High School has established on and off the football field. By winning this title, Dobbs Ferry has now won the state title two of the last three years. Dobbs Ferry is only the fifth school ever to win a state title in multiple football classes.

By applying the principles of fair play, good sportsmanship and constructive competition to sports and all other walks of life, the school has become a shining example for others to follow.

Mr. Speaker, I ask my colleagues to join me in honoring Dobbs Ferry High School on their accomplishment and I wish them the best of luck in defending their title next season.

CONGRATULATING FRANK J. LIKAR

HON. MELISSA A. HART

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HART. Mr. Speaker, I would like to take this opportunity to congratulate Frank J. Likar of Pittsburgh on his retirement after 34 years of service to the U.S. Army Corps of Engineers, Pittsburgh District. A luncheon will be held in his honor on Friday, January 21, 2005, in Pittsburgh.

Frank has been the Deputy District Engineer for Programs and Project Management in the Pittsburgh District since June 2003. Prior to this, Frank held several supervisory and management positions throughout the Pittsburgh District in engineering, construction, operations and project management. Frank began his federal career in the District in 1971 after serving in the U.S. Marine Corps and in 1976 he was one of four selected for the District Executive Development Program.

A graduate from the University of Pittsburgh in 1971, Frank is a registered Professional Engineer in Pennsylvania, and a member of the Chi Epsilon national civil engineering honors fraternity.

I ask my colleagues in the United States House of Representatives to join me in honoring Mr. Frank J. Likar. It is an honor to represent the Fourth Congressional District of Pennsylvania and a pleasure to salute the service of citizens like Frank Likar who personify civic pride and make the communities that they live in truly special.

IN RECOGNITION OF THE CABRILLO CIVIC CLUBS OF CALIFORNIA

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CARDOZA. Mr. Speaker, I rise today to recognize and honor the Cabrillo Civic Clubs of California upon the celebration of their 70th Annual Convention. The Cabrillo Club is dedicated to the civic progress of Californians of Portuguese descent, to teach and foster Americanization, and to encourage better education and perpetuate the achievements of their forefathers. The Club is dedicated to these ideals in memory of John Rorigues Cabrillo, the discoverer of California.

The Cabrillo Civic Clubs, Inc. was organized in 1934 by Californians of Portuguese descent who were proud that a Portuguese mariner had discovered the beautiful state of California. Today, there are fourteen clubs throughout the Golden State with nearly 3000 members. The Club is known for its many charitable activities including blood drives, fundraising for polio and cancer research, assisting candidates for U.S. citizenship, and providing college scholarships for students of Portuguese descent. In addition, the Cabrillo Clubs strive to foster an interest within their communities in Portuguese customs and culture through local events such as "Festas Portuguesas."

I am especially honored to recognize this remarkable organization, as I am of Portuguese heritage. I too appreciate the importance of celebrating our culture, and embracing the ideals upheld by the Cabrillo Civic Clubs of California. Their 70 years of dedication to preserving our heritage while promoting progress is admirable and certainly deserving of recognition.

Mr. Speaker, I wholeheartedly ask that my colleagues join me in recognizing the Cabrillo Civic Clubs of California, an organization steeped in culture and tradition that remains committed to the preservation and progress of the Portuguese community and the State of California.

RECOGNIZING THE LOSS OF ARMY SPECIALIST ALAIN L. KAMOLVATHIN

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GARRETT of New Jersey. Mr. Speaker, it is with profound sorrow that I rise to recognize the loss of a New Jersey citizen who served with dignity and honor as a soldier in Iraq. I join his family, friends and members of his community in mourning this great loss.

On Sunday, January 16, Army Spc. Alain L. Kamolvathin, 21, of Blairstown, New Jersey died in Baghdad, Iraq as a result of a vehicle accident. Kamolvathin was assigned to the Army National Guard's 1st Battalion, 69th Infantry Regiment, New York, New York.

A resident of Blairstown, N.J., Kamolvathin attended North Warren Regional High School. Following graduation, Kamolvathin enlisted in the New Jersey National Guard to serve our great nation while also seeking out new educational and travel opportunities. His friends described him as a hardworking, intelligent person with a deep love and commitment to his close-knit family.

This loss causes us to reflect on the bravery demonstrated by our men and women in uniform as they carry out their obligations in the face of danger. When their Nation called them to duty to preserve freedom and the security of our neighbors, they answered without hesitation.

Mr. Speaker, it is my sincere privilege to recognize the life of a proud soldier and heroic representative of the State of New Jersey. Army Spc. Alain L. Kamolvathin was an honorable defender of liberty and he deserves our gratitude and respect.

We remember those who have fallen not only as soldiers, but also as patriots who made the ultimate sacrifice for their country. May we keep their loved ones in our thoughts and prayers as they struggle to endure this difficult period and mourn the heroes America has lost.

TRIBUTE TO WILLIAM BEAUMONT HOSPITAL

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. KNOLLENBERG. Mr. Speaker, I rise today to recognize one of the finest institutions in my Congressional District, William Beaumont Hospital, which today celebrates its 50th Anniversary.

Responding to a need for hospital services in southern Oakland County, William Beaumont Hospital first opened its doors in Royal Oak, Michigan on January 24, 1955 with 238 beds. In 1977, Beaumont opened a second hospital in Troy, Michigan. Today, Beaumont Hospital is a 1,061-bed tertiary care, teaching, research and referral center, representing 91 medical and surgical specialties, with a staff of more than 2,400 physicians.

The importance and value of Beaumont Hospital to Oakland County is clear. In 2003, Beaumont was ranked first in the State of Michigan for inpatient hospital admissions, births and emergency room visits. In 2002, the hospital was ranked first in the United States for outpatient surgeries, and second in the United States for total surgeries. Beaumont has also established itself as a major teaching facility, with 290 resident physicians in 17 accredited residency programs, 40 fellows in 13 fellowship programs and affiliations with major universities.

Beaumont has made tremendous contributions to Oakland County as the county's third largest employer. In 2001, the hospital was ranked by Crain's Detroit Business as one of the best places to work.

Technological advances over the past 50 years have brought many changes to the healthcare profession and to hospital services, and the staff of William Beaumont Hospital has remained true to its mission of providing efficient, effective, and compassionate patient care. It has maintained services that have earned it a reputation as one of the nation's top hospitals.

In 50 years, Beaumont Hospital has grown into a thriving hospital that is nationally recognized for providing outstanding healthcare services. Beaumont Hospital has been an important resource for Oakland County and an exemplary institution during its years of service and dedication to our community. I am proud to have this top rate facility in my Congressional District.

This is a significant milestone for William Beaumont Hospital and I want to commend it for its service and dedication to the residents of Oakland County. I look forward to working together with Beaumont Hospital to build upon its achievements to make the hospital even stronger for the future.

HONORING SUSAN SEGAL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. PORTER. Mr. Speaker, I rise today to honor Susan Segal, Principal of Basic High School in Henderson, Nevada. Ms. Segal is now completing her twenty-first year in the Clark County School District. She moved to Nevada from New York City where she earned a Bachelor of Arts degree in Spanish from the City University of New York and began teaching Spanish and French in the New York City school system. Ms. Segal began her career in Nevada's school system in February 1983 as an itinerant English language teacher in the Indo-Chinese Refugee Program.

Ms. Segal became an administrator in January 1994 when she was appointed Dean of Students at Basic High School, and after two years was appointed Assistant Principal at Cheyenne High School. In January of 1999 she was appointed Principal of Desert Pines High School where she was in charge of selecting a curriculum and hiring a complete staff for the high school.

In July of 2002, Ms. Segal returned to Basic High School where she is the current principal and oversees 100 licensed personnel, five administrators, and 40 support staff in a school of about 2,230 students. She balances her time between her staff and her students by ensuring that her students are receiving the best education possible.

Mr. Speaker, Susan Segal works diligently to serve her local Nevada community as she works hard to prepare her students for the future. She is a wonderful role model who gives 100 percent to her staff and her students. Mr. Speaker, I appreciate her diligence and hard work and would ask that my colleagues support me in honoring Susan Segal for her invaluable service.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GALLEGLY. Mr. Speaker, on Thursday, January 6, I was unable to be present during the counting of the electoral ballots and missed the vote on Agreeing to the Objection to counting the ballots of the state of Ohio. Had I been present, I would have voted "nay."

IN TRIBUTE TO WALT STARLING

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. WOLF. Mr. Speaker, I want to bring to the attention of the House the recent passing of Walt Starling, who many Members who have been serving in the House for a while will remember as the first traffic reporter in the Washington metropolitan area who took to the air to report on rush hour traffic conditions.

For over 20 years, twice each workday, Walt circled the Washington skies at 1,200 feet in a Cessna plane that he piloted himself to let us know where the traffic jams were and how to avoid them. I was one of the fortunate ones to ride on a tour around the region. I got the bird's eye view, including the highway network in my district located just outside the nation's capital in Virginia.

I also got to know Walt and to rely on his advice on ways to improve transportation in our region. Walt and two airborne traffic reporters in Washington that he trained—Bob Marbourg and Andy Parks—saw the big traffic picture every day from their unique vantage points and gave their professional insight at a town meeting I held in the 1980's on reducing high occupancy vehicle (HOV) rules on I–66.

Walt was a caring, dedicated professional who touched the lives of so many people. He also was a devoted husband and father. To his family, we send our deepest condolences and also our thanks for their sharing of Walt with us all.

Mr. Speaker, I submit for the RECORD two articles from the Washington Post of January 5, and January 13, about the life of Walt Starling.

ON-AIR TRAFFIC REPORTER WALT STARLING DIES

(By Joe Holley)

Walt Starling, a flying traffic reporter whose live radio reports of Capital Beltway jams, fender benders and bottlenecks helped Washington area commuters get to work every morning and home every night, died Jan. 4 of colon cancer at his home in Laytonsville. He was 52.

Mr. Starling was one of the first traffic reporters in the area to become a radio personality. From 1974 until 1995, he folded his 6-foot-4 frame into the cramped cockpit of a Cessna 172 and circled the Beltway at 1,200 feet, looking for ways to keep traffic flowing and commuter frustrations to a minimum, tasks that grew increasingly difficult as the population boomed and traffic increased. He reported traffic twice a day for a succession of area stations, flying an estimated 2.2 million air miles.

In recent years, he had been working for WRC–TV (Channel 4) in the District.

Mr. Starling's career as an air-traffic radio reporter began as a class project at the University of Maryland in 1973. As he explained to The Washington Post in 1994, he was a senior in the radio and television program, and his assignment was to create a job for himself. He was taking flying lessons at the time and came up with the idea of using a fixed-wing plane to monitor traffic and provide regular radio reports. Fuel, maintenance and insurance would be less expensive than for a helicopter, and a plane would be safer, he maintained.

The instructor, also a pilot, was not convinced. "That's about the dumbest thing I've ever read," he told Mr. Starling.

Undaunted, Mr. Starling dropped out of school and pitched the idea to WAVA (105.1 FM). The station agreed to give it a try, and on March 4, 1974, he began delivering 10 reports during morning drive time and 10 during the afternoon rush. In the early days of his venture, he was allowed to sell his own sponsorships, so he traded commercial spots for, among other things, eyeglasses, meals, cars and carpeting for his home.

Mr. Starling was one of the few traffic reporters in the country who both flew the plane and did the reporting, dual duties that made insurance companies anxious. Circling above the snaking lines of traffic, he managed to work the controls of his plane, spot where the traffic was snarled and then deliver up-to-the-minute information in smooth one-minute reports.

He had only two emergency landings during his career, but he knew the location of every swath of green in the area, just in case.

His voice had a calming effect on often-harried commuters. At sunset during the winter, he would gently remind drivers to switch on their headlights, and he knew the area so well he could offer alternatives to drivers coming up on bottlenecks. He also trained other traffic reporters, including Andy Parks of WMAL (630 AM) and Bob Marbourg of WTOP (1500 AM).

Walter Maurice Starling was born in Washington and grew up in Hyattsville, down the street and around the corner from College Park Airport, where the Wright brothers trained the nation's first military pilots. His father, Walter M. Starling, a businessman who died last month, earned his private pilot's license in 1947 and took his son up for the first time in 1956, when he was 4. (Mr. Starling's sister and son also are pilots.)

He graduated from Northwestern High School in Hyattsville in 1970. At U-Md. in the early 1970s, he reported for WMUC (88.1 FM), the campus radio and TV station, but dropped out of school to begin his "Washington Skywatch." He received his undergraduate degree in 1981. Over the years, he reported for WAVA–AM and FM News Radio, WASH (97.1 FM), WPGC (95.5 FM) and WLIT/WARW–FM.

His heyday, recalled David Burd of WMAL–AM, was at WASH–FM in the late 1970s and early 1980s. The station was tops in the market, and Mr. Starling's reports were a popular feature.

In the early 1990s, as stations increasingly turned to traffic reporting services that offer reports to several stations at the same time, the economics of the individual reporter turned against Mr. Starling. After leaving WARW–FM in 1995, he went to work for WRC–TV, where he began learning the medium of television from the ground up. He was an assignment editor for the station before becoming ill in early 2004.

Mr. Starling was an active member of First United Methodist Church in Hyattsville. He also flew as a barnstorming pilot for Flying Circus Airshows and restored vintage planes.

Survivors include his wife of 29 years, Sharon Lynn Starling of Laytonsville; two children, W. Brent Starling of Laytonsville and Joanna Lynn Starling of Rockville; his mother, Doris Starling of Silver Spring; a sister, Phyllis Starling of Rockville; and two grandchildren.

BLAZING A TRAIL FOR TRAFFIC REPORTERS

(By Steven Ginsberg)

There Bob Marbourg was, before anyone knew who Bob Marbourg was, looking for a twirl over the Washington region with Walt Starling, the premier flying traffic reporter of the late 1970s.

"I know you take folks along for a ride with you. I wonder if I might do that with you sometime," Marbourg recalled asking Starling at a street fair in College Park.

Sure, Starling said. Before long, Marbourg was by Starling's side in his signature Cessna 172. Marbourg took some pictures that Starling liked, and Marbourg was asked to come back again. And again and again. One Memorial Day weekend, Starling suggested to his station manager that Marbourg fill in while he was away and, poof, a radio traffic reporter's career was born.

That was the kind of guy Starling was, Marbourg said last week, days after the legend died Jan. 4 at 52 of colon cancer.

"Walt Starling was a radio personality," Marbourg said, between his broadcasts at WTOP (1500 AM), a job that Starling helped him get. "But he was also a man who touched many people in many generous and caring ways."

Starling was a pioneer in the world of traffic reports and traffic reporters. He was one of the first in the area to become a radio personality, jabbering with his studio counterparts during live reports. Starling also flew in his own way, in a fixed-wing plane when everyone else was circling in helicopters.

Starling's fixed-wing idea is now legendary. He dreamed it up for a student project, figuring that a plane would be less expensive to operate than a helicopter. A teacher at the University of Maryland told him the idea was "about the dumbest thing I've ever read," Starling told The Washington Post in 1994.

Starling would later say that was just the kind of comment that would get him started. He quit school, refined the idea a little and sold it to WAVA (105.1 FM). On March 4, 1974, he flew the first of an estimated 2.2 million air miles.

After WAVA, Starling worked for FM News Radio, WASH (97.1 FM), WPGC (95.5 FM) and WLIT/WARW-FM before hopping over to television at WRC–TV (Channel 4) in the District in the mid-1990s. Starling served as an assignment editor for the station before becoming ill last year.

Aside from the type of craft he used, Starling did something else that most other traffic reporters didn't do: He piloted his plane. At least that's what he did when he hadn't turned over the controls to Marbourg so that Starling could check one of his trusty maps.

"We were out over Rock Creek Park, just over Walter Reed one day," Marbourg said, "and we were flying in a circle while he was trying to find an address. Walter looked up from his map book and all he could see were trees."

"Bob, where have you taken us?" Starling asked, incredulously, before resuming control.

Lon Anderson, a spokesman for AAA Mid-Atlantic who knew Starling's voice as a Washington area resident and knew his professionalism later when they worked together on projects, said that Starling paved the way for all the local radio traffic reporters who followed.

"He was then what Bob Marbourg really is now, the dean of traffic reporters," Anderson said. "He sounded just as professional and knowledgeable and no different" from today's traffic reporters. "The difference was he was there ahead of everybody doing this, and everyone followed him. He clearly set the tenor to a large extent that is followed today."

Bruce Allen, the midday news anchor at WTOP, met Starling when he was working as a traffic reporter in 1980. Allen, who worked for Metro Traffic, said the company was contractually obligated to give Starling all the traffic information it had. Starling was under no such obligation but passed along what he knew anyway.

"It was the personal relationship that made it a two-way flow," Allen said. "I'm one of the zillions who liked the guy and felt good about him. He was a good man."

ELECTION REFORM

HON. PATRICK J. KENNEDY

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. KENNEDY of Rhode Island. Mr. Speaker, I rise today in support of overall election reform. What we are doing today is not—contrary to what some would have you believe—trying to change the past, although as long as we are considering the past, I would suggest that today's proceedings are taking place 4 years too late. In any case, today's activity is not an attempt to overturn the results of the 2004 Presidential Election. Rather, we are here today to draw attention to the multitude of people who were unable to fulfill their fundamental, constitutional right to vote in this election, for a variety of reasons. This is about securing our system of democracy—not about "sour grapes." It is unacceptable for any American citizen to be disenfranchised, either by intimidation or a misleading ballot. Every person who is legally registered to vote should be allowed to exercise this essential right and duty of citizenship. Members of Congress should be disturbed by the evidence that tens of thousands of voters, predominantly from minority and Democratic precincts, had to wait hours or were disenfranchised altogether due to unprecedented long lines, expected challenges, get-out-the-vote disinformation, electronic voting irregularities and questionable practices in tallying provisional ballots and completing the recount. This must spur us to action, to accomplish effective, bipartisan electoral reform—the kind we should already have implemented following the 2000 Presidential Election.

I look forward to hearing the outcome of the ongoing GAO investigation into the reported irregularities in our latest Presidential Election, including possible voter intimidation and fraud. We must continue our legislative efforts, following in the footsteps of The Help America Vote Act, which became law in October 2002, to fulfill our responsibility as elected officials to ensure the right of every individual citizen to have their vote counted. We must support the Election Assistance Commission as it responds quickly to reports of irregularities and possible fraud in the 2004 Presidential Election by holding hearings on voting systems standards, registration databases, and provisional balloting. We also must address allegations of inaccurate results from electronic voting machines by supporting legislation to require such machines to produce a paper trail that can be used in the event of a recount. We must continue to act this session to ensure an election process that, in 2008, will maintain integrity as well as the public's confidence.

RECOGNIZING THE 150TH ANNIVERSARY OF THE LOUISVILLE BOARD OF INDEPENDENT INSURANCE AGENTS

HON. ANNE M. NORTHUP

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mrs. NORTHUP. Mr. Speaker, I rise today to recognize the 150th anniversary of the Louisville Board of Independent Insurance Agents.

The story of the Louisville Board began on February 15, 1854 when a dozen of the city's leading insurance officials met to organize the Board of Underwriters. The organization's first constitution stated that it was formed

> in view of the benefits resulting from uniformity in the rates of insurance, in the conditions under which insurances should be made, in the principles and practices of adjusting losses, and in view also of elevating the character of insurance transactions. . . .

In 1858, the Louisville Board presented the city of Louisville with its first steam-powered fire engine. At a cost of $5,000, the money to purchase the fire engine was donated from insurance companies and local merchants.

In 1896, Louisville Board members played a prominent role in the creation of a state insurance association within Kentucky. This organization still operates today as the Independent Insurance Agents of Kentucky. Additionally, Louisville Board members played an instrumental role in the creation of a national agents' association.

In 1951, the Louisville Board inaugurated a series of monthly luncheon forums, which continue to this day.

Mr. Speaker, the Louisville Board has been a valued partner in our community for the past 150 years. I congratulate them on a historic anniversary and wish them continued success in the future.

CONGRATULATING THE PEOPLE OF UKRAINE ON RECENT PRESIDENTIAL ELECTIONS

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. KAPTUR. Mr. Speaker, I join my colleagues in congratulating the people of Ukraine on their free and fair election that elevated Victor Yushchenko to the office of President. I have joined my colleagues in extending an invitation to President Yushchenko to address the Congress.

Just days before the elections, I traveled to Ukraine for the ninth time. On November 21, Ukraine held a run-off election for the office of President between Victor Yushchenko and Victor Yanukovych. International observers immediately found widespread fraud and declared the election invalid. Immediately following these events, supporters of the opposition party took to the streets to demand a recount or a new vote in what has been dubbed the "Orange Revolution." The Ukrainian Supreme Court agreed and called for new elections. Our six member Congressional delegation added our voices for a free and fair revote in the Presidential elections to be held December 26 in that nation of nearly 50 million people.

My first journey to Ukraine inspired a three-decade long quest that now explodes in the hearts of the people of Ukraine. The momentum of the opposition party in Ukraine is with the young. They crowded into the streets of Kiev. They blazed a trail on email. They are building a new future for Ukraine and this election cycle has been a transformational moment for them.

Ukraine was host to thousands of election observers from around the world, and from within Ukraine, with the purpose of preventing the abuses that characterized the earlier elections, particularly manipulation of mobile voting stations and absentee voting. Laws had been passed in parliament to avoid these pitfalls. However, election observers were critical in assuring a fair vote.

I continue to ponder how much Ukraine has changed in my lifetime. When I first drove into Ukraine in 1973, there were no other cars on the road other than military vehicles. Today, though far from an open society, Ukraine is making major strides toward developing liberty's institutions. The impact of this election in inspiring the next generation of Ukraine's youth cannot be underestimated. There is enormous fervor among the young people. Their free assembly is allowed in many regions of the nation.

As Co-Chair of the Congressional Caucus, I look forward to building strong ties between our nations. Just a few weeks ago, the Congress held a videoconference with members of the Ukrainian parliament, the Rada. As part of our 1999 agreement, we will continue to hold these discussions, both in person and via videoconference. Our relationship has just begun to blossom. I am very hopeful for Ukraine and her people.

RANCHO CORRAL DE TIERRA GOLDEN GATE NATIONAL RECREATION AREA BOUNDARY ADJUSTMENT ACT—H.R. 296

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. LANTOS. Mr. Speaker, I rise to introduce important legislation to expand the Golden Gate National Recreation Area, the Rancho Corral de Tierra Golden Gate National Recreation Area (GGNRA) Boundary Adjustment Act, H.R. 296. This legislation will protect and preserve an extraordinary landscape and make a valuable addition to the National Park System at a fraction of the cost to the Federal government.

The Golden Gate National Recreation Area is a national treasure preserving historic sites and open space as well as providing recreation in the midst of a densely populated urban area. It is one of our nation's most heavily used national parks. H.R. 296 would adjust the boundary of the GGNRA to permit the inclusion of lands directly adjacent to existing parkland as well as nearby lands along the Pacific Ocean. The upper parcels of land offer spectacular vistas, sweeping coastal and bay views and stunning headland scenery. Including these lands would also protect the important habitats of several species of rare or endangered plants and animals.

The addition of 4,700 new acres to the GGNRA will be accessible to more than 6 million people who live within an hour's drive of the park and will provide national park programs and experiences to millions of national and international visitors. An expansive tract of 4,076 acres known as Rancho Corral de Tierra includes the dramatic ascent of Montara Mountain from the sea, 2,000 feet in just over 1 mile. It is a spectacular sight not duplicated anywhere else in the Park and in few other places on the California coast.

With this legislation, Rancho Corral de Tierra will be preserved through a tripartite partnership between the National Park Service, California State Parks and the Peninsula Open Space Trust. For the Rancho Corral de Tierra property, we will seek 50 percent of the acquisition costs from the federal government and 50 percent through state and private contributions. The other properties will be donated by the State of California.

The current landowner of the Rancho Corral de Tierra is the Peninsula Open Space Trust (POST). They purchased the entire Rancho Corral de Tierra site for $29.75 million to save the site from development and to preserve this important natural area. POST is a local land-conservancy trust in the San Francisco Bay Area and has a remarkable track record. POST has offered to donate significant funds towards the federal acquisition of the Rancho Corral de Tierra property through private contributions. The dedicated foresight and tireless efforts of POST led by its President Audrey Rust had enabled us to bring this legacy to our National Park.

My legislation enjoys strong local support. The Golden Gate National Recreation Area and Point Reyes National Seashore Citizens Advisory Commission adopted a resolution endorsing this legislation and supporting the addition of these areas into the GGNRA after holding a public hearing and receiving public comment from local residents. The San Mateo County Board of Supervisors passed a resolution supporting enactment of this legislation. The legislation has the strong support of local environmental advocacy and preservation groups. The proposed additions were studied by POST in accordance with National Park Service criteria and in consultation with National Park Service staff. The study found that the land meets the criteria for additions to units of the National Park Service. The study found that the properties would preserve significant natural, scenic and recreational resources that are equal to or are unparalleled in the Golden Gate National Recreation Area.

Preserving our country's unique natural areas is one of our highest national priorities, and it is one of my highest priorities as a Member of Congress. We must save these unique and rare areas for our children and grandchildren today or they will be lost forever. Adding these new lands to the GGNRA will provide greater recreational opportunities for the public to enjoy and will protect these fragile natural areas from encroaching development or other inappropriate uses which would destroy the scenic beauty and natural character of this key part of the California coast.

I first introduced this legislation in the 107th Congress. Throughout that Congress and during the subsequent 108th Congress, significant progress has been made on this bill. Concerns were raised and have been thoroughly addressed throughout its consideration. I am hopeful now that the House will expeditiously move this bill to enactment. I am pleased once again to be joined by Senator FEINSTEIN in introducing similar legislation in the Senate. Her leadership and support on this issue as a member of the Senate Energy Committee has been invaluable to this bill's progress. I am also proud to be joined by many members of the Bay Area Congressional delegation in their continued support of this bill, including Ms. PELOSI, Mr. GEORGE MILLER of California, Ms. LEE, Mrs. TAUSCHER, Mr. THOMPSON of California, Mr. STARK, Mrs. WOOLSEY, Mr. HONDA.

I strongly urge my colleagues' consideration and support of the Rancho Corral de Tierra Golden Gate National Recreation Area Boundary Adjustment Act.

PERSONAL EXPLANATION

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. BLUMENAUER. Mr. Speaker, had I been present for the following vote on Thursday, January 6, 2005, I would have voted as follows: Rollcall Vote 7: I would have voted "Nay" on agreeing to the objection to the certification of the Ohio electoral votes. While I do not protest the outcome of the Ohio electoral votes, irregularities in the 2000 and 2004 elections, especially in Florida and Ohio, make it clear that we need to do a lot more to give voters confidence that every vote is accurately counted. The 2004 State of Washington gubernatorial race shows how narrow the outcome of a race can be even with millions of votes cast. The 109th Congress must act to ensure that no future elections are mired in controversy and that the United States provides a clear and strong example of democracy.

COMMENDING GARY FRONTIERS SERVICE CLUB

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. VISCLOSKY. Mr. Speaker, as we celebrate the birth of Dr. Martin Luther King, Jr., and reflect on his life and work, we are reminded of the challenges that democracy poses to us and the delicate nature of liberty. Dr. King's life, and, unfortunately, his untimely death, reminds us that we must continually work and, if necessary, fight to secure and protect our freedoms. Dr. King, in his courage to act, his willingness to meet challenges, and his ability to achieve, embodied all that is good and true in the battle for liberty.

The Gary Frontiers Service Club, founded in 1952, sponsors this annual memorial breakfast. This year the Gary Frontiers Service Club will pay tribute to four local individuals who have unselfishly contributed to improving the human condition of others in the City of Gary for decades. Those individuals, who will be named Dr. Martin Luther King, Jr. Marchers at this year's breakfast, include Dr. Clarence W. Boone, Sr. MD, Richard Comer, Dharathula (Dolly) Millender, and Sgt. Louis Stewart. Mr. Johnathan Comer will be honored with the Dr. Martin Luther King, Jr. Drum Major Award. Mr. Comer has dedicated his life to fighting for civil rights. These distinguished individuals from Indiana's First Congressional District will be recognized during the 26th Annual Dr. Martin Luther King, Jr. Breakfast on Monday, January 17, 2005, at the Genesis Convention Center in Gary, Indiana. The invited guest speaker will be The Honorable Mitch Daniels, Governor of the State of Indiana.

This year the Gary Frontiers Club also will honor Richard Grey, the Post Tribune's North Lake editor and columnist for his outstanding service to the Gary Frontiers Service Club, Inc. in publicizing the Martin Luther King Jr. Marchers and Drum Major Awards. Richard passed away on November 25, 2004 at the age of 53. Mrs. Audrey Grey will accept his award. Ms. Sydney Eastern, a senior at Wirt High School in Gary, Indiana will be honored for receiving first place among all participants in the State of Indiana in the 2005 Dr. Martin Luther King, Jr. Essay Contest. Ms. Gloria Griffin is Sydney's teacher. Though very different in nature, the achievement of these individuals reflects many of the same attributes that Dr. King possessed, as well as the values he advocated. Like Dr. King, these individuals saw challenges and rose to the occasion. Each one of the honored guests' greatness has been found in their willingness to serve with "a heart full of grace and a soul generated by love." They set goals and worked to achieve them.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending the Gary Frontiers Service Club President, Mr. Floyd Donaldson, Oliver Gilliam, Melvin Ward, Clorius L. Lay, and all other members of the service club for their initiative, determination and dedication to making Northwest Indiana a better place for all who live and work there.

IN HONOR OF JOEL BROOKS RETIREMENT FROM THE AMERICAN JEWISH CONGRESS

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to pay tribute to Mr. Joel David Brooks retirement as the Executive Director of the Southwest Region for the American Jewish Congress. I join my fellow colleagues in honoring the 40 years of service that Mr. Brooks has given to the local community and the rest of the world.

I am honored to give my complements to a man who has pursued the improvement of human rights for people all across the globe. He has played such a great role in improving lives and families, as I encourage others to continue his dedication to the betterment of our fellow man.

I congratulate the Brooks family on this momentous occasion. I wish Mr. Brooks a well-earned retirement, and am sure that he will be successful in all of his future endeavors during his retirement.

TRIBUTE TO WILEY PRICE, JR., AFRICAN-AMERICAN RADIO PIONEER

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CLAY. Mr. Speaker, I rise today to pay tribute to Wiley Price, Jr., an African-American radio Pioneer, for his being posthumously inducted into the Greater St. Louis Association of Black Journalists' Hall of Fame, on September 25, 2004.

In 1944, Mr. Price joined radio station WTMV, becoming the first African-American radio disc jockey to work on the air in St. Louis. In the words of St. Louis writer and media historian, Bernie Hayes:

"Wiley Price was one of the most original and imaginative announcers of the 20th century. He was far before his time for some, but right on time for us. He was a leading figure in the postwar radio movement, and developed a unique, distinctive delivery and set the standard for those of us who came later. He brought the sound of Black American music to millions of white teenagers while giving hundreds of artists their first recognition."

Mr. Speaker, Mr. Price crusaded against the lack of respect and recognition for an entire people. He led his listeners to a new musical level and his influence spread over many generations, touching different people of all races. The fact that he has been inducted into another "Hall of Fame" is proof of the depth of his influence.

His religious background and his broad appreciation for jazz and blues allowed him to bring great things to music and the entertainment industry.

He was not only a giant in the radio business but he became a cultural icon—something very few people can claim. His audiences associated him with values that they held near and dear to their hearts.

Author Ralph Ellison once wrote: "I am an invisible man. No, I am not a spook like those who haunted Edgar Allan Poe; nor am I one of your Hollywood-movie ectoplasms. I am a man of substance, of flesh and bone, fiber and liquids—and I might even be said to possess a mind. I am invisible; understand, simply because people refuse to see me."

But, to the world's benefit, Mr. Price made people see him, and more importantly, people listened to him. He did not imitate the style of White deejays, but successfully brought a modern and distinctly African-American sound into orthodox music.

In the 1950s and 1960s, Mr. Price helped shape the character of Black radio by challenging big business and bigotry. He helped introduce African-Americans into the mainstream of American radio and changed the way people around the world connect to music.

Mr. Speaker. It is with great honor that I recognize Mr. Wiley Price, Jr. before the U.S. House of Representatives for his many lifetime achievements. He is among my heroes and I am proud to salute him for his many lasting contributions to our community.

REINTRODUCTION OF PHONE BANK LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation to subject operators of push polls or phone banks to the same disclosure requirements as other types of political communication. It will not ban push polls or phone banking—it will simply create a level playing field for all types of political communication. Under this bill, any person conducting these types of calls would be required to disclose to each recipient of a call the identity of the organization paying for the call. In addition, the bill would require that campaigns and other organizations that conduct advocacy phone calls report to the Federal Election Commission, FEC, the number of households they have contacted and the script they used in making the calls. The bill would not interfere with legitimate polling, conducted either by candidates or independent organizations, as it would only apply to phone banks in which more than 1,500 households are contacted within the 25 days preceding a federal election.

MARY DOLLISON—A MOTIVATING PERSONALITY

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. PENCE. Mr. Speaker, Mary Dollison, of Muncie, Indiana, sees peoples' needs and selflessly works to help them. Yet her generosity does not stop there. Mary motivates others to do the same. In this way, she continues to dramatically improve children's lives, and as a result, transform the entire Muncie community. The Muncie Star Press newspaper publicly recognized her outstanding community service on December 31, 2004, when they declared her the "Person of the Year" for her work with Motivate our Minds (MOM).

What began in 1987 as a group of 20 children in her living room has grown into a program of 350 to 400 students who meet for after-school activities in MOM's permanent facility in downtown Muncie. Starting MOMs and shepherding it to its present form was not always easy, though. Over the years, Mary dealt with major budget shortfalls, the lack of a permanent building, and numerous other potential roadblocks that would have caused other people to give up.

Fortunately, Mary persisted, and succeeded. Past MOMs secretary Lenella Maxwell says of her, "She is just a very giving and loving person. She has a heart for children. She loves God very much, and her family is important to her. She has a very contagious smile. It's just like magic watching when she works with children. She can bring out the best in them. She has a heart of gold, and she wants to just help people."

Mary recently told the Muncie Start Press, "I'm not happy not working with kids. My reward is just hearing young people or children come back and tell me stories that I've made a difference in their lives. The goal is still the same, help improve the lives of people, and I think education is one of the ways that we can help do that."

Mr. Speaker, I want to thank Mary Dollison for her tireless service to the Muncie community. She truly makes the community, and the world, a better place.

IN RECOGNITION OF RAYMORE-PECULIAR HIGH SCHOOL. CLASS 5 FOOTBALL CHAMPIONS

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CLEAVER. Mr. Speaker, I proudly rise in recognition of Missouri's Class 5 Football Champions, the Raymore-Peculiar High School football team, and their coach, Tom Kruse. Last November Raymore-Peculiar defeated McCluer North High School football team in the championship game by a score of 37 to 18. The victory was especially satisfying as it was Raymore-Peculiar's first State football championship.

The championship team was coached by Tom Kruse, an alumnus of Raymore-Peculiar. While a student at Raymore-Peculiar, he was a member of the football team. Coach Kruse returned to his alma mater and for the past five years has elevated his team to championship caliber. This year's football season established Raymore-Peculiar as a powerhouse in the Class 5 division and they proudly represent their city, State, and the Fifth District of Missouri as champions by receiving national recognition. Recorded for all time is the perfect season with a record of 13–0 for Raymore-Peculiar.

As the legendary Dallas Cowboys coach Tom Landry said, "Setting a goal is not the main thing. It is deciding how you will go about achieving it and staying with that plan." Congratulations to Raymore-Peculiar High School football team. You had a goal and a plan.

Mr. Speaker, please join me in warm congratulations to Missouri's Class 5 football champions. Raymore-Peculiar's team and coach have brought pride and respect to the Fifth District and it is most fitting that as we prepare for the upcoming Super Bowl we take time to recognize a new generation of football players.

HONORING PRIVATE FIRST CLASS GUNNAR BECKER

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. HERSETH. Mr. Speaker, I want to take this opportunity to honor the life of PFC Gunnar Becker who died January 13, 2005 while serving in Operation Iraqi Freedom.

Every Member of the House of Representatives has taken a solemn oath to defend the Constitution against all enemies, foreign and domestic. While we certainly understand the gravity of the issues facing this legislative body, PFC Gunnar Becker lived that commitment to our country. Today, we remember and honor his noble service to the United States and the ultimate sacrifice he has paid with his life to defend our freedoms and foster liberty for others.

Gunnar, who had been serving in Iraq since February 14, 2004, was part of the 1st Infantry Division of the U.S. Army. He is described as hardworking, full of energy, and funny. Family and friends say he was doing what he wanted to do in life—giving back to the country that gave him so much.

The lives of countless people were enormously enhanced by Gunnar's compassion and service. Gunnar, who represented the best of the United States, South Dakota, and the Army continues to inspire all those who knew him and many who did not. Our Nation and the State of South Dakota are far better places because of his service, and the best way to honor him is to emulate his devotion to our country.

I join with all South Dakotans in expressing my sympathies to the family of PFC Gunnar Becker. His commitment to and sacrifice for our Nation will never be forgotten.

PERSONAL EXPLANATION

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. MENENDEZ. Mr. Speaker, I was absent from votes in the House on Thursday, January 6, due to a previous and unavoidable commitment in my congressional district. Had I been present, I would have voted "no" on rollcall vote 7.

IN HONOR OF DAN HUDSON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the life of Dan Hudson, a valuable member of the Monterey community who passed away on October 11, 2004, after a courageous struggle with cancer. He was an entrepreneur with a love of storytelling, but is perhaps best known for his creation of the Monterey County Post.

Dan was born on January 7, 1951, in Berkeley, CA, but soon returned to his family's home on the Monterey Peninsula. He spent his youth exploring the Central Coast, and was well known for his love of adventure. After graduating from Robert Louis Stevenson High School, Dan created Hudson & Company, in the Barnyard Shopping Village in Carmel, CA. He attended the Monterey College of Law, but after his graduation in 1994 decided instead to go into the newspaper business.

The Monterey County Post was the result of this decision, which he designed particularly to serve the residents of Monterey County. The lead article dealt with Carlos, a former gang member, and instantly made a name for the paper as taking a serious, in-depth approach to crime and illegal drugs. Dan wasn't afraid to tackle controversial issues, and though the paper had a conservative leaning, he welcomed opinions from everyone.

Mr. Speaker, I applaud Dan Hudson's many accomplishments, and I commend him for his dedication to his community and friends. He was a remarkable figure, and his memory will live on in the many people whose lives he has touched. I join the Monterey Bay community, and friends and family in honoring this truly admirable man and friend for all of his lifelong achievements.

TRIBUTE TO MRS. GLORIA FRAZIER EVANS

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. MEEK of Florida. Mr. Speaker, I would like to take this opportunity to extend my warme congratulations to a very dedicated and devoted educator. Gloria Frazier Evans has given leadership and service to the students at Booker T. Washington High School for seven years. She has been the embodiment of the school's most treasured motto: "Not The Largest, But The Best." On Saturday, February 5, 2005, the graduating class of 1961 from Booker T. Washington High School will honor Mrs. Gloria F. Evans for "Keeping the Legacy Alive" for her community.

Born in Orange, Texas, Gloria graduated valedictorian of her 1966 class at M.B. North High School. She furthered her education at the University of North Texas where she received a Bachelor of Arts degree (1970) in French and English and a Master of Education degree (1971) in English Education. Gloria completed coursework for certification in Guidance and Counseling at Florida Atlantic University (1980), and coursework for certification in Administration and Supervision at Florida International University (1986).

Gloria is the youngest child and only girl of James and Henrietta Frazier. She is married to William Evans, retired educator and track coach. They have two daughters, Erica Nicole and Erinn Monique Evans and stepchildren, Lynette Evans, Keisha Person, and Corey Evans. Gloria attends the Episcopal Church of the Transfiguration. She is a member of the Miami Chapter of Delta Sigma Theta Sorority, Inc., the Miami Chapter of The Girl Friends, Inc., and the Dade Association of School Administrators.

In 1998, Gloria was selected as principal to direct the restoration of the historic Booker T. Washington Senior High School. From July 1998 to August 2004, Gloria directly supervised and monitored every aspect of the reconstruction of Booker T. Washington High School, including establishing career academies, aligning the curriculum to State standards, and establishing the athletics and activities programs. She also worked directly with the contractors for the new construction and the renovation of the school. Additionally, Gloria worked with the Ad Hoc Committee, the B. T. W. Alumni Association, and individual B. T. W. Class Organizations. She is currently principal of D.A. Dorsey Educational Center.

Mr. Speaker, I join with the students, faculty, administration and alumni of Booker T. Washington High School, and everyone in our community, in honoring Gloria Frazier Evans. Thank you for all your service, and I wish you all the best in all your future endeavors.

HONORING THE RORY DAVID DEUTSCH FOUNDATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. EMANUEL. Mr. Speaker, I rise today to honor the Rory David Deutsch Foundation and the outstanding work it is doing to eradicate pediatric brain tumors and assist families who have felt the devastating effects of this condition.

The Rory David Deutsch Foundation was named in memory of Rory Deutsch, the beloved son of Mindy and Ross Deutsch. In 1998, at the age of seven, Rory passed away from a brain stem glioma, a type of pediatric brain tumor. Even the very best medical treatment and care from the finest specialists was not successful in curing Rory's illness. Rory's tumor grew within the brain stem itself and was not surgically accessible. Sadly, standard chemotherapy and radiation did not offer a cure either.

The day after Rory's passing, his family established the foundation that bears his name. Aimed at eradicating pediatric brain-stem gliomas, the Rory David Deutsch Foundation has developed relationships with two of the most prestigious medical research centers for children: Duke University's Brain Tumor Center and Chicago's Children's Memorial Hospital. Due in large part to the Deutsch's generous contribution of the Foundation, these two medical centers have already conducted ground-breaking research on brain-stem gliomas.

The Rory David Deutsch Foundation has been tremendously successful in raising funds to advance this research. In doing so, it has received the support of many large national companies that have donated a generous share of their profits on days dedicated to the foundation.

Mr. Speaker, I applaud the research supported by the Rory David Deutsch Foundation on behalf of children afflicted with brain tumors. The promise of a cure borne from this heart-breaking tragedy serves as a source of inspiration and hope for the future of our children. I join with the Fifth Congressional District and indeed all of Chicago in wishing the Foundation and the Deutsch family continued success and happiness in the future.

IN HONOR OF NINA DOBKIN

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Nina Dobkin for her exceptional community service and unwavering commitment to helping others. Mrs. Dobkin was honored at a dinner dance for the Richard A. Rutkowski Association's 26th anniversary gala on January 15, 2005, in Bayonne, New Jersey.

Mrs. Dobkin has spent decades advocating for important community causes and offering her time and support at various institutions. Her participation has included serving as a past president of the National Council of Jewish Women (NCJW) and as a member of the YWCA advisory board and the School 3 Parent-Teachers Council. Currently, she is a trustee of the Bayonne Board of Education.

An extraordinary leader, Mrs. Dobkin has demonstrated her keen ability to develop new and successful outreach programs, especially in the areas of children, health, and education. Her accomplishments include gathering support for the development of a local mental health center, starting a pre-school program for neurologically impaired children, and organizing a coalition to raise money for the establishment of the Community Day Nursery. She also worked in conjunction with the NCJW to co-sponsor a national taskforce to study and address issues affecting children and youth, and testified before Congress regarding day care regulations.

Other projects have included developing a national survey about young girls and the problems they face in the juvenile justice system, helping to develop the Phone Friend program, and coordinating the distribution of Passover food to those in need.

Mrs. Dobkin graduated from Hofstra University with a degree in music and has worked as a piano teacher for more than 50 years. She and her husband, Earl, are the proud parents of two children and two grandsons.

Today, I ask my colleagues to join me in honoring Nina Dobkin for her impressive ability to spearhead and develop worthwhile community endeavors, her passion to help those in need, and her desire and drive to improve social services. Her work has touched the lives of countless individuals in Bayonne and the greater community.

IN HONOR OF MAJOR GENERAL SALVE MATHESON

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. FARR. Mr. Speaker, I rise today to honor MG Salve H. Matheson, who passed away January 8 at the age of 84. Major General Matheson's life-long dedication to military service will forever remind us of the importance of courage and dedication, even in trying times.

Born in Seattle, Major General Matheson and his family moved to Monterey in 1920. After graduating from UCLA, he was commissioned as a second lieutenant in the U.S. Army. During World War II, Major General Matheson participated in D–Day at Normandy, the liberation of Holland, the storm of Hitler's "Eagle Nest" and the defense of Bastogne. The heroics of his unit were forever immortalized by historian Stephen Ambrose in the 1992 novel "Band of Brothers."

During the Korean War, Major General Matheson continued to play key roles in major military operations, such as the amphibious landings at Inchon and Wonsan. In the Vietnam War, he commanded the 1st Brigade of the 101st Airborne Division and participated in the Tet Offensive. Major General Matheson continued his military career in Korea in the late 1960s by commanding the 2nd Infantry Division along the demilitarized zone.

Mr. Speaker, I wish to remember Major General Matheson for his distinguished career. His contribution to our country is immeasurable. MG Salve H. Matheson has left a legacy of leadership and service to his community that will not soon be forgotten. While he will be sorely missed, his life will continue to inspire those he touched.

HONORING WILLIAM SAFIRE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. EMANUEL. Mr. Speaker, I rise today in order to recognize the long and distinguished career of a great writer and thinker—and a close and dear friend—Mr. William Safire. This week marks the last of his columns on the Op-Ed page of the New York Times, closing out one of the most respected, thoughtful and longest-running series of commentaries in the history of American media.

Bill Safire has worn many hats throughout his career, starting out as a radio and television producer, then as a U.S. Army correspondent, and later as a speechwriter and political strategist in the Nixon Administration. Bill Safire is best known, though, for his column which first appeared in the New York Times in 1973. Even among the all-star lineup at the Times, Bill Safire's star shines brightly, as he stands out among the Nation's most celebrated and thought-provoking writers in the newspaper business.

While we might find ourselves on opposite sides of a policy or political debate, I have always enjoyed reading Bill Safire's opinions.

I've also looked forward to his Sunday column, "On Language," in the Times' Magazine which has spun off into 10 books and ranked him among the world's most widely read commentators on English grammar, etymology and usage.

I am sure that Bill's wife, Helene, will be glad to have him around more often and to spend more time with their two children and granddaughter. While the rest of us will miss his words of wisdom, his thoughtful insight, and the discussion prompted by his opinions, we can still look forward to his "On Language" column each Sunday, and hopefully, well into the future.

Mr. Speaker, I wish the best of luck to Bill and his family during his retirement and throughout his future endeavors, including his ongoing written works and as chair of the Dana Foundation, a philanthropic organization promoting science, health, and education, particularly in the area of brain research. Bill Safire's voice in America's commentary will not be easily replaced, and I am among the many devoted readers who will miss him dearly.

IN HONOR OF CHARLIE J. FABYANSKI

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Charlie J. Fabyanski for his dedicated service to the community throughout the years. Mr. Fabyanski was honored at a dinner dance for the Richard A. Rutkowski Association's 26th anniversary gala on January 15, 2005, in Bayonne, New Jersey.

Mr. Fabyanski has served the Bayonne community in a variety of capacities. For more than ten years, he has worked as the institutional representative of St. Andrew's Boy Scouts, Girl Scouts, and Sea Scouts. He has also graciously volunteered his time at the Special Olympics of Hudson County, the Windmill Center, the Highways programs, and as an usher at church.

A leader in many organizations, Mr. Fabyanski has been a trustee of Hudson Milestone, president of the Hudson Ability Bowling League, treasurer of the Bayonne Friends of the Handicapped, secretary of St. Andrew's Holy Name Society, and past president of his parish's seniors' group.

Mr. Fabyanski's honorable service has extended well beyond the Bayonne community. A veteran of World War II, he bravely served his country as an army sergeant and fought in the infamous battles of Normandy and St. Lo.

As a licensed state engineer, he worked for 25 years as a supervisor of air conditioning and refrigeration at the former Military Ocean Terminal. Mr. Fabyanski graduated from the Lincoln Technical Institute and is the proud parent of two sons and two grandchildren.

Today, I ask my colleagues to join me in honoring Charlie J. Fabyanski for his years of devoted volunteerism and leadership. His deep commitment to serving others is well respected and his work has positively impacted the lives of those in his community.

IN HONOR OF MEL VERCOE

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Mel J. Vercoe, who passed away on October 6th at the age of 89. Mel's life-long dedication to activism and public service will forever remind us of the importance of courage and service in our community.

Mel was a 1933 graduate of Mt. Vernon High School in Washington State. He served in the United States Marine Corps during World War II and moved to the Monterey Peninsula in 1963 with his wife Dolores and his two children Ken and Linda.

As an architect and contractor, Mel was involved in the construction business for over 50 years. Mel was well known for his many "Letters to the Editor" which appeared in the Monterey Herald and other local newspapers. A politician at heart, Mel always gave his take on issues to help the community.

Mr. Speaker, I wish to remember Mel for his honorable service to our country and his contributions to our community. While he will be sorely missed, his life will continue to inspire those he touched.

TRIBUTE TO THE LATE FORMER MAYOR VICKI COCEANO

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. MEEK of Florida. Mr. Speaker, it is with great sadness that I rise to pay tribute to a truly great lady, Mayor Vicki Coceano, who became the City of Miramar's first female mayor in 1989 and led the city through an unprecedented period of growth. Mayor Coceano, who was known as the "Matriarch of Miramar," died at the age of 81. She was a remarkable leader in many ways, a proactive and energetic public servant and a Mayor with an open door policy who spoke her mind on the dais.

Mayor Coceano first became involved in politics after a hurricane damaged her back yard in 1960 and she couldn't find the mayor at the time for help. She fought the city and her developer before running for the commission in 1966, a bid she lost.

She ran again in 1977 and won. She became one of Broward County's most recognizable and outspoken politicians during her 22 years in public office. During her tenure as Miramar's Mayor, Coceano oversaw landmark changes as the city grew from a sleepy bedroom community with cow pastures and vast tracts of empty land to a Broward boomtown, home to WTVJ–NBC 6 and a host of national companies.

Her accomplishments included weakening her own job, using a city manager to run the city and raising money in the 1980s to build the youth center that now bares her named. Vicki Coceano, a native of Italy, retired as Mayor of Miramar in 1999.

Outside of politics and family life, Coceano worked tirelessly to help senior citizens, serving on the Board of Directors for the Broward County Area Agency on Aging for 26 years. She served as president in 1984, 1985, and 2003.

On January 12th, family, friends and city employees gathered at St. Bartholomew Catholic Church to say goodbye to Vicki Coceano and to celebrate her life. We will all remember her for years to come through wonderful memories and the indelible mark she has left on our community.

IN HONOR OF PAQUITO D'RIVERA

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Paquito D'Rivera, a Cuban saxophonist and clarinet player who has made incredible contributions to the world of music during his 50-year career. Paquito starred in his own 50th anniversary concert at Carnegie Hall on January 10th, 2005, in New York City.

The son of renowned Cuban classical saxophonist and conductor Tito D'Rivera, Paquito was a child prodigy, performing at the National Theatre in Havana by age 10. It was not long before he became a soloist for the Cuban National Symphony Orchestra. In 1981, Paquito defected from Cuba and moved to the United States where legends like Dizzy Gillespie, David Amram, Mario Bauza, and Bruce Lundvall helped him make the transition.

A six-time Grammy award winner, he has recorded over 30 solo albums that display his command of multiple music genres, such as Latin/Caribbean, classical, jazz, and bebop. He performs regularly with his various ensembles, the Paquito D'Rivera Big Band, the Paquito D'Rivera Quintet, and the Chamber Jazz Ensemble. This year, he will begin a tour with guitar masters Sergio and Odair Assad. Paquito has also lent his talents to collaborations with world-renowned orchestras, such as the National Symphony Orchestra, the London Royal Symphony, and the Puerto Rico Symphony Orchestra, among many others. He has performed with musical legends from around the world, including Dizzy Gillespie, Toots Thielemans, Carmen McRea, Benny Carter, McCoy Tyner, Roger Kellaway, and Claudio Roditi.

In addition to performing, Paquito is an accomplished composer, commissioned by orchestras and chamber groups. He is also the artistic director of jazz programming for the New Jersey Chamber Music Society, an artist-in-residence for the New Jersey Performing Arts Commission, and a member of the Board of Directors of the Hudson Riverfront Performing Arts Center, Chamber Music America, and Chamber Music International.

Paquito has received numerous awards throughout his distinguished career, including a Lifetime Achievement Award for his contribution to Latin Music and the Clarinet of the Year 2004 award from the Jazz Journalists Association. Most recently, he was bestowed with a 2005 National Endowment for the Arts

Jazz Masters Fellowship, the highest honor a jazz musician can receive from the government.

Today, I ask my colleagues to join me in honoring Paquito D'Rivera for his many accomplishments over a career spanning five decades. His outstanding talent as an instrumentalist combined with his passion and innovation has helped to create music that delights fans all over the world. We look forward to experiencing more of his musical endeavors in the years to come.

RETIREMENT TRIBUTE TO BILLIE MIDDLETON

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to join me in honoring Billie Middleton as she retires as Executive Director of Youth and Family Services after twenty-two years.

Billie Middleton has served her entire professional career in the provision of public mental health services beginning in human services. She obtained her Masters of Science Degree in Clinical Psychology from San Francisco State University, graduating as an Honor Student of the Department, and Summa Cum Laude. She later obtained her Marriage and Family Therapy License.

Mrs. Middleton began working in outpatient mental health programs and later focused her work on adolescents; for three and a half years she directed residential treatment programs for emotionally disturbed, and drug and alcohol-using adolescents. In 1982 she decided to develop a private practice as a psychotherapist. She also spent a year as a consultant in organizational psychology.

In the early 1980s Mrs. Middleton went to work as a Program Counselor/Coordinator for a fledgling organization called Youth and Family Services (YFS) in her hometown of Benicia. YFS was incorporated as a private non-profit in the State of California with an annual budget of $10,000. Mrs. Middleton later became the Executive Director and twenty-two years later YFS has a budget of three million dollars and a staff of fifty-six employees.

In addition to her leadership of YFS, Mrs. Middleton has always found creative ways to change systems and fund and provide services. She has served on many committees including the Solano County Children's Network as vice president; Chair of the Solano County Drug and Alcohol Advisory Board; a founding member of Fighting Back Partnership; served on the City of Vacaville Youth Roundtable; the Benicia Youth Action Task Force; the Child Abuse Prevention Council; and the Mental Health Children's System of Care Redesign Committee. She also served on the Community Services Task Force which is an arm of the Solano Coalition for Better Health. Mrs. Middleton was also the principal force behind the formation of the Solano County Community Cancer Task Force.

Her vision of "Building Relationships, Building Community" has guided her work throughout her career. Mrs. Middleton believes that relationships and community are critical for healthy development, and are what heals problems. This was part of the original strategic plan of YFS that services dealing with substance abuse have to be multi-faceted, family-focused and be strongly rooted in the community with organizations working collaboratively to solve problems.

Mr. Speaker, because of Mrs. Middleton's innumerable contributions to her community and the residents of Solano County, it is proper for us, and it is my honor, to recognize her today.

REINTRODUCTION OF THE LONG ISLAND SOUND STEWARDSHIP ACT

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Ms. DELAURO. Mr. Speaker, I rise today in support of the Long Island Sound Stewardship Act, legislation introduced today by the entire Long Island Sound Caucus.

There have been a lot of disputes and arguments between Connecticut and New York about Long Island Sound over the years. And there are still some issues out there, but this bill sets the right tone for the debates that we may have about the Sound this year.

This legislation is desperately needed. The Long Island Sound is among the most sensitive natural resources in the Nation. Ten percent of the country's population lives within 50 miles of the Sound. The shoreline is highly developed, which makes it tough to balance habitat maintenance, water quality and access to the Sound. The Sound is also a vital commercial area, providing an economic benefit of more than $5 billion to the economy of the region.

If enacted, the Long Island Sound Stewardship Act will be a model public-private partnership that will improve management of one of the country's most important estuaries. The bill will protect some of the area's most threatened shoreline, using good science—not politics—as the means of directing federal and state dollars. Participation in the stewardship program is voluntary, meaning that private property owners' rights will be respected. Our bill brings together the Sound's numerous stakeholders—fishermen, conservationists, property owners and recreational users—to ensure that the Long Island Sound cleanup continues for generations to come.

I urge my colleagues to allow this legislation to be considered during the 109th Congress.

COUNCIL OF KHALISTAN ISSUES NEW YEAR'S MESSAGE, CALLS FOR INDEPENDENCE FOR SIKH HOMELAND

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. TOWNS. Mr. Speaker, recently the Council of Khalistan issued a new year's message to the Sikh Nation. It is worth reading. My colleagues and the people should find it very informative. In the letter, the Council of Khalistan called again for the liberation of Khalistan. They noted the progress that has been made towards that goal in 2004 and the rising support among the political leadership in Punjab. They commended those leaders who have moved the Sikh homeland closer to freedom and criticized those who have supported India's brutal occupation of Khalistan in which over 250,000 Sikhs have been murdered and over 52,000 held as political prisoners without charge or trial, illegally. Some have been held since 1984.

In addition, more than 89,000 Kashmiri Muslims, over 300,000 Christians in Nagaland, Muslims and Christians throughout India, and other minorities such as Assamese, Bodos, Dalits, Manipuris, Tamils, and others are also being treated to brutal oppression by the Indian government. According to Amnesty International, tens of thousands of these minorities are being held as political prisoners.

Freedom is the birthright of everyone and self-determination is the cornerstone and essence of democracy. Yet India, which proclaims itself democratic and secular, will not allow the free expression of the democratic will of the people of Khalistan, Kashmir, Nagaland, and the other areas seeking their freedom. Instead, it continues to hold them in subjugation by brutal force. India promised to hold a plebiscite on the status of Kashmir in 1948. It has never done so. Instead, it kills in massive numbers to hold onto its empire. But history tells us that multinational, polyglot empires such as India are doomed to fall apart.

America is a beacon of freedom for the world. That is why so many people come from around the world to America. How often America has sent its troops to fight for freedom. Sometimes we may have made errors in judgment or strategy, but the intent is always to promote freedom. Can we not at least take peaceful, moderate measures to promote freedom in South Asia?

Mr. Speaker, we must stand for freedom. We must do what we can. We should stop all aid to India, except direct aid to tsunami victims, until such time as all the political prisoners are released. We must stop the aid until democratic values prevail all through India and everyone within its borders can freely exercise his or her rights without fear of reprisals from the government. We must demand a free and fair plebiscite on the political status of Khalistan, Kashmir, Nagaland, and all those lands seeking their freedom from India. That will help bring freedom, peace, and stability to the subcontinent.

Mr. Speaker, I would like to place the Council of Khalistan's new year message into the RECORD at this time.

MAY GURU BLESS THE KHALSA PANTH IN 2005 WITH FREEDOM, HAPPINESS, UNITY, AND PROSPERITY—FREEDOM LIES IN THE HEART OF THE SIKH NATION; NO FORCE CAN SUPPRESS IT

(By Dr. Gurmit Singh Aulakh)

Happy New Year to you and your family and the Khalsa Panth. May 2005 be your best year ever. I wish you health, joy, and prosperity in the new year.

The flame of freedom continues to burn brightly in the heart of the Sikh Nation. No force can suppress it. All the political leaders in Punjab are recognizing it. Punjab's Chief Minister, Captain Amarinder Singh, was declared a hero of the Sikh Nation for asserting Punjab's sovereignty and preserving Punjab's natural resource, its river water, for the use of Punjab farmers by cancelling Punjab's water agreements. As recently as December 7, former Member of Parliament Simranjit Singh Mann again reverted to public support of Khalistan. He pledged that his party will lead a peaceful movement to liberate Khalistan. Obviously, Mr. Mann is aware of the rising support of our cause. Mann joins Sardar Atinder Pal Singh, Sardar D.S. Gill of the International Human Rights Organization, and other Sikh leaders in Punjab in supporting freedom for Khalistan openly. Jagjit Singh, President of Dal Khalsa, was quoted in the Deccan Herald as saying that "the Indian government can never suppress the movement. Sikh aspirations can only be met when they have a separate state." There is no other choice for the Sikh nation but a sovereign, independent Khalistan. Every Sikh leader must come out openly for Khalistan. We salute those Sikh leaders in Punjab who have done so and urge more Sikh leaders to join the cause.

Any organization that sincerely supports Khalistan deserves the support of the Sikh Nation. However, the Sikh Nation needs leadership that is honest, sincere, consistent, and dedicated to the cause of Sikh freedom. Leaders like Dr. Jagjit Singh Chohan, Harchand Singh Longowal, Didar Bains, Ganga Singh Dhillon, the Akali Dal leadership, and others who were complicit in the attack on the Golden Temple cannot be trusted by the Sikh Nation. The evidence against them is clear in Chakravyuh: Web of Indian Secularism. The Sikh Nation cannot believe that these leaders will not betray the cause of Khalistan, just as they betrayed the Sikh Nation in 1984. We must be careful if we are to continue to move the cause of freedom for Khalistan forward in 2005 as we did in 2004.

The Akali Dal conspired with the Indian government in 1984 to invade the Golden Temple to murder Sant Bhindranwale and 20,000 other Sikhs during June 1984 in Punjab. If Sikhs will not even protect the sanctity of the Golden Temple, how can the Sikh Nation survive as a nation?

The Akali Dal has lost all its credibility. The Badal government was so corrupt openly and no Akali leader would come forward and tell Badal and his wife to stop this unparallelled corruption.

The Council of Khalistan has stood strongly and consistently for liberating our homeland, Khalistan, from Indian occupation. For over 18 years we have led this fight while others were trying to divert the resources and the attention of the Sikh Nation away from the issue of freedom in a sovereign, independent Khalistan. Yet Khalistan is the only way that Sikhs will be able to live in freedom, peace, prosperity, and dignity. It is time to start a Shantmai Morcha to liberate Khalistan from Indian occupation.

Never forget that the Akal Takht Sahib and Darbar Sahib are under the control of the Indian government, the same Indian government that has murdered over a quarter of a million Sikhs in the past twenty years. The Jathedar of the Akal Takht and the head granthi of Darbar Sahib toe the line that the Indian government tells them. They are not appointed by the Khalsa Panth. The SGPC, which appoints them, does not represent the Sikh Nation anymore. They have become the puppets of the Indian government and have lost credibility with the Sikh Nation. Otherwise they would behave like a real Jathedar, Jathedar Gurdev Singh Kaunke, rather than like Indian government puppet Jathedar Aroor Singh, who gave a Siropa to General Dyer for the massacre of Sikhs and others at Jalianawa Bagh. These institutions will remain under the control of the Indian regime until we free the Sikh homeland, Punjab, Khalistan, from Indian occupation and oppression and sever our relations with the New Delhi government.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 25 years. Over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! More than a quarter of a million Sikhs have been murdered at the hands of the Indian government. Another 52,268 are being held as political prisoners. Some have been in illegal custody since 1984! Even now, the capital of Punjab, Chandigarh, has not been handed over to Punjab, but remains a Union Territory. How can Sikhs have any freedom living under a government that would do these things?

Sikhs will never get any justice from Delhi. The leaders in Delhi are only interested in imposing Hindu sovereignty over all the minorities to advance their own careers and their own power. Ever since independence, India has mistreated the Sikh Nation, starting with Patel's memo labelling Sikhs "a criminal tribe." What a shame for Home Minister Patel and the Indian government to issue this memorandum when the Sikh Nation gave over 80 percent of the sacrifices to free India.

How can Sikhs continue to live in such a country? There is no place for Sikhs in supposedly secular, supposedly democratic India. Let us work to make certain that 2005 is the Sikh Nation's most blessed year by making sure it is the year that we shake ourselves loose from the yoke of Indian oppression and liberate our homeland, Khalistan, so that all Sikhs may live lives of prosperity, freedom, and dignity.

REINTRODUCTION OF CENSUS DIRECTOR LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that establishes a 5-year term of office for the Director of the Census Bureau. By establishing a fixed term of office, this legislation would lessen the role that politics plays at the Census Bureau, an agency which should be grounded in the science of counting our Nation. Other agencies charged with developing critically important statistical information, including the Bureau of Labor Statistics, have a fixed term for their directors. This policy ensures the most accurate, nonpartisan data possible.

THE INTRODUCTION OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. ABERCROMBIE. Mr. Speaker, I am proud today to introduce the Native Hawaiian Government Reorganization Act, also known as the Akaka Bill. This legislation is supported by the Hawaii State Legislature, Governor Linda Lingle, numerous Native Hawaiian organizations and a variety of other ethnic and Native American groups. This bill represents another step in the reconciliation process between Native Hawaiians and the U.S. federal government.

On January 17, 1893, the government of the Kingdom of Hawaii was overthrown by a group of American citizens, who acted with the support of U.S. Minister John Stephens and a contingent of U.S. Marines from the USS *Boston*. One hundred years later, a resolution extending an apology on behalf of the United States to Native Hawaiians for the illegal overthrow of the Native Hawaiian government and calling for a reconciliation of the relationship between the United States and Native Hawaiians was enacted into law.

This measure continues the reconciliation process by establishing a procedure through which a Native Hawaiian governing entity could achieve federal recognition if it chooses to do so. This recognition would extend the policy of self-governance and self determination currently extended to American Indians and Alaska Natives. It also protects existing Native Hawaiian programs and begins to address the claims of the Native Hawaiian people. This bill does not authorize Native Hawaiians to conduct gaming.

This legislation is critical to the future of the State of Hawaii. Most importantly, Native Hawaiians deserve the right to decide their future and chart their own destiny. It is time their inherent rights are restored.

I urge my colleagues to resolve these longstanding issues with the Native Hawaiians and support this legislation.

RIM OF THE VALLEY CORRIDOR STUDY ACT

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. SCHIFF. Mr. Speaker, I rise today to reintroduce the Rim of the Valley Corridor Study Act, directing the Secretary of the Interior to study the feasibility of expanding the Santa Monica Mountains National Recreation Area to include the mountains and canyons in Southern California that are part of the Rim of the Valley Corridor, as designated by the State of California.

The Interior Department study would examine the suitability of expanding the Santa Monica Mountains National Recreation Area to include this corridor, which contains areas of rare Mediterranean ecosystems and encircles the mountains above the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys, as well as the famed Arroyo Seco, home of Pasadena's Rose Bowl.

For millions of Southern Californians, the mountains that rise above our communities are a haven from the noise and commotion of Los Angeles. Our mountains can and should be places where city-dwellers can enjoy such activities as hiking, camping, mountain biking, horseback riding, observing wildlife, and admiring nature's scenic beauty. Given the tremendous growth pressures in Southern California, we must act now to preserve our precious open space. It is my hope that the Rim of the Valley Corridor Study Act will embody a dream and vision of a Southern California enhanced not only by what we have built, but also by what we have preserved.

The National Park Service oversees the highly successful Santa Monica Mountains National Recreation Area, the world's largest urban park, spanning from the mountains to the sea and protected in perpetuity by Congress in 1978. Inclusion of the Rim of the Valley Corridor would link wildlife habitat in the Santa Monica Mountains to the Angeles National Forest.

The Rim of the Valley Corridor Study Act would require the Interior Department to complete its study within 1 to 3 years, consulting with State and local government entities, as well as other interested parties, including private property holders. It would then be necessary for Congress to enact subsequent legislation to implement the study's recommendations.

Last year, I was pleased to work with my colleague, Representative RICHARD POMBO, the Chairman of the Committee on Resources, on this bill, which passed the Senate. I am grateful to Chairman POMBO and to the other Members and staff of the Committee who worked to report the bill favorably to the full House. Unfortunately, in the press of business at the end of the last Congress there was no time to consider the bill on the floor.

I am pleased that this legislation has the bipartisan support of Representatives DAVID DREIER, GEORGE MILLER and BRAD SHERMAN as principal cosponsors. I am delighted that the senior Senator from California, Senator FEINSTEIN, is also introducing this important legislation today.

The Rim of the Valley Corridor Study Act will result in an initiative creating a lasting legacy of nearby natural open space for our children—and their children—to enjoy.

TRIBUTE TO JAMES T. McLAWHORN, JR.

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay a very special tribute to a true community leader, Mr. James T. McLawhorn, Jr. It is my honor to recognize the significant contributions that he has made to the City of Columbia and the State of South Carolina.

The son of James T. McLawhorn, Sr. and Allily McLawhorn, "J.T." was born on April 21, 1947, in Greenville, North Carolina. Mr. McLawhorn is a graduate of North Carolina Agricultural and Technical State University, where he received his degree in Political Science. He also sought higher degrees, attaining a Master's in Regional Planning from the University of North Carolina at Chapel Hill and a Master's in Business Administration from the University of Miami Coral Gables.

On Thursday, January 27, 2005, Mr. McLawhorn celebrates 25 years of dedicated service as President and Chief Executive Officer of the Columbia, South Carolina Urban League. The Columbia Urban League is a non-profit, non-partisan, interracial organization serving African Americans and economically disadvantaged individuals and families.

Mr. McLawhorn's leadership has been visionary in implementing new programs that have had a tremendous impact throughout South Carolina. In 1985, he founded the National Black Family Summit, a premier action forum on family issues, with an emphasis on the African American community. Annual meetings of the Summit have brought together more than 1,300 participants to develop strategies for family empowerment.

His deeply felt commitment to initiating positive change in the African American community has resulted in the publishing of an annual report entitled The State of Black South Carolina: An Action Agenda for the Future that is a widely recognized publication. The publication serves as a blueprint for identifying and addressing public policy issues that are critical to improving the quality of life for all South Carolinians. The publication is penned by area professionals, used as reference material in area libraries, and serves as a teaching supplement in educational institutions throughout the state. It was an honor for me to be one of the contributors to this publication in past years.

It is also in Mr. McLawhorn's nature to stand up for what he believes, and that dedication led him to serve as one of the chief planners of "King Day at the Dome," held on the third Monday. A few years ago that historic event was one of the largest civil rights demonstrations in the history of South Carolina, bringing more than 60,000 people to downtown Columbia to protest the flying of the Confederate battle flag atop the South Carolina State House. In part, because of the public outcry witnessed at "King Day at the Dome," the flag was removed from any position of sovereignty.

Mr. McLawhorn is also actively involved in empowering today's youth so they may be meaningful community contributors as adults. Under his direction, the Columbia Urban League and the South Carolina Department of Social Services have teamed up to administer "creative and dynamic programs" that help young people around the state. The Youth Leadership Development Institute is one example in which high school students are placed in work settings for five weeks during the summer and participate in academic, social and cultural enrichment activities. I have had the opportunity to host several of the program's students in my office, and I have seen the benefit they derive from experiencing the challenges and rewards of the working world.

Dedicated to the empowerment of African Americans, Mr. McLawhorn has received many prestigious awards on both the state and national levels. Former Governors Carroll Campbell and David Beasley presented him with the prestigious Order of the Palmetto. The Order of the Palmetto is the highest award given to any civilian in the state. It recognizes the significant accomplishments of notable South Carolinians. The National Urban League recently voted him President of the Decade for his unwavering commitment. Mr. McLawhorn was also recently awarded the 2004 TEC Champion Leadership Award for his foresight in bringing the DigiPen Summer Video Game Programming Workshop to the Midlands. He and the Columbia Urban League have also received the Whitney M. Young Jr. Race Relations Award. To add to his staggering list of accomplishments, he was an invited participant to the Joint Civilian Orientation Conference by the United States Secretary of Defense.

Mr. Speaker, I ask that you and my colleagues join me in applauding Mr. James T. McLawhorn for his many achievements. I congratulate him on his quarter century of service and commend him for his significant efforts to improve the quality of life for all South Carolinians.

CONGRATULATING IMMOKALEE HIGH SCHOOL INDIANS FOOTBALL TEAM

HON. MARIO DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. MARIO DIAZ-BALART of Florida. Mr. Speaker, I rise to honor and congratulate the Immokalee High School Indians on their Class 2A football championship.

With only three minutes and ten seconds remaining in the championship game, the Immokalee Indians kicked a 42 yard field goal to take a 17–15 lead, which they held on to for the remainder of the game.

This game was especially important to the Indians, as it marked the first state football championship in school history.

As their recent state title would clearly indicate, talented athletes fill the Indian's roster. In fact, nine players were named to the Florida Sports Writers Association Class 2A All-State team. Five of those players were named to the first team, two players were named to the second team and two players received honorable mentions.

Under the leadership of head coach John Weber and his staff, the Indians football team has brought great pride and accomplishment to Immokalee and all of Southwest Florida.

Of course, the players and coaches were not the only ones responsible for this impressive victory. The fans, trainers, faculty, staff and the entire Immokalee community helped lead the Indians to the state championship.

I would also like to congratulate Principal Manny Touron and Athletic Director Linda Ayer for their commitment to this football team and to Immokalee High School.

It is my great honor to congratulate the Immokalee High School Indians on this incredible accomplishment and look forward to continued success next season. I ask my colleagues to join me in congratulating Immokalee High School—the 2004 state football champions.

THE INTERNATIONAL AFFAIRS BUDGET

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. BERMAN. Mr. Speaker, I rise today to speak about a timely and important issue: the International Affairs Budget, or 150 account as it is known in budget parlance.

Just prior to adjourning the 108th Congress, we completed work on a major portion of the 9–11 Commission's recommendations—intelligence reform.

The Commission also endorsed a second critical strategy for protecting America that we now must address: investing in the tools of a proactive foreign policy, including the range of diplomatic, development and humanitarian programs funded under the International Affairs Budget.

These programs facilitate the formation of international coalitions, fund essential nonproliferation, anti-terrorism and de-mining efforts, respond to global challenges such as hunger and illiteracy, and help people build a future of hope and opportunity.

They also build markets for U.S. exports, provide for embassy personnel and security, and promote good governance practices that strengthen democracies.

I am joined in my support of the 150 account by my friend and colleague Jim Leach, who—along with 110 other members of the House from both sides of the aisle—recently signed a letter to the President asking him to support a significant increase in funding for these diplomatic tools and international programs.

I would like to submit the text of that important letter for the Record.

I also commend the leadership of Senators Feinstein, DeWine, Smith and Durbin for spearheading a similar letter to the President from their colleagues in the Senate.

Over the next several weeks, the President will be putting the final touches on his fiscal year 2006 budget request. In light of all the global challenges faced by the United States, we are very hopeful that he will propose a substantial increase for international affairs programs.

Mr. Speaker, the tragic tsunami disaster in Asia has underscored the need for a robust International Affairs Budget. Indeed, the 150 account is the mechanism that has enabled the extraordinary humanitarian relief efforts.

Key actors in the rescue and recovery operations are those U.S.-supported personnel and programs that have been on the ground for years: seasoned NGO staff who have established relationships with local governments and possess knowledge of the region's terrain; embassy personnel providing critical information and communications infrastructure; American businesses and contractors with reconstruction expertise and access to capital.

Not only does the International Affairs Budget support wide-scale emergency humanitarian response operations—it is a critical addition to our military and intelligence capabilities in the fight against terrorism and the e1ffort to build global stability.

I urge my colleagues to join me in supporting a substantial increase in the International Affairs Budget.

December 14, 2004.

President George W. Bush,
The White House,
Washington, DC.

Dear Mr. President: We are writing to express strong, bipartisan support for a robust increase in the FY06 150 International Affairs Budget as an essential investment in America's fight against terrorism and efforts to build global stability through promoting economic prosperity and expressing the compassion of the American people for those in need around the world.

Along with a range of intelligence and law enforcement reforms, the bipartisan 9/11 Commission strongly endorsed investments in the International Affairs Budget as vital to protecting America and an inseparable priority from funding homeland defense. In the final report, they wrote, "long-term success demands the use of all elements of national power: diplomacy, intelligence, covert action, law enforcement, economic policy, foreign aid, public diplomacy and homeland defense."

"Terrorism is not caused by poverty," the 9/11 Commission wrote. "Yet when people lose hope, when societies break down, when countries fragment, the breeding grounds for terrorism are created." The International Affairs Budget incorporates the full range of diplomatic tools and international programs that are critical in helping to stabilize the world and promote our national interests. Whether it is protecting our national security, spurring economic growth or supporting humanitarian efforts, the International Affairs Budget is working for America.

By investing in people, strengthening economic opportunity, enhancing democracies, responding to global challenges such as infectious diseases, hunger, illiteracy, environmental degradation, and maternal and child health, the 150 account is critical to creating a safer world. Export promotion programs, commercial diplomacy, good governance and anti-corruption programs open markets for U.S. businesses and create jobs here at home. Vigorous public diplomacy efforts, secure embassies, capable telecommunications, and vibrant international exchange and education programs are vital to delivering America's messages of freedom and democracy around the globe.

We are more convinced than ever that America must remain engaged in the world and utilize all of the tools and resources that strengthen U.S. national interests—including the International Affairs Budget. As you prepare the FY06 Federal Budget, we urge you to support substantially increased funding for international affairs programs.

Sincerely,

Leach (R–IA), Berman (D–CA), Abercrombie (D–HI), Ackerman (D–NY), Allen (D–ME), Baird (D–WA), Baldwin (D–WI), Bass (R–NH), Berkley (D–NV), Biggert (R–IL).

Blumenauer (D–OR), Boehlert (R–NY), Boswell (D–IA), Brown (D–OH), Capps (D–CA), Cardin (D–MD), Chandler (D–KY), Crowley (D–NY), Davis (D–IL), Davis (D–FL).

Davis (D–CA), Delahunt (D–MA), DeLauro (D–CT), Deutsch (D–FL), Dicks (D–WA), Dreier (R–CA), Emanuel (D–IL), Engel (D–NY), English (R–PA), Etheridge (D–NC).

Farr (D–CA), Fattah (D–PA), Filner (D–CA), Frank (D–MA), Gordon (D–TN), Green (D–TX), Greenwood (R–PA), Hinchey (D–NY), Honda (D–CA), Hoyer (D–MD).

Inslee (D–WA), Isakson (R–GA), Jackson (D–IL), Jefferson (D–LA), Johnson (R–CT), Johnson (R–IL), Kaptur (D–OH), Kennedy (R–MN), Kennedy (D–RI), Kildee (D–MI).

Kirk (R–IL), Knollenberg (R–MI), LaHood (R–IL), Lampson (D–TX), Langevin (D–RI), Lantos (D–CA), Larsen (D–WA), Larson (D–CT), LaTourette (R–OH), Lee (D–CA).

Levin (D–MI), Lewis (R–CA), Lewis (D–GA), Lofgren (D–CA), Lowey (D–NY), Lynch (D–MA), Maloney (D–NY), Manzullo (R–IL), Matsui (D–CA), McCollum (D–MN).

McDermott (D–WA), McGovern (D–MA), Meeks (D–NY), Menendez (D–NJ), Millender-McDonald (D–CA), Miller (D–CA), Moran (D–VA), Nadler (D–NY), Oberstar (D–MN), Owens (D–NY).

Pallone (D–NJ), Payne (D–NJ), Pelosi (D–CA), Pomeroy (D–ND), Price (D–NC), Rothman (D–NJ), Rush (D–IL), Sanchez (D–CA), Schakowsky (D–IL), Schiff (D–CA).

Serrano (D–NY), Shays (R–CT), Sherman (D–CA), Shimkus (R–IL), Simmons (R–CT), Slaughter (D–NY), Smith (D–WA), Smith (R–NJ), Snyder (D–AR), Solis (D–CA).

Stupak (D–MI), Tauscher (D–CA), Tierney (D–MA), Tubbs Jones (D–OH), Udall (D–CO), Udall (D–NM), Van Hollen (D–MD), Waters (D–CA), Waxman (D–CA), Weller (R–IL), Wexler (D–FL), Woolsey (D–CA).

PERSONAL EXPLANATION

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. LANGEVIN. Mr. Speaker, on January 6, 2005, I was in my district and unable to vote. I would like the record to show that, had I been present, I would have voted "nay" on rollcall vote number 7.

HONORING HAZEL J. LEWIS

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. DAVIS of Illinois. Mr. Speaker, today I rise to honor one of my constituents, Hazel J. Lewis. Hazel Lewis embodies the American dream and then some.

Born and raised in England, she and her mother, Dorothy Lewis, immigrated to the United States in 1948. In 1953, she married Lester Leventhal of Chicago and today they live in the 7th Illinois Congressional District in Chicago.

Hazel Lewis began working for the Women's Auxiliary of the American Medical Association 52 years ago. In 1963, she became its Assistant Executive Director and in 1973 became the Executive Director of the AMA Alliance, as the Auxiliary came to be known, a position she holds today.

Throughout her tenure, Ms. Lewis worked to support the health care and charitable missions of the American Medical Association, tirelessly enhancing the role and health of women and children in our society, setting an example as to professionalism in her field.

She has been responsible for such innovative public health programs, including the AMA Alliances unique "SAVE" program, Stop America's Violence Everywhere," and an extraordinarily successful schoolroom project, "Hands Are Not For Hitting," to name just two.

Under her direction, millions of dollars were raised to support medical education across the country. And, throughout her 52 years, Ms. Lewis has handled her responsibilities and work in such a way as to enhance the reputation of the AMA Alliance, the American Medical Association, the City of Chicago, the State of Illinois and this great country.

On April 8, 2004, she will retire from her current position, but not retiring from her involvement in making things better for us all. She intends to make her skills and time available to volunteer organization to help the people of Chicago.

Mr. Speaker, I join the AMA Alliance and the American Medical Association in thanking Ms. Lewis for her great contributions and wish her well in her future endeavors.

HONORING THE LIFE OF MANUEL A. GONZALEZ, JR.

HON. GRACE F. NAPOLITANO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mrs. NAPOLITANO. Mr. Speaker, it is with great sadness that I rise to honor the life of Manuel A. Gonzalez Jr., a California corrections officer and family friend, who was brutally stabbed to death by an inmate at the California Institute for Men at Chino. He is the first corrections officer to be killed in the line of duty in California since 1985.

Manuel was born on September 15, 1961, in East Los Angeles. His family moved to Chicago, where he spent part of his youth before returning to Santa Fe Springs, where he made his home. He graduated from Pioneer High School and subsequently joined the United States Army. He spent his tour of duty in Germany, where he was joined by his brother David and his cousin Alex. Manuel remained in the Army Reserve until 1988.

Upon his return from the Army, Manuel made his home in Whittier. His uncle, a corrections sergeant, recruited him for the Department of Corrections. The idea of a law enforcement career had always interested Manuel, so he joined the Department in 1988. He was excited by the challenge of the job and put much effort into his work. He was first assigned to Corcoran Prison where he gained valuable experience. In 1993, he was transferred to Lancaster Prison and became a seasoned officer. To be closer to his family, Manuel was transferred to the California Institute for Men at Chino in 1998. There he became an expert in gang identification and a leader among his peers, who had great respect for him. He had opportunities to be promoted to sergeant and to transfer to parole, but he remained on the front line because it was the job he loved.

Manuel loved sports. He enjoyed watching his favorite teams; the Raiders, Lakers, Dodgers, U.S.C. basketball and football, and the L.A. Kings. He was also very active with his children, taking them to football and baseball practice and coaching as time allowed.

Manuel leaves behind six children. His 22 year old son Mark is following in his father's footsteps. Mark spent four years in the U.S. Navy and is an Iraq War veteran. He is now pursuing a career in law enforcement. Steven is 17, Roxanna 15, Jessica 14, Manuel 4, and Gustavo 3. Manuel is also survived by his parents, Manuel Sr. and Bertha, his brother David, and sisters Rosalinda and Delia.

We all owe a great debt of gratitude to Manuel. He knew the danger he faced but would not be deterred from his duties walking the toughest beat in California. I have spent time with the family during this tragedy, and I wish to express my sincere sympathy to them as well as the extended family who have all been devastated by the loss of one so loved. The entire law enforcement community, especially the California Department of Corrections is in mourning for a lost brother. I ask that all of my colleagues join me to honor this fallen hero who has made the ultimate sacrifice.

HONORING CLARENCE BOYKINS

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. GRIJALVA. Mr. Speaker, I rise today in honor of Clarence Boykins, a fine Tucsonan who has been invaluable to my community. Clarence is retiring from his many years of service and he will be missed sorely.

Clarence is a man with a resume and record of achievement so long, that I find it difficult to pick a jumping point from which to begin to describe the impact he has had on Arizona. Perhaps I should begin by noting that Clarence has been listed as one of the "Most Influential African American Men in Arizona". Indeed, Clarence deserves this recognition. But I would argue that his work has so deeply affected the lives of each and every one of us that a more appropriate descriptor would simply be one of the "Most Influential individuals in Arizona". His presence, his ideas and his actions have enabled diversity to flourish and, thus, he has enriched our worlds, expanded our viewpoints, and taught us to keep our eyes, minds and hearts open.

For over thirty years now, Clarence has dedicated himself to the betterment of the Arizona community, and in effect, the betterment of humanity as a whole. One role that he has played sticks out in my mind: the role of integrator. In the long and diverse list of jobs, titles and honors that Clarence has held, the common thread that runs through all of them is that he has used each position to promote the benefits of multiculturalism. We cannot thank him enough for all that he has done to improve access to education. His work to desegregate schools was not only necessary, but it was a crucial step in building and strengthening multicultural relations within our community. Surely, a community as diverse as Tucson cannot stand divided. Clarence not only recognized this, but he had the good sense, and the strong drive needed, to take action.

In reflecting on Clarence's commitment to multiculturalism, I am reminded of the work he did as the Campaign Coordinator for the re-establishment of the Dr. Martin Luther King Jr. Holiday in Arizona. The importance of celebrating this Holiday cannot be underestimated. It is a tribute to a man whose ideals spoke to equality, fairness and tolerance values that are essential to the very fabric of America. Clarence recognized the symbolic impact this Holiday has on our nation and, with true passion, he organized the successful passage, by vote of the citizens of the State of Arizona, of a ballot measure to re-instate the Holiday. We thank him for this.

And, true to form, Clarence's devotion to multiculturalism has extended far beyond efforts to promote equality amongst his own ethnicity. I am proud and very grateful to have worked with Clarence over the years to establish a Holiday in honor of Cesar Chavez. His efforts have been vital to this effort and his support has been unwavering. Again, we thank you, Clarence.

With Clarence's retirement come some big shoes to fill. I am confident, however, that the example he has set throughout his entire career has inspired many others to emulate his ideas, morals and values and that his good efforts will be carried on.

INTRODUCTION OF THE NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT OF 2005

HON. ED CASE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CASE. Mr. Speaker, I am proud and humbled to again cointroduce with my Hawaii colleague, Mr. ABERCROMBIE, during this 109th Congress, as we did in the 108th Congress, the Native Hawaiian Government Reorganization Act of 2005. Identical legislation was introduced today by Hawaii Senators AKAKA and INOUYE, again marking a united commitment by Hawaii's entire delegation to the most vital single piece of legislation for our Hawaii since Statehood.

This legislation affirms the longstanding political relationship between Native Hawaiians, the indigenous peoples of our Hawaii, and our federal government, and extends to Native Hawaiians the time-honored federal policy of self-determination provided other indigenous peoples under U.S. jurisdiction.

Mr. Speaker, allow me to be direct: this is crucial to the Hawaiian people and to our Hawaii. The stakes are nothing more or less than the survival and prosperity not only of our indigenous people and culture, but of the very soul of Hawaii as we know and love it.

I speak to you today on behalf of all of Hawaii's people and all those worldwide for whom Hawaii, in all of her forms, be they natural, environmental, cultural, social, and spiritual, is a truly special and unique place. And I say to you that that Hawaii—the Hawaii that is the indigenous home of all Native Hawaiians, that my own ancestors and many other non-Native Hawaiians committed themselves to since recorded Western discovery in 1778, and that so many throughout the world continue to view as a beacon for what can be in our world—that Hawaii has never been so at risk as today.

It is at risk because it is a creation of and rests upon the foundation of our Native Hawaiian people and culture, and their survival and prosperity are at risk. As they go, so goes Hawaii as we know it, and a Hawaii which is not Hawaiian is not a Hawaii I can bear to accept.

Nor is federal recognition for Native Hawaiians exclusively a Hawaii issue. Census figures show that our country is home to more than 400,000 Native Hawaiians, with 160,000 living outside of Hawaii. And clearly the preservation of the Hawaii that so many throughout our world have come to know and love is of great concern to so many well beyond our borders.

So our goal is not only reaffirming the longstanding historical and legal relationship between Native Hawaiians and the United States, not only delivering fairness and justice to Native Hawaiians, but ensuring the very survival and prosperity of our Native Hawaiian people and culture and, through them, Hawaii itself. And this is a truly common goal, evidenced by broad-based support among Hawaii's political leaders, and Hawaiians and non-Hawaiians alike, which spans ethnic, partisan and other distinctions.

The goal of assisting Native Hawaiians is not new to our Federal Government. Beyond a longstanding relationship that was reaffirmed when Hawaii became a territory in 1900 and a State in 1959, over 160 federal statutes have enacted programs to address the conditions of Native Hawaiians in areas such as Hawaiian homelands, health, education and economic development based on Congress' plenary authority under our U.S. Constitution to address the conditions of indigenous peoples. These have been matched by state and quasi-autonomous entities such as the Office of Hawaiian Affairs and the Department of Hawaiian Home Lands, and private entities like The Kamehameha Schools. And they have borne fruit with a renewed focus on unique Native Hawaiian needs and a renaissance of Native Hawaiian culture. Federal recognition is the means by which these indispensable efforts can be carried forward into the next generation of Native Hawaiian governance.

Federal recognition is also the time-honored means of memorializing our government's relationship with the indigenous peoples of the contiguous 48 states and Alaska. There, either government-to-government treaties or the Bureau of Indian Affairs recognition process or legislative recognition have extended self-determination and affirmed relationships. Although the difference between those peoples and Native Hawaiians is exclusively geographic, such means have simply not been either available or exercised in the case of Native Hawaiians.

Nor is the concept of extending federal recognition to Native Hawaiians a new one. The enactment into law in 1993 of the Apology Resolution (P.L. 103–150) expressed a national commitment to reconciliation efforts between Native Hawaiians and the Federal Government. Subsequent efforts through the Departments of Justice and Interior, as well as the White House Initiative on Asian Americans and Pacific Islanders established by executive orders of both Presidents Clinton and Bush, yielded federal recognition legislation and the inclusion of Native Hawaiians in federal programs and services as top priorities. During the 106th Congress, the House even passed federal recognition legislation for Native Hawaiians on September 26, 2000.

Most recently, the Department of Interior also moved forward on the establishment of the Office of Hawaiian Relations. Structurally organized under the Assistant Secretary for Policy, Management, and Budget, the new office is a welcome and positive step forward in coordinating policies within the Department as they affect Native Hawaiians. Already, the Department oversees pertinent issues such as Hawaiian home lands, historic preservation, the Native American Graves Protection Act, the Native Hawaiian Culture and Arts Program, and the consideration of Native Hawaiians in natural resources management, including at our Hawaii national parks.

The time has clearly come for our Federal Government to strengthen its relationship with Native Hawaiians in order to resolve longstanding issues and ensure the survival and prosperity of the Native Hawaiian people and culture and of their special home. For all of us in Hawaii, Mr. Speaker, and in fact for all Native Hawaiians, wherever, throughout our country and world they may live, I urge the passage of this vital legislation.

INTRODUCTION OF THE IMPROVING THE COMMUNITY SERVICES BLOCK GRANT ACT OF 2005

HON. TOM OSBORNE

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. OSBORNE. Mr. Speaker, today I am pleased to introduce the "Improving the Community Services Block Grant Act of 2005" to reauthorize the Community Services Block Grant (CSBG) program.

Unfortunately, last Congress the House and Senate were unable to complete work on reauthorizing CSBG. The bill I am introducing today once again puts forth our effort and ongoing commitment to ensuring that anti-poverty activities for needy families continue.

The CSBG is an anti-poverty block grant that funds a State-administered network of over 1,100 public and private community action agencies delivering social services to low-income Americans. The CSBG Act was established in 1981 in response to President Reagan's proposal to consolidate the Community Services Administration and 11 other anti-poverty programs.

Block grant funds may be used for a wide-range of anti-poverty activities to help families and individuals achieve self-sufficiency. Such activities may include providing assistance in finding and retaining employment, obtaining adequate housing, and providing emergency food services. The CSBG also includes funding for certain discretionary activities, including community economic development, rural community facilities improvement, the community food and nutrition assistance, and the national youth sports program. The CSBG program is an essential tool in meeting the unique needs of each area and serves as a conduit for community services.

The bill I am introducing today would build upon improvements made to the program during the last reauthorization. It would promote increased quality by requiring States to re-evaluate whether the lowest performing grantees should continue to receive funding. It retains the current definition of an eligible entity to include the grandfather provisions, but updates the definition to require eligible entities to successfully develop and meet locally determined goals and meet the State goals, standards and performance requirements in order to continue receiving funds.

This bill promotes increased accountability by ensuring that States monitor local grantees to ensure services are provided in the most efficient manner and that services reach those with the greatest need. The bill also requires the development of local grantee determined goals that each local grantee is responsible for meeting.

The bill further encourages initiatives to improve economic conditions and mobilization of new resources in rural areas to help eliminate obstacles to the self-sufficiency of families and individuals in rural communities, and expands opportunities for providing youth mentoring services to encourage education, and youth crime prevention.

Finally, the bill continues the CSBG grants and discretionary programs at current authorization levels and extends them through fiscal year 2010.

Mr. Speaker, I urge my colleagues to support this important legislation that ensures improved services for low-income individuals and families.

NO ATTAINMENT—NO TRADE BILL

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. MORAN of Virginia. Mr. Speaker, today I am introducing the "No Attainment—No Trade bill."

This legislation amends the Clean Air Act to prohibit powerplants and other major point sources of nitrogen oxide (NO_x) pollution that are in an ozone non-attainment area from participating in EPA's emission trading program.

In 1990 Congress passed amendments to the Clean Air Act to deal with the issue of acid rain deposition.

Harmful acid rain was destroying our buildings, personal property and turning freshwater lakes into dead zones.

The new law established an innovative emission trading program to reduce the precursors of acid rain, harmful nitrogen oxides and sulphur dioxides emitted by coal-burning powerplants and major industrial boilers.

Since its establishment, the trading program has worked extremely well, better than even proponents of the 1990 amendment to the Clean Air Act ever expected.

While nitrogen and sulphur dioxides have been reduced, and reduced by millions of tons, an unanticipated new wrinkle has emerged as States and localities work to reduce urban smog and bring ozone non-attainment areas into compliance with other requirements in the Clean Air Act.

States and localities are bumping into the emission trading program for nitrogen oxides.

Not only are nitrogen oxides the precursors of acid rain, they also mix with hydro-carbons and form unhealthy ground level ozone.

Giving power plants in an ozone non-attainment area the authority to buy a credit from elsewhere and avoid nitrogen oxide reductions may help EPA meet its national acid rain reduction goals, but it can frustrate state and local efforts to lower ozone and urban smog and be in compliance with the Clean Air Act.

I speak from experience.

Just across the Potomac River in Alexandria we have a power plant operated by Mirant that was in violation of its operating permit.

Aptly named the "Potomac River Plant", the coal-fired facility was built in 1949.

Because it was approaching the end of its useful life expectancy, Congress agreed to exempt it and other older plants from the tougher modern emission requirements under the Clean Air Act.

The exemption was probably a mistake.

Unfortunately, too many utilities found it cheaper to keep these antiquated and dirty plants operating beyond their useful life than replace them with costlier but cleaner power plants.

Had this region replaced all of exempt power plants with modern facilities, this region might be in compliance with the Clean Air Act ozone standards.

Instead, this region has had greater challenge to bring this region into compliance and imposed only modest emission reductions on the Potomac River Plant.

This attainment plan faced a serious setback during the summer of 2003 when the Potomac River Plant violated its clean air emission limits by more than 1,000 tons of nitrogen oxide, double the tonnage allowed under its permit.

Initially, Mirant claimed it could come into compliance by purchasing credits of emission reductions from sources elsewhere, outside this region, to meet its emission reduction goal.

"Not so," said the Commonwealth of Virginia.

The state's position, however, was on less than firm legal ground and it took extensive enforcement action and the threat of a state-initiated lawsuit before an alternative remedy was agreed upon.

I am pleased that the state held firm and was able to reach a settlement, that while not ideal, will reduce emissions at the Potomac River Plant and the other three local coal-fired plants operated by Mirant.

The agreement will contribute substantially to reduce NO_x emissions throughout the metropolitan Washington, D.C. region and bring it into compliance with the Clean Air Act.

The legislation I am reintroducing today, however, is still necessary.

It gives states the clear legal authority they need and discourages power plants from challenging state ozone implementation plans in court.

This legislation will give other states the authority they need to block power plants in a non-attainment area from engaging in NOx emission trading and avoiding their responsibility to reduce ozone and urban smog.

It makes no sense, to force this region, or the jurisdictions of any ozone non-attainment area, to rachet down nitrogen oxides from other sources, beyond what may be necessary, simply because a few large sources are able to buy their way out of compliance.

It isn't fair, and it is not in anyone's best interest to do so.

My legislation puts an end to it.

It deserves consideration.

IN HONOR OF THE ROTARY CLUB OF BRANDYWINE'S 50TH ANNIVERSARY

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CASTLE. Mr. Speaker, it is with great pleasure that I rise today to pay tribute to the Rotary Club of Brandywine as they celebrate their 50th anniversary in the State of Delaware.

While serving as the Vice President of the Phoenix Steel Corporation, Otis Zwissler chartered the Rotary Club of Brandywine on March 8, 1955. Over its 50-year history, the Rotary Club has raised more than $500,000 dollars to benefit numerous service projects, both locally and internationally. During this time, the Rotary Club has engaged in efforts to eradicate polio, and has been involved in numerous community food drives. The Rotary Club of Brandywine recently aided in the construction of the Can-Do Playground, which will enable disabled children to join with the rest of their friends in a common play area. In addition, the Rotary Club has hosted many well-known guest speakers over the years, including the former United States Secretary of Housing and Urban Development and first Cuban-American ever elected to the United States Senate, Senator Mel Martinez; all of the current and several previous members of the Delaware federal delegation; the current Governor of Delaware, as well as many previous Governors; and the President of Rotary International.

The 46 members of the Rotary Club of Brandywine are part of the Delaware Eastern Shore of Maryland Rotary District. This district contains 2,000 Rotarians, and is one of over 31,000 worldwide clubs in 160 countries. Globally, over 1.2 million people take part in Rotary Club activities.

The Rotary Club of Brandywine's accomplishments and service to the State of Delaware deserve to be recognized and I commend the club on their great efforts to support others in our community. I look forward to the Rotary Club of Brandywine's continued success. Its contribution in Delaware should serve as an example to us all.

H.R. 304—AIRCRAFT CARRIER END-STRENGTH ACT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. CRENSHAW. Mr. Speaker, I rise today to introduce H.R. 304—the Aircraft Carrier End-Strength Act. Recently, in a last ditch effort to reach OMB budgetary goals, the Department of the Defense approved drastic cuts in the Navy's Fiscal Year 2006 budget. Only one of these cuts is both operationally unsound AND irreversible . . . that is the reduction in the Navy's fleet of aircraft carriers from twelve to eleven.

This decision was not made by the military and policy experts who are now working on the 2005 Quadrennial Defense Review (QDR). This irreversible decision was made by budget crunchers looking to reduce the budget topline without considering all of the operational impacts. Congress has worked hard to re-build our national defense architecture and now is not the time to retreat. That is why I have introduced legislation, H.R. 304, which will ensure that the Navy maintains their current minimum requirement of twelve aircraft carriers.

Just last year, the Chief of Naval Operations, Admiral Vern Clark, stated; "Aircraft carrier force levels have been set at 12 ships as a result of fiscal constraints; however, real-world experience and analysis indicate that a carrier force level of 15 ships is necessary . . ." And in 2001, then-Vice Admiral Timothy J. Keating stated, "The United States needs 15 carriers to provide continuous combat-credible sovereign presence in each area of responsibility. . . . The United States accepts a risk by leaving areas of the world uncovered at times."

Over the last few years, Congress has heard a consistent message from the Department of Defense—the important tactical missions accomplished in Afghanistan and Iraq would not have been possible without our fleet of aircraft carriers. Aircraft carriers are in constant demand all over the globe and there is no technology that will allow them to be in two places at the same time. In the face of terrorist threats and other dangers that this nation is facing and with the proven operational need of aircraft carriers, now is not the time for the Navy to contemplate decreasing the number of aircraft carriers available for our national security strategy.

Please support H.R. 304—the Aircraft Carrier End-Strength Act.

ORGANIZATIONS THAT SEEK THE LEGALIZATION OF ILLICIT DRUGS IN OUR COUNTRY

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. SOUDER. Mr. Speaker, today I rise to call attention to the work of organizations that seek the legalization of illicit drugs in our country, to the detriment of the health and safety of our citizens.

On January 4, 2005, the Washington Post published an article entitled "Exhale, Stage Left," chronicling the career of Keith Stroup, the founder and retiring executive director of the National Organization for the Reform of Marijuana Laws (NORML). This article sheds light on some of the operations and claims of such organizations, and I ask that it be entered into the RECORD.

Particularly disturbing in this story is the entanglement of the drug legalization group with those who stand to profit from others' addiction—drug traffickers. The Washington Post article describes that one of the major early financial backers of NORML was "the legendary pot smuggler" Tom Forcade. To collect donations, Stroup even went to Forcade's "stash house," which was "filled with bales of marijuana." Certainly we can understand why a drug smuggler would contribute generously to efforts to legalize drugs like marijuana—with so much product to move, this man had a vested financial interest in making harmful drugs easier for people to obtain. But what kind of group takes money from such a criminal? Do we really want our laws "reformed" by efforts funded by criminal enterprises? Yet according to the article, it had seemed "perfectly normal for NORML to call a dope smuggler when it ran short of cash."

Drug legalization groups like to claim that marijuana is not really harmful and that it does not serve as a "gateway" to the use of other dangerous drugs. In fact, on its website, NORML claims, "There is no conclusive evidence that the effects of marijuana are causally linked to the subsequent use of other illicit drugs." Perhaps NORML needs to look back at the experiences of its own leaders to re-examine such an assertion. The Post article describes how Stroup and his colleagues themselves moved onto other drugs in the 1970s: "Privately, he and his NORML pals joked about forming an advocacy group for another drug they'd begun to enjoy—cocaine." I'm sure that the families who have suffered through the heartaches of cocaine addiction could inform NORML that cocaine abuse is no laughing matter. Stroup has come to realize that as well, admitting that his own use of cocaine may have led to lapses in professional judgment and that he knows now that "[c]ocaine is deadly." Once, though, he had thought cocaine harmless. If he was wrong about cocaine, might he not likewise be wrong in presuming marijuana harmless?

In an attempt to make marijuana sound "harmless," drug legalization groups also try to downplay the addictive qualities of marijuana. NORML states on its website, "While the scientific community has yet to achieve full consensus on this matter, the majority of epidemiological and animal data demonstrate that the reinforcing properties of marijuana in humans is low in comparison to other drugs of abuse . . ." Yet the leaders of legalization themselves exhibit not simply social or occasional use of marijuana, but regular consumption of it. According to the article, Stroup smokes pot "nearly every night" as he watches the evening news.

Our citizens—especially our youth—need to understand the real danger of dependence on marijuana. It's not as innocuous as legalizers would have us believe. As the Office of National Drug Control Policy has reported, "According to the 2002 National Survey on Drug Use and Health, 4.3 million Americans were classified with dependence on or abuse of marijuana. That figure represents 1.8 percent of the total U.S. population and 60.3 percent of those classified as individuals who abuse or are dependent on illicit drugs . . . What makes this all the more disturbing is that marijuana use has been shown to be three times more likely to lead to dependence among adolescents than among adults."

We need to be aware of marijuana's harms. Last year NIDA Director Nora Volkow testified at a hearing before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, which I chair. Dr. Volkow attested to the health risks associated with marijuana, saying, "There are numerous deleterious health consequences associated with short- and long-term marijuana use, including the possibility of becoming addicted. During the period of intoxication, marijuana disrupts short-term memory, attention, judgment, as well as other cognitive functions. In addition, marijuana has also been shown to impair coordination and balance, and can increase an individual's heart rate." Marijuana, Dr. Volkow testified, can affect the entire body: "New research is also showing us that marijuana can affect almost every organ in the body, from the central nervous system to the cardiovascular, endocrine, respiratory/pulmonary, and immune systems. Because marijuana is typically rolled into a cigarette or 'joint' and smoked, it has been shown to greatly impact the respiratory system and increases the likelihood of some cancers." Marijuana use is connected to lifelong difficulties for our youth: "Also, we are finding that early exposure to marijuana is associated with an increased likelihood of a lifetime of subsequent drug problems."

With all the risks that marijuana poses, we cannot afford to allow drug legalization groups to perpetuate their myths about the "harmlessness" of marijuana—especially when even their own history casts doubt on the validity of their claims.

ON THE INTRODUCTION OF THE KEEP OUR PACT ACT

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. VAN HOLLEN. Mr. Speaker, it is with a sense of urgency that I reintroduce the Keep Our Promises to America's Children and Teachers Act at the outset of the 109th Congress.

I offer the Keep Our PACT Act today to help meet the aspirations of our nation's school children—and to help provide all of their teachers and schools with the resources they need to help them achieve those aspirations. Additionally, I offer this bill as a reminder to those of us in government of the importance of keeping our promises and of truly making education the priority our constituents believe it to be.

Put simply, the Keep Our PACT Act would make good on two basic commitments the federal government has made but so far failed to keep: It would fully fund the No Child Left Behind Act (NCLB) and the Individuals with Disabilities Education Act (IDEA)—on a mandatory basis, once and for all.

Mr. Speaker, the fiscal year 2005 Omnibus Appropriations bill funded No Child Left Behind at $24.5 billion—$9.8 billion below its authorized level and $27 billion less cumulatively than the bipartisan agreement reached just four short years ago. As a result, over 2.4 million students are currently not getting the extra Title I help they were promised under NCLB.

Furthermore, the recently enacted Omnibus continued underfunding IDEA at $10.7 billion—less than half the 40 percent average per pupil expenditure the federal government originally promised the states thirty years ago. An estimated 6.7 million students with disabilities are currently being shortchanged as a result of this abdication.

By keeping our commitments to NCLB and IDEA, we can support our schools, ease the property tax burden on our constituents and provide all of our students with the resources they need to succeed.

Mr. Speaker, once again I am proud to make the Keep Our PACT Act the very first piece of legislation I introduce this Congress. Additionally, I want to thank my colleagues joining me as original cosponsors on this bill today—in particular, Mr. MILLER, Ms. WOOLSEY and all of the Education and Workforce Committee Democrats. We pledge to stand for the fundamental values this bill represents and invite Members from both sides of the aisle to embrace those values and get this bill passed this year.

COMMEMORATING NATIONAL FOLIC ACID AWARENESS WEEK

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. BURTON of Indiana. Mr. Speaker, I rise today to recognize the observance of America's first annual National Folic Acid Awareness Week which began this past Monday January 24, 2005. The theme of National Folic Acid Awareness Week—"Folic Acid: You Don't Know What You're Missing!" is especially timely given the increasing popularity of low or no-carbohydrate diets. Since 1998, the U.S. Food and Drug Administration has required the addition of folic acid to enriched breads, cereals, flours, pastas, rice and other grain products. Consequently, people, particularly women, on these low-carb diets may in fact not be getting the appropriate daily allowance of the essential vitamins and minerals necessary for health and well being.

Folic Acid—a B-vitamin—is in particular critical for proper cell growth, and it has been scientifically proven to prevent certain birth defects of the brain and spine called Neural Tube Defects (NTD), which occurs very early in pregnancy, before most women even know they are pregnant. The most common NTDs are Spina Bifida, lack of closure in the spinal column, and Anencephaly, a condition where only a portion of the brain forms. Seventy thousand people are living with Spina Bifida today; it is the most common permanently disabling condition in America. Children born with Spina Bifida suffer from a myriad of problems, including: paralysis, fluid on the brain, learning difficulties and depression. Those affected with Anencephaly are usually stillborn or die soon after birth.

It is sobering to think that as much as seventy percent of the incidence of NTDs could be prevented if women of childbearing age simply took a 400 microgram pill of folic acid every day. I am hopeful that programs like the National Folic Acid Awareness Week which stress the importance of a healthy diet combined with a daily folic acid pill, we can prevent many of the 2,500 to 3,000 babies born every year with NTDs.

As an added bonus, emerging research also indicates that folic acid might reduce the risk of other birth defects such as cleft lip, cleft palate and heart defects. It might even reduce the risk of cardiovascular disease and colon, cervical, and breast cancer. So taking adequate amounts of folic acid can in fact be beneficial for men and woman of all ages.

Mr. Speaker, the most precious of our American treasures is our children. I believe it is incumbent upon us policy makers to encourage not only those we know and love, but all Americans, to eat foods rich in folic acid such as, bananas, fresh spinach, and orange juice. We owe it to future generations to do all we can to give them a head start on a healthy life devoid of pain and suffering. So I ask my colleagues to join me in promoting the message of National Folic Acid Awareness Week, and to make the commitment to work, not only this week but every week, to encourage all Americans to take folic acid, and help eradicate neural tube defects forever.

RECOGNIZING THE RETIREMENT OF TONY RAMOS

HON. MIKE ROGERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 25, 2005

Mr. ROGERS of Michigan. Mr. Speaker, I rise today to recognize the retirement of Mr. Blas (Tony) Ramos of Lansing, Michigan. For the last 24 years, Mr. Ramos has served the people of the State of Michigan as an employee with the Calhoun County Sheriff's Department, the Wage and Hour Division of Department of Labor & Economic Growth and the Michigan Employment Security Commission. In addition to his service to the State of Michigan, Mr. Ramos has also served honorably in the Michigan National Guard, helping to preserve freedom and democracy abroad and keeping Michiganders safe at home.

Dedicated public servants like Mr. Ramos are a rare breed. Following the terrorist attacks after September 11, 2001, President Bush challenged all Americans to serve their communities, Mr. Ramos has been answering that challenge for the last 24 years. Mr. Speaker, I ask my colleagues to join me in recognizing Mr. Ramos for his years of dedicated service and to wish him all the best on his retirement.

HOUSE OF REPRESENTATIVES—*Wednesday, January 26, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
January 26, 2005.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord our God, rooted in Your covenant of promise and fulfillment, Your people live by faith.

Because we can recall all the benefits received in the past, we are all the more confident of Your presence with us now and Your guidance of us into the future.

May all the undertakings of this 109th Congress of the United States of America, and the laws that are made by this body, be firmly established in a total commitment to be faithful public servants and transparent leaders of compassion and fidelity, both now and forever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Indiana (Mr. CHOCOLA) come forward and lead the House in the Pledge of Allegiance.

Mr. CHOCOLA led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

CONGRATULATIONS TO COLERAIN HIGH SCHOOL

(Mr. CHABOT asked and was given permission to address the House for 1 minute.)

Mr. CHABOT. Mr. Speaker, the Cincinnati Bengals once again will not be in the Super Bowl this year. Maybe next year. But Cincinnati is blessed with some of the best high school football in the Nation. In fact, for the last 3 years in a row the Ohio State champs have been from my district, from Cincinnati, twice Elder, and now Colerain High School. What a team. They so dominated this year that they went undefeated 15 and zero, and in the final playoff game defeated arguably the second best team in the State by 40 points, and on the rival's home field.

So often we hear that a team's character is a reflection of its head coach. Never before has this statement been so true. Dedication, tenacity, and heart are all words that come to mind when describing Head Coach Kerry Coombs. In his 13 years at the helm, Coach Coombs has not only built one of the most successful high school programs in the country; more importantly, he has positively influenced the lives of countless young men.

So congratulations to Colerain's players, coaches, students, parents, and fans. You have made us all proud.

URGENT NEED FOR CONGRESSIONAL ACTION TO PREVENT WIDE-SCALE LOSS OF LIFE AND ECONOMIC DESTRUCTION AT HOME AND ABROAD

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Mr. Speaker, I recently had the opportunity to view the devastation in Southeast Asia as a result of the tsunami. As appalled as I was by what I saw, I must confess that occasionally my thoughts drifted back to the United States. What would have happened if last September, Hurricane Ivan had veered 40 miles to the west, devastating the city of New Orleans? One likely scenario would have had a tsunami-like 30-foot wall of water hitting the city, causing thousands of deaths and $100 billion in damage.

The city has always been at risk because of its low-lying location, but that risk has been increased because of rising sea levels, groundwater pumping and the erosion of coastal Louisiana. Twenty-four square miles of wetland disappear every year, since the 1930s an area one and a half times the size of Rhode Island washed away.

Considering the reaction of the American public to the loss of a dozen people in the recent mud slides in California, it is hard to imagine what would happen if a disaster of that magnitude hit the United States.

The experience of Southeast Asia should convince us all of the urgent need for congressional action to prevent wide-scale loss of life and economic destruction at home and abroad. Prevention and planning will pay off. Maybe the devastation will encourage us to act before disaster strikes.

ELECTION OF MAJORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Ms. PRYCE of Ohio. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 48) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 48

Resolved, That the following named Members be, and are hereby, elected to the following standing committees of the House of Representatives:

COMMITTEE ON AGRICULTURE: Mr. Boehner; Mr. Pombo; Mr. Everett; Mr. Lucas of Oklahoma; Mr. Moran of Kansas; Mr. Jenkins; Mr. Gutknecht; Mr. Hayes; Mr. Johnson of Illinois; Mr. Osborne; Mr. Pence; Mr. Graves; Mr. Bonner; Mr. Rogers of Alabama; Mr. King of Iowa; Mrs. Musgrave; Mr. Nunes; Mr. Neugebauer; Mr. Boustany; Mr. Schwarz of Michigan; Mr. Kuhl; Mrs. Foxx; Mr. Conaway and Mr. Fortenberry.

COMMITTEE ON ARMED SERVICES: Mr. Weldon of Pennsylvania; Mr. Hefley; Mr. Saxton; Mr. McHugh; Mr. Everett; Mr. Bartlett; Mr. McKeon; Mr. Thornberry; Mr. Hostettler; Mr. Jones of North Carolina; Mr. Ryun of Kansas; Mr. Gibbons; Mr. Hayes; Mr. Calvert; Mr. Simmons; Mrs. Jo Ann Davis of Virginia; Mr. Akin; Mr. Forbes; Mr. Miller of Florida; Mr. Wilson of South Carolina; Mr. LoBiondo; Mr. Bradley of New Hampshire; Mr. Turner of Ohio; Mr. Kline; Mrs. Miller of Michigan; Mr. Rogers of Alabama; Mr. Franks of Arizona; Mr. Shuster; Mrs. Drake; Mr. Schwarz of Michigan; Miss McMorris; Mr. Conaway and Mr. Davis of Kentucky.

COMMITTEE ON THE BUDGET: Mr. Portman; Mr. Ryun of Kansas; Mr. Putnam; Mr. Hulshof; Mr. Bonner; Mr. Garrett; Mr. Barrett of South Carolina; Mr. McCotter; Mr. Mario Diaz-Balart of Florida; Mr. Hensarling; Mr. Lungren; Mr. Sessions; Mr. Ryan of Wisconsin; Mr. Bradley; Mr. McHenry; Mr. Mack and Mr. Conaway.

COMMITTEE ON EDUCATION AND THE WORKFORCE: Mr. Petri; Mr. McKeon; Mr. Castle; Mr. Sam Johnson of Texas; Mr. Norwood; Mr. Ehlers; Mrs. Biggert; Mr. Platts; Mr. Tiberi; Mr. Keller; Mr. Osborne; Mr. Wilson of South Carolina; Mr. Porter; Mr. Kline; Mrs. Musgrave; Mr. Inglis of South Carolina; Miss McMorris; Mr. Marchant; Mr. Price of Georgia; Mr. Fortuno; Mr. Jindal; Mr.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Boustany; Mrs. Foxx; Mrs. Drake and Mr. Kuhl.

COMMITTEE ON ENERGY AND COMMERCE: Mr. Norwood to rank after Mr. Whitfield and Mr. Shadegg to rank after Mrs. Wilson of New Mexico.

COMMITTEE ON FINANCIAL SERVICES: Mr. Leach; Mr. Baker; Ms. Pryce; Mr. Bachus; Mr. Castle; Mr. King of New York; Mr. Royce; Mr. Lucas of Oklahoma; Mr. Ney; Mrs. Kelly; Mr. Paul; Mr. Gillmor; Mr. Ryun of Kansas; Mr. LaTourette; Mr. Manzullo; Mr. Jones of North Carolina; Mrs. Biggert; Mr. Shays; Mr. Fossella; Mr. Gary Miller of California; Mr. Tiberi; Mr. Kennedy of Minnesota; Mr. Feeney; Mr. Hensarling; Mr. Garrett of New Jersey; Ms. Ginny Brown-Waite of Florida; Mr. Barrett of South Carolina; Ms. Harris; Mr. Renzi; Mr. Gerlach; Mr. Neugebauer; Mr. Price of Georgia; Mr. Fitzpatrick of Pennsylvania; Mr. Davis of Kentucky and Mr. McHenry.

COMMITTEE ON GOVERNMENT REFORM: Mr. Burton; Mr. Shays; Ms. Ros-Lehtinen; Mr. McHugh; Mr. Mica; Mr. Gutknecht; Mr. Souder; Mr. LaTourette; Mr. Platts; Mr. Cannon; Mr. Duncan; Mrs. Miller of Michigan; Mr. Turner of Ohio; Ms. Harris; Mr. Issa; Ms. Ginny Brown-Waite of Florida; Mr. Porter; Mr. Marchant; Mr. Westmoreland; Mr. McHenry; Mr. Dent and Ms. Foxx.

COMMITTEE ON HOMELAND SECURITY: Mr. Lungren; Mr. Jindal; Mr. Reichert; Mr. McCaul and Mr. Dent.

COMMITTEE ON HOUSE ADMINISTRATION: Mr. Ehlers; Mr. Mica; Mr. Doolittle; Mr. Reynolds and Mrs. Miller of Michigan.

COMMITTEE ON INTERNATIONAL RELATIONS: Mr. Leach; Mr. Smith of New Jersey; Mr. Burton of Indiana; Mr. Gallegly; Ms. Ros-Lehtinen; Mr. Rohrabacher; Mr. Royce; Mr. King of New York; Mr. Chabot; Mr. McHugh; Mr. Tancredo; Mr. Paul; Mr. Issa; Mr. Flake; Mrs. Jo Ann Davis of Virginia; Mr. Green of Wisconsin; Mr. Weller; Mr. Pence; Mr. McCotter; Ms. Harris; Mr. Wilson of South Carolina; Mr. Boozman; Mr. Mack; Mr. Fortenberry; Mr. McCaul and Mr. Poe.

COMMITTEE ON THE JUDICIARY: Mr. Hyde; Mr. Coble; Mr. Smith of Texas; Mr. Gallegly; Mr. Goodlatte; Mr. Chabot; Mr. Lungren; Mr. Jenkins; Mr. Cannon; Mr. Bachus; Mr. Inglis of South Carolina; Mr. Hostettler; Mr. Green of Wisconsin; Mr. Keller; Mr. Issa; Mr. Flake; Mr. Pence; Mr. Forbes; Mr. King of Iowa; Mr. Feeney; Mr. Franks of Arizona and Mr. Gohmert.

COMMITTEE ON RESOURCES: Mr. Young of Alaska; Mr. Saxton; Mr. Gallegly; Mr. Duncan; Mr. Gilchrest; Mr. Calvert; Mrs. Cubin; Mr. Radanovich; Mr. Jones of North Carolina; Mr. Cannon; Mr. Peterson of Pennsylvania; Mr. Gibbons; Mr. Souder; Mr. Walden of Oregon; Mr. Tancredo; Mr. Hayworth; Mr. Flake; Mr. Renzi; Mr. Pearce; Mr. Nunes; Mr. Brown of South Carolina; Mrs. Drake; Mr. Fortuno; Miss McMorris; Mr. Jindal and Mr. Gohmert.

COMMITTEE ON RULES: Mr. Gingrey.

COMMITTEE ON SCIENCE: Mr. Hall; Mr. Smith of Texas; Mr. Weldon of Pennsylvania; Mr. Rohrabacher; Mr. Calvert; Mr. Bartlett of Maryland; Mr. Ehlers; Mr. Gutknecht; Mr. Lucas of Oklahoma; Mrs. Biggert; Mr. Gilchrest; Mr. Akin; Mr. Johnson of Illinois; Mr. Forbes; Mr. Bonner; Mr. Feeney; Mr. Inglis of South Carolina; Mr. Reichert; Mr. Sodrel; Mr. Schwarz of Michigan and Mr. McCaul.

COMMITTEE ON SMALL BUSINESS: Mr. Bartlett of Maryland; Mrs. Kelly; Mr. Chabot; Mr. Graves; Mr. Akin; Mrs. Musgrave; Mr. King of Iowa; Mr. McCotter; Mr. Poe; Mr. Sodrel; Mr. Fortenberry; Mr. Fitzpatrick of Pennsylvania; Mr. Westmoreland and Mr. Gohmert.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE: Mr. Petri; Mr. Boehlert; Mr. Coble; Mr. Duncan; Mr. Gilchrest; Mr. Mica; Mr. Hoekstra; Mr. Ehlers; Mr. Bachus; Mr. LaTourette; Mrs. Kelly; Mr. Baker; Mr. Ney; Mr. LoBiondo; Mr. Moran of Kansas; Mr. Gary Miller of California; Mr. Hayes; Mr. Simmons; Mr. Brown of South Carolina; Mr. Johnson of Illinois; Mr. Platts; Mr. Graves; Mr. Kennedy of Minnesota; Mr. Shuster; Mr. Boozman; Mr. Pearce; Mr. Gerlach; Mr. Mario Diaz-Balart of Florida; Mr. Porter; Mr. Osborne; Mr. Marchant; Mr. Sodrel; Mr. Dent; Mr. Poe; Mr. Reichert; Mr. Mack; Mr. Kuhl; Mr. Fortuno; Mr. Westmoreland and Mr. Boustany.

COMMITTEE ON VETERANS' AFFAIRS: Mr. Bilirakis; Mr. Everett; Mr. Stearns; Mr. Moran of Kansas; Mr. Baker; Mr. Simmons; Mr. Brown of South Carolina; Mr. Miller of Florida; Mr. Boozman; Mr. Bradley of New Hampshire; Ms. Ginny Brown-Waite of Florida and Mr. Renzi.

Ms. PRYCE of Ohio (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

INDIAN NATIONAL REPUBLIC DAY

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, I extend my warmest congratulations and best wishes as we commemorate Indian National Republic Day. As the co-chair of the Congressional Caucus on India, and a friend of the Indian American community, I have been privileged to witness and directly participate in the growing Indian-America bond. Our common goal of safeguarding liberty and combating terrorism has united our nations and stimulated an already strong relationship based on values that our cultures share. In the coming years, India and the United States will face many challenges.

As the world comes together and joins forces to help its people. I am positive that the strong ties between India and the United States will serve as an example of fruitful and positive bilateral relations.

And in that spirit I extend my best wishes to the people of India and Indian Americans in a celebration of such a momentous day. Indian National Republic Day.

IN HONOR OF PFC. GEORGE GEER

(Mr. SALAZAR asked and was given permission to address the House for 1 minute.)

Mr. SALAZAR. Mr. Speaker, I rise today to recognize and honor Army Private First Class George Geer, who was killed in the line of duty while serving his country honorably in Iraq.

Each day our men and women willingly face unknown dangers as part of the effort to promote peace and democracy throughout the world. Their individual stories of honor and courage must not be forgotten.

George Geer was from Cortez, Colorado. On January 17, 2005, Pfc. George Geer was killed by a suicide bomber in Iraq. He made the ultimate sacrifice for his country. He was 27 years old.

My heart goes outs to George's parents, Harold and Lois, and to his sister, Hope. They too have sacrificed for our Nation. I am humbled by their strength and perseverance in the face of such hardship.

Pfc. George Geer died performing the most noble of deeds, serving and protecting his Nation and fellow countrymen. George and his family have exhibited a rare form of selflessness and courage. I submit this recognition to the U.S. House of Representatives in honor of their sacrifice so that Mr. George Geer may live on in memory.

INTELLIGENCE REFORM IS STILL NOT DONE

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Mr. Speaker, the House passed intelligence reform legislation last year, and the bill was another step to strengthen efforts against an enemy bent not on our defeat, but on our destruction. But the conference committee was dominated by those that ignored key recommendations of the 9/11 Commission.

The final product was watered down. It did not have a plan to prevent illegal immigrants from obtaining driver's licenses. It did not put in place stricter asylum standards, problems identified by the 9/11 Commission as glaring weaknesses in our Nation's defenses.

Mr. Speaker, 19 of the 9/11 hijackers had 63 driver's licenses between them. How can this Nation in a time of war leave such a glaring hole in our Nation's defenses? Mr. Speaker, this was wrong, and that is why I am hopeful that the legislation introduced this week by the gentleman from Wisconsin (Mr. SENSENBRENNER), which I cosponsored which strengthens security standards on driver's licenses and asylum standards, will pass. I hope the Senate and the 9/11 Commission will support our efforts to do so.

GROWING BUDGET CRISIS

(Mr. EMANUEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EMANUEL. Mr. Speaker, in December of 2003, Josh Bolton, the Director of the Office of Management and Budget wrote, "With the adoption of the President's policies, our projections show a solid path toward cutting the deficit in half within the next 5 years."

Fact: this year our deficit will increase for the fourth straight year, to a record $427 billion. The Webster's dictionary defines a crisis as "an unstable state of affairs." If you are looking for a crisis to solve, look no further. Look at the President's budget deficit.

The President's reckless policies are damaging our Nation's future. Our annual interest payments on the national debt are more than six times what we spent on education last year. They are more than 12 times what we spent on veterans.

What are we doing with this $7 trillion debt that keeps running up? We are asking our bankers, Japan and China, for more money. They control our future. It is a very fascinating economic strategy.

The President has indicated that his budget will be tough. I agree. With 3 years of record deficit and a record national debt accumulating, it is tough. It is tough on America's future.

Mr. Speaker, when it comes to the President and the economy, the truth is, we will forever be in his debt.

A STEP TOWARDS LIBERTY IN IRAQ

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, in his second inaugural address just days ago, President George W. Bush restated our Nation's longstanding vision as the beacon of liberty and the arsenal of democracy on planet Earth.

This Sunday, January 30th, because of the leadership of that same Commander in Chief and the courage and sacrifice of our American military and their families, that vision will take one more step forward on Earth with the free elections taking place in the war-torn nation of Iraq.

The Good Book tells us that where the spirit of the Lord is, there is liberty. So I know I rise on behalf of millions of Hoosiers when I say to the good people of Iraq, you not only have our sons and daughters and our resources, but you will have our prayers; and our prayers are with all the good people of that nation as they take this small step toward liberty. May it be the beginning of a permanent break with their tyrannical past.

SUPPORT FOR ADVOCATES FOR VETERANS

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STRICKLAND. Mr. Speaker, our good friend and colleague, the gentleman from New Jersey (Mr. SMITH), had served on the Committee on Veterans' Affairs for 24 years. He had been the chairman of that committee for 4 years.

On January 5, representatives of 10 national veterans organizations wrote the gentleman from Illinois (Speaker HASTERT) asking him to keep the gentleman from New Jersey (Mr. SMITH) in that position. But he was removed. And a senior GOP aid referred to these veterans by saying, "If they think coming up here to argue for CHRIS SMITH is going to help CHRIS SMITH, they are crazy."

Well, the Republicans in this House may think the advocates for veterans are crazy, but we Democrats do not; and we will not stand by and let this administration or this House of Representatives decimate VA health care.

PUSH POLL DISCLOSURE ACT OF 2005

(Mr. PETRI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PETRI. Mr. Speaker, today I am introducing legislation to increase the disclosure requirements for telephone push polls. My bill, the Push Poll Disclosure Act of 2005, uses the light of public disclosure to lift the darkness surrounding these smear polls, which are a campaign device to spread disinformation about candidates under the cover of a legitimate poll.

They are not, however, real polls. Their only purpose is to create a negative image among the voting public without leaving a visible trace. My bill combats this obnoxious practice by requiring increased disclosure for polls when more than 1,200 households are included.

The time has come to regulate smear polls for what they are, a campaign tactic, and make those who employ this tactic take full responsibility for their actions.

I urge my colleagues to support this bill.

EXPRESSING CONCERNS OVER IRAQ ELECTIONS

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, today I am sending a letter to Secretary-Designate Rice and Ambassador Negroponte expressing concerns over the Iraq elections that are to take place in just 5 days.

It will be impossible to determine the extent to which corruption, voter intimidation or outright fraud will mar the results. Here is why: there is a total absence of international election observers for the process. As such, it will make the elections themselves, regrettably, a farce.

International observers were present at polling sites in Nigeria, East Timor, Haiti, Afghanistan, Palestine, and Ukraine. Iraq is the first so-called transitional election in the past 2 decades that will not have international election observers touring polling stations. Instead, Iraq will have a "mission," which will assess the elections from Amman, Jordan, inspecting the Iraq elections from Amman, Jordan.

This is not acceptable, to stage an election that cannot be monitored for fairness, where it cannot be independently determined whether ballot boxes are being stuffed.

EXPRESSING AWE AND ADMIRATION FOR IRAQI PEOPLE

(Mr. CHOCOLA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHOCOLA. Mr. Speaker, I rise today in recognition of the fact that this Sunday, January 30, will be a truly historic day, a day when the Iraqi people, once oppressed and without a voice, will cast their vote in their nation's first democratic elections. It is an amazing fact when you think that just 2 years ago they suffered under a brutal dictatorship.

There is no question that the desperate tactics and deliberate attacks will increase in the final days leading up to the election. But in spite of the efforts of those that hate freedom, the elections will take place; and it will begin a new period in Iraq's history, a beginning that will lead to freely elected leaders, a national assembly and a constitution founded on freedom and equal rights.

Today, Mr. Speaker, I encourage my colleagues and the people of this great country to join me in awe and admiration for the Iraqi people as they show the world the power of liberty and their determination to forge a path towards lasting freedom.

□ 1015

IN RECOGNITION OF CARL AND FRANCINE DEMMA

(Mr. LIPINSKI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LIPINSKI. Mr. Speaker, I rise today to recognize an outstanding labor of love and faith in my district.

Carl Demma of Oak Lawn had a vision nearly 20 years ago of expressing his Catholic faith by creating a larger-than-life statue of the Virgin Mary. His goal was to encourage people to reflect on their religious faith at the beginning of the new millennium. Mr. Demma's vision was realized in a 33-foot-tall statue of the Virgin Mary. Our Lady of the New Millennium was blessed by Pope John Paul II in 1998, and, since that time, hundreds of thousands of the faithful have been able to view the statue.

Since Carl passed on in 2000, his beloved wife Francine has dedicated her time and energy to ensuring that the statue continues to be transported from parish to parish for all the faithful to experience.

Mr. Speaker, I applaud Mr. and Mrs. Demma for their dedication and their many years of service to the community.

PROTECTING AND PRESERVING SOCIAL SECURITY

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, in the year 2018, Social Security will start paying out more money than it is bringing in. In the years 2035 to 2042, somewhere in that range, it will be out of money, and it will force a benefit cut of 27 percent.

Now, that is not a burning crisis today, but it is a slow-burning problem that we in the U.S. Congress need to address. We should do it with a couple of parameters: that we are not going to cut the benefits, we are not going to increase taxes, we are not going to change Social Security for retirees or near retirees. But we should act responsibly in a bipartisan manner to protect and preserve Social Security and not use it for our advantage in the next election, but come up with long-term solutions for the next generation.

I invite my Democrat colleagues to come in with their ideas. And I would say to Independents and conservatives and liberals alike, let us put these ideas on the table, let us address this situation together in a bipartisan fashion, and let us do it for the sake of my parents, my dad is 87, my mom is 80; and for your parents; and also, again, for the next generation.

PRESERVING SAFETY NET FOR SOCIAL SECURITY, AND CAUTIOUS DELIBERATION NEEDED REGARDING NEXT STEPS IN IRAQ

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would be quite interested in accepting my good friend's challenge on Social Security, but let me say to my colleagues, the proposed plans of Republicans are an absolute betrayal of the American people and the safety net of Social Security, and I, for one, and those of us who stand under the Democratic umbrella, are not going to stand around while Social Security is being destroyed. Social Security is secure until 2053, and we need to make sure that that safety net remains in place.

Mr. Speaker, I also rise to acknowledge the 35 marines that lost their lives this morning in Iraq. I, too, believe in freedom, as most Americans believe in freedom, but I do also believe in truth. As Secretary-to-be Condoleezza Rice will be approved today, I hope that we recognize in this Congress that we have an obligation not to political philosophy, but to the lives of those young men and women on the front lines.

Iraq may be able to be a democracy as we know it in decades and decades to come, but what do we say about the blood of Americans who came to fight a war in Iraq on the basis of weapons of mass destruction? I believe we owe them an apology, and I believe that we owe cautious deliberations on the next steps in Iraq.

MORE FUNDING AND ATTENTION TO SECURE OUR PORTS

(Ms. HARRIS asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. HARRIS. Mr. Speaker, our Nation has made tremendous strides in securing our homeland since the 9/11 attacks. Americans have performed amazingly well in staying alert and aware, while the Federal Government has done an excellent job in making travel safer for airline passengers.

Nevertheless, our achievements merely highlight how much more work remains. Before we can truly be safe, we must direct more funding and attention to securing our ports.

America's seaports have become the locomotives of economic growth, receiving 95 percent of our Nation's imports. Florida alone has 14 deepwater seaports, and 56 percent of all of our imported oil comes through the Gulf of Mexico border region. Thus, terrorists know what devastating death and destruction would be wrought through the detonation of one dirty bomb in one cargo container, which would bring international commerce to a screeching halt.

We spend a great deal of time debating how to secure our land border. We must start devoting the same amount of time and energy to the security of our water border, starting today. Through the Gulf of Mexico States Caucus, we will work to ensure that the House accomplishes this goal.

RESIST GIVING IN TO FEAR: TRUST SOCIAL SECURITY

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)

Mr. GRIJALVA. Mr. Speaker, Social Security is a program that is both financially sound and essential to the lives of our seniors. Social Security provides the core retirement benefits for over 30 million retirees, and nearly half of the elderly would live below the poverty line without it.

According to the Board of Trustees, of which four out of six were appointed by President Bush, Social Security is as healthy today as it has ever been. Their 2004 report says that the program can pay all benefits through 2042. After that, even without any changes, they could continue to pay benefits.

The administration is ignoring these facts, deceiving the public, and creating force, hoping to force privatization of Social Security. This deceitful approach that this administration has chosen to wage war on its working Americans is typical of them. They create fear, and then they offer their only solution, one that suits their political goals, not the goals of the people, to whatever crisis they have conjured.

To the people of this country, I say, do not give in to fear. Trust a program with a surplus over a President that created a huge deficit.

TIME TO ABANDON RISKY SOCIAL SECURITY PRIVATIZATION SCHEME

(Mr. PALLONE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PALLONE. Mr. Speaker, this week we had another reality check on how fiscally devastating Republican fiscal policies are on our Nation. Yesterday the Bush administration announced that the budget deficit is set to hit another record this year, a whopping $429 billion.

The President also had to admit that thanks to these new projections, he is already behind in his campaign pledge to cut the deficit in half over the next 5 years. Yet the President has no plans to alter his misguided policies that took us from record surpluses when he arrived in Washington to record deficits now.

But the President is still not finished. He has a plan that would use an additional $2 trillion in Federal funds to privatize Social Security. Enough is enough. Congressional Republicans need to stop blindly following this President before it is too late, and it is time that they abandon this risky Social Security privatization scheme.

ELECTION AS MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 49), and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 49

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Holden, Mr. Thompson of Mississippi, Mr. McIntyre, Mr. Etheridge, Mr. Baca, Mr. Case, Mr. Cardoza, Mr. Scott of Georgia, Mr. Marshall, Ms. Herseth, Mr. Butterfield, Mr. Cuellar, Mr. Melancon, Mr. Costa, Mr. Salazar, Mr. Barrow.

(2) COMMITTEE ON APPROPRIATIONS.—Mr. Murtha, Mr. Dicks, Mr. Sabo, Mr. Hoyer, Mr. Mollohan, Ms. Kaptur, Mr. Visclosky, Mrs. Lowey, Mr. Serrano, Ms. DeLauro, Mr. Moran of Virginia, Mr. Olver, Mr. Pastor, Mr. Price of North Carolina, Mr. Edwards, Mr. Cramer, Mr. Kennedy of Rhode Island, Mr. Clyburn, Mr. Hinchey, Ms. Roybal-Allard, Mr. Farr, Mr. Jackson of Illinois, Ms. Kilpatrick of Michigan, Mr. Boyd, Mr. Fattah, Mr. Rothman, Mr. Bishop of Georgia, Mr. Berry.

(3) COMMITTEE ON ARMED SERVICES.—Mr. Spratt, Mr. Ortiz, Mr. Evans, Mr. Taylor of Mississippi, Mr. Abercrombie, Mr. Meehan, Mr. Reyes, Mr. Snyder, Mr. Smith of Washington, Ms. Loretta Sanchez of California, Mr. McIntyre, Mrs. Tauscher, Mr. Brady of Pennsylvania, Mr. Andrews, Mrs. Davis of California, Mr. Langevin, Mr. Israel, Mr. Larsen of Washington, Mr. Cooper, Mr. Marshall, Mr. Meek of Florida, Ms. Bordallo, Mr. Ryan of Ohio, Mr. Udall of Colorado, Mr. Butterfield, Ms. McKinney, Mr. Boren.

(4) COMMITTEE ON THE BUDGET.—Mr. Moore of Kansas, Mr. Neal of Massachusetts, Ms. DeLauro, Mr. Edwards, Mr. Ford, Mrs. Capps, Mr. Baird, Mr. Cooper, Mr. Davis of Alabama, Mr. Jefferson, Mr. Allen, Mr. Case, Ms. McKinney, Mr. Cuellar.

(5) COMMITTEE ON EDUCATION AND THE WORKFORCE.—Mr. Kildee, Mr. Owens, Mr. Payne, Mr. Andrews, Mr. Scott of Virginia, Ms. Woolsey, Mr. Hinojosa, Mrs. McCarthy, Mr. Tierney, Mr. Kind, Mr. Kucinich, Mr. Wu, Mr. Holt, Mrs. Davis of California, Ms. McCollum of Minnesota, Mr. Davis of Illinois, Mr. Grijalva, Mr. Van Hollen, Mr. Ryan of Ohio, Mr. Bishop of New York, Mr. Barrow.

(6) COMMITTEE ON ENERGY AND COMMERCE.—Mr. Waxman, Mr. Markey, Mr. Boucher, Mr. Towns, Mr. Pallone, Mr. Brown of Ohio, Mr. Gordon, Mr. Rush, Ms. Eshoo, Mr. Stupak, Mr. Engel, Mr. Wynn, Mr. Gene Green of Texas, Mr. Strickland, Ms. DeGette, Mrs. Capps, Mr. Doyle, Mr. Allen, Mr. Davis of Florida, Ms. Schakowsky, Ms. Solis, Mr. Gonzalez, Mr. Inslee, Ms. Baldwin, Mr. Ross.

(7) COMMITTEE ON FINANCIAL SERVICES.—Mr. Kanjorski, Ms. Waters, Mrs. Maloney, Mr. Gutierrez, Ms. Velázquez, Mr. Watt, Mr. Ackerman, Ms. Hooley of Oregon, Ms. Carson, Mr. Sherman, Mr. Meeks of New York, Ms. Lee, Mr. Moore of Kansas, Mr. Capuano, Mr. Ford, Mr. Hinojosa, Mr. Crowley, Mr. Clay, Mr. Israel, Mrs. McCarthy, Mr. Baca, Mr. Matheson, Mr. Lynch, Mr. Miller of North Carolina, Mr. Scott of Georgia, Mr. Davis of Alabama, Mr. Gene Green of Texas, Mr. Cleaver, Ms. Bean, Ms. Wasserman Schultz, Ms. Moore of Wisconsin.

(8) COMMITTEE ON GOVERNMENT REFORM.—Mr. Lantos, Mr. Owens, Mr. Towns, Mr. Kanjorski, Mrs. Maloney, Mr. Cummings, Mr. Kucinich, Mr. Davis of Illinois, Mr. Tierney, Mr. Clay, Ms. Watson, Mr. Lynch, Mr. Van Hollen, Ms. Linda T. Sánchez of California, Mr. Ruppersberger, Mr. Higgins.

(9) COMMITTEE ON HOUSE ADMINISTRATION.—Ms. Millender-McDonald, Mr. Brady of Pennsylvania.

(10) COMMITTEE ON INTERNATIONAL RELATIONS.—Mr. Berman, Mr. Ackerman, Mr. Faleomavaega, Mr. Payne, Mr. Menendez, Mr. Brown of Ohio, Mr. Sherman, Mr. Wexler, Mr. Engel, Mr. Delahunt, Mr. Meeks of New York, Ms. Lee, Mr. Crowley, Mr. Blumenauer, Ms. Berkley, Mrs. Napolitano, Mr. Schiff, Ms. Watson, Mr. Smith of Washington, Ms. McCollum of Minnesota, Mr. Chandler, Mr. Cardoza.

(11) COMMITTEE ON THE JUDICIARY.—Mr. Berman, Mr. Boucher, Mr. Nadler, Mr. Scott of Virginia, Mr. Watt, Ms. Zoe Lofgren of California, Ms. Jackson-Lee of Texas, Ms. Waters, Mr. Meehan, Mr. Delahunt, Mr. Wexler, Mr. Weiner, Mr. Schiff, Ms. Linda T. Sánchez of California.

(12) COMMITTEE ON RESOURCES.—Mr. Kildee, Mr. Faleomavaega, Mr. Abercrombie, Mr. Ortiz, Mr. Pallone, Mrs. Christensen, Mr. Kind, Mrs. Napolitano, Mr. Udall of New Mexico, Mr. Grijalva, Ms. Bordallo, Mr. Costa, Mr. Melancon, Mr. Boren.

(13) COMMITTEE ON RULES.—Mr. McGovern, Mr. Hastings of Florida.

(14) COMMITTEE ON SCIENCE.—Mr. Costello, Ms. Eddie Bernice Johnson of Texas, Ms. Woolsey, Mr. Udall of Colorado, Mr. Wu, Mr. Honda, Mr. Miller of North Carolina, Mr. Davis of Tennessee, Mr. Carnahan, Mr. Lipinski.

(15) COMMITTEE ON SMALL BUSINESS.—Ms. Millender-McDonald, Mr. Udall of New Mexico, Mr. Lipinski.

(16) COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT.—Mr. Mollohan.

(17) COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE.—Mr. Rahall, Mr. DeFazio, Mr. Costello, Ms. Norton, Mr. Nadler, Mr. Menendez, Ms. Corrine Brown of Florida, Mr. Filner, Ms. Eddie Bernice Johnson of Texas, Mr. Taylor of Mississippi, Ms. Millender-McDonald, Mr. Cummings, Mr. Blumenauer, Mrs. Tauscher, Mr. Pascrell, Mr. Boswell, Mr. Holden, Mr. Baird, Ms. Berkley, Mr. Matheson, Mr. Honda, Mr. Larsen of Washington, Mr. Capuano, Mr. Weiner, Ms. Carson, Mr. Bishop of New York, Mr. Michaud, Mr. Davis of Tennessee, Mr. Chandler, Mr. Higgins, Mr. Carnahan, Ms. Schwartz of Pennsylvania, Mr. Salazar.

(18) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Filner, Mr. Gutierrez, Ms. Corrine Brown of Florida, Mr. Snyder, Mr. Michaud, Ms. Herseth, Mr. Higgins.

(19) COMMITTEE ON WAYS AND MEANS.—Mr. Stark, Mr. Levin, Mr. Cardin, Mr. McDermott, Mr. Lewis of Georgia, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Jefferson, Mr. Tanner, Mr. Becerra, Mr. Doggett, Mr. Pomeroy, Mrs. Jones of Ohio, Mr. Thompson of California, Mr. Larson of Connecticut, Mr. Emanuel.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MINORITY MEMBER TO COMMITTEE ON FINANCIAL SERVICES AND COMMITTEE ON GOVERNMENT REFORM

Mr. MENENDEZ. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 50) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 50

Resolved, That the following named Member be and is hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON FINANCIAL SERVICES.—Mr. Sanders (to rank immediately after Ms. Waters).

(2) COMMITTEE ON GOVERNMENT REFORM.—Mr. Sanders (to rank immediately after Mr. Kanjorski).

The resolution was agreed to.

A motion to reconsider was laid on the table.

COMPOSITION OF MEMBERS OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE DURING 109TH CONGRESS

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that notwithstanding the requirement of clause 11(a)(1) of rule X, during the 109th Congress, the Permanent Select Committee on Intelligence be composed of not more than 19 Members, of whom not more than 11 be from the same party.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 54, CONGRESSIONAL GOLD MEDAL ENHANCEMENT ACT OF 2005

Mr. SESSIONS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 42 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 42

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 54) to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Texas (Mr. SESSIONS) is recognized for 1 hour.

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that section 2 of the resolution be stricken.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Florida (Mr. HASTINGS), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, this rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. It provides that the bill shall be considered as read for the purpose of amendment and makes in order only those amendments printed in the Committee on Rules report accompanying this resolution. It provides that the amendments made in order may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent. These amendments shall not be subject to amendment and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The rule waives all points of order against the amendments printed in the report. Finally, it provides for one motion to recommit, with or without instructions.

Mr. Speaker, I rise today to introduce this fair, structured rule for H.R. 54, the Congressional Gold Medal Enhancement Act of 2005. This legislation builds on important reforms that my good friend, the former Governor and now Member of Congress, the gentleman from Delaware (Mr. CASTLE) has made to the Commemorative Gold Coin program almost a decade ago.

Today, we have the opportunity to bring these same improvements to the Congressional Gold Medal program and ensure that the original intent and prestige of the Congressional Gold Medal program as the Nation's highest civilian award and the most distinguished award given by Congress is preserved.

Mr. Speaker, H.R. 54 will improve the Congressional Gold Medal program by limiting the number of medals awarded by Congress to no more than two in any calendar year. It would also ensure that the tradition of only awarding these medals to living or recently deceased individuals for their meritorious service continues, as was originally intended by the program.

The proud tradition of this unique honor began when the first Congressional Gold Medal was authorized in 1776 and presented to George Washington in 1790. The tradition of only awarding these medals for military service continued until 1858 when Congress awarded Dr. Frederick Rose, an assistant surgeon in the British Navy, with a medal for the kindness that he showed to sick American naval personnel.

□ 1030

With Dr. Rose's receipt of the gold medal, Congress also created the Medal of Honor as the first permanent military decoration. The creation of the esteemed Medal of Honor allowed Congress to begin using the gold medal exclusively to recognize individuals that have performed an achievement that has an impact on American history and culture that will be recognized for generations to come.

Over the years since its inception, without strict rules governing how it was awarded, this venerable program has acquired a small problem. By a slow process, as currently administered, it has grown much larger than it was originally intended. From 1776, when Congress established the award, to 1904, Congress approved only 47 medals. In the last 100 years, Congress has awarded almost twice as many, 86 medals, including 20 in the past decade alone. In the 1990s, Congress faced this same problem of proliferation within the Commemorative Coins Program, which has grown out of control and was costing taxpayers far more than ever envisioned when that program began.

In order to maintain sound fiscal discipline and the prestige of the Congressional Gold Medal Program, we are here today to approve the commonsense reforms by the gentleman from Delaware (Mr. CASTLE), our chairman, and supported by the Committee on Financial Services chairman, the gentleman from Ohio (Mr. OXLEY). Many of these reforms simply codify what is already an existing practice in the House Committee on Financial Services and the Senate Banking Committee.

By adopting this legislation, Congress will be able to move more effectively and efficiently to manage the Congressional Gold Medal Program while maintaining the prestige and the purpose for which it was originally created.

I support this rule and urge my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume; and I thank my friend, the gentleman from Texas (Mr. SESSIONS), for yielding me the time.

It is a new year, Mr. Speaker, a new Congress and new Presidential term. We have heard new commitments to work across party lines and calls for civility and camaraderie in the halls of the Capitol. We have heard the President speak of a more civilized Washington and a bipartisan approach to the legislative process.

Then and now Congress starts its work. The rhetoric starts; reality sets in. We are not even 2 full weeks into the House legislative calendar, and it is starting to sound like the same old song and dance.

Any way we look at it, Mr. Speaker, process or policy, the House is off to a bad start. It is the first day of normal legislative business in the 109th Congress, and the House is already considering a restrictive rule for a bill that has not gone through proper House procedures.

New Congress Members just coming from parliamentary procedure training session must be doing a double-take. They just spent a week in a refresher course on how a bill becomes a law. Then, all of the sudden, that process has not been followed on one of their first votes. I guess I was confused, too, and what I can say to them is, Welcome to Washington.

The proponents of the underlying legislation will try to argue that it is not a new bill because it was first introduced in the 108th Congress. While that might be true, the Committee on Financial Services did not act on the bill in the 108th Congress, and it has not acted on it in this year.

I ask, why is the full House considering a relatively controversial piece of legislation without any committee action? Why the rush? Why set such a precedent for the 109th Congress' beginning?

The Committee on Financial Services, the committee of jurisdiction for the underlying legislation, will not even organize itself until next week, let alone hold a hearing or markup on my good friend's, and he is my good friend, the gentleman from Delaware's bill.

Think about it this way: the first bill that the House is considering in the 109th Congress under normal rules actually makes it harder to pass legislation and create laws honoring our country's greatest heroes. Just like Social Security, some of my Republican friends are trying to create a problem where one does not exist.

As the gentleman from Texas already noted, the rule does make in order two amendments offered by my good friend, the gentleman from New York (Mr. CROWLEY).

The first Crowley amendment increases the total number of medals of honor to be permitted awarded from four to six per Congress. The second Crowley amendment provides for an equitable distribution of gold medals between the majority and the minority.

While I intend to support both of these amendments, and certainly appreciate them being made in order, the Committee on Rules failed to make in order a third Crowley amendment which would have maintained the status quo. That amendment would have ensured that worthy groups or individuals and organizations remain eligible to receive the Congressional Medal of Honor.

The Committee on Rules also rejected along a party-line vote an amendment to the rule which would have made it open to all germane amendments.

If the underlying legislation were to become law, President and Nancy Reagan never would have received the medal because they received it as a couple. Neither would Dr. Martin Luther King and Coretta Scott King, Joseph DeLaine and Harry and Eliza Briggs, Billy and Ruth Graham, President and Betty Ford, the Navajo Code Talkers or the American Red Cross, just to name a few.

Can anyone in this body honestly suggest that the individuals aforementioned and organizations are unworthy of this institution's top award? Is there an epidemic of distributing too many Congressional Medals of Honor to unworthy recipients that somehow or another has escaped at least me in knowing about them?

Mr. Speaker, I am not worried about Congress going on a spree to award the Medal of Honor to unworthy recipients. The rules applied by the Committee on Financial Services to even consider a bill awarding the Congressional Medal of Honor are so stringent that the integrity and prestige of the award will always be protected.

On the contrary, if today is any indication, perhaps we ought to be just a bit more concerned about the integrity of procedure in the House of Representatives than about the integrity of a system that is dependent upon bipartisan cooperation.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the comments from the gentleman from Florida, my good friend from the Committee on Rules, and would like to ask him at this time if he would like to consume the time. At this time, I may have one additional speaker, but do not at this time and would wish that the gentleman would consume his time. Then I would expect to close. I would like to ask the gentleman if he would like to do that.

Mr. HASTINGS of Florida. If the gentleman would yield, I appreciate my good friend's good suggestion, and I am prepared to begin yielding time to colleagues who are present to begin speaking.

Mr. Speaker, with that understanding, I yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman from Florida and ranking member, and the gentleman representing the Committee on Rules on the Republican side and also the author of this legislation.

I rise to oppose the rule and the underlying legislation for some of the very reasons that my good friend and colleague from Florida has enunciated.

I also raise another question, that this body is the people's House and the people represent a wide diversity of America, heroes and sheroes, little unknown to many of us until they rise and shine.

It is interesting that this legislation would come without going to the full committee in this session to be able to have the oversight of the committee structure, and then to be reminded of the fact that we took great joy and pleasure in honoring both President Reagan and Mrs. Reagan, Dr. King and Mrs. King, and of course, legislation that I proposed to acknowledge the Columbia Seven that tragically lost their lives on our behalf as astronauts and heroes in space.

All right, I recognize that judgment is necessary, but this legislation does not speak to judgment. It speaks to denial, and it denies the Congress its authoritative right to make decisions on who has represented America in the most honorable way to deserve a Congressional Gold Medal.

The legislation that I have has over 320-plus sponsors out of 435 and growing. Individual Members acquiesced and affirmed the fact that these individuals were worthy of a Congressional Gold Medal.

I agree, as well, that the Committee on Financial Services has put in place a very effective, very effective oversight of this process.

Let me thank the gentleman from New York (Mr. CROWLEY) for his insight in his amendments that would expand the numbers for the congressional session and also bifurcate or equalize the numbers for each party.

I, too, believe that there should be restraint in judgment, but I believe as well that America has her heroes and sheroes and who are we in 2005 to predict what might happen in 2010 or 2015 or 2020 where there may be a multitude of heroes who Americans believe are deserving of this worthy award.

I am disappointed and saddened that this could not be a bipartisan process. I, for one, believe that we should overwhelmingly vote against the rule and overwhelmingly vote against this intrusion into the objective and the precise and the bipartisan decisions that have been made on Ronald Reagan and Mrs. Reagan, the President of the United States; Dr. King and Mrs. King, very surely representatives of the human and American spirit.

I would ask my colleagues to reconsider this legislation and most specifically because it violated, if you will, the precise rules that we adhere to, oversight by committees, the Committee on Rules' involvement in an open rule, and the bipartisan spirit in which we honor our heroes and sheroes, whether dead or alive.

Mr. Speaker, I rise to urge my colleagues to defeat the overly restrictive rule that has been reported out of Committee relating to H.R. 54. Despite my disappointment and dismay at not only the criteria of this rule but the nature of the underlying legislation, I am pleased that two amendments offered by my colleague from New York, Mr. CROWLEY were made in order.

The central amendment that would have made this legislation palatable at the very least and not so disrespectful to the heroes that we strive to honor with the congressional gold medal has been effectively blocked by partisan stubbornness. If the import of this legislation is good, why not allow the representatives of this august body to openly debate it before the American people? Are we so ashamed of its true legislative intent that we feel the need to hide behind obstructionist rules? I say that legislation with bona fide purpose should have nothing to fear—at the very least should it fear honest and open debate.

The underlying legislation that is before this House seeks to "provide reasonable standards for congressional gold medals" but will essentially limit the bestowal of honor to American icons. One of the main reasons that the medal is bestowed is to make the highest expression of national appreciation for distinguished achievements and contributions. HR 54 will summarily restrict this goal and prevent many honored heroes from receiving proper recognition.

Blocking debate on a provision that is utterly unreasonable is disrespectful to the constituents that Members seek to honor with the congressional gold medal.

Mr. Speaker, I oppose this rule and I urge my colleagues to defeat it.

Mr. RANGEL. Mr. Speaker, I rise due to my continuing concern about the measure H.R.

54, which was passed by the Republican majority last week. In its present form the measure seeks to restrict the number of Congressional Gold Medals that can be awarded in a given year to two. It forbids the medal from being awarded concurrently to a group, as well as from being awarded posthumously—except during the 20-year period beginning 5 years after the death of the individual. This latter requirement regarding posthumous medals is perplexing and arbitrary at best, but it also exemplifies the faults of a most peculiar piece of legislation.

The first question that this proposed measure elicits is "Why". Since the American Revolution, Congress has awarded the Congressional Gold Medal as its highest expression of national appreciation to those who lived a life of great achievement. Why now does the majority see fit to restrict how the Congress honors the country's most deserving citizens? With a U.S. population that grows daily in number and diversity, reducing the amount of honors that Congress can award to that population is simply perplexing.

In the long history of the U.S. Congress, rarely has the Congressional Gold Medal been awarded to more than 2 people in a year. This is not due to a mandated limit, such as what the majority is now proposing, but rather due to the longstanding requirement that at least two-thirds of the House and Senate co-sponsor the resolution. This requirement has created a "natural" ceiling, as it necessitates that the potential recipient have the support of an overwhelming majority of Congress. As such, it renders the forced limit that H.R. 54 proposes, needless.

In the rare instances that awardees for the Congressional Gold Medal have exceeded more than two in a year, the cohort included some of the most deserving individuals of which I can think. Presidents Harry Truman and Ronald Reagan, Pope John Paul II, Nelson Mandela, and Mother Teresa all received their medals in years when more than two were awarded. Competition in those years was particularly keen. If H.R. 54 had been in effect, some of these recipients may have been prevented from receiving the medal when they did.

Additionally, some of the most deserving individuals from America's minority communities would not have received medals at all under H.R. 54. The 'Little Rock Nine' and the Navajo Code Talkers would have both been precluded due to the measure's restriction on group medals. Interestingly, all three of the medal recipients from 2004—who all happened to be African American and major contributors to the civil rights movement—would have been precluded under H.R. 54 because their medals were awarded posthumously. The mere possibility of the aforementioned examples reveals the immense shortcomings of H.R. 54. Unfortunately, the measure passed in the House along partisan lines, and now resides in the Senate for consideration.

The great writer Thomas Carlyle once wrote, "Show me the man you honor, and I will know what kind of man you are." The Congressional Gold Medal is not a token gesture offered liberally. Rather, it is awarded to those whose life and deeds embody the ideals our Nation holds sacred. It is in effect an annual affirmation of our national values. H.R. 54 seeks to limit this process. As such, it is a measure I cannot support, and one this Congress can ill-afford to enact.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to announce that we have no further speakers, and I would say to my good friend, the gentleman from Texas, we yield back the balance of our time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we have a bill which the gentleman from Delaware (Mr. CASTLE) has brought to the floor, which we believe is a good bill, supported by the gentleman from Ohio (Chairman OXLEY). I urge my colleagues to support this rule, as well as the Oxley manager's amendment.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. OXLEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 54, the Congressional Gold Medal Enhancement Act of 2005.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CONGRESSIONAL GOLD MEDAL ENHANCEMENT ACT OF 2005

The SPEAKER pro tempore (Mr. SESSIONS). Pursuant to House Resolution 42 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 54.

□ 1043

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 54) to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes, with Mr. LAHOOD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Ohio (Mr. OXLEY) and the gentleman from New York (Mr. CROWLEY) each will control 30 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Today, I rise in support of H.R. 54, the Congressional Gold Medal Enhancement Act of 2005, authored by the gentleman from Delaware (Mr. CASTLE), and urge its immediate passage. The legislation is a commonsense effort to maintain the prestige of this award.

□ 1045

As the Members know, the gold medal is the highest civilian honor bestowed by Congress. It has been awarded to a long and distinguished line of individuals who have made significant contributions to this country, beginning with General George Washington even before the Declaration of Independence. Recipients have included civil rights leaders, cultural icons and leaders in science.

But a disturbing trend has emerged since the gentleman from Delaware (Mr. CASTLE) sensibly reformed the commemorative coin program a decade ago. Until that point, Congress approved the awarding of only a few, usually one or two, gold medals each Congress, but approved as many as a dozen commemorative coin programs, often at great cost to taxpayers. Chairman CASTLE's reforms eliminated the cost to the taxpayers, restoring the dignity to the commemorative coin program. He also instituted a requirement that two-thirds of the House should sponsor legislation for either commemorative coins or gold medals before consideration could take place so that support would be broad and bipartisan.

Those reforms have been successful, but denied the opportunity to enact numerous commemorative coin programs, Congress increasingly has turned to the gold medal program, and we now find ourselves in a situation of having fewer honorees for commemorative coins than we do from gold medals. During the last Congress, only three commemorative coins were struck, and we approved five medal programs honoring seven individuals. By comparison, in the first 123 years of the gold medal, only 45 people were so honored.

Mr. Chairman, all medal honorees to date have been good choices and well deserving of the honor. However, we could be faced with a quandary: Either approve a medal for an individual who has had some accomplishment, but probably is not at the same level as a General Washington or a Jonas Salk, or else decline to approve the legislation.

We should not let ourselves get into that situation, Mr. Chairman. Chairman CASTLE's common-sense limit of two gold medals a year, and limiting the recipients to individuals rather than groups, maintains the prestige and honor of receiving a Congressional Gold Medal. Combined with the requirement of a minimum cosponsorship level of two-thirds of the House is the best way to preserve the integrity of the gold medal.

At the appropriate time, I will offer a manager's amendment that seeks to change the effective date of this legislation from December 31 of this year to immediately upon enactment so that the rules for awarding medals would remain the same throughout this Congress and not change midsession.

Mr. Chairman, I urge immediate passage of this legislation.

Mr. Chairman, I reserve the balance of my time.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to express my disappointment that this legislation is not being offered under an open rule. In fact, the chairman of the full Committee on Financial Services, the gentleman from Ohio (Mr. OXLEY), who holds jurisdiction over this legislation, even requested during his Committee on Rules testimony last night a more open process for debate on this bill, and I thank the chairman for those comments.

I would also like to take a moment to specifically thank and welcome our new Committee on Rules ranking member, my friend and colleague, the gentlewoman from New York (Ms. SLAUGHTER), who will serve as a true and tireless fighter for Democrats and our rights in the minority on the Committee on Rules over the next 2 years.

Mr. Chairman, the bill we are debating today, H.R. 54, the Congressional Gold Medal Enhancement Act of 2005, while introduced in the previous Congress, was never debated in committee because no hearings were convened, and no markup was held. And given that the Committee on Financial Services has yet to even hold its organizational meeting for the 109th Congress, the committee has obviously not yet had an opportunity to consider this issue carefully. In my view, we are rushing to act on an issue that does not represent a problem.

Having said that, Democrats are open to debating and voting on this legislation. In the last several Congresses, Congressional Gold Medals have been considered in the House under a well-established and a bipartisan process that works well. Regular order for consideration of gold medals involves the need, under the rules of the Committee on Financial Services, to gain the cosponsorship of two-thirds of the House before the legislation is considered in committee, a full two-thirds sponsorship of the House before it is considered in committee.

The bar for consideration for gold medals is set relatively high for a reason: Gaining a two-thirds cosponsorship ensures that a solid bipartisan majority of the House is in full support of honoring a particularly noteworthy individual or individuals.

Under the rule today, I plan to offer two amendments. The first amendment would raise the number of gold medals from two per calendar year to six per Congress, or an overall increase of two medals per Congress. This is especially key, as in the 108th Congress we awarded five Congressional Gold Medals. They went to Tony Blair, the Prime Minister of Great Britain; Dr. Dorothy Height, president of the National Council of Negro Women; Jackie Robinson, the first black player in Major League Baseball; the Reverend Dr. Martin Luther King, posthumously, and his widow Coretta Scott King, the civil rights icons; and the posthumous awarding to Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson, the leaders in our Nation's efforts to desegregate public schools that led directly to the case Brown et al. v. The Board of Education of Topeka.

My second amendment would provide for equitable distribution of gold medals between the majority and the minority.

My amendments seek to maintain the spirit and process of bipartisanship that has characterized the House's consideration of gold medals, the highest honor that this Congress can bestow on an individual or group of individuals. It is my hope that the House will adopt these amendments to make this bill a better bill.

Stating that, though, I am dismayed that the Committee on Rules refused to allow consideration of a key amendment that would strike a section of the bill that only permits the granting of Congressional Gold Medals to individuals. While I tend to agree with the notion that distributing what is an exceptional honor to too many individuals could devalue the symbolic worth of a gold medal, there are occasions when more than one person is justified to receive the medal for their honorable actions in tandem with others.

In the last Congress, we enacted into law legislation awarding the Congressional Gold Medal posthumously, as I mentioned before, to Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson in recognition of their contributions to the Nation as pioneers in the effort to desegregate public schools that led directly to the landmark desegregation case of Brown v. The Board of Ed.

In previous Congresses, the House has awarded gold medals to other groups, such as Native American Code Talkers, who were critical to the safety of allied communications during World War II; to the Little Rock Nine, the civil rights pioneers who led to the integration of our public schools; and to Ronald and Nancy Reagan, in honor of their contribution to our country.

I fear that limiting gold medals to only individuals would also limit certain people from consideration who are most deserving of receiving one of our Nation's highest honors.

For example, my good friend and Republican colleague, the gentleman from New York (Mr. KING) offered an amendment in the previous Congress, which the House passed, to honor the officers, emergency workers, and other employees of the Federal Government and any State or local government, including any interstate governmental entity, who responded to the attacks on the World Trade Center in New York City and who perished in that attack on September 11 with a Congressional Gold Medal. This would not be possible if this bill passed. And I would hope that my friend, the gentleman from New York (Mr. KING), will oppose this bill, because if it were to pass, it would put an end to any opportunity to present the Congressional Gold Medal to any of those heroes.

Again, while I urge my colleagues to support my two amendments that were made in order, I am dismayed that this third amendment was not made in order. If this bill were already law, Congress would not have been able to issue the Congressional Medal of Honor to the Little Rock Nine or to the Reagans. I feel this is a serious oversight in the base of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE), the sponsor of the legislation.

Mr. CASTLE. Mr. Chairman, I thank the gentleman from Ohio (Mr. OXLEY) for his support of the legislation as well as his managing of it here today, and his general goodwill for all people in this country.

Mr. Chairman, I rise in support of H.R. 54, the Congressional Gold Medal Enhancement Act of 2005, and I do urge its immediate adoption after consideration of the amendments today.

Congress created the Congress Gold Medal honor in 1776 to recognize military leaders, and awarded the first medal to George Washington for his heroic service in the Revolutionary War, as the chairman indicated earlier. Since then, the gold medal has evolved to become the highest civilian honor Congress confers to express gratitude for distinguished service, to dramatize the virtues of patriotism, and to perpetuate the remembrance of a great event. The legislation we consider today seeks to maintain the prestige of the medal by limiting the number that may be awarded in any given year.

To understand the need for such legislation, a little history of the medal is in order. As I mentioned, the first Congressional Gold Medal was struck in 1776, in Paris, for America had no appropriate facilities at that point, at the behest of the Continental Congress, which had not yet declared independence from Great Britain. The recipient was General George Washington, and the act that inspired the medal was his leadership of the Continental Army in driving the British from Boston.

In the next dozen years, Congress awarded six more gold medals to individuals for heroic action in the Revolutionary War. That is an average of one medal every Congress. By comparison, in the 108th Congress we authorized five medal programs honoring seven individuals and one couple. In the 106th Congress we authorized seven medal programs, but because of multiple recipients, the number of medals totaled more than 300.

Mr. Chairman, all of those medals were deserved, and I supported their authorization. My concern, and a concern shared by many Members, is that the luster and the importance and the meaning of a Congressional Gold Medal will be tarnished if we do not limit the number we award. Reversing this trend will protect the medal's prestige.

Mr. Chairman, this is a simple piece of legislation with great meaning. It will ensure the future integrity and true honor of the award. It is my goal that each recipient, President, civil rights leader, military hero, inventor, or noted healer, who receives the Congressional Gold Medal will remain part of a unique honor bestowed by the United States Congress.

As you may recall, Mr. Chairman, we had a similar problem a decade ago with commemorative coins. While commemorative coins are not as prestigious as Congressional Gold Medals, both are used to recognize moments in history. These coins have also helped raise money through surcharges for a worthy cause. A decade ago, the commemorative coin program had gotten out of control, with many coin programs approved each year, and many of the programs costing taxpayers money. One blatant example is the 1996 Olympics coin program that the GAO estimates cost taxpayers $26 million.

In response, Mr. Chairman, I authored and Congress approved the Commemorative Reform Coin Act. Now coin programs are limited to two a year and demand full cost recovery for taxpayers before any surcharges are paid. Additionally, before Congress can consider a coin or medal program, two-thirds of the House, 290 Members, must cosponsor the legislation to demonstrate broad bipartisan support. And having done that, I can tell you it takes broad bipartisan support to get the 290 Members.

I believe that the reforms to the commemorative coin program have been extraordinarily successful. Since these reforms were enacted in the 104th Congress, commemorative coins have not cost the taxpayers a dime. Instead, the programs have raised millions for worthy causes, provided valuable collections, and, importantly, restored prestige to commemorative coins.

But something disturbing happened when we reformed the commemorative coin program. The number of Congressional Gold Medals saw a dramatic increase. From 1776, when Congress created the medal, to 1904, Congress approved 47 medals. In the last 100 years, Congress awarded 86 medals, including 20 in the past decade, since the commemorative coin reforms. And this number jumped even higher, over 300, when including multiple recipients for each medal.

Mr. Chairman, over the years, Congressional Gold Medals have gone to the Reverend Dr. Martin Luther King, Jr., Rosa Parks, Jackie Robinson, Mother Teresa, Elie Wiesel, Pope John Paul II, British Prime Ministers Winston Churchill and Tony Blair, Jonas Salk, John Wayne, and Robert F. Kennedy, among others. Reading the list of all the medal recipients and the deeds that earned the medal is quite inspiring. To maintain these medals as the highest of honors, the legislation before us would limit the number of medals that may be awarded to two a year, and clarify that recipients are individuals and not groups.

I understand there is concern by the minority that one bill per year should be designated for each party.

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I feel it is important to note that proposals in the past have been sponsored in about equal numbers by Republicans and Democrats, and I do not really recall any discussion of the recipients' or the sponsors' party affiliations. In my view, any such discussion would be inappropriate, as these awards should be awarded in true bipartisan fashion.

In practice, however, not through statute, the Committee on Financial Services requires a two-thirds cosponsorship before considering proposals to award medals, a practice that the Senate has now adopted. I believe by the adoption of these simple changes, we can preserve the prestige and the integrity of the Congressional Gold Medal Program, something I believe all Members support.

I encourage my colleagues to join me in maintaining the integrity of the Congressional Gold Medal by supporting this measure. I urge immediate and unanimous passage of H.R. 54 with no amendments but the manager's amendment.

Mr. CROWLEY. Mr. Chairman, I yield 6 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, the angst that I have with H.R. 54 does not speak to the eloquence that we have heard on the floor about our commitment to honoring our heroes and sheroes. Let me make it perfectly clear, despite all of the accolades that we have spoken today, if this legislation were in place, President Reagan and Mrs. Reagan would not receive the Congressional Gold Medal; neither would Dr. King and Mrs. Coretta Scott King; neither would the Indian Code Talkers who helped save thousands of lives in World War II. I think that is the crux of this debate, not whether or not we have restrictions or nonrestrictions because I believe it is a given that the Committee on Financial Services has done a commendable job in its oversight.

As I look back on the numbers in the last four Congresses, how interesting it is and the good sense of the Crowley amendment because those that have been passed by this body only equal to five or six credible, rational and reasonable reasoning for awarding, for example, those who were intimately involved in Brown v. Board of Education that changed the lives of millions of Americans and today even is a standard for equal education in America.

Mr. Chairman, I am confused by the necessity of this legislation and why we would not be able to enthusiastically support the very precise, as I said previously, and thoughtful amendments by the gentleman from New York (Mr. CROWLEY), particularly those dealing with the idea of the number of gold medals, increasing them to six per Congress. That is 2 years, that means three and three possibly, or however it is broken down, and then the fairness of equal distribution between Republicans and Democrats, all of us, of course, being Americans.

What is to argue the case or why would we argue the case that there were those who contributed together who are not worthy. I do not take this as any kind of personal act by my Republican friends, but I do think it is a misstep in judgment and that we would have benefited from a more bipartisan overview, review of this legislation. For example, we would not have been able to honor, as some Americans perceive as very important, Ruth and Billy Graham.

So this narrow or narrowing or this interpretation of one hero when there may be an adequate partnering that may be important that would symbolize the greatness and goodness of America puzzles me and, in fact, disturbs me. Frankly, the civil rights movement was a group effort and it might be likely that one would want to honor the group of civil rights activists, the unknown, the unsung heroes that we are able to bring to the attention of the United States Congress. How many really knew Harry and Eliza Briggs? How many knew Levi Pearson? But once we debated and found out the facts, we knew that they were in fact heroes and sheroes. I think we do ourselves an enormous disservice by coming down hard-handed on who has given so much for America.

And then I would say why start with divisive legislation. Yes, there are only a few of us on the floor of the House, but we obviously are not able to speak for all of those unsung heroes yet to be brought to the attention of this House. All of us come in our course of life to meet people in our districts and around the country where we claim that we want to bring them to the attention of the American people not frivolously; but after we have looked at the history, we know they are truly worthy of a Congressional Gold Medal.

So why we need this restrictive law that has not already been satisfied by the oversight of a bipartisan Committee on Financial Services and the requirement, Mr. Chairman, the requirement of over 290 signatures, and most of these received close to 400. And that is the test, whether your colleagues will support you.

Mr. Chairman, in support of the gentleman's two amendments, I am querying as to the amendment offered which would really balance this legislation which would speak to protect President Reagan and Dr. and Mrs. Billy Graham and others who came together.

Mr. CROWLEY. Mr. Chairman, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, an amendment was offered yesterday evening before the Committee on Rules that would have asked groups as well as individuals. We struck a portion of the language dealing with limiting this only to individuals. I would have asked, if that amendment had passed, would have enlarged the pool to groups as well. That was not passed in the Committee on Rules, and therefore we are here today working a bill that does not have that provision in it.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I thank the gentleman for his leadership and simply say that is the spirit of bipartisanship. That would have been reflective of Members having an opportunity in their wisdom to present their case before the United States Congress and the Committee on Financial Services. That would have been fairness to the unsung heroes. That would have been in respect to President and Mrs. Reagan, Dr. King and Mrs. King, Dr. Graham and Mrs. Graham, as well as many others.

I ask my colleagues to vote against this legislation, allow us to work in a bipartisan manner and do not take away from those as yet unrecognized the honor of a Congressional Gold Medal.

Mr. Chairman, I rise in opposition to the bill before the Committee of the Whole because it is unreasonably restrictive. Its passage will result in the preclusion of our ability to pay tribute to Americans in the most respectful manner.

The central amendment that would have made this legislation palatable at the very least and not so disrespectful to the heroes that we strive to honor with the congressional gold medal has been effectively blocked by partisan stubbornness. If the import of this legislation is good, why not allow the representatives of this august body to openly debate it before the American people? Are we so ashamed of its true legislative intent that we feel the need to hide behind obstructionist rules? I say that legislation with bona fide purpose should have nothing to fear—at the very least should it fear honest and open debate.

The underlying legislation that is before this House seeks to "provide reasonable standards for congressional gold medals" but will essentially limit the bestowal of honor to American icons. One of the main reasons that the medal is bestowed is to make the highest expression of national appreciation for distinguished achievements and contributions. H.R. 54 will summarily restrict this goal and prevent many honored heroes from receiving proper recognition.

Section 2, paragraph (e)(2)(A) of H.R. 54 would limit the striking of a congressional gold medal to "only an individual." Such "unreasonably" restrictive legislation would preclude the bestowal of this award collectively to the 9 students who "voluntarily subjected themselves to racial bigotry during the integration of Central High School in Little Rock, Arkansas, otherwise known as the "Little Rock Nine."

Similarly, under this restrictive provision, the Secretary of the Treasury cannot lawfully strike a congressional gold medal to honor former President Ronald Reagan and his wife Nancy Reagan in recognition of their services to America or to honor former President Jimmy Carter and his wife Rosalynn Carter. Furthermore, H.R. 54 would make it illegal for Congress to cause the Secretary to strike a congressional gold medal to honor the monumental contributions made to the civil rights movement by Dr. Martin Luther King, Jr. and his widow, Coretta Scott King, or the brave employees and others who responded to the attacks on the World Trade Center and the Pentagon and perished and to the people aboard United Airlines Flight 93 who resisted hijackers and caused the plane to crash.

Mr. Chairman, I oppose this legislation and ask that my colleagues join me to defeat it unless the overly restrictive provisions are fixed or removed.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

In listening to the sponsor in terms of the need for this legislation, one could intimate by the introduction that possibly medals were given out in a haphazard manner. I mentioned before it takes two-thirds of the Members of the House, the entire body, to introduce a gold medal for its consideration in the Committee on Financial Services, a bar that I believe is a very, very high bar and one that is not easily attained.

I would also point out that limiting this to individuals, and again to reiterate, Martin Luther King and Coretta Scott King were both issued the gold medal. They would not have gotten that medal under this legislation. Harry and Eliza Briggs, Levi Pearson, and Reverend Joseph Armstrong DeLaine were all issued the medal in one provision. As mentioned before, Nancy Reagan, along with President Reagan, would not have been eligible. Under the provisions today, they would have to get it individually. Betty and Gerald Ford, the Little Rock Nine, and Dr. Graham and Ruth Graham would not have received it either. I think therein lies a tremendous flaw.

It also intimates that there may be too many of these gold medals given out. Who that received this medal in the past was not worthy of it? Was it Dr. Martin Luther King and Coretta Scott King; was it Reverend DeLaine, Harry and Eliza Briggs, and Levi Pearson; was it Jackie Robinson; was it Dorothy Height; Tony Blair in the last Congress?

In the 106th Congress was it Nancy Reagan; was it Pope John Paul, II; was it Charles Schulz, the great cartoonist? Was it Rosa Parks? Who amongst those was not qualified, who do we believe was not deserving of this medal. Therein lies the flaw in this bill. It actually limits us from giving to those who I believe are most deserving of recognition of this gold medal.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close by first indicating to the gentleman from New York (Mr. CROWLEY) that the gentleman from Delaware (Mr. CASTLE) as well as myself acknowledge that the folks who received the medal in the past were most deserving.

I would point out, in fact, that the medal that was awarded, for example, to Ronald and Nancy Reagan, was one medal, and the same thing with Dr. King and Coretta Scott King, and Betty and Gerald Ford. Couples are treated much differently from a group. I guess perhaps what I found in studying this, perhaps the most egregious example of going beyond what the initial scope of the medal was was in the 106th Congress where we awarded five medal bills, one of them was for the Navajo Code Talkers which did not go in regular order. It was attached at the last minute to an appropriations bill. It not only covered the 29 original code talkers but also an additional 275 of those who qualified as code talkers.

I guess, and I do not want to speak for the sponsor of the legislation, but I think it points out the need to tighten these requirements. That is what the purpose of this legislation is all about.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, would it be safe to say under regular order if this legislation were passed that the code talkers, under regular order, and that was an extraordinary provision made in the appropriations process, under regular order would they be eligible to receive this medal in the future if this bill were to pass?

Mr. OXLEY. If the bill were passed, the answer is no, they would not.

Mr. CROWLEY. Mr. Chairman, if the gentleman will continue to yield, that is the point I am trying to make. To say that the code talkers, and I am not saying the gentleman is suggesting this, but to suggest that they did not deserve the ultimate award, even as a group, for what they provided to the service of this country during World War II is just ridiculous. They certainly deserved as a group. Any one individual, no. There were multiple individuals who provided an incredible service to us.

I would also point out that two is not individual. Two individuals makes up a group, to my understanding, and that would include Nancy and Ronald Reagan. That would include any husband and wife, including Dr. King and Coretta Scott King. That would preclude them from getting this medal in the future. That is my understanding of the legislation before us.

Mr. OXLEY. Mr. Chairman, let me point out in the case of the Navajo Code Talkers, there were other tribes also that had code talkers, not just the Navajo. Again, the issue is where do we start and where do we finish in this area.

Again, going back to the history of the medal, and the first recipient was George Washington, it was to an individual and was to an individual for a very, very long period of time.

The gentleman from Delaware (Mr. CASTLE) pointed out correctly, historically the gold medal was given out quite rarely, 45 in 123 years, to individuals. The change ironically was brought about with the change in the Commemorative Coin Program that did in fact move the Congress to adopting more gold medals.

This is an effort to try to get back to where history started us, awarding that medal to an individual and awarding it not to a group, no matter how small or how large, and that really was the intent of the legislation.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to the gentleman from New York.

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Mr. CROWLEY. Mr. Chairman, I want to recognize the significance of this medal, that it is not given out willy-nilly; that, as I mentioned before, it takes extraordinary measures to get enough support to get this medal passed. I recognize that the first person who received this medal was General George Washington, prior to him becoming President of the United States, when the country was brand new, when we did not have the richness of diversity and of events that have taken place throughout the history of our country ever since this first medal was given to George Washington; that we have grown as a Nation, in size and in stature; and that there have been many events that have occurred throughout our history since the striking of the first medal that have inured greatly to the advancement of our country that from time to time need to be recognized. That is what this medal gives an opportunity to do, both to individuals and to groups.

Certainly General Washington was an incredible individual, someone who was deserving of the first medal that was ever produced, and I think he accepted that on behalf of all those men and women who fought for independence from Great Britain back during the War of Independence. But certainly we have grown in size, both in States, from Thirteen Colonies and States to 50 States, and the number of people in this country have grown incredibly since the founding of this Nation, and the events that have occurred throughout our history has certainly changed the shape of the distribution of this medal as well. I think that needs to be recognized and taken into consideration.

I thank the gentleman for yielding.

Mr. CASTLE. Mr. Chairman, will the gentleman yield?

Mr. OXLEY. I yield to my friend from Delaware, the sponsor of the legislation.

Mr. CASTLE. I thank the gentleman for yielding.

Mr. Chairman, not to prolong the discussion, because I think the gentleman from New York is making some very valid points that should be debated, one of them which is an amendment which is not included here today, and that is the issue of the groups. We have checked the history of this. To the best of my knowledge, and the gentleman may have some different evidence, I do not think it is different because it is fairly clear who has received these medals, it has always been individuals historically. It was never couples. That is only something that has happened in the more recent couple of decades, perhaps a couple of times. As far as the groups are concerned, there have only been three altogether.

Certainly I am not suggesting any of them are not deserving, for goodness sake. They all are. The Navajo Code Talkers clearly are deserving. That obviously created some problems because of the volume of the medals, and it was done in sort of an unusual procedure. The Red Cross is another very deserving, and so are the veterans of the Civil War, which is the other group we found, although that was done much after the Civil War. There are all kinds of groups out there.

The Congressional Gold Medal of Honor has always been bestowed upon an individual in a very special ceremony to honor that individual. It is not easy to get done. I do not know if the gentleman has done it. As I said before, I did it. It is difficult to get 290 signatures on anything around here. So it is difficult to get done. So obviously it is going to be somebody who is deserving. It is going to be as bipartisan as could be. You cannot do it with one party or the other. You have got to get everybody. That is what the history of it is.

We tried to develop this legislation to have a great recognition of what we consider to be the greatest honor this Congress can give to a limited number of individuals, which was always what the intent of it was. There are a whole lot of ways of recognizing groups. You and I could sit here and name groups for hours at a time that could be honored. But the Congressional Gold Medal was never really created for that purpose. That is the intent of what we are trying to do in the legislation. I just wanted to make that point in the history of it.

Mr. CROWLEY. If the gentleman will yield further, let me just make a point. I appreciate what the gentleman from Delaware has said. The reality is, though, a country of 300 million people, only 20 medals have been awarded in the past decade. That is not an awful lot of medals. The point that the gentleman is making is that it has been extraordinary when we have actually issued this medal to groups. Why are we now limiting ourselves; when it is extraordinary, recognized as extraordinary, why are we now officially and legally limiting the ability of Congress to issue this medal to groups? I do not understand that.

We understand the process is hard. The gentleman has just said himself to get two-thirds of the Members of this House truly requires bipartisanship to get this done. This is not done, as I mentioned before, in a willy-nilly manner. There is great effort involved. I understand it.

I remember when my friend from New York (Mr. FOSSELLA) was doing this for John Cardinal O'Connor and the effort that it took to get both sides to get enough Members to sign onto that. I do understand the difficulties in that, but I hope the gentleman understands the appreciation that has been set forth by my testimony here today as well as my good friend from Texas (Ms. JACKSON-LEE) that sometimes, not ofttimes, it is not just individuals, but it is groups who are responsible for incredible, incredible events in this country and I believe are deserving of the Congressional Gold Medal. I hope that the gentleman would agree with that and we will have a motion to recommit that will, if passed, put this back to committee and will strike that language limiting it only to individuals.

Mr. OXLEY. Reclaiming my time, and the gentleman may want to respond. Let me just comment. There is an avenue, I would suggest to my friend from New York, to honor large groups. That would be the commemorative coin. It is somewhat ironic that after the reforms that were made by the gentleman from Delaware where we tightened the restrictions on commemorative coins, and for good reason, that we then had this increase in the gold medal. I think we can safely say that the gold medal traditionally supports the concept of honoring an individual for service to the country, and that the commemorative coin, which has been essentially put on the back burner, presents a very appropriate avenue for recognizing groups that heretofore have not been honored.

I think that the reforms in the past and the ones that the gentleman from Delaware is now propounding in this bill makes excellent sense. I think once the Members understand the changes, that they are going to gravitate toward the concept of a commemorative coin as opposed to the gold medal. That is precisely what the gentleman from Delaware proposes in this legislation.

Mr. CROWLEY. Not to prolong the debate, either, because I know we want to move on, but since 1999 when we passed the Coin Act, there have been some concerns on our side of the aisle. I know that one of the amendments your side has accepted, or that was accepted in the Rules Committee, it remains to be seen whether it passes or not, that would evenly divide the number of gold medals, that did not exist in the coin bill that passed. Overwhelmingly it has been one side. In terms of bipartisanship, it has not been very bipartisan in terms of coins that have been established. According to our records, 15 out of the 16 coin bills that were passed were sponsored by Republicans. I do not think that is just going to happen under this legislation. That is also, I think, some of the fear in terms of changing the rules, for lack of a better word, on the gold medal has stirred up consternation on our side of the aisle. I offer that as well.

I recognize that the minting of a coin is a way that we can bring recognition to individuals and to groups. I just do not think that we should be limiting ourselves as the House of Representatives and as a Congress in reducing our leverage or our ability to honor groups of individuals who have done incredible, incredible works on behalf of this Nation. I think that is what that provision of the bill will actually end up doing is limiting, tying our hands from honoring groups in the form of the Congressional Gold Medal. That is why I stand in opposition to that.

Mr. CASTLE. Mr. Chairman, if the gentleman will yield further, I do not mean to reiterate or repeat too much. Looking at the history of these Congressional Gold Medals, though, I think is very telling in terms of what we are doing because the history has always been to individuals for outstanding achievement. So in terms of the groups, I really think we should honor that. That is not disrespectful of any group that has gotten it or all the other groups who are potentially eligible out there if you use them in that criteria of measurement.

But the other issue is interesting, and that is how many of these should we be able to have? First of all, the history of the gold medal has been very bipartisan. I think, as we all know, when we are dealing with that many signatures, it is going to be bipartisan. There is no question about that. But my sense is that the two a year is not as limiting as one might think when you really again look at the history of this. In fact, if anything, it would be an expansion over what the total history of it has been. By the time you go through a legislative session and you gather 290 signatures and you go through committee and you go to the floor, and I have handled these bills, they often happen the last day, by the way, so it is always very confusing in terms of what we are doing. I think you are going to find this is not as limiting as one might think.

Again, I recognize the fact that it is a bigger country, that there is much more going on in the country and that kind of thing, but we are really trying to make sure that this is truly an honor for somebody who does something extraordinary in science or the arts, or an elected official or somebody of that nature, usually a President, I think the only elected official who has ever been honored; people in religion, people who have just absolutely stood out in their circumstances.

My sense is while we can argue here on the floor that it is limiting, I think the bottom line is it is not going to end up being as limiting as one might think. Hopefully it would not be. Obviously if that happened to be the case, it is something that could always be revisited, but I just do not think it is going to be the case.

I believe that straightening this out is actually going to make these gold medals much more of a distinction than perhaps they would be if we allowed this to continue, particularly with the commemorative coin changes, increasing the pressure to try to do so many of these.

Mr. OXLEY. Let me, in closing, Mr. Chairman, indicate, first of all, my respect for the Members who have undertaken the responsibility of going out and getting 290 signatures. Virtually everyone I have talked to said, never again, because of the difficulty. I said, well, think of it this way. You get a chance to meet a lot of new friends. Every time you walk over or ride over for a vote, every time you see a Member in the dining room, wherever it may be, you are getting their support. But it is a difficult process.

I think the gentleman from Delaware was right in raising that bar to where it is now, because it really does focus one's attention on how difficult that process is. It does make it, by definition, a bipartisan process. That is a fact of life that we deal with time and time again. The legislation before us, I think, does restore the medal to what it was envisioned to be way back in 1776.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the bill is considered read for amendment under the 5-minute rule.

The text of H.R. 54 is as follows:

H.R. 54

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Congressional Gold Medal Enhancement Act of 2005”.

SEC. 2. REASONABLE STANDARDS ESTABLISHED FOR CONGRESSIONAL GOLD MEDALS.

Section 5111 of title 31, United States Code, is amended by adding at the end the following new subsection:

“(e) CONGRESSIONAL GOLD MEDAL STANDARDS.—

“(1) MAXIMUM NUMBER.—During any calendar year beginning after December 31, 2005, the Secretary of the Treasury may strike not more than 2 congressional gold medals for presentation pursuant to an Act of the Congress.

“(2) PROGRAM REQUIREMENTS.—The Secretary may strike congressional gold medals only in accordance with the following requirements:

“(A) RECIPIENTS.—Only an individual may be a recipient of a congressional gold medal.

“(B) TIMING.—No gold medal may be presented posthumously on behalf of any individual except during the 20-year period beginning 5 years after the death of the individual (unless the Act of Congress authorizing the striking of such medal was enacted before the death of such individual)”.

The CHAIRMAN. No amendment to the bill shall be in order except those printed in House Report 109–1.

Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

It is now in order to consider Amendment No. 1 printed in House Report 109–1.

AMENDMENT NO. 1 OFFERED BY MR. OXLEY

Mr. OXLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. OXLEY:

Page 2, beginning on line 2, strike “During any calendar year beginning after December 31, 2005,” and insert “Beginning on the date of the enactment of the Congressional Gold Medal Enhancement Act of 2005,".

Page 2, line 6, insert "in any calendar year" before the period at the end.

The CHAIRMAN. Pursuant to House Resolution 42, the gentleman from Ohio (Mr. OXLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio (Mr. OXLEY).

Mr. OXLEY. Mr. Chairman, I yield myself as much time as I may consume. Mr. Chairman, the amendment changes the effective date of the introduced version of the bill from after December 31, 2005 to instead make the new limitation on the number of congressional gold medals effective on enactment of the bill. The change will be made so that uniform guidelines governing the medal program will be in effect for the whole 109th Congress and beyond and not change in the middle of the Congress. If we were to pass the bill but leave the effective date until the end of the session there would be a land rush to enact bills on gold medals that would place Members in an awkward position.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does any Member claim time in opposition?

The gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Something that is not often highlighted outside the hall is that there are actually friendships between Democrats and Republicans, and Mr. OXLEY and I share that. I would like to point out for the record though that he is extremely partisan when it comes to congressional baseball, and I hope that next year he gives the Democrats an opportunity to have a win.

Having said that, I have no objections to this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio (Mr. OXLEY).

The amendment was agreed to.

The CHAIRMAN. It is now in order to consider Amendment No. 2 printed in House Report 109-1.

AMENDMENT NO. 2 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. CROWLEY:

Page 2, strike line 2 and all that follows through line 6 and insert the following new paragraph:

"(1) MAXIMUM NUMBER.—During the 2-year period comprising each Congress (beginning with the 109th Congress), the Secretary of the Treasury may strike not more than 6 congressional gold medals for presentation pursuant to an Act of the Congress.".

The CHAIRMAN. Pursuant to House Resolution 42, the gentleman from New York (Mr. CROWLEY) and the gentleman from Ohio (Mr. OXLEY) each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I yield myself as much time as I may consume. This amendment is a simple and fair amendment that would increase the maximum number of Congressional gold medals that Congress could award from two per calendar year to six per Congress, an increase of two medals per Congress. The reason for this amendment was best summed up by the Republican Rules Committee Member, the gentleman from Georgia (Mr. GINGREY) last night during his questioning of Chairman OXLEY. He had concerns that the bill in its current form would make members hesitate before introducing their own Congressional gold medal bills until late in the first year, waiting to see if others had more noteworthy recipients, then late in the first year rushing to introduce their bills and possibly missing the two medals in 1 year deadline due to the high threshold of needing two-thirds of the House as cosponsors, then forcing a larger number of congressional gold medal bills to compete for the two open slots in the following year.

I too share some of those concerns and believe we can address this by passing this amendment. This would allow for the passage of six medals over the life of a Congress instead of two per year over the life of a calendar year.

I believe that Members on both sides would prefer the flexibility of having more rather than fewer possibilities to award gold medals to citizens who deserve to be bestowed with one of our Nation's highest honors. But this higher number does not cheapen the medal because of the high threshold needed for consideration, two-thirds of the chamber. Foolish medal bills will not attract the support that they would need for consideration.

Finally, this amendment is needed in the most practical purpose yet. In the last Congress we awarded five congressional gold medals. They went to Tony Blair, Prime Minister of Great Britain, Dr. Dorothy Height, President of the National Council of Negro Women, Jackie Robinson, the first Black player in Major League Baseball, Reverend Dr. Martin Luther King, Jr., posthumously and his wife Coretta Scott King, the civil rights icons, and posthumously awarded to the Reverend Joseph A. DeLaine, Harry and Eliza Briggs, and Levi Pearson, the leaders in our nation's efforts to desegregate public schools that led directly to the case of Brown versus the Board of Ed.

Additionally, we granted six medals in the 106th Congress and six in the 105th Congress. In the 106th Congress we passed into law three Democratic sponsored bills and three Republican sponsored bills. They went to Ronald and Nancy Reagan, Pope John Paul II, Charles Schulz, John Cardinal O'Connor, Theodore Hesburgh, Rosa Parks.

And in the 105th Congress two Democratic sponsored bills and four Republican sponsored bills for medals became law. Gerald and Betty Ford, the Little Rock 9, Nelson Mandela, to the patriarch Bartholomew, to Mother Teresa of Calcutta and to Frank Sinatra, introduced by my colleague, the gentleman from New York (Mr. SERRANO).

□ 1130

This amendment is about flexibility for Members, the ability to debate and consider legislation over the entire Congress just as we do with every other piece of legislation. It will not cheapen but rather enhance this most prestigious of American honors. In fact, the existing Committee on Financial Services rule requiring two-thirds cosponsorship of the House for a gold medal, which by definition represents broad-based bipartisan support, prevents the awarding of frivolous and undeserved medals to groups of individuals. I trust that two-thirds of the House represents a solid bipartisan consensus of the will of the House and therefore believe that this acts as a check on any effort to award medals to any groups of individuals who in the opinion of the House do not deserve such award. I urge the acceptance of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

The amendment offered by the gentleman from New York is really in many ways contrary to the reforms that are already enacted, led by the gentleman from Delaware and the one that is now before us. The institution of two-thirds of the Members was very important, and the reforms in the Commemorative Coin Reform Act, which was adopted almost 10 years ago, instituted a two-coin-per-year maximum. The reforms in that program have worked perfectly. Congress has not passed more than two programs for issue in any year since the law passed in 1996. One year, in 2003, only one coin was issued. The reforms have restored the dignity of the commemorative coin program, which had spun out of control; and similar reforms will do the same for a Congressional Gold Medal. So it seems to me a natural progression in the reform process. And, indeed, the Founding Fathers found the need to award only 45 medals in the first 123 years of our country, but over the last decade Congresses have awarded nearly 10 times that many in just 10 years. I think those numbers are critical in understanding why the necessity for this reform effort, and for that I am opposed to the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

I am disappointed that the chairman will not support this amendment. I think it is a reasonable amendment, one that I do not think in any way disrupts what the intention of the bill by the gentleman from Delaware (Mr. CASTLE), the sponsor, is, that is, to limit the number. We certainly are limiting the number in this amendment to six as opposed to what the gentleman from Delaware (Mr. CASTLE) would do per calendar year, which would be four. We are still limiting it to six. I think in the most recent history, we have not done more than six within a Congress. This again will help to free the hands of Members to introduce gold medal legislation for people who they believe are worthy of that great honor.

I would just like to point out again that the Founding Fathers in their wisdom did not have as many people that they had to honor during that time. We have grown more than tenfold since the founding of this Nation. There have been many more events that have taken place since the Founding Fathers initially granted those initial gold medals, and I think that once again if we do not pass this, we will further be limiting our ability to ensure that those who are most deserving will receive this great honor.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE).

Mr. CASTLE. Mr. Chairman, I will be brief. First of all, this is not a killer amendment. This is not an unreasonable amendment, and the sponsor has certainly always been a very reasonable Member of Congress, and we are arguing at the margins here in terms of what we are doing, and I recognize that. And I recognize these arguments because they are compelling to a degree.

Having said all those things, I still oppose it. And let me explain why. It is not a lot different from what I have already said, Mr. Chairman, and that is essentially we are trying to make this a medal of true distinction for true heroes of the United States of America. I also believe, by the way, and the gentleman from New York (Mr. CROWLEY) said something I thought was interesting, and that is it is difficult to get the names on the legislation. So the first year becomes a little more difficult, and that is true. We sort of learn techniques in this when we have done it.

One is we take it to conferences or big gatherings of people and pass it out that way. The gentleman from New Jersey (Mr. PAYNE) will always be a hero in my mind because he took it amongst the Democrats and got a lot of signatures when I was struggling with it on a bill that I did last year, and I appreciate that a great deal. But I have learned when one really applies oneself, they can do it reasonably rapidly; and hopefully the committees will be able to be responsive to it and will be able to do two a year if that is what we decide to do. But my judgment is four in total in the course of 2 years is sufficient.

And I am worried about the influx that is going on. The chairman cited the numbers. I do not remember the exact numbers. It was something like 45 medals in the first 120 years and now 10 times that many in the last 10 years. That means that this has increased, I think, at a rate that is too rapid, and again I do not in any way belittle anyone who has received this because they are all very distinguished people. But having said that, we want this to be the highest honor possible. So my judgment is we should defeat the amendment. If at some point it proves we need to expand this, we would certainly consider that. But I think we should try to restore this program to where it was before.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the sponsor made compelling arguments that the amendment is reasonable. Therefore, one would conclude that if it is reasonable and compelling arguments are made that there would be bipartisan support for the amendment. Unfortunately, that is not going to be the case. I hope that some of my colleagues on the other side of the aisle, though, do recognize that not only are there compelling arguments, that they are reasonable and that it is a reasonable amendment and therefore deserves to be voted in favor of. And I hope that my colleagues on the other side as well as my side of the aisle view it the same way.

Mr. Chairman I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CROWLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. CROWLEY) will be postponed.

The point of no quorum is considered withdrawn.

It is now in order to consider amendment No. 3 in House Report 109–1.

AMENDMENT NO. 3 OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. CROWLEY:

Page 2, line 6, insert "and the Secretary may not strike any congressional gold medal, notwithstanding an Act of the Congress providing for the striking and presentation of such congressional gold medal during a period referred to in this paragraph, if at least half the total number of congressional gold medals permitted to be struck under this paragraph during such period were already authorized to be struck during such period pursuant to Acts of the Congress that were originally introduced as bills or joint resolutions by Members associated with the same political party as the political party with which the Member is associated who introduced the bill or resolution that resulted in the Act of the Congress that authorized the striking of such congressional gold medal" before the period at the end.

The CHAIRMAN. Pursuant to House Resolution 42, the gentleman from New York (Mr. CROWLEY) and the gentleman from Ohio (Mr. OXLEY) each will control 10 minutes.

The Chair recognizes the gentleman from New York (Mr. CROWLEY).

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

I hope that this amendment would also be received as reasonable and with cogent arguments. My second amendment made in order under the rule would allow for the equitable distribution of these medals between the majority and the minority. Since the 104th Congress, 24 gold medal resolutions became law. Using the process currently in place that has worked so well for us, the two parties in the House have evenly split sponsorship of these medals. Republican Members have sponsored 10 medals and Democratic Members have also sponsored 10 medals. In fact, this amendment probably makes more sense with Republican support in it than Democrats, as in the 108th Congress, five congressional medals were awarded and four of those were sponsored by Democrats, only one by a Republican.

But I offer this amendment out of basic fairness for both sides. I, therefore, believe if we are to limit the number of gold medals and if we are to obtain the bipartisanship that has characterized the process, my amendment should be passed by the Chamber, my fear being that if we limit it to only four, then leadership will decide who will sponsor those four, and we in the minority may find ourselves on the short end of that stick. And that is why I offer this amendment. I hope that the Members will agree to accept this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

I do oppose the amendment. I have some empathy for the first amendment offered by the gentleman from New York, but certainly not this one. Clearly, if there is a bipartisan element to this whole idea of getting two-thirds of the people supporting it, it is the Congressional Gold Medal, and I think the gentleman somewhat undercuts his own argument by giving us the figures that he did because, in fact, I do not think most Members, when they are approached by a Member carrying that bill, really are concerned about whether it is a Republican sponsor or a Democrat sponsor. They are concerned about who that individual being honored is. And just by the definition of having two-thirds sponsor would indicate a strong bipartisan support and historically that has always been the case.

And I think that the amendment would tend to compartmentalize the authors of these gold medal resolutions that would be difficult to enforce and perhaps would cause some kind of a rush to try to get the necessary signatures prematurely. So I think it is really difficult for the committee, for example. As the gentleman knows, who has served on my committee with great distinction, we pride ourselves on the bipartisanship of the committee and the leadership of the committee, and we have continued to do so. So I think this is superfluous at best and, as a result, would oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

I appreciate the comments of my colleague, the chairman of the committee. Just to add that, yes, we do work in a very bipartisan way. If the chairman and I were making decisions as to who would receive the gold medal, I think we would work it out amongst ourselves to make sure that it was done in a very bipartisan way. That, unfortunately, has not been the history of the House, and I just point out, for instance, as I mentioned earlier, back when we created the commemorative coin legislation in 1999, out of the 16 coins that have been created, 15 have been introduced by Republican Members, only one by the minority. The majority has had 15 of the 16. The minority has had one. I do not think that is a very fair and balanced way in which we can collectively and bipartisanly recognize those who have made tremendous sacrifices or achievements or contributed to this country.

And I believe that we are limiting it to, in this case, this legislation, if passed the way it does, four congressional gold medals that we in the minority may very well find ourselves in a very difficult position in that we may not have any of our honorees awarded the medal even though we go through the process of collecting the two-thirds. It then becomes a political decision as to which honorees will get the gold medal in that particular year and which will not. For instance, if there are 16 individuals who are sponsored by Members of the House and those individuals get two-thirds of the signatures required, which of the 16 will get the four medals? Which of those 16? That decision will be made based on a political decision that is made within the House, and I dare say that outside influence would also come to bear on that decision that was made as well.

□ 1145

That is why I am asking for this fair and balanced approach; that if we are going to limit it to just four, that it will be two per year. I do not think it is unreasonable to ask that it is done in this way.

Quite frankly, if there is someone that the Democratic side of the aisle, if we have used up our one per year and we have another extraordinary person, I think we can work with each other to ask a Republican Member of the House to sponsor that bill. And vice versa. If we somehow find we have run out of opportunities on our side to introduce legislation, I do not think it is unusual to ask a Member of the other side of the aisle to sponsor the bill.

That is the spirit in which I think we can work in a bipartisan way to ensure that every person who receives this gold medal, besides getting a two-thirds vote, it is done in a bipartisan way. I do not think this is frivolous, and I do not think this trivial.

That is why I offered the amendment, and I hope we pass it.

Mr. OXLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Delaware (Mr. CASTLE), the sponsor of the legislation.

Mr. CASTLE. Mr. Chairman, I made a couple of these points before, and again I will not repeat too much here, but first and foremost is the 290 signatures. I do not know if one party is ever going to have 290 Members or not. I sort of doubt it, at least in the time most of us are around here, and you need both parties in order do this.

I learned with the coin that I did, which was Benjamin Franklin. I cannot tell you, and hardly anyone can tell you, whether Benjamin Franklin was or would have been a Republican or a Democrat in his history. We do not know the politics of people like George Washington, and certainly the people who have been from other countries, a number of individuals who received medals here in the Congress of the United States.

In the history of the gold medals, as I believe the gentleman from New York (Mr. CROWLEY) pointed out, it has been as much Democrats, even more so than Republicans. Even on the business of the commemorative coins, a number of the sponsors in the Senate have been Democrats as well.

I just have never noticed a lot of politics in this, I guess is my point. It seems to me I have been asked to sign these, and I generally sign them, unless it is something I think is spurious, by Democrats and Republicans. I do not think about it. Certainly, if a party feels it is being slighted, they can say we are just not going to sign on to something.

I do not think this needs a political balance. What it really needs, I think, is to find out, if we are going to do two, who the two most distinguished individuals are who should be recognized and go ahead and recognize them, apart from whatever the politics may be. I do not think it is going to fall down along political lines.

So I do rise in opposition to this. I just think it is sort of a necessary strain on having a political balance on something which is not essential.

Mr. CROWLEY. Mr. Chairman, will the gentleman yield?

Mr. CASTLE. I yield to the gentleman from New York.

Mr. CROWLEY. Mr. Chairman, I appreciate the gentleman's comments. I know that the gentleman does not approach this in any other fashion but a bipartisan fashion.

But the question I have is if we are going to limit this to two per year, it could be that five Members on our side of the aisle have five individuals they want to recognize. There could be five individuals on the Republican side of the aisle who have five individuals they want to recognize. That is 10 people, 10 bills, 10 instances where Members have garnered two-thirds.

Who then will decide who gets the medals? It then becomes a very political decision as to who gets each of the medals. Will it be the five on the majority side? Will it be two from the majority side? Will it be two from the minority side? Will it be one each? Who of the 10 deserving will get it, and who will not get it?

Mr. CASTLE. Mr. Chairman, reclaiming my time, and I will be glad to yield further in a moment, it typically has not worked that way. Typically, the way you do it is, somebody comes to you with the idea, maybe it is a Thomas Edison or somebody of that ilk, of that nature, and you generally will then go to your leadership or to the leadership on the other side or to the chairman of the committee and say, Look, I am interested in getting this done. If I am going to go out and get the 290 signatures, I want some idea that it is going to be considered.

I would be dumbfounded if you had five on one side and five on the other. In fact, I would be dumbfounded if you had two on one side and two on the other. You generally sort of pre-clear it; and, generally speaking, politics has just not entered into it. Before you go through all that effort and work, you want to get a pretty good idea that the bill is going to be able to get at least through the House. Then, by the way, getting it through the Senate is another whole other issue that you have to deal with as well.

So, typically, we have not had a surplus of these. Generally speaking, when we have gotten to the 290, it has already been pretty well agreed upon by leadership.

As the gentleman knows, on commemorative coins, they can be done in out years. We are doing coins already for 2007 and years beyond that, I believe, at this point. But almost always you work it out in advance.

As the gentleman knows from our committee work, I do not know of any time where we have actually had to pick and choose at the committee on these coins. It is almost always worked out in advance and agreed upon.

Mr. Chairman, I truly do not worry about this from a political point of view. I really do not think this is a necessary amendment to deal with that, based on what I have seen. I do not think limiting it to two is going to change that at all.

I certainly would support the best people, which is what we are trying to do. Frankly, most of these bills, while there may be a Democrat sponsor or a Republican sponsor, almost always has a cosponsor from the other side. You cannot really do it without sponsors from both sides. So there is much more bipartisanship in this process than almost anything I know about in this Congress.

Mr. CROWLEY. Mr. Chairman, if the gentleman will yield further, the rules will have changed once we pass this bill, whereas right now it is unlimited. Granted, where it is unlimited, there has not been this rush to introduce bills. As the gentleman mentioned before, this is not done in a very quick fashion. This is done in a bipartisan way.

But when we limit it to two per year, we are putting a cap on it, I think we can in the future find ourselves in a situation where, all right maybe five on each side is a little much, maybe two on each side. Then which of the four? Who makes that decision as to which of the four gets the medal? And therein lies the politics.

Unfortunately, I think you are creating more politics in this bill. I do not think that is your intent. I think you are doing this because you want to enrich the value of the gold medal. I understand that. But I think inherently by the changes being proposed, you are bringing more politics into the decisionmaking as to who obtains this medal. That is what I am trying to in a sense, avoid by evenly dividing between Democrat and Republican, majority, minority, the ability for both sides to equally participate in this process.

Mr. CASTLE. Mr. Chairman, reclaiming my time, technically, as the gentleman and I both know, we have seen a lot, the majority is always going to control ultimately what is going to happen on the floor. It will go through the committee and go to the floor.

I still go back to a whole history. I have been here for 12 years. I have watched these medals. I have never seen a bit of politics in these medals. I just have not seen it.

I do not think the limiting of the numbers is really going to alter that. I think a large part now is because you need all those signatures, you just cannot do it in a partisan sense.

So I do not think this amendment is necessary. I think it brings in an element of politics that frankly we just do not have in the legislation. So I will oppose it. I understand the gentleman's arguments, but I would oppose the amendment.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Unfortunately, I think that in the past there may have been some politics involved. I understand that one of my colleagues on this side had achieved the requisite number of signatures for a commemorative gold medal for the Columbia 107 in the last Congress, in the middle of the last Congress, and that was never awarded.

So I do not know why. I do not know if there was any reason for that, when the requisite number of signatures were given, that that bill was not taken up in the committee and that Member was not successful in getting that award to the Columbia 107. Why that was not done, I do not know. I do not know if politics was part of that. Maybe someone can answer that question.

But therein lies the problem, that from time to time, quite possibly there is politics involved as to why some individuals receive the gold medals and others do not.

Mr. Chairman, I reserve the balance of my time.

Mr. OXLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, to close, and again in opposition, I think it is unfortunate and really not necessary to put Republican-Democrat in the statute. That is really what we are trying to do; that is what the gentleman from New York is trying to do. This is an issue that needs to be worked out at the leadership level, which traditionally has been the case.

The last example that the gentleman mentioned, I do not know what all that had to do with, but I think it was above our pay grade. But at the same time, that is how it works, and to encase Republican and Democrat in the statute I think at this time would certainly not be in the best interests of the process, and that is why I continue to oppose my friend's amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. CROWLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I appreciate my colleague on the other side. It is the pay grade issue I am concerned about, as the gentleman mentioned, as to who makes these decisions and as to why some individuals are successful in garnering a gold medal for an individual or group, and maybe another is not. There is some political judgment that is made as well, I believe.

As the gentleman from Delaware (Mr. CASTLE) said, there is a process that will begin after this legislation is passed, nuances that Members will work through. I would just offer, if this amendment were to pass, they would work through these nuances.

As I mentioned before, if two gold medals were enacted into law by Democrats and I had a third that I wanted to get passed, I would go to the gentleman from Delaware (Mr. CASTLE) and say, Mike, we do not have any more room on our side. Here is an opportunity; someone is deserving. Would you consider sponsoring this and passing it? I think, quite frankly, if there was a compelling argument, the gentleman from Delaware (Mr. CASTLE) would say, Certainly, JOE CROWLEY. We will do it.

That is a nuance to work through as well in terms of working in a bipartisan way. This simply ensures that both Republicans and Democrats are working in a bipartisan way, beyond the two-thirds vote; that medals are not being used for political purposes, but are being given because the individuals deserve them. That is what we are trying to do with this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. CROWLEY).

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. CROWLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from New York (Mr. CROWLEY) will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: amendment No. 2 offered by Mr. CROWLEY of New York and Amendment No. 3 offered by Mr. CROWLEY of New York. The first vote will be on Amendment No. 2 offered by Mr. CROWLEY of New York.

The Chair will reduce to 5 minutes the time for the second electronic vote.

AMENDMENT NO. 2 OFFERED BY MR. CROWLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 2 offered by the gentleman from New York (Mr. CROWLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 189, noes 212, not voting 32, as follows:

[Roll No. 10]

AYES—189

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Schiff
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tancredo
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—212

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holt
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—32

Baird
Berkley
Bilirakis
Bono
Boustany
Burton (IN)
Costa
Cox
Davis (FL)
DeFazio
Delahunt
Ehlers
Feeney
Foley
Fossella
Frank (MA)
Gallegly
Gibbons
Granger
Graves
Israel
Jenkins
Lantos
Manzullo
McCotter
Moran (VA)
Portman
Rohrabacher
Roybal-Allard
Shays
Simpson
Sullivan

□ 1222

Mr. GARRETT of New Jersey, Mr. SOUDER, Mrs. JOHNSON of Connecticut and Mr. DOOLITTLE changed their vote from "aye" to "no."

Mr. CLEAVER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. PORTMAN. Mr. Chairman, on rollcall No. 10 I was unavoidably detained. Had I been present, I would have voted "no."

AMENDMENT NO. 3 OFFERED BY MR. CROWLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York (Mr. CROWLEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 182, noes 211, not voting 40, as follows:

[Roll No. 11]

AYES—182

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gonzalez
Gordon
Green, Al
Green, Gene
Gutierrez
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kaptur
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender McDonald
Miller (NC)
Miller, George
Mollohan
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sanchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder

Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOES—211

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Culberson
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Goode
Goodlatte
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
McNulty
Mica
Miller (FL)
Miller (MI)
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—40

Baird
Berkley
Bilirakis
Bono
Boustany
Burton (IN)
Costa
Cubin
Davis (FL)
DeFazio
Delahunt
Ehlers
Foley
Frank (MA)
Gallegly
Gibbons
Gohmert
Granger
Graves
Grijalva
Harman
Hayes
Israel
Jenkins
Lantos
Manzullo
McCotter
Miller, Gary
Moore (KS)
Moore (WI)
Moran (VA)
Rangel
Rohrabacher
Ros-Lehtinen
Roybal-Allard
Schiff
Shays
Simpson
Sullivan
Waters

☐ 1229

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. MOORE of Wisconsin. Mr. Chairman, on rollcall No. 11, Crowley No. 3, had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. GIBBONS. Mr. Chairman, I would like to inform you that I was absent for rollcall vote No. 10 and rollcall vote No. 11 on January 26, 2005. These votes were on amendments to H.R. 54, the Congressional Gold Medal Enhancement Act of 2005.

I respectfully request that it be entered into the CONGRESSIONAL RECORD that if present, I would have voted: Rollcall vote No. 10, on the Crowley amendment—"no"; rollcall vote No. 11, on the Crowley amendment—"no."

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. TERRY) having assumed the chair, Mr. LAHOOD, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 54) to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes, pursuant to House Resolution 42, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. CROWLEY

Mr. CROWLEY. Mr. Speaker, I have a motion to recommit at the desk.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. CROWLEY. Yes, I am opposed to the bill in its current form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. Crowley of New York moves to recommit the bill, H.R. 54, to the Committee on Financial Services with instructions to report the same to the House forthwith with the following amendment:
>
> Page 2, strike line 7 and all that follows through line 19 and insert the following new paragraph:
>
> "(2) PROGRAM REQUIREMENT.—The Secretary may not strike a congressional gold medal for presentation posthumously on behalf of any individual except during the 20-year period beginning 5 years after the death of the individual (unless the Act of Congress authorizing the striking of such medal was enacted before the death of such individual).".

The SPEAKER pro tempore. The gentleman from New York (Mr. CROWLEY) is recognized for 5 minutes.

☐ 1230

Mr. CROWLEY. Mr. Speaker, today we begin the 109th Congress in earnest, and we do so by considering a bill that we do not need to act on for a problem that, in our view and in the view of many of my colleagues, simply does not exist. We considered this bill today not in the spirit of openness and bipartisanship that should categorize the democratic debate in the House, but with a restrictive rule that did not allow us to have a debate on a key issue: whether one of the highest honors that can be bestowed upon citizens of our country for their extraordinary deeds, a Congressional Gold Medal, can be awarded to one individual or more for their collective honorable or heroic actions.

Mr. Speaker, if this bill passes in its current form, not only would it limit medals to two per year, but it would prevent the House of Representatives and the Senate from awarding medals in the future to any group of individuals for their collective heroic deeds, such as those of the hundreds of first responders that perished in the 9/11 terrorist attacks.

I am puzzled why we would act to impose such limits on our own ability to recognize the accomplishments of the citizens that we are elected to represent. And I am even more puzzled that we would fix a process that is not broken, that is bipartisan in nature, and that works remarkably well for all Members.

The bipartisan process we have in place has allowed us to honor the Reverend Martin Luther King and Coretta Scott King; Nancy and Ronald Reagan; Betty and Gerald Ford; Pope John Paul II; the Little Rock Nine; the leaders of Brown v. The Board of Education; Jackie Robinson; civil rights leader Dorothy Height; the Navajo Code Talkers; General Henry Shelton; Charles Schulz; John Cardinal O'Connor, Archbishop of New York; Father Theodore Hesburgh; Rosa Parks; Nelson Mandela; Mother Teresa; Frank Sinatra; Ruth and Billy Graham; Ecumenical Patriarch Bartholomew; British Prime Minister Tony Blair; and others.

But under this bill, Mr. Speaker, we may not be able to honor Nancy and Ronald Reagan jointly, nor Betty and Gerald Ford jointly, nor Martin Luther King and Coretta Scott King jointly, nor the Little Rock Nine, nor the Navajo Code Talkers. And under this bill my colleague, the gentlewoman from Texas (Ms. JACKSON-LEE), will be prevented from honoring the fallen astronauts from the space shuttle Columbia.

In the 108th Congress the gentlewoman from Texas worked hard to gain the requisite two-thirds cosponsorship of the House for a bill that would honor these fallen American heroes posthumously with the Congressional Gold Medal. It is only right that the rule of the House be honored and that her hard-won efforts be not undone by this bill.

Since the majority party gained control of this House in 1995, 20 gold medals have been enacted into law either to an individual or a group of individuals. Using the process we currently have in place, 10 gold medal bills out of 20 were sponsored by Republican Members, and 10 were sponsored by Democratic Members. How can anyone possibly argue that the existing process does not work? We are fixing something that simply is not broken.

Unfortunately, the bipartisan spirit that has characterized the House's consideration of gold medals in the past has not carried over to the debate on this bill. Not only did we do not have an open rule, but today represents the first time this House is debating this issue in any form. The committee responsible for legislation on this bill, the Committee on Financial Services, on which I serve, has not held a single hearing on this bill, let alone a markup.

The limited debate over this bill on the House floor may culminate in the passing of a bad bill, unless my colleagues join me in voting in favor of sending this bill back to committee, where we can have a meaningful debate, and where we can determine whether limiting gold medals is truly in the interest of the public and in the interest of the House.

Mr. Speaker, the House has become the 109th Congress on a bad note: We are considering a bill with almost no meaningful debate, and it proposes to represent a solution to a problem that simply does not exist, a problem the record shows does not exist. Does this action foretell what lies ahead in terms of the existence of bipartisanship throughout this Congress?

I urge my colleagues on both sides of the aisle to do the right thing, to vote in favor of my motion to recommit this bill back to the Committee on Financial Services and to allow this House to take a closer look at this legislation to determine whether it really meets the interests of the American people.

Mr. OXLEY. Mr. Speaker, I rise in opposition to the motion to recommit.

First of all, Mr. Speaker, let me point out that this is a motion with instructions, so it does not go back to the Committee on Financial Services, it would automatically come back to the floor.

Secondly, I want to applaud the gentleman from Delaware, who sponsored this legislation. The concept behind the gold medal, the highest award that the Congress can provide, has historically been given, historically, to an individual. The first individual was George Washington, even before the Declaration of Independence. Historically that was the case.

In the first 123 years of the existence of our country, only 45 medals were given out, all of them to individuals. Since that time, we have had a tenfold increase in the next subsequent 100 years. And the gentleman from Delaware is right, we need to reform the system.

There is bipartisanship in the existing system because it involves 290 cosponsors, so everybody gets an opportunity to weigh in on the importance of the medal. There is an opportunity now with commemorative coins to honor groups as opposed to the individual medal. So the gentleman from Delaware needs to be congratulated on forward-looking reforms, just as he did in the commemorative coin program.

This is an effort, really, to gut these reforms, this so-called motion to recommit, and that is why I oppose it. We had extensive debate during general debate, as well as the two amendments offered by my friend from New York, and so I would ask that the motion to recommit be defeated; that we pass this legislation; and then get on to the work of defining two medals each year, a maximum of two medals each year, four for the Congress, to honor individuals who have had extraordinary contributions to our country.

Let us go back to what the original intent of the Founding Fathers was in this gold medal. I think it is important to do so.

The SPEAKER pro tempore (Mr. TERRY). Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. CROWLEY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—yeas 187, nays 217, not voting 29, as follows:

[Roll No. 12]

YEAS—187

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd
Brady (PA)
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Case
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Davis (AL)
Davis (CA)
Davis (IL)
Davis (TN)
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Emanuel
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Filner
Ford
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kanjorski
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Marshall
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Schakowsky
Schwartz (PA)
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Spratt
Stark
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NAYS—217

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cummings
Cunningham
Davis (KY)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Green (WI)
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Keller
Kelly
Kennedy (MN)
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette

Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Saxton
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Sodrel
Souder
Stearns
Sweeney
Tancredo
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—29

Baird
Berkley
Bilirakis
Blackburn
Bono
Burton (IN)
Costa
Davis (FL)
DeFazio
Delahunt
Ehlers
Foley
Frank (MA)
Gallegly
Granger
Graves
Israel
Jenkins
Kaptur
Lantos
Manzullo
McCotter
Moran (VA)
Rohrabacher
Roybal-Allard
Schiff
Shays
Simpson
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised 2 minutes remain in the vote.

□ 1302

Mr. PENCE changed his vote from "yea" to "nay."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mrs. BLACKBURN. Mr. Speaker, on rollcall No. 12 I was in the Chamber seeking recognition but the vote was closed. Had I been able to vote, I would have voted "no."

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. CROWLEY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 231, noes 173, not voting 29, as follows:

[Roll No. 13]

AYES—231

Aderholt
Akin
Alexander
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bass
Beauprez
Biggert
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Boozman
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Case
Castle
Chabot
Chocola
Coble
Cole (OK)
Conaway
Cox
Crenshaw
Cubin
Culberson
Cunningham
Davis (KY)
Davis (TN)
Davis, Tom
Deal (GA)
DeLay
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Edwards
Emerson
English (PA)
Eshoo
Everett
Fattah
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Green (WI)
Green, Gene
Gutknecht
Hall
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Hobson
Hoekstra
Holden
Holt
Hostettler
Hunter
Hyde
Inglis (SC)
Issa
Istook
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
King (IA)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Marchant
Marshall
McCaul (TX)
McCrery
McHenry
McHugh
McKeon
McMorris
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy
Murtha
Musgrave
Myrick
Neugebauer
Ney
Northup
Norwood
Nunes
Nussle
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Porter
Portman
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Royce
Ryan (WI)
Ryun (KS)
Sanchez, Loretta
Saxton
Schwartz (PA)
Schwarz (MI)
Sensenbrenner
Sessions
Shadegg
Shaw
Sherwood
Shimkus
Shuster
Simmons
Smith (NJ)
Smith (TX)
Smith (WA)
Sodrel
Souder
Stearns
Stupak
Sweeney
Tancredo
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOES—173

Abercrombie
Ackerman
Allen
Andrews
Baca
Baldwin
Barrow
Bean
Becerra
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Brown (OH)
Brown, Corrine
Butterfield
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Chandler
Clay
Cleaver
Clyburn
Conyers
Cooper
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
DeGette
DeLauro
Dicks
Dingell
Doggett
Doyle
Emanuel
Engel
Etheridge
Evans
Farr
Filner
Ford
Gibbons
Gonzalez
Gordon
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Honda
Hooley
Hoyer
Hulshof
Inslee
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson, E. B.
Jones (OH)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (NY)
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Lofgren, Zoe
Lowey
Lynch
Maloney
Markey
Matheson
McCarthy
McCollum (MN)
McDermott
McGovern
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Michaud
Millender-McDonald
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Ross
Rothman
Ruppersberger
Rush
Ryan (OH)
Sabo
Salazar
Sánchez, Linda T.
Sanders
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Skelton
Slaughter
Snyder
Solis
Spratt
Stark
Strickland
Tanner
Tauscher
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey
Wu
Wynn

NOT VOTING—29

Baird
Berkley
Bilirakis
Bono
Burton (IN)
Carter
Costa
Davis (FL)
Davis, Jo Ann
DeFazio
Delahunt
Ehlers
Foley
Frank (MA)
Gallegly
Granger
Graves
Israel
Jenkins
Lantos
Manzullo
McCotter
Moran (VA)
Rohrabacher
Roybal-Allard
Schiff
Shays
Simpson
Sullivan

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. TERRY) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1312

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. SCHIFF. Mr. Speaker, on rollcall Nos. 11, 12, and 13, I would have voted "aye" on 11, "aye" on 12, and "no" on 13.

PERSONAL EXPLANATION

Mr. BURTON of Indiana. Mr. Speaker, I was regrettably delayed in my return to Washington, DC, and therefore unable to be on the House floor for rollcall votes 10, 11, 12, and 13.

Had I been here I would have voted "no" on rollcall vote 10, "no" on rollcall vote 11, "no" on rollcall vote 12, and "aye" on rollcall vote 13.

PERSONAL EXPLANATION

Mr. SHAYS. Mr. Speaker, on January 26, I was participating in the World Economic

Forum in Davos, Switzerland, and, therefore, missed four votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted "no" on recorded vote No. 10, "no" on recorded vote No. 11, "no" on recorded vote No. 12 and "yes" on recorded vote No. 13.

PERSONAL EXPLANATION

Ms. BERKLEY. Mr. Speaker, I was not able to participate in floor proceedings on January 25–26, 2005 as I was in Poland as part of a Congressional Delegation to the ceremonies honoring the 60th anniversary of the liberation of Auschwitz. As a result I missed rollcall votes 8–13. On rollcall No. 8, passage of H. Con. Res 16, congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff Presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform, I would have voted "Yes" had I been present. On rollcall No. 9; regarding commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism, I would have voted "yes" had I been present. On rollcall No. 10, Crowley of New York Amendment No. 2 to H.R.. 54, I would have voted "yes" had I been present. On rollcall No. 11, Crowley of New York Amendment No. 3 to H.R. 54, I would have voted "yes" had I been present. On rollcall No. 12, a motion to recommit H.R. 54, to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, I would have voted "yes" had I been present. On rollcall No. 13, H.R. 54, to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, I would have voted "yes" had I been present.

DIRECTING THE CLERK TO MAKE CORRECTION IN ENGROSSMENT OF HOUSE RESOLUTION 49, ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, I ask unanimous consent that in the engrossment of House Resolution 49, the Clerk be directed to make the following correction:

In the paragraph regarding the Committee on Financial Services, strike "Gene Green of Texas" and insert in lieu thereof "Al Green of Texas".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the distinguished majority leader for the purpose of inquiring of him the schedule for the coming week.

Mr. DELAY. Mr. Speaker, I thank the gentleman from Maryland for yielding.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on these measures will be rolled until 6:30 p.m.

On Wednesday, the House will convene at 10 a.m. This is a slow time of year, as most committees are not organizing until next week. We anticipate consideration of a resolution that will stress the House's views on the recent court decision regarding the Solomon amendment, but we do not expect to consider any significant legislation under a rule.

In addition, I would like to remind all Members that the President's State of the Union is scheduled for Wednesday night of next week.

Finally, to accommodate scheduling demands next week similar to those that we have this week, the House will not have votes next Thursday or Friday.

I thank the gentleman for yielding and will be happy to answer any questions he may have.

Mr. HOYER. I thank the gentleman. I appreciate the information.

I understand he anticipates a substantive resolution on the Solomon amendment and the court ruling thereon. But can I ask you, is it your understanding that a resolution regarding the recent Palestinian elections will come to the floor next week as well? Is that possible?

Mr. DELAY. I know that you and the gentleman from Missouri (Mr. BLUNT) are working on this bill and will continue to work on it. It has every possibility if it is done, maybe we could do it next week.

Mr. HOYER. I thank the leader. I know that the majority whip and myself are working on this, and running it by your office as well as we are the leader's office on our side. Hopefully we can move that. I know that all of us believe that we have an opportunity to at least resolve the violence and hopefully reach towards a peaceful resolution of that dispute, and hopefully we can move forward on this resolution. I thank the leader for his response.

Secondly, Mr. Leader, the supplemental appropriation, we hear about the supplemental appropriation, clearly for the tsunami victims as well as further assistance to our troops and efforts in Iraq and in Afghanistan. Can you tell us whether or not there is any possibility of that coming next week, or do you anticipate that would be the week following or sometime thereafter?

Mr. DELAY. I am not sure that the White House has even made a decision on when they will send the request for the supplemental to us, or if they will send us one or two requests. I think those decisions are still being made by the White House. Obviously those decisions will help shape how and when we will consider the bill here in the House. At this time I do not expect us to consider the supplemental prior to the President's Day recess, but I would not rule that out, either. We will take the President's request, obviously our Appropriations Committee will do its work, and we will expedite the process and get it to the floor as soon as possible.

Mr. HOYER. I thank the gentleman for his information.

DIRECTING THE CLERK TO MAKE CORRECTION IN ENGROSSMENT OF HOUSE RESOLUTION 49, ELECTION OF MINORITY MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. HOYER. Mr. Speaker, I ask unanimous consent that in the engrossment of House Resolution 49, the Clerk be directed to make the following change:

In the paragraph regarding the Committee on Veterans' Affairs, strike "Mr. HIGGINS".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONDITIONAL ADJOURNMENT TO FRIDAY, JANUARY 28, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, January 28, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 21, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1315

VACATING ORDER OF HOUSE OF TODAY VARYING CLAUSE 11(a)(1) OF RULE X

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the order of the House by unanimous consent of today varying clause 11(a)(1) of rule X be vacated.

The SPEAKER pro tempore (Mr. TERRY). Is there objection to the request of the gentleman from Texas?

There was no objection.

AMENDING RULES OF HOUSE RELATING TO COMPOSITION OF PERMANENT SELECT COMMITTEE ON INTELLIGENCE

Mr. DELAY. Mr. Speaker, I offer a resolution (H. Res. 51) amending the Rules of the House relating to the composition of the Permanent Select Committee on Intelligence, and ask unanimous consent for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 51

Resolved, In clause 11(a)(1) of rule X—

(a) strike "18" and insert "21"; and (b) strike "10" and insert "12".

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 111

Mr. BUTTERFIELD. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 111.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

HONORING JOHNNY CARSON

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that the Committee on Government Reform be discharged from further consideration of the resolution (H. Res. 40) honoring the career and philanthropic contributions of Johnny Carson, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The Clerk read the resolution, as follows:

H. RES. 40

Whereas Johnny Carson was born as John William Carson on October 23, 1925, in Corning, Iowa, to Homer "Kit" and Ruth Carson;

Whereas Johnny Carson moved with his family to Norfolk, Nebraska, in 1933, served his country as a Navy ensign during World War II, and received a bachelor of arts degree in radio and speech in 1949 from the University of Nebraska;

Whereas Johnny Carson became known as the "King of Late Night" as he entertained millions of Americans from 1962 until 1992 as the host of "The Tonight Show";

Whereas Johnny Carson won six Emmy Awards, was inducted into the Television Hall of Fame in 1987, was awarded the Presidential Medal of Freedom in 1992, and received the Kennedy Center Lifetime Achievement Award in 1993;

Whereas Johnny Carson continued to recognize his Midwestern roots by generously donating millions of dollars to communities and institutions in Nebraska and Iowa;

Whereas the United States was saddened by the death of Johnny Carson on January 23, 2005, at the age of 79: Now, therefore, be it

Resolved, That the House of Representatives—

(1) honors Johnny Carson for making us laugh and for his many philanthropic contributions; and

(2) expresses its deepest sympathy and condolences to his family.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. LATOURETTE) is recognized for 1 hour.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume. I will not take that much time.

I want to rise in support of House Resolution 40 that honors the life and career of Johnny Carson. Mr. Speaker, the former Tonight Show host passed away on Sunday after 13 years of retirement at the age of 79. His show delighted viewers every weeknight for three decades during an incomparable late-night run from October of 1962 until May of 1992.

Much has been said in recent days about Johnny Carson, and rightfully so. Carson's career was extremely decorated. He was a six-time Emmy Award winner and a member of the Television Hall of Fame. Carson was also awarded the Presidential Medal of Freedom in 1992, and he received the Kennedy Center Lifetime Achievement Award in 1993.

But, undoubtedly, Johnny Carson's greatest accomplishment was in making millions of people laugh at the end of days that were not always that funny. The Tonight Show aired during a period that included some of the most sobering events in American history: the Civil Rights Movement; the Vietnam War; the Watergate saga; the assassinations of President Kennedy, Senator Kennedy, Martin Luther King, Jr., to name a few. Johnny Carson's grace through his 30 years was as important to his longevity as was his sense of humor.

Since his Tonight Show in 1992, Americans everywhere have longed for his return. His personal life was always intensely private; so we have seen or heard little of him over the last 13 years. With his passing on Sunday, we know we will never see Johnny Carson. And as David Letterman, whose own program followed the Tonight Show each night for 10 years, said this week, "We will not see the like of him again," either.

Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska (Mr. FORTENBERRY), our new colleague.

Mr. FORTENBERRY. Mr. Speaker, on Sunday America lost a brilliant entertainer, a gifted comedian, and a generous philanthropist. Johnny Carson, who passed away at the age of 79, lived much of his life in California, but he never forgot his Nebraska roots. Johnny Carson was born in Corning, Iowa, but at the age of 8, he and his family moved to Norfolk, Nebraska, a community which continues to embrace him.

Johnny Carson graduated from Norfolk High School in 1943, and, by the way, Mr. Speaker, that is where he happened not to make the cheerleader squad three times. He then served his country as an ensign in the Navy during World War II. He attended the University of Nebraska and graduated with a bachelor of arts degree in radio and speech in 1949.

Although much attention has been paid in recent days to the impact that Johnny Carson had on television, I would like to focus on his generosity, which took on many forms. The list of his financial contributions to communities and institutions is very impressive. It seemed that whenever a project in the Norfolk area was short of funds, Johnny Carson came to the rescue. But he did it in his trademark modest and unassuming style, and, in fact, many of his donations were made anonymously.

Over the years he developed an impressive philanthropic legacy. He gave $2.27 million for the Cancer Radiation Center in Norfolk, $1 million for the Lifelong Learning Center at Northeast Community College, $600,000 to the Norfolk Public Schools for the Johnny Carson Theater, and $500,000 for the Norfolk Library Foundation. He gave to numerous other projects both in Nebraska and Iowa.

Johnny Carson also did not forget his alma mater. Last year he donated $5.3 million to renovate and expand the Temple Building, which houses the University of Nebraska-Lincoln theater department. He also provided funding for four merit-based scholarships and donated millions of dollars toward the construction of the Lied Center for the Performing Arts at the University.

In 1988, he explained his generosity by saying, "I have always felt that if you're lucky enough in this life to accumulate enough funds to live better than you have the right to, then you have a moral obligation to pay back to the community or to the country or to the place that brought you up."

Nebraska was truly fortunate that it was the place that brought him up. We as a Nation were fortunate to have a man that made so many people laugh. Johnny Carson's generosity to the State will continue to provide benefits for future generations. And for those who remember, his personality will live on in our hearts.

Mr. LATOURETTE. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa (Mr. KING).

Mr. KING of Iowa. Mr. Speaker, I thank the gentleman for yielding me this time.

And without deference to the origins of the Speaker or to the other gentleman from Nebraska, I rise today to reclaim Johnny Carson as a loyal Iowan and a favorite son of the great State of Iowa, who migrated to the West across the Missouri River and made his home over on the Nebraska side. Iowa has much to be proud about, and Johnny Carson is one of those rare gems that will certainly be missed.

Johnny was born as John William Carson on October 23, 1925, in Corning, Iowa, down in mighty Adams County to a Homer, "Kit," and his mother Ruth Carson. A few years later he attended kindergarten in Red Oak, Iowa. He has not forgotten his roots at Red Oak either.

No comic has been able to duplicate the comfortable format that Carson emitted to his audiences nightly. As Harold Meyerson puts it, he was the "country boy who had become the urban hipster." In Corning, Iowa, everyone knows everyone, and Johnny brought that same small town feeling to Americans who watched him every evening.

And although he moved to Nebraska, Carson never forgot his Iowa roots. His generosity through the John W. Carson Foundation will be long remembered in Iowa. One such example is his support for providing classroom and rehearsal space at the Performing Arts and Education Association of Southwest Iowa, which is located at Red Oak. He understood what it was like to grow up in rural Iowa, and he understood rural America. And those people down in that region had not had access to performance amenities until Johnny made his contribution.

So in keeping with the spirit of the person whom everyone in America loved, he really did not just belong to Iowa or just belong to Nebraska, but Johnny Carson belonged to America. And he would be quite pleased if I took this opportunity to also reclaim Secretary of Agriculture Mike Johanns as an Iowan and also reclaim Roger Craig, great running back from Davenport, Iowa, who slid his way through Lincoln and went on to win three Super Bowl rings in San Francisco. There are others. And I appreciate the life of Johnny Carson and the spirit that he brought to this great country.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the distinguished gentleman from Nebraska (Mr. FORTENBERRY) for composing this resolution, and I thank my colleagues for their comments.

Ms. WATSON. Mr. Speaker, I rise in strong support of H. Res. 40, a resolution honoring the career and philanthropic contribution of Johnny Carson. I want to thank Congressman FORTENBERRY for joining me in introducing this timely resolution, and I appreciate the opportunity to join my colleagues in honoring an American legend.

Mr. Carson, known to millions around the world simply as "Johnny," was not only the king of late-night comedy, but a true American icon whose wit and social commentary help defined generations of American entertainment and popular culture. During his 30-year reign of late night, he commanded the loyalty of millions of television viewers. He did this not just by being a gifted comedian, but by being everyone's favorite next-door neighbor, who always knew how to put his audiences at ease. His jokes on politics were always sharp and perceptive, but never below the belt. His monologues reflected the pulse of our Nation. He is and always will be the fabric of American society.

Johnny brought heartland values with him to show business, and he departed a class act. After he finished his final show in 1992, he never returned for guest appearances or prime-time specials. Instead, Johnny demonstrated his well known sincerity by letting his remarkable achievements speak for themselves.

Mr. Speaker, I thank you for this opportunity to pay tribute to this great American icon, and I strongly urge my colleagues to support this resolution.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the resolution.

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LATOURETTE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 40.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ORDER OF BUSINESS

Mrs. BIGGERT. Mr. Speaker, I ask unanimous consent to take my Special Order at this time.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

MEETING WITH IRAQI WOMEN CANDIDATES

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois (Mrs. BIGGERT) is recognized for 5 minutes.

Mrs. BIGGERT. Mr. Speaker, earlier this month I traveled with the Iraqi Women's Caucus members, the gentlewoman from Texas (Ms. GRANGER), the gentlewoman from California (Ms. Tauscher) and the gentleman from Illinois (Mr. SHIMKUS) to meet with Iraqi women to discuss election procedures.

We held the meeting in Amman, Jordan. These were women who were candidates for the January 30, 2005, elections in Iraq. And it seems kind of strange that we would be training them in election procedures, how to campaign, when certainly that is a very different place, and the elections are being held in a war zone, and it is very difficult for candidates to get their name out, to even have their picture out and so that they are on lists which provides for the different groups. The women were from all different parties that are involved in the election. There are over 100 parties.

We had 20 of these women that came to discuss the elections. But we were so amazed and so impressed with the caliber of women. They are educated, articulate, well spoken, and at least five of them have Ph.Ds. But they are not only running for election, where we talk about how you have to speak against opponents, and you might say that you are going to really kill each other; they are actually putting their life on the line. So many of them have been intimidated. They have been threatened. One of the women has lost her 17-year old son along with her guard. Last week there was an assassination attempt on her again with four insurgents dressed as Iraqi policemen. Fortunately, they did not succeed, and she is still running.

One woman had been kidnapped and held for ransom and was finally released. Another woman lost her son. Another woman had five family members who have been killed just recently. And yet they are willing. Because they believe so much in democracy, they are willing to put their names on a list to be elected.

And fortunately for the women of Iraq, this is a national constituent type of election, and so it is not what we think of as having districts or provinces. But there is a list of the different parties, so people will have one vote for the list, and then the number of people that are elected will receive—will be included in the government that is being elected and will have the opportunity to write the Constitution. But it was decided by the transitional government that women would be included, and that 25 percent of those who are elected will be women. And the way that that was done is that every third name on the list is a woman.

So we had the opportunity to meet for several days with these women, and the longer we met, the more engaged everybody became. You could have really very frank discussions. So many times when we go over there, it is just for a meeting of very short time. You never really got to know the women.

There have also been women that have come over here to work with us. But despite the differences in the women, they were Shiites, Sunnis, Kurds, independents and Christians, that they had not really discussed political issues with each other, and what we were able to do was to be able to facilitate and help them develop the tools and the skills to be able to work together and realize that politics really is the art of compromise. Some of them were very rigid in what they believe should be done, but they were able to see that you need to discuss, and it is very important to have a majority party, but also to have a minority party.

☐ 1330

Even the Sunni women that were there, who came in wanting to postpone the elections because their areas are obviously unsafe, they still want to participate. What all of the women told us was that they need to have everyone participate, all the different groups. Many of them, even within the different groups, are divided into other groups.

But we were really able to discuss this with them, and I think they went away with a positive reinforcement of how to deal with that. What we came away with was such a feeling of how important it is, how they view the democracy that we have and the freedoms that we have and how they really want to have the same type of thing.

Now, these elections are really only the first step in them reaching democracy, and they will be able to write their constitution and form an interim government. The constitution will have to be written by August 15, which is a very short time. The interim government will take effect, and then they will have a slate for eventual election of the permanent officers who will govern in December of 2005. But they are on their way.

One thing that they said to us is, The U.S., we think of them as occupiers, but please do not leave us until the job is done. We need you there. We really need to have a democracy. And they are willing to give their life for it.

Mr. Speaker, I congratulate them and wish them well on their election.

SMART SECURITY AND THE CASE FOR LEAVING IRAQ, PART 2

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, the United States invasion and occupation of Iraq violate America's core values of honesty, responsibility, security, justice and freedom. This has been a dishonest war from the word go. The President said he had hard evidence of weapons of mass destruction in Iraq. It turns out he did not. To date, no weapons of mass destruction have been found. The President himself has officially called off the hunt.

Irresponsible behavior has been a guiding principle of the administration's behavior in leading the Nation to war in Iraq. Specifically, what has been the response of our leaders when they have been exposed for misleading the country, or for sending American men and women to their deaths without imminent threat to American security, or what has been the response for keeping our National Guard troops in Iraq for many months longer than they had agreed, or for signing off on orders that led to torture in American prisons?

Our leaders do not take responsibility for their failures. Instead, they change the subject, make excuses, or worst of all, blame an underling. Not a single administration official has resigned as a result of the mistakes that led us into this misguided and dangerous war. George Tenet received the Presidential Medal of Freedom, Alberto Gonzales and Condoleezza Rice are up for promotion, and Donald Rumsfeld is still the Secretary of Defense, although if he traveled to Germany, he could possibly be arrested as a war criminal.

The Iraq invasion has made the Middle East a more violent and unstable place, and it has made America less secure at home by creating a terrorist breeding ground in a country that was not a haven for Islamic fundamentalists before we invaded it. It seems too ironic to be true, but after our Nation was attacked on 9/11 by Islamic fundamentalists, the Bush administration's response was to bomb and kill civilians in one of the few countries in the Middle East that was actually inhospitable to Islamic fundamentalists.

Speaking of justice, there is no justice in an operation that has caused the deaths of over 1,400 Americans and untold thousands of Iraqis for the purely ideological reason that our leader did not like their leader. Nor do we serve the cause of freedom by killing innocent people in a country that did not ask for our help, by destroying a nation's roads, schools and hospitals; and in the process we have created a playground for Islamic fundamentalists.

Freedom is very important to Americans, and I believe that the President's recent inaugural address made a mockery of the word "freedom." He should ask the people of Iraq, many of whom have suffered because they lost a loved one or had a friend maimed by foreign bullets, just how free do they feel today.

Some say that we have a responsibility to the people of Iraq to keep our troops there, that we not abandon them. This belief misses the point. Our very presence in Iraq is the cause of much of the violence.

We have a moral responsibility to leave in order to stem the violence. We owe this to the people of Iraq, who have been killed by the thousands and thousands. We owe it to our troops who are sitting ducks for terrorists. That is why later today I will introduce legislation calling for a withdrawal of U.S. military forces from Iraq.

In the 108th Congress I also introduced a SMART Security Resolution For the 21st Century, which calls for a sensible, multilateral American response to terrorism. Adopting a smart approach to foreign policy will help us avoid the many mistakes that have characterized the war in Iraq.

By supporting my call to bring the troops home, we will send a message to the President, one, asking that he develop and implement a plan to begin the immediate withdrawal of U.S. troops from Iraq; two, develop and implement a plan for the reconstruction of Iraq's civil and economic infrastructure; three, convene an emergency meeting of Iraq's leadership, Iraq's neighbors, the United Nations, and the Arab League to create an international peacekeeping force in Iraq and to replace U.S. military forces with Iraqi police and national guard forces to ensure Iraq's security; and, finally, take all necessary steps to provide the Iraqi people the opportunity to completely control their own internal affairs.

Mr. Speaker, it is time we pursued a SMART security strategy for America, and we must do this by withdrawing our troops from Iraq. It is not too late to make the smart choice, the right choice, the choice to bring our troops home.

REPORT ON EVENTS IN SUDAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. WOLF) is recognized for 5 minutes.

Mr. WOLF. Mr. Speaker, this month we witnessed the signing of the peace agreement in Nairobi, Kenya, between the Government of Sudan and the Sudan People's Liberation Army. The signing of this agreement has ended Africa's longest running war, a brutal civil war that spanned 21 years where 2 million people died. I congratulate the parties for reaching this agreement.

I also want to commend President Bush, Secretary of State Powell and his team, Ambassador Danforth and all the outside groups for their unrelenting efforts in the support of peace.

I also want to commend all the countries that played a critical role in the peace, particularly Norway and Kenya. Now all parties have to live up to the agreement and begin the task of rebuilding the lives of millions of people.

This would be a good time for the administration to appoint a strong acting ambassador to immediately go to Khartoum to help implement the peace agreement. This would not be to reward Khartoum, but to keep pressure on all parties to make sure the agreement sticks and to speak out on the issue of Darfur. There is nothing like being on the scene every day, all day. So much has gone into getting this agreement. We must do everything to make sure that it lasts.

It is also important as we look forward that we do not forget the tragedy still unfolding in Sudan. As I speak, women continue to be raped, children die from hunger and disease, men continue to be murdered by the government-sponsored Janjaweed, and new attacks continue to be launched against defenseless villages.

Many of these people have been huddled in camps for over a year. Put yourself in their shoes for a minute. You are uprooted from your home. You live in a refugee camp where conditions are terrible. You do not know if your family members are dead or alive. You are sick, weak, watching people die all around you from hunger and disease. Now picture you have been there for over a year.

The tsunami in South Asia demonstrates how quickly and effectively the world can respond to such terrible disasters. Once again, we are reminded that the world has failed the people of Darfur. I commend the quick and generous response to the tsunami, but we must not only focus on disasters as they occur, but also to respond to disasters like in Darfur that have gone on for decades.

The peace agreement between the north and south opens new doors for a comprehensive peace throughout the country; and Dr. John Garang, who will now be vice president of Sudan, has an opportunity to play a positive role and should go to Darfur to help bring about peace.

I have strongly supported the United States commitment to the United Nations. Since I became chairman of the Subcommittee on Commerce, Justice, State, Judiciary and Related Agencies of the Committee on Appropriations, all U.S. assessments to the U.N. have been paid in full. But over the past year, we have seen the United Nations fight an uphill battle on Darfur. Resolution after resolution has failed to have any impact. At least two Security Council members, China and Russia, have threatened to veto strong resolutions from being passed.

Secretary General Kofi Annan continues to report that the situation in Darfur continues to deteriorate and the Government of Sudan has violated the previous Security Council resolutions by failing to disarm and prosecute the Janjaweed.

NGOs are leaving the region. Secretary General Annan has sent a Commission on Inquiry to Darfur to investigate if genocide has occurred, and he has the report in his hands as I speak. Most people believe there is genocide. But whether or not they use that term, it still is horrible what is taking place. And no matter what you call it, the facts remain, innocent civilians are systematically being murdered, raped and displaced; and the world has failed to stop it.

It is time for the United Nations and the international community to respond in a meaningful way. I ask Secretary General Annan to go to Darfur to confirm with his own eyes that the situation has not improved. Then Secretary General Annan should make bold recommendations and call on the Security Council to immediately implement them, because a strong, meaningful resolution should be put forward and could make a difference.

It is now time for Secretary General Annan to use his strong moral leadership. He is a Nobel Peace Prize recipient and surely the Security Council would take his recommendations. He should use his power and prestige to plead for the people of Darfur. And if the Security Council fails to take meaningful action, Secretary General Annan should resign in protest.

I am not blaming Kofi Annan for Darfur. He does not control the Security Council. But I ask him to use his leadership to demand a new course of action from them. I believe these actions could turn the attention of the world back to what is taking place in Darfur.

Resigning under protest is an act of great moral leadership, and this world would respect his actions. Great men in history have given up their posts to force change. In 1973 at the height of the Watergate scandal, President Nixon ordered Attorney General Elliott Richardson to fire the special prosecutor. He refused and resigned in protest and later got the Presidential Medal of Freedom.

William Wilberforce, a member of the British Parliament, he could have been Prime Minister, but spoke out to abolish the slave trade, and gave up being Prime Minister of England. Anything Kofi Annan can do to get the world to focus on Darfur would be greatly admired.

Mr. Speaker, if in the year 2005 the Security Council cannot deal with genocide, the raping of women and the systematic burning of villages now occurring, then I believe it is fair to ask, what purpose is the United Nations serving in the 21st century?

Mr. Speaker, I close by adding that just yesterday the New York Times reported that villages continue to burn and that civilians are bearing the brunt of the violence in Darfur. Just last week fresh attacks killed over 100 people and drove thousands more from their homes.

Where is the international community? Something needs to be done now.

This past weekend I watched the movie "Hotel Rwanda." I urge you all to go see it. It is a movie about how the world stood by as almost a million people were slaughtered in Rwanda. The lead actor, Don Cheadle is nominated for an Oscar and the movie is nominated as best original screen play.

No one who sees that movie can leave not thinking about what is happening in Darfur. I end by asking the question . . . Who will play the leading role in Hotel Sudan?

NEEDED: CONGRESSIONAL OVERSIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, at the outset, I want to recognize the terrible tragedy that took place in my district this morning in the city of Glendale where a terrible train accident occurred.

I recently spoke with the Glendale fire chief, who informed me that the death toll has now risen to 10 from that accident. The investigation and the search effort continues. He did report to me that he was very impressed with the level of coordination of the relief agencies on the ground, the rescue agencies on the ground. I know they are doing everything humanly possible to help the victims of that terrible crash.

I also spoke with the mayor of Glendale this morning, very shaken from what he saw at the scene; and I asked him what we could do, what I could do, what our colleagues could do to help. He said just pray. Just pray.

□ 1345

I want to send my thoughts and prayers out to my Glendale and Los Angeles constituents and let them know that we will certainly do everything possible in any way, and I know my colleagues will join me in that.

I would also like to express my condolences as we mourn the loss of the 35 marines in Iraq today. To those whose loved ones were lost in the helicopter crash or in action today, our hearts, our thoughts, and our prayers are with you.

Over the past 2 days, we have learned that the President will be asking Congress for an additional $80 billion supplemental appropriations to finance the war in Iraq and ongoing operations in Afghanistan. I support giving our troops all that they need to ensure their safety and to enable them to perform their missions, but for the past few months, I have been disturbed by continued reports that have detailed persistent shortages of up-armored Humvees in Iraq, especially given the repeated assurances by administration officials that everything that could be done about these shortages was being done. In fact, it appears this was not so.

It should not take a question from a GI in the field to spur the Secretary of Defense to address critical shortfalls of equipment. That, Mr. Speaker, is our job. That is our job. Congress is charged with oversight of the executive branch, and I am deeply concerned that we have not been fulfilling that critical and institutional role. As a result, our troops are riding into battle in vehicles that are not adequately protected or are jury-rigged with so-called "hillbilly armor" lifted from scrap heaps.

Last May, Senator CHUCK GRASSLEY, the Republican chairman of the Senate Finance Committee, expressed his unease about the lack of oversight in Congress and admitted that legislative oversight was better when the Democrats controlled Congress. The majority in this Congress, Senator GRASSLEY acknowledged, "has delegated so much authority to the executive branch of government, and we ought to devote more time to oversight than we do."

The critical need for oversight is underscored by a new Government Accountability Office report outlining and updating its high-risk list. The new report lists 25 Federal programs that are vulnerable to fraud, waste, abuse, and mismanagement. Increasingly, the GAO also identified high-risk areas to focus on the need of broad-based transformations to address major economy, efficiency, or effectiveness challenges.

Of the 25 government operations and programs that comprise the GAO list, 8 are associated with the Department of Defense, the government's largest department. These include inventory management, weapons systems and acquisition, financial and contract management, personnel security clearance, management of military bases and other infrastructure, and modernization of computer systems.

The Comptroller General, David Walker, noted at a news conference yesterday that DOD's failure to rectify many of these problem areas results in billions of dollars of waste every year and inadequate accountability to the Congress and the American taxpayer.

I am not surprised to see a large number of DOD programs on the GAO's list. As an assistant U.S. attorney, I prosecuted defense contractor fraud. It was true then that if you throw enormous amounts of money at any department without adequate oversight, you would get tremendous amounts of fraud and abuse. Given the hundreds of billions of dollars in the DOD's annual budget, the potential for waste, the reality of waste, fraud, and abuse is enormous.

No amount of oversight and investigation will eliminate all instances of fraud, but that does not excuse our failure to try. I urge my colleagues, and especially my colleagues in the majority who alone have the power to call hearings, to subpoena witnesses, to take our oversight role more seriously. The American taxpayer and, more importantly, our men and women in uniform are relying upon us.

IN LOVING TRIBUTE TO JUDSON DANIEL "JD" DAVIS

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentleman from Texas (Mr. GOHMERT) is recognized for 5 minutes.

Mr. GOHMERT. Mr. Speaker, it is worthy of note when someone lights up the world with his or her own sunshine and gives us a glimpse of such a beautiful soul that it is more understandable why our Creator would endow us with the blessings He has. Such a person was a young man named Judson Daniel Davis, known to his friends as JD. He was 23 years old, after having experienced life fully every single year he was alive.

He was born in Tyler, Texas, on September 17, 1981, and he left for heaven on January 19, 2005. He was active in high school and in his church, which was Green Acres Baptist. He was constantly looking for ways to help others and to improve himself. Even at his young age, he had found that helping others somehow made him a more complete person. My own daughters knew him well, and even my wife and I felt quite comfortable when we knew one of our daughters would be with JD.

He graduated from Whitehouse High School in Smith County, Texas, after which he attended Tyler Junior College, earning an associate's degree in business, and then proceeded to Texas A&M University, obtaining a degree in finance. After Texas A&M, this unusual individual studied kinesiology and earned a degree at the University of Texas. It does take a rather unique individual to be both a Texas Aggie and a Texas Longhorn, and that is what JD was.

While at Texas University, he did not merely study, he also utilized his talent for playing musical instruments. He played the trombone in the Longhorns' basketball band in addition to performing with the Big Bertha crew. He began studying sports management in the UT program in Austin, and, during the Christmas break, he had talked about the potential for substitute teaching, because he loved to help others. His mother, Linda Davis, said, "He always had a smile, a kind word for everyone, and was always sensitive to the needs of others."

The Longhorn band was excited about coming to play for the President's inauguration this month, and none was more excited than JD. He had run a fever the week before the trip, but he told the university health personnel he did not want to miss the President's inauguration. He was coming. He did feel ill on the plane ride and did not get off the bus when the other students did here in Washington. They got off physically, but he had proceeded ahead of them in spirit. He was pronounced dead shortly thereafter.

He was looking forward to being an intern at Lake Hills Church in Austin, a position of which he had just learned about before he came to Washington. He was to start rehearsals when he returned from Washington for a leading part in the play, "The Lion, the Witch, and the Wardrobe." Just as he had been active in his work at Green Acres Baptist Church, he was determined to try to make as big an impact as he could, wherever he could. As if to subconsciously follow the admonition of David to number our days aright, JD numbered and filled every one. As a sign in his room said, "Life is short, so fish hard." His mother Linda said the picture and sign that most exemplified JD's life says, "The value of life lies not in the length of our days, but in the use we make of them."

JD brought life and hope and good news to so many. He truly lifted spirits by his presence and leaves us much in his physical absence. He loved his neighbors, he loved his President, he loved his country. He loved the visible and auditory beauty given us by the Creator. May others be inspired by the life, living, and giving of Judson Daniel Davis, and may his loved ones be comforted in that knowledge.

SEVENTY THOUSAND VICTIMS OF GENOCIDE IN AFRICA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I rise to bring terrible news from Africa. Seventy thousand people are dead, and more are dying every hour. This would be tragic enough if the deaths were caused by some natural cataclysmic event like a tsunami. But the truth is the 70,000 in Africa have died because they were killed by a regime bent on genocide.

In a region of horrific tragedy, of violence and death, millions have lost their lives, but many have not lost their hope. These are the notes handwritten by members of the Sudanese refugees in the camps. They gave them to us when we were there 2 days ago and asked us to read them; pages upon pages of handwritten requests to Members of Congress, to the American people. I accepted them directly from these people walking away, because we could not spend all day there. They said, would you please take them home and read them? Their words, their hopes, their calls for help are being translated at the moment, and I will share them with my colleagues when they are done.

But I want to share my thoughts about Africa with some of my colleagues in the House, and with the American people. In the past week I was invited to join a congressional trip to the Sudan region by a Republican, the gentleman from California (Mr. ROYCE). I say this because this House and the American people need to know the depth and the breadth of a man who serves his constituency with distinction and his country with honor. The gentleman from California (Mr. ROYCE) knows how to reach across the aisle, and I applaud him for his leadership and his humanity. He knows of my love and interest in Africa. That transcended any label of Republican or Democrat.

As chairman of the House Committee on International Relations, Mr. ROYCE put together a trip so that we could see firsthand what was happening. It was done in a 5-day period. The wheels never stopped rolling. There were a handful of House Members on the trip and also someone that the gentleman from California brought along by the name of Don Cheadle, who was recently nominated for a Best Actor Award for his part in the movie "Hotel Rwanda." It is galvanizing when one sees that movie, because it is so reminiscent of what is going on today. It went on 10 years ago in Rwanda. But in that film one sees with their own eyes with chilling accuracy what we saw on the ground in Chad. It will become an instrument of good, and for that we should be grateful.

I have been to Africa many times. I have seen the pandemic of AIDS. I lived in Africa as a doctor and as a psychiatrist. I know about the suffering and the emotional trauma from a tragedy of global proportions.

What we saw there was an old story. Here are 18,000 people living in makeshift houses in an area. There are 250,000 of them in Chad, having come across the border from Sudan. They have no running water. They have no toilets; they have latrines. Water has to be brought in by truck. You see old people, you see young people with amputations from having been bombed by the Sudanese Government. You see people who are there sick, crying, having no schools for the kids and no health care, or very little health care, all created by a regime that refuses to deal with the issue.

Now, we sat, many of us, on the floor of this House during the whole Rwanda experience. We watched it happen, but we kind of closed our eyes. We would not see what we were seeing. It could have been prevented. Everyone in this body ought to have to see that movie and see what happens when the United States, rather than leading, sits on its hands. We say we are a leader in the world. Well, there is a situation out there today that requires us to act.

Now, unfortunately, Chad is almost the poorest country in Africa. Sudan is a little bit better because they have oil. But these people living in Darfur are not involved in the oil. They are hundreds of miles away from it. So they become sort of irrelevant to the strategic purposes of this country.

If we are going to be a humanitarian country, and we want people to understand that we care, we have to act when we see things like this in spite of the fact that it has no economic value to us.

In the days ahead I am sure others will talk about this. America has been a leader and will be again. It is the right thing to do. We should act now.

□ 1400

CONGRESS WILL NOT ACCEPT A SOCIAL SECURITY FORMULA BASED ON RACE OR GENDER

The SPEAKER pro tempore (Mr. ISSA). Under a previous order of the House, the gentlewoman from New York (Mrs. MALONEY) is recognized for 5 minutes.

Mrs. MALONEY. Mr. Speaker, if any of my colleagues were watching Meet the Press on Sunday, they may have seen a truly remarkable thing. The gentleman from California (Mr. THOMAS) proposed that Social Security benefits should be based on race and gender. If we take the distinguished chairman at his word, he is proposing overt race and gender discrimination by the government.

Apart from raising serious constitutional questions, this shocks the conscience. My colleagues can read excerpts from the transcript of his statement on Meet the Press in press clippings across the country and in Tuesday's Roll Call.

The gentleman from California (Mr. THOMAS) said, Congress "needs to examine how many years of retirement you get based on your race and you ought not to leave gender off the table because that would be a factor."

Tim Russert, who seemed a bit taken aback by this, asked THOMAS, "So if someone is a woman and they live longer, they would get less per year?"

The gentleman from California (Mr. THOMAS) confirmed that is what he wants Congress to consider.

Then Russert asked, "Do you think Congress, Mr. Chairman, would accept any formula that said that people should be treated differently because of their gender or race?"

I can answer that question and I believe that I speak for many of my colleagues on both sides of the aisle that the answer is a very strong no. We will never accept a Social Security formula based on race or gender.

I am confident that many of my colleagues on both sides of the aisle on this issue find this idea as repulsive as I do. This idea is unfair, it is unjust, it is profoundly anti-American. It goes against fundamental constitutional principles of equal protection. Congress must, and I believe will, repudiate it.

Social Security is the financial safety net for all working Americans in their old age; and all workers are entitled to its benefits, regardless of gender or race. Its formulas currently are race and gender neutral and must remain so for all time, I believe.

Regardless of what projections we each believe in for the long-term outlook of the trust fund, we must surely agree on the basic proposition that all retired workers are entitled to this essential government safety net without regard to gender or race. The chairman's proposal attacks the most vulnerable among us, those who need Social Security most, and that is wrong.

He proposes to cut every woman's annual Social Security benefits because statistically women live longer than men, and that is just plain backwards. What are retired women supposed to do, live at a lower level of income payments than men?

On the contrary, women need Social Security even more than men do. We are a long way from closing the wage gap. We are currently 79 cents to the dollar, and that translates into an even wider pension gap. Retired women workers are twice as likely as men to depend on Social Security as their sole means of support and to depend on Social Security benefits to keep them out of poverty.

According to Joint Economic Committee figures and the National Women's Law Center, women are 60 percent of Social Security recipients at age 67 and three-quarters of the recipients at age 85 or older.

Hispanic women, for example, live the longest of all as a group. The gentleman from California's (Mr. THOMAS) logic would cut their benefits most. Yet more than half of retired Hispanic women depend on Social Security for 90 percent of their income and without it would live in poverty.

The chairman also proposed to adjust benefits based on race, and this is mindboggling. I am at a loss of words to explain how outrageous it is to propose basing any government benefit based on race.

Let me just remind the distinguished gentleman from California that the Constitution requires the Federal Government to treat persons of all races equally. His proposal raises very serious constitutional questions and undermines our moral commitment to our society in which all are treated equally, regardless of race.

I wish I could call the chairman's statements on Sunday ill considered and not serious, but that was not the first time the chairman has proposed such a policy, and I call on my colleagues to not accept it.

I am circulating a letter to the President of the United States. I will place it into the RECORD. I urge my colleagues to support it and to send a strong message that basing any type of Social Security benefits on race and gender is unfair and just plain wrong. I will also add in the RECORD additional statements and some comments from around the country that have been in major papers.

JANUARY 26, 2005.

NO, MR. PRESIDENT, CONGRESS WILL NOT ACCEPT A SOCIAL SECURITY FORMULA BASED ON RACE OR GENDER

DEAR COLLEAGUE: We expect you were as shocked as we were to hear Ways & Means Chairman Thomas again propose on "Meet the Press" Sunday that Social Security benefits should be allocated based on race and gender. Cutting Social Security benefits to women and minorities—the retirees who need them the most—is wrong, unfair, unjust and fundamentally anti-American. We will not accept a formula that has such unfairness as its centerpiece.

We will be sending the attached letter to the president asking him to repudiate Thomas' proposal by taking his outrageous proposal to base Social Security benefits on race and gender off the table. Please contact Eleni Constantine with Rep. Maloney at 5-7944 by 6 p.m. today if you would like to sign the letter.

Sincerely,

CAROLYN B. MALONEY,
Member of Congress.
FRANK PALLONE, Jr.,
Member of Congress.

JANUARY 26, 2005.

Hon. GEORGE W. BUSH,
President,
Washington, DC.

DEAR MR. PRESIDENT: We were appalled to hear Ways & Means Chairman Bill Thomas propose Sunday on "Meet the Press" that Social Security benefits should be based on race and gender. Chairman Thomas said that Congress "needs to consider how many years of retirement you get based on your race" and that women should receive fewer benefits each year because they tend to live longer than men. Asked if Congress would accept such an idea, Chairman Thomas didn't seem to know the answer.

The answer is "No," Mr. President. We, the undersigned members of Congress, will not accept a Social Security formula that is based on race or gender. This idea is unfair, it is unjust, it is profoundly anti-American. We call on you to repudiate it. We request a meeting with you to give you our views in person and receive your response.

Cutting benefits to those who need them most is counter to the core principles on which Social Security was founded. That great program is the financial safety net for all working Americans in their old age—and all workers are entitled to its benefits regardless of gender or race. Social Security's formulas are race and gender neutral and must remain so. To propose that women should receive fewer benefits because they tend to live longer denies benefits to retired women workers who depend on them to survive and is fundamentally wrong. To advocate that minorities should receive different benefits on the basis of their race is repugnant in a society that has renounced racial discrimination and where all men are equal before the law.

Chairman Thomas' proposal attacks the most vulnerable among us. Retired women workers are twice as likely than men to live below the poverty line and to depend on Social Security as their sole means of support. For African-Americans, Social Security cuts the poverty rate from 59 percent to 21 percent.

Yesterday was not the first time Chairman Thomas has proposed basing Social Security on race and gender, but it was the first time he made clear on national TV that he will advance this outrageous agenda in the Congress. It is time to make clear that Congress will not accept it. Nor should you or your Administration. Chairman Thomas' proposal goes against everything this great nation stands for. It is counter to our deepest moral values. We call on you to renounce clearly and unambiguously any change to Social Security benefits premised on race or gender.

Sincerely,

CAROLYN MALONEY,
Member of Congress.
FRANK PALLONE, Jr.,
Member of Congress.

THE NATIONAL DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BARROW) is recognized for 5 minutes.

Mr. BARROW. Mr. Speaker, I think it is appropriate that my first address to this body should be on a large subject, and there are few subjects larger than our national deficit.

The latest reports are forecasting a record $427 billion deficit, the largest budget deficit in our Nation's history. $427 billion is an amount so enormous that it is practically impossible for many to put it in context.

The simple fact is that we are spending more money than we are bringing in, and this is digging a hole that we are going to have a hard time getting out of.

This financial irresponsibility is punishing the prosperity for our future generations. When we are unable to pay our bills, we pass that burden on to our children and grandchildren, strapping them with a deficit that grows higher each day.

Mr. Speaker, continuing to run record deficits is dangerous, it is irresponsible, it is reckless; and we have a solemn responsibility to do better than this.

Every time we spend more money than we have or every time we borrow some record amount, we are trading short-term gains for long-term pain.

Before I was elected to Congress, I served 14 years on the Athens-Clarke County Commission. During that time I never once voted to increase taxes, and that is a record I am proud of. Not only that, I put together a perfect record of voting for balanced budgets, year after year; and that is also a record I am proud of.

On the commission, we kept taxes low, we kept the budget balanced, and we made the most out of the people's money. We treated the people's money the same way that working families and small businesses manage their money, we lived within our means.

We always kept one eye on the bottom line and one eye on the road ahead. When we made investments, we invested in the long-term future. When we borrowed money, we borrowed for long-term interests, not simply to pay that month's light bill.

Mr. Speaker, if working families can live within their means, or if a small city council of just 10 members can find a way not to spend more than they have, then the United States Congress ought to be able to do the same thing. It is not rocket science. It is just fiscal common sense and good government public service.

We have many commitments: we must continue to support our troops in the war on terror; we must keep the promise of Social Security; we must find ways to lower the tax burden for all of our working families. But we have to start keeping those commitments by using only the money that we have, without raising taxes and without forcing our children and grandchildren to pay our bills.

As we settle into the 109th Congress, we must commit ourselves to a sound policy of deficit reduction. I hope that my colleagues in the House will join me in working together to bring a new era of fiscal responsibility to this legislative body.

AMERICA'S FOREIGN POLICY OF INTERVENTION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentleman from Texas (Mr. PAUL) is recognized for 60 minutes as the designee of the majority leader.

Mr. PAUL. Mr. Speaker, what if it was all a big mistake? America's foreign policy of intervention, while still debated in the early 20th century, is today accepted as conventional wisdom by both political parties.

But what if the overall policy is a colossal mistake, a major error in judgment? Not just a bad judgment regarding when and where to impose ourselves, but the entire premise that we have a moral right to meddle in the affairs of others?

Think of the untold harm done by years of fighting, hundreds of thousands of American casualties, hundreds of thousands of foreign civilian casualties and unbelievable human and economic costs. What if it was all needlessly borne by the American people?

If we do conclude that grave foreign policy errors have been made, a very serious question must be asked: What would it take to change our policy to one more compatible with a true republic's goal of peace, commerce and friendship with all nations? Is it not possible that George Washington's admonition to avoid entangling alliances is sound advice even today?

As a physician, I would like to draw an analogy. In medicine, mistakes are made. Man is fallible. Misdiagnoses are made, incorrect treatments are given, and experimental trials of medicine are advocated. A good physician understands the imperfections in medical care, advises close follow-ups and double-checks the diagnoses, treatment and medication. Adjustments are made to assure the best results.

But what if a doctor never checks the success or failure of a treatment or ignores bad results and assumes his omnipotence, refusing to concede that the initial course of treatment was a mistake? Let me assure my colleagues the results would not be good. Litigation and the loss of reputation in the medical community place restraints on this type of bull-headed behavior.

Sadly, though, when governments, politicians and bureaucrats make mistakes and refuse to examine them, there is little that victims can do to correct things. Since the bully pulpit and the media propaganda machine are instrumental in government cover-ups and deception, the final truth emerges slowly and only after much suffering. The arrogance of some politicians, regulators, and diplomats actually causes them to become even more aggressive and more determined to prove themselves right, to prove their power is not to be messed with by never admitting a mistake. Truly, power corrupts.

The unwillingness to ever reconsider our policy of foreign intervention, despite obvious failures and shortcomings over the last 50 years, has brought great harm to our country and our liberty. Historically, financial realities are the ultimate check on nations bent on empire-building.

Economic laws ultimately prevail over bad judgment, but tragically, the greater the wealth of the country, the longer the flawed policy lasts. We will probably not be any different.

We are still a wealthy Nation and our currency is still trusted by the world. Yet we are vulnerable to some harsh realities about our true wealth and the burden of our future commitments. Overwhelming debt and the precarious nature of the dollar should serve to restrain our determined leaders. Yet they show little concern for our deficits. Rest assured, though, the limitations of our endless foreign adventurism and spending will become apparent to everyone at some point in time.

Since 9/11, a lot of energy and money have gone into efforts ostensibly designed to make us safer. Many laws have been passed. Many dollars have been spent. Whether or not we are better off is another question.

Today, we occupy two countries in the Middle East. We have suffered over 20,000 casualties and caused possibly 100,000 civilian casualties in Iraq.

□ 1415

We have spent over $200 billion in these occupations, as well as hundreds of billions of dollars here at home hoping to be safer. We have created the Department of Homeland Security, passed the PATRIOT Act, and created a new super CIA agency. Our government is now permitted to monitor the Internet, read our mail, search us without proper search warrants, to develop a national ID card, and to investigate what people are reading in libraries. Ironically, illegal aliens flow into our country and qualify for driver's licenses and welfare benefits with little restraint.

These issues are discussed, but nothing has been as highly visible to us as the authoritarianism we accept at the airports. The creation of the Transportation Security Administration has intruded on the privacy of all airline travelers, and there is little evidence that we are safer for it. Driven by fear, we have succumbed to the age-old temptation to sacrifice liberty on the pretense of obtaining security.

Love of security, unfortunately, all too often vanquishes love of liberty. Unchecked fear of another 9/11-type attack constantly preoccupies our leaders and most of our citizens and drives the legislative attack on our civil liberties. It is frightening to see us doing to ourselves what even bin Laden never dreamed he could accomplish with his suicide bombers.

We do not understand the difference between a vague threat of terrorism and the danger of a guerilla war. One prompts us to expand and nationalize domestic law enforcement while limiting the freedoms of all Americans. The other deals with understanding terrorists like bin Laden who declared war against us in 1998. Not understanding the difference makes it virtually impossible to deal with the real threats.

We are obsessed with passing new laws to make our country safe from a terrorist attack. This confusion about the cause of the 9/11 attacks, the fear they engendered, and the willingness to sacrifice liberty prompts many to declare their satisfaction with the inconveniences and even humiliation at our Nation's airports.

There are always those in government who are anxious to increase its power and authority over the people. Strict adherence to personal privacy annoys those who promote a centralized state. It is no surprise to learn that many of the new laws passed in the aftermath of 9/11 had been proposed long before that date. The attacks merely provided an excuse to do many things previously proposed by dedicated statists.

All too often government acts perversely, promising to advance liberty while actually doing the opposite. Dozens of new bills passed since 9/11 promise to protect our freedoms and our securities. In time we will realize there is little chance our security will be enhanced or our liberties protected. The powerful and intrusive TSA certainly will not solve our problems. Without a full discussion, greater understanding, and ultimately a change in our foreign policy that incites those who declare war against us, no amount of pat-downs at airports will suffice.

Imagine the harm done, the staggering costs and the loss of liberty if in the next 20 years airplanes are never again employed by terrorists. Even if there is a possibility that airplanes will be used to terrorize us, TSA's bullying will do little to prevent it. Patting down old women and little kids in airports cannot possibly make us safer. TSA cannot protect us from another attack, and it is not the solution. It serves only to make us more obedient and complacent toward government intrusion in our lives.

The airplane mess has been compounded by other problems which we fail to recognize. Most assume that government has the greatest responsibility for making private aircraft travel safe. But this assumption only ignores mistakes made before 9/11, when the government taught us to not resist, taught us that airline personnel could not carry guns, and that the government would be in charge of security. Airline owners became complacent and dependent on the government.

After 9/11, we moved in the wrong direction by allowing total government control and political takeover of the TSA, which was completely contrary to the proposition that private owners have the ultimate responsibility to protect their customers.

Discrimination laws passed during the last 40 years ostensibly fueled the Transportation Secretary's near obsession with avoiding the appearance of discriminating against young Muslim males. Instead, TSA seemingly targeted white children and old women. We have failed to recognize that a safety policy by a private airline is quite a different thing from government agents blindly obeying antidiscrimination laws.

Governments do not have a right to use blanket discrimination such as that which led to the incarceration of Japanese Americans in World War II. However, local law enforcement agencies should be able to target their searches if the description of a suspect is narrowed by sex, race or religion. But we are dealing with an entirely different matter when it comes to safety on airplanes. The Federal Government should not be involved in local law enforcement and has no right to discriminate.

Airlines, on the other hand, should be permitted to do whatever is necessary to provide safety. Private firms, long denied this right, should have a right to discriminate. Fine restaurants, for example, can require that shoes and shirts be worn for service in their establishments. The logic of this remaining property right should permit more sensible security checks at airports. The airlines should be responsible for the safety of their property and liable for it as well. This is not only the responsibility of the airlines, but it is a civil right that has long been denied them and other private companies.

The present situation requires the government to punish some by targeting those individuals who clearly offer no threat. Any airline that tries to make travel safer and happens to question a larger number of young Muslim males than the government deems appropriate can be assessed huge fines. To add insult to injury, the fines collected from the airlines are used to force sensitivity training on pilots, who do their very best under the circumstances to make flying safer by restricting the travel of some individuals.

We have embarked on a process that serves no logical purpose. While airline safety suffers, personal liberty is diminished, and costs skyrocket.

Mr. Speaker, if we are willing to consider a different foreign policy, we should ask ourselves a few questions:

What if the policies of foreign intervention, entangling alliances, policing the world, nation-building, and spreading our values through force are deeply flawed?

What if it is true that Saddam Hussein never had weapons of mass destruction?

What if it is true that Saddam Hussein and Osama bin Laden were never allies?

What if it is true that the overthrow of Saddam Hussein did nothing to enhance our national security?

What if our current policy in the Middle East leads to the overthrow of our client oil states in that region?

What if the American people really knew that more than 20,000 American troops have suffered serious casualties or died in the Iraq war, and 9 percent of our forces already have been made incapable of returning to battle?

What if it turns out there are many more guerilla fighters in Iraq than our government admits?

What if there really have been 100,000 civilian Iraqi casualties, as some claim; and what is an acceptable price for doing good?

What if Secretary Rumsfeld is replaced for the wrong reasons, and things become worse under a defense secretary who demands more troops and an expansion of the war?

What if we discover that when they do vote, the overwhelming majority of Iraqis support Islamic law over Western secular law and want our troops removed?

What if those who correctly warned of the disaster awaiting us in Iraq are never asked for their opinion of what should be done now?

What if the only solution for Iraq is to divide the country into three separate regions, recognizing the principle of self-determination while rejecting the artificial boundaries created in 1918 by non-Iraqis?

What if it turns out radical Muslims do not hate us for our freedoms, but rather for our policies in the Middle East that directly affected Arabs and Muslims?

What if the invasion and occupation of Iraq actually distracted from pursuing and capturing Osama bin Laden?

What if we discover that democracy cannot be spread with force of arms?

What if democracy is deeply flawed and, instead, we should be talking about liberty, property rights, free markets, the rule of law, localized government, weak centralized government, and self-determination promoted through persuasion, not force?

What if Osama bin Laden and al Qaeda actually welcomed our invasion and occupation of an Arab-Muslim Iraq as proof of their accusations against us, and it served as a magnificent recruiting tool for them?

What if our policy greatly increased and prolonged our vulnerability to terrorists and guerilla attacks both at home and abroad?

What if the Pentagon, as reported by its Defense Science Board, actually recognized the dangers of our policy before the invasion, and their warnings were ignored or denied?

What if the argument that by fighting over there we will not have to fight here is wrong, and the opposite is true?

What if we can never be safer by giving up some of our freedoms?

What if the principle of preemptive war is adopted by Russia, China, Israel, India, Pakistan, and others, and justified by current U.S. policy?

What if preemptive war and preemptive guilt stem from the same flawed policy of authoritarianism, though we fail to recognize it?

What if Pakistan is not a trustworthy ally and turns on us when conditions deteriorate?

What if plans are being laid to provoke Syria and/or Iran into actions that would be used to justify a military response and preemptive war against them?

What if our policy of democratization of the Middle East fails and ends up fueling a Russian-Chinese alliance that we regret; an alliance not achieved even at the height of the Cold War?

What if the policy forbidding profiling at our borders and airports is deeply flawed?

What if presuming the guilt of a suspected terrorist without a trial leads to the total undermining of constitutional protections for American citizens when arrested?

What if we discover the Army is too small to continue policies of preemption and nation-building?

What if a military draft is the only way to mobilize enough troops?

What if the stop-loss program is actually an egregious violation of trust and a breach of contract between the government and soldiers; what if this is actually a back-door draft, leading to unbridled cynicism and rebellion against a voluntary army and generating support for a draft of both men and women? Will lying to troops lead to rebellion and anger toward the political leaderships running this war?

What if the Pentagon's legal task force opinion that the President is not bound by international or Federal law regarding torture stands unchallenged and sets a precedent which ultimately harms Americans while totally disregarding the moral, practical, and legal arguments against such a policy?

What if the intelligence reform legislation which gives us a bigger, more expensive bureaucracy does not bolster our security, distracts us from the real problem of revamping our interventionist foreign policy?

□ 1430

What if we suddenly discover we are the aggressors and we are losing an unwinnable guerilla war? What if we discover too late that we cannot afford this war, and that our policies have led to a dollar collapse, rampant inflation, high interest rates, and a severe economic downturn?

Mr. Speaker, why do I believe these are such important questions? Because the number one function of the Federal Government is to provide for national security. And national security has been severely undermined.

On 9/11 we had a grand total of 14 aircraft to protect the entire U.S. mainland, all of which proved useless that day. We have an annual DOD budget of over $400 billion, most of which is spent overseas in over 100 different countries.

Tragically, on 9/11 our Air Force was better positioned to protect Seoul, Tokyo, Berlin and London than it was to protect Washington, D.C. and New York City. Moreover, our ill advised presence in the Middle East and our decade-long bombing of Iraq served only to incite the suicidal attacks of 9/11.

Before 9/11 our CIA ineptly pursued bin Laden, whom the Taliban was protecting. At the same time, the Taliban was receiving significant support from Pakistan, our trusted ally that received millions of dollars from the

United States. We allied ourselves both with bin Laden and Hussein in the 1980s, only to regret it in the 1990s. And it is safe to say we have used billions of U.S. dollars in the last 50 years pursuing this contradictory, irrational, foolish, costly and very dangerous foreign policy.

Policing the world, spreading democracy by force, nation-building and frequent bombing of countries that pose no threat to us, while leaving the homeland and our borders unprotected, result from a foreign policy that is contradictory and not in our self-interest.

I can hardly expect anyone in Washington to pay much attention to my concerns. But if I am completely wrong in my criticism, nothing is lost except my time and energy expended in efforts to get others to reconsider our foreign policy.

But the bigger question is, what if I am right, or even partially right, and we urgently need to change course in our foreign policy for the sake of our national and economic security, yet no one pays attention?

For that, a price will be paid. Is it not worth talking about?

RESIGNATION AS A MEMBER OF HOUSE COMMITTEE ON INTERNATIONAL RELATIONS

The Speaker pro tempore laid before the House the following resignation as a member of the House Committee on International Relations.

HOUSE OF REPRESENTATIVES,
Washington, DC, January 26, 2005.
Hon. J. DENNIS HASTERT,
Office of the Speaker, U.S. Capitol, Washington, DC.

DEAR MR. SPEAKER: Please consider this letter as my resignation, as of this date, as a member of the House Committee on International Relations. I have appreciated the opportunity to serve as a member of this committee and have enjoyed my eight years of service.

With every good wish, I am
Sincerely yours,
JOHN M. MCHUGH,
Member of Congress.

The SPEAKER pro tempore (Mr. TIBERI). Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The Speaker pro tempore laid before the House the following resignation as a member of the Committee on Veterans' Affairs.

Effective today, January 26, 2005, I am resigning from the Committee on Veterans' Affairs.

RICK G. RENZI,
U.S. Congressman,
1st District of Arizona.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

APPOINTMENT OF MEMBERS TO PERMANENT SELECT COMMITTEE ON INTELLIGENCE

The SPEAKER pro tempore. Pursuant to clause 11 of rule X, clause 11 of rule I, and the order of the House of January 4, 2005, the Chair announces the Speaker's appointment of the following Members of the House to the Permanent Select Committee on Intelligence:

Mr. LAHOOD, Illinois
Mr. CUNNINGHAM, California
Mr. EVERETT, Alabama
Mr. GALLEGLY, California
Mrs. WILSON, New Mexico
Mrs. JO ANN DAVIS, Virginia,
Mr. THORNBERRY, Texas
Mr. MCHUGH, New York
Mr. TIAHRT, Kansas
Mr. ROGERS, Michigan
Mr. RENZI, Arizona
Mr. HASTINGS, Florida
Mr. REYES, Texas
Mr. BOSWELL, Iowa
Mr. CRAMER, Alabama
Ms. ESHOO, California
Mr. HOLT, New Jersey
Mr. RUPPERSBERGER, Maryland
Mr. TIERNEY, Massachusetts

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ROYBAL-ALLARD (at the request of Ms. PELOSI) for January 25 and today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. BROWN of Ohio, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

(The following Members (at the request of Mrs. BIGGERT) to revise and extend their remarks and include extraneous material:)

Mrs. BIGGERT, for 5 minutes, today.

Mr. FLAKE, for 5 minutes, today.

Mr. GOHMERT, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Mrs. MALONEY, for 5 minutes, today.

Mr. BARROW, for 5 minutes, today.

ADJOURNMENT

Mr. PAUL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to the previous order of the House of today, the House stands adjourned until 2 p.m. on Friday, January 28, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 21, in which case the House shall stand adjourned pursuant to that concurrent resolution.

Thereupon (at 2 o'clock and 35 minutes p.m.), pursuant to the previous order of the House of today, the House adjourned until 2 p.m. on Friday, January 28, 2005, unless it sooner has received a message from the Senate transmitting its adoption of House Concurrent Resolution 21, in which case the House shall stand adjourned pursuant to that concurrent resolution.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

321. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Oranges, Grapefruit, Tangerines, and Tangelos Grown in Florida; Change in the Minumum Maturity Requirements for Fresh Grapefruit [Docket No. FV05-905-1 IFR] received Janaury 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

322. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture, transmitting the Department's final rule — Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2004-2005 Marketing Year [Docket No. FV05-982-1 IFR] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

323. A letter from the Administrator, Agricultural Marketing Service, Poultry Programs, Department of Agriculture, transmitting the Department's final rule — Voluntary Shell Egg Grading Regulations — Facilites and Equipment [Docket No. PY-03-005] (RIN: 0581-AC33) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

324. A letter from the Administrator, Agricultural Marketing Service, Livestock and Seed Programs, Department of Agriculture, transmitting the Department's final rule — Lamb Promotion and Research Program: Procedures for the Conduct of a Referendum [No. LS-04-06] received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

325. A letter from the Administrator, Agricultural Marketing Service, Dairy Programs, Department of Agriculture, transmitting the Department's final rule — Milk in the Appalachian, Florida, and Southeast Marketing Areas; Order Amending the Orders [Docket No. AO-388-A16, AO-356-A38, and AO-366-A45; DA-04-07] received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

326. A letter from the Administrator, Agricultural Marketing Service, Fruit and Vegetable Programs, Department of Agriculture,

transmitting the Department's final rule — Onions Grown in South Texas; Decreased Assessment Rate [Docket No. FV05-959-1 IFR] received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

327. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Emerald Ash Borer; Quarantines Areas [Docket No. 02-125-2] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

328. A letter from the Regulatory Officer, Forest Service, Department of Agriculture, transmitting the Department's final rule — National Forest System Land and Resource Management Planning; Removal of 2000 Planning Rule (RIN: 0596-AB86) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

329. A letter from the Secretary, Department of Commerce, transmitting a report of a violation of the Antideficiency Act, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

330. A letter from the Secretary, Department of Defense, transmitting notification that the DoD anticipates it will be prepared to commence chemical agent destruction operations at the Pine Bluff Chemical Agent Disposal Facility in Pine Bluff, Arkansas, pursuant to 50 U.S.C. 1512(4); to the Committee on Armed Services.

331. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting Copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

332. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act, pursuant to 22 U.S.C. 5852; to the Committee on International Relations.

333. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-638, "Captive Insurance Company Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

334. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-612, "Approval of Starpower Communications, LLC's Open Video System Franchise Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

335. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-631, "Freedom of Information Legislative Records Clarification Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

336. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-606, "District of Columbia Housing Authority Police Department Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

337. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-636, "District of Columbia Housing Authority Revitalization Projects Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

338. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-607, "Rehabilitation Services Program Establishment Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

339. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-608, "Extension of Time to Dispose of Property for Golden Rule Development Project Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

340. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-603, "Debarment Procedures Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

341. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-633, "Ceremonial Funds Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

342. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-604, "Parking Meter Fee Moratorium Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

343. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-605, "Towing Regulation and Enforcement Authority Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

344. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-634, "Felony Sexual Assault Statute of Limitations Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

345. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-597, "District of Columbia Emancipation Day Parade and Fund Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

346. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-635, "Producer Summary Suspension Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

347. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-598, "Television Production Studios and Equipment Use Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

348. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-611, "Closing of Public Alleys in Square 2674, S.O. 01-2426, Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

349. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-599, "Documents Administrative Cost Assessment Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

350. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-637, "Omnibus Juvenile Justice Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

351. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-610, "District of Columbia Government Purchase Card Program Reporting Requirements Temorary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

352. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-632, "Business Improvement Districts and Anacostia Waterfront Corporation Clarification Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

353. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-600, "Closing of a Portion of the Intersection of Minnesota Avenue and East Capitol Street, N.E., S.O. 02-3743, Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

354. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-601, "Unemployment Compensation Additional Funds Appropriation Authorization Temporary Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

355. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-602, "Citizens with Mental Retardation Substituted Consent of Health Care Decisions Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

356. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15-609, "Automated Traffic Enforcement Fund Temporary Amendment Act of 2004," pursuant to D.C. Code section 1-233(c)(1); to the Committee on Government Reform.

357. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

358. A letter from the Secretary, Mississippi River Commission, Department of the Army, Department of Defense, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act covering the calendar year 2004, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform.

359. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

360. A letter from the Director, Office of Human Resources Management, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

361. A letter from the Human Reources Specialist, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

362. A letter from the Attorney Advisor, Department of Transportation, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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365. A letter from the Director, Office of Administration, International Trade Commission, transmitting a copy of the Commission's Performance and Accountability Report for FY 2004; to the Committee on Government Reform.

366. A letter from the Administrator, National Aeronautics and Space Administration, transmitting pursuant to the provisions of the Federal Activities Inventory Reform (FAIR) Act of 1998 (Pub. L. 105-270) and OMB Circular A-76, Performance of Commercial Activities, the Administration's FY 2004 inventory of commercial activities performed by federal employees and inventory of inherently governmental activities; to the Committee on Government Reform.

367. A letter from the Director, National Science Foundation, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Foundation's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

368. A letter from the Deputy Director for Administration and Information Management, Office of Government Ethics, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Office's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

369. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

370. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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373. A letter from the Executive Secretary and Chief of Staff, U.S. Agency for International Development, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

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375. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

376. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

377. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

378. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

379. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

380. A letter from the Chairman, U.S. Merit Systems Protection Board, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

381. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 feet (18.3 m) Length Overall and Longer Using Hook-and-line Gear in the Bering Sea and Aleutian Islands [Docket No. 031124287-4060-02; I.D. 120904A] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

382. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder Fishery; Commercial Quota Harvested for New York [Docket No. 031119283-4001-02; I.D. 121404B] received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

383. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Bluefish Fishery [Docket No. 021122284-2323-02; I.D. 122204G] received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

384. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of the Gulf of Mexico; Closure of the Fall Commercial Red Snapper Component [I.D. 112604A] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

385. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Hook and Line Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 120204A] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

386. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Atlantic Herring Fishery; Total Allowable Catch Harvested for Management Area 1B [Docket No. 021101264-3016-02; I.D. 120304C] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

387. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific cod in the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 112304C] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

388. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — International Fisheries; Pacific Tuna Fisheries; Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean [Docket No. 040617186-4302; I.D. 120704A] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

389. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Fisheries [I.D. 122704C] received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

390. A letter from the Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Bluefin Tuna Fisheries [I.D. 120704C] received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

391. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Reef Fish Fishery of Puerto Rico and the U.S. Virgin Islands [Docket No. 041104307-4356-02; I.D. 102904B] (RIN: 0648-AS56) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

392. A letter from the Assistant Administrator for Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Gulf of Alaska; Interim 2005 Harvest Specifications for Groundfish [Docket No. 041202339-4339-01; I.D. 112204D] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

393. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery [Docket No. 041018283-4340-02; I.D. 102204C] (RIN: 0648-AS81) received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

394. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) Provisions; Fisheries of the Northeastern United States; Northeast (NE) Multispecies Fishery; Framework Adjustment 40-A [Docket No. 040804229-

4300-02; I.D. 080204G] (RIN: 0648-AS34) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

395. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Revision of Stellar Sea Lion Protection Measures for the Pollock and Pacific Cod Fisheries in the Gulf of Alaska [Docket No. 040907255-4343-02; I.D. 082704E] (RIN: 0648-AS41) received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

396. A letter from the Secretary, Department of Transportation, transmitting The results of a study to examine state barriers to the adoption and implementation of state programs for the use of communications systems along highways for alerts for the recovery of abducted children, pursuant to 42 U.S.C. 5791b Public Law 108-21, section 303(i)(2); to the Committee on Transportation and Infrastructure.

397. A letter from the Deputy Chief, Regulations and Procedures Division, Department of the Treasury, transmitting the Department's final rule — Establishment of the Yamhill-Carlton District Viticultural Aea (2002R-216R) [TTB T.D.-20; Re: Notice No. 19] (RIN: 1513-AA59) received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

398. A letter from the Deputy Chief, Regulations and Procedures Division, Department of the Treasury, transmitting the Department's final rule — Establishment of the Southern Oregon Vitcultural Area (2002R-338P) [TTB T.D.-19; Re: Notice No. 17] (RIN: 1513-AA75) received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

399. A letter from the Regulations Coordinator, ACF, Department of Health and Human Services, transmitting the Department's final rule — Child Support Enforment Program; Reasonable Quantitative Standard for Review and Adjustment of Child Support Orders — received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

400. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-3) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

401. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-8) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

402. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Gross Estate; Election to Value on Alternate Valuation Date [TD 9172] (RIN: 1545-BB12) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

403. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-4) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

404. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Substantial Understatement of Income Tax Liability [TD 9174] (RIN: 1545-BD75) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

405. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update [Notice 2004-82] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

406. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-1) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

407. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Rollover [Notice 2005-5] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

408. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Prohibited Allocations of Securities in an S Corporation [TD 9164] (RIN: 1545-BC33) received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

409. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Revenue Procedure: Reduction of Penalty for Understating Tax by Adequate Disclosure of an Item on Return (Rev. Proc. 2004-73) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

410. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Automatic Extension of Time to File Certain Information Returns and Exempt Organization Returns [TD 9163] (RIN: 1545-BB29) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

411. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates — received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

412. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Regulations Governing Practice Before the Internal Revenue Service [TD 9165] (RIN: 1545-BA70) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

413. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Appeals Settlement Guidelines — received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

414. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Allocation of national limitation for qualified zone academy bonds for year 2005 (Rev. Proc. 2004-72) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

415. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Public Hearings on the Advance Pricing Agreement Program (Announcement 2004-98) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

416. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, first-out inventories. (Rev. Rul. 2004-113) received December 14, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

417. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Changes in accounting periods and in methods of accounting (Rev. Proc. 2005-9) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

418. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-2) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

419. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Student FICA Exception [TD 9167] (RIN: 1545-BC81) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

420. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Optional 10-Year Writeoff of Certain Tax Preferences [TD 9168] (RIN: 1545-BC13) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

421. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Rev. Proc. 2005-10) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

422. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Guidance Under Sec. 409A of the Internal Revenue Code [Notice 2005-1] received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

423. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Closing agreements (Rev. Proc. 2005-12) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

424. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Final Regulations for Health Coverage Portability for Group Health Plans and Group Health Insurance under HIPAA Title I & IV [TD 9166] (RIN: 1545-AX84) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

425. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's

final rule — 2004 Cumulative List of Changes in Plan Qualification Requirements [Notice 2004-84] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

426. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Authority to charge fees for furnishing copies of exempt organizations' material open to public inspection. [TD 9173] (RIN: 1545-BB22) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

427. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Election to Determine Corporate Tax on Certain International Shipping Activities Under Tonnage Tax Regime [Notice 2005-2] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

428. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-5) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

429. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Rulings and determination letters. (Rev. Proc. 2005-6) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

430. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Areas in which Rulings in the International Area will not be issued. (Rev. Proc. 2005-7) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

431. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Examination of returns and claims for refund, credit or abatement; determination of correct tax liability. (Rev. Proc. 2005-2) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

432. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Retirement plans; Cash or deffered arrangements under section 401(k) and matching contributions or employee contributions under section 401(m) Regulations [TD 9169] (RIN: 1545-AX26) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

433. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — New Markets Tax Credit [TD 9171] (RIN: 1545-AY87) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

434. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Taxes of Foreign Countries and of Possessions of United States. (Rev. Rul. 2005-3) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

435. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Publication of the Tier 2 Tax Rates — received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

436. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Fuel Tax Guidance; Request for Public Comments [Notice 2005-04] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

437. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Section 1374 Effective Dates [TD 9170] (RIN: 1545-BD99) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

438. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Services performed by certain students in the employ of a school, college, or university, or of a nonprofit organization auxiliary to a school, college, or university (Rev. Proc. 2005-11) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

439. A letter from the Secretary, Department of Health and Human Services, transmitting Detailed compilation of data concerning Low-Income Home Energy Assistance Program for FY 2002, pursuant to 42 U.S.C. 8629(b); jointly to the Committees on Energy and Commerce and Education and the Workforce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CASTLE (for himself, Mr. Boehner, Mr. McKeon, Mr. Ehlers, and Mr. Wilson of South Carolina):

H.R. 366. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to strengthen and improve programs under that Act; to the Committee on Education and the Workforce.

By Mr. WILSON of South Carolina:

H.R. 367. A bill to make permanent the teacher loan forgiveness provisions of the Teacher-Taxpayer Protection Act of 2003, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TOM DAVIS of Virginia:

H.R. 368. A bill to establish and rapidly implement regulations for State driver's license and identification document security standards; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BACA (for himself, Mr. Bachus, Mr. Bishop of Georgia, Mr. Calvert, Mr. Filner, and Mr. Meeks of New York):

H.R. 369. A bill to provide for greater recognition of Veterans Day each year; to the Committee on Veterans' Affairs.

By Mr. BILIRAKIS:

H.R. 370. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to designate that part or all of any income tax refund be paid over for use in biomedical research conducted through the National Institutes of Health; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOOZMAN (for himself and Mr. Waxman):

H.R. 371. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes; to the Committee on Energy and Commerce.

By Mr. BOYD:

H.R. 372. A bill to include in St. Marks National Wildlife Refuge, Florida, the land and facilities comprising St. Marks lighthouse; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Mr. Waxman, Mr. George Miller of California, Mr. McDermott, and Ms. Slaughter):

H.R. 373. A bill to require notification to Congress of certain contracts, and to amend title 31, United States Code, to prohibit the unauthorized expenditure of funds for publicity or propaganda purposes; to the Committee on Government Reform.

By Mr. DICKS:

H.R. 374. A bill to direct the Secretary of the Interior to take certain tribally-owned reservation land into trust for the Puyallup Tribe; to the Committee on Resources.

By Mrs. JO ANN DAVIS of Virginia:

H.R. 375. A bill to declare, under the authority of Congress under Article I, section 8 of the Constitution to "provide and maintain a Navy", a national policy for the naval force structure required in order to "provide for the common defense" of the United States throughout the 21st century; to the Committee on Armed Services.

By Mrs. EMERSON (for herself, Mr. Moore of Kansas, Mr. Ramstad, Mr. Ross, Mr. Wamp, Mr. Davis of Florida, Mr. Burton of Indiana, and Mr. Emanuel):

H.R. 376. A bill to amend title XVIII of the Social Security Act to authorize the Secretary of Health and Human Services to negotiate fair prices for Medicare prescription drugs on behalf of Medicare beneficiaries; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVERETT (for himself, Mr. Rogers of Alabama, Mr. Bonner, Mr. Aderholt, Mr. Cramer, Mr. Bachus, Mr. Davis of Alabama, Mr. Osborne, Mr. Andrews, Mr. Akin, Mr. Calvert, Mr. Etheridge, Mr. LoBiondo, Mr. McGovern, Mrs. Miller of Michigan, Mr. Miller of Florida, Mr. Simmons, Mr. Spratt, and Mr. Walsh):

H.R. 377. A bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FATTAH:

H.R. 378. A bill to establish a program to assist homeowners experiencing unavoidable, temporary difficulty making payments on mortgages insured under the National Housing Act; to the Committee on Financial Services.

By Mr. FATTAH:

H.R. 379. A bill to ensure equal protection and due process of law in capital punishment cases by imposing a moratorium on the imposition and carrying out of the death penalty in certain States; to the Committee on the Judiciary.

By Mr. FOLEY (for himself, Mr. ISTOOK, Mr. JINDAL, Mrs. CHRISTENSEN, Mr. COLE of Oklahoma, Mr. BOYD, Mr. FITZPATRICK of Pennsylvania, Mr. BAKER, Mr. FORD, Mr. BLUMENAUER, Mr. KENNEDY of Minnesota, Mr. WILSON of South Carolina, Mr. SHAW, Mr. BACHUS, Mr. WEXLER, Mr. MELANCON, Mr. STRICKLAND, Mr. HERGER, Mr. LINCOLN DIAZ-BALART of Florida, Mr. BILIRAKIS, Ms. ESHOO, Mr. SULLIVAN, Mr. GILLMOR, Mr. PAUL, Mr. MEEK of Florida, Ms. HARRIS, Ms. CORRINE BROWN of Florida, Ms. ROS-LEHTINEN, Ms. BORDALLO, Mr. TOWNS, and Mr. ETHERIDGE):

H.R. 380. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain hazard mitigation assistance; to the Committee on Ways and Means.

By Mr. GILLMOR:

H.R. 381. A bill to clarify congressional approval of certain State energy production tax practices; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODE (for himself and Mr. BOUCHER):

H.R. 382. A bill to amend title 40, United States Code, to designate certain counties and a city as part of the Appalachian region; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Washington (for himself, Mr. BAIRD, Mr. BLUMENAUER, Mr. DEFAZIO, Ms. HOOLEY, Mr. INSLEE, Miss MCMORRIS, Mr. OTTER, Mr. SIMPSON, and Mr. WU):

H.R. 383. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Resources.

By Ms. HERSETH (for herself and Mrs. CUBIN):

H.R. 384. A bill to prohibit the operation during a calendar year of the final rule issued by the Secretary of Agriculture to establish standards for the designation of minimal-risk regions for the introduction of bovine spongiform encephalopathy into the United States, including designation of Canada as a minimal-risk region, and the importation into the United States from Canada of certain bovine ruminant products during that calendar year, unless country of origin labeling is required for the retail sale of a covered commodity during that calendar year; to the Committee on Agriculture.

By Mr. HINCHEY:

H.R. 385. A bill to amend the Internal Revenue Code of 1986 to allow a $1,000 refundable credit for individuals who are active members of volunteer firefighting and emergency medical service organizations; to the Committee on Ways and Means.

By Mr. HINOJOSA (for himself, Mr. BONILLA, Mr. REYES, and Mr. ORTIZ):

H.R. 386. A bill to amend the Lower Rio Grande Valley Water Resources Conservation and Improvement Act of 2000 to authorize additional projects and activities under that Act, and for other purposes; to the Committee on Resources.

By Mr. JINDAL (for himself, Mr. MCCRERY, and Mr. ALEXANDER):

H.R. 387. A bill to amend the Internal Revenue Code of 1986 to exclude disaster mitigation payments from gross income; to the Committee on Ways and Means.

By Ms. KAPTUR (for herself, Mr. ABERCROMBIE, Mr. BROWN of Ohio, Mr. FILNER, Mr. GRIJALVA, Mr. HINCHEY, Mr. KILDEE, Mr. OBERSTAR, Mr. RYAN of Ohio, and Mr. STRICKLAND):

H.R. 388. A bill to provide for a Biofuels Feedstocks Energy Reserve, and to authorize the Secretary of Agriculture to make and guarantee loans for the production, distribution, development, and storage of biofuels; to the Committee on Agriculture.

By Mr. KING of New York (for himself, Mrs. MALONEY, Mr. BAKER, Mr. FOSSELLA, Mr. ISRAEL, Mrs. MCCARTHY, Mr. CASTLE, Mr. BLUNT, Mr. HYDE, Mr. WAMP, Mr. TANCREDO, Mr. EHLERS, Mr. MORAN of Virginia, Mr. BISHOP of New York, Mr. FOLEY, Mr. GOODE, Mr. KENNEDY of Minnesota, Mr. BOEHLERT, Mr. GREEN of Wisconsin, Mr. REGULA, Mr. KANJORSKI, Mr. POMEROY, Mr. MCHUGH, Mr. HOLDEN, Mr. CLYBURN, Mr. WEINER, Mr. LEACH, Mr. NADLER, Mr. WOLF, Mr. DUNCAN, Mr. HALL, Mr. DINGELL, Mr. HUNTER, Mr. DENT, Mr. SMITH of Texas, Mrs. JO ANN DAVIS of Virginia, Ms. CORRINE BROWN of Florida, Mr. HINCHEY, Ms. BORDALLO, and Mr. SOUDER):

H.R. 389. A bill to require the Secretary of the Treasury to mint coins in commemoration of the centenary of the bestowal of the Nobel Peace Prize on President Theodore Roosevelt, and for other purposes; to the Committee on Financial Services.

By Mr. KIRK (for himself, Mrs. DAVIS of California, Mr. RUSH, Mr. FILNER, Mr. MCINTYRE, Mr. ABERCROMBIE, Mr. LARSEN of Washington, Mr. HINCHEY, Mr. INSLEE, Mr. SAXTON, Mr. WHITFIELD, Mr. SCOTT of Virginia, Mrs. MCCARTHY, Mr. TAYLOR of Mississippi, Mr. OBERSTAR, Mr. THOMPSON of California, Ms. NORTON, Ms. LEE, Mr. COSTELLO, Mr. MCHUGH, Ms. MILLENDER-MCDONALD, Mr. HERGER, Mrs. KELLY, Mr. UDALL of New Mexico, Mrs. TAUSCHER, Mr. STUPAK, Mr. OWENS, and Ms. CARSON):

H.R. 390. A bill to amend the impact aid program under the Elementary and Secondary Education Act of 1965 to improve the delivery of payments under the program to local educational agencies; to the Committee on Education and the Workforce.

By Mr. LEACH:

H.R. 391. A bill to direct the Secretary of the Army to convey the remaining water supply storage allocation in Rathbun Lake, Iowa, to the Rathbun Regional Water Association; to the Committee on Transportation and Infrastructure.

By Mr. LYNCH:

H.R. 392. A bill to establish a grant program to enhance the financial and retirement literacy of mid-life and older Americans and to reduce financial abuse and fraud among such Americans, and for other purposes; to the Committee on Education and the Workforce.

By Mr. LYNCH:

H.R. 393. A bill to require the Secretary of Housing and Urban Development to notify the Congress of any shortfall in funding for the tenant-based rental assistance program under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Mr. MEEHAN:

H.R. 394. A bill to direct the Secretary of the Interior to conduct a boundary study to evaluate the significance of the Colonel James Barrett Farm in the Commonwealth of Massachusetts and the suitability and feasibility of its inclusion in the National Park System as part of the Minute Man National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. MEEHAN:

H.R. 395. A bill to adjust the boundary of Lowell National Historical Park, and for other purposes; to the Committee on Resources.

By Mr. MENENDEZ (for himself, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. TOWNS, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mrs. MCCARTHY, Mr. OWENS, and Mr. RANGEL):

H.R. 396. A bill to provide assistance for early warning systems in foreign countries; to the Committee on International Relations.

By Mr. MENENDEZ (for himself, Ms. JACKSON-LEE of Texas, Mr. LANTOS, Mr. TOWNS, Mrs. MALONEY, Mr. HASTINGS of Florida, Mr. MCGOVERN, Mr. EVANS, Mr. OWENS, and Mr. RANGEL):

H.R. 397. A bill to amend the Foreign Assistance Act of 1961 to provide assistance to children who are orphaned or unaccompanied as a result of the tsunamis that occurred on December 26, 2004, in the Indian Ocean; to the Committee on International Relations.

By Ms. NORTON:

H.R. 398. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on the Judiciary.

By Mr. OSBORNE (for himself, Mr. MORAN of Kansas, and Mr. TERRY):

H.R. 399. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income interest received on loans secured by agricultural real property; to the Committee on Ways and Means.

By Mr. PASTOR:

H.R. 400. A bill to provide for the conveyance of the Western Cotton Research Laboratory in Phoenix, Arizona, to the nonprofit organizations that originally provided the real property for the laboratory, and for other purposes; to the Committee on Agriculture.

By Mr. PAUL:

H.R. 401. A bill to amend the Internal Revenue Code of 1986 to make higher education more affordable by providing a full tax deduction for higher education expenses and interest on student loans; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. MILLER of Florida, Ms. MILLENDER-MCDONALD, Mr. RYUN of Kansas, and Mr. DAVIS of Tennessee):

H.R. 402. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for elementary and secondary school teachers; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. SENSENBRENNER, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 403. A bill to amend the Internal Revenue Code of 1986 to allow the Hope Scholarship Credit to be used for elementary and secondary expenses; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. GARRETT of New Jersey, Mr. SENSENBRENNER, Mr. RYUN of Kansas, Mr. BARTLETT of Maryland, Mrs. MUSGRAVE, Mr. TANCREDO, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 404. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for amounts contributed to charitable organizations which provide elementary or secondary school scholarships and for contributions of, and for, instructional materials and materials for extracurricular activities; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. MILLER of Florida, Ms. MILLENDER-MCDONALD, and Mr. RYUN of Kansas):

H.R. 405. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for professional school personnel in grades kindergarten through grade 12; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BARTLETT of Maryland, Mr. NORWOOD, Mr. SENSENBRENNER, Mr. TANCREDO, Mrs. MUSGRAVE, and Mr. MARIO DIAZ-BALART of Florida):

H.R. 406. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for tuition and related expenses for public and nonpublic elementary and secondary education; to the Committee on Ways and Means.

By Mr. POMBO:

H.R. 407. A bill to amend title 10, United States Code, to authorize space-available transportation on Department of Defense aircraft for an individual who is a surviving spouse or dependent child of a member of the Armed Forces who died on active duty when that individual is traveling with a relative of the deceased member who is otherwise eligible for such space-available transportation; to the Committee on Armed Services.

By Mr. POMBO (for himself, Mr. HONDA, Mr. CUNNINGHAM, Mr. OTTER, Mr. SIMPSON, Mrs. NAPOLITANO, and Mr. DOOLITTLE):

H.R. 408. A bill to amend title 5, United States Code, to provide for portal-to-portal compensation for wildland firefighters, and for other purposes; to the Committee on Government Reform.

By Mr. RADANOVICH (for himself, Mr. NUNES, and Mr. COSTA):

H.R. 409. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Resources.

By Mr. RENZI (for himself and Mr. HAYWORTH):

H.R. 410. A bill to provide for a land exchange in the State of Arizona between the Secretary of Agriculture and Yavapai Ranch Limited Partnership; to the Committee on Resources.

By Mr. RENZI:

H.R. 411. A bill to recognize the importance of livestock ranching to the history and continued economic vitality of the western United States and to compensate ranchers when certain Government actions result in the loss or reduction in animal unit months authorized under a grazing permit or lease issued by a Federal land management agency, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RYAN of Ohio:

H.R. 412. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of establishing the Western Reserve Heritage Area; to the Committee on Resources.

By Mr. RYUN of Kansas (for himself, Mr. TIAHRT, Mr. MORAN of Kansas, and Mr. MOORE of Kansas):

H.R. 413. A bill to establish the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area, and for other purposes; to the Committee on Resources.

By Mr. RYUN of Kansas (for himself, Mr. HYDE, Mr. LYNCH, Mr. PAUL, Mr. BISHOP of Georgia, Mr. GARRETT of New Jersey, Mr. HINCHEY, Mr. EHLERS, Mr. MCINTYRE, Mr. KILDEE, Ms. DELAURO, Mr. MILLER of Florida, Mrs. MCCARTHY, Mr. BACHUS, Mr. DUNCAN, Mr. VAN HOLLEN, Mr. ROSS, Mr. WEXLER, Mrs. JO ANN DAVIS of Virginia, Mr. MOORE of Kansas, and Mr. YOUNG of Florida):

H.R. 414. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for the purchase of hearing aids; to the Committee on Ways and Means.

By Mr. RYUN of Kansas (for himself, Mr. COOPER, Ms. DELAURO, Mr. EHLERS, Mr. HOLT, Mr. KILDEE, Mr. WALSH, Mr. BACHUS, Mr. GEORGE MILLER of California, Mr. WOLF, and Mr. ALLEN):

H.R. 415. A bill to amend title XVIII of the Social Security Act to provide for direct access to audiologists for Medicare beneficiaries, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SALAZAR:

H.R. 416. A bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines; to the Committee on Armed Services.

By Mr. SANDERS:

H.R. 417. A bill to provide incentives for investment in research and development for new medicines, to enhance access to new medicines, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SENSENBRENNER (for himself, Mr. TOM DAVIS of Virginia, Mr. DREIER, Mr. HUNTER, Mr. HYDE, Mr. HOEKSTRA, Mr. COX, Mr. HOSTETTLER, Mr. SMITH of Texas, Mr. COBLE, Mr. CHABOT, Mr. AKIN, Mr. ALEXANDER, Mr. BACHUS, Mr. BAKER, Mr. BARTON of Texas, Mr. BASS, Mr. BILIRAKIS, Mrs. BLACKBURN, Mr. BLUNT, Mrs. BONO, Mr. BOOZMAN, Mr. BRADLEY of New Hampshire, Mr. BRADY of Texas, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP, Mr. CANTOR, Mrs. CAPITO, Mr. CARTER, Mr. CHOCOLA, Mr. CRENSHAW, Mrs. CUBIN, Mr. CULBERSON, Mr. CUNNINGHAM, Mr. DAVIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. DAVIS of Tennessee, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. DUNCAN, Mrs. EMERSON, Mr. EVERETT, Mr. FEENEY, Mr. FOLEY, Mr. FORBES, Mr. FOSSELLA, Ms. FOXX, Mr. GALLEGLY, Mr. GARRETT of New Jersey, Mr. GILLMOR, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GOODLATTE, Mr. GREEN of Wisconsin, Mr. GUTKNECHT, Ms. HART, Mr. HAYWORTH, Mr. HENSARLING, Mr. HERGER, Mr. ISSA, Mr. ISTOOK, Mr. SAM JOHNSON of Texas, Mr. JONES of North Carolina, Mr. KELLER, Mr. KENNEDY of Minnesota, Mr. KING of Iowa, Mr. KINGSTON, Mr. KLINE, Mr. LEWIS of California, Mr. LEWIS of Kentucky, Mr. LINDER, Mr. DANIEL E. LUNGREN of California, Mr. MCCAUL of Texas, Mr. MCCRERY, Mr. MCHUGH, Mr. MCKEON, Mr. MANZULLO, Mr. MILLER of Florida, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mrs. NORTHUP, Mr. NORWOOD, Mr. NUNES, Mr. OSBORNE, Mr. OTTER, Mr. PITTS, Mr. RADANOVICH, Mr. RAMSTAD, Mr. ROGERS of Alabama, Mr. ROGERS of Michigan, Mr. ROHRABACHER, Mr. ROYCE, Mr. RYAN of Wisconsin, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAW, Mr. SHUSTER, Mr. SIMPSON, Mr. SOUDER, Mr. STEARNS, Mr. SULLIVAN, Mr. SWEENEY, Mr. TANCREDO, Mr. TURNER, Mr. THOMAS, Mr. WAMP, Mr. WELDON of Florida, Mr. WILSON of South Carolina, and Mrs. DRAKE):

H.R. 418. A bill to establish and rapidly implement regulations for State driver's license and identification document security standards, to prevent terrorists from abusing the asylum laws of the United States, to unify terrorism-related grounds for inadmissibility and removal, and to ensure expeditious construction of the San Diego border fence; to the Committee on the Judiciary, and in addition to the Committees on Homeland Security, and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SIMPSON:

H.R. 419. A bill to extend the operation of the President's National Hire Veterans Committee, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SMITH of Texas (for himself, Mr. DELAY, Mr. CHABOT, Mr. PAUL, Mr. GREEN of Wisconsin, Mr. HERGER, Mr. KELLER, Mr. KING of Iowa, Mr. SHAYS, Mr. CANNON, Mr. BRADY of Texas, Mr. NORWOOD, Mr. NEUGEBAUER, Mr. CHOCOLA, Mr. MILLER of Florida, Mr. FEENEY, Mr. FORBES, Mr. GARY G. MILLER of California, Mr. CULBERSON, Mr. GARRETT of New Jersey, Mr. LEACH, Mr. KLINE, Mr. GALLEGLY, Mr. OTTER, Mr. JONES of North Carolina, Mr. KENNEDY of Minnesota, Mrs. MYRICK, Mr. MCCAUL of Texas, Mr. BOOZMAN, Mr. FRANKS of Arizona, Mr. SENSENBRENNER, Mr. GOODLATTE, Mr. FERGUSON, Mr. WILSON of South Carolina, Mr. BRADLEY of New Hampshire, Mr. CALVERT, Mr. FORTUÑO, Mr. KIRK, and Mrs. JO ANN DAVIS of Virginia):

H.R. 420. A bill to amend Rule 11 of the Federal Rules of Civil Procedure to improve attorney accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. SWEENEY:

H.R. 421. A bill to amend title 38, United States Code, to provide for the payment of stipends to veterans who pursue doctoral degrees in science or technology; to the Committee on Veterans' Affairs.

By Mrs. TAUSCHER (for herself, Mr. SPRATT, and Mr. MEEHAN):

H.R. 422. A bill to provide for counterproliferation measures; to the Committee on International Relations.

By Mr. TERRY (for himself and Mr. DOYLE):

H.R. 423. A bill to authorize the Secretary of Energy to establish an Advanced Power System Technology Incentives Program to fund the development and deployment of new advanced technologies such as advanced fuel cells, turbines, or hybrid power systems or power storage systems to generate or store electric energy, and for other purposes; to the Committee on Energy and Commerce.

By Mr. TERRY (for himself, Mr. ENGEL, and Mr. GRAVES):

H.R. 424. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for certain energy efficient property placed in service or installed in an existing principal residence or property used by businesses; to the Committee on Ways and Means.

By Mr. THOMPSON of California (for himself, Ms. DELAURO, Mr. FILNER, Mr. HINCHEY, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Ms. LEE, Mr. LYNCH, Mr. HONDA, Ms. SLAUGHTER, Ms. MCCOLLUM of Minnesota, Mr. ENGEL, Ms. CARSON, and Mr. INSLEE):

H.R. 425. A bill to establish a grant and fee program through the Environmental Protection Agency to encourage and promote the recycling of used computers and to promote the development of a national infrastructure for the recycling of used computers, and for other purposes; to the Committee on Energy and Commerce.

By Mr. UDALL of Colorado:

H.R. 426. A bill to encourage the development and integrated use by the public and private sectors of remote sensing and other geospatial information, and for other purposes; to the Committee on Science.

By Mr. UDALL of Colorado (for himself, Ms. SOLIS, and Mr. ANDREWS):

H.R. 427. A bill to require Federal agencies to develop and implement policies and practices that promote environmental justice, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself and Mr. BEAUPREZ):

H.R. 428. A bill to better provide for compensation for certain persons injured in the course of employment at the Rocky Flats site in Colorado; to the Committee on the Judiciary, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mr. MATHESON, and Mr. RENZI):

H.R. 429. A bill to reauthorize additional contract authority for States with Indian reservations; to the Committee on Transportation and Infrastructure.

By Mr. UDALL of New Mexico (for himself, Mr. MORAN of Kansas, Mr. LUCAS, Mr. THORNBERRY, Mr. PEARCE, Mr. REYES, and Mr. NEUGEBAUER):

H.R. 430. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Transportation and Infrastructure.

By Mr. FILNER:

H.J. Res. 12. A joint resolution to commemorate the spirit of Cesar E. Chavez: "Si Se Puede"; to the Committee on Government Reform.

By Mr. LEACH:

H.J. Res. 13. A joint resolution proposing an amendment to the Constitution of the United States regarding regulations on the amounts of expenditures of personal funds made by candidates for election for public office; to the Committee on the Judiciary.

By Mr. PAUL (for himself and Mr. FLAKE):

H.J. Res. 14. A joint resolution proposing an amendment to the Constitution of the United States relative to abolishing personal income, estate, and gift taxes and prohibiting the United States Government from engaging in business in competition with its citizens; to the Committee on the Judiciary.

By Mr. BRADY of Pennsylvania:

H. Con. Res. 28. Concurrent resolution expressing the sense of the Congress that there should be established a School Zone Safety Awareness Week to encourage schools, government, parents, and businesses in the United States to educate children and adults about safety in our Nation's school zones; to the Committee on Government Reform.

By Mr. LATHAM (for himself, Mr. BISHOP of Utah, and Mr. BRADLEY of New Hampshire):

H. Con. Res. 29. Concurrent resolution supporting the designation of a week as "Extension Living Well Week"; to the Committee on Agriculture.

By Ms. LEE (for herself, Mr. LEACH, Mrs. CHRISTENSEN, Mr. BROWN of Ohio, Mr. MCDERMOTT, Mr. WATT, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK of Michigan, Ms. CORRINE BROWN of Florida, Mr. MEEK of Florida, Mr. BISHOP of Georgia, Ms. MILLENDER-MCDONALD, Ms. WATERS, Mr. HASTINGS of Florida, Ms. CARSON, Mr. BUTTERFIELD, Mrs. MALONEY, Mr. WYNN, and Mr. LANTOS):

H. Con. Res. 30. Concurrent resolution supporting the goals and ideals of National Black HIV/AIDS Awareness Day; to the Committee on Energy and Commerce.

By Ms. ROS-LEHTINEN (for herself and Mr. ACKERMAN):

H. Con. Res. 31. Concurrent resolution expressing the sense of Congress with respect to human rights in Central Asia; to the Committee on International Relations.

By Ms. ROS-LEHTINEN (for herself and Mr. ENGEL):

H. Con. Res. 32. Concurrent resolution expressing the grave concern of Congress regarding the occupation of the Republic of Lebanon by the Syrian Arab Republic; to the Committee on International Relations.

By Mr. RYAN of Ohio:

H. Con. Res. 33. Concurrent resolution urging the President take immediate steps to establish a plan to adopt the recommendations of the United States-China Economic and Security Review Commission in its 2004 Report to the Congress in order to correct the current imbalance in the bilateral trade and economic relationship between the United States and the People's Republic of China; to the Committee on Ways and Means.

By Mr. UDALL of New Mexico (for himself, Mr. ACKERMAN, Mr. BROWN of South Carolina, Mr. CROWLEY, Mr. ENGEL, Mr. FALEOMAVAEGA, Mr. HERGER, Mr. HYDE, Mr. LANTOS, Mr. MCCOTTER, Mr. MCNULTY, Mr. PALLONE, Mr. PEARCE, Ms. ROS-LEHTINEN, Mr. WEINER, Mrs. WILSON of New Mexico, Mr. WILSON of South Carolina, and Mr. WEXLER):

H. Con. Res. 34. Concurrent resolution honoring the life and contributions of Yogi Bhajan, a leader of Sikhs, and expressing condolences to the Sikh community on his passing; to the Committee on International Relations.

By Ms. WOOLSEY (for herself, Ms. LEE, Mr. OWENS, Mr. STARK, Mr. HINCHEY, Mr. LEWIS of Georgia, Mr. PASTOR, Mr. FARR, Mrs. NAPOLITANO, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. BECERRA, Mr. KUCINICH, Ms. KILPATRICK of Michigan, Mr. MCDERMOTT, Ms. MCKINNEY, Mr. EVANS, Mr. SERRANO, Ms. WATERS, Mr. CONYERS, Mr. RANGEL, Ms. WATSON, Ms. JACKSON-LEE of Texas, Mr. DAVIS of Illinois, and Ms. MOORE of Wisconsin):

H. Con. Res. 35. Concurrent resolution expressing the sense of Congress that the President should develop and implement a plan to begin the immediate withdrawal of United States Armed Forces from Iraq; to the Committee on International Relations.

By Ms. PRYCE of Ohio:

H. Res. 48. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. MENENDEZ:

H. Res. 49. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. MENENDEZ:

H. Res. 50. A resolution electing a certain Member to a certain standing committees of the House of Representatives; considered and agreed to.

By Mr. DELAY:

H. Res. 51. A resolution amending the Rules of the House relating to the composition of the Permanent Select Committee on Intelligence; considered and agreed to.

By Mr. MCDERMOTT (for himself, Mr. INSLEE, Mr. LARSEN of Washington, Mr. DICKS, Mr. SMITH of Washington, Miss MCMORRIS, Mr. HASTINGS of Washington, and Mr. BAIRD):

H. Res. 52. A resolution congratulating the Seattle Storm for winning the 2004 Women's National Basketball Association Championship; to the Committee on Government Reform.

By Mr. MCDERMOTT (for himself, Mr. INSLEE, Mr. LARSEN of Washington, Mr. DICKS, Mr. SMITH of Washington, Miss MCMORRIS, Mr. HASTINGS of Washington, and Mr. BAIRD):

H. Res. 53. A resolution congratulating Ichiro Suzuki for breaking the Major League Baseball record for hits in a single season; to the Committee on Government Reform.

By Ms. ROS-LEHTINEN (for herself, Mr. PENCE, and Mr. CHABOT):

H. Res. 54. A resolution expressing the sense of the House of Representatives regarding anti-Semitism at the United Nations, and for other purposes; to the Committee on International Relations.

By Mr. SHERMAN (for himself and Mr. WILSON of South Carolina):

H. Res. 55. A resolution recognizing the 100th anniversary of Rotary International; to the Committee on Government Reform.

MEMORIALS

Under clause 3 of rule XII. memorials were presented and referred as follows:

4. The SPEAKER presented a memorial of the Senate of the State of Michigan, relative to Senate Resolution No. 241 memorializing the President and Congress of the United States to explore what steps might be necessary to stabilize the steel market in this country in order to ensure the availability of this raw material for domestic market needs and help contain escalating prices: to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII. private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. FILNER:

H.R. 431. A bill for the relief of Flavia Maboloc Cahoon; to the Committee on the Judiciary.

By Mr. UDALL of Colorado (for himself and Mr. TANCREDO):

H.R. 432. A bill to require the Secretary of the Interior to permit continued occupancy and use of certain lands and improvements within Rocky Mountain National Park; to the Committee on Resources.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 13: Mr. LEWIS of Kentucky. Mr. LATHAM, and Mr. ENGLISH of Pennsylvania.

H.R. 63: Ms. WOOLSEY.

H.R. 64: Mr. SIMMONS. Mr. POE, and Mr. BISHOP of Georgia.

H.R. 95: Mr. PAYNE, Mr. ENGLISH of Pennsylvania, Mr. FORTUÑO, and Mr. BOOZMAN.

H.R. 114: Mr. RANGEL.

H.R. 127: Mr. MENENDEZ and Mr. GUTIERREZ.

H.R. 128: Mr. MENENDEZ, Mr. MICHAUD and Mr. NADLER.

H.R. 135: Mr. PASTOR.

H.R. 136: Mr. PAUL.

H.R. 147: Mr. SOUDER, Ms. HARRIS, Mr. HEFLEY, Mr. LUCAS, Mrs. BONO, Mr. PLATTS, Mr. CARTER, Mr. THOMPSON of California, Mr. MARKEY, Mr. RYAN of Ohio, Mr. MEEK of Florida, Mr. OWENS, Mr. FORD, Mr. NORWOOD, Mr. VISCLOSKY, Mr. MEEHAN, Mr. MORAN of Virginia, Mr. ANDREWS, Mr. MILLER of Florida, Mr. KING of New York, Mr. MENENDEZ, Mr. WEXLER, Mr. WOLF, Mr. LAHOOD, Mr. GEORGE MILLER of California, Ms. KAPTUR, Mr. JOHNSON of Illinois, Mr. ABERCROMBIE, Mr. DAVIS of Tennessee, Mr. ISRAEL, Mr. NEAL of Massachusetts, Mr. GORDON, and Mr. MCNULTY.

H.R. 196: Mr. ANDREWS, Mr. MILLER of Florida, Mr. MCHUGH, Mr. KOLBE, Ms. GINNY BROWN-WAITE of Florida, and Mr. GARRETT of New Jersey.

H.R. 224: Mr. SPRATT and Mr. BOUCHER.

H.R. 225: Mrs. MALONEY.

H.R. 240: Mr. LINDER.

H.R. 289: Ms. WOOLSEY, Mr. ISSA, Mr. RANGEL, Mrs. NAPOLITANO, and Ms. ROYBAL-ALLARD.

H.R. 292: Mr. JONES of North Carolina, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RYUN of Kansas, Mr. BOEHLERT, Mr. BOYD, Mr. BERRY, Mr. CARNAHAN, Mr. CLEAVER, Mr. CONYERS, Ms. ESHOO, Mr. ETHERIDGE, Mr. FRANK of Massachusetts, Mr. GORDON, Mr. HEFLEY, Mr. HYDE, Mr. INSLEE, Mrs. KELLY, Mr. LEVIN, Mr. MELANCON, Mr. NEAL of Massachusetts, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Mr. ROSS, Mr. SABO, Mr. SCOTT of Virginia, Mr. TANNER, Mr. TAYLOR of Mississippi, Mr. WU, and Mr. SHERWOOD.

H.R. 296: Ms. ESHOO.

H.R. 304: Mr. MILLER of Florida.

H.R. 356: Mr. PENCE, Mr. TAYLOR of Mississippi, Mr. TIAHRT, Mr. HENSARLING, Mrs. CUBIN, and Mrs. EMERSON.

H.R. 358: Mr. REYES, Mr. SPRATT, Ms. HERSETH, Mr. CASTLE, and Mr. CHABOT.

H. Con. Res. 18: Mr. MARIO DIAZ-BALART of Florida, Mr. PENCE, Mr. SOUDER, Mr. TANCREDO, Mr. NORWOOD, Mr. SHIMKUS, Mr. SMITH of New Jersey, Mr. WEXLER, and Mr. BURTON of Indiana.

H. Res. 17: Mr. DAVIS of Tennessee, Mr. PETRI, Mr. SKELTON, Mr. HOBSON, Mr. DUNCAN, Mr. TANNER, Mr. BURTON of Indiana, Mr. RUPPERSBERGER, and Mr. SCHWARZ of Michigan.

H. Res. 21: Mrs. DAVIS of California, Mr. MORAN of Virginia, Mr. TIERNEY, Ms. LINDA T. SÁNCHEZ of California, Mr. GENE GREEN of Texas, Ms. SCHWARTZ of Pennsylvania, Ms. ZOE LOFGREN of California, Mr. ROTHMAN, Mr. SERRANO, Ms. LORETTA SANCHEZ of California, and Mr. AL GREEN of Texas.

H. Res. 22: Ms. GINNY BROWN-WAITE of Florida, Mr. SMITH of Texas, Mr. PETERSON of Pennsylvania, Mr. WESTMORELAND, and Mr. WALSH.

H. Res. 40: Ms. LORETTA SANCHEZ of California, Mr. BRADY of Pennsylvania, Mr. RANGEL, Mr. TOWNS, and Ms. CARSON.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII. sponsors were deleted from public bills and resolutions as follows:

H.R. 111: Mr. BUTTERFIELD.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

4. The SPEAKER presented a petition of the Board of Supervisors, Warren County, Lake George, New York, relative to Resolution No. 804 supporting H.R. 4790, authorizing importation of prescription drugs from Canada and certain other counties; to the Committee on Energy and Commerce.

5. Also, a petition of Wampanoag Nation Tribe of Grayhead, Wolf Band, Utah, relative to notice that the Wampanoag Nation, Tribe of Grayhead, Wolf Band, have organized for their common welfare; to the Committee on Resources.

6. Also, a petition of Mr. Albert Bethea, a Citizen of Cleveland, Ohio, relative to a letter discussing a legal matter; to the Committee on the Judiciary.

7. Also, a petition of Mr. James M. Lampe, a Citizen of the State of Hawaii, relative to a notice of fraud, and petitioning the United States Congress for redress of grievances; to the Committee on Ways and Means.

SENATE—*Wednesday, January 26, 2005*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal King, our refuge and strength, we lift our hearts in gratitude for the gift of this new day. We trust You to order our steps and direct us on the right road. Lord, show us where to walk and lead us with Your truth, for we are kept by Your unfailing love and compassion. For the honor of Your name, forgive our sins, for You alone can rescue us.

Bless our Senators today in their work. May integrity and honesty protect them. Keep them safe as they do the work of freedom. Give them the wisdom to take their burdens to You, knowing You will strengthen them for the journey. Keep them from slipping or falling.

In a special way, comfort the families of the Marines who died recently in the helicopter crash. Place Your shield of protection around our military.

We pray in Your powerful name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning, following our leader remarks, we will have an abbreviated period for morning business until 10:30 a.m. At 10:30, we will begin the final hour of debate on the nomination of Condoleezza Rice to be Secretary of State. Therefore, the vote on that nomination will occur at 11:30 this morning.

Following that vote, the Senate will consider the nomination of Jim Nicholson to be Secretary of Veterans Affairs. That will take 30 minutes or less, as provided by the order, and we do not anticipate a rollcall vote on that nomination.

Following that nomination, the Senate will consider the nomination of Michael Leavitt to be Secretary of Health and Human Services. The order from last night allows for up to 2 hours of debate. Again, I am not sure, but I do not think all of that debate time will be necessary. In any event, we do not have a request for a rollcall vote in relation to the Leavitt nomination as well.

Other nominations are expected to be reported today, including the Bodman nomination to be Secretary of Energy. We will try, of course, to expedite the consideration of this Cabinet-level appointment for today as well.

Again, as a reminder, the first rollcall vote will occur at 11:30 a.m. today.

IRAQ ELECTIONS

Mr. FRIST. Mr. President, I have a few remarks to make on the Iraq elections. I will proceed in sharing a few experiences that I had recently, but really focus on what will occur on Sunday, January 30, and that is that millions of Iraqis will, for the first time in decades, vote in free elections.

I truthfully believe we will see the power of elections speak loudly this Sunday. It is going to be with a lot of courage and a lot of determination that those who vote will travel to over 5,000 polling stations across the country. They will be casting their ballot for 275 national assembly positions that will, in turn, draft a new constitution.

It is a historic event for the people of Iraq. It is, in the words of historian Fouad Ajami, "a breakthrough in the terrible history of this tormented land."

Doomsayers and pessimists point to the terrorist attacks on the Iraqi citizenry as proof that Iraqis are not ready for self-governance. They say: Postpone the elections. They say: Iraqis have no history of liberty. In other words, withhold freedom from the innocent and hand victory to the guilty. Blame the victim, reward the criminal. It is a cruel logic and one that, thankfully, the Iraqis have flat out rejected.

Indeed, numerous candidates all over the country have entered the elections despite the insurgents' and the terrorists' threats and attempts at intimidation. Iraqi voter turnout on Sunday will be higher than in many Western democracies.

Listen to the words of Iraqis themselves. Baghdad resident Ali Danif tells an American paper:

> Going to the polling stations is a victory for the Iraqi people.

Says his friend Kadhim Hassan:

> Without elections, there will be tyranny. It's time for us to come into the light.

On January 30, Iraqis will take those first momentous steps. No one presumes the elections will be perfect, including the Iraqi people themselves. The terrorists will continue their attempts to derail the process between now and then. Unfortunately, the attacks, I believe, are likely to increase during this period and quite possibly for some time afterward. But the American people will stand with the Iraqi people for democracy and for freedom.

I was in Iraq 2 weeks ago with a Senate delegation, and based on our experiences in talking with the Iraqi people, in talking with the leadership, and attending a town meeting, I can say with confidence that despite the insurgents' bombs and threats, democracy is on the way.

During our time in Iraq, my Senate colleagues and I were in a meeting with Prime Minister Allawi. In the middle of that meeting, he asked if we would be willing to go around the block or a few hundred yards away at a townhall meeting that he was conducting. We said yes. It was spontaneous, and we did not know what to expect.

We went with him in the middle of our meeting, and it was a meeting he had been holding over the course of the day. We walked into a room about the size of this Chamber, and it was packed. It was packed with more than 150 Sunni sheiks who were from the Sunni triangle area, the area where most of the terrorist activity has been occurring.

We walked into the room, and it was embroiled in activity. It was embroiled in debate. People were scrambling. Sheiks were scrambling for the microphone so they could express themselves. There was controversy, disagreement. It was orderly in the sense that one person talked at a time. This was really democracy at its best. It was spontaneous, not planned by us. The Prime Minister, in meeting with the sheiks, spent most of the day listening very patiently.

The presentations were passionate, and for me it captured the real contrast on that day when we saw free speech and full expression. Some were saying postpone the elections; others we saying, no, don't postpone the elections. This is the first step toward democracy. Others said America has done things perfectly, knowing we were in the room, and others said we should have done this or done that.

The point is, everybody was expressing themselves, and the Prime Minister was sitting before them listening patiently, taking the opportunity to comment. It was a striking contrast to the decades under Saddam where disagreement could lead, and frequently did lead, to torture and, in many cases, as we know, ultimately death.

So progress is being made. The will of the Iraqi people is, for the first time in decades, being heard. These elections will give an element of legitimacy of expression of the Iraqi people that heretofore has not been there to the degree that it should be and that it will be in the future. It is through the ballot box, the power of that ballot box that the Iraqis will begin this journey.

I need to comment again very briefly on a Tennessee angle to these elections because the Tennessee population of Iraqis is quite high and, therefore, Nashville, TN, has been chosen as one of the polling sites so that Iraqis, mainly a Kurdish community that has come to the United States, can express themselves in this election.

It was in 1977 that a professor named Franklin Jones agreed to sponsor the first Kurdish family in Nashville, almost 30 years ago. Now Nashville boasts the largest Kurdish community in the United States of America. Referred to by some as "Little Kurdistan," there are 5,000 to 8,000 Kurdish families living in Nashville, and on Sunday, 3,700 Iraqi Americans living in the Nashville region will go out to our Tennessee State fairgrounds where they will cast their vote. It is an out-of-country voting site that has been established. They will be participating in creating this new and free Iraqi government.

The story of Nashville's Kurdish community is a special one. After that first Kurdish family arrived in 1977, more and more Kurds came to Nashville. A number of our community and church organizations focused on the Kurds' plight and helped refugees adjust, settle in, and be assimilated into our wonderful city, Nashville.

During the 1980s, a small Kurdish community began to develop. You ask why. A lot of it is serendipity, but one of the answers you get is the climate in Nashville reminded them of the climate back home.

In 1991, during Desert Storm, a large contingent of Kurds fled to the United States, and many of them joined their brethren in Tennessee. Job opportunities were high, cost of living was low, and Nashville's unparalleled hospitality welcomed them and made them feel safe.

On Sunday, when millions of Iraqis go to the polls to vote for the first time in Iraq, they will be joined by their compatriots in Nashville. And among them, as an aside, will be Samir, the Iraqi-American translator who found Saddam Hussein down in his spider hole.

I am proud that early on the people of Tennessee welcomed Iraqis into their homes, into their communities, and gave them shelter and hope. I am honored the city of Nashville and the State of Tennessee will provide Iraqis across the region with the opportunity to express themselves on January 30.

It is a historic day for them and a historic day for the coalition that has invested so much in the Iraqi people, and a historic day for democracy. We will see young men and women going to the polls expressing themselves. People have been waiting a long time for this day.

In closing, we were all abuzz last week with the activities surrounding the 55th inaugural. It was a wonderful event for those of us who participated here in the Capitol and for those who watched it across America—the glowing lights, the banners. To have that peaceful transfer of the election process be realized is clearly remarkable for us all. But at its core, the inauguration was not for a party and not for a particular person. It was a celebration of the blessing of democracy and the freedoms we enjoy, freedoms I am confident one day will be ever much as common in Iraq as it is in the United States.

Mr. President, I yield the floor.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transition of morning business until 10:30 a.m., with the first half of the time under the control of the Democratic leader or his designee, and the second half of the time under the control of the Senator from Kansas, Mr. BROWNBACK, or his designee.

Who yields time? The Senator from Washington.

KEEPING AMERICA'S PROMISES TO ITS VETERANS

Mrs. MURRAY. Mr. President, this morning I rise to speak about one of the issues that is facing our country, an issue we need to understand and live up to, a promise that we made to the young men and women who serve us overseas. Since this election, we have heard a lot about the crises that are facing our country and what our obligation is and the discussions that will occur in the Senate and around the country about those as we move forward.

Next week, we will hear from the President on the State of the Union. I will be listening very carefully to hear if he addresses the issue that I think is clearly one of the most important issues our country needs to address, and that is how we treat the young men and women who are coming home, who have served us in Iraq, Afghanistan, and around the globe, and that we have the services available for them to keep the promise we made to them when they went to serve all of us. I am talking about the veterans who have come home to our country throughout our time, who have served us well, who fought for our freedom, who have been there for every one of us, and who are now facing severe shortages of services. I am taking about the promises we made to them for their health care, to make sure they are reintegrated into society in the United States and given what we have promised them when they went to serve all of us.

This morning we woke up to the news of 30-some Marines who have been tragically lost in an accident. Our hearts go out to their families, to their loved ones, and to all who know them, and we owe them and their families a sincere debt of gratitude. It is a reminder to all of us today of the service that these men and women give us, of the ultimate sacrifice, so we can have the freedoms that are so important to us at home.

It is a reminder to all of us that we owe them more than rhetoric on this floor or promises when they leave but fulfillment of those promises when they come home. We need to fullfil the promise of services available so their health care needs are met and that they are given the full support of this country when they return.

I was involved in working with our veterans many years ago. My own father was a veteran. He served us in World War II. He was one of the first soldiers into Okinawa. He was injured there when they went in. He went to Hawaii for a time, was in a hospital, and then went back to Okinawa to continue his services. He was an injured and disabled veteran all of his life.

I never knew of the sacrifices he gave or what his life story was until he died. We found his journals and read the day-to-day transcripts of what he as a young man, barely 20, did for our country overseas, the injuries he sustained, what he saw on the battlefield. He never talked about that when he came home.

As I read through those diaries day by day, I realized what a tremendous service he and thousands of other men and women have given to all of us so that we have the freedoms we have today, so that my grandson who is growing up in this country today has the freedoms his grandfather fought for.

Today, as I go home and talk to our veterans in Tacoma, Vancouver, and Walla Walla, our veterans who are struggling to get health care in north central Washington, I hear them begging us to help them get the health care services they were promised. We need to step up to the plate.

As I talk to the Army and to our Guard and Reserve members at home, they tell me about the thousands of soldiers who are now returning to Washington State and around the country who will face long lines, who will not have the services they need, particularly mental health and posttraumatic stress syndrome. I am deeply concerned that we are not putting in place the resources these veterans need to be there for them.

In 1972, I served my country in a unique way when I was in college. It was a time of war for our country, the Vietnam War. I volunteered to do my internship at WSU, Washington State University, at the veterans hospital in Seattle, WA. I served on the psychiatric ward. I worked day in and day out with our young men and women who were my age at the time returning from Vietnam. I saw the mental health scars they had.

What I saw inside the VA system was people who understood what they had gone through, who were willing to work with them day in and day out, but as I left that VA hospital every afternoon to go home, I was out on the street with people who did not understand and were not there to support these veterans.

I am committed at this time when our men and women come home from Iraq and Afghanistan and the missions we have sent them to around the world to make sure we are there for them and the support is there to reintegrate them into America.

I look at our budgets today and I see that is not the case. Later this afternoon Ambassador Nicholson, a very fine man, will be confirmed, most likely, on the Senate floor. I have met with him. I have talked with him about the tremendous backlog of services, about my concerns about the members of the services who are coming home today and the services that are not available. I know he is committed to doing the right thing.

What I will be listening to is the State of the Union next week, and the President's budget, more importantly, when it comes to Congress, to see if indeed it has the support we need for our veterans, for the services they so rightfully deserve and need to have in order to be able to reintegrate into this country and to be able to continue to have full and promising lives at home once they return.

I fear we are not going to see a VA budget that has those services. Today in Washington State we are hearing the commitments that have already been made in north central Washington for a clinic in Bellingham may not be able to happen because the budget moneys have been so severely cut back. That is wrong. These are promises these veterans have been given and that they need.

Veterans who live in Wenatchee, WA, should not have to travel 8 hours on icy mountain roads to be able to get the health care services they need. When I go up there and I talk to a wife of a veteran who has health problems and she tells me her husband cannot get to the doctor, I think our country has not fulfilled a promise we made. We have to keep those promises, and where those promises will be seen is in the budget and in the appropriations process this year, whether we put our money behind the rhetoric we hear every day from people who thank the people who serve us overseas.

The Democratic Senators have put forward an excellent bill that I will be talking about in the days and months to come. S. 13 is a bill that will keep our promise to American veterans. It is very important legislation, and I hope we get bipartisan support for it—I hope we get support across the country—and Members sign on to be a sponsor of this legislation to push this forward so we keep our promise to veterans.

S. 13, the bill that has been introduced, begins by expanding mental health care to all of our VA hospitals by 2006. This is extremely important. When I talk to our veterans organizations, they tell me as many as 20 percent or more of our men and women who are serving will come home with posttraumatic stress syndrome or mental health conditions, that we need to make sure they get the help and support they need to deal with that. So the first part of the bill will expand mental health care to all of our VA hospitals by 2006.

Secondly, it will make prescription drugs readily available to veterans. Under current regulations, a veteran who receives a prescription from a private doctor has to complete a physical with a VA physician before the VA will honor their prescription. That kind of redtape costs the VA an estimated billion dollars or more each year. So our bill will overturn that regulation and provide veterans with a quick and easy access to prescription drugs. This will save us money and it will help our veterans who so desperately need it.

This bill will also ensure that no veteran is forced to choose between their disability compensation and their retirement pay by 2006. This is an issue I hear about in every corner of my State from all veterans. Those who served our country should not have to choose between their disability payments and their retirement pay. The Senate has addressed this issue before. In conference, we were not able to move it as far as we needed to. This bill fixes it so veterans no longer face that difficult choice.

This bill also creates a seamless transition from the military to the VA. Many of our veterans who have returned home have encountered obstacles to getting the services they deserve when they leave their active-duty status. While the Defense and Veterans Departments have been trying to iron out the kinks by preventing a seamless transition from military life to the VA system, the agencies have not completed any of the seven recommendations for this that have been offered by the President's task force.

S. 13 will enact each of these seven recommendations, including requiring preseparation medical examinations and disability benefits counseling, removing information-sharing barriers, and requiring greater cooperation between the VA and the DOD in tracking disabilities resulting from occupational exposure to hazardous materials.

Finally, the S. 13 that has been introduced will enact a new GI bill for the 21st century. I hope again all of our colleagues will sign on to this legislation so we can put our words and our reality behind a promise that has been made to the men and women who serve us in this country.

I think this is an extremely critical area and a crisis when we look out across the country at the thousands of men and women who are serving who are going to be facing already long lines at VA hospitals, already decreased services, for whom we need to make sure of mental health services as quickly and efficiently as possible so we do not see later complications in their families, in their communities, or in their own worklife.

Yesterday, the President put out his $80 billion supplemental for the Iraq war. I will, of course, support that supplemental. It is absolutely critical that we make sure those who are serving us have the training, the equipment, and the supplies they need to do what we have asked them to do abroad for all of us, but it is equally important that we keep the promise to them when they come home. So when that supplemental comes before the Senate I intend to offer an amendment, along with Senator AKAKA, the ranking member on the Veterans' Committee, to add $2 billion to the supplemental to make sure our veterans get the services they need.

We cannot rely on rhetoric. We cannot rely on empty promises. We need to make sure that the part of the commitment we have when we go to war includes taking care of those men and women when they return home.

These proposals are not about growing the size of the Government. They are not about expanding what we owe. It is about keeping a promise. It is about living up to the promises we have made to those who have given so much to all of us. Our veterans deserve the best from us. S. 13, this legislation I just talked about, works to make sure those goals become a reality. We have a tremendous responsibility and we have a great opportunity in this Congress to keep the promise President Abraham Lincoln made 140 years ago, and that is to care for the veteran who has borne the battle, his widow and his orphan. Those words ring as true today as they did 140 years ago, and I intend in every way I can, both in my work on the Veterans Committee, my work on the Appropriations Committee, and my work on the floor, to keep the promise we gave to those who are serving us to make sure they are taken care of when they return home.

I yield the floor.

The PRESIDENT pro tempore. The Senator from Arizona.

Mr. McCAIN. Mr. President, what is the parliamentary situation?

The PRESIDENT pro tempore. The minority has 8½ minutes. The majority has 22½ minutes. We are in morning business.

Mr. McCAIN. Mr. President, I ask unanimous consent to speak for 4 minutes as in morning business.

The PRESIDENT pro tempore. We are in morning business.

NOMINATION OF CONDOLEEZZA RICE

Mr. McCAIN. Mr. President, I rise to support the nomination of Condoleezza Rice as Secretary of State. Dr. Rice has served the President with distinction over the past 4 years as National Security Adviser, and I have complete confidence she will bring the same talents, energy, and vision we have witnessed thus far to her new job at the State Department's helm.

In many of her recent remarks and those of President Bush, Dr. Rice has emphasized the promotion of freedom and democracy as a hallmark of American foreign policy. Not only has Dr. Rice made democracy a centerpiece of her time at the White House, but also her life itself illustrates the final triumph of true democracy at home.

Dr. Rice grew up in Birmingham, AL, in the heart of the segregated South. She has spoken movingly about her memory of the 1963 church bombing in her hometown. One of the innocent little girls who died there was a friend of hers.

Dr. Rice grew up in a time and place where America's founding ideals had not yet become reality for all of our citizens. The United States, a country built on the idea of freedom, was not yet a full democracy.

Perhaps it was this experience that led Dr. Rice to make the study and practice of political systems her life's work. After receiving her Ph.D. at the University of Denver, she joined Stanford University and quickly became identified as one of the world's leading scholars of the Soviet Union. We all know of her distinguished career since then.

Dr. Rice has the confidence of the President of the United States. Dr. Rice has the confidence of the majority of this Senate. We know, as many of her critics have admitted on this floor, she will be easily confirmed.

So I wonder why we are starting this new Congress with a protracted debate about a foregone conclusion. It cannot be for a lack of priorities because we surely have enough on our legislative plate this year. It can't be because Dr. Rice has suggested she has some flaw so fundamental that the Senate must block the President's choice. I can only conclude we are doing this for no other reason than because of lingering bitterness at the outcome of the elections.

We need to move on. The people of the United States made their choice last November and they expect their elected officials to govern accordingly.

When President Clinton was reelected for his second term, I didn't share the policy views of some of the officials he nominated, but I do not recall going through protracted battles such as this. We all have varying policy views, but the President, in my view, has a clear right to put into place the team he believes will serve him best.

I believe this Nation is honored by the presence of Dr. Rice, by what she represents, by what she has achieved, and I believe she will be an enduring role model to all Americans, particularly Americans who are not of the majority in race in our country.

I believe Dr. Rice is a living example of what can happen in America. From a beginning in a segregated South to the Secretary of State of the most powerful nation in the world is a great American success story. I hope all my colleagues, at the completion of this overwhelming vote in favor of her confirmation, will celebrate this great American success story and all of us will look forward to her leadership of the Department of State, and working with her here in the Halls of Congress.

I yield the remainder of my time. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I understand we are in morning business and I have about 18 minutes; is that accurate?

The PRESIDING OFFICER. The Senator has 17 minutes 15 seconds.

OUR LOSS IN IRAQ TODAY

Mr. BROWNBACK. I have an introduction of a bill I wish to talk about, but first I want to express our sympathy to the families of those who were lost in Iraq within the last 24 hours. There was a helicopter crash that took place. As I understand from the early news, 31 marines were killed in that helicopter crash. There were several other deaths in the last 24 hours leading up to this election in Iraq that takes place on Sunday. If we recall, there has been an increased level of violence taking place. We don't know the cause of this helicopter crash that took place, but we do know there was significant loss of life.

Our hearts and our prayers go out to the lost soldiers who stand in harm's way as we seek democracy, liberty, and freedom for the people of Iraq. Our heartfelt sympathies to the families, and our deepest dedication and devotion to those who continue to serve who are in harm's way.

I ask unanimous consent, Mr. President, that it be in order for us to take a moment of silence and prayer for those who have just lost their lives in Iraq.

The PRESIDING OFFICER. Without objection, we will have a moment of silence.

(Moment of silence.)

UNBORN CHILD PAIN AWARENESS ACT

Mr. BROWNBACK. Mr. President, these are difficult times but they are also times of opportunity. We will face on Sunday, with the vote in Iraq, difficulty, but also a time of opportunity for people to know democracy and freedom who have never known it before. Freedom, however, always comes at a price. We are paying for this opportunity for freedom with loss of life from our own country. Yet democracy and freedom is something for which we have fought for over 200 years.

I rise today to speak about something else we need to fight for. I speak of one of the most difficult debates we have had to discuss in this country: it is the debate on the issue of life and the moment that life begins. I am introducing today, with over 30 cosponsors, a bill that speaks to this critical issue. It is S. 51, the Unborn Child Pain Awareness Act. It has 31 cosponsors. This legislation, I believe, is strongly pro-woman, pro-child and pro-life, and it will help in the creation of a culture of life in America.

The Unborn Child Pain Awareness Act is about empowering women with information. It is also about respecting and treating the unborn child more humanely. This legislation is, at heart, an informed consent bill, which would do two simple things:

First, it would require abortion providers to present medical, scientific information to a woman, who is seeking a late-term abortion, about what is known regarding the development of the unborn child inside of her womb.

Second, should the woman desire to continue with the abortion after being presented with this information, the legislation calls for her to be given the opportunity to choose anesthesia for the unborn child in order to lessen its pain.

No abortion procedures would be prohibited by the Unborn Child Pain Awareness Act. It is an informed consent bill.

I do not believe that anyone in this esteemed chamber thinks that women should not be fully informed. I believe, along with a majority of Americans, according to all the polls of which I am aware, that women have the right to know what their unborn child experiences during an abortion. Most Americans believe that women are capable of processing information, even when faced with a crisis pregnancy.

In fact, according to a Wirthlin Worldwide poll conducted after the November election, 75 percent of respondents favored:

> laws requiring that women who are 20 weeks or more along in their pregnancies be given information about fetal pain before having an abortion.

After being presented with the medical and scientific information on the development of the unborn child 20 weeks after fertilization, the woman is more aware of the pain experienced by the child during an abortion procedure, and more equipped—at the very least—to make an informed decision. It is simply not fair for a pregnant mother to be uninformed.

In the proposed legislation, we have settled on a 20-week benchmark because there is a strong medical and scientific knowledge that unborn children feel and experience pain by 20 weeks after fertilization.

Looking over the data—and I am certainly not a doctor—but it seems reasonable to me that unborn children actually feel pain weeks earlier, but we chose the 20-week benchmark as a point on which more scientists and doctors can agree. At some point, perhaps Dr. Coburn—a new member who is a physician who has delivered thousands, of babies, one of this bill's cosponsors—might further enlighten us on this subject based on his extensive experience.

How do we know that unborn children can feel pain? We know that unborn children can—and do—feel pain thanks to great advances in medical technology. Unborn children, experience pain as evidenced by anatomical, functional, physiological and behavioral indicators that are correlated with pain in children and adults. We have Dr. Sonny Anand's Expert Report for the Partial-Birth Abortion trials, that were made part of the Federal Court record.

Of course—though perhaps less scientific—any mother can tell you her unborn child can feel. The little unborn child most certainly feels and responds to stimuli from outside the womb. Sometimes a voice will cause the unborn child to stir. And usually, at some point in the late second trimester, even the father can feel and see the unborn child's movements. And if you push the unborn child's limb, the limb may push back. I have happy memories of this with my wife and our children.

All along, women have been able to feel the child inside of them, but now, science is telling us exactly what the child inside of his or her mother can feel. We now know that unborn children can not only feel, but that their ability to experience pain is heightened. The highest density of pain receptors per square inch of skin in human development occurs in utero from 20 to 30 weeks gestation.

Think about the pain that unborn children can experience, and then think about some commonly used abortion procedures. Of course, we have heard about Partial-Birth Abortion, but also consider the D&E abortion.

During this procedure, commonly performed after 20 weeks when there is medical evidence that the child can experience severe pain, and we have a chart of this that I will show, the child is torn apart limb from limb. Think about how that must feel to a young human. We would not allow an animal to be treated this way. Yet, the creature we are talking about is a young, unborn child.

Women certainly have a right to be given the facts about the baby growing inside of them. Armed with these facts, women then have the opportunity to make a more informed decision.

Should the woman continue with the late-term abortion, she ought to have the option of anesthetizing the unborn child before it undergoes a painful termination of its young life.

This should not be a Republican or a Democratic issue. This should be a human issue.

The Unborn Child Pain Awareness Act offers us a rare chance to transcend the traditional political boundaries. It is a matter of human decency.

It is my hope that this bill will offer us a chance to work across political divides to forge new understandings in this Chamber.

I think that we can all support giving women more information when they are making life-altering decisions.

A recent Los Angeles Times—December 23, 2004—article offers a glimmer of hope in this regard. The article notes that:

> [Democrats] are looking at ways to soften the hard line [support for abortion-rights], such as promoting adoption and embracing parental notification requirements for minors and bans on late-term abortions.

Adoption and parental notification for minors are issues, on which I hope we can work together. Perhaps we can begin with this measure: The Unborn Child Pain Awareness Act is not a ban on late-term abortions, but it is a measure that would provide a wonderful opportunity for us to work together on an issue that is pro-woman, pro-child, and pro-life. It is creating a culture of life.

I want to take a few of the minutes I have to describe a procedure that takes place on a post-20-weeks-of-age gestation child, described here on this chart. There may be people who may not want to look at this. I would offer that they not, if they choose not to, but I think it is important they have this information.

We are talking about a D&E procedure at 23 weeks performed on an unborn child. It is important to note that the legislation that I have introduced today does not ban this procedure or limit it in any way; this legislation simply says that a woman needs to be informed about the pain the child in her womb would experience if she undergoes that procedure, and be given the option to offer the child in the womb anesthesia in the procedure of the child being pulled out of the womb, as you can see in this diagram.

I want to get some expert testimony that was provided at the partial-birth abortion trials.

This was information submitted by Dr. Sonny Annand at the trial about the nature of the pain the child experiences.

I held hearings in the Senate Commerce Committee about in utero surgery. The surgeon talked about having to chase the child around in the womb somewhat to give it its shot to anesthetize the child because the child didn't want the needle to go into its buttock. He described how the child was constantly moving around to avoid the needle. That made perfect sense to me, having children who do not like to get shots. I don't like shots. And the child would move around.

But it also heightened my awareness—that if you go through this abortion procedure, what does the child feel at that point in time? It doesn't want to get a shot in its rear end. What does it feel when it goes through a procedure like this?

This was reported by the Associated Press at the trials last year, April 4, 2004. Dr. Sonny Annand said:

> Abortion would cause severe and excruciating pain to 20-week-old fetuses.

There is now scientific information about the increase in the heart rate of the child when a procedure like this is taking place, the increase in the physiological trauma that indicates somebody going through excruciating pain. And while you can't hear the child in the womb—it can't scream—it has a silent scream, nonetheless it is showing all the time the physiological nature of going through excruciating pain.

I have another chart to put up here to illustrate this point as well. This is from the same physician. Dr. Annand says:

> The fetuses show increased heart rate, blood flow and hormone level in response to pain.

This is how you and I, adults, respond to pain, although the difference for us is we have less pain receptors per square inch, and we also have developed a part of the brain that holds down or suppresses pain. So actually we feel less pain because of the way our brain is further developed. But the child feels more pain.

This issue is something I think most of us would probably choose to ignore, if we could, and say "let's just not talk about it." But when this is going on and you know about it, how can you ignore it? It would be like us saying, about some of the tragedies in our history, I just do not want to know about it. Just do not tell me about it. I would rather be ignorant. Yet today we cannot deny the scientific information.

Here is a picture of a child in the womb. I do not know the age of this child. But can you deny the humanity of this child?

I have a coin given to me yesterday from a Croatian, a gentleman from Croatia that I want to show you has the same picture of this unborn child imprinted on this coin minted in Croatia. They just ask basically on the coin, as you can in the picture, how can you deny the humanity of this child? If that is the case—and if you dismember this child in a late-term abortion, how can you deny the humanity of this child and the pain it experiences? We know physiologically because of the scientific advances taking place what this child experiences. How can you ignore scientific evidence and say it is simply not taking place, or I just do not want to see it, which was unfortunately typically done too often in our past. But the facts seem too horrific for us to look at. We have seen recently in places around the world the horrific suffering. Many times we just want to say: Don't show it to me. I don't really want to see it. Yet it can't be denied. It must be confronted. The sooner it is talked about, the sooner it will be addressed.

Let us have a lively debate. If people don't believe the child is experiencing pain, come forward with the scientific information. It would be counter to all common experience of women in pregnancy at that 20-week stage or later. It would be counter to all the current scientific information. Bring it forward. Let us have a lively debate about this. This bill does not ban any abortion procedure. It simply is an informed consent bill that women deserve to know about.

It is my hope that once a woman receives this information she would decide to go ahead with the pregnancy and have the child. If she looks at her situation and believes it is just too difficult to continue to care for the child, she could put the child up for adoption. There are millions of families who would love to provide a loving home for a child. No matter what the difficult circumstance, they would love to adopt; but perhaps she would choose to make her child go through this procedure. What if she decided to go through the procedure, and then later found out through scientific evidence that she put her child through this pain and had to live with that in her life. We have women coming forward now in the Silent No More Campaign—women who have had abortions who have for years afterwards—decades afterwards—struggled with the thought of having an abortion. They say: My goodness. How could I do that to my own child in the womb? They are saying women deserve better. They have struggled with this for years and are now coming out with it; receiving the sympathy which they deserve for having gone through something at a very difficult time in their lives.

This bill will be introduced in both Chambers today. It is an important piece of legislation. It is one which I hope we can move forward with aggressively. If there is evidence on the other side, I would welcome it coming forward. Let us have this debate, but let us not ignore it any longer.

Thank you, very much, Mr. President. I yield the floor.

The PRESIDING OFFICER. The majority side has 40 seconds remaining.

The Senator from Virginia is recognized.

ORDER OF PROCEDURE

Mr. ALLEN. Mr. President, I would like to speak later in commending Senator BROWNBACK on his legislation. I am proud to be a cosponsor of it. I think it is a reasonable moderation on the excesses of abortion. I commend him for his leadership. I will speak on the Rice nomination later.

I was asked to propound this request: I ask unanimous consent that during the hour of debate on the Rice nomination, time on the Democratic time be divided as follows: Senator BIDEN, 20 minutes; Mrs. BOXER, 5 minutes; Mr. LIEBERMAN, 5 minutes, which was originally reserved for Senator BYRD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. I further ask unanimous consent that the order of speakers remain divided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

NOMINATION OF CONDOLEEZZA RICE

Mr. ALLEN. Mr. President, I understand that the Democratic side has yielded their time.

Mr. President, we are going to be in the final debate on the nomination of Dr. Rice. Yesterday, I asked my colleagues to be careful in their criticism. The position of Secretary of State is the voice and the advocacy of the policy of our country. We need to have a unity of purpose for the advancement of freedom. If people want to criticize some things, they should come up with positive, constructive ideas so as not to diminish the credibility of our Secretary of State.

What I saw yesterday on the floor—and to some extent in the Foreign Relations Committee—that the confirmation proceeding of Dr. Rice is evolving into an overly partisan attack. I found out later yesterday evening that some of the attacks have really gone overboard. We heard about accountability—accountability for the prosecution of the war on terrorism, whether in Afghanistan or in the Iraq theater. The accountability was really determined by the people of this country with their votes for President George W. Bush to be reelected as President.

However, we have heard from some on the other side of the aisle a continuation of their campaign arguments, whether here on the floor or in committee.

There has been for years a very logical approach that in times of war, when we have our troops in harm's way overseas, in precarious and dangerous positions with their boots on the ground, that partisan politics ends at our waters' edge. We have heard that. When troops are abroad, partisan politics ends at our waters' edge.

Unfortunately, that time-honored, respectful practice has been breached. Even worse than the outrageous statements in these serious times is we find that statements are being used for political posturing—but even worse, political fundraising. We have heard the arguments made in the sense that Oh well, this is advice and consent. This is from a fundraising letter based upon the argument and opposition to Condoleezza Rice. The fundraising letter from the DSCC sent to DSCC friends, talks about how the Senate must take its advice and consent role during the confirmation process. Advice and consent is fine. That is to be allowed, but advice and consent doesn't mean politicking and soliciting funds.

That is exactly what has happened, in a very, and in my view, harmful way in some of the debate. It harms and diminishes the ability of our Secretary of State, Dr. Rice. She has great credibility, and I think she will still have great credibility. But there is going to be the question: Gosh, some in the United States don't think she is up to the task.

There have been certain personal attacks.

But to try to solicit political contributions from such damaging rhetoric, in my view, is deplorable; it is dangerous; and, it is disgusting.

Here is how they end the letter. This is signed by the junior Senator from California. It ends with this reference to the Rice nomination—assertions and allegations about Dr. Rice.

> So while I raise my voice on the Senate floor, I hope you will join us on the campaign trail and the loudest message of all, one that all Republicans will not be able to ignore, unseating them in the midterm elections and sending more Democrats to the Senate.

Several times through this letter, it says contribute to the DSCC.

It is fine to have a debate. There should be the concept of advice and consent, but it ought not to be soliciting and politicking. Clearly to be using something as serious as the nomination and confirmation of our Secretary of State to solicit campaign fund is particularly deplorable, especially during our global war on terror when we are trying to get more allies and friends to join with us.

I hope as we get to this vote in about one hour that this sort of political chicanery, political maneuvering and solicitation of funds, and using something as important as this nomination will cease and desist.

I thank you, Mr. President, and my colleagues for allowing me this time to say this.

I hope my colleagues on the other side of the aisle will rein in this sort of behavior. I don't want to say each and every one of them condones it, but it is deplorable behavior that must cease.

I yield the floor.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF CONDOLEEZZA RICE TO BE SECRETARY OF STATE

The PRESIDING OFFICER. Under the previous order, the hour of 10:30 a.m. having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 4, which the clerk will now report.

The assistant legislative clerk read the nomination of Condoleezza Rice, of California, to be Secretary of State.

The PRESIDING OFFICER. Under the previous order, the time until 11:30 a.m. shall be allocated in the following order: The Senator from Indiana, Mr. LUGAR; the Senator from Delaware, Mr. BIDEN; the Senator from California, Mrs. BOXER; the Senator from Connecticut, Mr. LIEBERMAN; the Senator from Nevada, Mr. REID; and the Senator from Tennessee, Mr. FRIST; with the last 5 minutes reserved for the Senator from Indiana or his designee.

The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, I have the pleasure and the honor to commend the nomination of Dr. Condoleezza Rice. Soon, the Senate will carry out its constitutional duty to provide advice and consent on President Bush's nominee for the office of Secretary of State. We will be participants in an historic moment that will reaffirm the Senate's role in foreign policy and underscore the brilliance of the constitutional design.

Last week, the Committee on Foreign Relations held exhaustive hearings on this nomination. Dr. Rice fielded questions on dozens of subjects for more than 10½ hours over 2 days. All 18 members of the Committee took advantage of the opportunity to ask Dr. Rice questions. At the hearings, she responded to 199 questions—129 from Democrats and 70 from Republicans. In addition, in advance of the hearings, members of the Committee submitted 191 detailed questions for the record to Dr. Rice. Members received answers to each of these questions. Thus, Dr. Rice responded to a total of 390 questions from Senators. In American history, few cabinet nominees have provided as much information or answered as many questions during the confirmation process. She demonstrated that her understanding of U.S. foreign policy is comprehensive and insightful.

Our hearings and yesterday's floor action served not only as an examination of Dr. Rice's substantial qualifications, but also as a fundamental debate on the direction of U.S. foreign policy. This debate was useful to the Senate and to the American people. Having the opportunity to question a Secretary of State nominee is a key aspect of Congressional oversight of any administration's foreign policy. Dr. Rice enthusiastically embraced this function of the hearings.

In my judgment she is extraordinarily well-qualified to become Secretary of State. Even Dr. Rice's opponents have taken the time to admire her accomplishments and her qualifications. She is a person of conviction, loyalty, integrity, and ability. As a result of her distinguished service as National Security Advisor to President Bush and her earlier assignments on the NSC, she is well known to many Members of the Senate. We have observed her energy, her expertise, and her devotion to this country. I appreciate the cooperation that she has provided to the Senate Foreign Relations Committee and to me personally.

I had the good fortune to visit Dr. Rice before she assumed the post of National Security Adviser. Before President George W. Bush was elected, I participated with Dr. Rice at Stanford University meetings on foreign policy hosted by former Secretary of State, George Shultz. Secretary Shultz, a close friend of many in the Senate, was an early supporter of then Governor Bush. He recognized Dr. Rice's prodigious talent and encouraged her leadership within the Bush foreign policy team. At the Stanford University meetings, Dr. Rice demonstrated analytical brilliance and broad knowledge of world affairs. During the 2000 Presidential campaign, she established a trusted relationship with Governor Bush that has carried through in her work as National Security Adviser.

The enormously complex job before Dr. Rice will require all of her talents and experience. American credibility in the world, progress in the war on terrorism, and our relationships with our allies will be greatly affected by the Secretary of State's leadership and the effectiveness of the State Department in the coming years. We recognize the deep personal commitment necessary to undertake this difficult assignment, and we are grateful that a leader of her stature is willing to step forward.

Opponents of the nomination have focused primarily on individual statements made by the nominee during her tenure as National Security Adviser. I simply observe that Dr. Rice has spent 4 years in one of the most intense crucibles of leadership imaginable. The scrutiny that National Security Advisers must live under is unrelenting, and their responsibility for foreign policy outcomes often is exceeded only by the President, who makes the final decision. Dr. Rice has been in the arena making tough decisions and answering tough questions on a daily basis for 4 years. I do not remember any National Security Adviser who did not have bruises to show for stepping into this arena. The attachment of controversies to a National Security Adviser is inevitable. Even as Senators scrutinize Dr. Rice's record, we must not fail to recognize the level of sacrifice, courage, and discipline that is required to be National Security Adviser. Her proven fortitude in meeting these challenges and in sustaining herself physically and mentally through the pressures of responsibility is impressive.

Dr. Rice is not just a survivor. Even under intense pressure, she has performed her duties successfully with thoughtfulness, fairness, and magnanimity. These are exactly the qualities that we want in our top diplomat. And these qualities already have produced results. Dr. Rice has contributed to numerous policy successes in the Bush administration. These successes have involved issues as diverse as our nonproliferation policies, our campaign against global AIDS, and reform of our post-conflict stabilization and reconstruction mechanisms. Befitting the role of National Security Adviser, she has not been in the limelight claiming credit for successes. Instead, she has performed without ego, while preserving the trust of the President. This close relationship will serve her well at the State Department.

The Secretary of State serves as the President's top foreign policy advisor, as our Nation's most visible emissary to the rest of the world, and as manager of one of the most important Departments in our Government. Any one of these jobs would be a challenge for even the most talented public servant. The Secretary of State, at this critical time in our history, must excel in all three roles.

From my own conversations with Dr. Rice, I am confident that she understands that the President's foreign policy can be enhanced in the second term by a closer working relationship with Congress. In moving to head the State Department, she understands that much of this communication will depend on her. Last week's hearings were an excellent start. Her attitude throughout these arduous hearings was always accommodating and always respectful of the Senate's Constitutional role in the nomination process. From the beginning she made clear her desire to have a wide-ranging discussion of U.S. foreign policy and to take all the questions that members wanted to ask.

If confirmed, it will be her duty to use the foundation of these hearings to build a consistent bridge of communication to the Congress. As legislators, we have equal responsibility in this process. We have the responsibility of educating ourselves about national security issues, even when they are not the top issues in headlines or polls. We have the responsibility to maintain good foreign affairs law, even when taking care of this duty yields little credit back home. We have the responsibility to ensure that our first impulse in foreign affairs is one of bipartisanship. And we have the responsibility to speak plainly when we disagree with the administration, but to avoid inflammatory rhetoric that is designed merely to create partisan advantage or settle partisan scores.

We have the opportunity with the beginning of a new presidential term to enhance the constructive role of Congress in foreign policy. We have made an excellent start during the past week. I thank all 19 Senators who participated in the Foreign Relations Committee hearings and all 22 Senators who have joined in the floor debate. I urge Members to vote in favor of the nomination of Dr. Rice to be Secretary of State.

I yield the floor and suggest the absence of a quorum, and I ask that the quorum count equally against both sides of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BIDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, parliamentary inquiry: How much time is allotted to the Senator from Delaware on the Rice nomination?

The PRESIDING OFFICER. The Senator is allotted 20 minutes.

Mr. BIDEN. Mr. President, I rise today to support Dr. Rice's nomination to be Secretary of State. I don't do it as fulsomely as I rose to support the nomination of the previous Secretary of State. I will explain why.

I believe the President of the United States is entitled to his Cabinet unless the person he selects is so far out of the mainstream, incompetent, clearly of questionable character, or, as some in the past have been, dedicated to the express purpose of dismantling the very agency to which they were being assigned, such as President Reagan—as my mother would say, God love him—who wanted to do away with the Department of Education and assigned two people to be the head of the Department of Education for the express purpose of eliminating an agency that I thought needed to remain, or in the special case when the office calls for an unusually different relation, as the Attorney General does. The Attorney General does not work for the President. He is the people's lawyer. He is hired by the President, but he or she is the people's lawyer and, in the worst of all cases, sometimes required to investigate the President himself and in the best of cases is required to interpret the constitutional laws of the land.

I very reluctantly voted against Attorney General Gonzales's nomination to be Attorney General because I believe he has so wrongly interpreted law on torture and did such great damage as a consequence of that decision. There were significant consequences. There is a fundamentally different relationship and a fundamentally different constitutional obligation. It is his judgment that I question, and I currently believe he should not be Attorney General.

Dr. Rice does not fit in any of those categories. I have known and worked with her for the past 4 years. She is knowledgeable, she is smart, she is honorable, and her relationship with the President is essentially to be the public face of the President of the United States here.

As the ranking member of the Foreign Relations Committee, I have a special responsibility to work with Dr. Rice, so I am going to vote for Dr. Rice, but I am going to do so with some frustration and reservations. Let me explain why. I have said this to Dr. Rice, so she is not hearing this for the first time.

Last week, we gave Dr. Rice an opportunity to acknowledge the mistakes and misjudgments of the past 4 years. The point is not to play the game "gotcha." It is not about embarrassing the President. It is about learning from our mistakes so we do not repeat them. A second term is also a second chance.

Instead of seizing that opportunity, Dr. Rice stuck to the administration's party line: Always right; never wrong. It is as if acknowledging mistakes or misjudgments is a sign of weakness. I do not think it is. I think it is powerful evidence of strength and maturity.

But during the hearing, Dr. Rice claimed that my colleague, BARBARA BOXER, was impugning her integrity when she asked about her changing rationale for the war in Iraq.

Now, I wish instead that Dr. Rice had acknowledged the facts. This administration secured the support of the American people, and of Congress, for going to war based on what it insisted was an imminent threat posed by Iraq's weapons of mass destruction.

Now, when it turns out there are no such weapons, Dr. Rice and the President claim the war was now about removing a dictator. I am glad Saddam is gone. He deserves his own special place in hell, but removing him from power was not the justification initially offered by this administration to go to war. Again, it is an example of what BARBARA BOXER was talking about: a changing rationale for war. Why Dr. Rice would not acknowledge that is beyond me.

Reading the resolution that Congress passed giving the President the authority to use force if necessary, it was about "disarming" Saddam. And reread the words of the President and other senior officials. In speech after speech, television appearance after television appearance, they left the American people with the impression that Iraq was on the verge of reconstituting nuclear weapons. In fact, Vice President CHENEY said they already had them.

The administration left the American people with the impression, even today, that Saddam had other weapons of mass destruction, and that he was complicit in the events of 9/11 and that he collaborated with al-Qaida—I assume collaborated with al-Qaida for purposes of the 9/11 attack. Back then the administration liked to claim that President Bush never said Iraq was "an imminent threat." Well, this is what he and other senior officials did say. They referred to it as an "immediate threat," a "mortal threat," an "urgent threat," a "grave threat," a "serious and mounting threat," a "unique threat." And it would be funny, the denial that they did not say "imminent threat" if it were not so deadly serious.

This is my point: Especially in matters of war and peace, we have to level with the American people if we want not only to secure their support but to sustain their support.

My poor colleagues are tired of hearing me say, for the last 2 years, the following: No foreign policy can be sustained without the informed consent of the American people. And this administration has been very reluctant to keep them informed. Informed means all the information and a truthful rendition of the balance of the information they have.

During the time I was criticizing President Bush for his assertions about aluminum tubes and his administration's assertions about other things, the press kept saying to me: Why won't you say the President is a liar? He was not lying. But what the President did—he got the intelligence, as we did on the committee. We can argue whether a minority or a majority, but a significant number of the intelligence assets in the U.S. Government said: We think those aluminum tubes are or could be used for gas centrifuges. A significant number said: No, they are not used for that. They are for artillery.

Well, my criticism of the President was not that he, in fact, chose to believe that portion of the intelligence community which said they were used for gas centrifuge systems, which is needed to build a nuclear capability and if you are going to use uranium; my problem with it was, both he and Dr. Rice implied there was no dissent, that this was the view of the intelligence community, when it was not. There was, at a minimum, a significant dissent both in Energy and at the CIA, and other places. So they did not lie. They chose to pick the portion—I am not saying they did it for any reason other than they believed it, but they chose to pick the portion of the intelligence community's assessment which fit with their objectives, without ever mentioning, acknowledging, or suggesting there was any dissent within the intelligence community.

I love my colleagues now who keep saying: Don't blame it on Rice. Don't blame it on Gonzales. Blame it on the intelligence community. I think our former Director of the CIA is getting a bad rap here.

The fact is, we have to be honest with ourselves and the world; otherwise, we are going to do terrible damage to our most valuable asset, our credibility. After Iraq, it is going to be much harder to rally the world to our side if we have to face a truly imminent threat to our security from, say, Iran or North Korea.

The same goes for the way Dr. Rice answered my questions about training Iraqi security forces. Time and again, this administration has tried to leave the American people with the impression that Iraq has well over 100,000—as high as 120,000; or I think there was even a higher number offered—of fully competent police and military. They don't say fully competent; they say trained.

Now again, it is like that story I have told. We Catholic kids go to Catholic school. We learn to go to one of the Sacraments in the Catholic Church, Penance. You go to confession. They explain to us that when we go to confession, we should confess all our sins. My nuns told me the story about Johnny, who said to the priest: Bless me father for I have sinned. I stole a gold chain. And he failed to tell the priest that attached to that gold chain was an antique gold watch. He did not lie. He stole the chain. But when you say what you did, you should say all of what you did.

Failure to acknowledge, as my grandfather used to say, the "hull" of it, failure to do that is, at a minimum, misleading—at a minimum, misleading. That is what has happened here.

So 120,000 troops trained. There may be 120,000 people who we put uniforms on—and I will not go through it in the limited time I have; I will submit for the RECORD the facts as I believe them based on talking to our military and police trainers—but the real question is, How many American forces doing the job of policing the streets, going after insurgents, guarding the borders, whatever functions we are now providing, how many of those could be replaced with an Iraqi now? I think the number is closer to somewhere between 4,000 and 18,000.

Now, the good news—when I asked the question, I thought she would say we have made mistakes. We went for quantity not quality. We realize we had to fundamentally change our training programs. We brought in General Patraeus, who is a first-rate guy. He is well underway of doing that—which he is—and we are going to get it right. But, no, we have 120,000 trained forces out there.

Well, the fact is, we are months, if not years, from reaching the target we need of putting uniformed soldiers, uniformed cops, and uniformed National Guard with Iraqi uniforms into Iraq.

The bottom line is, we should focus on real standards, not raw numbers. To my mind, there is a real simple standard. An Iraqi soldier and policeman should be considered fully trained when he or she is capable of doing the job we are now asking an American young man or woman to do. How many meet that standard today? Nowhere near, as I said, 120,000. In my judgment, it is closer to 14,000 total. Army trained is probably closer to 5,000.

So last week's hearing was a chance for Dr. Rice to wipe the slate clean with the American people and with our allies. I wish she had seized it.

This is not about revisiting the past. It is about how Dr. Rice and the administration will meet the challenges of the future.

I notice, in the defense of Dr. Rice, I no longer hear on the floor disagreements—I don't want to get him in trouble—disagreements with the position taken by my friend, the chairman of our committee, or by my friend, Mr. HAGEL, or Mr. MCCAIN, or myself, or others. I do not hear people saying we have conducted this postwar policy very well. I do not hear anybody defending that. They are now saying, which is good: Hey, wait a minute, I guess we have made mistakes.

Why the administration cannot do that is beyond me. They are not up for reelection again. It would seem to me it would be a way to coalesce support.

In my judgment, America faces two overriding national security challenges in this new century. First and foremost, we must win the struggle between freedom and radical Islamic fundamentalism. Secondly, we must keep the world's most dangerous weapons away from its most dangerous people.

On the latter point, the man we owe the greatest debt of gratitude to on making progress on that score is my friend and colleague, Senator LUGAR, and former Senator Nunn. Senator LUGAR is the guy who is following up on this and the guy forcing us all to face the reality that much more is needed to be done.

To prevail, we have to be strong. We also have to be smart, wielding the force of our ideas and ideals together with the force of our arms.

Today, after a necessary war in Afghanistan and an optional war in Iraq, we are rightly confident in the example of our power. But we have forgotten the power of our example.

Foreign policy is not a popularity contest. We must confront hard issues. Sometimes they require us to make hard choices that other countries do not like. But above all, they require American leadership, the kind of persuasion that brings along others to our side.

We have been having a tough time doing just that the past few years. So despite our great military might, in my view, we are more alone in the world than we have been in recent memory. As a result, we are much less secure than we could or should be.

That is because virtually all the threats we face—from terrorism, to the spread of weapons of mass destruction, to rogue states that flout the rules, to endemic and pandemic diseases—cannot be solely met by the unilateral use of force.

I had hoped to hear from Dr. Rice how she planned to help rebuild America's power to persuade, and to restore our Nation's respect that it once enjoyed. For she said, now is the time for diplomacy. Parenthetically, I think diplomacy was needed 4 years ago. I am happy now is the time for diplomacy.

I also had hoped to hear her ideas for contending with a series of problems the administration has put on the back burner but whose pots are boiling over, such as the nuclear programs in North Korea and Iran, the dangerous backsliding of democracy in Russia, and the genocide in Sudan, to only name a few.

Over the past few years, North Korea has increased its nuclear weapons capacity by as much as 400 percent. It may now have as many as eight nuclear weapons to test, hide, or sell to the highest bidder.

Dr. Rice told us it is "unacceptable" for North Korea to have these nuclear weapons, but she did not tell us what that meant or how the administration proposed to stop this growing threat.

Over the past few years, the reform movement in Iran has been crushed and the regime has accelerated its own nuclear program. There may be nothing we can do to persuade Iran not to develop these weapons by diplomacy, but our European allies are trying through a combination of carrots and sticks. They believe they cannot succeed, though, unless the United States engages directly in this effort.

I asked Dr. Rice whether we should be a party to a deal in which the Iranians agreed—if there was a way to verify—that they would stop their attempts to build a nuclear weapon and end their missile program. She said: Well, we have a lot of other problems with Iran.

Of course we do. But our No. 1 problem is the growing danger they will develop nuclear weapons. Our best chance of stopping that is to work with the Europeans in showing Iran it can get more if it does the right thing, and what it risks if it does not. But we are sitting on the sidelines, in my view. Nothing Dr. Rice said gave me confidence we are really going to get on the playing field.

Mr. President, parliamentary inquiry: How much time do I have?

The PRESIDING OFFICER. There is 4 minutes remaining.

Mr. BIDEN. Over the past few years, President Putin has reversed the course of democratic development and the rule of law in Russia. The administration has been largely silent. How can we be so concerned about the advancement of democracy in the Middle East and so unconcerned about the regression in Russia?

The President gave a powerful, eloquent inaugural address about expanding freedom around the world. Every American shares that ideal—it goes to who we are as a people, to our experience, and to our interests.

The question isn't the goal, it's how you achieve it. I wonder if the President plans on bringing a signed copy of his address to President Putin when he meets with him next month. I fear that in Russia and many other places, the gap between the administration's rhetoric and the reality of its policies is only going to get wider.

At the same time, we have gotten little in return for turning a blind eye to Russia's regression. One of the most important programs to protect America' security—the effort to help Russia account for, secure and destroy weapons of mass destruction and related materials—has become mired in red tape that the two Presidents need to cut through.

Finally, in Darfur, Sudan we have watched a terrible tragedy unfold. Militia supported by the government have killed as many as 100,000 civilians and chased as many as 2 million from their homes.

Four months ago, before the Foreign Relations Committee, Secretary Powell rightly called it genocide. Since then, the situation has gotten even worse. Yet we heard virtually nothing from Dr. Rice about what the administration and Congress can do, now, to stop this slaughter and to help African allies develop their own peacekeeping capacity.

Let me end with something hopeful that Dr. Rice talked about: putting diplomacy back at the center of America's foreign policy.

That effort is long overdue. Be that as it may, I strongly agree with Dr. Rice that this is the time for a new diplomatic offensive with old allies, rising powers, and even hostile regimes.

But our diplomacy has to be sustained. It has to do as much listening as it does talking. And it has to use all the tools at our disposal.

Our military might is critical. It gives credibility to our diplomacy. And it gives us the most powerful tool in the world to act, if necessary, against dictators who are systematically abusing the rights of their people, or against regimes with no democratic checks that are harboring terrorists and amassing weapons of mass destruction.

But there are many other critical tools that have atrophied under this administration—our intelligence, our public diplomacy, our alliances, international organizations, treaties and agreements, development assistance, trade and investment. We need to wield them with the same determination with which we use force—even if it can be frustrating and even if the payoff takes years, even a generation.

That is what we did after World War II. That is why we prevailed in the Cold War.

Now, faced with a new but no less dangerous set of challenges, we must recapture the totality of America's strength.

Mr. President, I will conclude by suggesting that we are now faced with a new but no less dangerous set of challenges than we were in World War II, and we have to recapture the totality of America's strength.

Above all, we have to understand that those who spread radical Islamic fundamentalism and weapons of mass destruction, although they may be beyond our reach and there is no choice but to confront them and to defeat them, there are still hundreds of millions of hearts and minds around the world who practice Islam who are open to American ideas and ideals, and we have to reach them.

Dr. Rice says she is going to make diplomacy her primary task. I will work with her in that effort.

One of my colleagues said—by the way, I want to note parenthetically that I think it is totally appropriate for Senator DAYTON and Senator KENNEDY and my friend from California to say what they have said, to take the positions they have taken. It is consistent with the facts as they see them. They choose to view one side of the coin. I am viewing the other side of the coin.

One of my colleagues said he is voting his notion that this is going to get worse. I forget the exact phrase my friend from Massachusetts, Senator KERRY, used. Well, it reminded me of a comment by Samuel Johnson who described second marriages as the triumph of hope over experience. Well, I may be guilty in this second term of choosing hope over experience, because my experience thus far with this administration on foreign policy has been very disquieting. My hope is that the new—and I suspect she will be; I hope she will be confirmed—the new Secretary of State will, in fact, play a role in trying to change that policy, engage in diplomacy, and use the totality of our strength, which includes our ideas and our ideals, as well as our military power.

I reserve whatever time I may have and thank the Chair.

I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). Under the previous order, the Senator from California is recognized for 5 minutes.

Mrs. BOXER. I thank the Chair.

Mr. President, I want to begin today by again thanking Chairman LUGAR and Senator BIDEN, our ranking member, for a very fair debate on the nomination of Dr. Condoleezza Rice as Secretary of State. I know these votes usually go overwhelmingly for the nominee. The last time there was any vote against a nominee, I think the most votes were Kissinger at 7 votes. So I know that what I am doing is not about winning a vote; it is simply about telling the truth as I see it and other Members telling it as they see it.

At the end of the day, when Senators vote, some will be very enthusiastic about the nominee and feel very good about their vote. Others will be a little anxious. I sense with Senator BIDEN, he certainly has anxieties over it, but he is very hopeful. And knowing JOE BIDEN as I do, that definitely fits his character because I think he gave Condoleezza Rice opportunity after opportunity after opportunity to set the record straight, to level with the committee. Senator BIDEN was not on the floor yesterday, but I kind of replayed his give and take with future Secretary Rice on the issue of how many troops were trained, and he was literally begging her to please be candid. It is interesting because after that give and take, which was picked up by the news media, Ambassador Negroponte came into it and said: Clearly, there are not 120,000, but there are more than 4,000.

All this dancing around is not academic because, as Senator BIDEN clearly stated and as we all know, our exit strategy in Iraq is based upon the ability of the Iraqis to defend themselves certainly. We all are working toward that day, but we can't do it if we are not going to be honest about how it is going, and we can't help the administration if they don't level with us as to how things are going.

I found it interesting—and this has nothing to do with this particular nomination—that the White House Chief of Staff called those of us who wanted to debate this "petty." I saw one clip of him saying that the two Senators—he didn't mention the names—who were trying to get this nomination to the Senate floor and have some time to talk about it were "small." I don't think he was talking about my height. That is showing such a disrespect to the American people, as we go around the world trying to bring democracy. It is something we all want to do. We may have different ways of going about it, but we want to do it. How do we stand tall if we don't uphold our Constitution? Our Founders believed it was crucial for the Senate to play a strong role in the selection of these very important and powerful positions.

Well, thanks to Senators LUGAR and BIDEN, we have done that. I am glad.

The reason I am going to be voting no is clear to anyone who has followed this debate. I asked Condoleezza Rice a series of questions in five different areas. I gave her every opportunity to correct the record. I asked her about her statements that the aluminum tubes Saddam was buying could only be used for nuclear weapons, and she talked about the mushroom cloud and frightened the American people at a time when we know she had the information that there was a very strong dispute going on in the intelligence community and that, in fact, she had known in 2001 about this issue. She refused to budge.

I asked her about her continual statements that al-Qaida and Saddam were close. It was not true. At the time she made those comments, the State Department itself put out a very important map—this was 1 month after 9/11—saying that in fact there was no al-Qaida whatsoever in Iraq. They were nowhere in Iraq. She refused to budge.

I ask unanimous consent that I may have an additional 4 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. BOXER. I thank the Chair.

I asked Dr. Rice about my concerns in five areas. I don't fault the President for picking someone who believes in this war, who helped him in her position. That is not the issue. The issue has to do with the lack of candor that continues to come from Dr. Rice.

As recently as a few months ago she wrote a letter which resulted in a very important amendment in the Intelligence bill being stripped from that bill. This was a bill by Senators McCAIN and LIEBERMAN, and this provision was written in part by Senator DURBIN. It was an antitorture provision. She opposed it. She wrote that she opposed it. When I asked her about it, she denied that she opposed it, when she had opposed it in writing.

I know there are other Senators coming to the floor of the Senate and saying this argument doesn't hold because she made statements that came from faulty intelligence. If that were the case, I would have no problem with Dr. Rice. Everybody knows there was faulty intelligence. But she continues to put out these misstatements. As a matter of fact, in front of the committee, if one listened closely, she muddied the waters even more. So I gave her the chance to clear it up, and she didn't. That is bad for the Senate. It is bad for the American people.

Dr. King said—and I often repeat it—our lives begin to end the day we become silent about things that matter. This debate mattered. Responsibility matters. Accountability matters. It matters when you give someone a chance to correct the record that is replete with half-truths and misstatements, and they don't take that opportunity.

Dr. Rice is a role model. She is smart. She is intelligent. She is qualified. She is loyal to this President. I don't question any of that. All of that makes everyone proud. The fact is, it would have been very condescending and inappropriate to have someone as skilled as Dr. Rice before a committee, someone as involved in setting the course of this war as Dr. Rice before the Foreign Relations Committee, and not ask her the kind of questions we all did.

I don't know whether we will have two votes against this nominee or four or seven or eight. I really don't know because I haven't asked one colleague how they are going to vote. This has not been the point of what I have done. I have simply tried to say that holding people accountable is important, that this war matters, that we need to look at the mistakes of the past so we don't repeat them, so we don't send our young people into another war based on hyped-up rhetoric and half-truths.

I thank my colleagues all and again say to my chairman how much I appreciate him. I look forward to moving past this on to the other work of our committee and the other work of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, yesterday I came to the Senate floor to announce my support for the nomination of Dr. Rice to be our Secretary of State and explained why I thought she was more than qualified to take on this critical position at this critical stage in our Nation's history. In the time and the hours that followed, several of my colleagues came to the floor and announced that they would not support this nomination and explained why. I wanted to return very briefly this morning to simply say that I considered the arguments made against her nomination and they do not alter my conclusion that Dr. Condoleezza Rice is more than qualified to be Secretary of State at this time in our Nation's history.

Some of the criticisms of the administration's policy, particularly post-Saddam in Iraq, I agree with. Others about Dr. Rice personally, I vehemently disagree with. But as I see our role here in advising and consenting, the question is not whether we agree with everything the nominee has ever done or said but whether the nominee is qualified to be Secretary of State. This nominee is more than qualified.

Implicit in this, of course, is that the President has won the right, by virtue of his election, to have around him people who have his confidence. This nominee certainly does.

Secondly, I want to make a statement about how I read the criticisms that have been expressed. They are all about the past, either about past behavior of Dr. Rice or, more particularly, about past administration judgments or actions with regard to foreign policy generally and particularly about the war in Iraq. I want to make clear that I don't hear criticisms about where we are now or where we should go in the future. It is important that the American people understand that but more important that our friends and foes in Iraq, throughout the Islamic world, and the world generally understand that. There is not substantial dissent in the Senate of the United States about the policy we are following in Iraq today. It is to train the Iraqis to better secure themselves. It is to give them the opportunity, which they will exercise bravely and I believe successfully this Sunday, to elect their own leaders. It is to invest in their own economic well-being so they can create a model within the Arab world of not only a self-governing state but a modernizing state connected to the modern world.

I have listened to my colleagues who oppose this nomination, and I have spoken to them off the floor. I want to make clear to people around the world, there is not a single one of these colleagues who wants us to cut and run from Iraq. There is not a single one of these colleagues who does not fully support our troops there. I want our troops to understand that. There is not a single one of these colleagues who is not supportive of the election this Sunday and hopeful that people will turn out in large numbers. There is no question about which side we are on. We are on the side of the people of Iraq, struggling bravely for a better future, and we are against that minority there, composed largely of leftovers from Saddam Hussein and foreign terrorists associated with al-Qaida, who are killers, murderers, fascists, who want to stop 25 million Iraqis from having a better life.

Finally, if my colleagues believe that Condoleezza Rice is not qualified to be Secretary of State of the United States, then, of course, they must vote against her. But if they are—I hate to use the word "just"—just upset about some of the things this administration has done in Iraq, but if they believe otherwise, that what we are doing now is all we can do to make the situation better, then I appeal to them to vote for Dr. Rice. Give her the benefit of the doubt. In some sense, give the President the benefit of the doubt that I believe the Constitution entitles him. Give America's national interests the benefit of the doubt. Give our soldiers fighting in Iraq the benefit of the doubt.

This nominee has the President's confidence. I want people around the world to know—and I hope with a resounding vote—that though there are disagreements about what the administration has done in regard to our Iraq policy and other elements of foreign policy, that in the final analysis we are together. We are together for what we are pursuing, which is the successful conclusion to our involvement in Iraq and to the spread of freedom and democracy throughout the world.

I thank the Chair and urge a strong vote for Dr. Condoleezza Rice to be our next Secretary of State.

The PRESIDING OFFICER (Mr. MARTINEZ). Who yields time?

Mr. LUGAR. Will the Chair please recognize Senator DOMENICI.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I thank Senator LUGAR for finding time for me to express my views to the Senate and to those who might be listening or viewing the Senate proceedings.

I say to Senator LIEBERMAN, I appreciate very much the broad scope of his statement with reference to America and the world, and I thank him for stating his views, which are my views, and I think the views of an overwhelming number of Senators—77 of them who voted for us to proceed with this approach to Iraq.

I think we all know our intentions, regardless of what some may say, are good and that the objective is that something good happen for the people of Iraq and for America and the world.

Having said that, I have been dismayed to hear—not everyone on the other side—but some use words such as "liar," to use words as to this nominee—Condoleezza Rice—that called her a liar, implied she was a liar, who implied the President intentionally misled. I would like to zero in on that for a minute and those who have been putting forth that accusation—I am not talking about those who oppose the war. I am talking about those who say the policy was fraught with intentional misleading information about weapons of mass destruction.

I want to step back and say to my fellow Senators and those listening: What if today we were considering for Senate approval Secretary of State Colin Powell? Just think with me. He is the nominee. He is being reconfirmed for Secretary of State. What would the Senators who were here talking about Condoleezza Rice or our President intentionally misleading, being a liar, implying they had information they withheld, what would they say about Colin Powell?

On a certain day, Colin Powell appeared before the United Nations. Remember that day? February 5, 2003. I remember it. I think millions and millions of people remember it: maps, overviews, a firm statement by him about weapons of mass destruction. Now I ask: Where did he get his information? Was he lying? Did he mislead the American people? Was he intentionally trying to force upon us a policy that was not based upon what he said but that those facts were dreamed up? I believe that neither Senators nor the people of America would believe he was not telling the truth.

My point is, he got his information from exactly the same source that our President did, that the Prime Minister of Great Britain did, that all leaders at that point did, that we the Congress did. The President did not get his information from someplace in the sky, nor did Colin Powell. There was only one source: the accumulation of intelligence by the United States intelligence-gathering institutions. They told our President, Condoleezza Rice, and Colin Powell what was going on, and they all said, what? That there were weapons of mass destruction in Iraq, and that Saddam was a danger—an exceptional danger—because he had weapons of mass destruction.

Frankly, I believe there are those who have become partisan on this issue, and I almost would say, and should say, extremely partisan, who have become totally political on this issue and totally personal. There is no evidence whatsoever that Colin Powell lied, that he was misleading us, that Condoleezza Rice was a part of a policy to mislead the American people, nor that the President was. They all had the same information. One would not think that from what we have heard on the floor. One would not think that as you hear those who want to deny her this nomination.

Frankly, that argument does not wash. It is not consistent with reality. It is dreamed up. It is political. It is for no other reason than to insert false and untrue information and facts into this discussion. She deserves the nomination.

The President did not intentionally mislead. Those who oppose the war ought to say it and quit exaggerating and being political and personal about their attacks.

Mr. President, I thank Senator LUGAR, and I yield the floor.

Mr. JEFFORDS. Mr. President, I take very seriously the United States Senate's responsibility to provide advice and consent for the President's nominees. Generally, I believe that the President of the United States should be allowed to have the people he chooses in his cabinet to implement the policies he has been elected to put in place—providing they are qualified to do the job. The vote should not be about the ideology of the nominee—that decision is up to the President—but rather about the nominee's ability to perform the job.

Condoleezza Rice certainly has the academic training and the professional credentials to be Secretary of State. She is bright, articulate, and well versed in diplomatic procedures. She works extremely hard, is dedicated to her job, and is very close to the President. In many respects, she was the natural choice to succeed Secretary Colin Powell.

But, I am afraid there is a showstopper here. As National Security Advisor, Ms. Rice has been one of the most public faces of this administration's policy in Iraq. She has been the public face of this administration's crusade to generate American support for an invasion. In her effort to do this, Ms. Rice has made many of the most categorical statements on Iraq, claiming that we had evidence that Saddam Hussein was pursuing weapons of mass destruction, that Saddam had ties to the al Qaeda terrorists, that we were threatened by a mushroom cloud from Iraq, or a little vial that Saddam might give to terrorists to poison us. Over and over again, Ms. Rice has used every shred of evidence she could find, even evidence that the CIA urged her to retract, in order to make the case that Iraq was a direct and immediate threat to the United States.

We now know that most of the intelligence information that led the President to conclude Iraq was an immediate threat to the United States was wrong. Not only have no weapons of mass destruction been found in Iraq, but no evidence has surfaced of any recent attempt by Saddam to develop these weapons. No ties with al Qaeda have come to light. Ironically, it now appears that since the U.S. invasion, terrorists groups are enjoying a surge in recruitment and have even set up training camps in Iraq. Hatred of America's actions in Iraq has surged throughout the Muslim world and beyond. Condoleezza Rice is not solely responsible for this dangerous turn of events, but she is inextricably linked to this policy, and refuses to admit that any mistakes have been made by this administration.

A hallmark of the administration's Iraq policy has been a refusal to work with the international community. President Bush preferred to go it alone rather than be hampered by the constraints of the United Nations or make the concessions necessary to form a broad coalition. Ms. Rice was a prime spokesperson for this policy. She repeatedly justified the doctrine of preemption and defended the wisdom of going it alone, even if it meant losing the support of our closest allies. She was the public face of this policy of contempt for the role of diplomacy.

The Secretary of State is America's second most visible face to the world. If he or she is to be effective, the Secretary must be seen as truthful, forthright, and respectful of other nations. The hallmark of this administration's foreign policy has been its willingness to distort information in the service of its political objectives, and its failure to tell the truth. It has viewed other nations as either naive or cowardly if they have disagreed with our policy. Ms. Rice has been the public face of this policy and this "modus operendi". Nothing could be more detrimental to her ability to be a successful Secretary of State.

I have said all along that this war is wrong, that the administration's rationale for this war was faulty, and that the consequences of this war may be very detrimental to our national interest and our national security. Unfortunately, it looks like these observations are proving correct.

More than 1,370 American soldiers have died in this war, and over 10,000 have been wounded, many of them maimed for life. Countless thousands of Iraqis have died—we will probably never know how many. Their country has been devastated, and as of now, it appears this Sunday's elections are unlikely to bring about any resolution of the internal strife. Civil war is a real possibility, and today it is hard to see how progress is going to be made toward the administration's goal of stability in Iraq.

Condoleezza Rice has been a lead architect of our Nation's failed foreign policy and of the war in Iraq. Therefore I believe she is severely handicapped in her ability to be America's chief diplomat and the chief architect of America's effort to resolve these problems. This administration has not hesitated to play loose with the truth and show contempt for international opinion. These are not the tools of successful diplomacy, the primary responsibility of the Secretary of State.

Therefore, sadly, for the first time in my Senate career, I must cast my vote against a Cabinet-level nominee. I will vote no on the nomination of Condoleezza Rice to be Secretary of State.

Mr. BUNNING. Mr. President, I speak today in response to some things I have heard a few of my colleagues on the other side of the aisle say about Dr. Condoleezza Rice. I want to set the record straight and express my full support for her confirmation.

Dr. Rice is without question one of the most qualified people ever to be chosen as Secretary of State. She is more qualified to be Secretary of State than all 100 Senators are for their jobs.

It is not surprising to me that I have not heard any of my colleagues question Dr. Rice's qualifications. She is one of the most well-rounded foreign policy experts in the nation, having spent some 25 years in Government, the private sector, and academics.

In Government, she has served three Presidents, including service at the National Security Council and the Joint Chiefs of Staff at the Pentagon. As National Security Advisor, one of the most important foreign policy positions in our Government, she has been a key architect of our Nation's response to terrorism and threats abroad. Since she joined the Bush administration as National Security Advisor, this administration has reached an agreement with Russia to reduce nuclear weapons, successfully achieved the return of our military personnel from China when their plane was taken hostage, engaged North Korea in multilateral talks to end their nuclear weapons program, launched an effort to fight AIDS around the world, and freed millions of people living under the tyranny of Saddam Hussein and the Taliban.

In addition to her Government service, Dr. Rice has spent time in the business world where she gained the management experience needed to run an organization as large and diverse as the State Department. She has served on numerous corporate boards, and was the top budget official at Stanford University when she served as Provost.

While I do not think that academic achievement alone qualifies someone for a job as important as Secretary of State, there is no question Dr. Rice has proven her intelligence, knowledge, and hard work through her academic career. She has three degrees, including a doctorate, in Government and foreign policy. She has written numerous books and articles on national defense and foreign policy topics. And while serving as Provost at Stanford, she was also the top academic officer of that prestigious university.

Rather than questioning Dr. Rice's qualifications, the few Senators who have come to the floor to speak against her are simply playing politics. I fear the Senators I listened to all day yesterday are acting out of bitterness from the rejection of their ideas and candidates at the polls last fall. They are attacking Dr. Rice in a continuing effort to tear down our great President and to tear down his policies that are bringing freedom and democracy to those who have never experienced it. Worse yet, I fear some of my colleagues are attacking Dr. Rice to paint a false picture of her because they believe she may one day seek elected office, or even be an opponent at the ballot box.

Well, I have no such concerns about Dr. Rice, and I have no problems supporting her. Late last year I had the pleasure to sit down with Dr. Rice and discuss her vision for our foreign policy and the State Department. I was impressed by how clearly she discussed the war on terrorism and our involvement in the Middle East. We are involved in an effort to bring freedom, democracy, and individual rights to a region of the world that has never known any of those things. Dr. Rice understands that those changes will not happen in just a few months or years. It will take decades, if not generations, to see the Middle East transform into a peaceful and stable region. The next few years are critical to that effort, and I believe Dr. Rice is the right person to lead our relations with Middle Eastern nations as well as all nations around the world.

Mr. President, I am confident the Senate will overwhelmingly confirm Dr. Rice, and I wish her well. She has a huge task ahead of her, including bringing accountability to the United Nations and getting to the bottom of the Oil-for-Food scandal, and I hope this body will be responsive to her needs as she works to promote freedom and our national security.

Mr. ROCKEFELLER. Mr. President, I have followed closely both the confirmation hearing of Dr. Rice before the Foreign Relations Committee and the floor debate on her nomination. After considerable reflection, I have decided to vote in favor of Dr. Rice's confirmation, although I must state for the record that I do so with some reservations.

I intend to support her nomination primarily because I believe the foreign policy of the United States must reflect a spirit of bipartisanship. Amidst the complex challenges that we face in the war on terrorism, this country cannot afford enduring divisions on international issues. We must return to common ground, not least so that the rest of the world recognizes our single purpose and our resolve. I should note, parenthetically, that restoring that lost unity depends equally upon the majority party, as upon my party.

Dr. Rice has the credentials to be Secretary of State. As National Security Adviser, she has proven an eloquent advocate for the administration's policies. At her confirmation hearing, she made clear our need for effective diplomatic engagement worldwide. I welcomed that emphasis. Perhaps most importantly, Dr. Rice has the President's utmost confidence—this will, I am certain, be an asset in her dealings with other nations, as well as in working with other agencies in our own Government.

My reservations about Dr. Rice stem not from doubts about her abilities, but rather from my concerns about her role in developing U.S. policy toward Iraq and in characterizing the threats posed by Iraq prior to the conflict. I have concluded that many of the administration's statements on Iraqi weapons, including those of Dr. Rice, were simply not underpinned by the intelligence available. That is troubling, as was Dr. Rice's failure, during the confirmation hearing, to acknowledge that mistakes were made, not only in the conduct of the war and its aftermath, but in the policies that led us into it.

This goes directly to the question of accuracy and accountability—whether this administration will take responsibility for its decisions and learn from the past, so as not to repeat the same errors in future. I believe that the decision to go to war in Iraq was wrong. Nevertheless, despite great skepticism among the American people about Iraq, President Bush was reelected. We must now go forward together to achieve stability in Iraq, to bring our forces home, and to restore American credibility at home and abroad.

The dubious decisions, not the nominee, concern me; however, I will not oppose Dr. Rice because I disagree with the administration's policies. That would not be conducive to the bipartisan foreign policy that I believe is crucial. Rather, I look forward to working with Dr. Rice to forge consensus on a more balanced approach to national security issues.

Mrs. CLINTON. Mr. President, the vote on whether to confirm Condoleezza Rice as Secretary of State is a difficult decision. The administration and Defense Department's Iraq policy has been, by any reasonable measure, riddled with errors, misstatements, and misjudgments. From the beginning of the Iraqi war, we were inadequately prepared for the aftermath of the invasion with too few troops and an inadequate plan to stabilize Iraq. Today, we are reaping the consequences of those decisions with continuing tragic losses of American and Iraqi lives, a full-fledged insurgency in Iraq and a lack of security and stability in many areas. In fact, the National Intelligence Council, the CIA's own think tank, recently stated that Iraq has now replaced Afghanistan as the prime international terrorist haven—a deeply disturbing result of our problematic policies.

In her role as National Security Advisor, Dr. Rice was a member of the team responsible for our flawed Iraq policy. She made several misleading statements about the presence of weapons of mass destruction in the lead up to the war. And in the almost 2 years since the Iraq invasion, the flawed policies on Iraq have not been corrected. Indeed, Dr. Rice has tremendous difficulty in even admitting error though obvious errors abound. In addition, $18 billion has been appropriated for the reconstruction of Iraq, but only a tiny percentage of that money has actually been spent because of the violence in Iraq.

Although I profoundly disagree and deeply regret how this war has been conducted, my concern has less to do with Dr. Rice and more to do with President Bush, Vice President CHENEY, and Secretary Rumsfeld. The fact is that the President was reelected, and, though I was strongly opposed to his reelection, he was reelected nonetheless. I do not believe, however, that accountability ends with an election. We are all public servants, including the President and his team, and we are all therefore accountable to the public for our achievements and mistakes on a continual basis. We are also accountable to the future and to history.

So while I, and many of my colleagues, have strong concerns about her role in the development of a flawed Iraq policy, an overwhelming majority on the Senate Foreign Relations Committee, including a large majority of committee Democrats, voted in favor of forwarding her nomination to the full Senate. While many of my Democratic colleagues on the committee, including the ranking member, share my concern over her role in our Iraq policy, they think it worthwhile to give her a chance in this new role. That judgment, from Senators who had the opportunity to probe and question Dr. Rice on her qualifications, tips the balance in favor of voting for Dr. Rice's nomination to be Secretary of State, in my mind.

I am hopeful that Dr. Rice's background and training will enable her to serve as Secretary of State with distinction and that she will carry the lessons of our policy failures in Iraq with her as she leads the Department of State. She does have the President's ear and I hope she will use her role to direct the President's attention to addressing our frayed alliances in Europe, our relationships with Latin America, our policy toward Russia, nuclear proliferation around the world, especially in Iran and North Korea, personal sustained attention to new opportunities for lasting security and peace in the Middle East, problems and opportunities posed by China, Afghanistan, India and Pakistan and to lead the world's efforts to address the global crises of AIDS and other diseases, environmental degradation, poverty, education and health care in the developing world, and human rights.

As National Security Advisor, Dr. Rice's role was to advise the President. The Secretary of State has a different role as the Nation's chief diplomat. Dr. Rice's proposed appointments to senior positions within the State Department are well-qualified experienced personnel.

I am hopeful that Dr. Rice's statements during the recent hearings in support of reaching out to allies, public diplomacy and building coalitions will be more than words, but instead describe a genuine effort to ensure that our country leads the world though its strong alliances, values and example.

Mr. LEAHY. Mr. President, I am glad that we have had a few more days to consider and hours to discuss this nomination. Some have suggested that we should have simply "voice voted" Dr. Rice's nomination so she could be confirmed in time for the inauguration. Senators are here to advise and consent, not rubber stamp for the White House's convenience.

We needed this extra time for debate. The Secretary of State is the chief foreign policy adviser to the President and fourth in the line of Presidential succession. And, like some other Senators, I was disappointed by Dr. Rice's testimony before the Foreign Relations Committee last week.

I had hoped that her testimony would demonstrate the kind of forthright, objective analysis that I believe we need in a Secretary of State. Unfortunately, it did not. I share the serious concerns expressed by Senator BOXER and Senator KERRY, and I commend them and other Senators for voicing them.

I have not been impressed with Dr. Rice's performance as National Security Adviser. Strong leadership, openness, and sound judgment have been far less evident at the National Security Council during her tenure than I would have liked.

I also believe that she has not always been forthright with Congress or the American people. She contributed to the exaggerated public statements, false information in the President's State of the Union speech about Iraq's supposed attempts to acquire nuclear material, and the selective declassification of intelligence, which helped to create an atmosphere of hysteria that led us into war in Iraq. She and others created the false—the false—impression that Iraq posed an imminent threat to the United States.

These were serious failures, made worse by Dr. Rice's unwavering advocacy and support for the administration's policies that have cost the lives of over 1,300 American soldiers and an estimated 100,000 Iraqis, many of them noncombatants.

It has alienated our friends and allies and convinced many of the world's Muslims that we are at war with Islam itself. It led to the atrocities at Abu Ghraib. It has added $200 billion to the

Federal deficit and at the rate we are going that is only a down payment.

There are now 150,000 American troops, many of them National Guard and Reserve, bogged down in an unwinnable war in Iraq that has become a haven for terrorists.

Yet Dr. Rice refuses to own up to the Administration's failures. When confronted with her own glaringly inconsistent statements regarding weapons of mass destruction which were the primary justification for the war, she responded that the question unfairly impugned her integrity.

She had an opportunity to reassure her detractors, and believe me there are many in my State of Vermont, when she testified last week. She declined to do so, and that was disappointing and frustrating to those of us who want her to succeed in her new position.

My vote in favor of Dr. Rice is difficult to explain. It is more the product of a belief than a cold analysis of her record. I believe that Dr. Rice is capable of learning from her mistakes and changing her ways. That she will rise to this new challenge. That she can be a good Secretary of State.

The other major reason I am voting in favor of Dr. Rice's nomination is that I am the ranking member of the Foreign Operations Subcommittee. In this capacity, I have a responsibility to work with the Secretary of State, on a daily basis, to tackle a full range of international issues critical to the United States and the rest of the world: AIDS and other global health issues, human rights, the United Nations, terrorism, the environment, women's rights, poverty, corruption, to name just a few.

By voting for Dr. Rice's nomination, I am sending a clear message: I want to get this important working relationship started on the right track. I hope that my vote will be a step towards a more constructive U.S. foreign policy. After all, it is these policies that ultimately impact the lives of billions of people around the world.

During the first term, the Bush administration dug a deep hole: relationships with our oldest allies are badly strained, Iraq is a mess, and our own country is badly divided.

We need to come together as a Nation to deal with these and many other problems. But coming together does not mean ignoring valid criticism, embarking on a policy that pleases only one side of the aisle, and accusing those opposed of being un-American or unpatriotic. Criticism and dissent are the essence of democracy, the essence of patriotism.

Coming together means genuine consultations with members of both political parties, and policies which reflect a range of views even if they do not fit into preconceived ideologies.

As I said, I hope that my vote here today will, in some small way, help begin this process. I hope it will allow us to get back to the real practice of the Vandenberg rule—that politics end at the water's edge—and away from the slash and burn politics practiced during the first term of the Bush administration.

I hope that Dr. Rice will meet me half way. I want to work with her on the many pressing issues that concern both Democrats and Republicans, including the issues of freedom and human rights that the President spoke of in his inaugural address that are so important not only to Americans, but to people everywhere.

Mr. ENZI. Mr. President, I rise in strong support of Dr. Condoleezza Rice to be our next Secretary of State. I am pleased to echo the sentiments of many of my colleagues—Dr. Rice's accomplishments are inspirational, and she sets an amazing role model for young people in our Nation today.

We are considering a person for Secretary of State with an impressive educational resume, a person who has lived through some of the most trying eras of our history and who represents the best of America. Dr. Condoleezza Rice is more than well qualified to be Secretary of State. She served 6 years as the Provost of Stanford University. Under President George H. W. Bush, she was Director and Senior Director of Soviet and East European Affairs in the National Security Council, and a Special Assistant to the President for National Security Affairs.

With her experience the last 4 years as National Security Adviser to President Bush, she comes prepared for this position like no other person could. She knows our President and his foreign policy and national security issues. She will arrive at a new job with a full understanding of the President's plan for our chief diplomat.

I have had the privilege of working with Dr. Rice during her tenure as National Security Adviser. In 2001, Dr. Rice played an instrumental role in the Senate's passage of S. 149, the Export Administration Act of 2001, a bill I introduced in 2000. S. 149 was a strong bill that would have modernized our national export control system for dual-use items and technology. The bill, which required a risk-based analysis of proposed exports and emphasized transparency and accountability, garnered vocal support from the President, the Secretaries of Defense and State, and our National Security Adviser, Dr. Condoleeza Rice. The support of Dr. Rice underscored the strength of the bill's national security provisions. Unfortunately, Congress failed to pass S. 149 into law before adjourning the 106th Congress.

As such, I look forward to working again with Dr. Rice in her new capacity as Secretary of State on issues related to export controls. In her new role, I believe she will be a leader within the interagency process on dual-use exports, as well as an effective leader for the Office of Defense Trade Controls, ODTC, which administers the International Traffic in Arms Regulations, ITAR, and maintains the munitions list—a list of items controlled for defense purposes. Dr. Rice's experience on the National Security Council has well prepared her for a job that will require a fair and realistic approach to controlling both defense and dual-use exports.

We must ensure that our export control system keeps sensitive items and technology out of the hands of the terrorists and other bad actors. At the same time, we must also make sure our troops and allies, who are fighting every day for freedom and democracy, have access to the best and most technologically advanced tools of our time. This will take forward thinking from all the Departments responsible for controlling defense and dual-use items, including the Department of State. Our export control policy must take into consideration the fact that the U.S. military and private high-tech companies are codependent Private companies are pushing the technological envelope for both militarily critical and civilian products. And we must work toward a system that allows these companies to continue growing and developing so as not to stifle the military's rate of technological advancement. I believe Dr. Rice will provide an intelligent and knowledgeable voice in this endeavor.

I have been disappointed with the comments made by some of my colleagues. While we all certainly have the right and duty to disagree on policy and procedures, the nature of some comments have gone beyond what is appropriate for this body. I strongly believe the character of Dr. Rice and her integrity are above reproach. The criticism heard here, unfortunately, reaches beyond the Senate and far beyond Washington.

I remind my colleagues that when we speak on the Senate floor, our words are heard by brave men and women serving overseas. Our words are heard by their families and their friends who make it possible for them to serve our Nation so well. I hope we all remember that as we debate the merits of our foreign policy and the nomination of Dr. Rice.

I am pleased to again state my support for the nomination of Dr. Rice. Her experience, her dedication, her integrity, and her character will make her a good representative of our Nation.

Mr. DORGAN. Mr. President, I have serious reservations about the nomination of Condoleezza Rice for Secretary of State.

While I believe that the President deserves the opportunity to select his own team in the construction of his

Cabinet, the confirmation process is one which gives the U.S. Senate the opportunity to reject a selection that it feels would not be in the best interest of our country.

The nomination of National Security Advisor Rice to become Secretary of State has been troubling to me because she was a part of the dispensing of intelligence information to justify the war in Iraq. That intelligence turned out to be fundamentally wrong.

There is no question that Ms. Rice has the intellect, the academic background, and the work history to justify this nomination. She is extraordinarily talented and skilled. But even so, I have significant reservations about her role in the use of intelligence leading up to the Iraq war.

I recognize she was working for and representing the President, the Vice President, and others in the administration, but nonetheless she too must bear responsibility for some very significant mistakes.

I sought out Condoleezza Rice yesterday for a personal conversation about a number of the issues that concerned me. We had a full and lengthy discussion about those matters, especially the use of intelligence leading up to the war.

I've decided after much reflection that I will cast a vote for her confirmation, but it is a close call for me. I fervently hope that this administration, including the President and the new Secretary of State, will rethink some of the foreign policy initiatives that I believe have made our country less secure—not more secure.

So I will cast a yes vote with reservations and hope that this administration has learned from the serious mistakes in foreign policy it has made in its first term.

Mr. CORZINE. Mr. President, today we are considering the nomination of Condoleezza Rice to be Secretary of State. Dr. Rice is professionally competent and accomplished. Her academic background is impressive and she has the diplomatic skills necessary to serve as Secretary of State. I intend to vote in favor of her nomination, but not without expressing serious reservations and concerns. This administration's first term was marked by a series of failures and miscalculations that have cost this country dearly. Dr. Rice, as National Security Adviser, must bear some of the responsibility for these mistakes. Now, however, she also has an opportunity to correct them. I will therefore cast this vote with the hope and expectation that she will work with the Congress to forge a new approach to our foreign policy.

Dr. Rice's tasks, if she is eventually confirmed, are numerous and daunting.

The administration should be rapidly expanding efforts to stop the proliferation of nuclear materials in the former Soviet Union and throughout the world. The prospect of these materials in the hands of terrorists is truly the greatest risk to our national security. Mobilizing our allies in a concerted and coordinated effort to stop Iran's nuclear program must also be at the top of the new Secretary's agenda.

Additionally, the administration must finally engage with the rest of the world in addressing global climate change. Almost every day, new scientific evidence raises the world's concern and challenges our fate.

The administration should also expand efforts to combat HIV/AIDS to include India and other second-tier countries. Thus far, its words have been right, but the financial reality has fallen short.

We should fully fund our development and disaster assistance accounts and finally meet the promises of the Millennium Challenge Account.

The administration, working with our allies, needs to broaden nation-building efforts in Afghanistan so that warlords and narcotics do not destroy the hope of Afghan democracy.

And it must confront human rights abusers, not just in the "outposts of tyranny" mentioned by Dr. Rice in her testimony to the Foreign Relations Committee, but in Saudi Arabia, China, Central Asia and throughout the world.

And, we must address these and many other challenges with a new commitment to our alliances. For 50 years, American leadership helped build international institutions to fight common threats and promote the common good. We drafted treaties to articulate universal values and entrench them in international law. And we constructed great military alliances to protect not just ourselves but our friends overseas. With a renewed commitment to alliance building and real engagement around the world, we can begin to end our own current isolation, rescue the reputation of U.S. policy overseas, and bring the resources of our friends and allies to bear on the global challenges we all face.

While Dr. Rice will face many challenges ahead, I intend to speak in detail today on two topics: Iraq and Darfur.

The administration's approach to Iraq has been disastrous from the start. The intelligence used by the administration on weapons of mass destruction and links to al Qaeda were flat wrong. We must begin to learn the lesson of this colossal failure and ensure that we have accurate, objective intelligence. I have and will continue to call for a full accounting of the development and use of the intelligence that led us into Iraq. But in the coming years, I also expect our Secretary of State to join in demanding real intelligence reform. Without it, we will be unable to stabilize Iraq or confront other current and future threats. Our foreign policy must be based on an understanding of our enemies. And our policies and the intelligence behind them must be credible with our friends.

The Administration's approach to the war in Iraq was disastrously unilateral. It ignored the weapons inspectors, rejected our allies, and ended up isolating America. The result of these policies is now borne by our troops, who are fighting nearly alone in Iraq, and by American taxpayers, who are paying 90 percent of the costs of the war. We cannot afford to continue in this vein. I hope that, in this second term, the administration will recognize the heavy costs of unilateralism and place a priority on diplomacy and alliances. With Iraqi elections less than a week away, the new Secretary of State can begin by acknowledging that ballots do not equal democracy, and that the hard work of stabilizing Iraq will require a concerted global effort. Intellectual honesty is a must for this administration and for our Secretary of State.

There have been a series of miscalculations with regard to almost every aspect of the occupation. The administration failed to commit sufficient troops. It did not consider the political, military and economic challenges inherent in occupying a foreign country. It anticipated neither an insurgency nor sectarian and ethnic conflict. It permitted looting and chaos, when order was so critical. It failed to raise an Iraqi security force before the insurgency was already raging. And its confused policies regarding detention and interrogation led to the abuses at Abu Ghraib. On the international stage and in Iraq itself, the damage caused by these mistakes must be addressed head on. Trust must be rebuilt, through candor and through real changes in policy.

Another great challenge facing the new Secretary of State is Darfur. Secretary of State Powell's declaration of September 9, 2004 that genocide was occurring was appropriate, and I applauded the administration at the time. But having made that declaration, we cannot allow genocide to continue. Nor is the reluctance of other nations to take a tougher position an excuse for inaction. In her testimony to the Foreign Relations Committee, Dr. Rice stated that the reason the U.N. Security Council resolutions on Darfur have been so weak was because other members of the Council opposed sanctions against Khartoum. While this is true, it is time to put real pressure on those countries. Hundreds of thousands of lives are at stake in Darfur. We cannot accept business as usual at the U.N. If our bilateral relations with countries that oppose action to stop the genocide suffer, then that is how it should be. Saving lives, stopping genocide is the high ground. It is a moral imperative.

But through principled and sustained leadership, we have an opportunity to find common ground with our allies and partners. Next week, a U.N. Commission is expected to identify those in Sudan responsible for crimes against humanity. This is the time for accountability. All parties need to put aside their own agendas and do what is right for the sake of stopping this genocide, and deterring future crimes against humanity. Those countries who have opposed sanctions against Sudan need to accept the findings of the Commission and change course. And the administration should be open to all forms of justice and accountability, including the International Criminal Court.

This week, the United Nations General Assembly is holding a special session to commemorate the 60th anniversary of the liberation of the Nazi death camps. This session is convening in the spirit of "never again." Soon we have the names of those committing genocide, brought to us by a U.N. Commission established thanks to pressure from the United States. We must not allow ideology to stand in the way of accountability. Referring this case to the ICC will not threaten any Americans. Rather, it will push the ICC toward the purpose for which it was created and affirm America's leadership with regard to universal values of justice and accountability.

Finally, on Darfur, we must push harder for the full deployment of African Union troops. Dr. Rice testified that only a third of a 3,300 person AU force is currently in Darfur. It has been more than 4 months since the U.N. Security Council called for the "rapid expansion" of the AU force. Congress has appropriated $75 million specifically for this expansion. Getting those troops in place immediately and providing them with all the resources they need to succeed must be a top priority for the new Secretary of State.

And if they succeed, this success will ripple outward across Africa. Having stopped a genocide, visionary African leaders will be positioned to address future crises on the continent and the AU will have taken an important step forward as a credible and forceful institution.

Darfur represents an opportunity for this administration to live up to the words articulated by the President in his inaugural address.

The President said, "All who live in tyranny and hopelessness can know: the United States will not ignore your oppression, or excuse your oppressors." How, then, can we stand by in the face of genocide?

The President, quoting Abraham Lincoln, said, "Those who deny freedom to others deserve it not for themselves: and, under the rule of a just God, cannot long retain it." With the names of those responsible for the killing in Darfur, are we not obligated to see justice served?

And the President, speaking to our allies, said, "We honor your friendship, we rely on your counsel, and we depend on your help." When the African Union expresses a desire to deploy an effective force in Darfur, how can we not do everything in our power to make sure that they succeed?

The challenges ahead our many. And this administration, in its first term, has made many mistakes. But the collective wisdom of America is great. Our new Secretary of State and the rest of the Administration's national security team can, if it chooses, work together with Congress and forge a new approach—one that will make us safer and create a better world.

Mr. DODD. Mr. President, I rise today to speak about the pending nomination of Condoleezza Rice to be Secretary of State. First, I start off by commending the distinguished chairman and ranking member of the Foreign Relations Committee, Senators LUGAR and BIDEN, for their efforts to ensure that all members had the time to engage Dr. Rice and to express their thoughts on this very important nomination. I would also like to thank Dr. Rice for her willingness to devote as much time as necessary to answer our questions.

Unlike many other confirmation hearings for Secretary of State, the nominee before us is well known to Congress and to the American people. She has a distinguished record as an academic and has served in many important positions as a public servant. Clearly, she has the requisite skills and experience for this post.

Rightly, the focus of last Tuesday's and Wednesday's committee hearings concerned in great part her role as the President's National Security Advisor in the first term and her vision of what our foreign policy should be in the second term. It is no secret that many of us on the committee have had our differences with the Bush administration's foreign policy agenda during these past 4 years. Nonetheless, I had hoped that the hearings with Dr. Rice would demonstrate that she had grown somewhat intellectually and would be prepared be more analytical about the strengthens and weaknesses of U.S. policy over the past, 4 years. Sadly that has not been the case.

Instead, I have come away with the impression that when it comes to our foreign policy agenda, it is likely that we can expect more of the same when it comes to policy priorities. As well, I have every reason to believe following these interactions that the lack of transparency and accountability which was the hallmark of this administration in the first term will continue into the foreseeable future. These flaws have led the United States to have a negative image both domestically and abroad.

It now appears that little will change in that regard.

For example, Dr. Rice's comments, or lack thereof, on the issue of torture were startling to this Senator, as I presume they were to many of my colleagues. I asked her a simple question, whether or not she felt that on the issue of certain interrogation techniques such as water boarding, forced nudity, and the use of stress positions are tantamount to torture. I asked her to consider this not in the context of whether or not members of al-Qaida are covered by the Geneva Conventions but as a human being reflecting on the actions of one person against another. My question was straightforward; however, Dr. Rice's answer was anything but. In fact, at no point did she provide a clear answer to the question I posed. Disturbingly, her lack of a clear answer implies that she neither defines these methods as torture nor opposes their use in the war on terror.

International laws and treaties exist for the protection of all parties. They contribute to security and to a more humane world. Agreements such as the Geneva Convention project to the world the values we hold so dear in America, liberty, freedom, the rule of law. We are better intrinsically for abiding by them, and we are better off—Americans are safer—when we successfully protect the values they enshrine.

After all, following World War II, our Nation insisted on trying Nazi war criminals, people who were guilty of the most heinous crimes ever committed against humanity.

We insisted on this because we understood the importance of the rule of law, of being better than the enemy, and that this was the most effective way to spread our values, our common cause against tyranny. Of all the memories I hold dear, I am proud of none more than that of the role my father played as a prosecutor at those trials in Nuremburg.

Dr. Rice chose not to answer my simple question. She had a chance to speak to the whole world yesterday and today to convey the message as to how she will address this issue. I think she is off to a poor start. And I would recommend, for the sake of our national security and American citizens globally that she should reflect upon this subject matter when she assumes her duties as Secretary of State.

I am also troubled by her unwillingness to admit that there were any mistakes made by the Bush administration with respect to the preparation for the war and its aftermath. Even after all the deaths and instability that have plagued Iraq since the U.S. invasion of 2003, Dr. Rice does not appear to have any second thoughts about decisions taken with respect to Iraq. Surely, mistakes have been made. But Dr. Rice appears inclined to follow in the President's footsteps of not being willing to admit mistakes. She was reluctant to admit even the most glaring mistake, that Iraq did not possess WMD, even though that was the fundamental rationale behind the Bush administration's original drive to go to war.

In addition, it was painfully obvious that Dr. Rice does not currently have much of a feel for policy in the Western Hemisphere. With respect to Venezuela, she seems determined to pursue the same path that has done nothing to further democracy, and which has instead made it easy for President Hugo Chavez to vilify the United States. With respect to Cuba, she seems stuck in a 40-year-old fixation on a 78-year-old man, a mode of thought that is outdated, counterintuitive, and ultimately has proven itself unsuccessful. Our inane policy toward that island nation is exemplified by the fact that it is the only country in the entire world to which the U.S. Government prevents its citizens from traveling. Americans can travel to Iran and North Korea, two nations that are unarguably more threatening, but not to Cuba. Yet, Dr. Rice seems intent on retaining these failed policies.

I also took note of her refusal to provide a straight answer to questions she was asked regarding a recent article about U.S. plans for military action against Iran, which was written by the respected journalist Seymour Hersh and published in the most recent edition of the New Yorker magazine. Dr. Rice contended that the article was full of inaccuracies. However, the question put to her by Senator KERRY was quite specific, is the article's contention about U.S. plans with respect to Iran true or false. That is a simple question with a one word answer. If that particular part of the article is inaccurate, it would have been easy and painless to say so. Her lack of candor did not appear to have anything to do with the information being classified. Had that been the case, Dr. Rice could simply have responded that any information regarding the matter would have to be discussed in a classified briefing. But she did not.

All of these issues I have discussed are troubling to say the least. They raise very serious concerns about the direction our foreign policy will take over the next 4 years. Nonetheless, I believe that except in extraordinary circumstances, the President has the right to choose his or her Secretary of State. Therefore it is with serious reservations that I voted to report this nomination favorably to the full Senate and will support her confirmation when the full Senate votes on this matter. However, I would offer some words of advice to Dr. Rice. First, that she reflect upon some of the issues and concerns raised during her confirmation hearings. And second, that she never forget as Secretary of State that she is not just the President's representative, she is the representative of the American people. She should never forget that.

Ms. COLLINS. Mr. President, President Bush made an excellent choice in nominating Dr. Condoleezza Rice to be America's next Secretary of State. She has both the professional experience and the personal integrity to make a great Secretary of State.

I cannot think of a candidate more qualified to be Secretary of State than Condoleezza Rice. Dr. Rice's experience and expertise are truly multi-facted. She is a distinguished public servant and has led one of our country's most distinguished universities. She has 25 years of experience in foreign policy, having served three Presidents as a key advisor.

She has led the President's national security team with strength and expertise. A short list of her many accomplishments include developing six-party talks aimed at ending North Korea's nuclear program, helping to design the President's landmark emergency AIDS relief package, and strengthening relations with Russia and China. In her capacity as National Security Advisor, Dr. Rice has developed personal working relationships with international leaders and governments that will enable her to nurture alliances and conduct effective diplomacy around the world. She was instrumental in developing the administration's response to 9/11 and a new framework for United States policy in the Middle East.

Most important, Condoleezza Rice has the trust and confidence of the President. She has served the President as a loyal and trusted advisor. When she speaks to foreign leaders as Secretary of State, they will know that Dr. Rice is speaking on behalf of the President.

I have had the honor of working closely with Dr. Rice on many occasions over the past 4 years. In particular, Dr. Rice's support was extremely helpful to me and to my colleague Senator LIEBERMAN as we undertook the Herculean task of reforming our intelligence community in the last Congress. Dr. Rice helped us overcome the obstacles we faced to ensure the bill became law, and for that, she has my gratitude.

Having a strong foreign policy vision is critical to success in the war on terrorism. Condoleezza Rice is the right person for the job. Dr. Rice will make an outstanding Secretary of State, and I look forward to working with her in the coming years.

Mr. KOHL. Mr. President, I will be casting my vote in support of the nomination of Dr. Condoleezza Rice as our next Secretary of State. Dr. Rice currently serves as President Bush's National Security Advisor. In that position, she has earned the trust and the confidence of the President. Her stellar credentials and her remarkable success story, despite the barriers of segregation in Birmingham, AL, are an inspiration.

Dr. Rice will assume the job of our Nation's top diplomat not only during a time of war but also during a time in which the United States faces countless other challenges. In short, Dr. Rice will have her work cut out for her. As she noted in her opening statement to the Senate Foreign Relations Committee, "We must use American diplomacy to help create a balance of power in the world that favors freedom. And the time for diplomacy is now." Indeed. The extent to which we have alienated our allies and aroused suspicion about our policies is breathtaking in contrast to the tremendous support and sympathy we experienced in the aftermath of 9/11. Even as we pour hundreds of billions of dollars into our efforts in the Middle East, there is much that needs to be done to win the war of ideas in the Muslim world and beyond.

There are many lofty ideals which the President extolled in his inaugural address—democracy and freedom, liberty for all—these are ideals we all share. Our Secretary of State must recognize, however, that ideals are meaningless if they do not inform the specifics of our policies. Where we must work to find common ground is in how to realize these ideals. I look forward to working with the next Secretary of State as we craft the State Department's budget and as we strive for a foreign policy we can all embrace.

Ms. MIKULSKI. Mr. President, I rise today on the nomination of Dr. Condoleezza Rice to serve as Secretary of State.

I have three criteria I use to evaluate all executive branch nominees: competence, integrity and commitment to the core mission of the Department. On the basis of those criteria, I will vote to confirm Dr. Rice.

Yet I do have concerns. This vote is not an endorsement of President Bush's foreign and defense policy as we saw it during Dr. Rice's tenure as National Security Advisor.

I have serious concerns with the way we went to war with Iraq: With the overblown assertions of the threat to the United States; with the deeply flawed intelligence analysis from a few biased sources presented as facts; with the failure to build a strong international coalition; with the failure to prepare and send sufficient forces to deal with the aftermath of removing Saddam from power; and with the failure to prepare by providing our own troops the protective equipment they needed to carry out their missions and come home safe.

I know a lot of the responsibility for those failures rests with the Secretary of Defense.

I hope that Dr. Rice's service as Secretary of State will be historic not only because she will be the first African American woman to hold that office. I hope that Dr. Rice will make history by exercising true leadership at the State Department: Rebuilding our tattered international relationships and alliances; seeking to achieve lasting peace in the Middle East and other conflicts; mobilizing the world to meet humanitarian and development needs; and serving as an effective CEO of the State Department to ensure that our dedicated public servants have safe embassies and the resources they need to effectively formulate policy and represent the United States around the world.

Mr. LAUTENBERG. Mr. President, today is a very sad day when we hear that we lost somewhere around 37 or 38 of our finest in the Marine Corps with the crash of a helicopter and additional deaths from the ground fight.

Like everyone here, this information is very painful to me. I have had the experience, as most of my colleagues have, to visit with families as their sons and daughters are buried as a result of their exposure in Afghanistan and Iraq in the military.

Most recently, about 2 weeks ago, I went to a funeral in New Jersey for a 19-year-old marine corporal. I sat with the family who was very proud of their son's contribution to his country. Twin brothers, young men were making comments at the funeral, participating in the eulogy, and the parents, grief stricken about the loss of this wonderful, apparently, young man. I did not know him, but the history of his short years was resplendent with good accomplishments in school.

I mention that because it sets the tone for my feelings about how we portray this war to the American public.

I am a veteran of a war a long time ago. As a matter of fact, I think I am one of three remaining here from World War II. The experiences are, though such a long time ago, still vivid in my mind. I remember the enthusiasm of my friends in high school—I was 18 when I enlisted in the Army—and those in the community and how spirited the support was for everything we did.

I do not see any failing of support for our troops in the theater. We are ready to do whatever we have to to make sure they have the materiel they need. On a visit I made in March of this past year with four other Senators, it was distressful to learn, as we visited with the young people who were doing the fighting there, that they did not have everything they needed. I talked with a small group from New Jersey—eight enlisted personnel and one young captain. I asked if there was anything they needed to conduct their service that would help them.

They were reluctant to complain, but finally this young captain stood up and said: Senator, the flack vest you are wearing is the best that money can buy. I see these vests on some members of the coalition, but we don't have them, Senator, and I would like to ask why.

He said further: When one of our humvees is hit with a rocket grenade or other weapon, very often they will go up in flames, like a firecracker.

He talked about a rifle that was issued to some of the other troops and how much more reliable it was, how much lighter it was, how much easier it was to carry.

I was very upset at hearing that news because the last thing that any of our soldiers should have to do is worry about whether they have the best equipment or whether their lives are going to be protected.

I went to visit at Walter Reed Hospital and saw a fellow who was banged up a little bit. His companion friend with whom he had been injured in Iraq said: You know, if we had not had the new vests, my friend here would have been dead. But he had one of those new vests, and it really helped. He is alive and recovering.

When I saw that families, in many instances, sent gifts of an article or funds to buy a vest that would protect their loved ones, privately raised money to send a vest for a soldier that we sent over there to fight for our views, and we can't provide the equipment? That set a tone for me, and I must say that many questions arose in my mind as to whether the information we were getting was credible information about all of these commitments that were being talked about from the administration about how we were going to do everything we could to protect our troops. It was not true. No, it was not true.

We did not have enough soldiers over there to do the job starting early in this campaign. We have been reminded on this floor a dozen times that General Shinseki, Chief of the Army, said we needed 300,000 troops to do this job. And, instead, we skinnied it on down and sent 130,000. They could not protect themselves. The cost was a horrible cost. Lots of young ones died. And now over 1,400 have died as a result of the effort in Iraq and Afghanistan, over 40 people from the State of New Jersey. I care about those. I am sure all of our colleagues care about the casualties that we have suffered in this war. One cannot be indifferent to a reminder that we are deep in the mud and we do not know when our troops are coming home and we do not know how many more we are going to lose before this endeavor is over.

So for me, the question centers around the information supply that we had: How did we make so many mistakes about weapons of mass destruction? How did we make so many mistakes about how we were going to be treated when we got there? How did we make so many mistakes when it was said we would be there for a short stay, that we would turn this job over to the Iraqis and they would take care of it and we would get out of there in time?

It was not true. No, it was not true. Unfortunately, when Dr. Condoleezza Rice's credentials were presented it was quite a review, quite a hearing, in the committee of jurisdiction. When they tried to find out more about how she would be acting as the Secretary of State, the Foreign Relations Committee did their job very well.

I do not question her extensive and impressive experience in academia and foreign policy. What I question today is her judgment and her ability to be candid with the American people and the Congress about critical information. No, those are not the things we question. What we question is the attention being given to detail. What we question is the attention being given to the commentary that arose in that committee.

During her confirmation, she had many opportunities to reflect on early decisions that were made in statements on Iraq in her position as National Security Adviser to the President, but when Dr. Rice was confronted with her misstatements and inaccuracies she refused to acknowledge any errors or take responsibility. I found that very disappointing.

During her hearing, Dr. Rice was given a chance to correct the record about what she said about Iraq being a nuclear threat to the United States. Prior to the war, Dr. Rice stated that the smoking gun in Iraq could come in the form of a mushroom cloud. What an assertion that is, a mushroom cloud. That means a nuclear bomb. It means perhaps millions being killed. There was this specter of that kind of damage, that kind of catastrophe, because there were weapons of mass destruction in play there that were available to Saddam Hussein, but we know the evidence to that effect was not there.

In January 2004, the U.S. chief weapons inspector David Kay announced his group found no evidence that Iraq had stockpiled any weapons of mass destruction before our invasion. In October 2004, less than 6 months ago, the Duelfer report was released and contradicted the administration's prewar contention that Iraq had a strong WMD, weapons of mass destruction, program. The Duelfer report's conclusions are so definitive they compelled the administration to announce earlier this month that the search for WMD had officially ended.

Despite all of that information, Dr. Rice refused to admit at her hearing that she made serious mistakes in continuously overstating Iraq's nuclear capabilities. At her hearing, Dr. Rice was also given the chance to speak honestly about the current size of Iraq's security forces. She said that

120,000 Iraqis have been trained so far, but a much more accurate on-the-ground assessment reveals that only 4,000 have been trained. Imagine, on the one hand Dr. Rice said 120,000 Iraqis have been trained and we are trying to get out of there and what we need is a force that is able and large enough and trained well enough so we can bring our kids home, reunite our families.

Four thousand have been trained. We are so far away from having that force ready to take over that no one can tell what the timeframe might be.

When I was in Iraq, I went to a training facility for police officers. About every 6 weeks they graduated 80 officers, and we needed 53,000. So that meant, using the 6-week factor and calculating that by 10, we might be training 800 of these police officers a year, and we need 53,000. Yet we cannot now even find the truth out about what it is that is required.

Dr. Rice also could not explain or at least she would not explain to the committee what our exit strategy is or should be for Iraq. Here she simply chose not to answer the question at all. With more than 1,400 of our brave young men and women in uniform killed, including 48 with ties to my home State of New Jersey, I believe we deserved an answer. Instead, Dr. Rice chose silence.

When it comes to Iraq, unfortunately this administration has lost its credibility with the American people and with the global community, and it is the job of the Secretary of State to restore our credibility abroad, especially with our allies. In my view, promoting Dr. Rice to the position of Secretary of State puts a stamp of approval on the administration's policies and actions, and I cannot, in good faith, go along with that. Despite ample opportunity, Dr. Rice has shown no inclination to be more forthright about any of the mistakes she and this administration made and continue to make in Iraq or indicate that any change in course might be necessary. I find that very troubling.

Therefore, I feel compelled to vote against her confirmation.

The PRESIDING OFFICER. Who yields time?

Mr. LUGAR. Mr. President, how much time remains on both sides at this stage?

The PRESIDING OFFICER. The Senator from Indiana has 14 minutes remaining, and the Senator from Delaware has 1 minute remaining.

Mr. LUGAR. There is 14 minutes and 1 minute?

The PRESIDING OFFICER. Correct.

Mr. LUGAR. Mr. President, my understanding is the majority leader is en route to the floor. He had responsibilities in the House of Representatives for a period of time. The distinguished Democratic leader is on the floor. It is his desire to wait until the majority leader is present, and both, as I understand, will make final comments, if necessary using leader time. Therefore, Mr. President, I will speak at this point, utilizing the time allotted to our side with a final argument.

Mr. President, I appreciated, as did the Senator from New Mexico, the comments of our distinguished colleague from Connecticut, Senator LIEBERMAN, when he discussed really the long debate we have had with regard to the conduct of the war in Iraq, of the conduct of the war against terrorism, which involves Iraq. Clearly, Senator LIEBERMAN is accurate when he points out that essentially we have had many disagreements about the prewar planning, the problems of the dislocation of all of the Iraqi security forces, the great dilemmas we have had as we approach now the elections and the fledgling democracy we hope Iraqis will be able to fashion as they formulate a constitution and elect the officials of their country.

The security situation remains extremely precarious for American troops and those who are with us in Iraq attempting to help Iraqis provide security for their villages and for their countryside. There are clearly differences of opinion as to how well all of these activities have been conducted, but I think, in recognition of how very difficult it has been for decisionmakers, a general consensus is that the batting average has been good, even if not perfect. But Senator LIEBERMAN made the point that now, at this particular moment, as we vote today to confirm a Secretary of State, we are a united group in this Senate on the need for success in Iraq.

There should be no doubt on the part of all who are about to cast their ballots in Iraq and take the chances that are posed when they are threatened really with loss of life for their willingness to exercise a franchise, it should be clear we are united back here.

This is not a fractious group, I hope, today that gives any sustenance of hope to the insurgents, to those who are attempting to formulate disaster in the Middle East that the face of America is not a united face.

I make this point because the person we are about to confirm as Secretary of State will be, aside from the President of the United States, the most prominent spokesperson, the most prominent diplomat making the case for the United States of America and for each of us on this Senate floor as proud Americans. And it is very important, now that we have had a full discussion of arguments on deficiencies, things we must do better, institutions we must improve, simply to note how important it is to the world to have confidence we know what we are doing and that we are prepared at least to continually discuss this in the same candid way we have done, but then to come together and say this is our President, this is our Secretary of State, this is our policy.

I am very hopeful that the vote for Dr. Rice will be a very strong vote. I do not depreciate for a moment the right or desire of those who may have a heartfelt need to say no. That is a great privilege we all exercise. But a lot is at stake today in saying yes, and saying yes together in as large a number as we can muster when the roll is called is important because this is a person who will be Secretary of State, and this is a vote that will be memorable. It is not in any way a trivial pursuit or time of fractious odds or a time to be spoilers. This is for our country at a time to be the very best we can be as Senators.

I have reiterated the record of our hearings and I have appreciated very much the cooperation and, beyond that, the friendship of the distinguished ranking member, Senator BIDEN, because the both of us have shared from time to time with witnesses who have come before our committee considerable anxieties about the policies they were pursuing or some they were not pursuing, or questions we were raising we felt they perhaps had not been raising and that they should. By my best count, in the last 2 years, we have had 23 hearings on Iraq. That is a lot of quality time devoted by good administration witnesses and other experts, as well as by Senators, as I mentioned, in the long hearings we had with Dr. Rice, and in the almost 200 questions raised before the hearing and another 200 during the hearing. This is a lot of questioning, a lot of information, a big record. So we took this seriously, all 18 of us, plus Senator FEINSTEIN of California, who introduced Dr. Rice to the committee to begin with. Senators have taken it very seriously on the floor.

In my opening comments, I mentioned that at least 22 Senators spoke yesterday and many spoke at length, with very sincere tributes to Dr. Rice. Some of the Senators had very sincere questions about where we are going and what we ought to be doing. But those preliminaries are over. We come now to the moment of decision, and I hope and pray that the vote will be a strong one for a candidate who in fact can be a champion for us. Her entire life story, which has been touched upon, but only barely—and perhaps this is a tribute to our next Secretary of State, that we did not dwell on biography, although it is a dramatic one out of Birmingham, AL. We did not dwell on racial background or on the fact that a lady is going to be Secretary of State. We did not get into many of the divisive arguments we often have as to where somebody comes from and what their background is.

Dr. Rice was taken seriously from the beginning of the hearings and throughout this debate as a world statesperson who knows a great deal, who is extraordinarily intelligent and dedicated to this country and extraordinarily courageous in speaking out as she has.

I add all this simply to say that I am hopeful Senators will vote for Dr. Rice when we vote soon.

I will yield the floor in the hopes that our leader and the distinguished minority leader will have an opportunity to make comments before the Chair calls for the roll.

I yield the floor.

Mr. REID. Mr. President, I yield 1 minute of leader time to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized for 1 minute.

Mr. BIDEN. Mr. President, I don't speak for those who are going to vote no today. But I think the irony here is that their no vote is a demonstration of how clearly we are united on one point: We want to win in Iraq.

The reason they are voting no is they believe Dr. Rice has misled, in many ways, and as a consequence undermined our ability to succeed. I choose to believe and take the opposite view. But I want to make it clear that those who say no today are actually doing a service to the Senate and possibly making it less likely that the Secretary of State will be less candid with us, or not as candid as she has been in the past. I think the no votes are likely to encourage candor, because that is what it is about. They are voting no in large part because they think she has not been candid and has undermined our ability to succeed.

I look forward to working with Dr. Rice. I suspect there will be an overwhelming vote. Please don't read a no vote as not being united in the effort to win in Iraq. That is why some of my colleagues are voting no; they think she has undermined our ability to win in Iraq. I choose to differ with them, but we do not differ on the point that we need to succeed in Iraq.

I yield the floor.

The PRESIDING OFFICER. The Democratic leader is recognized.

Mr. REID. Mr. President, is all time used or yielded back?

The PRESIDING OFFICER. The Senator from Indiana has 5½ minutes remaining.

Mr. LUGAR. Mr. President, the Chair has noted we have 5 minutes. We are hopeful of seeing our leader.

Mr. REID. Mr. President, he is here. He is waiting for my remarks to conclude.

Mr. LUGAR. I will yield back our time and then the leaders may proceed.

Mr. REID. Mr. President, Senator LUGAR and Senator BIDEN set a great example for the rest of the Senate in the way they handled this most important issue before this body and the way they handled that committee in general. I admire and respect both of them.

But I do say to the distinguished Senator from Indiana, I listened closely yesterday to the remarks and I read some of them today. The remarks yesterday were troubling to me because most all of the remarks yesterday criticized us—that is, the minority—for having this debate, saying why didn't we complete the debate last Thursday when the President was inaugurated.

The philosopher Voltaire once said, "I may disagree with what you have to say, but I shall defend, to the death, your right to say it." Every American who goes to school has seen that quote because it reflects our most deeply cherished values and beliefs. Americans believe in freedom of expression. We believe in democracy. We believe in debate. That is why I have been disappointed that the administration and most of the Republicans in this body have attempted to stifle debate on the nomination of Condoleezza Rice to be Secretary of State. This job, this Cabinet office, is the most powerful and important position in this or any administration. In my years in the Senate, I have studied our rules and procedures, and I have studied them closely. I have come to know them pretty well.

In my years on this Earth, I have studied the qualities and values that I believe will help us become better people. One of those is fairness—basic fairness. I have tried to uphold that value the best I can. So between my knowledge of the Senate rules and my belief in the importance of fairness, I know that we should be debating this nomination. It is our job in the Senate to debate matters of importance to the American people.

We are a deliberative body. We are the Senate of the United States. Our Founding Fathers meant for us to carefully consider the matters brought before us and make sure that our Government does not act irrationally and without a plan and a vision for this country's future. It is a matter of fairness that those who have concerns about Dr. Rice be allowed to express them. Silence is not an important part of American history, but debate is. "Shut up and vote" is not democracy. It is especially important that we hold debate on Dr. Rice's nomination because of the importance of the job for which she is being considered.

Our Secretary of State will be handling our foreign policy at a time when we are at war and when our friendships and traditional allies have been strained. In Iraq and Afghanistan and around the world, Americans face enormous threats and challenges every day. About 1,400 Americans have died so far in Iraq, and more than 10,000 have been wounded, many grievously wounded. Today, 31 Marines died in 1 incident in Iraq. An estimated 40 troops have died in the last 2 days.

The American people have questions and should have questions, and have concerns and should have concerns, about our plan in Iraq. Those questions deserve answers and those concerns deserve to be addressed. That is what the Senate should be doing. That is what we are all about—asking questions on behalf of the American people. Instead, people such as the Senator from West Virginia and the Senator from California have been criticized for not rubberstamping this nomination. I don't think that is appropriate.

Nothing will matter more to the safety and security of our country than our foreign policy decisions over the next few years. If any nominee deserves scrutiny and rigorous debate, it is the nominee for Secretary of State, Condoleezza Rice.

Democrats have had 4 hours of debate on Condoleezza Rice—4 hours of debate on the most important Cabinet nomination the President, or any President, can have. Can anyone say that 4 hours of debate dealing with Condoleezza Rice for Secretary of State of the United States is too much? The American people all take longer to buy a car than what we have debated on this nomination. If you want to buy a TV set, you look around Circuit City and other places, and it takes 4 hours. Shouldn't we be able to spend 4 hours on a decision of this magnitude? I think so.

Republicans say a 4-hour debate has been a burden to the country and has been unreasonable. On the contrary, it is exactly what the Founding Fathers contemplated with the advise and consent clause of our Constitution. Debate—vigorous debate—is an American principle of democracy, a principle that is in our national interest, our national security interest and, of course, our foreign policy interests.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. FRIST. Mr. President, in 2 or 3 minutes, we will have a historic vote in the Senate Chamber. We are about to confirm Dr. Condoleezza Rice, the first African-American woman to become Secretary of State. It is a proud moment for this Senate and indeed for the American people. Dr. Rice has served her country with distinction and she has served her country with honor. She has been a steady and a trusted confidant to two Presidents, and as Secretary of State she will apply her long experience and extraordinary skill to meet the greatest challenges of our time—fighting the war on terror and advancing democracy around the globe.

Dr. Rice possesses this rare combination of management and administrative experience, policy expertise, academic scholarship and, not least important, personal integrity and character. Yes, I am disappointed that Dr. Rice's nomination was caught up in partisan politics. While I recognize my colleagues' right to debate the President's nominees, Dr. Rice's obvious qualifications have never, ever been in doubt. Nor was it ever in doubt that a large bipartisan majority would vote to confirm her, which we will see in a few moments. Partisanship has its time and place, but we are at this point in time a nation at war. We need the strength of all of our resources to fight and win. I am disappointed that others on the other side of the aisle have taken this moment to wage a partisan campaign. But it is time for all of us to move on, and we indeed will move forward with this vote.

I look forward to working with Dr. Rice to meet those challenges ahead and I congratulate her on a historic achievement.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. GRAHAM). Is there a sufficient second?

There is a sufficient second.

Mr. FRIST. I thank the Chair.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Condoleezza Rice, of California, to be Secretary of State?

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. McCONNELL. The following Senators were necessarily absent. The Senator from Montana (Mr. BURNS) and the Senator from New Hampshire (Mr. GREGG).

Further, if present and voting, the Senator from Montana (Mr. BURNS) would have voted "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas, 85, nays, 13, as follows:

[Rollcall Vote No. 2 Ex.]

YEAS—85

Alexander
Allard
Allen
Baucus
Bennett
Biden
Bingaman
Bond
Brownback
Bunning
Burr
Cantwell
Carper
Chafee
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Cornyn
Corzine
Craig
Crapo
DeMint
DeWine
Dodd
Dole
Domenici
Dorgan
Ensign
Enzi
Feingold
Feinstein
Frist
Graham
Grassley
Hagel
Hatch
Hutchison
Inhofe
Inouye
Isakson
Johnson
Kohl
Kyl
Landrieu
Leahy
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McConnell
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reid
Roberts
Rockefeller
Salazar
Santorum
Sarbanes
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Talent
Thomas
Thune
Vitter
Voinovich
Warner
Wyden

NAYS—13

Akaka
Bayh
Boxer
Byrd
Dayton
Durbin
Harkin
Jeffords
Kennedy
Kerry
Lautenberg
Levin
Reed

NOT VOTING—2

Burns
Gregg

The nomination was confirmed.

Mr. FRIST. Mr. President, we have just had a historic vote in the Senate. By an overwhelming bipartisan majority, 85 to 13, the Senate has voted to confirm Dr. Condoleezza Rice, the first African-American woman to become Secretary of State. It is a proud moment for the Senate and for the American people.

For the information of our colleagues, under our previous agreement we will proceed with Secretary-designate Nicholson. We have a short time agreement. Then we will have a voice vote, followed by Secretary-designate Leavitt. Then, shortly after that, I am hopeful we can proceed with Secretary-designate Bodman.

There have been no requests for rollcall votes on any of those three. If that is the case, we would not expect to have rollcall votes later today.

The PRESIDING OFFICER (Ms. MURKOWSKI). Under the previous order, the President will be notified that the nominee has been confirmed.

NOMINATION JIM NICHOLSON TO BE SECRETARY OF VETERANS AFFAIRS

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of Executive Calendar No. 5, which the clerk will report.

The legislative clerk read the nomination of Jim Nicholson, of Colorado, to be Secretary of Veterans Affairs.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes equally divided between the Senator from Idaho and the Senator from Colorado.

Mr. CRAIG. Madam President, I have been joined by my colleague, Senator AKAKA, the ranking member of the Committee on Veterans' Affairs, to comment briefly on the President's nomination of Ambassador Jim Nicholson to serve as Secretary of Veterans Affairs.

Mr. Nicholson is a man of considerable character and accomplishment. I am pleased to speak in support of his nomination to serve in this critical post. I am pleased the Senate Committee on Veterans' Affairs, a committee of which I am the newly elected chairman, approved this nomination Monday at the committee's initial meeting of the 109th Congress.

The President has asked Jim Nicholson to accept one of the more difficult jobs in Washington; that is, running the Department of Veterans Affairs. In the best of times this is a tough assignment. In times like the ones we are now entering, times within which the rate of the growth of the VA's budget will likely slow, but also within which the needs of the service members returning from Iraq and Afghanistan, must and will be met, is a tougher assignment, still. I am highly confident, however, that the President has found the right person for this job.

Let me summarize Jim Nicholson's background. He was born in 1938 to modest circumstances on a farm in Iowa. He left that farm in 1957 to attend the U.S. Military Academy at West Point. After graduation in 1961, he served for 8 years in active service in the Army. He was a ranger and a paratrooper and served a tour in Vietnam from 1965 through 1966 where he earned, among other declarations, the Bronze Star, the Combat Infantryman's badge, the Air Medal, and the Vietnamese Cross of Gallantry.

After returning from Vietnam in 1966, then-Captain Nicholson continued to serve on Active Duty for more than 4 years, followed by an additional 22 years as a Reserve officer. He retired from the Army Reserve in 1991 at the rank of colonel.

While in Active and Reserve service, Mr. Nicholson obtained two advanced degrees, a BA in public policy from Columbia University and a JD from the University of Denver. After practicing law for a relatively brief period in Denver in the 1970s, he launched a very successful real estate development career. Among other positions, he served as chairman and president of Renaissance Homes of Colorado. His business career was also marked with extensive community and charitable activity.

In 1986, Jim Nicholson became a committeeman for the Republican Party's national committee. In 1993, he was elected the Republican National Committee's vice chairman, and then he was elected for a 4-year term as chairman of the Republican National Committee. It was during these years at the helm of the RNC, I grew to know and admire Jim Nicholson. His accomplishments since that time have only increased my respect for the man.

In August of 2001, President Bush appointed Mr. Nicholson U.S. Ambassador to the Holy See, the Vatican. From that post he has advocated for religious reconciliation, for religious freedom in China and Russia, and against the international exploitation and enslavement of defenseless persons, commonly referred to as human trafficking.

He has, as well, ably represented the interests of this Nation to this vital diplomatic post in a period of wartime. He has done so by all accounts with great diplomatic skill and steadfastness of the purpose that he was sent to serve.

Veterans are fortunate a man so well-known and respected by the President of the United States will serve as Secretary. I am pleased the Committee on Veterans' Affairs, in its first official business meeting of the 109th Congress on Monday, unanimously approved this nomination.

I ask my colleagues to ratify the judgment they were expressing. VA needs a steadfast hand in Jim Nicholson. I hope all of my colleagues will feel similar to those on the Committee on Veterans' Affairs.

This is not to suggest that VA has lacked a steady hand at the tiller. To the contrary. The stewardship as VA Secretary of former Naval Officer Anthony, or as we came to know him, Tony Principi, has been by any standard one of exceptional merit and distinction. It is a rare Secretary, indeed, who departs from this sensitive post with the words, I believe, that can be expressed about his service as "job well done." Veteran service organizations, leaders from the hill, and other bodies all critically concerned about veterans affairs recognize that Tony Principi managed his job extremely well, and he has managed it while leading VA with impeccable integrity, absolute fairness and objectivity, and unflagging willingness to listen to all affected constituents and an extraordinary sensitivity to the needs and concerns of ordinary rank-and-file veterans.

When the history of the VA is written, Tony Principi will be judged as one of the agencies titans. More importantly, he will also be judged by the ordinary former enlisted men and women whose needs he never lost sight of. On behalf of those persons, I salute the now retiring Secretary, Tony Principi.

I say to my colleagues, I believe Jim Nicholson to be a titan in the making. He has all of the qualities that our President recognized, that the Committee on Veterans' Affairs recognized, as one who can adequately and most appropriately serve this very important agency of our Government and its millions of constituents. I ask the Senate to support the efforts of the Committee on Veterans' Affairs in bringing this nomination to the Senate.

I yield the floor and recognize my colleague and ranking member of the committee, Senator DAN AKAKA.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Madam President, I rise as a ranking member of the Committee on Veterans' Affairs. I do it with great expectation and look forward to working with my friend, Chairman CRAIG from Idaho. I look forward to working with the committee. We held our first meeting yesterday, and I would say that it was a great meeting and a good beginning for the committee.

I am also pleased to support the nomination of James Nicholson to be Secretary of Veterans Affairs. If confirmed, Ambassador Nicholson will have the responsibility of steering the Department of Veterans Affairs through a period of great transformation.

I recently had a chance to meet with Ambassador Nicholson and to discuss the many challenges he will face in guiding VA through this critical period. I have also had the opportunity to read his answers to prehearing questions that I submitted to him and also to hear his testimony at the January 24, 2005, hearing of the Senate Committee on Veterans' Affairs on his nomination. I believe Ambassador Nicholson has the commitment and has the drive and fortitude to maintain America's special obligation to our veterans.

I know with his years of service to this Nation at West Point, in Vietnam, and as Ambassador to the Holy See, Ambassador Nicholson is familiar with the importance of the leadership role he will soon assume at VA. We expect him to hit the ground running to tackle VA's many challenges. And, of course, we will be there to work with him.

It is widely known that on the health care side, VA is facing a crisis situation. In recent years, millions of veterans have come to VA for the first time. As I said yesterday to my colleagues, I think it is good news that millions have turned to VA for care. Some, however, believe we can deal with the burgeoning demand by reducing who is eligible for care. For me, however, this is not the answer. I hope Ambassador Nicholson will see the merits of keeping a full and open system.

In addition to providing basic primary care, the VA system offers programs of enormous value, especially for veterans who are blind or have spinal cord injuries, who need prosthetic devices, or who require dependable mental health care. We must retain these specialized services and, at the same time, ensure that all veterans can have access to the care they have earned through their service.

The VA research program will need some attention as well, as many of our finest physicians chose to come to VA so they can conduct research. Keeping the research program viable is tremendously important. Ambassador Nicholson has his work cut out for him in this regard.

In the past, the Veterans Benefits Administration has come under fire for the lack of timeliness of its claims processing. While VBA has made progress in improving timeliness and accuracy of disability claims processing, further improvement is needed. Notably, VBA has turned its attention to decreasing the amount of time it takes to process a claim and taken its focus off appeals. A more balanced approach must be reached.

We will be looking to Ambassador Nicholson for innovative approaches so that VBA can absorb changes in law and new business processes without always going into a nose dive. Our veterans deserve no less than quality workmanship done in a timely manner.

Ambassador Nicholson's nomination process has been fairly expedited because VA's pressing needs require a new Secretary immediately. However, my committee will continue its strong oversight of the Department, and I encourage other Members to work with us in this endeavor.

Madam President, in my view, Mr. Nicholson is ready for the challenges of this important position. He will bring to it his many experiences as someone who himself served as well as his sincere commitment to the well-being of his fellow veterans. I ask my colleagues to approve this nomination.

Madam President, I yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, let me say forthrightly that we have the Ambassador's nomination on the floor today because of the cooperation of the ranking member, and I greatly appreciate that. Both he and I have reviewed what we believe is the mission of the committee. We are very excited about the work we will do in the coming years to help our veterans and work on their behalf through this important committee. I thank him for his cooperation.

Madam President, I yield to our colleague from Colorado.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. ALLARD. Madam President, first of all, I thank the chairman and ranking member for moving forward with the confirmation of Jim Nicholson to be the new Secretary for the Department of Veterans Affairs. I congratulate them both on assuming their responsibilities as chairman and ranking member on the Veterans' Affairs Committee.

Madam President, I rise today in strong support of President Bush's nominee for Secretary of Veterans Affairs, Mr. Jim Nicholson. I have known and worked with Jim for years in the State of Colorado, and I am proud President Bush has nominated him for this post.

As a West Point graduate, Army ranger, highly decorated combat veteran, and almost 4 years of service as the Ambassador to the Holy See, Mr. Nicholson is well prepared and highly qualified for the duties as the head of the VA. He brings a strong work ethic to his new responsibilities.

Born during the Great Depression, as the third child of seven, Jim Nicholson grew up on a tenant farm in rural Iowa. Both he and his older brother Jack earned appointments to West Point while struggling as a farming family in the Midwest.

Prior to Jim's appointment, his brother returned home from school for the summer, and his family could not find enough money to send Jim back to New York for the start of his new term. In order to solve this problem, a 15-year-old Jim Nicholson took it upon himself to find a job building railroads through his home State of Iowa. By working as long as 19 hours some days, Jim was able to not only earn enough money to send his brother back to West Point, but also was eventually able to buy his father a used car so he could look for work.

These virtues that Jim displayed as a youth—work ethic, self-sacrifice, and determination—are the very qualities which will allow him to excel in the President's Cabinet.

As a West Point graduate and decorated veteran, this former Army ranger also has the personal experience in the Armed Forces that will serve his new constituency well. During his service in the Army, Mr. Nicholson fought in the Vietnam war and was a highly decorated soldier. He was awarded the Bronze Star, the Combat Infantry Badge, a Meritorious Service Medal with Oak Leaf Cluster, the Vietnamese Cross for Gallantry, and two Air Medals while spending 8 years on Active Duty and 22 years in the Army Reserve before retiring as a colonel.

Clearly, Senator Nicholson's qualifications after his Army career are just as impressive, including his advanced degrees, starting a successful real estate business, numerous community volunteer efforts throughout Colorado, and finally culminating in his service as an Ambassador to the Holy See. This is a man who has been asked to serve his country in a new capacity and who will answer that call with his own sense of duty and honor.

I urge my colleagues to confirm Jim Nicholson as our next Secretary of Veterans Affairs.

Madam President, I yield the floor.

Mr. DURBIN. Mr. President, today we consider President Bush's nominee to serve as Secretary of Veterans Affairs. At a time when America's men and women in uniform are not only serving but actively fighting in combat, this is a particularly significant nomination for us to consider. This nominee will be responsible for managing the benefits for our longtime veterans as well as those who recently have served and sacrificed for us all.

Those who have served in uniform deserve our Nation's deepest gratitude. Beyond gratitude, we, as a nation, have committed to providing our veterans with certain benefits and services which they deeply deserve in honor of their sacrifice for our common good. These benefits can never fully repay America's debt to her veterans but they are an important expression of our thanks and commitment to their well-being.

Sadly, the delivery of these benefits and services has been less than optimal. Every day, deserving veterans wait too long and wade through needless red tape before receiving the help to which they are legally and morally entitled.

I am also particularly concerned about the vast disparities in the VA's compensation payments to disabled veterans and the way the current system shortchanges disabled veterans in my State of Illinois.

Illinois now ranks 50th in the Nation in average veteran's disability compensation. While the veterans in some States receive a statewide average disability payment of $10,000 to $11,000 per year, veterans in other States—including Illinois, Ohio, Michigan, Virginia, New Jersey and others—receive statewide average disability payments of less than $7,000 a year. This wide inconsistency should not exist. America's veterans deserve better. The ability of veterans to receive fair and just compensation for service-related disabilities should not depend on where they happen to live.

Unfortunately, this disparity has been left uncorrected for several years. In 2001, the Department of Veterans Affairs' Claims Processing Task Force questioned the consistency of decisions because of factors such as differing interpretations of VA guidance. Then, in 2002 the Government Accountability Office reported that the VA was not systematically assessing decision-making consistency for any specific medical impairments, despite concerns about possible inconsistencies in disability claims decisions made by the VA's 57 regional offices. In that same 2002 report, GAO expressly recommended that the VA assess decision-making consistency for medical conditions requiring difficult judgment. The GAO even suggested a way to do this. The VA could develop hypothetical claims for a specific medical impairment, distribute these claims to multiple adjudicators, and then analyze the variations in the resulting decisions on these claims. These findings and recommendations went unheeded at the Department of Veterans Affairs. This past November, a new GAO report on the consistency of decisions at the VA found that since the issuance of the 2002 report, the VA still had not systematically assessed the consistency of regional office decisions.

Several Senators have joined me in raising this issue with the current Secretary of Veterans Affairs, Secretary Principi. As a result of our expressions of concern, the Inspector General of the Department of Veterans Affairs is currently conducting a review of the Veterans Benefits Administration's system for rating disability claims to determine the reasons for these nationwide differences.

Because the national disparity in veterans disability compensation hits Illinois especially hard, Senator OBAMA and I met with Ambassador Nicholson soon after his nomination to serve as the next Secretary of Veterans Affairs. In our meeting, he indicated to us that he was already aware of the concerns raised about inconsistent decisions at the VA and the ongoing Inspector General review into the matter.

America's veterans deserve our deepest gratitude. They also deserve a benefits system that is managed in a competent manner so that it produces fair, even and consistent decisions. I will continue to press for action to address the flaws of the current system that leave Illinois veterans shortchanged. I look forward to working with Mr. Nicholson to ensure that our veterans receive all the benefits to which they are entitled.

Mr. HATCH. Mr. President, today I rise in strong support of the nomination of R. James Nicholson to be Secretary of Veterans Affairs.

At the outset, I would like to thank Mr. Nicholson's predecessor, Anthony Principi, for his service to our Nation's veterans. John Furgess, the National Commander for the Veterans of Foreign Wars, said it best when he described Mr. Principi's service to our country. He said that Secretary Principi:

> is a true veterans' advocate . . . [who] constantly challenged his staff to improve their services to America's 25 million veterans, and his work to address the needs and concerns of today's newest generation of veterans who are fighting the War on Terrorism typifies his vision and leadership. Secretary Principi wore his compassion and commitment to veterans on his sleeve . . . We applaud him for his service to our country and wish him and his family the best of futures. He will be missed but not forgotten.

Let me turn now to express my admiration and appreciation for the President's choice in nominating Ambassador Nicholson to lead our Nation as it strives to support the veterans who have served so tirelessly on behalf of our country. I know Jim Nicholson to be an intelligent, articulate, and decent man. As a veteran of some distinction himself, he has an excellent appreciation for the issues the Department faces. And, as an accomplished executive, he is incredibly well-suited to lead this large and important agency. These are trying times for our Nation's veterans. As the Vietnam war era veterans begin to retire in greater numbers and our veterans from the war on terrorism return, our Nation must reaffirm its commitment to those who have placed everything on the line for the cause of freedom. I believe that Ambassador Nicholson is an excellent choice to lead our Nation's effort to maintain the sacred covenants between the Nation and its veterans.

A man from humble beginnings, Ambassador Nicholson rose to graduate from West Point and become an Army Ranger who served his country during the Vietnam war. During that conflict, he proved his courage in battle and earned the Bronze Star, the Meritorious Service Medal with Oak Leaf Cluster, the Vietnamese Cross for Gallantry, two air medals, and, of course, the Combat Infantry Badge. His service to his country did not end there. He went on to serve for 22 years as an Army Reservist, retiring with the rank of colonel. Along the way he received a master's degree in public policy from Columbia University and a law degree from the University of Denver. In Denver, he established a reputation as a highly qualified attorney specializing in real estate, municipal finance and zoning law before becoming a highly successful residential real éstate developer.

However, his call to service did not end with his years of military service. Ambassador Nicholson entered politics and was elected chairman of the Republican National Committee. His tenure secured him a reputation as a person of the highest ethics and his current position as Ambassador to the Holy See has been a success.

I feel quite confident that those same skills that made Ambassador Nicholson a successful businessman and ambassador will ensure that our veterans receive the support and care they deserve while maximizing the efficiency of this Department.

Therefore, Mr. President, I hope that I will be joined by my colleagues on both sides of the aisle and quickly confirm Ambassador Nicholson to this vital post.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of Jim Nicholson to be Secretary of Veterans Affairs. I believe Ambassador Nicholson's 30 years of military service make him an excellent choice to lead the Department of Veterans Affairs. Jim Nicholson's leadership is particularly important as our brave men and women in uniform once again serve the cause of freedom in the fight against terrorism around the globe.

Jim Nicholson has served his Nation faithfully and ably for the majority of his lifetime. I believe his great diversity of experience will be of the utmost benefit to the Department of Veterans Affairs and our veterans. We as a nation have a commitment to our veterans. They and their families have made countless sacrifices to serve in our country's defense, and we have a duty to provide for their needs. Jim Nicholson's leadership of the Department of Veterans Affairs will help us honor this obligation.

Jim Nicholson graduated from the U.S. Military Academy at West Point in 1961, becoming an Army Ranger and a paratrooper. He went on to serve during the Vietnam war. While in Vietnam, he earned the Bronze Star, the Combat Infantry Badge, the Meritorious Service Medal, and the Vietnamese Cross for Gallantry. After his 8 years of active service as a Ranger, Jim served 22 years in the Army Reserve, retiring with the rank of full colonel.

Jim Nicholson has been an esteemed chairman of the Republican National Committee and for the past 3 years he has served as the U.S. Ambassador to the Vatican. Jim holds a master's degree in public policy from Columbia University and a law degree from the University of Denver. On top of these vast achievements, he has been a successful businessman and community volunteer.

In conclusion, I believe the President has chosen the right person to lead the Department of Veterans Affairs in its very important work, and I strongly support the nomination of Jim Nicholson.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, to my knowledge there is no one else who has requested time to speak on behalf of this nominee. My colleague has yielded. I yield back the remainder of our time and ask for the vote.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Jim Nicholson, of Colorado, to be Secretary of Veterans Affairs?

The nomination was confirmed.

Mr. CRAIG. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BENNETT. Madam President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF MICHAEL LEAVITT

Mr. BENNETT. Madam President, I understand we are going to soon be voting on the nomination of Mike Leavitt to be the Secretary of Health and Human Services. I have the privilege of being one of Mike Leavitt's friends, one of his political associates, and one of his strongest supporters. I introduced him to the committee at the time of his confirmation hearings. I don't want to add much to the comments I made there, but I do want to take the occasion to note the Senate action with respect to his confirmation and to assure my colleagues here in the Senate, as well as any who might be listening, that the United States is very fortunate to have a man of Mike Leavitt's stature available to us to serve in this important Cabinet-level position.

He served as a Governor but as a Governor who was very innovative in many of the areas where innovation will be called for in his new assignment. He served as a business executive, building a business, growing a business, helping a business to survive. He understands the impact of extra taxes on small businesses, and he will be appropriately prudent, not only in the way he spends money but in the way he promulgates regulations that can impact small business.

He and his wife Jackie are beloved throughout Utah. He is one of only two men ever to be elected to three successive terms as Governor in the history of the State, and there are those who believe that if he had decided to seek a fourth term, he would have received it without much difficulty. He retired with a very high approval rating. He brings that, plus the performance in his position as the Administrator of the Environmental Protection Agency, to his new assignment.

On behalf of the people of Utah, I wish him well, and I urge my Senate colleagues to give him unanimous confirmation. He will be a superb Secretary of Health and Human Services.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Madam President, I note that we are in a quorum call. As a member of the Finance Committee, I am going to speak in favor of the Leavitt nomination to outline some of my concerns.

The PRESIDING OFFICER. The Senate is not in a quorum call.

Mr. WYDEN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Madam President, I note that the chairman of the Senate Finance Committee and the ranking minority member will be here shortly to speak on the Leavitt nomination. Until they get here, I thought I would summarize my thoughts concerning this nomination.

I come to the Chamber to speak in favor of Mike Leavitt to head the Department of Health and Human Services.

I want to begin my brief remarks by talking about the importance of bipartisanship in the health care field and to note that at the end of the last session of the Congress, there was a bipartisan failure in the health care area, in my view, of enormous ramifications. At the end of the last session of the Congress, the Congress failed to provide the funding necessary for the office of Dr. David Brailer, who is, in effect, the national health care technology point man, to try to modernize decision making, record keeping, telemedicine, and other crucial matters in the health care field. His office, as a result of this bipartisan failure by the Congress, was essentially defunded. So what you have is a situation where both political parties talk a big game about health information technology, or IT. You hear senators of both political parties saluting the promise of this exciting field and talk about how committed they are, but the response of the Congress was to essentially defund it. So rhetoric has been in abundance; concrete support has been lacking.

I come to the Senate floor to say I very much hope—and Mike Leavitt has a great interest in health information technology—that this deficiency is corrected in this upcoming Congress because otherwise there will be great consequences.

First, I am concerned that as we see the move towards electronic medical records, these records and the placement of them is not being done in a fashion that will promote interoperability so that they are best in a position to be coordinated and maximize their value. They simply are not interoperable. It is a very significant concern. If we are going to see this trend toward electronic medical records and not take the steps to promote interoperability, that will be a very serious deficiency as we set up the new system and will cause a great deal of confusion.

Second, I am very concerned that in the information technology area, the big and powerful figures, be they high-tech companies or medical clinics, will be able to do this work, but it is not going to be done by the small physician offices and clinics. Dr. Brailer's office was the office that was in a position to give incentives to help those small offices go forward. That work is not being done.

Third, the very promising aspect of health technology has been in the area of regional offices, and now we are not seeing the funds that are necessary for those regional offices as well.

The Congress essentially zeroed out the money that Dr. Brailer needed. It was a modest amount, $50 million. My sense is to really promote health information technology, it is going to take much more significant sums, but to have this body on a bipartisan basis constantly talking about the value of health information technology and then taking the one program that would make a difference and zeroing it out is just unconscionable. Both political parties have let down what needs to be done in this critical area.

I see the chairman of the committee. I know he is very interested in health information technology, as is Senator BAUCUS. I hope to lead a bipartisan effort in this session of the Congress to ensure that Dr. Brailer's office gets the funds that are necessary.

The last couple of points I would make in support of the Leavitt nomination: First, on the question of Medicaid. Mike Leavitt told me, in response to a question I asked, that there was no plan to send a block grant proposal to the Congress. That was welcome news. But he left an awful lot of wiggle room in terms of the details, and so bipartisan concerns remain, concerns by the governors as well, about what is to come.

As one Senator who specializes in this field, I send a message that I am very supportive of the concept of health care waivers. I think that kind of flexibility is certainly a plus. We in Oregon have used them in a humanitarian way, to get better quality care to people for services that are medically effective. But there is a big difference between waivers that are borne out of a desire to use flexibility to serve people and a block grant proposal which just sets an arbitrary cap and cuts people off.

Finally, I want to talk about the importance of working in a bipartisan way to contain costs for prescription drugs under the new Medicare law. As one who voted for that law, believing it was important to get started, I said then that the next step has to be to put in place a real cost containment effort that looks particularly to the private sector. Senator OLYMPIA SNOWE, who serves with great distinction on the Finance Committee, will be introducing legislation with me next week that will say we are going to use private sector forces, marketplace forces, to hold down the costs of prescription drugs in our country. For the life of me, I cannot figure out why Weyerhauser, a big timber company, or an auto company, or a steel company, or any other big concern, has marketplace power to hold down the cost of medicine but the Medicare Program does not. In fact, I don't know of a single buyer in the private sector who, after they purchased a certain volume of a particular commodity, looks to buying another commodity and then doesn't ask for a discount, doesn't ask for some kind of benefit as a result of using their marketplace power.

So I am very hopeful. Mike Leavitt indicated last week he was open to discussions in this area. Certainly, again, there were no details discussed, but he showed a flexibility that I found welcome.

I see the chair and the ranking minority member here. I don't want to detain them. I urge the Senate to approve the nomination of Mike Leavitt when he comes up for a vote. I thank the chairman of the committee, Senator GRASSLEY, and the ranking minority member for their indulgence so I could make these comments.

I yield the floor.

NOMINATION OF MICHAEL O. LEAVITT TO BE SECRETARY OF HEALTH AND HUMAN SERVICES

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of the Executive Calendar, which the clerk will report.

The assistant legislative clerk read the nomination of Michael O. Leavitt, of Utah, to be Secretary of Health and Human Services.

The PRESIDING OFFICER. Under the previous order, there will be 2 hours of debate on the nomination.

The Senator from Iowa, Mr. GRASSLEY, is recognized.

Mr. GRASSLEY. Madam President, in the tradition of the work of the Senate Finance Committee—and that is basically described in one word, bipartisanship—we bring this nomination to the floor. We bring it with the unanimous approval of everybody on the committee, saying that Governor Leavitt should be the Secretary of Health and Human Services. He is a person who is very well qualified for this position, and we look forward to working with him on all of the quality-of-life issues that come before Congress, whether they deal with Social Security, Medicare, Medicaid, welfare—issues that are under the jurisdiction of this new Secretary to administer, and issues that are under the jurisdiction of the Senate Finance Committee for oversight.

During his tenure as Governor, he reduced the number of uninsured children through his work on the Children's Health Insurance Program, he made significant improvements to the child welfare system, and he significantly increased the number of those with health insurance coverage. So some of the things he has done as Governor are some of the things that we are working on in this committee, and some laws are already passed. He will have a chance to continue his good work on these issues in conjunction with us as a committee and directly himself as Secretary of Health and Human Services.

I am not alone in my high estimation of Governor Leavitt. The people of Utah recognize his strong leadership capabilities in reelecting him to three consecutive terms as Governor. Certainly big challenges lie ahead for this Department, as it does for our committee, and strong leadership in that Department is needed. I am glad it comes with Governor Leavitt.

First and foremost, there are an estimated 45 million Americans who lack basic health coverage, and those numbers seem to have been increasing every year. As Secretary, his leadership will be called upon to propose innovative ways that we can help contain costs and increase access to health insurance and the health care resulting from that insurance.

The Medicaid Program will also be a key issue this year. Medicaid provides health care coverage and benefits for low-income individuals and families. It is now the largest Federal care program in terms of total spending and served about 51,000 people in 2002.

It was originally enacted in 1965, and many have suggested it has not kept up with the times. Increasingly, States have been forced to rely upon what we call the 1115 waiver process to manage the program to fit the needs of their State. These waivers are negotiated with little congressional oversight. I look forward to working with Governor Leavitt to ensure that the Medicaid Program is functioning as effectively as it ought to function.

There is the issue of SCHIP, the State Children's Health Insurance Program. Madam President, $1.1 billion in SCHIP allotments expired last year and were returned to the Treasury. In addition, there are anywhere from 4 million to 6 million children currently uninsured who could qualify for this program.

Over the next 3 years, a growing number of States, including my own State of Iowa, are projected to consume their Federal SCHIP allotment. When this happens, they will lack the Federal funds necessary to provide their current level of coverage and also the level of benefits for low-income children.

We need to recapture the $1.1 billion in SCHIP funds, increase our outreach effort to enroll more children, and revitalize the SCHIP program so it is on firm financial footing.

Finally, we need to enact improvements to the 1996 welfare reform bill. We have debated this issue now for 3 years. It is time for action. The numerous short-term extensions are disruptive to the program. I look forward to working with Governor Leavitt to get a welfare bill sent to the President this year. I think that process is starting with the usual bipartisan cooperation between Senator BAUCUS's side of the aisle and his leadership and the Republicans who I lead.

The Department also has the important job of implementing the new Medicare prescription drug benefit. Under Dr. McClellan's leadership, the Centers for Medicare and Medicaid Services has accomplished an impressive workload over the last year.

Dr. McClellan and the staff at the Centers for Medicare and Medicaid Services are to be commended for their long hours, hard work, and, most importantly, a dedication to doing the best they can.

This is a crucial year for the drug benefit that was passed and signed by the President in 2003. I look forward to working with the Governor on this particular issue and continuing the close working relationship with Dr. McClellan.

Medicare still faces significant challenges to be sure. Medicare spending grew by 5.7 percent in 2003, and as spending continues to increase, there is a growing need to restrain its growth.

Many have said rising costs and health care can be contained and health care quality improved by paying providers based on their performance and by utilizing health information technology.

The Department has taken significant steps to reduce health care costs and provide better care through chronic care management initiatives and additional preventive benefits that were in the 2003 legislation.

The Department also called upon Dr. Brailer, as the National Coordinator for Health Information Technology, to develop, maintain, and oversee a plan focused on a nationwide adoption of health information technology in both the public and private sectors.

Bringing these initiatives together to reward quality and efficiency while reducing medical errors and duplication will be one of the major undertakings in health care over the next decade, and strong leadership at Health and Human Services is needed to make that happen.

Another issue on which the Governor's leadership is needed is the importation of prescription drugs from Canada and other developed nations. That surely is a controversial issue that hopefully we can debate in the Senate, because the law must be changed to make that happen. American consumers are demanding lower prices for prescription drugs, and I believe that legalizing importation under conditions that ensure safety is the right thing to do.

I look forward to working with my colleagues on both sides of the aisle to craft legislation that will pass Congress and be signed by the President.

I would also be remiss if I did not address an issue that continues to be of great concern. The frail and elderly residing in our Nation's nursing homes deserve high-quality care. I am confident that with Governor Leavitt's help, we can ensure that they receive no less.

Besides these issues, the Department faces other significant challenges. I have always taken responsibility of conducting oversight over the executive branch operations very seriously, and I will continue to do that as chairman again. Government truly is the people's business, and Americans have the right to know what their Government is doing and how it spends their money. Transparency in Government, coupled with aggressive oversight by Congress, is critically important in helping to make Government transparent, more effective, more efficient, and more accountable to the taxpayers, program participants, and beneficiaries.

I am also a firm and ardent supporter of whistleblowers. Historically, whistleblowers have been key to uncovering waste, fraud, and abuse. Unfortunately, whistleblowers are often as welcome in an agency as a skunk at a picnic.

I look forward to addressing these problems with Governor Leavitt. Taking a closer look at Medicaid, SCHIP improvement, implementation of the new drug benefit, importation of prescription drugs, enactment of welfare reform, and the advancement of information technology and quality in health care as a reimbursement tool are just some of the priorities I look forward to addressing with Governor Leavitt.

I close by urging my fellow colleagues to support Governor Leavitt in his nomination as Secretary of Health and Human Services. It is a major commitment that requires personal sacrifices on many levels, although I believe Governor Leavitt and his wife Jackie are the right team for this job. I also thank President Bush for his choice of such a qualified and competent candidate.

I thank Senator BAUCUS not only for his cooperation on this effort, but we have had 4 years now of cooperative effort, and we expect that to continue. I know he is committed to that.

I yield the floor.

Mr. BAUCUS. Madam President, I thank the chairman.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Madam President, I appreciate those remarks and agree with them.

I rise today to support also the nomination of former Utah Governor and current EPA Administrator Michael Leavitt to be the 20th Secretary of Health and Human Services.

As Utah's longest-serving Governor, Governor Leavitt earned the reputation as an innovator and consensus builder. He is best known for his work in Utah to expand health care coverage. While he and I may disagree on policy grounds about the Utah approach, Governor Leavitt has spoken at length about the importance of transparency, the importance of fairness and open debate, all of which are crucial to creating sound public policy.

He is a consensus builder, something that is very much needed not only in this town but in the new position he is about to have.

Governor Leavitt's leadership and social policies stretch beyond health care. He also has championed welfare reform. The Utah program fulfills many of the goals of the 1996 welfare bill, which I am proud to have helped write. It provides support for low-income families, addresses barriers faced by welfare recipients, provides education and training opportunities to support moving into sustainable employment, and ensures that struggling families receive child support.

As EPA Administrator, Governor Leavitt came out to visit my State. He came out to visit the Superfund site at Libby, MT. We are having a very difficult time in Libby. It is a huge Superfund site, one of the largest in the country. I tell Governor Leavitt, as I have many times, his visit meant a lot to me personally and to the people of Libby who have suffered a great deal because of asbestos sickness.

In short, Mr. Leavitt is a very capable leader and excellent candidate to lead this Department. We are fortunate to have his leadership, because the challenges he will face are tremendous.

This year, as Secretary, Mr. Leavitt will implement the new Medicare drug benefit and managed care reforms—no small task but an extremely important one.

The final rule to implement major provisions of the new Medicare drug law were published last week, 2 days after the confirmation hearing, I might add. I am still in the process of reviewing those regulations, but at first read, I remain concerned about the transition rule for dual eligibles and for consumer protection standards. The final rule included much needed improvements in both areas. For example, beneficiaries who are dually eligible for Medicare and Medicaid will be automatically enrolled into a drug plan. However, the timeframe for doing so is short, and it may still cause problems for many low-income, vulnerable beneficiaries.

While the final rule includes expedited timeframes for coverage decisions, it still appears drug plans will write their own appeals process.

In addition to Medicare, as HHS Secretary, Governor Leavitt will tackle Medicaid reform. Many of us in Congress anticipate an aggressive reform proposal will be included in the President's budget. It is true, as many claim, that Medicaid costs are growing, but the cost growth is due to an increase in enrollment during our recent economic downturn and for the same health care cost of inflation that affects every insurance plan. In fact, Medicaid growth is lower on a per capita basis than is Medicare growth or private insurance growth. It is lower. We should also bear in mind that Medicaid covers long-term care, something which is quite expensive.

Also, I disapprove of the administration's use of its 1115 waiver authority. The 1115 waiver authority was not intended to achieve wholesale reform of Medicaid. We have a Medicaid law. The waiver authority was not meant to undermine that law. It was meant to grant flexibility to the States but not to undermine the law. It was not intended to undermine the fundamental nature of the Medicaid Program.

I suspect the administration will want to consider Medicaid waivers, State flexibility, and Medicaid funding as part of any formal discussion.

Reauthorizing TANF is another task to add to Mr. Leavitt's growing list. We cannot continue to extend the program on a 3-month or 6-month basis, as these short month extensions have undermined the stability of the program. We have to enact and reauthorize welfare reform. We must work together on a longer term reauthorization, one that builds on the 1996 reform law.

Finally, I hope we can work together to address rising health care costs and the uninsured. The United States health system is the most expensive in the world, by far. Spending on health care in 2003 reached $1.7 trillion, which calculates out to $5,670 per person. That is about twice the next highest level in the world, which is Switzerland, and they spend half per capita than what we spend. Yet 45 million Americans, even though we spend so much more than any other country, lack health insurance. What can we do about lack of insurance and rising health care costs?

With respect to the uninsured, every major poll suggests covering the uninsured should be at the top of the congressional agenda. Yet this issue always seems to take a backseat. I think, however, that we can make progress—maybe not sweeping reform but we can address the problem incrementally, starting with areas first of general agreement.

I believe there is a consensus, for example, that we ought to start by covering low-income children and the poorest adults below 100 percent of poverty.

I have every hope Governor Leavitt, as HHS Secretary, will keep working on this, and I pledge to help him.

With respect to rising health care costs, I believe we can take important steps this year to improve health care quality and the way we pay for health care in our country. I am counting on the administration's support. I am counting on them to back up their statements and goals with funding and actions.

I have no doubt Governor Leavitt is up to the task. He has an excellent reputation, not just as Governor of Utah, not just as EPA Administrator, not just as a political leader, but as someone who is creative, who can think outside the box, and who can work with folks from all perspectives.

Governor Leavitt has my very strong support. He has my vote. I look forward to working with him as Secretary Leavitt and with the administration to address the many challenges that lie ahead for our country.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, as everybody around here knows, I strongly support the nomination of Governor Mike Leavitt for Secretary of Health and Human Services. I urge my colleagues to confirm Governor Leavitt so that he may start his work as quickly as possible.

I have known Governor Mike Leavitt for a long time, almost 30 years, and have worked very closely with him on many health issues, not just local and State health issues but national health issues as well. Governor Leavitt has a distinguished record. He is highly qualified for this job. He is bright, energetic, dedicated, and fair—all of the qualities necessary for this important position.

I say with all respect to those who have gone before him, I can think of no better candidate for Secretary of Health and Human Services or no better nominee than Mike Leavitt.

Having said that, I compliment his predecessor, Governor Tommy Thompson. To have two great Governors in a row running HHS is a credit to this administration and to the country at large. Governor Thompson has done a terrific job at HHS under very difficult circumstances. It is almost an unmanageable entity because it is so large and so important and covers so much of the wealth and costs of this Nation. Governor Thompson deserves a great deal of credit. He was a great Governor, but so was Mike Leavitt. Between the two of them, we will have a continuity that will be very beneficial to all of us.

Governor Leavitt has devoted much of his life to public service, first in Utah and more recently in Washington. He is a smart decisionmaker, a tireless worker, and a successful manager and executive. He is fair. He is knowledgeable about health care. He is a decent family man. The bottom line: He will get the job done.

As Governor of Utah, Governor Leavitt was a strong leader on issues familiar to this body: welfare reform, health care delivery, and, of course, Medicaid. During a difficult financial time for our State of Utah, Governor Leavitt was able to create a fiscally responsible budget and at the same time provide important services to lower income Utah citizens of all ages.

While Congress was working on the 1997 Child Health Insurance Program legislation, a bill that I was the prime sponsor of, I talked to Governor Leavitt frequently to get his perspective as a leader in the National Governors Association. At first he was not very enamored with the Hatch-Kennedy bill. On the other hand, I told him the final bill was not going to be exactly that bill, which was written a little more moderately than I thought it should be. I also wanted the States to have more authority and power with the CHIP program, which was more in sync with Governor Leavitt's thinking. During that time he provided me with valuable insight and has continued to do so as the program has grown.

I would be remiss if I did not also cite Governor Leavitt's great work in providing health care coverage to not only

CHIP-eligible children but to lower income adults of our State as well through innovative new State health care insurance programs like the Primary Care Network.

In addition, Governor Leavitt implemented several new and innovative approaches to serving the poor. Governor Leavitt's administration was one of the first to implement a philosophy of universal engagement wherein every candidate to receive State assistance was assessed and a plan to help these individuals become self-sufficient was created. This proved to be an enormously valuable tool to helping the disadvantaged get the assistance they needed to return to the job market as soon as possible.

As in many aspects of his life as a public servant, Mike Leavitt is a visionary who cares deeply about people, exactly the type of a person we want in this position.

Finally, Governor Leavitt has been a strong supporter of the Utah Head Start Program. For many children, the Head Start Program is their first and only exposure to education and health services. There are many examples of how the Utah Head Start Program has made a dramatic difference. Let me cite a couple for my colleagues. One little girl from Utah was handed a book on her first day in the program and literally did not know how to open the book. Another child was diagnosed with a brain tumor through the Utah Head Start screening process. Surgery was successfully performed, and he returned to the program and did extremely well. Governor Leavitt has had firsthand experience at overseeing this program and therefore brings an important perspective to HHS on why Head Start needs to be continued and even strengthened.

On a personal note, I emphasize to my colleagues that Mike Leavitt is a fair man. I know him very well. He will look at all sides of an issue before making a policy decision, and my colleagues can count on the result to be the right decision. His record as both the Governor of Utah and as Administrator of EPA proves this, and he will continue to be a great leader when he becomes Secretary of HHS. I can promise my colleagues he will be an excellent leader for the programs we all support—Medicare, Medicaid, CHIP, welfare and community health centers, just to make a few.

Importantly, we can count on Mike Leavitt, along with the Administrator for Medicare and Medicaid Services, Mark McClellan, to work closely with our committee on the difficult task of fully implementing the Medicare prescription drug program next January. I might add that the jurisdiction of a Secretary of Health and Human Services is quite broad, it not only includes CMS, which handles Medicaid and Medicare among other programs, but it also includes the Food and Drug Administration and many other different programs within that department.

In my opinion, the FDA is the single most important consumer agency in the world. The FDA handles upwards of 25 percent of all consumer products in America, and the agency does an extraordinary job. However, there is more and more pressure on FDA every year to try to have a fail-safe system where no deleterious results can occur from pharmaceutical innovations. There is no way that can ever be, but I believe that FDA does as good of a job as possible. In fact, my FDA Revitalization Act, authorized the creation of a central campus in the Washington, DC, area to house all FDA employees in this greater area who are now scattered over more than 30 different facilities, which can be very inconvenient and nonproductive. In December 2003, we dedicated the first building on the White Oak campus, which is where the full FDA campus will be built with state-of-the-art equipment and state-of-the-art facilities. Individuals who want to work in this area will be given an opportunity to work under the best of circumstances.

One of Governor Leavitt's responsibilities as Secretary will be to continue with this centralization, complete with a totally computerized and digital FDA campus, created so that we can be even more efficient at FDA. It is my hope that this centralized campus will shorten the length of time it takes to ensure the safety and efficacy of pharmaceutical drugs.

I will close with one anecdote related to me the other day. After attending several briefings with the Secretary designate, an FDA official stated: At our first briefing, Governor Leavitt was good. At the second meeting, he was excellent. At the last briefing, he was teaching us.

Now, that is the kind of a man Mike Leavitt is. He will be a great Secretary. With pride and admiration, I strongly support my fellow Utahan Governor Mike Leavitt's nomination for Secretary of Health and Human Services. Let us get him confirmed and on the job as soon as possible. I have no doubt that will occur. I am very grateful to those who are willing to support Governor Leavitt, and I suspect that everybody in this body will do so.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. TALENT. I ask unanimous consent the order for the quorum call be rescinded, and I ask unanimous consent to proceed for only about 3 minutes.

The PRESIDING OFFICER (Mr. HATCH). Without objection, it is so ordered.

The Senator from Missouri is recognized.

THE UNBORN CHILD PAIN AWARENESS ACT

Mr. TALENT. Mr. President, I appreciate the Senator for taking the chair for just a couple of minutes so I can speak about a bill I have introduced along with Senator BROWNBACK. He is the lead sponsor. There will be others on the bill as well. We had sponsored the bill last year. I want to make a brief statement about it.

It is a good bill in an area where we often do not see consensus, but I believe this bill will promote consensus. It is the Unborn Child Pain Awareness Act. It is based on the scientific evidence, which I think is a matter of common sense as well, that children in gestation, unborn children in the womb, do at a certain point acquire the capability of feeling pain. What the bill says is that before an abortion can be performed on a child who has been in the womb for 20 weeks or longer, the abortion doctor has to inform the mother that the child will feel pain and will, in fact, feel intense pain if the procedure is performed, and then inform her that if she wants to go ahead anyway, the child can be given an anesthetic so that that pain is not felt.

Apart from the fact that the scientific evidence indicates children at this point can feel pain, I have a personal stake, if you will, in this. Before we were blessed with the three children we have, my wife had several miscarriages in a row. It was pretty obvious what was growing inside of her was a person. It makes sense to me to believe at a certain point that a child can feel pain, and 20 weeks is actually a pretty conservative estimate of when the child is able to feel that kind of pain.

I see no reason a doctor about to perform such a procedure would not want to make it known, or a woman who is considering undergoing it would not want to know that fact to make a decision.

Mr. President, you know me and my view on this issue overall. I believe unborn children are people. I look forward to and long for the day where we believe there is room in our hearts and our homes and our laws for them and their moms. We are not there in that fundamental sense, but we are at a point where we can work on legislation like this which has support broader than either the pro-choice or pro-life side. This is legislation which is really designed to perfect the current law that says women should be able to make a choice. Then they should be able to make an informed choice.

I hope that is what we do. I hope we have an opportunity to bring it up on the floor of the Senate, and if we do have an opportunity to have a reasonable debate, we will pass it with a large margin. I hope to have that done in this Congress. I am proud to have cosponsored it.

Mr. CONRAD. Mr. President, I plan to support Governor Michael O. Leavitt's nomination to be Secretary of Health and Human Services, HHS.

Governor Leavitt is taking on a difficult role. There are many healthcare challenges facing our Nation. With over 300 separate programs and a budget of more than $400 billion per year, the Secretary of HHS is responsible for setting the healthcare agenda for the administration. It is my hope that implementing the Medicare prescription drug benefit will be at the top of Governor Leavitt's agenda. This large and complex law will have a tremendous impact on 40 million Medicare beneficiaries. As we get closer to January 1, 2006—opening day for the drug benefit—HHS will have many important decisions to make. I look forward to working with Governor Leavitt to ensure that North Dakota seniors get the options and information they need to make the best choice about the right drug benefit for them.

Also, given his record, I hope Governor Leavitt will take an active role in addressing funding shortfalls in the rural healthcare system. Many of the provisions in the Medicare Modernization Act that erased the inequities that existed between rural and urban providers are due to expire in 2006 and 2007. I am committed to reauthorizing these important provisions and trust that Governor Leavitt will work with me towards this end.

More generally, it is important that HHS and Congress look at other areas where healthcare needs are being unmet and take the appropriate steps to improve access to healthcare in rural America. For example, Congress should improve the financing of our rural emergency medical services. Our rural EMS squads are a vital component of the healthcare system, and current Medicare regulations do not adequately reimburse these squads for their services. This Congress, I intend to introduce legislation to improve the rural EMS system and hope that Governor Leavitt will support these efforts.

As Governor of Utah during the 2002 Winter Olympics, Mr. Leavitt had extraordinary experiences with preparing for a possible bioterrorism attack that will aid him in his position as Secretary of HHS. Over the past years, I have pushed for the enactment of a national emergency telemedical communications system that could be used to more effectively respond to a bioterrorist attack on a regional level by using telehealth technologies. I look forward to working closely with Governor Leavitt to move this legislation forward.

Finally, in his new role as Secretary, Governor Leavitt will be charged with preserving and protecting two of our Nation's most important health insurance programs—Medicaid and the State Children's Heal Insurance Program. It is important that Governor Leavitt be a strong advocate for these vital social programs.

I look forward to working with Governor Leavitt in the coming years to improve healthcare for all Americans.

Mr. KENNEDY. Mr. President, I support the nomination of Michael Leavitt to be the next Secretary of Health and Human Services. Our Committee on Health, Education, Labor and Pensions has unanimously recommended his confirmation, and I urge the Senate to do so as well.

At the committee hearing on his nomination, Governor Leavitt showed the intelligence, honesty and commitment to public service that have been the hallmark of his career. While we differ on some issues raised at the hearing, there are many issues where we agree and can work together to create a bipartisan consensus. I believe that he will lead the Department with integrity, skill and vision.

The Department of Health and Human Services has a broad and deep impact on the lives of the American people. Its programs reflect the ideals of our nation and our commitment to provide help to all those who need our help the most.

HHS cares for the elderly through Medicare and the Older Americans Act. It nurtures the young through Head Start, CHIP, and maternal and child health programs. It sustains poor families through the Temporary Assistance to Needy Families Act. It brings health care to all in poverty through Medicaid. It offers help and hope to patients suffering from disease through the National Institutes of Health. It guarantees every American that the medicines they take are safe and effective and the foods they eat are healthful through the Food and Drug Administration. It protects the health of every American against epidemics of disease through the Centers for Disease Control and Prevention.

Mr. Leavitt brings impressive skills to this critical post. As a former governor he knows how HHS works, and where it needs improvement. At EPA, he confronted health issues similar to many of those dealt with by HHS. Everyone who knows him respects his intelligence, his high energy, and his experience as a manager and problem-solver.

His new position will test all those skills, and he'll face an especially heavy challenge this year. Many of the most important programs he oversees get lavish praise but little real support. Last year, the administration was able to push through the Congress a flawed Medicare drug bill that benefited drug companies and insurance companies at the expense of patients. Governor Leavitt will now have to implement that flawed bill.

Press reports indicate that the administration intends to block grant Medicaid and cut it deeply, and to cut Medicare deeply as well. More than 50 million of the Nation's poor depend on Medicaid for health care. Forty-two million senior citizens and disabled Americans depend on Medicare. The administration's tax cuts for the wealthy and its misguided war in Iraq have created a catastrophic deficit, but it would be unconscionable to solve the budget crisis by penalizing the poor and the elderly who did nothing to create it, and to ask the wealthy and powerful to make no contribution at all.

We will continue our bipartisan work this year on Head Start—the foundation of federal support for the nation's most vulnerable children. Head Start has a 40-year track record of success. The reauthorization this year is an opportunity to build on that success, and do more to open the American dream to many more children who deserve our help. A block grant for Head Start would be a giant step backwards—we can't turn Head Start into Slow Start or No Start.

The current extension of welfare reform expires at the end of March, and our ability to move the welfare debate forward will require more flexibility from an administration willing to work in good faith with Congress on this basic issue of what kind of country we are. Governor Leavitt led Utah's innovative welfare program, which guarantees provides support and services tailored to the individual needs of each recipient, including education and training, substance abuse treatment, child care and other key assistance.

Other priorities facing the Department include the need to move our health care system into the modern age using information technology, and improve FDA's ability to detect and respond promptly to warning signals on the effects of new drugs. We must also continue the fine work of Secretary Thompson in putting disease prevention and health promotion higher on the national agenda. And I hope that Governor Leavitt will support the bipartisan efforts led by Senator DORGAN and Senator SNOWE to import safe FDA-approved drugs at the low prices that Canadians and Europeans are charged.

I welcome Governor Leavitt's strong commitment to using information technology to improve the quality of care for America's patients and to reducing the costs of health care. I look forward to working with him closely to see that we take the actions needed to turn our bipartisan vision of an improved health care system into a reality.

Michael Leavitt is a distinguished and talented public servant, and an impressive choice for this important responsibility, and I urge the Senate to confirm him as Secretary of HHS.

Mr. DOMENICI. Mr. President, I rise today in strong support of the nomination of Michael Leavitt to be the Secretary of the Department of Health and Human Services. Michael is an overwhelmingly qualified candidate and the kind of leader the Agency needs. I am confident he will work hard to serve the public health needs of our Nation.

Michael Leavitt will bring considerable executive experience to this post. As the former Governor of Utah, he improved access to health care for thousands of children and adults, while keeping rising health care costs in check. To date, Utah's uninsured rate remains below the Nation's average. Michael has also proven himself a capable leader in his former positions as chairman of the National Governor's Association, and most recently, administrator of the Environmental Protection Agency.

The Department of Health and Human Services, HHS, helps to protect the health, safety, and well-being of the American people. HHS is among our Nation's largest and most important Federal departments, overseeing more than 300 programs with a budget in excess of $580 billion. HHS is responsible for the management of such vital programs as the Food and Drug Administration, Indian Health Services, the Centers for Disease Control and Prevention, and the Centers for Medicare & Medicaid Services. The Medicaid and Medicare programs alone help provide needed health care to nearly 80 million Americans.

I applaud President Bush for his choice of an accomplished leader to head this vital department. I look forward to working with Secretary Leavitt on critical issues such as implementation of the Medicare prescription drug program, medical liability reform and finding ways to reduce the cost of health care.

Mrs. FEINSTEIN. Mr. President, I support the nomination of Governor Michael O. Leavitt to be U.S. Secretary of Health and Human Services.

Governor Leavitt has had a lengthy career in public service, having served most recently as the 10th Administrator of the United States Environmental Protection Agency.

In 1992, Leavitt was elected the 14th Governor of Utah and was that State's longest-serving Governor.

During his three terms as Utah's Governor, he was chosen by the Nation's Governors to represent States in working with Congress on welfare reform, Medicaid and children's health insurance. He chaired the National Governors Association, the Western Governors Association, the Republican Governors Association and Council of State Governments.

Governor Leavitt established an innovative welfare reform waiver program focused on increasing family income using an approach that emphasized employment and child support, but also addressed initial problems with families in need such as domestic violence, education, training, language barriers, and substance abuse issues to promote sustainable employment.

This year, the HHS Secretary will have the critical task of overseeing the implementation of the first ever drug benefit in Medicare as well as the implementation of several program reauthorizations such as Ryan White, Temporary Assistance for Needy Families, and the State Children's Health Insurance Program, all within an ever-constrained budgetary picture.

As someone who voted for the Medicare Modernization Act, it is my hope that Governor Leavitt will work with me to address some of the weaknesses of the bill in addition to ensuring that the more than 41 million Medicare beneficiaries know about this new benefit in Medicare and its low-income subsidies.

Of greatest concern to me is the cost of prescription drugs. In voting for the Medicare bill, I said on the Senate floor that one of the greatest weaknesses of the bill was that it not only did not do enough to control the rising cost of prescription drugs but it specifically prohibited the HHS from using the bulk purchasing power of the Federal Government to negotiate with prescription drug plans to lower drug prices for Medicare beneficiaries. I believe this prohibition should be stricken and that there should be a role for the HHS Secretary in what Medicare and beneficiaries pay for their drugs.

I am committed to working with the HHS Secretary to find real solutions for lowering drug costs for our Nation's seniors.

As the Medicare drug benefit is enacted, I am also hopeful that Governor Leavitt will work to ensure access to all needed medications for people living with HIV and AIDS, to allow for adequate transition time for the most vulnerable low-income seniors and to provide sufficient incentives and transparency for employers to retain their retirees' health care coverage.

Governor Leavitt will oversee the Department of Health and Human Services at a time of rising deficits and this will require tough decisions. But these decisions must be balanced with the needs of the millions of Americans, young and old, who rely on Medicare, Medicaid and SCHIP to provide their health care insurance.

Medicaid provides insurance to 40 million Americans, about 8 million of whom live in California. It covers 55 percent of all poor children and it pays for the births of one-third of all American children. It serves 50 percent of all people with AIDS and as many as 90 percent of children with AIDS.

Medicaid is the insurer of last resort. If Medicaid did not exist, these individuals and families would be uninsured.

But it is also the biggest budget items in many States. There is no question we can improve the efficiency and quality of Medicaid to ensure our dollars are being well-spent but we also cannot lose site of the fact that increases in spending per enrollee from 2000 until 2003 were slower than increases in private insurance spending.

There are 45 million Americans without health insurance today. Arbitrary limits on Federal Medicaid spending will only increase the number of uninsured, driving up overall health care costs and burdening our nation's already overcrowded emergency rooms.

There is a great deal of work to be done, and I look forward to a productive working relationship with Governor Leavitt.

Mr. DURBIN. Mr. President, as you know, I am passionate about health care issues, and I want to talk today about two issues of particular interest to me, which Health and Human Services Secretary Nominee Michael Leavitt has promised to review when he takes the helm at that department.

Leavitt promised to look at the legislation which Senate Judiciary Chairman ORRIN HATCH, R-Utah, and I are developing to require dietary supplement manufacturers to submit reports to the Food and Drug Administration when they cause serious injury or death to consumers. Under current law, these manufacturers of these products, which are widely sold, do not have to report to the government if their products are suspected of causing someone taking them to become ill or even die. This happens even to people who are seemingly healthy, such as 17-year-old Sean Riggins from Lincoln, IL. Sean was a rising star on his high school football team in 1992 and wanted to enhance his performance in the big game. Sean took "Yellow Jackets," a supplement promising increased energy, which contained ephedra. Sean was killed by those pills.

While dietary supplements are safely consumed by millions of Americans every day, unfortunately, this is not always the case. Ephedra is perhaps the best-known dangerous supplement ingredient; it has caused at least 150 deaths, forcing HHS to pull it off the market. There are other supplements that have raised questions, such as aristolochic acid, usnic acid, kava kava and yohimbine, and the problem is, we just don't have the data centrally located to help the agency determine the products' safety. The law assumes products containing these substances are safe until proven unsafe.

Senator HATCH and I do not always agree, but on this issue, we do. There should be a clearinghouse at the Food and Drug Administration for these manufacturers to provide data about the safety of their products. And most of the industry and consumer groups are on our side, so as we develop legislation this year, Administrator Leavitt has agreed to review it. I look forward to working with him.

Administrator Leavitt also promised to remain active on the issue of tobacco control. Mr. Leavitt is a former charter member of the American Legacy Foundation board, the foundation established by the Master Settlement Agreement to educate youth and the public about the addictiveness and health effects of smoking.

More than 90 percent of adult smokers began smoking as teenagers. The American Legacy Foundation's public education campaign is helping to produce dramatic decreases in youth smoking rates. The work of the American Legacy Foundation is more important than ever to this country's health.

I support Administrator Leavitt's nomination to serve as Secretary of Health and Human Services and welcome the opportunity to work with him to reduce smoking among young people, acquire quality safety data on dietary supplements, and address other critical health concerns.

Mr. DODD. Mr. President, I rise today as the nomination of current Environmental Protection Agency, EPA, Administrator and former Utah Governor Michael Leavitt for the position of Secretary of Health and Human Services comes before the Senate. I plan to support this nominee as I did a little more than one year ago when Governor Leavitt's nomination to lead the EPA came before this body. I do so with the intention of working with him once he is confirmed as the administration's leading health care advocate to protect our Nation's vital health care infrastructure.

Once confirmed as Secretary of Health and Human Services, Governor Leavitt will oversee the administration of the Department of Health and Human Services. HHS, the vast federal agency overseeing the Medicare and Medicaid programs, the National Institutes of Health, NIH, the Food and Drug Administration, FDA, the Centers for Disease Control and Prevention, CDC, the Health Resources and Services Administration, HRSA, and the Administration for Children and Families, which oversees child care, welfare and Head Start. HHS operates more than 300 critically important programs that represent almost a quarter of all federal outlays. In fact, the Medicare and Medicaid programs alone provide health insurance for one in four Americans.

Current research tells us that well crafted, well researched, and comprehensive public health initiatives spearheaded by the office of the Secretary of Health and Human Services could lead millions of Americans to efficiently and successfully address health concerns before they become critical. However, just as important as the development of lifesaving preventive services is support for those programs already providing services to those already struggling with disease or impairment. In order to be successful in his new role as Secretary of Health and Human Services, Governor Leavitt will need to balance these sometimes competing needs so as to effectively lead our nation's federal health care systems into the 21st Century.

Let me just take a moment to lay out several areas that I hope Governor Leavitt will make a priority as secretary. First, I think it is imperative that we take steps to ensure that the prescription drugs that are already on the market will not harm the millions of Americans that rely on them for their health and well-being. Serious questions have been raised about the ability of the Food and Drug Administration to ensure the safety of medicines. In the coming days, I will be introducing a bill to reform the FDA and give it the authority and resources to effectively monitor prescription drugs that are on the market, and take action if a safety issue is identified. I look forward to working with Governor Leavitt on this issue, and I hope that he will make it one of his top priorities.

Of additional concern are possible efforts to modify our nation's Medicaid program, the federal and state health insurance program for those with low incomes. Currently this valuable program serves more than 50 million low-income children, pregnant women, elderly and disabled Americans, providing a vital safety net of health care services to these often vulnerable populations. I plan to work with the new Secretary to ensure that any modifications to this important program do not endanger its continued ability to provide for the health of its needy beneficiaries.

I am also hopeful that Governor Leavitt will expand the work done by his predecessor to bring the health care system into the information age. Expanding the use of information technology, IT, in health care settings will save patients' lives and improve the quality of care. In addition, estimates suggest that investment in health IT is one of the most effective tools we have to control skyrocketing health care costs, making health care more affordable for all Americans.

I urge Governor Leavitt to take a close look at an issue affecting the health of infants in this country. The Advisory Committee on Heritable Disorders and Genetic Diseases in Newborns and Children is close to issuing a report recommending a standard set of genetic disorders that all states should test for at birth. Newborn screening saves thousands of lives every year, but the current inconsistency in state testing policies means that too many children still suffer from disorders that are not detected until it's too late. I hope that Governor Leavitt will work with me to ensure that states can adopt the recommendations of the advisory committee, so no more infants fall through the gaps in newborn screening.

Tragically, we know that each and every day in America 7,000 children under the age of sixteen have their first alcoholic drink. We also know that 4,500 children under the age of 21 will lose their lives due to the abuse of alcohol each year. At the same time, the social costs associated with underage drinking total close to $53 billion annually including $19 billion from automobile accidents and $29 billion from associated violent crime. In 2003, the Institute of Medicine released a study, "Reducing Underage Drinking—A Collective Responsibility," that laid out the national problems presented by consumption of alcohol by youth and established a multi-tiered national strategy to reduce underage drinking's toll. Sadly, however, there has yet been little progress made in instituting this strategy. It is my desire to work with the new Secretary toward implementation of this important report's recommendations.

I also look forward to working with Governor Leavitt to increase the availability of medical devices for children. Many essential medical devices used extensively by pediatricians are not designed and sized for children's special needs. Because the number of children needing a particular device is often quite small, there's simply little financial incentive for manufacturers to make pediatric appropriate devices. As a result, health care providers are forced to use adult devices "off-label" without a clear understanding of the risks involved or to use older, less optimal, or more invasive interventions. Pediatricians tell us that the development of cutting-edge medical devices suitable for children's smaller and growing bodies can lag 5 or 10 years behind those for adults. In my view, this is an issue that demands our attention.

Lastly, if I could take a moment to talk about some of the issues related to poverty that this Congress will face and how important it will be that we are able to work with a Secretary of Health and Human Services who will be prepared to listen and to objectively assess options and, when appropriate, to help bring compromise toward a bipartisan solution. In the coming months, we will be working on legislation to further strengthen Head Start, to improve the quality of child care and to provide additional funding for child care in order to ensure that we do not pit the working poor against the welfare poor, legislation to reauthorize the Community Services Block Grant, CSBG, as well as the Low Income Home Energy Assistance Program, LIHEAP. I am interested in working with Mr. Leavitt to reach bipartisan support for these measures, which frankly should have bipartisan support. We should not be politicizing poverty.

I am very concerned about the direction that the administration wants to take with regard to Head Start. I, too, believe there are further actions we can take to strengthen the literacy and cognitive development of Head Start children. But, Head Start is not just about literacy. It is about overall school readiness which includes the social, emotional, physical, and cognitive development of children, development of the "whole" child. The Head Start bill approved by the House last year and supported by the administration would repeal the Head Start performance standards—standards which help ensure the comprehensive quality of the program. I think that is a mistake. We can and should further strengthen the Head Start program and I look forward to working with Governor Leavitt to do so. But, if we are serious about strengthening Head Start, then we cannot repeal the performance standards which are the foundation for quality accountability.

As I mentioned earlier, another issue I hope to work with Governor Leavitt on is child care. When Governor Leavitt appeared before the Committee on Health, Education, Labor and Pensions, we talked about the need to expand access to the children of working poor families, not just the welfare poor, and to improve the quality of care. Again, if we are serious about improving the school readiness of our Nation's youngest, then we need to ensure that the child care they receive is related to child development. Some 700,000 children are in state pre-kindergarten programs. Another 900,000 children are in Head Start programs. But, some 14 million children younger than six are in child care arrangements for many hours every day, every week. If we ignore the quality of care that these children receive, we are missing an opportunity to ensure that these children enter school ready to learn. It is these children, largely from working poor families, who aren't in Head Start, who aren't in a 2–3 hour day pre-kindergarten program because their parents work, who are most at-risk of being left behind. I am hopeful that we can work to achieve a bipartisan increase in child care funding to better address the needs of the working poor while improving the quality of care the children in these families receive.

These issues of concern offer only a handful of the multitude of items facing the office of the Secretary of Health and Human Services. In his new role as Secretary of Health and Human Services, Governor Leavitt will have the opportunity to touch the lives of millions of Americans who often struggle to adequately address their health care needs.

However, as we all know, with great opportunity also comes great responsibility. As we learned painfully with the bioterrorist attacks of 2001, we now face as a nation threats to our public health that we could never have imagined only a few short years ago. In this new era, it is critical that we are prepared to meet these new challenges head on. I look forward to working with Governor Leavitt in his new role and in the future to ensure that the public health infrastructure of the Unites States is prepared to adequately address these new threats.

So it is with great optimism that I support this nomination. I can think of few more influential positions within federal service than the position of Secretary of Health and Human Services. This position brings with it a great opportunity to not only shape the way we as Americans learn about the importance of health but literally has the ability to save lives. I hope to be able to have the opportunity to work with Governor Leavitt in his new role as Secretary of Health and Human Services to enhance the health and well-being of all Americans.

Ms. STABENOW. Mr. President, I rise today to discuss the nomination of former EPA Administrator and Utah Governor Michael Leavitt to be the Secretary of Health and Human Services.

I respect Governor Leavitt. He and I have enjoyed a good working relationship when he was the EPA administrator. Governor Leavitt always kept an open door, and he worked closely with me on important Michigan issues such as Canadian trash and air quality standards.

But today, he stands ready to take a new role. This is an immense honor and carries even greater responsibility. HHS oversees many of the agencies that affect Americans' lives the most. For example, the Secretary oversees Medicare and Medicaid, which covers over 70 million people, from children and mothers to seniors and the disabled. The National Institutes of Health drives our Nation's biomedical research, and the Food and Drug Administration works to make sure what we eat is safe.

Unfortunately, HHS also has a series of missteps. In today's Washington Post, we learned that HHS, like the Department of Education, paid a journalist to write supportive statements about administration policy in her column. This is on top of findings that HHS improperly used federal money for political purposes. HHS officials also stopped the CMS actuary from giving important information to Congress about the true cost of the Medicare drug bill. I urge Governor Leavitt to work to correct these abuses.

I intend to vote to confirm Governor Leavitt, but I do want to use this opportunity to raise some major concerns about health care. First, I am concerned about Governor Leavitt's position on Medicaid. My State has made great strides in stretching each Medicaid dollar, including an innovative drug purchasing plan with other States.

We should encourage States to find innovative ways to save money, but having flexibility and innovation does not mean cutting people's benefits. I am concerned about rumors about "block granting" Medicaid. That would be a dangerous proposition to our most vulnerable populations that rely on this important State-Federal partnership.

Second, we need to have a full and open debate about reimportation. Last Congress, I was deeply disappointed that after numerous bipartisan attempts to bring the issue of drug reimportation to the Senate floor, the leadership blocked a fair discussion on a sensible way to bring down drug prices. I am glad that my friend and colleague Senator DORGAN secured an agreement with Senators FRIST and ENZI on having a HELP committee hearing on reimportation by April 25.

We urgently need to have a reimportation bill brought to the floor. I am very troubled by allegations of delays while our seniors and businesses pay the price. For example, there are allegations that the administration is putting strong pressure on our neighbors to the north to block reimportation. In fact, we have heard complaints that almost immediately after U.S. trade officials visited Canada in December, the Canadian health minister began looking into ways to block reimportation.

I have heard too many stories from my constituents that without lower priced, FDA-approved drugs from Canada, they would not be able to afford their rent or buy their groceries. In the America that we want for ourselves and our children, no one should ever have to choose between paying their rent or their medicine.

It is unacceptable that they cannot purchase their medicine here in the United States. In this great Nation, a pharmacist in Detroit should be able to do business safely and securely with a pharmacist in Windsor.

I am glad that Governor Leavitt is keeping a more open mind about reimportation than others in the administration . . . so far! In fact, during his nomination hearing in the Finance Committee, he stated: "If it can be shown that it can be done safely, then it's a discussion we should have."

I hope Governor Leavitt will continue to keep an open mind as we debate reimportation under the agreement with leadership. Again, we need to have an open debate here in Congress about reimportation.

Finally, I hope that Governor Leavitt would keep an open mind about allowing the Federal Government to negotiate drug purchases on behalf of Medicare.

Even outgoing HHS Secretary Thompson said at his December 3 resignation press conference that he would have liked to have had the opportunity to negotiate lower drug prices.

I know that Secretary-designate Leavitt has said he does not believe that the Secretary should have the power to negotiate with drug manufacturers to secure lower prices for Medicare beneficiaries. Rather, he believes that the Medicare law provides enough safeguards to keep drug prices in check.

How is that possible when researchers at Boston University have found that the pharmaceutical industry will actually make $139 billion more under this plan?

In fact, a recent study published in the prestigious Health Affairs journal found that if Medicare could negotiate and bring drug prices more in line with other nations' costs, we could close the doughnut hole.

I am disappointed that Governor Leavitt does not believe in using the market power of over 40 million people to get the best prices for seniors, the disabled, and the American taxpayer. It is a good market-based solution.

More than ever, we need to work to keep down the costs of drugs. It is hurting our businesses, it is hurting our families, and it is going to hurt every American taxpayer when the new Medicare drug program begins in 2006.

Yesterday the Wall Street Journal published a sampling of this month's prescription drug price increases, finding that the prices of 31 of the 50 biggest selling medications have increased dramatically since our November elections. These drugs included popular drugs such as the cholesterol-lowering drugs Lipitor and Pravachol; the painkiller Celebrex; the antidepressant Zoloft; and the blood-thinner Plavix.

One health research group stated that pharmaceutical companies are marking up their prices now in anticipation of the Medicare drug program coming out in 2006.

It is outrageous that Medicare can't negotiate prices just like businesses, states, and even other Federal agencies can.

This is a great nation, and in the past month, we have seen how strong our democracy is. But we also have room for debate and discussion. I urge Governor Leavitt to keep an open mind and to work with all Members of Congress to bring down the cost of prescription drugs for all Americans.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TALENT). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, the business before the Senate is the nomination of Governor Leavitt to be the Secretary of Health and Human Services. I come to the floor to express my support for Governor Leavitt. He has come to Washington in recent years to be the head of the Environmental Protection Agency. He is someone of considerable talent, and he is someone with whom I have worked when he was Governor of the State of Utah.

I have great respect for him, and I am very pleased that someone of his capability and talent would offer himself again for this Cabinet post. I am very pleased to support his nomination.

I do want to say that one of the issues that he will confront as the Secretary of Health and Human Services is the issue of the reimportation of prescription drugs. It has been a hotly debated issue in the U.S. Congress. Sufficient votes exist in both the House and the Senate to pass legislation allowing for the reimportation of prescription drugs. The only reason that legislation has not been passed and gone to the President is it has been blocked by a minority, and blocked by those who want, apparently, to protect the President from having to veto legislation that includes reimportation.

The President has indicated opposition to the reimportation of prescription drugs.

Let me describe why the reimportation issue is important. The fact is, American people pay the highest prices in the world for prescription drugs. That occurs because the pharmaceutical industry can charge those prices. Unlike most other industrialized countries, we have no price controls. There, in fact, are some price controls, but the controls are in the hands of the pharmaceutical industry. They actually control prices in this country, and they control prices because of a piece of legislation that was passed a couple of decades ago that prohibits the reimportation of prescription drugs, except by the drug manufacturer itself. For that reason, unlike other countries, citizens in our country are not able to routinely purchase an FDA-approved drug which is sold for a much less expensive price in other countries.

There is an exception to that, which is the allowance for prescription drug reimportation for personal use by someone who actually travels personally across the border to Canada or Mexico and purchases the FDA-approved prescription drug. They are allowed to bring a 90-day supply for personal use into our country. With the exception of that, a pharmacist from this country is not able to purchase from a pharmacist in Canada, and a licensed distributor in this country is not able to purchase from a licensed distributor in Canada.

The fact is, that is an exception to what is happening in other parts of the world—Europe for over 20 years. If you are living in Germany and want to buy a prescription drug from Italy, no problem. You can do that. If you are in Spain and want to buy a prescription drug from France, that is not a problem, either. It is called parallel trading. Those engaged in it in Europe have testified before Congress and indicated it has been going on for decades with no safety issues at all. Yet in this country, we have this artificial barrier that prevents a pharmacist from Grand Forks, ND, from buying an FDA-approved drug sold by a pharmacist in Winnipeg, Canada. It makes no sense at all.

We were not able to pass this legislation because the pharmaceutical industry has great influence here and with the Administration. As a result, the legislation has been blocked.

Yesterday, Senator OLYMPIA SNOWE from Maine and I met with Majority Leader FRIST and Senator ENZI. We indicated that we would be reintroducing our bipartisan legislation. Senator SNOWE and myself, Senator MCCAIN, Senator KENNEDY, Senator STABENOW, and many other of our colleagues, will cosponsor the major bipartisan piece of legislation dealing with the reimportation of prescription drugs.

We had a commitment yesterday that was expressed publicly last evening; that the bipartisan piece of legislation dealing with the reimportation of prescription drugs will have a hearing on its own merit exclusively directed at that bill before the Health, Education, Labor and Pensions Committee. I appreciate that very much. That is the first step in getting this kind of legislation passed through the Congress.

Our approach is to try to put downward pressure on prescription drug prices because we think it is unfair that the consumers in this country pay the highest prices in the world.

With your consent, Mr. President, I will show two pill bottles—two, of a dozen, I could show. The bottles that I hold up today are bottles of Lipitor. As one can see, they are identical in color, identical in shape and size, and they contain an identical tablet. It is something called Lipitor for the reducing cholesterol. The medicine taken is one of the most popular medicines sold in this country taken to lower cholesterol levels in patients. It is sold in Canada and in the United States.

As you can see, the same pill is put in the same bottle, is made by the same company, and is FDA-approved in both cases. The difference? Price. The American consumer is charged $1.86 per tablet and the Canadian consumer, $1.10 per tablet. Why would one justify charging nearly double the price to the American consumer? What justifies that? These pills are, in most cases, made in the same plants, put in the same bottle, but shipped to two different places with two different pricing schemes. In almost every case, the pricing scheme with medicine of this type is to price the brand-name prescription drug at a higher price in the United States than exists in other countries. We think that is unfair to the American consumer. We don't propose price controls. Rather, we suggest the American consumer have the same access to be able to purchase the FDA-approved medicine from other major, industrialized nations with drug safety systems comparable to our own.

We recently had some testimony at a gathering here in the Congress that I want to review for a moment. Dr. Peter Rost, who is a drug industry executive, says:

The biggest argument against reimportation is safety. What everyone has conveniently forgotten to tell you is that in Europe reimportation of drugs has been in place for 20 years—

And done safely.

Then he continues by saying the following:

> During my time response for a region in northern Europe, I never once—not once—heard the drug industry, regulatory agencies, the government, or anyone else saying that this practice is unsafe. And personally, I think it is outright derogatory to claim that Americans would not be able to handle reimportation of drugs, when the rest of the educated world can do this.

This, from a drug industry executive. He obviously wasn't treated well by the industry when he said this. But it took great courage for him to say what is obvious to everyone. There is no safety issue. That is a specious argument by the pharmaceutical industry and those who support it to try to head off the Congress passing legislation that would allow for the reimportation of prescription drugs.

The bipartisan group of legislators, Republicans and Democrats, who I and others have worked with, will introduce our legislation in the coming days. We now have a commitment for a formal hearing on that legislation. We will push for a vote on the floor of the Senate. I am confident there are sufficient votes in the Senate to pass this legislation. I do not think this legislation can continue to be blocked as it was in the last Congress.

Mr. President, I wanted to make this point during the discussion about the nomination of Mr. Leavitt.

Mr. Leavitt is a person, as I said, of considerable talent. I am enormously pleased that he is assuming this role. He will understand, as I understand, that he is duty bound in his new role as Secretary of Health and Human Services to follow what the White House dictates on this issue. The White House, at least at this point, is continuing to oppose reimportation legislation. In fact, when Tommy Thompson and I put together a task force to study this issue, they issued a report at the end of last year which could have been classified as "recently incompetent humor"—this commission conceived in this report that there was a safety issue. To show you how irresponsible it was to put the task force together to reach a foregone conclusion that the Administration previously held, they proposed that Dr. McClellan head the group. He was the point person, who was the head of the FDA at the time, who raised all the issues and was vigorously opposed to reimportation and raised those issues in a manner that would befit someone working for the pharmaceutical industry.

There was such a stink raised by Dr. McClellan to be selected to run the task force that the Administration finally backed away and had someone else run the task force. But the task force did not take a "level look" at what this was about. They came up and conducted the safety issue.

There is no safety issue. Dr. Rost tells you; and I encourage any of my colleagues who wish to know; go to Europe, or ask the Europeans to come over here and testify. They will tell you they have been doing this for years. The reimportation of drugs between countries has been done routinely year after year without any safety issues at all. That is just a specious issue raised by those who want to support the pharmaceutical industry and who don't want to support the interests of the American consumers who should not be charged the highest prices in the world for prescription drugs.

Let me conclude as I started. Mr. Leavitt will assume the job of Secretary of Health and Human Services. I am anxious to work with him. I look forward to working with him. I have great respect for him. My hope is that he can convince this Administration to change its policy on reimportation.

This should not continue: The same pill put in the same bottle, made in the same plant, both approved by the FDA, should not be shipped to two places, one of which will impose upon the U.S. consumer the highest prices in the world. That is not fair to Americans, and this Congress ought to have the courage and the backbone to stand up for the interests of the American people on this important issue.

Within a matter of days, we will reintroduce our bipartisan piece of legislation. Within 90 days, we will have a hearing and we intend in every way possible to press this case on the floor of the Senate.

I yield the floor, and I yield the remainder of the time on this side.

The PRESIDING OFFICER. The Senator from North Dakota yields the floor and yields back the remainder of the time on the Democratic side.

The Senator from Wyoming.

Mr. ENZI. Mr. President, I rise today to express my support for the nomination of Governor Mike Leavitt, who has been the Administrator of the Environmental Protection Agency, to serve as our next Secretary of Health and Human Services.

President Bush chose wisely when he nominated Governor Leavitt for this important post. He is a strong leader and an able administrator and his record provides the proof for his ability to get results.

I have known Governor Leavitt for some time. We worked together far back in my public service career when he helped found the Western Governors University. His service as Utah's Governor gives him a wealth of experience in the challenges of providing access to affordable health care. As a Governor of Utah, his state had a diverse mix of both a very rural and a very urban population. Accordingly, he brings diverse views on how to handle a wide variety of issues. As a westerner, he also understands the particular health care problems that affect folks who live in those rural areas as well as the more rural frontier areas.

His perspective will serve him well as Secretary. We have much work to do together with Governor Leavitt. We need to improve our health care system and increase patient safety through better and more widespread use of information technology. We need to ensure that the medications we take are safe and effective. We need to redouble our efforts to protect our Nation from the present danger of bioterrorism. We need to strengthen our health care safety net to protect the most vulnerable among us, and perhaps most importantly we need to do everything we can so that more affordable health insurance options are available to working families and small businesses. That important task will include making our medical liability system work better for patients and providers.

I am pleased that I will have the opportunity to work with Secretary Leavitt in my new capacity as chairman of the Committee on Health, Education, Labor and Pensions. My committee is looking forward to working with Governor Leavitt to craft solutions to the health care challenges we face as a nation. During his confirmation hearing, he agreed to informally sit down with Senator KENNEDY and I and others who are interested to informally discuss some of these solutions.

I believe we will succeed in meeting the shared challenges because Secretary Leavitt has succeeded in every step he has taken in his career. More importantly, Secretary Leavitt has great appreciation of the importance of the family, which is the cornerstone of our society and the basic building block of our communities. Governor Leavitt is both a good man and a strong leader. I look forward to working with him on the health care issues that affect our families so directly.

I urge my colleagues to vote to confirm Governor Leavitt as the next Secretary of Health and Human Services.

Mr. President, it is my understanding the other side has yielded back their remaining time. Knowing no other Republican wishes to speak, I yield back the remainder of our time, as well.

The PRESIDING OFFICER. The Senator from Wyoming yields back the remainder of the time on the Republican side. All time having expired, under the previous order, the Senate will proceed to a vote on the confirmation of the nomination.

The question is, Will the Senate advise and consent to the nomination of Michael O. Leavitt, of Utah, to be Secretary of Health and Human Services.

The nomination was confirmed.

The PRESIDING OFFICER. The President will be notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will return to legislative session.

MORNING BUSINESS

Mr. ENZI. I ask unanimous consent there now be a period for morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

AGENDA FOR COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ENZI. Mr. President, the Committee on Health, Education, Labor, and Pensions is actively working in all four of those areas as specified in the title of our committee as there are major initiatives that need to be accomplished in each of those areas.

I have found that each Member who is working on an issue in any of those four areas—and I am not just talking about members of the committee, I am talking Senators as a whole—believe their issue should be the first issue to come up in the Committee on Health, Education, Labor, and Pensions. As Chairman, I believe that we should work like the National Institutes of Health; that is, those issues that stand the best chance of making progress will get a higher priority. We will be working in all of these four issue areas because they are immensely critical to the people of the United States.

As a brand new Committee Chairman, I am asking all of my colleagues that when a Member has an idea in the areas of health, education, labor, or pensions, that you share it with me. I can bring the Member up to date on all of the people who need to work on that issue so I can get them involved. It would be most appreciated. In addition, it would allow us to work prime pieces of your bill into any committee bill that comes out.

On a number of issues out there, there are multiple groups, and in many cases, bipartisan groups, working on their own bill. The way we will have to address those, of course, is to have the committee be the referee on which sections of which bills get into the final bill. I can assure Members we will look most favorably on Members who have shared with us in advance. If it is a matter of who is going to get the credit, I don't care on that. I will help preserve credit for your idea.

It would be helpful for me as the new chairman to have some kind of an idea of what Members are working on and what the timeframe is. We will let Members know how we are working on the same issue and our timeframe for the issue.

I have four outstanding subcommittee chairmen, and they have already sat down, looked at a list of things they need to accomplish, and together we have set some priorities and have begun to put together action plans on each of those bills. I have met with Senator KENNEDY to take a look at the 20-plus bills that need to be reauthorized before September 5. We are trying to organize those so that we can get as many of those completed as possible and to see where there is agreement; and where there is agreement, perhaps we can move them along faster allowing us the opportunity to concentrate on the other bills that need more work.

I didn't say the ones which we are in opposition to—because I know on most issues around here, if there is not agreement on the two conflicting ways to move a bill forward, there is often a third way that can be derived. A lot of the time the way committees work, as we get involved in an issue, is if there is a section that people do not agree on, quite often we can have those Members interested in that section go off for a little bit and hammer it out. Typically, they come back with the third way that they can agree upon. Quite often the committee agrees on it as well.

In committee, usually, we can get agreement on 80 percent of an issue. Generally, the 80 percent is what is passed through the committee if there is bipartisan support, if it appears to have bipartisan support. Unfortunately for the American public and television, when people see us debate in the Senate it is on that other 20 percent, the 20 percent we did not agree on in committee, and for political reasons may not agree on no matter how long the debate continues. When we vote, after all the amendments are tallied, quite often we go back to the 80 percent that came out of committee with bipartisan support.

I am suggesting to my colleagues that if we can go by an 80-percent rule, do the 80 percent we agree upon in committee, bring it to the Senate floor, and wrap it pretty quickly, then we can skip that other 20 percent. Overall, we could get a lot more done around here. In addition, it would be more collegial and it would lead us to being able to get more things done on a bipartisan basis.

So we are going to be trying that in this committee and seeing how it works. I hope it does not turn out to be the grand experiment that failed. I hope it turns out to be a model for a way we can have a Senate that is more agreeable and working towards solutions for the American people.

That is the approach we have taken on every issue that has been mentioned here today. We have already been working on action plans for those things to see if there is a way we can come up with an 80-percent package. If we can, we will move them along much faster than what people expect. But it will take a lot of work and a lot of concentration and, incidentally, quite a few hearings, too.

I have learned under Senator GRAHAM and Senator SARBANES and Senator SHELBY—those are all Banking Committee chairmen—that one of the ways to handle an issue is to try to get together everybody you can who is an expert on the particular area you are doing and draw on their knowledge—these are practitioners who have actually worked in the trenches on the idea—and gather the information from them and see if there is not, again, an 80-percent agreement.

There should not be a shortage of ideas in the United States. We are the idea country. If we can find some way to simmer those down and put them out as legislation, that helps people. That is what the HELP Committee is all about.

I look forward to working with my colleagues and seeing what sorts of things we can do to help health care in the United States so we can have more accessible, lower cost, higher quality health care. As you can tell from previous discussion, that covers a whole range of issues. The Presiding Officer at the moment, of course, is interested in the associated health plans, and so are a whole lot of other people in the Chamber.

We have talked about drug reimportation. We have a bill in that comes out of a task force, Senate file 4. It comes out of a task force last year that was led by Senator GREGG, who is my predecessor as chairman of this committee, a diligent, hard-working, knowledgeable task force leader who helped us put together about 15 bills that would do exactly what I talked about: increase access, reduce costs, help the quality. Those are included in a bill. It is not definitive, it is not the final answer, but it is a starting point for us to go on this great debate.

In education, we are going to do an education piece that makes sure people understand there are lifelong education opportunities, that school is never out, that learning never ends. We have Head Start, which is preschool education. Of course, we have No Child Left Behind in our jurisdiction.

We are concerned about the number of high school dropouts there are today. We are also concerned about the Higher Education Act, which needs to be reauthorized, and the Perkins Act, which provides funding. All of those are things that need to be done. We have combined them in Senate file 9, with the Workforce Investment Act, which you will recall came through this body 2 years ago. Two years ago, it came through. The committee passed it out by unanimous consent, and it passed this body unanimously. But I think partly because of the Presidential election years, we were not allowed to have a conference committee. We were blocked from having a conference committee. That is an essential piece in making sure people have jobs.

I am fascinated that this generation that is in school now probably will not have the kinds of jobs our parents had where they went to work at one place, they worked there their entire life, and they retired from there. The generation in school now is going to probably have 14 different careers, and 10 of them have not even been invented yet. So there is a tremendous challenge to having learning capability and capacity and flexibility so this generation, this generation that is in school right now, will be able to get the best jobs in the world, not the best jobs in the United States, the best ones in the whole world so that any job that happens to be outsourced is one of the low-skilled jobs, one of the low-paying jobs, not the best of jobs. But that is a huge challenge for us, and it is one we will be working on with a primary objective to solve in the education portion of the committee.

In the labor portion of the Health, Education, Labor, and Pensions Committee, we want to make this a safer country for the workers. I put forward several recommendations for ways that can happen, ways we can provide more help to small businesses so they can know the best way to keep their employees safe rather than beaten over the head and fining them after the fact. We need to have them do the prevention, not the penalties. There is some common ground there that we can work on.

Of course, in the area of pensions, this is a very interesting year because a lot of pensions need a lot of help. The Pension Benefit Guaranty Corporation, which I have already met with, has a huge challenge ahead of it to make sure people who have been putting into pension plans wind up with a pension. We do not want to have a large Government bailout. We want to have the pensions operate the way they were designed but with a backup so the worker does not get left behind. It is a huge work area. I am looking forward to the task.

With cooperation from everybody in this body, we can have some great bipartisan efforts that will make a difference to every single person in this country.

I thank the Chair and yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming yields the floor.

We are in morning business.

Mr. ENZI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Wyoming suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOND. Further, I ask unanimous consent that I may be able to speak in morning business for as such time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. BOND. I thank the Chair.

TSUNAMI RELIEF IN INDONESIA

Mr. BOND. Mr. President, today it is a real privilege for me to be able to report to my colleagues and the people of America on a magnificent relief effort underway in Indonesia, where the December 26, 2004, tsunami left over 115,000 confirmed deaths, with potentially tens of thousands more swept out to certain death in the sea, leaving no record of their disappearance, and hundreds of thousands of surviving victims left in precarious positions, with inadequate water and food, facing potentially life-threatening diseases.

On Saturday, January 15, a week ago this past Saturday, I walked through the primitive conditions in the mud, in the heat and humidity of Banda Aceh Airport to talk to the relief teams and the military personnel, Asian and American, gathered in a common cause. Some of these American troops are shown here in this picture. It was an extremely diverse group of individuals. They shared in the common beads of sweat dripping off the end of the nose from the oppressive climate. They had a compelling commitment to relieve the tremendous suffering of the people of Aceh and Northern Sumatra and a cooperative spirit that resolved questions and differences of opinion with speed and good humor.

The U.S. Navy and Marine helicopter crews, which had flown 600 missions delivering 2.3 million pounds of supplies to isolated locations cut off by the tsunami-destroyed roads and bridges, mingled with international relief agency personnel, personnel from other countries, Navy volunteers from the USS ABRAHAM LINCOLN who joined with marines from the BONHOMME RICHARD, loaded U.S. Agency for International Development rice and purified water from the carrier LINCOLN onto the helicopters.

The Indonesian military, through their Army, the TNI, provided security for relief forces against potential kidnapping and harassment by the free-Aceh movement, known as GAM, which apparently and fortunately was more interested in ensuring that people did not forget about them than in inflicting more casualties on the volunteers.

Navy fixed-wing pilots from the Lincoln, who were not that day flying off the carrier, came to work in oppressively hot tents to provide logistics control and support. USAID workers, who were among the true heroes of the effort, organized food, water, and medical supplies as directed by Indonesian government officials, to be put on helicopters or sometimes Marine hovercraft, VCACs, which could gain access to isolated regions along the shores, once the debris and human remains had been removed from the shorelines.

Even though the main work of removing bodies of victims in Banda Aceh had concluded days before, the State Department security official noted to me that each day debris from collapsed buildings was removed, a dozen or so body bags carried additional victims from beneath the rubble.

One of the first people who met me was Pierre King, the French leader of a unit from the International Organization of Migration, IOM, a critically important group of workers who had been on the scene from the beginning. He asked me to tell the American people that American troop efforts and that of volunteers had been outstanding. This was the theme heard time and time again from many different sources.

When I arrived at a concrete structure serving as the command center, Indonesia's coordinating minister in charge of relief efforts, Alwi Shihab, an old friend who had visited me in Washington, DC a week before the tsunami, expressed the profound gratitude of the people of Indonesia for the great work the Americans had done. He expressed his hope that the U.S. troops would stay in the country until Indonesian resources could take over the immediate relief effort.

Later, the Indonesian Defense Minister, Juwono Sudarsono, told Deputy Secretary of Defense Paul Wolfowitz that the United States had been the backbone of the relief effort. Secretary Paul Wolfowitz and I later met with Indonesian President Susilo Bambang Yudhoyono, often referred to, for obvious reasons, by his initials SBY. The

President expressed his gratitude for the relief work of the United States military, and he said he hoped that Indonesia would be able to take over any further needed relief work within 3 months and probably sooner.

This entire effort and the saving of untold lives was made possible by the outpouring of voluntary assistance as well as the work of troops assigned to the region.

In Jakarta, the capital of Indonesia, later I learned that when the United States began loading our C-130s with vital relief needs, our embassy personnel, led by USAID workers, were joined by volunteers from the American Chamber of Commerce in Indonesia, spouses of American diplomats, and other American and international civilians living in the area who loaded the 20,000-pound pallets to be carried to Banda Aceh in the C-130s. It is clear that without their efforts the scope of the tragedy of the tsunami itself could have been magnified many times by starvation and disease, killing Indonesians in the impacted areas who had survived the disastrous wall of water brought in by the tsunami.

Aid for severely injured victims in Indonesia was provided initially by United States naval doctors and corpsmen, and the most seriously injured were transferred to high-level care facilities on shipboard. Later field hospitals were provided by other countries, including Jordan, Spain, and France. The latter provided a 74-ton field hospital, which our heavy-lift Marine helicopters were able to transport to the disaster scene. Most of the severe injuries had been cared for by the time we arrived, and several of the field hospitals were preparing to return to their home countries because their mission had been fulfilled.

I was told that one Marine hovercraft had blown a portion of a pallet into a resident, injuring him. He was treated by a Navy corpsman, taken home by the Marines who were there unloading the hovercraft.

But the real challenge is to health, the lack of healthy water supply and sanitation, creating the danger of tetanus, typhoid, and other disease. One of the Philippine nurses in the IOM tent proudly showed me the tetanus, typhoid vaccines, and other medicines they were administering to protect survivors from disease.

The need for clean water was addressed initially by U.S. Admiral Doug Crowder, commander of the Abraham Lincoln Strike Force deployed to the region on an emergency basis. The carrier was able to generate 90,000 gallons of purified water, in addition to its needs each day, to be delivered to the residents of the stricken region.

Also we saw in Jakarta USAID personnel prepared large water jugs with water purification chemicals attached to them to enable purification of water on the ground for residents whose water supply had been severely compromised.

In addition to the volunteer efforts I described, great work was done by our allies in the region. We need to make special reference to them. Singapore supplied helicopters for relief efforts. Australia brought in C-130s for heavy lift, as did New Zealand. Other countries in the region played valuable roles as well. Japan contributed. Thailand, which had over 5,000 deaths in its hotel and resort area of Phuket, was able to handle the disaster relief with its own forces and volunteers, not calling on other countries for assistance.

In addition to dealing with the problem in his own country, Prime Minister Thaksin Shinawatra promptly offered the use of its airfield at Utapoah as a central U.S. staging point for airlift relief supplies going into northern Indonesia.

The Government of Malaysia, led by its newly elected Prime Minister Abdullah Badawi, acted quickly to clear all necessary flight access for relief efforts and to permit our military aircraft to utilize vitally needed airports for operations into Indonesia. After meeting with government officials and volunteers on the ground on January 15, I joined our United States ambassador in Indonesia, R. Lynn Pascoe, and Deputy Secretary Wolfowitz on a helicopter tour of the devastated areas of northern Aceh.

During my time as Governor, I saw devastation of areas hit by floods and tornadoes. I thought I had seen the worst. In addition, all of us in America who watched television saw stark pictures of the floods, the destruction, what was left after the tsunami struck. But what I saw from the helicopter was beyond anything I had ever seen before in both its extent and magnitude. The extent and magnitude were nothing short of cataclysmic. We saw from the air broad reaches of low-lying portions of what had obviously been a reasonably prosperous Asian community turned into piles of large matchsticks with buildings torn completely off their foundations. Remnants of fishing vessels perched hazardously against remnants of structures hundreds and hundreds of yards from shore. Small fires were burning where surviving residents were cleaning up debris and burning the trash.

As we flew down the shoreline for a short way, we saw the sides of cliffs carved out where the tsunami wave had bulldozed huge sections of the cliffs. This slide from a helicopter window shows the new cliffs which have been carved out by the floodwaters as they hit in those areas. The only trees left standing were very young pine trees which apparently were slender and supple enough to avoid being broken off by the tsunami. Small towns along the way were identifiable only by foundations of buildings which may have been businesses, farms, or homes, but otherwise totally unrecognizable. In some areas, bridges were wiped out and in other areas the highways near the shore were covered in large expanses of sand. It was obvious that fields which had been cultivated were likely turned into barren salt and sand wastelands.

In addition to the large swath of devastation cut across Banda Atjeh, the devastation continued on to the horizon along the shore where the tsunami had wiped out manmade and even natural structures.

Later, I learned that the Navy operations to bring in relief had to await remapping of the shoreline because even the underwater structures had been so changed by the tsunami that the navigation charts were unreliable. From the helicopter, we obviously just had this bird's-eye view. But from the relief workers and news reports in the area, we gained a much more detailed understanding of what had transpired.

In the January 15 edition of the International Herald Tribune, it was reported that the seashore town of Calang, with 7,300 people, had been left after the tsunami with nothing other than the skeleton of one house of a wealthy resident. There were no signs of shops, houses, restaurants, or a mosque which had been there. Of the 7,300 people thought to live in the town, 323 bodies were found, and 5,627 residents were listed as missing—more than 80 percent of the community. We could only assume that they and thousands of others in isolated regions were swept out to sea. The total loss of life may never be known.

The IHT reported news of similar devastation along a coastal region where villages were flattened, leaving no roads, bridges, ports, or airstrips. It was reported that one swampy area had approximately 100 floating bodies, and nobody had been able to gain access to remove and bury the dead.

In a subsequent report on January 18, IHT noted that the Red Cross had given up attempting to compile a list of those missing, and decided to pursue what tragically was a much smaller listing of those who survived. It was a publication called simply "I Am Alive." The news story recorded a heartwarming and touching account of an 18-year-old boy who was able to find his 8-year-old brother who had been torn out of his arms in the waves. But the number of reunions had been tragically small, with only one or two other reunions recorded.

Before I visited Banda Aceh, I had read and was concerned about reports indicating that the response to the tsunami had been slow. But as I learned more about the nature of the devastation, I gained a better understanding of why it was slow. Apparently, there had been a major sports celebration in Banda Aceh when the tsunami struck, and most of the town's leaders were in the low-lying areas as were a large number of the TNI military and its leaders, and most of the communication facilities in Banda Aceh. These were all washed away—the citizens, the leaders, the local officials, and the communications facilities. It was many hours before aircraft flights over the area could discover the extent of the destruction.

Despite the uncertainty and despite a lack of knowledge of the exact nature of the destruction, initial reports of the tsunami brought immediate proactive reactions from a lot of U.S. leadership—ADM Thomas Fargo, our Pacific military commander, and our Ambassador to Indonesia, R. Lynn Pascoe, as well as organizations like the American Red Cross, the International Organization for Migration, and the Governments of Singapore, Australia, and New Zealand.

Ambassador Pascoe immediately made available $100,000 to the International Red Cross to purchase badly needed supplies and medication. He also tasked the IOM to mobilize truck convoys which enabled land relief with 80 trucks to reach Banda Aceh within some 5 days after the tsunami. Admiral Fargo's proactive order to turn the USS *Abraham Lincoln* around to the straits of Aceh, cancel shore leave and move it from Hong Kong to the straits of Aceh, brought in helicopter relief to isolated areas 6 days after the tragedy.

It is obvious that this is a natural tragedy of historic proportions. The loss of life has truly been staggering, but the displaced and endangered people in the region are even a far larger number. Our relief efforts for the immediate needs have been generous and prompt, but there will be much more work to be done.

Now, several misinterpretations of our efforts in Indonesia have appeared in the press and I need to address that. Many people interpreted the remarks of the Indonesian Vice President as ordering American forces out of Indonesia by March 26. In fact, our Ambassador and military officials agreed with the Indonesian Government that our troops—diverted to the country from scheduled and needed rest and relaxation—would stay only as long as absolutely needed and wanted by the country's government. All parties knew that the time of our troops' commitment would be, at the most, no more than 3 months. I believe the Vice President's announcement of departure by March 26 was a prediction of the schedule, not an ultimatum.

Our mission in Indonesia was well described by Marine GEN Christian Cowdrey who, as commander of the Combined Support Group, told the Indonesians, "We are here to support your efforts, at your direction, where you need it." He made it clear that we intended to stay as long as the Government of Indonesia requested our assistance, and as soon as our assistance was no longer required, he would return to the home base and station. There were 8,000 marines and sailors assisting in the relief effort, and the majority of them were based on ships to limit the number of people on shore who needed to be supplied.

The short-term nature of our commitment was reinforced by an announcement by Admiral Fargo this past Friday that withdrawal of the troops would begin immediately, transferring relief operations to host nations and international organizations. He predicted that all 15,000 U.S. troops would be withdrawn within 60 days—well short of the predicted maximum of March 26—as the mission in Indonesia moved from the immediate relief phase to rehabilitation and reconstruction.

Another press report suggested Indonesia had demanded that our aircraft carrier, the USS *Abraham Lincoln*, leave its waters. This report seemingly was based on sightings of the *Lincoln* heading to open waters.

Well, I had the opportunity to ask ADM Doug Crowder, commander of the Lincoln Strike Force, about this report. He shook his head and smiled in dismay. He told me that he routinely had to conduct flight operations to keep his fixed-wing pilots current. He does not conduct these operations near shore and routinely goes out to blue water, 50 to 60 miles offshore. Even if he is in San Diego, he doesn't fly fixed wing off of his carrier on shore; he goes out to sea by that distance to blue water.

In Indonesia, his practice had been to send off his helicopters with supplies and shore volunteers in the morning, located near shore. He then would move the carrier to blue water for fixed-wing flights and return in the evening to retrieve his choppers and personnel for overnight.

Another story indicated that the U.S. Marines were prohibited from carrying any weapons while they were on Indonesian soil. As a father of a marine, this troubled me. I thought, are we sending marines in without protection? I inquired of Marine General Cowdrey if his troops were unprotected. He assured me that while marines engaged in humanitarian operations normally did not carry M-16 rifles, he never deployed his marines without adequate force and personal protection.

Another thing the relief operations did was to bring into stark reality the unintended consequences of congressional restrictions placed on our assistance to Indonesia. This was done supposedly to deal with human rights abuses by the TNI—the Indonesian military—during the times of authoritarian rule in that country through the aftermath of the East Timor referendum. Those restrictions were first imposed in 1991 and have been tightened since.

I have opposed continuation of these sanctions since Indonesia has chosen new leaders democratically, most recently this fall's 2004 election of President Yudhoyono; and the new leadership made a strong commitment to reform, to a recognition of human rights, and to fighting corruption. President Yudhoyono has shown he is a reformer; his permitting U.S. soldiers in Indonesia was opposed by hardliners in his Parliament. I believe we need to support him and his reform efforts, rather than strengthen the hand of anti-U.S. forces in his country. The main focus of the sanctions was to prohibit Indonesian participation in the International Military Education and Training Program, or the IMET Program, run by our military for our own officers and forces from friendly nations.

IMET provides training in modern military operations, including adherence to the Code of Military Justice, civilian control of the military, respect for human rights, and proper treatment of civilian populations—precisely by the principles that should be instilled in military forces thought to have been involved in human rights abuses in the past.

The major benefits of the program, however, are establishing relationships among our military leaders and commanders of friendly foreign forces to assure they understand how to conduct military or relief operations together.

This principle is known as interoperability. The foreign officers learn English language skills so our allied officers can communicate. The failure to have such training in Indonesia almost resulted in a tragic midair collision of U.S. aircraft with a TNI helicopter operation.

Our military leaders, Secretary Don Rumsfeld, Deputy Secretary Paul Wolfowitz, and our Secretary of State, Colin Powell, have told me personally how important these IMET programs are and how important it is not to deny them to Indonesia. If our forces are to participate in military or relief operations with those of friendly nations, we must train together.

Also, as a result of U.S. policy, Indonesia was denied the ability to purchase necessary spare parts for its C-130 fleet, rendering its fleet of 24 planes largely inoperable. Had the Indonesian C-130s been available, relief and aid would have flowed much sooner and in greater quantity to Aceh. When Secretary of State Colin Powell learned about the limitation, he immediately responded by issuing a waiver to bring funding for spare parts and the parts themselves to Indonesia.

Beginning this past week, American and Indonesian mechanics began the installation of the spare parts, and soon more of the fleet should be ready for flight operations.

I look forward to working with my colleagues and the administration to reverse these unnecessarily restrictive policies at the earliest opportunity.

I might also say it has been disheartening to read some press accounts that have attributed the U.S. response as a shallow move to win better public relations in Islamic countries. Some of this nonsense, regrettably, appeared in American publications.

America is and always has been and always will be a force for social justice and humanitarian relief. It is notable that we are not challenged when we provide assistance for AIDS victims in Africa or elsewhere around the world, and I hope people will understand the genuine outpouring of American concern in this instance.

At churches in Washington, DC, and in my hometown of Mexico, MO, as well as in comments and discussions with many Americans here and at home, I have heard nothing but genuine expressions of great concern, sympathy, and willingness to assist. Voluntary charitable contributions of individuals, corporations, and other organizations have been to date overwhelming.

When I was in Kansas City and St. Louis on Monday of this week, I heard that the American Red Cross is seeking to raise $400 million, which is greater than the $350 million pledged by the U.S. Government for assistance. I believe the figures, when you take in the amount provided by many different avenues through matching grant programs from employers, corporations, to their employees, the number of dollars going voluntarily will significantly exceed the initial commitment of the U.S. Government aid.

I might also add that the U.S. Government spends $5 million to $6 million a day in addition to that just operating its carriers in Indonesia.

As far as expressions of aid and commitment and compassion, I can tell you the marines and soldiers laboring in the oppressive heat of Aceh to put rice and clean water on helicopters to deliver to suffering people were not doing it to gain better public relations for the United States. Neither were the USAID or the charitable organization workers who had to overcome tremendous obstacles to bring relief to people in isolated areas of Aceh and northern Sumatra. They were not worrying about anything more than coming to the aid of suffering human beings.

With respect to the grievances of the Free Aceh Movement, President Yudhoyono, in his previous position in the Megawati administration, had begun negotiations with leaders in the region, but these negotiations were called off by then-President Megawati.

Prior to the disaster, negotiations had been started by the Yudhoyono administration, and it is my understanding these negotiations are continuing in Sweden currently. President Yudhoyono appealed to the free Aceh rebels to respect the humanitarian weapons and disavow use of arms.

Minister Shihab told me they had gone further and sent the message that his government wanted not just a cease-fire but a reconciliation. President Yudhoyono even met with Western diplomats to discuss ideas for finding a solution. Aceh is a rich region that has many resources, as well as a long tradition of antipathy toward Jakarta. But with the proper spirit on both sides, I have hopes that coming out of this tragedy in Aceh can arise a negotiated settlement that will recognize and respect the culture, views, and wishes of the Acehanese and keep them in the country of Indonesia.

It is also my hope that the immediate emergency relief effort that will come to a close soon will not signal the end of American interest and commitment to the region. Truly, I hope that the attention that has been brought by the very extensive media coverage of the tsunami will keep more attention in this body and the American public at large on the importance of good relations with the people in Southeast Asia.

There is much more that needs to be done over the long term to meet what I view as an exciting but challenging relationship in Southeast Asia. I will be addressing in the future the extent and the importance of this challenge in Southeast Asia, how it has importance—not just for the humanitarian interests which I described today but for political, economic, strategic, and national security concerns.

The tragedy of the tsunami has brought an unparalleled opportunity to invite more Americans to pay attention to an area of the world where we have vital interests. I hope when the tsunami relief efforts have passed, our friends and neighbors will keep in mind the need to strengthen our relationships in a very critical area of the world.

I thank the Chair and my colleagues. I yield the floor.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, I ask unanimous consent that I be allowed to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

QUALITY EDUCATION FOR ALL ACT

Mr. BINGAMAN. Mr. President, we are in the very early days of this 109th Congress, and one of the items we are all working at is identifying what the agenda should be for this Congress, for this country, and what issues should be given priority and attention, and what issues should be given priority in our funding.

Along those lines, we have tried to introduce some bills early in the Congress to highlight priority concerns and priority issues for consideration by our colleagues, by the country as a whole, and by the administration. One of those bills is S. 15. This is a bill that I introduced along with Senator REID and many other cosponsors on the Democratic side. It is called the Quality Education For All Act of 2005. This legislation represents a major step forward in advancing educational opportunities for millions of students around the country.

There is no question that we have made progress in recent years in advancing educational opportunity, but we still have very far to go. We need to look at ways to increase that opportunity and also to improve the quality of education in a meaningful and comprehensive manner.

This bill is about making sure that we are doing all we can in the 109th Congress to increase and improve educational opportunities for three different parts of our educational system. The obvious three are: Early childhood education; second, the education of people from kindergarten through the 12th grade; and third, higher education. Those are the three areas I want to briefly discuss today.

Beginning with early education, the foundation for learning begins very early in life. Early education provides critical opportunities to promote children's physical, cognitive, social, and emotional development.

We know that quality early education improves school readiness and fosters greater academic achievement and motivation in later years. Particularly this is true for children from low-income families.

Early education also provides a great return on our investment. The benefits include lower rates of grade retention, placement in special education, and juvenile delinquency, and higher rates of educational attainment and skilled employment.

These positive outcomes for children are not a guarantee when access to quality education is limited, and unfortunately lack of funding has limited access to quality early childhood education in our country.

To illustrate what I am talking about, I will refer to New Mexico, my home State. There are approximately 28,000 children under age 5 in New Mexico living in poverty who are eligible, by virtue of the income level of their families, for Head Start services, but due to inadequate funding of Head Start, New Mexico can only provide services for around 7,600 of those 28,000 children. An additional $186 million is required just to serve the other 20,000 or so eligible New Mexico children. This is without making any quality improvements, just expanding the services we are currently providing to the 7,600 to another 20,000.

My colleagues and I believe we need to increase access to early education.

We need to strengthen the quality of those programs as well. The first thing this bill does is expand access to early Head Start for our youngest children. It also increases access to Head Start for children and families living at 130 percent of the poverty line. The current law says if a person's family income exceeds 100 percent of the poverty line, they are not eligible to have their children participate. We would like to see that increased to 130 percent. Too frequently the working poor are left out of these types of programs in that they are not poor enough, but clearly these same families do not have the resources to provide quality early education to their children.

The bill also seeks to strengthen the quality of these early education programs by making significant improvements to the quality of the teaching workforce. We provide grants to States to attract and retain highly qualified teachers, including grants to tribal colleges and universities to increase the number of postsecondary degrees earned by Indian Head Start staff. Plus, the quality set-aside in childcare will be increased from 4 percent up to 6 percent. With access to quality early education, children can enter school ready to learn, and that is in everyone's interest.

I will move on to the issue of educating our children from kindergarten through grade 12. The main legislation that we have passed at the Federal level related to this, of course, is the No Child Left Behind bill. It is intended to deal with this problem. Unfortunately, we cannot expect States to meet the challenges of the No Child Left Behind Act without providing sufficient resources and guidance to them in how to do that.

The administration assured us that we would be able to fully fund the No Child Left Behind bill when it was enacted. The program in the current fiscal year is underfunded by about $7 billion. There are more than 2.5 million fewer children who are being served through that law than the law promised to serve. In this legislation I have introduced, we provide that the No Child Left Behind bill should be fully funded.

This issue is becoming critical for our schools for the simple reason that we are now in our third year after the enactment of No Child Left Behind, and there are a number of schools that are failing to meet the criteria set out in that law that has to be met, the adequate yearly progress number. They have failed to meet that AYP, adequate yearly progress number, for 2 years in a row. They are in a position now that sanctions will be applied to them for failing to do so.

At this point, Federal resources to help them avoid those sanctions are absolutely critical, and we give this a very high priority in our legislation.

The bill makes a number of changes to the law to ensure that the No Child Left Behind bill is implemented in the manner that Congress intended. It would give schools the option of recalculating their AYP scores from last year and do so by applying the administration's newly issued rules. This would save thousands of schools from inappropriate sanctions that were caused by the delay in publishing the rules that are called for in that act.

There is a particular provision in our legislation that I know Senator REID from Nevada feels very strongly about, as do many of us, and that is a provision to assist rural school districts with the resources they need to have good schoolbus transportation for all their students. There are many school districts in this country where the schoolbuses are antiquated, where they need to be replaced and modernized, and we provide some assistance to those school districts under this legislation to do that very thing. We call for full funding of the No Child Left Behind bill. We call for full funding of IDEA.

In the final area I wanted to talk about we call for greater access to higher education for all of our students. It is clear that we have many people who would like to be in college, many students who would like to continue with their college education but because of the inability to pay, they are not proceeding with that education. The estimate we have is that there are 180,000 of our young people in this country who are not going to college, to a university, because of their inability to pay.

This is a time when we are worried about too much of the work being done overseas that needs to be done to support our economy. We are worried about outsourcing. We are worried about the immigration of people into this country to take good-paying jobs. The reality is, if we do not educate and train our own young people to take these jobs that outsourcing will continue and will grow over time. So it is very important that we increase resources for higher education.

We are requesting additional Pell grant funds so more students can receive Pell grants. We also need to ensure that students who graduate from high school are ready to go to college, and we have funds for the TRIO Program and the GEAR UP program as well.

There are various provisions in this legislation, some of which were included in legislation introduced in the previous Congress. The truth is, we are trying as a Congress in these early weeks to determine what is going to be given priority, what will we, in fact, decide to fund, and what will we decide to neglect.

A week from this coming Monday the President will present to the Congress his recommended budget for the year. I hope very much that the commitment we are advocating in this legislation for educational funding, for increased access to education, and for improved quality of education, that that same priority will be reflected in the administration's budget we receive on February 7.

I do believe this is an important issue. It is one that has not been talked about a great deal in the last weeks and months. We hear the administration's agenda of what they want to get done in this Congress—with regard to privatizing Social Security, with regard to reforming the Tax Code, with regard to prosecuting the war in Iraq. There is not always much mention of education as a continuing priority. Our legislation tries to correct that. Our legislation tries to ensure that education is a continuing priority.

I commend it to the consideration of all of our colleagues, and I hope very much we will have a chance to enact many of the parts of this legislation as we proceed through the 109th Congress.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER (Mr. MARTINEZ). Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

STOP GOVERNMENT PROPAGANDA ACT

Mr. DURBIN. Mr. President, this morning's Washington Post contains a story about yet another case of the Bush administration apparently using taxpayer dollars to try to buy favorable news coverage of their most controversial proposals.

In a column she wrote for the National Review Online, the conservative columnist Maggie Gallagher wrote that the administration's marriage initiative could "carry big payoffs down the road for taxpayers and children." In fact, the big payoff so far appears to be to Ms. Gallagher herself.

According to the Washington Post, Miss Gallagher received $21,500 from the Federal Department of Health and Human Services in the year 2002 to promote the Bush administration's marriage initiative. She received an additional $20,000 from the administration for writing a report entitled "Can Government Strengthen Marriage?"

Last year, Miss Gallagher defended the administration's proposal for a

Federal constitutional amendment banning gay marriage in her columns, interviews, and television appearances. She also testified in favor of such an amendment before the Senate Judiciary Committee. I have her testimony.

I have attended many meetings of the Senate Judiciary Committee. It appears we will now need to ask each witness who apparently comes from the outside whether they are on the inside. Miss Gallagher was on the inside. She was such an insider that she was paid handsomely by some in the administration for her "objective" views on administration policies.

This is the third time in less than a month we have heard allegations of political payola by the Bush administration. It troubles me. I can recall recently being on FOX—I know you are surprised if you follow the newscast to know that I would go on FOX, but occasionally I think it is good for them to meet a Democrat—I went on Chris Wallace's Sunday show. We were joking ahead of time about Armstrong Williams. I said: Chris, before you ask me any questions on FOX, I have to ask you, Are you being paid by the administration to ask these questions? We laughed about it. But there is nothing funny when we hear about Miss Gallagher and Armstrong Williams. We learned the Federal Department of Education paid well-known conservative commentator Armstrong Williams—get this—$240,000 to promote the administration's No Child Left Behind Act in television and radio appearances. Picture this. We come to the Senate lamenting the fact the administration does not have enough money to send to our schools to help failing children do better on tests and improve their education.

The administration says: We can't afford this; we do not have the money to help children in school. But they found almost a quarter of a million dollars for Mr. Armstrong Williams to tout their program and do so in a way that was deceiving.

Mr. Williams, an African American, was hired by the Education Department to promote the law on his nationally syndicated television show to urge other Black journalists to do the same. As part of the agreement, Williams was required to regularly comment on No Child Left Behind during the course of his broadcast, and to interview with Secretary Rod Paige from the Department of Education for TV and radio reports that aired on the show during 2004.

We learned earlier this month from the New York Times that the Bush administration is planning a new propaganda campaign. According to the New York Times, the Social Security Administration is gearing up for a marketing campaign to sell the false claim that Social Security faces dire financial problems requiring immediate action. The new campaign would support the administration's highly controversial desire to partially privatize Social Security.

There used to be a time when our Government would let the facts speak for themselves. It apparently is the position of the Bush administration that the facts in and of themselves are not articulate; you need to have people to articulate the point of view to put the appropriate political spin on that point of view so the public can understand the gravity of the issue.

The American people get this and they understand it. They know the sky is not falling when it comes to Social Security. They know, as we have proven time and time again, left untouched, without a single change, no revision in the law, Social Security as a program will make every payment it has promised to make, with a cost-of-living adjustment every single year to every Social Security recipient, and it will do so until 2042, by one estimate, or 2052 by another, 37 years of solvency in the Social Security system.

The President today said we want permanent solvency in the Social Security system. Wouldn't it be great if we could say that? The President cannot even promise that next year his budget deficit projection is going to be accurate. He wants us to say 47, 57, 87 years from now Social Security will never have a problem. We cannot do that. We do not know what is going to befall this Nation.

Who would have known in the early 1950s about a birth control pill? Who would have known about the advances in medicine in the 1960s? Who would have known that we were going to enact Medicare so seniors would live longer? Who would have known that we were going to have demographic changes in America reflecting immigration to this country?

We do not know those answers. We speculate and try to make our best guess as to where Social Security will be. If the President wants us to stand here and say with a straight face that we have guaranteed permanent solvency for the Social Security system, it can never be done. Neither can he predict with any certainty, as he has proven, what his own budget deficit will be a year or 2 years from now.

Now they start the propaganda campaign through the Social Security Administration which is supposed to line up the ad agencies to convince the American people the sky is falling on Social Security and the only cure is to take money out of the Social Security system, cut Social Security benefits, and increase the deficit in America by $2 trillion in the first 10 years. This retirement roulette which this administration is pushing says to retirees that they should take money out of Social Security and play the stock market.

Make no mistake, many Americans, including my family, invest in mutual funds and in the stock market. We are doing OK. We have good years and bad years. There is no guarantee. As they say over and over on their ads, last year's performance is not a predictor of what next year's performance will be. There is uncertainty and risk.

If we take money out of Social Security to play retirement roulette in the stock market, we leave retirees vulnerable. Assume for a second we figure out how to pay for it, which the President has not, but if the retirees guess wrong, what will happen? What if today's retiree receiving $1,200 a month from Social Security receives only $600 a month? How do they survive? If they are lucky they have savings and maybe a family to support them. But if they are not, where do they turn? They turn back to the government. They say to the government: We guessed wrong. We invested wrong.

That is what the President thinks is the way to assure the American people of the solvency and reliability of Social Security.

It appears he is not doing very well convincing Members of Congress of either political party. So they have decided they need the Social Security Administration to come up with a technical plan. This chart, which will be difficult if not impossible to read by those following this on television, lays out the objectives of the Bush administration's marketing tactical plan in the Kansas City region when it comes to the current Social Security system. The American people are not buying the President's message. He hires an advertising firm, a marketing firm, to try to convince them that what he says is true. The facts, obviously, cannot speak for themselves. This marketing firm has to convince the American people of the ability of the Social Security Program to pay promised benefits to current and future beneficiaries. The message is, necessary reforms must take place. We must address long-term solvency now. The sooner the changes are made, the more time people will have to adjust.

On and on. Staff meetings. Tactics. How to measure their success. And budget.

The Social Security Administration is no longer in the business of just telling the facts. The Social Security Administration is now in the spin business. It is supposed to color the facts, to change the story, convince the American people of something they are not believing.

My office, having obtained that, understands this is not accurate. What I have described is simply propaganda.

According to the Social Security Administration's own official numbers, the trust fund is not only solvent but running a surplus. I know that to be a fact because I happened to have served in Congress when we made a conscious bipartisan decision in the middle 1980s.

President Ronald Reagan—no question about his Republican credentials—went to Tip O'Neill, the leading Democrat in Congress, and said: Mr. Speaker, we need to get together. Baby boomers are coming and we need to be prepared. And changes were made, bipartisan changes were made. And we bought solvency and longevity for Social Security.

We did this in the mid-1980s, and our work then guaranteed that Social Security could make its payments for 57 years. That was a heavy lift, but we did it, and we did it in a responsible, bipartisan fashion. We understand that.

There is enough money in the Social Security trust fund to pay every penny until 2042, and even after that, if we did nothing, to make 73 percent of the projected payments if we make no change in Social Security.

Now, I personally believe we should make some changes, but responsible, bipartisan changes. We can make commonsense changes in Social Security that can give it an even longer life.

When I have asked the people in Illinois, what do you think we ought to do about Social Security, do you know what they say overwhelmingly? Why doesn't the Federal Government pay back into the Social Security trust fund all the money it took out? Good question. Frankly, we were on a course to do that. When President Clinton left office 5 years ago, we were running a surplus, and with that surplus we were retiring the debt of the Social Security trust fund, paying back what the Government had borrowed from it and giving even longer life to Social Security.

Well, in came the brave, new world of the Bush administration with a new economic policy. They said: If we have a surplus, then clearly that means we need a tax cut. The Government ought to give back the money it has in surplus in Washington, ignoring the obvious, that we still had the deficits in the Social Security trust fund that needed to be addressed.

So President Bush successfully pushed through a tax cut, primarily for the wealthiest people in America, and we stopped retiring the debt of the Social Security trust fund. We not only turned that corner from surplus, we went into deficit, facing the deepest deficits in the history of the United States under the Bush Presidency. We never had larger deficits. And how do you finance a deficit? You borrow the money from the Social Security trust fund, making it even more precarious, more uncertain.

We had a plan for making Social Security strong. It was called a surplus, buying down the debt of the Social Security trust fund. The Bush administration destroyed that plan with tax cuts, with a weak economy, and with the war which is very costly not just in human terms but in terms of tax dollars.

So how do we keep Social Security solvent now facing the reality of Bush economics? Well, I think, first, we look at the obvious and we speak truth to the American people. Social Security is not in crisis. It is challenged beyond the year 2042. We need to do the right thing to make certain we meet those challenges. We do not want to misuse the resources of this program or its employees in the Social Security Administration to try to manufacture a crisis. That would be wrong, wrong to the American people.

If we cannot start the discussion on Social Security with an agreement on facts, if we cannot start with a bipartisan approach that tries to find solutions, as President Reagan and Speaker Tip O'Neill did, we are not likely to have success.

The Social Security Administration's "tactical plan" states that the agency will "insert solvency messages in all Social Security publications; place articles on solvency in external publications"—the list goes on and on. This is going to be a press release mill to try to gin up a crisis. Instead of objective information, we are to receive from the Social Security Administration the political spin, the best possible spin on the President's Social Security proposal.

There are several propaganda tactics, all of which are evident in this Social Security Administration plan.

Appeal to fear—"In 2042," they say, "the Trust Funds will be exhausted." That is not true. The trust funds will be able to make 73 percent of all payments after 2042 if we do nothing. And I have not met anybody who says we should do nothing.

Appeal to authority—"The President has said that reform is easier to implement if done far in advance." You cannot quarrel with that premise. What we did in the mid-1980s bought us over 50 years of solvency. What we do in 2005 can buy us even further longevity and permanency in Social Security.

Then: Glittering generalities. Here is one that is used in the Social Security Administration propaganda plan: "Longer, healthier lives mean change is needed in long-term Social Security financing." Well, you cannot argue with that. If people are going to live longer, people are going to have to pay out more. But let's be honest about how much we are going to pay out.

Then: The bandwagon effect they are trying to create: "On December 21, 2001, the President's Commission to Strengthen Social Security issued its report [according to this tactical plan], which outlined three alternative models for Social Security reform."

What the talking points the Social Security Administration wants to share with the American people fail to mention is that President Bush charged the Commission with finding a way to make privatizing Social Security work. This Commission was not given a blank slate. They were told what their goal was: Get in that room and don't come out until you have justified privatizing Social Security.

Also missing from the plan is any mention of a crucial fact: By diverting $1 or $2 trillion—with a "T," trillion—away from Social Security and into private investment accounts, risky investment accounts, just in the first decade, the administration's privatization plan would actually make Social Security weaker. It would change what we have as today's challenge into a real crisis.

At the time the Armstrong Williams payoff story broke, Mr. Williams reportedly told a journalist for another publication: "There are others."

Well, how many columnists are on the administration's payroll? How many people will you watch on the nightly news tonight who are receiving some sort of a payola check from the administration to give you the facts "straight," to be "fair and balanced"? The honest answer is, we do not know. More are coming to light every day.

There are indications we have serious problems. In the past year, the nonpartisan Government Accountability Office, Congress's watchdog agency, has released two legal analyses finding that two Government agencies violated the Government's prohibition on publicity and propaganda.

The prohibition against using taxpayer dollars and Government agencies to produce propaganda was put in place in 1951, during the McCarthy era. The prohibition was intended to balance the duty of Federal agencies to provide information with the not uncommon urge to try to manipulate public opinion. We said, 50 years ago, it was wrong. It is still wrong today.

According to the GAO, the Office of National Drug Control Policy violated the publicity and propaganda prohibition when it produced and distributed fake news stories called "video news releases" as part of its National Youth Anti-Drug Media Campaign. The GAO concluded that the agency's fabricated news stories were nothing less than "covert propaganda."

In a separate report, the GAO found that the Centers for Medicare and Medicaid Services violated the publicity and propaganda prohibition by disseminating fake news stories touting the supposed benefits of the new prescription drug law.

The stories featured phony reporters telling viewers that "all people with Medicare will be able to get coverage that will lower their prescription drug spending." That is simply not true.

The bill that is going to be introduced next week by Senators LAUTENBERG and KENNEDY will clarify congressional intent in the 1951 law. I am happy to cosponsor this legislation.

Among other things, our bill will make it clear that any news releases that do not clearly identify the Government as their source are prohibited. No more Government propaganda masquerading as independent news.

Our bill will prohibit using taxpayers' dollars to try to buy favorable news coverage and manipulate public opinion.

Our bill will contain teeth. The agencies that violate the prohibitions will get more than a slap on the wrist. The Federal Government has a responsibility to be honest with the American people, to give them truthful information.

In the 3 years since we passed No Child Left Behind, the administration has refused consistently to fund the law. In all, the President's proposed budgets have shortchanged No Child Left Behind by a total of $26 billion.

Ask someone from Colorado, or from Florida, or from any State in the Union; the same thing is being said by school boards and school districts: Thank you for the Federal mandate of No Child Left Behind. Where are the resources to help the kids, who have fallen $26 billion short of what we planned on funding for this program?

Americans, when given the facts, understand the realities and make sensible choices.

Thomas Jefferson famously said that if he had to choose between a government without newspapers or newspapers without a government, he would go with the newspapers. Jefferson understood that access to reliable, accurate information is essential to democracy. So did another one of my heroes, a former newspaperman with whom many of us had the good fortune to work.

The late Senator Paul Simon of Illinois was a great journalist and a great public servant, my closest friend in politics, my predecessor in the Senate. When he was 19 years old, he dropped out of college and bought a weekly newspaper in Troy, IL. He used his paper to tackle crime and corruption. He understood that good government and good journalism are not mutually exclusive; they are inseparable.

Americans today are faced with many serious questions, concerning the education of our children, the cost and quality of health care, whether our sons and daughters will be sent to war, and how secure our retirement will be. Government propaganda denies people the information they need to make wise choices and erodes our faith in Government.

What we need is not propaganda but a commitment to truth and faith in the ability of the American people to make the right decisions.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

(The remarks of Mr. ALLARD, Mr. SALAZAR, and Mr. MCCONNELL pertaining to the introduction of S. 186 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. SALAZAR. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEROES ACT

Mr. SESSIONS. Mr. President, I am very pleased to be standing here today with my colleague and friend, Senator JOE LIEBERMAN. We serve on the Armed Services Committee together. Much has been said in recent years about a lack of bipartisanship in the Senate, but there is an issue before us today that I believe all Members agree on, and certainly Senator LIEBERMAN and I do. We need to be sure that we care adequately and generously for the brave men and women who have lost a loved one who served this country in combat. We have offered together the HEROES Act. We introduced it Monday as S. 77, along with 20 other cosponsors. This is an overdue and critical piece of legislation that contemplates the moral obligation we in the Senate owe to our Armed Forces.

I am pleased Majority Leader BILL FRIST has made this legislation a part of his package of priorities for the year and that Senator JOHN WARNER, who chairs the Armed Services Committee, said he will give us a prompt hearing on the issue. I also note that Senator DEWINE and Senator GEORGE ALLEN of Virginia have also offered legislation relative to this issue.

No amount of money, of course, can ever replace the loss a family feels when their husband, wife, son, or daughter dies defending our country, carrying out the policies of this Government as they are directed by the Congress and the President of the United States. But this is a wealthy Nation, and we can and must do more to ensure that all those who fall in defense of the United States know without a doubt that their loved ones will be well taken care of—generously taken care of.

Earlier this month, on a trip to Iraq, I flew from Baghdad to Kuwait aboard a C–130 about 9:30 at night. It was a very somber trip because traveling with us were two flag-draped coffins, the remains of soldiers who had given their lives for their country. They are doing this too often. They are doing this true to the mission we ask of them and to the fellowship and the spirit and the courage of the units with which they serve. As those coffins were removed from the aircraft—and I saw all the service people who were at the airport that night spontaneously come out to be there to show their respect—it reminded me, once again, that this legislation is important. This grateful Nation needs to be generous to those who have served.

The families are not coming to us. They are not asking and demanding more money and more benefits. They have always borne the cost and hardship of military service silently, proudly, and steadfastly. However, those of us with the power to enact change must ensure that we are adequately meeting our responsibilities as a people to those families who serve us. The HEROES Act will do that, and it should move through this Congress as expeditiously as possible to final passage.

I am also pleased to announce this legislation has resonated with various organizations that work to ensure the best services and benefits for our veterans. They have read the HEROES Act and decided that this is the right thing to do for our Armed Forces. As of this afternoon, the 380,000 members of the Military Officers Association of America, the 2.4 million members of the Veterans of Foreign Wars, and the 2.8 million members strong of the American Legion and the National Military Families Association have all voiced their unqualified support for this legislation. I am proud to have their backing, and I ask unanimous consent that their letters be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS OF FOREIGN WARS
OF THE UNITED STATES,
Washington, DC, January 24, 2005.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: On behalf of the 2.4 million members of the Veterans of Foreign Wars of the United States and our Ladies Auxiliary, I would like to offer our support for "The HEROES Act of 2005," legislation that would amend Title 10 and Title 38, United States Code, to improve benefits for the families of deceased members of the Armed Forces.

As the number of servicemen and women killed in the war on terror continues, it is imperative that we recognize the need to provide not only emotional support to their families, but much-needed financial assistance during this troubling time.

By increasing the current $12,000 military death gratuity payment to $100,000, your legislation will stand by the Federal government's promise to take care of those left behind when a servicemember dies in the line of duty. We also applaud the bill's proposal that would increase the Servicemembers Group Life Insurance (SGLI) maximum benefit from $250,000 to $400,000. VFW resolution 642, passed at our National Convention in August, calls for legislation to improve the SGLI benefit; an increase we believe is long overdue.

Once again, thank you for introducing legislation that will help ensure that those families that have lost a loved one in the name of freedom receive the support and financial assistance that truly demonstrates our appreciation for those who sacrificed all.

We look forward to working with you and your staff on this legislation. As always, thank you for your continued support of America's veterans.

Sincerely,

DENNIS CULLINAN,
National Legislative Service.

THE AMERICAN LEGION,
Washington, DC, January 25, 2005.

Hon. JEFF SESSIONS,
U.S. Senate,
Washington, DC.

DEAR SENATOR SESSIONS: On behalf of the 2.8 million members of The American Legion, I would like to express our full support for the Honoring Every Requirement of Exemplary Act of 2005/HEROES Act of 2005. The initiatives outlined in this bill will greatly assist the families and loved ones of servicemen and women who died in combat.

The American Legion supports the augmentation of the lump-sum death benefit and the maximum payout from life insurance to families of soldiers killed in combat. For those who have made the ultimate sacrifice in defense of our freedoms, this act goes far to ease the hardships incurred by those families. However, The American Legion believes the benefits of this act should be extended to the families of all our servicemen and women killed in the service of the nation.

Once again, The American Legion fully supports Honoring Every Requirement of Exemplary Act of 2005/HEROES Act of 2005. The American Legion appreciates your continued leadership in addressing the issues that are important to veterans, members of the Armed Forces and their families.

Sincerely,

STEVE A. ROBERTSON,
Director,
National Legislative Commission.

NATIONAL MILITARY FAMILY ASSOCIATION.

The National Military Family Association thanks Senator Jeff Sessions and Senator Joe Lieberman for their active interest in the well being of our military families should the unthinkable happen. NMFA is grateful for the recognition in The HEROES Act of 2005 that the election of insurance is a family decision and for including a provision to ensure that spouses are included in that important decision.

For the family members of a fallen servicemember, NMFA knows that there is no way to compensate them for their loss, only to help them prepare for their future. We strongly believe that all servicemember's deaths should be treated equally. Servicemembers are on duty 24 hours a day, 7 days a week, 365 days a year. Through their oath, each servicemember's commitment is the same. The survivor benefit package should not create inequities by awarding different benefits to families who lose a servicemember in a hostile zone versus those who lose their loved one in a training mission preparing for service in a hostile zone. To the family, there is no difference. NMFA therefore supports proposals for improvements to the survivor benefit package that are consistent with our philosophy that all active duty deaths be treated equally. We encourage Members of Congress to examine the total package with the goal of recognizing the service and sacrifice of the servicemember and family and providing compensation that promotes the financial stability of the family.

KATHLEEN B. MOAKLER,
Deputy Director, Government Relations.

Mr. SESSIONS. Mr. President, I thank them for their service to the Nation over the years, for their concern for our men and women in uniform, and for their support of this legislation. The loss of a family member in combat is, indeed, a terrible tragedy for the survivors. I have had the responsibility to call numerous families in Alabama since the war on terrorism began and talk to family members and attend funerals and wakes for those who have been lost. So many things occur to these families all at once. In the midst of their grieving, plans must be made for funerals, transportation of loved ones, and families must bear all the expenses and arrangements. To the survivors, it will feel like everything in the world has come to a shattering standstill. Indeed, there may be requirements that a family move, relocate, or either sell or purchase a house. There are great numbers of expenses that can occur for them at that time. The enhanced benefit package we have offered will ensure that our military families do not have to worry about these day-to-day realities as they are having to go through the painful exercise of burying a loved one.

Senator LIEBERMAN is here. He has cosponsored and worked with us on this legislation. I note that it raises the $12,000 death benefit to $100,000. It raises the Servicemen's Group Life Insurance from $250,000 to $400,000. Those increases will keep these payments up to date with current reality and be an expression of national support for those families.

It is an honor to work with Senator LIEBERMAN on the committee on a lot of different issues. We thank him for his leadership in the Senate and for his support of our men and women in uniform.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from Alabama for his kind words. I thank him for his leadership on this issue and so many other matters to our Nation's security and for those who fight and serve in uniform to protect us.

Senator SESSIONS and I have worked together as members of the Armed Services Committee. He was chair, and I was ranking Democrat on the Airland Subcommittee. In some ways, the public, after listening to the chatter and the noise, would be surprised to hear we work so often in these committees with total nonpartisanship in the national interest, which is the way it ought to be.

I forgot the moment, but we were considering the question of what kinds of benefits there are for our men and women in uniform, and we came to death benefits. We were both, frankly, shocked and embarrassed and ultimately outraged that it had been $6,000, just raised to $12,000. When you think of death benefits generally and the impact on a family, the loss of a loved one, it just cried out for some kind of change. That is what this proposal, the HEROES Act, is all about and why I am so proud to join with Senator SESSIONS and the other cosponsors in introducing it and why I am grateful Senator FRIST included this as one of his priority items on his leadership list of measures introduced.

I had one of those moments we all have—I guess all Members of the Senate do this—where I got word today of a loss of another Connecticut soldier, SGT Thomas Vitagliano. If I am not in the State because we are in session, I always reach out to call the family.

I spoke with his mother earlier today. These are extraordinary people. She spoke with a strength that I must say was inspiring. I said: There is nothing I can say to fill the gap that is there because of the loss of a loved one in service of country. All I can say to you is, thank you on behalf of myself and a grateful nation and please know that your son is a hero.

She said to me: He loved his service in the military. He was a big guy and he had a great sense of humor, but he was really serious about his service in the military.

I know that he was killed by an improvised explosive device, IED, basically a bomb. She said to me: I know that he died in service of his country, he died doing what gave his life meaning.

She also said to me: Senator, I am really thinking now in just the words you said, as the mother of a hero. There will be a time after his burial when I will think as a mother, and it will be a very hard time. But today I am thinking as the mother of a hero.

That is what this HEROES Act is all about. Honoring Every Requirement of Exemplary Service Act, the HEROES Act of 2005. We could not come up with any sum of money to reimburse a family for the loss of a loved one, but the fact is that these folks put their lives on the line for us. They are there, more specifically, as a result of our decision and the President's as Commander in Chief. The least we can do for them is $100,000 in a death benefit.

I am very pleased, also, as I believe Senator SESSIONS said, that under this HEROES Act we are going to increase the Servicemen's Group Life Insurance, or SGLI as it is called. That is a benefit that is now at $250,000. It is basically term insurance. It is a pretty good plan. It is not a typical death benefit that we are offering for those who are killed in action, but it certainly, obviously, goes to the survivors of those killed in action. By the HEROES Act, we are adding $150,000 of life insurance for troops serving in a combat zone, and the premium for that $150,000 will be paid by the U.S. Government.

So we have a circumstance where if a soldier has bought the SGLI, the Servicemen's Group Life Insurance, their family will receive the $250,000, for which the soldier pays, $150,000 which we pay, and $100,000 that will now be the death benefit, and that will be a half million dollars, which in these days is not a lot of money for families left without a parent, a spouse, children who are going to have to be sent through college and all the expenses related thereto.

The $12,000 that is the existing death benefit is so shockingly paltry, but all the more so when you focus on the fact—and this earlier $6,000 goes way back when it was first set—that the military has changed. Our military, as all of us know who serve on the service committees or visit our military or just see our Guard and Reserve at home, is no longer primarily a group of 18-, 19-, and 20-year-old single men. More than 60 percent of our service men and women on Active Duty have a family.

If my colleagues have visited, they know in Iraq about 40 percent of the Americans there in uniform are Guard and Reserve. Those folks are in their thirties, forties, and during my visit at the end of December I saw a few who were in pretty good shape but looked as though they were in their fifties.

So these are people who have families, and if killed, it will leave a terrible void in the life of those families. And in some small way we hope to fill that void monetarily by providing this increase in support.

Incidentally, the HEROES Act will also direct the military to discuss the level of insurance selected with a spouse or other beneficiary to ensure that family members are informed and fully participating in these important decisions.

The great President Theodore Roosevelt once said: A man who is good enough to shed blood for his country is good enough to be given a square deal afterward. I would attempt to update the great TR's wisdom and words by saying that a man or a woman who is good enough to shed blood and risk life for our country should know when doing so that their families will be taken care of no matter what happens. That is the purpose of the HEROES Act.

I do not think I have ever introduced legislation that I have felt better about or, frankly, felt more optimistic about. I cannot believe this is not going to pass overwhelmingly and be supported overwhelmingly. When we think of all we are spending—incidentally, it is retroactive so anyone who has been killed in Iraq or Afghanistan will receive these full death benefits. What it will amount to in total is a fraction of one percentage point of what we are spending every month, probably every day, in Iraq. It is the least we can do.

I am proud to be part of it with Senator SESSIONS. I thank him again for his leadership. He and I and all the others are going to stick with it until we get this done and the checks start to go out to those who have given their all to protect our security and advance the cause of freedom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. TALENT. Mr. President, has the Senator from Alabama finished?

Mr. SESSIONS. I would like a few minutes to finish up if the Senator will yield.

Mr. TALENT. I will yield.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. I thank Senator TALENT for his courtesy which is well-known in this body.

Mr. President, Senator LIEBERMAN is correct. The families I talk to so often say to me about their son or daughter or spouse who lost their life that they loved their work, they were doing what they wanted to do, they believed in what they were doing, and that gives them comfort. I have heard that over and over again. It is very similar to what the Senator heard today.

I know the Senator's call was very comforting to the family because I know the Senator has the sensitivity and judgment to reach out to them in the proper way. It is not an easy thing to do, for sure.

I have, indeed, valued the Senator's partnership on the Airland Subcommittee. We have never had a harsh word nor even a serious disagreement. It does show that those of us who are from different parties love America, we want to see our military using the money wisely and doing the right things with it.

It has been a pleasure for me to work with the Senator from Connecticut. I have learned so much from him.

I will not go over the benefits of the program, which Senator LIEBERMAN has already mentioned. I think that this legislation is a step in the right direction. I would note that it is retroactive to the beginning of the war in Afghanistan. I would also note that the Defense Department has studied this legislation. I asked them to do that last year as part of our Defense bill. They support it. It will have an initial cost estimated at $459 million, and it should drop to half of that in the future and hopefully much less than that. I think these costs are clearly justified.

Our service members are assigned all over the globe in dangerous parts of the world. As an editorial in the San Diego Union Tribune said:

> The costs are beside the point. This is a case in which lawmakers have a moral obligation to do the right thing, regardless of cost.

I think this legislation is the right thing. I do believe we have great support so far and I look forward to seeing it become law. I also thank the Chair for his cosponsorship of this legislation.

I thank Senator TALENT for his courtesy, and I yield the floor.

Mr. TALENT. Mr. President, I was happy to yield to my friend. I thought he was finished or I would not have sought the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

COMMEMORATING THE 60TH ANNIVERSARY OF THE LIBERATION OF THE AUSCHWITZ EXTERMINATION CAMP IN POLAND

Mr. TALENT. Mr. President, I rise today on behalf of Mr. WYDEN and myself to speak about a resolution we are submitting to commemorate the liberation of Auschwitz, where more than 1 million people were murdered at the hands of the Nazis. Sixty years ago tomorrow, allied forces successfully liberated the most notorious of Nazi death camps, freeing those who managed to live in the most deplorable of conditions and yet somehow survive the greatest evil the world has ever witnessed.

For 5 long years at Auschwitz, men, women, and children arrived in cattle cars from all parts of Europe. Whether young or old, rich or poor, they were systematically stripped of their dignity before being murdered because of their religion and their deeply held faith in God. But 60 years ago tomorrow the genocide ended and the gates to freedom were opened.

With the passage of time, people tend to forget the events of the past, particularly if those events occurred well before their birth. The survivors of Auschwitz are elderly and they are dwindling in number, but their stories of how good successfully triumphed over evil will live on in our history and our hearts.

The resolution Senator WYDEN and I introduce today commemorates Auschwitz and urges all Americans to remember those who were murdered there, murdered for nothing more than practicing their religion. We owe it to ourselves and to future generations never to forget that horror.

I am pleased to say leaders from around the world, including Vice President and Mrs. Cheney, are traveling to Poland for tomorrow's commemoration ceremony. They will be joined by survivors who are still able to make the trip out into the Polish countryside.

I hope this resolution will serve as a reminder that the Senate, indeed all Americans, remembers the events of 60 years ago tomorrow. It is also my hope that when anti-Semitism rears its ugly head, the world will feel a collective responsibility to stand up and speak out against religious hatred. That at least will give meaning to the sacrifice of those who were murdered and incinerated in the ovens of Auschwitz.

Mr. President, I am informed that the resolution has been cleared on both sides. I am very pleased to hear that. On behalf of the leader, I ask unanimous consent the Senate now proceed to the consideration of S. Res. 18, which was submitted earlier today, the resolution about which I have been speaking.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

> A resolution (S. Res. 18) commemorating the 60th anniversary of the liberation of the Auschwitz extermination camp in Poland.

There being no objection, the Senate proceeded to consider the resolution.

LIBERATION OF AUSCHWITZ

Ms. MIKULSKI. Mr. President, perhaps more than any other word, Auschwitz is synonymous with evil.

Sixty years ago today, Russian soldiers liberated Auschwitz.

The horrors of Auschwitz are incomprehensible and undescribable.

Over 1 million people lost their lives at Auschwitz—the largest of the Nazi death camps. Ninety percent were Jews. Hundreds of thousands were children.

Auschwitz represented the Germans' campaign to exterminate a people—the Jews. They almost succeeded—killing 2 out of 3 Jews in Europe.

As a Polish American, I carry the images of Auschwitz in my heart.

The Nazis considered all Poles to be an inferior race. After Poland was conquered, German authorities expelled much of the native Polish population from regions of the newly annexed territories. Polish cities were given German names and German settlers were colonized on Polish land. In occupied Poland, the Nazi Governor, Hans Frank, proclaimed: "Poles will become slaves in the Third Reich."

The Nazis set out to destroy Polish culture. Thousands of Polish teachers, politicians, university professors and artists were executed or sent to Nazi concentration camps. Catholic priests were among the main targets of Nazi mass murder in Poland.

In fact, Auschwitz was created as an internment camp for Polish dissidents. And thousands of Poles were murdered alongside the Jews in Auschwitz.

Many Poles risked their lives to save Jews:

Irena Sendler was a young social worker in Warsaw. She used her position to smuggle 200 Jewish children out of the ghetto to safe houses. In 1943, Sendler was arrested by the Gestapo, brutally tortured and condemned to death. On the day of her execution, she was freed with the help of the Jewish underground.

Irena Adamowicz, a Polish Catholic, aided in establishing contacts between the Jewish Underground and the main Polish resistance organization.

Jan Karski, who, while working for the Polish Government in exile, was one of the few outsiders to visit the Warsaw Ghetto. He appealed to the Allies to do something.

As a Polish American, I traveled to Poland in the late 1970s. I was a Congresswoman. And I wanted to see my heritage. I went to the small village where my family came from. It was a very moving and historic experience.

But I also wanted to see the dark side of my history, and I went to Auschwitz.

In touring Auschwitz, it was an incredibly moving experience to go through the gate, to see the sign, to go to see the chambers. I went to a cell that had been occupied by Father Kolbe, a Catholic priest who gave his life for a Jewish man there.

And then, for those of you who don't know. I am a social worker. I have been a child abuse worker and I don't flinch.

But then I got half way through that tour and I came to a point in that tour where I saw the bins with glasses and the children's shoes, and this 40-something-year-old Congresswoman could not go on.

I became unglued. I had to remove myself from the small tour, go off into a private place in Auschwitz, cry in a way that shook my very soul. And when I left there, I thought, now I really know why we need an Israel.

And that is why I will fight so hard to ensure the survival of Israel. I know its importance. I know why it exists. I will always fight for the survival and the viability of the State of Israel. My support is unabashed and unwavering.

I also know why it is so important for us to educate our young people—about the effects of hatred, about the importance of history.

That is why I have worked with the Polish and Jewish communities in Baltimore to develop a U.S.-Poland-Israel Exchange program. Young people from America, Poland and Israel will join together to learn about each other's history and culture. They will visit Poland and Israel, to visit historical and religious sites, to learn together about history and to work together to build a brighter future.

In closing, I would like to read the words of Eli Weisel:

> Never shall I forget that night, the first night in camp, which has turned my life into one long night, seven times cursed and seven times sealed. Never shall I forget that smoke. Never shall I forget the faces of the children, whose bodies I saw turned into wreathes of smoke beneath a silent blue sky. Never shall I forget those flames which consumed my faith forever.
>
> Never shall I forget that nocturnal silence which deprived me, for all eternity, of the desire to live. Never shall I forget those moments which murdered my God and my soul and turned my dreams to dust. Never shall I forget these things, even if I am condemned to live as long as God himself.

Mr. President, 60 years after the liberation of Auschwitz, let us pledge never to forget. And let us honor those who died in the Holocaust by fighting against bigotry, hate crimes, and intolerance.

Mr. TALENT. Mr. President, since I am going to ask on behalf of the leader the resolution be agreed to, I want to express my gratitude to his office and the Democratic leader's office for their expeditious handling of this resolution, and also Senator WYDEN and all those who have cosponsored it.

On their behalf, I ask unanimous consent the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the able.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 18) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 18

Whereas on January 27, 1945, the Auschwitz extermination camp in Poland was liberated by Allied Forces during World War II after almost 5 years of murder, rape, and torture;

Whereas more than 1,000,000 innocent civilians were murdered at the Auschwitz extermination camp;

Whereas the Auschwitz extermination camp symbolizes the brutality of the Holocaust;

Whereas Americans must never forget the terrible crimes against humanity committed at the Auschwitz extermination camp and must educate future generations to promote understanding of the dangers of intolerance in order to prevent similar injustices from happening again; and

Whereas commemoration of the liberation of the Auschwitz extermination camp will instill in all Americans a greater awareness of the Holocaust: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates January 27, 2005, as the 60th anniversary of the liberation of the Auschwitz extermination camp by Allied Forces during World War II; and

(2) calls on all Americans to remember the more than 1,000,000 innocent victims murdered at the Auschwitz extermination camp as part of the Holocaust.

Mr. TALENT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. COBURN). Without objection, it is so ordered.

DEMOCRATIC POLICY COMMITTEE HEARING ON SOCIAL SECURITY

Mr. DORGAN. Mr. President, on Friday of this week we will be holding in the Democratic Policy Committee a hearing that deals with part of our overall goal to hold oversight hearings that are not being held by committees. This Friday's hearing will be on the subject of Social Security. Among the witnesses at this hearing will be Franklin Delano Roosevelt's grandson, the AARP, and we will have a couple of employees of the Social Security Administration who will testify about efforts inside the Social Security Administration to get some of the career employees to push the issue of privatization and the issue that there is, in fact, a crisis in Social Security. We are going to have a hearing on these issues.

Incidentally, we have invited witnesses who will provide a full range of opinions. A representative of the Cato Institute is invited to appear. As we have always done with our hearings, we have people with divergent viewpoints. As I indicated previously, I would invite any Republicans to join us at any of our hearings at any time.

Our intention is not to have hearings that are "gotcha." Our intention is to have hearings, however, in circumstances where we believe oversight has not occurred. These hearings will give us an opportunity to explore issues in a more aggressive way.

We held hearings previously, for example, on contract abuses in Iraq by the Halliburton corporation. We will have another hearing on that subject, along with allegations about another company engaged in contract abuses in Iraq, because there is substantial waste, fraud, and abuse. The evidence of that is all around us. There is precious little effort or energy on the part of some in Congress to take a look at it and deal with it and do something about it.

SOCIAL SECURITY

Mr. DORGAN. Mr. President, I wish to make a couple of comments about the future of Social Security because the President talked about this issue again this morning. This is a big issue. I noticed in a recent newspaper article that someone, who philosophically doesn't appear to believe in Social Security, said: "Social Security is the soft underbelly of the welfare state."

Social Security is a program that was signed into law by Franklin Delano Roosevelt in 1930's. It is an insurance program. Money is taken from workers' paychecks in the form of something called FICA taxes. The "I" in FICA is insurance, not investment. Social Security is an insurance program. It has lifted tens of millions of elderly people out of poverty in this country. It has been amazingly successful. It is not in crisis. The President did not use that word—"crisis"—today, but he has used it the past, and others also have. It is not in crisis.

We have a responsibility with respect to the Social Security system to make some adjustments as we go along. According to the Congressional Budget Office, the Social Security system will be fully solvent until the year 2052. In the period beyond 2052, if no changes are made, Social Security would be able to pay about 80 percent of what we now pay in benefits. In fact, people are living longer, healthier, better lives as a result of Social Security. Yes, it is successful. People are living longer and healthier lives. We can and will and should make some adjustments in Social Security, but major surgery is not needed. I do not support privatized accounts in the Social Security system.

With respect to retirement security, we have two things. Social Security is the foundation. That is the basic retirement insurance. It is the one without risk and that will be there no matter what. Above that, we have retirement investments, 401(k)s, IRAs, and other private pension programs. I support those as well. I have supported aggressive incentives for the American people to invest in the stock market, in 401(k)s and IRAs and other retirement accounts. That is different than Social Security, the basic foundation of retirement security. The President suggests we should begin taking apart the foundation. I do not support that. I do not agree with it. I say let us build on the first, second, and third floor of this structure, but let us keep the foundation intact.

Social Security, the social insurance program you pay into during your working life and you can expect to get when you retire, has made life better for tens of millions of retired elderly Americans. We ought not take it apart.

The President proposes this: He says let us borrow $1 trillion to $3 trillion and invest that borrowing in the stock market and then have faith that somehow that will produce substantial returns and at the same time reduce benefits in the Social Security program. He suggests that it will all come out just fine. Well, it will not come out just fine.

I point out that the President also told us 4 years ago that we were going to have budget surpluses as far as the eye. It didn't turn out that way. We went from the largest budget surpluses to the largest budget deficits in history. There is not exactly a substantial amount of evidence that the economic estimates in the future from this administration will be on the mark. In fact, just the opposite is true.

Our obligation is to understand the basics of retirement security. My grandmother, as I have told you before, said you don't borrow for retirement, you save for retirement. That is why this notion of borrowing $1 trillion to $3 trillion to stick in the stock market begins with a premise that doesn't make any sense.

Incidentally, one other thing: Third-grade math will tell you there is no connection here. If, in fact, those who want to privatize a portion of Social Security allege that Social Security is in trouble because the actuaries estimate average economic growth at only 1.8 percent per year, then they cannot on the other hand allege that if there are private accounts you are going to get a 7-percent return. An economy growing at 1.8 percent a year on average cannot produce the corporate profits that will rise and increase the stock market to produce 7-percent returns on investment over the long term. It doesn't work. You have inconsistent arguments for a policy that, in my judgment, is not the right policy for our country.

I welcome the debate. I don't begrudge anyone for taking a position that is dramatically different from mine. I just believe that those who believe we should privatize a portion of Social Security system are just plain wrong.

I grew up in a town of 300 people. Everybody knew everybody. I knew everyone who lived in that town. I knew the people who retired in that town and had nothing but their Social Security checks. I wasn't alive at a time when those who retired and had nothing didn't have a Social Security check, but I know that at that point in time half of those who became elderly in this country lived in poverty. Some 50 percent of the American elderly lived in poverty. Growing up in my small hometown, I knew everybody. I understood who benefitted so substantially from that monthly Social Security check and who would have lived in poverty without it. This is not about statistics; it is about real people. Those are the people who built this country and created this wonderful life which we inherited. People say we inherited this wonderful life from those who went before us and we owe it to our children. The question is, How will we deal with it? How will we treat it? Will we be responsible and make the right choices?

Those who came before us built something that is unique on this globe. We share this Earth that circles the Sun with 6 billion neighbors. Through the blessings of God, we happened to be born right here and are living right now. A lot of people on this Earth can say that. There is no place else like this. There is no one on this Earth who has what we have. It has been given to us by people who worked hard and who understood that part of what we have created in this country is to help lift tens of millions of elderly people out of poverty through something called Social Security. We ought to be here to expand it, to protect it, to nurture it, and to make sure it is available for 100 years—not take it apart. We are going to have a real debate about that.

Once again, I am not going to be engaged in name calling or be pejorative about those who have different opinions. There is room for a lot of different opinions. I feel strongly about this, and I welcome this debate. This is about values and what our country values. We will have a hearing on this subject on Friday. I invite everyone here who might wish to attend to be part of it.

NOMINATION OF SAMUEL BODMAN

Mr. DORGAN. Mr. President, I wish to make a brief statement about the person who is destined to become the new Secretary of Energy, someone for whom I voted in the Energy Committee this morning and someone I am very pleased to support and think brings considerable skill to the position of Secretary of Energy. He has not yet been confirmed by the full Senate, but he was approved unanimously by the Energy Committee this morning.

I commend President Bush for his selection. We have had some controversial nominees, but the selection of Dr. Bodman is the selection of someone whose capabilities, skills, and experience I believe lend themselves very well to the demand and the duties of Secretary of Energy. At this time, when we have these compelling energy issues, the President has made a good choice.

Mr. Bodman is a person of considerable skill and talent who I am going to be proud to support, and who I voted for in the Energy Committee this morning.

When I talk about trade, as I did yesterday, one of the significant issues of trade and economic opportunity in the future for this country is the issue of oil and energy. We are now importing nearly 60 percent of our oil. Everyone talks about independence and trying to be free from the grip of those who live in troubled parts of the world. Yet we allow these countries to hold us hostage to the supply that comes from their oil pipeline.

Every 25 years we grow concerned and start worrying about energy. We all put on our suit and start debating energy. In the end it is a bunch of people in dark suits that huff and puff and do nothing. And every 25 years we develop a "new" strategy that is exactly the same, dig and drill.

This strategy is what I like to call a yesterday forever policy. Yes, we should dig. And yes, we should drill. But if this is all we have for an energy policy, it is yesterday forever, and 25 years from now we will be back here talking about it again—perhaps a different bunch of Senators—but we will talk about the same thing.

The question is, Can we do something different? I have often told my colleagues that my first automobile when I was in school was a 1924 Model T Ford that I restored. I bought it for $25. I lovingly restored it over 2 years. It was not much of a car. You could not date in it and it was not much of a car for someone in high school. The thing about it is that you put gasoline in a 1924 Ford exactly the same way you put gasoline in a 2005 Ford. You drive up to a pump and stick a hose in the tank and start pumping. Nothing has changed. Everything in our lives has changed, but nothing has changed with respect to the way we put gasoline through a carburetor. This country is so overwhelmingly dependent on oil from troubled parts of the world that if we do not get vocal and do something significant, shame on us.

In 2003, the President called for developing hydrogen fuel cells. I said at the time, I welcomed that and thought it was a terrific idea, although it was more timid than what I proposed. I proposed a $6.5 billion, 10-year Apollo-type program that would move us to a position where we are no longer putting gasoline through carburetors and depending on foreign oil. And I still believe we should move to a hydrogen fuel cell future.

The fact is, there are enormous benefits if we create a hydrogen fuel cell program. First, hydrogen is ubiquitous. It is everywhere. I understand there are concerns regarding production, storage, distribution, and infrastructure. I understand that, but these concerns are not insurmountable and hydrogen is everywhere.

When you drive a hydrogen fuel cell vehicle, what comes out of the tailpipe? Water vapor. It is a wonderful thing for the environment to drive a vehicle that puts water vapor out the tailpipe.

If we can decide as a country that our policy should be that our children or their children no longer drive vehicles with an internal combustion engine that requires us to get oil from Saudi Arabia, Kuwait, Iraq, or Venezuela, we will have done something very significant for the defense of this country.

This is about national security. We cannot be timid. And we cannot take baby steps towards an energy policy.

When we develop an energy bill—and I am on the Senate Energy Committee and I want to be part of developing that bill; I voted for the last one in the Senate; it was very controversial but I voted for it—it needs to be a bill that includes four pieces.

First, we have to incentivize additional production. Yes, it is digging and drilling, but if that is the only title, it is over. We do not accomplish much at all. Second, we need much more conservation. We waste so much more energy than we should. It is incredible how much energy we waste. We need conservation. Production, conservation. Third, we need efficiency. Everything we do, from turning on the bathroom light in the morning to using the electric shaver we plug in, can be so much more efficient and could save a substantial amount of energy. Fourth, we need renewable forms of energy. Yes, that is wind energy, solar, biodiesel, and ethanol.

Collectively, we need to create a significant national program, an Apollo-like program, where our Nation exerts its will and says: Here is where we are headed and here is how we will get there. It has to be a collective national will for us to decide we will escape the excessive dependence we have on Middle East oil. That is the only way we will achieve this goal.

I know it is longer term. But, if we do not take the first step, we can never get there. When we write a new energy proposal, I will again—and I have visited with Dr. Bodman about this—I will work with my colleagues and propose a very aggressive Apollo-type or Manhattan-type program that says, let's head this country in a new direction with a fresh choice, a different choice that makes us less dependent on the oil that comes from the ground in the Middle East.

We have no choice but to consider an energy bill a priority, a new energy policy a priority. We need to get it right. There are enough ideas to go around. I don't think any one party or any one philosophy has a lock on good suggestions or ideas with respect to a new energy bill. I do believe this, those who cling to the past and those who believe digging and drilling represents America's energy future do no service to our kids and grandkids.

As we grapple with this issue, and with the help and leadership of Dr. Bodman at the Department of Energy when he is confirmed next week, my hope is we can do something significant and at the end of our careers we can say we produced a significant new and interesting energy policy that takes this country well beyond the dependence that now holds us hostage.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona.

ATTORNEY GENERAL JOHN ASHCROFT

Mr. KYL. Mr. President, this morning, on a party-line vote, the Judiciary Committee agreed to send the nomination for the U.S. Attorney General of Judge Alberto Gonzales to the Senate floor. It is the leader's intention, as I understand it, to bring that nomination to the floor next week. So it appears to me relatively obvious that the United States of America will have a new Attorney General within the next couple of weeks.

I did not want the opportunity to pass to talk a little bit about the current Attorney General, a person for whom I have absolute respect and express appreciation for his service, not only for the State of Missouri when he represented that State as Governor and later as a Senator but for all of America during his service in the last 4 years as Attorney General of the United States.

I think sometimes people have overlooked the record of this Attorney General. I wanted to take a moment this evening to talk about some of the accomplishments of the Bush administration, and specifically the Justice Department under the leadership of Attorney General John Ashcroft. But first I want to say a couple of personal words about John Ashcroft.

When his confirmation hearing was held 4 years ago, there was opposition to him because he was deemed to be a conservative. His views were deemed to be too firmly held. Some people called him rigid in his ideology. Some people thought he was too faithful to his religion. No one questioned his intelligence or his integrity or his experience.

He is a graduate of one of the finest law schools in the country, the University of Chicago. He clearly had the public service, as a Governor of the State and as a U.S. Senator. Very few attorneys general had the same kind of experience he had.

But throughout his tenure, I think he has been criticized less for what he has accomplished than for the kind of person he is. It ought to be the other way around. People should look at the kind of leadership John Ashcroft has provided the Justice Department and be thankful that we had such a firm, intelligent, upright, faithful, and strong Attorney General. These years have called for strength which we could not have anticipated when John Ashcroft was confirmed just 4 years ago. But because just a few months later this country was brutally attacked in September of 2001, all of our public servants had to begin to operate their departments in a way they had never operated them before.

The Justice Department was no different. In fact, the Justice Department was on the front line of our defense of the homeland. There was no Homeland Security Department at that time. Immediately, the Justice Department had to begin changing the way it did business. The FBI, under the jurisdiction of the Justice Department, had major changes. Thankfully, under the leadership of John Ashcroft and now Bob Mueller, the Director of the FBI, things have begun to change, but it has not been easy. Without the strong and firm and steady leadership of John Ashcroft, it would likely not have happened.

The first obligation, therefore, of the Attorney General was and is the protection of Americans, preventing another terrorist attack, and ensuring that we maintain the proper balance between the protection of our own civil rights and our security from terrorist attack. During the period of time John Ashcroft has served, we have shut down numerous terrorist operations and cells across America. In fact, I am informed the Justice Department has brought criminal charges against 364 individuals and obtained convictions against 193 of them. Over $2 million in funds has been frozen.

I know, because I have talked to Attorney General Ashcroft and foreign leaders, he has been able to forge a relationship with his counterparts in other countries. For example, not to be exclusive, but our European allies helped us go after terrorist cells in countries around the world. Largely because of his success in that, we have been able to integrate our law enforcement activities with other countries. Even though people may be concerned about the support that some of our allies have failed to give us in operations such as those in Iraq, I can tell you the cooperation in law enforcement and going after terrorists and terrorist cells has been very good. That is one of the good news stories in the war on terror, and John Ashcroft had a lot to do with that.

With regard to the first obligation that the Attorney General has to the American people, I can't think of a better person to have in place after 9/11 than John Ashcroft. His Department has done a terrific job.

One of the areas that is of most concern to me is violent crime. For years, Senator FEINSTEIN and I labored to secure passage of a constitutional amendment to protect the victims of violent crime. No one was more supportive of that effort than Attorney General John Ashcroft. In fact, President Bush came to the Justice Department and, with Attorney General Ashcroft and John Gillis, who heads the Department of Justice office in charge of supporting victims of crime, they made very strong and passionate statements in support of our amendment to protect crime victims.

Eventually we were able, this year, to get passed not a constitutional amendment but a Federal law that has been signed into law to protect the rights of people in the Federal court system who were victims of crime, with significant incentives for the same protections to exist in the State courts. John Ashcroft was very supportive of those efforts. I express my great appreciation to him for that.

But he has not only worked to help the victims of crime, he has helped to reduce crime itself. There are some interesting statistics here from the Bureau of Justice Statistics. The rate of violent crime is at a historic 30-year low. In the past 3 years, the overall rate of violent crime has declined 27 percent from the previous 3-year period. Over the past 3 years, there has been a double-digit reduction in the rate of rape and sexual assault, a 31-percent reduction; robbery, 31 percent; assault, 26-percent reduction. Obviously, these are not just statistics, these are real people whom we have ensured are not victimized who otherwise might have been victimized.

Mr. President, 1.7 million fewer citizens in America have experienced the pain of violent crime in this period between 2001 and 2003. That is not all attributable to the work of the Department of Justice or Attorney General Ashcroft, but a lot of it is. It has been overlooked, and I think he deserves credit for that.

Gun crime is something else he pledged to work on as Attorney General, and he kept his pledge. The Justice Department has increased Federal gun crime prosecutions by 68 percent over the past 3 years. In the fiscal year 2003, more than 13,000 offenders were charged, which is the highest figure for any single year. More than 9,500 individuals were convicted, which is the largest number ever convicted in the Federal system in a single year. This has been a priority. As a result, there have been fewer gun crimes committed.

On illegal drugs, something we all are concerned about, working with John Walters, the so-called drug czar, the Drug Enforcement Agency, the Department of Justice, and Attorney General Ashcroft have been very committed to going after all of the various aspects of the illegal use of drugs in the United States as well as their importation into the country. There have been a variety of operations, but just to cite an overall statistic, in the past 2 years, 15 major drug-trafficking organizations have been dismantled or disrupted. The statistics on all of the major drugs, from marijuana to the hallucinogens to Ecstasy, LSD, show the use of drugs is falling. Part of that will be the result of the significant efforts of the Department of Justice.

We were shocked to see corporate fraud raise its ugly head in this country a couple of years ago, and the Department of Justice went after that with a vengeance. The corporate scandals that had festered for some time were finally brought to light after 2001. As a result of the work of the Corporate Fraud Task Force that the President created, with tough investigation by our prosecutors, the Department of Justice brought more than 900 violators being charged in more than 400 cases. Over 500 individuals have been convicted or pled guilty since that time, including top executives at companies like WorldCom, Enron, Mclone, and others.

Why is this important? America has to lead the world in terms of respect for the rule of law and transparency and integrity. This is part of what we believe to be the fundamentals of free government. It is important for the administration and especially the Department of Justice to show that it is committed to ensure that this transparency and integrity remains as a hallmark of our economic system. Therefore, the Corporate Fraud Task Force in its work was critical to achieving that goal.

In the other areas for which the Department of Justice has responsibility, from civil rights to civil fraud to environmental enforcement, in each of these areas there have been significant achievements. One statistic: In the area of civil rights, in the past 3 years, 439 people have been charged with criminal civil rights violations, which is more than during the preceding 3 years. Civil fraud recoveries doubled for the past 3 years.

By the way, the number is pretty astonishing—$5 billion.

In environmental enforcement, there have been a variety of actions. The Department of Justice obtained the largest civil penalty in history against a single company for violation of an environmental statute.

There is so much more one could say about the Department of Justice under John Ashcroft's leadership. The point I want to simply make this evening as we are preparing to begin a new administration—a second Bush administration with new leadership in the Department of Justice—is I think we should reflect a little bit on the achievements of this past 4 years and on the individual who helped to achieve these results.

As a former colleague of all of us in the Senate, I know we wished John Ashcroft well when he took his oath of office. Although not all of us have agreed with every action of the Department of Justice since then, I think we have to agree that John Ashcroft's integrity and commitment were hallmarks of his leadership of the Department of Justice. I for one appreciate the personal commitment that he made. Throughout his term, I spent time with John and his family. I know how hard he worked in his job. America has had no more faithful servant. The President has had no more faithful servant in the execution of the policies of the administration than Attorney General John Ashcroft. He put his heart and soul into the job. He committed 4 years of his life to continuing to serve the people of this country.

I think for that, and for the great success that his Department achieved, we owe him a debt of gratitude. As we begin this next administration, as we confirm people to serve in the next administration, I hope we will also pause to thank those who have served in the first Bush administration—all of the American people—and say our hat is off to them, and to say Godspeed, we wish you the very best in the future. Take a little time off so you can reflect a little bit not only on what you did but on what you will need to do now to spend time with family and friends and enjoy the thanks that we are now sharing.

I know my colleagues join me in wishing Attorney General Ashcroft well. And perhaps some will have more to say about his service in the past, but I didn't want this opportunity to pass, because he has been truly one of the great public servants to serve this country. I will personally miss him in that position, and I personally wish him well.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, today, as I did in the Foreign Relations Committee, I cast my vote in favor of the confirmation of Dr. Rice to be Secretary of State. I did so not because I endorse Dr. Rice's views but because, barring serious concerns about a nominee's qualifications or serious ethical lapses, the President has the right to appoint Cabinet officers who share his ideology and his perspective. In keeping with Senate practices and precedents, my inclination is to give the President—any President—substantial deference in his Cabinet choices. I do not agree with many of the President's foreign policy choices. But as President, he generally has a right to a Cabinet that shares his perspective and agenda.

However, I want to be clear that I was troubled by some of Dr. Rice's statements in the hearing. Our most senior diplomat, our emissary to the entire world, should be able to represent our core values. Dr. Rice's failure, and the failure of the administration, to categorically reject tactics that the average American would acknowledge to be torture is more than disappointing. It is dangerous, and it is shameful.

I also want to restate my view that the President's foreign policy over the last 4 years has been, on many fronts, misguided and self-defeating. I have discussed these issues in much greater detail on the Senate floor and in the Foreign Relations Committee. I am troubled by the damage done to our image around the world, I am concerned by our loss of focus in fighting terrorism, I am angry about the use of shifting justifications and faulty information to sell the war in Iraq. I am angry about the failure to plan for the fact that overthrowing a regime leads to disorder and disorder leads to looting, I am angry about the official insistence on grossly underestimating the bill that would be handed to the American taxpayer and then declining to budget for this massive expense once its parameters became more clear. I am angry about the mismanagement of efforts to put a competent Iraqi security force in place. I am angry about the woefully slow pace of reconstruction, and I am angry about this administration's failure to ensure that our troops were adequately equipped for the circumstances in which they found themselves. Many people in this country and in this Congress are troubled not only by the mistakes, but by the fact that there appears to be no real accountability for these failures.

At one point in the course of the hearing, Dr. Rice expressed some indignation regarding questions or remarks that she felt impugned her credibility. Her credibility is a legitimate question. Dr. Rice made sweeping, public characterizations about aluminum tubes sought by Iraq before the war began that were, quite plainly, misleading. She permitted a reference to Iraq seeking uranium from Africa, a reference that she knew the intelligence did not support, to be included in a major presidential address. She has a credibility problem, not just among skeptics in this country, but around the world. Once confirmed, Dr. Rice will be accountable to Congress in a way that she was not as the President's National Security Advisor. I hope that Dr. Rice fully understands her obligations to tell the duly elected representatives of the American people the whole truth.

President Bush, like any President, is entitled to a Cabinet that reflects his views. But I will continue to oppose every bad policy, to question every baseless assertion, and to advocate for a wiser course that will make our country more secure. The stakes for the current and future generations of Americans are far too high to do anything else.

Ms. CANTWELL. Mr. President, I want to detail for the Senate the reasons why I voted to support the nomination of Condoleeza Rice to be our Nation's next Secretary of State. Her diverse professional background as a Professor at Stanford University specializing in Russian affairs, her time as President Bush's National Security Advisor, and her demonstrated understanding of world affairs and diplomacy qualify her to run the Department of State.

My support for Dr. Rice does not come without reservations about the direction this administration has taken with regard to foreign policy. We confront an enormous responsibility with respect to world affairs. The individual charged with the running of the State Department will set the direction for our country's policies around the world. This person will have the power to decide whether to nurture and develop, or halt our Nation's great diplomatic efforts.

I hope Dr. Rice works to promote democracy throughout the world, not just by employing our ample military force, but that we seek to develop democracy organically, where it has not taken hold. Democracies will be more receptive to our products, ideas and people, and our Nation should approach its foreign policy decisions with these long-term goals in mind. My State of Washington is heavily reliant on international trade, and we also create and circulate information in this age of high technology, which should be a principal part of our foreign policy strategy.

The Senate does not, by confirming Dr. Rice, place the responsibility for this country's diplomacy in the hands of a single individual. I do not believe that the American people are ready to ignore the voices of our humanitarian community who remind us how fragile and vulnerable our international relationship can be. I am hopeful that these voices will be heard by Dr. Rice. I am placing my trust in her that she will embrace her duty to take into account the future and foreseeable consequences of her actions, and that she will be guided by the knowledge that this Senator will raise those consequences at all appropriate occasions.

RULES OF PROCEDURE—COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CHAFEE. Mr. President, I ask unanimous consent that the rules of the Committee on Environment and Public Works be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JURISDICTION

Rule XXV, Standing Rules of the Senate

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

* * * * *

(h)(1) Committee on Environment and Public Works, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Air pollution.
2. Construction and maintenance of highways.
3. Environmental aspects of Outer Continental Shelf lands.
4. Environmental effects of toxic substances, other than pesticides.
5. Environmental policy.
6. Environmental research and development.
7. Fisheries and wildlife.
8. Flood control and improvements of rivers and harbors, including environmental aspects of deepwater ports.
9. Noise pollution.
10. Nonmilitary environmental regulation and control of nuclear energy.
11. Ocean dumping.
12. Public buildings and improved grounds of the United States generally, including Federal buildings in the District of Columbia.
13. Public works, bridges, and dams.
14. Regional economic development.
15. Solid waste disposal and recycling.
16. Water pollution.
17. Water resources.

(2) Such committee shall also study and review, on a comprehensive basis, matters relating to environmental protection and resource utilization and conservation, and report thereon from time to time.

RULES OF PROCEDURE

RULE 1. COMMITTEE MEETINGS IN GENERAL

(a) REGULAR MEETING DAYS: For purposes of complying with paragraph 3 of Senate Rule XXVI, the regular meeting day of the committee is the first and third Thursday of each month at 10:00 a.m. If there is no business before the committee, the regular meeting shall be omitted.

(b) ADDITIONAL MEETINGS: The chair may call additional meetings, after consulting with the ranking minority member. Subcommittee chairs may call meetings, with the concurrence of the chair, after consulting with the ranking minority members of the subcommittee and the committee.

(C) PRESIDING OFFICER:

(1) The chair shall preside at all meetings of the committee. If the chair is not present, the ranking majority member shall preside.

(2) Subcommittee chairs shall preside at all meetings of their subcommittees. If the subcommittee chair is not present, the ranking majority member of the subcommittee shall preside.

(3) Notwithstanding the rule prescribed by paragraphs (1) and (2), any member of the committee may preside at a hearing.

(d) OPEN MEETINGS: Meetings of the committee and subcommittees, including hearings and business meetings, are open to the public. A portion of a meeting may be closed to the public if the committee determines by roll call vote of a majority of the members present that the matters to be discussed or the testimony to be taken—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) relate solely to matters of committee staff personnel or internal staff management or procedure; or

(3) constitute any other grounds for closure under paragraph 5(b) of Senate Rule XXVI.

(e) BROADCASTING:

(1) Public meetings of the committee or a subcommittee may be televised, broadcast, or recorded by a member of the Senate press gallery or an employee of the Senate.

(2) Any member of the Senate Press Gallery or employee of the Senate wishing to televise, broadcast, or record a committee meeting must notify the staff director or the staff director's designee by 5:00 p.m. the day before the meeting.

(3) During public meetings, any person using a camera, microphone, or other electronic equipment may not position or use the equipment in a way that interferes with the seating, vision, or hearing of committee members or staff on the dais, or with the orderly process of the meeting.

RULE 2. QUORUMS

(a) BUSINESS MEETINGS: At committee business meetings, and for the purpose of approving the issuance of a subpoena or approving a committee resolution, six members, at least two of whom are members of the minority party, constitute a quorum, except as provided in subsection (d).

(b) SUBCOMMITTEE MEETINGS: At subcommittee business meetings, a majority of the subcommittee members, at least one of whom is a member of the minority party, constitutes a quorum for conducting business.

(c) CONTINUING QUORUM: Once a quorum as prescribed in subsections (a) and (b) has been established, the committee or subcommittee may continue to conduct business.

(d) REPORTING: No measure or matter may be reported to the Senate by the committee unless a majority of committee members cast votes in person.

(e) HEARINGS: One member constitutes a quorum for conducting a hearing.

RULE 3. HEARINGS

(a) ANNOUNCEMENTS: Before the committee or a subcommittee holds a hearing, the chair of the committee or subcommittee shall make a public announcement and provide notice to members of the date, place, time, and subject matter of the hearing. The announcement and notice shall be issued at least one week in advance of the hearing, unless the chair of the committee or subcommittee, with the concurrence of the ranking minority member of the committee or subcommittee, determines that there is good cause to provide a shorter period, in which event the announcement and notice shall be issued at least twenty-four hours in advance of the hearing.

(b) STATEMENTS OF WITNESSES:

(1) A witness who is scheduled to testify at a hearing of the committee or a subcommittee shall file 100 copies of the written testimony at least 48 hours before the hearing. If a witness fails to comply with this requirement, the presiding officer may preclude the witness' testimony. This rule may be waived for field hearings, except for witnesses from the Federal Government.

(2) Any witness planning to use at a hearing any exhibit such as a chart, graph, diagram, photo, map, slide, or model must submit one identical copy of the exhibit (or representation of the exhibit in the case of a model) and 100 copies reduced to letter or legal paper size at least 48 hours before the hearing. Any exhibit described above that is not provided to the committee at least 48 hours prior to the hearing cannot be used for purpose of presenting testimony to the committee and will not be included in the hearing record.

(3) The presiding officer at a hearing may have a witness confine the oral presentation to a summary of the written testimony.

(4) Notwithstanding a request that a document be embargoed, any document that is to be discussed at a hearing, including, but not limited to, those produced by the General Accounting Office, Congressional Budget Office, Congressional Research Service, a Federal agency, an Inspector General, or a nongovernmental entity, shall be provided to all members of the committee at least 72 hours before the hearing.

RULE 4. BUSINESS MEETINGS: NOTICE AND FILING REQUIREMENTS

(a) NOTICE: The chair of the committee or the subcommittee shall provide notice, the agenda of business to be discussed, and the text of agenda items to members of the committee or subcommittee at least 72 hours before a business meeting. If the 72 hours falls over a weekend, all materials will be provided by close of business on Friday.

(b) AMENDMENTS: First-degree amendments must be filed with the chair of the committee or the subcommittee at least 24 hours before a business meeting. After the filing deadline, the chair shall promptly distribute all filed amendments to the members of the committee or subcommittee.

(c) MODIFICATIONS: The chair of the committee or the subcommittee may modify the notice and filing requirements to meet special circumstances, with the concurrence of the ranking member of the committee or subcommittee.

RULE 5. BUSINESS MEETINGS: VOTING

(a) PROXY VOTING:

(1) Proxy voting is allowed on all measures, amendments, resolutions, or other matters before the committee or a subcommittee.

(2) A member who is unable to attend a business meeting may submit a proxy vote on any matter, in writing, orally, or through personal instructions.

(3) A proxy given in writing is valid until revoked. A proxy given orally or by personal instructions is valid only on the day given.

(b) SUBSEQUENT VOTING: Members who were not present at a business meeting and were unable to cast their votes by proxy may record their votes later, so long as they do so that same business day and their vote does not change the outcome.

(c) PUBLIC ANNOUNCEMENT:

(1) Whenever the committee conducts a rollcall vote, the chair shall announce the results of the vote, including a tabulation of the votes cast in favor and the votes cast against the proposition by each member of the committee.

(2) Whenever the committee reports any measure or matter by rollcall vote, the report shall include a tabulation of the votes cast in favor of and the votes cast in opposition to the measure or matter by each member of the committee.

RULE 6. SUBCOMMITTEES

(a) REGULARLY ESTABLISHED SUBCOMMITTEES: The committee has four subcommittees: Transportation and Infrastructure; Clean Air, Climate Change, and Nuclear Safety; Fisheries, Wildlife, and Water; and Superfund and Waste Management.

(b) MEMBERSHIP: The committee chair, after consulting with the ranking minority member, shall select members of the subcommittees.

RULE 7. STATUTORY RESPONSIBILITIES AND OTHER MATTERS

(a) ENVIRONMENTAL IMPACT STATEMENTS: No project or legislation proposed by any executive branch agency may be approved or otherwise acted upon unless the committee has received a final environmental impact statement relative to it, in accordance with section 102(2)(C) of the National Environmental Policy Act, and the written comments of the Administrator of the Environmental Protection Agency, in accordance with section 309 of the Clean Air Act. This rule is not intended to broaden, narrow, or otherwise modify the class of projects or legislative proposals for which environmental impact statements are required under section 102(2)(C).

(b) PROJECT APPROVALS:

(1) Whenever the committee authorizes a project under Public Law 89-298, the Rivers and Harbors Act of 1965; Public Law 83-566, the Watershed Protection and Flood Prevention Act; or Public Law 86-249, the Public Buildings Act of 1959, as amended; the chairman shall submit for printing in the Congressional Record, and the committee shall publish periodically as a committee print, a report that describes the project and the reasons for its approval, together with any dissenting or individual views.

(2) Proponents of a committee resolution shall submit appropriate evidence in favor of the resolution.

(c) BUILDING PROSPECTUSES:

(1) When the General Services Administration submits a prospectus, pursuant to section 7(a) of the Public Buildings Act of 1959, as amended, for construction (including construction of buildings for lease by the government), alteration and repair, or acquisition, the committee shall act with respect to the prospectus during the same session in which the prospectus is submitted.

A prospectus rejected by majority vote of the committee or not reported to the Senate during the session in which it was submitted shall be returned to the General Services Administration and must then be resubmitted in order to be considered by the committee during the next session of the Congress.

(2) A report of a building project survey submitted by the General Services Administration to the committee under section 11(b) of the Public Buildings Act of 1959, as amended, may not be considered by the committee as being a prospectus subject to approval by committee resolution in accordance with section 7(a) of that Act. A project described in the report may be considered for committee action only if it is submitted as a prospectus in accordance with section 7(a) and is subject to the provisions of paragraph (1) of this rule.

(d) NAMING PUBLIC FACILITIES: The committee may not name a building, structure or facility for any living person, except former Presidents or former Vice Presidents of the United States, former Members of Congress over 70 years of age, or former Justices of the United States Supreme Court over 70 years of age.

RULE 8. AMENDING THE RULES

The rules may be added to, modified, amended, or suspended by vote of a majority of committee members at a business meeting if a quorum is present.

STANDING RULES OF THE SENATE

RULE XVII

REFERENCE TO COMMITTEES; MOTIONS TO DISCHARGE; REPORTS OF COMMITTEES; AND HEARINGS AVAILABLE

1. Except as provided in paragraph 3, in any case in which a controversy arises as to the jurisdiction of any committee with respect to any proposed legislation, the question of jurisdiction shall be decided by the presiding officer, without debate, in favor of the committee which has jurisdiction over the subject matter which predominates in such proposed legislation; but such decision shall be subject to an appeal.

2. A motion simply to refer shall not be open to amendment, except to add instructions.

3. (a) Upon motion by both the majority leader or his designee and the minority leader or his designee, proposed legislation may be referred to two or more committees jointly or sequentially. Notice of such motion and the proposed legislation to which it relates shall be printed in the Congressional Record. The motion shall be privileged, but it shall not be in order until the Congressional Record in which the notice is printed has been available to Senators for at least twenty-four hours. No amendment to any such motion shall be in order except amendments to any instructions contained therein. Debate on any such motion, and all amendments thereto and debatable motions and appeals in connection therewith, shall be limited to not more than two hours, the time to be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(b) Proposed legislation which is referred to two or more committees jointly may be reported only by such committees jointly and only one report may accompany any proposed legislation so jointly reported.

(c) A motion to refer any proposed legislation to two or more committees sequentially shall specify the order of referral.

(d) Any motion under this paragraph may specify the portion or portions of proposed legislation to be considered by the committees, or any of them, to which such proposed legislation is referred, and such committees or committee shall be limited, in the consideration of such proposed legislation, to the portion or portions so specified.

(e) Any motion under this subparagraph may contain instructions with respect to the time allowed for consideration by the committees, or any of them, to which proposed legislation is referred and the discharge of such committees, or any of them, from further consideration of such proposed legislation.

4. (a) All reports of committees and motions to discharge a committee from the consideration of a subject, and all subjects from which a committee shall be discharged, shall lie over one day for consideration, unless by unanimous consent the Senate shall otherwise direct.

(b) Whenever any committee (except the Committee on Appropriations) has reported any measure, by action taken in conformity with the requirements of paragraph 7 of rule XXVI, no point of order shall lie with respect to that measure on the ground that hearings upon that measure by the committee were not conducted in accordance with the provisions of paragraph 4 of rule XXVI.

5. Any measure or matter reported by any standing committee shall not be considered in the Senate unless the report of that committee upon that measure or matter has been available to Members for at least two calendar days (excluding Sundays and legal holidays) prior to the consideration of that measure or matter. If hearings have been held on any such measure or matter so reported, the committee reporting the measure or matter shall make every reasonable effort to have such hearings printed and available for distribution to the Members of the Senate prior to the consideration of such measure or matter in the Senate. This paragraph

(1) may be waived by joint agreement of the Majority Leader and the Minority Leader of the Senate; and (2) shall not apply to

(A) any measure for the declaration of war, or the declaration of a national emergency, by the Congress, and

(B) any executive decision, determination, or action which would become, or continue to be, effective unless disapproved or otherwise invalidated by one or both Houses of Congress.

* * * * *

RULE XXVI

COMMITTEE PROCEDURE

1. Each standing committee, including any subcommittee of any such committee, is authorized to hold such hearings, to sit and act at such times and places during the sessions, recesses, and adjourned periods of the Senate, to require by subpoena or otherwise the attendance of such witnesses and the production of such correspondence, books, papers,

and documents, to take such testimony and to make such expenditures out of the contingent fund of the Senate as may be authorized by resolutions of the Senate. Each such committee may make investigations into any matter within its jurisdiction, may report such hearings as may be had by it, and may employ stenographic assistance at a cost not exceeding the amount prescribed by the Committee on Rules and Administration. The expenses of the committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman.

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

3. Each standing committee (except the Committee on Appropriations) shall fix regular weekly, biweekly, or monthly meeting days for the transaction of business before the committee and additional meetings may be called by the chairman as he may deem necessary. If at least three members of any such committee desire that a special meeting of the committee be called by the chairman, those members may file in the offices of the committee their written request to the chairman for that special meeting. Immediately upon the filing of the request, the clerk of the committee shall notify the chairman of the filing of the request. If, within three calendar days after the filing of the request, the chairman does not call the requested special meeting, to be held within seven calendar days after the filing of the request, a majority of the members of the committee may file in the offices of the committee their written notice that a special meeting of the committee will be held, specifying the date and hour of that special meeting. The committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the committee shall notify all members of the committee that such special meeting will be held and inform them of its date and hour. If the chairman of any such committee is not present at any regular, additional, or special meeting of the committee, the ranking member of the majority party on the committee who is present shall preside at that meeting.

4. (a) Each committee (except the Committee on Appropriations and the Committee on the Budget) shall make public announcement of the date, place, and subject matter of any hearing to be conducted by the committee on any measure or matter at least one week before the commencement of that hearing unless the committee determines that there is good cause to begin such hearing at an earlier date.

(b) Each committee (except the Committee on Appropriations) shall require each witness who is to appear before the committee in any hearing to file with the clerk of the committee, at least one day before the date of the appearance of that witness, a written statement of his proposed testimony unless the committee chairman and the ranking minority member determine that there is good cause for noncompliance. If so requested by any committee, the staff of the committee shall prepare for the use of the members of the committee before each day of hearing before the committee a digest of the statements which have been so filed by witnesses who are to appear before the committee on that day.

(c) After the conclusion of each day of hearing, if so requested by any committee, the staff shall prepare for the use of the members of the committee a summary of the testimony given before the committee on that day. After approval by the chairman and the ranking minority member of the committee, each such summary may be printed as a part of the committee hearings if such hearings are ordered by the committee to be printed.

(d) Whenever any hearing is conducted by a committee (except the Committee on Appropriations) upon any measure or matter, the minority on the committee shall be entitled, upon request made by a majority of the minority members to the chairman before the completion of such hearing, to call witnesses selected by the minority to testify with respect to the measure or matter during at least one day of hearing thereon.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session, no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock postmeridian unless consent therefor has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

6. Morning meetings of committees and subcommittees thereof shall be scheduled for one or both of the periods prescribed in this paragraph. The first period shall end at eleven o'clock antemeridian. The second period shall begin at eleven o'clock antemeridian and end at two o'clock postmeridian.

7. (a)(1) Except as provided in this paragraph, each committee, and each subcommittee thereof is authorized to fix the number of its members (but not less than one-third of its entire membership) who shall constitute a quorum thereof for the transaction of such business as may be considered by said committee, except that no measure or matter or recommendation shall be reported from any committee unless a majority of the committee were physically present.

(2) Each such committee, or subcommittee, is authorized to fix a lesser number than one-third of its entire membership who shall constitute a quorum thereof for the purpose of taking sworn testimony.

(3) The vote of any committee to report a measure or matter shall require the concurrence of a majority of the members of the committee who are present. No vote of any member of any committee to report a measure or matter may be cast by proxy if rules adopted by such committee forbid the casting of votes for that purpose by proxy; however, proxies may not be voted when the absent committee member has not been informed of the matter on which he is being recorded and has not affirmatively requested that he be so recorded. Action by any committee in reporting any measure or matter in accordance with the requirements of this

subparagraph shall constitute the ratification by the committee of all action theretofore taken by the committee with respect to that measure or matter, including votes taken upon the measure or matter or any amendment thereto, and no point of order shall lie with respect to that measure or matter on the ground that such previous action with respect thereto by such committee was not taken in compliance with such requirements.

(b) Each committee (except the Committee on Appropriations) shall keep a complete record of all committee action. Such record shall include a record of the votes on any question on which a record vote is demanded. The results of rollcall votes taken in any meeting of any committee upon any measure, or any amendment thereto, shall be announced in the committee report on that measure unless previously announced by the committee, and such announcement shall include a tabulation of the votes cast in favor of and the votes cast in opposition to each such measure and amendment by each member of the committee who was present at that meeting.

(c) Whenever any committee by rollcall vote reports any measure or matter, the report of the committee upon such measure or matter shall include a tabulation of the votes cast by each member of the committee in favor of and in opposition to such measure or matter. Nothing contained in this subparagraph shall abrogate the power of any committee to adopt rules—

(1) providing for proxy voting on all matters other than the reporting of a measure or matter, or

(2) providing in accordance with subparagraph (a) for a lesser number as a quorum for any action other than the reporting of a measure or matter.

8. (a) In order to assist the Senate in—

(1) its analysis, appraisal, and evaluation of the application, administration, and execution of the laws enacted by the Congress, and

(2) its formulation, consideration, and enactment of such modifications of or changes in those laws, and of such additional legislation, as may be necessary or appropriate,

each standing committee (except the Committees on Appropriations and the Budget), shall review and study, on a continuing basis the application, administration, and execution of those laws, or parts of laws, the subject matter of which is within the legislative jurisdiction of that committee. Such committees may carry out the required analysis, appraisal, and evaluation themselves, or by contract, or may require a Government agency to do so and furnish a report thereon to the Senate. Such committees may rely on such techniques as pilot testing, analysis of costs in comparison with benefits, or provision for evaluation after a defined period of time.

(b) In each odd-numbered year, each such committee shall submit, not later than March 31, to the Senate, a report on the activities of that committee under this paragraph during the Congress ending at noon on January 3 of such year.

9. (a) Except as provided in subparagraph (b), each committee shall report one authorization resolution each year authorizing the committee to make expenditures out of the contingent fund of the Senate to defray its expenses, including the compensation of members of its staff and agency contributions related to such compensation, during the period beginning on March 1 of such year and ending on the last day of February of the following year. Such annual authorization resolution shall be reported not later than January 31 of each year, except that, whenever the designation of members of standing committees of the Senate occurs during the first session of a Congress at a date later than January 20, such resolution may be reported at any time within thirty days after the date on which the designation of such members is completed. After the annual authorization resolution of a committee for a year has been agreed to, such committee may procure authorization to make additional expenditures out of the contingent fund of the Senate during that year only by reporting a supplemental authorization resolution. Each supplemental authorization resolution reported by a committee shall amend the annual authorization resolution of such committee for that year and shall be accompanied by a report specifying with particularity the purpose for which such authorization is sought and the reason why such authorization could not have been sought at the time of the submission by such committee of its annual authorization resolution for that year.

(b) In lieu of the procedure provided in subparagraph (a), the Committee on Rules and Administration may—

(1) direct each committee to report an authorization resolution for a two-year budget period beginning on March 1 of the first session of a Congress; and

(2) report one authorization resolution containing more than one committee authorization resolution for a one-year or two-year budget period.

10. (a) All committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Member serving as chairman of the committee; and such records shall be the property of the Senate and all members of the committee and the Senate shall have access to such records. Each committee is authorized to have printed and bound such testimony and other data presented at hearings held by the committee.

(b) It shall be the duty of the chairman of each committee to report or cause to be reported promptly to the Senate any measure approved by his committee and to take or cause to be taken necessary steps to bring the matter to a vote. In any event, the report of any committee upon a measure which has been approved by the committee shall be filed within seven calendar days (exclusive of days on which the Senate is not in session) after the day on which there has been filed with the clerk of the committee a written and signed request of a majority of the committee for the reporting of that measure. Upon the filing of any such request, the clerk of the committee shall transmit immediately to the chairman of the committee notice of the filing of that request. This subparagraph does not apply to the Committee on Appropriations.

(c) If at the time of approval of a measure or matter by any committee (except for the Committee on Appropriations), any member of the committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than three calendar days in which to file such views, in writing, with the clerk of the committee. All such views so filed by one or more members of the committee shall be included within, and shall be a part of, the report filed by the committee with respect to that measure or matter. The report of the committee upon that measure or matter shall be printed in a single volume which—

(1) shall include all supplemental, minority, or additional views which have been submitted by the time of the filing of the report, and

(2) shall bear upon its cover a recital that supplemental, minority, or additional views are included as part of the report.

This subparagraph does not preclude—

(A) the immediate filing and printing of a committee report unless timely request for the opportunity to file supplemental, minority, or additional views has been made as provided by this subparagraph; or

(B) the filing by any such committee of any supplemental report upon any measure or matter which may be required for the correction of any technical error in a previous report made by that committee upon that measure or matter.

11. (a) The report accompanying each bill or joint resolution of a public character reported by any committee (except the Committee on Appropriations and the Committee on the Budget) shall contain—

(1) an estimate, made by such committee, of the costs which would be incurred in carrying out such bill or joint resolution in the fiscal year in which it is reported and in each of the five fiscal years following such fiscal year (or for the authorized duration of any program authorized by such bill or joint resolution, if less than five years), except that, in the case of measures affecting the revenues, such reports shall require only an estimate of the gain or loss in revenues for a one year period; and

(2) a comparison of the estimate of costs described in subparagraph (1) made by such committee with any estimate of costs made by any Federal agency; or

(3) in lieu of such estimate or comparison, or both, a statement of the reasons why compliance by the committee with the requirements of subparagraph (1) or (2), or both, is impracticable.

(b) Each such report (except those by the Committee on Appropriations) shall also contain—

(1) an evaluation, made by such committee, of the regulatory impact which would be incurred in carrying out the bill or joint resolution. The evaluation shall include (A) an estimate of the numbers of individuals and businesses who would be regulated and a determination of the groups and classes of such individuals and businesses, (B) a determination of the economic impact of such regulation on the individuals, consumers, and businesses affected, (C) a determination of the impact on the personal privacy of the individuals affected, and (D) a determination of the amount of additional paperwork that will result from the regulations to be promulgated pursuant to the bill or joint resolution, which determination may include, but need not be limited to, estimates of the amount of time and financial costs required of affected parties, showing whether the effects of the bill or joint resolution could be substantial, as well as reasonable estimates of the recordkeeping requirements that may be associated with the bill or joint resolution; or

(2) in lieu of such evaluation, a statement of the reasons why compliance by the committee with the requirements of clause (1) is impracticable.

(c) It shall not be in order for the Senate to consider any such bill or joint resolution if the report of the committee on such bill or joint resolution does not comply with the provisions of subparagraphs (a) and (b) on the objection of any Senator.

12. Whenever a committee reports a bill or a joint resolution repealing or amending any

statute or part thereof it shall make a report thereon and shall include in such report or in an accompanying document (to be prepared by the staff of such committee) (a) the text of the statute or part thereof which is proposed to be repealed: and (b) a comparative print of that part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended, showing by stricken through type and italics, parallel columns, or other appropriate typographical devices the omissions and insertions which would be made by the bill or joint resolution if enacted in the form recommended by the committee. This paragraph shall not apply to any such report in which it is stated that, in the opinion of the committee, it is necessary to dispense with the requirements of this subsection to expedite the business of the Senate.

13. (a) Each committee (except the Committee on Appropriations) which has legislative jurisdiction shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, endeavor to insure that—

(1) all continuing programs of the Federal Government and of the government of the District of Columbia, within the jurisdiction of such committee or joint committee, are designed: and

(2) all continuing activities of Federal agencies, within the jurisdiction of such committee or joint committee, are carried on;

so that, to the extent consistent with the nature, requirements, and objectives of those programs and activities, appropriations therefor will be made annually.

(b) Each committee (except the Committee on Appropriations) shall with respect to any continuing program within its jurisdiction for which appropriations are not made annually, review such program, from time to time, in order to ascertain whether such program could be modified so that appropriations therefor would be made annually.

RULES OF PROCEDURE—COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAMBLISS. Mr. President, I ask unanimous consent that the rules adopted today by the Committee on Agriculture, Nutrition, and Forestry be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULE 1—MEETINGS

1.1 Regular Meetings.—Regular meetings shall be held on the first and third Wednesday of each month when Congress is in session.

1.2 Additional Meetings.—The Chairman, in consultation with the ranking minority member, may call such additional meetings as he deems necessary.

1.3 Notification.—In the case of any meeting of the committee, other than a regularly scheduled meeting, the clerk of the committee shall notify every member of the committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, DC, and at least 48 hours in the case of any meeting held outside Washington, DC.

1.4 Called Meeting.—If three members of the committee have made a request in writing to the Chairman to call a meeting of the committee, and the Chairman fails to call such a meeting within 7 calendar days thereafter, including the day on which the written notice is submitted, a majority of the members may call a meeting by filing a written notice with the clerk of the committee who shall promptly notify each member of the committee in writing of the date and time of the meeting.

1.5 Adjournment of Meetings.—The Chairman of the committee or a subcommittee shall be empowered to adjourn any meeting of the committee or a subcommittee if a quorum is not present within 15 minutes of the time scheduled for such meeting.

RULE 2—MEETINGS AND HEARINGS IN GENERAL

2.1 Open Sessions.—Business meetings and hearings held by the committee or any subcommittee shall be open to the public except as otherwise provided for in Senate Rule XXVI, paragraph 5.

2.2 Transcripts.—A transcript shall be kept of each business meeting and hearing of the committee or any subcommittee unless a majority of the committee or the subcommittee agrees that some other form of permanent record is preferable.

2.3 Reports.—An appropriate opportunity shall be given the Minority to examine the proposed text of committee reports prior to their filing or publication. In the event there are supplemental, minority, or additional views, an appropriate opportunity shall be given the Majority to examine the proposed text prior to filing or publication.

2.4 Attendance.—(a) Meetings. Official attendance of all markups and executive sessions of the committee shall be kept by the committee clerk. Official attendance of all subcommittee markups and executive sessions shall be kept by the subcommittee clerk.

(b) Hearings. Official attendance of all hearings shall be kept, provided that, Senators are notified by the committee Chairman and ranking minority member, in the case of committee hearings, and by the subcommittee Chairman and ranking minority member, in the case of subcommittee hearings, 48 hours in advance of the hearing that attendance will be taken. Otherwise, no attendance will be taken. Attendance at all hearings is encouraged.

RULE 3—HEARING PROCEDURES

3.1 Notice.—Public notice shall be given of the date, place, and subject matter of any hearing to be held by the committee or any subcommittee at least 1 week in advance of such hearing unless the Chairman of the full committee or the subcommittee determines that the hearing is noncontroversial or that special circumstances require expedited procedures and a majority of the committee or the subcommittee involved concurs. In no case shall a hearing be conducted with less than 24 hours notice.

3.2 Witness Statements.—Each witness who is to appear before the committee or any subcommittee shall file with the committee or subcommittee, at least 24 hours in advance of the hearing, a written statement of his or her testimony and as many copies as the Chairman of the committee or subcommittee prescribes.

3.3 Minority Witnesses.—In any hearing conducted by the committee, or any subcommittee thereof, the minority members of the committee or subcommittee shall be entitled, upon request to the Chairman by the ranking minority member of the committee or subcommittee to call witnesses of their selection during at least 1 day of such hearing pertaining to the matter or matters heard by the committee or subcommittee.

3.4 Swearing in of Witnesses.—Witnesses in committee or subcommittee hearings may be required to give testimony under oath whenever the Chairman or ranking minority member of the committee or subcommittee deems such to be necessary.

3.5 Limitation.—Each member shall be limited to 5 minutes in the questioning of any witness until such time as all members who so desire have had an opportunity to question a witness. Questions from members shall rotate from majority to minority members in order of seniority or in order of arrival at the hearing.

RULE 4—NOMINATIONS

4.1 Assignment.—All nominations shall be considered by the full committee.

4.2 Standards.—In considering a nomination, the committee shall inquire into the nominee's experience, qualifications, suitability, and integrity to serve in the position to which he or she has been nominated.

4.3 Information.—Each nominee shall submit in response to questions prepared by the committee the following information:

(1) A detailed biographical resume which contains information relating to education, employment, and achievements;

(2) Financial information, including a financial statement which lists assets and liabilities of the nominee; and

(3) Copies of other relevant documents requested by the committee. Information received pursuant to this subsection shall be available for public inspection except as specifically designated confidential by the committee.

4.4 Hearings.—The committee shall conduct a public hearing during which the nominee shall be called to testify under oath on all matters relating to his or her suitability for office. No hearing shall be held until at least 48 hours after the nominee has responded to a prehearing questionnaire submitted by the committee.

4.5 Action on Confirmation.—A business meeting to consider a nomination shall not occur on the same day that the hearing on the nominee is held. The Chairman, with the agreement of the ranking minority member, may waive this requirement.

RULE 5—QUORUMS

5.1 Testimony—For the purpose of receiving evidence, the swearing of witnesses, and the taking of sworn or unsworn testimony at any duly scheduled hearing, a quorum of the committee and the subcommittee thereof shall consist of one member.

5.2 Business.—A quorum for the transaction of committee or subcommittee business, other than for reporting a measure or recommendation to the Senate or the taking of testimony, shall consist of one-third of the members of the committee or subcommittee, including at least one member from each party.

5.3 Reporting.—A majority of the membership of the committee shall constitute a quorum for reporting bills, nominations, matters, or recommendations to the Senate. No measure or recommendation shall be ordered reported from the committee unless a majority of the committee members are physically present. The vote of the committee to report a measure or matter shall require the concurrence of a majority of those members who are physically present at the time the vote is taken.

RULE 6—VOTING

6.1 Rollcalls.—A roll call vote of the members shall be taken upon the request of any member.

6.2 Proxies.—Voting by proxy as authorized by the Senate rules for specific bills or subjects shall be allowed whenever a quorum of the committee is actually present.

6.3 Polling.—The committee may poll any matters of committee business, other than a vote on reporting to the Senate any measures, matters or recommendations or a vote on closing a meeting or hearing to the public, provided that every member is polled and every poll consists of the following two questions:

(1) Do you agree or disagree to poll the proposal; and (2) Do you favor or oppose the proposal.

If any member requests, any matter to be polled shall be held for meeting rather than being polled. The chief clerk of the committee shall keep a record of all polls.

RULE 7—SUBCOMMITTEES

7.1 Assignments.—To assure the equitable assignment of members to subcommittees, no member of the committee will receive assignment to a second subcommittee until, in order of seniority, all members of the committee have chosen assignments to one subcommittee, and no member shall receive assignment to a third subcommittee until, in order of seniority, all members have chosen assignments to two subcommittees.

7.2 Attendance.—Any member of the committee may sit with any subcommittee during a hearing or meeting but shall not have the authority to vote on any matter before the subcommittee unless he or she is a member of such subcommittee.

7.3 Ex Officio Members.—The Chairman and ranking minority member shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members. The Chairman and ranking minority member may not be counted toward a quorum.

7.4 Scheduling.—No subcommittee may schedule a meeting or hearing at a time designated for a hearing or meeting of the full committee. No more than one subcommittee business meeting may be held at the same time.

7.5 Discharge.—Should a subcommittee fail to report back to the full committee on any measure within a reasonable time, the Chairman may withdraw the measure from such subcommittee and report that fact to the full committee for further disposition. The full committee may at any time, by majority vote of those members present, discharge a subcommittee from further consideration of a specific piece of legislation.

7.6 Application of Committee Rules to Subcommittees.—The proceedings of each subcommittee shall be governed by the rules of the full committee, subject to such authorizations or limitations as the committee may from time to time prescribe.

RULE 8—INVESTIGATIONS, SUBPOENAS AND DEPOSITIONS

8.1 Investigations.—Any investigation undertaken by the committee or a subcommittee in which depositions are taken or subpoenas issued, must be authorized by a majority of the members of the committee voting for approval to conduct such investigation at a business meeting of the committee convened in accordance with Rule 1.

8.2 Subpoenas.—The Chairman, with the approval of the ranking minority member of the committee, is delegated the authority to subpoena the attendance of witnesses or the production of memoranda, documents, records, or any other materials at a hearing of the committee or a subcommittee or in connection with the conduct of an investigation authorized in accordance with paragraph 8.1. The Chairman may subpoena attendance or production without the approval of the ranking minority member when the Chairman has not received notification from the ranking minority member of disapproval of the subpoena within 72 hours, excluding Saturdays and Sundays, of being notified of the subpoena. If a subpoena is disapproved by the ranking minority member as provided in this paragraph the subpoena may be authorized by vote of the members of the committee. When the committee or Chairman authorizes subpoenas, subpoenas may be issued upon the signature of the Chairman or any other member of the committee designated by the Chairman.

8.3 Notice for Taking Depositions.—Notices for the taking of depositions, in an investigation authorized by the committee, shall be authorized and be issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the Senator, staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a committee subpoena.

8.4 Procedure for Taking Depositions.—Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. The Chairman will rule, by telephone or otherwise, on any objection by a witness. The transcript of a deposition shall be filed with the committee clerk.

RULE 9—AMENDING THE RULES

These rules shall become effective upon publication in the Congressional Record. These rules may be modified, amended, or repealed by the committee, provided that all members are present or provide proxies or if a notice in writing of the proposed changes has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken. The changes shall become effective immediately upon publication of the changed rule or rules in the Congressional Record, or immediately upon approval of the changes if so resolved by the committee as long as any witnesses who may be affected by the change in rules are provided with them.

HONORING OUR ARMED FORCES

SERGEANT KYLE W. CHILDRESS

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Terre Haute. SGT Kyle W. Childress, 29 years old, died on January 21 when he was attacked by enemy forces using small arms fire in Ad Duluiyah. With his entire life before him, Kyle risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

After graduating from Terre Haute South Vigo High School in 1994, Kyle followed in his father's footsteps by joining the Army. According to family and friends, Kyle was a calm and easygoing young man whose decision to join one of the most challenging divisions of the Armed Forces was a surprise. Nevertheless, his mother told the Terre Haute Tribune Star that her son "was proud" of what he signed up to do.

Kyle was the 44th Hoosier soldier to be killed while serving his country in Operation Iraqi Freedom. He was assigned to A Troop, 1st Squadron, 4th Cavalry Regiment, 1st Infantry Division, Schweinfurt, Germany. This brave young soldier leaves behind his mother, Nancy Knight; his father, Keith Childress; his sister, Gretta; and his brother, Jason.

Today, I join Kyle's family, his friends and the entire Terre Haute community in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Kyle, a memory that will burn brightly during these continuing days of conflict and grief.

Kyle was known for his dedication to family and his love of country. His brother Jason told the Terre Haute Tribune Star that Kyle had been more than a brother to him, that he was his best friend. Jason recalled that Kyle had been his role model. "He's the one who pretty much made me the person I am today." Today and always, Kyle will be remembered by family members, friends and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Kyle's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Kyle's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Kyle Childress in the official record of the Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged, and the unfortunate pain that comes with the loss of our heroes, I hope that families like Kyle's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Kyle.

JOHNNY CARSON

Mr. NELSON of Nebraska. Mr. President, thank you for the opportunity to speak today about a fellow Nebraskan who not only gave back to his State, but gave much more in ways of laughter to all of America. I am speaking of Johnny Carson, beloved by his family and friends, cherished by fans, and respected by his fellow comedians. Johnny Carson was a man whose comedic talent always looked effortless, yet set the highest of standards for his performances. Mr. Carson passed away at the age of 79.

Mr. Carson took over the "Tonight Show" in 1962, and preferring to retire at the top of his game, voluntarily stepped down in 1992. For 30 years, Johnny Carson tucked Americans into their beds all the while making them laugh before they shut their eyes to sleep. Between 10 to 15 million people watched Johnny deliver his hilarious monologue each night.

Mr. Carson should be honored not only for all the laughter he brought to so many American homes, but also all that he brought to his hometown, Norfolk, NE. Johnny Carson was and will remain Nebraska's favorite native son. He always remembered his roots, and often made visits home to "give back" to his humble, rural community which he loved. There is no question that all of Norfolk loved him back. He was a philanthropist, a father, a son and to most, a cherished nightly friend.

Mr. Carson shielded his political views as carefully as he did his private life, insisting that the only message of his show was entertainment. Johnny Carson is a man that could bring people together, regardless of political or religious affiliation, regardless of race or gender; he was a man of character. He will be remembered and recognized today and always as a man who gave his all and never forgot the few.

THE EXONERATED

Mr. LEAHY. Mr. President, I normally do not do movie reviews, but for this Thursday's premiere of "The Exonerated" on CourtTV, I feel compelled to make an exception. "The Exonerated" tells the harrowing true stories of six innocent people who were convicted and sentenced to death.

Since February 2000, I have worked to prevent more innocents from meeting the same fate, and last year the Innocence Protection Act was finally passed and signed into law. The reforms it enacts will create a fairer system of justice, where the problems that have sent innocent people to death row are less likely to occur, where the American people can be more certain that violent criminals are caught and convicted instead of the innocent people who have been wrongly put behind bars for their crimes, and where victims and their families can be more certain of the accuracy, and finality, of the results.

The film of "The Exonerated" was adapted from a play of the same title by Jessica Blank and Erik Jensen, which was performed last year at the Kennedy Center. Those who were unable to see the play will have the chance to watch the movie on CourtTV this Thursday, January 27, at 9 p.m.

Since 1973, some 117 innocent people have been released from death row with evidence of their innocence. Six of these stories are told in "The Exonerated." While the Innocence Protection Act passed with overwhelming bipartisan support in both the House and Senate, the task before us remains getting the new law funded. Watching these true-life accounts will help explain why funding the Innocence Protection Act should be a high priority that Congress and the administration must not ignore.

VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT RIGHTS ACT OF 2005 (VOTER ACT)

Mr. DODD. Mr. President, as we approach the historic elections in Iraq this week, it is important that we pause and take stock of our own elections process here in the United States. There is already much we can learn from the Iraqi experiment in democracy that can broaden and strengthen the participation of our own citizens in their democracy here in America. And in light of the continuing barriers that American citizens found at polling places across this Nation last November, we cannot rest on the laurels of past legislation. We must continue to strive to provide an equal opportunity for all citizens to participate in their democracy by voting and having their vote counted.

For that reason, on Monday, I was pleased to introduce S. 17, the Voting Opportunity and Technology Enhancement Rights Act of 2005—the VOTER Act. I am grateful to the Democratic Leader, HARRY REID, for including this comprehensive initiative in his leadership package of Democratic legislative priorities for the 109th Congress. There is nothing more fundamental to the vitality and endurance of a democracy of the people, by people, and for the people, than the people's right to vote. In the words of Thomas Paine:

> The right of voting for representatives is the primary right by which other rights are protected.

With regard to the Iraqi elections, President Bush has made his goal for this initial act of democracy clear: he wants as full participation in the vote as possible. In his words, he wants "everybody to vote." While that is a laudable goal for a fledgling democracy, it should be the standard for a democracy that has existed for nearly two and one-quarter centuries. Regrettably, we have not yet reached that standard. In the 2000 presidential election, 51.2 percent of the eligible American electorate voted. And although in the 2004 presidential election voting participation reached its highest level since 1968, still, only 60.7 percent of the eligible Americans voted.

While there are many reasons why "everybody" does not vote in America, we learned from the 2000 presidential elections that many citizens cannot vote and have their vote counted because they are improperly removed from registration rolls, do not have access to accessible voting systems and ballots, and lack confidence in antiquated and error-prone machines and State administrative procedures. In response to those concerns, Congress enacted overwhelmingly bipartisan legislation—the Help America Vote Act of 2002, or HAVA. For the first time in our history, that landmark legislation established the role of the Federal Government in administering and funding Federal elections. The twin goals of this act are to make it easier to vote and harder to defraud the system.

On the day that the Senate adopted its version of HAVA, I noted that the Senate bill was a bipartisan compromise and the culmination of the hard work of a dedicated group of Senators, including my distinguished colleagues, Senator McCONNELL and Senator BOND, and others. But I also noted that the compromise was just that—it was not everything that all of us wanted, but it was something that everyone wanted. That was equally true of the final HAVA compromise on election reform.

While many of the most important reforms in HAVA do not have to be implemented by the States until the 2006 Federal elections, the 2004 presidential election raised both continuing and new concerns. And the most important of these concerns are either not addressed by HAVA at all, or in some few instances, may actually be the result of HAVA. The fact that barely over one-half of the eligible voting age population voted in 2004 underscores the reality that not everybody votes in America. We must do better, and we can.

At a time when our Nation and its leaders are building a new democracy in Iraq, we must not forget that building democracy begins at home. Just as eligible Iraqis, in this first post-Saddam election, are able to fully participate in democracy by voting from across the globe, so should eligible American voters be able to fully participate in democracy by voting from across the globe. Just as Iraqi voters will be able to vote prior to election day at early voting sites, so should American voters be able to participate in early voting. If Iraqis can register to vote on election day, then American voters should be able to register to vote on election day.

Building democracy must begin at home. The legislation I introduced this week will provide American voters with many of the same rights and opportunities to participate in democracy that Iraqi voters have been given with the support of the blood, sweat and tears of American soldiers—and the resources of American taxpayers.

The Voting Opportunity and Technology Enhancement Rights Act of 2005, or the VOTER Act, provides every eligible American, regardless of where they live in the world or where they find themselves on election day, the right to cast a National Federal Write-In Absentee Ballot in Federal elections. This new national absentee ballot extends to all citizens the same right to a Federal absentee ballot that overseas and active military voters currently have. Beginning with Federal elections in 2007, every State shall provide early voting opportunities for a minimum of 15 days prior to election day, including Saturdays. Beginning in 2007, any otherwise eligible voter must be allowed to register to vote on election day and have that vote counted in Federal elections.

Additionally, the VOTER Act addresses many of the recurring, and new, barriers to voting that voters faced at the polls last November. It requires that a State count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

HAVA established a uniform national right for every voter in a Federal election to receive and cast a provisional ballot. This new right was intended to ensure that no otherwise eligible voter could be turned away from the polls because of an administrative error, or other challenge. But in 2004, we saw this right eroded by States and applied in non-uniform ways. Some States, such as Ohio, initially interpreted HAVA to require that a voter be in their correct precinct in order to cast a Federal provisional ballot. Other States, such as Iowa, interpreted the same HAVA language to allow challenged voters to cast a provisional ballot in their county of residence. Whether or not the provisional ballot was ultimately counted turned solely on State law. The VOTER Act ensures that eligible voters who cast a provisional ballot for Federal office will have that ballot counted in a uniform manner.

The VOTER Act requires that each State provide a minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission—EAC.

On election day there was a recurring problem across the country of long lines and disenfranchised voters because of too few voting systems or ballots at polling places and too few poll workers to assist voters. This requirement becomes effective for Federal elections on or after January 1, 2007.

To ensure that all voters have an equal opportunity to independently verify their ballot before it is cast and counted, the VOTER Act requires that by 2009, all States provide voters a voter-verified ballot with a choice of at least four formats for recording their verification: a paper record; an audio record; a pictorial record; and an electronic record or other means which is fully accessible to the disabled, including the blind and visually impaired.

HAVA already requires that all voting systems provide the voter an opportunity to verify their ballot before it is cast and counted. HAVA also requires that all voting systems produce a permanent paper record for audit purposes. However, HAVA does not spell out how that verification is to be achieved to ensure security and independence of the voter's choice.

Some have called on Congress to require a voter-verified paper ballot. Such is inherently discriminatory against the disabled, particularly the blind and visually-impaired. HAVA already requires that all voters, regardless of disability, be able to verify their ballots. With current and developing technology, it is simply unacceptable, and unnecessary, to discriminate against any voter by requiring that such verification be in paper form.

For good reason, many in the disabled community believe that additional election reform legislation will deter State and local administrators from complying with the existing deadlines under HAVA. While they oppose any such efforts, to the extent that legislation is proposed regarding the voter verified ballot, they support this approach which assures full accessibility for all voters.

While I had hoped that the EAC would have addressed this issue in the voluntary voting system standards required under HAVA to be issued last year, those standards have yet to be issued. I encourage the EAC to incorporate guidance for fully accessible voter verified ballots in the section 301 Voting System Standards to be issued this year.

The VOTER Act also addresses the continuing problem of minority disenfranchisement through last-minute purges of voter registration lists by requiring States to provide public notice of any such purges not later than 45 days before a Federal election.

To expedite the studies called for under HAVA for establishing election day as a Federal holiday, the VOTER Act requires the EAC to complete its study and issue recommendations within 6 months of enactment and earmarks funds within the EAC budget solely for this purpose.

The VOTER Act includes amendments to HAVA that build on the existing voting system requirements to ensure that all voting systems, including punch cards and central count optical scan machines, provide voters with actual notice of over-votes. Also, beginning in 2009, States must allow for voter registration through the Internet.

The VOTER Act also includes provisions to ensure both the security and uniform treatment of voter registration applications by requiring that all voters sign an affidavit attesting to both their citizenship and age, in lieu of the HAVA requirements for a check-off box alone, effective in 2007.

HAVA requires that voter registration forms include questions regarding citizenship and age with check-off boxes that applicants use to indicate whether or not they meet eligibility requirements. States are further required to contact any applicant who does not fill in the boxes in order to complete the form. However, in the 2004 elections, States implemented this requirement in widely varying ways, resulting in non-uniform treatment of voters in Federal elections.

In some cases, States refused to process the form and failed to contact the voter. In other States, voters who had submitted incomplete forms were asked to complete those forms at the polling place. While the twin purposes of HAVA were to make it easier to vote and harder to defraud the system, as implemented this requirement achieves neither purpose.

This requirement further resulted in disenfranchising voters who failed to check a box but nonetheless signed an affidavit, under penalty of perjury, attesting to both their citizenship and age. With the implementation of statewide voter registration lists, the check-off box requirement is unnecessary and burdensome to both voters and election administrators.

To ensure that the implementation of the voter identification requirements in HAVA do not make it harder to vote, the VOTER Act expands the forms of identification that can be used to establish identity for first-time voters who submit their voter registration by mail to include an affidavit executed by the voter attesting to his or her identity, generally subject to penalties for perjury under State law.

The VOTER Act also responds to concerns first raised in the 2000 Presidential election in Florida, and echoed again in the 2004 election, regarding the appearance of impartiality by State election officials who were otherwise active in Federal campaigns. The bill imposes new accountability and transparency requirements on States, beginning in 2007, including a public notice requirement of any changes in State law affecting the administration of elections, such as changes in polling places and actions denying access to polling place observers.

To ensure the independence of the Election Assistance Commission, and the timely issuance of guidance and standards, the bill provides the agency with independent budget authority and the authority to issue mandatory standards to implement the new requirements.

Finally, in recognition of the inherent role of the States in the administration of Federal elections, the VOTER Act provides additional Federal funds for the State requirement grants under HAVA to implement the new requirements.

While Congress accomplished much with the passage of the Help America Vote Act following the debacle of the 2000 Presidential election, 4 years later in the 2004 election, voters faced many of the same barriers to voting that HAVA promised to remove. As Iraqis go to the polls this week, let us assure our own citizens that we have done all we can to ensure that every eligible American voter has an equal opportunity to cast a vote and have that vote counted in Federal elections.

I ask unanimous consent that a brief section-by-section analysis be printed in the RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 17, VOTING OPPORTUNITY AND TECHNOLOGY ENHANCEMENT ACT OF 2005

SECTION-BY-SECTION ANALYSIS

Sec. 1.—Title; Table of Contents.

Sec. 2.—Findings and Purposes.

SEC. 3.—NATIONAL FEDERAL WRITE-IN ABSENTEE BALLOT.

Sec. 3 creates a National Federal Write-in Absentee Ballot (NFWAB) for Federal office to be used in a Federal election by any otherwise eligible voter.

Sec. 3 requires States to accept the NFWAB cast by any person eligible to vote in a Federal election, provided the ballot has been postmarked or signed by the voter before the close of the polls on election day.

Sec. 3 requires the Election Assistance Commission to prescribe a national Federal write-in absentee ballot and prescribe standards for distributing the ballot, including distribution through the Internet.

Sec. 4.—Voter Verified Ballots.

Sec. 4 requires that all voting systems purchased after January 1, 2009 and used in Federal elections provide an independent means for each voter to verify the ballot before it is cast and counted.

Sec. 4 allows each voter to choose one means of verification from among the following options—(1) paper; (2) audio; (3) pictorial; or (4) an electronic record accessible for voters with disabilities.

Sec. 5.—Requirements for Counting Provisional Ballots.

Sec. 5 requires that a State shall count a provisional ballot for Federal office cast within the State by an otherwise eligible voter, notwithstanding the polling place in which the ballot is cast.

Sec. 6.—Minimum Required Voting Systems and Poll Workers in Polling Places.

Sec. 6 requires that each state shall provide the minimum required number of voting systems and poll workers for each polling place on election day and during early voting, consistent with mandatory standards established by the Election Assistance Commission.

Sec. 7.—Election Day Registration.

Sec. 7 requires that each State shall provide for election day registration in a Federal election for any otherwise eligible individual, using a form established by the Election Assistance Commission, unless the State does not have a voter registration requirement.

Sec. 8.—Integrity of Voter Registration Lists.

Sec. 8 requires that each State provide public notice at least 45 days before a Federal election of all names removed from the voter registration list.

Sec. 9.—Early Voting.

Sec. 9 requires that each State shall establish an early voting program for a minimum of 15 calendar days before a Federal election that provides a uniform voting period each day, except Sunday, for at least 4 hours.

Sec. 10.—Acceleration of Study on Election Day as a Public Holiday.

Sec. 10 requires the Election Assistance Commission to submit within 6 months of enactment of this Act the report on establishing a public election day holiday and uniform poll closing time, and authorizes $100,000 for fiscal year 2006 for that purpose.

Sec. 11.—Improvements to Voting Systems.

Sec. 11 requires that punch card and central count voting systems conform to the in-person notice of over-votes in Sec. 301 of the Help America Vote Act and to permit a voter to verify and change or correct any errors before the ballot is cast and counted.

Sec. 12.—Voter Registration.

Sec. 12 requires that, by January 1, 2009, the mail registration form be changed to include an affidavit to be signed by the voter attesting to citizenship and age eligibility and requires each State to establish a program to permit voter registration through the Internet.

Sec. 13.—Establishing Voter Identification.

Sec. 13 requires that an individual may meet the identification requirement for voters who register by mail as described in Sec. 303 of the Help America Vote Act by executing a written affidavit attesting to the individual's identity.

Sec. 13 requires the Election Assistance Commission to develop standards for verifying voter identification information required for registration (the driver's license number or last four digits of the social security number), as described in Sec. 303 of the Help America Vote Act.

Sec. 14.—Impartial Administration of Elections.

Sec. 14 requires that each State will issue a public notice of changes in State election law since the most recent election.

Sec. 14 requires that each State will allow uniform, nondiscriminatory access to observe a Federal election at any polling place to party challengers, voting and civil rights organizations, and nonpartisan domestic and international observers.

Sec. 15.—Strengthening the Election Assistance Commission.

Sec. 15 requires the Election Assistance Commission to provide budget estimates and requests to the Congress, the House Administration Committee, and the Senate Rules and Administration Committee when it submits such estimates and requests to the President or Office of Management and Budget; the section provides rule-making authority for the Election Assistance Commission with respect to subtitle C of this Act; the section requires that the Director of the National Institutes of Standards and Technology provide the Commission with technical support.

Sec. 15 authorizes $23 million for the operational costs of the Election Assistance Commission for fiscal year 2006, with $3 million earmarked for the National Institute of Standards and Technology for technical support, and such sums as necessary for the succeeding fiscal years.

Sec. 16.—Authorization of Appropriations.

Sec. 16 authorizes $2 billion for fiscal year 2006 and such sums as necessary thereafter for requirements grants to States under title II of the Help America Vote Act to implement the additional requirements.

Sec. 17.—Effective Date.

Sec. 17 requires that the amendments made by this Act take effect on January 1, 2007, except as provided otherwise to take effect on January 1, 2009.

SERVICE OF THE SECRETARY OF VETERANS' AFFAIRS ANTHONY J. PRINCIPI

Mrs. HUTCHISON. Mr. President, I am pleased to honor Secretary Principi for his diligent and effective tenure as the Secretary of the Department of Veterans' Affairs. Secretary Principi has served our Nation during a historic time, and has done an impressive job with one of the most challenging positions in the government. I am proud to have worked with him.

When I travel around the State of Texas, I am reminded of the work Secretary Principi has done on behalf of veterans. He was always available to discuss the needs of Texas veterans and provided an open dialogue to our communities. I am particularly grateful for the time he spent with me touring VA facilities in Texas to learn what was important to our veterans. Over the years, the Department of Veterans Affairs and the veterans it serves have been severely challenged by the skyrocketing costs of healthcare and the surging demand for services from an aging veteran population. Throughout his time at the Department, Secretary Principi worked to ensure healthcare accessibility was a priority. Across the country, the VA has opened 194 community clinics and 87 percent of the veteran population now lives within 30 minutes of a VA medical facility. Additionally, under Secretary Principi's leadership, the Department reduced the number of veterans waiting more than 6 months for primary care and cut in half the wait time for an appointment. These important accomplishments have improved the healthcare for our service men and women.

Secretary Principi also understood the importance of further investigating the causes of Gulf War Illness. He kept his promise to attend a meeting in Texas with Dr. Robert Haley, a world renowned researcher on the issue of Gulf War Illness. After meeting with Dr. Haley, Secretary Principi recognized the need for a study on this illness, which ultimately led to the dedication of $60 million over the next 4 years for research. We cannot thank him enough for his leadership and attention to this important issue.

I thank Secretary Principi for his tireless service to the veterans of Texas and throughout the United States. He and his work will not be forgotten by a grateful Nation.

COMMON SENSE REGULATION OF FIFTY CALIBER SNIPER RIFLES

Mr. LEVIN. Mr. President, the CBS news program "60 Minutes" recently aired a segment regarding the dangers that .50 caliber sniper rifles pose to the security of our Nation. In previous Congresses, I have cosponsored legislation to enact common sense regulation of these dangerous weapons. Unfortunately, the Congress has thus far failed to act. I am hopeful that the 109th Congress will address this issue for the safety of all Americans.

The .50 caliber sniper rifle is a favorite weapon of militaries around the world and is also among the most powerful weapons legally available to private individuals in the United States. According to a report released by the Violence Policy Center last year, a .50 caliber sniper rifle is capable of accurately hitting a target over 1,500 yards away, and the ammunition available for the rifle includes armor-piercing, incendiary, and explosive bullets. The report also cites the U.S. Army's manual on urban combat, which states that .50 caliber sniper rifles are designed to attack bulk fuel tanks and other high-value targets from a distance using "their ability to break through all but the thickest shielding material."

The previously mentioned "60 Minutes" program highlighted various threats that military style .50 caliber sniper rifles pose to civilians. One serious threat reported on the program is the vulnerability of commercial aircraft to terrorists with .50 caliber sniper rifles. This threat was previously addressed in a 1999 report by the minority staff of the House Government Reform Committee, which noted that the thumb-sized bullets fired by .50 caliber rifles can easily punch through aircraft fuselages, fuel tanks, and engines. Police Commissioner Ray Kelly of New York City referred to these potential threats by saying, "Clearly, with the range that it has, and the impact capability that it has, it would put an airliner or an airplane at risk if it hit that plane."

So the easy availability of the .50 caliber sniper rifle poses a danger to airline safety, as well as our overall security. Last September, California became the first and so far only State in the country to ban the manufacture, sale, distribution, or importation of .50 caliber sniper rifles. Unfortunately, there are few Federal regulations to protect the rest of the Nation from these dangerous weapons. Buyers need only be 18 years old, rather than the 21 years of age required for handgun purchases. And there is no minimum age requirement for possession of a .50 caliber weapon and no regulation on second hand sales.

In an interview which became part of the "60 minutes" report, the inventor and current manufacturer of the .50 caliber sniper rifle, Ronnie Barrett, described his product as "a high-end adult recreational toy." When asked how he came up with the idea for the rifle, Mr. Barrett replied, "I was just a 26 year-old kid, and didn't know any better."

Mr. President, we should know better. The time has come to classify these weapons in the same common sense manner that we classify other weapons of war, including machine guns. The 109th Congress should follow California's good example and pass reasonable legislation that changes the way .50 caliber guns are regulated.

GLOBAL TSUNAMI DETECTION SYSTEM

Mr. AKAKA. Mr. President, I would like to comment today on S. 50, the Tsunami Preparedness Act of 2005, a timely and much-needed bill in the aftermath of the devastating tsunami in the Indian Ocean. The world has learned valuable lessons in the past month about human suffering and loss, as well as generosity and good fortune in the face of impossible odds. We have also learned a great deal about the generation of tsunamis, the need to instrument the ocean, and the need to assist in the development of a warning and civil defense system for vulnerable nations around the world.

I joined my colleagues Senators DAN INOUYE and TED SEVENS, the ranking member and chair, respectively, of the Committee on Commerce, Science, and Transportation, as an original cosponsor of S. 50, the Tsunami Preparedness Act of 2005, which was introduced on Monday, January 24, 2005. The bill would authorize, expand, and improve our domestic tsunami warning system. Equally importantly, it would authorize the Administrator of the National Oceanic and Atmospheric Administration, NOAA, to provide technical assistance and advice to appropriate international entities in developing a global tsunami warning system comprised of regional warning networks, modeled on the Tsunami Warning System of the Pacific. We must share our expertise and experience with other tsunami-prone nations around the world.

My conviction is based on personal experience. In Hawaii, tsunamis have accounted for more lost lives than all other natural disasters. In the 20th century, an estimated 221 people were killed by tsunamis. Most of these deaths occurred on the island of Hawaii during the tsunamis of 1946 and 1960, two of the largest tsunamis to strike in the Pacific. I am hopeful that our experiences in Hawaii and the expertise of NOAA's two National Weather Service Tsunami Warning Centers located in Palmer, AK, and the Pacific Tsunami Warning Center in Ewa Beach, HA, can help other nations around the world prepare for potential undersea earthquakes that result in these tragic disasters.

One of the worst natural disasters in Hawaii's history took place April 1, 1946 when a magnitude 7.1 earthquake in the Aleutian Islands triggered a destructive, Pacific-wide tsunami that killed 159 people: 96 in Hilo, 15 on Kauai, 14 on Maui and nine on Oahu. There was no warning in Hawaii, as the Tsunami Warning System had not been established at that time. The town of Hilo was "pounded" by a series of 6 to 7 waves, one after the other. The waterfront and all the buildings facing Hilo Bay were completely destroyed. The tsunami flooded the downtown area of Hilo causing more than $26 million in damages. The photos that the U.S. Army Corps of Engineers took afterwards showed scenes similar to the ones we've seen in the past month in Thailand and Indonesia—everything was leveled and destroyed. The character of downtown Hilo was changed forever. Tragically, we lost a number of young children, students, killed by the tsunami in Laupahoehoe, a small community north and west of Hilo where the waves struck the school and destroyed a hospital. As a result, in 1949 the Pacific Tsunami Warning Center was established, which later became the headquarters of the International Pacific Warning System.

This bill would authorize several programs in NOAA that we have depended on since 1949. It would deploy a greater number of buoys throughout the Pacific and it would expand the research on tsunamis and their detection to ensure a more reliable and better instrumented system for the Pacific, including Alaska, the West Coast of the U.S. and Pacific islands nations who are members of the group. It would expand the domestic system to the Atlantic and Caribbean where tsunamis are infrequent but not impossible.

I would like to close with an appeal to my colleagues to consider the types of aid that the U.S. can provide to Sri Lanka, India, Indonesia, and Thailand. We must not overlook the science and technology of tsunamis and tsunami detection. The detection, warnings, planning, and public education are perhaps the most important types of assistance we can provide, because they are preventive and represent the little that we can do to save lives in dealing with the forces of nature in the future. They are an investment in the future safety and security of humankind.

This bill, most importantly, would mandate the U.S. to share its expertise and experience in the Pacific with those nations that have suffered such devastating losses from the Indian Ocean tsunami. With the technology we have, no family of nations need suffer in the future from such widespread devastation without warning and public awareness of what tsunamis are, what they can do, and how to react and plan for them. Hawaii and the Pacific has been well-prepared for tsunamis through 20 years of State and federal efforts through the National Tsunami Hazard Mitigation Program, which is a NOAA Federal-State partnership with or Hawaii Civil Defense program. This program has enhanced Hawaii's tsunami mitigation and preparedness programs. Sharing our experience, our successes, and our learning curves is a very important part of assistance in the aftermath of the tsunami.

I urge support for this bill and commend my colleagues on the Commerce Committee, and its staff, for their foresight in addressing this issue and working with the executive branch to review and comment on this bill.

ADDITIONAL STATEMENTS

JUDGE WILLIAM AUGUSTUS BOOTLE

• Mr. CHAMBLISS. Mr. President, I rise today to pay tribute to the life and legacy of U.S. District Judge William Augustus Bootle. Judge Bootle passed away yesterday at his home in Macon at the age of 102.

Judge Bootle and I became friends as I began my law practice 36 years ago. His leadership and integrity have had a great impact on my role as a public servant. From our first meeting until now, Judge Bootle and I have maintained a close working relationship and have had many opportunities to interact over the years.

A stalwart of our country's judicial system, Judge Bootle will be remember for his unwavering commitment to doing what's right on behalf of all Americans, having led our country though some of the most difficult decisions in our Nation's history. Georgians will remember him for being fair and judicious in his verdicts and for being the type of judge before which all lawyers like to practice.

He showed an exemplary sort of courage in the fight to desegregate the South and helped resolve many hard fought battles respective to the integration of Georgia's education systems. To this end, Judge Bootle was responsible for the admittance of the first black students in the University of Georgia.

I would like to take this opportunity to quote from a book written by Frederick Allen which is entitled "Atlanta Rising." This book deals with a lot of history which took place in the Atlanta area during the years of the civil rights movement. Two black applicants who were denied admittance to the University of Georgia filed suit in the middle district of Georgia, and quoting from this book, I read as follows:

> Two black applicants, Charlayne Hunter and Hamilton Holmes, went to the court attacking the welter of excuses University of Georgia officials had concocted to keep them out. The two made a convincing case that the only reason they had been denied admission was segregation, pure and simple. In a ruling issued late on the afternoon of Friday, January 6, 1961, Judge William A. Bootle ordered Hunter and Holmes admitted to the school, not in six months or a year, but bright and early the next Monday morning.

In the 1960s in Georgia, that took great judicial integrity.

In the 105th Congress, my good friend Senator Paul Coverdell and I successfully led the charge to designate the Federal building and U.S. courthouse in Macon, GA, as the "William Augustus Bootle Federal Building and United States Courthouse" in the honor of his steadfast service to the people of Georgia.

The legacy of Judge Bootle will continue to impact countless individuals across our great Nation and I know he will be sorely missed—but honored in high regard by future generations. My wife Julianne and I are proud to have counted Judge Bootle a close friend, and extend our deepest condolences and prayers to his family and loved ones.●

MESSAGES FROM THE HOUSE

At 10:48 a.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 16. Concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

H. Con. Res. 20. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

H. Con. Res. 21. Concurrent resolution providing for an adjournment or recess of the two Houses.

The message further announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2005, the Speaker appoints the following Member of the House of Representatives to the Joint Economic Committee: Mr. SAXTON of New Jersey.

The message also announced that pursuant to section 703(c) of the Public Interest Declassification Act of 2000 (50 U.S.C. 435 note), the Minority Leader appoints the following named individual on the part of the House of Representatives to the Public Interest Declassification Board for an initial 2-year term: Mr. David Skaggs of Colorado.

At 4:39 p.m., a message from the House of Representatives, delivered by Mr. Hayes, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 54. An act to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 54. An act to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-228. A communication from the Director, Office of Science and Technology Policy, Executive Office of the President, transmitting, pursuant to law, a report relative to competitive sourcing initiatives; to the Committee on Commerce, Science, and Transportation.

EC-229. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Federal Trade Commission Report under the FAIR Act; to the Committee on Commerce, Science, and Transportation.

EC-230. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Regulatory Status of National Transportation Safety Board Recommendations on 15-Passenger Van Safety, Medical Certification for Commercial Driver Licenses and Highway/Railroad Grade Crossing Safety to the Department of Transportation for the year ending December 6, 2004; to the Committee on Commerce, Science, and Transportation.

EC-231. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Report on the State Barriers to Adopting and Implementing Programs Using Roadside Communications Systems for Alerts Regarding Recovery of Abducted Children; to the Committee on Commerce, Science, and Transportation.

EC-232. A communication from the Assistant Administrator, Office of Legislative Affairs, National Aeronautics and Space Administration, transmitting, pursuant to law, the Fiscal Year 2004 Competitive Sourcing Activities Summary of Completed Competitions, the Fiscal Year 2004 Competitive Sourcing Activities Summary of Announced Competitions, and the Fiscal Year 2003 Competitive Sourcing Activities Summary Savings and Performance Update; to the Committee on Commerce, Science, and Transportation.

EC-233. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, pursuant to law, the report of commercial activities under the FAIR Act; to the Committee on Commerce, Science, and Transportation.

EC-234. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Report on Specialized

Hauling Vehicle Study; to the Committee on Commerce, Science, and Transportation.

EC–235. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of the discontinuation of service in acting role for the position of Administrator, Research and Special Programs Administration; to the Committee on Commerce, Science, and Transportation.

EC–236. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information and a nomination confirmed for the position of Assistant Secretary for Technology Policy, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–237. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted reported information and a nomination confirmed in the position of Assistant Secretary for Communications and Information, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–238. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information, a vacancy, and the designation of acting officer for the position of Director, National Institute of Standards and Technology, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–239. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information and a nomination confirmed for the position of Assistant Secretary for Manufacturing and Services, International Trade Administration, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–240. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted reported information and a nomination confirmed for the position of Under Secretary and Director, United States Patent and Trademark Office, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–241. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of the report of a vacancy in the position of Assistant Secretary for Export Enforcement, Bureau of Industry and Security, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–242. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information and a nomination confirmed for the position of Assistant Secretary for Legislative and Intergovernmental Affairs, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–243. A communication from the Director, Office of White House Liaison, transmitting, pursuant to law, the report of a change in previously submitted information and a nomination confirmed for the position of Deputy Secretary, Department of Commerce; to the Committee on Commerce, Science, and Transportation.

EC–244. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a vacancy in the position of Advisory Board Member, Saint Lawrence Seaway Development Corporation; to the Committee on Commerce, Science, and Transportation.

EC–245. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Advisory Board Member, Saint Lawrence Seaway Development Corporation; to the Committee on Commerce, Science, and Transportation.

EC–246. A communication from the Attorney Advisor, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Advisory Board Member, Saint Lawrence Seaway Development Corporation; to the Committee on Commerce, Science, and Transportation.

EC–247. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 2 regulations)" (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–248. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone: Cape Fear River, Eagle Island, North Carolina State Port Authority Terminal, Wilmington, North Carolina" (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–249. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Regulation Navigation Area, San Carlos Bay, Florida" (RIN1625–AA11) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–250. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (including 2 regulations)" (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–251. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Shipping and Transportation; Technical, Organizational, and Conforming Amendments" (RIN1625–ZA03) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–252. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Review and Approval Classification Societies" received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–253. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations" (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–254. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 5 regulations)" (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–255. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone Regulation (including 3 regulations)" (RIN1625–AA00) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–256. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone Regulation: Port of Mobile, Mobile Ship Channel, Mobile, Alabama" (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–257. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Regulation: Yonkers, New York" (RIN1625–AA01) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–258. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 6 regulations)" (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–259. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone (including 3 regulations)" (RIN1625–AA00) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–260. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Anchorage Grounds, Buzzards Bay, Massachusetts" (RIN1625–AA01) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–261. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operation Regulations (including 3 regulations)" (RIN1625–AA09) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–262. A communication from the Chief, Regulations and Administrative Law, United States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone, San Diego Bay, California" (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–263. A communication from the Chief, Regulations and Administrative Law, United

States Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone (including 3 regulations)" (RIN1625–AA87) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–264. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS Nos. 403 and 404, Delay of compliance dates" (RIN2127–AJ50) received on January 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–265. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security Administration, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revisions and Clarifications to the Export Administration Regulations" (RIN0694–AC24) received on January 3, 2004; to the Committee on Commerce, Science, and Transportation.

EC–266. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Bridge Inspection Standards" (RIN2125–AE86) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–267. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Fuel Economy Credits" (RIN2127–AG97) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–268. A communication from the Attorney Advisory, Maritime Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Deferment of Service Obligations of Midshipmen Recipients of Scholarships or Fellowships" (RIN2133–AB58) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–269. A communication from the Senior Attorney Advisory, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Applicability of the Hazardous Materials Regulations to Loading, Unloading, and Storage; delay of effective date" (RIN2137–AC68) received on December 7, 2004; to the Committee on Commerce, Science, and Transportation.

EC–270. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Threat Assessment for Individuals Applying for a Hazardous Materials Endorsement for a Commercial Drivers License" (RIN1652–AA17) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–271. A communication from the Regulations Officer, Federal Highway Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "National Standards for Traffic Control Devices; the Manual on Uniform Traffic Control Devices for Streets and Highways; Specific Service and General Service Signing for 24-Hour Pharmacies" (RIN2125–AF02) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–272. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "FMVSS No. 208, Anton's Law" (RIN2127–AI91) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–273. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Clarify Test Procedures for Brake Fluids" (RIN2127–AH96) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–274. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Brake Hoses" (RIN2127–AH79) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation

EC–275. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Protection of Sensitive Security Information; Technical Amendment" (RIN1652–AA08) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–276. A communication from the Deputy Chief Counsel for Regulations, Transportation Security Administration, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Hazmat Fee Rule: Fees for Security Threat Assessments for Hazmat Drivers" (RIN1652–AA33) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–277. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Revise Steller Sea Lion Protection Measures for the Pollock and Pacific Cod Fisheries of the Gulf of Alaska" (RIN0648–AS41) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–278. A communication from the Chairman, Bureau of Trade Analysis, Federal Maritime Commission, transmitting, pursuant to law, the report of a rule entitled "Non-Vessel-Operating Common Carrier Service Arrangements" (Doc. No. 04–12) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–279. A communication from the Deputy Assistant Administrator for Operations, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Final Rule to Implement an Interim Measure to Reduce Overfishing by Establishing a Temporary Seasonal Closure on Grammanik Bank off St. Thomas, United States Virgin Islands" (RIN0648–AS56) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–280. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Encryption Export and Reexport Controls Revisions" (RIN0694–AD19) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–281. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Telemarketing Sales Rule—31 Day Scrub" (RIN3084–0098) received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–282. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean" received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–283. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Interim Rule to Implement 2005 Interim Harvest Specifications for Groundfish in the Bering Seas and Aleutian Islands" received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–284. A communication from the Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Bluefin Tuna Fisheries; Quota Transfer; Fishery Reopening" received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–285. A communication from the Attorney Advisor, Saint Lawrence Seaway Development Corporation, Department of Transportation, transmitting, pursuant to law, the report of a nomination confirmed for the position of Advisory Board Member, received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–286. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Final Interim Rule to Implement the Days-at-Sea Baseline Allocation Procedure Consistent with Amendment 13 to the Northeast Multispecies Fishery Management Plan" (RIN0648–AS81) received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–287. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries, transmitting, pursuant to law, the report of a rule entitled "Closing Inshore Pacific Cod in the central GOA" received on December 17, 2005; to the Committee on Commerce, Science, and Transportation.

EC–288. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #11—Adjustments of the Recreational and Commercial Salmon Fisheries from the United States-Canada Border to Cape Falcon, Oregon" received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–289. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fraser River Sockeye Salmon Fisheries; Inseason Orders" received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–290. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting closure for the Catcher-processor Sector" received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–291. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action 12—Adjustment of the Commercial Salmon Fishery from Humbug Mountain, Oregon to the Oregon-California Border" received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–292. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #17—Adjustment of the Commercial Salmon Fishery from the Oregon-California Border to Humboldt South Jetty, California" received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–293. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #16—Adjustment of the Recreational Salmon Fishery from the United States-Canada Border to Cape Alava, Washington" received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–294. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #15—Adjustments of the Commercial Fishery from the United States-Canada Border to Cape Falcon, Oregon" received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–295. A communication from the Attorney Advisor, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Hazardous Materials; Prohibition on the Transportation of Primary Lithium Batteries and Cells Aboard Passenger Aircraft" (RIN2137–AE05) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–296. A communication from the Deputy Assistant Administrator for Operations, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tuna Fisheries; Final Rule: Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean" (RIN0648–AS39) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–297. A communication from the Deputy Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Pacific Tune Fisheries; Final Rule: Restrictions for 2004 Purse Seine and Longline Fisheries in the Eastern Tropical Pacific Ocean" (RIN0648–AS39) received on December 8, 2004; to the Committee on Commerce, Science, and Transportation.

EC–298. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery and Northeast Multispecies Fishery; Framework 16 and Framework 39" (RIN0648–AR55) received on December 31, 2004; to the Committee on Commerce, Science, and Transportation.

EC–299. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Rule to Require Full retention of Demersal Shelf Rockfish in the Southeast Outside District of the Gulf of Alaska" received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–300. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Framework 40A to the Northeast Multispecies Fishery Management Plan" (RIN0648–AS34) received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–301. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Magnuson Act Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Biennial Specifications and Management Measures" (RIN0648–AS27) received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–302. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "International Fisheries; Atlantic Highly Migratory Species" (RIN0648–AQ37); to the Committee on Commerce, Science, and Transportation.

EC–303. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Interim Rule to Implement 2005 Interim Harvest Specifications for Groundfish in the Bering Sea and Aleutian Islands" received on January 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–304. A communication from the Assistant Administrator for Fisheries, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Final Interim Rule to Implement 2005 Interim Harvest Specifications for Groundfish in the Gulf of Alaska" received on January 6, 2005; to the Committee on Commerce, Science, and Transportation.

EC–305. A communication from the Assistant Administrator, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory Species; Atlantic Trade Restrictive Measures" (RIN0648–AR10) received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–306. A communication from the Assistant Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Northeastern United States; Summer Flounder; Commercial quota Harvested for New York; Closure" received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–307. A communication from the Assistant Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of Pacific Cod by Catcher Processors Vessels Using Hook and Line Gear in the Bering Sea and Aleutian Islands Management Area" received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–308. A communication from the Assistant Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Herring Fishery; Closure of Directed Fishery for Management Area 1B" received on January 5, 2005; to the Committee on Commerce, Science, and Transportation.

EC–309. A communication from the Assistant Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Closure of code by Catcher Vessels 60 Feet Length Overall Using Hook and Line Gear in the Bearing Sea and Aleutian Islands" received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–310. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Apportionment of non-specified Reserves of Groundfish to Certain Target Species in the Bering Sea and Aleutian Islands Management Area" received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–311. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Notice of Closure of the 2004 Fall Commercial Red Snapper Component of the Reef Fish Fishery of the Gulf of Mexico" received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–312. A communication from the Secretary of the Federal Trade Commission, transmitting, pursuant to law, the report of a rule entitled "Summaries of Rights and Notices of Duties Under the Fair Credit Reporting Act" (RIN2084–AA94) received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–313. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–314. A communication from the Assistant Administrator, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Atlantic Highly Migratory species; Swordfish Quota Adjustment" (RIN0648–AQ90) received on January

13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–315. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Acting Bluefish Fishery; Commercial Quota Transfer" received on January 24, 2005; to the Committee on Commerce, Science, and Transportation.

EC–316. A communication from the Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Inseason Action #14—Adjustments of the Recreational Fisheries from the United States-Canada Border to Cape Falcon, Oregon" received on January 13, 2005; to the Committee on Commerce, Science, and Transportation.

EC–317. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D Airspace; and Modification of Class E Airspace; Salina, KS" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–318. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Boone, IA" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–319. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "CORRECTION: Amendment to Restricted Areas 2932, 2933, 2934, and 2935; Cape Canaveral, FL" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–320. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Nebraska City, NE" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–321. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Control Areas 1143L and 1146L" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–322. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Oberlin, KS" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–323. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dodge City, KS" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–324. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Hannibal, MO" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–325. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dodge City, KS" (RIN2120–AA66); to the Committee on Commerce, Science, and Transportation.

EC–326. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–300 and –400ER Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–327. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A318, A319, A320, and A321 Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–328. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Mooney Aircraft Corporation Models M20B, M20C, M20D, M20E, M20F, M20G, and M20J Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–329. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 707 Airplanes and Model 720 and 720B Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–330. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200F, 300, 747SP, and 747SR Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–331. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A330 and A340 Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–332. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Schempp-Hirth flugzeugbau GmbH Model Duo-Discus Gliders" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–333. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Airbus Model A318, 319, 320, and 321 Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–334. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 747–100, 100B, 100B SUD, 200B, 200C, 200F, and 300 Series Airplanes; and Model 747SP and 747SR Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–335. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Emprese Brasileira de Aeronautica SA Model EMB–135 and 145 Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–336. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: McDonnell Douglas Model DC–9–81, 9–82, 9–83, 9–87, and Model MD88 Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–337. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 737–100, 200, 300, 400, and 500 Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–338. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Empresa Brasileira de Aeronautica SA Model EMB 135 and 145 Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–339. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 767–200, 300, and 300FF Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–340. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200 and 300 Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–341. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Boeing Model 757–200, 200PF, 200CB and 300 Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–342. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: MD Helicopters, Inc. Model MD900 Helicopters" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–343. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives: Gulfstream Model GV and GV SP Series Airplanes" (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–344. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bell Helicopter Textron Canada Model 206L–1 and 206L–3 Helicopters” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–345. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Raytheon Aircraft Company Model 8100 Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–346. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Bombardier Model Cl–600–2B19 Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–347. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A310 Series Airplanes; and Model A300 B4–600, B4–600R, and F4–600R Series Airplanes; and Model C4–605R Variant F Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–348. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A300 B4–600R and A300F4–600R Series Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–349. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Boeing Model 737–700 and 800 Series Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–350. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Airbus Model A319 and A320 Series Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–351. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model MD 11 and 11F Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–352. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Raytheon Aircraft Company 65, 90, 99, 100, 200, and 1900 Series Airplanes, and Models 700 and 300 Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–353. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model MD 11 Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Pilatus Aircraft Ltd. Model PC 7 Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: McDonnell Douglas Model MD 11 and 11F Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Saab Model SAAB 340A and SAAB 340B Series Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: deHavilland Inc Models DHC 2 Mk I and DHC 2 Mk II Airplanes and Bombardier Inc. Model DHC–3 Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–358. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Dornier Model 328–100 Series Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: CORRECTION Boeing Model 737–100, 200, 200C, 300, 400, and 500 Series Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–360. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Dornier Model 328 100 and 300 Series Airplanes” (RIN2120–AA64); to the Committee on Commerce, Science, and Transportation.

EC–361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “IFR Altitudes; Miscellaneous Amendments (8); Amendment No. 451 [10–22/11–29]” (RIN2120–AA63) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (119); Amdt. No. 3106 [10–15/11–29]” (RIN2120–AA65) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures; Miscellaneous Amendments (98); Amdt. No. 3107 [10–20/11–29]” (RIN2120–AA65) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Becker Flugfunkwerk GmbH AR 4201 VHF AM Transceivers” (RIN2120–AA64) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Gulfstream Model G 1159, 1159A, 1159B, and G–IV Series Airplanes” (RIN2120–AA64) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives: Hartzell Propeller Inc. Model HC B5MP–3/M10282A Five Bladed Propellers; Correction” (RIN2120–AA64) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Warrensburg, MO” (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–368. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Sedalia, MO” (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–369. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Hartington, NE” (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–370. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Harvard, NE” (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–371. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Napa, CA” (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–372. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class E Airspace; Dodge City, KS; Correction” (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–373. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of Class D and Class E

Airspace; Prescott, AZ" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–374. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class D and E Airspace; Goldsoro, NC" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–375. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Oberline, KS" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–376. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Imperial, NE" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–377. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Nebraska City, NE" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–378. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Scribner, NE" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Dodge City, KS; Correction" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Riverside March Field, CA" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Restricted Area 2306C, Yuma West, AZ" (RIN2120–AA66) received on December 17, 2004; to the Committee on Commerce, Science, and Transportation.

EC–382. A communication from the Senior Attorney, Research and Special Programs Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Harmonization with the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions" (RIN2137–AD92) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–383. A communication from the Attorney Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Head Restraints" (RIN2127–AH09) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

EC–384. A communication from the Trial Attorney, Federal Railroad Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Reflectorization of Rail Freight Rolling Stock" (RIN2130–AB41) received on January 3, 2005; to the Committee on Commerce, Science, and Transportation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DOMENICI, from the Committee on Energy and Natural Resources, without amendment:

S. Res. 13. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources.

By Mr. CHAMBLISS, from the Committee on Agriculture, Nutrition, and Forestry, without amendment:

S. Res. 14. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SHELBY, from the Committee on Banking, Housing, and Urban Affairs, without amendment:

S. Res. 15. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs.

By Ms. COLLINS, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. Res. 16. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs.

By Mr. INHOFE, from the Committee on Environment and Public Works, without amendment:

S. Res. 17. An original resolution authorizing expenditures by the Committee on Environment and Public Works.

By Mr. McCAIN, from the Committee on Indian Affairs, without amendment:

S. Res. 19. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs.

By Ms. SNOWE, from the Committee on Small Business and Entrepreneurship, without amendment:

S. Res. 21. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. DOMENICI for the Committee on Energy and Natural Resources.

*Samuel W. Bodman, of Massachusetts, to be Secretary of Energy.

By Mr. SPECTER for the Committee on the Judiciary.

Alberto R. Gonzales, of Texas, to be Attorney General.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BINGAMAN (for himself and Mr. BENNETT):

S. 168. A bill to reauthorize additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

By Mr. BINGAMAN (for himself, Mr. ROBERTS, and Mr. INHOFE):

S. 169. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 170. A bill to clarify the definition of rural airports; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, and Mrs. MURRAY):

S. 171. A bill to exempt seaplanes from certain transportation taxes; to the Committee on Finance.

By Mr. DEWINE (for himself and Mr. KENNEDY):

S. 172. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 173. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare program that have received an organ transplant; to the Committee on Finance.

By Mr. DEWINE (for himself, Mr. DODD, and Mrs. MURRAY):

S. 174. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BROWNBACK (for himself and Mr. ROBERTS):

S. 175. A bill to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MURKOWSKI:

S. 176. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Alaska; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself, Mr. BINGAMAN, Mr. ALLARD, Mr. BAUCUS, and Mr. ENSIGN):

S. 177. A bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 178. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 179. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KYL:

S. 180. A bill for the relief of Ilko Vasilev Ivanov, Anelia Marinova Peneva, Marina Ilkova Ivanova, and Julia Ilkova Ivanova; to the Committee on the Judiciary.

By Mr. ENSIGN:

S. 181. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

By Mr. BENNETT:

S. 182. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. GRASSLEY (for himself and Mr. Kennedy):

S. 183. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. Smith, Ms. Collins, Mr. Coleman, and Ms. Murkowski):

S. 184. A bill to amend the Federal Food, Drug, and Cosmetic Act to protect the public health from the unsafe importation of prescription drugs and from counterfeit prescription drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Florida (for himself, Mr. Corzine, Mr. Hagel, Mr. Durbin, and Mr. Dayton):

S. 185. A bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan; to the Committee on Armed Services.

By Mr. ALLARD (for himself, Mr. Salazar, Mr. Shelby, Mr. McConnell, Mr. Bunning, and Mr. Sarbanes):

S. 186. A bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines; to the Committee on Armed Services.

By Mr. CORZINE (for himself, Mr. Smith, Mr. Kennedy, Mrs. Boxer, Ms. Cantwell, Mrs. Clinton, Mr. Coleman, Mr. Conrad, Mr. Dayton, Mr. Durbin, Mr. Dodd, Mr. Harkin, Mr. Inouye, Mr. Jeffords, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Ms. Mikulski, Mrs. Murray, Mr. Reed, Mr. Rockefeller, Mr. Sarbanes, Ms. Stabenow, Mr. Schumer, Mr. Wyden, Ms. Collins, Mr. Johnson, Mr. Kerry, Mrs. Lincoln, and Mr. Biden):

S. 187. A bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005-2006, published in the Federal Register on December 23, 2004; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN (for herself, Mr. Kyl, Mr. Schumer, Mr. Cornyn, Mrs. Boxer, Mr. McCain, Mr. Durbin, Mr. Crapo, Ms. Cantwell, Mrs. Hutchison, Mr. Bingaman, Mr. Alexander, and Mr. Lautenberg):

S. 188. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 189. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HAGEL (for himself, Mr. Sununu, and Mrs. Dole):

S. 190. A bill to address the regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. SMITH (for himself, Mrs. Feinstein, Mr. Baucus, and Mr. Santorum):

S. 191. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

By Mr. LUGAR:

S. 192. A bill to provide for the improvement of foreign stabilization and reconstruction capabilities of the United States Government; to the Committee on Armed Services.

By Mr. BROWNBACK (for himself, Mr. Graham, Mr. Allen, Mr. Lieberman, Mr. DeMint, Mr. Santorum, Mr. Hagel, Mr. McCain, Mr. Sessions, Mrs. Dole, Mr. Inhofe, Mr. Enzi, Mr. Thune, Mr. Lott, Mr. Kyl, Mr. Martinez, Mr. Grassley, Mr. Pryor, Mr. Roberts, Mr. Ensign, Mrs. Lincoln, and Mr. Thomas):

S. 193. A bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language; to the Committee on Commerce, Science, and Transportation.

By Mr. NELSON of Nebraska (for himself and Mr. Enzi):

S. 194. A bill to amend the Farm Security and Rural Investment Act of 2002 to permit the planting of chicory on base acres; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself, Mr. Feingold, Mr. Durbin, Mr. Dodd, Mr. Dayton, Mr. Corzine, Mr. Sarbanes, Mr. Obama, Ms. Mikulski, and Mr. Schumer):

S. 195. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DORGAN (for himself, Ms. Mikulski, Mr. Feingold, Mr. Kohl, Mr. Harkin, Mr. Kennedy, Mr. Leahy, Mr. Levin, and Mr. Johnson):

S. 196. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

By Mrs. BOXER:

S. 197. A bill to improve safety and reduce traffic congestion at grade crossings; to the Committee on Commerce, Science, and Transportation.

By Mr. GRAHAM:

S. 198. A bill for the relief of Griselda Lopez Negrete; to the Committee on the Judiciary.

By Mr. GRAHAM:

S. 199. A bill for the relief of Ricardo F. Pedrotti; to the Committee on the Judiciary.

By Mr. CHAMBLISS (for himself and Mr. Isakson):

S. 200. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DOMENICI:

S. Res. 13. An original resolution authorizing expenditures by the Committee on Energy and Natural Resources; from the Committee on Energy and Natural Resources; to the Committee on Rules and Administration.

By Mr. CHAMBLISS:

S. Res. 14. An original resolution authorizing expenditures by the Committee on Agriculture, Nutrition, and Forestry; from the Committee on Agriculture, Nutrition, and Forestry; to the Committee on Rules and Administration.

By Mr. SHELBY:

S. Res. 15. An original resolution authorizing expenditures by the Committee on Banking, Housing, and Urban Affairs; from the Committee on Banking, Housing, and Urban Affairs; to the Committee on Rules and Administration.

By Ms. COLLINS:

S. Res. 16. An original resolution authorizing expenditures by the Committee on Homeland Security and Governmental Affairs; from the Committee on Homeland Security and Governmental Affairs; to the Committee on Rules and Administration.

By Mr. INHOFE:

S. Res. 17. An original resolution authorizing expenditures by the Committee on Environment and Public Works; from the Committee on Environment and Public Works; to the Committee on Rules and Administration.

By Mr. TALENT (for himself, Mr. Lugar, Mr. Frist, Mr. Wyden, Mrs. Dole, Mr. Dodd, Ms. Mikulski, Mr. Levin, Mr. Lautenberg, Mr. Alexander, Mr. Voinovich, Mr. Coleman, and Mr. Hagel):

S. Res. 18. A resolution commemorating the 60th anniversary of the liberation of the Auschwitz extermination camp in Poland; considered and agreed to.

By Mr. McCAIN:

S. Res. 19. An original resolution authorizing expenditures by the Senate Committee on Indian Affairs; from the Committee on Indian Affairs; to the Committee on Rules and Administration.

By Mr. KENNEDY (for himself, Mr. McCain, Mr. DeWine, Ms. Mikulski, Mr. Bayh, Mr. Domenici, Mr. Levin, Mr. Conrad, Mr. Dayton, Ms. Landrieu, Mr. Johnson, Mr. Nelson of Nebraska, Ms. Stabenow, and Mrs. Clinton):

S. Res. 20. A resolution designating January 2005 as “National Mentoring Month”; to the Committee on the Judiciary.

By Ms. SNOWE:

S. Res. 21. An original resolution authorizing expenditures by the Committee on Small Business and Entrepreneurship; from the Committee on Small Business and Entrepreneurship; to the Committee on Rules and Administration.

By Mr. BINGAMAN (for himself, Mr. CORNYN, and Mr. DOMENICI):

S. Con. Res. 6. A concurrent resolution honoring the life and contribution of Yogi Bhajan, a leader of the Sikhs, and expressing condolences to the Sikh community on his passing; to the Committee on the Judiciary.

By Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. LEVIN, and Mr. DURBIN):

S. Con. Res. 7. A concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform; considered and agreed to.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. GRASSLEY, the name of the Senator from Pennsylvania (Mr. SANTORUM) was added as a cosponsor of S. 5, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 8

At the request of Mr. ENSIGN, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 11

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 11, a bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes.

S. 12

At the request of Mr. BIDEN, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 12, a bill to combat international terrorism, and for other purposes.

S. 15

At the request of Mr. REID, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 15, a bill to improve education for all students, and for other purposes.

S. 19

At the request of Mr. CONRAD, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 19, a bill to reduce budget deficits by restoring budget enforcement and strengthening fiscal responsibility.

S. 77

At the request of Mr. SESSIONS, the names of the Senator from Alabama (Mr. SHELBY), the Senator from South Dakota (Mr. JOHNSON), the Senator from North Carolina (Mrs. DOLE), the Senator from New York (Mrs. CLINTON), the Senator from Oklahoma (Mr. INHOFE), the Senator from New Jersey (Mr. CORZINE), the Senator from Florida (Mr. MARTINEZ), the Senator from Illinois (Mr. DURBIN), the Senator from North Carolina (Mr. BURR), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. SNOWE), the Senator from Florida (Mr. NELSON), the Senator from Louisiana (Mr. VITTER), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Alaska (Ms. MURKOWSKI) were added as cosponsors of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 78

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 78, a bill to make permanent marriage penalty relief.

S. 103

At the request of Mr. TALENT, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Mississippi (Mr. LOTT), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S.J. RES. 1

At the request of Mr. ALLARD, the names of the Senator from Mississippi (Mr. COCHRAN) and the Senator from Alabama (Mr. SHELBY) were added as cosponsors of S.J. Res. 1, a joint resolution proposing an amendment to the Constitution of the United States relating to marriage.

SAFE HIGHWAYS ACT

S. 95 was introduced on January 24, 2005. The text of the bill is as follows:

S. 95

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Safe Highways and Infrastructure Preservation Act”.

SEC. 2. OPERATION OF RESTRICTED PROPERTY-CARRYING UNITS ON NATIONAL HIGHWAY SYSTEM.

(a) RESTRICTED PROPERTY-CARRYING UNIT DEFINED.—Section 31111(a)(1) of title 49, United States Code, is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

“(3) RESTRICTED PROPERTY-CARRYING UNIT.—The term ‘restricted property-carrying unit’ means any trailer, semi-trailer, container, or other property-carrying unit that is longer than 53 feet.”.

(b) PROHIBITION ON OPERATION OF RESTRICTED PROPERTY-CARRYING UNITS.—

(1) IN GENERAL.—Section 31111(b)(1)(C) of title 49, United States Code, is amended to read as follows:

“(C) allows operation on any segment of the National Highway System, including the Interstate System, of a restricted property-carrying unit unless the operation is specified on the list published under subsection (h);”.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect 270 days after the date of enactment of this Act.

(c) LIMITATIONS.—Section 31111 of title 49, United States Code, is amended by adding at the end the following:

“(h) RESTRICTED PROPERTY-CARRYING UNITS.—

“(1) APPLICABILITY OF PROHIBITION.—

“(A) IN GENERAL.—Notwithstanding subsection (b)(1)(C), a restricted property-carrying unit may continue to operate on a segment of the National Highway System if the operation of such unit is specified on the list published under paragraph (2).

“(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All operations specified on the list published under paragraph (2) shall continue to be subject to all State statutes, regulations, limitations and conditions, including routing-specific, commodity-specific, and configuration-specific designations and all other restrictions, in force on June 1, 2003.

“(C) FIRE-FIGHTING UNITS.—Subsection (b)(1)(C) shall not apply to the operation of a restricted property-carrying unit that is used exclusively for fire-fighting.

“(2) LISTING OF RESTRICTED PROPERTY-CARRYING UNITS.—

“(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to determine and publish a list of restricted property-carrying units that were authorized by State officials pursuant to State statute or regulation on June 1, 2003, and in actual and lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 2003.

“(B) LIMITATION.—A restricted property-carrying unit may not be included on the list published under subparagraph (A) on the basis that a State law or regulation could have authorized the operation of the unit at some prior date by permit or otherwise.

“(C) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of restricted property-carrying units described in subparagraph (A).

“(D) UPDATES.—The Secretary shall update the list published under subparagraph (C) as necessary to reflect new designations made to the National Highway System.

“(3) APPLICABILITY OF PROHIBITION.—The prohibition established by subsection (b)(1)(C) shall apply to any new designation made to the National Highway System and remain in effect on those portions of the National Highway System that cease to be designated as part of the National Highway System.

"(4) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent a State from further restricting in any manner or prohibiting the operation of a restricted property-carrying unit if the restrictions or prohibitions are be consistent with the requirements of this section and sections 31112 through 31114.".

(d) ENFORCEMENT.—The second sentence of section 141(a) of title 23, United States Code, is amended by striking "section 31112" and inserting "sections 31111 and 31112".

SEC. 3. OPERATION OF LONGER COMBINATION VEHICLES ON NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Section 31112 of title 49, United States Code, is amended—

(1) by redesignating subsections (f) and (g) as subsections (g) and (h), respectively; and

(2) by inserting after subsection (e) the following:

"(f) NATIONAL HIGHWAY SYSTEM.—

"(1) GENERAL RULE.—A State may not allow, on a segment of the National Highway System that is not covered under subsection (b) or (c), the operation of a commercial motor vehicle combination (except a vehicle or load that cannot be dismantled easily or divided easily and that has been issued a special permit under applicable State law) with more than one property-carrying unit (not including the truck tractor) whose property-carrying units are more than—

"(A) the maximum combination trailer, semitrailer, or other type of length limitation allowed by law or regulation of that State on June 1, 2003, or

"(B) the length of the property-carrying units of those commercial motor vehicle combinations, by specific configuration, in actual and lawful operation on a regular or periodic basis (including continuing seasonal operation) in that State on or before June 1, 2003.

"(2) ADDITIONAL LIMITATIONS.—

"(A) APPLICABILITY OF STATE RESTRICTIONS.—A commercial motor vehicle combination whose operation in a State is not prohibited under paragraph (1) may continue to operate in the State on highways described in paragraph (1) only in compliance with all State laws, regulations, limitations, and conditions, including routing-specific and configuration-specific designations and all other restrictions in force in the State on June 1, 2003. However, subject to regulations prescribed by the Secretary under subsection (h), the State may make minor adjustments of a temporary and emergency nature to route designations and vehicle operating restrictions in effect on June 1, 2003, for specific safety purposes and road construction.

"(B) ADDITIONAL STATE RESTRICTIONS.—This subsection does not prevent a State from further restricting in any manner or prohibiting the operation of a commercial motor vehicle combination subject to this section if the restrictions or prohibitions are consistent with this section and sections 31113(a), 31113(b), and 31114.

"(C) MINOR ADJUSTMENTS.—A State making a minor adjustment of a temporary and emergency nature as authorized by subparagraph (A) or further restricting or prohibiting the operation of a commercial motor vehicle combination as authorized by subparagraph (B) shall advise the Secretary not later than 30 days after the action. The Secretary shall publish a notice of the action in the Federal Register.

"(3) LIST OF STATE LENGTH LIMITATIONS.—

"(A) STATE SUBMISSIONS.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, each State shall submit to the Secretary for publication a complete list of State length limitations applicable to commercial motor vehicle combinations operating in the State on the highways described in paragraph (1). The list shall indicate the applicable State laws and regulations associated with the length limitations. If a State does not submit the information as required, the Secretary shall complete and file the information for the State.

"(B) PUBLICATION OF INTERIM LIST.—Not later than 90 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish an interim list in the Federal Register consisting of all information submitted under subparagraph (A). The Secretary shall review for accuracy all information submitted by a State under subparagraph (A) and shall solicit and consider public comment on the accuracy of the information.

"(C) LIMITATION.—A law or regulation may not be included on the list submitted by a State or published by the Secretary merely because it authorized, or could have authorized, by permit or otherwise, the operation of commercial motor vehicle combinations not in actual operation on a regular or periodic basis on or before June 1, 2003.

"(D) PUBLICATION OF FINAL LIST.—Except as revised under this subparagraph or subparagraph (E), the list shall be published as final in the Federal Register not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act. In publishing the final list, the Secretary shall make any revisions necessary to correct inaccuracies identified under subparagraph (B). After publication of the final list, commercial motor vehicle combinations prohibited under paragraph (1) may not operate on a highway described in paragraph (1) except as published on the list.

"(E) INACCURACIES.—On the Secretary's own motion or on request by any person (including a State), the Secretary shall review the list published under subparagraph (D). If the Secretary decides there is reason to believe a mistake was made in the accuracy of the list, the Secretary shall begin a proceeding to decide whether a mistake was made. If the Secretary decides there was a mistake, the Secretary shall publish the correction.".

(b) CONFORMING AMENDMENTS.—Section 31112 of title 49, United States Code, is amended—

(1) by inserting "126(e) or" before "127(d)" in paragraph (1) of subsection (g) (as redesignated by subsection (a) of this section);

(2) by inserting "(or June 1, 2003, with respect to highways described in subsection (f)(1))" after "June 2, 1991" in paragraph (3) of subsection (g) (as redesignated by subsection (a) of this section);

(3) by striking "Not later than June 15, 1992, the Secretary" and inserting "The Secretary"; and

(4) by inserting "or (f)" after "subsection (d)"in paragraph (2) of subsection (h) (as redesignated by subsection (a) of this section).

SEC. 4. TERMINATION OF DETERMINATIONS OF GRANDFATHER RIGHTS.

(a) IN GENERAL.—Section 127 of title 23, United States Code, is amended by adding at the end the following:

"(h) GRANDFATHER RIGHTS.—

"(1) GENERAL RULE.—After the 270th day following the date of enactment of the Safe Highways and Infrastructure Preservation Act, a State may not allow, on a segment of the Interstate System, the operation of a vehicle or combination (other than a longer combination vehicle) exceeding an Interstate weight limit unless the operation is specified on the list published under paragraph (2).

"(2) LIST OF VEHICLES AND COMBINATIONS.—

"(A) PROCEEDING.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to determine and publish a list of vehicles and combinations (other than longer combination vehicles), otherwise exceeding an Interstate weight limit, that the Department of Transportation, any other Federal agency, or a State has determined on or before June 1, 2003, could be lawfully operated within such State—

"(i) on July 1, 1956;

"(ii) in the case of the overall gross weight of any group of 2 or more consecutive axles, on the date of enactment of the Federal-Aid Highway Amendments of 1974; or

"(iii) under a special rule applicable to a State under subsection (a).

"(B) LIMITATIONS.—

"(i) ACTUAL AND LAWFUL OPERATIONS REQUIRED.—An operation of a vehicle or combination may be included on the list published under subparagraph (A) only if the vehicle or combination was in actual and lawful operation in the State on a regular or periodic basis on or before June 1, 2003.

"(ii) STATE AUTHORITY NOT SUFFICIENT.—An operation of a vehicle or combination may not be included on the list published under subparagraph (A) on the basis that a State law or regulation could have authorized the operation of the vehicle or combination at some prior date by permit or otherwise.

"(C) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of vehicles and combinations described in subparagraph (A).

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent a State from reducing the gross vehicle weight limitation, the single and tandem axle weight limitations, or the overall maximum gross weight on a group of 2 or more consecutive axles applicable to portions of the Interstate System in the State for operations on the list published under paragraph (2)(C) as long as no such reduction results in a limitation that is less than an Interstate weight limit.

"(4) APPLICABILITY OF EXISTING REQUIREMENTS.—All vehicles and combinations included on the list published under paragraph (2) shall be subject to all routing-specific, commodity-specific, and weight-specific designations in force in a State on June 1, 2003.

"(5) INTERSTATE WEIGHT LIMIT DEFINED.—In this subsection, the term 'Interstate weight limit' means the 80,000 pound gross vehicle weight limitation, the 20,000 pound single axle weight limitation (including enforcement tolerances), the 34,000 pound tandem axle weight limitation (including enforcement tolerances), and the overall maximum gross weight (including enforcement tolerances) on a group of 2 or more consecutive axles produced by application of the formula in subsection (a).".

(b) CONFORMING AMENDMENT.—The fourth sentence of section 127(a) of title 23, United States Code, is amended by striking "the State determines".

SEC. 5. NONDIVISIBLE LOAD PROCEEDING.

Section 127 of title 23, United States Code, is further amended by adding at the end the following:

"(i) NONDIVISIBLE LOADS.—

"(1) PROCEEDING.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to define the term 'vehicles and loads which cannot be easily dismantled or divided' as used in subsection (a) and section 31112 of title 49.

"(2) LIST OF COMMODITIES.—

"(A) IN GENERAL.—The definition developed under paragraph (1) shall include a list of commodities (or classes or types of commodities) that do not qualify as nondivisible loads.

"(B) LIMITATION.—The list of commodities developed under paragraph (1) shall not be interpreted to be a comprehensive list of commodities that do not qualify as nondivisible loads.

"(3) REGULATIONS.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall issue final regulations setting forth the determination of the Secretary made under paragraph (1). The Secretary shall update the regulations as necessary.

"(4) APPLICABILITY.—Regulations issued under paragraph (2) shall apply to all vehicles and loads operating on the National Highway System.

"(5) STATE REQUIREMENTS.—A State may establish any requirement that is not inconsistent with regulations issued under paragraph (2).

"(6) STATEMENT OF POLICY.—The purpose of this subsection is to promote conformity with Interstate weight limits to preserve publicly funded infrastructure and protect motorists by limiting maximum vehicle weight on key portions of the Federal-aid highway system.".

SEC. 6. WAIVERS OF WEIGHT LIMITATIONS DURING PERIODS OF NATIONAL EMERGENCY.

Section 127 of title 23, United States Code, is further amended by adding at the end the following:

"(j) WAIVERS DURING PERIODS OF NATIONAL EMERGENCY.—

"(1) IN GENERAL.—Notwithstanding any other provision of this section or section 126, the Secretary, in consultation with the Secretary of Defense, may waive or limit the application of any vehicle weight limit established under this section or section 126 with respect to a highway route during a period of national emergency in order to respond to the effects of the national emergency.

"(2) APPLICABILITY.—Emergency limits established under paragraph (1) shall preempt any inconsistent State vehicle weight limits.".

SEC. 7. VEHICLE WEIGHT LIMITATIONS—NATIONAL HIGHWAY SYSTEM.

(a) IN GENERAL.—Title 23, United States Code, is amended by inserting after section 125 the following:

"§126. Vehicle weight limitations—National Highway System

"(a) NON-INTERSTATE HIGHWAYS ON NHS.—

"(1) IN GENERAL.—After the 270th day after the date of enactment of the Safe Highways and Infrastructure Preservation Act, any Interstate weight limit that applies to vehicles and combinations (other than longer combination vehicles) operating on the Interstate System in a State under section 127 shall also apply to vehicles and combinations (other than longer combination vehicles) operating on non-Interstate segments of the National Highway System in such State, unless such segments are subject to lower State weight limits as provided for in subsection (d).

"(2) EXISTING HIGHWAYS.—

"(A) IN GENERAL.—Notwithstanding paragraph (1), in the case of a non-Interstate segment of the National Highway System that is open to traffic on June 1, 2003, a State may allow the operation of any vehicle or combination (other than a longer combination vehicle) on such segment that the Secretary determines under subsection (b) could be lawfully operated on such segment on June 1, 2003.

"(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All operations described in subparagraph (A) shall continue to be subject to all State statutes, regulations, limitations and conditions, including routing-specific, commodity-specific, and configuration-specific designations and all other restrictions, in force on June 1, 2003.

"(3) NEW HIGHWAYS.—Subject to subsection (d)(1), the gross vehicle weight limitations and axle loading limitations applicable to all vehicles and combinations (other than longer combination vehicles) on a non-Interstate segment of the National Highway System that is not open to traffic on June 1, 2003, shall be the Interstate weight limit.

"(b) LISTING OF VEHICLES AND COMBINATIONS.—

"(1) IN GENERAL.—The Secretary shall initiate a proceeding to determine and publish a list of vehicles and combinations (other than longer combination vehicles), otherwise exceeding an Interstate weight limit, that could be lawfully operated on a non-Interstate segment of the National Highway System on June 1, 2003.

"(2) REQUIREMENTS.—In publishing a list of vehicles and combinations under paragraph (1), the Secretary shall identify—

"(A) the gross vehicle weight limitations and axle loading limitations in each State applicable, on June 1, 2003, to vehicles and combinations (other than longer combination vehicles) on non-Interstate segments of the National Highway System; and

"(B) operations of vehicles and combinations (other than longer combination vehicles), exceeding State gross vehicle weight limitations and axle loading limitations identified under subparagraph (A), which were in actual and lawful operation on a regular or periodic basis (including seasonal operations) on June 1, 2003.

"(3) LIMITATION.—An operation of a vehicle or combination may not be included on the list published under paragraph (1) on the basis that a State law or regulation could have authorized such operation at some prior date by permit or otherwise.

"(4) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of vehicles and combinations described in paragraph (1).

"(5) UPDATES.—The Secretary shall update the list published under paragraph (1) as necessary to reflect new designations made to the National Highway System.

"(c) APPLICABILITY OF LIMITATIONS.—The limitations established by subsection (a) shall apply to any new designation made to the National Highway System and remain in effect on those non-Interstate highways that cease to be designated as part of the National Highway System.

"(d) LIMITATIONS ON STATUTORY CONSTRUCTION.—

"(1) STATE ENFORCEMENT OF MORE RESTRICTIVE WEIGHT LIMITS.—This section does not prevent a State from maintaining or imposing a weight limitation that is more restrictive than the Interstate weight limit on vehicles or combinations (other than longer combination vehicles) operating on a non-Interstate segment of the National Highway System.

"(2) STATE ACTIONS TO REDUCE WEIGHT LIMITS.—This section does not prevent a State from reducing the State's gross vehicle weight limitation, single or tandem axle weight limitations, or the overall maximum gross weight on 2 or more consecutive axles on any non-Interstate segment of the National Highway System.

"(e) LONGER COMBINATION VEHICLES.—

"(1) PROHIBITION.—

"(A) IN GENERAL.—After the 270th day after the date of enactment of the Safe Highways and Infrastructure Preservation Act, a longer combination vehicle may continue to operate on a non-Interstate segment of the National Highway System only if the operation of the longer combination vehicle configuration type was authorized by State officials pursuant to State statute or regulation on June 1, 2003, and in actual and lawful operation on a regular or periodic basis (including seasonal operations) on or before June 1, 2003.

"(B) APPLICABILITY OF STATE LAWS AND REGULATIONS.—All operations described in subparagraph (A) shall continue to be subject to all State statutes, regulations, limitations and conditions, including routing-specific, commodity-specific, and configuration-specific designations and all other restrictions, in force on June 1, 2003.

"(2) LISTING OF VEHICLES AND COMBINATIONS.—

"(A) IN GENERAL.—Not later than 60 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall initiate a proceeding to determine and publish a list of longer combination vehicles that could be lawfully operated on non-Interstate segments of the National Highway System on June 1, 2003.

"(B) LIMITATION.—A longer combination vehicle may not be included on the list published under subparagraph (A) on the basis that a State law or regulation could have authorized the operation of such vehicle at some prior date by permit or otherwise.

"(C) PUBLICATION OF FINAL LIST.—Not later than 270 days after the date of enactment of the Safe Highways and Infrastructure Preservation Act, the Secretary shall publish a final list of longer combination vehicles described in subparagraph (A).

"(D) UPDATES.—The Secretary shall update the list published under subparagraph (A) as necessary to reflect new designations made to the National Highway System.

"(3) LIMITATION ON STATUTORY CONSTRUCTION.—This subsection does not prevent a State from further restricting in any manner or prohibiting the operation of a longer combination vehicle if the restrictions or prohibitions are consistent with the requirements of section 127 of this title and sections 31112 through 31114 of title 49, United States Code.

"(f) MODEL SCHEDULE OF FINES.—

"(1) IN GENERAL.—The Secretary, in consultation with the States, shall establish a model schedule of fines to be assessed for violations of this section.

"(2) PURPOSE.—The purpose of the schedule of fines shall be to ensure that fines are sufficient to deter violations of the requirements of this section and to permit States to recover costs associated with damages caused to the National Highway System by the operation of such vehicles.

"(3) ADOPTION BY STATES.—The Secretary shall encourage but not require States to adopt the schedule of fines.

"(g) DEFINITIONS.—In this section:

"(1) INTERSTATE WEIGHT LIMIT.—The term 'Interstate weight limit' has the meaning given that term in section 127(h).

"(2) LONGER COMBINATION VEHICLE.—The term 'longer combination vehicle' has the meaning given that term in section 127(d).".

(b) ENFORCEMENT OF REQUIREMENTS.—Section 141(a) of title 23, United States Code, is amended—

(1) by striking "the Federal-aid primary system, the Federal-aid urban system, and the Federal-aid secondary system, including the Interstate System" and inserting "the National Highway System, including the Interstate System,"; and

(2) by striking "section 127" and inserting "sections 126 and 127".

(c) CONFORMING AMENDMENT.—The chapter analysis for subchapter I of chapter 1 of title 23, United States Code, is amended by inserting after the item relating to section 125 the following:

"126. Vehicle weight limitations—National Highway System.".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BINGAMAN (for himself and Mr. BENNETT):

S. 168. A bill to reauthorize additional contract authority for States with Indian reservations; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today with my distinguished colleague Senator BENNETT to introduce the Indian School Bus Route Safety Reauthorization Act of 2005. This bill continues an important Federal program begun in 1998 that addresses a unique problem with the roads in and around the Nation's single largest Indian reservation and the neighboring counties. Through this program, Navajo children who had been prevented from getting to school by roads that were often impassable are now traveling safely to and from their schools. Because of the unusual nature of this situation, I believe it must continue to be addressed at the Federal level.

I'd like to begin with some statistics on this unique problem and why I believe a Federal solution continues to be necessary. The Navajo Nation is by far the nation's largest Indian Reservation, covering 25,000 square miles. Portions of the Navajo Nation are in three States: Arizona, New Mexico, and Utah. No other reservation comes anywhere close to the size of Navajo. To give you an idea of its size, the State of West Virginia is about 24,000 square miles. In fact, 10 States are smaller in size than the Navajo reservation.

According to the Bureau of Indian Affairs, about 9,800 miles of public roads serve the Navajo nation. Only about one-fifth of these roads are paved. The remaining 7,600 miles, seventy-eight percent, are dirt roads. Every day school buses use nearly all of these roads to transport Navajo children to and from school.

About 6,400 miles of the roads on the Navajo reservation are BIA roads, and about 2,500 miles are State and county roads. All public roads within, adjacent to, or leading to the reservation, including BIA, State, and county roads are considered part of the Federal Indian Reservation Road System. However, only BIA roads are eligible for Federal maintenance funding from BIA. Moreover, construction funding and improvement funding from the Federal Lands Highways Program in TEA-21 is generally applied only to BIA or tribal roads. Thus, the States and counties are responsible for maintenance and improvement of their 2,500 miles of roads that serve the reservation.

The counties in the three States that include the Navajo reservation are simply not in a position to maintain all of the roads on the reservation that carry children to and from school. Nearly all of the land area in these counties is under Federal or tribal jurisdiction.

For example, in my State of New Mexico, three-quarters of McKinley County is either tribal or federal land, including BLM, Forest Service, and military land. The Indian land area alone comprises 61 percent of McKinley County. Consequently, the county can draw upon only a very limited tax base as a source of revenue for maintenance purposes. Of the nearly 600 miles of county-maintained roads in McKinley County, 512 miles serve Indian land.

In San Juan County, UT, the Navajo Nation comprises 40 percent of the land area. The county maintains 611 miles of roads on the Navajo Nation. Of these, 357 miles are dirt, 164 miles are gravel and only 90 miles are paved. On the reservation, the county has three high schools, two elementary schools, two BIA boarding schools and four preschools.

The situation is similar in neighboring San Juan County, NM, and Apache, Navajo, and Coconino Counties, AZ. In light of the counties' limited resources, I do believe the Federal Government is asking the States and counties to bear too large a burden for road maintenance in this unique situation.

Families living in and around the reservation are no different from families anywhere else; their children are entitled to the same opportunity to get to school safely and to get a good education. However, the many miles of unpaved and deficient roads on the reservation are frequently impassable, especially when they are wet, muddy or snowy. If the school buses don't get through, the kids simply cannot get to school.

These children are literally being left behind.

Because of the vast size of the Navajo reservation, the cost of maintaining the county roads used by the school buses is more than the counties can bear without federal assistance. I believe it is essential that the Federal Government help these counties deal with this one-of-a-kind situation.

In response to this unique situation, in 1998 Congress began providing direct annual funding to the counties that contain the Navajo reservation to help ensure that children on the reservation can get to and from their public schools. The funding was included at my request in section 1214(d) of TEA-21. Under this provision, $1.5 million was made available each year to be shared equally among the three States. The funding is provided directly to the counties in Arizona, New Mexico, and Utah that contain the Navajo reservation. I want to be very clear: these Federal funds can be used only on roads that are located within or that lead to the reservation, that are on the State or county maintenance system, and that are used by school buses.

This program has been very successful. For the last six years, the counties have used the annual funding to help maintain the routes used by school buses to carry children to school and to Headstart programs. I had an opportunity in 1998 to see first hand the importance of this funding when I rode in a school bus over some of the roads that are maintained using funds from this program.

The bill I am introducing today provides a simple 6-year reauthorization of that program, for fiscal years 2005 through 2010, with a modest increase in the annual funding to allow for inflation and for additional roads to be maintained in each of the three States. The text of the bill is identical to that passed last year by the full Senate in H.R. 3550, the SAFETEA bill.

I believe that continuing this program for six more years is fully justified because of the vast area of the Navajo reservation—by far the Nation's largest—and the unique nature of this need that only the Federal Government can deal with effectively.

I don't believe any child wanting to get to and from school should have to risk or tolerate unsafe roads. Kids today, particularly in rural and remote areas, face enough barriers to getting a good education. The Senate already passed this legislation last year. I ask all Senators to join me again this year in assuring that Navajo schoolchildren at least have a chance to get to school safely and get an education.

I am pleased that Congressmen TOM UDALL of New Mexcio, RICK RENZI of Arizona, and JAMES DAVID MATHESON of Utah are introducing a companion bill today in the House. I look forward to working with them this year and with the Chairman of the Environment and Public Works Committee, Senator

INHOFE, and Senator JEFFORDS, the ranking member, to incorporate this legislation once again into the comprehensive 6-year reauthorization of the surface transportation bill.

I ask unanimous consent that text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 168

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Indian School Bus Route Safety Reauthorization Act of 2005".

SEC. 2. REAUTHORIZATION OF ADDITIONAL CONTRACT AUTHORITY FOR STATES WITH INDIAN RESERVATIONS.

Section 1214(d)(5)(A) of the Transportation Equity Act for the 21st Century (23 U.S.C. 202 note; 112 Stat. 206) is amended by striking "$1,500,000 for each of fiscal years 1998 through 2003" and inserting "$1,800,000 for each of fiscal years 2005 through 2010".

By Mr. BINGAMAN (for himself, Mr. ROBERTS, and Mr. INHOFE):

S. 169. A bill to amend the Intermodal Surface Transportation Efficiency Act of 1991 to identify a route that passes through the States of Texas, New Mexico, Oklahoma, and Kansas as a high priority corridor on the National Highway System; to the Committee on Environment and Public Works.

Mr. BINGAMAN. Mr. President, I rise today to introduce legislation that will enhance the future economic vitality of communities in Otero, Lincoln, Torrance, Guadalupe, and Quay Counties. The purpose of this legislation is to focus attention on the need to upgrade U.S. Highway 54 to four lanes. I believe improving the transportation infrastructure will help attract good jobs to South, Central, and Eastern New Mexico.

I am honored to have my good friend and colleague, Senator ROBERTS, as the lead cosponsor of the bill. I am also pleased to have Senators INHOFE as an original cosponsor. In addition, Representatives UDALL (NM), LUCAS, and PEARCE are introducing this bill today on the House side.

Our bill designates U.S. Highway 54 from the border with Mexico at the Bridge of the Americas in El Paso, TX, through New Mexico, and Oklahoma to Wichita, KS, as the Southwest Passage Initiative for Regional and Interstate Transportation, or SPIRIT, corridor. Congress has already included Highway 54 as part of the National Highway System. This bill adds the SPIRIT Corridor to Congress's list of High Priority Corridors on the National Highway System.

About half of the 700-mile-long SPIRIT corridor is in New Mexico and another 200 miles of it are in Kansas. Our goal in asking Congress to designate SPIRIT as a High Priority Corridor on the National Highway System is to help focus attention on the need for a complete four-lane upgrade of the route from El Paso to Wichita. When completed, the route will link rural areas in the four States to major market centers.

I continue to believe strongly in the importance of highway infrastructure for economic development in my state. Even in this age of the new economy and high-speed digital communications, roads continue to link our communities together and to carry the commercial goods and products our citizens need. Safe and efficient highways are especially important to citizens in the rural parts of New Mexico.

It is well known that regions with four-lane highways more readily attract out-of-state visitors and new jobs. Truck drivers and the traveling public prefer the safety of a four-lane divided highway.

In New Mexico, U.S. 54 is a fairly level route, bypassing New Mexico's major mountain ranges. The route also traverses some of New Mexico's most dramatic scenery, including three of the state's popular Scenic Byways. One is the Mesalands Scenic Byway in Guadalupe, San Miguel and Quay Counties, incorporating the beautiful tablelands known as El Llano Estacado. Another is the State's newest byway, La Frontera de Llano, which follows highway 39 from Logan to Abbott in Harding County, including the spectacular Canadian River Canyon and the Kiowa National Grasslands. The third byway is the historic Route 66, which crosses Highway 54 from Santa Rosa to Tucumcari.

The SPIRIT corridor passes through Alamogordo, home of the New Mexico Museum of Space History and gateway to the stunning White Sands National Monument.

Highway 54 is also important to our Nation from the perspective of national security. The route directly serves Fort Bliss, the White Sands Missile Range, and Holloman Air Force Base. It also passes through the Nation's breadbasket as well as some of the Nation's most important oil and gas fields.

The route of the SPIRIT corridor starts at Juarez, Chihuahua, Mexico, home of one the largest concentrations of manufacturing in the border region. As a result of increased trade under NAFTA, commercial border traffic is now much higher at the border crossings in El Paso, Texas, and Santa Teresa, New Mexico. In New Mexico, truck traffic from the border has risen to over 1000 per day and is expected to triple in the next twenty years.

The SPIRIT corridor is perfectly situated to serve international trade and promote economic development along its entire route. The route provides direct connections to four major Interstate Highways: I–10, I–35, I–40, and I–70. SPIRIT is also the shortest route between Chicago and El Paso shaving 137 miles off the major alternative.

Though much of U.S. 54 is currently only two lanes, traffic has been rising dramatically along the entire route since NAFTA was implemented. In New Mexico, total daily traffic levels are nearing 10,000 and are projected to rise to 30,000, with trucks making up 35 percent of the total. In Oklahoma, traffic levels are up to 6,500 per day—40 percent of which are commercial trucks. These traffic statistics clearly reflect the SPIRIT corridor's attraction to commercial and passenger drivers.

New Mexicans recognize the importance of efficient roads to economic development and safety. I have long supported my State's efforts to complete the four-lane upgrade of U.S. 54. The State Department of Transportation rates the project a high priority for New Mexico. The four-lane upgrade of the first 56-mile segment from the Texas border to Alamogordo was completed in 2002. Two more sections in New Mexico remain to be upgraded: 163 miles from Tularosa, north through Carrizozo, Corona, and Vaughn, to Santa Rosa and 50 miles from Tucumcari to the Texas border near Nara Visa in Quay County. This corridor is currently a two-lane facility with no shoulders, no passing zones and various deficient areas. The cost to four-lane these two segments is estimated at $420 million.

I am pleased Governor Richardson has set aside over $130 million as part of the New Mexico's GRIP initiative to upgrade key portions of the route between Tularosa and Santa Rosa. I am committed to working with State to secure the funding required to complete New Mexico's four-lane upgrade as soon as possible. I am pleased the other states are also moving quickly to four-lane their portion of the route.

Once the SPIRIT corridor is designated, New Mexico will have four high-priority corridors on the National Highway System. The other three are the Ports-to-Plains corridor, the Camino Real Corridor, and the East West Transamerica Corridor. These four trade corridors, as well as our close proximity to the border, strongly underscore the vital role New Mexico plays in our Nation's interstate and international transportation network.

The SPIRIT project has broad grassroots support. Most of the cities, counties, and chambers of commerce all the way from Wichita to El Paso have passed resolutions of support for the four-lane upgrade of U.S. 54 along the entire corridor.

I do believe the four-lane upgrade of Highway 54 is vital to the continued economic development for all of the communities along the SPIRIT corridor in New Mexico. I again thank

Senators ROBERTS and INHOFE for cosponsoring the bill, and I hope all senators will join us in support of this important legislation. It is my hope that our bill can pass quickly this year or be included when the Senate again considers the reauthorization of a six-year surface transportation bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 169

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SOUTHWEST PASSAGE INITIATIVE FOR REGIONAL AND INTERSTATE TRANSPORTATION.

Section 1105(c) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032) is amended by adding at the end the following:

"(46) The corridor extending from the point on the border between the United States and Mexico at El Paso, Texas, where United States Route 54 begins, along United States Route 54 through the States of Texas, New Mexico, Oklahoma, and Kansas, and ending in Wichita, Kansas, to be known as the 'Southwest Passage Initiative for Regional and Interstate Transportation Corridor' or 'SPIRIT Corridor'.".

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 170. A bill to clarify the definition of rural airports; to the Committee on Finance.

By Ms. MURKOWSKI (for herself, Mr. STEVENS, and Mrs. MURRAY):

S. 171. A bill to exempt seaplanes from certain transportation taxes; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise today to introduce two related pieces of legislation addressing inequities that affect seaplane operators and passengers in rural areas. Both of these were included in S. 1072 when it passed the Senate last year, but because that business remains unfinished, it is necessary to reintroduce them.

The first of these—on which Senator STEVENS is joining me as a cosponsor, is a modification to the definition of a "rural airport." The law adopted in 1997 provides for a per-passenger fee—now $3.20—on each domestic flight segment. Rural airports were exempted from the tax on the grounds it was intended to cover increased security costs for airports handling large aircraft and international flights. The law defines a rural airport as one which—for a given calendar year—has fewer than 100,000 departures in the second preceding calendar year, and which either received essential air service subsidies as of August 5, 1997, or is more than 75 miles from a larger airport.

The latter provision is a significant problem in my State. It was intended to reflect the fact that 75 miles is not really a long way to drive to and from an airport. Unfortunately, that assumes there is a road to drive on. That's not always the case. My State has a number of small community airports that are within 75 miles of a larger airport, but where there are no roads connecting the two. Thus, passengers cannot choose to drive to the larger airport. In order to fly to their ultimate destination, they are forced to fly from their village to the larger airport, where the passenger tax is legitimately collected. The bottom line is that these rural residents are unfairly taxed at least twice as much as all the other passengers leaving from the larger airport.

My bill simply adds this one additional unique criterion to the definition of a rural airport—that it may include a small airport that is within 75 miles from a larger one, but where there is no road connection between the two.

The second bill I am introducing today—along with Senator STEVENS and Senator MURRAY—is also intended to correct an inequity. Air passenger transportation is subject to a 7.5 percent excise tax in addition to the $3.20 per-segment fee. This generates revenue that goes toward the maintenance and improvements of airports receiving Airport Improvement Program (AIP) funding. However, in several cases in Alaska, and in at least one case in the State of Washington, the taxes are imposed on seaplane operators who land on and take off from open waters, not from facilities using AIP funds, and which rarely if ever make use of FAA communication and navigation systems. It should be a fundamental tenet that those who do not receive a service should not be required to pay for it. That is exactly the basis for my second bill.

Both these proposals have been in circulation for several years. Each of them has been estimated by the Joint Committee on Taxation to have negligible impacts on revenue—less than $2 million per year for the rural airport definition and less than $1 million for the excise tax. In that connection, it should also be noted that even if the excise tax for seaplane operators is eliminated, they will still be paying their fair share because they will automatically begin paying higher fuel taxes. The latter will go up from 4.4 cents per gallon to 19.4 cents per gallon for aviation gasoline and to 21.9 cents per gallon for jet fuel.

I encourage my colleagues' support of these two important measures.

I ask unanimous consent that the text of both measures be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 170

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RURAL AIRPORTS.

(a) IN GENERAL.—Clause (ii) of section 4261(e)(1)(B) of the Internal Revenue Code of 1986 (defining rural airport) is amended—

(1) by striking "or" at the end of subclause (I),

(2) by striking the period at the end of subclause (II) and inserting ", or", and

(3) by adding at the end the following:

"(III) is not connected by paved roads to another airport.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2004.

S. 171

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FROM TAX FOR TRANSPORTATION PROVIDED BY SEAPLANES.

(a) IN GENERAL.—Section 4261 of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended by redesignating subsection (i) as subsection (j) and by inserting after subsection (h) the following new subsection:

"(i) EXEMPTION FOR TRANSPORTATION PROVIDED BY SEAPLANES.—No tax shall be imposed by this section or section 4271 on any air transportation by a seaplane with respect to any segment consisting of a takeoff from, and a landing on, water.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2004.

By Mr. DEWINE (for himself and Mr. KENNEDY):

S. 172. A bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 172

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

Congress finds as follows:

(1) All contact lenses have significant effects on the eye and pose serious potential health risks if improperly manufactured or used without appropriate involvement of a qualified eye care professional.

(2) Most contact lenses currently marketed in the United States, including certain plano and decorative contact lenses, have been approved as medical devices pursuant to premarket approval applications or cleared pursuant to premarket notifications by the Food and Drug Administration ("FDA").

(3) FDA has asserted medical device jurisdiction over most corrective and noncorrective contact lenses as medical devices currently marketed in the United States, including certain plano and decorative contact lenses, so as to require approval pursuant to premarket approval applications or clearance pursuant to premarket notifications.

(4) All contact lenses can present risks if used without the supervision of a qualified eye care professional. Eye injuries in children and other consumers have been reported for contact lenses that are regulated by FDA as medical devices primarily when used without professional involvement, and noncorrective contact lenses sold without approval or clearance as medical devices have caused eye injuries in children.

SEC. 2. REGULATION OF CERTAIN ARTICLES AS MEDICAL DEVICES.

Section 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360j) is amended by adding at the end the following:

"REGULATION OF CONTACT LENS AS DEVICES

"(n)(1) All contact lenses shall be deemed to be devices under section 201(h).

"(2) Paragraph 1 shall not be construed as having any legal effect on any article that is not described in that paragraph.".

By Mr. DEWINE (for himself and Mr. DURBIN):

S. 173. A bill to amend title XVIII of the Social Security Act to provide adequate coverage for immunosuppressive drugs furnished to beneficiaries under the Medicare program that have received an organ transplant; to the Committee on Finance.

Mr. DEWINE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 173

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005".

SEC. 2. COMPREHENSIVE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM.

(a) IN GENERAL.—Section 1861(s)(2)(J) of the Social Security Act (42 U.S.C. 1395x(s)(2)(J)) is amended by striking ", to an individual who receives" and all that follows before the semicolon at the end and inserting "to an individual who has received an organ transplant".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 3. PROVISION OF APPROPRIATE COVERAGE OF IMMUNOSUPPRESSIVE DRUGS UNDER THE MEDICARE PROGRAM FOR ORGAN TRANSPLANT RECIPIENTS.

(a) CONTINUED ENTITLEMENT TO IMMUNOSUPPRESSIVE DRUGS.—

(1) KIDNEY TRANSPLANT RECIPIENTS.—Section 226A(b)(2) of the Social Security Act (42 U.S.C. 426-1(b)(2)) is amended by inserting "(except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))" after "shall end".

(2) OTHER TRANSPLANT RECIPIENTS.—The flush matter following paragraph (2)(C)(ii)(II) of section 226(b) of the Social Security Act (42 U.S.C. 426(b)) is amended by striking "of this subsection)" and inserting "of this subsection and except for coverage of immunosuppressive drugs under section 1861(s)(2)(J))".

(3) APPLICATION.—Section 1836 of the Social Security Act (42 U.S.C. 1395o) is amended—

(A) by striking "Every individual who" and inserting "(a) IN GENERAL.—Every individual who"; and

(B) by adding at the end the following new subsection:

"(b) SPECIAL RULES APPLICABLE TO INDIVIDUALS ONLY ELIGIBLE FOR COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.—

"(1) IN GENERAL.—In the case of an individual whose eligibility for benefits under this title has ended except for the coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2), the following rules shall apply:

"(A) The individual shall be deemed to be enrolled under this part for purposes of receiving coverage of such drugs.

"(B) The individual shall be responsible for the full amount of the premium under section 1839 in order to receive such coverage.

"(C) The provision of such drugs shall be subject to the application of—

"(i) the deductible under section 1833(b); and

"(ii) the coinsurance amount applicable for such drugs (as determined under this part).

"(D) If the individual is an inpatient of a hospital or other entity, the individual is entitled to receive coverage of such drugs under this part.

"(2) ESTABLISHMENT OF PROCEDURES IN ORDER TO IMPLEMENT COVERAGE.—The Secretary shall establish procedures for—

"(A) identifying beneficiaries that are entitled to coverage of immunosuppressive drugs by reason of section 226(b) or 226A(b)(2); and

"(B) distinguishing such beneficiaries from beneficiaries that are enrolled under this part for the complete package of benefits under this part.".

(4) TECHNICAL AMENDMENT.—Subsection (c) of section 226A of the Social Security Act (42 U.S.C. 426–1), as added by section 201(a)(3)(D)(ii) of the Social Security Independence and Program Improvements Act of 1994 (Public Law 103–296; 108 Stat. 1497), is redesignated as subsection (d).

(b) EXTENSION OF SECONDARY PAYER REQUIREMENTS FOR ESRD BENEFICIARIES.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended by adding at the end the following new sentence: "With regard to immunosuppressive drugs furnished on or after the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, this subparagraph shall be applied without regard to any time limitation.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to drugs furnished on or after the date of enactment of this Act.

SEC. 4. PLANS REQUIRED TO MAINTAIN COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

(a) APPLICATION TO CERTAIN HEALTH INSURANCE COVERAGE.—

(1) IN GENERAL.—Subpart 2 of part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-4 et seq.) is amended by adding at the end the following:

"SEC. 2707. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.".

(2) CONFORMING AMENDMENT.—Section 2721(b)(2)(A) of the Public Health Service Act (42 U.S.C. 300gg-21(b)(2)(A)) is amended by inserting "(other than section 2707)" after "requirements of such subparts".

(b) APPLICATION TO GROUP HEALTH PLANS AND GROUP HEALTH INSURANCE COVERAGE UNDER THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974.—

(1) IN GENERAL.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following new section:

"SEC. 714. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

"A group health plan (and a health insurance issuer offering health insurance coverage in connection with a group health plan) shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan or issuer on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.".

(2) CONFORMING AMENDMENTS.—

(A) Section 732(a) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191(a)) is amended by striking "section 711" and inserting "sections 711 and 714".

(B) The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 is amended by inserting after the item relating to section 713 the following new item:

"Sec. 714. Coverage of immunosuppressive drugs".

(c) APPLICATION TO GROUP HEALTH PLANS UNDER THE INTERNAL REVENUE CODE OF 1986.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended—

(1) in the table of sections, by inserting after the item relating to section 9812 the following new item:

"Sec. 9813. Coverage of immunosuppressive drugs";

and

(2) by inserting after section 9812 the following:

"SEC. 9813. COVERAGE OF IMMUNOSUPPRESSIVE DRUGS.

"A group health plan shall provide coverage of immunosuppressive drugs that is at least as comprehensive as the coverage provided by such plan on the day before the date of enactment of the Comprehensive Immunosuppressive Drug Coverage for Transplant Patients Act of 2005, and such requirement shall be deemed to be incorporated into this section.".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning on or after January 1, 2006.

By Mr. DEWINE (for himself, Mr. DODD, and Mrs. MURRAY):

S. 174. A bill to improve the palliative and end-of-life care provided to children with life-threatening conditions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I would like to discuss a bill Senator DODD and I are introducing today. This is a bill about children, and it covers an issue that is difficult to think about or talk about, but one that is critical to many children and their families in our Nation.

What I am talking about is what we can do when a child develops a life-threatening or terminal illness. How do we make sure we do everything in our power to make a sick child as comfortable as possible and as happy as possible—everything in our power to ease their suffering—when that child is terminally ill. We have a pressing need for comprehensive, compassionate, continuous care for children who are facing death as a result of serious illness.

No parent or family member ever expects a child to die. With today's modern medicine and research advances, it is easy to think that only older people die, but, tragically, we all know that is not the case. That is why today we are introducing the Compassionate Care for Children Act, a bill we introduced previously in the 108th Congress along with Representative DEBORAH PRYCE in the House. This legislation is an effort to help ensure that very sick children receive a continuum of care and that young lives do not end in preventable pain or fear or sadness.

Every year, over 55,000 children die in the United States. Some children will die suddenly and unexpectedly—in a car accident, by drowning, or fire, or by choking. Some may even be murdered. Others, though—thousands of children, actually—will be diagnosed with life-threatening illnesses or diseases that might eventually, over a period of time, take away these children's lives. Children with such illnesses are in and out of hospitals and clinics. They receive chemotherapy and radiation treatments. They might undergo multiple surgeries. They might have nurses and doctors poking and prodding at them nearly all the time. Some of these children are old enough to realize that they might die if the treatments for their diseases don't work. Others are too young to understand that reality.

One little girl—Liza—knew she was going to die. Shortly after her fourth birthday, she was diagnosed with a form of leukemia. For the next year, Liza's parents explored every possible medical option for her and every possible treatment. They took her to doctor after doctor after doctor, and they had access to the most cutting-edge therapies available to treat Liza's disease. Nothing seemed to work. At the age of five, Liza began to ask her mother what would come next, and whether she would soon die after her bone marrow transplant—her last chance for a cure—had failed.

Once the medical treatments had failed, doctors had little else to offer Liza. There was no discussion, tragically, about end-of-life care at the hospital for this little child. No one wanted to admit that they were out of treatment options—that there was no cure—that she wasn't going to get better, have her life restored and her health restored—that she wasn't going to grow up and become an adult and have her own children someday. There was no discussion of that. No one in that hospital wanted to talk with Liza about death, even though this little girl pleaded with them to do so.

Liza's mother told the Washington Post that Liza asked her oncologist to tell her when death was near. This little five-year-old girl asked her doctor to tell her when she was going to die. Yet, on the final night of her life, as this little child lay dying in her mother's arms, near her father and her older sister, Liza asked, "Why didn't the doctor call to tell me?"

Liza's parents were able to get some hospice care for their daughter during the last three months of her life. Tragically, fewer than 10 percent of children who die in the United States ever receive any sort of hospice care. When children like Liza are terminally ill, parents are forced to make decisions for their children under extremely emotional and stressful conditions. The decisions that confront these parents are ones that they never, of course, expected to have to make. Parents want what is best for their children. They want their children to get better and be healthy. They want their children to be pain free. They want their children to receive comfort and care when they are sick.

God forbid that parents find out their children are very sick—so sick they are never going to get better—so sick there are no more treatments and no more cures—and so sick they know their children are going to die. Those parents will try to do everything imaginable and everything possible in their power to help their children and make them comfortable—pain-free and happy in their remaining days.

Mr. President, we have an obligation to help those parents. Children with life-threatening diseases and illnesses require special medical attention to make their shortened lives more comfortable. We know that. Yet, despite that knowledge, the fact is, current federal law and regulations do not take into consideration the special care needs of a gravely ill or dying child. In fact, these federal laws and regulations get in the way of taking care of these children.

The legislation we are introducing today would help correct the deficiencies in current law and help sick children facing possible death live more comfortably and live with dignity. It would help them receive the comprehensive care they deserve and the comprehensive care we would expect for our own children.

Let me take a few moments to explain what our bill actually does. First, it offers grants so doctors and nurses can receive training and education to enable them to better understand these issues and to help them provide end-of-life care for these kids. The goal of these grants is to improve the quality of care terminally ill children receive. One of the ways we do this is to make sure doctors and nurses truly understand these issues so they can provide the care and be better informed. Our bill also provides money for the National Institutes of Health to conduct research in pain and symptom management in children. This research is critically important to improving the type of care that dying children receive.

An article in the New England Journal of Medicine stated that 89 percent of children dying of cancer die experiencing "a lot or a great deal" of pain and suffering. This does not have to happen. We can change that, and we must. This is simply not acceptable. Research has to be done so that children will not suffer needlessly.

In addition to grants, the second piece of our bill changes the way care is delivered to children with life-threatening illnesses. Right now, doctors, hospitals, and parents have to overcome significant insurance and eligibility barriers to enroll a dying child in hospice. First, to qualify for hospice, a doctor must certify that a child has six months or less to live. The problem with this "six-month rule" is that it is harder for a doctor to determine the life expectancy of a sick child than it is to determine the life expectancy of a sick adult or elderly person. A child dying of cancer, for example, may die in six months or six years, making that child ineligible for hospice care that would ensure a comfortable life while that child is alive. It is very difficult many times to estimate how long that child is going to live. This very rigid six-month predictability rule, which denies care, is very inhumane for these kids. It is wrong, and we have to change that rule.

According to Dr. Joanne Hilden and Dr. Dan Tobin, "Sick children are still growing, which is a biological process very much like healing. So, when a child is diagnosed with illness, such as cancer or heart disease, he or she is much more likely to be cured than an adult." Simply put, diseases progress differently in children than adults, and children with terminal diseases get lost in the health care system designed for adults—a health care system that does not take into consideration the special needs of children.

Furthermore, the current system does not allow a patient to receive curative and palliative care simultaneously. In other words, current law does not allow doctors to continue trying life-prolonging treatments—treatments that could cure an illness or extend a life—and also at the same time provide palliative care to that patient. That means that current law does not allow the doctors to go in to provide typical hospice care where you make that child comfortable and do all the things to alleviate the pain and at the same time try to save the child's life.

That is wrong. That is simply wrong. That presents a parent with a horrible choice—a choice that no parent should ever have to make. That is tragic. Palliative care offers a continuum of care—care that involves counseling to families and patients about how to confront death—care that involves making the patient comfortable in his or her sickest hours—care that acknowledges that death is a real possibility.

Federal law requires a person who wishes to receive end-of-life care to discontinue receiving curative or life-prolonging treatment. This should not be an either/or decision for parents. I don't know of any parent who would give up trying to cure a sick child when there was any chance that child might be saved. They should not be put in this position.

Current law places parents in impossible positions. We simply must fix this. End-of-life care should be integrated with curative care so that parents, children, and doctors have access to a range of benefits and services. As I said earlier, palliative care should not be confined to the dying. It should be available to any child who is seriously ill.

That is why our bill creates Medicare and private market demonstration programs to remove these barriers, making it simpler and easier for doctors and parents to make end-of-life decisions for children. The demonstration program would allow children to receive curative and palliative care concurrently. This means children can continue to receive treatment and life-prolonging care while receiving palliative care at the same time. The demonstration program also removes the six-month rule so children can receive palliative care benefits at the time of diagnosis.

I would like to take a moment to tell my colleagues about another girl—Rachel Ann. Rachel Ann was a little girl who did receive palliative care from the time she was diagnosed with a grave heart problem. Rachel Ann had a heart that doctors describe as "incompatible with life." Most babies with heart malformations like Rachel Ann die within a matter of days after birth. Rachel Ann's parents were devastated and distraught to see their tiny baby connected to a sea of wire and tubes, clinging to life.

Rachel Ann's parents were referred to a pediatric hospice and decided to bring their daughter home from the hospital so she could experience life with her family, surrounded by parents, brothers, relatives, and friends at home. Rachel Ann's parents say she seemed truly happy at home. She smiled and wiggled in response to voices and being held. Her brothers doted on their baby sister.

Rachel Ann was able to spend her life at home in comfort with her family. She lived for 42 days and her family was able to make every single moment count. On Christmas day, after spending the morning with her family, Rachel Ann passed away.

Fortunately, Rachel Ann and her family were able to spend as much time together as possible with Rachel Ann as comfortable as possible. Her brothers were able to know their sister and to talk with hospice professionals about what was happening to her. Rachel Ann's parents and grandparents also were able to talk about her condition with hospice professionals and maintained an active role in her care. There was a support system in place for this family.

The terminal illness of a child is an incredibly difficult thing to confront for a parent and family. No one wants to think about children dying. No one wants to believe that children suffer, especially in this age of great medical advances. It is a horrible situation. But, it is one that we must face. We can always do more to improve the care that our children receive. We should continue to support research and finding cures for the diseases and illnesses from which children suffer. But, until those cures are found, and as long as children die from these diseases, we must provide care and support for a dying child. We have an obligation to provide that care and that support.

The bill we are introducing today will be an important step in this direction. It will provide tools and support networks to help grieving families in their time of need. It is the right thing to do, and I encourage my colleagues to join us in co-sponsoring this important piece of legislation.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 174

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) Short Title.—This Act may be cited as the "Children's Compassionate Care Act of 2005".

(b) Table of Contents.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

Sec. 101. Education and training
Sec. 102. Grants to expand pediatric palliative care
Sec. 103. Health professions fellowships and residency grants
Sec. 104. Model program grants
Sec. 105. Research

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

Sec. 201. Medicare pediatric palliative care demonstration projects
Sec. 202. Private sector pediatric palliative care demonstration projects
Sec. 203. Authorization of appropriations

TITLE I—GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE SERVICES AND RESEARCH

SEC. 101. EDUCATION AND TRAINING.

Subpart 2 of part E of title VII of the Public Health Service Act (42 U.S.C. 295 et seq.) is amended—

(1) in section 770(a) by inserting "except for section 771," after "carrying out this subpart"; and

(2) by adding at the end the following:

"SEC. 771. PEDIATRIC PALLIATIVE CARE SERVICES EDUCATION AND TRAINING.

"(a) Establishment.—The Secretary may award grants to eligible entities to provide training in pediatric palliative care and related services.

"(b) Eligible Entity Defined.—

"(1) In general.—In this section the term 'eligible entity' means a health care provider that is affiliated with an academic institution, that is providing comprehensive pediatric palliative care services, alone or through an arrangement with another entity, and that has demonstrated experience in providing training and consultative services in pediatric palliative care including—

"(A) children's hospitals or other hospitals or medical centers with significant capacity in caring for children with life-threatening conditions;

"(B) pediatric hospices or hospices with significant pediatric palliative care programs;

"(C) home health agencies with a demonstrated capacity to serve children with life-threatening conditions and that provide pediatric palliative care; and

"(D) any other entity that the Secretary determines is appropriate.

"(2) Life-threatening condition defined.—In this subsection, the term 'life-threatening condition' has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

"(c) Authorized Activities.—Grant funds awarded under subsection (a) shall be used to—

"(1) provide short-term training and education programs in pediatric palliative care for the range of interdisciplinary health professionals and others providing such care;

"(2) provide consultative services and guidance to health care providers that are developing and building comprehensive pediatric palliative care programs;

"(3) develop regional information outreach and other resources to assist clinicians and families in local and outlying communities and rural areas;

"(4) develop or evaluate current curricula and educational materials being used in providing such education and guidance relating to pediatric palliative care;

"(5) facilitate the development, assessment, and implementation of clinical practice guidelines and institutional protocols and procedures for pediatric palliative, end-of-life, and bereavement care; and

"(6) assure that families of children with life-threatening conditions are an integral part of these processes.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.".

SEC. 102. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.) is amended by adding at the end the following:

"SEC. 399Z–1. GRANTS TO EXPAND PEDIATRIC PALLIATIVE CARE.

"(a) ESTABLISHMENT.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may award grants to eligible entities to implement or expand pediatric palliative care programs for children with life-threatening conditions.

"(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) children's hospitals or other hospitals with a capacity and ability to care for children with life-threatening conditions;

"(2) hospices with a demonstrated capacity and ability to care for children with life-threatening conditions and their families; and

"(3) home health agencies with—

"(A) a demonstrated capacity and ability to care for children with life-threatening conditions; and

"(B) expertise in providing palliative care.

"(c) AUTHORIZED ACTIVITIES.—Grant funds awarded under subsection (a) shall be used to—

"(1) create new pediatric palliative care programs;

"(2) start or expand needed additional care settings, such as respite, hospice, inpatient day services, or other care settings to provide a continuum of care across inpatient, home, and community-based settings;

"(3) expand comprehensive pediatric palliative care services, including care coordination services, to greater numbers of children and broader service areas, including regional and rural outreach; and

"(4) support communication linkages and care coordination, telemedicine and teleconferencing, and measures to improve patient safety.

"(d) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for each of fiscal years 2006 through 2010.".

SEC. 103. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

Part A of title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) is amended by adding at the end the following:

"SEC. 404H. PEDIATRIC PALLIATIVE CARE TRAINING AND RESIDENCY GRANTS.

"(a) ESTABLISHMENT.—The Director of the National Institutes of Health is authorized to award training grants to eligible entities to expand the number of physicians, nurses, mental health professionals, and appropriate allied health professionals and specialists (as determined by the Secretary) with pediatric palliative clinical training and research experience.

"(b) ELIGIBLE ENTITY DEFINED.—In this section, the term 'eligible entity' means—

"(1) a pediatric department of a medical school and other related departments including—

"(A) oncology;

"(B) virology;

"(C) neurology; and

"(D) psychiatry;

"(2) a school of nursing;

"(3) a school of psychology and social work; and

"(4) a children's hospital or other hospital with a significant number of pediatric patients with life-threatening conditions.

"(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Director at such time, in such manner, and containing such information as the Director may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.".

SEC. 104. MODEL PROGRAM GRANTS.

Part Q of title III of the Public Health Service Act (42 U.S.C. 280h et seq.), as amended by section 102, is further amended by adding at the end the following:

"SEC. 399Z–2. MODEL PROGRAM GRANTS.

"(a) ESTABLISHMENT.—The Secretary may award grants to eligible entities to enhance pediatric palliative care and care for children with life-threatening conditions in general pediatric or family practice residency training programs through the development of model programs.

"(b) ELIGIBLE ENTITY DEFINED.—In this section the term 'eligible entity' means a pediatric department of—

"(1) a medical school;

"(2) a children's hospital; or

"(3) any other hospital with a general pediatric or family practice residency program that serves a significant number of pediatric patients with life-threatening conditions.

"(c) APPLICATION.—Each eligible entity desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and containing such information as the Administrator may require.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2006 through 2010.".

SEC. 105. RESEARCH.

(a) PAIN AND SYMPTOM MANAGEMENT.—The Director of the National Institutes of Health (in this section referred to as the "Director") shall provide translational research grants to fund research in pediatric pain and symptom management that will utilize existing facilities of the National Institutes of Health including—

(1) pediatric pharmacological research units;

(2) the general clinical research centers; and

(3) other centers providing infrastructure for patient oriented research.

(b) ELIGIBLE ENTITIES.—In carrying out subsection (a), the Director may award grants for the conduct of research to—

(1) children's hospitals or other hospitals serving a significant number of children with life-threatening conditions;

(2) pediatric departments of medical schools;

(3) institutions currently participating in National Institutes of Health network of pediatric pharmacological research units; and

(4) hospices with pediatric palliative care programs and academic affiliations.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000, to remain available until expended.

TITLE II—PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS

SEC. 201. MEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) CARE COORDINATION SERVICES.—The term "care coordination services" means services that provide for the coordination of, and assistance with, referral for medical and other services, including multidisciplinary care conferences, coordination with other providers involved in care of the eligible child, patient and family caregiver education and counseling, and such other services as the Secretary determines to be appropriate in order to facilitate the coordination and continuity of care furnished to an individual.

(2) DEMONSTRATION PROJECT.—The term "demonstration project" means a demonstration project established by the Secretary under subsection (b)(1).

(3) ELIGIBLE CHILD.—The term "eligible child" means an individual with a life-threatening condition who is entitled to benefits under part A of the medicare program and who is under 18 years of age.

(4) ELIGIBLE PROVIDER.—The term "eligible provider" means—

(A) a pediatric palliative care program that is a public agency or private organization (or a subdivision thereof) which—

(i)(I) is primarily engaged in providing the care and services described in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395(dd)(1)) and makes such services available (as needed) on a 24-hour basis and which also provides counseling (including bereavement counseling) for the immediate family of eligible children;

(II) provides for such care and services in eligible children's homes, on an outpatient basis, and on a short-term inpatient basis, directly or under arrangements made by the agency or organization, except that—

(aa) the agency or organization must routinely provide directly substantially all of each of the services described in subparagraphs (A), (C), and (H) of such section 1861(dd)(1);

(bb) in the case of other services described in such section 1861(dd)(1) which are not provided directly by the agency or organization, the agency or organization must maintain professional management responsibility for all such services furnished to an eligible child, regardless of the location or facility in which such services are furnished; and

(III)(aa) identifies medical, community, and social service needs;

(bb) simplifies access to service;

(cc) uses the full range of community resources, including the friends and family of the eligible child; and

(dd) provides educational opportunities relating to health care; and

(ii) has an interdisciplinary group of personnel which—

(I) includes at least—

(aa) 1 physician (as defined in section 1861(r)(1) of the Social Security Act (42 U.S.C. 1395x(r)(1)));

(bb) 1 registered professional nurse; and

(cc) 1 social worker;

employed by or, in the case of a physician described in item (aa), under contract with the agency or organization, and also includes at least 1 pastoral or other counselor;

(II) provides (or supervises the provision of) the care and services described in such section 1861(dd)(1); and

(III) establishes the policies governing the provision of such care and services;

(iii) maintains central clinical records on all patients;

(iv) does not discontinue the palliative care it provides with respect to an eligible child because of the inability of the eligible child to pay for such care;

(v)(I) uses volunteers in its provision of care and services in accordance with standards set by the Secretary, which standards shall ensure a continuing level of effort to use such volunteers; and

(II) maintains records on the use of these volunteers and the cost savings and expansion of care and services achieved through the use of these volunteers;

(vi) in the case of an agency or organization in any State in which State or applicable local law provides for the licensing of agencies or organizations of this nature, is licensed pursuant to such law;

(vii) seeks to ensure that children and families receive complete, timely, understandable information about diagnosis, prognosis, treatments, and palliative care options;

(viii) ensures that children and families participate in effective and timely prevention, assessment, and treatment of physical and psychological symptoms of distress; and

(ix) meets such other requirements as the Secretary may find necessary in the interest of the health and safety of the eligible children who are provided with palliative care by such agency or organization; and

(B) any other individual or entity with an agreement under section 1866 of the Social Security Act (42 U.S.C. 1395cc) that—

(i) has demonstrated experience in providing interdisciplinary team-based palliative care and care coordination services (as defined in paragraph (1)) to pediatric populations; and

(ii) the Secretary determines is appropriate.

(5) Life-threatening condition.—The term "life-threatening condition" has the meaning given such term by the Secretary (in consultation with hospice programs (as defined in section 1861(dd)(2) of the Social Security Act (42 U.S.C. 1395x(dd)(2))) and academic experts in end-of-life care), except that the Secretary may not limit such term to individuals who are terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(6) Medicare program.—The term "medicare program" means the health benefits program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(7) Secretary.—The term "Secretary" means the Secretary of Health and Human Services.

(b) Pediatric Palliative Care Demonstration Projects.—

(1) Establishment.—The Secretary shall establish demonstration projects in accordance with the provisions of this subsection to provide pediatric palliative care to eligible children.

(2) Participation.—

(A) Eligible providers.—Any eligible provider may furnish items or services covered under the pediatric palliative care benefit.

(B) Eligible children.—The Secretary shall permit any eligible child residing in the service area of an eligible provider participating in a demonstration project to participate in such project on a voluntary basis.

(c) Services Under Demonstration Projects.—

(1) In general.—Except as otherwise provided in this subsection, the provisions of section 1814(i) of the Social Security Act (42 U.S.C. 1395f(i)) shall apply to the payment for pediatric palliative care provided under the demonstration projects in the same manner in which such section applies to the payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) provided under the medicare program.

(2) Coverage of pediatric palliative care.—

(A) In general.—Notwithstanding section 1862(a)(1)(C) of the Social Security Act (42 U.S.C. 1395y(a)(1)(C)), the Secretary shall provide for reimbursement for items and services provided under the pediatric palliative care benefit made available under the demonstration projects in a manner that is consistent with the requirements of subparagraph (B).

(B) Benefit.—Under the pediatric palliative care benefit, the following requirements shall apply:

(i) Waiver of requirement to elect hospice care.—Each eligible child may receive benefits without an election under section 1812(d)(1) of the Social Security Act (42 U.S.C. 1395d(d)(1)) to receive hospice care (as defined in section 1861(dd)(1) of such Act (42 U.S.C. 1395x(dd)(1))) having been made with respect to the eligible child.

(ii) Authorization for curative treatment.—Each eligible child may continue to receive benefits for disease and symptom modifying treatment under the medicare program.

(iii) Provision of care coordination services.—Each eligible child shall receive care coordination services (as defined in subsection (a)(1)) and hospice care (as so defined) through an eligible provider participating in a demonstration project, regardless of whether such individual has been determined to be terminally ill (as defined in section 1861(dd)(3) of the Social Security Act (42 U.S.C. 1395x(dd)(3))).

(iv) Availability of information on pediatric palliative care.—Each eligible child and the family of such child shall receive information and education in order to better understand the utility of pediatric palliative care.

(v) Availability of bereavement counseling.—Each family of an eligible child shall receive bereavement counseling, if appropriate.

(vi) Additional benefits.—Under the demonstration projects, the Secretary may include any other item or service—

(I) for which payment may otherwise be made under the medicare program; and

(II) that is consistent with the recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled "When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families".

(C) Payment.—

(i) Establishment of payment methodology.—The Secretary shall establish a methodology for determining the amount of payment for pediatric palliative care furnished under the demonstration projects that is similar to the methodology for determining the amount of payment for hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42 U.S.C. 1395x(dd)(1))) under section 1814(i) of such Act (42 U.S.C. 1395f(i)), except as provided in the following subclauses:

(I) Amount of payment.—Subject to subclauses (II) and (III), the amount of payment for pediatric palliative care shall be equal to the amount that would be paid for hospice care (as so defined), increased by an appropriate percentage to account for the additional costs of providing bereavement counseling and care coordination services (as defined in subsection (a)(1)).

(II) Waiver of hospice cap.—The limitation under section 1814(i)(2) of the Social Security Act (42 U.S.C. 1395f(i)(2)) shall not apply with respect to pediatric palliative care and amounts paid for pediatric palliative care under this subparagraph shall not be counted against the cap amount described in such section.

(III) Separate payment for counseling services.—Notwithstanding section 1814(i)(1)(A) of the Social Security Act (42 U.S.C. 1395f(i)(1)(A)), the Secretary may pay for bereavement counseling as a separate service.

(ii) Special rules for payment of Medicare+Choice organizations.—The Secretary shall establish procedures under which the Secretary provides for an appropriate adjustment in the monthly payments made under section 1853 of the Social Security Act (42 U.S.C. 1395w–23) to any Medicare+Choice organization that provides health care items or services to an eligible child who is participating in a demonstration project.

(3) Coverage of pediatric palliative care consultation services.—Under the demonstration projects, the Secretary shall provide for a one-time payment on behalf of each eligible child who has not yet elected to participate in the demonstration project for services that are furnished by a physician who is either the medical director or an employee of an eligible provider participating in such a project and that consist of—

(A) an evaluation of the individual's need for pain and symptom management, including the need for pediatric palliative care;

(B) counseling the individual and the family of such individual with respect to the benefits of pediatric palliative care and care options; and

(C) if appropriate, advising the individual and the family of such individual regarding advanced care planning.

(d) Conduct of Demonstration Projects.—

(1) Sites.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) Selection of sites.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible providers; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) Proposals.—The Secretary shall accept proposals to furnish pediatric palliative care under the demonstration projects from any eligible provider at such time, in such manner, and in such form as the Secretary may reasonably require.

(4) Facilitation of evaluation.—The Secretary shall design the demonstration projects to facilitate the evaluation conducted under subsection (e)(1).

(5) Duration.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1 year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) Evaluation and Reports to Congress.—

(1) Evaluation.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects in order—

(A) to determine the short-term and long-term costs and benefits of changing—

(i) hospice care (as defined in section 1861(dd)(1) of the Social Security Act (42

U.S.C. 1395x(dd)(1))) provided under the medicare program to children to include the pediatric palliative care furnished under the demonstration projects; and

(ii) the medicare program to permit eligible children to receive curative and palliative care simultaneously;

(B) to review the implementation of the demonstration projects compared to recommendations contained in the report published in 2003 by the Institute of Medicine of the National Academy of Sciences entitled "When Children Die: Improving Palliative and End-of-Life Care for Children and Their Families";

(C) to determine the quality and duration of palliative care for individuals who receive such care under the demonstration projects who would not be eligible to receive such care under the medicare program;

(D) whether any increase in payments for pediatric palliative care is offset by savings in other parts of the medicare program; and

(E) the projected cost of implementing the demonstration projects on a national basis.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

(f) WAIVER OF MEDICARE REQUIREMENTS.—The Secretary shall waive compliance with such requirements of the medicare program to the extent and for the period the Secretary finds necessary to conduct the demonstration projects.

SEC. 202. PRIVATE SECTOR PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.

(a) DEFINITIONS.—In this section:

(1) DEMONSTRATION PROJECT.—The term "demonstration project" means a demonstration project established by the Secretary under subsection (b)(1).

(2) ELIGIBLE CHILD.—The term "eligible child" means an individual with a life-threatening condition who is—

(A) under 18 years of age;

(B) enrolled for health benefits coverage under an eligible health plan; and

(C) not enrolled under (or entitled to) benefits under a health plan described in paragraph (3)(C).

(3) ELIGIBLE HEALTH PLAN.—

(A) IN GENERAL.—Subject to subparagraphs (B) and (C), the term "eligible health plan" means an individual or group plan that provides, or pays the cost of, medical care (as such term is defined in section 2791 of the Public Health Service Act (42 U.S.C. 300gg-91)).

(B) TYPES OF PLANS INCLUDED.—For purposes of subparagraph (A), the term "eligible health plan" includes the following health plans, and any combination thereof:

(i) A group health plan (as defined in section 2791(a) of the Public Health Service Act (42 U.S.C. 300gg-91(a))), but only if the plan—

(I) has 50 or more participants (as defined in section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1002(7))); or

(II) is administered by an entity other than the employer who established and maintains the plan.

(ii) A health insurance issuer (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg-91(b))).

(iii) A health maintenance organization (as defined in section 2791(b) of the Public Health Service Act (42 U.S.C. 300gg-91(b))).

(iv) A long-term care policy, including a nursing home fixed indemnity policy (unless the Secretary determines that such a policy does not provide sufficiently comprehensive coverage of a benefit so that the policy should be treated as a health plan).

(v) An employee welfare benefit plan or any other arrangement which is established or maintained for the purpose of offering or providing health benefits to the employees of 2 or more employers.

(vi) Health benefits coverage provided under a contract under the Federal employees health benefits program under chapter 89 of title 5, United States Code.

(C) TYPES OF PLANS EXCLUDED.—For purposes of subparagraph (A), the term "eligible health plan" does not include any of the following health plans:

(i) The medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) The medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(iii) A medicare supplemental policy (as defined in section 1882(g)(1) of the Social Security Act (42 U.S.C. 1395ss et seq.).

(iv) The health care program for active military personnel under title 10, United States Code.

(v) The veterans health care program under chapter 17 of title 38, United States Code.

(vi) The Civilian Health and Medical Program of the Uniformed Services (CHAMPUS), as defined in section 1072(4) of title 10, United States Code.

(vii) The Indian health service program under the Indian Health Care Improvement Act (25 U.S.C. 1601 et seq.).

(4) ELIGIBLE ORGANIZATION.—The term "eligible organization" means an organization that provides health benefits coverage under an eligible health plan.

(5) LIFE-THREATENING CONDITION.—The term "life-threatening condition" has the meaning given such term under section 201(a)(4).

(6) PEDIATRIC PALLIATIVE CARE.—The term "pediatric palliative care" means services of the type to be furnished under the demonstration projects under section 201, including care coordination services (as defined in subsection (a)(1) of such section).

(7) PEDIATRIC PALLIATIVE CARE CONSULTATION SERVICES.—The term "pediatric palliative care consultation services" means services of the type described in section 201(c)(3).

(8) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services, acting through the Director of the Agency for Healthcare Research and Quality.

(b) NONMEDICARE PEDIATRIC PALLIATIVE CARE DEMONSTRATION PROJECTS.—

(1) ESTABLISHMENT.—The Secretary shall establish demonstration projects under this section at the same time as the Secretary establishes the demonstration projects under section 201 and in accordance with the provisions of this subsection to demonstrate the provision of pediatric palliative care and pediatric palliative care consultation services to eligible children who are not entitled to (or enrolled for) coverage under the health plans described in subsection (a)(3)(C).

(2) PARTICIPATION.—

(A) ELIGIBLE ORGANIZATIONS.—The Secretary shall permit any eligible organization to participate in a demonstration project on a voluntary basis.

(B) ELIGIBLE CHILDREN.—Any eligible organization participating in a demonstration project shall permit any eligible child enrolled in an eligible health plan offered by the organization to participate in such project on a voluntary basis.

(c) SERVICES UNDER DEMONSTRATION PROJECTS.—

(1) PROVISION OF PEDIATRIC PALLIATIVE CARE AND CONSULTATION SERVICES.—Under a demonstration project, each eligible organization electing to participate in the demonstration project shall provide pediatric palliative care and pediatric palliative care consultation services to each eligible child who is enrolled with the organization and who elects to participate in the demonstration project.

(2) AVAILABILITY OF ADMINISTRATIVE GRANTS.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall award grants to eligible organizations electing to participate in a demonstration project for the administrative costs incurred by the eligible organization in participating in the demonstration project, including the costs of collecting and submitting the data required to be submitted under subsection (d)(4)(B).

(B) NO PAYMENT FOR SERVICES.—The Secretary may not pay eligible organizations for pediatric palliative care or pediatric palliative care consultation services furnished under the demonstration projects.

(d) CONDUCT OF DEMONSTRATION PROJECTS.—

(1) SITES.—The Secretary shall conduct demonstration projects in at least 4, but not more than 8, sites.

(2) SELECTION OF SITES.—The Secretary shall select demonstration sites on the basis of proposals submitted under paragraph (3) that are located in geographic areas that—

(A) include both urban and rural eligible organizations; and

(B) are geographically diverse and readily accessible to a significant number of eligible children.

(3) PROPOSALS.—

(A) IN GENERAL.—The Secretary shall accept proposals to furnish pediatric palliative care and pediatric palliative care consultation services under the demonstration projects from any eligible organization at such time, in such manner, and in such form as the Secretary may require.

(B) APPLICATION FOR ADMINISTRATIVE GRANTS.—If the eligible organization desires to receive an administrative grant under subsection (c)(2), the proposal submitted under subparagraph (A) shall include a request for the grant, specify the amount requested, and identify the purposes for which the organization will use any funds made available under the grant.

(4) COLLECTION AND SUBMISSION OF DATA.—

(A) COLLECTION.—Each eligible organization participating in a demonstration project shall collect such data as the Secretary may require to facilitate the evaluation to be completed under subsection (e)(1).

(B) SUBMISSION.—Each eligible organization shall submit the data collected under subparagraph (A) to the Secretary at such time, in such manner, and in such form as the Secretary may require.

(5) DURATION.—The Secretary shall complete the demonstration projects within a period of 5 years that includes a period of 1

year during which the Secretary shall complete the evaluation under subsection (e)(1).

(e) EVALUATION AND REPORTS TO CONGRESS AND ELIGIBLE ORGANIZATIONS.—

(1) EVALUATION.—During the 1-year period following the first 4 years of the demonstration projects, the Secretary shall complete an evaluation of the demonstration projects.

(2) REPORTS.—

(A) INTERIM REPORT.—Not later than the date that is 2 years after the date on which the demonstration projects are implemented, the Secretary shall submit an interim report to Congress and each eligible organization participating in a demonstration project on the demonstration projects.

(B) FINAL REPORT.—Not later than the date that is 1 year after the date on which the demonstration projects end, the Secretary shall submit a final report to Congress and each eligible organization participating in a demonstration project on the demonstration projects that includes the results of the evaluation conducted under paragraph (1) together with such recommendations for legislation or administrative action as the Secretary determines is appropriate.

SEC. 203. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated—

(1) $2,500,000, to carry out the demonstration projects under section 201; and

(2) $2,500,000, to carry out the demonstration projects under section 202, including for awarding grants under subsection (c)(2) of such section.

(b) AVAILABILITY.—Sums appropriated under subsection (a) shall remain available, without fiscal year limitation, until expended.

Mr. DODD. Mr. President, I come to the floor today, along with my good friend Senator MIKE DEWINE, to introduce the Compassionate Care for Children Act of 2005. This important legislation is designed to greatly improve the quality of care provided to terminally ill children and their loved ones, as well as the training of those that provide for their medical care.

The subject of childhood illness is a difficult one. However, for children facing a serious illness and their families, it is a subject that must be examined. Tragically, we know that close to 55,000 children under the age of 19 die each year. Some are lost to accidents. Many are lost suddenly to complications related to prematurity. However, many other children are diagnosed with life-threatening conditions and begin a battle that, tragically, many will eventually lose.

For these children and their families, palliative care is often the only way to ease their great burden. Very broadly, palliative care seeks to prevent or relieve the physical and emotional distress produced by a life-threatening condition or its treatment, to help diagnosed children and their families live as normal a life as possible, and to provide accurate and timely information to ease decisionmaking. And while many view palliative care as necessary for only the terminally ill, any child with a serious illness and their family would benefit greatly from its broad scope of services.

Sadly, determining how best to care for a child facing a life-threatening or terminal illness requires an expertise that too few healthcare professionals possess. Too often, healthcare professionals serving a child with a life-threatening condition are at a loss as to how best ease the child's pain, comfort the child's family and loved ones, and coordinate the range of services required.

The legislation we introduce today would seek to close this knowledge gap by authorizing $35 million annually to provide for research and training related to childhood palliative care. Specifically, the legislation will authorize the Secretary of Health and Human Services to award grants to health care providers and health care institutions to expand pediatric palliative care programs, to research new initiatives in pediatric palliative care—such as issues related specifically to pain management for children—and to provide training to healthcare providers serving children requiring pediatric palliative care services.

According to Children's Hospice International, close to one million children are seriously ill with a variety of progressive afflictions at any one time. Parents of these children face a multitude of heart-wrenching decisions related to the appropriate course of treatment for their children. Among the choices available to some parents is one that I believe no parent should ever be forced to make. Under current law, seriously ill children are not eligible to receive simultaneous curative and palliative care.

Imagine forcing a parent to choose between seeking a cure for their seriously ill child or services designed to ease their child's burden. Again, no parent should ever be required to make this choice and under the legislation we introduce today, parents will no longer be forced to decide whether to forgo curative treatment options for their children in order to receive palliative care. In eliminating this unnecessary and cruel requirement, the Compassionate Care for Children Act establishes a demonstration program under Medicare that will encourage the development of more coordinated model systems of curative and palliative care.

This legislation would also ensure that seriously ill children treated under the demonstration program would not be subject to the so-called 6-month rule, a regulation currently in place that requires a physician's determination that an ill child has a life expectancy of 6 months or less in order to receive hospice services. As we all know, children are not simply little adults. Children's bodies react differently than adults to the onset of disease and various treatment options, making this determination possibly dangerously inaccurate.

Lastly, I thank the legislation's chief sponsors in the House of Representatives, DEBORAH PRYCE and JOHN MURTHA. Representatives PRYCE and MURTHA have been tireless advocates on behalf of seriously ill children and their devotion to easing the struggle of these children and their families is truly admirable. I look forward to continuing working with my colleagues from the House to advance the Compassionate Care for Children Act in the 109th Congress.

Mr. President, when Senator DEWINE and I first introduced this legislation in the last Congress, we were joined by members of the National Childhood Cancer Foundation. Each year this valuable organization sponsors "Conquer Kids Cancer Gold Ribbon Days," an event that brings cancer patients, families, care givers and researchers from across the Nation to the District to lobby the Congress for increased resources to battle childhood cancers. At this event we heard from dozens of children and families from across this Nation that have battled serious illness. It is because of struggles like theirs that we are here today at the outset of an effort to better serve seriously ill children and those who love and care for them.

I know that I can say with confidence that we all wish for the day when no child fell ill to serious disease. Until that day comes, the Compassionate Care for Children Act offers children battling illness and their families the hope of eased pain, expertise in treatment, and informed decisions. They deserve no less. I urge all of my colleagues to support this important legislation.

By Mr. BROWNBACK (for himself
and Mr. ROBERTS):

S. 175. A bill to establish the Bleeding Kansas and Enduring Struggle for Freedom National Heritage Area, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BROWNBACK. Mr. President, I am proud to join with my colleague from the great State of Kansas, Senator PAT ROBERTS, and introduce the Bleeding Kansas National Heritage Area Act. I appreciate the Senator's hard work and passion on this bill. Likewise, I commend Representative JIM RYAN who authored this bill in the House of Representatives who, like Senator ROBERTS and I, worked tirelessly to pass this bill last Congress. And finally, I would like to thank Senator DOMENICI, Chairman of the Energy and Natural Resources Committee and Senator THOMAS, Subcommittee Chair, National Parks, for working with me in the 108th Congress. Through their hard work and the work of their staff, the Bleeding Kansas National Heritage Area Act passed the Senate. It is my hope that we will once again be able to see this bill pass the Senate but also pass the House of Representatives in the 109th Session.

The great story of Kansas can be summed up in the State motto, "Ad Astra per Aspera," to the stars through difficulties. Though only a short phrase comprised of four words, the meaning and passion behind the Kansas State motto are as profound as they are descriptive of a State that though smaller than some, was a catalyst for racial equality in this Nation.

From inception, Kansas was born in controversy—a controversy that helped to shape a nation and end the egregious practice of chattel slavery that brutalized an entire race of individuals in this country. I cannot think of a more noble or more important contribution provided to our Nation—though arguably it was one of the most turbulent and darkest hours of our history. Without this struggle however, the battle to end persecution and transform our country into a symbol of freedom and democracy throughout the world would not have been realized.

Last year, 2004, marked the sesquicentennial of the signing of the Kansas-Nebraska bill which repealed the Missouri compromise, allowed States to enter into the Union with or without slavery. This piece of legislation, which was passed in May 1854, set the stage for what is now referred to as, "Bleeding Kansas." During this time, our State, then a territory, was thrown into chaos with Kansans fighting passionately to ensure that the territory would inter the Union as a free State and not condone or legalize slavery in any capacity. At the end of a very difficult and bloody struggle, Kansas entered the Union as a free State and helped to spark the issue of slavery on a national level. However, Kansas' contributions to the realization of freedom in this Nation did not stop with the Kansas-Nebraska Act.

Keeping true to our motto, to the stars through difficulties, Kansas opened up her arms to a newly freed people after the Civil War ended. Many African Americans looked to Kansas for solace and prosperity when the South was still an uncertain place. Perhaps one of the best examples of Ad Astra per Aspera was the founding of a town in Kansas by African Americans coming to our State to begin their life of freedom and prosperity.

Founded in 1877, Nicodemus, which was named after a legendary slave who purchased his freedom, is the most recognized historically black town in Kansas. Nicodemus was established by a group of colonists from Lexington, KY, and grew to a population of 600 by 1879. However, Nicodemus is not the only Kansas contribution that shaped a more tolerant Nation. Kansas was also one of the first States to house an African American military regiment in the 1800s, the Buffalo Soldiers.

The Buffalo Soldiers were, and still are, considered one of the most distinguished and revered African American military regiments in our Nation's history. One of those regiments, the 10th Cavalry, was stationed at Fort Leavenworth, KS. In July 1866, Congress passed legislation establishing two cavalry and four infantry regiments that were to be solely comprised of African Americans. The mounted regiments were the 9th and 10th Cavalries, soon nicknamed "Buffalo Soldiers" by the Cheyenne and Comanche tribes. Lt. Henry O. Flipper, the first African American to graduate from the United States Military Academy in 1877 and commanded the 10th Cavalry unit where he proved that African Americans possessed the quality of military leadership. Until the early 1890s, the Buffalo Soldiers constituted 20 percent of all cavalry forces on the American frontier. Their invaluable service on the western frontier still remains one of the most exemplary services performed by a regiment in the U.S. Army.

These are just a few examples of why I am pleased to join with my colleague from Kansas, Senator PAT ROBERTS, today and introduce the Bleeding Kansas National Heritage Area Act, which will not only serve to educate Kansans but the Nation on the important contributions—and in many cases the sacrifices—made in order to establish this proud state. The creation of this heritage area will ensure that this legacy is not only commemorated but celebrated on a national level.

Specifically, the Bleeding Kansas National Heritage Area Act will designate 24 counties in Kansas as the "Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area." Each of these counties will be eligible to apply for the heritage area grants administered by the National Park Service.

The heritage area will add to local economies within the State by increasing tourism and will encourage collaboration between interests of diverse units of government, businesses, tourism officials, private property owners, and nonprofit groups within the heritage area. Finally, the bill protects private property owners by requiring that they provide in writing consent to be included in any request before they are eligible to receive, Federal funds from the heritage area. The bill also authorizes $10,000,000 over a 10-year period to carry out this act and states that not more than $1,000,000 may be appropriated to the heritage area for any fiscal year.

Kansas has much to be proud of in their history and it is vital that this history be shared on a national level. By establishing the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area, we will ensure that this magnificent legacy lives on and serves as a stirring reminder of the sacrifices and triumphs that created this Nation—a Nation united in freedom for all people.

Mr. ROBERTS. Mr. President, I am pleased to once again introduce, along with my distinguished colleague Senator BROWNBACK, a bill designating the Bleeding Kansas and the Enduring Struggle for Freedom National Heritage Area. This project, which we hope will receive the congressional recognition it deserves, has joined communities throughout eastern Kansas in an effort to document, preserve, and celebrate Kansas' significant role in the political struggle that led to the Civil War and in other historic struggles for equality that took place in our State.

National Heritage Areas are places where natural, cultural, historic, and recreational resources combine to form complete and distinct landscape. The State of Kansas, which has a proud heritage and compelling story, will benefit from this national designation that helps preserve and celebrate America's defining landscapes. By enhancing and developing historic sites throughout eastern Kansas, we will ensure that the traditions that evolved there are preserved.

During the Civil War, William Quantrill, the head of an infamous gang of Confederate sympathizers, led a raid on Lawrence, KS. Though far from the main campaigns, this massacre caused Bleeding Kansas to become a prominent symbol in the fight for the freedom of all people, and the territory would become a battleground over the question of slavery. After these attacks, the abolitionist Senator Charles Sumner delivered his famous speech called "The Crime Against Kansas," in which he brought the escalating situation into sharper focus for the nation.

Almost 100 years later, Kansas became the battleground once again, as Oliver L. Brown fought to prove that separate among the people of this great Nation is not equal. In fact, we will soon celebrate the 50th anniversary of the Brown v. Topeka Board of Education Supreme Court decision, which was a landmark victory in the civil rights movement. These are only two of the historic chapters that will make up this heritage area, marking an important era in our Nation.

I commend the Lawrence City Commission, the Douglas County Commission, and the Lawrence Chamber of Commerce, who have worked diligently on this project for over 2 years. We have a great opportunity to pass this important piece of legislation during the 109th Congress, and I encourage the Senate's swift consideration.

By Mr. DOMENICI (for himself Mr. BINGAMAN, Mr. ALLARD, Mr. BAUCUS, and Mr. ENSIGN):

S. 177. A bill to further the purposes of the Reclamation Projects Authorization and Adjustment Act of 1992 by directing the Secretary of the Interior, acting through the Commissioner of

Reclamation, to carry out an assessment and demonstration program to control salt cedar and Russian olive, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, I rise today to reintroduce a piece of legislation that is of paramount importance to the State of New Mexico and many other western States. This bill will address the mounting pressures brought on by the growing demands of a diminishing water supply throughout the west.

The bill that I am introducing today authorizes the Department of the Interior acting through the Bureau of Reclamation to establish a series of research and demonstration programs to help eradicate non-native species on rivers in the Western United States. This bill will help develop the scientific knowledge and experience base needed to build a strategy to control these invasive thieves. In addition to projects that could benefit the Pecos and the Rio Grande, the bill allows other States in the west such as Texas, Colorado, Utah, California and Arizona to develop and participate in projects as well.

Allow me to explain the importance of this bill. A water crisis has ravaged the west for more than five years. Drought conditions have expanded throughout the Western United States. Snow packs have been continuously low, causing severe drought conditions.

The presence of invasive species compounds the drought situation in many states. For instance, New Mexico is home to a vast amount of salt cedar. Salt cedar is a water-thirsty non-native tree that continually strips massive amounts of water out of New Mexico's two predominant water supplies—the Pecos and the Rio Grande rivers.

We have already had numerous catastrophic fires in our Nation's forests including the riparian woodland—the Bosque—that runs through the heart of New Mexico's most populous city. One of the reasons this fire ran its course through Albuquerque was the presence of large amounts of salt cedar, a plant that burns as easily as it consumes water.

Estimates show that one mature salt cedar tree can consume as much as 200 gallons of water per day; over the growing season that's 7 acre feet of water for each acre of salt cedar. In addition to the excessive water consumption, salt cedars increase fire, increase river channelization and flood frequency, decrease water flow, and increase water and soil salinity along the river. Every problem that drought causes is exacerbated by the presence of salt cedar.

I know that the seriousness of the water situation in New Mexico becomes more acute every single day. This drought has affected every New Mexican and nearly everyone in the west in some way. Wells are running dry, farmers are being forced to sell livestock, many of our cities are in various stages of conservation and many, many acres have been charred by fire.

The drought and the mounting legal requirements on both the Pecos and Rio Grande rivers are forcing us toward a severe water crisis in New Mexico. Indeed, every river in the inter-mountain west seems to be facing similar problems. Therefore, we must bring to bear every tool at our disposal for dealing with the water shortages in the west.

Solving such water problems is one of my top priorities and I assure this Congress that this bill will receive prompt attention by the Energy and Natural Resources Committee. Controlling water thirsty invasive species is one significant and substantial step in the right direction for the dry lands of the west.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 177

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Salt Cedar and Russian Olive Control Demonstration Act".

SEC. 2. SALT CEDAR AND RUSSIAN OLIVE CONTROL DEMONSTRATION PROGRAM.

(a) ESTABLISHMENT.—The Secretary of the Interior (referred to in this Act as the "Secretary"), acting through the Commissioner of Reclamation and in cooperation with the Secretary of Agriculture and the Secretary of Defense, shall carry out a salt cedar (Tamarix spp) and Russian olive (Elaeagnus angustifolia) assessment and demonstration program—

(1) to assess the extent of the infestation by salt cedar and Russian olive trees in the western United States;

(2) to demonstrate strategic solutions for—

(A) the long-term management of salt cedar and Russian olive trees; and

(B) the reestablishment of native vegetation; and

(3) to assess economic means to dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(b) ASSESSMENT.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available to carry out this Act, the Secretary shall complete an assessment of the extent of salt cedar and Russian olive infestation on public and private land in the western United States.

(2) REQUIREMENTS.—In addition to describing the acreage of and severity of infestation by salt cedar and Russian olive trees in the western United States, the assessment shall—

(A) consider existing research on methods to control salt cedar and Russian olive trees;

(B) consider the feasibility of reducing water consumption by salt cedar and Russian olive trees;

(C) consider methods of and challenges associated with the revegetation or restoration of infested land; and

(D) estimate the costs of destruction of salt cedar and Russian olive trees, related biomass removal, and revegetation or restoration and maintenance of the infested land.

(c) LONG-TERM MANAGEMENT STRATEGIES.—

(1) IN GENERAL.—The Secretary shall identify and document long-term management and funding strategies that—

(A) could be implemented by Federal, State, and private land managers in addressing infestation by salt cedar and Russian olive trees; and

(B) should be tested as components of demonstration projects under subsection (d).

(2) GRANTS.—The Secretary shall provide grants to institutions of higher education to develop public policy expertise in, and assist in developing a long-term strategy to address, infestation by salt cedar and Russian olive trees.

(d) DEMONSTRATION PROJECTS.—

(1) IN GENERAL.—Not later than 180 days after the date on which funds are made available to carry out this Act, the Secretary shall establish a program that selects and funds not less than 5 projects proposed by and implemented in collaboration with Federal agencies, units of State and local government, national laboratories, Indian tribes, institutions of higher education, individuals, organizations, or soil and water conservation districts to demonstrate and evaluate the most effective methods of controlling salt cedar and Russian olive trees.

(2) PROJECT REQUIREMENTS.—The demonstration projects under paragraph (1) shall—

(A) be carried out over a time period and to a scale designed to fully assess long-term management strategies;

(B) implement salt cedar or Russian olive tree control using 1 or more methods for each project in order to assess the full range of control methods, including—

(i) airborne application of herbicides;

(ii) mechanical removal; and

(iii) biocontrol methods, such as the use of goats or insects;

(C) individually or in conjunction with other demonstration projects, assess the effects of and obstacles to combining multiple control methods and determine optimal combinations of control methods;

(D) assess soil conditions resulting from salt cedar and Russian olive tree infestation and means to revitalize soils;

(E) define and implement appropriate final vegetative states and optimal revegetation methods, with preference for self-maintaining vegetative states and native vegetation, and taking into consideration downstream impacts, wildfire potential, and water savings;

(F) identify methods for preventing the regrowth and reintroduction of salt cedar and Russian olive trees;

(G) monitor and document any water savings from the control of salt cedar and Russian olive trees, including impacts to both groundwater and surface water;

(H) assess wildfire activity and management strategies;

(I) assess changes in wildlife habitat;

(J) determine conditions under which removal of biomass is appropriate (including optimal methods for the disposal or use of biomass); and

(K) assess economic and other impacts associated with control methods and the restoration and maintenance of land.

(e) DISPOSITION OF BIOMASS.—

(1) IN GENERAL.—Not later than 1 year after the date on which funds are made available

to carry out this Act, the Secretary, in cooperation with the Secretary of Agriculture, shall complete an analysis of economic means to use or dispose of biomass created as a result of removal of salt cedar and Russian olive trees.

(2) REQUIREMENTS.—The analysis shall—

(A) determine conditions under which removal of biomass is economically viable;

(B) consider and build upon existing research by the Department of Agriculture and other agencies on beneficial uses of salt cedar and Russian olive tree fiber; and

(C) consider economic development opportunities, including manufacture of wood products using biomass resulting from demonstration projects under subsection (d) as a means of defraying costs of control.

(f) COSTS.—

(1) IN GENERAL.—With respect to projects and activities carried out under this Act—

(A) the assessment under subsection (b) shall be carried out at a cost of not more than $4,000,000;

(B) the identification and documentation of long-term management strategies under subsection (c) shall be carried out at a cost of not more than $2,000,000;

(C) each demonstration project under subsection (d) shall be carried out at a Federal cost of not more than $7,000,000 (including costs of planning, design, implementation, maintenance, and monitoring); and

(D) the analysis under subsection (e) shall be carried out at a cost of not more than $3,000,000.

(2) COST-SHARING.—

(A) IN GENERAL.—The assessment under subsection (b), the identification and documentation of long-term management strategies under subsection (c), a demonstration project or portion of a demonstration project under subsection (d) that is carried out on Federal land, and the analysis under subsection (e) shall be carried out at full Federal expense.

(B) DEMONSTRATION PROJECTS CARRIED OUT ON NON-FEDERAL LAND.—

(i) IN GENERAL.—The Federal share of the costs of any demonstration project funded under subsection (d) that is not carried out on Federal land shall not exceed—

(I) 75 percent for each of the first 5 years of the demonstration project; and

(II) for the purpose of long-term monitoring, 100 percent for each of such 5-year extensions as the Secretary may grant.

(ii) FORM OF NON-FEDERAL SHARE.—The non-Federal share of the costs of a demonstration project that is not carried out on Federal land may be provided in the form of in-kind contributions, including services provided by a State agency or any other public or private partner.

(g) COOPERATION.—In carrying out the assessment under subsection (b), the demonstration projects under subsection (d), and the analysis under subsection (e), the Secretary shall cooperate with and use the expertise of Federal agencies and the other entities specified in subsection (d)(1) that are actively conducting research on or implementing salt cedar and Russian olive tree control activities.

(h) INDEPENDENT REVIEW.—The Secretary shall subject to independent review—

(1) the assessment under subsection (b);

(2) the identification and documentation of long-term management strategies under subsection (c);

(3) the demonstration projects under subsection (d); and

(4) the analysis under subsection (e).

(i) REPORTING.—

(1) IN GENERAL.—The Secretary shall submit to Congress an annual report that describes the results of carrying out this Act, including a synopsis of any independent review under subsection (h) and details of the manner and purposes for which funds are expended.

(2) PUBLIC ACCESS.—The Secretary shall facilitate public access to all information that results from carrying out this Act.

(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act—

(1) $20,000,000 for fiscal year 2006; and

(2) $15,000,000 for each subsequent fiscal year.

By Mr. DOMENICI (for himself, and Mr. BINGAMAN):

S. 178. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. DOMENICI. Mr. President, water is the life's blood for New Mexico. When the water dries up in New Mexico, so will many of its communities. As such, the scarcity of water in New Mexico is a dire situation. Unfortunately, the New Mexico Office of the State Engineer, NM OSE, lacks the tools necessary to undertake the Herculean task of effectively managing New Mexico's water resources.

Today, I introduce legislation that would allow New Mexico to make informed decisions about its limited water resources.

In order to effectively perform water rights administration, as well as comply with New Mexico's compact deliveries, the State Engineer is statutorily required to perform assessments and investigations of the numerous stream systems and ground water basins located within New Mexico. However, the NM OSE is ill equipped to vigorously and comprehensively undertake the daunting but critically important task of water resource planning. At present, the NM OSE lacks adequate resources to perform necessary hydrographic surveys and data collection. As such, ensuring a future water supply for my home State requires that Congress provide the NM OSE with the resources necessary to fulfill its statutory mandate.

The bill I introduce today would create a standing authority for the State of New Mexico to seek and receive technical assistance from the Bureau of Reclamation and the United States Geological Survey. It would also provide the NM OSE the sum of $12.5 million in Federal assistance to perform hydrologic models of New Mexico's most important water systems. This bill would provide the NM OSE with the best resources available when making crucial decisions about how best to preserve our limited water stores.

Ever decreasing water supplies in New Mexico have reached critical levels and require immediate action. The Congress cannot sit idly by as water shortages cause death to New Mexico's communities. I hope the Senate will give this legislation its every consideration.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 178

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "New Mexico Water Planning Assistance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Bureau of Reclamation and the United States Geological Survey.

(2) STATE.—The term "State" means the State of New Mexico.

SEC. 3. COMPREHENSIVE WATER PLAN ASSISTANCE.

(a) IN GENERAL.—Upon the request of the Governor of the State and subject to subsections (b) through (f), the Secretary shall—

(1) provide to the State technical assistance and grants for the development of comprehensive State water plans;

(2) conduct water resources mapping in the State; and

(3) conduct a comprehensive study of groundwater resources (including potable, brackish, and saline water resources) in the State to assess the quantity, quality, and interaction of groundwater and surface water resources.

(b) TECHNICAL ASSISTANCE.—Technical assistance provided under subsection (a) may include—

(1) acquisition of hydrologic data, groundwater characterization, database development, and data distribution;

(2) expansion of climate, surface water, and groundwater monitoring networks;

(3) assessment of existing water resources, surface water storage, and groundwater storage potential;

(4) numerical analysis and modeling necessary to provide an integrated understanding of water resources and water management options;

(5) participation in State planning forums and planning groups;

(6) coordination of Federal water management planning efforts;

(7) technical review of data, models, planning scenarios, and water plans developed by the State; and

(8) provision of scientific and technical specialists to support State and local activities.

(c) ALLOCATION.—In providing grants under subsection (a), the Secretary shall, subject to the availability of appropriations, allocate—

(1) $5,000,000 to develop hydrologic models and acquire associated equipment for the New Mexico Rio Grande main stem sections and Rios Pueblo de Taos and Hondo, Rios Nambe, Pojoaque and Teseque, Rio Chama, and Lower Rio Grande tributaries;

(2) $1,500,000 to complete the hydrographic survey development of hydrologic models and acquire associated equipment for the San Juan River and tributaries;

(3) $1,000,000 to complete the hydrographic survey development of hydrologic models

and acquire associated equipment for Southwest New Mexico, including the Animas Basin, the Gila River, and tributaries;

(4) $4,500,000 for statewide digital orthophotography mapping; and

(5) such sums as are necessary to carry out additional projects consistent with subsection (b).

(d) COST-SHARING REQUIREMENT.—

(1) IN GENERAL.—The non-Federal share of the total cost of any activity carried out using a grant provided under subsection (a) shall be 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share under paragraph (1) may be in the form of any in-kind services that the Secretary determines would contribute substantially toward the conduct and completion of the activity assisted.

(e) NON-REIMBURSABLE BASIS.—Any assistance or grants provided to the State under this Act shall be made on a non-reimbursable basis.

(f) AUTHORIZED TRANSFERS.—On request of the State, the Secretary shall directly transfer to 1 or more Federal agencies any amounts made available to the State to carry out this Act.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $3,000,000 for each of fiscal years 2006 through 2010.

By Mrs. FEINSTEIN:

S. 179. A bill to provide for the exchange of land within the Sierra National Forest, California, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, today I am pleased to introduce the Sierra National Forest Land Exchange Act of 2005, the companion to legislation authored by Representative RADANOVICH.

This legislation would assist the Boy Scout Sequoia Council in taking ownership of part of the land on which Camp Chawanakee sits. By authorizing the transfer of ownership of part of the camp land to the Boy Scouts, we will help make Chawanakee a permanent member of the Fresno Community, and an asset that youth for generations to come can enjoy and benefit from.

Specifically, the bill would authorize a land exchange between the Federal Government and a private landowner as follows:

The landowner would receive 160 acres, 145 of which are submerged, on Shaver Lake. In exchange, the Forest Service would receive $50,000 and an 80 acre inholding that the landowner owns in the Sierra National Forest.

The Forest Service transfer to the landowner is conditional upon his conveyance of the parcel to the Boy Scouts within 4 months to benefit Camp Chawanakee.

Over the years, well over 250,000 youths and leaders from California, Nevada and Arizona have attended the Boy Scouts' Camp Chawanakee. Recently, summer camp attendance has exceeded 3,000 Scouts. While other camps in California have closed in recent years, Camp Chawanakee has grown to become one of the premier Scouting camps in the Nation.

I applaud Congressman GEORGE RADANOVICH's commitment to this issue and urge my colleagues to support this legislation. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 179

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Sierra National Forest Land Exchange Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) FEDERAL LAND.—The term "Federal land" means the parcels of land and improvements thereon comprising approximately 160 acres and located in township 9 south, range 25 east, section 30, E½SW¼ and W½ SE¼, Mt. Diablo Meridian, California.

(2) NON-FEDERAL LAND.—The term "non-Federal land" means a parcel of land comprising approximately 80 acres and located in township 8 south, range 26 east, section 29, N½NW¼, Mt. Diablo Meridian, California.

(3) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

SEC. 3. LAND EXCHANGE, SIERRA NATIONAL FOREST, CALIFORNIA.

(a) EXCHANGE AUTHORIZED.—

(1) IN GENERAL.—If, during the one-year period beginning on the date of enactment of this Act, the owner of the non-Federal land offers the United States the exchange of the non-Federal land and a cash equalization payment of $50,000, the Secretary shall convey, by quit claim deed, all right, title, and interest of the United States in and to the Federal land. The conveyance of the Federal land shall be subject to valid existing rights and under such terms and conditions as the Secretary may prescribe.

(2) ACCEPTABLE TITLE.—Title to the non-Federal land shall conform with the title approval standards of the Attorney General applicable to Federal land acquisitions and shall be acceptable to the Secretary.

(3) CORRECTION AND MODIFICATION OF LEGAL DESCRIPTIONS.—The Secretary, in consultation with the owner of the non-Federal land, may make corrections to the legal descriptions of the Federal land and non-Federal land. The Secretary and the owner of the non-Federal land may make minor modifications to such descriptions insofar as such modifications do not affect the overall value of the exchange by more than five percent.

(b) VALUATION OF LAND TO BE CONVEYED.—For purposes of this section, during the period referred to in subsection (a)(1), the value of the non-Federal land shall be deemed to be $200,000 and the value of the Federal land shall be deemed to be $250,000.

(c) ADMINISTRATION OF LAND ACQUIRED BY UNITED STATES.—Once acquired, the Secretary shall manage the non-Federal land in accordance with the Act of March 1, 1911 (commonly known as the Weeks Act; 16 U.S.C. 480 et seq.), and in accordance with the other laws and regulations pertaining to National Forest System lands.

(d) CONDITIONS ON CONVEYANCE OF FEDERAL LAND.—The conveyance by the Secretary under subsection (a) shall be subject to the following conditions:

(1) That the recipient of the Federal land convey all 160 acres of the Federal land to the Sequoia Council of the Boy Scouts of America not later than four months after the date on which the recipient receives the Federal land from the Secretary under subsection (a).

(2) That, as described in section 5, the owner of the easement granted in section 4 have the right of first offer regarding any reconveyance of the Federal land by the Sequoia Council of the Boy Scouts of America.

(e) DISPOSITION AND USE OF CASH EQUALIZATION FUNDS.—The Secretary shall deposit the cash equalization payment received under subsection (a) in the fund established by Public Law 90-171 (commonly known as the Sisk Act; 16 U.S.C. 484a). The cash equalization payment shall be available to the Secretary until expended, without further appropriation, for the acquisition of lands and interests in lands for the National Forest System in the State of California.

(f) COST COLLECTION FUNDS.—The owner of the non-Federal land shall be responsible for all direct costs associated with processing the land exchange under this section and shall pay the Secretary the necessary funds, which shall be deposited in a cost collection account. Funds so deposited shall be available to the Secretary until expended, without further appropriation, for the cost associated with the land exchange. Any funds remaining after completion of the land exchange, which are not needed to cover expenses, shall be refunded to the owner of the non-Federal land.

SEC. 4. GRANT OF EASEMENT IN CONNECTION WITH HYDROELECTRIC PROJECT NO. 67.

(a) PURPOSE.—A hydroelectric project, licensed pursuant to the Federal Power Act (16 U.S.C. 791a et seq.) as Project No. 67, is located on a majority of the Federal land authorized for exchange under section 3. To protect the ability of the owner of Project No. 67 to continue to operate and maintain that hydroelectric project under the current and all future licenses or authorizations issued pursuant to the Federal Power Act or any other applicable law, this section is necessary.

(b) EASEMENT REQUIRED.—Before conveying the Federal land under section 3, the Secretary shall grant an easement, without consideration, to the owner of Project No. 67 for the right to enter, occupy, and use for hydroelectric power purposes the Federal land currently within the licensed boundary for Project No. 67. The Project No. 67 owner shall hold harmless the Secretary for any claims against the owner due to the grant of easement.

(c) REQUIRED TERMS AND CONDITIONS.—The easement granted under this section shall provide the following: "The United States of America, hereinafter called 'Grantor,' pursuant to a congressional authorization, hereby grants, transfers, and conveys unto the [insert name of Project No. 67 owner], its successors and assigns, hereinafter called 'Grantee,' all those certain exclusive easements and rights in, on, under, over, along, and across certain real property described in Exhibit A, attached hereto [attach description of real property subject to the easement] and incorporated herein (the 'Property'), for any purpose or activity that Grantee deems convenient or necessary to the creation, generation, transmission, or distribution of hydropower on and off the Property, including, but not limited to, the right to inundate the Property with water, reservoir management, and compliance with legal obligations in accordance with the applicable Federal Energy Regulatory Commission license and those non-exclusive easements and rights to use, occupy, and enter the Property, and to allow others to use, occupy, and enter the Property, for other purposes related to hydropower and reservoir management and use, such as recreation by Grantee or the public, and regulation of any activities on the Property that may impact such purposes, at any time and from time to time. Grantor further grants, transfers, and conveys unto the Grantee the right of assignment, in whole or in part, to others, without limitation. Grantee shall have the right to take such actions on the Property as may be necessary to comply with all applicable laws, rules, regulations, ordinances, orders and other governmental, regulatory, and administrative authorities and requirements, or that may be necessary for the economical entry, occupancy, and use of the Property for hydropower purposes. Grantor, its successors and assigns, shall not deposit or permit or allow to be deposited, earth, rubbish, debris or any other substance or material on the Property, or so near thereto as to constitute, in the opinion of Grantee, an interference or obstruction to the hydropower and reservoir purposes. No other easements, leases, or licenses shall be granted on, under or over the Property by Grantor to any person, firm or corporation without the previous written consent of Grantee, which consent shall not be unreasonably withheld. The terms, covenants and conditions of this Grant of Easement shall bind and inure to the benefit of the successors and assigns of Grantor and the successors and assigns of Grantee.".

SEC. 5. RIGHT OF FIRST OFFER FOR SUBSEQUENT CONVEYANCE OF FEDERAL LAND.

(a) Right of First Offer.—As a condition on the conveyance of the Federal land under section 3 and its reconveyance to the Sequoia Council of the Boy Scouts of America, as required by section 3(d)(1), the Secretary shall require that the Council agree to provide the owner of the easement granted under section 4 the right of first offer to obtain the Federal land, or any portion thereof, that the Council ever proposes to sell, transfer, or otherwise convey.

(b) Notice and Offer.—If the Council proposes to sell, transfer, or otherwise convey the Federal land or a portion thereof, the Council shall give the easement owner written notice specifying the terms and conditions on which the conveyance is proposed and offering to convey to the easement owner, on the same terms and conditions, the Federal land or the portion thereof proposed for conveyance.

(c) Acceptance or Rejection of Offer.—Within 90 days after the easement owner receives the notice required by subsection (b) and all available documents necessary to perform reasonable due diligence on the proposed conveyance, the easement owner shall either accept or reject the offer. If the easement owner accepts the offer, the closing of the sale shall be governed by the terms of the offer in the notice.

(d) Effect of Rejection.—If the hydropower easement owner rejects an offer under subsection (b) or fails to respond to the offer before the expiration of the 90-day period provided in subsection (c), the Council may convey the property covered by the notice to any other person on the same terms and conditions specified in the notice. If those terms and conditions are subsequently altered in any way, then the notice and offer shall again be made to the easement owner under subsection (b). The rejection by the easement owner of one or more of such offers shall not affect its right of first offer as to any other proposed conveyance by the Council.

By Mr. ENSIGN:

S. 181. A bill to amend the Internal Revenue Code of 1986 to allow a credit against income tax for taxpayers owning certain commercial power takeoff vehicles; to the Committee on Finance.

Mr. ENSIGN. Mr. President, I rise today to offer legislation to correct an inequity with the United States Tax Code that affects thousands of taxpayers every year. The bill I am offering is the Fuel Tax Equalization Credit for Substantial Power Takeoff Vehicles Act which will correct an injustice for owners of ready mixed concrete and sanitation trucks.

Our Tax Code imposes a Federal tax on fuel sold for use in highway vehicles. This makes sense because vehicles that use our roads cause wear and tear. The money raised from the fuel tax goes directly into the Highway Trust Fund and is used for road repair and maintenance. The Code provides fuel tax exemption for "off highway" use so that fuel used by non-highway vehicles is not taxed. The principle is simple. Fuel used to move vehicles on our roads is taxed; fuel used for "off-road" purposes is not.

Mixed concrete and sanitation trucks are "dual-use" vehicles. In addition to consuming fuel for roadway travel, they use fuel for a secondary purpose such as turning the mixer drum or lifting a dumpster and compacting trash. This is known as a "Power Takeoff Function." In the past, this function was performed by a second fuel-driven engine. But times have changed. Today, sanitation and cement trucks are more efficient and use one engine for both tasks. Today's vehicles create the situation where technology is in the fast lane but our tax system lags behind in the slow lane.

The environment benefits with the use of one engine instead of two as a result of decreased fuel use and exhaust emissions. Using one engine reduces the truck's weight which means these trucks can haul more cargo without violating weight restrictions. This decreases the number of trips these trucks must take which results in less wear and tear on the roads.

Until recently, owners of dual-use vehicles would estimate the amount of fuel taxes they paid for fuel related to off-road use and would claim a tax credit for that amount. The Tax Code does not recognize "dual-use" vehicles but recent IRS regulations support the idea that the fuel tax did not apply to fuel used for non-highway purposes. Despite the regulations, the IRS argued in a recent tax court case that estimating fuel consumption was too difficult to administer. In other words, the IRS dismissed its own regulations. Unfortunately for taxpayers who own dual use vehicles, the tax court agreed with the IRS's position. This decision has had the effect of penalizing efficiency, conservation and good environmental practices.

Mr. President, by establishing an annual $250.00 per vehicle tax credit my bill resolves this inequity. This legislation should not be seen as creating a new tax break. It restores tax fairness to owners of dual-use vehicles without resorting to an elaborate fuel measurement scheme that would create administrative difficulties. The amount of the tax credit is less than the estimated amount of fuel taxes paid for non-highway purposes for these vehicles. In order to receive this credit, a vehicle would have to be registered, licensed and insured in the vehicle owner's respective State. This is a measure that will simply restore fairness to a situation involving the fuel tax where Congress never intended the tax to apply in the first place.

By Mr. BENNETT:

S. 182. A bill to provide for the establishment of the Uintah Research and Curatorial Center for Dinosaur National Monument in the States of Colorado and Utah, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BENNET. Mr. President, I rise to introduce the Uintah Research and Curatorial Center Act.

This bill would authorize the National Park Service, NPS, to construct a research and curatorial facility for Dinosaur National Monument and its partner, the Utah Field House of Natural History Museum, Museum in Vernal UT. The facility would be co-located to with the museum while helping to preserve, protect, and exhibit the vast treasures of one of the most productive sites of dinosaur bones in the world.

This is not the first time I have introduced this legislation, which was reported favorably and passed by this body in October 2004. Unfortunately there was not enough time before the end of the legislative session for this bill to be considered by the House. It is my hope that this legislation can be addressed by both bodies during the 109th Congress. With this legislation, I believe we can proactively address the Dinosaur National Monument's deteriorating storage facilities, before there is irreparable damage to the resources stored there.

Since the first discovery of Jurassic era bones by the paleontologist Earl Douglass in 1909, and the subsequent proclamation as a national monument in 1915 by President Woodrow Wilson, the Dinosaur National Monument has been a haven for both amateur and expert dinosaur enthusiasts.

At present, Dinosaur National Monument has more that 600,000 items in its museum collection. Unfortunately, these items are currently stored in 17 different facilities throughout the park. Many of these resources are at risk due to the failure of the scattered facilities to meet minimum National Park Service storage standards. A new research and curatorial facility is greatly needed to bring the park's collections up to standard and to ensure its protection.

The curatorial facility will also fill a critical role as a collection center for the park and partners' fossil, archaeological, natural resource operations and collections, and park archives. Moreover, in these days of limited budgets, the decision to co-locate this facility with the State's museum will also save taxpayer dollars. The State of Utah is nearing completion of their new Field House Museum at a cost to the State of $6.5 million. Because of the co-location, NPS staff, visiting scholars, interns and volunteers would have access to the State museum's space for exhibit, classroom, conferencing, education, restrooms, public access, parking, and other needs not included in the curatorial facility.

The 22,500 square foot facility will be built outside the boundaries of the park on land donated to the Park Service by the city of Vernal and Uintah County. The legislation will also permit the Park Service to accept the donation of the land, valued at approximately $1.5 million. The Park Service estimates the total cost of adding the research and curatorial center to be $8.7 million.

Other Federal agencies, such as the Bureau of Land Management and the Forest Service, who are also in need of collections storage, have become minor partners and would utilize a small portion of the storage facility. An additional partner in the project, the Intermountain Natural History Association, has agreed to fund and carry out the soil and environmental testing necessary to permit the Park Service to accept the donation.

Mr. President, it is imperative that we care for these paleontological resources and ensure their availability to future generations, both for scientific study and the enjoyment of the public. This legislation is a proactive approach to accomplishing those objectives and is an excellent example of a cost effective partnership between the National Park Service, the State of Utah Department of Natural Resources, the city of Vernal, and Uintah County, of which this Congress ought to applaud and support.

By Mr. GRASSLEY (for himself and Mr. KENNEDY):

S. 183. A bill to amend title XIX of the Social Security Act to provide families of disabled children with the opportunity to purchase coverage under the medicaid program for such children, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I am pleased to join once again with my good friend Senator KENNEDY to introduce the Family Opportunity Act.

The Family Opportunity Act provides states the option to allow families with disabled children to buy into the Medicaid program.

Mr. President, Senator KENNEDY and I have tried to get the Family Opportunity Act enacted for many years.

The legislation has been scaled back dramatically as we have attempted to make the bill less costly. For example, the original proposal, introduced in the 106th Congress would have set a family's eligibility at 600 percent of the Federal Poverty Level, would have had an enhanced administrative match and provided coverage for children up to age 21.

The version we are introducing today sets the family's eligibility at 300 percent of Federal Poverty Level, no administrative match and provides coverage for children up to age 18.

I am very hopeful that these modifications will ensure that the Family Opportunity Act can be enacted this year.

The legislation is consistent with the "compassionate conservative" agenda advanced by the President and the Congressional leadership.

It helps families stay together. In some cases, in order to provide for the special needs of their child, parents face the unbearable prospect of having to put their child in an out of home placement just to keep their child's access to Medicaid covered services.

Some of these parents have to refuse jobs, pay raises and overtime in order to preserve access to Medicaid for their child with disabilities. These parents are hard working taxpayers.

There is precedent for allowing individuals with disabilities to continue to have access to the services that Medicaid provides while enhancing their income and self-esteem through the dignity and the contribution to society that one attains through engagement in the world of work. It only makes sense to extend these principles to adults with a child with a disability.

The Family Opportunity Act is an option for States. It is not a Federal mandate. Additionally, it encourages the use of private employer sponsored coverage. Hopefully a participating family has some private insurance. The Family Opportunity Act would allow states to offer "wrap around" services that the employer sponsored coverage does not provide, such as physical therapy, mental health services and customized durable medical equipment.

Children with significant disabilities need these services in order to properly develop into responsible and contributing members of society.

Additionally, the legislation would provide for the establishment of demonstration projects regarding home and community based alternatives to psychiatric residential treatment facilities for children.

Under current law, states are not allowed to offer home and community based services as an alternative to inpatient psychiatric hospitals. The legislation proposed by Senator KENNEDY and myself would help realize this goal for these children.

The Family Opportunity Act would make progress in correcting this omission by allowing for demonstration projects to test the effectiveness in improving or maintaining a child's functional level and cost-effectiveness of providing coverage of home and community based alternatives to psychiatric residential treatment for children in the Medicaid program.

Finally, the Family Opportunity Act would provide for the development of Family to Family Health Information Centers which help guide families through the maze of programs and networks associated with the challenges of raising a child with a disability.

The Family Opportunity Act is a good bill. For many years it has garnered the support of a majority of Senators. It has the support of numerous family and child advocacy groups.

This legislation is pro-family, pro-work and pro-compassion. I urge the quick enactment of the Family Opportunity Act.

Mr. KENNEDY. Mr. President, it is an honor once again to join my colleague Senator GRASSLEY in introducing the Family Opportunity Act to remove the health care barriers for children with disabilities that so often prevent families from staying together and staying employed.

We know that families of disabled and special needs children continue to struggle to help their children learn to live independently and become fully contributing members of their communities.

Eight percent of children in this country have significant mental or physical disabilities, and many of them do not have access to the critical health services they need to improve their lives and prevent deterioration of their health. To obtain needed health services for their children, families are often forced to become poor themselves, stay poor, put their children in out of home placements, or even give up custody of their children so that the children can qualify for the broad health coverage available under Medicaid.

In a recent survey of 20 States, families of special needs children report they are turning down jobs, turning down raises, turning down overtime, and are unable to save money for the future of their children and family so that their child can stay eligible for Medicaid through the Social Security Income Program.

Today we are reintroducing legislation intended to close the health care gap for the Nation's most vulnerable population, and enable disabled children and their families to be equal partners in the American dream.

As President Bush said in his "New Freedom Initiative" on February 1, 2001, "Too many Americans with disabilities remain trapped in bureaucracies of dependence, and are denied the access necessary for success and we need to tear down these barriers".

The Family Opportunity Act will eliminate the unfair barriers that deny needed health care to so many disabled and special needs children.

It makes health insurance coverage more widely available for children with significant disabilities, through opportunities to buy-in to Medicaid at an affordable rate.

It allows States to develop a demonstration program to provide needed Medicaid services to children with psychiatric illnesses, instead of limiting such coverage to a residential or institutional setting.

It establishes Family to Family Information Centers in each State to help families with special needs children.

The enactment of the Work Incentives Improvement Act of 1999 demonstrated the commitment of Congress to do all we can to enable people with disabilities to lead independent and productive lives. It is time for Congress to show that same commitment to children with disabilities and their families.

I look forward to working with all members of Congress to enact this legislation and give disabled children and their families across the country a genuine opportunity to fulfill their dreams and fully participate in the social and economic mainstream of the Nation.

By Mr. NELSON of Florida (for himself, Mr. CORZINE, Mr. HAGEL, Mr. DURBIN, and Mr. DAYTON):

S. 185. A bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan; to the Committee on Armed Services.

Mr. NELSON of Florida. Mr. President, on behalf of myself and Senators CORZINE, HAGEL, DURBIN and DAYTON, I am honored to introduce legislation today that we are convinced is necessary to fix a long-standing problem in our military survivors benefits system.

The system in place right now, even with the important changes we have made recently, does not take care of our military widows and surviving children the way it should. We should act to correct this in this session.

I have sought and found inspiration on this from Holy Scripture. In fact, a simple yet powerful passage in the Book of Isaiah captures so much of what we are all about as a Nation theses days and what this legislation is trying to do.

In Isaiah we are told, "Learn to do good. Seek justice. Help the oppressed." And then we are admonished to, "Defend the orphan. Fight for the rights of widows."

Also in the first chapter of James, verse 27 we are told that in God's eyes the true measure of our faith is to look after orphans and widows in their distress.

This is powerful and clear direction that speaks to our hearts.

Last year, under Senator REID's leadership and at the Senate's insistence, the Defense authorization bill corrected a long-standing inequity by allowing 100-percent disabled military retirees to receive concurrently their full retired pay and disability compensation.

That correction in law was long overdue and we need to continue to work to extend this change to include retirees with lower disability ratings.

But there is another related injustice that needs to be addressed. The legislation that we offer today will extend the same protection of benefits to the widows and orphans of our 100-percent disabled military retirees and those who die on active duty.

Back in 1972, Congress established the military survivors' benefits plan—or SBP—to provide retirees' survivors an annuity to protect their income. This benefit plan is a voluntary program purchased by the retiree or issued automatically in the case of service members who die while on active duty. Retired service members pay for this benefit from their retired pay. Then upon their death, their spouse or dependent children can receive up to 55 percent of their retired pay as an annuity.

Surviving spouses or dependent children of 100-percent service-connected disabled retirees or those who die on active duty are also entitled to dependency and indemnity compensation from the Veterans' Administration.

But the annuity paid by the survivors' benefits plan and received by a surviving widow or a child is reduced by the amount of the dependency and indemnity compensation received from the VA.

I know a little something about insurance and income security plans. And I don't know of any other annuity program in the government or private sector that is permitted to offset, terminate, or reduce their payments because of disability payments a beneficiary may receive from another plan or program.

The legislation that we are proposing today also makes effective immediately a change to the military SBP program that we enacted in 1999. We have already agreed that military retirees who have reached the age of 70 and paid their SBP premiums for 30 years should stop paying a premium. But we delayed the effective date for this relief until 2008. We should not delay their relief any further.

The United States owes its very existence to generations of soldiers, sailors, airmen, and Marines who have sacrificed throughout our history to keep us free. The sacrifices of today are no less important to American liberty or tragic when a life is lost in the defense of liberty everywhere.

We owe them and those they leave behind a great debt.

As Abraham Lincoln instructed us, ours is an obligation "to care for him who shall have borne the battle, and for his widow, and for his orphan."

Too often we fall short on this care. We must meet this obligation with the same sense of honor as was the service they and their families have rendered.

We will continue to work to do right by those who have given this Nation their all, and especially for the loved ones they may leave to our care.

I appreciate the cosponsorship of my colleagues—Senators CORZINE, HAGEL, DURBIN and DAYTON—and look forward to working with everyone in the days ahead.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 185

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Retiree Survivor Benefit Equity Act of 2005".

SEC. 2. REPEAL OF REQUIREMENT OF REDUCTION OF SBP SURVIVOR ANNUITIES BY DEPENDENCY AND INDEMNITY COMPENSATION.

(a) REPEAL.—Subchapter II of chapter 73 of title 10, United States Code is amended—

(1) in section 1450(c)(1), by inserting after "to whom section 1448 of this title applies" the following: "(except in the case of a death as described in subsection (d) or (f) of such section)"; and

(2) in section 1451(c)—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as paragraphs (2) and (3), respectively.

(b) PROHIBITION ON RETROACTIVE BENEFITS.—No benefits may be paid to any person for any period before the effective date provided under subsection (e) by reason of the amendments made by subsection (a).

(c) PROHIBITION ON RECOUPMENT OF CERTAIN AMOUNTS PREVIOUSLY REFUNDED TO SBP RECIPIENTS.—A surviving spouse who is or has been in receipt of an annuity under the Survivor Benefit Plan under subchapter II of chapter 73 of title 10, United States Code, that is in effect before the effective date provided under subsection (e) and that is adjusted by reason of the amendments made by subsection (a) and who has received a refund of retired pay under section 1450(e) of title 10, United States Code, shall not be required to repay such refund to the United States.

(d) RECONSIDERATION OF OPTIONAL ANNUITY.—Section 1448(d)(2) of title 10, United States Code, is amended by adding at the end the following new sentences: "The surviving spouse, however, may elect to terminate an annuity under this subparagraph in accordance with regulations prescribed by the Secretary concerned. Upon such an election, payment of an annuity to dependent children under this subparagraph shall terminate effective on the first day of the first month that begins after the date on which the Secretary concerned receives notice of the election, and, beginning on that day, an annuity shall be paid to the surviving spouse under paragraph (1) instead.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the later of—

(1) the first day of the first month that begins after the date of the enactment of this Act; or

(2) the first day of the fiscal year that begins in the calendar year in which this Act is enacted.

SEC. 3. EFFECTIVE DATE FOR PAID-UP COVERAGE UNDER SURVIVOR BENEFIT PLAN.

Section 1452(j) of title 10, United States Code, is amended by striking "October 1, 2008" and inserting "October 1, 2005".

Mr. CORZINE. Mr. President, I rise today to announce the introduction of the Military Retiree Survivor Benefit Equity Act of 2005. This bill is a major step forward in making our military's Survivor Benefit Program fairer, more equitable, and more in keeping with our Nation's promise to our service members and their families. The bill combines two important fixes to the SBP. The first corrects a serious inequity in SBP that currently requires over a hundred thousand older military survivors to pay extra into the system for the same benefits as more recent enrollees. I have been fighting to fix this problem since the last Congress and am confident that this year we will succeed in providing basic fairness to these survivors.

This bill also eliminates the dollar-for-dollar deduction of the dependency indemnity compensation, DIC, which the VA pays to survivors, from SBP annuities. This policy is effectively a tax on military survivors at a time when so many of our brave men and women in uniform are dying in Iraq and their families are struggling to get by. Senator NELSON has long fought to eliminate this unfairness, and I am proud to stand with him today in introducing this comprehensive legislation.

The legislation that I introduced in the last Congress and which is included in this bill eliminates a major inequity in the SBP arising from a 1999 congressional act limiting the time required to pay into the plan. That act deemed retirees who are at least 70 years old and have already been paying into SBP for at least 30 years to be fully "paid up" for the purpose of receiving benefits. This was an important piece of legislation, but, unfortunately, Congress only made it effective in 2008. The result was that earlier enrollees—those who enrolled between 1972 and 1978—were forced to pay into SBP longer than enrollees from 1978 or later, up to 6 extra years of premiums. In other words, they had to pay in longer for the same benefits.

This inequity was further magnified by the fact that those earlier retirees paid much higher SBP premiums—10 percent of retired pay—for two full decades, until 1992, when the premium was reduced to 6.5 percent of retired pay.

This bill, by making the "paid up" provision effective this year, will finally grant these survivors—the widows and widowers of the Greatest Generation—the same benefits of those who enrolled in SBP in subsequent years. It will provide basic fairness to 135,000 survivors and allow us to honor their sacrifice and that of their loved ones.

This bill also eliminates the dollar-for-dollar reduction of SBP benefits by the amount received in dependency and indemnity compensation. Under current law, the surviving spouse of an active duty or retired military member who dies from a service-connected cause is entitled to $993 a month—for a survivor without children—from the Department of Veterans Affairs. However, the surviving spouse's SBP annuity is reduced by the amount of DIC.

SBP and DIC payments are paid for different reasons. SBP, in most cases, is elected and purchased by the retiree to provide a portion of retired pay to the survivor. DIC payments represent special compensation to a survivor whose sponsor's death was caused directly by his or her uniformed service. To offset DIC—which we provide to the families of those who have lost their life in the service of their country—from annuities earned and paid for, is blatantly unfair.

This bill has the broadest possible support among organizations representing our troops and their families, including Air Force Association, Air Force Sergeants Association, Air Force Women Officers Associated, American Logistics Association, AMVETS, Army Aviation Association of America, Associations of Military Surgeons of the United States, Association of the U.S. Army, Commissioned Officers Association of the U.S. Public Health Service, CWO and WO Association U.S. Coast Guard, Enlisted Association of the National Guard of the U.S., Fleet Reserve Association, Gold Star Wives of America, Jewish War Veterans of the USA, Marine Corps League, Marine Corps Reserve Association, Military Officers Association of America, Military Order of the Purple Heart, National Association for Uniformed Services, National Guard Association of the U.S., National Military Family Association, National Order of Battlefield Commissions, Naval Enlisted Reserve Association, Naval Reserve Association, Navy League of the U.S., Noncommissioned Officers Association of the United States of America, Reserve Officers Association, Society of Medical Consultants to the Armed Forces, Military Chaplains Association of the USA, Retired Enlisted Association, United Armed Forces Association, USCG Chief Petty Officers Association, U.S. Army Warrant Officers Association, VFW, and Veterans' Widows International Network. The Military Coalition has described this bill as a top legislative goal, and it is my expectation that it will have strong support in the Senate.

It is vital that we keep faith with the men and women who serve in our military as well as their families. The widows and widowers of our service members, those who are serving now and those who served us in earlier times, are owed our deepest gratitude. But in the face of their sacrifice, there is more that we should do. We cannot ever fully compensate them for their loss. But we can ensure that the benefits that they have earned are fair and just.

By Mr. ALLARD (for himself, Mr. SALAZAR, Mr. SHELBY, Mr. MCCONNELL, Mr. BUNNING, and Mr. SARBANES):

S. 186. A bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines; to the Committee on Armed Services.

Mr. ALLARD. Mr. President, I rise to discuss an issue of considerable importance to the people of southern Colorado. For nearly 50 years, the people of southern Colorado have lived with the knowledge that within a few miles of their homes, schools, and places of business lies one of the largest stockpiles of chemical munitions in the world. The Pueblo Chemical Depot was built during World War II and continues to this day to serve as an ammunition and material storage facility. Since the mid-1990s, the primary mission of the depot has been to protect the 780,000 chemical weapons being stored there.

As required by the Chemical Weapons Convention, the Department of Defense in 1997 launched an aggressive program to dismantle the U.S. chemical weapons stockpile. The program has since repeatedly stumbled and has not met the expectations of the international community, Congress and, most important, the people who live near these stockpiles. The costs of the program have risen from $15 billion in 1997 to $24 billion in 2001, an increase of $9 billion in 4 years. Some have estimated that the program will cost as much as $30 billion by the time it is completed.

The time schedule has experienced unconscionable delays. Last year cleanup of Pueblo was expected to be completed by 2011. The Department's latest budget decision has pushed the date all the way back to 2021, 9 years after the Chemical Weapons Convention treaty deadline.

Numerous safety incidents have occurred at operational sites, shutting down one facility for 9 months. Poor contracting has resulted in the shutting down of another facility, which is now costing the Federal Government $300,000 a day to keep operationally ready. It was hardly a surprise then when the President's own management assessment last year labeled this program as ineffective.

On top of these numerous problems, the Department of Defense has failed to fully communicate its intentions to either Congress or the local community. Last week, for instance, Senator SALAZAR, my colleague from Colorado, and I met with two Department of Defense officials to discuss this program. At that meeting we requested that the Defense Department answer some questions and were promised a written response from Under Secretary of Defense Michael Wynne within 3 days. That meeting was held over a week ago, and we have yet to receive a response.

At least we in Congress can get a meeting. Members of the local community in Pueblo, CO have been trying to get an official from the Defense Department to meet with them to discuss the Pentagon's plans for weeks. Despite the fact that the Defense Department is trying to unilaterally shut down the design work at Pueblo, the Pentagon has not taken the time to meet with the residents who, if the Pentagon gets its way, will be forced to live for another 15 years near an aging stockpile housing three-quarters of a million chemical weapons.

The latest and most frustrating Pentagon effort in this program is to study once again the possibility of transporting the 2,600 tons of mustard gas across the State of Colorado to an incinerator site out of the State. Never mind that this option has been studied at least three times in the past decade, and never mind that current law prohibits the transport of chemical munitions across State lines, and never mind that transporting these weapons out of State would violate the agreement the Defense Department made with the people in Pueblo.

This study is unnecessary and a waste of taxpayers' hard-earned dollars. I don't know how simpler we can make it. I have already been told by Pentagon officials that the study is going to conclude that the transportation of chemical munitions across State lines is not practical. If that is the case, why do the study? Why waste $150,000 to study the feasibility of an option that is against the law and has already been determined by the Pentagon to be impractical?

With the Department wasting money on meaningless studies, it is no wonder that this program is over budget and behind schedule. I think it is time we took a stand against the Pentagon's wasteful actions. Therefore, I am introducing legislation today that will stop this study and force the Department of Defense to recognize that the only option for destroying its chemical munitions is to build a disposal site in Pueblo.

I am pleased to announce that my colleague from Colorado, Senator KEN SALAZAR, has agreed to cosponsor this legislation. I wanted to mention, though, that Senator MITCH MCCONNELL, Senator BUNNING, and Senator SHELBY have also agreed to cosponsor. We should not forget that Senator MCCONNELL in particular has been fighting the Department on this issue for over a decade. In many respects, Senator MCCONNELL's hard work has paved the way for the legislation I am introducing today along with my colleague from the State of Colorado, Senator SALAZAR.

I urge my other colleagues to join us in putting the Department on notice that this kind of wasteful, meaningless effort will not be tolerated.

I believe it is time the Pentagon took a good look at its chemical demilitarization program. Our country cannot afford to throw away our scarce defense dollars into a program that continues to be so incredibly mismanaged. Nor should our Nation's diplomats be put in the position of having to explain why we can't meet our treaty obligations to the likes of China, Iran, or France. Most importantly, we cannot forget the thousands of innocent Americans who continue to live near these sites. They bear the burden of the Pentagon's mismanagement. It is not fair to them when all they have asked for is that these munitions be cleaned up in a manner that is safe and does not harm the environment.

Mr. SALAZAR. Mr. President, I rise today along with my colleagues in relation to the Pueblo Chemical Depot. When the Senate ratified the Chemical Weapons Convention in 1997, it became U.S. law and our sworn obligation to destroy our Nation's chemical weapons stockpiles by 2012. With the advent of the global war on terror, this responsibility has taken on even more importance. We must destroy these weapons to ensure the health and safety of the citizens of the State of Colorado.

We must also stand as an example to the world that we are firmly resolved in our commitment to reducing the threats posed by weapons of mass destruction in our Nation.

Given the gravity of the situation, I cannot understand why the Department of Defense is shirking from their responsibility in this matter.

Until recently, the relationship between the Army and the citizens of Pueblo had an excellent track record, proving that when good people come together and operate from a position of trust, significant problems can be solved. Yet, one day after Senator ALLARD and I were absolutely assured by the Department of Defense that the chemical weapons stored in Pueblo would not be transported, and that the weapons would be destroyed in Pueblo by the environmentally safe method of water neutralization, the Department of Defense turned around and commenced a study on the feasibility of transporting the stockpiles out of Pueblo to be incinerated at another site—twenty-four hours after they said they wouldn't.

I believe we were given a good faith commitment last week that the destruction of the weapons would continue at Pueblo using the water neutralization technology agreed upon, and that the munitions would not be transferred elsewhere. While we wait for the promised clarification on these matters, Senator ALLARD and I believe it is necessary to emphasize our resolve.

To help provide that emphasis, we are introducing this bill. It is a straightforward, one-line bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

Mr. President, the sheer number of weapons awaiting destruction at the Pueblo Chemical Depot is staggering: more than three-quarters of a million artillery shells and mortar rounds. Transporting these weapons would be a dangerous and expensive enterprise. It would be subject to legal challenges by the towns and the States involved, and it is against Federal law.

In short, transporting these weapons will not save time, and it will not save money. But this bill we have brought to the floor will save both time and money, because it stops the frivolous study and returns the focus to the issue at hand: the safe destruction of the chemical weapons at Pueblo by water neutralization.

Mr. MCCONNELL. Mr. President, one of the first meetings I had as a U.S. Senator 20 years ago was about the aging chemical weapons stored at the Blue Grass Army Depot in Richmond, KY. At the time, the Army was ignoring the concerns of the community and attempting to incinerate the weapons irrespective of the potential risk.

Not much has changed.

I have spent the last 20 years fighting for the citizens of Kentucky who live in proximity to these dangerous weapons, and although the party responsible for the weapons is now the Department of Defense, the problem remains the same. Those responsible for the destruction of the chemical stockpiles are ignoring the best interests and concerns of the citizens who live near them.

Every time I have helped the community to clear a hurdle, whether it was to force the Army to investigate alternative technologies to incineration or the creation of a new organization to manage the new method of demilitarization, a new obstacle has been put in the path of stockpile destruction. Currently, the citizens of Kentucky and Colorado are being robbed to pay for the massive cost overruns at incineration sites throughout the country.

The budgets for demilitarization at Blue Grass and Pueblo have been slashed, and the money has been transferred to other accounts in spite of the fact that Blue Grass and Pueblo had succeeded in securing permits from the local environmental agencies in record time. The Assembled Chemical Weapons Agency, which has been tasked with managing the demilitarization of these stockpiles, is respected and trusted by the community. And I believe the Department's decision to cut funding for ACWA in the FY06 budget is a slap in the face to the citizens of Kentucky and Colorado, and an insult to the fine people at ACWA.

Now the Department has suggested it wants to transport the weapons from these depots through our communities to incineration sites. This will not happen so long as I am a U.S. Senator.

After the time and energy I have expended on ensuring these weapons are disposed of in a safe and environmentally friendly manner, I am personally insulted by the Department's efforts to delay destruction and its suggestion of transporting the weapons elsewhere.

The Department has an obligation to the citizens of Kentucky and Colorado to dispose of these stockpiles in an expeditious and safe manner. Congress and the Department, working with the communities, certified an alternative means of disposal, and it is unacceptable for the Department to walk away from this promise. Destruction of stockpiles at Blue Grass and Pueblo deserves full funding from the Department of Defense, and I will work to put the demilitarization of these stockpiles back on schedule.

I want to thank my friend, Senator Allard, for his efforts to safely dispose of these dangerous stockpiles. As a member of the Armed Services Committee, Senator Allard was a tireless advocate for the citizens of Colorado who live near these weapons. I am happy to welcome Senator Allard to the Appropriations Committee, where I look forward to working with him to ensure that Blue Grass and Pueblo receive the funding attention that is so long overdue.

Although the Department may come to its senses and decide not to pursue the shipment of decaying stockpiles of chemical weapons through suburban Kentucky or Colorado, I've come to learn that trusting the best judgment of the folks in charge of this program is never a sure bet. For that reason, I'm proud to be an original cosponsor of Senator Allard's legislation, which will prohibit the shipment of chemical weapons from any Army installation. These weapons need to be destroyed, but they need to be destroyed safely at the locations where they currently are stored. Moving 60-year-old stockpiles of leaking mustard agent is not a solution to a budget problem, it is a recipe for disaster.

By Mr. CORZINE (for himself, Mr. Smith, Mr. Kennedy, Mrs. Boxer, Ms. Cantwell, Mrs. Clinton, Mr. Coleman, Mr. Conrad, Mr. Dayton, Mr. Durbin, Mr. Dodd, Mr. Harkin, Mr. Inouye, Mr. Jeffords, Ms. Landrieu, Mr. Lautenberg, Mr. Leahy, Mr. Levin, Ms. Mikulski, Mrs. Murray, Mr. Reed, Mr. Rockefeller, Mr. Sarbanes, Ms. Stabenow, Mr. Schumer, Mr. Wyden, Ms. Collins, Mr. Johnson, Mr. Kerry, Mrs. Lincoln, and Mr. Biden):

S. 187. A bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005-2006, published in the Federal Register on December 23, 2004; to the Committee on Health, Education, Labor, and Pensions.

Mr. CORZINE. Mr. President, I join with Senators Kennedy and Smith and twenty-seven of our colleagues today in introducing a very important piece of legislation, the Ensuring College Access for All Americans Act.

This bill would prevent any student from seeing a reduction in the Pell grants under recent changes by the Bush administration to the formula used to calculate student aid eligibility. On December 23, 2004—just 2 days before the Christmas holiday, I might note—the Department of Education published updates to the allowance for state and other taxes that is used by students and their families to calculate their expected family contribution, or EFC, to college tuition. The EFC is the amount that students and their families are expected to contribute towards college in a given year.

Changes in a student's "expected family contribution" have a direct impact on that student's eligibility for a variety of types of financial aid. Simply put, as a student's expected family contribution goes up, their eligibility for financial aid goes down.

The Administration's changes to the tax tables have the effect of cutting $300 million from the successful Pell grant program, upon which more than five million students nationwide rely. It is projected that, as a result of these cuts, 1.3 million students will see a reduction in their Pell grants and another 89,000 will become ineligible for Pell grant assistance.

Not only will these changes drastically affect Pell grant eligibility and aid, but because the EFC formula is used to calculate eligibility for other forms of Federal aid, including federal student loans, as well as private institutional and state aid, these changes will cut practically all forms of student aid. Unfortunately, the Department's changes to the state and local tax allowance will increase the EFC for nearly all American families and students. While no New Jersey students are projected to lose assistance under this year's proposed cuts, they were projected to lose assistance under similar cuts proposed in 2003. I am very concerned that New Jersey students could be hurt going forward if the administration continues to update the tax tables based on outdated tax information.

Certainly, I do not disagree that the tax tables used to determine EFC, which have not been updated since 1988, may need to be revised to reflect current state and local tax burden. However, the administration's proposal does not reflect current tax levels. The updates reduce the credit that families receive for paying state and local taxes at a time in which they are actually paying more taxes. For example, the administration's new tax tables are based on Fiscal Year 2002 state tax information. According to the National Association of State Budget Officers, though, since FY 2002, states have enacted $14.1 billion in tax and fee increases. Again, because the administration's proposal is based on outdated tax information, it does not take into account these substantial increases in State tax burden.

In fact, the General Accounting Office issued a report last week that found that the Department of Education's procedures for revising the tax tables and the formula the Department used are seriously flawed. The GAO report, entitled Student Financial Aid: Need Determination Could be Enhanced through Improvements in Education's Estimate of Applicants' State Tax Payments, states, "Education could not provide us with written procedures guiding staff on the routine steps necessary to update the tax allowance, nor did it maintain detailed records of its efforts to obtain data." The report goes on to say of the data the Department used to revise the tables,

> As a result of certain limitations of the SOI [statistics of income] dataset for the purpose of calculating the allowance and problems with how Education uses this dataset, the current state and other tax allowance may not fully reflect the amount of taxes paid by students and families. The dataset itself is not ideally suited for calculating the allowance because it is limited to financial data from those who itemize their taxes, does not include state and local taxes, and is several years older than the income information reported by students and families on the FAFSA.

The report further notes that because the SOI compiles data only for those who itemize their tax deductions, who may pay different tax rates than non-itemizers, the data is further flawed. The GAO goes on to suggest improvements to the Department's calculations and the data they use.

These changes also come at a time when tuition is rising dramatically at double digit rates, and students and working families are straining to provide the financial wherewithal to access America's promise of education. According to the College Board, tuition, room, and board at a four-year public university costs an average of $11,354, $824 more than last year and $1775 more than 2 years ago. In other words, tuition at public institutions has been increasing by almost ten percent a year. In fact, according to the National Association of State Universities and Land-Grant Colleges, tuition and fees at public institutions in New Jersey has increased by more than 40 percent since the 1999–2000 school year. In some states they've increased by more than 60 percent in the last five years.

To really understand these numbers, though, it's necessary to look at the people who are struggling to afford to go to college. To that end, I would like to read a couple of personal stories about the importance of the Pell grant program to a college-bound student and a student struggling to afford college now.

One student writes,

> I am lucky enough to be attending a top-rate University and receiving a quality education, but I rely on many federal loans and aid, including a Pell Grant, in order to remain where I am. When President Bush decided not to fully fund Pell Grants, he left me and many others in a precarious position. My Pell grant is still pending and I really am counting on it to cover some of my basic expenses; it will be a hardship until it comes—or worse if it doesn't come in full. The President says he's an advocate for young people with his dubious social security plans, but he leaves us behind with his non-commitment to higher education.

A mother who fears she will no longer be able to afford to send her son to school writes,

> I've saved money from the day my son was born so that he may attend the college of his dreams. He is a gifted musician and was awarded scholarships to attend Berklee in Boston. With the help of the Pell Grant and other student loans, he is now a freshman there and I'm proud to say is doing very well. However, I am worried that with Bush having lowered the income standard for Pell, Timmy may lose his grant and there won't be enough money saved for him to stay in school. I would like to give him the opportunity to pursue his dreams and let his talent take him where it may. I see Bush cutting programs from the have nots to give to the haves. How many dreams is he going to destroy and how many more programs is he going to cut?"

It's wrong, to cut $300 million—a small price to pay to ensure that low-income families can afford to send their children to college—from this program. And it's even worse to cut aid to 1.4 million families based on faulty calculations.

A college education today is essential to survival in our competitive marketplace. Not only does our economy thrive on an educated workforce, but also those who are educated and as a result are gainfully employed contribute enormously to our tax base. I am willing to venture that the costs of the Pell grant program are more than paid back by those who were able to go to attend college because of a Pell grant and today are productive, taxpaying citizens.

The Senate must prevent these cuts from becoming a reality. Thirty Senators stand behind the legislation I introduce today a bipartisan group of thirty Senators, I might add.

I hope that we can put politics aside and pass this legislation immediately to prevent any student from losing Pell grant assistance. Finally, I strongly urge the administration to take a close look at the GAO report and to reform the flawed system they have used to revise the tax tables.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 187

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ensuring College Access for all Americans Act".

SEC. 2. ALLOWANCE FOR STATE AND OTHER TAXES.

Notwithstanding any other provision of law, the annual updates to the allowance for State and other taxes in the tables used in the Federal Needs Analysis Methodology to determine a student's expected family contribution for the award year 2005–2006 under part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk et seq.), published in the Federal Register on Thursday, December 23, 2004 (69 Fed. Reg. 76926), shall not apply to a student to the extent the updates will reduce the amount of Federal student assistance for which the student is eligible.

Mr. KENNEDY. Today I join Senator CORZINE and 26 of our colleagues to introduce legislation to prohibit the implementation of the proposed changes in the State and local tax tables on college students receiving need-based aid.

When decisions are made by any administration that affect the price that families pay for college, it is important that the Congress understands both the factors that influenced that decision and the impact of those decisions on our constituents. In light of the slumping economy, State budget crises, and rising college costs, the Department's proposed changes come at a very difficult time for students and their families. Raising the cost of tuition by a few hundred dollars may cause a student to have to leave school and it is our responsibility to ensure that these changes are being made for sound reasons.

I urge the Department of Education to work with Congress when making these decisions so that members of this body are made aware of policy changes through a collaborative process—and not the media.

Ms. CANTWELL. Mr. President, I want to take a moment to talk about the advantages of having a college education and the importance of ensuring access to higher education. That is why I am pleased to join as a cosponsor the Corzine-Smith Kennedy Ensuring College Access for All Americans Act of 2005. Due to recent changes made to the formula determining federal Pell grant awards, many students are at risk of losing needed financial aid. This bill would guarantee that no student sees a reduction in his or her Pell grant assistance in the 2005–2006 school year or loses the grant completely.

We are all familiar with the adage: education is the great equalizer—and that a college education is the economic ladder to upward mobility. Not only do individuals reap benefits from having a college degree, society also values higher education—as we have also heard that education is the engine that drives a healthy economy. Basically, in addition to all its other benefits, having a good education pays individuals in the long run.

According to a recent report by the college board, college graduates earn about 73 percent more than high school graduates over their working lives. For those with advanced degrees, earnings are two to three times higher than high school graduates. Moreover, society enjoys the financial returns on the investment in higher education—from generated higher tax payments to decreased dependency on public income-transfer programs. Overall, higher education improves individual and societal quality of life.

While we are convinced that higher levels of educational attainment produces positive outcomes we need to do more to ensure access to higher education.

With the cost of college tuition continuing to rise, financial aid is the decisive factor in determining whether thousands of high school seniors are college bound or not. In particular, Federal Pell grants are especially critical for low-income students financing their way through college. According to the college board, college tuition at 4 year institutions increased on average by over 10 percent in the 2004–2005 school year. At 2-year public colleges, tuition increased by over 8 percent.

However, the Department of Education's recent changes to the formulas for financial aid eligibility will cut $300 million in Pell grant assistance to students nationwide, resulting in drastic reductions of Pell grant awards to more then one million students. The American Council on Education estimates that 89,000 students who are currently eligible for a Pell grant will lose this financial assistance. An additional 1.3 million student will likely see a reduction of $100 to $300 in their Pell Grants.

In my home State, over 4,000 students, just at one college, the University of Washington, will be adversely impacted from the change in financial aid eligibility. Early estimates show that about 3,900 students of the 6,900 eligible for a Pell Grant will lose up to $200 a year. Two hundred more students will probably lose their minimum grants of $400. Many of the students likely to see a decrease in their Pell grant award are low income.

Federal financial aid was critical to my own educational achievements. I went to college on a Pell grant. It was a critical to my being able to finance my way through school. With these new rules, some students may quit school or will have to spend more time working when they should be going to class.

The Ensuring Access for All Americans Act of 2005 would restore this critical financial assistance to thousands of needy students in the 2005–2006 school year. At a time when more and more employers are requiring a college degree for employment and tuition costs are skyrocketing, government should be opening the doors to educational opportunity, not locking students out. I urge prompt Senate action on this measure.

Mrs. FEINSTEIN. Mr. President. I am pleased to join Senators CORZINE and KENNEDY as a cosponsor of the bill Ensuring College Access for All Americans that restores cuts to the Federal Pell Grant Program for millions of students nationwide.

Federal Pell grants are the cornerstone of our need-based financial aid system ensuring that all students have access to higher education.

These grants provide nearly $12.8 billion to help about 5.3 million low-income students attend college.

However, approximately 89,000 students currently eligible for a Pell grant will lose it, while an additional 1.3 million students will see their grants reduced by as much as $100 to $300 due to cuts in the Federal Pell Grant Program.

In California, nearly 150,000 low-income students will see their federal Pell grants decrease or disappear.

These cuts have a huge impact on students at California's public colleges and universities.

Within the University of California system, almost half of the 46,000 Pell grant recipients who attend one of the eight UC campuses will receive reduced grants and about 500 students who receive $400 a year will lose their grants completely.

On December 23, 2004, the Department of Education issued a proposal that will cut $300 million from the Federal Pell Grant Program.

The proposal updates State and local tax tables used to determine families' expected contribution towards college cost in a given year resulting in students and their families being expected to contribute more for college expenses.

These changes, which use Fiscal Year 2002 State and local data, reduce the credit that families receive for paying State and local taxes at a time when they are actually paying more taxes.

Senators CORZINE and KENNEDY's bill ensures that no student loses their Pell grant or sees a reduction in assistance under the Department of Education's proposal to update State and local tax tables.

It would simply "hold harmless" any student who stands to lose under the new proposal, so that no student would see a reduction in their Pell grant. Those students in the States that stand to gain would still benefit from the new tax tables.

It is imperative that cuts to this important student aid program be restored so that students can continue to receive their Pell grants that they are eligible for.

I recently received a letter from one my constituents from Chino, CA, a parent who is very concerned about the cuts to the Pell grant program. The letter said:

> This would result in millions of families, many of whom depend on financial aid including Pell grants, such as my children in college, losing all or part of their federal support. . . . this affects us all and our children's future.

A college student from Contra Costa County in California wrote:

> The amount of my Pell grant will not cover the cost of supplies that I need for the semester. . . . my parents cannot take out loans themselves. . . . so now I have to take out loans of my own, which for the amount I was approved for, doesn't even cover a quarter of my tuition. I really felt let down and disappointed.

There could not be a worst time for making changes that would take away or shrink a student's financial aid.

Over 500,000 low and middle-income California students rely on Pell grants for financial assistance. The maximum Pell grant has been frozen at $4,050 for 3 consecutive years, while the costs of attending a 4-year public college or private college have increased both nationwide and in California.

We must do all we can to make college education more accessible and affordable for our Nation's students.

I urge my colleagues to join Senators CORZINE and KENNEDY in supporting this legislation.

By Mrs. FEINSTEIN (for herself, Mr. KYL, Mr. SCHUMER, Mr. CORNYN, Mrs. BOXER, Mr. MCCAIN, Mr. DURBIN, Mr. CRAPO, Ms. CANTWELL,. Mrs. HUTCHISON, Mr. BINGAMAN, Mr. ALEXANDER, and Mr. LAUTENBERG):

S. 188. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I offer today legislation to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program, SCAAP.

I am pleased to be joined on this bill by a bipartisan group of Senators, including Senators KYL, SCHUMER, CORNYN, BOXER, MCCAIN, DURBIN, CRAPO, CANTWELL, HUTCHISON, BINGAMAN and ALEXANDER.

This legislation is critical to ensuring that cash strapped states and localities are at least partially reimbursed for the costs of housing undocumented criminal aliens in their jails. Ultimately, were it not for the failure of the federal government to control illegal immigration, States and localities would not have to spend hundreds of millions of dollars in housing these individuals in their prisons and jails.

During the 108th Congress, this bill passed the Senate by unanimous consent but stalled in the House of Representatives. This year, passage of this legislation is even more critical given that the authorization for appropriations for SCAAP in the Immigration and Nationality Act expired in 2004.

While hard numbers can be elusive when determining the actual costs to American taxpayers of illegal immigration, not many would disagree that the costs are in the billions of dollars each year. These costs go to, for instance, education, medical care and incarceration. And even if we consider the tax contributions of undocumented aliens and subtract that from the total costs, we are still left with expenditures in the billions of dollars.

The cost of incarcerating undocumented criminal aliens alone is a staggering figure—millions of dollars each year. And these dollars expended by States and localities are not optional. They must be expended since incarcerating individuals convicted of committing a crime is not optional.

Since funding for SCAAP began in 1995, the amount appropriated has been as high as $565 million and as low as $250 million—and these figures only covered a portion of the costs expended by States and localities to house undocumented criminal aliens. Furthermore, every day States and localities expend other monies on undocumented criminal aliens that are not reimbursed by the federal government through SCAAP. Those expenses include public safety expenditures, expenses of trial proceedings, use of translators, cost of public defenders and the incarceration expenses of undocumented criminal aliens for minor offenses that do not meet the standards of SCAAP.

The reality is that all 50 States, the District of Columbia, Puerto Rico and the U.S. Virgin Islands requested reimbursement through the SCAAP program in fiscal year 2004. In that year, $281,605,292 was awarded through the program.

Congress has an obligation to reimburse States and localities for the costs of incarcerating undocumented criminal aliens when the federal government fails in its responsibility to effectively deter illegal immigration.

During the 108th Congress, this bill—S. 460—passed the Senate by unanimous consent.

This year, passage of this legislation is all the more critical because authorization for SCAAP funds expired in 2004. Without funding, cash strapped states and localities are going to have to re-allocate monies from other areas within their criminal justice system to meet the costs of housing undocumented criminal aliens.

We in Congress can assist, albeit in small part, our states by supporting the "State Criminal Alien Assistance Program Reauthorization Act of 2005". This bill would amend section 241(i)(5) of the Immigration and Nationality Act to authorize appropriations at a level of $750 million for FY 2006, $850 million for FY 2007 and $950 million for FY 2008 through FY 2011.

Enacted as part of the Violent Crime Control and Law Enforcement Act of 1994, SCAAP reimburses States and localities that incur costs for incarcerating undocumented criminal aliens. These aliens must be convicted of a felony or two or more misdemeanors in violation of State or local law, and incarcerated for at least 4 consecutive days.

Funding for SCAAP has been appropriated by Congress annually since 1995. The program is administered by the Office of Justice Programs' Bureau of Justice Assistance, which is located in the Department of Justice.

During FY1997 to FY2003, approximately $3.5 billion was distributed to States and localities. California has historically received the largest annual awards since the program's inception, with Arizona, Illinois, New York and Texas also consistently receiving large awards. Unfortunately, authorization for SCAAP expired in October 2004.

SCAAP was established with the belief that protecting the nation's borders from illegal immigration is the responsibility of the Federal Government and that States and localities should be reimbursed by the Federal Government for expenses relating to these duties.

It is clear to everyone in this Chamber that immigration is a federal responsibility. In fact, the Constitution gives Congress plenary power over immigration, so States are legally barred from acting on their own. SCAAP has been set up over the years to reimburse states and local government for the costs of incarcerating undocumented criminal aliens.

It is based on the principle that when the Federal Government fails to enforce its laws against immigration violators, it should bear the responsibility for the financial costs of this failure.

Mr. President, I ask my colleagues to join me in supporting this legislation. I also ask unanimous consent that the text of legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 188

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "State Criminal Alien Assistance Program Reauthorization Act of 2005".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEARS 2005 THROUGH 2011.

Section 241(i)(5) of the Immigration and Nationality Act (8 U.S.C. 1231(i)(5)) is amended by striking "appropriated" and all that follows through the period and inserting the following: "appropriated to carry out this subsection—

"(A) such sums as may be necessary for fiscal year 2005;

"(B) $750,000,000 for fiscal year 2006;

"(C) $850,000,000 for fiscal year 2007; and

"(D) $950,000,000 for each of the fiscal years 2008 through 2011.".

By Mr. INHOFE:

S. 189. A bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations; to the Committee on Health, Education, Labor, and Pensions.

Mr. INHOFE. Mr. President, I rise today to introduce legislation requiring parental consent for intrusive physical exams administered under the Head Start program.

Young children attending Head Start programs should not be subjected to these intrusive physical exams without the prior knowledge or consent of their parents. While the Department of Health and Human Services has administered general exam guidelines to agencies, the U.S. Code is not clear about prohibiting them without parental consent. To clarify the code, my bill will not allow any nonemergency intrusive exam by a Head Start agency without parental consent. This would not include exams such as hearing, vision or scoliosis screenings.

This issue was brought to my attention by some of my constituents from Tulsa, OK who felt their rights were violated when their children were subjected to genital exams and blood tests without their consent. I am pleased to see that the Rutherford Institute has taken an interest in this crucial issue and are representing my constituents.

As a father and grandfather, I believe it is vital for parents to be informed about what is happening to their children in the classroom. I hope that my colleagues will join me in support of this important bill.

I ask unanimous consent that the text of the following article be printed in the RECORD, "Federal Head Start suit pending."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FEDERAL HEAD START SUIT PENDING

A lawsuit against Tulsa's Head Start program alleging a violation of the constitutional rights of preschool children remains pending in the U.S. District Court.

The 10th U.S. Circuit Court of Appeals reinstated the lawsuit in July 2003 saying the program appears to have "directly violated" their rights by subjecting children to genital exams and blood tests without their parents' consent.

The appellate decision reversed a 2001 decision by U.S. District Judge Terence Kern in Tulsa in favor of the Community Action Project.

The lawsuit arose as a result of exams of Head Start boys and girls at Roosevelt Elementary School on Nov. 5, 1998. The appellate judges said a registered nurse, who was a CAP employee, insisted on the exams over the objection of a parent, who was also a CAP aide.

The appeals court also reinstated claims for invasion of privacy and "technical battery" under Oklahoma law, and claims against CAP for allegedly interfering with the parents' "constitutional right to direct and control the medical treatment of their children."

The parents are represented by Steven Aden, chief litigator for the Virginia-based Rutherford Institute, a conservative legal foundation that focuses on religious rights, parental rights and freedom from government intrusion.

By Mr. HAGEL (for himself, Mr. SUNUNU, and Mrs. DOLE):

S. 190. A bill to address the regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

Mr. HAGEL. Mr. President, I rise today to introduce, along with my colleagues Senators SUNUNU and DOLE, the Federal Housing Enterprise Regulatory Reform Act of 2005. This is needed regulatory reform at a critical time for the Federal National Mortgage Association (Fannie Mae the Federal Home Loan Mortgage Corporation, Freddie Mac, and the Federal Home Loan Banks.

There is no doubt that our housing government sponsored enterprises GSEs, have been successful in carrying out their mission of providing liquidity for the housing market. The market has remained strong through tough economic times, and homeownership in this country is at an all-time high.

The housing GSEs, however, are uncommon institutions with a unique set of responsibilities and stakeholders. Fannie and Freddie are chartered by Congress, limited in scope, and are subject to Congressional mandates, yet they are publicly traded companies with all the earnings pressure that Wall Street demands. Additionally, Fannie and Freddie enjoy an implicit guarantee by the Federal Government that has aided them in developing substantial clout on Wall Street. With their influence in the markets, their ability to raise capital at near-Treasury bill rates, and their use of the most sophisticated portfolio management tools, Fannie and Freddie today are no longer simply secondary market facilitators for mortgages.

The significance of Fannie Mae and Freddie Mac to our economy cannot be overstated. Together, the companies own or guarantee roughly 45.6 percent of all mortgage loans in the United States. The companies combined have issued over $3.9 trillion in obligations comprised of $2.2 trillion in mortgage backed securities and $1.7 trillion of GSE debt.

It is clear that the recent revelations at both Freddie Mac and Fannie Mae precipitate the need for Congress to address GSE regulatory reform. In 2003, Freddie Mac found itself treading through a wave of accounting problems and questionable management actions. That led to an income restatement of $5 billion, a penalty of $125 million and the removal of several members of its executive management. One year later, a similar surge of questionable practices was discovered at Fannie Mae. That led to the retirement and resignation of two of Fannie Mae's top management officials, as well as last month's ruling by the Securities and Exchange Commission, SEC, that Fannie could face a $9 billion income restatement.

At a minimum, the bar for a GSE should not be held lower than it is for any other company. In fact, given its congressionally chartered mission to serve a public interest, the bar should be held significantly higher. The operations of such companies should be managed with uncompromising integrity and unabridged transparency.

Our legislation would create a new independent world class regulator for Fannie Mae, Freddie Mac and the Federal Home Loan Banks. Our bill provides the new regulator with enhanced regulatory flexibility and enforcement tools like those afforded to the Federal Deposit Insurance Corporation, the Federal Reserve System, the Office of the Comptroller of the Currency and the Office of Thrift Supervision. Furthermore, the bill would:

Provide the new regulator the authority of receivership to close down a failing GSE and protect against a taxpayer bailout; provide the new regulator greater discretion in raising capital standards to protect against insolvency; provide the new regulator approval power over new programs and activities proposed by a GSE; provide the regulator with greater authority to limit exit compensation packages or golden parachutes for executives removed for cause; require the annual audits of Fannie Mae's and Freddie Mac's affordable housing programs to ensure that these programs support the enterprises' affordable housing mission; end presidential appointments to the board of directors of Fannie Mae and Freddie Mac, and would require all Federal Home Loan Bank directors to be elected.

This reform is important to restoring and maintaining the confidence that investors and the markets require. In light of the recent problems at Freddie Mac and Fannie Mae, it is even more important. I urge my colleagues to support this reform effort and invite them to cosponsor our bill.

By Mr. SMITH (for himself, Mrs. FEINSTEIN, Mr. BAUCUS, and Mr. SANTORUM):

S. 191. A bill to extend certain trade preferences to certain least-developed countries, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, I rise today to introduce important legislation aimed at helping some the world's poorest countries along their path toward economic development and self-sufficiency. Joining me in introducing this bill are my colleagues Senator FEINSTEIN, of California; Senator BAUCUS, of Montana; and Senator SANTORUM, of Pennsylvania. I appreciate their efforts in getting us to this point, and I look forward to working with them to see that this legislation is enacted into law.

When President Bush delivered his second inaugural address last week, he reaffirmed in absolute terms the commitment of the United States toward furthering human dignity around the globe. He drew on the words and the beliefs of our forefathers that every life has worth and is deserving of the freedom and security of economic independence.

The bill that I bring here today is aimed at spreading America's ideals of economic independence to regions of the world that have seen few such successes. My bill, the Tariff Relief Assistance for Developing Economies (TRADE) Act of 2005, would extend to some of the poorest people of the world the opportunity to work toward a better life.

Specifically, my legislation would provide duty-free and quota-free benefits, similar to those afforded under the Africa Growth and Opportunity Act, to some of the world's most impoverished nations. The countries covered by this legislation are 14 of the least developed countries (LDCs), as defined by the United Nations and the U.S. State Department, which are not covered by any current U.S. trade preference program. They include Afghanistan, East Timor, Maldives, Cambodia, Bangladesh, and Nepal. My bill also includes a special emergency trade provision to assist Sri Lanka as it struggles through the aftermath of the recent tsunami.

The TRADE Act countries are subject to some of the highest U.S. tariffs in the world, averaging over 15 percent. This stands in glaring contrast to the nearly negligible tariffs that face our wealthier trading partners in Europe and Japan. The TRADE LDCs have been given duty-free entry from all other Organization for Economic Cooperation and Development countries, and they need our help now.

In prior years Congress has acted generously toward LDCs in the Caribbean and Sub-Saharan Africa. It is now time for us to act in a similar fashion to LDCs of the Asia-Pacific region. By allowing duty-free imports into the United States, we can encourage these countries to diversify their economies while creating employment opportunities and promoting democracy.

In supporting these values, we can also help to bring about a safer and more peaceful world. Recent history has shown us the violence and resentment that can arise when people lose hope and societies breakdown. Backward economic policies and repressive regimes offer fertile breeding ground for radical and dangerous ideologies.

In its final report, the 9/11 Commission recommended a U.S. strategy to counter terrorism that includes "economic policies that encourage development, more open societies, and opportunities for people to improve the lives of their families and enhance prospects for their children's future."

The bill that I am introducing today can help us meet the goal of greater economic development in an increasingly important region of the world. The devastation brought by the recent tsunami coupled with the end of the textile quota system make this legislation especially timely and hasten the need for its passage. I thank you for the opportunity to speak here today, and I look forward to working with my colleagues in Congress to pass this legislation.

By Mr. LUGAR:

S. 192. A bill to provide for the improvement of foreign stabilization and reconstruction capabilities of the United States Government; to the Committee on Armed Services.

Mr. LUGAR. The bill I am introducing today seeks to enhance United States effectiveness in dealing with countries that are either emerging from civil strife and conflict or threatened with instability. It calls for the creation of certain fundamental capabilities within the Government, and the Pentagon in particular, that are critical to success in what has come to be called stabilization and reconstruction operations. These capabilities include the training and equipping of sufficient numbers of civilian and military personnel for such activities, as well as the development of a new guiding principle—one that designates stabilization and reconstruction as a prime Defense Department mission with the same priority as combat operations.

Often these missions will occur at the end of major combat operations. We have learned from recent experiences in Afghanistan and Iraq that the United States will encounter significant challenges in seeking to ensure stability, democracy, and a productive economy in nations affected by conflict.

While United States Armed Forces are extremely capable of effectively projecting military force and prevailing on the battlefield, achieving United States objectives also requires successful stabilization and reconstruction operations after major fighting has ceased. Without success in the aftermath of large-scale hostilities, the United States hard-won military victories will be at risk. To achieve this success, the armed forces and civilian agencies of the United States Government must have the capabilities to support stabilization and reconstruction and to undertake effective planning and preparation well before the outbreak of hostilities.

There are many cases, as well, when timely intervention to stabilize a threatening situation can head off the need for a major combat operation. This legislation envisions that the same capabilities created to stabilize a post-conflict situation may also be used to prevent conflict in the first place, thus achieving United States objectives more effectively with less loss of life and less potential risk to our relations with other countries.

Much as the military component of a conflict requires extensive planning and training, we must also be well-prepared and trained for stabilization and reconstruction operations. To be fully effective in such operations, the United States needs to have Federal Government personnel deployed continuously abroad for years-long tours of duty so that they become familiar with the local scene and can earn the trust of indigenous people. The active component of the Armed Forces cannot meet all of these requirements. Personnel from other Federal agencies, reserve component forces, contractors, United States allies and coalition partners, and indigenous personnel must help.

This bill complements legislation I introduced last year, S. 2127, which calls for creation of a stabilization and reconstruction capability within the State Department. I am pleased the State Department created a new office for such activities. This bill is the important next step. It calls upon the President to issue a directive to develop an intensive planning process for stabilization and reconstruction activities, as well as the establishment of joint interagency task forces composed of senior Government executives and military officers to ensure coordination and integration of the activities of military and civilian personnel in a particular country or area of interest.

In addition, the bill calls upon the Secretary of Defense to take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities as well as to support the development of core competencies in planning in other departments and agencies, principally the Department of State. It further calls for the Secretary of Defense to take certain actions to ensure that stabilization and reconstruction becomes a core competency of general purpose forces through training, leader development, doctrine development and the use of other force readiness tools.

I recognize that the subject matter of this bill is extremely broad in scope, and that it properly falls within the purview of other committees in addition to the Senate Foreign Relations Committee. However, I believe that the only way the United States will achieve long-term success in stabilization and reconstruction operations is if all resources of the United States Government are brought to bear on the country or area of concern. It is for that reason that I am introducing this bill, and I hope that my colleagues in this body, in particular Senators WARNER and LEVIN, will agree to take a major role in examining the merits of those aspects of this bill that fall within their jurisdiction and expertise.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 192

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS AND SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) The Armed Forces of the United States are extremely capable of effectively projecting military force and achieving conventional military victory. However, achieving United States objectives not only requires military success but also successful stabilization and reconstruction operations in countries affected by conflict.

(2) Without success in the aftermath of large-scale hostilities, the United States will not achieve its objectives. Success in the aftermath follows from success in preparation before hostilities.

(3) Providing safety, security, and stability is critical to successful reconstruction efforts and for achieving United States objectives. Making progress toward achieving those conditions in a country is difficult when daily life in that country is largely shaped by violence of a magnitude that cannot be managed by indigenous police and security forces.

(4) Reconstruction activities cannot and should not wait until safety and security has been achieved. Many elements of reconstruction, including restoration of essential public services and creation of sufficient jobs to instill a sense of well-being and self-worth in a population of a country, are necessary precursors to achieving stabilization in a country affected by conflict. Stabilization operations and reconstruction operations are intrinsically intertwined.

(5) Since the end of the Cold War, the United States has begun new stabilization and reconstruction operations every 18 to 24 months. Because each such operation typically lasts for five to eight years, cumulative requirements for human resources can total three to five times the level needed for a single operation.

(6) History indicates that—

(A) stabilization of societies that are relatively ordered, without ambitious goals, may require five troops per 1,000 indigenous people; and

(B) stabilization of disordered societies, with ambitious goals involving lasting cultural change, may require 20 troops per 1,000 indigenous people.

(7) That need, with the cumulative requirement to maintain human resources for three to five overlapping stabilization operations, presents a formidable challenge. It has become increasingly clear that more people are needed in-theater for stabilization and reconstruction operations than for combat operations.

(8) Since the end of the Cold War, the United States has spent at least four times more on stabilization and reconstruction activities than on large-scale combat operations.

(9) One overarching lesson from history is that the quality, quantity, and kind of preparation in peacetime determines success in a stabilization and reconstruction operation before it even begins. If an operation starts badly, it is difficult to recover.

(10) It is clear from experience in Afghanistan and Iraq that the United States must expect to encounter significant challenges in its future stabilization and reconstruction efforts, including efforts that seek to ensure stability, democracy, human rights, and a productive economy in a nation affected by conflict. Achieving these ends requires effective planning and preparation in the years before the outbreak of hostilities in order for the Armed Forces and civilian agencies of the United States Government to have the capabilities that are necessary to support stabilization and reconstruction. Such capabilities are not traditionally found within those entities.

(11) The United States can be more effective in meeting the challenges of the transition to and from hostilities, challenges that require better planning, new capabilities, and more personnel with a wider range of skills.

(12) Orchestration of all instruments of United States power in peacetime would obviate the need for many military expeditions to achieve United States objectives, and better prepare the United States to achieve its objectives during stabilization and reconstruction operations.

(13) Choosing the priority and sequence of United States objectives, acknowledging that not everything is equally important or urgent, and noting that in other cultures certain social and attitudinal change may take decades, all require explicit management-decisionmaking and planning in the years before stabilization and reconstruction operations might be undertaken in a region.

(14) To be fully effective, the United States needs to have Federal Government personnel deployed continuously abroad for years-long tours of duty, far longer than the length of traditional assignments, so that they become familiar with the local scene and the indigenous people come to trust them as individuals.

(15) There is a significant need for skilled personnel to be stationed abroad in support of stabilization and reconstruction activities. The active components of the Armed Forces cannot meet all of these requirements. Personnel from other Federal agencies, reserve component forces, contractors, United States allies and coalition partners, and indigenous personnel must help.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) enhancing United States effectiveness in the transition to and from hostilities will require—

(A) management discipline, that is—

(i) the extension of the management focus of the Armed Forces (covering the full gamut of personnel selection, training, and promotion;

(ii) planning, budgeting, and resource allocation;

(iii) education, exercises, games, modeling, and rehearsal, performance and readiness measurement; and

(iv) development of doctrine (now focused on combat operations) to include peacetime activities, stabilization and reconstruction operations and intelligence activities that involve multi-agency participation and coordination; and

(B) building and maintaining certain fundamental capabilities that are critical to success in stabilization and reconstruction, including training and equipping sufficient numbers of personnel for stabilization and reconstruction activities, strategic communication, knowledge, understanding, and intelligence, and identification, location, and tracking for asymmetric warfare;

(2) these capabilities, without management discipline, would lack orchestration and be employed ineffectively, and management discipline without these capabilities would be impotent; and

(3) the study of transition to and from hostilities, which the Defense Science Board carried out in the summer of 2004 at the request of the Secretary of Defense, provides an appropriate framework within which the Department of Defense and personnel of other departments and agencies of the Federal Government should work to plan and prepare for pre-conflict and post-conflict stability operations.

SEC. 2. DIRECTION, PLANNING, AND OVERSIGHT.

(a) FINDINGS.—Congress finds that a new coordination and integration mechanism is needed to bring management discipline to the continuum of peacetime, combat, and stabilization and reconstruction operations.

(b) PRESIDENTIAL ACTION.—It is the sense of Congress that the President should issue a directive to develop an intensive planning process for stabilization and reconstruction activities, and that the directive should provide for—

(1) contingency planning and integration task forces, that is, full-time activities that could continue for months or years, to be staffed by individuals from all involved agencies who have expertise in the countries of interest and in needed functional areas to work under the general guidance of the Assistant to the President for National Security Affairs;

(2) joint interagency task forces composed of senior Government executives and military officers who operate in a particular country or area of interest and are created to ensure coordination and integration of the activities of all United States personnel in that country or area; and

(3) a national center for contingency support, that is, a federally funded research and development center with country and functional expertise that would support the contingency planning and integration task forces and joint interagency task forces and would augment skills and expertise of the Government task forces, provide a broad range of in-depth capability, support the planning process, and provide the necessary continuity.

(c) ACTIONS BY SECRETARY OF DEFENSE.—While a directive described in subsection (b) is being implemented, the Secretary of Defense shall—

(1) take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities;

(2) actively support the development of core competencies in planning in other departments and agencies, principally the Department of State;

(3) instruct regional combatant commanders to maintain a portfolio of operational contingency plans for stabilization and reconstruction activities similar in scope to that currently maintained for combat operations; and

(4) instruct each regional combatant commander to create a focal point within their command for stabilization and reconstruction planning and execution.

SEC. 3. STABILIZATION AND RECONSTRUCTION CAPABILITIES.

(a) CORE COMPETENCY.—The Secretary of Defense and the Secretary of State shall each—

(1) make stabilization and reconstruction one of the core competencies of the Department of Defense and the Department of State, respectively;

(2) achieve a stronger partnership and closer working relationship between the two departments; and

(3) augment their existing capabilities for stabilization and reconstruction.

(b) DEPARTMENT OF DEFENSE.—

(1) MISSION.—The Secretary of Defense shall designate the planning for stabilization and reconstruction as a mission of the Department of Defense that has the same priority as the mission of the Department of Defense to carry out combat operations.

(2) SUPPORTING ACTIONS.—In administering the planning, training, execution, and evaluation necessary to carry out the stabilization and reconstruction mission, the Secretary of Defense shall—

(A) designate the Army as executive agent for stabilization and reconstruction;

(B) ensure that stabilization and reconstruction operational plans are fully integrated with combat operational plans of the combatant commands;

(C) require the Army and the Marine Corps to develop, below the brigade level, modules of stabilization and reconstruction capabilities to facilitate task organization and exercise and experiment with them to determine where combinations of these capabilities can enhance United States effectiveness in stability operations;

(D) require the Secretary of the Army to accelerate restructuring of Army Reserve and Army National Guard forces with an emphasis on providing the capability for carrying out the stabilization mission; and

(E) ensure that stabilization and reconstruction becomes a core competency of general purpose forces through training, leader development, doctrine development, and use of other force readiness tools and, to do so, shall require that—

(i) the Secretaries of the military departments and the Joint Chiefs of Staff integrate stabilization and reconstruction operations into the professional military education programs of each of the Armed Forces and the joint professional military education programs, by including in the curricula courses to increase understanding of cultural, regional, ideological, and economic concerns, and to increase the level of participation by students from other agencies and departments in those programs;

(ii) stabilization and reconstruction be integrated into training events and exercises of the Armed Forces at every level;

(iii) the commander of the United States Joint Forces Command further develop, publish, and refine joint doctrine for stability and reconstruction operations;

(iv) the Director of Defense Research and Engineering and the senior acquisition executive of each of the military departments develop and implement a process for achieving more rapid and coherent exploitation of service and departmental science and technology programs and increase the investment in force-multiplying technologies, such as language translation devices and rapid training;

(v) the resources for support of stability operations be increased; and

(vi) a force with a modest stabilization capability of sufficient size to achieve ambitious objectives in small countries, regions, or areas, and of sufficient capability to achieve modest objectives elsewhere be developed, and consideration be given to the actual capability of that force in making a decision to commit the force to a particular stabilization and reconstruction operation or to expand the force for that operation.

(c) DEPARTMENT OF STATE.—

(1) POLICY ON RECONSTRUCTION INTEGRATION.—It is the policy of the United States that the capabilities to promote political and economic reform that exist in many civilian agencies of the United States Government, in international organizations, in nongovernmental and private voluntary organizations, and in other governments be integrated based upon a common vision and coordinated strategy.

(2) RESPONSIBILITIES OF THE SECRETARY OF STATE.—The Secretary of State shall—

(A) be the locus for carrying out the policy on reconstruction integration set forth in paragraph (1); and

(B) develop in the Department of State capabilities—

(i) to develop, maintain, and execute a portfolio of detailed and adaptable plans and capabilities for the civilian roles in reconstruction operations;

(ii) to prepare, deploy, and lead the civil components of reconstruction missions; and

(iii) to incorporate international and nongovernmental capabilities in planning and execution.

(d) COLLABORATION AND COOPERATION BETWEEN DEPARTMENTS OF DEFENSE AND STATE.—The Secretary of Defense shall—

(1) assist in bolstering the development of the Office of Stabilization and Reconstruction of the Department of State and otherwise support that objective through the sharing of the extensive expertise of the Department of Defense in crisis management planning and in the process of deliberate planning;

(2) work collaboratively with that office and assign to that office at least 10 experts to provide the intellectual capital and guidance on the relevant best practices that have been developed within the Department of Defense; and

(3) ensure that extensive joint and collaborative planning for stabilization and reconstruction operations occurs before commencement of a conflict that leads to such an operation.

SEC. 4. STRATEGIC COMMUNICATION.

(a) Presidential Directive.—Recognizing an increase in anti-American attitudes around the world, particularly in Islamic and Middle-Eastern countries, the use of terrorism, and the implications of terrorism for national security issues, it is the sense of Congress that the President should issue a directive to strengthen the United States Government's ability—

(1) to better understand global public opinion about the United States, and to communicate with global audiences;

(2) to coordinate all components of strategic communication, including public diplomacy, public affairs, and international broadcasting; and

(3) to provide a foundation for new legislation on the planning, coordination, conduct, and funding of strategic communication.

(b) NSC Organization.—It is, further, the sense of Congress that the President should establish a permanent organizational structure within the National Security Council to oversee the efforts undertaken pursuant to a directive described in subsection (a) and that such structure should include—

(1) a deputy national security advisor for strategic communication to serve as the President's principal advisor on all matters relating to strategic communication;

(2) a strategic communication committee, chaired by the deputy national security advisor for strategic communication and with a membership drawn from officers serving at the under secretary level of departments and agencies, to develop an overarching framework for strategic communication (including brand identity, themes, messages, and budget priorities) and to direct and coordinate interagency programs to maintain focus, consistency, and continuity; and

(3) an independent, nonprofit, nonpartisan center for strategic communication to serve as a source of independent, objective expertise to support the National Security Council and the strategic communication committee, by (among other actions) providing information and analysis, developing and monitoring the effectiveness of themes, messages, products, and programs, determining target audiences, contracting with commercial sector sources for products and programs, and fostering cross-cultural exchanges of ideas, people, and information.

(c) Actions by Departments of State and Defense.—

(1) In general.—The Secretary of State and the Secretary of Defense shall each allocate substantial funding to strategic communication.

(2) Department of state.—Within the Department of State, the Under Secretary of State for Public Diplomacy and Public Affairs shall be the principal policy advisor and manager for strategic communication.

(3) Department of defense.—Within the Department of Defense, the Under Secretary of Defense for Policy shall serve as that department's focal point for strategic communication.

SEC. 5. KNOWLEDGE, UNDERSTANDING, AND INTELLIGENCE.

(a) Findings.—Congress makes the following findings:

(1) The knowledge necessary to be effective in conducting stabilization and reconstruction operations is different from the military knowledge required to prevail during hostilities, but is no less important.

(2) To successfully achieve United States political and military objectives, knowledge of culture and development of language skills must be taken as seriously as development of combat skills.

(b) Sense of Congress.—It is the sense of Congress that—

(1) the collection, analysis, and integration of cultural knowledge and intelligence should be ongoing to ensure its availability far in advance of stabilization and reconstruction operations for which such knowledge and intelligence are needed; and

(2) a new approach is needed to establish systematic ways to access and coordinate the vast amount of knowledge available within the United States Government.

(c) Commanders of Combatant Commands.—

(1) Intelligence plans.—The Secretary of Defense shall require the commanders of the combatant commands to develop intelligence plans as a required element of their planning process. Each such plan shall satisfy information needs for peacetime, combat, and stabilization and reconstruction (including support to other departments and agencies) and be developed by use of the same kinds of tools that are useful in traditional pre-conflict and conflict planning.

(2) Resources.—The Secretary of Defense shall provide resources to the regional combatant commands for the establishment of offices for regional expertise outreach to support country and regional planning and operations, and to provide continuity, identify experts, and build relationships with outside experts and organizations.

(3) Area experts.—In order to increase the number of competent area experts, the Under Secretary of Defense for Personnel and Readiness shall lead a process to set requirements and develop career paths for foreign area officers and a new cadre of enlisted area specialists, a process based on a more formal, structured definition of requirements by the commanders of the combatant commands.

(4) Military education.—The Secretaries of the military departments shall improve the regional and cultural studies curricula in the joint professional military education system, as well as in online regional and cultural self-study instruction, in order to broaden cultural knowledge and awareness.

(d) Intelligence Reform.—

(1) Sense of congress.—It is the sense of Congress that the United States should shift the focus of intelligence reform from reorganization to the solving of substantive problems in intelligence.

(2) Actions.—The Director of National Intelligence, in consultation with the Secretary of Defense, shall—

(A) establish a human resource coordination office charged with the responsibility to develop a comprehensive human resource strategy for planning, management, and deployment of personnel that would serve as the basis for optimizing the allocation of resources against critical problems;

(B) adopt a new counterintelligence and security approach that puts the analyst in the role of determining the balance between need-to-share and need-to-know that will enable the intelligence community to enlarge its circle of trust from which to draw information and skills;

(C) improve integration between networks and data architectures across the intelligence community to facilitate enterprise-wide collaboration;

(D) harmonize special operations forces, covert action, and intelligence, and ensure that sufficient capabilities in these specialized areas are developed;

(E) accelerate the reinvention of defense human intelligence and ensure that there are enough such personnel assigned and sustained for a sufficient number of years in advance of the nation's need for their services; and

(F) enhance the analysis of intelligence collected from all sources, including by improving the selection, recruitment, training, and continuing education of analysts, producing regular and continuous assessment and post-operation appraisal of intelligence products, and creating incentives to promote the creativity and independence of analysts.

(e) Foreign Language Proficiency.—

(1) Finding.—Congress finds that the utilization of individuals with foreign language skills is critical to understanding a country or a region, yet the Department of Defense lacks sufficient personnel with critical foreign language skills.

(2) Actions by secretary of defense.—The Secretary of Defense shall—

(A) prescribe the specific foreign language and regional specialist requirements that must be met in order to meet the needs of the Department of Defense, including the needs of the commander of the United States Joint Forces Command and the commanders of the other combatant commands and the needs of the Armed Forces generally, and shall provide the resources for meeting these requirements in the annual budget submissions; and

(B) develop a more comprehensive system for identifying, testing, tracking, and accessing personnel with critical foreign language skills.

(f) Exploitation of Open Sources of Information.—

(1) Findings.—Congress finds that open sources of information—

(A) can provide much of the information needed to support peacetime needs and stabilization and reconstruction needs; and

(B) can be used to develop a broad range of products needed for stabilization and reconstruction operations, including such products as genealogical trees, electricity generation and transmission grids, cultural materials in support of strategic communication plans, and background information for noncombatant evacuation operations.

(2) Executive agent for department of defense.—The Secretary of Defense shall designate the Director of the Defense Intelligence Agency to serve as executive agent of the Department of Defense for the development and administration of a robust and coherent program for the exploitation of open sources of information.

SEC. 6. IDENTIFICATION, LOCATION, AND TRACKING IN ASYMMETRIC WARFARE.

The Secretary of Defense, in consultation with the Director of National Intelligence, shall immediately develop a program administered by a new organization established by those officers to provide—

(1) an overall technical approach to—

(A) the identification, location, and tracking of asymmetric warfare operations carried out against the Armed Forces of the United States or allied or coalition armed forces; and

(B) tracking targets in asymmetric warfare in which the Armed Forces of the United States, or allied or coalition armed forces may be engaged;

(2) the systems and technology to implement the approach;

(3) the analysis techniques for translating sensor data into useful identification, location, and tracking information;

(4) the field operations to employ, utilize, and support the hardware and software produced; and

(5) feedback to the Secretary of Defense and the Director of National Intelligence on the impact of related policy decisions and directives on the creation of a robust identification, location, and tracking capability.

SEC. 7. MANAGEMENT IMPLEMENTATION PLANS.

(a) REQUIREMENT FOR PLANS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense and the Secretary of State shall each submit to Congress a management plan for carrying out the responsibilities of the Secretary of Defense (and the duties of other officials of the Department of Defense) and the responsibilities of the Secretary of State (and the duties of other officials of the Department of State), respectively, under this Act.

(b) CONTENT.—Each plan submitted under this section shall include objectives, schedules, and estimates of costs, together with a discussion of the means for defraying the costs.

SEC. 8. AUTHORIZATIONS OF APPROPRIATIONS.

(a) DEPARTMENT OF DEFENSE.—There is authorized to be appropriated to the Department of Defense for the Office for Stability Operations such sums as may be necessary to enable that office to carry out the planning, oversight, and related stabilization and reconstruction activities required of the Department of Defense under this Act.

(b) DEPARTMENT OF STATE.—There is authorized to be appropriated to the Department of State such sums as may be necessary for carrying out the planning, oversight, and related stabilization and reconstruction activities required of the Department of State under this Act.

By Mr. NELSON of Nebraska (for himself and Mr. ENZI):

S. 194. A bill to amend the Farm Security and Rural Investment Act of 2002 to permit the planting of chicory on base acres; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. NELSON of Nebraska. Mr. President, today I am offering legislation with Senator MIKE ENZI to remove chicory from the fruit and vegetable, FAV, planting prohibition on Direct and Counter-Cyclical Program, DCP, base acres.

Diversification is a common theme among farm producers throughout the country. If we expect our producers to survive, we have to give them more options for diversifying agriculture. Our responsibility should include the elimination of the disincentive to produce alternative crops. This bill offers a clear opportunity to grow a chicory industry, creating a new revenue stream and helping to diversify agriculture production.

The State of Nebraska currently has the only chicory processing facility in the United States. There is a strong interest from producers in Nebraska and Wyoming to increase the production of chicory, due to its relatively low input cost and opportunity for high profits. Only 800 to 1,000 acres of the crop are expected to be planted in 2005. Farm bill policies are simply blocking the prospects for growth in the chicory industry.

The Farm Security and Rural Investment Act of 2002 currently provides three exceptions—lentils, mung beans, and dry peas—to the FAV planting prohibition on DCP base acres. Chicory should be added to this list of exceptions.

By Mr. LIEBERMAN (for himself, Mr. FEINGOLD, Mr. DURBIN, Mr. DODD, Mr. DAYTON, Mr. CORZINE, Mr. SARBANES, Mr. OBAMA, Ms. MIKULSKI, and Mr. SCHUMER):

S. 195. A bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. LIEBERMAN. Mr. President, I rise today to introduce the No Taxation Without Representation Act of 2005 in an effort to right a persistent injustice experienced by the 600,000 citizens of the District of Columbia, who have historically been denied voting representation in Congress.

This injustice is felt directly by District residents, but it is also a shadow overhanging the democratic traditions of our Nation as a whole. It is absurd that, in this day and age, ours is the only democracy in the world in which citizens of the capital city are not represented in the national legislature with a vote. The right to vote is a civic entitlement of every American citizen, no matter where he or she resides. It is democracy's most essential right.

I am proud to be the chief Senate sponsor of this bill, which Congresswoman ELEANOR HOLMES NORTON is introducing today in the House, because it makes us the fully representative democracy we claim to be. And I am delighted that Senators OBAMA, SCHUMER, MIKULSKI, SARBANES, FEINGOLD, DAYTON, CORZINE, DODD and DURBIN are joining me as original co-sponsors. The point of the legislation is simple: It would provide the residents of the District with full voting representation by two Senators and a House Member, guaranteeing the residents of the Nation's capital with the same right to partake in our democracy that the citizens of all 50 States enjoy. Despite this bill's title, it would not exempt residents of the District from paying taxes.

In May 2002, the Governmental Affairs Committee, which I then chaired, held the first hearing since 1994 on this issue. Five months later, in October, the committee reported out legislation similar to the bill we introduce today. I was and am still proud of that accomplishment. Unfortunately, it was not enough. The bill died on the Senate floor, and with it, the hope of D.C. residents for equal voting rights.

The people of this city literally fight and die for their country. They help pay for the benefits to which all Americans are entitled. And yet, they are denied voting representation.

It is painfully ironic that we are introducing this legislation even as the young men and women, including many from the District of Columbia, are dying in Iraq so that Iraqis may live and vote in a representative democracy. About 1,000 Army and Air National Guardsmen and women from the District have been called upon to help fight the war on terrorism. Three have died in Iraq and one in Afghanistan. Yet, to our shame, these brave men and women cannot choose representatives to the Federal legislature that governs them and thus have no say in when or whether the nation should go to war.

The people of this city, more than most, live under the near constant threat of terrorism, and have been mightily inconvenienced by security precautions because of that threat. And despite Congresswoman NORTON's ability to vote in committee, residents of D.C. have no one who can vote when homeland and national security policies are being crafted. A representative without the power to vote on the floor of the House simply isn't a real representative.

Furthermore, the citizens of Washington, D.C., pay income taxes just like everyone else. Only, they pay more. Per capita, District residents have the third highest Federal tax obligation. And yet they have no voice in how high those taxes will be nor how they will be spent.

The vast majority of Americans believe that D.C. residents have voting representation in the Congress. When informed that they don't, 82 percent of Americans, according to one poll, by the advocacy group D.C. Vote, say that they should.

In righting this wrong, we won't only be following the will of the American people. We will be following the imperative of our history. When they placed our Capital, which was not yet established in their day, under the jurisdiction of the Congress, the Framers of our Constitution in effect placed with Congress the solemn responsibility of assuring that the rights of D.C. citizens would be protected in the future, just as it is our responsibility to protect the rights of all citizens throughout this great country. Congress has failed to meet this obligation for more than 200 years, and I, for one, am not prepared to make D.C. citizens wait another 200 years.

In the words of this city's namesake, our first President, "Precedents are dangerous things; let the reins of government then be braced and held with a steady hand, and every violation of the Constitution be reprehended: If defective let it be amended, but not suffered to be trampled upon whilst it has an existence."

The people of D.C. have suffered from this Constitutional defect for far too long. Let's reprehend it and amend it together. I urge all of my colleagues to support this essential legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "No Taxation Without Representation Act of 2005".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The residents of the District of Columbia are the only Americans who pay Federal income taxes and who have fought and died in every American war but are denied voting representation in the House of Representatives and the Senate.

(2) The residents of the District of Columbia suffer the very injustice against which our Founding Fathers fought, because they do not have voting representation as other taxpaying Americans do and are nevertheless required to pay Federal income taxes unlike the Americans who live in the territories.

(3) The principle of one person, one vote requires that residents of the District of Columbia are afforded full voting representation in the House and the Senate.

(4) Despite the denial of voting representation, Americans in the Nation's Capital are third among residents of all States in per capita income taxes paid to the Federal Government.

(5) Unequal voting representation in our representative democracy is inconsistent with the founding principles of the Nation and the strongly held principles of the American people today.

SEC. 3. REPRESENTATION IN CONGRESS FOR DISTRICT OF COLUMBIA.

For the purposes of congressional representation, the District of Columbia, constituting the seat of government of the United States, shall be treated as a State, such that its residents shall be entitled to elect and be represented by 2 Senators in the United States Senate, and as many Representatives in the House of Representatives as a similarly populous State would be entitled to under the law.

SEC. 4. ELECTIONS.

(a) FIRST ELECTIONS.—

(1) PROCLAMATION.—Not later than 30 days after the date of enactment of this Act, the Mayor of the District of Columbia shall issue a proclamation for elections to be held to fill the 2 Senate seats and the seat in the House of Representatives to represent the District of Columbia in Congress.

(2) MANNER OF ELECTIONS.—The proclamation of the Mayor of the District of Columbia required by paragraph (1) shall provide for the holding of a primary election and a general election and at such elections the officers to be elected shall be chosen by a popular vote of the residents of the District of Columbia. The manner in which such elections shall be held and the qualification of voters shall be the same as those for local elections, as prescribed by the District of Columbia.

(3) CLASSIFICATION OF SENATORS.—In the first election of Senators from the District of Columbia, the 2 senatorial offices shall be separately identified and designated, and no person may be a candidate for both offices. No such identification or designation of either of the 2 senatorial offices shall refer to or be taken to refer to the terms of such offices, or in any way impair the privilege of the Senate to determine the class to which each of the Senators elected shall be assigned.

(b) CERTIFICATION OF ELECTION.—The results of an election for the Senators and Representative from the District of Columbia shall be certified by the Mayor of the District of Columbia in the manner required by law. The Senators and Representative elected shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of the States in the Congress of the United States.

SEC. 5. HOUSE OF REPRESENTATIVES MEMBERSHIP.

(a) IN GENERAL.—Upon the date of enactment of this Act, the District of Columbia shall be entitled to 1 Representative until the taking effect of the next reapportionment. Such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law.

(b) INCREASE IN MEMBERSHIP OF HOUSE OF REPRESENTATIVES.—Upon the date of enactment of this Act, the permanent membership of the House of Representatives shall increase by 1 seat for the purpose of future reapportionment of Representatives.

(c) REAPPORTIONMENT.—Upon reapportionment, the District of Columbia shall be entitled to as many seats in the House of Representatives as a similarly populous State would be entitled to under the law.

(d) DISTRICT OF COLUMBIA DELEGATE.—Until the first Representative from the District of Columbia is seated in the House of Representatives, the Delegate in Congress from the District of Columbia shall continue to discharge the duties of his or her office.

By Mr. DORGAN (for himself, Ms. MIKULSKI, Mr. FEINGOLD, Mr. KOHL, Mr. HARKIN, Mr. KENNEDY, Mr. LEAHY, Mr. LEVIN, and Mr. JOHNSON):

S. 196. A bill to amend the Internal Revenue Code of 1986 to provide for the taxation of income of controlled foreign corporations attributable to imported property; to the Committee on Finance.

Mr. DORGAN. Mr. President, today I am joined by Senator MIKULSKI of Maryland and seven of our colleagues in introducing legislation to repeal one of the most egregious tax subsidies found in the U.S. Tax Code. Believe it or not, U.S. companies that move their manufacturing plants and good-paying jobs overseas will be rewarded with billions of dollars in tax breaks over the next 10 years. Unfortunately for both American workers and American taxpayers, this is absolutely true. Our bill will repeal this wrong-headed fiscal policy that has worked against the interest of American manufacturers for so many years.

Let me describe how this perverse tax subsidy works. Imagine two competing U.S. companies manufacturing a product for sale in this country. Company A has a plant with American workers. It sells its product here at home, immediately paying U.S. taxes on its profits. Company B, however, decides to shut down its U.S. plant, fire its American workers and build a new plant in a foreign country because it can produce the same goods at lower cost there, using underpaid foreign workers. Moreover, Company B pays almost no taxes in the foreign country and no taxes currently in the United States because it is entitled to tax "deferral" under our income tax laws. The Federal Tax Code allows firms like Company B to defer paying any U.S. income taxes on the earnings from those now foreign-manufactured products until those profits are returned, if ever, to this country.

In other words, when United States companies close down a manufacturing plant such as Huffy bicycles or Radio Flyer little red wagons, fire their American workers and move those good-paying jobs to countries like China, United States tax law actually gives these companies a large tax break. This tax break is not available to American companies that make the very same products here on American soil. So the U.S. company that decides to stay at home suffers a competitive disadvantage, a disadvantage that our tax laws have helped to create.

The congressional Joint Committee on Taxation says that this tax "deferral" loophole will dole out some $6.5 billion in tax breaks over the next decade to U.S. manufacturing companies that pack up their operations and relocate abroad. This tax loophole likely contributed to a loss of some 2.7 million U.S. manufacturing jobs since 2000 and encouraged the creation of over 1 million new jobs in the foreign manufacturing affiliates of U.S companies since 1993.

Last May, Senator MIKULSKI and I offered an amendment on the Senate floor to try to shut down this perverse $6.5 billion tax break. Our effort was supported by a number of organizations concerned about the loss of good-paying U.S. manufacturing jobs, including the International Union, United Automobile, Aerospace & Agricultural Implement Workers of America—UAW; the AFL–CIO; the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers; the International Brotherhood of Electrical Workers; and the Union of Needletrades, Industrial and Textile Workers, UNITE.

Regrettably, our amendment failed to get the votes it needed to pass. The powerful lobby for large multinational firms was able to keep this tax loophole fully intact. But I intend to offer this proposal again and again until this tax subsidy is finally repealed.

Frankly, I strongly disagree with the majority in the Senate that voted to retain this ill-conceived tax break, which hurts American businesses and workers. By their vote, our opponents essentially said let's continue to give enormous tax breaks that encourage U.S. companies to move their operations overseas and contributes to the dislocation of thousands of American workers.

The bill we are introducing today, like last year's amendment, is carefully targeted. It applies only to U.S. firms that move production overseas to low-tax countries and then turn around and import those products for sale here in the United States. Repealing this U.S. jobs export tax subsidy will not hurt the ability of U.S. firms to compete against foreign competitors in foreign markets.

In the final analysis, the approach taken in our legislation is measured and long overdue. As we work in Congress to reform the tax system in the coming year and shut down a number of arcane tax loopholes, this one should be at the top of the list. I urge you to cosponsor this bill.

By Mrs. BOXER:

S. 197. A bill to improve safety and reduce traffic congestion at grade crossings; to the Committee on Commerce, Science, and Transportation.

Mrs. BOXER. Mr. President, today in Glendale, CA, there was a tragic commuter train crash. All of the details of the crash are not available at this moment. However, at least 10 people were killed and over 100 injured. The National Transportation Safety Board has already sent a team to investigate.

I have been talking about the problem of grade crossings and the need for grade separations for several years.

According to the Federal Railroad Administration, "grade crossings are the site of the greatest number of collisions and injuries" in the railroad industry. In 2000, there were 3,502 incidents at grade crossings.

In addition, the large volume of freight train traffic from California's ports to the rest of the Nation is a public safety hazard on many communities in California where traffic, including emergency vehicles, is severely delayed at these grade crossings.

In Riverside, CA, from January 2001 to January 2003, trains delayed ambulance and fire protection 88 times. This translates into more people possibly dying from health emergencies such as heart attacks and larger and more deadly fires. If there is another terrorist attack, imagine what would happen if emergency first responders could not get across the tracks.

To address the safety problem of accidents and other safety hazards at grade crossings, I am introducing the Rail Crossing Safety Act, part of which passed the Senate twice in the last Congress as part larger railroad bills considered in the Commerce Committee.

This legislation would direct the Secretary of Transportation, in consultation with State and local government officials, to conduct a study of the impact of grade crossings both on accidents and on the ability of emergency responders to perform public safety and security duties. This would include the ability of police, fire, ambulances, and other emergency vehicles to cross the railroad tracks during emergencies.

The second part of the legislation would authorize funds for the Secretary of Transportation to provide grants to State and local governments to undertake grade separations, in other words to build bridges and tunnels.

Today's incident in Glendale only underscores the needs to make our streets and rail lines safer. I urge my colleagues to support the bill.

By Mr. CHAMBLISS (for himself and Mr. ISAKSON):

S. 200. A bill to establish the Arabia Mountain National Heritage Area in the State of Georgia, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CHAMBLISS. Mr. President a mere 20 minutes away from the hustle and bustle of the booming city of Atlanta, GA, lies a quiet refuge that cradles historical remnants and nature's beauty. This area around Arabia Mountain houses the ecosystems of endangered species, historic structures, and archeological sites—a treasure deserving of our protection and our admiration.

Arabia Mountain's proximity to Atlanta makes it accessible to millions of Americans, but it also puts this national treasure in danger of urban sprawl. No condominium development should destroy the ancient soapstone quarry which attracted Native Americans over thousands of years ago. Nor should a strip mall tarnish the pristine land which contains farms from the days when the area was the heart of Georgia's dairy industry and which contains remnants of Georgia's Gold Rush in the 1820s.

I, along with my colleague Senator ISAKSON, have introduced legislation to designate Arabia Mountain, which encompasses land in DeKalb County, Rockdale County, and Henry County, as a National Heritage Area. This designation will help preserve the rare and endangered species that inhabit the land, and it will save historic buildings from the wrecking ball that often comes with modernization.

Arabia Mountain and its surrounding area is the product of significant geological changes. Starting several thousand years ago with the quarrying and trading of soapstone, the history of human settlement in the area is closely connected to its geological resources. It would be a shame to allow a decade of uncontrolled growth to deny future generations from enjoying the history and natural beauty of this land.

The quest to obtain National Heritage designation for Arabia Mountain began as a concept between conservationists, neighborhood activists, landowners, and concerned citizens, and support has grown ever since. Local Georgians even voted to tax themselves to support the project. Support has come from both sides of the aisle in both houses of Congress.

I would like to thank all of those who have worked so hard for this designation—Kelly Jordan, Chair of the Arabia Mountain Heritage Area Alliance; Mayor Marcia Glenn, of Lithonia; Vernon Jones, CEO of DeKalb County; Mark Towe and Glen Culpepper; and Senator Zell Miller and Congresswoman Denise Majette for their efforts in the 108th Congress on this issue. I ask my colleagues to support the preservation of this truly deserving area.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 13—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI submitted the following resolution; from the Committee on Energy and Natural Resources; which was referred to the Committee on Rules and Administration:

S. RES. 13

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Energy and Natural Resources is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $2,923,302.

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $5,133,032.

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,185,132.

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 14—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAMBLISS submitted the following resolution; from the Committee on Agriculture, Nutrition, and Forestry; which was referred to the Committee on Rules and Administration:

S. RES. 14

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Agriculture, Nutrition, and Forestry is authorized from March 1, 2005, through September 30, 2005; October 1, 2005 to September 30, 2006, and October 1, 2006 through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $2,090,901, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $3,670,623, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $1,562,289, of which amount (1) not to exceed $150,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $40,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services or (7) for payment of franked and mass mail costs by the Sergeant at Arlns and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006 through February 28, 2007 to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 15—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. SHELBY submitted the following resolution; from the Committee on Banking, Housing, and Urban Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 15

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Banking, Housing, and Urban Affairs is authorized from March 1, 2005 through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent. fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $3,196,078 of which amount (1) not to exceed $12,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $700 may be expended for the training of the professional staff of such committee (under procedures specified by section 2020) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $5,611,167 of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $1200 may be expended for the training of the professional staff of such committee (under procedures specified by section 2020) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,388,363 of which amount (1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(1) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $500 may be expended for the training of the professional staff of such committee (under procedures specified by section 2020) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers—shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 16—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Ms. COLLINS submitted the following resolution; from the Committee on Homeland Security and Governmental Affairs; which was referred to the Committee on Rules and Administration:

S. Res. 16

Resolved,

SECTION 1. COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS.

(a) General Authority.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Homeland Security and Governmental Affairs (referred to in this resolution as the "committee") is authorized from March 1, 2005, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable, or nonreimbursable, basis the services of personnel of any such department or agency.

(b) Expenses for Period Ending September 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this section shall not exceed $5,112,891, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(c) Expenses for Fiscal Year 2006 Period.—The expenses of the committee for the period October 1, 2005, through September 30, 2006, under this section shall not exceed $8,977,796, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

(d) Expenses for Period Ending February 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this section shall not exceed $3,821,870, of which amount—

(1) not to exceed $75,000, may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $20,000, may be expended for the training of the professional staff of the committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 3. EXPENSES; AGENCY CONTRIBUTIONS; AND INVESTIGATIONS.

(a) Expenses of the Committee.—

(1) In general.—Except as provided in paragraph (2), any expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) Vouchers not required.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees of the committee who are paid at an annual rate;

(B) the payment of telecommunications expenses provided by the Office of the Sergeant at Arms and Doorkeeper;

(C) the payment of stationery supplies purchased through the Keeper of Stationery;

(D) payments to the Postmaster of the Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper;

(F) the payment of Senate Recording and Photographic Services; or

(G) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) Agency Contributions.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee for the period March 1, 2005, through September 30, 2005, for the period October 1, 2005, through September 30, 2006, and for the period October 1, 2006, through February 28, 2007, to be paid from the appropriations account for "Expenses of Inquiries and Investigations" of the Senate.

(c) Investigations.—

(1) In general.—The committee, or any duly authorized subcommittee of the committee, is authorized to study or investigate—

(A) the efficiency and economy of operations of all branches of the Government including the possible existence of fraud, misfeasance, malfeasance, collusion, mismanagement, incompetence, corruption, or unethical practices, waste, extravagance, conflicts of interest, and the improper expenditure of Government funds in transactions, contracts, and activities of the Government or of Government officials and employees and any and all such improper practices between Government personnel and corporations, individuals, companies, or persons affiliated therewith, doing business with the Government; and the compliance or noncompliance of such corporations, companies, or individuals or other entities with the rules, regulations, and laws governing the various governmental agencies and its relationships with the public;

(B) the extent to which criminal or other improper practices or activities are, or have been, engaged in the field of labor-management relations or in groups or organizations of employees or employers, to the detriment of interests of the public, employers, or employees, and to determine whether any changes are required in the laws of the United States in order to protect such interests against the occurrence of such practices or activities;

(C) organized criminal activity which may operate in or otherwise utilize the facilities of interstate or international commerce in furtherance of any transactions and the manner and extent to which, and the identity of the persons, firms, or corporations, or other entities by whom such utilization is being made, and further, to study and investigate the manner in which and the extent to which persons engaged in organized criminal activity have infiltrated lawful business enterprise, and to study the adequacy of Federal laws to prevent the operations of organized crime in interstate or international commerce; and to determine whether any changes are required in the laws of the United States in order to protect the public against such practices or activities;

(D) all other aspects of crime and lawlessness within the United States which have an impact upon or affect the national health, welfare, and safety; including but not limited to investment fraud schemes, commodity and security fraud, computer fraud, and the use of offshore banking and corporate facilities to carry out criminal objectives;

(E) the efficiency and economy of operations of all branches and functions of the Government with particular reference to—

(i) the effectiveness of present national security methods, staffing, and processes as tested against the requirements imposed by the rapidly mounting complexity of national security problems;

(ii) the capacity of present national security staffing, methods, and processes to make full use of the Nation's resources of knowledge and talents;

(iii) the adequacy of present intergovernmental relations between the United States and international organizations principally concerned with national security of which the United States is a member; and

(iv) legislative and other proposals to improve these methods, processes, and relationships;

(F) the efficiency, economy, and effectiveness of all agencies and departments of the Government involved in the control and management of energy shortages including, but not limited to, their performance with respect to—

(i) the collection and dissemination of accurate statistics on fuel demand and supply;

(ii) the implementation of effective energy conservation measures;

(iii) the pricing of energy in all forms;

(iv) coordination of energy programs with State and local government;

(v) control of exports of scarce fuels;

(vi) the management of tax, import, pricing, and other policies affecting energy supplies;

(vii) maintenance of the independent sector of the petroleum industry as a strong competitive force;

(viii) the allocation of fuels in short supply by public and private entities;

(ix) the management of energy supplies owned or controlled by the Government;

(x) relations with other oil producing and consuming countries;

(xi) the monitoring of compliance by governments, corporations, or individuals with the laws and regulations governing the allocation, conservation, or pricing of energy supplies; and

(xii) research into the discovery and development of alternative energy supplies; and

(G) the efficiency and economy of all branches and functions of Government with particular references to the operations and management of Federal regulatory policies and programs.

(2) EXTENT OF INQUIRIES.—In carrying out the duties provided in paragraph (1), the inquiries of this committee or any subcommittee of the committee shall not be construed to be limited to the records, functions, and operations of any particular branch of the Government and may extend to the records and activities of any persons, corporation, or other entity.

(3) SPECIAL COMMITTEE AUTHORITY.—For the purposes of this subsection, the committee, or any duly authorized subcommittee of the committee, or its chairman, or any other member of the committee or subcommittee designated by the chairman, from March 1, 2005, through February 28, 2007, is authorized, in its, his, or their discretion—

(A) to require by subpoena or otherwise the attendance of witnesses and production of correspondence, books, papers, and documents;

(B) to hold hearings;

(C) to sit and act at any time or place during the sessions, recess, and adjournment periods of the Senate;

(D) to administer oaths; and

(E) to take testimony, either orally or by sworn statement, or, in the case of staff members of the Committee and the Permanent Subcommittee on Investigations, by deposition in accordance with the Committee Rules of Procedure.

(4) AUTHORITY OF OTHER COMMITTEES.—Nothing contained in this subsection shall affect or impair the exercise of any other standing committee of the Senate of any power, or the discharge by such committee of any duty, conferred or imposed upon it by the Standing Rules of the Senate or by the Legislative Reorganization Act of 1946.

(5) SUBPOENA AUTHORITY.—All subpoenas and related legal processes of the committee and its subcommittee authorized under S. Res. 66, agreed to February 26, 2003 (108th Congress), are authorized to continue.

SENATE RESOLUTION 17—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. INHOFE submitted the following resolution; from the Committee on Environment and Public Works; which was referred to the Committee on Rules and Administration:

S. RES. 17

Resolved,

SECTION 1. COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS.

(a) IN GENERAL.—In carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Environment and Public Works is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

(b) EXPENSES FOR PERIOD ENDING SEPTEMBER 30, 2005.—The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $2,696,689, of which amount—

(1) not to exceed $4,667 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $1,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(c) EXPENSES FOR FISCAL YEAR 2006 PERIOD.—For the period October 1, 2005, through September 30, 2006, the expenses of the committee under this resolution shall not exceed $4,732,998, of which amount—

(1) not to exceed $8,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $2,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

(d) EXPENSES FOR PERIOD ENDING FEBRUARY 28, 2007.—For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,014,046, of which amount—

(1) not to exceed $3,333 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of that Act).

SEC. 2. REPORTING LEGISLATION.

The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 3. EXPENSES AND AGENCY CONTRIBUTIONS.

(a) EXPENSES.—

(1) IN GENERAL.—Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee.

(2) VOUCHERS NOT REQUIRED.—Vouchers shall not be required for—

(A) the disbursement of salaries of employees paid at an annual rate;

(B) the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(C) the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(D) payments to the Postmaster, United States Senate;

(E) the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(F) the payment of Senate Recording and Photographic Services; or

(G) the payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

(b) AGENCY CONTRIBUTIONS.—There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005 through September 30, 2006; and October 1, 2006, through February 28, 2007, to be paid from the appropriations account for "Expenses of Inquiries and Investigations of the Senate".

SENATE RESOLUTION 18—COMMEMORATING THE 60TH ANNIVERSARY OF THE LIBERATION OF THE AUSCHWITZ EXTERMINATION CAMP IN POLAND

Mr. TALENT (for himself, Mr. LUGAR, Mr. FRIST, Mr. WYDEN, Mrs. DOLE, Mr. DODD, Ms. MIKULSKI, Mr. LEVIN, Mr. LAUTENBERG, Mr. ALEXANDER, Mr. VOINOVICH, Mr. COLEMAN, and Mr. HAGEL) submitted the following resolution; which was considered and agreed to:

S. RES. 18

Whereas on January 27, 1945, the Auschwitz extermination camp in Poland was liberated by Allied Forces during World War II after almost 5 years of murder, rape, and torture;

Whereas more than 1,000,000 innocent civilians were murdered at the Auschwitz extermination camp;

Whereas the Auschwitz extermination camp symbolizes the brutality of the Holocaust;

Whereas Americans must never forget the terrible crimes against humanity committed at the Auschwitz extermination camp and must educate future generations to promote understanding of the dangers of intolerance in order to prevent similar injustices from happening again; and

Whereas commemoration of the liberation of the Auschwitz extermination camp will instill in all Americans a greater awareness of the Holocaust: Now, therefore, be it

Resolved, That the Senate—

(1) commemorates January 27, 2005, as the 60th anniversary of the liberation of the Auschwitz extermination camp by Allied Forces during World War II; and

(2) calls on all Americans to remember the more than 1,000,000 innocent victims murdered at the Auschwitz extermination camp as part of the Holocaust.

SENATE RESOLUTION 19—AUTHORIZING EXPENDITURES BY THE SENATE COMMITTEE ON INDIAN AFFAIRS

Mr. McCAIN submitted the following resolution; from the Committee on Indian Affairs; which was referred to the Committee on Rules and Administration:

S. RES. 19

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Indian Affairs is authorized from March 1 2005, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,124,384.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $1,972,189.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $838,771.00, of which amount (1) not to exceed $20,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $20,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than January 31, 2005.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery; United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 20—DESIGNATING JANUARY 2005 AS "NATIONAL MENTORING MONTH"

Mr. KENNEDY (for himself, Mr. MCCAIN, Mr. DEWINE, Ms. MIKULSKI, Mr. BAYH, Mr. DOMENICI, Mr. LEVIN, Mr. CONRAD, Mr. DAYTON, Ms. LANDRIEU, Mr. JOHNSON, Mr. NELSON of Nebraska, Ms. STABENOW, and Mrs. CLINTON) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 20

Whereas mentors serve as role models, advocates, friends, and advisors to youth in need;

Whereas mentoring is a proven, effective strategy to enable caring, responsible adults to provide guidance and build confidence, stability, and direction for individual children;

Whereas research demonstrates that mentoring has a positive impact on students by increasing attendance at school, improving rates of high-school graduation and college attendance, and reducing involvement with drugs, alcohol, and violent behavior;

Whereas over 17,000,000 children in the United States today need or want a mentor, but only 2,000,000 are in mentoring relationships, leaving a "mentoring gap" of 15,000,000 young people;

Whereas the establishment of a National Mentoring Month will emphasize the importance of mentoring and pay tribute to the many Americans already involved in mentoring;

Whereas a month-long celebration of mentoring will encourage more organizations, such as schools, businesses, faith communities, and individuals to get involved in mentoring; and

Whereas celebrations of mentoring would encourage more individuals to volunteer as mentors and help close the mentoring gap: Now, therefore, be it

Resolved, That the Senate—

(1) proclaims the month of January 2005 as "National Mentoring Month";

(2) recognizes that the President issued a proclamation calling upon the people of the United States and interested groups to observe the month with appropriate ceremonies and activities to promote awareness of mentoring and to encourage many more Americans to participate in mentoring; and

(3) recognizes with great appreciation the contributions of millions of caring adults who now serve as mentors and encourages more adults to give of their time and become mentors as an essential part of school reform.

SENATE RESOLUTION 21—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Ms. SNOWE submitted the following resolution; from the Committee on Small Business and Entrepreneurship; which was referred to the Committee on Rules and Administration:

S. RES. 21

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Small Business and Entrepreneurship is authorized from March 1, 2005, through September 30, 2005, and October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007, in its discretion—

(1) to make expenditures from the contingent fund of the Senate;

(2) to employ personnel; and

(3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2.

(a) The expense of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,302,943, of which amount—

(1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period of October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $2,286,820, of which amount—

(1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, organizations thereof (as authorized by section 292(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period of October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $973,120, of which amount—

(1) not to exceed $10,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946); and

(2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3.

The committee may report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005.

SEC. 4.

Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required—

(1) for the disbursement of salaries of employees paid at an annual rate;

(2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate;

(4) for payments to the Postmaster, United States Senate;

(5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate;

(6) for the payment of Senate Recording and Photographic Services; or

(7) for payment of franked mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5.

There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE CONCURRENT RESOLUTION 6—HONORING THE LIFE AND CONTRIBUTION OF YOGI BHAJAN, A LEADER OF THE SIKHS, AND EXPRESSING CONDOLENCES TO THE SIKH COMMUNITY ON HIS PASSING

Mr. BINGAMAN (for himself, Mr. CORNYN, and Mr. DOMENICI) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 6

Whereas the Sikh faith was founded in the northern section of the Republic of India in the 15th century by Guru Nanak, who preached tolerance and equality for all humans;

Whereas the Sikh faith began with a simple message of truthful living and the fundamental unity of humanity, all created by one creator who manifests existence through every religion;

Whereas the Sikh faith reaches out to people of all faiths and cultural backgrounds, encourages individuals to see beyond their differences, and to work together for world peace and harmony;

Whereas Siri Singh Sahib Bhai Sahib Harbhajan Singh Khalsa Yogiji, known as Yogi Bhajan to hundreds of thousands of people worldwide, was born Harbhajan Singh Puri on August 26, 1929, in India;

Whereas at age 8, Yogi Bhajan began yogic training, and 8 years later was proclaimed by his teacher to be a master of Kundalini Yoga, which stimulates individual growth through breath, yoga postures, sound, chanting, and meditation;

Whereas during the turmoil over the partition between Pakistan and India in 1947, at the age of 18, Yogi Bhajan led his village of 7,000 people 325 miles on foot to safety in New Delhi, India, from what is now Lahore, Pakistan;

Whereas Yogi Bhajan, before emigrating to North America in 1968, served the Government of India faithfully through both civil and military service;

Whereas when Yogi Bhajan visited the United States in 1968, he recognized immediately that the experience of higher consciousness that many young people were attempting to find through drugs could be alternatively achieved through Kundalini Yoga, and in response, he began teaching Kundalini Yoga publicly, thereby breaking the centuries-old tradition of secrecy surrounding it;

Whereas in 1969, Yogi Bhajan founded "Healthy, Happy, Holy Organization (3HO)", a nonprofit private educational and scientific foundation dedicated to serving humanity, improving physical well-being, deepening spiritual awareness, and offering guidance on nutrition and health, interpersonal relations, child rearing, and human behavior;

Whereas under the direction and guidance of Yogi Bhajan, 3HO expanded to 300 centers in 35 countries;

Whereas in 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of Siri Singh Sahib, which made him the chief religious and administrative authority for Sikhism in the Western Hemisphere, and subsequently the Sikh seat of religious authority gave him responsibility to create a Sikh ministry in the West;

Whereas in 1971, Sikh Dharma was legally incorporated in the State of California and recognized as a tax-exempt religious organization by the United States, and in 1972, Yogi Bhajan founded the ashram Sikh Dharma in Española, New Mexico;

Whereas in 1973, Yogi Bhajan founded "3HO SuperHealth", a successful drug rehabilitation program that blends ancient yogic wisdom of the East with modern technology of the West;

Whereas in June 1985, Yogi Bhajan established the first "International Peace Prayer Day Celebrations" in New Mexico, which still draws thousands of participants annually;

Whereas Yogi Bhajan traveled the world calling for world peace and religious unity at meetings with leaders such as Pope Paul VI; Pope John Paul II; His Holiness the Dalai Lama; the President of the former Union of Soviet Socialist Republics, Mikhail Gorbachev; and two Archbishops of Canterbury;

Whereas Yogi Bhajan wrote 30 books and inspired the publication of 200 other books through his teachings, founded a drug rehabilitation program, and inspired the founding of several businesses;

Whereas Sikhs and students across the world testify that Yogi Bhajan exhibited dignity, divinity, grace, commitment, courage, kindness, compassion, tolerance, wisdom, and understanding;

Whereas Yogi Bhajan taught that in times of joy and sorrow members of the community should come together and be at one with each other; and

Whereas before his passing on October 6, 2004, Yogi Bhajan requested that his passing be a time of celebration of his going home: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes that the teachings of Yogi Bhajan about Sikhism and yoga, and the businesses formed under his inspiration, improved the personal, political, spiritual, and professional relations between citizens of the United States and the citizens of India;

(2) recognizes the legendary compassion, wisdom, kindness, and courage of Yogi Bhajan, and his wealth of accomplishments on behalf of the Sikh community; and

(3) extends its condolences to Inderjit Kaur, the wife of Yogi Bhajan, his 3 children and 5 grandchildren, and to Sikh and "Healthy, Happy, Holy Organization (3HO)" communities around the Nation and the world upon the death on October 6, 2004, of Yogi Bhajan, an individual who was a wise teacher and mentor, an outstanding pioneer, a champion of peace, and a compassionate human being.

Mr. BINGAMAN. Mr. President, I rise today with my colleagues, Senators DOMENICI and CORNYN, to introduce a resolution honoring the life of Yogi Bhajan. Yogi Bhajan, the chief religious and administrative authority for Sikhism in the West, died in Española, NM on October 6, 2004 at the age of seventy-five. Born Harbhajan Singh Puri on August 26, 1929 in Northern India, now Pakistan, he began yogic training at age 8 and was proclaimed a master of Kundalini Yoga by age 16. After the partition of India and Pakistan in 1947, his family migrated to New Delhi, India where he continued his education. After graduating from Punjab University in economics, he worked for India's Internal Revenue Service and later became head of customs at the New Delhi Airport.

Yogi Bhajan introduced thousands around the world to Sikhism, a religion that carries the message of truthful living and the fundamental unity of humanity, and reaches out to people of all backgrounds to work together for world peace. When he came to North America in 1968 he recognized that the experience sought by many young people through drugs could be alternatively achieved through Kundalini Yoga, which stimulates individual growth through breath, chanting, and meditation among other components. Breaking the centuries old tradition of secrecy surrounding Kundalini Yoga, he began teaching it publicly. Soon after, he founded the Healthy, Happy, Holy Organization, 3HO, a nonprofit private educational and scientific foundation with 300 centers in 35 countries, dedicated to improving physical well-being, deepening spiritual awareness, and offering guidance on matters of health and heart. He later founded 3HO SuperHealth, a successful drug rehabilitation program, blending ancient yogic wisdom of the east with the modern technology of the west. SuperHealth was accredited by the Joint Commission on Accreditation of Healthcare Organizations and received its highest commendation. In 1973 it distinguished itself as being in the top 10 percent of all treatment programs throughout the U.S. In 1989 Yogi Bhajan met with then President Mikhail Gorbachev and established addiction treatment programs in Russia based on the 3HO SuperHealth model. Currently a pilot project of SuperHealth is being formed by the Punjab State Government in India. He taught Yoga in Toronto and Los Angeles and finally founded a Sikh Dharma community in Española, New Mexico. In 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of chief religious and administrative authority for Sikhism in the Western Hemisphere. About 250,000 Sikhs now reside across the United States, including a community of about 500 families in Northern New Mexico.

Yogi Bhajan wrote 30 books and inspired 200 more through his teaching, and inspired the founding of several businesses, including Akal Security, Inc. He had an inclusive view of the world's major religions and considered all of them valid. Throughout his lifetime, he traveled the world and met with world leaders such as Pope John Paul II and the Dalai Lama to discuss world peace and religious unity. In June 1985, Yogi Bhajan established the first International Peace Prayer Day Celebration in New Mexico that still draws thousands of participants annually.

After the events of 9/11/01, Yogi Bhajan reached out to Sikhs across America, encouraging and helping them to educate their fellow citizens about Sikhs, and to work with law enforcement and community leaders to help them protect Sikh populations. His efforts have helped contribute to the opening of some major law enforcement agencies to Sikh employees, including the Los Angeles County Sheriff's Department. Yogi Bhajan established links to human rights advocates nationwide, working to make sure that the issue of Sikh identity is understood and respected. When Balbir Singh Sodhi was murdered in Phoenix 5 days after 9/11 because of his beard and turban, Yogi Bhajan worked with community and government leaders in Arizona to help raise awareness about the Sikh community there.

Yogi Bhajan is survived by his wife, Inderjit Kaur; two sons, Ranbir Singh and Kulbir Singh; a daughter, Kamaljit Kaur; and five grandchildren. He will be missed by his family, followers and his friends, and his contribution to the cause of world peace will be remembered and celebrated for generations to come.

SENATE CONCURRENT RESOLUTION 7—CONGRATULATING THE PEOPLE OF UKRAINE FOR CONDUCTING A DEMOCRATIC, TRANSPARENT, AND FAIR RUNOFF PRESIDENTIAL ELECTION ON DECEMBER 26, 2004, AND CONGRATULATING VIKTOR YUSHCHENKO ON HIS ELECTION AS PRESIDENT OF UKRAINE AND HIS COMMITMENT TO DEMOCRACY AND REFORM

Mr. LUGAR (for himself, Mr. BIDEN, Mr. FRIST, Mr. REID, Mr. LEVIN, and Mr. DURBIN) submitted the following concurrent resolution; which was considered and agreed to:

S. CON. RES. 7

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system have been prerequisites for that country's full integration into the international community of democracies;

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE);

Whereas the election of Ukraine's next president was seen as an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas efforts by national and local officials and others acting at the behest of such officials to impose obstacles to free assembly, free speech, and a free and fair political campaign took place throughout Ukraine during the entire 2004 presidential election campaign without condemnation or remedial action by the Government of Ukraine;

Whereas on October 31, 2004, Ukraine held the first round of its presidential election and on November 21, 2004, Ukraine held a runoff presidential election between the two leading candidates, Prime Minister Viktor Yanukovich and opposition leader Viktor Yushchenko;

Whereas a consensus of Ukrainian and international election observers determined that the runoff election did not meet a considerable number of international standards for democratic elections, and these observers specifically declared that state resources were abused in support of Viktor Yanukovich, and that illegal voting by absentee ballot, multiple voting, assaults on electoral observers and journalists, and the use of counterfeit ballots were widespread;

Whereas following the runoff presidential election on November 21, 2004, tens of thousands of Ukrainian citizens engaged in peaceful demonstrations in Kiev and elsewhere to protest the unfair election and the declaration by the Ukrainian Central Election Commission that Viktor Yanukovich had won a majority of the votes;

Whereas, on November 25, 2004, the Ukrainian Supreme Court blocked the publication of the official runoff election results thus preventing the inauguration of the next president of Ukraine until the Supreme Court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff presidential election on November 21, 2004, and that the results of the election did not reflect the will of the Ukrainian people;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion regarding the government of Prime Minister Viktor Yanukovich;

Whereas European mediators and current Ukrainian President Leonid Kuchma began discussions on December 1, 2004, to attempt to work out a resolution to the standoff between the supporters of both presidential candidates;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the runoff presidential election on November 21, 2004, was invalid and ordered a new presidential election to take place on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed laws to reform the Ukrainian electoral process, including to reconstitute the Ukrainian Central Election Commission, and to close loopholes for fraud in preparation for a new presidential election;

Whereas on December 26, 2004, the people of Ukraine again went to the polls to elect the next president of Ukraine in what the consensus of domestic and international observers declared as a more democratic, transparent, and fair election process with fewer problems than the previous two rounds;

Whereas on January 10, 2005, the election victory of opposition leader Viktor Yushchenko was certified by the Ukrainian Central Election Commission; and

Whereas the runoff presidential election on December 26, 2004, signifies a turning point for Ukraine which offers new hope and opportunity to the people of Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people and Government of Ukraine for their commitment to democracy and their determination to end the political crisis in that country in a peaceful and democratic manner;

(2) congratulates the people and Government of Ukraine for ensuring a free and fair runoff presidential election which represents the true choice of the Ukrainian people;

(3) congratulates Viktor Yushchenko on his election as President of Ukraine;

(4) applauds the Ukrainian presidential candidates, the European Union and other European representatives, and the United States Government for the role they played in helping to find a peaceful resolution of the crisis;

(5) acknowledges and welcomes the strong relationship formed between the United States and Ukraine and expresses its strong and continuing support for the efforts of the Ukrainian people and the new Government of Ukraine to establish a full democracy, the rule of law, and respect for human rights; and

(6) pledges its assistance to the strengthening of a fully free and open democratic system in Ukraine, the creation of a prosperous free market economy in Ukraine, the reaffirmation of Ukraine's independence and territorial sovereignty, and Ukraine's full integration into the international community of democracies.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. DOMENICI. Mr. President, I would like to announce for the information of the Senate and the public that the following hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing, entitled Forecasting the Future: U.S. Energy Challenges in the Global Context, will be held on Thursday, February 3 at 10 a.m. in Room SD–366.

The purpose of the hearing is to receive testimony regarding global energy trends and their potential impact on U.S. energy needs, security and policy. The Energy Information Administration will discuss the 2005 Annual Energy Outlook. Additional experts will offer their perspectives on emerging world energy trends, including the key factors affecting energy supply (such as OPEC and Russia) and energy demand (such as Asia).

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510-6150.

For further information, please contact: Shane Perkins at 202-224-7555.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be authorized to conduct a business meeting during the session of the Senate on Wednesday, January 26, 2005. The purpose of this meeting will be to discuss the organization of the committee for the 109th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ARMED SERVICES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on January 26, 2005, at 4 p.m., in closed session to receive testimony on current military operations in Iraq and Afghanistan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON BANKING, HOUSING AND URBAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on Wednesday, January 26, 2005, at 10 a.m., to conduct an executive session for the purpose of approving the committee budget and the committee rules.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. CRAIG. Mr. President, I ask unanimous consent that the full Committee on Environment and Public Works be authorized to meet on Wednesday, January 26, 2005, at 9:15 a.m., to conduct a business meeting to consider the committee funding resolution and the committee rules. The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate, on Wednesday, January 26 at 9:30 a.m., to consider pending calendar business.

Agenda

On Wednesday, January 26, at 9:30 a.m., the committee will hold a business meeting in Dirksen 366 to consider the following items on the agenda:

Agenda Item 1: The Committee's Budget Resolution for a 2-year period, March 1, 2005 through February 28, 2007.

Agenda Item 2: To consider the nomination of Samuel W. Bodman, to be Secretary of Energy.

In addition, the committee may turn to any other measures that are ready for consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, January 26, 2005, at 10 a.m., for a hearing titled "The Department of Homeland Security: The Road Ahead."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, January 26, 2005, at a time and location to be determined to hold a business meeting to consider the committee's funding resolution for the 109th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Wednesday, January 26, 2005, at 10:30 a.m., in room 485 of the Russell Senate Office Building to conduct a business meeting to consider the committee budget resolution and proposed change to the committee rules and any other organizational business the committee needs to attend to.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Wednesday, January 26, 2005, at 9:30 a.m. in Senate Dirksen Office Building Room 226.

Agenda

I. Nominations: Alberto Gonzales to be the Attorney General of the United States.

II. Legislation: S. 5, Class Action Fairness Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. CRAIG. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for an organization and business meeting on Wednesday, January 26, 2005, beginning at 9:30 a.m., in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. CRAIG. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on January 26, 2005, at 2:30 p.m. to hold a closed meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mr. CRAIG. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet today, Wednesday, January 26, 2005, from 10 a.m.–12 p.m. in Dirksen 628 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, CLIMATE CHANGE AND NUCLEAR SAFETY

Mr. CRAIG. Mr. President, I ask unanimous consent that the Subcommittee on Clear Air, Climate Change, and Nuclear Safety be authorized to meet on Wednesday, January 26, 2005, at 10 a.m. to conduct a hearing regarding multiemissions legislation. The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. SALAZAR. Mr. President, I ask unanimous consent that a congressional fellow in my office, John Plumb, from LaFayette, CO, be granted the privileges of the floor for the purposes of the bill introduction.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT OR RECESS OF SENATE AND HOUSE OF REPRESENTATIVES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of H. Con. Res. 21, the adjournment resolution; provided that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 21) was agreed to, as follows:

H. CON. RES. 21

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, January 26, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 1, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Wednesday, January 26, 2005, or Thursday, January 27, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Monday, January 31, 2005, or at such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate whenever, in their opinion, the public interest shall warrant it.

Passed the House of Representatives January 25, 2005.

CONGRATULATING VIKTOR YUSHCHENKO ON HIS ELECTION AS PRESIDENT OF UKRAINE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Con. Res. 7, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A concurrent resolution (S. Con. Res. 7) congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. DURBIN. Mr. President, I ask unanimous consent to be added as a cosponsor of that concurrent resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I would like to comment. We have a sizable Ukrainian-American population in Illinois, particularly Chicago, that followed this election closely. My son lives in a section known as Ukraine Village, and the neighborhood was covered with orange ribbons in support of the newly elected president. So I am happy to join in passing this resolution.

Mr. McCONNELL. I thank my friend from Illinois.

Mr. President, I ask unanimous consent that the concurrent resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (S. Con. Res. 7) was agreed to.

The preamble was agreed to.

The concurrent resolution, with its preamble, reads as follows:

S. CON. RES. 7

Whereas the establishment of a democratic, transparent, and fair election process for the 2004 presidential election in Ukraine and of a genuinely democratic political system have been prerequisites for that country's full integration into the international community of democracies;

Whereas the Government of Ukraine has accepted numerous specific commitments governing the conduct of elections as a participating State of the Organization for Security and Cooperation in Europe (OSCE);

Whereas the election of Ukraine's next president was seen as an unambiguous test of the extent of the Ukrainian authorities' commitment to implement these standards and build a democratic society based on free elections and the rule of law;

Whereas a genuinely free and fair election requires government and public authorities to ensure that candidates and political parties enjoy equal treatment before the law and that government resources are not employed to the advantage of individual candidates or political parties;

Whereas a genuinely free and fair election requires the full transparency of laws and regulations governing elections, multiparty representation on election commissions, and unobstructed access by candidates, political parties, and domestic and international observers to all election procedures, including voting and vote-counting in all areas of the country;

Whereas efforts by national and local officials and others acting at the behest of such officials to impose obstacles to free assembly, free speech, and a free and fair political campaign took place throughout Ukraine during the entire 2004 presidential election campaign without condemnation or remedial action by the Government of Ukraine;

Whereas on October 31, 2004, Ukraine held the first round of its presidential election and on November 21, 2004, Ukraine held a runoff presidential election between the two leading candidates, Prime Minister Viktor Yanukovich and opposition leader Viktor Yushchenko;

Whereas a consensus of Ukrainian and international election observers determined that the runoff election did not meet a considerable number of international standards for democratic elections, and these observers specifically declared that state resources were abused in support of Viktor Yanukovich, and that illegal voting by absentee ballot, multiple voting, assaults on electoral observers and journalists, and the use of counterfeit ballots were widespread;

Whereas following the runoff presidential election on November 21, 2004, tens of thousands of Ukrainian citizens engaged in peaceful demonstrations in Kiev and elsewhere to protest the unfair election and the declaration by the Ukrainian Central Election Commission that Viktor Yanukovich had won a majority of the votes;

Whereas, on November 25, 2004, the Ukrainian Supreme Court blocked the publication of the official runoff election results thus preventing the inauguration of the next president of Ukraine until the Supreme Court examined the reports of voter fraud;

Whereas on November 27, 2004, the Parliament of Ukraine passed a resolution declaring that there were violations of law during the runoff presidential election on November 21, 2004, and that the results of the election did not reflect the will of the Ukrainian people;

Whereas on December 1, 2004, the Parliament of Ukraine passed a no confidence motion regarding the government of Prime Minister Viktor Yanukovich;

Whereas European mediators and current Ukrainian President Leonid Kuchma began discussions on December 1, 2004, to attempt to work out a resolution to the standoff between the supporters of both presidential candidates;

Whereas on December 3, 2004, the Ukrainian Supreme Court ruled that the runoff presidential election on November 21, 2004, was invalid and ordered a new presidential election to take place on December 26, 2004;

Whereas on December 8, 2004, the Parliament of Ukraine passed laws to reform the Ukrainian electoral process, including to reconstitute the Ukrainian Central Election Commission, and to close loopholes for fraud in preparation for a new presidential election;

Whereas on December 26, 2004, the people of Ukraine again went to the polls to elect the next president of Ukraine in what the consensus of domestic and international observers declared as a more democratic, transparent, and fair election process with fewer problems than the previous two rounds;

Whereas on January 10, 2005, the election victory of opposition leader Viktor Yushchenko was certified by the Ukrainian Central Election Commission; and

Whereas the runoff presidential election on December 26, 2004, signifies a turning point for Ukraine which offers new hope and opportunity to the people of Ukraine: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) commends the people and Government of Ukraine for their commitment to democracy and their determination to end the political crisis in that country in a peaceful and democratic manner;

(2) congratulates the people and Government of Ukraine for ensuring a free and fair runoff presidential election which represents the true choice of the Ukrainian people;

(3) congratulates Viktor Yushchenko on his election as President of Ukraine;

(4) applauds the Ukrainian presidential candidates, the European Union and other European representatives, and the United States Government for the role they played in helping to find a peaceful resolution of the crisis;

(5) acknowledges and welcomes the strong relationship formed between the United States and Ukraine and expresses its strong and continuing support for the efforts of the Ukrainian people and the new Government of Ukraine to establish a full democracy, the rule of law, and respect for human rights; and

(6) pledges its assistance to the strengthening of a fully free and open democratic system in Ukraine, the creation of a prosperous free market economy in Ukraine, the reaffirmation of Ukraine's independence and territorial sovereignty, and Ukraine's full integration into the international community of democracies.

ORDERS FOR MONDAY, JANUARY 31, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn under the provisions of H. Con. Res. 21 until 1 p.m. on Monday, January 31. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and there then be a period of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. On Monday, the Senate will be in a period of morning business. It is our hope we will be able to consider any nominations available for Senate action. The nomination of Samuel Bodman was reported earlier today by the Energy and Natural Resources Committee. We hope that nomination can be cleared for action on Monday. We have no requests for a rollcall vote on the Bodman nomination. Therefore, rollcall votes are not anticipated during Monday's session.

Also, earlier today, Chairman SPECTER and the Judiciary Committee reported out the nomination of Alberto Gonzales to be Attorney General. We will consider that nomination, as well, next week.

ADJOURNMENT UNTIL 1 P.M., MONDAY, JANUARY 31, 2005

Mr. McCONNELL. Therefore, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand in adjournment under the provisions of H. Con. Res. 21.

There being no objection, the Senate, at 5:30 p.m., adjourned until Monday, January 31, 2005, at 1 p.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate Wednesday, January 26, 2005:

DEPARTMENT OF STATE

CONDOLEEZZA RICE, OF CALIFORNIA, TO BE SECRETARY OF STATE.

DEPARTMENT OF VETERANS AFFAIRS

JIM NICHOLSON, OF COLORADO, TO BE SECRETARY OF VETERANS AFFAIRS.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

MICHAEL O. LEAVITT, OF UTAH, TO BE SECRETARY OF HEALTH AND HUMAN SERVICES.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

HONORING THIS YEARS KQED'S LOCAL HERO AWARD RECIPIENTS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. LANTOS. Mr. Speaker, we have just recently commemorated our national holiday recognizing the legacy of Martin Luther King Jr. and we are about to enter February, the month designated Black History Month. We as a nation recognize and celebrate the contributions of African Americans to our society. As part of that celebration, KQED Public Broadcasting has recognized six individuals and I rise today in order to pay tribute to these six, who have made significant contributions to the African American community.

KQED has provided the Bay Area with high quality noncommercial media since 1954. The station call letters represent an acronym for the Latin "quod erat demonstrandum" (which was to be demonstrated) a motto the station has continuously lived up to by airing programming that makes its listeners think, feel and explore new ideas. As part of its commitment to the public KQED recognizes and rewards those who work tirelessly, and sometimes thanklessly, to try and better the place they live with a "Local Hero Award". The Award spotlights the achievements in particular individuals and profiles them with KQED programming throughout the month.

This year KQED has chosen six extraordinary individuals who have dedicated their lives to improving their community. I would like to share a few words about each of these well deserving recipients.

Mr. Speaker, three of the recipients, Dr. Veronica Hunt, Dr. J. Alfred Smith Sr. and Terrance Kelly, have been tremendous examples in the field of education. Dr. Hunt has worked for the last 35 years to expand educational and job-training opportunities for the residents in her community. As the dean of the Southeast Campus of City College of San Francisco, she has expanded the school's curriculum and instituted new programs, including the Partnership to Achieve Academic Success, a wonderful mentoring program. She recently became involved in a program that moves incarcerated young people from the penal system to college.

Dr. Smith is the Senior Pastor at the Allen Temple Baptist Church as well as a professor at the American Baptist Seminary of the West in Berkeley, California. He has ranked among the 100 Most Influential Black Americans, and was named one of the Top 15 Greatest Black Preachers of 1993. Dr. Smith has authored 16 books, spoken throughout the world, and earned numerous awards, including the Greenlining Institute's Lifetime Achievement Award.

Mr. Kelly provides guidance to many in the community through music. Terrance is the Artistic Director at the Oakland Interfaith Gospel Choir, as well as the director of the Foothill Community College Gospel Choir. He provides guidance to adults and children alike, as well as to stars like Linda Ronstadt and the Kronos Quartet. Terrance won an Emmy Award for the 1995 choral arrangement of the Oakland Interfaith Gospel Choir's KGO–TV public service announcement.

Mr. Speaker, Mikael Wagner is a leader in the public health field. He has sought to empower those disenfranchised populations in the Bay Area, and has been instrumental in HIV/AIDS awareness and prevention campaigns. He is also the founder and president of Promotions West, a public relations firm that helps local and national organizations implement community outreach strategies. He established a financial literacy training program called "MoneyWi$e", which has benefited thousands of people.

In the arts, Sally Joan Baker and Andre White are proven leaders capable of influencing their community on a grand scale. Ms. Baker has worked for the last 20 years trying to reach at-risk children through poetry. Sally is the Executive Producer and host of WEE POETS, a weekly television program where children ages 7 to 13 recite original poems on camera. She allows children to express themselves through poetry in front of a wide audience. She provides free television technician internships to unskilled, at-risk teens. The internships have led 95 percent of participants to major in broadcasting when they go to college.

Mr. Andre White is a renowned portrait painter. He was commissioned to paint the portrait of our friend and former colleague, Congressman Ron Dellums in 1996, which hangs in the House Armed Services Committee Room. Andre received a commission for the portrait of District Court Judge Vanessa Gilmore and Dr. Martin Luther King Jr. Andre's works are displayed in private and public collections across the nation.

Mr. Speaker, I ask my colleagues to join me in recognizing the achievements of these extraordinary Bay Area residents. These activists are shaping the future of the next generation through the arts, in education and in the field of public health. Their contributions to the African American community are of the utmost importance and will be cherished for years to come.

HONORING BOY SCOUT TROOP 65 OF EXTON, PENNSYLVANIA

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor Boy Scout Troop 65 of Exton, Pennsylvania on the occasion of their 50th Anniversary.

Troop 65 is a tremendous group of young men that practices the policy of "boy-led and boy-run" in the development of team work, leadership skills and personal responsibility. They develop the rules and standards to adhere to and work together to accomplish their many goals, and objectives. Interestingly, Troop 65 is also known locally as the "Cooking Troop." Troop 65's scouts have learned through the years to prepare and cook such delicious meals as chicken stir-fry, peach cobbler, and double chocolate cake.

Beyond the culinary arts, Troop 65 participates in many outdoor activities. The Troop camps one weekend a month in places throughout southeastern Pennsylvania, Maryland, Delaware, and New Jersey. In addition to the traditional camping trips, Troop 65 also participates in such "High Adventures" as canoeing on the Shenandoah River. Also, each July, Troop 65 sends a contingent to the Philmont Scout Ranch in New Mexico. This group is a select bunch who are elected to participate by peers and the Troop contributes half the fees for this trip.

Troop 65 is also actively involved in environmental stewardship. The Troop participates in the Adopt-a-Highway program on the Route 30 bypass in the area, which includes quarterly trips up and down the two mile stretch of road to collect litter.

In addition, Troop 65 has the distinguished honor of having graduated over 50 Eagle Scouts. The Eagle Scouts from Troop 65 have participated in numerous Eagle service projects across the region, including such locations as the Brandywine Valley Association, Okehocking Nature Preserve, West Chester Presbyterian Church, Uwchlan Friends Meeting House, and the Exton Community Baptist Church.

Mr. Speaker, I ask that my colleagues join me in congratulating the scouts, great leaders, and scout parents of Troop 65 past and present for the outstanding contributions they have made in their community and for the positive development of the moral, physical, and emotional well-being of the young men who have participated in the Troop over the past 50 years.

IN HONOR AND REMEMBRANCE OF JUDGE JOHN V. CORRIGAN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Judge John V. Corrigan, retired Ohio Appellate Judge, United States Veteran, beloved husband, father, friend and mentor to many. His brilliant legacy

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

is reflected in the courtroom and throughout our community, where he was admired and respected for his insight, integrity and sincere concern for the people of Cleveland.

Judge Corrigan's steadfast work ethic and strong sense of service to others were inextricable facets of who he was and characterized how he lived his life. He grew up in Cleveland, graduated from St. Ignatius High School, then worked his way through John Carroll University, where he graduated in 1943. Shortly thereafter, Judge Corrigan enlisted in the Army, where he participated in five European campaigns as a surgical technician during World War II.

After the war, he earned a law degree from the Western Reserve University School of Law, and began a private law practice. Judge Corrigan served on the Cleveland Municipal Court from 1953 until 1956 He was elected to the Cuyahoga County Court of Common Pleas in 1956, where he served until 1973. In 1991, Judge Corrigan retired after serving three terms on the 8th Ohio District Court of Appeals. His unequalled work ethic, keen legal mind, and uncompromising professional integrity continuously garnered the respect and admiration of all members of the court. While Chairman of the Civil Rules Committee, Judge Corrigan was a leader in the successful effort to streamline and unify the court process regarding civil cases. His dedication on behalf of the public good was present throughout his work, and served to uplift our entire judicial system.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Judge John V Corrigan. Courage, vision and integrity defined his life, and he will be greatly missed by those who knew and loved him well. I extend my deepest condolences to his beloved wife, Eileen; to his children, Clare, Kate, Mary Ann, Eileen, Tom, Dan and Jack; and to his beloved grandchildren, extended family and many friends. Judge Corrigan's life was one of joy, energy and unwavering service to others. His faith in our system of justice will continue to serve as a guiding force and brilliant example of truth, fairness and equity for all.

THE FAMILY EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. PAUL. Mr. Speaker, I rise today to introduce the Family Education Freedom Act, a bill to empower millions of working and middle-class Americans to choose a non-public education for their children, as well as making it easier for parents to actively participate in improving public schools. The Family Education Freedom Act accomplishes its goals by allowing American parents a tax credit of up to $3,000 for the expenses incurred in sending their child to private, public, parochial, other religious school, or for home schooling their children.

The Family Education Freedom Act returns the fundamental principle of a truly free economy to America's education system: what the great economist Ludwig von Mises called "consumer sovereignty." Consumer sovereignty simply means consumers decide who succeeds or fails in the market. Businesses that best satisfy consumer demand will be the most successful. Consumer sovereignty is the means by which the free market maximizes human happiness.

Currently, consumers are less than sovereign in the education "market." Funding decisions are increasingly controlled by the federal government. Because "he who pays the piper calls the tune," public, and even private schools, are paying greater attention to the dictates of federal "educrats" while ignoring the wishes of the parents to an ever greater degree. As such, the lack of consumer sovereignty in education is destroying parental control of education and replacing it with state control. Loss of control is a key reason why so many of America's parents express dissatisfaction with the educational system.

According to a June 2001 poll by McLaughlin and Associates, two-thirds of Americans believe education tax credits would have a positive effect on American education. This poll also found strong support for education tax credits among liberals, moderates, conservatives, low-income individuals, and African-Americans. This is just one of numerous studies and public opinion polls showing that Americans want Congress to get the federal bureaucracy out of the schoolroom and give parents more control over their children's education.

Today, Congress can fulfill the wishes of the American people for greater control over their children's education by simply allowing parents to keep more of their hard-earned money to spend on education rather than force them to send it to Washington to support education programs reflective only of the values and priorities of Congress and the federal bureaucracy.

The $3,000 tax credit will make a better education affordable for millions of parents.

Mr. Speaker, many parents who would choose to send their children to private, religious, or parochial schools are unable to afford the tuition, in large part because of the enormous tax burden imposed on the American family by Washington.

The Family Education Freedom Act also benefits parents who choose to send their children to public schools. Parents of children in public schools may use this credit to help improve their local schools by helping finance the purchase of educational tools such as computers or to ensure their local schools can offer enriching extracurricular activities such as music programs. Parents of public school students may also wish to use the credit to pay for special services, such as tutoring, for their children.

Increasing parental control of education is superior to funneling more federal tax dollars, followed by greater federal control, into the schools. According to a Manhattan Institute study of the effects of state policies promoting parental control over education, a minimal increase in parental control boosts students' average SAT verbal score by 21 points and students' SAT math score by 22 points! The Manhattan Institute study also found that increasing parental control of education is the best way to improve student performance on the National Assessment of Education Progress (NAEP) tests.

Clearly, enactment of the Family Education Freedom Act is the best thing this Congress could do to improve public education. Furthermore, a greater reliance on parental expenditures rather than government tax dollars will help make the public schools into true community schools that reflect the wishes of parents and the interests of the students.

The Family Education Freedom Act will also aid those parents who choose to educate their children at home. Home schooling has become an increasingly popular, and successful, method of educating children. Home schooled children out-perform their public school peers by 30 to 37 percentile points across all subjects on nationally standardized achievement exams. Home schooling parents spend thousands of dollars annually, in addition to the wages forgone by the spouse who forgoes outside employment, in order to educate their children in the loving environment of the home.

Ultimately, Mr. Speaker, this bill is about freedom. Parental control of child rearing, especially education, is one of the bulwarks of liberty. No nation can remain free when the state has greater influence over the knowledge and values transmitted to children than the family.

By moving to restore the primacy of parents to education, the Family Education Freedom Act will not only improve America's education, it will restore a parent's right to choose how best to educate one's own child, a fundamental freedom that has been eroded by the increase in federal education expenditures and the corresponding decrease in the ability of parents to provide for their children's education out of their own pockets. I call on all my colleagues to join me in allowing parents to devote more of their resources to their children's education and less to feed the wasteful Washington bureaucracy by supporting the Family Education Freedom Act.

INTRODUCTION OF ROCKY FLATS SPECIAL EXPOSURE COHORT ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing a bill to make it more likely that red tape and missing documents will not frustrate Congress's attempt to provide compensation and care for some nuclear-weapons workers made sick by on-job exposure to radiation.

The bill is similar to one I introduced in the 108th Congress. Like that bill, this one is cosponsored by my colleague from Colorado, Mr. BEAUPREZ. I greatly appreciate his support.

The bill would revise the part of the Energy Employees Occupational Injury Compensation Act ("the Act") that specifies which covered workers are part of what the law designates as the "Special Exposure Cohort."

The revision would extend this "special exposure cohort" status to Department of Energy employees, Department of Energy contractor employees, or atomic weapons employees—all terms defined by the current law—who have worked at the Rocky Flats site, in Colorado, for at least 250 days or will have worked there that long by January 1, 2006.

The result would be to help provide the Act's benefits to any of those workers who contracted a radiation-linked cancer specified in the Act after beginning employment at Rocky Flats.

As the law now stands, before a Rocky Flats worker suffering from a covered cancer can receive benefits, it must be established that the cancer is as likely as not to have resulted from on-the-job exposure to radiation.

That sounds like a reasonable requirement—and it would be appropriate for Rocky Flats if we had adequate documentation of radiation exposures for the years when it was producing nuclear-weapons components as well as for the more recent time when DOE and its contractors have been working to clean it up and prepare it for closure.

However, in fact there were serious shortcomings in the monitoring of Rocky Flats workers' radiation exposures and in the necessary recordkeeping—to say nothing of the slowness of the current administrative process for making the required determinations concerning links between exposure and employment.

This means there is a real risk that a significant number of Rocky Flats workers who should be able to benefit from the Act will not obtain its benefits in a timely manner or will be denied them entirely.

The bill would prevent this miscarriage of justice, by recognizing that Rocky Flats workers have been plagued by the same kinds of administrative problems that entangled workers at some other locations—administrative problems that were addressed through inclusion in the Act of the provisions related to the "Special Exposure Cohort."

My understanding of the need for this bill came from meeting with Rocky Flats workers and their representatives and from consulting experts.

I have particularly benefited from the great experience and expertise of Dr. Robert Bistline. Dr. Bistline has served as Program Manager of the Energy Department's Oversight of Radiation Protection Program at the Rocky Flats field office and has few if any peers in terms of his understanding of the problems addressed by the bill.

In particular, the bill reflects these aspects of Rocky Flats history—

Many worker exposures were unmonitored over the lifetime of the plant. Even within the past month a former worker from the 1950's was monitored under the Former Radiation Worker Program and found to have a significant internal deposition that had been undetected and unrecorded for more than 50 years.

No lung counter for detecting and measuring plutonium and americium in the lungs existed at Rocky Flats until the late 1960's. Without this equipment the very insoluble oxide forms of plutonium cannot be detected and a large number of workers had inhalation exposures that went undetected and unmeasured.

Exposure to neutron radiation was not monitored until the late 1950's and most of those measurements through 1970 have been found to be in error. In some areas of the plant the neutron doses were as much as 2 to 10 times as great as the gamma doses received by workers but only gamma doses were recorded. The old neutron films are being reread but those doses have not yet been added to the workers records or been used in NIOSH's dose reconstructions for Rocky Flats workers.

Radiation exposures for many workers were not measured or were missing, therefore, the records are incomplete or estimated doses were assigned. There are many inaccuracies in the exposure records that NIOSH is using to determine whether Rocky Flats workers qualify for compensation under the Act.

The model that has been used for dose reconstruction by NIOSH in determining whether Rocky Flats workers qualify for compensation under the Act is in error. The default values used for particle size and solubility of the internally deposited plutonium in workers are in error. Use of these erroneous values reduces the actual internal doses for claimants by as much as 3 to 10 times less than the Rocky Flats records and autopsy data indicate.

Some Rocky Flats workers, despite having worked with tons of plutonium and having known exposures leading to serious health effects, have been denied compensation under the Act as a result of potentially flawed calculations based on records that are incomplete or in error as well as the use of incorrect models.

Mr. Speaker, since early in my tenure in Congress I have worked to make good on promises of a fairer deal for the nuclear-weapons workers who helped America win the Cold War. That was why enactment and improvement of the compensation Act has been one of my top priorities. I saw this as a very important matter for our country—and especially for many Coloradans because our state is home to the Rocky Flats site, which for decades was a key part of the nuclear-weapons complex.

Now the site's military mission has ended, and the Rocky Flats workers are pressing to complete the job of cleaning it up and preparing it for closure. But while they are taking care of the site, we in Congress need to take care of them and the others who worked there in the past.

That was the purpose of the compensation act. I am very proud that I was able to help achieve its enactment, but I am also aware that it is not perfect. Last year Congress made important changes that will remedy some of its shortcomings. This bill will make it better yet.

For the benefit of our colleagues, I am attaching an outline of the bill's provisions:

SECTION 1: SHORT TITLE, FINDINGS, AND PURPOSE

Subsection (a) provides a short title, "Rocky Flats Special Cohort Act."

Subsection (b) sets forth several findings regarding the need for the legislation.

Subsection (c) states the bill's purpose: "to revise the Energy Employees Occupational Illness Compensation Act so as to include certain past and present Rocky Flats workers as members of the special exposure cohort."

SECTION 2: DEFINITION OF MEMBER OF SPECIAL EXPOSURE COHORT

Subsection (a) amends section 3621(14) of the Energy Employees Occupational Injury Compensation Act (EEOICPA). The effect of the amendment is to provide that a person employed by the Department of Energy or any of its contractors for an aggregate of at least 250 work days at Rocky Flats before January 1, 2006 would be a "member of the Special Exposure Cohort." Under EEOICPA, a member of the special exposure cohort suffering from one of the cancers specified in the Act is covered by the Act if the cancer was contracted after the person began employment at a covered facility.

Subsection (b) provides that someone employed by the Energy Department or any of its contractors for an aggregate of at least 250 work days at Rocky Flats before January 1, 2006 may apply for compensation or benefits under EEOICPA even if the person had previously been denied compensation or benefits under the Act. This is to make clear that the subsection (a)'s change in the law will apply to people who had applied previously.

HONORING THE SERVICE OF PAUL KEARNS TO THE IDAHO NATIONAL ENGINEERING AND ENVIRONMENTAL LABORATORY

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to thank Dr. Paul Kearns of Idaho Falls for his service as Laboratory Director of the Idaho National Engineering and Environmental Laboratory (INEEL).

On February 1, Paul's tenure as Laboratory Director will come to an end and I want to thank Paul and his wife Lynn for their contribution to Idaho. Paul has guided the INEEL through a time of great change and challenge and he has been a true friend and champion of the lab and its employees.

When Paul took over as INEEL Laboratory Director, he reached out to employees, DOE and the Idaho congressional delegation to improve communication and understanding. That effort has helped the INEEL grow and prosper under Paul's leadership.

Under Dr. Kearns' guidance, the research and development programs of the INEEL have experienced significant growth and so has the recognition of the lab's accomplishments. The growth in R&D programs coupled with a sterling safety and performance record give the new Idaho National Laboratory a strong foundation for future growth and success.

Paul has been a respected leader in Idaho serving as a member of Governor Kempthorne's Science and Technology Advisory Council and a board member of the Idaho Nature Conservancy.

Paul and the Bechtel team have been very good for Idaho and the INEEL and while their association with the lab will soon end, we want to thank them for their efforts and support. I want to wish Paul and Lynn all the best as they embark on new challenges and opportunities.

REGARDING THE INTRODUCITON OF SPIRIT CORRIDOR LEGISLATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. UDALL of New Mexico. Mr. Speaker, it gives me great pleasure to rise today to introduce companion legislation to a bill being introduced by Senator BINGAMAN of New Mexico in the Senate. The Senator and I also introduced this legislation during the 108th Congress and I am hopeful that we will make further progress on this issue during this session.

I am also very pleased to be joined once again by my colleagues Mr. JERRY MORAN of Kansas, Mr. FRANK LUCAS of Oklahoma, Mr. MAC THORNBERRY, Mr. SILVESTRE REYES and Mr. RANDY NEUGEBAUER of Texas, and Mr. STEVE PEARCE, one of my colleagues in the New Mexico delegation, in introducing this legislation. Each of these Members were cosponsors last Congress and are demonstrating their commitment to achieving this corridor designation by joining me again.

This bill seeks to designate U.S. Highway 54 as a high priority corridor on the National Highway System. The corridor would be known as the Southwest Passage Initiative for Regional and Interstate Transportation Corridor, or the SPIRIT Corridor. U.S. 54 runs from the border with Mexico at El Paso, Texas, through New Mexico, Texas, and Oklahoma, to Wichita, Kansas. This legislation will help improve transportation infrastructure and stimulate economic development in the communities and states through which U.S. Highway 54 passes.

Mr. Speaker, those who live in the eastern United States know that communities are more compact and the commutes much shorter. For the intermountain west, on the other hand, it is not unheard of for people to have to commute 80 miles to work and 80 miles back home. That is just one of the reasons designating U.S. 54 as a high priority corridor is so important to improving the transportation infrastructure and promoting economic development. Safe and efficient highways are critical to all types of traffic, whether it be tourists visiting or goods being shipped from point to point. Designating U.S. 54 as a High Priority Corridor will make it eligible for additional federal grants and transportation funds, which will, in turn, help upgrade the highway and improve its safety and efficiency.

I was pleased that the SPIRIT Corridor designation was included in H.R. 3550 during the 108th Congress, and will again seek inclusion of the designation in any transportation reauthorization legislation we consider this session. I urge my colleagues in the House to support the addition of the SPIRIT Corridor to the list of high priority corridors in our National Highway System.

HONORING PARSONS CHILD AND FAMILY CENTER

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to recognize and honor an organization that has provided compassionate and dedicated service to children and families in New York for over 175 years. The Parsons Child and Family Center and their hardworking staff currently serve more than 7,000 children and their families, by providing residential and foster care services and by specializing in special education prevention and mental health services.

The mission of the Parsons Child and Family Center has evolved over time. Starting as a foster home for destitute children, this organization's primary goal today is the preservation of families. It has become a treatment-oriented institution offering intensive, therapeutic services to emotionally disturbed children. The Parsons Child and Family Center recognizes the vital role that a family plays in the upbringing of our children, and it does all it can to prevent the need for foster care placement. After a period of rehabilitation, the Parsons Child and Family Center endeavors to return these children to their families and communities as soon as possible.

The Parsons Center provides invaluable services to countless children and families across New York State, children in dire need of special care and assistance. The tireless and selfless work of organizations like the Parsons Child and Family Center constitutes the foundation of our nation's communities and embodies the true spirit of the United States. America's greatness is found in ordinary citizens performing extraordinary acts of kindness.

The Parsons Child and Family Center is due recognition for their work with the American family. We should honor the devoted staff of this organization, not only for the lives they touch and the families they heal, but for the example they set for us all.

I ask my fellow members of the House of Representatives to send our gratitude to the Parsons Child and Family Center for its most praiseworthy work.

IN RECOGNITION OF MARY COLEMAN GILMER

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to Mrs. Mary Coleman Gilmer on the celebration of her 100th birthday.

Mrs. Gilmer was born January 24, 1905 in Monroe County, Alabama, and is the oldest of eleven siblings. In 1926 she married Gaddie Gilmer, and moved to Montgomery where the couple first lived. Mrs. Gilmer graduated from Alabama State Teacher's College in the 1940s.

Mary Gilmer has been a servant of the Lord all her life, Mr. Speaker, having shared her love with family, friends and associates. She is known as a generous person, having given money and shelter to those in need over the years, all without want of recognition or thanks for her deeds.

Mary Gilmer is an active Christian, and has served as Minister of Music for the Shiloh Baptist Church Choir, the Branch Grove Missionary Baptist Church Choir, the St. James Missionary Baptist Church Choir in Deatsville, and the Revelation Missionary Baptist Church Choir. She is also a former member of the Old Ship of the Eastern Star Lodge #343.

To this day, Mrs. Gilmer still walks to St. James Baptist Church and frequently appears on many community programs such as the Nat King Cole Society program and the Montgomery Tuskegee Times Black History Awards Banquet. She also loves playing the piano.

Let us all pause to honor Mrs. Mary Coleman Gilmer today, Mr. Speaker, and join in the celebration of this blessed milestone in her long and fruitful life.

HONORING JACK B. REESE, DEL NORTE COUNTY, CALIFORNIA

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize Jack B. Reese, member and Chairman of the Del Norte County Board of Supervisors, who is being honored on the occasion of his retirement. Mr. Reese was first elected to serve the citizens of Del Norte County in 1993. He has been an exceptional public servant throughout his long and prestigious career.

Jack Burle Reese received an Associate of Arts Degree in Police Science from Butte College, a Bachelor's Degree in Criminal Justice from California State University, Sacramento and holds a lifetime Teaching Credential. He served the people of California as a Law Enforcement Officer for 30 years.

In twelve years of service as a member of the Del Norte County Board of Supervisors, Jack Reese championed many issues to improve the lives of his constituents and to bring prosperity to the community. He provided leadership for Del Norte County as Chairman of the Northern Rural Training & Employment Consortium, as Chairman of the Solid Waste Management Authority, as a member of the Regional Air Quality Control Board and as Chairman of the Local Transportation Commission. In addition, he served on the Del Norte Senior Center Board of Directors and the Local Agency Formation Commission.

Jack was a Command Sergeant Major in the U.S. Army and was a highly regarded member of the Crescent City Police Department and the Del Norte County Sheriff's Department. He attained management and executive certificates from the Commission on Peace Officer Standards as well as specialized certification from the State Department of Education and the Federal Bureau of Investigation.

As a private entrepreneur, he owned and operated Reese Hydro Farms for over twenty years. He is a member of the Crescent City Car Club and founded the Sea Cruise car event. He is a Harley-Davidson enthusiast, an accomplished photographer, an amateur astronomer and a passionate karaoke singer.

Jack Reese is a native of Bellflower, California who has shared his life with his wife of 38 years, Kathryn. They have three children, Greg, Ryan and Angela and three grandsons.

Mr. Speaker, it is appropriate at this time that we recognize Jack B. Reese for his commitment and dedication to his profession and for his service to the people of California.

HONORING FIRST LIEUTENANT DIANE GARRISON

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KILDEE. Mr. Speaker, I rise before you today on behalf of the courageous men and women of the Michigan State Police. Day after day, these brave individuals work together to ensure safe streets for the citizens of Michigan. On Friday, January 28, the Michigan State Police will gather to celebrate the retirement of First Lieutenant Diane Garrison, after 25 years of dedicated service to the force.

Diane Garrison enlisted with the Michigan State Police June 11, 1979, and graduated on September 26. During her distinguished career, she has been stationed at several posts, including Bay City, Lansing, Detroit, Brighton, Coldwater, and ultimately Flint, where she served as Post Commander until her retirement on December 31, 2004.

As a State Trooper, Diane has made it her life's work to protect and defend human dignity and the quality of life for our citizens. Many people, myself included, have greatly benefited from her experience and leadership. This extends to the community as well, where Diane is a proud member of St. James Catholic Church in Mason, and serves as a Kindergarten Religion Education teacher.

Mr. Speaker, I am honored to recognize the accomplishments and career of Diane Garrison. I ask my colleagues in the 109th Congress to join me in congratulating her for her unwavering commitment to justice, and wishing her well in her retirement as well as all her future endeavors.

RETIREMENT TRIBUTE TO JUDY HART

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I rise today to invite my colleagues to recognize Judy Hart who is retiring after a 27-year career with the National Park Service.

Judy Hart is the first superintendent of Rosie the Riveter/World War II Home Front National Historical Park in Richmond, California. The legislation creating the new national park was signed by the President October 24, 2000, and Ms. Hart began as Superintendent on January 15, 2001. Prior to becoming Superintendent Judy coordinated the study for the new park. Judy has been instrumental in moving the Rosie the Riveter National Park from concept to reality. She is the latest in a long list of remarkable women whose contributions here have shaped American history. She has devoted the last 4 years of her career to laying the foundation for a National Park that is not only a part of Richmond's unique heritage, but that also symbolizes a national effort to recognize the women whose important Home Front contributions helped win World War II and also changed the way our Nation thinks about civil rights, child care, health care and labor rights. Judy has skillfully brought together a large group of partners to make this effort a success. The challenges Judy has faced and the obstacles she has overcome are even more remarkable because, as a "partnership park," all of the land and buildings are owned by entities other than the National Park Service, and the federal funds available for start-up are limited. Working with a number of grants, volunteers and her public and private donors, Judy will turn over to her successor a sound structure on which to build.

Her accomplishments at RRNP include the following: overseeing the implementation of the General Management Plan process which she also is coordinating with the City of Richmond's general plan amendment; worked with the Port of Richmond to open Shipyard #3 to visitors; worked on the National Register nominations for all structures but one within the Park; and developed Phases one and two for oral histories of home front workers. Over 9,000 Rosies have contacted the Park to share their names and short stories. After connecting with the Park, over 2,000 Rosies have written out the whole story of their home front adventures, up to 55 typed pages from one Rosie. Over 2,000 Rosies have donated their precious mementos, treasured for over 50 years, and now delivered to the safekeeping of the Park.

Her career in the Park Service spans 27 years. Prior to moving to California for this new position, Ms. Hart worked for 12 years in the Washington, D.C. headquarters. She was the first National Program Coordinator for the National Heritage Areas which are partnership areas privately owned and managed in cooperation with the NPS. Previous to that Ms. Hart developed the Conservation Study Institute, now operated in partnership with the University of Vermont and the new Marsh Billings National Historical Park in Woodstock, Vermont. Ms. Hart served in the Washington Office of Legislation for 6 years, supporting the creation of Petroglyphs National Monument, Marsh Billings National Historical Park, the Mary McLeod Bethune National Historic Site, and Manzanar National Historic Site, as well as many other park units.

Ms. Hart lived for 6 years in Seneca Falls, NY, and was the first superintendent of the Women's Rights National Historical Park in Seneca Falls, after suggesting the idea, working on the study and working on the legislation. Prior to that Ms. Hart worked on park legislation out of the Regional office in Boston, MA.

Prior to her career with the Park Service, Ms. Hart worked for the Boston Redevelopment Authority, City of Boston, and the Commonwealth of Massachusetts, as Director of the Bureau of Relocation. She also worked for the Federal Highway Administration on Environmental Impact Statement reviews.

She began her career in publishing at Little, Brown and Company, and as a company newsletter editor for the Boston Safe Deposit and Trust Company, both in Boston. Her graduate degree is in English Literature from Cornell University, and her graduate degree is a Master of Arts in law from Goddard College in Vermont.

Mr. Speaker, because of Ms. Hart's many contributions to preserving and interpreting our Nation's history, it is proper for us, and it is my honor, to recognize her today.

HONORING LYNN VICTOR OF SANTA ROSA, CALIFORNIA

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Lynn Victor of Santa Rosa, California, who retires after a remarkable 30-year career of creative and innovative work to improve the lives of low-income Americans.

Beginning at the Community Action Council of San Joaquin County in the 1970s, Lynn created innovative solutions to the needs of low-income communities. As energy costs rose, she helped to develop and then administered the nation's first home weatherization programs funded by state regulated utility companies. Based on its great success, regulated utility companies in 22 states now provide weatherization services to millions of their low-income customers around the Nation. These programs not only help disadvantaged families reduce their energy costs, they also conserve energy for America, helping toward energy self-sufficiency and reduced dependence on foreign oil.

Lynn then went on to design the Nation's first education program to help low-income and non-English speaking communities understand the deregulation of the telephone industry, enabling them to obtain and keep vital telephone service at the lowest possible cost. She designed a program to help millions of low-income people understand the privacy and security implications of new telephone technology. In this effort, she created education materials in 32 languages and Braille so that, for the first time, major telephone companies were able to reach California's huge immigrant populations through community action agencies, domestic violence shelters and other community based organizations. Once again, this program became a model for utility companies throughout the nation to understand and address the needs of their hard-to-reach customers and bring them important consumer protection information.

Lynn's work has always featured collaborations with Community Action Agencies (CAAs) our Nation's network of over 1,000 anti-poverty agencies that serve millions of low-income Americans. CAA's operate Head Start, Energy Assistance Programs, Community Services Block Grant (CSBG) and other services that reach millions of disadvantaged Americans. For the past 4 years, Lynn has worked as Executive Director of the California/Nevada Community Action Partnership, helping this two state association of CAAs address the causes and symptoms of poverty in their communities.

An immigrant born in England, Lynn grew up in New Zealand, arriving in America in 1963. As a single parent of Michael, Lizabeth and Kristina Victor, Lynn had many hardships to face with no family to turn to. However, she found her new family in her community.

Mr. Speaker, as innovator, organizer and inspiration, this remarkable woman exemplifies the spirit of American immigrants who contribute so much to the vibrancy of our Nation. She is leaving her post having set a new standard for all who will follow after her, and she has put into place programs that will serve the neediest of us well in the future. Thank you, Lynn.

THANKING DOLLY SEELMEYER FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. NEY. Mr. Speaker, on the occasion of her retirement in December 2004, we rise to thank Ms. Dolly Seelmeyer for over 32 years of outstanding service to the U.S. House of Representatives.

Dolly began her career in government in 1972 in a "temporary 6-week position" in the Office of Photography. She followed that with being hired as the first female Photographer for the House of Representatives. Her passionate customer service, organizational knowledge and resourcefulness benefited six Speakers of the House, and more than 4,000 Members of Congress over three decades. Some say Dolly, herself, is an institution within the Office of Photography. Dolly has displayed great passion for her work and dedicated herself to ensuring the needs of her customers were met with great enthusiasm.

On behalf of the entire House community, we extend congratulations to Dolly for her many years of dedication and outstanding contributions to the U.S. House of Representatives. We wish Dolly many wonderful years in fulfilling her retirement dreams.

IN HONOR AND REMEMBRANCE OF JOHN R. FECHKO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of John R. Fechko, devoted husband, father, friend, public servant and United States Veteran. Mr. Fechko's commitment to the safety of the residents of Seven Hills defined his 35 years of outstanding public service as a police officer, S.W.A.T. team member, and as Seven Hills Chief of Police for the past 20 years.

Mr. Fechko was a 1964 graduate of Parma Senior High School. Following graduation, he served in Vietnam with the United States Marine Corps. In 1969, he joined the Seven Hills Police Department as a patrol officer. Mr. Fechko was promoted to sergeant in 1981, and in June of 1984, he was instated as Police Chief of Seven Hills.

Mr. Fechko's dedication to his career extended beyond the borders of Seven Hills. He was always willing to help an individual, family or neighboring community in need. He handed down his safety experience and expertise to cadets in training at the Cleveland Police Academy—a role he held for 31 years. Additionally, Mr. Fechko was a lead initiator of the Tri-City task force. This vital program focused on educating residents about key safety community issues, including gang activity, intervention of at-risk youths, and juvenile crime prevention.

Mr. Speaker and Colleagues, please join me in honor, gratitude and remembrance of Mr. John R. Fechko. As police officer and Police Chief of the Village of Seven Hills, Mr. Fechko dedicated his professional life to the safety of his officers and the security and safety of the entire Seven Hills community. I extend my deepest condolences to his beloved wife, Suzanne; his beloved son, Craig; his sister, Diane; and also to his extended family and many friends. His legacy of protecting others will live on within the hearts and memories of his family, friends, and the public he so faithfully served, today and for all time.

COMMENDING THE SAN MATEO COUNTY SHERIFF'S OFFICE CANINE UNIT FOR EXCELLENT COMMUNITY SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. LANTOS. Mr. Speaker, I appreciate the opportunity to recognize the tireless work of the forty-four year old San Mateo County Sheriff's Office Canine Unit, as it continues to serve the people of San Mateo County. As the longest running canine unit in the state of California, the San Mateo County Sheriff's Office Canine Unit is the only such unit in San Mateo County to provide full time patrol coverage, twenty-four hours a day, seven days per week.

The San Mateo County Sheriff's Office Canine Unit was founded by Sergeant Bill Sweeney in 1961 with the purchase of three German shepherd dogs. Since its meager beginnings, the Canine Unit currently maintains twelve highly trained canine teams, which have various specialties. Each canine is trained in and performs general patrol practices such as obedience, handler protection and suspect searches. These canine teams are also assigned to and trained in expert detection of narcotics, tracking and explosives.

Over four decades of service, the Canine Unit has located hundreds of wanted felony suspects, uncovered tons of narcotics, and performed numerous explosive detection sweeps for United States' presidents, Senators, Representatives and foreign dignitaries.

In addition to protecting the citizens of San Mateo County, the Canine Unit also performs an average of thirty canine demonstrations per year for community and church groups, and middle and elementary schools. I became acquainted with this excellent Unit and its myriad accomplishments and abilities at one of these superb demonstrations.

On October 16, 2004, in conjunction with the public opening of "Art that Speaks for Homeless Pets," an art exhibit by animal rights activist and artist Cyrus Mejia, and photographer Clay Myers, at the San Mateo County History Museum, my wife Annette and I had the pleasure of attending one of these demonstrations. The Canine Unit brought five impressively trained German Shepherds to illustrate the precision and professionalism with which both the canines and their officers carry out explosive and narcotic detection.

I'd like to recognize the capabilities of the five teams that successfully entertained and educated the attendees:

Deputy Andy Armando and K9 Ando
Deputy Rod Larmour and K9 Abe
Deputy Todd Finato and K9 Vito
Deputy Keith James and K9 Haus
Deputy Sean O'Donnell and K9 Colt.

While I am an adamant animal lover and animal rights activist in my own right, indisputably, I was not the only spectator captivated by the animals discipline and sweetness. Indeed, all individuals in attendance were astonished and delighted to see the work of these loyal, well-trained canines and their equally dedicated officers.

According to Sergeant Mark M. Duri, Bomb Technician and Canine Trainer, the goal of these demonstrations is to educate the public of the great service the twelve canine and handler teams provide for San Mateo County. Moreover, the demonstration also functions to educate younger school children on the dangers of drug abuse and entanglement.

It is with gratitude to the long standing quality of service and protection provided for the residents of San Mateo County, that I sincerely commend the San Mateo County Sheriff's Office Canine Unit's continued excellence.

INTRODUCTION OF THE LIBERTY AMENDMENT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. PAUL. Mr. Speaker, I am pleased to introduce the Liberty Amendment, which repeals the 16th Amendment, thus paving the way for real change in the way government collects and spends the people's hard-earned money. The Liberty Amendment also explicitly forbids the federal government from performing any action not explicitly authorized by the United States Constitution.

The 16th Amendment gives the federal government a direct claim on the lives of American citizens by enabling Congress to levy a direct income tax on individuals. Until the passage of the 16th amendment, the Supreme Court had consistently held that Congress had no power to impose an income tax.

Income taxes are responsible for the transformation of the federal government from one of limited powers into a vast leviathan whose tentacles reach into almost every aspect of American life. Thanks to the income tax, today the federal government routinely invades our privacy, and penalizes our every endeavor.

The Founding Fathers realized that "the power to tax is the power to destroy," which is why they did not give the federal government the power to impose an income tax. Needless to say, the Founders would be horrified to know that Americans today give more than a third of their income to the federal government.

Income taxes not only diminish liberty, they retard economic growth by discouraging work and production. Our current tax system also forces Americans to waste valuable time and money on compliance with an ever-more complex tax code. The increased interest in flat-tax and national sales tax proposals, as well as the increasing number of small businesses that question the Internal Revenue Service's (IRS) "withholding" system provides further proof that America is tired of the labyrinthine tax code. Americans are also increasingly fed up with an IRS that continues to ride roughshod over their civil liberties, despite recent "pro-taxpayer" reforms.

Mr. Speaker, America survived and prospered for 140 years without an income tax, and with a federal government that generally adhered to strictly constitutional functions, operating with modest excise revenues. The income tax opened the door to the era (and errors) of Big Government. I hope my colleagues will help close that door by cosponsoring the Liberty Amendment.

BILL TO PERMIT BETTY DICK TO CONTINUE USE OF HER HOME IN GRAND COUNTY

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to permit Ms. Betty Dick to continue her use and occupancy of a house located within Rocky Mountain National Park. The bill is cosponsored by my Colorado colleague, Representative TANCREDO. I greatly appreciate his support.

The purpose is to allow an 82-year-old Grand County grandmother to continue to live in this house for the rest of her life, as she has done for 25 years under a legal agreement between her late husband and the National Park Service. That agreement ends on July 16 of this year. Without this bill or a new agreement with the National Park Service, at that time Ms. Dick, who has been a good neighbor with the National Park and who has opened her home for community events, will be evicted from this property.

Such an eviction is neither necessary nor desirable. Ms. Dick has been a good neighbor, has taken good care of the property and has not created management or administrative problems for the National Park Service in the years she has lived on this property. She should be allowed to continue to live on this property and continue to contribute to the National Park and the surrounding community.

I had hoped that Ms. Dick and the Interior Department could work out a resolution to this issue so that she could remain on her property.

Last year I asked Secretary of the Interior Gale Norton to help make that happen. But the response—from the Director of the National Park Service's Intermountain Region—was that the Interior Department is "legally bound to honor the provisions of the [1980] settlement agreement" and that the furthest the Department would go would be to offer Ms. Dick "the opportunity to remain on the property for the entire summer of 2005," an offer that evidently she has declined.

Ms. Dick needs to have a resolution to this issue as soon as possible—she needs to know by this spring whether she has to start packing her things and move out, or arrange to do some maintenance on the property if she is allowed to stay. I am not convinced that the Interior Department lacks the authority to resolve this matter by entering into a new agreement with Ms. Dick. But in any event, my bill would settle that question.

Since I first raised this matter with the Interior Department, I have been impressed with the outpouring of support from the nearby communities of Grand Lake and Granby, Colorado. The people in these communities have expressed a strong desire to have Ms. Dick remain on this property and be a part of their community. That is the purpose of this bill. For the information of our colleagues, I am attaching background information and an outline of the bill:

BACKGROUND

Prior to their divorce, a married couple, Fred Dick and Marilyn Dick, owned as tenants in common a tract of land within the boundaries of Rocky Mountain National Park that included the property covered by the bill.

When Fred and Marilyn Dick were divorced, Marilyn Dick became the sole owner of the tract, but Fred Dick retained the right of first refusal to acquire it if Marilyn Dick ever chose to sell it.

In 1977, Marilyn Dick sold the tract to the United States for addition to Rocky Mountain National Park, but Fred Dick, asserting his right of first refusal, sued to cancel the transaction.

In 1980, that lawsuit was settled through an agreement between the National Park Service and Mr. Dick and his heirs, successors and assigns. Under the settlement agreement, Mr. Dick and his new wife, Ms. Betty Dick, were allowed to lease and occupy the 23 acres comprising the property identified in section 2(b) for 25 years. Mr. Dick died in 1992, but Betty Dick has continued to lease and occupy the property identified in section 2(b) under the terms of the settlement agreement.

Betty Dick's right to lease and occupy the property will expire on July 16, 2005, at which time Ms. Dick will have attained the age of 83 years. She wishes to continue to occupy the property for the remainder of her life, and has sought to conclude a new agreement with the National Park Service that would permit her to do so. However, the Park Service has not been willing to agree to such an arrangement and is demanding that she vacate the property by July 16, 2005.

Since 1980, Betty Dick has consistently occupied the property as a summer residence and has made it available for community events. During that period, she has been a good steward of the property. Her occupancy has not been detrimental to the resources and values of Rocky Mountain National Park and has not created problems for the National Park Service or the public.

PURPOSE OF THE BILL

The legislation reflects the fact that it is appropriate for Betty Dick to be permitted to continue her occupancy of the property covered by the bill or the remainder of her natural life under the terms and conditions applicable to such occupancy since 1980. The purpose of the bill is to require the Secretary of the Interior to permit this.

OUTLINE OF THE BILL

Section 1 provides a short title, sets forth findings regarding background information and states the purpose of the legislation.

Section 2 has four subsections—

Subsection 2(a) would require the Secretary of the Interior to permit continued use and occupancy of property described in subsection (b) by Betty Dick for the remainder of her natural life, subject to the requirements of the bill.

Subsection 2(b) identifies the property covered by the bill through an appropriate map reference.

Subsection 2(c) provides that Ms. Dick's occupancy and use of the property covered by the bill is to be subject to the same terms and conditions as have applied to such use and occupancy under the 1980 agreement between the National Park Service and Ms. Dick's late husband, except that Ms. Dick is to make annual rental payments equivalent to $^1/_{25}$th of the up-front amount that the agreement required to be paid to the National Park Service in 1980.

Subsection (d) states that nothing in the bill is to be construed as permitting construction of any new structure on the property covered by the bill and that nothing in the bill would apply to occupancy or use of the property by anyone except Betty Dick.

H.R. XXXX, EXTENSION OF THE PRESIDENT'S NATIONAL HIRE VETERANS COMMITTEE

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SIMPSON. Mr. Speaker, fundamentally, hiring former servicemembers is a good business decision. They are a competitive business asset and a unique national resource. They represent the very best of commitment, reliability, and resolve.

In the 107th Congress, President Bush signed into law the Jobs for Veterans Act (Public Law 107–288), which I authored with my friend SILVESTRE REYES. It established the

President's National Hire Veterans Committee (NHVC) with a mission to reach out to employers and make them fully aware of the skills and attributes veterans offer to the civilian workforce. As we fight the war on terrorism, America's sons and daughters continue selflessly to volunteer for military service and then join the civilian workforce better prepared to make a significant contribution to our private economy. The NHVC expires on December 31, 2005.

Since its genesis in 2003, the President's National Hire Veterans Committee has initiated a nationwide marketing campaign which has brought more employers seeking veterans to the Department of Labor's One-Stop Career Centers.

NHVC launched a sophisticated website, www.hirevetsfirst.gov that helps employers and veterans while embracing the existing workforce development systems. Prior to this website there was no single national location of which I am aware for the either the employer or the veteran to find relevant information about each other.

NHVC initiated a unique advertising campaign to attract human resource specialists, business executives, and public sector employers. These are highly effective ads conveying a message of the value that veterans bring to the workplace. To guide employers to the website, a wrap-around cover "outsert" program, mailed to selected executive readers of Business Week, contains interviews with four business leaders including Robert Lutz, Vice Chairman of General Motors; Jackson Moore, CEO-designate of Regions Financial Corporation; and Bob Nardelli CEO of Home Depot.

NHVC has also been a catalyst for local and statewide initiatives to support jobs for veterans. NHVC worked with the governors of many states, including my home state of Idaho, to declare Hire Vets First month. The Committee is working directly with employers throughout America, and in a cooperative venture with NHVC, Home Depot hired over 13,000 veterans in 2004.

Mr. Speaker, we must continue to convey the message of the competitive value and bottom-line results that veterans add to our economy. We must ensure that we as a nation properly leverage in our domestic economy the investment of over $17 billion a year in training our military. But more importantly, we must continue to commend the virtues of our veterans who have the ability to learn new skills, and a propensity for teamwork, self discipline, loyalty and many other characteristics that translate into productivity, innovation, and leadership.

Hiring former servicemembers is good for business, it's good for veterans, and it's good for America. I urge my colleagues to support H.R. XXXX, providing for a 3-year extension of the President's National Hire Veterans Committee.

IN HONOR AND RECOGNITION OF THOMAS C. SHORT. INTERNATIONAL PRESIDENT OF IATSE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in tribute and recognition of Thomas C. Short, President of the International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists, and Allied Crafts of the United States, its Territories and Canada (IATSE), as he was recently awarded the "The Actors' Fund Medal of Honor" by the Actors' Fund of America.

Mr. Short's commitment to the rights and welfare of workers in the entertainment and broadcasting industries spans more than thirty years. In 1968, Mr. Short first became a member of the Stagehands Local No. 27, located in Cleveland, Ohio. Ten years later, Mr. Short was elected to the office of President of Local No. 27.

In 1988, Mr. Short was elected by IATSE members to the position of Eleventh International Vice President, following the path of his father, who served as International Vice President for many years. Since 1994, Mr. Short has served as International President of IATSE. Because of his vision, leadership, and ability to energize others, every facet of the union has been fortified and enhanced. During his tenure, membership has increased from 65,000 to 103,000, with more than 75 national term agreements. Mr. Short also restructured IATSE into five departments: Stage Craft, Motion Picture and TV Production, Organizing, Trade Show, and Canadian Affairs.

Mr. Speaker and Colleagues, please join me in honor and recognition of Thomas C. Short, for his outstanding service as member, leader and International President of IATSE. Mr. Short's dedicated focus and tireless efforts on behalf of all members of IATSE serves as an agent of strength and shield of protection for the heart of this nation—the American worker.

* * *

INDIAN SCHOOL BUS ROUTE SAFETY REAUTHORIZATION ACT OF 2005

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. UDALL of Mexico. Mr. Speaker, it gives me great pleasure to rise to introduce companion legislation to a bill being introduced by Senator JEFF BINGAMAN in the Senate today. I am extremely pleased to be joined in introducing this legislation, the Indian School Bus Route Safety Reauthorization Act of 2005, by Congressman JIM MATHESON of Utah and Congressman RICK RENZI of Arizona, both of whom represent portions of the Navajo Nation in their Congressional districts.

This bill is very similar to legislation Senator BINGAMAN and I introduced during the 108th Congress, also joined then by Mr. MATHESON and Mr. RENZI, to benefit the children and residents of the Navajo Nation, and the counties into which the Navajo Nation's boundaries extend. In New Mexico these counties are McKinley and San Juan Counties, and prior to 1998 they were responsible for maintaining the roads used by county school buses that stretch into the reservation to transport the children of the Navajo Nation to and from the county schools. Although there is nothing unique about counties funding and maintaining the roads in their jurisdiction, this particular case of the counties being responsible for the upkeep of the roads that ran into the Navajo Nation was extremely rare, and seems to be the only situation of this kind throughout the United States. This put an enormous burden on McKinley and San Juan County officials, and oftentimes resulted in impassable roads, which, in turn, resulted in children missing school because the buses were unable to pick them up.

In 1998, however, Senator BINGAMAN was successful in acquiring funds through the Indian School Bus Route Safety Act for the counties in New Mexico, Utah, and Arizona to assist them in facing this particularly burdensome responsibility. Today, we are proud to introduce the reauthorization of this legislation to provide further assistance to the counties and children of the Navajo Nation. This bill authorizes funds totaling $10.8 million for fiscal years 2005 through 2010—$1.8 million for each of the fiscal years—to be divided equally among New Mexico, Utah, and Arizona.

These critical funds will provide much-needed assistance to the counties, and will help put an end to the shameful situation of children missing school simply because of impassable roads due to lack of maintenance. I am extremely hopeful that we can either pass this measure, or include it as part of any transportation reauthorization bill Congress considers this session, to provide further assistance to the children of the Navajo Nation and our respective states. I urge my colleagues to support this legislation.

* * *

HONORING CAROL HOTALING

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to recognize and honor an extraordinary citizen. Carol Hotaling of Saratoga County, New York, along with help from friends and family, has devoted an immeasurable amount of time and effort to support our troops and has strove to promote unity in our great Nation.

Ms. Hotaling has shown her ability to bring together communities in support of our troops. She has worked tirelessly to distribute hundreds of yellow ribbons to citizens around the state in recognition of our service men and women. These ribbons help foster a spirit of unity and help convey respect and support for those who protect our freedom.

In recognition of Ms. Hotaling's continued work and support, the State of New York designated September 2004 "Tie a Yellow Ribbon Month". To help encourage all citizens to follow the example of Ms. Hotaling and to express their appreciation for the nation's armed forces, New York State has shown its encouragement for the continued display and distribution of yellow ribbons.

At this time, it is important that we honor individuals for fostering support and practices in tribute to the nation's armed forces. The actions of those, such as Ms. Hotaling, serve as examples to the citizenry of the United States.

I ask that the House of Representatives send its gratitude to Carol Hotaling for her praiseworthy work.

HONORING THE ROTARY CLUB OF PAOLI-MALVERN-BERWYN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor the Rotary Club of Paoli-Malvern-Berwyn, Chester County, Pennsylvania, on the occasion of its 75th anniversary.

The Rotary Club is unique in that it is the world's first service-oriented club. The very first Rotary Club was formed in Chicago, Illinois on February 23, 1905 by Paul P. Harris. Mr. Harris was an attorney who wished to recapture, in a professional organization, the friendly spirit he had felt in the small towns and communities of his youth. Mr. Harris' forward-thinking concept of community and service has gone on to become one of the world's foremost and most respected civic and humanitarian organizations.

Rotary became extremely popular in the coming decade as clubs were chartered across the country from San Francisco to New York City. In 1921, the Rotary took their ideals of service and community to the international community. The Rotary Club was given its first opportunity to expand abroad and, in doing so, spread to six different continents around the world. Today, the Rotary Club has 31,000 international chapters in 166 different countries.

As Rotary grew in popularity and membership, its mission expanded beyond serving the professional and social interests of its members. Rotarians, such as the members of the Rotary Club of Paoli-Malvern-Berwyn, began pooling their personal resources and contributing their talents to help serve area communities in need. It was during this great time of exemplary community service that the Rotary Club adopted its singular motto, "Service Above Self," and each of its members throughout the world strives to implement that motto today.

In the following years, Rotarians became deeply involved in many different important causes. Rotary has made many significant contributions to the international community through working with the United Nations and was a leading advocate of the establishment of United Nations Educational, Scientific, and Cultural Organization. In 1985, Rotary made a historic commitment to immunize the world's children against polio, further proving their extraordinary commitment to public service and to the betterment of communities around the world. As a result, Rotary is the largest private sector contributor to the global polio eradication campaign.

Rotary is an exemplary professional, social and civic club. Its goals and ideals are noteworthy, compassionate, and are ones deserving of emulation. The members of the Rotary Club of Paoli-Malvern-Berwyn have worked hard for the past 75 years to uphold the motto of the Club's founder and continue to work to meet the needs of the communities in Chester County, their Rotary District, nation and the world. Mr. Speaker, I ask that my colleagues join me in honoring the Rotary Club of Paoli-Malvern-Berwyn for its tremendous contributions to the individuals, organizations, and communities they have benefited for 75 years and to wish the Club's members continued success and good fortune in meeting Rotary's mission to serve others above themselves.

IN RECOGNITION OF AUBURN UNIVERSITY'S "WAR ON HUNGER" CAMPAIGN

HON. MIKE ROGERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. ROGERS of Alabama. Mr. Speaker, I rise today to pay tribute to a group of students and faculty at Auburn University who are waging an important campaign to fight world hunger.

Known as the War on Hunger campaign, this groundbreaking initiative partners Auburn University with the United Nations World Food Programme, a first for any university worldwide.

Over the next several years this campaign will continue to develop a framework for addressing the problem of world hunger. Plans include developing an agenda that increases hunger awareness, and creating new academic initiatives at the university. Local organizers also hope to use their efforts to influence policymakers at all levels of government with regard to hunger initiatives.

Auburn University students will continue to work together, Mr. Speaker, and participate in several planned activities to help carry out their campaign, including holding benefit concerts and hosting a symposium on world hunger. Students will work to enlist the support of the Auburn community, and also sponsor a film series on world hunger and sustainability. In the true spirit of the Auburn Creed, this initiative aspires to feed Auburn students' minds and hearts with a sense of social responsibility and human well-being.

Ultimately, Auburn's goal is to develop and implement a War on Hunger model that can be replicated by other universities across the nation and around the world. On this important day, I salute the students and faculty of Auburn University for addressing this challenge, and applaud their efforts in helping end hunger around the globe.

TRIBUTE TO JUNE PICETTI SHEPPARD

HON. MIKE THOMPSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. THOMPSON of California. Mr. Speaker, I rise today to recognize June Picetti Sheppard, who has been named the City of Sonoma's 2005 Alcaldesa, or Honorary Mayor.

Ms. Sheppard earned this honor from her community for a lifetime of volunteer work. She is a practitioner of the "little things" that can make such a difference in someone's day-to-day life. An avid early morning walker, this dynamic 88–year-old picks up newspapers at homes along her route when it is raining and places them on her neighbor's porches, just to help folks out. She is also well known around town for her trademark flower cups, or "Tussy Mussies," that she distributes when the mood strikes her, and the mood strikes often.

Ms. Sheppard has been a long-time volunteer with Friends In Sonoma Helping (FISH), which provides food and clothing for the disadvantaged. She helps gather surplus food from local markets and bakeries for the FISH clients and for community groups such as the Senior Center and Boys and Girls Club.

She also volunteers as a docent with the Sonoma League for Historic Preservation, providing tours of vintage homes in the community.

As Alcaldesa, Ms. Sheppard will preside over all ceremonial events in the town, from parades to grand openings to meetings. Since 1975, the City of Sonoma has bestowed the honor of Alcalde/Alcaldesa on a local resident or couple who demonstrates outstanding community service.

Mr. Speaker, June Picetti Sheppard's dedication to her community follows this tradition and it is therefore appropriate that we recognize her at this time as the 2005 Alcaldesa for the City of Sonoma.

RETIREMENT OF JAMES STEDMAN, CONGRESSIONAL RESEARCH SERVICE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KILDEE. Mr. Speaker, I want to acknowledge the long years of service which James Stedman has provided to the Congress. "Jim" as he is better known to his friends and colleagues retired this month after 31 years at the Congressional Research Service (CRS). His dedication, determination and spirit will be sorely missed. I know that I have relied on Jim on numerous occasions in the past and he has certainly made me a more effective legislator.

James Stedman began his career at the Congressional Research Service as an education policy analyst in 1973, after earning a bachelor's degree from Middlebury College and a master's degree from Harvard University, both in history. Upon joining CRS, he reached the status of Specialist in Social Legislation in a very short period of time. From the beginning of his career, and continuing for over 30 years, Jim has expertly supported Congressional work on education related legislation. Jim's most important contribution however has been his effective and unselfish mentoring of the next generation of CRS education analysts.

Jim has for decades been a nationally recognized expert on numerous major aspects of Federal education policy. One such area is elementary-secondary school reform. Jim has shown a boundless understanding of the complexities of standards-based reform, school choice (a topic on which he prepared pioneering policy analyses), and Federal programs to support the recruitment, development, and retention of elementary-secondary school teachers. Jim also excelled in his knowledge of Federal efforts to improve mathematics and sciences education; and all aspects of Federal policy to provide financial assistance to postsecondary students from low- to moderate-income families, including grant, loan, and tax-based programs.

Throughout his career, Jim has not only been exceptionally productive, but also innovative. He has provided ground-breaking analyses that have been especially useful to the Congress in its consideration of how best to provide financial aid for college bound students, through loans, grant, or tax-based methods. Jim has also undertaken pioneering work of broad significance on the process used to determine the amount of aid a college student receives, commonly referred to as "needs analysis." Jim was also the leading CRS analyst supporting congressional legislation and other activities in response to the Reagan administration's "A Nation at Risk" and the Clinton administration's "Goals 2000 initiatives."

In more recent years, Jim's work has been primarily devoted to providing strong leadership to teams of CRS staff assisting with higher education legislation during the 105th and 108th Congresses. He has coordinated a vast number of projects in support of committee deliberations on higher education legislation, serving as the primary liaison between the CRS higher education analysts and authorizing committee members and staff. Jim has also unselfishly devoted a great deal of time and effort to helping the relatively new CRS analysts to build expertise in legislation, relevant issues, and sources for data analysis.

Jim's contributions will be sorely missed. The leadership and knowledge he provided for over 30 years has greatly benefited the Congress and the American people. Jim's retirement now provides him the time to pursue a second career as a teacher. If he brings the same determination and spirit to teaching that he had for 30 years at CRS, he will be a success. This House should congratulate Jim on his retirement and wish him the best in his future endeavors.

RECOGNIZING SANDRA L. SEENO FOR HER WORK WITH OAKLAND CHILDREN'S HOSPITAL

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. GEORGE MILLER of California. Mr. Speaker, I would like to take this opportunity to extend my support to Sandra L. Seeno, a community leader and friend who will be formally recognized on February 4, 2005, at the grand opening of the Center for Immunobiology and Vaccine Development at Children's Hospital in Oakland, California.

Ms. Seeno has been an ardent supporter of Children's Hospital and Research Center at Oakland for more than 20 years. She is committed to promoting Children's Hospital and ensuring the delivery of high-quality pediatric care. Ms. Seeno has also worked to maintain Children's Hospital as a nationally recognized research program with highly qualified primary care providers and strong education and teaching programs.

For the past 2 years Ms. Seeno has served as a member of the Children's Hospital Oakland Research Institute (CHORI) Advisory Board, which was established to promote CHORI to philanthropic, scientific and business communities. Over the past year she has been particularly dedicated to supporting the completion of the Institute's new Center for Immunobiology and Vaccine Development (CIVD).

Ms. Seeno's service as a community advisor has been instrumental in present and future development strategies for the Children's Hospital and Research Center Foundation. Along with her husband, Albert D. Seeno, Jr. she has helped oversee the charitable arm of the Albert D. Seeno, Jr. Family Foundation and helped to bring about new projects such as the grand opening of the Center for Immunobiology and Vaccine Development.

I congratulate Ms. Seeno for her hard work and dedication to the community and the Children's Hospital and Research Center at Oakland.

HONORING JANIE WALSH

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Janie Walsh, who is retiring as the Executive Director of the Sonoma County Community Development Commission after 30 years of dedicated service to her community.

In high school, Ms. Walsh lived in Vietnam, where her interest in community service took root. She has returned periodically to implement programs sponsored by the Vietnam Veterans of California such as helping to build a school, and providing eyeglasses to those in need.

Ms. Walsh began her career in Pennsylvania as a teacher and Head Start director. Her move to California saw a change of direction in her career as she began the important work of community development. As the Redevelopment Project Manager in the City of Petaluma she began the City's housing rehabilitation program. She moved on to the Sonoma County Housing Authority as Community Development Specialist and was quickly promoted to Community Development Manager.

In 1985 the Board of Supervisors appointed her as Executive Director of the Community Development Commission where she has done an outstanding job supervising Sonoma County's Housing Authority, Redevelopment Agency, and a wide range of community development and affordable housing programs.

Ms. Walsh has also served as Senior Vice President and President of the Pacific Southwest Regional Council of the National Association of Housing Officials (NAHRO), where she worked closely with the Department of Housing and Urban Development on major changes in legislation and regulations that affect housing and community development agencies.

Upon retirement, Ms. Walsh and her husband, John Humphrey, are planning to move to the country and raise grapes and honeybees. She plans to spend time with her two adult sons, Philip and John, and her young grandsons. Ms. Walsh is looking forward to some international travel, particularly a trip to visit her roots in Ireland.

Mr. Speaker, Janie Walsh is a woman who has made a positive impact on those around her. She has led the Community Development Commission with an attitude of compassion and respect for clients and community that permeates the entire agency. I am proud to honor her and wish her well in this new chapter of her life.

IN HONOR AND REMEMBRANCE OF MARY ZONE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of my dear friend and mentor, Mary Zone, loving mother, grandmother, dedicated public servant, community activist, and dear friend to many. Her passing marks a great loss for her family and friends, and also for the people of Cleveland, whom she served with the highest level of commitment, concern, integrity and honor.

Mrs. Zone's husband, the late Michael Zone, and their eight children were central to her life. The great care and love that she showered on them extended throughout Cleveland's west side neighborhood, where Mrs. Zone carried the torch of her late husband. The-well-being of their community, anchored by their parish, Our Lady of Mt. Carmel Church, remained a constant focus in the hearts of Michael and Mary Zone. Their united focus on family and service to others continues to illuminate the hope and promise of a better day for every citizen of this diverse, working-class community.

A staunch Democrat, Mrs. Zone was appointed to Cleveland City Council in 1974, to serve out the term of her late husband. She was elected to serve three additional terms. As a member of the Council, Mrs. Zone was a fierce champion of the people of the near west side, and her unequalled work ethic and uncompromising integrity quickly garnered her the admiration of residents and the respect of those at City Hall.

Armed with a compassionate heart, sharp mind and even sharper focus on the public she served, Mrs. Zone shattered the status quo by becoming the first woman of Italian heritage to serve on Cleveland City Council, and the first woman to serve as the Council's majority whip.

Her years of working as a business owner and elected official served the City well throughout her tenure as an administrator with Cleveland's Community Development Department, an appointment made by then-Mayor George Voinovich. Later, she was appointed as Deputy Director of Special Projects with the Ohio Lottery Commission.

Mary Zone's greatest legacy is reflected in the lives of her family and friends and along every street crisscrossing the near west side. She was a founding member of the Detroit Shoreway Community Development Organization and the Nolasco Housing Organization. She was an integral and active member of Our Lady of Mt. Carmel Church, serving for many years as President of its PTA. Most recently, Mrs. Zone served on the board of Villa Mercedes. Following the death of her son, Marty, to AIDS in 1993, she actively pursued programs and projects focused on assisting individuals and families living with HIV and AIDS.

Her humble nature precluded her from reveling in awards and accolades. However, her outstanding service was recognized by others. She was the recipient of many awards that highlighted her humanitarian efforts, including the Father Marino Frascati Neighborhood Champion Award from the Detroit Shoreway CDC, presented to her this past November.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Mary Zone. The infinite measure of her heart, combined with her courage, vision and integrity, defined her life and served to lift the lives of countless individuals and families throughout our community, especially our near west side neighborhood. Her kindness, energy and compassion will be greatly missed within the hearts of her many friends, including my own. I extend my deepest condolences to her friends and family members, and especially to her children, grandchildren and great-grandchildren.

Mary Zone lived her life with joy, energy and in unwavering service to others. Her eternal faith in humanity and in the notion that together, we can make a positive difference, will continue to serve as an unending force of hope and possibility throughout our community, and her memory and legacy will forever live on within the hearts of all who knew and loved her well.

INTRODUCING THE MAKE COLLEGE AFFORDABLE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Make College Affordable Act of 2005. This legislation helps millions of Americans afford college by making college tuition tax deductible. Today the average cost of education at a state university is $9,802 per year, and the cost of education at a private university is $31,052 per year! These high costs have left many middle class American families struggling to afford college for their children, who are often ineligible for financial aid. Therefore, middle class students have no choice but to obtain student loans, and thus leave college saddled with massive debt.

Even families who plan and save well in advance for their children's education may have a difficult time because their savings are eroded by taxation and inflation. The Make College Affordable Act will help these middle class students by allowing them, or their parents or guardians who claim them as dependents, to deduct the cost of college tuition as well as the cost of student loan repayments.

The Make College Affordable Act will also help older or nontraditional students looking to improve their job skills or prepare for a career change, by pursuing higher education. In today's economy, the average American worker can expect to change jobs, and even careers, several times during his or her working life, making it more important than ever that working Americans be able to devote their resources to continuing their educations.

Helping the American people use their own money to ensure every qualified American can receive a college education is one of the best investments this Congress can make in the future. I therefore urge my colleagues to help strengthen America by ensuring more Americans can obtain college educations by cosponsoring the Make College Affordable Act.

HONORING JAY LLOYD

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. GERLACH. Mr. Speaker, I rise today to honor Mr. Jay Lloyd on the occasion of his retirement from Philadelphia's KYW News Radio after 35 years of dedicated service and exemplary accomplishment.

Jay Lloyd began his career in broadcast journalism at ZBM Radio and TV in Bermuda after a tour of duty in the Korean War. He then moved overseas to a new position in the Netherlands where he covered news and feature stories for the Dutch International Radio Service. While living abroad, Mr. Lloyd did a weekly music show on Dutch Radio where he featured American music for his Dutch listeners utilizing the radio name of "Chuck Holiday." Mr. Lloyd's international career also took him to the Virgin Islands and Puerto Rico before he returned to Philadelphia in 1961 to work for Channel 48 and the Philadelphia Bulletin's radio station.

In 1969, Mr. Lloyd joined KYW News Radio as a general assignment reporter. Shortly thereafter, Mr. Lloyd was promoted to the position of transportation reporter. On January 1, 1971, Mr. Lloyd took control of the KYW Suburban Bureau and has since reported on some of the area's most important news event. Such stories have included the near disastrous nuclear power plant accident at Three Mile Island and the Susan Reinert murder case.

Mr. Lloyd was again given the opportunity to go overseas some years later when he traveled to Spain's Canary Islands to mark the 500th anniversary of Christopher Columbus' historic voyage to the Western World. He then returned to the United States to cover other important news events, including that occurring September 11, 2001 when American Airlines Flight 77 crashed into the Pentagon. Mr. Lloyd immediately traveled to the scene to cover the breaking story for his listeners in the Philadelphia area.

Mr. Lloyd has also been deeply involved in the political arena during his years at KYW, reporting on major events and covering numerous important elections. He has either met with or interviewed every President of the United States since John F. Kennedy. On November 2, 2004, Mr. Lloyd celebrated his 70th birthday by covering his final presidential election.

In recognition of his involvement in significant world events over the past 35 years, Mr. Lloyd has won several industry awards including the Associated Press Broadcasters Association Award for Enterprise Reporting and for commentary on international affairs. These awards offer clear evidence of Mr. Lloyd's exemplary professionalism and skill.

Mr. Speaker, I ask that my colleagues join me in honoring Jay Lloyd. He has provided invaluable service to the people of Southeastern Pennsylvania during his outstanding 35 year career in broadcasting. Jay Lloyd's dedication to his work has been extraordinary and he should be acknowledged for the many distinguished contributions he has made to the quality of life in the Philadelphia region throughout his career with KYW News Radio.

INTRODUCTION OF ENVIRONMENTAL JUSTICE ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am again introducing the Environmental Justice Act.

I am proud that Congresswoman HILDA SOLIS and Representative ROB ANDREWS are joining me as original cosponsors of this bill. Representative Solis and I introduced a similar bill in the 108th Congress.

Reintroduction of the bill reflects continued concern about the way federal actions have had disproportionately adverse effects on the health, environment and quality of life of Americans in minority and lower-income communities.

Too often these communities—because of their low income or lack of political visibility—are exposed to greater risks from toxins and dangerous substances because it has been possible to locate waste dumps, industrial facilities, and chemical storage warehouses in these communities with less care than would be taken in other locations.

The sad fact is that in some eyes these communities have appeared as expendable—without full appreciation that human beings, who deserve to be treated with respect and dignity, are living, working, and raising families there.

This needs to give way to policies focused on providing clean, healthy and quality environments within and around these communities. When that happens, we provide hope for the future and enhance the opportunities that these citizens have to improve their condition.

Our bill would help do just that. The bill essentially codifies an Executive Order that was issued by President Clinton in 1994. That order required all federal agencies to incorporate environmental justice considerations in their missions, develop strategies to address disproportionate impacts to minority and low-income people from their activities, and coordinate the development of data and research on these topics.

Although federal agencies have been working to implement this order and have developed strategies, there is clearly much more to do. We simply cannot solve these issues overnight or even over a couple of years. We need to "institutionalize" the consideration of these issues in a more long-term fashion—which this bill would do.

In addition, just as the current policy was established by an administrative order, it could be swept away with a stroke of an administrative pen. To avoid that, we need to make it more permanent—which is also what this bill would do.

It would do this by statutorily requiring all federal agencies to—make addressing environmental justice concerns part of their missions; develop environmental justice strategies; evaluate the effects of proposed actions on the health and environment of minority, low income, and Native American communities; avoid creating disproportionate adverse impacts on the health or environment of minority, low-income, or Native American communities; and collect data and carry out research on the effects of facilities on health and environment of minority, low-income, and Native American communities.

It would also statutorily establish two committees:

The Interagency Environmental Justice Working Group, set up by the Executive Order to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquires regarding environmental justice issues; and

A Federal Environmental Justice Advisory Committee, appointed by the President, including members of community-based groups, business, academic, state agencies and environmental organizations. It will provide input and advice to the Interagency Working Group.

In a nutshell, what this bill would do is require federal agencies that control the siting and disposing of hazardous materials, store toxins or release pollutants at federal facilities, or issue permits for these kinds of activities to make sure they give fair treatment to low-income and minority populations—including Native Americans. The bill tells federal agencies, "In the past these communities have endured a disproportionate impact to their health and environment. Now we must find ways to make sure that won't be the case in the future."

For the information of our colleagues, here is a short analysis of the bill:

ENVIRONMENTAL JUSTICE ACT

Summary: This bill would essentially codify a Clinton Administration Executive Order which directed a number of federal agencies and offices to consider the environmental impact of decisions on minority and low-income populations.

Background: On February 11, 1994, President Clinton issued Executive Order 12898, "Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations." The President also issued a corresponding Memorandum to all federal departments and agencies further explaining the order and how the agencies should implement it to address environmental justice issues. The Order and Memorandum called for the creation of an interagency working group to provide guidance on identifying disproportionate impacts on the health and environment of minority and low-income populations, develop strategies to address such disproportionate impacts, and provide a report on that strategy. Since the order was promulgated, the affected agencies have developed reports and strategies.

Need for the Bill: Although federal agencies and offices have been complying with the Executive Order, disproportionate impacts related to human health and the environment still exist for many minority and low-income communities. These impacts must be addressed over the long term. In addition, due to the lack of resources and political clout of many of these impacted communities, vigilance is required to make sure that disproportionate impacts are reduced and do not continue. As the effort to date has been primarily administrative based on the presidential order and memorandum, these strategies need to be incorporated into the routine functioning of federal agencies and offices through federal law.

The bill—

Requires federal agencies and offices to: include addressing environmental justice concerns into their respective missions; conduct programs so as not to create disproportionate impact on minority and low-income populations; include an examination of the effects of such action on the health and environment of minority and low-income populations for actions that require environmental analyses under the National Environmental Policy Act; create an environmental justice strategy to address disproportionate impacts of its policies and actions, and conduct and collect research on the disproportionate impacts from federal facilities.

Creates an Interagency Environmental Justice Working Group to develop strategies, provide guidance, coordinate research, convene public meetings, and conduct inquires regarding environmental justice issues.

Creates a Federal Environmental Justice Advisory Committee composed of members of community-based groups, business, academic, state agencies and environmental organizations which will provide input and advice to the Interagency Working Group.

IN HONOR AND RECOGNITION OF RON KUNTZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise to today in honor and recognition of acclaimed sports photographer Ron Kuntz, for his masterful artistry in capturing defining moments in Cleveland sports history, a legacy that spans more than fifty years and continues today, and for his ministry of the heart, a vocation that continues to provide light and solace for those living without hope.

Beyond his unwavering dedication to his family and to his profession, Mr. Kuntz shares his stories, photographs and compassion with prisoners in Ohio and across the country. His outreach began thirty years ago, when Mr. Kuntz first volunteered with the Bill Glass Prison Ministry. Mr. Kuntz' gifts of spiritual guidance and kindness continues to serve as a source of comfort and support for those who live in desolate isolation.

The inspiring photographs of Mr. Kuntz jump with energy and emotion from the pages and wires of local and national publications. His artistry is evidenced in every picture, highlighting his unique ability to seize the true essence of a remarkable moment. From the dark room to the newsroom, Mr. Kuntz brings the emotion and movement of a moment already gone, back to life—a split-second portrait of the human condition framed by athletic competition.

His work chronicles the great legends and legendary moments of professional athletes and teams of Cleveland, especially the Cleveland Indians—from the glowing victories to the crushing defeats. Armed with an affable nature and quick smile, Mr. Kuntz garnered the respect, trust and admiration of everyone around him. His joy for life is reflected in the photographs he has taken, and within his outreach to others.

Mr. Speaker and Colleagues, please join me in honor and recognition of Ron Kuntz brilliant photographer, dedicated family man, and compassionate volunteer, whose work and ministry continues to be a gift to our entire community. As he journeys onward from here, we offer him blessings of health, happiness and peace. We look forward to the continued artistry of Ron Kuntz, a man of heart, integrity and deep sense of service to others, whose very life continues to elevate the lives of others, with a snapshot, handshake, kind word and a smile.

TRIBUTE TO MR. DARRYL KEHRER

HON. MICHAEL K. SIMPSON

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SIMPSON. Mr. Speaker, I rise today to pay tribute to Mr. Darryl Kehrer, Staff Director for the Subcommittee on Benefits of the Veterans' Affairs Committee, who is retiring after 37 years, 33 of which were devoted of public service to our nation's veterans.

Darryl's distinguished career in public service began with active duty in the United States Air Force from 1966–1970, after which he received an Honorable Discharge as Staff Sergeant. Since then, he has served with distinction at the Department of Veterans Affairs, the United States Senate, and as Staff Director of the Subcommittee on Benefits of the Committee on Veterans' Affairs at the United States House of Representatives. Furthermore, he served as Executive Director of the Congressional Veterans Claims Adjudication Commission, and Staff Director of the Panel on Veterans' Benefits for the Congressional Commission on Servicemembers and Veterans Transition Assistance.

Darryl has dedicated his career to improving the lives of our nation's veterans and to provide them with the very best with respect to benefits and services in their transition to civilian life. He has made significant contributions to the development and enactment of veterans' legislation to improve education, employment, and transition assistance, to name just a few of his accomplishments.

As the Chairman of the Veterans Benefits Subcommittee during the 107th Congress, Darryl's strong work ethic and commitment to the issues was unwavering. He worked tirelessly with me to enact the Jobs for Veterans Act (PL 107–288), and since then he has continued his work with the Department of Labor to ensure the legislation is reaching veterans and helping them make the transition from military service to civilian employment. His comments and insight into issues affecting veterans was invaluable to me when I served as the Chairman and continues to be today.

Darryl has been a guest instructor at the University of Missouri and the Harry S Truman Library, the John Stennis Institute of Government at Mississippi State University, West Potomac and Annandale High Schools in Virginia, the United States Military Academy, and the United States Air Force Academy. Using the Montgomery GI Bill as an example of how legislation is made, he developed a case study on the enactment of this significant piece of veterans legislation, providing students with a hands-on approach to law-making. He has accompanied me to both West Point and the Air Force Academy, where we visited with instructors and spent time with the cadets. At the Air Force Academy, we did a joint presentation to students regarding the Member and staff perspectives of the U.S. Congress. His success as a guest instructor is clearly demonstrated by how frequently these renowned institutions ask him to return.

Darryl's passions are teaching, mentoring, and baseball. He has spent the past fifteen years volunteering for the Annandale Little League, and the League established an ongoing scholarship in his name. Called the "Kehrer Cup," it is awarded to the youngster who personifies the values of Little League Baseball and includes a $550 scholarship to the Little League Baseball International Summer Camp. He also received the Ellie Doyle Award for his exemplary partnership with the Fairfax County government in youth sports activities. A self-proclaimed "baseball fanatic," Darryl has used his passion to instill the love of the game and the ideals of sportsmanship in children and young adults.

Mr. Speaker, throughout his career as a public servant and volunteer in the community, Darryl has exemplified the highest ideals of family, community, and public service. With his retirement, we are losing an exemplary public servant and true friend of our nation's veterans. Thank you, Darryl, for your many years of dedicated service to our nation.

RESOLUTION HONORING THE LIFE AND CONTRIBUTIONS OF YOGI BHAJAN

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce a resolution honoring the life and numerous contributions of Yogi Bhajan, the chief religious and administrative authority for Sikhism in the West. Yogi Bhajan passed away in Española, New Mexico on October 6, 2004 at age 75.

A native of India, Yogi Bhajan introduced thousands around the world to Sikhism, a religion that carries the message of truthful living and the fundamental unity of humanity, and reaches out to people of all backgrounds to work together for world peace. When he came to the United States in 1968, Yogi Bhajan recognized immediately that the experience sought by many young people through drugs could be alternatively achieved through Kundalini yoga, which stimulates individual growth through breath, chanting, and meditation among other components. Soon after, he founded the Healthy, Happy, Holy Organization (3HO), a nonprofit private educational and scientific foundation with 300 centers in 35 countries, dedicated to improving physical well-being, deepening spiritual awareness, and offering guidance on matters of health and heart. He later also founded a successful drug rehabilitation program that blends ancient yogic wisdom of the East with modern technology of the West.

In 1971, the president of the governing body of Sikh Temples in India gave Yogi Bhajan the title of chief religious and administrative authority for Sikhism in the Western Hemisphere. That same year, the Sikh Dharma was legally incorporated and recognized as a religion in the U.S., and soon after Yogi Bhajan founded the Sikh ashram that still thrives in Española, New Mexico in my district. Yogi Bhajan wrote 30 books and inspired 200 more through his teaching, and inspired the founding of several businesses including Akal Security Inc., one of the fastest growing security companies in the nation. Throughout his lifetime, he traveled the world and met with world leaders such as Pope John Paul II and the Dalai Lama to discuss world peace and religious unity. He also served as informal counsel to numerous political and spiritual leaders. As the resolution states, Yogi Bhajan's teachings and the businesses formed under his inspiration, improved personal, political, spiritual and professional relations between citizens of the United States and citizens of the nation of India.

After the terrorist attacks on U.S. soil on September 11th, Yogi Bhajan reached out to Sikhs across America, encouraging and helping them to educate their fellow citizens about Sikhs, and to work with law enforcement and community leaders to help them protect Sikh populations. He established links to human rights advocates nationwide to ensure that the issue of Sikh identity was understood and respected. When a Sikh man named Balbir Singh Sodhi was murdered in Arizona five days after 9/11, Yogi Bhajan worked with community and government leaders in Arizona to help raise awareness about the Sikh community there, and to honor Balbir Singh with a major memorial event.

I had the privilege of Yogi Bhajan's friendship and support for more than 20 years. He was a dynamic, powerful person with a strong devotion to human rights, religious freedom, and good health. Whatever one's faith, he had the right words, the right lesson, and the right message. He spoke to us all, and he inspired us. Around the world he was a powerful voice for peace. I am also proud that my State of New Mexico made history by designating October 23rd as "Yogi Bhajan Memorial Day."

The resolution I am introducing today recognizes Yogi Bhajan as a wise teacher and mentor, an outstanding pioneer, a champion of peace and compassionate human being, and extends condolences on his passing. I introduced this bill at the end of the 108th Congress, soon after Yogi Bhajan's passing, and I hope my colleagues and I can work together to pass the resolution during the 109th. I would like to thank members of the House India Caucus, who helped build support for this resolution, as well as Senators JEFF BINGAMAN, PETE DOMENICI, and JOHN CORNYN, who will introduce the Senate companion. I also thank House International Relations Committee Chairman HENRY HYDE and Ranking Member TOM LANTOS for their strong support, as well as the bipartisan group of original cosponsors who join me in urging my colleagues to support this important resolution.

HONORING SALLY MAZZARELLA

HON. JOHN E. SWEENEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SWEENEY. Mr. Speaker, I would like to take this opportunity to recognize and honor an extraordinary citizen. Sally Mazzarella, of Rhinebeck, New York, along with help from friends and family, has devoted an immeasurable amount of time and effort to make her community and Dutchess County a better place to live.

Sally has exemplified selfless and tireless community leadership. She is president of the Winnakee Land Trust and serves on the boards of Families First New York and the Center for Performing Arts at Rhinebeck. In the past, Sally has served on the boards of the United Way of Dutchess County, Family and Services Inc., Hudson Valley Philharmonic, and Dutchess Housing Partnership. Since 1990, Sally has worked alongside State Senator Stephen Saland as a Constituent Services Representative working to solve the problems facing the 41st Senate District of NY.

Sally recently served as chairwoman of leadership gifts for the $2.2 million expansion project for the Starr Library. She has cochaired the YWCA's $2 million capital campaign renovation project and the Mid-Hudson Children's Museum $2.8 million acquisition project. Sally is also chairwoman of the Rhinebeck Comprehensive Plan Revision Project, a community-wide planning initiative focusing on Rhinebeck's future.

Sally has also served as chairwoman of the Town of Rhinebeck Planning Board. She has been an active member of the New York State Planning Federation and the Dutchess County Planning Federation, as a member of Hudson River Shorelines Task Force. Sally also served as a representative of the Chairman of the Dutchess County Legislature on the Hudson Valley Regional Council.

In recognition of Sally's continued work and service to her community, the Community Foundation of Dutchess County has recently honored Sally, as have many other organizations throughout the region over the years. Sally's tireless and dedicated service demonstrates the essence of what it means to be a citizen. People like Sally across the nation form the fabric of our society.

At this time, it is important we honor such individuals for their devoted and generous work, leadership, and service on behalf of their communities. As evidenced by Sally's achievements, it is people like her that make our communities better places to live.

IN HONOR AND MEMORY OF DETECTIVE LOUIS J. DECK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Detective Louis J. Deck, loving father, grandfather, friend and mentor, whose life was lived in dedicated and outstanding service to others. As a veteran of the United States Navy, Mr. Deck served our country with courage and honor. As a veteran police officer and detective with the Cleveland Police Department, Detective Deck protected and served the citizens of our community with wisdom, compassion, courage and integrity.

Detective Deck began his law enforcement career in 1967, as a police officer working in the 4th District of the Cleveland Police Department. Just three years later, he was appointed to serve in the Bureau of Special Investigations unit and was soon appointed to the position of Detective. Detective Deck incorporated his street smarts, brave heart, and insight into the human psyche to assist in solving a myriad of criminal cases—cases that sprung from the streets and cases that rose from corporate greed.

Detective Deck's nearly forty-year tenure with the Cleveland Police Department was framed by honor and achievement. Though modest and unimpressed with accolades, Detective Deck's significant contribution to our community did not go unnoticed. In 1985 and 1986, Detective Deck was awarded commendations by the U.S. House of Representatives for his outstanding work as a crime victim liaison. In that capacity, Detective Deck worked diligently to uncover every avenue of assistance for crime victims and their families. Detective Deck's concern for others extended well beyond the bounds of the 4th District. He was a regular volunteer with the Cops & Kids programs at Metro General Hospital, providing a sunny distraction for young patients through his annual transformation from detective to elf. He was also an active member of civic organizations, including the Fraternal Order of Police, the Cleveland Police Patrolman's Association, and the Cleveland Police Historical Society and Museum.

Mr. Speaker and Colleagues, please join me in honor and remembrance of Detective Louis J. Deck, as we reflect on his incredible service to our community as police officer, detective, veteran, volunteer and friend. Detective Deck's integrity, expertise, and focus on protecting and reaching out to those in need will forever serve as a shining example of all that is good in public service. He lived life with a wry smile, quick wit and helping hand, and his legacy of lifting up the lives of countless residents, young and old, will serve as a shining road upon which others should follow, and will forever uplift our entire community. I offer my condolences to his children, grandchildren, extended family and many friends. His life and service to others will live forever in the hearts of everyone who knew and loved him well.

INTRODUCTION OF THE HOPE PLUS SCHOLARSHIP ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Hope Plus Scholarship Act, which expands the Hope Education Scholarship credit to cover K–12 education expenses. Under this bill, parents could use the Hope Scholarship to pay for private or religious school tuition or to offset the cost of home schooling. In addition, under the bill, all Americans could use the Hope Scholarship to make cash or in-kind donations to public schools. Thus, the Hope Scholarship could help working parents send their child to a private school, while other patents could take advantage of the Hope credit to help purchase new computers for their children's local public school.

Reducing taxes so that Americans can devote more of their own resources to education is the best way to improve America's schools, since individuals are more likely than federal bureaucrats to insist that schools be accountable for student performance. When the federal government controls the education dollar, schools will be held accountable for their compliance with bureaucratic paperwork requirements and mandates that have little to do with actual education. Federal rules and regulations also divert valuable resources—away from classroom instruction.

The only way to reform America's education system is through restoring control of the education dollar to the American people so they can ensure schools provide their children a quality education. I therefore ask all of my colleagues to help improve education by returning education resources to the American people by cosponsoring the Hope Plus Scholarship Act.

REMOTE SENSING APPLICATIONS ACT OF 2005

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. UDALL of Colorado. Mr. Speaker, today I am introducing the Remote Sensing Applications Act of 2005.

I introduced this bill as H.R. 2426 in the 107th Congress, and the House passed it in 2002. The bill was introduced again in the 108th Congress as H.R. 1292, and passed the full Science Committee. In this Congress, I'm eager to work with my colleagues on both sides of the aisle to see my legislation through to passage in both chambers.

I originally introduced this bill mainly to address a real problem we have in Colorado, the problem of excess growth and sprawl. My goal was to point to a way to utilize the resources of the Federal Government to help foster wise community planning and management at the local level. As a Member of the House Science Committee and the Space and Aeronautics Subcommittee, it made sense to me to look for ways to help communities grow in a smarter way through the use of technology.

I have reintroduced the bill in this Congress because I still believe we need to do more to promote geospatial technology. Geospatial data from satellites can produce very accurate maps that show information about vegetation, wildlife habitat, flood plains, transportation corridors, soil types, and many other things.

By giving State and local governments and communities greater access to geospatial data from commercial sources and Federal agencies such as NASA, I believe that the Federal Government can help bring valuable—and powerful—informational planning resources to the table.

My bill would facilitate this transfer of information. The bill would establish in NASA a program of grants for competitively awarded pilot projects. The purpose would be to explore the integrated use of sources of remote sensing and other geospatial information to address State, local, regional, and tribal agency needs.

State and local governments and communities can use geospatial information in a variety of applications—in such areas as urban land-use planning, coastal zone management and erosion control, transportation corridors, environmental planning, and agricultural and forest management.

But another potential application that has garnered much recent attention is the use of geospatial technology to bolster our homeland security.

Emergency management has always been an important responsibility of State and local governments. But in the aftermath of the September 11th terrorist attacks, the scope of this responsibility has broadened. Geospatial technology can help States and localities identify the location, nature, and scope of potential vulnerabilities and the impact of potential hazards, as well as how to respond to events and recover from them.

Certainly it is important that we continue to add to our database of available geospatial information—more information is always better than less. But we also need to get maximum use of information we already have at hand. That is the need this bill would address.

State and local officials are becoming more familiar with the uses of geospatial technology for various planning purposes. However, there is a need for Federal agencies such as NASA, which has been pioneering the uses of satellite remote sensing technologies, to work with State and local organizations to demonstrate how remote sensing and other geospatial data can offer a cost effective planning and assessment tool.

I'm pleased there has been broad bipartisan cosponsorship of the bill and that it has earned the endorsement of a number of important national organizations. These supporters of my bill understand the importance of targeting geospatial information at the places where it will have the greatest impact—the local and regional levels.

The Remote Sensing Applications Act can help begin to bridge the gap between established and emerging technology solutions and the problems and challenges that State and local communities face regarding growth management, homeland security, forest fire management, and other issues.

Mr. Speaker, this bill will be welcomed by States and localities nationwide. I look forward to working with Members of the House, including my colleagues on the Science Committee, to move forward with this important initiative.

IN HONOR AND RECOGNITION OF TIM McCORMACK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and recognition of Tim McCormack, upon the close of his outstanding service as Cuyahoga County Commissioner. Commissioner McCormack's passionate and powerful resolve and unwavering focus on restoring our child welfare system has saved the lives of many children, and enhanced the lives of countless more.

Beneath Commissioner McCormack's straightforward and abrupt approach shines a courageous and compassionate heart, one that has guided him well and served our children well. Of the myriad of issues facing our county, Commissioner McCormack directed his focus on the plight of the struggling children and families of Cuyahoga County. Armed with compassion, integrity, intelligence, and a natural immunity to political pressure, Commissioner McCormack worked tirelessly to cut a clear path through the tangled web of county government, working to recreate a system of government that would serve as an effective entity where the lives of our children would be protected and assisted. Because of Commissioner McCormack's commitment, the families and caseworkers of Cuyahoga County now walk along the path of light and hope.

The work of Commissioner McCormack was a vocation, not occupation, and he consistently drove himself to work the best he could on behalf of his constituents. His efforts always exceeded 100 percent, and he expected the same from his staff and colleagues. A true hero and man of unwavering integrity, Commissioner McCormack used his high profile position as nothing more than an instrument of aid to others. His long-time commitment to public service spans nearly twenty-five years, evenly reflecting a biography of outstanding service to his constituents, especially to those in need.

Mr. Speaker and colleagues, please join me in honor, recognition and gratitude to Commissioner Tim McCormack, whose honest work and unwavering focus shed light on a broken system, and who had a profound impact on the lives of countless residents of Cuyahoga County. Commissioner McCormack's steadfast dedication on behalf of our most vulnerable and valuable citizens, the children of Cuyahoga County, will forever serve as a beacon of light and hope, and the torch he carried must be raised high again.

INTRODUCTION OF THE TEACHER TAX CUT ACT AND THE PROFESSIONAL EDUCATORS TAX RELIEF ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. PAUL. Mr. Speaker, I am pleased to introduce two pieces of legislation that raise the pay of teachers and other educators by cutting their taxes. I am sure that all my colleagues agree that it is long past time to begin treating those who have dedicated their lives to educating America's children with the respect they deserve. Compared to other professionals, educators are underappreciated and underpaid. This must change if America is to have the finest education system in the world.

Quality education is impossible without quality teaching. If we continue to undervalue educators, it will become harder to attract, and keep, good people in the education profession. While educators' pay is primarily a local issue, Congress can, and should, help raise educators' take-home pay by reducing educators' taxes.

This is why I am introducing the Teachers Tax Cut Act. This legislation provides every teacher in America with a $1,000 tax credit. I am also introducing the Professional Educators Tax Relief Act, which extends the $1,000 tax credit to counselors, librarians, and all school personnel involved in any aspect of the K–12 academic program.

The Teacher Tax Cut Act and the Professional Educators Tax Relief Act increase the salaries of teachers and other education professionals without raising federal expenditures. By raising the take-home pay of professional educators, these bills encourage highly qualified people to enter, and remain in, education. These bills also let America's professional educators know that the American people and the Congress respect their work.

I hope all my colleagues join me in supporting our nation's teachers and other professional educators by cosponsoring the Teacher Tax Cut Act and the Professional Educators Tax Relief Act.

FREEDOM FOR JOSÉ MIGUEL MARTÍNEZ HERNÁNDEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about José Miguel Martínez Hernández, a political prisoner in totalitarian Cuba.

Mr. Martínez Hernández has bravely, and peacefully, advocated for liberty and freedom in Cuba, a country that suffers. under the nightmare of repression that is the Castro regime. He is an area representative for the 24 February Movement, named for both the commencement of the glorious Cuban War of Independence in 1895, and the day in 1996 when two civilian aircraft carrying four members of the Brothers to the Rescue organization were shot down over international waters by the Cuban dictatorship's fighter jets. The 24 February Movement desires, and struggles for, freedom in Cuba. Mr. Martínez Hernández also hosts an independent library in his home, in order to provide truth instead of the regime's propaganda.

According to Amnesty International, Mr. Martínez Hernández has been harassed and detained on a number of occasions in connection with his pro-democracy activism. Amnesty International also reports that he was taken into custody and interrogated by the tyrant's thugs in June, 2001. Despite being constantly attacked by the despotic regime, Mr. Martínez Hernández continued his efforts to bring freedom to the Cuban people.

Unfortunately, in March 2003, as part of the heinous crackdown of peaceful, pro democracy activists, Mr. Martínez Hernández was arrested. Subsequently, in a sham trial, he was sentenced to 13 years in the totalitarian gulag.

While confined in the deplorable gulag, it has been reported that Mr. Martínez Hernández has been threatened because he has persisted in studying the Bible. It is abhorrent to nature that this brave man languishes in an infernal gulag because he believes in freedom of religion, democracy, and basic human rights for the Cuban people.

Mr. Speaker, President Bush addressed those brave men and women who spread the light of freedom in the darkest corners of the world when he said in his inaugural address, just a few days ago, "Democratic reformers facing repression, prison, or exile can know: America sees you for who you are: the future leaders of your free country." My Colleagues, we must demand the immediate release of José Miguel Martínez Hernández and every political prisoner languishing in the dungeons of tyrants.

THANKING AMANDA CONLEY

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. MILLER of Florida. Mr. Speaker, I rise today to extend my thanks to Amanda Conley for her faithful and selfless dedication to our country.

On a daily basis, we are reminded of the tremendous costs that freedom often requires. Throughout the history of the United States of America, men, woman and families have given their all to further our constitutional hopes and dreams.

For 36 years, Amanda Conley has tirelessly supported the men of her family. Born on-base the daughter of a Navy Chaplain, Mrs. Conley grew up in the midst of great men and women that served and protected our Nation from enemies both foreign and domestic. Through three deployments to the Mediterranean and a year-long assignment to the jungles of Vietnam, as well as countless assignments to various destinations, Mrs. Conley endured what seemed like endless separation from her father.

As her father's service in the Navy came to an end, Mrs. Conley re-dedicated her support to the United States military by becoming a Navy wife. She endured the same sporadic deployments and nights alone as had marked her childhood, including a tour in the Persian Gulf and 6 years as a single mother while her husband Steve was assigned to recruiting duty.

Every day United States servicemen and women serve with fervency and zeal due in large part to the continued support of their spouses and loved ones. Troop morale stems from the loyal and endless efforts and sacrifices of their loved ones on the homefront, those who benefit from freedom each day because of what their husbands, wives, daughters and sons contribute through their service.

Mr. Speaker, on behalf of the United States Congress, we are humbled by and appreciative to men and women like Mrs. Amanda Conley, who are willing to sacrifice and support those that they love to ensure the future of our great Nation.

To military spouses and families everywhere, thank you. We owe you a heartfelt debt of gratitude.

INTRODUCTION OF THE EDUCATION IMPROVEMENT TAX CUT ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Education Improvement Tax Cut Act. This act, a companion to my Family Education Freedom Act, takes a further step toward returning control over education resources to private citizens by providing a $3,000 tax credit for donations to scholarship funds to enable low-income children to attend private schools. It also encourages private citizens to devote more of their resources to helping public schools, by providing a $3,000 tax credit for cash or in-kind donations to public schools to support academic or extra curricular programs.

I need not remind my colleagues that education is one of the top priorities of the American people. After all, many members of Congress have proposed education reforms and a great deal of time is spent debating these proposals. However, most of these proposals either expand federal control over education or engage in the pseudo-federalism of block grants. Many proposals that claim to increase local control over education actually extend federal power by holding schools "accountable" to federal bureaucrats and politicians. Of course, schools should be held accountable for their results, but they should be held accountable to parents and school boards not to federal officials. Therefore, I propose we move in a different direction and embrace true federalism by returning control over the education dollar to the American people.

One of the major problems with centralized control over education funding is that spending priorities set by Washington-based Representatives, staffers, and bureaucrats do not necessarily match the needs of individual communities. In fact, it would be a miracle if spending priorities determined by the wishes of certain politically powerful representatives or the theories of Education Department functionaries match the priorities of every community in a country as large and diverse as America. Block grants do not solve this problem as they simply allow states and localities to choose the means to reach federally-determined ends.

Returning control over the education dollar for tax credits for parents and for other concerned citizens returns control over both the means and ends of education policy to local communities. People in one community may use this credit to purchase computers, while children in another community may, at last, have access to a quality music program because of community leaders who took advantage of the tax credit contained in this bill.

Children in some communities may benefit most from the opportunity to attend private, parochial, or other religious schools. One of the most encouraging trends in education has been the establishment of private scholarship programs. These scholarship funds use voluntary contributions to open the doors of quality private schools to low-income children. By providing a tax credit for donations to these programs, Congress can widen the educational opportunities and increase the quality of education for all children. Furthermore, privately-funded scholarships raise none of the concerns of state entanglement raised by publicly-funded vouchers.

There is no doubt that Americans will always spend generously on education, the question is, "who should control the education dollar—politicians and bureaucrats or the American people?" Mr. Speaker, I urge my colleagues to join me in placing control of education back in the hands of citizens and local communities by sponsoring the Education Improvement Tax Cut Act.

PERSONAL EXPLANATION

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SHAYS. Mr. Speaker, on January 25, I was participating in the World Economic Forum in Davos, Switzerland and, therefore, missed two recorded votes.

I take my voting responsibility very seriously and would like the CONGRESSIONAL RECORD to reflect that, had I been present, I would have voted yes on recorded vote number 8 and yes on recorded vote number 9.

CELEBRATING THE LIFE OF ALLAN J. MOLL

HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. BISHOP of Utah. Mr. Speaker, I rise to celebrate the life of a man who has done much for journalism, the legal profession, and good government in my home state of Utah. Allan J. Moll passed from this world on December 22nd of last year. He leaves the world a richer and better place for his influence and presence.

I remember as a teenager in Utah watching him on the Evening News on Channel Four. The experienced anchor had a unique delivery style I found fascinating. His art was honed by a lifetime of experience. He began his career in radio news at the age of 19. One of his first assignments in broadcasting was reporting the Japanese attack on Pearl Harbor to radio listeners throughout the Intermountain West. He served his country during World War II in the U.S. Army Air Corps.

In 1948, Mr. Moll inaugurated the first commercial television broadcast in Utah. In 1958, he moved to California as the news director at the RKO affiliate, KHJ Radio and Television before returning to Utah in 1968. Mr. Moll was the evening news anchor on KCPX TV in the late 1960's through the 1970's. He interviewed numerous influential Americans, including President Truman, President Kennedy, Senator Goldwater and many Hollywood stars. In 2001, the Utah Radio and Broadcast Association inducted him as "Broadcaster of the Year."

Allan Moll's accomplishments are not limited to the broadcast industry. He received a law degree from the University of Utah Law School. After a stellar broadcast career, Mr. Moll spent 25 years in the Salt Lake County Attorney's office. For two decades he was the chief spokesman for Salt Lake County at the state legislature. Here is where our paths crossed. In my years in the Utah House of Representatives, I came to know Allan Moll as an articulate spokesman for Salt Lake County. He was also a consummate professional. I appreciated his accurate information, his respectful demeanor and personal considerations. I joined many of my colleagues who considered Allan Moll not just an effective lobbyist, but also a friend.

He enjoyed his work and I enjoyed his innate kindness. He retired in 1996. In 1997, the 29 member Utah State Senate illustrated their respect by passing a resolution recognizing Allan Moll as the "30th State Senator." He also received recognition awards from the Utah State Court Association and BYU Lawyer and Legislative Association.

Allan Moll had an interesting story to tell. When I was assigned as the teacher advisor to my high school's National Honor Society, the first person I invited to speak to these outstanding kids was Allan Moll. He kindly gave of his time to meet the students and regale them with stories of the "good old days" of television news. I was appreciative of his willingness to give of himself.

Mr. Moll was unsuccessful in his only bid for elective office, but those of us fortunate to have worked with him had only the utmost respect. I am proud to honor the memory of a great Utah public servant, Allan J. Moll.

IN RECOGNITION OF SHIRLEY RODRIGUEZ REMENESKI

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Ms. VELÁZQUEZ. Mr. Speaker, I rise today on the floor of the U.S. House of Representatives to recognize the achievements of a remarkable individual, Shirley Rodriguez Remeneski. Shirley has been an inspiration and an energetic force in our community, working tirelessly over the past few decades to better the lives of New Yorkers.

Throughout the years, Shirley has acted as a passionate advocate for not only the people of New York, but also for the Hispanic community at large. She successfully worked her way through the local government getting her first taste of public policy advocacy in the Social Services Unit in the Bronx Borough President's Office, then moving on to work as the Executive Director of NYS Governor's Office for Hispanic Affairs, and then to her most recent appointment in 2002 as the Senior Vice President of the Empire State Development's Economic Revitalization Division. There is no doubt that Shirley has touched a significant number of lives along the way. In 1989 Shirley helped to lead relief efforts for the victims and survivors of Hurricane Hugo in Puerto Rico. Time and time again, she has selflessly given her talent and devotion to improve and enhance the quality of life for others.

The list of Shirley's accomplishments for our community is plentiful, and has led to her recognition as a champion for both the city's underserved populations and the Hispanic business community. She has received honors for her work by the Puerto Rican Bar Association, Verizon, the United Bronx Organization, Governor Pataki, the Girl Scouts, El Diario, the New York State Department of Correctional Services, the Hispanic Society of the New York/New Jersey Port Authority and Hispanic Magazine—and the list goes on.

This woman is a true leader, public servant, visionary, defender, mother and friend. Shirley—and the work she has done—is far more than one expects from the average citizen. Therefore, Mr. Speaker, I rise today to honor the career and achievements of Shirley Rodriguez Remeneski and join with my colleagues in the House of Representatives in applauding her outstanding dedication to the residents of New York City and the Hispanic community throughout the years. We are all truly better off because of her devotion and commitment to us and our city.

EXPRESSING GRATITUDE TO THE MEMBERS OF BRAVO BATTERY, FIRST BATTALION, 109TH FIELD ARTILLERY DIVISION OF THE PENNSYLVANIA ARMY NATIONAL GUARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the 126 members of the Bravo Battery of the First Battalion of the 109th Field Artillery, based in Nanticoke, Pennsylvania, who are returning home this week after a year in Iraq.

Our brave soldiers have served their country valiantly and we welcome them home with the utmost gratitude for their selflessness. In this time of war, it is important that we realize the sacrifices our troops endure. Americans have a history of making the necessary sacrifices for fighting for the ideals in which we believe. Americans have consistently stepped up and taken the lead in ensuring democracy through voluntary military service.

The Bravo Battery consists of: Richard Osborne Adams, David Paul Anthony, Stephen John Arnold, Richard Anthony Aulicino, Joseph Baloh, Michael William Bauder, James Lee Bell, Joshua Michael Bohinski, Jason Otto Bolesta; Joshua Brandes, Dennis Michael Bressler, Travis C. Brigalia, Christian Benjamin Brown, Mark Earl Brown, Ronald Joseph Bruza, Jr., Kyle Edward Buff, Robert Anthony Burge, Kevin Thomas Burritt, Raymond Charles Cannell, Gary Bruce Caton, Jr., John Lawrence Cavanaugh, Richard Lloyd Chesnet, Jr., Gerald B. Cobb, Scott Elliott Cousins;

Ryan Hazen Craig, Christopher Alan Daniel, Scott Anthony Domanowski, Robert Patrick Donahue, Dean Emery Doty, Nicholas Andrew Dulina, William Sanderson Dutzar, Jason John Ellison, Eric Anthony Eppler, Eugene Joseph Everett, Rodney Stephen Fedorchak, Robert Allen Franks, Terrance Charles Frederick, James Joseph Gallagher, James Michael Gallagher, Patrick Edward Gallagher, Tomas Rafael Garcia, Mario Luis Gonzalez, Jr., Jeremy James Granahan, Nicholas Joseph Guzenski, Justin Matthew Harris, William Harris, Kelly Scott Harter, Kevin Patrick Hettler, Bruce Alan Hinds II, David Andrew Hoover, Kevin Thomas Hoover, Christopher Andrew Hudock, Matthew David Jacobs, Elijah Kareeme Jones, James Joseph Kania;

Daniel Steven Kankiewicz, Christopher James Keen, Christopher Warren Keller, Brendan Kevin Kelly, Jared Raymond Kennedy, David John Kinney, Rory Francis Kirwan, Rhyan Lee Kleiner, Neil Charles Klinges, Nicholas Andrews Kopco, Raymond Louis Krzak, Brett David Kunkle, Charles Cushing Ladd V, George Leibman, Matthew Lipo, Billy Joe Lorah, Phillip Glenn Losito, Andrew Lukashewski, Brian Lukashewski, Joseph Andrew Lukashewski, Matthew Lupico, Nicholas Richard Lynn, Leonard John Macking III, Brian Jason Martin, William Frank Marusak, Michael Aloysius McKeown, Adam Charles Metz, Kenneth Paul Miller, Jr., Robert Jason Miller, Robert John Miller, Paul Minnicks IV, David Joseph Miscavage, Cliff Antonio Morales, Joseph John Novackowski, Patrick Francis O'Boyle, Walter Robert Ohl, Thomas Robert O'Leary, Charles Alex Pavlick, Francis William Petroski, Kris Sean Petrosky, Sr., Tony Phan;

Francis Joseph Poperowitz, Neil Aaron Ravitz, Jason Rexford Robbins, Timothy Michael Roberts, Jeremy John Rusczyk, Stephen Mark Rutkowski, Sean Paul Sarokas, John Sedon IV, Daniel Thomas Seip IV, Christopher Jude Sicurella, Jonathan Neil Suva, Anthony William Skrypski, K. Jaime Sorber, Daniel Christian Stella, Robert Paul Sternick, William Fredrick Stiefel, Jr., Jamie Lee Sult, Justin George Thomas, William Lewis Thubbron, Jonathan David Torres, Daniel Kieran Walsh, Nicholas William Walters, Wesley James Waters, Leonard Kenneth Weston, Jr., Adam Thomas Wilcox, Aron Preston Wright, Joshua Paul Yetter, Michael Lee Yetter, Eric Mark Zagata, and Robert Louis Zarnoch.

Mr. Speaker, I ask that you join me in thanking these soldiers for their courage and love of country. It is truly an honor to serve them in the United States Congress. Please join me in welcoming these fine Americans home.

PERSONAL EXPLANATION

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Ms. LEE. Mr. Speaker, on January 25, 2005, during rollcall vote No. 8 and rollcall vote No. 9, I was unavoidably detained due to travel back to the United States from Africa where a few of my colleagues and I on Chairman ROYCE's codel learned firsthand about the terrible genocide in the Darfur region of Sudan.

Had I been present, I would have voted "aye" on both resolutions: H. Con. Res. 16, congratulating the Ukrainian people on their recent democratic election, and H. Res. 39, commending countries and organizations for marking the 60th anniversary of the liberation of Auschwitz and urging a strengthening of the fight against racism, intolerance, bigotry, prejudice, discrimination, and anti-Semitism.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. McDERMOTT. Mr. Speaker, I apologize for missing votes on the evening of January 25, 2005. I was on my way back to the United States from Chad and Algeria, where I witnessed first-hand the results of the genocide occurring in Sudan. Had I been able to, I would have voted: "Yes" on H. Con. Res. 16 (rollcall vote No. 8); "yes" on H. Res. 39 (rollcall vote No. 9).

A SPECIAL TRIBUTE TO THE OLD FORT LIONS CLUB ON THE OCCASION OF THEIR SIXTIETH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. GILLMOR. Mr. Speaker, it is my privilege to pay tribute to an outstanding service organization located in Ohio's Fifth Congressional District. On December 14, 2004, the Lion's Club of Old Fort, OH, celebrated its 60th anniversary.

The village of Old Fort, my hometown, is a community renowned for its civic pride and commitment to service. In 1944, it was home to five active churches, an active Grange as well as school organizations dedicated to helping others. There was not, however, an agency which could coordinate these services to provide for the entire community.

My father, P.M. Gillmor, who served as the first president of the Old Fort Lions Club, along with Ralph Blaney, were members of the nearby Tiffin Lions Club. Together, they proposed that Old Fort should form a club of their own. After enlisting 41 good citizens of Old Fort, they became charter members and joined Lions International.

The Lions Club was a good fit for Old Fort and the members were active in the community from the very beginning. Throughout its history there has never been a lack of enthusiasm or volunteer labor for its many projects. In addition, the Old Fort Lions Club has been active throughout the years in zone, State and International Lions. Ralph Blaney served as an international director, David Biddle and Ralph Gillmor served as district governors, and the Club has had many zone officers.

Anniversaries are a time to reflect upon a steadfast tradition of service. They are also a time to look toward new horizons. Lions have made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind.

Mr. Speaker, it is obvious that the community and the members of the club have greatly benefited from the effort that was started in 1944. I ask my colleagues to join me today in recognizing the achievements of the Old Fort Lions and encourage them to continue to uphold what has become the standard for service in Ohio.

IN HONOR OF TOMMY G. THOMPSON

HON. MARK GREEN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. GREEN of Wisconsin. Mr. Speaker, it is my distinct honor and pleasure to recognize before this body one of our Nation's most dedicated public servants—Secretary Tommy G. Thompson of the Department of Health and Human Services.

Here in Washington, DC, most folks know Tommy for his role in transforming the Department of Health and Human Services into a highly sophisticated, highly organized agency equipped to combat the threat of bioterrorism. His hard work and steady leadership helped steer our Nation through some of its darkest moments, and America is a far safer place today because of his tireless efforts.

But the service of Tommy Thompson will be heralded for decades far beyond the D.C. Beltway as well. As a member of the Wisconsin State Assembly, followed by a historic 14-year tenure as Governor of the Badger State, Tommy solidified his place as one of the greatest public servants in American history. Personally, Tommy encouraged me to run for the State Assembly and later the U.S. Congress, and he has played a monumental role in shaping the political careers of countless others.

Mr. Speaker, as Secretary Thompson prepares to leave his post at the Department of Health and Human Services, I would like to once again thank him for his years of devoted service to the State of Wisconsin and our great Nation, and wish him the best of luck in all his future endeavors.

THE GOVERNMENT RESERVATION ACCELERATED DEVELOPMENT FOR EDUCATION ACT (GRADE-A)

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. KIRK. Mr. Speaker, I rise today to introduce a bill to fully fund the Impact Aid program. Earlier today, along with twenty-seven bi-partisan co-sponsors I introduced the Government Reservation Accelerated Development for Education Act or GRADE-A bill.

This bill is intended to fulfill an obligation the Federal Government made in 1950 when Congress established the Impact Aid program. Impact Aid was created because Congress recognized the obligation of the federal government to assist school districts and communities that experience a loss in their local property tax base due to the presence of the federal government. Between 1950 and 1969, the Impact Aid program was fully funded by Congress. Since that time, the funding level has not kept pace with the amount required to cover the federal government's tax obligation.

Overseas, the Department of Defense runs many schools for the dependents of U.S. service personnel. Many people ask why the Department does not run such schools within the United States. The answer is that the children of military personnel already suffer enough with their parents on long deployments overseas. We should not segregate military kids from schools when stationed here in their own country. Military kids also tend to be high achievers with parents that on average are model citizens. They tend to pull up the academic and athletic achievements of the schools they attend.

With thousands of servicemen and women risking everything overseas, I can think of no better way to set their minds at ease then by taking care of their families back home. This support should begin with assuring our soldiers that their children are receiving a quality education. There are 15 million school children in this Nation who are eligible for Impact Aid. Enrolled in one of the 1,300 eligible school districts, these children depend on their schools to provide them with an education and their parents depend on the schools to act as a community of support while they are deployed.

In my district, 36 percent of all students attending North Chicago's School District 187 are "Impact Aid" children. Currently, there is no guarantee that North Chicago will receive the maximum amount that Impact Aid has promised to provide for its students. We must guarantee our servicemen and women a quality education for their families.

But an even more pressing issue occurs at two other school districts in my district. About one in twenty students in School District 225 (Glenview), as well as School Districts 112 and 113 (Highwood/Highland Park), are Impact Aid children. Due to the current funding formulas, District 225 only receives $110,000, and Districts 112/113 $100,000. The money they receive is 90 percent short of the cost of educating these children. This shortfall creates a strain on the school districts overall.

The quickest way to take a soldier or sailor's mind off their mission is to have them worrying about their children's education. Kids from military families come from some of the hardest working, most patriotic families, but the schools they attend sometimes face short funding. This is because of the way we fund our Nation's schools. Impact Aid honors our commitment to military. It guarantees that those families who serve to protect our freedom are in turn protected by the federal government.

We should support the Impact Aid program because it is the right thing to do to make sure schools near military bases are adequately funded. We should also support this program because it is important to the future of our country's defense. The United States established the all-volunteer military thirty years ago. After decades of experience, we now know that the children of military personnel are the most likely to join the military. This means that the Impact Aid program is not only helping families now on active duty but also educating young men and women who are the most likely to become the future backbone of the armed forces.

This bill was the first piece of legislation that I introduced in the 107th Congress. We attracted above 20 co-sponsors. In the 108th Congress, we attracted above 40 co-sponsors. Clearly the time is coming when this bill must become law.

Our constitution commands that the first job of the federal government is to "provide for the common defense." As we improve the pay and benefits of men and women in uniform, we must also support their kids and the local schools they attend. This may take many years to accomplish but the time is now to support schools that educate the children whose parents wear our Nation's uniform. Let us recognize our duty to America's children and to our military.

INTRODUCTION OF LEGISLATION THAT IS IMPORTANT TO RANCHERS AND CONSUMERS

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Ms. HERSETH. Mr. Speaker, I rise today, along with my colleague, Representative BARBARA CUBIN of Wyoming, to introduce a piece of legislation that we believe is vitally important for the ranchers of our states and for consumers across the country.

On December 29, 2004, the U.S. Department of Agriculture announced regulations that would enable certain countries, including Canada, to qualify as "minimal-risk regions" for the disease bovine spongiform encephalopathy or BSE. Thus, on March 7, 2005, Canadian cattle will again be allowed into the United States after a 19-month moratorium on those animals due to a BSE outbreak in that country. Since the announcement of that rule, the government of Canada has discovered and confirmed two additional cases of BSE in that country's cattle herd. Despite this fact, USDA has not announced an intention to reexamine the rule or to postpone the date that it will open our borders to Canadian cattle.

Language to require country-of-origin labeling (COOL) for certain meat and perishable agricultural products was included in the Farm Security and Rural Investment Act of 2002, also known as the 2002 Farm Bill. Under that law, this provision was set to become operational on September 30, 2004. Unfortunately, Congress has postponed the implementation date for COOL until September 30, 2006. Even more distressing, opponents of COOL have begun an effort to replace the mandatory COOL program with a voluntary one.

Mandatory COOL is important policy for several reasons. First, it would distinguish American meat products from those that are being imported into this country. This would enable American ranchers and pork producers and others to promote domestically produced meat products that rancher in my state believe are superior to meat and live animals produced in other countries.

Secondly, it will give American consumers information that they have repeatedly stated they want about the origin of the meat that they buy at the grocery store. American consumers know where virtually all of their consumer goods are manufactured, but not something as important as the food that they provide for their families. They want this information and they should have access to it.

Providing consumers with access to country-of-origin information becomes particularly important in light of our Department of Agriculture's intention open the border to animals from a country that has recently found multiple cases of BSE.

This bill would prevent USDA from opening the Canadian border to cattle imports until after a mandatory COOL program is up and running. Consumers want this information, and producers will benefit from having this information available. It is good policy and I urge my colleagues to support this bill.

INTRODUCTION OF A BILL TO COMMEMORATE THE SPIRIT OF CESAR E. CHAVEZ: "SÍ SE PUEDE"

HON. BOB FILNER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. FILNER. Mr. Speaker, I rise today to honor and remember a great American leader and hero, Cesar Chavez. He was a husband, father, grandfather, labor organizer, community leader and symbol of the ongoing struggle for equal rights and equal opportunity.

Cesar was the son of migrant farm workers who dedicated his life to fighting for the human rights and dignity of farm laborers. He was born on March 31, 1927, on a small farm near Yuma, Arizona, and died nearly 12 years ago in April of 1993. Over the course of his 66-year life, Cesar Chavez' work inspired millions and made him a major force in American history.

In 1962, Cesar Chavez and his family founded the National Farm Workers Association which organized thousands of farm workers to confront one of the most powerful industries in our nation. He inspired them to join together and non-violently demand safe and fair working conditions.

Through the use of a grape boycott, he was able to secure the first union contracts for farm workers in this country. These contracts provided farm workers with the basic services that most workers take for granted, services such as clean drinking water and sanitary facilities. Because of his fight to enforce child labor laws, farm workers could also be certain that their children would not be working side by side with them and would instead attend the migrant schools he helped to establish. In addition, Cesar Chavez made the world aware of the exposure to dangerous chemicals that farm workers and consumers face every day.

As a labor leader, he earned great support from unions and elected officials across the country. The movement he began continues today as the United Farm Workers of America.

Cesar Chavez' influence extends far beyond agriculture. He was instrumental in forming the Community Service Organization, one of the first civic action groups in the Mexican-American communities of California and Arizona.

He worked in urban areas, organized voter registration drives and brought complaints against mistreatment by government agencies. He taught community members how to deal with governmental, school and financial institutions and empowered many thousands to seek further advancement in education and politics. There are countless stories of judges, engineers, lawyers, teachers, church leaders, organizers and other hardworking professionals who credit Cesar Chavez as the inspiring force in their lives.

During a time of great social upheaval, he was sought out by groups from all walks of life and all religions to help bring calm with his non-violent practices. In his fight for peace, justice, respect and self-determination, he gained the admiration and respect of millions of Americans and most Members of this House of Representatives.

Cesar Chavez will be remembered for his tireless commitment to improve the plight of farm workers, children and the poor throughout the United States and for the inspiration his heroic efforts gave to so many Americans.

We in Congress must make certain that the movement Cesar Chavez began and the timeless lessons of justice and fairness he taught are preserved and honored in our national conscience. To make sure that these fundamental principles are never forgotten, I urge my colleagues to support this resolution. In the words of Cesar and the United Farm Workers, sí se puede—yes, we can!

HONORING THE LIFE OF 1LT NAINOA K. HOE, USA

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Ms. HOOLEY. Mr. Speaker, today we honor the life, passion, and patriotism of Nainoa K. Hoe, First Lieutenant, United States Army, a fallen American hero.

Although I have shared the stories of selflessness and sacrifice of our fallen soldiers before, this time is different.

First Lieutenant Hoe never lived in the Congressional District I represent. Truth be told, he never lived in Oregon. But his wife Emily, her family, and their friends were hopeful about the day he might.

His widow is a senior at Western Oregon University; she is proud of him and his contribution. Her greatest concern has been for her husband's men, his family, and the friends in their life.

It seems that bravery, commitment to service, and honor were personality traits shared by husband and wife. The young Hoe family will not get the years they deserved, but they are an example of love that we should all strive to emulate.

Just days ago, First Lieutenant Hoe was killed while leading his platoon on a foot patrol in Mosul. With him, the dreams of a radiant young couple with so much to offer—so many things to live and do—were buried in the sand of a country in transition.

Sadly, First Lieutenant Hoe was almost home. His rotation nearly completed, he was scheduled to return to the Pacific Northwest on February 6, 2005.

Though proud of his contribution to the long-term stability of Iraq and its people, he was an excited newlywed, looking forward to building a family, winning a position at the FBI, and enjoying the freedoms he had worked so hard to protect.

For Nainoa, courage was a family value. He believed that military service was an expected privilege; a duty that he proudly discharged. He reveled in his role as a commander of a combat platoon—a duty similar to the kind his father Allen Hoe completed during his time in Vietnam.

First Lieutenant Hoe believed there was nothing more important—no duty more sacred—than defending the ideals of this Nation, of fighting for a cause greater than him.

He believed these things knowing full well it meant risking his life, liberty, and his own happiness.

I believe we live in a smaller world these days. It grows smaller with each tragedy such as this. Every life matters—especially when it holds such promise.

Oregonians today are feeling the loss. Let us commit ourselves, here—in this chamber—to work even harder and do our part to make sound decisions about matters of peace and war; to be worthy of the trust Nainoa K. Hoe placed in our hands.

Let us pledge ourselves to being worthy of the sacrifice Nainoa freely offered; we owe him, and those that will follow, nothing less.

FREE SPEECH AND FREEDOM OF THE PRESS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. STARK. Mr. Speaker, not long ago, a Congressman from Ohio entered into the CONGRESSIONAL RECORD a recent newspaper account concerning his legal proceeding against Representative JIM MCDERMOTT, my friend and colleague from Washington State. I was struck by this.

This story began with two newspaper accounts over 7 years ago. If we are going to reflect on this, I think it is only fair that Members of the House and the American people have access to the same basic information, so they can make up their own minds.

In this spirit, I am entering into the RECORD, and I would urge everyone to read, newspaper accounts carried by the New York Times and the Atlanta Journal Constitution. These stories disclosed efforts by then-Republican Speaker Newt Gingrich and Republican Members to skirt an agreement Gingrich had reached with the Ethics Committee.

At issue today are substantial issues concerning Free Speech and Freedom of the Press. The Courts have yet to render a full and final decision. While the legal process is underway, I believe we serve this House and the American people best by taking the time to be fully and fairly informed.

[From the New York Times, Jan. 10, 1997]

GINGRICH IS HEARD URGING TACTICS IN ETHICS CASE

(By Adam Clymer)

On the day in December when Newt Gingrich admitted bringing discredit on the House, his lawyer told Republican leaders that the Speaker had promised an ethics subcommittee not to use his office and his allies to orchestrate a Republican counterattack against the committee's charges.

That was part of the price for the subcommittee's agreement to accept his admission of guilt and spare him the potential humiliation of a full-scale public trial.

But that same day, even before the charges had been made public, Mr. Gingrich held a telephone conference call with other House leaders in which he made suggestions for a statement that the leaders would issue immediately after the subcommittee's charges were disclosed.

He also suggested the timing of various responses to Democratic attacks. The politicians agreed among themselves how they could use their opponents' comments to attack the subcommittee's findings indirectly without technically violating the agreement that Mr. Gingrich's lawyers made with the ethics subcommittee.

The call was taped by people in Florida who were unsympathetic to Mr. Gingrich and who said they heard it on a police scanner that happened to pick up the cellular telephone transmissions of one of the participants. It was given to a Democratic Congressman, who made the tape available to The New York Times. Mr. Gingrich's office today did not question the authenticity of the conversation, but insisted that it did not violate any agreement with the ethics subcommittee.

The Speaker and his allies acknowledged at the time that their conversation was a bit "premature," since the subcommittee had not yet even voted on the charges against Mr. Gingrich. Nevertheless, they talked about how to handle inevitable Democratic attacks, how to time the day's events with newspapers, news agencies and the evening television news in mind, and—above all—how to avoid making all that look as if Mr. Gingrich was pulling the strings.

In the Dec. 21 conversation, Mr. Gingrich's lawyer, Ed Bethune, said, "it is very important for me to be able to say to the special counsel and if necessary to the committee members that we—and by that I mean the other attorney, Randy Evans, and I, and Newt—have done everything in our power to try to stop all things that might be construed in any way as an orchestration attempt by Newt Gingrich."

Mr. Gingrich, Mr. Bethune and the others discussed their tactics in a conference telephone call, a transcript of which was made available by a Democratic Congressman hostile to Mr. Gingrich who insisted that he not be identified further.

The Congressman said the tape had been given to him on Wednesday by a couple who said they were from northern Florida. He quoted them as saying it had been recorded off a radio scanner, suggesting that one participant was using a cellular telephone. They said it was recorded about 9:45 A.M. on Dec. 21.

The tape, in which the voices of Mr. Gingrich and other Republican leaders are clearly recognizable, was plainly a recording of a conversation that took place before the subcommittee released its charges and Mr. Gingrich's admissions.

The call capped a week of elaborate plea-bargaining over the framing of the charges—and Mr. Gingrich's admission—that the Speaker had brought discredit on the House by giving untrue information to the ethics committee and by failing to get proper legal advice about the way he used money from tax-exempt foundations for a college course and televised town meetings with political overtones.

Mr. Gingrich's admission of guilt avoided a full-scale trial in which the details would have been televised nationally. In return, the committee's special counsel, James M. Cole, insisted on a promise that the Speaker would not use his allies to mount a counterattack against the subcommittee's case, since its rules forbade Mr. Cole and members from answering such attacks.

The tone of the conversation was optimistic. The Speaker and the other leaders believed that a coordinated response could enable them to limit political fallout.

And the talk, one of many that day, ended on a light note. After the basic outlines of the statement the leaders would issue had been agreed on, Representative Dick Armey of Texas, the majority leader, had another suggestion for how Mr. Gingrich could handle the menacing accusation that he had deliberately lied to the committee: "I am not sure you are ready for this, but you could quote Larry Gatlin and the Gatlin Brothers."

Mr. Gingrich asked, 'Which one is that?"

Mr. Armey warbled: "I did not mean to deceive you. I never intended to push or shove. I just wish that you was someone that I love."

Today, Lauren Maddox, a spokeswoman for Mr. Gingrich, defended the Speaker's role. She said: "Newt has always had the right to run for Speaker and campaign. Any statement he made was in no way undermining the work of the committee."

She added: "There was a specific agreement between Newt's lawyers and the special counsel that Newt could brief the leadership. And it was always understood that in turn, the leadership could respond in any way they thought was appropriate."

In the December conversation, Mr. Bethune said in a couple of hours, once the subcommittee announced its actions, "it would also be a time when we are authorized to have the conversation that we are having now, a little prematurely. But I don't think it would be troubling to anyone that we are a little ahead of the gun."

Mr. Cole would not comment today, but the conversation itself suggested that the situation at the time seemed more complicated than Ms. Maddox contended.

Mr. Bethune, who served with Mr. Gingrich in the House for six years and now practices law in Washington, made several efforts to outline the slippery path that all must follow. One ally asked him what the leaders should say about any agreement between Mr. Gingrich and the subcommittee.

The lawyer replied: "No. I didn't say there was an agreement. I said there was a delicate process under way and that this is what Newt is going to do, in response to the delicate process. There is no agreement, no deal. We are not authorized to say that.

"Now if I can be very delicate here. There is one other constraint," Mr. Bethune continued. "He can run for Speaker, but he must maintain his confidentiality as far as public statements. And then, finally, Newt will not orchestrate, nor will he be—he will not orchestrate any attempt to spin this in such a way that it belies what he is admitting today in the statement of alleged violations."

But having barred one door, Mr. Bethune opened a window. "Having served as a member," he said, "you know when documents become public, I as a member, am entitled to say whatever the hell I want to say about those public documents. I guess that applies to any of you all who may be listening."

The men also talked about how they could use Mr. Gingrich's main adversary, Representative David E. Bonior of Michigan, the House Democratic whip, as a springboard to make arguments that Mr. Gingrich's agreement with the subcommittee would otherwise preclude.

"We know that Bonior is going to be having a press conference shortly thereafter, alleging a bunch of things that go too far," said Ed Gillespie, communications director of the Republican National Committee. "Once he has kicked that off, that would give us an opportunity to then go back and refute what he has said, and we have not jumped the gun on opening and we have simply responded."

Mr. Gingrich praised the suggestion. "Ed's very clever." he said. "Bonior, he will undoubtedly say things that are not true, will exaggerate what the committee has done."

Representative Bill Paxon of upstate New York, a coordinator of moves by the Republican leadership in the House, said it was essential to have a quick response after the subcommittee released its material.

The Speaker suggested that a leadership response be put out by 2 or 3 p.m., within a couple of hours of his statement and the subcommittee's statement. "I'm not an expert," he said, but "at that point we're in by the evening news, catch the morning papers."

Then the group went over the statement, with various suggestions offered about how to say that the Speaker had never intentionally misled the ethics committee.

The Speaker sought to end the cross talk by saying, "Why don't we pick up Ed's language: 'Although there is no charge that Newt intentionally misled the committee, Newt was responsible for the mistakes that were made?' "

Ultimately, the statement as issued changed a little. It said, "it should be noted, and is clear, he did not seek nor intend to mislead the committee."

[From the Atlanta Journal-Constitution, Jan. 11, 1997]

GINGRICH ETHICS CASE: PANEL TRUSTED HIS MOTIVES, GINGRICH TOLD GOP ALLIES TAPE REVEALS CONFIDENCE TO SEEK SPEAKER'S POST

(By Jeanne Cummings)

WASHINGTON.—On the morning that Newt Gingrich admitted that he provided inaccurate information to the ethics committee, the speaker told his top advisers that he was convinced the two Republican members of the House ethics subcommittee believed it was not intentional.

As a consequence, Gingrich moved aggressively forward in his campaign to be re-elected as speaker with less fear that he would later be cut down by the ethics panel.

The speaker's analysis was laid out in a conference call with his lawyer and top Republican lieutenants who were drafting a statement that would downplay the offense that could cost Gingrich his job: providing "inaccurate, incomplete and unreliable" material to the committee.

The conversation was picked up on a Florida couple's scanner and a copy of the tape was obtained by The Atlanta Journal-Constitution and the New York Times.

The conference call focused on how the Republican leadership should react to the investigative subcommittee's findings of alleged ethics violations and the speaker's decision to concede them later that day.

When the speaker's statement admitting the violations was released on a Saturday afternoon, reporters were handed the GOP leadership statement just moments after subcommittee members left a press conference area.

The subcommittee is chaired by Rep. Porter Goss (R-Fla.). The other members are Rep. Steven Schiff (R–N.M.), Rep. Nancy Pelosi (D-Calif.) and Rep. Ben Cardin (D-Md.)

In the taped conversation, which has been confirmed by the speaker's office, Gingrich said: "I think that if the committee thought I had intentionally misled them, I would not be a candidate for speaker. Goss and Schiff would have called me in and said, 'We will actively oppose you.' "

House Majority Leader Richard Armey agreed with Gingrich's comments and said: "We have got to believe they have carried Pelosi and Cardin as far as they can. And in that case, what Newt has just said is absolutely correct. They couldn't have carried them to where they are today if they were not confident they could defend Newt within their own circles."

There is no indication on the tape that Gingrich spoke with Goss and Schiff about their conclusions in the case.

Rich Galen, a spokesman for Gingrich, said the speaker's confidence came from a variety of impressions and experiences throughout the investigation and not any direct conversations with his two Republican colleagues.

"The fact that they didn't (confront Gingrich) was something he drew comfort from," said Galen.

Goss and Cardin declined to comment.

Schiff said that while the speaker has extended contact with the subcommittee members during his two appearances before them, "there was no external contact."

Pelosi said: "Any characterization of how we ended up where we did is something the leadership could not know."

The discussion among Gingrich and his advisers that leads to his remarks about the ethics subcommittee members begins when Gingrich Chief of Staff Dan Meyer asks Gingrich's attorney Ed Bethune if it would be appropriate to include a sentence in the leadership statement saying that the speaker did not intentionally mislead the committee.

"It seems that members need to understand that and it then will be fine," Meyer inquired.

Noting that Gingrich had an agreement with the subcommittee not to coordinate an effort to undermine his own admissions, Bethune said, "Newt cannot be part of crafting any such statement."

However, Bethune said "a member of Congress having received those documents can say anything they want to."

The leadership then agreed to include a sentence in their statement that ultimately read: "It should be noted, and is clear, he did not seek nor intend to mislead the committee. We look forward to working with him as speaker following his re-election on January 7."

INTRODUCTION OF THE VOCATIONAL AND TECHNICAL EDUCATION FOR THE FUTURE ACT

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. CASTLE. Mr. Speaker, I rise in support of this bill, which I am offering to ensure the continued success of vocational and technical education programs into the future. The bill, the Vocational and Technical Education for the Future Act, includes a number of positive reforms that will help strengthen vocational and technical education programs and improve opportunities for students.

Vocational and technical education, authorized under the Carl D. Perkins Vocational and Technical Education Act and known as the Perkins program, aims to prepare youth and adults for the future by building their academic and technical skills and ensuring they are equipped to proceed with postsecondary education or pursue other avenues. This program represents one of the largest federal investments in our nation's high schools and is a key component of our secondary and postsecondary education systems.

According to the National Center for Education Statistics, 66 percent of all public secondary schools have one or more vocational and technical education programs with approximately 96 percent of high school students taking at least one vocational and technical course during their secondary studies. Vocational and technical education is an important postsecondary option as well. Over 2,600 postsecondary sub-baccalaureate institutions, such as community colleges, technical institutes, skill centers, and other public and private colleges, also offer vocational and technical education.

Reforms made to the Perkins Act in 1998 increased the focus on ensuring that participating students at both the secondary and postsecondary levels acquired academic and technical skills, as well as completed their respective programs and transitioned into successful employment or further education. Some progress has been made as states have created an initial performance accountability system and the focus on academic performance among students participating in vocational and technical education courses has been strengthened.

Today, I am offering the Vocational and Technical Education for the Future Act to build on the 1998 reforms, and ensure vocational and technical education continues to prepare students for whatever they choose to pursue upon graduation. Should a student choose to proceed with postsecondary education, enter the military, or pursue other opportunities, the goal of the Perkins program must be to prepare students with the right combination of academic and technical skills so that they may succeed in whatever path they choose.

The bill I am offering includes a number of reforms designed to enhance achievement and accountability, streamline programs so that states may better utilize federal dollars, and provide model sequence of courses that will enhance vocational and technical education programs and partnerships.

The bill includes important steps to increase accountability, and emphasize continued improvement in student achievement. The bill establishes separate performance indicators for secondary and postsecondary students, improving on current law by recognizing the need for distinct measures to be applied to differing students. The bill also requires states to make continued and substantial improvement in the academic and vocational and technical achievement of students, and establishes incentive grants for states exceeding their own high standards.

To increase accountability and achievement at the local level, the bill requires local programs to establish local adjusted levels of performance similar to current statewide performance level expectations. The Vocational and Technical Education for the Future Act also establishes local improvement plans and permits states to apply sanctions for local recipients that, after receiving technical assistance, fail to show improvement or continually do not meet local adjusted levels of performance.

To better streamline and target federal funding, the bill combines funding for the Tech-Prep and Perkins state grant programs into one program funding stream, and incorporates the activities of Tech-Prep into the basic grant program. This consolidation will increase flexibility for states, streamline funding, and ensure current activities continue to exist while the program as a whole is updated to meet the challenges of the future.

The Vocational and Technical Education for the Future Act includes an important new element that will build upon efforts to coordinate secondary and postsecondary vocational and technical education. The bill requires states to develop model sequences of courses for vocational and technical programs to be used as an option at the local level. These model sequences of courses will incorporate both secondary and postsecondary elements, include rigorous and challenging academic and vocational and technical content in a coordinated, non-duplicative progression of courses, and lead to a degree or credential.

Technology and economic competition are combining in ways that are changing the nature of work and are redefining the American workplace. The need for higher literacy, numeracy, communication, and interpersonal skills in the workplace has grown over the past decade and will continue to be an important factor in the workplace in the future. The skills needed to be successful in postsecondary education are similar to the skills that are required by employers. The need for a strong academic and technical background makes it imperative that the current vocational and technical education system adapt in order to provide the knowledge and skills needed to succeed.

The bill I am offering today seeks to meet the challenges of a changing economy and workplace by building upon the current successes of vocational and technical education. Our challenge is to ensure that all vocational and technical education students have access to programs that are sufficiently rigorous in both their academic and technical content, as well as provide clear connections with the education and training beyond high school that most Americans need for continued workplace success. I believe this bill fulfills those high standards, and I am pleased to be offering it today.

THE ARRIVAL OF WILLIAM ETHERIDGE OTTO

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. ETHERIDGE. Mr. Speaker, I rise today with a joyful heart to announce the birth of my very first grandchild. On January 19, my wife Faye and I welcomed into this world William Etheridge Otto, the new son of our daughter Catherine Etheridge Otto and her husband Tim. William arrived at 9:03 a.m. in Raleigh, North Carolina. He weighs seven pounds and seven ounces and measures 21 inches.

Faye and I are proud as can be of our very first grandchild and his parents. Looking into the face of a newborn baby reaffirms your hope for mankind, your faith in God and your commitment to family. I want my grandson to grow up in a peaceful and prosperous nation, where he can achieve his dreams and is limited only by his willingness to work hard. I want William Etheridge Otto and all children to have good schools, safe neighborhoods and the best medical care. And I hope our national leadership can return to the values of balanced budgets and opportunity for all so that my grandson's generation can reach for the American Dream. Those are North Carolina values. I look forward to teaching William those values throughout his precious life.

A new child in the family is a gift from God. The Etheridge family today is very blessed to welcome our newest addition. I look forward to introducing him to my friends and neighbors.

LEGALIZATION OF ILLICIT DRUGS

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SOUDER. Mr. Speaker, today I rise to call attention to the work of organizations that seek the legalization of illicit drugs in our country, to the detriment of the health and safety of our citizens.

On January 4, 2005, the Washington Post published an article entitled "Exhale, Stage Left," chronicling the career of Keith Stroup, the founder and retiring executive director of the National Organization for the Reform of Marijuana Laws (NORML). This article sheds light on some of the operations and claims of such organizations, and I ask that it be entered into the RECORD.

Particularly disturbing in this story is the entanglement of the drug legalization group with those who stand to profit from others' addiction—drug traffickers. The Washington Post article describes that one of the major early financial backers of NORML was "the legendary pot smuggler" Tom Forcade. To collect donations, Stroup even went to Forcade's "stash house," which was "filled with bales of marijuana." Certainly we can understand why a drug smuggler would contribute generously to efforts to legalize drugs like marijuana—with so much product to move, this man had a vested financial interest in making harmful drugs easier for people to obtain. But what kind of group takes money from such a criminal? Do we really want our laws "reformed" by efforts funded by criminal enterprises? Yet according to the article, it had seemed "perfectly normal for NORML to call a dope smuggler when it ran short of cash."

Drug legalization groups like to claim that marijuana is not really harmful and that it does not serve as a "gateway" to the use of other dangerous drugs. In fact, on its website, NORML claims, "There is no conclusive evidence that the effects of marijuana are causally linked to the subsequent use of other illicit drugs." Perhaps NORML needs to look back at the experiences of its own leaders to re-examine such an assertion. The Post article describes how Stroup and his colleagues themselves moved onto other drugs in the 1970s: "Privately, he and his NORML pals joked about forming an advocacy group for another drug they'd begun to enjoy—cocaine." I'm sure that the families who have suffered through the heartaches of cocaine addiction could inform NORML that cocaine abuse is no laughing matter. Stroup has come to realize that as well, admitting that his own use of cocaine may have led to lapses in professional judgment and that he knows now that "[c]ocaine is deadly." Once, though, he had thought cocaine harmless. If he was wrong about cocaine, might he not likewise be wrong in presuming marijuana harmless?

In an attempt to make marijuana sound "harmless," drug legalization groups also try to downplay the addictive qualities of marijuana. NORML states on its website, "While the scientific community has yet to achieve full consensus on this matter, the majority of epidemiological and animal data demonstrate that the reinforcing properties of marijuana in humans is low in comparison to other drugs of abuse . . ." Yet the leaders of legalization themselves exhibit not simply social or occasional use of marijuana, but regular consumption of it. According to the article, Stroup smokes pot "nearly every night" as he watches the evening news.

Our citizens—especially our youth—need to understand the real danger of dependence on marijuana. It's not as innocuous as legalizers would have us believe. As the Office of National Drug Control Policy has reported, "According to the 2002 National Survey on Drug Use and Health, 4.3 million Americans were classified with dependence on or abuse of marijuana. That figure represents 1.8 percent of the total U.S. population and 60.3 percent of those classified as individuals who abuse or are dependent on illicit drugs . . . What makes this all the more disturbing is that marijuana use has been shown to be three times more likely to lead to dependence among adolescents than among adults."

We need to be aware of marijuana's harms. Last year NIDA Director Nora Volkow testified at a hearing before the Subcommittee on Criminal Justice, Drug Policy, and Human Resources, which I chair. Dr. Volkow attested to the health risks associated with marijuana, saying, "There are numerous deleterious health consequences associated with short and long-term marijuana use, including the possibility of becoming addicted. During the period of intoxication, marijuana disrupts short-term memory, attention, judgment, as well as other cognitive functions. In addition, marijuana has also been shown to impair coordination and balance, and can increase an individual's heart rate." Marijuana, Dr. Volkow testified, can affect the entire body: "New research is also showing us that marijuana can affect almost every organ in the body, from the central nervous system to the cardiovascular, endocrine, respiratory/pulmonary, and immune systems. Because marijuana is typically rolled into a cigarette or 'joint' and smoked, it has been shown to greatly impact the respiratory system and increases the likelihood of some cancers." Marijuana use is connected to lifelong difficulties for our youth: "Also, we are finding that early exposure to marijuana is associated with an increased likelihood of a lifetime of subsequent drug problems."

With all the risks that marijuana poses, we cannot afford to allow drug legalization groups to perpetuate their myths about the "harmlessness" of marijuana—especially when even their own history casts doubt on the validity of their claims.

[From the Washington Post, Jan. 4, 2005]

EXHALE, STAGE LEFT: AT 61, LONGTIME MARIJUANA LOBBY LEADER KEITH STROUP IS FINALLY LEAVING THE JOINT

(By Peter Carlson)

Keith Stroup's mouth is dry. His brain is foggy. America's most famous marijuana lobbyist admits that a powerful drug has messed up his mind.

The drug isn't marijuana, although he smokes that nearly every night. It's Tylenol cold medicine. He took some this morning, he says, and it made him feet goofy, spacey, stoned.

"I hate taking it," he says. "But my nose was running and I kept sneezing and I thought, 'I gotta take something.'"

Wearing a bright white shirt and dark blue suit, Stroup is sitting at his impeccably neat desk in the tidy K Street offices of NORML, the National Organization for the Reform of Marijuana Laws. He founded NORML back in 1970 and now, 34 years later, he's retiring at 61 as the pot lobby's executive director.

"When I turned 60, I looked in the mirror and I saw this gray-haired old man and I said, 'I think we need younger leadership,'" he explains. "It has to do with more energy, fresh perspectives, new ideas. It's not like I'm ready for the old folks' home. I just think we need somebody younger running the organization."

That somebody is Allen St. Pierre, 39, who has served as NORML's second-in-command for the past decade. St. Pierre took over yesterday, while Stroup, who recently got married for the third time, headed off to his Falls Church home to become a consultant and lecturer.

But now, Stroup, stoned on cold medicine and nostalgia, starts showing off the strange souvenirs of his strange lobbying career.

He pulls a black-and-white photo off the wall. It shows him in jeans and a jacket addressing a crowd of hippies in front of the White House in the '70s.

"We used to have a July 4 smoke-in every year in Lafayette Park," he says. "I like this just as a period piece. Look at those ragtag folks! Look at the guys without their shirts on!"

He points to a poster on the wall and reads its message aloud: "It's only a weed that turns to a flower in your mind." He laughs. "That's a period piece, too."

Decorating his filing cabinet are stickers—"Just Say Yes to Legalization"—and a backstage pass from a Willie Nelson concert. Nelson, famously fond of the weed, is a longtime NORML supporter.

"Over the years, we've built up a nice friendship," Stroup says. "He's going to sponsor a celebrity NORML golf tournament in 2005."

Stoned golf?

Stroup laughs. "It's a lot less competitive," he says.

He picks up a picture frame that contains a typed letter. It's the note that accompanied $10,000 in cash left on the doorstep of NORML's office in the summer of 1976.

"Officially, it was an anonymous gift," Stroup says, smiling mischievously, "but I knew who it was."

The money came from Tom Forcade, the legendary pot smuggler who founded High Times, the marijuana magazine, in 1974 and helped bankroll NORML before he committed suicide in 1978. Forcade's letter claimed the $10,000 was a donation from "The Confederation," a fictitious group of dope growers and smugglers. It concluded: "Karma prevails. Venceremos."

Stroup turned that gift into a media event, calling a news conference and spreading the well-worn $10 and $20 bills across a table for photographers.

Today Stroup is a bit embarrassed by that publicity stunt. "It was a little close to the line," he says. "I was nervous about the whole thing going down, but I played along with it. If I did that today, the FBI and the DEA would have me before a grand jury in no time."

Back in the '70s, though, it seemed perfectly normal for NORML to call a dope smuggler when it ran short of cash. One day, Stroup recalls, he called Forcade for a donation and the smuggler told him to come to an address on New York's Lower East Side.

"I got up there and it's an apartment with no electricity," he says, "and I walk in the door and the whole room is filled with bales of marijuana! It was a stash house! And I'm saying, 'Forcade, what are you doing? I don't know if I'm being followed.' But we needed the money and I took the money."

There was a time, back in the '70s, when Keith Stroup was about as close to a rock star as Washington lobbyists ever get.

He hung out with the Allman Brothers and Jimmy Buffett. He partied with Willie Nelson and presidential son Chip Carter. He had sex in the fabled grotto at the Playboy mansion, where Hugh Hefner hosted a NORML fundraiser.

The man they called "Mr. Marijuana" grew up on a farm in southern Illinois. His mother was a devout Baptist. His father was a building contractor and Republican Party activist who stashed a bottle of whiskey under the front seat of his Lincoln Continental so he could take a snort when his wife wasn't looking.

Stroup graduated from the University of Illinois in 1965—after a one-year expulsion for drunken frat boy high jinks—and headed for Washington. He enrolled in Georgetown Law School and, using his dad's GOP connections, landed a $50-a-week job in the office of Sen. Everett Dirksen of Illinois. The work was dull, but it gave Stroup a taste for Capitol Hill wheeling and dealing.

Meanwhile he'd begun smoking pot and marching in antiwar demonstrations, sometimes simultaneously.

He finished law school in 1968, got married and took a job on the newly formed federal Commission on Product Safety. That job put Stroup in contact with Ralph Nader, then a hot young consumer advocate.

Inspired by Nader's work, Stroup got an idea: He'd create a consumer group for pot smokers, an organization to lobby for legalization. It was the kind of pipe dream that floated through the heads of countless pot smokers during long nights of deep inhaling, but Stroup actually did it—hustling $5,000 in seed money from the Playboy Foundation and opening an office in his basement near Dupont Circle.

"Keith was a rebel, and he resented the idea that his government treated him as a criminal because of a drug that he and millions of other people used," says Patrick Anderson, author of "High in America," a 1981 book on Stroup and NORML.

Stroup didn't dress like a rebel, though. He wore a suit and tie, like every other Washington lawyer-lobbyist.

"He was consciously trying to be an alternative to the freak approach, which he knew wasn't going to work," Anderson says.

Courting respectability, Stroup assembled a board of directors that included Harvard professors, former attorney general Ramsey Clark and, later, Sens. Phil Hart and Jacob Javits. Pumped with zeal, Stroup went anywhere to make his pitch, appearing on TV, lecturing at colleges, testifying before Congress and state legislatures.

In 1972, Stroup got unexpected help from an unlikely source: The National Commission on Marijuana and Drug Abuse, appointed by President Nixon, issued its final report, concluding that marijuana is relatively harmless and that possession of less than an ounce should be legal. Nixon rejected the report, but Stroup used it as a lobbying tool in his increasingly successful campaign to reduce penalties for pot.

In 1975, five states—Alaska, California, Colorado, Maine and Ohio—removed criminal penalties for possession of small amounts of the weed. In 1976, Jimmy Carter, who during his campaign had advocated decriminalizing pot, was elected president. In 1977, Stroup visited the White House to meet with Carter's drug policy adviser, Peter Bourne. Soon NORML would be playing the White House in softball.

It seemed like high times for NORML. Publicly, Stroup predicted that pot would be legal in a couple of years. Privately, he and his NORML pals joked about forming an advocacy group for another drug they'd begun to enjoy—cocaine.

Then Stroup hit a couple of snags. In October 1977, Canadian customs agents found a joint in Stroup's pocket and busted him. That wasn't too bad: Canada had liberal pot laws and when Stroup returned for trial in 1978, the judge let him off with a $100 fine.

But at the airport on his way home, Canadian customs agents searched his bags and found a joint and a vial containing traces of cocaine. Busted again, he spent the night in jail, was fined $300 and got kicked out of Canada. The whole absurd episode was like a bad joke.

How can you tell if you might be a little too stoned?

You get busted going through customs with dope after your trial for going though customs with dope.

That was a dumb blunder. But Stroup was about to make a blunder that was infinitely dumber.

Back in Washington, he was lobbying for a bill to ban Federal funding of a controversial program that sprayed Mexican marijuana fields with the herbicide paraquat, shown to cause lung damage in people who smoked the tainted weed. Stroup asked Bourne, Carter's drug adviser, to support the bill. Bourne refused. Stroup was outraged. To him, it was a moral issue: The feds were deliberately 'poisoning pot smokers! Seeking revenge, Stroup leaked a secret to newspaper columnist Jack Anderson in July 1978: Bourne had snorted cocaine at NORMIL's 1977 Christmas party. And Stroup revealed the names of a couple of witnesses.

When Anderson broke the story, Bourne told reporters he'd only handled cocaine at the NORML party, he hadn't actually snorted any. It didn't matter. Bourne lost his job.

A few months later, so did Stroup. The folks at NORML didn't like snitches and eased him out the door.

"When I look back on it," Stroup says now, "it was probably the stupidest thing I ever did."

Nobody "in their rational mind," he adds, would jeopardize a relationship with a high White House official over a minor policy dispute.

Is it possible that he wasn't in his "rational mind" because he was too stoned too often?

"Yes," he says. "I think it is possible that my own personal use of cocaine played into that."

In those days he, like many people, thought coke was harmless. Now he knows better. "Cocaine is deadly," he says. "There are probably people who can use cocaine moderately. But I gotta tell you: Based on me and my friends, I didn't see very many of them."

After leaving NORML in 1979, Stroup spent four years as a defense attorney. "Every client I had was a drug offender," he says, "The only people who'd heard of me had been arrested on drug charges."

Unfortunately they weren't the kind of drug offenders he liked—folks who'd been caught with a little weed. They were mostly cocaine smugglers and, he soon realized, a lot of them were thugs.

"So I stepped aside," he says, "and went back into public-interest work."

Stroup, who had divorced in the early'70s, married a television producer and moved to Boston, where he became a lobbyist for the Massachusetts Council on the Arts and Humanities.

In 1986 he moved back to Washington to lobby for a family farm organization. In 1989 he became executive director of the National Association of Criminal Defense Lawyers. In 1994 he became a lobbyist for the National Center on Institutions and Alternatives, an Alexandria-based prison reform group.

Then in 1995, NORML—split by infighting—asked Stroup to come back and run the place.

He returned to find that everything had changed. The movement to legalize marijuana had run aground. In the 1970s, 11 states had decriminalized pot; in the '80s, none did. Nancy Reagan's "Just say no" crusade and the deadly spread of crack cocaine had led to a backlash against drugs. And NORML was nearly broke, politically impotent and beset by feuding factions.

Stroup saved NORML from self-destruction, St. Pierre says, but he failed to bring back the glory days: "Keith could not replicate what he did in the '70s."

Part of Stroup's problem was competition. In the '90s, two new groups arose to advocate drug-law reform, each bankrolled by an eccentric billionaire. The Drug Policy Alliance is funded by financier George Soros. The Marijuana Policy Project, founded by former NORML staffer Rob Kampia, is funded by insurance mogul Peter Lewis. Both groups have spent millions on state referendums to legalize medical marijuana—many successful, some not.

But Stroup has failed to find an eccentric billionaire sugar daddy for NORML.

"I wish we had that kind of funding," he says. "if I bad the kind of funding that Kampia has, I think I could have done a lot more with it than he has."

Now NORML limps by on about $750,000 a year, most of it raised from dues paid by about 12,000 members. It's not enough money to do much politicking, so NORML is now largely a service organization for pot smokers, providing tips on beating drug tests and legal advice for arrested smokers.

Over the past year money was so tight that Stroup laid off two staffers and stopped collecting his $75,000 a year salary for two months.

"I view NORML as a small and shrinking dinosaur," Kampia says. "NORML's time has come and gone."

Tom Riley, official spokesman for federal drug czar John Walters, agrees. "Keith and people like that have banged their heads against the wall for years saying 'Legalize pot.' But they're farther behind now than they were 20 years ago."

Riley says Stroup's career reminds him of a line from the movie "The Big Lebowski"; "The '60s are over, Lebowski. The bums lost. My condolences."

"I have no doubt I'll be smoking marijuana the day I die," Stroup says.

He loves the weed. He smokes it nearly every night. He comes home from work, pours a glass of chardonnay, lights up a joint and turns on the TV news.

He does not smoke pot when he has to work or drive, he says, because, as the movies of stoner comedians Cheech and Chong prove, pot can make you stupid.

"I learned a long time ago that some of those Cheech and Chong jokes are very real," he says. "If you're in a social setting and you're smoking marijuana, there are going to be a lot of those Cheech and Chong situations, where you feel real strongly about something and you start a conversation and about halfway through you forget what the point was." He laughs. "But that's only when you're stoned. Four hours later, you don't have that."

His new wife doesn't share his passion for pot. Neither does his 35-year-old daughter, who recently had a baby boy, making Stroup a grandfather. He doesn't care that they don't smoke pot and he doesn't think anybody should care that he does smoke it. Forty years of serious inhaling, he claims, hasn't harmed his body or his mind.

"There's absolutely nothing wrong with it," he says, "and it should be of no interest or concern to the government."

Despite his candor on the topic, Stroup hasn't been busted since his Canadian misadventures. But he knows the government and its drug war are always out there, and that can make a guy paranoid. About a year ago, the feds nearly discovered Stroup's stash in a suitcase he'd checked on a plane.

"I had a few joints in an airtight thing inside a sock so you couldn't see it," he says. "I got back home and opened it up and there was this slip saying, 'We opened your bag, blah, blah blah.' And my weed is a few inches away! I said, 'Man, that was too close!' So I no longer carry anything when I'm flying. If I'm going to be someplace for a few days, I ship myself a 'care package.'"

The next day Stroup calls, leaves a message on the voice mail. "Man, I was totally goofy yesterday on that cold medicine," he says. "I hope I wasn't totally goofy in my responses. . . . I should have better sense than to do an interview when I'm stoned out of my mind on cold medicine."

HONORING DEPARTING U.S. HOUSE OF REPRESENTATIVES PAGES

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SHIMKUS. Mr. Speaker, the end of this week marks the completion of our first semester for the Page academic year and thus several of our House Pages will be leaving us. At the completion of my remarks, I am submitting a list of names of those pages that will be departing for home in the next few days.

Not only do I want to note the participation and service of these fine young people, but as the Chairman of the House Page Board, I want to thank them for their service and commitment to this Institution. They have served with distinction and should be commended for their contributions. They and their fellow classmates have served during a time of great historic events that have included the final weeks of session of the 108th Congress, Presidential and Congressional elections, the Opening of the 109th Congress, the meeting of the Electoral College and last week's Inauguration of President Bush. As well, this class have distinguished themselves through their public service and their fund raising for the Red Cross to help the victims of the recent Tsunami.

We are proud of you and wish you only the best in your future endeavors. Thank you.

2004 FALL SEMESTER PAGES

Erin Leigh Baker—NE; James L. Barnes, III—TN; Scott M. Bengtson—MI; Jordan H. Blumenthal—FL; Mark Bracey-Sherman—IL; Stephanie Ching—CA; Kate E. Collins—CA; Jonathan M. Cowgil—MN; David A. Dazlich—CO; Christopher G. Doyle—NY; David G. Duncan—GA; Maxwell W. Epstein—MD; Scott D. Friedman—NY; Jenna C. Gaughan—MO; Ashley E. Gunn—MS; Sarah M. Harley—SC; Kathryn A. Helin—NH; Laura J. Johnson—WI; Jasma Phyllis Jones—MO; Dawn Marie Kling—PA; Johnathan D. Kristan—WI.

Thomas Lane—TX; Madeleine Claire Parish—OK; Eugene Hee Park—CA; Kimberly A. Peters—FL; Malorie Porter—OH; Melissa L. Price—AL; Maxwell Jason Rabkin—NJ; Edwin A. Robinson, Jr.—NY; Nicole Schuerch—PA; Elizabeth Shockey—OH; Alexandra Sunseri—LA; Miles Edward Taylor—IN; Monique Teixeira—CA; Maximilian D. C. Thompson—NY; Lynsey Nichole Thornton—VA; Cassi Turner—TX; Wilfredo Antonio Velasco Vargas—CA; Corey Walker—MD; Ashlee N. Wilkins—VA; Jaron A. Zanerhaft—OK.

RECOGNIZING THE MARCH FOR LIFE

HON. JOHN BOOZMAN

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. BOOZMAN. Mr. Speaker, I rise today to recognize the thousands of people in Arkansas and across the Nation who gathered this week to protest the 1973 Supreme Court decision in Roe v. Wade.

Like those who assembled, I believe strongly in the sanctity of human life. 32 years ago, the Supreme Court decided that a woman could end a life by terminating her pregnancy for any reason, including health, gender selection or because it was an unplanned or unwanted pregnancy. As a result, thousands of lives have been ended out of convenience mislabeled as a woman's right to choose.

Mr. Speaker, as we remember this powerful Supreme Court decision this week, I ask that we also remember that we have a responsibility to protect the precious lives of the unborn children to come.

H.R. 304—AIRCRAFT CARRIER END-STRENGTH ACT

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. CRENSHAW. Mr. Speaker, I rise today to speak on H.R. 304, a bill I introduced in the name of national security. This bill would set in law a requirement that our United States Navy maintain a fleet of at least twelve aircraft carriers.

Why, my colleagues might ask, is this change in law necessary? I believe the reason is clear. Our Nation is enduring an extraordinary amount of pressures, both financially and militarily. Somehow, Mr. Speaker, those financial pressures have weighed so heavy on our military leaders that they feel forced to propose a reduction in the number of carriers available to our Commander in Chief.

Mr. Speaker, the military might of the United States is unmatched. It is unmatched, Mr. Speaker, because no other Nation faces the challenges we face. And that is why I have introduced this legislation. Our unique challenges require force strength, flexibility, and presence. This is not my lesson; this is the lesson of past military conflicts.

The consistent message from senior Department of Defense leadership is that many of the important tactical missions accomplished in Afghanistan and Iraq would not have been possible without our fleet of aircraft carriers.

Aircraft carriers are in constant demand all over the globe. There is no technology, no way they can be in two places at the same time.

The Navy's CNO himself believes even with the technological advances, quantity has a quality all its own.

So this legislation, H.R. 304, will ensure that our Nation's Commander in Chief has a full fleet of carriers in times of peace, and in times of crisis. My colleagues, I urge you to support H.R. 304, support our carrier fleet, and support keeping the fabric of our national security whole.

INTRODUCTION OF THE EARLY WARNING AND RAPID NOTIFICATION ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. MENENDEZ. Mr. Speaker, today I am proud to be introducing the Early Warning and Rapid Notification Act, which will fix some of the communications problems that plagued the effort to effectively warn people about the tsunami of December 26, 2004.

Mr. Speaker, exactly one month ago over 160,000 people in the Indian Ocean region died as a result of a catastrophic tsunami caused by the largest earthquake the world has seen in over 40 years. In the wake of that disaster, an outpouring of sympathy across this country has resulted in over $350 million in private donations, with the United States government pledging nearly that much as well. Having witnessed such devastation, we're now asking the question: How can we keep this from happening again?

There were two entirely avoidable problems that contributed to the scale of the December 26 tragedy. The first was a lack of tsunami sensors in the Indian Ocean, which made it difficult for the scientists at the Pacific Tsunami Warning Center in Hawaii to determine if the massive earthquake had in fact spawned a killer wave. In response to this we've seen a number of proposals, both from this Congress and around the world, to establish a global tsunami sensor network. I support these proposals, since there is no reason why we should be caught unaware in the event of any disaster where we have the ability to detect it beforehand.

The second problem on December 26 was far more fundamental, and far more maddening. It was, in this era of cell phones and instant text messaging and worldwide satellite coverage, a complete breakdown of communications. In some cases, we had the ability to let people know, but couldn't. The Pacific Tsunami Warning Center simply wasn't sure who to contact in those countries bordering the Indian Ocean that were in danger from the tsunami. They did an excellent job in reaching who they could, but there was too much confusion, and far too much time passed before they could get the warning to those who needed it. There's no reason for this. The United States should know exactly who to contact in every country in the world if we have information about a natural disaster that they need. In this legislation, the State Department is directed to conduct a study examining the lines of communication about natural disasters between the United States and other countries, and to make recommendations to strengthen those lines if they're found lacking.

But even if we had known exactly when, where, and how hard the tsunami was going to hit, and had been able to get that info to the governments of every nation in the region, not much would have changed. Because in order to save lives, you have to get that information to the people in danger. The people in the towns and villages along the coasts. The tourists on the beaches. Without a way to get warnings to these people, all the sensors in the world won't do a bit of good.

Mr. Speaker, in this country we're used to all types of warning systems. Warnings about tornadoes, warnings about floods, warnings about hurricanes; warnings about chemical spills and potential terrorist attacks; we grew up with the Emergency Broadcast System to warn us about the unthinkable. In short, we have one of the most advanced systems in the entire world for warning people about all types of hazards. And these warning systems save lives. But many other countries are missing even the most rudimentary ways of getting warnings to people at risk, which results in tens of thousands of unnecessary deaths each year.

The United Nations recognizes the need for a comprehensive, worldwide effort to establish early warning systems in countries that don't have them, and last week launched the International Early Warning Programme. The Programme identifies four elements of effective early warning systems: knowing what the risks are, detecting disasters, disseminating warnings, and making sure people know how to respond.

The legislation I am introducing today directs the United States to work with the United Nations in implementing the International Early Warning Programme, and authorizes $50 million to help establish early warning systems in other countries for all types of hazards. This isn't merely protection against another tsunami; it's protection against floods, fires, storms, volcanoes, and any other event where a timely warning can save lives. This bill also expands the scope of our existing research programs on early warning systems to include an international component, and directs additional research into the use of advanced technologies to provide quick and effective warnings, both at home and abroad.

Mr. Speaker, setting up a worldwide tsunami warning system is important, but the sad likelihood is that far more people will be killed from floods and storms in the future than from another tsunami. This legislation will help establish systems that provide effective early warnings around the world for all types of hazards, and will help protect lives and property from the next disaster that, I fear, will come all too soon.

TRIBUTE TO JAMES W. EVATT

HON. ROBERT E. (BUD) CRAMER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. CRAMER. Mr. Speaker, I rise today to honor James W. Evatt for his many years of service to the Boeing Company and our Nation's defense programs. Jim is stepping down from his role as vice president and general manager of Boeing's Missile Defense Systems and vice president and general manager for the Missile Defense National Team Systems Engineering and Integration program. He has held both positions since 2001.

A graduate of the U.S. Air Force Academy, Jim joined the Boeing Company in 1987 after 22 years of Government service. During his tenure as vice president and general manager, he was responsible for Boeing's Ground-based Midcourse Defense program, the Airborne Laser, Advanced Tactical Laser program, Boeing's Air and Missile Defense program, and the Laser and Electro Optical Systems program. He was also responsible for all Boeing missile defense programs including its work on PAC–3, SLAMRAAM, Avenger, and advanced systems initiatives. Furthermore, he was instrumental in creating the missile defense market area within the company and aligning it with the Missile Defense Agency to ensure a seamless working relationship on the programs critical to national security.

In addition to his Boeing responsibilities, Jim is a member of the Air Force Association's Science and Technology Committee and the President's National Security Telecommunications Advisory Committee.

Mr. Speaker, Jim has been an integral part of our national security for many years. His experience, dedication, and knowledge will be greatly missed. On behalf of everyone in north Alabama, I rise to thank him for his service and join his colleagues, family, and friends in congratulating him on a job well done.

TRIBUTE TO HILDA GAY LEGG

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. ROGERS of Kentucky. Mr. Speaker, I rise today to pay tribute to one of the true diamonds working inside the rough and tumble granite rock of the Federal Government that will be leaving her post on January 31, 2005. The gem I'm referring to is Adair County, Kentucky, native and USDA Rural Utilities Service Administrator, Hilda Gay Legg.

I had the privilege of working closely with Hilda prior to her appointment to RUS. She served as executive director and CEO of the Center for Rural Development in Somerset, Kentucky, from 1994 until October 2001. Hilda provided true leadership by turning an upstart conference site into a world class community-oriented interactive center. In that position, she helped develop and implement a broadband telecommunications program in rural communities throughout southern and eastern Kentucky. The Center grew to manage 40 Internet centers that offer high speed, interactive video conferencing and community access to computers. Thanks to the solid foundation built by Hilda, those activities continue today.

In 2001, President George W. Bush tapped Hilda as the 15th person, and first woman, to serve as the Administrator of the Rural Electrification Administration—Rural Utilities Service. Shortly thereafter, Congress passed the landmark 2002 Farm Bill which in turn launched a number of new RUS initiatives including a broadband loan and grant program, energy efficiency grants, weather radio grants, and local television guarantees. Hilda took these new responsibilities in stride, leading the agency with professionalism and accomplishing much of our agenda.

While Administrator, Hilda approved some 5,570 loans and grants totaling nearly $20 billion. These funds will improve water quality in communities throughout America, provide access to top-level treatment in our rural health clinics, and give our schools Internet access to the world. Under her faithful and deliberate watch RUS programs increased by nearly 60 percent while loan delinquency was a mere .1 percent. Hilda's leadership also improved loan processing efficiency, set in motion an intense review of risk management, and accomplished much toward President Bush's goals in the areas of efficient and effective management, broadband deployment, energy independence, and job creation in rural America.

Hilda has never ceased to serve as an advocate for rural America and she has done so with remarkable class, spunk, and spirit. As her legacy still remains at the Center for Rural Development, I am confident it will also remain at RUS and in communities throughout the nation that have been touched by her efforts.

Mr. Speaker, although the Federal Government is losing out with Hilda's retirement, I can selfishly say I am thrilled that this precious gem is coming home to Kentucky.

INTRODUCTION OF THE HEROES ACT

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. EVERETT. Mr. Speaker, today I am proud to join with 18 of my colleagues, including the entire congressional delegation of Alabama, in introducing legislation aimed at honoring the sacrifices of our men and women in uniform by greatly enhancing military combat death benefits. My legislation is also needed to ensure that military families are properly compensated in the event of the loss of a loved one in combat.

The nearly 170,000 American military personnel in harm's way in Afghanistan and Iraq are there to defend our nation's freedom and security. Their service is vital to the long term protection of our land and they must know that their government and fellow citizens are fully behind their efforts. I believe one of the best ways to demonstrate this support for our military is to provide them with the peace of mind that if they should lose their lives in combat their families will receive adequate death benefits.

The need to improve military combat death benefits is not new to Congress. In 2003 and 2004, enhancements were made to these benefits as part of the annual Defense Authorization bills. For example, the military combat death benefit was increased from $6,000 to $12,000 and Congress directed the Pentagon to study the feasibility of increasing Servicemen's Group Life Insurance maximum coverage to $350,000 with the military covering the first $100,000 of insurance for service members who purchase the maximum benefit. However, that's simply not generous enough.

I do not believe these benefits adequately compensate military families, nor do they send a strong enough message to our military personnel that their government will honor their sacrifice by providing proper benefits in the event of their death in combat.

My bill, known as the Honoring Every Requirement of Exemplary Service (HEROES) Act, would increase the military gratuity death benefit from the present $12,000 to $100,000. Furthermore, it would also increase the Servicemen's Group Life Insurance maximum coverage from the current $250,000 to $400,000 with the first $150,000 in coverage guaranteed by the Department of Defense once a soldier is deployed into combat.

What's more, the HEROES Act would make retroactive payments of $238,000 to the families of those military personnel who've already lost their lives in combat in Afghanistan and Iraq. This amount is equal to the $88,000 increase in the death gratuity payment as well as the $150,000 insurance coverage benefit boost. These enhanced benefits would apply to military personnel losing their lives in combat as determined by the Secretary of Defense.

In closing, I would urge quick adoption of this measure in order to give our military personnel and their families greater comfort as they are called upon to defend America.

THE NATIONAL FUNERAL DIRECTORS ASSOCIATION—PROVIDING PRAISEWORTHY SERVICE TO THOSE IN NEED

HON. MIKE PENCE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. PENCE. Mr. Speaker, I want to commend the National Funeral Directors Association for their relief efforts in light of the recent tsunami tragedy in South Asia. Following President Bush's plea for monetary donations to assist the humanitarian effort, they established the Funeral Service Asian Relief Fund, which directs the funds to one or more charitable organizations assisting in the relief effort.

The National Funeral Directors Association has long been involved in volunteering their time and resources to aid in domestic disasters, such as the September 11, 2001 terrorist attack and the Oklahoma City bombing. However, it is clear that their care and concern for humanity goes beyond our American borders as well.

Mr. Speaker, I am proud of the efforts of the National Funeral Directors Association, including a member in my East-Central Indiana district, to aid the international relief efforts assisting the victims of the South Asia tragedy. I sincerely hope that Americans, and men and women throughout the world, will look to this as an example of care and compassion for mankind.

TRIBUTE TO MR. PETER VAN DER VELDE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. PASCRELL. Mr. Speaker, Mr. ROTHMAN and I would like to call to your attention the work of an outstanding public servant, Mr. Peter Van Der Velde, Captain with the Hawthorne Police Department, who was recognized on Friday, January 21, 2005 for his lifelong dedication to public safety. It is only fitting that he be honored in this, the permanent record of the greatest freely elected body on earth, for he has a long history of leadership, creativity, and commitment to his noble profession.

Mr. Peter Van Der Velde was born on August 23, 1947 in Paterson, New Jersey. He eventually moved from Paterson to the nearby Borough of Ramsey, New Jersey where he finished his formal education. After he graduated, Peter decided to serve in the United States Army and subsequently spent two years stationed in Vietnam. Upon the completion of his tour of duty, he returned home and quickly became an employee of the Passaic County Sheriff's Department.

Captain Peter Van Der Velde has served with the Hawthorne Police Department for 30 years. During his long tenure with the department he has steadily climbed the ranks from Patrolman to Captain and completed countless assignments. Peter began his career with the Hawthorne Police Department in April of 1974 and by December of 1986 he was awarded the title of Sergeant. He then received a promotion to the rank of Lieutenant, before being named Captain.

On October 6, 1993 Peter was appointed to the rank of Captain and immediately he began tackling the Borough's most challenging projects. As Captain he was in command of both the Uniformed Patrol as well as the Auxiliary Police but Peter insisted on expanding his duties. True to his nature Peter assumed as many additional responsibilities as possible including the posts of Traffic Safety Officer and Emergency Management Coordinator.

Captain Van Der Velde exudes courage and dedication. Over the years Peter has been confronted by a wide array of obstacles and in each instance he has proven his resiliency. As President of PBA Local 200 he truly showed his concern for his fellow brethren as well as for the families of those police officers.

The talents that have made Van Der Velde a successful Police Captain were echoed in all the areas of his community service. His multiple roles in the Ramsey Rescue Squad, Ramsey Fire Department, North Haledon Fire Department and the Hawthorne Ambulance Corps have enabled Peter to develop into the inspiring leader he is today.

The job of a United States Congressman involves so much that is rewarding, yet nothing compares to learning about and recognizing the efforts of individuals like Captain Peter Van Der Velde.

Mr. Speaker, we ask that you join our colleagues as well as Peter's family and friends, in recognizing the outstanding and invaluable service of Captain Peter Van Der Velde.

RECOGNIZING THE NATIONAL CAPTIONING INSTITUTE'S QUARTER-CENTURY OF ACHIEVEMENT IN CLOSED CAPTIONING AND RELATED MEDIA ACCESS TECHNOLOGIES

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. BLUMENAUER. Mr. Speaker, as the co-chair of the Congressional Public Broadcasting Caucus, I am introducing a bipartisan resolution to recognize the achievements of the National Captioning Institute, NCI, in providing closed-captioning services and other media access technologies to Americans who are disabled by hearing loss and/or vision loss, or who are limited by their inability to read or master English as a second language. Given that communication delivery systems such as television and, more recently, the Internet, play an absolutely essential role in American society, this resolution salutes NCI's quarter-century of progressive development in bringing media-access technologies to the American people.

The National Captioning Institute was founded in 1979 as a nonprofit corporation with the mission of ensuring that deaf and hard-of-hearing people have access to television through the technology of closed captioning. Prior to this time, captioned television was offered on an extremely limited basis, and the captions were "open," resembling subtitles, an obtrusive system roundly rejected by broadcasters and audiences alike. NCI pioneered the closed-caption technology in which captions could be accessed through special decoder units. This revolutionary solution made it possible for both hearing and hearing-impaired audiences to enjoy television programming at the same time, and made the goal of accessible television a reality. NCI pioneered the way for the first, nationally broadcast closed captioned television programs 25 years ago—an event so momentous that it was announced from the Rose Garden of the White House and made international headlines.

It is estimated that more than 100 million Americans benefit from captioned programming. These audiences include 28 million people who are deaf or hard-of-hearing; children and adults learning to read; and those learning English as a second language. Hearing and nonhearing audiences are most likely to use closed captioning in their homes, although the system is embedded throughout today's society in public spaces such as bars, gyms and airports. As part of NCI's commitment to providing media access to everyone, NCI is making great advances in the development and application of described video technology, a service that provides an audio description of the visual elements of video programming for people who are blind or have low vision, which is an audience of more than 14 million people.

The span of NCI's perseverance and dedication extends far beyond technology for our televisions. NCI established the Nation's only free consumer help desk for communications access issues where citizens may pose questions on topics such as the availability of captioned programming, how to resolve problems with displaying captions, accessibility of closed captions with digital cable and high definition television, and the availability of closed captions in Spanish and on DVDs and home videos.

In addition to its technologic achievements, NCI recently took the lead on auditing how the entire captioning industry is performing. It commissioned the field's first study to evaluate the quality, availability, and use of the Nation's use of captioning services in order to improve performance throughout the entire captioning industry.

In light of all of the above achievements, I look forward to working with my colleagues to pass this resolution and demonstrate our support for the National Captioning Institute's dedication to improving media access to millions of our fellow Americans.

CLARKRANGE HIGH SCHOOL WINS SECOND NATIONAL TITLE

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, congratulations to the Clarkrange High School Chess Team for winning the 2004 National K–12 Grade Championships Chess Tournament. This marks the second national title for the Clarkrange High School Chess team in the past 5 years, winning the 2000 title in Charlotte.

The tournament, sponsored by the United States Chess Federation, was held in Orlando, FL, at Disney World's Dolphin Resort. Over 1,500 chess players representing 44 States and hundreds of schools participated in this tournament. The competition pits each grade level against itself. Clarkrange entered three teams in the competition.

The ninth grade team took the national championship at that level, the 10th grade team just missed the championship by half a point and took second place, two CHS assistant coaches took third place in the collegiate competition.

Members of the Clarkrange chess squad include Coach Michael Cross, Assistant Coaches Matthew Human and Joe Wright, students Andrew Simonton, Justin England, Ryan Hunley, Michael Davis, Simmy Jenkins, Chris Snow, Coty Phillips, and Dillon McCann.

These young men will have something to be proud of for the rest of their lives. May they continue to challenge themselves and excel in everything they do in life. They have made Fentress County, Tennessee very proud. Congratulations, Clarkrange High School Chess Team.

TRIBUTE TO MS. SHIRLEY RODRIGUEZ REMENESKI

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Ms. Shirley Rodriguez

Remeneski, an incredible woman who has spent most of her life serving the needs of others. On Thursday, January 27, 2004, Ms. Remeneski will celebrate her retirement in the City of New York.

Since she started her career in 1966, Ms. Remeneski has held various leadership positions in the government and non-profit worlds. Currently she serves as Senior Vice President of the Empire State Development's Economic Revitalization Division. In this capacity she oversees economic development for distressed communities, including projects and programs to stimulate growth and development throughout New York State. Her efforts have helped to create permanent jobs and sustainable business enterprises.

Ms. Remeneski's list of achievements is long and impressive. She began her career in 1966 by establishing and directing the first Social Services Unit in the Bronx Borough President's office. Some of the more influential positions Ms. Remeneski has held include district administrator for Congressman Badillo, where she managed the New York City office and coordinated activities with the Congressman's Washington staff. In 1978 she served as Assistant Deputy Mayor of New York City where she worked on intergovernmental relations and community development issues in the South Bronx, Harlem and other areas of the city. And in 1986 she served as Executive Director of the NYS Governor's Office for Hispanic Affairs.

Mr. Speaker, I am proud to say that Ms. Remeneski's service to the people of New York has not gone unnoticed. She has received numerous awards and commendations from a host of organizations, including the Association of Hispanic Mental Health Professionals, Bronx Borough President Fernando Ferrer, the NYC Housing Authority's Society of Hispanic Employees, the NYS–Hispanic Political Coalition Employees and many others.

Ms. Remeneski has worked tirelessly to help improve the lives of people throughout New York. As a result of her unyielding dedication and hard work over the past four decades, countless New Yorkers enjoy a better life.

In honor of her retirement, I ask my colleagues to join me in paying tribute to Ms. Shirley Rodriguez Remeneski.

HONORING THE PULASKI CITIZEN FOR ITS YEARS OF SERVICE TO GILES COUNTY

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. DAVIS of Tennessee. Mr. Speaker, I rise today to pay tribute to the Pulaski Citizen for its contributions to the citizens of Giles County, Tennessee.

The Pulaski Citizen is the longest-running newspaper in the history of Pulaski and Giles County, spanning 150 years from 1854 to 2004. It's also one of the oldest continuously operating in the State of Tennessee. Its weekly visits into the homes of Giles Countians have brought national, state and local news.

The Pulaski Citizen was especially crucial in the days before radio, television and the internet as the only news media available to so many people. It has served the business community equally as well by printing the advertisements that promote these businesses, often contributing greatly to the success of so many of the hundreds of varied businesses that have called Giles County home.

Community improvement and growth has been a primary function of the Pulaski Citizen under the leadership of the McCord, Romine, Smith and Lake Families. Through the editorial urgings of the Pulaski Citizen, community life in Pulaski and Giles County has been greatly improved by such things as a water works, a fire department, improved telephone service, new and better schools, an outstanding college, playgrounds for our children, and hundreds of other benefits for our community.

The Pulaski Citizen is the oldest existing business in Pulaski, Tennessee. It has been in continuous publication since December 16, 1854, except during the Civil War. Pulaski was occupied by Union troops from the spring of 1862 until the end of the war. Most, if not all, businesses in Pulaski were forced to close during the Union occupation. Publication resumed on January 5, 1866 and has been continuous since that time.

In honor of the 150th birthday of the Pulaski Citizen, one page each week during 2004 has been dedicated to taking an historic look at how the paper covered current events that are now the "popular" record of our history with staff writer Claudia Johnson selecting material for weekly installments and for a book in commemoration of the sesquicentennial.

PRESIDING JUSTICE ROBERT K. PUGLIA: JUDGE, SCHOLAR, WORDSMITH, TEACHER, PATRIOT, AND FAMILY MAN

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. DOOLITTLE. Mr. Speaker, I rise today with my colleagues from California Mr. BERMAN, Mr. CALVERT, Mr. COX, Mr. CUNNINGHAM, Mr. DREIER, Mr. FARR, Mr. GALLEGLY, Mr. HERGER, Mr. HUNTER, Mr. ISSA, Mr. LEWIS, Ms. LOFGREN, Mr. LUNGREN, Mr. MCKEON, Mr. GEORGE MILLER, Mr. NUNES, Mr. POMBO, Mr. RADANOVICH, Mr. THOMAS, Mr. THOMPSON, and Ms. WOOLSEY to pay tribute to Presiding Justice Robert K. Puglia, judge, scholar, wordsmith, teacher, patriot, and family man.

Born in 1929, and raised in Westerville, Ohio, Robert K. Puglia came to California after high school to earn money for college. Returning to his Buckeye roots, he graduated from Ohio State University with a degree in political science, then fought in Korea and was a first sergeant in the Third Infantry Division. Following the war, he graduated from the University of California Boalt Hall School of Law in 1958.

He married Ingrid in 1959. They have four children—Peter, Susan, David, and Tom—and three grandchildren.

Justice Puglia began his legal career as a Deputy Attorney General in Sacramento, then moved to the Sacramento County District Attorney's Office where he prosecuted the most serious cases. At age 34, he was named Chief Deputy District Attorney. In 1969, he became a partner in McDonough, Holland, Schwartz, Allen & Wahrhaftig. He was a Professor of Law at the University of the Pacific, McGeorge School of Law, and frequently taught at legal seminars. He also taught at California State University, Sacramento.

Governor Ronald Reagan appointed him Judge of the Superior Court, County of Sacramento, in August 1971; Associate Justice of the Court of Appeal, Third Appellate District, in June 1974; and Presiding Justice in December 1974.

Justice Puglia distinguished himself, in California and in the Nation, both as a prosecutor and a jurist, during his more than 40 years in the law. Known for his keen intellect and clear reasoning, colleagues and litigants alike remember his sharp memory, gregarious personality, thorough consideration of issues, and effective leadership. His stewardship of the court was exemplary, marked by a respect for his colleagues and a concern for the independence of the judiciary. His administrative touch was light but firm and done with a sense of humor.

After becoming a judge, Justice Puglia served on the Judicial Council, the State courts' governing council. He served as president of the California Judges Association and the National Council of Chief Judges of Courts of Appeal. Admired and respected by appellate judges everywhere in America, he often served as a member of the faculty of the Appellate Courts Institute, conducted annually by the California Center for Judicial Education and Research, and the Appellate Judges Seminar, conducted annually by the Institute of Judicial Administration, New York University School of Law.

Justice Puglia's opinions are marked by scholarship, common sense, clarity and eloquence, reflecting his philosophy of judicial restraint and his understanding of the proper role of the courts in a democratic society. He authored more than 4,000 opinions, of which 446 were published, including one opinion he wrote as Chief Justice pro tem of the California Supreme Court. A dynamic, innovative, collegial and respected leader and mentor, he retired from the Court of Appeal in November 1998. The Court of Appeal's library was dedicated and named in his honor in April 1999.

Justice Puglia was chosen as the recipient of Boalt Hall's Judge D. Lowell Jensen Public Service Award in 2003. The Jensen Award is given each year to a prominent Boalt Hall graduate for his or her outstanding commitment to public service in the legal field. Judge Jensen personally presented the award at a special luncheon in Sacramento.

Justice Puglia has the uncanny ability to become a quick-study expert in anything that catches his interest. Of his many hobbies, two merit mention: music and sports.

Justice Puglia loves the big bands of World War II. He maintains a large collection of their music: Tommy Dorsey, Benny Goodman, Artie Shaw, Glenn Miller, and Harry James. He appreciates the vocal talents of Jo Stafford, Frank Sinatra, Johnny Mercer (as much as a songwriter as a singer), Dick Haimes, and Nat

"King" Cole. One of his favorite singers was a British singer from World War II named Vera Lynn. She sang to British troops and was their hero.

Justice Puglia loves sports, but especially baseball. He supports his alma mater, Ohio State. In an era of many great sports heroes, he was partial to Bob Feller in baseball, Otto Graham in football, and Jerry Lucas in basketball, for their admirable characteristics both on and off the field of play.

Justice Puglia is undeviating in his commitment to ethics and civility, to playing by the rules, in sports and in life. For several years, Justice Puglia's ethics and civility have provided a beacon for young baseball and softball players in Northern California. The Sacramento River Cats, who play in the AAA Pacific Coast League, annually select the most outstanding high school baseball (boys) and softball (girls) players for Justice Robert K. Puglia Good Sportsmanship Awards. These awards are given before capacity crowds at Raley Field every August, as the baseball season wanes. Both Art Savage, president/CEO of the Sacramento River Cats, and Branch Rickey, president of the Pacific Coast League, have declared Justice Puglia is the perfect civic exemplar for Sacramento's, California's, and America's young people.

TRIBUTE TO COACH MYERS

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Ms. SLAUGHTER. Mr. Speaker, I rise to pay a special tribute to Richard J. Myers, a native son of Buffalo, New York. Richard J. Myers has devoted his entire career to the teaching, coaching, mentoring and overall development of our youth.

Dick recently retired as an English teacher and the Head Basketball Coach for Gonzaga College High School after approximately 30 years of outstanding service. Coach Myers is credited with, among other things, taking a somewhat lackluster Gonzaga basketball program and transforming it to its current championship caliber.

Mr. Speaker, in honor of his retirement, I am proud to recognize Dick Myers' legacy. His longstanding and tireless dedication to youth education and learning is without equal. As an athletic coach at Gonzaga College High School, he is regarded as an institution and treasure.

Richard J. Myers was born in Buffalo, where a "blue collar" work ethic is the norm, and no one better personifies that strong ethic than Dick. While there is no doubt that Dick's inherent integrity, dedication to duty and commitment to community are qualities that were developed through the unselfish efforts of his parents and his family, there is little doubt that these attributes were nourished and allowed to blossom through his Jesuit education. The well-renowned teaching tradition of Jesuit educators, with a focus on the building of the "whole man" by equally focusing on mental, physical and spiritual growth, helped to lead Coach Dick Myers on his path of service to youth and his greatness as a teacher and coach.

In addition to his work ethic, Dick maintains a modest manner. He will always let you know that it was his students and athletes who made him successful. However, it is undeniable and oft-repeated by his former students and players that it was largely Dick Myer's guidance, teaching, coaching and encouragement that opened the pathway to their personal and team achievements.

Since his arrival at Gonzaga, Coach Myer's accomplishments are not only good grist for stories by sports enthusiasts of the Gonzaga community, but also can be measured in concrete and demonstrable facts. With his induction into the Gonzaga Hall of Fame on November 3, 2000, he was acclaimed as "an extraordinary man of great talent and integrity" with successes in the Gonzaga basketball program, including four WCAC championships and a DC City Title Championship. Significantly, an April 1999 Washingtonian Magazine article entitled "Real Basketball," claims that under the tutelage of Coach Myers, the Gonzaga basketball team's third victory over DeMatha in 1999 was "one of the most thrilling finishes of any sporting event in recent years."

All of Dick's accomplishments would be too numerous to mention and, as is so often the case with the contributions of successful teachers and coaches, the true milestones of their achievements are, to a large degree, immeasurable. However, Coach Myers' record-breaking mark as basketball coach at Gonzaga with a lifetime record of 714–362 provides some perspective into Dick's basketball coaching feats.

Dick Myers, an outstanding athlete in his own student days, attended Canisius High School (CHS), a Jesuit institution in Buffalo. Dick was a three sports star at CHS, and received All-Catholic Honors in both basketball and baseball. He was also voted MVP for the Manhattan Cup Catholic League Championship game, won by CHS. In 1992, he was inducted into the CHS, Hall of Fame and was selected at the recipient of the prestigious "John F. Barnes Memorial Trophy."

He continued his academic and athletic successes at another fine Jesuit institution, LeMoyne College, in Syracuse, New York, graduating in 1964. At LeMoyne, he excelled in both basketball, helping to lead his basketball team to the NCAA playoffs in 1964, and in baseball, where his .300 batting average is still memorialized. In 1995, LeMoyne College honored Dick for his overall college level success by inducting him into the LeMoyne College Hall of Fame.

Mr. Speaker, I know I can state unequivocally that Dick's family and the people of Buffalo are proud his many and varied accomplishments. More importantly, however, it is our country that should give praise to Dick Myers, and the many other dedicated teachers, coaches and youth mentors. Often in relative anonymity, these people have unselfishly dedicated their careers to a singular purpose of making our society and this great country a better place by their positive impact on our youth—our future.

THANKING JACQUELINE AAMOT FOR HER SERVICE TO THE HOUSE

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, January 26, 2005

Mr. NEY. Mr. Speaker, on the occasion of her retirement at the end of January 2005, we rise to thank Ms. Jacqueline (Jackie) Aamot for her long career of outstanding service to the United States government, most recently here in the U.S. House of Representatives.

Jackie began her career with the House ten years ago on January 4, 1995, and served in positions within the Administrative Counsel and Finance offices of the Chief Administrative Officer. As the Finance Office's Director of Financial Counseling, she provided financial assistance and guidance to all Member and Committee offices including monitoring and projecting available fund balances and ensuring expenditures comply with both House and Committee rules and regulations.

Jackie made significant contributions to the financial management of the U.S. House of Representatives, implementing consolidated electronic billings, which have lessened the administrative burdens both for Member and Committee offices and for the Office of Finance. In addition, she instituted more efficient processes that have resulted in the issuing of payments by the Office of Finance in less than two days following receipt of a voucher.

On behalf of the entire House community, we extend congratulations to Jackie for her many years of dedication and outstanding contributions to the financial management of the House. We wish Jackie many wonderful years of fulfilling her retirement dreams.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, January 27, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 1

9 a.m.

Foreign Relations

To hold hearings to examine strategies for reshaping U.S. policy regarding Iraq and the Middle East.

SD–419

10 a.m.

Budget

To hold hearings to examine the Congressional Budget Office budget and economic outlook.

SD–608

2:30 p.m.

Foreign Relations

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 109th Congress, and subcommittee assignments.

SD–419

Judiciary

To hold hearings to examine certain issues relative to CIA document disclosure under the Nazi War Crimes Disclosure Act.

SD–226

FEBRUARY 2

9:30 a.m.

Judiciary

To hold hearings to examine FELA issues relating to asbestos.

SD–226

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the U.S. Tsunami Warning System, and S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program.

SR–253

Health, Education, Labor, and Pensions

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 109th Congress, and subcommittee assignments.

SD–430

FEBRUARY 3

9:30 a.m.

Judiciary

Business meeting to consider pending calendar business.

SD–226

10 a.m.

Veterans' Affairs

To hold hearings to examine benefits for survivors of those killed in the line of duty.

SR–418

11 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine the effects of Bovine Spongiform Encephalopathy (BSE) on United States imports and exports of cattle and beef.

SD–106

FEBRUARY 8

10 a.m.

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the implementation of Titles I through III of P.L. 106–393, the Secure Rural Schools and Community Self-Determination Act of 2000.

SD–366

FEBRUARY 10

9:30 a.m.

Armed Services

To hold hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.

SH–216

FEBRUARY 15

10 a.m.

Veterans' Affairs

To hold hearings to examine the Adminstration's proposed fiscal year 2006 Department of Veterans Affairs budget.

SR–418

MARCH 1

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of the Interior.

SD–366

MARCH 2

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Forest Service.

SD–366

MARCH 3

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of Energy.

SD–366

MARCH 8

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Disabled American Veterans.

345 CHOB

MARCH 9

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Veterans of Foreign Wars.

SH–216

MARCH 10

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans.

345 CHOB

APRIL 14

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.

345 CHOB

APRIL 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.

345 CHOB

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB

SENATE—*Monday, January 31, 2005*

The Senate met at 1 p.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

How great You are, O God, and how much we should praise You. Your greatness is beyond discovery. Each day, we meditate on Your unfailing love, for Your right hand is filled with victory. You guide us throughout the days of our lives, for Your salvation is near to those who honor You. Forgive us when we have sought fulfillment in the idols of our world. Help us to trust only in You, our helper and shield.

Today, strengthen our lawmakers in their work. Help them to faithfully follow Your wisdom. May they strive to help the fallen and to lift those bent beneath the loads of life. Bless the Iraqi people as they accept the challenges of freedom. Be with our military and protect all who defend our freedoms. We pray in Your Holy Name. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, today we are in a period for morning business with Senators permitted to speak and introduce legislation. We are hoping to confirm the nomination of Samuel Bodman to be Secretary of Energy. We expect that nomination to require little or no debate and a rollcall vote is not anticipated. Therefore, we do not expect any rollcall votes today.

In addition to the Bodman nomination, this week we expect to consider the nomination of Alberto Gonzales to be Attorney General of the United States. I have been discussing with the Democratic leader the prospects for an agreement for debate and a vote on the Gonzales nomination. I understand Members wish to talk on that nomination, but at some point I hope we can reach an agreement as to a reasonable period for debate and a time certain to vote.

I will continue to discuss this matter with the Democratic leader, and I hope to lock in a consent agreement at the earliest time. We have talked about it this morning and we will be talking about it over the course of the day and tomorrow.

The Homeland Security Secretary designate, Mr. Chertoff, is also expected to be reported by committee later this week. Following that, as soon as possible we would like to consider this nomination as well.

As a reminder to our colleagues, the President will deliver the State of the Union Address on Wednesday evening. Senators are asked to begin gathering in the Senate Chamber at 8:30 on Wednesday so we can proceed promptly at 8:40 to the Hall of the House of Representatives for the 9 p.m. address.

I do want to thank everyone for their attention and will have further updates on the schedule at the close today.

HISTORIC DAY IN IRAQ

Mr. FRIST. Mr. President, very briefly I will comment on what has been a very historic occasion in Iraq, something that has been symbolized on television and by pictures so vividly by the image of that blue ink-stained index finger which is being held up in triumph. Two days ago, people did not even think of that image and today it symbolizes freedom and liberty, those basic elements of democracy that we all cherish.

Yesterday, the Iraqi people, 8 million strong, went to the polls to participate in the first free Iraqi election in decades. We were in Iraq 3 weeks ago, and before we went to Iraq even at that time people were saying there is no way these elections are going to be successful, nobody is going to show up for these elections, and to jump 3 weeks ahead to today and yesterday and to see those ink-stained fingers in the air and the fact that approximately 8 million voted is truly spectacular. I think all of us should feel real pride for the courageous men and women who risked their lives for freedom. Those pictures on the news really captured it.

The people who voted came by foot, bus, van. They were old and they were young. They were men and women. It was all in defiance of the intimidation by terrorists, thugs, and assassins. In spite of the critics and the doubters, millions of Iraqis stood in line and cast their vote. As they came out, we saw those pictures of those ink-stained index fingers, the symbol of the power that is captured in that vote of freedom and democracy.

The Iraqi people yesterday showed their bravery, their boldness, their courage, and their heart. They showed the world that Iraqis, like all people, do yearn to be free. Baghdad's mayor was so overcome with emotion that he told one news agency:

> I cannot describe what I am seeing. It is incredible. This is a vote for the future, for the children, for the rule of law, for humanity, for love.

This morning, and over the course of yesterday, I received numerous e-mails, letters, and written communication. The following letter from an Iraqi voter describing his elation at participating in this historic moment for his country really captures the essence of what the elections were all about. He writes:

> Allow me on this historical opportunity to tell you how happy I am, and all those who I know. It is a great victory for Iraq, the United States and all freedom-loving people in the world. This is the event that children of future generations will read about in history books with great pride and appreciation to all who made it happen.
>
> Today a new Iraq was born. This is the first seed of true democracy and freedom in our country and indeed the whole Arab world. Thanks to all who participated in, contributed to, protected and supported this historical event.

I also will want to applaud President Bush and the American people for their steadfast commitment, support, and encouragement of freedom in Iraq. Peace has not come and is not coming easily. We have suffered tough days and we all know there will be tough days ahead. We know the terrorists are committed to their violent campaign, but they will not succeed.

As we saw yesterday, Iraq is moving forward with the heartfelt support of free peoples all around the world. One of the people who will be instrumental in helping Iraq secure its freedom is our new Secretary of State, Dr. Condoleezza Rice. Last week, this Senate voted overwhelmingly to support her confirmation, and that was a proud and, indeed, historic moment. We are all fortunate to have a leader of her talent and intellect helping Iraq take each momentous step toward democracy.

It was a meaningful and productive week, as I look over the last several days. The Senate also confirmed former RNC Chairman Jim Nicholson to lead the Department of Veterans Affairs, and Michael Leavitt to lead Health and Human Services. Both are talented, gifted, and highly qualified men, and I know we all look forward to working with them.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Great tasks indeed are before us. We have much to accomplish, including, as I mentioned earlier, the confirmation of Judge Alberto Gonzales.

As we think about the week ahead on this Monday, it is appropriate to pause and take note of yesterday's historic achievement for the Iraqi people and for the cause of democracy. As the President said in his inaugural address:

> The survival of liberty in our land increasingly depends on the success of liberty in other lands. The best hope for peace in our world is the expansion of freedom in all the world.

Yesterday, we did come one step closer to realizing this great vision. Yesterday in Iraq we saw that liberty can light even the darkest corners and inspire great acts of bravery. We saw the proof of our deepest held principle: That all people do aspire to be free.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak therein for 10 minutes.

The Senator from Mississippi.

PROUD OF OUR NEW SECRETARY OF STATE

Mr. LOTT. Mr. President, I, too, feel inspired and in fact moved to comment on the elections in Iraq and also some other things that I have witnessed during the last 2 days. I felt very emotional as I watched Secretary of State Condoleezza Rice yesterday morning, during one of several interviews on television.

Specifically, I am speaking of Chris Wallace's interview of our new Secretary of State. It was one of the most impressive interviews I believe I have ever seen in my life. This is obviously a highly talented, qualified, thoughtful, articulate person who has been sworn in to be Secretary of State. I have never seen a more moving interview in my many years in Washington, in fact over 36 years, than I witnessed during the interchange between Secretary of State Condoleezza Rice and Chris Wallace.

Actually, I found myself to the point of tears as I listened to what she had to say, and how she said it. I was captivated by how she responded not only to the world given the very important position that she holds in answering those questions, but also on a personal basis by representing what is good in America. This is a lady who came from Birmingham, AL, an African-American, who grew up at a time when Birmingham was segregated and it was difficult for her to get the education, the experience, and the opportunities that she needed for life.

She persevered, as did her family, friends, and neighbors, and she has now risen to one of the most important positions in the world that anybody could have. She will be the face of America to the leaders of all of the rest of the world, and it is one that I believe they, as I, will be impressed with.

I will read one part of what she had to say in that interview. Interviewer Chris Wallace noted that he would play a clip from earlier this week at the White House when Condoleezza Rice was sworn in as Secretary of State and she referred to her relatives from Alabama who were there in the audience, and he asked his viewers to take a look. Secretary Rice said:

> They represent generations of Rices and Rays who believed that a day like this might somehow be possible.

And then Wallace continued:

> You have gone from a little girl in the segregated South to being the chief representative of this country to the world. What does that say about the United States?

At that point I felt sure that tears would well up in her eyes and she would have difficulty responding, but she kept her composure while she said this:

> It says that the United States is a place that is living up to its principles, that has had a struggle to do that. I[t] also said in that, Chris, it was Thomas Jefferson who said that the God who gave us life gave us liberty at the same time and, of course, didn't himself personally carry that out perfectly. . . .
>
> It just shows that democracy, if you have the right principles in place, if you have the right institutions in place, it may take a long time, but eventually the aspirations for one society unified despite race and gender and religion can start to come into being.
>
> We still have a lot of work to do in America. I look out and I see that work. But I do believe that in a world where difference is a license to kill, to look across and to see people like me or Al Gonzales or others says that America is trying desperately and, in some sense, succeeding, in living up to those principles.

I thought that was a magnificent testament to her life, what she experienced, what others are dealing with, but also what it means about our country and the hope for a lot of young boys and girls who see Condoleezza Rice in the position she is in and recognize that they can succeed, too, in the American dream.

I continued to watch television, many different networks, and I started seeing the results of the Iraqi elections. It appears that it was a good election with a good turnout. I don't know what the exact turnout percentages are. Reuters reported it as being perhaps as much as 72 percent. I believe. In some parts of the country it was more than that, I would presume, and in others much less than that, but still an incredible turnout. Maybe it will be 60 percent, maybe it will be 58, maybe it will be 62, but the people of Iraq, under the threat of intimidation or death or future abuse, went into those polling places in huge numbers, stuck their finger in that little bottle of dye, and came out and showed it off proudly.

By the way, they are going to have to come to live with their dyed finger the next couple of days. There will not be any hiding. If you voted in Iraq today, your finger will be stained today and tomorrow, but your life will be changed henceforth.

Maybe we can learn from them. We didn't have a 60- or 70-percent turnout in our election. I don't know exactly what the turnout was, but I am sure it is much less than that in America where we don't vote if the weather is not good or the traffic is too bad. But in Iraq they walked to the polling places, they put their lives on the line, and they were thrilled to be able to be a part of a historic event, of democracy in action, and they came out and danced in the streets. They said: We are very happy. They also said: Thank you, America.

A lot of credit can be passed out. It begins with the people of Iraq for what they did yesterday, to the men and women who are trying to make Iraq safe, their own policemen and national guard, and their own military. But a lot of credit goes to our military men and women who have done a marvelous job on the ground in Iraq. Even yesterday, they were there. They helped provide as much security as they could, but they were not interfering with the voters. They backed away. They left it to the people of Iraq and to their military and police and others.

I cannot give enough credit to the young men and women who have been there and their officers and noncoms, all of them, soldiers, sailors, airmen, marines, and Coast Guard. Obviously, they have all been a part of this. When I have talked to the young troops we have there, they are proud of what they are doing. They feel patriotic about what they have helped to do there.

Then, yesterday, they saw this begin to bear fruit. It doesn't mean the Iraqi people are free from terrorism. It doesn't mean everything has been done perfectly. It doesn't mean it is going to be perfect from here on. We don't know yet who won their election. It was a very complicated process. They had to figure out who to vote for or what list of people to vote for, and what number to identify. They still have a long way to go in cultivating their democracy. But for me, it was an inspiration. I was thrilled by what I saw, what I witnessed through the media. Not just one network or one station, all the different ones that were there in the country, showing democracy at work.

But also I believe credit has to go to our own Congress and the American people for showing patience and forbearance and giving of their treasure and American blood for a distant place, for people you don't really know. Many wonder, I am sure, sometimes, is it worth it? Why are we there? How long are we going to be there? All those questions come forward. But what struck me again yesterday was how people react to freedom, how people react to democracy, being able to go and cast their vote. It is liberating.

The President was right when he talked about the power of freedom and democracy and how it is a flame that is igniting a fire all around the world over the last 20 years. We have gone from about 20 democracies in the world to 118 countries all over the world, in every continent, in places where you would not have thought it would be possible: Mongolia, elections in Ukraine, elections by the Palestinians. There is something very special going on here. I do believe it is contagious and that it will continue to grow, and not only the American people but the people of the world will benefit.

The odds of having an attack from people in a country where there is a democracy are much less than those who come from places where there is an oppressive government, dictatorship, or authoritarianism. Democracy is not perfect; it is evolutionary. We know that from what we experienced. But yesterday was a special moment. I hope the American people saw it, felt proud of what they were witnessing and the part we have played in making that day possible.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota is recognized.

SOCIAL SECURITY

Mr. JOHNSON. Mr. President, I rise today to discuss the future of Social Security. In recent weeks we have heard a lot about the President's intent to establish private accounts under the program. While no details have been shared with Members of Congress regarding his proposal, the limited information we have does indicate that the administration will only push and support a long-term solvency fix if it is married with a plan to divert payroll taxes to individual private accounts.

Beyond the private account issue, it is unclear what the other details of the Bush plan will include. I am willing to work with the President and Members of Congress to improve the long-term outlook of this program, but the American people need to be clear in their understanding of the facts. The fact is, Social Security is not in crisis and private accounts will do nothing to help with the program's solvency. Yes, we do need to think about the future of this program. I am willing to hear the President's thoughts and work with him on this issue, but I will not support any efforts to dismantle a program that has protected millions in this country from poverty, and provided a guaranteed benefit for our most vulnerable citizens in their time of need.

Social Security is the most important social insurance program ever created by this great nation, and it has provided seniors with the assurances they need in old age.

In South Dakota, one in five people count on this program to put food on their table, buy their prescription drugs, and keep the heat running during the long cold winters. The program protects millions from poverty, and without it, the number of seniors living in poverty would rise from 10 percent to 50 percent. This is the mark of a strong safety net program and we must fight to ensure its longevity.

While in the long-term we do need to find a sound solution to protect the solvency of the Social Security program, one thing must be protected now—the guarantee to retirees that they do not have to worry about living in poverty in old age, no matter what they made during their working years or how long they live. Seniors must be given the security to know to the dime what they will receive under this program, rather than having to worry about the climate on Wall Street.

Since President Bush began his campaign for private accounts under Social Security, he has tried to convince the American people that the program is in crisis. This manufactured crisis is merely fiction and when you begin to look at the real numbers, you learn very quickly that his numbers just do not add up.

The administration has been trying to tell an alarming story in which the program is broke in 2019. Reality tells us that in 2019 we will just begin to dip into the $3.7 trillion dollar trust fund to pay the Social Security bills and we will be able to draw on that fund for a long time—until 2052 according to the Congressional Budget Office.

At that point in time, seniors will still receive 80 percent of projected benefits, and still more in dollars adjusted for inflation than what beneficiaries get today.

The real fiscal crisis facing our Government today is not in the Social Security program, but rather in the Federal budget, which according to the administration will reach a deficit of $427 billion dollars in 2005. This is the result of the irresponsible decisions of the administration that has pushed tax cuts for the wealthy during time of war and continued to fight to make those tax cuts permanent. I was alarmed to learn that in fact the entire Social Security shortfall over the next 75 years is about one-fifth the cost of the Bush tax cuts if made permanent. Beyond these problems, the rising costs of our health care programs will continue to threaten our budget stability. This is the real crisis we are facing right now.

At the end of the day, when you look at the numbers and the financial outlook for Social Security, we are in good shape for at least the next 50 years if not longer. When I look at the budget deficit today and a potential crisis 50 years from now, I am more concerned about ensuring that our Government can continue to pay its bills now and restore fiscal sanity to the Federal Government so we can honor our commitments in the near term—for soldiers in Iraq, for insurance coverage for the poor and for prescription drugs for seniors.

In the short term, the administration's plan to establish private accounts will actually increase our budget deficit and cost the Federal Government approximately $2 trillion dollars over the next 10 years. He has not indicated how he would pay for that, and so that number just gets added onto the Federal debt, not even accounting for whatever privatization will cost us in the following years. Estimates indicate that this increased borrowing, primarily from foreign nations—Japan, China and others—could potentially double our publicly-held debt by 2041, further increasing our dependence on foreign creditors.

Yes, any long-term savings the administration plan might create will be at the expense of providing seniors and all Americans a guaranteed benefit.

I do believe that we should at least start a discussion about the long-term solvency of Social Security and we should explore all options for addressing this issue. I support encouraging Americans to establish private accounts only that are above and beyond what we do in Social Security right now. All of our citizens deserve a shot at a comfortable life in their old age.

To get there we need to create a sturdy stool—a retirement security stool that provides a solid leg through a secure, guaranteed Social Security benefit; another leg helps protect the health and long-term health care needs of all people; and a third encourages individuals to save money for their retirement years, through private accounts, pensions and other programs. These are the things we should be thinking about as we look to the future.

So what we have is a Social Security program right now that is solid, according to the nonpartisan Congressional Budget Office, through the year 2052, through the middle of this century. Even at the end of 2052, those payments for young people today would actually be higher, adjusted for inflation, than the monthly payments that today's recipients get. So is this a crisis? No. There is a problem, but there is not a crisis in the long term for Social Security.

What concerns me is that I think some of the proposals I am hearing about have more to do with ideology, more to do with trying to move the Government away from providing that safety net than it does to actually solving what problems that may exist.

I believe our seniors in South Dakota and across this country deserve to have a Social Security program with a defined benefit, that they will know to the dime what it is they are going to get when they retire, and that it is not contingent on whether the market had a good year or bad year in their runup time prior to their retirement. That defined benefit ought to be the cornerstone, ought to be the foundation, of every retirement. Whatever else happens, they should know that will be there, and that it does not involve a gamble in the stock market.

I believe people ought to be saving more; that they ought to be provided better mechanisms to set aside money which they can count on that will be over and above Social Security, that will augment Social Security. I think we need to have a good discussion about IRAs and 401(k)s and other kinds of pension mechanisms that will allow for private savings to augment Social Security.

But at the end of the day, the best thing this Government can do for the long-term solvency of Social Security is to get our annual budget into equilibrium so we can get back to where we were only 4 years ago—with budget surpluses rather than utilizing Social Security surplus dollars for the ordinary expenses of Government; and, that we put ourselves in a still stronger position midway through this century to make sure every American gets the benefits to which they are entitled and which they expect to have.

I look forward to working with President Bush and with my colleagues on both sides of the aisle on ways in which we can assist with the near-term crisis in Medicare, Medicaid, health care, the near-term crisis in terms of the budget deficit which our Nation faces, and the longer term problem that we have with Social Security, but in so doing I will not abandon the underlying philosophy of every American having a defined benefit program that will be the foundation of their retirement plan and on which they can, in fact, count.

I look forward to a constructive and positive debate. Doing nothing is not the solution. But concocting false crises with remedies which actually make a situation worse than it is now cannot possibly be the road that this Congress, this Senate wants to go down.

I yield the floor.

The PRESIDING OFFICER (Mr. THUNE). The Senator from Wyoming.

Mr. THOMAS. Thank you, Mr. President.

CHALLENGES BEFORE CONGRESS

Mr. THOMAS. Mr. President, it is again time, as we begin this session of Congress, when challenges are before us—the opportunity to work on programs, some of which we worked on before and did not complete, some of which need to be worked on and haven't; such things as energy policy, of course, which we have worked on for some time. We are becoming more and more dependent as time goes by and as our consumption increases and our production does not.

The highway bill we talked about for a good long time. It is most important for our economy, for our jobs, for our transportation, and we haven't been able to handle it in the last couple of years; to move into something such as the class action activity that we are committed to so that we are not moving the liability claims around to different States to find a jurisdiction that is most favorable; and to do something about tax simplification. We always talk about that. The Tax Code is that thick, and yet we continue to have it.

We have a real opportunity to do a number of things, and I hope we are able to do that. I hope we are able to have an honest debate and discussion. We did have different points of view, obviously, but I hope we move towards finding solutions to coming together better than perhaps we have in the past.

In addition—I guess this is really what I would like to comment about briefly today—I think we also have an opportunity and a responsibility to take a look at some of the existing programs, many of which have been in place far too long a time; indeed, maybe they should be. On the other hand, I think from time to time we need to have some kind of a system where we go back and take a look at older programs and see, as time changes, if those programs are still efficient, necessary, and as opportune as they were in the beginning.

We have new programs all the time, and we tend not to take a look at some of the ones that are in place to see indeed if they are still needed, to see if they do the job as well as they have been, and to see if they are as efficient as they can be.

I have in my desk a notebook that is nearly that thick with all the programs the Federal Government has in place. There are actually thousands of programs that are in place. Some are major and some are not, but nevertheless they are there. We are talking about balancing the budget and so on. Some of that ought to reflect the expenditures which have been going on for a long time, and still continue to go on.

Of course, when you have a program out there, the nature of it is that people get involved and it develops its own constituency which makes it difficult to change from time to time. I hope we can do some reevaluations of the ones that we have. We have some programs that obviously need to be changed.

The Senator from South Dakota was talking about Social Security. Obviously, it needs to be changed. He argues about whether it is a crisis, but the fact is, for one thing all the money that is in the so-called trust fund is not in the trust fund at all. There are IOUs in there that have to be repaid. In order to go beyond the 20-, 13-, or 18-year program that we talk about in order get to the 45-year program, that money has to be in place.

There are some ideas about doing that. Of course, a number of things could be done. Payments could be attached to the benefits' costs rather than to inflation, and a number of things. They will all be considered, of course.

There seems to be a lot of reaction to the so-called personal accounts. I think one thing that has to be considered by everyone who is interested, No. 1, people who are 55 or so are not affected at all and will continue to go on as they have. Furthermore, those who aren't—the younger people—it is a choice they will make. Those are some of the things that need to be looked at to go forward.

I am personally very much in favor of encouraging people to have savings benefits of their own. After all, Social Security was designed to be a retirement supplement. In order to make it work really well, we have to have a program that is cost effective.

Medicare and Medicaid are in real financial difficulty—not only some of the Government programs themselves as they go forward but, because the impact of the cost of health care is not always fully paid by Medicaid and Medicare, the costs are shifted to people who have private insurance. That the entire cost is going up, the entire program—a great health care program in this country—becomes limited in access because of the costs. We have to do something about that.

As I mentioned, we have literally thousands of programs that are in place. I am not suggesting they are not useful. I am suggesting, however, that there needs to be some kind of a process. It is my understanding that OMB is talking about something that has some kind of a commission which would review the programs from time to time. I think that is a great idea. I don't know whether those programs are the ones we ought to have, and whether the Congress ought to appoint a commission, but there ought to be a way of evaluating, No. 1, how appropriate it is to continue those programs the same as we did 10 or 20 years ago, and whether those programs are being as effectively operated as they could be.

Sometimes when we talk about efficiency, we get a lot of feedback from people. But why shouldn't there be more efficient Government programs? We ought to ensure that, indeed, they are.

I think that is something we ought to take a look at to see if we can't have some kind of evaluation. I know it could be very time consuming. On the other hand, I think we could find ways to take a look periodically at the programs.

I wish we had some kind of a criteria for what kinds of programs are appropriate for the Federal Government. Particularly with programs that have some political clout for a Member, we find ourselves bringing it up and going with it. Some things you would really have a hard time saying they are an appropriate function of the Federal Government. There are so many things that could be done much better by State and local governments or by the private sector, but if it has some political appeal, we want to hop in there and do that.

I don't know exactly what it would be, but it would seem to me it would make sense if we had some criteria to say these are the kinds of conditions that would justify Federal involvement, not only because of the cost but most of us would like to see some control.

We talk about deficits, but we never seem to talk about holding down the activities and the size of the Federal Government. I know these are easy things to talk about but difficult things to resolve.

I guess the President is suggesting that as we go about our work we hopefully will keep in mind a couple of thoughts. One is periodic evaluation of programs to make sure they are, in fact, efficient, effective, and still necessary. The other is that we take a look at some of the various prospects which are brought up.

For example, I chair a subcommittee which deals with national historic sites. We have a long list of national historic sites. Some of them, quite frankly, you would have a hard time justifying in terms of any national significance. There are very likely to be some things which are good for the main street of someone's hometown. Of course, we all want to do that. But there needs to be some criteria so it fits into this program.

These are some of the things I hope we can take a look at and make the Federal involvement a little less widespread and make sure what we are doing is done efficiently.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. JOHNSON. Mr. President, I look forward to working with my good friend and colleague from my neighboring State of Wyoming.

There are common grounds on issues that he has raised. I certainly agree that we need to always be on the alert for ways to find efficiencies in our Federal budget. However, I think we also need to keep in mind the reality that the domestic discretionary share of the Federal budget is now about 16 percent of that budget.

As we look at ways to get our Federal budget back into equilibrium, one of the best solutions I believe would be to return to the budget rules which existed throughout the 1990s—the so-called budget rules which require a Congress any time it attempts to raise the spending above a certain baseline or cut taxes simultaneously to explain how it is going to be paid for so that the end result is budget neutrality, allowing the Government to grow its way out of budget deficits. That is the reason we had three consecutive years of budget surpluses in the 1990s. I believe we need to return to that kind of budget discipline. Regrettably, the administration opposes that discipline. But I believe, given the massive size of today's budget deficit, we need to create that structure once again.

It concerns me when people allude to the Social Security trust fund as though it were some fictitious entity. The Federal Government borrows the money currently out of surplus dollars that come in through Social Security taxes—FICA taxes—and then issues to the trust fund a Treasury bond. It is no different than all the other borrowing the Federal Government does. The Federal Government has never in our entire Nation's history reneged on its bonded indebtedness. We would never dream of doing that and destroying our creditworthiness internationally. It would be, I believe, an immoral act to do so.

The only reason there could be a long-term crisis in Social Security is if this administration and future administrations determine not to pay back its bonded indebtedness to the Social Security trust fund. It would be an unprecedented step. We need to make sure that is a step that is not taken. One of the best ways of doing that is to get our overall Federal budget back into equilibrium.

ELECTION IN IRAQ

Mr. JOHNSON. Another issue about which I will share some thoughts with my colleagues today is my hope—and I think it is shared by our entire Nation—that this election in Iraq is the beginning of a new era, beginning of a greater era of stability and opportunity for the United States to diminish its presence in that very troubled place.

My own oldest son served in combat in Iraq, and I appreciate profoundly the sacrifices and the risks and the courage of so many who have served our Nation there and in other dangerous places around the world.

We have this hope while at the same time recognizing that one election does not a democracy make; that the potential for ongoing violence, for chaos in many parts of that difficult country remain, and the election will be viewed more credibly by some than by others. I am pleased the turnout seems to be significant, seems to be supportive, certainly, in the Kurdish and Shiite regions; less so in the Sunni areas where most of the violence has centered. Nonetheless, it is our hope this is a beginning, a start, at least, to the point where we can begin to take troops at some near rather than later time back home to the United States.

We have paid a dear price. We are expending in the range of $2 billion per week in Iraq, in a country that was a regional threat, was not involved in international terror, but which was a regional threat to its neighbors at one time. It certainly is our hope the efforts that are ongoing there will lead to the "Iraqification," if you will, of that country and the development of some self-governance in Iraq. The expenditure has been immense. We have not seen President Bush's budget for the next fiscal year yet. I am told to anticipate we will be spending $1 billion per minute on defense. This is a remarkable undertaking, an obligation that we are going to have to deal with. It is my hope we will in the future approach these conflicts with a greater eye toward multilateralism, toward cooperation with our allies—whether it be NATO, the U.N. or other regional security groups—and that we understand the reality that it is much easier to win wars than it is to win peace. It is certainly our hope that perhaps today marks some beginning in the progress toward if not peace, at least greater peace and greater stability than currently exists in that nation.

I commend the troops who have served with such courage and such distinction, their families. I have contacted two South Dakota parents just today about the loss of their sons' lives. It is something that strikes home to me in a very profound way because of the experience of my own son. These families will never be the same. These losses are devastating. We sometimes see the numbers in the newspapers and treat it as though it were just another daily event, but each and every day these losses constitute a life-shattering experience for so many parents, so many families, so many spouses, so many children. We should never look lightly on the contributions, the courage, the distinction, the professionalism exhibited by these troops, and let us, as a Senate, do still more to see to it that to the degree we put these young men and women in harm's way we do so selectively where no other recourse is realistic and that when they are in harm's way they have the equipment, the ammunition, the body armor, the other resources they need to minimize what is already an enormous risk to each and every one of them each day they serve in that country.

I express gratitude to our troops, their families, and caution that we still have a long way to go. The administration has indicated we may have troops in Iraq for another 5 years. I hope it is not that long. I hope we can see progress that will allow us to get every single one of our troops home sooner rather than later; that we can get this massive expenditure off the shoulders of America's taxpayers and be able to devote more of those dollars to the domestic needs we have in the United States, but at the same time recognizing yesterday was a day of some hope and expectation that perhaps better times will come in Iraq.

I yield the floor.

The PRESIDING OFFICER (Mr. ALLARD). The Senator from Illinois.

Mr. DURBIN. Mr. President, first I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

Mr. DURBIN. Mr. President, let me acknowledge my colleague from the State of South Dakota, who is unique in this Chamber. Those who voted on the question of whether America should go to war in Iraq were certainly representing our constituents in thinking of the American people in that historic and tremendous decision. My colleague from South Dakota, TIM JOHNSON, was the only Member of the Senate who understood that decision would affect his family directly. I am glad your son is home safely. I am glad he is now living in Illinois. I hope he is still enjoying that experience and happy about his recent marriage to a Lithuanian-American woman, and I wish them the very best.

For those who ask the question, and it has been asked by some. How can Members of Congress appreciate what a war means if none of their children are serving, my colleague, TIM JOHNSON from South Dakota certainly understood that personally as others have in the past.

What a great triumph yesterday. There was a possibility that all the violence in Iraq would discourage people from voting. One can understand that when they are lobbing mortar shells in the green zone, the protected zone in Baghdad where American soldiers a couple weeks ago were eating a meal. One can understand the vulnerability of life in Iraq.

Each citizen had to make a decision yesterday in Iraq, whether to risk their life to vote. It appears millions were prepared to do so. As Senator LOTT of Mississippi said earlier, after they voted, they dipped their finger into this indelible ink, an indication they had already voted so there was no duplication voting, and that ink was on their hands today, testimony, as well, for the insurgents that these Iraqis had defied the insurgency to cast a vote for their future.

It was a great triumph, a triumph of human spirit, and a triumph for the Iraqi people, all that they have been through, to finally have this moment to have an election. A great deal has to be said for the men and women of our American military who made it possible. They risked their lives again yesterday, as they do every day in Iraq, to try to bring this to a peaceful end. They were successful yesterday in creating the zone of safety so that the Iraqi people could be part of this triumphant moment in their history.

I thought about that triumphant moment as I reflected on information I received over the weekend about two Marine Corps corporals from Illinois who died on January 26 of last week in the deadliest day of the war for the United States. That was the day when the Marine Corps helicopter crashed and 31 Marines lost their lives. Among those 31 Marines were Hector Ramos of Aurora and Nathaniel Moore of Champaign, young men in their twenties who volunteered to serve this country, who with great pride joined the Marine Corps, went through the rigorous training, and went off to risk their lives for America. That story has been told and retold thousands, tens of thousands, hundreds of thousands of times, but we do not appreciate how important that decision is by each of the men and women in the military until a tragedy occurs, as it did with the crash of this helicopter a few days ago.

I read the stories in the paper about the two young men. They were excellent people. I am sorry I did not get to know them. I dropped notes to their families expressing my sorrow about their loss, and I am sure everyone in America will join in expressing sorrow for the loss of some 1,400 now, American soldiers, who have made the supreme sacrifice in this war in Iraq.

What it leads to is this: If yesterday was a turning point in Iraq for their self-governance, the question I am prepared to ask is, Was yesterday a turning point in terms of Iraq's security in its future? We have been trying for almost 2 years to train Iraqis to take responsibility for guarding their own country, and we have had a terrible time of it. The administration gives us inflated numbers, 120,000 Iraqis in their army and security force, and yet other military experts say no, only 4,000 will be willing to stand and fight. Many more have gone through the training, but they are not willing to defend their country.

So what happens? One-hundred fifty thousand Americans risk their lives just like the marines who went down in that helicopter last week and the others who have died since.

My question to this administration in the White House here, as well as the new government in Baghdad, is this: Now that you have reached this new point in your history of self-governance, of the responsibility of controlling your own future and your own fate, will you now step up and meet with our President and our leaders and discuss the day and how soon it will come when Iraq can defend itself? How soon can we expect Iraqis, trained, well-equipped, to stand in and take the place of American soldiers to come home?

Illinois is not unlike a lot of other States. Seventy percent of our National Guard have been activated or have already served in Iraq. I have attended sendoffs and the welcome-homes. They are emotional times. I went a few weeks ago to Litchfield, IL, and saw 80 of our National Guardsmen who were activated in an infantry unit off for 5 months training in Ft. Stewart, GA, and for a 12-month deployment in Iraq. Emotions ran high in the Litchfield High School gymnasium that Saturday afternoon as the troops stood at attention and the families faced them and we all wished them the very best and told them they would be in our prayers, as they should be.

I would like to be able to say to the families who are waiting anxiously back in the United States that the election yesterday meant something. It meant that we have reached a turning point. It meant that Iraq is now going to take responsibility for its own future. We have been talking about it for a long time, for over a year and a half, and have little to show for it. Now is the time for concrete results, for this administration to meet with the new Government of Iraq and to start moving in a specific pattern, in a definable schedule, toward a real goal of starting to bring American troops home.

When I hear that, then I will be ready to stand up and applaud what happened yesterday; not just for the courage of the voters but the courage and leadership of the new Government in Iraq, that they will stand up for their people so that our soldiers can come home safely, which is what we all pray for.

That is what I took from yesterday's election, a great triumph for the Iraqi people. Tragedies that we have seen involving Americans, I hope, will diminish now. This administration has to move us beyond the promise to the reality of the Iraqis defending themselves.

ENERGY

Mr. DURBIN. In the New York Times yesterday, Thomas Friedman, their foreign correspondent, made a valuable suggestion that relates both to the Energy Department, which Dr. Bodman will be heading, as well as our challenge in the Middle East. It is a point

I have made but not as eloquently as Thomas Friedman in his article.

He said he is now part of what he calls a "geo green movement," and he defined it as follows: The United States of America should be moving toward energy conservation and new renewable sources of energy to lessen our dependence on foreign oil.

The vast majority of Americans believe that is a good thing. I certainly do. You would believe that most people in this Chamber would. But not when it comes to the actual votes on better fuel economy and better fuel efficiency for America's trucks and cars. I have tried several times unsuccessfully to pass this.

How can we honestly talk about reducing our dependence on foreign oil when we continue to drive these SUVs and trucks and cars with worse gas mileage every year? Almost 50 percent of the oil we import goes into refineries in indoor gasoline tanks. And unless or until we use less of that oil, we cannot reduce our dependence on foreign oil.

The point being made by Mr. Friedman in his article is that when America needs less foreign oil, and the price of a barrel of oil comes down, then a lot of these countries in the Middle East that supply us with oil will no longer be able to subsidize the lifestyles of monarchies and the governments of inequity. They will be forced to open and diversify their economy. Women will go to school. You will have more training of people in the workforce.

But as long as we have an inflated cost for a barrel of oil, and they are bringing millions if not billions of dollars from the United States into these Middle Eastern countries, there is no impetus or force for change in that society or lifestyle.

So Mr. Friedman challenges us in Congress and in this Government to move toward more fuel efficiency and more fuel economy, to lower the price of oil and to create another force toward democratization, toward opening the societies and governments of the Middle East. It is hard to do. It is hard to do without Government action.

My wife and I were recently looking for a new car, so we kind of laid down some rules: We wanted to buy American. We did not want an SUV. We did not need a big car like that. And we wanted something that is fuel efficient.

Well, good luck. In America, there were not many choices. We kept reading about the Ford Escape hybrid. As we read about this possibility of 35, 36 miles a gallon in the city, we went out and put in an application for one. Do you know it took 5 months to get it? Those cars are in such high demand now you cannot buy them.

So there is a market out there, and we need to encourage that market for fuel efficiency and fuel economy. It is not only good for reducing our dependence on foreign oil, it is good for the environment to burn less gasoline.

I gave a speech 2 weeks ago in Chicago to a group of professional engineers and talked to them about energy and about the need for conservation. They stood up and said: We can't understand why the Senate doesn't get it. Why aren't we moving toward more fuel efficiency and more fuel economy?

Well, the honest answer is this: The Big Three in Detroit have been slow to this issue. Once again, they were scooped by the Japanese who offered hybrid automobiles long before Detroit offered them.

Why, with all of our great engineering schools, with all of the great scientists and departments of science in our major universities, do we always run a distant second when it comes to this new technology on automobiles and trucks? I do not understand it. Detroit seems to be a year behind consumer needs and appetites. I hope that changes, and changes soon.

I spoke to Dr. Bodman about this, and he reminded me it is more the province for the Department of Transportation than the Department of Energy. But when we consider an energy bill Senator DOMENICI will bring to the floor soon, look closely to see if there will be one word in there about fuel efficiency in cars and trucks. The last time there was scant reference to this challenge we face.

Well, we have to look at that from a new perspective, an honest perspective that will not only help us and our environment and lessen our dependence on foreign oil but force some changes in the countries in the Middle East which, sadly, will not change unless there is some outside force.

DARFUR

Mr. DURBIN. Mr. President, I would like to speak to an unrelated issue but one which has been of great concern to me for some time and to many of my colleagues on both sides of the aisle; that is, the situation in Darfur.

Last week, the United Nations Commission on Inquiry was expected to issue its report on the Darfur situation in Sudan. Public releases have now been delayed until the beginning of February.

That is unfortunate given the urgency of the crisis on the ground. It is one more delay among so many that have cost lives and delayed justice.

What media attention the Commission's report receives may focus on the question of genocide. That question revolves around whether the tens of thousands of killings, the systematic rapes, the destruction and bombing of villages, the burning of fields, and the poisoning of wells in Darfur constitutes genocide.

I believe it does. Congress has called it genocide in a resolution which we passed on a bipartisan basis last year. President Bush has called it genocide.

The use of that word is significant. President Clinton—and I supported so many parts of his administration—made a serious mistake in foreign policy in not referring to Rwanda as a genocide. Many Americans now are seeing through the movies what happened in Rwanda. They read about it, but it was so far away. This movie "Hotel Rwanda," talks about one man who tried to save so many innocent people during the course of what was clearly a genocide. For reasons I cannot explain, the Clinton administration was reluctant to use the word.

Now comes the situation in Darfur in Sudan. And this administration, to their credit, has used the word "genocide." Why is that important? It is important because civilized countries of the world agreed, decades ago, that if a genocide should occur, we will not stand idly by. Now, why? Because we remember what happened in the holocaust in World War II.

You probably saw the references over the weekend to the anniversary celebration of Auschwitz and some of the surviving prisoners who went back, Jewish survivors who came to that same place where so many lost their lives, remembering what happened 60 years ago, and how they were finally liberated by the Russian soldiers who came to cut the barbed wire and free them. That was a genocide of the Jewish people and others.

We decided after the knowledge of that incident that we would stand as civilized nations and say: Never again. If there is a systematic attempt to kill off a people or a population, we will respond. That is why the use of the word "genocide" by Secretary of State Colin Powell, by the Congress, and by the President has such historic significance—not that we are just acknowledging the problem, but we are acknowledging a responsibility to do something about it.

Think about that. If we accept the moral responsibility of recognizing the problem, do we not have an equally great if not greater moral responsibility to do something about it?

That word, "genocide" was invented in the killing fields of the 20th century, but it certainly describes Darfur.

The use of the word matters. It carries the weight of history in a way that no other word can.

But calling it genocide by our Government has not stopped the killing in Darfur. It has not triggered a meaningful international response because words, no matter how much they matter, are not actions.

The discussion that emerges from this report should not be about words; it should be about action and what we can do to stop the killing.

A few weeks ago, Sudan reached a landmark peace agreement. You see, this poor country was driven by two conflicts, one in the south and one in the west. Sudan reached a landmark peace agreement relative to the north-south conflict, the conflict that has racked their country for decades.

The Naivasha agreement should be celebrated. But this peace agreement does not include Darfur, a separate region that is facing its own genocidal conflict.

In the last 10 days, over 100 people have been killed and more than 9,000 were injured by Janjaweed rebels, according to the United Nations. Reports from the BBC indicate that the Sudanese Air Force may have bombed a Darfur town, killing another 100 people.

Today, there are approximately 1,400 African Union troops in Darfur, a region roughly the size of France or Iraq—1,400 peacekeepers from the African Union. They cannot stop the killing. In fact, that is not even their mission. They are supposed to be monitors of the cease-fire that has badly broken down. Their mission is just too limited, and their resources and numbers are too few.

Eleven years ago, we failed to act when the machetes came out in Rwanda. Eight hundred thousand people paid for our inaction with their lives in that African nation.

We cannot make the same mistake in Darfur. Americans understand that. When Americans were asked in a recent poll whether they thought the United Nations should step in with military force and stop the genocide in Darfur, three out of four Americans said yes. The support is bipartisan. In fact, Republicans favor intervention even more wholeheartedly than Democrats in this poll.

Almost two-thirds of those surveyed believe the United States should be willing to contribute troops to an international effort to stop the genocide.

Let me just say a word about that. As I would have the troops, 150,000, start coming home from Iraq, and it would take a small fraction of that number to create a presence in the Sudan to make a difference. President Bush demonstrated that in Liberia last year. Just the mere presence of some marines on the ground stopped the killing.

When they come to understand—these African rebels, these killers—that the United States will stand up to them, they back off. African Union troops, 1,400 of them, have not been able to convey that message. Americans believe the world should act, but they do not believe it will, according to the same polls. I hope our actions prove their pessimism wrong.

In Sudan, we have seen violence carried out by the Government, in some cases by antigovernment rebels and by the Janjaweed, the government-sponsored militia whose name translates roughly as "evil horsemen."

Now, the Book of Revelations in the Bible reads as follows:

> I looked, and there before me was a pale horse. Its rider was named Death, and Hades was following close behind him. They were given power over a fourth of the earth to kill by sword, famine and plague, and by the wild beasts of the earth.

That must be what it feels like to be the people of the Sudan when the Janjaweed ride in.

In the New Yorker this summer, Samantha Power, who has written so forcefully about genocide in the history of the world, and particularly in Rwanda, described a woman named Amina. This 26-year-old mother found the wells of her village stuffed with corpses. One of them might have been the body of her 10-year-old son. She is not sure. She only found his decapitated head. That is one story among 70,000 in Darfur—70,000 stories of men, women, and children who have been killed. And their numbers grow every day.

We have to help stop this. The people of Darfur have borne witness to all four horsemen of the Apocalypse—conquest, war, famine, and death.

The United States needs to forge a long-term strategy toward Sudan that helps that nation build on its north-south peace agreement. It is our responsibility, based on international law, strategic interests, and moral values.

The Convention against genocide spells out our legal obligations. Strategically, Sudan is the largest country in Africa. Its influence extends well beyond its borders. And from a moral perspective, the victims of conflict in that nation demand mechanisms for justice, peace, and reconciliation. We must be our brother's keeper.

Darfur represents a turning point for Sudan, for Africa, and, yes, for the world. If we can collectively respond, however belatedly, we set a new benchmark, not for death and destruction but for conflict resolution and accountability.

President Bush, in his inaugural address, said that our freedom in America is attached to the freedom of other peoples. Some said he went too far, that was too broad a mandate. The United States cannot, in fact, police the world. And the President answered by saying that is our aspiration, our ideal, our goal. It is not a commitment we will do in every country where freedom is being lost every day. I think that is a reasonable response from the President. But certainly in this Darfur region we understand the lack of freedom relates directly not just to tyranny but to death.

There are a series of concrete steps we ought to take. First, I believe the President should name a new special envoy for peace in Sudan. John Danforth, our former Ambassador to the United Nations, showed us how important that position can be. My hope is the President will name another individual of similar stature and ability to direct our efforts.

Second, the African Union has undertaken a noble mission, but it is underfunded and undermanned. We have to work with the African Union to provide whatever logistical or technical assistance is needed to speed up this deployment.

The African Union represents the vanguard of conflict resolution on the continent of Africa. Anything we can offer to help it expand its peacekeeping capabilities will have repercussions and benefits far beyond the nation of Sudan.

Third, the people of Darfur deserve justice. It took too long for the world to pay attention, but the fact is, we have finally awakened.

If there is no accountability in Darfur, what hope is there elsewhere? Otherwise, the message we send is that one may kill, rape, and terrorize with impunity because while the world may call this genocide, it does not act.

The International Criminal Court was founded to address "the most serious crimes of concern to the international community." What can be more serious, more heinous, than the genocide that has taken place in Darfur, that is still taking place in Darfur?

The International Criminal Court was designed just for this terrible moment, and I believe the United Nations Security Council should refer this case to the ICC.

In a recent editorial in the Washington Post, former Bush administration official Jack Smith argued that support for the ICC was inconsistent with U.S. law and administration policy. Smith wrote:

> The Darfur case allows the United States to argue that Security Council referrals are the only valid route to the ICC prosecutions and that countries that are not parties to the ICC (such as the United States) remain immune from ICC control in the absence of such a referral.

An ICC referral has the advantages of speed and structure, but it is not the only path to justice. The Security Council could instead authorize the creation of an independent tribunal on human rights and crimes in Darfur as it has for Rwanda and other cases. This will cost more money, and it will probably cost time, but it is an option. What is more important is that the international community pursues accountability in one form or another.

The United States should also share its evidence of genocide with whatever body is named to seek accountability for the terrible crimes in Darfur.

President Bush spoke last week in soaring, inspiring rhetoric about liberty, freedom, and our place in the world. But there is no liberty without basic human security. There is no freedom when armed men sweep down upon your village, raping and murdering its inhabitants. And there is no justice when the world recognizes all these terrible facts and yet does nothing.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMAS). Without objection, it is so ordered.

Mr. DOMENICI. I ask unanimous consent that I be permitted to speak up to 10 minutes as in morning business.

The PRESIDING OFFICER. The Senator has that right.

FREEDOM RINGS IN IRAQ

Mr. DOMENICI. Mr. President, this is a very pleasant and happy day for the Senator from New Mexico, and I hope for many Senators, Americans, and people who like freedom around the world.

I congratulate the President of the United States. He has had a very powerful commitment to freedom and democracy in Iraq. There has been discussion for many months about whether our mission in Iraq would work and about why we are there, but I think today we have seen the first giant step toward freedom for the wonderful Iraqi people who have suffered so long under tyranny and were made slaves, whose loved ones suffered, were enslaved, murdered, entombed, and killed. Thousands emigrated from that country. This is a great day for them, and I think they showed us that it was a real issue.

I am sure many did not believe these people would risk anything serious, including their lives, to have a chance at freedom. The President, by his strength of character and commitment against many odds, carried this issue forth to an electorate and an election, and has stayed with it until this great day when we saw grassroots freedom come alive.

This is an occasion when some might wonder whether we ought to have a free press over there observing things, especially in a war zone so to speak, but this is an occasion when it is obvious that it worked. Even skeptics who were there could not deny reality. The reality was that people, young and old, were not afraid of the threats of terrorism and risked everything for that little idea of exercising their franchise. We saw them putting up their inked finger indicating "I voted." I thought it was tremendous. For that, I am very proud that I supported the President in this. I hope he is proud of what he has done.

I don't want anyone to think the Senator from New Mexico does not understand there are many pitfalls, and there may still be some that are difficult to overcome.

Ultimately, freedom and democracy are not the end. You have to have some kind of economic prosperity, stability, and law and order. I have said democracy and freedom do not work too well if you are hungry, if you are starving. That makes it pretty easy for people who would overturn freedom and democracy. The Iraqis are a fortunate people. They have a lot of resources. Let's hope they can develop them to the betterment of all their people.

There are three things I am thankful for today. The second is the U.S. military. We send our military to do much on behalf of the American people and to accomplish missions we think are important. This one I am sure many people looked at and said: They are just not going to be able to do it; this is not a role for American fighting men; they can't help with the voting; they can't get rid of the terrorists in sufficient numbers, even with sufficient intelligence and planning, to let an election move on. A lot of people thought that.

I submit that those who run the American military at the top, and those whose boots are on the ground and who run the machinery and equipment, are sending a signal: You asked us to do something. Give us some time and we will solve the problems and we will do it.

Didn't they do that and prove it yesterday? Did anybody think it could be so peaceful in so much of Iraq? There was so much opportunity for people to walk to the polls and not get killed, to see their neighbors going and then get sufficient strength and courage to join them because the terrorists were not there. There was some terrific plan, with the Iraqi soldiers who were getting trained, and ours, to create this safe haven, a significant safe haven. I surmise that a lot of hard work took place in the rooms where planning is done, in the evenings when people work, between our military leaders and the new budding leaders of the Iraqi military and Iraqi law enforcement.

I think the Iraqi police and military probably were invigorated by this event, and I would think that they, too, will be stronger and better for it.

Again, as I have on a number of occasions in my years as a Senator—it is going on 33, so I have seen a few victories—I have seen a few involvements where it was very difficult. I have seen the Vietnam war, seen the Korean war a little bit; I have seen great achievements and otherwise, but I think this is a rather significant indication of how our military will help us if we will help them.

I am so proud we did not get to the point where the naysayers in America made it impossible for the military to do their jobs. It was getting ever closer to that, but it did not get there. I think that is very fortunate for freedom, liberty, and the whole Middle East—a terribly important part of the world.

Then, lastly, I congratulate the Iraqi people. Many of those who did not like what was going on over there, many who voted for us to go in and changed their minds—there were 77 Senators who voted for us to do that, go in—to some who had just been against it turned and were accusatory of our President. Some called him a liar. Some said he had misled. That is for another day, another argument, which I have already made that I think clearly indicates those kinds of things were not true. There were no weapons of mass destruction, but that doesn't mean there were lies about it.

But some said the Iraqi people should have been dancing in the streets as our military marched through and went to Baghdad in such fast order, you recall, with very few lives lost in the American military, and very few Iraqis. But there was not laughter and joy and marching bands in the streets. But when the day finally came, when the people thought they were really rid of the tyranny of Saddam, they did. They did come forward with joy in the streets and hope in their eyes, feeling very satisfied with the job they were doing by going to vote.

So it is a very pleasant task for a Senator to come to the floor after having heard so much negative about that, even negative about our military leaders, and to say to them, to the Iraqi people, the President, to the American people who have supported this effort for freedom—we all have supported it with a lot of our tax dollars, along with our best men and women and a great deal of equipment and other things—Job well done. May the next set of actions that are required come forth and be as good as this for the people there in Iraq and the Middle East. I only hope that as we look at this and are rather pleased as Americans, that some of our normal and natural allies in the world who have become pointedly in opposition to what we have done and have carried it even further, to where people seem to think Americans are not their friends and they don't want to be our friends and we have qualities and attributes they don't like, I hope this sends a signal that maybe they ought to become more rational and reasonable about what we mean to each other. After all, we have been through a lot together—France, Germany, Italy, Belgium. We don't have to worry about the English. They have been with us all the way. We have been through a lot of sweat and blood in the name of freedom with those allies, to our cost in lives and to our cost in billions of dollars. It is not that they owe us anything. But I think they might at least say they might have been wrong in this or at least maybe the American President had a reasonably good idea and how we ought to get together and hope that together we will try to make it work. I hope that is not asking too much.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. VITTER). Without objection, it is so ordered.

SOCIAL SECURITY

Mr. HARKIN. Mr. President, I am going to make some remarks today regarding the now unfolding debate regarding the future of Social Security in our country. I don't intend that my remarks will be the end of what I have to say about it, but only the beginning. I envision this to be a long and serious and involved discussion over the next weeks and months regarding Social Security, the future of Social Security, what we are going to do about it as a country, and what the President might be proposing also.

At the outset, let me say that Social Security is the most enduring and popular and successful Government program in our Nation's history. When Social Security was created in 1935, nearly 50 percent of seniors lived below the poverty line. Americans did not look forward to retirement; they feared it. But today, thanks to Social Security, the number of seniors living in poverty has been reduced to 10 percent, and most Americans are able to look forward to their retirement as their golden years—years to be spent enjoying their grandkids, their community, traveling, and having better health. It is an extraordinary achievement for this country to have achieved just since World War II.

Now, to understand the success of Social Security, we have to be clear about what Social Security is not. It is not a welfare program. Only those who work and pay into Social Security are eligible for its benefits. Likewise, Social Security is not an investment program. For that, we have IRAs, 401(k)s, individual development accounts, IDAs, and a vast range of private saving and investment accounts.

So if Social Security is not welfare and if it is not a retirement investment program, then what is it? Well, simply put, it is an insurance program. That is why it is called Social Security insurance. It was established in 1935 to provide benefits to workers and their family members—yes, upon retirement, disability, or death. In fact, the original name for Social Security was the Old Age Survivors and Disability Insurance Program, or OASDI, as we have come to know it.

Social Security is a social insurance program that embraces almost the entire American family. It is the highest expression of our connection and commitment to one another. It reflects our core values, our compassion, our decency, our bedrock belief that no senior, no orphan, no survivor, no person with a disability, no member of our American family will be left behind.

I talk about it in terms of our American family because I make the analogy with our own private individual families. In good times, in normal times, the individuals in our own families are independent, self-sustaining, going their separate ways, building their individual good futures. But in our own families in times of misfortune, financial crisis, old age, or death that is when individuals in the family pull together. We come together, sacrificing, if necessary, to give aid, comfort, and support to the family member who is in need.

As Americans, we all value the benefits of the free marketplace. We all believe in individual responsibility. However, we also know that sometimes markets fail. We also know sometimes people fall on hard times, through no fault of their own. Sometimes people become disabled. That is exactly why we have a social security insurance program, to provide a basic safety net for the elderly, for survivors, and for Americans with disabilities.

Social Security has a deep meaning for me and my family, and it is a story I will be telling a little bit today, and I will be enlarging upon it later, but it has to do with my family when I was young, but as it relates to a lot of families today.

I was born in 1939. My father was 54 years old when I was born. My mother was 44. When I was 10, my mother died. My father had three kids under the age of 18. My father had only an eighth grade education. He worked most of his life in the coal mines in Iowa. Not too many people know we had coal mines in Iowa. During the Depression, he worked on WPA programs. In fact, on the wall of my office I still have his WPA card to remind me from where I come.

Then during World War II, when my father was in his fifties—the coal mines pretty much shut down—he was able to work in an ordnance plant and had paid in the requisite quarters to qualify for Social Security.

So when my father reached the age of 65, which was in 1951—and I was now 11 years old—he was in bad health. He suffered from what we called miner's lung in those days. We did not call it black lung; we called it miner's lung. Basically, the most he could do was to work odd jobs, painting houses, fixing things up, and other jobs such as that.

His total Social Security check at that time was about $120 a month. That was the sole source of income for our family. We had no outside income. He had no savings. We owned no land. We owned no stocks. We owned no bonds. We owned nothing except the little house we had. So that $120 a month was our total family income. We lived on that.

I relate that story because when we were young and growing up, Social Security was the only thing standing between us and welfare. We all worked as kids, even at 12, 13, 14, 15. We all had jobs, whether it was working on farms or whatever it might have been. But the fact that my father was able to get Social Security when he was 65 and he was unable to work—most people in those days were unable to work because they worked pretty hard all their lives—was what kept us together as a family.

One might say that was then and today is different. Things have not changed all that much since the 1950s. Today one out of every five seniors, 20 percent, rely on Social Security for 100 percent of their income. For two-thirds of our seniors, Social Security is the major source of income. There may be a little bit of something else. In fact, according to the publication of the Social Security Administration, in the year 2000, nearly 48 percent of American seniors would have fallen below the poverty line if they had not received Social Security. In other words, take away Social Security and we are right back to where we were in the 1940s or 1950s with nearly half of America's seniors living in poverty.

I understand that we have long term problems to deal with in the Social Security program. However, the good news is that Social Security is financially strong and will remain strong for decades to come. This year Social Security will run a surplus in the neighborhood of $150 billion. The cumulative Social Security surplus now stands in excess of $1.6 trillion. And guess what. Every single one of those dollars is invested in rock solid Treasury securities backed by the full faith and credit of the U.S. Government.

What is more, according to the 2004 Social Security Trustees Report, in the year 2003, surpluses in the Social Security trust fund earned an average interest rate of 6 percent. By contrast, over the 5 years ending with 2004, money invested in a stock fund tracking the Standard & Poor's 500 Index would have lost an average of 2.4 percent per year.

Many people say that money you put into Social Security is gone; it is not there; the Government used it. When they devised Social Security they said: Yes, Social Security money has to be invested in Government securities.

Why? Because Government securities are backed by the full faith and credit of the U.S. Government.

I have been hearing this nonsense for the more than 25 years I have been in public life: Oh, Social Security will not be there for me. More young people today believe in UFOs than they believe that Social Security will be there for them when they retire. Every time I have a town meeting someone gets up and says: We have to change Social Security; it will not be there for me when I retire.

I say: Let me ask you this. Do you believe the U.S. Government, the United States of America will still exist when you retire? Of course, everybody says yes. Of course, the United States of America is going to exist for a long time.

Well, then, I say your Social Security is going to be secure, too, because it is backed by the full faith and credit of the U.S. Government. The United States has never defaulted on a bond, and we never will.

So to those who say that somehow Social Security will not be there, the Government is going to default and not pay the bonds, right now China is buying U.S. bonds, loaning us money every year to finance our deficit. Are we telling them, Hey, guess what, China, those bonds may not be any good; we may default on those?

Do we tell the private sector that is buying a lot of Government bonds for their portfolios, Hey, guess what, it might not be there? The reason Government bonds are so good is because it is backed by the U.S. Government. That is why Social Security will be there. That is the truth that those who want to privatize Social Security are not telling us.

Does Social Security face a challenge nearly half a century from now? Yes, it does. According to the Congressional Budget Office, in the year 2052 the huge surpluses in the Social Security trust fund will have been used up. But payroll taxes will continue to roll in, allowing about 73 percent of scheduled benefits to be paid indefinitely. Clearly, the 27-percent shortfall will be a challenge. That is about 45 to 47 years from now, and for that reason I welcome the current discussion of ways to address the current challenge. Now, since I have been in Congress—and that has been now 30 years—we have adjusted Social Security twice. Since 1935, we have adjusted it several times. With changing times and circumstances, as we look ahead we make changes, and we are going to have to make some changes now, but not as drastic as some people are saying.

I am interested in hearing the details of the President's plan in his State of the Union speech on Wednesday. Reportedly, at least from what I read in the papers, he will propose a partial privatization of Social Security. Guess how it is going to be financed. By up to $2 trillion in new borrowing over the next decade. Where are we going to borrow that money? We will have to float bonds.

Who is going to buy the bonds? Well, right now the biggest buyer of our bonds is China and Japan. Are we going to tell them we may default on those bonds? No. We are telling them that those bonds are good.

According to other reports, the President plans to follow the advice of his 2001 Commission on Privatization, which recommended that future Social Security benefits be cut by 40 to 50 percent. Well, with good reason Senators from both parties have been very skeptical and critical of these approaches. As even conservatives acknowledge, private accounts have nothing to do with ensuring the long-term financial health of Social Security. One person even described private accounts as "a solution in search of a problem."

What is more, the proposal to cut benefits by 40 to 50 percent is not just Draconian, it is totally unnecessary. It feeds the suspicion that the President's real aim is not to save Social Security but to drastically shrink it as the first step toward eventually ending it, like Grover Norquist wants to do.

I will focus the remainder of my remarks today on one part of Social Security that is not being talked about. I have one big overriding concern. I am concerned that those who want to privatize Social Security have almost totally ignored the fate of some 6.2 million Americans with disabilities, people who in many cases desperately depend on Social Security disability benefits.

President Bush says he has no current plans to cut disability benefits, but unfortunately the President seems not to understand that in our Social Security system both the retirement and disability programs are closely linked.

They use the same formula for determining benefits. In an interview with The Washington Post published on January 16, the President acknowledged that:

> Frankly, our discussions in terms of reform have not centered on the survivor/disability aspect of Social Security.

Meanwhile, the President's Commission on Social Security devoted a mere two pages out of its 256-page report on the fate of people with disabilities. Many advocates of privatization simply assume that disability benefits will be treated the same as retirement benefits. Certainly this was the working assumption of the President's Commission.

The Associated Press reported on January 18 that in the Commission report, disability benefits get reduced along with retiree benefits, in some cases up to 46 percent. The cuts were used to make the plan's finances add up in a report.

Disability benefits get reduced in some cases up to 46 percent. Let me quote from the Privatization Commission's report, page 149, if anyone is looking it up:

> In the absence of fully developed proposals, the calculations carried out for the Commission and included in the report assume that defined benefits will be changed in similar ways for [both retirement and disability] programs.

The Commission says it is not necessarily recommending this, but the proof is in the numbers. All of the Commission's calculations assume that disability benefits will be cut the same as retirement benefits. Without those cuts, the Commission's numbers simply do not add up.

There is at least one other proposal on the table for dealing with the 6.2 million Americans who now receive disability benefits. Some advocates of privatization have suggested that these people be thrown into the Supplemental Security Income Program, SSI. The callousness of these proposals is deeply disturbing.

I will state what ought to be obvious to Senators on both sides of this discussion. It is outrageous to treat Americans with disabilities as a mere afterthought in this momentous debate. It is unacceptable to leave them as collateral damage when the smoke clears and the casualties are counted.

Here is the crux of the problem: The President's Commission has proposed dramatic cuts in Social Security by calculating future benefits based on changes in the Consumer Price Index. This approach poses huge risks to recipients of Social Security disability benefits and also to widows and orphans who receive survivor benefits. Bear in mind that Social Security currently uses basically the same benefit formula for all categories of beneficiaries. So if retirement benefits are slashed by nearly half, disability benefits will also be slashed in the same across-the-board fashion with catastrophic consequences. Everyone appreciates that the Social Security payroll tax purchases a very good defined benefit upon retirement. What is not fully appreciated is that the payroll tax also purchases an excellent disability insurance policy, one that would be difficult, if not impossible, to purchase on the private market.

I am going to repeat that. What is not appreciated is that our payroll taxes buy an excellent disability insurance policy, which would be difficult, if not impossible, for you to buy in the private market.

Here are the facts. For the average wage earner with a family, Social Security benefits are equivalent to a $322,000 life insurance policy or a $233,000 disability insurance policy. I had my staff look into how much it would cost to replace those benefits in the private market. The cost of the life insurance alone could be substantial. For instance, the cost of a modest $100,000 term life insurance policy—that is just a term policy—varies from $140 a year for a healthy 25-year-old to $3,815 a year for a not-so-healthy 45-year-old.

The more shocking news is that you cannot accurately price a policy that would make up for disability. The vast majority of currently available disability policies are group policies. Right now, the only people who buy personal disability insurance are members of small, self-selected groups of people who are at a lower risk of becoming disabled, and these group policies are not stand-alone policies; they are supplemental policies. They just replace a percentage of income beyond what Social Security disability pays. So any change that lowers Social Security disability payments would actually raise the price of private disability insurance, because there would be a larger gap to make up between what people get from Social Security and a minimum replacement level.

More to the point, this kind of disability policy would not be available to just anyone. For instance, according to Patricia Owen, the former Associate Commissioner of the Social Security Administration:

> Private insurance generally will not cover the blue-collar occupations. And long-term disability insurance for workers is the least offered. With Social Security disability insurance, all are covered. I would guess that the price of private long-term disability insurance would be at least 4 to 5 times higher than the percent of FICA that goes to disability insurance.

Young people better start thinking about this. They better start thinking about what this privatization means in terms of disability.

Any one of us on the floor today, anyone watching us—an accident could happen tomorrow and you could be disabled. I am concerned that in the rush to privatize Social Security we are failing to consider unintended consequences. Americans with disabilities are at risk under the privatization plans now being discussed. I think what we have here is a crisis of mass destruction. Before we went into Iraq we had the weapons of mass destruction. We found out they didn't exist. The President now says there is a crisis in Social Security that justifies slashing benefits by up to 50 percent, that justifies borrowing up to $2 trillion to partially privatize Social Security.

Just as there were no weapons of mass destruction in Iraq, there is no crisis in Social Security. But if we go down this path of privatizing Social Security, cutting benefits, making it harder to get disability coverage, we will have mass destruction all right, we will have mass destruction of the American family, our American family, pulling together, helping each other in time of need by putting us all in this great big pool called Social Security insurance.

If the President and Mr. Norquist and those privatizers get their way, we will have mass destruction all right, here in our country—to our way of life, to our American family. We will have mass destruction to a future that people can look forward to knowing that if, they become disabled, they are going to have a safety net to look forward to. If the major breadwinner in the family, he or she, gets killed, dies unexpectedly, that the survivors will have a safety net to get them through school; looking forward to a future when you retire you will have some golden years and you will know that your future retirement years don't depend on whether the stock market goes up or the stock market goes down, that it only depends on one thing, the survival of the United States of America. That is what Social Security is.

I can tell you that in recent weeks my office has been flooded with letters and e-mails from my fellow Iowans who are deeply worried about the reports they are reading. They read about the President's 2001 privatization commission. Many of them know that the calculations assume disability benefits will be slashed. They have heard the proposals that we will just take people with disabilities and put them into SSI. This is deeply disturbing for people with disabilities who rely on Social Security, not just for income but for their dignity.

Social Security disability insurance has been a lifesaver for countless Americans. I think of Steven Cook, a former truckdriver from Iowa City, IA. After a lifetime of working hard, playing by the rules, he found himself unemployed, sleeping in his car, and diagnosed with renal failure. After qualifying for Social Security disability insurance and corollary health benefits, he was able to receive a kidney transplant and begin to put his life back together.

I don't want to add to the worries and fears of people with disabilities, people such as Steven Cook who rely on Social Security, but we have an obligation to raise these issues now, to discuss them, and to find out what those unintended consequences might be of the privatization of Social Security. As I said, the calculations and projections of the President's Commission on Privatization assume that disability benefits will be cut along with retirement benefits. The Commission recommended that "the President address the disability insurance program through a separate policy development process."

That recommendation was made 3 full years ago, but, to my knowledge, there has been no such effort to develop any policy to safeguard the disability insurance program. In the absence of any reassurance from the administration, Americans with disabilities—widows and their survivors and orphans—have been left with the worst: Their benefits are going to be slashed in a draconian fashion. This is not compassion, and it is not acceptable.

I have come to the Senate floor today to raise these profound issues. It is time to talk about the fate of millions of Americans with disabilities who rely on Social Security benefits. Is the administration developing a plan to protect these people? Does the administration intend to take its cue from the Privatization Commission and propose steep cuts in disability benefits? Americans need answers. More than 6 million Americans who rely on disability benefits need answers, as we all do. Any one of us could become disabled and face a dire need of this safety net.

I urge the President to consider this issue. If the plan is to privatize Social Security on the backs of our most vulnerable people, that is profoundly a moral mistake. Such a plan I hope will be unacceptable to Members of this body. I urge the President and his advisers to give very careful consideration to this issue.

Yes, we need to address long-term challenges to Social Security. However, Social Security is sound. It is as sound as the United States of America. Will it need changes 50 years from now? Yes. Minor changes can fix it. Does it need to be privatized? No. Do we need to protect the social insurance program for people with disabilities or for people like you and me who are not right now disabled but may be tomorrow? The answer is yes. We can only do it if we have one national social insurance program. It has served us well.

Not all old things are bad. The older I get, the more I think about that. Not all old things are bad. Sometimes I see people wanting to change this or change that. For what reason? They say: Well, it is old. So what? The Ten Commandments are pretty old. I don't think they need to be changed.

Social Security insurance has served us well. It will serve these young people here today well. It will serve all young Americans well as long as we think about it in terms of the American family. We are all in this together. We will all go our separate ways and do our separate things in life, but if trouble falls, if one person becomes disabled, if one person dies and the widow or widower and the kids need help, we are there. We are there as part of a family. You will not get that if you privatize Social Security.

We will fix the long term balance sheet on Social Security. But we should always keep in mind that Social Security is as strong and as sound as the United States of America. If you do not believe in America, you don't believe in Social Security. If you do not believe in the future of our country, you don't believe in the future of Social Security. But if you believe in

America and if you believe in the future of our country, you believe we can come together to truly protect Social Security.

I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak in morning business for such time as I may require.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Thank you, Mr. President.

ELECTIONS IN IRAQ

Mr. ALEXANDER. Mr. President, some of my colleagues are suggesting that as a result of yesterday's election in Iraq, the United States needs an exit strategy, that we should begin to withdraw troops, and that we should set a timetable for bringing the rest of our military men and women home. That is a very appealing thought.

I can think of about 3,000 families in Tennessee of the 278th Cavalry of the National Guard whose husbands and wives and sons and daughters have interrupted their lives for up to 18 months. And they are now in northern Iraq. Their families would like to have them home. I can think of families around Fort Campbell and Nashville. They would like to have their loved ones home. I think of the $80 billion the President is going to ask us to spend, and I can think of 80 billion ways to spend it on education and improving our competitiveness. It is a very appealing thought—to bring the troops home.

But we don't need an exit strategy in Iraq. The United States needs a success strategy in Iraq. If we are to succeed in Iraq, I am afraid that means those troops are likely to have to stay there for a while longer.

Yesterday, the Iraqis did for themselves what we haven't been able to do for them in 22 months: they isolated the terrorists. The count was about 7 million or 8 million to 5,000 or 10,000—voting Iraqis versus terrorists.

In October of 2003, Secretary Donald Rumsfeld wrote a memorandum which was widely circulated around Washington. He said:

> It is pretty clear that the coalition can win in Afghanistan and Iraq in one way or another, but it will be a long, hard slog.

Concerning the overall war on terror, Secretary Rumsfeld went on to ask:

> Is our current situation such that "the harder we work the behinder we get?"

The Rumsfeld memorandum leaked, and some accused the Secretary of not having all the answers. I am glad we had a Secretary who is willing to ask the questions that he didn't know the answers to. He was worried that our actions in Iraq and being successful in the war were, in the postwar time, inflaming Arab opinion in such a way that we were creating more terrorists than we were destroying.

I know a lot of wise people around Washington, DC, who have been thinking about Secretary Rumsfeld's question since October of 2003. I have yet to hear one of them come up with a very good answer to his question.

How do we in the postwar conflict keep from creating more terrorists than we are destroying? The answers to the question come from all sides.

We in Congress have discussed, for example, more public relations, more television, more radio programming, more cultural exchanges. Those are all good ideas. They are important parts of effective public diplomacy. I hope we do them. But yesterday we witnessed a much better answer to Secretary Rumsfeld's question: elections; elections giving people a voice and a stake in the future of their own country. Those elections yesterday isolated the terrorists. That was the most important lesson of yesterday. It was 7 million or 8 million for democracy and 5,000 or 10,000 for the terrorists. It wasn't the Americans who were in the 7 or 8 million; it was the Iraqis. It was the Iraqis.

We discovered that we know how to give people their freedom. We have a military strong enough to do that virtually anywhere in the world. We did it in Iraq, and with stunning success, in 3 weeks toppling Saddam Hussein's government. We can give most countries their freedom in a few weeks or a few months, but we are being reminded in Iraq that building a democracy takes a long time. And people have to build a democracy for themselves. We can't do it for them.

We should know that from our own history. The Declaration of Independence was written in 1776. Our Constitution was signed in 1787. But women didn't receive the right to vote in America until 1920. It took 133 years. Blacks were enslaved and counted as three-fifths of a person by our Constitution until our Civil War, and they didn't receive full voting rights until the Voting Rights Act of 1965, 180 years after the signing of our Constitution. Even today, the United States of America is still a work in progress. We are the oldest democracy in the world. There is no such thing as an instant democracy. We, of all democracies, should understand that.

We also could learn some lessons from our role in nation building in the world. We spent 8 years in Germany and Japan. We are still in Bosnia and Kosovo.

According to this book, "America's Role in Nation Building: From Germany to Iraq," a RAND study by Ambassador James Dobbins and others, "There is no quick route to nation building. Five years seems to be the minimum required to enforce an enduring transition to democracy."

This is a book about nation building in Germany to Afghanistan with lessons for Iraq. We have plenty of experience in nation building since World War II, and the lessons from those experiences are documented in this book and many other places: Any time we decide to engage in nation building, it is going to take more troops, more time, more money, and certainly more sacrifice than we at first thought when we invaded Iraq.

That doesn't mean we should reconsider our presence in Iraq. We are there. We need to finish what we started. We need to get the job done. It does suggest that in the future we should think carefully about the number of troops, the amount of time, the amount of money, and the amount of sacrifice it takes when we engage in nation building.

I believe the Bush administration as well as the Congress has some responsibilities going forward. First, as far as the administration goes, I would like to see the administration be more specific about its success strategy in Iraq. I mentioned last week in the Senate the Washington Post op-ed by two former Secretaries of State, Henry Kissinger and George Shultz. They argue, eloquently and in detail, that we should not set, as some of my colleagues have suggested, a specific timetable for pulling out our troops. We do not need an exit strategy. But they went further than the administration has gone so far in outlining the framework for a success strategy. These are the kinds of questions they ask in their framework.

Are we waging "one war" in which political and military efforts are mutually reinforcing? Are the institutions we are helping to build sufficiently coordinated? Is our strategic goal to achieve complete security in at least some key towns and major communications routes as opposed to 100 percent in every town and 100 percent security on every communication route? Do we have a policy for eliminating sanctuaries in neighboring territories, such as Syria and Iran? Are we designing a policy that could produce results for the people and prevent civil strife for control of the state and its oil revenue? Are we maintaining public support of the United States? Are we gaining international understanding?

They went on to conclude:

> An exit strategy based on performance, not artificial time limits, will judge progress by the ability to produce positive answers to these questions.

That is the administration's responsibility at this stage. We have a new Secretary. We have a new election. We are being asked to appropriate 80 billion new dollars. I would like to hear a more specific success strategy.

We have our own responsibilities in the Congress. Our responsibility, now that we have authorized this war—we authorized it with 77 votes in this Chamber. Now that we have authorized this war, we have the responsibility to have the stomach to see it through to the end and not begin talking about premature exit strategies before we finish what we started.

The focus should not be on what day in July or August we will get out. Instead, we should be asking, for example, what are we willing to do to help provide the security needed so that elections in October and December are successful?

Yesterday's election was the first election. It was the first strong signal from the Iraqis that by a vote of 7 or 8 million to 5,000 or 10,000, they prefer democracy to terrorism. It did something that we could not do ourselves in 22 months: It isolated the terrorists in public opinion. There will be another election in October. There will be another election in December. And we should be talking about what we can do to help those elections be successful. Let's send another message isolating terrorists—not the United States, but the Iraqis. We will give them that opportunity two more times.

What can we do to train Iraqis to take over their own defense and to establish a constitutional government? What can we do to encourage Iraqi neighbors to allow a success strategy to continue? Those are the questions we should be asking, and the answers to those questions will produce a success strategy.

At some point, one thing we can do to isolate terrorists in the Middle East is to leave Iraq. Then Iraqis are defending Iraq. All of us want that as soon as possible. Iraqis want that as soon as possible. But to abandon Iraq before we have implemented a success strategy is abandoning a country we have led to risk its lives in order to vote, and abandoning the brave Americans and those from other countries who have fought, bled, and died to give Iraqis their freedom and to give them an opportunity to govern themselves.

In 1994, I met a man named Larry Joyce in Chicago. He worked for the American Heart Association. Larry Joyce had been in Vietnam. He was about my age. He sought me out because he wanted anyone who might be in public life to learn the lessons he and his family had learned in Somalia. Larry Joyce's son, Casey Joyce, had been killed in Somalia. The lesson Larry Joyce wanted me to know and wanted every Member of this Senate to know and every policymaker to know was this: Before we engage in a military mission, we should do three things: One, we should have a specific mission; two, we should have more than sufficient force to complete the job; and he said, three, most importantly, we should have the stomach to see the mission through all the way to the end.

His greatest complaint about the American Government in Somalia was not the mission, not the force, but that we did not have the stomach to see all the way through to the end the mission in which his son was killed.

Larry Joyce himself has now died, but I remember that conversation. I think of his son. When I think about this war and committing American men and women to Iraq or any other place in the world, I think about seeing that mission all the way through to the end.

That is why I react badly to the talk of my colleagues who suggest an exit strategy based on some artificial date. Leaving Iraq prematurely would undermine every objective we have in the war on terror and in the Middle East. I am disappointed to hear talk of an exit approach. I would like to hear more in this Chamber and more from the administration and more in this country about a success strategy in Iraq.

Yesterday's election was a thrilling event. For the first time in 22 months it answered Secretary Rumsfeld's question of October 2003. How do we isolate the terrorists? If we do not do it, the Iraqi people do it, 7 or 8 million of them, versus 5,000 to 10,000 terrorists. They isolated the terrorists.

We should not be talking about leaving Iraq before we are finished. We should be talking today about those October elections, about those December elections, and what we can do in our country and in Iraq to help the Iraqis have the opportunity to build a constitutional government and to be in a position in October and December to once again send a message to the world that they prefer democracy to terrorism and that they, the Iraqis, are isolating the terrorists by a vote of millions of Iraqis to a few thousand terrorists.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, yesterday freedom took a giant step forward.

History will rank January 30, 2005, alongside November 9, 1989, the day the Berlin Wall fell, as a day when man's innate desire to be free broke the shackles of tyranny.

Millions of Iraqis stood up to the terrorists and told them: We reject your credo of violence. We reject your claim that Iraq cannot join the democratic family of nations. We reject your belief that Iraqis deserve nothing more than to live in fear of oppression.

One Iraqi voter, a businessman named Samir Sabih, put it better than any of us could. Of yesterday he said:

> Fear has no place in our hearts anymore. We became free.

The Iraqi elections for the National Assembly must be heralded as a major success. Turnout has been reported as being anywhere from 60 to 70 percent, defying all expectations. Thanks to the dedication and bravery of our troops, and the Iraqi police that we have trained, there was much less violence than expected. We were all moved by the courage of so many ordinary Iraqi citizens, each one risking their life to proudly display a purple ink-stained finger.

While we do not yet know the results of the election, we can name the winners—the people of Iraq—for enthusiastically embracing democracy; the nations of the Middle East, that can now look to Iraq as a model; and the people of every country, who now live in a world more favored toward freedom.

Some cynics have missed the point of this election. For instance, some say the vote is illegitimate if not enough Sunnis chose to participate. But by all reports, the Shiite majority will not let this stop Sunnis from having a voice. There will be a place for all religions and ethnicities in the government. Interim Prime Minister Iyad Allawi, himself a Shiite, has said:

> Let us work together toward a bright future—Sunnis, Shiites, Muslims and Christians, Arabs, Kurds and Turkmen.

I also heard a news reporter ask yesterday whether the election results were good for President Bush. In case this reporter missed it, President Bush was not on the ballot. Yesterday's historic achievement was not about which party can collect political points. It was about the march of freedom.

There is still a lot of hard work ahead before Iraq becomes a stable democracy. America must stay committed. The Iraqis are counting on us to help them in their quest for freedom, and we cannot, and we will not, let them down. We must do what it takes for our security's sake, so that Iraq never again becomes a cauldron of terrorism.

Many Americans and Iraqis risked everything to help realize the first free vote in Iraq since 1953. Some gave their lives. We should offer our thanks and our prayers to those who valiantly sacrificed. We can honor their deeds by completing our task in Iraq.

Amidst the joy and celebrations yesterday, one Iraqi woman actually gave birth at her polling station. She gave birth at her polling station. Despite her pregnancy, she was determined that nothing would stop her from casting her ballot. She named the child after the word "election" in her native language.

Mindful of the hard work still ahead, I hope and believe this baby will grow up never knowing tyranny and oppression, never living under totalitarian fear, never seeing a family member spirited away to be murdered.

I hope and believe this child will grow up in a free society, with the power to make his own destiny. Let's finish the job and ensure that is so.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Calendar No. 7, the nomination of Samuel Bodman to be Secretary of Energy, that the nomination be confirmed, that the motion to reconsider be laid upon the table, that the President be immediately notified of the Senate's action, and that the Senate then resume legislative session. Finally, I ask that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

DEPARTMENT OF ENERGY

Samuel W. Bodman, of Massachusetts, to be Secretary of Energy.

NOMINATION OF DR. SAMUEL BODMAN

Mr. DURBIN. Mr. President, I rise to share some brief comments concerning the nomination of a fellow Illinoisan, Dr. Samuel Bodman, for Secretary of the United States Department of Energy.

Last week I had the opportunity to meet Secretary-designee Bodman. I learned he was born in Wheaton, IL, his mother was raised in Coffeen and his father grew up in Bement, IL, where main street is actually named Bodman Street.

I expressed to Secretary-designate Bodman a few of my concerns about national energy policy. I stressed my belief that one of our most urgent national energy priorities is increasing fuel efficiency standards. This is a critical issue and one that has been visibly absent from the administration's national energy policy. How can we claim to be serious about reducing America's dangerous dependence on foreign oil if we don't get serious about encouraging greater fuel efficiency?

We hear the same excuses all the time for failing to act: Cars will be unsafe. The technology isn't available. The truth is, the technology is available and the higher fuel efficient cars are on the road. The majority of them, however, are Japanese.

I'm lucky. Fortunately, after 6 months of waiting, we recently purchased a Ford Escape hybrid. This car achieves anywhere from 31 to 36 miles per gallon of gasoline. Clearly, the technology is there.

What is needed, I stress again, is comprehensive energy policy that places greater emphasis on conserving energy and promoting fuel efficiency rather than simply drilling more oil wells in ever more fragile wilderness areas.

I also expressed to Dr. Bodman my strong support for the energy department's research and development programs, for advancing energy technology, and for helping to maintain our Nation's leadership in advanced science.

One project I support strongly is the DOE Science Advisory Committee's highest priority recommendation, the construction of a rare isotope accelerator. This project is critically important in maintaining our Nation's position as a leader in nuclear research.

The Department of Energy is in the process now of finalizing its decision on where to place the rare isotope accelerator. Among the contenders is Argonne National Laboratory at the University of Chicago.

I am working closely with my colleagues, Speaker DENNIS HASTERT and Congresswoman JUDY BIGGERT to try to bring the rare isotope accelerator to Argonne.

First, Argonne has already built a major isotope accelerator and is the only facility in America with the experience and management already in place to get this project up and running.

Second, Argonne has the necessary infrastructure to support the project. Argonne's existing infrastructure would save the Federal Government approximately $100 million in project costs. At a time of tight budgets and spending constraints, this alone is an appealing benefit.

Finally, Argonne is located just 25 miles southwest of the Chicago Loop, close to both Midway and O'Hare International Airport, making it readily accessible to researchers around the world.

The rare isotope accelerator will allow researchers to delve into the origin of elements that make up the world. The research at this facility will provide us the opportunity to advance the application of nuclear medicine and enhance our understanding of environmental science and the biology of the Earth. This project would be an extraordinary asset to Illinois. With an initial investment of $1 billion in Illinois's economy, the rare isotope accelerator would bring 1,750 permanent jobs and 16,000 temporary construction jobs to Illinois. It would make Illinois a hub for scientific research, discovery and collaboration.

I encourage Secretary-designee Bodman to give a good look to Argonne's application. I believe strongly that he will find Argonne's expertise, success and cost-saving efforts make it the best site for this facility.

Finally, I appreciated the opportunity to discuss with Dr. Bodman my interest and strong support for the Energy Department's FutureGen project.

In the 1970's there were 71 operating coal mines in Illinois. Today, there are only 21 active mines. Over the past 30 years the economy in Southern Illinois has slowly collapsed, leaving thousands of people unemployed.

The FutureGen project will advance energy production into the future by creating an integrated sequestration and hydrogen production zero-emission fossil fuel plant.

Southern Illinois is the perfect location for such a facility. Illinois contains more than 25 percent of the Nation's total recoverable bituminous coal reserves, and it also contains deep saline aquifers, available for the sequestration of carbon dioxide. While creating a use for the high sulfur content coal in the State, the FutureGen plant would help revitalize the Southern Illinois coal industry.

I am pleased to support Dr. Bodman to be America's next Energy Secretary and I look forward to working with him and the Illinois delegation to bring this project to our State and to decrease America's dependence on foreign oil.

Ms. CANTWELL. Mr. President, today, the Senate is considering the nomination of Dr. Samuel Bodman to be the next Secretary of Energy. I understand that Dr. Bodman is likely to be confirmed. Though I will support his nomination, I want to review my understanding of Dr. Bodman's commitment to several issues that are critical to our Nation and specifically to my State of Washington, so that he can begin his tenure with a clear understanding of this Senator's expectations.

During his confirmation process, I had the opportunity to meet with Dr. Bodman personally and to engage him and seek his views on the policies of the Department of Energy. Among the issues I raised were several of critical importance to the State of Washington, such as maintaining the Federal Government's commitment to clean up the Hanford Nuclear Reservation, considering carefully any changes to Federal policies regarding the Bonneville Power Administration, BPA, and advancing the Federal role in research and development at institutions such as the Pacific Northwest National Laboratory. On some of these issues, Dr. Bodman stated he needs time to review them early in his tenure at DOE, and has committed to me to do so. In other cases, he was able to make a more explicit commitment on the issue's merits, such as the enforcement of the Triparty Agreement on cleanup of the Hanford Nuclear reservation.

From our interactions, Dr. Bodman has begun to develop an appreciation for just how large DOE's "footprint" is in the State of Washington and how much is at stake for our economy and environment when it comes to the many policy decisions he will make when confirmed as Secretary of Energy. It is a job that comes with a considerable number of challenges—but also incredible opportunity. Putting in place a real, forward-looking energy policy for the 21st century is not only essential for this Nation's economic security, it is my belief that it will fuel the next wave of innovation. It is critical for this country to take the technology lead in the energy sector. Otherwise, we will find ourselves in 10 to 20 years in exactly the same position we do today as it relates to our dependence on foreign oil—we will be importing the next generation of energy technology. Instead, we need to seize the opportunity before us and recognize that it is the key to securing our Nation's long-term energy independence.

As I have expressed to Dr. Bodman, the Western electricity market meltdown of 2000-2001 has had a profound impact on my State's economy, the pocketbooks and economic well-being of my constituents. Moreover, the Western crisis has brought to the forefront a number of very important policy questions about the kind of behavior that will be tolerated in our Nation's electricity markets, as the Federal Energy Regulatory Commission, FERC has continued to pursue its "restructuring" agenda.

As the Secretary of Energy, Dr. Bodman will have a very important, leading role—defined in the 1977 Department of Energy Organization Act—in guiding overall electric regulatory policy.

The incoming DOE Secretary will need to provide strong leadership and condemn the types of schemes used by Enron traders—manipulation tactics with infamous nicknames like Get Shorty, Death Star, and Ricochet.

These are more than just "theoretical" concerns for me and my constituents. Not only are Western ratepayers trying to recover some small fraction of the money they lost to Enron as a result of its unscrupulous trading practices, they are trying to avoid paying even more. Right now, Enron is claiming utilities in Washington State and Nevada alone owe about a half billion dollars more—for power Enron never even delivered. You can understand just how outrageous this seems to my constituents, who are already struggling to pay their power bills.

I am pleased that Dr. Bodman provided assurances that market manipulation cannot be tolerated and pledged to enforce applicable Federal statutes. We need to send a strong and unanimous message that these practices will not be tolerated in our Nation's electricity markets.

Unfortunately, justice delayed is justice denied for Enron's victims. It has literally been years now, in which the ratepayers of my State—who have already suffered enough—have been waiting for the other shoe to drop. I look forward to working with Dr. Bodman in righting past wrongs done to consumers—including those in the State of Washington—and putting in place safeguards to prevent future victimization of electric ratepayers.

As I referenced earlier in my remarks, I have emphasized to Dr. Bodman the importance of Hanford cleanup to the residents of Washington and the Pacific Northwest as a whole. It has been my experience that achieving our mutual goal of an effective and efficient Hanford cleanup suffers when relationships between the States and DOE, the congressional delegations and other stakeholders are damaged by the bad faith actions of one of the parties. Again, I applaud Dr. Bodman for publicly committing that the continued cleanup at Hanford will be done under the framework of the Triparty Agreement, TPA.

I have also asked Dr. Bodman, and he has agreed, to consult with me and other members of the Washington congressional delegation on any administration or legislative proposals regarding tank waste stored at the Hanford Nuclear Reservation. We will not tolerate the same situation that happened last year—when DOE-authored language related to the reclassification of high-level nuclear waste was inserted into the fiscal year 2005 Defense authorization bill. This negotiation that was done behind closed doors, in a committee that is not the rightful forum for debate on the issue of high-level nuclear waste and how it should be treated and disposed of. This legislative end run was viewed by me and the senior Senator from Washington, Mrs. MURRAY, as well as the State of Washington and many of our constituents, as an ill-considered attempt to take short cuts at Hanford. I hope Dr. Bodman's commitment to consult with me will further his understanding of this issue and ultimately lead to an agreement that these bad faith maneuvers will not be continued by the Department of Energy under his leadership.

Washington is blessed with an incredible system of clean, renewable, and cost-effective hydropower. The pitfalls of being 80-percent dependent on one particular source for electric generation—subject to the whims of Mother Nature—have been made all too apparent in the past few years.

I look forward to ensuring that the Department of Energy and the policies that the incoming Secretary supports will ensure economic stability and growth for Washington residents specifically and throughout the Pacific Northwest. In order to meet these goals, the Department of Energy should be engaged in four broad activities. They include providing some regulatory certainty to the electric industry, at the same time we set some forward-thinking, yet achievable, goals for diversifying our energy sources; rationalizing our energy tax policy, and, in tight budgetary times, target it to support emerging technologies; we need to promote a vigorous research and development effort; and finally we need to make sure we are investing in the workforce, the human infrastructure, which is critical if we are going to lead in the global energy economy.

I believe that we are using unique Federal resources towards contributing greatly to addressing some of these important challenges. Among its diverse missions within the Department of Energy, the Pacific Northwest National Lab has been a national leader in the development of "smart-grid" R&D. This "smart-grid" technology, due to be deployed throughout the Pacific Northwest, will allow a reliable response to energy demand and the propagation of a more distributive energy infrastructure. These types of programs allow us to make our energy grid more reliable, help train and grow our energy workforce for the 21st century, and sustain and grow our economy. These programs should serve as examples of progressive investment of Federal resources yielding incredible results. I look forward to working with Dr. Bodman to ensuring the future growth of these programs.

Dr. Bodman also will be responsible for furthering the investments that incentivize the long-term production of alternative energy resources, including wind and biomass. I know that many of these have strong bipartisan support in the Congress and can play a critical role in sustainable economic development, especially in rural parts of our Nation, like most of the Eastern part of Washington State. Again, it is investments like these that can ensure a more reliable and distributive grid that will ultimately lessen our long term reliance on fossil fuels.

Finally, I look forward to educating Dr. Bodman on the importance of the long-term stability of the Bonneville Power Administration. The incoming Secretary should note that decisions about the future operation of the BPA system, including any decision to join a regional transmission organization, or RTO, should be left to stakeholders in the Pacific Northwest.

It is critical that Bonneville be allowed to continue making important investments in upgrading its transmission infrastructure. Last year's budget called for legislation that would have effectively ended critical transmission upgrades already underway in the Pacific Northwest by effectively exhausting BPA's borrowing authority in 2008. I hope that Dr. Bodman's further education on these matters will yield his commitment to ensure that these transmission upgrades can be completed—a key piece in making our energy system more reliable.

Again, I am supporting Dr. Bodman's nomination. As the next Secretary of Energy, he will be our Nation's chief energy policymaker. I look forward to further educating Dr. Bodman on these issues that are so important to my State and working with him to address these important challenges. I ask unanimous consent that a copy of Dr. Bodman's responses to my questions be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS FROM SENATOR CANTWELL

Question No. 180: When we met, we informally discussed the challenges the Northwest faces with respect to electricity rates and our efforts to deal with the aftermath of the Western energy crisis of 2000-2001. I know you recognize the sad fact that the Northwest is far from out of the woods on the rates crisis.

Obviously, the Western market meltdown has had a profound impact on my state's economy, the pocketbooks and economic well-being of my constituents—too many of whom have had to make the choice between keeping their heat and lights on and buying food, paying rent, and purchasing prescription drugs. In some parts of Washington State, utility disconnection rates have risen more than 40 percent.

People just can't pay their utility bills. So you can imagine, what we've seen and heard since the height of the crisis—as we've learned about the market manipulation and fraud that took place in the Western market, while Enron energy traders laughed about the plight of "Grandma Millie"—has added tremendous insult to substantial economic injury.

Moreover, the Western crisis has brought to the forefront a number of very important policy questions about the kind of behavior that will be tolerated in our nation's electricity markets, as the Federal Energy Regulatory Commission (FERC) has continued to pursue its "restructuring" agenda.

As the Secretary of Energy, you would have a very important, leading role—defined in the 1977 Department of Energy Organization Act—in guiding overall electric regulatory policy.

As such, before I get into some of the specifics, I want to make sure we are on the same page when it comes to these broader principles and policies:

First, do you agree that the types of schemes used by Enron traders—manipulation tactics with famous nicknames like Get Shorty, Death Star and Ricochet, many of which involved the falsification of data and have been deemed illegal by the Federal Energy Regulatory Commission (FERC)—are practices that must not be tolerated in our nation's electricity markets?

Answer: Senator Cantwell, illegal market manipulation certainly cannot be tolerated, and we should vigorously enforce the relevant laws.

Question No. 181: Do you also agree that, as a matter of common-sense policy, the victims of these schemes should not have to pay the inflated power prices resulting from market manipulation?

Answer: We must take appropriate action to protect consumers against the effects of illegal market manipulation.

Question No. 182: Do you also agree that this principle is even more important in instances in which the company perpetrating these schemes has done so while providing false information to federal regulators, making it impossible for those regulators to ensure markets are functioning properly?

Answer: Any form of market manipulation, including providing false information to regulators as you have described, is intolerable and we should vigorously enforce the relevant laws. As you know, FERC and/or the courts have the authority to review such cases and make appropriate judgments.

Question No. 183: I particularly want to ask you your views about instances where the company perpetrating these schemes has frustrated the efforts of regulators and parties trying to find the truth about the depth of its deceptions, failing to turn over relevant evidence in a timely fashion. Do you believe that, as a matter of national energy policy, a company like that should still be allowed to reap the profits of its market manipulation schemes?

Answer: As I am not aware of all the details of current allegations, I cannot comment at this time but I would reassert that I agree that regulatory authorities should act appropriately to protect consumers against unscrupulous or illegal conduct.

Question No. 184: Sadly, the theoretical situation I outlined in my first question is not theoretical at all. It's the situation that has been unfolding at FERC for the past few years. Not only are Western parties trying to recover some small fraction of the money they lost to Enron as a result of its unscrupulous trading practices, they are trying to avoid paying even more. Right now, Enron is claiming utilities in Washington state and Nevada alone owe about a half billion dollars more—for power Enron never even delivered. You can understand just how outrageous this seems to my constituents, who are already struggling to pay their power bills.

Unfortunately, justice delayed is justice denied for Enron's victims. It has literally been years now, in which the ratepayers of my state—who have already suffered enough—have been waiting for the other shoe to drop.

My understanding is that the Secretary of Energy has, under the DOE Organization Act, substantial discretion to intervene in matters pending before the Commission. There is also substantial precedent, as both Secretaries Richardson and Abraham have involved themselves in various ways in matters before FERC. I can understand why. I imagine that any Secretary would have a considerable interest in doing so, in ensuring that regulatory matters are being handled in a manner consistent with national energy policy. I hope that you agree that what I've outlined above—the scenario in which Enron is allowed to collect money for power never delivered, at outrageous rates resulting from market manipulation—is not in the public interest, and is not the energy policy endorsed by this Administration.

Will you commit to me that, if confirmed as Secretary, you would use your authority and intervene with FERC to prevent ENRON from collecting these so-called "termination payments" which harm Western consumers?

Answer: Senator Cantwell, under section 405 of the DOE Organization Act, the Secretary of Energy has the ability to intervene, as of right, in proceedings before FERC. It is my understanding that there currently are matters pending before FERC, as well as in the courts, relating to Enron, and that some of those matters have been going on for several months or years. If confirmed, I will look into the matter and evaluate whether it would be appropriate for DOE to intervene at this point in those proceedings at FERC.

Question No. 185: In our previous meeting we also had the opportunity to discuss the importance of Hanford cleanup to the people of Washington State and the Pacific Northwest as a whole. It's also my belief that cleaning up the legacy of our defense efforts must be high on our list of national priorities. Cleanup suffers, however, when relationships between the states and DOE, the Congressional delegation and other stakeholders are damaged by the bad faith actions of one of the parties.

I know you are aware of what happened last year, when DOE-authored language was inserted into the Fiscal Year 2005 Defense Authorization bill, behind closed doors, in a Committee that is not the rightful forum for debate on the issue of high-level nuclear waste and how it should be treated and disposed of.

This legislative end-run was viewed by myself and Sen. Murray, as well as the State of Washington and many of our constituents, as an ill-considered attempt to take short-cuts at Hanford.

Will you ensure that the DOE will not attempt a similar legislative end-run around the State of Washington and its Congressional delegation on the issue of high-level waste reclassification, during your tenure as the Secretary of Energy?

Answer: Senator, I appreciated the opportunity to meet with you to hear your views about the Hanford cleanup. I agree with you on the importance of cleaning up the Hanford site in a manner that is protective of human health and the environment. The remediation of liquid radioactive waste stored in aging underground tanks in Washington, Idaho and South Carolina is by far the greatest environmental challenge facing the Department of Energy. It is my understanding that the legislation that was enacted in the last Congress only affects the Department's sites in South Carolina and Idaho. If confirmed, I can assure you that the Department will consult with you and the State of Washington on the cleanup of tank waste.

Question No. 186: Among the biggest challenges at Hanford is the cleanup of 53 million gallons of nuclear waste, contained in 177 tanks within 7 miles of the Columbia River. Already, some 67 tanks have leaked an estimated one million gallons of this waste into the ground.

Retrieving and disposing of the waste in these tanks is one of the most challenging—yet crucial—components of successful Hanford cleanup. The TriParty Agreement lays out the terms of the relationship between the State of Washington and federal government when it comes to cleanup. In the view of the State of Washington, the agreement vests DOE with the responsibility of retrieving and cleaning up "everything that is technically feasible but no less than 99 percent" of the waste in these tanks.

As Secretary of Energy, will you commit to abide by this requirement of the TriParty Agreement?

Answer: The Department will abide by the terms of the TriParty Agreement.

Question No. 187: As you may know, this Administration's previous budgets have proposed withholding certain cleanup funds until DOE has secured what it views to be favorable outcomes in pending litigation or legislation. This has been widely viewed by many as blackmail, with the purpose of getting the State of Washington to back-down on its cleanup requirements at Hanford.

Will you commit to me that, as Secretary, you will not use these same tactics?

Answer: Senator, I am unaware of the situation you describe. If confirmed, I intend to review the accelerated cleanup program and I would be happy to meet with you and discuss this further.

Question No. 188: More generally, are you committed to working collaboratively with Washington State regulators, the affected communities' and workers' representatives, and the members of the Washington State Congressional delegation to ensure that the cleanup is fully funded and completed as soon as possible—in a manner that ensures the equal protection of the workers, the public, and the environment?

Answer: Senator, I believe that it is important for the Department to work cooperatively with the congressional delegations that represent the DOE sites, as well as with the State regulators, the local community and the workers' representatives. If confirmed, I would expect this practice to be carried out.

Question No. 189: Last year, the National Institute of Occupational Safety and Health (NIOSH) and DOE conducted audits at the Hanford nuclear site on the issue of worker health and safety. Both NIOSH and DOE came up with a long list of recommendations and corrective actions. Many improvements have been made. But I also want to ensure that DOE, as a matter of policy, is doing its job in ensuring adequate health and safety protections on an ongoing basis.

As Secretary, what procedures will you put in place to assure that the Department continues to improve its health and safety protection for workers at sites like Hanford?

Answer: The safety of the Department's workers will be a top priority for me if confirmed. I will review the safety procedures and determine whether additional measures are needed.

Question No. 190: Many major DOE procurement decisions are being challenged and overturned. What will you do to improve the quality, fairness, timeliness, and success of the DOE procurement process?

Answer: Offerors that are not awarded contracts have the right to protest the contract award and other decisions to the Government Accountability Office. It is my understanding that, on a relative basis, very few protests are filed against DOE award decisions. If confirmed, I will ensure that DOE has appropriate standards, systems and quality controls in place to guard against irregularities in the contracting process.

Question No. 191: Another major concern on the part of many of my constituents is whether DOE is implementing the President's directive to increase government procurements with small business.

What will you do to improve and expand DOE procurements that benefit small businesses, particularly those based in the local communities most affected by contamination and which will suffer severe economic impacts when cleanup is done if local, sustainable businesses are not developed?

Answer: If confirmed, I would fully support the President's policy of increasing government procurements with small businesses.

Question No. 192: Will you support efforts to expedite evaluations of procurement involving local small businesses—particularly since extended delays are especially harmful to small companies that don't have the resources to keep teams mobilized?

Answer: It would be my intent, if confirmed, to review all of the issues surrounding small business procurement and I would be happy at the appropriate time to meet with you to discuss the matter further.

Question No. 193: DOE has made a major commitment to the Hanford Vitrification Project. The Defense Board and others have raised questions about the safety of the design and prospect for cost increases and schedule slippage. Given the supreme importance of this project to the future of Hanford cleanup, what do you propose to ensure that this facility stays on track? Is there some value in an independent review?

Answer: Senator, I appreciated the opportunity to discuss this issue with you during our recent meeting. I understand the importance of the Hanford cleanup and I share your view that the cleanup must proceed in a timely, efficient manner that is protective of human health and the environment. If confirmed, I will review the Hanford Vitrification Project and would welcome an opportunity to meet with you again to discuss this project further.

Question No. 194: The Volpentest HAMMER Training and Education Center at Hanford was built by DOE to ensure the health and safety of Hanford cleanup workers and emergency responders. HAMMER's unique hands-on "Training as Real as It Gets" is essential to the safe, cost effective, and successful completion of Hanford cleanup. Further, as the cleanup workforce decreases, more of HAMMER's capabilities will become available for other DOE missions, such as energy assurance and hydrogen safety, and for training law enforcement, security, emergency response, and other homeland security-related personnel.

Will you ensure that DOE continues to fully utilize HAMMER to protect the safety and health of Hanford cleanup workers? Will you support the development of new DOE training missions at HAMMER? Will you help with the Department of Homeland Security and other agencies to develop, expand, and support other training missions at HAMMER?

Answer: Senator, I am not familiar with this issue. If confirmed, I would review this matter and I would be happy to report to you my thoughts on HAMMER.

Question No. 195: When DOE recompetes its major site contracts for complex cleanup projects, the process often takes up to two years with extensive worker and community anxiety. Then, it may take up to another two years for the new contractor management team to get up to speed fully with subsequent impacts on the projects, workers, and communities. None of this is good for DOE, the workers, or the communities.

Will you consult to the extent allowed by law with the affected workers' and communities' representatives before a recompete decision is made, to determine the best course of action?

Answer: Generally when the government considers contract competition it uses an extensive array of mechanisms to convey public information and obtain feedback from interested parties. If confirmed, I will ensure that DOE employs these mechanisms and practices to the maximum extent practicable.

Question No. 196: Dr. Bodman, I also know you are beginning to understand the importance that I, and others in the Northwest delegation, place on the Bonneville Power Administration and the policies that affect its long-term viability. BPA has for decades been the engine of the regional economy. As such, I'm sure we'll be in frequent contact on many BPA-related issues.

First, I want to confirm something we've previously discussed. Namely, I want to ensure that you understand that the decision of whether BPA should join a regional transmission organization (RTO) is something that must be decided in the Northwest, after an inclusive stakeholder process that considers the real world costs and benefits of such a change. Can you commit to me that you will not, in your potential capacity as Energy Secretary, force BPA to join an RTO?

Answer: Senator, I appreciate your bringing the issue to my attention and while I do not feel I am in a position to make a commitment at this time, I can provide assurances that I will work with you on this issue should I be confirmed.

Question No. 197: Second, as you know, Bonneville has the statutory responsibility to maintain the reliability of the Northwest transmission system, of which it currently owns more than 75 percent. Interestingly, the Northwest is one of the few regions in the country where transmission lines are currently under construction. This is due to the unique way in which BPA uses borrowing authority, backed by Northwest ratepayers, to finance these investments. Unfortunately, the President's budget last year called for legislation that would tie Bonneville's hands, and make it virtually impossible for the agency to continue the transmission expansions necessary to maintain the reliability of the Northwest system. Under the proposal, BPA would exhaust its borrowing authority in 2008—well before the region can complete the needed transmission upgrades. Can you commit to me that as Secretary of Energy you will not support legislation that would impair BPA's ability to make these crucial investments?

Answer: I am not familiar with the funding levels being requested or other proposals for the Bonneville Power Administration in the FY '06 budget. If confirmed, I will evaluate this matter and I would be happy to meet with you to discuss your concerns further.

Question No. 198: For the past two years, the Pacific Northwest National Laboratory has been working with the Department to solve the issue of replacement facilities and lab space in the 300 Area of Hanford. The 300 Area is home to critical on-going research in science and national and homeland security, but the area is scheduled for closure by 2009 as part of the DOE accelerated cleanup program. Consequently, PNNL must vacate the area on a tight schedule, and without interrupting critical work for the DOE, NNSA, and DHS.

Planning for these facilities has begun, but the most substantial funding needs lie ahead. PNNL is an enduring asset to the state and the entire Pacific Northwest region, and we cannot afford to come up short on this investment. I understand we are in a difficult budget environment, but I would like to seek your commitment for continued funding. Will you commit to keep this effort on track?

Answer: I agree with you that the research that takes place at the Pacific Northwest Laboratory 300 Area is important to both science and homeland security issues. It is my understanding that DOE and the Department of Homeland Security are working cooperatively to ensure that a new laboratory is constructed and that the important missions at the laboratory go uninterrupted. If confirmed, I will review this matter and support it as appropriate.

Question No. 199: Research and technology applications developed to secure America's electricity grid system are being funded by the Department's Office of Electricity Transmission and Distribution. Many entities in Washington State, including the Pacific Northwest National Laboratory, have formed an Alliance that is working closely with the Department to help bring these technologies forward. I strongly support the GridWise and GridWorks programs and seek your support. Do you plan to make research and development through these programs a top priority?

Answer: I appreciate your support for the efforts of the Office of Electric Transmission and Distribution and if confirmed, look forward to working with you on programs like the GridWise and GridWorks programs.

Question No. 200: As you may know, I sponsored legislation in the last Congress to support the Genomes to Life program at the Department of Energy. I strongly support an expanded program and development of research centers to support this goal. Last year, the Office of Science released a Twenty-Year Facility Outlook that included four Genomes to Life centers. The FY05 Energy and Water Development appropriation includes $10M to begin preliminary design of the first facility. Are you committed to fulfilling the implementation of the 20-year strategy, including the four GTL centers?

Answer: I will need to familiarize myself with this 20-year strategy for science facilities, if I am confirmed as Secretary. But, I can assure you that if confirmed, maintaining a robust scientific infrastructure will be an important priority for me.

Question No. 201: Last week, the Washington Post reported that the Bush administration's budget request would freeze most spending, including science, and slash or eliminate dozens of federal programs. In my view, this is a very short-sighted approach to ensuring the economic future of this country. In my state, for example, the DOE's Office of Science invests more than $135 million a year in university grants and in support of the Pacific Northwest National Laboratory. Can you share with us your commitment to science and R&D investments being made at the Department of Energy?

Answer: The Department of Energy has a responsibility to maintain America's world leadership in Science. The Pacific Northwest National Laboratory certainly plays a key role in the Department's and the Nation's scientific enterprise and, if confirmed, I will pay very close attention to how we nurture that important asset in your state. While we pursue the President's commitment to deficit reduction, I can assure you that I will also work to maintain and improve upon America's scientific infrastructure that is the envy of the world.

Mr. SALAZAR. Mr. President, I am in support of the nomination of Dr. Samuel W. Bodman to be Secretary of Energy.

I look forward to working closely with Dr. Bodman as we tackle the important task of crafting a national energy policy that assures our Nation's energy independence and energy security and at the same time protects our air, land, and water for future generations.

Colorado is blessed with an abundance of natural energy resources, and the oil and gas industry is a significant part of our state economy. As long as America is dependent on foreign oil for a significant part of our energy needs, however, our economy and our national security are at risk. We need to move rapidly toward energy independence. Renewable energy and conservation must also play a significant role as, together, we look for ways to diversify our portfolio of energy sources and reduce our dependence on fossil fuels. As we work to attain energy independence, we can also strengthen our economy, increase our national security, and protect our air, land, and water.

During Dr. Bodman's confirmation hearing before the Energy and Natural Resources Committee, I had the opportunity to discuss with Dr. Bodman a few of the many issues affecting Colorado, to which I hope Dr. Bodman will immediately turn his attention upon being confirmed today.

First, Dr. Bodman understands the importance of DOE's environmental cleanup at Rocky Flats, and he assures me that he will continue to make this a priority for the Department until the site is cleaned up and a large portion of it converted to a national wildlife refuge.

The cleanup of Rocky Flats serves as a model for the cleanup of DOE facilities nationwide, and it is therefore important to the people of my State and to the country as a whole for DOE to make its plant closure mission at Rocky Flats a priority and to complete environmental cleanup, waste management, and decommissioning by December 2006.

Second, I specifically requested that Dr. Bodman look into the Department's refusal, so far, to comply with the State of Colorado's institutional control laws, which were passed unanimously by the Colorado legislature and signed into law by our Governor. DOE has refused to put those restrictions in an environmental covenant, as required under State law. DOE has refused to comply with other States' institutional control laws as well. This refusal has raised serious questions about the long-term reliability of the cleanup now underway at DOE facilities across the country.

I strongly urge the Department to adopt a policy to comply with State institutional control laws. These are valid State laws. They enhance the safety of cleanups, and the cost of compliance is minimal. In my judgment, DOE is required to comply with these laws under the Federal Facility Compliance Act.

Dr. Bodman assured me that he would look into this important matter promptly, and I intend to hold him to that promise.

Third, Dr. Bodman pledged his support for the Department's National Renewable Energy Laboratory in Golden, CO. As you know, Mr. President, NREL is the Department of Energy's primary national laboratory for renewable energy and energy efficiency research and development. I am a proud supporter of NREL and its research projects. Providing NREL with the resources it needs will lead our Nation to greater energy independence and security.

In response to my questions, Dr. Bodman assures me the Department fully supports the construction of NREL's new Science and Technology Facility—the first new research laboratory on the lab's main campus in nearly a decade. The new facility will house key elements of NREL's world-class research in hydrogen and other promising renewable energy technologies and will push the envelope on sustainable, energy efficient building design. Construction of the facility is scheduled for completion in early 2007.

With these and other answers to my questions, I am pleased to vote today in support of Dr. Bodman's nomination to be our country's next Energy Secretary. But I want to make clear that I will continuously work to ensure that Dr. Bodman and the Department of Energy live up to these commitments to Colorado—that is my duty and I intend to fulfill it.

The Congress will work on an energy bill again this year. I look forward to working with my colleagues on the Energy and Natural Resources Committee and with Dr. Bodman to do everything we can to help develop a comprehensive and sustainable energy strategy that is also protective of a healthy environment in the West and across the country.

Thank you, Mr. President.

Mr. CONRAD. Mr. President, today the Senate is expected to confirm the nomination of Samuel Bodman to be the next Secretary of Energy.

As Secretary of Energy, Mr. Bodman will face challenges that are critically important to our economy and our national security. We depend on a stable supply of energy to keep our economy moving. Yet, the United States continues to rely too heavily on oil imports from other parts of the world, especially the Middle East. We import about 55 percent of the oil we consume, and this percentage is expected to increase to 70 percent by 2025. Similarly, we are relying more and more on imports of natural gas. This dependency puts us at a strategic and economic disadvantage. The Secretary of Energy must work with the diverse energy interests, the administration, and the Congress to develop a comprehensive Energy bill that will move us toward energy independence.

The Secretary of Energy position is especially important to North Dakota's energy producers and economy. North Dakota can be a significant supplier of electricity to the rest of the country. My State is blessed with an 800-year supply of lignite coal and the potential to be the biggest wind energy producer in the country.

The main challenge we face is developing a transmission grid that will allow our electricity producers to fully utilize these resources and send power to the rest of the country. We need to invest significant new resources in finding new ways to upgrade and expand our transmission capacity and reliability.

We also need to increase investment in, and more aggressively pursue, the development of clean coal technology. By reducing pollution from coal-burning power plants, clean coal technology will ensure that this plentiful, domestic source of energy remains a vital part of our national energy portfolio.

The nomination of Samuel Bodman is encouraging. Mr. Bodman has proven himself to be an effective manager as Deputy Secretary of the Treasury and Deputy Secretary of Commerce. In addition to his exemplary managerial skills, Mr. Bodman has the background knowledge and intellect to understand the importance of research on, and development of, advanced energy technologies. These technologies, including clean coal technology, will help us meet our country's energy challenges. I look forward to working with Mr. Bodman on the funding and development of grant programs to bring advanced technology to North Dakota's power producers and transmitters.

Today I offer my support for Senate confirmation of Mr. Samuel Bodman as our next Secretary of Energy.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

MORNING BUSINESS

DEATH OF REUBEN LAW

Mr. REID. Mr. President, my native State of Nevada has always honored the brave men and women who fight to defend our Nation's freedom.

We have in Nevada a higher percentage of veterans than any other state except Alaska. We are fiercely proud of them, and we recognize that we owe them a tremendous debt.

So today, on behalf of all Nevadans, I rise to honor the life and memory of Reuben Law, who died on New Year's Day in Carson City at the age of 106.

He was a veteran of the First World War . . . one of 4.7 million who served in that conflict.

He was the last surviving Nevada resident who served in that war . . . and one of fewer than 200 surviving World War I veterans in the Nation.

Reuben Law grew up in Minnesota. He was working at a Ford plant in Minneapolis, assembling Model-T Fords, when he as a teenager enlisted in the Army.

He almost died before he ever set foot in Europe. The great influenza epidemic of 1918 was raging, and the flu claimed the lives of more than 60 soldiers on the transport ship that carried him to France.

But Reuben survived, and he served as an Army sergeant in eastern France in 1918 and 1919, transporting supplies and wounded soldiers to a military hospital.

Reuben and some of his buddies celebrated the end of the war by piling into a truck and riding to the nearby town of Allerey. He would later recall that every girl they passed gave them a kiss, because everyone was so elated.

World War I was a horrible, bloody conflict. It was supposed to be "the war to end all wars." But only two decades later, the Second World War broke out.

Once again, Reuben Law stepped forward. He tried to re-enlist in the Army, but he was in his early 40s, and officers told him he was too old. So he spent World War II as a member of the U.S. Coast Guard Auxiliary, piloting patrol boats on the Mississippi River.

Between the wars, and after World War II, he had returned to live in his native Minnesota. He moved to Nevada in 1993.

Even then, Reuben Law wasn't through living. In his mid 90s, he went for rides in a hot air balloon, and he drove a car until he was 101.

Reuben Law spent most of his caréer working in the Minnesota parks department and a landscape architecture firm. In both jobs, he was able to spend a lot of time outdoors, which he cited as one reason for his longevity and good health.

He also claimed that he had good genes—and I suppose he was right, since his mother and one of his aunts lived to be 109.

Reuben was married twice . . . and he was twice a widower. He was the father of four children.

In my home State, we celebrate each October 31 as Nevada Day. Last October, Reuben Law was a special guest in the Nevada Day parade in Carson City.

Not too long ago, when he was asked about his remarkable life, Reuben quoted a saying from his favorite coffee cup:

> I guess I've seen it all, I've heard it all, I've done it all, I just can't remember it all.

Reuben Law couldn't remember everything he did in his long, storied life . . . but the people of Nevada will never forget his brave service.

In remembering him, we renew our commitment to honor each one of the brave men and women who put our Nation's security and freedom above their personal interests.

ENSURING COLLEGE ACCESS FOR ALL AMERICANS ACT

Mr. DURBIN. Mr. President, I rise to speak on behalf of the Ensuring College Access for All Americans Act. I am pleased to loin Senators CORZINE and KENNEDY as a cosponsor.

This legislation would restore cuts to Pell grants, the principle Federal financial aid program for lower income college students. Although the President recently announced his intention to incremental increase the maximum grants available over the next 5 years, his administration has changed the formula for eligibility in a way that pushes thousands of American young people out of the program.

In Illinois, 48,600 students will be affected by this change. That's a lot of students who are trying to piece together the financial aid package they need to go to school next year. Of those, close to 1,500 young people will entirely lose eligibility for the program. Thanks to the changes made by this administration, students in Illinois will lose $5.5 million in direct Federal grants for college costs.

I urge my colleagues to keep in mind that 90 percent of Pell Grant recipients are considered low-income. Nearly 1.4 million recipients nationwide will see a reduction or total loss of their Pell grants. The Department's new tax tables will eliminate or reduce aid for 26 percent of all Pell grant recipients. These are kids—students—who with their families are working hard to finance a college education.

The students most affected by these changes are likely to work longer hours, borrow more money, or reduce their academic course load in order to balance any loss of funds. Without grant assistance, low-income students have to rely more heavily on student loans. Pell grant recipients are already four times more likely than all other students to take out loans, and they will graduate with twice as much debt as their peers.

Why is this happening? It has been 17 years since the tax tables were last updated. Yes, we need timely updates, greater accuracy and alignment with current state tax policy, but the administration's proposal does not even reflect current tax levels. Under the updated calculation, families are getting less credit for their state and local taxes at a time when they are actually paying more taxes. The administration's "new" tax tables are based on Fiscal Year 2002 State tax information. According to the National Association of State Budget Officers, though, since FY 2002, states have enacted $14.1 billion in tax and fee increases. Because the administration's proposal is still based on outdated tax information, it does not take into account these substantial increases in what families are actually paying in State taxes.

The legislation we introduce today restores fairness to the eligibility process. It restores opportunity for the 1.4 million low- and middle-income young people who are registering for classes.

paying tuition and buying books at a time when tuition costs are rising exponentially. Let's make sense of the Pell grant eligibility process, protect the modest grant levels available for students, and extend the opportunity that higher education in America provides.

RULES OF PROCEDURE—SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS. Mr. President, paragraph 2 of Senate rule XXVI requires that not later than March 1 of the first year of each Congress, the rules of each Committee shall be published in the RECORD.

In compliance with this provision, I ask unanimous consent that the Rules of the Select Committee on Intelligence be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE SELECT COMMITTEE ON INTELLIGENCE

RULE 1. CONVENING OF MEETINGS

1.1 The regular meeting day of the Select Committee on Intelligence for the transaction of Committee business shall be every other Wednesday of each month, unless otherwise directed by the Chairman.

1.2 The Chairman shall have authority, upon notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3 A special meeting of the Committee may be called at any time upon the written request of five or more members of the Committee filed with the Clerk of the Committee.

1.4 In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If five members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee, and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, these members may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the Committee shall be open to the public except as provided in S. Res. 9, 94th Congress, 1st Session.

2.2 It shall be the duty of the Staff Director to keep or cause to be kept a record of all Committee proceedings.

2.3 The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting, the ranking majority member, or if no majority member is present the ranking minority member present, shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of executive sessions, shall consist of no less than one-third of the Committee members, except that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization: (1) is in writing; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

2.6 Whenever the Committee by roll call vote reports any measure or matter, the report of the Committee upon such measure or matter shall include a tabulation of the votes cast in favor of and the votes cast in opposition to such measure or matter by each member of the Committee.

RULE 3. SUBCOMMITTEES

Creation of subcommittees shall be by majority vote of the Committee. Subcommittees shall deal with such legislation and oversight of programs and policies as the Committee may direct. The subcommittees shall be governed by the Rules of the Committee and by such other rules they may adopt which are consistent with the Rules of the Committee.

RULE 4. REPORTING OF MEASURES OR RECOMMENDATIONS

4.1 No measures or recommendations shall be reported, favorably or unfavorably, from the Committee unless a majority of the Committee is actually present and a majority concur.

4.2 In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented by any member or members of the Committee.

4.3 A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three working days in which to file such views, in writing with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

4.4 Routine, non-legislative actions required of the Committee may be taken in accordance with procedures that have been approved by the Committee pursuant to these Committee Rules.

RULE 5. NOMINATIONS

5.1 Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least 14 days before being voted on by the Committee.

5.2 Each member of the Committee shall be promptly furnished a copy of all nominations referred to the Committee.

5.3 Nominees who are invited to appear before the Committee shall be heard in public session, except as provided in Rule 2.1.

5.4 No confirmation hearing shall be held sooner than seven days after receipt of the background and financial disclosure statement unless the time limit is waived by a majority vote of the Committee.

5.5 The Committee vote on the confirmation shall not be sooner than 48 hours after the Committee has received transcripts of the confirmation hearing unless the time limit is waived by unanimous consent of the Committee.

5.6 No nomination shall be reported to the Senate unless the nominee has filed a background and financial disclosure statement with the Committee.

RULE 6. INVESTIGATIONS

No investigation shall be initiated by the Committee unless at least five members of the Committee have specifically requested the Chairman or the Vice Chairman to authorize such an investigation. Authorized investigations may be conducted by members of the Committee and/or designated Committee staff members.

RULE 7. SUBPOENAS

Subpoenas authorized by the Committee for the attendance of witnesses or the production of memoranda, documents, records or any other material may be issued by the Chairman, the Vice Chairman, or any member of the Committee designated by the Chairman, and may be served by any person designated by the Chairman, Vice Chairman or member issuing the subpoenas. Each subpoena shall have attached thereto a copy of S. Res. 400, 94th Congress, 2nd Session and a copy of these Rules.

RULE 8. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

8.1 *Notice*.—Witnesses required to appear before the Committee shall be given reasonable notice, and all witnesses shall be furnished a copy of these Rules.

8.2 *Oath or Affirmation*.—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

8.3 *Interrogation*.—Committee interrogation shall be conducted by members of the Committee and such Committee staff as are authorized by the Chairman, the Vice Chairman, or the presiding member.

8.4 *Counsel for the Witness*.—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact. If the witness informs the Committee of this fact at least 24 hours prior to his or her appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness. Failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross-examination by counsel. However, counsel may submit in writing any question he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony, suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it deems appropriate.

8.5 *Statements by Witnesses*.—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his or her testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding members. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and insofar as practicable and consistent with the notice given, shall do so at least 72 hours in advance of his or her appearance before the Committee.

8.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling shall be the ruling of the Committee unless a majority of the Committee present overrules the ruling of the Chair.

8.7 *Inspection and Correction.*—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony was correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submitted in writing to the Committee within five days from the date when the transcript was made available to the witness. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in executive session which are subsequently quoted or made part of a public record shall be made available to that witness at his or her expense.

8.8 *Requests to Testify.*—The Committee will consider requests to testify on any matter or measure pending before the Committee. A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or a member of the Committee staff, may tend to affect adversely his or her reputation, may request to appear personally before the Committee to testify on his or her own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

8.9 *Contempt Procedures.*—No recommendation that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he or she should not be held in contempt, and agreed, by majority vote of the Committee, to forward such recommendation to the Senate.

8.10 *Release of Name of Witness.*—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to, or after, his or her appearance before the Committee.

RULE 9. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

9.1 Committee staff offices shall operate under strict precautions. At least one security guard shall be on duty at all times by the entrance to control entry. Before entering the office all persons shall identify themselves.

9.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 10.3 hereof. All documents or materials removed from the Committee offices for such authorized purposes must be returned to the Committee's secure storage area for overnight storage.

9.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all classified papers and other classified materials in the possession of the Committee, and such registry shall be available to any member of the Committee.

9.4 Whenever the Select Committee on Intelligence makes classified material available to any other Committee of the Senate or to any Member of the Senate not a member of the Committee, such material shall be accompanied by a verbal or written notice to the recipients advising of their responsibility to protect such material pursuant to Section 8 of S. Res. 400 of the 94th Congress. The Clerk of the Committee shall ensure that such notice is provided and shall maintain a written record identifying the particular information transmitted and the Committee or members of the Senate receiving such information.

9.5 Access to classified information supplied to the Committee shall be limited to those Committee staff members with appropriate security clearance and a need-to-know, as determined by the Committee, and, under the Committee's direction, the Staff Director and Minority Staff Director.

9.6 No member of the Committee or of the Committee staff shall disclose, in whole or in part or by way of summary, to any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, any testimony given before the Committee in executive session including the name of any witness who appeared or was called to appear before the Committee in executive session, or the contents of any papers or materials or other information received by the Committee except as authorized herein, or otherwise as authorized by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate. For purposes of this paragraph, members and staff of the Committee may disclose classified information in the possession of the Committee only to persons with appropriate security clearances who have a need-to-know such information for an official governmental purpose related to the work of the Committee. Information discussed in executive sessions of the Committee and information contained in papers and materials which are not classified but which are controlled by the Committee may be disclosed only to persons outside the Committee who have a need-to-know such information for an official governmental purpose related to the work of the Committee and only if such disclosure has been authorized by the Chairman and Vice Chairman of the Committee, or by the Staff Director and Minority Staff Director, acting on their behalf.

9.7 Failure to abide by Rule 9.6 shall constitute grounds for referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400. Prior to a referral to the Select Committee on Ethics pursuant to Section 8 of S. Res. 400, the Chairman and Vice Chairman shall notify the Majority Leader and Minority Leader.

9.8 Before the Committee makes any decision regarding the disposition of any testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers, and other materials that have been obtained by the members of the Committee or the Committee staff.

9.9 Attendance of persons outside the Committee at closed meetings of the Committee shall be kept at a minimum and shall be limited to persons with appropriate security clearance and a need-to-know the information under consideration for the execution of their official duties. Notes taken at such meetings by any person in attendance shall be returned to the secure storage area in the Committee's offices at the conclusion of such meetings, and may be made available to the department, agency, office, Committee or entity concerned only in accordance with the security procedures of the Committee.

RULE 10. STAFF

10.1 For purposes of these rules, Committee staff includes employees of the Committee, consultants to the Committee, or any other person engaged by contract or otherwise to perform services for or at the request of the Committee. To the maximum extent practicable, the Committee shall rely on its full-time employees to perform all staff functions. No individual may be retained as staff of the Committee or to perform services for the Committee unless that individual holds appropriate security clearances.

10.2 The appointment of Committee staff shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify Committee staff appointments to the Financial Clerk of the Senate in writing. No Committee staff shall be given access to any classified information or regular access to the Committee offices, until such Committee staff has received an appropriate security clearance as described in Section 6 of S. Res. 400 of the 94th Congress.

10.3 The Committee staff works for the Committee as a whole, under the supervision of the Chairman and Vice Chairman of the Committee. The duties of Committee staff shall be performed, and Committee staff personnel affairs and day-to-day operations, including security and control of classified documents and materials, shall be administered under the direct supervision and control of the Staff Director. The Minority Staff Director and the Minority Counsel shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

10.4 The Committee staff shall assist the minority as fully as the majority in the expression of minority views, including assistance in the preparation and filing of additional, separate and minority views, to the end that all points of view may be fully considered by the Committee and the Senate.

10.5 The members of the Committee staff shall not discuss either the substance or procedure of the work of the Committee with any person not a member of the Committee or the Committee staff for any purpose or in connection with any proceeding, judicial or otherwise, either during their tenure as a member of the Committee staff or at any time thereafter except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such a manner as may be determined by the Senate.

10.6 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment to abide by the conditions of the non-disclosure agreement promulgated by the Senate Select Committee on Intelligence, pursuant to Section 6 of S. Res. 400 of the 94th Congress, 2d Session, and to abide by the Committee's code of conduct.

10.7 No member of the Committee staff shall be employed by the Committee unless and until such a member of the Committee staff agrees in writing, as a condition of employment, to notify the Committee, or in the event of the Committee's termination the Senate, of any request for his or her testimony, either during his or her tenure as a member of the Committee staff or at any time thereafter with respect to information which came into his or her possession by virtue of his or her position as a member of the Committee staff. Such information shall not be disclosed in response to such requests except as directed by the Committee in accordance with Section 8 of S. Res. 400 of the 94th Congress and the provisions of these rules, or in the event of the termination of the Committee, in such manner as may be determined by the Senate.

10.8 The Committee shall immediately consider action to be taken in the case of any member of the Committee staff who fails to conform to any of these Rules. Such disciplinary action may include, but shall not be limited to, immediate dismissal from the Committee staff.

10.9 Within the Committee staff shall be an element with the capability to perform audits of programs and activities undertaken by departments and agencies with intelligence functions. Such element shall be comprised of persons qualified by training and/or experience to carry out such functions in accordance with accepted auditing standards.

10.10 The workplace of the Committee shall be free from illegal use, possession, sale or distribution of controlled substances by its employees. Any violation of such policy by any member of the Committee staff shall be grounds for termination of employment. Further, any illegal use of controlled substances by a member of the Committee staff, within the workplace or otherwise, shall result in reconsideration of the security clearance of any such staff member and may constitute grounds for termination of employment with the Committee.

10.11 In accordance with Title III of the Civil Rights Act of 1991 (P.L. 102-166), all personnel actions affecting the staff of the Committee shall be made free from any discrimination based on race, color, religion, sex, national origin, age, handicap or disability.

RULE 11. PREPARATION FOR COMMITTEE MEETINGS

11.1 Under direction of the Chairman and the Vice Chairman, designated Committee staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall, at the request of a member, include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

11.2 The Staff Director shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or executive session shall be made pursuant to the Rules of the Senate and Rules of the Committee.

11.3 The Staff Director shall ensure that covert action programs of the U.S. Government receive appropriate consideration by the Committee no less frequently than once a quarter.

RULE 12. LEGISLATIVE CALENDAR

12.1 The Clerk of the Committee shall maintain a printed calendar for the information of each Committee member showing the measures introduced and referred to the Committee and the status of such measures; nominations referred to the Committee and their status; and such other matters as the Committee determines shall be included. The Calendar shall be revised from time to time to show pertinent changes. A copy of each such revision shall be furnished to each member of the Committee.

12.2 Unless otherwise ordered, measures referred to the Committee shall be referred by the Clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

RULE 13. COMMITTEE TRAVEL

13.1 No member of the Committee or Committee staff shall travel abroad on Committee business unless specifically authorized by the Chairman and Vice Chairman. Requests for authorization of such travel shall state the purpose and extent of the trip. A full report shall be filed with the Committee when travel is completed.

13.2 When the Chairman and the Vice Chairman approve the foreign travel of a member of the Committee staff not accompanying a member of the Committee, all members of the Committee are to be advised, prior to the commencement of such travel, of its extent, nature and purpose. The report referred to in Rule 13.1 shall be furnished to all members of the Committee and shall not be otherwise disseminated without the express authorization of the Committee pursuant to the Rules of the Committee.

13.3 No member of the Committee staff shall travel within this country on Committee business unless specifically authorized by the Staff Director as directed by the Committee.

RULE 14. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

S. RES. 400

Resolved, That it is the purpose of this resolution to establish a new select committee of the Senate, to be known as the Select Committee on Intelligence, to oversee and make continuing studies of the intelligence activities and programs of the United States Government, and to submit to the Senate appropriate proposals for legislation and report to the Senate concerning such intelligence activities and programs. In carrying out this purpose, the Select Committee on Intelligence shall make every effort to assure that the appropriate departments and agencies of the United States provide informed and timely intelligence necessary for the Executive and Legislative branches to make sound decisions affecting the security and vital interests of the Nation. It is further the purpose of this resolution to provide vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States.

SEC. 2. (a)(1) There is hereby established a select committee to be known as the Select Committee on Intelligence (hereinafter in this resolution referred to as the "select committee"). The select committee shall be composed of not to exceed fifteen members appointed as follows:

(A) two members from the Committee on Appropriations;

(B) two members from the Committee on Armed Services;

(C) two members from the Committee on Foreign Relations;

(D) two members from the Committee on the Judiciary; and

(E) not to exceed seven members to be appointed from the Senate at large.

(2) Members appointed from each committee named in clauses (A) through (D) of paragraph (1) shall be evenly divided between the two major political parties and shall be appointed by the President pro tempore of the Senate upon the recommendations of the majority and minority leaders of the Senate. Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin.

(3)(A) The majority leader of the Senate and the minority leader of the Senate shall be ex officio members of the select committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.

(b) At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee. The vice chairman shall act in the place and stead of the chairman in the absence of the chairman. Neither the chairman nor the vice chairman of the select committee shall at the same time serve as chairman or ranking minority member of any other Committee referred to in paragraph 4(e)(1) of rule XXV of the Standing Rules of the Senate.

(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and the Vice Chairman of the select Committee, respectively.

SEC. 3. (a) There shall be referred to the select committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following:

(1) The Central Intelligence Agency and the Director of Central Intelligence.

(2) Intelligence activities of all other departments and agencies of the Government, including, but not limited to, the intelligence activities of the Defense Intelligence Agency, the National Security Agency, and other agencies of the Department of Defense; the Department of State; the Department of Justice; and the Department of the Treasury.

(3) The organization or reorganization of any department or agency of the Government to the extent that the organization or reorganization relates to a function or activity involving intelligence activities.

(4) Authorizations for appropriations, both direct and indirect, for the following:

(A) The Central Intelligence Agency and Director of Central Intelligence.

(B) The Defense Intelligence Agency.

(C) The National Security Agency.

(D) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(E) The intelligence activities of the Department of State.

(F) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

(G) Any department, agency, or subdivision which is the successor to any agency named in clause (A), (B), or (C); and the activities of any department, agency, or subdivision which is the successor to any department, agency, bureau, or subdivision named in clause (D), (E), or (F) to the extent that the activities of such successor department, agency, or subdivision are activities described in clause (D), (E), or (F).

(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not the Session.

(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.

(c) Nothing in this resolution shall be construed as prohibiting or otherwise restricting the authority of any other committee to study and review any intelligence activity to the extent that such activity directly affects a matter otherwise within the jurisdiction of such committee.

(d) Nothing in this resolution shall be construed as amending, limiting, or otherwise changing the authority of any standing committee of the Senate to obtain full and prompt access to the product of the intelligence activities of any department or agency of the Government relevant to a matter otherwise within the jurisdiction of such committee.

SEC. 4. (a) The select committee, for the purposes of accountability to the Senate, shall make regular and periodic, but not less than quarterly, reports to the Senate on the nature and extent of the intelligence activities of the various departments and agencies of the United States. Such committee shall promptly call to the attention of the Senate or to any other appropriate committee or committees of the Senate any matters, requiring the attention of the Senate or such other committee or committees. In making such report, the select committee shall proceed in a manner consistent with section 8(c)(2) to protect national security.

(b) The select committee shall obtain an annual report from the Director of the Central Intelligence Agency, the Secretary of Defense, the Secretary of State, and the Director of the Federal Bureau of Investigation. Such reports shall review the intelligence activities of the agency or department concerned and the intelligence activities of foreign countries directed at the United States or its interest. An unclassified version of each report may be made available to the public at the discretion of the select committee. Nothing herein shall be construed as requiring the public disclosure in such reports of the names of individuals engaged in intelligence activities for the United States or the divulging of intelligence methods employed or the sources of information on which such reports are based or the amount of funds authorized to be appropriated for intelligence activities.

(c) On or before March 15 of each year, the select committee shall submit to the Committee on the Budget of the Senate the views and estimates described in section 301(c) of the Congressional Budget Act of 1974 regarding matters within the jurisdiction of the select committee.

SEC. 5. (a) For the purposes of this resolution, the select committee is authorized in its discretion (1) to make investigations into any matter within its jurisdiction, (2) to make expenditures from the contingent fund of the Senate, (3) to employ personnel, (4) to hold hearings, (5) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (6) to require, by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (7) to take depositions and other testimony, (8) to procure the service of individual consultants or organizations thereof, in accordance with the provisions of section 202(1) of the Legislative Reorganization Act of 1946, and (9) with the prior consent of the government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(b) The chairman of the select committee or any member thereof may administer oaths to witnesses.

(c) Subpoenas authorized by the select committee may be issued over the signature of the chairman, the vice chairman or any member of the select committee designated by the chairman, and may be served by any person designated by the chairman or any member signing the subpoenas.

SEC. 6. No employee of the select committee or any person engaged by contract or otherwise to perform service for or at the request of such committee shall be given access to any classified information by such committee unless such employee or person has (1) agreed in writing and under oath to be bound by the rules of the Senate (including the jurisdiction of the [Select Committee on Ethics]) and of such committee as to the security of such information during and after the period of his employment or contractual agreement with such committee; and (2) received an appropriate security clearance as determined by such committee in consultation with the Director of Central Intelligence. The type of security clearance to be required in the case of any such employee or person shall, within the determination of such committee in consultation with the Director of Central Intelligence, be commensurate with the sensitivity of the classified information to which such employee or person will be given access by such committee.

SEC. 7. The select committee shall formulate and carry out such rules and procedures as it deems necessary to prevent the disclosure, without the consent of the person or persons concerned, of information in the possession of such committee which unduly infringes upon the privacy or which violates the constitutional rights of such person or persons. Nothing herein shall be construed to prevent such committee from publicly disclosing any such information in any case in which such committee determines the national interest in the disclosure of such information clearly outweighs any infringement on the privacy of any person or persons.

SEC 8. (a) The select committee may, subject to the provisions of this section, disclose publicly any information in the possession of such committee after a determination by such committee that the public interest would be served by such disclosure. Whenever committee action is required to disclose any information under this section, the committee shall meet to vote on the matter within five days after any member of the committee requests such a vote. No member of the select committee shall disclose any information, the disclosure of which requires a committee vote, prior to a vote by the committee on the question of the disclosure of such information or after such vote except in accordance with this section.

(b)(1) In any case in which the select committee votes to disclose publicly any information which has been classified under established security procedures, which has been submitted to it by the Executive branch, and which the Executive branch requests be kept secret, such committee shall—

(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote.

(2) The select committee may disclose publicly such information after the expiration of a five-day period following the day on which notice of such vote is transmitted to the Majority Leader and the Minority Leader the President, unless, prior to the expiration of such five-day period, the President, personally in writing, notifies the committee that

he objects to the disclosure of such information, provides his reason therefore, and certifies that the threat to the national interest of the United States posed by such disclosure is of such gravity that it outweighs any public interest in the disclosure.

(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.

(4) Whenever the select committee votes to refer the question of disclosure of any information to the Senate under paragraph (3), the chairman shall not later than the first day on which the Senate is in session following the day on which the vote occurs, report the matter to the Senate for its consideration.

(5) One hour after the Senate convenes on the fourth day on which the Senate is in session following the day on which any such matter is reported to the Senate, or at such earlier time as the majority leader and the minority leader of the Senate jointly agree upon in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate, the Senate shall go into closed session and the matter shall be the pending business. In considering the matter in closed session the Senate may—

(A) approve the public disclosure of all or any portion of the information in question, in which case the committee shall publicly disclose the information ordered to be disclosed.

(B) disapprove the public disclosure of all or any portion of the information in question, in which case the committee shall not publicly disclose the information ordered not to be disclosed, or

(C) refer all or any portion of the matter back to the committee, in which case the committee shall make the final determination with respect to the public disclosure of the information in question.

Upon conclusion of the consideration of such matter in closed session, which may not extend beyond the close of the ninth day on which the Senate is in session following the day on which such matter was reported to the Senate, or the close of the fifth day following the day agreed upon jointly by the majority and minority leaders in accordance with paragraph 5 of rule XVII of the Standing Rules of the Senate (whichever the case may be), the Senate shall immediately vote on the disposition of such matter in open session, without debate, and without divulging the information with respect to which the vote is being taken. The Senate shall vote to dispose of such matter by one or more of the means specified in clauses (A), (B), and (C) of the second sentence of this paragraph. Any vote of the Senate to disclose any information pursuant to this paragraph shall be subject to the right of a Member of the Senate or move for reconsideration of the vote within the time and pursuant to the procedures specified in rule XIII of the Standing Rules of the Senate, and the disclosure of such information shall be made consistent with that right.

(c)(1) No information in the possession of the select committee relating to the lawful intelligence activities of any department or agency of the United States which has been classified under established security procedures and which the select committee, pursuant to subsection (a) or (b) of this section, has determined should not be disclosed shall be made available to any person by a Member, officer, or employee of the Senate except in a closed session of the Senate or as provided in paragraph (2).

(2) The select committee may, under such regulations as the committee shall prescribe to protect the confidentiality of such information, make any information described in paragraph (1) available to any other committee or any other Member of the Senate. Whenever the select committee makes such information available, the committee shall keep a written record showing, in the case of any particular information, which committee or which Members of the Senate received such information. No Member of the Senate who, and no committee which, receives any information under this subsection, shall disclose such information except in a closed session of the Senate.

(d) It shall be the duty of the [Select Committee on Ethics] to investigate any unauthorized disclosure of intelligence information by a Member, officer or employee of the Senate in violation of subsection (c) and to report to the Senate concerning any allegation which it finds to be substantiated.

(e) Upon the request of any person who is subject to any such investigation, the [Select Committee on Ethics] shall release to such individual at the conclusion of its investigation a summary of its investigation together with its findings. If, at the conclusion of its investigation, the [Select Committee on Ethics] determines that there has been a significant breach of confidentiality or unauthorized disclosure by a Member, officer, or employee of the Senate, it shall report its findings to the Senate and recommend appropriate action such as censure, removal from committee membership, or expulsion from the Senate, in the case of a Member, or removal from office or employment or punishment for contempt, in the case of an officer or employee.

SEC. 9. The select committee is authorized to permit any personal representative of the President, designated by the President to serve as a liaison to such committee, to attend any closed meeting of such committee.

SEC. 10. Upon expiration of the Select Committee on Government Operations with Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress, all records, files, documents, and other materials in the possession, custody, or control of such committee, under appropriate conditions established by it, shall be transferred to the select committee.

SEC. 11. (a) It is the sense of the Senate that the head of each department and agency of the United States should keep the select committee fully and currently informed with respect to intelligence activities, including any significant anticipated activities; which are the responsibility of or engaged in by such department or agency: *Provided*, That this does not constitute a condition precedent to the implementation of any such anticipated intelligence activity.

(b) It is the sense of the Senate that the head of any department or agency of the United States involved in any intelligence activities should furnish any information or document in the possession, custody, or control of the department or agency, or person paid by such department or agency, whenever requested by the select committee with respect to any matter within such committee's jurisdiction.

(c) It is the sense of the Senate that each department and agency of the United States should report immediately upon discovery to the select committee any and all intelligence activities which constitute violations of the constitutional rights of any person, violations of law, or violations of Executive orders, Presidential directives, or departmental or agency rules or regulations; each department and agency should further report to such committee what actions have been taken or are expected to be taken by the departments or agencies with respect to such violations.

SEC. 12. Subject to the Standing Rules of the Senate, no funds shall be appropriated for any fiscal year beginning after September 30, 1976, with the exception of a continuing bill or resolution, or amendment thereto, or conference report thereon, to, or for use of, any department or agency of the United States to carry out any of the following activities, unless such funds shall have been previously authorized by a bill or joint resolution passed by the Senate during the same or preceding fiscal year to carry out such activity for such fiscal year:

(1) The activities of the Central Intelligence Agency and the Director of Central Intelligence.

(2) The activities of the Defense Intelligence Agency.

(3) The activities of the National Security Agency.

(4) The intelligence activities of other agencies and subdivisions of the Department of Defense.

(5) The intelligence activities of the Department of State.

(6) The intelligence activities of the Federal Bureau of Investigation, including all activities of the Intelligence Division.

SEC. 13. (a) The select committee shall make a study with respect to the following matters, taking into consideration with respect to each such matter, all relevant aspects of the effectiveness of planning, gathering, use, Security, and dissemination of intelligence:

(1) the quality of the analytical capabilities of United States foreign intelligence agencies and means for integrating more closely analytical intelligence and policy formulation;

(2) the extent and nature of the authority of the departments and agencies of the Executive branch to engage in intelligence activities and the desirability of developing charters for each intelligence agency or department;

(3) the organization of intelligence activities in the Executive branch to maximize the effectiveness of the conduct, oversight, and accountability of intelligence activities; to reduce duplication or overlap; and to improve the morale of the personnel of the foreign intelligence agencies;

(4) the conduct of covert and clandestine activities and the procedures by which Congress is informed of such activities;

(5) the desirability of changing any law, Senate rule or procedure, or any Executive order, rule, or regulation to improve the protection of intelligence Secrets and provide for disclosure of information for which there is no compelling reason for secrecy;

(6) the desirability of establishing a standing committee of the Senate on intelligence activities;

(7) the desirability of establishing a joint committee of the Senate and the House of Representatives on intelligence activities in lieu of having separate committees in each House of Congress, or of establishing procedures under which separate committees on intelligence activities of the two Houses of

Congress would receive joint briefings from the intelligence agencies and coordinate their policies with respect to the safeguarding or sensitive intelligence information;

(8) the authorization of funds for the intelligence activities of the Government and whether disclosure of any of the amounts of such funds is in the public interest; and

(9) the development of a uniform set of definitions for terms to be used in policies or guidelines which may be adopted by the executive or legislative branches to govern, clarify, and strengthen the operation of intelligence activities.

(b) The select committee may, in its discretion, omit from the special study required by this section any matter it determines has been adequately studied by the Select Committee to Study Governmental Operations with Respect to Intelligence Activities, established by Senate Resolution 21, Ninety-fourth Congress.

(c) The select committee shall report the results of the study provided for by this section to the Senate, together with any recommendations for legislative or other actions it deems appropriate, no later than July 1, 1977, and from time to time thereafter as it deems appropriate.

SEC. 14. (a) As used in this resolution, the term "intelligence activities" includes (1) the collection, analysis, production, dissemination, or use of information which relates to any foreign country, or any government, political group, party, military force, movement, or other association in such foreign country, and which relates to the defense, foreign policy, national security, or related policies of the United States, and other activity which is in support of such activities; (2) activities taken to counter similar activities directed against the United States; (3) covert or clandestine activities affecting the relations of the United States with any foreign government, political group, party, military force, movement or other association; (4) the collection, analysis, production, dissemination, or use of information about activities of persons within the United States, its territories and possessions, or nationals of the United States abroad whose political and related activities pose, or may be considered by any department, agency, bureau, office, division, instrumentality, or employee of the United States to pose, a threat to the internal security of the United States, and covert or clandestine activities directed against such persons. Such term does not include tactical foreign military intelligence serving no national policymaking function.

(b) As used in this resolution, the term "department or agency" includes any organization, committee, council, establishment, or office within the Federal Government.

(c) For purposes of this resolution, reference to any department, agency, bureau, or subdivision shall include a reference to any successor department, agency, bureau, or subdivision to the extent that such successor engages in intelligence activities now conducted by the department, agency, bureau, or subdivision referred to in this resolution.

SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

(d) Of the funds made available to the select Committee for personnel—

(1) not more than 60 percent shall be under the control of the Chairman; and

(2) not more than 40 percent shall be under the control of the Vice Chairman.

SEC. 16. Nothing in this resolution shall be construed as constituting acquiescence by the Senate in any practice, or in the conduct of any activity, not otherwise authorized by law.

SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.

S. RES. 9

Resolved, That paragraph 7(b) of rule XXV of the Standing rules of the Senate is amended to read as follows:

"(b) Each meeting of a standing, select, or special committee of the Senate, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a portion or portions of any such meetings may be closed to the public if the committee or subcommittee, as the case may be, determines by record vote of a majority of the members of the committee or subcommittee present that the matters be discussed or the testimony to be taken at such portion or portions—

"(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

"(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

"(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

"(4) will disclose the identity of any informer or law enforcement agency or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement; or

"(5) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

"(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

"(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such persons.

Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt."

SEC. 2. Section 133A(b) of the Legislative Reorganization Act of 1946, section 242(a) of the Legislative Reorganization Act of 1970, and section 102(d) and (e) of the Congressional Budget Act of 1974 are repealed.

S. RES. 445

Resolved,

SEC. 100. PURPOSE.

It is the purpose of titles I through V of this resolution to improve the effectiveness of the Senate Select Committee on Intelligence, especially with regard to its oversight of the Intelligence Community of the United States Government, and to improve the Senate's oversight of homeland security.

TITLE I—HOMELAND SECURITY OVERSIGHT REFORM

SEC. 101. HOMELAND SECURITY.

(a) COMMITTEE ON HOMELAND SECURITY AND GOVERNMENT AFFAIRS.—The Committee on Governmental Affairs is renamed as the Committee on Homeland Security and Governmental Affairs.

(b) JURISDICTION.—There shall be referred to the committee all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

(1) Department of Homeland Security, except matters relating to—

(A) the Coast Guard, the Transportation Security Administration, the Federal Law Enforcement Training Center or the Secret Service; and

(B)(i) the United States Citizenship and Immigration Service; or

(ii) the immigration functions of the United States Customs and Border Protection or the United States Immigration and Custom Enforcement or the Directorate of Border and Transportation Security; and

(C) the following functions performed by any employee of the Department of Homeland Security—

(i) any customs revenue function including any function provided for in section 415 of the Homeland Security Act of 2002 (Public Law 107-296);

(ii) any commercial function or commercial operation of the Bureau of Customs and Border Protection or Bureau of Immigration and Customs Enforcement, including matters relating to trade facilitation and trade regulation; or

(iii) any other function related to clause (i) or (ii) that was exercised by the United States Customs Service on the day before the effective date of the Homeland Security Act of 2002 (Public Law 107-296).

The jurisdiction of the Committee on Homeland Security and Governmental Affairs in this paragraph shall supersede the jurisdiction of any other committee of the Senate provided in the rules of the Senate: *Provided*, That the jurisdiction provided under section 101(b)(1) shall not include the National Flood Insurance Act of 1968, or functions of the Federal Emergency Management Agency related thereto.

(2) Archives of the United States.

(3) Budget and accounting measures, other than appropriations, except as provided in the Congressional Budget Act of 1974.

(4) Census and collection of statistics, including economic and social statistics.

(5) Congressional organization, except for any part of the matter that amends the rules or orders of the Senate.

(6) Federal Civil Service.

(7) Government information.

(8) Intergovernmental relations.

(9) Municipal affairs of the District of Columbia, except appropriations therefor.

(10) Organization and management of United States nuclear export policy.

(11) Organization and reorganization of the executive branch of the Government.

(12) Postal Service.

(13) Status of officers and employees of the United States, including their classification, compensation, and benefits.

(c) ADDITIONAL DUTIES.—The committee shall have the duty of—

(1) receiving and examining reports of the Comptroller General of the United States and of submitting such recommendations to the Senate as it deems necessary or desirable in connection with the subject matter of such reports;

(2) studying the efficiency, economy, and effectiveness of all agencies and departments of the Government;

(3) evaluating the effects of laws enacted to reorganize the legislative and executive branches of the Government; and

(4) studying the intergovernmental relationships between the United States and the States and municipalities, and between the United States and international organizations of which the United States is a member.

(d) JURISDICTION OF BUDGET COMMITTEE.—Notwithstanding paragraph (b)(3) of this section, and except as otherwise provided in the Congressional Budget Act of 1974, the Committee on the Budget shall have exclusive jurisdiction over measures affecting the congressional budget process, which are—

(1) the functions, duties, and powers of the Budget Committee;

(2) the functions, duties, and powers of the Congressional Budget Office;

(3) the process by which Congress annually establishes the appropriate levels of budget authority, outlays, revenues, deficits or surpluses, and public debt—including subdivisions thereof—and including the establishment of mandatory ceilings on spending and appropriations, a floor on revenues, timetables for congressional action on concurrent resolutions, on the reporting of authorization bills, and on the enactment of appropriation bills, and enforcement mechanisms for budgetary limits and timetables;

(4) the limiting of backdoor spending devices;

(5) the timetables for Presidential submission of appropriations and authorization requests;

(6) the definitions of what constitutes impoundment—such as "rescissions" and "deferrals";

(7) the process and determination by which impoundments must be reported to and considered by Congress;

(8) the mechanisms to insure Executive compliance with the provisions of the Impoundment Control Act, title X—such as GAO review and lawsuits; and

(9) the provisions which affect the content or determination of amounts included in or excluded from the congressional budget or the calculation of such amounts, including the definition of terms provided by the Budget Act.

(e) OMB NOMINEES.—The committee on the Budget and the Committee on Homeland Security and Governmental Affairs shall have joint jurisdiction over the nominations of persons nominated by the President to fill the positions of Director and Deputy Director for Budget within the Office of Management and Budget, and if one committee votes to order reported such a nomination, the other must report within 30 calendar days session, or be automatically discharged.

TITLE II—INTELLIGENCE OVERSIGHT REFORM

SEC. 201. INTELLIGENCE OVERSIGHT.

(a) COMMITTEE ON ARMED SERVICES MEMBERSHIP.—Section 2(a)(3) of Senate Resolution 400, agreed to May 19, 1976 (94th Congress) (referred to in this section as "S. Res. 400") is amended by—

(1) inserting "(A)" after "(3)"; and

(2) inserting at the end the following:

"(B) The Chairman and Ranking Member of the Committee on Armed Services (if not already a member of the select Committee) shall be ex officio members of the select Committee but shall have no vote in the Committee and shall not be counted for purposes of determining a quorum.".

(b) NUMBER OF MEMBERS.—Section 2(a) of S. Res. 400 is amended—

(1) in paragraph (1), by inserting "not to exceed" before "fifteen members";

(2) in paragraph (1)(E), by inserting "not to exceed" before "seven"; and

(3) in paragraph (2), by striking the second sentence and inserting "Of any members appointed under paragraph (1)(E), the majority leader shall appoint the majority members and the minority leader shall appoint the minority members, with the majority having a one vote margin".

(c) ELIMINATION OF TERM LIMITS.—Section 2 of Senate Resolution 400, 94th Congress, agreed to May 19, 1976, is amended by striking subsection (b) and by redesignating subsection (c) as subsection (b).

(d) APPOINTMENT OF CHAIRMAN AND VICE CHAIRMAN.—Section 2(b) of S. Res 400, as redesignated by subsection (c) of this section, is amended by striking the first sentence and inserting the following: "At the beginning of each Congress, the Majority Leader of the Senate shall select a chairman of the select Committee and the Minority Leader shall select a vice chairman for the select Committee.".

(e) SUBCOMMITTEES.—Section 2 of S. Res. 400, as amended by subsections (a) through (d), is amended by adding at the end the following:

"(c) The select Committee may be organized into subcommittees. Each subcommittee shall have a chairman and a vice chairman who are selected by the Chairman and Vice Chairman of the select Committee, respectively.".

(f) REPORTS.—Section 4(a) of S. Res 400 is amended by inserting ", but not less than quarterly," after "periodic".

(g) STAFF.—Section 15 of S. Res. 400 is amended to read as follows:

"SEC. 15. (a) In addition to other committee staff selected by the select Committee, the select Committee shall hire or appoint one employee for each member of the select Committee to serve as such Member's designated representative on the select Committee. The select Committee shall only hire or appoint an employee chosen by the respective Member of the select Committee for whom the employee will serve as the designated representative on the select Committee.

"(b) The select Committee shall be afforded a supplement to its budget, to be determined by the Committee on Rules and Administration, to allow for the hire of each employee who fills the position of designated representative to the select Committee. The designated representative shall have office space and appropriate office equipment in the select Committee spaces. Designated personal representatives shall have the same access to Committee staff, information, records, and databases as select Committee staff, as determined by the Chairman and Vice Chairman.

"(c) The designated employee shall meet all the requirements of relevant statutes, Senate rules, and committee security clearance requirements for employment by the select Committee.

"(d) Of the funds made available to the select Committee for personnel—

"(1) not more than 60 percent shall be under the control of the Chairman; and

"(2) not less than 40 percent shall be under the control of the Vice Chairman.".

(h) NOMINEES.—S. Res. 400 is amended by adding at the end the following:

"SEC. 17. (a) The select Committee shall have jurisdiction for reviewing, holding hearings, and reporting the nominations of civilian persons nominated by the President to fill all positions within the intelligence community requiring the advice and consent of the Senate.

"(b) Other committees with jurisdiction over the nominees' executive branch department may hold hearings and interviews with such persons, but only the select Committee shall report such nominations.".

(i) JURISDICTION.—Section 3(b) of S. Res. 400 is amended to read as follows:

"(b)(1) Any proposed legislation reported by the select Committee except any legislation involving matters specified in clause (1) or (4)(A) of subsection (a), containing any matter otherwise within the jurisdiction of any standing committee shall, at the request of the chairman of such standing committee, be referred to such standing committee for its consideration of such matter and be reported to the Senate by such standing committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such standing committee; and any proposed legislation reported by any committee, other than the select Committee, which contains any matter within the jurisdiction of the select Committee shall, at the request of the chairman of the select Committee, be referred to the select Committee for its consideration of such matter and be reported to the Senate by the select Committee within 10 days after the day on which such proposed legislation, in its entirety and including annexes, is referred to such committee.

"(2) In any case in which a committee fails to report any proposed legislation referred to it within the time limit prescribed in this subsection, such Committee shall be automatically discharged from further consideration of such proposed legislation on the 10th day following the day on which such proposed legislation is referred to such committee unless the Senate provides otherwise, or the Majority Leader or Minority Leader request, prior to that date, an additional 5 days on behalf of the Committee to which the proposed legislation was sequentially referred. At the end of that additional 5 day period, if the Committee fails to report the proposed legislation within that 5 day period, the Committee shall be automatically discharged from further consideration of such proposed legislation unless the Senate provides otherwise.

"(3) In computing any 10 or 5 day period under this subsection there shall be excluded from such computation any days on which the Senate is not in session.

"(4) The reporting and referral processes outlined in this subsection shall be conducted in strict accordance with the Standing Rules of the Senate. In accordance with such rules, committees to which legislation is referred are not permitted to make changes or alterations to the text of the referred bill and its annexes, but may propose changes or alterations to the same in the form of amendments.".

(j) PUBLIC DISCLOSURE.—Section 8 of S. Res. 400 is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "shall notify the President of such vote" and inserting "shall—

"(A) first, notify the Majority Leader and Minority Leader of the Senate of such vote; and

"(B) second, consult with the Majority Leader and Minority Leader before notifying the President of such vote."; (B) in paragraph (2), by striking "transmitted to the President" and inserting "transmitted to the Majority Leader and the Minority Leader and the President"; and (C) by amending paragraph (3) to read as follows:

"(3) If the President, personally, in writing, notifies the Majority Leader and Minority Leader of the Senate and the select Committee of his objections to the disclosure of such information as provided in paragraph (2), the Majority Leader and Minority Leader jointly or the select Committee, by majority vote, may refer the question of the disclosure of such information to the Senate for consideration.".

TITLE III—COMMITTEE STATUS

SEC. 301. COMMITTEE STATUS.

(a) HOMELAND SECURITY.—The Committee on Homeland Security and Governmental Affairs shall be treated as the Committee on Governmental Affairs listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

(b) INTELLIGENCE.—The Select Committee on Intelligence shall be treated as a committee listed under paragraph 2 of rule XXV of the Standing Rules of the Senate for purposes of the Standing Rules of the Senate.

TITLE IV—INTELLIGENCE-RELATED SUBCOMMITTEES

SEC. 401. SUBCOMMITTEE RELATED TO INTELLIGENCE OVERSIGHT.

(a) ESTABLISHMENT.—There is established in the Select Committee on Intelligence a Subcommittee on Oversight which shall be in addition to any other subcommittee established by the select Committee.

(b) RESPONSIBILITY.—The Subcommittee on Oversight shall be responsible for ongoing oversight of intelligence activities.

SEC. 402. SUBCOMMITTEE RELATED TO INTELLIGENCE APPROPRIATIONS.

(a) ESTABLISHMENT.—There is established in the Committee on Appropriations a Subcommittee on Intelligence. The Committee on Appropriations shall reorganize into 13 subcommittees as soon as possible after the convening of the 109th Congress.

(b) JURISDICTION.—The Subcommittee on Intelligence of the Committee on Appropriations shall have jurisdiction over funding for intelligence matters, as determined by the Senate Committee on Appropriations.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This resolution shall take effect on the convening of the 109th Congress.

RULES OF PROCEDURE—SPECIAL COMMITTEE ON AGING

Mr. SMITH. Mr. President, in accordance with rule XXVI, paragraph 2, of the Standing Rules of the Senate, I hereby submit for publication the rules of the Special Committee on Aging.

I ask unanimous consent to have them printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SPECIAL COMMITTEE ON AGING

Jurisdiction and Authority

S. Res. 4, 104, 95th Cong., 1st Sess. (1977)

(a)(1) There is established a Special Committee on Aging (hereafter in this section referred to as the "special committee") which shall consist of nineteen Members. The Members and chairman of the special committee shall be appointed in the same manner and at the same time as the Members and chairman of a standing committee of the Senate. After the date on which the majority and minority Members of the special committee are initially appointed on or after the effective date of title I of the Committee System Reorganization Amendments of 1977, each time a vacancy occurs in the Membership of the special committee, the number of Members of the special committee shall be reduced by one until the number of Members of the special committee consists of nine Senators.

(2) For purposes of paragraph 1 of rule XXV; paragraphs 1, 7(a)(1)-(2), 9, and 10(a) of rule XXVI; and paragraphs 1(a)-(d), and 2 (a) and (d) of rule XXVII of the Standing Rules of the Senate; and for purposes of section 202 (i) and (j) of the Legislative Reorganization Act of 1946, the special committee shall be treated as a standing committee of the Senate.

(b)(1) It shall be the duty of the special committee to conduct a continuing study of any and all matters pertaining to problems and opportunities of older people, including, but not limited to, problems and opportunities of maintaining health, of assuring adequate income, of finding employment, of engaging in productive and rewarding activity, of securing proper housing, and when necessary, of obtaining care or assistance. No proposed legislation shall be referred to such committee, and such committee shall not have power to report by bill, or otherwise have legislative jurisdiction.

(2) The special committee shall, from time to time (but not less often than once each year), report to the Senate the results of the study conducted pursuant to paragraph (1), together with such recommendation as it considers appropriate.

(c)(1) For the purposes of this section, the special committee is authorized, in its discretion, (A) to make investigations into any matter within its jurisdiction, (B) to make expenditures from the contingent fund of the Senate, (C) to employ personnel, (D) to hold hearings, (E) to sit and act at any time or place during the sessions, recesses, and adjourned periods of the Senate, (F) to require by subpoena or otherwise, the attendance of witnesses and the production of correspondence, books, papers, and documents, (G) to take depositions and other testimony, (H) to procure the service of individual consultants or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended) and (I) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable basis the services of personnel of any such department or agency.

(2) The chairman of the special committee or any Member thereof may administer oaths to witnesses.

(3) Subpoenas authorized by the special committee may be issued over the signature of the chairman, or any Member of the special committee designated by the chairman, and may be served by any person designated by the chairman or the Member signing the subpoena.

(d) All records and papers of the temporary Special Committee on Aging established by Senate Resolution 33, Eighty-seventh Congress, are transferred to the special committee.

Rules of Procedure

141 Cong. Rec. S3293 (daily ed. Feb. 28, 1995)

I. CONVENING OF MEETINGS AND HEARINGS

1. Meetings. The Committee shall meet to conduct Committee business at the call of the Chairman.

2. Special Meetings. The Members of the Committee may call additional meetings as provided in Senate Rule XXVI (3).

3. Notice and Agenda:

(a) Hearings. The Committee shall make public announcement of the date, place, and subject matter of any hearing at least one week before its commencement.

(b) Meetings. The Chairman shall give the Members written notice of any Committee meeting, accompanied by an agenda enumerating the items of business to be considered, at least 5 days in advance of such meeting.

(c) Shortened Notice. A hearing or meeting may be called on not less than 24 hours notice if the Chairman, with the concurrence of the Ranking Minority Member, determines that there is good cause to begin the hearing or meeting on shortened notice. An agenda will be furnished prior to such a meeting.

4. Presiding Officer. The Chairman shall preside when present. If the Chairman is not present at any meeting or hearing, the Ranking Majority Member present shall preside. Any Member of the Committee may preside over the conduct of a hearing.

II. CLOSED SESSIONS AND CONFIDENTIAL MATERIALS

1. Procedure. All meetings and hearings shall be open to the public unless closed. To close a meeting or hearing or portion thereof, a motion shall be made and seconded to go into closed discussion of whether the meeting or hearing will concern the matters enumerated in Rule II.3. Immediately after such discussion, the meeting or hearing may be closed by a vote in open session of a majority of the Members of the Committee present.

2. Witness Request. Any witness called for a hearing may submit a written request to the Chairman no later than twenty-four hours in advance for his examination to be in closed or open session. The Chairman shall inform the Committee of any such request.

3. Closed Session Subjects. A meeting or hearing or portion thereof may be closed if the matters to be discussed concern: (1) national security; (2) Committee staff personnel or internal staff management or procedure; (3) matters tending to reflect adversely on the character or reputation or to

invade the privacy of the individuals; (4) Committee investigations; (5) other matters enumerated in Senate Rule XXVI (5)(b).

4. Confidential Matter. No record made of a closed session, or material declared confidential by a majority of the Committee, or report of the proceedings of a closed session, shall be made public, in whole or in part or by way of summary, unless specifically authorized by the Chairman and Ranking Minority Member.

5. Broadcasting:

(a) Control. Any meeting or hearing open to the public may be covered by television, radio, or still photography. Such coverage must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such coverage in whole or in part, or take such other action to control it as the circumstances may warrant.

(b) Request. A witness may request of the Chairman, on grounds of distraction, harassment, personal safety, or physical discomfort, that during his testimony cameras, media microphones, and lights shall not be directed at him.

III. QUORUMS AND VOTING

1. Reporting. A majority shall constitute a quorum for reporting a resolution, recommendation or report to the Senate.

2. Committee Business. A third shall constitute a quorum for the conduct of Committee business, other than a final vote on reporting, providing a minority Member is present. One Member shall constitute a quorum for the receipt of evidence, the swearing of witnesses, and the taking of testimony at hearings.

3. Polling:

(a) Subjects. The Committee may poll (1) internal Committee matters including those concerning the Committee's staff, records, and budget; (2) other Committee business which has been designated for polling at a meeting.

(b) Procedure. The Chairman shall circulate polling sheets to each Member specifying the matter being polled and the time limit for completion of the poll. If any Member so requests in advance of the meeting, the matter shall be held for meeting rather than being polled. The clerk shall keep a record of polls, if the Chairman determines that the polled matter is one of the areas enumerated in Rule II.3, the record of the poll shall be confidential. Any Member may move at the Committee meeting following a poll for a vote on the polled decision.

IV. INVESTIGATIONS

1. Authorization for Investigations. All investigations shall be conducted on a bipartisan basis by Committee staff. Investigations may be initiated by the Committee staff upon the approval of the Chairman and the Ranking Minority Member. Staff shall keep the Committee fully informed of the progress of continuing investigations, except where the Chairman and the Ranking Minority Member agree that there exists temporary cause for more limited knowledge.

2. Subpoenas. Subpoenas for the attendance of witnesses or the production of memoranda, documents, records, or any other materials shall be issued by the Chairman, or by any other Member of the Committee designated by him. Prior to the issuance of each subpoena, the Ranking Minority Member, and any other Member so requesting, shall be notified regarding the identity of the person to whom the subpoena will be issued and the nature of the information sought, and its relationship to the investigation.

3. Investigative Reports. All reports containing findings or recommendations stemming from Committee investigations shall be printed only with the approval of a majority of the Members of the Committee.

V. HEARINGS

1. Notice. Witnesses called before the Committee shall be given, absent extraordinary circumstances, at least forty-eight hours notice, and all witnesses called shall be furnished with a copy of these rules upon request.

2. Oath. All witnesses who testify to matters of fact shall be sworn unless the Committee waives the oath. The Chairman, or any member, may request and administer the oath.

3. Statement. Witnesses are required to make an introductory statement and shall file 150 copies of such statement with the Chairman or clerk of the Committee at least 72 hours in advance of their appearance, unless the Chairman and Ranking Minority Member determine that there is good cause for a witness's failure to do so. A witness shall be allowed no more than ten minutes to orally summarize their prepared statement.

4. Counsel:

(a) A witness's counsel shall be permitted to be present during his testimony at any public or closed hearing or depositions or staff interview to advise such witness of his rights, provided, however, that in the case of any witness who is an officer or employee of the government, or of a corporation or association, the Chairman may rule that representation by counsel from the government, corporation, or association creates a conflict of interest, and that the witness shall be represented by personal counsel not from the government, corporation, or association.

(b) A witness is unable for economic reasons to obtain counsel may inform the Committee at least 48 hours prior to the witness's appearance, and it will endeavor to obtain volunteer counsel for the witness. Such counsel shall be subject solely to the control of the witness and not the Committee Failure to obtain counsel will not excuse the witness from appearing and testifying.

5. Transcript. An accurate electronic or stenographic record shall be kept of the testimony of all witnesses in executive and public hearings. Any witness shall be afforded, upon request, the right to review that portion of such record, and for this purpose, a copy of a witness's testimony in public or closed session shall be provided to the witness. Upon inspecting his transcript, within a time limit set by the committee clerk, a witness may request changes in testimony to correct errors of transcription, grammatical errors, and obvious errors of fact, the Chairman or a staff officer designated by him shall rule on such request.

6. Impugned Persons. Any person who believes that evidence presented, or comment made by a Member or staff, at a public hearing or at a closed hearing concerning which there have been public reports, tends to impugn his character or adversely affect his reputation may:

(a) file a sworn statement of facts relevant to the evidence or comment, which shall be placed in the hearing record:

(b) request the opportunity to appear personally before the Committee to testify in his own behalf; and

(c) submit questions in writing which he requests be used for the cross-examination of other witnesses called by the Committee. The Chairman shall inform the Committee of such requests for appearance or cross-examination. If the Committee so decides; the requested questions, or paraphrased versions or portions of them, shall be put to the other witness by a Member or by staff.

7. Minority Witnesses. Whenever any hearing is conducted by the Committee, the minority on the Committee shall be entitled, upon request made by a majority of the minority Members to the Chairman, to call witnesses selected by the minority to testify or produce documents with respect to the measure or matter under consideration during at least one day of the hearing. Such request must be made before the completion of the hearing or, if subpoenas are required to call the minority witnesses, no later than three days before the completion of the hearing.

8. Conduct of Witnesses, Counsel and Members of the Audience. If, during public or executive sessions, a witness, his counsel, or any spectator conducts himself in such a manner as to prevent, impede, disrupt, obstruct, or interfere with the orderly administration of such hearing the Chairman or presiding Member of the Committee present during such hearing may request the Sergeant at Arms of the Senate, his representative or any law enforcement official to eject said person from the hearing room.

VI. DEPOSITIONS AND COMMISSIONS

1. Notice. Notices for the taking of depositions in an investigation authorized by the Committee shall be authorized and issued by the Chairman or by a staff officer designated by him. Such notices shall specify a time and place for examination, and the name of the staff officer or officers who will take the deposition. Unless otherwise specified, the deposition shall be in private. The Committee shall not initiate procedures leading to criminal or civil enforcement proceedings for a witness's failure to appear unless the deposition notice was accompanied by a Committee subpoena.

2. Counsel. Witnesses may be accompanied at a deposition by counsel to advise them of their rights, subject to the provisions of Rule V.4.

3. Procedure. Witnesses shall be examined upon oath administered by an individual authorized by local law to administer oaths. Questions shall be propounded orally by Committee staff. Objections by the witnesses as to the form of questions shall be noted by the record. If a witness objects to a question and refuses to testify on the basis of relevance or privilege, the Committee staff may proceed with the deposition, or may at that time or at a subsequent time, seek a ruling by telephone or otherwise on the objection from a Member of the Committee. If the Member overrules the objection, he may refer the matter to the Committee or he may order and direct the witness to answer the question, but the Committee shall not initiate the procedures leading to civil or criminal enforcement unless the witness refuses to testify after he has been ordered and directed to answer by a Member of the Committee.

4. Filing. The Committee staff shall see that the testimony is transcribed or electronically recorded. If it is transcribed, the witness shall be furnished with a copy for review. No later than five days thereafter, the witness shall return a signed copy, and the staff shall enter the changes, if any, requested by the witness in accordance with Rule V.6. If the witness fails to return a signed copy, the staff shall note on the transcript the date a copy was provided and the failure to return it. The individual administering the oath shall certify on the transcript that the witness was duly sworn in his presence, the transcriber shall certify that the transcript is a true record to the testimony, and the transcript shall then be filed

with the Committee clerk. Committee staff may stipulate with the witness to changes in this procedure; deviations from the procedure which do not substantially impair the reliability of the record shall not relieve the witness from his obligation to testify truthfully.

5. Commissions. The Committee may authorize the staff, by issuance of commissions, to fill in prepared subpoenas, conduct field hearings, inspect locations, facilities, or systems of records, or otherwise act on behalf of the Committee. Commissions shall be accompanied by instructions from the Committee regulating their use.

VII. SUBCOMMITTEES

1. Establishment. The Committee will operate as a Committee of the Whole, reserving to itself the right to establish temporary subcommittees at any time by majority vote. The Chairman of the full Committee and the Ranking Minority Member shall be ex officio Members of all subcommittees.

2. Jurisdiction. Within its jurisdiction as described in the Standing Rules of the Senate, each subcommittee is authorized to conduct investigations, including use of subpoenas, depositions, and commissions.

3. Rules. A subcommittee shall be governed by the Committee rules, except that its quorum for all business shall be one-third of the subcommittee Membership, and for hearings shall be one Member.

VIII. REPORTS

Committee reports incorporating Committee findings and recommendations shall be printed only with the prior approval of the Committee, after an adequate period for review and comment. The printing, as Committee documents, of materials prepared by staff for informational purposes, or the printing of materials not originating with the Committee or staff, shall require prior consultation with the minority staff; these publications shall have the following language printed on the cover of the document: "Note: This document has been printed for informational purposes. It does not represent either findings or recommendations formally adopted by the Committee."

IX. AMENDMENT OF RULES

The rules of the Committee may be amended or revised at any time, provided that not less than a majority of the Committee present so determine at a Committee meeting preceded by at least 3 days notice of the amendments or revisions proposed.

60TH ANNIVERSARY OF THE LIBERATION OF AUSCHWITZ

Mr. SANTORUM. Mr. President, last week marked the 60th anniversary of the liberation of the Auschwitz Concentration Camp in southern Poland. On January 27, 1945, Soviet troops freed the prisoners at Auschwitz, the largest Nazi death camp. During that same period, our American troops were freeing prisoners at other death camps.

This year, the world noted the significance of this anniversary. On Monday, at the request of the United States, Canada, the European Union, Australia, New Zealand, and Russia, the United Nations held the first-ever General Assembly commemoration of the World War II Holocaust. Six million Jews were murdered during the Holocaust, including two-thirds of European Jews.

As we remember the many who suffered and died at Auschwitz and at the other concentration camps, we must not forget the lessons of the past. These awful events revealed what people can do to one another, and we can never forget what happened only 60 short years ago. In not forgetting, we must be careful that this form of genocide is never repeated. Even now, in too many countries, anti-Semitism is on the rise. The State Department recently released a report indicating it is gaining momentum in Europe and the Middle East. In a Wall Street Journal commentary, author Adam Zagajewski stated that there is "a solid, murky stratum of anti-Semitism more and more perceptible in different European countries." The world must respond to this threat—before it is too late.

Here in the United States, we have always recognized the importance of religious freedom. Religious freedom is more than just religious tolerance—it is religious pluralism. We must not err on either extreme—either to impose one religion on all peoples or, what some would like to see in this country, to banish all expression of religion from the public square. Rather, we should welcome all religions and expressions of faith. This is the right on which our country was founded, and we must continue to allow people to worship as they please and freely live out their faith as good citizens.

In his well-known 1790 letter to the Newport Hebrew Congregation, President George Washington wrote, "The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess a like liberty of conscience and immunities of citizenship. It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support."

This country has a history of encouraging faith. In 1948, as the Jewish community in Munich was still rebuilding after the end of World War II, local rabbis asked the United States Armed Forces for assistance in obtaining copies of the Talmud. The Nazis had tried to destroy all the copies of the Talmud during World War II and only a precious few were left to study. When requested by the local rabbis, the United States Armed Forces responded, and helped to publish 19 volumes of the Talmud for the use of the community, recognizing the great importance of the Talmud to rebuilding the displaced Jewish community in that region. The title page of the first volume of that new Talmud edition stated that it was published "with the aid of the American Military Command and the American Jewish Joint Distribution Committee in Germany." It was dedicated to the "United States Army," which provided the opportunity and the means for its publication. In this example, the United States Army reached out to help displaced persons, who had faced such terrible struggles to survive, to rebuild the community in that land, and it did so by encouraging their faith.

In like manner, we should encourage people to live out their faith, for it is faith that teaches us to respect the lives of those around us, to love our neighbors, and to care for one another. True religious freedom and pluralism does not mean that we will agree with our neighbor on our faith beliefs, but it does mean that we will fight for the right of our neighbor to freely believe what he or she thinks best.

Banishing religion from the public square will not result in respect for all but, rather, respect for a few. Ensuring that everyone is free to practice one's faith in one's own way is the correct way to build a culture that is respectful of differences and mindful of the needs of others. It is the way to ensure that Auschwitz, Buchenwald, and the other death camps are never repeated in other areas of the world.

COSPONSORSHIP OF S. 187

Mr. CORZINE. Mr. President, I ask unanimous consent that Senator FEINSTEIN be added as a cosponsor of S. 187, the Ensuring College Access for All Americans Act.

I would like to note for the RECORD that Senator FEINSTEIN should appear as an original cosponsor of S. 187. As a result of an administrative error by my office, she was not added to the bill when it was introduced.

TARIFF RELIEF ASSISTANCE FOR DEVELOPING ECONOMIES ACT

Mrs. FEINSTEIN. Mr. President, I support legislation recently introduced by myself, Senator SMITH, Senator BAUCUS, and Senator SANTORUM to help some of the world's poorest countries sustain vital export industries and promote economic growth and political stability.

The Tariff Relief Assistance for Developing Economies Act, TRADE, of 2005 will provide duty-free and quota-free benefits for garments and other products similar to those afforded to beneficiary countries under the Africa Growth and Opportunity Act, AGOA. The countries covered by this legislation are the 14 Least Developed Countries, LDCs, as defined by the United Nations and the U.S. State Department, which are not covered by any current U.S. trade preference program: Afghanistan, Bangladesh, Bhutan, Cambodia, Kiribati, Laos, Maldives, Nepal, Samoa, Solomon Islands, East Timor, Tuvalu, Vanuatu, and Yemen. Given the recent tsunami disaster, the bill includes a special emergency trade provision to assist Sri Lanka in its rebuilding efforts.

The beneficiary countries of this legislation are among the poorest countries in the world. Nepal has per capita income of $240. Unemployment in Bangladesh stands at 40 percent. Approximately 36 percent of Cambodia's population lives below the poverty line. Each country faces critical challenges in the years ahead including poor health care, insufficient educational opportunities, high HIV/AIDS rates, and the effects of war and civil strife. The United States must take a leadership role in providing much-needed assistance to the people of these countries.

Consequently, Senator SMITH and I have worked closely together over the past few years to push for substantial increases in our foreign aid budget. We recognize that helping developing countries rise from poverty is not only a moral obligation, but a key component in our fight against terror. Yet humanitarian and development assistance should not be the sum total of our efforts to put these countries on the road to economic prosperity and political stability. Indeed, the key for sustained growth and rising standards of living will be the ability of each of these countries to create vital export industries to compete in a free and open global marketplace.

We should help these countries help themselves by opening the U.S. market to their exports. Success in that endeavor will ultimately allow these countries to become less dependent on foreign aid and allow the United States to provide assistance to countries in greater need.

The garment industry is a key part of the manufacturing sector in some of these countries. In Nepal, the garment industry is entirely export-oriented and accounts for 40 percent of the foreign exchange earnings. It employs over 100,000 workers—half of them women—and sustains the livelihood of over 350,000 people. The United States is the largest market for Nepalese garments and accounts for 80 to 90 percent of Nepal's total exports every year. In Cambodia, approximately 250,000 Cambodians work in the garment industry supporting approximately 1 million dependents. The garment industry accounts for more than 90 percent of Cambodia's export earnings. In Bangladesh, the garment industry accounts for 75 percent of export earnings. The industry employs 1.8 million people, 90 percent of whom are women, and sustains the livelihoods of 10 to 15 million people.

Despite the poverty seen in these countries and the importance of the garment industry and the U.S. market, they face some of the highest U.S. tariffs in the world, averaging over 15 percent. In contrast, countries like Japan and our European partners face tariffs that are nearly zero. On top of this, there is increasing concern that the removal of quotas on textile and apparel articles on January 1, 2005, will severely harm their garment export industries in LDC countries as U.S. importers will shift their orders to China, India and other suppliers with cheaper labor markets.

Millions of jobs could be lost, threatening economic growth and political stability. In those countries without a viable garment industry—such as Afghanistan and East Timor—the removal of quotas will severely impact the opportunities to develop industries, employment, and expanded foreign investment.

Surely we can do better. This legislation will help these countries compete in the U.S. market and let their citizens know that Americans are committed to helping them realize a better future for themselves and their families. And the impact on U.S. jobs will be minimal. Currently, the beneficiary countries under this legislation account for only 4 percent of U.S. textile and apparel imports, compared to 24 percent for China, and 72 percent for the rest of the world. These countries will continue to be small players in the U.S. market, but the benefits of this legislation will have a major impact on their export economies.

At a time when U.S. standing is at an alltime low in some countries, we need legislation such as this to show the best of America and American values. It will provide a vital component to our development strategy and add another tool to the war on terror. I urge my colleagues to support this bill.

TRIBUTE TO JOANNE BENSON

Mr. COLEMAN. Mr. President, I ask the Senate to join me today in honoring the public life of a Minnesota leader in public affairs and public education, Joanne Benson. Some of us will recognize her as a former lieutenant Governor of Minnesota, or as a Minnesota State Senator. But she is known to hundreds of teachers and children as an educator of distinction, imagination, and courage. This month marks her retirement as the Chief Education Officer of the Minnesota Business Academy charter high school in our capital city of St. Paul.

Joanne Benson is considered by friends and colleagues to be one of the most conscientious and hardworking women in Minnesota—a considerable distinction. She was born in Le Sueur, an agricultural community, where she learned early the virtue of service to family and community. She and her husband, Robert, are the parents of two accomplished adult children, for whom education is both a cherished value and a professional calling. Her grandchildren are blessed to have the benefit of her loving example and guidance.

Minnesota's historic leadership in education proudly points to Joanne's degree from St. Cloud State University, and her eventual assistant professorship in the University's College of Education. From this service, she went on to become a Minnesota State senator from the St. Cloud region that she calls her home. Her work on behalf of education policy and community safety brought her to the attention of Gov. Arne Carlson, whom she served with distinction as lieutenant Governor from 1995 to 1999.

The State of Minnesota was to have yet greater service from Joanne, when at the end of the Carlson administration she became the president of the nascent Minnesota Business Academy, a business immersion charter high school in downtown St. Paul. MBA serves some of our State's most talented and challenged students. The school is the first in the Nation to be sponsored by a local Chamber of Commerce and is nationally noted for its Star Tracks initiative, teaching and certifying students in the personal traits and behaviors essential to success in the business workplace.

With the people of Minnesota, I ask this Chamber to join in celebrating the life and service of Joanne Benson, a woman of great humor and patience, intelligence and grace, as she takes a well-earned retirement from the profession of education.

ADDITIONAL STATEMENTS

CHARLES W. SEDGWICK

• Mr. BROWNBACK. Mr. President, Mr. Charles W., Bill, Sedgwick is retiring after more than 40 years of celebrated service with the Food and Drug Administration. His career began on June 7, 1964, as an investigator for the Kansas City district. From beginning to end, Bill sharpened his skills through work performed in a variety of locations; Kansas City, Omaha, Washington DC, Dallas, and Cincinnati. His dream was fulfilled, with the help of countless mentors and friends, as he began as the Kansas City district director in June of 2000.

Highlights of his work include cases involved with filth and quack drugs; instruction presented on Law and Evidence to the Southwest and Southeast Regions; work on criminal cases involving illegal distribution of steroid and other enhancement drugs; work with other Federal agents and the U.S. Attorney to prepare search warrants and collect undercover evidence for presentation to the grand jury; development of significant case laws which permitted not just FDA, but other Federal agencies to charge defendants with defrauding the Government; a commissioner's commendation for critical work performed with State partners to improve FDA's relationship working particularly in Texas and New Mexico; criminal investigative work in Cincinnati that resulted in the indictment, prosecution and prison terms of seven defendants involved in a major criminal enterprise which produced over 200 million pounds of phony orange juice; receipt of the FDA Award of Merit, 2002, and the ORA Quality of Worklife Award, 2003, for his leadership in Kansas City.

After his retirement, Bill intends to spend time with his family, doing anything his wife, Suzanne, tells him to do. He plans to oversee church construction projects, remodel old houses and travel with his wife.●

JOE L. TILGHMAN

● Mr. BROWNBACK. Mr. President, Joe Tilghman has served the Centers for Medicare and Medicaid Services, CMS, in a senior field leadership position in a career spanning nearly the entire period of enactment of the Medicare and Medicaid programs. Mr. Tilghman is retiring on January 3, 2005 after 37 years of distinguished Federal service.

Mr. Tilghman assumed leadership of CMS' Kansas City regional office in 1994, following nearly 15 years as the deputy regional administrator. As regional administrator, he has been responsible for the Federal administration of the Medicare and Medicaid programs to approximately 4 million beneficiaries residing in Iowa, Kansas, Missouri and Nebraska. Prior to joining CMS, then the Health Care Financing Administration, in 1978 he worked in Social and Rehabilitative Services and the Bureau of Health Insurance.

During Mr. Tilghman's tenure as regional administrator, he led many CMS efforts that impacted the lives of Medicare and Medicaid beneficiaries nationwide. Of particular note, Mr. Tilghman:

Led CMS' Flu 2000 Campaign from 1993 to 1999;

Led CMS' Screening Mammography Campaign from 1999 to the present, exceeding Government Performance and Results Act, GPRA, targets in each of these years;

Established the CMS field National Medicare Education Program, NMEP, operation;

Enforced the Health Insurance Portability and Accountability Act, HIPAA, insurance provisions nationally in all States that are not in substantial compliance;

Conducted and was personally involved in a credit "CMS 101" course at the University of Kansas, the only one its kind in the Nation; and

Participated in a town hall meeting in Liberty, MO with President Bush to promote the new Medicare prescription drug cards.

In recognition of his many significant contributions, Mr. Tilghman received the Meritorious Executive Rank Award in 2000. This award may be received by only five percent of those persons in career Senior Executive Service, SES.

Mr. Tilghman served his country admirably as an Army pilot in Vietnam where he reached the rank of captain as a fixed wing and helicopter pilot. He married JoAnne Hardy in 1966 and is currently planning many travel adventures with her in his retirement. Mr. and Mrs. Tilghman have two daughters, Stephanie and Abigail, and are the proud grandparents of Ethan and Holly. Mr. Tilghman enjoys reading history books, hiking in the Colorado mountains, white water rafting, canoeing and skiing. He recently fulfilled a life-long dream by climbing to the summit of Mount Kilimanjaro in Africa.●

RECOGNIZING THE DAHL ARTS CENTER

● Mr. JOHNSON. Mr. President, today I wish to recognize the Dahl Arts Center in Rapid City, SD for all that it does to expand access to the arts and theatre to the entire Rapid City region. This corner stone of the Rapid City community has cultivated contemporary visual arts, community theater, and arts education since 1974, when Mr. and Mrs. Art Dahl bequeathed a generous gift to the Rapid City Arts Council. Not only has the Dahl Arts Center provided a forum for South Dakota artists to display their works and talents, but the center's free art galleries and art education classrooms provide the Rapid City community and its visitors the opportunity access our shared artistic heritage.

The Dahl Arts Center is one of a dozen free attractions on Rapid City's Star Tour. The Center also houses a 200 foot oil-on-canvas mural painted by Bernard P. Thomas. This cycloramic mural depicts 200 years of American history and is enhanced by a taped narration and special lighting effects. A large special viewing room was built to house this epic creation and has become a great attraction for visitors of all ages. The Dahl also houses two galleries that feature paintings, crafts, sculptures and original prints selected from the works of regional artists. For the past 30 years, the Dahl has been a wonderful venue to enjoy a variety of art works from people of all ages and talents.

I am very pleased that Rapid City has partnered with the Dahl Arts Center to expand this facility, double the seating capacity in its performance theater, expand space for education, rehearsals and meetings, create a children's education gallery and library, and provide climate-controlled space for the Dahl's permanent collection. Rapid City's generous financial commitments combined with the $2 million in private donations and pledges that have been collected thus far provide the bulk of the funding required for the Dahl Arts Center's expansion. I was pleased to work with my colleagues in the Senate to secure Federal funding of $250,000 to assist in the expansion effort of the Dahl Arts Center. When completed, this addition will ensure that the Dahl Arts Center will continue to serve as a cultural arts center for generations to come. All of South Dakota benefits from the continued growth of the Dahl Arts Center and its excellent programs.●

HONORING THE FISHBACK FAMILY

● Mr. JOHNSON. Mr. President, I am proud to rise today to commend the Fishback family of Brookings, SD for its outstanding support of the arts. Van Fishback, who serves as president of the recently renamed First Bank and Trust in Brookings, and Robert Fishback, who serves as bank chairman of the board, have demonstrated their leadership in this area by helping to cultivate music and the performing arts in Brookings and the South Dakota State University community.

First Bank and Trust and the Fishback family were recently recognized by the State of South Dakota for their contributions when they were selected as recipients of the 2005 Governor's Award for Outstanding Support of the Arts by an Organization or Business. This award recognizes the outstanding commitment to the arts demonstrated by the Fishback family, without whom the Performing Arts Center on the SDSU campus, the State University Theatre at SDSU and the Brookings Area Community Band might not exist.

The personal contributions of Van and his wife Barbara, as well as Robert and his wife Pat, are notable for their longstanding personal involvement in numerous organizations that promote theater, music and historic preservation in Brookings. Particularly in a university town such as Brookings, the Fishback family's generosity and vision serve as an inspiration for many of South Dakota's promising young students, as well as patrons of the arts. The quality of life in all of South Dakota has been greatly enhanced by the Fishback family's commitment to excellence in the arts, and I thank them and their colleagues at the First Bank and Trust for their extraordinary leadership.●

CONGRATULATING CAMPBELLSVILLE UNIVERSITY

• Mr. BUNNING. Mr. President, today I wish to congratulate Campbellsville University on receiving a $1 million challenge grant from the Kresge Foundation. This school merits the grant through the strengths of its teachers, the board of trustees, the administration and its student life.

Campbellsville University, a small private college of a little over 2,000 students, is situated in South Central Kentucky and affiliated with the Kentucky Baptist Convention. Its record of superb education has given it a place in *U.S. News and World Report*'s, "America's Best Colleges" guide for 12 consecutive years. The Kresge Foundation cited the quality of the school's faculty, growing popularity, excellent facilities, fiscal responsibility, and effective leadership as determinants in the selection process.

A challenge grant is rewarded on the condition that the recipient will raise a certain amount of its own funds before receiving grant money. The Kresge Foundation requests that the University raise nearly $7 million before October 1, 2005 to be awarded the grant. I have no doubt that Campbellsville University will meet the challenge in the way that it has met all others: on time, on target, and with the money.

In considering the effort Campbellsville University puts into educating the future of America, I heartily agree with the Kresge Foundation that they deserve this grant.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERTS, from the Select Committee on Intelligence, without amendment:

S. Res. 22. An original resolution authorizing expenditures by the Select Committee on Intelligence.

By Mr. SMITH, from the Special Committee on Aging, without amendment:

S. Res. 23. An original resolution authorizing expenditures by the Special Committee on Aging.

By Mr. GREGG, from the Committee on the Budget, without amendment:

S. Res. 24. An original resolution authorizing expenditures by the Committee on the Budget.

By Mr. GRASSLEY, from the Committee on Finance, without amendment:

S. Res. 25. An original resolution authorizing expenditures by the Committee on Finance.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 201. A bill for the relief of Katarina Galovic Gnall; to the Committee on the Judiciary.

By Mr. STEVENS:

S. 202. A bill for the relief of Gustav F.K. Wallner; to the Committee on the Judiciary.

By Mr. THOMAS:

S. 203. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. Vitter):

S. 204. A bill to establish the Atchafalaya National Heritage Area in the State of Louisiana; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. Vitter):

S. 205. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Energy and Natural Resources.

By Ms. CANTWELL (for herself, Mr. Craig, Mrs. Murray, and Mr. Smith):

S. 206. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. LANDRIEU (for herself and Mr. Vitter):

S. 207. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself, Mr. DeWine, Ms. Stabenow, and Mr. Voinovich):

S. 208. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes; to the Committee on Environment and Public Works.

By Mr. LUGAR (for himself, Mr. Biden, and Mr. Hagel):

S. 209. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Relations.

By Mr. COBURN:

S. 210. A bill for the relief of Renato Rosetti; to the Committee on the Judiciary.

By Mrs. CLINTON (for herself, Mrs. Dole, Mr. Nelson of Nebraska, Mr. Burr, Ms. Stabenow, Mr. Hagel, Ms. Cantwell, Mr. Lugar, Mr. Nelson of Florida, Mr. Coleman, Mr. Lautenberg, Mr. Levin, Ms. Landrieu, Mrs. Murray, Mrs. Boxer, Mr. Bayh, Mr. Inouye, and Mr. Bennett):

S. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DOMENICI (for himself and Mr. Bingaman):

S. 212. A bill to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself and Mr. Domenici):

S. 213. A bill to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. Domenici, and Mr. Kyl):

S. 214. A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. INOUYE:

S. 215. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

By Mr. INOUYE:

S. 216. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Ms. Snowe, Mr. Nelson of Nebraska, Ms. Collins, Mr. Rockefeller, Mr. Harkin, Mr. Grassley, Mr. Jeffords, Mr. Schumer, Mr. Leahy, Mrs. Clinton, Mr. Pryor, Mr. Levin, and Mr. Specter):

S. 217. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

By Mr. KOHL:

S. 218. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. GRASSLEY (for himself and Mr. Baucus):

S. 219. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

By Mr. LEVIN:

S. 220. A bill for the relief of Mohamad Derani, Maha Felo Derani, and Tarek Derani; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 221. A bill for the relief of Luay Lufti Hadad; to the Committee on the Judiciary.

By Ms. STABENOW (for herself, Mr. Kennedy, Mrs. Boxer, Mr. Lautenberg, Mr. Rockefeller, Mr. Dayton, and Mr. Corzine):

S. 222. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. Specter, Mr. Kennedy, Mr. Kerry, Mr.

LEVIN, Mr. DAYTON, Mrs. MURRAY, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. DODD, Mr. LEAHY, Mr. ROCKEFELLER, and Mr. SARBANES):

S. 223. A bill to amend the Fair Labor Standards Act of 1938 to repeal any weakening of overtime protections and to avoid future loss of overtime protections due to inflation; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ROBERTS:

S. Res. 22. An original resolution authorizing expenditures by the Select Committee on Intelligence; from the Select Committee on Intelligence; to the Committee on Rules and Administration.

By Mr. SMITH:

S. Res. 23. An original resolution authorizing expenditures by the Special Committee on Aging; from the Special Committee on Aging; to the Committee on Rules and Administration.

By Mr. GREGG:

S. Res. 24. An original resolution authorizing expenditures by the Committee on the Budget; from the Committee on the Budget; to the Committee on Rules and Administration.

By Mr. GRASSLEY:

S. Res. 25. An original resolution authorizing expenditures by the Committee on Finance; from the Committee on Finance; to the Committee on Rules and Administration.

By Mr. LUGAR:

S. Res. 26. A resolution commending the people of Iraq on the election held on January 30, 2005, of a 275-member transitional National Assembly and of provincial and regional governments and encouraging further steps toward establishment of a free, democratic, secure, and prosperous Iraq; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. GRASSLEY, the names of the Senator from Ohio (Mr. DEWINE) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of S. 5, a bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, and for other purposes.

S. 8

At the request of Mr. ENSIGN, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 8, a bill to amend title 18, United States Code, to prohibit taking minors across State lines in circumvention of laws requiring the involvement of parents in abortion decisions.

S. 11

At the request of Mr. KOHL, his name was added as a cosponsor of S. 11, a bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes.

S. 13

At the request of Mr. KOHL, his name was added as a cosponsor of S. 13, a bill to amend titles 10 and 38, United States Code, to expand and enhance health care, mental health, transition, and disability benefits for veterans, and for other purposes.

S. 14

At the request of Ms. STABENOW, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 14, a bill to provide fair wages for America's workers, to create new jobs through investment in America, to provide for fair trade and competitiveness, and for other purposes.

S. 15

At the request of Mr. REID, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 15, a bill to improve education for all students, and for other purposes.

S. 16

At the request of Mr. KENNEDY, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 16, a bill to reduce the cost of quality health care coverage and improve the availability of health care coverage for all Americans.

S. 18

At the request of Mr. DAYTON, the names of the Senator from North Dakota (Mr. DORGAN), the Senator from South Dakota (Mr. JOHNSON) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 18, a bill to amend title XVIII of the Social Security Act to make improvements to the medicare program for beneficiaries.

S. 19

At the request of Mr. CONRAD, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 19, a bill to reduce budget deficits by restoring budget enforcement and strengthening fiscal responsibility.

S. 27

At the request of Mrs. HUTCHISON, the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Florida (Mr. NELSON) were added as cosponsors of S. 27, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 33

At the request of Ms. CANTWELL, the name of the Senator from Vermont (Mr. JEFFORDS) was added as a cosponsor of S. 33, a bill to prohibit energy market manipulation.

S. 37

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

At the request of Mrs. FEINSTEIN, the names of the Senator from Delaware (Mr. BIDEN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 37, supra.

S. 38

At the request of Mrs. MURRAY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 38, a bill to enhance and improve benefits for members of the National Guard and Reserves who serve extended periods on active duty, and for other purposes.

S. 42

At the request of Mr. ALLEN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 42, a bill to amend title 10, United States Code, to increase the death gratuity payable with respect to deceased members of the Armed Forces, and for other purposes.

S. 50

At the request of Mr. INOUYE, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oregon (Mr. WYDEN) were added as cosponsors of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 65

At the request of Mr. INHOFE, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 65, a bill to amend the age restrictions for pilots.

S. 78

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 78, a bill to make permanent marriage penalty relief.

S. 98

At the request of Mr. ALLARD, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 98, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 103

At the request of Mr. TALENT, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 105

At the request of Mr. TALENT, the name of the Senator from Oklahoma

(Mr. INHOFE) was added as a cosponsor of S. 105, a bill to reauthorize and improve the program of block grants to States for temporary assistance for needy families, improve access to quality child care, and for other purposes.

S. 117

At the request of Mrs. FEINSTEIN, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Hawaii (Mr. INOUYE) were added as cosponsors of S. 117, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 119

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana (Mr. LUGAR) and the Senator from New Mexico (Mr. BINGAMAN) were added as cosponsors of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 168

At the request of Mr. BINGAMAN, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. 168, a bill to reauthorize additional contract authority for States with Indian reservations.

S. 186

At the request of Mr. ALLARD, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Oregon (Mr. WYDEN) and the Senator from Utah (Mr. BENNETT) were added as cosponsors of S. 186, a bill to prohibit the use of Department of Defense funds for any study related to the transportation of chemical munitions across State lines.

S. 187

At the request of Mr. CORZINE, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 187, a bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005–2006, published in the Federal Register on December 23, 2004.

S. CON. RES. 7

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Con. Res. 7, a concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

S. RES. 18

At the request of Mr. CORZINE, his name was added as a cosponsor of S. Res. 18, a resolution commemorating the 60th anniversary of the liberation of the Auschwitz extermination camp in Poland.

At the request of Mr. TALENT, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Rhode Island (Mr. CHAFEE) were added as cosponsors of S. Res. 18, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. THOMAS:

S. 203. A bill to reduce temporarily the royalty required to be paid for sodium produced on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce the "Soda Ash Royalty Reduction Act of 2005," a bill to limit the Federal royalty on soda ash. This legislation, if passed, will put people back to work in my State and address the important issue of maintaining a strong and financially sound manufacturing base in this country. It will keep jobs in America and give workers a fighting chance to compete globally.

The State of Wyoming accounts for 85 percent of the natural soda ash produced in the United States. The health of the domestic soda ash industry is now at issue. This legislation goes a long way towards assisting the domestic industry to be competitive on a global basis.

The bill reduces an excessive tax on natural American soda ash; a tax that is significantly impairing the ability of U.S. exported soda ash to compete in important global markets; a tax that has helped create 30 percent decline in employment in this industry in Wyoming since 1997. The current 6 percent royalty on each ton of domestically produced soda ash was imposed in 1995 at a time when our exports of this important commodity, primarily used in the manufacture of glass were rising to record levels. It was a windfall tax that recognized the industry's significant expansion.

Over the last decade, export growth has been severely impacted, as several trading partners erected various barriers to U.S. soda ash, often to protect their own less efficient domestic producers. One of the most aggressive countries has been China. As recently as 1990, China imported over one million tons of soda ash annually from the U.S. Today, China exports two million tons from plants that produce a synthetic grade of this important commodity.

The Chinese produce soda ash in far less efficient factories with limited attention to environmental or safety concerns. The average wage of a Chinese worker in these plants is less than $5 a day. By contrast Wyoming soda ash workers can earn on average $35 an hour. Chinese soda ash producers, which are largely state owned, also benefit from direct and indirect forms of state support, as well as the benefits of a fixed exchange rate. As a result of these actions, China has supplanted the United States as the world's largest exporter of soda ash.

Wyoming soda ash producers remain the most efficient in the world and have been constantly improving their productivity over the last several years. It is an industry that is reinventing itself to meet the demands of fierce global competition.

My legislation restores the original royalty the Federal Government imposed on soda ash in the Mineral Leasing Act of 1920. That act set a 2 percent royalty on soda ash mined on Federal leases. We would temporarily resume that royalty rate consistent with the Federal Land Policy and Management Act of 1976 that requires the Secretary of the Interior to receive "fair market value" for the use of public lands and their resources. In other words, the legislation simply adjusts what was a windfall tax back to its original level.

The legislation is overdue and keeps our Nation's commitment to U.S. based manufacturing and jobs. The U.S. soda ash industry has been a good partner with the Federal Government, providing additional revenue when business was flourishing. Now that the industry is fighting for its survival, the Federal Government has the opportunity to be a responsible partner and ease its tax burden so it can survive and provide the thousands of jobs that are so important to my State.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 204. A bill to establish the Atchafalaya National Heritage Area in the State of Louisiana; to the Committeee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I rise, along with Senator VITTER, to introduce a bill to establish the Atchafalaya National Heritage Area in Louisiana. This legislation has particularly special meaning to those of us from Louisiana because of the importance of the cultural and natural resources of the Atchafalaya region to the Nation. It would establish a framework to help protect, conserve, and promote these unique natural, cultural, historical, and recreational resources of the region.

This legislation, which has been passed by the full Senate 3 times, once during the 107th Congress and twice during the 108th Congress, would establish a framework to help protect, conserve, and promote these unique natural, cultural, historical, and recreational resources of the region.

Specifically, the legislation would establish a National Heritage Area in Louisiana that encompasses thirteen parishes in and around the Atchafalaya Basin swamp, America's largest river swamp. The heritage area in south-central Louisiana stretches from Concordia parish to the north, where the Mississippi River begins to partially flow into the Atchafalaya River, all the way to the Gulf of Mexico in the south. The thirteen parishes are: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge. This boundary is the same area covered by the existing Atchafalaya Trace State Heritage Area.

This measure will appoint the existing Atchafalaya Trace Commission as the federally recognized "local coordinating entity." The commission is composed of thirteen members with one representative appointed by each parish in the heritage area. Both the Atchafalaya Trace Commission and the Atchafalaya Trace State Heritage Area were created by the Louisiana Legislature a number of years ago. The Atchafalaya Trace State Heritage Area program currently receives some State funding, and already has staff working at the Louisiana Department of Culture, Recreation & Tourism, DCRT, under Lieutenant Governor Kathleen Blanco. State funds were used to create the management plan for the heritage area, which followed "feasibility analysis" guidelines as recommended by the National Park Service. Therefore, the recently-completed management plan need only be submitted to the Secretary of the Interior for approval as this legislation would recognize an existing local coordinating entity that will oversee the implementation of this plan. We are very proud that this state heritage area has already completed the complicated planning process, with participation of local National Park Service representatives, while using a standard of planning quality equal to that of existing national heritage areas. All at no cost to the Federal Government.

Please let me also emphasize that this legislation protects existing private property rights. It will not interfere with local land use ordinances or regulations, as it is specifically prohibited from doing so. Nor does this legislation grant any powers of real property acquisition to the local coordinating entity or heritage area program. In addition, the legislation does not impose any environmental rule or process or cause any change in Federal environmental quality standards different from those already in effect.

Heritage areas are based on cooperation and collaboration at all levels. This legislation remains true to the core concept behind heritage areas. The heritage area concept has been used successfully in various parts of our Nation to promote historic preservation, natural and cultural resource protection, heritage tourism and sustainable economic revitalization for both urban and rural areas. Heritage areas provide a flexible framework for government agencies, private organizations and businesses and landowners to work together on a coordinated regional basis. The Atchafalaya National Heritage Area will join the Cane River National Heritage Area to become the second National Heritage Area in Louisiana, ultimately joining the 23 existing National Heritage Areas around the Nation.

The initiative to develop the Atchafalaya National Heritage Area is an outgrowth of a grassroots effort to achieve multiple goals of this region. Most important among these is providing opportunities for the future, while at the same time not losing anything that makes this place so special. Residents from all over the region, local tourism agencies, State agencies such as the DCRT and the Department of Natural Resources, the State legislature, Federal agencies including the National Park Service and U.S. Army Corps of Engineers, parish governments, conservation and preservation groups, local businesses and local landowners have all participated in this endeavor to make it the strong initiative it is today. These groups have been very supportive of the heritage area effort, and as time moves on, the heritage area will continue to involve more and more of the area's most important resource, its people.

I would also like to give you a brief overview of the resources that make this place significant to the entire country. Not only is it important to our Nation's history, but it is also critical to understanding America's future. The name of the place itself, Atchafalaya, comes from the American Indians and means "long river." This name signifies the first settlers of the region, descendants of whom still live there today.

Other words come to mind in describing the Atchafalaya: mysterious, dynamic, multi-cultural, enchanting, bountiful, threatened and undiscovered. This region is one of the most complex and least understood places in Louisiana and the Nation. Yet, the stories of the Atchafalaya Heritage Area are emblematic of the broader American experience. Here there are opportunities to understand and witness the complicated, sometimes harmonious, sometimes adversarial interplay between nature and culture. The history of the United States has been shaped by the complex dance of its people working with, against, and for, nature. Within the Atchafalaya a penchant for adventure, adaptation, ingenuity, and exploitation has created a cultural legacy unlike anywhere else in the world.

The heart of the heritage area is the Atchafalaya Basin. It is the largest river swamp in the United States, larger than the more widely known Everglades or Okefenokee Swamp. The Atchafalaya is characterized by a maze of streams, and at one time was thickly forested with old-growth cypress and tupelo trees. The Basin provides outstanding habitat for a remarkably diverse array of wildlife, including the endangered American bald eagle and Louisiana black bear. The region's unique ecology teems with life. More than 85 species of fish; crustaceans, such as crawfish; wildlife, including alligators; an astonishing array of well over 200 species of birds, from waterfowl to songbirds; forest-dwelling mammals such as deer, squirrel, beaver and other commercially important furbearers all make their home here. Bottomland hardwood-dependent bird species breed here in some of the highest densities ever recorded in annual North American Breeding Bird Surveys. The Basin also forms part of the Mississippi Valley Flyway for migratory waterfowl and is a major wintering ground for thousands of these geese and ducks. In general, the Atchafalaya Basin has a significant proportion of North America's breeding wading birds, such as herons, egrets, ibises, and spoonbills. Some of the largest flocks of Wood Storks in North America summer here, and the southern part of the Basin has a healthy population of Bald Eagles nesting every winter.

The region's dynamic system of waterways, geology, and massive earthen guide levees reveals a landscape that is at once fragile and awesome. The geology and natural systems of the Atchafalaya Heritage Area have fueled the economy of the region for centuries. For decades the harvest of cypress, cotton, sugar cane, crawfish, salt, oil, gas, and Spanish moss, have been important sources of income for the region's residents. The crawfish industry has been particularly important to the lives of Atchafalaya residents and Louisiana has become the largest crawfish producer in the United States. Sport fishing and other forms of commercial fishing are important here, too, but unfortunately, natural resource extraction and a changing environment have drastically depleted many of these resources and forced residents to find new ways to make a living.

Over the past century, the Atchafalaya Basin has become a study of man's monumental effort to control nature. After the catastrophic Mississippi River flood of 1927 left thousands dead and millions displaced, the U.S. Congress decreed that the U.S. Army Corps of Engineers should develop an intricate system of levees to protect human settlements, particularly New Orleans. Today, the Mississippi River is caged within the walls of earthen and concrete levees and manipulated with a complex system of locks, barrages and floodgates. The Atchafalaya River runs parallel to the Mississippi and through the center of the Basin. In times of flooding the river basin serves as the key floodway in controlling floodwaters headed for the large population centers of Baton

Rouge and New Orleans by diverting water from the Mississippi River to the Gulf of Mexico. This system was sorely tested in 1973 when floodwaters threatened to break through the floodgates and permanently divert the Mississippi River into the Atchafalaya. However, after this massive flood event, new land started forming off the coast. These new land formations make up the Atchafalaya Delta, and is the only significant area of new land being built in the United States. These vast amounts of Mississippi River sediment are also rapidly filling in the Basin itself, raising the level of land in certain areas of the basin and filling in lakes and waterways. And to demonstrate just how complex this ecosystem is, one only needs to realize that just to the East of the Delta, Terrebonne parish, also in the heritage area, is experiencing some of the most significant coastal land loss in the country.

Over the centuries, the ever-changing natural environment has shaped the lives of the people living in the Basin. Residents have profited from and been imperiled by nature. The popular cultural identity of the region is strongly associated with the Cajuns, descendants of the French-speaking Acadians who settled in south Louisiana after being deported by the British from Nova Scotia, formerly known as Acadia. Twenty-five hundred to three thousand exiled Acadians repatriated in Louisiana where they proceeded to re-establish their former society. Today, in spite of complex social, cultural, and demographic transformations, Cajuns maintain a sense of group identity and continue to display a distinctive set of cultural expressions nearly 250 years after their exile from Acadia. Cajun culture has become increasingly popular outside of Louisiana. Culinary specialties adapted from France and Acadia such as etouffee, boudin, andouille, crepes, beignets and sauces thickened with roux, delight food lovers well beyond Louisiana's borders. Cajun music has also "gone mainstream" with its blend of French folk songs and ballads and instrumental dance music, and more recently popular country, rhythm-and-blues, and rock music influences. While the growing interest in Cajun culture has raised appreciation for its unique traditions, many of the region's residents are concerned about the growing commercialization and stereotyping that threatens to diminish the authentic Cajun ways of life.

While the Atchafalaya Heritage Area may be well known for its Cajun culture, there is an astonishing array of other cultures within these parishes. Outside of New Orleans, the Atchafalaya Heritage Area is the most racially and ethnically complex region of Louisiana, and has been so for many years. A long legacy of multiculturalism presents interesting opportunities to examine how so many distinct cultures have survived in relative harmony. There may be interesting lessons to learn from here as our Nation becomes increasingly heterogeneous. The cultural complexity of this region has created a rich tapestry of history and traditions, evidenced by the architecture, music, language, food and festivals unlike any place else. Ethnic groups of the Atchafalaya include: African-Americans, Black Creoles, Asians, Chinese, Filipinos, Vietnamese, Lebanese, Cajuns, Spanish Islenos, Italians, Scotch-Irish, and American Indian tribes such as the Attakapa, Chitimacha, Coushatta, Houma, Opelousa and Tunica-Biloxi.

This heritage area has a wealth of existing cultural, historic, natural, scenic, recreational and visitor resources on which to build. Scenic resources include numerous State Wildlife Management Areas and National Wildlife Refuges, as well as ten designated state scenic byways that fall partially or entirely within the heritage area. The Office of State Parks operates three historic sites in the heritage area, and numerous historic districts and buildings can be found in the region. There are also nine Main Street communities in the heritage area. Outdoor recreational resources include two State Parks and a multitude of waterways and bayous. Hunting, fishing, boating, and canoeing, and more recently birdwatching and cycling, are popular ways to experience the region. Various visitor attractions, interpretive centers and visitor information centers exist to help residents and tourists alike better understand and navigate many of the resources in the heritage area. Major roads link the heritage area's central visitor entrance points and large population centers, especially New Orleans. Much of the hospitality industry servicing the Atchafalaya exists around the larger cities of Baton Rouge, Lafayette and Houma. However, more and more bed and breakfasts and heritage accommodations, such as houseboat rentals, are becoming more numerous in the smaller towns and rural areas.

These are just some of the examples of the richness and significance of this region. This legislation will assist communities throughout this heritage area who are committed to the conservation and appropriate development of these assets. Furthermore, this legislation will bring a level of prestige and national and international recognition that this most special of places certainly deserves.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 204

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Atchafalaya National Heritage Area Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) HERITAGE AREA.—The term "Heritage Area" means the Atchafalaya National Heritage Area established by section 3(a).

(2) LOCAL COORDINATING ENTITY.—The term "local coordinating entity" means the local coordinating entity for the Heritage Area designated by section 3(c).

(3) MANAGEMENT PLAN.—The term "management plan" means the management plan for the Heritage Area developed under section 5.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(5) STATE.—The term "State" means the State of Louisiana.

SEC. 3. ATCHAFALAYA NATIONAL HERITAGE AREA.

(a) ESTABLISHMENT.—There is established in the State the Atchafalaya National Heritage Area.

(b) BOUNDARIES.—The Heritage Area shall consist of the whole of the following parishes in the State: St. Mary, Iberia, St. Martin, St. Landry, Avoyelles, Pointe Coupee, Iberville, Assumption, Terrebonne, Lafayette, West Baton Rouge, Concordia, and East Baton Rouge.

(c) LOCAL COORDINATING ENTITY.—

(1) IN GENERAL.—The Atchafalaya Trace Commission shall be the local coordinating entity for the Heritage Area.

(2) COMPOSITION.—The local coordinating entity shall be composed of 13 members appointed by the governing authority of each parish within the Heritage Area.

SEC. 4. AUTHORITIES AND DUTIES OF THE LOCAL COORDINATING ENTITY.

(a) AUTHORITIES.—For the purposes of developing and implementing the management plan and otherwise carrying out this Act, the local coordinating entity may—

(1) make grants to, and enter into cooperative agreements with, the State, units of local government, and private organizations;

(2) hire and compensate staff; and

(3) enter into contracts for goods and services.

(b) DUTIES.—The local coordinating entity shall—

(1) submit to the Secretary for approval a management plan;

(2) implement the management plan, including providing assistance to units of government and others in—

(A) carrying out programs that recognize important resource values within the Heritage Area;

(B) encouraging sustainable economic development within the Heritage Area;

(C) establishing and maintaining interpretive sites within the Heritage Area; and

(D) increasing public awareness of, and appreciation for the natural, historic, and cultural resources of, the Heritage Area;

(3) adopt bylaws governing the conduct of the local coordinating entity; and

(4) for any year for which Federal funds are received under this Act, submit to the Secretary a report that describes, for the year—

(A) the accomplishments of the local coordinating entity; and

(B) the expenses and income of the local coordinating entity.

(c) ACQUISITION OF REAL PROPERTY.—The local coordinating entity shall not use Federal funds received under this Act to acquire real property or an interest in real property.

(d) PUBLIC MEETINGS.—The local coordinating entity shall conduct public meetings at least quarterly.

SEC. 5. MANAGEMENT PLAN.

(a) IN GENERAL.—The local coordinating entity shall develop a management plan for the Heritage Area that incorporates an integrated and cooperative approach to protect, interpret, and enhance the natural, scenic, cultural, historic, and recreational resources of the Heritage Area.

(b) CONSIDERATION OF OTHER PLANS AND ACTIONS.—In developing the management plan, the local coordinating entity shall—

(1) take into consideration State and local plans; and

(2) invite the participation of residents, public agencies, and private organizations in the Heritage Area.

(c) CONTENTS.—The management plan shall include—

(1) an inventory of the resources in the Heritage Area, including—

(A) a list of property in the Heritage Area that—

(i) relates to the purposes of the Heritage Area; and

(ii) should be preserved, restored, managed, or maintained because of the significance of the property; and

(B) an assessment of cultural landscapes within the Heritage Area;

(2) provisions for the protection, interpretation, and enjoyment of the resources of the Heritage Area consistent with this Act;

(3) an interpretation plan for the Heritage Area; and

(4) a program for implementation of the management plan that includes—

(A) actions to be carried out by units of government, private organizations, and public-private partnerships to protect the resources of the Heritage Area; and

(B) the identification of existing and potential sources of funding for implementing the plan.

(d) SUBMISSION TO SECRETARY FOR APPROVAL.—

(1) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the local coordinating entity shall submit the management plan to the Secretary for approval.

(2) EFFECT OF FAILURE TO SUBMIT.—If a management plan is not submitted to the Secretary by the date specified in paragraph (1), the Secretary shall not provide any additional funding under this Act until a management plan for the Heritage Area is submitted to the Secretary.

(e) APPROVAL.—

(1) IN GENERAL.—Not later than 90 days after receiving the management plan submitted under subsection (d)(1), the Secretary, in consultation with the State, shall approve or disapprove the management plan.

(2) ACTION FOLLOWING DISAPPROVAL.—

(A) IN GENERAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(i) advise the local coordinating entity in writing of the reasons for the disapproval;

(ii) make recommendations for revisions to the management plan; and

(iii) allow the local coordinating entity to submit to the Secretary revisions to the management plan.

(B) DEADLINE FOR APPROVAL OF REVISION.—Not later than 90 days after the date on which a revision is submitted under subparagraph (A)(iii), the Secretary shall approve or disapprove the revision.

(f) REVISION.—

(1) IN GENERAL.—After approval by the Secretary of a management plan, the local coordinating entity shall periodically—

(A) review the management plan; and

(B) submit to the Secretary, for review and approval by the Secretary, the recommendations of the local coordinating entity for any revisions to the management plan that the local coordinating entity considers to be appropriate.

(2) EXPENDITURE OF FUNDS.—No funds made available under this title shall be used to implement any revision proposed by the local coordinating entity under paragraph (1)(B) until the Secretary approves the revision.

SEC. 6. REQUIREMENTS FOR INCLUSION OF PRIVATE PROPERTY.

(a) NOTIFICATION AND CONSENT OF PROPERTY OWNERS REQUIRED.—No privately owned property shall be preserved, conserved, or promoted by the management plan for the Heritage Area until the owner of that private property has been notified in writing by the management entity and has given written consent to the management entity for such preservation, conservation, or promotion.

(b) LANDOWNER WITHDRAW.—Any owner of private property included within the boundary of the Heritage Area shall have that private property immediately removed from the boundary by submitting a written request to the management entity.

SEC. 7. PRIVATE PROPERTY PROTECTION.

(a) ACCESS TO PRIVATE PROPERTY.—Nothing in this Act shall be construed to—

(1) require any private property owner to allow public access (including Federal, State, or local government access) to such private property; or

(2) modify any provision of Federal, State, or local law with regard to public access to or use of private property.

(b) LIABILITY.—Designation of the Heritage Area shall not be considered to create any liability, or to have any effect on any liability under any other law, of any private property owner with respect to any persons injured on that private property.

(c) PARTICIPATION OF PRIVATE PROPERTY OWNERS IN HERITAGE AREA.—Nothing in this Act shall be construed to require the owner of any private property located within the boundaries of the Heritage Area to participate in or be associated with the Heritage Area.

SEC. 8. EFFECT OF ACT.

Nothing in this Act or in establishment of the Heritage Area—

(1) grants any Federal agency regulatory authority over any interest in the Heritage Area, unless cooperatively agreed on by all involved parties;

(2) modifies, enlarges, or diminishes any authority of the Federal Government or a State or local government to regulate any use of land as provided for by law (including regulations) in existence on the date of enactment of this Act;

(3) grants any power of zoning or land use to the local coordinating entity;

(4) imposes any environmental, occupational, safety, or other rule, standard, or permitting process that is different from those in effect on the date of enactment of this Act that would be applicable had the Heritage Area not been established;

(5)(A) imposes any change in Federal environmental quality standards; or

(B) authorizes designation of any portion of the Heritage Area that is subject to part C of title I of the Clean Air Act (42 U.S.C. 7470 et seq.) as class 1 for the purposes of that part solely by reason of the establishment of the Heritage Area;

(6) authorizes any Federal or State agency to impose more restrictive water use designations, or water quality standards on uses of or discharges to, waters of the United States or waters of the State within or adjacent to the Heritage Area solely by reason of the establishment of the Heritage Area;

(7) abridges, restricts, or alters any applicable rule, standard, or review procedure for permitting of facilities within or adjacent to the Heritage Area; or

(8) affects the continuing use and operation, where located on the date of enactment of this Act, of any public utility or common carrier.

SEC. 9. REPORTS.

For any year in which Federal funds have been made available under this Act, the local coordinating entity shall submit to the Secretary a report that describes—

(1) the accomplishments of the local coordinating entity; and

(2) the expenses and income of the local coordinating entity.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 shall be made available for any fiscal year.

(b) COST-SHARING REQUIREMENT.—The Federal share of the total cost of any activity assisted under this Act shall be not more than 50 percent.

SEC. 11. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance to the local coordinating entity under this Act terminates on the date that is 15 years after the date of enactment of this Act.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. 205. A bill to authorize the American Battle Monuments Commission to establish in the State of Louisiana a memorial to honor the Buffalo Soldiers; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, One Hundred and Thirty Nine years ago, before the term Homeland Security was even coined, a group of men devoted themselves to securing the frontiers of this Nation. They protected Americans in their homes; they deterred hostile invaders, and they secured the blessings of liberty for a young country. Even more remarkable, they secured these blessings for others, while they could not fully enjoy them themselves.

I am referring to the Buffalo Soldiers. These brave men instituted a tradition of professional military service for African Americans that spans the greater part of American history. African American military service is as old as our nation. There were black soldiers during the revolution, a unit of free black men played a pivotal role in the Battle of New Orleans, and the exploits of African Americans during the Civil War have been captured in novels and on film. However, it was not until the Army Reorganization Act of 1866 that soldiering and service to country became a realistic option for African Americans seeking to improve their quality of life. In so doing, they raised the bar of freedom, and revealed the injustice of preventing the defenders of democracy from fully participating in it.

The City of New Orleans, and the State of Louisiana have a rich history. They have given more than their fair share of sons to the service of our Nation. Much of this history is commemorated throughout the State. Yet, these great sons of New Orleans remain unacknowledged in their home. For in Louisiana's great military tradition, surely one of its greatest military contributions were the 9th Cavalry Regiment and the 25th Infantry Regiment.

These two forces, recruited and organized in New Orleans, represent half of all the units of buffalo soldiers. The 9th Cavalry alone constituted 10% of all the American cavalry. Their list of adversaries reads like a who's who of the Old West—Geronimo, Sitting Bull, Poncho Villa. In movies, when settlers encounter Apaches, the cavalry always comes to the rescue. Yet how many times were the cavalry that rode over the horizon African American? Of course, the reality is that the Buffalo Soldiers comprised some of our nations most capable and loyal troops. Despite suffering the worst deprivations known to any American soldiers of the period, they had the lowest desertion rates in the Army. The 9th Cavalry was awarded 10 Congressional Medals of Honor, including a native Louisianan, Sgt. Emanuel Stance—a farmer from Carroll Parish.

For these reasons, I am offering legislation today along with Senator VITTER that would authorize the creation of a suitable memorial in New Orleans for these gallant soldiers. There is an excellent statue to the Buffalo Soldiers at Fort Leavenworth, KS. It commemorates the 10th Cavalry Regiment stationed there. However, I believe that these men deserve to be recognized in their home city. Furthermore, it should be in an a location where thousands of visitors will have the opportunity to come to appreciate the legacy of the Buffalo Soldiers. I believe that the City of New Orleans is the perfect location.

We have made a number of changes to this legislation after consultations with the American Battle Monuments Commission. I believe these changes should address any concerns that they have expressed. Furthermore, we have an able and dedicated organization of individuals in the state who desperately want to see this project to completion. Last year, I had the pleasure of being in New Orleans with another of this Nation's great military heroes, Senator DANIEL INOUYE. We addressed a group of distinguished veterans from all around the state. Among them was George Jones, President of the Greater New Orleans Chapter of the Buffalo Soldiers Association. They have been working with Eddie Dixon, the artist for the beautiful Fort Leavenworth statute, to develop an appropriate memorial in the City of New Orleans for over a decade. This bill will fulfill that noble ambition.

This Nation has sadly found the need to say thank you to its servicemen and women after the fact on more than one occasion. Unfortunately, this is another. We are fortunate to have living memories of the 9th and 10th Cavalry Regiments today. The regiments were not disbanded until the conclusion of World War Two, where they served with distinction. We should take this opportunity to honor these veterans, and in so doing, honor the principles of liberty, freedom and democracy for which they fought and sacrificed. They have given so much to their nation, we owe them this public expression of gratitude.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 205

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Buffalo Soldiers Commemoration Act of 2005".

SEC. 2. ESTABLISHMENT OF BUFFALO SOLDIERS MEMORIAL.

(a) AUTHORIZATION.—The American Battle Monuments Commission is authorized to establish a memorial to honor the Buffalo Soldiers in or around the City of New Orleans on land donated for such purpose or on Federal land with the consent of the appropriate land manager.

(b) CONTRIBUTIONS.—The Commission shall solicit and accept contributions for the construction and maintenance of the memorial.

(c) COOPERATIVE AGREEMENTS.—The Commission may enter into a cooperative agreement with a private or public entity for the purpose of fundraising for the construction and maintenance of the memorial.

(d) MAINTENANCE AGREEMENT.—Prior to beginning construction of the memorial, the Commission shall enter into an agreement with an appropriate public or private entity to provide for the permanent maintenance of the memorial and shall have sufficient funds, or assurance that it will receive sufficient funds, to complete the memorial.

SEC. 3. BUFFALO SOLDIERS MEMORIAL ACCOUNT.

(a) ESTABLISHMENT.—The Commission shall maintain an escrow account ("account") to pay expenses incurred in constructing the memorial.

(b) DEPOSITS INTO THE ACCOUNT.—The Commission shall deposit into the account any principal and interest by the United States that the Chairman determines has a suitable maturity.

(c) USE OF ACCOUNT.—Amounts in the account, including proceeds of any investments, may be used to pay expenses incurred in establishing the memorial. After construction of the memorial amounts in the account shall be transferred by the Commission to the entity providing for permanent maintenance of the memorial under such terms and conditions as the Commission determines will ensure the proper use and accounting of the amounts.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Ms. CANTWELL (for herself, Mr. CRAIG, Mrs. MURRAY, and Mr. SMITH):

S. 206. A bill to designate the Ice Age Floods National Geologic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. CANTWELL. Mr. President, today I am introducing the "Ice Age Floods National Geologic Trail Designation Act of 2005". I am thankful that Senator LARRY CRAIG of Idaho will again be the lead Republican cosponsor and pleased to also be joined by the Senior Senator from Washington, (Mrs. MURRAY), as well as Senator from Oregon, (Mr. SMITH).

Some 12,000 to 17,000 years ago, at the end of the Ice Age, a series of floods swept across the Pacific Northwest. These epic floods fundamentally changed the geography and way of life in the Pacific Northwest. The coulees, buttes, boulder fields, lakes, ridges and gravel bars they left behind still define the unique landscape of our State and our region today.

Creating a National Park Service trail to recognize and celebrate how these floods literally shaped the face of our State will provide an unparalleled educational resource for Washingtonians and visitors from across the country. It will also spur economic development and create jobs in local communities across Eastern and Central Washington.

I look forward to working with my other members of the Pacific Northwest congressional delegation, as well as my colleagues in the Senate, to ensure swift passage of this important legislation. I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 206

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Ice Age Floods National Geologic Trail Designation Act of 2005".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) at the end of the last Ice Age, some 12,000 to 17,000 years ago, a series of cataclysmic floods occurred in what is now the northwest region of the United States, leaving a lasting mark of dramatic and distinguishing features on the landscape of parts of the States of Montana, Idaho, Washington and Oregon;

(2) geological features that have exceptional value and quality to illustrate and interpret this extraordinary natural phenomenon are present on Federal, State, tribal, county, municipal, and private land in the region; and

(3) in 2001, a joint study team headed by the National Park Service that included about 70 members from public and private entities completed a study endorsing the establishment of an Ice Age Floods National Geologic Trail—

(A) to recognize the national significance of this phenomenon; and

(B) to coordinate public and private sector entities in the presentation of the story of the Ice Age floods.

(b) Purpose.—The purpose of this Act is to designate the Ice Age Floods National Geologic Trail in the States of Montana, Idaho, Washington, and Oregon, enabling the public to view, experience, and learn about the features and story of the Ice Age floods through the collaborative efforts of public and private entities.

SEC. 3. DEFINITIONS.

In this Act:

(1) Ice Age floods; floods.—The term "Ice Age floods" or "floods" means the cataclysmic floods that occurred in what is now the northwestern United States during the last Ice Age from massive, rapid and recurring drainage of Glacial Lake in Missoula, Montana.

(2) Plan.—The term "plan" means the cooperative management and interpretation plan authorized under section 5(f).

(3) Secretary.—The term "Secretary" means the Secretary of the Interior.

(4) Trail.—The term "Trail" means the Ice Age Floods National Geologic Trail designated by section 4(a).

SEC. 4. ICE AGE FLOODS NATIONAL GEOLOGIC TRAIL.

(a) Designation.—In order to provide for public appreciation, understanding, and enjoyment of the nationally significant natural and cultural features of the Ice Age floods and to promote collaborative efforts for interpretation and education among public and private entities located along the pathways of the floods, there is designated the Ice Age Floods National Geologic Trail.

(b) Location.—

(1) Map.—The route of the Trail shall be generally depicted on the map entitled "Ice Age Floods National Geologic Trail," numbered ________, and dated ________.

(2) Route.—The route shall generally follow public roads and highways—

(A) from the vicinity of Missoula in western Montana;

(B) across northern Idaho;

(C) through eastern and southern sections of Washington;

(D) across northern Oregon in the vicinity of the Willamette Valley and the Columbia River; and

(E) to the Pacific Ocean.

(3) Revision.—The Secretary may revise the map by publication in the Federal Register of a notice of availability of a new map as part of the plan.

(c) Map Availability.—Any map referred to in subsection (b) shall be on file and available for public inspection in the appropriate offices of the National Park Service.

SEC. 5. ADMINISTRATION.

(a) In General.—The Secretary, acting through the Director of the National Park Service, shall administer the Trail in accordance with this Act.

(b) Trail Management Office.—In order for the National Park Service to manage the Trail and coordinate Trail activities with other public agencies and private entities, the Secretary may establish and operate a trail management office within the vicinity of the Trail.

(c) Land Acquisition.—

(1) In general.—If the acquisition is consistent with the plan, the Secretary may acquire land, in a quantity not to exceed 25 acres, for administrative and public information purposes to facilitate the geographic diversity of the Trail throughout the States of Montana, Idaho, Washington, and Oregon.

(2) Methods.—

(A) Private land.—Private land may be acquired from a willing seller under this Act only by donation, purchase with donated or appropriated funds, or exchange.

(B) Non-federal public land.—Non-Federal public land may be acquired from a willing seller under this Act—

(i) only by donation or exchange; and

(ii) after consultation with the affected unit of local government.

(d) Interpretive Facilities.—The Secretary may plan, design, and construct interpretive facilities for sites associated with the Trail if the facilities are constructed in partnership with State, local, tribal, or nonprofit entities and are consistent with the plan.

(e) Interagency Technical Committee.—

(1) In general.—The Secretary shall establish an interagency technical committee to advise the trail management office on the technical planning for the development of the plan.

(2) Composition.—The committee—

(A) shall include—

(i) representatives from Federal, State, local, and tribal agencies with interests in the floods; and

(ii) representatives from the Ice Age Floods Institute; and

(B) may include private property owners, business owners, and nonprofit organizations.

(f) Management Plan.—

(1) In general.—Not later than 3 years after funds are made available to carry out this Act under section 6 the Secretary shall prepare a cooperative management and interpretation plan for the Trail.

(2) Consultation.—The Secretary shall prepare the plan in consultation with—

(A) State, local, and tribal governments;

(B) the Ice Age Floods Institute;

(C) private property owners; and

(D) other interested parties.

(3) Contents.—The plan shall—

(A) confirm and, if appropriate, expand on the inventory of features of the floods contained in the National Park Service study entitled "Ice Age Floods, Study of Alternatives and Environmental Assessment" (February 2001) by—

(i) locating features more accurately;

(ii) improving the description of features; and

(iii) reevaluating the features in terms of their interpretive potential;

(B) review and, if appropriate, modify the map of the Trail referred to in section 4(b);

(C) describe strategies for the coordinated development of the Trail, including an interpretive plan for facilities, waysides, roadside pullouts, exhibits, media, and programs that present the story of the floods to the public effectively; and

(D) identify potential partnering opportunities in the development of interpretive facilities and educational programs to educate the public about the story of the floods.

(g) Cooperative Management.—

(1) In general.—In order to facilitate the development of coordinated interpretation, education, resource stewardship, visitor facility development and operation, and scientific research associated with the Trail and to promote more efficient administration of the sites associated with the Trail, the Secretary may enter into cooperative management agreements with appropriate officials in the States of Montana, Idaho, Washington, and Oregon in accordance with the authority provided for units of the National Park System under section 3(l) of Public Law 91-383 (16 U.S.C. 1a-2(*l*)).

(2) Unit of national park system.—For purposes of this subsection, the Trail shall be considered a unit of the National Park System.

(h) Cooperative Agreements.—The Secretary may enter into cooperative agreements with public or private entities to carry out this Act.

(i) Effect on Private Property Rights.—Nothing in this Act—

(1) requires any private property owner to allow public access (including Federal, State, or local government access) to private property; or

(2) modifies any provision of Federal, State, or local law with respect to public access to or use of private land.

(j) Liability.—Designation of the Trail by section 4(a) does not create any liability for, or affect any liability under any law of, any private property owner with respect to any person injured on the private property.

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act, of which not more than $500,000 may be used for each fiscal year for the administration of the Trail.

By Ms. LANDRIEU (for herself and Mr. Vitter):

S. 207. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. LANDRIEU. Mr. President, today I rise, along with Senator Vitter, to introduce the Jean Lafitte National Historic Park and Preserve Boundary Adjustment Act of 2005. This bill was passed unanimously by the Senate during the 108th Congress.

The Jean Lafitte National Historical Park and Preserve was established in 1978 to preserve for present and future generations significant examples of the rich natural and cultural resources of Louisiana's Mississippi delta region. The park seeks to illustrate the influence of environment and history on the development of a unique regional culture. It is named for Jean Lafitte who was a pirate, or privateer as he like to be called, that fought alongside U.S. forces in the Battle of New Orleans at the end of the War of 1812. The park consists of six physically separate sites and a park headquarters located in New Orleans. The sites in Lafayette, Thibodaux and Eunice interpret the Acadian culture of the area. The Barataria Preserve, in Marrero, interprets the natural and cultural history of the uplands, swamps and marshlands of the region. Six miles southeast of New Orleans is the Chalmette Battlefield and National Cemetery, site of the 1815 Battle of New Orleans and the final resting place for soldiers from the Civil War, Spanish-American War, World Wars I and II and Vietnam. The park's visitor center, which is located in the historic French Quarter, interprets the history of New Orleans and diverse cultures of Mississippi delta region.

It is the Barataria site that is the focus of our attention today. The Bill before us would merely adjust the boundary of the Barataria preserve unit of Jean Lafitte National Historical Park and Preserve and by doing so protect a crucial component of one of the largest and most productive expanses of coastal wetlands in North America—coastal Louisiana or as they are known: America's Wetlands. The Barataria preserve is the only part of our coastal wetlands preserved in the National Park System. As we strive to find ways to stem the tide of coastal erosion in Louisiana, and bring about the restoration of wetlands already lost, it is equally important that we protect those areas that remain such as the Barataria preserve so that Americans can experience, first hand, the amazing beauty and fertility of Louisiana's bountiful coastal wetlands—the most threatened wetland ecosystem in the country—disappearing at a rate of 25 to 35 square miles a year. Located on the outskirts of New Orleans, where it is accessible not only to the people of New Orleans but also to the millions of tourists from around the world that visit New Orleans and south Louisiana, Barataria serves as an interpretive experience of this greatest of coastal wetlands.

This bill expands this national treasure without any cost to the Federal Government while preserving private property rights. It simply transfers to the Park over 3,000 acres of wetlands already in Federal ownership, already paid for by the American people. These lands, which are adjacent to the Preserve, became Federal as a result of the settlement by the Justice Department of two lawsuits brought by the landowners against Federal agencies. However, because these acres are not managed by the park, they are presently unavailable for public use. An Act of Congress is necessary to allow inclusion of these lands into a new boundary.

My bill does just that, opening these lands for canoeing, wildlife viewing, exploration, fishing, and hunting, all under the management and protection of the park service. The bill grants long-term protection to crucial resources that the Park Service has found suitable and feasible for inclusion within a new boundary through a 1996 boundary study.

The Park is immediately adjacent to the developed areas of the Westbank of Jefferson Parish along much of its boundary while the Barataria unit in particular is right next door to a hurricane levee. Making more of the park boundary contiguous with the levee that divides developed land from undeveloped wetlands enhances opportunities for direct cooperation between these communities and the Park for management of shared concerns. These concerns include the routing of stormwater run-off; the discharge of treated sewage: estuarine water quality and its effects on fisheries and recreational uses; wetland restoration and mitigation; and a number of other problems and opportunities. The Park has worked with Jefferson Parish in seeking creative solutions to these problems and will continue to do so. The addition of these properties will only enhance their chances for success.

It is for all of these reasons that I am hopeful the Senate can approve of this measure in the near future. The expansion we seek in this Bill benefits us today as well as tomorrow.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 207

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Jean Lafitte National Historical Park and Preserve Boundary Adjustment Act of 2005".

SEC. 2. JEAN LAFITTE NATIONAL HISTORICAL PARK AND PRESERVE BOUNDARY ADJUSTMENT.

(a) IN GENERAL.—Section 901 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230) is amended in the second sentence by striking "twenty thousand acres generally depicted on the map entitled 'Barataria Marsh Unit-Jean Lafitte National Historical Park and Preserve' numbered 90,000B and dated April 1978," and inserting "23,000 acres generally depicted on the map entitled 'Boundary Map, Barataria Preserve Unit, Jean Lafitte National Historical Park and Preserve', numbered 467/80100, and dated August 2002,".

(b) ACQUISITION OF LAND.—Section 902 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230a) is amended—

(1) in subsection (a)—

(A) by striking "(a) Within the" and all that follows through the first sentence and inserting the following:

"(a) IN GENERAL.—

"(1) BARATARIA PRESERVE UNIT.—

"(A) IN GENERAL.—The Secretary may acquire any land, water, and interests in land and water within the boundary of the Barataria Preserve Unit, as depicted on the map described in section 901, by donation, purchase with donated or appropriated funds, transfer from any other Federal agency, or exchange.

"(B) LIMITATIONS.—

"(i) IN GENERAL.—With respect to the areas on the map identified as 'Bayou aux Carpes Addition' and 'CIT Tract Addition'—

"(I) any Federal land acquired in the areas shall be transferred without consideration to the administrative jurisdiction of the National Park Service; and

"(II) any private land in the areas may be acquired by the Secretary only with the consent of the owner of the land.

"(ii) EASEMENTS.—Any Federal land in the area identified on the map as 'CIT Tract Addition' that is transferred under clause (i)(I) shall be subject to any easements that have been agreed to by the Secretary and the Secretary of the Army.";

(B) in the second sentence, by striking "The Secretary may also" and inserting the following:

"(2) FRENCH QUARTER.—The Secretary may";

(C) in the third sentence, by striking "Lands, waters, and interests therein" and inserting the following:

"(3) ACQUISITION OF STATE LAND.—Land, water, and interests in land and water"; and

(D) in the fourth sentence, by striking "In acquiring" and inserting the following:

"(4) ACQUISITION OF OIL AND GAS RIGHTS.—In acquiring";

(2) by striking subsections (b) through (f) and inserting the following:

"(b) RESOURCE PROTECTION.—With respect to the land, water, and interests in land and water of the Barataria Preserve Unit, the Secretary shall preserve and protect—

"(1) fresh water drainage patterns;

"(2) vegetative cover;

"(3) the integrity of ecological and biological systems; and

"(4) water and air quality."; and

(3) by redesignating subsection (g) as subsection (c).

(c) HUNTING, FISHING, AND TRAPPING.—Section 905 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230d) is amended in the first sentence by striking "within the core area and on those lands acquired by the Secretary pursuant to section 902(c) of this title, he" and inserting "the Secretary".

(d) ADMINISTRATION.—Section 906 of the National Parks and Recreation Act of 1978 (16 U.S.C. 230e) is amended—

(1) by striking the first sentence; and

(2) in the second sentence, by striking "Pending such establishment and thereafter the" and inserting "The".

SEC. 3. REFERENCES IN LAW.

(a) IN GENERAL.—Any reference in a law (including regulations), map, document, paper, or other record of the United States—

(1) to the Barataria Marsh Unit shall be considered to be a reference to the Barataria Preserve Unit; or

(2) to the Jean Lafitte National Historical Park shall be considered to be a reference to the Jean Lafitte National Historical Park and Preserve.

(b) CONFORMING AMENDMENTS.—Title IX of the National Parks and Recreation Act of 1978 (16 U.S.C. 230 et seq.) is amended—

(1) by striking "Barataria Marsh Unit" each place it appears and inserting "Barataria Preserve Unit"; and

(2) by striking "Jean Lafitte National Historical Park" each place it appears and inserting "Jean Lafitte National Historical Park and Preserve".

By Mr. LEVIN (for himself, Mr. DEWINE, Ms. STABENOW, and Mr. VOINOVICH):

S. 208. A bill to amend the Federal Water Pollution Control Act to direct the Great Lakes National Program Office of the Environmental Protection

Agency to develop, implement, monitor, and report on a series of indicators of water quality and related environmental factors in the Great Lakes; to the Committee on Environment and Public Works.

Mr. LEVIN. Mr. President, my colleagues Senators DEWINE and VOINOVICH of Ohio, Senator STABENOW of Michigan, and I are pleased to introduce the Great Lakes Water Quality Indicators and Monitoring Act. The bill directs the Environmental Protection Agency to develop indicators of Great Lakes water quality and related environmental factors and a comprehensive network to monitor those indicators. This bill will result in science-based assessments of the health of the Great Lakes.

The Great Lakes are a treasured natural resource. The Great Lakes contain almost 20% of the world's fresh water, and millions of people in the Great Lakes basin rely on the lakes for drinking water, for economic livelihoods such as fishing and shipping, and for recreational opportunities, including swimming and boating. Unfortunately, the Great Lakes have suffered from decades of toxic discharges, urban and agricultural runoff, and other environmental challenges. We've made some progress in improving water quality, but we know we have a long way to go.

The stewards of the lakes—at the Federal, State, and local levels—use a variety of methods to determine the health of the Great Lakes and whether they are improving. For example, the EPA and the Fish and Wildlife Service monitor the accumulation of chemicals in Great Lakes fish. The National Oceanic and Atmospheric Administration detects changes in the ecosystem from space-based satellites and waterborne buoys. The U.S. Geological Survey samples stream flow and quality, and the States inspect for compliance with water quality standards. These efforts to collect scientific data are largely voluntary and suffer from a lack of funding and coordination. Additionally, they use inconsistent methods that often produce incompatible results.

In 2004, the General Accounting Office released a report entitled Great Lakes: An Overall Strategy and Indicators for Measuring Progress are Needed to Better Achieve Restoration Goals. The GAO looked at almost 200 Federal and State programs and found that a lack of coordination, poorly defined goals, and insufficient data make it difficult to evaluate the success of these programs. The GAO found that there are no data collected regularly throughout the Great Lakes, and that the existing data are inadequate to determine whether water quality and other environmental conditions are improving.

In 1990, I authored the Great Lakes Critical Programs Act, which strengthened the water quality standards in the Great Lakes region. In 2002, Congress passed the Great Lakes Legacy Act, to speed the cleanup of contaminated bottom sediment. Today, we need to establish a way to evaluate the impact of these and similar measures. To show results, we need science-based indicators of water quality and related environmental factors, and we need to monitor those indicators regularly throughout the ecosystem.

GAO recommends that EPA's Great Lakes National Program Office lead an effort to develop indicators and a monitoring network. Our bill gives that office the mandate to work with other Federal agencies and Canada to identify and measure water quality and other environmental factors on a regular basis. The initial set of data collected through this network will serve as a benchmark against which to measure future improvements. Those measurements will help us make decisions on how to steer future restoration efforts. With a clear picture of how the Great Lakes are changing, we can change course when needed and spend public funds on the most effective measures to meet the most pressing demands.

This bill serves a second purpose—it provides EPA with dedicated funding to make sure that data collection can begin in a timely manner and be carried out consistently and comprehensively.

I encourage my colleagues to support this bill and help speed its passage.

By Mr. LUGAR (for himself, Mr. BIDEN, and Mr. HAGEL):

S. 209. A bill to build operational readiness in civilian agencies, and for other purposes; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I am reintroducing today a bill that was on the legislative calendar of the 108th Congress when it adjourned in December. The Stabilization and Reconstruction Civilian Management Act is intended to build operational readiness in the civilian agencies to improve our nation's capacity to carry out post-conflict stabilization and reconstruction missions.

Until very recently, the concept of "nation building" was considered to be pejorative by many Members of Congress and government officials. The foreign policy orthodoxy of both parties was skeptical of missions that entailed long-term peacekeeping or stabilization commitments. If military force was necessary, most policymakers believed it should be used only for relatively brief periods followed by rapid withdrawal.

But experience has taught us that this approach rarely can be accommodated if we are serious about protecting our own security in an age of terrorism. We have seen how terrorists can exploit nations afflicted by lawlessness and desperate circumstances. They seek out such places to establish training camps, recruit new members, and tap into a global black market in weapons technology. If we are to deny sanctuaries to terrorists, we must be involved in post-conflict stabilization.

With this in mind, the Foreign Relations Committee took up the issue of how best to organize and prepare for post-conflict missions. Well over a year ago, we held our first bipartisan roundtable that brought together some of the best minds from inside and outside of government to consider this issue. From this process, we developed the Stabilization and Reconstruction Civilian Management Act of 2004. I introduced this legislation with Senators BIDEN and HAGEL, and the Committee passed it unanimously. The purpose of our bill is to establish a more robust civilian capability to respond quickly and effectively to post-conflict situations or other complex emergencies. The bill puts the State Department at the center of the civilian reconstruction and stabilization effort, while coordination between State and Defense would continue at the NSC level.

The Defense Science Board (DSB), which recently recommended a similar strengthening of stabilization and reconstruction capacity in the Defense Department, endorsed our legislation. On January 26, I introduced S. 192, new legislation that took the DSB recommendations and provided the executive branch the necessary authorities to carry them out. It calls upon the Secretary of Defense to take immediate action to strengthen the role and capabilities of the Department of Defense for carrying out stabilization and reconstruction activities as well as to support the development of core competencies in other departments and agencies, principally the Department of State. The bill has been referred to the Senate Armed Service Committee for that Committee's consideration.

While recognizing the critical challenges that our military has undertaken with skill and courage in both Afghanistan and Iraq, we must acknowledge that certain non-security missions will be better served in the future by a more organized civilian response. Our post-conflict efforts frequently have had a higher than necessary military profile. This is not the result of a Pentagon power grab or institutional fights. Rather, the military has led post-conflict operations primarily because it is the only agency capable of mobilizing sufficient personnel and resources for these tasks. As a consequence, military resources have been stretched and deployments of military personnel have been extended beyond expectations. If we can improve the capabilities of the civilian agencies, they can take over many of the non-security missions that have burdened the military.

In re-introducing the Stabilization and Reconstruction Civilian Management Act" in the 109th Congress, I am well aware of the impact it has already had on both the debate on this issue and developments to date. In fact, some initiatives contained in the legislation have moved forward without its having been enacted. My Senate colleagues on the Foreign Operations Appropriations Subcommittee agreed with the need to provide an emergency conflict response fund for stabilization and reconstruction crises. And the Commerce, Justice, State appropriators in both the Senate and the House agreed with the need to establish a new office at the State Department to take the lead in organizing our civilian efforts. Indeed, an Office of Reconstruction and Stabilization has now been organized and a highly capable coordinator named. At her confirmation hearings, Dr. Rice demonstrated detailed knowledge of the Office and its work. I am confidant that she has already embraced the Department's role as a core mission and will work to support the Office with appropriate funding and the kind of Department-wide backing and support from management that it will need to do its job.

So why continue to pursue the legislation? It is still important to seek enactment because the legislation provides a permanent basis in law for the established office as well as new authorities that the Department will need to be successful.

The Bush Administration's action on this issue demonstrates its ability to recalibrate policy and organization to address a changing world. We know that the President will continue to provide leadership in organizing the U.S. government for this mission. As demonstrated by the Senate Foreign Relations Committee vote of 19-0, and by actions taken by the Senate Appropriations Subcommittee on Commerce, Justice, State and the Judiciary and the Senate Subcommittee on Foreign Operations, there is significant support in the Congress for his work and for the foresight he is already demonstrating.

The new Office, headed by Carlos Pascual, is doing a government-wide inventory of the civilian assets that might be available for stabilization and reconstruction tasks. It is also pursuing an idea proposed in our bill of a Readiness Reserve to enable rapid mobilization of post-conflict stabilization personnel. It will work closely with the Secretary to assist in the coordination of policy, the preparation and management of response, and in developing cooperative arrangements with foreign countries, international and regional organizations, nongovernmental organizations, and private sector organizations.

I am hopeful that the Office also will develop the concept of a 250-person active duty Response Readiness Corps that is contained in the legislation. In Army terms, that is less than a small battalion of well-trained people—a modest but vigorous force-multiplier that would greatly improve our nation's stabilization capacity. This Corps would be composed of State Department and USAID employees who have the experience and technical skills to manage stabilization and reconstruction tasks in a hostile environment.

Secretary Rice has been one of the most enthusiastic supporters of enhancing standing civilian capacity to respond to post conflict situations. In answer to one of my questions during the confirmation process, she said: "Creating a strong U.S. Government stabilization and reconstruction capacity is an Administration national security priority."

She asserted that "experience has shown that we must have the capacity to manage 2 to 3 stabilization and reconstruction operations concurrently. That means [we need] staff in Washington and in the field to manage and deliver quality programs."

Dr. Rice is prepared to make the State Department an effective interagency leader as it should be—in post-conflict operations. I look forward to working closely with her on this effort. I consider this new mission to be one of the most important long-term defenses that the State Department can mount against future acts of terrorism.

By Mrs. CLINTON (for herself, Mrs. DOLE, Mr. NELSON of Nebraska, Mr. BURR, Ms. STABENOW, Mr. HAGEL, Ms. CANTWELL, Mr. LUGAR, Mr. NELSON of Florida, Mr. COLEMAN, Mr. LAUTENBERG, Mr. LEVIN, Ms. LANDRIEU, Mrs. MURRAY, Mrs. BOXER, Mr. BAYH, Mr. INOUYE, and Mr. BENNETT):

S. 211. A bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, I rise today to introduce the calling for a 2-1-1 Act with my colleague Senator ELIZABETH DOLE. This bill will make an invaluable difference for the citizens of New York and the country.

Just last week I was in Rochester helping to launch a 2-1-1 call center that will serve the citizens of the Finger Lakes region of New York. This call center will provide a simple, efficient, and convenient way for individuals to obtain vital information about government services. It is the first step in an ambitious plan to provide 365 day, 24 hour 2-1-1 service throughout all of New York, and ultimately, the entire country.

The Calling for 2-1-1 Act, which I am introducing today, will create at least one 2-1-1 call center just like the one in Rochester in every state in the country, and will link every regional call center together to ensure Statewide coverage. Last Congress, 31 members of the Senate and 149 members of the House of Representatives co-sponsored the Calling for 2-1-1 Act. In the 109th, we are working to appeal to even more.

The best part of the 2-1-1 system is that it is equally available to everyone. From the mother whose child is about to go off to war, to the veteran returning from service, 2-1-1 will help people access the information they need when they need it. It helps teens who are in crisis and young mothers who have nowhere else to turn. Single mothers trying to find a job in a tough economy, frail senior citizens who need help with transportation but have no family or friends to call, and substance-abusing teens who in a moment of lucidity decide to seek a way out can all find what they need by dialing 2-1-1.

This number also helps people who want to give back to their communities. 2-1-1 provides lots of information about volunteer opportunities and helps direct people who want to give donations. At times of disaster, like the recent tsunami, 2-1-1 will be there to help get everyone the information they need to make sure their donations are directed effectively.

2-1-1 is not only good for New Yorkers; it is also good for our Nation's bottom line. 2-1-1 saves money because it eliminates duplicative services. The service will replace the existing maze of individual numbers for individual services: hotlines for shelter from abusive spouses, vaccinations for children, or information about where to obtain hospice services for ailing parents or loved ones. 2-1-1 will be a "one-stop shop" for all of these services. According to a recent study by the Ray Marshall Center for the Study of Human Resources at the University of Texas' Lyndon B. Johnson School of Public Affairs, 2-1-1 call centers can save as much as $130 million in the first year of operation and as much as $1.1 billion over ten years.

I would add that 2-1-1 saves lives. Every time someone calls 9-1-1 with a non-emergency call, the operators spend time with that caller that they could be spending dealing with a true emergency. 2-1-1 will replace 9-1-1 as the non-emergency point of reference because it is so easy to recall.

We learned on September 11th how important 2-1-1 can be. In the immediate aftermath of the disaster, most people did not know where to turn for information about their loved ones. Fortunately for those who knew about it, 2-1-1 was already operating in Connecticut during September 11th, and it was critical in helping identify the whereabouts of victims, connecting frightened children with their parents, providing information on terrorist suspects, and linking ready volunteers with coordinated efforts and victims with necessary mental and physical health services. 2–1–1 provided locations of vigils and support groups, and information on bioterrorism for those concerned about future attacks.

As time went by, many people needed help getting back on their feet. More than 100,000 people lost their jobs. Close to 2,000 families applied for housing assistance because they couldn't pay their rent or mortgage. 90,000 people developed symptoms of post-traumatic stress disorder or clinical depression within eight weeks of the attacks. Another 34,000 people met the criteria for both diagnoses. And 2–1–1 was there to help in Connecticut.

It wasn't available in far too many other areas, however. In fact, a Brookings Institution and Urban Institute study of the aftermath of September 11th found that many dislocated workers struggled to obtain available assistance. People "found it difficult to connect with resources due to a social-services infrastructure that does not support a simple and efficient method for people to learn about and access services and for agencies to coordinate their activities."

And that is what 2–1–1 is all about. It provides a single, efficient, coordinated way for people who need help to connect with those who can provide it.

The Federal Communications Commission laid the groundwork for a 2-1-1 number in 2000 when it directed that telephone number to be reserved for information and referral to social and human-services agencies. The 2–1–1 system opens the way to a user-friendly social-services network, by providing an easy-to-remember and universally available phone number that links individuals and families in need to the appropriate non-profit and government agencies.

In Rochester, New York and throughout the Finger Lakes, 2–1–1 will do just that. Whatever the need, 2-1-1 can help point you in the right direction. That is why I am so pleased to be introducing this legislation today, and why I am so optimistic that this will be an important first step in the road to bringing 2-1-1 to communities throughout the Empire State and the entire U.S.A. Thank you.

By Mr. DOMENICI (for himself and Mr. BINGAMAN):

S. 212. A bill to amend the Valles Caldera Preservation Act to improve the preservation of the Valles Caldera, and for other purposes; to the Committee on Foreign Relations.

Mr. DOMENICI. Mr. President, in 2000 Congress established the Valles Caldera National Preserve, which is composed of approximately 89,000 acres of spectacular land in northern New Mexico. The Preserve was created to protect and preserve the region's values and to provide the public with opportunities for the multiple use and sustained yield of its resources.

Over the past 5 years, we have become aware of some simple changes in Federal policy that can be made to allow the Valles Caldera Trust and U.S. Forest Service to better address the issues facing the Valles Caldera Preserve. The bill that Senator BINGAMAN and I introduce today recognizes the need for those policy changes.

The bill does the following: (1) Eliminates the "willing seller basis" so the Secretary of Agriculture can purchase the outstanding mineral interests of the Valles Caldera; (2) requires the Valles Caldera Trust to better manage its obligations and expenditures; (3) expands the category of people who can solicit and accept donations on the Trust's behalf; (4) allows monies received from claims relating to the Preserve to be used for costs incurred by the Trust; (5) provides a rate of compensation for the chairman of the Trust; (6) authorizes the Trust to dispose of marketable renewable resources; and (7) requires the Secretary of Agriculture to develop a fire safety plan for the Preserve.

These are not vast changes; nor should they be controversial. They will, however, make an important difference to one of New Mexico's most pristine wilderness areas that is appreciated by New Mexico's visitors and natives alike.

Because of the difference this legislation will make in New Mexico, I hope my colleagues will join with Senator BINGAMAN and me in approving the Valles Caldera Preservation Act of 2005.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 212

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Valles Caldera Preservation Act of 2005".

SEC. 2. AMENDMENTS TO THE VALLES CALDERA PRESERVATION ACT.

(a) ACQUISITION OF OUTSTANDING MINERAL INTERESTS.—Section 104(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–2(e)) is amended—

(1) by striking "The acquisition" and inserting the following:

"(1) IN GENERAL.—The acquisition";

(2) by striking "The Secretary" and inserting the following:

"(2) ACQUISITION.—The Secretary";

(3) by striking "on a willing seller basis";

(4) by striking "Any such" and inserting the following:

"(3) ADMINISTRATION.—Any such"; and

(5) by adding at the end the following:

"(4) AVAILABLE FUNDS.—Any such interests shall be acquired with available funds.

"(5) DECLARATION OF TAKING.—

"(A) IN GENERAL.—If negotiations to acquire the interests are unsuccessful by the date that is 60 days after the date of enactment of this paragraph, the Secretary shall acquire the interests pursuant to section 3114 of title 40, United States Code.

"(B) SOURCE OF FUNDS.—Any difference between the sum of money estimated to be just compensation by the Secretary and the amount awarded shall be paid from the permanent judgment appropriation under section 1304 of title 31, United States Code.".

(b) OBLIGATIONS AND EXPENDITURES.—Section 106(e) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(e)) is amended by adding at the end the following:

"(4) OBLIGATIONS AND EXPENDITURES.—Subject to the laws applicable to Government corporations, the Trust shall determine—

"(A) the character of, and the necessity for, any obligations and expenditures of the Trust; and

"(B) the manner in which obligations and expenditures shall be incurred, allowed, and paid.".

(c) SOLICITATION OF DONATIONS.—Section 106(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(g)) is amended by striking "The Trust may solicit" and inserting "The members of the Board of Trustees, the executive director, and 1 additional employee of the Trust in an executive position designated by the Board of Trustees or the executive director may solicit".

(d) USE OF PROCEEDS.—Section 106(h)(1) of the Valles Caldera Preservation Act (16 U.S.C. 698v–4(h)(1)) is amended by striking "subsection (g)" and inserting "subsection (g), from claims, judgments, or settlements arising from activities occurring on the Baca Ranch or the Preserve after October 27, 1999,".

SEC. 3. BOARD OF TRUSTEES.

Section 107(e) of the Valles Caldera Preservation Act (U.S.C. 698v–5(e)) is amended—

(1) in paragraph (2), by striking "Trustees" and inserting "Except as provided in paragraph (3), trustees"; and

(2) in paragraph (3)—

(A) by striking "Trustees" and inserting the following:

"(A) SELECTION.—Trustees"; and

(B) by adding at the end the following:

"(B) COMPENSATION.—On request of the chair, the chair may be compensated at a rate determined by the Board of Trustees, but not to exceed the daily equivalent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) in which the chair is engaged in the performance of duties of the Board of Trustees.

"(C) MAXIMUM RATE OF PAY.—The total amount of compensation paid to the chair for a fiscal year under subparagraph (B) shall not exceed 25 percent of the annual rate of pay for level IV of the Executive Schedule under section 5315 of title 5, United States Code.".

SEC. 4. RESOURCE MANAGEMENT.

(a) PROPERTY DISPOSAL LIMITATIONS.—Section 108(c)(3) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(c)(3)) is amended—

(1) in the first sentence, by striking "The Trust may not dispose" and inserting the following:

"(A) IN GENERAL.—The Trust may not dispose";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) MAXIMUM DURATION.—The Trust";

(3) in the last sentence, by striking "Any such" and inserting the following:

"(C) TERMINATION.—The"; and

(4) by adding at the end the following:

"(D) EXCLUSIONS.—For the purposes of this paragraph, the disposal of real property does not include the sale or other disposal of forage, forest products, or marketable renewable resources.".

(b) LAW ENFORCEMENT AND FIRE MANAGEMENT.—Section 108(g) of the Valles Caldera Preservation Act (16 U.S.C. 698v–6(g)) is amended—

(1) in the first sentence, by striking "The Secretary" and inserting the following:

"(1) LAW ENFORCEMENT.—

"(A) IN GENERAL.—The Secretary";

(2) in the second sentence, by striking "The Trust" and inserting the following:

"(B) FEDERAL AGENCY.—The Trust"; and

(3) by striking "At the request of the Trust" and all that follows through the end of the paragraph and inserting the following:

"(2) FIRE MANAGEMENT.—

"(A) NON-REIMBURSABLE SERVICES.—

"(i) DEVELOPMENT OF PLAN.—The Secretary shall, in consultation with the Trust, develop a plan to carry out fire preparedness, suppression, and emergency rehabilitation services on the Preserve.

"(ii) CONSISTENCY WITH MANAGEMENT PROGRAM.—The plan shall be consistent with the management program developed pursuant to subsection (d).

"(iii) COOPERATIVE AGREEMENT.—To the extent generally authorized at other units of the National Forest System, the Secretary shall provide the services to be carried out pursuant to the plan under a cooperative agreement entered into between the Secretary and the Trust.

"(B) REIMBURSABLE SERVICES.—To the extent generally authorized at other units of the National Forest System, the Secretary may provide presuppression and nonemergency rehabilitation and restoration services for the Trust at any time on a reimbursable basis.".

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 213. A bill to direct the Secretary of the Interior to convey certain Federal land to Rio Arriba County, New Mexico; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise today on behalf of myself and Senator DOMENICI to introduce legislation to allow a transfer of land to Rio Arriba County, NM from the Bureau of Land Management. The land is needed for County facilities, a cemetery for a local parish, and a new public school.

Rio Arriba County is in a difficult position; the needs of the rapidly increasing area population continue to increase but there is precious little land available to the County where they can locate necessary facilities. Fortunately, the County has worked with the BLM to find a parcel of land that each agrees will best serve the interests of the public if it is transferred to County ownership. Indeed, I am told that BLM would likely have handled this transfer administratively if they were not barred from doing so by the particular history of how this parcel came into federal ownership. I am unaware of any opposition to the transfer.

This bill will simply change the legal framework for the parcel so that the transfer can take place. I hope the Senate can act on this bill as quickly as possible so that Rio Arriba County can move forward to meet the pressing needs of the people there.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 213

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rio Arriba County Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) COUNTY.—The term "County" means the County of Rio Arriba, New Mexico.

(2) MAP.—The term "map" means the map entitled "Alcalde Proposed Land Transfer" and dated September 23, 2004.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE OF LAND TO RIO ARRIBA COUNTY, NEW MEXICO.

(a) IN GENERAL.—Subject to subsection (c), not later than 1 year after the date of enactment of this Act, the Secretary shall convey to the County, all right, title, and interest of the United States in and to the land (including any improvements to the land) described in subsection (b).

(b) DESCRIPTION OF LAND.—The land referred to in subsection (a) consists of approximately 150.86 acres of land located on the Sebastian Martin Land Grant in the vicinity of Alcalde, Rio Arriba County, New Mexico, as depicted on the map.

(c) CONDITIONS.—

(1) IN GENERAL.—The land conveyed under subsection (a) shall be treated as public land for the purposes of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.)

(2) CONSIDERATION.—The amount of consideration for the conveyance of land under subsection (a) shall be determined by the Secretary consistent with section 2(a) of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869–1(a)).

(3) AGREEMENT.—Before conveying the land under subsection (a), the Secretary shall enter into an agreement with the County that indemnifies the United States from all liability of the United States arising from the land conveyed.

By Mr BINGAMAN (for himself, Mr. DOMENICI, and Mr. KYL):

S. 214. A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, on behalf of myself, Senator DOMENICI and Senator KYL, I am pleased today to introduce the United States-Mexico Transboundary Aquifer Assessment Act. This legislation is intended to address the significant challenges concerning water resources that exist along the U.S-Mexico border. Recognizing the importance of these issues to the States making up that border, New Mexico, Arizona, Texas, and California, the Senate passed this bill twice during the 108th Congress. With strong bipartisan, and now bicameral support, I hope we can act quickly to pass it once again so that it can be enacted into law at the earliest opportunity.

The genesis of this bill is a field hearing I conducted over three years ago during my tenure as the Chairman of the Energy and Natural Resources Committee. The focus of that hearing was water resource issues developing along the U.S.-Mexico border. In particular, I was concerned that issues regarding the availability of future water supplies were growing, and could lead to conflict in the region. The testimony at that hearing made clear that consensus is lacking on how communities in the border region will address their future water needs. Most significant, I was struck by the lack of agreement on the long-term viability of future groundwater sources, many of which involve aquifers underlying both the United States and Mexico. Given the rapid population growth along the border, and the corresponding increase in demand for potable water, there is a strong need to gain a common and detailed understanding of our shared groundwater resources. A science-based understanding of the resource is the first step to avoid conflicts similar to the one arising in south Texas over Rio Grande water deliveries under the 1944 U.S.-Mexico treaty.

The United States-Mexico Transboundary Assessment Act is intended to address the lack of a binational consensus regarding water supplies along the border. It will do this by establishing a scientific program, involving the U.S. Geological Survey (USGS), Water Resources Research Institutes, and appropriate authorities and other entities on both sides of the border, to comprehensively assess priority transboundary aquifers. Ultimately, the information and scientific tools developed under the program will be extremely valuable to State and local water resource managers in the border region. Of particular note, the analysis will include a search for new sources of water such as saline aquifers. Continued development of desalination technologies may lead to significant use of this untapped resource in the near future.

I understand that establishing this scientific program and accurately assessing our shared water resources is just a step towards developing the long-term plans and solutions that will help avoid future international disputes concerning scare water supplies. This small step, however, is an important one, and one with broad policy support. In its 6th Report on the U.S.-Mexico Border Environment, the Good Neighbor Environmental Board, an independent federal advisory committee managed by the U.S. Environmental Protection Agency, recommended the initiation of a "border-wide groundwater assessment program to systematically analyze priority trans-boundary aquifers." Also, the Center for Strategic and International Studies, in a January 2003 report of its U.S.-Mexico Binational Council, included as one of its recommendations that Mexico and the United States "improve data collection, information gathering, and transparency as the first step to developing a long-term strategy for water management."

Ultimately, an effective long-term strategy will have to be developed by the communities and other water users who reside along the border. Working with each other and their State water resource agencies, I believe successful strategies can be developed so long as the information upon which those plans are based is the most accurate possible. In that respect, the USGS, along with its State-based partners, have a strong and important role to play. The resources and criteria provided by this legislation will ensure that these organizations can fulfill that role which, in turn, will enhance the prospects of our border communities to be able to plan for their future in a manner ensuring their long-term viability and prosperity.

Thank you for the opportunity to make these remarks. I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 214

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "United States-Mexico Transboundary Aquifer Assessment Act".

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to establish a United States-Mexico transboundary aquifer assessment program to—

(1) systematically assess priority transboundary aquifers; and

(2) provide the scientific foundation necessary for State and local officials to address pressing water resource challenges in the United States-Mexico border region.

SEC. 3. DEFINITIONS.

In this Act:

(1) AQUIFER.—The term "aquifer" means a subsurface water-bearing geologic formation from which significant quantities of water may be extracted.

(2) BORDER STATE.—The term "Border State" means each of the States of Arizona, California, New Mexico, and Texas.

(3) INDIAN TRIBE.—The term "Indian tribe" means an Indian tribe, band, nation, or other organized group or community—

(A) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians; and

(B) the reservation of which includes a transboundary aquifer within the exterior boundaries of the reservation.

(4) PRIORITY TRANSBOUNDARY AQUIFER.—The term "priority transboundary aquifer" means a transboundary aquifer that has been designated for study and analysis under the program.

(5) PROGRAM.—The term "program" means the United States-Mexico transboundary aquifer assessment program established under section 4(a).

(6) RESERVATION.—The term "reservation" means land that has been set aside or that has been acknowledged as having been set aside by the United States for the use of an Indian tribe, the exterior boundaries of which are more particularly defined in a final tribal treaty, agreement, executive order, Federal statute, secretarial order, or judicial determination.

(7) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the United States Geological Survey.

(8) TRANSBOUNDARY AQUIFER.—The term "transboundary aquifer" means an aquifer that underlies the boundary between the United States and Mexico.

(9) TRI-REGIONAL PLANNING GROUP.—The term "Tri-Regional Planning Group" means the binational planning group comprised of—

(A) the Junta Municipal de Agua y Saneamiento de Ciudad Juarez;

(B) the El Paso Water Utilities Public Service Board; and

(C) the Lower Rio Grande Water Users Organization.

(10) WATER RESOURCES RESEARCH INSTITUTES.—The term "water resources research institutes" means the institutes within the Border States established under section 104 of the Water Resources Research Act of 1984 (42 U.S.C. 10303).

SEC. 4. ESTABLISHMENT OF PROGRAM.

(a) IN GENERAL.—The Secretary, in consultation and cooperation with the Border States, the water resources research institutes, Sandia National Laboratories, and other appropriate entities in the United States and Mexico, shall carry out the United States-Mexico transboundary aquifer assessment program to characterize, map, and model transboundary groundwater resources along the United States-Mexico border at a level of detail determined to be appropriate for the particular aquifer.

(b) OBJECTIVES.—The objectives of the program are to—

(1) develop and implement an integrated scientific approach to assess transboundary groundwater resources, including—

(A)(i) identifying fresh and saline transboundary aquifers; and

(ii) prioritizing the transboundary aquifers for further analysis by assessing—

(I) the proximity of the transboundary aquifer to areas of high population density;

(II) the extent to which the transboundary aquifer is used;

(III) the susceptibility of the transboundary aquifer to contamination; and

(IV) any other relevant criteria;

(B) evaluating all available data and publications as part of the development of study plans for each priority transboundary aquifer;

(C) creating a new, or enhancing an existing, geographic information system database to characterize the spatial and temporal aspects of each priority transboundary aquifer; and

(D) using field studies, including support for and expansion of ongoing monitoring and metering efforts, to develop—

(i) the additional data necessary to adequately define aquifer characteristics; and

(ii) scientifically sound groundwater flow models to assist with State and local water management and administration, including modeling of relevant groundwater and surface water interactions;

(2) expand existing agreements, as appropriate, between the United States Geological Survey, the Border States, the water resources research institutes, and appropriate authorities in the United States and Mexico, to—

(A) conduct joint scientific investigations;

(B) archive and share relevant data; and

(C) carry out any other activities consistent with the program; and

(3) produce scientific products for each priority transboundary aquifer that—

(A) are capable of being broadly distributed; and

(B) provide the scientific information needed by water managers and natural resource agencies on both sides of the United States-Mexico border to effectively accomplish the missions of the managers and agencies.

(c) DESIGNATION OF PRIORITY TRANSBOUNDARY AQUIFERS.—

(1) IN GENERAL.—For purposes of the program, the Secretary shall designate as priority transboundary aquifers—

(A) the Hueco Bolson and Mesilla aquifers underlying parts of Texas, New Mexico, and Mexico; and

(B) the Santa Cruz River Valley aquifers underlying Arizona and Sonora, Mexico.

(2) ADDITIONAL AQUIFERS.—The Secretary shall, using the criteria under subsection (b)(1)(A)(ii), evaluate and designate additional priority transboundary aquifers.

(d) COOPERATION WITH MEXICO.—To ensure a comprehensive assessment of transboundary aquifers, the Secretary shall, to the maximum extent practicable, work with appropriate Federal agencies and other organizations to develop partnerships with, and receive input from, relevant organizations in Mexico to carry out the program.

(e) GRANTS AND COOPERATIVE AGREEMENTS.—The Secretary may provide grants or enter into cooperative agreements and other agreements with the water resources research institutes and other Border State entities to carry out the program.

SEC. 5. IMPLEMENTATION OF PROGRAM.

(a) COORDINATION WITH STATES, TRIBES, AND OTHER ENTITIES.—The Secretary shall coordinate the activities carried out under the program with—

(1) the appropriate water resource agencies in the Border States;

(2) any affected Indian tribes; and

(3) any other appropriate entities that are conducting monitoring and metering activity with respect to a priority transboundary aquifer.

(b) NEW ACTIVITY.—After the date of enactment of this Act, the Secretary shall not initiate any new field studies or analyses under the program before consulting with, and coordinating the activity with, any Border State water resource agencies that have jurisdiction over the aquifer.

(c) STUDY PLANS; COST ESTIMATES.—

(1) IN GENERAL.—The Secretary shall work closely with appropriate Border State water

resource agencies, water resources research institutes, and other relevant entities to develop a study plan, timeline, and cost estimate for each priority transboundary aquifer to be studied under the program.

(2) REQUIREMENTS.—A study plan developed under paragraph (1) shall, to the maximum extent practicable—

(A) integrate existing data collection and analyses conducted with respect to the priority transboundary aquifer;

(B) if applicable, improve and strengthen existing groundwater flow models developed for the priority transboundary aquifer; and

(C) be consistent with appropriate State guidelines and goals.

SEC. 6. EFFECT.

Nothing in this Act affects—

(1) the jurisdiction or responsibility of a Border State with respect to managing surface or groundwater resources in the Border State; or

(2) the water rights of any person or entity using water from a transboundary aquifer.

SEC. 7. REPORTS.

Not later than 5 years after the date of enactment of this Act, and on completion of the program in fiscal year 2014, the Secretary shall submit to the appropriate water resource agency in the Border States, an interim and final report, respectively, that describes—

(1) any activities carried out under the program;

(2) any conclusions of the Secretary relating to the status of transboundary aquifers; and

(3) the level of participation in the program of entities in Mexico.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act $50,000,000 for the period of fiscal years 2006 through 2015.

(b) DISTRIBUTION OF FUNDS.—Of the amounts made available under subsection (a), 50 percent shall be made available to the water resources research institutes to provide funding to appropriate entities in the Border States (including Sandia National Laboratories, State agencies, universities, the Tri-Regional Planning Group, and other relevant organizations) and Mexico to conduct activities under the program, including the binational collection and exchange of scientific data.

By Mr. INOUYE:

S. 215. A bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act; to the Committee on Indian Affairs.

Mr. INOUYE. Mr. President, I rise today to introduce a bill to reauthorize the Native Hawaiian Health Care Improvement Act. Senator AKAKA joins me in sponsoring this measure.

The Native Hawaiian Health Care Improvement Act was enacted into law in 1988, and has been reauthorized every 4 years since that time.

The Act provides authority for range of programs and services designed to improve the health care status of the Native people of Hawaii.

With the enactment of the Native Hawaiian Health Care Improvement Act and the establishment of Native Hawaiian health care systems on most of the islands that make up the State of Hawaii, we have witnessed significant improvements in the health status of Native Hawaiians, but as the findings of unmet needs and health disparities set forth in this bill make clear, we still have a long way to go.

For instance, Native Hawaiians have the highest cancer mortality rates in the State of Hawaii—rates that are 21 percent higher than the rate for the total State male population and 64 percent higher than the rate for the total State female population. Nationally, Native Hawaiians have the third highest mortality rate as a result of breast cancer.

With respect to diabetes, in 2000, Native Hawaiians had the highest mortality rate associated with diabetes in the State—a rate which is 138 percent higher than the statewide rate for all racial groups.

When it comes to heart disease, the mortality rate of Native Hawaiians associated with heart disease is 68 percent higher than the rate for the entire State, and the mortality rate for hypertension is 84 percent higher than that for the entire State.

These statistics on the health status of Native Hawaiians are but a small part of the long list of data that makes clear that our objective of assuring that the Native people of Hawaii attain some parity of good health comparable to that of the larger U.S. population has not yet been achieved.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 215

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Native Hawaiian Health Care Improvement Reauthorization Act of 2005".

SEC. 2. AMENDMENT TO THE NATIVE HAWAIIAN HEALTH CARE IMPROVEMENT ACT.

The Native Hawaiian Health Care Improvement Act (42 U.S.C. 11701 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Native Hawaiian Health Care Improvement Act'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Findings.
"Sec. 3. Definitions.
"Sec. 4. Declaration of national Native Hawaiian health policy.
"Sec. 5. Comprehensive health care master plan for Native Hawaiians.
"Sec. 6. Functions of Papa Ola Lokahi and Office of Hawaiian Affairs.
"Sec. 7. Native Hawaiian health care.
"Sec. 8. Administrative grant for Papa Ola Lokahi.
"Sec. 9. Administration of grants and contracts.
"Sec. 10. Assignment of personnel.
"Sec. 11. Native Hawaiian health scholarships and fellowships.
"Sec. 12. Report.
"Sec. 13. Use of Federal Government facilities and sources of supply.
"Sec. 14. Demonstration projects of national significance.
"Sec. 15. Rule of construction.
"Sec. 16. Compliance with Budget Act.
"Sec. 17. Severability.

"SEC. 2. FINDINGS.

"(a) GENERAL FINDINGS.—Congress finds that—

"(1) Native Hawaiians begin their story with the Kumulipo, which details the creation and interrelationship of all things, including the evolvement of Native Hawaiians as healthy and well people;

"(2) Native Hawaiians—

"(A) are a distinct and unique indigenous people with a historical continuity to the original inhabitants of the Hawaiian archipelago within Ke Moananui, the Pacific Ocean; and

"(B) have a distinct society that was first organized almost 2,000 years ago;

"(3) the health and well-being of Native Hawaiians are intrinsically tied to the deep feelings and attachment of Native Hawaiians to their lands and seas;

"(4) the long-range economic and social changes in Hawaii over the 19th and early 20th centuries have been devastating to the health and well-being of Native Hawaiians;

"(5) Native Hawaiians have never directly relinquished to the United States their claims to their inherent sovereignty as a people or over their national territory, either through their monarchy or through a plebiscite or referendum;

"(6) the Native Hawaiian people are determined to preserve, develop, and transmit to future generations, in accordance with their own spiritual and traditional beliefs, their customs, practices, language, social institutions, ancestral territory, and cultural identity;

"(7) in referring to themselves, Native Hawaiians use the term 'Kanaka Maoli', a term frequently used in the 19th century to describe the native people of Hawaii;

"(8) the constitution and statutes of the State of Hawaii—

"(A) acknowledge the distinct land rights of Native Hawaiian people as beneficiaries of the public lands trust; and

"(B) reaffirm and protect the unique right of the Native Hawaiian people to practice and perpetuate their cultural and religious customs, beliefs, practices, and language;

"(9) at the time of the arrival of the first nonindigenous people in Hawaii in 1778, the Native Hawaiian people lived in a highly organized, self-sufficient, subsistence social system based on communal land tenure with a sophisticated language, culture, and religion;

"(10) a unified monarchical government of the Hawaiian Islands was established in 1810 under Kamehameha I, the first King of Hawaii;

"(11) throughout the 19th century until 1893, the United States—

"(A) recognized the independence of the Hawaiian Nation;

"(B) extended full and complete diplomatic recognition to the Hawaiian Government; and

"(C) entered into treaties and conventions with the Hawaiian monarchs to govern commerce and navigation in 1826, 1842, 1849, 1875, and 1887;

"(12) in 1893, John L. Stevens, the United States Minister assigned to the sovereign and independent Kingdom of Hawaii, conspired with a small group of non-Hawaiian residents of the Kingdom, including citizens of the United States, to overthrow the indigenous and lawful government of Hawaii;

"(13) in pursuance of that conspiracy—

"(A) the United States Minister and the naval representative of the United States caused armed forces of the United States Navy to invade the sovereign Hawaiian Nation in support of the overthrow of the indigenous and lawful Government of Hawaii; and

"(B) after that overthrow, the United States Minister extended diplomatic recognition of a provisional government formed by the conspirators without the consent of the native people of Hawaii or the lawful Government of Hawaii, in violation of—

"(i) treaties between the Government of Hawaii and the United States; and

"(ii) international law;

"(14) in a message to Congress on December 18, 1893, President Grover Cleveland—

"(A) reported fully and accurately on those illegal actions;

"(B) acknowledged that by those acts, described by the President as acts of war, the government of a peaceful and friendly people was overthrown; and

"(C) concluded that a 'substantial wrong has thus been done which a due regard for our national character as well as the rights of the injured people required that we should endeavor to repair';

"(15) Queen Lili'uokalani, the lawful monarch of Hawaii, and the Hawaiian Patriotic League, representing the aboriginal citizens of Hawaii, promptly petitioned the United States for redress of those wrongs and restoration of the indigenous government of the Hawaiian nation, but no action was taken on that petition;

"(16) in 1993, Congress enacted Public Law 103-150 (107 Stat. 1510), in which Congress—

"(A) acknowledged the significance of those events; and

"(B) apologized to Native Hawaiians on behalf of the people of the United States for the overthrow of the Kingdom of Hawaii with the participation of agents and citizens of the United States, and the resulting deprivation of the rights of Native Hawaiians to self-determination;

"(17) in 1898, the United States—

"(A) annexed Hawaii through Resolution No. 55 (commonly known as the 'Newlands Resolution') (30 Stat. 750), without the consent of, or compensation to, the indigenous people of Hawaii or the sovereign government of those people; and

"(B) denied those people the mechanism for expression of their inherent sovereignty through self-government and self-determination of their lands and ocean resources;

"(18) through the Newlands Resolution and the Act of April 30, 1900 (commonly known as the '1900 Organic Act') (31 Stat. 141, chapter 339), Congress—

"(A) received 1,750,000 acres of land formerly owned by the Crown and Government of the Hawaiian Kingdom; and

"(B) exempted the land from then-existing public land laws of the United States by mandating that the revenue and proceeds from that land be 'used solely for the benefit of the inhabitants of the Hawaiian Islands for education and other public purposes', thereby establishing a special trust relationship between the United States and the inhabitants of Hawaii;

"(19) in 1921, Congress enacted the Hawaiian Homes Commission Act, 1920 (42 Stat. 108, chapter 42), which—

"(A) designated 200,000 acres of the ceded public land for exclusive homesteading by Native Hawaiians; and

"(B) affirmed the trust relationship between the United States and Native Hawaiians, as expressed by Secretary of the Interior Franklin K. Lane, who was cited in the Committee Report of the Committee on Territories of the House of Representatives as stating, 'One thing that impressed me . . . was the fact that the natives of the islands . . . for whom in a sense we are trustees, are falling off rapidly in numbers and many of them are in poverty.';

"(20) in 1938, Congress again acknowledged the unique status of the Native Hawaiian people by including in the Act of June 20, 1938 (52 Stat. 781), a provision—

"(A) to lease land within the extension to Native Hawaiians; and

"(B) to permit fishing in the area 'only by native Hawaiian residents of said area or of adjacent villages and by visitors under their guidance';

"(21) under the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 4), the United States—

"(A) transferred responsibility for the administration of the Hawaiian home lands to the State; but

"(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the exclusive power to enforce the trust, including the power to approve land exchanges and legislative amendments affecting the rights of beneficiaries under that Act;

"(22) under the Act referred to in paragraph (21), the United States—

"(A) transferred responsibility for administration over portions of the ceded public lands trust not retained by the United States to the State; but

"(B) reaffirmed the trust relationship that existed between the United States and the Native Hawaiian people by retaining the legal responsibility of the State for the betterment of the conditions of Native Hawaiians under section 5(f) of that Act (73 Stat. 6);

"(23) in 1978, the people of Hawaii—

"(A) amended the constitution of Hawaii to establish the Office of Hawaiian Affairs; and

"(B) assigned to that Office the authority—

"(i) to accept and hold in trust for the Native Hawaiian people real and personal property transferred from any source;

"(ii) to receive payments from the State owed to the Native Hawaiian people in satisfaction of the pro rata share of the proceeds of the public land trust established by section 5(f) of the Act of March 18, 1959 (48 U.S.C. prec. 491 note; 73 Stat. 6);

"(iii) to act as the lead State agency for matters affecting the Native Hawaiian people; and

"(iv) to formulate policy on affairs relating to the Native Hawaiian people;

"(24) the authority of Congress under the Constitution to legislate in matters affecting the aboriginal or indigenous people of the United States includes the authority to legislate in matters affecting the native people of Alaska and Hawaii;

"(25) the United States has recognized the authority of the Native Hawaiian people to continue to work toward an appropriate form of sovereignty, as defined by the Native Hawaiian people in provisions set forth in legislation returning the Hawaiian Island of Kaho'olawe to custodial management by the State in 1994;

"(26) in furtherance of the trust responsibility for the betterment of the conditions of Native Hawaiians, the United States has established a program for the provision of comprehensive health promotion and disease prevention services to maintain and improve the health status of the Hawaiian people;

"(27) that program is conducted by the Native Hawaiian Health Care Systems and Papa Ola Lokahi;

"(28) health initiatives implemented by those and other health institutions and agencies using Federal assistance have been responsible for reducing the century-old morbidity and mortality rates of Native Hawaiian people by—

"(A) providing comprehensive disease prevention;

"(B) providing health promotion activities; and

"(C) increasing the number of Native Hawaiians in the health and allied health professions;

"(29) those accomplishments have been achieved through implementation of—

"(A) the Native Hawaiian Health Care Act of 1988 (Public Law 100-579); and

"(B) the reauthorization of that Act under section 9168 of the Department of Defense Appropriations Act, 1993 (Public Law 102–396; 106 Stat. 1948);

"(30) the historical and unique legal relationship between the United States and Native Hawaiians has been consistently recognized and affirmed by Congress through the enactment of more than 160 Federal laws that extend to the Native Hawaiian people the same rights and privileges accorded to American Indian, Alaska Native, Eskimo, and Aleut communities, including—

"(A) the Native American Programs Act of 1974 (42 U.S.C. 2991 et seq.);

"(B) the American Indian Religious Freedom Act (42 U.S.C. 1996);

"(C) the National Museum of the American Indian Act (20 U.S.C. 80q et seq.); and

"(D) the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001 et seq.);

"(31) the United States has recognized and reaffirmed the trust relationship to the Native Hawaiian people through legislation that authorizes the provision of services to Native Hawaiians, specifically—

"(A) the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.);

"(B) the Developmental Disabilities Assistance and Bill of Rights Act Amendments of 1987 (42 U.S.C. 6000 et seq.);

"(C) the Veterans' Benefits and Services Act of 1988 (Public Law 100-322);

"(D) the Rehabilitation Act of 1973 (29 U.S.C. 701 et seq.);

"(E) the Native Hawaiian Health Care Act of 1988 (42 U.S.C. 11701 et seq.);

"(F) the Health Professions Reauthorization Act of 1988 (Public Law 100–607; 102 Stat. 3122);

"(G) the Nursing Shortage Reduction and Education Extension Act of 1988 (Public Law 100–607; 102 Stat. 3153);

"(H) the Handicapped Programs Technical Amendments Act of 1988 (Public Law 100–630);

"(I) the Indian Health Care Amendments of 1988 (Public Law 100–713); and

"(J) the Disadvantaged Minority Health Improvement Act of 1990 (Public Law 101–527);

"(32) the United States has affirmed that historical and unique legal relationship to the Hawaiian people by authorizing the provision of services to Native Hawaiians to address problems of alcohol and drug abuse under the Anti-Drug Abuse Act of 1986 (21 U.S.C. 801 note; Public Law 99-570);

"(33) in addition, the United States—

“(A) has recognized that Native Hawaiians, as aboriginal, indigenous, native people of Hawaii, are a unique population group in Hawaii and in the continental United States; and

“(B) has so declared in Office of Management and Budget Circular 15 in 1997 and Presidential Executive Order No. 13125, dated June 7, 1999; and

“(34) despite the United States having expressed in Public Law 103–150 (107 Stat. 1510) its commitment to a policy of reconciliation with the Native Hawaiian people for past grievances—

“(A) the unmet health needs of the Native Hawaiian people remain severe; and

“(B) the health status of the Native Hawaiian people continues to be far below that of the general population of the United States.

“(b) Finding of Unmet Needs and Health Disparities.—Congress finds that the unmet needs and serious health disparities that adversely affect the Native Hawaiian people include the following:

“(1) Chronic disease and illness.—

“(A) Cancer.—

“(i) In general.—With respect to all cancer—

“(I) Native Hawaiians have the highest cancer mortality rates in the State (216.8 out of every 100,000 male residents and 191.6 out of every 100,000 female residents), rates that are 21 percent higher than the rate for the total State male population (179.0 out of every 100,000 residents) and 64 percent higher than the rate for the total State female population (117.0 per 100,000);

“(II) Native Hawaiian males have the highest cancer mortality rates in the State for cancers of the lung, colon, rectum, and colorectum, and for all cancers combined;

“(III) Native Hawaiian females have the highest cancer mortality rates in the State for cancers of the lung, liver, pancreas, breast, corpus uteri, stomach, colon, and rectum, and for all cancers combined;

“(IV) Native Hawaiian males have 8.7 years of productive life lost as a result of cancer in the State, the highest years of productive life lost in that State, as compared with 6.4 years for all males; and

“(V) Native Hawaiian females have 8.2 years of productive life lost as a result of cancer in the State as compared with 6.4 years for all females in the State.

“(ii) Breast cancer.—With respect to breast cancer—

“(I) Native Hawaiians have the highest mortality rate in the State from breast cancer (30.79 out of every 100,000 residents), a rate that is 33 percent higher than that for Caucasian Americans (23.07 out of every 100,000 residents) and 106 percent higher than that for Chinese Americans (14.96 out of every 100,000 residents); and

“(II) nationally, Native Hawaiians have the third highest mortality rate as a result of breast cancer (25.0 out of every 100,000 residents), behind African Americans (31.4 out of every 100,000 residents) and Caucasian Americans (27.0 out of every 100,000 residents).

“(iii) Cancer of the cervix.—Native Hawaiians have the highest mortality rate as a result of cancer of the cervix in the State (3.65 out of every 100,000 residents), followed by Filipino Americans (2.69 out of every 100,000 residents) and Caucasian Americans (2.61 out of every 100,000 residents).

“(iv) Lung cancer.—Native Hawaiian males and females have the highest mortality rates as a result of lung cancer in the State, at 74.79 per 100,000 for males and 47.84 per 100,000 females, which rates are higher than the rates for the total State population by 48 percent for males and 93 percent for females.

“(v) Prostate cancer.—Native Hawaiian males have the third highest mortality rate as a result of prostate cancer in the State (21.48 out of every 100,000 residents), with Caucasian Americans having the highest mortality rate as a result of prostate cancer (23.96 out of every 100,000 residents).

“(B) Diabetes.—With respect to diabetes, in 2000—

“(i) Native Hawaiians had the highest mortality rate as a result of diabetes mellitis (38.8 out of every 100,000 residents) in the State, which rate is 138 percent higher than the statewide rate for all racial groups (16.3 out of every 100,000 residents); and

“(ii) full-blood Hawaiians had a mortality as a result of diabetes mellitis of 93.3 out of every 100,000 residents, which is 518 percent higher than the rate for the statewide population of all other racial groups.

“(C) Asthma.—With respect to asthma—

“(i) in 1990, Native Hawaiians comprised 44 percent of all asthma cases in the State for those 18 years of age and younger, and 35 percent of all asthma cases reported; and

“(ii) in 1999, the Native Hawaiian prevalence rate for asthma was 129.6 out of every 1,000 residents, which was 69 percent higher than the rate for all others combined in the State (76.7 out of every 1,000 residents).

“(D) Circulatory diseases.—

“(i) Heart disease.—With respect to heart disease—

“(I) the mortality rate for Native Hawaiians as a result of heart disease (372.3 out of every 100,000 residents) is 68 percent higher than the rate for the entire State (221.9 out of every 100,000 residents); and

“(II) Native Hawaiian males have the greatest years of productive life lost in the State, because Native Hawaiian males lose an average of 15.5 years and Native Hawaiian females lose an average of 8.2 years as a result of heart disease, as compared with 7.5 years for all males, and 6.4 years for all females, in the State.

“(ii) Hypertension.—With respect to hypertension—

“(I) the mortality rate for Native Hawaiians as a result of hypertension (3.5 out of every 100,000 residents) is 84 percent higher than that for the entire State (1.9 out of every 100,000 residents);

“(II) Native Hawaiians have substantially higher prevalence rates of hypertension than—

“(aa) those observed statewide; and

“(bb) those of any other ethnic group in Hawaii; and

“(III) the prevalence rate of hypertension for Native Hawaiians is 37.9 percent, 11 percent higher than that for all others in the State (34.1 percent).

“(iii) Stroke.—The mortality rate for Native Hawaiians as a result of stroke (72.0 out of every 100,000 residents) is 20 percent higher than that for the entire State (60 out of every 100,000 residents).

“(2) Infectious disease and illness.—With respect to infectious disease and illness—

“(A) in 1998, Native Hawaiians comprised 20 percent of all deaths resulting from infectious diseases in the State for all ages; and

“(B) the incidence of acquired immune deficiency syndrome for Native Hawaiians is at least twice as high per 100,000 residents (10.5 percent) than that for any other non-Caucasian group in the State.

“(3) Injuries.—With respect to injuries—

“(A) the mortality rate for Native Hawaiians as a result of injuries (32.0 out of every 100,000 residents) is 16 percent higher than that for the entire State (27.5 out of every 100,000 residents);

“(B) 32 percent of all deaths of individuals between the ages of 18 and 24 years of age resulting from injuries were Native Hawaiian; and

“(C) the 2 primary causes of Native Hawaiian deaths in that age group were motor vehicle accidents (30 percent) and intentional self-harm (39 percent).

“(4) Dental health.—With respect to dental health—

“(A) Native Hawaiian children exhibit among the highest rates of dental caries in the United States, and the highest in the State as compared with the 5 other major ethnic groups in the State;

“(B) the average number of decayed or filled primary teeth for Native Hawaiian children aged 5 through 9 years was 4.3, as compared with 3.7 for all children in the State and 1.9 for all children in the United States; and

“(C) the proportion of Native Hawaiian children aged 5 through 12 years with unmet dental treatment needs (defined as having active dental caries requiring treatment) is 40 percent, as compared with 33 percent for all other racial groups in the State.

“(5) Life expectancy.—With respect to life expectancy—

“(A) Native Hawaiians have the lowest life expectancy of all population groups in the State;

“(B) between 1910 and 1980, the life expectancy of Native Hawaiians from birth has ranged from 5 to 10 years less than that of the overall State population average; and

“(C) the most recent tables for 1990 show Native Hawaiian life expectancy at birth (74.27 years) to be approximately 5 years less than that of the total State population (78.85 years).

“(6) Maternal and child health.—

“(A) In general.—With respect to maternal and child health, for 2000—

“(i) 39 percent of all deaths of children under the age of 18 years in the State were Native Hawaiian; and

“(ii) perinatal conditions accounted for 38 percent of all Native Hawaiian deaths in that age group.

“(B) Prenatal care.—With respect to prenatal care—

“(i) as of 1998, Native Hawaiian women have the highest prevalence (24 percent) of having had no prenatal care during the first trimester of pregnancy, as compared with the 5 largest ethnic groups in the State;

“(ii) of the mothers in the State who received no prenatal care throughout their pregnancies in 1996, 44 percent were Native Hawaiian;

“(iii) more than 65 percent of the referrals to Healthy Start in fiscal years 1996 and 1997 were Native Hawaiian newborns; and

“(iv) in every region of the State, many Native Hawaiian newborns begin life in a potentially hazardous circumstance, far higher than any other racial group.

“(C) Births.—With respect to births—

“(i) in 1996, 45 percent of the live births to Native Hawaiian mothers were infants born to single mothers, a circumstance which statistics indicate puts infants at higher risk of low birth weight and infant mortality;

“(ii) in 1996, of the births to Native Hawaiian single mothers, 8 percent were low birth weight (defined as a weight of less than 2,500 grams); and

“(iii) of all low birth weight infants born to single mothers in the State, 44 percent were Native Hawaiian.

"(D) TEEN PREGNANCIES.—With respect to births—

"(i) in 1993 and 1994, Native Hawaiians had the highest percentage of teen (individuals who were less than 18 years of age) births (8.1 percent), as compared with the rate for all other racial groups in the State (3.6 percent);

"(ii) in 1998, nearly 49 percent of all mothers in the State under 19 years of age were Native Hawaiian;

"(iii) in 1998, Native Hawaiians comprised 31 percent (1,425) of all live births to mothers with medical risk factors in the State (4,559); and

"(iv) lower rates of abortion (approximately 33 percent lower than for the statewide population) among Hawaiian women may account, in part, for that higher percentage of live births.

"(E) FETAL MORTALITY.—With respect to fetal mortality—

"(i) in 2000, Native Hawaiians had the highest number of fetal deaths in the State; and

"(ii)(I) 21 percent of all fetal deaths in the State were associated with expectant Native Hawaiian mothers; and

"(II) 37 percent of those Native Hawaiian mothers were under the age of 25 years.

"(7) MENTAL HEALTH.—

"(A) ALCOHOL AND DRUG ABUSE.—With respect to alcohol and drug abuse—

"(i) Native Hawaiians represent 38 percent of the total admissions to substance abuse treatment programs funded by the Department of Health, Alcohol, Drugs and Other Drugs of the State;

"(ii) in 2000, the prevalence of cigarette smoking by Native Hawaiians was 31.0 percent, a rate that is 57 percent higher than that for the total population in the State, which is 19.7 percent;

"(iii) Native Hawaiians have the highest prevalence rate of acute alcohol drinking (19.6 percent), a rate that is 40 percent higher than that for the total population in the State;

"(iv) the chronic alcohol drinking rate among Native Hawaiians is 54 percent higher than that for all other racial groups in the State;

"(v) in 1991, 40 percent of Native Hawaiian adults surveyed reported having used marijuana, as compared with 30 percent for all other racial groups in the State; and

"(vi) 9 percent of the Native Hawaiian adults surveyed reported that they use or have used marijuana within the year preceding the survey, as compared with 6 percent for all other racial groups in the State.

"(B) CRIME.—With respect to crime—

"(i) in 1998, of the 7,789 arrests that were made for property crimes in the State, arrests of Native Hawaiians comprised 23 percent;

"(ii) Native Hawaiians comprised 40 percent of juvenile arrests in 1998, the largest percentage of all juvenile arrests in that year;

"(iii) in the period of 1996 through 1998, the overrepresentation of Native Hawaiian juvenile arrests for index crimes and Part II offenses increased by 6 percent and 2 percent, respectively;

"(iv) in 1998, Native Hawaiians represented 22 percent of the 2,423 adults arrested for drug-related offenses in the State;

"(v) Native Hawaiians are overrepresented in the prison population in the State;

"(vi) of the 2,260 incarcerated Native Hawaiians, 70 percent are between 20 and 40 years of age;

"(vii) in 1995 and 1996, Native Hawaiians comprised 36.5 percent of the sentenced felon prison population in Hawaii, as compared with 20.5 percent for Caucasian Americans, 3.7 percent for Japanese Americans, and 6 percent for Chinese Americans;

"(viii) in 2002, Native Hawaiians comprised 40 percent of the total sentenced felon population in the State, as compared with 25 percent for Caucasian Americans, 12 percent for Filipino Americans, 6 percent for Japanese Americans, and 5 percent for Samoans; and

"(ix) based on anecdotal information from inmates at the Halawa Correction Facilities, Native Hawaiians are estimated to comprise between 60 and 70 percent of all inmates in the State.

"(8) OBESITY.—Native Hawaiians have the highest prevalence rate of overweightness and obesity (69.4 percent), a rate that is 38 percent higher than that for the total State population (50.2 percent).

"(9) HEALTH PROFESSIONS EDUCATION AND TRAINING.—With respect to health professions education and training—

"(A)(i) Native Hawaiians who are at least 25 years of age have a comparable rate of high school completion as compared with all people in the State who are at least 25 years of age; but

"(ii) the rate of baccalaureate degree achievement among Native Hawaiians is 6.9 percent, which is less than the average in the State (15.76 percent);

"(B) Native Hawaiian physicians make up 4 percent of the total physician workforce in the State; and

"(C)(i) in fiscal year 1999, Native Hawaiians comprised—

"(I) 9 percent of those individuals who earned Bachelor's degrees;

"(II) 15 percent of those individuals who earned 2-year diplomas; and

"(III) 6 percent of those individuals who earned Master's degrees; and

"(ii) in 1997, Native Hawaiians comprised less than 1 percent of individuals who earned doctoral degrees at the University of Hawaii.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) DEPARTMENT.—The term 'Department' means the Department of Health and Human Services.

"(2) DISEASE PREVENTION.—The term 'disease prevention' includes—

"(A) immunizations;

"(B) control of high blood pressure;

"(C) control of sexually transmittable diseases;

"(D) prevention and control of chronic diseases;

"(E) control of toxic agents;

"(F) occupational safety and health;

"(G) injury prevention;

"(H) fluoridation of water;

"(I) control of infectious agents; and

"(J) provision of mental health care.

"(3) HEALTH PROMOTION.—The term 'health promotion' includes—

"(A) pregnancy and infant care, including prevention of fetal alcohol syndrome;

"(B) cessation of tobacco smoking;

"(C) reduction in the misuse of alcohol and harmful illicit drugs;

"(D) improvement of nutrition;

"(E) improvement in physical fitness;

"(F) family planning;

"(G) control of stress;

"(H) reduction of major behavioral risk factors and promotion of healthy lifestyle practices; and

"(I) integration of cultural approaches to health and well-being (including traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), and ocean (kai)).

"(4) HEALTH SERVICE.—The term 'health service' means—

"(A) service provided by a physician, physician's assistant, nurse practitioner, nurse, dentist, or other health professional;

"(B) a diagnostic laboratory or radiologic service;

"(C) a preventive health service (including a perinatal service, well child service, family planning service, nutrition service, home health service, sports medicine and athletic training service, and, generally, any service associated with enhanced health and wellness);

"(D) emergency medical service, including a service provided by a first responder, emergency medical technician, or mobile intensive care technician;

"(E) a transportation service required for adequate patient care;

"(F) a preventive dental service;

"(G) a pharmaceutical and medicament service;

"(H) a mental health service, including a service provided by a psychologist or social worker;

"(I) a genetic counseling service;

"(J) a health administration service, including a service provided by a health program administrator;

"(K) a health research service, including a service provided by an individual with an advanced degree in medicine, nursing, psychology, social work, or any other related health program;

"(L) an environmental health service, including a service provided by an epidemiologist, public health official, medical geographer, or medical anthropologist, or an individual specializing in biological, chemical, or environmental health determinants;

"(M) a primary care service that may lead to specialty or tertiary care; and

"(N) a complementary healing practice, including a practice performed by a traditional Native Hawaiian healer.

"(5) NATIVE HAWAIIAN.—The term 'Native Hawaiian' means any individual who is Kanaka Maoli (a descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State), as evidenced by—

"(A) genealogical records;

"(B) kama'aina witness verification from Native Hawaiian Kupuna (elders); or

"(C) birth records of the State or any other State or territory of the United States.

"(6) NATIVE HAWAIIAN HEALTH CARE SYSTEM.—The term 'Native Hawaiian health care system' means any of up to 8 entities in the State that—

"(A) is organized under the laws of the State;

"(B) provides or arranges for the provision of health services for Native Hawaiians in the State;

"(C) is a public or nonprofit private entity;

"(D) has Native Hawaiians significantly participating in the planning, management, provision, monitoring, and evaluation of health services;

"(E) addresses the health care needs of an island's Native Hawaiian population; and

"(F) is recognized by Papa Ola Lokahi—

"(i) for the purpose of planning, conducting, or administering programs, or portions of programs, authorized by this Act for the benefit of Native Hawaiians; and

"(ii) as having the qualifications and the capacity to provide the services and meet the requirements under—

"(I) the contract that each Native Hawaiian health care system enters into with the Secretary under this Act; or

"(II) the grant each Native Hawaiian health care system receives from the Secretary under this Act.

"(7) NATIVE HAWAIIAN HEALTH CENTER.—The term 'Native Hawaiian Health Center' means any organization that is a primary health care provider that—

"(A) has a governing board composed of individuals, at least 50 percent of whom are Native Hawaiians;

"(B) has demonstrated cultural competency in a predominantly Native Hawaiian community;

"(C) serves a patient population that—

"(i) is made up of individuals at least 50 percent of whom are Native Hawaiian; or

"(ii) has not less than 2,500 Native Hawaiians as annual users of services; and

"(D) is recognized by Papa Ola Lokahi as having met each of the criteria described in subparagraphs (A) through (C).

"(8) NATIVE HAWAIIAN HEALTH TASK FORCE.—The term 'Native Hawaiian Health Task Force' means a task force established by the State Council of Hawaiian Homestead Associations to implement health and wellness strategies in Native Hawaiian communities.

"(9) NATIVE HAWAIIAN ORGANIZATION.—The term 'Native Hawaiian organization' means any organization that—

"(A) serves the interests of Native Hawaiians; and

"(B)(i) is recognized by Papa Ola Lokahi for planning, conducting, or administering programs authorized under this Act for the benefit of Native Hawaiians; and

"(ii) is a public or nonprofit private entity.

"(10) OFFICE OF HAWAIIAN AFFAIRS.—The term 'Office of Hawaiian Affairs' means the governmental entity that—

"(A) is established under article XII, sections 5 and 6, of the Hawaii State Constitution; and

"(B) charged with the responsibility to formulate policy relating to the affairs of Native Hawaiians.

"(11) PAPA OLA LOKAHI.—

"(A) IN GENERAL.—The term 'Papa Ola Lokahi' means an organization that—

"(i) is composed of public agencies and private organizations focusing on improving the health status of Native Hawaiians; and

"(ii) governed by a board the members of which may include representation from—

"(I) E Ola Mau;

"(II) the Office of Hawaiian Affairs;

"(III) Alu Like, Inc.;

"(IV) the University of Hawaii;

"(V) the Hawaii State Department of Health;

"(VI) the Native Hawaiian Health Task Force;

"(VII) the Hawaii State Primary Care Association;

"(VIII) Ahahui O Na Kauka, the Native Hawaiian Physicians Association;

"(IX) Ho'ola Lahui Hawaii, or a health care system serving the islands of Kaua'i or Ni'ihau (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

"(X) Ke Ola Mamo, or a health care system serving the island of O'ahu (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

"(XI) Na Pu'uwai or a health care system serving the islands of Moloka'i or Lana'i (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of those islands);

"(XII) Hui No Ke Ola Pono, or a health care system serving the island of Maui (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

"(XIII) Hui Malama Ola Na 'Oiwi, or a health care system serving the island of Hawaii (which may be composed of as many health care centers as are necessary to meet the health care needs of the Native Hawaiians of that island);

"(XIV) such other Native Hawaiian health care systems as are certified and recognized by Papa Ola Lokahi in accordance with this Act; and

"(XV) such other member organizations as the Board of Papa Ola Lokahi shall admit from time to time, based on satisfactory demonstration of a record of contribution to the health and well-being of Native Hawaiians.

"(B) EXCLUSION.—The term 'Papa Ola Lokahi' does not include any organization described in subparagraph (A) for which the Secretary has made a determination that the organization has not developed a mission statement that includes—

"(i) clearly-defined goals and objectives for the contributions the organization will make to—

"(I) Native Hawaiian health care systems; and

"(II) the national policy described in section 4; and

"(ii) an action plan for carrying out those goals and objectives.

"(12) SECRETARY.—The term 'Secretary' means the Secretary of Health and Human Services.

"(13) STATE.—The term 'State' means the State of Hawaii.

"(14) TRADITIONAL NATIVE HAWAIIAN HEALER.—The term 'traditional Native Hawaiian healer' means a practitioner—

"(A) who—

"(i) is of Native Hawaiian ancestry; and

"(ii) has the knowledge, skills, and experience in direct personal health care of individuals; and

"(B) the knowledge, skills, and experience of whom are based on demonstrated learning of Native Hawaiian healing practices acquired by—

"(i) direct practical association with Native Hawaiian elders; and

"(ii) oral traditions transmitted from generation to generation.

"SEC. 4. DECLARATION OF NATIONAL NATIVE HAWAIIAN HEALTH POLICY.

"(a) DECLARATION.—Congress declares that it is the policy of the United States, in fulfillment of special responsibilities and legal obligations of the United States to the indigenous people of Hawaii resulting from the unique and historical relationship between the United States and the indigenous people of Hawaii—

"(1) to raise the health status of Native Hawaiians to the highest practicable health level; and

"(2) to provide Native Hawaiian health care programs with all resources necessary to effectuate that policy.

"(b) INTENT OF CONGRESS.—It is the intent of Congress that—

"(1) health care programs having a demonstrated effect of substantially reducing or eliminating the overrepresentation of Native Hawaiians among those suffering from chronic and acute disease and illness, and addressing the health needs of Native Hawaiians (including perinatal, early child development, and family-based health education needs), shall be established and implemented; and

"(2) the United States—

"(A) raise the health status of Native Hawaiians by the year 2010 to at least the levels described in the goals contained within Healthy People 2010 (or successor standards); and

"(B) incorporate within health programs in the United States activities defined and identified by Kanaka Maoli, such as—

"(i) incorporating and supporting the integration of cultural approaches to health and well-being, including programs using traditional practices relating to the atmosphere (lewa lani), land ('aina), water (wai), or ocean (kai);

"(ii) increasing the number of Native Hawaiian health and allied-health providers who provide care to or have an impact on the health status of Native Hawaiians;

"(iii) increasing the use of traditional Native Hawaiian foods in—

"(I) the diets and dietary preferences of people, including those of students; and

"(II) school feeding programs;

"(iv) identifying and instituting Native Hawaiian cultural values and practices within the corporate cultures of organizations and agencies providing health services to Native Hawaiians;

"(v) facilitating the provision of Native Hawaiian healing practices by Native Hawaiian healers for individuals desiring that assistance;

"(vi) supporting training and education activities and programs in traditional Native Hawaiian healing practices by Native Hawaiian healers; and

"(vii) demonstrating the integration of health services for Native Hawaiians, particularly those that integrate mental, physical, and dental services in health care.

"(c) REPORT.—The Secretary shall submit to the President, for inclusion in each report required to be submitted to Congress under section 12, a report on the progress made toward meeting the national policy described in this section.

"SEC. 5. COMPREHENSIVE HEALTH CARE MASTER PLAN FOR NATIVE HAWAIIANS.

"(a) DEVELOPMENT.—

"(1) IN GENERAL.—The Secretary may make a grant to, or enter into a contract with, Papa Ola Lokahi for the purpose of coordinating, implementing, and updating a Native Hawaiian comprehensive health care master plan that is designed—

"(A) to promote comprehensive health promotion and disease prevention services;

"(B) to maintain and improve the health status of Native Hawaiians; and

"(C) to support community-based initiatives that are reflective of holistic approaches to health.

"(2) CONSULTATION.—

"(A) IN GENERAL.—In carrying out this section, Papa Ola Lokahi and the Office of Hawaiian Affairs shall consult with representatives of—

"(i) the Native Hawaiian health care systems;

"(ii) the Native Hawaiian health centers; and

"(iii) the Native Hawaiian community.

"(B) MEMORANDA OF UNDERSTANDING.—Papa Ola Lokahi and the Office of Hawaiian Affairs may enter into memoranda of understanding or agreement for the purpose of acquiring joint funding, or for such other purposes as are necessary, to accomplish the objectives of this section.

"(3) HEALTH CARE FINANCING STUDY REPORT.—

"(A) IN GENERAL.—Not later than 18 months after the date of enactment of the Native Hawaiian Health Care Improvement Reauthorization Act of 2005, Papa Ola Lokahi, in cooperation with the Office of Hawaiian Affairs and other appropriate agencies and organizations in the State (including the Department of Health and the Department of Human Services of the State) and appropriate Federal agencies (including the Centers for Medicare and Medicaid Services), shall submit to Congress a report that describes the impact of Federal and State health care financing mechanisms and policies on the health and well-being of Native Hawaiians.

"(B) COMPONENTS.—The report shall include—

"(i) information concerning the impact on Native Hawaiian health and well-being of—

"(I) cultural competency;

"(II) risk assessment data;

"(III) eligibility requirements and exemptions; and

"(IV) reimbursement policies and capitation rates in effect as of the date of the report for service providers;

"(ii) such other similar information as may be important to improving the health status of Native Hawaiians, as that information relates to health care financing (including barriers to health care); and

"(iii) recommendations for submission to the Secretary, for review and consultation with the Native Hawaiian community.

"(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a).

"SEC. 6. FUNCTIONS OF PAPA OLA LOKAHI AND OFFICE OF HAWAIIAN AFFAIRS.

"(a) IN GENERAL.—Papa Ola Lokahi—

"(1) shall be responsible for—

"(A) the coordination, implementation, and updating, as appropriate, of the comprehensive health care master plan under section 5;

"(B) the training and education of individuals providing health services;

"(C) the identification of and research (including behavioral, biomedical, epidemiological, and health service research) into the diseases that are most prevalent among Native Hawaiians; and

"(D) the development and maintenance of an institutional review board for all research projects involving all aspects of Native Hawaiian health, including behavioral, biomedical, epidemiological, and health service research;

"(2) may receive special project funds (including research endowments under section 736 of the Public Health Service Act (42 U.S.C. 293)) made available for the purpose of—

"(A) research on the health status of Native Hawaiians; or

"(B) addressing the health care needs of Native Hawaiians; and

"(3) shall serve as a clearinghouse for—

"(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

"(B) the identification and research into diseases affecting Native Hawaiians;

"(C) the availability of Native Hawaiian project funds, research projects, and publications;

"(D) the collaboration of research in the area of Native Hawaiian health; and

"(E) the timely dissemination of information pertinent to the Native Hawaiian health care systems.

"(b) CONSULTATION.—

"(1) IN GENERAL.—The Secretary and the Secretary of each other Federal agency shall—

"(A) consult with Papa Ola Lokahi; and

"(B) provide Papa Ola Lokahi and the Office of Hawaiian Affairs, at least once annually, an accounting of funds and services provided by the Secretary to assist in accomplishing the purposes described in section 4.

"(2) COMPONENTS OF ACCOUNTING.—The accounting under paragraph (1)(B) shall include an identification of—

"(A) the amount of funds expended explicitly for and benefiting Native Hawaiians;

"(B) the number of Native Hawaiians affected by those funds;

"(C) the collaborations between the applicable Federal agency and Native Hawaiian groups and organizations in the expenditure of those funds; and

"(D) the amount of funds used for—

"(i) Federal administrative purposes; and

"(ii) the provision of direct services to Native Hawaiians.

"(c) FISCAL ALLOCATION AND COORDINATION OF PROGRAMS AND SERVICES.—

"(1) RECOMMENDATIONS.—Papa Ola Lokahi shall provide annual recommendations to the Secretary with respect to the allocation of all amounts made available under this Act.

"(2) COORDINATION.—Papa Ola Lokahi shall, to the maximum extent practicable, coordinate and assist the health care programs and services provided to Native Hawaiians under this Act and other Federal laws.

"(3) REPRESENTATION ON COMMISSION.—The Secretary, in consultation with Papa Ola Lokahi, shall make recommendations for Native Hawaiian representation on the President's Advisory Commission on Asian Americans and Pacific Islanders.

"(d) TECHNICAL SUPPORT.—Papa Ola Lokahi shall provide statewide infrastructure to provide technical support and coordination of training and technical assistance to—

"(1) the Native Hawaiian health care systems; and

"(2) the Native Hawaiian health centers.

"(e) RELATIONSHIPS WITH OTHER AGENCIES.—

"(1) AUTHORITY.—Papa Ola Lokahi may enter into agreements or memoranda of understanding with relevant institutions, agencies, or organizations that are capable of providing—

"(A) health-related resources or services to Native Hawaiians and the Native Hawaiian health care systems; or

"(B) resources or services for the implementation of the national policy described in section 4.

"(2) HEALTH CARE FINANCING.—

"(A) FEDERAL CONSULTATION.—

"(i) IN GENERAL.—Before adopting any policy, rule, or regulation that may affect the provision of services or health insurance coverage for Native Hawaiians, a Federal agency that provides health care financing and carries out health care programs (including the Centers for Medicare and Medicaid Services) shall consult with representatives of—

"(I) the Native Hawaiian community;

"(II) Papa Ola Lokahi; and

"(III) organizations providing health care services to Native Hawaiians in the State.

"(ii) IDENTIFICATION OF EFFECTS.—Any consultation by a Federal agency under clause (i) shall include an identification of the effect of any policy, rule, or regulation proposed by the Federal agency.

"(B) STATE CONSULTATION.—Before making any change in an existing program or implementing any new program relating to Native Hawaiian health, the State shall engage in meaningful consultation with representatives of—

"(i) the Native Hawaiian community;

"(ii) Papa Ola Lokahi; and

"(iii) organizations providing health care services to Native Hawaiians in the State.

"(C) CONSULTATION ON FEDERAL HEALTH INSURANCE PROGRAMS.—

"(i) IN GENERAL.—The Office of Hawaiian Affairs, in collaboration with Papa Ola Lokahi, may develop consultative, contractual, or other arrangements, including memoranda of understanding or agreement, with—

"(I) the Centers for Medicare and Medicaid Services;

"(II) the agency of the State that administers or supervises the administration of the State plan or waiver approved under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) for the payment of all or a part of the health care services provided to Native Hawaiians who are eligible for medical assistance under the State plan or waiver; or

"(III) any other Federal agency providing full or partial health insurance to Native Hawaiians.

"(ii) CONTENTS OF ARRANGEMENTS.—An arrangement under clause (i) may address—

"(I) appropriate reimbursement for health care services, including capitation rates and fee-for-service rates for Native Hawaiians who are entitled to or eligible for insurance;

"(II) the scope of services; or

"(III) other matters that would enable Native Hawaiians to maximize health insurance benefits provided by Federal and State health insurance programs.

"(3) TRADITIONAL HEALERS.—

"(A) IN GENERAL.—The provision of health services under any program operated by the Department or another Federal agency (including the Department of Veterans Affairs) may include the services of—

"(i) traditional Native Hawaiian healers; or

"(ii) traditional healers providing traditional health care practices (as those terms are defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(B) EXEMPTION.—Services described in subparagraph (A) shall be exempt from national accreditation reviews, including reviews conducted by—

"(i) the Joint Commission on Accreditation of Healthcare Organizations; and

"(ii) the Commission on Accreditation of Rehabilitation Facilities.

"SEC. 7. NATIVE HAWAIIAN HEALTH CARE.

"(a) COMPREHENSIVE HEALTH PROMOTION, DISEASE PREVENTION, AND OTHER HEALTH SERVICES.—

"(1) GRANTS AND CONTRACTS.—The Secretary, in consultation with Papa Ola Lokahi, may make grants to, or enter into contracts with 1 or more Native Hawaiian health care systems for the purpose of providing comprehensive health promotion and disease prevention services, as well as other health services, to Native Hawaiians who desire and are committed to bettering their own health.

"(2) LIMITATION ON NUMBER OF ENTITIES.—The Secretary may make a grant to, or enter into a contract with, not more than 8 Native Hawaiian health care systems under this subsection for any fiscal year.

"(b) PLANNING GRANT OR CONTRACT.—In addition to grants and contracts under subsection (a), the Secretary may make a grant to, or enter into a contract with, Papa Ola

Lokahi for the purpose of planning Native Hawaiian health care systems to serve the health needs of Native Hawaiian communities on each of the islands of Oʻahu, Molokaʻi, Maui, Hawaiʻi, Lanaʻi, Kauaʻi, Kahoʻlawe, and Niʻihau in the State.

"(c) Health Services To Be Provided.—

"(1) In general.—Each recipient of funds under subsection (a) may provide or arrange for—

"(A) outreach services to inform and assist Native Hawaiians in accessing health services;

"(B) education in health promotion and disease prevention for Native Hawaiians that, wherever practicable, is provided by—

"(i) Native Hawaiian health care practitioners;

"(ii) community outreach workers;

"(iii) counselors;

"(iv) cultural educators; and

"(v) other disease prevention providers;

"(C) services of individuals providing health services;

"(D) collection of data relating to the prevention of diseases and illnesses among Native Hawaiians; and

"(E) support of culturally appropriate activities that enhance health and wellness, including land-based, water-based, ocean-based, and spiritually-based projects and programs.

"(2) Traditional healers.—The health care services referred to in paragraph (1) that are provided under grants or contracts under subsection (a) may be provided by traditional Native Hawaiian healers, as appropriate.

"(d) Federal Tort Claims Act.—An individual who provides a medical, dental, or other service referred to in subsection (a)(1) for a Native Hawaiian health care system, including a provider of a traditional Native Hawaiian healing service, shall be—

"(1) treated as if the individual were a member of the Public Health Service; and

"(2) subject to section 224 of the Public Health Service Act (42 U.S.C. 233).

"(e) Site for Other Federal Payments.—

"(1) In general.—A Native Hawaiian health care system that receives funds under subsection (a) may serve as a Federal loan repayment facility.

"(2) Remission of payments.—A facility described in paragraph (1) shall be designed to enable health and allied-health professionals to remit payments with respect to loans provided to the professionals under any Federal loan program.

"(f) Restriction on Use of Grant and Contract Funds.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that amounts received under the grant or contract will not, directly or through contract, be expended—

"(1) for any service other than a service described in subsection (c)(1);

"(2) to purchase or improve real property (other than minor remodeling of existing improvements to real property); or

"(3) to purchase major medical equipment.

"(g) Limitation on Charges for Services.—The Secretary shall not make a grant to, or enter into a contract with, an entity under subsection (a) unless the entity agrees that, whether health services are provided directly or under a contract—

"(1) any health service under the grant or contract will be provided without regard to the ability of an individual receiving the health service to pay for the health service; and

"(2) the entity will impose for the delivery of such a health service a charge that is—

"(A) made according to a schedule of charges that is made available to the public; and

"(B) adjusted to reflect the income of the individual involved.

"(h) Authorization of Appropriations.—

"(1) General grants.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2006 through 2011.

"(2) Planning grants.—There are authorized to be appropriated such sums as are necessary to carry out subsection (b) for each of fiscal years 2006 through 2011.

"(3) Health services.—There are authorized to be appropriated such sums as are necessary to carry out subsection (c) for each of fiscal years 2006 through 2011.

"SEC. 8. ADMINISTRATIVE GRANT FOR PAPA OLA LOKAHI.

"(a) In General.—In addition to any other grant or contract under this Act, the Secretary may make grants to, or enter into contracts with, Papa Ola Lokahi for—

"(1) coordination, implementation, and updating (as appropriate) of the comprehensive health care master plan developed under section 5;

"(2) training and education for providers of health services;

"(3) identification of and research (including behavioral, biomedical, epidemiologic, and health service research) into the diseases that are most prevalent among Native Hawaiians;

"(4) a clearinghouse function for—

"(A) the collection and maintenance of data associated with the health status of Native Hawaiians;

"(B) the identification and research into diseases affecting Native Hawaiians; and

"(C) the availability of Native Hawaiian project funds, research projects, and publications;

"(5) the establishment and maintenance of an institutional review board for all health-related research involving Native Hawaiians;

"(6) the coordination of the health care programs and services provided to Native Hawaiians; and

"(7) the administration of special project funds.

"(b) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out subsection (a) for each of fiscal years 2006 through 2011.

"SEC. 9. ADMINISTRATION OF GRANTS AND CONTRACTS.

"(a) Terms and Conditions.—The Secretary shall include in any grant made or contract entered into under this Act such terms and conditions as the Secretary considers necessary or appropriate to ensure that the objectives of the grant or contract are achieved.

"(b) Periodic Review.—The Secretary shall periodically evaluate the performance of, and compliance with, grants and contracts under this Act.

"(c) Administrative Requirements.—The Secretary shall not make a grant or enter into a contract under this Act with an entity unless the entity—

"(1) agrees to establish such procedures for fiscal control and fund accounting as the Secretary determines are necessary to ensure proper disbursement and accounting with respect to the grant or contract;

"(2) agrees to ensure the confidentiality of records maintained on individuals receiving health services under the grant or contract;

"(3) with respect to providing health services to any population of Native Hawaiians, a substantial portion of which has a limited ability to speak the English language—

"(A) has developed and has the ability to carry out a reasonable plan to provide health services under the grant or contract through individuals who are able to communicate with the population involved in the language and cultural context that is most appropriate; and

"(B) has designated at least 1 individual who is fluent in English and the appropriate language to assist in carrying out the plan;

"(4) with respect to health services that are covered under a program under title XVIII, XIX, or XXI of the Social Security Act (42 U.S.C. 1395 et seq.) (including any State plan), or under any other Federal health insurance plan—

"(A) if the entity will provide under the grant or contract any of those health services directly—

"(i) has entered into a participation agreement under each such plan; and

"(ii) is qualified to receive payments under the plan; and

"(B) if the entity will provide under the grant or contract any of those health services through a contract with an organization—

"(i) ensures that the organization has entered into a participation agreement under each such plan; and

"(ii) ensures that the organization is qualified to receive payments under the plan; and

"(5) agrees to submit to the Secretary and Papa Ola Lokahi an annual report that—

"(A) describes the use and costs of health services provided under the grant or contract (including the average cost of health services per user); and

"(B) provides such other information as the Secretary determines to be appropriate.

"(d) Contract Evaluation.—

"(1) Determination of noncompliance.—If, as a result of evaluations conducted by the Secretary, the Secretary determines that an entity has not complied with or satisfactorily performed a contract entered into under section 7, the Secretary shall, before renewing the contract—

"(A) attempt to resolve the areas of noncompliance or unsatisfactory performance; and

"(B) modify the contract to prevent future occurrences of the noncompliance or unsatisfactory performance.

"(2) Nonrenewal.—If the Secretary determines that the noncompliance or unsatisfactory performance described in paragraph (1) with respect to an entity cannot be resolved and prevented in the future, the Secretary—

"(A) shall not renew the contract with the entity; and

"(B) may enter into a contract under section 7 with another entity referred to in section 7(a)(3) that provides services to the same population of Native Hawaiians served by the entity the contract with which was not renewed by reason of this paragraph.

"(3) Consideration of results.—In determining whether to renew a contract entered into with an entity under this Act, the Secretary shall consider the results of the evaluations conducted under this section.

"(4) Application of Federal laws.—Each contract entered into by the Secretary under this Act shall be in accordance with all Federal contracting laws (including regulations), except that, in the discretion of the Secretary, such a contract may—

"(A) be negotiated without advertising; and

"(B) be exempted from subchapter III of chapter 31, United States Code.

"(5) Payments.—A payment made under any contract entered into under this Act—

"(A) may be made—

"(i) in advance;

"(ii) by means of reimbursement; or

"(iii) in installments; and

"(B) shall be made on such conditions as the Secretary determines to be necessary to carry out this Act.

"(e) Report.—

"(1) In general.—For each fiscal year during which an entity receives or expends funds under a grant or contract under this Act, the entity shall submit to the Secretary and to Papa Ola Lokahi an annual report that describes—

"(A) the activities conducted by the entity under the grant or contract;

"(B) the amounts and purposes for which Federal funds were expended; and

"(C) such other information as the Secretary may request.

"(2) Audits.—The reports and records of any entity concerning any grant or contract under this Act shall be subject to audit by—

"(A) the Secretary;

"(B) the Inspector General of the Department of Health and Human Services; and

"(C) the Comptroller General of the United States.

"(f) Annual Private Audit.—The Secretary shall allow as a cost of any grant made or contract entered into under this Act the cost of an annual private audit conducted by a certified public accountant to carry out this section.

"SEC. 10. ASSIGNMENT OF PERSONNEL.

"(a) In General.—The Secretary may enter into an agreement with Papa Ola Lokahi or any of the Native Hawaiian health care systems for the assignment of personnel of the Department of Health and Human Services with relevant expertise for the purpose of—

"(1) conducting research; or

"(2) providing comprehensive health promotion and disease prevention services and health services to Native Hawaiians.

"(b) Applicable Federal Personnel Provisions.—Any assignment of personnel made by the Secretary under any agreement entered into under subsection (a) shall be treated as an assignment of Federal personnel to a local government that is made in accordance with subchapter VI of chapter 33 of title 5, United States Code.

"SEC. 11. NATIVE HAWAIIAN HEALTH SCHOLARSHIPS AND FELLOWSHIPS.

"(a) Eligibility.—Subject to the availability of amounts appropriated under subsection (c), the Secretary shall provide to Papa Ola Lokahi, through a direct grant or a cooperative agreement, funds for the purpose of providing scholarship and fellowship assistance, counseling, and placement service assistance to students who are Native Hawaiians.

"(b) Priority.—A priority for scholarships under subsection (a) may be provided to employees of—

"(1) the Native Hawaiian Health Care Systems; and

"(2) the Native Hawaiian Health Centers.

"(c) Terms and Conditions.—

"(1) Scholarship assistance.—

"(A) In general.—The scholarship assistance under subsection (a) shall be provided in accordance with subparagraphs (B) through (G).

"(B) Need.—The provision of scholarships in each type of health profession training shall correspond to the need for each type of health professional to serve the Native Hawaiian community in providing health services, as identified by Papa Ola Lokahi.

"(C) Eligible applicants.—To the maximum extent practicable, the Secretary shall select scholarship recipients from a list of eligible applicants submitted by Papa Ola Lokahi.

"(D) Obligated service requirement.—

"(i) In general.—An obligated service requirement for each scholarship recipient (except for a recipient receiving assistance under paragraph (2)) shall be fulfilled through service, in order of priority, in—

"(I) any of the Native Hawaiian health care systems;

"(II) any of the Native Hawaiian health centers;

"(III) 1 or more health professions shortage areas, medically underserved areas, or geographic areas or facilities similarly designated by the Public Health Service in the State;

"(IV) a Native Hawaiian organization that serves a geographical area, facility, or organization that serves a significant Native Hawaiian population;

"(V) any public agency or nonprofit organization providing services to Native Hawaiians; or

"(VI) any of the uniformed services of the United States.

"(ii) Assignment.—The placement service for a scholarship shall assign each Native Hawaiian scholarship recipient to 1 or more appropriate sites for service in accordance with clause (i).

"(E) Counseling, retention, and support services.—The provision of academic and personal counseling, retention and other support services—

"(i) shall not be limited to scholarship recipients under this section; and

"(ii) shall be made available to recipients of other scholarship and financial aid programs enrolled in appropriate health professions training programs.

"(F) Financial assistance.—After consultation with Papa Ola Lokahi, financial assistance may be provided to a scholarship recipient during the period that the recipient is fulfilling the service requirement of the recipient in any of—

"(i) the Native Hawaiian health care systems; or

"(ii) the Native Hawaiians health centers.

"(G) Distance learning recipients.—A scholarship may be provided to a Native Hawaiian who is enrolled in an appropriate distance learning program offered by an accredited educational institution.

"(2) Fellowships.—

"(A) In general.—Papa Ola Lokahi may provide financial assistance in the form of a fellowship to a Native Hawaiian health professional who is—

"(i) a Native Hawaiian community health representative, outreach worker, or health program administrator in a professional training program;

"(ii) a Native Hawaiian providing health services; or

"(iii) a Native Hawaiian enrolled in a certificated program provided by traditional Native Hawaiian healers in any of the traditional Native Hawaiian healing practices (including lomi-lomi, la'au lapa'au, and ho'oponopono).

"(B) Types of assistance.—Assistance under subparagraph (A) may include a stipend for, or reimbursement for costs associated with, participation in a program described in that paragraph.

"(3) Rights and benefits.—An individual who is a health professional designated in section 338A of the Public Health Service Act (42 U.S.C. 254*l*) who receives a scholarship under this subsection while fulfilling a service requirement under that Act shall retain the same rights and benefits as members of the National Health Service Corps during the period of service.

"(4) No inclusion of assistance in gross income.—Financial assistance provided under this section shall be considered to be qualified scholarships for the purpose of section 117 of the Internal Revenue Code of 1986.

"(d) Authorization of Appropriations.—There are authorized to be appropriated such sums as are necessary to carry out subsections (a) and (c)(2) for each of fiscal years 2006 through 2011.

"SEC. 12. REPORT.

"For each fiscal year, the President shall, at the time at which the budget of the United States is submitted under section 1105 of title 31, United States Code, submit to Congress a report on the progress made in meeting the purposes of this Act, including—

"(1) a review of programs established or assisted in accordance with this Act; and

"(2) an assessment of and recommendations for additional programs or additional assistance necessary to provide, at a minimum, health services to Native Hawaiians, and ensure a health status for Native Hawaiians, that are at a parity with the health services available to, and the health status of, the general population.

"SEC. 13. USE OF FEDERAL GOVERNMENT FACILITIES AND SOURCES OF SUPPLY.

"(a) In General.—The Secretary shall permit an organization that enters into a contract or receives grant under this Act to use in carrying out projects or activities under the contract or grant all existing facilities under the jurisdiction of the Secretary (including all equipment of the facilities), in accordance with such terms and conditions as may be agreed on for the use and maintenance of the facilities or equipment.

"(b) Donation of Property.—The Secretary may donate to an organization that enters into a contract or receives grant under this Act, for use in carrying out a project or activity under the contract or grant, any personal or real property determined to be in excess of the needs of the Department or the General Services Administration.

"(c) Acquisition of Surplus Property.—The Secretary may acquire excess or surplus Federal Government personal or real property for donation to an organization under subsection (b) if the Secretary determines that the property is appropriate for use by the organization for the purpose for which a contract entered into or grant received by the organization is authorized under this Act.

"SEC. 14. DEMONSTRATION PROJECTS OF NATIONAL SIGNIFICANCE.

"(a) Authority and Areas of Interest.—

"(1) In general.—The Secretary, in consultation with Papa Ola Lokahi, may allocate amounts made available under this Act, or any other Act, to carry out Native Hawaiian demonstration projects of national significance.

"(2) Areas of interest.—A demonstration project described in paragraph (1) may relate to such areas of interest as—

"(A) the development of a centralized database and information system relating to the health care status, health care needs, and wellness of Native Hawaiians;

"(B) the education of health professionals, and other individuals in institutions of higher learning, in health and allied health programs in healing practices, including Native Hawaiian healing practices;

"(C) the integration of Western medicine with complementary healing practices, including traditional Native Hawaiian healing practices;

"(D) the use of telehealth and telecommunications in—

"(i) chronic and infectious disease management; and

"(ii) health promotion and disease prevention;

"(E) the development of appropriate models of health care for Native Hawaiians and other indigenous people, including—

"(i) the provision of culturally competent health services;

"(ii) related activities focusing on wellness concepts;

"(iii) the development of appropriate kupuna care programs; and

"(iv) the development of financial mechanisms and collaborative relationships leading to universal access to health care; and

"(F) the establishment of—

"(i) a Native Hawaiian Center of Excellence for Nursing at the University of Hawaii at Hilo;

"(ii) a Native Hawaiian Center of Excellence for Mental Health at the University of Hawaii at Manoa;

"(iii) a Native Hawaiian Center of Excellence for Maternal Health and Nutrition at the Waimanalo Health Center;

"(iv) a Native Hawaiian Center of Excellence for Research, Training, Integrated Medicine at Molokai General Hospital; and

"(v) a Native Hawaiian Center of Excellence for Complementary Health and Health Education and Training at the Waianae Coast Comprehensive Health Center.

"(3) CENTERS OF EXCELLENCE.—Papa Ola Lokahi, and any centers established under paragraph (2)(F), shall be considered to be qualified as Centers of Excellence under sections 485F and 903(b)(2)(A) of the Public Health Service Act (42 U.S.C. 287c–32, 299a–1).

"(b) NONREDUCTION IN OTHER FUNDING.—The allocation of funds for demonstration projects under subsection (a) shall not result in any reduction in funds required by the Native Hawaiian health care systems, the Native Hawaiian Health Centers, the Native Hawaiian Health Scholarship Program, or Papa Ola Lokahi to carry out the respective responsibilities of those entities under this Act.

"SEC. 15. RULE OF CONSTRUCTION.

"Nothing in this Act restricts the authority of the State to require licensing of, and issue licenses to, health practitioners.

"SEC. 16. COMPLIANCE WITH BUDGET ACT.

"Any new spending authority described in subparagraph (A) or (B) of section 401(c)(2) of the Congressional Budget Act of 1974 (2 U.S.C. 651(c)(2)) that is provided under this Act shall be effective for any fiscal year only to such extent or in such amounts as are provided for in Acts of appropriation.

"SEC. 17. SEVERABILITY.

"If any provision of this Act, or the application of any such provision to any person or circumstance, is determined by a court of competent jurisdiction to be invalid, the remainder of this Act, and the application of the provision to a person or circumstance other than that to which the provision is held invalid, shall not be affected by that holding.".

By Mr. INOUYE:

S. 216. A bill for the relief of the Pottawatomi Nation in Canada for settlement of certain claims against the United States; to the Committee on the Judiciary.

Mr. INOUYE. Mr. President, almost ten years ago, I stood before you to introduce a bill "to provide an opportunity for the Pottawatomi Nation in Canada to have the merits of their claims against the United States determined by the United States Court of Federal Claims."

That bill was introduced as Senate Resolution 223, which referred the Pottawatomi's claim to the Chief Judge of the U.S. Court of Federal Claims and required the Chief Judge to report back to the Senate and provide sufficient findings of fact and conclusions of law to enable the Congress to determine whether the claim of the Pottawatomi Nation in Canada is legal or equitable in nature, and the amount of damages, if any, which may be legally or equitably due from the United States.

Five years ago, the Chief Judge of the Court of Federal Claims reported back that the Pottawatomi Nation in Canada has a legitimate and credible legal claim. Thereafter, by settlement stipulation, the United States has taken the position that it would be "fair, just and equitable" to settle the claims of the Pottawatomi Nation in Canada for the sum of $1,830,000. This settlement amount was reached by the parties after seven years of extensive, fact-intensive litigation. Independently, the court concluded that the settlement amount is "not a gratuity" and that the "settlement was predicated on a credible legal claim." *Pottawatomi Nation in Canada, et al.* v. *United States*, Cong. Ref. 94-1037X at 28 (Ct. Fed. Cl., September 15, 2000) (Report of Hearing Officer).

The bill I introduce today is to authorize the appropriation of those funds that the United States has concluded would be "fair, just and equitable" to satisfy this legal claim. If enacted, this bill will finally achieve a measure of justice for a tribal nation that has for far too long been denied.

For the information of our colleagues, this is the historical background that informs the underlying legal claim of the Canadian Pottawatomi.

The members of the Pottawatomi Nation in Canada are one of the descendant groups—successors-in-interest—of the historical Pottawatomi Nation and their claim originates in the latter part of the 18th century. The historical Pottawatomi Nation was aboriginal to the United States. They occupied and possessed a vast expanse in what is now the States of Ohio, Michigan, Indiana, Illinois, and Wisconsin. From 1795 to 1833, the United States annexed most of the traditional land of the Pottawatomi Nation through a series of treaties of cession—many of these cessions were made under extreme duress and the threat of military action. In exchange, the Pottawatomis were repeatedly made promises that the remainder of their lands would be secure and, in addition, that the United States would pay certain annuities to the Pottawatomi.

In 1829, the United States formally adopted a Federal the policy of removal—an effort to remove all Indian tribes from their traditional lands east of the Mississippi River to the west. As part of that effort, the government increasingly pressured the Pottawatomis to cede the remainder of their traditional lands—some five million acres in and around the city of Chicago and remove themselves west. For years, the Pottawatomis steadfastly refused to cede the remainder of their tribal territory. Then in 1833, the United States, pressed by settlers seeking more land, sent a Treaty Commission to the Pottawatomi with orders to extract a cession of the remaining lands. The Treaty Commissioners spent 2 weeks using extraordinarily coercive tactics—including threats of war—in an attempt to get the Pottawatomis to agree to cede their territory. Finally, those Pottawatomis who were present relented and on September 26, 1933, they ceded their remaining tribal estate through what would be known as the Treaty of Chicago. Seventy-seven members of the Pottawatomi Nation signed the Treaty of Chicago. Members of the "Wisconsin Band" were not present and did not assent to the cession.

In exchange for their land, the Treaty of Chicago provided that the United States would give to the Pottawatomis 5 million acres of comparable land in what is now Missouri. The Pottawatomi were familiar with the Missouri land, aware that it was similar to their homeland. But the Senate refused to ratify that negotiated agreement and unilaterally switched the land to five million acres in Iowa. The Treaty Commissioners were sent back to acquire Pottawatomi assent to the Iowa land. All but seven of the original 77 signatories refused to accept the change even with promises that if they were dissatisfied "justice would be done." Treaty of Chicago, as amended, Article 4. Nevertheless, the Treaty of Chicago was ratified as amended by the Senate in 1834. Subsequently, the Pottawatomis sent a delegation to evaluate the land in Iowa. The delegation reported back that the land was "not fit for snakes to live on."

While some Pottawatomis removed westward, many of the Pottawatomis—particularly the Wisconsin Band, whose leaders never agreed to the Treaty—refused to do so. By 1836, the United States began to forcefully remove Pottawatomis who remained in the east—with devastating consequences. As is true with many other American Indian tribes, the forced removal westward came at great human cost. Many of the Pottawatomi were forcefully removed by mercenaries who were paid on a per capita basis government contract. Over one-half of the Indians removed by these means died en route. Those who reached Iowa were almost immediately removed further to inhospitable parts of Kansas against their will and without their consent.

Knowing of these conditions, many of the Pottawatomis including most of those in the Wisconsin Band vigorously resisted forced removal. To avoid Federal troops and mercenaries, much of the Wisconsin Band ultimately found it necessary to flee to Canada. They were often pursued to the border by government troops, government-paid mercenaries or both. Official files of the Canadian and United States governments disclose that many Pottawatomis were forced to leave their homes without their horses or any of their possessions other than the clothes on their backs.

By the late 1830s, the government refused payment of annuities to any Pottawatomi groups that had not removed west. In the 1860s, members of the Wisconsin Band—those still in their traditional territory and those forced to flee to Canada—petitioned Congress for the payment of their treaty annuities promised under the Treaty of Chicago and all other cession treaties. By the Act of June 25, 1864 (13 Stat. 172) the Congress declared that the Wisconsin Band did not forfeit their annuities by not removing and directed that the share of the Pottawatomi Indians who had refused to relocate to the west should be retained for their use in the United States Treasury. (H.R. Rep. No. 470, 64th Cong., p. 5, as quoted on page 3 of memo dated October 7, 1949). Nevertheless, much of the money was never paid to the Wisconsin Band.

In 1903, the Wisconsin Band—most of whom now resided in three areas, the States of Michigan and Wisconsin and the Province of Ontario—petitioned the Senate once again to pay them their fair portion of annuities as required by the law and treaties. (Sen. Doc. No. 185, 57th Cong., 2d Sess.) By the Act of June 21, 1906 (34 Stat. 380), the Congress directed the Secretary of the Interior to investigate claims made by the Wisconsin Band and establish a roll of the Wisconsin Band Pottawatomis that still remained in the East. In addition, the Congress ordered the Secretary to determine "the[] [Wisconsin Bands] proportionate shares of the annuities, trust funds, and other moneys paid to or expended for the tribe to which they belong in which the claimant Indians have not shared, [and] the amount of such monies retained in the Treasury of the United States to the credit of the clamant Indians as directed the provision of the Act of June 25, 1864."

In order to carry out the 1906 Act, the Secretary of Interior directed Dr. W.M. Wooster to conduct an enumeration of Wisconsin Band Pottawatomi in both the United States and Canada. Dr. Wooster documented 2007 Wisconsin Pottawatomis: 457 in Wisconsin and Michigan and 1550 in Canada. He also concluded that the proportionate share of annuities for the Pottawatomis in Wisconsin and Michigan was $477,339 and that the proportionate share of annuities due the Pottawatomi Nation in Canada was $1,517,226. The Congress thereafter enacted a series of appropriation Acts from June 30, 1913 to May 29, 1928 to satisfy most of money owed to those Wisconsin Band Pottawatomis residing in the United States. However, the Wisconsin Band Pottawatomis who resided in Canada were never paid their share of the tribal funds.

Since that time, the Pottawatomi Nation in Canada has diligently and continuously sought to enforce their treaty rights, although until this congressional reference, they had never been provided their day in court. In 1910, the United States and Great Britain entered into an agreement for the purpose of dealing with claims between both countries, including claims of Indian tribes within their respective jurisdictions, by creating the Pecuniary Claims Tribunal. From 1910 to 1938, the Pottawatomi Nation in Canada diligently sought to have their claim heard in this international forum. Overlooked for more pressing international matters of the period, including the intervention of World War I, the Pottawatomis then came to the U.S. Congress for redress of their claim.

In 1946, the Congress waived its sovereign immunity and established the Indian Claims Commission for the purpose of granting tribes their long-delayed day in court. The Indian Claims Commission Act (ICCA) granted the Commission jurisdiction over claims such as the type involved here. In 1948, the Wisconsin Band Pottawatomis from both sides of the border—brought suit together in the Indian Claims Commission for recovery of damages. *Hannahville Indian Community* v. *U.S.*, No. 28 (Ind. Cl. Comm. Filed May 4, 1948). Unfortunately, the Indian Claims Commission dismissed Pottawatomi Nation in Canada's part of the claim ruling that the Commission had no jurisdiction to consider claims of Indians living outside territorial limits of the United States. *Hannahville Indian Community* v. *U.S.*, 115 Ct. Cl. 823 (1950). The claim of the Wisconsin Band residing in the United States that was filed in the Indian Claims Commission was finally decided in favor of the Wisconsin Band by the U.S. Claims Court in 1983. *Hannahville Indian Community* v. *United States*, 4 Ct. Cl. 445 (1983). The Court of Claims concluded that the Wisconsin Band was owed a member's proportionate share of unpaid annuities from 1838 through 1907 due under various treaties, including the Treaty of Chicago and entered judgment for the American Wisconsin Band Pottawatomis for any monies not paid. Still the Pottawatomi Nation in Canada was excluded because of the jurisdictional limits of the ICCA.

Undaunted, the Pottawatomi Nation in Canada came to the Senate and after careful consideration, we finally gave them their long-awaited day in court through the congressional reference process. The court has now reported back to us that their claim is meritorious and that the payment that this bill would make constitutes a "fair, just and equitable" resolution to this claim.

The Pottawatomi Nation in Canada has sought justice for over 150 years. They have done all that we asked in order to establish their claim. Now it is time for us to finally live up to the promise our government made so many years ago. It will not correct all the wrongs of the past, but it is a demonstration that this government is willing to admit when it has left unfulfilled an obligation and that the United States is willing to do what we can to see that justice—so long delayed is not now denied.

Finally, I would just note that the claim of the Pottawatomi Nation in Canada is supported through specific resolutions by the National Congress of American Indians (the oldest, largest and most-representative tribal organization here in the United States), the Assembly of First Nations (which includes all recognized tribal entities in Canada), and each and every of the Pottawatomi tribal groups that remain in the United States today.

I ask unanimous consent that the text of this bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 216

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SETTLEMENT OF CERTAIN CLAIMS.

(a) Authorization for Payment.—Notwithstanding any other provision of law, subject to subsection (b), the Secretary of the Treasury shall pay to the Pottawatomi Nation in Canada $1,830,000 from amounts appropriated under section 1304 of title 31, United States Code.

(b) Payment in Accordance With Stipulation for Recommendation of Settlement.—The payment under subsection (a) shall—

(1) be made in accordance with the terms and conditions of the Stipulation for Recommendation of Settlement dated May 22, 2000, entered into between the Pottawatomi Nation in Canada and the United States (referred to in this Act as the "Stipulation for Recommendation of Settlement"); and

(2) be included in the report of the Chief Judge of the United States Court of Federal Claims regarding Congressional Reference No. 94-1037X, submitted to the Senate on January 4, 2001, in accordance with sections 1492 and 2509 of title 28, United States Code.

(c) Full Satisfaction of Claims.—The payment under subsection (a) shall be in full satisfaction of all claims of the Pottawatomi

Nation in Canada against the United States that are referred to or described in the Stipulation for Recommendation of Settlement.

(d) NONAPPLICABILITY.—Notwithstanding any other provision of law, the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.) does not apply to the payment under subsection (a).

By Mr. BINGAMAN (for himself, Ms. SNOWE. Mr. NELSON of Nebraska. Ms. COLLINS, Mr. ROCKEFELLER. Mr. HARKIN, Mr. GRASSLEY. Mr. JEFFORDS, Mr. SCHUMER. Mr. LEAHY, Mrs. CLINTON, Mr. PRYOR, Mr. LEVIN, and Mr. SPECTER):

S. 217. A bill to amend title 49, United States Code, to preserve the essential air service program; to the Committee on Commerce, Science, and Transportation.

Mr. BINGAMAN. Mr. President. I rise today with 13 other Senators to introduce the bipartisan Essential Air Service Preservation Act of 2005. I am pleased to have my colleague Senator SNOWE as the principal cosponsor of the bill. Senator SNOWE has been a longtime champion of commercial air service in rural areas, and I appreciate her continued leadership on this important legislation. Senators BEN NELSON, COLLINS, ROCKEFELLER, HARKIN, GRASSLEY, JEFFORDS, SCHUMER, LEAHY, CLINTON, PRYOR, LEVIN, and SPECTER are also cosponsors of the bill.

Congress established the Essential Air Service Program in 1978 to ensure that communities that had commercial air service before airline deregulation could continue to receive scheduled service. Without EAS, many rural communities would have no commercial air service at all.

Our bill is very simple. It preserves Congress' intent in the Essential Air Service program by repealing a provision in the 2003 FAA reauthorization bill that would for the first time require communities to pay for their commercial air service. The legislation that imposed mandatory cost sharing on communities to retain their commercial air service had been stricken from both the House and Senate versions of the FAA reauthorization bill, but was reinserted by conferees. I believe that any program that forces communities to pay to continue to receive their commercial air service could well be the first step in the total elimination of scheduled air service for many rural communities.

Two times since mandatory cost sharing was enacted Congress has blocked it from being implemented. For fiscal years 2004 and 2005, a bipartisan group of senators included language in the Department of Transportation's appropriations act that bars the use of funds to implement any mandatory cost sharing program. This bill would simply make Congress' ongoing ban permanent.

All across America, small communities face ever-increasing hurdles to promoting their economic growth and development. Today, many rural areas lack access to interstate or even four-lane highways, railroads or broadband telecommunications. Business development in rural areas frequently hinges on the availability of scheduled air service. For small communities, commercial air service provides a critical link to the national and international transportation system.

The Essential Air Service Program currently ensures commercial air service to over 100 communities in thirty-four states. EAS supports an additional 33 communities in Alaska. Because of increasing costs and the continuing financial turndown in the aviation industry, particularly among commuter airlines, about 28 additional communities have been forced into the EAS program since the terrorist attacks in 2001.

In my State of New Mexico, five cities currently rely on EAS for their commercial air service. The communities are Clovis, Hobbs, Carlsbad, Alamogordo and my hometown of Silver City. In each case commercial service is provided to Albuquerque, the state's business center and largest city.

I believe this ill-conceived proposal requiring cities to pay to continue to have commercial air service could not come at a worse time for small communities already facing depressed economies and declining tax revenues.

As I understand it, the mandatory cost-sharing requirements in the FAA reauthorization bill could affect communities in as many as 22 states. Based on an analysis by my staff, the individual cities that could be affected are as follows:

Alabama—Muscle Shoals; Arizona—Prescott, Kingman; Arkansas—Hot Springs, Harrison, Jonesboro; Colorado—Pueblo; Georgia—Athens; Iowa—Fort Dodge, Burlington; Kansas—Salina; Kentucky—Owensboro; Maine—Augusta, Rockland; Michigan—Iron Mt.; Mississippi Laurel; Missouri—Joplin, Ft. Leonard Wood; New Hampshire—Lebanon; New Mexico—Hobbs, Alamogordo, Clovis; New York—Watertown, Jamestown, Plattsburgh; Oklahoma—Ponca City, Enid; Pennsylvania—Johnstown, Oil City, Bradford, Altoona; South Dakota—Brookings, Watertown; Tennessee—Jackson; Texas—Victoria; Vermont—Rutland; Washington—Moses Lake

As I see it, the choice here is clear: If we do not preserve the Essential Air Service Program today, we could soon see the end of all commercial air service in rural areas. The EAS program provides vital resources that help link rural communities to the national and global aviation system. Our bill will preserve the essential air service program and help ensure that affordable, reliable, and safe air service remains available in rural America. Congress is already on record opposing mandatory cost sharing. I hope all Senators will once again join us in opposing this attack on rural America.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 217

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Essential Air Service Preservation Act of 2005".

SEC. 2. REPEAL OF EAS LOCAL PARTICIPATION PROGRAM.

(a) IN GENERAL.—Subchapter II of chapter 417 of title 49, United States Code, is amended by striking section 41747, and such title shall be applied as if such section 41747 had not been enacted.

(b) CLERICAL AMENDMENT.—The chapter analysis at the beginning of such chapter is amended by striking the item relating to section 41747.

By Mr. KOHL:

S. 218. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

MR. KOHL. Mr. President, there are a number of different conservation programs aimed at farmers, with a variety of goals. While many of those programs improve water quality and stream health, none are primarily focused with improving fish habitat. The bill I am introducing today would focus USDA conservation dollars on restoring high quality fish habitat in streams around rural America.

While there are millions of miles of streams throughout the country, few of these streams are able to support the kind of first rate fisheries that they have in the past. Agriculture and industry have altered riverbeds over the years, slowing the movement of water for their own purposes. The EPA and the Fish and Wildlife Service have found that 81 percent of all stream fish habitats in the U.S. have been adversely affected by either pollution or other disturbances. In places where alterations in the river are no longer needed, they should be removed to restore the ecosystem for the native fish.

Clean, fresh, fast moving streams are a necessary requirement for some of our most popular game fish. Trout, one of our most valuable and sought-after game fish, need very specific conditions to thrive, and those conditions have been harder and harder to find. Currently roughly 2 percent of all freshwater fishes are either considered rare or at risk. Habitat loss is part of the problem with only 19 percent of streams and rivers in the lower 48 of high enough quality for wild or scenic status.

This bill, the Stream Habitat Improvement Program, is about more than just preserving an ecosystem or building wildlife populations, this is also about tourism and recreation. Fishing in this country is big business. In Wisconsin alone there are almost 950,000 anglers, and almost half a million more come from out of State to fish in Wisconsin. Together these anglers spend $1 billion on fishing related expenses in our State. Nationwide recreational fishing is related to $41 billion in economic activity. An industry with this much impact around the country deserves our consideration.

The bill introduced today would provide payments to farmers who engage in conservation projects that improve stream health. The bill is based on the Wildlife Habitat Improvement Program, but focused more closely on streams, creeks, and rivers. Farmers who participate in the program will make improvements on streams running through their property. Improvements could include repairing shoreline, removing barriers to fish passage, and planting trees to shade the water and strengthen stream banks. Farmers who are willing to make the efforts to improve spawning grounds and add cover for fish can do a lot to rehabilitate this resource.

Not every river and stream needs to be returned to its natural state, or be granted wild and scenic status. But this bill tries to take a small step toward repairing a resource for the future. Fishing, especially trout and fly fishing, are big business in this country, as well as important environmental indicators. Our efforts to further stream quality will have both economic benefits as well as natural ones, and those are the kind of efforts that everyone in Congress can get behind. I ask unanimous consent that the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 218

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. STREAM HABITAT IMPROVEMENT PROGRAM.

(a) IN GENERAL.—Chapter 5 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839bb et seq.) is amended by adding at the end the following:

"SEC. 1240Q. STREAM HABITAT IMPROVEMENT PROGRAM.

"(a) IN GENERAL.—The Secretary, in consultation with the State technical committees established under section 1261, shall establish within the Natural Resources Conservation Service a program to be known as the stream habitat improvement program (referred to in this section as the 'program').

"(b) ELIGIBLE PROJECTS.—

"(1) IN GENERAL.—Under the program, the Secretary shall offer to enter into agreements under which the Secretary shall make cost-share payments to landowners to carry out on land owned by the landowners projects to—

"(A) protect streamside areas, including through the installation of riparian fencing and improved stream crossings;

"(B) repair in-stream habitat;

"(C) improve water flows and water quality, including through channel restoration;

"(D) initiate watershed management and planning in areas in which streams are in a degraded condition due to past agricultural or forestry practices; and

"(E) undertake other types of stream habitat improvement approved by the Secretary.

"(2) PRIORITY PROJECTS.—The Secretary shall give priority to any landowner applicant that carries out a project to—

"(A) remove a small dam or in-stream structure;

"(B) improve fish passage, including through culvert repair and maintenance;

"(C) protect streamside areas;

"(D) improve water flows, including through irrigation efficiency improvements; or

"(E) improve in-stream flow quality or timing or temperature regimes.

"(3) PRIORITY APPLICANTS.—To ensure that program projects address the causes of stream habitat degradation, the Secretary shall give priority to any landowner applicant that demonstrates that upland improvements associated with the stream habitat improvement (including erosion and nutrient management) have been, or will be, carried out.

"(c) COST-SHARE PAYMENTS.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Federal share of payments made under this section shall be equal to 80 percent of the total cost incurred by the landowner in carrying out a project described in subsection (b), as determined and approved by the Secretary.

"(2) NONPROFIT PARTNERSHIP.—The Secretary shall provide a higher Federal share of payments than the share provided under paragraph (1) to a landowner that carries out a project in partnership with a nonprofit organization.

"(3) PRIORITY PROJECTS.—The Secretary may provide a higher Federal share of payments than the share provided under paragraph (1) to a landowner that carries out a project described in subsection (b)(2).".

(b) FUNDING AND TECHNICAL ASSISTANCE.—

(1) FUNDING.—Section 1241(a) of the Food Security Act of 1985 (16 U.S.C. 3841(a)) is amended by adding at the end the following:

"(8) The stream habitat improvement program under section 1240Q, using, to the maximum extent practicable, $60,000,000 in each of fiscal years 2006 through 2008.".

(2) TECHNICAL ASSISTANCE.—Section 1241(b)(1) of the Food Security Act of 1985 (16 U.S.C. 3841(b)(1) is amended by striking "paragraphs (1) through (7)" and inserting "paragraphs (1) through (8)".

By Mr. GRASSLEY (for himself and Mr. BAUCUS):

S. 219. A bill to amend the Internal Revenue Code of 1986 and the Employee Retirement Income Security Act of 1974 to protect the retirement security of American workers by ensuring that pension assets are adequately diversified and by providing workers with adequate access to, and information about, their pension plans, and for other purposes; to the Committee on Finance.

Mr. GRASSLEY. Mr. President, I rise today along with my colleague, Senator BAUCUS, the Ranking Member of the Finance Committee, to re-introduce the National Employee Savings and Trust Equity Guarantee Act—or the NESTEG bill as we call it in the Finance Committee. The NESTEG bill would reform our pension and retirement savings laws in several important ways. For example, NESTEG would require companies to allow their employees to diversify out of company stock, a provision that the Committee adopted in response to the events at Enron which saw employees' retirement plans vanish almost over night. The NESTEG bill also includes other important participant protections, including enhanced disclosure requirements, new rules governing so-called blackout periods, and faster vesting of employer contributions. In addition, NESTEG expands the portability of retirement plan assets so that workers can keep money saved for retirement, and simplifies pension laws and regulation. The NESTEG bill also responds to the uncertainty in the rules governing defined benefit pensions by permanently adopting the yield curve as a replacement for the 30-year Treasury rate.

Last year, the Finance Committee unanimously approved the NESTEG bill. This year, I am looking forward to seeing it signed into law. This bill first began in the wake of the outrageous events that went on in the wake of the collapse of Enron and corporate scandals at other companies. Over the past few years, the Finance Committee has worked diligently to enact reforms in a number of areas of the law to make sure that events like that don't happen again.

The important pension protections in the NESTEG bill are one remaining area for reform. The headlines have died down, but workers' pensions are still too vulnerable to company failures. Thus, a central piece of this bill would allow employees to diversify their retirement plans so that they are not overly concentrated in company stock. Diversification is one of the hallmark principles of sound investment strategy, and promoting diversification should be a hallmark of our pension laws.

But the NESTEG bill is not just a bill that responds to Enron-like situations. The NESTEG bill includes other important improvements to 401(k) and other defined contribution plans as well. The bill makes it easier for employees to transfer amounts from one plan to another, thereby making sure that plan assets remain saved for retirement. And the bill includes provisions designed to make it easier and more cost effective for small businesses to sponsor a retirement plan. Small businesses are vital to our economy, and we need to encourage a level playing field so that workers at small businesses throughout our country have the same access to retirement plans as workers at Fortune 500 companies.

The NESTEG bill also would remove a major source of uncertainty plaguing our pension system by enacting the yield curve as a permanent replacement to the 30-year Treasury rate for pension funding. Workers need reliable pension funding, and employers need a reliable basis on which to calculate pension payments. The NESTEG bill also gives plan sponsors more flexibility to fund their plans well in good times, and restricts the ability of companies with severely underfunded plans to promise more benefits to work. The Administration has recently come forward with additional pension funding reform proposals, and I look forward to examining those reforms as the Finance Committee considers legislation in this area this year.

Retirement security is a topic that is going to get a great deal of attention this year. We know we need to increase long-term savings in America, and we know that there are ways that we can improve our private retirement system. The reforms in the NESTEG bill that I am introducing today with Senator BAUCUS represent an important step forward in improving Americans' retirement security. As we debate retirement security issues this year, I look forward to working with my colleagues to achieve the goal of ensuring that all Americans achieve a secure retirement.

Mr. BAUCUS. Mr. President, I am pleased to join my good friend Senator GRASSLEY, the Chairman of the Senate Finance Committee, in introducing the National Employee Savings and Trust Equity Guarantee Act.

Senator GRASSLEY and I have attempted put together a bipartisan bill to improve the security of the pension plans that cover America's workers. The Finance Committee approved similar legislation in the last Congress. Some of the provisions in this bill that provide participant protections were in a bill we introduced in the 107th Congress—a bill designed to help us avoid another Enron retirement plan debacle.

We all remember Enron. Thousands of workers lost their jobs. Because their 401(k) accounts were heavily invested in company stock, these workers lost most of their retirement savings as well. While the story of Enron's employees is no longer new, others companies unfortunately have risen up, or fallen down, to take Enron's place.

This country is in the middle of a discussion about retirement security. The administration is recommending that we introduce investment risk into the Social Security system—a system that is the sole source of retirement income for one-fifth of our senior citizens, and the primary source for almost two-thirds of seniors. Before we introduce risk into Social Security, the bedrock of our retirement system, we need to take a hard look at how we can reduce risk to participants in the private retirement system. That is what this bill is about.

Pension legislation is challenging. Companies offer plans voluntarily. If we value employer-sponsored retirement plans—and I do—we need to be careful not to make them so burdensome that companies will stop offering them. At the same time, workers have the right to basic protections to make sure that the money that they are counting on for retirement is really there when the time comes.

I believe that this bill strikes that balance. It phases out the ability companies have to keep workers locked into company stock in their retirement plans. But it does not limit those workers' ability to invest in that stock if they decide that doing so is best for them.

To help make that decision, we give workers tools to make good decisions, and really understand the consequences of their actions. We require the issuance of benefit statements so workers know how much their accounts are worth and how much company stock they already own. And we provide a safe harbor to make it easier for employers to make independent investment advice available if they want to.

The challenge inherent in legislating for a voluntary pension system is particularly sensitive when the subject is defined benefit plan funding. When we discuss and debate funding proposals, we need to consider the health of PBGC, the participants who are counting on defined benefit pensions and the employers who have been willing to promise these benefits.

The Pension Benefit Guaranty Corporation insures defined benefit plans covering forty-four million Americans. As recently as 2001, PBGC had a projected surplus. Now PBGC has a projected deficit of $23 billion. And this deficit represents unfunded guaranteed benefits. Sadly, many participants were promised benefits in excess of those guaranteed by PBGC. These participants planned their retirement around a benefit promise, only to have the rug pulled out from under them. We must strengthen the funding of defined benefit pension plans so promises made can be kept. This bill takes some important steps toward this goal.

First, this bill provides a permanent replacement for the 30-year Treasury rate used to calculate minimum funding requirements for defined benefit plans. Congress passed a temporary substitute last year, but our temporary fix expires at the end of this year. This bill would extend the current corporate bond rate for an additional year, and then begin phasing in the yield curve—a set of rates that recognizes that you will get a different interest rate on a 5-year loan than on a 15-year loan.

This bill increases the deductible limit on company contributions to defined benefit pension plans. This is so critical. We must allow companies to contribute more in good times, to build a cushion for bad times.

Under this bill, plans of financially-distressed companies that are less than 50 percent funded would not be allowed to continue promising additional benefits until either the funding improves, or the company's financial footing is more solid. This is a tough provision. But we have to make sure that employees receive benefits that they have earned. We have to do our best to make companies pay for promises they have made. But when a company cannot pay for more promises, we must be willing to step in and say "No more promises."

This bill has a number of other provisions that will make it easier for a worker to move retirement plans from employer to employer, or from an employer plan to an IRA. There are also provisions that make it easier to administer retirement programs.

I look forward to continuing to work with the Chairman of the Finance Committee, Senator GRASSLEY, to see the National Employee Savings and Trust Equity Guarantee Act through to enactment. I urge my colleagues to join us in working toward a more secure retirement for millions of Americans.

By Ms. STABENOW (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. LAUTENBERG, Mr. ROCKEFELLER, Mr. DAYTON, and Mr. CORZINE):

S. 222. A bill to amend title XVIII of the Social Security Act to stabilize the amount of the medicare part B premium; to the Committee on Finance.

Ms. STABENOW. Mr. President, today I am introducing the "Keep the Promise of Medicare Act" of 2005, and am pleased to be joined by my colleagues Senators KENNEDY, BOXER, LAUTENBERG, ROCKEFELLER, DAYTON, and CORZINE.

Our Medicare beneficiaries were greeted in the New Year by the largest premium increase in Medicare's history—17.5 percent. At the same time, the Social Security COLA increased by only 2.7 percent.

What are the implications of such a discrepancy? More than 2 million beneficiaries nationwide have lost their entire COLA to the Medicare premium increase, and almost 13 million seniors and disabled Americans will have over 50 percent of their COLA consumed by the Medicare premium increase.

This dramatic increase could have been avoided—CMS Administrator McClellan has acknowledged that provisions included in the 2003 Medicare law designed to privatize the program directly contributed to the premium increase.

Therefore, my legislation will limit, retroactively, the 2005 Part B premium increase to the same level as the Social Security COLA. The result will be nearly a $10 monthly savings for our seniors—the Bush Administration has given seniors a monthly $78.20 premium; under our legislation the premium would be $68.40.

Older Americans have been struggling under the relentless increases in the cost of their health care and prescription drugs. Rather than alleviating the challenges they are facing, the 2005 premium increase has made their situation even direr.

Adjusting the current premium is a first step, and one we must take immediately. Additionally, we should use this year to revise an outdated law that has led to record increase in Medicare premiums in the last four years. The promise of Medicare must include protection from dramatic increases in the Part B premium.

I urge my colleagues to join me on this important piece of legislation.

By Mr. HARKIN (for himself, Mr. SPECTER, Mr. KENNEDY, Mr. KERRY, Mr. LEVIN, Mr. DAYTON, Mrs. MURRAY, Ms. STABENOW, Ms. MIKULSKI, Mr. LAUTENBERG, Mr. DODD, Mr. LEAHY, Mr. ROCKEFELLER, and Mr. SARBANES):

S. 223. A bill to amend the Fair Labor Standards Act of 1938 to repeal any weakening of overtime protections and to avoid future loss of overtime protections due to inflation; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, I am here to introduce legislation and to talk about an issue that my colleagues have heard me speak about on numerous occasions during the course of the past two years, frequently at some length. That issue is overtime pay for American workers.

It is a subject I feel deeply about. It has become very clear to me that Iowans feel very deeply about it, as well. Working families across the country feel deeply about it.

I know that is true because people approach me and tell me what overtime pay means to them and their families. I have become associated with this fight here in Congress over protecting overtime pay, so when people recognize me, they very often will approach me and tell me a little bit about themselves and why they support my efforts on this issue. Many of them even become emotional about it.

Why is that? Why do people feel so strongly? For some, it is a simple matter of fairness and valuing work. They believe that receiving time-and-a-half pay when they put in more than 40 hours of work in a week is fair because if they are going to give up their premium time—hours beyond a normal workweek—then their employer should provide them with premium pay. It is simple fairness. Of course, they might also rely on that premium pay as a substantial part of their income. That is a benefit of valuing work fairly. They make more money.

Most people making overtime pay are not extremely affluent, so they are probably spending a lot of that extra income, putting it right into the local economy. That is therefore a further benefit to the economy.

Other people, to tell the truth, would rather not work a lot of overtime hours. They believe a 40-hour workweek is a full workweek.

That is what the Fair Labor Standards Act, FLSA, did when we passed it in 1938. It established the principle of a 40-hour workweek in law by saying that employers need to pay extra when they work their employees longer than that. The time-and-a-half rule tends to discourage employers from requiring their employees to work longer than 40 hours, and many people value the law for that reason. They want to keep their premium time for themselves. They want to spend their premium time doing leisure activities or performing important family duties.

In 1938, our government decided that the 40-hour workweek was important to Americans. Look in any economic history book. It is treated as a fundamental and valuable principle in our economy. Overtime pay rewards work, and it reduces exploitation. It protects "premium time" for working men and women.

The 40-hour workweek says: Human beings are more than just the work they do. It says, the progress of technology can allow us to enjoy a good standard of living and quality of life without spending all of our hours toiling and laboring.

The 40-hour workweek also creates jobs. Requiring time-and-a half pay for overtime work encourages employers to hire more workers, rather than requiring additional hours of work from existing employees. Franklin Roosevelt cited this as a rationale when he signed the FLSA into law.

In 1933, probably for all the reasons I have just mentioned, the United States Senate voted 53 to 30 to set a cap for hours in a workweek. The number of hours was 30. The Senate voted to cap the workweek in the United States at 30 hours. Those were extremely difficult times economically, but the Senate of 70 years ago nonetheless placed a greater value on quality time spent off the job than they did increasing productivity with longer workweeks.

The Bush rules are deeply flawed. They make millions of modest-income and moderate-income American workers vulnerable to losing their eligibility for overtime pay, broadening the categories of workers that are ineligible for overtime protections—often in response to specific requests from industries.

If overtime is free to the employer, it is going to be overused. A study done by the Center for Women and Work at Rutgers University showed that only 20 percent of the workers eligible for overtime work more than 40 hours a week, but 44 percent of workers who are exempt from overtime pay work overtime.

Several months ago, three former career DoL officials released a report after having done an in-depth review of these rule changes. Their analysis should be read by all to whom the issue of overtime is important.

These were not just any three former DoL officials. These were the top three people who administered these regulations over the course of the last two decades. They speak with enormous credibility on this issue.

These career employees have said that "in every instance where DoL has made substantive changes to the existing rules, it has weakened the criteria for overtime exemptions and thereby expanded the reach and scope of the exemptions." This comes from people who were elevated to their high positions within DoL during the Reagan administration. The fact that they say these new rules are bad for the American worker in all ways but one ought to tell us something.

All of my colleagues are well aware that I led fights on the Senate floor during the last Congress to block or repeal the Department of Labor's FLSA overtime rule changes. Despite the fact that Congress voted 6 times during that period to protect workers' overtime by blocking the new rules, the administration insisted on ignoring the will of Congress. The new rules went into effect on August 23 of last year.

The bill I am introducing today would simply allow any workers who were entitled to overtime before the new rules took effect last August to retain their overtime rights. It makes ineffective those portions of the new rules that allow employers to take overtime eligibility away from workers who were eligible before the new rules took effect.

Secondly, my bill would also increase the minimum salary threshold. The minimum salary threshold that helps define overtime eligibility had not been raised since 1975 before the Bush administration raised it to $23,660. The administration did not raise it high enough, and millions of workers who should be covered are not covered due to this inadequacy. This bill will increase the number of workers covered by overtime protections by raising the minimum salary threshold to $30,712—to correspond with the increase in workers' wages since 1975. The bill also contains language that requires the salary threshold be adjusted annually to reflect and keep pace with increases in inflation.

American workers deserve an ironclad guarantee that their overtime rights are safe. That is what the bipartisan bill I am introducing today accomplishes. It repeals any provisions of the new rules that took effect last August that weaken overtime protections, and it indexes the minimum salary threshold annually to avoid future loss of overtime protections due to inflation. I thank the 13 of my colleagues who have agreed to cosponsor this for their support, and I look forward to adding more.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 223

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Overtime Rights Protection Act".

SEC. 2. AMENDMENT TO THE FAIR LABOR STANDARDS ACT OF 1938.

Section 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 213) is amended by adding at the end the following:

"(k)(1) Notwithstanding the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code (commonly referred to as the Administrative Procedures Act) or any other provision of law, any portion of the final rule promulgated on April 23, 2004, revising part 541 of title 29, Code of Federal Regulations, that exempts from the overtime pay provision of section 7 of this Act any employee who would not otherwise be exempt if the regulations in effect on March 31, 2003 remained in effect, shall have no force or effect and that portion of such regulations (as in effect on March 31, 2003) that would prevent such employee from being exempt shall be reinstated.

"(2) The Secretary shall adjust the minimum salary level for exemption under section 13(a)(1) in the following manner:

"(A) Not later than 60 days after the date of enactment of this subsection, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) for executive, administrative, and managerial occupations from the level of $155 per week in 1975 to $591 per week (an amount equal to the increase in the Employment Cost Index (published by the Bureau of Labor Statistics) for executive, administrative, and managerial occupations between 1975 and 2005).

"(B) Not later than December 31 of the calendar year following the increase required in subparagraph (A), and each December 31 thereafter, the Secretary shall increase the minimum salary level for exemption under subsection (a)(1) by an amount equal to the increase in the Employment Cost Index for executive, administrative, and managerial occupations for the year involved.".

Mr. KENNEDY. Mr. President, I commend Senator HARKIN for introducing the Overtime Rights Protection Act to restore overtime protections for the more than 6 million Americans denied overtime pay and denied the guarantee of a 40-hour work week by the Republican anti-overtime regulation adopted in 2004. The bill will also provide overtime protections for additional deserving workers.

In the last Congress, the Senate voted four times to block the Administration's overtime rule, and the House voted twice to block it. Yet, the Republican leadership refused to accept the will of Congress and the will of the American people. Instead, it blocked the enactment of this legislation and continued the unfair assault on America's workers and their right to overtime pay.

In today's economy, workers are concerned about losing their jobs, their pay, their health benefits, and their retirement benefits. Now more than six million employees also have to worry about losing higher pay they've always earned for working overtime.

These men and women are nurses. They are school teachers. They are long-term care workers. They are assistants in mental health facilities. They are countless men and women in many other fields.

Make no mistake—overtime cuts are pay cuts. When workers lose their overtime pay, they still work longer hours. But they get no extra pay for doing so, even though they've had the right to time-and-a-half pay for overtime work ever since the 1930s.

Clearly, we need a policy to create more jobs, not eliminate jobs. By taking away workers' right to overtime, the Administration's rule undermines job creation, since it allows businesses to require employees to work longer hours for no extra pay, rather than hire new workers to do the extra work.

Denying overtime pay is a thinly veiled scheme to reduce workers' pay and raise employers' profits. In this troubled economy, it makes no sense to ask any workers anywhere in America to give up their overtime pay.

Instead of making hard-working men and women work longer hours for less pay, businesses should create new jobs by hiring more employees to do the work.

We know that employees across America are already struggling hard to balance their family needs and their work responsibilities. Requiring them to work longer hours for less pay will impose an even greater burden in this daily struggle.

According to the Families and Work Institute, two of the most important things that children would most like to change about their parents are that they wish their parents were less stressed out by their work, and they wish they could spend more time with their parents.

The Government Accountability Office says that employees without overtime protection are twice as likely to work overtime as employees covered by the protection. In other words, businesses don't hesitate to demand longer hours, as long as they don't have to pay higher wages for the extra work.

Protecting the 40-hour work week is vital to protecting the work-family balance for millions of Americans in communities in all parts of the nation. The last thing Congress should be doing is to allow the new anti-overtime rule to make the balance worse for workers than it already is.

Under the overtime law, low-income workers are supposed to be automatically included. But today, millions who should be included are left out, since wages have increased, but the maximum earnings level for automatic coverage has remained the same for 30 years. The Bush Administration raised it to $23,660 in their new rule, but this level is still too low. The Harkin bill will cover more workers by raising the threshold to $30,712, and index it to keep pace with wage growth. This change will bring it to the level it would be if we'd made annual adjustments for wage inflation over the last 30 years.

Congress cannot look the other way while more and more Americans lose their jobs, their livelihoods, their homes, and their dignity. Denying overtime pay rubs salt in the wounds of this troubled economy. Enacting the Overtime Rights Protection Act will end this injustice, and I urge my colleagues to support it.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 22—AUTHORIZING EXPENDITURES BY THE SELECT COMMITTEE ON INTELLIGENCE

Mr. ROBERTS submitted the following resolution; from the Select Committee on Intelligence; which was referred to the Committee on Rules and Administration:

S. RES. 22

Resolved, That, in carrying out its powers, duties, and functions under S. Res. 400, agreed to May 19, 1976 (94th Cong.), as amended by S. Res. 445, agreed to October 9, 2004 (108th Cong.), in accordance with its jurisdiction under Section 3 and Section 17 of S. Res. 400, including holding hearings, reporting such hearings, and making investigations as authorized by Section 5 of S. Res. 400, the Select Committee on Intelligence is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006 through February 28, 2007 in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005 through September 30, 2005 under this resolution shall not exceed $3,050,594, of which amount (1) not to exceed $32,083 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,834 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005 through September 30, 2006, expenses of the committee under this resolution shall not exceed $5,355,503, of which amount (1) not to exceed

$55,000 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006 through February 28, 2007 expenses of the committee under this resolution shall not exceed $2,279,493, of which amount (1) not to exceed $22,917 be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,166 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee, from March 1, 2005 through September 30, 2005; October 1, 2005 through September 30, 2006; and October 1, 2006 through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 23—AUTHORIZING EXPENDITURES BY THE SPECIAL COMMITTEE ON AGING

Mr. SMITH submitted the following resolution: from the Special Committee on Aging; which was referred to the Committee on Rules and Administration:

S. RES. 23

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Special Committee on Aging is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,445,446, of which amount (1) not to exceed $117,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $2,537,525, of which amount (1) not to exceed $200,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $1,080,025, of which amount (1) not to exceed $85,000 may be expended for the procurement of the services of individual consultants; or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 24—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON THE BUDGET

Mr. GREGG submitted the following resolution: from the Committee on the Budget; which was referred to the Committee on Rules and Administration:

S. RES. 24

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such Rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on the Budget is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $3,367,870, of which amount (1) not to exceed $35,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $21,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $5,915,179, of which amount (1) not to exceed $60,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $36,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,518,660, of which amount (1) not to exceed $25,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946), and (2) not to exceed $15,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SENATE RESOLUTION 25—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FINANCE

Mr. GRASSLEY submitted the following resolution; from the Committee on Finance; which was referred to the Committee on Rules and Administration:

S. RES. 25

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rules XXVI of the Standing Rules of the Senate, the Committee on Finance is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $4,081,365, of which amount (1) not to exceed $17,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,833 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $7,165,470, of which amount (1) not to exceed $30,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $3,049,982, of which amount (1) not to exceed $12,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,167 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2005, respectively.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005 through September 30, 2006; and October 1, 2006 through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 26—COMMENDING THE PEOPLE OF IRAQ ON THE ELECTION HELD ON JANUARY 30, 2005, OF A 275-MEMBER TRANSITIONAL NATIONAL ASSEMBLY AND OF PROVINCIAL AND REGIONAL GOVERNMENTS AND ENCOURAGING FURTHER STEPS TOWARD ESTABLISHMENT OF A FREE, DEMOCRATIC, SECURE, AND PROSPEROUS IRAQ

Mr. LUGAR submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 26

Whereas on January 30, 2005, for the first time in over 50 years, the citizens of Iraq had the opportunity to vote in a free election, to choose their own leaders, and to begin the process of writing their own constitution;

Whereas the election in Iraq was held despite imperfect conditions, threats to voters, candidates, and election workers, and acts of violence by those seeking to prevent the voice of the majority of the people of Iraq from being heard;

Whereas an estimated 14,300,000 Iraqis were registered to vote at more than 5,000 polling stations across Iraq and in 14 other countries;

Whereas a majority of individuals who were eligible to vote participated in the election and the final results of the election will be certified on February 15, 2005;

Whereas, the newly elected 275-member Transitional National Assembly of Iraq will include at least 25 percent female representation, will serve as the national legislature of Iraq, and will name a Presidency Council consisting of a President and 2 Vice Presidents that will appoint a new Prime Minister of Iraq and approve the selection of cabinet ministers;

Whereas the Transitional National Assembly will draft a national constitution that will be presented to the people of Iraq for their approval in a national referendum to be held in October 2005 and that will lead to the election of a constitutional government in Iraq;

Whereas the election establishes a credible process for governing Iraq under a mandate from the majority of the people of Iraq and reflects the will of the people for a new Iraq in which all communities are represented and terrorism is eliminated;

Whereas the election was a historic step towards development of democracy for the people of Iraq and an inspiration to all those in the region who are striving to achieve democracy in their own countries;

Whereas the United States is committed to facilitating the development of a strong and proud Iraq that is built by the people of Iraq through their unified efforts and their commitment to protecting the territorial integrity and national unity of Iraq;

Whereas President George W. Bush stated after the election in Iraq that the "world is hearing the voice of freedom from the center of the Middle East"; and

Whereas the United States Government stands ready to work with the new Government of Iraq to build a free, democratic, secure, and prosperous Iraq: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, on January 30, 2005, the people of Iraq elected a 275-member Transitional National Assembly and leaders of provincial and regional governments in Iraq in an election that has been widely described as free and fair;

(2) recognizes this election is a milestone in the development of democracy in Iraq, commends the people of Iraq on the election, and congratulates the new members of the Transitional National Assembly and the leaders of the provincial and regional governments;

(3) commends the Independent Electoral Commission of Iraq for its administration of the election and commends the United Nations Mission in Iraq for the provision of expert technical assistance and training to the Commission;

(4) expresses its respect for the freely expressed will of the people of Iraq, its admiration for their courage in the face of intimidation, threats, and acts of violence, and its intention to work with the new Government of Iraq to help the people of Iraq realize the opportunity for a more peaceful and prosperous future;

(5) urges the new leadership of Iraq to move forward with drafting the constitution, upholding the rule of law, and holding a referendum on the new constitution in October 2005;

(6) urges all members of the international community to help Iraq end the violent insurgency which is destabilizing the region and help Iraq build the necessary political, economic, and security infrastructure essential to establish a viable, democratic state and improve the lives of the people of Iraq; and

(7) reaffirms the commitment of the United States to help the people of Iraq succeed in building their own government and fulfilling the aspirations of the people of Iraq for a free, united, peaceful, and prosperous Iraq.

Mr. LUGAR. Mr. President, I submit today a resolution commending the Iraqi people for their participation in the election of January 30, 2005, of a 275-member Transitional National Assembly and provincial and regional governments; and encouraging further steps toward establishment of a free, democratic, secure and prosperous Iraq.

Despite the threats to voters, candidates and election workers, and the acts of violence by those seeking to prevent the voice of the majority from being heard, millions of Iraqis voted on Sunday.

For the first time in over 50 years, the Iraqi people have been given the opportunity to choose their leadership. Through this resolution, the Senate recognizes and commends this historic moment and the strides of the Iraqi people toward free and fair elections.

NOTICES OF HEARING/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the following oversight hearing has been scheduled before the Subcommittee on National Parks of the Committee on Energy and Natural Resources.

The hearing will be held on Thursday February 17, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to review the National Park Service's implementation of the Federal Lands Recreation Enhancement Act authorized in Public Law 108–447.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, U.S. Senate, SD–364 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Tom Lillie at (202) 224–5161 or Brian Carlstrom at (202) 224–6293.

PRIVILEGE OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Ben Taylor of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, pursuant to Public Law 94–118, Section 4(a)(3) appoints the Senator from Alaska, Ms. MURKOWSKI, to the Japan-United States Friendship Commission.

The Chair, on behalf of the Republican Leader, pursuant to Public Law 100–696, announces the appointment of the Senator from Mississippi, Mr. COCHRAN, as a member of the United States Capitol Preservation Commission, vice the Senator from Colorado, Mr. Campbell.

PROVIDING FOR A JOINT SESSION OF CONGRESS TO RECEIVE A MESSAGE FROM THE PRESIDENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of H. Con. Res. 20, which was received from the House.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The assistant legislative clerk read as follows:

> A concurrent resolution (H. Con. Res. 20) providing for a joint session of Congress to receive a message from the President.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 20) was agreed to.

ORDERS FOR TUESDAY, FEBRUARY 1, 2005

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:45 a.m. on tomorrow, Tuesday, February 1. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and that there then be a period for the transaction of morning business until 10:45 a.m., with the time equally divided, with the first half of the time under the control of the Democratic leader or his designee and the final half under the control of the majority leader or his designee; provided that following morning business, the Senate proceed to executive session to consider the nomination of Alberto Gonzales to be Attorney General.

I further ask unanimous consent that the Senate recess from 12:30 p.m. until 2:15 p.m. for the weekly party luncheons.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Mr. President, tomorrow, following morning business, the Senate will begin consideration of the nomination of Alberto Gonzales to be Attorney General. There are a number of Senators who wish to speak on this nomination, but it is our hope that we can reach an agreement for a reasonable time for debate and a vote on the Gonzales nomination. We will continue working with our colleagues on the other side of the aisle to lock in a consent agreement on the nomination. I encourage all Members looking for floor time to contact either the chairman or the ranking member of the Judiciary Committee as soon as possible so that we can have orderly debate with respect to the nomination.

I also remind all of our colleagues that the President's State of the Union Address will be on Wednesday evening of this week. Senators are asked to be in the Senate Chamber by 8:30 p.m. on Wednesday in order to proceed as a body to the House Chamber at 8:45 p.m. for the 9 o'clock address.

ADJOURNMENT UNTIL 9:45 A.M. TOMORROW

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 5:33 p.m., adjourned until Tuesday, February 1, 2005, at 9:45 a.m.

NOMINATIONS

Executive nominations received by the Senate January 31, 2005:

DEPARTMENT OF HOMELAND SECURITY

MICHAEL CHERTOFF, OF NEW JERSEY, TO BE SECRETARY OF HOMELAND SECURITY, VICE THOMAS J. RIDGE, RESIGNED.

IN THE COAST GUARD

THE FOLLOWING INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant commander

ROBERT M. KEITH, 1378

To be lieutenant

DANIEL E. WARD, 3660

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIGADIER GENERAL MARK W. ANDERSON, 0830
BRIGADIER GENERAL JOHN H. BORDELON, JR., 0730
BRIGADIER GENERAL THOMAS L. CARTER, 8008
BRIGADIER GENERAL THOMAS A. DYCHES, 7682
BRIGADIER GENERAL MARTIN M. MAZICK, 0371
BRIGADIER GENERAL HOWARD A. MCMAHAN, 7167
BRIGADIER GENERAL JAMES M. SLUDER III, 2422

To be brigadier general

COLONEL ROGER A. BINDER, 5131
COLONEL ROBERT L. CHU, 9159
COLONEL DAVID L. COMMONS, 9630
COLONEL THOMAS R. COON, 7963
COLONEL BRUCE E. DAVIS, 7287
COLONEL MICHAEL C. DUDZIK, 8866
COLONEL ELIZABETH A. GROTE, 3998
COLONEL KEVIN F. HENABRAY, 6598
COLONEL JAMES F. JACKSON, 6539
COLONEL MIKE H. MCCLENDON, 6584
COLONEL BRIAN P. MEENAN, 1468
COLONEL JAMES L. MELIN, 2025
COLONEL MICHAEL B. NEWTON, 3635
COLONEL CARL M. SKINNER, 4165

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COL. KATHLEEN D. CLOSE, 0404

IN THE ARMY

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. STEVEN L. BELL, 8468

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. KARL W. EIKENBERRY, 5197

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. WILLIAM J. FALLON, 0304

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

JAMES D. SHAFFER, 5015

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

THOMAS WILLIAM ACTON, 5653
ALLAN RAY ALBERT, 1023
MARVIN L. ALEXANDER, 4291
ROBERT STEPHEN AMARAL, 1208
DOLORES M. ANDERSON, 0784
ALANE A. ANDREOZZI, 8687
TALENTINO C. ANGELOSANTE, 0233
JEFFREY J. ANSTED, 5557
WOLFGANG C. ASMUS, 0009
VICTORIA JACQUELINE BABB, 2536
KENNETH H. BACHELOR, 6451
ELAINE K. BARRON, 9220
RONALD KEITH BARTLEY, 6674
GARY E. BEEBE, 6627
JANICE A. BENHAM, 7250
MARK C. BLALOCK, 1672
ANTHONY BONANNO, 9193
RICHARD A. BREITBACH, 7218
RANDAL L. BRIGHT, 2320
MICHAEL J. BRILL, 5041
DAVID ROBERT BROWN, 9991
DOUGLAS A. BROWN, 3091
DORIS A. BRUNER, 6140
KENNEDY SHEFTON BRYAN, 7430
RICHARD J. BURKE, 8775
STEVEN DALE BURTON, 2521
EDWARD JOSEPH CALLAGHAN, JR., 5689
JAMES A. CANNON, 9896
JOANNE FERMANIS CARLON, 5741
ROBERT JACOB CARTER, JR., 4766
GREGORY ALAN CATE, 3117
KENT LOWELL CHAPLIN, 8258
KYLE A. CHARLES, 9091
HARRY E. CHRISMAN III, 7404
JOHN HARDING CHRIST, 6083
GERALD STANLEY CLANCY, JR., 8051
BRETT J. CLARK, 3810
MARK L. CLEMONS, 3385
WESLEY EUGENE COCKMAN, 6591
CRAIG RANDELL COLGATE, 1878
JEAN L. COMBS, 0313
CHANA DANIELLE COOPER, 2684
ANN H. COTTONGIM, 5850
LARRY L. COX, 2407
LLOYD G. CRAIN, 3463
KIMBERLY A. CRIDER, 5713
RUTH A. CURTIS, 5658
THERON G. DAVIS, 2006
THOMAS A. DEALL, 4549
WILLIAM S. DENYER, 7295
KATHLEEN M. DENZER, 7563
CATHERINE E. DEVERA, 5979
GLENN A. DILDY, 8722
THOMAS D. DISILVERIO, 0958
DAVID R. DIVESTA, 3093
BRIAN E. DOMINGUEZ, 5511
STEVEN K. DOSS, 6915
JAMES R. DOWNEY, 8835
CLEOPATRA F. ENGELSAMRENY, 1374
LOYE M. ESCHENBURG, 0808
JOSEPH V. FAGAN, JR., 1897
PHILIP S. FALLIN, 1114
PAUL G. FILIOS, 0774
JOHN C. FLOURNOY, JR., 5851
WILLIAM J. FORSHEY, JR., 8930
MICHAEL E. FOSSUM, 5930
JAMES SHANNON FOWLER, 0379
FRANK C. FULLER, 5714
JUAN A. GAUD, 0023
JOHN GIRONDA III, 4376
SCOTT A. GOODFELLOW, 7147
FRANK R. GRUENDNER, 5312
RANDALL C. GUTHRIE, 8496
JEANNE M. HADDAD, 5211
RICHARD S. HADDAD, 5202
GREG A. HALL, 5796
PAUL G. HAMMONDS, 5218
DARYL J. HARTMAN, 7230
THOMAS P. HARWOOD III, 3304
MARTIN E. HEIGH, 7178
ROJELIO HERRERA, JR., 2418
LAURA L. HICKMAN, 3184
BRENT E. HILL, 5811
MARY HIGLEY HITTMEIER, 7124
STEVEN A. HOCKING, 4866
THOMAS H. HUEG, 4496
JON S. HUGULEY, 5414
LEE R. HUTCHINSON, 1393
JAMES L. IKEN, 6299
MARK A. INSANI, 3397
ERIC V. JACOBSON, 8482
HENRY O. JOHNSON IV, 6041
DAWN TASLITT JONES, 3711
LOUIS J. KAELIN, 4408
TODD J. KEEGAN, 4007
MICHAEL F. KEENAN, 1722
SHAUN T. KELLEHER, 4117
MICHAEL A. KELLY, 8104
DRUSILLA KEY, 5937
THOMAS E. KIRKENDALL, 8867
JANE L. KITCHEN, 4380
KERRY L. KOHLER, 2173
ROBERT L. KWALWASSER, 0611
DAVID H. LAMP, 2029
KENNETH R. LAPIERRE, 8879
DONALD W. LARAWAY, JR., 5274
SUE E. LAUSHINE, 7997
KENNETH D. LEWIS, JR., 7093
BONNIE S. LIND, 4503
EMANUEL LINDO, 8093
TIMOTHY P. LOCKETT, 7921
BETTY C. LUDTKE, 5965
JEFFREY W. MACDONALD, 3803
MARGARET L. MACMACKIN, 8086
ROBERT N. MADDOX, 8221
FORREST L. MARION, 0251
MICHAEL J. MARQUES, 8945
MICHAEL J. MARTEN, 8126
CHRISTOPHER E. MARTIN, 5467
DEAN F. MATCHECK, 3588
EUGENE R. MATERA, 4043
KENNETH A. MATTISON, 9065
PETER M. MCCAFFREY, 7564
MARK A. MCGINLEY, 0378
FRANK B. MCGOWAN, 2377
UDO K. MCGREGOR, 7633
DAVID W. MCGUIRE, 7721
DOUGLAS J. MCHUGH, 8695
WILLIAM CLAYTON I. MCKINLEY, 5954
AUBREY L. MCKINNEY, 2314
CHARLES A. MCNEIL, 5239
RALPH W. MENZEL, 3555
MARYANNE MILLER, 6764
ROBERT K. MILLMANN, JR., 5156
MARK J. MONTEE, 4925
TIMOTHY C. MOORE, 7950
SHERMAN F. MORGAN, 6788
MICHAEL R. MOUNTS, 6590
MARK P. MURPHY, 6382
JEFFERY J. MURRAY, 9031
DAVID B. MUZZY, 7246
FRANKLIN L. MYERS, 0954
JAMES F. MYERS, 6155
DENNIS J. NEBERA, 9604
GARY EDWIN NELSON, 4243
BRYAN P. NEWMAN, 9241
DANIEL C. NUGTEREN, 2530
MICHELLE M. OBATA, 5919
WILLIAM C. ODONNELL, 4143
PARRISH A. OLMSTEAD, 2305
ANDREW P. ONDREI, 4614
SANDRA S. OPEKA, 4148
REBECCA A. OROUKIN, 0120
ERIC S. OVERTURF, 6689
DOMINIC PALUMBO, 3655
GREGORY S. PAVLAKIS, 2938
STEVEN S. PAYNE, 9479
MICHAEL L. PHILLIPS, 9522
JERRY L. PIPPINS, JR., 7713
DAVID B. POSEY, 3493
JOHN J. PRIVETTE, 1144
GEORGE E. RAEDER, 1400
DAVID B. RAND, 5967
GREGORY S. RATTERREE, 0870
KENNETH E. RAY, 3735
DAWN M. RESLING, 4293
BRENDA S. REYNOLDS, 5147
GREGORY R. REYNOLDS, 6470
JOHN S. ROSENBACH, 2425
TERRY J. ROSS, 6079
JEAN M. SCHAEFER, 5643
PETER SEFCIK, JR., 9166
HOWARD A. SEID, 3047
MICHAEL ALLEN SHEPHERD, 5071
FREDDIE J. SHERMAN, 4970
LINDSEY E. SHULL, 6005
JOHN C. SILVIA III, 9719
CHRISTOPHER C. SIMMONS, 6433
JULIO R. SOTOMAYOR, 5613
JOHN W. SPAHR, 4665
CHERYL SHAPIRO SPEER, 2149
CRAIG J. SPENCE, 6248
REGINALD C. STROUD, 3694
TIMOTHY G. SWINNEY, 1187
FRANK S. TAYLOR, 0613
WILLIAM B. TAYLOR, JR., 8658
DAVID E. THALHEIMER, 6912
DAVID B. THATCHER, 0117
JOSEPH J. THOMAS, 2211
JACKIE R. TUDER, 6817
BRUCE L. TURNER, 5999
JOHN D. TURNER, 3885
ORESTE VARELA, 9893
DAVID E. WALLIS, 7920
DONNA L. WARNER, 4376
PATRICIA M. WEBB, 3358
JON S. WENDELL, 8259
ALBERT H. WHITLEY, 8756
CHARLES M. WICKMAN, 4825
TIMOTHY J. WILLIAMS, 0373
TOMMY J. WILLIAMS, 4230
ROBERT D. WILLIAMSON, 7040
DEACON L. WINTERS, 9888
JUNE A. WISE, 3782
DAVID H. WUEST, 5499
JOHN M. ZBYSZINSKI, 0977
DEBRA S. ZELENAK, 6320

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 624:

To be major

CARLTON W ADAMS, 6346
THOMAS R ADDISON, 8690
BRAD J AIELLO, 4419
ANDREW P ALBANO, 9129
RICHARD D ALBER, 5756
AMY B ALGER, 3425
DARREN M ALVAREZ, 5168
DAVID E ANDERSEN, 4155
BRIAN C ANDERSON, 0698
RYAN L ANDERSON, 9631
JAMES P ANKNEY, 7322
JENNIFER A ARCHBOLD, 2476
KELVIN M ARTIS, 1764
IAN T ARVIZO, 4066
JOSEPH J ATHERALL, 3561
RICHARD M ATKINSON, 0154
MIGUEL A AYALA, 0907
JOHN C BAILEY, 6068
MITCHELL S BALL, 5510
ANTHONY J BANGO, 8523
DAVID M BANNING, 5559
STEVEN K BARRIGER, 4145
SHAWN M BASCO, 3480
JOHN M BASEEL, 9425
CHARLES J BASHAM, 3694
JAMES A BATES, JR, 6075
CHRISTOPHER B BATTS, 9133
LONNIE R BEBERNISS, 8656
RICHARD D BELLISS, 4444
ANDREW J BELOVARAC, 8928
SHAWN B BELTRAN, 8872
JAMES P BERNTHAL, 0530
JOHN J BERTAGNA, 2370
JOSEPH T BERTAGNA, 1032
CEDRIC C BEVIS, JR, 7394
TODD W BIRNEY, 0464
HENRY L BLACKSHEAR, JR, 6743
WILLIAM E BLANCHARD, 7735
SPENCER S BLODGETT, 8119
JOHN P BOBO, 4338
JAMES A BOERIGTER, 8101
DANIEL J BOERSMA, 3756
JAMES Y BOUNDS II, 0523
MICHAEL A BOWERS, 0949
COLIN J BRAINARD, 9352
BRADLEY S BRENNAN, 6285
JAMES J BROWN, 7354
JASON P BROWN, 4610
MICHAEL D BROYAN, 7718
MICHAEL R BRUBAKER, 5455
VINCENT R BRYAN, 8156
TOBY P BUCHAN, 7692
JAMES E BUCK, 0958
BART A BUCKEL, 3786
PAUL R BULLARD, 7503
BRIAN P BURGESS, 2097
ROBERT B BURGESS III, 8243
ANDREA S BURNS, 6450
KYLE R BURRESS, 5956
DANIEL P BUTLER, 9226
MICHAEL J BUTLER, 4332
ANDREW F BYRD, 4823
MICHAEL K CAGLE, 1834
BRIAN C CALLAGY, 6970
RICHARD D CALLAHAN, 6690
DARREN A CANAVAN, 8422
RODERICK D CAPILI, 6699
CHARLOTTE J CARPENTER, 8071
SAMUEL H CARRASCO, 0695
ANITA W CARROLL, 5460
GEORGE T CARROLL, 3208
ROMAN K CASON, 4965
MICHAEL S CASTELLANO, 0915
THOMAS H CHALKLEY, 0641
BRYAN M CHAMBERS, 4334
ANDREW G CHAPMAN, 6112
MICHAEL J CHARNEY, 0465
JAMES F CHERRY, JR, 8905
VICTOR A CHIN, 9723
LESLEY W CHIU, 7202
STEVEN A CHOJNACKI, 4460

MARK W CHRISTENSON, 2055
RUTH E CISNEROS, 3665
THEODORE A CISOWSKI, 3136
THOMAS G CITRANO, 3474
BRETT A CLARK, 6448
THOMAS B CLARKSON, 8888
CRAIG C CLEMANS, 5060
DEVIN L CLEPPER, 0032
ADRIAN K CLEYMANS, 2154
SCOTT E COBB, 2542
SCOTT J COCKERHAM, 4320
BRIAN K COCKRIEL, 2860
STEVEN M COGAR, 7522
DANIEL H COLEMAN, 2859
COREY M COLLIER, 4270
TERENCE M CONNELLY, 9416
SEAN P CONNOLLY, 1208
DANIEL P CONNOR, 6408
JAMES B CONWAY, 9183
SCOTT M CONWAY, 2831
DAVID E COOPER, 6164
SUSANNA R COOPER, 3208
LAURA L CORPORON, 1160
MIMI COTTRELL, 8752
KYLE C COUGHLIN, 8277
MARK D COUSINS, 0188
KARL D CRNKOVICH, 7351
ARTHUR A CROWE III, 3060
AARON M CUNNINGHAM, 2090
WALTER N CURRIER, JR., 1128
CHRISTOPHER J CURTIN, 6968
MICAH Q CURTSINGER, 0125
PHILIP D CUSHMAN, 0185
JON A CUSTIS, 2172
ARNOLD E DALE, 5442
ALISON L DALY, 8197
CLAYTON A DANFORD, 9751
EDWARD J DANIELSON, 2986
JON W DAVENPORT, 2281
BRADLEY T DAVIN, 8033
JEREMY L DAVIS, 7282
CHAD E DEAN, 1112
JASON M DECOTEAU, 1307
JOHN Y DELATEUR, 7476
WILLIAM R DELORENZO, 6930
ARMANDO R DELSI, 9003
ERIC R DENT, 9654
JOHN J DEPINTO, JR., 4437
EDWARD J DEVEAU, JR., 8742
WILBERT DICKENS, 2807
STEPHEN M DICKERSON, 4675
SEAN C DICKMAN, 4899
JAMES A DISIMONE, 9189
JASON P DOIRON, 4716
JOSEPH E DONALD III, 0284
MARK T DONAR, 4053
LEONARD V DORRIAN, JR., 4690
DOUGLAS D DOWNEY, 3749
ANDREW S DREIER, 1771
KEVIN M DUFFY, 6416
WILLIAM D DUNCAN, 8573
THOMAS J DUNN III, 3423
JAN R DURHAM, 0340
JUSTIN W DYAL, 3080
ANDREW D DYER, 0245
GREGORY C EARNEST, 6760
AMY R EBITZ, 2180
JASON M EBY, 9991
MICHAEL J EBY, 1715
ALEXANDER J ECHEVERRIA, 4100
LARRY R ECK, 4257
AARON D ECKERBERG, 0981
CHAD W EDWARDS, 2509
JUSTIN W EGGSTAFF, 2183
GEORGES T EGLI, 6590
MARK W ELFERS, 8963
JHAKE ELMAMUWALDI, 9200
ERIC L EMERICH, 7110
ARMANDO ESPINOZA, 8564
JERRY J ESTELL, JR., 4949
DAVID R EVERLY, 2967
HOWARD C EYTH III, 5828
JAMES P FARRELLY, 6124
MARY H FAST, 1826
JOHN D FERGUSON, 9684
PAUL F FILLMORE, 3735
ROBERT B FINNERAN, 2842
MICHAEL J FITZGERALD, 0486
CHRISTIAN R FITZPATRICK, 4245
JOHN D FLEMING, 1005
RONALD T FLORA, JR., 8120
JOHN P FLYNN, 1987
PETER T FORSYTHE, 3964
VICTOR A FRAUSTO, 3978
CESAR Y FREITAS, 4449
FRANK I FRITTMAN, 7554
TODD A FUJIMOTO, 0578
JEFFREY M GAGNON, 8440
RONALD E GAINES, 8906
TRAVIS T GAINES, 2331
JORGE L GALLEGOS, 1050
PATRICK C GALLOGLY, 8228
FRED C GALVIN, 8340
MATTHEW C GANLEY, 6135
GILBERT O GARCIA, 5483
HARRY L GARDNER, 3664
THOMAS H GARNETT IV, 1039
ROBERT J GEORGE, 4832
CHRISTOPHER E GEORGI, 2274
CHRISTOPHER T GIBSON, 7332
TRENT A GIBSON, 2294
CLIFFORD W GILMORE, 9118
JASON P GLOWACKI, 8608
ARMANDO GONZALEZ, 7714
MICHAEL D GONZALEZ, 0350
MATTHEW T GOOD, 3825
MICHAEL S GOODWIN, 1745
DAVID T GOTTLIEB, 6862
WILLIAM S GOURLEY, 1982
DANIEL GRANADO, 5041
KENNETH J GRANT, 5465
TRACY D GRAY, 7178
EDWARD C GREELEY, 1710
BRUCE V GREENE, 5816
JAMES C GREENLY, 8195
JOHN F GRIFFIN, 8938
DANIEL B GRIFFITHS, 1216
TAYLOR L GRIMES, 9240
ERIC J GRIMM, 6294
JEFFREY D GROHARING, 3514
JOSEPH E GUIMOND, 1587
JAIME L GUTIERREZ, 9687
TREVOR HALL, 1642
DARREN M HAMILTON, 0833
JASON A HAMILTON, 3023
DAVID B HANEY, 9438
SHAWN D HANEY, 1459
SEAN M HANKARD, 7045
BRANDON L HANSEN, 7893
EDDY I HANSEN III, 2460
JEFFREY D HANSON, 6663
MICHAEL J HANSON, 9440
BRIAN J HARDY, 1985
BRADLEY J HARMS, 1594
ALLEN A HARPER, 6288
BRENDON G HARPER, 4583
RICHARD J HARRINGTON, 0643
JOHN E HARRIS, 3654
TIFFANY N HARRIS, 9720
DANIEL P HARVEY, 1573
BRIAN K HARWELL, 5221
KELLY K HASTINGS, 1220
AARON J HAUG, 2258
RICHARD HAWKINS, 2931
CHRISTOPHER C HAY, 4824
BRIAN G HEATHERMAN, 1551
BRUCE M HEMPHILL, 4071
WILLIAM T HENNESSY, 1325
CHRISTIAN HERNANDEZ, 3238
JAMES A HERR, 4685
JOSEPH D HICKS, 9844
BRYAN E HILL, 5644
KISHA M HILL, 8715
WILLIAM D HILL, 8875
GLEN R HINES, JR., 1343
JOHN D HIOTT, 0079
TIMOTHY A HITZELBERGER, 1225
JOEL M HOFFMAN, 3730
CHRISTOPHER L HOLLOWAY, 7378
BRADLEY W HORTON, 3482
STANLEY M HORTON, 3551
ROBERT A HUBBARD, 0878
DAVID T HUDAK, 7641
JOSEPH R HUTCHESON, 4964
ROBERT M HUTTO, 7548
THOMAS F JASPER, JR., 7126
SCOT C JAWORSKI, 2894
BRIAN L JENKINS, 0626
TIMOTHY J JENT, 1339
ERIK W JILSON, 4522
MICHAEL T JOHANNES, 6606
CHRISTIAN F JOHNSON, 3713
GEORGE W JOHNSON, 7509
JENNIFER L JOHNSON, 1556
JIMMIE JOHNSON, 2531
MICHAEL S JOHNSON, 8405
JAMES B JONES, 7139
CHERISH M JOOSTBERNS, 7173
RICHARD D JOYCE, 0405
STEPHEN P KAHN, 3293
DANIEL B KALSON, 3593
MICHELE I KANE, 2184
BRIAN E KASPRZYK, 2408
KEVIN J KEATING, 5358
JOHN K KELLEY, 0674
TRAVIS S KELLEY, 0688
ERIC W KELLY, 1726
NICOLE A KELSEY, 3511
JESSE A KEMP, 2314
PHILIP B KENDRO, 9323
JEFFREY R KENNEY, 0167
MARK D KERBER, 9642
MICHAEL G KERKHOVE, 8110
MATTHEW D KERLIN, 6450
JOHN C KETCHERSIDE, 0460
JASON D KINDRED, 0221
CHESTER J KING, 5052
STEPHEN N KLOTH, JR., 7534
JUSTIN W KNOX, 3200
JANA S KOFMAN, 4540
NICHOLAS E KONICKI, 0319
EDWARD C KOOKEN, 5636
CHRISTOPHER A KRAJACICH, 4487
SAMUEL LABOY, 6925
CHRISTOPHER L LAJEUNESSE, 7728
DAVID L LANE, 9585
LUIS F LARA, 0719
KRISTEN A LASICA, 6906
DAVID A LAW, 2333
JOSEPH J LEBRYK, 6636
ALAN J LECOMPTE, JR., 2185
DANNY R LEDFORD, 6004
KENNETH A LEE, 2156
VELVETH S LEE, 9888
WILBUR LEE, 9589
DANIEL J LEVASSEUR, 3244
JASON A LEVY, 5102
DEVIN O LICKLIDER, 0334
MICHAEL E LINDBLOM, 0589
CURTIS A LINEWEAVER, 8708
AARON C LOCHER, 5608
JONATHAN P LONEY, 1033
JOHN P LONGSHORE, 1738
JOSE M LOPEZ II, 3622
NARCISO LOPEZ III, 6361
GREGORY B LOVETT, 1978
JASON A LOWER, 9425
HENRY K LYLES, 7845
JAIME MACIAS, 6234
PAUL D MACKENZIE, 8391
BRADLEY M MAGRATH, 8270
PETER J MAHONEY, 9189
ERIC C MALINOWSKI, 6891
SCOTT D MANNING, 1461
DONALD G MARASKA, 9764
AIMEE G MARES, 5560
GABRIELLE MARGULASCHAPIN, 8440
RICHARD E MARIGLIANO, 4352
FRANK Q MARILAO, 7273
CHRISTOPHER M MARISE, 2715
MICHAEL A MARMON, 6303
NEVIN M MARR, 6080
ANDREW V MARTINEZ, 5269
ROBERTO J MARTINEZ, 6989
JACOB M MATT, 4865
MATTHEW M MAZ, 1657
JOHN J MAZZARELLA, 9388
KRISTIN L MCCANN, 2136
FRANK L MCCLINTICK, 0488
ROBERT W MCCRACKEN IV, 9337
LYLE L MCDANIEL, JR., 7794
ERIK P MCDOWELL, 0335
DOUGLAS S MCLEAN, 7690
ANDREW J MCNULTY, 7429
ANDREW B MCVICKER, 6737
ROBERT T MEADE, 7445
PAUL F MEAGHER, 1087
JOHN L MEDEIROS, JR., 9064
JOSE R MEDINA, 8712
DOWAL E MEGGS, JR., 1530
RAMON J MENDOZA, JR., 2597
TODD A MENKE, 6352
SCOTT O MEREDITH, 2701
PAUL C MERIDA, 9074
MANUEL A MERINO, 3944
ALAN M MERRELL, 3069
MARK W MICKE, 0810
ALFRED L MILLER, 7562
ODELL MILLER III, 5637
PAUL R MILNE, 4036
CHARLES A MIRACLE, 1046
MARTA J MOELLENDICK, 9961
MICHAEL J MONROE, 6543
DONALD B MOOR, 0699
THOMAS L MOORE II, 5546
TOBY F MOORE, 4512
JONATHAN C MOREL, 7318
DAVID C MORZENTI, 8220
CASON A MOSS, 1387
MICHAEL M MOTLEY, 0366
ANTHONY J MURALT, 1495
MARK J MURATORE, 1285
STEVEN B MURPHY, 0160
KYLE D MURRAY, 4062
LISA B MUSCARI, 8852
KENNETH C MUSIAL, 6102
BARTON K NAGLE, 8495
MATTHEW R NATION, 9016
DAVID R NETTLES, 7519
BRIAN J NEWBOLD, 1424
LUCAS J NICHOLS, 9175
JASON L NICKERL, 3696
JOHN C NORTON, JR., 0062
GEORGE NUNEZ, 9433
THOMAS F OATES, 3164
BRENDAN G OCONNELL, 5591
CHRISTOPHER P OCONNOR, 1737
MICHAEL F OLNESS, 6467
ROBERT B ORR, 6504
JOHN M ORSMOND, 1010
JESSE E ORTEGA, 0834
MATTHEW W OSBORNE, 6518
KENNETH G OWENS, 8540
NEIL J OWENS, 1523
STEVEN J PACHECO, 9436
FELIPE PAEZ, 5298
JAMES H PALMER, 6984
RICHARD A PARADISE, 0123
BREVEN C PARSONS, 4055
LANCE G PATRICK, 7257
TOBY D PATTERSON, 8329
TERRY M PAUSTENBAUGH, 7637
CORNELL A PAYNE, 7412
JABARI A PAYNE, 1322
JASON L PAYNE, 0822
STEVEN J PAYNE, 5092
MICHAELA C PEARSON, 4887
NORA E PENCOLA, 0506
TIMOTHY W PERRY II, 3866
DAVID J PERSONS, JR., 3852
CRAIG O PETERSEN, 3086
MARK A PICKETT, 3774
JOHN M PICUDELLA, 9315
JOSEPH M PLENZLER, 6761
JAMES S PLUTA, 9340
RUSSELL M POOL, 7558

ALLEN W PORTER, 3337
MICHAEL D PORTER, 6105
TIMOTHY R POWLEDGE, 6653
THOMAS R PRZYBELSKI, 3170
STEVEN D PUCKETT, 1995
EUGENE R PURSEL, 7786
HAROLD W QUALKINBUSH, 5321
EDWARD L QUINN, JR, 0664
RORY B QUINN, 8936
JOHN D QUINTANA, 9757
MICHAEL P QUINTO, 5387
MARK A RAFFETTO, 8722
JEFFREY R RAITHEL, 4731
EDWARD J RAPISARDA, 0727
HUGH J REDMAN, 0354
JORDAN D REECE, 1305
KEVIN G REECE, 7010
HEATH M REED, 5422
CHESTER T REESE, 6302
ARTHUR J REGO, 2722
JAMES J REISS III, 8329
ROBERT F REVOIR, 5619
JERSEY Y REYES, 2968
ROBERT B RICHARDSON, 9019
BRIAN T RIDEOUT, 9464
STEPHEN C RIFFER, 7031
JOSHUA A RIGGS, 0467
WILFRED RIVERA, 4260
ANTHONY J ROBINSON, 6341
CHRISTOPHER A ROBINSON, 8872
MARK C ROBINSON, 1791
MATTHEW G ROBINSON, 7193
PATRICK R ROBINSON, 7468
BRENDAN M RODDEN, 5189
ANDREW L RODGERS, 0237
CESAR RODRIGUEZ, 1184
ADRIAN B ROMERO, 3095
KELLY D ROYER, 0230
RICHARD A ROYSE, 9528
JOHN P RUFFINI, 7756
LEE M RUSH, 4426
BRIAN E RUSSELL, 1072
DAVID F SADLIER, 6783
NORMA SALAS, 9482
RAUL L SALCIDO, 1627
JEFFREY K SAMMONS, 2430
MATTHEW D SAMS, 7344
ALFRED M SANCHEZ, 0390
DENNIS A SANCHEZ, 4147
DONALD R SANDERS, 8545
TODD B SANDERS, 9045
MARK K SAUER, 4348
BRIAN S SCHENK, 7643
KURT J SCHILLER, 5049
STEVEN R SCHNUR, 4498
WILLIAM F SCHOEN, JR, 2305
SAMUEL C SCHOOLFIELD, 1973
LOUIS M SCHOTEMEYER, 0651
WILLIAM J SCHOUVILLER, 6757
DEAN A SCHULZ, 2584
JAMES T SCOTT, 3981
GREGORY G SEAMAN, 8018
SCOTT D SEEDER, 3050
ANDROY D SENEGAR, 4972
ERIC S SEUBRING, 9598
BRIAN P SHARP, 9781
MICHAEL A SHAYNE, 8468
EDWARD J SHEA, 6910
JAMES L SHELTON, JR, 3588
LADD W SHEPARD, 8277
BRAD J SHERMAN, 0537
ROBERT W SHERWOOD, 2702
FRANK R SHONE, JR, 1636
MATTHEW R SIMMONS, 0085
JONATHAN H SKIPPER, 1296
MATTHEW M SKIRMONT, 0840
BRIAN A SKOUSE, 8007
BRIAN L SMITH, 6122
PHILIP B SMITH, 6596
REGINALD J SMITH, 9512
TRES C SMITH, 6803
PETER R SOLANO, 3102
ROBERT B SOTIRE II, 7580
JOHN M SOUTH, 8960
DAMIAN L SPOONER, 3837
MARTIN V STARTA, 8645
ERICH I STEFANYSHYN, 3701
GARRY T STEFFEN, 3001
JEFFREY R STEVENSON, 4009
JERRY A STEVENSON II, 9770
JEFFREY D STONE, 1130
WILLIAM C STOPHEL, 1091
PAUL K STOUT, 7417
JARROD W STOUTENBOROUGH, 9882
TERRI M SUMNER, 3556
JAMES G SWEENEY, 6209
MICHAEL S SWINGLER, 1526
DANIEL E TARBUTTON, 1392
COLON TAYLOR III, 3858
CHRISTOPHER J TEAGUE, 8383
GARY W THOMASON, 7988
KELSEY R THOMPSON, 9298
BRADFORD W TIPPETT, 6307
KEITH H TOPEL, 6694
JAVIER A TORRES, 4814
JAMES J TOTH, 6929
STEVEN R TURNER, 2111
MARK L UNGER, 9363
CHRISTOPHER J USREY, 2099
GREGORY S VALLHONRAT, 4116
RICHARD W VARACALLE, 3543
JAY D VAUGHN, 2586
JOSE A VERDUZCO, JR, 1056
SCOTT A VOIGTS, 9649
WOLFGANG W VONASPE, 8535
BRIAN J VONHERBULIS, 3246
JASON C VOSE, 9347
DANIEL C WAGNER, 6715
MICHAEL L WAGNER, 7700
WILLIAM F WAHLE, 3501
KIPP A WAHLGREN, 7541
DAVID T WALLACE, 9663
ERIC G WALTERS, 2836
LAWRENCE M WALZER, 3444
JEFFREY P WARBIANY, 5897
TERRANCE D WARDINSKY, JR, 1931
ANDREW B WARREN, 3839
JOHN I WASCHER, 3843
ROBERT S WASHINGTON, 1334
BRENDA L WASSER, 9551
TIMOTHY B WATERBURY, 6449
ROBERT S WEILER, 2532
ANDREW J WEIS, 3054
JAMES M WEIS, 7119
SIDNEY R WELCH, 6581
SCOTT A WESTERFIELD, 1677
BRADLEY C WESTON, 2771
DON M WHITE, 5078
JAMES A WHITLEY, 0992
WILLIAM T WILBURN, JR, 0016
JUSTIN P WILHELMSEN, 1039
DAVID E WILKERSON, 2417
JOHN D WILKERSON, 0294
PHILIP A WILLIAMS, 9531
CHARLES P WINCHESTER, 5612
ESTHER F WINGARD, 5323
BRIAN D WIRTZ, 3710
ERIC S WOLF, 4542
MATTHEW A WOODHEAD, 7892
MATTHEW J WORSHAM, 9127
ELLYN M WYNNE, 8409
WALTER YATES, JR, 4171
JUDY J YODER, 9437
ERIC W YOUNG, 2289
GERALD K YOUNG, 4262
JOSHUA S ZAGER, 4164
LUIS R ZAMARRIPA, 7823
DOUGLAS A ZEMBIEC, 6057
CHARLES T ZINNA, 4740
WAYNE R ZUBER, 9857

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS RESERVE UNDER TITLE 10, U.S.C., SECTION 12203:

To be colonel

KEITH R ANDERSON, 6020
KURK P ANDERSON, 5375
RUSSELL L ANDERSON, 4296
LOUIS B AVILA, 6567
TIMOTHY J BAILEY, 2112
BROOKS S BAKER, 9400
ANDREW K BALDING, 7750
PETER J BARNETT, 4329
RONALD E BARTO, 5001
RICHARD D BELL, JR, 4758
JOHN S BOBROWIECKI, JR, 6500
MARK R BOUNDY, 2646
JOSEPH BRYANT, 9825
MICHAEL W CALLAGHAN, 3688
JOHN D CARNIVAL, 4169
MICHAEL P CHENE, 6904
ARTHUR L CLARK, 0698
JOHN L CLONINGER, JR, 9163
RICHARD A CONNELL, 8002
DAVID W COUVILLON, 9781
THOMAS D CRAWFORD, 8977
FRANCIS X DELUCA, 1621
RICHARD E EDGINGTON, 7512
GLENN K EDISEN, 4880
KENNETH A EVERILL, 3772
JOHN P FAIRGRIEVE, 1246
HARRY A FRANK, 9519
JOHN F GARRELTS, 4136
TIMOTHY A GREEN, 9712
DONALD A GROVES, 0740
WAYNE J HALLEM, 9396
ROY D HARLAN, 8383
JIMMIE P HARMON, 9523
ANTHONY Q HATTEY, 2216
JOHN W HAVERTY, 9749
WESLEY C HERBOL, 8268
RICHARD M HIRSCH, JR, 3177
ERIC HODGSON, 5271
MICHAEL J HOLLIS, 8143
JOHN J HOUTCHENS, JR, 7580
MICHAEL J HUSSEY, 1265
JOSEPH A IRRERA, 5372
GREGORY A JACKSON, 5688
MITCHEL S JACKSON, 3042
FRED D JAMESON, 1892
JOHN S JULIAN, 8543
PHILIP E KARLE, 4220
THOMAS M KEARNEY, 1839
DANIEL P KELLY, 5666
ROBERT J KILMARTIN, 2495
TONY L LAND, 0736
DAVID W LITAKER, 1379
GARY R LOPEZ, 6135
JOHN LOWRY III, 2976
BRADLEY J MACPHERSON, 1780
DOUGLAS M MAGOFFIN, 3542
ALAN F MANGAN, 8595
JAMES J MAXWELL, 2970
SHERYL S MCCONNELL, 6362
JOHN F MCELROY, 6546
MARCELA J MONAHAN, 6400
RICHARD D MULLEN, 6847
GERALD F NALEPA, 9753
GRANT F NEWSHAM, 2769
PATRICK J OCONNOR, 6019
WILLARD T PARKER, JR, 9275
STEVEN L PARRISH, 7637
BARRY D PEARSON, 3656
SARA PHOENIX, 6332
VINCENT E PLAIR, 8510
EUGENE K POLK, 1018
CARL F PROSACK, 7765
THOMAS J QUIGLEY, 0642
STEVE RALPH, 6007
MICHAEL E REHEUSER, 9159
FRANK P RICAPITO, 8732
PATRICK B ROBERTS, 3839
JAMES D ROGERS, 2833
KEITH A ROSDAHL, 9043
PETER J RUSSETT, 3985
JEFFREY A SCHAF, 7327
DUANE T SILVESTRI, 0422
ROBERT W SPRAGUE, JR, 4922
GARY W STOREY, 8518
DWIGHT H SULLIVAN, 7472
MARK A SULLIVAN, 5771
JOHN M SUTHERLAND, 2756
TIMOTHY J THORSEN, 9096
LIONEL B URQUHART, 2577
ORLANDO M VALORE, JR, 2331
ANDREW P VEITH, 9130
MAARTEN VERMAAT, 5983
JAMES P WADE, 0875
JAMES C WHARTON III, 8158
KEVIN B WILLIAMS, 8669
HARVEY J WILLOUGHBY, 4200
CRAIG G WOLFGRAM, 3835
GREGORY M WOODWARD, 1840
GARY K WORTHAM, 0180

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

JASON K BRANDT, 4501
THOMAS A BUECKER, 5051
GARY L CAVE, 4627
YONG K CHA, 5286
ANTHONY S DUTTERA, 6878
JEFFREY J FLOGEL, 9793
WILLIAM P HARRAH, 2169
JAMES B HICKS, 0042
KREG L KELLY, 7594
TIMOTHY A PELNARSCH, 6113
CHRISTOPHER A ROBERTO, 3539
PAGE E SMALL, 3339
CRAIG T THAYER, 1089
RONALD L WITHROW, 0996

CONFIRMATION

Executive nomination confirmed by the Senate Monday, January 31, 2005:

DEPARTMENT OF ENERGY

SAMUEL W. BODMAN, OF MASSACHUSETTS, TO BE SECRETARY OF ENERGY.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a Computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, February 1, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 2

9:15 a.m.
Environment and Public Works
To hold hearings to examine S. 131, to amend the Clean Air Act to reduce air pollution through expansion of cap and trade programs, to provide an alternative regulatory classification for units subject to the cap and trade program.
SD–406

9:30 a.m.
Judiciary
To hold hearings to examine FELA issues relating to asbestos.
SD–226

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the U.S. Tsunami Warning System, and S. 50, to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program.
SR–253

Finance
To hold hearings to examine long term outlook for social security.
SD–215

Health, Education, Labor, and Pensions
Organizational business meeting to consider an original resolution authorizing expenditures for committee operations, committee's rules of procedure for the 109th Congress, and subcommittee assignments.
SD–430

Homeland Security and Governmental Affairs
To hold hearings to examine the nomination of Michael Chertoff, to be Secretary of Homeland Security.
SD–342

4 p.m.
Armed Services
To receive a closed briefing regarding training of Iraqi security forces.
SR–222

FEBRUARY 3

Time to be announced
Homeland Security and Governmental Affairs
Business meeting to consider the nomination of Michael Chertoff, to be Secretary of Homeland Security.
Room to be announced

9:30 a.m.
Judiciary
Business meeting to consider pending calendar business.
SD–226

10 a.m.
Armed Services
To hold hearings to examine U.S. military operations and stabilization activities in Iraq and Afghanistan.
SH–216

Energy and Natural Resources
To hold hearings to examine global energy trends and their potential impact on U.S. energy needs, security and policy, focusing on the 2005 annual energy outlook, perspectives on emerging world energy trends, including key factors affecting energy supply (such as OPEC and Russia) and energy demand (such as Asia).
SD–366

Veterans' Affairs
To hold hearings to examine benefits for survivors of those killed in the line of duty.
SR–418

11 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings to examine the effects of Bovine Spongiform Encephalopathy (BSE) on United States imports and exports of cattle and beef.
SD–106

2 p.m.
Appropriations
Commerce, Justice, State, and the Judiciary Subcommittee
To hold hearings to examine the Federal Bureau of Investigation's Information Technology Modernization Program, Trilogy.
SD–192

Aging
To hold hearings to examine current and future social security issues.
SD–628

FEBRUARY 8

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the role of credit rating agencies in capital markets.
SD–538

Energy and Natural Resources
Public Lands and Forests Subcommittee
To hold hearings to examine the implementation of Titles I through III of P.L. 106–393, the Secure Rural Schools and Community Self-Determination Act of 2000.
SD–366

FEBRUARY 9

11:30 a.m.
Energy and Natural Resources
Business meeting to consider pending calendar business.
SD–366

FEBRUARY 10

9:30 a.m.
Armed Services
To hold hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

FEBRUARY 15

9:30 a.m.
Indian Affairs
To hold hearings to examine the President's fiscal year 2006 budget request for Indian programs.
SR–485

10 a.m.
Veterans' Affairs
To hold hearings to examine the Adminstration's proposed fiscal year 2006 Department of Veterans Affairs budget.
SR–418

2:30 p.m.
Foreign Relations
To hold hearings to examine CIA document disclosure under the Nazi War Crimes Disclosure Act.
SD–226

Judiciary
To hold hearings to examine certain issues relative to CIA document disclosure under the Nazi War Crimes Disclosure Act.
SD–226

FEBRUARY 16

9:30 a.m.
Indian Affairs
To continue hearings to examine the President's fiscal year 2006 budget request for Indian programs.
SR–485

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the semiannual monetary policy report to Congress.
SD–106

FEBRUARY 17

9:30 a.m.
Armed Services
To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

Foreign Relations
To hold hearings to examine democracy on the retreat in Russia.
SD–419

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:30 p.m.
Energy and Natural Resources
National Parks Subcommittee
To hold hearings to examine National Park Service's implementation of the Federal Lands Recreation Enhancement Act.
SD–366

MARCH 1

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of the Interior.
SD–366

MARCH 2

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Forest Service.
SD–366

MARCH 3

9:30 a.m.
Armed Services
To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.
SH–216

10 a.m.
Energy and Natural Resources
To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of Energy.
SD–366

MARCH 8

2 p.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Disabled American Veterans.
345 CHOB

MARCH 9

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Veterans of Foreign Wars.
SH–216

MARCH 10

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans.
345 CHOB

APRIL 14

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.
345 CHOB

APRIL 21

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.
345 CHOB

SEPTEMBER 20

10 a.m.
Veterans' Affairs
To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.
345 CHOB

HOUSE OF REPRESENTATIVES—*Tuesday, February 1, 2005*

The House met at 2 p.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Come, let us rejoice in the Lord. Lift up your hearts and give thanks to our God, for He has done marvelous deeds."

As a Nation which loves the experience of living as the free children of God, let Americans now rejoice with our brothers and sisters in Iraq.

We have been moved by their patient endurance of the past and by their heroic effort to create a future. Their cherished votes have been a sign of bravery to an anxious world. Their united voice may yet drown out threats of terrorism as they take bold steps in building a pluralistic society.

We are grateful to You, our God, for the international military forces who, with their very lives, have surrounded this prayerful people. Reward all of them for their service and their sacrifices in the name of freedom by granting Iraq the promise of a better tomorrow and, in the end, lasting peace.

To You, O God, be honor and glory now and forever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio (Mr. KUCINICH) come forward and lead the House in the Pledge of Allegiance.

Mr. KUCINICH led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 20. Concurrent resolution providing for a joint session of Congress to receive a message from the President.

The message also announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 7. Concurrent resolution congratulating the people of Ukraine for conducting a democratic, transparent, and fair runoff presidential election on December 26, 2004, and congratulating Viktor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the Republican Leader, announces the appointment of the following Senator as a member of the United States Capitol Preservation Commission:

The Senator from Mississippi (Mr. COCHRAN), vice the Senator from Colorado (Mr. Campbell).

The message also announced that pursuant to section 4(a)(3) of Public Law 94–118, the Chair, on behalf of the President pro tempore, appoints the following Senator to serve as a member of the Japan-United States Friendship Commission:

The Senator from Alaska (Ms. MURKOWSKI).

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PUTNAM) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, January 27, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on January 26, 2005 at 6:10 p.m.:

That the Senate agreed to without amendment H. Con. Res. 21.

Appointments: Joint Committee on Taxation.

With best wishes, I am
Sincerely,

JEFF TRANDAHL,
Clerk of the House.

IRAQI ELECTIONS

(Mr. DREIER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, at a meeting of Republican Members of the House and Senate this weekend, our distinguished majority leader, who has just come into the Chamber, reminded us that 24 years ago, on the 20th of January out here on the west front of the Capitol, Ronald Reagan said, "No weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women."

Mr. Speaker, we also this weekend witnessed the greatest example in recent times of that when we saw a people who, for a half a century have been living under repression, having no opportunity to express themselves, exercised that. The anecdotes are amazing. The story of the woman who literally gave birth at a voting station and then named her baby Democracy underscores the kind of success that we are seeing.

It is very clear that self-determination, political pluralism about which the chaplain just spoke, and the rule of law are on the move. The Iraqi people are to be both congratulated and thanked: congratulated, of course, because they are going to be able to enjoy their success; thanks for the message they are sending throughout the entire world.

WHAT NEXT FOR IRAQ?

(Mr. McGOVERN asked and was given permission to address the House for 1 minute.)

Mr. McGOVERN. Mr. Speaker, as I watched the people of Iraq cast their first ballots in 50 years, I was deeply moved by their courage, their rejection of violence, and their desire to define their own future. I salute the men and women of the U.S. Armed Forces who helped facilitate these elections. Their service will long be remembered by those who voted this weekend.

But what happens next? Iraq is no more secure today than it was last week. Iraqi insurgents and terrorist groups are no less determined to wreak havoc across Iraq. Our troops are no more protected today than they were last week. And the American people still have no clue about when the President plans to bring our troops home.

It is time, Mr. Speaker, for the President to change course, to level with the American people, and tell us how he is going to end this war and when he is going to bring our brave men and women home. No more extended deployments of our Guard and Reserves. No more multiple deployments of our active duty forces.

Mr. Speaker, it is time for George Bush to end this war. It is time to start the process to bring our troops home.

IRAQI ELECTIONS

(Mr. DELAY asked and was given permission to address the House for 1 minute.)

Mr. DELAY. Mr. Speaker, as we look back through history, there are shining examples of men and women removing a murderous tyrant's regime from power and in its place building a government that represents the will of a free people with the right to choose their own path and control their own future. Iraq is yet another shining example for other oppressed people throughout the world to look to for hope and encouragement.

History was made on Sunday, and the American people observed this, knowing that our efforts have created a society of hope and liberty, as well as new friends who share our vision of freedom. Two days ago, millions of ordinary people stood in line for hours for the opportunity to do an extraordinary thing we too often take for granted.

For weeks leading up to Sunday's election, terrorists threatened violence upon any Iraqi who defied their will and dared cast a ballot. And sure enough, as soon as the polls opened and the long lines formed, the terrorists came calling. While the troops of our liberating coalition, working closely with newly trained Iraqi forces, sprang into action, capturing and killing the insurgents, the voters waited patiently in line, in humble defiance of evil. For 2 years, America's troops have been deployed abroad, and for 2 years they have served honorably and heroically. Sunday, that service was affirmed by 8 million Iraqis who took it upon themselves to take the next steps towards their freedom.

What has been proven in the United States, and now in Iraq, is that a free society will not and cannot be deterred by violence, nor will it be held hostage by the evil will of terrorists. Today the people of Iraq share a common bond with Americans. The experience of freedom and liberty that was born on American soil is taking root in Iraq.

But Sunday's elections will not end the violence, nor the sacrifices we will make to ensure the freedom and security of the Iraqi people. I will tell you what is next. Despite the violent days that still lie ahead and despite the partisan rhetoric now being spouted to undermine the significance of Sunday's victory for freedom, the free people of Iraq know the truth. Two years ago Iraq was ruled by a brutal dictator. Just 13 months ago, coalition forces marked the end of the beginning when they captured the brutal dictator, Saddam Hussein. Today, it is a free democracy, an ally in the war on terror, and a lesson to everyone suffering under the oppressive rule of a hostile tyrant.

Freedom and terrorism cannot coexist; and last weekend in Iraq, we learned the inevitable result of that conflict. Iraq is free, her people are free, and they will no longer be held hostage by evil men and evil terrorists. Sunday in Iraq history was made by the people who showed up; and by the courage of 8 million patient souls, terrorism was struck another blow.

Because of those souls, and all the Iraqi men and women who made Sunday possible, we honor their commitment to freedom and will continue to stand shoulder to shoulder with them.

CALLING FOR INVESTIGATION OF $9 BILLION MISSING IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute.)

Mr. KUCINICH. Mr. Speaker, I have called for a Federal grand jury investigation of the administration's Coalition Provisional Authority which, according to the U.S. Inspector General, lost track of $9 billion in Iraq that it controlled over a period of 9 months, ending last October; $9 billion, gone.

Was the $9 billion stolen? Did it go to pay bribes? Do we have another Iran-Contra on our hands? We will not know until top U.S. officials under penalty of perjury are called before the grand jury to answer questions about the missing $9 billion. The administration's response has been, Hey, it's Iraq, it's chaos, it's war. I say, Hey, you can't account for $9 billion spent over 9 months. That is $30 million a day. And you want Congress to appropriate another $80 billion for Iraq? I do not think so. Investigate Iraq-gate and the unaccounted-for $9 billion.

IRAQI ELECTIONS

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Mr. Speaker, behind me you see a photograph that shows the true meaning of the Iraqi election. It is an Iraqi woman smiling, holding up the victory sign accentuated by the blue ink on her finger indicating that she had voted. That victory sign stands for victory over dictatorship, for victory over terror, victory for democracy, victory for freedom.

No wonder she is smiling. One voter remarked, and it may have been this woman, I moved to mark my finger with ink. I dipped it deep as if I was poking the eyes of all the world's tyrants.

I am so proud of all the men and women we have in uniform, because without their sacrifice, their service, their dedication to the cause of liberty, none of this would have been possible. They have once again spread freedom and in doing so have made America safer and more secure.

Some politicians have said that we should not overhype this election. Pardon me if I disagree. We should trumpet every victory for freedom from the highest mountaintops. Let freedom ring across the globe.

□ 1415

ADMINISTRATION USE OF TAXPAYER DOLLARS FOR PROPAGANDA

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, it seems every day another conservative columnist or pundit is being forced to admit they were being paid by the Bush Administration to make its policies look better to the public.

First, it was talk show host Armstrong Williams, who was paid $240,000 by the Education Department to promote the No Child Left Behind Act.

Then conservative columnist Maggie Gallagher admitted that she was paid $21,500 by HHS to promote pro-marriage initiatives.

Then, last Thursday, we learned conservative columnist Michael McManus was paid $10,000 to also promote the President's marriage initiative.

Mr. Speaker, last year alone the Bush administration funneled over $88 million in taxpayer money to public relation firms, and if this is not a waste of the taxpayers' money, I do not know what is.

Republicans should join us in a call for a congressional investigation into the administration's blatant use of taxpayer dollars for nothing more than propaganda.

MISSISSIPPI BURNING REVISITED

(Mr. KIRK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIRK. Mr. Speaker, I rise today to recognize three exceptional high school students in my District: Allison Nichols, Brittany Saltiel, and Sara Siegal. With the help of Barry Bradford, their inspirational teacher, what began as a National History Day project became an award-winning documentary entitled We Are Not Afraid.

These Stevenson High School students reexamined the Mississippi Burning case, the 1964 murders of three civil rights volunteers. In 1967, seven men were convicted on Federal conspiracy charges, but none were charged with murder. But, finally on January 6, 2005, a Mississippi grand jury indicted Edgar Ray Killen for the murders of these volunteers.

The efforts of these girls led me to cosponsor H. Con. Res. 457, which called on the Mississippi Attorney General to reopen the case; and I want to thank the gentleman from Mississippi (Mr. THOMPSON) for his leadership on this matter.

Mr. Speaker, this was a milestone for American justice. I could not be more proud of the interests and dedication of these young women, and I want to thank Mr. Bradford and the Stevenson High School team for their dedication to justice.

IRAQIS AHEAD OF THE CURVE

(Mrs. DRAKE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. DRAKE. Mr. Speaker, I rise today to extend my heartfelt congratulations to the Iraqi people for their bravery, their courage, and their sacrifice along the road to self-determination and sovereignty.

As I contemplate the recent progress in Iraq, I am reminded of the fact that it was 13 years from the time we declared our independence until we elected our first president.

In Iraq, it has been a mere 13 months since Saddam's capture. In America, it took 132 years for women to have the right to vote, but in Iraq women voted in their very first democratic election. This election is only the beginning of democracy in Iraq.

As their newly elected leaders draft a constitution this year, America's commitment to Iraq's security is critical. We must ensure that democracy and freedom take root and begin to thrive in the hearts and the lives of the Iraqi people.

I also believe as more nations in the Middle East move towards freedom and democracy, it will provide for a more secure and peaceful world.

RAISING THE MILITARY DEATH BENEFIT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, it is impossible to declare these elections in Iraq anything but a success, and we Americans join the Iraqis in their celebration, and rightly so.

I have been in e-mail contact with some of the Iraqis that I have met during my visit there, and I heard from some of our men and women in uniform, and they are proud of what they have achieved, and they are ready to keep working hard.

But, Mr. Speaker, no discussion of the election success is complete without recognizing the active duty, Reserve, and National Guard men and women who have given their lives in this war on terror in the Middle East. It is their sacrifice that is putting terrorism on the run. We cannot forget them, and we must not forget their families.

That is why the gentleman from South Carolina (Mr. WILSON) and I have introduced the Blackburn-Wilson Honoring Our Families and Fallen Soldiers Act today. We are joining Senator ALLEN in this effort. I ask my colleagues to cosponsor the legislation to increase to $100,000 the death gratuity benefit the family of a soldier killed in combat receives. Our bill would also make this benefit retroactive to October 1, 2001.

Mr. Speaker, it is the right thing to do.

PERSONAL RETIREMENT ACCOUNTS

(Mr. SAM JOHNSON of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SAM JOHNSON of Texas. Mr. Speaker, in the next few days I will introduce the boldest Social Security plan, one that will provide people with security, control and choice. There will be absolutely no change for current or near retirees.

We need to strengthen Social Security now by allowing younger generations to invest all of the Social Security tax they pay, or 6.2 percent, in a personal retirement account. The employer's share of the tax would stay in the system to fund retiree, near-retiree benefits and transition costs.

These accounts would give all involved control of their personal retirement dollars. Congress cannot take this money away. Personal retirement accounts will help people build a nest egg to pass on to their loved ones.

This solution is about the future. We need to strengthen Social Security with big personal retirement accounts now.

CELEBRATING JACKSONVILLE, FLORIDA

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, I rise to celebrate the city of Jacksonville, Florida, which is the host for the 39th Super Bowl championship this Sunday. I think a lot of people were dismayed and a little bit surprised to read about a sportswriter, Tony Kornheiser, when he denigrated Jacksonville last week in a Washington Post article.

Let me give the Members some interesting history about Jacksonville. Because of its strategic Atlantic Ocean port location, Jacksonville has always been involved in conflicts, appropriate, Mr. Speaker, enough for a Super Bowl host. Wars with Spain, France, the Revolutionary War, the Seminole Indian Wars, and the Civil War all touched Jacksonville. Twenty-five World War I steamers were launched from Jacksonville ports. In 1942, German spies infiltrated but luckily were captured before blowing up Florida's essential railroad lines. And, finally, Mr. Speaker, during the 1991 Persian Gulf War, what was the busiest military port in this country? You guessed it. Jacksonville moved more supplies and personnel than any other American port.

I am proud to represent part of this historical, important city and welcome Mr. Kornheiser and other guests to this Super Bowl weekend.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. PUTNAM). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

Mr. BOEHNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 23) honoring the contributions of Catholic schools.

The Clerk read as follows:

H. RES. 23

Whereas America's Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a superior scholastic education;

Whereas Catholic schools ensure a broad, values-added education emphasizing the lifelong development of moral, intellectual, physical, and social values in America's young people;

Whereas the total Catholic school student enrollment for the 2004–2005 academic year is about 2.5 million and the student-teacher ratio is 15 to 1;

Whereas Catholic schools teach a diverse group of students;

Whereas more than 26 percent of school children enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent are non-Catholics;

Whereas Catholic schools produce students strongly dedicated to their faith, values, families, and communities by providing an intellectually stimulating environment rich in spiritual, character, and moral development;

Whereas in the 1972 pastoral message concerning Catholic education, the National Conference of Catholic Bishops stated: "Education is one of the most important ways by which the Church fulfills its commitment to the dignity of the person and building of community. Community is central to education ministry, both as a necessary condition and an ardently desired goal. The educational efforts of the Church, therefore, must be directed to forming persons-in-community; for the education of the individual Christian is important not only to his solitary destiny, but also the destinies of the many communities in which he lives."; and

Whereas January 30 to February 5, 2005, has been designated as Catholic Schools Week by the National Catholic Educational

Association and the United States Conference of Catholic Bishops: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals of Catholic Schools Week, an event co-sponsored by the National Catholic Educational Association and the United States Conference of Catholic Bishops and established to recognize the vital contributions of America's thousands of Catholic elementary and secondary schools; and

(2) congratulates Catholic schools, students, parents, and teachers across the Nation for their ongoing contributions to education, and for the key role they play in promoting and ensuring a brighter, stronger future for this Nation.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. BOEHNER) and the gentleman from California (Mr. GEORGE MILLER) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio (Mr. BOEHNER).

GENERAL LEAVE

Mr. BOEHNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 23.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. BOEHNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Resolution 23, offered by the gentleman from Minnesota (Mr. KENNEDY). This resolution increases the awareness of Catholic education, while honoring the contributions of America's Catholic schools. They are dedicated to not only educating their students academically but to developing their moral, intellectual, physical, and social values.

January 30 through February 5, 2005, is Catholic Schools Week, an annual tradition in its 31st year, and jointly sponsored by the National Catholic Education Association, the United States Conference of Catholic Bishops as well. The purpose of this resolution and Catholic Schools Week is to celebrate the vital role Catholic elementary and secondary schools play in providing a values-added education with high standards of quality and excellence to millions of American children.

As President George W. Bush noted last year, "Catholic educators share the basic conviction that every child can learn," which is the grounding principle behind the No Child Left Behind Act.

And these schools continue to demonstrate their faith in every student and commitment to excellence with overwhelming results. According to the U.S. Conference of Catholic Bishops, Catholic schools have a graduation rate over 99 percent, and about 97 percent of Catholic high school graduates go on to post-secondary training at 4-year colleges, community colleges, or technical schools.

As a proud product of Catholic education from elementary school through my college years at Xavier University, I have found that my foundation in Catholic education has helped me to strengthen my sense of purpose in life and prepared me to help achieve my goals. My own State of Ohio has more than 500 Catholic schools, including my high school alma mater, Moeller High School, in Cincinnati. In Ohio, Catholic schools serve more than 167,000 students, including more than 51,000 students attending 134 Catholic schools in the Archdiocese of Cincinnati.

So I appreciate the great work being done by Catholic schools, their administrators and teachers, as well as their parents and volunteers. Catholic schools carry out their servant mission by building the academic achievement, character, and values of their students. I commend the gentleman from Minnesota (Mr. KENNEDY) for introducing this resolution and urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), minority leader.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time and commend the distinguished Chair of the committee and the gentleman from California (Mr. GEORGE MILLER), ranking member, for bringing this very important resolution to the floor today.

I am proud to rise to recognize the vital contributions of America's Catholic schools in our country, and I want to say right off from the start what my bias is in this area. My husband and I and our five children have attended over 100 years of Catholic school education, over 100 years of Catholic school education. There are about 6 years of Episcopal in there over and above, but 100 years of Catholic school education. So, needless to say, we worship at the shrine of the Catholic educational system in our country.

There are nearly 8,000 Catholic schools in America, and they educate nearly 2.5 million students every year. We solute Catholic schools for their dedication to educating the next generation of Americans and for their success in doing so. The education Catholic schools provide is exceptional and a true asset to our educational system. Catholic schools contribute not only to a student's intellectual development, and they do that very well, but also to a student's ethical and spiritual development. In short, they have a value-added component, values.

The theme of this year's Catholic Schools Week says it well: "Faith in every student." That means faith in the promise of every child and the promise to deepen every child's faith. As a devout Roman Catholic and a product of Catholic schools, as I said, 100 years my husband and I and our five children, this resolution is personal to me. I rely every day on the values, the confidence, and the sense of responsibility that were deepened for me by a Catholic education and being raised in a family that was the product of Catholic education as well. I know that many Members can make that statement.

My Catholic education helped me appreciate the gift of faith and the conviction that we all contain a spark of divinity and to recognize that spark of divinity in every person we encounter. It nurtured in me a commitment to community and to public service.

The Bible teaches us that to minister to the needs of God's creation is an act of worship. To ignore those needs is to dishonor the God who made us. That lesson should inform every debate we have here in Congress, whether it is education, health care, job creation, or the budget, which should be a statement of our national values.

As President Kennedy said so eloquently in his inaugural address, "With a good conscience our only sure reward, with history the final judge of our deeds, let us go forth to lead the land we love, asking his blessing and his help but knowing that here on earth, God's work must truly be our own."

□ 1430

Our Catholic schools prepare generation after generation for that critical task, and they deserve our national gratitude.

I join my colleagues in thanking all of the teachers, parents, and students at Catholic schools who make our country better.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 5 minutes to the gentleman from Minnesota (Mr. KENNEDY), the sponsor of the resolution.

Mr. KENNEDY of Minnesota. Mr. Speaker, I grew up as a minority; not in the traditional sense, but as an Irish Catholic in the land of Scandinavian Lutherans. The option of attending Catholic schools was not really available to my family, until we attended college. When that time came, my parents sent all seven of their children to the nearby Catholic Benedictine schools of St. John's University and the College of St. Benedict, a formidable feat given my father's salary from the local small-town insurance agency.

My first real encounter with Catholic elementary and secondary students was my interactions with the graduates from Catholic schools that I went to school with at St. John's. I was universally impressed by the quality of these students. They were not only well prepared for college, but they were friendly to a country hick like me. They were courteous, kind, respectful, caring. They say that you can tell a tree by its fruits. By this measure, I assumed Catholic schools must be great.

Then I sat in on a conversation in a dorm room with three graduates of Catholic high schools reminiscing on their high school experience. One of these students was so cynical about his Catholic education that I resolved never to send my children to Catholic school. Well, it turns out the cynical student became a priest, and so I changed my mind. Catholic schools really do nurture one's faith.

My next exposure to Catholic schools came when I attended graduate business school. We did a case study on a sports program there for a Catholic high school, and I will never forget how the room erupted into laughter when a fellow student proposed a solution that assumed that the Catholic schools would not be able to afford to invest in their extracurricular activities. Indeed, my fellow students already knew what I learned: that Catholic schools have great extracurricular programs, not just in sports, but in music, theater, math league, speech team, and much more.

My wife Debbie and I have four wonderful children. They have been able to experience the best of both worlds. They all graduated from Watertown Mayer Public Middle School and experienced the great public education that my wife and I received in Minnesota, but they also chose to attend Catholic high schools and get not just a great education, but be able to talk about how God influences the world around us and history as well.

We are pleased to see that they were nurtured in the Catholic spirit of helping others. They participate in many programs to help those in need. My daughter organized a food drive for Mary's Place, an outreach for the needy while she was at Holy Family Catholic High School. Emily collected enough from her fellow students to fill up our van.

They have kept that spirit alive even after graduating from high school and going on to college. Our son Charles, a graduate of St. John's Prep School, led a group of students from the University of Notre Dame to lend a hand in Appalachia last spring break, forgoing the more pleasurable trip further south. Catholic schools really do teach students to care.

Catholic schools provide a great education to 2.5 million students across America and have a student-teacher ratio that averages 15 to 1. I can attest to a quality education with two of our children now attending the University of Notre Dame. More than 26 percent of the students enrolled in Catholic schools are from minority backgrounds, and nearly 14 percent are non-Catholics. Catholic schools have done an extraordinary job of reaching out to disadvantaged youth throughout the country.

This week has been designated as Catholic Schools Week. The theme for Catholic Schools Week this year is "Faith in Every Student." Tomorrow is National Appreciation Day for Catholic Schools, and I urge my colleagues to join me in supporting my resolution that commends our Catholic schools and the teachers, parents, and religious communities that support them for their service to our Nation's youth.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong support of this resolution as we honor the contributions and accomplishments of the nearly 8,000 Catholic schools in our Nation, 75 in my diocese, that altogether shape the lives of nearly 2.5 million of America's young people.

Like so many of my colleagues on both sides of the aisle, I am a product of Catholic school, having attended it from elementary school to college. It was there, from the nuns, the good nuns at St. Louis Elementary School, Laurelton Hall, and Marymount College that I learned to nourish my mind and my heart; to reach out, to work hard, to fulfill my potential and be whatever I wanted to be.

But Catholic school also taught me to nourish my community, my neighbors, to give something back to my world, to the people of that world. It was that lifetime of Catholic education, from kindergarten through college, that in no small way moved me to serve the larger community, instilling in me a commitment to the issues that have always been central to my faith, issues such as jobs and education, child tax credit, homelessness, and protecting our environment.

Many of the values we were taught at Catholic school, values such as promoting the common good and peace, economic policies that include all children and families, and taking care of one another, formed the basis of many legislative accomplishments in public policy throughout the last century, particularly since Franklin Roosevelt. The results for programs like Social Security and Medicare and Medicaid, home loan mortgage assistance, housing for the elderly, the GI Bill, all have their roots in the Judeo-Christian traditions we were taught in Catholic schools.

Those are the ideals Catholic school instilled in me: a commitment to the moral purposes of government, a shared responsibility, which could not be clearer when we stand before the challenge of the poor and the less fortunate, who, as the Catholic bishops have stated, "have the single most urgent economic claim on the conscience of a nation."

I could not concur more. And this week that the House honors Catholic schools, I join my colleagues in recognizing the contributions of so many dedicated teachers, guidance counselors, and school staff that have provided millions of Americas with the framework necessary to become a productive, moral, and compassionate citizen within our increasingly diverse society. And for that, I, along with so many others, am eternally grateful.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 3 minutes to the gentleman from Pennsylvania (Mr. MURPHY).

Mr. MURPHY. Mr. Speaker, I am pleased to rise again this year to recognize the annual celebration of Catholic Schools Week. Catholic Schools Week is a collaboration of the National Catholic Education Association and the United States Catholic Conference to recognize the importance Catholic schools play in providing a values-enriched education to their students.

This year's theme is "Faith in Every Student," and this faith is alive and well in Pennsylvania. I am pleased to recognize over 32 Catholic schools in Pennsylvania's 13th district as they celebrate this week with many community and parish events to recognize their outstanding contributions to America's education.

It is important to note that America's Catholic schools admit students of every faith, and Catholic schools in Pennsylvania save taxpayers more than $1 billion each year. In addition, the St. Anthony's School Programs in Pittsburgh, Pennsylvania, helps Catholic and non-Catholic students with developmental disabilities to live their lives to their fullest, intellectually, socially, academically, vocationally, and spiritually, and has donated over $1.1 million this year to help special needs students receive quality education and life skills.

The Catholic schools have a dropout rate of less than 3 percent and provide extensive scholarships to low-income families. The Pennsylvania Catholic Conference reports that there are 192,562 Catholic school students attending 827 Catholic elementary and secondary schools in Pennsylvania's commonwealth. These are impressive statistics that display the hard work of Pennsylvania's parents, schoolteachers, principals, and school administrators in educating their students in faith.

I myself attended public schools for some years, but also attended St. Barnabas Elementary School and Walsh Jesuit High School and am proud to be a product of Catholic education. Today we should all continue our work together in celebrating this time with the Catholic schools around the Nation in order to make America a stronger and more compassionate country in a faith-built community, one child at a time.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. LIPINSKI).

Mr. LIPINSKI. Mr. Speaker, I rise today in strong support of House Resolution 23. Catholic schools have been educating American children since the founding of our country. They continue to serve as an important complement to our public schools and other private institutions, providing top-quality, values-added education for young students across the Nation.

In my district, which is located in the Chicago archdiocese, dozens of Catholic schools have planned events for students, teachers, and parents to enjoy and celebrate Catholic Schools Week. At Saint Symphorosa, students are participating in a community prayer service, a neighborhood ice cream social, and a variety of educational events. In addition, they are taking part in Vocation Appreciation Day.

Saint Francis Xavier in LaGrange, my home parish, they are celebrating with Student and Teacher Appreciation Days, an academic fair emphasizing student curriculum and student projects, and a special liturgy honoring teachers, students, and parents, all of whom make great contributions to the integrity and values of Catholic education.

As we honor Catholic schools, we need to especially pay tribute to the more than 163,000 Catholic school teachers nationwide. These dedicated sisters, priests, brothers, and lay teachers are the backbone of Catholic education. They sacrifice so much personally in order to provide a top notch education that serves our children very well in preparing them for the future.

My wife and I are each products of 12 years of Catholic elementary and secondary education: Judy in Johnstown, Pennsylvania, at Saint Patrick's grade school and Bishop McCourt High School; myself in Chicago at Saint Symphorosa Grammar School and Saint Ignatius College Prep. Although at the time I did not always appreciate their hard work, I have fond memories of my teachers who provided me with the fundamentals of a good education that laid the groundwork for future academic achievements. But just as important, they instilled in me the belief that I should use my God-given abilities to contribute to society. In doing this, they provided me with the inspiration for a career as an educator and as a public servant, just as they have inspired countless other Americans to contribute to our society.

Mr. Speaker, I strongly urge my colleagues to pass House Resolution 23.

Mr. BOEHNER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Louisiana (Mr. BOUSTANY), a new member of the Committee on Education and the Workforce.

Mr. BOUSTANY. Mr. Speaker, I rise today to participate in this debate on House Resolution 23, a resolution to honor the contributions of Catholic schools and recognize Catholic Schools Week. I want to thank the chairman of the Committee on Education and the Workforce and the sponsor of the resolution, the gentleman from Minnesota (Mr. KENNEDY), for their work.

Like many others, I too am a product of Catholic schools. My upbringing is a testament to the quality education and dedicated efforts of Catholic educators to produce students, whether they are Catholic or not, dedicated to improving themselves, their community, and our Nation.

At Cathedral Carmel I developed a lifelong love of learning and reading. Through college and medical school, the lessons I learned in high school helped me to work through classes and assignments. Even during my professional career as a heart surgeon and now in Congress, I find myself relying on the personal development and classroom lessons from high school.

One of my children, Ashley, attended Teurlings Catholic in Lafayette, Louisiana, and received a great education. In fact, it helped put her on a career path to give back to education and to become a teacher. I know that Teurlings Catholic helped to spark and nurture her interest in becoming a teacher.

The seventh district of Louisiana contains a strong Catholic school system; and I have met with many students, parents, and educators who believe these schools are helping to create students and young adults who will stay in Louisiana and become productive members of our community.

Many young people in Louisiana are leaving our State for other opportunities, and keeping them in Louisiana is a big part of restoring our State's economy. These young adults provide the entrepreneurship, creativity, workforce, and ingenuity to build businesses and create jobs.

Again, I congratulate the Catholic schools of our great Nation and look forward to continuing to support them in my community and here in Congress.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. PASCRELL).

□ 1445

Mr. PASCRELL. Mr. Speaker, I stand on this floor as a proud graduate of Saint George's Elementary School and Saint John's High School in Patterson and Fordham University, New York. Catholic School taught me, and I think teach generally, a spirit of tolerance to those who did not go to Catholic School, compassion for the poor, service to our fellow man. I never hear these values discussed lately during the so-called values debate we have had in this country.

To those who believe they have a corner on values, I ask you to look to the Catholic Schools of this country and think again.

The Catholic education I received provided me with the tools to not only forge success in life, but it also gave me an unending desire to serve my fellow man. I stand before you as the father of three sons who attended Catholic School.

Not too long ago in our Nation's history, Roman Catholics were not welcome in many parts of our society. My Catholic education taught me that every American, no matter what their religion, no matter their creed or their color had an equal right to the American dream. Today, there are almost 8,000 Catholic Schools in this country serving 2.4 million students.

As a lifelong resident of Patterson, which is the third largest city in New Jersey, I strongly embrace this year's Catholic Schools Week theme: "Faith in Every Student: Catholic Schools."

I am proud to report that 44 percent of the Catholic Schools are in urban areas. Many of these schools educate our most vulnerable students. Catholic Schools continue to be as diverse as America. More than one in four students in a Catholic School is a minority. I am pleased to add my voice to the chorus of those celebrating the wonderful achievements of these wonderful American institutions.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. ROTHMAN).

Mr. ROTHMAN. Mr. Speaker, so what is a nice Jewish boy doing here on the floor of the House praising Catholic Schools? Because Catholic Schools do so much for our country, so much for our children, providing them with the basic tenets of the Catholic faith, the faith that has added so much to the civilization of the world and making the world a better place.

Catholic Schools recognize that people are physical, spiritual, moral as well as intelligent beings. They provide so many good values to our children. We have 408 Catholic Schools in the State of New Jersey alone, and I can tell you from all of my dear friends over a lifetime who have told me about their Catholic School experiences. This is where they learned respects for elders, not only the tenets of the Catholic faith but also discipline and respect for other faiths.

I want to pay particular attention and I want to particularly praise the teachers at Catholic Schools who have done so much and sacrificed so much to teach these young people, our children, all of these valuable and important lessons that have helped our country and have helped the world and have helped these young men and women be better human beings. They often do this for far less pay than in the public schools, but they are perhaps some of the greatest and finest teachers you will find in our country.

So I am delighted and proud that we rightfully honor the contribution of Catholic Schools here in the United States Congress, and I thank all of those in the Catholic faith who have made that possible for these youngsters to enjoy the blessings of these wonderful institutions.

Mr. GEORGE MILLER of California. Mr. Speaker, how much time is remaining?

The SPEAKER pro tempore (Mr. PUTNAM). The gentleman from California (Mr. GEORGE MILLER) has 11 minutes remaining.

Mr. GEORGE MILLER of California. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to join my colleagues and the sponsors of this resolution and my chairman, the gentleman from Ohio (Mr. BOEHNER), from the committee in congratulating and celebrating the contributions of Catholic Schools and certainly their theme of this year which is "Faith in Every Student." It is something that those of us who have attended Catholic Schools understand is at the very core of Catholic education. Not only is it the faith in every student, but it is the dignity of every one of us as God's children, recognizing whether they be poor, whether they be rich, whether they be working or unemployed, whether they be young or old, each of us carries with us a dignity given to us by God and recognizing our responsibility to one another.

As the Catholic Schools have told us very often, we cannot operate in a solitary world. We must operate within the community. And operating within the community has taught us, those of us who have gone to that school and certainly many of us who have not, that we have obligations. We have obligations to reach down and give a hand up to people who need it. We have an obligation to put our arm around somebody who is in need of comforting and stabilizing in a time of crises. These are the basic tenets that you learn in Catholic School.

When you learn that in Catholic School, hopefully you are able to carry it through the rest of your life. I know, as one who has spent most of my life in public service, have recognized those tenets when I have been engaged in the problems of families at risk and children at risk. When I was chair of the Select Committee on Children, Youth and Families in this Congress, we spent a great deal of time with Catholic organizations talking about what do we do for the very young, what do we do for the adolescents. It was the Catholic Church that said, if you are going to start this committee, it was going to be the committee on children and families. They insisted that youth be in the title of that committee because they said, for far too often, public policy has been afraid to confront and discuss and try to deal with the problems of adolescents and teenagers at risk and the kinds of policies that this Congress could call into play and that this Nation could use to help those young people as they go through a troubling time in their life and a challenging time in their life and a risky time in their life.

That turn out to be the right move. That turned out to be the right contribution as we had the opportunity to try and see what we could do to better support those young people.

Many of my colleagues and all of us are very proud of our time in Catholic Schools. In the Miller families, Catholic Schools run very deep, from my grandfather, to my father, to my sisters who went to Saint Catherine's, to myself who went to Bellermine High School under the Jesuits. My one son went to Gonzaga and another to De La Salle and to my grandchildren who are at Holy Trinity in Sacramento. We understand the importance of this education. We understand the importance of the moral education and what we can take away from our time in Catholic School, what our grandchildren can take away.

That is why we rise on this floor to support and to congratulate the Catholic Schools and the contributions that they make to American society, an important contribution to American society, recognizing our obligations to one another to create a community where each and every one of us has the opportunity to thrive, and recognizing so very often that sometimes people are not thriving and that sometimes it is almost through no fault of their own and we have an obligation to help those individuals also.

Mr. Speaker, I extend my congratulations to the Catholic Schools in recognition of their contributions.

Mr. Speaker, I yield back the balance of my time.

Mr. BOEHNER. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I want to thank my colleague from Minnesota (Mr. KENNEDY), the sponsor of this resolution. I congratulate Catholic Schools all across America for their contribution to our country and pay particular attention today to a group right here in Washington, DC, the City Center Consortium that represents 13 Catholic Schools here in the poorest areas of Washington, DC, where arguably the children need a chance at a decent education more than almost anywhere in America.

These 13 Catholic Schools and these poor communities here in town were threatened to be closed a few years ago, and an organization was set up to try to bring funding to keep these schools open. They happened to be about 95 percent minorities and about almost 90 percent non-Catholic; and having these schools available in these communities has been, I think, a major effort at giving these children here in town, here in Washington, DC, a real chance at a quality education.

I have worked closely with the City Center Consortium for the last 3 or 4 years. They are to be congratulated along with all Catholic Schools across the country in this week of their celebration of Catholic Schools week.

With that, I urge my colleagues to support the resolution, Mr. Speaker.

Mr. CASTLE. Mr. Speaker, I rise today to speak in support of House Resolution 23. This resolution honors the contributions of America's Catholic schools, and their dedication to educating their students and improving their communities.

Catholic schools are internationally acclaimed for their academic excellence, but provide students more than a quality academic education. Catholic schools provide a values-infused education that emphasizes moral, intellectual, physical, and social values in America's young people. In turn these schools produce students strongly dedicated to their faith, values, families, and communities.

There are currently over 2.6 million students enrolled in 8,000 Catholic schools across this Nation. In my home State of Delaware, over 30 Catholic schools provide an excellent education to over 15,000 students. These schools serve children from all incomes and backgrounds. In addition, Catholic school students come from many different races, religions, and ethnicities. In this school year, about 26 percent of Catholic school students are from minority backgrounds and about 14 percent are not Catholic.

I appreciate the great work being done by the Catholic schools, their administrators and teachers as well as their parents and volunteers. I commend my colleague from Minnesota, Representative MARK KENNEDY, for introducing this resolution and urge my colleagues to support it.

CATHOLIC SCHOOLS IN DELAWARE

Archmere Academy, Claymont
Christ Our King School, Wilmington
Corpus Christi School, Wilmington
Holy Angels Elementary School, Newark
Holy Cross School, Dover
Holy Rosary Elementary School, Claymont
Holy Spirit Elementary School, New Castle
Immaculate Heart of Mary School, Wilmington
Mother of Divine Grace
Mother Seton School
Our Lady of Fatima School, New Castle
Our Lady of Grace Kindergarten, Newark
Padua Academy, Wilmington
Sacred Heart Academy
Saint Ann Elementary School, Wilmington
Saint Anthony of Padua School, Wilmington
Saint Catherine of Siena School, Wilmington
Saint Edmond's Academy School, Wilmington
Saint Elizabeth Elementary School, Wilmington
Saint Elizabeth High School, Wilmington
Saint Hedwig Elementary School, Wilmington

Saint Helena Elementary School, Wilmington
Saint John Bosco's Academy
Saint John the Beloved School, Wilmington
Saint Joseph's Academy
Saint Mark's High School, Wilmington
Saint Mary Magdalen School, Wilmington
Saint Matthew Elementary School, Wilmington
Saint Paul Elementary School, Wilmington
Saint Peter School, New Castle
Saint Peter's Cathedral School, Wilmington
Saints Peter and Paul School of Easton
Saint Thomas More Academy, Magnolia
Saint Thomas the Apostle School, Wilmington
Saint Vincent's Academy
Salesianum School, Wilmington
Ursuline Academy of Wilmington
Windermere Place

Ms. BORDALLO. Mr. Speaker, I rise today in support of House Resolution 23, honoring the contributions of Catholic schools to the intellectual, spiritual, moral, physical, and social development of children in Guam and throughout our Nation. As we celebrate 2005 Catholic Schools Week with the spirit of "Faith in Every Student," I would like to thank Mr. KENNEDY for introducing this resolution that helps draw national attention to the important role of Catholic Schools.

Roman Catholicism has a long history in Guam dating back to 1521 when Ferdinand Magellan landed on the island. In 1668, Blessed Padre Diego Luis de San Vitores arrived in Guam, establishing a mission in the village of Hagåtña. This became the site of the first Catholic Church and is now the seat of the Archdiocese of Agaña.

In the modern era, Bishop Apollinaris Baumgartner, OFM Cap., established the foundations of Guam's Catholic Schools. Guam's first Chamorro Bishop, Archbishop Felixberto C. Flores, OFM Cap., made Catholic education a priority and instilled a tremendous pride in the academic and moral education provided by the Catholic schools. His successor, Archbishop Anthony S. Apuron has continued the tradition of excellence that has been the standard of Catholic Schools in Guam. Today, nearly a quarter of Guamanian school children attend Catholic schools throughout the Island.

Catholic schools offering a secondary curriculum include the Notre Dame High School in Talofofo, Father Duenas Memorial School in Tai, and Academy of Our Lady of Guam in Hagåtña. Those offering an elementary and middle school education include Bishop Baumgartener Memorial School in Sinajana, Our Lady of Mount Carmel School in Agat, St. Anthony School in Tamuning, Saint Francis School in Yona, San Vicente School in Barrigada, Santa Barbara School in Dededo, and Dominican School in Yigo. Finally, those offering a nursery school education include the Dominican Child Care Development Center in Ordot, Infant of Prague in Tai, Maria Artero in Agaña Heights, and Mercy Heights in Tamuning.

I would like to commend the leadership of Archbishop Apuron, Superintendent of Catholic Schools Lea Santos, and Associate Superintendent Sister Ana Lee, OP, for advancing the mission of Catholic Schools in Guam. I would also like to recognize the School Sisters of Notre Dame, Sisters of Mercy, Dominican Sisters, the religious orders of Capuchins, Franciscans, Jesuits and Marists for their service in educating the children of Guam.

Finally, I want to commend all the students, parents, teachers and administrators of Catholic schools in Guam and across the Nation for their contributions to our Nation and our world.

Ms. ESHOO. Mr. Speaker, education remains one of the top priorities of our country, and today's tribute calls attention to some of our finest learning institutions, the Catholic schools in our country. I'm proud to stand today to pay tribute and express my appreciation for the Catholic schools across our Nation. They are truly doing great work to educate and prepare our children to be fine adults.

They have shaped generations to be fine citizens. As the product of a Catholic school myself, I know that it was the Sisters of Notre Dame de Namur who helped shape my character and my values. My children are the beneficiaries of a Catholic school education as well. As a graduate of the Convent of the Sacred Heart, my daughter has continued the tradition of Catholic education, currently serving as the Principal of St. Joseph's School of the Sacred Heart in Atherton, CA.

Today, over 2.5 million children are enrolled in Catholic schools, with 14 percent of them being non-Catholics. Today's resolution supports the goals of Catholic schools and congratulates all those involved on a job well done, the religious and the lay teachers who strive to instill the timeless tenets of faith, hope, and charity.

I'm very proud that the House of Representatives has continued the tradition of recognizing the great service Catholic schools provide and it is my privilege to thank all those, past and present, for the extraordinary contributions they've made to our country by preparing the young for citizenship steeped in decency, charity, tolerance and love.

Mr. WELDON of Florida. Mr. Speaker, I rise today to join my colleagues in support of H. Res. 23, recognizing the contributions of Catholic schools. Catholic schools are recognized around the world as great institutions of learning, with a rich tradition of academic excellence. Teachers in Catholic schools see the potential in their students, and push them to achieve that potential, serving the needs of children across the socioeconomic spectrum. The secret for the success of Catholic schools is really no secret. They get parents involved in the process of educating their children, and they push the students to do their best, refusing to be satisfied with mediocrity.

For Catholic schools, cultivating moral excellence in students is just as important as academic excellence, producing young adults that know right and wrong just as well as their multiplication tables. They instill an understanding of the intrinsic value of each and every individual, regardless of race, gender, color, or creed. Catholic schools serve more than 650,000 minority students each year, creating academically successful schools in many neighborhoods that have given up on children.

And so, with H. Res. 23, let us express our gratitude to the hundreds of Catholic schools across the country, for their efforts to promote the moral and intellectual health of America's youth.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Res 23, celebrating the contribution of Catholic schools in promoting academic excellence and helping to develop and shape our Nations youth.

Catholic schools are exceptional at providing students with an opportunity to understand better ethnic diversity. Nearly 2.5 million students were enrolled in Catholic schools for the 2004–2005 school year, and more than 26 percent of them were from minority backgrounds.

I recently had the opportunity to visit Villa Victoria Academy, an exemplary Catholic school in the 12th Congressional District of New Jersey, on the occasion of their 70th Anniversary Celebration. Villa Victoria has an outstanding graduating class of 2005, with 5 National Merit Commended Students and a National Merit Hispanic Scholar. In addition, many of the students have received early acceptances to some of the top colleges and universities in the country, including University of Pennsylvania, University of Notre Dame, and Boston College.

In addition to traditional scholastic achievement, Catholic schools have also been in the forefront in providing students opportunities in music and arts. Garett Vitanza, the 2004 Congressional Arts Competition winner from my district, is a graduate of Cardinal McCarrick High School in South Amboy, New Jersey. As a student at Cardinal McCarrick, Garrett was able to excel in a nontraditional academic field that he was truly passionate in. It is reaffirming to see that Catholic schools continue to offer various courses in arts and music, along with customary courses in math, science, English and history at all levels, including honor and advanced placement courses.

I would like to commend the teachers, parents, and school administrators for their hardwork in making a strong learning environment for students at Catholic schools. Students are given a diverse education, that emphasizes not only on academics, but also character traits that students continue to develop throughout their life. I would also like to congratulate the hard work and continued success of the students of Catholic schools. These students continue to achieve great things and continually have positive effects on their communities.

Mr. HIGGINS. Mr. Speaker, I rise today in strong support for House Resolution 23, which has been offered by the gentleman from Minnesota. I thank my colleague, Mr. KENNEDY, for bringing this important resolution to the floor today, during Catholic Schools Week 2005. I come from a community whose neighborhoods are often better known by the names of their Catholic schools and parishes rather than by the names of their streets.

There are more than 8,000 Catholic elementary, middle, and secondary schools across the Nation which make invaluable contributions to education and play an integral role in shaping a brighter, stronger future for our great Nation. The mission of each of these institutions—to build solid foundations for lives of confidence, faith, and service—has had a tremendous impact in shaping family and community values over the generations.

My own family has been active in Catholic schools since I was a child. My mother was a teacher at Our Lady of Perpetual Help school, and I am now the proud father of two beautiful children who are enrolled at St. Martin of Tours Catholic School in our home neighborhood of South Buffalo. I am a first-hand witness to the daily work of Catholic schools as they help form the characters of my John and Maeve. My family is constantly enriched by the lessons and principles that Catholic schools profess.

This year, Catholic schools will teach 7.6 million students at all levels of education. An astounding 99 percent of all of their students graduate, and 97 percent of those graduates go on to college. The impact of the graduates' goals extends outside the classroom and into living rooms and places of work, both in Buffalo and throughout this great nation.

I thank the National Catholic Educational Association and the United States Conference of Catholic Bishops for cosponsoring this appropriate week-long event and for helping to increase awareness for Catholic Education across America. My family and I are grateful for the crucial contributions of America's thousands of Catholic schools have made for more than 100 years.

Mr. Speaker, I am pleased to join with my colleagues in supporting this resolution, and thank my colleague, Mr. KENNEDY, for his unwavering leadership on this issue.

Mr. KILDEE. Mr. Speaker, I rise in support of this resolution.

Mr. Speaker, Catholic schools provide a high quality education to millions of our children. Catholic schools teach critical values and provide their students with beneficial and life enriching experiences. The contributions which Catholic schools make to our nation and our children strengthen our society and our place in the world.

H. Res. 23 recognizes and celebrates our Catholic schools. Fortunately, our country values education and the institutions which provide it. Catholic schools are an instrumental part of this effort to improve the academic achievement and societal values of our children. Their place in American education and our nation as a whole is strong and necessary.

Fortunately, both public and Catholic schools provide a strong foundation for our nation's children. While our public schools educate the vast majority of our children, our Catholic schools provide an excellent and enriching alternative. Together these two sectors of our education system will work to ensure our excellence in the world.

In closing Mr. Speaker, I again want to stress my support for Catholic schools and also our public schools. Our children are better off having both Catholic and public schools provide them with a high quality education.

Mr. TURNER. Mr. Speaker, I am pleased to join with my colleagues in recognition of Catholic Schools Week.

My district is home to over 30 Catholic schools, serving a whole generation of young people and their families. My district is also home to the University of Dayton, one of the nation's ten largest Catholic universities and the largest private university in the state of Ohio. I am a proud alumnus of the University of Dayton, where I earned my MBA.

Catholic schools have enriched the lives of generations of students. These schools have attained a well-earned reputation for academic excellence, and it is appropriate that Congress pay tribute to their contributions to our country. Catholic schools welcome children from a variety of social and economic backgrounds, and many non-Catholic parents have turned to these schools to educate their children. The theme of this year's week is: "Faith in Every Student." I strongly support the sound, values-based education Catholic schools provide.

I am proud to join my colleagues in support of H. Res. 23, honoring the contributions of Catholic schools in America and thank my colleague, Representative MARK KENNEDY of Minnesota, for bringing this resolution to the attention of the House.

Mr. EMANUEL. Mr. Speaker, I rise today in strong support of H. Res. 23, a resolution that honors the contributions of Catholic schools and supports the goals of Catholic Schools Week.

The many accomplishments of Catholic schools and their positive impact on students and communities throughout the nation is evident in the Fifth Congressional District of Illinois, where schools such as St. Pascal Elementary, St. Bartholomew Elementary and Gordon Technical High School provide a quality education while instilling values that will serve their students throughout their lives. These schools provide strong academic curricula and promote significant parental involvement. They teach students the importance of academic achievement while also providing a balanced perspective on life that promotes responsibility, justice and social service.

Catholic schools also promote ethnic and racial diversity. An increasing number of children in Catholic schools in my district come from our minority communities. Students in Catholic schools achieve exceptionally high graduation rates, and an increasing number are advancing to college and giving back to the community through volunteer service.

Catholic schools foster more than scholastic excellence alone. They provide spiritual guidance to students by encouraging fundamental ideals and an appreciation for family values, community service, and faith in their own lives. This, in turn, shapes Catholic school students into leaders of tomorrow.

I want to take this opportunity to applaud the recent accomplishments of the 2005 "Heart of the School" award winners. Each year, the Archdiocese of Chicago Catholic Schools presents these awards to recognize outstanding and innovative accomplishments of individual teachers at Archdiocese of Chicago schools.

I am very proud that four of these award winners currently teach at Catholic schools in my district. Kevin Carroll of St. Patrick High School was recognized for his contribution to Arts Education, Marilyn Ann Skowron of Guerin College Preparatory was recognized for Innovation and Creativity, and both Kevin L. Booth of Notre Dame High School for Girls and Christopher E. Perez of St. Patrick High School were recognized for Leadership. I thank these outstanding educators as well as all of the dedicated Catholic school teachers in my district for their devotion to their students and for setting the standard for teaching excellence.

Mr. Speaker, I support H. Res. 23 and encourage Catholic schools in my district and across the United States to continue contributing to the development of strong moral, intellectual and social values in America's young people. I thank the National Catholic Educational Association and the United States Conference of Catholic Bishops for their sponsorship of Catholic Schools Week.

Mr. BACA. Mr. Speaker, today, I am pleased that Congress has recognized the important role that Catholic schools play in our community by bringing House Resolution 23 before the House floor.

As a proud Catholic, I know the impact that faith-based education can have in our society and have witnessed it first hand in my district. Schools such as the St. Thomas Aquinas High School in San Bernardino, California, are highly regarded for their academic and athletic excellence, as well as the life-changing opportunities they provide to their students.

Under the leadership of Bishop Gerald Barnes, the San Bernardino Diocese school system has invested in the future of our children by providing them the educational tools to succeed.

Catholic schools in our Nation's education have been paramount in teaching the values that we as parents seek to instill in our children.

They are sources of goodwill and arbiters of moral values, providing strong foundations for young people. Their curriculums are often full of programs in character development and community service.

Catholic school graduates exhibit a wide variety of qualities that will not only help them in their careers but also in their family and community lives.

It gives me no greater pleasure than to support this resolution today honoring the contributions of Catholic schools and I commend Congressman KENNEDY for his sponsorship.

I also ask and pray for the quick recovery of Pope John Paul II, so that he may continue to lead the Catholic Church and help oversee the Catholic school system and their good works.

Mr. BOEHNER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 23.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

DALIP SINGH SAUND POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 120) to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

The Clerk read as follows:

H.R. 120

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DALIP SINGH SAUND POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, shall be known and designated as the "Dalip Singh Saund Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the Dalip Singh Saund Post Office Building.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ISSA).

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 120.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on behalf of Committee on Government Reform, I rise in support of H.R. 120. This bill is to designate a post office in Temecula, California, within my congressional district as the Dalip Singh Saund Post Office Building. Dalip Singh Saund was the first Indian American Member of Congress, and I am pleased the House is taking time out to remember his service.

Saund was born in India in 1899. He was educated in India before moving to the United States in 1920 to attend graduate school at the University of California. Saund proudly became a U.S. citizen in 1949. Within a year, he was elected judge of the Justice Court in Westmoreland Judicial District. Unfortunately, after his election, Saund was denied his seat on the grounds that he had not been a citizen for one year when he was elected. You might say he was reelected 2 years later and served on that court for 5 years.

Judge Saund retired from the bench because he chose to enter politics. In November of 1956, Judge Saund was elected Congressman Saund, and he was reelected to the House for three consecutive terms, leaving in 1963. How remarkable it must have been to be the first Asian American ever elected to Congress, the first Indian American ever elected to Congress. Just imagine the powerful impact of his service throughout those years.

Mr. Speaker, Congressman Dalip Singh Saund passed away in Hollywood, California, in 1973. It is a privilege to advance this legislation honoring his legacy as an American citizen, as a judge and as a Congressman. I especially want to thank my California colleagues, including the minority speaker here today, for co-sponsoring unanimously this legislation, and I urge all of my colleagues to support H.R. 120.

Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to join my colleague in the consideration of H.R. 120 which names the post office in Temecula, California, after Dalip Singh Saund.

H.R. 120 was introduced by the gentleman from California (Mr. ISSA) on January 4, 2005. Former Congressman Dalip Singh Saund, the first Asian American elected to Congress, was born in India. He came to the United States to enroll in the University of California at Berkley and study agriculture. Instead, he ended up with a PhD in mathematics. Unfortunately, degrees in mathematics were not sufficient to overcome the rampant discrimination facing Indians and other minorities.

□ 1500

In the 1920s, Indian Americans were not eligible for U.S. citizenship and could not own land. So Saund worked as a lettuce foreman, eventually rising to be a distributor of chemical fertilizer in the Imperial Valley in California.

Saund married a Czech immigrant and became very active in the Indian-American community, championing the rights of Asian Indians both in the United States and abroad. He became a popular speaker and authored a book entitled "My Mother India" as a way to present Indian people in a positive light.

Saund went on to fight against discrimination, eventually securing the passage of legislation which made Asian Indians eligible for citizenship.

As a result of his success, Saund became active in the Democratic Party. He ran to represent California's 29th Congressional District. He won and served in the Congress from 1957 until 1962 when he lost his re-election bid after suffering a stroke. Dalip Singh Saund died in 1973.

Mr. Speaker, I commend my colleagues for seeking to honor the legacy of former Congressman Saund, and I urge the swift adoption of this bill.

Mr. ISSA. Mr. Speaker, at the present time I have no further speakers, and I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I yield 6 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. Speaker, I thank the gentlewoman from California for the time, and I thank the committee and the gentleman from California (Mr. ISSA) for bringing this to the floor.

Congressman Saund, whom we are recognizing today, represented parts of the gentleman from California's (Mr. ISSA) district and parts of my district, the 51st district, Imperial County in California. So I am really thankful that he is doing this, and we are honoring a great man.

We have heard how he triumphed in spite of the prejudice that was around him. He did this through hard work, constantly turning the other cheek; and he was a charismatic individual.

Coming to the United States after his undergraduate education in India, as we heard, he got a Ph.D. from the University of California, Berkeley, in 1924, but could not get a job because of his nationality. Rather than give up, go home perhaps, maybe where he could use his education a little bit more to better himself, he decided to stay in the United States and work to improve the situation.

That is when, in 1925, he moved to the Imperial Valley to become a cotton picking crew foreman, as we have heard. That is right, a man with a Ph.D. in mathematics from Berkeley became a foreman of a cotton picking crew to make ends meet; and through sheer hard work and determination, he was able to save money to start his own farm growing lettuce.

He always had an interest in politics. He carried this enthusiasm over to the Imperial Valley; and even though he was not a citizen or able to vote, he became a constant presence at official meetings. I hate to tell the gentleman from California (Mr. ISSA) this, of the county Democratic Party central committee where he promoted the policies of Franklin Delano Roosevelt.

In 1937, Congressman Saund organized the Current Events Club in Imperial Valley to discuss the major topics of the day with other politically active members of the community and became a member of the Brawley California Toastmasters.

So we see, even though he was not a citizen, he was becoming an integral part of the community in which he lived. In fact, if he was doing irrigation of his fields on the Toastmasters nights, he would take his dress suit with him to the field, at six o'clock change, set the irrigation to go for 3 hours, go to the Toastmasters meeting, come back to work, change clothes and go on with irrigation. Now, that is a Horatio Alger, the American Dream, for someone who was not an American citizen.

He was actively involved in trying to get naturalization rights for natives of Asia and India particularly, and President Truman actually signed the law to end the ban on Asian naturalization in 1946; and one of the earliest applicants under this new law was, in fact, Dalip Singh Saund, who became a citizen in December of 1949.

As we heard, his first task as a citizen was to run for office. He ran for justice of the peace in Westmorland, California, in Imperial County. He won the ballot, but a lawsuit said he had not been a citizen the year before, and so he was declared ineligible. Typical of Congressman Saund, or Judge Saund as he was known, he became chairman of the county Democratic central committee even after he lost the judgeship.

I thank the gentleman from California (Mr. ISSA) for naming after this great Democrat a post office in his district. Maybe we will bring true Democracy, with a capital D, to the 49th Congressional District.

In 1955, he decided to run for Congress in what was then the 29th Congressional District, which included Riverside County and Imperial County. He easily won the primary and beat his Republican opponent, who brought in Vice President Nixon, brought in Bob Hope and even Rin Tin Tin, but that did not impress the constituents; and he was able to win and became the first Indian American Congressman of the United States of America.

He did this through politicking in grassroots style, a truly effective politician. By the way, he was the only Indian American until this very year in this Congress when the gentleman from Louisiana (Mr. JINDAL) was elected. So we have, at last, the continuing of a tradition here.

He might have been called a liberal, but he was very active in trying to deal with foreign aid to the wrong kind of governments, and he believed that tyrants would use the money in a corrupt way, and he was right.

He was incapacitated, unfortunately, by a stroke in his third term and could not run for a fourth term. His most lasting memory, I believe, will be that of opening the door of politics to those who otherwise would not have considered running for office because of their race or national origin.

Interestingly enough, my connection with Judge Saund was not only because I became a Congressman from Imperial County, but also because his daughter Julie Fisher became a member of the San Diego school board in the 1970s. She became my mentor. She was the one who was really advocating for students in the wake of a very repressive administration and superintendent. I was able to run for the San Diego school board because of Julie Fisher's teaching. So my relationship goes back through his daughter, who is a wonderful lady and who really brought Judge Saund's politics to San Diego with a real interest in the young people of our county.

Saund always accented the positive. He never complained or even mentioned discriminatory treatment against himself, and he never made it an issue. So I thank the gentleman from California (Mr. ISSA) very much for bringing us this bill, and I am truly honored to have some part in the tradition that Judge Saund started.

Mr. ISSA. Mr. Speaker, I yield myself 3 minutes.

I would like to thank many people involved, and I did it in an overall fashion; but, particularly, I would like to thank the gentleman from New York (Mr. CROWLEY), who just had to leave, and the gentleman from California (Mr. FILNER) who just spoke. Each in his own way has been instrumental in helping point out the good deeds of this historic figure, as the gentleman from California (Mr. FILNER) said of the Democrat Party and of the democratic process. He is an inspiration to people on both sides of the aisle here in the Congress.

I would also like to take a moment to thank David Dillon, a former mayor out in Imperial County, who has fought tirelessly to bring this to the attention of so many of us who were not as fully informed as to Dalip's great service throughout his term.

On a closing note, I would like to say that this post office is being named after the first Asian American Congressman, yes, after the first Indian American Congressman; but I think it is also being named after a generation of men and women who came here during the turn of the century into the 1930s, a whole generation who passed through Ellis Island. They were not always treated with a welcome mat. They were not always given their due for the hard work, ingenuity, ambition, and raw intelligence they brought with them; but they persevered and they changed America for the better.

So it has been a great pleasure to point out one of that generation and name a post office in Temecula after him; but I think on both sides of the aisle, by immigrants, both Republicans and Democrats, we are thankful in this country for a generation who came here in the greatest out-migration from the rest of the world and in-migration to the United States in history because that generation led to the generation that we now have and that enjoys the fruits of their hard labor.

Mr. HONDA. Mr. Speaker, I rise today in support of H.R. 120, legislation to designate the United States Postal Service facility located at 30777 Rancho California Road in Temecula, CA, as the "Dalip Singh Saund Post Office Building." This postal naming bill is a small act of appreciation for a statesman and activist who contributed so much to our nation.

As chair of the Congressional Asian Pacific American Caucus, CAPAC, I feel privileged today to speak about the late Congressman Saund.

Congressman Saund came to the United States in 1920 to study at the University of California, Berkeley, where in 4 years he earned a master's degree and doctorate in mathematics. Despite his impressive education, he was denied professional opportunities due to discrimination against South Asians in the United States.

Despite discrimination, Congressman Saund built a successful life in the United States. He entered the agricultural sector, one of the few open to South Asians in the 1920s. From 1930 to 1953, Congressman Saund was first a lettuce farmer and then a distributor of chemical fertilizer in California's Imperial Valley.

In 1928, he married Ms. Marian Kosa, despite stigma against interracial marriages at the time. The marriage also led to the loss of American citizenship for the former Ms. Kosa. The Quota Immigration Act of 1921 and Cable Act of 1922 revoked the citizenships for American women who married foreigners.

Throughout his life, Congressman Saund was a champion for South Asian Americans' rights. As the national president of the Hindustan Association of America, he fought for citizenship rights for the 2,500 South Asians living in the United States. Gaining citizenship, he argued, would give South Asian farmers the right to own their own farms and share in the American dream. The Supreme Court, however, ruled in 1923, *United States* vs. *Bhagat Singh Thind* (261 US 204), that "while persons from India were Caucasians, they were not 'white persons', and therefore were, aliens ineligible to citizenship."

On July 3, 1946, President Harry Truman signed the Luce-Cellar legislation that granted South Asians their right to citizenship. Three years later, Congressman Saund received his citizenship and became an active member of the Democratic Party. He ran for a judgeship in Westmoreland in 1950 and won, but he was barred from taking oath because he had not been a citizen for a full year before the election. Congressman Saund was disappointed, but undeterred and won again in 1952.

In 1956, he campaigned for California's 29th Congressional District seat. Despite the use of racial epithets and anti-immigrant rhetoric, Congressman Saund defeated Republican Jacqueline Odlum by a margin of 3 percent. The voters of Imperial and Riverside counties knew in that election what the entire Congress would soon learn: Congressman Saund was a man of integrity and compassion with an unwavering commitment to bettering our Nation.

When he took the oath of office in 1957, Congressman Saund became the first South Asian American elected to Congress. He was truly a champion for the farmers, working poor, and immigrants, and today he continues to serve as a role model for all South Asians. His impressive accomplishments should not be overshadowed by the tribulations he endured. Congressman Saund served this country admirably until 1962 when he lost his reelection bid after suffering from a stroke. Congressman Saund died at the age of 74 in 1973.

Mr. Speaker, today we remember and honor Congressman Saund. He proved in his own life what he preached in his public career, "There is no room in the United States of America for second-class citizenship."

Mr. CROWLEY. Mr. Speaker, I rise today in strong support of the resolution introduced by my friend from California Congressman ISSA.

I am honored to speak in support of this legislation to honor the life and achievements of former Congressman Dalip Singh Saund.

Congressman Saund was the first Asian American to be elected as a full voting Member of Congress and the first Indian American to be elected to U.S. Congress.

While I am proud to have the privilege to serve with the second Indian American in the U.S. Congress, we cannot forget that almost 50 years ago this glass ceiling was broken by Congressman Saund and the people of southern California who put their trust in him to represent them in the U.S. Congress.

Congressman DARRELL ISSA now represents parts of the district that Congressman Saund represented.

Congressman Saund was elected to the House of Representatives in 1956, just 6 years after his work to secure citizenship for Indian Americans.

He served as a distinguished Congressman from California for three terms before he suffered a stroke during his campaign for a fourth term in the House.

His book "The Congressman from India" tells the remarkable story of how he became the first Indian American member of the U.S. House of Representatives.

As cochairman of the Congressional Caucus on India and Indian Americans during the past 108th Congress, I had the honor of highlighting the accomplishments of Congressman Saund and the trail he blazed for young Indian Americans today.

From New York to Iowa to New Jersey to Minnesota to the U.S. House of Representatives the accomplishments of Indian Americans in politics today is because of the trail blazed by Congressman Saund.

I am proud to join my friend DARRELL ISSA in recognizing the life of this great American.

Mr. WILSON of South Carolina. Mr. Speaker, today I rise in support of H. Res. 120, the Dalip Singh Saund Post Office Building Designation Act, which would designate the United States Postal Office at 30777 Rancho California Road in Temecula, California, as the Dalip Singh Saund Post Office Building. By renaming this building for Congressman Saund, we will properly honor and remember one of California's most respected and accomplished leaders.

Dalip Singh Saund was born on September 20, 1899, in a village in Punjab. He went to a boarding school in Jammu and graduated with a B.A. degree in Mathematics from Punjab University in 1919. In 1920, he immigrated to the United States and received his Masters and Doctorate degrees from the University of California-Berkeley. From lettuce farmer to judge to legislator, Saund became a great American success story. An admirer of Lincoln, Gandhi, and Churchill, Saund devoted his life to serving the people in his community and furthering a cause greater than his own. At every stage of his remarkable story, Saund embodied Churchill's words to "never, never, never, never give up."

Saund remained proud of his Indian heritage and became a strong voice for immigrants from India. After a two-year battle, he convinced Congresswoman Clare Booth and Congressman Emanuel Celler to sponsor legislation that would allow for Indian immigrants to become American citizens. The legislation was passed by Congress and on July 3, 1946, was signed into law by President Harry Truman. After becoming a citizen, his passion for democracy and politics led him into a life of public service. He served as a judge in Westmorland and a member of Congress for three terms.

Mr. Speaker, I am proud to be able to speak about Congressman Saund's rich legacy today and I would like to thank my good friend Congressman DARRELL ISSA for sponsoring this legislation. Additionally, I've introduced H. Res. 31 calling for a portrait of Congressman Saund to be displayed on Capitol Hill and will work for its passage.

Mr. JINDAL. Mr. Speaker, Dalip Saund's story is one of determination and true accomplishment. He personifies the idea that every person can, through hard work and dedication, achieve amazing heights.

Through his election to Congress, Dalip Saund brought pride and joy not only to Indian-Americans, but to all Americans. Each of us owes a debt of gratitude to his trailblazing efforts, so that America could continue to be a land of opportunity.

The naming of this post office in Mr. Saund's honor does justice not only to the man and his actions, but also to the American spirit and the belief that America is still the land of the free and the home of the brave.

Mr. ISSA. Mr. Speaker, I reserve the balance of my time.

Ms. WATERS. Mr. Speaker, I have no further speakers, and I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 120.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. ISSA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

* * *

STAFF SERGEANT FIRST CLASS JOHN MARSHALL POST OFFICE BUILDING

Mr. ISSA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 289) to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Staff Sergeant First Class John Marshall Post Office Building," as amended.

The Clerk read as follows:

H.R. 289

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SERGEANT FIRST CLASS JOHN MARSHALL POST OFFICE BUILDING.

(a) DESIGNATION.—The facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, shall be known and designated as the "Sergeant First Class John Marshall Post Office Building".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Sergeant First Class John Marshall Post Office Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ISSA) and the gentlewoman from California (Ms. WATERS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. ISSA).

GENERAL LEAVE

Mr. ISSA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 289, the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation commemorates the life and distinguished military service of Sergeant First Class John W. Marshall of Los Angeles, California. Sergeant Marshall was killed in action in Iraq on April 8, 2003, at age 50. He is survived by his loving wife, Denise, and his six children.

Mr. Speaker, in addition to his participation in Operation Iraqi Freedom, Sergeant Marshall served in Germany, Korea, and the first Persian Gulf War during his Army career. Sergeant Marshall was posthumously awarded the Bronze Star and the Purple Heart.

For the last few years, leading up to his death, Sergeant Marshall had been considering retiring from the Army he loved; but beyond taking a leave of absence for 4 years while he battled Hodgkin's lymphoma during the 1980s, Marshall faithfully served in the Army since he was 18.

Sergeant Marshall was buried at Arlington Cemetery on May 15, 2003, despite the fact that almost all of Sergeant Marshall's family lives on the other side of the country. Sergeant Marshall's wife and six children came to Arlington Cemetery for that burial of their father and beloved husband.

On the issue of where to be buried, Denise said the kids were told how their dad died, and they voted their dad was a hero.

Mr. Speaker, nothing in the world is truer than that. The House has not passed a more warranted piece of legislation in this Congress or for many Congresses. How appropriate it is to recognize Sergeant Marshall's bravery in the first week since the historic Iraqi election on Sunday. Without a doubt, heroes like John Marshall made the Iraqi election possible.

I know the scores of Iraqis who literally risked their lives to vote on Sunday are extremely grateful to Sergeant Marshall for giving his life for their freedom.

I thank my distinguished colleague, the gentlewoman from California (Ms. WATERS), for honoring Sergeant John Marshall through H.R. 289, and I personally think that there is absolutely no better way to name a post office than she has done here today.

Mr. Speaker, I reserve the balance of my time.

☐ 1515

Ms. WATERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to thank my colleagues in the California delegation and the gentleman from California (Mr. ISSA) in particular, and all of my other colleagues for cosponsoring H.R. 289. I would also like to thank the House leadership for allowing H.R. 289 to come to the House floor today.

Mr. Speaker, I am indeed honored to offer this bill, which would rename a post office in California's 35th Congressional District after Sergeant John Marshall, who died at the age of 50 on April 8, 2003, during combat operations while fighting with the 2nd Brigade Combat Team of the United States Army's 3rd Infantry Division in Iraq. This legislation is just a small way to recognize and pay tribute to one of our fallen heroes.

Mr. Speaker, whatever our views are of our policy in Iraq, it is always important for all of us to honor and show our respect for those in our military who are serving us so bravely and with such distinction in Iraq and all around the world.

John Marshall spent much of his childhood in Los Angeles, graduating from George Washington High School. At the age of 18, Sergeant Marshall signed up for duty with the United States Army and served for nearly 30 years, taking a leave of absence only after he was diagnosed with Hodgkin's lymphoma. He was a dedicated career member of our military, a shining example of all that is best about our country.

Sergeant Marshall died when a rocket-propelled grenade hit his vehicle as his combat team fought its way to Baghdad. The brigade was eventually the first U.S. military unit to enter the Iraqi capital and hold the city center. But reaching Baghdad came at a significant loss to the unit: eight soldiers, including Sergeant Marshall, died. At the time of his death, Sergeant Marshall was the oldest service member to die in the Iraq war.

Mr. Speaker, Sergeant Marshall was eligible for retirement in 2002, and many of his friends had urged him to do so. Yet, true to his character, Sergeant Marshall's sense of duty to his country and his loyalty to his soldiers caused him to continue his military service in Iraq. In explaining to his wife his decision to continue serving in Iraq, Sergeant Marshall said, and I quote, "I trained these guys. I really need to be there." What a wonderful example of selflessness he established for all of us.

Mr. Speaker, Sergeant Marshall leaves behind a wife, Denise, six children, both of his parents, eight brothers and sisters, and many friends and neighbors whom he touched throughout his life. I had the privilege of meeting Mrs. Marshall at Sergeant Marshall's memorial service in Los Angeles; and while I know that nothing we can do here today can fill the hole that was created with Sergeant Marshall's passing or remove the pain of the loss that the Marshall family and friends have suffered, it is vital we honor his sacrifice and service.

Mr. Speaker, Sergeant Marshall fought bravely on behalf of our Nation, and the renaming of this post office is just a small gesture of thanks from a grateful Nation. The Sergeant John Marshall Post Office will be a source of great pride to the community and the residents of the 35th Congressional District.

Mr. Speaker, our country will remain strong and free because our military is able to attract and retain the services of people of the quality and character of Sergeant Marshall. Our thoughts and prayers are with the Marshall family on the loss of this great and good man, and I would urge my colleagues to support this important bill.

Mr. Speaker, I yield back the balance of my time.

Mr. ISSA. Mr. Speaker, I yield myself such time as I may consume to also urge all of my colleagues to vote, because our vote, not our words, but our recognition of this unsung hero is what will bring others to understand his great contribution.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. ADERHOLT). The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 289, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title of the bill was amended so as to read: "A bill to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the 'Sergeant First Class John Marshall Post Office Building'.".

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 3 o'clock and 20 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1832

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BOOZMAN) at 6 o'clock and 32 minutes p.m.

MAKING IN ORDER AT ANY TIME CONSIDERATION OF RESOLUTION RELATING TO FREE ELECTION IN IRAQ HELD ON JANUARY 30, 2005

Mr. SODREL. Mr. Speaker, I ask unanimous consent that it be in order at any time to consider in the House a resolution relating to the free election in Iraq held on January 30, 2005; that the resolution be considered as read; and that the previous question be considered as ordered on the resolution and preamble to final adoption without intervening motion or demand for division of the question except 1 hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Indiana?

There was no objection.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. SODREL. Mr. Speaker, I offer a privileged concurrent resolution (H. Con. Res. 39) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 39

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Wednesday, February 2, 2005, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Tuesday, February 8, 2005, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker or his designee, after consultation with the Minority Leader, shall notify the Members of the House to reassemble whenever, in his opinion, the public interest shall warrant it.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H. Res. 23, by the yeas-and-nays; and

H.R. 120, by the yeas-and-nays.

HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 23.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. BOEHNER) that the House suspend the rules and agree to the resolution, H. Res. 23, on which the yeas-and-nays are ordered.

The vote was taken by electronic device, and there were—yeas 408, nays 0, not voting 25, as follows:

[Roll No. 14]

YEAS—408

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—25

Bachus
Bilirakis
Boucher
Brown, Corrine
Cox
Dent
Diaz-Balart, M.
Edwards
Eshoo
Fattah
Ford
Green, Gene
Hunter
Hyde
Manzullo
Meeks (NY)
Northup
Peterson (PA)
Rush
Stupak
Sweeney
Towns
Udall (NM)
Weldon (FL)
Weldon (PA)

□ 1856

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. DENT. Mr. Speaker, on rollcall No. 14, my vote was not recorded. Had it been recorded, I would have voted "yea."

DALIP SINGH SAUND POST OFFICE BUILDING

The SPEAKER pro tempore (Mr. BOOZMAN). The pending business is the question of suspending the rules and agreeing to the bill, H.R. 120.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ISSA) that the House suspend the rules and pass the bill, H.R. 120, on which the yeas-and-nays are ordered.

The vote was taken by electronic device, and there were—yeas 410, nays 0, not voting 23, as follows:

[Roll No. 15]

YEAS—410

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Dingell
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry

Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris
McNulty
Meehan
Meek (FL)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—23

Bachus
Bilirakis
Boucher
Brown, Corrine
Cox
Diaz Balart, M.
Edwards
Eshoo
Fattah
Ford
Green, Gene
Hunter
Hyde
Meeks (NY)
Mollohan
Northup
Rush
Stupak
Sweeney
Towns
Udall (NM)
Weldon (FL)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOOZMAN) (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1913

So (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, due to a death in my family, I was unable to participate in today's votes. Had I been present, I would have voted "yea" on both of today's recorded votes.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 36, EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

Mr. COLE of Oklahoma, from the Committee on Rules, submitted a privileged report (Rept. No. 109–2) on the resolution (H. Res. 59) providing for consideration of the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education, which was referred to the House Calendar and ordered to be printed.

HONORING LIVES LOST ON SPACE SHUTTLE "COLUMBIA"

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I sadly rise today to remind my colleagues that this is the second anniversary of the tragic crash that took the lives of seven courageous astronauts aboard Space Shuttle *Columbia*.

I ask all of my colleagues in Congress to join me in paying tribute to our fallen heroes. The seven astronauts whose lives were lost in the crash of Space Shuttle *Columbia* were extraordinary people. To the world, those astronauts were valiant heroes; to us in Texas, they were also friends and neighbors and family.

They made the ultimate sacrifice on a mission that benefited all of humanity. Out of their sacrifice, the President of the United States has joined together to commit to human space exploration on behalf of the United States of America.

The names we remember today are Rick D. Husband, Michael P. Anderson, Laurel Clark, David M. Brown, William C. McCool, Kapana Chawla, and Ilan Ramon. These astronauts were international in their standing, but united in their commitment to space exploration and helping humanity.

Mr. Speaker, I have reintroduced a bill in the 109th Congress to authorize the coinage of a gold medal to pay proper tribute to our astronauts. I ask my colleagues to join me in recognizing the fact that many can be applauded, not just one. They are seven, but they were unified. They died over the sunny skies of Texas, 200,000 miles in the sky. The *Columbia* exploded, but the heart, the courage, the bravery of these young individuals who were willing to go and explore a place where many of us have not been so that we can live a better life deserves the honor of this body and a Congressional Gold Medal.

Again I say to the families left behind, we thank you for their service and bravery. We thank you for providing them so they might give us a better opportunity to understand our lives, to create health, science and of course the idea of new inventions. So today, we honor and celebrate the lives of Rick D. Husband, Michael P. Anderson, Laurel Clark, David M. Brown, William C. McCool, Kapana Chawla, and Ilan Ramon. I ask all Members to pay tribute to these fallen heroes.

☐ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. BOOZMAN). Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

SMART SECURITY AND THE CASE FOR LEAVING IRAQ, PART 3

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I want to congratulate the courageous Iraqi people who voted in Sunday's Iraq election. My congressional district, Marin and Sonoma Counties just north of the Golden Gate Bridge, had an 89.5 percent voter turnout in the last election. Believe me, we know how important elections are to a democracy.

Sunday's election in Iraq was an important step for the people there, and it is also an important milestone for America's role in Iraq. With the elections completed, we in the United States must ensure that the people of Iraq control their own affairs as Iraq transitions toward democracy.

Mr. Speaker. Mr. Bush and his team have not gotten much right when it comes to Iraq, and Sunday's election provides them with yet another opportunity to get back on course. Let us hope they take the smarter path this time, one that supports the Iraqi people with international cooperation to rebuild their economic and physical infrastructure.

President Bush loves to talk about democracy. While elections are absolutely necessary to establish a democracy, they are not sufficient to establish a democratic government. Democracy cannot take root in Iraq when an occupying power remains in the country. Right now, the presence of 150,000 American soldiers in Iraq is an obstacle to the prospect of an Iraqi democracy because it is a rallying point for dissatisfied Iraqis and others in the Arab world. Plus, our first responsibility is to America and our American forces, which means we must not leave them in Iraq as sitting ducks.

Last week I introduced legislation to secure Iraq for the future and ensure that America's role in Iraq actually does make America safer. My plan for Iraq is part of a larger SMART security strategy, which is a Sensible, Multilateral, American Response to Terrorism that will ensure America's security by relying on smarter policies. The withdrawal plan that I, with the support of over two dozen other Members, have proposed includes four components. First, develop and implement a plan to begin the immediate withdrawal of U.S. troops from Iraq. More than 1,400 American troops have died in the line of fire in Iraq. More than 10,000 other soldiers have been injured. These soldiers leave behind grieving parents and grandparents, spouses and children, brothers and sisters, friends and neighbors all around the country whose lives will never be the same because of the war in Iraq. The best way to support our troops is to bring them home.

Second, develop and implement a plan for the reconstruction of Iraq's civil and economic infrastructure. The United States has a moral responsibility to clean up the mess we made in Iraq. But that responsibility needs to be fulfilled not by our military but by humanitarian groups and companies that will help rebuild Iraq's infrastructure. That does not include no-bid contracts to companies like Halliburton and Bechtel. It does ensure that the Iraqi people will benefit in the rebuilding process of their country.

Third, convene an emergency meeting of Iraq's leadership, Iraq's neighbors, the United Nations and the Arab League to create an international peacekeeping force in Iraq and to replace U.S. military forces with Iraqi police and national guard forces to ensure Iraq's security. Iraq's security problems are still the most serious cause for concern in the country, and Iraq requires an international peacekeeping force to address this problem, not the United States military. An international peacekeeping force, supported by other Arab countries, Iraq's neighbors and the United Nations will provide real legitimacy to a conflict that has flown in the face of international law from the very beginning.

Fourth, take all steps to provide the Iraqi people the opportunity to control their internal affairs. The Iraqi people cannot truly control their own affairs until the United States military has ceded back authority to those very people. That is why it is essential for Iraq's police and national guard forces to manage Iraq's security, not the United States military.

Mr. Speaker, let me be clear. We should not abandon Iraq. There is still a critical role for the United States in providing the developmental aid that can help create a robust civil society, build schools and water processing plants and ensure that Iraq's economic infrastructure becomes fully viable. In the end, this is the smarter option. And we must begin always taking the smarter path if we are to succeed in Iraq.

HONORING THE ULTIMATE SACRIFICE OF CORPORAL JOSEPH EARL FITE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. MCCAUL) is recognized for 5 minutes.

Mr. MCCAUL of Texas. Mr. Speaker, I had anticipated that this, my first speech on the floor of the House of Representatives, would pertain to Social Security or tax reform, maybe transportation or immigration. But tonight, on this winter's eve, I ask you to listen about one very brave and outstanding young soldier. For me, there is no more of an honor than to tell you about Corporal Joseph Earl Fite.

From the time he was 14 years old, his parents, Marcia and Olin, say he wanted to serve our Nation, help America, help the world. When he was 14 and attending Round Rock High School in Round Rock, Texas, Joseph Fite joined the Junior Reserve Officers Training Corps, starting a well-thought-out and altruistic journey which he expected and hoped would lead him to the United States Marine Corps.

After graduating from high school in 1999, he joined the Marine Reserves, doing so while attending the University of Texas. But after the September 11 attacks, after those planes slammed into our towers, into our cities, into the ground and into our hearts, the Marines called upon this capable young man to defend and promote our freedom. Serving in the First Battalion, 23rd Marine Regiment, Corporal Fite's father told me how his son believed in the war on terror, a battle to bring the Iraqi society a democracy, a freedom few have known.

Just a couple of days ago, freedom rang in that country. That battle, which Corporal Fite helped wage, was victorious last Sunday as millions of Iraqi voters went to the polls and chose those who shall lead their government. Joseph Fite helped bring that God-given right to the people of Iraq. This 23-year-old soldier spent nearly a year in Iraq helping free a people, many of whom for the first time had the cloak of tyranny and terrorism pulled from their faces. And like so many soldiers, the images he saw, the sounds he heard, the experiences he felt gave him a unique perspective.

In fact, in a letter to his young cousin, he wrote, "What it really means to me is that America is freedom, and what I've learned from being over here is that too many people, me included, I admit, take for granted that which we are supposed to hold most dear. It isn't until you see how other countries under less democratic forms of government are living, Iraq, for example, that you realize how well off Americans really have it." These are words written by Corporal Fite just 4 days before he died.

On Sunday afternoon, January 9, while at a checkpoint, a driver tore through barricades and struck the corporal. He died with little more than a month left to serve in Iraq.

It would be too simple to say that Joseph Fite died for his country, that he was killed fighting for freedom. Corporal Fite had a burning desire in his heart to bring the fresh taste of democracy to those who had never had that experience. So I end tonight by asking, please take a moment to remember Joseph Fite, who made the ultimate sacrifice for freedom. Remember a God-fearing young man who simply wanted to make his parents and family proud by helping build a nation free from terror and making our Nation more secure. And in remembering Corporal Joseph Fite, remember the tens of thousands of soldiers, Marines, airmen and sailors who tonight remain awake and alert, guarding our freedom so that we may sleep in its comfort.

We celebrate this young hero who laid down his life, his very life, so that others may live in freedom. He is with his God now. May God bless America, may God bless Marcia and Olin Fite for their sacrifice, and may He hold Joseph in the palm of His hand.

COMMEMORATION OF GREENSBORO SIT-INS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. LEWIS) is recognized for 5 minutes.

Mr. LEWIS of Georgia. Mr. Speaker, I am pleased to rise tonight on this day, February 1, 2005, for February 1, 1960, 45 years ago, became a history-making day when four young men, four young African American students, took seats in an orderly, peaceful, nonviolent fashion at a lunch counter in Greensboro, North Carolina. They were denied service, but they continued to sit. Their actions inspired hundreds and thousands of African American college students to start sitting in and sitting down all across the American South to end segregation and racial discrimination in places of public accommodation. By sitting down, Mr. Speaker, they were truly standing up for the very best in America.

Some of these young people had lighted cigarettes put out in their hair and down their backs. Others were beaten, arrested, and jailed. Some were charged with disorderly conduct and disturbing the peace while they were very orderly and very peaceful. They went to jail by the hundreds and thousands as sit-ins spread all across the South like wildfire. The action of these students brought about what I like to call a nonviolent revolution in the American South.

Mr. Speaker, I think it is fitting and appropriate that we pause to pay homage to the memory and contribution of these four young students and hundreds and thousands of others who followed in their footsteps.

□ 1930

THE FOUR CHAPLAINS

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Pennsylvania (Mr. PLATTS) is recognized for 5 minutes.

Mr. PLATTS. Mr. Speaker, I am honored to take this opportunity here this evening to recognize the selfless and courageous sacrifice made 62 years ago by the four military chaplains on board the USS *Dorchester*, an American troop ship during World War II. The example of these four chaplains is an important reminder to all Americans, especially now when another generation of soldiers, sailors, Marines and airmen such as Corporal Joseph Fite, whom we just heard of his making the ultimate sacrifice for our Nation, of the important lessons of both the sorrow and heroism found in war. We today have a new generation making sacrifices overseas in harm's way as these four military chaplains did so courageously 62 years ago.

On February 3, 1943, the *Dorchester* was torpedoed in the icy waters off the coast of Greenland. Over 900 men were on board. Only 230 survived. Many of the survivors recounted the story of the heroic actions of four chaplains of different faiths: A Jewish rabbi, Lieutenant Alexander Goode, from York, Pennsylvania, my hometown; a Catholic priest, Lieutenant John Washington; and two Protestant ministers, Lieutenants George Fox and Clark Poling.

These four servants of God spent the 18 minutes of the *Dorchester*'s sinking, their last 18 minutes in this life, helping their fellow human beings to safety. When there were no more life jackets to hand out, the chaplains removed their own and gave them to four shipmates. The four chaplains were last seen on the hull of the ship arm and arm in prayer as the ship sank into the icy waters.

There is no greater example of love than the four chaplains' selfless service to and sacrifice for their fellow human beings. A love that did not discriminate based on race or creed. A love that required the ultimate of sacrifices.

Our memory of and tribute to the four chaplains continues today as important a lesson in humanity now as it was 62 years ago.

PUBLICATION OF THE RULES OF THE COMMITTEE ON RULES, 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DREIER) is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, in accordance with clause 2 of rule XI of the Rules of the House, I am submitting the rules of the Committee on Rules for printing in the CONGRESSIONAL RECORD. On January 25, 2003, the Committee on Rules adopted by non-record vote, a quorum being present, the following committee rules.

RULES OF THE COMMITTEE ON RULES

U.S. House of Representatives

109TH CONGRESS

RULE 1—GENERAL PROVISIONS

(a) The rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee. A proposed investigative or oversight report shall be considered as read if it has been available to the members of the Committee for at least 24 hours (excluding Saturdays, Sundays, or legal holidays except when the House is in session on such day).

(b) Each subcommittee is a part of the Committee, and is subject to the authority and direction of the Committee and to its rules so far as applicable.

(c) The provisions of clause 2 of rule XI of the rules of the House are incorporated by reference as the rules of the Committee to the extent applicable.

(d) The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

RULE 2—REGULAR, ADDITIONAL, AND SPECIAL MEETINGS

REGULAR MEETINGS

(a)(1) The Committee shall regularly meet at 5:00 p.m. on Tuesday of each week when the House is in session.

(2) A regular meeting of the Committee may be dispensed with if, in the judgment of the Chairman of the Committee (hereafter in these rules referred to as the "Chair"), there is no need for meeting.

(3) Additional regular meetings and hearings of the Committee may be called by the Chair.

NOTICE FOR REGULAR MEETINGS

(b) The Chair shall notify each member of the Committee of the agenda of each regular meeting of the Committee at least 48 hours before the time of the meeting and shall provide to each member of the Committee, at least 24 hours before the time of each regular meeting.

(1) for each bill or resolution scheduled on the agenda for consideration of a rule, a copy of—

(A) the bill or resolution;

(B) any committee reports thereon; and

(C) any letter requesting a rule for the bill or resolution; and (2) for each other bill, resolution, report, or other matter on the agenda a copy of

(A) the bill, resolution, report, or materials relating to the other matter in question; and

(B) any report on the bill, resolution, report, or any other matter made by any subcommittee of the Committee.

EMERGENCY MEETINGS

(c)(1) The Chair may call an emergency meeting of the Committee at any time on any measure or matter which the Chair determines to be of an emergency nature; provided, however, that the Chair has made an effort to consult the ranking minority member, or, in such member's absence, the next ranking minority party member of the Committee.

(2) As soon as possible after calling an emergency meeting of the Committee, the Chair shall notify each member of the Committee of the time and location of the meeting.

(3) To the extent feasible, the notice provided under paragraph (2) shall include the agenda for the emergency meeting and copies of available materials which would otherwise have been provided under subsection (b) if the emergency meeting was a regular meeting.

SPECIAL MEETINGS

(d) Special meetings shall be called and convened as provided in clause 2(c)(2) of rule XI of the Rules of the House.

RULE 3—MEETINGS AND HEARING PROCEDURES

IN GENERAL

(a)(1) Meetings and hearings of the Committee shall be called to order and presided over by the Chair or, in the Chair's absence, by the member designated by the Chair as the Vice Chair of the Committee, or by the ranking majority member of the Committee present as Acting Chair.

(2) Meetings and hearings of the committee shall be open to the public unless closed in accordance with clause 2(g) of rule XI of the Rules of the House of Representatives.

(3) Any meeting or hearing of the Committee that is open to the public shall be open to coverage by television, radio, and still photography in accordance with the provisions of clause 4 of rule XI of the rules of the House (which are incorporated by reference as part of these rules).

(4) When a recommendation is made as to the kind of rule which should be granted for consideration of a bill or resolution, a copy of the language recommended shall be furnished to each member of the Committee at the beginning of the Committee meeting at which the rule is to be considered or as soon thereafter as the proposed language becomes available.

QUORUM

(b)(1) For the purpose of hearing testimony on requests for rules, five members of the Committee shall constitute a quorum.

(2) For the purpose of taking testimony and receiving evidence on measures or matters of original jurisdiction before the Committee, three members of the Committee shall constitute a quorum.

(3) A majority of the members of the Committee shall constitute a quorum for the purposes of reporting any measure or matter, of authorizing a subpoena, of closing a meeting or hearing pursuant to clause 2(g) of rule XI of the Rules of the House (except as provided in clause 2(g)(2)(A) and (B), or of taking any other action.

VOTING

(c)(1) No vote may be conducted on any measure or motion pending before the Committee unless a majority of the members of the Committee is actually present for such purpose.

(2) A record vote of the Committee shall be provided on any question before the Committee upon the request of any member.

(3) No vote by any member of the Committee on any measure or matter may be cast by proxy.

(4) A record of the vote of each Member of the Committee on each record vote on any matter before the Committee shall be available for public inspection at the offices of the Committee, and with respect to any record vote on any motion to amend or report, shall be included in the report of the Committee showing the total number of votes cast for and against and the names of those members voting for and against.

HEARING PROCEDURES

(d)(1) With regard to hearings on matters of original jurisdiction, to the greatest extent practicable:

(A) each witness who is to appear before the Committee shall file with the committee at least 24 hours in advance of the appearance a statement of proposed testimony in written and electronic form and shall limit the oral presentation to the Committee to a brief summary thereof; and

(B) each witness appearing in a non-governmental capacity shall include with the statement of proposed testimony provided in written and electronic form a curriculum vitae and a disclosure of the amount and source (by agency and program) of any Federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years.

(2) The five-minute rule shall be observed in the interrogation of each witness before the Committee until each member of the Committee has had an opportunity to question the witness.

(3) The provisions of clause 2(k) of rule XI of the rules of the House shall apply to any hearing conducted by the committee.

SUBPOENAS AND OATHS

(e)(1) Pursuant to clause 2(m) of rule XI of the rules of the House of Representatives, a subpoena may be authorized and issued by the Committee or a subcommittee in the conduct of any investigation or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present.

(2) The Chair may authorize and issue subpoenas under such clause during any period in which the House has adjourned for a period of longer than three days.

(3) Authorized subpoenas shall be signed by the Chair or by any member designated by the Committee, and may be served by any person designated by the Chair or such member.

(4) The Chair, or any member of the Committee designated by the Chair, may administer oaths to witnesses before the Committee.

RULE 4—GENERAL OVERSIGHT RESPONSIBILITIES

(a) The Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its jurisdiction.

(b) Not later than February 15 of the first session of a Congress, the committee shall meet in open session, with a quorum present, to adopt its oversight plans for that Congress for submission to the Committee on House Administration and the Committee on Government Reform, in accordance with the provisions of clause 2(d) of House rule X.

RULE 5—SUBCOMMITTEES

ESTABLISHMENT AND RESPONSIBILITIES OF SUBCOMMITTEES

(a)(1) There shall be two subcommittees of the Committee as follows:

(A) Subcommittee on Legislative and Budget Process, which shall have general responsibility for measures or matters related to relations between the Congress and the Executive Branch.

(B) Subcommittee on Rules and Organization of the House, which shall have general responsibility for measures or matters related to process and procedures of the House, relations between the two Houses of Congress, relations between the Congress and the Judiciary, and internal operations of the House.

(2) In addition, each such subcommittee shall have specific responsibility for such other measures or matters as the Chair refers to it.

(3) Each subcommittee of the Committee shall review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within its general responsibility.

REFERRAL OF MEASURES AND MATTERS TO SUBCOMMITTEES

(b)(1) In view of the unique procedural responsibilities of the Committee, no special order providing for the consideration of any bill or resolution shall be referred to a subcommittee of the Committee.

(2) The Chair shall refer to a subcommittee such measures or matters of original jurisdiction as the Chair deems appropriate given its jurisdiction and responsibilities.

(3) All other measures or matters of original jurisdiction shall be subject to consideration by the full Committee.

(4) In referring any measure or matter of original jurisdiction to a subcommittee, the Chair may specify a date by which the subcommittee shall report thereon to the Committee.

(5) The Committee by motion may discharge a subcommittee from consideration of any measure or matter referred to a subcommittee of the Committee.

COMPOSITION OF SUBCOMMITTEES

(c) The size and ratio of each subcommittee shall be determined by the Committee and members shall be elected to each subcommittee, and to the positions of chairman and ranking minority member thereof, in accordance with the rules of the respective party caucuses. The Chair of the full committee shall designate a member of the majority party on each subcommittee as its vice chairman.

SUBCOMMITTEE MEETINGS AND HEARINGS

(d)(1) Each subcommittee of the Committee is authorized to meet, hold hearings, receive testimony, mark up legislation, and report to the full Committee on any measure or matter referred to it.

(2) No subcommittee of the Committee may meet or hold a hearing at the same time as a meeting or hearing of the full Committee is being held.

(3) The chairman of each subcommittee shall schedule meetings and hearings of the subcommittee only after consultation with the Chair.

QUORUM

(e)(1) For the purpose of taking testimony, two members of the subcommittee shall constitute a quorum.

(2) For all other purposes, a quorum shall consist of a majority of the members of a subcommittee.

EFFECT OF A VACANCY

(f) Any vacancy in the membership of a subcommittee shall not affect the power of the remaining members to execute the functions of the subcommittee.

RECORDS

(g) Each subcommittee of the Committee shall provide the full Committee with copies of such records of votes taken in the subcommittee and such other records with respect to the subcommittee necessary for the Committee to comply with all rules and regulations of the House.

RULE 6—STAFF

IN GENERAL

(a)(1) Except as provided in paragraphs (2) and (3), the professional and other staff of the Committee shall be appointed, by the Chair, and shall work under the general supervision and direction of the Chair.

(2) All professional, and other staff provided to the minority party members of the Committee shall be appointed, by the ranking minority member of the Committee, and shall work under the general supervision and direction of such member.

(3) The appointment of all professional staff shall be subject to the approval of the Committee as provided by, and subject to the provisions of, clause 9 of rule X of the Rules of the House.

ASSOCIATE STAFF

(b) Associate staff for members of the Committee may be appointed only at the discretion of the Chair (in consultation with the ranking minority member regarding any minority party associate staff), after taking into account any staff ceilings and budgetary constraints in effect at the time, and any terms, limits, or conditions established by the Committee on House Administration under clause 9 of rule X of the rules of the House.

SUBCOMMITTEE STAFF

(c) From funds made available for the appointment of staff, the Chair of the Committee shall, pursuant to clause 6(d) of rule X of the rules of the House, ensure that sufficient staff is made available to each subcommittee to carry out its responsibilities under the rules of the Committee, and, after consultation with the ranking minority member of the Committee, that the minority party of the Committee is treated fairly in the appointment of such staff.

COMPENSATION OF STAFF

(d) The Chair shall fix the compensation of all professional and other staff of the Committee, after consultation with the ranking minority member regarding any minority party staff.

CERTIFICATION OF STAFF

(e)(1) To the extent any staff member of the Committee or any of its subcommittees does not work under the direct supervision and direction of the Chair, the Member of the Committee who supervises and directs the staff member's work shall file with the Chief of Staff of the Committee (not later than the tenth day of each month) a certification regarding the staff member's work for that member for the preceding calendar month.

(2) The certification required by paragraph (1) shall be in such form as the Chair may prescribe, shall identify each staff member by name, and shall state that the work engaged in by the staff member and the duties assigned to the staff member for the member of the Committee with respect to the month in question met the requirements of clause 9 of rule X of the rules of the House.

(3) Any certification of staff of the Committee, or any of its subcommittees, made by the Chair in compliance with any provision of law or regulation shall be made—

(A) on the basis of the certifications filed under paragraph (1) to the extent the staff is not under the Chair's supervision and direction, and

(B) on his own responsibility to the extent the staff is under the Chair's direct supervision and direction.

Rule 7—Budget, Travel, Pay of Witnesses

BUDGET

(a) The Chair, in consultation with other members of the Committee, shall prepare for each Congress a budget providing amounts for staff, necessary travel, investigation, and other expenses of the Committee and its subcommittees.

TRAVEL

(b)(1) The Chair may authorize travel for any member and any staff member of the Committee in connection with activities or subject matters under the general jurisdiction of the Committee. Before such authorization is granted, there shall be submitted to the Chair in writing the following:

(A) The purpose of the travel.

(B) The dates during which the travel is to occur.

(C) The names of the States or countries to be visited and the length of time to be spent in each.

(D) The names of members and staff of the Committee for whom the authorization is sought.

(2) Members and staff of the Committee shall make a written report to the Chair on any travel they have conducted under this subsection, including a description of their itinerary, expenses, and activities, and of pertinent information gained as a result of such travel.

(3) Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, and regulations of the House and of the Committee on House Administration.

PAY OF WITNESSES

(c) Witnesses may be paid from funds made available to the Committee in its expense resolution subject to the provisions of clause 5 of rule XI of the rules of the House.

Rule 8—Committee Administration

REPORTING

(a) Whenever the Committee authorizes the favorable reporting of a bill or resolution from the Committee—

(1) the Chair or acting Chair shall report it to the House or designate a member of the Committee to do so, and

(2) in the case of a bill or resolution in which the Committee has original jurisdiction, the Chair shall allow, to the extent that the anticipated floor schedule permits, any member of the Committee a reasonable amount of time to submit views for inclusion in the Committee report on the bill or resolution.

Any such report shall contain all matters required by the Rules of the House of Representatives (or by any provision of law enacted as an exercise of the rulemaking power of the House) and such other information as the Chair deems appropriate.

RECORDS

(b)(1) There shall be a transcript made of each regular meeting and hearing of the Committee, and the transcript may be printed if the Chair decides it is appropriate or if a majority of the Members of the Committee requests such printing. Any such transcripts shall be a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks. Nothing in this paragraph shall be construed to require that all such transcripts be subject to correction and publication.

(2) The Committee shall keep a record of all actions of the Committee and of its subcommittees. The record shall contain all information required by clause 2(e)(1) of rule XI of the rules of the House of Representatives and shall be available for public inspection at reasonable times in the offices of the Committee.

(3) All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the Chair, shall be the property of the House, and all Members of the House shall have access thereto as provided in clause 2(e)(2) of rule XI of the Rules of the House.

(4) The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the rules of the House. The Chair shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of the rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

COMMITTEE PUBLICATIONS ON THE INTERNET

(c) To the maximum extent feasible, the Committee shall makes its publications available in electronic form.

CALENDARS

(d)(1) The Committee shall maintain a Committee Calendar, which shall include all bills, resolutions, and other matters referred to or reported by the Committee and all bills, resolutions, and other matters reported by any other committee on which a rule has been granted or formally requested, and such other matters as the Chair shall direct. The Calendar shall be published periodically, but in no case less often than once in each session of Congress.

(2) The staff of the Committee shall furnish each member of the Committee with a list of all bills or resolutions (A) reported from the Committee but not yet considered by the House, and (B) on which a rule has been formally requested but not yet granted. The list shall be updated each week when the House is in session.

(3) For purposes of paragraphs (1) and (2), a rule is considered as formally requested when the Chairman of a committee which has reported a bill or resolution (or a member of such committee authorized to act on the Chairman's behalf):

(A) has requested, in writing to the Chair, that a hearing be scheduled on a rule for the consideration of the bill or resolution, and

(B) has supplied the Committee with an adequate number of copies of the bill or resolution, as reported, together with the final printed committee report thereon.

OTHER PROCEDURES

(e) The Chair may establish such other Committee procedures and take such actions as may be necessary to carry out these rules or to facilitate the effective operation of the Committee and its subcommittees in a manner consistent with these rules.

Rule 9—Amendments to Committee Rules

The rules of the Committee may be modified, amended or repealed, in the same manner and method as prescribed for the adoption of committee rules in clause 2 of rule XI of the Rules of the House, but only if written notice of the proposed change has been provided to each such Member at least 48 hours before the time of the meeting at which the vote on the change occurs.

Any such change in the rules of the Committee shall be published in the Congressional Record within 30 calendar days after their approval.

UNITED STATES SEAPORT MULTIYEAR SECURITY ENHANCEMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. Millender-McDonald) is recognized for 5 minutes.

Ms. MILLENDER-McDONALD. Mr. Speaker, today I am introducing the United States Seaport Multiyear Security Enhancement Act, and I am asking all of my colleagues to support it.

Seaport security continues to be an ongoing national concern that Congress cannot afford to ignore any longer. The United States Seaport Multiyear Security Enhancement Act is much-needed legislation that seeks to provide a steady, predictable stream of funding for port security projects. In short, this legislation creates a Port Security Grant program within the Homeland Security Department.

Our Nation's 361 seaports are considered a major terrorist target. It is known that al Qaeda has strong ties to the shipping industry and that one of the aims of this target network is to weaken the economic security of our country.

Our Nation's coastline is our longest border, which is a 95,000-mile coast that includes Great Lakes and inland waterways. Protecting America's seaports is critical to the Nation's economic growth, vitality, and security.

Seaports handle 95 percent of our Nation's overseas trade by volume, support the mobilization and deployment of U.S. armed services, and serve as transit points for millions of crews and ferry passengers. Maritime industries contribute $742 billion per year to the U.S. Gross National Product.

The United States Coast Guard has issued final regulations that call for an immediate and long-term investment in securing our seaports. According to the United States Coast Guard, implementing these regulations that directly address our Seaport security needs will cost $1.1 billion in the first year and $5.5 billion over 10 years.

To date, security funding to our seaports has been woefully underfunded. Last year, the administration requested $46 million for Port Security funding. We can and we must do better, Mr. Speaker.

Given our Nation's economic dependence on our seaports and our ongoing national security concerns, seaport security funding and the need for Federal support for our Nation's security should be ongoing.

Given the enormity of these seaport capital infrastructure projects, my legislation seeks to do the following: Establish a multi-year seaport grant program that resembles the Letter of Intent measures established in the aviation security program; call for multi-year grants and $800 million per year for Port Security Grant Funding. The program would be authorized for 5 years.

This legislation is much needed. We should recognize the continuing security and economic needs that face our Nation and our seaports, and implementing the U.S. Seaport Multiyear Security Enhancement Act is an important step in doing so. I ask my colleagues to support this important legislation.

ELECTION DAY IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, 2 days ago, amidst intimidation and threats and actual violence, the people of Iraq spoke out against the past oppression of Saddam Hussein and his dynasty of tyrants and spoke loudly for democracy. And I was there, privileged to be there, to witness this birth of a new era in this Nation of Iraq. I saw how the Iraqi people boldly, with the courage of a free people, said no to the outlaw desperadoes that plague their land almost daily, with the terror of abuse, ambush, and assassination. A people yearning to be free cannot be deterred by the acts of cowardly villains who harm the innocent and the unarmed.

Even on this day, January 30, Iraq's Election Day, a day of promise, there were still 212 reported acts of violence against these people, 44 of whom died, one being an 8-year-old mentally challenged boy. Yet 60 percent of these proud Iraqis walked to 30,000 polling stations with watchful Iraqi security police on rooftops of schools armed with M-16 rifles.

Yet they ventured out with their families. They stood in lines, received historic ballots with 111 selections from which to choose. They entered a cardboard voting booth, and they made their free choice. They all cast a vote for Iraq.

I talked to these people, the young and the elderly, who were all defiant of the violence and proud to be voters in this first free and fair election that carries the hope of democracy. I even saw husbands taking photographs of their wives while their wives were voting.

The atmosphere of democracy unfolding was almost carnival in nature. After voting, each Iraqi dipped their right forefinger in an inkwell to record the fact that they voted. Some even left the polling place singing as they held their finger up high, a symbol that has come to be termed a badge of courage. They wanted all to know they had participated in this day. One young girl told me that she got there very early that morning so she could be the first person in her community to vote.

This election was planned and conducted by Iraqis. The security force of 100,000 officers were all Iraqis. The votes will be counted by Iraqis, and the 275 members of this new parliament will all be Iraqis.

Mr. Speaker, I believe the United States made a sound decision in helping start this democracy. Similar to the events following World War II when America launched democracies in the nations of our enemies, Japan and Germany, the skeptics and critics said it could not be done, and those skeptics and critics are still around today. But today Japan and Germany are not only thriving democracies but they are also world economic powers and they are our allies.

So this, too, will be our hope and desire for Iraq and for Afghanistan. These two nations will become democracies in spite of the hardships and detractors here at home and abroad. Those people who utter words of gloom, doom, and despair, history will prove those people wrong. History corroborates that freedom can grow in the desert of oppression.

Our efforts have not gone without appreciation by the Iraqi people. The individuals I spoke to on that Sunday morning and afternoon said they love Americans, especially our military. They are truly grateful.

As Election Day drew to a close on Sunday afternoon, the gentleman from Connecticut (Mr. SHAYS) and I spoke with the president of Iraq. And in an almost emotional tone, he told us that the Iraqi people recognize that America has sacrificed their young men and women for Iraq, for this day to come.

We should be happy for the Iraqi people and proud that we have sown the seed of freedom in this land far, far away. And we must remember the words 40 years ago of a young man from Massachusetts, President John Kennedy, when he stated our commitment then and our commitment today. He said. "Let every nation know, whether it wishes us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend, oppose any foe, to assure the survival and success of liberty."

We are doing that in Iraq, Mr. Speaker.

REQUESTING AN INVESTIGATION CONCERNING MYRON KUROPAS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. EMANUEL) is recognized for 5 minutes.

Mr. EMANUEL. Mr. Speaker, today I sent a letter to the Secretary of State requesting an investigation into how an individual, a professor at Northern Illinois University who is known for anti-Jewish comments, was selected to participate in an official U.S. delegation to the inaugural ceremonies of Ukrainian president, Viktor Yuschenko.

For those who might not be aware of this story, last week the Chicago Tribune and the Chicago Sun Times reported that Myron Kuropas, an adjunct professor at Northern Illinois University, accompanied former Secretary of State Colin Powell on a presidential delegation to the Ukrainian inauguration.

At first glance, the professor's selection as a member of the delegation seems perfectly normal. He is of Ukrainian descent and a well-known expert in the region. Furthermore, the professor is a former Ford administration official and had served on the staff of a Senator. Yet Professor Kuropas also has a disturbing history of anti-Jewish remarks.

In 1998, he said, "Let the Jews go on the defensive for a change. The crimes of their people cannot be explained away easily."

In 2000, he said, "Big money drives the Holocaust industry. To survive, the Holocaust industry is always searching for its next mark. Ukraine's turn is just around the corner."

He also accused the Jewish people of being "instrumental in the rise of Soviet Communism and the horrors of Stalinism," which is an interesting take for a professor of history.

It is pretty clear where Professor Kuropas stands. He is entitled to his views, but it is disturbing that an individual whose views are not only inconsistent with those of most Americans but also dangerous would be selected to represent the United States on a presidential delegation to the Ukrainian inauguration.

Inexplicably, when asked whether or not he renounced his previous statements, the professor stood by his previous comments. What is more, it is unclear to this date who selected the professor to go on the delegation, which was the basis of the letter I sent to the Secretary of State.

The State Department, when asked, said, "I think that's really a White House question. It was a White House delegation."

When the White House was asked, they said that they had no idea how he was selected.

He comes from Northern Illinois University, in the Speaker's district. The Speaker said he had no involvement in this, which I believe to be true.

But the question is, how does a known anti-Semite walk on the plane of the United States Government with the Secretary of State as a representative of a presidential delegation, representing the American people, who constantly and consistently has published and speaks out in a vile way, in my view, against the Jewish people and yet nobody from the State Department to the White House or anybody else involved can tell us how he got there or who recommended him? And yet he represented the United States, and I would assume some would say our values of democracy, while in the Ukraine as a part of that delegation and yet consistently refuses to back away from comments that, in my view, are just one individual's take, are neither pro to the Jewish people or to those who border, in my view, on anti-Semitism.

□ 1945

It is ironic that the professor who has done the best job of summing up the issue, because he wrote criticisms of Jews, and I am quoting him, "All of a sudden I do not have a right to be a part of the American delegation?" I could not have said it better myself. The United States should not and does not condone anti-Semitism or discrimination of any kind.

Allowing a known anti-Semite to represent America, which I find ironic on the same week that we celebrate the 60th anniversary of the liberation of Auschwitz, is an embarrassment and a contradiction of all of our values regardless of party.

Mr. Speaker, the issue before us is how did the professor get on the plane and who recommended him to represent the United States of America? We deserve an answer. And in the letter I ask the Secretary of State to provide that answer and to look into this. And I look forward to that answer so we can clear up the question of how a professor who does not hide his views when it comes to the Jewish people was selected to represent the United States with the Secretary of State on an official plane in an official delegation, whose views are abhorrent to our values of decency and respect for people of diverse ethnicity.

AMERICAN MEDIA SHOWS PESSIMISM REGARDING IRAQI ELECTIONS

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, you know, when Ronald Reagan was President, he told a story of the difference between an optimist and a pessimist. And he used the example of two little boys who were put into a room full of horse manure. And the one little boy started crying very viciously, very seriously, because there were not any toys in the room. And the other little boy was digging around happy as a lark.

And they asked him, why are you so happy? And he said, with all of this horse manure in here, there has got to be a pony here somewhere.

The reason Reagan told that story was because he wanted people to realize that optimism is something that everybody should try to acquire in their lives and look at the positive things. And during his administration, he was so optimistic that he changed the whole attitude of the American people and made the 8 years of his administration a real success.

I would like to contrast that, if you will, with what we have seen in the last couple of days. Sixty percent of the people of Iraq went to the polls to vote knowing that some of them might be killed. A lot of people wonder if that would happen here in America.

In America we have what, 30, 40, 50 percent of the people vote if we are very lucky, and we do not have any guns pointed at anybody. And yet in Iraq these people knew their lives were in jeopardy, and they still put their finger in that ink and held it up for the people to see in the cameras so they could take pictures, because they were proud that they had a chance to show their freedom.

They were optimistic, very optimistic like Ronald Reagan talked about, for the future of Iraq. And yet last night when I watched the news, I watched several of the major news networks, and I will not go into their names tonight, but it is the same people that you hear all the time.

They were once again pointing out all of the things that went wrong in Iraq during the elections, and all of the problems that lay ahead of us, and how this is just a first step in a long series of steps that have to be taken; and they were not celebrating at all this tremendous step toward democracy and freedom that took place in one of the toughest spots in the whole wide world.

And I would just like to say to my friends in the media, that was a great thing that happened. Sixty percent of the people who lived under a tyrannical leader for years and years, who suffered torture and heartache for decades, finally had a chance to vote; and even though they were doing it with guns being pointed in their direction, people being blown up, and people being beheaded, they took the chance and went and voted, 60 percent of them. They are optimists. And I just wish the national media would realize it and become optimistic themselves.

EXCHANGE OF SPECIAL ORDER TIME

Mr. DAVIS of Illinois. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from California (Mr. FILNER).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

CLOSING OF IMMACULATE HEART OF MARY HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, the announcement was made last week that a high school in my congressional district, Immaculate Heart of Mary (IHM) in Westchester, Illinois, would be closing its doors at the end of this school year. This closure indicates the end of an era in the Chicago western suburbs and for single-sex education due to a record low enrollment in 2004, and a significant drop in the number of people sitting for the entrance exam in January of 2005.

The school administration made the difficult decision to close this spring.

Since 1961, Immaculate Heart of Mary has offered a rigorous, single-sex, college preparatory education for young women throughout Chicago and the western suburbs. Over 6,000 women have benefited from the education offered by IHM since its inception. Teachers and staff have dedicated themselves to fostering a diverse community aimed towards achieving academic excellence and building a Christian community made up of empowered young women.

IHM has been successful both academically and in its extracurricular activities. Athletic successes include a State championship in basketball in 1987. The students of IHM have been involved in many other extracurricular activities such as Model United Nations and Students Against Drunk Driving. In 1996, IHM received the

United States Department of Education Blue Ribbon Schools Award in recognition of their academic superiority. IHM is the only all-women school in the State of Illinois to receive this award.

The school's president, Karen Ristau, has led a dedicated staff of approximately 30 teachers and administrators in fulfilling IHM's motto: "Every student has the need to become what she has the ability to become." I would like to offer my heartfelt thanks to both Ms. Ristau and the entire staff of IHM for their years of dedication to the education of young women in Illinois. The community, current students, and past graduates are grateful for the commitment of the administration and staff.

By deciding to open its doors to women next fall, St. Joseph High School has offered the students of IHM the opportunity to continue striving for academic excellence in a Catholic environment right next door. These two high schools have always shared a special relationship in which students from both schools have shared some specialized classes and extracurricular activities. As a result of this relationship, the transition into creating a coeducational environment should be relatively smooth. For any of the remaining 238 students who choose not to attend St. Joseph High School in a coeducational environment, IHM officials and counselors will help them and their parents to choose an alternative school.

Although IHM is closing its doors, it has left an indelible mark on today's world through the actions and successes of its graduates. It will be sorely missed by the community and by the entire Illinois 7th Congressional District.

THE LANGUAGE OF IMMIGRATION REFORM

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Arizona (Mr. FLAKE) is recognized for 5 minutes.

Mr. FLAKE. Mr. Speaker, as children we are taught the phrase "sticks and stones will break my bones, but words will never hurt me." I can tell my colleagues that the same rule does not apply to politics. The easiest way to kill an initiative is to apply an unpopular label to it, whether it fits or not.

Opponents of meaningful education reform know they can kill it by calling it "vouchers." Those who do not want Social Security reform can poison the well by calling it "privatization." It is easy to repeal the "death tax," but it is more difficult to get rid of the "estate tax."

In a similar vein, critics of the President's immigration reform plan are trying desperately to kill it by attaching the dreaded "amnesty" label to it. These critics would do well to heed another childhood axiom that applies very much to politics: "You can't throw mud without getting it all over yourselves."

Under the President's immigration initiative, which largely mirrors the legislation that I have introduced along with the gentleman from Arizona (Mr. KOLBE) and Senator MCCAIN, those who are here illegally would have the opportunity to stay as temporary workers provided they pay a fine and have no criminal record. Those seeking to become U.S. citizens would not be given preference over those going through the legal, orderly process in their own countries.

Now, according to the critics of the President's plan, this represents amnesty, because those who enter the country illegally would be allowed to stay for a period of time, even if they pay a fine and go to the back of the line. Now, the President's critics are welcome to use this broad definition of amnesty, but they should be aware that it applies to their own plans as well.

Noticeably absent from any proposal advanced by the President's critics is a plan to deport the estimated 8 million to 10 million illegal aliens who are currently in the U.S. workforce. Much is said about deporting criminal aliens, who number some 400,000; but if you are an otherwise law-abiding alien worker, you are apparently safe from deportation. Now, if you are wondering how this is any less of an amnesty than what the President is proposing, you are not alone.

The irony is for those searching for a get-tough policy, the President is offering a far more serious approach than that of his critics. Under the President's approach, after a date certain, every illegal alien currently working in the United States would have to be registered as a temporary worker in order to continue in his or her job. Severe employer sanctions would be leveled against employers who hire unregistered workers beyond that point, and every employer would, at long last, be given the tools to immediately ascertain who is here legally and who is not.

Contrast this with what appears to be the critics' approach: employers would be given the tools to ascertain the legal status of workers or new hires, but apparently would not be required to check the status of current employees. To do so would reveal the presence of some 8 million to 10 million undocumented workers that not even the President's critics have the stomach to deport.

Our current situation is this: we have millions of illegal aliens here in the United States who are a part of our workforce. We can pretend that these workers do not exist, but that will not make them go away. The call to "enforce our current laws" makes for good rhetoric, but it would require rounding up all undocumented workers and shipping them home, which makes it just that: rhetoric. Let me repeat, not even the President's critics are saying that we should round up all illegal aliens and workers and ship them home.

So that leaves us with just two options. We can continue with a wink and a nod to allow illegal aliens to enter the workforce with fraudulent identification and live in the shadows. If we thought this was acceptable prior to 9/11, we know it is certainly not today. Alternatively, we can create a legal, regulated framework under which workers can be hired and retained, as the President has proposed.

Now, those who question whether or not we can follow through and enforce the new law with severe employer sanctions have a right to be skeptical after what happened after the last round of major changes to immigration law in 1986 when we failed to address the future need for workers. The only certainty here is that we cannot afford to continue with the status quo. And failing to acknowledge that we need a temporary worker program, like we failed to do after 1986, simply ensures that the status quo continues.

Mr. Speaker, all of the name-calling in the world will not change that reality.

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE JUDICIARY, 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. SENSENBRENNER) is recognized for 5 minutes.

Mr. SENSENBRENNER. Mr. Speaker, pursuant to clause 2(a)(2) of rule XI of the Rules of the House of Representatives, I hereby submit the rules of the Committee on the Judiciary for the 109th Congress for publication in the CONGRESSIONAL RECORD. These rules were adopted by the Committee on January 26, in a meeting that was open to the public.

RULES OF PROCEDURE

RULE I.

The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its Subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Tuesday of each week while the House is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or Subcommittee meeting, each Member of the Committee or Subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or Subcommittee.

(d) The Chairman, with such notice to the Ranking Minority Member as is practicable, may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other Committee business. The Committee shall meet for such purpose pursuant to that call of the Chairman.

(e) Committee and Subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to ,defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or Subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or Subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h)(1) Subject to subparagraph (2), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(i) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee and shall be included as part of the legislative report unless waived by the Chairman.

(j) Without further action of the Committee, the Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

RULE III. HEARINGS

(a) The Committee Chairman or any Subcommittee chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or Subcommittee, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or Subcommittee chairman shall make the announcement at the earliest possible date.

(b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

(e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript.

RULE IV. BROADCASTING

Whenever a hearing or meeting conducted by the Committee or any Subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over the following subject matters: antitrust law, tort liability, including medical malpractice and product liability, legal reform generally, and such other matters as determined by the Chairman.

(b) There shall be five standing Subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) *Subcommittee on Courts, the Internet, and Intellect Property:* copyright, patent and trademark law, information technology, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) *Subcommittee on the Constitution:* constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) *Subcommittee on Commercial and Administrative Law:* bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) *Subcommittee on Crime, Terrorism and Homeland Security:* Federal Criminal Code, drug enforcement, sentencing, parole and pardons, terrorism, internal and homeland security, Federal Rules of Criminal Procedure, prisons, criminal law enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) *Subcommittee on Immigration, Border Security, and Claims:* immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation, private immigration and claims bills, non-border enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and Ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each Subcommittee to which such Chairman or Ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such Subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chairman and other Subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and Subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or Subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or Subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

TRIBUTE TO THE COLUMBIA SEVEN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, on the second anniversary of the tragic crash that took the lives of seven courageous astronauts aboard Space Shuttle *Columbia*, I ask all of my colleagues in the Congress to join me in paying tribute to our fallen heroes. The seven astronauts whose lives were lost aboard the space shuttle *Columbia* were extraordinary people. To the world those astronauts were valiant heroes; to us in Texas they were also friends, neighbors, and family. They made the ultimate sacrifice on a mission that benefited all of humanity. They deserve the highest level of honor, and their sacrifice and dedication must be commemorated in a way that will serve to inspire the next generation of explorers.

Those that we remember today are:

(1) Rick D. Husband;
(2) Michael P. Anderson;
(3) Laurel Clark;
(4) David M. Brown;
(5) William C. McCool;
(6) Kapana Chawla; and
(7) Ilan Ramon.

These astronauts were individuals of the highest caliber, always striving for excellence, and exemplifying the most noble of human traits. They were skilled professionals, scientists, clinicians, adventurers, and family men and women. The crew represented the diversity of our Nation—black and white, men and women, immigrant and native-born, and included a comrade from Israel embodying the international goals of peace and cooperation.

The *Columbia* crew was deeply committee to the NASA mission. NASA provides insights into the origins, destiny, and wonder of the universe and is a source of dreams for young and old alike. These seven courageous explorers paid the ultimate price to improve our understanding of the universe, to advance our medical and engineering sciences, and to make the Nation safer and more secure. Before the *Columbia* started its tragic descent, the shuttle crew completed some 80 scientific experiments. Much of their research data had already been relayed to Houston where it has added to the pool of scientific knowledge.

In the 108th Congress, I introduce legislation (H.R. 525) that would have authorized the issuance of Congressional Gold Medals to commemorate our fallen heroes on the Space Shuttle *Columbia*. Three hundred eighteen of my colleagues in the House of Representatives joined me in the co-sponsorship of that legislation. Nevertheless, the bill never made it to a vote.

I have reintroduced the bill in the 109th Congress (H.R. 258) authorizing the coinage of a Gold Medal to pay proper tribute to our astronauts. Unfortunately, untimely and ill conceived legislation (H.R. 54) also before the 109th Congress which purports to "provide reasonable standards for congressional gold medals" essentially limits the bestowal of this honor to American icons. One of the main reasons that the medal is bestowed is to make the highest expression of national appreciation for distinguished achievements and contributions. H.R. 54 will summarily restrict this goal and prevent many honored heroes from receiving proper recognition. Provisions in H.R. 54 will specifically exclude the award of Congressional Gold Medals to the *Columbia* astronauts.

I hope that my colleagues in this esteemed body will join me in helping to pass legislation that will properly honor our *Columbia* heroes. I also ask my colleagues to help ensure that those deserving can be recognized by Congress through the issuance of Gold Medals.

The tragedy that occurred two years ago serves as a wake-up call for a new look at spacecraft safety. NASA has made good progress identifying the causes of the *Columbia* crash and is designing approaches for the Shuttles' return to flight. I have called for detailed safety analyses of he International Space Station (ISS) and hope that my colleagues will work with me in developing legislation that will authorize a safety audit of the ISS that will address the same level of detail addressed by the Columbia Accident Investigation Board.

GREENSBORO FOUR INSPIRED NONVIOLENT PROTESTS AGAINST RACIAL SEGREGATION ACROSS THE SOUTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MILLER) is recognized for 5 minutes.

Mr. MILLER of North Carolina. Mr. Speaker, I am proud to join the gentleman from Georgia (Mr. LEWIS) in rising tonight to remember an act of courage and conscience 45 years ago today that forever changed North Carolina, the South, and our Nation.

On February 1, 1960, four African American students at North Carolina Agricultural and Technical State University, North Carolina A&T, walked into the F. W. Woolworth store in downtown Greensboro and sat down at the "whites' only" lunch counter. They were refused service, but they continued to sit at the lunch counter in nonviolent protest.

The courageous nonviolent protests of the four A&T freshmen, Jibrel Khazan, then Ezell Blair, Jr.; David Richmond; Joseph McNeil; and Franklin McCain, the Greensboro Four, inspired sit-ins across North Carolina and the South to protest racial segregation in public accommodations and in every other area of life.

☐ 2000

The sit-in movement became a critical part of the civil rights movements and led eventually to the enactment of the Civil Rights Act of 1964 and the integration of public accommodations in America.

Today, I attended a celebration in Greensboro marking the 45th anniversary of the beginning of the sit-in movement. In July, the Woolworth's store in downtown Greensboro, hallowed ground to the civil rights movement, will open as an international civil rights museum.

Mr. Speaker, we no longer have whites-only lunch counters. Ending segregation has made our Nation a more decent and just society, but there remains much work to be done to achieve racial justice. There remain disparities in almost every aspect of life. And the courage and conscience of the Greensboro Four remains an inspiration for all Americans to recognize injustice, to refuse to accept injustice, to act against injustice.

HONORING LANCE CORPORAL ADOLFO LOPEZ

The SPEAKER pro tempore (Mr. PRICE of Georgia). Under a previous order of the House, the gentleman from Texas (Mr. CUELLAR) is recognized for 5 minutes.

Mr. CUELLAR. Mr. Speaker, I rise today to honor the memory of United States Marine Lance Corporal Adolfo Lopez.

On Thursday, November 18, 2004, Lance Corporal Lopez, a member of Battery T Unit, 5th Battalion, 11th Marines, 1st Marine Division, died at the young age of 19.

Mr. Lopez was killed in tragic rollover accident near Tucson, Arizona, while traveling home to Laredo, Texas, from a California military base.

Mr. Lopez, also known as Buffy, was coming home to Laredo to spend the holidays with his family before being deployed to Iraq. Although he did not make it to the battlefield, Adolfo was proud to be called a Marine.

Mr. Lopez, a 2003 graduate of J.B. Alexander High School, was described by his high school senior counselor as dedicated, disciplined and goal oriented. She said one of Adolfo's greatest moments was when he was informed that he had been accepted to the United States Marines.

While in the United States Marines, Adolfo received the National Service Defense Medal. According to Jose Antonio Lopez, his brother's goal was to become a Sergeant in the United States Marine Corps.

One of Adolfo's high school teachers, Mrs. Cecilia Santos, recalls letters and e-mail Adolfo sent her from boot camp in which he would mention how hard it was being away from his home, his family and his friends. Nevertheless, the growth in character he was experiencing was evident in his letters. Mrs. Santos noted in a letter that Buffy was fast becoming a man, a man of great moral fiber who was a role model to our youth.

Mr. Speaker, on behalf of my constituents in Laredo, Texas, I ask this great body to join me in sending our most heartfelt condolences to the family of Lance Corporal Adolfo Lopez.

May God watch over his parents, Daniel and Mercedes Lopez, and his brothers and sisters, Daniel, Jose, Herminia, Christian, David, Dennise, and Eddie Lopez.

OMNIBUS NONPROLIFERATION AND ANTI-NUCLEAR TERRORISM ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, early on the morning of October 11, 2001, as lower Manhattan still lay smoldering, President Bush was told by George Tenet, the Director of Central Intelligence, that a CIA agent was reporting that al Qaeda terrorists armed with a stolen Russian nuclear weapon were loose in New York City.

The threat was not made public for fear it would cause mass panic, but it precipitated an evacuation of hundreds of senior U.S. Government officials, including Vice-President CHENEY, to a series of undisclosed locations away from the capital. Nuclear Emergency Search Teams were dispatched to New York to look for the weapon, reportedly a 10 kiloton warhead that could have killed at least 100,000 people if it were detonated in Manhattan.

Thankfully, the CIA report turned out to be untrue, but the danger we face from nuclear terrorism is all too real. Osama bin Laden has termed the acquisition of weapons of mass destruction "a religious duty," while his press spokesman has announced that al Qaeda aspires to kill 4 million Americans, including 1 million children.

President Bush has deemed a nuclear terrorist attack on the United States as the number one national security threat facing this country. Last week, in a valedictory interview with the Associated Press, Attorney General John Ashcroft also singled out the danger to America posed by terrorists armed with nuclear weapons.

I agree with the President and the Attorney General. I also share the conviction of almost every expert in and out of government who has looked at this problem that if we do not act now to secure existing nuclear material and weapons, as well as the expertise needed to build new weapons, a nuclear terrorist attack on the United States is only a matter of time.

Mr. Speaker, I will be introducing the Omnibus Nuclear Nonproliferation and Anti-Nuclear Terrorism Act of 2005 to better enable the United States to prevent what Graham Allison of Harvard University has termed "the ultimate preventable catastrophe." I am pleased to announce that several of my colleagues will be joining me as cosponsors.

Over the past several months I have consulted with a range of experts to produce a range of policies that I believe will be effective and which can be implemented quickly, as time is of the essence and time is not on our side.

First, the bill creates an Office of Nonproliferation Programs within the Executive Office of the President to coordinate and oversee America's efforts to prevent terrorists from gaining access to nuclear weapons and to manage the effort to secure existing nuclear material in the former Soviet Union and other places.

The bill expands the ability of the President to carry out the Cooperative Threat Reduction programs both in the former Soviet Union and elsewhere.

It will enhance the Global Threat Reduction Initiative announced by Secretary of Energy Spencer Abraham, our former Secretary, last May to advance the global cleanout of the most vulnerable stockpiles of nuclear weapons materials.

The legislation calls on the President to expand and strengthen his Proliferation Security Initiative to interdict the shipment of nuclear material.

My bill also urges the President to work with other nations and international organizations to develop and implement standards to improve the security of nuclear weapons and materials.

It authorizes the Department of Energy to assist Russia in conducting a comprehensive inventory of its tactical weapons and requires reports to Congress on those efforts.

My bill will also expand the President's authority to fund non-defense research by Russian WMD scientists so these scientists would not be tempted to sell their secrets to North Korea, Iran or al Qaeda.

Finally, the bill will require the President to report on ways to strengthen the Non-proliferation Treaty by more effectively controlling nuclear technology and material and by mobilizing the international community to close the loophole in Article IV of the treaty.

Mr. Speaker, as the Nation and this Congress grappled with the attacks of September 11, we asked ourselves how we could have failed to foresee the danger posed by al Qaeda and taken steps to prevent 9/11. We know about the danger of nuclear terrorism. We have been warned repeatedly. We are in a race with terrorists who are actively seeking nuclear weapons. The choice is ours. We can continue doing what we are doing now and risk an almost inevitable nuclear attack or we can take action to prevent it. When you consider the consequences, Mr. Speaker, the choice is really no choice at all.

DAMAGING SOCIAL SECURITY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, the gentlewoman from New York (Mrs. MALONEY) is recognized for 60 minutes as the designee of the minority leader.

Mrs. MALONEY. Mr. Speaker, first of all, I would like to thank the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from California (Ms. WOOLSEY) for helping to organize this Special Order with me.

I would like to thank and recognize my colleagues who have agreed to participate in this Democratic hour of discussion. Those who are here tonight to speak are from the Democratic Women's Caucus, from the Congressional Black Caucus, from the Hispanic Caucus, and we have many other like-minded Members here tonight to speak.

Tomorrow night, we will listen to the President describe his domestic agenda for the next 4 years. He has already told us what he will spend most of his time talking about. He will not be talking about paying down the staggering national deficit or addressing the international crisis over the falling American dollar or getting Americans back to work after we have lost over 2 million jobs.

He will be talking about Social Security. He is going to spend his first annual address to the Nation trying to sell us on his plan to cut Social Security in half. Of course, that is not what he is going to call it, but that is exactly what it is.

I suggest that we listen carefully tomorrow night not to what the President says as much to what he does not say. In fact, the White House admitted today to the Washington Post that the President will not talk about the size of the benefit cuts his plan requires or about how the size of the proposed private accounts compare to the benefits retirees are now getting.

Let us see tomorrow night if the President tells the public that his plan will raise the deficit by over $2 trillion or put in jeopardy the trust fund that guarantees retired American workers financial dignity in their old age.

Let us call it like it is. The President wants to privatize Social Security, although I am sure he will not use that word, because they know that Americans do not like gambling in the stock market with the Social Security Trust Fund. Democrats will make clear that his plan means putting at risk the Social Security Trust Fund that guarantees working Americans an old age with financial dignity.

The President wants to cut benefits drastically. He has to make his plan work, but he will not say that. Democrats will tell Americans the Bush plan means each of you will get less than you get now and less than you would get if you did nothing at all.

The President wants to increase the deficit by $2 trillion to pay for his plan, additional debt that would most likely be held by a foreign country such as China or Japan, but he will not mention that his reckless deficit increase lets other nations control America's economy and perhaps even our future.

Democrats are standing up for our economic security and for that of our children. Enough American debt is already in the hands of other countries.

If that is not bad enough, the gentleman from California (Mr. THOMAS) wants to calculate monthly benefits based on race and gender. For example, women get less each month in his proposal than men because they tend to live longer.

Democrats are saying we will not accept a Social Security formula based on race or gender. It raises serious constitutional questions and is just plain wrong and unfair.

Let us just call this plan what it is. It is a bad plan with bad results for American workers, especially women and minorities, and here are the facts: The White House is pushing a proposal that would cut in half the amount of income replaced by Social Security for the average retired American worker. Unlike the present system which allows benefits to grow with the economy and wages, the Bush plan would fix benefits to current living standards. That means that retirees would have to live on an amount that is not keeping pace with the cost of living but effectively shrinking each year. An average worker retiring today would have 42 percent of his or her lifetime average income replaced by Social Security, and that is the green line right here.

Under the current system, the workers would get 40 percent of it and the lower income workers on this side would get more than the higher income workers.

Under the Bush plan, in 70 years this benefit would fall to 18 percent. That is a dramatic fall. In other words, workers are denied roughly half of the benefits they have earned over a lifetime of work.

□ 2015

As my colleagues can see from this chart, and this chart was prepared by the nonpartisan, independent Economic Policy Institute, the President's plan is particularly bad for lower-income workers, those who earn less than the average; and this includes many women and minorities, lower income here. So we can tell that there is more of an impact on lower-income workers. Everybody loses but the lower-income earners. The people who need it most lose the most.

To add insult to injury, under the President's plan, at retirement, workers would effectively lose about half of their so-called private account, since about 50 cents on the dollar is deducted from their guaranteed benefits that they would otherwise get. Even a good investor loses half of what he or she made.

So far, the White House has been silent on that feature, but they need it in order to make their plan add up; and we will not be able to avoid that by opting out of the private account system. The President has been calling the plan, quote, voluntary; but under his plan, workers who do not want to gamble with part of their Social Security money lose the corresponding portion of their guaranteed benefits anyway. So how voluntary is that?

We have not even mentioned the risk to the trust fund, to the taxpayers and to individual retirees that comes from letting individuals play the stock market with Social Security money. What about those who take money out of the trust fund under the President's plan to invest in stocks that go belly up? Who takes care of them? The taxpayers, of course. So the system really ends up paying twice.

Today, in contrast, the trust fund provides guaranteed benefits for older Americans, backed by the full faith and credit of the United States Government. That is a better investment for Social Security and for the American people.

If the President told the whole truth to the Nation, Americans would see clearly that his plan is a lousy deal for the American people. Women and minorities are particularly hurt by the Bush plan.

Let me spend a moment on just how bad the plan is for women. Women still earn less than men on average, about 79 cents to the dollar; and that wage differential translates to an even greater pension disparity. In addition, many Social Security recipients are not retired workers but receive benefit as the spouse, child, or widowed spouse of a worker or a disabled worker. Most of these recipients are women and children. So women depend on Social Security more than men do. Women are 70 percent of Social Security recipients at age 65 and over 75 percent at age 85 and above. Social Security benefits are particularly important to keeping women and minorities out of poverty.

This chart that was prepared from the Joint Economic Committee shows that for nonmarried women over 65 Social Security cuts the poverty rate from almost 60 percent to 16 percent, and we can see that the figures for African Americans and Hispanics are comparable. It is 21 percent for blacks and 15 percent for Hispanics. In New York, for example, my home State, 55 percent of elderly women would live in poverty without Social Security.

The President's plan affects women and minorities even worse than men. Women and minorities tend to be at the lower end of the income area, whereas, as we saw in the first chart, benefits drop even more under the Bush plan than on average. Also, the fact that the Bush plan fixes benefits to current living standards cuts benefits to spouses, children, and surviving spouses even more drastically than it does to retirees. Once again, the administration is hurting those who are most vulnerable.

This effect is so obvious that even the White House suddenly feels it has to have some sort of Band-Aid to paste over it; but since the cuts under the Republican plan become larger over time, the temporary increase in benefits the President is rumored to favor will not make up for the cuts for a very long period.

On top of this, the gentleman from California (Mr. THOMAS) suggests that we reduce women's benefits because they live longer than men. This proposal is just absolutely wrong. It is at odds with the moral values of our society. Since the chairman seems to be taking it seriously, let me note that it also raises serious constitutional and legal issues.

Under well-established Supreme Court decisions, city and State pension plans are barred by title VII from using the fact that women live longer as a reason to pay them less each year. Surely, the Federal Government should hold itself to the same standard.

This proposal should be off the table. Together with 40 of my colleagues we have asked the President to make it clear that he rejects the gentleman from California's (Mr. THOMAS) proposal, and we will be listening to his comments tomorrow night.

Let me add that I have a great deal more to say, but I have many distinguished colleagues with me; and I would like to call upon the gentlewoman from California (Ms. WATSON) who is one of the representatives from the Congressional Black Caucus.

Before that, I would like to place in the RECORD at this point an article by Paul Krugman which points out that his plan is particularly harmful to minorities.

Social Security privatization really is like tax cuts, or the Iraq war: the administration keeps on coming up with new rationales, but the plan remains the same. President Bush's claim that we must privatize Social Security to avert an imminent crisis has evidently fallen flat. So now he's playing the race card.

This week, in a closed meeting with African-Americans, Mr. Bush asserted that Social Security was a bad deal for their race, repeating his earlier claim that "African-American males die sooner than other males do, which means the system is inherently unfair to a certain group of people." In other words, blacks don't live long enough to collect their fair share of benefits.

This isn't a new argument; privatizers have been making it for years. But the claim that blacks get a bad deal from Social Security is false. And Mr. Bush's use of that false argument is doubly shameful, because he's exploiting the tragedy of high mortality for political gain instead of treating it as a problem we should solve.

Let's start with the facts. Mr. Bush's argument goes back at least seven years, to a report issued by the Heritage Foundation—a report so badly misleading that the deputy chief actuary (now the chief actuary) of the Social Security Administration wrote a memo pointing out "major errors in the methodology." That's actuary-speak for "damned lies."

In fact, the actuary said, "careful research reflecting actual work histories for workers by race indicate that the nonwhite population actually enjoys the same or better expected rates of return from Social Security" as whites.

Here's why. First, Mr. Bush's remarks on African-Americans perpetuate a crude misunderstanding about what life expectancy means. It's true that the current life expectancy for black males at birth is only 68.8 years—but that doesn't mean that a black man who has worked all his life can expect to die after collecting only a few years' worth of Social Security benefits. Black's low life expectancy is largely due to high death rates in childhood and young adulthood. African-American men who make it to age 65 can expect to live, and collect benefits, for an additional 14.6 years—not that far short of the 16.6-year figure for white men.

Second, the formula determining Social Security benefits is progressive: it provides more benefits, as a percentage of earnings, to low-income workers than to high-income workers. Since African-Americans are paid much less, on average, than whites, this works to their advantage.

Finally, Social Security isn't just a retirement program; it's also a disability insurance program. And blacks are much more likely than whites to receive disability benefits.

Put it all together, and the deal African-Americans get from Social Security turns out, according to various calculations, to be either about the same as that for whites or somewhat better. Hispanics, by the way, clearly do better than either.

So the claim that Social Security is unfair to blacks is just false. And the fact that privatizers keep making that claim, after their calculations have repeatedly been shown to be wrong, is yet another indicator of the fundamental dishonesty of their sales pitch.

What's really shameful about Mr. Bush's exploitation of the black death rate, however, is what it takes for granted.

The persistent gap in life expectancy between African-Americans and whites is one measure of the deep inequalities that remain in our society—including highly unequal access to good-quality health care. We ought to be trying to diminish that gap, especially given the fact that black infants are two and a half times as likely as white babies to die in their first year.

Now nobody can expect instant progress in reducing health inequalities. But the benefits of Social Security privatization, if any, won't materialize for many decades. By using blacks' low life expectancy as an argument for privatization, Mr. Bush is in effect taking it as a given that 40 or 50 years from now, large numbers of African-Americans will still be dying before their time.

Is this an example of what Mr. Bush famously called "the soft bigotry of low expectations?" Maybe not: it isn't particularly soft to treat premature black deaths not as a tragedy we must end but as just another way to push your ideological agenda. But bigotry—yes, that sounds like the right word.

Ms. WATSON. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for yielding.

Mr. Speaker, I cannot condone irresponsible actions, and to support the President's plan on the destruction of Social Security would be just that, irresponsible.

Social Security is a program that should be strengthened and preserved for future generations. Republicans are manufacturing a Social Security crisis that does not exist in order to dismantle Social Security. The administration should be working with Congress to promote personal wealth and savings through investment, but not at the cost of Social Security.

Despite the President's claims, Social Security will remain solvent for nearly 50 more years under the current system. Modest changes to the system would enable Social Security to pay full benefits well into the future. The President's plan for Social Security reform only achieves solvency through massive cuts in guaranteed benefits, not through privatization.

Under the President's plan, according to the CBO, benefits for the typical retiree in 2065 will be 45 percent lower than under the current system. The so-called private accounts will be taxed around 50 percent before the money is available to the beneficiary.

I am especially disappointed at the recent comments made by the chairman of the Committee on Ways and Means. The elimination of racial and gender disparities is an issue whose time is long overdue. As a Federal elected official, a Congressional Black Caucus member and a senior woman, I want to call attention to the following facts.

Social Security makes up a much larger share of total retirement income for unmarried women and minorities than it does for married couples, unmarried men and whites.

Among seniors, Social Security is the sole source of income for 26 percent of nonmarried women.

Social Security is a family insurance program, not an investment scheme. Every American that is drawing Social Security put in the blood, sweat and tears required to earn the benefit. Social Security has been very effective in reducing poverty; and without Social Security, 47 percent of whites age 65 or older would have incomes below the poverty line. Sixty percent of blacks age 65 or older would be below the poverty line, and the poverty rate would be over 55 percent for Hispanics age 65 or older as well.

Mr. Speaker, I urge my colleagues to honor the Americans that have accepted stewardship of this great country for over 65 years of their lives. We are a stronger Nation when we protect and respect our seniors. We gain wisdom, institutional memory, guidance, and family values by ensuring the well-being of all our elder citizens.

Forty-eight million people receive Social Security benefits each month. Thirty million are retired workers who have paid into the system, and more than 90 percent of people age 65 or older obtain Social Security income.

Mr. Speaker, we should not endorse a plan that will destroy Social Security. The President's plan is simply irresponsible.

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for her comments, and I would place in the RECORD at this point a letter that was signed by 40 of my colleagues asking him to make it absolutely clear that he rejects the gentleman from California's (Mr. THOMAS) notion, and I hope that we hear that tomorrow night.

Hon. GEORGE W. BUSH,
President,
Washington, DC

Dear Mr. President, We were appalled to hear Ways & Means Chairman Bill Thomas propose Sunday on "Meet the Press" that Social Security benefits should be based on race and gender. Chairman Thomas said that Congress "needs to consider how many years of retirement you get based on your race" and that women should receive fewer benefits each year because they tend to live longer than men. Asked if Congress would accept such an idea, Chairman Thomas didn't seem to know the answer.

The answer is "No," Mr. President. We, the undersigned members of Congress, will not accept a Social Security formula that is based on race or gender. This idea is unfair, it is unjust, it is profoundly anti-American. We call on you to repudiate it. We request a meeting with you to give you our views in person and receive your response.

Cutting benefits to those who need them most is counter to the core principles on which Social Security was founded. That great program is the financial safety net for all working Americans in their old age. All workers have earned their benefits and are entitled to them regardless of gender or race. Social Security's formulas are race and gender neutral and must remain so. To propose that women should receive fewer benefits because they tend to live longer denies benefits to retired women workers who depend on them to survive and is fundamentally wrong. To advocate that minorities should receive different benefits on the basis of their race is repugnant in a society that has renounced racial discrimination and where all persons are equal before the law.

Chairman Thomas' proposal attacks the most vulnerable among us. Retired women workers are twice as likely as men to live below the poverty line and to depend on Social Security as their sole means of support. For African-Americans, Social Security cuts the poverty rate from 59 percent to 21 percent.

Sunday was not the first time Chairman Thomas has proposed basing Social Security on race and gender, but it was the first he made clear on national TV that he will advance this outrageous agenda in the Congress. It is time to make clear that Congress will not accept it. Nor should you or your administration. Chairman Thomas' proposal goes against everything for this great nation stands, and it is counter to our deepest moral values. We call on you to renounce clearly and unambiguously any change to Social Security benefits premised on race or gender.

Sincerely,

Carolyn Maloney; Frank Pallone, Jr.; Nancy Pelosi; Tammy Baldwin; William Jefferson; Alcee Hastings; Dale Kildee; Diane Watson; Michael Michaud; Gene Green; Steve Israel; Maxine Waters; Lynn Woolsey; Joe Baca; Sheila Jackson-Lee; Chris Van Hollen; Jerrold Nadler; Gary Ackerman; Raul Grijalva; Barbara Lee; Gwen Moore; Luis Gutierrez; Sam Farr; Bobby Rush; Marty Meehan; Mike Honda; Ed Markey; Tim Bishop; Robert Menendez; Donald M. Payne; Tom Lantos; Eddie Bernice Johnson; Al Green; Loretta Sanchez; Henry Waxman; Julia Carson; Maurice Hinchey; Elijah Cummings; Linda Sánchez; Artur Davis; and Major R. Owens; Members of Congress.

Mr. Speaker, I would like to read briefly a letter that came into my office on this issue from one of my constituents, and she wrote:

"I want to thank you for standing up on the Congress floor and speaking out against the appalling recommendation made by the gentleman from California (Mr. THOMAS) on Meet the Press. No decisions regarding Social Security should be based on a recipient's gender or race. To this day, women and often minorities still earn less on average than men. This has placed an unfair burden on women who often are the sole providers for their children to have the means in which to save for their retirement. Shall we further ensure their poverty in their final years? Please do not allow the gender gap to become acceptable and government-controlled."

Another person who has spoken out strongly on this issue is the gentlewoman from Wisconsin (Ms. BALDWIN), and I thank her for joining us.

Ms. BALDWIN. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for yielding to me and also for her efforts in organizing this evening's Special Order so that we can bring greater attention to this critical issue.

Of all the programs instituted by government during our Nation's history, Social Security is arguably the most successful, one of the most meaningful. It is the only universal defined benefit, inflation-protected pension system for American workers.

It is a little known fact that Wisconsin had a very strong connection to Social Security in its origins, its authorship and its administration. In the 1920s, lured by the promise of quick profits, millions of Americans invested all of their assets in the stock market, losing everything when the Market crashed in 1929. In the Depression that followed, no group suffered more than the millions of senior citizens who had no income, no resources and were forced to live in poverty.

Spurred by that tragedy, two Wisconsin natives and University of Wisconsin-trained economists led President Roosevelt's Committee on Economic Security in drafting and shepherding through Congress what became the Social Security Act of 1935. The conceptual underpinnings of Social Security came directly from what we call the Wisconsin Idea, the concept that governments and the university could and should collaborate to address serious social and economic problems.

The successful results of this collaboration cannot be questioned. For nearly 70 years Social Security has served as a vital resource for our Nation's seniors, preventing millions from spending their final years in poverty.

□ 2030

In fact, according to the U.S. Census Bureau, the national poverty level among senior citizens is 10 percent, which is two-and-a-half percentage points lower than the national percentage of the population living in poverty.

Social Security benefits are predictable and steady. They protect against inflation, and they also provide vital disability and survivor benefits. No private pension or savings account can provide that type and kind of protection.

Those who seek to privatize the program have sought to portray Social Security as unaffordable, unsustainable and facing some sort of imminent financial crisis. Yet a close look reveals that the facts are otherwise. According to the Social Security Trustees' Annual 2004 Report, Social Security will be able to pay full benefits to all retirees until the year 2042. The Congressional Budget Office projects that Social Security will be able to pay 100 percent of benefits until 10 years later, 2052.

However, if current workers are allowed to divert money out of the Social Security Trust Fund and contract into private accounts, there will not be enough revenue to pay benefits to current beneficiaries and, without raising taxes, the government would be forced to borrow that money, raising the deficit by an estimated $2 trillion.

So why the clamor to create private accounts? Despite its undeniable success, there have always been people opposed to Social Security who have worked repeatedly to dismantle the program. They simply do not believe that government should insure Americans against poverty. I find this indefensible.

Social Security is a product of, among other things, the Wisconsin idea, reflecting Wisconsin values that government should work to further the common good. As generations did before us, it is now our duty to strengthen the Social Security program and keep this promise to all generations that follow.

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman from Wisconsin. I was not aware of Wisconsin's important role in the development of this program.

Mr. Speaker, I wish to yield to my colleague, the gentleman from the great State of New York (Mr. OWENS), and to thank him for speaking out and being with us here tonight.

Mr. OWENS. Mr. Speaker, I thank my colleague from New York for this Special Order, and I rise to make a fervent appeal.

Social Security should be a nonnegotiable part of a democratic society in America. I must appeal and beg the White House and the Republican majority in the House and the Senate to end the torture of millions of Americans. Right now they are going through torture.

Torture is a correct word. A cruel psychological torture is being executed every day when we launch these overt attacks, assaults on Social Security. People are fearful. I feel the pain and fear of the millions who are now trembling under this barrage of Republican propaganda which attacks Social Security, uses trick words and booby trap concepts that frighten people a great deal.

It is not reform. It is the destruction of Social Security as we know it which is being attempted. Social Security must be made as permanent as the United States Constitution. Social Security represents a high expression of compassion. It is a massive and systematic application of collective compassion. It works. It is not a perfectly administrated program. Nothing is perfect. But it has made possible a helping hand in a systematic way to more people than any other program ever conceived by any government.

Social Security is a Democratic Party creation. Fortunately, we heard our colleague previously talk about how Social Security evolved out of State programs. It is a Democratic Party creation because it was greatly resisted by the Republican Party from the very beginning.

It is important to note this fact and have people understand in this generation at this particular time that Social Security was not created by magic. There was a certain kind of moral dedication and political determination that was necessary in order to create Social Security. Moral dedication. Morality in the truest sense of the word. Morality: Caring for the lives of people. Morality: Wanting to make that part of the preamble to the Declaration of Independence which talks about the pursuit of happiness, wanting to make it a reality for the poorest people.

So it is probably the greatest act of morality of our government, the one that impacts on the most lives over history, over time, than any other. So when we speak of moral values, let us remember it was the Democrats who created Social Security, the Franklin Roosevelt administration.

It was the Democrats who later created Medicare and Medicaid. The great disciple of Franklin Roosevelt, Lyndon Johnson clearly understood that government is not on people's back when government takes steps to organize systems which allow people to pursue happiness, allows the elderly to be part of the process of pursuing happiness, allowing all people to have reasonable health care, no matter how poor they are. Medicaid and Medicare are under attack also as well as Social Security.

America today must appreciate that maybe there were miracles involved, but they were not from heaven, I assure you. There were miracles that took place in this city, in Washington. There were miracles that took place on the floor of the House and the Senate. There were miracles that took place in the White House to make Social Security a reality.

We do not want to lose this reality. We want it to continue to be an expression of our moral values at the very highest.

I feel the fear of millions of people, but I also first feel the fear of individuals that I know. The senior citizens whose faces I look into, they are frantic. Because the way in which we have approached this problem is to first stampede people into the feeling it is doomed, it is about to go over the cliff, that any day now that they will cut off Social Security checks.

We did not mean to make it quite that dramatic, but for a poor person, a senior who has no other income, no other income, and there are millions who have no other income except Social Security, for them to face a situation where they hear on the radio, they see on television the talking heads talking about the need to privatize Social Security, privatize to them means the government is not running it, and they do not trust private individuals.

There are all sorts of scenarios running through the heads of people who are dependent upon Social Security. So I feel the fear directly. I feel the fear because I know people who cannot make it any other way without Social Security, and they think that any day now they are going to be without it.

This stampede is a kind of terror. It is unnecessary terror. It is setting the stage politically to force us to act faster and with a kind of frantic fear that makes people, Members of Congress, do what they know is wrong. The stampede should stop.

The stampede is made more fearful by the insulting language and the distorted arguments that are already being used, as we have heard my colleagues talk already. I heard my colleague on the Committee on Ways and Means, the chairman of the Committee on Ways and Means, I heard him on television. I could not believe my ears when I heard the discussion about women live longer and, therefore, women should probably have reduced benefits. That would be the fair thing to do. I just cannot comprehend in this day and age a statement like that could be made. Women should be penalized for living longer.

Along with that statement, Mr. Speaker, came the statement that blacks, particularly black males, would be the beneficiary of a privatization program because they would have greater control over the money they put in. They could take it out earlier, because, after all, black males are dying earlier.

The actuarial statistics show clearly that black males are swindled out of their Social Security payments at a greater rate than anybody else. They die earlier and so do not get their benefits. So, therefore, instead of trying to have a health care system and a set of working conditions in America which allow people to live longer in general, and certainly black males to live longer, instead of creating a program for jobs so that the kind of economic tyranny that black males live under, where they cannot make it, they cannot live a healthy life because they do not have the income, instead of addressing those problems, we are implying they should just live shorter lives and be grateful that we will give them their money back through a privatization system in Social Security.

I just could not believe it. I cannot reconcile that with living in America and having a responsible official making that kind of statement.

Mr. Speaker, I rise to make the case for the millions also who do hard, back-breaking work every day. They get up early every morning, and they are in motion all day. Most of us do not know what hard work is. We do not understand what it means to be in motion all day and what back-breaking work means.

I understand a little bit because I came from the City of Memphis, Tennessee, which is located in the corner of Tennessee, just between two agricultural States, Mississippi and Arkansas. And the poor children in my neighborhood, we went to Mississippi or Arkansas in the summer to chop cotton. You made $3 a day sweating under the hot sun all day chopping cotton. That was before the invention of the machines. Or in the fall you went to pick cotton, which was much worse than chopping because you had to bend over all day, and you came home sore all over.

So I had a taste of what it meant to do hard work. But I see men and women all the time who are lifting and moving about doing hard work greater than that all the time. So those are the people who need the retirement earlier, not later. Do not move it back from 65 to 67, and they are now talking about moving it to 70.

I think my father was fortunate. He did hard work all the time. He worked in a furniture factory in the mill, the place where you have the raw boards and raw lumber that has to be ground down and refined, and he was moving all the time. He was pretty tired when he came home, and he is fortunate he lived to be 68. He lived to be 68. So he had 3 years where he did collect Social Security. A very happy man because he could retire and receive Social Security. That is what he looked forward to, retiring, stopping the process of getting up every morning and going to work in that mill with the sawdust and the other things. He died of a disease which is caused by an overexposure to sawdust. It was at the age of 68. So he at least got 3 years of his Social Security.

All he would have had, all he would have had was that Social Security payment if he had not had children who could pay his bills, and later on one of my brothers built a house for him. But for 3 years he was able to benefit from what he paid in Social Security. And many of his colleagues, in fact, most of them, never lived to 65 and were able to realize that.

So I rise to speak for all those millions out there who have seen Social Security as an outstretched hand from their government, which is deserved by working families, which is a compassionate act, and which is one of the most efficient programs that ever the government has invented. We want to maintain Social Security.

We hope that the torture that is going on right now will end. We hope there will be a retreat from this effort to destroy Social Security, and I thank the gentlewoman for yielding to me.

Mrs. MALONEY. Mr. Speaker, I thank the gentleman for his truly moving presentation today.

I had very much the same reaction he did. I was home during the snowstorm watching Meet the Press, when the chairman of the Committee on Ways and Means, the gentleman from California (Mr. THOMAS), suggested that we reduce women's benefits because they live longer than men. I truly almost fell out of my chair. I could not believe it.

And many of the sentiments that the gentleman has expressed on the floor were in Paul Krugman's op-ed piece on January 28 that showed how the program is particularly harmful to minorities. One of the things we need to work on is improved health care and medicine and hospital care for minorities so they live longer, not manipulating the Social Security System in a way that does not help minorities, women or men or anyone.

Mr. OWENS. It was almost a proposal to die early. Please die early.

Mrs. MALONEY. It was astonishing, absolutely astonishing.

Mr. Speaker, I now yield to one of the organizers of this Special Order.

the gentlewoman from California (Ms. WOOLSEY). I thank her very much for her hard work on putting this together and for her leadership on Social Security and so many other issues.

□ 2045

Ms. WOOLSEY. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for organizing this Special Order.

Mr. Speaker, soon President Bush will unveil the details of his program to cut Social Security. We already know, however, that the President aims to dismantle a program that has been historically successful in our country and incredibly important to the well-being and financial security of women.

Women make up the majority of Social Security beneficiaries and are less likely than men to receive pensions or have retirement savings. Women are more apt to live on just Social Security. More than 24 million women receive Social Security benefits, and if these benefits were to be taken away, the result would be nearly 60 percent of senior women would be living in poverty. I shudder to think of the possible consequences of breaking apart the strongest social safety net that we have.

Social Security helps to ensure equal footing for women in retirement by using a progressive benefit formula that proportionately pays a greater benefit to those who earn less. Women earn only 77 percent on the dollar compared to their male counterparts and spend less time in the workforce, putting them at an immediate disadvantage for saving. Women who work hard providing for their families, who leave the workforce to raise children should not be penalized in later years for time outside of the workforce when they were not able to add to their private accounts. In fact, if men could have babies, I wonder what they would be doing about their shorter work lives.

Recently, some of my Republican colleagues have proposed that women, because they live longer, should receive smaller benefits than men. Imagine such an idea, that women would receive less money than men because they live longer. If anything, the longer average life span of a woman is an argument against private accounts which do not guarantee paid benefits throughout a person's life. Social Security benefits cannot be outlived and are inflation-proof. Women need to know that they can rely on this safety net to ensure that every American can live out their life with financial security.

Mr. Speaker, although this issue is important to seniors, we need to recognize that the issue affects every American. Today's workers are tomorrow's retirees. As a mother and as a grandmother, I want to make sure that a system that Americans have relied on for so many years will still be there when my children and grandchildren retire.

Social Security is a safety net that must remain in place so that we ensure the welfare of our seniors. We need, however, to encourage Americans to save for their retirement outside and above Social Security to guarantee that they will live comfortably after they are out of the workforce, especially low-wage earners, especially women.

The President's proposal to needlessly and recklessly dismantle the greatest social program in our country's history will have long-lasting and far-reaching effects.

I am deeply troubled by a proposal that would take money away from a guaranteed benefit and subject it to the roller-coaster fluctuations of the stock market. Our goal must be to ensure that Social Security is fiscally sound so that the system our families rely on is not recklessly undermined. We must keep the Social Security safety net in place without subjecting it to the whims of Wall Street. Recently, we have seen too many pension plans that people counted on for their retirements be swallowed up by corporate greed and an unstable stock market. We cannot allow the same thing to happen to our Social Security program.

Mr. Speaker, I hope my colleagues will join me in opposing the proposals that undermine the strength of our retirement system and the original intent of Social Security. This program has become a cornerstone for American workers' financial stability in their later lives, and it must not be dismantled.

If our President wants to improve the lives of retirees, he will put in place a savings plan on top of Social Security savings, acknowledging that Social Security alone is not enough to live on. We need to provide incentives so that workers at every level will save and have a savings account, an investment account above Social Security which is only a safety net.

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for her wonderful presentation. She raised a very important point. Democrats wants to preserve the safety net of Social Security, but we also support any plan that encourages savings for individuals. But let us not undermine this whole system. I believe the gentlewoman pointed that out very well.

Mr. Speaker, I yield to the gentlewoman from California (Ms. WATERS), a former chair of the Congressional Black Caucus and an important leader on this issue and many others.

Ms. WATERS. Mr. Speaker, I would like to thank the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New Jersey (Mr. PALLONE) and the gentlewoman from California (Ms. WOOLSEY) for organizing this Special Order. This is very important. I am here tonight, but I intend to make many, many speeches over the next few weeks about this important issue.

Social Security is a vital program which provides an important safety net for our seniors. Nearly 30 million seniors receive a benefit under the program, and Social Security is essential for keeping millions out of poverty. Social Security is also vitally important to millions of Americans who depend on Social Security survivor and disability benefits.

When we include these individuals, the total number of people who depend on Social Security in order to live at a decent standard climbs to nearly 48 million Americans. If we privatize Social Security, as the President suggests, millions of individuals will be thrown into poverty. We simply cannot let this happen. We must strengthen Social Security, not gamble with it, not destroy it. Privatization is simply rolling the dice, gambling with a program that has proven to be consistently solid, that we can depend on.

In my home State of California, without Social Security, 49 percent of elderly women would be poor. Privatization would do nothing to decrease the number of Californians in poverty. In fact, the number of California women living in poverty would increase if we were to privatize Social Security.

Under current law, the typical recipient of a Social Security widow's benefit in California receives $892 per month. According to the Congressional Budget Office, under plan 2, this is a plan, one of the President's plans, under plan 2 of the President's Commission to Strengthen Social Security, today's kindergartners are projected to receive 45 percent less than they were promised under current law, even when the proceeds from their private accounts are included in the total. Therefore, if plan 2, the President's plan, were put into law, the typical California widow would receive only $490 a month, a dramatic cut in benefits that would force many into poverty.

Mr. Speaker, the administration argues that privatizing Social Security would be good for African Americans and other minorities because we have a shorter life span than white Americans. I am really insulted by this administration playing the race card on Social Security. I think they should stop doing it. Not only is it insulting, it is just not true. To quote White House press secretary Scott McClellan, privatization "will enable us to be able to pass on those savings to our heirs if they happen to pass away early. African American males have a shorter life span than other sectors of America."

What I dislike about this race card that the President and his representatives are playing with African Americans is this: They have to factor in that the health disparities that we are confronted with are going to continue. As a matter of fact, not only do they factor it in, they plan on it continuing. We are after the President and this administration to help us do away with health disparities, not to accept them and to factor them into their planning in ways that say to us oh, we know you are going to die early, we will factor this in, we will privatize Social Security and you can save some money and you can pass it on to your heirs. I wish they would stop it and stop it now because we are not going to stand for it.

Again, while it is true that African Americans have a shorter life span, it is because of health disparities which cause many young blacks to die early. Privatization will do nothing to help African Americans live longer or better lives than we do under the current system.

The Social Security Administration's actuaries, as well as studies conducted by AARP, clearly show that African Americans, minorities, and other low-wage earners do much better under the Social Security system than they would under other retirement plans because of the progressive structure of Social Security. Social Security is structured so that the lowest-income earners, which are often African Americans, receive the highest retirement benefits.

If we take away this aspect of Social Security, millions of African Americans would slip into poverty. If the President is really concerned about the black community and ensuring that we receive full retirement benefits, I would urge him to join with me and others in working to eliminate these health disparities that cause so many African Americans to die prematurely.

Mr. Speaker, this is the debate we should be having, not how to privatize Social Security.

Mr. Speaker, the President consistently tells the American people that Social Security is in a crisis and that the system is going to be bankrupt in 50 years, but these statements are just plain wrong. We can strengthen Social Security so it can meet its obligations, but we can strengthen it through simple and modest changes.

Mr. Speaker, privatization will not strengthen it. It will only break it. We should not expect our parents and grandparents to gamble their retirement savings on the whims of the stock market.

I urge my colleagues to oppose any effort to privatize Social Security.

Mrs. MALONEY. Mr. Speaker, I thank the gentlewoman for her statement. She made many strong points, particularly on health disparities. The gentlewoman pointed out that health disparities are not caused by Social Security. There are health disparities in our country, and we should address that with better health care. The fact that some people do not have good health care is no reason to undermine the entire system of Social Security, but we should focus on that area of need to help people in this country. I thank the gentlewoman for her time.

Mr. Speaker, I yield to the gentlewoman from the District of Columbia (Ms. NORTON), who has worked very hard on many equality issues and, in fact, used to run the office of economic equality in the Carter administration, I believe.

Ms. NORTON. Mr. Speaker, I thank the gentlewoman from New York (Mrs. MALONEY) for her initiative. Millions of Americans want to know what the truth is. Because of the gentlewoman's leadership, we are trying to get those facts out here today.

Yes, I was chair of the Equal Employment Opportunity Commission under President Carter.

The gentlewoman from New York and the gentlewoman from California (Ms. WATERS) have been talking about the issue of race and gender.

Let us be clear, this argument is a nullity. Under the Constitution of the United States, government benefits may not be distributed taking race and sex into account. The courts have spoken on that. So if there are racial disparities or gender disparities, they are off the table constitutionally. Race is a suspect classification, and I do not want to get technical, which means you can only use race if there is no other way to accomplish the purpose.

What is the purpose we are trying to accomplish here? Does the other side want to make sure that black men who have lower incomes than others get what? Privatize what little income they have, take it out of their meager earnings for private accounts? Are you going to give them more money because they die early? Come on. Let me hear what you are going to do to make up for the fact that black men die early, and leave aside health, because that is very clear. You cannot do it in any way, and maybe if you are on the Committee on Ways and Means you have not looked at the Constitution, but some of us have. We cannot put race and sex on the table under Title VI of the Civil Rights Act of 1964 and under the equal protection clause of the United States.

I do want to say how we got into this crisis. Do we forget that the Republicans inherited a Social Security Trust Fund that was in surplus? Why are we here? Do you forget the days of the lockbox when Clinton-Gore said do not touch Social Security, we have a surplus, put the money in the lockbox and we will never have to worry about Social Security?

□ 2100

We had enough to pay for Social Security and then a surplus. What happened to it, my friends? George Bush and the Republicans came to power and they decided they had a use for the funds in the lockbox and they unlocked it, and they distributed it in disproportionate amounts to the very rich who do not need to even think about Social Security. They distributed it in a war, a controversial war from which they cannot extricate themselves. And to have had the nerve to quote President Clinton talking about the crisis. Indeed he was. He said, over and over again, we are going to have a crisis if you get into this lockbox, and he had hardly gotten out of Washington then George Bush was picking the lock. They got us into this crisis, and they want to make it worse because they want to privatize Social Security. The only way to do that is take more money, this time not from the surplus because they have used that up, but from deficit spending. This is not even ancient history. It is history that many Members of this House have lived.

Finally, let me say a word on race and gender. I know that the gentleman from California (Mr. THOMAS) said he was only putting it on the table. Thank goodness the 14th amendment keeps us from putting certain kinds of things on the table. You cannot say to somebody, because you are black, I think you are going to live a little less long and so, I am not sure what the remedy is, by the way, but I am going to do something to you for that reason. And women, wait a minute, you live too long, so I am not sure what I am going to do to you.

Let us hear what their proposal is. Are you going to take back their Social Security? Reduce their Social Security? Any of those things, my friends, is unconstitutional under the equal protection clause. They should be taken off the table. You threw it out there, and you expect us not to respond.

Finally, let me say this. One of the reasons why women and people of color embrace Social Security so much is because, in fact, they get disproportionately from Social Security. Because their wages are lower and because the Social Security system is progressive, they pull from Social Security disproportionate amounts given what they, in fact, contributed to Social Security, because this is not a one-on-one system, what you give to the system, you get back. This is a progressive tax system, so you get back disproportionately. I do think it is important to get into some of these details so that, in fact, people can understand why we must oppose the privatization of Social Security. You can bank on this, Democrats who gave us Social Security are not going to be present at the funeral of Social Security. We are here this year to save it for the American people. I thank the gentlewoman for her leadership on this very important issue.

Mrs. MALONEY. I thank the gentlewoman for her leadership on so many constitutional issues and equality issues. She has always been out there really leading the way. We thank her for being with us tonight.

I yield to the gentleman from the Show-me State of Missouri (Mr. CARNAHAN). I thank him for being here. Welcome.

Mr. CARNAHAN. Mr. Speaker, I rise tonight to discuss an issue that is of paramount importance to the people of the Third District of Missouri and across this country. Social Security. For over 60 years, Social Security has provided a dependable and predictable income for retired or disabled workers, their dependents and their survivors. In my St. Louis area district alone, there are over 100,000 Social Security beneficiaries, many who have contacted me. For those people, this debate is vital. Changes made to Social Security will affect not only their lives but also their families, neighbors and communities. We must take every necessary precaution to protect this vital program and prevent it from being undermined by risky privatization schemes that would weaken the very foundation of Social Security.

As we all know, the President has proposed a system of private accounts. He claims that these private accounts will solve the so-called Social Security crisis. The Social Security system is not in crisis. While the program faces many challenges, it will be financially viable for at least the next half a century.

According to our own Congressional Budget Office, this is a manufactured crisis created to help sell a privatization plan. The President's plan will not help preserve the benefits for those people who depend on them the most. The practical effect of the President's plan is that guaranteed benefits will be cut in half over the life of a retiree. That is not acceptable. A system subject to private fees, investment risk, and massive increases to our national debt is not acceptable.

Social Security supports and protects families across this Nation. It is a family insurance program, not an investment scheme. It has reduced poverty in America and given a guaranteed source of income to those who need it most. Let us keep the solid foundation of Social Security and look to encourage supplemental savings plans to further strengthen the retirement security of Americans. Privatization is a gamble Americans cannot afford to take. Let us keep Social Security safe and oppose misguided privatization plans.

Mrs. MALONEY. I thank the gentleman.

I yield to one of the organizers, the gentleman from New Jersey (Mr. PALLONE). I thank him for his leadership on putting together this Special Order and his leadership on so many important issues before this body.

Mr. PALLONE. First of all I want to thank my friend from New York (Mrs. MALONEY) for organizing this Special Order this evening. She has been a strong advocate for women in the U.S. House for many years, and she is also a strong advocate for protecting and strengthening Social Security. As we know, the gentlewoman from New York was so concerned by the comments that Ways and Means Chairman Bill Thomas made last month supporting the exploration of Social Security formulas based on race and gender that she drafted a letter to President Bush that was signed by several dozen of my Democratic colleagues, including myself. In that letter, Democrats categorically stated that we would not accept a Social Security formula based on race or gender.

I just wanted to comment on Social Security and women. I know many of my colleagues have done so this night in this Special Order; but as we know, more than 24 million women receive Social Security; and without it, over half of all senior women would live in poverty, without those benefits. Cutting benefits by almost 50 percent, as Republicans have proposed, would make it impossible for millions of women and children to achieve financial security. Cutting benefits just for women, as Ways and Means Chairman THOMAS suggested should at least be explored, he said, would be even more unfair and that is because Social Security is a good deal for women. Because women only make 77 cents for every dollar a man makes and have less time in the workforce, they would receive less than men from their private accounts. The largest group of losers from privatizing Social Security would be women. This is true for women in all birth years, all kinds of marital status and all income levels. This was the most critical finding in a recent comprehensive analysis of privatization proposals.

I just wanted to say again, I think that what the Bush administration and the Republicans are really trying to do here, let us be honest, is destroy Social Security. Republicans do not want to reform Social Security. They want to destroy it. For years, Republicans have been saying that the only way to reform Social Security programs is to privatize it. President Bush said exactly that back in 1978 when he was running for the U.S. House. Then House candidate George W. Bush said, and I am quoting, I think it, meaning Social Security, will be a bust in 10 years unless there are some changes. The ideal solution would be for Social Security to be made sound and people given the chance to invest the money the way they feel.

That is what he is trying to do. This is 30 years ago. They are trying to destroy Social Security. History has proven that President Bush was wrong. He was advocating privatization as a way to save Social Security back in 1978. President Reagan and congressional Democrats had a different opinion. In 1983 in a bipartisan manner, President Reagan and House Speaker Tip O'Neill came together and reformed Social Security without privatization. It could be done then. It can certainly be done today. We do not have a crisis. This is something that can be easily fixed if we sit down. We do not have to destroy Social Security. We certainly should not deal with this on a gender or racial basis.

I really appreciate the fact tonight that so many of our colleagues joined the gentlewoman from New York because I think it is really crucial that we make this point.

Mrs. MALONEY. I thank the gentleman for his statement. I would suggest that the gentleman from New Jersey and others listen very carefully to the State of the Union tomorrow night, ask some serious questions and demand some answers.

Mr. Speaker, I submit the following article for the RECORD.

[From the Washington Post, Feb. 1, 2005]

BUSH MAY BACK CURBS ON ACCOUNTS—PRESIDENT COURTS CRITICS OF SOCIAL SECURITY PLAN

(By Jim VandeHei and Jonathan Weisman)

President Bush is privately expressing support for limits on the cost and risk of partially privatizing Social Security, in an effort to mollify nervous Republicans and win over dubious Democrats, according to White House aides and congressional Republicans.

Bush, who plans to make Social Security the centerpiece of tomorrow's State of the Union address, has privately told GOP lawmakers and aides that he would support phasing in changes to the system to keep deficits under control over the next several years and push individuals who opt for private accounts into more conservative investments, such as bonds, as they near retirement to mitigate long-term risks, the sources said.

In addition, Bush has expressed strong support for protecting lower-income workers from the brunt of any future reductions in benefits, a chief concern of Democrats. The Treasury Department is doing a budget analysis to determine how many lower-income Americans could be shielded from benefit cuts necessary to offset the overall cost of creating private accounts, the officials said.

"The administration as a whole is committed to an unprecedented effort to better communicate the proposal," especially its limits on cost and risk, said Rep. Rob Portman (R-Ohio), a top White House adviser.

The president wants to allow younger Americans to divert a third or more of their Social Security payroll taxes into private investment accounts, which would take billions of dollars from the trust fund that finances the nearly 70-year-old retirement and disability program. In order to close that funding gap between benefits promised future retirees and taxes expected to be collected, the president would reduce future Social Security benefits, at least for those who choose to set up private investment accounts.

As a result, the president is scrambling to assure lawmakers—and voters—that private accounts can be created without putting the federal budget and people's retirement nest eggs at risk.

With most Democrats opposed to the president's proposal, Bush intends to use the State of the Union speech to begin to detail these ideas, and to argue that new Social Security accounts will be highly regulated and voluntary—and necessary to keep the system from going bankrupt decades from now.

In his speech, the president will not detail the size of new private accounts or the benefit cuts needed to help offset the revenue losses, according to an administration official briefed on the speech. But Bush will talk more specifically about how the proposed accounts would offer only a few, regulated investments options, much like the Thrift Savings Plan for government employees.

The speech will focus on the policy, but its aim is highly political, Republicans say. After surveying roughly half a dozen Senate Democrats whom the White House considers potential converts to Bush's plan, the president and his congressional allies realize they must limit the budget impact of creating a new system and protect lower-income workers, who rely heavily on Social Security for their retirement income.

One way of holding down short-term costs would be to allow Americans to shift gradually part of their payroll taxes into private accounts. Critics say this would do little to reduce the overall transition cost, which experts say could cost $1 trillion to $2 trillion over the next two decades.

Bush plans to target Senate Democrats facing reelection with speeches and town hall meetings on Thursday and Friday. He suffered a minor political blow yesterday, when the Congressional Budget Office released new projections for Social Security's financial health, pushing forward the year when Social Security benefits begin to exceed Social Security taxes. The CBO now projects that date for 2020, a year later than its earlier assessment and two years earlier than the Social Security Administration's projection.

The new forecast, by Congress's nonpartisan, official budget scorekeeper, highlights the uncertainty about the system's future.

CBO officials attributed the slight improvement to small economic revisions, but CBO Director Douglas Holtz-Eakin was quick to say the changes are economically insignificant.

"Anyone who's making policy based on what they think is a change in these numbers would be making a mistake," he said.

But what is economically significant and what is politically significant are two very different things. Democrats who contend that Bush is exaggerating the need to act and the benefits of his plan pounced on the latest report.

"Today's numbers from the Congressional Budget Office provide further confirmation that Social Security is on solid financial footing for decades to come," said Senate Minority Leader Harry Reid (D-Nev.). "While we do face a long-term challenge that should be addressed, there is no reason to rush to privatize Social Security while making deep cuts in benefits and exploding our national debt."

Indeed, the politics of Social Security are playing a prominent role in shaping the debate. Even before Bush has detailed his plan, almost every Democrat has vowed to oppose it, and a large number of Republicans have expressed deep concerns. This has forced Bush to rethink his strategy and rework his proposal.

MoveOn.org, a liberal group that was highly critical of Bush throughout the 2004 presidential campaign, today will begin airing television ads warning three House members not to "privatize" Social Security: Reps. Allen Boyd Jr. (D-Fla.), Chris Chocola (R-Ind.), and Jim Gerlach (R-Pa.).

The 2006 elections are nearly two years away, and Chocola is already facing MoveOn.org's ads and a flurry of automated phone calls to his constituents from an unidentified group condemning plans to change the system. Chocola, a second-term lawmaker likely to face a tough reelection in 2006, said the offensive will prove futile.

At the same time, Republican-leaning groups are readying their own ad campaigns. The Business Roundtable, which represents large corporations, is planning to spend $15 million to $20 million on ads and other lobbying efforts in support of Bush's plan, according to spokeswoman Johanna Schneider.

And Progress for America, a group with close ties to the White House, will spend $250,000 next week on national cable ads to support the president's efforts.

IRAQI ELECTIONS

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Georgia (Mr. GINGREY) is recognized for 60 minutes as the designee of the majority leader.

Mr. GINGREY. Mr. Speaker, as I was waiting for our time to arrive this evening listening to this previous hour, my colleagues on the Democratic side of the aisle started out by telling us what the President might say tomorrow night about Social Security for the 21st century. Then for 60 minutes the Democrats proceeded to use their typical scare tactics to frighten seniors just as they did last year with the issue of the prescription drug benefit for our neediest Medicare beneficiaries.

They have the prerogative to talk about anything they want to during this Democratic leadership hour, and they make a decision or their leaders decide whatever the theme du jour is going to be. After all, my colleagues, remember, our 2006 congressional elections are just around the corner. We have only got 639 days left. So let us be just as partisan and negative as we can possibly be toward President Bush and his Republican majority. That is their theme du jour. As I say, my colleagues on the other side, the Democrats and their leaders, they had a choice of topics tonight. They could have talked about anything they wanted to on this eve of what will be one of the most historic State of the Union addresses in the history of our country.

My fellow Members, for almost 2 years now, we have been in a shooting war, fighting to rid the world of terrorism, and to bring liberty and freedom to the long-suffering Iraqi people. These brave souls had an opportunity this past Sunday, just 3 days ago, January 30, to vote for the first time in their lives, indeed a vindication, a renewal of spirit, a new beginning for a great and proud people of the Middle East. I fully expect the President, and my colleagues were predicting what he might say tomorrow night, I fully expect the President to talk about this great, historic occasion.

And that, my colleagues, is what we the Republicans and our leadership have decided to talk about tonight to the American people on the eve of the State of the Union address, to talk about the historic election that occurred in Iraq just 3 days ago. I think that is what is important to the American people. It is important to the Iraqi people. It is important to the world. And to delve down into pure, raw partisan politics at a time like this again, as I say, my colleagues on the other side of the aisle can do what they want to, but I think they missed a golden opportunity to hear some joy and good news and vindication, yes, of our efforts and the efforts of the Iraqi people over the last couple of years.

Mr. Speaker, I would like to draw the Members' attention to a couple of charts that we have here tonight. The first one, from the Los Angeles Times, Monday morning, January 31, look at it: "Iraqi Turnout Trumps Violence." Yes, there were some people killed, I think some 44. At least half of them were Iraqi security people who were trying to secure the polls and making sure the good men and women, some of them disabled, struggling to get to the polling place in Iraq, could vote and not be harmed. Look at that headline from the Los Angeles Times.

Here is another. The Washington Post, Monday, January 31: "Iraqis Defy Threats As Millions Vote." How many million? Eight million, 60 percent of the registered votes. In fact, that percentage is just as high as we had in our recent Presidential elections in many parts of this country, where we do not have to worry about getting to the polling place. We have to worry about maybe missing a son or a daughter's soccer match or being late for work, which of course we are permitted to do that on Election Day; but we certainly do not have to worry about the threat of violence or indeed losing our lives and here, 60 percent, millions, vote, 8 million people in Iraq. And expatriate Iraqis around this world in 14 different countries had an opportunity to vote on this historic occasion and in many places here in the United States as well.

So this is what we want to talk about. This is what the Republican leadership, this is what the rank-and-file Members want to talk about tonight as we celebrate and we look forward and we are so happy and grateful for the sacrifices that the Iraqi people have made for themselves and that we have made on behalf of them, and we want to commend this President for having the courage to stand strong in the face of unyielding, terrible criticism of his efforts.

☐ 2115

So tonight it gives me a lot of pleasure to manage this time on behalf of the majority to talk about something that is really good and positive for this great country and for our world, certainly for the Middle East. I am so pleased that many of my colleagues on my side of the aisle have joined me in this hour, and we will be hearing from a number of them.

I want to start out by yielding to the gentleman from Minnesota (Mr. KLINE), who serves with me on the House Committee on Armed Services, a great Member of this body who just got back from Iraq, led a small congressional delegation of members of the House Committee on Armed Services to be over there to see, to understand what the people were going through in the lead-up to these elections. At this point, I would like to let him share with us exactly what he saw on the ground in Iraq in the lead-up to these historic elections.

Mr. Speaker, I yield to the gentleman from Minnesota, and I thank him for being with us tonight.

Mr. KLINE. Mr. Speaker, I thank the gentleman for yielding to me and for his leadership on this and so many other issues. It has been a great pleasure to serve with the gentleman from Georgia, and I do have comments about what is truly a world historic event.

It was so exciting on Saturday and Sunday in the United States as we watched the results of the Iraqi elections to see the millions of Iraqis overcoming horrific intimidation to get to the polls and vote. I want to talk about some of that.

In the weeks and months leading up to the January 30 elections in Iraq, we were warned of plans for violent attacks, mass chaos surrounding polling places, and the improbability of any positive outcome. We heard it on the news. We heard it in briefings. And, indeed, we did see the loss of life of Iraqi citizens and members of the international alliance providing support, and we were pained. The reality was grim, but it served to underscore just how important it was to proceed with the January 30 date for legitimate elections in Iraq and the promise, the long-last promise of true freedom for the Iraqi people.

In that recent trip which the gentleman from Georgia (Mr. GINGREY) was discussing, I did have the opportunity and indeed the great pleasure and honor to lead a delegation. Four of my colleagues went with me to visit Afghanistan and Iraq, and it provided us with a better understanding of just how very important, in fact, critical, it was to hold fast to the January 30 date for Iraqi elections. The soldiers that we talked to, the Marines that we talked to, officer and enlisted, Iraqi leadership, the ambassador and his staff all insisted that the elections must go forward on January 30: and the reality of Sunday's success reflects just how true their calls were and how important that lesson was.

Prior to the election, there was a brutal, a brutal campaign of fear and intimidation waged by those who feared a strong and democratic Iraq. After decades of tyranny, a transition to democracy presented a challenge to the predatory environment in which these individuals thrived under Saddam Hussein. These anti-Iraqi forces, the AIF, sought to thwart democracy in the only way they could, through violence, and this is violence almost unimaginable to us here in the United States, violence and intimidation on a scale which is beyond really our ability to conceive it. These thugs, these insurgents were taking Iraqis and pulling them out of their cars and going to their homes and killing them and killing their families. Absolutely unbelievable.

The amazing thing is, the miraculous thing is, they did not succeed. For the vast majority of Iraqi men and women and the democratic coalition of nations that provided support, of which we are a very proud member, knew the temporary violence that they endured would pale in comparison to the freedom in which these elections offered.

We were in Afghanistan before we were in Iraq, and Afghanistan is an encouraging model despite poor conditions, and Afghanistan is one of the poorest nations on earth. My notes say that they have an ailing infrastructure. That is kind. They have no infrastructure. The success of their democratic elections last fall has generated within the Afghan people a national confidence and the desire to rebuild their nation.

Under the secure protection of a unified and growingly capable national army, Afghan national army, commerce is growing. We were pleased as to see, as we drove through the streets of Kabal, that vendors were lining the streets with their shops and goods were available for sale. It is not like going to a mall, and we are the proud home of the Mall of America in Minnesota, and I guarantee my colleagues that it is nothing like that. These are little ramshackle shacks. But the Iraqis are out there. They are selling goods. Commerce is starting to open up. And that is a wonderful sign of a stable society that is on the rise.

During our discussions, President Karzai, who was very kind to give us of his time on a Friday, a holy day for the Muslims, and he came in on a Friday to meet with us and talk to us about his vision and his dreams and his hopes for his people and his confidence that his country was on the move towards more freedom and prosperity. And I want to say to my colleagues here how grateful that President Karzai was to the American people. He made a point of looking me in the eye and my colleagues and saying, "I do not think you understand that the American people know how grateful we are in Afghanistan. We know that we would not be a free country on the move to greater democracy without your help."

Mr. GINGREY. Mr. Speaker, reclaiming my time, so the congressman actually had the opportunity with that delegation to visit not only Iraq but also Afghanistan and to sort of compare what it looks like a year later after free elections were held and what hopefully the Iraqi people can anticipate for themselves. He might want to elaborate on that for the Members.

Mr. KLINE. Mr. Speaker, if the gentleman would continue to yield. I think that is exactly the point, that in Afghanistan, despite the abject poverty, the lack of infrastructure, the brutality that they lived under for decades, and we forget how brutal the Taliban regime really was and how oppressive, despite those things and despite 7 years of drought, which would be crippling anywhere, we know the pain that we feel in our country when we have years of drought, the country of Afghanistan is just devastated. Even with that, the tribal warlords are coming on board with the new national government. They are turning in their arms, and we saw tanks and armored personnel carriers and missile launchers and weapons of all types that were left over from their conflict with the former Soviet Union being turned in. So if we compare it with Iraq, which is comparatively modern in its infrastructure, it is not what we would accept, but compared to Afghanistan it is striking.

We were flying around in Iraq. We would fly over big power lines, the same kinds that we have here. They just do not exist in Afghanistan. So Iraq with its mighty rivers, the Tigress and the Euphrates, with its extensive oil resources, with an infrastructure which is at least a start, it is in a much better position, going in position, than is in Afghanistan. So all those features and the proximity to a contemporary organized culture has really inspired the Iraqi people to step up and realize their freedom.

As the gentleman from Georgia (Mr. GINGREY) knows, these men and women are more than aware of the dangers that are surrounding their democratic efforts, but they believe that the promise of liberty is a worthy goal. There is a wonderful picture in the newspaper, and I saw it on television, of an Iraqi woman who is looking in the camera and raising her hand in the sign of victory with the ink, the indelible ink, on her finger that shows that she voted. We need to remember that that does not wash off. That is the purpose of the ink. And the ink on her finger identifies her as someone who defied the intimidation and went to the polls.

Mr. GINGREY. Mr. Speaker, reclaiming my time, I would like to share with our colleagues on both sides of the aisle the poster, exactly what he was just depicting, and I think maybe we can get that up here because this is poignant. This is something that we absolutely need to make sure that each one of us focus in on. I am so glad that the gentleman from Minnesota brought that up, and I think this is the picture to which he is referring.

Mr. KLINE. Mr. Speaker, if the gentleman would continue to yield, that is it exactly, and is that not a beautiful sight? Just her bravery and her determination and that of millions of Iraqis who went to the polls in the face of an unimaginably brutal campaign of intimidation to cast their votes and take this important step towards democracy and taking control of their own destiny.

And part of that taking control of destiny, a subject much discussed of late, is what the Iraqis are doing in taking charge of their own security. We had, as part of our visit to Iraq, the opportunity to visit with General Casey, the American commander there, and with Lieutenant General Petraeus, who is the American general who was the commanding general of the 101st Airborne in the first operation in Iraq and now is the man in charge of training the Iraqi security forces. It is very clear that he understands that they have a big job, but they are making progress, not only based on his accounts but in our discussions with American Marines and soldiers and American commanders, and their growing confidence in the ability of the Iraqi battalions and the Iraqi police who are now being well-trained and well-equipped to step up and start taking responsibility for their security.

We saw it on Election Day, did we not? The Iraqi security forces were at the polling places, and with the help of the American forces and other coalition partners who did some terrific planning going into this election, the elections were held with, yes, some brutal attacks but with an amazingly high degree of security that allowed those millions of Iraqis to go down and vote.

It is fair to say that really strict security measures were imposed for that election day. Traffic was stopped. And that led to some even more amazing stories of some Iraqis walking up to eight miles, eight miles, to vote. And, sadly, most of us are not willing to walk half a mile to vote. We want to get in the car and when we get there, if there is a line, we grumble about it. In fact, I have to admit that on our own Election Day, Vicky and I arrived at the polling place and there was a long line of people and we said, Oh, my gosh, we are going to have to wait a half hour to vote.

Mr. GINGREY. Let us come back.

Mr. KLINE. Mr. Speaker, I did have the opportunity to vote for myself, so that is encouraging to make one stay in the line. But think about what these Iraqis did, how long they waited and how far they walked and what incredible pressure they were under not to vote, and yet they did. And those some 125,000 trained and equipped Iraqi forces stepped up. They voted themselves, in some very heartwarming stories, voted and then went out and took up their positions to provide security. It really is a wonderful story of a march to freedom.

I think that if I can go back and look at a quote from President Ronald Reagan, who, as my colleague knows, I had the great honor of serving in his first administration, in thinking and talking about a kind of an obstacle to freedom, the Berlin Wall. President Reagan said, "Freedom leads to prosperity. Freedom replaces the ancient hatreds among the nations with comity and peace. Freedom is the victor." And I think that that is what we saw in Iraq on Sunday. Freedom was the victor.

The intimidation, the resistance, was not a barrier, it was an obstacle. And it was a tough obstacle, and the Iraqis stepped up to remove that obstacle and go in incredible numbers against incredible odds and start to take charge of their own destiny. As interim Prime Minister Allawi said, their job now is to rebuild their nation and the world is watching. And we are watching, and, frankly, Mr. Speaker, I am proud of what we are watching.

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I am proud of what we, the American forces, and our coalition partners and allies have been able to do in working with the Iraqis; and I am just brimming over with pride and with enthusiasm and with optimism and hope for the Iraqi people; and that picture by the gentleman's side I think epitomizes that. I wish that we would not have any partisan rancor that is associated with this. We and free nations around the world ought to be dancing in the streets with joy and moving forward to do what we can to help those people take charge of their own destiny and their own freedom. I have a great deal of optimism.

Mr. GINGREY. Mr. Speaker, I just want to say that I share the joy of the gentleman from Minnesota; and I commend him, and I thank him for being with us tonight, and I commend him for his service on the Committee on Armed Services and for his service to our country. He is a veteran, one of the 5 percent of the 435 Members of the Congress who served our country in the military. People serve in other ways, but I have a special place in my heart for people like the gentleman from Minnesota.

For him to come tonight and talk about what he saw in Afghanistan a year after elections, 30 percent of the voting in Afghanistan was by women, and talk about that lack of infrastructure, and then to go on to Iraq in the days leading up to the election itself and to see those Iraqi security forces working hard to try to secure, to protect these people who were having the first opportunity in their lives to vote.

Yes, there were terrorist attacks, as the gentleman points out. I think there were some 68 or 69 attacks. But do my colleagues know what? Forty-four people lost their lives and over half of them were the Iraqi security forces themselves, the police, not the people standing in line to vote.

I have been to Iraq, like the gentleman from Minnesota has, I am sure on more than one occasion. He knows that these improvised explosive devices and rocket-propelled grenades and these shoulder-mounted missiles, when these terrorists strike, they do not intend to kill less than one person per attack, and that is what happened on election day in Iraq this last Sunday.

Mr. Speaker, I am very pleased that I have a couple of Members on our side of the aisle, a couple of additional Members who have joined me and will be talking about this historic occasion as we look forward to the President's address tomorrow night. One of my colleagues I would like to yield time to now is a dear friend and a fellow colleague on the House Committee on Armed Services, and that is the gentleman from Utah (Mr. BISHOP).

Mr. BISHOP of Utah. Mr. Speaker, I thank the gentleman from Georgia for giving me this opportunity of taking a few moments here with my colleagues. I hope you will apologize as we talk about this historic event; I am still an old history teacher at heart, and sometimes I talk too much about it, but I see historical precedence that we sometimes forget all about.

In the late 18th century, the revolution took place in France, which ended with the overthrow of the monarchy, the beheading of the king. The Jacobins established the republic, with three goals in mind: liberty, equality, and fraternity. While this was happening, across the English Channel, in the British Parliament, Burke was watching it all unfold, and he made the statement that now the French are free to do as they please. We ought to see what it pleases them to do before we risk congratulation. As my colleagues know, before the century was done, the French Revolution had degenerated under Robespierre into the Reign of Terror, as we call it now, into which all of those noble concepts were lost in the blood of the beheadings that took place.

We sometimes do things here on the floor in which small minorities take upon themselves their rights and prerogatives which extend our debate, totally free to do as they please, but I am not so sure if the American public will always congratulate those types of occasions.

I do want, with some credit going to J. D. Crouch, from whom I have read an article, to talk about an election that I do think risks congratulations; it rises to that particular level now. I am talking obviously about a country that is far away from here, that has a culture and a language so vastly different from ours, that was lead by a brutal dictatorship, a corrupt family, one man whose brutality in murdering his rivals, even relatives, is almost unparalleled; a one-party domination whose control squandered their resources and wealth, destroyed the economy; a secret police that invaded everyone's rights and terrorized people and led to ethnic violence. Of course I am talking about the country of Romania, pre-1989.

Because what we did not realize is that last year, there was an election in Romania, where the Prime Minister, Adrian Nastase, lost the election and peacefully transferred power to the opposition leader, Traian Basescu. I apologize for not knowing how to pronounce that name because, quite frankly, it was not in the news. I do not have any news reports of people trying to properly pronounce his name, because this election in Romania was so blase, we did not even cover it; we did not even talk about it. It just simply seemed to happen.

We can make some vast parallels between Romania pre-1989 and Iraq in 2003. Romania had the Communist Party, whereas Iraq was dominated by the Ba'athist Party, a brutal dictator in Hussein versus a brutal dictator in Ceausescu. The Fedayeen Saddam of the secret police was similar to Romania's Securitate. The Kurds and the Sunnis, who were ethnically abused similar to many of the Hungarians and the natives in Romania at that time. It is true, I will admit, that Slovakia and Moldavia did not send all sorts of rebels across the border to try and stir up ethnic violence, but they did in the 1990s have significant clashes where bloody miners attacked peaceful demonstrations, and the result of the world to that was to meet it with both patience and support for their efforts of moving towards a democracy.

Fifteen years later, Romania now still has some effect of a one-party state, but they are moving away from that as new Romanians are coming back into the country who were trained in the West and are bringing a spirit of entrepreneurship with them. There is still some element of the communist corruption, but no longer do people think in Romania that it is the grease of commerce, and there are tough laws against it. Fifteen years later, Romania is a strong democratic nation and a powerful friend of ours as a member of NATO.

We need to not forget in the history of this world, it took 7 years after World War II to have the first election in Japan, and 4 years after World War II to have the first election in Germany. We have done the same thing in Afghanistan in 18 months. The first election that showed clearly to the world that most of Iraq is not in chaos, that that small lens of the camera has to focus in on the picture so you do not see a full view of what is happening over there. It showed that al-Zarqawi is not a leader.

We had a Member who serves in this building, not necessarily in this particular body, who said our military and the insurgents are fighting for the same thing: the hearts and minds of the people. I have to reject that. That is an inaccurate analysis. We are not fighting for the same thing. Those fighting to destroy democracy coming to Iraq are the Ba'athist Party seeking a return to power. It is very similar as George Will in one of his articles quoted "1984," George Orwell where he describes the government as the boot stomping on a human face forever. That is what the Ba'athists would like to return to Iraq.

The other is al-Zarqawi which is a radical rejection of the idea that government derives legitimacy from the consent of the governed. It is a concept of popular sovereignty that Western traditions accept as the basis of our government as something he still thinks of as an evil principle. His rage would have the same effect, a different kind of boot, but still on the face of the people forever. Those insurgents are not fighting for the hearts and minds of the people; they are fighting for chaos and terror and pure political control.

The hearts and the minds of the people are those who went to the polls on Sunday and voted, like the 32-year-old Samir Hassan who said, I would have crawled here if I had to, to the first vote ever held in his country; and he used that phrase because he had one of his legs blown off in a car bomb prior to the election. And then he went on to say, I do not want terrorists to kill other Iraqis like they tried to kill me. So much for the idea that Arabs do not want democracy.

Freedom is the antidote for terrorism. The Iraqis have had a defining moment and the good guys, those who went out to vote, they won. What we now must give Iraq is the same thing we gave to Romania 15 years ago: patience, international support. Despite any smug predictions to the contrary, we are moving in Iraq at a faster pace toward a truly new style of government in which people count; not power, but people count. And with an eye to that future, with an eye to that future, I think the election in Iraq is one that rises to the level where we can risk congratulation.

I thank the gentleman from Georgia for allowing me to share this time with him.

Mr. GINGREY. Well, I want to thank, Mr. Speaker, the gentleman from Utah, my good friend, for joining us tonight and for bringing some historical perspective. Absolutely, once a history teacher, always a history teacher; but I would say tonight to my colleagues, we are talking about a world-class history teacher, and he gave us a good lesson in Romanian history. I am standing up here listening to my colleague, and yes, I have long since forgotten they went through this struggle less than 15 years ago, in talking about of course the French Revolution and the fact that something historic happened on Sunday.

But there is a lot more work to be done, as the gentleman from Utah so clearly pointed out. We are not through, and for us to listen to naysayers as we had to listen throughout this entire recent Presidential and congressional election cycle, about declare victory and come home even if you have not won. Look for an exit strategy. Bring the troops home. Give us a day. How many? What day? This is totally wrong, and I really appreciate the gentleman bringing that to our attention tonight.

We have been joined as well by my colleague, the gentlewoman from the great State of Tennessee (Mrs. BLACKBURN), and she is a passionate Member of this body and works very intently for the people of her State and her district and for this great country. It is a privilege tonight for me to recognize her and thank her for being with us.

Mrs. BLACKBURN. Mr. Speaker, I want to say thank you so much to the gentleman from Georgia for taking the time to bring this issue not only to the Members of this body, but to the American people. Mr. Speaker, I also want to thank the gentleman from Georgia for taking the time to bring this incredible photograph to the floor and let us continue to just feast our eyes on the contentment and the joy that is expressed in this Iraqi woman's face as she has dipped her finger in that blue ink which has become the indelible mark of freedom, which shows the world that she, as a free woman, has exercised her right to vote. I thank the gentleman for that.

Because we watched this take place, and what an incredible display it was as we saw the Iraqi people stand and fight back terrorism and to rejoice in the work that they have done. The entire nation rejoiced. Our military men and women rejoiced with them, and I think the entire world has gathered to offer praise and congratulations.

At the same time, it was amazing as this took place to listen to some of the liberal leaders in Washington and around and about talk about how important it was to not overhype these first elections. The gentleman from Utah provided some wonderful perspective to that.

Mr. Speaker, I can understand why those on the left and some of those that have harangued the President for months would start to feel as if they are feeling some political heat because, indeed, I think they are. They were wrong. They were wrong. They had too little faith in America, they had too little faith in our military men and women, and they had too little faith in the Iraqi people and the power and the desire for freedom and what that would do in their country.

Some of those liberals like to say that Iraq was out of control and that the terrorists would destroy the election, and America was losing and that we should postpone the elections. Certainly, some like Senator KENNEDY even called for an almost immediate withdrawal of American forces. They wanted us to tell the world that the United States did not have the strength and the determination to defeat terrorism, and they were wrong in every instance. This President stood tall. Our Armed Forces did not waiver. The American people refused to yield to tyrants and terrorists, and we watched the Iraqi people refuse to yield to tyrants and terrorists and the pressures.

□ 2145

Today we know that our President was right. Despite all the doom and gloom and despite the constant focus on every single failure that could have possibly taken place in Iraq, despite seeing those "two steps forward and one step back" as we marched towards success, we somehow managed to hold safe and orderly elections in Iraq. And I think that tells us all something. It tells me that the national media had already decided in their minds that Iraq was not going like it ought to go, and they reported everything and anything that they thought could make it look like it was going to be hopeless. They ignored every little single shining success. They thought that they could ignore it. They ignored progress and heroism and they had their version of what they thought they wanted Iraq to be. They were against the war, and they manipulated coverage to suit their personal views.

Thankfully, the American people did not believe that national media. They stuck with the President, and today the Iraqi people are seeing what freedom means. Today we know that America has struck a demoralizing blow against terrorism. We are taking valuable territory from the terrorists. They no longer have an assured safe haven in either Afghanistan or Iraq.

Pakistan is working with us to track terrorists. Libya has even begun seeking diplomatic relations with the United States.

Mr. Speaker, over the past 2 years I have had the opportunity to be in Iraq and to make friends with some folks in Iraq, and it is amazing. We have had some of these women come here to America as we have been there to visit with them. Some of these I e-mail with frequently, and we have shared our vision for what an alliance can be between our nations. Other Members of this body have joined in working with some of these folks. It has been absolutely extraordinary. It would have been unthinkable 4 years ago, and this is how we are going to win the war on terrorism, is building these relationships.

In the hours just after the election, I received several e-mail messages from some of my Iraqi friends, one in particular from an Iraqi woman who ran for Congress, and I would like for you all to just listen to this for a moment.

It says, "Dear American Friends, a warm hug of appreciation from Iraq to the good hearts in the United States. Congratulations for us and for you on Iraqi Elections Day.

"Today we are not only free but we have stood united in democracy. Today we marked our history with bright words of Winning the War Against Terror Against Dictatorship. Today we won our identity in front of a watching world. Today Iraq is for us and we are for Iraq, while yesterday Iraq was Saddam and Saddam was Iraq.

"Today Iraq is for all: Arabs, Kurds, Assyrians, Turkomans and many others, while yesterday we were all looking for a home of dignity, humanity and peace.

"After all this, just tell me how can I say thank you. Thank you for every spirit you have given from families and friends to Iraq. Thank you for every minute you contributed from your life to Iraq. Thank you for every word of support, for every courage moment. Thank you for every aid, every project, every rebuild. Thank you for being the best friend Iraq ever had. Thank you on behalf of or tortured men and women in the prisons of Saddam.

"Thank you on behalf of all Iraqi innocents who have given their lives for the freedom price. Thank you on behalf of next generation of love and peace in the Middle East. Thank you and a warm hug from Iraq to the brave hearts in America."

Mr. Speaker, that message is for all of us. It is for our country, it is for our President, and it is an absolutely beautiful thing. I know some of those across the aisle will continue to criticize our every move in Iraq; and, sadly, much of that criticism comes from the powerful leaders of the left. But to my colleagues across the aisle who know better, speak up, challenge your leadership, work with us in Iraq rather than against us.

To our allies in Iraq, America says a hearty congratulations. We are ready to stand by your side as you rebuild. We will not cut and run. America looks forward to your help as an ally in the war on terror.

Mr. Speaker, God bless our active duty, our Reserve and our National Guard men and women as they work to protect us all over the world tonight.

Mr. GINGREY. Mr. Speaker, I thank the gentlewoman from Tennessee (Mrs. BLACKBURN) and I sincerely appreciate her sharing that poignant testimonial, that anecdote from the Iraqi woman voting in those elections and what they wanted to share with the American people and to say not a simple but an elaborate thank you, a deep, heartfelt thank you. I really appreciate the gentlewoman from Tennessee (Mrs. BLACKBURN) sharing that with us, and I thank her for being with us this evening.

It is truly amazing that our friends on the other side of the aisle spent one hour, the previous hour, of course, the determination of what they talk about just as our subject matter is made by our leadership. And their leadership decided, well, this was the great opportunity to attack the President on Social Security for the 21st century. They spent an entire hour and not one word, not a single word about this historic election, free elections in the Middle East for the first time in hundreds or maybe thousands of years. And certainly none of these people that had that opportunity, some of them literally stepping over pools of blood to get to that ink, to put on their finger that indelible ink, as my colleagues pointed out, that will not wash off, will not go away.

It was a way to make sure that people voted once and only once and everything was secure. These people, not only were their lives at stake before they got to the polling place and while they were waiting in line, queuing up sometimes waiting hour after hour in the hot sun, in dust, in misery, waiting to vote, but then they dipped that finger in that indelible ink, knowing that for at least 2 days, maybe longer, there was no way they could get that off their finger. So they are putting their lives at risk even after the fact, but they did not care because they are brave, courageous, wonderful people, and I am extremely proud of them.

I am disappointed that our friends on the other side of the aisle went 60 minutes without not one comment. They do not have to praise President Bush or the Republican majority or this leadership, but to not spend one word talking about what the Iraqi people did 3 days ago is just beyond any imagination.

Mr. Speaker, as I stand here tonight and manage this time, and we do have one additional speaker before we get into conclusion and I do want to hear from the gentleman from Texas, but I just want to say, share with my colleagues, Mr. Speaker, some of the thoughts that I have had since this historic happening this past Sunday.

We all represent maybe 630 or so thousand people in our districts across this great country; 435 of us who are Members of this body, this House of Representatives. And we have all suffered and our people have suffered, mainly our young soldiers men and women who have been in harm's way, Marines, soldiers, sailors, airmen, some 1,600 maybe, close to 1,600 now, who were killed in action and others that we have gone and we have seen. Sometimes we visit them in theater, dying with them, or talking to them or maybe been out to Bethesda to see them struggling to recover from their injuries, proud that they have served this country and served it well.

And I cannot help but think about three soldiers in my district, the 11th of Georgia, West Georgia, and its 17 counties. There have been more injured, but there are three that lost their lives in this conflict. I have been thinking about them for the last couple of days, as I am sure my colleagues on both sides of the aisle have reflected on the families, the loved ones from the funerals that they have attended over the last year and a half as we have paid this great sacrifice on behalf of the Iraqi people and freedom in this great world that we live in as the President talked about in his inaugural address just the other day.

And I want to mention them. I want to mention them because I do not want to ever forget them. I do not want us to ever forget them. I want to think about them. I want to think about their faces. I want to think about the face of Command Sergeant Major Eric Cooke, whose uncle lives up in Calhoun, Georgia, in Gordon County just on the outskirts of my district, who, after serving almost 30 years this country in conflict, in battles in several venues, gave his life on Christmas Eve 2003, two days after I visited with him in theater.

He went on a mission in a Humvee, and he took the shrapnel that probably was intended for somebody else, and he gave his life for this great country.

I want to think about specialist Justin Johnston from Rome, Georgia, Floyd County, 19 years old when he joined the Army, barely 21 years old when he lost his life on Easter Sunday last year. And I think about Janet and Joe, his parents, his brother Josh and people that have paid this sacrifice and what did they give it for? What did their sons and daughters give up their lives for?

Last but not least, I think about First Lieutenant Tyler Brown. Lieutenant Tyler Brown, president of the student body at my alma mater, the Georgia Institute of Technology, just a few years ago, 26 years old at the time of his death, killed by a sniper in Iraq, just 2 weeks after being redeployed there from the demilitarized zone. No picnic. But Tyler Brown gave his life. He was a wonderful young man. His parents, I think about them. I see their faces as I stand here tonight.

Mr. Speaker, I think about these people. I know that they have the comfort of knowing as well that their sons and daughters did not die in vain. I mention these three. There are many others. My colleagues, maybe they have there, maybe they have been to more funerals than I have been and seen more mayhem, but this is seared in my memory, and it always will be. When you go to Arlington, when you visit as a tourist, it is one thing, but when you go to Arlington to watch a young soldier whose family you knew and represented laid to rest, who died for our country, this is something of a totally different story.

That is why I am proud. I am proud to talk about this tonight, and I am proud of these young men and women who have done this for us and served us so well. So that is what I want my colleagues to think about.

Let me, before we use up all of our time, Mr. Speaker, and I get too carried away, I do want to introduce another Member on our side of the aisle, a new Member, a gentleman from the great State of Texas, a judge, a fine judge, a member of the appellate branch of the judiciary who might be a freshman Member, but he has got a lot of experience and a lot of things to share with us tonight, not only on this issue that we have been talking about for the last 45 minutes but also a point that is very near and dear to his heart as well.

I proudly yield to the gentleman from Texas (Mr. GOHMERT).

Mr. GOHMERT. Mr. Speaker, I want to thank the right honorable gentleman from Georgia (Mr. GINGERY). I consider it a privilege to call him a friend and colleague: and I appreciate the time, Mr. Speaker, to address a couple of issues here together.

First of all, we know 2 days ago the cradle of civilization took initial steps towards becoming a democracy. Citizens of Iraq, which today includes parts of the former Mesopotamia and Babylon, cast ballots as free people to elect their own leaders. We must join the rest of the world and salute the extraordinary courage it took for these people to cast their votes.

Each of them had to endure adverse conditions and the threats of death to go to the polls, stand in line and let their voices be heard. The people of America and the free world should be inspired. As with the words paraphrased from Les Miserables, "We should hear their spirits sing as it is the music of a people who will not be slaves again."

□ 2200

They have joined in the fight that secures them the right to be free. These brave souls have ventured out in sheer defiance of terrorists and insurgents who want to harm them and keep them enslaved. I join the rest of the world as we salute them, the brave voters of Iraq.

In sharp contrast, right here in this democratic Republic, where hundreds of thousands have sacrificed their lives and millions more have sacrificed so much to secure our right to be a free people, we have a group of Democratic Senators who know the sacrifice it took to secure that right and obligation. They know the words they spoke in an oath sworn to God, with history and citizens watching, to support and defend the Constitution of the United States. They know the Constitution mandates they vote on the nominations to Federal courts, those nominations made by the President. Yet they fail and refuse to do their sworn obligations, and it is as if they never intended to keep their oaths when they were sworn.

Not only has this group intentionally failed to follow their sworn oaths, they have taken the job of questioning good, honorable and decent people and turned it into abusive inquisitions. These Senators would never tolerate these unfair inquisitions if they were treated in the same manner. Many of these nominees have pulled themselves up by the bootstraps and have worked hard to become the top in their field. There are nominees who have lived ethical, moral, honorable lives; yet they are brutalized and had their lives publicly smeared and demeaned in the most vile and disgusting manner.

In the ancient Roman Empire, Christians were thrown to the lions, but many were at least allowed to fight back. When a conservative or a moderate Christian Hispanic or African American nominee is dragged before the Democratic Senators' inquisition, they are not allowed to fight back. These are nominees who have never been accused of cheating in college or plagiarizing speeches or surgically changing their appearance or being involved in the death of fellow partygoers. These are decent people who are who they are and who they appear to be, and they deserve better treatment.

These folks have not lied under oath by completely refusing to do their sworn duty. These nominees have simply agreed to subject themselves to the torture chamber of the certain Democratic Senators in order to try to help this Nation. The judicial nominees only wish to help the Nation without legislating from the bench, and they believe in the true intentions of our Founders.

Having been a district judge and a chief justice, I know some of the nominees that the President has made over the years. They have been attacked and stymied, and I believe what has been done to them is simply unconscionable. Were the attacks made out in the civilian sector, those nominees, some of them, would certainly be entitled to huge verdicts by juries who would understand the malice.

Some nominees have had their lives put on hold for years while some Democratic Senators not only refuse to follow their oath but do all they can to block others from keeping their oaths. When one Democratic Senator was chairman of the Judiciary Committee in 1992, the average length of time to get a vote before the Senate after being nominated was basically very short months. This same Senator wrote to nominees saying basically he would not play politics with their nominations. Then he turned right around and played politics, dragged out such hearings and votes for nearly a year, at which time the nominations died when the President was defeated in November 1992.

Now those certain Democrats have effectively prevented votes on qualified nominees such as that of Priscilla Owen, Carolyn Kuhl, Charles Pickering, Miguel Estrada, Henry Saad, David McKeague and Terrance Boyle, not for months but for years. Those were all nominated, and I mentioned, in 2001. Miguel Estrada could wait no longer and finally had to withdraw. In fact, my law school classmate, Justice Priscilla Owen, was one of those who was nominated for the 5th Circuit Court of Appeals. That was on May 9, 2001, and then she was coldly and callously left without the constitutionally required vote for over 3½ years.

I have some Democratic friends back home who understand truth and fairness, and right and wrong; and that is why these actions of certain people have hurt not only this country; they have hurt their party.

Please understand, when an attorney is nominated for the bench, clients are normally reluctant to send new cases their way. When judges are nominated, there is a reluctance by colleagues to send involved cases to them because they may not be around to finish them. The nominees are normally reluctant to make major purchases or make decisions about schools for their children because of all of the uncertainty. These qualified individuals who are ready and willing to serve their country have theirs and their families' lives put on indefinite hold.

When the average length from nomination to vote was just a matter of months, that was not a major problem. It is now a critical problem. Nominees' lives are incarcerated in an unfair and unnecessary purgatory. Some Senators have complained about how long we held brutal and threatening terrorists, yet these same Senators uphold the honorable judicial nominees' lives as a matter of routine.

These handful of Senators often act out as brutal lions hiding behind the safety of their perches where they cannot be attacked by their victims. Then they maul and brutalize their victims and leave them and their families in a suspended animation for years. It is high time they were held accountable for such outrageous conduct. I believe we have begun seeing recently in this country in the last election some Senators pay for their abusiveness.

It is my intention to begin a judicial observance at least once a month from the floor of this House until all the previous nominees from the President's last term who are renominated are all voted on.

May God grant peace and certainty to those to whom these Senators are persecuting or made to suffer some for their religious beliefs.

In conclusion, some may want to fire shots across my bow. That is fine. So long as they quit attacking good decent nominees and give them their vote.

May the still small voice of fairness and conscience that has been stifled for far too long finally be heard in the soul of the prosecuting Senators. May those who are too afraid to vote take inspiration and courage from the brave Iraqis who ventured out to vote despite the threats on their own lives.

I thank the gentleman from Georgia (Mr. GINGREY) for yielding.

Mr. GINGREY. Mr. Speaker, I thank the gentleman from Texas. The gentleman obviously speaks with passion and knows of what he speaks, and I suspect that we will be hearing more from him on this issue as we go forward in the 109th Congress because it certainly clearly needs to be addressed, and the time tonight, of course, is in the context of talking about freedom, talking about liberty, talking about the rule of law and what we are trying to share with the Iraqi people and other oppressed people of the Middle East and other parts of the world and other Arab nations who have not yet felt that fresh smell of liberty and democracy. So I thank the gentleman for joining us tonight and speaking so eloquently.

Mr. Speaker, in conclusion, I want to mention a couple of quotes that mean a lot to me, mean a lot to everybody who has ever heard them, mean a lot to this great country, mean a lot to Great Britain, but first of all, this one.

The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants. Thomas Jefferson, November 13, 1787. The blood of patriots indeed and the blood of tyrants indeed, and this is what we are talking about.

This is a sacrifice that the Iraqi people have made on behalf of themselves and what we have been making on behalf of them over these nearly 2 years now as we have sacrificed our sons and daughters.

The other quote: Democracy is the worst form of government except for all the others that have ever been tried. Of course, Sir Winston Churchill. We are sharing, and that is what the President talked about during his inauguration address on January 20. That is what we are talking about, sharing. That is what he will talk about tomorrow night.

God bless you, Mr. President, and God bless America.

DIFFERENCES IN POLITICAL IDEOLOGY

The SPEAKER pro tempore (Mr. FORTENBERRY). Under the Speaker's announced policy of January 4, 2005, the gentleman from Colorado (Mr. TANCREDO) is recognized for 60 minutes.

Mr. TANCREDO. Mr. Speaker, it has been a pleasure to be sitting here listening to these fine presentations. I believe that these folks that are still watching this evening are truly privileged to hear the kinds of concerns that have been expressed and, I think, the words that have been so eloquently provided to us this evening about our efforts in Iraq.

However, sitting there it does seem to me to be kind of interesting to think about all the people who we know are not feeling all that well about what has happened, all the folks around the world who watched the election on Sunday and thought, oh, Brother, now what are we going to do.

This is not good news to a lot of folks. Certainly, I guess President Chirac, many of the French people themselves, the French Government, Michael Moore, other members of the looney left in California and Hollywood, Barbra Streisand, the Syrians and Al Jazeera and Osama bin Laden and Dan Rather and many parts of the United Nations, the Baathists in Iraq. There are a whole bunch of people who are upset about what happened, and we tend to think of them as being peculiar in many ways or at least that they are folks who are so far out in the left that their opinions are completely and totally skewed by their political ideology. That is true; that is the case.

I was struck just the other day by something that happened in Colorado, my home State, where a professor at the University of Colorado, a tenured professor who was the chair of the ethnic studies department, in and of itself I think a questionable line of academic inquiry, but nonetheless something that the University of Colorado saw fit to confer that kind of status upon, having an actual Department of Ethnic Studies, and this gentleman, the chairman of that department by the name of Ward Churchill made some comments that were picked up as a result of the fact that he was going to be speaking at a college in New York State, Hamilton College, and his comments were repeated in the media in the last couple of days.

Among other things, what Mr. Churchill, this professor, a tenured professor at the University of Colorado, said was that the people who worked and died in the World Trade Towers were "little Eichmanns" because they were part of this huge bureaucracy of trade and that they were facilitating essentially the engine of world capitalism, which to him made them "little Eichmanns."

I mean, this is a guy, remember, who holds a position of academic authority, who is paid a handsome salary; and if we look at his own academic background, we come away wondering how he ever got hired at any university, let alone the flagship institution, University of Colorado. He may have someplace, somewhere gotten a job teaching at a middle school that was in dire need of a social studies professor, but one cannot imagine when they look at his background that he could actually get a position like the one he holds.

□ 2215

Now he went on to say that, "True, these people were citizens of a sort. But innocent?" He said, "Innocent? Give me a break."

They deserved to die. Those are the words I am adding here. They deserved to die. I guess he was saying they were not innocent and we should not, therefore, be concerned about the fact that 3,000 or more died in that event.

A lot of people in the State of Colorado have called for him to resign; others have called for the University of Colorado to dismiss him. Of course, that is not going to happen. We know no university today would dismiss someone for saying something so incredibly ludicrous or outrageous. And if they did, of course, he would sue. He would go to court and claim that he has a right to say what he has said because he is exercising his first amendment rights. And then they would talk about the fact that he has tenure and he is protected under that situation.

And in a way, I agree. In a way, I think it is right. In fact, I have chosen not to join the chorus of those people who are demanding that he be removed. I think what Mr. Churchill offers to us is a great example of what we on the conservative side of the aisle here and the conservative side of American politics have been talking about for a long time as a problem in our university system, in the halls of academe in general. They have been taken over by the loony left.

Mr. Churchill is a perfect example of the loony left. He is perhaps the looniest of the loony left and so, therefore, I want him to continue to speak out. I like listening to him. I hate what he has to say, but I like the fact that people are seeing and judging for themselves what is happening in our institutions of higher education, because he is an example. He is an example not just of what is happening at the University of Colorado or even in the major institutions in the United States. He is an example of a philosophy that permeates those halls of academe. It is a hatred of America, down deep, a hatred for everything we are and everything we stand for that he exemplifies.

And it is the same thing with all the people I mentioned earlier who look at what happened on Sunday and down deep they feel very, very, very worried, very upset. They cannot really get over the fact that the seeds of democracy were planted in Iraq. They were even nourished by the blood of many wonderful American servicemen and women and certainly by the blood of thousands and thousands of Iraqi citizens.

They were hopeful that, in fact, we would fail, that the whole experiment would fail. They were hopeful that we could not claim any degree of moral superiority, that we could not claim the high ground, the moral high ground, because, in a way, they hate America. They hate the institutions we have established. They hate the freedom that we enjoy. They hate the economic system that we have established. They hate George Bush. They hate the political party he represents.

The other day, I understand that the individual running for the chairmanship of the Democratic National Committee said "I hate Republicans and everything they stand for." Hate. Howard Dean. Well, I wonder how Mr. Dean felt. I wonder how he felt down deep. I wonder even how JOHN KERRY felt down deep.

I wonder how some of our colleagues here in the House felt when they saw that the seeds had been planted, they were sprouting and that democracy has a chance, that it may in fact spread throughout the Middle East, that it is possible. We can now begin to hope for it in a way we could not have dreamt about a year ago and that the President's idea about the basic nature of man is right.

Rousseau, long ago, stated, "Man is born free and everywhere he is in chains." And this essence that there is something in every human being, and the President has spoken of this very eloquently and forcefully on many occasions, that there is something in every human being that strives and yearns for freedom. Yet we look around the world and we see so many people who are incapable of achieving it because of the governmental system that is imposed upon them.

Maybe that is, in fact, a great threat to the United States, as the President has said. Regardless, the fact is that on Sunday something happened. And regardless of where we are in the political spectrum, we should acknowledge the fact that it did happen and that millions and millions of people in Iraq are now able to think about themselves as the Founding Fathers and Mothers of a new country.

Now I prefaced my remarks tonight with a description of what I consider to be the loony left and how they reacted to this and how the "Hate America Crowd" in the United States and throughout the world reacted to the events of Sunday. I want to expand upon that a little bit, because this is a topic that is, I think, of enormous importance to the United States. It will have a great effect on where we go and how we get there and, in fact, what we are able to achieve in this world.

It is also affected by a variety of things we do in a policy sense. And, of course, I will talk about the issue of massive immigration into this country and how this is going to affect the situation that I have described, the kind of task we have ahead of us to establish who we are as a Nation and where we are going and how we are going to get there.

There is in the country, and throughout the world of course, but certainly in the United States there is something I refer to as the cult of multiculturalism. This is exemplified by people like Mr. Churchill, who really and truly despise America down deep. They despise who we are. They would like to see a different America entirely, one that is not bound to any of the ideas or ideals upon which this country was founded. Why? Because those ideas and ideals were an expression of Western civilization.

If in fact Western civilization was the underpinning or was the foundation of who and what we are and if that civilization was based upon a set of ideas put down on parchment originally, paper eventually, about the nature of man and his relationship to government and his relationship to his God, that if those things were done by white males, at some point back all the way to the Greeks, then there is something bad about it. There has to be something we can take issue with.

Columbus, as I saw one time in a history textbook in a charter school in my district, as I was waiting for the classes to change, I picked up this ninth grade textbook, and thumbing through it I got to the chapter on the Founding of America, and it started out with the following sentence. And this was a declarative sentence. It was not a quote, it was not in italics, it was not a person's opinion, it was set out as the beginning of the chapter. "Columbus Discovered America and Destroyed Paradise."

Now that was the textbook's analysis. That is what children read. That is what we teach them: There is nothing of value in the United States. There is nothing of value in our history, that we are a product of a corrupt system and mode of thought, and everything that stems from it has got to be derided and debased. That is what we tell our children, and that is what people like Mr. Churchill tell our students in his classes, who then in turn go and teach our children in the K–12 system.

I want to mention an anecdote here, something that happened to me a few months ago. I was in a school in my district, in a county in my district that is a very wealthy county, one in which I do not live, I should hasten to add, but, nonetheless, a very wealthy county, where the schools are the best schools that we can provide in terms of the physical structure, in terms of all of the accoutrements that go along with education, the books, the materials, the overheads, everything that we could want, the highest paid teachers. So of course we assume they are the best; right?

It was a brand new high school. It was a brand new high school, and I was asked to go and speak. It was a school where there were 250 some students, and they came into the auditorium and we had a 15-, 20-minute chat and then they started sending up questions.

The very first question I received was: What do you think is the most serious challenge or problem facing the United States? I said, well, before I answer that, I am going to ask you all a question, 250 students assembled there. I said, How many of you believe you live in the greatest country in the world?

Now, let me tell you, generally speaking, certainly when I was in school, and even for a long time thereafter, when you asked a student something like that in a junior or senior high, there would be a reaction sort of like, well, you know, they are talking about my team. So there is a natural reaction of exuberance and enthusiasm. They would say, yea, absolutely, it is great, it is wonderful, our school is wonderful, our team is wonderful, our country is wonderful.

So I said, how many people here believe you live in the greatest nation in the world? What followed was not the typical reaction that you expect from a group of high school students. There was this sheepish, this very tenuous, this very sort of scary silence as they looked at the teachers who were lined up on either side of the auditorium and the principal who was standing by me.

Finally, about two dozen raised their hands, again very, very sheepishly, cautiously. Nobody did anything exuberantly. Nobody. Not a single person jumped up or gave a feeling of, again, this kind of exuberance about yeah, absolutely, it is my school, my country, my State, it is all great. You know how kids are. No, they did not do that.

Something had happened in their life. Something had happened prior to their coming into that auditorium that made them very trepidatious about saying it. And I determined from that that it was not as a result of the fact that the other 225 or so students hated America. I do not think that is true at all. What I do believe is that they were completely and totally incapable of affirming that statement. They were afraid to raise their hands for fear that someone would actually say, "oh yeah, why do you think so?"

They could not affirm it, so they simply wanted to sit there, afraid to say anything, the children of this country, the children in one of the most affluent areas, with all of the amenities that could ever be given to anyone, tan from the slopes at Aspen, wearing the best clothes, driving all the nicest cars out in the parking lot, having all of these amenities, more things than have ever been given to any children on the face of the earth since the creation of mankind, and they enjoy it because of where they are, and I said, well, you know what, I think this is the most serious problem we are facing as a Nation.

□ 2230

I said to them, I do not have time to talk about all of the things that make this country wonderful. If you do not know it, I do not have time in this 20 minutes we have together to make you understand what this country is all about and why you should be proud of it and why in fact I think you can make the case it is the best place in the world. But I said, let me just leave you with this, and again I am talking with 9th, 10th, 11th graders, no 12th grade class yet in this new school. I said, just think of it this way, do you know anyone, have you ever heard of anyone who has escaped from the United States or from the West to say, Pakistan, for a better life? Have you ever been confronted by anybody who has escaped from the United States for a better life? They have escaped from the United States usually one step ahead of the law, that is true, I have no doubt about that. But if you raise the gates all over the world, where do people go? Do they go to Saudi Arabia? Do they go to South America? Do they go to Canada? They come to the West, including Canada and Western Europe. They come to the West. By the millions, Muslims come to the West to escape a worse situation, looking for freedom, both economic opportunity and religious freedom. They seek the West. They seek Western civilization, the thing Mr. Churchill derides.

We can be proud. We should be proud of who we are and what we have been able to accomplish on this planet. It is certainly true that we have warts and we have done things wrong; and if we could do things over, I am sure we as a society, as a civilization, would do better. But the fact is above all those things, we have given the world ideas and ideals of great and enormous value starting with the rule of law, a uniquely Western concept. The rule of law, not of men.

The idea of individual freedom and religious liberty, these are Western ideas. There is no reason to be ashamed. It does not mean we have to put down anybody else. It does not mean we have to seek the destruction of any other civilization. It simply says here is what we have done and we can be proud of it, and most of the world seeks it. In a begrudging way they seek it. Perhaps the strangest phenomenon we can imagine, the millions of people who come here from other countries, maybe with the intent of destroying us because we do not match their religious point of view, but coming here nonetheless for all of the benefits that Western civilization provides.

We do not have to whitewash our past, neither do we have to degrade or debase it. If we do, there are consequences. The Ward Churchills of this world will succeed because they will have in their classrooms students who have never been confronted with the facts of life in terms of who we are as a society. They have never been taught about the things that we can and should be proud of as a civilization. They have only been taught that we should be ashamed of who we are, hence two dozen kids out of 250 in a high school in Douglas County, Colorado, two dozen sheepishly raised their hand and said yes, I kind of think we do.

We are in a desperate battle as a civilization because I think we are in a clash of civilizations, as Samuel Huntington has pointed out in his book of that title. I think we must do everything possible in order to be successful in that clash to have our own people understand who we are. And whether you come here as a black man, a brown man, a white man, or anything in between, you can come here and accept the ideas and ideals of the American creed. It does not make you a Democrat, it does not make you a Republican, a liberal or a conservative. It makes you an American. And then we can start dividing up.

But if we lose this whole idea of what it means to be an American, if that is not there from the beginning, all we are is a place on the planet made up of subgroups, of a balkanized culture, people who consider themselves to be something other, a hyphenated, something other than American.

I had an interesting conversation with the Catholic bishop of Denver not too long ago, Bishop Gomez. During the conversation we were talking, and because I have a particular interest in the issue of immigration and I am concerned about massive immigration into the country when it meets up with this multi-culturalism, I have a strong concern what happens in the Nation when we do not integrate people into our society any more, when we tell them to keep their language. We tell them keep your culture, keep your customs, even keep your political affiliation and loyalty to a country outside of the United States. We tell them that.

I was concerned, and I expressed it, the fact that Iraqis were allowed to vote in the United States. I am not concerned about an Iraqi national voting in the United States, but the United Nations came into the United States, set up a voting system that allowed for American citizens of Iraqi descent to vote. American citizens should not be voting in any other country's elections, but we did it and we allowed the United Nations to set up the voting procedures.

These kinds of things are of great concern to me because we do seem to be destroying the whole concept of citizenship with literally scores of millions of people coming into the country who have no desire to become American, and we tell them on the other hand that they should not.

Bishop Gomez said to me, I do not see why you are so concerned about this, Congressman. He said, For instance, the Mexicans coming in, I can tell you right now, they do not want to be American.

And I said, Well, Bishop, of course that is the problem. That is exactly the problem.

Mr. Speaker, they do not want to be American, and we are telling them they should not be. We are telling them to keep their own language, to keep their own culture and their own political affiliations to a country other than the United States; and this will not accrue to our benefit, and it will not help us as a Nation. It will not help us defend ourselves in this clash of civilizations because we do not know who we are because we are just a group of people here on this place, on the planet. We are simply residents, that is all, not citizens, just residents. They have no affiliation, no loyalty, no concept of the oneness of the American creed, no appreciation for the history that got us here. Heaven knows, we would not want to say an appreciation for Western civilization.

Not long ago I introduced a resolution into this body and it simply said that the Congress of the United States is encouraging schools throughout the country to make sure that students graduating be able to articulate an appreciation for Western civilization. It did not say you have to even like Western civilization. It just said you should be able to articulate an appreciation for it. Be a critical thinker. If somebody says what are the good things about Western civilization and what it has created here, be able to talk about it. Even if you disagree with who we are, at least be able to lay out the facts. That is what the essence of a good education would be, it seems to me.

You cannot imagine the kind of push back I had on this. In fact, it never got to the floor of the House. The majority leader said I would not want to do something like that unless we can get some Democrats to go on it, it would be very scary. So we never did bring it to the floor, for fear of what people would say, for fear that somebody in this body would argue that we should not allow students to be able to articulate an appreciation for Western civilization.

I went on to say that school boards throughout the United States should adopt this measure because all we can do here in Congress is say this is what we think should happen. I do not believe that the Federal Government should get involved in the creation of curricula, but I certainly believe we have the right to express ourselves. School boards have the right to totally decide it. They can say here is what we want our students to be. Here is the kind of student we want graduating from our school. And they can say, therefore, as a school board, we say these children will have to be able to articulate an appreciation of Western civilization when they come out of our school system.

Members cannot imagine the kind of opposition and hatred expressed towards this idea, some by the NEA, the National, quote, Education Association, and I put it in quotes because the NEA has nothing to do with education and everything to do with indoctrination. But they hated the idea. We were not mandating it on anyone. I was just saying it was a good thing to be able to have students articulate an appreciation for Western civilization. If you go to our Web site, www.house.gov/tancredo and pull up Our Heritage, Our Hope, you will see a resolution that you can take to your State legislature or your school board and have them pass.

If you just want to see a fascinating sort of debate go on, take the resolution, and we passed it in the State Senate in Colorado, by the way, after a horrendous and very heated debate. Just go ahead and take it to your school board, take it to your State house and see what happens with just that one simple concept.

So it is true, Mr. Speaker, that I am deeply concerned about the many things that happen to this country as a result of massive immigration when it meshes with, connects with multiculturalism. These are tough issues, they are not easy to explain, and they certainly do not fit on a bumper sticker. But they are important for us to think about.

Mr. Huntington, who I mentioned earlier, has written another book which came out in May of 2004, and I think it is a wonderful analysis and asks the enormously important question as the title of book, "Who Are We?" Who are we?

□ 2245

He lays out the consequences if we do not know the answer. If we cannot understand who we are, if we cannot appreciate who we are, if we are just simply here, folks living on this chunk of land on the North American continent, that is all, then the clash of civilization is not going to be much of a clash. We will lose. We will lose. Because the people with whom we are at war know exactly who they are. We are not so sure. I am afraid. We are not so sure. And if students coming out of our school system, our public school system, are afraid to actually say yes to the question, Do you think you live in the greatest country in the world, why would they fight? And God bless those who do. God bless those who go into harm's way to defend us. How long can this last? If we do not know who we are, if we do not understand the values of Western civilization that are embodied in everything we see around us, in not only the architecture but the laws and the philosophy that we have in this country about the relationship between man and government and, yes, man and his God; if we do not appreciate these things, what makes us think they can possibly last? They will fall. Of course they will.

That is why I spend as much time as I do talking about the issue of immigration. There are all kinds of other parts of this picture to talk about. Certainly the jobs issue, the displacement of American workers, the effect on our economy, the costs to our health care system, the incarceration rates, the cost of incarceration for the 25 percent of our prison populations who are not citizens. I could go on and on with the very practical problems that are presented by massive immigration when it combines with this cult of multiculturalism. But the bigger picture is represented by people like Mr. Churchill, what he thinks and what he tells children and the fact that he is hired by institutions of, quote, higher education, to call the victims of 9/11 and the Twin Towers "little Eichmanns." Mr. Churchill and Michael Moore and Dan Rather, this is what we reap. It is a scary thing for us, because the consequences are very serious.

I will continue to speak out on this issue of immigration, of our national security. We talk about the national security implications of immigration and open borders. There are two ways to look at it. One is the very practical way that when the borders are open, when they are porous, people come across them, some of them to just work, some of them to sell drugs and the others to do things to us that are very bad. Some people come into this country for the purpose of killing us, killing our families. They choose the easiest way to get here, and that is across the borders because they are porous.

Why are the borders porous? Not because we cannot control them, but because it is economically advantageous to certain groups in the country. Certainly employers, millions of employers in this country who rely on cheap labor, want those borders open. Other countries, Mexico is a great example of a country that has turned into not just a neighbor but now a lobbying agent to keep the borders open. Why? Because they receive $18 billion a year from their nationals who are working here sending money home, and they do not want the nationals to connect with America. They do not want them to become American. They want them to maintain their political and psychological allegiance to Mexico because they will continue to send money home to the country, and that is what now props up the country.

$18 billion is now the second most significant source of income Mexico has, second only to Pemex, their oil company. It dwarfs everything else, including all foreign investment and including all tourism dollars spent in Mexico, remittances from the United States. It has changed the dynamics in the world. It has changed relationships between countries. There are seven nations in the world that presently take in more than 10 percent of their gross domestic product as a result of remittances from the United States from their nationals working here.

It changes a lot of things. It creates employers in this country who get hooked on cheap labor demanding open borders. It creates governments in countries all over the world who get hooked on remittances demanding open borders and our own security is therefore left as a secondary or tertiary topic. So there is an absolute and total connection between immigration, open borders and our national security, but it does not just happen as a result of keeping those borders open so people will come across them with bombs or some sort of chemical or biological warfare agent. It is also a threat to our national security because when it combines with the cult of multiculturalism, it creates a very, very sharp dagger pointed right at the heart of America. So we have to understand it. We have to talk about it. We cannot be afraid to address it.

Mr. Speaker, the most wonderful thing I can report to you tonight is that things are changing here. I came into this body 7 years ago. I would come to the floor as I have done tonight. I have tried to address this issue in every way I possibly could, the concerns about massive immigration, both legal and illegal into the country, the implications for us as a Nation, begging that it be debated. I created a caucus called the Immigration Reform Caucus, and I think there were 16 Members that originally signed on. There are now somewhere approaching 75 or 80. There are Members who stand up now and talk about this issue who never touched it before. Why? Because they are hearing from their constituents, Mr. Speaker. Because this system is working. Because the American people are making their voices heard here in this body. It is a wonderful thing to see. It gives us hope for the future.

And so I do think things will change. I do not know how quickly. I also know that we have an enormously difficult road ahead of us, because these Ward Churchills, these folks who comprise the loony left are, in fact, embedded in the system. They are in our institutions of higher education throughout the country, and their products are teaching the children in schools in my district and in yours. There is a lot of work ahead of us.

But I have great hope in our ability to change things. After all, it is really our only option. What else can we do but try everything we can think of and to come on the floor night after night as I have done over these 7 years, many times thinking that no one was listening, that no one cared about the issue. I received some of the most nasty e-mail, letters and telephone calls from people calling me every name imaginable, some unimaginable. But that is changing. Now when I go back to my office, I hear the fax machines going even tonight, it is now almost 11 o'clock here in Washington, D.C., but there will be people who will respond to this. We get hundreds now, sometimes thousands, of responses, all from people saying, continue to do what you do. People from every walk of life, people from every ethnic background.

This is not an issue that springs out of any sort of racial sort of motivation or profile, but it is an issue that everyone who calls themselves and thinks of himself or herself as an American, thinks of himself or herself as an American first, it is something that they are concerned about, and they have a right to be concerned. It is a dangerous situation we face. So we can fight a war in Iraq, and we can plant the seeds of democracy; but to ultimately be successful in this clash of civilization, we have to know who we are.

And so I ask the President, I hope in his State of the Union message that we will hear on this floor tomorrow night, he will begin to articulate that, that he will begin to talk about the things that make us great, the things about which we can and should be proud, the things that we should promote, the ideas and ideals of the American creed, ideas and ideals that can be accepted and should be accepted by every human being who is here in the place we call the United States, not just the North American continent but a place bounded by borders and a place that benefits from some of the greatest political thinking in the world, that created our Constitution, our Bill of Rights, our Declaration of Independence, and the freedom that we enjoy and that millions around the world enjoy or envy.

It is great to be an American. It is great to explore what possibilities there are out there for other human beings on this planet that want to actually begin to experience the idea of freedom. We can do this. It is nothing to be ashamed of. It is everything, I think, to be proud of.

I, Mr. Speaker, for one am immensely proud to be a tiny part of this great Nation and someone who springs from the heritage that we call Western.

OMISSION FROM THE CONGRESSIONAL RECORD OF WEDNESDAY, JANUARY 26, 2005 AT PAGE 808

H. RES. 42

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 54) to amend title 31, United States Code, to provide reasonable standards for congressional gold medals, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered as read. No amendment to the bill shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. Notwithstanding clause 11(a)(1) of rule XI, during the One Hundred Ninth Congress the Permanent Select Committee on Intelligence shall be composed of not more than 19 members, of whom not more than 11 may be from the same party.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. ESHOO (at the request of Ms. PELOSI) for today and the balance of the week on account of illness in the family.

Mr. GENE GREEN of Texas (at the request of Ms. PELOSI) for today and the balance of the week on account of family medical reasons.

Mr. STUPAK (at the request of Ms. PELOSI) for today and the balance of the week on account of medical reasons.

Mr. UDALL of New Mexico (at the request of Ms. PELOSI) for today and the balance of the week on account of family medical reasons.

Mr. BACHUS (at the request of Mr. DELAY) for today on account of the death of his father.

Mr. BILIRAKIS (at the request of Mr. DELAY) for today and the balance of the week on account of illness.

Mrs. NORTHUP (at the request of Mr. DELAY) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Ms. WOOLSEY, for 5 minutes, today.

Mr. LEWIS of Georgia, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. MILLENDER-MCDONALD, for 5 minutes, today.

Mr. EMANUEL, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MILLER of North Carolina, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Mr. CUELLAR, for 5 minutes, today.

Mr. VAN HOLLEN, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

(The following Members (at the request of Mr. PRICE of Georgia) to revise and extend their remarks and include extraneous material:)

Mr. MCCAUL of Texas, for 5 minutes, today.

Mr. PLATTS, for 5 minutes, today.

Mr. DREIER, for 5 minutes, today.

Mr. POE, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and February 2.

Mr. MURPHY, for 5 minutes, February 2.

Mr. FLAKE, for 5 minutes, today.

Mr. SENSENBRENNER, for 5 minutes, today.

Mr. HUNTER, for 5 minutes, February 2.

ADJOURNMENT

Mr. TANCREDO. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 57 minutes p.m.), the House adjourned until tomorrow, Wednesday, February 2, 2005, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

440. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Collection of Claims Owed the United States Arising From Activities Under the Commission's Jurisdiction (RIN: 3038-AC03) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

441. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—In the Matter of the Intercontinental Exchange, Inc. Petition for Expansion of the Definition of an Eligible Commercial Entity Under Section 1a(11)(C) of the Commodity Exchange Act—received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

442. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Confidential Information and Commission Records and Information—received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

443. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule—Fees for Reviews of the Rule Enforcement Programs of Contract Markets and Registered Futures Association—received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

444. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Definition Clarification of State Nonmetropolitan Median Household Income (SNMHI) (RIN: 0572-AB96) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

445. A letter from the Administrator, Rural Utilities Service, Department of Agriculture, transmitting the Department's final rule—Technical Assistance Grants (RIN: 0572-AB75) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

446. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Citrus Canker; Quarantined Areas [Docket No. 04-045-02] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

447. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—User Fees for Agricultural Quarantines and Inspection Services [Docket No. 04-042-1] (RIN: 0579-AB88) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

448. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule—Bovine Spongiform Encephalopathy; Minimal-Risk Regions and Importation of Commodities [Docket No. 03-080-3] (RIN: 0579-AB73) received January 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

449. A letter from the Assistant to the Board, Board of Governors of the Federal Reserve, transmitting the Board's final rule—Home Mortgage Disclosure [Regulation C; Docket No. R-1219] received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

450. A letter from the Regulatory Specialist, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Department of the Treasury, transmitting the Department's final rule—Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003 [Docket No. 04-13] (RIN: 1557-AC84); Federal Reserve System [Docket No. R-1199]; Federal Deposit Insurance Corporation (RIN: 3064-AC77); Department of the Treasury, Office of Thrift Supervision [No. 2004-56] (RIN: 1550-AB87) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

451. A letter from the Senior Paralegal (Regulations), Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule—EGRPRA Regulatory Review—Application and Reporting Requirements [No. 2004-54] (RIN: 1550-AB93) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

452. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Suspension of Community Eligibility [Docket No. FEMA-7857] received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

453. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-P-7638] received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

454. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

455. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

456. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

457. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-P-7640] received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

458. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Changes in Flood Elevation Determinations [Docket No. FEMA-B-7450] received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

459. A letter from the General Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule—Final Flood Elevation Determinations—received December 29, 2004, pursuant to 5

U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

460. A letter from the Assistant General Counsel for Regualtions, Department of Housing and Urban Development, transmitting the Department's final rule—Home Equity Conversion Mortgage (HECM) Program; Insurance for Mortgages to Refinance Existing HECMs and Reduced Initial Mortgage Insurance Premiums (MIP) [Docket No. FR-4667-F-03] (RIN: 2502-AH63) received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

461. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Distribution of Tax Credit Proceeds [Docket No. FR-4792-F-02] (RIN: 2502-AH91) received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

462. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Modification of the Community Development Block Grant Definition for Metropolitan City and Other Conforming Amendments [Docket No. FR-4872-F-02] (RIN: 2506-AC15) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

463. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Revisions to FHA Credit Watch Termination Initiative [Docket No. FR-4625-I-02; HUD-2004-0014] (RIN: 2502-AH60) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

464. A letter from the Assistant General Counsel for Regulations, Department of Housing and Urban Development, transmitting the Department's final rule—Prohibition of Property Flipping in HUD's Single Family Mortgage Insurance Programs; Additional Exceptions to Time Restriction on Sales [Doc. No. FR-4911-I-01; HUD-2004-0017] (RIN: 2502-AI18) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

465. A letter from the Director, Office of Legislative Affairs, Federal Deposit Insurance Corporation, transmitting the Corporation's final rule—Deposit Insurance Assessments—Certified Statements (RIN: 3064-AC84) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

466. A letter from the Assistant to the Board, Federal Reserve Board, transmitting the Board's final rule—Proper Disposal of Consumer Information under the Fair and Accurate Credit Transactions Act of 2003 [Docket No. R-1199]; Department of the Treasury, Office of the Comptroller of the Currency [Docket No. 04-13] (RIN: 1557-AC84); Federal Deposit Insurance Corporation (RIN: 3064-AC77); Department of the Treasury, Office of Thrift Supervision [No. 2004-56] (RIN: 1550-AB87); [OCC-4819-33-P 25%] [FRB-6210-01-P 25%] [FDIC-6714-01-p 25%] [OTS-6720-01P 25%] received December 30, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

467. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Summaries of Rights and Notices of Duties Under the Fair Credit Reporting Act (RIN: 3084-AA94) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

468. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Change in Official or Senior Executive Officer in Credit Unions That Are Newly Chartered or Are in Troubled Condition—received November 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

469. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Fair Credit Reporting—Proper Disposal of Consumer Information Under the Fair and Accurate Credit Transactions Act of 2003—received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

470. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Member Business Loans—received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

471. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule—Federal Credit Union Ownership of Fixed Assets—received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

472. A letter from the Assistant Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Certain Broker-Dealers Deemed Not To Be Investment Advisers [Release Nos. 34-50979; IA-2339; File No. S7-25-99] (RIN: 3235-AH78) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

473. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule—Asset-Backed Securities [Release Nos. 33-8518; 34-50905; File No. S7-21-04] (RIN: 3235-AF74) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

474. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Drug Labeling; Sodium Labeling for Over-the-Counter Drugs [Docket No. 1990N-0309] (RIN: 0910-AF50) received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

475. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; General Hospital and Personal Use Devices; Classification of Implatable Radiofrequency Transponder System for Patient Identification and Health Information [Docket No. 2004N-0477] received December 29, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

476. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule—Current Good Tissue Practice for Human Cell, Tissue, and Cellular and Tissue-Based Product Establishments; Inspection and Enforcement [Docket No. 1997N-484P] received December 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

477. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing and Handling of Food [Docket No. 2003F-0088] received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

478. A letter from the Director, Regulations Policy and Mgmt. Staff, FDA, Department of Health and Human Services, transmitting the Department's final rule—Irradiation in the Production, Processing, and Handling of Food [Docket No. 1993F-0357] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

479. A letter from the Regulations Coordinator, FDA, Department of Health and Human Services, transmitting the Department's final rule—Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002 [Docket No. 2002N-0277] (RIN: 0910-AC39) received December 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

480. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Brake Hoses [Docket No. NHTSA-2003-14483] (RIN: 2127-AH79) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

481. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards—Motor Vehicle Brake Fluids [Docket No. NHTSA 2004-19625] (RIN: 2127-AH96) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

482. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Occupant Crash Protection [Docket No. NHTSA-04-18726] (RIN: 2127-AI91) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

483. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Platform lifts for motor vehcles, Platform lift installations in motor vehicles [Docket No. NHTSA-2004-19938] (RIN: 2127-AJ50) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

484. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Federal Motor Vehicle Safety Standards; Head Restraints [Docket No. NHSTA-2004-19807] (RIN: 2127-AH09) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

485. A letter from the Attorney-Advisor, National Highway Traffic Safety Administration, Department of Transportation, transmitting the Department's final rule—Fuel Economy Standards—Credits and Fines—Rights and Responsibility of Manufacturers in the Context of Changes in Corporate Relationships [Docket No. NHSTA 2004-19940] (RIN: 2127-AG97) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

486. A letter from the Secretary of the Commission, Federal Trade Commission,

transmitting the Commission's final rule—Telemarketing Sales Rule (RIN: 3084–0098) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

487. A letter from the Secretary of the Commission, Federal Trade Commission, transmitting the Commission's final rule—Definitions and Implementations Under the CAN–SPAM Act [Project No. R411008] (RIN: 3084–AA96) received January 27, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

488. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—NRC Enforcement Policy: Extension of Enforcement Discretion of Interim Policy [NUREG–1600] received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

489. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Broadening Scope of Access Authorization and Facility Security Clearance Regulations (RIN: 3150–AH52) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

490. A letter from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule—Security Requirements for Portable Gauges Containing Byproduct Material (RIN: 3150–AH06) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

491. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on International Relations.

492. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–652, "Kings Court Community Garden Equitable Real Property Tax Relief Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

493. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–653, "Veterans of Foreign Wars Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

494. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–677, "Capital Hill Community Garden Land Trust Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

495. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–654, "Lincoln Square Theater Sales and Use Tax Exemption Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

496. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–678, "Disposal of District-Owned Surplus Real Property in Ward 8 Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

497. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–661, "Continuing Care Retirement Communities Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

498. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–662, "Arts, Cultural, and Educational Facilities Support Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

499. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–679, "National Capital Revitalization Corporation Eminent Domain Clarification and Skyland Eminent Domain Approval Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

500. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–663, "Equity in Real Property Tax Assessment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

501. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–664, "Parking Meter Fee Moratorium Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

502. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–680, "Use of Fraudulent Temporary Identification Tags and Automobile Forfeiture Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

503. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–682, "District of Columbia Emancipation Day Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

504. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–665, "Director of the Office of Latino Affairs Salary Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

505. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–666, "Public Charter School Real Property Tax Rebate Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

506. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–684, "Non-Traditional Motor Vehicles Safety Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

507. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–667, "National Guard Association of the United States Real Property Tax Exemption Reconfirmation and Modification Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

508. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–685, "Disability Compensation Effective Administration Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

509. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–668, "Charity Auction Sales Tax Exemption Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

510. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–669, "Gallery Place Project Graphics Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

511. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–686, "Cancer Prevention Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

512. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–670, "Towing Regulation and Enforcement Authority Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

513. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–688, "Fire and Casualty Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

514. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–671, "Unemployment Compensation Funds Appropriation Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

515. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–676, "Bread For The City Community Garden Equitable Real Property Tax Relief Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

516. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–648, "Human Rights Genetic Information Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

517. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–649, "Southeast Neighborhood House Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

518. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–674, "Unemployment Compensation Pension Offset Reduction Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

519. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–650, "Carefirst Economic Assistance Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

520. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–673, "Energy Star Efficiency Amendment Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

521. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–651, "Freedom Forum, Inc. Real Property Tax Exemption and Equitable Real Property Tax Relief Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

522. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. ACT 15–689, "Payments In Lieu of Taxes Act of 2004," pursuant to D.C. Code section 1–233(c)(1); to the Committee on Government Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. COLE: Committee on Rules. House Resolution 59. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education (Rept. 109-2). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. TERRY:

H.R. 433. A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to provide assistance for residential properties designated as Superfund sites; to the Committee on Financial Services.

By Mr. TERRY:

H.R. 434. A bill to provide additional funding for cleanup activities under the Comprehensive Environmental Response, Compensation, and Liability Act for facilities on the National Priority List, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MANZULLO (for himself and Mr. Blumenauer):

H.R. 435. A bill to amend the provisions of titles 5 and 28, United States Code, relating to equal access to justice, award of reasonable costs and fees, and administrative settlement offers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. KELLY (for herself, Ms. Velázquez, Mr. Oxley, and Mr. Baker):

H.R. 436. A bill to amend the Investment Company Act of 1940 to provide incentives for small business investment, and for other purposes; to the Committee on Financial Services.

By Mrs. KELLY:

H.R. 437. A bill to amend the Internal Revenue Code of 1986 to require group health plans to provide coverage for reconstructive surgery following mastectomy, consistent with the Women's Health and Cancer Rights Act of 1998; to the Committee on Ways and Means.

By Ms. LEE:

H.R. 438. A bill to designate the facility of the United States Postal Service located at 2000 Allston Way in Berkeley, California, as the "Maudelle Shirek Post Office Building"; to the Committee on Government Reform.

By Mr. PASCRELL (for himself, Mr. Menendez, Mr. Pallone, Mr. Holt, Mr. Andrews, Mr. Payne, and Mr. Rothman):

H.R. 439. A bill to amend title 23, United States Code, to ensure that certain States remain eligible for Federal highway funds; to the Committee on Transportation and Infrastructure.

By Mr. KOLBE (for himself and Mr. Boyd):

H.R. 440. A bill to amend title II of the Social Security Act to provide for individual security accounts funded by employee and employer Social Security payroll deductions, to extend the solvency of the old-age, survivors, and disability insurance program, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:

H.R. 441. A bill to amend the Internal Revenue Code of 1986 to allow a refundable credit against income tax for tuition expenses incurred for each qualifying child of the taxpayer in attending public or private elementary or secondary school; to the Committee on Ways and Means.

By Mr. BARTLETT of Maryland:

H.R. 442. A bill to amend the Internal Revenue Code of 1986 to change the deadline for income tax returns for calendar year taxpayers from the 15th of April to the first Monday in November; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 443. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit to employers for the value of the service not performed during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mr. ISSA (for himself, Mr. Sherman, Mr. Cox, Mr. Platts, Mr. Dreier, Mrs. Jo Ann Davis of Virginia, Mr. McDermott, Ms. Harman, Mr. Berman, Ms. Watson, Mr. George Miller of California, Mr. Calvert, Mr. Baird, and Mr. Schiff):

H.R. 444. A bill to amend title 23, United States Code, relating to the use of high occupancy vehicle lanes by hybrid vehicles; to the Committee on Transportation and Infrastructure.

By Mr. EHLERS (for himself and Mr. McHugh):

H.R. 445. A bill to amend section 304 of the Tariff Act of 1930 with respect to the marking of imported home furniture; to the Committee on Ways and Means.

By Mr. BILIRAKIS:

H.R. 446. A bill to amend the Internal Revenue Code of 1986 to provide to employers a tax credit for compensation paid during the period employees are performing service as members of the Ready Reserve or the National Guard; to the Committee on Ways and Means.

By Mrs. BLACKBURN (for herself and Mr. Wilson of South Carolina):

H.R. 447. A bill to amend title 10, United States Code, to increase the amount of the military death gratuity to $100,000; to the Committee on Armed Services.

By Mr. BRADY of Texas (for himself, Mr. Gene Green of Texas, Mr. Becerra, and Mr. Foley):

H.R. 448. A bill to amend the Internal Revenue Code of 1986 to make inapplicable the 10 percent additional tax on early distributions from certain pension plans of public safety employees; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 449. A bill to establish the position of Assistant Secretary of Commerce for Job Retention and Creation to gather information about economic development assistance and make the information available to the public; to the Committee on Energy and Commerce.

By Mr. EHLERS:

H.R. 450. A bill to amend the Internal Revenue Code of 1986 to encourage stronger math and science programs at elementary and secondary schools; to the Committee on Ways and Means.

By Mr. CAMP:

H.R. 451. A bill to allow a period in which members of the clergy may revoke their exemption from Social Security coverage; to the Committee on Ways and Means.

By Mr. CLAY (for himself, Mr. Carnahan, and Mr. Skelton):

H.R. 452. A bill to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System; to the Committee on Resources.

By Mr. CLAY (for himself and Ms. Slaughter):

H.R. 453. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for property owners who remove lead-based paint hazards; to the Committee on Ways and Means.

By Mr. COLE of Oklahoma (for himself, Mr. Wilson of South Carolina, Mr. Jindal, Mr. Lucas, Mr. Sullivan, Mr. Terry, Mr. Boren, Mr. Pearce, Mr. Peterson of Pennsylvania, Mr. Culberson, Mr. Nunes, Mr. Renzi, Mr. Alexander, Mr. Thornberry, Mr. Baker, Mr. Rehberg, and Mrs. Capito):

H.R. 454. A bill to amend the Internal Revenue Code of 1986 to provide that the credit for producing fuel from a nonconventional source shall apply to gas produced onshore from a formation more than 15,000 feet deep; to the Committee on Ways and Means.

By Mr. CROWLEY:

H.R. 455. A bill to establish the Airport Noise Curfew Commission; to the Committee on Transportation and Infrastructure.

By Mr. CULBERSON:

H.R. 456. A bill to restore State sovereignty; to the Committee on Government Reform.

By Mr. CUNNINGHAM (for himself, Mr. Conyers, Mr. Fossella, Mr. Frelinghuysen, Mr. Gilchrest, Mr. Al Green of Texas, Mr. Holden, Mr. Holt, Mr. Issa, Mrs. Johnson of Connecticut, Ms. Kilpatrick of Michigan, Mr. King of New York, Mr. Lantos, Mr. LoBiondo, Mr. McDermott, Mr. McIntyre, Mr. McNulty, Mr. Menendez, Mrs. Musgrave, Mr. Owens, Mr. Pastor, Mr. Payne, Mr. Platts, Mr. Rangel, Mr. Rogers of Michigan, Ms. Ros-Lehtinen, Mr. Van Hollen, Mr. Weldon of Pennsylvania, Mr. Wilson of South Carolina, and Mr. Wynn):

H.R. 457. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Energy and Commerce.

By Mr. DAVIS of Kentucky (for himself, Mr. Baker, Mr. Shimkus, Mr. Gerlach, Mr. Fitzpatrick of Pennsylvania, Mr. Norwood, Mr. Ryun of Kansas, and Mr. Shadegg):

H.R. 458. A bill to prevent the sale of abusive insurance and investment products to military personnel; to the Committee on Financial Services.

By Ms. DELAURO (for herself, Mr. Shays, Mr. Larson of Connecticut, Mr. Foley, Mr. Sanders, Mr. Jackson of Illinois, Mr. Butterfield, Ms. Slaughter, Mr. Ryan of Ohio, Mr. Berry, Mr. Emanuel, Mr. Capuano, Ms. Woolsey, Mr. Strickland, Ms. Jackson-Lee of Texas, Mr. Brady of Pennsylvania, and Mr. Cardoza):

H.R. 459. A bill to require the Secretary of the Navy to procure helicopters under the VH-3D presidential helicopter fleet replacement program that are wholly manufactured in the United States; to the Committee on Armed Services.

By Mr. EDWARDS (for himself and Mr. Emanuel):

H.R. 460. A bill to amend title 38, United States Code, to increase the maximum coverage under the Servicemembers' Group Life Insurance and Veterans' Group Life Insurance programs from $250,000 to $500,000; to the Committee on Veterans' Affairs.

By Mr. EMANUEL (for himself and Mr. Edwards):

H.R. 461. A bill to prevent the sale of abusive insurance and investment products to military personnel; to the Committee on Financial Services.

By Mr. ENGEL:

H.R. 462. A bill to amend the Internal Revenue Code of 1986 to impose an excise tax on the termination of retiree prescription drug coverage; to the Committee on Ways and Means.

By Mr. EVANS:

H.R. 463. A bill to amend title 10, United States Code, to permit the use of education benefits under the Reserve Montgomery GI Bill for licensing or certification tests; to the Committee on Armed Services.

By Mr. FALEOMAVAEGA:

H.R. 464. A bill to provide for administrative procedures to extend Federal recognition to certain Indian groups, and for other purposes; to the Committee on Resources.

By Mr. FALEOMAVAEGA:

H.R. 465. A bill to provide for the establishment of a tsunami hazard mitigation program for all United States insular areas; to the Committee on Resources.

By Mr. GRAVES:

H.R. 466. A bill to amend the Trade Act of 1974 to delegate to the Under Secretary of Commerce for International Trade the functions relating to trade adjustment assistance for firms, and for other purposes; to the Committee on Ways and Means.

By Mr. GENE GREEN of Texas:

H.R. 467. A bill to amend title XVIII of the Social Security Act to provide Medicare beneficiaries with access to geriatric assessments and chronic care management, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. Pickering, and Mr. Osborne):

H.R. 468. A bill to amend the Professional Boxing Safety Act of 1996 to establish the United States Boxing Commission to administer such Act, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KOLBE:

H.R. 469. A bill to authorize the Secretary of the Interior to cooperate with the States on the border with Mexico and other appropriate entities in conducting a hydrogeologic characterization, mapping, and modeling program for priority transboundary aquifers, and for other purposes; to the Committee on Resources.

By Mr. LARSON of Connecticut:

H.R. 470. A bill to amend the Help America Vote Act of 2002 to require the software used in the operation of an electronic voting machine to meet certain requirements as a condition of the use of the machine in elections for Federal office, and for other purposes; to the Committee on House Administration.

By Mr. LARSON of Connecticut:

H.R. 471. A bill to amend the Internal Revenue Code of 1986 to increase the frequency of disclosure of information by political organizations and to improve the linkage between databases for public disclosure of election-related information maintained by the Department of the Treasury and the Federal Election Commission; to the Committee on Ways and Means, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LoBIONDO (for himself, Mr. Saxton, Mr. Pallone, Mr. Menendez, Mr. Smith of New Jersey, Mr. Payne, Mr. Andrews, Mr. Holt, Mr. Pascrell, Mr. Rothman, Mr. Garrett of New Jersey, and Mr. Ferguson):

H.R. 472. A bill to reauthorize appropriations for the New Jersey Coastal Heritage Trail Route, and for other purposes; to the Committee on Resources.

By Mr. LoBIONDO:

H.R. 473. A bill to amend title 23, United States Code, to provide grant eligibility for a State that adopts a program for the impoundment of vehicles operated by persons while under the influence of alcohol; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY (for herself, Ms. Ros-Lehtinen, Mr. Shays, Mr. Nadler, and Mr. Weiner):

H.R. 474. A bill to ensure that the courts of the United States may provide an impartial forum for claims brought by United States citizens and others against any railroad organized as a separate legal entity, arising from the deportation of United States citizens and others to Nazi concentration camps on trains owned or operated by such railroad, and by the heirs and survivors of such persons; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Ms. DeLauro, Mr. Weiner, Mr. Van Hollen, Mr. George Miller of California, Mr. Frank of Massachusetts, Mr. McGovern, Mr. Owens, Mr. Berman, Mr. Fattah, Mr. Lantos, Mr. Bishop of New York, Mr. Engel, Mr. Al Green of Texas, Mr. Baird, Mr. Abercrombie, Mr. Towns, Mr. Crowley, Mr. Grijalva, Ms. Jackson-Lee of Texas, Mr. McNulty, Mr. Evans, Mrs. Jones of Ohio, Mr. Waxman, Mr. Sanders, Mr. Pascrell, and Mr. Hastings of Florida):

H.R. 475. A bill to amend the Family and Medical Leave Act of 1993 to permit leave to care for a same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent if the same-sex spouse, domestic partner, parent-in-law, adult child, sibling, or grandparent has a serious health condition, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Ms. DeLauro, Mr. Weiner, Mr. Van Hollen, Mr. George Miller of California, Mr. Frank of Massachusetts, Mr. McGovern, Mr. Owens, Mr. Berman, Mr. Lantos, Mr. Bishop of New York, Mr. Engel, Mr. Al Green of Texas, Mr. Baird, Mr. Towns, Mr. Crowley, Mr. McDermott, Mr. Grijalva, Ms. Jackson-Lee of Texas, Mr. Butterfield, Mr. Evans, Mr. Waxman, Mr. Sanders, Mr. Payne, and Mr. Hastings of Florida):

H.R. 476. A bill to amend the Family and Medical Leave Act of 1993 to allow employees to take, as additional leave, parental involvement leave to participate in or attend their children's and grandchildren's educational and extracurricular activities and to clarify that leave may be taken for routine family medical needs and to assist elderly relatives, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committees on Government Reform, and House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY:

H.R. 477. A bill to extend the period for COBRA coverage for victims of the terrorist attacks of September 11, 2001; to the Committee on Education and the Workforce, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MILLENDER-McDONALD (for herself, Ms. Harman, Ms. Corrine Brown of Florida, Ms. Bordallo, and Mr. Nadler):

H.R. 478. A bill to improve seaport security; to the Committee on Homeland Security.

By Mr. MILLER of Florida (for himself and Mr. Boyd):

H.R. 479. A bill to replace a Coastal Barrier Resources System map relating to Coastal Barrier Resources System Grayton Beach Unit FL-95P in Walton County, Florida; to the Committee on Resources.

By Mr. MORAN of Virginia (for himself, Mr. Hoyer, Mr. Wolf, Mr. Wynn, Mr. Van Hollen, and Ms. Norton):

H.R. 480. A bill to amend section 8339(p) of title 5, United States Code, to clarify the method for computing certain annuities under the Civil Service Retirement System which are based on part-time service, and for other purposes; to the Committee on Government Reform.

By Mrs. MUSGRAVE (for herself and Mr. Cole of Oklahoma):

H.R. 481. A bill to further the purposes of the Sand Creek Massacre National Historic Site Establishment Act of 2000; to the Committee on Resources.

By Mr. NEUGEBAUER (for himself and Mr. Pearce):

H.R. 482. A bill to provide for a land exchange involving Federal lands in the Lincoln National Forest in the State of New Mexico, and for other purposes; to the Committee on Resources.

By Mr. ORTIZ (for himself, Mr. Reyes, Mr. Gonzalez, Mr. Hinojosa, Mr. Doggett, and Mr. Pastor):

H.R. 483. A bill to designate a United States courthouse in Brownsville, Texas, as the "Reynaldo G. Garza and Filemon B. Vela United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. PASCRELL (for himself, Mr. Weldon of Pennsylvania, Mr. Gene Green of Texas, Mr. Rangel, Mr. Andrews, Mr. Davis of Illinois, Mr. Wynn, Mr. Costello, Mr. Capuano, Mr. Owens, and Mr. Pallone):

H.R. 484. A bill to establish a Probation and Parole Officer Safety Task Force within the Department of Justice, and for other purposes; to the Committee on the Judiciary.

By Mr. PEARCE:

H.R. 485. A bill to provide that the royalty rate on the output from Federal lands of potassium and potassium compounds from the mineral sylvite in the 5-year period beginning on the date of the enactment of this Act shall be reduced to 1.0 percent, and for other purposes; to the Committee on Resources.

By Mr. PEARCE:

H.R. 486. A bill to provide for a land exchange involving private land and Bureau of Land Management land in the vicinity of Holloman Air Force Base, New Mexico, for the purpose of removing private land from the required safety zone surrounding munitions storage bunkers at Holloman Air Force Base; to the Committee on Resources.

By Mr. PEARCE:

H.R. 487. A bill to impose limitations on the authority of the Secretary of the Interior to claim title or other rights to water absent specific direction of law or to abrogate, injure, or otherwise impair any right to the use of any quantity of water; to the Committee on Resources.

By Mr. PEARCE:

H.R. 488. A bill to promote greater access to air transportation for all persons; to the Committee on Transportation and Infrastructure.

By Mr. PEARCE:

H.R. 489. A bill to provide for an assessment of the extent of the invasion of Salt Cedar and Russian Olive on lands in the Western United States and efforts to date to control such invasion on public and private lands, including tribal lands, to establish a demonstration program to address the invasion of Salt Cedar and Russian Olive, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE (for himself, Mr. Sessions, Mr. Ryun of Kansas, Mr. Tancredo, Mr. Garrett of New Jersey, Mr. Franks of Arizona, Mr. Jones of North Carolina, Mr. Terry, Mr. Wilson of South Carolina, Mr. King of Iowa, Mr. Paul, Mr. Flake, Mr. Doolittle, Mr. Miller of Florida, Mr. Hostettler, Mr. Sensenbrenner, Mrs. Northup, Mr. Barrett of South Carolina, and Mr. Souder):

H.R. 490. A bill to amend title XXVII of the Public Health Service Act to improve the affordability of health insurance coverage for small employers; to the Committee on Energy and Commerce.

By Mr. PETRI (for himself, Mrs. Maloney, Mr. Shimkus, Mr. McGovern, Mr. Taylor of Mississippi, Mr. Holden, Mr. Simmons, Mr. Johnson of Illinois, Mr. Kind, Mr. Shays, Mr. Schwarz of Michigan, Mr. George Miller of California, and Ms. Slaughter):

H.R. 491. A bill to amend the Federal Election Campaign Act of 1971 to require persons conducting Federal election polls by telephone to disclose certain information to respondents and the Federal Election Commission; to the Committee on House Administration.

By Mr. POMBO:

H.R. 492. A bill to provide for the transfer of the U.S.S. IOWA to the Port of Stockton, California; to the Committee on Armed Services.

By Mr. REYES:

H.R. 493. A bill to amend title 37, United States Code, to establish an allowance to cover the cost of premiums for Servicemembers' Group Life Insurance coverage for members of the Armed Forces serving in combat zones, for junior enlisted members, and for certain other members; to the Committee on Armed Services.

By Mr. ROHRABACHER:

H.R. 494. A bill to amend the Water Resources Development Act of 1986 to expand the authority of non-Federal interests to levy harbor fees; to the Committee on Transportation and Infrastructure.

By Mr. RYAN of Ohio:

H.R. 495. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for the costs of college textbooks; to the Committee on Ways and Means.

By Mr. SABO:

H.R. 496. A bill to amend the National Voter Registration Act of 1993 to require States to permit individuals to register to vote in an election for Federal office on the date of the election; to the Committee on House Administration.

By Ms. LORETTA SANCHEZ of California:

H.R. 497. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to increase the ceiling on the Federal share of the costs of phase 1 of the Orange County, California, Regional Water Reclamation Project; to the Committee on Resources.

By Mr. SAXTON:

H.R. 498. A bill to mandate price stability as the primary goal of the monetary policy of the Board of Governors of the Federal Reserve System and the Federal Open Market Committee; to the Committee on Financial Services.

By Mr. SHAYS (for himself, Mrs. Maloney, Mr. English of Pennsylvania, Mr. Sanders, Mr. Grijalva, Mr. Gutierrez, Mr. Kucinich, Mr. McNulty, Ms. Jackson-Lee of Texas, Mrs. McCarthy, and Mr. Owens):

H.R. 499. A bill to provide for the development of a global tsunami detection and warning system, to improve existing communication of tsunami warnings to all potentially affected nations, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WILSON of South Carolina (for himself, Mrs. Musgrave, Mr. Wicker, Mr. Paul, Mr. Sessions, Mr. Cunningham, Mr. Goode, Mr. Beauprez, Mr. Norwood, Mr. Manzullo, Mr. Linder, Mr. Duncan, Mr. Poe, Mr. Weldon of Florida, Mr. McHenry, Mr. Garrett of New Jersey, Mr. Doolittle, Mr. Tancredo, Mr. Ryun of Kansas, Mr. Issa, and Mr. Kolbe):

H.R. 500. A bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities; to the Committee on Education and the Workforce.

By Ms. SLAUGHTER (for herself, Mr. Holt, Mr. Grijalva, Mr. Filner, Mr. Rangel, Mr. Owens, Ms. Watson, Mr. Kucinich, Mr. Hinchey, Mr. McDermott, Ms. Woolsey, and Mr. George Miller of California):

H.R. 501. A bill to enforce the public interest obligations of broadcast station licensees to their local communities; to the Committee on Energy and Commerce.

By Mr. SMITH of New Jersey:

H.R. 502. A bill to increase the amounts payable under the Department of Defense death gratuity program and the Servicemembers' Group Life Insurance program; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SWEENEY (for himself, Mr. Spratt, Mr. Whitfield, Mrs. Bono, Mr. Brown of Ohio, Mr. Cox, Mrs. Capps, Mr. Engel, Ms. Eshoo, Mr. Ferguson, Mr. Gene Green of Texas, Mr. Pallone, Mr. Towns, Mr. Gallegly, Mr. Moran of Virginia, and Mr. Shays):

H.R. 503. A bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes; to the Committee on Energy and Commerce.

By Ms. WATSON:

H.R. 504. A bill to designate the facility of the United States Postal Service located at 4960 West Washington Boulevard in Los Angeles, California, as the "Ray Charles Post Office Building"; to the Committee on Government Reform.

By Mr. WEINER:

H.R. 505. A bill to prohibit assistance to Saudi Arabia; to the Committee on International Relations, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ROHRABACHER:

H.J. Res. 15. A joint resolution proposing an amendment to the Constitution of the United States to make eligible for the Office of President a person who is not a natural born citizen of the United States but has been a United States citizen for at least 20 years; to the Committee on the Judiciary.

By Mr. KING of Iowa:

H.J. Res. 16. A joint resolution proposing an amendment to the Constitution of the United States to repeal the sixteenth article of amendment; to the Committee on the Judiciary.

By Mr. ROGERS of Alabama (for himself, Mr. Kline, Mr. Sam Johnson of Texas, Mr. Gingrey, Mr. Cox, Mr. Calvert, Mr. Barrett of South Carolina, Mr. Hayes, Mr. King of Iowa, Mr. Souder, Mr. Wilson of South Carolina, Mr. McKeon, Mr.

Gutknecht, Mr. Hefley, Mr. Bartlett of Maryland, Mr. Akin, Mr. Weldon of Pennsylvania, Mr. Pombo, Mr. Daniel E. Lungren of California, Mr. Cubin, Mr. Renzi, Mr. Schwarz of Michigan, Mrs. Drake, Mr. Kennedy of Minnesota, and Mr. Bachus):

H. Con. Res. 36. Concurrent resolution expressing the continued support of Congress for equal access of military recruiters to institutions of higher education; referred to the Committee on Armed Services, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CROWLEY:

H. Con. Res. 37. Concurrent resolution honoring former Congressman Dalip Singh Saund and remembering his achievements as the only Indian American to serve in Congress; to the Committee on House Administration.

By Mr. BLUMENAUER (for himself, Ms. DeLauro, Mr. Ehlers, Mr. Engel, Mr. Goode, Mr. Hinchey, Mr. Markey, Ms. McCollum of Minnesota, Mr. Pallone, Mr. Knollenberg, Mr. Berman, and Mr. Walsh):

H. Con. Res. 38. Concurrent resolution recognizing the achievements of the National Captioning Institute in providing closed captioning services to Americans who are deaf or hard-of-hearing; to the Committee on Education and the Workforce.

By Mr. SODREL:

H. Con. Res. 39. Concurrent resolution providing for an adjournment of the House; considered and agreed to.

By Mr. HOYER (for himself, Mr. Tom Davis of Virginia, Ms. Norton, Mr. Wynn, Mr. Van Hollen, Mr. Cummings, Mr. Moran of Virginia, Mr. Ruppersberger, Mr. Wolf, Mr. Davis of Illinois, Mr. Waxman, and Mr. Cardin):

H. Con. Res. 40. Concurrent resolution expressing the sense of the Congress that, for fiscal year 2006, rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services; to the Committee on Government Reform.

By Mr. SCHIFF (for himself and Mr. Osborne):

H. Con. Res. 41. Concurrent resolution recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization; to the Committee on Government Reform.

By Mr. SESSIONS (for himself, Mr. Langevin, and Mr. Hostettler):

H. Con. Res. 42. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued to promote public awareness of Down syndrome; to the Committee on Government Reform.

By Mr. BLUNT (for himself, Mr. Hoyer, Mr. Pence, and Mr. Gene Green of Texas):

H. Res. 56. A resolution commending the Palestinian people for conducting a free and fair presidential election on January 9, 2005, and for other purposes; to the Committee on International Relations.

By Mr. HYDE (for himself, Mr. Lantos, Ms. Ros-Lehtinen, and Mr. McCotter):

H. Res. 57. A resolution urging the European Union to maintain its arms embargo on the People's Republic of China; to the Committee on International Relations.

By Mr. CROWLEY:

H. Res. 58. A resolution recognizing the holiday of Diwali; to the Committee on Government Reform.

By Mr. COLE of Oklahoma:

H. Res. 59. A resolution providing for consideration of the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education.

By Mr. DELAY (for himself, Ms. Pelosi, Mr. Blunt, Mr. Hoyer, Ms. Pryce of Ohio, Mr. Menendez, Mr. Cantor, Mr. Clyburn, Mr. Shadegg, Mr. Hyde, Mr. Lantos, Mr. Dreier, and Mr. Hunter):

H. Res. 60. A resolution relating to the free election in Iraq held on January 30, 2005; to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. DELAURO (for herself, Ms. Millender-McDonald, Ms. Jackson-Lee of Texas, Ms. McCollum of Minnesota, Mrs. McCarthy, Mrs. Jones of Ohio, Ms. Solis, Ms. Woolsey, Ms. Bordallo, Mrs. Capps, Ms. Lee, Ms. Waters, Ms. Kaptur, Ms. Linda T. Sánchez of California, Ms. Watson, Mrs. Lowey, Ms. Zoe Lofgren of California, Ms. Baldwin, Ms. Slaughter, Mr. Smith of Washington, Mr. Kennedy of Rhode Island, Mr. Lantos, Mr. Kucinich, Mr. Schiff, Mr. Moran of Virginia, Mr. Honda, Mr. Emanuel, Mr. Wexler, Mr. Kildee, Mr. Nadler, Mr. McGovern, Mr. Rangel, Mr. Stark, and Mr. Al Green of Texas):

H. Res. 61. A resolution recognizing the unique effects that proposals to reform Social Security may have on women; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. MILLER of Florida introduced A bill (H.R. 506) for the relief of Christine L. Barrott; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Oberstar and Mr. Kildee.

H.R. 13: Mr. Baker, Mr. Sessions, Mr. Pomeroy, Mr. Blunt, and Mr. Boswell.

H.R. 16: Mr. Calvert, Mr. Wicker, and Mr. Renzi.

H.R. 17: Mr. Case, Mr. Van Hollen, Mr. Renzi, and Mr. Johnson of Illinois.

H.R. 19: Mr. Bilirakis and Mr. Smith of Texas.

H.R. 23: Mr. Dicks, Ms. Herseth, Mr. King of New York, Ms. Zoe Lofgren of California, Mr. Holden, Mr. Hinchey, Mr. Honda, Mr. McIntyre, Mr. Menendez, Mr. Farr, Mr. Moore of Kansas, Mr. Gordon, and Mr. Radanovich.

H.R. 25: Mr. Hensarling and Mr. Neugebauer.

H.R. 29: Ms. Jackson-Lee of Texas, Mr. Butterfield, Mr. Gordon, Ms. Schakowsky, Mr. Wamp, Mr. Hayworth, Mr. Sullivan, Mr. Calvert, Mr. Ehlers, Mr. Putnam, Mr. Markey, Mr. Israel, Mr. Gonzalez, Ms. Solis, Ms. Watson, Mr. Engel, Mr. Wynn, Mr. Abercrombie, Mr. Doolittle, Ms. Eshoo, Mrs. Davis of California, Mr. Stupak, Mr. Rush, Mr. Ryan of Ohio, Mr. Lincoln Diaz-Balart of Florida, Mr. Boucher, and Mr. Bass.

H.R. 32: Ms. Schwartz of Pennsylvania, Mr. Royce, Mr. Gutknecht, and Mr. Ackerman.

H.R. 34: Mr. McGovern, Mr. Hostettler, Mr. Abercrombie, Mr. Ackerman, Mr. Meehan, Mr. Wilson of South Carolina, and Mr. Calvert.

H.R. 37: Mr. Kennedy of Minnesota, Mr. Peterson of Pennsylvania, Mr. Westmoreland, Mr. Hall, Mr. Barrett of South Carolina, Mr. Brown of South Carolina, Mr. Hastings of Washington, Mr. Akin, and Mr. Franks of Arizona.

H.R. 47: Mr. King of Iowa, Mr. McCotter, Mr. Wicker, Mr. Otter, Mr. Paul, Mr. Bilirakis, Mr. Davis of Kentucky, Mr. Hastings of Washington, Mr. Goode, Mr. Gingrey, Mrs. Musgrave, Mrs. Cubin, Mr. Lewis of Kentucky, Mr. Barrett of South Carolina, Mr. .Miller of Florida, Mr. Platts, Mr. Bradley of New Hampshire, Mr. Simpson, Mrs. Miller of Michigan, Mr. Hall, Mr. Aderholt, Mr. Manzullo, Mrs. Capito, and Mr. Taylor of North Carolina.

H.R. 63. Mr. Pastor, Mr. Rangel, and Mr. Langevin.

H.R. 64: Mr. Duncan, Mr. Chabot, Mr. Pickering, Mr. Ryun of Kansas, Mr. Tancredo, Mrs. Biggert, Mr. Flake, Mr. Hulshof, Mr. Graves, Mr. McHenry, Mr. Baker, Mr. Bishop of Utah, Mr. Jenkins, and Mr. Keller.

H.R. 68: Mr. Sweeney, Mr. Johnson of Illinois, Mr. Olver, Mr. Beauprez, Mr. Abercrombie, Mr. Aderholt, Mr. Akin, Mr. Barrett of South Carolina, Mr. Bass, Mr. Bonner, Mr. Brown of South Carolina, Mr. Burgess, Mr. Carter, Mr. Castle, Mr. Chabot, Mr. Cole of Oklahoma, Mr. Cuellar, Mr. Davis of Illinois, Mr. Tom Davis of Virginia, Ms. DeLauro, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Doolittle, Mrs. Drake, Mr. Edwards, Mr. English of Pennsylvania, Mr. Feeney, Ms. Foxx, Mr. Franks of Arizona, Mr. Garrett of New Jersey, Mr. Gillmor, Mr. Gohmert, Mr. Gutknecht, Mr. Hensarling, Mr. Hobson, Mr. Hoekstra, Mr. Istook, Mr. Jindal, Mr. Jones of North Carolina, Ms. Kaptur, Mr. Kline, Mr. Linder, Mr. Daniel E. Lungren of California, Mr. Mack, Mr. Marchant, Mr. McHenry, Mr. McKeon, Miss McMorris, Mr. Miller of Florida, Mr. Murphy, Mr. Neugebauer, Mrs. Northup, Mr. Osborne, Mr. Pastor, Mr. Pence, Mr. Pitts, Mr. Poe, Mr. Ramstad, Mr. Rehberg, Mr. Reichert, Mr. Ryun of Kansas, Ms. Schwartz of Pennsylvania, Mr. Sessions, Mr. Smith of New Jersey, Mr. Tiahrt, Mr. Weldon of Florida, Mr. Westmoreland, Mr. Whitfield, Mr. Wilson of South Carolina, Mr. Wu, Mr. Cantor, Mr. Everett, Mrs. Kelly, Mr. King of Iowa, Mr. Kennedy of Minnesota, Mr. Meehan, Mr. George Miller of California, Mrs. Musgrave, and Mr. Norwood.

H.R. 98: Mr. Renzi, Mr. Sessions, Mr. Beauprez, and Mr. Thornberry.

H.R. 109: Mr. Tancredo.

H.R. 111: Mr. LoBiondo, Mr. Westmoreland, Mr. Bonner, Mr. Burton of Indiana, Mr. Souder, Mr. LaHood, Mr. McKeon, Ms. Herseth, Mr. Conyers, Mr. Baird, Mr. Larsen of Washington, Ms. Norton, Mr. Miller of Florida, Mr. Turner, Mr. Kucinich, Mr. Honda, Mr. Gutierrez, Mr. Pascrell, Mr. Barton of Texas, and Mr. Bishop of Utah.

H.R. 113: Mr. LaTourette, Mr. Shimkus, and Mr. Boehner.

H.R. 114: Mr. Miller of North Carolina, Mr. Grijalva, Mr. Abercrombie, Mrs. Tauscher, Mr. Cummings, Mr. Fattah, Mr. Allen, Mr. Doyle, Mr. Matheson, and Mr. Neal of Massachusetts.

H.R. 120: Mr. Cunningham, Mr. Doolittle, Mr. Sherman, Ms. Watson, Mr. Waxman, Ms. Woolsey, Mr. Filner, Mr. Gallegly, Ms. Waters, Mr. Nunes, Mr. Hunter, Mrs. Tauscher, Mr. Lewis of California, Mr. Pombo, Mr. Rohrabacher, Ms. Pelosi, Mr. Gary G. Miller of California, Mr. Stark, Ms. Zoe Lofgren of California, Mrs. Capps, Mr. Radanovich, Mr. Cardoza, Ms. Harman, Mr. McKeon, Mr. Cox, Mr. Farr, Mr. Becerra, Ms. Millender-McDonald, Mr. Herger, Mr. Lantos, Mr. Honda, Mr. Schiff, Mr. George Miller of California, Mrs. Davis of California, Mrs. Napolitano, Mr. Royce, Mr. Berman, Mr. Dreier, Mrs. Bono, Ms. Solis, Ms. Linda T. Sánchez of California, Mr. Daniel E. Lungren of California, Mr. Baca, Ms. Roybal-Allard, Ms. Lee, Mr. Costa, Ms. Loretta Sanchez of California, Ms. Eshoo, Mr. Thompson of California, Mr. Crowley, Mr. Jindal, and Mr. Thomas.

H. R. 128: Mr. Fattah.

H.R. 139: Mr. Filner and Mr. Nadler.

H.R.1 70: Mr. Issa.

H.R. 179: Mr. Souder.

H.R. 180: Mr. Souder.

H.R. 181: Mr. Otter, Mr. Goode, Mrs. Jo Ann Davis of Virginia, Mr. Kennedy of Minnesota, Mr. Tancredo, and Mr. Garrett of New Jersey.

H.R. 184: Mr. Brown of Ohio, Mr. Matheson, Mr. Ramstad, and Mr. Gerlach.

H.R. 187: Mr. Holden.

H.R. 196: Mr. Weldon of Florida and Mr. Gillmor.

H.R. 211: Mr. Otter, Mr. Walden of Oregon, and Mr. Hastings of Washington.

H.R. 213: Mr. Grijalva, Ms. Lee, Mr. Nadler, Mr. McDermott, Mr. Serrano, Mr. Honda, Mr. Kucinich, Mr. Lantos, and Mr. Kildee.

H.R. 219: Mr. LaHood.

H.R. 224: Mr. Towns, Mr. Matheson, and Ms. Linda T. Sánchez of California.

H.R. 226: Mr. Ehlers, Mr. Owens, and Ms. Eddie Bernice Johnson of Texas.

H.R. 278: Mr. Kline, Mr. Burton of Indiana, Mr. Shays, Mr. Jones of North Carolina, Mr. Weldon of Florida, Mr. Issa, and Mr. Pearce.

H.R. 284: Mr. Jones of Ohio, Mr. Platts, Mr. Kucinich, and Ms. Jackson-Lee of Texas.

H.R. 289: Mrs. Bono, Ms. Zoe Lofgren of California, Mrs. Capps, Mr. Waxman, Mr. Filner, Ms. Harman, Mr. Becerra, Ms. Lee, Mr. Daniel E. Lungren of California, Ms. Pelosi, Mr. Pombo, Mr. Radanovich, Mr. Stark, Mr. Baca, Mr. McKeon, Mr. Farr, Mr. Cox, Mr. Honda, Mr. Cunningham, Mr. Costa, Mr. Gary G. Miller of California, Mr. Royce, Mrs. Davis of California, Ms. Loretta Sanchez of California, Mr. George Miller of California, Mr. Herger, Mr. Thompson of California, Mr. Thomas, and Mr. Nunes.

H.R. 297: Mr. Jones of North Carolina, Mr. Inslee, and Mr. McDermott.

H.R. 302: Mr. Royce.

H.R. 303: Mr. Osborne, Mrs. Emerson, and Mr. Marshall.

H.R. 305: Mr. Forbes, Mr. Cardoza, Mr. Sanders, Mr. Wicker, Mr. Akin, Mr. Castle, Mr. Sensenbrenner, Mr. Hostettler, Mr. Kennedy of Minnesota, and Mr. McCotter.

H.R. 309: Mr. Rahall.

H.R. 314: Mr. Boozman, Mr. Graves, Mrs. Emerson, Mr. Osborne, Mr. Kingston, Mr. Kind, Mr. Walden of Oregon, Mr. King of Iowa, Mr. Hall, Mr. Baird, and Mr. Terry.

H.R. 328: Mr. Hoekstra, Mr. Berry, Mr. Hensarling, Mr. Van Hollen, Mr. Simpson, Mr. Otter, Ms. Herseth, Ms. Berkley, Mr. Pallone, Mr. Petri, Mr. Tancredo, Mr. Case, Mr. Meehan, Mr. Holden, Mr. McDermott, Mr. Delahunt, Mr. Owens, Mr. Frank of Massachusetts, Mr. Renzi, and Mr. McGovern.

H.R. 330: Ms. Eshoo, Mr. Case, and Mr. Abercrombie.

H.R. 333: Mrs. Davis of California, Ms. Carson, Mr. Gene Green of Texas, Mr. Doggett, Mr. Farr, Mr. Schiff, Mr. Owens, and Mr. McDermott.

H.R. 342: Mr. Ackerman, Mr. Bishop of New York, Ms. Corrine Brown of Florida, Mr. Butterfield, Mr. Cummings, Mrs. Christensen, Mr. Clyburn, Mr. Conyers, Mr. Davis of Alabama, Mr. Davis of Illinois, Mr. Delahunt, Mr. Engel, Mr. Fattah, Mr. Hastings of Florida, Mr. Jackson of Illinois, Ms. Jackson-Lee of Texas, Mr. Kucinich, Ms. Lee, Mr. Lynch, Mrs. Maloney, Mr. McDermott, Mr. Meek of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Norton, Mr. Payne, Mr. Rangel, Mr. Rush, Mr. Serrano, and Mr. Towns.

H.R. 358: Mr. Boehner, Mr. Van Hollen, Mr. Inslee, Mr. Moran of Virginia, Mr. Rangel, Mr. Fattah, Mrs. McCarthy, Mr. Brown of Ohio, Mr. Gutierrez, Ms. Jackson-Lee of Texas, Mr. Abercrombie, Mr. Rush, Ms. Watson, Mr. Markey, Mr. Owens, Mr. Grijalva, Mr. Jackson of Illinois, Ms. Loretta Sanchez of California, Mr. Ryan of Ohio, Ms. Norton, Mr. Clyburn, Mrs. Napolitano, Ms. Millender-McDonald, Ms. McCollum of Minnesota, Mr. Hastings of Florida, Mr. Stupak, Mr. Faleomavaega, Mr. Lantos, Mr. Crowley, Mr. Lewis of Georgia, Mr. Filner, Mrs. Maloney, Mr. Meehan, Ms. Hooley, Mr. English of Pennsylvania, Mr. McDermott, Mr. Kucinich, Ms. Ros-Lehtinen, Mr. Neal of Massachusetts, Mr. Boyd, Mr. Serrano, Ms. DeLauro, Mr. Hayes, Mr. Doyle, Mr. Frank of Massachusetts, Mr. Marshall, Mr. Smith of Washington, Mr. Delahunt, Mr. McKeon, Ms. Linda T. Sánchez of California, Ms. Moore of Wisconsin, Mr. Boswell, Mr. Price of North Carolina, and Mr. DeFazio.

H.R. 369: Mr. Duncan, Mr. Baker, Mr. Lupinski, Mrs. Jones of Ohio, Mr. McCotter, and Mr. Ross.

H.R. 377: Ms. Ros-Lehtinen, Mr. Bass, Mr. Reyes, Mr. DeFazio, Mr. Wilson of South Carolina, Mr. Bradley of New Hampshire, Ms. Bordallo, Mr. Taylor of Mississippi, Mr. Bartlett of Maryland, Mr. Lynch, Mr. Saxton, Ms. Lee, Mrs. Christensen, Mr. Boucher, Mr. Foley, Mr. Young of Florida, Mr. Shaw, Mr. Cunningham, Mr. Boyd, Mr. Hefley, Mr. Terry, Mr. Hayworth, Mr. Baird, Mr. Michaud, and Mr. Issa.

H.R. 389: Mr. Walsh, Mr. Petri, Mr. Ney, Mr. Schwarz of Michigan, Mr. Burgess, Mr. Ackerman, Mrs. Lowey, Mr. English of Pennsylvania, Mr. Shaw, and Mr. Gillmor.

H.R. 398: Mr. Van Hollen, Mr. Cummings, Mr. Moran of Virginia, Mr. Ruppersberger, Mr. Towns, Mr. Bishop of Georgia, Mrs. Jones of Ohio, Ms. Kilpatrick of Michigan, Mr. Fattah, Mr. Scott of Georgia, Mr. Rangel, Ms. Corrine Brown of Florida, Ms. Lee, Mr. Jackson of Illinois, Mr. Meek of Florida, Ms. Jackson-Lee of Texas, Mr. Hastings of Florida, Mr. Meeks of New York, Ms. Millender-McDonald, Ms. Carson, Mr. Cardin, Mr. Jefferson, Mr. Butterfield, Mr. Owens, Mr. Hoyer, Mr. Waxman, and Mr. Davis of Alabama.

H.R. 408: Mr. Udall of Colorado and Mr. Cardoza.

H.R. 420: Mr. Souder and Mr. Conaway.

H.R. 422: Mr. Holt, Mr. Case, Mr. Grijalva, Mrs. Davis of California, Mr. McGovern, Mr. Edwards, Mr. Allen, and Ms. McCollum of Minnesota.

H.R. 425: Mr. Payne, Mr. Frank of Massachusetts, Ms. Bordallo, Mr. Pascrell, Mr. Berman, and Mr. George Miller of California.

H.J. Res. 10: Mr. Alexander, Mr. Lewis of Kentucky, Mr. Forbes, Mrs. Kelly, Mrs. Northup, Mr. Baker, and Mr. Shuster.

H. Con. Res. 6: Mr. Wolf, Mr. Boozman, and Mr. Souder.

H. Con. Res. 18: Mr. Gene Green of Texas, Mrs. Jo Ann Davis of Virginia, Mr. Crowley, Mr. Saxton, Mrs. Maloney, Mr. Pallone, Mr. Berman, Mr. Lantos, Mr. Hastings of Florida, Mr. Pitts, Ms. Berkley, Mr. Grijalva, and Mr. Evans.

H. Con. Res. 19: Mr. Walsh.

H. Con. Res. 26: Ms. Pryce of Ohio, Mr. Jefferson, Mr. Miller of Florida, Mr. Hobson, MR. Cleaver, Mr. Renzi, Ms. Ros-Lehtinen, Mr. Kingston, Mr. Weller, Mr. Berman, Mr. Al Green of Texas, Mr. Ruppersberger, Mr. Lewis of Georgia, Mr. Castle, and Mr. Brady of Pennsylvania.

H. Con. Res. 30: Mr. Pallone, Mr. Israel, Mr. Davis of Illinois, Mr. Kennedy of Rhode Island, Ms. Eddie Bernice Johnson of Texas, Mr. Rangel, Ms. McCollum of Minnesota, Mr. Thompson of Mississippi, Mr. Fattah, Mr. Clyburn, Mr. Waxman, Mr. Owens, Mrs. McCarthy, Mr. Cummings, Mr. Conyers, Mr. Rush, Mr. Payne, Ms. Pelosi, Ms. Norton, Mr. Hoyer, Ms. Moore of Wisconsin, Mr. Grijalva, Mr. Jackson of Illinois, Ms. Schakowsky, Mr. Cleaver, Mr. Davis of Alabama, Mr. Kucinich, Mr. Frank of Massachusetts, Mr. Jefferson, Ms. Slaughter, Mr. Towns, and Ms. Baldwin.

H. Res. 20: Mr. Bartlett of Maryland, Mr. Culberson, Mr. DeFazio, Mr. Duncan, Mr. Gallegly, Mr. Garrett of New Jersey, Mr. Goode, Mr. Hunter, Mr. Issa, Mr. Jones of North Carolina, Mr. King of Iowa, Mr. Manzullo, Mr. Norwood, Mr. Otter, Mr. Rohrabacher, Mr. Simpson, Mr. Tancredo, and Mr. Whitfield.

H. Res. 21: Ms. McKinney and Mr. Fattah.

H. Res. 22: Mr. Calvert and Mr. Gilchrest.

H. Res. 23: Mr. Ehlers, Mr. Holden, Mr. Boehner, Mrs. Biggert, Mr. Owens, Mr. Cox, Mr. Chabot, Mr. Rogers of Michigan, Mr. Ryan of Ohio, Mr. McCotter, Mr. King of New York, Ms. Bordallo, Mr. Lipinski, Mr. Lantos, Mr. Akin, and Ms. Eshoo.

H. Res. 38: Mr. Lantos, Mr. Norwood, Mr. Pence, Mr. Smith of New Jersey, Mr. Wexler, Mr. Gene Green of Texas, Mr. Saxton, Mr. Burton of Indiana, Mr. Weiner, Mr. Berman, Mr. Pitts, Ms. Berkley, and Mr. Engel.

H. Res. 45: Mr. Doolittle, Mr. Costa, and Mr. Calvert.

H. Res. 55: Mr. Hinchey, Mr. Van Hollen, Mr. Grijalva, Mr. Hastings of Florida, Mr. Sessions, Mr. Hall, Mr. Lantos, Mr. McNulty, Mr. Moran of Virginia, Mr. LaHood, Mr. Leach, Mr. Goode, Ms. Watson, Mr. Allen, Mr. Tanner, Mr. Frank of Massachusetts, and Mr. Bishop of New York.

SENATE—*Tuesday, February 1, 2005*

The Senate met at 9:45 a.m. and was called to order by the Honorable LISA MURKOWSKI, a Senator from the State of Alaska.

The PRESIDING OFFICER. Today's prayer will be offered by former Senate Chaplain Dr. Lloyd Ogilvie from Los Angeles, CA.

PRAYER

The guest Chaplain offered the following prayer:

Almighty God, Sovereign of this Nation and Lord of our lives, thank You for the gifts of life, intellect, good memories, and daring visions. We don't ask for challenges equal to our talents and training, education and experience; rather, we ask for opportunities equal to Your power and vision. Forgive us when we pare life down to what we could do on our own without Your power. Make us adventuresome, undaunted leaders who seek to know what You want done and attempt it because You will provide exactly what is needed to accomplish it. We thank You that tough times are nothing more than possibilities wrapped in negative attitudes.

Lord of the unfolding drama of history, we praise You for the triumph of the first free election in half a century in Iraq. We honor the courage of the millions of Iraqis who defied danger and reprisal to exercise their new liberty from tyranny.

We know that freedom is not free; it is the legacy of liberators of our Armed Forces, some of whom paid the supreme price to assure freedom for the people of Iraq. Help us to cherish our freedoms in America and never take for granted the privileges we enjoy.

Now bless the women and men of this Senate. Help them experience the palpable presence of Your Spirit and receive the incredible resilience You provide. You are our Lord and Saviour. Amen.

PLEDGE OF ALLEGIANCE

The Honorable LISA MURKOWSKI led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, February 1, 2005.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable LISA MURKOWSKI, a Senator from the State of Alaska, to perform the duties of the Chair.

TED STEVENS,
President pro tempore.

Ms. MURKOWSKI thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Madam President, this morning we have a period for morning business until 10:45. At 10:45, we will proceed to executive session for the consideration of the nomination of Alberto Gonzales to be Attorney General. Chairman SPECTER will begin that debate. On this side, we are prepared to allow for a reasonable time for debate and then set a time certain for the vote. I hope that at an early hour today we will be able to lock in an agreement so that Members will be able to prepare accordingly. We do want all Senators to have the opportunity to come to the floor and express themselves and debate appropriately. Over the course of the morning, we will hopefully have more certainty in terms of when we will complete debate.

I do want to encourage Senators in the meantime to contact the chairman or the ranking member in order to facilitate an orderly schedule for speakers. I welcome the debate on Mr. Gonzales and look forward to the Senate acting on this important nomination.

Once again, I mentioned yesterday but I want to remind our colleagues today, we have a State of the Union Message tomorrow, a joint meeting of Congress at 9 p.m. We have asked Senators to gather in the Chamber beginning at 8:30 to proceed at 8:40 to the Hall of the House of Representatives tomorrow night.

I have a statement to make, but I would like to turn to the minority leader.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

WELCOME TO FORMER CHAPLAIN OGILVIE

Mr. REID. Madam President, as the distinguished majority leader and I stood in the aisle, as soon as Reverend Ogilvie finished his prayer, the Republican leader leaned over to me and said, how about that voice, or words to that effect. Those were the exact memories I have of Dr. Ogilvie. I spent 5 years listening to his prayers every morning. As a result of that, I felt it was a good way to start the day. It brought back so many memories of our time together.

It seems that one of the requirements, at least with the last two chaplains we have had, is the voice. Dr. Black and Dr. Ogilvie have two of the finest voices I have ever heard and each time I hear them say something I become so envious that I have my voice and they have theirs.

The ACTING PRESIDENT pro tempore. The majority leader.

Mr. FRIST. Madam President, the Democratic leader is exactly right. That was our first comment. What is even more embarrassing is when you are side by side with either Lloyd Ogilvie or Chaplain Black and you have to sing, because their voices are so powerful, which does mean so much to us in terms of expressing feelings, emotion, and values. When it is applied to the beautiful voice of singing, it is especially embarrassing to me as they are next to me because the contrast is so dramatic.

It is a great pleasure for all of us to welcome Lloyd Ogilvie back with us this morning to open today with a prayer that struck at what we have seen the last couple of days, but also the real responsibility and obligations we have as Members of the Senate. We have been blessed with chaplains such as Chaplain Black and Chaplain Ogilvie to serve us and the American people so selflessly and unselfishly during our tenure.

TSUNAMI: LONG-TERM SOLUTIONS

Mr. FRIST. Madam President, I will comment on Judge Alberto Gonzales and his confirmation. Over the period for morning business, others will be coming by and speaking on the confirmation, although we do not officially begin until 10:45. Before doing that. I want to mention that tomorrow I will have the opportunity to testify before the Senate Commerce Committee. I was invited by Chairman STEVENS to speak on the long-term public health needs of the victims following the December 26 tsunami.

Early in January, Senator Mary Landrieu and I had the opportunity fairly early on in the recovery period to go to Sri Lanka where the observations were stark in many ways but in many ways inspiring, as we flew over the coastline in Sri Lanka and witnessed the unending devastation. We also saw on the ground the great outpouring of support, caring, and compassion, the best of humanity internationally but very specifically by Americans on the ground.

We all know from the tsunami we have the 5 million people who lost their homes and 150,000 people who lost their lives. The scars will be there for a long period of time. Senator STEVENS will have a hearing tomorrow to look at some appropriate initial responses in terms of prevention of that sort of catastrophe in the future. Tomorrow, I will be talking about a broad picture looking at public health issues such as cleaning of water and sanitation, and the role curing disease and public health can play as an expression of compassion and caring but also as a wonderful currency of peace in its manifestation.

I will also be introducing legislation shortly addressing this whole challenge of water and the global issues surrounding water, the fact that 1.2 billion people in the world today do not have a clean glass of water. Unfortunately, these waterborne illnesses are the No. 1 killer of children in the world today because 1.2 billion people do not have access to that water.

We will be introducing legislation to address the global water supply, quality and quantity, that will address some of the basic issues, humanitarian in part but public health in large part as well. We can do a lot through our foreign assistance, where we have misdirected our foreign assistance or we have not even focused on water, which I believe it deserves. I will also mention the importance of having a global health corps that can respond to disaster in a way that we saw so many wonderful volunteers coming from around the world to respond to this tsunami. In the aftermath of a terrible tragedy such as this, medicine heals not only the body but also the hearts and minds. As the tsunami tragedy underscores so powerfully, medicine can act as a currency of peace.

NOMINATION OF ALBERTO GONZALES

Mr. FRIST. Madam President, today the debate and discussion throughout will be on the nomination of Judge Alberto Gonzales to be Attorney General, and I am proud to be the first of many today to speak on this nomination and the strong support I have for this nominee. Judge Gonzales is a man of keen intellect, a man of high standing and achievement, and unwavering respect for the law. As our first Hispanic-American Attorney General, Judge Gonzales will stand as an inspiration to all Americans. He captures it in his life story. He is an outstanding choice to become our Nation's top law enforcement officer.

He has lived the American dream. We talk so much about the American dream. We point to people, parts of whose lives manifest the American dream. He lived it growing up in the town of Humble, TX, in a two-bedroom house shared by seven siblings and his mother and father. His parents, Pablo and Maria, were Mexican-American immigrants. They have little formal education. His dad completed second grade and that was it.

Inspired by his parents—as he tells it, their hard work—and spurred on by their encouragement, Judge Gonzales set his aspirations high and he was on the way. He has fulfilled them at every level. He played football and baseball in high school. On graduation, he joined the Air Force, from there enrolled in the Air Force Academy, and later transferred to Rice University. He became the first person in his family to go to college.

He didn't stop there. He was accepted at Harvard Law School, and with his Harvard law degree in hand he returned to Texas to join one of Houston's most respected law firms, and he was their first minority partner. At the firm, Judge Gonzales committed himself to the education of minority kids. He even helped create minority scholarships which to this day are awarded to those in need.

It didn't take long for people to recognize the tremendous talents of Judge Gonzales. He answered the call to public service. Newly elected Governor George Bush tapped Alberto Gonzales to join his administration as general counsel. He went on to become Texas's 100th secretary of state and then later a justice of the Texas Supreme Court.

Every step of the way he has worked hard. He has won the respect of his peers. His integrity and talent have allowed him to receive numerous awards. Those sterling qualities have also garnered the trust and loyalty of the President of the United States. As counsel to the President for the last 4 years, he has been one of the President's closest advisers. President Bush credits Judge Gonzales for his candor and for his ability to remain steady in times of crisis—qualities that are essential in an Attorney General. As we all know, it has been noted that when President John F. Kennedy nominated his brother Robert to lead the Justice Department, the relationship worked so well because the President could count on his unflinching candor in times of crisis.

The biography of Judge Gonzales speaks for itself. I do think it is important to, up front, address some of the criticisms that have been leveled against him. More than a few facts have been lost in the debate. These issues will be talked about, I know, over the course of the morning.

First, President Bush does not have nor has his administration ever had an official Government policy condoning or authorizing torture or prisoner abuse. Let me restate for the record what the policy has been and continues to be from a Presidential memo dated February 7, 2002:

> Our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment. . . . As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of the Geneva Conventions [governing the laws of war.]

Second, neither Judge Gonzales nor the President have condoned nor advocated nor authorized the torture of prisoners. In fact, on numerous occasions both have explicitly condemned torture as an abhorrent interrogation technique.

Third, Judge Gonzales was not the author but he was the recipient of memos focusing on methods of interrogation of captured terrorists. The research memos that have been the focus of so much attention and criticism were written, not by the judge, but by the Office of Legal Counsel of the Department of Justice to Judge Gonzales as White House counsel. Those memos explored the legal interpretation of Federal law. They did not set administration policy. Indeed, the Department of Justice has since categorically withdrawn this legal analysis that has been interpreted by some as authorizing torture of terrorist detainees, stating unequivocally:

> Torture is abhorrent both to American law and to international norms.

Unfortunately, these facts have not gotten in the way of a barrage of attacks on Judge Gonzales. I am disappointed but not discouraged. I am confident Judge Gonzales will be confirmed with bipartisan support. I am confident that as Attorney General, Judge Gonzales will continue to build on the successes of the last 4 years that we have seen in reducing crime and fighting corporate fraud and upholding our civil rights laws.

The judge has worked hard over the past 4 years to help America defend herself from terrorist attack while respecting our constitutional principles.

In these uncertain times, we are fortunate to have a man with such high regard for the law serving our country and protecting our interests.

In closing, former Clinton Cabinet member Henry Cisneros just this month praised Judge Gonzales as "better qualified than many recent Attorneys General," and one who can rely on memories of humble beginnings, using his words, "to understand the realities many Americans still confront in their lives."

Mr. Cisneros's sentiments are widely shared. Judge Gonzales is highly qualified to be America's next Attorney General. He will make America safer, more secure. He will lead the pursuit of justice. I urge my colleagues to offer their full support to the first Hispanic-American Attorney General, Alberto Gonzales, the man from Humble.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business until 10:45 a.m., with the first half of the time under the control of the Democratic leader or his designee and the second half of the time under the control of the majority leader or his designee.

The Senator from Illinois.

Mr. DURBIN. Madam President, I ask unanimous consent that the entire 1 hour, 60 minutes, that had been allocated for morning business still be allocated, equally divided between the Republican and Democratic sides.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. FRIST. Just reserving the right to object, I don't believe we will be using all our time in morning business. I would like to get to Judge Gonzales formally—we said at 10:45, at which time the chairman and ranking member are going to come. I think we will be yielding back some of our morning business time. If we can still shoot for 10:45, I think that will give your side an adequate 30 minutes in morning business.

Mr. DURBIN. I don't want to presume, but if we could have 30 minutes as originally allocated, that would be consistent with my request.

Mr. FRIST. Madam President, we had not originally said 30 minutes either side, but if you need 30 minutes this morning in morning business, that will be fine. We would like to start at 10:45, if possible, if that will give you adequate time.

Mr. DURBIN. If I could revise the request that the first 30 minutes of morning business be allocated to the Democratic side and the remaining time until 10:45 be allocated to the Republican side?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DURBIN. Thank you, Madam President.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

GUARD AND RESERVE ENHANCEMENT BENEFITS ACT

Mrs. MURRAY. Madam President, this past weekend we witnessed a very important step forward in Iraq, as citizens around the country turned out to vote for a new National Assembly. Many Iraqis appear to have embraced the election and I, as so many others, was encouraged to see millions of them exercise their right to vote. But this past weekend's vote also really pushes to the forefront an important question back here, right here at home, about what we are doing to take care of the thousands of American soldiers who are serving us so honorably in this still very dangerous country.

Just before the elections, several news outlets reported that the Army had decided to keep our troops at their current level in Iraq for at least another 2 years. I have one of those stories here from the Tuesday, January 25, edition of the Washington Post. It is headlined, "Army plans to keep Iraq troop level through '06."

I want to read a portion of that story. It says:

> With the Pentagon having relied heavily on reservists to fill out deployments to Iraq, military officers have warned recently that the pool of available part-time soldiers is dwindling. By later this year, when the Army is scheduled to begin its fourth rotation of troops since the invasion in March 2003, all 15 of the National Guard's most readily deployable brigades will have been mobilized.
>
> Although other Guard troops remain and could be tapped for Iraq duty, they belong to units that historically have not received the same priority in equipping and training as the brigades chosen to go in the rotations so far.
>
> "It doesn't mean that the cupboard is bare," Lovelace said. "It just becomes a challenge then for the National Guard."
>
> As the Army reaches farther down in the reserve force, Lovelace said, the amount of "pre-mobilization" time necessary to get the troops ready to send to Iraq is likely to increase.
>
> "We're not going to send anybody into combat who is not trained and ready" the three-star general said. But he noted that already in each rotation, the amount of premobilization time required has increased.
>
> To continue to be able to draw on the better trained reservists, Army officials have said they are considering petitioning Rumsfeld to extend the 24-month limit on the total time a reservist could be caned to active duty.

Madam President, I ask that the full text of the story be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 25, 2005]

ARMY PLANS TO KEEP IRAQ TROOP LEVEL THROUGH '06—YEAR-LONG ACTIVE-DUTY STINTS LIKELY TO CONTINUE

(By Bradley Graham)

The U.S. Army expects to keep its troop strength in Iraq at the current level of about 120,000 for at least two more years, according to the Army's top operations officer.

While allowing for the possibility that the levels could decrease or increase depending on security conditions and other factors, Lt. Gen. James J. Lovelace Jr. told reporters yesterday that the assumption of little change through 2006 represents "the most probable case."

Recent disclosures that the Pentagon plans to beef up training of Iraqi security forces and press them into action more quickly has fueled speculation that the Bush administration could be preparing to reduce the number of U.S. troops significantly this year. As more Iraqi troops join the fight, the thinking goes, U.S. troops could begin to withdraw.

But Lovelace's remarks indicated that the Army is not yet counting on any such reduction. Indeed, the general said, the Army expects to continue rotating active-duty units in and out of Iraq in year-long deployments and is looking for ways to dip even deeper into reserve forces—even as leaders ofthe reserves have warned that the Pentagon could be running out of such units.

"We're making the assumption that the level of effort is going to continue," Lovelace said.

In a related development, Senate and House aides said yesterday that the White House will announce today plans to request an additional $80 billion to finance the wars in Iraq and Afghanistan. That would come on top of $25 billion already appropriated for the fiscal year that began Oct. 1. White House budget spokesman Chad Kolton declined to comment.

White House budget director Joshua B. Bolten is to describe the package to lawmakers today, but the budget request will come later, the aides said. Administration officials have said privately for several weeks that they will seek the additional funding, the result of continuing high costs incurred battling an unexpectedly strong insurgency in Iraq.

Lovelace, who assumed his post of deputy chief of staff for operations in October, spoke to a small group of Pentagon reporters in what had been billed as an informal "meet and greet" session. The conversation quickly focused on the Army's planning for Iraq.

The number of U.S. Army and other forces in Iraq rose to 150,000 last month in what Pentagon officials described as an effort to bolster security ahead of Iraqi elections this weekend.

Lovelace made it clear that the Army's assumption about future U.S. force levels was not meant to prejudge likely trends in either Iraq's security situation or development of its security services. He said the planning is intended to ensure that enough units would be ready if needed and to give U.S. troops a basis on which to organize their own lives.

"It's really about us providing the predictability to our own soldiers," he said. "It has nothing to do with the Iraqi army; it has everything to do with our own institutional agility."

Asked about the Army's assumption, Lawrence T. Di Rita, the Pentagon's main spokesman, said he was "not surprised" to hear that the Army has chosen such a number, noting the need for service leaders to do such planning. "But it's not going to be the Army's determination," he said. "Ultimately, the determination will be made by the commanders" in the field.

Defense Secretary Donald H. Rumsfeld's belief, Di Rita added, "is that we will continue to see Iraqi security forces grow in capability. We will continue to see the need for the foreseeable period ahead to have a significant commitment of U.S. assistance as that capability develops. But there isn't anybody who has made any determination about timing or numbers."

Rumsfeld and other senior officials are reviewing recommendations from Army Gen. Gary Luck about measures to accelerate the training and boost the performance of the Iraqi security forces. Luck, who has returned to Washington after visiting Iraq last week, has endorsed plans by field commanders to increase the number of trainers substantially. But this increase is to come by shifting the missions of U.S. troops already assigned to Iraq rather than by deploying more forces, officials said.

"I don't think anyone has a notion that we're talking about forces in addition to what's already out there," Di Rita said. "It's a question of how to use those forces in a different way."

With the Pentagon having relied heavily on reservists to fill out deployments to Iraq, military officers have warned recently that the pool of available part-time soldiers is dwindling. By later this year, when the Army is scheduled to begin its fourth rotation of troops since the invasion in March 2003, all 15 of the National Guard's most readily deployable brigades will have been mobilized.

Although other Guard troops remain and could be tapped for Iraq duty, they belong to units that historically have not received the same priority in equipping and training as the brigades chosen to go in the rotations so far.

"It doesn't mean that the cupboard is bare," Lovelace said. "It just becomes a challenge then for the National Guard."

As the Army reaches farther down in the reserve force, Lovelace said, the amount of "pre-mobilization" time necessary to get the troops ready to send to Iraq is likely to increase.

"We're not going to send anybody into combat who is not trained and ready," the three-star general said. But he noted that already in each rotation, the amount of premobilization time required has increased.

To continue to be able to draw on the better trained reservists, Army officials have said they are considering petitioning Rumsfeld to extend the 24-month limit on the total time a reservist could be called to active duty.

Mrs. MURRAY. Madam President, the effect of that policy is very clear. It means longer deployments, more time away from home, and a further strain on our entire military.

It is no secret that some of our soldiers are hit especially hard by this news. I am talking, of course, about our Guard and Reserve soldiers who have already faced extended deployments and long stretches away from their jobs, away from their homes, away from their families. We honor all of our troops serving overseas, but I am very concerned that these Guard and Reserve soldiers are not receiving some basic services and help that they have earned—basic services and help they most certainly deserve.

Last week I reintroduced legislation to increase services and benefits to members of the National Guard and Reserves when they are called to active duty. I offered this Guard and Reserve Enhancement Benefits Act last year to expand health care, education, financial benefits, and family assistance to help ease the burden on our Guard members and their families.

We made some progress in the Senate last year, but those important provisions were never signed into law. Now, in this new Congress, we have another opportunity to provide for our Guard men and women, our reservists, and all their families. This coincides with the introduction of S. 11, the first Democratic bill for this Congress. It is the first Democratic bill of this Congress to help increase protections for our troops and Reserve members.

Thousands of citizen soldiers from across my home State of Washington have been called to active duty over the past 2 years. These very brave men and women and their families deserve the same support that other military units receive when they sacrifice to serve our country. My bill tells Guard and Reserve members across America that we are committed to providing them and their families with the health, financial, and social support services necessary to get through this difficult time.

According to the Pentagon, 239,000 National Guard members have been called to active duty. Currently, 192,500 Guard and Reserve members are serving on active duty as part of Operation Enduring Freedom and Operation Iraqi Freedom. Thousands of Washington State Guard members have been activated over the past 2 years. This is the largest activation since World War II.

Hundreds of Washington State reservists have also been activated, and 150 local Marine Corps reservists will soon be deployed to Iraq as part of the Yakima-based Bravo Company 4th Tank Battalion. That is why this legislation is so important at this time.

As many other Members, I have sat and talked to our reservists as they have been called up, and I have talked with their families who have been left behind. It is critical that we provide the support and services they need so they can do this important job that this country has asked them to do.

My legislation would begin by extending the current Family and Medical Leave Act protections to the spouses of guardsmen and reservists called to extended active duty. This is really important. The families who are left behind are struggling as single parents to try to raise their family. They should not have to worry about losing their jobs and their income when their loved one is sent overseas. So the first part of our bill simply extends the Family and Medical Leave Act protections so these spouses who are left behind can take care of the issues they need to take care of as their spouse is called overseas.

Second, it provides childcare assistance grants to parents or guardians of dependents of guardsmen and Reservists called to active duty. This is really important. Most of these Guard and Reserve members are not on a base, so they don't have access to childcare facilities that Regular Army and other people have on the base. They are out in our communities, across my State and across this country.

So child care is especially important to them when their spouses are sent overseas and they are left with how to deal with child care—an issue that is always critical to families.

It becomes extremely critical when you lose half of your family, when they go to a place that can't help with child care. Childcare assistance grants are an important part of our package.

My bill also expands the GI bill for members of the Guard and Reserves who are called to active duty for 12 consecutive months or 24 months out of a 60-month period.

This is something that is really important. When we send these men and women overseas to serve, they should have access to the GI bill when they return so they can enhance their own lives and get a job and be productive members of our society.

Next, our bill provides relief from interest and defers payments of unsubsidized student loans.

I met with Reserve members before they left. Many of them were students or were just finishing college, and they were extremely worried about how they were going to pay their student loans while they were deployed, or when they returned before they would be able to get back into the job market and have a steady income. We put special help in our bill for these men and women who serve us by providing relief from interest and defer payments of unsubsidized student loans so they can get their lives back together when they return before they start to pay back their obligation.

Next, our bill requires any college receiving Federal funds to offer students returning from active-duty service readmission without penalty or additional fees.

You can imagine, if you are in college attending classes and you are called up to serve your country as a member of the Guard and Reserve, you are concerned that when you return you will not be able to get back into that school and finish the college degree that you started. Our bill provides assurance to these students who have been called up that they will be readmitted into any college that receives Federal funds, so they will know when they return that they can continue their lives.

Next, we reduce the age for members of the Guard and Reserve to receive retirement pay. This is a critical issue for many of our Guard and Reserve families who face extreme hardship as their family member serves overseas. We want to make sure they can receive retirement pay at an age that benefits them.

Next, our bill requires the Federal Government to cover the pay differential for Federal employees who are called to active duty. When I talked to these Guard and Reserve family members, they were worried about how they were going to make sure their families would be able to pay the mortgage on their home, or how they were going to pay their school costs and put food on the table because of the reduced pay from the Government.

This bill will make sure the Federal Government that is calling these members up to serve pays the differential for our Federal employees so they do not lose income while they serve this country overseas.

Next, our bill allows employers to claim up to $15,000 in tax credits for the pay deferential of Guard and Reserve members. Across this country and in my home State, we have many businesses that have employees who have been called up to go overseas and serve their country. It is especially difficult for small businesses that lose their employees for 6 months, for 12 months, or longer. And this bill provides a tax credit to help them make up the pay of those employees when they go overseas.

Finally, our bill makes access to TRICARE permanent for all members of the Guard and Reserve and their families, regardless of employment or insurance status. This is an extremely important provision of this bill.

I think probably the No. 1 issue I heard from these families as I talked to them was, What do I need to do about our health care? We had our health care under a member who has been called to serve overseas. When we lose that, how do we transition? What do we do about a sick child with ongoing illnesses and family members with health care challenges? How do we get through this?

I think it is important that this year we enact into legislation assurance for the family members of those who serve overseas that their family left behind will have access to TRICARE and health care.

Tours of duty are being extended and new units are being deployed. I believe we have an obligation to ease the burden for these Guard and Reserve families.

Supporting our troops means more than just passing multibillion-dollar supplemental appropriations bills whenever the President asks. Supporting our troops must also mean that we look after the soldier and his family's well-being back at home. It means ensuring they get quality education, it means ensuring they get good health care, and it means access to a job, and childcare for their families.

I have spoken many times on this floor and in every corner of my State about the need to take care of our troops. Oftentimes, that means supplementing our floundering veterans care system. I talked about it on the floor extensively last week.

But with this legislation I am talking about today, we have an opportunity to provide help where it is needed now—help for the thousands of heroes and their families who are dedicating their lives to all of us by serving us around the globe.

I hope my colleagues will support our efforts. I look forward to working with anyone who will help move this legislation this year.

Thank you, Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Illinois.

Mr. DURBIN. Mr. President, we were encouraged to learn yesterday that the administration has announced that it will support an increase in death benefits for our troops and their families. This has been a priority for the Democrats in Congress as well as many Republican Senators who have suggested it.

I have cosponsored legislation with Senator Mike DeWine of Ohio proposing increases in death benefits as well as health insurance and educational assistance for the families of those soldiers who lose their lives in service to our country.

In fact, one of the highest priorities on the Democratic side is a second bill standing with our troops which embodies that particular proposal that the President endorsed yesterday. But there is a lot more that needs to be done.

In the bill on the Democratic side, we proposed that there be additional provisions for our troops, and Guard and Reserve forces and their military families and American veterans. Unfortunately, we have not heard from the administration that they support these other proposals.

Let me tell you, though it is incredible to believe, if a soldier gives his life in service to his country today in combat, that soldier's family is entitled under the law to $12,000 in death annuity benefits—tax-free death benefits. Twelve thousand dollars is hardly enough to give to a spouse and her children when a soldier dies in combat. We have proposed that be increased at least to $100,000. I support a proposal that it also be increased by $25,000 for each dependent; that life insurance, if you can acknowledge that, is virtually the same thing—that this death benefit is going to be adequate to help that family through some extraordinarily challenging financial circumstances.

The bill that the Senate Democrats have proposed, S. 11, would also include systemic improvements to the Pentagon's ability to manufacture and distribute the best equipment to our troops, including $7 billion for the Army and Marine Corps to replace equipment destroyed in Iraq.

This provision will ensure that we pay death gratuities to fewer families in the future. Keeping our troops safe is the best thing to do to bring those soldiers home with their mission accomplished, and being attentive to the issue raised by the Tennessee Guardsman who stood up just a few weeks ago and asked Secretary Donald Rumsfeld, Why do I have to rummage through a dump to find pieces of metal to put on the side of my Humvee to protect myself? It was an embarrassing moment for the Secretary and for our country to think we spent billions of dollars and sent 251,000 of our best and bravest into harm's way in Iraq and have this circumstance.

We believe we must, in the first instance, let our troops have the training and the equipment they need to be safe. In addition, Democrats believe they should have full access to military TRICARE benefits, all reservists and their families. TRICARE is the health insurance for the military. There is a limitation. For example, if a combat soldier dies in the line of duty, the TRICARE benefits or health care benefits are extended to his dependents only for a 3-year period. That is unrealistic. If you have a young child in a family who lost a soldier overseas, we believe the TRICARE benefits should be extended until that young person reaches the age of 21. I believe it should be age 23 if they are going to college. That is a reasonable proposal. It was not in the suggestion of the administration yesterday, but we believe it should be included.

We also believe there should be tax incentives for private companies to make up the difference between civilian and active military pay when the reservists and guardsmen are called to duty, and a requirement that the Federal Government do the same.

This is a project that is near and dear to my heart. Twice on the floor of the Senate I had an amendment passed that said the Federal Government should make up the difference in pay for Federal employees who are activated as guardsmen or reservists to serve in Iraq and other places around the world. We salute all the private companies that do that. Sears & Roebuck is a good example, and many others in my State—and many units of State and local government. But it is shameful to know and acknowledge that the Federal Government does not make up the difference in pay.

How can we say that all of these other companies did the right thing by standing by their employees who are risking their lives for America and the Federal Government does not do the same thing?

If someone has a pay check for $60,000 a year working for the Federal Government, and they are a member of the Illinois National Guard and activated for service and their military pay is only $40,000 a year, I believe the Federal Government should make up the difference of $20,000 a year. Private companies do it; State governments do it; local units of government do it. Why doesn't the Federal Government do it?

Twice we passed an amendment on the floor only to see it die in conference committee. I think it is important that this finally pass.

In addition, we want to repeal the prohibition against receipt of both the Survivor Benefit Plan and the Dependent and Indemnity Compensation so the soldiers can receive the full amount of the survivor benefit owed to them. We want to have full concurrent receipt for all disabled military retirees of both disability compensation and retirement provisions. We also want to guarantee funding for veterans health care.

We made a promise to the veterans of America—those who will be veterans and who are serving today, and those who served in the past. We promised that we will stand by them for their health care in the future. We have to put the money in our budget to make that promise good.

Finally, we want to expand the mental health services. This provision which we support will improve resources available to the estimated one out of every six military personnel in Iraq who are at risk of dealing with posttraumatic stress disorder.

It is a sad fact of life that many of these soldiers who witnessed horrendous events come back trying to resolve in their own minds the horror they have witnessed. We need to stand with them and give them a helping hand. I think that should be part of this administration's proposal.

SOCIAL SECURITY

Mr. DURBIN. Mr. President, another issue that is, of course, timely and is brought up on a regular basis is the future of Social Security.

I believe there is a problem with Social Security. The President has said the same. However, I don't believe President Bush's plan to privatize Social Security is going to help. I think it is going to make the problem even worse.

Social Security should be strengthened, not weakened. Why isn't President Bush's plan the right way to save Social Security?

First, President Bush's plan would make deep cuts in the benefit paid under Social Security and in the process dramatically increase the deficit. The President's privatization plan for Social Security diverts money from the Social Security trust fund and creates an immediate cash-flow problem affecting seniors and those who are retiring right now.

We know that untouched the Social Security Program will pay every benefit promised with the cost-of-living adjustment until the year 2042, at a minimum. Some estimate 2052. For 37 to 47 years, Social Security is sound and solvent.

In comes President Bush who says we need to change Social Security. We need to take money out of the Social Security trust fund and allow people to create private accounts.

Private accounts may have some value. But what about the money the President just took out of Social Security? Unfortunately, the President has not suggested how we would pay back that money to Social Security. As a result of the President's proposal, if the Social Security trust fund is diminished in size and weakened, unfortunately, it will run out of money even sooner than the projection of 2042.

President Bush's plan to privatize Social Security does not make it stronger, it makes it weaker. The President cannot explain how he will make up for the money that he takes out of the Social Security trust fund. The President's privatization plan will cost up to $2 trillion in the first 10 years, and then up to $5 trillion in the second 10 years. It is an extremely expensive proposal.

Where would we come up with the money to make up the difference, $2 to $5 trillion? The President suggested we add it to the national debt, a national debt which has already reached a record level. How do we take care of our national debt? Who comes in and loans money to make up for a national debt? Mainly foreign governments: No. 1, Japan, China, and Korea. The President's proposal to privatize Social Security not only weakens Social Security, it creates a greater debt for Americans and forces us to be more dependent on foreign governments to loan us money. That is the only way we sustain our national debt today. That, of course, is a challenge. If those foreign governments, for whatever reason, decide not to buy America's debt, we are in a perilous position. We will have ourselves a debt and a situation where our interest rates will have to go up substantially to attract others to buy our debt.

That is not where America should be. That $2 trillion deficit will not bring us any closer to Social Security solvency. In fact, it makes the Social Security system that much weaker.

The President has said over and over his plan to privatize Social Security is voluntary. If you do not want to create a private account with the President's plan, he says you do not have to. That may be, but, understand, when the President takes money out of the Social Security trust fund leading to benefit cuts, those benefit cuts are going to affect people whether or not they choose to have a private account. To say it is voluntary is to overlook the obvious. The cost of this privatization plan will affect every Social Security retiree whether or not they want to sign up for President Bush's privatization plan.

The President argues Americans will do better in the stock market than they would if they wait for Social Security benefits. That is possible, but there are risks attached to investment. Every ad on television for a mutual fund or investment says the same thing: Past performance is no indication of future return. What they are saying is, there is risk involved. If you put your life savings, your retirement savings, into a private account under President Bush's plan, you may come out ahead, but then again you may not.

Relying on Wall Street is like playing retirement roulette. You may guess right, you may come out ahead, but those who are invested in mutual funds in the stock market over the last 4 or 5 years know there have been probably more losers than winners.

Keep in mind that under the President's plan, part of all of your retirement savings invested are going to be paid to Wall Street stockbrokers for so-called administrative fees that can reduce your benefits by 25 percent—a windfall for Wall Street at the expense of retirees across America.

Democrats want to encourage and support retirement accounts not at the expense of Social Security but in addition to Social Security. We should change the Tax Code to encourage people to save, encourage people to create individual retirement accounts, 401(k) plans. We can do that but not at the expense of Social Security—in addition to Social Security.

Some say private accounts would be more efficient. Keep in mind the President's Commission on Social Security came up with the only plan we have for private accounts so far, and they would call for a massive new Government agency to administer these Social Security private accounts. This Government board will control the investment accounts of some 47 million Americans and administer the program. The private accounts will cost the average senior $134,000 in lost Social Security benefits over a 20-year period. This is not the great positive thing that has been portrayed.

Young people like to invest money. That is a good thing. Savings and investment ought to be encouraged, particularly by young people. We need to make certain we do not have savings and investment at the expense of retirement benefits that workers have paid for over their lifetime. People following this debate every day pay into Social Security with the understanding when they retire, this is going to be something they can count on. They may not be able to live in luxury with Social Security, but it is the nest egg, the cornerstone of your retirement income. The idea behind Social Security is still a sound idea. We should keep Social Security strong, we should strengthen it and do it on a bipartisan basis, but not at the expense of cutting benefits. That is what President Bush's privatization plan will do in addition to creating $2 trillion in additional debt. That does not help Social Security; in fact, it weakens Social Security. That should not be our goal.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THOMAS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

STAFF SERGEANT BRIAN BLAND, USMC

Mr. THOMAS. Mr. President, I today to express our Nation's deepest thanks and gratitude to a special young man and his family. I recently received word that on January 26, 2005, Marine SSgt Brian Bland of Newcastle, WY died in the line of duty while serving his country in the war on terrorism. SSgt Bland was killed, along with 30 of his brothers in arms when the CH 53E Super Stallion helicopter they were riding in crashed in western Iraq. The Marines were on their way to provide security operations for the recent Iraqi elections.

SSgt Bland was member of 1st Battalion, 3rd Marine Regiment out of Hawaii. He grew up in Newcastle and joined the Marine Corps after graduating from high school there in 1995. he had re-enlisted twice. He held a profound sense of duty and knew he was doing the right thing, telling family members shortly before the crash that he felt good about what he was doing in Iraq. He was very proud of being a Marine and had planned to stay in the service until he retired. He is remembered as one who enjoyed motorcycles and was friendly to everyone, and he took every opportunity to return to visit family and friends in Wyoming and South Dakota.

Because of people like Brian Bland we continue to live safe and free. America's men and women who answer the call of service and wear our Nation's uniform deserve respect and recognition for the enormous burden that they willingly bear. Our people put everything on the line everyday, and because of these folks, our Nation remains free and strong in the face of danger.

The motto of the Marine Corps is "Semper Fidelis." It means "Always Faithful." Through his selfless and courageous sacrifice, Staff Sergeant Brian Bland lived up to those words with great honor in that he willingly gave the last full measure so that others could live in freedom and liberty.

SSgt Bland is survived by his wife Stacey, his mother Beverly and stepfather Mark, his brother Jeremy, his grandmother Emma Lee, and his brothers of the United States Marine Corps. We say goodbye to a husband, a son, a brother, a Marine, and an American. Our Nation pays its deepest respect to SSgt Brian Bland for his courage, his love of country and his sacrifice, so that we may remain free. He was a hero in life and he remains a hero in death. All of Wyoming, and indeed the entire Nation, is proud of him.

So from one Marine to another, SSgt Bland, Semper Fi.

CORPORAL NATHAN SCHUBERT

Mr. JOHNSON. Mr. President, I rise today to pay tribute to Cpl Nathan Schubert, a member of the U.S. Marine Corps, who died on January 26, 2005, while serving in Operation Iraqi Freedom.

Corporal Schubert was a member of the 1st Battalion, 3rd Marine Division based out of Kaneohe Bay, HI.

Answering America's call to the military, Corporal Schubert joined the U.S. Marines in October 2001. His brother, Matthew, remembers him as a skilled athlete and a pheasant hunter. Corporal Schubert was carefree and a bit of a joker. His sister, Elizabeth, remembered that, "He would sometimes wrap stuff from around the house to give as gag gifts."

Corporal Schubert courageously served our country with great distinction and, as a hero, died as a proud member of our Armed Forces. He served as a model of the loyalty, dedication, and military professionalism that is required for the preservation of freedom. The thoughts and prayers of my family, as well as our Nation's, are with his family during this time of mourning. As well, our thoughts continue to be with all those families who have children, spouses, parents, and other loved ones serving overseas.

The lives of countless people were enormously enhanced by Nathan's goodwill and service. He inspired all those who knew him and our Nation is a far better place because of his life. All Americans owe Nathan, and the other soldiers who have made the ultimate sacrifice in defense of freedom, a great debt of gratitude for their service.

I join with all South Dakotans in expressing my sympathies to the friends and family of Corporal Schubert. I know that he will always be missed, but his service to our Nation will never be forgotten.

NOMINATION OF ALBERTO GONZALES

Mr. THOMAS. Mr. President, I rise in support of the nomination of Alberto Gonzales to be our next Attorney General. Certainly his life story embodies the American dream: Son of immigrant farmers, the first in his family to go to college, attended Rice University, Harvard Law School, now nominee to be our Nation's first Hispanic top law enforcement officer.

I am troubled by some remarks unfairly distorting his honorable record. I am concerned, as well, that the Senate is losing some of its civility, which is what makes our Chamber unique.

I cannot think of anyone who would do a better job than this man as U.S. Attorney General. I support him.

I yield to my friend from Montana.

Mr. BURNS. I thank my friend from Wyoming.

The PRESIDING OFFICER. The Senator from Montana is recognized.

Mr. BURNS. Could the Senator arrange some more snow to Montana?

Mr. THOMAS. We are not ready yet.

Mr. BURNS. Mr. President, I am in support of the nomination of Judge Alberto Gonzales for Attorney General of the United States. We have all heard his life story. I can relate to that somewhat because he grew up in Texas. I grew up in Missouri, starting out on 160 acres consisting of two rocks and dirt. He comes to this job with a different perspective.

When we look down the line of the nominees the President has sent to the Senate for confirmation, we can see there are a lot of calluses, a lot of dirt under their fingernails. That is what he brings to this job.

We congratulate the former Attorney General. John Ashcroft has done a wonderful job on the heels of September 11. As the primary law enforcement officer, he was not only in charge of law enforcement on the domestic side but had a lot to do around the world with the collection of intelligence, coordinating, protecting.

We are in a time where we do not get smacked and then just simply pick up the pieces and continue. We are in the business of preempting activities. When these nominees come with a different perspective, a ground-level perspective, everything they do touches American lives.

I commend Judge Gonzales for accepting the President's call to service. It is a thankless job if you look at the dollars. Yet it carries with it great responsibilities.

We are quickly learning how to adapt to the threat of terrorism. In an attempt to make all Americans safe, we have changed policy and government structure dramatically. In a free society, a mobile society this makes our job even more difficult.

The groundwork we have laid and will continue to build upon is what makes us a great nation. The United States is a world model for picking up the pieces, adapting to new challenges. I am hopeful and confident Judge Gonzales will continue that legacy in his new position. He is a man of great integrity. I encourage all my colleagues to entrust him with the honor and responsibility of being our next Attorney General.

I also take a few moments to formally thank Attorney General John Ashcroft for his tremendous service the past 4 years. I have a personal relationship with the Ashcroft family and understand what he went through in the last 4 years. He has done his job with great dedication and integrity. He is a man who put the right people in the right places at the right time.

He has served us well. He reorganized the Department of Justice with new directives, new directors. I thank him. His friendship, his service to the country, should not go unnoticed and unappreciated. He has done a tremendous job in very stressful times. I venture to say for an Attorney General, no time has been more stressful than the time John Ashcroft has hung his hat as Attorney General downtown.

We welcome the nominee. We have the highest hopes for him. We wish him not only good luck but good hunting. We also thank the outgoing Attorney General.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF ALBERTO R. GONZALES TO BE ATTORNEY GENERAL

The PRESIDING OFFICER. Under the previous order, the hour of 10:45 a.m. having arrived, the Senate will proceed to executive session for the consideration of Executive Calendar No. 8, which the clerk will report.

The assistant legislative clerk read the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, we are proceeding at the moment to the nomination of White House Counsel Alberto Gonzales to be Attorney General of the United States of America. He had served as a judge on the Supreme Court of Texas and has been commonly referred to as Judge Gonzales, which I shall do during the course of my presentation.

Judge Gonzales, 49, comes to this nomination to be the chief law enforcement officer of the United States with an extraordinary record.

He was one of eight children, sharing a two-room living quarters with their parents. They had no hot water, no telephone. He pursued an academic career, first at the military academy; then at Rice University, where he graduated; and then at the Harvard Law School.

He went into the private practice of law and then was asked by then-Governor George Bush to work with him in the Governor's office.

Judge Gonzales then, as noted, was a justice of the Supreme Court of Texas. With the election of Governor Bush to the White House, Judge Gonzales has been White House Counsel for the last 4 years.

It is not irrelevant to note that Judge Gonzales would be the first Hispanic to be Attorney General of the United States. That is quite a dramatic rise in the legal community.

When I was elected district attorney of Philadelphia some time ago, in 1965, there was not a single Hispanic lawyer in Philadelphia. At that time, I made an effort of outreach to bring minority representation into the district attorney's office as assistants and could not find a single Hispanic. So there has been a great deal of progress. Now there are Hispanic Federal judges in Philadelphia. State court judges, city solicitors, prominent attorneys, but Judge Gonzales would be the first Hispanic to be Attorney General of the United States, if confirmed.

He will bring, I think, a unique perspective because of his minority status. I think he would have a broader view, a different view on civil rights. We have an issue which is subject to some congressional oversight where some 762 alien detainees were rounded up after 9/11, and according to a report by the Inspector General of the Department of Defense, there was never any showing of connection to terrorism or to al-Qaida or to any reason for their detention.

While we know we live in a very dangerous world, there has to be some reason—it may not be as strong as probable cause for an arrest, or probable cause for search and seizure, or even sufficiency for stop and frisk—but there has to be a reason for detention. That is something of which I think Judge Gonzales might have some greater perspective.

Judge Gonzales, I think, also would be expected to have a broader view on the immigration laws, being Hispanic, being from Texas, seeing the kinds of problems which are present both from the point of view of stopping illegal immigrants and also from the point of view of immigrants who come to this country who seek a better way of life.

Similarly, I think he might have some greater insights into voting rights. He took a position broadly viewed as divergent from the administration on affirmative action in the controversial cases involving the University of Michigan. Affirmative action, always a complicated, controversial subject, but one where differing views and a broader perspective is a quality that would be well served in the Attorney General of the United States.

He also took a broader view on the issue of what was required on parental notification under the Texas statute, drawing opposition from some on the so-called right of the party. There again, a little different view and a little broader view reflective of his background and his own attitudes.

A great deal of the hearing process on Judge Gonzales has been involved on the issue of compliance with the Geneva Convention, on compliance with the statutes of the United States which prohibit torture. A great deal has been made of a statement made by Judge Gonzales with respect to the Geneva Conventions. He has been broadly quoted on a statement that some of the Geneva Convention's limitations are obsolete or quaint. In an opinion which he circulated, he said this:

> In my judgment, this new paradigm—

referring to what has happened after 9/11—

> renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions.

That part of the statement is the one always quoted, and the comment on "quaint" and the comment on "obsolete" have drawn a lot of criticism. But almost nowhere has there been a followup on what he was referring to. But what he said, continuing:

> . . . renders quaint some of its provisions requiring that captured enemy be afforded such things as commissary privileges, scrip—i.e., advances of monthly pay—athletic uniforms and scientific instruments.

Well, when you see the reference here to "items like commissary privileges," I don't know that that would be exactly something to be concerned about on a prisoner, or scrip or advances of monthly pay or athletic uniforms or scientific instruments. So in that context, to say it is "quaint" or "obsolete" is not to challenge the underlying provisions of the Geneva Convention on its important substantive provisions.

In Judge Gonzales's statements and testimony before the Judiciary Committee, he has been very emphatic about his personal opposition to torture and about the opposition of the administration to torture. He has been emphatic on his opposition to transporting detainees to other countries which permit torture to enable detainees to be tortured in other countries where they could not be under the auspices of the United States. He has been explicit in articulating the view that the CIA is bound by the same rules prohibiting torture as anyone else.

He has come under considerable criticism for the so-called Bybee memorandum which was issued in August of 2002, signed by Jay Bybee, then Assistant Attorney General of the United States, where the memorandum was requested so that there would be a full statement and an understanding of what the law required to comply with the statutes prohibiting torture in the United States.

That memorandum was erroneous in its legal conclusions, as has been generally agreed to, and has been withdrawn by the Department of Justice. The interpretation of what constituted torture was very extreme, referring to the kind of excruciating pain and loss of bodily function, certainly not a realistic or an adequate or a definition of torture which would withstand legal analysis or legal scrutiny.

The memorandum was extreme and excessive in a statement, an articulation of executive power. One example was the statement that the President of the United States had as much authority on questioning of detainees as the President had on battlefield decisions, which obviously makes no sense. When you talk about a battlefield decision, that is a prerogative of the Commander in Chief, as it is delegated down through field commanders. But that kind of authority does not reside in the President on an issue such as the questioning of detainees.

The memo went quite far in suggesting that the President had authority to ignore statutes if he felt they were unconstitutional. There has been some question raised, although it is not explicit in the Bybee memo, about the authority of the President to immunize those who violate the law. That certainly is not lawful. When you talk about immunizing, you talk about judicial action in the context where there is a statute by the Congress of the United States authorizing immunity in a given context, immunity from criminal prosecution to disclose some information, but there is no suggestion anywhere that the President has the authority to immunize executive branch officials from noncompliance with the law.

We find Judge Gonzales essentially working as White House counsel, working for the President in a role which he was very emphatic in distinguishing from the role of the Attorney General of the United States. As Attorney General he has a responsibility to represent all of the people. As counsel to the President, as White House counsel, his responsibility is limited only to the President.

The memorandum by the Department of Justice was requested in order to have the legal interpretation as to what the appropriate line of questioning could be in order to be in compliance with the law. That was the role of the Department of Justice. It was not the role of Judge Gonzales. Then the decision as to what the questions would be, what the interrogation would be is the role of the Department of Defense, again, not the role of Judge Gonzales.

Judge Gonzales has been very forthcoming, being available and meeting with some 27 Senators, which is said to be a record in being available to everyone on the Judiciary Committee and beyond, submitting to up to four rounds of questioning, 10 rounds each, and then in some cases the third round of 15, and in one case the fourth round of 22 minutes, and then responding to very broad questions, with the New York Times commenting that the responses of more than 200 pages of answers to questions was the most expansive view by the administration of its techniques and procedures on the questioning of detainees. So there is no doubt that Judge Gonzales has responded very broadly to the inquiries made of him.

There has been a challenge that he has not answered all the questions because he could not recall specific conversations which were held years before, but that is entirely understandable.

There were questions about discussions where representatives of the executive branch got together to discuss the specifics of the Department of Justice memorandum and the interrogation techniques to be employed by the Department of Defense. One of his answers to one of the written questions propounded gives a fair summary in a fairly abbreviated form as to Judge Gonzales's role. These are his words:

> Shortly after September 11, 2001, until the present, the administration has been involved in conducting the war on terror by gathering as much information from terrorists as we possibly can within the bounds of law. During that time, I have participated in several meetings at which possible uses of methods of questioning were discussed. These meetings may have included from time to time representatives from the National Security Council, the Department of State, the Department of Justice, the Department of Defense, the Central Intelligence Agency, and others. In the meetings I attended, agencies' representatives raised concerns that certain terrorists had information that might save American lives. The participants shared a desire to explore whether there existed methods of questioning these terrorists that might elicit that information. It was always very clear that we would implement such methods only within the bounds of the law.

That would bear repeating, "always very clear that we would implement such methods only within the bounds of the law." Judge Gonzales continues:

> As counsel to the President, my constant emphasis and interest was on the last factor, ensuring compliance with the law. It would not have been appropriate for me to comment on issues such as whether a particular individual may have information that would be helpful to the effort to save American lives or to defeat terrorists or whether a certain procedure for questioning that individual would be effective in eliciting that information. Others with more relevant experience, expertise, and information were responsible for making those judgments. Instead it was my responsibility to ensure that any method they deemed appropriate and effective from an operational point of view was considered lawful by the Department of Justice. To the extent I was involved in recommendations, results, and assignments arising out of such meetings, my activities were directed toward ensuring that those with operational responsibilities would act only after receiving the judgment of the Department of Defense that a proposed course of action was lawful.

That is the end of Judge Gonzales's statement on that. His role was reasonably. clearly delineated. He represented the President. He was responsible for saying what were the outlines of the law, or what was lawful. Those practices were defined by the Department of Justice Office of Legal Counsel, which has the responsibility to do that. And then anything beyond the legal techniques of the questions would lie with those who have the expertise, as he described it, and the experience, and the responsibility from the Department of Justice or from the Central Intelligence Agency.

There was one other statement by Judge Gonzales in response to a question by Senator KENNEDY, which I think is a summary, which delineates his own role. When asked about a specific newspaper article and about events that occurred several years before, Judge Gonzales replied:

Sir, I don't have any specific recollection. I read the same article. I don't know whether or not it was the CIA [that was in reference as to whether it was a CIA request]. What I can say is that after this war began against this new kind of threat, this new kind of enemy, we realized that there was a premium on receiving information. In many ways, this war on terror is a war about information. If we have information, we can defeat the enemy. We had captured some really bad people who we were concerned had information that might prevent the loss of American lives in the future. It was important to receive that information, and people at the agencies wanted to be sure that they would not do anything that would violate our legal obligations, so they did the right thing: they asked questions—what is lawful conduct, because we don't do anything that violates the law.

So here again is a capsule statement of Judge Gonzales's role. He is representing the President. He is not looking to determine what the appropriate scope of conduct is. That is a matter to be determined by those who are involved in questioning the detainees.

That is the essence of what I believe—to be succinct and to the point of the issue. There are a great many other responses that could be read, a great many other arguments that could be advanced. I will reserve further responses on this matter as the course of the argument develops.

I thank my colleague, Senator HATCH, for coming early in the proceedings to make a cogent argument.

Mr. President, I have sought recognition today to state my support for the nomination of Alberto Gonzales to be Attorney General of the United States.

First, I would like to describe Judge Gonzales's personal background. He has had an extraordinary life and career. His personal story is one of dedication and courage—the sort of story that is possible only in America, where the dreams of even the most humble citizens can be achieved through hard work and discipline.

Judge Gonzales was born in San Antonio, Texas, and raised in the small town of Humble, just outside of Houston. Although he and his seven siblings shared a two-room house that lacked either a telephone or hot running water, Judge Gonzales refused to be deterred by his difficult circumstances. He journeyed through Texas public schools, graduating from a Texas high school. Judge Gonzales then chose to serve his country by joining the Air Force and serving for approximately 2 years before entering the United States Air Force Academy for a 2-year stint. Shortly thereafter, he accomplished his childhood dream of graduating from Rice University. Following his graduation from Rice, Judge Gonzales went on to graduate from the Harvard Law School.

In June of 1982, he joined the law firm of Vinson & Elkins in Houston, TX, where he later became a partner. Not content merely to practice law without giving back to the profession, Judge Gonzales also taught law as an adjunct professor at the University of Houston Law Center.

The opportunity for service arose again when then-Governor Bush asked Judge Gonzales to leave his law firm to become the Governor's General Counsel. Thereafter, Judge Gonzales embarked upon a distinguished career in public service, including service as Texas's 100th Secretary of State from December 2, 1997 to January 10, 1999.

In what would be a capstone for many lawyers' careers, in 1999 Judge Gonzales was appointed a Justice of the Supreme Court of Texas—a job he loved, and the reason he is still today known as Judge. Although he enjoyed his job on the Texas Supreme Court, the President called upon him to serve his country as the White House Counsel, a position he filled throughout the administration's first term.

Mr. President, no one in the Senate could take issue with Judge Gonzales's remarkable rise to prominence, and the obvious talent and ability that fueled it. Indeed, I think we are all in agreement about that. Nevertheless, Judge Gonzales finds himself confronting substantial opposition from my colleagues across the aisle. The purported reasons do not justify the opposition.

First, the opponents of Judge Gonzales have succeeded in confusing the public about his views on torture. To listen to Judge Gonzales's critics, one would think that the policy of the United States was to promote or sanction torture, and that Judge Gonzales somehow established such a policy. Last week, for example, the senior Senator from Massachusetts stood on the Senate floor and accused Judge Gonzales of being a participant "in the shameful decision by the administration to authorize the torture of detainees at Guantanamo and in Iraq." That charge is simply false. In fact, the White House has made very clear that the United States policy and law prohibit torture, and the President himself has insisted upon humane treatment for detainees. Judge Gonzales has been emphatic in his agreement with this position. When asked, point blank, by the senior Senator from Illinois whether U.S. personnel can legally engage in torture under any circumstances, Judge Gonzales answered: "Absolutely no. Our policy is we do not engage in torture." To which my colleague replied: "Good. I am glad that you have stated that for the record."

Despite that exchange, and others like it, some critics, including the editors of the Washington Post and New York Times, have mischaracterized Judge Gonzales's answers to the committee's questions. In its editorial of January 26th, the Post claimed that Judge Gonzales had asserted the administration's right to, among other things, "transport [foreigners] to countries where torture is practiced." In response to a question on this topic posed by my colleague from Massachusetts, however, Judge Gonzales wrote: "The policy of the United States is not to transfer individuals to countries where we believe they likely will be tortured, whether those individuals are being transferred from inside or outside the United States." He added, "I am not aware of anyone in the Executive Branch authorizing any transfer of a detainee in violation of that policy."

In case this was not clear enough, Judge Gonzales reiterated to the Senator from Massachusetts: "United States policy is clear—the President has directed that the United States is not to engage in torture anywhere in the world and is not to transfer detainees from anywhere in the world to other countries where they likely will be tortured."

In the New York Times editorial, also dated January 26th, it is argued that the "biggest strike against Mr. Gonzales" is the fact that a "now repudiated" Justice Department memorandum giving a "narrow definition of torture" was addressed to him. This ignores several facts: First, Congress—not the Administration—enacted the definition of "torture." In 1994, Congress defined torture as "an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering (other than pain or suffering incidental to lawful sanctions) upon another person within his custody or physical control."

The now repudiated Justice Department memorandum suggested that "severe physical pain," as used in the torture statute, should be construed narrowly to mean the type of pain ordinarily "associated with a sufficiently serious physical condition or injury such as death, organ failure, or serious impairment of body functions—in order to constitute torture." But, Judge Gonzales was not the author of this offending language, and—as I will discuss at greater length later—he has rejected this narrow view of what constitutes torture.

Moreover, while the memo has now been repudiated and replaced by one widely acknowledged to be more appropriate, neither memo altered the President's policy that detainees are to be treated humanely.

The Times editorial also cites a leaked draft memorandum from Judge Gonzales to the President. Some on the Judiciary Committee, including the Ranking Minority Leader from Vermont and the senior Senator from Massachusetts, have mischaracterized this draft memo as a disavowal of the Conventions. Again, this ignores what Judge Gonzales has written and said. The language from the leaked memorandum is often taken out of context. The relevant passage reads as follows:

> The nature of the new war [against terrorism] places a high premium on other factors, such as the ability to quickly obtain information from captured terrorists and their sponsors in order to avoid further atrocities against American civilians, and the need to try terrorists for war crimes such as wantonly killing civilians. In my judgment, this new paradigm renders obsolete Geneva's strict limitations on questioning of enemy prisoners and renders quaint some of its provisions requiring that captured enemy be afforded such things as commissary privileges, scrip (i.e., advances of monthly pay), athletic uniforms, and scientific instruments.

At his hearing, Judge Gonzales reasserted his commitment to the Geneva Conventions as a whole. He told the

Judiciary Committee in no uncertain terms: "I consider the Geneva Conventions neither quaint nor obsolete." And he stressed that, "[t]he President has repeatedly condemned torture and made clear that the United States will not condone torture." When asked about potential changes to the Conventions, he noted: "I'm not suggesting that the principles of Geneva regarding basic treatment, basic decent treatment of human beings, should be revisited. That should always be our polestar." Further, in response to another Democratic Judiciary Committee Member, Judge Gonzales reiterated, "Yes, I do denounce torture, and if confirmed as Attorney General, I will prosecute those who engage in torture."

Finally, none of those standing in opposition to Judge Gonzales has come close to articulating a viable case for linking the actions of Judge Gonzales to the so-called "migration" of a flawed interrogation policy to the atrocities committed at Abu Ghraib, and perhaps elsewhere. Despite multiple investigations, including several discussed at our hearing, no one has established a link—even an attenuated one—between Judge Gonzales and improper interrogation techniques in the field; I have yet to see anything other than supposition and conjecture.

So, Mr. President, I think that Judge Gonzales has been clear about the United States' policy and his own views against torture, leaving no meaningful basis to oppose his nomination on such grounds.

As I have already indicated, another issue that has been misrepresented by Judge Gonzales' opponents is his stance with respect to the Office of Legal Counsel's memorandum on the anti-torture statute, the so-called Bybee memo.

At the Judiciary Committee's last Executive Meeting, the senior Senator from Massachusetts suggested that Judge Gonzales had failed to reject the memorandum. The record established the contrary. For example, Judge Gonzales has rejected the Bybee Memorandum's overbroad statement of Executive authority. In response to the Committee's questions about the memorandum, Judge Gonzales said:

> It has been rejected, including that section regarding the Commander-in-Chief's authority to ignore the criminal statutes. So it has been rejected by the Executive Branch. I, categorically, reject it. And, in addition to that, as I have said repeatedly today, this administration does not engage in torture and will not condone torture.

During his hearing, I asked Judge Gonzales: "Do you agree with the statement in the memo, 'Congress may no more regulate the President's ability to detain and interrogate enemy combatants than it may regulate his ability to direct troop movements on the battlefield'?" Judge Gonzales answered: "I reject that statement, Senator." This is a clear and unequivocal answer.

Moreover, Judge Gonzales has explicitly recognized that Presidential authority in this area is indeed limited. Among other things, he has noted:

> We in the executive branch, of course, understand that there are limits on Presidential power. We are very, very mindful of Justice O'Connor's statement in the Hamdi decision that a state of war is not a blank check for the President of the United States with respect to the rights of American citizens. I understand that and I agree with that.

In addition, at his confirmation hearing, Judge Gonzales testified that he did not agree with the portion of the Bybee Memorandum stating that severe physical pain, as used in the torture statute, was limited to pain equivalent to organ failure, impairment of bodily function, or even death. In response to a question from the Committee's Ranking Member, for example, Judge Gonzales agreed that horrific conduct, such as cutting off someone's finger, would be considered torture. Nevertheless, at the Executive Meeting, the Senator from Massachusetts continued to suggest that Judge Gonzales might somehow condone conduct such as, "[b]eating you, suffocating you, ripping out your fingernails, burning you with hot irons, suspending you from hooks, putting lighted cigarettes in your ear."

Such hyperbole, Mr. President, serves to highlight the fact that arguments against Judge Gonzales have ignored significant statements by this nominee. Judge Gonzales has taken important steps towards accommodating the legislative branch of government through his rejection of the Bybee dicta and his concessions on the limits of presidential power. Ignoring such efforts is the wrong way to approach such an important nomination and the wrong way to assess such a fine and worthy nominee.

On a related note, my colleague from Massachusetts and other critics, including the New York Times, have seized upon the fact that the President's February 2002 directive regarding the humane treatment of prisoners is addressed to the Nation's Armed Forces to suggest that somehow the CIA has been operating without legal constraints. The senior Senator from Massachusetts, for example, has alleged that Judge Gonzales "evaded answers to questions about whether the CIA can abuse prisoners, even if the military is prohibited from doing so." This is directly contradicted by Judge Gonzales's responses to the Judiciary Committee's written questions. For example, Judge Gonzales has written:

> The CIA and other intelligence agencies are fully bound by the prohibition on torture contained in 18 U.S.C. §2340 and §2340A and, depending on the circumstances, by other criminal statutes such as those defining crimes in the special maritime and territorial jurisdiction of the United States. Those statutes prohibit, for example, assault (18 U.S.C. §113) and maiming (18 U.S.C. §114). These criminal prohibitions prevent abuse of detainees by intelligence officers. In fact, the Department of Justice is currently prosecuting a CIA contract employee for various charges of assault under 18 U.S.C. §113.

Despite such answers, my colleague from Massachusetts continues to accuse the administration of sending "the message that anything goes to our troops and intelligence officers in the field." To the contrary, Judge Gonzales has stressed that the "CIA and other intelligence agencies are fully bound" by the laws against torture. And, as further noted by Judge Gonzales, the CIA and other agencies have sought Department of Justice guidance concerning the boundaries emanating from U.S. obligations under, for example, Article 16 of the Convention Against Torture.

In fact, let me take a moment to address Article 16 directly. Some have suggested that the administration's interpretation of Article 16 has been used to justify or facilitate the cruel, inhumane or degrading treatment of aliens overseas. Just last week, for example, the senior Senator from Massachusetts accused Judge Gonzales of saying "that the CIA is not bound by the prohibition on cruel, inhumane and degrading treatment in Article 16 of the Convention Against Torture." Again, this ignores the testimony of Judge Gonzales. At our hearing, Judge Gonzales noted that, when the Senate ratified the Convention Against Torture, it took a reservation equating the requirements under Article 16 with the requirements under the Fifth, Eighth, and 14th Amendments. Judge Gonzales further acknowledged that, when interpreting these requirements, the Administration has looked to Supreme Court precedents holding that aliens interrogated by U.S. personnel outside the United States enjoy no substantive rights under the Fifth, Eighth, and 14th Amendment. Nevertheless, regardless of the debate about the strict legal requirements of Article 16, Judge Gonzales testified that the administration has sought "to be in compliance as a substantive matter under the Fifth, Eighth, and 14th Amendment." He also testified that, to the best of his knowledge, the United States has met its substantive obligations under the Fifth, Eighth, and 14th Amendments. This commitment has often been overlooked by the Judge's opponents.

Contrary to the claims of his critics, Judge Gonzales also acknowledged that, based on his review of the relevant investigations, the responsibility for what happened at places like Abu Ghraib extends further up the chain than the culpable guards. The Senator from Massachusetts accuses Judge Gonzales and others in the administration of a "continuing effort to pin the blame for the torture scandal on a few bad apples among our solders." In reality, however, Judge Gonzales testified:

The reports [by Schlesinger, Faye, Kearns and others] seem to indicate that there was a failure, there was a failure of discipline amongst the supervisors of the guards there at Abu Ghraib, and also they found that there was a failure in training and oversight at multiple layers of Command Joint Task Force 7. And so I think there was clearly a failure well above the actions of the individuals who actually were in the prison. At least that's what the reports seem to indicate, as I review them.

At the same time, he rejected the notion that inhumane treatment was tolerated or encouraged as a matter of course. He pointed out, for example, that, even within Abu Ghraib, the gross misconduct of the night shift was aberrant:

The findings in these eight reports universally were that a great majority, an overwhelming majority of our detention operations have been conducted consistent with American values and consistent with our legal obligations. What we saw happen on that cell block in the night shift was limited to the night shift on that cell block with respect to that first category, the more offensive, the intentional severe physical and the sexual abuse, the subject of those pictures. And this isn't just Al Gonzales speaking. This is what, if you look at it, the Schlesinger report concludes. And so what you see is that you have got this kind of conduct occurring at the night shift, but the day shift, they don't engage in that kind of conduct because they understand what the rules were. And so I respectfully disagree with the characterization there was some sort of permissive environment.

Once again, on this point as with others, the Judge's own words refute the accusations of his critics.

Some of my colleagues have also seized upon Judge Gonzales's inability to recall certain details of meetings that occurred more than 2½ years ago to suggest that we lack sufficient information to make an informed decision about his nomination or that Judge Gonzales is being less than forthcoming when he asserts he cannot recall a matter. Last week, for example, the senior Senator from Massachusetts told the Judiciary Committee that Judge Gonzales "refuses to tell us anything about those meetings."

In fact, the Senator from Massachusetts had several exchanges with Judge Gonzales on this topic at our confirmation hearing. The Senator queried, for example: "I just want to point out, if it is true, as the Post reported, that you held several meetings at which the legality of interrogation techniques, such as threat of live burial and waterboarding were discussed; do you remember that?" Judge Gonzales responded:

Senator, I have a recollection that we had some discussions in my office, but let me be very clear with the Committee. It is not my job to decide which type of methods of obtaining information from terrorists would be most effective. That job responsibility falls to folks within the agencies. It is also not my job to make the ultimate decision about whether or not those methods would, in fact, meet the requirements of the anti-torture statute. That would be a job for the Department of Justice. And I never influenced or pressured the Department to bless any of these techniques. I viewed it as their responsibility to make the decision as to whether or not a procedure or method of questioning of these terrorists that an agency wanted, would it, in fact, be lawful.

Given the passage of time, his inability to recall precise details is understandable. Moreover, it must be viewed in the context of what he has recalled and provided to the committee. Among other things, he has: acknowledged his participation in meetings where the questioning of detainees was discussed; explained the genesis and purpose of such meetings; described the limited nature of his role; and explained the result of these meetings. In one lengthy written answer to a question posed by my colleague from Massachusetts, for instance, he explained:

Since shortly after September 11, 2001 until the present, the Administration has been involved in conducting the War on Terror by gathering as much information from terrorists as we possibly can within the bounds of law. During that time, I have participated in several meetings at which the possible use of methods of questioning were discussed. These meetings may have included, from time to time, representatives from the National Security Council, the Department of State, the Department of Justice, the Department of Defense, the Central Intelligence Agency, and others. In the meetings I attended, agencies' representatives raised concerns that certain terrorists had information that might save American lives; the participants shared a desire to explore whether there existed methods of questioning these terrorists that might elicit that information; and it was always very clear that we would implement such methods only within the bounds of the law. As Counsel to the President, my constant emphasis and interest was on the last factor—ensuring compliance with the law. It would not have been appropriate for me to comment on issues such as whether a particular individual may have information that would be helpful to the effort to save American lives or defeat terrorists, or whether a certain procedure for questioning that individual would be effective in eliciting that information. Others with more relevant experience, expertise, and information were responsible for making those judgments. Instead, it was my responsibility to ensure that any method they deemed appropriate and effective from an operational point of view was considered lawful by the Department of Justice. To the extent I was involved in recommendations, results, and assignments arising out of such meetings, my activities were directed toward ensuring that those with operational responsibility would act only after receiving the judgment of the Department of Justice that a proposed course of action was lawful.

That answer provides a good deal of information. The fact that he cannot recall details of those meetings is understandable. It is commonplace to forget details of meetings, particularly when years have passed. It is certainly not, given the responses that have been made, a reason to oppose someone who is universally praised for his ability and integrity.

Since his nomination, the White House has offered every Committee member a personal, private meeting with Judge Gonzales. To date, the Judge has met personally with 14 members of the Judiciary Committee, and more than a dozen other Senators.

At his hearing, Judge Gonzales testified for nearly 6 hours, answering multiple rounds of questions. There were three rounds of questions, and I encouraged Senators to participate in each round. After a complete and lengthy first round, 9 Senators participated in a second round of questions. After that, 4 Senators including myself took advantage of the third round. I made sure every Senator had ample opportunity to question Judge Gonzales. Indeed, one Senator was ultimately granted a fourth round of questions.

Contrary to the assertion by the Senator from Massachusetts that Judge Gonzales was unresponsive and he made "a mockery of the notion of congressional oversight and accountability," Judge Gonzales's answers to the committee's written questions, contained in 221 single-spaced pages, provided nearly 450, often detailed, responses on issues ranging from the war on terrorism to intellectual property. So thorough was Judge Gonzales's response that the New York Times (January 19, 2005) stated that Judge Gonzales's answers to the committee's written questions comprised "one of the administration's most expansive statements of its positions on a variety of issues, particularly regarding laws and policies governing C.I.A. interrogation of terror suspects."

The questions kept pouring in even after the committee's hearing record closed on Thursday, January 13th, with 4 Senators submitting more than 40 additional questions for the nominee. Judge Gonzales has now responded to all of those supplemental questions. In 27 additional pages of questions and answers, Judge Gonzales has further clarified his position on several issues. He also furnished a remarkable 93-page memorandum on the Geneva Conventions prepared by the State Department as well as a letter reiterating his role in a court appearance for then-Governor Bush.

These facts refute the claims that Judge Gonzales has failed to provide us with sufficient information to evaluate his nomination.

Nevertheless, the Judge's opponents continue to clamor for more. At the executive meeting, for example, the senior Senator from Massachusetts complained that Judge Gonzales had "not conducted a search for . . . requested documents." In fact, my colleague said it would be "hard to imagine a more arrogant insult to this Committee's oversight responsibility."

I requested that a search be conducted for any draft or final memoranda or other documents written by Judge Gonzales and relevant to the subject of interrogation techniques or torture. The White House responded by conducting a search.

On January 19, 2005, at the direction of the White House Chief of Staff, David Leitch, Deputy Counsel to the President, supervised a search of certain electronic records available in the Office of Counsel to the President. Specifically, he searched for word processing documents containing the words "torture" or "interrogation" that were located on (1) the shared Counsel's Office directory, (2) the personal and network directories used by Judge Gonzales and his assistants, or (3) the hard drive of Judge Gonzales's computer.

According to the White House, based on the practices concerning documents created by Judge Gonzales, there is a very high probability that any document of the sort described would have been identified as a result of this search. I have been advised, however, that no such documents were identified by the administration.

Moreover, the White House has represented, and Judge Gonzales confirmed, that he has no notes reflecting discussions at any meetings concerning these topics, nor does the White House believe there are any notes taken by Judge Gonzales in the files of the office.

Finally, I have been advised that, during Judge Gonzales's tenure as counsel to the President, there have never been any audio recordings or transcriptions of any meetings in the White House Counsel offices concerning these topics, or any others, so far as the White House is aware.

Judge Gonzales and the White House have undertaken appropriate efforts to accommodate the Senate by providing relevant information. Between his written answers and his testimony, Judge Gonzales has addressed his role in the solicitation and provision of legal advice, as well as his personal views on the contested issues—such as the treatment of detainees. There is an ample record to evaluate his nomination. I urge Senators to review the voluminous materials that have been produced before coming to any conclusion.

Mr. President, another argument used by the Gonzales critics is that he refused to answer certain hypothetical questions during his hearing. Using the rejected language of the Bybee memo about a postulated Commander-in-Chief override of the torture statute, certain Judiciary Committee members repeatedly asked Judge Gonzales whether he believed the President could authorize torture in extreme and hypothetical circumstances. Judge Gonzales refused to engage in scenarios about when, if ever, torture might be sanctioned, because the President has rejected torture under any circumstances.

So, when the ranking minority member asked, "Now, as Attorney General, would you believe the President has authority to exercise a Commander in Chief override and immunize acts of torture?" Judge Gonzales answered:

> [T]he President has said we are not going to engage in torture under any circumstances. And so you're asking me to answer a hypothetical that is never going to occur. This President has said we're not going to engage in torture under any circumstances, and therefore, that portion of the opinion was unnecessary and was the reason that we asked that that portion be withdrawn.

Given the administration's clear policy, this response is appropriate. Judge Gonzales has explained that the Bush administration will not engage in torture under any circumstance, so his reluctance to contradict the President's policy is perfectly understandable.

In fact, even the distinguished witnesses on the second panel of our confirmation hearing, including two law school deans and an advocate for victims of torture, were unwilling to engage in hypothetical debates about what set of circumstances—if any—might justify a presidential decision to approve torture. One witness even characterized the hypothetical about a ticking time bomb as "fantasy" and part of the "mythology" of torture. Such reticence is understandable, especially for someone, like Judge Gonzales, who serves a President who has rejected the use of torture under any circumstances.

Another of the anti-Gonzales shibboleths is that he is too close to the President to be independent. This argument ignores what Judge Gonzales, an honorable and credible man, told the Judiciary Committee. During his opening statement, and several times thereafter, Judge Gonzales acknowledged the difference between his role as White House Counsel and the job of Attorney General. At the outset of our hearing, he noted:

> With the consent of the Senate, I will no longer represent only the White House; I will represent the United States of America and its people. I understand the differences between the two roles. In the former I have been privileged to advise the President and his staff. In the latter I would have a far broader responsibility: to pursue justice for all the people of our great Nation, to see that the laws are enforced in a fair and impartial manner for all Americans.

That is a clear statement that he recognizes the difference between his current job and the job of Attorney General. Judge Gonzales has been the lawyer for one person—the President—and is now going to serve as a lawyer for all Americans. Judge Gonzales knows the difference and will serve honorably as the next Attorney General.

Before I conclude, Mr. President, I want to emphasize a few of the positive comments my Democratic colleagues on the Judiciary Committee have made about this nominee. At his confirmation hearing, the senior Senator from Wisconsin told Judge Gonzales: "As you know, we have had an opportunity to work together on several different issues over the years, and I have come to respect you also. And I believe if you are confirmed that you will do a good job as Attorney General of the United States." At our Executive Meeting, the senior senator from Delaware noted: "My vote, to state the obvious, is not about his character or his compelling personal story, which is compelling. He has overcome great adversity in his life, and I believe he is an intelligent, decent and honorable man." The senior senator from New York said, "I like Judge Gonzales. I respect him. I think he is a gentleman and I think he is a genuinely good man." Such comments do not surprise anyone who has gotten to know Judge Gonzales.

As I have noted, Judge Gonzales has taken a strong stand against torture, rejected suggestions that the President is above the law, and recognized the important distinctions between the position of White House Counsel and Attorney General. So, what is behind the votes against him? Not his personal story. Not his character. Not his willingness to work with Congress. There may well be a large overhang of politics clouding this nomination. Politics, however, is a poor reason for denying the President his choice to be Attorney General. I urge my colleagues to consider this nomination based on the facts. Regardless of what administration is in power, that is a standard we should all honor.

Mr. President, the bottom line is that Judge Gonzales is a remarkable American, well-suited for the position of Attorney General, who has been forthcoming with the Senate and the American people about his role in some very difficult decisions during a very important time. He is a good man. Even his opponents acknowledge that. I urge my colleagues to support Judge Gonzales to be Attorney General.

I yield the floor.

The PRESIDING OFFICER (Mr. SUNUNU). The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I will not at this point speak quite as long. Because I will not use the same amount of time now, I ask unanimous consent that the Senator from California, Mrs. FEINSTEIN, be allowed to follow my remarks.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I ask unanimous consent to have printed in the RECORD a number of recent editorials regarding the nomination of Alberto Gonzales.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, Jan. 6, 2005]

A WINDOW ON A MAN'S MORALITY; ALBERTO R. GONZALES' RECORD RAISES QUESTIONS ABOUT HIS FITNESS TO SERVE AS ATTORNEY GENERAL

The Republicans' comfortable majority in the Senate means that Alberto R. Gonzales will almost certainly be confirmed as the next attorney general. With hearings on his nomination set to start today, many Democrats think the best they can do is wound Gonzales enough with questions about his notorious torture memos to disqualify him for any future Supreme Court seat. In the end, however, they will feel pressure to support him or face retaliation from Republicans.

They should resist.

The eight Democrats and a smattering of moderate Republicans who voted for John Ashcroft four years ago probably felt the same pressure.

No one now can doubt the enormous power the attorney general wields or the lasting harm the person who holds that office can do. Gonzales may not share his predecessor's zeal in hounding X-rated moviemakers or cancer patients who smoke marijuana, but as the president's chief lawyer, he has been every bit as reckless.

As a leading architect of Bush's ends-justifies-means war on terror, Gonzales pushed to justify torturing terror suspects in violation of international law, promoted military tribunals that echo Stalin's show trials, helped write the Patriot Act (which, among other powers, gives government agents vast new snooping authority) and excused the limitless imprisonment of American citizens whom the president merely suspects of terror activity.

Three years into that war, much of Gonzales' handiwork has been rejected by courts, damned by the world community and disavowed by the administration—as in the Justice Department memo quietly released last week declaring that "torture is abhorrent to both American law and values and to international norms."

Gonzales' defenders argue that, as White House counsel, he was simply a passionate advocate for his client. But the most devoted counselor knows that, even in wartime, there are legal and moral lines this nation crosses at peril to its own citizens and those of other countries. Gonzales' justifications opened the door to the abuse at Abu Ghraib prison and the Guantanamo Bay detention facility. The mistreatment and prisoner deaths that occurred have raised fears of retaliation against captured Americans. Those concerns prompted a dozen retired generals and admirals, along with civil rights groups, to oppose Gonzales' nomination.

Our justice system relies on an attorney general willing to defend civil liberties as ardently as he pursues criminals and terrorists. That person must be someone who respects both the power and the limits of law.

Gonzales' record as White House counsel is not just a series of unfortunate missteps; rather, it is a troubling window into the man's morality and his fitness to be the nation's chief lawyer. Democratic senators will surely ask Gonzales sharp and embarrassing questions about the principles that guided his tenure in the Office of Legal Counsel. These lawmakers then ought to demonstrate that they understand the principles at stake by actually voting no.

[From the Arizona Daily Star, Jan. 8, 2005]

WRONG FOR THE JOB

George W. Bush understandably wants a trusted adviser to be his next attorney general. White House Counsel Alberto Gonzales enjoys that trust, but the President's nominee is the wrong man for the job.

With Republicans outnumbering Democrats by 55–45 in the Senate, Gonzales is likely to win approval for the position. Yet, the man who advocated the use of torture as an interrogation tool is not only unqualified, he is a threat to the rights of Americans.

Before Thursday's Senate hearing on his nomination, Gonzales was merely a legal adviser who was unqualified. But during the hearing he showed himself to be a man of questionable morality and ethics.

For example, his 2002 memo to the president stated that the war on terror "renders obsolete Geneva's strict limitations on questions of enemy prisoners and renders quaint some of its provisions." The Geneva Conventions outline how prisoners of war should be treated.

But when questioned by the Senate on Thursday, Gonzales said this: "Contrary to reports, I consider the Geneva Conventions neither obsolete nor quaint." He said his early interpretation applies only to organizations like al-Qaida that have no national affiliation and do not "fight according to the laws of war." And he said the Geneva Conventions' protections for terrorists would "honor and reward bad conduct." And he pledged to prosecute those who tortured terrorism suspects.

However, he noted that the White House is looking to change some of the Geneva Conventions' guidelines. There again, one has to question whether Gonzales is saying the right things in order to win the job.

His statements now and in the past are inconsistent at best. But more important, the legal opinion he forwarded to the president and this administration cannot be separated from the scandals of torture and death at Abu Ghraib prison in Iraq.

It is significant that among his Senate supporters, Gonzales' legal abilities and his leadership skills are hardly mentioned as top qualifications. Supportive senators instead promote the nominee's rags-to-riches story. Second among his qualifications is that he would become the nation's first Hispanic attorney general.

This administration has an affinity for those kinds of stories. But it should have learned from the Bernard Kerik nomination that they don't always make for good national leadership. Kerik withdrew his nomination as head of Homeland Security after questions arose about the immigration status of a housekeeper and nanny he employed.

Gonzales' ethnicity, his accomplishments and his role as adviser to the president for nine years are admirable but irrelevant. His background makes for great political theater but does not qualify him to be attorney general. And one would hope that Hispanics would not rush to blindly support a man who is clearly wrong for the job.

Alberto Gonzales has a history of bending the law to fit policy and the wishes of the president. Eagerness to please makes him a great adviser and confidant.

But as head of the Justice Department, the attorney general should answer only to the law.

[From the Milwaukee Journal Sentinel, Jan. 8, 2005]

EDITORIAL: DON'T CONFIRM GONZALES

Thursday's Senate confirmation hearing provided Alberto R. Gonzales with an opportunity to confront some of the nagging questions that have been raised about his nomination to be attorney general. So important is the office to which Gonzales aspires that the Senate and the American people needed to hear convincing answers to these questions. They deserved assurances that Gonzales had the judgment, the temperament and the integrity necessary for this cabinet position.

Far from supplying this reassurance, Gonzales proved to be consistently weak and evasive. So intellectually sterile was his testimony that it showed Gonzales to be unfit for the important office he seeks, and for this reason the Senate should reject his nomination.

Realistically, of course, this will almost certainly not happen; Democrats on the Judiciary Committee signaled Thursday that, despite reservations about Gonzales, they will support the nomination. Indeed, they make a respectable case, which is that presidents are entitled to broad leeway in the selection of their cabinet members. But there are limits to the discretion to which presidents are entitled; otherwise, the entire confirmation process becomes meaningless.

Unfortunately, Gonzales's views put him beyond even these broad limits. As White House counsel, he was largely responsible for, or at least acquiesced in, a repudiation of some of this country's most precious ideals, such as the notion that human beings should not be tortured.

In January 2002, Gonzales told President Bush that the war on terror "renders obsolete" some of the strict limitations imposed by the Geneva Conventions as applied to al-Qaida and, in some cases, Taliban fighters. Arguably, one can make that legal case but elsewhere in that letter, and more disturbing, was the tone Gonzales adopted when he dismissed as merely "quaint" some of the convention's human rights provisions. In August 2002, Gonzales received a Justice Department memorandum that a president could suspend Geneva Convention protections at will and that some forms of torture "may be justified."

On Thursday, Gonzales disavowed the use of torture. A week earlier, the Justice Department had repudiated its August 2002 memo. But why did this reversal take this long? In light of Gonzales's four-year record, his disavowal of terrorism seemed merely rhetorical and tactical. Efforts to elicit Gonzales's views were met with vagueness and equivocation. Gonzales said he couldn't remember key details of his involvement with the August 2002 memo. He wasn't even sure whether Americans could legally engage in torture under any circumstances.

Ordinarily, even these gross deficiencies might be tolerable. But these are not ordinary times. The threat to civil liberties posed by the fight on terror requires an attorney general with a demonstrated record of sound judgment, independent temperament and unquestioned integrity.

Gonzales's rags-to-riches personal story is an inspiration to all Americans. But his story is not the issue. He has not demonstrated the judgment and integrity to be the nation's chief law enforcement officer at this pivotal time in our history.

[From the Star Tribune (Minneapolis, MN), Jan. 8, 2005]

GONZALES: DEMOCRATS SHOULD REJECT HIM

Democrats in the U.S. Senate have many well-founded reasons to oppose with all their might President Bush's nomination of Alberto Gonzales to be attorney general. But one reason stands out above all others, and Democrats should pound it home: Gonzales believes the president of the United States has the power, as commander in chief, to permit the use of torture by American forces by immunizing from prosecution anyone who does it.

This reasoning was put forward in an August 2002 memo, called the Bybee memo, from the Department of Justice to the White House. Gonzales testified before the Senate Judiciary Committee Thursday that he, as the president's lawyer, simply passed the memo along. It wasn't his job, he said, to warn the president of the memo's implications or to disagree with it. Gonzales has a peculiar notion of his role as the president's attorney; others quite rightly characterize his behavior as a dereliction of duty. In fact, there's good reason to believe Gonzales was an active participant in the memo's construction.

But whatever his role, Gonzales clearly agreed with the memo, and does to this day.

Sen. Patrick Leahy, D–Vt., the ranking Democrat on the committee, tried every way he could to get Gonzales to answer "yes" or "no" to a simple question: "Now, as attorney general, would you believe the president has the authority to exercise a commander-in-chief override and immunize acts of torture?" Gonzales tried all kinds of tacks to avoid answering: The question is hypothetical because Bush opposes the use of torture, etc. Leahy persisted, and finally Gonzales said, "Senator, I do believe there may come an occasion when the Congress might pass a statute that the president may view as unconstitutional," and therefore he can ignore it. The answer was disingenuous because the issue isn't laws Congress might pass, but established U.S. and international laws that prohibit the use of torture. Thus, the only reasonable way to interpret Gonzales' answer in the context it was asked is that, indeed, the president has the power to permit torture by immunizing those who do it.

The White House has done its darnedest to frustrate Judiciary Committee inquiries into Gonzales' role in the torture scandal. Leahy Thursday held aloft a hefty file of unanswered questions and letters he had sent to the White House seeking information on Gonzales' views about torture and his role in framing policies that led to the Abu Ghraib scandal and the abuse of prisoners at Guantanamo Bay. Despite that, Leahy and his colleagues got Gonzales on the record saying that he does believe the president has the power to override U.S. laws.

That's all the Democrats need to oppose Gonzales' confirmation en masse, and they should. Torture is always out of bounds, no matter the circumstance; it is immoral, ineffective and puts captured American forces at risk. Previous congresses and presidents have enacted laws and ratified international treaties to that effect.

The United States does not need an attorney general who believes that this president has the right to override those laws and treaties at his whim. Even if Gonzales is eventually confirmed, as it appears he will be, Senate Democrats must be on the record upholding the powerful principle that the United States unequivocally rejects torture.

[From the Slate (South Carolina), Sat. Jan. 15, 2005]

TORTURE TAINT SHOULD DISQUALIFY NOMINEE GONZALES

After last week's confirmation hearing for Alberto Gonzales, even senators who disliked the nomination said he would be confirmed, for no other reason than he is the one President Bush asked for. "There's a lower standard, frankly, for attorney general than for judge, because you give the president who he wants," said Sen. Charles Schumer, D–N.Y.

There's a sad symmetry in this. Mr. Gonzales's work as legal counsel to the president on the issue of torture has been rejected by the U.S. Supreme Court and disowned by the White House—only after it backfired politically and legally. His principal qualification is unambiguous loyalty to the president. In short, his selection reflects what sadly seems to be the overriding attribute this president wants in his subordinates. That might be good enough for the president, but it does not make him the right choice to be the nation's top lawyer; in fact, in this case it should mean just the opposite.

Mr. Gonzales has helped this administration pursue the human equivalent of the hiddenball trick. Guantanamo Bay, Cuba, was chosen as the U.S. detention facility for "enemy combatants" under the assumption that it could be defined as a legal no-man's-land, a place where the laws of the United States do not apply. It would be years before the U.S. Supreme Court ruled, as Sen. Lindsey Graham put it, that "Gitmo is not Mars." The administration took other actions, including denying legal counsel to detainees, that it thought were unlikely to withstand court scrutiny, so it endeavored instead to stall definitive rulings as long as it could.

Few of these actions can rise to the appropriately high standard delineated by Sen. Graham during the confirmation hearing: "I do believe we have lost our way, and my challenge to you as a leader of this nation is to help us find our way without giving up our obligation and right to fight our enemy."

But will Mr. Gonzales lead the Justice Department to meet that standard?

His answers during the confirmation hearing showed less of the firm moral base the position requires, and more of a tendency to look at things in a lawyerly way, in the Clintonian sense of the term. He said his new zeal to keep to the legal straight-and-narrow on torture stems from a new understanding that he would represent not just the president anymore, but the whole United States. But shouldn't advising the president have been enough of a guide for Mr. Gonzales to strive to uphold bedrock American principles? He treats the now-discredited legal opinions as if they have been vaporized. But they had, and are still having, real-world effects, some of them disastrous to the U.S. cause (such as Abu Ghraib). And which represents the real Alberto Gonzales: the man who appeared before the Senate or the one who advised President Bush?

This administration, and far more importantly this nation, must make a clean break from the policies identified with Mr. Gonzales. Making him attorney general of the United States accomplishes the opposite.

This nomination tells the world that no minds have been changed in this country about the use of torture; it says America sees no conflict between detaining suspects without legal counsel and trying to hold our constitutional democracy aloft as an example to the world.

Sen. Graham seems to understand that Alberto Gonzales is not the best choice. Both he and Sen. Jim DeMint have a duty, if they truly see the problems with this nomination, to vote against it, as loyal Republicans and as Americans. Only when they and others do so might this president finally see the need for change in key elements of his war strategy, and start making top personnel decisions based on that new understanding. This must happen, for the sake of the nation.

[From the Boston Globe, Jan. 18, 2005]

UNFIT AS ATTORNEY GENERAL

Two memos on the US treatment of detainees from Afghanistan and Iraq stand in the way of Alberto Gonzales becoming the next attorney general of the United States. At his confirmation hearing earlier this month, he neither disavowed the memos nor showed an understanding of how their denial of international protections to detainess could lead to the many cases of prisoner abuse reported by both the FBI and the International Red Cross. The Senate should reject his nomination.

In his testimony, Gonzales made frequent reference to the much-photographed instances of prisoner humiliation and abuse at Abu Ghraib, as though the naked-body pyramid and other abuses that Specialist Charles Graner was justifiably convicted of Friday were the worst of what has occurred. But the FBI and Red Cross reports as well as the military's own investigations of killings of prisoners make clear that some interrogators and guards crossed the line into torture or homicide. It is disingenuous of Gonzales not to acknowledge the link between permissive torture policies from Washington and acts of abuse that occurred not just at Abu Ghraib but in Afghanistan and Guantanamo as well.

In 2002 as White House counsel, Gonzales wrote a memo in which he called provisions of the Geneva Conventions regarding prisoners of war "obsolete" and "quaint" and said the United States could operate as though the conventions did not apply to the Afghan war. Indeed, some of the fighters captured during the 2001 war against the Taliban and Al Qaeda in Afghanistan might not have deserved the status of POWs.

But the Geneva Conventions—and American law—make clear that any battlefield detainee has that status until a "competent tribunal" puts him in the less protected category of "enemy combatant." As US Judge James Robertson noted in a ruling last November, the Geneva Conventions do not give any individual, including the president, the authority to say who deserves POW status. The White House counsel certainly lacks that authority.

The second memo that has damaged the US reputation worldwide was written in 2002 by a Justice Department official as a guide to interrogation techniques. The memo, which Gonzales discussed with administration officials, said a president has the power to authorize torture despite a 1994 US law banning it. At the confirmation hearing, Gonzales declined chances to repudiate that view.

The Sept. 11, 2001, attacks thrust the United States into a new kind of conflict in which useful intelligence from detainees is crucial. But Gonzales has been at the center of administration policy-making that set aside tried and true US and international rules governing the collection of this information. His blindness to the consequences of those policies makes him a poor choice for chief law enforcement officer of the nation.

[From the Republican (Western Massachusetts), Jan. 23, 2005]

GONZALES NOMINATION LEAVES MANY QUESTIONS

When Alberto Gonzales appeared before the Senate Judiciary Committee earlier this month, some of his answers to questions about the treatment of prisoners in Iraq, Afghanistan and elsewhere left some Democratic committee members wanting more. So they asked a series of follow-up questions to be answered in writing. And when Gonzales provided his answers, those same senators still found themselves wanting more.

So they decided to delay—for at least one week—a committee vote on his nomination to succeed John Ashcroft as attorney general. It was the right move.

There are real questions about Gonzales's fitness to serve as attorney general. His nomination should not move forward until those questions are answered.

He has written that certain provisions of the Geneva Conventions—which provide for the treatment of enemy prisoners—are "quaint" or "obsolete." Gonzales approved a memorandum saying that the president "wasn't bound by laws prohibiting torture and that government agents who might torture prisoners at his direction couldn't be prosecuted by the Justice Department."

Gonzales has said he believes that the president of the United States has the authority to order the detention of enemy combatants indefinitely during wartime. He has repeatedly backed the provisions in the USA Patriot Act that infringe most broadly on civil liberties and the fundamental right of the citizens to be left alone.

When he was attorney general of Texas—while George W. Bush was governor—he wrote a memo directly contradicting a federal law that grants foreign nationals access to American courts when they are accused of a crime.

And the list goes on and on.

The president has nominated Alberto Gonzales to be the chief law enforcement officer in the United States. The attorney general sits at the very top of the U.S. Department of Justice. The person in that position must possess a scrupulousness that is beyond question.

Gonzales has not, to date, demonstrated that he has the qualities that an individual needs to be elevated to one of the most significant positions in this nation.

[From the New York Times, Jan. 26, 2005]

THE WRONG ATTORNEY GENERAL

Alberto Gonzales's nomination as attorney general goes before the Senate at a time when the Republican majority is eager to provide newly elected President Bush with the cabinet of his choice, and the Democrats are leery of exposing their weakened status by taking fruitless stands against the inevitable. None of that is an excuse for giving Mr. Gonzales a pass. The attorney general does not merely head up the Justice Department. He is responsible for ensuring that America is a nation in which justice prevails. Mr. Gonzales's record makes him unqualified to take on this role or to represent the American justice system to the rest of the world. The Senate should reject his nomination.

The biggest strike against Mr. Gonzales is the now repudiated memo that gave a disturbingly narrow definition of torture, limiting it to physical abuse that produced pain of the kind associated with organ failure or death. Mr. Gonzales's attempts to distance himself from the memo have been unconvincing, especially since it turns out he was the one who requested that it be written. Earlier the same year, Mr. Gonzales himself sent President Bush a letter telling him that the war on terror made the Geneva Conventions' strict limitations on the questioning of enemy prisoners "obsolete."

These actions created the legal climate that made possible the horrific mistreatment of Iraqi prisoners being held in Abu Ghraib prison. The Bush administration often talks about its desire to mend fences with the rest of the world, particularly the Muslim world. Making Mr. Gonzales the nation's chief law enforcement officer would set this effort back substantially.

Other parts of Mr. Gonzales's record are also troubling. As counsel to George Bush when he was governor of Texas, Mr. Gonzales did a shockingly poor job of laying out the legal issues raised by the clemency petitions from prisoners on death row. And questions have been raised about Mr. Gonzales's account of how he got his boss out of jury duty in 1996, which allowed Mr. Bush to avoid stating publicly that he had been convicted of drunken driving.

Senate Democrats, who are trying to define their role after the setbacks of the 2004 election, should stand on principle and hold out for a more suitable attorney general. Republicans also have reason to oppose this nomination. At the confirmation hearings, Senator LINDSEY GRAHAM, Republican of South Carolina, warned that the administration's flawed legal policies and mistreatment of detainees had hurt the country's standing and "dramatically undermined" the war on terror. Given the stakes in that war, senators of both parties should want an attorney general who does not come with this nominee's substantial shortcomings.

[From the Washington Post, Jan. 26, 2005]

A DEGRADING POLICY

Alberto R. Gonzales was vague, unresponsive and misleading in his testimony to the Senate Judiciary Committee about the Bush administration's detention of foreign prisoners. In his written answers to questions from the committee, prepared in anticipation of today's vote on his nomination as attorney general, Mr. Gonzales was clearer—disturbingly so, as it turns out. According to President Bush's closest legal adviser, this administration continues to assert its right to indefinitely hold foreigners in secret locations without any legal process; to deny them access to the International Red Cross; to transport them to countries where torture is practiced; and to subject them to treatment that is "cruel, inhumane or degrading," even though such abuse is banned by an international treaty that the United States has ratified. In effect, Mr. Gonzales has confirmed that the Bush administration is violating human rights as a matter of policy.

Mr. Gonzales stated at his hearing that he and Mr. Bush oppose "torture and abuse." But his written testimony to the committee makes clear that "abuse" is, in fact, permissible—provided that it is practiced by the Central Intelligence Agency on foreigners held outside the United States. The Convention Against Torture, which the United States ratified in 1994, prohibits not only torture but "cruel, inhumane or degrading treatment." The Senate defined such treatment as abuse that would violate the Fifth, Eighth or 14th amendments to the Constitution—a standard that the Bush administration formally accepted in 2003.

But Mr. Gonzales revealed that during his tenure as White House counsel, the administration twisted this straightforward standard to make it possible for the CIA to subject detainees to such practices as sensory deprivation, mock execution and simulated drowning. The constitutional amendments, he told the committee, technically do not apply to foreigners held abroad; therefore, in the administration's view the torture treaty does not bind intelligence interrogators operating on foreign soil. "The Department of Justice has concluded," he wrote, that "there is no legal prohibition under the Convention Against Torture on cruel, inhuman or degrading treatment with respect to aliens overseas."

According to most legal experts, this is a gross distortion of the law. The Senate cited the constitutional amendments in ratifying the treaty precisely to set a clear standard that could be applied to foreigners. Nevertheless, Mr. Gonzales uses this false loophole to justify practices that contravene fundamental American standards. He was asked if there were any legal prohibition against U.S. personnel using simulated drowning and mock executions as well as sleep deprivation, dogs to inspire fear, hooding, forced nudity, the forced injection of mood-altering drugs and the threat of sending a detainee to another country for torture, among other abuses. He answered: "Some might . . . be permissible in certain circumstances."

This is not a theoretical matter. The CIA today is holding an undetermined number of prisoners, believed to be in the dozens, in secret facilities in foreign countries. It has provided no account of them or their treatment to any outside body, and it has allowed no visits by the Red Cross. According to numerous media reports, it has subjected the prisoners to many of the abuses Mr. Gonzales said "might be permissible." It has practiced such mistreatment in Iraq, even though detainees there are covered by the Geneva Conventions; according to official investigations by the Pentagon, CIA treatment of prisoners there and in Afghanistan contributed to the adoption of illegal methods by military interrogators.

In an attempt to close the loophole, Sen. RICHARD J. DURBIN (D-Ill.), Sen. JOHN MCCAIN (R-Ariz.) and Sen. JOSEPH I. LIEBERMAN (D-Conn.) sought to attach an amendment to the intelligence reform legislation last fall specifying that "no prisoner shall be subject to torture or cruel, inhumane or degrading treatment or punishment that is prohibited by the Constitution, laws or treaties of the United States." The Senate adopted the provision unanimously. Later, however, it was stripped from the bill at the request of the White House. In his written testimony, Mr. Gonzales affirmed that the provision would have "provided legal protections to foreign prisoners to which they are not now entitled." Senators who supported the amendment consequently face a critical question: If they vote to confirm Mr. Gonzales as the government's chief legal authority, will they not be endorsing the systematic use of "cruel, inhumane and degrading" practices by the United States?

Mr. LEAHY. Mr. President, today we are beginning the debate on the nomination of Alberto Gonzales to be Attorney General of the United States.

When I first heard of this nomination last November, I was hopeful. I saw this nomination as a chance for some long missing accountability on some of the most pressing issues facing our Nation. I noted at the time that I like and respect Judge Gonzales. I met with him soon after his designation and wrote to him, following up on that meeting, to inform him in advance of his confirmation hearing about issues that would be raised about several key issues. I listened carefully to him during our confirmation hearing.

The road he has traveled from being a 12-year-old boy selling soft drinks at football games, all the way to the State House in Texas and to the White House, is a tribute to him and to his family. In spite of our disagreements on issues, I have sought to maintain a cordial personal working relationship with Judge Gonzales during his years as President Bush's counsel. As Senator KENNEDY has said, I dearly wish that we could vote for that compelling story, and not for the nominee whose record is before us. In my case, I will vote based on the record.

It saddened me to call Judge Gonzales last week and tell him that I could not in good conscience vote to confirm his nomination to be Attorney General, the chief law enforcement officer of the Nation. He is not the person for this job.

My reasons for voting against Judge Gonzales arise from the need for accountability and derive from the nominee's involvement in the formulation of a number of policies that have tarnished our country's moral leadership in the world and put American soldiers and American citizens at greater risk.

When President Bush announced this nomination he said that he chose Judge Gonzales because of his "sound judgment" and role in shaping the Administration's policies in the war on terrorism. Based on the glimpses of secret policy formulations and legal rationales that have come to light, I believe his judgments not to have been sound. On the contrary, several of this Administration's legal policies have been exceedingly harmful to our national interests.

As Attorney General, the nominee's judgment about our laws would be of enormous consequence.

This is a different type of Cabinet position than many others. In many Cabinet positions, such as the Secretary of State, the Secretary of Treasury, and others, the Cabinet member states the President's position. They state the President's position and carry out the President's policies. The Attorney General is different. The Attorney General is not the Attorney General of the President; he is the Attorney General of the United States. This is a position where the cabinet member has enormous flexibility to carry out decisions—to bring prosecution or withhold it, to begin an investigation or to withhold an investigation, to determine to go into a place where he believes there may have been a voting rights violation or to say there is none. This individual must be independent of the President.

Judge Gonzales has championed policies that are in fundamental conflict with decades of laws, sound military practice, international law, and human rights. He remained silent for almost 2 years about a deeply flawed and legalistic interpretation of our Nation's torture statute. He also accepted a patently erroneous interpretation of the torture convention and apparently believes that the President, when acting as Commander in Chief, is above the law.

When I asked Judge Gonzales if he agreed with the Bybee memo's very narrow reading of the law, he replied: "I don't recall today whether or not I was in agreement with all of the analysis, but I don't have a disagreement with the conclusions then reached by the Department." This is the memo which concludes that "physical pain amounting to torture must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death." Even the Justice Department repudiated this legal memorandum, once it became public.

Under his restrictive redefinition such practices as threatening a prisoner with a firearm in a mock execution, "waterboarding" a person to make him experience the suffocating effects of drowning, and, as Senator KENNEDY noted, perhaps even cutting off a person's fingers one joint at a time would not amount to "torture." But surely we consider these practices torture when done to a member of the U.S. military or to an American citizen.

How can we, the greatest Nation on Earth, stand up and say such acts are not torture if committed against foreign detainees?

Perhaps most disturbing of all as a legal matter is the nominee's positing of the President as above the law. Nothing is more fundamental about our constitutional democracy than our basic notion that no one is above the law. Yet at his June 2004 news conference and again in his testimony before the Judiciary Committee he indicated that he views the President to have the power to override our law and, apparently, to immunize others to perform what would otherwise be unlawful acts. This is about as extreme a view of executive power as I have ever heard. I believe it is not only dead wrong as a constitutional matter but extremely dangerous. The rule of law applies to the President, even this President.

From the time of George Washington to George W. Bush, we have always maintained that in our Nation no one is above the law—not the President, not a Senator, not a judge, not anyone in our country.

Ironically, it was the administration of this President's father that urged the Senate to ratify the torture convention. It did so to make clear that the United States condemns torture and to protect Americans from this barbaric practice. But if the U.S. President does not feel bound by the torture convention, then neither will other foreign leaders.

Ultimately, the Attorney General's duty is to uphold the Constitution and the rule of law—not to work to circumvent it. Both the President and the nation are best served by an Attorney General who gives sound legal advice and takes responsible action, without regard to political considerations—not one who develops legalistic loopholes to serve the ends of a particular administration.

The Attorney General appointed by the President's father remarked: "Nothing would be so destructive to the rule of law as to permit purely political considerations to overrun sound legal judgment." Judge Gonzales demonstrates a lack of independence from the President, something that we cannot have in the chief law enforcement officer in the nation. He cannot interpret our laws to mean whatever the President wants them to mean. To do so would deny us the constitutional protections upon which this nation was founded. The Attorney General is supposed to represent all of the American people, not just one of them.

We have seen what happens when the rule of law plays second fiddle to the President's political agenda. This Administration has taken one untenable legal position after another regarding the rule of law in the war against terror. It will not admit to making mistakes. It takes action only after mistakes are made public and become politically indefensible.

Given the Republican Party's leadership in Congress, the Federal courts have provided what little check there has been on this President's claim of unfettered Executive power. The Congress has failed to do any real oversight of that use of power.

Judge Gonzales's nomination initially seemed like a breath of fresh air. I have noted how much I personally like him. I think most people do. But as I told the nominee when we met within days of the announcement of his nomination, these confirmation proceedings matter. The proceedings matter because it is the responsibility of this Senate to explore Judge Gonzales's judgment and actions in connection with the tragic legal and policy changes formulated in secret by this administration and still cloaked from congressional oversight and public scrutiny. Part of it is the fault of the Congress which has not conducted vigorous oversight, but a large part of this problem is due to an administration that has not answered the questions asked by both Republicans and Democrats.

America's troops and citizens are at greater risk because of those actions and their terrible repercussions throughout so much of the world. America's moral standing and leadership have been undercut. The searing photographs of Abu Ghraib have made it harder to create and maintain the alliances we need to prevail against the vicious terrorists who threaten us, including those who struck America 9 months into this President's first term.

Those abuses at Abu Ghraib have served as recruiting posters for the terrorists. That is why this process matters. The confirmation process shows that on the question of judgment, Judge Gonzales is the wrong man for this job.

After his recent inaugural address, I praised President Bush for the eloquent words he said about the United States' historic support for freedom. But to be true to that vision, we need a government that leads the way in upholding human rights, not one that secretly develops legalistic rationalizations for circumventing human rights.

To reclaim our moral leadership in the world, and to become a true messenger of hope instead of a source of resentment, we need to acknowledge wrongdoing and show accountability for mistakes that have been made.

We have seen departures from our country's honorable traditions, practices, and established law in the use of torture, originating at the top ranks of authority and emerging at the bottom. At the bottom of the chain of command, we have seen a few courts martial. But at the top, we have seen medal ceremonies, pats on the backs, and promotions.

Between these two dissonant images, there is a growing accountability gap. The administration's handling of this confirmation process, which could have helped to narrow the gap, has served to widen it.

I believe in redemption in public life, as in spiritual life, but to get to redemption, first there has to be accountability. This administration has a large and growing accountability deficit. Judge Gonzales, who could have become a part of the solution, remains a part of the problem.

Now more than ever we need an Attorney General to serve all Americans. There is much that has gone wrong that this administration has stubbornly refused to admit or correct. For this democratic Republic to work, we need greater openness and accountability. It is with those critical considerations in mind that I must vote against this nomination.

I believe under the earlier order, the Senator from California is now going to be recognized.

The PRESIDING OFFICER. Under the previous order, the Senator from California is recognized.

Mr. HATCH. Mr. President, reserving the right to object, and I will not object.

The PRESIDING OFFICER. The unanimous consent has already been agreed to.

Mr. HATCH. I understand. I ask unanimous consent that I immediately follow the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Then, Mr. President, I ask unanimous consent that following Senator HATCH, Senator SCHUMER be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I understand we are coming back at 2:15 p.m. after the caucuses?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I ask unanimous consent that we lock in 10 minutes at 2:15 p.m. for the Senator from Maryland, Ms. MIKULSKI.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. That will be agreeable.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. I thank the distinguished senior Senator from Pennsylvania, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the ranking member.

I rise today to explain why I deeply regret I cannot vote to confirm Alberto Gonzales to be the next Attorney General.

I believe as a general rule the President is entitled to the Cabinet of his choice. But one Department, the Department of Justice, always deserves special attention from Congress because it does not exist solely to extend the President's policies.

Though the Attorney General serves under the President, he must independently interpret the laws as written by Congress and be truly the country's chief law enforcement officer.

I cannot emphasize this enough. The Department of Justice must be independent from the White House. The FBI must be independent. The U.S. attorneys must be independent. The Criminal Law Division, the Environmental Law Division, the Civil Law Division must all be independent. The Solicitor General's Office, which argues before the Supreme Court, must be independent. The Office of Legal Counsel, which is charged with interpreting the law of the executive branch, must be independent. The Civil Rights Division must be independent.

These departments are charged with nothing less than following, interpreting, and implementing the law of the United States of America. The Department of Justice is in charge of defending the Nation in court. It is in charge of advising the rest of the Government about what the law means. It is in charge of overseeing the investigations of the FBI, and it is in charge of deciding when to prosecute criminals and send them to prison. This is obviously a big portfolio.

The head of the Department of Justice is the chief law enforcement officer of the United States. As such, the Attorney General is in charge of 59 separate divisions within the Department of Justice, which cover more than 110,000 employees. In my view, before we vote to confirm to put someone in charge of all this awesome power—and it truly is awesome—it is important for us to know what that individual thinks about the major policies the Department will be implementing. And that is where I have been disappointed by the confirmation process for Judge Gonzales.

When President Bush nominated Judge Gonzales, I think many of us were prepared to give him the benefit of the doubt. But the hearings crystallized how little we knew about his own policy views, how little we knew about his qualities for leadership, his policy views, his management style, his strength of character, and his personal beliefs in those areas where he sets the tone and the policy. I think this was a great missed opportunity.

John Ashcroft served 6 years in the Senate. We knew his service on the Judiciary Committee. We knew about his views. One could decide about his personal views, yes or no. Judge Gonzales has spent so many years serving President George Bush. If confirmed, this will be the fifth job George Bush appointed Judge Gonzales to over the past decade. The hearings were his first real opportunity to show his own views. I think this is why the hearing process became so important in many of our views.

This was a crucial opportunity for Judge Gonzales. Many of us were prepared to vote for him. If there is a single issue that defines this confirmation process, it is what Judge Gonzales thinks about torture and brutal interrogation practices.

He reminded us again and again that both he and the President condemn torture. But as we know from the Bybee memo of August 2002, for at least 2 years, the Federal Government followed a definition of torture that was excessively narrow. In fact, it was considered so incorrect that the Department of Justice revoked it on the eve of Judge Gonzales' hearing.

That memo defined torture as:

> Equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death.

For me, in addition to its clear legal and moral importance, the issue of torture became the main way for assessing this next Attorney General. And it was very important for him to state in unambiguous terms what he thought. It was as important a way for us to assess how he approaches a problem as any.

In his opening statement, Judge Gonzales offered a clear, absolute condemnation of torture. He said flatly:

> Torture and abuse will not be tolerated by this administration.

At this point, at the beginning of his testimony, there were no ifs, ands, or buts. But after that, his testimony, both verbal and in writing, was full of ambiguities. It seemed intended not to make his views clear, but to shield his views, and it seemed to narrow the definition of what counts as torture.

For instance, at the hearing, at one point, Judge Gonzales told Senator LEAHY, our ranking member, "I reject that opinion," referring to the Bybee opinion. But at another point in the hearing, he told the same Senator, Senator LEAHY:

> I don't have a disagreement with the conclusions then reached by the department.

Those statements are clearly in conflict, and leave me with no idea what he thinks about the Bybee memo.

I also note that Judge Gonzales clearly did not do everything he might have done to try to answer the questions put to him.

In his written testimony, especially to Senator KENNEDY, Judge Gonzales refused to provide the answers or the documents requested. He even refused to conduct a search that would have refreshed his memory.

Let me quote the multiple times Judge Gonzales refused to answer Senator KENNEDY's questions, and these are all quotes:

> I do not know what notes, memoranda, e-mails or other documents others may have about these meetings, nor have I conducted a search.

Point 2:

> I have no such notes, and I have no present knowledge of such notes, memoranda, e-mail, or other documents and I have not conducted a search.

Point 3:

> I have no present knowledge of any nonpublic documents that meet that description. However, I have conducted no search.

Point 4:

> I have no present knowledge that there are any documents of the sort requested in the question, although I have not conducted an independent search for such documents.

Point 5:

> I have no present knowledge of any such documents or materials, although I have not conducted a search.

Point 6:

> I have no present knowledge of any such records, although I have not conducted a search.

The last formulation he repeated in two additional instances.

These are not adequate answers to satisfy the nomination process for the confirmation of a person to be the next Attorney General, nor do they bode well for the Judiciary Committee's and this Congress's oversight responsibilities for the Department of Justice.

Judge Gonzales also refused to provide many documents that we requested. In specific, I asked him to provide me with a copy of the final version of his January 2002 memo to the President. That is very important because earlier memos that he had written were different. It was important, if this was his final opinion, that we have an opportunity to look at it, because that opinion was definitive and dispositive.

The January memo is a well known one, where he wrote that the war on terror "renders obsolete Geneva's strict limitations on questioning of enemy prisoners." If that was only a draft, as he said, as he had emphasized, then I believe it is imperative for us to see the final version, and he refused me that opportunity. He wouldn't provide the memo, saying the White House had declined to allow it.

To tell you the truth, because of the prior history, that simply is not good enough for me.

Also of importance in the questions that he did answer, he seemed to continually narrow, again, the definition of torture. I saw this as a retreat from his original condemnation of torture and abuse and I thought it showed that he was trying more to defend the President's policies than to demonstrate his own views.

That, in my view, is the nub of the problem. Here he was no longer the President's man, he was going to be the chief law enforcement officer, independent, head of 110,000 people, with all kinds of major departmental responsibilities—environmental law, civil rights law, the Solicitor General, as I stated earlier in my remarks. I saw this narrowing as a retreat from his original condemnation of torture and abuse, and I thought it showed that he was trying, again, more to defend the President than to talk for himself. Let me give an example.

At the hearing he told Senator DURBIN that even under the laws implementing the Convention Against Torture:

> aliens interrogated by the United States outside the United States enjoy no substantive rights under the 5th, 8th, and 14th Amendments.

If this is Judge Gonzales's view, it is a significant gap in the prohibition against abuse.

I gave him the opportunity to clarify this issue. In written testimony he confirmed the thrust of the answer, stating to me:

> There is no legal prohibition under the Convention Against Torture on cruel, inhuman or degrading treatment with respect to aliens overseas.

In another written question, I asked Judge Gonzales to specify his own views again on specific harsh interrogation methods. I wrote to him:

> Putting aside legal interpretations, in your own personal opinion, should the United States use forced nudity, the threatening of detainees with dogs, or "water-boarding" when interrogating detainees?

That was my question in writing. He began his answer by stating:

> I feel that the United States should avoid the use of such harsh methods of questioning if possible.

I was asking for a statement by the man. "If possible" is a major loophole, and I truthfully don't know what it means. I don't know how big that loophole is intended to be.

As I was reviewing the correspondence, I was struck, in particular, by a letter that the committee received from a group of 12 esteemed former military leaders—generals, admirals, even a former chairman of the Joint Chiefs of Staff.

This letter was signed by Brigadier General David M. Brahms, Retired, U.S. Marine Corps; Brigadier General James Cullen, Retired, U.S. Army; Brigadier General Evelyn P. Foote, Retired, U.S. Army; Lieutenant General Robert Gard, Retired, U.S. Army; Vice Admiral Lee F. Gunn, Retired, U.S. Navy; Rear Admiral, Retired, U.S. Navy; General Joseph Hoar, Retired, U.S. Marine Corps; Rear Admiral John D. Hutson, Retired, U.S. Navy; Lieutenant General Claudia Kennedy, Retired, U.S. Army; General Merrill McPeak, Retired, U.S. Air Force; Major General Melvyn Montano, Retired, U.S. Air Force National Guard; and General John Shalikashvili, former Chairman of the Joint Chiefs of Staff.

Let me paraphrase the letter. They write as retired military professionals in the U.S. Armed Forces to express their deep concern about the nomination of Alberto Gonzales and they urge us in the hearing to detail his views concerning the role of the Geneva Conventions in U.S. detention and interrogation policy and practice. They go on to say:

> Mr. Gonzales appears to have played a significant role in shaping U.S. detention operations. . . . It is clear that these operations have fostered greater animosity toward the United States, undermined our intelligence gathering efforts, and added to the risks facing our troops around the world.

They then talk about the memo Judge Gonzales wrote to the President on January 25, 2002, advising him the Geneva Conventions don't apply to the conflict then underway in Afghanistan. They say more broadly that he wrote the war on terrorism presents a new paradigm that renders obsolete the Geneva protections.

Then they go on to say, and I think this is important:

> The reasoning Mr. Gonzales advanced in this memo was rejected by many military leaders at the time, including Secretary of State Colin Powell who argued that abandoning the Geneva Conventions would put our soldiers at greater risk, would "reverse over a century of U.S. policy and practice in supporting the Geneva Conventions," and would "undermine the protections of the rule of law for our troops, both in this specific conflict [Afghanistan] and in general."

That is a huge problem out there because at best, these hearings and the written questions and answers which are voluminous are really unable to clarify any of the positions of Alberto Gonzales, the man. Alberto Gonzales, head of one of the largest and most powerful agencies of the American

Government, the U.S. Department of Justice.

We look at the Department of Justice one way, but most Americans look at it as being a major citadel of power in the United States. And on occasion, we have seen that power exercised. If you are going to set the policy, if you are going to set the tone, if you are going to be the head of this Department, I want to know what you as a man, or as a woman, think, and particularly at this time.

Yes, it is clear that the problems we will face in the future are most likely to be with respect to non-state actors, and with respect to torture, which I am speaking about now. Therefore, it is extraordinarily important to know what this man thinks. If you ask me today, despite the hearings, despite 200 pages of questions and answers, I cannot really tell you. I cannot really be sure that if the White House says one thing, the head of the Department of Justice would be willing to stand up and say another. I just do not know, based on the past jobs he has had and his past performance, if he is prepared to be independent.

I have to say to this body that is important. Every one of us knows that Janet Reno was an independent Attorney General. I do not know that Alberto Gonzales will be. I don't know his management style. I don't know the vision he has for this Department. I don't know the goals he would set.

I know he is an extension of the President. I know that he can legally enable the President. I know he gives the President advice, and I think much of that advice has brought us into a terrible place where our military could well in the future be jeopardized.

I am one, frankly, who believes the Military Code of Justice has stood the U.S. military in good stead. I am one who believes the Geneva Convention—the Convention Against Torture—is the right thing. I am one who believes we should follow those, even in this non-state war.

I want to comment on one other issue, and then I will yield the floor.

I think Judge Gonzales is going to be confirmed. He is a talented lawyer and has a compelling life story. I certainly want to work with him.

I want to say one thing about some who may say this is a qualified Hispanic, and indeed he is. Nobody should think that the Hispanic community is unified on this nomination. I will put into the Record, if I may, letters from the Congressional Hispanic Caucus, certain editorials from newspapers, the statement of the Mexican-American Legal Defense and Education Fund, a statement of the Mexican-American Political Association, a letter from Major General Melvyn Montano, and other letters.

I ask unanimous consent to have them printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

ALBUQUERQUE, MN,
January 25, 2005.

Hon. MEMBERS OF THE COMMITTEE ON THE JUDICIARY,
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATORS: I am writing to urge that you reject the nomination of Alberto Gonzales for Attorney General. I understand that some Hispanic groups support Judge Gonzales' nomination and have urged you to confirm him. I write, as a Hispanic and as a military officer and veteran, to offer a different perspective.

I know what it feels like to be the first Hispanic named to an important leadership position in this country. I was the first Hispanic Air National Guard officer appointed as an adjutant general in the United States. I am a Vietnam veteran and served 45 years in the military, including 18 years in a command position. I welcome the prospect of more Hispanics serving in leadership positions in the government, and I respect Judge Gonzales' inspiring personal story. But I reject the notion that Hispanics should loyally support the nomination of a man who sat quietly by while administration officials discussed using torture against people in American custody, simply because he is one of our own.

I was among 12 retired Admirals and Generals, including former Chairman of the Joint Chiefs of Staff, General John Shalikashvili (Ret. USA), who wrote to you urging that you closely examine Judge Gonzales' role in setting U.S. policy on torture during his confirmation hearing.

At that hearing, Judge Gonzales did not allay concerns about his record. To the contrary, his evasiveness and memory lapses raised even more concerns. Judge Gonzales continues to maintain he can't remember how the infamous torture memo was generated. He has refused to explain the language in his own memo which implied that rejecting the applicability of the Geneva Conventions would insulate U.S. personnel from prosecution for war crimes they might "need" to commit. And he asserts that the Convention Against Torture's prohibition on cruel and inhuman treatment doesn't apply to aliens overseas.

In my view, these positions put our service men and women—already facing enormous danger—at even greater risk. In my capacity as Major General of the National Guard, I oversaw 4,800 National Guard personnel. When I think about how many of our troops fighting in Iraq today are drawn from the National Guard, it angers me that the danger they face has been increased as a result of the policies Judge Gonzales has endorsed. I wonder, if Judge Gonzales' children grow up to serve in the military, would he be so cavalier in dismissing the Geneva Conventions as obsolete?

Some have cynically suggested that Americans who question Judge Gonzales' record on these issues do so because they are anti-Hispanic. I reject this view. My own concerns about Judge Gonzales' fitness to serve as Attorney General grow from a deep respect for American values and the rule of law. Judge Gonzales should be evaluated on his record, not his ethnicity. On the basis of that record, I urge you to reject his nomination.

Sincerely,

MELVYN MONTANO,
Major General (Ret.),
Air National Guard.

AN OPEN LETTER TO THE SENATE JUDICIARY COMMITTEE

Hon. MEMBERS OF THE SENATE JUDICIARY,
U.S. Senate, Committee on the Judiciary, Dirksen Senate Office Building, Washington, DC.

DEAR SENATOR: We, the undersigned, are retired professional military leaders of the U.S. Armed Forces. We write to express our deep concern about the nomination of Alberto R. Gonzales to be Attorney General, and to urge you to explore in detail his views concerning the role of the Geneva Conventions in U.S. detention and interrogation policy and practice.

During his tenure as White House Counsel, Mr. Gonzales appears to have played a significant role in shaping U.S. detention and interrogation operations in Afghanistan, Iraq, Guantanamo Bay, and elsewhere. Today, it is clear that these operations have fostered greater animosity toward the United States, undermined our intelligence gathering efforts, and added to the risks facing our troops serving around the world. Before Mr. Gonzales assumes the position of Attorney General, it is critical to understand whether he intends to adhere to the positions he adopted as White House Counsel, or chart a revised course more consistent with fulfilling our nation's complex security interests, and maintaining a military that operates within the rule of law.

Among his past actions that concern us most, Mr. Gonzales wrote to the President on January 25, 2002, advising him that the Geneva Conventions did not apply to the conflict then underway in Afghanistan. More broadly, he wrote that the "war on terrorism" presents a "new paradigm [that] renders obsolete Geneva's" protections.

The reasoning Mr. Gonzales advanced in this memo was rejected by many military leaders at the time, including Secretary of State Colin Powell who argued that abandoning the Geneva Conventions would put our soldiers at greater risk, would "reverse over a century of U.S. policy and practice in supporting the Geneva Conventions," and would "undermine the protections of the rule of law for our troops, both in this specific conflict [Afghanistan] and in general." State Department adviser William H. Taft IV agreed that this decision "deprives our troops [in Afghanistan] of any claim to the protection of the Conventions in the event they are captured and weakens the protections afforded by the Conventions to our troops in future conflicts." Mr. Gonzales's recommendation also ran counter to the wisdom of former U.S. prisoners of war. As Senator John McCain has observed: "I am certain we all would have been a lot worse off if there had not been the Geneva Conventions around which an international consensus formed about some very basic standards of decency that should apply even amid the cruel excesses of war."

Mr. Gonzales's reasoning was also on the wrong side of history. Repeatedly in our past, the United States has confronted foes that, at the time they emerged, posed threats of a scope or nature unlike any we had previously faced. But we have been far more steadfast in the past in keeping faith with our national commitment to the rule of law. During the Second World War, General Dwight D. Eisenhower explained that the allies adhered to the law of war in their treatment of prisoners because "the Germans had some thousands of American and British prisoners and I did not want to give Hitler the excuse or justification for treating our prisoners more harshly than he already was doing." In Vietnam, U.S. policy required that the Geneva Conventions be observed for all enemy prisoners of war—both North Vietnamese regulars and Viet Cong—even though the Viet Cong denied our own prisoners of war the same protections. And in the 1991 Persian Gulf War, the United States afforded Geneva Convention protections to more than 86,000 Iraqi prisoners of war held in U.S. custody. The threats we face today—while grave and complex—no more warrant abandoning these basic principles than did the threats of enemies past.

Perhaps most troubling of all, the White House decision to depart from the Geneva Conventions in Afghanistan went hand in hand with the decision to relax the definition of torture and to alter interrogation doctrine accordingly. Mr. Gonzales's January 2002 memo itself warned that the decision not to apply Geneva Convention standards "could undermine U.S. military culture which emphasizes maintaining the highest standards of conduct in combat, and could introduce an element of uncertainty in the status of adversaries." Yet Mr. Gonzales then made that very recommendation with reference to Afghanistan, a policy later extended piece by piece to Iraq. Sadly, the uncertainty Mr. Gonzales warned about came to fruition. As James R. Schlesinger's panel reviewing Defense Department detention operations concluded earlier this year, these changes in doctrine have led to uncertainty and confusion in the field, contributing to the abuses of detainees at Abu Ghraib and elsewhere, and undermining the mission and morale of our troops.

The full extent of Mr. Gonzales's role in endorsing or implementing the interrogation practices the world has now seen remains unclear. A series of memos that were prepared at his direction in 2002 recommended official authorization of harsh interrogation methods, including waterboarding, feigned suffocation, and sleep deprivation. As with the recommendations on the Geneva Conventions, these memos ignored established U.S. military policy, including doctrine prohibiting "threats, insults, or exposure to inhumane treatment as a means of or aid to interrogation." Indeed, the August 1, 2002 Justice Department memo analyzing the law on interrogation references health care administration law more than five times, but never once cites the U.S. Army Field Manual on interrogation. The Army Field Manual was the product of decades of experience—experience that had shown, among other things that such interrogation methods produce unreliable results and often impede further intelligence collection. Discounting the Manual's wisdom on this central point shows a disturbing disregard for the decades of hard-won knowledge of the professional American military.

The United States' commitment to the Geneva Conventions—the laws of war—flows not only from field experience, but also from the moral principles on which this country was founded, and by which we all continue to be guided. We have learned first hand the value of adhering to the Geneva Conventions, and practicing what we preach on the international stage. With this in mind, we urge you to ask of Mr. Gonzales the following:

(1) Do you believe the Geneva Conventions apply to all those captured by U.S. authorities in Afghanistan and Iraq?

(2) Do you support affording the International Committee of the Red Cross access to all detainees in U.S. custody?

(3) What rights under U.S. or international law do suspected members of Al Qaeda, the Taliban, or members of similar organizations have when brought into the care or custody of U.S. military, law enforcement, or intelligence forces?

(4) Do you believe that torture or other forms of cruel, inhuman and degrading treatment—such as dietary manipulation, forced nudity, prolonged solitary confinement, or threats of harm—may lawfully be used by U.S. authorities so long as the detainee is an "unlawful combatant" as you have defined it?

(5) Do you believe that CIA and other government intelligence agencies are bound by the same laws and restrictions that constrain the operations of the U.S. Armed Forces engaged in detention and interrogation operations abroad?

Signed,

Brigadier General David M. Brahms (Ret. USMC).

Brigadier General James Cullen (Ret. USA).

Brigadier General Evelyn P. Foote (Ret. USA).

Lieutenant General Robert Gard (Ret. USA).

Vice Admiral Lee F. Gunn (Ret. USN).

Admiral Don Guter (Ret. USN).

General Joseph Hoar (Ret. USMC).

Rear Admiral John D. Hutson (Ret. USN).

Lieutenant General Claudia Kennedy (Ret. USA).

General Merrill McPeak (Ret. USAF).

Major General Melvyn Montano (Ret. USAF Nat. Guard).

General John Shalikashvili (Ret. USA).

Resolution Opposing The Appointment of Alberto Gonzales To Be Attorney General of the United States by the Mexican American Bar Association of Ventura County

Whereas, the Mexican American Bar Association of Ventura County was formed in 1980 and is composed of attorney members and auxiliary members who for the past 25 years have promoted access to justice for all, respect for the rule of law, equal protection and due process of law.

Whereas, under other circumstances, the Mexican American Bar Association of Ventura County would have been proud to endorse and applaud the nomination of a fellow Mexican American attorney to the highest law enforcement position in our country; and so it is with sadness and regret, that our organization finds itself in strong opposition to the nomination of Mr. Alberto Gonzales, White House Counsel for United States Attorney General.

Whereas, Alberto Gonzales, has rendered opinions proposing that the United States of America and our sitting president George W. Bush, can disregard the Geneva Convention; to wit, Mr. Gonzales advised the President in a January 2002 memorandum that the Geneva Convention did not apply to detainees at Guantanamo Bay, Cuba. This opinion has been roundly criticized and been condemned in our country and around the world, including by members of the State and Defense Departments, as well as U.S. Military lawyers, fearing that this policy would undermine respect for U.S. Law and International law, exposing the United States' own military service members to torture and abuse.

Whereas, it is now well known that at various military detention centers at Guantanamo Bay, Cuba, in Afghanistan, in Iraq, including Abu Ghraib prison, detainees were subjected to cruel, humiliating, degrading treatment and torture, leading to the injury and even death of detainees, by U.S. Military officers and civilian contractors operating under the auspices of the United States Department of Defense.

Whereas, Mr. Gonzales authored memos that condoned the Use of Torture, by relaxing the definition of torture, describing the prohibition contained in the Geneva Convention as "quaint" and "obsolete", permitting and thereby causing our nation to be shamed and disrespected, and these "opinions" have contributed to the our country's loss of the good will and the respect of a significant segment of the people and countries of the world.

Whereas, Mr. Gonzales, advised the President that he was empowered to order the detention of anyone, citizen or non-citizen for indefinite periods of time, without charges being presented, without access to counsel or to an impartial tribunal, thus violating the most sacred requirements of due process of law enshrined in the U.S. Constitution. This position was later rejected by the U.S. Supreme Court in the case of Rasul vs. Bush, in July of 2004, upholding the principle that no one is beyond the reach of the law and judicial scrutiny.

Whereas, it is documented that Mr. Alberto Gonzales, as Counsel to Governor George W. Bush of Texas, also failed to provide Governor Bush with adequate information to properly review clemency requests by prisoners on death row, that might have compelled commutation of the death penalty or further judicial review, and thus failed in his duty to act as competent counsel to his client and to the People of the State of Texas.

Whereas, Mr. Alberto Gonzales by his actions and legal opinions rendered throughout his career in public positions and in his current position as White House Counsel, has violated his obligation to support the stated mission of lawyers in the United States and specifically the mission of the State Bar of Texas, his home state, which is to "support the administration of the legal system, assure to all the equal access to justice, foster high standards of ethical conduct for lawyers, "and educate the public about the rule of law," be it therefore

Resolved, That the Mexican American Bar Association of Ventura County strongly opposes the confirmation of Alberto Gonzales to the position of United States Attorney General, and furthermore, strongly urges California's Senators Diane Feinstein and Barbara Boxer, as well as all other members of the United States Senate to vote against the confirmation of Mr. Gonzales based upon his demonstrated poor judgment in legal matters and his lack of commitment to the rule of law and the Constitution of the United States of America.

MALDEF Statement on the Likely Confirmation of White House Counsel Alberto Gonzales to the Position of United States Attorney General

MALDEF, the nation's premier Latino civil rights organization, released a statement today regarding the likely confirmation of White House Counsel Alberto Gonzales to the Cabinet post of Attorney General. Below is the statement released today by Ann Marie Tallman, MALDEF President and General Counsel.

"The United States Attorney General upholds the laws that define the very democracy of our Nation. The Attorney General enforces all federal criminal and civil laws. The office holder has the responsibility to determine how to use Federal resources to prosecute violations of individual civil liberties and civil rights—such protective laws have profound impact on the daily lives of American citizens and those living in the United States. Finally, the Attorney General has the authority to appoint a special counsel to investigate and, if appropriate, prosecute matters when the Attorney General concludes that extraordinary circumstances exist such that the public interest would be best served by removing the matter from the Justice Department.

MALDEF acknowledges that Judge Alberto Gonzales can fulfill his duties as Attorney General as defined by the United States Constitution, the U.S. Code and various federal Statutes. Judge Gonzales' personal history is compelling. He has overcome significant obstacles to achieve his success. His past professional experience speaks to his capabilities. MALDEF remains encouraged that President Bush would make an historic appointment of such a diligent individual.

MALDEF acknowledges Judge Gonzales' adherence to precedent in the area of individual privacy rights as defined by the constitutional right to privacy. We also recognize his perspectives on diversity and equal opportunity in higher education and employment.

MALDEF is America's premier Latino civil rights Organization, and from this unique position, we have serious questions and concerns about Judge Gonzales' record in three important areas of the law. First, Judge Gonzales' public statements and past record demonstrate support and deference to our Federal Government's Executive branch. It will be imperative for the Attorney General to question and challenge unilateral exercise of executive authority when matters of constitutional concern and violations of our federal laws demand that the Attorney General protect individual civil liberties or civil rights. In addition, there remains a concern about Judge Gonzales' unique position and transition—from Counsel to the President of the United States to the United States Attorney General—and his ability to determine when to appoint a special counsel. There is a question whether Judge Gonzales can fairly and independently determine in a matter he previously gave advice to the President as the President's attorney, if a special counsel should be appointed. A possible inherent conflict of interest based upon his on-going attorney-client duties to the President may impede his ability to be independent.

Second, due process under the law is an important Constitutional protection. Judge Gonzales's past record in the Texas Death Penalty cases and his association with memoranda setting aside the application of international war conventions as applied to enemy combatants raises concerns about whether he may set aside constitutionally guaranteed due process protections in various domestic circumstances.

Third, the federal government has sole authority and responsibility to uphold our nation's immigration policies while working to keep our homeland safe and secure. MALDEF is concerned that Judge Gonzales, as Attorney General, may delegate such important federal civil and criminal immigration authority to state and local law enforcement already overburdened with responsibilities to protect and serve at the local level without the appropriate due process protections that must remain guaranteed at the federal level.

We acknowledge that Judge Gonzales is likely to be Confirmed as the next Attorney General of the United States and the first Latino to hold this important post. MALDEF stands ready to work with Judge Gonzales as he carries out his duties and continues his public service. However, because of our specific concerns regarding apparent primacy of executive authority; a potential conflict of interest in the transition from Counsel to the President to Attorney General in enforcing the special counsel law; setting aside due process protections; and, uncertainty about whether inherent authority exists at the state and local level to enforce federal immigration policy, MALDEF cannot support his confirmation.

CONGRESS OF THE UNITED STATES,
Washington, DC, January 26, 2005.

Hon. PATRICK J. LEAHY,
Ranking Member, Senate Judiciary Committee, Dirksen Senate Building, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY, As the Senate considers the nomination of Alberto Gonzales to be the next Attorney General of the United States, we, on behalf of the Congressional Hispanic Caucus (CHC), wish to inform you that the CHC has not endorsed Mr. Gonzales.

Since its inception almost three decades ago, the CHC has served to advance the interests of the Hispanic community, which includes promoting the advancement of Latinos into high levels of public office. We have taken this responsibility seriously, and have accordingly developed a process to evaluate candidates for positions in the executive branch of the federal government. Such a process is critical to determining which candidates seek to hold office to serve the public interest rather than to promote their own personal interest. Our process has enabled us to endorse many exceptional Hispanic candidates. During the past four years, the CHC has proudly endorsed many judicial and executive branch nominees selected by President George W. Bush.

One simple step in our process is a meeting with the nominee. Upon hearing of Mr. Gonzales' nomination for Attorney General, we invited him to meet with the CHC to provide him with the opportunity to meet our Members, discuss issues important to the Latino community, and to seek our endorsement. We were informed that he wanted our support and for the past two months, we made every attempt to accommodate his schedule. However, Mr. Gonzales ultimately chose not to avail himself of the courtesies we extended to him. We were last advised that Mr. Gonzales was simply too occupied with responding to written questions from the Senate Judiciary Committee and that we would instead have to wait to until after he was confirmed as Attorney General before being granted a meeting.

Let us be clear, our concern is not about whether the CHC is granted a meeting—it is about Mr. Gonzales' unwillingness to discuss important issues facing the Latino community. His answers to these questions would give our community the information needed to form an informed opinion of his nomination. With so little time left before a Senate vote on Mr. Gonzales' nomination, the Latino community continues to lack clear information about how the nominee, as Attorney General, would influence policies on such important topics as the Voting Rights Act, affirmative action, protections for persons with limited English proficiency, due process rights of immigrants, and the role of local police in enforcing federal immigration laws.

We are disappointed and surprised that Mr. Gonzales has refused to meet with the CHC during the confirmation process. Much has been said about the historic nature of Mr. Gonzales' nomination, as the first Hispanic to serve as U.S. Attorney General. However, the historic nature of this nomination is rendered meaningless for the Hispanic community when the nominee declines an opportunity to meet with the group of Hispanic Members of Congress who have worked for so many years to open the door of opportunity to fellow Hispanics. If he is not willing to meet with the CHC, how responsive can we expect him to be to the needs of the Hispanic community?

We provide you this information as the reason for our lack of endorsement of Mr. Gonzales.

Sincerely,

GRACE FLORES NAPOLITANO,
Chair, Congressional Hispanic Caucus.
ROBERT MENENDEZ,
Chair, CHC Nominations Task Force.
CHARLES A. GONZALEZ,
Chair, CHC Civil Rights Task Force.

Mrs. FEINSTEIN. Mr. President, in summary, I very much regret this, but I think the U.S. Department of Justice is a unique Department. I think whoever is the head of it has to stand on his own two feet, has to be totally independent of Congress, of the White House, and has to be willing to submit to rigorous oversight by the Senate, by the Judiciary Committee, and has to set a tone which enables the Department of Justice to function as a fair and independent voice of the American people, as its chief law enforcement officer.

I very much regret that I will vote no on this nomination.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER (Mr. BURR). The Senator from Utah.

Mr. HATCH. Mr. President, I have heard the remarks of my distinguished colleagues, and I want to say I have some grave disagreements with some of the things that have been said.

I rise in support of the President's nomination of Alberto Gonzales to be the next Attorney General of the United States.

We all know who Judge Gonzales is. Today is a remarkable day in our country's history and a momentous day for the American Hispanic community.

Today, we are considering the nomination of Judge Alberto Gonzales who, when confirmed, will become the first Hispanic-American Attorney General of the United States. That is very significant. He will be eighth in line of succession to the Presidency.

In 1988, President Ronald Reagan appointed the first Hispanic Cabinet member, Secretary of Education Lauro F. Cavazos. Two years later, President George Herbert Walker Bush continued to make history by appointing the first woman and first Hispanic Surgeon General of the United States, Antonia C. Novello. Dr. Novello used to work with me as a fellow before she succeeded Dr. Koop as Surgeon General of the United States.

Just last week, the Senate confirmed President Bush's nomination of Carlos Gutierrez as Secretary of Commerce. And today, President George W. Bush sets yet another first. As Chairman of the Republican Senatorial Hispanic Task Force, I am well aware of the significance of this appointment and this moment in our Nation's history. Every Hispanic American in this country is watching how this man is being treated today and throughout this debate as we discuss the nomination. This nomination is just that important.

I know Judge Gonzales's life story. It has been laid out many times in the media and was described during the confirmation hearing. This is a story that bears repeating in the Senate. He is an American success story. He shows that no matter where anyone comes from, in America, there is no limit on how far they can go.

As many Americans know, Judge Gonzales was the second of eight children. His father and two uncles built a small two-bedroom home with no running hot water in Humble, TX, where all 10 members of this family lived, a truly humble family. His parents had no more than a few years of elementary school education, and his father was a migrant worker. Growing up in a working poor household, his family never even had a telephone.

In a story familiar to many whose parents and grandparents were immigrants, his parents knew the importance of an education for their son. After serving honorably in the U.S. Air Force, Judge Gonzales became the first person in his family to go to college. He attended the Air Force Academy and graduated from Rice University and Harvard Law School. Since then, Judge Gonzales has worked at one of the finest law firms in Texas and this country, Vincent & Elkins, he served for 3 years as the general counsel for the Governor of Texas, served as secretary of state for the State of Texas, served as a justice on the Texas Supreme Court, and became as we all know, White House Counsel for President Bush.

Yet his resume tells only part of the story. His accomplishments include many professional and civic honors. He was voted the Latino Lawyer of the Year by the Hispanic National Bar Association. He was inducted into the Hispanic Scholarship Fund Alumni Hall of Fame. He has received various awards from Harvard and Rice Universities, the United Way, the United States-Mexico Chamber of Commerce, the League of United Latin American citizens, just to name a few. He has been a pillar of every community in which he has lived.

Despite these incredible personal achievements, Judge Gonzales remains one of the most unassuming, humble, and decent individuals I have ever had the privilege of meeting, let alone work with in government. I know firsthand that he is well qualified to be Attorney General of the United States, and I commend the President of the United States on his choice of such an outstanding individual.

I am not the only person to think this. Judge Gonzales has the support of the National Council of La Raza, one of the largest Hispanic organizations in the country. He has the support of the Hispanic National Bar Association, the Latino Coalition, the League of United Latin American Citizens, the National Association of Latino Leaders, Congressional Hispanic Conference, the United States Hispanic Chamber of Commerce, the Hispanic Alliance for Progress Institute, the National Association of Latino Elected and Appointed Officials, the National Association of Hispanic Publishers, Minority Business Roundtable, the Texas Association of Mexican American Chamber of Commerce, the Congress of Racial Equality, the Jewish Institute for National Security Affairs, the Fraternal Order of Police, the National District Attorneys Association, the FBI Agents Association, the Recording Industry Association of America—just to mention a few. Anyone who says he does not have the vast majority support of all Hispanics in this country and most all other people who understand decency and honor just do not know what they are talking about.

He has garnered support from both Democrats and Republicans. The former Secretary of Housing and Urban Development, under President Clinton, Henry Cisneros, wrote an article in the Wall Street Journal in January praising Judge Gonzales, and Senator KEN SALAZAR, the newly elected Democrat from Colorado, testified in favor of Judge Gonzales in our Judiciary Committee. I commend Senator SALAZAR for sharing his opinion of the nominee.

Judge Gonzales is also supported by the former Solicitor General of the United States of America, Ted Olson, as well as members of the Heritage Foundation, the conservative institution in Washington. The philosophical, religious, and ethnic diversity of this support speaks volumes of his qualifications.

Let me take a few minutes to read from some of these letters. Janet Murguia, president and CEO of the National Council of La Raza, the largest constituency-based Hispanic organization, has given a strong recommendation of Judge Gonzales.

> Not only is Judge Gonzales a compelling American success story, it is also clear that few candidates for this post have been as well qualified. He has served as Texas' secretary of state, as a member of the Texas Supreme Court, and as White House counsel, and has been deeply involved in his community throughout his life.
>
> We are encouraged that in response to questioning, Judge Gonzales agreed to review the Administration's positions on sentencing reform and articulated some reservations about the practice of "deputizing" local police to enforce immigration laws.
>
> If confirmed, Gonzales would be the first Hispanic attorney general and the first Latino to serve in one of the four major cabinet posts—Secretary of State, Treasury, Defense, and Attorney General.
>
> While we have had our policy differences with the Bush Administration, we are confident that Judge Gonzales is someone who will serve his country with distinction and who will also be accessible and responsive to the concerns of the Hispanic community. We urge the Senate Judiciary Committee and the U.S. Senate to confirm him as soon as possible.

She speaks for the vast majority of Hispanics in America.

Similarly, the Latino Coalition strongly supports Judge Gonzales. In a press release dated November 11, 2004, it states:

> Judge Gonzales is the perfect choice for the next U.S. Attorney General. The Judge has been an instrumental part of the legal efforts to boost the war on terrorism and keep America safe and secure, while upholding the highest standards in government ethics. Judge Gonzales brings to the Office of the U.S. Attorney General a distinguished legal record based on his many years of work in the public and private sector. He also brings a unique perspective and human experience understood only by those whose families have migrated to a foreign land with little resources and not knowing the language. It is for this cultural depth and his unique legal qualifications that we urge the Senate Judiciary Committee and all members of the U.S. Senate to put partisan politics aside so that Hispanics are no longer denied representation in this important post. . . . We have been honored to work with the Judge for many years now, and have personally witnessed his ability to unite people of all different backgrounds to get things done. He is an extremely qualified and intelligent attorney who will serve with distinction and make every Latino proud. We endorse his nomination without any reservations.

He will make every Latino proud. He has up to this time everywhere he has been. He has set a good example and has done what is right in his government work.

The FBI Agents Association wrote to the committee last December:

> We write to express the support of the FBI Agents Association for the nomination of Judge Alberto Gonzales for Attorney General of the United States. . . . We believe Judge Gonzales' practical life experiences, his legal training and education, his judicial expertise and his close proximity to and involvement with many of the most difficult jurisprudence issues associated with the ongoing war against terror make him a nominee fully worthy of confirmation by the U.S. Senate. We are also confident that Judge Gonzales' experience in and firm appreciation of the issues in today's national criminal justice system will serve him and the nation well as the next Attorney General.

I can guarantee the FBI Agents Association does not send recommendations like that in the case of people who are not worthy.

The National District Attorneys Association also expressed strong support for Judge Gonzales in a letter dated

December 17, 2004. This is a bipartisan association of all the national district attorneys of the country:

> During Judge Gonzales' tenure as Counsel to the President our leaders have had frequent opportunities to meet with him and to discuss with him issues challenging our public safety. Through these meetings we have come to recognize both his commitment to protecting the American public and to ensuring closer working relationship between federal, state and local law enforcement organizations.
>
> With the increasingly complex challenges facing us in our fights against both organized gangs and terrorists he brings the skills and legal acumen necessary for this position of responsibility. We are confident that his confirmation will enhance the safety of our citizens from threats, domestic and international, while safeguarding those liberties that we all treasure.
>
> As leaders for the only national organization representing the local prosecutors of this nation we have the utmost confidence in his ability to master this most challenging position and pledge to do everything within our ability to ensure that the working relationship between the Department of Justice and America's prosecutors grows even stronger.

Finally, let me read excerpts from a Wall Street Journal article written by Henry Cisneros, who was the Secretary of Housing and Urban Development in the Clinton administration and was the mayor of San Antonio for 8 years. This is what Mr. Cisneros had to say:

> The last four years have posed harrowingly difficult dilemmas, especially those related to the 9/11 terrorist attack on our nation and the military and security actions that resulted from it. There have been successes and failures, there have been good judgments and misjudgments—all in the context of war, that is, a context of military organizations under stress, of imperfect information, of life-and-death concerns. The American people decided in November, for better or for worse, to see this conflict through. It would be unseemly at this juncture to use the forum of a Senate confirmation process to try to find a scapegoat for a war that is at a very difficult stage. In any event, Alberto Gonzales has done nothing to alter the basic facts that he is a seasoned legal professional, is needed by the president, and is a person of sterling character.

Mr. Cisneros goes on to say:

> As an American of Latino heritage, I also want to convey the immense sense of pride that Latinos across the nation feel because of Judge Gonzales's nomination. I had the high honor of serving in a president's cabinet, as have five other American Hispanics, but we all served in what might be called "outer circle departments." The historic character of this nomination is that Judge Gonzales has been nominated to one of the big four—State, Defense, Treasury, and Justice. This is a major breakthrough for Latinos, especially since it is so important to have a person who understands the framework of legal rights for all Americans as attorney general.
>
> Judge Gonzales has demonstrated a nuanced understanding of the struggles people face as they try to build a life for their families in our country. Perhaps that appreciation comes from remembrances of his own family's struggle. In the Commencement Address at his alma mater, Rice University, earlier this year, he recalled: "During my years in high school, I never once asked my friends over to our home. You see, even though my father poured his heart into that house, I was embarrassed that 10 of us lived in a cramped space with no hot running water or telephone."

As an aside, I understand that. We had a humble home like that. We did not have indoor facilities at first. I knew what it was like to not be ashamed of my home but not wanting to bring people there. I understand Judge Gonzales. I was there, too.

I will continue on with Henry Cisneros's comment. Remember, he was a Cabinet member in the Clinton administration, and he strongly supports Judge Gonzales. This is what Mr. Cisneros said:

> On another occasion, [Judge Gonzales] said: " . . . my father did not have many opportunities because he had only two years of formal schooling, and so my memories are of a man who had to work six days a week to support his family. . . .He worked harder than any person I have ever known."

That is what Judge Gonzales said.

Mr. President, this is the person who my Democratic colleagues are trying to defeat—a man who has bipartisan support throughout the country, and big-time support; a man who represents the American dream to so many of us; the man who deserves to be the next Attorney General. But to listen to these comments by our colleagues—and I think over the next couple days to listen to them—they act as if somebody has to be perfect to be a Cabinet member in any administration. But certainly in the Bush administration, they must be perfect. Not only do they say that, but you will find there are many distortions of his record. They take things out of context and blow them out of proportion.

I worked closely with Judge Gonzales during President Bush's first term, and I have found him to be a man of his word. Unfortunately, in a misguided attempt to bring this fine individual down, some people, somehow, blame Judge Gonzales for the abuses that have occurred at Abu Ghraib. As many Americans, I, too, am concerned about the alleged abuses of detainees apprehended in the war on terror. When I saw the pictures in the media of detainees at Abu Ghraib, I was simply disgusted. I think all decent Americans were disgusted. They understand the abuses that occurred there were repugnant and inconsistent with our renewed commitment to promoting liberty and democracy. There is absolutely no debate about that.

In addition, there are more allegations in the media recently about individuals being subjected to water-boarding, or suffering from cigarette burns, and other acts of physical intimidation that must be taken seriously as well. I take these allegations very seriously—very seriously. Regardless of what the precise legal definition of "torture" is, when you see or hear about acts of physical abuse of prisoners, even in a time of war, it is very disturbing.

It should be obvious enough that it does not need to be said, but I condemn the torturous acts that occurred at Abu Ghraib. The President condemns torture. My colleagues on both sides of the aisle condemn torture. Make no mistake about it, Judge Gonzales condemns torture. Judge Gonzales must have said that dozens of times before and after his hearing, both orally and in writing. He opposes torture, period. He could not have been clearer on this issue. To have his record distorted is hitting below the belt.

There are many Americans who believe someone in the Government should be held responsible for these abuses. I agree. All of the individuals responsible for those atrocious acts should be punished. And they are being punished. The military immediately investigated. They have immediately prosecuted. Some of them have been sentenced, and the others will be. There is no question about it; they should be punished. However, these convictions do not get as much attention from the press as the photos themselves.

The fact is, the convictions do not provide the political ammunition for those who oppose the President and this administration.

Nonetheless, just earlier this month, Charles Graner was convicted for his role in detainee abuse. He was sentenced to 10 years of imprisonment. He also received a military demotion and was dishonorably discharged, as he should have been.

He is not the only person who has been convicted. The military has disciplined four members of a special operations unit for abusing detainees in Iraq, including at least one case of the use of a Taser stun gun. It has also subjected two individuals to administrative punishments and four others to nonjudicial punishments. The Department of Defense has completed eight investigations and has three additional ongoing investigations.

Lest we forget, the scandal of Abu Ghraib was the subject of an internal Government investigation well before the media broke the story. I am sure that as time goes on, there will be more investigations and more prosecutions of these people who acted as non-Americans, as far as I am concerned. In the global war against terrorism, American soldiers and employees must conduct themselves honorably, and we will insist they do so—and so has Judge Gonzales insisted that they do so.

Congress takes this oversight role very seriously. I was a cosponsor to S. Res. 356, which we passed last May, condemning the abuse of Iraqi prisoners at Abu Ghraib prison, urging a full and complete investigation to ensure justice is served, and expressing support for all Americans serving nobly in Iraq.

In August, the Defense Department Appropriations Act became law. It reaffirmed Congress's view that torture of prisoners of war and detainees is illegal and does not reflect the policies of the U.S. Government or the values of the people of the United States.

In December, the Consolidated Appropriations Act for Fiscal Year 2005 became law. This law includes a prohibition on the use of funds by the Justice Department to "be used in any way to support or justify the use of torture by any official or contract employee of the United States Government."

In addition, at least five committees have held hearings on Abu Ghraib in the 108th Congress. Since May, the Armed Services Committees of both Houses took testimony from numerous Defense Department officials. Secretary Rumsfeld himself testified four times. Other witnesses include GEN Richard Myers, Chairman of the Joint Chiefs of Staff; Acting Secretary of the Army, Les Brownlee; U.S. Army Chief of Staff, GEN Peter Schoomaker; and Central Command Deputy Commander, LTG Lance Smith.

The committees interviewed General Taguba, the author of the Taguba Report, which investigated the photos of abuse at Abu Ghraib. They held hearings and heard testimony from general officers who conducted a formal investigation into the allegations of abuse, known as the Fay investigation and from James Schlesinger and Harold Brown, who were appointed by the Secretary of Defense to head the Independent Panel to Review DOD Detention Operations—otherwise known as the Schlesinger Report. The Senate also interviewed the Army Inspector General about his investigation, and interviewed Stephen Cambone, Undersecretary of Defense for Intelligence. The Senate Armed Services Committee took testimony from Central Command Commander General John Abizaid, Lieutenant General Ricardo Sanchez, who commanded the Multi-national Force-Iraq; Major General Geoffrey Miller, Deputy Commander for Detainee Operations in Iraq, and Colonel Marc Warren, Army Judge Advocate General.

Despite all this, there are some people who believe that not enough has been done. And I respect their views. But it seems that now, a small but vocal group of those individuals have attempted to create an almost mob mentality—looking for any high level official in the Bush administration to take the blame. And Judge Gonzales has become the favorite scapegoat for some. People who cannot even bring themselves to speak optimistically about our prospects in Iraq in the days before and now after the day of the historic election itself, surely have no qualms about creating a scapegoat out of Judge Gonzales. This man—a committed public servant, a veteran of our Armed Forces—deserves better.

Let us not lose focus here. Judge Gonzales has been nominated to be the Attorney General—not the Secretary of Defense.

And when these abuses occurred, Judge Gonzales was not the Secretary of Defense. It was not his responsibility to tell soldiers which specific interrogation tactics to use.

In fact, it was not even his responsibility to provide legal advice to the Secretary of Defense on torture or any other subject. Providing legal advice to executive branch departments and agencies is the role of the Department of Justice. His primary role was to provide legal advice to the President of the United States and other White House officials.

Now if Judge Gonzales is confirmed, it will become his responsibility to become the Nation's principal law enforcement official and help see that each American receives equal justice under the law.

But it is inappropriate and unfair to blame Judge Gonzales for legal advice given by somebody else in the Department of Justice years before he was even nominated to work in the White House.

For example, some opponents of Judge Gonzales have gone on at length about the so-called Bybee memo. Before I get into the specifics of this memo, let me bring you back to the months following September 11, 2001. All of us here remember exactly where we were when the planes crashed into the World Trade Center towers and the Pentagon and in Pennsylvania that morning. None of us will forget the feelings of vulnerability we all felt in the days, weeks and months following the attack.

President Bush has rightly made preventing another terrorist attack on U.S. soil his No. 1 priority. I know that my fellow citizens in Utah share the President's priorities when it comes to fighting terrorism. In fact, the first major international event that took place after 9/11 was held in Salt Lake City when my community hosted the winter Olympic games.

Here in the Senate, a mere month after the attack, we were terrorized by a letter sent to Senator Daschle's office containing anthrax. The distinguished ranking member of the Judiciary Committee was mistreated and threatened. Staffers, workmen, and visitors stood in line all day to be screened for anthrax, and hundreds of individuals took strong antibiotics as a preventative measure. I recall that time period where every day you would wake up wondering whether something terrible was going to happen that day.

The Bush administration, too, was facing difficult questions. We all thought that another terrorist attack could come at any moment, and it would be incredibly difficult to predict when or where such an attack would occur because our enemy acted in a clandestine manner. They dressed as civilians, not as soldiers. They did not attack our military but tens of thousands of innocent civilians, urban centers, and government buildings. These individuals did not come from one specific country. They were a fanatic, ideological enemy with international reach. They could be anywhere. And they had the money to finance their terrorist activities.

It was during these early months that the administration explored what its options were and how they should act in confronting this unique enemy, one that fought not in uniforms on battlefields, not for a particular nation but in blue jeans and American civies.

Some are claiming that the President relied on the Bybee memo in formulating his policy with respect to interrogation techniques at Abu Ghraib. Let's take a look at these documents. First, the so-called Bybee memorandum was not written by Judge Gonzales, in spite of the implications by some. It was written by Jay Bybee who, at that time, was the Assistant Attorney General of the Office of Legal Counsel at the Department of Justice, and is now a distinguished judge on the Circuit Court of Appeals for the Ninth Circuit. That is why some people call it the Bybee memo. They could not call it the Gonzales memo. It is not the Gonzales memo, has never been the Gonzales memo.

The memo is dated August 1, 2002. Remember that date. The memo addresses the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment. It does not analyze the Geneva Convention. Let me just mention that this is a scholarly piece of analysis. Regardless of whether you agree or disagree with its legal conclusion, there can be little doubt that this 50-page, single-spaced document with 26 footnotes is a thoughtful and thorough analysis.

Let me also say that this memo does not tell the President to use torture in Iraq. Rather it tries to define what torture is from a purely legal perspective.

Let's compare the Bybee memo with the President's actual memorandum on the treatment of detainees. The subject of this memo is the humane treatment of al-Qaida and Taliban detainees. The President's memo was written on February 7, 2002. This is 6 months before the Bybee memorandum. So there is absolutely no way the President could have relied on the August 1, 2002, Bybee memo because it did not exist at the time he issued his definitive February 7 directive, the one that he and others followed.

Let me be clear: I am not saying the Justice Department never considered the Convention Against Torture prior to August 1, 2002. In fact, given the voluminous length of the analysis, it probably took some time to write. But to suggest this Bybee memo, which addresses a different statute, a statute that is nowhere mentioned in the President's memorandum, was indispensable in crafting the President's decision is simply false for the simple reason it did not exist at the time.

What some of my Democratic colleagues are trying to do is hold Judge Gonzales responsible for a memorandum he did not write and that came from the Justice Department which he did not direct.

The Bybee memo asks an important question: What is torture? This is a critical question to ask in the middle of a war on terror in which our enemies have made it clear that they will not observe the Geneva Conventions or any other rule of civilized conduct. Judge Gonzales received the Bybee memo, but some of my friends across the aisle are almost suggesting that he actually wrote it. He did not. He had nothing to do with it. In fact, they criticize him because they believe he did not object to the memo at the time he received it. But the fact is, we do not know what his private legal advice was to the President on the Bybee memo because that advice is privileged advice. And Presidents do not want their counsel divulging privileged advice.

In fact, we should think twice before we ever proceed down the path of attempting to require the White House Counsel to divulge to the Congress in an open hearing precisely what legal advice he gave to the President on an inherently sensitive matter such as those that directly relate to national security.

When all is said and done, Judge Gonzales did not supervise Jay Bybee. He did not supervise Attorney General Ashcroft. It was not his job as White House Counsel to approve of memos written by the Justice Department. And that memo of February 7 said the detainees should be treated humanely. That was the President's position.

I have a lot more I want to say about this, but I notice the distinguished Senator from New York is here and wanted to say a few words before we break for lunch. I will interrupt my remarks. I couldn't interrupt a few minutes earlier. I will come back to this subject.

I hope the Chair will allow the senior Senator from New York to have a few extra minutes. I would be happy to sit in the chair, if needed. But I will relinquish the floor and ask unanimous consent if I can finish my remarks after the luncheon; is that possible?

Mr. SPECTER. Mr. President, we have consent following the lunch. I think the Senator from——

Mr. HATCH. Immediately after the consent order.

Mr. SPECTER. The Senator is entitled to finish.

Mr. HATCH. Especially being interrupted and accommodating colleagues on the other side. I would like to finish.

Mr. SPECTER. There had been a request for Senator MIKULSKI for 10 minutes right after lunch.

Mr. LEAHY. Yes, at 2:15. We don't have to break at 12:30. We could continue on. I was off the floor. What was the request?

Mr. SCHUMER. Will my colleague yield for a minute?

Mr. LEAHY. I don't have the floor.

Mr. SPECTER. Mr. President, will the Senator from Utah be willing to await the completion of the remarks of Senator MIKULSKI for 10 minutes at 2:15 and Senator SCHUMER at 2:15 and then he will resume his remarks?

Mr. HATCH. Following Senator MIKULSKI?

Mr. LEAHY. If the Senator will withhold, how much longer does the Senator from Utah have?

Mr. HATCH. I have a little bit more. It could be as long as a half hour.

Mr. SPECTER. My unanimous consent request is that at 2:15, when we resume, Senator MIKULSKI be recognized for 10 minutes and Senator SCHUMER be recognized for 10 minutes and then Senator HATCH be recognized to conclude his remarks, then Senator CORNYN be recognized, and then Senator KENNEDY be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. LEAHY. Reserving the right to object, it would be Senators SCHUMER, HATCH, CORNYN, and KENNEDY?

Mr. SPECTER. It would be Senators MIKULSKI, SCHUMER, HATCH, CORNYN, and KENNEDY.

Mr. LEAHY. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. I thank the Chair.

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 12:30 p.m. having arrived, the Senate will recess until 2:15 p.m.

There being no objection, the Senate, at 12:30 p.m., recessed until 2:14 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

EXECUTIVE SESSION

NOMINATION OF ALBERTO R. GONZALES TO BE ATTORNEY GENERAL—CONTINUED

The PRESIDING OFFICER. Under the order of recognition, Senator MIKULSKI is recognized for 10 minutes, Senator SCHUMER for 10 minutes, followed by Senator HATCH, Senator CORNYN, and Senator KENNEDY, with no time limit agreed to for Senator HATCH, Senator CORNYN, and Senator KENNEDY.

The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, the agreement is to have Senator MIKULSKI recognized for 10 minutes and Senator SCHUMER for 10 minutes. There is no time set when Senator HATCH resumes, and then Senator CORNYN is in line, and then Senator KENNEDY is in line. It is my hope we will be able to get a consent agreement for the full debate time early this afternoon when that appears to be appropriate.

Senator MIKULSKI, under the unanimous consent agreement, now has 10 minutes.

The PRESIDING OFFICER. The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise to exercise my constitutional responsibility pertaining to the nomination of Mr. Alberto Gonzales to be Attorney General of the United States.

Over the weekend, all of us were heartened to see the enormous turnout of the Iraqi people seeking democracy and participating in the processes of democracy, even risking life and limb to vote in an act of self-determination over the future of Iraq. I was particularly filled with joy when I saw that women were free to participate in a democratic process in Iraq. But as we look to Iraq's move toward a democratic framework, the United States of America must continue to lead the way, but also lead by example—how our own country, through its processes and the people who govern, stand up for the principles that have been the hallmark of the United States of America.

It is because of these principles of truth, justice, dignity, civil rights, human rights, and the enforcement of the rule of law that when it comes to the nomination of Judge Alberto Gonzales to be the Attorney General, I must reluctantly say that I cannot support this nomination.

When you meet Mr. Gonzales, you find him to be a warm, engaging person, a person of civility and courtesy who has an incredibly compelling personal story.

But we are not here to vote for a personal story; we are here to vote for the Attorney General of the United States, whose job is to enforce the law. Sure, we hear what a great background Mr. Gonzales has: the son of migrant workers, the first in his family to go to college and to law school, to work at a prestigious law firm, to go on to the Supreme Court of Texas, and be a Counsel to the President of the United States. But this is a man who, in his very act as Counsel to the President, created a whole new framework that created a permissive atmosphere for the United States of America to engage in torture. That is unacceptable.

Mr. Gonzales attended the U.S. Air Force Academy—wow, what a great accomplishment. If anyone would understand the risk to troops should they fall and be taken prisoners of war, why they should be held under the Geneva Convention which protects the rights of a prisoner, it should be someone who attended the U.S. Air Force Academy, which has a high rate of graduates taken POW.

Certainly the story is inspiring, but we are not voting on a personal story. The Attorney General must be committed to core constitutional values and to the rule of law. He must have a record of independence and good judgment. Mr. Gonzales has not demonstrated that commitment. In his zealous attempt to be the protector of the President, he has adopted legal reasoning at odds with core constitutional values. He has rejected long-established legal principles and compromised our Nation's moral leadership. He failed in the most important job, telling the President no, and speaking truth to power.

After a careful review of his record, I do not believe that Judge Gonzales can fulfill the principles we want at the Department of Justice.

This issue of torture is a very troubling one. Mr. Gonzales's advice to the President on this issue as well as detention and interrogation are very disturbing. Under his watch the administration changed the definition of torture, limiting it to physical pain equivalent in intensity to pain accompanying serious physical injury or even death. His advice provided the pathway to the President to exempt U.S. officials from international law governing torture.

What did that mean? It meant that if the United States of America engaged in torture, he wanted to have legal arguments to show we would not be tried as war criminals. In his 2002 memo to President Bush, he provided a legal analysis that allowed the President to sidestep international principles governing humane treatment. He said that the new form of war "renders quaint" the Geneva Conventions. That statement is outrageous. Quaint means outdated or old fashioned. It means it is an Edsel. Quaint is a hoola hoop. It is not a treaty. You don't call the Geneva Convention that. Though it's often not enforced as vigorously as we would want, it is the one tool that has protected our own troops. It sets guidelines for humane treatment of prisoners. If America flaunts these laws—what will happen to our soldiers if they are captured. That is why the military's judge advocate general corps and former Secretary of State Powell urged the President to stand behind the Geneva Conventions.

Since 9/11 we know that America has been fighting a different kind of war. We do know that we have to get information from terrorists who have predatory intents toward our country. We do need to look at new approaches, and maybe even reforming the Geneva Convention. But we should not do it by flouting international law.

The memorandums that Gonzales oversaw allowed a framework and an attitude for torture to take place.

Now where are we? We have troops under court-martial, and what we have is punishment at the bottom and condoning at the top.

We can't have an Attorney General like that. We need to have an Attorney General who seeks the truth, who wants to help protect the United States of America and protect the United States of America for what it stands for. This is one of the reasons I cannot support him.

But let's say 9/11 had never taken place and he had never written that memo and we had never gone to war in Iraq—wouldn't we all love it? I still would have flashing yellow lights about Mr. Gonzales. One of his main jobs is to recommend Federal judicial nominations. The way he has gone about nominations for the appellate court has been troubling. The White House Counsel's Office has pushed some of the most ideological and extreme judicial nominees we have ever seen, nominees with hostility to civil rights, to women's rights, to environmental rights, and to disability rights. This is even more troubling as we face a possible Supreme Court vacancy.

Let me talk as the Senator from Maryland. I know it firsthand. We have a vacancy on the Fourth Circuit Court of Appeals, and its Maryland's seat that is vacant. Who did Gonzales pick? First of all, he wanted a nominee who was not even a member of the Maryland bar. That was pretty sloppy or pretty ideological. Then they picked someone with minimal qualifications. There are over 30,000 lawyers in Maryland and they couldn't find somebody who was a member of the Maryland bar? Why not? They found three for the Federal district court. Instead they wanted to play politics, and the way he wanted to play politics was to take away the Fourth Circuit seat from Maryland and give it to Virginia.

We should not play politics with judicial nominations. Do we want an Attorney General who will play politics with the law, play politics with the court, and just play politics with international conventions designed to protect our troops? I do not want to play that kind of politics. I am going to vote against Alberto Gonzales.

Let me say this: The position of Attorney General is unique in American Government. As leader of the Department of Justice, the AG must have a deep respect for the Constitution. That person has to be strong and willing to do what is right, regardless of politics, of pressure, or what is popular. The Attorney General is America's most important lawyer but also the people's lawyer, to protect the American people and important institutions.

Unfortunately, Mr. Gonzales has spent the last 4 years as a single-minded advocate for Presidential policies, which he himself should have cautioned the President against undertaking. He could have advised the President and shown respect for the law. But that is not his record. If he cannot value America's constitutional principles and give independent advice to the President, I can't vote for him for Attorney General.

When we look at all the others things he has done—he skirted questions about the President's authority on torture; he didn't want to answer questions for the committee. He said he couldn't remember, then he couldn't find this and he couldn't find that—I can't find it in me to vote for him.

There are those who say the President has a right to his nominations. The President does have a right to a nomination, but that doesn't mean he has the right to get his nominee. The Founders of this country, the people who invented America and wrote the Constitution of the United States, gave the Senate an advice and consent function. That means, to advise the President on best policies and best possible people, before we give our consent to the President.

I cannot be a rubberstamp. I have to vote my conscience and to cast my vote, reluctantly, against Alberto Gonzales.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Mr. President, this has been one of the most difficult votes on a nominee I have had to make since coming to the Senate, and that is because I like Judge Gonzales. I respect him. I think he is a gentleman, and I think he is genuinely a good man. We have worked well together, especially when it comes to filling the vacancies on New York's Federal bench. He has been straightforward with me, he has been open to compromise, and the bench is filled with good people.

Our interactions have not just been cordial, they have been pleasant. I have enjoyed the give and take in which we have engaged. Therefore, when President Bush nominated Judge Gonzales to be Attorney General, my first reaction was positive. Unlike with judicial nominees which are life appointments from a separate branch of Government, Cabinet officers serve the President, and I generally believe we should show deference to the President's choices. That is why I was inclined to support Judge Gonzales. I believed, and I said publicly, that Judge Gonzales was a much less polarizing figure than Senator Ashcroft had been.

But less polarizing than John Ashcroft is not enough alone to get my vote. Even if you are, as Judge Gonzales is, a good person with top-notch legal qualifications, you still must have the independence necessary to be the Nation's chief law enforcement officer. The Attorney General is unlike any other Cabinet officer. For all those other Cabinet officers, simply carrying out the President's agenda is enough. But to be a good Attorney General, unqualified deference to the President is not enough. Unlike all the other Cabinet positions, where your role is to implement and advance the President's policies as Attorney General, as the Nation's chief law enforcement officer, your job is to enforce the law, all the laws, whether they hurt or help the administration's objectives.

This position requires a greater degree of independence than, for example, the Secretary of State, whose obligation is to advance the President's interests abroad. When the White House asks the Justice Department, Can we do x? Can we wiretap this group of people? The Justice Department is charged with giving an objective answer, not one tailored to achieve the President's goals. That is the chief law enforcement officer of the land—separate from the President's right-hand person. As I have said before, it is hard to be a straight shooter if you are a blind loyalist.

There are two models for an Attorney General: loyalist and independent, and we all know there were Attorneys General over the years who have been close to the President. Robert Kennedy is a great example. He served his own brother. But that said, no one ever doubted, in the confines of the Oval Office, Bobby Kennedy would oppose his brother if he thought he was wrong. Judge Gonzales is more of a loyalist than an independent, but that alone does not disqualify him. It raises concerns, but after extensive review of the record, unfortunately and sadly, and despite my great personal affection for Judge Gonzales, his testimony before the committee turned me around and changed my vote from yes to no. He was so circumspect in his answers, so unwilling to leave even a micron of space between his views and the President's, that I now have real doubts whether he can perform the job of Attorney General.

In short, Judge Gonzales still seems to see himself as Counsel to the President, not as Attorney General, the chief law enforcement officer of the land.

I would like to give a little bit of history. Judge Gonzales came and saw me back in December. We had a good conversation on a range of topics. I respected and appreciated his commitment to recuse himself from the investigation into the felony disclosure of then-covert CIA agent Valerie Plane's identity.

I told him that I understood 9/11 created a brave new world; that the war on terror required reassessment of the rules of law; and I told him that given the enemies we now face, we couldn't afford to be doctrinaire.

I told him I supported the administration when it comes to aggressively reexamining the way we do business and interrogating witnesses.

I agree we have to make sure we are doing everything we can do to protect American families from those who would do us harm to prevent another 9/11, but I also told Judge Gonzales that I was troubled that the administration had undertaken its reworking or reinterpretation of the rules of war behind closed doors rather than engaging the Congress and the American public and the international community in an open and direct fashion.

Time and time again the administration has gotten itself into trouble by trying to go at it alone rather than doing business in the open, particularly in the Justice Department. Whether it was the total information awareness project, the TIPS Program, or torture, they have been burned by their peculiar penchant for complete secrecy.

I encouraged Judge Gonzales to be candid with the committee when discussing these issues. I encouraged him to give us some hope that he would run a different department, a more open department, one more willing to listen to the oral arguments than John Ashcroft.

Unfortunately, even a cursory review of his answers reveal strict adherence to the White House line and barely a drop of independence.

A set of answers very important to me came in response to my questions on the nuclear option—whether to rule from the chair that Senators were not allowed to filibuster judicial nominees.

When we met in private, I asked Judge Gonzales his opinion about the constitutionality of the nuclear option. He said he had not reviewed the applicable constitutional clauses, and that in any event it was a matter reserved for the Senate. I asked him at that private meeting before the hearing.

It wasn't taking him by surprise in any way to look at the Constitution. I told him I would ask the question again at the hearing. I informed him that his answer on this question would weigh heavily on my decision whether to support his confirmation.

At the hearing, when I asked Judge Gonzales about the nuclear option, rather than being candid, he completely avoided the question, ducking, dodging, and weaving.

I asked him three times to give his opinion, and each time he refused. I asked him twice more in writing, and again he refused to answer. In one of those questions, I simply asked him to imagine he was counsel to a U.S. Senator who was seeking his opinion on the constitutionality of the nuclear option, and no interference in serving the President. Again, he refused to answer.

This is a crucial issue for me for two reasons. First, the importance of the nuclear option; and second, the importance of Judge Gonzales's independence as Attorney General.

I believe the nuclear option would be so deeply destructive it would turn the U.S. Senate into a legislative wasteland and turn the Constitution inside out. Madison's "cooling saucer" would be shattered into shards.

Judge Gonzales in his refusal to answer such vital questions and even giving opinions so that we might see the way he thinks weighs a lot with me, at least in terms of my vote, not in terms of him as a person.

The matter repeated itself on question after question. On torture and nearly everything else, it seemed as if Judge Gonzales was going out of his way to avoid answering. He demonstrated a lack of straightforwardness and independence on just about every single question he was asked—again, no glimmer of light between how he might see things and how the President might see things.

When you are the chief law enforcement officer of the land, when you are asked to rule on sensitive questions that balance liberty and security, you can't just do what the President wants all the time or you are not serving your country or serving the job. It is different from other Cabinet positions.

I concluded that Judge Gonzales still sees himself as a White House Counsel rather than the nominee to be Attorney General, the chief law enforcement officer of the land.

I have great respect for the judge. The Horatio Alger story that he had makes all of us proud to be Americans. It makes us glad about the future of new communities as they rise in America. It is truly an amazing country when a man can rise from such humble beginnings to be nominated Attorney General.

I am mindful of the fact that if he is confirmed, as I anticipate he will be, Judge Gonzales will be the Nation's first Hispanic Attorney General. It is a tremendous success story that makes this vote even more difficult, although I am also mindful of the fact that the Hispanic Caucus voted against his nomination.

When I called Judge Gonzales last week to tell him how I would be voting, he was understandably disappointed but he was, as always, a gentleman. He assured me we would continue working together to solve our Nation's problems. He assured me he would prove me wrong, and I hope he does.

It was one of the most difficult conversations I have had in a long time. But it is too significant a job and too important a time to have an Attorney General about whom we have such severe doubts.

I have no choice but, with sadness, to vote no.

I yield the floor.

Mr. SPECTER. Mr. President, I received a letter this morning addressed to Senator COLLINS and myself. Senator LEAHY and Senator LIEBERMAN, from Senator KENNEDY and Senator DURBIN concerning the certain second report from the Department of Justice. Immediately on receiving the letter, I contacted the Department of Justice to obtain a copy of the report. This is a report that did not go to Judge Gonzales but went to another client agency by the Department of Justice advising them as to the legal parameters for interrogation techniques, and that the identity of the memoranda that previously had been disclosed to Senator LEAHY, although the memo had not been transmitted. And the matter had been briefed to the chairman of the oversight committee which has jurisdiction over the client committee. I am not very happy about all this circumlocution, but that is the information I have.

Since Senator KENNEDY was scheduled to speak in a few minutes when I got this at 2:20, I am advising my colleagues one of them is a recipient of the letter, Senator LEAHY; another is the writer of the letter, Senator KENNEDY.

I ask unanimous consent these documents be printed in the RECORD.

Mr. LEAHY. Reserving the right to object, and I shall not object, fortunately getting a letter like that is sort of like getting a big package addressed to you—and it is true, it was addressed to me—and you open the package and of course there is nothing in there and it still does not answer the question.

I will not object. I also appreciate the courtesy of the chairman making sure that everyone knew the letter had arrived.

Mr. SPECTER. As I received the letter this morning, I took steps to try to identify the memoranda and obtain it, if possible. These are the results. They ought to be made part of the record.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, February 1, 2005.

Hon. ARLEN SPECTER,
Chairman, Committee on the Judiciary, U.S. Senate, Dirksen SOB, Washington, DC.

DEAR MR. CHAIRMAN: You have inquired about a memorandum from the Office of Legal Counsel, described in recent press reports as being signed by Jay Bybee, then Assistant Attorney General for the Office of Legal Counsel, and addressed to another agency, signed on or about the same date as the August 1, 2002, memorandum which has been made public, addressing the legality of specific interrogation practices under 18 U.S.C. §§2340 and 2340A.

As the Department of Justice made clear in a letter to Senator LEAHY dated July 1, 2004, (enclosed) "[t]he Department of Justice has given specific advice concerning specific interrogation practices, concluding that they are lawful." As the Department also made clear at that time, that advice is classified and the Department will not discuss it further publicly. Thus, the existence of a classified opinion from the Department of Justice on the subject of specific interrogation practices has been publicly acknowledged for more than six months. As the Department noted in the July 1, 2004 letter, that advice has been appropriately provided by the client agency in a classified setting to the relevant oversight committee.

Finally, the Office of Legal Counsel in its recent memorandum of December 30, 2004, stated "we have reviewed this Office's prior opinions addressing issues involving [interrogation] of detainees and do not believe that any of their conclusions would be different under the standards set forth in this memorandum."

Sincerely,
WILLIAM E. MOSCHELLA,
Assistant Attorney General.

Enclosure.

DEPARTMENT OF JUSTICE,
OFFICE OF LEGISLATIVE AFFAIRS,
Washington, DC, July 1, 2004.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATOR LEAHY: This responds to your letter, dated June 15, 2004, which enclosed written questions for the record of the Committee's oversight hearing on June 8, 2004, regarding terrorism, with particular reference to the interrogation of detainees.

Questions 1 through 4: Administration documents

In response to the requests for documents contained in your first four questions, enclosed are six Department of Justice documents that have been released publicly. They are: (1) a memorandum from the Office of Legal Counsel (OLC) to the Counsel to the President and the General Counsel of the Department of Defense on the "Application of Treaties and Laws to al Qaeda and Taliban Detainees," dated January 22, 2002; (2) a letter from the Attorney General to the President on the status of Taliban detainees, dated February 1, 2002; (3) a memorandum from OLC to the Counsel to the President on the "Status of Taliban Forces Under Article 4 of the Third Geneva Convention of 1949," dated February 7, 2002; (4) a memorandum from OLC to the General Counsel of the Department of Defense on the "Potential Legal Constraints Applicable to Interrogations of Persons Captured by U.S. Armed Forces in Afghanistan," dated February 26, 2002; (5) a letter from OLC to the Counsel to the President on the legality, under international law, of interrogation methods to be used during the war on terrorism, dated August 1, 2002; and (6) a memorandum from OLC to the Counsel to the President on "Standards of Conduct for Interrogation under 18 U.S.C. §§2340–2340A," dated August 1, 2002.

While these are documents that would not usually be disclosed to anyone outside the Executive Branch, the Administration decided to release a number of documents, including these and including many from the Department of Defense, to provide a fuller picture of the issues the Administration had considered and the narrower policies the Administration actually adopted in this important area. While we appreciate your interest in the additional documents set forth in the attachment to your letter, the Executive Brand has substantial confidentiality interests in those documents. OLC opinions consist of confidential legal advice, analysis, conclusions, and recommendations for the consideration of senior Administration decisionmakers. The disclosure of OLC opinions that have not been determined to be appropriate for public dissemination would harm the deliberative processes of the Executive Branch and disrupt the attorney-client relationship between OLC and Administration officials. We are not prepared to identify these documents specifically or reveal which documents may be classified, but we can assure you that no portions of any of these documents have been classified since the Attorney General's testimony on June 8, 2004.

We also can state that included in the memoranda that have been released are all unclassified, final written opinions from the Department of Justice addressing the legality of interrogation techniques used in interrogations conducted by the United States of al Qaeda and Taliban enemy combatants. While the Department has not issued written opinions addressing interrogation practices in Iraq, it has been the consistent understanding within the Executive Branch that the conflict with Iraq is covered by the Geneva Conventions, and the Department has concurred in that understanding.

Lastly, we note that some of the documents requested originated with other agencies such as the Departments of State and Defense. Consistent with established third-agency practice, we suggest that you contact those agencies directly if you wish to obtain copies of their documents.

5. Do you agree with the conclusions articulated in an August 1, 2002, memorandum from Jay Bybee, then AAG for the Office of Legal Counsel, to Alberto Gonzales, Counsel to the President, that: (A) for conduct to rise to the level of "torture" it must include conduct that a prudent lay person could reasonably expect would rise to the level of "death, organ failure, or the permanent impairment of a significant bodily function," and (B) section 2340A, of the Federal criminal code "must be construed as not applying to interrogations undertaken pursuant to [the President's] Commander-in-Chief authority"?

(A) In sections 2340 & 2340A of title 18, Congress defined torture as an act "specifically intended to inflict severe physical or mental pain or suffering." Because Congress chose to define torture as encompassing only those acts that inflict "severe . . . pain or suffering," Department of Justice lawyers who are asked to explain the scope of that prohibition must provide some guidance concerning what Congress meant by the words "severe pain" (emphasis added). In an effort to answer that question, the August 1, 2002 memorandum examines other places in the federal code where Congress used the same term—"severe pain." In at least six other provisions in the U.S. Code addressing emergency medical conditions, Congress identified "severe pain" as a typical symptom that would indicate to a prudent lay person a medical condition that, if not treated immediately, would result in—"(i) placing the health of the individual . . . in serious jeopardy, (ii) serious impairment to body functions, or (iii) serious dysfunction of any bodily organ or part." 42 U.S.C. §139w–22(d)(3)(B); see also 8 U.S.C. §1369(d) (same); 42 U.S.C. §1395x(v)(1)(K)(ii); id. §1395dd(e)(1)(A); id. §1396b(v)(3); id. §1396u–2(b)(2)(C). In light of Congress's repeated usage of the term, the memorandum concluded that, in Congress's view, "severe pain" was the type of pain that would be associated with such conditions. (The opinion refers to these medical consequences as a guide for what Congress meant by "severe pain"; it does not state, as your question suggests, that, to constitute torture, conduct must be likely to cause those consequences.)

Although, in other statutory provisions, Congress repeatedly associated "severe pain" as a symptom with certain physical or medical consequences, it is open to doubt whether that statutory language actually provides useful guidance concerning, the prohibition in sections 2340 & 2340A. A description of medical consequences—consequences which could be accompanied by a variety of symptoms including varying degrees of pain—does not necessarily impart useful guidance to a lay person concerning the meaning of "severe pain" The Office of Legal Counsel is currently reviewing that memorandum with a view to issuing a new opinion to replace it and may well conclude that the meaning Congress intended when it defined torture to require "severe pain" is best determined from the other sources addressed in the original memorandum, including standard dictionary definitions. See, e.g., FDIC v. Meyer, 510 U.S. 471, 476 (1994) ("In the absence of [a statutory] definition, we construe a statutory term in accordance with its ordinary or natural meaning.").

(B) The analysis in the August 1, 2002, memorandum concerning the President's authority under the Commander-in-Chief Clause, U.S. Const. art. II, sect. 2, cl. 1, was unnecessary for any specific advice provided by the Department. The Department has concluded that specific practices it has reviewed are lawful under the terms of sections 2340 & 2340A of title 18 and other applicable law without regard to any such analysis of the Commander-in-Chief Clause. The discussion is thus irrelevant to any policy adopted by the Administration. As a result, that analysis is under review by the Office of Legal Counsel and likely will not be included in a revised memorandum that will replace the August 1, 2002, memorandum. The Department believes that, as a general matter, the better course is not to speculate about difficult constitutional issues that need not be decided. For the same reason, it would be imprudent to speculate here concerning whether some extreme circumstances might exist in which a particular application of sections 2340 & 2340A would constitute an unconstitutional infringement on the President's Commander-in-Chief power. Cf Request of the Senate for an Opinion as to the Powers of the President 'In Emergency or State of War,' 39 Op. A.G. 343, 347-48 (1939).

6. Has President Bush or anyone acting under his authority issued any order, directive, instruction, finding, or other writing regarding the interrogation of individuals held in the custody of the U.S. Government or as an agent of the U.S. Government? If so, please provide copies. If any portion of any document is provided with redactions, please explain the basis for such redactions. The basis for withholding any document should also be explained in detail.

On June 22, 2004, the White House released the instruction issued by the President to the Department of Defense on February 7, 2002, concerning the treatment of al Qaeda and Taliban detainees (it does not, however, expressly address interrogation practices). The Department of Justice is not aware of any writing issued by the President that expressly addresses the issue of interrogations practices. The President has, however, made it clear that the United States does not condone or commit torture. We should also emphasize that the President has not in any way made a determination that doctrines of necessity or self-defense would point conduct that otherwise constitutes torture. The President has never given any order or directive that would immunize from prosecution anyone engaged in conduct that constitutes torture.

We assume that to the extent your question asks about directives issued by others under the President's authority it is limited to interrogations of enemy combatants in the conflict with al Qaeda and the Taliban or interrogations of persons detained in connection with the conflict in Iraq. As you know, numerous law enforcement agencies of the Executive Branch have likely acted under the President's authority as Chief Executive to issue numerous directives concerning interrogations or interviews of subjects in custody in the ordinary course of enforcing the criminal and immigration laws. We assume that such directives are outside the scope of your question.

Numerous individuals acting under the President's authority have undoubtedly issued orders or instructions regarding interrogations of individuals in U.S. custody, both in the conflict with al Qaeda and the Taliban and in the conflict in Iraq. Such documents, however, are not Department of Justice documents. Those documents should be sought from the appropriate departments or agencies that issued them, through the appropriate oversight committees in Congress.

As for the Department of Justice, the General Counsel of the FBI issued a memorandum on May 19, 2004, reiterating existing FBI policy with regard to the interrogation of prisoners, detainees or other persons under United States control. That memorandum reiterated established FBI requirement that FBI personnel "may not obtain statements during interrogations by the use of force, threats, physical abuse, threats of such abuse, or severe physical conditions." It also set forth reporting requirements for known or suspected abuse or mistreatment of detainees. A copy of that memorandum is enclosed. The Department is still following up to determine whether there are any other similar written directives relevant to your question. Please also see the response to Question 8 concerning the Department's legal advice to other agencies.

7. On Friday June 11, 2004, the President was asked the following question at a press conference: "Mr. President, the Justice Department issued an advisory opinion last year declaring that as Commander-in-Chief you have the authority to order any kind of interrogation techniques that are necessary to pursue the war on terror . . . [D]id you issue any such authorization at any time?" The President answered: "No, the authorization I issued . . . was that anything we did would conform to U.S. law and would be consistent with international treaty obligations." Please provide a copy of the authorization to which the President was referring. Please also provide a copy of the Presidential directive you had before you and referred to at the hearing.

At the press conference to which you refer, it seems likely that the President was referring to the February 7, 2002, instruction discussed above. At the hearing before the Committee, the Attorney General was also referring to the President's instruction of February 7, 2002. The Attorney General did not have any Presidential directive before him at the hearing. He was merely reading language from the February 7, document that had been incorporated into his notes.

8. Were you ever asked to approve or otherwise agree to a set of rules, procedures, or guidelines authorizing the interrogation of individuals held in the custody of the U.S. Government or an agent of the U.S. Government? If so, please indicate when you were asked to do so, and whether you did, in fact, approve or agree in any way in whole or in part. In addition, please provide a copy of any such rules, procedures or guidelines, or explain your basis for refusing to do so.

The Department of Justice has given specific advice concerning specific interrogation practices, concluding that they are lawful. The institutional interests the Executive Branch has in ensuring that agencies of the Executive Branch can receive confidential legal advice from the Department of Justice require that that specific advice not be publicly disclosed. In addition, that advice is classified. We understand that, to the extent the client department(s) have not already done so, they will arrange to provide the advice to the relevant oversight committees in a classified setting.

As noted above, included among the memoranda that the Department has already released are all unclassified, final written opinions from the Department of Justice addressing the legality of interrogation techniques used in interrogations conducted by the United States of al Qaeda and Taliban enemy combatants. While the Department has not issued written opinions addressing interrogation practices in Iraq, it has been the consistent understanding within the Executive Branch that the conflict in Iraq is covered by the Geneva Conventions, and the Department has concurred in that understanding.

9. What were the criteria the Department used in selecting civilian contractors to assist in the reconstituting of Iraq's prison system? Please describe the vetting process to which they were subjected. To what extent were concerns about their backgrounds known to the officials who recommended them to you and to what extent were you, aware of such concerns when you selected them? Why were such concerns dismissed when such individuals were recommended to you and selected by you? Please explain in detail.

It was and is essential that we do whatever we can to help create a fair and humane criminal justice system in Iraq. To that end, the Department of Justice responded to urgent requests from the Coalition Provisional Authority ("CPA") and its predecessor for the provision of experts in the areas of prosecution, policing, and corrections. The individuals whom the Department of Justice has sent to Iraq—federal prosecutors, former state and local police officers; and corrections experts—have volunteered to take on one of the most dangerous missions in that country. They are literally on the front lines: in the courts, in the police stations, and in the prisons.

The experts the Department provided to the CPA—including the corrections experts—have had neither responsibility for, nor control over, individuals detained by the Coalition military forces. The Department's role is strictly limited to the Iraqi criminal justice system. In particular, the corrections experts have operated heretofore under the direction of the CPA's Senior Advisor to the Iraqi Justice Ministry. Thus they have had no involvement in any of the alleged abuses at the military portions of the Abu Ghraib prison that are currently under investigation by Congress and by the United States Military.

Ensuring that these contractors are appropriately screened is a responsibility that we take very seriously. But it is important to note that we are aware of no allegation that any of the corrections contractors committed or countenanced any abuse of prisoners in Iraq. To the contrary, their central role in rebuilding the Iraqi prison system—including creating systems for reporting and correcting abuses by Iraqi prison officials—has been highly praised by the CPA's Senior Advisors to the Iraqi Justice Ministry. Nevertheless, at the Attorney General's request, the Inspector General is undertaking a review of the process used to screen and hire corrections advisors sent to Iraq.

With regard to the process for selecting the initial team of corrections experts, which deployed in May 2003, the Deparment of Justice consulted experts in the Bureau of Prisons (BOP) and the American Correctional Association. The Department contacted one of the individuals recommended by BOP, a former BOP Regional Director, and requested his assistance in further vetting proposed assessment team members. That individual agreed to join the first assessment team, and to help recommend other members. Candidates were required to submit SF 85Ps (Questionnaires for Public Trust Positions) and fingerprint cards. NCIC checks were conducted. No disqualifying information was found.

A second assessment team was deployed starting in September 2003. This team was selected based in part on BOP recommendations and in part on recommendations of members of the first assessment team. To be sure, some of the corrections experts sent to Iraq previously had been named in lawsuits in the United States, in their capacities as the directors of major state corrections systems. Although we do not minimize the significance of such lawsuits, they are commonplace for prison officials. And as far as we are aware, none of the corrections experts sent to Iraq was ever found by a court to have committed or countenanced abuses against prisoners in their custody.

As the need for corrections advisors grew, the Department worked with a government contractor firm to identify qualified candidates willing to serve in Iraq. Since January 2004, more than 80 additional correctional experts have served, or are now serving, in Iraq. These candidates were also required to submit SF85P's and fingerprint cards. The preliminary results of our internal review indicate that a few caudidates were deployed before the necessary checks had been completed. (We would note, however, that we are aware of no allegations or findings of abuse of prisoners by these candidates in Iraq or elsewhere.) Appropriate remedial action is being taken to address this situation.

It goes without saying that these experts have taken on one of the most dangerous of tasks in Iraq. We are glad to be able to report to you that, so far as we have been able to determine, they have done so in a manner that has brought honor to the United States. We nevertheless recognize that we must engage in constant vigilance to ensure that this remains the case, and intend to do so throughout the duration of our mission in Iraq.

10. Is the Department of Justice currently drafting, or considering drafting, legisation to authorize the President to detain individuals as "enemy combatants? If the Department is drafting or considering drafting such legislation, will you consult with us before submitting it to Congress?

The Department is not currently drafting or considering drafting such legislation. The Department does not believe that such legislation is necessary at the present time. Although the Department is still evaluating the full import of the Supreme Court's recent decision, the decision in Harmdi v. Rumsfeld, No. 03-6696, slip op. at 9–17 (June 28, 2004), confirms that additional legislation is unnecessary. In Hamdi, the Court held that in the Authorization for Use of Military Force, 115 Stat. 224 (Sept 18, 2001), Congress has "clearly and unmistakably authorized detention" of enemy combatants, id. at 12, including American citizens, where an enemy combatant is defined as a person who is "part of or supporting forces hostile to the United States or coalition partners" and who "engaged in an armed conflict against the United States," id at 9 (internal quotation marks omitted).

Should circumstances change, the Department would always be willing to work with the Committee to ensure that necessary and appropriate legislation is enacted.

11. During the Judiciary Committee hearing last week, you mentioned the limitation placed on the torture statute (18 U.S.C. §2340–2340A) by 18 U.S.C. §7(9). This section was added to the definition of "special maritime and territorial jurisdiction" by section 804 of the USA-PATRIOT Act—originally an Administration proposal. The Administration explained at the time, in its sectional analysis, that the provision would "extend" Federal jurisdiction to ensure that crimes committed by or against U.S. nationals abroad on U.S. Government property did not go unpunished. Unmentioned in the Administration's explanation was that this provision creates a jurisdictional gap in our ability to prosecute acts of torture.

(A) Did the Department of Justice know and intend that the proposed amendment would restrict the applicability of the anti-torture statute?

(B) Would the Department support legislation to restore the pre-PATRIOT Act reach of the torture statute, making it applicable to U.S.-owned, U.S.-run, and U.S.-controlled facilities, including aircraft, ships, and other mobile sites, located outside of the United States? If not, why not?

(C) Would the Justice Department support further extension of the torture statute, to make it applicable anywhere outside the geographical borders of United States (i.e., the 50 states, the District of Columbia, and the commonwealths, territories, and possessions of the United States)? If not, why not?

(A) An inquiry with Department personnel who were involved in drafting the amendment to the provision defining the special maritime and territorial jurisdiction of the United States ("SMTJ"); 18 U.S.C. §7; has determined that they were unaware of the potential that the amendment had for affecting the applicability of sections 2340 & 2340A. To the contrary, the provision was intended, as the Department's section-by-section analysis indicated, to ensure jurisdiction over crimes committed by or against U.S. nationals at embassies and consular offices and on military bases and other U.S. facilities overseas. In particular, the amendment was intended to address a conflict among the courts of appeals concerning the extraterritorial application of an existing paragraph in section 7 and to codify the longstanding position of the United States that the SMTJ did extend to overseas bases. Compare United States v. Gatlin, 216 F.3d 207 (2d Cir. 2000) (holding, contrary to position taken by the United States, that section 7(3) does not apply extraterritorially), with United States v. Corey, 232 F.3d 1166 (9th Cir. 2000) (holding that section 7(3) does apply extraterritorially), and United States v. Erdos, 474 F.2d 157 (4th Cir. 1973) (same).

(B) The Department would support legislation making sections 2340 & 2340A applicable to U.S.-owned, U.S.-run, and U.S.-controlled facilities outside the United States. The question, however, assumes that such applicability was clear before the passage of the USA PATRIOT Act. As our answer to part A indicates, that is not enturely accurate. Rather, before the PATRIOT Act, there was a circuit split concerning the scope of the SMTJ and whether or not it applied to overseas military bases. Thus, under the view of the Ninth Circuit, the SMTJ extended to military bases overseas and accordingly sections 2340 & 2340A would not have appled to such bases. See Corey, 232 F.3d at 1172. Under the view of the Second Circuit, on the other hand, the SMTJ did not extend to bases overseas, and sections 2340 & 2340A would have applied to such bases. See Gatlin, 216 F.3d at 223.

The Department will gladly work with Congress to draft appropriate legislation to achieve the objective of applying sections 2340 & 2340A to such bases overseas. Simply returning statutory language to its pre-PATRIOT Act form, however, is likely not the best means for achieving that goal.

(C) The Department would have no objection to such legislation, and would work with the Committee to ensure that it is carefully drafted to achieve its intended effect.

* * *

We hope that this information is helpful. We will supplement this response with additional information relating to other questions for the hearing record as soon as possible. Please do not hesitate to contact this office if you would like additional assistance regarding this or any other matter.

Sincerely,

WILLIAM E. MOSCHELLA
Assistant Attorney General.

Mr. LEAHY. Fortunately, though, the letter and the way it has been described by the chairman is absolutely correct. He has been very straightforward in his description. But it does not say, and the question was asked of Mr. Gonzales and the White House, was he aware—was he, Alberto Gonzales aware—of the second Bybee memo. That does not require a classified answer. It is either a "yes" or "no" and he still refused to answer yes or no.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, out of deference to my Democratic colleagues this morning, I interrupted my remarks to allow Senator SCHUMER to speak briefly on the nominee. It now has been several hours since I last spoke. Let me briefly recap for those just joining this debate.

Everyone knows I support the nomination of Judge Gonzales to be the next Attorney General of the United States. Early this morning, I talked about Judge Gonzales's inspirational personal background. I talked about his educational and professional qualifications, and they are many. I talked about all the awards he has won from so many civic organizations. I talked about many of the numerous organizations, individuals, and entities that support his nomination—virtually most strong Hispanic organizations, including the District Attorneys Association and the FBI Agents Association, and others, as well.

In short, I talked about why this man is the right person for this difficult job at this challenging time and why we should not stand in the way of his fulfilling this wonderful opportunity—the first Hispanic ever nominated to one of the big four Cabinet level positions. I even went over other major first-time Hispanic nominations to major positions in this country all the way from President Reagan, to the first President Bush, and finally to our current President.

I also talked about how this man—this good, honorable, decent man—is being treated by some like a scapegoat. Some of my colleagues are trying to unfairly blame Judge Gonzales for abuses committed by renegade soldiers at the Abu Ghraib prison. But Judge Gonzales, of course, was not in charge of the soldiers in the field. He was not the person telling soldiers what interrogation techniques they could or could not use. I, like the President, like Judge Gonzales, and like many of the American public, was sickened by the abuses that occurred at Abu Ghraib prison. But these violations are not going unpunished.

I talked about the investigations, prosecutions, and convictions the Defense Department has undertaken with respect to those perpetrators and how despicable those perpetrators are. I know we will see more prosecutions and convictions as time goes on. The Defense Department has been active on this, acted immediately, and has been acting ever since. It may not be published in the front pages of the newspapers and you may not hear about it on the 6 o'clock news, but these people are going to be brought to justice for their wrongdoing. To blame Judge Gonzales for this is making him a scapegoat. That is wrong.

That is not the only thing my colleagues are trying to unfairly blame Judge Gonzales for. They are trying to blame him for the so-called Bybee memo, a memo Judge Gonzales did not write—a memo that was written by an agency, the Department of Justice, that Judge Gonzales did not work in: an agency for which Judge Gonzales was not responsible. And there has been an implication here that he, as White House Counsel, should have reversed everything and told the Justice Department what to do. If he had done that, he would be criticized for that.

The fact of the matter is the Justice Department is the advisory body on these types of legal issues for the executive branch of Government. He may be White House Counsel, but that does not give him the right to change any opinion given by the Justice Department.

I brought out that on February 7, before the Bybee memo was brought forth, on February 7 of the same year, the President did sign a memorandum with regard to the Taliban and al-Qaida that basically said that although these prisoners did not qualify for Geneva Convention protections they should be treated humanely. We do not hear a lot about that memorandum. If we do, his critics will probably distort it.

I would like to spend a few minutes to focus specifically on the Geneva Conventions. There has been a lot of discussion and, frankly, a lot of misinformation. I would like to take a few moments to clarify. Some of the legal principles involved might sound a little complicated, but I will try to explain this as simply as I can.

The Geneva Conventions are an international treaty. One key question facing the United States as we fought back against the terrorists was whether Iraq, the Taliban, and al-Qaida should be treated differently under this treaty.

First, as we all know, treaties are signed by countries. They are not signed by individuals for individuals. Iraq signed the Geneva Conventions. There has never been any question that the Geneva Conventions apply to our conflict in Iraq where Abu Ghraib is located. Afghanistan also signed the Geneva Conventions. Afghanistan, however, has been embroiled in internal violent conflicts for 22 years. There was no legally recognized leader, no legally recognized central government and, for that matter, there were not even basic government services in the country at that time. The Taliban was a vile faction struggling for control of the nation, but it did not have anything like control over the entire country.

There was a question about whether Afghanistan was a failed state as a matter of international law. If it was a failed state, then the treaty, naturally, would not apply to it. Ultimately the President decided regardless of what the law requires, that he was going to apply the Geneva Conventions to the Taliban. That is what it says in the President's February 7, 2002 memorandum.

Going to the third category, al-Qaida is not a country. They are not a faction within a single country. They are a group of individuals from lots of different places who go around the world spreading terror and murdering innocent people. Simply put, they are a gang of terrorists, not a country. Since al-Qaida is not a country, they could not sign the treaty, nor would they, and we all know that. So it makes perfect sense to conclude that the President is not legally required to apply the Geneva Conventions to al-Qaida.

So far, the analysis has been pretty straightforward. You sign the treaty, the treaty applies to you. The next step is a little more complicated. Under the Geneva Conventions, all detainees are not treated alike. In order to receive preferential treatment as a detainee, you must qualify as a POW, a prisoner of war. In order to be considered a prisoner of war, the group must have an organized command structure, uniforms, or insignia, openly carry arms and obey the laws of war. Al-Qaida and the Taliban detainees cannot qualify as POWs.

Neither al-Qaida nor the Taliban have a permanent centralized communications infrastructure—the way you would expect to find such in a typical military organization. The Taliban is a loose array of individuals with shifting loyalties among various Taliban and al-Qaida figures. Defections and bribery are rampant.

Second, the Taliban and al-Qaida members wear no uniform or other insignia that serve as a "fixed sign recognizable at a distance." They dress like civilians in that area of the world.

Third, although the Taliban carry arms openly, so do many in Afghanistan. They do not attempt to distinguish themselves from others carrying weapons.

Lastly, al-Qaida and the Taliban do not follow the laws of war. We are all too familiar with how al-Qaida operates since we saw their despicable handiwork on September 11, 2001. They dress as civilians. They specifically attack civilians after hijacking civilian commercial airlines. They transform civilian aircraft into weapons of destruction to murder thousands of ordinary, innocent human beings.

The Taliban used mosques for ammunition storage and for command and control meetings. They put tanks and artillery in close proximity to hospitals, schools, and residences. The Taliban has massacred hundreds of Afghan civilians, raped women, and pillaged villages. They use villages as human shields to protect stockpiles of weapons and ammunition.

In fact, there is no indication that the Taliban understood or considered themselves bound by or aware of Geneva Conventions. The Taliban made little effort to distinguish between combatants and noncombatants when engaging in hostilities. For example, they killed for racial or religious purposes.

So even if the Geneva Conventions applied to al-Qaida, it would not give them preferential treatment because they are not POWs. In fact, as I understand it, there is no significant difference between the treatment being accorded to the Taliban and al-Qaida, even though the Geneva Conventions only apply to the former, the Taliban.

Now, let me cut to the chase. The President's February 7, 2002, memorandum makes one thing crystal clear: Regardless of where and when the Geneva Conventions apply—regardless of whether the Taliban or al-Qaida are POWs—the President says unequivocally that detainees are to be treated humanely.

This is a crucial point that has often gotten lost in some of the inflamed rhetoric being employed by the opponents of Judge Gonzales and the President. And let us be clear that a considerable amount of the criticism being lodged against Judge Gonzales is merely an attempt to cause political damage to the President himself.

That the purpose of the February 7 memo is to ensure that all detainees are treated humanely is evident by the fact that this concept is repeated four times in that memorandum.

First, you should know that this is clear from the title of the memo: "Humane Treatment of al Qaeda and Taliban Detainees."

The President makes his policy directive explicit in paragraph No. 3 of the memo:

> Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment.

He repeats the command again in the last sentence of paragraph 3:

> As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely.

The President repeats the command a fourth time in paragraph 5:

> I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely.

One last point on this. In addition to saying again and again that detainees must be treated humanely, the President's February 7, 2002, memorandum also mandates that the U.S. Armed Forces treat detainees in a manner consistent with the principles of Geneva to the extent appropriate and consistent with military necessity.

Now, while lawyers can hem and haw about what this precisely means, given the context of the quotation in the paragraph immediately following the POW analysis, it is logical to conclude that it means that the U.S. military shall accord POW treatment to al-Qaida and Taliban detainees unless military necessity dictates otherwise.

Let me also make one other thing clear. What happened to some detainees at Abu Ghraib was not humane treatment. We all know that. The Army knows that. Our military knows that. I think all of us here can agree with that. It is also clear to me that the abuses that occurred at Abu Ghraib were contrary to the President's February 7, 2002, memorandum to treat them humanely. Those who committed these abhorrent abuses can and should be vigorously prosecuted and punished, and they are. Right off the bat, the investigation took place. And right off the bat, they are bringing people to justice. There is no doubt about that.

I might add, the President is not given any credit for the prosecutions of Abu Ghraib. The desire of some who always want to score political points leads them to blame all wrongdoings on the President, even in a case like this where he had nothing to do with these actions. Judge Gonzales has made it clear that he does not defend the abuses that occurred.

I am sure there are many people out there who are wondering what any of this has to do with the nomination of Judge Gonzales. Well, I have to undertake this legal analysis because some people have unfairly attacked Judge Gonzales for a draft memorandum with his name on it. The memo was dated 2 weeks before the President's order on February 7, 2002, and it suggests that the Geneva Conventions should not apply to the Taliban.

Several allegations against Judge Gonzales have been raised in the media and elsewhere, and I want to set the record straight.

It appears from recent media accounts that this draft was not even written by Judge Gonzales. As is common in many Government offices, drafts are often initially written by lower level individuals and then edited and approved by the intended high-level author.

We also know this was an early draft because other documents from the State Department indicate that Secretary Colin Powell and legal adviser William H. Taft recommended extensive changes to the draft, as they should have. The recommendations include significant changes to the structure of the memorandum, and how the information is presented, as well as correcting statements of fact and specific language.

Although we do not know what Judge Gonzales actually advised the President, and we cannot because it was confidential advice to the President, we do know the President's February 7, 2002 memorandum is consistent with the views espoused by the State Department at the time.

Judge Gonzales has told this committee that this draft:

> does not represent the final advice given to the President.

It seems odd to me that our colleagues cannot accept his statement on that.

He continued:

> Because it does not embody my final views as provided to the President, I have not endorsed, nor do I have any occasion to disavow, the tentative judgments about certain provisions of the Geneva Conventions reflected in that draft.

Now, some will argue Judge Gonzales ought to tell the Senate precisely what advice he gave the President on this very sensitive issue. The fear I have is that if the Senate demands this information in this instance and the White House succumbs to that demand, it will undermine the candor with which future White House Counsels communicate with future Presidents. I think most people would argue it probably would. That is why these types of conversations are privileged, and not available to the Congress of the United States.

And, I might add, even when it is in the interest of the White House, in most instances this information remains privileged because the executive branch reasonably does not wish to set a precedent that will lead to Congress asking for access to every conversation that occurs in the White House.

In this case, we have some salient facts. The President did not see the January 25, 2002, draft prior to making his February 7, 2002, decision to treat all detainees humanely. And, more important, at the end of the day, President Bush issued a policy directive that did not go as far as some of the legal advisers within the administration told them he could go under the law.

Now, the draft says some provisions of the Geneva Conventions are obsolete and quaint, such as providing athletic uniforms, scientific instruments, advances of salary, and commissary privileges. People have quoted this out of context to say that Judge Gonzales thinks all of the Geneva Conventions are obsolete and quaint.

This is simply nonsense. President Bush and Judge Gonzales know how important the Geneva Conventions are to American military personnel. We all do. As Judge Gonzales told the Judiciary Committee on January 6 of this year:

> Honoring our Geneva obligations provides critical protection for our fighting men and women, and advances norms for the community of nations to follow in times of conflict. Contrary to reports, I consider the Geneva Conventions neither obsolete nor quaint.

Yet I have seen all kinds of comments suggesting otherwise. I know Judge Gonzales. I have worked with Judge Gonzales for 4 solid years. I knew him before those 4 years. He is a man of his word. I take him at his word on this important matter. So should my colleagues in the Senate.

Let me review this one last time because it is an important point. Judge Gonzales has told this committee in writing that he does not believe the Geneva Conventions are obsolete and quaint. He said so under oath in his confirmation hearing, and he said so again in writing in response to questions from Senators.

There have also been allegations that Judge Gonzales, because he has worked closely with President Bush for several years, is somehow incapable of having his own opinions and will be unable to give frank legal advice. I recall that similar accusations were made over 40 years ago with respect to the nomination of Robert F. Kennedy to be Attorney General of all things. As many Americans know, Robert Kennedy was President John F. Kennedy's brother and the brother of our distinguished Senator from Massachusetts and had previously served as the President's campaign manager prior to his nomination to the office of Attorney General. While there was a good deal of controversy whether he, too, could be independent of his brother as Attorney General before he was confirmed, Robert Kennedy went on to become a great Attorney General, one who was and still is much admired by many in this country. I believe Judge Gonzales, too, can and will exercise that same independence.

I listened carefully to Judge Gonzales's responses during the committee's hearing, and I know that he fully understands the differences between the role of White House Counsel and the role of the Attorney General of the United States. As White House Counsel, in Judge Gonzales's own words:

> I have been privileged to advise the President and his staff.

As Judge Gonzales further explained:

> As Counsel to the President, my primary focus is on providing counsel to the White House and to the White House staff and the President. I do have a client who has an agenda, and part of my role as Counsel is to provide advice that the President can achieve that agenda lawfully. It is a much different situation as Attorney General, and I know that. My first allegiance is going to be the Constitution and to the laws of the United States.

Judge Gonzales understands that as Attorney General, when confirmed, he would have, as he describes it, "a far broader responsibility to pursue justice for all the people of our great Nation, to see that the laws are enforced in a fair and impartial manner for all Americans." This transition is no different than the type many in this body have made over the years. People from this body, attorneys, work for all kinds of clients and every manner of clients. And the well-trained advocate is always aware of who his client is. To suggest that Judge Gonzales is somehow incapable of making this transition is more than insulting. It is despicable to make that suggestion. He is a bright guy with a lot of ability, and a record of which we should all be proud.

As someone who served in private practice, as a judge, in political positions, and as an advisor to the President, his record is testament to his ability to serve his client well no matter who that is. I know Judge Gonzales. I know he will make this transition. I guarantee you he is no "yes" man. He has the character, education, and experience to exercise independent judgment in the interest of the American public.

There have also been some allegations that Judge Gonzales's responses to the approximately 500 questions posed to him during the course of this nomination process were somehow incomplete. These allegations have been made notwithstanding the fact that the New York Times characterized Judge Gonzales's answers to the committee as "one of the administration's most expansive statements of its position on a variety of issues, particularly regarding laws and policy governing CIA interrogations to terror suspects."

Some Senators have quoted Judge Gonzales's answers out of context. They focus on the few sentences where they say he refused to provide complete information and ignore all the other sentences in response to some 500 written questions to describe at length all of his knowledge on the wide variety of issues raised by Senators.

Judge Gonzales is not someone who is trying to prevent the committee from seeing documents. To the contrary, Judge Gonzales was instrumental in the White House's release of hundreds of pages of documents revealing the administration's policies relating to the treatment of detainees last June. He helped negotiate among Congress, the Department of Defense, the Department of Justice, and the White House to declassify and publicly release documents relating to the humane treatment of al-Qaida and Taliban detainees, the application of the Geneva Conventions, the War Crimes Act, the Convention Against Torture, the Rome statute, as well as the Defense Department documents relating to specific techniques authorized and the report of the DOD working group which assessed the legal policy and operational issues relating to detainee interrogations in the global war on terrorism.

Frankly, there were good arguments for withholding some of this information or at least making it available to Congress in a classified or nonpublic forum so that the general public and our enemies in particular would not be so well informed about our interrogation techniques. But the administration and Judge Gonzales wanted to provide full disclosure to the public and declassified this information so that everyone would know what went on.

Just last week, Judge Gonzales submitted over 250 pages of responses to written questions after his hearing. That was after questions were supposed to be cut off. We used to do that in this body. We would give a fair amount of questions, which never amounted to as many as these. But just last week Judge Gonzales submitted over 250 pages of responses—single-spaced pages, by the way—to written questions after his hearing. I believe that Judge Gonzales attempted to answer the questions and be responsive. Although the deadline for submitting written questions expired on January 13, 2005, four Democratic Senators filed additional questions to Judge Gonzales on January 19, 21, 24, and 25; I understand even maybe up to the present time. Judge Gonzales provided written answers to all of those questions on or before January 25, 2005. Yet that is still not enough.

Some have tried to make a big deal out of the fact that Judge Gonzales did not personally conduct a search in response to overbroad requests for notes, memoranda, e-mail, audio recordings, or documents of any kind. What my friend from Massachusetts Senator KENNEDY fails to tell the American public, however, is that the White House informed the Judiciary Committee 2 months ago that Judge Gonzales recused himself from the decisionmaking process of releasing documents because of his pending nomination. Judge Gonzales repeated his recusal at his confirmation hearing in the first week of January. Obviously, a person in Judge Gonzales's shoes may have a short-term incentive to release documents to the committee when his nomination is pending. However, the White House may have a very different and legitimate view of such release as part of the historical relationship between the Executive Office of the President and the Congress in releasing information on, for example, matters pertaining to legal advice to the President and the White House Counsel and policy recommendations on matters of national security from White House components.

It makes sense that Judge Gonzales would recuse himself during this time period. I believe it was proper for him to do so. Given Judge Gonzales's recusal, it is understandable why he personally did not conduct a search of White House records. But placing the blame solely on Judge Gonzales is just not right.

Senator KENNEDY focuses on eight instances where Judge Gonzales did not conduct a search. What do these responses have in common? First of all, they are all incredibly overbroad. One request seeks production of all notes, memoranda, e-mail, audio recordings, or documents of any kind that reflect the occurrence and substance of all meetings in which specific interrogation techniques were discussed. The request is not limited to specific documents, or documents written by Judge Gonzales, or received by him. This request wants every e-mail by anybody in the Federal Government who participated in a meeting about interrogation techniques during a war. Come on now.

Another request seeks all notes, memoranda, e-mail, and documents that reflect the CIA's request for legal advice on how far it could go in conducting interrogations, or which interrogation methods it could use and any responsive actions by the White House Counsel's Office and the Department of Justice. Now, you have an overbroad request that holds Judge Gonzales responsible not only for things he did not write, but for e-mails written by others in two different agencies that he has no direct supervision over. Let's get real here.

Let me mention some other points about these requests. In response to each one of these, Judge Gonzales, to his credit, never complains that the requests are unfair and overbroad—even though they are. He responds by saying he has no notes, or that he does not know of any audio recordings, or that he is not aware of any responsive documents. Also, for each of these requests he explains that the materials, if they did exist, would fall under a privilege. Then he says he did not conduct a search. Imagine how futile it would be to look for e-mail or handwritten notes of other people in other agencies about such a broad topic like interrogation techniques that would then be subject to a privilege?

I know what this tactic is. Ask for the kitchen sink in the hopes of trapping the nominee with an unartful answer, so it can be claimed that he is not forthcoming. In other words, this is pure, unmitigated politics.

It is entirely transparent that the anti-Gonzales vote is pure politics and nothing more.

Judge Gonzales is a good man. He has not tried to hide the ball. There may well be legitimate requests for specific documents made by members of the Judiciary Committee at a later date as we learn more about the abuses at Abu Ghraib. There may also be legitimate questions about when and under what circumstances various executive privileges apply. I don't know, there may be. But this is just not one of those occasions. It is as simple as that.

Look, this is not just any nomination. This is a nomination for the Attorney General of the United States of America. This is the first Hispanic ever nominated for that position, or for any of the big four positions in the Cabinet of any President. I am chairman of the Republican Senatorial Hispanic Task Force. We work with Hispanic people all over America who are every bit as devoted to our country as any citizen who has ever been in this country. I personally love Hispanic people. I can truthfully say I love this man as well because he is a good man. I have seen him give good advice. I have seen him work very hard to try to be accurate. I have seen him cooperate with our committee time after time. I have seen him keep his cool in the face of some of the outrageous requests that were made over the time I was chairman of the Senate Judiciary Committee. I have seen him run the White House Counsel's Office, and he has done a terrific job. He is a good administrator, a good lawyer. He has tremendous judicial experience.

This man, regardless of his background, should be confirmed immediately as Attorney General of the United States of America. Frankly, I know my friends in the Hispanic community, and Hispanic people all over America, are watching this debate, and they are sensing something very unfair going on here. Every Democrat who opposed this man on the Judiciary Committee—virtually every one, as far as I can recall—talked about his great and humble background, how he came from nowhere and accomplished all he did, and what a good man he is. But they always have some reason to vote against him.

I suspect there are a lot of politics being played here. We all know Alberto Gonzales has constantly been mentioned by the media and everybody else as someone who might ultimately wind up on the Supreme Court of the United States of America. Actually, if he never winds up there, being Attorney General is not too bad. It is one of the greatest positions in any country anywhere and certainly in our country. And to have this man come from the most humble of circumstances, which typifies the struggle every immigrant family in this country has gone through, and to not give him this opportunity when he is fully qualified for it, I think, would be a travesty. Let me conclude by telling my colleagues and the American public that I know Alberto Gonzales well. He is a good man. He is a fair man. He understands persecution. He understands prejudice. He understands the need to fight back to make it in this life, regardless of all of the obstacles in his way. I believe when he is confirmed, Judge Gonzales will make an excellent Attorney General. He has been fair to everybody on our committee time after time.

The Senate should not stand in his way of becoming the next Attorney General of the United States. I do not believe it will. I do not believe people should be voting against this good man. If people vote against him, we have to stop and think, "Why are they doing that to a man of his quality?"

When Judge Gonzales accepted the President's nomination for Attorney General, he said the following:

> When I talk to people around the country, I sometimes tell them that within the Hispanic community there is a shared hope for an opportunity to succeed. Just give me a chance to prove myself—that is a common prayer for those in my community.

I ask my colleagues to do exactly that—give Judge Gonzales a chance to prove himself. He will not let you down. I urge my colleagues to vote for Judge Gonzales to be the next Attorney General of the United States, and we will be very wise if we do so.

I yield the floor.

The PRESIDING OFFICER (Mr. CRAPO). Under the previous order, the Senator from Texas is recognized.

Mr. CORNYN. Mr. President, I find it ironic that we are debating the nomination of this fine nominee for Attorney General and hearing some vehement criticism of not just him but of this administration and its policies in Iraq and combating the war on terror, and when on Sunday we saw free Iraqis conduct their first democratic election in many years, with the kind of turnout that, frankly, brings a little embarrassment to those of us in America because they had such a tremendous outpouring of emotion and support for the opportunity to rise up against their oppressors, thanks to coalition forces and the sacrifices made by the American people and our allies, and be able to do what we do here on a regular basis, and that is let the will of the American people be known through the process of electing our representatives. But here we are, and shortly on the heels of the debate on the nomination of Condoleezza Rice as Secretary of State. Of course, what we are told by those on the other side of the aisle is the outcome of this debate is not in doubt. Even the opponents of Judge Gonzales, just as the opponents of Condoleezza Rice, even as they stand here and claim these are great American success stories, which they are, and claim to personally like and respect these nominees, at the same time we see them excoriated and abused by partisan politics which, unfortunately, I hoped would cease or at least be mitigated somewhat by the results of the election on November 2.

We saw on November 2 not only the President's reelection by substantial margins, but we also saw an increase in our side of the aisle in the Senate and larger numbers in the House. One reason I believe that happened was because of this debate on the wisdom of our policies of this Government, particularly over the last 4 years. We held a popular referendum on November 2 and, frankly, the politics of obstruction and anger were repudiated.

What the American people want and expect is that we will get the business of the American people done in this body and that we will not degenerate into partisan fingerpointing or namecalling, nor obstruction of the kind we have seen occur time and time again against this President's nominees, particularly the judges who have been nominated by this President to circuit courts.

We know that while our friends on the other side of the aisle did have an opportunity for self-examination and reappraisal on November 2, apparently they have been unable or unwilling to change their habits and their destructive approach to this process. Unfortunately, it causes good men and women, such as Al Gonzales and Condoleezza Rice, to have to go through a process that, frankly, does not dishonor them but I think fails to bring honor to this institution and to those who oppose their nominations.

There is no question that we have an obligation in the Senate to seriously conduct our advice and consent function, and certainly no one is suggesting that any Senator should not vote their conscience. That is not what we are talking about. What we are talking about is when we cross the line that should not be crossed between doing our duty, sent here as we were by the people of our various States, and engaging in partisan politics on the floor, particularly on nominations, it is unfortunate.

I want to speak now not about this caricature that has been created by those who oppose this nomination, not the person I really see described by his opponents that I do not recognize, but I want to talk about the real Al Gonzales.

I am pleased Judge Alberto Gonzales happens to be a friend. He is a talented lawyer and a distinguished public servant and a good man. He also happens to be a good Texan and an inspiring American success story. I am proud to call him my friend.

I have known Alberto Gonzales for a number of years, unlike most of the people who are in this body, and that just is because I worked with him and alongside him and had a chance to observe him day in and day out, as he first functioned as the President's then-general counsel when he was Governor of the State of Texas, when he then served in the office of secretary of state for the State of Texas, and then was appointed and then elected to serve on the Texas Supreme Court, which he did for a couple of years before the President of the United States asked him to leave his home behind and come to Washington to work with him in the challenges of the Oval Office, to serve as his legal adviser and White House Counsel.

Little did this President know and little did Alberto Gonzales know that September 11 would forever change the course not only of American history but their lives in such a dramatic and profound way.

The context I think the opponents of this nomination fail to take into account is how much America and our way of life was threatened by those who had no regard for human life, who had no regard for the law of war, but rather than attack our military in a battlefield chose to attack innocent civilians, resulting in the massive loss of human life in Washington, Pennsylvania, and in New York and resulting in almost a trillion dollars' worth of economic loss to the American economy.

Not only is this an extraordinary nominee and a good man, but I suggest to my colleagues that this President and his advisers, including his legal adviser, Alberto Gonzales, were met with challenges they never could have imagined they would have to undertake. It is important to have that context as we judge the work he did.

As I say, I have known Alberto Gonzales for many years, and I can tell you the media is absolutely right when they call him the man from Humble. For those who are not from Texas, that refers to Humble, TX, where he was raised, but also the fact that he is a modest, self-effacing man. He is the son of migrant workers. His childhood home, where his mother still lives today, was built by his father and his uncle.

As a child, he earned a little bit of money selling soft drinks at Rice University stadium and there, as he looked over the football games being played in that stadium, he dreamed of one day possibly going to school at Rice University.

Alberto Gonzales was the first person in his family to attend college. Because of the love and support of his family, his hard work and determination, he graduated from Rice University. In other words, his dream came true. Then he went on to graduate from Harvard Law School, two of the most prestigious institutions in this country.

Was it because he was born with a silver spoon in his mouth or was a child of privilege or knew powerful people? I suggest the answer to that is absolutely not. The reason Alberto Gonzales was successful in achieving his educational dreams is because of the love and support of his family and because of the hard work that in America ought to be rewarded and not discouraged.

Indeed, this is a man who not only, after he went to college, went on to work in one of the most prestigious law firms in the United States of America, but was one of its first minority partners. Yes, it was this young lawyer, after about 10 years of practice, who was first identified by an aspiring Governor of the State of Texas, George W. Bush.

It cannot be lost in this debate, as it goes on today, tomorrow, and Thursday, that Judge Alberto Gonzales is truly an inspiration to all of us who still believe in the American dream.

His nomination to be the 80th Attorney General of the United States of America, the chief law enforcement officer of this great country and our first Hispanic Attorney General, that story should by all accounts have a happy ending. But unfortunately that is not the way Washington works. Once again, we will see that this confirmation process is unnecessarily partisan, even cruel to those who have selflessly dedicated themselves to serving the American people. Only in Washington would a good man such as Alberto Gonzales, the personification of the American dream, someone who has pulled himself up by his bootstraps by dint of hard work and determination and the love and support of his family—only in Washington would we see that a man such as this would get raked over the coals for doing his job.

This must be a little disorienting to Judge Gonzales and his family, because, frankly, he comes from that part of America that believes America should always be a place where honesty, determination, and diligence are rewarded.

I want to talk a little bit about some of the specifics of the accusations made against Judge Gonzales, because I don't think we can take for granted that this is particularly well understood. They have to do with arcane matters, albeit important matters such as the Geneva Convention and the law of war, with the limits on interrogation techniques that can be humanely employed by the United States as a matter of policy, but first, I wish to point out that not only does a majority of the Senate stand ready to vote and confirm this particularly well-qualified and distinguished nominee, there are a number of groups around the country which support his nomination. I heard—and this happens to be a pet peeve of mine—that someone said the Hispanic Caucus in the U.S. House of Representatives opposes Alberto Gonzales's nomination.

What that person did not say is that the Hispanic Caucus in the House of Representatives is composed only of Democrats. Indeed, there are Hispanics, both in the House and in the Senate, who support Judge Gonzales's nomination, as well as groups from all around the country that believe this nomination should not hit a glass ceiling but, rather, be an example for all Hispanics who look for reward for their hard work and labor in American society and which see this as an opportunity to elevate one of their own as a role model to young boys and girls as they go to school and work hard and try to achieve their American dream. The National Council of La Raza, the Hispanic Alliance for Progress Institute, the Texas Association of Mexican American Chamber of Commerce, the New America Alliance, the American-Latino Business Initiative, the National Association of Latino Elected and Appointed Officials, the Congressional Hispanic Conference, the League of United Latin American Citizens, the Hispanic National Bar Association, the Latino Coalition, the National Association of Latino Leaders, the United States Hispanic Chamber of Commerce, the Hispanic Association of Colleges and Universities, MANA, a National Latino Association, the National Association of Hispanic Publishers, the Hispanic Roundtable, and the National Association of Hispanic Firefighters endorse Alberto Gonzales's nomination to serve as this Nation's 80th Attorney General.

I don't want those listening by reference to a solely Democratic caucus in the House of Representatives, by hearing they do not support his nomination to be under the misapprehension that Latinos in this country do not overwhelmingly support this nominee, because they do.

I would point out finally, with regard to the Hispanic Caucus in the House, the solely Democratic-member caucus, they didn't support Miguel Estrada's nomination to the District of Columbia Court of Appeals, either. Frankly, it is beginning to be an unseemly trend.

Let me talk a minute about the Geneva Convention because this is, as many legal matters are, somewhat confusing. Frankly, we get down so far into the weeds on this that people's eyes glaze over and roll back into their heads and they quit receiving any additional information. But the bottom line is this: Judge Gonzales advised the President that all detainees in the war on terror—whether they be al-Qaida fighters, whether they be Taliban, whether they be the Iraqi military when we went into Iraq; all—as a matter of policy of this Government, be treated humanely. In other words, Alberto Gonzales, this President, this Government, and all of its officials have said we oppose torture in any form as a means to get intelligence from detainees, whether they be classified as unlawful combatants or are covered by the Geneva Convention.

Indeed, that is what Alberto Gonzales said in a memo he wrote to the President dated February 7, 2002, and which the President adopted. It is the policy of this Government to treat detainees—no matter how they be classified—humanely, and that we condemn the use of torture as a matter of national policy.

You would never know it by some of the statements, some of the misstatements and some of the disinformation that has been spread about this nominee. Unfortunately, it has been harmful to our effort in the war on terror. This should come as fairly straightforward information, but let me just emphasize it. I asked this question repeatedly during the course of the hearings we had with Judge Gonzales. I said: Does anybody here take the position that America should not use all lawful means to obtain actionable intelligence that would save American lives? Does anyone take the position that we should not use all lawful means to obtain actionable intelligence that would save human lives?

Thankfully, notwithstanding some of the rhetoric we have heard and maybe some of the confusion we have heard propagated during this debate, everyone said: No, we agree with that. You should use all lawful means to get actionable intelligence to save American lives.

What I was thinking back to was a hearing we had before the Senate Armed Services Committee on May 14, 2004. I asked that question of two of our Nation's most distinguished military leaders, MG Geoffrey Miller, who was in charge of the detention facilities there at Guantanamo, where many of the al-Qaida fighters are kept who have been the subject of news reports and some discussion and litigation. I also asked GEN John Abizaid, who is the commander of the U.S. central command, including Iraq. I will just read what General Abizaid said:

I will start with a question.

I said: "In your opinion, General Miller, is the military intelligence you have been able to gain from those who have recruited, financed and carried out terrorist activities against the United States or our military, has that intelligence as a consequence that you gained saved American lives?"

General Miller said: "Senator, absolutely."

So I asked General Abizaid, who was also there on the same panel, I said: "Would you confirm for us, General Abizaid, that it is also true within the Central Command"—which includes Iraq, Afghanistan, and I think it covers 26 countries. I may be off one or two.

But General Abizaid, the commander of U.S. Central Command, said: "Senator, I agree that is true. And I'd also like to add that some of these people we are dealing with are some of the most despicable characters you could ever imagine. They spend every waking moment trying to figure out how to deliver a weapon of mass destruction into the middle of our country, and we should not kid ourselves about what they are capable of doing to us and we have to deal with them."

I said: "General Abizaid, if we needed any other reminder than that of the death of Nicholas Berg, I believe that reminds us again in a graphic fashion."

You will recall that it was Nicholas Berg who was captured by terrorists, who then was beheaded on camera, and that film was shown to the entire world.

Our enemy does not play by the rules. They are not constrained by the law of war or the Geneva Convention. They believe it is perfectly acceptable to kill innocent civilians by suicide bombing attacks, as we have seen. And they believe it is perfectly acceptable to behead unarmed hostages as a means to carry out their reign of terror.

On the matter of the Geneva Convention, it is clear that it is important for us to get actionable intelligence using humane and legally acceptable means. Any suggestion that Judge Gonzales believes inhumane or illegal means are acceptable is simply not supported by any facts.

Frankly, on the matter of the applicability of the Geneva Convention, Judge Gonzales is right. You don't have to take my word for it.

First, I heard the Senator from Utah, Senator HATCH, former chairman of the Judiciary Committee, point out that al-Qaida never signed the Geneva Convention. But people may say, Well, that is a technical matter but it is part of it.

I will tell you that the Red Cross's own guidelines, which I hold here in my hand, have four requirements, four conditions of lawful combat, none of which al-Qaida meets.

Here again I ask: Does anyone in this body or anywhere across the country seriously argue that al-Qaida complies with the law of war? Judge Gonzales is not binding himself in his legal conclusion about the applicability of the Geneva Convention. Even though you say it might not meet the letter of the rules set out in this book I held up, the International Committee of the Red Cross Guidelines on the Geneva Convention, I would suggest this is important. Three Federal courts have concluded that Judge Gonzales's legal advice was correct. It has also been endorsed by numerous legal scholars and international legal experts across the political spectrum, as well as the 9/11 Commission, as well as a report given by the Schlesinger Commission, which was one of the commissions appointed to review the detention operations both at Guantanamo Bay and Abu Ghraib.

Finally, in addition to those decisions by the Federal court, the 9/11 Commission, and the Schlesinger report, I would say a brief filed in a recent Supreme Court case by former Carter administration officials, former State Department legal advisers, judge advocates general, military commanders, and liberal international law scholars, has agreed with Judge Gonzales's conclusion about the applicability of the Geneva Convention to al-Qaida.

As a matter of fact, these legal scholars said the President's conclusions that members of al-Qaida and the Taliban are unlawful combatants is clearly correct.

I would say to those who have been loose with the law and facts with regard to the Geneva Convention, they need to doublecheck their information, because time and time and time again Judge Gonzales's legal advice to the President has been shown to be correct.

But I must say again, this is not the same as saying we are going to treat these detainees in an inhumane fashion or that we are going to engage in torture. We are not. But some have inflated those two, saying if the Geneva Convention doesn't apply, what you are saying is there are no rules and anything goes, which is absolutely false. That is not what I am saying. That is not what Judge Gonzales said, that is not what the President says, and that is not the policy of the U.S. Government.

One last thing on the Geneva Convention. My father's generation, which was part of the "greatest generation" that fought in World War II—there are a lot of television shows and movies that depict how POWs are maintained. One of them I remember watching when I was a kid was called "Hogan's Heroes." You know what the Geneva Convention is designed to do—to protect American soldiers by providing reciprocal treatment by nations that we are at war with so our soldiers, sailors, marines, and airmen will be kept in a humane and appropriate fashion. But, of course, that presupposes the Geneva Convention applies, and that your enemy respects the law of war and shows some sort of self-restraint, something al-Qaida and the Taliban have not shown at all.

But does anybody believe that we ought not to be able to entice detainees to respond by offering creature comforts or other preferential treatment?

For example, when I went to Guantanamo and observed detention of al-Qaida terrorists there, it was explained to me by General Miller that they would sometimes use a little better food, maybe a change of the diet, perhaps allow people to cook on a grill outside and sort of encourage them to cooperate by more appetizing food, or maybe even move them from an individual cell into a community cell block where they could associate with one other and have a little greater freedom of movement. Those were some of the techniques being used there which would not be available if the Geneva Convention applied.

Surely those who oppose this nomination cannot believe that al-Qaida terrorists deserve to be treated better than an American citizen accused of a crime, which is in essence what they are saying.

I know I have dwelled upon this subject for a while, but let me conclude on this because, frankly, you hear the same old, tired, worn-out arguments being brought up time and time again without regard to the facts as I have explained them or the law as I have explained it.

There was a time actually when President Reagan was in office where there was a proposed amendment to the Geneva Convention, known as Protocol I of 1977, that would have actually extended the Geneva Convention to terrorists. President Reagan said: "We must not, and need not, give recognition and protection to terrorist groups as a price for progress in humanitarian law." We did not adopt that amendment but, indeed, we rejected it.

Notably at the time, even the New York Times and the Washington Post agreed. The Times called the President's position "sound" while the Post said it was right and even accused opponents of that of hijacking the Geneva Convention.

But, my, how far we have come to this hyperpoliticized environment where the facts and the law seem to take a backseat, and continuation of some of the political campaign tactics that we saw before November 2 have now carried over after the election not directed only at the President but now directed at his nominees.

All this support from multiple Federal courts, the 9/11 Commission, the Schlesinger report, liberal international legal scholars, Carter administration officials, even the New York Times and the Washington Post, and yet Judge Gonzales is being criticized by opponents of his nomination for taking the exact same position with regard to the applicability of the Geneva Convention.

All I can say is, it is only in Washington.

Let me touch on one other legal issue that gets down into the weeds. Judge Gonzales has been criticized for trying to understand what Congress meant when it passed the law prohibiting the use of torture, the so-called torture statute. The memo he is being criticized for he did not write, and the language defining what was torture and what was not torture that he is being criticized for, he did not write that statute either. Congress wrote that statute.

If Judge Gonzales, the officials at the Department of Defense, if the U.S. Government, including this administration, had so little regard for the law and basic human norms like humane treatment of detainees, why in the world would they go through all of this trouble to try to figure out what exactly did Congress intend and what are the limits? The reason is not to find a limit so you can find a way around the statute, it is to find how do you comply with the law because Government officials know if you violate the law, you, too, are accountable in a court of law.

Frankly, today—maybe it is a sign of the times—even military commanders, the Secretary of Defense, and other high Government officials do not make a move without consulting their lawyer because of their concern, No. 1, about complying with the law; and, No. 2, the consequences of failing to comply with the law.

It is simply unfair to attack Judge Gonzales again for a memo he did not write and a statute that defines torture that he did not write either, that Congress did. So I suggest some of the opponents of this outstanding nominee, if they do not like what the torture statute says, if they do not like the effort to try to understand and explain it, maybe they ought to look in the mirror and maybe we ought to go back to work and be more clear about what we mean when we say torture is illegal and what the limits are of that.

Again, everyone agrees—or at least I have not heard anyone object yet—to the goal of using all lawful means to obtain actionable intelligence to save American lives. And how can you determine what those lawful means are unless you examine the treaties and the statutes and other laws that deal with what the permissible limits of interrogation techniques are and use that as a bright line to determine what is legal, permissible, what is humane and what is not.

Let me mention, some have again tried to confuse the issue by taking the criminal conduct of a few at Abu Ghraib prison and suggesting that somehow this reflects the policy of this administration and of the U.S. Government.

Not only is that suggestion an insult to all law-abiding Americans, and particularly those men and women in uniform who are serving honorably and who made the celebrations following the election in Iraq on Sunday possible, but to try to paint with such a broad brush and to say this is a matter of policy or practice and nobody cares what the law is and, you know what, we are going to take a few bad actors and people who cross the line between legality and illegality and we will basically suggest everybody is in the same big pot. That pot is people who have committed criminal acts against detainees and prisoners at Abu Ghraib.

It is safe to say that everyone agrees Abu Ghraib was a shameful episode in our Nation's history. Yet again some want to actually exploit that tragedy, that shameful episode by a few, for political points. Abu Ghraib is a serious matter. It should be treated seriously. Indeed, it has been.

The Senate Armed Services Committee has held hearing after hearing after hearing to try to get to the bottom of what happened. The U.S. Department of Defense has conducted at least eight different investigations to try to figure out what went wrong and how to make sure it does not happen again, but to also hold those who cross the line into criminal conduct accountable. Indeed, we have seen that happen.

Abu Ghraib should be treated seriously and not politically. Even the Schlesinger report—and I know there have been suggestions that somehow the acts of a few miscreants at Abu Ghraib reflect broad, widespread disregard for basic human rights of these detainees, or maybe somehow reflects the use of permissible interrogation techniques approved by the Department of Justice—here again the Schlesinger report, composed of a bipartisan commission to investigate what happened at Abu Ghraib, concluded:

> No approved procedures called for or allowed the kinds of abuses that, in fact, occurred. There is no evidence of a policy of abuse promulgated by senior officials or military authorities.

If there is no evidence of a policy of abuse promulgated by senior officials or military authorities, and if there is no evidence whatever that Judge Gonzales was in any way responsible for this, why are we talking about Abu Ghraib during Judge Gonzales's confirmation? Again, I suggest this is not about Alberto Gonzales and his fitness to serve. This, unfortunately, has crossed the line into partisan politics, a place we should not go.

I am proud of my friend, Judge Alberto Gonzales. He is a source of great inspiration and pride to his family, his friends, and to the great State of Texas from where we both come. Time and time again, Judge Gonzales has done his duty in the war on terrorism. It disheartens me to see him held up to ridicule, distortions, and outright lies for being the patriot that he is.

I also will speak, because I know others will address this—I have not been able to listen to all of the debate, but I have quite a bit of it. I know this matter came up in the committee and it is important to set the record straight. Judge Gonzales appeared before the committee and answered question after question by the members of the Senate Judiciary Committee. Of course, that was broadcast on C–SPAN for people all across the world to see. My own impression was that Judge Gonzales did his very best to answer the questions that were asked of him.

Some members of the committee purported to be dissatisfied with the opportunity they were given to ask questions, and they had additional questions to ask. I hold in my hand more than 400 questions—and these are on single-spaced pages—more than 400 questions asked of Judge Gonzales after the hearing, and they generated 440 responses encompassing 221 single-spaced pages. After the New York Times argued that Judge Gonzales was very forthcoming in his responses to the committee, there was another request made, and at that time an additional 54 written responses were provided on 27 single-spaced pages. There were requests for copies of documents, some of which I have in my hand. I do not claim these are all of them, but I do believe it is a representative sample of what Judge Gonzales was actually provided. I will get to who provided it in a minute.

I think all fairminded people would conclude not only did Judge Gonzales attempt, to the best of his ability, to answer questions asked him of the committee when we were in open session, but at least on two occasions answered other questions. On one occasion he gave 440 answers in a 227-page, single-spaced response, again provided additional written responses in 27 additional pages, and he also provided more than 200 documents to go along with his answers.

So I think any fairminded person would have to conclude Judge Gonzales has tried his best to be responsive. I do think it is important to point out, as I believe Senator HATCH did earlier, that actually Judge Gonzales recused himself from providing these responses or answering the questions. In other words, he felt it was improper for him to have a personal hand in crafting the responses to the document requests or necessarily questions directed to the White House or to some other party.

So many of the responses, particularly to document requests, came from the White House Counsel's Office provided by, I believe it was Mr. Leitch, that Judge Gonzales had actually no hand in. But that was in an effort on his part to try to be fair and evenhanded and to basically take himself out of any controversy and leave it up to the committee, those requesting the documents, and the White House. I believe that was appropriate.

So time and time again, we have seen that the real Al Gonzales is not the caricature that has been painted by his opponents during this confirmation process. Time and time again, we have seen that not only do the American people view Alberto Gonzales as a personification of the American dream, he is a source of pride and admiration for Hispanic organizations and Hispanics all across this great land of ours, as he well should be.

Notwithstanding what we have heard from opponents of this nomination, and of this administration, Judge Alberto Gonzales has condemned the use of torture on detainees, prisoners of war, anyone in American custody. Indeed, he has insisted, as a matter of American policy and law, on humane treatment. But he also believes, as the true patriot he is, that it is important we not lose the overall context of where this is happening and how this is happening.

Alberto Gonzales believes, as I believe everyone—at least no one objected here on this side of the ocean—who supports freedom and democracy for the Iraqi people believes, it is important we continue to use all lawful means to obtain actionable intelligence to save American lives and to help ensure our success against the insurgents who still plague Iraq.

I believe that on fair analysis by those who would listen to the facts and the arguments on both sides of this particular debate, there is only one reasonable, nonpolitical conclusion, and that is, this nominee should be confirmed, and should be confirmed overwhelmingly by the Senate.

After we saw the opposition to Condoleezza Rice's nomination, I was gratified to see that at least she received the vote of 85 Members of the Senate in a bipartisan fashion. But I was troubled when, even though several members of the Senate Judiciary Committee said they would likely be voting in favor of Alberto Gonzales's nomination, they have now changed their tune. We saw a strict party-line vote in the Senate Judiciary Committee: all Republicans supporting his nomination, all Democrats opposing it.

So, unfortunately, I was left with the conclusion that we have seen now again a continuation of the bitter politics of this confirmation process which not only I think fails to bring honor to this institution but which I think does a real disservice to the honorable men and women who agree to serve in important positions such as Secretary of State and Attorney General.

But I also say it does not bode well for the hoped-for beginning of a new Congress on the President's judicial nominees. We know the President intends to send up 10 nominees who were previously filibustered by the other side. I would have thought that after the election they would have reconsidered that course. But here again, I think we have seen an unfortunate continuation of the tactics and the bad habits that perhaps our opponents in this debate have lapsed into. And perhaps they know no other way to proceed, other than through obstruction and through mischaracterization of this nominee's fine record. We should confirm Alberto Gonzales as the 80th Attorney General of the United States, and do so overwhelmingly.

Thank you, Mr. President.

The PRESIDING OFFICER (Mr. MARTINEZ). Under the previous order, the Chair now recognizes the Senator from Massachusetts.

Mr. KENNEDY. I thank the Chair. I talked to the floor manager and indicated I was going to ask unanimous consent that the Senator from Florida, Mr. NELSON, be recognized and permitted to speak for 15 minutes after I yield the floor.

Mr. SPECTER. Mr. President, is there a 15-minute time limit on how long Senator NELSON will speak?

Mr. KENNEDY. That was the time he requested, and that is the time I ask unanimous consent for.

Mr. SPECTER. Sounds good.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair.

Mr. President, as others have said, this is an extremely important nomination. I think all of us in this body take our responsibilities seriously. Those of us who have expressed some concern and reservation, even opposition, to this nominee are filled with admiration about his own personal story. I have said at other times, I wish I could vote for the story, not the individual, because the story, as has been pointed out, is the story of the American dream.

But there are decisions that were made when this nominee had important responsibilities that I think are in conflict with American values. The primary issue I am concerned about and that I find should be of concern to the American people is his attitude when he was the President's Counsel on the development of a policy of torture, which has been recognized by the Federal Bureau of Investigation, by the Central Intelligence Agency, by the Defense Intelligence Agency, by the Red Cross.

There is no question that he was at the epicenter in terms of the development of that policy. I think that is what is at issue: at least it is for me. And I think it is important that our colleagues have an opportunity to listen to the record.

I listened to my friend and colleague from Texas speak on his behalf, and I certainly respect his presentation. But I think the facts speak otherwise on a number of important points.

Earlier the chairman of the committee, Senator SPECTER, said in reference to the correspondence from the Department of Justice that he was not satisfied with the Justice response to Senator DURBIN's and my request for the memos relating to a New York Times story, again related to torture. And I am certainly not, either.

What the Justice Department said was that they brief the Intelligence Committee on these memos and the materials then are classified. That does not help the rest of us. We still need to know whether the Times story was accurate. We are all cleared, obviously, as Members of the Senate to classified information. We need the information to decide on the Gonzales nomination, and we should have it before the vote.

In the final paragraph of the note from the Justice Department, it says:

> Finally, the Office of Legal Counsel in its recent memorandum of December 30 stated we have received this office's prior opinions addressing issues involving interrogation of detainees and do not believe that any of their conclusions would be different under the standards set forth in the memorandum.

So the Justice Department piles secrecy upon secrecy.

Then in a letter received today, they refused to provide the second Bybee memo.

Justice says basically what the administration has said: Don't worry, it is taken care of. You in the Senate don't have to worry very much about it.

I find that troublesome.

Mr. SPECTER. Will the Senator from Massachusetts yield?

Mr. KENNEDY. I am glad to yield briefly.

Mr. SPECTER. I think the Senator misunderstood me. I did not say that I was dissatisfied with what the Department of Justice had submitted. What I did was to ask them to respond to the letter which I received this morning from you and Senator DURBIN, and they responded with a letter which I have put in the RECORD where they have said that the second memo was not a memo that went to Judge Gonzales, but it was a memo that went from the Department of Justice to another client who had inquired as to what were the parameters of appropriate questioning. And the Department of Justice said that it had classified information and they would not release it and that it had been identified in previous correspondence with Senator LEAHY and that it had been the subject of a briefing of a chairman of a relevant committee on the customer client.

I think all of this may boil down to a request by the CIA—I am speculating now; I want that clear for the record because that is not what the letter said—in that there was later a briefing to the chairman of the Intelligence Committee. So the matter did not go to Judge Gonzales, and that is a reason for not making the disclosure because he did not actually receive it. But I thank the Senator from Massachusetts for letting me comment. But I had not said that I was dissatisfied with what the Department of Justice had done.

Mr. KENNEDY. Mr. President, this is all about the issue of torture. We are talking about torture and the role that Mr. Gonzales played in the development of the dramatic change in American policy that overrode statutes that had been passed in the Senate and treaties which the Senate had signed. It is about torture. He is the legal counsel for the President. I will get back into the history of his role in this. But to dismiss a relevant document that is about torture, that is related to the subject matter of Mr. Gonzales, and think that we don't have an opportunity or right to review that, I find troublesome. I don't know what the administration is attempting to hide. I will come back to that later in my presentation about the failing of the responsiveness of Mr. Gonzales on these issues. It seems to me that any fair reading of this memoranda, of the questions that Senator DURBIN and I asked, and reading of the Department of Justice memorandum would find them completely unresponsive. If that is not what the chairman of the committee says, I say it. I will move on.

This is one of the most important votes the Senate will take this year. The issues raised by Mr. Gonzales's nomination go to the heart of what America stands for in the world and the fundamental values that define us as a nation: our commitment to individual dignity, our respect for the rule of law, and our reputation around the world as a beacon for human rights, not as a violator of human rights.

President Bush said it well in his inaugural address last month:

> From the day of our Founding, we have proclaimed that every man and woman on this earth has rights, and dignity, and matchless value, because they bear the image of the Maker of Heaven and Earth.
>
> The world is watching to see if our actions match our rhetoric.

How can the Senate possibly approve the nomination of Mr. Gonzales as Attorney General of the United States, the official who symbolizes our respect for the rule of law, when Mr. Gonzales is the official in the Bush administration who, as the White House Counsel, advised the President that torture was an acceptable method of interrogation in Afghanistan, Guantanamo, and Iraq? Torture is contrary to all that we stand for as Americans. It violates our basic values. It is alien to our military's longstanding rules and tradition. We send our men and women in the armed services into battle to stop torture in other countries, not to participate in it themselves.

These values did not change or become less relevant after 9/11. Americans did not resolve to set aside our values or the Constitution after those vicious attacks. We didn't decide as a nation to stoop to the level of the terrorists. To the contrary, Americans have been united in their belief that an essential part of winning the war on terrorism and protecting the country for the future is safeguarding the ideals and the values that America stands for at home and around the world.

Americans agree that torture is and should remain beyond the pale. A recent pole in USA Today showed that Americans strongly disapprove of the interrogation tactics that have been used in Iraq, Afghanistan, and Guantanamo, including the use of painful stress positions, sexual humiliation, threatening prisoners with dogs, threatening to ship them to countries known to practice torture. The American public has held fast to our most basic fundamental values. How could our Government have gone so wrong?

Mr. Gonzales is at the center of a torture policy that has run roughshod over the values that Americans hold so dear. On issue after issue in developing this policy he has endorsed expediency over the rule of law. He adopted an absurdly narrow definition of torture in order to permit extreme interrogation practices. He advocated an unjustifiably expansive view of Presidential power, purporting to put the executive branch above the law. He ignored plain language of the Geneva Conventions in an attempt to immunize those who may commit war crimes. He continues to push a discredited interpretation of our treaty obligations to permit the CIA to commit cruel, inhuman, and degrading acts outside of the United States. He refuses to be candid about his interpretations, policies, and intentions.

The administration's policy on torture was established in August of 2002 in a Justice Department document called the Bybee or, more accurately, the Bybee-Gonzales memorandum. The memorandum was written at Mr. Gonzales's request. It reads: "Memorandum for Alberto R. Gonzales, Counsel to the President."

The first two sentences read:

> You have asked for our Office's views regarding the standards of conduct under the Convention Against Torture and the Anti-Torture Statute passed by Congress in 1994. As we understand it, this question has arisen in the context of the conduct of interrogations outside the United States.

After its release in August 2002, the memoranda became the official policy on interrogations by the Defense Department and the CIA for 2½ years, until it was repudiated just last month at the last minute on the eve of Mr. Gonzales's nomination.

Yet, Mr. Gonzales refused to tell us anything about how the Bybee-Gonzales memorandum was written and why he ordered it. We know from press reports that the C.I.A. asked him for advice on how far the agency could go in interrogating detainees. In July 2002, he held meetings with other administration officials to discuss how to legally justify certain interrogation methods. He refuses to tell us anything about those meetings.

I have here the questions I had submitted, which were filed on January 18:

> Did you participate in meetings where specific interrogation techniques were discussed?

I will include the full answers, but included in the answer is this:

> For me to provide details about the methods of questioning terrorists mentioned in meetings that I attended would entail discussing classified information, and I am not at liberty to do so.
>
> Could you tell the positions taken by the individuals present at the meetings when these topics were discussed?
>
> Any meeting of the type you described, any records reflecting the information you specify would involve predecisional deliberations, and I am not at liberty to disclose.

What are predecisional deliberations? Is that executive privilege? If so, why don't they say it? If not, he has a requirement, and the committee should not have passed them out unless he was going to answer the questions.

Then it goes on:

> Identify any notes or memoranda reflecting the CIA's request, any responsive actions by your office and the Department of Justice.
>
> Any meeting of that type would involve predecisional deliberations and I am not at liberty to disclose.
>
> Well, in preparation for your hearing, or since the hearing, did you review documents relating to the Bybee memorandum and its history?
>
> I have conducted no search to the extent the documents requested may exist; moreover, they would involve deliberative material and I am not at liberty to disclose.

I listened to my colleagues on the other side talk about all of the questions asked, and I have 4 pages, 5 books, 16 documents. These are the answers. This is all part of the record. "I am not at liberty to disclose," he says.

It goes on:

> Identify notes or correspondence reflecting advice or assessments, recommendations and your views on these issues.

Answer:

> I have not conducted a search.

The issue was torture.

> I have not conducted a search. Any records reflecting the information you specify would involve deliberative material, and I am not at liberty to disclose.

There it is, Mr. President. I will not take the time to go on. I will include those questions in the RECORD. They conducted a word search about torture, another word. It didn't kick out and they said: We conducted a complete search, and this is the best we can do for his answers. It is an insult to not just the Senate of the United States but the American people on the issue of torture.

We are talking about basically the single issue that is involved in the remarks I am making, about his role in the development of torture. Talk about values in this country, this is torture.

He says he can't remember what specific interrogation methods were discussed.

He can't remember who asked for the Justice Department's legal advice in the first place.

He can't remember whether he made any suggestions to the Department on the drafting of the Bybee-Gonzales Memorandum, although he admits that "it would not be unusual" for his office to have done so.

He doesn't know how the memo was forwarded to the Defense Department and became part of its "Working Group Report" in April 2003, which was used to justify the new interrogation practices at Guantanamo. Those practices, in turn, to use the obscure word resorted to by the administration, somehow "migrated" to U.S. military operations in Afghanistan and Iraq, as if no human hand had been involved in the dissemination.

Torture became a pervasive practice. The FBI says so. The Red Cross says so. The Defense Intelligence Agency says so. The Defense Department says it has investigated more than 300 cases of detainee torture, sexual assault, and other abuse. Additional allegations of abuse—many of them too sickening to be described in open session on the floor of the Senate—are reported almost daily. Yet, Mr. Gonzales can't remember the details of how any of it happened.

The Judiciary Committee has repeatedly asked Mr. Gonzales to provide documents on his meetings, evaluations, and decisions on the Bybee memorandum. These documents would speak volumes about all the issues Mr. Gonzales says he has trouble remembering. Yet he refuses to provide the documents. He won't even search for them. In his responses to our written questions, Mr. Gonzales stated eight times that he has not "conducted a search" for the requested documents. In other words, the documents we want may exist, but he's not going to look for them. It's hard to imagine a more arrogant insult to the constitutional role of the Senate in considering nominations.

Mr. Gonzales refused to answer other questions and requests on the grounds that they would involve "classified information," "predecisional" or "internal deliberations," or "deliberative material" None of these grounds is sufficient. There is no legal prohibition against providing classified material to Congress. It's routinely provided to Congress and discussed in closed meetings. There is no recognized privilege for "predecisional" or "deliberative" materials. The only exception is in the rare case where the President himself decides that his interest in secrecy outweighs the public interest in disclosure, and he himself invokes executive privilege. That hasn't happened here.

It was clear when Mr. Gonzales was nominated that his involvement in the policy on prisoner detention and interrogation would be a major concern of the Senate, and that the Senate would need full information and materials on this subject. Serious abuses of detainees occurred in Iraq, Afghanistan, and Guantanamo. Mr. Gonzales's role in developing their legal justification goes to the heart of the issue whether he should be confirmed as the Nation's chief law enforcement officer.

If we vote to confirm this nominee without insisting on answers to our Questions, we'll be abdicating our advice-and-consent responsibility and weakening our oversight function precisely when it is needed most.

The Bybee-Gonzales memorandum was not a law review article or newspaper op-ed article. As Mr. Gonzales himself has said, it was the definitive legal opinion by the Justice Department on the rules on torture for the entire executive branch of the Government.

We learned this past weekend from a New York Times article that the Justice Department's Criminal Division—then headed by Assistant Attorney General Michael Chertoff, now the nominee to head the Department of Homeland Security—was advising the CIA on the legality of specific interrogation techniques, using the Bybee-Gonzales memo as its legal guideline.

Further, the Times reported that there is a second Bybee memo which goes into even more detail than the first about which methods of coercion can be used. We have repeatedly asked for information about the original Bybee-Gonzales memo and how it was used. The nominee and the White House have stonewalled us. We have repeatedly asked for other documents to be produced that would be relevant to understanding the first Bybee-Gonzales memo. The nominee and the White House have stonewalled us.

Yesterday, Senator DURBIN and I wrote a letter to the ranking members of the Judiciary and Government Accountability Committees outlining the pressing need for all relevant documents before we proceed to fully consider the nomination. Senator DURBIN and I wrote:

> It is clear that the Senate should have the documents before it votes on these two

> nominations, since such materials go to the heart of the qualifications of the nominees to serve in the sensitive and important positions which they have been nominated for.

As far as we know, until the Department released its revised version of the memorandum last month, the Bybee memorandum was the official and definitive Justice Department opinion on the definition of torture, on the legal defenses for those who commit torture, and on the power of the President to override laws and treaties on torture.

Given the recent New York Times article, it may be that in addition to the second Bybee memo, which we do not have, there are other memos on torture that the White House refuses to disclose.

Harold Koh, a leading scholar of international law and Dean of the Yale Law School who served in both the Reagan and Clinton administrations, calls the Bybee memorandum the most clearly legally erroneous opinion he has ever read. As he told the Judiciary Committee:

> If the counsel for the President receives such an opinion, you would have expected him to do at least one of two things: First, reject it on the spot and send it back or, second, send it to other parts of the government and have them give a second opinion, particularly the State Department which, I believe, following the policies in the U.S. Report on the Convention Against Torture, would have said that the opinion is flatly wrong.
>
> Instead . . . that opinion was allowed to become the executive branch policy, was incorporated into the DOD working group report, and remained as executive branch policy for some 2½ years, during which time I believe that a permissive environment was inevitably created.

That is what Harold Koh said at the hearing. I hope every Member of the Senate will take the time to read his testimony.

In his response to our questions about the Bybee memorandum, Mr. Gonzales said he has "no specific recollection of [his] reaction to the conclusions, reasoning, or appropriateness as a matter of policy of any of the particular sections of the memorandum at the time [he] received it 2½ years ago."

He did say, however, that he believed at the time it was "a good-faith effort" to interpret the antitorture statute. At the hearing, he told Senator LEAHY:

> I don't recall today whether or not I was in agreement with all of the analysis, but I don't have a disagreement with the conclusions then reached by the Department.

Let's review those conclusions. They are summarized on the memo's final page. The Bybee memorandum made three basic points. First, it said that torture means only acts that inflict the kind of pain experienced with death or organ failure. That is what the memo said: The pain "must be of an intensity akin to that which accompanies serious physical injury, such as death or organ failure."

Second, the memo said that the President has the inherent constitutional power as Commander in Chief to override the prohibitions against torture enacted by the Congress. Application of the antitorture statute "to interrogations undertaken pursuant to the President's Commander in Chief powers may be unconstitutional," the memo said.

Third, the memo said that even if a Government official were to commit torture under the extremely narrow definition set forth, abusers could still invoke the defenses of "necessity" or "self-defense." As the memo states, "necessity or self-defense could provide justification that would eliminate any criminal liability." The memo made this outlandish claim even though the Convention Against Torture, which Congress ratified in 1994, states very clearly that "no exceptional circumstances whatsoever" may be invoked as a justification for torture.

Fourth, the memo states that even if the person inflicting pain knew that severe pain would result from his actions, he would not be guilty of a crime even if he acted without good faith if causing harm was not his primary objective. This analysis defines "intent" in a way that defines away any instances of torture. This is one of the serious errors in the Bybee-Gonzales memo that was contradicted in the new OLC memo of December 30, 2004, which replaced the original memo.

None of these points qualify as a reasonable or "good faith" legal argument. The Bybee memorandum defined torture so narrowly that Saddam Hussein's lieutenants could have claimed immunity from prosecution for many of their crimes. Beating you, suffocating you, ripping out your fingernails, burning you with hot irons, suspending you from hooks, putting lighted cigarettes in your ear—none of these categories are specifically prohibited under the Bybee memorandum since none involve near death or organ failure, the specific conditions required by the memo to constitute torture.

As Chairman SPECTER himself said today, the original Bybee-Gonzales memo was "erroneous in its legal conclusions," and its definition of torture "was not realistic or adequate."

Nevertheless, Mr. Gonzales allowed it to stand for over 2 years and allowed it to be disseminated to other agencies, such as DOD, where major portions were absorbed verbatim into official policy. And now we know from the Times that it was used in the Justice Department to approve specific extreme methods for the CIA.

Mr. Gonzales also refused to tell us whether the extreme conduct at Guantanamo described in the FBI e-mails is illegal.

This conduct included burning detainees with lighted cigarettes, exposing them to extreme temperatures, giving forcible enemas, holding them in prolonged stress positions in their urine or feces. He explained his refusal to respond by saying to us:

> [W]ere the administration to begin ruling out speculated interrogation practices in public, by virtue of gradually ruling out some practices in response to repeated questions and not ruling out others, we would fairly rapidly provide al-Qaida with a roadmap concerning the interrogation that captured terrorists can expect to face.

That is arrant nonsense. Our laws and treaties, our military field manuals all provide specific and clear guidance on where to draw the line on torture. Mr. Gonzales's failure to condemn these acts of torture only weakens America's standing in the world and sets back our efforts against terrorism.

How can we confirm as the chief law enforcement officer a nominee who is afraid to stand up for the rule of law?

To reach this narrow definition of torture, the authors of the Bybee memorandum relied on totally unrelated Federal statutes that define emergency medical conditions for purposes of providing health benefits. The revision last December of the Bybee memoranda refuted this analysis stating that the statutes relied on "do not define severe pain even in that very different context . . . and they do not state that death, organ failure, or impairment of bodily function cause 'severe pain.'"

Clearly, the memo's original definition of torture is wrong. If it is applied in other countries, U.S. soldiers and citizens traveling abroad would clearly be at risk.

The Bybee memorandum provisions on executive power are also wholly inconsistent with the separations of power in the Constitution. Article II, section 3 directs the President to "take Care that the Laws be faithfully executed." Yet the Bybee memorandum states that the Federal antitorture statute would be unconstitutional if it "interferes with the President's direction of such core war matters as the detention and interrogation of enemy combatants."

At a press conference in June 2004, Mr. Gonzales refused to say whether this statement remains "good law" for the Bush administration. He would say only that the President "has not exercised his Commander in Chief override: he has not determined that torture is, in fact, necessary to protect the national security of this country."

Mr. Gonzales evaded questions on this issue by committee members. To this day, we still do not know whether the President believes he has the power as Commander in Chief to authorize torture. There is no such thing as a Commander in Chief override.

It is certainly not in my copy of the Constitution. It appears to be something that Mr. Gonzales and his colleagues have invented.

Congress has repeatedly passed laws and ratified treaties prohibiting torture and mistreatment of detainees.

and the President does not have the power to violate them.

When a nominee claims that such an override exists, or suggests that those who commit torture might be able to invoke the defense of "necessity" or "self-defense" notwithstanding Congress's categorical prohibition against such a defense, it sends a message that "anything goes" to our troops and intelligence officers in the field. To allow such extreme claims to become official U.S. policy for two whole years was reckless and, in my view, disqualifying in any nominee for Attorney General.

Mr. Gonzales has also demonstrated a flagrant disregard for the rule of law in his effort to facilitate the CIA practice of "ghost detainees." The administration has always claimed to be in full compliance with the Geneva Conventions in Iraq. Yet in the spring of 2004, we learned from General Taguba that between six and eight of the prisoners at Abu Ghraib Prison had not been registered as required by Army regulations and were being moved around the prison to avoid detection by the International Committee for the Red Cross. General Taguba described this practice as "deceptive, contrary to Army doctrine and in violation of international law."

In September, Army investigators told the Armed Services Committee that at the CIA's direction, as many as 100 detainees at Abu Ghraib had been hidden from the Red Cross and that the CIA had refused requests to cooperate with the military investigation. This disclosure drew outrage from both Democrats and Republicans. Senator McCain said:

> The situation with the CIA ghost soldiers is beginning to look like a bad movie. . . . This needs to be cleared up rather badly.

Since then, we have learned that Mr. Gonzales was a major architect of this policy. On March 19, 2004, the Justice Department provided him with a draft memorandum—the so-called "Goldsmith Memorandum"—to allow the CIA to ship certain persons out of Iraq. Once again, the memo's first page reads, "Memorandum for Alberto R. Gonzales, Counsel to the President." A separate cover page confirms that the opinion was requested by him. It is hard to imagine a clearer smoking gun.

Article 49 of the Fourth Geneva Convention specifically states:

> Individual or mass forcible transfers, as well as deportations of protected persons from occupied territory to the territory of the Occupying Power or to that of any other country occupied or not, are prohibited, regardless of their motive.

Violations of Article 49 constitute "grave breaches" of the Convention and therefore qualify as "war crimes" under Federal law.

In spite of the clear, unequivocal language of this provision, the Justice Department ruled that Article 49 does not in fact prohibit, for the purpose of "facilitating interrogation," the temporary removal from Iraq of "protected persons" who have not been accused of a crime. Scott Silliman, an expert in military law at Duke University, observed that the Goldsmith memorandum:

> Seeks to create a legal regime justifying conduct that the international community clearly considers in violation of international law and the Convention.

Although the memo was labeled "draft," it was put into action. In October 2004, the Washington Post reported that one intelligence official familiar with the operation said the CIA used the memo:

> As legal support for secretly transporting as many as a dozen detainees out of Iraq in the last six months. The agency has concealed the detainees from the International Committee of the Red Cross and other authorities, the official said.

The legal analysis in the Goldsmith Memorandum is preposterous. Yet it appears to have provided a legal justification for the CIA to commit war crimes. As with the Bybee Memorandum, Mr. Gonzales has categorically refused to answer the Senate's questions about his involvement.

He refuses to provide or even conduct a search for documents relating to his request for the Goldsmith Memorandum.

He refuses to say anything about his discussions with the author of the memo.

He says he does not know whether the CIA acted on the memo, as the Washington Post reported.

He even says that he has never had the "occasion to come to definitive views" about the analysis in the memo.

Far from helping to clear the air, Mr. Gonzales has clouded it further. To let his nomination proceed would make a mockery of the notion of congressional oversight and accountability.

There are many other issues in Mr. Gonzales's record that should give Members of the Senate pause.

As predicted by Secretary Powell and senior military lawyers, Mr. Gonzales's memorandum of January 2002 on the applicability of the Geneva Conventions to the war in Afghanistan brought a strong negative reaction from even our closest allies and lowered the bar for the protection of our own troops.

According to the Schlesinger report, in September 2003 military commanders in Iraq cited this memo as legal justification for the use of extreme interrogation techniques at Abu Ghraib prison. The worst abuses there occurred from September to December 2003.

In his answers to the committee, Mr. Gonzales made clear that the administration does not consider the CIA to be bound by the prohibition on cruel, inhuman and degrading treatment in Article 16 of the Convention Against Torture. This shift in legal policy was apparently made in a separate Justice Department memorandum which has also not been provided to Congress.

Today, therefore, CIA agents are authorized to treat detainees in a cruel, inhuman, and degrading manner—even if it violates constitutional rules in the U.S.—so long as they do not commit "torture" under the Department's narrow definition. President Bush also exempted the CIA from his directive in February 2002 to treat all detainees "humanely." This shameful change in policy obviously endangers the safety of American soldiers who are captured abroad.

Finally, the New York Times reported that Mr. Gonzales excluded important administration personnel from deliberations on the administration's plan to establish military tribunals at Guantanamo, a plan that was widely criticized as unjust, unworkable, and unconstitutional. Secretary of State Powell, National Security Adviser Rice, and the head of the Justice Department's Criminal Division, Michael Chertoff, saw the President's Military Order only after it was published in November 2001. Most of the Pentagon's top military lawyers were also kept in the dark. More than 3 years after the order's publication, not a single detainee at Guantanamo has been successfully prosecuted. To the contrary, as predicted by officials who have expertise in the field, the military tribunal process there is falling apart.

Torture has never before been a Republican versus Democrat issue. Instead, it has always been an issue of broad consensus and ideals, reflecting the fundamental values of the Nation. President Reagan signed the Convention Against Torture in 1988.

President George H.W. Bush and President Clinton supported its ratification in 1994. The Senate Foreign Relations Committee, led by Senator Helms and Senator Pell, voted 10-0 to report the Convention favorably to the full Senate.

I hope that this tradition of bipartisanship and consensus will continue today. I hope that all Members of the Senate will cast their vote in a way that upholds our fundamental values.

A "no" vote is the right vote if we care about maintaining America's standing in the world and fighting the war on terrorism. The torture and other abuses of prisoners in Iraq, Afghanistan, and Guantanamo have done immense damage to America's standing in the world. The extreme and irresponsible claims in the Bybee and Goldsmith Memorandums have raised basic questions about the genuineness of our commitment to the rule of law.

It is the right vote for our troops. The administration's shameful disregard for our laws and treaties on torture has lowered the bar for the protection of our own soldiers.

It has violated the military's longstanding "golden rule": Treat captured combatants in the manner we expect our own soldiers to be treated. What can Mr. Gonzales possibly say to a country that justifies its torture of a U.S. soldier by citing Mr. Gonzales's own record of support for it?

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is now recognized for 15 minutes.

SOCIAL SECURITY

Mr. NELSON of Florida. Mr. President, I have just returned from a weekend in three different parts of my State and of the State of the Presiding Officer. I was conferring with many of our constituents regarding what is anticipated to be the President's proposal that he will give in his speech tomorrow night regarding Social Security. Of course, this is of enormous importance to us, not only in America but especially in Florida because of the high percentage of our population who are senior citizens. In fact, it is 3 million Floridians, retirees, survivors, and people with disabilities who depend on monthly Social Security benefits.

Social Security provides a guaranteed benefit, and it helps retirees live independently and with dignity. It is also the sole source of income for one-fifth of our Nation's seniors.

In this day and age when you read daily in the newspaper about employer pensions becoming scarce, Social Security provides a lifeline to retirees such as Lucille Solana, a 57-year-old retiree from Davie in Broward County. She worked for United Airlines for nearly 36 years and retired when the company's bankruptcy cut her pay and her office in Miami was closed. She had done what she was supposed to do. She followed the rule of savings: one-third personal savings, one-third corporate pension, and one-third Social Security for her retirement. But it hasn't all gone according to plan. United Airlines is going to terminate her pension, and her personal savings have suffered with the market. About all she has left is her Social Security.

I think we have a moral obligation to help people such as Lucille and our society's elderly citizens.

Social Security also helps us provide financial security to spouses and dependent children if a worker becomes disabled or dies.

Listen to this: 38 percent of all Social Security benefit dollars are paid to disabled Americans. That is 18 million individuals, their spouses, dependent children, and survivors. Without disability benefits, over half of the families with disabled workers would have incomes below the poverty line.

I hasten to add that when we are talking about the spouses and dependent children and survivors, what does the Good Book tell us is one of the highest necessities? It has been told to us in both the Old Testament and the New Testament in Isaiah and James. The widows and the orphans are at the top of our list to be taken care of.

Most families in America know what an important program Social Security is to all Americans. We don't have to convince anyone.

But you also ought to hear the story by Gene and Lynda Christie of Beverly Hills, FL, two of our constituents who are concerned about the President's Social Security plan. They read about his projected plan in the papers. What they read and how it would be calculated, their senior benefits would be cut by $500 a month. They simply can't afford that kind of reduction. I will bet that some of you would have a difficult time accepting such a cut.

I believe changes to Social Security cannot include cuts to benefits. But that is what privatization would do. That is what the President is expected to propose on Wednesday night as a central part of his plan.

I will oppose diverting money from the Social Security trust fund, but I believe we should do something to keep Social Security solvent just as we have done successfully in the past.

Two decades ago, when I was in the House of Representatives, Social Security faced a real crisis. It truly was on the brink of insolvency. You know what happened. Instead of this approach, "it is my way or the highway," Tip O'Neill and Ronald Reagan got together and they formed a bipartisan commission. On that commission, leadership was given to Senator Bob Dole, to Congressman former Senator Claude Pepper. And the work of that bipartisan commission saved the system and built up the trust fund for the retirement of the baby boomers.

When you put this into context, over the next three-quarters of a century, 75 years into the future, when you compare now with the projected insolvency, lo and behold, we find that the recent tax cuts that have been enacted will cost three times as much as the shortfall that Social Security is projected to face.

According to the Social Security Trustees Report last year, Medicare expenditures are now projected to surpass Social Security spending in 2024. With Medicare expenditures over the next 75 years being far in excess of the shortfall in Social Security, the Medicare deficit will be three times as much as the shortfall in Social Security. Based on these numbers, it is clear that a more real crisis lies in the exploding health care costs.

Privatization will not fix Social Security. In fact, it will actually worsen the country's overall fiscal health. When money is taken out of Social Security to pay for private investment accounts, you won't have enough to pay for current beneficiaries.

Some have suggested that the Government should borrow $2 trillion to plug this hole.

I just came from the Budget Committee. When we are facing upwards of $430 billion and more in deficits in this particular year, and you take another $2 trillion over the next 10 years and add it to it, that would swell the Federal debt and increase our dependence on foreign creditors such as the banks in Japan and China.

Rather than cut the benefits or borrow trillions of dollars, I believe we should pursue other ways to help Americans supplement Social Security and save for their retirement.

Social Security was intended to be a social safety net. Social Security was not intended and never was meant to be an investment program. By linking benefits to the volatile stock prices, privatization shifts the risk to seniors and it weakens Social Security's guaranteed safety net.

Look at the wake of cases recently of corporate wrongdoing. We all know too well the dangers of relying on the stock market for retirement. Just listen to Michael Pesho of Sanford, FL, who wrote to me this December. He says:

> Dear Senator, I am a 56-year-old who had to work since the age of 14. I lost both my parents when I was 16, and I have had to provide for myself all these years. I am also a victim of the WorldCom fiasco.
>
> I was laid off at WorldCom and lost my entire retirement portfolio when it was converted into worthless WorldCom stock. I'm tired and would very much like to retire in 9 or 10 years but in order for me to do that Social Security will have to be in place for me to have any kind of retirement foundation to work off of.

He says:

> I implore you to ensure Social Security benefits will be there when I need them.

Michael doesn't want his Social Security entrusted to the same market that devastated his retirement savings. It is too risky.

I intend to fight for people who worked hard and played by the rules. I will fight against cuts to Social Security benefits. I will fight against any plan that relies on massive borrowing and increases in debt. I take the fiscally conservative position and I will fight to protect this program that provides a safe and reliable source of retirement income for millions of Americans. I intend to work with the President, not to cut, but to strengthen Social Security. I agree with him that we have a moral obligation to fix it for future generations.

Currently, I am working with other Members of the Senate to put together a moderate and more sensible plan that strengthens Social Security and expands opportunities for all Americans to save for their retirement. This plan would give workers additional tax breaks to save for retirement on their own with a personal account over and above Social Security.

Now is the time to reach out and to bring the various factions together. Now is the time to be conciliators and in the spirit of Ronald Reagan and "Tip" O'Neill who saved the Social Security system in a bipartisan fashion back in the early 1980s. We need to bring the factions together. We need to build mutual consent on how to protect Social Security for the retirees of today and future generations. I am very hopeful this can be achieved.

I yield the floor.

The PRESIDING OFFICER (Mr. ALEXANDER). The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that the time until 8:15 this evening be equally divided for debate between the chairman and ranking member or their designees; provided further that the Senate then resume consideration of the nomination at 9:30 a.m. tomorrow, with the time until 4:30 again being equally divided as previously mentioned; provided that the further hour be under the control of the majority and that every 60 minutes alternate. Further, I ask that from 2:30 to 4:30 be under the control of the minority, with 4 o'clock to 4:30 under the control of the majority. I further ask consent that when the Senate convenes on Thursday morning, immediately following the time for the two leaders, there be a period of morning business for 2 hours, with the first hour under the control of the Democratic leader or his designee and the second hour under the control of the majority leader or his designee. I further ask consent that following the morning business time, the Senate resume consideration of the Gonzales nomination and there be an additional 8 hours of debate equally divided again between the chairman and ranking member or designees. Finally, I ask consent that following the use or yielding back of time the Senate proceed with a vote on the confirmation of the nomination with no intervening action or debate, and that following the vote the President be immediately notified of the Senate's action.

Mr. DURBIN. Reserving the right to object, if I could suggest to the chairman, Senator SPECTER, I think he misspoke on one line. I believe in the consent which we are considering it says that "further, I ask that from 2:30 to 4 o'clock be under the control of the minority and 4 to 4:30 under the control of the majority." If that is the way his version reads, I would like to amend his statement.

Mr. SPECTER. 2:30 to 4 under the control of the minority and 4 to 4:30 under the control of the majority? That is acceptable.

Mr. DURBIN. I have no objection.

Mr. DAYTON. Reserving the right to object.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. I ask the chairman, does he intend, then, to proceed now, and is it the understanding that this side will have the next speaker, and I will follow that individual?

Mr. SPECTER. Mr. President, it is my intention to speak next in rebuttal.

Mr. DURBIN. If I might ask through the Chair, I advise my colleague from Minnesota I will make a unanimous consent request about the lineup for Democratic speakers. He will be the first on our side.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I ask unanimous consent the order of speakers on the Democratic side for today be as follows: Senator DAYTON of Minnesota, Senator STABENOW of Michigan, and Senator JOHNSON of South Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, reserving the right to object, and I do not intend to object, I believe implicit in what the Senator from Illinois said is that there be an alternating of speakers, and I will present a list of Republican speakers to integrate with what Senator DURBIN has stated.

Mr. DURBIN. Mr. President, both implicit and explicit.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, today we have heard quite a ring of castigation against Judge Gonzales, virtually all of it misdirected, virtually all of it factually incorrect. We have heard the Senator from Massachusetts castigate the Bybee memorandum in torrid prose, claiming the Bybee memorandum was exactly wrong. He asserted that the Bybee memorandum did not have a sensible interpretation, or a legal interpretation of torture. He further claimed that the Bybee memorandum vastly overstated executive authority, and that it said the President had as much authority on the question of detainees as he did on battlefield control. These claims are palpably erroneous.

The Senator from Massachusetts then cited the Goldsmith memo, and said it certainly was a smoking gun. But Judge Gonzales did not hold that gun, did not have anything to do with that gun. The Senator from Massachusetts said Judge Gonzales was sent a copy of that memorandum. During the course of Judge Gonzales's questioning by the Senator from Massachusetts, the Senator from Massachusetts never once, to my recollection, ever viewed the transcript, or said anything about the Goldsmith memorandum.

So what we have is the castigation of Judge Gonzales for matters which were totally beyond his control. Judge Gonzales was the lawyer for the President as White House Counsel. As such, he sat in on a series of meetings. Those meetings were convened to find out what was the law on how detainees could be appropriately questioned to avoid any implication of the torture statute. When there is a determination of what the law is, that is up to the Department of Justice. And that is what Judge Gonzales testified to. And while there appears to be instances in which the Bybee memorandum was off-base, Judge Gonzales was not involved with the drafting of that memorandum.

Then when the question comes up as to what questions the detainees were going to be asked, that is a matter for the experts. As Judge Gonzales responded to questions from the Senator from Massachusetts at the hearing, it is up to the CIA and up to the Department of Defense. It is not up to the Counsel for the President.

When the Senator from Massachusetts castigates Judge Gonzales for not being able to remember what happened years ago, or what conversations may have taken place, he is being unfairly critical. The Department of Justice was responsible to provide the memo. Whether it was for the CIA or the Department of Defense is something that was not recollected, but who can recollect everything that happened several years ago?

When the Senator from Massachusetts castigates Judge Gonzales for not conducting a search and for not knowing certain information, he is mistaken. A search was conducted.

When the Senator from Massachusetts raised that issue in the executive session, I then asked the White House to conduct a search. That search was conducted, and immediately a memorandum was circulated disclosing what that search was.

When the Senator from Massachusetts, last night—I got it this morning—asked for some more information from the White House, I again forwarded the request and got a reply today. It was not a reply that the Senator from Massachusetts liked, but there has been nothing about this entire proceeding that the Senator from Massachusetts has agreed with. And that is his prerogative. He does not have to agree with it. He does not have to vote for Judge Gonzales. And he can express his views on oversight responsibilities. But there are others of us on this committee who have been here a while who understand our oversight responsibility and who have made a very strong effort to provide the information which the Senator from Massachusetts has asked for.

Judge Gonzales was available to more than a dozen Members of the Senate, available to all members of the Judiciary Committee—not that all asked to see him—and provided more than 250 pages of voluminous answers. So extensive were the answers that they were complimented, in effect, by the New York Times, saying it was the most comprehensive statement made as to what was the policy of the U.S. Government on these very important subjects.

But aside from the rhetoric, what are the facts? What does the testimony show? What do the documents show?

Senator FEINSTEIN says she still does not understand what Judge Gonzales thinks about torture. Well, what Judge Gonzales thinks about torture he has said on quite a number of occasions.

Let me remind all Senators who have to vote on this matter what Judge Gonzales said about torture.

No. 1:

> [T]he President has said we're not going to engage in torture.

No. 2:

> The President gave a directive to the military that despite the fact that Geneva may not apply with respect to the conflict and the war on terrorism, it is that everyone should be treated humanely.

No. 3, this is in the record, according to his testimony:

> [T]he position of the President on torture is very, very clear, and there is a clear record of this. He does not believe in torture, condone torture, has never ordered torture, and anyone engaged in conduct that constitutes torture is going to be held accountable.

No. 4:

> All I know is that the President has said we are not going to [have] torture under any circumstances. . . . the United States has never had a policy of torture.

No. 5, further testimony:

> Our policy is we do not engage in torture.

No. 6:

> It is not the policy of the administration to tolerate torture or inhumane conduct toward any person that the United States is detaining.

No. 7, more testimony:

> The President is not going to order torture.

No. 8:

> [T]his President is not going to order torture. We don't condone it.

No. 9:

> Now, let me emphasize, and I can't emphasize this strongly enough, there are certain basic values that this country stands for and this President certainly believes in, and those values are reflected in the directives that he has issued regarding the treatment of al Qaeda detainees, and those who do not meet those standards are going to be held accountable.

This is all testimony or responses in the Record:

> In addition, there are of course other legal restrictions. For example, the convention against torture, that would be applicable, Army regulations that would be applicable. All those exist to conscript the type of conduct that our military can engage in with respect to detainees. And so we want to of course meet basic standards of conduct with respect to treatment of al Qaeda[.]

No. 10, again, testimony:

> [A]s I have said repeatedly today, this administration does not engage in torture and will not condone torture. And so what we are really discussing is a hypothetical situation. . . .

No. 11:

> [O]ther than the directive by the President that we're not going to engage in torture and that we're going to abide by our legal obligations, I'm not aware of any other directive by the President.

No. 12: Judge Gonzales also reiterated his own opposition to torture in numerous responses to written questions submitted by Judiciary Committee Senators following the hearing.

No. 13:

> The President has repeatedly stated that his Administration does not authorize or condone torture under any circumstances by U.S. personnel. I, of course, fully support the President's policy. . . .

No. 14:

> I do denounce torture, and if confirmed as Attorney General, I will prosecute those who engage in torture.

No. 15:

> The President has made clear that the United States remains committed to adhering to its obligations under the Geneva Conventions and the Convention Against Torture and has unequivocally condemned torture. I have repeatedly emphasized the President's statement of these commitments on behalf of the United States, and will continue to do so if confirmed as Attorney General.

As chairman of the committee, I had the first round of questions, and the first question I asked Judge Gonzales was: What is your position on torture? And his words were to the effect: I condemn torture. Now, I do not know how much more explicit a witness, a nominee, can be than Judge Gonzales has been, but if someone does not understand Judge Gonzales's position after this kind of an emphatic, definitive statement, it is plain and clear for the record.

The contention has been made that Judge Gonzales agrees with a Bybee memorandum's conclusion that severe pain, for purposes of the torture statute, must be equivalent in intensity to the pain accompanying organ failure, impairment of bodily function, or even death. This has been a source of contention throughout the hearings in the executive session and on the Senate floor. Judge Gonzales responded to the ranking member, who said:

> Do you agree today that for an act to violate the torture statute it must be equivalent in intensity to the pain accompanying serious physical injury such as organ failure, impairment of bodily function or even death?

Judge Gonzales answered:

> I do not. That does not represent the position of the Executive Branch.

So Judge Gonzales categorically repudiated the Bybee memorandum in that respect.

There has been a source of argument about what the Bybee memorandum meant and what Judge Gonzales's position was about it. Judge Gonzales was deferential to the determinations by the Department of Justice. There is a complicated issue here as to whether the White House is going to be overly determinative in what the Department of Justice's position should be, and the White House has been very cautious. This is traditional—not just with this White House but with prior White Houses—not to tell the Department of Justice what to say or not to appear to tell the Department of Justice what to say because that would be politicization of a Department of Justice by the White House. The White House's role, as we have emphasized it, is not to tell the Department of Justice what to do, and the Department of Justice and the Attorney General's role is to represent all of the American people and not just the President.

There was discussion between the White House and the Department of Justice, as well as other agencies, about what the torture statute meant. Judge Gonzales testified to that and said, in effect, that it would be natural to have those kinds of discussions. Judge Gonzales said:

> It was very, very difficult. I don't recall today whether or not I was in agreement with all of the analysis, but I don't have a disagreement with the conclusions then reached by the Department. Ultimately, it is the responsibility of the Department to tell us what the law means, Senator.

In the very next question, however, we clarified his views on the narrow definition of torture in the Bybee memo. The ranking member asked:

> Do you agree today that for an act to violate the torture statute it must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function or even death?

And as noted previously, Judge Gonzales said he did not. Later, in another response to the ranking member, Judge Gonzales agreed that it would be horrific conduct—I think you would agree to this, and Judge Gonzales did, to what Senator LEAHY asked—that cutting off someone's finger would be considered torture.

Judge Gonzales also explained his agreement with the conclusion of the Justice Department based on respect for the Department's independence. This is what Judge Gonzales had to say on that facet of the issue:

> Senator, what you're asking the counsel to do is to interject himself and direct the Department of Justice, who is supposed to be free of any kind of political influence, in reaching a legal interpretation of a law passed by Congress. I certainly give my views. There was of course conversation and a give and take discussion about what does the law mean, but ultimately, ultimately by statute the Department of Justice is charged by Congress to provide legal advice on behalf of the President.

Well, it is apparent from the totality of the context of what Judge Gonzales had to say that aside from giving deference to the role of the Department of Justice in interpreting the law, the Bybee memo was not accepted by Judge Gonzales.

When it came to the critical question of the assertion in the Bybee memorandum that the President had as much authority on the questioning of detainees as the President had on battlefield decisions, Judge Gonzales said he disagreed with that. When the question came up about the scope of the President's authority to immunize people who would violate Federal law, of course, any suggestion in the Bybee memo or otherwise would be contrary to a basic understanding of the law of the United States, where nobody is above the law.

At his confirmation hearing, Judge Gonzales specifically rejected the portion of the August 1, 2002, Bybee memorandum, which asserted that the President, as Commander in Chief, possessed the constitutional authority in certain circumstances to disregard the Federal criminal prohibition against torture. He stated that the memo has been "withdrawn."

> It has been rejected, including that section regarding the Commander in Chief's authority to ignore the criminal statutes. So it has been rejected by the Executive Branch. I, categorically, reject it . . . [T]his administration does not engage in torture and will not condone torture.

A question was raised about a reservation to the Convention Against Torture under article 16, which provided that aliens interrogated by U.S. personnel outside of the United States did not enjoy the substantive rights of the 5th, 8th and 14th amendments, a technical reservation for international law purposes.

Judge Gonzales responded that this is a legislative issue that may perhaps require additional consideration. Nevertheless, regardless of the debate about the strict requirements of article 16, Judge Gonzales testified that the administration had sought to be in compliance as a substantive matter under the 5th and 18th amendments. He also testified that to the best of his knowledge, the U.S. has met its obligations under the 5th, 8th, and 14th amendments.

A major question was raised about Judge Gonzales's independence. He was emphatic, saying that:

> If confirmed, I will no longer represent only the White House. I will represent the United States of America and its people. I understand the difference between the two roles. In the former, I have been privileged to advise the President and the staff. In the latter, I would have a far broader responsibility to pursue justice for all the people of our great nation, to see that the laws are enforced in a fair and impartial manner for all Americans.

Both Senator LEAHY and I, in our opening statements, emphasized this issue, and this was a matter which Judge Gonzales had thought about and had included in his opening statement and was prepared to affirm the very fundamental difference in his duty as Attorney General to the American people, contrasted with his responsibilities as White House Counsel to the President.

We have seen a rather dramatic turnabout in the course of the hearings on Judge Gonzales, the issue of the esteem in which he had been held and what Senators had to say about him and what they have said about him since in executive session.

Senator KOHL had this to say about Judge Gonzales:

> We have had an opportunity to work together on several different issues over the years, and I have come to respect you. And I believe if you are confirmed, you will do a good job as Attorney General of the United States.

Senator DURBIN said:

> I respect him and his life story very much.

Senator LEAHY said:

> When this nomination was first announced, I was hopeful. I noted at the time that I like and respect Judge Gonzales.

Senator SCHUMER said:

> I like Judge Gonzales. I respect him. I think he is a gentleman and I think he is a genuinely good man. We have worked very well together, especially when it comes to filling the vacancies on New York's Federal bench. He has been straightforward with me and he has been open to compromise. Our interactions haven't just been cordial; they have been pleasant. I have enjoyed the give-and-take we have engaged in.

Senator SCHUMER later said:

> I was inclined to support Judge Gonzales. I believed, and I stated publicly early on, that Judge Gonzales was a much less polarizing figure than Senator Ashcroft had been. . . . Even if you are, as Judge Gonzales is, a good man, a good person with top-notch legal qualifications, you must still have the independence necessary to be the Nation's chief law enforcement officer.

He continues:

> I still have great respect for Judge Gonzales. He has the kind of Horatio Alger story that makes us all proud to be Americans. It is an amazing country when a man can rise from such humble beginnings to be nominated for Attorney General.

So the question arises, as we are engaging in floor debate on the nomination of Judge Gonzales to be Attorney General of the United States, what happened here? We know of the atrocities of Abu Ghraib, and although there have been some efforts in some of the speeches to identify Judge Gonzales with Abu Ghraib, they are not substantial. There have been some criticisms regarding Guantanamo. Those matters are under investigation. But Judge Gonzales is not the interrogator; he is not the questioner; he is not the person who made up the questions; he is not the person who has defined the torture statute. He has been one individual in a series of meetings, where his role has been defined as being the representative of the President.

But the role of the Department of Justice is clearly delineated. They are to interpret what the statutes mean. The experts in the CIA and in the Department of Defense have their own responsibilities.

So what is happening here? Is it the constant Washington search for political advantage that goes around this town every day? During the course of our discussion on Judge Gonzales, we heard a speech about Social Security. It surprised me a little, in the middle of the proceedings. We have questions on political advantage on so many subjects that I am not going to digress. But there is no doubt that the air is very heavy with politics in this town.

We had the nomination proceedings as to Secretary of State Condoleezza Rice. She was challenged in a way that was highly unusual in the Senate of the United States—challenged as to her integrity. Not was she wrong about weapons of mass destruction, but did she falsify, was her testimony deliberately false and misleading. Dr. Rice had more negative votes than any nominee for Secretary of State since John Jay in 1824. That says something about the atmosphere in Washington and the constant Washington search for political advantage.

Senator SCHUMER has raised a contention repeatedly in the course of the proceedings on Judge Gonzales about the so-called nuclear option. He asked Judge Gonzales for his opinion as to whether the so-called nuclear option is constitutional. That is quite a cloud hanging over the Senator—potentially hanging over the Senate—as to whether the rules of the Senate require only 51 votes on the confirmation of a Federal judge as opposed to the requirement of cloture of 60 votes. Senator SCHUMER has raised that issue. I don't think he is looking for a commitment there as a condition to his vote, so why question Judge Gonzales about that collateral matter that has no bearing on his fitness for the post to which he has been nominated?

So there is some sense on my part that we have found a wedge issue. It is certainly true that Judge Gonzales has not been the most artful of witnesses. To say he has a generalized agreement with the Bybee memorandum was not the most artful of answers, after it had been universally condemned and withdrawn by the Department of Justice. But he made that reference as a theoretical matter as to how the White House respects the Department of Justice's role in interpreting the law so that if the Department of Justice came down with an interpretation, Judge Gonzales was not going to say it was wrong to appear to be having undue influence, or to be politicizing the process. But that wasn't the most artful of answers.

When asked hypothetical questions about was there any circumstance where the President of the United States might not follow a statute, again, it wasn't the most artful of answers. There is no doubt that Abu Ghraib and Guantanamo and the horrors of torture are overwhelming to the American psyche.

Back in 1991, I introduced legislation to protect victims of torture, to have rights of actions in Federal courts. I spoke out about the torture issue before it became a matter for legislation for the Congress generally. The legislation I introduced in 1991 was adopted, so that people who are subjected to torture in foreign countries can sue in U.S. courts. So the issue of torture has always been on the mind of this Senator. It is on the minds of the American people.

But Judge Gonzales is not responsible for what went on in Abu Ghraib or Guantanamo. Judge Gonzales is not responsible for actions by the CIA, or the Department of Defense, or for legal opinions by the Department of Justice.

If you look at his record and his qualifications as a lawyer; his academic qualifications as a Harvard Law graduate, his qualifications for practicing law with a big firm, his qualifications for being a supreme court justice in Texas, his qualifications for being White House Counsel for 4 years, where Judge Gonzales has had contact with many Senators—I dare say in that capacity, my colleagues in the Senate would share my views that he was always courteous, always relevant, always on top of the issues in discussing judicial nominees, where most of us have had some role to confirm a judge in his or her State. I think the comments would be uniform, as the ones I quoted, about how pleasant it was and how effective it was and how professional it was to deal with Judge Gonzales.

So if the winds of Abu Ghraib and Guantanamo had not blown across this hearing, I think we would have had perhaps a unanimous vote in favor of Judge Gonzales. In this highly charged political atmosphere, one has to wonder whether he is not, himself, a torture victim. He is clearly a victim of Washington politics.

Judge Gonzales is still highly likely to be confirmed. He was voted out of committee on a party-line vote. It had been my hope and expectation at an earlier stage that it would have been a strong bipartisan vote. It is still my hope and expectation he will be confirmed with some bipartisanship, but it will not be the kind of strong vote that would have given him a much stronger position as Attorney General absent the Bybee memo, Abu Ghraib, and Guantanamo. But on the basis of his academic, professional, and public service record, there was much, and still is much, on which to recommend him to be the Attorney General of the United States.

Mr. President, I have taken some more time. I made a very short opening statement to begin debate today and have listened to the arguments made by Senators from the other side of the aisle and find factually that they are off the mark: that in terms of what Judge Gonzales has had to say out of his own mouth have come very forceful denunciations of torture, very forceful denunciations of the Bybee memorandum, and a strong statement as to why he ought to be the next Attorney General of the United States.

Mr. President, I ask unanimous consent that the following list be next in order of Republican speakers: Senator COBURN, Senator SESSIONS, Senator BROWNBACK. Before the Chair rules, I will add that we will continue to alternate between Republican and Democratic speakers.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SPECTER. I wanted to put this on the record so the people who are next up would know it, and would be in a position to come to the Chamber in a timely fashion.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. DAYTON. Mr. President, I highly respect the distinguished chairman of the Senate Judiciary Committee. He has been noted with his own stellar examples of bipartisanship, working with colleagues on both sides of the aisle. But I must say I have to respond to his remarks about those of us who oppose Judge Gonzales as being engaged in nothing other than political partisanship. I suggest that term could be applied to those who support these nominees because they are of the same political party as the President as much as they could be applied to those of us who are on the other side of the aisle.

If the Founders of this country did not intend for the Senate to exercise an independent judgment about the nominees to these high offices, such as Attorney General and Secretary of State, they would not have provided for a separate Senate confirmation of the President's nominees.

These individuals are not employees of the President, even though they are nominated by him and serve as members of his Cabinet and serve at his pleasure, as are his employees in the White House, who are not subject to Senate confirmation. These men and women become public officials who represent the United States of America within our country, before the Supreme Court, as Secretary of State in the seats of government around the world. They have to meet an American standard, and it is that standard that each of us has the independent responsibility to apply according to our own best judgments, but one the Constitution clearly intends we should apply independent of the President's judgment and independent, one would hope, of our own respective political parties.

I think ultimately, in the light of this debate, it is for the American people to decide whether this nominee, or any of the President's nominees, meet the standards for those who will represent this Nation in the highest public offices in the land.

I rise today to oppose the nomination of Judge Gonzales to be our Nation's next Attorney General, and I cite, as have other colleagues, the key role that he played in what is certainly one of the darkest disclosures about this administration: Its secret decisions to disregard the principles of the Geneva Convention for the humane treatment of prisoners of war who Judge Gonzales and others conveniently renamed "enemy combatants."

This role and its consequences were described in graphic detail in a recent Sunday New York Times review of a couple of books, including the International Commission of the Red Cross's documents regarding the abuse of prisoners in Iraq by American service men and women. I would like to quote to some extent from the New York Times report because it expresses both the severe consequences of the decisions that were made in which Judge Gonzales, unfortunately, played a key role as White House Counsel.

The reviewer cites part of the memorandum that the President approved that was written by Judge Gonzales in that role which states:

> As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva.

The article reporter goes on to say:

> Notice the qualifications. The president wants to stay not within the letter of the law, but within its broad principles, and in the last resort, "military necessity" can overrule all of it. According to his legal counsel at the time, Alberto R. Gonzales, the President's warmaking powers gave him ultimate constitutional authority to ignore any relevant laws in the conduct of the conflict. Sticking to the Geneva Convention was the exclusive prerogative of one man, George W. Bush; and he could, if he wished, make exceptions. As Assistant Attorney General Jay S. Bybee argues in another memo, "Any effort to apply Section 2340A in a manner that interferes with the President's direction of such core war matters as the detention and interrogation of enemy combatants thus would be unconstitutional. (Section 2340A refers to the United States law that incorporates the international Convention Against Torture.)
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> Bybee asserted that the president was within his legal rights to permit his military surrogates to inflict "cruel, inhuman or degrading" treatment on prisoners without violating strictures against torture. For an act of abuse to be considered torture, the abuser must be inflicting pain "of such a high level intensity that the pain is difficult for the subject to endure." If the abuser is doing this to get information and not merely for sadistic enjoyment, then "even if the defendant knows that severe pain will result from his actions," he's not guilty of torture. Threatening to kill a prisoner is not torture; "the threat must indicate that the death is 'imminent.'" Beating prisoners is not torture either. Bybee argues that a case of kicking an inmate in the stomach with military

> boots while the prisoner is in a kneeling position does not by itself rise to the level of torture.
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> Bybee even suggests that full-fledged torture of inmates might be legal because it could be construed as "self-defense," on the grounds that "the threat of an impending terrorist attack threatens the lives of hundreds if not thousands of American citizens." By that reasoning, torture could be justified almost anywhere on the battlefield of the war on terror. Only the president's discretion forbade it. These guidelines were formally repudiated by the administration the week before Gonzales's appearance before the Senate Judiciary Committee for confirmation as attorney general.
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> In this context, Secretary Rumsfeld's decision to take the gloves off in Guantanamo for six weeks makes more sense. The use of dogs to intimidate prisoners and the use of nudity for humiliation were now allowed. Although abuse was specifically employed in only two cases before Rumsfeld rescinded the order, practical precedents had been set; and the broader mixed message sent from the White House clearly reached commanders in the field. Lt. Gen. Ricardo S. Sanchez, in charge of the Iraq counterinsurgency, also sent out several conflicting memos with regard to the treatment of prisoners—memos that only added to the confusion as to what was permitted and what wasn't. When the general in charge of Guantanamo was sent to Abu Ghraib to help intelligence gathering, the "migration" of techniques (the term used in the Pentagon's Schlesinger Report) from those reserved for extreme cases in the leadership of Al Qaeda to thousands of Iraqi civilians, most of whom, according to the intelligence sources, were innocent of any crime at all, was complete. Again, there is no evidence of anyone at a high level directly mandating torture or abuse, except in the two cases at Gitmo. But there is growing evidence recently uncovered by the ACLU . . . that authorities in the FBI and elsewhere were aware of abuses and did little to prevent or stop them.

Then there were the vast loopholes placed in the White House torture memos, the precedents at Guantanamo, the winks and nods from Washington, and the pressure of an Iraqi insurgency that few knew how to restrain. It was a combustible mix.

The article continues:

> What's notable about the incidents of torture and abuse is first, their common features, and second, their geographical reach. No one has any reason to believe any longer that these incidents were restricted to one prison near Baghdad. They were everywhere from Guantanamo Bay to Afghanistan, Baghdad, Basra, Ramadi and Tikrit and, for all we know, in any number of hidden jails affecting "ghost detainees" kept from the purview of the Red Cross.

I will might add that is in direct contradiction to what we have been told, those of us like myself who sit on the Senate Armed Services Committee, who have been told repeatedly by this administration's representatives, and by military leaders, that these abuses were restricted to one prison, Abu Ghraib, in Iraq. I commend Senator WARNER, the chairman of the Armed Services Committee, who has done his utmost, by holding these hearings and pressing the military and pressing the administration, to bring the full scope of what occurred there to public light through those hearings. To have sat through all those, as I have, and now hear that contradicted directly by the facts as they become known is greatly distressing and confirms my own unfortunately necessary judgment that this administration has not been candid with this Congress or with the American people about the conduct of the war in Iraq in this and other very important respects.

Going back to the New York Times article, they, meaning the abuses of prisoners in Iraq:

> were committed by the Marines, the Army, the Military Police, Navy Seals, reservists, Special Forces and on and on. The use of hooding was ubiquitous; the same goes for forced nudity, sexual humiliation and brutal beatings; there are examples of rape and electric shocks. Many of the abuses seem specifically tailored to humiliate Arabs and Muslims, where horror at being exposed in public is a deep cultural artifact.
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> An e-mail message recovered by Danner from a captain in military intelligence in August 2003. . . . In the message, he asked for advice from other intelligence officers on which illegal techniques work best: a "wish list" for interrogators. Then he wrote: "The gloves are coming off gentlemen regarding these detainees, Col. Boltz has made it clear that we want these individuals broken."

The article continues:

> How do you break these people? According to the I.C.R.C., one prisoner "alleged that he had been hooded and cuffed with flexicuffs, threatened to be tortured and killed, urinated on, kicked in the head, lower back and groin, force-fed a baseball which was tied into the mouth using a scarf and deprived of sleep for four consecutive days. Interrogators would allegedly take turns ill-treating him. When he said he would complain to the I.C.R.C. he was allegedly beaten more. An I.C.R.C. medical examination revealed hematoma in the lower back, blood in urine, sensory loss in the right hand due to tight handcuffing with flexicuffs, and a broken rib."

That is only one of several incidents of that kind of horrible abuse this article contains. It continues:

> And the damage done was intensified by President Bush's refusal to discipline those who helped make this happen. A president who truly recognized the moral and strategic calamity of this failure would have fired everyone responsible. But the vice president's response to criticism of the defense secretary in the wake of Abu Ghraib was to say, "Get off his back." In fact, those with real responsibility for the disaster were rewarded. Rumsfeld was kept on for the second term, while the man who warned against ignoring the Geneva Conventions, Colin Powell, was seemingly nudged out. The man who wrote a legal opinion maximizing the kind of brutal treatment that the United States could legally defend, Jay S. Bybee, was subsequently rewarded with a nomination to a federal Court of Appeals. General Sanchez and Gen. John P. Abizaid remain in their posts. Alberto R. Gonzales, who wrote memos that validated the decision to grant Geneva status to inmates solely at the president's discretion, is now nominated to the highest law enforcement job in the country: attorney general. The man who paved the way for the torture of prisoners is to be entrusted with safeguarding the civil rights of Americans. It is astonishing he has been nominated; and even more astonishing that he will almost certainly be confirmed.

I conclude my citation of that article. The abuses it describes are terrible, however limited in number they may be. Obviously almost all of our American service men and women serving so heroically in Iraq, Afghanistan, and around the world were not involved in those abuses. In fact, they paid the price for them. They become the targets of relatives and friends of those abuse victims who swear revenge. Our troops are placed at greater risk if, God forbid, they are captured, because we cannot demand that their captors practice standards of humane treatment which we do not practice ourselves.

But there is something that runs even deeper here and that is even more dangerous to our democracy. It is Judge Gonzales's advice that "the President's warmaking powers gave him ultimate constitutional authority to ignore any relevant law in the conduct of the conflict."

This is, I suspect, only the tip of the iceberg. Early in the administration's campaign, in the fall of 2002, to stampede Congress and scare the American people into the Iraq war, the White House stated their legal view that the President didn't actually need congressional authorization to invade Iraq. Members of this body on the other side of the aisle were instrumental in persuading him nevertheless to seek that authority.

Secretary Rumsfeld's legal advisers have reportedly reinterpreted existing law to permit him to set up his own CIA-type operations without informing Congress. They reinterpreted another law, purportedly to authorize military counterterrorist commando units to operate within the United States. Who knows how many other laws this administration's legal advisers have reinterpreted or decided that the President or others can ignore entirely, reinterpret or ignore without informing Congress, without informing the American people?

The Attorney General of the United States is entrusted to uphold the laws of this Nation and to apply them consistently and fairly to every American citizen, whether he agrees with them, whether they are convenient, whether the President or anyone else tells him otherwise. He cannot reinterpret them or ignore them or instruct the President or anyone else that they can reinterpret or ignore them. Change them? Yes, through the public process prescribed by the Constitution, by our Constitution: by an act of Congress signed into law by the President himself, reviewed if necessary by the judiciary. No exclusions and no exceptions, not for this President or any President; not for this administration or any administration, whether Republican, Democrat, or anything else. There are no special circumstances. There is no election mandate for secretly ignoring or reinterpreting laws of this Nation, or acting contrary to the rule of those laws or in violation of the Constitution of the United States.

Unfortunately, there is tragic precedent in this country's proud history for the demise of administrations who deviated from the rule of law, who considered themselves above the law or beyond the law or justified in reinterpreting or ignoring the law. Their hubris did great damage to themselves and they did great damage to our country.

They occurred more often than not during second terms, even after receiving that most special of electoral mandates: reelection. What a profound affirmation of the public trust, the most sacred political trust we have in this country: reelection of the President of the United States of America.

For the next 4 years, this President is our President. He is my President. I pray that he succeeds. Where he succeeds, our country succeeds. If he fulfills that sacred trust inferred upon him by the American people, the faith of all Americans in their Government is fulfilled.

We can have policy disagreements here in the Senate, in the House of Representatives, and with the administration. This is what a great Democratic leader, Senator Tom Daschle, called the "noise of democracy." They were intended by this country's Founders, who designed our system of government to allow them, to address them, and resolve them, publicly, lawfully, and constitutionally. When those principles are followed publicly, lawfully and constitutionally, our Nation is strengthened. When they are not, our Nation is almost always weakened, regardless of what those leaders intended at the time.

I respectfully urge this administration to stop reinterpreting and ignoring existing laws and to stop ignoring and misleading Congress and the American people and to nominate an Attorney General who will not advise it, not hide it, and not condone it. That Attorney General I will gladly vote to confirm; this nominee, I will not.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I am struck as a newly-elected Senator from the State of Oklahoma. I must say I am extremely disappointed that my first opportunity to speak on the floor of this body is on the basis to refute the claims that are being made against a gentleman that I believe has already served our country miraculously and has been an example in this country of what can happen from very humble beginnings if somebody applies hard work, great effort, and perseverance.

I am also struck by the claims that are made which don't have anything to do with history.

I was sitting here asking myself this question: Were President Kennedy, President Johnson, and President Nixon responsible for My Lai, Vietnam? Was it their policies that caused that to happen? The atrocities that occurred during the Korean conflict, was that the fault of President Truman? The atrocities that occurred during World War II, was that the fault of President Roosevelt? No.

And to make the reach and to make the claim that Alberto Gonzales, in his role as adviser to the President, as a legal counsel, to do what is expected of him in that position and to do that in a way that gives the President of the United States the advice, the knowledge, and the legal opinion of the Justice Department—not his opinion but the legal opinion of the Justice Department—that he somehow has disqualified himself from the position of Attorney General.

I come to the floor today to make a statement in support of Alberto Gonzales's nomination to be the Attorney General of the United States. I believe an injustice is being carried out against him, both personally and professionally. Instead of looking at his qualifications, many have used him as a lightning rod for their complaints about the administration's handling of the war on terror. Specifically, many blame him for the administration's policies on the treatment of detainees and for its inquiries about the definition of torture. I am reminded that the President stated in 2002 that we would offer humane treatment to all prisoners. I am also reminded of how important it was for him to have a definition of what that was according to the Geneva Convention, but also according to our own law.

What have the President and Judge Gonzales done to deserve the criticism they received? We saw Monday the results of Sunday's elections in Iraq.

The allegations against him are based on two sets of advice that were given to the administration by the Attorney General and Department of Justice.

First, the President made a decision based on the legal advice that he received from the Attorney General and the Department of Justice that certain detainees should not receive prisoner-of-war status while they were held in U.S. custody.

Second, Judge Gonzales asked the Department of Justice Office of Legal Counsel under its statutory authority to render legal opinions to determine the precise meaning of the U.S. antitorture statute. The Department of Justice responded to this request August 1, 2002, and December 30, 2004.

I must say that torture is not a pleasant subject for us to discuss, but one might ask why the President and his top lawyer needed a clarification on an issue as unsettling as torture. I believe it is good to repeat the words of Senator CORNYN in his discussion. Why would we not use every legal means which are appropriate to protect this country? Finding out the definition of appropriateness is well within the purview of what Alberto Gonzales did.

It is remarkable how quickly we forget. Just 3 years, 4 months, and 21 days ago, this Nation came under attack. We all watched helplessly as more than 3,000 of our fellow Americans were murdered, and nearly an equal number were severely injured in an assault that we had never seen before in this country.

As the horrors of September 11, 2001, unfolded before our eyes, we quickly realized that we were not under the attack of another country, we were not assaulted by a nation that respects and obeys the laws of war and international order. We were ripped from a world paradigm that we understood, one where states follow rules while fighting each other, and thrust into a new world where a nonstate enemy infiltrates society and targets our citizens. Our enemy does not acknowledge that while at war soldiers must wear uniforms, carry their weapons openly, obey a chain of command, and treat captives—especially civilian captives—humanely. What they do is cut their heads off. They don't hide the fact.

The nightmare that began on September 11 has not ended. We watch daily as our enemy attacks our soldiers who are risking their lives and limbs to better the lives of the citizens of Iraq and Afghanistan and drive out terrorist cells. Gone are days when our soldiers were able to face the enemy on the battlefields, eye-to-eye. Today, enemy combatants launch surprise attacks by hiding among civilians and behind the bodies of the wounded. Gone are the days when combatants understood how important it was to protect civilians from harm. Enemy combatants today brutally and repeatedly behead innocent civilians.

As our leaders first faced the aftermath of September 11, a dark reality set in: Our enemy would not play by the rules that civilized people and nations have developed over the course of history. Our leaders needed to understand exactly what our laws required and what we needed to do to survive in this new world we faced. They needed to make strong policy decisions based on our country's domestic laws and international obligations.

First, our leaders needed to understand who we were fighting. Under customary international law, civilians are not allowed to engage in combat. Because soldiers are not supposed to target civilians in battle, it is essential that civilians are distinguishable from combatants. If civilians wish to be protected from harm, they must look different than combatants; therefore, every person who wishes to engage in combat and if captured receive the protections accorded to prisoners of war by the Third Geneva Convention, they must fulfill four conditions: that of being commanded by a person responsible for his subordinates; that of having a fixed distinctive sign recognizable at a distance; that of carrying arms openly; and that of conducting their operations in accordance with the laws and customs of war. We saw none of that.

If someone engaged in combat does not follow these rules, he or she is an illegal combatant. Illegal combatants have long been recognized by state practice in the law of war field. In Ex parte Quirin, the U.S. Supreme Court held that "by universal agreement and practice the law draws a distinction between the Armed Forces and the peaceful populations of belligerent nations and also between those who are lawful and unlawful combatants."

Furthermore, the state practice of the United States does not evidence any understanding of a customary international law norm extending the Geneva Convention and prisoner-of-war treatment to combatants who commit terrorist acts. Instead, international law regards such individuals as illegal combatants who cannot claim the protection of the laws of war that extend to legal combatants.

Only lawful combatants, members of fighting units who comply, again, with the four conditions—being commanded by a person responsible for subordinates; having a fixed distinctive sign, recognizable at a distance; carrying arms openly; and conducting their operations in accordance with the laws and customs of war—are license to engage in military hostilities. Only those who comply with these four conditions are entitled to the protections afforded to captured prisoners of war under the laws and usages of war.

In fact, the denial of protected status under the laws of war has been recognized as an effective method of encouraging combatants to comply.

As we hear those opine about what has gone on, I ask the American people to think about it. Who are these people who are killing our soldiers? Who are these people who are blowing people up? Who are they? They meet none of the criterion for a legal combatant.

How has the President applied these principles to the War on Terror? In the February 7, 2002, Order on the Humane Treatment of al-Qaida and Taliban Detainees, President Bush stated unequivocally that all detainees are to be treated humanely, "including those who are not legally entitled to such treatment." Therefore, even though many of the fighters our soldiers encounter are not entitled to prisoner-of-war treatment, they are still being treated humanely.

Furthermore, the President has unequivocally stated the Third Geneva Convention applies to detainees captured in Iraq. Even those Iraqi prisoners who do not meet the four requirements to receive POW status are subject to an appearance before a Third Geneva Convention Article 5 tribunal to determine their status. Prior to that, they must receive POW protection until their status is determined.

Second, while the President agrees with the Department of Justice that he has the authority under the Constitution to suspend Geneva, as between the United States and Afghanistan, he has declined to do so and has stated that the provisions of Geneva apply to our present conflict with the Taliban. However, common Article 3 of Geneva, and article 4, POW status, do not apply to the Taliban because they are unlawful combatants.

Finally, none of the provisions of Geneva apply to the conflict with al-Qaida in Afghanistan or elsewhere. Al-Qaida detainees are not prisoners of war but are unlawful combatants.

Next, the administration officials acknowledge that there could be circumstances where detainees hold information that could literally be a matter of life or death for thousands or even millions of American citizens. Judge Gonzales needed to understand what we are allowed to do under the laws of our Nation to save the lives of our people. Therefore, Judge Gonzales sought the legal expertise of the Department of Justice—not his opinion, but the Department of Justice's opinion—to understand the definition and meaning of torture in the United States anti-torture statute.

This request by Judge Gonzales did not in any way indicate the desire of the administration to use torture. It is a far reach to claim it. As a matter of fact, it is absolutely untrue to claim it. In fact, the official position of the administration is that neither torture nor inhumane treatment are to be used against anyone by the United States regardless of whether they have prisoner-of-war status or not. Because the administration's position is so strong, it was critical that the President and his advisers fully understand what constitutes torture so that no lines would be crossed.

What does all this mean? Members of the Taliban and al-Qaida detainees do not receive the luxuries afforded prisoners of war because they are unlawful combatants. Iraqi fighters, even if they are terrorists, and most are, receive prisoner-of-war status until they receive a hearing before an article 5 tribunal to determine their status. None of these detainees are to be tortured or otherwise treated inconsistently with U.S. constitutional principles.

It would have been irresponsible for Judge Gonzales to have not sought to understand the legal rights of enemy combatants and the law. He had a duty to the President and to the United States to understand these concepts and pass those on to the President in his private executive position as legal counsel to the President.

We all went to sleep in a different world on September 11, 2001, very different than the one we lived in the night before. Our leaders needed to understand our domestic and international obligations well to respond to the new needs of our country. Alberto Gonzales should not be faulted for doing his duty for his client, the President of the United States. He is well qualified to serve as a U.S. Attorney General, and he should be confirmed.

I also conclude by saying the following: In late November, I came to Washington to go through a process of orientation as a new Senator in this body. The message I heard from the other side of the aisle is, We want cooperation. We want bipartisanship. We do not want to politicize. The opposite of that is happening at this very moment in this body. Here is a good man who has demonstrated tremendous ability through his life. Everyone says he is well qualified. Everyone knows he will make a great Attorney General. The fact is, politics is getting in the way of his confirmation.

I urge my fellow Members in this body to support and confirm him as the next Attorney General of the United States.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Michigan is recognized.

Ms. STABENOW. Mr. President, I rise today to oppose the nomination of Judge Alberto Gonzales to be the Attorney General of the United States. The Attorney General is the chief law enforcement officer for our country with tremendous legal powers. He or she is responsible for enforcing our laws and for making important decisions on how they will be interpreted. The Attorney General can decide what person will be charged with a crime or detained. This is a job that requires sound legal judgment and impartiality because the Attorney General's duty is to uphold the Constitution and the rule of law.

But this job is not just about our laws; it is also about the ideals of our country. It is about what we stand for. It is about our freedom and liberty and justice as embodied in our Constitution. It is about representing these fundamental types of democracy, not just to Americans but to the world.

During the inauguration, we heard the wonderful words from President Bush about the cause of freedom. I was pleased to hear him talk about our history as a country that has led the world in the cause of freedom. These are the ideals that our children learn about every day. We should be proud of our history. But our words must match our deeds.

I am deeply concerned not only about Mr. Gonzales's judgment, but that his confirmation would send the wrong message to the world about the value we place on our basic constitutional rights. Judge Gonzales has played a prominent role in shaping this administration's policy on detention and torture. Some of these policies have not only damaged our country's reputation and moral leadership, but they have also placed our troops in greater danger. Judge Gonzales holds legal positions that violate treaties the United States has ratified and supported, and he helped to provide the justification for the treatment of prisoners that led to the abuses at Abu Ghraib.

He also advocated and advised the President on legal positions that circumvented the Geneva Conventions. In following Judge Gonzales's advice to circumvent the Geneva Conventions, this administration clearly set the stage for the abuses at Abu Ghraib, the torture scandal, and this opinion ignored decades of U.S. support for humane treatment of prisoners. Such a reckless disregard for human rights laws not only violates international law but, again, it puts our own troops at additional peril.

The Convention Against Torture, which was ratified by the United States in 1994, prohibited torture and cruel, inhumane or degrading treatment. The Senate defined such treatment as abuse that would violate the 5th, the 8th, or 14th amendment to our Constitution. This standard was formally accepted by the Bush administration.

During Judge Gonzales's testimony it became clear that under his watch the administration twisted this straightforward standard to make it possible for the CIA to subject detainees to practices such as simulated drowning and mock execution. The standard he approved defined torture as inflicting pain equivalent to "serious physical injury, such as organ failure, impairment of bodily function or even death."

In his testimony he told the committee that these constitutional amendments do not apply to foreigners held abroad; therefore, in his view, the torture treaty does not bind intelligence interrogators operating on foreign soil.

Such a distortion is unacceptable and, again, is dangerous to our troops who are serving us on foreign soil.

How can someone who has sought to find the loopholes in the law be entrusted to be the chief law enforcement officer of our land?

These attempts to circumvent the very laws he will be called upon to enforce not only show a reckless disregard for the law, put our troops in further danger, but they have damaged our position in the world. Since World War II, the United States has been a moral authority in the world, an effective leader on the world stage. Such damage not only tarnishes our reputation in the world, but it negatively affects our very ability to enlist our allies in the critical war on terror. How can we hope to reclaim the moral leadership we once had with this person as our chief law enforcement officer? What signal does this send to the world?

For more than 10 years, Judge Gonzales has served as President Bush's legal counsel, but now he must represent a higher authority, the Constitution of the United States of America, and he must do so with integrity and independence from his former long-term client.

The Attorney General of the United States cannot be a spokesperson for the President. The Attorney General is the highest ranking law enforcement officer in the land. The Attorney General has responsibilities for enforcing, interpreting, and creating the laws that govern our democratic way of life in the United States. It is, therefore, imperative that the person who holds this position be someone who has the confidence of the American people. Our laws must come first. He or she must look not for the political rationale or the loophole but, rather, always seek the appropriate legal path, as guided by the U.S. Constitution. This is the people's attorney.

I was disturbed that during the confirmation hearings Judge Gonzales restated his belief that the Commander in Chief can override—can override—the laws of our country and immunize others to perform what would otherwise be unlawful acts. This is wrong. No one person can stand above the laws that govern our Nation. The rule of law applies to every one of us, including the President of the United States.

I had hoped that during his testimony before the Senate Judiciary Committee, Judge Gonzales would have used the opportunity to address these questions and concerns, and that he would have also used it as an opportunity to demonstrate an understanding that the Attorney General does not represent the President but, rather, the American people, the laws of our Nation, and the Constitution of the United States.

I am troubled by the many questions that remain by his refusal to state categorically that the President may not authorize the use of torture in violation of U.S. law and the Geneva Conventions.

On Sunday, Iraqis took an important step toward democracy by holding their first free elections in decades. We applaud and celebrate with them. Let's not take a step backwards now in America by confirming a nominee who does not represent the fundamental rights that the word "democracy" represents.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise in support of Judge Gonzales, President Bush's nominee to serve as our Nation's 80th Attorney General. I want to address a few points that have been brought up today and discuss those a little bit. We will be able to vote on this nominee this week. I think he is going to make an outstanding Attorney General. He has been an outstanding lawyer in various capacities throughout his professional career already. He is going to continue to show that. I want to articulate why that is going to be the case.

His background is well known. I serve on the Judiciary Committee. We had lengthy hearings with Judge Gonzales. We had multiple rounds. Everybody on the committee got to ask and have answered every question they asked. This is a nominee who has been through the question-and-answer process on a lengthy basis. It is time we move forward. The President needs an Attorney General. This is the office that heads so many of our functions that are very important in the war on terrorism, and we need to move forward with this.

It is well known to people who have been watching this debate. As the son of migrant workers from a family of seven children, the first to go to college, he is the epitome of the American dream. He has a law degree from Harvard. He could have done anything, yet he chose a path of public service. And he is an extraordinarily good public servant—humble, wise, has a tremendous ability to persevere through difficulty.

Through his work as chief counsel to the President, Judge Gonzales has become seasoned in national security issues and legal challenges that are essential to the job of Attorney General. He is unquestionably qualified for the position, and I have no doubt he will be confirmed by the Senate this week and should be confirmed and should be given our strong support.

I am deeply saddened by many distortions and unjustified criticisms of Judge Gonzales's nomination that he has had to go through and to face. Even if you disagree with the administration in the war on terror, Judge Gonzales should have been treated during the nomination process with a level of dignity and respect by this body in going through the discussion. One can say: I believe that this is a good nominee, that this is a good person, and they should look at those criteria and those qualifications and not say: I am voting against him because I have a disagreement with the administration on a policy issue.

Undoubtedly, there are disagreements on policy issues. Undoubtedly, there are a number of people who disagree with Judge Gonzales on how he would view policy issues. But that is not the issue in the confirmation process. The issue is, is this person qualified to hold this job? Will he do a good job? The President, in winning the election, does need to have his people in key positions to be able to carry out policies that he put forward, that the American public has passed on in the election process.

In the past few weeks, there are some who have done all they can to associate Judge Gonzales with the word "torture" and the disturbing pictures from Abu Ghraib because he offered a legal memorandum stating that the Geneva Conventions do not apply to members of al-Qaida. These kinds of accusations are factually inaccurate and only serve to bring down the reputation and morale of our Armed Forces who are serving honorably and nobly in defense of this Nation. As we saw over this past weekend, there was an incredible vote by the Iraqi people that was so heartening to myself and to all of America because this is something we have fought for, that our young men and women have died for, to give them freedom. Now they have it, and they are expressing it.

Clearly, there are going to be problems ahead and difficulties, and it is not going to be anything close to a perfect democracy. Ours isn't yet, although we continue to aspire and are moving closer and closer toward that end. They are going to have difficulties. Yet they have made a step that would not have happened had our young men and women not put their lives on the line and the President made bold decisions that this body authorized to go to war to remove Saddam Hussein from power. Judge Gonzales has been part of the Bush team and the White House. He has done a good job there, and he will do an excellent job as Attorney General.

I wanted to take a few minutes to set the record straight on some key issues. Some have questioned Judge Gonzales's independence from the President. Judge Gonzales understands that his role as Attorney General of the United States will be very different from his role as counsel to the President. He has made that quite clear in his confirmation hearing. He stated:

> I do very much understand that there is a difference in the position of Counsel to the President and [that of] Attorney General of the United States. . . . As counsel to the President, my primary focus is on providing counsel to the White House and to White House staff and the President. I do have a client who has an agenda, and part of my role as counsel is to provide advice that the President can achieve that agenda lawfully. It is a much different situation as Attorney General, and I know that. My first allegiance is going to be to the Constitution and to the laws of the United States.

Upon confirmation, Judge Gonzales will be ready and able to take on the independent responsibilities of the Attorney General. His service as a Texas Supreme Court justice proved his ability to be independent from then-Governor and now-President Bush. At his confirmation hearing, he indicated he would be very sensitive to any perception that law enforcement was being politicized by the White House and would seek to avoid such perceptions by "talk[ing] to the career staff . . . to make them understand that [he's] coming to th[e] department with a clear understanding of the distinct roles between the two jobs.

Remember, this is a gentleman who earlier in his professional career served on the Texas Supreme Court, a Supreme Court of one of the States of United States. He understands a different position. He has been in an independent position. He understands these different roles and the places they serve in Government. And he understands how they work and he will abide by them.

Also at his hearing he emphasized the "very restrictive contacts policy between the [Justice] Department and the White House, limiting who from the White House can contact the Department of Justice," saying that "what we don't want to have is people from various divisions within the White House calling the Department about an ongoing investigation."

He offered his commitment to ensure that the contacts policy is as strong as it should be. He also offered his commitment to abide by that policy. Judge Gonzales has stated his commitment to respecting and fostering the professionalism of the career employees of the Department of Justice. In response to written followup questions from the Senator from Massachusetts, Judge Gonzales said he would "do everything in [his] power to reassure the career professionals at the Department and the American people that [he] would not politicize the Department."

There is a direct statement from Judge Gonzales of how he would operate.

Judge Gonzales emphatically endorsed the proposition that "all government lawyers should always provide an accurate and honest appraisal of the law, even if that will constrain the administration's pursuit of desired policies."

Again, that is another direct quote from Judge Gonzales in response to a question by a Member of the Senate.

Judge Gonzales also suggested in his response to the Senator from Massachusetts that his close personal relationship with the President would make it easier for him to be honest and forthright with the President. So he has a personal relationship that he can build on as well, but he understands the professional relationship. He is a lawyer, and he understands the role in which he would be serving.

I would like to make it clear that on the issue of the Geneva Conventions, despite what you are hearing today, the United States is committed to complying with the governing law and treaty obligations in the war on terrorism.

There have been some criticisms of Judge Gonzales regarding the Geneva Conventions. Some have claimed that Judge Gonzales finds the Geneva Conventions to be an impediment, a hindrance to our present efforts, quaint and obsolete in important respects. Others are claiming that the administration had refused to apply the Geneva Conventions to the conflict in Afghanistan:

> Afghanistan was the first time in which we said that it did not apply to a conflict.

Senators have accused the administration of taking its obligations under the Geneva Conventions lightly.

The administration has fully and faithfully adhered to its obligations under the Geneva Conventions. Judge Gonzales's critics meld together two different issues: First, whether the Geneva Conventions apply to a particular armed conflict and, second, whether particular individuals in that conflict are entitled to a particular protected status under one of the Geneva Conventions. The mere fact that the Geneva Conventions apply to a conflict between two nations does not mean that all persons involved in that conflict qualify for a particular status, such as prisoner-of-war status, under the terms of the conventions.

The administration and Judge Gonzales have been very clear in separating the two issues. But as demonstrated in the claims made above, Judge Gonzales's critics have sought to confuse the issue by mixing the two questions.

The administration did not determine that the Geneva Conventions did not apply in enemy conflict in Afghanistan. Rather the President determined that the Geneva Conventions do, indeed, apply to the conflict in Afghanistan, but that neither al-Qaida terrorists nor Taliban fighters qualify for prisoner-of-war protections under the Geneva Conventions.

This obvious distinction is grounded in the very text of the Geneva Conventions. This has been ignored by Judge Gonzales's critics. The judge explained the distinction quite clearly in his testimony before the Judiciary Committee. He stated this:

> There was a decision by the President that Geneva would apply with respect to our conflict with the Taliban. However—and I believe there is little disagreement about this as a legal matter—because of the way the Taliban fought against the United States, they forfeited their right to enjoy prisoner-of-war legal protections.

Judge Gonzales has repeatedly affirmed his respect for the Geneva Conventions. He has worked to ensure that we protect Americans from the threat of terrorism, while treating al-Qaida and Taliban detainees humanely and, to the extent appropriate and consistent with military necessities, in keeping with the principles of the Geneva Conventions.

Judge Gonzales has also stated further at the hearing:

> I consider the Geneva conventions neither obsolete nor quaint.

In closing, we have an outstanding nominee in judge Gonzales. His personal background is one of incredible accomplishments. His ability and his legal mind are excellent. His commitment to public service is tremendous. The faith that people have in him is there and is what we need in a person who is Attorney General of the United States. We need to have a person there that people look up to and say this is a person who will uphold the law, who is an upright individual, and will do all he can to make this a better place. Judge Gonzales will do all of those things and he will do it in a tremendous fashion.

I don't think this is a particularly helpful or good debate, where we question a person's ability to stand independent, or to do these other things, when that person stated clearly he would and his past track record has shown that he will.

For those reasons, I hope we can move expeditiously through this debate. Let people question his ability if they choose, but let's have the vote and get Judge Gonzales approved to serving this country in this important time and in this very important job.

Mr. KOHL. Mr. President, in many ways, Judge Gonzales's life story is the American dream—rising from humble beginnings to being nominated to be our Attorney General. Yet, Judge Gonzales must be evaluated on more than his life story; indeed, the decisions he has made in his public capacity must be closely scrutinized. We are, after all, being asked to confirm him as the Nation's chief law enforcement officer.

We begin with a standard of granting deference to the President to surround himself with the people he chooses for his Cabinet. But that deference is not absolute. The Attorney General is not the President's lawyer, but the people's lawyer. As I listened to the nominee's answers at his confirmation hearing, read his responses to our additional questions, and examined the facts, I found that my deference was challenged. Indeed, we are being asked to confirm the administration's chief architect of its legal policies in the war on terror—policies with questionable legal support that have proven harmful to the conduct of the war and injured our reputation abroad.

We must expect more from our Attorney General. The war on terrorism has proven more clearly now than ever before that the Justice Department's mission is too central to our democracy to be entrusted to someone who leaves us with such doubt. As the President's chief legal officer in the White House, Judge Gonzales's advice sadly fell short time and again. For these reasons, I must vote no.

A closer examination of the administration's legal policies demonstrates why we have reached this conclusion. Over the strong objections of Secretary of State Powell, career military lawyers, and others with great expertise, Judge Gonzales advised the President to deny prisoners the protections of the Geneva Conventions. Others warned Judge Gonzales that this advice could undermine military culture, generate confusion about how to treat detainees, and ultimately lead to abuse. We now know that their worst fears were warranted.

His role in shaping the policy on torture was similarly regrettable. The "torture memo" that was drafted at Judge Gonzales's request stood as administration policy for 2 years. The Defense Department used the memo's disturbing conclusions to justify abusive interrogation techniques.

These policies have consequences. To defeat terrorism, the 9/11 Commission concluded that we must win the war of ideas in the Muslim world. The importance of this recommendation cannot be emphasized enough. Undermining our fundamental commitment to due process, failing to honor our international agreements, and flouting our laws prohibiting torture and war crimes harms that effort.

Judge Gonzales's performance at the hearing did little to alleviate our concerns. We heard him condemn torture, generally, but refuse to discuss what he thought constituted torture. We heard him commit to honor our international agreements but waffle when asked when they apply. We heard him denounce the abuses that were committed in Iraq but refuse to discuss whether they might be illegal. We heard him commit to hold anyone involved responsible for their actions but repeat predetermined conclusions about what happened and who was to blame.

When asked by members of the Judiciary Committee about his views on these policies and his roll in shaping them, Judge Gonzales either could not remember or was nonresponsive. When asked about whether he thought torture was ever productive, after more than 2 years of participating in discussions on the subject, he told the Committee, "I have no way of forming an opinion on that." He admits to attending meetings where specific methods of torture were discussed but told the committee that he cannot recall anything that was said. His evasiveness was not an encouraging preview or his ability to be candid with the American people about the basis of the decisions he will be responsible for making as our Attorney General.

This has not been an easy decision to reach. We hope that if Judge Gonzales is confirmed, he will prove us wrong. For now, however, our doubts are too great to support his nomination.

MORNING BUSINESS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO NATHAN ADELSON HOSPICE

Mr. REID. Mr. President, I rise today to recognize the important work of the Nathan Adelson Hospice in Las Vegas.

For more than 25 years, the Nathan Adelson Hospice has been the only nonprofit provider of hospice care in southern Nevada. When the Nathan Adelson Hospice was established in 1978, it was one of the first hospices in the country. Its mission is to provide dignified and compassionate care for the terminally ill and their loved ones. In keeping with this mission, no one is turned away from the Nathan Adelson Hospice due to lack of funds.

As great as it is, the Nathan Adelson Hospice is always trying to improve the care it offers to patients. Last year, the hospice began construction on a 16-bed, inpatient facility in Henderson, NV. This facility will provide respite services for families, pain and symptom management for patients, and day care for adults in the community. It is a state-of-the-art facility, and I am pleased to say that I was able to secure funds to help with its construction.

Finally, my recognition of the Nathan Adelson Hospice would be incomplete without mentioning its efforts on behalf of minorities. Studies indicate that minorities and members of traditionally underserved populations do not take advantage of hospice care as much as they should. In fact, while minorities make up almost 30 percent of the U.S. population, they account for fewer than 20 percent of hospice patients nationwide. Some experts have suggested that inequities in access to health care, cultural differences, and language barriers are responsible for this situation.

No matter the reasons, it is clear that members of minority communities could benefit from greater access to hospice care. That is why I was so pleased to hear of the Nathan Adelson Hospice's new efforts to expand care to Nevada's underserved minority communities.

Last week, the Nathan Adelson Hospice hosted a multicultural luncheon and concert in an effort to connect with minority businesses that want to sponsor outreach and educational efforts for minority communities in Las Vegas. This event was a creative way to build business and community partnerships while raising the profile of an important program.

I know you will join me in applauding the Nathan Adelson Hospice, and its efforts to increase minority participation in hospice care.

TRIBUTE TO DON WILSON

Mr. REID. Mr. President, I rise today to acknowledge and honor the work of my good friend, Don Wilson, who will be retiring after 22 years of service to the people of Nevada in the House of Representatives and the United States Senate.

Don was born in Carl Junction, MO, in 1939. His father, like my own, was a miner, and the search for work led the Wilson family to move around the West for much of Don's early years. The Wilsons spent time in Oklahoma, South Dakota, Idaho, New Mexico and Washington State and finally settled in Henderson, NV in June 1952.

I first met Don at Basic High School in Henderson in 1957, and we quickly became friends. He and I both played on the football and baseball teams together, but Don was the star. He set many records, some of which stand to this day, and he led our high school teams to several championships. One year, he even batted over .500. With that type of talent, it is hardly surprising that Don earned a full athletic scholarship at Arizona State University in Tempe, where he graduated with a degree in marketing in 1961.

After graduation, Don worked for a few months for IBM Corporation. He was drafted, however, in 1962 and served his country honorably for 2 years in the Army. He worked in the Clark County Juvenile Justice System for over 15 years, trying to make a difference in the lives of troubled young Nevadans. During his time at the Juvenile Court, he served in various leadership positions, including director of the Spring Mountain Youth Camp.

Since then, Don has worked hard on behalf of Nevada on my staff—both in the House of Representatives and in the United States Senate. He filled many roles in my office over the years—legislative assistant, business manager, and currently deputy regional manager for my Las Vegas office—but, first and foremost, he has remained my trusted friend.

Abraham Lincoln once said, "The better part of one's life consists of his friendships." Don Wilson has been my friend for the better part of my life, and I thank him for this friendship and look forward to our continued relationship in the years to come.

UNION LEAGUE CLUB OF CHICAGO

Mr. DURBIN. Mr. President, I rise today to commend the fine members of the Union League Club of Chicago on the 125th anniversary of the organization's founding in 1879.

On behalf of the people of Illinois, I thank all of the members of the Union League Club of Chicago, both past and present, for their shining example of civic leadership. The Union League Club of Chicago has a proud history of patriotism and service to the Chicago community, the State of Illinois, and the Nation. Since its founding to rally citizens in defense of the Union during the Civil War, this organization has forged partnerships with other prominent civic organizations to support a broad range of social, military, and nonpartisan political activities.

The same organization that was instrumental in bringing the World Columbian Exposition to Chicago in 1893 today supports Chicago youth with four Boys and Girls Clubs, sustains the arts through grants from the Union League Civic and Arts Foundation, and supports our Armed Forces through the Armed Forces Council of Chicago, an American Legion Post and several support groups.

I know that my fellow Senators will join me in congratulating members of the Union League Club of Chicago on their accomplishments and commitment to their community. I am confident that this proud history and tradition will continue with future generations of like-minded members for another 125 years.

RULES OF PROCEDURE—COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG. Mr. President, the Committee on Veterans' Affairs has adopted rules governing its procedures for the 109th Congress. Pursuant to Rules XXVI, paragraph 2, of the Standing Rules of the Senate, on behalf of myself and Senator AKAKA, I ask unanimous consent that a copy of the Committee rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMITTEE ON VETERANS' AFFAIRS RULES OF PROCEDURE

I. MEETINGS

(a) Unless otherwise ordered, the Committee shall meet on the first Wednesday of each month. The Chairman may, upon proper notice, call such additional meetings as deemed necessary.

(b) Except as provided in subparagraphs (b) and (d) of paragraph 5 of rule XXVI of the Standing Rules of the Senate, meetings of the Committee shall be open to the public. The Committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceedings of each meeting whether or not such meeting or any part thereof is closed to the public.

(c) The Chairman of the Committee, or the Ranking Majority Member present in the absence of the Chairman, or such other Member as the Chairman may designate, shall preside at all meetings.

(d) Except as provided in rule XXVI of the Standing Rules of the Senate, no meeting of the Committee shall be scheduled except by majority vote of the Committee or by authorization of the Chairman of the Committee.

(e) The Committee shall notify the office designated by the Committee on Rules and Administration of the time, place, and purpose of each meeting. In the event such meeting is canceled, the Committee shall immediately notify such designated office.

(f) Written notice of a Committee meeting, accompanied by an agenda enumerating the items of business to be considered, shall be sent to all Committee members at least 72 hours (not counting Saturdays, Sundays, and Federal holidays) in advance of each meeting. In the event that the giving of such 72-hour notice is prevented by unforeseen requirements or Committee business, the Committee staff shall communicate notice by the quickest appropriate means to members or appropriate staff assistants of Members and an agenda shall be furnished prior to the meeting.

(g) Subject to the second sentence of this paragraph, it shall not be in order for the Committee to consider any amendment in the first degree proposed to any measure under consideration by the Committee unless a written copy of such amendment has been delivered to each member of the Committee at least 24 hours before the meeting at which the amendment is to be proposed. This paragraph may be waived by a majority vote of the members and shall apply only when 72-hour written notice has been provided in accordance with paragraph (f).

II. QUORUMS

(a) Subject to the provisions of paragraph (b), eight members of the Committee shall constitute a quorum for the reporting or approving of any measure or matter or recommendation. Five members of the Committee shall constitute a quorum for purposes of transacting any other business.

(b) In order to transact any business at a Committee meeting, at least one member of the minority shall be present. If, at any meeting, business cannot be transacted because of the absence of such a member, the matter shall lay over for a calendar day. If the presence of a minority member is not then obtained, business may be transacted by the appropriate quorum.

(c) One member shall constitute a quorum for the purpose of receiving testimony.

III. VOTING

(a) Votes may be cast by proxy. A proxy shall be written and may be conditioned by personal instructions. A proxy shall be valid only for the day given.

(b) There shall be a complete record kept of all Committee action. Such record shall contain the vote cast by each member of the Committee on any question on which a roll call vote is requested.

IV. HEARINGS AND HEARING PROCEDURES

(a) Except as specifically otherwise provided, the rules governing meetings shall govern hearings.

(b) At least 1 week in advance of the date of any hearing, the Committee shall undertake, consistent with the provisions of paragraph 4 of rule XXVI of the Standing Rules of the Senate, to make public announcements of the date, place, time, and subject matter of such hearing.

(c) The Committee shall require each witness who is scheduled to testify at any hearing to file 40 copies of such witness' testimony with the Committee not later than 48 hours prior to the witness' scheduled appearance unless the Chairman and Ranking Minority Member determine there is good cause for failure to do so.

(d) The presiding member at any hearing is authorized to limit the time allotted to each witness appearing before the Committee.

(e) The Chairman, with the concurrence of the Ranking Minority Member of the Committee, is authorized to subpoena the attendance of witnesses and the production of memoranda, documents, records, and any other materials. If the Chairman or a Committee staff member designated by the Chairman has not received from the Ranking Minority Member or a Committee staff member designated by the Ranking Minority Member notice of the Ranking Minority Member's nonconcurrence in the subpoena within 48 hours (excluding Saturdays, Sundays, and Federal holidays) of being notified of the Chairman's intention to subpoena attendance or production, the Chairman is authorized following the end of the 48-hour period involved to subpoena the same without the Ranking Minority Member's concurrence. Regardless of whether a subpoena has been concurred in by the Ranking Minority Member, such subpoena may be authorized by vote of the Members of the Committee. When the Committee or Chairman authorizes a subpoena, the subpoena may be issued upon the signature of the Chairman or of any other member of the Committee designated by the Chairman.

(f) Except as specified in Committee Rule VII (requiring oaths, under certain circumstances, at hearings to confirm Presidential nominations), witnesses at hearings will be required to give testimony under oath whenever the presiding member deems such to be advisable.

V. MEDIA COVERAGE

Any Committee meeting or hearing which is open to the public may be covered by television, radio, and print media. Photographers, reporters, and crew members using mechanical recording, filming or broadcasting devices shall position and use their equipment so as not to interfere with the seating, vision, or hearing of the Committee members or staff or with the orderly conduct of the meeting or hearing. The presiding member of the meeting or hearing may for good cause terminate, in whole or in part, the use of such mechanical devices or take such other action as the circumstances and the orderly conduct of the meeting or hearing may warrant.

VI. GENERAL

All applicable requirements of the Standing Rules of the Senate shall govern the Committee.

VII. PRESIDENTIAL NOMINATIONS

(a) Each Presidential nominee whose nomination is subject to Senate confirmation and referred to this Committee shall submit a statement of his or her background and financial interests, including the financial interests of his or her spouse and of children living in the nominee's household, on a form approved by the Committee which shall be sworn to as to its completeness and accuracy. The Committee form shall be in two parts—

(A) information concerning employment, education, and background of the nominee which generally relates to the position to which the individual is nominated, and which is to be made public; and

(B) information concerning the financial and other background of the nominee, to be made public when the Committee determines that such information bears directly on the nominee's qualifications to hold the position to which the individual is nominated. Committee action on a nomination, including hearings or a meeting to consider a motion to recommend confirmation, shall not be initiated until at least five days after the nominee submits the form required by this rule unless the Chairman, with the concurrence of the Ranking Minority Member, waives this waiting period.

(b) At any hearing to confirm a Presidential nomination, the testimony of the nominee and, at the request of any Member, any other witness shall be under oath.

VIII. NAMING OF DEPARTMENT OF VETERANS AFFAIRS FACILITIES

It is the policy of the Committee that no Department of Veterans Affairs facility shall be named after any individual unless—

(A) such individual is deceased and was—

(1) a veteran who (i) was instrumental in the construction or the operation of the facility to be named, or (ii) was a recipient of the Medal of Honor or, as determined by the Chairman and Ranking Minority Member, otherwise performed military service of an extraordinarily distinguished character;

(2) a member of the United States House of Representatives or Senate who had a direct association with such facility;

(3) an Administrator of Veterans' Affairs, a Secretary of Veterans Affairs, a Secretary of Defense or of a service branch, or a military or other Federal civilian official of comparable or higher rank; or

(4) an individual who, as determined by the Chairman and Ranking Minority Member, performed outstanding service for veterans;

(B) each member of the Congressional delegation representing the State in which the designated facility is located has indicated in writing such member's support of the proposal to name such facility after such individual; and

(C) the pertinent State department or chapter of each Congressionally chartered veterans' organization having a national membership of at least 500,000 has indicated in writing its support of such proposal.

IX. AMENDMENTS TO THE RULES

The rules of the Committee may be changed, modified, amended, or suspended at any time, provided, however, that no less than a majority of the entire membership so determine at a regular meeting with due notice, or at a meeting specifically called for that purpose. The rules governing quorums for reporting legislative matters shall govern rules changes, modification, amendments, or suspension.

UNITED STATES-INDONESIA MILITARY RELATIONS

Mr. LEAHY. Mr. President, last week I listened to the comments of my friend, the senior Senator from Missouri, regarding the devastating impact of the tsunami in Aceh, Indonesia, which caused so much loss of life and destruction of property. Senator BOND paid tribute to the contributions of American relief agencies that have done so much to alleviate the suffering there, and I want to echo those comments.

He also expressed concern about what he called "unintended consequences" of restrictions on our assistance to the Indonesian military, otherwise known as the TNI. Specifically, he referred to the International Military Education and Training Program, and spare parts for C-130 aircraft.

I want to respond to that portion of Senator BOND's remarks, to be sure there is no misunderstanding about what our law says.

To begin with, I want to disabuse those who might be misled by some Indonesian officials who often mistakenly refer to a U.S. military "embargo" against Indonesia. I ask unanimous consent that a Defense Department document from our Embassy in Jakarta, which describes the many programs and other contacts we currently have with the TNI, be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. LEAHY. The fact is that the TNI participates in training programs under both the expanded International Military Education and Training, E-IMET, program and the Counterterrorism Fellowship Program, CTFP. This is the largest CTFP program currently underway anywhere in the world. Millions of dollars have been appropriated for these programs in recent years, including for the types of defense management, military justice, civil military relations, and other courses that the Senator from Missouri and I support. The TNI is participating in the E-IMET program which Congress has funded at the level requested by the Bush administration.

Our law also does not prevent military exercises and other contacts with the U.S. military through officer visits, educational exchanges, and port visits. Perhaps the most visible evidence of this is the U.S. military working side by side with the TNI during the ongoing humanitarian relief operations in Aceh.

With respect to training, U.S. law restricts only the full restoration of regular IMET assistance until the Indonesian Government and the TNI "are cooperating" with the FBI's investigation into the August 31, 2002, murders of two American citizens and one Indonesian citizen. By "cooperating," we obviously mean not simply cooperating in limited ways, but fully cooperating. I am concerned with reports that the TNI may have conspired with the shooters in that case, and that the one Papuan individual who has been indicted, who is not a member of the TNI, remains at large even though his whereabouts are reportedly known to the TNI.

With respect to equipment, our law does not restrict the sale of non-lethal equipment to the TNI. Specifically, with regard to spare parts for the C–130's, there has been no change in U.S. law, although I am told that there may have been a relaxation of this administration's policy. Our law does not and never has prevented the sale of spare parts for these aircraft for humanitarian purposes. Over 4 years ago, when the TNI first requested to purchase C–130 spare parts for "search and rescue" missions, the U.S. Ambassador and I, as well as, I am told, the Secretary of Defense, informed the Indonesians that this was not prohibited by either U.S. law or policy and that they could purchase these parts from us. For reasons the Pentagon is aware of, the TNI decided to obtain them elsewhere.

The only conditions on the sale of lethal equipment are that the Indonesian Government is prosecuting and punishing members of the TNI for gross violations of human rights, and that the TNI is (1) taking steps to counter international terrorism consistent with democratic principles and the rule of law; (2) cooperating with civilian judicial authorities and with international efforts to resolve cases of gross violations of human rights; and (3) implementing financial reforms to deter corruption.

There are good reasons for these limited conditions. The United States has provided hundreds of millions of dollars in training and equipment to the Indonesian military since the 1950s. Despite the close relationship that developed between the U.S. military and the TNI over four decades, the TNI acquired a reputation for being notoriously abusive and corrupt. After the TNI murdered some 200 civilians in a cemetery in Dili, East Timor in 1992, our IMET assistance was cut off. Our relations with the TNI were further curtailed in 1999, after the independence referendum in East Timor when the TNI orchestrated widespread killings and the destruction of property. Although senior TNI officers have repeatedly vowed to support reform, they have done next to nothing to hold their members accountable for these heinous crimes. Instead, the TNI has consistently obstructed justice.

I should note that these conditions do not apply to the Indonesian navy. Congress specifically exempted the navy because enhancing maritime security is a critical priority.

There are also credible reports that after 9/11, the TNI provided support to radical Indonesian groups that have been involved in terrorism.

Since 1999, restrictions on our relations with the TNI have been narrowed, and today, as I mentioned, we have a wide range of military-to-military activities.

I am disappointed that some Pentagon officials and my friend from Missouri, rather than acknowledging the extent of the United States-Indonesia military relationship and urging the TNI to demonstrate that it is serious about reform by meeting these reasonable conditions, have expressed support for weakening our law.

Indonesia's new President Yudhoyono is a career military officer. He has a reputation as a reformer, and I wish him well. I have always supported substantial economic assistance to Indonesia. In fact, Senator McCONNELL, the Chairman of the Foreign Operations Subcommittee, and I have worked to increase this assistance.

Prior to President Yudhoyono's election, there were some important reforms which reduced the TNI's influence in politics. But a key gap remains regarding justice for the victims of atrocities, including crimes against humanity. This is the focus of our law, and it is as important to Indonesia and the TNI as it is for the United States. I believe that President Yudhoyono should agree and want the TNI to make these necessary reforms.

I applaud the U.S. military and the TNI for working together to bring aid to tsunami victims in Aceh. But just as our policy should promote cooperation in humanitarian operations and in counterterrorism, so should it promote respect for human rights, accountability, and the rule of law. These are fundamental to the freedom and democracy that President Bush spoke of in his inaugural address. Our law, which was narrowly written to provide an incentive for reform while allowing military contacts to continue, strikes the right balance.

EXHIBIT 1

IMET/E–IMET

(Allocated FY 04 $599,000; Requested for FY 05 $600,000.)

The International Military Education and Training (IMET) program continues to be restricted for Indonesia. However, training is allowed with IMET funding for Expanded-IMET (E–IMET) courses for both military and civilians.

E–IMET courses have included a wide-range of programs, including seminars, in-country Mobile Education Teams, and Masters Programs at Naval Postgraduate School. Topics have included defense management, national security affairs, defense restructuring, civ-mil relations, resource management, military law, peacekeeping operations, and other important topics.

COUNTER-TERRORISM FELLOWSHIP PROGRAM (CTFP)

Largest CTFP Program in the world. (Allocated FY B04 $500,000; Supplemental $386,826; FY B05 Allocation $600,000.) (Allocated B02 "No Year" funds in 2002: $3.7 million; Current Remaining $702,000.)

Note this Remaining B02 money is Programmed through FY 05 and FY 06.

In the FY02 Defense Appropriations Act, the Regional Defense Counter-Terrorism Fellowship Program was established under section 8125.

Both civilian and military officers participate in a wide variety of courses and seminars under this program designed to improve the professionalism and management skills of TNI. CTFP training programs include intelligence cooperation, national level decision-making, civil-mil cooperation in combating terrorism, and maritime security, as well as Indonesian attendance at US Staff Colleges, War Colleges, National Defense University, and English language training and materials.

THEATER SECURITY COOPERATION PROGRAM

(Funding provided from various sources per event.)

Indonesian is an active participant in U.S. Pacific Command TSCP activities, to include regional workshops and seminars promoting cooperation on security issues, Counter-Terrorism seminars and workshops, peacekeeping workshops, and Subject Matter Expert Exchanges.

Activities are limited to non-lethal, non-combat related events.

In close cooperation with both the ODC and the Defense Attache Office, PACOM has developed a more robust TSCP program over the next two years in order to broaden our engagement with TNI and other agencies within GOI.

Indonesian participation has increased from Zero events in FY 00 to more than 85–events in FY 04, and more than 132 programmed in FY 05.

FOREIGN MILITARY SALES/FOREIGN MILITARY FINANCING

Foreign Military Sales (FMS): Remain frozen by USG policy. There remain 38 active cases with an FMS balance of $ 3.5 mil.

Foreign Military Financing (FMF) and other grant programs, such as eligibility for Excess Defense Articles (EDA), remain restricted by legislation.

($11.3 mil requested for FY 06; $6 million recommended by interagency for FY 06; focus is maritime security and C–130 parts.)

Direct Commercial Sales (DCS): USG policy has established "carve-outs" for specific categories of defense hardware, such as C–130 spare parts, non-lethal equipment, and "safety of use" items for lethal end items (an example would be CAD/PADs, propellant cartridges for ejection seats on fighter aircraft). ($928,709 released by DSCA from FMS funds 04 Jan 05 for Tsunami relief/repair of C–130s.)

TRADE MISSION TO NEW ZEALAND AND AUSTRALIA

Mr. BAUCUS. Mr. President, I rise to share some observations on my recent trade mission to Australia and New Zealand.

In May 2004, the United States and Australia signed a historic free-trade agreement. That agreement went into force on January 1, 2005, lowering trade barriers and opening new markets for goods, services, and agriculture.

This agreement opens the door to a greater relationship with one of the most vibrant and promising economies in the world.

For Australia, it offers integration with the world's largest economic power. For the United States, it offers a link to an Australian market that has one of the highest standards of living in the world—and one of the few large economies with whom the U.S. enjoys a trade surplus.

Further benefits will accrue to U.S. exporters from using Australia as a platform for more efficient access to Asian markets.

Australia has for years pursued a strong policy of economic engagement in the Asia-Pacific region. It has completed, or is currently negotiating, trade agreements with several key countries in the region. This network of trade relationships will increase the value of the free trade agreement to U.S. exporters and investors in Australia.

The free-trade agreement further cements the relationship between the United States and one of its strongest allies in the world. Australia is a major partner with the U.S. in global antiterrorism efforts. It is a significant partner in Iraq.

It is also one of our most important partners within the WTO. As a leader of the Cairns Group, a loose association of major agriculture exporting countries, Australia has been a reliable ally in our fight for reform of global agriculture markets.

I believe in economic engagement and in trade. Reducing barriers and opening markets creates opportunities and jobs. It helps spread the values of democracy and international cooperation.

But the benefits of trade do not come without challenges. In the case of Australia, it is our agriculture sector that was initially concerned about the challenges a free trade agreement might pose. This is particularly true in Montana, where agriculture makes up about one half of the State's economy.

That is why I worked hard to make sure the United States-Australia Free-Trade Agreement was a good deal for the United States and a good deal for Montana. By working with negotiators from both Governments, I was able to include strong provisions that leveled the playing field for Montana's agriculture industry in the deal, while also assuring Montana's businesses access to tremendous new market opportunities.

With a strong deal in place, it was a good time to see for myself what new opportunities are available in Australia and to start making the free-trade agreement work for Montana.

Joining me were a group of nine Montana business and agriculture leaders—representing the full range of our State's economy, including manufacturing, agriculture, tourism, and services. They were: Montana Chamber of Commerce president Webb Brown, from Helena; Greg Dumontier of St. Ignatius, general manager of S & K Technologies; David Cameron of Bozeman, a rancher and retired biologist with Montana State University; Steve Holland, director of the Montana Manufacturing Extension Center in Bozeman; Fraser McLeay, senior manager with the Montana World Trade Center in Missoula; Lillian Ostendorf of Powderville, State Women's Committee chair with the Montana Farm Bureau; Mike Overstreet of Billings, chairman of the board and vice president of international relations for Corporate Air; Jeff Ruffner of Butte, senior vice president and general manager with MSE Technology Applications; and Kathy Brown, property manager with Project Management in Helena.

Also joining the delegation were several representatives of some of our largest national companies with operations in Australia and the Asia-Pacific region. They were: David Beier, senior vice president for global government affairs for Amgen, Inc.; Lionel Johnson, vice president and director, International Government Affairs, for Citigroup, Inc.; Thomas Quinn, partner with the law firm Venable, representing U.S. Tobacco; and Elizabeth Schwartz, vice president for legislative affairs for the Boeing Company.

The goal of our trade delegation was to meet with business and government leaders, build relationships, find opportunities, and discuss solutions to common challenges. We met with great success.

A highlight of the visit was a meeting of the entire delegation with Australian Prime Minister John Howard at Parliament House in Canberra.

I was very pleased to have the opportunity to personally thank Prime Minister Howard for working with me to address Montana's interests in the free-trade agreement. We also explored ways Australia and the United States can work together to advance our mutual interests in the World Trade Organization, the Asia-Pacific Economic Forum, and the Asia-Pacific region.

In Sydney, members of the delegation were able to benefit from the experience of AmCham members doing business in Australia and of the U.S. Commercial Service. Many participated in individual business meetings with counterparts or potential customers in Sydney, Melbourne, and Brisbane.

Our thanks go out to the U.S. Embassy and Consulate staffs in Canberra, Sydney, and Melbourne for all their hard work making this such a productive and meaningful trip for me and for each member of the delegation. I particularly want to thank U.S. Ambassador to Australia J. Thomas Schieffer for his hospitality and assistance.

I also thank Australian Ambassador to the United States Michael Thawley and his staff in Washington for all their help in making the trip such a success.

During the negotiations of the United States-Australia Free-Trade Agreement, Ambassador Thawley and Adam McCarthy from his staff made several trips to Montana. They met with our state officials, business and agriculture groups, and were able to contribute to their own negotiators' sensitivity to Montana's goals in the negotiations. The results were, I believe, in the best interests of both Montana and Australia.

I am excited about future prospects for trade and cooperation with Australia. Australia is a large market for American manufactured goods and services and promises to become an even larger one. For example, Australia is fast becoming a major market for Montana's growing high tech and services industries, including medial products, environmental consulting, and engineering.

In addition, from Montana's perspective, one of the most important aspects of the new trade agreement goes beyond its market access provisions: it is Australia's commitment to support the United States in its efforts to negotiate disciplines on state trading enterprises in the WTO Doha Round.

State trading enterprises like the Canadian Wheat Board and the Australian Wheat Board give agricultural producers in those countries unfair advantages when competing with our world class Montana agricultural products in global markets.

I also used the visit as an opportunity to promote cooperation between Australia and the United States on a broader range of multilateral and regional trade and economic issues.

Australia and the United States have a mutual interest in promoting a broad vision of Asia-Pacific economic integration. We are both Pacific powers, but not Asian.

If we neglect our ties with Asia, we risk a narrow Asian economic integration that deprives our businesses of the most preferential access to these growing markets. I challenged the Government and the private sector in Australia to be our partners in broadening that vision.

Our trade efforts also led us to New Zealand. While not as big a country as Australia, New Zealand is an important trading partner for the United States. In 2003, merchandise trade between the two countries exceeded $4 billion. There was an additional $2 billion in trade in the service sector.

Exports of Montana products to New Zealand increased more than sevenfold over the last 5 years. Equally important to Montana, New Zealand kept a cool head and did not overreact to the recent BSE scare with a ban on U.S. beef—a major product in my State and critical to our economy.

More importantly, New Zealand is a vital piece in the Asian puzzle. Just as with our relationship with Australia, an enhanced commercial relationship between the United States and New Zealand would offer yet another platform for increased exports to the growing markets in places like China, Thailand, Taiwan, and Malaysia.

That is why I have long been an advocate for closer economic ties between our countries. In fact, back in 2001, I introduced legislation to authorize fast-track consideration of a free-trade agreement with New Zealand.

The New Zealand Government has been actively pursuing a free-trade agreement with the United States for several years. Up until recently, they have been rebuffed by the Bush Administration for reasons having nothing to do with the potential economic merits of such an agreement.

I disagree with that approach. I believe that trade agreements should be pursued or not pursued primarily on the basis of their economic merit.

I thought it was time to allow the Government of New Zealand to make its case. And so I brought my trade delegation to New Zealand to meet with Government officials and business representatives, to explore market opportunities, and to build new relationships.

As in Australia, a highlight of the visit was my meeting with New Zealand Prime Minister Helen Clark. Prime Minister Clark and I discussed prospects for a bilateral free-trade agreement and also exchanged views on how the United States and New Zealand can cooperate on regional and multilateral trade issues.

I told the Prime Minister that I think a free-trade agreement between the United States and New Zealand makes sense—so long as it is the right agreement. And the Australia Free-Trade Agreement—with its strong protections for Montana agriculture—is the right model to follow.

Australia and New Zealand share a common market. For that reason, it would have made sense to include New Zealand in the United States-Australia Free-Trade Agreement in the first place.

The Administration settled for 80 percent of the Australia-New Zealand market, when it could have had 100 percent. But that is in the past, and Prime Minister Clark and I agreed that we need to look forward.

During my visit, I was also privileged to meet, along with members of my delegation, with New Zealand's Minister of Agriculture and Trade Negotiations Jim Sutton and Minister of Foreign Affairs and Trade Phil Goff. I appreciate the useful and wide-ranging discussions that we shared.

In New Zealand, the trade delegation was able to visit several cutting-edge agricultural facilities, including a revolutionary robotic milking station, an advanced agricultural research station, and an agricultural technology incubator. Many of the Montanans who participated in the trip have gone home with new ideas that will help them both emulate and compete with their New Zealand counterparts.

My sincere thanks go out to our hosts, the Government of New Zealand, for their great hospitality. I also thank the U.S. Embassy and Consulate staffs in Wellington and Auckland for all their hard work putting together a fantastic schedule for a whirlwind 2-day visit. I particularly want to thank U.S. Ambassador to New Zealand Charles Swindells for his advice and assistance.

Finally, I thank New Zealand Ambassador to the United States John Wood as well as Ian Hill and Janette Malcolm from the New Zealand Embassy in Washington for all their help in making the trip such a success.

After all the government meetings, tours of agricultural facilities, and discussions with business groups, I came away believing that the right free-trade agreement with New Zealand makes sense for the United States and makes sense for Montana.

Like Australia, New Zealand is a strong market for American manufactured goods and services. Like Australia, New Zealand can serve as a launching pad for reaching Asian markets. And New Zealand is a developed country with a strong legal system, which sets the stage for a high-standards agreement.

You may not guess this, but from Montana's standpoint, New Zealand is a more important market, relatively speaking, than it is for the United States as a whole. While New Zealand is the United States' 49th largest trading partner, it is one of Montana's top 25 export markets—not far behind Malaysia, and more important than Thailand or the Philippines.

That doesn't mean it would be easy. I know that negotiating a free-trade agreement with New Zealand would raise sensitive issues for Montana's farmers and ranchers, several of whom joined me on the trip. But I also know that facing difficult trade issues pays off in the end.

That is because—in the end—trade means jobs.

There are tremendous opportunities in the Australia and New Zealand markets awaiting those Americans intrepid enough to seek them out. Increased trade will generate jobs and good-paying ones at that.

I want Montana to participate in and benefit from an enhanced trading relationship with these countries.

Yet, in a more general sense, these enhanced relationships are about openness.

While historians like to talk about the past 100 years as the "American Century," Americans are anxious about the challenges facing our country. We wonder whether our children and grandchildren will enjoy the same standard of living we have known.

Faced with this uncertainty, some Americans look at the Pacific Rim and see danger. They see the rise of China's and Asia's economic prowess as a threat to American prosperity.

But we have never been a nation that succeeds only by the economic failure of others.

We used the Marshall Plan to help pull Europe out of economic distress—and have benefited enormously. We believed that capitalism would win the Cold War—and it did.

Now China, Vietnam, Russia, and others are beginning the transition to a free market economy. This is a positive development—not one to fear.

To me, the challenge is elementally about whether we will meet the future with open minds and open arms, or whether we will turn inward and seek shelter from the inevitable storms that change always brings.

America has never shied away from engagement with the rest of the world. We have been successful because we are confident, innovative, positive, and open. We can only lose our place in the world if we forget who we are and forget how we got here in the first place.

That is why I will continue to work for an open trade policy. It is why I will continue to fight hard for Montana's place in the world.

It is also why I think it is so important to take these trade missions abroad. In the past couple of years, I have led missions to Cuba, Japan, China, and Thailand. This time, we went to Australia and New Zealand.

Every trip has brought success. Each trip has opened doors for Montana business. And discovering the potential in any market or relationship ultimately is what makes trade work for Montana, as well as for the United States.

40TH ANNIVERSARY OF THE CONSERVANCY OF SOUTHWEST FLORIDA

Mr. NELSON of Florida. Mr. President, I rise today to congratulate the Conservancy of Southwest Florida for its 40th year of service in protecting the environment of my great State. In 1964, citizens joined together to save Rookery Bay from over-development, and since that day the conservancy and its many supporters have worked to preserve the breathtaking natural habitat and the quality of life in southwest Florida.

The Conservancy of Southwest Florida has created so many wonderful institutions that all Floridians, young and old can enjoy. This includes the Conservancy Nature Center, which allows kids and adults alike to work hands-on to learn about the ecosystem and the varied wildlife that inhabits the area. Whether it is testing water quality, acquiring at-risk lands or rehabilitating nearly 2000 animals a year, the conservancy makes Florida a better place to live.

Throughout my years in public service, the conservancy has been an ally and a friend in the work of preserving Florida's natural resources. I hope that for the next 40 years and beyond, this wonderful organization will continue to help Florida and its citizens enjoy the beauty the state has been blessed with.

CONFIRMATION OF SAMUEL BODMAN AS SECRETARY OF ENERGY

Mr. HATCH. Mr. President, I rise today to express my support for the Senate's confirmation of Dr. Samuel Bodman as our new Secretary of Energy.

I believe Dr. Bodman will bring considerable skill to the position of Secretary of Energy. Dr. Bodman's distinguished career speaks for itself. In the private sector, he excelled as a professor at MIT, president of an investment company, and chairman and CEO of a worldwide industrial company. In these positions, he gained a great deal of knowledge in financial markets and the impact energy and technology has on those markets. He further proved his capabilities in his service as Deputy Secretary of Commerce and Deputy Secretary of the Treasury. There is no question that Dr. Bodman is qualified to assume this important position.

As a Nation, we are far too dependent on foreign sources of energy and must work to increase our energy independence. While I support domestic oil production, I also believe that we must continue to develop alternative sources of energy in the United States. In my home State, Utah State University is working with the Department of Energy to that end. I was pleased that the Department of Energy recently awarded Utah State University a grant to further the university's studies into alternative energy research and development programs. Such programs are essential to ensure we can meet our Nation's future energy needs, and I admire the university for being at the forefront on this issue.

I have a great deal of respect for Dr. Bodman, and I look forward to working with him on the compelling energy issues facing our Nation. While there will certainly be challenges to overcome as we work to shape our energy policy and increase our energy independence, I am confident that Dr. Bodman will serve admirably in the position.

HOMELAND SECURITY GRANT ENHANCEMENT ACT

Mr. FEINGOLD. Mr. President, I am pleased to again be an original cosponsor of Senator COLLINS' Homeland Security Grant Enhancement Act. This important legislation will coordinate and simplify the often complicated and confusing homeland security grant process. This bill will make it much easier for local first responders to get funding by reducing the many, and often redundant, grant applications steps. The amendment also gives local officials far more flexibility in spending homeland security dollars, including paying for overtime costs associated with homeland security tasks and training. Successful programs, such as FIRE Act grants, the COPS program, and the Emergency Management Performance Grant program, are protected in this legislation.

The legislation also tackles the controversial topic of how to allocate funding. I believe it has struck a fair balance by both allocating funding based on threat, as recommended by the 9/11 Commission and others, and maintaining baseline funding so that States and local officials can have a predictable stream of funding to meet the homeland security needs faced by all jurisdictions. As Senator COLLINS noted, the support this bill has gotten from Senators from both large and small States is indicative of the balanced approach taken by this legislation.

The Senate adopted this measure by voice vote in the last Congress as an amendment to the intelligence reform bill and it is my hope that the Senate will soon take up and pass this important bill. Simplifying and rationalizing the current homeland security grant system should be a top priority. I urge my colleagues to support this legislation and to adequately allocate resources to meet our homeland security needs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. WARNER, from the Committee on Armed Services, without amendment:

S. Res. 29. An original resolution authorizing expenditures by the Committee on Armed Services.

By Mr. STEVENS, from the Committee on Commerce, Science, and Transportation, without amendment:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation.

By Mr. LUGAR, from the Committee on Foreign Relations, without amendment:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Foreign Relations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KENNEDY (for himself, Mr. CORZINE, and Mr. LAUTENBERG):

S. 224. A bill to extend the period for COBRA coverage for victims of the terrorist attacks of September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself, Mr. INOUYE, and Ms. MURKOWSKI):

S. 225. A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land; to the Committee on Energy and Natural Resources.

By Mr. DEWINE (for himself and Mrs. CLINTON):

S. 226. A bill to amend the Public Health Service Act to improve immunization rates by increasing the supply of vaccines; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI:

S. 227. A bill for the relief of Ernesto Guillen; to the Committee on the Judiciary.

By Mr. CRAPO:

S. 228. A bill to amend the Public Health Service Act to establish an Office of Men's Health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 229. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SCHUMER (for himself and Mr. GRAHAM):

S. 230. A bill to improve railroad safety; to the Committee on Commerce, Science, and Transportation.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 231. A bill to authorize the Bureau of Reclamation to participate in the rehabilitation of the Wallowa Lake Dam in Oregon, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SMITH:

S. 232. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to assist in the implementation of fish passage and screening facilities at non-Federal water projects, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS:

S. 233. A bill to increase the supply of quality child care; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD:

S. 234. A bill for the relief of Majan Jean; to the Committee on the Judiciary.

By Mr. ENSIGN (for himself and Mr. REID):

S. 235. A bill to direct the Secretary of Agriculture to sell certain parcels of Federal land in Carson City and Douglas County, Nevada; to the Committee on Energy and Natural Resources.

By Mr. NELSON of Nebraska (for himself, Ms. COLLINS, Ms. CANTWELL, and Mrs. MURRAY):

S. 236. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

By Mr. LAUTENBERG:

S. 237. A bill to amend title 23, United States Code, to ensure that certain states remain eligible for Federal highway funds; to the Committee on Environment and Public Works.

By Mr. HAGEL:

S. 238. A bill to amend the Internal Revenue code of 1986 to exclude from gross income interest received on loans secured by agricultural real property; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. WYDEN, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 239. A bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes; to the Committee on Finance.

By Mr. KERRY (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. DURBIN, Mr. PRYOR, and Ms. STABENOW):

S. 240. A bill to amend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed, and for other purposes; to the Committee on Finance.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. STEVENS, and Mr. INOUYE):

S. 241. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Commerce, Science, and Transportation.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 242. A bill to establish 4 memorials to the Space Shuttle Columbia in the State of Texas; to the Committee on Energy and Natural Resources.

By Mr. THOMAS:

S. 243. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. THOMAS:

S. 244. A bill to extend the deadline for commencement of construction of a hydroelectric project in the State of Wyoming; to the Committee on Energy and Natural Resources.

By Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mrs. MURRAY, Mr. JEFFORDS, and Mr. DEWINE):

S. 245. A bill to provide for the development and coordination of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change; to the Committee on Commerce, Science, and Transportation.

By Mr. BUNNING (for himself, Mr. NELSON of Nebraska, Mr. DEMINT, Mr. CRAIG, Mr. INHOFE, Mr. BROWNBACK, Mr. LUGAR, Mr. SANTORUM, Mr. COLEMAN, and Mr. DOMENICI):

S. 246. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Finance.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 247. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

By Mr. DEMINT:

S. 248. A bill to amend title 23, United States Code, to permit States to carry out surface transportation program projects on local roads to address safety concerns; to the Committee on Environment and Public Works.

By Mr. REID (for himself, Mr. ENSIGN, and Mr. BENNETT):

S. 249. A bill to establish the Great Basin National Heritage Route in the States of Nevada and Utah; to the Committee on Energy and Natural Resources.

By Mr. ENZI (for himself and Mr. KENNEDY):

S. 250. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. WYDEN):

S. 251. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation, to conduct a water resource feasibility study for the Little Butte/Bear Creek Sub-basins in Oregon; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself and Mr. ENSIGN):

S. 252. A bill to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself and Mr. ENSIGN):

S. 253. A bill to direct the Secretary of the Interior to convey certain land to the land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community; to the Committee on Energy and Natural Resources.

By Mr. REID (for himself and Mr. ENSIGN):

S. 254. A bill to direct the Secretary of the Interior to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy and Natural Resources.

By Mr. HAGEL (for himself and Mr. NELSON of Nebraska):

S. 255. A bill to amend the Residential Lead-Based Paint Hazard Reduction Act of 1992 to provide assistance for residential properties designated as Superfund sites; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. GRASSLEY (for himself, Mr. HATCH, Mr. SESSIONS, Mr. THUNE, Mr. CARPER, Mr. NELSON of Nebraska, Mr. SHELBY, and Mr. ENZI):

S. 256. A bill to amend title 11 of the United States Code, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. LEVIN, Mr. SUNUNU, Mr. CHAFEE, Mr. HAGEL, and Mr. FEINGOLD):

S. Res. 27. A resolution commending the results of the January 9, 2005, Palestinian Presidential Elections; considered and agreed to.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. LUGAR):

S. Res. 28. A resolution designating the year 2005 as the "Year of Foreign Language Study"; to the Committee on the Judiciary.

By Mr. WARNER:

S. Res. 29. An original resolution authorizing expenditures by the Committee on Armed Services; from the Committee on Armed Services; to the Committee on Rules and Administration.

By Mr. STEVENS:

S. Res. 30. An original resolution authorizing expenditures by the Committee on Commerce, Science, and Transportation; from the Committee on Commerce, Science, and Transportation; to the Committee on Rules and Administration.

By Mr. COLEMAN (for himself and Mr. DURBIN):

S. Res. 31. A resolution expressing the sense of the Senate that the week of August 7, 2005, be designated as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless health centers, and for other purposes; to the Committee on the Judiciary.

By Mr. LUGAR:

S. Res. 32. An original resolution authorizing expenditures by the Committee on Foreign Relations; from the Committee on Foreign Relations; to the Committee on Rules and Administration.

By Mr. LEVIN (for himself, Ms. COLLINS, Mr. LUGAR, Mr. REED, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. JEFFORDS, Mr. WYDEN, Ms. CANTWELL, Mr. DODD, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, and Mr. DORGAN):

S. Res. 33. A resolution urging the Government of Canada to end the commercial seal hunt; to the Committee on Foreign Relations.

By Mr. SARBANES (for himself, Ms. COLLINS, Mr. AKAKA, Mr. WARNER, Mr. LIEBERMAN, Mr. ALLEN, Ms. MIKULSKI, Ms. SNOWE, Mr. JOHNSON, Mr. DAYTON, Mr. LAUTENBERG, Mr. KENNEDY, Mr. DURBIN, Mr. CORZINE, Ms. LANDRIEU, Mr. BINGAMAN, and Mrs. MURRAY):

S. Con. Res. 8. A concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States; to the Committee on Homeland Security and Governmental Affairs.

ADDITIONAL COSPONSORS

S. 11

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 11, a bill to amend title 10, United States Code, to ensure that the strength of the Armed Forces and the protections and benefits for members of the Armed Forces and their families are adequate for keeping the commitment of the people of the United States to support their service members, and for other purposes.

S. 12

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 12, a bill to combat international terrorism, and for other purposes.

S. 19

At the request of Mr. NELSON of Florida, his name was added as a cosponsor of S. 19, a bill to reduce budget deficits by restoring budget enforcement and strengthening fiscal responsibility.

S. 27

At the request of Mrs. HUTCHISON, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 27, a bill to amend the Internal Revenue Code of 1986 to make permanent the deduction of State and local general sales taxes.

S. 37

At the request of Mrs. HUTCHISON, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 37, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 40

At the request of Mrs. LINCOLN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 40, a bill to amend title XVIII of the Social Security Act to provide medicare beneficiaries with access to geriatric assessments and chronic care management, and for other purposes.

S. 44

At the request of Mr. HAGEL, the names of the Senator from Florida (Mr. NELSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 44, a bill to amend title 10, United States Code, to increase the amount of the military death gratuity from $12,000 to $100,000.

S. 50

At the request of Ms. CANTWELL, the name of the Senator from Minnesota (Mr. DAYTON) was added as a cosponsor of S. 50, a bill to authorize and strengthen the National Oceanic and Atmospheric Administration's tsunami detection, forecast, warning, and mitigation program, and for other purposes.

S. 51

At the request of Mr. BROWNBACK, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 51, a bill to ensure that women seeking an abortion are fully informed regarding the pain experienced by their unborn child.

S. 77

At the request of Mr. DAYTON, his name was added as a cosponsor of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

At the request of Mr. SESSIONS, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 77, supra.

S. 103

At the request of Mr. TALENT, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 103, a bill to respond to the illegal production, distribution, and use of methamphetamine in the United States, and for other purposes.

S. 167

At the request of Mr. LEAHY, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 167, a bill to provide for the protection of intellectual property rights, and for other purposes.

S. 188

At the request of Mrs. FEINSTEIN, the name of the Senator from Virginia (Mr. ALLEN) was added as a cosponsor of S. 188, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from Utah (Mr. HATCH) was added as a cosponsor of S. 193, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 195

At the request of Mr. LIEBERMAN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Vermont (Mr. LEAHY) were added as cosponsors of S. 195, a bill to provide for full voting representation in Congress for the citizens of the District of Columbia, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Pennsylvania (Mr. SPECTER) were added as cosponsors of S. 211, a bill to facilitate nationwide availability of 2-1-1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 215

At the request of Mr. INOUYE, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 215, a bill to amend the Native Hawaiian Health Care Improvement Act to revise and extend that Act.

S. 223

At the request of Mr. HARKIN, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 223, a bill to amend the Fair Labor Standards Act of 1938 to repeal any weakening of overtime protections and to avoid future loss of overtime protections due to inflation.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

S. RES. 8

At the request of Ms. COLLINS, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. Res. 8, a resolution expressing the sense of the Senate regarding the maximum amount of a Federal Pell Grant.

S. RES. 20

At the request of Mr. KENNEDY, the names of the Senator from Connecticut (Mr. DODD), the Senator from Pennsylvania (Mr. SANTORUM), the Senator from Nebraska (Mr. HAGEL), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Missouri (Mr. TALENT) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. Res. 20, a resolution designating January 2005 as "National Mentoring Month".

MEASURES DISCHARGED

The following bill was discharged from the Committee on Health, Education, Labor, and Pensions by unanimous consent, and referred as indicated:

S. 45. A bill to amend the Controlled Substances Act to lift the patient limitation on prescribing drug addiction treatments by medical practitioners in group practices, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KENNEDY (for himself, Mr. CORZINE, and Mr. LAUTENBERG):

S. 224. A bill to extend the period for COBRA coverage for victims of the terrorist attacks of September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, one of the greatest domestic challenges facing our country today is the soaring cost of health care. It's a serious problem for millions of families. But when the chief income earner in a family suddenly becomes unemployed, the problem can be critical, and we give a helping hand. We give them the opportunity to continue their coverage through their employer for a reasonable period. Families who lost loved ones on September 11 deserve the same opportunity until they can land on their feet again.

The Continuing Care for Recovering Families Act I am introducing today in the Senate with Senator CORZINE and Senator LAUTENBERG, and Congressman MARKEY is introducing today in the House of Representatives, recognizes that many of the September 11 families are still struggling to recover and we have an obligation to assist them.

Some of the families have found ways to cover their health costs by purchasing private insurance or obtaining grant assistance on their own. For others, employers have agreed to provide coverage. For still other families, however, the safety net has fallen apart, because their coverage has expired under COBRA—the temporary low-cost continuation of coverage available under current Federal law for those who change their job, lose their job or for families that lose their chief income earner through death.

The Continuing Care for Recovering Families Act will give spouses and children of victims of September 11 the ability to purchase or continue to purchase coverage under COBRA indefinitely, as long as they enroll within 120 days after passage of the Act or 120 days after they lose their COBRA coverage. Eligibility for the program would expire only if they become eligible for Medicare.

The families of September 11 have shown great courage and extraordinary resilience. But we still have much more to do to help them on their long and arduous road to recovery, and I hope very much that we can pass this legislation this year. It will only affect a small number of families. But for them, it will make a world of a difference.

By Mr. STEVENS (for himself, Mr. INOUYE, and Ms. MURKOWSKI):

S. 225. A bill to direct the Secretary of the Interior to undertake a program to reduce the risks from and mitigate the effects of avalanches on recreational users of public land; to the Committee on Energy and Natural Resources.

Mr. STEVENS. Mr. President, today I introduce, with Senators INOUYE and MURKOWSKI, the Federal Land Recreational Visitor Protection Act of 2005.

Across our State of Alaska, Western States, and areas of the Northeast, local governments and businesses struggle each year to remove potential avalanches or recover from the disastrous effects of avalanches.

While such damage can bring hardships to many local communities, none can compare with the loss of a friend or family member. The U.S. averages over 20 deaths a year from avalanches, a majority of which are results of recreational activities in unmitigated avalanche areas. Earlier in January, 3 people were killed in two separate avalanches in northern Idaho and Utah, bringing the total number of people already killed in the U.S. this winter season to 16.

Some States try and set aside money for rescues prior to the winter season, knowing that the resources required to clear all avalanche threats are not at hand.

This bill brings those resources to the entities that need them the most, enabling us to significantly reduce the effects of avalanches on visitors, recreational users, transportation corridors, and our local communities.

By Mr. DEWINE (for himself and Mrs. CLINTON):

S. 226. A bill to amend the Public Health Service Act to improve immunization rates by increasing the supply of vaccines; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise today, along with my colleague from New York, Senator CLINTON, to introduce the Improved Vaccine Supply Act—a bill that would help ensure that our Nation's public health system has an adequate vaccine supply.

We all know that vaccinations are critical in our efforts to keep our population, particularly children and the elderly, healthy. They are key to protecting the elderly from influenza during flu season and protecting children from contracting polio or the mumps. Vaccinations, inoculations, immunizations—whatever you want to call them—also help lessen the threat of bacterial or viral infections and potential disease outbreaks.

Currently, it is recommended that children receive 12 routine vaccinations against preventable diseases. These vaccinations are given in a series of shots and booster shots by the age of two, with an additional four doses later in life. This ends up being about 16 to 20 doses of vaccines for children.

Any shortage of vaccines is not acceptable, and we should do all we can to prevent any future shortage. As a Senator, and more importantly, as a parent of eight and grandparent of eight, I believe that nothing is more important than the health and safety of our children. While we are not currently experiencing a shortage, we know that the vaccine market is unstable and unpredictable. According to the Centers for Disease Control's National Immunization Program, there were several reasons for the shortages in past years. The CDC concluded and posted on its website that the "reasons for these shortages were multi-factorial and included companies leaving the vaccine market, manufacturing or production problems, and insufficient stockpiles."

The CDC did as good a job as it could, considering the vaccine shortages our Nation has faced in past years. The agency's website has posted information about shortages and released revised vaccine schedules to keep our public informed and knowledgeable about vaccination shortages. But, even with the strong efforts of the CDC, we need to work toward preventing a future vaccine shortage. We need a more permanent solution. The bill I am introducing will go a long way toward doing just that.

The bill we are introducing today—the Improved Vaccine Supply Act—would help bring some stability to our fragile vaccine supply. Unlike drug manufacturers, vaccine manufacturers do not have to give notice when they stop making a vaccine, whether the vaccine is withdrawn from the market intentionally or because the manufacturer is simply unable to continue making the vaccine. Essentially, these manufacturers leave the marketplace with no notice and no warning. Most doctors and hospitals—and more importantly parents and older adults—often have no idea that a vaccine is in short supply until they line up for a flu shot or go to the doctor for their child's immunizations.

Our bill would change this. It would require any manufacturer of a vaccine to give a one-year notice of discontinuance. By giving notice, the Centers for Disease Control (CDC) and the Food and Drug Administration (FDA) would be better able to ensure an adequate vaccine supply for our Nation's population. Additionally, our bill would require all drug and vaccine manufacturers to give notice when they withdraw from the market. This change would ensure that we have a better sense of who is making vaccines and drugs and would allow the CDC and FDA to monitor the manufacturer's production and release of vaccines.

Let me explain why this is important. Vaccines, or biological products, are difficult to develop and manufacture. They are more complex than drugs. Because of this, it takes longer for a biological product to reach the market. For example, a pharmaceutical company that manufactured tetanus vaccine stopped producing it, leaving only one company to produce tetanus vaccine for the entire country. The remaining company increased production to accommodate all of the needs of the United States. Despite this, it still required about 11 months for the vaccine to be ready for release. In other words, it took 11 months for the company to ramp-up production to meet demand. Our bill would create a notification mechanism to capture those drugs and vaccines leaving the market so we can avoid future vaccine and drug shortages.

Our bill also would require the Secretary, acting through the CDC, to develop a plan for the purchase, storage, and rotation of a supply of vaccines sufficient to provide routinely recommended vaccinations for a six-month period for children and adults. Essentially, it would create a framework for the CDC to develop a national vaccine stockpile to ensure that childhood vaccine shortages simply do not occur.

Our children need and deserve timely vaccinations. When childhood vaccinations are in short supply or are unavailable, they do without, living unprotected against disease. That should never happen. The bill we are introducing today is another step toward ensuring that children get the vaccines they need and that they get them at the right time. I urge my colleagues to join me in support of this important public health legislation.

I ask unanimous consent that the text the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 226

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Improved Vaccine Supply Act".

SEC. 2. SUPPLY OF VACCINES.

Title XXI of the Public Health Service Act (42 U.S.C. 300aa-1 et seq.) is amended by adding at the end the following:

"Subtitle 3—Adequate Vaccine Supply

"SEC. 2141. SUPPLY OF VACCINES.

"(a) IN GENERAL.—

"(1) PLAN.—Not later than 6 months after the date of enactment of this section, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall develop a plan for the purchase, storage, and rotation of a supply of vaccines sufficient to provide routinely recommended vaccinations for a 6-month period for—

"(A) a national stockpile of vaccines for all children as authorized under section 1928(d)(6) of the Social Security Act (42 U.S.C. 1396s(d)(6)); and

"(B) adults.

"(2) SUPPLY.—The supply of vaccines under paragraph (1) shall—

"(A) include all vaccines routinely recommended for children by the Advisory Committee on Immunization Practices; and

"(B) include all vaccines routinely recommended for adults by the Advisory Committee on Immunization Practices.

"(3) SUPPLY AUTHORITY.—The Secretary shall carry out—

"(A) paragraph (2)(A) using the authority provided for under section 1928(d)(6) of the Social Security Act (42 U.S.C. 1396s(d)(6)); and

"(B) paragraph (2)(B) using—

"(i) the authority provided for under section 317; and

"(ii) any other authority relating to the vaccines described in such paragraph.

"(b) SUBMISSION OF PLAN.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Secretary shall submit the plan developed under subsection (a) to—

"(A) the Committee on Health, Education, Labor, and Pensions of the Senate;

"(B) the Committee on Finance of the Senate; and

"(C) the Committee on Energy and Commerce of the House of Representatives.

"(2) INCLUSIONS.—The plan shall include a discussion of the considerations that formed—

"(A) the basis for the plan; and

"(B) the prioritization of the schedule for purchasing vaccines set forth in the plan.

"(c) IMPLEMENTATION OF THE PLAN.—Not later than September 30, 2007, the Secretary shall fully implement the plan developed under subsection (a).

"(d) NOTICE.—

"(1) IN GENERAL.—For the purposes of maintaining and administering the supply of vaccines described under subsection (a), the Secretary shall require by contract that the manufacturer of a vaccine included in such supply provide not less than 1 year notice to the Secretary of a discontinuance of the manufacture of the vaccine, or of other factors, that may prevent the manufacturer from providing vaccines pursuant to an arrangement made to carry out this section.

"(2) REDUCTION OF PERIOD OF NOTICE.—The notification period required under paragraph (1) may be reduced if the manufacturer certifies to the Secretary that good cause exists for reduction, under the conditions described in section 506C(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 356c).

"(e) PROCEEDS.—Any proceeds received by the Secretary from the sale of vaccines contained in the supply maintained pursuant to this section, shall be available to the Secretary for the purpose of purchasing additional vaccines for the supply. Such proceeds shall remain available until expended.

"(f) ONGOING REPORTS.—

"(1) IN GENERAL.—Not later than 2 years after submitting the plan pursuant to subsection (b), and periodically thereafter, the Secretary shall submit a report to the Committees identified in subsection (b)(1) that—

"(A) details the progress made in implementing the plan developed under subsection (a); and

"(B) notes impediments, if any, to implementing the plan developed under subsection (a).

"(2) RECOMMENDATION.—The Secretary shall include in the first of such reports required under paragraph (1)—

"(A) a recommendation as to whether the vaccine supply should be extended beyond the 6-month period provided in subsection (a); and

"(B) a discussion of the considerations that formed the recommendation under subparagraph (A).

"(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.".

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 229. A bill to clear title to certain real property in New Mexico associated with the Middle Rio Grande Project, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, today I am pleased to introduce the Albuquerque Biological Park Title Clarification Act with my colleague Senator DOMENICI. This bill, which passed the Senate in the 108th Congress, is necessary to assist the City of Albuquerque, NM clear title to two parcels of land located along the Rio Grande. If title is cleared, the City will be able to move forward with its plans to improve the properties as part of a Biological Park Project, a city funded initiative to create a premier environmental educational center for its citizens, and the entire State of New Mexico.

The Biological Park Project has been in the works since 1987 when the City began to develop an aquarium and botanic garden along the banks of the Rio Grande. Those facilities constitute just a portion of the overall project. As part of this effort, in 1997, the City purchased two properties from the Middle Rio Grande Conservancy District (MRGCD) for $3,875,000. The first property, Tingley Beach, had been leased by the City from MRGCD since 1931 and used for public park purposes. The second property, San Gabriel Park, had been leased by the City since 1963, and also used for public park purposes.

In the year 2000, the City's plans were interrupted when the U.S. Bureau of Reclamation asserted that in 1953, it had acquired ownership of all of MRGCD's property associated with the Middle Rio Grande Project. The United States' assertion called into question the validity of the 1997 transaction between the City and MRGCD. Both MRGCD and the City dispute the United States' claim of ownership.

This dispute is unnecessarily delaying and complicating the City's progress in developing the Biological Park Project. If the matter is simply left to litigation, the delay will be indefinite. Reclamation has already determined that the two properties are surplus to the needs of the Middle Rio Grande Project. Moreover, the record indicates that Reclamation had once considered releasing its interest in the properties for $1.00 each. Obviously, the federal interest in these properties is low while the local interest is high. This bill is narrowly tailored to address this local interest, affecting only the two properties at issue. The general dispute concerning title to project works is left for the courts to decide.

I hope my colleagues will work with me to help resolve this issue. While much of what we do here in the Congress is complex and time-consuming work, we should also have the ability to move quickly when necessary and appropriate to solve local problems caused by federal actions. I therefore urge my colleagues to support this legislation.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Albuquerque Biological Park Title Clarification Act".

SEC. 2. PURPOSE.

The purpose of this Act is to direct the Secretary of the Interior to issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach or San Gabriel Park to the City, thereby removing the cloud on the City's title to these lands.

SEC. 3. DEFINITIONS.

In this Act:

(1) CITY.—The term "City" means the City of Albuquerque, New Mexico.

(2) MIDDLE RIO GRANDE CONSERVANCY DISTRICT.—The terms "Middle Rio Grande Conservancy District" and "MRGCD" mean a political subdivision of the State of New Mexico, created in 1925 to provide and maintain flood protection and drainage, and maintenance of ditches, canals, and distribution systems for irrigation and water delivery and operations in the Middle Rio Grande Valley.

(3) MIDDLE RIO GRANDE PROJECT.—The term "Middle Rio Grande Project" means the works associated with water deliveries and operations in the Rio Grande basin as authorized by the Flood Control Act of 1948 (Public Law 80-858; 62 Stat. 1175) and the Flood Control Act of 1950 (Public Law 81-516; 64 Stat. 170).

(4) SAN GABRIEL PARK.—The term "San Gabriel Park" means the tract of land containing 40.2236 acres, more or less, situated within Section 12 and Section 13, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

(5) TINGLEY BEACH.—The term "Tingley Beach" means the tract of land containing 25.2005 acres, more or less, situated within Section 13 and Section 24, T10N, R2E, N.M.P.M., City of Albuquerque, Bernalillo County, New Mexico, and described by New Mexico State Plane Grid Bearings (Central Zone) and ground distances in a Special Warranty Deed conveying the property from MRGCD to the City, dated November 25, 1997.

SEC. 4. CLARIFICATION OF PROPERTY INTEREST.

(a) REQUIRED ACTION.—The Secretary of the Interior shall issue a quitclaim deed conveying any right, title, and interest the United States may have in and to Tingley Beach and San Gabriel Park to the City.

(b) TIMING.—The Secretary shall carry out the action in subsection (a) as soon as practicable after the date of enactment of this title and in accordance with all applicable law.

(c) NO ADDITIONAL PAYMENT.—The City shall not be required to pay any additional costs to the United States for the value of San Gabriel Park and Tingley Beach.

SEC. 5. OTHER RIGHTS, TITLE, AND INTERESTS UNAFFECTED.

(a) IN GENERAL.—Except as expressly provided in section 4, nothing in this Act shall be construed to affect any right, title, or interest in and to any land associated with the Middle Rio Grande Project.

(b) ONGOING LITIGATION.—Nothing contained in this Act shall be construed or utilized to affect or otherwise interfere with any position set forth by any party in the lawsuit pending before the United States District Court for the District of New Mexico, No. CV 99-1320 JP/RLP-ACE, entitled Rio Grande Silvery Minnow v. John W. Keys, III, concerning the right, title, or interest in and to any property associated with the Middle Rio Grande Project.

By Mr. ROBERTS:

S. 233. A bill to increase the supply of quality child care; to the Committee on Health, Education, Labor, and Pensions.

Mr. ROBERTS. Mr. President, I am pleased and honored today to introduce the "Caring for Children Act"—a bill designed to help meet the child care challenges facing families, child care providers and small businesses around the Nation.

Child care, in the home when possible and outside the home when both parents work, goes right to the heart of keeping families strong. Unfortunately, finding quality, affordable child care is one of the most pressing problems for families in Kansas and around the country. It is estimated that quality child care can cost as much or more than college tuition in some areas.

The "Caring for Children Act" takes the first steps in addressing this challenge through a responsible approach. This legislation expands child care opportunities without unnecessary government intervention or mandates. This legislation will help working families who want quality child care for their children, child care providers who aim to provide the highest quality of care, and small businesses who currently may not have the resources to provide child care for their employees.

The "Caring for Children Act" recognizes that small businesses play a critical role in providing child care options to millions of working parents. Unfortunately, small businesses generally do not have the resources required to start up and support a child care center. This legislation includes a short-term, flexible grant program to encourage small businesses to work together or with established local child care organizations to provide child care services for employees. This program is more of a demonstration project that will sunset at the end of five years. In the meantime, small businesses will be eligible for grants up to $250,000 for start-up costs, training, scholarships, or other related activities. Businesses, however, will be required to match Federal funds to encourage self-sustaining facilities well into the future. Business must continue to meet State quality and health standards. In essence, this grant program takes the necessary steps to ensuring small businesses and other local organizations are able to work together to provide child care for employees.

The "Caring for Children Act" also addresses another key component of quality child care: child care training. My bill creates a new grant program to allow organizations to develop and operate distance learning child care training infrastructures and to develop model technology-based training courses for child care providers. These infrastructures and courses will enable child care providers to receive the training, education and support they need to improve the quality of child care. The "Caring for Children Act" encourages grantees to work with secondary schools, institutions of higher education, state and local governments, and child care organizations to promote networking, information sharing, and resource sharing. These grants will be targeted to those areas with the fewest training opportunities for child care providers.

Child care is an issue that impacts each and every one of us. While parents continue to struggle to meet the constant demand of work and family, we must continue to do our part to expand child care options and protect our nation's most valuable resource, our children. I look forward to working with all of my colleagues in this important effort.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 233

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Caring for Children Act".

TITLE I—CHILD CARE TRAINING THROUGH DISTANCE LEARNING

SEC. 101. GRANTS FOR THE DEVELOPMENT OF A CHILD CARE TRAINING INFRASTRUCTURE.

(a) AUTHORITY TO AWARD GRANTS.—The Secretary of Health and Human Services shall award grants to eligible entities to develop distance learning child care training technology infrastructures and to develop model technology-based training courses for child care providers and child care workers, to be provided through distance learning programs made available through the infrastructure. The Secretary shall, to the maximum extent possible, ensure that such grants are awarded in those regions of the United States with the fewest training opportunities for child care providers.

(b) ELIGIBILITY REQUIREMENTS.—To be eligible to receive a grant under subsection (a), an entity shall—

(1) develop the technological and logistical aspects of the infrastructure described in this section and have the capability of implementing and maintaining the infrastructure;

(2) to the maximum extent possible, develop partnerships with secondary schools, institutions of higher education, State and local government agencies, and private child care organizations for the purpose of sharing equipment, technical assistance, and other technological resources, including—

(A) developing sites from which individuals may access the training;

(B) converting standard child care training courses to programs for distance learning; and

(C) promoting ongoing networking among program participants; and

(3) develop a mechanism for participants to—

(A) evaluate the effectiveness of the infrastructure, including the availability and affordability of the infrastructure, and the training offered through the infrastructure; and

(B) make recommendations for improvements to the infrastructure.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), an entity shall submit an application to the Secretary at such time and in such manner as the Secretary may require, and that includes—

(1) a description of the partnership organizations through which the distance learning programs will be made available;

(2) the capacity of the infrastructure in terms of the number and type of distance learning programs that will be made available;

(3) the expected number of individuals to participate in the distance learning programs; and

(4) such additional information as the Secretary may require.

(d) Limitation on Fees.—No entity receiving a grant under this section may collect fees from an individual for participation in a distance learning program funded in whole or in part under this section that exceed the pro rata share of the amount expended by the entity to provide materials for the program and to develop, implement, and maintain the infrastructure (minus the amount of the grant awarded under this section).

(e) Rule of Construction.—Nothing in this section shall be construed as requiring a child care provider to subscribe to or complete a distance learning program made available under this section.

SEC. 102. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this title $50,000,000 for each of fiscal years 2006 through 2010.

TITLE II—REMOVAL OF BARRIERS TO INCREASING THE SUPPLY OF QUALITY CHILD CARE

SEC. 201. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) Establishment.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer operated child care programs.

(b) Application.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) Amount of Grant.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section.

(d) Use of Funds.—

(1) In general.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses located in the State to enable the small businesses to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school aged children;

(F) the entering into of contracts with local resource and referral or local health departments;

(G) assistance for care for children with disabilities; or

(H) assistance for any other activity determined appropriate by the State.

(2) Application.—To be eligible to receive assistance from a State under this section, a small business shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) Preference.—

(A) In general.—In providing assistance under this section, a State shall give priority to applicants that desire to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) Consortium.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that may include businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) Limitation.—With respect to grant funds received under this section, a State may not provide in excess of $250,000 in assistance from such funds to any single applicant.

(e) Matching Requirement.—To be eligible to receive a grant under this section a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by an entity receiving assistance in carrying out activities under this section, the entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the entity under the grant);

(2) for the second fiscal year in which the entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the entity under the grant); and

(3) for the third fiscal year in which the entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the entity under the grant).

(f) Requirements of Providers.—To be eligible to receive assistance under a grant awarded under this section a child care provider shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State.

(g) State-level Activities.—A State may not retain more than 3 percent of funds for State administration and other State-level activities.

(h) Administration.—

(1) State responsibility.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring entities that receive assistance under such grant.

(2) Audits.—A State shall require each entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the entity. Such audits shall be submitted to the State.

(3) Misuse of funds.—

(A) Repayment.—If the State determines, through an audit or otherwise, that an entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such an entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) Appeals process.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) Reporting Requirements.—

(1) 2-year study.—

(A) In general.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of entities to meet the child care needs of communities within States;

(ii) the kinds of partnerships that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) Report.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-year study.—

(A) In general.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities funded through entities that received assistance through a grant awarded under this section that remain in operation and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) Report.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) Definition.—In this section, the term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on business days during the preceding calendar year.

(k) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2006 through 2010.

(2) Evaluations and administration.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting evaluations required under, and the administration of, this section.

(l) Termination of Program.—The program established under subsection (a) shall terminate on September 30, 2011.

By Mr. NELSON of Nebraska (for himself, Ms. Collins, Ms. Cantwell, and Mrs. Murray):

S. 236. A bill to amend title XVIII of the Social Security Act to clarify the treatment of payment under the medicare program for clinical laboratory tests furnished by critical access hospitals; to the Committee on Finance.

Mr. NELSON of Nebraska. Mr. President. Today, I introduce legislation that will overturn a new regulation that is putting critical access hospitals (CAH) at risk by arbitrarily lowering the Medicare reimbursement for laboratory services. Sixty rural hospitals in Nebraska will be negatively impacted unless this regulation is reversed.

This legislation would repeal a Center for Medicare and Medicaid Services' (CMS) regulation that would prohibit critical access hospitals from being reimbursed at-cost for laboratory services, unless patients are "physically present in a critical access hospital" when laboratory specimens are collected. Many CAHs provide laboratory services in rural health clinics (RHCs) and nursing homes in smaller, neighboring communities, as well as in home-health settings; however, the elimination of cost-based reimbursement may make it prohibitive for them to continue offering off-site laboratory testing. In short, under the new regulation, lab services would not be reimbursed by CMS unless the patient is at the facility where testing will occur.

This change jeopardizes rural Americans' access to care by imposing an additional burden on the frail elderly by requiring them to visit the hospital to get simple lab tests done. The additional time and expense incurred by the patient is unnecessary if the CAR is willing and able to conduct tests at the point of patient care and transport it back to the hospital for analysis.

Congress created the CAR program in 1997 to ensure that those in isolated, rural communities have access to health care. To protect the viability of these hospitals, often a community's only source of vital health care services, Congress established cost-based reimbursement for Medicare inpatient and outpatient services—regardless of where the services are provided. The new regulation would fundamentally alter this well-established practice.

We have tried to work with CMS to change the rule. In November of 2003, I was joined by 28 Senators in a bipartisan letter to the Administrator of CMS asking for his assistance in constructing a rule that does not penalize CAHs for offering off-site laboratory services. Unfortunately, CMS responded that the rule would stay intact.

I am pleased to be joined in this effort by Senator SUSAN COLLINS. Senator COLLINS has been a strong advocate for rural health care, and I look forward to working together on this legislation.

The Nebraska critical access hospitals affected by the regulation are:

Harlan County Health System in Alma
Fillmore County Hospital in Geneva
Pawnee County Memorial Hospital in Pawnee City
Niobrara Valley Hospital Corporation in Lynch
Thayer County Health Services in Hebron
Kimball County Hospital in Kimball
Kearney County Health Services/Hospital in Minden
Saunders County Health Services in Wahoo
Henderson Health Care Services in Henderson
Community Memorial Hospital in Syracuse
Garden County Hospital & Nursing Home in Oshkosh
Franklin County Memorial Hospital in Franklin
Genoa Community Hospital in Genoa
Gothenburg Memorial Hospital in Gothenburg
Annie Jeffrey Memorial County Health Center in Osceola
Brodstone Memorial Nuckolls County Hospital in Superior
Webster County Community Hospital in Red Cloud
Tilden Community Hospital in Tilden
Morrill County Community Hospital in Bridgeport
Jefferson Community Health Center in Fairbury
Memorial Hospital in Aurora
Oakland Memorial Hospital in Oakland
St. Francis Memorial Hospital in West Point
Alegent Health Memorial Hospital in Schuyler
Nemaha County Hospital in Auburn
Brown County Hospital in Ainsworth
Antelope Memorial Hospital in Neligh
Cozad Community Hospital in Cozad
Litzenberg Memorial County Hospital in Central City
Avera St. Anthony's Hospital in O'Neill
Warren Memorial Hospital in Friend
Creighton Area Health Services in Creighton
Butler County Health Care Center in David City
Rock County Hospital in Bassett
Boone County Health Center in Albion
Callaway District Hospital in Callaway
York General Hospital in York
Howard County Community Hospital in St. Paul
Memorial Hospital CAH in Seward
Dundy County Hospital in Benkelman
Chadron Community Hospital Health Services in Chadron
St. Mary's Hospital in Nebraska City
West Holt Memorial Hospital in Atkinson
Cherry County Hospital in Valentine
Providence Medical Center in Wayne
Plainview Public Hospital in Plainview
Osmond General Hospital in Osmond
Tri Valley Health System in Cambridge
Pender Community Hospital in Pender
Johnson County Hospital in Tecumseh
Chase County Community Hospital in Imperial
Community Medical Center in Falls City
Valley County Hospital in Ord
Crete Area Medical Center in Crete
Ogallala Community Hospital in Ogallala
Perkins County Health Services in Grant
Memorial Health Center in Sidney
Gordon Memorial Hospital District in Gordon
Memorial Community Hospital in Blair
Box Butte General Hospital in Alliance

By Mr. LAUTENBERG:

S. 237. A bill to amend title 23, United States Code, to ensure that certain states remain eligible for Federal highway funds; to the Committee on Environment and Public Works.

Mr. LAUTENBERG. Mr. President, I rise to introduce a bill to correct a serious problem in Federal law which prevents States like New Jersey from receiving vital Federal highway funds under certain conditions.

On September 22, 2004, former New Jersey Governor James McGreevey issued an Executive Order that prohibited the State from entering into certain contracts. Governor McGreevey took this step to ensure fairness and transparency in the contracting process, and under current Federal laws, our State is being punished for it.

Bush administration officials interpreted Federal law as prohibiting this type of action by New Jersey and consequently withheld authorization of Federal funding for highway projects in our State, putting some $250 million in highway projects at risk.

I worked with Department of Transportation Secretary Norman Mineta in an attempt to resolve this problem quickly. Ultimately, Acting Governor Richard Codey reluctantly suspended the part of the Executive Order causing the problem. But since that's not really a permanent solution, I am introducing this legislation today.

New Jersey's transportation infrastructure is vital to millions of travelers and the entire East Coast economy. It is estimated that some 70 billion vehicle miles are traveled in New Jersey each year, but only 6 million drivers are licensed in our State. In addition, projected increases in port traffic will put 80 percent more trucks on the roads in the next 15 years, which will exacerbate congestion and continue to tax our infrastructure.

In short, I believe that New Jersey's good intentions should not cost our State the Federal highway funding we need so desperately.

I thank my colleague and friend Senator CORZINE for co-sponsoring this legislation, and I look forward to working with my colleagues in getting it enacted.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 237

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Pay to Play Reform Protection Act".

SEC. 2. PAY TO PLAY REFORM.

Section 112 of title 23, United States Code, is amended by adding at the end the following:

"(h) CONSTRUCTION.—Nothing in this section prohibits a State from enacting a law or issuing an order that limits the amount of money an individual who is doing business with a State agency for a Federal-aid highway project may contribute to a political campaign.".

By Ms. SNOWE (for herself, Mr. WYDEN, Mr. MCCAIN, Mrs. FEINSTEIN, and Mr. FEINGOLD):

S. 239. A bill to reduce the costs of prescription drugs for medicare beneficiaries, and for other purposes; to the Committee on Finance.

Ms. SNOWE. Mr. President, Senator WYDEN and I broke new ground together when we introduced the first bipartisan Medicare Prescription drug bill known as SPICE back in 1999. And after Congress passed the historic Medicare Modernization Act of 2003, Senator WYDEN and I authored legislation aimed at ensuring long term value of the drug benefit to seniors. Today we are joined again by Senator FEINSTEIN, who has been committed with us to forging a bipartisan effort to do what we must today—to move beyond offering a benefit and ensure that we meet our obligation to address affordability.

When we consider both a recent ten year cost estimate of over $534 billion for the prescription drug benefit, and drug price increases which have rapidly outpaced inflation and earnings, we could see the benefit to seniors depreciated—and the cost to the Federal Government increased. So today we introduce The Medicare Enhancements for Needed Drugs Act of 2005, MEND, today to manage costs, and assure seniors will receive better value for their dollar.

This bill provides both better consumer information to help beneficiaries and the negotiation power to assure that the power of millions of seniors will result in competitive pricing. That is why two of our colleagues—Senators MCCAIN and FEINGOLD—have now joined us in this effort.

Ours is a simple approach informed by a "healthy dosage" of common sense. It simply makes no sense to cut off the ability of the HHS Secretary—the individual who is responsible for the success of this benefit—from negotiating on behalf of beneficiaries. That's why our legislation repeals the "noninterference provision" of the prescription drug bill and authorizes the Secretary of Health and Human Services to participate in negotiations on drug prices. Last month when Secretary Thompson announced his departure from HHS, he described several issues of critical concern—one of these was that he had been barred from negotiating on behalf of beneficiaries. He noted, "I would like to have had the opportunity to negotiate". And for good reason! The Congressional Budget Office has confirmed that this negotiation authority can help us realize savings, particularly for drugs that lack significant competition.

When Senator GREGG recently queried Secretary Leavitt about keeping the cost of the Part D program within the original $400 billion budget, and the Secretary asserted that "It's my practice as a manager to act within my budget". That will require competition, so I ask why wouldn't we employ negotiation to do what it does best—drive costs down? I asked Secretary Leavitt about negotiation at his confirmation hearing in the Finance Committee and he told me, "I know little about negotiation authority, but there are times when the national government should play a role". Well, that time is now. Senator WYDEN and I have received our first report on drug price trends from the GAO, and the news isn't good. Since 2000, the increase in prescription drug prices has increase at two to three times the rate of inflation. And worse, we found the rate spiked in 2002, just as we were working to create a prescription drug benefit. It's no wonder that the Congressional Budget Office projects an annual increase of about 8.5 percent in costs, most of which can be attributed to the rise in prices. But we can address this problem, and avoid depreciating the value of this long sought benefit.

To do so you must do more than simply end the prohibition on the Secretary negotiating, you must do more than simply granting permissive authority, you must actually ensure that when needed, the Secretary will negotiate.

So our legislation will not only empower the HHS Secretary to negotiate but, under two circumstances, requires it. For those beneficiaries who do not have access to two prescription drug plans, the Secretary steps in with a fallback plan, and this plan must be competitive—so the Secretary must assure that he negotiates on behalf of those beneficiaries. In addition, the Secretary must be responsive to the needs of the plan providers. When a manufacturer simply is not inclined to negotiate—as may occur when competition for a drug is lacking—then the Secretary must respond when plans request his assistance in negotiations.

Some will say this will compel excessive involvement by the Secretary, but the truth is quite to the contrary. Plans will compete to gain advantage, and it is when they are stymied and cannot achieve reasonable discounts that they will call upon the Secretary. CBO foresaw one such situation—when a drug lacks significant competition—and those are among our most expensive drugs!

The buying power of millions of seniors should produce substantial savings, but at the same time, competitive plans won't help if seniors cannot identify which plan is right for them.

Senator WYDEN and I believe we must arm beneficiaries with information. Our bill requires GAO to track not only the price of drugs under the Medicare program, but calls for that price to be compared to the price negotiated by the VA, DOD and other privately run systems. We will have a measure of how well the seniors are being served.

This bill will also help seniors determine which Medicare plan offers the most savings by requiring that beginning in 2007 the Centers for Medicare and Medicaid Services will determine the savings received from each plan by the average Medicare beneficiary, using a market basket of commonly-used drugs. This will allow seniors to make the proverbial "apples to apples" comparison. This information will be shared with all beneficiaries during the annual enrollment period each fall, and will be a great help as a starting point for seniors to compare plans.

Our legislation will make annual the report Senator WYDEN and I first requested following passage of the prescription drug bill in 2003. We asked the GAO to review changes in drug prices from 2000 through 2003, focusing on the drugs most likely to be used by seniors, and the results are in: Prescription drug prices have increased at two to three times the rate of inflation.

Finally, many advocates and seniors alike have raised questions about the restriction of Medigap policies under the new Part D benefit. The prohibition of the sale of new Medigap policies which include prescription drug coverage has prompted the need for a reexamination of the role of Medigap plans. So we have directed the Secretary to work with the National Association of Insurance Commissioners to conduct a review of the changes to the Medigap policies and to evaluate the impact on Medicare beneficiaries. It is an important step in looking at the future of Medigap plans. With this report in hand, we will have the information necessary to make wise adjustments.

Some say we don't need to act now. But we have seen drug price increases which are driving costs upwards—contributing to the estimated 8.5 percent annual increases in costs projected by CBO. We simply cannot wait until 2006 to address the issue of drug prices. This bill provides beneficiaries and our government with the information and tools necessary to achieve access to low-cost prescription drugs. I urge my colleagues to join me in support of this bill so that we can pass it quickly.

Mr. WYDEN. Mr. President, Senator SNOWE and I are once again teaming up to work on a bipartisan commonsense proposal to help America's seniors receive affordable prescription drugs. Our bill, "The Medicare Enhancement for Needed Drugs Act" or "MEND Act" focuses on cost containment.

At our request, the U.S. Government Accountability Office (GAO) recently reviewed drug cost trends. For 77 prescription drugs frequently used by seniors on Medicare the usual and customary price increased 21.8 percent from January 2000 through June 2004, a 4.6 percent average annual rate of increase. They also found that the process for the brand drugs increased 26.4 percent for that same time period whereas prices for generic drugs increased 8.3 percent. We need to make sure that Medicare has every weapon in its arsenal to assure seniors and Medicare get the best deal possible on prescription drug prices.

One of the most important tools for Medicare to use to assure better prescription drug prices for seniors is bargaining power. That tool is missing from the legislation Congress passed in 2003. The legislation that Senator SNOWE and I are introducing today, the MEND Act, would provide the Secretary of Health and Human Services that tool. As responsible stewards of the taxpayers' money, Congress must provide Medicare all the tools, including bargaining power, in its cost containment arsenal.

This concept was endorsed by the outgoing Secretary of Health and Human Services, Tommy Thompson. The Congressional Budget Office in a letter to me last March stated that striking the so-called "non interference" provision in the Medicare Prescription Drug Improvement and Modernization Act could provide opportunities for savings.

In addition to providing the Secretary with bargaining power, the MEND Act will require the Secretary to negotiate on behalf of what are known as "fall back" plans, those plans that are provided when there is no choice of a drug plan and the company administering the benefit is not at risk. In addition, if any plan asks the Secretary for assistance in negotiations for any covered drug, the Secretary must assist the plan. Lower drug prices should mean lower premiums; lower out of pocket costs and a better benefit.

America's seniors are savvy and they will shop around for a plan that is going to provide them the best deal on prescriptions. That is why the MEND Act also requires Medicare to provide a comparison of how much a plan is saving seniors on the cost of the most commonly used drugs. Giving seniors more control over their health care and health care dollars will also help keep costs down.

Mrs. FEINSTEIN. Mr. President, I rise today to join my colleagues Senator SNOWE, Senator WYDEN and Senator MCCAIN in introducing the bipartisan Medicare Enhancement for Needed Drugs, MEND, Act of 2005. This legislation is an important step toward controlling the spiraling cost of prescription drugs for America's seniors.

The MEND Act addresses what I saw as a major weakness of the Medicare Modernization Act of 2003 when I voted for the bill. The Medicare Modernization Act offers an opportunity for the Federal Government via the Secretary of Health and Human Services to harness its bulk purchasing power to deliver lower drug prices for our seniors.

However, the Medicare bill prohibits the HHS Secretary from doing just that.

I have said several times that I would work to see that this prohibition on the HHS Secretary from negotiating with drug manufacturers be stricken and I was pleased that Secretary Tommy Thompson, upon announcing his departure as HHS Secretary, acknowledged publicly that he sought the negotiating power that this legislation provides. Secretary Thompson said, "I would have liked to have had the opportunity to negotiate."

First and foremost the bill strikes the prohibition language in the Medicare bill, also called the noninterference provision.

I strongly believe that the HHS Secretary should be given the authority similar to that of other Federal entities that purchase prescription drugs in bulk to negotiate prices with manufacturers of prescription drugs to ensure that beneficiaries pay the lowest possible price for their prescription drug plans.

The CBO has told us that the effect of striking the "noninterference" provision would have a "negligible effect" on federal spending. CBO's conclusion is based on their prediction that private plans will be able to obtain savings that will be greater than what the Secretary will be able to achieve and that simply striking this provision does not ensure that the Secretary will use the negotiation authority.

Meanwhile, our seniors are being given no guarantee that private plan competition will mean lower drug prices for them. So while CBO makes this conclusion that private market forces will bring about savings, the federal government is forced to sit on the sidelines, unable to leverage its purchasing power to negotiate lower drug prices. The Federal Government cannot even participate in negotiations for prescription drug plans for which it assumes the risk.

That is simply wrong and the MEND Act corrects this flaw in the Medicare bill.

Second, if a future HHS Secretary does not agree with Secretary Thompson's view that he be given the opportunity to negotiate with drug manufacturers, there must be circumstances under which the Secretary is required by law to negotiate.

The MEND Act mandates two scenarios under which the Secretary must negotiate with manufacturers. First, the Secretary must negotiate with manufacturers of covered Part D drugs for the fallback prescription drug plan.

The "fallback" plan is a guaranteed drug benefit to beneficiaries living in areas where only one private plan, or none, shows up. In areas where a "fallback" prescription drug plan is triggered, the federal government must offer the standard drug benefit and assume performance risk. However, the Federal Government does not have a say in the prices manufacturers charge them in the "fallback."

To ensure that the Federal Government achieves the lowest available price for enrollees in a "fallback" plan, the MEND Act requires that the Secretary negotiate drug prices in such plans.

The MEND Act also requires the Secretary to participate in negotiations upon the request of an approved prescription drug plan or Medicare Advantage prescription drug plan.

If the untested theory that private plans can achieve larger drug price discounts than the Secretary could negotiate proves to be false because the smaller insurers in the private market cannot achieve the savings larger, more established companies can, a company can petition the Secretary to negotiate with drug manufacturers on their behalf.

So that seniors can make an "apples to apples" comparison when determining which drug plan offers them the most competitive drug prices, the bill requires that the Secretary of HHS determine the average aggregate beneficiary costs and savings basic prescription drug plans are able to achieve to better inform seniors about which plan might suit them best.

I have heard concerns raised by many of my constituents about the impact the Medicare bill will have on their Medigap plans. This bill directs the HHS Secretary to work with the National Association of Insurance Commissioners to conduct a review of the changes to the Medigap policies in the new drug benefit for the purpose of evaluating its impact on Medicare beneficiaries.

Lastly, the bill requires GAO to conduct a review of the retail cost of prescription drugs in the U.S. during 2000 through 2003 with an emphasis on the prescription drugs most utilized for individuals age 65 or older. Subsequent reviews will be required annually through 2007.

And, it requires GAO to conduct an annual study that compares the average retail cost in the U.S. for each of the 20 most utilized prescription drugs for individuals 65 or older with the average price at which private health plans acquire each such drug, the average price at which the Department of Defense and Veterans Administration each acquire such drug, and the average negotiated price for each such drug that eligible beneficiaries enrolled in a prescription drug plan under Part D of Medicare pay.

As someone who voted for the Medicare bill and has seen the cost estimate of that bill go from $400 billion to $534 billion and someone who is very concerned about the growth of entitlement spending, I believe that this bill will shed light on one of the big drivers of health care costs, the cost of prescription drugs.

CBO projects that Americans over 65 will spend $1.8 trillion on prescription drugs over the next ten years. Recent studies of U.S. and Canadian drug-price comparisons show that, on average, prices charged by manufacturers, wholesalers, and retailers were higher in the U.S., most recently by about 70 percent.

For example, an American consumer pays $62.99 for a 30-day supply of the popular cholesterol-lowering drug Lipitor. The same consumer in Canada is paying $35.42. For Prevacid, used to treat acid reflux, an American consumer pays $120.99 for a 30-day supply whereas a Canadian consumer pays $44.27.

If we do not address the exorbitant costs of prescription drugs in this country today, we threaten the viability of programs like Medicare for future generations. I am pleased to join Senators SNOWE, WYDEN and MCCAIN in the fight for lower prescription drug prices for our seniors.

I urge my colleagues to join me in supporting this important legislation.

By Mr. KERRY (for himself, Mr. LEAHY, Mrs. MURRAY, Mr. ROCKEFELLER, Mr. DURBIN, and Ms. STABENOW):

S. 240. A bill to mend the Internal Revenue Code of 1986 to allow small business employers a credit against income tax with respect to employees who participate in the military reserve components and are called to active duty and with respect to replacement employees and to allow a comparable credit for activated military reservists who are self-employed, and for other purposes; to the Committee on Finance.

Mr. KERRY. Mr. President, the continuing activation of military reservists to serve in Iraq and the war on terror has imposed a tremendous burden on many of our country's small businesses, their employees and their employees' families. Too many small businesses, when their employees are asked to leave their jobs and serve the Nation, are unable to continue operating successfully and face severe financial difficulties, even bankruptcy. At the same time, more than 40 percent of military reservists and National Guard members suffer a pay cut when they're called to defend our Nation. Most large businesses have the resources to provide supplemental income to resist employees called up for active duty and to replace them with a temporary employee. However, too many small businesses are unable to provide this assistance (or temporarily replace the employee called up to active duty. I believe the Federal Government must take action to help small businesses weather the loss of an employee to active duty and protect small business employees and their families from suffering unnecessary financial hardship to serve our Nation. That is why I am again introducing legislation that will provide an immediate tax credit assist both military reservists who are called to active duty and the small businesses who must endure their absence.

The Small Business Military Reservist Tax Credit Act that I am introducing today will provide immediate help to affected small businesses through a Federal income tax credit and a reduced withholding requirement to help pay the difference in salary for a reservist called up to active duty and the cost of temporarily replacing that employee while he or she is serving our Nation. Specifically, the bill will provide a tax credit of up to $21,000 to any very small business, defined as any business with up to 50 employees, whose employee has been called up for active duty. Up to $15,000 for businesses that pay any difference in salary for the activated reservist and up to an additional $6,000 for the business to offset the cost of hiring a temporary replacement. For small manufacturers with up to 100 employees, the bill will provide a tax credit of up to $30,000, up to $20,000 for small manufacturers that pay all or part of the difference in salary for the reservist called to duty and up to $10,000 for small manufacturers to offset the cost of hiring a temporary replacement. This tax credit is critically necessary if we are to immediately help struggling entrepreneurs keep their small businesses running after the loss of an employee to temporary military service. Too many American small manufacturers are already facing a difficult economy and strong international competition. This legislation provides higher thresholds for small manufacturers because they need greater help and they employ more technical workers who typically command higher salaries and are more difficult to replace. It will also help cushion the financial cost of being a citizen solder for our reservists.

To fight our wars and to meet our military responsibilities, the United States supplements its regular, standing military with reservists, citizen soldiers who serve nobly. Since 1973, the United States has built an all-volunteer military of which reservists are an essential part. Our reservists are much more than weekend warriors. When they are called to active duty, they are an essential ingredient of any long-term or significant deployment of American forces. Everyone knows the contributions our reservists have made in the Army, Navy, Air Force, Marines and Coast Guard. They have been serving our country with distinction and pride for many years and should not be penalized financially for their honorable service. The use of reservists is a significant way to reduce the costs of maintaining a standing army, and those costs, in lieu of having a critical reservist component, are far higher than the cost of providing the small, targeted tax credit offered by this legislation.

Reservists have become a vital component of U.S. forces in Iraq and the war on terror. On September 14, 2001, President Bush issued Executive Order 13223 authorizing the activation of up to 1 million military reservists for up to 2 years of active duty. Since October 2002, there has been a presidentially approved ceiling of 300,000 on the number of reservists that can be on duty at anyone time. Some 475,000 reserves have been called up cumulatively since the issuance of the original Executive Order. Today, there are about 193,458 reserves on active duty in the war against terrorism. Of the approximately 150,000 troops serving in Iraq, 40 percent are reserves. This number is expected to increase to approximately 50 percent in the near future as current troop deployments mobilize.

Earlier this month, published reports showed that Lt. Gen. James R. Helmly, the Commander of the Reserve, has told Army Chief of Staff General Peter J. Schoomaker that the burdens placed on military reservists since the September 11, 2001 attacks, combined with dysfunctional Pentagon policies, have damaged morale and retention and threaten to turn the Army Reserve into a broken force. Lt. Gen. Helmly criticized Pentagon decisions to extend reservists tours in war zones, giving troops as little as 3 days' notice before mobilizations, and calling reservists to active duty after they had served and returned to civilian life. Such policies have strained the Army Reserve to the point that the 200,000 force could be unable to carry out future missions.

Both the Army Reserve and National Guard have suffered shortfalls in recruitment because of the unpredictability, extended call-ups and stop loss policies associated with the Iraq war. National Guard officials said last month that the service must be overhauled.

Everyone knows that small businesses continue to be a most effective at creating new jobs and spurring economic growth nationwide. Small businesses employ over 50 percent of the nation's workforce. Nationwide, small businesses are currently creating 75 percent of new jobs. Furthermore, many of these small businesses provide quality goods and services that are a vital link in the supply chain for our national defense. Many of these small companies need immediate help to keep their business going while their employees are sacrificing for our country in Iraq and elsewhere.

Many of our reservists left their companies in good shape. They were profitable, providing goods or services, creating jobs, adding to the tax base. Our Nation should do everything possible to ensure that upon their return, reservists and their businesses do not suffer unnecessary hardships, which range from impaired operations and financial ruin to deserted clients, layoffs, and even closure. Pedro Sotelo, a 33-year-old veteran from Kansas City, MO, was a reservist for 9 years. From 1997 to 2004 he was called up to active duty 10 times. Each time he was activated, he saw his income drop from $60,000 a year as a small business sheet metal worker to about $30,000 the Army paid him as a staff sergeant. While he was away serving his country, the bills would just keep pilling up. Eventually his credit rating plummeted. The continual financial strain contributed to the end of his first marriage, and after 9 years of service, Mr. Sotelo left the military to take a job selling cars. He is still recovering from the financial ruin created by his service, but I am happy to say that Mr. Sotelo has remarried and was recently promoted to manager at his dealership. Had the bill I introduce today been available for Staff Sergeant Sotelo, his small business employer could have kept his income steady and received a tax credit to cover half of the costs of doing so.

Beyond the hardship of leaving their families, their homes and their regular employment, 41 percent of military reservists and National Guard members, like Staff Sergeant Sotelo, face a pay cut when they're called for active duty in our armed forces. Many of these reservists have families who depend upon that paycheck to survive and can least afford a substantial reduction in pay. Unlike many big businesses that can afford to provide supplemental income to make up for the salary disparity for military reservists called to active duty, most small businesses cannot afford to provide this benefit. This makes it more difficult for small businesses to attract and keep workers. I think it is imperative that we help families of reservists maintain their standard of living while their loved one serves our Nation. We must ensure that our great tradition of citizen soldiers does not fade or stop because of the effect service has on work and family.

Back in 1999, I wrote the Military Reservist Small Business Relief Act, which was enacted into law during the 106th Congress and authorized the Small Business Administration (SBA) to defer existing loan repayments and to reduce the interest rates on direct loans that may be outstanding, including disaster loans, for small businesses that have had a military reservist called up for active duty. It also established a low-interest economic injury loan program administered by the SBA through its disaster loan program. These loans have been available to provide interim operating capital to any small business when the departure of a military reservist for active duty causes economic injury. However, in today's economy, many small businesses are unable to take on additional debt to continue their operations. These small businesses need immediate tax relief to assist them in hiring a replacement and to pay their reservist worker who is away serving our country.

This bill will help every small business whose owner, manager or employee is called to active duty. Most immediately, this bill will assist those small businesses whose employees are in service in Iraq and elsewhere but the act also applies to future contingency operations, military conflicts, or national emergencies.

By helping our reservists and the small businesses that employ them, we can ensure that our great tradition of citizen soldiers does not fade or stop because of the effect service has on work and family.

I ask all my colleagues to support this important legislation to help both military reservists and the small businesses they are forced to leave when they are called up for active duty.

By Ms. SNOWE (for herself, Mr. ROCKEFELLER, Mr. STEVENS, and Mr. INOUYE):

S. 241. A bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act; to the Committee on Commerce, Science, and Transportation.

Ms. SNOWE. Mr. President, I rise today along with Senator ROCKEFELLER and the distinguished Chairman and Ranking Member of the Committee on Commerce, Science, and Transportation, Senators STEVENS and INOUYE, to introduce legislation to safeguard the Universal Service Fund, or "USF," the institution that allows rural and low-income Americans to obtain affordable telephone service, allows America's schools and libraries to provide Internet access to all segments of society through the E-Rate program, and permits rural health care providers to obtain telecommunications and Internet services at reduced rates. The concept of Universal Service has been with us nearly as long as the telephone itself, and this bill today marks one key step in ensuring that this vital policy remains intact in the 21st Century.

The legislation introduced today pertains specifically to the Universal Service Administration Company, or "USAC," the private, nonprofit corporation that Congress created to administer the USF. This bill is very similar to S. 2994, a Universal Service bill that I introduced during the last session of Congress and that was passed right before adjournment as part of a larger telecommunications package, H.R. 5419. That bill temporarily exempted USAC from complying with new, arbitrarily-imposed accounting rules that had severely disrupted the E-Rate program and threatened to cause huge spikes in consumers' telephone bills. Many will recall that hundreds of millions of dollars in E-Rate funding for schools and libraries stayed unissued for months because of the accounting rule change, and immediate action was necessary to resolve the problem.

According to USAC's Federal regulators, these new accounting rules needed to be imposed to ensure that the USF was compliant with the federal Anti-Deficiency Act, a law which prevents government agencies from incurring financial obligations beyond the amount that has been appropriated to them by Congress. However, USAC, in administering the USF, does not receive any appropriated funds from Congress. Rather, the USF is funded by a regular disbursement, on a more-or-less monthly basis, of monies derived from a surcharge placed on the revenue generated from interstate telephone calls. The existence of this predictable revenue stream negates any of the risks and concerns that the Anti-Deficiency Act was designed to prevent.

After government accounting rules were imposed on USAC last summer, the entire E-Rate program was frozen. On the eve of the start of the school year, this program—which has enabled 93 percent of schools and libraries in the country to hook up to the Internet—was unable to review and act upon the funding recommendations of thousands of applicants. Many recipients of E-Rate funding actually shut off their Internet connections because they had no money available to maintain service. In order to alleviate this problem, Congress decided last fall to exempt the USF from the Anti-Deficiency Act for one year until a permanent solution to this problem was found. Senator ROCKEFELLER and I decided to pursue a one-year exemption in order to ensure speedy passage of the legislation before adjournment, so that schools and libraries could receive their funding again. Today's legislation provides that permanent solution: a permanent exemption from the Anti-Deficiency Act.

Clear precedent exists for such an exemption. Numerous other federal programs already are exempt from complying with the Anti-Deficiency Act, including the National Park Service and the Conservation Trust. Moreover, an exemption is the rational solution to ensure that this problem does not continue to recur. As I previously mentioned, an exemption is particularly appropriate in this instance because the USF has a funding mechanism different from most federal programs. The USF functioned very well for many years utilizing the Generally Accepted Accounting Principles used by the entire American business world. Trying to engraft special government rules onto USF is akin to forcing a square peg into a round hole. And the result would be another stoppage in E-Rate—and likely the USF Rural High Cost Fund as well—and also a spike in the USF surcharge on consumers' telephone bills.

Finally, I want to ensure my colleagues that a permanent exemption from the Anti-Deficiency Act poses no risk of increased fraud or abuse in the E-Rate Program or in Universal Service as a whole. Some well-publicized abuses of E-Rate did in fact occur, and I will fully support efforts to stamp out such government waste. But the Federal Communications Commission has repeatedly stated that there is absolutely no connection between the Anti-Deficiency Act land the ability of the Inspector General to effectively monitor the program to stamp out waste, fraud, and abuse. As such, government waste cannot be used as a valid reason for opposing this bill.

Last fall we undertook a bipartisan effort among Members on the committees of jurisdiction in both Houses of Congress to enact a temporary exemption for the USF from unnecessary, burdensome regulations. In undertaking that effort we worked closely with the Federal Communications Commission, and enjoyed widespread support among the telecom industry, educators, and State and local governments. I am grateful of the continuing bipartisan support of the Chairman and Ranking Member, as well as of Senator ROCKEFELLER, and it is my hope that we can proceed in similar fashion to make this exemption permanent.

By Mrs. HUTCHISON (for herself and Mr. CORNYN):

S. 242. A bill to establish 4 memorials to the Space Shuttle *Columbia* in the State of Texas; to the Committee on Energy and Natural Resources.

Mrs. HUTCHISON. Mr. President, today in honor of the memory and sacrifice of seven astronauts whose lives were tragically cut short two years ago in the destruction of the Space Shuttle *Columbia*, I bring to the floor a bill to authorize the construction of several memorials in communities along the Space Shuttle Columbia Recovery Corridor: specifically, Lufkin, Hemphill, Nacogdoches, and San Augustine, TX.

Each of these communities will memorialize the disaster and the indomitable spirit of adventure and courage, the spirit that defies complacency and accepts challenge, the spirit that each of these astronauts and each of these communities showed.

This search for adventure turned space travel from dreams to a reality. It is this spirit of challenge which fueled the courage and ambition of seven men and women into the sky on January 6, 2003. It is also this same spirit that drives these communities to permanently commemorate the high price we sometimes pay for reaching new horizons.

Hemphill, TX, where the nose cone of the Shuttle was found, is also where the remains of the crew were recovered. The VFW post in Hemphill fed thousands of volunteers for weeks without so much as a complaint or a dime. The men and women of Hemphill did not take their task lightly, but rather with a solemn grace and dignity.

The greatest amount of debris came down in the populated areas of Nacogdoches, TX. Backyards and streets were littered with debris, permanently altering the community. The citizens of Nacogdoches pulled together and focused on the recovery, working day and night with NASA until the job was complete. A spirit of courage filled the community of Nacogdoches and their efforts should never be forgotten.

The population of Lufkin, TX doubled overnight as the retrieval effort started. The community's residents welcomed thousands with hospitality and made their civic center NASA's Columbia retrieval command center. From combing the streets and fields for debris to making home cooked meals for the recovery workers, the people of Lufkin mustered around the Columbia tragedy.

The citizens of San Augustine, TX were a driving force behind the recovery effort. Local elected officials and countless volunteers opened their hearts and their homes to strangers also affected by the tragedy. Searching the piney woods of deep east Texas on horseback and walking the streets in search of shuttle fragments, the spirit of San Augustine could not be crushed.

In recent years, America has experienced grief with the loss of many heroes. But our collective loss with the *Columbia* tragedy still sears our souls and the pain is never easy to bear. Today, two years after they vanished into the deep blue skies of Texas, we pause to remember and honor Rick Husband, Kalpana Chawla, Laurel Clark, Ilan Roman, William McCool, David Brown, and Michael Anderson.

And though the families' losses cannot be diminished, their pain and grief is shared around the world and our prayers are with them. This bill will memorialize their sacrifice and will honor the courageous spirit of the communities affected. Their sacrifices will never be forgotten.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 242

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Columbia Space Shuttle Memorials Act of 2005".

SEC. 2. DEFINITIONS.

In this Act:

(1) MEMORIAL.—The term "memorial" means each of the memorials to the Space Shuttle Columbia established by section 3(a).

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 3. MEMORIALS TO THE SPACE SHUTTLE COLUMBIA.

(a) ESTABLISHMENT.—There are established, as units of the National Park System, 4 memorials to the Space Shuttle Columbia to be located on the 4 parcels of land in the State of Texas described in subsection (b) on which large debris from the Space Shuttle Columbia was recovered.

(b) DESCRIPTION OF LAND.—The parcels of land referred to in subsection (a) are—

(1) the parcel of land owned by the Fredonia Corporation, located at the southeast corner of the intersection of East Hospital Street and North Fredonia Street, Nacogdoches, Texas;

(2) the parcel of land owned by Temple Inland Inc., 10 acres of a 61-acre tract bounded by State Highway 83 and Bayou Bend Road, Hemphill, Texas;

(3) the parcel of land owned by the city of Lufkin, Texas, located at City Hall Park, 301 Charlton Street, Lufkin, Texas; and

(4) the parcel of land owned by San Augustine County, Texas, located at 1109 Oaklawn Street, San Augustine, Texas.

(c) ADMINISTRATION.—The memorials shall be administered by the Secretary.

(d) ADDITIONAL SITES.—The Secretary may recommend to Congress additional sites in the State of Texas related to the Space Shuttle Columbia for establishment as memorials to the Space Shuttle Columbia.

By Mr. THOMAS:

S. 243. A bill to establish a program and criteria for National Heritage Areas in the United States, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. THOMAS. Mr. President, I rise today to introduce the "National Heritage Partnership Act," a bill to establish a program and criteria for National Heritage Areas in the United States.

Twenty-seven National Heritage Areas currently exist in this country, including 4 new areas designated in appropriations bills by the 108th Congress. Six occur in the State of Pennsylvania alone. They range in size from a 10-mile canal in Augusta, GA, to the entire State of Tennessee. Specific areas are designated to recognize and preserve the cultural heritage of the oil industry, coal mining, the evolution of manned flight, and the Civil War, just to name a few. The National Park Service has responsibility for advising heritage area managers and providing Federal funds, but a formal process and criteria for designating new areas do not exist.

State delegations are planning to introduce legislation to designate 13 new National Heritage Areas and authorize studies on an additional 5. Hundreds of State heritage areas currently exist and all could potentially become National Heritage Areas under the current process. This program is out of control. We are continuing to put unnecessary fiscal and resource demands on the National Park Service at a time when a significant maintenance backlog exists in park units throughout the Nation. We have no established criteria to ensure the recognition of truly nationally important areas.

During the 108th Congress, the National Parks Subcommittee conducted two hearings on heritage areas and received a review from the General Accounting Office. My legislation combines the recommendations of the National Park Service, General Accounting Office, and witness testimony by establishing criteria such as national importance, creating a process for studying and reviewing new areas, requiring fiscal accountability and protecting the rights of property owners.

This legislation is overdue. It provides a balanced approach to National Heritage Area designation, management, and oversight.

By Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mrs. MURRAY, Mr. JEFFORDS, and Mr. DEWINE):

S. 245. A bill to provide for the development and coordination of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand, assess, and predict human-induced and natural processes of abrupt climate change; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise to introduce the Abrupt Climate Change Research Act of 2005. This bill would authorize $10 million per year for the next six years for the National Oceanic and Atmospheric Administration, in partnership with universities across the Nation, to conduct research on abrupt climate change.

The subject of climate change remains controversial. Nevertheless, I believe there is one issue on which almost everyone can agree: A great deal more scientific research is necessary in order to better understand the potential risk of abrupt climate change.

Understanding and predicting climate change are enormous scientific challenges. The challenges are made even more difficult with the recognition that the climate system is capable of dramatic and abrupt changes. Scientists have determined that past global temperatures have swung as much as 20° F within a decade, accompanied by drought in some places and catastrophic floods in other places. An abrupt climate change triggered by the ongoing buildup of greenhouse gases in the atmosphere would also likely result in the redistribution of atmospheric moisture and rainfall, with substantial impact on the world's food supplies. Unfortunately, we have no satisfactory understanding of what triggers abrupt climate changes.

Both the National Academy of Sciences and the Administration's Strategic Climate Change Science Plan identify abrupt climate change as a key priority for additional research. In a 2002 report, the National Academy of Sciences stated that "Large, abrupt climate changes have repeatedly affected much or all of the Earth." Furthermore, the report stated that "abrupt climate changes are not only possible but likely in the future, potentially with large impacts on ecosystems and societies." The report noted that we're not doing nearly enough to identify even the threat of abrupt climate change. My bill would lay the framework and provide the funds for the United States to understand and address abrupt climate change.

One reason this funding is so urgent is that we're rapidly losing one of the greatest sources of information: Ice cores from glaciers. The University of Maine's Climate Change Institute has one of the best abrupt climate change research programs in the world. The Climate Change Institute uses ice cores from glaciers and ice sheets around the world to make discoveries that change the way we think about climate change. Unfortunately, numerous glaciers around the world are melting; and when they go, we lose the very record that has given us so much of this critical climatic history.

I recently had the opportunity to see for myself how scientists are able to use glaciers and ice sheets to understand climate change. In August, I traveled with Senators MCCAIN, SUNUNU, and others to the northernmost community in the world. We visited Ny-Alesund on the Norwegian island of Spitsbergen. Located at 79 degrees north, Ny-Alesund lies well north of the Arctic Circle and is much closer to the North Pole than to Oslo, the country's capital. It has even served as a starting point for several polar expeditions, although thankfully, Senator MCCAIN did not include an attempt to reach the North Pole on our itinerary.

The scientists we met with told us that the global climate is changing more rapidly now than at any time since the beginning of civilization. They further state that the region of the globe changing most rapidly is the Arctic. The changes are remarkable and disturbing.

In the last 30 years, the Arctic has lost sea-ice cover over an area 10 times as large as the State of Maine. In the summer, the change is even more dramatic, with twice as much ice loss. The ice that remains is as much as 40 percent thinner than it was just a few decades ago. In addition to disappearing sea-ice, Arctic glaciers are also rapidly retreating. In Ny-Alesund, Senator MCCAIN and I witnessed massive blocks of ice falling off glaciers that had already retreated well back from the shores where they once rested.

The melting of glaciers and sea ice, the thawing of permafrost, and the increases in sea levels resulting from warming are already beginning to cause environmental, social, and economic changes. Indeed, the social and economic disruption resulting from climate change is already evident in a number of regions throughout the Arctic, including Alaska. Some coastal communities in Alaska are facing increased exposure to storms and coastal erosion as a reduction in sea ice allows higher waves and storm surges to reach shore. In other areas, thawing ground is disrupting transportation, buildings, and other infrastructure. Some indigenous communities are already facing the prospect of relocating. If these changes were to be compounded with an abrupt climate change on the scale seen in our climatic history, the result could be devastating.

I know that my colleague, the chairman of the Commerce Committee and senior Senator from Alaska, is very concerned about how Arctic climate changes are affecting his State. I know he recognizes that more research funding is necessary in order to understand future climate changes. I look forward to working with Chairman STEVENS, Ranking Member INOUYE, and other members of the Commerce Committee to address this extremely important issue in the 109th Congress.

I am grateful to my cosponsors, Senators CANTWELL, SNOWE, MURRAY, JEFFORDS, and DEWINE. I look forward to working with all of my colleagues over the coming months in order to address this important issue.

Ms. SNOWE. Mr. President, I rise today to cosponsor the Abrupt Climate Change Research Act of 2005, legislation which will address the critical, comprehensive and integrated research needed for abrupt climate change. In the 108th, this legislation was passed by the Senate Commerce Committee. Its merits are just as pressing, if not more critical, for the 109th Congress as the legislation calls for developing and coordinating a research program over 6 years aimed at understanding, assessing, and predicting both human-induced and natural processes of abrupt climate change.

The abrupt climate change research issue is one that the Maine Senate delegation has been working on for the past 3½ years, the genesis of which goes back to a Climate Change Conference in Maine in October 2001, which was attended by a wide array of stakeholders in the State who have been active in climate change issues for a number of years.

I believe we all ought to be concerned by the picture scientific research is painting, which points to the reality and potential impact of abrupt shifts in climate. The December 2001 National Academy of Sciences report documented a growing body of scientific evidence that suggests our global climate can swing abruptly, not gradually over time. Moreover, such sudden jumps, and I quote from the Academies' report, "are not only possible but likely in the future."

Rather than dismiss this, as some have, as the "science de jour" I prefer to take this as a serious warning, based on the best available evidence and analysis. The risk of complacency is to gamble immense environmental and societal consequences. That's why the NAS report urged that a new research program be initiated to examine the potential impact of a sudden change in climate in response to global warming. And that's also why, back in May of 2002, when NOAA's Admiral Lautenbacher was before the Commerce Committee testifying on NOAA's FY 2003 Budget, I raised the need for abrupt climate change studies, and the Admiral agreed this is a pressing priority. Since the introduction of the research bill in the 108th Congress, NOAA, in a January 15, 2004 report, stated that calendar year 2003 tied 2002 as the 2nd warmest year on record.

Mr. President, as co-chair of the independent International Climate Change Taskforce, I was pleased to disseminate to my colleagues the recently published Taskforce report, "Meeting the Climate Challenge." The ICCT includes leaders from public service, science, business and civil society, from both developed and developing countries. Our goal was to find common ground through recommendations that could be helpful to all governments and policymakers worldwide for developing solutions to address climate change.

Indeed, our first recommendation calls for a long-term objective to prevent global average temperature from rising more than 2 degrees Centigrade, or 3.6 degrees Fahrenheit, above the pre-industrial level by 2100. This target would limit the extent and magnitude of the impacts of climate change if all countries take various actions. I will ask unanimous consent to submit the ICCT's ten recommendations for the Record. In the upcoming weeks and months, I will be introducing legislation that reflects these public policy recommendations.

The temperature goal is crucial to the debate on abrupt climate change because, if the earth goes beyond the 2 degree C level, scientists have suggested that risks to both ecosystems and humans increase significantly. As the risks of accelerated or—as our report stated—"runaway" climate change increases, a "tipping point" could be reached that would include the loss of the West Antarctic and Greenland ice sheets, leading to the rise of sea levels.

On this score, abrupt and paleoclimate research can greatly enhance the evolving body of scientific evidence, and that is why Senator Lautenberg and I spearheaded the effort last year to restore the FY2005 National Oceanic and Atmospheric Administration, NOAA, research programs that will enable us to examine past climate change patterns. This information will guide the development of future models to assist both scientists and policymakers to improve their understanding of climate change through, for instance, the CORC-ARCHES program and paleoclimate research. The University of Maine, under the direction of Dr. George Denton, has been part of the decades-long consortium that has been studying deep ocean currents in the Weddell Sea in Antarctica, and ice core samples from northern latitudes, which is helping scientists command a greater understanding of abrupt climate change.

There have also been other, newer scientific reports that should give us great pause. Among those reports, the Arctic Climate Impact Assessment states, "Arctic average temperature has risen at almost twice the rate as the rest of the world in the past few decades. Widespread melting of glaciers and sea ice and rising permafrost temperatures present additional evidence of strong arctic warming. These changes in the Arctic provide an early indication of the environmental and societal significance of global warming."

There is scientific observational evidence that indicates that regional changes in climate, particularly increases in temperature, are already affecting a diverse set of physical and biological systems in many parts of the world. Off the coast of Canada lies a 150-square mile, 100-foot thick mass of ice that has existed on the coast for 3,000 years, but it is now disintegrating. That melting has been accelerating over the past 2 years. In addition, coral reefs, an irreplaceable marine resource around the world, are under tremendous stress as coral bleaching is induced by high water temperatures. Indeed, there are reports of a massive region-wide decline of coral which supports a huge variety of sea life across the entire Caribbean Basin.

As we turn to the future, we should harbor no illusions that we are looking at a timetable measured in epochs. We are talking about tens of thousands of years. To the contrary, observed changes tell us that the snows of Kilimanjaro could vanish in 15 years, the glaciers in the Bolivian Andes that once appeared indestructible may disappear in another 10 years, and in Alaska, where the average temperature has risen almost 5 and one half degrees over the past 30 years, there is evidence of melting permafrost and dying forests.

So my question is, what are we waiting for? Is this the kind of legacy we want to leave to future generations and the next millennium? Why not apply now the lessons of the past and present?

Indeed, if "past is prologue," and I believe it is, this bill will improve our understanding of climate change by calling for research to bolster existing, global records of past abrupt climate change, through the study of ice cores, for instance. In this manner we can improve scientific understanding of the mechanisms of abrupt climate change, and incorporate this knowledge into current scientific models. Even for those who question prevailing scientific opinion on the climate change issue, this bill should hold the appeal of increasing our stock of knowledge, wherever it may lead.

In the final analysis, we need to carry out research that will allow us to gauge climate change secrets of the past, so we in turn might develop future models that will assist both scientists and policymakers in understanding climate change. The reality is, there is no doubt our global climate has changed in the past. There should similarly be no question that it would be beneficial to understand the manner in which that change has occurred and why, and so I urge my colleague's support for this legislation, and will work for its passage out of the Commerce Committee and to the Senate floor.

I ask unanimous consent that the Summary of Main Recommendations be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Summary of Main Recommendations

1. A long-term objective be established to prevent global average temperature from rising more than 2°C (3.6°F) above the pre-industrial level, to limit the extent and magnitude of climate-change impacts.

2. A global framework be adopted that builds on the UNFCCC and the Kyoto Protocol, and enables all countries to be part of concerted action on climate change at the global level in the post-2012 period, on the basis of equity and common but differentiated responsibilities.

3. G8 governments establish national renewable portfolio standards to generate at least 25% of electricity from renewable energy sources by 2025, with higher targets needed for some G8 governments.

4. G8 governments increase their spending on research, development, and demonstration of advanced technologies for energy-efficient and low- and zero-carbon energy supply by two-fold or more by 2010, at the same time as adopting near-term strategies for the large-scale deployment of existing low- and no-carbon technologies.

5. The G8 and other major economies, including from the developing world, form a G8+ Climate Group, to pursue technology agreements and related initiatives that will lead to large emissions reductions.

6. The G8+ Climate Group agree to shift their agricultural subsidies from food crops to biofuels, especially those derived from cellulosic materials, while implementing appropriate safeguards to ensure sustainable farming methods are encouraged, culturally and ecologically sensitive land preserved, and biodiversity protected.

7. All developed countries introduce national mandatory cap-and-trade systems for carbon emissions, and construct them to allow for their future integration into a single global market.

8. Governments remove barriers to and increase investment in renewable energy and energy efficient technologies and practices through such measures as the phase-out of fossil fuel subsidies and requiring Export Credit Agencies and Multilateral Development Banks to adopt minimum efficiency or carbon intensity standards for projects they support.

9. Developed countries honour existing commitments to provide greater financial and technical assistance to help vulnerable countries adapt to climate change, including the commitments made at the seventh conference of the parties to the UNFCCC in 2001, and pursue the establishment of an international compensation fund to support disaster mitigation and preparedness.

10. Governments committed to action on climate change raise public awareness of the problem and build public support for climate policies by pledging to provide substantial long-term investment in effective climate communication activities.

By Mr. BUNNING (for himself, Mr. NELSON of Nebraska, Mr. DEMINT, Mr. CRAIG, Mr. INHOFE, Mr. BROWNBACK, Mr. LUGAR, Mr. SANTORUM, Mr. COLEMAN, and Mr. DOMENICI):

S. 246. A bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs; to the Committee on Finance.

Mr. BUNNING. Mr. President, I rise today to introduce the Adoption Tax Relief Guarantee Act of 2005. This legislation will help American families break the financial barriers to successfully adopting a child, especially those children with special needs who cannot take care of themselves. By helping to ease this financial burden, we can encourage the development of more stable families and provide a brighter future for thousands of children.

These important goals prompted us to act 4 years ago, when we passed adoption tax incentives in the 2001 tax bill. However, they are set to sunset and will expire on December 31, 2010. I believe it is essential that we support the American family and extend these provisions.

This bill repeals the sunset for adoption tax credits. Specifically, this will allow those Americans who adopt a child to continue to receive a credit in the amount of their qualified expenses and guarantees the maximum $10,000 credit for those who adopt children with special needs. If we fail to act, these credits would revert to $5,000. This legislation also continues the expanded eligibility for adoption assistance programs for those earning up to $150,000, rather than allowing it to fall back to $75,000.

I am pleased that a bipartisan group of Senators has cosponsored this legislation, and that it has been endorsed by the National Council for Adoption. Those children without parents and those parents without children need our help to bring them together. We owe it to them to act now.

By Mr. DEMINT:

S. 248. A bill to amend title 23, United States Code, to permit States to carry out surface transportation program projects on local roads to address safety concerns; to the Committee on Environment and Public Works.

Mr. DEMINT. Mr. President, each State has unique road needs and different transportation priorities. In order to more effectively leverage limited dollars, State transportation agencies need increased flexibility to use Federal funds for projects identified as safety concerns.

Currently, when an urgent need arises, a State must apply to the Secretary of Transportation for a waiver and fill out mountains of paperwork in order to transfer funds to critical priorities. We need to empower States to make their own decisions when it comes to meeting their most urgent safety needs.

Today, I introduce legislation called the Surface Transportation Adaptability to Ensure Safety Act or "STATES Act," which allows States to undertake a surface transportation project on any State-maintained public road if the State determines that the project is necessary to address high fatality rates or other safety concerns.

This bill empowers States, such as South Carolina, to respond to serious needs quickly, while also allowing them to make the most efficient use of the transportation dollars they receive. Under this legislation, a State can decide to use its Surface Transportation Program funding on a road functionally classified as a rural or minor collector without getting permission from Washington.

No red tape. No Federal bureaucracy. Just a decision made at the local level by the people with the best understanding of the situation. It is time to bring safety decisions down to the local level and give each State the discretion to allocate funds to the most pressing safety concerns in its highway program.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 248

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Surface Transportation Adaptability to Ensure Safety (STATES) Act of 2005".

SEC. 2. LOCATION OF SURFACE TRANSPORTATION PROGRAM PROJECTS.

Section 133(c) of title 23, United States Code, is amended—

(1) by striking "Except" and inserting the following:

"(1) IN GENERAL.—Except"; and

(2) by adding at the end the following:

"(2) SAFETY PROJECTS.—Notwithstanding paragraph (1), a State may undertake a surface transportation program project on any State-maintained public road, including a road functionally classified as a local or rural minor collector, if the State determines that the project is necessary to address high fatality rates or other safety concerns.".

By Mr. REID (for himself, Mr. ENSIGN, and Mr. BENNETT):

S. 249. A bill to establish the Great Basin National Heritage Route in the States of Nevada and Utah; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself, Senator ENSIGN and Senator BENNETT to introduce this bill, which will establish a National Heritage Route in eastern Nevada and western Utah.

National Heritage areas, corridors, and routes are designated regions in which residents and businesses, as well as local and tribal governments join together in partnership to conserve and celebrate cultural heritage and special landscapes. The Great Basin National Heritage Route includes historic mining camps and ghost towns, Mormon and other pioneer settlements, as well as Native American communities. The Route passes through classic Great Basin country along the trails of the Pony Express and the Overland Stage. Cultural resources within the route include highly valued Native American archaeological sites dating back to the Fremont Culture.

The creation of this Heritage Route will bring much deserved attention to the Great Basin's natural wonders. Passing through Millard County, UT, and parts of the Duckwater Reservation and White Pine County in Nevada, the Route contains items of great biological and geological interest. In Nevada, it encompasses forests of bristlecone pine, the oldest living things on the earth. In Utah, the Route includes native Bonneville cutthroat trout as well as other distinctive species and ecological communities.

Designation of the corridor as a Heritage Route will also ensure long-term protection of key educational and recreational opportunities without compromising traditional local use of the land. The Great Basin National Heritage Route will provide a framework for celebrating Nevada's and Utah's rich historic, archaeological, cultural, and natural resources for both visitors and residents.

The bill will establish a board of directors consisting of local officials from both counties and tribes to manage the designated route. The board will develop a management plan within 3 years of the bill's passage, and the Secretary of the Interior will enter into a memorandum of understanding with the Board of Directors for the management of the resources of the heritage route. Our legislation authorizes up to $10 million to carry out the Act but limits Federal funding to no more than 50 percent of the project's cost. The bill allows the Secretary to provide assistance for 15 years after the bill is enacted.

Our bill benefits not just the people of Nevada and Utah, but citizens of every State in our Union. It highlights an area of outstanding cultural and natural value and brings people together to celebrate common values and a common history of which we all can be proud.

I was pleased that my distinguished colleagues recognized the value of this legislation during the 108th Congress and supported its passage by the Energy and Natural Resources Committee and by the Senate as a whole. I look forward to working with my friends to move this bill in a timely manner during the current session.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 249

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Great Basin National Heritage Route Act".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the natural, cultural, and historic heritage of the North American Great Basin is nationally significant;

(2) communities along the Great Basin Heritage Route (including the towns of Delta, Utah, Ely, Nevada, and the surrounding communities) are located in a classic western landscape that contains long natural vistas, isolated high desert valleys, mountain ranges, ranches, mines, historic railroads, archaeological sites, and tribal communities;

(3) the Native American, pioneer, ranching, mining, timber, and railroad heritages associated with the Great Basin Heritage Route include the social history and living cultural traditions of a rich diversity of nationalities;

(4) the pioneer, Mormon, and other religious settlements, and ranching, timber, and mining activities of the region played and continue to play a significant role in the development of the United States, shaped by—

(A) the unique geography of the Great Basin;

(B) an influx of people of Greek, Chinese, Basque, Serb, Croat, Italian, and Hispanic descent; and

(C) a Native American presence (Western Shoshone, Northern and Southern Paiute, and Goshute) that continues in the Great Basin today;

(5) the Great Basin housed internment camps for Japanese-American citizens during World War II, 1 of which, Topaz, was located along the Heritage Route;

(6) the pioneer heritage of the Heritage Route includes the Pony Express route and stations, the Overland Stage, and many examples of 19th century exploration of the western United States;

(7) the Native American heritage of the Heritage Route dates back thousands of years and includes—

(A) archaeological sites;

(B) petroglyphs and pictographs;

(C) the westernmost village of the Fremont culture; and

(D) communities of Western Shoshone, Paiute, and Goshute tribes;

(8) the Heritage Route contains multiple biologically diverse ecological communities that are home to exceptional species such as—

(A) bristlecone pines, the oldest living trees in the world;

(B) wildlife adapted to harsh desert conditions;

(C) unique plant communities, lakes, and streams; and

(D) native Bonneville cutthroat trout;

(9) the air and water quality of the Heritage Route is among the best in the United States, and the clear air permits outstanding viewing of the night skies;

(10) the Heritage Route includes unique and outstanding geologic features such as numerous limestone caves, classic basin and range topography with playa lakes, alluvial fans, volcanics, cold and hot springs, and recognizable features of ancient Lake Bonneville;

(11) the Heritage Route includes an unusual variety of open space and recreational and educational opportunities because of the great quantity of ranching activity and public land (including city, county, and State parks, national forests, Bureau of Land Management land, and a national park);

(12) there are significant archaeological, historical, cultural, natural, scenic, and recreational resources in the Great Basin to merit the involvement of the Federal Government in the development, in cooperation with the Great Basin Heritage Route Partnership and other local and governmental entities, of programs and projects to—

(A) adequately conserve, protect, and interpret the heritage of the Great Basin for present and future generations; and

(B) provide opportunities in the Great Basin for education; and

(13) the Great Basin Heritage Route Partnership shall serve as the management entity for a Heritage Route established in the Great Basin.

(b) PURPOSES.—The purposes of this Act are—

(1) to foster a close working relationship with all levels of government, the private sector, and the local communities within White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation;

(2) to enable communities referred to in paragraph (1) to conserve their heritage while continuing to develop economic opportunities; and

(3) to conserve, interpret, and develop the archaeological, historical, cultural, natural, scenic, and recreational resources related to the unique ranching, industrial, and cultural heritage of the Great Basin, in a manner that promotes multiple uses permitted as of the date of enactment of this Act, without managing or regulating land use.

SEC. 3. DEFINITIONS.

In this Act:

(1) GREAT BASIN.—The term "Great Basin" means the North American Great Basin.

(2) HERITAGE ROUTE.—The term "Heritage Route" means the Great Basin National Heritage Route established by section 4(a).

(3) MANAGEMENT ENTITY.—The term "management entity" means the Great Basin Heritage Route Partnership established by section 4(c).

(4) MANAGEMENT PLAN.—The term "management plan" means the plan developed by the management entity under section 6(a).

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 4. GREAT BASIN NATIONAL HERITAGE ROUTE.

(a) ESTABLISHMENT.—There is established the Great Basin National Heritage Route to provide the public with access to certain historical, cultural, natural, scenic, and recreational resources in White Pine County, Nevada, Millard County, Utah, and the Duckwater Shoshone Reservation in the State of Nevada, as designated by the management entity.

(b) BOUNDARIES.—The management entity shall determine the specific boundaries of the Heritage Route.

(c) MANAGEMENT ENTITY.—

(1) IN GENERAL.—The Great Basin Heritage Route Partnership shall serve as the management entity for the Heritage Route.

(2) BOARD OF DIRECTORS.—The Great Basin Heritage Route Partnership shall be governed by a board of directors that consists of—

(A) 4 members who are appointed by the Board of County Commissioners for Millard County, Utah;

(B) 4 members who are appointed by the Board of County Commissioners for White Pine County, Nevada; and

(C) a representative appointed by each Native American Tribe participating in the Heritage Route.

SEC. 5. MEMORANDUM OF UNDERSTANDING.

(a) IN GENERAL.—In carrying out this Act, the Secretary, in consultation with the Governors of the States of Nevada and Utah and the tribal government of each Indian tribe participating in the Heritage Route, shall enter into a memorandum of understanding with the management entity.

(b) INCLUSIONS.—The memorandum of understanding shall include information relating to the objectives and management of the Heritage Route, including—

(1) a description of the resources of the Heritage Route;

(2) a discussion of the goals and objectives of the Heritage Route, including—

(A) an explanation of the proposed approach to conservation, development, and interpretation; and

(B) a general outline of the anticipated protection and development measures;

(3) a description of the management entity;

(4) a list and statement of the financial commitment of the initial partners to be involved in developing and implementing the management plan; and

(5) a description of the role of the States of Nevada and Utah in the management of the Heritage Route.

(c) ADDITIONAL REQUIREMENTS.—In developing the terms of the memorandum of understanding, the Secretary and the management entity shall—

(1) provide opportunities for local participation; and

(2) include terms that ensure, to the maximum extent practicable, timely implementation of all aspects of the memorandum of understanding.

(d) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review any amendments of the memorandum of understanding proposed by the management entity or the Governor of the State of Nevada or Utah.

(2) USE OF FUNDS.—Funds made available under this Act shall not be expended to implement a change made by a proposed amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 6. MANAGEMENT PLAN.

(a) IN GENERAL.—Not later than 3 years after the date of enactment of this Act, the management entity shall develop and submit to the Secretary for approval a management plan for the Heritage Route that—

(1) specifies—

(A) any resources designated by the management entity under section 4(a); and

(B) the specific boundaries of the Heritage Route, as determined under section 4(b); and

(2) presents clear and comprehensive recommendations for the conservation, funding, management, and development of the Heritage Route.

(b) CONSIDERATIONS.—In developing the management plan, the management entity shall—

(1) provide for the participation of local residents, public agencies, and private organizations located within the counties of Millard County, Utah, White Pine County, Nevada, and the Duckwater Shoshone Reservation in the protection and development of resources of the Heritage Route, taking into consideration State, tribal, county, and local land use plans in existence on the date of enactment of this Act;

(2) identify sources of funding;

(3) include—

(A) a program for implementation of the management plan by the management entity, including—

(i) plans for restoration, stabilization, rehabilitation, and construction of public or tribal property; and

(ii) specific commitments by the identified partners referred to in section 5(b)(4) for the first 5 years of operation; and

(B) an interpretation plan for the Heritage Route; and

(4) develop a management plan that will not infringe on private property rights without the consent of the owner of the private property.

(c) FAILURE TO SUBMIT.—If the management entity fails to submit a management plan to the Secretary in accordance with subsection (a), the Heritage Route shall no longer qualify for Federal funding.

(d) APPROVAL AND DISAPPROVAL OF MANAGEMENT PLAN.—

(1) IN GENERAL.—Not later than 90 days after receipt of a management plan under subsection (a), the Secretary, in consultation with the Governors of the States of Nevada and Utah, shall approve or disapprove the management plan.

(2) CRITERIA.—In determining whether to approve a management plan, the Secretary shall consider whether the management plan—

(A) has strong local support from a diversity of landowners, business interests, nonprofit organizations, and governments associated with the Heritage Route;

(B) is consistent with and complements continued economic activity along the Heritage Route;

(C) has a high potential for effective partnership mechanisms;

(D) avoids infringing on private property rights; and

(E) provides methods to take appropriate action to ensure that private property rights are observed.

(3) ACTION FOLLOWING DISAPPROVAL.—If the Secretary disapproves a management plan under paragraph (1), the Secretary shall—

(A) advise the management entity in writing of the reasons for the disapproval;

(B) make recommendations for revisions to the management plan; and

(C) not later than 90 days after the receipt of any proposed revision of the management plan from the management entity, approve or disapprove the proposed revision.

(e) IMPLEMENTATION.—On approval of the management plan as provided in subsection (d)(1), the management entity, in conjunction with the Secretary, shall take appropriate steps to implement the management plan.

(f) AMENDMENTS.—

(1) IN GENERAL.—The Secretary shall review each amendment to the management plan that the Secretary determines may make a substantial change to the management plan.

(2) USE OF FUNDS.—Funds made available under this Act shall not be expended to implement an amendment described in paragraph (1) until the Secretary approves the amendment.

SEC. 7. AUTHORITY AND DUTIES OF MANAGEMENT ENTITY.

(a) AUTHORITIES.—The management entity may, for purposes of preparing and implementing the management plan, use funds made available under this Act to—

(1) make grants to, and enter into cooperative agreements with, a State (including a political subdivision), an Indian tribe, a private organization, or any person; and

(2) hire and compensate staff.

(b) DUTIES.—In addition to developing the management plan, the management entity shall—

(1) give priority to implementing the memorandum of understanding and the management plan, including taking steps to—

(A) assist units of government, regional planning organizations, and nonprofit organizations in—

(i) establishing and maintaining interpretive exhibits along the Heritage Route;

(ii) developing recreational resources along the Heritage Route;

(iii) increasing public awareness of and appreciation for the archaeological, historical, cultural, natural, scenic, and recreational resources and sites along the Heritage Route; and

(iv) if requested by the owner, restoring, stabilizing, or rehabilitating any private, public, or tribal historical building relating to the themes of the Heritage Route;

(B) encourage economic viability and diversity along the Heritage Route in accordance with the objectives of the management plan; and

(C) encourage the installation of clear, consistent, and environmentally appropriate signage identifying access points and sites of interest along the Heritage Route;

(2) consider the interests of diverse governmental, business, and nonprofit groups associated with the Heritage Route;

(3) conduct public meetings in the region of the Heritage Route at least semiannually regarding the implementation of the management plan;

(4) submit substantial amendments (including any increase of more than 20 percent in the cost estimates for implementation) to the management plan to the Secretary for approval by the Secretary; and

(5) for any year for which Federal funds are received under this Act—

(A) submit to the Secretary a report that describes, for the year—

(i) the accomplishments of the management entity;

(ii) the expenses and income of the management entity; and

(iii) each entity to which any loan or grant was made;

(B) make available for audit all records pertaining to the expenditure of the funds and any matching funds; and

(C) require, for all agreements authorizing the expenditure of Federal funds by any entity, that the receiving entity make available for audit all records pertaining to the expenditure of the funds.

(c) PROHIBITION ON THE ACQUISITION OF REAL PROPERTY.—The management entity shall not use Federal funds made available under this Act to acquire real property or any interest in real property.

(d) PROHIBITION ON THE REGULATION OF LAND USE.—The management entity shall not regulate land use within the Heritage Route.

SEC. 8. DUTIES AND AUTHORITIES OF FEDERAL AGENCIES.

(a) TECHNICAL AND FINANCIAL ASSISTANCE.—

(1) IN GENERAL.—The Secretary may, on request of the management entity, provide technical and financial assistance to develop and implement the management plan and memorandum of understanding.

(2) PRIORITY FOR ASSISTANCE.—In providing assistance under paragraph (1), the Secretary shall, on request of the management entity, give priority to actions that assist in—

(A) conserving the significant archaeological, historical, cultural, natural, scenic, and recreational resources of the Heritage Route; and

(B) providing education, interpretive, and recreational opportunities, and other uses consistent with those resources.

(b) APPLICATION OF FEDERAL LAW.—The establishment of the Heritage Route shall have no effect on the application of any Federal law to any property within the Heritage Route.

SEC. 9. LAND USE REGULATION; APPLICABILITY OF FEDERAL LAW.

(a) LAND USE REGULATION.—Nothing in this Act—

(1) modifies, enlarges, or diminishes any authority of the Federal, State, tribal, or local government to regulate by law (including by regulation) any use of land; or

(2) grants any power of zoning or land use to the management entity.

(b) APPLICABILITY OF FEDERAL LAW.—Nothing in this Act—

(1) imposes on the Heritage Route, as a result of the designation of the Heritage Route, any regulation that is not applicable to the area within the Heritage Route as of the date of enactment of this Act; or

(2) authorizes any agency to promulgate a regulation that applies to the Heritage Route solely as a result of the designation of the Heritage Route under this Act.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There is authorized to be appropriated to carry out this Act $10,000,000, of which not more than $1,000,000 may be made available for any fiscal year.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the cost of any activity assisted under this Act shall not exceed 50 percent.

(2) FORM OF NON-FEDERAL SHARE.—The non-Federal share may be in the form of in-kind contributions, donations, grants, and loans from individuals and State or local governments or agencies.

SEC. 11. TERMINATION OF AUTHORITY.

The authority of the Secretary to provide assistance under this Act terminates on the date that is 15 years after the date of enactment of this Act.

Mr. ENZI (for himself and Mr. KENNEDY):

S. 250. A bill to amend the Carl D. Perkins Vocational and Technical Education Act of 1998 to improve the Act; to the Committee on Health, Education, Labor, and Pensions.

Mr. ENZI: Mr. President, I rise today to introduce the Carl D. Perkins Vocational and Technical Education Improvement Act of 2005. The Perkins Act, together with the Workforce Investment Act, the Higher Education Act, and other federal education and programs, provides important resources that are needed to help adequately prepare students of all ages for jobs in high-wage and highskilled occupations. It is part of a group of federal education and programs that are critical to a lifelong of learning. In this technology driven, global economy, school is never out. Everyone is a student who must adapt to the changing needs of their jobs and the workforce by continuing to pursue an education in their chosen field. In turn, Congress must ensure that education and training are connected to the needs of business, including small businesses, now and into the future.

It is my hope that this body will take the necessary action to reauthorize the Carl D. Perkins Vocational and Technical Education Act. The Act works together with a combination of federal education and training programs that will strengthen our workforce and enable America to compete—and succeed—in the global economy.

At a hearing held on June 24, 2004, before the Health, Education, Labor and Pensions Committee, members heard testimonies from leaders in career and technical training emphasizing the importance of constant training, retraining and upgrading of the skills today's jobs require. One of the things we learned at that hearing is that many students leaving high school or college and entering the workforce find themselves unprepared for life because they lack the skills they need to succeed in the workforce. This country created over 2 million new jobs since January 2001. That's great news. Unfortunately, the complaint heard from employers is that there are too few skilled workers to meet their needs. We have a strong interest in making sure this is corrected. The Perkins Act would provide both strong academic and relevant job skill training to promote and sustain the long-term competitiveness of this country.

A unique aspect of the Perkins program that addresses the needs of the changing workforce is that it targets funds to both secondary and postsecondary schools. This approach provides a good platform from which we can better coordinate workforce preparation policy and training with an emphasis on lifelong learning. It is essential to facilitate a sequence of career or technical education courses that a student can complete before they even get to college, and that they can continue at the postsecondary level, whenever they decide to go on.

This legislation introduced today is the result of a bipartisan process that began in the 108th Congress. I'm pleased to have worked with the Members of the Committee and stakeholders on a bipartisan bill that will improve the Perkins Act to better meet the needs of students, workers, and business. This legislation will help strengthen the Perkins program by improving accountability, involving businesses in career and technical education programs, emphasizing challenging academic instruction, and advancing the field of career and technical education by linking those programs to advances in industry.

This legislation would also encourage greater collaboration between state agencies responsible for education and training activities. It requires state agencies to work together on identifying the needs of the workforce and designing curriculum to match those needs. It also emphasizes the needs of nontraditional students and other lifelong learners, who are returning to school for the first time, or those who are seeking additional skill training.

This legislation also continues to emphasize the need to introduce women and girls to high skill, high wage jobs. It is important that we help expand the vision of our students to ensure they consider all the options that are available to them, not just the ones that fit general, and sometimes erroneous, conceptions.

I hope our bipartisan efforts will continue to produce results as we move the bill through the Senate and into Conference. I do not wish to see another piece of bipartisan legislation lost in the legislative limbo of election year politics. An important step that the Senate must take is to appoint conferees to finish the reauthorization of the Workforce Investment Act. That program offers the resources that are needed to help adequately prepare more than 900,000 unemployed workers find work each year. It passed the Senate unanimously, both in Committee and the floor. Conferees must now be appointed before the August recess. If we are going to help workers in this country, we must send this important legislation to Conference so that it will ultimately reach the President and be signed into law.

I cannot stress enough the importance of Federal initiatives like the Carl D. Perkins Vocational and Technical Education Act and the Workforce Investment Act to keep American workers and businesses competitive. The Perkins Act can help close the gap that threatens America's long-term competitiveness. It is essential that we take advantage of the opportunity we have during this reauthorization process to improve the link between education and relevant academic and skills preparation. By so doing, we will create a pathway to prosperity for American workers and businesses alike, that both will make good use of for years to come.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Carl D. Perkins Career and Technical Education Improvement Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. References.
Sec. 3. Purpose.
Sec. 4. Definitions.
Sec. 5. Transition provisions.
Sec. 6. Limitation.
Sec. 7. Authorization of appropriations.

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

Sec. 101. Career and technical education assistance to the States.
Sec. 102. Reservations and State allotment.
Sec. 103. Within State allocation.
Sec. 104. Accountability.
Sec. 105. National activities.
Sec. 106. Assistance for the outlying areas.
Sec. 107. Native American program.
Sec. 108. Tribally controlled postsecondary career and technical institutions.
Sec. 109. Occupational and employment information.
Sec. 110. State administration.
Sec. 111. State plan.
Sec. 112. Improvement plans.
Sec. 113. State leadership activities.

Sec. 114. Distribution of funds to secondary school programs.
Sec. 115. Distribution of funds for postsecondary career and technical education programs.
Sec. 116. Special rules for career and technical education.
Sec. 117. Local plan for career and technical education programs.
Sec. 118. Local uses of funds.
Sec. 119. Tech-Prep education.
TITLE II—GENERAL PROVISIONS
Sec. 201. Redesignation of title.
Sec. 202. Fiscal requirements.
Sec. 203. Voluntary selection and participation.
Sec. 204. Limitation for certain students.
Sec. 205. Authorization of Secretary; participation of private school personnel.
Sec. 206. Student assistance and other Federal programs.
Sec. 207. Table of contents.

SEC. 2. REFERENCES.

Except as otherwise expressly provided, wherever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Carl D. Perkins Vocational and Technical Education Act of 1998 (20 U.S.C. 2301 et seq.).

SEC. 3. PURPOSE.

Section 2 (20 U.S.C. 2301) is amended—

(1) by striking “vocational” each place the term appears and inserting “career”;

(2) in paragraph (1), by striking “standards” and inserting “and technical standards, and to assist students in meeting such standards, especially in preparation for high skill, high wage, or high demand occupations in emerging or established professions”;

(3) in paragraph (2), by inserting “challenging” after “integrate”;

(4) in paragraph (3), by striking “and” after the semicolon;

(5) in paragraph (4)—

(A) by inserting “conducting and” before “disseminating national”;

(B) by inserting “disseminating information on best practices,” after “national research,”; and

(C) by striking the period at the end and inserting a semicolon; and

(6) by adding at the end the following:

“(5) promoting leadership and professional development at the State and local levels, and developing research and best practices for improving the quality of career and technical education teachers, faculty, principals, administrators, and counselors;

“(6) supporting partnerships among secondary schools, postsecondary institutions, area career technical centers, business and industry, professional associations, and intermediaries; and

“(7) developing a highly skilled workforce needed to keep America competitive in the global economy in conjunction with other Federal education and training programs, including workforce investment programs, that provide lifelong learning for the workforce of today and tomorrow.”.

SEC. 4. DEFINITIONS.

Section 3 (20 U.S.C. 2302) is amended—

(1) in paragraph (2), by inserting “, including employment statistics and information relating to national, regional, and local labor market areas, as provided pursuant to section 118, and career ladder information, where appropriate” after “to enter”;

(2) in paragraph (3)—

(A) in the paragraph heading, by striking “VOCATIONAL” and inserting “CAREER”; and

(B) by striking “vocational” each place the term appears and inserting “career”;

(3) by striking paragraph (4);

(4) by redesignating paragraphs (5) through (30) as paragraphs (10) through (35), respectively;

(5) by inserting after paragraph (3) the following:

“(4) ARTICULATION AGREEMENT.—The term ‘articulation agreement’ means a written commitment, approved annually by the relevant administrators of the secondary and postsecondary institutions, to a program that is designed to provide students with a nonduplicative sequence of progressive achievement leading to technical skill proficiency, a credential, a certificate, or a degree, and linked through credit transfer agreements.

“(5) CAREER AND TECHNICAL EDUCATION.—The term ‘career and technical education’ means organized educational activities that—

“(A) offer a sequence of courses (which may include technical learning experiences) that—

“(i) provides individuals with the challenging academic and technical knowledge and skills the individuals need to prepare for further education and for careers in emerging and established professions; and

“(ii) may lead to technical skill proficiency, a credential, a certificate, or a degree; and

“(B) include competency-based applied learning that contributes to the academic knowledge, higher-order reasoning and problem-solving skills, work attitudes, general employability skills, technical skills, and occupation-specific skills, of an individual.

“(6) CAREER AND TECHNICAL EDUCATION STUDENT.—The term ‘career and technical education student’ means a student who enrolls in a clearly defined sequence of career and technical education courses leading to attainment of technical skill proficiency, a credential, a certificate, or a degree.

“(7) CAREER AND TECHNICAL STUDENT ORGANIZATION.—

“(A) IN GENERAL.—The term ‘career and technical student organization’ means an organization for individuals enrolled in a career and technical education program that engages in career and technical education activities as an integral part of the instructional program.

“(B) STATE AND NATIONAL UNITS.—An organization described in subparagraph (A) may have State and national units that aggregate the work and purposes of instruction in career and technical education at the local level.

“(8) CAREER GUIDANCE AND ACADEMIC COUNSELING.—The term ‘career guidance and academic counseling’ means providing access to information regarding career awareness and planning with respect to an individual’s occupational and academic future that shall involve guidance and counseling with respect to career options, financial aid, and postsecondary options.

“(9) CAREER PATHWAY.—The term ‘career pathway’ means a coordinated and nonduplicative sequence of courses (which may include technical learning experiences) and associated credits that—

“(A) shall identify both secondary and postsecondary education elements;

“(B) shall include challenging academic and career and technical education content;

“(C) may include the opportunity for secondary students to participate in dual or concurrent enrollment programs or other ways to acquire postsecondary credits; and

“(D) may culminate in technical skill proficiency, a credential, a certificate, or a degree.”;

(6) in paragraph (10) (as redesignated by paragraph (4) of this section), by striking “5206” and inserting “5210”;

(7) by redesignating paragraphs (11) through (35) (as redesignated by paragraph (4) of this section) as paragraphs (12) through (36), respectively;

(8) by inserting after paragraph (10) (as redesignated by paragraph (4) of this section) the following:

“(11) COMMUNITY COLLEGE.—The term ‘community college’—

“(A) means an institution of higher education, as defined in section 101 of the Higher Education Act of 1965, that provides not less than a 2-year program that is acceptable for full credit toward a baccalaureate degree; and

“(B) includes tribally controlled colleges or universities.”;

(9) in paragraph (12) (as redesignated by paragraph (7) of this section)—

(A) by striking “method of instruction” and inserting “method”; and

(B) by striking “vocational” and inserting “career”;

(10) by redesignating paragraphs (13) through (36) (as redesignated by paragraph (7) of this section) as paragraphs (14) through (37), respectively;

(11) by inserting after paragraph (12) the following:

“(13) CORE ACADEMIC SUBJECTS.—The term ‘core academic subjects’ has the meaning given the term in section 9101 of the Elementary and Secondary Education Act of 1965, except that under this Act such subjects included in such term shall be only those subjects in a secondary school context.”;

(12) in paragraph (16) (as redesignated by paragraph (10) of this section), by striking “vocational” both places the term appears and inserting “career”;

(13) in paragraph (17) (as redesignated by paragraph (10) of this section)—

(A) in subparagraph (A), by striking “an institution of higher education” and inserting “a public or nonprofit private institution of higher education that offers career and technical education courses that lead to technical skill proficiency, an industry-recognized credential, a certificate, or a degree”; and

(B) in subparagraph (C), by striking “vocational” and inserting “career”;

(14) in paragraph (18)(A) (as redesignated by paragraph (10) of this section), by striking “agency, an area vocational” and inserting “agency (including a public charter school that operates as a local educational agency), an area career”;

(15) by redesignating paragraphs (20) through (37) (as redesignated by paragraph (10) of this section) as paragraphs (21) through (38), respectively;

(16) by inserting after paragraph (19) (as redesignated by paragraph (10) of this section) the following:

“(20) GRADUATION AND CAREER PLAN.—The term ‘graduation and career plan’ means a written plan for a secondary career and technical education student, that—

“(A) is developed with career guidance and academic counseling or other professional staff, and in consultation with parents, not later than in the first year of secondary school or upon enrollment in career and technical education;

“(B) is reviewed annually and modified as needed;

“(C) includes relevant information on—

"(i) secondary school requirements for graduating with a diploma;

"(ii) postsecondary education admission requirements; and

"(iii) high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions, and labor market indicators; and

"(D) states the student's secondary school graduation goals, postsecondary education and training, or employment goals, and identifies 1 or more career pathways that correspond to the goals.";

(17) in paragraph (25) (as redesignated by paragraph (15) of this section)—

(A) in the paragraph heading, by striking "TRAINING AND EMPLOYMENT" and inserting "FIELDS"; and

(B) by striking "training and employment" and inserting "fields";

(18) in paragraph (26) (as redesignated by paragraph (15) of this section), by striking "the Commonwealth" and all that follows through the period and inserting "and the Commonwealth of the Northern Mariana Islands.";

(19) by redesignating paragraphs (31) through (38) (as redesignated by paragraph (15) of this section) as paragraphs (32) through (39), respectively;

(20) by inserting after paragraph (30) (as redesignated by paragraph (15) of this section) the following:

"(31) SELF-SUFFICIENCY.—The term 'self-sufficiency' means a standard that is adopted, calculated, or commissioned by a local area or State, and which adjusts for local factors, in specifying the income needs of families, by family size, the number and ages of children in the family, and sub-State geographical considerations.";

(21) in paragraph (32) (as redesignated by paragraph (19) of this section)—

(A) in subparagraph (C), by striking "training and employment" and inserting "fields"; and

(B) in subparagraph (F), by striking "individuals with other barriers to educational achievement, including";

(22) in paragraph (34) (as redesignated by paragraph (19) of this section) by striking ", and instructional aids and devices" and inserting "instructional aids, and work supports";

(23) by striking paragraph (35) (as redesignated by paragraph (19) of this section) and inserting the following:

"(35) TECH-PREP PROGRAM.—The term 'tech-prep program' means a program of study that—

"(A) combines at a minimum 2 years of secondary education (as determined under State law) with a minimum of 2 years of postsecondary education in a nonduplicative, sequential course of study;

"(B) integrates academic and career and technical education instruction, and utilizes work-based and worksite learning where appropriate and available;

"(C) provides technical preparation in a career field, including high skill, high wage, or high demand occupations;

"(D) builds student competence in technical skills and in core academic subjects, as appropriate, through applied, contextual, and integrated instruction, in a coherent sequence of courses;

"(E) leads to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field;

"(F) leads to placement in appropriate employment or to further education; and

"(G) utilizes career pathways, to the extent practicable.";

(24) in paragraph (37) (as redesignated by paragraph (19) of this section)—

(A) in the paragraph heading, by striking "VOCATIONAL" and inserting "CAREER";

(B) in the matter preceding subparagraph (A)—

(i) by striking "vocational" and inserting "career";

(ii) by striking "paragraph (2)" and inserting "subsection (a)(2)"; and

(iii) by striking "paragraph (5)(A)" and inserting "subsection (a)(5)"; and

(C) in subparagraph (F), by striking "vocational" and inserting "career"; and

(25) by striking paragraphs (38) and (39) (as redesignated by paragraph (19) of this section).

SEC. 5. TRANSITION PROVISIONS.

Section 4 (20 U.S.C. 2303) is amended by striking "the Carl D. Perkins Vocational and Applied Technology Education Act" and all that follows through the period and inserting "this Act, as this Act was in effect on the day before the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. Each eligible agency shall be assured a full fiscal year for transition to plan for and implement the requirements of this Act.".

SEC. 6. LIMITATION.

Section 6 (20 U.S.C. 2305) is amended by striking the second sentence.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

Section 8 (20 U.S.C. 2307) is amended—

(1) by striking "title II" and inserting "part D of title I"; and

(2) by striking "1999 through 2003" and inserting "2006 through 2011".

TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

SEC. 101. CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES.

Title I (20 U.S.C. 2321 et seq.) is amended by striking the title heading and inserting the following:

"TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES".

SEC. 102. RESERVATIONS AND STATE ALLOTMENT.

Section 111(a) (20 U.S.C. 2321(a)) is amended—

(1) in paragraph (1)(C), by striking "2001 through 2003," and inserting "2006 through 2011, not more than";

(2) in paragraph (2), in the matter preceding subparagraph (A), by striking "paragraph (1)" and inserting "paragraph (1), that are not allotted under paragraph (5),";

(3) in paragraph (3)—

(A) in subparagraph (B), by striking "(or in the case" and all that follows through "1998)"; and

(B) in subparagraph (C)—

(i) in clause (i)(I), by striking "(or in the case" and all that follows through "1998)"; and

(ii) in clause (ii)(II), by striking "(or in the case" and all that follows through "1998)"; and

(4) by adding at the end the following:

"(5) FORMULA FOR AMOUNTS IN EXCESS OF THE FISCAL YEAR 2005 FUNDING LEVEL.—

"(A) IN GENERAL.—For any fiscal year for which the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) exceeds the remainder of the sums appropriated under section 8 and not reserved under paragraph (1) for fiscal year 2005, such excess amount shall be allotted to the States according to the formula under subparagraphs (A) through (D) of paragraph (2).

"(B) MINIMUM ALLOTMENT.—

"(i) IN GENERAL.—Notwithstanding any other provision of law and subject to clause (ii), no State shall receive for a fiscal year under this paragraph less than ½ of 1 percent of the excess amount described in subparagraph (A).

"(ii) REQUIREMENT.—No State, by reason of the application of clause (i), shall be allotted under this paragraph for a fiscal year more than the amount determined by multiplying—

"(I) the number of individuals in the State counted under paragraph (2); by

"(II) 185 percent of the national average per pupil payment made with the excess amount described in subparagraph (A) for that year.".

SEC. 103. WITHIN STATE ALLOCATION.

Section 112 (20 U.S.C. 2322) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by adding "and" after the semicolon; and

(B) by striking paragraphs (2) and (3) and inserting the following:

"(2) not more than 15 percent for—

"(A) State leadership activities described in section 124, of which—

"(i) an amount determined by the eligible agency shall be made available to serve individuals in State institutions, such as State correctional institutions and institutions that serve individuals with disabilities; and

"(ii) not less than $60,000 shall be available for services that prepare individuals for nontraditional fields; and

"(B) administration of the State plan, which may be used for the costs of—

"(i) developing the State plan;

"(ii) reviewing the local plans;

"(iii) monitoring and evaluating program effectiveness;

"(iv) assuring compliance with all applicable Federal laws;

"(v) providing technical assistance; and

"(vi) supporting and developing State data systems relevant to the provisions of this Act.";

(2) in subsection (b), by striking "subsection (a)(3)" both places the term appears and inserting "subsection (a)(2)(B)"; and

(3) by striking subsection (c) and inserting the following:

"(c) RESERVE.—From amounts made available under subsection (a)(1) to carry out this subsection, an eligible agency may—

"(1) award grants to eligible recipients, or consortia of eligible recipients, for career and technical education activities described in section 135 in—

"(A) rural areas; or

"(B) areas with high percentages or high numbers of career and technical education students;

"(2) reserve funds, with the approval of participating eligible recipients, for—

"(A) innovative statewide initiatives that demonstrate benefits for eligible recipients, which may include—

"(i) developing and implementing technical assessments;

"(ii) improving the professional development of career and technical education teachers, faculty, principals, and administrators; and

"(iii) establishing, enhancing, and supporting systems for accountability data collection or reporting purposes; or

"(B) the development and implementation of career pathways or career clusters; and

"(3) carry out activities described in paragraphs (1) and (2).".

SEC. 104. ACCOUNTABILITY.

Section 113 (20 U.S.C. 2323) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (a)—

(A) by striking "a State performance accountability system" and inserting "and support State and local performance accountability systems"; and

(B) by inserting "and its eligible recipients" after "of the State";

(3) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "paragraph (2)(A)" and inserting "subparagraphs (A) and (B) of paragraph (2)"; and

(ii) in subparagraph (B), by striking "(2)(B)" and inserting "(2)(C)";

(B) in paragraph (2)—

(i) by striking subparagraph (A) and inserting the following:

"(A) CORE INDICATORS OF PERFORMANCE FOR SECONDARY CAREER AND TECHNICAL EDUCATION STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for secondary career and technical education students that include, at a minimum, measures of each of the following:

"(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

"(ii) Student attainment of challenging academic content standards and student academic achievement standards, as adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965 and measured by the academic assessments described in section 1111(b)(3) of such Act, consistent with State requirements.

"(iii) Student rates of attainment of—

"(I) a secondary school diploma;

"(II) the recognized equivalent of a secondary school diploma;

"(III) technical skill proficiency;

"(IV) a credential;

"(V) a certificate; and

"(VI) a degree.

"(iv) Placement in postsecondary education, military service, apprenticeship programs, or employment.

"(v) Student participation in, and completion of, career and technical education programs that lead to employment in nontraditional fields.";

(ii) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(iii) by inserting after subparagraph (A) the following:

"(B) CORE INDICATORS OF PERFORMANCE FOR POSTSECONDARY CAREER AND TECHNICAL STUDENTS.—Each eligible agency shall identify in the State plan core indicators of performance for postsecondary career and technical education students that include, at a minimum, measures of each of the following:

"(i) Student achievement on technical assessments and attainment of career and technical skill proficiencies that are aligned with nationally recognized industry standards, if available and appropriate.

"(ii) Student attainment of technical skill proficiency, a credential, a certificate, or a degree, or retention in postsecondary education, including transfer to a baccalaureate degree program.

"(iii) Placement in military service, apprenticeship programs, or employment.

"(iv) Student participation in, and completion of, career and technical education programs that lead to employment in nontraditional fields.

"(v) Increase in earnings, where available.";

(iv) in subparagraph (C) (as redesignated by clause (ii) of this subparagraph), by striking "the title." and inserting "this title, such as attainment of self-sufficiency.";

(v) in subparagraph (D) (as redesignated by clause (ii) of this subparagraph), by inserting "career and technical education" after "developed State";

(vi) in subparagraph (E) (as redesignated by clause (ii) of this subparagraph)—

(I) by striking "this paragraph" and inserting "subparagraphs (A) and (B)"; and

(II) by striking "recipients." and inserting "recipients, and shall meet the requirements of this section."; and

(vii) by adding at the end the following:

"(F) ALIGNMENT OF PERFORMANCE INDICATORS.—In the course of identifying core indicators of performance and additional indicators of performance, States shall, to the greatest extent possible, define the indicators so that substantially similar information gathered for other State and Federal programs, or any other purpose, is used to meet the requirements of this section.";

(C) in paragraph (3)—

(i) in the paragraph heading, by striking "LEVELS" and inserting "STATE LEVELS";

(ii) in subparagraph (A)—

(I) in clause (i)—

(aa) by striking "paragraph (2)(A)" and inserting "subparagraphs (A) and (B) of paragraph (2)";

(bb) by inserting "after taking into account the local adjusted levels of performance and" after "eligible agency,"; and

(cc) by striking subclause (II) and inserting the following:

"(II) require the eligible recipients to make continuous and significant improvement in career and technical achievement of career and technical education students, including special populations.";

(II) in clause (v)—

(aa) in the clause heading, by striking "3RD, 4TH, AND 5TH" and inserting "SUBSEQUENT";

(bb) by striking "third program year" and inserting "third and fifth program years"; and

(cc) by striking "third, fourth, and fifth" and inserting "corresponding subsequent";

(III) in clause (vi)(II), by inserting "and significant" after "continuous"; and

(IV) in clause (vii), by striking "or (vi)" and inserting "or (v)"; and

(iii) in subparagraph (B), by striking "(2)(B)" and inserting "(2)(C)"; and

(D) by adding at the end the following:

"(4) LOCAL LEVELS OF PERFORMANCE.—

"(A) LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR CORE INDICATORS OF PERFORMANCE.—

"(i) IN GENERAL.—Each eligible recipient shall accept the State adjusted levels of performance established under paragraph (3) as local adjusted levels of performance, or negotiate with the State to reach agreement on new local adjusted levels of performance, for each of the core indicators of performance described in subparagraphs (A) and (B) of paragraph (2) for career and technical education activities authorized under this title. The levels of performance established under this subparagraph shall, at a minimum—

"(I) be expressed in a percentage or numerical form, so as to be objective, quantifiable, and measurable; and

"(II) require the eligible recipient to make continuous and significant improvement in career and technical achievement of career and technical education students.

"(ii) IDENTIFICATION IN THE LOCAL PLAN.—Each eligible recipient shall identify, in the local plan submitted under section 134, levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan.

"(iii) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR FIRST 2 YEARS.—The eligible agency and each eligible recipient shall reach agreement on the eligible recipient's levels of performance for each of the core indicators of performance for the first 2 program years covered by the local plan, taking into account the levels identified in the local plan under clause (ii) and the factors described in clause (v). The levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan prior to the approval of such plan.

"(iv) AGREEMENT ON LOCAL ADJUSTED LEVELS OF PERFORMANCE FOR SUBSEQUENT YEARS.—Prior to the third and fifth program years covered by the local plan, the eligible agency and each eligible recipient shall reach agreement on the local adjusted levels of performance for each of the core indicators of performance for the corresponding subsequent program years covered by the local plan, taking into account the factors described in clause (v). The local adjusted levels of performance agreed to under this clause shall be considered to be the local adjusted levels of performance for the eligible recipient for such years and shall be incorporated into the local plan.

"(v) FACTORS.—The agreement described in clause (iii) or (iv) shall take into account—

"(I) how the levels of performance involved compare with the local adjusted levels of performance established for other eligible recipients, taking into account factors including the characteristics of participants when the participants entered the program and the services or instruction to be provided; and

"(II) the extent to which the local adjusted levels of performance involved promote continuous and significant improvement on the core indicators of performance by the eligible recipient.

"(vi) REVISIONS.—If unanticipated circumstances arise with respect to an eligible recipient resulting in a significant change in the factor described in clause (v)(II), the eligible recipient may request that the local adjusted levels of performance agreed to under clause (iii) or (iv) be revised. The eligible agency shall issue objective criteria and methods for making such revisions.

"(B) LEVELS OF PERFORMANCE FOR ADDITIONAL INDICATORS.—Each eligible recipient may identify, in the local plan, local levels of performance for any additional indicators of performance described in paragraph (2)(C). Such levels shall be considered to be the local levels of performance for purposes of this title.

"(C) REPORT.—Each eligible recipient that receives an allocation under section 131 shall publicly report, on an annual basis, its progress in achieving the local adjusted levels of performance on the core indicators of performance."; and

(4) by striking subsection (c)(1)(B) and inserting:

"(B) information on the levels of performance achieved by the State with respect to the additional indicators of performance, including the levels of performance disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual.".

SEC. 105. NATIONAL ACTIVITIES.

Section 114 (20 U.S.C. 2324) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (a)(1), by striking ", including an analysis of performance data regarding special populations" and inserting ", including an analysis of performance data that is disaggregated for postsecondary institutions, by special populations, and for secondary institutions, by special populations and by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual";

(3) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

"(2) INDEPENDENT ADVISORY PANEL.—

"(A) IN GENERAL.—The Secretary shall appoint an independent advisory panel to advise the Secretary on the implementation of the assessment described in paragraph (3), including the issues to be addressed and the methodology of the studies involved to ensure that the assessment adheres to the highest standards of quality.

"(B) MEMBERS.—The advisory panel shall consist of—

"(i) educators, principals, and administrators (including State directors of career and technical education), with expertise in the integration of academic and career and technical education;

"(ii) experts in evaluation, research, and assessment;

"(iii) representatives of labor organizations and businesses, including small businesses;

"(iv) parents;

"(v) career guidance and academic counseling professionals; and

"(vi) other individuals and intermediaries with relevant expertise.

"(C) INDEPENDENT ANALYSIS.—The advisory panel shall transmit to the Secretary and to the relevant committees of Congress an independent analysis of the findings and recommendations resulting from the assessment described in paragraph (3).

"(D) FACA.—The Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the panel established under this paragraph.";

(B) in paragraph (3)—

(i) by striking subparagraph (A) and inserting the following:

"(A) IN GENERAL.—From amounts made available under subsection (d), the Secretary shall provide for the conduct of an independent evaluation and assessment of career and technical education programs under this Act, including the implementation of the Carl D. Perkins Career and Technical Education Improvement Act of 2005, to the extent practicable, through studies and analyses conducted independently through grants, contracts, and cooperative agreements that are awarded on a competitive basis.";

(ii) in subparagraph (B)—

(I) by striking clause (iii) and inserting the following:

"(iii) the preparation and qualifications of teachers and faculty of career and technical education, as well as shortages of such teachers and faculty;";

(II) by striking clause (v) and inserting the following:

"(v) academic and career and technical education achievement and employment outcomes of career and technical education students, including analyses of—

"(I) the number of career and technical education students and tech-prep students who meet the State adjusted levels of performance established under section 113;

"(II) the extent and success of integration of challenging academic and career and technical education for students participating in career and technical education programs;

"(III) the extent to which career and technical education programs prepare students, including special populations, for subsequent employment in high skill, high wage occupations, or participation in postsecondary education; and

"(IV) the number of career and technical education students receiving a high school diploma;";

(III) in clause (vi), by inserting ", and career and technical education students' preparation for employment" after "programs"; and

(IV) in clause (viii), by inserting "and local" after "State" both places such term appears; and

(iii) in subparagraph (C)—

(I) in clause (i)—

(aa) by striking "Committee on Education" and all that follows through "Senate" and inserting "relevant committees of Congress"; and

(bb) by striking "2002" both places it appears and inserting "2009"; and

(II) in clause (ii), by striking "Committee on Education" and all that follows through "Senate" and inserting "relevant committees of Congress";

(C) in paragraph (4)(B), by striking "Committee on Education" and all that follows through "Senate" and inserting "relevant committees of Congress";

(D) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking "higher education" and all that follows through "centers" and inserting "higher education offering comprehensive graduate programs in career and technical education that shall be the primary recipient and shall collaborate with a public or private nonprofit organization or agency, or a consortium of such institutions, organizations, or agencies, to establish a national research center";

(II) in clause (i)—

(aa) by inserting "and evaluation" after "to carry out research"; and

(bb) by inserting ", including special populations," after "participants";

(III) by redesignating clauses (ii), (iii), and (iv), as clauses (iii), (iv), and (v), respectively;

(IV) by inserting after clause (i) the following:

"(ii) to carry out research for the purpose of developing, improving, and identifying the most successful methods for successfully addressing the needs of employers in high skill, high wage business and industry, including evaluation and scientifically based research of—

"(I) collaboration between career and technical education programs and business and industry;

"(II) academic and technical skills required to respond to the challenge of a global economy and rapid technological changes; and

"(III) technical knowledge and skills required to respond to needs of a regional or sectoral workforce, including small business;";

(V) in clause (iii) (as redesignated by subclause (III) of this clause), by inserting "that are integrated with challenging academic instruction" before ", including"; and

(VI) by striking clause (iv) (as redesignated by subclause (III) of this clause) and inserting the following:

"(iv) to carry out scientifically based research, where appropriate, that can be used to improve preparation and professional development of teachers, faculty, principals, and administrators and student learning in the career and technical education classroom, including—

"(I) effective in-service and pre-service teacher and faculty education that assists career and technical education programs in—

"(aa) integrating those programs with academic content standards and student academic achievement standards, as adopted by States under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

"(bb) promoting technical education aligned with industry-based standards and certifications to meet regional industry needs;

"(II) dissemination and training activities related to the applied research and demonstration activities described in this subsection, which may also include serving as a repository for information on career and technical education skills, State academic standards, and related materials; and

"(III) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and";

(ii) in subparagraph (B)—

(I) by striking "or centers" both places the term appears; and

(II) by striking "Committee on Education" and all that follows through "Senate" and inserting "relevant committees of Congress";

(iii) in subparagraph (C), by striking "or centers"; and

(iv) by adding at the end the following:

"(D) INDEPENDENT GOVERNING BOARD.—

"(i) IN GENERAL.—An institution of higher education that desires a grant, contract, or cooperative agreement under this paragraph shall identify, in its application, an independent governing board for the center established pursuant to this paragraph.

"(ii) MEMBERS.—The independent governing board shall consist of the following:

"(I) Two representatives of secondary career and technical education.

"(II) Two representatives of postsecondary career and technical education.

"(III) Two representatives of eligible agencies.

"(IV) Two representatives of business and industry.

"(V) Two representatives of career and technical teacher preparation institutions.

"(VI) Two nationally recognized researchers in the field of career and technical education.

"(iii) COORDINATION.—The independent governing board shall ensure that the research and dissemination activities carried out by the center are coordinated with the research activities carried out by the Secretary.";

(E) in paragraph (6)(B)(ii), by striking "or centers"; and

(F) by striking paragraph (8); and

(4) by adding at the end the following:

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2006 through 2011.".

SEC. 106. ASSISTANCE FOR THE OUTLYING AREAS.

Section 115 (20 U.S.C. 2325) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "the Republic of the Marshall Islands, the Federated States of Micronesia,";

(B) in paragraph (1), by striking "training and retraining;" and inserting "preparation;";

(C) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(D) by inserting after paragraph (1) the following:

"(2) professional development for teachers, faculty, principals, and administrators;"; and

(3) in subsection (d)—

(A) by striking "the Republic of the Marshall Islands, the Federated States of Micronesia, and"; and

(B) by striking "2001" and inserting "2007".

SEC. 107. NATIVE AMERICAN PROGRAM.

Section 116 (20 U.S.C. 2326) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (a)(5), by adding a period at the end;

(3) in subsection (b)—

(A) in paragraph (1), by striking "(d)" and inserting "(c)"; and

(B) in paragraph (2), by striking "(other than in subsection (i))";

(4) in subsection (d), by striking "section an" and inserting "section, an";

(5) in subsection (e), by striking "paragraph" and inserting "section"; and

(6) in subsection (h), by striking "which are recognized by the Governor of the State of Hawaii".

SEC. 108. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.

Section 117 (20 U.S.C. 2327) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 117. TRIBALLY CONTROLLED POSTSECONDARY CAREER AND TECHNICAL INSTITUTIONS.";

(2) by striking "vocational" each place the term appears and inserting "career";

(3) in subsection (g)—

(A) in paragraph (1), by striking "The Secretary" and inserting "On an annual basis, the Secretary";

(B) in paragraph (2)(B), by striking "2000" and inserting "2007"; and

(C) in paragraph (3)(C), by striking "beginning" and all that follows through the period and inserting "beginning on the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005.";

(4) by redesignating subsections (h) and (i) as subsections (i) and (j), respectively;

(5) by inserting after subsection (g) the following:

"(h) APPEALS.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall provide a tribally controlled postsecondary career and technical institution with a hearing on the record before an administrative law judge with respect to the following determinations:

"(A) A determination that such institution is not eligible for a grant under this section.

"(B) A determination regarding the calculation of the amount of a grant awarded under this section.

"(2) PROCEDURE FOR APPEAL.—To appeal a determination described in paragraph (1), a tribally controlled postsecondary career and technical institution shall—

"(A) in the case of an appeal based on a determination that such institution is not eligible for a grant under this section, file a notice of appeal with the Secretary not later than 30 days after receipt of such determination; and

"(B) in the case of an appeal based on a determination regarding the calculation of the amount of a grant awarded under this section—

"(i) file a notice of appeal with the Secretary not later than 30 days after receipt of the Secretary's notification of the grant amount; and

"(ii) identify the amount of funding that gives rise to such appeal.

"(3) WITHHOLDING OF AMOUNT.—If a tribally controlled postsecondary career and technical institution appeals a determination described in paragraph (1), the Secretary shall withhold the amount in dispute from the award of grant funds under this section until such time as the administrative law judge has issued a written decision on the appeal."; and

(6) by striking subsection (j) (as redesignated by paragraph (4) of this section) and inserting the following:

"(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2006 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

SEC. 109. OCCUPATIONAL AND EMPLOYMENT INFORMATION.

Section 118 (20 U.S.C. 2328) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "(f)" and inserting "(g)";

(B) in paragraph (1)—

(i) in subparagraph (A), by striking "(b)" both places it appears and inserting "(c)";

(ii) in subparagraph (B), by striking "(b)" and inserting "(c)"; and

(iii) in subparagraph (C), by striking "(b)" and inserting "(c)"; and

(C) in paragraph (2), by striking "(b)" both places it appears and inserting "(c)";

(2) by redesignating subsections (b) through (f) as subsections (c) through (g), respectively;

(3) by inserting after subsection (a) the following:

"(b) STATE APPLICATION.—

"(1) IN GENERAL.—Each State desiring assistance under this section shall submit an application to the Secretary at the same time the State submits its State plan under section 122, in such manner, and accompanied by such additional information, as the Secretary may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall include—

"(A) a description of how the State entity designated in subsection (c) will provide information based on labor market trends to inform program development; and

"(B) information about the academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965.";

(4) in subsection (c) (as redesignated by paragraph (2) of this section)—

(A) in paragraph (1), by striking "individuals" and all that follows through the semicolon and inserting "students and parents, including postsecondary education and training, including preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging or established professions;";

(B) in paragraph (2), by inserting "academic and career and technical" after "relate";

(C) by striking paragraph (3) and inserting the following:

"(3) to equip teachers, faculty, administrators, and counselors with the knowledge, skills, and occupational information needed to assist parents and all students, especially special populations underrepresented in certain careers, with career exploration, educational opportunities, education financing, and exposure to high skill, high wage, or high demand occupations and nontraditional fields;";

(D) in paragraph (4), by striking "such entities;" and inserting "such entities, with an emphasis on high skill, high wage, or high demand occupations in emerging or established professions;";

(E) in paragraph (5), by striking "and" after the semicolon;

(F) in paragraph (6), by striking the period and inserting "; and"; and

(G) by adding at the end the following:

"(7) to provide information, if available, for each occupation, on—

"(A) the average earnings of an individual in the occupation at entry level and after 5 years of employment;

"(B) the expected lifetime earnings; and

"(C) the expected future demand for the occupation, based on employment projections.";

(5) in subsection (d)(1) (as redesignated by paragraph (2) of this section), by striking "(b)" both places it appears and inserting "(c)";

(6) in subsection (e)(1) (as redesignated by paragraph (2) of this section), by striking "(b)" and inserting "(c)";

(7) in subsection (f)(1) (as redesignated by paragraph (2) of this section), by striking "an identification" and inserting "a description"; and

(8) in subsection (g) (as redesignated by paragraph (2) of this section), by striking "1999 through 2003" and inserting "2006 through 2011".

SEC. 110. STATE ADMINISTRATION.

Section 121 (20 U.S.C. 2341) is amended—

(1) by redesignating subsection (a)(2) as subsection (b) and indenting appropriately;

(2) by redesignating subparagraphs (A) through (D) of subsection (a)(1) as paragraphs (1) through (4), respectively, and indenting appropriately;

(3) by redesignating clauses (i) and (ii) of paragraph (4) (as redesignated by paragraph (2) of this section) as subparagraphs (A) and (B), respectively, and indenting appropriately;

(4) by striking the following:

"(a) ELIGIBLE AGENCY RESPONSIBILITIES.—

"(1) IN GENERAL.—The responsibilities" and inserting the following:

"(a) ELIGIBLE AGENCY RESPONSIBILITIES.—The responsibilities";

(5) in subsection (a)(1) (as redesignated by paragraph (2) of this section), by striking "training and employment" and inserting "fields";

(6) in subsection (a)(2) (as redesignated by paragraph (2) of this section)—

(A) by inserting "teacher and faculty preparation programs," after "teachers,"; and

(B) by inserting "all types and sizes of" after "representatives of"; and

(7) in subsection (b) (as redesignated by paragraph (1) of this section), by striking

"paragraph (1)" and inserting "subsection (a)".

SEC. 111. STATE PLAN.

Section 122 (20 U.S.C. 2342) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "5" and inserting "6"; and

(ii) by adding at the end the following: "Each eligible agency may submit a transition plan during the first full year of implementation of this Act after the date of enactment of the Carl D. Perkins Career and Technical Education Improvement Act of 2005. The transition plan shall fulfill the eligible agency's State plan submission obligation under this section."; and

(B) in paragraph (2)(B), by striking "5 year State plan" and inserting "6-year period";

(3) by striking subsection (b)(1) and inserting the following:

"(1) IN GENERAL.—The eligible agency shall develop the State plan in consultation with academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, eligible recipients, parents, students, the State tech-prep coordinator and representatives of tech-prep consortia (if applicable), interested community members (including parent and community organizations), representatives of special populations, representatives of business (including small business) and industry, and representatives of labor organizations in the State, and shall consult the Governor of the State with respect to such development.";

(4) by striking subsection (c) and inserting the following:

"(c) PLAN CONTENTS.—The State plan shall include information that—

"(1) describes the career and technical education activities to be assisted that are designed to meet or exceed the State adjusted levels of performance, including a description of—

"(A) how the eligible agency will support eligible recipients in developing or implementing career pathways for career and technical education content areas that are designed to meet relevant workforce needs, including how the eligible agency will—

"(i) support eligible recipients in developing articulation agreements between secondary and postsecondary institutions;

"(ii) support eligible recipients in using labor market information to identify career pathways that prepare individuals for high skill, high wage, or high demand occupations;

"(iii) make available information about career pathways offered by eligible recipients; and

"(iv) consult with business and industry and use industry-recognized standards and assessments, if appropriate;

"(B) the secondary and postsecondary career and technical education programs to be carried out, including programs that will be carried out by the eligible agency to develop, improve, and expand access to quality technology in career and technical education programs;

"(C) the criteria that will be used by the eligible agency to approve eligible recipients for funds under this title, including criteria to assess the extent to which the local plan will—

"(i) promote higher levels of academic achievement;

"(ii) promote higher levels of technical skill attainment; and

"(iii) identify and address workforce needs;

"(D) how programs at the secondary level will prepare career and technical education students, including special populations to graduate from high school with a diploma;

"(E) how such programs will prepare career and technical education students, including special populations, both academically and technically, for opportunities in postsecondary education or entry into high skill, high wage, or high demand occupations in emerging or established occupations, and how participating students will be made aware of such opportunities; and

"(F) how funds will be used to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations that are aligned with business needs and industry standards, as appropriate—

"(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

"(ii) at the postsecondary level that are relevant and challenging;

"(2) describes how career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors will be provided comprehensive initial preparation and professional development, including through programs and activities that—

"(A) promote the integration of challenging academic and career and technical education curriculum development, including opportunities for teachers to jointly develop and implement curriculum and pedagogical strategies with appropriate academic teachers;

"(B) increase the academic and career and technical education knowledge of career and technical education teachers and faculty;

"(C) are high-quality, sustained, intensive, focused on instruction, directly related to industry standards, and includes structured induction and mentoring components for new personnel, with an emphasis on identifying and addressing the needs of local businesses, including small businesses;

"(D) ensure an increasing number of career and technical education teachers and faculty meet teacher certification and licensing requirements reflecting the needs of their subject area or areas;

"(E) equip them with the knowledge and skills needed to work with and improve instruction for special populations;

"(F) assist in accessing and utilizing data, including labor market indicators, student achievement, and assessments;

"(G) enhance the leadership capacity of principals and administrators;

"(H) are integrated with professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965; and

"(I) include strategies to expose all career and technical education students to comprehensive information regarding career options that lead to high skill, high wage, or high demand occupations and nontraditional fields;

"(3) describes efforts to improve—

"(A) the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession; and

"(B) the transition to teaching from business and industry, including small business;

"(4) describes efforts to improve the capacity of programs and faculty at postsecondary institutions to effectively prepare career and technical education personnel, including, as appropriate, through electronically delivered distance education, and articulation agreements between 2-year technical programs and postsecondary education programs;

"(5) describes how the eligible agency will actively involve parents, academic and career and technical education teachers, faculty, principals, and administrators, career guidance and academic counselors, local businesses (including small- and medium-sized businesses and business intermediaries), and labor organizations in the planning, development, implementation, and evaluation of such career and technical education programs;

"(6) describes how funds received by the eligible agency through the allotment made under section 111 will be allocated—

"(A) among secondary school career and technical education, or postsecondary and adult career and technical education, or both, including the rationale for such allocation; and

"(B) among any consortia that will be formed among secondary schools and eligible institutions, and how funds will be allocated among the members of the consortia, including the rationale for such allocation;

"(7) describes how the eligible agency will—

"(A) use funds to improve or develop new career and technical education courses in high skill, high wage, or high demand occupations—

"(i) at the secondary level that are aligned with challenging academic content standards and student academic achievement standards adopted by the State under section 1111(b)(1) of the Elementary and Secondary Education Act of 1965; and

"(ii) at the postsecondary level that are challenging and aligned with business needs and industry standards, as appropriate;

"(B) improve the academic and technical skills of students participating in career and technical education programs, including strengthening the academic, and career and technical, components of career and technical education programs through the integration of academics with career and technical education to ensure learning in the core academic subjects and career and technical education subjects, and provide students with strong experience in, and understanding of, all aspects of an industry;

"(C) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught to all other students; and

"(D) encourage secondary school students who participate in such career and technical education programs to enroll in challenging courses in core academic subjects;

"(8) describes how the eligible agency will annually evaluate the effectiveness of such career and technical education programs, and describes, to the extent practicable, how the eligible agency is coordinating such programs to promote relevant lifelong learning and ensure nonduplication with other existing Federal programs;

"(9) describes the eligible agency's program strategies for special populations, including a description of how individuals who are members of the special populations—

"(A) will be provided with equal access to activities assisted under this title;

"(B) will not be discriminated against on the basis of their status as members of the special populations; and

"(C) will be provided with programs designed to enable the special populations to meet or exceed State adjusted levels of performance, and prepare special populations for further learning and for high skill, high wage, or high demand occupations;

"(10) how the eligible agency will collaborate in developing the State plan with—

"(A) the entity within the State with responsibility for elementary and secondary education;

"(B) the entity within the State with responsibility for public institutions engaged in postsecondary education;

"(C) State institutions such as State correctional institutions and institutions that serve individuals with disabilities; and

"(D) all other relevant State agencies with responsibility for career and technical education and training and workforce development;

"(11) describes what steps the eligible agency will take to involve representatives of eligible recipients in the development of the State adjusted levels of performance;

"(12) provides assurances that the eligible agency will comply with the requirements of this title and the provisions of the State plan, including the provision of a financial audit of funds received under this title which may be included as part of an audit of other Federal or State programs;

"(13) provides assurances that none of the funds expended under this title will be used to acquire equipment (including computer software) in any instance in which such acquisition results in a direct financial benefit to any organization representing the interests of the purchasing entity, the employees of the purchasing entity, or any affiliate of such an organization;

"(14) describes how the eligible agency will measure and report data relating to students participating in and completing career and technical education within specific career clusters in order to adequately measure the progress of the students, including special populations, at—

"(A) the secondary level, disaggregated by the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual; and

"(B) the postsecondary level, disaggregated by special populations and the categories described in section 1111(h)(1)(C)(i) of the Elementary and Secondary Education Act of 1965, except that such disaggregation shall not be required in a case in which the number of individuals in a category is insufficient to yield statistically reliable information or the results would reveal personally identifiable information about an individual;

"(15) describes how the eligible agency will adequately address the needs of students in alternative education programs, if appropriate;

"(16) describes how the eligible agency will provide local educational agencies, area career and technical education schools, and eligible institutions in the State with technical assistance;

"(17) describes how career and technical education relates to State and regional occupational opportunities;

"(18) describes the methods proposed for the joint planning and coordination of programs carried out under this title with other Federal education programs;

"(19) describes how funds will be used to promote preparation for high skill, high wage, or high demand occupations and nontraditional fields in emerging and established professions;

"(20) describes how funds will be used to serve individuals in State correctional institutions;

"(21) describes how the eligible agency will ensure that the data reported to the eligible agency from local educational agencies and eligible institutions under this title and the data the eligible agency reports to the Secretary are complete, accurate, and reliable; and

"(22) contains the description and information specified in sections 112(b)(8) and 121(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2822(b)(8) and 2841(c)) concerning the provision of services only for postsecondary students and school dropouts.";

(5) by striking subsection (d) and inserting the following:

"(d) Plan Options.—

"(1) Single plan.—The eligible agency may fulfill the plan or application submission requirements of this section, section 118(b), and section 141(c) by submitting a single State plan. In such plan, the eligible agency may allow eligible recipients to fulfill the plan or application submission requirements of section 134 and subsections (a) and (b) of section 143 by submitting a single local plan.

"(2) Plan submitted as part of 501 plan.—The eligible agency may submit the plan required under this section as part of the plan submitted under section 501 of the Workforce Investment Act of 1998 (20 U.S.C. 9271), provided that the plan submitted pursuant to the requirement of this section meets the requirements of this Act."; and

(6) by striking subsection (f).

SEC. 112. IMPROVEMENT PLANS.

Section 123 (20 U.S.C. 2343) is amended to read as follows:

"SEC. 123. IMPROVEMENT PLANS.

"(a) State Program Improvement Plan.—

"(1) Plan.—If a State fails to meet the State adjusted levels of performance described in the report submitted under section 113(c), the eligible agency shall develop and implement a program improvement plan in consultation with the appropriate agencies, individuals, and organizations for the first program year succeeding the program year in which the eligible agency failed to meet the State adjusted levels of performance, in order to avoid a sanction under paragraph (3).

"(2) Technical assistance.—If the Secretary determines that an eligible agency is not properly implementing the eligible agency's responsibilities under section 122, or is not making substantial progress in meeting the purpose of this Act, based on the State's adjusted levels of performance, the Secretary shall work with the eligible agency to implement improvement activities consistent with the requirements of this Act.

"(3) Failure.—

"(A) In general.—If an eligible agency fails to meet the State adjusted levels of performance, has not implemented an improvement plan as described in paragraph (1), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (1), or has failed to meet the State adjusted levels of performance for 2 or more consecutive years, the Secretary may, after notice and opportunity for a hearing, withhold from the eligible agency all, or a portion of, the eligible agency's allotment under this title.

"(B) Waiver for exceptional circumstances.—The Secretary may waive the sanction in subparagraph (A) due to exceptional or uncontrollable circumstances such as a natural disaster or a precipitous and unforeseen decline in financial resources of the State.

"(4) Funds resulting from reduced allotments.—

"(A) In general.—The Secretary shall use funds withheld under paragraph (3) for a State served by an eligible agency, to provide (through alternative arrangements) services and activities within the State to meet the purposes of this Act.

"(B) Redistribution.—If the Secretary cannot satisfactorily use funds withheld under paragraph (3), then the amount of funds retained by the Secretary as a result of a reduction in an allotment made under paragraph (3) shall be redistributed to other eligible agencies in accordance with section 111.

"(b) Local Program Improvement.—

"(1) Local evaluation.—Each eligible agency shall evaluate annually, using the local adjusted levels of performance described in section 113(b)(4), the career and technical education activities of each eligible recipient receiving funds under this title.

"(2) Plan.—

"(A) In general.—If, after reviewing the evaluation, the eligible agency determines that an eligible recipient is not making substantial progress in achieving the local adjusted levels of performance, the eligible agency shall—

"(i) conduct an assessment of the educational needs that the eligible recipient shall address to overcome local performance deficiencies, including the performance of special populations;

"(ii) enter into an improvement plan with an eligible recipient based on the results of the assessment, for the first program year succeeding the program year in which the eligible recipient failed to meet the local adjusted levels of performance, which plan shall demonstrate how the local performance deficiencies will be corrected and include instructional and other programmatic innovations of demonstrated effectiveness, and, where necessary, strategies for appropriate staffing and professional development; and

"(iii) conduct regular evaluations of the progress being made toward reaching the local adjusted levels of performance, as described in section 113(b)(4), and progress on implementing the improvement plan.

"(B) Consultation.—The eligible agency shall conduct the activities described in subparagraph (A) in consultation with teachers, principals, administrators, faculty, parents, other school staff, appropriate agencies, and other appropriate individuals and organizations.

"(3) Technical assistance.—If the eligible agency determines that an eligible recipient is not properly implementing the eligible recipient's responsibilities under section 134, or is not making substantial progress in meeting the purpose of this Act, based on the local adjusted levels of performance, the eligible agency shall provide technical assistance to the eligible recipient to assist the eligible recipient in carrying out the improvement activities consistent with the requirements of this Act. An eligible recipient, in collaboration with the eligible agency, may request that the Secretary provide additional technical assistance.

"(4) Failure.—

"(A) In general.—If an eligible recipient fails to meet the local adjusted levels of performance as described in section 113(b)(4) and has not implemented an improvement plan as described in paragraph (2), has shown no improvement within 1 year after implementing an improvement plan as described in paragraph (2), or has failed to meet more than 1 of the local adjusted levels of performance for 2 or more consecutive years, the eligible agency may, after notice and opportunity for a hearing, withhold from the eligible recipient all, or a portion of, the eligible recipient's allotment under this title.

"(B) WAIVER FOR EXCEPTIONAL CIRCUMSTANCES.—The eligible agency may waive the sanction under this paragraph due to exceptional or uncontrollable circumstances such as organizational structure, or a natural disaster or a precipitous and unforeseen decline in financial resources of the eligible recipient.

"(5) FUNDS RESULTING FROM REDUCED ALLOTMENTS.—The eligible agency shall use funds withheld under paragraph (4) to provide (through alternative arrangements) services and activities to students within the area served by such recipient to meet the purpose of this Act.".

SEC. 113. STATE LEADERSHIP ACTIVITIES.

Section 124 (20 U.S.C. 2344) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) in subsection (a), by striking "112(a)(2)" and inserting "112(a)(2)(A)";

(3) in subsection (b)—

(A) in paragraph (1), by striking "further learning" and all that follows through the semicolon and inserting "further education, further training, or for high skill, high wage, or high demand occupations;";

(B) in paragraph (2), by striking subparagraphs (A) through (C) and inserting the following:

"(A) training of career and technical education teachers, faculty, principals, career guidance and academic counselors, and administrators to use technology, including distance learning;

"(B) encouraging schools to work with technology industries to offer voluntary internships and mentoring programs; or

"(C) encouraging lifelong learning, including through partnerships that may involve institutions of higher education, organizations providing career and technical education, businesses, and communications entities;";

(C) by striking paragraph (3) and inserting the following:

"(3) professional development programs, including providing comprehensive professional development (including initial teacher preparation) for career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors at the secondary and postsecondary levels, that support activities described in section 122 and—

"(A) provide in-service and pre-service training in career and technical education programs and techniques, effective teaching skills based on promising practices and, where available and appropriate, scientifically based research, and effective practices to improve parental and community involvement;

"(B) improve student achievement in order to meet the State adjusted levels of performance established under section 113;

"(C) support education programs for teachers and faculty of career and technical education in public schools and other public school personnel who are involved in the direct delivery of educational services to career and technical education students to ensure that such personnel—

"(i) stay current with the needs, expectations, and methods of industry;

"(ii) can effectively develop challenging, integrated academic and career and technical education curriculum jointly with academic teachers, to the extent practicable; and

"(iii) develop a higher level of academic and industry knowledge and skills in career and technical education; and

"(D) are integrated with the teacher certification or licensing and professional development activities that the State carries out under title II of the Elementary and Secondary Education Act of 1965 and title II of the Higher Education Act of 1965;";

(D) in paragraph (4), by striking "support for" and inserting "supporting";

(E) in paragraph (5), by striking "nontraditional training and employment" and inserting "nontraditional fields in emerging and established professions, and other activities that expose students, including special populations, to high skill, high wage occupations";

(F) in paragraph (6)—

(i) by inserting "intermediaries," after "labor organizations,"; and

(ii) by inserting ", or complete career pathways, as described in section 122(c)(1)(A)" after "skills";

(G) in paragraph (7), by striking "and" after the semicolon;

(H) in paragraph (8), by striking "wage careers." and inserting "wage, or high demand occupations; and"; and

(I) by adding at the end the following:

"(9) technical assistance for eligible recipients.";

(4) by striking subsection (c) and inserting the following:

"(c) PERMISSIBLE USES OF FUNDS.—The leadership activities described in subsection (a) may include—

"(1) improvement of career guidance and academic counseling programs that assist students in making informed academic, and career and technical education, decisions, including encouraging secondary and postsecondary students to graduate with a diploma or degree, and expose students to high skill, high wage occupations and nontraditional fields in emerging and established professions;

"(2) establishment of agreements, including articulation agreements, between secondary and postsecondary career and technical education programs in order to provide postsecondary education and training opportunities for students participating in such career and technical education programs, such as tech-prep programs;

"(3) support for career and technical student organizations, especially with respect to efforts to increase the participation of students who are members of special populations;

"(4) support for public charter schools operating secondary career and technical education programs;

"(5) support for career and technical education programs that offer experience in, and understanding of, all aspects of an industry for which students are preparing to enter;

"(6) support for family and consumer sciences programs;

"(7) support for partnerships between education and business or business intermediaries, including cooperative education and adjunct faculty arrangements at the secondary and postsecondary levels;

"(8) support to improve or develop new career and technical education courses and initiatives, including career clusters, career academies, and distance learning, that prepare individuals academically and technically for high skill, high wage, or high demand occupations;

"(9) awarding incentive grants to eligible recipients for exemplary performance in carrying out programs under this Act, which awards shall be based on local performance indicators, as described in section 113, in accordance with previously publicly disclosed priorities;

"(10) providing career and technical education programs for adults and school dropouts to complete their secondary school education;

"(11) providing assistance to individuals, who have participated in services and activities under this title, in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(12) developing valid and reliable assessments of technical skills that are integrated with industry certification assessments where available;

"(13) developing and enhancing data systems to collect and analyze data on secondary and postsecondary academic and employment outcomes;

"(14) improving—

"(A) the recruitment and retention of career and technical education teachers, faculty, principals, administrators, and career guidance and academic counselors, including individuals in groups underrepresented in the teaching profession; and

"(B) the transition to teaching from business and industry, including small business; and

"(15) adopting, calculating, or commissioning a self-sufficiency standard."; and

(5) in subsection (d), by striking "112(a)(2)" and inserting "112(a)(2)(A)".

SEC. 114. DISTRIBUTION OF FUNDS TO SECONDARY SCHOOL PROGRAMS.

Section 131 (20 U.S.C. 2351) is amended—

(1) by striking "vocational" each place the term appears and inserting "career";

(2) by striking subsection (a);

(3) by redesignating subsections (b) through (i) as subsections (a) through (h), respectively;

(4) in subsection (a) (as redesignated by paragraph (3) of this section)—

(A) in the subsection heading, by striking "SPECIAL DISTRIBUTION RULES FOR SUCCEEDING FISCAL YEARS" and inserting "DISTRIBUTION RULES"; and

(B) by striking "for fiscal year 2000 and succeeding fiscal years";

(5) in subsection (b) (as redesignated by paragraph (3) of this section)—

(A) by striking "subsection (b)" and inserting "subsection (a)"; and

(B) in paragraph (1), by striking "9902(2))" and inserting "9902(2)))";

(6) in subsection (e) (as redesignated by paragraph (3) of this section), in the subsection heading, by striking "VOCATIONAL" and inserting "CAREER"; and

(7) in subsection (g) (as redesignated by paragraph (3) of this section), by striking "subsections (a), (b), (c), and (d)" and inserting "subsections (a), (b), and (c)".

SEC. 115. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 132 (20 U.S.C. 2352) is amended by striking the section heading and inserting the following:

"SEC. 132. DISTRIBUTION OF FUNDS FOR POSTSECONDARY CAREER AND TECHNICAL EDUCATION PROGRAMS.".

SEC. 116. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.

Section 133 (20 U.S.C. 2353) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 133. SPECIAL RULES FOR CAREER AND TECHNICAL EDUCATION.";

and

(2) by striking "vocational" each place such term appears and inserting "career".

SEC. 117. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.

Section 134 (20 U.S.C. 2354) is amended—

(1) by striking the section heading and inserting the following:

"SEC. 134. LOCAL PLAN FOR CAREER AND TECHNICAL EDUCATION PROGRAMS.";

and

(2) in subsection (b), by striking paragraphs (1) through (10) and inserting the following:

"(1) describe how the career and technical education programs required under section 135(b) will be carried out with funds received under this title;

"(2) describe how the career and technical education activities will be carried out with respect to meeting State and local adjusted levels of performance established under section 113;

"(3) describe how the eligible recipient will—

"(A) offer the appropriate courses of not less than 1 of the career pathways described in section 122(c)(1)(A);

"(B) improve the academic and technical skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of challenging academics with career and technical education programs through a coherent sequence of courses to ensure learning in the core academic subjects, and career and technical education subjects;

"(C) provide students with strong experience in and understanding of all aspects of an industry; and

"(D) ensure that students who participate in such career and technical education programs are taught to the same challenging academic proficiencies as are taught for all other students;

"(4) describe how comprehensive professional development will be provided that is consistent with section 122;

"(5) describe how parents, students, academic and career and technical education teachers, faculty, principals, administrators, career guidance and academic counselors, representatives of tech-prep consortia (if applicable), representatives of business (including small business) and industry, labor organizations, representatives of special populations, and other interested individuals are involved in the development, implementation, and evaluation of career and technical education programs assisted under this title, and how such individuals and entities are effectively informed about, and assisted in, understanding, the requirements of this title, including career pathways;

"(6) provide assurances that the eligible recipient will provide a career and technical education program that is of such size, scope, and quality to bring about improvement in the quality of career and technical education programs;

"(7) describe the process that will be used to evaluate and continuously improve the performance of the eligible recipient;

"(8) describe how the eligible recipient—

"(A) will review career and technical education programs, and identify and adopt strategies to overcome barriers that result in lowering rates of access to or lowering success in the programs, for special populations; and

"(B) will provide programs that are designed to enable the special populations to meet the local adjusted levels of performance and prepare for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency;

"(9) describe how individuals who are members of special populations will not be discriminated against on the basis of their status as members of the special populations;

"(10) describe how funds will be used to promote preparation for nontraditional fields;

"(11) describe how career guidance and academic counseling will be provided to all career and technical education students; and

"(12) describe efforts to improve the recruitment and retention of career and technical education teachers, faculty, counselors, principals, and administrators, including individuals in groups underrepresented in the teaching profession, and the transition to teaching from business and industry.".

SEC. 118. LOCAL USES OF FUNDS.

Section 135 (20 U.S.C. 2355) is amended—

(1) in subsection (a), by striking "vocational" and inserting "career";

(2) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking "vocational" and inserting "career"; and

(B) by striking paragraphs (1) through (8) and inserting the following:

"(1) strengthen the academic and career and technical education skills of students participating in career and technical education programs by strengthening the academic and career and technical education components of such programs through the integration of academics with career and technical education programs through a coherent sequence of courses, such as career pathways described in section 122(c)(1)(A), to ensure learning in the core academic subjects and career and technical education subjects;

"(2) link secondary career and technical education and postsecondary career and technical education, including by—

"(A) offering the relevant elements of not less than 1 career pathway described in section 122(c)(1)(A);

"(B) developing and supporting articulation agreements between secondary and postsecondary institutions; or

"(C) supporting tech-prep programs and consortia;

"(3) provide students with strong experience in and understanding of all aspects of an industry;

"(4) develop, improve, or expand the use of technology in career and technical education, which may include—

"(A) training of career and technical education teachers, faculty, principals, and administrators to use technology, including distance learning; or

"(B) encouraging schools to collaborate with technology industries to offer voluntary internships and mentoring programs;

"(5) provide professional development programs that are consistent with section 122 to secondary and postsecondary teachers, faculty, principals, administrators, and career guidance and academic counselors who are involved in integrated career and technical education programs, including—

"(A) in-service and pre-service training—

"(i) in career and technical education programs and techniques;

"(ii) in effective integration of challenging academic and career and technical education jointly with academic teachers, to the extent practicable;

"(iii) in effective teaching skills based on research that includes promising practices; and

"(iv) in effective practices to improve parental and community involvement;

"(B) support of education programs that provide information on all aspects of an industry;

"(C) internship programs that provide relevant business experience; and

"(D) programs dedicated to the effective use of instructional technology;

"(6) develop and implement evaluations of the career and technical education programs carried out with funds under this title, including an assessment of how the needs of special populations are being met;

"(7) initiate, improve, expand, and modernize quality career and technical education programs, including relevant technology;

"(8) provide services and activities that are of sufficient size, scope, and quality to be effective; and

"(9) provide activities to prepare special populations, including single parents and displaced homemakers, for high skill, high wage, or high demand occupations, including those that will lead to self-sufficiency."; and

(3) in subsection (c)—

(A) in paragraph (1), by striking "vocational" and inserting "career"; and

(B) by striking paragraphs (2) through (15) and inserting the following:

"(2) to provide career guidance and academic counseling that is based on current labor market indicators, as provided pursuant to section 118, for students participating in career and technical education programs that—

"(A) improves graduation rates and provides information on postsecondary and career options for secondary students, which activities may include the use of graduation and career plans; and

"(B) provides assistance for postsecondary students, including for adult students who are changing careers or updating skills;

"(3) for partnerships between the eligible recipient and businesses, including small businesses and business intermediaries, including for—

"(A) work-related experience for students, such as internships, cooperative education, school-based enterprises, entrepreneurship, and job shadowing that are related to career and technical education programs;

"(B) adjunct faculty arrangements at the secondary and postsecondary levels; and

"(C) industry experience for teachers and faculty;

"(4) to provide programs for special populations;

"(5) to assist career and technical student organizations;

"(6) for mentoring and support services;

"(7) for leasing, purchasing, upgrading, or adapting instructional equipment;

"(8) for teacher preparation programs that address the integration of academic and career and technical education and that assist individuals who are interested in becoming career and technical education teachers and faculty, including individuals with experience in business and industry;

"(9) to develop and expand postsecondary program offerings at times and in formats that are convenient and accessible for working students, including through the use of distance education;

"(10) for improving or developing new career and technical education courses, including development of new career pathways;

"(11) to develop and support small, personalized career-themed learning communities;

"(12) to provide support for family and consumer sciences programs;

"(13) to provide career and technical education programs for adults and school dropouts to complete their secondary school education or upgrade their technical skills;

"(14) to provide assistance to individuals who have participated in services and activities under this title in finding an appropriate job and continuing their education or training through collaboration with the workforce investment system established under the Workforce Investment Act of 1998 (29 U.S.C. 2801 et seq.);

"(15) to support activities in nontraditional fields, such as mentoring and outreach; and

"(16) to support other career and technical education activities that are consistent with the purpose of this Act.".

SEC. 119. TECH-PREP EDUCATION.

(a) REDESIGNATION.—Title II (20 U.S.C. 2371 et seq.) is amended—

(1) by striking the title heading and inserting the following:

"PART D—TECH-PREP EDUCATION";

(2) by striking sections 201, 202, 206, and 207; and

(3) by redesignating sections 203, 204, 205, and 208, as sections 141, 142, 143, and 144, respectively.

(b) STATE ALLOTMENT AND APPLICATION.—Section 141 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking "section 206" and inserting "section 144"; and

(2) by striking subsection (c) and inserting the following:

"(c) STATE APPLICATION.—Each eligible agency desiring assistance under this part shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Such application shall describe how activities under this part will be coordinated, to the extent practicable, with activities described in section 122.".

(c) TECH-PREP EDUCATION.—Section 142 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking "section 203" and inserting "section 141";

(ii) by striking "title" and inserting "part";

(iii) by striking "vocational" both places the term appears and inserting "career"; and

(iv) in subparagraph (A), by inserting ", educational service agency," after "intermediate educational agency"; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking "and";

(ii) in subparagraph (B), by striking the period at the end and inserting a semicolon; and

(iii) by adding at the end the following:

"(C) employers, including small businesses, or business intermediaries; and

"(D) labor organizations.";

(2) in subsection (c)—

(A) by striking paragraph (2) and inserting the following:

"(2) consist of not less than 2 years of secondary school with a common core of technical skills and core academic subjects preceding graduation and 2 years or more of higher education, or an apprenticeship program of not less than 2 years following secondary instruction, designed to lead to technical skill proficiency, a credential, a certificate, or a degree, in a specific career field:";

(B) in paragraph (3)(B), by inserting "including through the use of articulation agreements, and" after "career fields,";

(C) by striking paragraph (4) and inserting the following:

"(4) include in-service professional development for teachers, faculty, principals, and administrators that—

"(A) supports effective implementation of tech-prep programs;

"(B) supports joint training in the tech-prep consortium;

"(C) supports the needs, expectations, and methods of business and all aspects of an industry;

"(D) supports the use of contextual and applied curricula, instruction, and assessment;

"(E) supports the use and application of technology; and

"(F) assists in accessing and utilizing data, including labor market indicators, achievement, and assessments;";

(D) in paragraph (5)—

(i) by striking "training" and inserting "professional development";

(ii) in subparagraph (B), by inserting ", which may include through the use of graduation and career plans" after "programs";

(iii) in subparagraph (D), by striking "and";

(iv) in subparagraph (E), by inserting "and" after the semicolon; and

(v) by adding at the end the following:

"(F) provide comprehensive career guidance and academic counseling to participating students, including special populations;";

(E) in paragraph (6)—

(i) by inserting "(including pre-apprenticeship programs)" after "programs"; and

(ii) by striking "and" after the semicolon;

(F) in paragraph (7), by striking the period at the end and inserting "; and"; and

(G) by adding at the end the following:

"(8) coordinate with activities conducted under this title."; and

(3) in subsection (d)—

(A) in paragraph (2), by striking "and" after the semicolon;

(B) in paragraph (3), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(4) improve career guidance and academic counseling for participating students through the development and implementation of graduation and career plans; and

"(5) develop curriculum that supports effective transitions between secondary and postsecondary career and technical education programs.".

(d) CONSORTIUM APPLICATIONS.—Section 143 (as redesignated by subsection (a) of this section) is amended—

(1) in subsection (a), by striking "title" and inserting "part";

(2) in subsection (b)—

(A) by striking "5" and inserting "6"; and

(B) by striking "title" and inserting "part";

(3) in subsection (d)—

(A) in paragraph (1), by inserting "or advanced" after "baccalaureate";

(B) by striking paragraph (4) and inserting the following:

"(4) provide education and training in areas or skills, including emerging technology, in which there are significant workforce shortages based on the data provided by the entity in the State under section 118;";

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following:

"(6) demonstrate success in, or provide assurances of, coordination and integration with eligible recipients described in part C."; and

(4) in subsection (e), by striking "title" and inserting "part".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 144 (as redesignated by subsection (a) of this section) is amended—

(1) by striking "title (other than section 207)" and inserting "part"; and

(2) by striking "1999 and each of the 4" and inserting "2006 and each of the 5".

TITLE II—GENERAL PROVISIONS

SEC. 201. REDESIGNATION OF TITLE.

(a) FEDERAL ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 311 through 318 as sections 211 through 218, respectively.

(b) STATE ADMINISTRATIVE PROVISIONS.—Title III (20 U.S.C. 2391 et seq.) is amended by redesignating sections 321 through 325 as sections 221 through 225, respectively.

(c) TITLE HEADING.—The title heading of title III (20 U.S.C. 2391 et seq.) is amended to read as follows:

"TITLE II—GENERAL PROVISIONS".

SEC. 202. FISCAL REQUIREMENTS.

Section 211 (as redesignated by section 201 of this Act) is amended—

(1) by striking "vocational" each place the term appears and inserting "career"; and

(2) in subsection (b)—

(A) by striking paragraph (1) and inserting the following:

"(1) DETERMINATION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), no payments shall be made under this Act for any fiscal year to a State for career and technical education programs or tech-prep programs unless the Secretary determines that the average fiscal effort per student or the aggregate expenditures of such State for career and technical education programs for the 3 fiscal years preceding the fiscal year for which the determination is made, equaled or exceeded such effort or expenditures for career and technical education programs, for the 3 fiscal years preceding the fiscal year for which the determination is made.

"(B) COMPUTATION.—In computing the average fiscal effort or aggregate expenditures pursuant to subparagraph (A), the Secretary shall exclude capital expenditures, special one-time project costs, and the cost of pilot programs.

"(C) DECREASE IN FEDERAL SUPPORT.—If the amount made available for career and technical education programs under this Act for a fiscal year is less than the amount made available for career and technical education programs under this Act for the preceding fiscal year, then the average fiscal effort per student or the aggregate expenditures of a State required by subparagraph (A) for the 3 preceding fiscal years shall be decreased by the same percentage as the percentage decrease in the amount so made available."; and

(B) in paragraph (2), by striking "fiscal effort" both places the term appears and inserting "average fiscal effort".

SEC. 203. VOLUNTARY SELECTION AND PARTICIPATION.

Section 214 (as redesignated by section 201 of this Act) is amended by striking "vocational" both places the term appears and inserting "career".

SEC. 204. LIMITATION FOR CERTAIN STUDENTS.

Section 215 (as redesignated by section 201 of this Act) is amended by striking "vocational" and inserting "career".

SEC. 205. AUTHORIZATION OF SECRETARY; PARTICIPATION OF PRIVATE SCHOOL PERSONNEL.

Part A of title II (as redesignated by section 201 of this Act) is amended—

(1) by striking section 217;

(2) by redesignating section 218 as section 217; and

(3) in section 217 (as redesignated by paragraph (2) of this section)—

(A) by inserting "principals," after "for vocational and technical education teachers,";

(B) by inserting "principals," after "of vocational and technical education teachers,"; and

(C) by striking "vocational" each place the term appears and inserting "career".

SEC. 206. STUDENT ASSISTANCE AND OTHER FEDERAL PROGRAMS.

Section 225(c) (as redesignated by section 201 of this Act) is amended—

(1) in the subsection heading, by striking "VOCATIONAL" and inserting "CAREER"; and

(2) by striking "vocational" both places the term appears and inserting "career".

SEC. 207. TABLE OF CONTENTS.

Section 1(b) (20 U.S.C. 2301 note) is amended to read as follows:

"(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

"Sec. 1. Short title; table of contents.
"Sec. 2. Purpose.
"Sec. 3. Definitions.
"Sec. 4. Transition provisions.
"Sec. 5. Privacy.
"Sec. 6. Limitation.
"Sec. 7. Special rule.
"Sec. 8. Authorization of appropriations.

"TITLE I—CAREER AND TECHNICAL EDUCATION ASSISTANCE TO THE STATES

"PART A—ALLOTMENT AND ALLOCATION

"Sec. 111. Reservations and State allotment.
"Sec. 112. Within State allocation.
"Sec. 113. Accountability.
"Sec. 114. National activities.
"Sec. 115. Assistance for the outlying areas.
"Sec. 116. Native American program.
"Sec. 117. Tribally controlled postsecondary career and technical institutions.
"Sec. 118. Occupational and employment information.

"PART B—STATE PROVISIONS

"Sec. 121. State administration.
"Sec. 122. State plan.
"Sec. 123. Improvement plans.
"Sec. 124. State leadership activities.

"PART C—LOCAL PROVISIONS

"Sec. 131. Distribution of funds to secondary school programs.
"Sec. 132. Distribution of funds for postsecondary career and technical education programs.
"Sec. 133. Special rules for career and technical education.
"Sec. 134. Local plan for career and technical education programs.
"Sec. 135. Local uses of funds.

"PART D—TECH-PREP EDUCATION

"Sec. 141. State allotment and application.
"Sec. 142. Tech-prep education.
"Sec. 143. Consortium applications.
"Sec. 144. Authorization of appropriations.

"TITLE II—GENERAL PROVISIONS

"PART A—FEDERAL ADMINISTRATIVE PROVISIONS

"Sec. 211. Fiscal requirements.
"Sec. 212. Authority to make payments.
"Sec. 213. Construction.
"Sec. 214. Voluntary selection and participation.
"Sec. 215. Limitation for certain students.
"Sec. 216. Federal laws guaranteeing civil rights.
"Sec. 217. Participation of private school personnel.

"PART B—STATE ADMINISTRATIVE PROVISIONS

"Sec. 221. Joint funding.
"Sec. 222. Prohibition on use of funds to induce out-of-State relocation of businesses.
"Sec. 223. State administrative costs.
"Sec. 224. Limitation on Federal regulations.
"Sec. 225. Student assistance and other Federal programs.".

By Mr. REID (for himself and Mr. ENSIGN):

S. 252. A bill to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Dandini Research Park Transfer Act on behalf of myself and Senator ENSIGN. This bill will transfer an important tract of land in Washoe County, NV, to the University and Community College System of Nevada.

The University of Nevada holds two patents from the Bureau of Land Management for approximately 467 acres of public land located north of downtown Reno. In the early 1970s, the land was patented to the university pursuant to the Recreation and Public Purposes Act. Now known as the Dandini Research Park, it is the home of Truckee Meadows Community College and the Desert Research Institute's Northern Nevada Science Center.

Truckee Meadows Community College and its predecessor, Western Nevada Community College, have provided educational programs and opportunities to the residents of Reno, Sparks, and the surrounding communities for over 30 years. Construction of the College's facilities on the Dandini campus began in 1975, shortly after conveyance of the original patents.

For over 25 years the Desert Research Institute has excelled in applied scientific research and the application of technologies to improve people's lives in Nevada and throughout the world. Its three core divisions of Atmospheric, Hydrologic, and Earth and Ecosystem Sciences cooperate with two interdisciplinary centers to provide innovative solutions to pressing environmental problems. The Center for Arid Lands Environmental Management and the Center for Watersheds and Environmental Sustainability apply scientific understanding to the effective management of natural resources while addressing our needs for economic diversification and science-based educational opportunities. In doing so, DRI undertakes fundamental scientific research in Nevada and around the globe. For example, as a key participant in the U.S. Geological Survey Water Research Program, DRI plays a critical role in identifying and helping protect the region's scarce water resources.

DRI shares its facility with the Western Regional Climate Center, one of six regional climate centers operating under the National Oceanic and Atmospheric Administration's climate program. The Western Regional Climate Center conducts applied research and provides high quality climate data and information pertaining to the western United States.

The Desert Research Institute wishes to expand its Northern Nevada Science Center. DRI is considering an innovative means of financing the expansion, which would involve a private developer who would build and finance the expansion and lease it back to DRI. The private developers with whom DRI has discussed the proposal, as well as the Institute's counsel, however, have pointed out that the terms of the patents and the restrictions imposed by the Recreation and Public Purposes Act represent obstacles to such an arrangement.

Truckee Meadows Community College and the Northern Nevada Science Center are exceptional assets of the scientific and educational community in the Truckee Meadows. The Center serves not only the citizens of Washoe County, but the needs of all Nevadans and the western United States as well. It deserves the opportunity to grow and prosper with the community—one of the fastest-growing communities in the Nation.

The bill Senator ENSIGN and I present to you today simply directs the Secretary of the Interior to convey this property from the Bureau of Land Management to the University and Community College System of Nevada. Because of the overwhelming public benefit provided by the Center, we ask that the land be conveyed for free, but that the University cover the costs of the transaction.

During the 108th Congress this legislation received strong support from my colleagues and was passed by both the Energy and Natural Resources Committee and the Senate as a whole. I look forward to working with my fellow senators during this session to usher this important legislation towards final passage.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 252

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Dandini Research Park Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) BOARD OF REGENTS.—The term "Board of Regents" means the Board of Regents of the University and Community College System of Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 3. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) CONVEYANCE.—

(1) IN GENERAL.—The Secretary shall convey to the Board of Regents, without consideration, all right, title, and interest of the United States in and to the approximately 467 acres of land located in Washoe County, Nevada, patented to the University of Nevada under the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), and described in paragraph (2).

(2) DESCRIPTION OF LAND.—The land referred to in paragraph (1) is—

(A) the parcel of land consisting of approximately 309.11 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 1, 2, 3, 4, 5, and 11, SE¼NW¼, NE¼SW¼, Mount Diablo Meridian, Nevada; and

(B) the parcel of land consisting of approximately 158.22 acres and more particularly described as T. 20 N., R. 19 E., Sec. 25, lots 6 and 7, SW¼NE¼, NW¼SE¼, Mount Diablo Meridian, Nevada.

(b) COSTS.—The Board of Regents shall pay to the United States an amount equal to the costs of the Secretary associated with the conveyance under subsection (a)(1).

(c) CONDITIONS.—If the Board of Regents sells any portion of the land conveyed to the Board of Regents under subsection (a)(1)—

(1) the amount of consideration for the sale shall reflect fair market value, as determined by an appraisal; and

(2) the Board of Regents shall pay to the Secretary an amount equal to the net proceeds of the sale, for use by the Director of the Bureau of Land Management in the State of Nevada, without further appropriation.

By Mr. REID (for himself and Mr. ENSIGN):

S. 253. A bill to direct the Secretary of the Interior to convey certain land to the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada, for the construction of a post building and memorial park for use by the American Legion, other veterans' groups, and the local community; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today to introduce the Pahrump American Legion Post Land Conveyance Act for myself and Senator ENSIGN. This Act will transfer approximately 5 acres of BLM land in Pahrump, NV, to the American Legion for the purpose of constructing a post home and other facilities that will benefit veterans' groups and the local community.

The American Legion and other nonprofit organizations that represent our Nation's veterans in the vicinity of Pahrump have tripled in size over the last 10 years. The local memberships of the American Legion, the Veterans of Foreign Wars, and the Disabled American Veterans will soon exceed 1,000 members, and these groups will continue to expand as Pahrump draws more and more new residents.

The existing facility used by the veterans in Pahrump was built by the Veterans of Foreign Wars in the 1960s. It is much too small and not at all adequate for the veterans' current needs. The nearest facility that can accommodate them is located in Las Vegas more than 60 miles away.

The Pahrump American Legion would like to build a post building, veterans' garden, and memorial park. These new facilities would benefit not only the local veterans, but would be made available—at no cost—for community activities. The American Legion has tried for over six years to acquire a suitable tract of land to provide a home for a new veterans center. The Legion started a pledge campaign and raised over $16,000 for the building fund before the parcel of land they sought to acquire was removed from consideration by the BLM. Unfortunately, other tracts of land that might represent alternative sites in Pahrump are not suitable.

This situation is truly regrettable. Without a home, the Pahrump American Legion Post can't offer the kind of services and programs that the veterans in the area deserve. Our veterans aren't the only ones who are suffering, either. All across the United States, the American Legion is deservedly famous for supporting community activities like the Boy Scouts and Girl Scouts, as well as the National Oratorical Contest, American Legion Baseball, Girls and Boys State, and other activities for young people. All of these worthy groups and projects would benefit from the construction of a new post home, and from the conveyance of this small parcel of federal land. In sum, this bill is good for veterans, good for kids, and good for hard-working Nevada families.

Our bill simply directs the Secretary of the Interior to convey this property from the Bureau of Land Management to American Legion "Edward H McDaniel" Post No. 22 in Pahrump. Because of the great public benefit such a facility will provide, we ask that the land be conveyed for free, but that the American Legion cover the costs of the transaction.

I was pleased that my distinguished colleagues recognized the value of this legislation during the 108th Congress and supported its passage by the Energy and Natural Resources Committee and by the Senate as a whole. I look forward to working with my friends to move this bill in a timely manner during the current session.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 253

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Edward H. McDaniel American Legion Post No. 22 Land Conveyance Act".

SEC. 2. DEFINITIONS.

In this Act:

(1) POST NO. 22.—The term "Post No. 22" means the Edward H. McDaniel American Legion Post No. 22 in Pahrump, Nevada.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the Bureau of Land Management.

SEC. 3. CONVEYANCE OF LAND TO EDWARD H. MCDANIEL AMERICAN LEGION POST NO. 22.

(a) CONVEYANCE ON CONDITION SUBSEQUENT.—Not later than 180 days after the date of enactment of this Act, subject to valid existing rights and the condition stated in subsection (c) and in accordance with the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869 et seq.), the Secretary shall convey to Post No. 22, for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (b).

(b) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of Bureau of Land Management land that—

(1) is bounded by Route 160, Bride Street, and Dandelion Road in Nye County, Nevada;

(2) consists of approximately 4.5 acres of land; and

(3) is more particularly described as a portion of the S ½ of section 29, T. 20 S., R. 54 E., Mount Diablo and Base Meridian.

(c) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—Post No. 22 and any successors of Post No. 22 shall use the parcel of land described in section (b) for the construction and operation of a post building and memorial park for use by Post No. 22, other veterans groups, and the local community for events and activities.

(2) REVERSION.—Except as provided in paragraph (3), if the Secretary, after notice to Post No. 22 and an opportunity for a hearing, makes a finding that Post No. 22 has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1) and Post No. 22 fails to discontinue that use, title to the parcel shall revert to the United States, to be administered by the Secretary.

(3) WAIVER.—The Secretary may waive the requirements of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

By Mr. REID (for himself and Mr. ENSIGN):

S. 254. A bill to direct the Secretary of the Interior to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Energy' and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce this bill, which will address a long standing public land issue in central Nevada. As you may know, the Federal Government controls over 87 percent of the lands in the State of Nevada. This means that Nevadans must frequently seek the assistance of Congress to deal with land issues that would otherwise be relatively uncomplicated. Today we offer a bill to address a simple land ownership issue in Lander and Eureka Counties.

This bill would convey two small cemeteries in central Nevada from federal control back to the local communities to which they should belong. The cemeteries in question the Kingston Cemetery in Lander County and the Maiden's Grave Cemetery in Eureka County—were first established by pioneers and immigrants who settled the isolated high desert valleys of the Great Basin in the mid-1800s. These same pioneers created the Kingston and Maiden's Grave cemeteries to serve as sacred resting places for friends and family. Unfortunately, years after their founding, the private nature of these lands was overlooked and the cemeteries were placed in the hands of federal land management agencies. Today much of the original Kingston Cemetery is on land managed by the U.S. Forest Service and the Maiden's Grave Cemetery in Beowawe sits on land managed by the Bureau of Land Management.

Under current law, these agencies must sell the cemeteries back to the communities at fair market value. However, these historic cemeteries were established prior to the designation of the Federal agencies that now manage them. For years, Lander County has been required to lease much of the Kingston Cemetery from the Forest Service. The Forest Service previously sold approximately 1 acre to the Town of Kingston, but this land transfer did not allow for the protection of uncharted graves or for the implementation of the communty' s original site plan.

Because the people of Beowawe and Kingston should not have to buy or lease cemeteries that are rightfully theirs, our bill provides for the simple conveyance of the Maiden's Grave Cemetery to Eureka County and the balance of the original location of the Kingston Cemetery to Lander County, NV. The conveyances provided by this bill will benefit our federal land managers as well as our rural communities. The disposal of these small parcels of land for no consideration will benefit the United States because they represent isolated tracts that prove difficult to manage for public use.

In the 108th Congress I was pleased that this bill received approval from the Energy and Natural Resources Committee and from the Senate as a whole. I look forward to working with my colleagues to complete this small conveyance during the current Congress. It is time that we restore ownership of these two small rural cemeteries to the communities to which they rightfully belong.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 254

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Nevada Rural Cemeteries Act".

SEC. 2. CONVEYANCE TO LANDER COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Kingston Cemetery" in Kingston, Nevada, predates incorporation of the land within the jurisdiction of the Forest Service on which the cemetery is situated;

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency;

(3) in accordance with Public Law 85–569 (commonly known as the "Townsite Act") (16 U.S.C. 478a), the Forest Service has conveyed to the Town of Kingston 1.25 acres of the land on which historic gravesites have been identified; and

(4) to ensure that all areas that may have unmarked gravesites are included, and to ensure the availability of adequate gravesite space in future years, an additional parcel consisting of approximately 8.75 acres should be conveyed to the county so as to include the total amount of the acreage included in the original permit issued by the Forest Service for the cemetery.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of Agriculture, acting through the Chief of the Forest Service (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Lander County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of National Forest System land (including any improvements on the land) known as "Kingston Cemetery", consisting of approximately 10 acres and more particularly described as SW¼SE¼SE¼ of section 36, T. 16N., R. 43E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over Forest Development Road #20307B, notwithstanding any future closing of the road for other use.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

SEC. 3. CONVEYANCE TO EUREKA COUNTY, NEVADA.

(a) FINDINGS.—Congress finds that—

(1) the historical use by settlers and travelers since the late 1800's of the cemetery known as "Maiden's Grave Cemetery" in Beowawe, Nevada, predates incorporation of the land within the jurisdiction of the Bureau of Land Management on which the cemetery is situated; and

(2) it is appropriate that that use be continued through local public ownership of the parcel rather than through the permitting process of the Federal agency.

(b) CONVEYANCE ON CONDITION SUBSEQUENT.—Subject to valid existing rights and the condition stated in subsection (e), the Secretary of the Interior, acting through the Director of the Bureau of Land Management (referred to in this section as the "Secretary"), not later than 90 days after the date of enactment of this Act, shall convey to Eureka County, Nevada (referred to in this section as the "county"), for no consideration, all right, title, and interest of the United States in and to the parcel of land described in subsection (c).

(c) DESCRIPTION OF LAND.—The parcel of land referred to in subsection (b) is the parcel of public land (including any improvements on the land) known as "Maiden's Grave Cemetery", consisting of approximately 10 acres and more particularly described as S½NE¼SW¼SW¼, N½SE¼SW¼SW¼ of section 10, T.31N., R.49E., Mount Diablo Meridian.

(d) EASEMENT.—At the time of the conveyance under subsection (b), subject to subsection (e)(2), the Secretary shall grant the county an easement allowing access for persons desiring to visit the cemetery and other cemetery purposes over an appropriate access route consistent with current access.

(e) CONDITION ON USE OF LAND.—

(1) IN GENERAL.—The county (including its successors) shall continue the use of the parcel conveyed under subsection (b) as a cemetery.

(2) REVERSION.—If the Secretary, after notice to the county and an opportunity for a hearing, makes a finding that the county has used or permitted the use of the parcel for any purpose other than the purpose specified in paragraph (1), and the county fails to discontinue that use—

(A) title to the parcel shall revert to the Secretary, to be administered by the Secretary; and

(B) the easement granted to the county under subsection (d) shall be revoked.

(3) WAIVER.—The Secretary may waive the application of subparagraph (A) or (B) of paragraph (2) if the Secretary determines that a waiver would be in the best interests of the United States.

By Mr. GRASSLEY (for himself, Mr. HATCH, Mr. SESSIONS, Mr. THUNE, Mr. CARPER, Mr. NELSON of Nebraska, Mr. SHELBY, and Mr. ENZI):

S. 256. A bill to amend title 11 of the United States Code, and for other purposes; to the Committee on the Judiciary.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 256

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Bankruptcy Abuse Prevention and Consumer Protection Act of 2005".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; references; table of contents.

TITLE I—NEEDS-BASED BANKRUPTCY

Sec. 101. Conversion.
Sec. 102. Dismissal or conversion.
Sec. 103. Sense of Congress and study.
Sec. 104. Notice of alternatives.
Sec. 105. Debtor financial management training test program.
Sec. 106. Credit counseling.
Sec. 107. Schedules of reasonable and necessary expenses.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

Sec. 201. Promotion of alternative dispute resolution.
Sec. 202. Effect of discharge.
Sec. 203. Discouraging abuse of reaffirmation agreement practices.
Sec. 204. Preservation of claims and defenses upon sale of predatory loans.
Sec. 205. GAO study and report on reaffirmation agreement process.

Subtitle B—Priority Child Support

Sec. 211. Definition of domestic support obligation.
Sec. 212. Priorities for claims for domestic support obligations.
Sec. 213. Requirements to obtain confirmation and discharge in cases involving domestic support obligations.
Sec. 214. Exceptions to automatic stay in domestic support obligation proceedings.
Sec. 215. Nondischargeability of certain debts for alimony, maintenance, and support.
Sec. 216. Continued liability of property.
Sec. 217. Protection of domestic support claims against preferential transfer motions.
Sec. 218. Disposable income defined.
Sec. 219. Collection of child support.
Sec. 220. Nondischargeability of certain educational benefits and loans.

Subtitle C—Other Consumer Protections

Sec. 221. Amendments to discourage abusive bankruptcy filings.
Sec. 222. Sense of Congress.
Sec. 223. Additional amendments to title 11, United States Code.
Sec. 224. Protection of retirement savings in bankruptcy.
Sec. 225. Protection of education savings in bankruptcy.
Sec. 226. Definitions.
Sec. 227. Restrictions on debt relief agencies.
Sec. 228. Disclosures.
Sec. 229. Requirements for debt relief agencies.
Sec. 230. GAO study.
Sec. 231. Protection of personally identifiable information.
Sec. 232. Consumer privacy ombudsman.
Sec. 233. Prohibition on disclosure of name of minor children.

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

Sec. 301. Reinforcement of the fresh start.
Sec. 302. Discouraging bad faith repeat filings.
Sec. 303. Curbing abusive filings.
Sec. 304. Debtor retention of personal property security.
Sec. 305. Relief from the automatic stay when the debtor does not complete intended surrender of consumer debt collateral.
Sec. 306. Giving secured creditors fair treatment in chapter 13.
Sec. 307. Domiciliary requirements for exemptions.
Sec. 308. Reduction of homestead exemption for fraud.
Sec. 309. Protecting secured creditors in chapter 13 cases.
Sec. 310. Limitation on luxury goods.
Sec. 311. Automatic stay.
Sec. 312. Extension of period between bankruptcy discharges.
Sec. 313. Definition of household goods and antiques.
Sec. 314. Debt incurred to pay nondischargeable debts.
Sec. 315. Giving creditors fair notice in chapters 7 and 13 cases.
Sec. 316. Dismissal for failure to timely file schedules or provide required information.
Sec. 317. Adequate time to prepare for hearing on confirmation of the plan.
Sec. 318. Chapter 13 plans to have a 5-year duration in certain cases.
Sec. 319. Sense of Congress regarding expansion of rule 9011 of the Federal Rules of Bankruptcy Procedure.
Sec. 320. Prompt relief from stay in individual cases.
Sec. 321. Chapter 11 cases filed by individuals.
Sec. 322. Limitations on homestead exemption.
Sec. 323. Excluding employee benefit plan participant contributions and other property from the estate.
Sec. 324. Exclusive jurisdiction in matters involving bankruptcy professionals.
Sec. 325. United States trustee program filing fee increase.
Sec. 326. Sharing of compensation.
Sec. 327. Fair valuation of collateral.
Sec. 328. Defaults based on nonmonetary obligations.
Sec. 329. Clarification of postpetition wages and benefits.
Sec. 330. Delay of discharge during pendency of certain proceedings.

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

Sec. 401. Adequate protection for investors.
Sec. 402. Meetings of creditors and equity security holders.
Sec. 403. Protection of refinance of security interest.
Sec. 404. Executory contracts and unexpired leases.
Sec. 405. Creditors and equity security holders committees.
Sec. 406. Amendment to section 546 of title 11, United States Code.
Sec. 407. Amendments to section 330(a) of title 11, United States Code.
Sec. 408. Postpetition disclosure and solicitation.
Sec. 409. Preferences.
Sec. 410. Venue of certain proceedings.
Sec. 411. Period for filing plan under chapter 11.
Sec. 412. Fees arising from certain ownership interests.
Sec. 413. Creditor representation at first meeting of creditors.
Sec. 414. Definition of disinterested person.
Sec. 415. Factors for compensation of professional persons.
Sec. 416. Appointment of elected trustee.
Sec. 417. Utility service.
Sec. 418. Bankruptcy fees.
Sec. 419. More complete information regarding assets of the estate.

Subtitle B—Small Business Bankruptcy Provisions

Sec. 431. Flexible rules for disclosure statement and plan.
Sec. 432. Definitions.
Sec. 433. Standard form disclosure statement and plan.
Sec. 434. Uniform national reporting requirements.
Sec. 435. Uniform reporting rules and forms for small business cases.
Sec. 436. Duties in small business cases.
Sec. 437. Plan filing and confirmation deadlines.
Sec. 438. Plan confirmation deadline.
Sec. 439. Duties of the United States trustee.
Sec. 440. Scheduling conferences.
Sec. 441. Serial filer provisions.
Sec. 442. Expanded grounds for dismissal or conversion and appointment of trustee.
Sec. 443. Study of operation of title 11, United States Code, with respect to small businesses.
Sec. 444. Payment of interest.
Sec. 445. Priority for administrative expenses.
Sec. 446. Duties with respect to a debtor who is a plan administrator of an employee benefit plan.
Sec. 447. Appointment of committee of retired employees.

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

Sec. 501. Petition and proceedings related to petition.
Sec. 502. Applicability of other sections to chapter 9.

TITLE VI—BANKRUPTCY DATA

Sec. 601. Improved bankruptcy statistics.
Sec. 602. Uniform rules for the collection of bankruptcy data.
Sec. 603. Audit procedures.
Sec. 604. Sense of Congress regarding availability of bankruptcy data.

TITLE VII—BANKRUPTCY TAX PROVISIONS

Sec. 701. Treatment of certain liens.

Sec. 702. Treatment of fuel tax claims.
Sec. 703. Notice of request for a determination of taxes.
Sec. 704. Rate of interest on tax claims.
Sec. 705. Priority of tax claims.
Sec. 706. Priority property taxes incurred.
Sec. 707. No discharge of fraudulent taxes in chapter 13.
Sec. 708. No discharge of fraudulent taxes in chapter 11.
Sec. 709. Stay of tax proceedings limited to prepetition taxes.
Sec. 710. Periodic payment of taxes in chapter 11 cases.
Sec. 711. Avoidance of statutory tax liens prohibited.
Sec. 712. Payment of taxes in the conduct of business.
Sec. 713. Tardily filed priority tax claims.
Sec. 714. Income tax returns prepared by tax authorities.
Sec. 715. Discharge of the estate's liability for unpaid taxes.
Sec. 716. Requirement to file tax returns to confirm chapter 13 plans.
Sec. 717. Standards for tax disclosure.
Sec. 718. Setoff of tax refunds.
Sec. 719. Special provisions related to the treatment of State and local taxes.
Sec. 720. Dismissal for failure to timely file tax returns.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

Sec. 801. Amendment to add chapter 15 to title 11, United States Code.
Sec. 802. Other amendments to titles 11 and 28, United States Code.

TITLE IX—FINANCIAL CONTRACT PROVISIONS

Sec. 901. Treatment of certain agreements by conservators or receivers of insured depository institutions.
Sec. 902. Authority of the FDIC and NCUAB with respect to failed and failing institutions.
Sec. 903. Amendments relating to transfers of qualified financial contracts.
Sec. 904. Amendments relating to disaffirmance or repudiation of qualified financial contracts.
Sec. 905. Clarifying amendment relating to master agreements.
Sec. 906. Federal Deposit Insurance Corporation Improvement Act of 1991.
Sec. 907. Bankruptcy law amendments.
Sec. 908. Recordkeeping requirements.
Sec. 909. Exemptions from contemporaneous execution requirement.
Sec. 910. Damage measure.
Sec. 911. SIPC stay.

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

Sec. 1001. Permanent reenactment of chapter 12.
Sec. 1002. Debt limit increase.
Sec. 1003. Certain claims owed to governmental units.
Sec. 1004. Definition of family farmer.
Sec. 1005. Elimination of requirement that family farmer and spouse receive over 50 percent of income from farming operation in year prior to bankruptcy.
Sec. 1006. Prohibition of retroactive assessment of disposable income.
Sec. 1007. Family fishermen.

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

Sec. 1101. Definitions.
Sec. 1102. Disposal of patient records.
Sec. 1103. Administrative expense claim for costs of closing a health care business and other administrative expenses.
Sec. 1104. Appointment of ombudsman to act as patient advocate.
Sec. 1105. Debtor in possession; duty of trustee to transfer patients.
Sec. 1106. Exclusion from program participation not subject to automatic stay.

TITLE XII—TECHNICAL AMENDMENTS

Sec. 1201. Definitions.
Sec. 1202. Adjustment of dollar amounts.
Sec. 1203. Extension of time.
Sec. 1204. Technical amendments.
Sec. 1205. Penalty for persons who negligently or fraudulently prepare bankruptcy petitions.
Sec. 1206. Limitation on compensation of professional persons.
Sec. 1207. Effect of conversion.
Sec. 1208. Allowance of administrative expenses.
Sec. 1209. Exceptions to discharge.
Sec. 1210. Effect of discharge.
Sec. 1211. Protection against discriminatory treatment.
Sec. 1212. Property of the estate.
Sec. 1213. Preferences.
Sec. 1214. Postpetition transactions.
Sec. 1215. Disposition of property of the estate.
Sec. 1216. General provisions.
Sec. 1217. Abandonment of railroad line.
Sec. 1218. Contents of plan.
Sec. 1219. Bankruptcy cases and proceedings.
Sec. 1220. Knowing disregard of bankruptcy law or rule.
Sec. 1221. Transfers made by nonprofit charitable corporations.
Sec. 1222. Protection of valid purchase money security interests.
Sec. 1223. Bankruptcy Judgeships.
Sec. 1224. Compensating trustees.
Sec. 1225. Amendment to section 362 of title 11, United States Code.
Sec. 1226. Judicial education.
Sec. 1227. Reclamation.
Sec. 1228. Providing requested tax documents to the court.
Sec. 1229. Encouraging creditworthiness.
Sec. 1230. Property no longer subject to redemption.
Sec. 1231. Trustees.
Sec. 1232. Bankruptcy forms.
Sec. 1233. Direct appeals of bankruptcy matters to courts of appeals.
Sec. 1234. Involuntary cases.
Sec. 1235. Federal election law fines and penalties as nondischargeable debt.

TITLE XIII—CONSUMER CREDIT DISCLOSURE

Sec. 1301. Enhanced disclosures under an open end credit plan.
Sec. 1302. Enhanced disclosure for credit extensions secured by a dwelling.
Sec. 1303. Disclosures related to "introductory rates".
Sec. 1304. Internet-based credit card solicitations.
Sec. 1305. Disclosures related to late payment deadlines and penalties.
Sec. 1306. Prohibition on certain actions for failure to incur finance charges.
Sec. 1307. Dual use debit card.
Sec. 1308. Study of bankruptcy impact of credit extended to dependent students.
Sec. 1309. Clarification of clear and conspicuous.

TITLE XIV—PREVENTING CORPORATE BANKRUPTCY ABUSE

Sec. 1401. Employee wage and benefit priorities.
Sec. 1402. Fraudulent transfers and obligations.
Sec. 1403. Payment of insurance benefits to retired employees.
Sec. 1404. Effective date; application of amendments.

TITLE XV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

Sec. 1501. Effective date; application of amendments.
Sec. 1502. Technical corrections.

TITLE I—NEEDS-BASED BANKRUPTCY

SEC. 101. CONVERSION.

Section 706(c) of title 11, United States Code, is amended by inserting "or consents to" after "requests".

SEC. 102. DISMISSAL OR CONVERSION.

(a) IN GENERAL.—Section 707 of title 11, United States Code, is amended—

(1) by striking the section heading and inserting the following:

"§ 707. Dismissal of a case or conversion to a case under chapter 11 or 13";

and

(2) in subsection (b)—

(A) by inserting "(1)" after "(b)";

(B) in paragraph (1), as so redesignated by subparagraph (A) of this paragraph—

(i) in the first sentence—

(I) by striking "but not at the request or suggestion of" and inserting "trustee (or bankruptcy administrator, if any), or";

(II) by inserting ", or, with the debtor's consent, convert such a case to a case under chapter 11 or 13 of this title," after "consumer debts"; and

(III) by striking "a substantial abuse" and inserting "an abuse"; and

(ii) by striking the next to last sentence; and

(C) by adding at the end the following:

"(2)(A)(i) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter, the court shall presume abuse exists if the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv), and multiplied by 60 is not less than the lesser of—

"(I) 25 percent of the debtor's nonpriority unsecured claims in the case, or $6,000, whichever is greater; or

"(II) $10,000.

"(ii)(I) The debtor's monthly expenses shall be the debtor's applicable monthly expense amounts specified under the National Standards and Local Standards, and the debtor's actual monthly expenses for the categories specified as Other Necessary Expenses issued by the Internal Revenue Service for the area in which the debtor resides, as in effect on the date of the order for relief, for the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case, if the spouse is not otherwise a dependent. Notwithstanding any other provision of this clause, the monthly expenses of the debtor shall not include any payments for debts. In addition, the debtor's monthly expenses shall include the debtor's reasonably necessary expenses incurred to maintain the safety of the debtor and the family of the debtor from family violence as identified under section 309 of the Family Violence Prevention and Services Act, or other applicable Federal law. The expenses included in the debtor's monthly expenses described in the preceding sentence shall be kept confidential by the court. In addition, if it is demonstrated that it is reasonable and necessary, the debtor's monthly expenses may also include an additional allowance for food and clothing of up to 5 percent of the food and clothing categories as specified by the National Standards issued by the Internal Revenue Service.

“(II) In addition, the debtor's monthly expenses may include, if applicable, the continuation of actual expenses paid by the debtor that are reasonable and necessary for care and support of an elderly, chronically ill, or disabled household member or member of the debtor's immediate family (including parents, grandparents, siblings, children, and grandchildren of the debtor, the dependents of the debtor, and the spouse of the debtor in a joint case who is not a dependent) and who is unable to pay for such reasonable and necessary expenses.

“(III) In addition, for a debtor eligible for chapter 13, the debtor's monthly expenses may include the actual administrative expenses of administering a chapter 13 plan for the district in which the debtor resides, up to an amount of 10 percent of the projected plan payments, as determined under schedules issued by the Executive Office for United States Trustees.

“(IV) In addition, the debtor's monthly expenses may include the actual expenses for each dependent child less than 18 years of age, not to exceed $1,500 per year per child, to attend a private or public elementary or secondary school if the debtor provides documentation of such expenses and a detailed explanation of why such expenses are reasonable and necessary, and why such expenses are not already accounted for in the National Standards, Local Standards, or Other Necessary Expenses referred to in subclause (I).

“(V) In addition, the debtor's monthly expenses may include an allowance for housing and utilities, in excess of the allowance specified by the Local Standards for housing and utilities issued by the Internal Revenue Service, based on the actual expenses for home energy costs if the debtor provides documentation of such actual expenses and demonstrates that such actual expenses are reasonable and necessary.

“(iii) The debtor's average monthly payments on account of secured debts shall be calculated as the sum of—

“(I) the total of all amounts scheduled as contractually due to secured creditors in each month of the 60 months following the date of the petition; and

“(II) any additional payments to secured creditors necessary for the debtor, in filing a plan under chapter 13 of this title, to maintain possession of the debtor's primary residence, motor vehicle, or other property necessary for the support of the debtor and the debtor's dependents, that serves as collateral for secured debts;

divided by 60.

“(iv) The debtor's expenses for payment of all priority claims (including priority child support and alimony claims) shall be calculated as the total amount of debts entitled to priority, divided by 60.

“(B)(i) In any proceeding brought under this subsection, the presumption of abuse may only be rebutted by demonstrating special circumstances that justify additional expenses or adjustments of current monthly income for which there is no reasonable alternative.

“(ii) In order to establish special circumstances, the debtor shall be required to itemize each additional expense or adjustment of income and to provide—

“(I) documentation for such expense or adjustment to income; and

“(II) a detailed explanation of the special circumstances that make such expenses or adjustment to income necessary and reasonable.

“(iii) The debtor shall attest under oath to the accuracy of any information provided to demonstrate that additional expenses or adjustments to income are required.

“(iv) The presumption of abuse may only be rebutted if the additional expenses or adjustments to income referred to in clause (i) cause the product of the debtor's current monthly income reduced by the amounts determined under clauses (ii), (iii), and (iv) of subparagraph (A) when multiplied by 60 to be less than the lesser of—

“(I) 25 percent of the debtor's nonpriority unsecured claims, or $6,000, whichever is greater; or

“(II) $10,000.

“(C) As part of the schedule of current income and expenditures required under section 521, the debtor shall include a statement of the debtor's current monthly income, and the calculations that determine whether a presumption arises under subparagraph (A)(i), that show how each such amount is calculated.

“(3) In considering under paragraph (1) whether the granting of relief would be an abuse of the provisions of this chapter in a case in which the presumption in subparagraph (A)(i) of such paragraph does not arise or is rebutted, the court shall consider—

“(A) whether the debtor filed the petition in bad faith; or

“(B) the totality of the circumstances (including whether the debtor seeks to reject a personal services contract and the financial need for such rejection as sought by the debtor) of the debtor's financial situation demonstrates abuse.

“(4)(A) The court, on its own initiative or on the motion of a party in interest, in accordance with the procedures described in rule 9011 of the Federal Rules of Bankruptcy Procedure, may order the attorney for the debtor to reimburse the trustee for all reasonable costs in prosecuting a motion filed under section 707(b), including reasonable attorneys' fees, if—

“(i) a trustee files a motion for dismissal or conversion under this subsection; and

“(ii) the court—

“(I) grants such motion; and

“(II) finds that the action of the attorney for the debtor in filing a case under this chapter violated rule 9011 of the Federal Rules of Bankruptcy Procedure.

“(B) If the court finds that the attorney for the debtor violated rule 9011 of the Federal Rules of Bankruptcy Procedure, the court, on its own initiative or on the motion of a party in interest, in accordance with such procedures, may order—

“(i) the assessment of an appropriate civil penalty against the attorney for the debtor; and

“(ii) the payment of such civil penalty to the trustee, the United States trustee (or the bankruptcy administrator, if any).

“(C) The signature of an attorney on a petition, pleading, or written motion shall constitute a certification that the attorney has—

“(i) performed a reasonable investigation into the circumstances that gave rise to the petition, pleading, or written motion; and

“(ii) determined that the petition, pleading, or written motion—

“(I) is well grounded in fact; and

“(II) is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law and does not constitute an abuse under paragraph (1).

“(D) The signature of an attorney on the petition shall constitute a certification that the attorney has no knowledge after an inquiry that the information in the schedules filed with such petition is incorrect.

“(5)(A) Except as provided in subparagraph (B) and subject to paragraph (6), the court, on its own initiative or on the motion of a party in interest, in accordance with the procedures described in rule 9011 of the Federal Rules of Bankruptcy Procedure, may award a debtor all reasonable costs (including reasonable attorneys' fees) in contesting a motion filed by a party in interest (other than a trustee or United States trustee (or bankruptcy administrator, if any)) under this subsection if—

“(i) the court does not grant the motion; and

“(ii) the court finds that—

“(I) the position of the party that filed the motion violated rule 9011 of the Federal Rules of Bankruptcy Procedure; or

“(II) the attorney (if any) who filed the motion did not comply with the requirements of clauses (i) and (ii) of paragraph (4)(C), and the motion was made solely for the purpose of coercing a debtor into waiving a right guaranteed to the debtor under this title.

“(B) A small business that has a claim of an aggregate amount less than $1,000 shall not be subject to subparagraph (A)(ii)(I).

“(C) For purposes of this paragraph—

“(i) the term ‘small business’ means an unincorporated business, partnership, corporation, association, or organization that—

“(I) has fewer than 25 full-time employees as determined on the date on which the motion is filed; and

“(II) is engaged in commercial or business activity; and

“(ii) the number of employees of a wholly owned subsidiary of a corporation includes the employees of—

“(I) a parent corporation; and

“(II) any other subsidiary corporation of the parent corporation.

“(6) Only the judge or United States trustee (or bankruptcy administrator, if any) may file a motion under section 707(b), if the current monthly income of the debtor, or in a joint case, the debtor and the debtor's spouse, as of the date of the order for relief, when multiplied by 12, is equal to or less than—

“(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

“(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

“(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

“(7)(A) No judge, United States trustee (or bankruptcy administrator, if any), trustee, or other party in interest may file a motion under paragraph (2) if the current monthly income of the debtor and the debtor's spouse combined, as of the date of the order for relief when multiplied by 12, is equal to or less than—

“(i) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

“(ii) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

“(iii) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.

"(B) In a case that is not a joint case, current monthly income of the debtor's spouse shall not be considered for purposes of subparagraph (A) if—

"(i)(I) the debtor and the debtor's spouse are separated under applicable nonbankruptcy law; or

"(II) the debtor and the debtor's spouse are living separate and apart, other than for the purpose of evading subparagraph (A); and

"(ii) the debtor files a statement under penalty of perjury—

"(I) specifying that the debtor meets the requirement of subclause (I) or (II) of clause (i); and

"(II) disclosing the aggregate, or best estimate of the aggregate, amount of any cash or money payments received from the debtor's spouse attributed to the debtor's current monthly income.".

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (10) the following:

"(10A) 'current monthly income'—

"(A) means the average monthly income from all sources that the debtor receives (or in a joint case the debtor and the debtor's spouse receive) without regard to whether such income is taxable income, derived during the 6-month period ending on—

"(i) the last day of the calendar month immediately preceding the date of the commencement of the case if the debtor files the schedule of current income required by section 521(a)(1)(B)(ii); or

"(ii) the date on which current income is determined by the court for purposes of this title if the debtor does not file the schedule of current income required by section 521(a)(1)(B)(ii); and

"(B) includes any amount paid by any entity other than the debtor (or in a joint case the debtor and the debtor's spouse), on a regular basis for the household expenses of the debtor or the debtor's dependents (and in a joint case the debtor's spouse if not otherwise a dependent), but excludes benefits received under the Social Security Act, payments to victims of war crimes or crimes against humanity on account of their status as victims of such crimes, and payments to victims of international terrorism (as defined in section 2331 of title 18) or domestic terrorism (as defined in section 2331 of title 18) on account of their status as victims of such terrorism;".

(c) UNITED STATES TRUSTEE AND BANKRUPTCY ADMINISTRATOR DUTIES.—Section 704 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The trustee shall—"; and

(2) by adding at the end the following:

"(b)(1) With respect to a debtor who is an individual in a case under this chapter—

"(A) the United States trustee (or the bankruptcy administrator, if any) shall review all materials filed by the debtor and, not later than 10 days after the date of the first meeting of creditors, file with the court a statement as to whether the debtor's case would be presumed to be an abuse under section 707(b); and

"(B) not later than 5 days after receiving a statement under subparagraph (A), the court shall provide a copy of the statement to all creditors.

"(2) The United States trustee (or bankruptcy administrator, if any) shall, not later than 30 days after the date of filing a statement under paragraph (1), either file a motion to dismiss or convert under section 707(b) or file a statement setting forth the reasons the United States trustee (or the bankruptcy administrator, if any) does not consider such a motion to be appropriate, if the United States trustee (or the bankruptcy administrator, if any) determines that the debtor's case should be presumed to be an abuse under section 707(b) and the product of the debtor's current monthly income, multiplied by 12 is not less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner; or

"(B) in the case of a debtor in a household of 2 or more individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals.".

(d) NOTICE.—Section 342 of title 11, United States Code, is amended by adding at the end the following:

"(d) In a case under chapter 7 of this title in which the debtor is an individual and in which the presumption of abuse arises under section 707(b), the clerk shall give written notice to all creditors not later than 10 days after the date of the filing of the petition that the presumption of abuse has arisen.".

(e) NONLIMITATION OF INFORMATION.—Nothing in this title shall limit the ability of a creditor to provide information to a judge (except for information communicated ex parte, unless otherwise permitted by applicable law), United States trustee (or bankruptcy administrator, if any), or trustee.

(f) DISMISSAL FOR CERTAIN CRIMES.—Section 707 of title 11, United States Code, is amended by adding at the end the following:

"(c)(1) In this subsection—

"(A) the term 'crime of violence' has the meaning given such term in section 16 of title 18; and

"(B) the term 'drug trafficking crime' has the meaning given such term in section 924(c)(2) of title 18.

"(2) Except as provided in paragraph (3), after notice and a hearing, the court, on a motion by the victim of a crime of violence or a drug trafficking crime, may when it is in the best interest of the victim dismiss a voluntary case filed under this chapter by a debtor who is an individual if such individual was convicted of such crime.

"(3) The court may not dismiss a case under paragraph (2) if the debtor establishes by a preponderance of the evidence that the filing of a case under this chapter is necessary to satisfy a claim for a domestic support obligation.".

(g) CONFIRMATION OF PLAN.—Section 1325(a) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (6) the following:

"(7) the action of the debtor in filing the petition was in good faith;".

(h) APPLICABILITY OF MEANS TEST TO CHAPTER 13.—Section 1325(b) of title 11, United States Code, is amended—

(1) in paragraph (1)(B), by inserting "to unsecured creditors" after "to make payments"; and

(2) by striking paragraph (2) and inserting the following:

"(2) For purposes of this subsection, the term 'disposable income' means current monthly income received by the debtor (other than child support payments, foster care payments, or disability payments for a dependent child made in accordance with applicable nonbankruptcy law to the extent reasonably necessary to be expended for such child) less amounts reasonably necessary to be expended—

"(A)(i) for the maintenance or support of the debtor or a dependent of the debtor, or for a domestic support obligation, that first becomes payable after the date the petition is filed; and

"(ii) for charitable contributions (that meet the definition of 'charitable contribution' under section 548(d)(3) to a qualified religious or charitable entity or organization (as defined in section 548(d)(4)) in an amount not to exceed 15 percent of gross income of the debtor for the year in which the contributions are made; and

"(B) if the debtor is engaged in business, for the payment of expenditures necessary for the continuation, preservation, and operation of such business.

"(3) Amounts reasonably necessary to be expended under paragraph (2) shall be determined in accordance with subparagraphs (A) and (B) of section 707(b)(2), if the debtor has current monthly income, when multiplied by 12, greater than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4.".

(i) SPECIAL ALLOWANCE FOR HEALTH INSURANCE.—Section 1329(a) of title 11, United States Code, is amended—

(1) in paragraph (2) by striking "or" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) reduce amounts to be paid under the plan by the actual amount expended by the debtor to purchase health insurance for the debtor (and for any dependent of the debtor if such dependent does not otherwise have health insurance coverage) if the debtor documents the cost of such insurance and demonstrates that—

"(A) such expenses are reasonable and necessary;

"(B)(i) if the debtor previously paid for health insurance, the amount is not materially larger than the cost the debtor previously paid or the cost necessary to maintain the lapsed policy; or

"(ii) if the debtor did not have health insurance, the amount is not materially larger than the reasonable cost that would be incurred by a debtor who purchases health insurance, who has similar income, expenses, age, and health status, and who lives in the same geographical location with the same number of dependents who do not otherwise have health insurance coverage; and

"(C) the amount is not otherwise allowed for purposes of determining disposable income under section 1325(b) of this title;

and upon request of any party in interest, files proof that a health insurance policy was purchased.".

(j) ADJUSTMENT OF DOLLAR AMOUNTS.—Section 104(b) of title 11, United States Code, is amended by striking "and 523(a)(2)(C)" each place it appears and inserting "523(a)(2)(C), 707(b), and 1325(b)(3)".

(k) DEFINITION OF 'MEDIAN FAMILY INCOME'.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (39) the following:

"(39A) 'median family income' means for any year—

"(A) the median family income both calculated and reported by the Bureau of the Census in the then most recent year; and

"(B) if not so calculated and reported in the then current year, adjusted annually after such most recent year until the next year in which median family income is both calculated and reported by the Bureau of the Census, to reflect the percentage change in the Consumer Price Index for All Urban Consumers during the period of years occurring after such most recent year and before such current year;".

(k) CLERICAL AMENDMENT.—The table of sections for chapter 7 of title 11, United States Code, is amended by striking the item relating to section 707 and inserting the following:

"707. Dismissal of a case or conversion to a case under chapter 11 or 13.".

SEC. 103. SENSE OF CONGRESS AND STUDY.

(a) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of the Treasury has the authority to alter the Internal Revenue Service standards established to set guidelines for repayment plans as needed to accommodate their use under section 707(b) of title 11, United States Code.

(b) STUDY.—

(1) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing the findings of the Director regarding the utilization of Internal Revenue Service standards for determining—

(A) the current monthly expenses of a debtor under section 707(b) of title 11, United States Code; and

(B) the impact that the application of such standards has had on debtors and on the bankruptcy courts.

(2) RECOMMENDATION.—The report under paragraph (1) may include recommendations for amendments to title 11, United States Code, that are consistent with the findings of the Director under paragraph (1).

SEC. 104. NOTICE OF ALTERNATIVES.

Section 342(b) of title 11, United States Code, is amended to read as follows:

"(b) Before the commencement of a case under this title by an individual whose debts are primarily consumer debts, the clerk shall give to such individual written notice containing—

"(1) a brief description of—

"(A) chapters 7, 11, 12, and 13 and the general purpose, benefits, and costs of proceeding under each of those chapters; and

"(B) the types of services available from credit counseling agencies; and

"(2) statements specifying that—

"(A) a person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury in connection with a case under this title shall be subject to fine, imprisonment, or both; and

"(B) all information supplied by a debtor in connection with a case under this title is subject to examination by the Attorney General.".

SEC. 105. DEBTOR FINANCIAL MANAGEMENT TRAINING TEST PROGRAM.

(a) DEVELOPMENT OF FINANCIAL MANAGEMENT AND TRAINING CURRICULUM AND MATERIALS.—The Director of the Executive Office for United States Trustees (in this section referred to as the "Director") shall consult with a wide range of individuals who are experts in the field of debtor education, including trustees who serve in cases under chapter 13 of title 11, United States Code, and who operate financial management education programs for debtors, and shall develop a financial management training curriculum and materials that can be used to educate debtors who are individuals on how to better manage their finances.

(b) TEST.—

(1) SELECTION OF DISTRICTS.—The Director shall select 6 judicial districts of the United States in which to test the effectiveness of the financial management training curriculum and materials developed under subsection (a).

(2) USE.—For an 18-month period beginning not later than 270 days after the date of the enactment of this Act, such curriculum and materials shall be, for the 6 judicial districts selected under paragraph (1), used as the instructional course concerning personal financial management for purposes of section 111 of title 11, United States Code.

(c) EVALUATION.—

(1) IN GENERAL.—During the 18-month period referred to in subsection (b), the Director shall evaluate the effectiveness of—

(A) the financial management training curriculum and materials developed under subsection (a); and

(B) a sample of existing consumer education programs such as those described in the Report of the National Bankruptcy Review Commission (October 20, 1997) that are representative of consumer education programs carried out by the credit industry, by trustees serving under chapter 13 of title 11, United States Code, and by consumer counseling groups.

(2) REPORT.—Not later than 3 months after concluding such evaluation, the Director shall submit a report to the Speaker of the House of Representatives and the President pro tempore of the Senate, for referral to the appropriate committees of the Congress, containing the findings of the Director regarding the effectiveness of such curriculum, such materials, and such programs and their costs.

SEC. 106. CREDIT COUNSELING.

(a) WHO MAY BE A DEBTOR.—Section 109 of title 11, United States Code, is amended by adding at the end the following:

"(h)(1) Subject to paragraphs (2) and (3), and notwithstanding any other provision of this section, an individual may not be a debtor under this title unless such individual has, during the 180-day period preceding the date of filing of the petition by such individual, received from an approved nonprofit budget and credit counseling agency described in section 111(a) an individual or group briefing (including a briefing conducted by telephone or on the Internet) that outlined the opportunities for available credit counseling and assisted such individual in performing a related budget analysis.

"(2)(A) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved nonprofit budget and credit counseling agencies for such district are not reasonably able to provide adequate services to the additional individuals who would otherwise seek credit counseling from such agencies by reason of the requirements of paragraph (1).

"(B) The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in subparagraph (A) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter. Notwithstanding the preceding sentence, a nonprofit budget and credit counseling agency may be disapproved by the United States trustee (or the bankruptcy administrator, if any) at any time.

"(3)(A) Subject to subparagraph (B), the requirements of paragraph (1) shall not apply with respect to a debtor who submits to the court a certification that—

"(i) describes exigent circumstances that merit a waiver of the requirements of paragraph (1);

"(ii) states that the debtor requested credit counseling services from an approved nonprofit budget and credit counseling agency, but was unable to obtain the services referred to in paragraph (1) during the 5-day period beginning on the date on which the debtor made that request; and

"(iii) is satisfactory to the court.

"(B) With respect to a debtor, an exemption under subparagraph (A) shall cease to apply to that debtor on the date on which the debtor meets the requirements of paragraph (1), but in no case may the exemption apply to that debtor after the date that is 30 days after the debtor files a petition, except that the court, for cause, may order an additional 15 days.".

(b) CHAPTER 7 DISCHARGE.—Section 727(a) of title 11, United States Code, is amended—

(1) in paragraph (9), by striking "or" at the end;

(2) in paragraph (10), by striking the period and inserting "; or"; and

(3) by adding at the end the following:

"(11) after filing the petition, the debtor failed to complete an instructional course concerning personal financial management described in section 111, except that this paragraph shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional courses under this section (The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in this paragraph shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter.).".

(c) CHAPTER 13 DISCHARGE.—Section 1328 of title 11, United States Code, is amended by adding at the end the following:

"(g)(1) The court shall not grant a discharge under this section to a debtor unless after filing a petition the debtor has completed an instructional course concerning personal financial management described in section 111.

"(2) Paragraph (1) shall not apply with respect to a debtor who resides in a district for which the United States trustee (or the bankruptcy administrator, if any) determines that the approved instructional courses are not adequate to service the additional individuals who would otherwise be required to complete such instructional course by reason of the requirements of paragraph (1).

"(3) The United States trustee (or the bankruptcy administrator, if any) who makes a determination described in paragraph (2) shall review such determination not later than 1 year after the date of such determination, and not less frequently than annually thereafter.".

(d) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "The debtor shall—"; and

(2) by adding at the end the following:

“(b) In addition to the requirements under subsection (a), a debtor who is an individual shall file with the court—

“(1) a certificate from the approved nonprofit budget and credit counseling agency that provided the debtor services under section 109(h) describing the services provided to the debtor; and

“(2) a copy of the debt repayment plan, if any, developed under section 109(h) through the approved nonprofit budget and credit counseling agency referred to in paragraph (1).”.

(e) GENERAL PROVISIONS.—

(1) IN GENERAL.—Chapter 1 of title 11, United States Code, is amended by adding at the end the following:

“§ 111. Nonprofit budget and credit counseling agencies; financial management instructional courses

“(a) The clerk shall maintain a publicly available list of—

“(1) nonprofit budget and credit counseling agencies that provide 1 or more services described in section 109(h) currently approved by the United States trustee (or the bankruptcy administrator, if any); and

“(2) instructional courses concerning personal financial management currently approved by the United States trustee (or the bankruptcy administrator, if any), as applicable.

“(b) The United States trustee (or bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency or an instructional course concerning personal financial management as follows:

“(1) The United States trustee (or bankruptcy administrator, if any) shall have thoroughly reviewed the qualifications of the nonprofit budget and credit counseling agency or of the provider of the instructional course under the standards set forth in this section, and the services or instructional courses that will be offered by such agency or such provider, and may require such agency or such provider that has sought approval to provide information with respect to such review.

“(2) The United States trustee (or bankruptcy administrator, if any) shall have determined that such agency or such instructional course fully satisfies the applicable standards set forth in this section.

“(3) If a nonprofit budget and credit counseling agency or instructional course did not appear on the approved list for the district under subsection (a) immediately before approval under this section, approval under this subsection of such agency or such instructional course shall be for a probationary period not to exceed 6 months.

“(4) At the conclusion of the applicable probationary period under paragraph (3), the United States trustee (or bankruptcy administrator, if any) may only approve for an additional 1-year period, and for successive 1-year periods thereafter, an agency or instructional course that has demonstrated during the probationary or applicable subsequent period of approval that such agency or instructional course—

“(A) has met the standards set forth under this section during such period; and

“(B) can satisfy such standards in the future.

“(5) Not later than 30 days after any final decision under paragraph (4), an interested person may seek judicial review of such decision in the appropriate district court of the United States.

“(c)(1) The United States trustee (or the bankruptcy administrator, if any) shall only approve a nonprofit budget and credit counseling agency that demonstrates that it will provide qualified counselors, maintain adequate provision for safekeeping and payment of client funds, provide adequate counseling with respect to client credit problems, and deal responsibly and effectively with other matters relating to the quality, effectiveness, and financial security of the services it provides.

“(2) To be approved by the United States trustee (or the bankruptcy administrator, if any), a nonprofit budget and credit counseling agency shall, at a minimum—

“(A) have a board of directors the majority of which—

“(i) are not employed by such agency; and

“(ii) will not directly or indirectly benefit financially from the outcome of the counseling services provided by such agency;

“(B) if a fee is charged for counseling services, charge a reasonable fee, and provide services without regard to ability to pay the fee;

“(C) provide for safekeeping and payment of client funds, including an annual audit of the trust accounts and appropriate employee bonding;

“(D) provide full disclosures to a client, including funding sources, counselor qualifications, possible impact on credit reports, and any costs of such program that will be paid by such client and how such costs will be paid;

“(E) provide adequate counseling with respect to a client's credit problems that includes an analysis of such client's current financial condition, factors that caused such financial condition, and how such client can develop a plan to respond to the problems without incurring negative amortization of debt;

“(F) provide trained counselors who receive no commissions or bonuses based on the outcome of the counseling services provided by such agency, and who have adequate experience, and have been adequately trained to provide counseling services to individuals in financial difficulty, including the matters described in subparagraph (E);

“(G) demonstrate adequate experience and background in providing credit counseling; and

“(H) have adequate financial resources to provide continuing support services for budgeting plans over the life of any repayment plan.

“(d) The United States trustee (or the bankruptcy administrator, if any) shall only approve an instructional course concerning personal financial management—

“(1) for an initial probationary period under subsection (b)(3) if the course will provide at a minimum—

“(A) trained personnel with adequate experience and training in providing effective instruction and services;

“(B) learning materials and teaching methodologies designed to assist debtors in understanding personal financial management and that are consistent with stated objectives directly related to the goals of such instructional course;

“(C) adequate facilities situated in reasonably convenient locations at which such instructional course is offered, except that such facilities may include the provision of such instructional course by telephone or through the Internet, if such instructional course is effective; and

“(D) the preparation and retention of reasonable records (which shall include the debtor's bankruptcy case number) to permit evaluation of the effectiveness of such instructional course, including any evaluation of satisfaction of instructional course requirements for each debtor attending such instructional course, which shall be available for inspection and evaluation by the Executive Office for United States Trustees, the United States trustee (or the bankruptcy administrator, if any), or the chief bankruptcy judge for the district in which such instructional course is offered; and

“(2) for any 1-year period if the provider thereof has demonstrated that the course meets the standards of paragraph (1) and, in addition—

“(A) has been effective in assisting a substantial number of debtors to understand personal financial management; and

“(B) is otherwise likely to increase substantially the debtor's understanding of personal financial management.

“(e) The district court may, at any time, investigate the qualifications of a nonprofit budget and credit counseling agency referred to in subsection (a), and request production of documents to ensure the integrity and effectiveness of such agency. The district court may, at any time, remove from the approved list under subsection (a) a nonprofit budget and credit counseling agency upon finding such agency does not meet the qualifications of subsection (b).

“(f) The United States trustee (or the bankruptcy administrator, if any) shall notify the clerk that a nonprofit budget and credit counseling agency or an instructional course is no longer approved, in which case the clerk shall remove it from the list maintained under subsection (a).

“(g)(1) No nonprofit budget and credit counseling agency may provide to a credit reporting agency information concerning whether a debtor has received or sought instruction concerning personal financial management from such agency.

“(2) A nonprofit budget and credit counseling agency that willfully or negligently fails to comply with any requirement under this title with respect to a debtor shall be liable for damages in an amount equal to the sum of—

“(A) any actual damages sustained by the debtor as a result of the violation; and

“(B) any court costs or reasonable attorneys' fees (as determined by the court) incurred in an action to recover those damages.”.

(2) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, is amended by adding at the end the following:

“111. Nonprofit budget and credit counseling agencies; financial management instructional courses.”.

(f) LIMITATION.—Section 362 of title 11, United States Code, is amended by adding at the end the following:

“(i) If a case commenced under chapter 7, 11, or 13 is dismissed due to the creation of a debt repayment plan, for purposes of subsection (c)(3), any subsequent case commenced by the debtor under any such chapter shall not be presumed to be filed not in good faith.

“(j) On request of a party in interest, the court shall issue an order under subsection (c) confirming that the automatic stay has been terminated.”.

SEC. 107. SCHEDULES OF REASONABLE AND NECESSARY EXPENSES.

For purposes of section 707(b) of title 11, United States Code, as amended by this Act, the Director of the Executive Office for United States Trustees shall, not later than 180 days after the date of enactment of this

Act, issue schedules of reasonable and necessary administrative expenses of administering a chapter 13 plan for each judicial district of the United States.

TITLE II—ENHANCED CONSUMER PROTECTION

Subtitle A—Penalties for Abusive Creditor Practices

SEC. 201. PROMOTION OF ALTERNATIVE DISPUTE RESOLUTION.

(a) REDUCTION OF CLAIM.—Section 502 of title 11, United States Code, is amended by adding at the end the following:

"(k)(1) The court, on the motion of the debtor and after a hearing, may reduce a claim filed under this section based in whole on an unsecured consumer debt by not more than 20 percent of the claim, if—

"(A) the claim was filed by a creditor who unreasonably refused to negotiate a reasonable alternative repayment schedule proposed on behalf of the debtor by an approved nonprofit budget and credit counseling agency described in section 111;

"(B) the offer of the debtor under subparagraph (A)—

"(i) was made at least 60 days before the date of the filing of the petition; and

"(ii) provided for payment of at least 60 percent of the amount of the debt over a period not to exceed the repayment period of the loan, or a reasonable extension thereof; and

"(C) no part of the debt under the alternative repayment schedule is nondischargeable.

"(2) The debtor shall have the burden of proving, by clear and convincing evidence, that—

"(A) the creditor unreasonably refused to consider the debtor's proposal; and

"(B) the proposed alternative repayment schedule was made prior to expiration of the 60-day period specified in paragraph (1)(B)(i).".

(b) LIMITATION ON AVOIDABILITY.—Section 547 of title 11, United States Code, is amended by adding at the end the following:

"(h) The trustee may not avoid a transfer if such transfer was made as a part of an alternative repayment schedule between the debtor and any creditor of the debtor created by an approved nonprofit budget and credit counseling agency.".

SEC. 202. EFFECT OF DISCHARGE.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

"(i) The willful failure of a creditor to credit payments received under a plan confirmed under this title, unless the order confirming the plan is revoked, the plan is in default, or the creditor has not received payments required to be made under the plan in the manner required by the plan (including crediting the amounts required under the plan), shall constitute a violation of an injunction under subsection (a)(2) if the act of the creditor to collect and failure to credit payments in the manner required by the plan caused material injury to the debtor.

"(j) Subsection (a)(2) does not operate as an injunction against an act by a creditor that is the holder of a secured claim, if—

"(1) such creditor retains a security interest in real property that is the principal residence of the debtor;

"(2) such act is in the ordinary course of business between the creditor and the debtor; and

"(3) such act is limited to seeking or obtaining periodic payments associated with a valid security interest in lieu of pursuit of in rem relief to enforce the lien.".

SEC. 203. DISCOURAGING ABUSE OF REAFFIRMATION AGREEMENT PRACTICES.

(a) IN GENERAL.—Section 524 of title 11, United States Code, as amended section 202, is amended—

(1) in subsection (c), by striking paragraph (2) and inserting the following:

"(2) the debtor received the disclosures described in subsection (k) at or before the time at which the debtor signed the agreement;"; and

(2) by adding at the end the following:

"(k)(1) The disclosures required under subsection (c)(2) shall consist of the disclosure statement described in paragraph (3), completed as required in that paragraph, together with the agreement specified in subsection (c), statement, declaration, motion and order described, respectively, in paragraphs (4) through (8), and shall be the only disclosures required in connection with entering into such agreement.

"(2) Disclosures made under paragraph (1) shall be made clearly and conspicuously and in writing. The terms 'Amount Reaffirmed' and 'Annual Percentage Rate' shall be disclosed more conspicuously than other terms, data or information provided in connection with this disclosure, except that the phrases 'Before agreeing to reaffirm a debt, review these important disclosures' and 'Summary of Reaffirmation Agreement' may be equally conspicuous. Disclosures may be made in a different order and may use terminology different from that set forth in paragraphs (2) through (8), except that the terms 'Amount Reaffirmed' and 'Annual Percentage Rate' must be used where indicated.

"(3) The disclosure statement required under this paragraph shall consist of the following:

"(A) The statement: 'Part A: Before agreeing to reaffirm a debt, review these important disclosures:';

"(B) Under the heading 'Summary of Reaffirmation Agreement', the statement: 'This Summary is made pursuant to the requirements of the Bankruptcy Code';

"(C) The 'Amount Reaffirmed', using that term, which shall be—

"(i) the total amount of debt that the debtor agrees to reaffirm by entering into an agreement of the kind specified in subsection (c), and

"(ii) the total of any fees and costs accrued as of the date of the disclosure statement, related to such total amount.

"(D) In conjunction with the disclosure of the 'Amount Reaffirmed', the statements—

"(i) 'The amount of debt you have agreed to reaffirm'; and

"(ii) 'Your credit agreement may obligate you to pay additional amounts which may come due after the date of this disclosure. Consult your credit agreement.'.

"(E) The 'Annual Percentage Rate', using that term, which shall be disclosed as—

"(i) if, at the time the petition is filed, the debt is an extension of credit under an open end credit plan, as the terms 'credit' and 'open end credit plan' are defined in section 103 of the Truth in Lending Act, then—

"(I) the annual percentage rate determined under paragraphs (5) and (6) of section 127(b) of the Truth in Lending Act, as applicable, as disclosed to the debtor in the most recent periodic statement prior to entering into an agreement of the kind specified in subsection (c) or, if no such periodic statement has been given to the debtor during the prior 6 months, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of each such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under subclause (I) and the simple interest rate under subclause (II); or

"(ii) if, at the time the petition is filed, the debt is an extension of credit other than under an open end credit plan, as the terms 'credit' and 'open end credit plan' are defined in section 103 of the Truth in Lending Act, then—

"(I) the annual percentage rate under section 128(a)(4) of the Truth in Lending Act, as disclosed to the debtor in the most recent disclosure statement given to the debtor prior to the entering into an agreement of the kind specified in subsection (c) with respect to the debt, or, if no such disclosure statement was given to the debtor, the annual percentage rate as it would have been so disclosed at the time the disclosure statement is given to the debtor, or to the extent this annual percentage rate is not readily available or not applicable, then

"(II) the simple interest rate applicable to the amount reaffirmed as of the date the disclosure statement is given to the debtor, or if different simple interest rates apply to different balances, the simple interest rate applicable to each such balance, identifying the amount of such balance included in the amount reaffirmed, or

"(III) if the entity making the disclosure elects, to disclose the annual percentage rate under (I) and the simple interest rate under (II).

"(F) If the underlying debt transaction was disclosed as a variable rate transaction on the most recent disclosure given under the Truth in Lending Act, by stating 'The interest rate on your loan may be a variable interest rate which changes from time to time, so that the annual percentage rate disclosed here may be higher or lower.'.

"(G) If the debt is secured by a security interest which has not been waived in whole or in part or determined to be void by a final order of the court at the time of the disclosure, by disclosing that a security interest or lien in goods or property is asserted over some or all of the debts the debtor is reaffirming and listing the items and their original purchase price that are subject to the asserted security interest, or if not a purchase-money security interest then listing by items or types and the original amount of the loan.

"(H) At the election of the creditor, a statement of the repayment schedule using 1 or a combination of the following—

"(i) by making the statement: 'Your first payment in the amount of $ is due on ______ but the future payment amount may be different. Consult your reaffirmation agreement or credit agreement, as applicable.', and stating the amount of the first payment and the due date of that payment in the places provided;

"(ii) by making the statement: 'Your payment schedule will be:', and describing the repayment schedule with the number, amount, and due dates or period of payments scheduled to repay the debts reaffirmed to the extent then known by the disclosing party; or "(iii) by describing the debtor's repayment obligations with reasonable specificity to the extent then known by the disclosing party.

"(I) The following statement: 'Note: When this disclosure refers to what a creditor "may" do, it does not use the word "may" to give the creditor specific permission. The word "may" is used to tell you what might occur if the law permits the creditor to take the action. If you have questions about your reaffirming a debt or what the law requires, consult with the attorney who helped you negotiate this agreement reaffirming a debt. If you don't have an attorney helping you, the judge will explain the effect of your reaffirming a debt when the hearing on the reaffirmation agreement is held.'.

"(J)(i) The following additional statements:

"'Reaffirming a debt is a serious financial decision. The law requires you to take certain steps to make sure the decision is in your best interest. If these steps are not completed, the reaffirmation agreement is not effective, even though you have signed it.

"'1. Read the disclosures in this Part A carefully. Consider the decision to reaffirm carefully. Then, if you want to reaffirm, sign the reaffirmation agreement in Part B (or you may use a separate agreement you and your creditor agree on).

"'2. Complete and sign Part D and be sure you can afford to make the payments you are agreeing to make and have received a copy of the disclosure statement and a completed and signed reaffirmation agreement.

"'3. If you were represented by an attorney during the negotiation of your reaffirmation agreement, the attorney must have signed the certification in Part C.

"'4. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, you must have completed and signed Part E.

"'5. The original of this disclosure must be filed with the court by you or your creditor. If a separate reaffirmation agreement (other than the one in Part B) has been signed, it must be attached.

"'6. If you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court unless the reaffirmation is presumed to be an undue hardship as explained in Part D.

"'7. If you were not represented by an attorney during the negotiation of your reaffirmation agreement, it will not be effective unless the court approves it. The court will notify you of the hearing on your reaffirmation agreement. You must attend this hearing in bankruptcy court where the judge will review your reaffirmation agreement. The bankruptcy court must approve your reaffirmation agreement as consistent with your best interests, except that no court approval is required if your reaffirmation agreement is for a consumer debt secured by a mortgage, deed of trust, security deed, or other lien on your real property, like your home.

"'Your right to rescind (cancel) your reaffirmation agreement. You may rescind (cancel) your reaffirmation agreement at any time before the bankruptcy court enters a discharge order, or before the expiration of the 60-day period that begins on the date your reaffirmation agreement is filed with the court, whichever occurs later. To rescind (cancel) your reaffirmation agreement, you must notify the creditor that your reaffirmation agreement is rescinded (or canceled).

"'What are your obligations if you reaffirm the debt? A reaffirmed debt remains your personal legal obligation. It is not discharged in your bankruptcy case. That means that if you default on your reaffirmed debt after your bankruptcy case is over, your creditor may be able to take your property or your wages. Otherwise, your obligations will be determined by the reaffirmation agreement which may have changed the terms of the original agreement. For example, if you are reaffirming an open end credit agreement, the creditor may be permitted by that agreement or applicable law to change the terms of that agreement in the future under certain conditions.

"'Are you required to enter into a reaffirmation agreement by any law? No, you are not required to reaffirm a debt by any law. Only agree to reaffirm a debt if it is in your best interest. Be sure you can afford the payments you agree to make.

"'What if your creditor has a security interest or lien? Your bankruptcy discharge does not eliminate any lien on your property. A "lien" is often referred to as a security interest, deed of trust, mortgage or security deed. Even if you do not reaffirm and your personal liability on the debt is discharged, because of the lien your creditor may still have the right to take the security property if you do not pay the debt or default on it. If the lien is on an item of personal property that is exempt under your State's law or that the trustee has abandoned, you may be able to redeem the item rather than reaffirm the debt. To redeem, you make a single payment to the creditor equal to the current value of the security property, as agreed by the parties or determined by the court.'.

"(ii) In the case of a reaffirmation under subsection (m)(2), numbered paragraph 6 in the disclosures required by clause (i) of this subparagraph shall read as follows:

"'6. If you were represented by an attorney during the negotiation of your reaffirmation agreement, your reaffirmation agreement becomes effective upon filing with the court.'.

"(4) The form of such agreement required under this paragraph shall consist of the following:

"'Part B: Reaffirmation Agreement. I (we) agree to reaffirm the debts arising under the credit agreement described below.

"'Brief description of credit agreement:

"'Description of any changes to the credit agreement made as part of this reaffirmation agreement:

"'Signature: Date:

"'Borrower:

"'Co-borrower, if also reaffirming these debts:

"'Accepted by creditor:

"'Date of creditor acceptance:'.

"(5) The declaration shall consist of the following:

"(A) The following certification:

"'Part C: Certification by Debtor's Attorney (If Any).

"'I hereby certify that (1) this agreement represents a fully informed and voluntary agreement by the debtor; (2) this agreement does not impose an undue hardship on the debtor or any dependent of the debtor; and (3) I have fully advised the debtor of the legal effect and consequences of this agreement and any default under this agreement.

"'Signature of Debtor's Attorney: Date:'.

"(B) If a presumption of undue hardship has been established with respect to such agreement, such certification shall state that in the opinion of the attorney, the debtor is able to make the payment.

"(C) In the case of a reaffirmation agreement under subsection (m)(2), subparagraph (B) is not applicable.

"(6)(A) The statement in support of such agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'Part D: Debtor's Statement in Support of Reaffirmation Agreement.

"'1. I believe this reaffirmation agreement will not impose an undue hardship on my dependents or me. I can afford to make the payments on the reaffirmed debt because my monthly income (take home pay plus any other income received) is $, and my actual current monthly expenses including monthly payments on post-bankruptcy debt and other reaffirmation agreements total $, leaving $ to make the required payments on this reaffirmed debt. I understand that if my income less my monthly expenses does not leave enough to make the payments, this reaffirmation agreement is presumed to be an undue hardship on me and must be reviewed by the court. However, this presumption may be overcome if I explain to the satisfaction of the court how I can afford to make the payments here:

"'2. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(B) Where the debtor is represented by an attorney and is reaffirming a debt owed to a creditor defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act, the statement of support of the reaffirmation agreement, which the debtor shall sign and date prior to filing with the court, shall consist of the following:

"'I believe this reaffirmation agreement is in my financial interest. I can afford to make the payments on the reaffirmed debt. I received a copy of the Reaffirmation Disclosure Statement in Part A and a completed and signed reaffirmation agreement.'.

"(7) The motion that may be used if approval of such agreement by the court is required in order for it to be effective, shall be signed and dated by the movant and shall consist of the following:

"'Part E: Motion for Court Approval (To be completed only if the debtor is not represented by an attorney.). I (we), the debtor(s), affirm the following to be true and correct:

"'I am not represented by an attorney in connection with this reaffirmation agreement.

"'I believe this reaffirmation agreement is in my best interest based on the income and expenses I have disclosed in my Statement in Support of this reaffirmation agreement, and because (provide any additional relevant reasons the court should consider):

"'Therefore, I ask the court for an order approving this reaffirmation agreement.'.

"(8) The court order, which may be used to approve such agreement, shall consist of the following:

"'Court Order: The court grants the debtor's motion and approves the reaffirmation agreement described above.'.

"(l) Notwithstanding any other provision of this title the following shall apply:

"(1) A creditor may accept payments from a debtor before and after the filing of an agreement of the kind specified in subsection (c) with the court.

"(2) A creditor may accept payments from a debtor under such agreement that the creditor believes in good faith to be effective.

"(3) The requirements of subsections (c)(2) and (k) shall be satisfied if disclosures required under those subsections are given in good faith.

"(m)(1) Until 60 days after an agreement of the kind specified in subsection (c) is filed with the court (or such additional period as the court, after notice and a hearing and for cause, orders before the expiration of such period), it shall be presumed that such agreement is an undue hardship on the debtor if the debtor's monthly income less the debtor's monthly expenses as shown on the debtor's completed and signed statement in support of such agreement required under subsection (k)(6)(A) is less than the scheduled payments on the reaffirmed debt. This presumption shall be reviewed by the court. The presumption may be rebutted in writing by the debtor if the statement includes an explanation that identifies additional sources of funds to make the payments as agreed upon under the terms of such agreement. If the presumption is not rebutted to the satisfaction of the court, the court may disapprove such agreement. No agreement shall be disapproved without notice and a hearing to the debtor and creditor, and such hearing shall be concluded before the entry of the debtor's discharge.

"(2) This subsection does not apply to reaffirmation agreements where the creditor is a credit union, as defined in section 19(b)(1)(A)(iv) of the Federal Reserve Act.".

(b) LAW ENFORCEMENT.—

(1) IN GENERAL.—Chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"§ 158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules

"(a) IN GENERAL.—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of section 152 or 157 relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.

"(b) UNITED STATES ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION.—The individuals referred to in subsection (a) are—

"(1) the United States attorney for each judicial district of the United States; and

"(2) an agent of the Federal Bureau of Investigation for each field office of the Federal Bureau of Investigation.

"(c) BANKRUPTCY INVESTIGATIONS.—Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

"(d) BANKRUPTCY PROCEDURES.—The bankruptcy courts shall establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 9 of title 18, United States Code, is amended by adding at the end the following:

"158. Designation of United States attorneys and agents of the Federal Bureau of Investigation to address abusive reaffirmations of debt and materially fraudulent statements in bankruptcy schedules.".

SEC. 204. PRESERVATION OF CLAIMS AND DEFENSES UPON SALE OF PREDATORY LOANS.

Section 363 of title 11, United States Code, is amended—

(1) by redesignating subsection (o) as subsection (p), and

(2) by inserting after subsection (n) the following:

"(o) Notwithstanding subsection (f), if a person purchases any interest in a consumer credit transaction that is subject to the Truth in Lending Act or any interest in a consumer credit contract (as defined in section 433.1 of title 16 of the Code of Federal Regulations (January 1, 2004), as amended from time to time), and if such interest is purchased through a sale under this section, then such person shall remain subject to all claims and defenses that are related to such consumer credit transaction or such consumer credit contract, to the same extent as such person would be subject to such claims and defenses of the consumer had such interest been purchased at a sale not under this section.".

SEC. 205. GAO STUDY AND REPORT ON REAFFIRMATION AGREEMENT PROCESS.

(a) STUDY.—The Comptroller General of the United States shall conduct a study of the reaffirmation agreement process that occurs under title 11 of the United States Code, to determine the overall treatment of consumers within the context of such process, and shall include in such study consideration of—

(1) the policies and activities of creditors with respect to reaffirmation agreements; and

(2) whether consumers are fully, fairly, and consistently informed of their rights pursuant to such title.

(b) REPORT TO THE CONGRESS.—Not later than 18 months after the date of the enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report on the results of the study conducted under subsection (a), together with recommendations for legislation (if any) to address any abusive or coercive tactics found in connection with the reaffirmation agreement process that occurs under title 11 of the United States Code.

Subtitle B—Priority Child Support

SEC. 211. DEFINITION OF DOMESTIC SUPPORT OBLIGATION.

Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (12A); and

(2) by inserting after paragraph (14) the following:

"(14A) 'domestic support obligation' means a debt that accrues before, on, or after the date of the order for relief in a case under this title, including interest that accrues on that debt as provided under applicable nonbankruptcy law notwithstanding any other provision of this title, that is—

"(A) owed to or recoverable by—

"(i) a spouse, former spouse, or child of the debtor or such child's parent, legal guardian, or responsible relative; or

"(ii) a governmental unit;

"(B) in the nature of alimony, maintenance, or support (including assistance provided by a governmental unit) of such spouse, former spouse, or child of the debtor or such child's parent, without regard to whether such debt is expressly so designated;

"(C) established or subject to establishment before, on, or after the date of the order for relief in a case under this title, by reason of applicable provisions of—

"(i) a separation agreement, divorce decree, or property settlement agreement;

"(ii) an order of a court of record; or

"(iii) a determination made in accordance with applicable nonbankruptcy law by a governmental unit; and

"(D) not assigned to a nongovernmental entity, unless that obligation is assigned voluntarily by the spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative for the purpose of collecting the debt;".

SEC. 212. PRIORITIES FOR CLAIMS FOR DOMESTIC SUPPORT OBLIGATIONS.

Section 507(a) of title 11, United States Code, is amended—

(1) by striking paragraph (7);

(2) by redesignating paragraphs (1) through (6) as paragraphs (2) through (7), respectively;

(3) in paragraph (2), as so redesignated, by striking "First" and inserting "Second";

(4) in paragraph (3), as so redesignated, by striking "Second" and inserting "Third";

(5) in paragraph (4), as so redesignated—

(A) by striking "Third" and inserting "Fourth"; and

(B) by striking the semicolon at the end and inserting a period;

(6) in paragraph (5), as so redesignated, by striking "Fourth" and inserting "Fifth";

(7) in paragraph (6), as so redesignated, by striking "Fifth" and inserting "Sixth";

(8) in paragraph (7), as so redesignated, by striking "Sixth" and inserting "Seventh"; and

(9) by inserting before paragraph (2), as so redesignated, the following:

"(1) First:

"(A) Allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition in a case under this title, are owed to or recoverable by a spouse, former spouse, or child of the debtor, or such child's parent, legal guardian, or responsible relative, without regard to whether the claim is filed by such person or is filed by a governmental unit on behalf of such person, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition shall be applied and distributed in accordance with applicable nonbankruptcy law.

"(B) Subject to claims under subparagraph (A), allowed unsecured claims for domestic support obligations that, as of the date of the filing of the petition, are assigned by a spouse, former spouse, child of the debtor, or such child's parent, legal guardian, or responsible relative to a governmental unit (unless such obligation is assigned voluntarily by the spouse, former spouse, child, parent, legal guardian, or responsible relative of the child for the purpose of collecting the debt) or are owed directly to or recoverable by a governmental unit under applicable nonbankruptcy law, on the condition that funds received under this paragraph by a governmental unit under this title after the date of the filing of the petition be applied and distributed in accordance with applicable nonbankruptcy law.

"(C) If a trustee is appointed or elected under section 701, 702, 703, 1104, 1202, or 1302, the administrative expenses of the trustee allowed under paragraphs (1)(A), (2), and (6) of section 503(b) shall be paid before payment of claims under subparagraphs (A) and (B), to the extent that the trustee administers assets that are otherwise available for the payment of such claims.".

SEC. 213. REQUIREMENTS TO OBTAIN CONFIRMATION AND DISCHARGE IN CASES INVOLVING DOMESTIC SUPPORT OBLIGATIONS.

Title 11, United States Code, is amended—

(1) in section 1129(a), by adding at the end the following:

"(14) If the debtor is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, the debtor has paid all amounts payable under such order or such statute for such obligation that first become payable after the date of the filing of the petition.";

(2) in section 1208(c)—

(A) in paragraph (8), by striking "or" at the end;

(B) in paragraph (9), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(10) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.";

(3) in section 1222(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(4) in section 1222(b)—

(A) in paragraph (10), by striking "and" at the end;

(B) by redesignating paragraph (11) as paragraph (12); and

(C) by inserting after paragraph (10) the following:

"(11) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1228(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(5) in section 1225(a)—

(A) in paragraph (5), by striking "and" at the end;

(B) in paragraph (6), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(7) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation.";

(6) in section 1228(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid" after "completion by the debtor of all payments under the plan";

(7) in section 1307(c)—

(A) in paragraph (9), by striking "or" at the end;

(B) in paragraph (10), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(11) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.";

(8) in section 1322(a)—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(4) notwithstanding any other provision of this section, a plan may provide for less than full payment of all amounts owed for a claim entitled to priority under section 507(a)(1)(B) only if the plan provides that all of the debtor's projected disposable income for a 5-year period beginning on the date that the first payment is due under the plan will be applied to make payments under the plan.";

(9) in section 1322(b)—

(A) in paragraph (9), by striking "; and" and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) inserting after paragraph (9) the following:

"(10) provide for the payment of interest accruing after the date of the filing of the petition on unsecured claims that are nondischargeable under section 1328(a), except that such interest may be paid only to the extent that the debtor has disposable income available to pay such interest after making provision for full payment of all allowed claims; and";

(10) in section 1325(a), as amended by section 102, by inserting after paragraph (7) the following:

"(8) the debtor has paid all amounts that are required to be paid under a domestic support obligation and that first become payable after the date of the filing of the petition if the debtor is required by a judicial or administrative order, or by statute, to pay such domestic support obligation; and";

(11) in section 1328(a), in the matter preceding paragraph (1), by inserting ", and in the case of a debtor who is required by a judicial or administrative order, or by statute, to pay a domestic support obligation, after such debtor certifies that all amounts payable under such order or such statute that are due on or before the date of the certification (including amounts due before the petition was filed, but only to the extent provided for by the plan) have been paid" after "completion by the debtor of all payments under the plan".

SEC. 214. EXCEPTIONS TO AUTOMATIC STAY IN DOMESTIC SUPPORT OBLIGATION PROCEEDINGS.

Section 362(b) of title 11, United States Code, is amended by striking paragraph (2) and inserting the following:

"(2) under subsection (a)—

"(A) of the commencement or continuation of a civil action or proceeding—

"(i) for the establishment of paternity;

"(ii) for the establishment or modification of an order for domestic support obligations;

"(iii) concerning child custody or visitation;

"(iv) for the dissolution of a marriage, except to the extent that such proceeding seeks to determine the division of property that is property of the estate; or

"(v) regarding domestic violence;

"(B) of the collection of a domestic support obligation from property that is not property of the estate;

"(C) with respect to the withholding of income that is property of the estate or property of the debtor for payment of a domestic support obligation under a judicial or administrative order or a statute;

"(D) of the withholding, suspension, or restriction of a driver's license, a professional or occupational license, or a recreational license, under State law, as specified in section 466(a)(16) of the Social Security Act;

"(E) of the reporting of overdue support owed by a parent to any consumer reporting agency as specified in section 466(a)(7) of the Social Security Act;

"(F) of the interception of a tax refund, as specified in sections 464 and 466(a)(3) of the Social Security Act or under an analogous State law; or

"(G) of the enforcement of a medical obligation, as specified under title IV of the Social Security Act;".

SEC. 215. NONDISCHARGEABILITY OF CERTAIN DEBTS FOR ALIMONY, MAINTENANCE, AND SUPPORT.

Section 523 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) by striking paragraph (5) and inserting the following:

"(5) for a domestic support obligation;"; and

(B) by striking paragraph (18);

(2) in subsection (c), by striking "(6), or (15)" each place it appears and inserting "or (6)"; and

(3) in paragraph (15), as added by Public Law 103-394 (108 Stat. 4133)—

(A) by inserting "to a spouse, former spouse, or child of the debtor and" before "not of the kind";

(B) by inserting "or" after "court of record,"; and

(C) by striking "unless—" and all that follows through the end of the paragraph and inserting a semicolon.

SEC. 216. CONTINUED LIABILITY OF PROPERTY.

Section 522 of title 11, United States Code, is amended—

(1) in subsection (c), by striking paragraph (1) and inserting the following:

"(1) a debt of a kind specified in paragraph (1) or (5) of section 523(a) (in which case, notwithstanding any provision of applicable nonbankruptcy law to the contrary, such property shall be liable for a debt of a kind specified in section 523(a)(5));";

(2) in subsection (f)(1)(A), by striking the dash and all that follows through the end of the subparagraph and inserting "of a kind that is specified in section 523(a)(5); or"; and

(3) in subsection (g)(2), by striking "subsection (f)(2)" and inserting "subsection (f)(1)(B)".

SEC. 217. PROTECTION OF DOMESTIC SUPPORT CLAIMS AGAINST PREFERENTIAL TRANSFER MOTIONS.

Section 547(c)(7) of title 11, United States Code, is amended to read as follows:

"(7) to the extent such transfer was a bona fide payment of a debt for a domestic support obligation;".

SEC. 218. DISPOSABLE INCOME DEFINED.

Section 1225(b)(2)(A) of title 11, United States Code, is amended by inserting "or for a domestic support obligation that first becomes payable after the date of the filing of the petition" after "dependent of the debtor".

SEC. 219. COLLECTION OF CHILD SUPPORT.

(a) DUTIES OF TRUSTEE UNDER CHAPTER 7.—Section 704 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (a)—

(A) in paragraph (8), by striking "and" at the end;

(B) in paragraph (9), by striking the period and inserting a semicolon; and

(C) by adding at the end the following:

"(10) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c); and"; and

(2) by adding at the end the following:

"(c)(1) In a case described in subsection (a)(10) to which subsection (a)(10) applies, the trustee shall—

"(A)(i) provide written notice to the holder of the claim described in subsection (a)(10) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title;

"(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency; and

"(iii) include in the notice provided under clause (i) an explanation of the rights of such holder to payment of such claim under this chapter;

"(B)(i) provide written notice to such State child support enforcement agency of such claim; and

"(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

"(C) at such time as the debtor is granted a discharge under section 727, provide written notice to such holder and to such State child support enforcement agency of—

"(i) the granting of the discharge;

"(ii) the last recent known address of the debtor;

"(iii) the last recent known name and address of the debtor's employer; and

"(iv) the name of each creditor that holds a claim that—

"(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(II) was reaffirmed by the debtor under section 524(c).

"(2)(A) The holder of a claim described in subsection (a)(10) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.".

(b) DUTIES OF TRUSTEE UNDER CHAPTER 11.—Section 1106 of title 11, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (6), by striking "and" at the end;

(B) in paragraph (7), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(8) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In a case described in subsection (a)(8) to which subsection (a)(8) applies, the trustee shall—

"(A)(i) provide written notice to the holder of the claim described in subsection (a)(8) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

"(ii) include in the notice required by clause (i) the address and telephone number of such State child support enforcement agency;

"(B)(i) provide written notice to such State child support enforcement agency of such claim; and

"(ii) include in the notice required by clause (i) the name, address, and telephone number of such holder; and

"(C) at such time as the debtor is granted a discharge under section 1141, provide written notice to such holder and to such State child support enforcement agency of—

"(i) the granting of the discharge;

"(ii) the last recent known address of the debtor;

"(iii) the last recent known name and address of the debtor's employer; and

"(iv) the name of each creditor that holds a claim that—

"(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(II) was reaffirmed by the debtor under section 524(c).

"(2)(A) The holder of a claim described in subsection (a)(8) or the State child enforcement support agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making such disclosure.".

(c) DUTIES OF TRUSTEE UNDER CHAPTER 12.—Section 1202 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (c)."; and

(2) by adding at the end the following:

"(c)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

"(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

"(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

"(B)(i) provide written notice to such State child support enforcement agency of such claim; and

"(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

"(C) at such time as the debtor is granted a discharge under section 1228, provide written notice to such holder and to such State child support enforcement agency of—

"(i) the granting of the discharge;

"(ii) the last recent known address of the debtor;

"(iii) the last recent known name and address of the debtor's employer; and

"(iv) the name of each creditor that holds a claim that—

"(I) is not discharged under paragraph (2), (4), or (14A) of section 523(a); or

"(II) was reaffirmed by the debtor under section 524(c).

"(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.".

(d) DUTIES OF TRUSTEE UNDER CHAPTER 13.—Section 1302 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "and" at the end;

(B) in paragraph (5), by striking the period and inserting "; and"; and

(C) by adding at the end the following:

"(6) if with respect to the debtor there is a claim for a domestic support obligation, provide the applicable notice specified in subsection (d)."; and

(2) by adding at the end the following:

"(d)(1) In a case described in subsection (b)(6) to which subsection (b)(6) applies, the trustee shall—

"(A)(i) provide written notice to the holder of the claim described in subsection (b)(6) of such claim and of the right of such holder to use the services of the State child support enforcement agency established under sections 464 and 466 of the Social Security Act for the State in which such holder resides, for assistance in collecting child support during and after the case under this title; and

"(ii) include in the notice provided under clause (i) the address and telephone number of such State child support enforcement agency;

"(B)(i) provide written notice to such State child support enforcement agency of such claim; and

"(ii) include in the notice provided under clause (i) the name, address, and telephone number of such holder; and

"(C) at such time as the debtor is granted a discharge under section 1328, provide written notice to such holder and to such State child support enforcement agency of—

"(i) the granting of the discharge;

"(ii) the last recent known address of the debtor;

"(iii) the last recent known name and address of the debtor's employer; and

"(iv) the name of each creditor that holds a claim that—

"(I) is not discharged under paragraph (2) or (4) of section 523(a); or

"(II) was reaffirmed by the debtor under section 524(c).

"(2)(A) The holder of a claim described in subsection (b)(6) or the State child support enforcement agency of the State in which such holder resides may request from a creditor described in paragraph (1)(C)(iv) the last known address of the debtor.

"(B) Notwithstanding any other provision of law, a creditor that makes a disclosure of a last known address of a debtor in connection with a request made under subparagraph (A) shall not be liable by reason of making that disclosure.".

SEC. 220. NONDISCHARGEABILITY OF CERTAIN EDUCATIONAL BENEFITS AND LOANS.

Section 523(a) of title 11, United States Code, is amended by striking paragraph (8) and inserting the following:

"(8) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor's dependents, for—

"(A)(i) an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution; or

"(ii) an obligation to repay funds received as an educational benefit, scholarship, or stipend; or

"(B) any other educational loan that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986, incurred by a debtor who is an individual;".

Subtitle C—Other Consumer Protections

SEC. 221. AMENDMENTS TO DISCOURAGE ABUSIVE BANKRUPTCY FILINGS.

Section 110 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by striking "or an employee of an attorney" and inserting "for the debtor or an employee of such attorney under the direct supervision of such attorney";

(2) in subsection (b)—

(A) in paragraph (1), by adding at the end the following: "If a bankruptcy petition preparer is not an individual, then an officer, principal, responsible person, or partner of the bankruptcy petition preparer shall be required to—

"(A) sign the document for filing; and

"(B) print on the document the name and address of that officer, principal, responsible person, or partner."; and

(B) by striking paragraph (2) and inserting the following:

"(2)(A) Before preparing any document for filing or accepting any fees from a debtor, the bankruptcy petition preparer shall provide to the debtor a written notice which shall be on an official form prescribed by the Judicial Conference of the United States in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure.

"(B) The notice under subparagraph (A)—

"(i) shall inform the debtor in simple language that a bankruptcy petition preparer is not an attorney and may not practice law or give legal advice;

"(ii) may contain a description of examples of legal advice that a bankruptcy petition preparer is not authorized to give, in addition to any advice that the preparer may not give by reason of subsection (e)(2); and

"(iii) shall—

"(I) be signed by the debtor and, under penalty of perjury, by the bankruptcy petition preparer; and

"(II) be filed with any document for filing.";

(3) in subsection (c)—

(A) in paragraph (2)—

(i) by striking "(2) For purposes" and inserting "(2)(A) Subject to subparagraph (B), for purposes"; and

(ii) by adding at the end the following:

"(B) If a bankruptcy petition preparer is not an individual, the identifying number of the bankruptcy petition preparer shall be the Social Security account number of the officer, principal, responsible person, or partner of the bankruptcy petition preparer."; and

(B) by striking paragraph (3);

(4) in subsection (d)—

(A) by striking "(d)(1)" and inserting "(d)"; and

(B) by striking paragraph (2);

(5) in subsection (e)—

(A) by striking paragraph (2); and

(B) by adding at the end the following:

"(2)(A) A bankruptcy petition preparer may not offer a potential bankruptcy debtor any legal advice, including any legal advice described in subparagraph (B).

"(B) The legal advice referred to in subparagraph (A) includes advising the debtor—

"(i) whether—

"(I) to file a petition under this title; or

"(II) commencing a case under chapter 7, 11, 12, or 13 is appropriate;

"(ii) whether the debtor's debts will be discharged in a case under this title;

"(iii) whether the debtor will be able to retain the debtor's home, car, or other property after commencing a case under this title;

"(iv) concerning—

"(I) the tax consequences of a case brought under this title; or

"(II) the dischargeability of tax claims;

"(v) whether the debtor may or should promise to repay debts to a creditor or enter into a reaffirmation agreement with a creditor to reaffirm a debt;

"(vi) concerning how to characterize the nature of the debtor's interests in property or the debtor's debts; or

"(vii) concerning bankruptcy procedures and rights.";

(6) in subsection (f)—

(A) by striking "(f)(1)" and inserting "(f)"; and

(B) by striking paragraph (2);

(7) in subsection (g)—

(A) by striking "(g)(1)" and inserting "(g)"; and

(B) by striking paragraph (2);

(8) in subsection (h)—

(A) by redesignating paragraphs (1) through (4) as paragraphs (2) through (5), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

"(1) The Supreme Court may promulgate rules under section 2075 of title 28, or the Judicial Conference of the United States may prescribe guidelines, for setting a maximum allowable fee chargeable by a bankruptcy petition preparer. A bankruptcy petition preparer shall notify the debtor of any such maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor.";

(C) in paragraph (2), as so redesignated—

(i) by striking "Within 10 days after the date of the filing of a petition, a bankruptcy petition preparer shall file a" and inserting "A";

(ii) by inserting "by the bankruptcy petition preparer shall be filed together with the petition," after "perjury"; and

(iii) by adding at the end the following: "If rules or guidelines setting a maximum fee for services have been promulgated or prescribed under paragraph (1), the declaration under this paragraph shall include a certification that the bankruptcy petition preparer complied with the notification requirement under paragraph (1).";

(D) by striking paragraph (3), as so redesignated, and inserting the following:

"(3)(A) The court shall disallow and order the immediate turnover to the bankruptcy trustee any fee referred to in paragraph (2) found to be in excess of the value of any services—

"(i) rendered by the bankruptcy petition preparer during the 12-month period immediately preceding the date of the filing of the petition; or

"(ii) found to be in violation of any rule or guideline promulgated or prescribed under paragraph (1).

"(B) All fees charged by a bankruptcy petition preparer may be forfeited in any case in which the bankruptcy petition preparer fails to comply with this subsection or subsection (b), (c), (d), (e), (f), or (g).

"(C) An individual may exempt any funds recovered under this paragraph under section 522(b)."; and

(E) in paragraph (4), as so redesignated, by striking "or the United States trustee" and inserting "the United States trustee (or the bankruptcy administrator, if any) or the court, on the initiative of the court,";

(9) in subsection (i)(1), by striking the matter preceding subparagraph (A) and inserting the following:

"(i)(1) If a bankruptcy petition preparer violates this section or commits any act that the court finds to be fraudulent, unfair, or deceptive, on the motion of the debtor, trustee, United States trustee (or the bankruptcy administrator, if any), and after notice and a hearing, the court shall order the bankruptcy petition preparer to pay to the debtor—";

(10) in subsection (j)—

(A) in paragraph (2)—

(i) in subparagraph (A)(i)(I), by striking "a violation of which subjects a person to criminal penalty";

(ii) in subparagraph (B)—

(I) by striking "or has not paid a penalty" and inserting "has not paid a penalty"; and

(II) by inserting "or failed to disgorge all fees ordered by the court" after "a penalty imposed under this section,";

(B) by redesignating paragraph (3) as paragraph (4); and

(C) by inserting after paragraph (2) the following:

"(3) The court, as part of its contempt power, may enjoin a bankruptcy petition preparer that has failed to comply with a previous order issued under this section. The injunction under this paragraph may be issued on the motion of the court, the trustee, or the United States trustee (or the bankruptcy administrator, if any)."; and

(11) by adding at the end the following:

"(l)(1) A bankruptcy petition preparer who fails to comply with any provision of subsection (b), (c), (d), (e), (f), (g), or (h) may be fined not more than $500 for each such failure.

"(2) The court shall triple the amount of a fine assessed under paragraph (1) in any case in which the court finds that a bankruptcy petition preparer—

"(A) advised the debtor to exclude assets or income that should have been included on applicable schedules;

"(B) advised the debtor to use a false Social Security account number;

"(C) failed to inform the debtor that the debtor was filing for relief under this title; or

"(D) prepared a document for filing in a manner that failed to disclose the identity of the bankruptcy petition preparer.

"(3) A debtor, trustee, creditor, or United States trustee (or the bankruptcy administrator, if any) may file a motion for an order imposing a fine on the bankruptcy petition preparer for any violation of this section.

"(4)(A) Fines imposed under this subsection in judicial districts served by United States trustees shall be paid to the United States trustee, who shall deposit an amount equal to such fines in a special account of the United States Trustee System Fund referred to in section 586(e)(2) of title 28. Amounts deposited under this subparagraph shall be available to fund the enforcement of this section on a national basis.

"(B) Fines imposed under this subsection in judicial districts served by bankruptcy administrators shall be deposited as offsetting receipts to the fund established under section 1931 of title 28, and shall remain available until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the operation and maintenance of the courts of the United States.".

SEC. 222. SENSE OF CONGRESS.

It is the sense of Congress that States should develop curricula relating to the subject of personal finance, designed for use in elementary and secondary schools.

SEC. 223. ADDITIONAL AMENDMENTS TO TITLE 11, UNITED STATES CODE.

Section 507(a) of title 11, United States Code, as amended by section 212, is amended by inserting after paragraph (9) the following:

"(10) Tenth, allowed claims for death or personal injury resulting from the operation of a motor vehicle or vessel if such operation was unlawful because the debtor was intoxicated from using alcohol, a drug, or another substance.".

SEC. 224. PROTECTION OF RETIREMENT SAVINGS IN BANKRUPTCY.

(a) In General.—Section 522 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (2)—

(i) in subparagraph (A), by striking "and" at the end;

(ii) in subparagraph (B), by striking the period at the end and inserting "; and";

(iii) by adding at the end the following:

"(C) retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986."; and

(iv) by striking "(2)(A) any property" and inserting:

"(3) Property listed in this paragraph is—

"(A) any property";

(B) by striking paragraph (1) and inserting:

"(2) Property listed in this paragraph is property that is specified under subsection (d), unless the State law that is applicable to the debtor under paragraph (3)(A) specifically does not so authorize.";

(C) by striking "(b) Notwithstanding" and inserting "(b)(1) Notwithstanding";

(D) by striking "paragraph (2)" each place it appears and inserting "paragraph (3)";

(E) by striking "paragraph (1)" each place it appears and inserting "paragraph (2)";

(F) by striking "Such property is—"; and

(G) by adding at the end the following:

"(4) For purposes of paragraph (3)(C) and subsection (d)(12), the following shall apply:

"(A) If the retirement funds are in a retirement fund that has received a favorable determination under section 7805 of the Internal Revenue Code of 1986, and that determination is in effect as of the date of the filing of the petition in a case under this title, those funds shall be presumed to be exempt from the estate.

"(B) If the retirement funds are in a retirement fund that has not received a favorable determination under such section 7805, those funds are exempt from the estate if the debtor demonstrates that—

"(i) no prior determination to the contrary has been made by a court or the Internal Revenue Service; and

"(ii)(I) the retirement fund is in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986; or

"(II) the retirement fund fails to be in substantial compliance with the applicable requirements of the Internal Revenue Code of 1986 and the debtor is not materially responsible for that failure.

"(C) A direct transfer of retirement funds from 1 fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986, under section 401(a)(31) of the Internal Revenue Code of 1986, or otherwise, shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such direct transfer.

"(D)(i) Any distribution that qualifies as an eligible rollover distribution within the meaning of section 402(c) of the Internal Revenue Code of 1986 or that is described in clause (ii) shall not cease to qualify for exemption under paragraph (3)(C) or subsection (d)(12) by reason of such distribution.

"(ii) A distribution described in this clause is an amount that—

"(I) has been distributed from a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986; and

"(II) to the extent allowed by law, is deposited in such a fund or account not later than 60 days after the distribution of such amount."; and

(2) in subsection (d)—

(A) in the matter preceding paragraph (1), by striking "subsection (b)(1)" and inserting "subsection (b)(2)"; and

(B) by adding at the end the following:

"(12) Retirement funds to the extent that those funds are in a fund or account that is exempt from taxation under section 401, 403, 408, 408A, 414, 457, or 501(a) of the Internal Revenue Code of 1986.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, is amended—

(1) in paragraph (17), by striking "or" at the end;

(2) in paragraph (18), by striking the period and inserting a semicolon; and

(3) by inserting after paragraph (18) the following:

"(19) under subsection (a), of withholding of income from a debtor's wages and collection of amounts withheld, under the debtor's agreement authorizing that withholding and collection for the benefit of a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, that is sponsored by the employer of the debtor, or an affiliate, successor, or predecessor of such employer—

"(A) to the extent that the amounts withheld and collected are used solely for payments relating to a loan from a plan under section 408(b)(1) of the Employee Retirement Income Security Act of 1974 or is subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title;".

(c) Exceptions To Discharge.—Section 523(a) of title 11, United States Code, as amended by section 215, is amended by inserting after paragraph (17) the following:

"(18) owed to a pension, profit-sharing, stock bonus, or other plan established under section 401, 403, 408, 408A, 414, 457, or 501(c) of the Internal Revenue Code of 1986, under—

"(A) a loan permitted under section 408(b)(1) of the Employee Retirement Income Security Act of 1974, or subject to section 72(p) of the Internal Revenue Code of 1986; or

"(B) a loan from a thrift savings plan permitted under subchapter III of chapter 84 of title 5, that satisfies the requirements of section 8433(g) of such title;

but nothing in this paragraph may be construed to provide that any loan made under a governmental plan under section 414(d), or a contract or account under section 403(b), of the Internal Revenue Code of 1986 constitutes a claim or a debt under this title; or".

(d) Plan Contents.—Section 1322 of title 11, United States Code, is amended by adding at the end the following:

"(f) A plan may not materially alter the terms of a loan described in section 362(b)(19) and any amounts required to repay such loan shall not constitute 'disposable income' under section 1325.".

(e) Asset Limitation.—

(1) Limitation.—Section 522 of title 11, United States Code, is amended by adding at the end the following:

"(n) For assets in individual retirement accounts described in section 408 or 408A of the Internal Revenue Code of 1986, other than a simplified employee pension under section 408(k) of such Code or a simple retirement account under section 408(p) of such Code, the aggregate value of such assets exempted under this section, without regard to amounts attributable to rollover contributions under section 402(c), 402(e)(6), 403(a)(4), 403(a)(5), and 403(b)(8) of the Internal Revenue Code of 1986, and earnings thereon, shall not exceed $1,000,000 in a case filed by a debtor who is an individual, except that such amount may be increased if the interests of justice so require.".

(2) Adjustment of Dollar Amounts.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, are amended by inserting "522(n)," after "522(d),".

SEC. 225. PROTECTION OF EDUCATION SAVINGS IN BANKRUPTCY.

(a) Exclusions.—Section 541 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (4), by striking "or" at the end;

(B) by redesignating paragraph (5) as paragraph (9); and

(C) by inserting after paragraph (4) the following:

"(5) funds placed in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) not later than 365 days before the date of the filing of the petition in a case under this title, but—

"(A) only if the designated beneficiary of such account was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were placed in such account;

"(B) only to the extent that such funds—

"(i) are not pledged or promised to any entity in connection with any extension of credit; and

"(ii) are not excess contributions (as described in section 4973(e) of the Internal Revenue Code of 1986); and

"(C) in the case of funds placed in all such accounts having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;

"(6) funds used to purchase a tuition credit or certificate or contributed to an account in accordance with section 529(b)(1)(A) of the Internal Revenue Code of 1986 under a qualified State tuition program (as defined in section 529(b)(1) of such Code) not later than 365 days before the date of the filing of the petition in a case under this title, but—

"(A) only if the designated beneficiary of the amounts paid or contributed to such tuition program was a child, stepchild, grandchild, or stepgrandchild of the debtor for the taxable year for which funds were paid or contributed;

"(B) with respect to the aggregate amount paid or contributed to such program having the same designated beneficiary, only so much of such amount as does not exceed the total contributions permitted under section 529(b)(7) of such Code with respect to such beneficiary, as adjusted beginning on the date of the filing of the petition in a case under this title by the annual increase or decrease (rounded to the nearest tenth of 1 percent) in the education expenditure category of the Consumer Price Index prepared by the Department of Labor; and

"(C) in the case of funds paid or contributed to such program having the same designated beneficiary not earlier than 720 days nor later than 365 days before such date, only so much of such funds as does not exceed $5,000;"; and

(2) by adding at the end the following:

"(e) In determining whether any of the relationships specified in paragraph (5)(A) or (6)(A) of subsection (b) exists, a legally adopted child of an individual (and a child who is a member of an individual's household, if placed with such individual by an authorized placement agency for legal adoption by such individual), or a foster child of an individual (if such child has as the child's principal place of abode the home of the debtor and is a member of the debtor's household) shall be treated as a child of such individual by blood.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by section 106, is amended by adding at the end the following:

"(c) In addition to meeting the requirements under subsection (a), a debtor shall file with the court a record of any interest that a debtor has in an education individual retirement account (as defined in section 530(b)(1) of the Internal Revenue Code of 1986) or under a qualified State tuition program (as defined in section 529(b)(1) of such Code).".

SEC. 226. DEFINITIONS.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (2) the following:

"(3) 'assisted person' means any person whose debts consist primarily of consumer debts and the value of whose nonexempt property is less than $150,000;";

(2) by inserting after paragraph (4) the following:

"(4A) 'bankruptcy assistance' means any goods or services sold or otherwise provided to an assisted person with the express or implied purpose of providing information, advice, counsel, document preparation, or filing, or attendance at a creditors' meeting or appearing in a case or proceeding on behalf of another or providing legal representation with respect to a case or proceeding under this title;"; and

(3) by inserting after paragraph (12) the following:

"(12A) 'debt relief agency' means any person who provides any bankruptcy assistance to an assisted person in return for the payment of money or other valuable consideration, or who is a bankruptcy petition preparer under section 110, but does not include—

"(A) any person who is an officer, director, employee, or agent of a person who provides such assistance or of the bankruptcy petition preparer;

"(B) a nonprofit organization that is exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986;

"(C) a creditor of such assisted person, to the extent that the creditor is assisting such assisted person to restructure any debt owed by such assisted person to the creditor;

"(D) a depository institution (as defined in section 3 of the Federal Deposit Insurance Act) or any Federal credit union or State credit union (as those terms are defined in section 101 of the Federal Credit Union Act), or any affiliate or subsidiary of such depository institution or credit union; or

"(E) an author, publisher, distributor, or seller of works subject to copyright protection under title 17, when acting in such capacity.".

(b) CONFORMING AMENDMENT.—Section 104(b) of title 11, United States Code, is amended by inserting "101(3)," after "sections" each place it appears.

SEC. 227. RESTRICTIONS ON DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 526. Restrictions on debt relief agencies

"(a) A debt relief agency shall not—

"(1) fail to perform any service that such agency informed an assisted person or prospective assisted person it would provide in connection with a case or proceeding under this title;

"(2) make any statement, or counsel or advise any assisted person or prospective assisted person to make a statement in a document filed in a case or proceeding under this title, that is untrue and misleading, or that upon the exercise of reasonable care, should have been known by such agency to be untrue or misleading;

"(3) misrepresent to any assisted person or prospective assisted person, directly or indirectly, affirmatively or by material omission, with respect to—

"(A) the services that such agency will provide to such person; or

"(B) the benefits and risks that may result if such person becomes a debtor in a case under this title; or

"(4) advise an assisted person or prospective assisted person to incur more debt in contemplation of such person filing a case under this title or to pay an attorney or bankruptcy petition preparer fee or charge for services performed as part of preparing for or representing a debtor in a case under this title.

"(b) Any waiver by any assisted person of any protection or right provided under this section shall not be enforceable against the debtor by any Federal or State court or any other person, but may be enforced against a debt relief agency.

"(c)(1) Any contract for bankruptcy assistance between a debt relief agency and an assisted person that does not comply with the material requirements of this section, section 527, or section 528 shall be void and may not be enforced by any Federal or State court or by any other person, other than such assisted person.

"(2) Any debt relief agency shall be liable to an assisted person in the amount of any fees or charges in connection with providing bankruptcy assistance to such person that such debt relief agency has received, for actual damages, and for reasonable attorneys' fees and costs if such agency is found, after notice and a hearing, to have—

"(A) intentionally or negligently failed to comply with any provision of this section, section 527, or section 528 with respect to a case or proceeding under this title for such assisted person;

"(B) provided bankruptcy assistance to an assisted person in a case or proceeding under this title that is dismissed or converted to a case under another chapter of this title because of such agency's intentional or negligent failure to file any required document including those specified in section 521; or

"(C) intentionally or negligently disregarded the material requirements of this title or the Federal Rules of Bankruptcy Procedure applicable to such agency.

"(3) In addition to such other remedies as are provided under State law, whenever the chief law enforcement officer of a State, or an official or agency designated by a State, has reason to believe that any person has violated or is violating this section, the State—

"(A) may bring an action to enjoin such violation;

"(B) may bring an action on behalf of its residents to recover the actual damages of assisted persons arising from such violation, including any liability under paragraph (2); and

"(C) in the case of any successful action under subparagraph (A) or (B), shall be awarded the costs of the action and reasonable attorneys' fees as determined by the court.

"(4) The district courts of the United States for districts located in the State shall have concurrent jurisdiction of any action under subparagraph (A) or (B) of paragraph (3).

"(5) Notwithstanding any other provision of Federal law and in addition to any other remedy provided under Federal or State law, if the court, on its own motion or on the motion of the United States trustee or the debtor, finds that a person intentionally violated this section, or engaged in a clear and consistent pattern or practice of violating this section, the court may—

"(A) enjoin the violation of such section; or

"(B) impose an appropriate civil penalty against such person.

"(d) No provision of this section, section 527, or section 528 shall—

"(1) annul, alter, affect, or exempt any person subject to such sections from complying with any law of any State except to the extent that such law is inconsistent with those sections, and then only to the extent of the inconsistency; or

"(2) be deemed to limit or curtail the authority or ability—

"(A) of a State or subdivision or instrumentality thereof, to determine and enforce qualifications for the practice of law under the laws of that State; or

"(B) of a Federal court to determine and enforce the qualifications for the practice of law before that court.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 525, the following:

"526. Restrictions on debt relief agencies.".

SEC. 228. DISCLOSURES.

(a) DISCLOSURES.—Subchapter II of chapter 5 of title 11, United States Code, as amended by section 227, is amended by adding at the end the following:

"§ 527. Disclosures

"(a) A debt relief agency providing bankruptcy assistance to an assisted person shall provide—

"(1) the written notice required under section 342(b)(1); and

"(2) to the extent not covered in the written notice described in paragraph (1), and not later than 3 business days after the first date on which a debt relief agency first offers to provide any bankruptcy assistance services to an assisted person, a clear and conspicuous written notice advising assisted persons that—

"(A) all information that the assisted person is required to provide with a petition and thereafter during a case under this title is required to be complete, accurate, and truthful;

"(B) all assets and all liabilities are required to be completely and accurately disclosed in the documents filed to commence the case, and the replacement value of each asset as defined in section 506 must be stated in those documents where requested after reasonable inquiry to establish such value;

"(C) current monthly income, the amounts specified in section 707(b)(2), and, in a case under chapter 13 of this title, disposable income (determined in accordance with section 707(b)(2)), are required to be stated after reasonable inquiry; and

"(D) information that an assisted person provides during their case may be audited pursuant to this title, and that failure to provide such information may result in dismissal of the case under this title or other sanction, including a criminal sanction.

"(b) A debt relief agency providing bankruptcy assistance to an assisted person shall provide each assisted person at the same time as the notices required under subsection (a)(1) the following statement, to the extent applicable, or one substantially similar. The statement shall be clear and conspicuous and shall be in a single document separate from other documents or notices provided to the assisted person:

"'IMPORTANT INFORMATION ABOUT BANKRUPTCY ASSISTANCE SERVICES FROM AN ATTORNEY OR BANKRUPTCY PETITION PREPARER.

"'If you decide to seek bankruptcy relief, you can represent yourself, you can hire an attorney to represent you, or you can get help in some localities from a bankruptcy petition preparer who is not an attorney. THE LAW REQUIRES AN ATTORNEY OR BANKRUPTCY PETITION PREPARER TO GIVE YOU A WRITTEN CONTRACT SPECIFYING WHAT THE ATTORNEY OR BANKRUPTCY PETITION PREPARER WILL DO FOR YOU AND HOW MUCH IT WILL COST. Ask to see the contract before you hire anyone.

"'The following information helps you understand what must be done in a routine bankruptcy case to help you evaluate how much service you need. Although bankruptcy can be complex, many cases are routine.

"'Before filing a bankruptcy case, either you or your attorney should analyze your eligibility for different forms of debt relief available under the Bankruptcy Code and which form of relief is most likely to be beneficial for you. Be sure you understand the relief you can obtain and its limitations. To file a bankruptcy case, documents called a Petition, Schedules and Statement of Financial Affairs, as well as in some cases a Statement of Intention need to be prepared correctly and filed with the bankruptcy court. You will have to pay a filing fee to the bankruptcy court. Once your case starts, you will have to attend the required first meeting of creditors where you may be questioned by a court official called a 'trustee' and by creditors.

"'If you choose to file a chapter 7 case, you may be asked by a creditor to reaffirm a debt. You may want help deciding whether to do so. A creditor is not permitted to coerce you into reaffirming your debts.

"'If you choose to file a chapter 13 case in which you repay your creditors what you can afford over 3 to 5 years, you may also want help with preparing your chapter 13 plan and with the confirmation hearing on your plan which will be before a bankruptcy judge.

"'If you select another type of relief under the Bankruptcy Code other than chapter 7 or chapter 13, you will want to find out what should be done from someone familiar with that type of relief.

"'Your bankruptcy case may also involve litigation. You are generally permitted to represent yourself in litigation in bankruptcy court, but only attorneys, not bankruptcy petition preparers, can give you legal advice.'.

"(c) Except to the extent the debt relief agency provides the required information itself after reasonably diligent inquiry of the assisted person or others so as to obtain such information reasonably accurately for inclusion on the petition, schedules or statement of financial affairs, a debt relief agency providing bankruptcy assistance to an assisted person, to the extent permitted by nonbankruptcy law, shall provide each assisted person at the time required for the notice required under subsection (a)(1) reasonably sufficient information (which shall be provided in a clear and conspicuous writing) to the assisted person on how to provide all the information the assisted person is required to provide under this title pursuant to section 521, including—

"(1) how to value assets at replacement value, determine current monthly income, the amounts specified in section 707(b)(2) and, in a chapter 13 case, how to determine disposable income in accordance with section 707(b)(2) and related calculations;

"(2) how to complete the list of creditors, including how to determine what amount is owed and what address for the creditor should be shown; and

"(3) how to determine what property is exempt and how to value exempt property at replacement value as defined in section 506.

"(d) A debt relief agency shall maintain a copy of the notices required under subsection (a) of this section for 2 years after the date on which the notice is given the assisted person.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227, is amended by inserting after the item relating to section 526 the following:

"527. Disclosures.".

SEC. 229. REQUIREMENTS FOR DEBT RELIEF AGENCIES.

(a) ENFORCEMENT.—Subchapter II of chapter 5 of title 11, United States Code, as amended by sections 227 and 228, is amended by adding at the end the following:

"§ 528. Requirements for debt relief agencies

"(a) A debt relief agency shall—

"(1) not later than 5 business days after the first date on which such agency provides any bankruptcy assistance services to an assisted person, but prior to such assisted person's petition under this title being filed, execute a written contract with such assisted person that explains clearly and conspicuously—

"(A) the services such agency will provide to such assisted person; and

"(B) the fees or charges for such services, and the terms of payment;

"(2) provide the assisted person with a copy of the fully executed and completed contract;

"(3) clearly and conspicuously disclose in any advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public (whether in general media, seminars or specific mailings, telephonic or electronic messages, or otherwise) that the services or benefits are with respect to bankruptcy relief under this title; and

"(4) clearly and conspicuously use the following statement in such advertisement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.

"(b)(1) An advertisement of bankruptcy assistance services or of the benefits of bankruptcy directed to the general public includes—

"(A) descriptions of bankruptcy assistance in connection with a chapter 13 plan whether or not chapter 13 is specifically mentioned in such advertisement; and

"(B) statements such as 'federally supervised repayment plan' or 'Federal debt restructuring help' or other similar statements that could lead a reasonable consumer to believe that debt counseling was being offered when in fact the services were directed to providing bankruptcy assistance with a chapter 13 plan or other form of bankruptcy relief under this title.

"(2) An advertisement, directed to the general public, indicating that the debt relief agency provides assistance with respect to credit defaults, mortgage foreclosures, eviction proceedings, excessive debt, debt collection pressure, or inability to pay any consumer debt shall—

"(A) disclose clearly and conspicuously in such advertisement that the assistance may involve bankruptcy relief under this title; and

"(B) include the following statement: 'We are a debt relief agency. We help people file for bankruptcy relief under the Bankruptcy Code.' or a substantially similar statement.".

(b) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, as amended by section 227 and 228, is amended by inserting after the item relating to section 527, the following:

"528. Requirements for debt relief agencies.".

SEC. 230. GAO STUDY.

(a) STUDY.—Not later than 270 days after the date of enactment of this Act, the Comptroller General of the United States shall conduct a study of the feasibility, effectiveness, and cost of requiring trustees appointed under title 11, United States Code, or the bankruptcy courts, to provide to the Office of Child Support Enforcement promptly after the commencement of cases by debtors who are individuals under such title, the names and social security account numbers of such debtors for the purposes of allowing such Office to determine whether such debtors have outstanding obligations for child support (as determined on the basis of information in the Federal Case Registry or other national database).

(b) REPORT.—Not later than 300 days after the date of enactment of this Act, the Comptroller General shall submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report containing the results of the study required by subsection (a).

SEC. 231. PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.

(a) LIMITATION.—Section 363(b)(1) of title 11, United States Code, is amended by striking the period at the end and inserting the following:

", except that if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor and if such policy is in effect on the date of the commencement of the case, then the trustee may not sell or lease personally identifiable information to any person unless—

"(A) such sale or such lease is consistent with such policy; or

"(B) after appointment of a consumer privacy ombudsman in accordance with section 332, and after notice and a hearing, the court approves such sale or such lease—

"(i) giving due consideration to the facts, circumstances, and conditions of such sale or such lease; and

"(ii) finding that no showing was made that such sale or such lease would violate applicable nonbankruptcy law.".

(b) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (41) the following:

"(41A) 'personally identifiable information' means—

"(A) if provided by an individual to the debtor in connection with obtaining a product or a service from the debtor primarily for personal, family, or household purposes—

"(i) the first name (or initial) and last name of such individual, whether given at birth or time of adoption, or resulting from a lawful change of name;

"(ii) the geographical address of a physical place of residence of such individual;

"(iii) an electronic address (including an e-mail address) of such individual;

"(iv) a telephone number dedicated to contacting such individual at such physical place of residence;

"(v) a social security account number issued to such individual; or

"(vi) the account number of a credit card issued to such individual: or

"(B) if identified in connection with 1 or more of the items of information specified in subparagraph (A)—

"(i) a birth date, the number of a certificate of birth or adoption, or a place of birth; or

"(ii) any other information concerning an identified individual that, if disclosed, will result in contacting or identifying such individual physically or electronically;".

SEC. 232. CONSUMER PRIVACY OMBUDSMAN.

(a) CONSUMER PRIVACY OMBUDSMAN.—Title 11 of the United States Code is amended by inserting after section 331 the following:

"§ 332. Consumer privacy ombudsman

"(a) If a hearing is required under section 363(b)(1)(B), the court shall order the United States trustee to appoint, not later than 5 days before the commencement of the hearing, 1 disinterested person (other than the United States trustee) to serve as the consumer privacy ombudsman in the case and shall require that notice of such hearing be timely given to such ombudsman.

"(b) The consumer privacy ombudsman may appear and be heard at such hearing and shall provide to the court information to assist the court in its consideration of the facts, circumstances, and conditions of the proposed sale or lease of personally identifiable information under section 363(b)(1)(B). Such information may include presentation of—

"(1) the debtor's privacy policy;

"(2) the potential losses or gains of privacy to consumers if such sale or such lease is approved by the court;

"(3) the potential costs or benefits to consumers if such sale or such lease is approved by the court; and

"(4) the potential alternatives that would mitigate potential privacy losses or potential costs to consumers.

"(c) A consumer privacy ombudsman shall not disclose any personally identifiable information obtained by the ombudsman under this title.".

(b) COMPENSATION OF CONSUMER PRIVACY OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended in the matter preceding subparagraph (A), by inserting "a consumer privacy ombudsman appointed under section 332," before "an examiner".

(c) CONFORMING AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"332. Consumer privacy ombudsman.".

SEC. 233. PROHIBITION ON DISCLOSURE OF NAME OF MINOR CHILDREN.

(a) PROHIBITION.—Title 11 of the United States Code, as amended by section 106, is amended by inserting after section 111 the following:

"§ 112. Prohibition on disclosure of name of minor children

"The debtor may be required to provide information regarding a minor child involved in matters under this title but may not be required to disclose in the public records in the case the name of such minor child. The debtor may be required to disclose the name of such minor child in a nonpublic record that is maintained by the court and made available by the court for examination by the United States trustee, the trustee, and the auditor (if any) serving under section 586(f) of title 28, in the case. The court, the United States trustee, the trustee, and such auditor shall not disclose the name of such minor child maintained in such nonpublic record.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 1 of title 11, United States Code, as amended by section 106, is amended by inserting after the item relating to section 111 the following:

"112. Prohibition on disclosure of name of minor children.".

(c) CONFORMING AMENDMENT.—Section 107(a) of title 11, United States Code, is amended by inserting "and subject to section 112" after "section".

TITLE III—DISCOURAGING BANKRUPTCY ABUSE

SEC. 301. TECHNICAL AMENDMENTS.

Section 523(a)(17) of title 11, United States Code, is amended—

(1) by striking "by a court" and inserting "on a prisoner by any court";

(2) by striking "section 1915(b) or (f)" and inserting "subsection (b) or (f)(2) of section 1915"; and

(3) by inserting "(or a similar non-Federal law)" after "title 28" each place it appears.

SEC. 302. DISCOURAGING BAD FAITH REPEAT FILINGS.

Section 362(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "and" at the end;

(2) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(3) if a single or joint case is filed by or against debtor who is an individual in a case under chapter 7, 11, or 13, and if a single or joint case of the debtor was pending within the preceding 1-year period but was dismissed, other than a case refiled under a chapter other than chapter 7 after dismissal under section 707(b)—

"(A) the stay under subsection (a) with respect to any action taken with respect to a debt or property securing such debt or with respect to any lease shall terminate with respect to the debtor on the 30th day after the filing of the later case;

"(B) on the motion of a party in interest for continuation of the automatic stay and upon notice and a hearing, the court may extend the stay in particular cases as to any or all creditors (subject to such conditions or limitations as the court may then impose) after notice and a hearing completed before the expiration of the 30-day period only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed; and

"(C) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors, if—

"(I) more than 1 previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was pending within the preceding 1-year period;

"(II) a previous case under any of chapters 7, 11, and 13 in which the individual was a debtor was dismissed within such 1-year period, after the debtor failed to—

"(aa) file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be a substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney);

"(bb) provide adequate protection as ordered by the court; or

"(cc) perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under chapter 7, 11, or 13 or any other reason to conclude that the later case will be concluded—

"(aa) if a case under chapter 7, with a discharge; or

"(bb) if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; and

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, that action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to actions of such creditor; and

"(4)(A)(i) if a single or joint case is filed by or against a debtor who is an individual under this title, and if 2 or more single or joint cases of the debtor were pending within the previous year but were dismissed, other than a case refiled under section 707(b), the stay under subsection (a) shall not go into effect upon the filing of the later case; and

"(ii) on request of a party in interest, the court shall promptly enter an order confirming that no stay is in effect;

"(B) if, within 30 days after the filing of the later case, a party in interest requests the court may order the stay to take effect in the case as to any or all creditors (subject to such conditions or limitations as the court may impose), after notice and a hearing, only if the party in interest demonstrates that the filing of the later case is in good faith as to the creditors to be stayed;

"(C) a stay imposed under subparagraph (B) shall be effective on the date of the entry of the order allowing the stay to go into effect; and

"(D) for purposes of subparagraph (B), a case is presumptively filed not in good faith (but such presumption may be rebutted by clear and convincing evidence to the contrary)—

"(i) as to all creditors if—

"(I) 2 or more previous cases under this title in which the individual was a debtor were pending within the 1-year period;

"(II) a previous case under this title in which the individual was a debtor was dismissed within the time period stated in this paragraph after the debtor failed to file or amend the petition or other documents as required by this title or the court without substantial excuse (but mere inadvertence or negligence shall not be substantial excuse unless the dismissal was caused by the negligence of the debtor's attorney), failed to provide adequate protection as ordered by the court, or failed to perform the terms of a plan confirmed by the court; or

"(III) there has not been a substantial change in the financial or personal affairs of the debtor since the dismissal of the next most previous case under this title, or any other reason to conclude that the later case will not be concluded, if a case under chapter 7, with a discharge, and if a case under chapter 11 or 13, with a confirmed plan that will be fully performed; or

"(ii) as to any creditor that commenced an action under subsection (d) in a previous case in which the individual was a debtor if, as of the date of dismissal of such case, such action was still pending or had been resolved by terminating, conditioning, or limiting the stay as to such action of such creditor.".

SEC. 303. CURBING ABUSIVE FILINGS.

(a) In General.—Section 362(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) with respect to a stay of an act against real property under subsection (a), by a creditor whose claim is secured by an interest in such real property, if the court finds that the filing of the petition was part of a scheme to delay, hinder, and defraud creditors that involved either—

"(A) transfer of all or part ownership of, or other interest in, such real property without the consent of the secured creditor or court approval; or

"(B) multiple bankruptcy filings affecting such real property.

If recorded in compliance with applicable State laws governing notices of interests or liens in real property, an order entered under paragraph (4) shall be binding in any other case under this title purporting to affect such real property filed not later than 2 years after the date of the entry of such order by the court, except that a debtor in a subsequent case under this title may move for relief from such order based upon changed circumstances or for good cause shown, after notice and a hearing. Any Federal, State, or local governmental unit that accepts notices of interests or liens in real property shall accept any certified copy of an order described in this subsection for indexing and recording.".

(b) Automatic Stay.—Section 362(b) of title 11, United States Code, as amended by section 224, is amended by inserting after paragraph (19), the following:

"(20) under subsection (a), of any act to enforce any lien against or security interest in real property following entry of the order under subsection (d)(4) as to such real property in any prior case under this title, for a period of 2 years after the date of the entry of such an order, except that the debtor, in a subsequent case under this title, may move for relief from such order based upon changed circumstances or for other good cause shown, after notice and a hearing;

"(21) under subsection (a), of any act to enforce any lien against or security interest in real property—

"(A) if the debtor is ineligible under section 109(g) to be a debtor in a case under this title; or

"(B) if the case under this title was filed in violation of a bankruptcy court order in a prior case under this title prohibiting the debtor from being a debtor in another case under this title;".

SEC. 304. DEBTOR RETENTION OF PERSONAL PROPERTY SECURITY.

Title 11, United States Code, is amended—

(1) in section 521(a), as so designated by section 106—

(A) in paragraph (4), by striking ", and" at the end and inserting a semicolon;

(B) in paragraph (5), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(6) in a case under chapter 7 of this title in which the debtor is an individual, not retain possession of personal property as to which a creditor has an allowed claim for the purchase price secured in whole or in part by an interest in such personal property unless the debtor, not later than 45 days after the first meeting of creditors under section 341(a), either—

"(A) enters into an agreement with the creditor pursuant to section 524(c) with respect to the claim secured by such property; or

"(B) redeems such property from the security interest pursuant to section 722.

If the debtor fails to so act within the 45-day period referred to in paragraph (6), the stay under section 362(a) is terminated with respect to the personal property of the estate or of the debtor which is affected, such property shall no longer be property of the estate, and the creditor may take whatever action as to such property as is permitted by applicable nonbankruptcy law, unless the court determines on the motion of the trustee filed before the expiration of such 45-day period, and after notice and a hearing, that such property is of consequential value or benefit to the estate, orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee."; and

(2) in section 722, by inserting "in full at the time of redemption" before the period at the end.

SEC. 305. RELIEF FROM THE AUTOMATIC STAY WHEN THE DEBTOR DOES NOT COMPLETE INTENDED SURRENDER OF CONSUMER DEBT COLLATERAL.

Title 11, United States Code, is amended—

(1) in section 362, as amended by section 106—

(A) in subsection (c), by striking "(e), and (f)" and inserting "(e), (f), and (h)";

(B) by redesignating subsection (h) as subsection (k) and transferring such subsection so as to insert it after subsection (j) as added by section 106; and

(C) by inserting after subsection (g) the following:

"(h)(1) In a case in which the debtor is an individual, the stay provided by subsection (a) is terminated with respect to personal property of the estate or of the debtor securing in whole or in part a claim, or subject to an unexpired lease, and such personal property shall no longer be property of the estate if the debtor fails within the applicable time set by section 521(a)(2)—

"(A) to file timely any statement of intention required under section 521(a)(2) with respect to such personal property or to indicate in such statement that the debtor will either surrender such personal property or retain it and, if retaining such personal property, either redeem such personal property pursuant to section 722, enter into an agreement of the kind specified in section 524(c) applicable to the debt secured by such personal property, or assume such unexpired lease pursuant to section 365(p) if the trustee does not do so, as applicable; and

"(B) to take timely the action specified in such statement, as it may be amended before expiration of the period for taking action, unless such statement specifies the debtor's intention to reaffirm such debt on the original contract terms and the creditor refuses to agree to the reaffirmation on such terms.

"(2) Paragraph (1) does not apply if the court determines, on the motion of the trustee filed before the expiration of the applicable time set by section 521(a)(2), after notice and a hearing, that such personal property is of consequential value or benefit to the estate, and orders appropriate adequate protection of the creditor's interest, and orders the debtor to deliver any collateral in the debtor's possession to the trustee. If the court does not so determine, the stay provided by subsection (a) shall terminate upon the conclusion of the hearing on the motion."; and

(2) in section 521, as amended by sections 106 and 225—

(A) in subsection (a)(2) by striking "consumer";

(B) in subsection (a)(2)(B)—

(i) by striking "forty-five days after the filing of a notice of intent under this section" and inserting "30 days after the first date set for the meeting of creditors under section 341(a)"; and

(ii) by striking "forty-five day" and inserting "30-day";

(C) in subsection (a)(2)(C) by inserting ", except as provided in section 362(h)" before the semicolon; and

(D) by adding at the end the following:

"(d) If the debtor fails timely to take the action specified in subsection (a)(6) of this section, or in paragraphs (1) and (2) of section 362(h), with respect to property which a lessor or bailor owns and has leased, rented, or bailed to the debtor or as to which a creditor holds a security interest not otherwise voidable under section 522(f), 544, 545, 547, 548, or 549, nothing in this title shall prevent or limit the operation of a provision in the underlying lease or agreement that has the effect of placing the debtor in default under such lease or agreement by reason of the occurrence, pendency, or existence of a proceeding under this title or the insolvency of the debtor. Nothing in this subsection shall be deemed to justify limiting such a provision in any other circumstance.".

SEC. 306. GIVING SECURED CREDITORS FAIR TREATMENT IN CHAPTER 13.

(a) IN GENERAL.—Section 1325(a)(5)(B)(i) of title 11, United States Code, is amended to read as follows:

“(i) the plan provides that—

“(I) the holder of such claim retain the lien securing such claim until the earlier of—

“(aa) the payment of the underlying debt determined under nonbankruptcy law; or

“(bb) discharge under section 1328; and

“(II) if the case under this chapter is dismissed or converted without completion of the plan, such lien shall also be retained by such holder to the extent recognized by applicable nonbankruptcy law; and”.

(b) RESTORING THE FOUNDATION FOR SECURED CREDIT.—Section 1325(a) of title 11, United States Code, is amended by adding at the end the following:

“For purposes of paragraph (5), section 506 shall not apply to a claim described in that paragraph if the creditor has a purchase money security interest securing the debt that is the subject of the claim, the debt was incurred within the 910-day preceding the date of the filing of the petition, and the collateral for that debt consists of a motor vehicle (as defined in section 30102 of title 49) acquired for the personal use of the debtor, or if collateral for that debt consists of any other thing of value, if the debt was incurred during the 1-year period preceding that filing.”.

(c) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (13) the following:

“(13A) ‘debtor's principal residence’—

“(A) means a residential structure, including incidental property, without regard to whether that structure is attached to real property; and

“(B) includes an individual condominium or cooperative unit, a mobile or manufactured home, or trailer;”; and

(2) by inserting after paragraph (27), the following:

“(27A) ‘incidental property’ means, with respect to a debtor's principal residence—

“(A) property commonly conveyed with a principal residence in the area where the real property is located;

“(B) all easements, rights, appurtenances, fixtures, rents, royalties, mineral rights, oil or gas rights or profits, water rights, escrow funds, or insurance proceeds; and

“(C) all replacements or additions;”.

SEC. 307. DOMICILIARY REQUIREMENTS FOR EXEMPTIONS.

Section 522(b)(3) of title 11, United States Code, as so designated by section 106, is amended—

(1) in subparagraph (A)—

(A) by striking “180 days” and inserting “730 days”; and

(B) by striking “, or for a longer portion of such 180-day period than in any other place” and inserting “or if the debtor's domicile has not been located at a single State for such 730-day period, the place in which the debtor's domicile was located for 180 days immediately preceding the 730-day period or for a longer portion of such 180-day period than in any other place”; and

(2) by adding at the end the following:

“If the effect of the domiciliary requirement under subparagraph (A) is to render the debtor ineligible for any exemption, the debtor may elect to exempt property that is specified under subsection (d).”.

SEC. 308. REDUCTION OF HOMESTEAD EXEMPTION FOR FRAUD.

Section 522 of title 11, United States Code, as amended by section 224, is amended—

(1) in subsection (b)(3)(A), as so designated by this Act, by inserting “subject to subsections (o) and (p),” before “any property”; and

(2) by adding at the end the following:

“(o) For purposes of subsection (b)(3)(A), and notwithstanding subsection (a), the value of an interest in—

“(1) real or personal property that the debtor or a dependent of the debtor uses as a residence;

“(2) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

“(3) a burial plot for the debtor or a dependent of the debtor; or

“(4) real or personal property that the debtor or a dependent of the debtor claims as a homestead;

shall be reduced to the extent that such value is attributable to any portion of any property that the debtor disposed of in the 10-year period ending on the date of the filing of the petition with the intent to hinder, delay, or defraud a creditor and that the debtor could not exempt, or that portion that the debtor could not exempt, under subsection (b), if on such date the debtor had held the property so disposed of.”.

SEC. 309. PROTECTING SECURED CREDITORS IN CHAPTER 13 CASES.

(a) STOPPING ABUSIVE CONVERSIONS FROM CHAPTER 13.—Section 348(f)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking “and” at the end;

(2) in subparagraph (B)—

(A) by striking “in the converted case, with allowed secured claims” and inserting “only in a case converted to a case under chapter 11 or 12, but not in a case converted to a case under chapter 7, with allowed secured claims in cases under chapters 11 and 12”; and

(B) by striking the period and inserting “; and”; and

(3) by adding at the end the following:

“(C) with respect to cases converted from chapter 13—

“(i) the claim of any creditor holding security as of the date of the petition shall continue to be secured by that security unless the full amount of such claim determined under applicable nonbankruptcy law has been paid in full as of the date of conversion, notwithstanding any valuation or determination of the amount of an allowed secured claim made for the purposes of the case under chapter 13; and

“(ii) unless a prebankruptcy default has been fully cured under the plan at the time of conversion, in any proceeding under this title or otherwise, the default shall have the effect given under applicable nonbankruptcy law.”.

(b) GIVING DEBTORS THE ABILITY TO KEEP LEASED PERSONAL PROPERTY BY ASSUMPTION.—Section 365 of title 11, United States Code, is amended by adding at the end the following:

“(p)(1) If a lease of personal property is rejected or not timely assumed by the trustee under subsection (d), the leased property is no longer property of the estate and the stay under section 362(a) is automatically terminated.

“(2)(A) If the debtor in a case under chapter 7 is an individual, the debtor may notify the creditor in writing that the debtor desires to assume the lease. Upon being so notified, the creditor may, at its option, notify the debtor that it is willing to have the lease assumed by the debtor and may condition such assumption on cure of any outstanding default on terms set by the contract.

“(B) If, not later than 30 days after notice is provided under subparagraph (A), the debtor notifies the lessor in writing that the lease is assumed, the liability under the lease will be assumed by the debtor and not by the estate.

“(C) The stay under section 362 and the injunction under section 524(a)(2) shall not be violated by notification of the debtor and negotiation of cure under this subsection.

“(3) In a case under chapter 11 in which the debtor is an individual and in a case under chapter 13, if the debtor is the lessee with respect to personal property and the lease is not assumed in the plan confirmed by the court, the lease is deemed rejected as of the conclusion of the hearing on confirmation. If the lease is rejected, the stay under section 362 and any stay under section 1301 is automatically terminated with respect to the property subject to the lease.”.

(c) ADEQUATE PROTECTION OF LESSORS AND PURCHASE MONEY SECURED CREDITORS.—

(1) CONFIRMATION OF PLAN.—Section 1325(a)(5)(B) of title 11, United States Code, as amended by section 306, is amended—

(A) in clause (i), by striking “and” at the end;

(B) in clause (ii), by striking “or” at the end and inserting “and”; and

(C) by adding at the end the following:

“(iii) if—

“(I) property to be distributed pursuant to this subsection is in the form of periodic payments, such payments shall be in equal monthly amounts; and

“(II) the holder of the claim is secured by personal property, the amount of such payments shall not be less than an amount sufficient to provide to the holder of such claim adequate protection during the period of the plan; or”.

(2) PAYMENTS.—Section 1326(a) of title 11, United States Code, is amended to read as follows:

“(a)(1) Unless the court orders otherwise, the debtor shall commence making payments not later than 30 days after the date of the filing of the plan or the order for relief, whichever is earlier, in the amount—

“(A) proposed by the plan to the trustee;

“(B) scheduled in a lease of personal property directly to the lessor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment; and

“(C) that provides adequate protection directly to a creditor holding an allowed claim secured by personal property to the extent the claim is attributable to the purchase of such property by the debtor for that portion of the obligation that becomes due after the order for relief, reducing the payments under subparagraph (A) by the amount so paid and providing the trustee with evidence of such payment, including the amount and date of payment.

“(2) A payment made under paragraph (1)(A) shall be retained by the trustee until confirmation or denial of confirmation. If a plan is confirmed, the trustee shall distribute any such payment in accordance with the plan as soon as is practicable. If a plan is not confirmed, the trustee shall return any such payments not previously paid and not yet due and owing to creditors pursuant to paragraph (3) to the debtor, after deducting any unpaid claim allowed under section 503(b).

“(3) Subject to section 363, the court may, upon notice and a hearing, modify, increase, or reduce the payments required under this subsection pending confirmation of a plan.

"(4) Not later than 60 days after the date of filing of a case under this chapter, a debtor retaining possession of personal property subject to a lease or securing a claim attributable in whole or in part to the purchase price of such property shall provide the lessor or secured creditor reasonable evidence of the maintenance of any required insurance coverage with respect to the use or ownership of such property and continue to do so for so long as the debtor retains possession of such property.".

SEC. 310. LIMITATION ON LUXURY GOODS.

Section 523(a)(2)(C) of title 11, United States Code, is amended to read as follows:

"(C)(i) for purposes of subparagraph (A)—

"(I) consumer debts owed to a single creditor and aggregating more than $500 for luxury goods or services incurred by an individual debtor on or within 90 days before the order for relief under this title are presumed to be nondischargeable; and

"(II) cash advances aggregating more than $750 that are extensions of consumer credit under an open end credit plan obtained by an individual debtor on or within 70 days before the order for relief under this title, are presumed to be nondischargeable; and

"(ii) for purposes of this subparagraph—

"(I) the terms 'consumer', 'credit', and 'open end credit plan' have the same meanings as in section 103 of the Truth in Lending Act; and

"(II) the term 'luxury goods or services' does not include goods or services reasonably necessary for the support or maintenance of the debtor or a dependent of the debtor.".

SEC. 311. AUTOMATIC STAY.

(a) IN GENERAL.—Section 362(b) of title 11, United States Code, as amended by sections 224 and 303, is amended by inserting after paragraph (21), the following:

"(22) subject to subsection (l), under subsection (a)(3), of the continuation of any eviction, unlawful detainer action, or similar proceeding by a lessor against a debtor involving residential property in which the debtor resides as a tenant under a lease or rental agreement and with respect to which the lessor has obtained before the date of the filing of the bankruptcy petition, a judgment for possession of such property against the debtor;

"(23) subject to subsection (m), under subsection (a)(3), of an eviction action that seeks possession of the residential property in which the debtor resides as a tenant under a lease or rental agreement based on endangerment of such property or the illegal use of controlled substances on such property, but only if the lessor files with the court, and serves upon the debtor, a certification under penalty of perjury that such an eviction action has been filed, or that the debtor, during the 30-day period preceding the date of the filing of the certification, has endangered property or illegally used or allowed to be used a controlled substance on the property;

"(24) under subsection (a), of any transfer that is not avoidable under section 544 and that is not avoidable under section 549;".

(b) LIMITATIONS.—Section 362 of title 11, United States Code, as amended by sections 106 and 305, is amended by adding at the end the following:

"(l)(1) Except as otherwise provided in this subsection, subsection (b)(22) shall apply on the date that is 30 days after the date on which the bankruptcy petition is filed, if the debtor files with the petition and serves upon the lessor a certification under penalty of perjury that—

"(A) under nonbankruptcy law applicable in the jurisdiction, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after that judgment for possession was entered; and

"(B) the debtor (or an adult dependent of the debtor) has deposited with the clerk of the court, any rent that would become due during the 30-day period after the filing of the bankruptcy petition.

"(2) If, within the 30-day period after the filing of the bankruptcy petition, the debtor (or an adult dependent of the debtor) complies with paragraph (1) and files with the court and serves upon the lessor a further certification under penalty of perjury that the debtor (or an adult dependent of the debtor) has cured, under nonbankrupcty law applicable in the jurisdiction, the entire monetary default that gave rise to the judgment under which possession is sought by the lessor, subsection (b)(22) shall not apply, unless ordered to apply by the court under paragraph (3).

"(3)(A) If the lessor files an objection to any certification filed by the debtor under paragraph (1) or (2), and serves such objection upon the debtor, the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the certification filed by the debtor under paragraph (1) or (2) is true.

"(B) If the court upholds the objection of the lessor filed under subparagraph (A)—

"(i) subsection (b)(22) shall apply immediately and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

"(ii) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the court's order upholding the lessor's objection.

"(4) If a debtor, in accordance with paragraph (5), indicates on the petition that there was a judgment for possession of the residential rental property in which the debtor resides and does not file a certification under paragraph (1) or (2)—

"(A) subsection (b)(22) shall apply immediately upon failure to file such certification, and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

"(B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating the absence of a filed certification and the applicability of the exception to the stay under subsection (b)(22).

"(5)(A) Where a judgment for possession of residential property in which the debtor resides as a tenant under a lease or rental agreement has been obtained by the lessor, the debtor shall so indicate on the bankruptcy petition and shall provide the name and address of the lessor that obtained that pre-petition judgment on the petition and on any certification filed under this subsection.

"(B) The form of certification filed with the petition, as specified in this subsection, shall provide for the debtor to certify, and the debtor shall certify—

"(i) whether a judgment for possession of residential rental housing in which the debtor resides has been obtained against the debtor before the date of the filing of the petition; and

"(ii) whether the debtor is claiming under paragraph (1) that under nonbankruptcy law applicable in the jurisdiction, there are circumstances under which the debtor would be permitted to cure the entire monetary default that gave rise to the judgment for possession, after that judgment of possession was entered, and has made the appropriate deposit with the court.

"(C) The standard forms (electronic and otherwise) used in a bankruptcy proceeding shall be amended to reflect the requirements of this subsection.

"(D) The clerk of the court shall arrange for the prompt transmittal of the rent deposited in accordance with paragraph (1)(B) to the lessor.

"(m)(1) Except as otherwise provided in this subsection, subsection (b)(23) shall apply on the date that is 15 days after the date on which the lessor files and serves a certification described in subsection (b)(23).

"(2)(A) If the debtor files with the court an objection to the truth or legal sufficiency of the certification described in subsection (b)(23) and serves such objection upon the lessor, subsection (b)(23) shall not apply, unless ordered to apply by the court under this subsection.

"(B) If the debtor files and serves the objection under subparagraph (A), the court shall hold a hearing within 10 days after the filing and service of such objection to determine if the situation giving rise to the lessor's certification under paragraph (1) existed or has been remedied.

"(C) If the debtor can demonstrate to the satisfaction of the court that the situation giving rise to the lessor's certification under paragraph (1) did not exist or has been remedied, the stay provided under subsection (a)(3) shall remain in effect until the termination of the stay under this section.

"(D) If the debtor cannot demonstrate to the satisfaction of the court that the situation giving rise to the lessor's certification under paragraph (1) did not exist or has been remedied—

"(i) relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to proceed with the eviction; and

"(ii) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the court's order upholding the lessor's certification.

"(3) If the debtor fails to file, within 15 days, an objection under paragraph (2)(A)—

"(A) subsection (b)(23) shall apply immediately upon such failure and relief from the stay provided under subsection (a)(3) shall not be required to enable the lessor to complete the process to recover full possession of the property; and

"(B) the clerk of the court shall immediately serve upon the lessor and the debtor a certified copy of the docket indicating such failure.".

SEC. 312. EXTENSION OF PERIOD BETWEEN BANKRUPTCY DISCHARGES.

Title 11, United States Code, is amended—

(1) in section 727(a)(8), by striking "six" and inserting "8"; and

(2) in section 1328, by inserting after subsection (e) the following:

"(f) Notwithstanding subsections (a) and (b), the court shall not grant a discharge of all debts provided for in the plan or disallowed under section 502, if the debtor has received a discharge—

"(1) in a case filed under chapter 7, 11, or 12 of this title during the 4-year period preceding the date of the order for relief under this chapter, or

"(2) in a case filed under chapter 13 of this title during the 2-year period preceding the date of such order.".

SEC. 313. DEFINITION OF HOUSEHOLD GOODS AND ANTIQUES.

(a) DEFINITION.—Section 522(f) of title 11, United States Code, is amended by adding at the end the following:

"(4)(A) Subject to subparagraph (B), for purposes of paragraph (1)(B), the term 'household goods' means—

"(i) clothing;

"(ii) furniture;

"(iii) appliances;

"(iv) 1 radio;

"(v) 1 television;

"(vi) 1 VCR;

"(vii) linens;

"(viii) china;

"(ix) crockery;

"(x) kitchenware;

"(xi) educational materials and educational equipment primarily for the use of minor dependent children of the debtor;

(xii) medical equipment and supplies;

"(xiii) furniture exclusively for the use of minor children, or elderly or disabled dependents of the debtor;

"(xiv) personal effects (including the toys and hobby equipment of minor dependent children and wedding rings) of the debtor and the dependents of the debtor; and

"(xv) 1 personal computer and related equipment.

"(B) The term 'household goods' does not include—

"(i) works of art (unless by or of the debtor, or any relative of the debtor);

"(ii) electronic entertainment equipment with a fair market value of more than $500 in the aggregate (except 1 television, 1 radio, and 1 VCR);

"(iii) items acquired as antiques with a fair market value of more than $500 in the aggregate;

"(iv) jewelry with a fair market value of more than $500 in the aggregate (except wedding rings); and

"(v) a computer (except as otherwise provided for in this section), motor vehicle (including a tractor or lawn tractor), boat, or a motorized recreational device, conveyance, vehicle, watercraft, or aircraft.".

(b) STUDY.—Not later than 2 years after the date of enactment of this Act, the Director of the Executive Office for United States Trustees shall submit a report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives containing its findings regarding utilization of the definition of household goods, as defined in section 522(f)(4) of title 11, United States Code, as added by subsection (a), with respect to the avoidance of nonpossessory, nonpurchase money security interests in household goods under section 522(f)(1)(B) of title 11, United States Code, and the impact such section 522(f)(4) has had on debtors and on the bankruptcy courts. Such report may include recommendations for amendments to such section 522(f)(4) consistent with the Director's findings.

SEC. 314. DEBT INCURRED TO PAY NONDISCHARGEABLE DEBTS.

(a) IN GENERAL.—Section 523(a) of title 11, United States Code, is amended by inserting after paragraph (14) the following:

"(14A) incurred to pay a tax to a governmental unit, other than the United States, that would be nondischargeable under paragraph (1);".

(b) DISCHARGE UNDER CHAPTER 13.—Section 1328(a) of title 11, United States Code, is amended by striking paragraphs (1) through (3) and inserting the following:

"(1) provided for under section 1322(b)(5);

"(2) of the kind specified in paragraph (2), (3), (4), (5), (8), or (9) of section 523(a);

"(3) for restitution, or a criminal fine, included in a sentence on the debtor's conviction of a crime; or

"(4) for restitution, or damages, awarded in a civil action against the debtor as a result of willful or malicious injury by the debtor that caused personal injury to an individual or the death of an individual.".

SEC. 315. GIVING CREDITORS FAIR NOTICE IN CHAPTERS 7 AND 13 CASES.

(a) NOTICE.—Section 342 of title 11, United States Code, as amended by section 102, is amended—

(1) in subsection (c)—

(A) by inserting "(1)" after "(c)";

(B) by striking ", but the failure of such notice to contain such information shall not invalidate the legal effect of such notice"; and

(C) by adding at the end the following:

"(2)(A) If, within the 90 days before the commencement of a voluntary case, a creditor supplies the debtor in at least 2 communications sent to the debtor with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number.

"(B) If a creditor would be in violation of applicable nonbankruptcy law by sending any such communication within such 90-day period and if such creditor supplies the debtor in the last 2 communications with the current account number of the debtor and the address at which such creditor requests to receive correspondence, then any notice required by this title to be sent by the debtor to such creditor shall be sent to such address and shall include such account number."; and

(2) by adding at the end the following:

"(e)(1) In a case under chapter 7 or 13 of this title of a debtor who is an individual, a creditor at any time may both file with the court and serve on the debtor a notice of address to be used to provide notice in such case to such creditor.

"(2) Any notice in such case required to be provided to such creditor by the debtor or the court later than 5 days after the court and the debtor receive such creditor's notice of address, shall be provided to such address.

"(f)(1) An entity may file with any bankruptcy court a notice of address to be used by all the bankruptcy courts or by particular bankruptcy courts, as so specified by such entity at the time such notice is filed, to provide notice to such entity in all cases under chapters 7 and 13 pending in the courts with respect to which such notice is filed, in which such entity is a creditor.

"(2) In any case filed under chapter 7 or 13, any notice required to be provided by a court with respect to which a notice is filed under paragraph (1), to such entity later than 30 days after the filing of such notice under paragraph (1) shall be provided to such address unless with respect to a particular case a different address is specified in a notice filed and served in accordance with subsection (e).

"(3) A notice filed under paragraph (1) may be withdrawn by such entity.

"(g)(1) Notice provided to a creditor by the debtor or the court other than in accordance with this section (excluding this subsection) shall not be effective notice until such notice is brought to the attention of such creditor. If such creditor designates a person or an organizational subdivision of such creditor to be responsible for receiving notices under this title and establishes reasonable procedures so that such notices receivable by such creditor are to be delivered to such person or such subdivision, then a notice provided to such creditor other than in accordance with this section (excluding this subsection) shall not be considered to have been brought to the attention of such creditor until such notice is received by such person or such subdivision.

"(2) A monetary penalty may not be imposed on a creditor for a violation of a stay in effect under section 362(a) (including a monetary penalty imposed under section 362(k)) or for failure to comply with section 542 or 543 unless the conduct that is the basis of such violation or of such failure occurs after such creditor receives notice effective under this section of the order for relief.".

(b) DEBTOR'S DUTIES.—Section 521 of title 11, United States Code, as amended by sections 106, 225, and 305, is amended—

(1) in subsection (a), as so designated by section 106, by amending paragraph (1) to read as follows:

"(1) file—

"(A) a list of creditors; and

"(B) unless the court orders otherwise—

"(i) a schedule of assets and liabilities;

"(ii) a schedule of current income and current expenditures;

"(iii) a statement of the debtor's financial affairs and, if section 342(b) applies, a certificate—

"(I) of an attorney whose name is indicated on the petition as the attorney for the debtor, or a bankruptcy petition preparer signing the petition under section 110(b)(1), indicating that such attorney or the bankruptcy petition preparer delivered to the debtor the notice required by section 342(b); or

"(II) if no attorney is so indicated, and no bankruptcy petition preparer signed the petition, of the debtor that such notice was received and read by the debtor;

"(iv) copies of all payment advices or other evidence of payment received within 60 days before the date of the filing of the petition, by the debtor from any employer of the debtor;

"(v) a statement of the amount of monthly net income, itemized to show how the amount is calculated; and

"(vi) a statement disclosing any reasonably anticipated increase in income or expenditures over the 12-month period following the date of the filing of the petition;"; and

(2) by adding at the end the following:

"(e)(1) If the debtor in a case under chapter 7 or 13 is an individual and if a creditor files with the court at any time a request to receive a copy of the petition, schedules, and statement of financial affairs filed by the debtor, then the court shall make such petition, such schedules, and such statement available to such creditor.

"(2)(A) The debtor shall provide—

"(i) not later than 7 days before the date first set for the first meeting of creditors, to the trustee a copy of the Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such return) for the most recent tax year ending immediately before the commencement of the case and for which a Federal income tax return was filed; and

"(ii) at the same time the debtor complies with clause (i), a copy of such return (or if elected under clause (i), such transcript) to any creditor that timely requests such copy.

"(B) If the debtor fails to comply with clause (i) or (ii) of subparagraph (A), the court shall dismiss the case unless the debtor demonstrates that the failure to so comply is due to circumstances beyond the control of the debtor.

"(C) If a creditor requests a copy of such tax return or such transcript and if the debtor fails to provide a copy of such tax return or such transcript to such creditor at the time the debtor provides such tax return or such transcript to the trustee, then the court shall dismiss the case unless the debtor demonstrates that the failure to provide a copy of such tax return or such transcript is due to circumstances beyond the control of the debtor.

"(3) If a creditor in a case under chapter 13 files with the court at any time a request to receive a copy of the plan filed by the debtor, then the court shall make available to such creditor a copy of the plan—

"(A) at a reasonable cost; and

"(B) not later than 5 days after such request is filed.

"(f) At the request of the court, the United States trustee, or any party in interest in a case under chapter 7, 11, or 13, a debtor who is an individual shall file with the court—

"(1) at the same time filed with the taxing authority, a copy of each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) with respect to each tax year of the debtor ending while the case is pending under such chapter;

"(2) at the same time filed with the taxing authority, each Federal income tax return required under applicable law (or at the election of the debtor, a transcript of such tax return) that had not been filed with such authority as of the date of the commencement of the case and that was subsequently filed for any tax year of the debtor ending in the 3-year period ending on the date of the commencement of the case;

"(3) a copy of each amendment to any Federal income tax return or transcript filed with the court under paragraph (1) or (2); and

"(4) in a case under chapter 13—

"(A) on the date that is either 90 days after the end of such tax year or 1 year after the date of the commencement of the case, whichever is later, if a plan is not confirmed before such later date; and

"(B) annually after the plan is confirmed and until the case is closed, not later than the date that is 45 days before the anniversary of the confirmation of the plan;

a statement, under penalty of perjury, of the income and expenditures of the debtor during the tax year of the debtor most recently concluded before such statement is filed under this paragraph, and of the monthly income of the debtor, that shows how income, expenditures, and monthly income are calculated.

"(g)(1) A statement referred to in subsection (f)(4) shall disclose—

"(A) the amount and sources of the income of the debtor;

"(B) the identity of any person responsible with the debtor for the support of any dependent of the debtor; and

"(C) the identity of any person who contributed, and the amount contributed, to the household in which the debtor resides.

"(2) The tax returns, amendments, and statement of income and expenditures described in subsections (e)(2)(A) and (f) shall be available to the United States trustee (or the bankruptcy administrator, if any), the trustee, and any party in interest for inspection and copying, subject to the requirements of section 315(c) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

"(h) If requested by the United States trustee or by the trustee, the debtor shall provide—

"(1) a document that establishes the identity of the debtor, including a driver's license, passport, or other document that contains a photograph of the debtor; or

"(2) such other personal identifying information relating to the debtor that establishes the identity of the debtor.".

(c)(1) Not later than 180 days after the date of the enactment of this Act, the Director of the Administrative Office of the United States Courts shall establish procedures for safeguarding the confidentiality of any tax information required to be provided under this section.

(2) The procedures under paragraph (1) shall include restrictions on creditor access to tax information that is required to be provided under this section.

(3) Not later than 540 days after the date of enactment of this Act, the Director of the Administrative Office of the United States Courts shall prepare and submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report that—

(A) assesses the effectiveness of the procedures established under paragraph (1); and

(B) if appropriate, includes proposed legislation to—

(i) further protect the confidentiality of tax information; and

(ii) provide penalties for the improper use by any person of the tax information required to be provided under this section.

SEC. 316. DISMISSAL FOR FAILURE TO TIMELY FILE SCHEDULES OR PROVIDE REQUIRED INFORMATION.

Section 521 of title 11, United States Code, as amended by sections 106, 225, 305, and 315, is amended by adding at the end the following:

"(i)(1) Subject to paragraphs (2) and (4) and notwithstanding section 707(a), if an individual debtor in a voluntary case under chapter 7 or 13 fails to file all of the information required under subsection (a)(1) within 45 days after the date of the filing of the petition, the case shall be automatically dismissed effective on the 46th day after the date of the filing of the petition.

"(2) Subject to paragraph (4) and with respect to a case described in paragraph (1), any party in interest may request the court to enter an order dismissing the case. If requested, the court shall enter an order of dismissal not later than 5 days after such request.

"(3) Subject to paragraph (4) and upon request of the debtor made within 45 days after the date of the filing of the petition described in paragraph (1), the court may allow the debtor an additional period of not to exceed 45 days to file the information required under subsection (a)(1) if the court finds justification for extending the period for the filing.

"(4) Notwithstanding any other provision of this subsection, on the motion of the trustee filed before the expiration of the applicable period of time specified in paragraph (1), (2), or (3), and after notice and a hearing, the court may decline to dismiss the case if the court finds that the debtor attempted in good faith to file all the information required by subsection (a)(1)(B)(iv) and that the best interests of creditors would be served by administration of the case.".

SEC. 317. ADEQUATE TIME TO PREPARE FOR HEARING ON CONFIRMATION OF THE PLAN.

Section 1324 of title 11, United States Code, is amended—

(1) by striking "After" and inserting the following:

"(a) Except as provided in subsection (b) and after"; and

(2) by adding at the end the following:

"(b) The hearing on confirmation of the plan may be held not earlier than 20 days and not later than 45 days after the date of the meeting of creditors under section 341(a), unless the court determines that it would be in the best interests of the creditors and the estate to hold such hearing at an earlier date and there is no objection to such earlier date.".

SEC. 318. CHAPTER 13 PLANS TO HAVE A 5-YEAR DURATION IN CERTAIN CASES.

Title 11, United States Code, is amended—

(1) by amending section 1322(d) to read as follows:

"(d)(1) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 5 years.

"(2) If the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is less than—

"(A) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

"(B) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

"(C) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4,

the plan may not provide for payments over a period that is longer than 3 years, unless the court, for cause, approves a longer period, but the court may not approve a period that is longer than 5 years.";

(2) in section 1325(b)(1)(B), by striking "three-year period" and inserting "applicable commitment period"; and

(3) in section 1325(b), as amended by section 102, by adding at the end the following:

"(4) For purposes of this subsection, the 'applicable commitment period'—

"(A) subject to subparagraph (B), shall be—

"(i) 3 years; or

"(ii) not less than 5 years, if the current monthly income of the debtor and the debtor's spouse combined, when multiplied by 12, is not less than—

"(I) in the case of a debtor in a household of 1 person, the median family income of the applicable State for 1 earner;

"(II) in the case of a debtor in a household of 2, 3, or 4 individuals, the highest median family income of the applicable State for a family of the same number or fewer individuals; or

"(III) in the case of a debtor in a household exceeding 4 individuals, the highest median family income of the applicable State for a family of 4 or fewer individuals, plus $525 per month for each individual in excess of 4; and

"(B) may be less than 3 or 5 years, whichever is applicable under subparagraph (A), but only if the plan provides for payment in full of all allowed unsecured claims over a shorter period."; and

(4) in section 1329(c), by striking "three years" and inserting "the applicable commitment period under section 1325(b)(1)(B)".

SEC. 319. SENSE OF CONGRESS REGARDING EXPANSION OF RULE 9011 OF THE FEDERAL RULES OF BANKRUPTCY PROCEDURE.

It is the sense of Congress that rule 9011 of the Federal Rules of Bankruptcy Procedure (11 U.S.C. App.) should be modified to include a requirement that all documents (including schedules), signed and unsigned, submitted to the court or to a trustee by debtors who represent themselves and debtors who are represented by attorneys be submitted only after the debtors or the debtors' attorneys have made reasonable inquiry to verify that the information contained in such documents is—

(1) well grounded in fact; and

(2) warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law.

SEC. 320. PROMPT RELIEF FROM STAY IN INDIVIDUAL CASES.

Section 362(e) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(e)"; and

(2) by adding at the end the following:

"(2) Notwithstanding paragraph (1), in a case under chapter 7, 11, or 13 in which the debtor is an individual, the stay under subsection (a) shall terminate on the date that is 60 days after a request is made by a party in interest under subsection (d), unless—

"(A) a final decision is rendered by the court during the 60-day period beginning on the date of the request; or

"(B) such 60-day period is extended—

"(i) by agreement of all parties in interest; or

"(ii) by the court for such specific period of time as the court finds is required for good cause, as described in findings made by the court.".

SEC. 321. CHAPTER 11 CASES FILED BY INDIVIDUALS.

(a) PROPERTY OF THE ESTATE.—

(1) IN GENERAL.—Subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"§ 1115. Property of the estate

"(a) In a case in which the debtor is an individual, property of the estate includes, in addition to the property specified in section 541—

"(1) all property of the kind specified in section 541 that the debtor acquires after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first; and

"(2) earnings from services performed by the debtor after the commencement of the case but before the case is closed, dismissed, or converted to a case under chapter 7, 12, or 13, whichever occurs first.

"(b) Except as provided in section 1104 or a confirmed plan or order confirming a plan, the debtor shall remain in possession of all property of the estate.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 11 of title 11, United States Code, is amended by adding at the end the following:

"1115. Property of the estate.".

(b) CONTENTS OF PLAN.—Section 1123(a) of title 11, United States Code, is amended—

(1) in paragraph (6), by striking "and" at the end;

(2) in paragraph (7), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(8) in a case in which the debtor is an individual, provide for the payment to creditors under the plan of all or such portion of earnings from personal services performed by the debtor after the commencement of the case or other future income of the debtor as is necessary for the execution of the plan.".

(c) CONFIRMATION OF PLAN.—

(1) REQUIREMENTS RELATING TO VALUE OF PROPERTY.—Section 1129(a) of title 11, United States Code, as amended by section 213, is amended by adding at the end the following:

"(15) In a case in which the debtor is an individual and in which the holder of an allowed unsecured claim objects to the confirmation of the plan—

"(A) the value, as of the effective date of the plan, of the property to be distributed under the plan on account of such claim is not less than the amount of such claim; or

"(B) the value of the property to be distributed under the plan is not less than the projected disposable income of the debtor (as defined in section 1325(b)(2)) to be received during the 5-year period beginning on the date that the first payment is due under the plan, or during the period for which the plan provides payments, whichever is longer.".

(2) REQUIREMENT RELATING TO INTERESTS IN PROPERTY.—Section 1129(b)(2)(B)(ii) of title 11, United States Code, is amended by inserting before the period at the end the following: ", except that in a case in which the debtor is an individual, the debtor may retain property included in the estate under section 1115, subject to the requirements of subsection (a)(14) of this section".

(d) EFFECT OF CONFIRMATION.—Section 1141(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "The confirmation of a plan does not discharge an individual debtor" and inserting "A discharge under this chapter does not discharge a debtor who is an individual"; and

(2) by adding at the end the following:

"(5) In a case in which the debtor is an individual—

"(A) unless after notice and a hearing the court orders otherwise for cause, confirmation of the plan does not discharge any debt provided for in the plan until the court grants a discharge on completion of all payments under the plan;

"(B) at any time after the confirmation of the plan, and after notice and a hearing, the court may grant a discharge to the debtor who has not completed payments under the plan if—

"(i) the value, as of the effective date of the plan, of property actually distributed under the plan on account of each allowed unsecured claim is not less than the amount that would have been paid on such claim if the estate of the debtor had been liquidated under chapter 7 on such date; and

"(ii) modification of the plan under section 1127 is not practicable; and".

(e) MODIFICATION OF PLAN.—Section 1127 of title 11, United States Code, is amended by adding at the end the following:

"(e) If the debtor is an individual, the plan may be modified at any time after confirmation of the plan but before the completion of payments under the plan, whether or not the plan has been substantially consummated, upon request of the debtor, the trustee, the United States trustee, or the holder of an allowed unsecured claim, to—

"(1) increase or reduce the amount of payments on claims of a particular class provided for by the plan;

"(2) extend or reduce the time period for such payments; or

"(3) alter the amount of the distribution to a creditor whose claim is provided for by the plan to the extent necessary to take account of any payment of such claim made other than under the plan.

"(f)(1) Sections 1121 through 1128 and the requirements of section 1129 apply to any modification under subsection (a).

"(2) The plan, as modified, shall become the plan only after there has been disclosure under section 1125 as the court may direct, notice and a hearing, and such modification is approved.".

SEC. 322. LIMITATIONS ON HOMESTEAD EXEMPTION.

(a) EXEMPTIONS.—Section 522 of title 11, United States Code, as amended by sections 224 and 308, is amended by adding at the end the following:

"(p)(1) Except as provided in paragraph (2) of this subsection and sections 544 and 548, as a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of interest that was acquired by the debtor during the 1215-day period preceding the date of the filing of the petition that exceeds in the aggregate $125,000 in value in—

"(A) real or personal property that the debtor or a dependent of the debtor uses as a residence;

"(B) a cooperative that owns property that the debtor or a dependent of the debtor uses as a residence;

"(C) a burial plot for the debtor or a dependent of the debtor; or

"(D) real or personal property that the debtor or dependent of the debtor claims as a homestead.

"(2)(A) The limitation under paragraph (1) shall not apply to an exemption claimed under subsection (b)(3)(A) by a family farmer for the principal residence of such farmer.

"(B) For purposes of paragraph (1), any amount of such interest does not include any interest transferred from a debtor's previous principal residence (which was acquired prior to the beginning of such 1215-day period) into the debtor's current principal residence, if the debtor's previous and current residences are located in the same State.

"(q)(1) As a result of electing under subsection (b)(3)(A) to exempt property under State or local law, a debtor may not exempt any amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) which exceeds in the aggregate $125,000 if—

"(A) the court determines, after notice and a hearing, that the debtor has been convicted of a felony (as defined in section 3156 of title 18), which under the circumstances, demonstrates that the filing of the case was an abuse of the provisions of this title; or

"(B) the debtor owes a debt arising from—

"(i) any violation of the Federal securities laws (as defined in section 3(a)(47) of the Securities Exchange Act of 1934), any State securities laws, or any regulation or order issued under Federal securities laws or State securities laws;

"(ii) fraud, deceit, or manipulation in a fiduciary capacity or in connection with the purchase or sale of any security registered under section 12 or 15(d) of the Securities Exchange Act of 1934 or under section 6 of the Securities Act of 1933;

"(iii) any civil remedy under section 1964 of title 18; or "(iv) any criminal act, intentional tort, or willful or reckless misconduct that caused serious physical injury or death to another individual in the preceding 5 years.

"(2) Paragraph (1) shall not apply to the extent the amount of an interest in property described in subparagraphs (A), (B), (C), and (D) of subsection (p)(1) is reasonably necessary for the support of the debtor and any dependent of the debtor.".

(b) ADJUSTMENT OF DOLLAR AMOUNTS.—Paragraphs (1) and (2) of section 104(b) of title 11, United States Code, as amended by section 224, are amended by inserting "522(p), 522(q)," after "522(n),".

SEC. 323. EXCLUDING EMPLOYEE BENEFIT PLAN PARTICIPANT CONTRIBUTIONS AND OTHER PROPERTY FROM THE ESTATE.

Section 541(b) of title 11, United States Code, as amended by section 225, is amended by adding after paragraph (6), as added by section 225(a)(1)(C), the following:

"(7) any amount—

"(A) withheld by an employer from the wages of employees for payment as contributions—

"(i) to—

"(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

"(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

"(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income as defined in section 1325(b)(2); or

"(ii) to a health insurance plan regulated by State law whether or not subject to such title; or

"(B) received by an employer from employees for payment as contributions—

"(i) to—

"(I) an employee benefit plan that is subject to title I of the Employee Retirement Income Security Act of 1974 or under an employee benefit plan which is a governmental plan under section 414(d) of the Internal Revenue Code of 1986;

"(II) a deferred compensation plan under section 457 of the Internal Revenue Code of 1986; or

"(III) a tax-deferred annuity under section 403(b) of the Internal Revenue Code of 1986;

except that such amount under this subparagraph shall not constitute disposable income, as defined in section 1325(b)(2); or

"(ii) to a health insurance plan regulated by State law whether or not subject to such title;".

SEC. 324. EXCLUSIVE JURISDICTION IN MATTERS INVOLVING BANKRUPTCY PROFESSIONALS.

(a) IN GENERAL.—Section 1334 of title 28, United States Code, is amended—

(1) in subsection (b), by striking "Notwithstanding" and inserting "Except as provided in subsection (e)(2), and notwithstanding"; and

(2) by striking subsection (e) and inserting the following:

"(e) The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—

"(1) of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate; and

"(2) over all claims or causes of action that involve construction of section 327 of title 11, United States Code, or rules relating to disclosure requirements under section 327.".

(b) APPLICABILITY.—This section shall only apply to cases filed after the date of enactment of this Act.

SEC. 325. UNITED STATES TRUSTEE PROGRAM FILING FEE INCREASE.

(a) ACTIONS UNDER CHAPTER 7 OR 13 OF TITLE 11, UNITED STATES CODE.—Section 1930(a) of title 28, United States Code, is amended by striking paragraph (1) and inserting the following:

"(1) For a case commenced—

"(A) under chapter 7 of title 11, $160; or

"(B) under chapter 13 of title 11, $150.".

(b) UNITED STATES TRUSTEE SYSTEM FUND.—Section 589a(b) of title 28, United States Code, is amended—

(1) by striking paragraph (1) and inserting the following:

"(1)(A) 40.63 percent of the fees collected under section 1930(a)(1)(A) of this title in cases commenced under chapter 7 of title 11; and

"(B) 70.00 percent of the fees collected under section 1930(a)(1)(B) of this title in cases commenced under chapter 13 of title 11;";

(2) in paragraph (2), by striking "one-half" and inserting "three-fourths"; and

(3) in paragraph (4), by striking "one-half" and inserting "100 percent".

(c) COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES.—Section 406(b) of the Judiciary Appropriations Act, 1990 (28 U.S.C. 1931 note) is amended by striking "pursuant to 28 U.S.C. section 1930(b)" and all that follows through "28 U.S.C. section 1931" and inserting "under section 1930(b) of title 28, United States Code, and 31.25 percent of the fees collected under section 1930(a)(1)(A) of that title, 30.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title".

SEC. 326. SHARING OF COMPENSATION.

Section 504 of title 11, United States Code, is amended by adding at the end the following:

"(c) This section shall not apply with respect to sharing, or agreeing to share, compensation with a bona fide public service attorney referral program that operates in accordance with non-Federal law regulating attorney referral services and with rules of professional responsibility applicable to attorney acceptance of referrals.".

SEC. 327. FAIR VALUATION OF COLLATERAL.

Section 506(a) of title 11, United States Code, is amended by—

(1) inserting "(1)" after "(a)"; and

(2) by adding at the end the following:

"(2) If the debtor is an individual in a case under chapter 7 or 13, such value with respect to personal property securing an allowed claim shall be determined based on the replacement value of such property as of the date of the filing of the petition without deduction for costs of sale or marketing. With respect to property acquired for personal, family, or household purposes, replacement value shall mean the price a retail merchant would charge for property of that kind considering the age and condition of the property at the time value is determined.".

SEC. 328. DEFAULTS BASED ON NONMONETARY OBLIGATIONS.

(a) EXECUTORY CONTRACTS AND UNEXPIRED LEASES.—Section 365 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1)(A), by striking the semicolon at the end and inserting the following: "other than a default that is a breach of a provision relating to the satisfaction of any provision (other than a penalty rate or penalty provision) relating to a default arising from any failure to perform nonmonetary obligations under an unexpired lease of real property, if it is impossible for the trustee to cure such default by performing nonmonetary acts at and after the time of assumption, except that if such default arises from a failure to operate in accordance with a nonresidential real property lease, then such default shall be cured by performance at and after the time of assumption in accordance with such lease, and pecuniary losses resulting from such default shall be compensated in accordance with the provisions of this paragraph;"; and

(B) in paragraph (2)(D), by striking "penalty rate or provision" and inserting "penalty rate or penalty provision";

(2) in subsection (c)—

(A) in paragraph (2), by inserting "or" at the end;

(B) in paragraph (3), by striking "; or" at the end and inserting a period; and

(C) by striking paragraph (4);

(3) in subsection (d)—

(A) by striking paragraphs (5) through (9); and

(B) by redesignating paragraph (10) as paragraph (5); and

(4) in subsection (f)(1) by striking "; except that" and all that follows through the end of the paragraph and inserting a period.

(b) IMPAIRMENT OF CLAIMS OR INTERESTS.—Section 1124(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by inserting "or of a kind that section 365(b)(2) expressly does not require to be cured" before the semicolon at the end;

(2) in subparagraph (C), by striking "and" at the end;

(3) by redesignating subparagraph (D) as subparagraph (E); and

(4) by inserting after subparagraph (C) the following:

"(D) if such claim or such interest arises from any failure to perform a nonmonetary obligation, other than a default arising from failure to operate a nonresidential real property lease subject to section 365(b)(1)(A), compensates the holder of such claim or such interest (other than the debtor or an insider) for any actual pecuniary loss incurred by such holder as a result of such failure; and".

SEC. 329. CLARIFICATION OF POSTPETITION WAGES AND BENEFITS.

Section 503(b)(1)(A) of title 11, United States Code, is amended to read as follows:

"(A) the actual, necessary costs and expenses of preserving the estate including—

"(i) wages, salaries, and commissions for services rendered after the commencement of the case; and

"(ii) wages and benefits awarded pursuant to a judicial proceeding or a proceeding of the National Labor Relations Board as back pay attributable to any period of time occurring after commencement of the case under this title, as a result of a violation of Federal or State law by the debtor, without regard to the time of the occurrence of unlawful conduct on which such award is based or to whether any services were rendered, if the court determines that payment of wages and benefits by reason of the operation of this clause will not substantially increase the probability of layoff or termination of current employees, or of nonpayment of domestic support obligations, during the case under this title;".

SEC. 330. DELAY OF DISCHARGE DURING PENDENCY OF CERTAIN PROCEEDINGS.

(a) CHAPTER 7.—Section 727(a) of title 11, United States Code, as amended by section 106, is amended—

(1) in paragraph (10), by striking "or" at the end;

(2) in paragraph (11) by striking the period at the end and inserting "; or"; and

(3) by inserting after paragraph (11) the following:

"(12) the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is reasonable cause to believe that—

"(A) section 522(q)(1) may be applicable to the debtor; and

"(B) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).".

(b) CHAPTER 11.—Section 1141(d) of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

"(C) unless after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge, the court finds that there is no reasonable cause to believe that—

"(i) section 522(q)(1) may be applicable to the debtor; and

"(ii) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).".

(c) CHAPTER 12.—Section 1228 of title 11, United States Code, is amended—

(1) in subsection (a) by striking "As" and inserting "Subject to subsection (d), as",

(2) in subsection (b) by striking "At" and inserting "Subject to subsection (d), at", and

(3) by adding at the end the following:

"(f) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

"(1) section 522(q)(1) may be applicable to the debtor; and

"(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).".

(d) CHAPTER 13.—Section 1328 of title 11, United States Code, as amended by section 106, is amended—

(1) in subsection (a) by striking "As" and inserting "Subject to subsection (d), as",

(2) in subsection (b) by striking "At" and inserting "Subject to subsection (d), at", and

(3) by adding at the end the following:

"(h) The court may not grant a discharge under this chapter unless the court after notice and a hearing held not more than 10 days before the date of the entry of the order granting the discharge finds that there is no reasonable cause to believe that—

"(1) section 522(q)(1) may be applicable to the debtor; and

"(2) there is pending any proceeding in which the debtor may be found guilty of a felony of the kind described in section 522(q)(1)(A) or liable for a debt of the kind described in section 522(q)(1)(B).".

TITLE IV—GENERAL AND SMALL BUSINESS BANKRUPTCY PROVISIONS

Subtitle A—General Business Bankruptcy Provisions

SEC. 401. ADEQUATE PROTECTION FOR INVESTORS.

(a) DEFINITION.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (48) the following:

"(48A) 'securities self regulatory organization' means either a securities association registered with the Securities and Exchange Commission under section 15A of the Securities Exchange Act of 1934 or a national securities exchange registered with the Securities and Exchange Commission under section 6 of the Securities Exchange Act of 1934;".

(b) AUTOMATIC STAY.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, and 311, is amended by inserting after paragraph (24) the following:

"(25) under subsection (a), of—

"(A) the commencement or continuation of an investigation or action by a securities self regulatory organization to enforce such organization's regulatory power;

"(B) the enforcement of an order or decision, other than for monetary sanctions, obtained in an action by such securities self regulatory organization to enforce such organization's regulatory power; or

"(C) any act taken by such securities self regulatory organization to delist, delete, or refuse to permit quotation of any stock that does not meet applicable regulatory requirements;".

SEC. 402. MEETINGS OF CREDITORS AND EQUITY SECURITY HOLDERS.

Section 341 of title 11, United States Code, is amended by adding at the end the following:

"(e) Notwithstanding subsections (a) and (b), the court, on the request of a party in interest and after notice and a hearing, for cause may order that the United States trustee not convene a meeting of creditors or equity security holders if the debtor has filed a plan as to which the debtor solicited acceptances prior to the commencement of the case.".

SEC. 403. PROTECTION OF REFINANCE OF SECURITY INTEREST.

Subparagraphs (A), (B), and (C) of section 547(e)(2) of title 11, United States Code, are each amended by striking "10" each place it appears and inserting "30".

SEC. 404. EXECUTORY CONTRACTS AND UNEXPIRED LEASES.

(a) IN GENERAL.—Section 365(d)(4) of title 11, United States Code, is amended to read as follows:

"(4)(A) Subject to subparagraph (B), an unexpired lease of nonresidential real property under which the debtor is the lessee shall be deemed rejected, and the trustee shall immediately surrender that nonresidential real property to the lessor, if the trustee does not assume or reject the unexpired lease by the earlier of—

"(i) the date that is 120 days after the date of the order for relief; or

"(ii) the date of the entry of an order confirming a plan.

"(B)(i) The court may extend the period determined under subparagraph (A), prior to the expiration of the 120-day period, for 90 days on the motion of the trustee or lessor for cause.

"(ii) If the court grants an extension under clause (i), the court may grant a subsequent extension only upon prior written consent of the lessor in each instance.".

(b) EXCEPTION.—Section 365(f)(1) of title 11, United States Code, is amended by striking "subsection" the first place it appears and inserting "subsections (b) and".

SEC. 405. CREDITORS AND EQUITY SECURITY HOLDERS COMMITTEES.

(a) APPOINTMENT.—Section 1102(a) of title 11, United States Code, is amended by adding at the end the following:

"(4) On request of a party in interest and after notice and a hearing, the court may order the United States trustee to change the membership of a committee appointed under this subsection, if the court determines that the change is necessary to ensure adequate representation of creditors or equity security holders. The court may order the United States trustee to increase the number of members of a committee to include a creditor that is a small business concern (as described in section 3(a)(1) of the Small Business Act), if the court determines that the creditor holds claims (of the kind represented by the committee) the aggregate amount of which, in comparison to the annual gross revenue of that creditor, is disproportionately large.".

(b) INFORMATION.—Section 1102(b) of title 11, United States Code, is amended by adding at the end the following:

"(3) A committee appointed under subsection (a) shall—

"(A) provide access to information for creditors who—

"(i) hold claims of the kind represented by that committee; and

"(ii) are not appointed to the committee;

"(B) solicit and receive comments from the creditors described in subparagraph (A); and

"(C) be subject to a court order that compels any additional report or disclosure to be made to the creditors described in subparagraph (A).".

SEC. 406. AMENDMENT TO SECTION 546 OF TITLE 11, UNITED STATES CODE.

Section 546 of title 11, United States Code, is amended—

(1) by redesignating the second subsection (g) (as added by section 222(a) of Public Law 103–394) as subsection (h);

(2) in subsection (h), as so redesignated, by inserting "and subject to the prior rights of holders of security interests in such goods or the proceeds of such goods" after "consent of a creditor"; and

(3) by adding at the end the following:

"(i)(1) Notwithstanding paragraphs (2) and (3) of section 545, the trustee may not avoid a warehouseman's lien for storage, transportation, or other costs incidental to the storage and handling of goods.

"(2) The prohibition under paragraph (1) shall be applied in a manner consistent with any State statute applicable to such lien that is similar to section 7–209 of the Uniform Commercial Code, as in effect on the date of enactment of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, or any successor to such section 7–209.".

SEC. 407. AMENDMENTS TO SECTION 330(a) OF TITLE 11, UNITED STATES CODE.

Section 330(a) of title 11, United States Code, is amended—

(1) in paragraph (3)—

(A) by striking "(A) In" and inserting "In"; and

(B) by inserting "to an examiner, trustee under chapter 11, or professional person" after "awarded"; and

(2) by adding at the end the following:

"(7) In determining the amount of reasonable compensation to be awarded to a trustee, the court shall treat such compensation as a commission, based on section 326.".

SEC. 408. POSTPETITION DISCLOSURE AND SOLICITATION.

Section 1125 of title 11, United States Code, is amended by adding at the end the following:

"(g) Notwithstanding subsection (b), an acceptance or rejection of the plan may be solicited from a holder of a claim or interest if such solicitation complies with applicable nonbankruptcy law and if such holder was solicited before the commencement of the case in a manner complying with applicable nonbankruptcy law.".

SEC. 409. PREFERENCES.

Section 547(c) of title 11, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) to the extent that such transfer was in payment of a debt incurred by the debtor in the ordinary course of business or financial affairs of the debtor and the transferee, and such transfer was—

"(A) made in the ordinary course of business or financial affairs of the debtor and the transferee; or

"(B) made according to ordinary business terms;";

(2) in paragraph (8), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(9) if, in a case filed by a debtor whose debts are not primarily consumer debts, the aggregate value of all property that constitutes or is affected by such transfer is less than $5,000.".

SEC. 410. VENUE OF CERTAIN PROCEEDINGS.

Section 1409(b) of title 28, United States Code, is amended by inserting ", or a debt (excluding a consumer debt) against a noninsider of less than $10,000," after "$5,000".

SEC. 411. PERIOD FOR FILING PLAN UNDER CHAPTER 11.

Section 1121(d) of title 11, United States Code, is amended—

(1) by striking "On" and inserting "(1) Subject to paragraph (2), on"; and

(2) by adding at the end the following:

"(2)(A) The 120-day period specified in paragraph (1) may not be extended beyond a date that is 18 months after the date of the order for relief under this chapter.

"(B) The 180-day period specified in paragraph (1) may not be extended beyond a date that is 20 months after the date of the order for relief under this chapter.".

SEC. 412. FEES ARISING FROM CERTAIN OWNERSHIP INTERESTS.

Section 523(a)(16) of title 11, United States Code, is amended—

(1) by striking "dwelling" the first place it appears;

(2) by striking "ownership or" and inserting "ownership,";

(3) by striking "housing" the first place it appears; and

(4) by striking "but only" and all that follows through "such period," and inserting "or a lot in a homeowners association, for as long as the debtor or the trustee has a legal, equitable, or possessory ownership interest in such unit, such corporation, or such lot,".

SEC. 413. CREDITOR REPRESENTATION AT FIRST MEETING OF CREDITORS.

Section 341(c) of title 11, United States Code, is amended by inserting at the end the following: "Notwithstanding any local court rule, provision of a State constitution, any otherwise applicable nonbankruptcy law, or any other requirement that representation at the meeting of creditors under subsection (a) be by an attorney, a creditor holding a consumer debt or any representative of the creditor (which may include an entity or an employee of an entity and may be a representative for more than 1 creditor) shall be permitted to appear at and participate in the meeting of creditors in a case under chapter 7 or 13, either alone or in conjunction with an attorney for the creditor. Nothing in this subsection shall be construed to require any creditor to be represented by an attorney at any meeting of creditors.".

SEC. 414. DEFINITION OF DISINTERESTED PERSON.

Section 101(14) of title 11, United States Code, is amended to read as follows:

"(14) 'disinterested person' means a person that—

"(A) is not a creditor, an equity security holder, or an insider;

"(B) is not and was not, within 2 years before the date of the filing of the petition, a director, officer, or employee of the debtor; and

"(C) does not have an interest materially adverse to the interest of the estate or of any class of creditors or equity security holders, by reason of any direct or indirect relationship to, connection with, or interest in, the debtor, or for any other reason;".

SEC. 415. FACTORS FOR COMPENSATION OF PROFESSIONAL PERSONS.

Section 330(a)(3) of title 11, United States Code, is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following:

"(E) with respect to a professional person, whether the person is board certified or otherwise has demonstrated skill and experience in the bankruptcy field; and".

SEC. 416. APPOINTMENT OF ELECTED TRUSTEE.

Section 1104(b) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(b)"; and

(2) by adding at the end the following:

"(2)(A) If an eligible, disinterested trustee is elected at a meeting of creditors under paragraph (1), the United States trustee shall file a report certifying that election.

"(B) Upon the filing of a report under subparagraph (A)—

"(i) the trustee elected under paragraph (1) shall be considered to have been selected and appointed for purposes of this section; and

"(ii) the service of any trustee appointed under subsection (d) shall terminate.

"(C) The court shall resolve any dispute arising out of an election described in subparagraph (A).".

SEC. 417. UTILITY SERVICE.

Section 366 of title 11, United States Code, is amended—

(1) in subsection (a), by striking "subsection (b)" and inserting "subsections (b) and (c)"; and

(2) by adding at the end the following:

"(c)(1)(A) For purposes of this subsection, the term 'assurance of payment' means—

"(i) a cash deposit;

"(ii) a letter of credit;

"(iii) a certificate of deposit;

"(iv) a surety bond;

"(v) a prepayment of utility consumption; or

"(vi) another form of security that is mutually agreed on between the utility and the debtor or the trustee.

"(B) For purposes of this subsection an administrative expense priority shall not constitute an assurance of payment.

"(2) Subject to paragraphs (3) and (4), with respect to a case filed under chapter 11, a utility referred to in subsection (a) may alter, refuse, or discontinue utility service, if during the 30-day period beginning on the date of the filing of the petition, the utility does not receive from the debtor or the trustee adequate assurance of payment for utility service that is satisfactory to the utility.

"(3)(A) On request of a party in interest and after notice and a hearing, the court may order modification of the amount of an assurance of payment under paragraph (2).

"(B) In making a determination under this paragraph whether an assurance of payment is adequate, the court may not consider—

"(i) the absence of security before the date of the filing of the petition;

"(ii) the payment by the debtor of charges for utility service in a timely manner before the date of the filing of the petition; or

"(iii) the availability of an administrative expense priority.

"(4) Notwithstanding any other provision of law, with respect to a case subject to this subsection, a utility may recover or set off against a security deposit provided to the utility by the debtor before the date of the filing of the petition without notice or order of the court.".

SEC. 418. BANKRUPTCY FEES.

Section 1930 of title 28, United States Code, is amended—

(1) in subsection (a), by striking "Notwithstanding section 1915 of this title, the" and inserting "The"; and

(2) by adding at the end the following:

"(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term 'filing fee' means the filing fee required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

"(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

"(3) This subsection does not restrict the district court or the bankruptcy court from waiving, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.".

SEC. 419. MORE COMPLETE INFORMATION REGARDING ASSETS OF THE ESTATE.

(a) IN GENERAL.—

(1) DISCLOSURE.—The Judicial Conference of the United States, in accordance with section 2075 of title 28 of the United States Code and after consideration of the views of the Director of the Executive Office for United States Trustees, shall propose amended Federal Rules of Bankruptcy Procedure and in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure shall prescribe official bankruptcy forms directing debtors under chapter 11 of title 11 of United States Code, to disclose the information described in paragraph (2) by filing and serving periodic financial and other reports designed to provide such information.

(2) INFORMATION.—The information referred to in paragraph (1) is the value, operations, and profitability of any closely held corporation, partnership, or of any other entity in

which the debtor holds a substantial or controlling interest.

(b) Purpose.—The purpose of the rules and reports under subsection (a) shall be to assist parties in interest taking steps to ensure that the debtor's interest in any entity referred to in subsection (a)(2) is used for the payment of allowed claims against debtor.

Subtitle B—Small Business Bankruptcy Provisions

SEC. 431. FLEXIBLE RULES FOR DISCLOSURE STATEMENT AND PLAN.

Section 1125 of title 11, United States Code, is amended—

(1) in subsection (a)(1), by inserting before the semicolon "and in determining whether a disclosure statement provides adequate information, the court shall consider the complexity of the case, the benefit of additional information to creditors and other parties in interest, and the cost of providing additional information"; and

(2) by striking subsection (f), and inserting the following:

"(f) Notwithstanding subsection (b), in a small business case—

"(1) the court may determine that the plan itself provides adequate information and that a separate disclosure statement is not necessary;

"(2) the court may approve a disclosure statement submitted on standard forms approved by the court or adopted under section 2075 of title 28; and

"(3)(A) the court may conditionally approve a disclosure statement subject to final approval after notice and a hearing;

"(B) acceptances and rejections of a plan may be solicited based on a conditionally approved disclosure statement if the debtor provides adequate information to each holder of a claim or interest that is solicited, but a conditionally approved disclosure statement shall be mailed not later than 25 days before the date of the hearing on confirmation of the plan; and

"(C) the hearing on the disclosure statement may be combined with the hearing on confirmation of a plan.".

SEC. 432. DEFINITIONS.

(a) Definitions.—Section 101 of title 11, United States Code, is amended by striking paragraph (51C) and inserting the following:

"(51C) 'small business case' means a case filed under chapter 11 of this title in which the debtor is a small business debtor;

"(51D) 'small business debtor'—

"(A) subject to subparagraph (B), means a person engaged in commercial or business activities (including any affiliate of such person that is also a debtor under this title and excluding a person whose primary activity is the business of owning or operating real property or activities incidental thereto) that has aggregate noncontingent liquidated secured and unsecured debts as of the date of the petition or the date of the order for relief in an amount not more than $2,000,000 (excluding debts owed to 1 or more affiliates or insiders) for a case in which the United States trustee has not appointed under section 1102(a)(1) a committee of unsecured creditors or where the court has determined that the committee of unsecured creditors is not sufficiently active and representative to provide effective oversight of the debtor; and

"(B) does not include any member of a group of affiliated debtors that has aggregate noncontingent liquidated secured and unsecured debts in an amount greater than $2,000,000 (excluding debt owed to 1 or more affiliates or insiders);".

(b) Conforming Amendment.—Section 1102(a)(3) of title 11, United States Code, is amended by inserting "debtor" after "small business".

(c) Adjustment of Dollar Amounts.—Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting "101(51D)," after "101(3)," each place it appears.

SEC. 433. STANDARD FORM DISCLOSURE STATEMENT AND PLAN.

Within a reasonable period of time after the date of enactment of this Act, the Judicial Conference of the United States shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official standard form disclosure statements and plans of reorganization for small business debtors (as defined in section 101 of title 11, United States Code, as amended by this Act), designed to achieve a practical balance between—

(1) the reasonable needs of the courts, the United States trustee, creditors, and other parties in interest for reasonably complete information; and

(2) economy and simplicity for debtors.

SEC. 434. UNIFORM NATIONAL REPORTING REQUIREMENTS.

(a) Reporting Required.—

(1) In General.—Chapter 3 of title 11, United States Code, is amended by inserting after section 307 the following:

"§ 308. Debtor reporting requirements

"(a) For purposes of this section, the term 'profitability' means, with respect to a debtor, the amount of money that the debtor has earned or lost during current and recent fiscal periods.

"(b) A small business debtor shall file periodic financial and other reports containing information including—

"(1) the debtor's profitability;

"(2) reasonable approximations of the debtor's projected cash receipts and cash disbursements over a reasonable period;

"(3) comparisons of actual cash receipts and disbursements with projections in prior reports;

"(4)(A) whether the debtor is—

"(i) in compliance in all material respects with postpetition requirements imposed by this title and the Federal Rules of Bankruptcy Procedure; and

"(ii) timely filing tax returns and other required government filings and paying taxes and other administrative expenses when due;

"(B) if the debtor is not in compliance with the requirements referred to in subparagraph (A)(i) or filing tax returns and other required government filings and making the payments referred to in subparagraph (A)(ii), what the failures are and how, at what cost, and when the debtor intends to remedy such failures; and

"(C) such other matters as are in the best interests of the debtor and creditors, and in the public interest in fair and efficient procedures under chapter 11 of this title.".

(2) Clerical Amendment.—The table of sections for chapter 3 of title 11, United States Code, is amended by inserting after the item relating to section 307 the following:

"308. Debtor reporting requirements.".

(b) Effective Date.—The amendments made by subsection (a) shall take effect 60 days after the date on which rules are prescribed under section 2075 of title 28, United States Code, to establish forms to be used to comply with section 308 of title 11, United States Code, as added by subsection (a).

SEC. 435. UNIFORM REPORTING RULES AND FORMS FOR SMALL BUSINESS CASES.

(a) Proposal of Rules and Forms.—The Judicial Conference of the United States shall propose in accordance with section 2073 of title 28 of the United States Code amended Federal Rules of Bankruptcy Procedure, and shall prescribe in accordance with rule 9009 of the Federal Rules of Bankruptcy Procedure official bankruptcy forms, directing small business debtors to file periodic financial and other reports containing information, including information relating to—

(1) the debtor's profitability;

(2) the debtor's cash receipts and disbursements; and

(3) whether the debtor is timely filing tax returns and paying taxes and other administrative expenses when due.

(b) Purpose.—The rules and forms proposed under subsection (a) shall be designed to achieve a practical balance among—

(1) the reasonable needs of the bankruptcy court, the United States trustee, creditors, and other parties in interest for reasonably complete information;

(2) a small business debtor's interest that required reports be easy and inexpensive to complete; and

(3) the interest of all parties that the required reports help such debtor to understand such debtor's financial condition and plan the such debtor's future.

SEC. 436. DUTIES IN SMALL BUSINESS CASES.

(a) Duties in Chapter 11 Cases.—Subchapter I of chapter 11 of title 11, United States Code, as amended by section 321, is amended by adding at the end the following:

"§ 1116. Duties of trustee or debtor in possession in small business cases

"In a small business case, a trustee or the debtor in possession, in addition to the duties provided in this title and as otherwise required by law, shall—

"(1) append to the voluntary petition or, in an involuntary case, file not later than 7 days after the date of the order for relief—

"(A) its most recent balance sheet, statement of operations, cash-flow statement, and Federal income tax return; or

"(B) a statement made under penalty of perjury that no balance sheet, statement of operations, or cash-flow statement has been prepared and no Federal tax return has been filed;

"(2) attend, through its senior management personnel and counsel, meetings scheduled by the court or the United States trustee, including initial debtor interviews, scheduling conferences, and meetings of creditors convened under section 341 unless the court, after notice and a hearing, waives that requirement upon a finding of extraordinary and compelling circumstances;

"(3) timely file all schedules and statements of financial affairs, unless the court, after notice and a hearing, grants an extension, which shall not extend such time period to a date later than 30 days after the date of the order for relief, absent extraordinary and compelling circumstances;

"(4) file all postpetition financial and other reports required by the Federal Rules of Bankruptcy Procedure or by local rule of the district court;

"(5) subject to section 363(c)(2), maintain insurance customary and appropriate to the industry;

"(6)(A) timely file tax returns and other required government filings; and

"(B) subject to section 363(c)(2), timely pay all taxes entitled to administrative expense priority except those being contested by appropriate proceedings being diligently prosecuted; and

"(7) allow the United States trustee, or a designated representative of the United

States trustee, to inspect the debtor's business premises, books, and records at reasonable times, after reasonable prior written notice, unless notice is waived by the debtor.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 11 of title 11, United States Code, as amended by section 321, is amended by inserting after the item relating to section 1115 the following:

"1116. Duties of trustee or debtor in possession in small business cases.".

SEC. 437. PLAN FILING AND CONFIRMATION DEADLINES.

Section 1121 of title 11, United States Code, is amended by striking subsection (e) and inserting the following:

"(e) In a small business case—

"(1) only the debtor may file a plan until after 180 days after the date of the order for relief, unless that period is—

"(A) extended as provided by this subsection, after notice and a hearing; or

"(B) the court, for cause, orders otherwise;

"(2) the plan and a disclosure statement (if any) shall be filed not later than 300 days after the date of the order for relief; and

"(3) the time periods specified in paragraphs (1) and (2), and the time fixed in section 1129(e) within which the plan shall be confirmed, may be extended only if—

"(A) the debtor, after providing notice to parties in interest (including the United States trustee), demonstrates by a preponderance of the evidence that it is more likely than not that the court will confirm a plan within a reasonable period of time;

"(B) a new deadline is imposed at the time the extension is granted; and

"(C) the order extending time is signed before the existing deadline has expired.".

SEC. 438. PLAN CONFIRMATION DEADLINE.

Section 1129 of title 11, United States Code, is amended by adding at the end the following:

"(e) In a small business case, the court shall confirm a plan that complies with the applicable provisions of this title and that is filed in accordance with section 1121(e) not later than 45 days after the plan is filed unless the time for confirmation is extended in accordance with section 1121(e)(3).".

SEC. 439. DUTIES OF THE UNITED STATES TRUSTEE.

Section 586(a) of title 28, United States Code, is amended—

(1) in paragraph (3)—

(A) in subparagraph (G), by striking "and" at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

"(H) in small business cases (as defined in section 101 of title 11), performing the additional duties specified in title 11 pertaining to such cases; and";

(2) in paragraph (5), by striking "and" at the end;

(3) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(7) in each of such small business cases—

"(A) conduct an initial debtor interview as soon as practicable after the date of the order for relief but before the first meeting scheduled under section 341(a) of title 11, at which time the United States trustee shall—

"(i) begin to investigate the debtor's viability;

"(ii) inquire about the debtor's business plan;

"(iii) explain the debtor's obligations to file monthly operating reports and other required reports;

"(iv) attempt to develop an agreed scheduling order; and

"(v) inform the debtor of other obligations;

"(B) if determined to be appropriate and advisable, visit the appropriate business premises of the debtor, ascertain the state of the debtor's books and records, and verify that the debtor has filed its tax returns; and

"(C) review and monitor diligently the debtor's activities, to identify as promptly as possible whether the debtor will be unable to confirm a plan; and

"(8) in any case in which the United States trustee finds material grounds for any relief under section 1112 of title 11, the United States trustee shall apply promptly after making that finding to the court for relief.".

SEC. 440. SCHEDULING CONFERENCES.

Section 105(d) of title 11, United States Code, is amended—

(1) in the matter preceding paragraph (1), by striking ", may"; and

(2) by striking paragraph (1) and inserting the following:

"(1) shall hold such status conferences as are necessary to further the expeditious and economical resolution of the case; and".

SEC. 441. SERIAL FILER PROVISIONS.

Section 362 of title 11, United States Code, as amended by sections 106, 305, and 311, is amended—

(1) in subsection (k), as so redesignated by section 305—

(A) by striking "An" and inserting "(1) Except as provided in paragraph (2), an"; and

(B) by adding at the end the following:

"(2) If such violation is based on an action taken by an entity in the good faith belief that subsection (h) applies to the debtor, the recovery under paragraph (1) of this subsection against such entity shall be limited to actual damages."; and

(2) by adding at the end the following:

"(n)(1) Except as provided in paragraph (2), subsection (a) does not apply in a case in which the debtor—

"(A) is a debtor in a small business case pending at the time the petition is filed;

"(B) was a debtor in a small business case that was dismissed for any reason by an order that became final in the 2-year period ending on the date of the order for relief entered with respect to the petition;

"(C) was a debtor in a small business case in which a plan was confirmed in the 2-year period ending on the date of the order for relief entered with respect to the petition; or

"(D) is an entity that has acquired substantially all of the assets or business of a small business debtor described in subparagraph (A), (B), or (C), unless such entity establishes by a preponderance of the evidence that such entity acquired substantially all of the assets or business of such small business debtor in good faith and not for the purpose of evading this paragraph.

"(2) Paragraph (1) does not apply—

"(A) to an involuntary case involving no collusion by the debtor with creditors; or

"(B) to the filing of a petition if—

"(i) the debtor proves by a preponderance of the evidence that the filing of the petition resulted from circumstances beyond the control of the debtor not foreseeable at the time the case then pending was filed; and

"(ii) it is more likely than not that the court will confirm a feasible plan, but not a liquidating plan, within a reasonable period of time.".

SEC. 442. EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION AND APPOINTMENT OF TRUSTEE.

(a) EXPANDED GROUNDS FOR DISMISSAL OR CONVERSION.—Section 1112 of title 11, United States Code, is amended by striking subsection (b) and inserting the following:

"(b)(1) Except as provided in paragraph (2) of this subsection, subsection (c) of this section, and section 1104(a)(3), on request of a party in interest, and after notice and a hearing, absent unusual circumstances specifically identified by the court that establish that the requested conversion or dismissal is not in the best interests of creditors and the estate, the court shall convert a case under this chapter to a case under chapter 7 or dismiss a case under this chapter, whichever is in the best interests of creditors and the estate, if the movant establishes cause.

"(2) The relief provided in paragraph (1) shall not be granted absent unusual circumstances specifically identified by the court that establish that such relief is not in the best interests of creditors and the estate, if the debtor or another party in interest objects and establishes that—

"(A) there is a reasonable likelihood that a plan will be confirmed within the timeframes established in sections 1121(e) and 1129(e) of this title, or if such sections do not apply, within a reasonable period of time; and

"(B) the grounds for granting such relief include an act or omission of the debtor other than under paragraph (4)(A)—

"(i) for which there exists a reasonable justification for the act or omission; and

"(ii) that will be cured within a reasonable period of time fixed by the court.

"(3) The court shall commence the hearing on a motion under this subsection not later than 30 days after filing of the motion, and shall decide the motion not later than 15 days after commencement of such hearing, unless the movant expressly consents to a continuance for a specific period of time or compelling circumstances prevent the court from meeting the time limits established by this paragraph.

"(4) For purposes of this subsection, the term 'cause' includes—

"(A) substantial or continuing loss to or diminution of the estate and the absence of a reasonable likelihood of rehabilitation;

"(B) gross mismanagement of the estate;

"(C) failure to maintain appropriate insurance that poses a risk to the estate or to the public;

"(D) unauthorized use of cash collateral substantially harmful to 1 or more creditors;

"(E) failure to comply with an order of the court;

"(F) unexcused failure to satisfy timely any filing or reporting requirement established by this title or by any rule applicable to a case under this chapter;

"(G) failure to attend the meeting of creditors convened under section 341(a) or an examination ordered under rule 2004 of the Federal Rules of Bankruptcy Procedure without good cause shown by the debtor;

"(H) failure timely to provide information or attend meetings reasonably requested by the United States trustee (or the bankruptcy administrator, if any);

"(I) failure timely to pay taxes owed after the date of the order for relief or to file tax returns due after the date of the order for relief;

"(J) failure to file a disclosure statement, or to file or confirm a plan, within the time fixed by this title or by order of the court;

"(K) failure to pay any fees or charges required under chapter 123 of title 28;

"(L) revocation of an order of confirmation under section 1144;

"(M) inability to effectuate substantial consummation of a confirmed plan;

"(N) material default by the debtor with respect to a confirmed plan;

"(O) termination of a confirmed plan by reason of the occurrence of a condition specified in the plan; and

"(P) failure of the debtor to pay any domestic support obligation that first becomes payable after the date of the filing of the petition.".

(b) ADDITIONAL GROUNDS FOR APPOINTMENT OF TRUSTEE.—Section 1104(a) of title 11, United States Code, is amended—

(1) in paragraph (1), by striking "or" at the end;

(2) in paragraph (2), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(3) if grounds exist to convert or dismiss the case under section 1112, but the court determines that the appointment of a trustee or an examiner is in the best interests of creditors and the estate.".

SEC. 443. STUDY OF OPERATION OF TITLE 11, UNITED STATES CODE, WITH RESPECT TO SMALL BUSINESSES.

Not later than 2 years after the date of enactment of this Act, the Administrator of the Small Business Administration, in consultation with the Attorney General, the Director of the Executive Office for United States Trustees, and the Director of the Administrative Office of the United States Courts, shall—

(1) conduct a study to determine—

(A) the internal and external factors that cause small businesses, especially sole proprietorships, to become debtors in cases under title 11, United States Code, and that cause certain small businesses to successfully complete cases under chapter 11 of such title; and

(B) how Federal laws relating to bankruptcy may be made more effective and efficient in assisting small businesses to remain viable; and

(2) submit to the President pro tempore of the Senate and the Speaker of the House of Representatives a report summarizing that study.

SEC. 444. PAYMENT OF INTEREST.

Section 362(d)(3) of title 11, United States Code, is amended—

(1) by inserting "or 30 days after the court determines that the debtor is subject to this paragraph, whichever is later" after "90-day period)"; and

(2) by striking subparagraph (B) and inserting the following:

"(B) the debtor has commenced monthly payments that—

"(i) may, in the debtor's sole discretion, notwithstanding section 363(c)(2), be made from rents or other income generated before, on, or after the date of the commencement of the case by or from the property to each creditor whose claim is secured by such real estate (other than a claim secured by a judgment lien or by an unmatured statutory lien); and

"(ii) are in an amount equal to interest at the then applicable nondefault contract rate of interest on the value of the creditor's interest in the real estate; or".

SEC. 445. PRIORITY FOR ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following:

"(7) with respect to a nonresidential real property lease previously assumed under section 365, and subsequently rejected, a sum equal to all monetary obligations due, excluding those arising from or relating to a failure to operate or a penalty provision, for the period of 2 years following the later of the rejection date or the date of actual turnover of the premises, without reduction or setoff for any reason whatsoever except for sums actually received or to be received from an entity other than the debtor, and the claim for remaining sums due for the balance of the term of the lease shall be a claim under section 502(b)(6);".

SEC. 446. DUTIES WITH RESPECT TO A DEBTOR WHO IS A PLAN ADMINISTRATOR OF AN EMPLOYEE BENEFIT PLAN.

(a) IN GENERAL.—Section 521(a) of title 11, United States Code, as amended by sections 106 and 304, is amended—

(1) in paragraph (5), by striking "and" at the end;

(2) in paragraph (6), by striking the period at the end and inserting "; and"; and

(3) by adding after paragraph (6) the following:

"(7) unless a trustee is serving in the case, continue to perform the obligations required of the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan if at the time of the commencement of the case the debtor (or any entity designated by the debtor) served as such administrator.".

(b) DUTIES OF TRUSTEES.—Section 704(a) of title 11, United States Code, as amended by sections 102 and 219, is amended—

(1) in paragraph (10), by striking "and" at the end; and

(2) by adding at the end the following:

"(11) if, at the time of the commencement of the case, the debtor (or any entity designated by the debtor) served as the administrator (as defined in section 3 of the Employee Retirement Income Security Act of 1974) of an employee benefit plan, continue to perform the obligations required of the administrator; and".

(c) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, is amended to read as follows:

"(1) perform the duties of the trustee, as specified in paragraphs (2), (5), (7), (8), (9), (10), and (11) of section 704;".

SEC. 447. APPOINTMENT OF COMMITTEE OF RETIRED EMPLOYEES.

Section 1114(d) of title 11, United States Code, is amended—

(1) by striking "appoint" and inserting "order the appointment of", and

(2) by adding at the end the following: "The United States trustee shall appoint any such committee.".

TITLE V—MUNICIPAL BANKRUPTCY PROVISIONS

SEC. 501. PETITION AND PROCEEDINGS RELATED TO PETITION.

(a) TECHNICAL AMENDMENT RELATING TO MUNICIPALITIES.—Section 921(d) of title 11, United States Code, is amended by inserting "notwithstanding section 301(b)" before the period at the end.

(b) CONFORMING AMENDMENT.—Section 301 of title 11, United States Code, is amended—

(1) by inserting "(a)" before "A voluntary"; and

(2) by striking the last sentence and inserting the following:

"(b) The commencement of a voluntary case under a chapter of this title constitutes an order for relief under such chapter.".

SEC. 502. APPLICABILITY OF OTHER SECTIONS TO CHAPTER 9.

Section 901(a) of title 11, United States Code, is amended—

(1) by inserting "555, 556," after "553,"; and

(2) by inserting "559, 560, 561, 562," after "557,".

TITLE VI—BANKRUPTCY DATA

SEC. 601. IMPROVED BANKRUPTCY STATISTICS.

(a) IN GENERAL.—Chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"§ 159. Bankruptcy statistics

"(a) The clerk of the district court, or the clerk of the bankruptcy court if one is certified pursuant to section 156(b) of this title, shall collect statistics regarding debtors who are individuals with primarily consumer debts seeking relief under chapters 7, 11, and 13 of title 11. Those statistics shall be in a standardized format prescribed by the Director of the Administrative Office of the United States Courts (referred to in this section as the 'Director').

"(b) The Director shall—

"(1) compile the statistics referred to in subsection (a);

"(2) make the statistics available to the public; and

"(3) not later than July 1, 2008, and annually thereafter, prepare, and submit to Congress a report concerning the information collected under subsection (a) that contains an analysis of the information.

"(c) The compilation required under subsection (b) shall—

"(1) be itemized, by chapter, with respect to title 11;

"(2) be presented in the aggregate and for each district; and

"(3) include information concerning—

"(A) the total assets and total liabilities of the debtors described in subsection (a), and in each category of assets and liabilities, as reported in the schedules prescribed pursuant to section 2075 of this title and filed by debtors;

"(B) the current monthly income, average income, and average expenses of debtors as reported on the schedules and statements that each such debtor files under sections 521 and 1322 of title 11;

"(C) the aggregate amount of debt discharged in cases filed during the reporting period, determined as the difference between the total amount of debt and obligations of a debtor reported on the schedules and the amount of such debt reported in categories which are predominantly nondischargeable;

"(D) the average period of time between the date of the filing of the petition and the closing of the case for cases closed during the reporting period;

"(E) for cases closed during the reporting period—

"(i) the number of cases in which a reaffirmation agreement was filed; and

"(ii)(I) the total number of reaffirmation agreements filed;

"(II) of those cases in which a reaffirmation agreement was filed, the number of cases in which the debtor was not represented by an attorney; and

"(III) of those cases in which a reaffirmation agreement was filed, the number of cases in which the reaffirmation agreement was approved by the court;

"(F) with respect to cases filed under chapter 13 of title 11, for the reporting period—

"(i)(I) the number of cases in which a final order was entered determining the value of property securing a claim in an amount less than the amount of the claim; and

"(II) the number of final orders entered determining the value of property securing a claim;

"(ii) the number of cases dismissed, the number of cases dismissed for failure to make payments under the plan, the number of cases refiled after dismissal, and the number of cases in which the plan was completed, separately itemized with respect to the number of modifications made before completion of the plan, if any; and

"(iii) the number of cases in which the debtor filed another case during the 6-year period preceding the filing;

"(G) the number of cases in which creditors were fined for misconduct and any amount of punitive damages awarded by the court for creditor misconduct; and

"(H) the number of cases in which sanctions under rule 9011 of the Federal Rules of Bankruptcy Procedure were imposed against debtor's attorney or damages awarded under such Rule.".

(b) Clerical Amendment.—The table of sections for chapter 6 of title 28, United States Code, is amended by adding at the end the following:

"159. Bankruptcy statistics.".

(c) Effective Date.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 602. UNIFORM RULES FOR THE COLLECTION OF BANKRUPTCY DATA.

(a) Amendment.—Chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"§ 589b. Bankruptcy data

"(a) Rules.—The Attorney General shall, within a reasonable time after the effective date of this section, issue rules requiring uniform forms for (and from time to time thereafter to appropriately modify and approve)—

"(1) final reports by trustees in cases under chapters 7, 12, and 13 of title 11; and

"(2) periodic reports by debtors in possession or trustees in cases under chapter 11 of title 11.

"(b) Reports.—Each report referred to in subsection (a) shall be designed (and the requirements as to place and manner of filing shall be established) so as to facilitate compilation of data and maximum possible access of the public, both by physical inspection at one or more central filing locations, and by electronic access through the Internet or other appropriate media.

"(c) Required Information.—The information required to be filed in the reports referred to in subsection (b) shall be that which is in the best interests of debtors and creditors, and in the public interest in reasonable and adequate information to evaluate the efficiency and practicality of the Federal bankruptcy system. In issuing rules proposing the forms referred to in subsection (a), the Attorney General shall strike the best achievable practical balance between—

"(1) the reasonable needs of the public for information about the operational results of the Federal bankruptcy system;

"(2) economy, simplicity, and lack of undue burden on persons with a duty to file reports; and

"(3) appropriate privacy concerns and safeguards.

"(d) Final Reports.—The uniform forms for final reports required under subsection (a) for use by trustees under chapters 7, 12, and 13 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include with respect to a case under such title—

"(1) information about the length of time the case was pending;

"(2) assets abandoned;

"(3) assets exempted;

"(4) receipts and disbursements of the estate;

"(5) expenses of administration, including for use under section 707(b), actual costs of administering cases under chapter 13 of title 11;

"(6) claims asserted;

"(7) claims allowed; and

"(8) distributions to claimants and claims discharged without payment,

in each case by appropriate category and, in cases under chapters 12 and 13 of title 11, date of confirmation of the plan, each modification thereto, and defaults by the debtor in performance under the plan.

"(e) Periodic Reports.—The uniform forms for periodic reports required under subsection (a) for use by trustees or debtors in possession under chapter 11 of title 11 shall, in addition to such other matters as are required by law or as the Attorney General in the discretion of the Attorney General shall propose, include—

"(1) information about the industry classification, published by the Department of Commerce, for the businesses conducted by the debtor;

"(2) length of time the case has been pending;

"(3) number of full-time employees as of the date of the order for relief and at the end of each reporting period since the case was filed;

"(4) cash receipts, cash disbursements and profitability of the debtor for the most recent period and cumulatively since the date of the order for relief;

"(5) compliance with title 11, whether or not tax returns and tax payments since the date of the order for relief have been timely filed and made;

"(6) all professional fees approved by the court in the case for the most recent period and cumulatively since the date of the order for relief (separately reported, for the professional fees incurred by or on behalf of the debtor, between those that would have been incurred absent a bankruptcy case and those not); and

"(7) plans of reorganization filed and confirmed and, with respect thereto, by class, the recoveries of the holders, expressed in aggregate dollar values and, in the case of claims, as a percentage of total claims of the class allowed.".

(b) Clerical Amendment.—The table of sections for chapter 39 of title 28, United States Code, is amended by adding at the end the following:

"589b. Bankruptcy data.".

SEC. 603. AUDIT PROCEDURES.

(a) In General.—

(1) Establishment of procedures.—The Attorney General (in judicial districts served by United States trustees) and the Judicial Conference of the United States (in judicial districts served by bankruptcy administrators) shall establish procedures to determine the accuracy, veracity, and completeness of petitions, schedules, and other information that the debtor is required to provide under sections 521 and 1322 of title 11, United States Code, and, if applicable, section 111 of such title, in cases filed under chapter 7 or 13 of such title in which the debtor is an individual. Such audits shall be in accordance with generally accepted auditing standards and performed by independent certified public accountants or independent licensed public accountants, provided that the Attorney General and the Judicial Conference, as appropriate, may develop alternative auditing standards not later than 2 years after the date of enactment of this Act.

(2) Procedures.—Those procedures required by paragraph (1) shall—

(A) establish a method of selecting appropriate qualified persons to contract to perform those audits;

(B) establish a method of randomly selecting cases to be audited, except that not less than 1 out of every 250 cases in each Federal judicial district shall be selected for audit;

(C) require audits of schedules of income and expenses that reflect greater than average variances from the statistical norm of the district in which the schedules were filed if those variances occur by reason of higher income or higher expenses than the statistical norm of the district in which the schedules were filed; and

(D) establish procedures for providing, not less frequently than annually, public information concerning the aggregate results of such audits including the percentage of cases, by district, in which a material misstatement of income or expenditures is reported.

(b) Amendments.—Section 586 of title 28, United States Code, is amended—

(1) in subsection (a), by striking paragraph (6) and inserting the following:

"(6) make such reports as the Attorney General directs, including the results of audits performed under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005;"; and

(2) by adding at the end the following:

"(f)(1) The United States trustee for each district is authorized to contract with auditors to perform audits in cases designated by the United States trustee, in accordance with the procedures established under section 603(a) of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.

"(2)(A) The report of each audit referred to in paragraph (1) shall be filed with the court and transmitted to the United States trustee. Each report shall clearly and conspicuously specify any material misstatement of income or expenditures or of assets identified by the person performing the audit. In any case in which a material misstatement of income or expenditures or of assets has been reported, the clerk of the district court (or the clerk of the bankruptcy court if one is certified under section 156(b) of this title) shall give notice of the misstatement to the creditors in the case.

"(B) If a material misstatement of income or expenditures or of assets is reported, the United States trustee shall—

"(i) report the material misstatement, if appropriate, to the United States Attorney pursuant to section 3057 of title 18; and

"(ii) if advisable, take appropriate action, including but not limited to commencing an adversary proceeding to revoke the debtor's discharge pursuant to section 727(d) of title 11.".

(c) Amendments to Section 521 of Title 11, U.S.C.—Section 521(a) of title 11, United States Code, as so designated by section 106, is amended in each of paragraphs (3) and (4) by inserting "or an auditor serving under section 586(f) of title 28" after "serving in the case".

(d) Amendments to Section 727 of Title 11, U.S.C.—Section 727(d) of title 11, United States Code, is amended—

(1) in paragraph (2), by striking "or" at the end;

(2) in paragraph (3), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(4) the debtor has failed to explain satisfactorily—

"(A) a material misstatement in an audit referred to in section 586(f) of title 28; or

"(B) a failure to make available for inspection all necessary accounts, papers, documents, financial records, files, and all other papers, things, or property belonging to the debtor that are requested for an audit referred to in section 586(f) of title 28.".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect 18 months after the date of enactment of this Act.

SEC. 604. SENSE OF CONGRESS REGARDING AVAILABILITY OF BANKRUPTCY DATA.

It is the sense of Congress that—

(1) the national policy of the United States should be that all data held by bankruptcy clerks in electronic form, to the extent such data reflects only public records (as defined in section 107 of title 11, United States Code), should be released in a usable electronic form in bulk to the public, subject to such appropriate privacy concerns and safeguards as Congress and the Judicial Conference of the United States may determine; and

(2) there should be established a bankruptcy data system in which—

(A) a single set of data definitions and forms are used to collect data nationwide; and

(B) data for any particular bankruptcy case are aggregated in the same electronic record.

TITLE VII—BANKRUPTCY TAX PROVISIONS

SEC. 701. TREATMENT OF CERTAIN LIENS.

(a) TREATMENT OF CERTAIN LIENS.—Section 724 of title 11, United States Code, is amended—

(1) in subsection (b), in the matter preceding paragraph (1), by inserting "(other than to the extent that there is a properly perfected unavoidable tax lien arising in connection with an ad valorem tax on real or personal property of the estate)" after "under this title";

(2) in subsection (b)(2), by inserting "(except that such expenses, other than claims for wages, salaries, or commissions that arise after the date of the filing of the petition, shall be limited to expenses incurred under chapter 7 of this title and shall not include expenses incurred under chapter 11 of this title)" after "507(a)(1)"; and

(3) by adding at the end the following:

"(e) Before subordinating a tax lien on real or personal property of the estate, the trustee shall—

"(1) exhaust the unencumbered assets of the estate; and

"(2) in a manner consistent with section 506(c), recover from property securing an allowed secured claim the reasonable, necessary costs and expenses of preserving or disposing of such property.

"(f) Notwithstanding the exclusion of ad valorem tax liens under this section and subject to the requirements of subsection (e), the following may be paid from property of the estate which secures a tax lien, or the proceeds of such property:

"(1) Claims for wages, salaries, and commissions that are entitled to priority under section 507(a)(4).

"(2) Claims for contributions to an employee benefit plan entitled to priority under section 507(a)(5).".

(b) DETERMINATION OF TAX LIABILITY.—Section 505(a)(2) of title 11, United States Code, is amended—

(1) in subparagraph (A), by striking "or" at the end;

(2) in subparagraph (B), by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the amount or legality of any amount arising in connection with an ad valorem tax on real or personal property of the estate, if the applicable period for contesting or redetermining that amount under any law (other than a bankruptcy law) has expired.".

SEC. 702. TREATMENT OF FUEL TAX CLAIMS.

Section 501 of title 11, United States Code, is amended by adding at the end the following:

"(e) A claim arising from the liability of a debtor for fuel use tax assessed consistent with the requirements of section 31705 of title 49 may be filed by the base jurisdiction designated pursuant to the International Fuel Tax Agreement (as defined in section 31701 of title 49) and, if so filed, shall be allowed as a single claim.".

SEC. 703. NOTICE OF REQUEST FOR A DETERMINATION OF TAXES.

Section 505(b) of title 11, United States Code, is amended—

(1) in the first sentence, by inserting "at the address and in the manner designated in paragraph (1)" after "determination of such tax";

(2) by striking "(1) upon payment" and inserting "(A) upon payment";

(3) by striking "(A) such governmental unit" and inserting "(i) such governmental unit";

(4) by striking "(B) such governmental unit" and inserting "(ii) such governmental unit";

(5) by striking "(2) upon payment" and inserting "(B) upon payment";

(6) by striking "(3) upon payment" and inserting "(C) upon payment";

(7) by striking "(b)" and inserting "(2)"; and

(8) by inserting before paragraph (2), as so designated, the following:

"(b)(1)(A) The clerk shall maintain a list under which a Federal, State, or local governmental unit responsible for the collection of taxes within the district may—

"(i) designate an address for service of requests under this subsection; and

"(ii) describe where further information concerning additional requirements for filing such requests may be found.

"(B) If such governmental unit does not designate an address and provide such address to the clerk under subparagraph (A), any request made under this subsection may be served at the address for the filing of a tax return or protest with the appropriate taxing authority of such governmental unit.".

SEC. 704. RATE OF INTEREST ON TAX CLAIMS.

(a) IN GENERAL.—Subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"§ 511. Rate of interest on tax claims

"(a) If any provision of this title requires the payment of interest on a tax claim or on an administrative expense tax, or the payment of interest to enable a creditor to receive the present value of the allowed amount of a tax claim, the rate of interest shall be the rate determined under applicable nonbankruptcy law.

"(b) In the case of taxes paid under a confirmed plan under this title, the rate of interest shall be determined as of the calendar month in which the plan is confirmed.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter I of chapter 5 of title 11, United States Code, is amended by adding at the end the following:

"511. Rate of interest on tax claims.".

SEC. 705. PRIORITY OF TAX CLAIMS.

Section 507(a)(8) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) in the matter preceding clause (i), by inserting "for a taxable year ending on or before the date of the filing of the petition" after "gross receipts";

(B) in clause (i), by striking "for a taxable year ending on or before the date of the filing of the petition"; and

(C) by striking clause (ii) and inserting the following:

"(ii) assessed within 240 days before the date of the filing of the petition, exclusive of—

"(I) any time during which an offer in compromise with respect to that tax was pending or in effect during that 240-day period, plus 30 days; and

"(II) any time during which a stay of proceedings against collections was in effect in a prior case under this title during that 240-day period, plus 90 days."; and

(2) by adding at the end the following:

"An otherwise applicable time period specified in this paragraph shall be suspended for any period during which a governmental unit is prohibited under applicable nonbankruptcy law from collecting a tax as a result of a request by the debtor for a hearing and an appeal of any collection action taken or proposed against the debtor, plus 90 days; plus any time during which the stay of proceedings was in effect in a prior case under this title or during which collection was precluded by the existence of 1 or more confirmed plans under this title, plus 90 days.".

SEC. 706. PRIORITY PROPERTY TAXES INCURRED.

Section 507(a)(8)(B) of title 11, United States Code, is amended by striking "assessed" and inserting "incurred".

SEC. 707. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 13.

Section 1328(a)(2) of title 11, United States Code, as amended by section 314, is amended by striking "paragraph" and inserting "section 507(a)(8)(C) or in paragraph (1)(B), (1)(C),".

SEC. 708. NO DISCHARGE OF FRAUDULENT TAXES IN CHAPTER 11.

Section 1141(d) of title 11, United States Code, as amended by sections 321 and 330, is amended by adding at the end the following:

"(6) Notwithstanding paragraph (1), the confirmation of a plan does not discharge a debtor that is a corporation from any debt—

"(A) of a kind specified in paragraph (2)(A) or (2)(B) of section 523(a) that is owed to a domestic governmental unit, or owed to a person as the result of an action filed under subchapter III of chapter 37 of title 31 or any similar State statute; or

"(B) for a tax or customs duty with respect to which the debtor—

"(i) made a fraudulent return; or

"(ii) willfully attempted in any manner to evade or to defeat such tax or such customs duty.".

SEC. 709. STAY OF TAX PROCEEDINGS LIMITED TO PREPETITION TAXES.

Section 362(a)(8) of title 11, United States Code, is amended by striking "the debtor" and inserting "a corporate debtor's tax liability for a taxable period the bankruptcy court may determine or concerning the tax liability of a debtor who is an individual for a taxable period ending before the date of the order for relief under this title".

SEC. 710. PERIODIC PAYMENT OF TAXES IN CHAPTER 11 CASES.

Section 1129(a)(9) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by striking "deferred cash payments," and all that follows

through the end of the subparagraph, and inserting "regular installment payments in cash—

"(i) of a total value, as of the effective date of the plan, equal to the allowed amount of such claim;

"(ii) over a period ending not later than 5 years after the date of the order for relief under section 301, 302, or 303; and

"(iii) in a manner not less favorable than the most favored nonpriority unsecured claim provided for by the plan (other than cash payments made to a class of creditors under section 1122(b)); and"; and

(3) by adding at the end the following:

"(D) with respect to a secured claim which would otherwise meet the description of an unsecured claim of a governmental unit under section 507(a)(8), but for the secured status of that claim, the holder of that claim will receive on account of that claim, cash payments, in the same manner and over the same period, as prescribed in subparagraph (C).".

SEC. 711. AVOIDANCE OF STATUTORY TAX LIENS PROHIBITED.

Section 545(2) of title 11, United States Code, is amended by inserting before the semicolon at the end the following: ", except in any case in which a purchaser is a purchaser described in section 6323 of the Internal Revenue Code of 1986, or in any other similar provision of State or local law".

SEC. 712. PAYMENT OF TAXES IN THE CONDUCT OF BUSINESS.

(a) Payment of Taxes Required.—Section 960 of title 28, United States Code, is amended—

(1) by inserting "(a)" before "Any"; and

(2) by adding at the end the following:

"(b) A tax under subsection (a) shall be paid on or before the due date of the tax under applicable nonbankruptcy law, unless—

"(1) the tax is a property tax secured by a lien against property that is abandoned under section 554 of title 11, within a reasonable period of time after the lien attaches, by the trustee in a case under title 11; or

"(2) payment of the tax is excused under a specific provision of title 11.

"(c) In a case pending under chapter 7 of title 11, payment of a tax may be deferred until final distribution is made under section 726 of title 11, if—

"(1) the tax was not incurred by a trustee duly appointed or elected under chapter 7 of title 11; or

"(2) before the due date of the tax, an order of the court makes a finding of probable insufficiency of funds of the estate to pay in full the administrative expenses allowed under section 503(b) of title 11 that have the same priority in distribution under section 726(b) of title 11 as the priority of that tax.".

(b) Payment of Ad Valorem Taxes Required.—Section 503(b)(1)(B)(i) of title 11, United States Code, is amended by inserting "whether secured or unsecured, including property taxes for which liability is in rem, in personam, or both," before "except".

(c) Request for Payment of Administrative Expense Taxes Eliminated.—Section 503(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (B), by striking "and" at the end;

(2) in subparagraph (C), by adding "and" at the end; and

(3) by adding at the end the following:

"(D) notwithstanding the requirements of subsection (a), a governmental unit shall not be required to file a request for the payment of an expense described in subparagraph (B) or (C), as a condition of its being an allowed administrative expense;".

(d) Payment of Taxes and Fees as Secured Claims.—Section 506 of title 11, United States Code, is amended—

(1) in subsection (b), by inserting "or State statute" after "agreement"; and

(2) in subsection (c), by inserting ", including the payment of all ad valorem property taxes with respect to the property" before the period at the end.

SEC. 713. TARDILY FILED PRIORITY TAX CLAIMS.

Section 726(a)(1) of title 11, United States Code, is amended by striking "before the date on which the trustee commences distribution under this section;" and inserting the following: "on or before the earlier of—

"(A) the date that is 10 days after the mailing to creditors of the summary of the trustee's final report; or

"(B) the date on which the trustee commences final distribution under this section;".

SEC. 714. INCOME TAX RETURNS PREPARED BY TAX AUTHORITIES.

Section 523(a) of title 11, United States Code, as amended by sections 215 and 224, is amended—

(1) in paragraph (1)(B)—

(A) in the matter preceding clause (i), by inserting "or equivalent report or notice," after "a return,";

(B) in clause (i), by inserting "or given" after "filed"; and

(C) in clause (ii)—

(i) by inserting "or given" after "filed"; and

(ii) by inserting ", report, or notice" after "return"; and

(2) by adding at the end the following:

"For purposes of this subsection, the term 'return' means a return that satisfies the requirements of applicable nonbankruptcy law (including applicable filing requirements). Such term includes a return prepared pursuant to section 6020(a) of the Internal Revenue Code of 1986, or similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal, but does not include a return made pursuant to section 6020(b) of the Internal Revenue Code of 1986, or a similar State or local law.".

SEC. 715. DISCHARGE OF THE ESTATE'S LIABILITY FOR UNPAID TAXES.

Section 505(b)(2) of title 11, United States Code, as amended by section 703, is amended by inserting "the estate," after "misrepresentation,".

SEC. 716. REQUIREMENT TO FILE TAX RETURNS TO CONFIRM CHAPTER 13 PLANS.

(a) Filing of Prepetition Tax Returns Required for Plan Confirmation.—Section 1325(a) of title 11, United States Code, as amended by sections 102, 213, and 306, is amended by inserting after paragraph (8) the following:

"(9) the debtor has filed all applicable Federal, State, and local tax returns as required by section 1308.".

(b) Additional Time Permitted for Filing Tax Returns.—

(1) In general.—Subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

"§ 1308. Filing of prepetition tax returns

"(a) Not later than the day before the date on which the meeting of the creditors is first scheduled to be held under section 341(a), if the debtor was required to file a tax return under applicable nonbankruptcy law, the debtor shall file with appropriate tax authorities all tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition.

"(b)(1) Subject to paragraph (2), if the tax returns required by subsection (a) have not been filed by the date on which the meeting of creditors is first scheduled to be held under section 341(a), the trustee may hold open that meeting for a reasonable period of time to allow the debtor an additional period of time to file any unfiled returns, but such additional period of time shall not extend beyond—

"(A) for any return that is past due as of the date of the filing of the petition, the date that is 120 days after the date of that meeting; or

"(B) for any return that is not past due as of the date of the filing of the petition, the later of—

"(i) the date that is 120 days after the date of that meeting; or

"(ii) the date on which the return is due under the last automatic extension of time for filing that return to which the debtor is entitled, and for which request is timely made, in accordance with applicable nonbankruptcy law.

"(2) After notice and a hearing, and order entered before the tolling of any applicable filing period determined under this subsection, if the debtor demonstrates by a preponderance of the evidence that the failure to file a return as required under this subsection is attributable to circumstances beyond the control of the debtor, the court may extend the filing period established by the trustee under this subsection for—

"(A) a period of not more than 30 days for returns described in paragraph (1); and

"(B) a period not to extend after the applicable extended due date for a return described in paragraph (2).

"(c) For purposes of this section, the term 'return' includes a return prepared pursuant to subsection (a) or (b) of section 6020 of the Internal Revenue Code of 1986, or a similar State or local law, or a written stipulation to a judgment or a final order entered by a nonbankruptcy tribunal.".

(2) Conforming amendment.—The table of sections for subchapter I of chapter 13 of title 11, United States Code, is amended by adding at the end the following:

"1308. Filing of prepetition tax returns.".

(c) Dismissal or Conversion on Failure To Comply.—Section 1307 of title 11, United States Code, is amended—

(1) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively; and

(2) by inserting after subsection (d) the following:

"(e) Upon the failure of the debtor to file a tax return under section 1308, on request of a party in interest or the United States trustee and after notice and a hearing, the court shall dismiss a case or convert a case under this chapter to a case under chapter 7 of this title, whichever is in the best interest of the creditors and the estate.".

(d) Timely Filed Claims.—Section 502(b)(9) of title 11, United States Code, is amended by inserting before the period at the end the following: ", and except that in a case under chapter 13, a claim of a governmental unit for a tax with respect to a return filed under section 1308 shall be timely if the claim is filed on or before the date that is 60 days after the date on which such return was filed as required".

(e) Rules for Objections to Claims and to Confirmation.—It is the sense of Congress that the Judicial Conference of the United States should, as soon as practicable after the date of enactment of this Act, propose amended Federal Rules of Bankruptcy Procedure that provide—

(1) notwithstanding the provisions of Rule 3015(f), in cases under chapter 13 of title 11, United States Code, that an objection to the confirmation of a plan filed by a governmental unit on or before the date that is 60 days after the date on which the debtor files all tax returns required under sections 1308 and 1325(a)(7) of title 11, United States Code, shall be treated for all purposes as if such objection had been timely filed before such confirmation; and

(2) in addition to the provisions of Rule 3007, in a case under chapter 13 of title 11, United States Code, that no objection to a claim for a tax with respect to which a return is required to be filed under section 1308 of title 11, United States Code, shall be filed until such return has been filed as required.

SEC. 717. STANDARDS FOR TAX DISCLOSURE.

Section 1125(a)(1) of title 11, United States Code, is amended—

(1) by inserting "including a discussion of the potential material Federal tax consequences of the plan to the debtor, any successor to the debtor, and a hypothetical investor typical of the holders of claims or interests in the case," after "records,"; and

(2) by striking "a hypothetical reasonable investor typical of holders of claims or interests" and inserting "such a hypothetical investor".

SEC. 718. SETOFF OF TAX REFUNDS.

Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, and 401, is amended by inserting after paragraph (25) the following:

"(26) under subsection (a), of the setoff under applicable nonbankruptcy law of an income tax refund, by a governmental unit, with respect to a taxable period that ended before the date of the order for relief against an income tax liability for a taxable period that also ended before the date of the order for relief, except that in any case in which the setoff of an income tax refund is not permitted under applicable nonbankruptcy law because of a pending action to determine the amount or legality of a tax liability, the governmental unit may hold the refund pending the resolution of the action, unless the court, on the motion of the trustee and after notice and a hearing, grants the taxing authority adequate protection (within the meaning of section 361) for the secured claim of such authority in the setoff under section 506(a);".

SEC. 719. SPECIAL PROVISIONS RELATED TO THE TREATMENT OF STATE AND LOCAL TAXES.

(a) In General.—

(1) Special provisions.—Section 346 of title 11, United States Code, is amended to read as follows:

"§ 346. Special provisions related to the treatment of State and local taxes

"(a) Whenever the Internal Revenue Code of 1986 provides that a separate taxable estate or entity is created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of such estate shall be taxed to or claimed by the estate, a separate taxable estate is also created for purposes of any State and local law imposing a tax on or measured by income and such income, gain, loss, deductions, and credits shall be taxed to or claimed by the estate and may not be taxed to or claimed by the debtor. The preceding sentence shall not apply if the case is dismissed. The trustee shall make tax returns of income required under any such State or local law.

"(b) Whenever the Internal Revenue Code of 1986 provides that no separate taxable estate shall be created in a case concerning a debtor under this title, and the income, gain, loss, deductions, and credits of an estate shall be taxed to or claimed by the debtor, such income, gain, loss, deductions, and credits shall be taxed to or claimed by the debtor under a State or local law imposing a tax on or measured by income and may not be taxed to or claimed by the estate. The trustee shall make such tax returns of income of corporations and of partnerships as are required under any State or local law, but with respect to partnerships, shall make such returns only to the extent such returns are also required to be made under such Code. The estate shall be liable for any tax imposed on such corporation or partnership, but not for any tax imposed on partners or members.

"(c) With respect to a partnership or any entity treated as a partnership under a State or local law imposing a tax on or measured by income that is a debtor in a case under this title, any gain or loss resulting from a distribution of property from such partnership, or any distributive share of any income, gain, loss, deduction, or credit of a partner or member that is distributed, or considered distributed, from such partnership, after the commencement of the case, is gain, loss, income, deduction, or credit, as the case may be, of the partner or member, and if such partner or member is a debtor in a case under this title, shall be subject to tax in accordance with subsection (a) or (b).

"(d) For purposes of any State or local law imposing a tax on or measured by income, the taxable period of a debtor in a case under this title shall terminate only if and to the extent that the taxable period of such debtor terminates under the Internal Revenue Code of 1986.

"(e) The estate in any case described in subsection (a) shall use the same accounting method as the debtor used immediately before the commencement of the case, if such method of accounting complies with applicable nonbankruptcy tax law.

"(f) For purposes of any State or local law imposing a tax on or measured by income, a transfer of property from the debtor to the estate or from the estate to the debtor shall not be treated as a disposition for purposes of any provision assigning tax consequences to a disposition, except to the extent that such transfer is treated as a disposition under the Internal Revenue Code of 1986.

"(g) Whenever a tax is imposed pursuant to a State or local law imposing a tax on or measured by income pursuant to subsection (a) or (b), such tax shall be imposed at rates generally applicable to the same types of entities under such State or local law.

"(h) The trustee shall withhold from any payment of claims for wages, salaries, commissions, dividends, interest, or other payments, or collect, any amount required to be withheld or collected under applicable State or local tax law, and shall pay such withheld or collected amount to the appropriate governmental unit at the time and in the manner required by such tax law, and with the same priority as the claim from which such amount was withheld or collected was paid.

"(i)(1) To the extent that any State or local law imposing a tax on or measured by income provides for the carryover of any tax attribute from one taxable period to a subsequent taxable period, the estate shall succeed to such tax attribute in any case in which such estate is subject to tax under subsection (a).

"(2) After such a case is closed or dismissed, the debtor shall succeed to any tax attribute to which the estate succeeded under paragraph (1) to the extent consistent with the Internal Revenue Code of 1986.

"(3) The estate may carry back any loss or tax attribute to a taxable period of the debtor that ended before the date of the order for relief under this title to the extent that—

"(A) applicable State or local tax law provides for a carryback in the case of the debtor; and

"(B) the same or a similar tax attribute may be carried back by the estate to such a taxable period of the debtor under the Internal Revenue Code of 1986.

"(j)(1) For purposes of any State or local law imposing a tax on or measured by income, income is not realized by the estate, the debtor, or a successor to the debtor by reason of discharge of indebtedness in a case under this title, except to the extent, if any, that such income is subject to tax under the Internal Revenue Code of 1986.

"(2) Whenever the Internal Revenue Code of 1986 provides that the amount excluded from gross income in respect of the discharge of indebtedness in a case under this title shall be applied to reduce the tax attributes of the debtor or the estate, a similar reduction shall be made under any State or local law imposing a tax on or measured by income to the extent such State or local law recognizes such attributes. Such State or local law may also provide for the reduction of other attributes to the extent that the full amount of income from the discharge of indebtedness has not been applied.

"(k)(1) Except as provided in this section and section 505, the time and manner of filing tax returns and the items of income, gain, loss, deduction, and credit of any taxpayer shall be determined under applicable nonbankruptcy law.

"(2) For Federal tax purposes, the provisions of this section are subject to the Internal Revenue Code of 1986 and other applicable Federal nonbankruptcy law.".

(2) Clerical Amendment.—The table of sections for chapter 3 of title 11, United States Code, is amended by striking the item relating to section 346 and inserting the following:

"346. Special provisions related to the treatment of State and local taxes.".

(b) Conforming Amendments.—Title 11 of the United States Code is amended—

(1) by striking section 728;

(2) in the table of sections for chapter 7 by striking the item relating to section 728;

(3) in section 1146—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively; and

(4) in section 1231—

(A) by striking subsections (a) and (b); and

(B) by redesignating subsections (c) and (d) as subsections (a) and (b), respectively.

SEC. 720. DISMISSAL FOR FAILURE TO TIMELY FILE TAX RETURNS.

Section 521 of title 11, United States Code, as amended by sections 106, 225, 305, 315, and 316, is amended by adding at the end the following:

"(j)(1) Notwithstanding any other provision of this title, if the debtor fails to file a tax return that becomes due after the commencement of the case or to properly obtain an extension of the due date for filing such return, the taxing authority may request that the court enter an order converting or dismissing the case.

"(2) If the debtor does not file the required return or obtain the extension referred to in paragraph (1) within 90 days after a request is filed by the taxing authority under that paragraph, the court shall convert or dismiss the case, whichever is in the best interests of creditors and the estate.”.

TITLE VIII—ANCILLARY AND OTHER CROSS-BORDER CASES

SEC. 801. AMENDMENT TO ADD CHAPTER 15 TO TITLE 11, UNITED STATES CODE.

(a) IN GENERAL.—Title 11, United States Code, is amended by inserting after chapter 13 the following:

“CHAPTER 15—ANCILLARY AND OTHER CROSS-BORDER CASES

“Sec.
“1501. Purpose and scope of application.

“SUBCHAPTER I—GENERAL PROVISIONS

“1502. Definitions.
“1503. International obligations of the United States.
“1504. Commencement of ancillary case.
“1505. Authorization to act in a foreign country.
“1506. Public policy exception.
“1507. Additional assistance.
“1508. Interpretation.

“SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

“1509. Right of direct access.
“1510. Limited jurisdiction.
“1511. Commencement of case under section 301 or 303.
“1512. Participation of a foreign representative in a case under this title.
“1513. Access of foreign creditors to a case under this title.
“1514. Notification to foreign creditors concerning a case under this title.

“SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

“1515. Application for recognition.
“1516. Presumptions concerning recognition.
“1517. Order granting recognition.
“1518. Subsequent information.
“1519. Relief that may be granted upon filing petition for recognition.
“1520. Effects of recognition of a foreign main proceeding.
“1521. Relief that may be granted upon recognition.
“1522. Protection of creditors and other interested persons.
“1523. Actions to avoid acts detrimental to creditors.
“1524. Intervention by a foreign representative.

“SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

“1525. Cooperation and direct communication between the court and foreign courts or foreign representatives.
“1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives.
“1527. Forms of cooperation.

“SUBCHAPTER V—CONCURRENT PROCEEDINGS

“1528. Commencement of a case under this title after recognition of a foreign main proceeding.
“1529. Coordination of a case under this title and a foreign proceeding.
“1530. Coordination of more than 1 foreign proceeding.
“1531. Presumption of insolvency based on recognition of a foreign main proceeding.
“1532. Rule of payment in concurrent proceedings.

“§ 1501. Purpose and scope of application

“(a) The purpose of this chapter is to incorporate the Model Law on Cross-Border Insolvency so as to provide effective mechanisms for dealing with cases of cross-border insolvency with the objectives of—

“(1) cooperation between—

“(A) courts of the United States, United States trustees, trustees, examiners, debtors, and debtors in possession; and

“(B) the courts and other competent authorities of foreign countries involved in cross-border insolvency cases;

“(2) greater legal certainty for trade and investment;

“(3) fair and efficient administration of cross-border insolvencies that protects the interests of all creditors, and other interested entities, including the debtor;

“(4) protection and maximization of the value of the debtor's assets; and

“(5) facilitation of the rescue of financially troubled businesses, thereby protecting investment and preserving employment.

“(b) This chapter applies where—

“(1) assistance is sought in the United States by a foreign court or a foreign representative in connection with a foreign proceeding;

“(2) assistance is sought in a foreign country in connection with a case under this title;

“(3) a foreign proceeding and a case under this title with respect to the same debtor are pending concurrently; or

“(4) creditors or other interested persons in a foreign country have an interest in requesting the commencement of, or participating in, a case or proceeding under this title.

“(c) This chapter does not apply to—

“(1) a proceeding concerning an entity, other than a foreign insurance company, identified by exclusion in section 109(b);

“(2) an individual, or to an individual and such individual's spouse, who have debts within the limits specified in section 109(e) and who are citizens of the United States or aliens lawfully admitted for permanent residence in the United States; or

“(3) an entity subject to a proceeding under the Securities Investor Protection Act of 1970, a stockbroker subject to subchapter III of chapter 7 of this title, or a commodity broker subject to subchapter IV of chapter 7 of this title.

“(d) The court may not grant relief under this chapter with respect to any deposit, escrow, trust fund, or other security required or permitted under any applicable State insurance law or regulation for the benefit of claim holders in the United States.

“SUBCHAPTER I—GENERAL PROVISIONS

“§ 1502. Definitions

“For the purposes of this chapter, the term—

“(1) 'debtor' means an entity that is the subject of a foreign proceeding;

“(2) 'establishment' means any place of operations where the debtor carries out a nontransitory economic activity;

“(3) 'foreign court' means a judicial or other authority competent to control or supervise a foreign proceeding;

“(4) 'foreign main proceeding' means a foreign proceeding pending in the country where the debtor has the center of its main interests;

“(5) 'foreign nonmain proceeding' means a foreign proceeding, other than a foreign main proceeding, pending in a country where the debtor has an establishment;

“(6) 'trustee' includes a trustee, a debtor in possession in a case under any chapter of this title, or a debtor under chapter 9 of this title;

“(7) 'recognition' means the entry of an order granting recognition of a foreign main proceeding or foreign nonmain proceeding under this chapter; and

“(8) 'within the territorial jurisdiction of the United States', when used with reference to property of a debtor, refers to tangible property located within the territory of the United States and intangible property deemed under applicable nonbankruptcy law to be located within that territory, including any property subject to attachment or garnishment that may properly be seized or garnished by an action in a Federal or State court in the United States.

“§ 1503. International obligations of the United States

“To the extent that this chapter conflicts with an obligation of the United States arising out of any treaty or other form of agreement to which it is a party with one or more other countries, the requirements of the treaty or agreement prevail.

“§ 1504. Commencement of ancillary case

“A case under this chapter is commenced by the filing of a petition for recognition of a foreign proceeding under section 1515.

“§ 1505. Authorization to act in a foreign country

“A trustee or another entity (including an examiner) may be authorized by the court to act in a foreign country on behalf of an estate created under section 541. An entity authorized to act under this section may act in any way permitted by the applicable foreign law.

“§ 1506. Public policy exception

“Nothing in this chapter prevents the court from refusing to take an action governed by this chapter if the action would be manifestly contrary to the public policy of the United States.

“§ 1507. Additional assistance

“(a) Subject to the specific limitations stated elsewhere in this chapter the court, if recognition is granted, may provide additional assistance to a foreign representative under this title or under other laws of the United States.

“(b) In determining whether to provide additional assistance under this title or under other laws of the United States, the court shall consider whether such additional assistance, consistent with the principles of comity, will reasonably assure—

“(1) just treatment of all holders of claims against or interests in the debtor's property;

“(2) protection of claim holders in the United States against prejudice and inconvenience in the processing of claims in such foreign proceeding;

“(3) prevention of preferential or fraudulent dispositions of property of the debtor;

“(4) distribution of proceeds of the debtor's property substantially in accordance with the order prescribed by this title; and

“(5) if appropriate, the provision of an opportunity for a fresh start for the individual that such foreign proceeding concerns.

“§ 1508. Interpretation

“In interpreting this chapter, the court shall consider its international origin, and the need to promote an application of this chapter that is consistent with the application of similar statutes adopted by foreign jurisdictions.

"SUBCHAPTER II—ACCESS OF FOREIGN REPRESENTATIVES AND CREDITORS TO THE COURT

"§ 1509. Right of direct access

"(a) A foreign representative may commence a case under section 1504 by filing directly with the court a petition for recognition of a foreign proceeding under section 1515.

"(b) If the court grants recognition under section 1517, and subject to any limitations that the court may impose consistent with the policy of this chapter—

"(1) the foreign representative has the capacity to sue and be sued in a court in the United States;

"(2) the foreign representative may apply directly to a court in the United States for appropriate relief in that court; and

"(3) a court in the United States shall grant comity or cooperation to the foreign representative.

"(c) A request for comity or cooperation by a foreign representative in a court in the United States other than the court which granted recognition shall be accompanied by a certified copy of an order granting recognition under section 1517.

"(d) If the court denies recognition under this chapter, the court may issue any appropriate order necessary to prevent the foreign representative from obtaining comity or cooperation from courts in the United States.

"(e) Whether or not the court grants recognition, and subject to sections 306 and 1510, a foreign representative is subject to applicable nonbankruptcy law.

"(f) Notwithstanding any other provision of this section, the failure of a foreign representative to commence a case or to obtain recognition under this chapter does not affect any right the foreign representative may have to sue in a court in the United States to collect or recover a claim which is the property of the debtor.

"§ 1510. Limited jurisdiction

"The sole fact that a foreign representative files a petition under section 1515 does not subject the foreign representative to the jurisdiction of any court in the United States for any other purpose.

"§ 1511. Commencement of case under section 301 or 303

"(a) Upon recognition, a foreign representative may commence—

"(1) an involuntary case under section 303; or

"(2) a voluntary case under section 301 or 302, if the foreign proceeding is a foreign main proceeding.

"(b) The petition commencing a case under subsection (a) must be accompanied by a certified copy of an order granting recognition. The court where the petition for recognition has been filed must be advised of the foreign representative's intent to commence a case under subsection (a) prior to such commencement.

"§ 1512. Participation of a foreign representative in a case under this title

"Upon recognition of a foreign proceeding, the foreign representative in the recognized proceeding is entitled to participate as a party in interest in a case regarding the debtor under this title.

"§ 1513. Access of foreign creditors to a case under this title

"(a) Foreign creditors have the same rights regarding the commencement of, and participation in, a case under this title as domestic creditors.

"(b)(1) Subsection (a) does not change or codify present law as to the priority of claims under section 507 or 726, except that the claim of a foreign creditor under those sections shall not be given a lower priority than that of general unsecured claims without priority solely because the holder of such claim is a foreign creditor.

"(2)(A) Subsection (a) and paragraph (1) do not change or codify present law as to the allowability of foreign revenue claims or other foreign public law claims in a proceeding under this title.

"(B) Allowance and priority as to a foreign tax claim or other foreign public law claim shall be governed by any applicable tax treaty of the United States, under the conditions and circumstances specified therein.

"§ 1514. Notification to foreign creditors concerning a case under this title

"(a) Whenever in a case under this title notice is to be given to creditors generally or to any class or category of creditors, such notice shall also be given to the known creditors generally, or to creditors in the notified class or category, that do not have addresses in the United States. The court may order that appropriate steps be taken with a view to notifying any creditor whose address is not yet known.

"(b) Such notification to creditors with foreign addresses described in subsection (a) shall be given individually, unless the court considers that, under the circumstances, some other form of notification would be more appropriate. No letter or other formality is required.

"(c) When a notification of commencement of a case is to be given to foreign creditors, such notification shall—

"(1) indicate the time period for filing proofs of claim and specify the place for filing such proofs of claim;

"(2) indicate whether secured creditors need to file proofs of claim; and

"(3) contain any other information required to be included in such notification to creditors under this title and the orders of the court.

"(d) Any rule of procedure or order of the court as to notice or the filing of a proof of claim shall provide such additional time to creditors with foreign addresses as is reasonable under the circumstances.

"SUBCHAPTER III—RECOGNITION OF A FOREIGN PROCEEDING AND RELIEF

"§ 1515. Application for recognition

"(a) A foreign representative applies to the court for recognition of a foreign proceeding in which the foreign representative has been appointed by filing a petition for recognition.

"(b) A petition for recognition shall be accompanied by—

"(1) a certified copy of the decision commencing such foreign proceeding and appointing the foreign representative;

"(2) a certificate from the foreign court affirming the existence of such foreign proceeding and of the appointment of the foreign representative; or

"(3) in the absence of evidence referred to in paragraphs (1) and (2), any other evidence acceptable to the court of the existence of such foreign proceeding and of the appointment of the foreign representative.

"(c) A petition for recognition shall also be accompanied by a statement identifying all foreign proceedings with respect to the debtor that are known to the foreign representative.

"(d) The documents referred to in paragraphs (1) and (2) of subsection (b) shall be translated into English. The court may require a translation into English of additional documents.

"§ 1516. Presumptions concerning recognition

"(a) If the decision or certificate referred to in section 1515(b) indicates that the foreign proceeding is a foreign proceeding and that the person or body is a foreign representative, the court is entitled to so presume.

"(b) The court is entitled to presume that documents submitted in support of the petition for recognition are authentic, whether or not they have been legalized.

"(c) In the absence of evidence to the contrary, the debtor's registered office, or habitual residence in the case of an individual, is presumed to be the center of the debtor's main interests.

"§ 1517. Order granting recognition

"(a) Subject to section 1506, after notice and a hearing, an order recognizing a foreign proceeding shall be entered if—

"(1) such foreign proceeding for which recognition is sought is a foreign main proceeding or foreign nonmain proceeding within the meaning of section 1502;

"(2) the foreign representative applying for recognition is a person or body; and

"(3) the petition meets the requirements of section 1515.

"(b) Such foreign proceeding shall be recognized—

"(1) as a foreign main proceeding if it is pending in the country where the debtor has the center of its main interests; or

"(2) as a foreign nonmain proceeding if the debtor has an establishment within the meaning of section 1502 in the foreign country where the proceeding is pending.

"(c) A petition for recognition of a foreign proceeding shall be decided upon at the earliest possible time. Entry of an order recognizing a foreign proceeding constitutes recognition under this chapter.

"(d) The provisions of this subchapter do not prevent modification or termination of recognition if it is shown that the grounds for granting it were fully or partially lacking or have ceased to exist, but in considering such action the court shall give due weight to possible prejudice to parties that have relied upon the order granting recognition. A case under this chapter may be closed in the manner prescribed under section 350.

"§ 1518. Subsequent information

"From the time of filing the petition for recognition of a foreign proceeding, the foreign representative shall file with the court promptly a notice of change of status concerning—

"(1) any substantial change in the status of such foreign proceeding or the status of the foreign representative's appointment; and

"(2) any other foreign proceeding regarding the debtor that becomes known to the foreign representative.

"§ 1519. Relief that may be granted upon filing petition for recognition

"(a) From the time of filing a petition for recognition until the court rules on the petition, the court may, at the request of the foreign representative, where relief is urgently needed to protect the assets of the debtor or the interests of the creditors, grant relief of a provisional nature, including—

"(1) staying execution against the debtor's assets;

"(2) entrusting the administration or realization of all or part of the debtor's assets located in the United States to the foreign representative or another person authorized by the court, including an examiner, in order to protect and preserve the value of assets that, by their nature or because of other circumstances, are perishable, susceptible to devaluation or otherwise in jeopardy; and

"(3) any relief referred to in paragraph (3), (4), or (7) of section 1521(a).

"(b) Unless extended under section 1521(a)(6), the relief granted under this section terminates when the petition for recognition is granted.

"(c) It is a ground for denial of relief under this section that such relief would interfere with the administration of a foreign main proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under this section.

"(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1520. Effects of recognition of a foreign main proceeding

"(a) Upon recognition of a foreign proceeding that is a foreign main proceeding—

"(1) sections 361 and 362 apply with respect to the debtor and the property of the debtor that is within the territorial jurisdiction of the United States;

"(2) sections 363, 549, and 552 apply to a transfer of an interest of the debtor in property that is within the territorial jurisdiction of the United States to the same extent that the sections would apply to property of an estate;

"(3) unless the court orders otherwise, the foreign representative may operate the debtor's business and may exercise the rights and powers of a trustee under and to the extent provided by sections 363 and 552; and

"(4) section 552 applies to property of the debtor that is within the territorial jurisdiction of the United States.

"(b) Subsection (a) does not affect the right to commence an individual action or proceeding in a foreign country to the extent necessary to preserve a claim against the debtor.

"(c) Subsection (a) does not affect the right of a foreign representative or an entity to file a petition commencing a case under this title or the right of any party to file claims or take other proper actions in such a case.

"§ 1521. Relief that may be granted upon recognition

"(a) Upon recognition of a foreign proceeding, whether main or nonmain, where necessary to effectuate the purpose of this chapter and to protect the assets of the debtor or the interests of the creditors, the court may, at the request of the foreign representative, grant any appropriate relief, including—

"(1) staying the commencement or continuation of an individual action or proceeding concerning the debtor's assets, rights, obligations or liabilities to the extent they have not been stayed under section 1520(a);

"(2) staying execution against the debtor's assets to the extent it has not been stayed under section 1520(a);

"(3) suspending the right to transfer, encumber or otherwise dispose of any assets of the debtor to the extent this right has not been suspended under section 1520(a);

"(4) providing for the examination of witnesses, the taking of evidence or the delivery of information concerning the debtor's assets, affairs, rights, obligations or liabilities;

"(5) entrusting the administration or realization of all or part of the debtor's assets within the territorial jurisdiction of the United States to the foreign representative or another person, including an examiner, authorized by the court;

"(6) extending relief granted under section 1519(a); and

"(7) granting any additional relief that may be available to a trustee, except for relief available under sections 522, 544, 545, 547, 548, 550, and 724(a).

"(b) Upon recognition of a foreign proceeding, whether main or nonmain, the court may, at the request of the foreign representative, entrust the distribution of all or part of the debtor's assets located in the United States to the foreign representative or another person, including an examiner, authorized by the court, provided that the court is satisfied that the interests of creditors in the United States are sufficiently protected.

"(c) In granting relief under this section to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the law of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(d) The court may not enjoin a police or regulatory act of a governmental unit, including a criminal action or proceeding, under this section.

"(e) The standards, procedures, and limitations applicable to an injunction shall apply to relief under paragraphs (1), (2), (3), and (6) of subsection (a).

"(f) The exercise of rights not subject to the stay arising under section 362(a) pursuant to paragraph (6), (7), (17), or (27) of section 362(b) or pursuant to section 362(n) shall not be stayed by any order of a court or administrative agency in any proceeding under this chapter.

"§ 1522. Protection of creditors and other interested persons

"(a) The court may grant relief under section 1519 or 1521, or may modify or terminate relief under subsection (c), only if the interests of the creditors and other interested entities, including the debtor, are sufficiently protected.

"(b) The court may subject relief granted under section 1519 or 1521, or the operation of the debtor's business under section 1520(a)(3), to conditions it considers appropriate, including the giving of security or the filing of a bond.

"(c) The court may, at the request of the foreign representative or an entity affected by relief granted under section 1519 or 1521, or at its own motion, modify or terminate such relief.

"(d) Section 1104(d) shall apply to the appointment of an examiner under this chapter. Any examiner shall comply with the qualification requirements imposed on a trustee by section 322.

"§ 1523. Actions to avoid acts detrimental to creditors

"(a) Upon recognition of a foreign proceeding, the foreign representative has standing in a case concerning the debtor pending under another chapter of this title to initiate actions under sections 522, 544, 545, 547, 548, 550, 553, and 724(a).

"(b) When a foreign proceeding is a foreign nonmain proceeding, the court must be satisfied that an action under subsection (a) relates to assets that, under United States law, should be administered in the foreign nonmain proceeding.

"§ 1524. Intervention by a foreign representative

"Upon recognition of a foreign proceeding, the foreign representative may intervene in any proceedings in a State or Federal court in the United States in which the debtor is a party.

"SUBCHAPTER IV—COOPERATION WITH FOREIGN COURTS AND FOREIGN REPRESENTATIVES

"§ 1525. Cooperation and direct communication between the court and foreign courts or foreign representatives

"(a) Consistent with section 1501, the court shall cooperate to the maximum extent possible with a foreign court or a foreign representative, either directly or through the trustee.

"(b) The court is entitled to communicate directly with, or to request information or assistance directly from, a foreign court or a foreign representative, subject to the rights of a party in interest to notice and participation.

"§ 1526. Cooperation and direct communication between the trustee and foreign courts or foreign representatives

"(a) Consistent with section 1501, the trustee or other person, including an examiner, authorized by the court, shall, subject to the supervision of the court, cooperate to the maximum extent possible with a foreign court or a foreign representative.

"(b) The trustee or other person, including an examiner, authorized by the court is entitled, subject to the supervision of the court, to communicate directly with a foreign court or a foreign representative.

"§ 1527. Forms of cooperation

"Cooperation referred to in sections 1525 and 1526 may be implemented by any appropriate means, including—

"(1) appointment of a person or body, including an examiner, to act at the direction of the court;

"(2) communication of information by any means considered appropriate by the court;

"(3) coordination of the administration and supervision of the debtor's assets and affairs;

"(4) approval or implementation of agreements concerning the coordination of proceedings; and

"(5) coordination of concurrent proceedings regarding the same debtor.

"SUBCHAPTER V—CONCURRENT PROCEEDINGS

"§ 1528. Commencement of a case under this title after recognition of a foreign main proceeding

"After recognition of a foreign main proceeding, a case under another chapter of this title may be commenced only if the debtor has assets in the United States. The effects of such case shall be restricted to the assets of the debtor that are within the territorial jurisdiction of the United States and, to the extent necessary to implement cooperation and coordination under sections 1525, 1526, and 1527, to other assets of the debtor that are within the jurisdiction of the court under sections 541(a) of this title, and 1334(e) of title 28, to the extent that such other assets are not subject to the jurisdiction and control of a foreign proceeding that has been recognized under this chapter.

"§ 1529. Coordination of a case under this title and a foreign proceeding

"If a foreign proceeding and a case under another chapter of this title are pending concurrently regarding the same debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) If the case in the United States pending at the time the petition for recognition of such foreign proceeding is filed—

"(A) any relief granted under section 1519 or 1521 must be consistent with the relief granted in the case in the United States; and

"(B) section 1520 does not apply even if such foreign proceeding is recognized as a foreign main proceeding.

"(2) If a case in the United States under this title commences after recognition, or after the date of the filing of the petition for recognition, of such foreign proceeding—

"(A) any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the case in the United States; and

"(B) if such foreign proceeding is a foreign main proceeding, the stay and suspension referred to in section 1520(a) shall be modified or terminated if inconsistent with the relief granted in the case in the United States.

"(3) In granting, extending, or modifying relief granted to a representative of a foreign nonmain proceeding, the court must be satisfied that the relief relates to assets that, under the laws of the United States, should be administered in the foreign nonmain proceeding or concerns information required in that proceeding.

"(4) In achieving cooperation and coordination under sections 1528 and 1529, the court may grant any of the relief authorized under section 305.

"§1530. Coordination of more than 1 foreign proceeding

"In matters referred to in section 1501, with respect to more than 1 foreign proceeding regarding the debtor, the court shall seek cooperation and coordination under sections 1525, 1526, and 1527, and the following shall apply:

"(1) Any relief granted under section 1519 or 1521 to a representative of a foreign nonmain proceeding after recognition of a foreign main proceeding must be consistent with the foreign main proceeding.

"(2) If a foreign main proceeding is recognized after recognition, or after the filing of a petition for recognition, of a foreign nonmain proceeding, any relief in effect under section 1519 or 1521 shall be reviewed by the court and shall be modified or terminated if inconsistent with the foreign main proceeding.

"(3) If, after recognition of a foreign nonmain proceeding, another foreign nonmain proceeding is recognized, the court shall grant, modify, or terminate relief for the purpose of facilitating coordination of the proceedings.

"§1531. Presumption of insolvency based on recognition of a foreign main proceeding

"In the absence of evidence to the contrary, recognition of a foreign main proceeding is, for the purpose of commencing a proceeding under section 303, proof that the debtor is generally not paying its debts as such debts become due.

"§1532. Rule of payment in concurrent proceedings

"Without prejudice to secured claims or rights in rem, a creditor who has received payment with respect to its claim in a foreign proceeding pursuant to a law relating to insolvency may not receive a payment for the same claim in a case under any other chapter of this title regarding the debtor, so long as the payment to other creditors of the same class is proportionately less than the payment the creditor has already received.".

(b) CLERICAL AMENDMENT.—The table of chapters for title 11, United States Code, is amended by inserting after the item relating to chapter 13 the following:

"15. Ancillary and Other Cross-Border Cases .... 1501".

SEC. 802. OTHER AMENDMENTS TO TITLES 11 AND 28, UNITED STATES CODE.

(a) APPLICABILITY OF CHAPTERS.—Section 103 of title 11, United States Code, is amended—

(1) in subsection (a), by inserting before the period the following: ", and this chapter, sections 307, 362(n), 555 through 557, and 559 through 562 apply in a case under chapter 15"; and

(2) by adding at the end the following:

"(k) Chapter 15 applies only in a case under such chapter, except that—

"(1) sections 1505, 1513, and 1514 apply in all cases under this title; and

"(2) section 1509 applies whether or not a case under this title is pending.".

(b) DEFINITIONS.—Section 101 of title 11, United States Code, is amended by striking paragraphs (23) and (24) and inserting the following:

"(23) 'foreign proceeding' means a collective judicial or administrative proceeding in a foreign country, including an interim proceeding, under a law relating to insolvency or adjustment of debt in which proceeding the assets and affairs of the debtor are subject to control or supervision by a foreign court, for the purpose of reorganization or liquidation;

"(24) 'foreign representative' means a person or body, including a person or body appointed on an interim basis, authorized in a foreign proceeding to administer the reorganization or the liquidation of the debtor's assets or affairs or to act as a representative of such foreign proceeding;".

(c) AMENDMENTS TO TITLE 28, UNITED STATES CODE.—

(1) PROCEDURES.—Section 157(b)(2) of title 28, United States Code, is amended—

(A) in subparagraph (N), by striking "and" at the end;

(B) in subparagraph (O), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(P) recognition of foreign proceedings and other matters under chapter 15 of title 11.".

(2) BANKRUPTCY CASES AND PROCEEDINGS.—Section 1334(c) of title 28, United States Code, is amended by striking "Nothing in" and inserting "Except with respect to a case under chapter 15 of title 11, nothing in".

(3) DUTIES OF TRUSTEES.—Section 586(a)(3) of title 28, United States Code, is amended by striking "or 13" and inserting "13, or 15".

(4) VENUE OF CASES ANCILLARY TO FOREIGN PROCEEDINGS.—Section 1410 of title 28, United States Code, is amended to read as follows:

"§1410. Venue of cases ancillary to foreign proceedings

"A case under chapter 15 of title 11 may be commenced in the district court of the United States for the district—

"(1) in which the debtor has its principal place of business or principal assets in the United States;

"(2) if the debtor does not have a place of business or assets in the United States, in which there is pending against the debtor an action or proceeding in a Federal or State court; or

"(3) in a case other than those specified in paragraph (1) or (2), in which venue will be consistent with the interests of justice and the convenience of the parties, having regard to the relief sought by the foreign representative.".

(d) OTHER SECTIONS OF TITLE 11.—Title 11 of the United States Code is amended—

(1) in section 109(b), by striking paragraph (3) and inserting the following:

"(3)(A) a foreign insurance company, engaged in such business in the United States; or

"(B) a foreign bank, savings bank, cooperative bank, savings and loan association, building and loan association, or credit union, that has a branch or agency (as defined in section 1(b) of the International Banking Act of 1978 in the United States.";

(2) in section 303, by striking subsection (k);

(3) by striking section 304;

(4) in the table of sections for chapter 3 by striking the item relating to section 304;

(5) in section 306 by striking ", 304," each place it appears;

(6) in section 305(a) by striking paragraph (2) and inserting the following:

"(2)(A) a petition under section 1515 for recognition of a foreign proceeding has been granted; and

"(B) the purposes of chapter 15 of this title would be best served by such dismissal or suspension."; and

(7) in section 508—

(A) by striking subsection (a); and

(B) in subsection (b), by striking "(b)".

TITLE IX—FINANCIAL CONTRACT PROVISIONS

SEC. 901. TREATMENT OF CERTAIN AGREEMENTS BY CONSERVATORS OR RECEIVERS OF INSURED DEPOSITORY INSTITUTIONS.

(a) DEFINITION OF QUALIFIED FINANCIAL CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)) is amended—

(A) by striking "subsection—" and inserting "subsection, the following definitions shall apply:"; and

(B) in clause (i), by inserting ", resolution, or order" after "any similar agreement that the Corporation determines by regulation".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended—

(A) by striking "subsection—" and inserting "subsection, the following definitions shall apply:"; and

(B) in clause (i), by inserting ", resolution, or order" after "any similar agreement that the Board determines by regulation".

(b) DEFINITION OF SECURITIES CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(ii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(ii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(ii)) is amended to read as follows:

"(ii) SECURITIES CONTRACT.—The term 'securities contract'—

"(I) means a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan, or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or any option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(II) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan unless the Board determines by regulation, resolution, or order to include any such agreement within the meaning of such term;

"(III) means any option entered into on a national securities exchange relating to foreign currencies;

"(IV) means the guarantee by or to any securities clearing agency of any settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, certificates of deposit, or mortgage loans or interests therein (including any interest therein or based on the value thereof) or option on any of the foregoing, including any option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(V) means any margin loan;

"(VI) means any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) means any combination of the agreements or transactions referred to in this clause;

"(VIII) means any option to enter into any agreement or transaction referred to in this clause;

"(IX) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this clause, except that the master agreement shall be considered to be a securities contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), (IV), (V), (VI), (VII), or (VIII); and

"(X) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(c) DEFINITION OF COMMODITY CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(iii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iii)) is amended to read as follows:

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(iii) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(iii)) is amended to read as follows:

"(iii) COMMODITY CONTRACT.—The term 'commodity contract' means—

"(I) with respect to a futures commission merchant, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade;

"(II) with respect to a foreign futures commission merchant, a foreign future;

"(III) with respect to a leverage transaction merchant, a leverage transaction;

"(IV) with respect to a clearing organization, a contract for the purchase or sale of a commodity for future delivery on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization, or commodity option traded on, or subject to the rules of, a contract market or board of trade that is cleared by such clearing organization;

"(V) with respect to a commodity options dealer, a commodity option;

"(VI) any other agreement or transaction that is similar to any agreement or transaction referred to in this clause;

"(VII) any combination of the agreements or transactions referred to in this clause;

"(VIII) any option to enter into any agreement or transaction referred to in this clause;

"(IX) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this clause, except that the master agreement shall be considered to be a commodity contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), (IV), (V), (VI), (VII), or (VIII); or

"(X) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this clause, including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in this clause.".

(d) DEFINITION OF FORWARD CONTRACT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(iv) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(iv)) is amended to read as follows:

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(iv) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(iv)) is amended to read as follows:

"(iv) FORWARD CONTRACT.—The term 'forward contract' means—

"(I) a contract (other than a commodity contract) for the purchase, sale, or transfer of a commodity or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade, or product or byproduct thereof, with a maturity date more than 2 days after the date the contract is entered into, including, a repurchase transaction, reverse repurchase transaction, consignment, lease, swap, hedge transaction, deposit, loan, option, allocated transaction, unallocated transaction, or any other similar agreement;

"(II) any combination of agreements or transactions referred to in subclauses (I) and (III);

"(III) any option to enter into any agreement or transaction referred to in subclause (I) or (II);

"(IV) a master agreement that provides for an agreement or transaction referred to in subclauses (I), (II), or (III), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a forward contract under this clause, except that the master agreement shall be considered to be a forward contract under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), or (III); or

"(V) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (II), (III), or (IV), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.".

(e) DEFINITION OF REPURCHASE AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(v) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(v)) is amended to read as follows:

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Corporation determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D)(v) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)(v)) is amended to read as follows:

"(v) REPURCHASE AGREEMENT.—The term 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(I) means an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage-related securities (as such term is defined in the Securities Exchange Act of 1934), mortgage loans, interests in mortgage-related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests as described above, at a date certain not later than 1 year after such transfers or on demand, against the transfer of funds, or any other similar agreement;

"(II) does not include any repurchase obligation under a participation in a commercial mortgage loan unless the Board determines by regulation, resolution, or order to include any such participation within the meaning of such term;

"(III) means any combination of agreements or transactions referred to in subclauses (I) and (IV);

"(IV) means any option to enter into any agreement or transaction referred to in subclause (I) or (III);

"(V) means a master agreement that provides for an agreement or transaction referred to in subclause (I), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a repurchase agreement under this clause, except that the master agreement shall be considered to be a repurchase agreement under this subclause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (III), or (IV); and

"(VI) means any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in subclause (I), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

For purposes of this clause, the term 'qualified foreign government security' means a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development (as determined by regulation or order adopted by the appropriate Federal banking authority).".

(f) DEFINITION OF SWAP AGREEMENT.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(vi) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vi)) is amended to read as follows:

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by adding at the end the following new clause:

"(vi) SWAP AGREEMENT.—The term 'swap agreement' means—

"(I) any agreement, including the terms and conditions incorporated by reference in any such agreement, which is an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap; a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement; a currency swap, option, future, or forward agreement; an equity index or equity swap, option, future, or forward agreement; a debt index or debt swap, option, future, or forward agreement; a total return, credit spread or credit swap, option, future, or forward agreement; a commodity index or commodity swap, option, future, or forward agreement; or a weather swap, weather derivative, or weather option;

"(II) any agreement or transaction that is similar to any other agreement or transaction referred to in this clause and that is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference in such agreement) and that is a forward, swap,future, or option on one or more rates, currencies, commodities, equity securities or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(III) any combination of agreements or transactions referred to in this clause;

"(IV) any option to enter into any agreement or transaction referred to in this clause;

"(V) a master agreement that provides for an agreement or transaction referred to in subclause (I), (II), (III), or (IV), together with all supplements to any such master agreement, without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this clause, except that the master agreement shall be considered to be a swap agreement under this clause only with respect to each agreement or transaction under the master agreement that is referred to in subclause (I), (II), (III), or (IV); and

"(VI) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in subclause (I), (II), (III), (IV), or (V), including any guarantee or reimbursement obligation in connection with any agreement or transaction referred to in any such subclause.

Such term is applicable for purposes of this subsection only and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000.".

(g) DEFINITION OF TRANSFER.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(D)(viii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(viii)) is amended to read as follows:

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) (as amended by subsection (f) of this section) is amended by adding at the end the following new clause:

"(viii) TRANSFER.—The term 'transfer' means every mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with property or with an interest in property, including retention of title as a security interest and foreclosure of the depository institution's equity of redemption.".

(h) TREATMENT OF QUALIFIED FINANCIAL CONTRACTS.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "paragraph (10)" and inserting "paragraphs (9) and (10)";

(ii) in clause (i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration"; and

(iii) by striking clause (ii) and inserting the following new clause:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);"; and

(B) in subparagraph (E), by striking clause (ii) and inserting the following:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts described in clause (i);".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended—

(A) in subparagraph (A)—

(i) by striking "paragraph (12)" and inserting "paragraphs (9) and (10)";

(ii) in clause (i), by striking "to cause the termination or liquidation" and inserting "such person has to cause the termination, liquidation, or acceleration"; and

(iii) by striking clause (ii) and inserting the following new clause:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);"; and

(B) in subparagraph (E), by striking clause (ii) and inserting the following new clause:

"(ii) any right under any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts described in clause (i);".

(i) AVOIDANCE OF TRANSFERS.—

(1) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8)(C)(i) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Corporation".

(2) INSURED CREDIT UNIONS.—Section 207(c)(8)(C)(i) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(C)(i)) is amended by inserting "section 5242 of the Revised Statutes of the United States or any other Federal or State law relating to the avoidance of preferential or fraudulent transfers," before "the Board".

SEC. 902. AUTHORITY OF THE FDIC AND NCUAB WITH RESPECT TO FAILED AND FAILING INSTITUTIONS.

(a) FEDERAL DEPOSIT INSURANCE CORPORATION.—

(1) IN GENERAL.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended—

(A) in subparagraph (E), by striking "other than paragraph (12) of this subsection, subsection (d)(9)" and inserting "other than subsections (d)(9) and (e)(10)"; and

(B) by adding at the end the following new subparagraphs:

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Corporation, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Corporation to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (e)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured depository institution in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 11(e)(12)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(12)(A)) is amended by inserting "or the exercise of rights or powers by" after "the appointment of".

(b) NATIONAL CREDIT UNION ADMINISTRATION BOARD.—

(1) IN GENERAL.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended—

(A) in subparagraph (E) (as amended by section 901(h)), by striking "other than paragraph (12) of this subsection, subsection (b)(9)" and inserting "other than subsections (b)(9) and (c)(10)"; and

(B) by adding at the end the following new subparagraphs:

"(F) CLARIFICATION.—No provision of law shall be construed as limiting the right or power of the Board, or authorizing any court or agency to limit or delay, in any manner, the right or power of the Board to transfer any qualified financial contract in accordance with paragraphs (9) and (10) of this subsection or to disaffirm or repudiate any such contract in accordance with subsection (c)(1) of this section.

"(G) WALKAWAY CLAUSES NOT EFFECTIVE.—

"(i) IN GENERAL.—Notwithstanding the provisions of subparagraphs (A) and (E), and sections 403 and 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, no walkaway clause shall be enforceable in a qualified financial contract of an insured credit union in default.

"(ii) WALKAWAY CLAUSE DEFINED.—For purposes of this subparagraph, the term 'walkaway clause' means a provision in a qualified financial contract that, after calculation of a value of a party's position or an amount due to or from 1 of the parties in accordance with its terms upon termination, liquidation, or acceleration of the qualified financial contract, either does not create a payment obligation of a party or extinguishes a payment obligation of a party in whole or in part solely because of such party's status as a nondefaulting party.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—Section 207(c)(12)(A) of the Federal Credit Union Act (12 U.S.C. 1787(c)(12)(A)) is amended by inserting "or the exercise of rights or powers by" after "the appointment of".

SEC. 903. AMENDMENTS RELATING TO TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—

(1) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 11(e)(9) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(9)) is amended to read as follows:

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

"(A) IN GENERAL.—In making any transfer of assets or liabilities of a depository institution in default which includes any qualified financial contract, the conservator or receiver for such depository institution shall either—

"(i) transfer to one financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the depository institution in default;

"(II) all claims of such person or any affiliate of such person against such depository institution under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such institution);

"(III) all claims of such depository institution against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or receiver for the depository institution shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to one or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or receiver transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) DEFINITIONS.—For purposes of this paragraph, the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, or any other institution, as determined by the Corporation by regulation to be a financial institution, and the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.".

(2) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 11(e)(10)(A) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)(A)) is amended in the material immediately following clause (ii) by striking "the conservator" and all that follows through the period and inserting the following: "the conservator or receiver shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver in the case of a receivership, or the business day following such transfer in the case of a conservatorship.".

(3) RIGHTS AGAINST RECEIVER AND CONSERVATOR AND TREATMENT OF BRIDGE BANKS.—Section 11(e)(10) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(10)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following new subparagraphs:

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) RECEIVERSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a receiver for the depository institution (or the insolvency or financial condition of the depository institution for which the receiver has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the receiver; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured depository institution may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the depository institution (or the insolvency or financial condition of the depository institution for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Corporation as receiver or conservator of an insured depository institution shall be deemed to have notified a person who is a party to a qualified financial contract with such depository institution if the Corporation has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

"(i) A bridge bank.

"(ii) A depository institution organized by the Corporation, for which a conservator is appointed either—

"(I) immediately upon the organization of the institution; or

"(II) at the time of a purchase and assumption transaction between the depository institution and the Corporation as receiver for a depository institution in default.".

(b) INSURED CREDIT UNIONS.—

(1) TRANSFERS OF QUALIFIED FINANCIAL CONTRACTS TO FINANCIAL INSTITUTIONS.—Section 207(c)(9) of the Federal Credit Union Act (12 U.S.C. 1787(c)(9)) is amended to read as follows:

"(9) TRANSFER OF QUALIFIED FINANCIAL CONTRACTS.—

"(A) IN GENERAL.—In making any transfer of assets or liabilities of a credit union in default which includes any qualified financial contract, the conservator or liquidating agent for such credit union shall either—

"(i) transfer to 1 financial institution, other than a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding—

"(I) all qualified financial contracts between any person or any affiliate of such person and the credit union in default;

"(II) all claims of such person or any affiliate of such person against such credit union under any such contract (other than any claim which, under the terms of any such contract, is subordinated to the claims of general unsecured creditors of such credit union);

"(III) all claims of such credit union against such person or any affiliate of such person under any such contract; and

"(IV) all property securing or any other credit enhancement for any contract described in subclause (I) or any claim described in subclause (II) or (III) under any such contract; or

"(ii) transfer none of the qualified financial contracts, claims, property or other credit enhancement referred to in clause (i) (with respect to such person and any affiliate of such person).

"(B) TRANSFER TO FOREIGN BANK, FOREIGN FINANCIAL INSTITUTION, OR BRANCH OR AGENCY OF A FOREIGN BANK OR FINANCIAL INSTITUTION.—In transferring any qualified financial contracts and related claims and property under subparagraph (A)(i), the conservator or liquidating agent for the credit union shall not make such transfer to a foreign bank, financial institution organized under the laws of a foreign country, or a branch or agency of a foreign bank or financial institution unless, under the law applicable to such bank, financial institution, branch or agency, to the qualified financial contracts, and to any netting contract, any security agreement or arrangement or other credit enhancement related to 1 or more qualified financial contracts, the contractual rights of the parties to such qualified financial contracts, netting contracts, security agreements or arrangements, or other credit enhancements are enforceable substantially to the same extent as permitted under this section.

"(C) TRANSFER OF CONTRACTS SUBJECT TO THE RULES OF A CLEARING ORGANIZATION.—In the event that a conservator or liquidating agent transfers any qualified financial contract and related claims, property, and credit enhancements pursuant to subparagraph (A)(i) and such contract is cleared by or subject to the rules of a clearing organization, the clearing organization shall not be required to accept the transferee as a member by virtue of the transfer.

"(D) DEFINITIONS.—For purposes of this paragraph—

"(i) the term 'financial institution' means a broker or dealer, a depository institution, a futures commission merchant, a credit union, or any other institution, as determined by the Board by regulation to be a financial institution; and

"(ii) the term 'clearing organization' has the same meaning as in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991.".

(2) NOTICE TO QUALIFIED FINANCIAL CONTRACT COUNTERPARTIES.—Section 207(c)(10)(A) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)(A)) is amended in the material immediately following clause (ii) by striking "the conservator" and all that follows through the period and inserting the following: "the conservator or liquidating agent shall notify any person who is a party to any such contract of such transfer by 5:00 p.m. (eastern time) on the business day following the date of the appointment of the liquidating agent in the case of a liquidation, or the business day following such transfer in the case of a conservatorship.".

(3) RIGHTS AGAINST LIQUIDATING AGENT AND CONSERVATOR AND TREATMENT OF BRIDGE BANKS.—Section 207(c)(10) of the Federal Credit Union Act (12 U.S.C. 1787(c)(10)) is amended—

(A) by redesignating subparagraph (B) as subparagraph (D); and

(B) by inserting after subparagraph (A) the following new subparagraphs:

"(B) CERTAIN RIGHTS NOT ENFORCEABLE.—

"(i) LIQUIDATION.—A person who is a party to a qualified financial contract with an insured credit union may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(A) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a liquidating agent for the credit union institution (or the insolvency or financial condition of the credit union for which the liquidating agent has been appointed)—

"(I) until 5:00 p.m. (eastern time) on the business day following the date of the appointment of the liquidating agent; or

"(II) after the person has received notice that the contract has been transferred pursuant to paragraph (9)(A).

"(ii) CONSERVATORSHIP.—A person who is a party to a qualified financial contract with an insured credit union may not exercise any right that such person has to terminate, liquidate, or net such contract under paragraph (8)(E) of this subsection or section 403 or 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991, solely by reason of or incidental to the appointment of a conservator for the credit union or the insolvency or financial condition of the credit union for which the conservator has been appointed).

"(iii) NOTICE.—For purposes of this paragraph, the Board as conservator or liquidating agent of an insured credit union shall be deemed to have notified a person who is a party to a qualified financial contract with such credit union if the Board has taken steps reasonably calculated to provide notice to such person by the time specified in subparagraph (A).

"(C) TREATMENT OF BRIDGE BANKS.—The following institutions shall not be considered to be a financial institution for which a conservator, receiver, trustee in bankruptcy, or other legal custodian has been appointed or which is otherwise the subject of a bankruptcy or insolvency proceeding for purposes of paragraph (9):

"(i) A bridge bank.

"(ii) A credit union organized by the Board, for which a conservator is appointed either—

"(I) immediately upon the organization of the credit union; or

"(II) at the time of a purchase and assumption transaction between the credit union and the Board as receiver for a credit union in default.".

SEC. 904. AMENDMENTS RELATING TO DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)) is amended—

(1) by redesignating paragraphs (11) through (15) as paragraphs (12) through (16), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or receiver with respect to any qualified financial contract to which an insured depository institution is a party, the conservator or receiver for such institution shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the depository institution in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person)."; and

(3) by adding at the end the following new paragraph:

"(17) SAVINGS CLAUSE.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section 3(a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.".

(b) INSURED CREDIT UNIONS.—Section 207(c) of the Federal Credit Union Act (12 U.S.C. 1787(c)) is amended—

(1) by redesignating paragraphs (11), (12), and (13) as paragraphs (12), (13), and (14), respectively;

(2) by inserting after paragraph (10) the following new paragraph:

"(11) DISAFFIRMANCE OR REPUDIATION OF QUALIFIED FINANCIAL CONTRACTS.—In exercising the rights of disaffirmance or repudiation of a conservator or liquidating agent with respect to any qualified financial contract to which an insured credit union is a party, the conservator or liquidating agent for such credit union shall either—

"(A) disaffirm or repudiate all qualified financial contracts between—

"(i) any person or any affiliate of such person; and

"(ii) the credit union in default; or

"(B) disaffirm or repudiate none of the qualified financial contracts referred to in subparagraph (A) (with respect to such person or any affiliate of such person).''; and

(3) by adding at the end the following new paragraph:

''(15) Savings clause.—The meanings of terms used in this subsection are applicable for purposes of this subsection only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any similar terms under any other statute, regulation, or rule, including the Gramm-Leach-Bliley Act, the Legal Certainty for Bank Products Act of 2000, the securities laws (as that term is defined in section (a)(47) of the Securities Exchange Act of 1934), and the Commodity Exchange Act.''.

SEC. 905. CLARIFYING AMENDMENT RELATING TO MASTER AGREEMENTS.

(a) FDIC-Insured Depository Institutions.—Section 11(e)(8)(D)(vii) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)(D)(vii)) is amended to read as follows:

''(vii) Treatment of master agreement as one agreement.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

(b) Insured Credit Unions.—Section 207(c)(8)(D) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)(D)) is amended by inserting after clause (vi) (as added by section 901(f)) the following new clause:

''(vii) Treatment of master agreement as one agreement.—Any master agreement for any contract or agreement described in any preceding clause of this subparagraph (or any master agreement for such master agreement or agreements), together with all supplements to such master agreement, shall be treated as a single agreement and a single qualified financial contract. If a master agreement contains provisions relating to agreements or transactions that are not themselves qualified financial contracts, the master agreement shall be deemed to be a qualified financial contract only with respect to those transactions that are themselves qualified financial contracts.''.

SEC. 906. FEDERAL DEPOSIT INSURANCE CORPORATION IMPROVEMENT ACT OF 1991.

(a) Definitions.—Section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4402) is amended—

(1) in paragraph (2)—

(A) in subparagraph (A)(ii), by inserting before the semicolon '', or is exempt from such registration by order of the Securities and Exchange Commission''; and

(B) in subparagraph (B), by inserting before the period '', that has been granted an exemption under section 4(c)(1) of the Commodity Exchange Act, or that is a multilateral clearing organization (as defined in section 408 of this Act)'';

(2) in paragraph (6)—

(A) by redesignating subparagraphs (B) through (D) as subparagraphs (C) through (E), respectively;

(B) by inserting after subparagraph (A) the following new subparagraph:

''(B) an uninsured national bank or an uninsured State bank that is a member of the Federal Reserve System, if the national bank or State member bank is not eligible to make application to become an insured bank under section 5 of the Federal Deposit Insurance Act;''; and

(C) by amending subparagraph (C), so redesignated, to read as follows:

''(C) a branch or agency of a foreign bank, a foreign bank and any branch or agency of the foreign bank, or the foreign bank that established the branch or agency, as those terms are defined in section 1(b) of the International Banking Act of 1978;'';

(3) in paragraph (11), by inserting before the period ''and any other clearing organization with which such clearing organization has a netting contract'';

(4) by amending paragraph (14)(A)(i) to read as follows:

''(i) means a contract or agreement between 2 or more financial institutions, clearing organizations, or members that provides for netting present or future payment obligations or payment entitlements (including liquidation or close out values relating to such obligations or entitlements) among the parties to the agreement; and''; and

(5) by adding at the end the following new paragraph:

''(15) Payment.—The term 'payment' means a payment of United States dollars, another currency, or a composite currency, and a noncash delivery, including a payment or delivery to liquidate an unmatured obligation.''.

(b) Enforceability of Bilateral Netting Contracts.—Section 403 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4403) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) General Rule.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, or any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements between any 2 financial institutions shall be netted in accordance with, and subject to the conditions of, the terms of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

(2) by adding at the end the following new subsection:

''(f) Enforceability of Security Agreements.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 financial institutions shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(c) Enforceability of Clearing Organization Netting Contracts.—Section 404 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4404) is amended—

(1) by striking subsection (a) and inserting the following:

''(a) General Rule.—Notwithstanding any other provision of State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and any order authorized under section 5(b)(2) of the Securities Investor Protection Act of 1970), the covered contractual payment obligations and the covered contractual payment entitlements of a member of a clearing organization to and from all other members of a clearing organization shall be netted in accordance with and subject to the conditions of any applicable netting contract (except as provided in section 561(b)(2) of title 11, United States Code).''; and

(2) by adding at the end the following new subsection:

''(h) Enforceability of Security Agreements.—The provisions of any security agreement or arrangement or other credit enhancement related to one or more netting contracts between any 2 members of a clearing organization shall be enforceable in accordance with their terms (except as provided in section 561(b)(2) of title 11, United States Code), and shall not be stayed, avoided, or otherwise limited by any State or Federal law (other than paragraphs (8)(E), (8)(F), and (10)(B) of section 11(e) of the Federal Deposit Insurance Act, paragraphs (8)(E), (8)(F), and (10)(B) of section 207(c) of the Federal Credit Union Act, and section 5(b)(2) of the Securities Investor Protection Act of 1970).''.

(d) Enforceability of Contracts With Uninsured National Banks, Uninsured Federal Branches and Agencies, Certain Uninsured State Member Banks, and Edge Act Corporations.—The Federal Deposit Insurance Corporation Improvement Act of 1991 (12 U.S.C. 4401 et seq.) is amended—

(1) by redesignating section 407 as section 407A; and

(2) by inserting after section 406 the following new section:

''SEC. 407. TREATMENT OF CONTRACTS WITH UNINSURED NATIONAL BANKS, UNINSURED FEDERAL BRANCHES AND AGENCIES, CERTAIN UNINSURED STATE MEMBER BANKS, AND EDGE ACT CORPORATIONS.

''(a) In General.—Notwithstanding any other provision of law, paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act shall apply to an uninsured national bank or uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, except that for such purpose—

''(1) any reference to the 'Corporation as receiver' or 'the receiver or the Corporation' shall refer to the receiver appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank;

''(2) any reference to the 'Corporation' (other than in section 11(e)(8)(D) of such Act), the 'Corporation, whether acting as such or as conservator or receiver', a 'receiver', or a 'conservator' shall refer to the receiver or conservator appointed by the Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency, or to the receiver or conservator appointed by the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act or an uninsured State member bank; and

"(3) any reference to an 'insured depository institution' or 'depository institution' shall refer to an uninsured national bank, an uninsured Federal branch or Federal agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act.

"(b) LIABILITY.—The liability of a receiver or conservator of an uninsured national bank, uninsured Federal branch or agency, a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank which operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, shall be determined in the same manner and subject to the same limitations that apply to receivers and conservators of insured depository institutions under section 11(e) of the Federal Deposit Insurance Act.

"(c) REGULATORY AUTHORITY.—

"(1) IN GENERAL.—The Comptroller of the Currency in the case of an uninsured national bank or uninsured Federal branch or agency and the Board of Governors of the Federal Reserve System in the case of a corporation chartered under section 25A of the Federal Reserve Act, or an uninsured State member bank that operates, or operates as, a multilateral clearing organization pursuant to section 409 of this Act, in consultation with the Federal Deposit Insurance Corporation, may each promulgate regulations solely to implement this section.

"(2) SPECIFIC REQUIREMENT.—In promulgating regulations, limited solely to implementing paragraphs (8), (9), (10), and (11) of section 11(e) of the Federal Deposit Insurance Act, the Comptroller of the Currency and the Board of Governors of the Federal Reserve System each shall ensure that the regulations generally are consistent with the regulations and policies of the Federal Deposit Insurance Corporation adopted pursuant to the Federal Deposit Insurance Act.

"(d) DEFINITIONS.—For purposes of this section, the terms 'Federal branch', 'Federal agency', and 'foreign bank' have the same meanings as in section 1(b) of the International Banking Act of 1978.".

SEC. 907. BANKRUPTCY LAW AMENDMENTS.

(a) DEFINITIONS OF FORWARD CONTRACT, REPURCHASE AGREEMENT, SECURITIES CLEARING AGENCY, SWAP AGREEMENT, COMMODITY CONTRACT, AND SECURITIES CONTRACT.—Title 11, United States Code, is amended—

(1) in section 101—

(A) in paragraph (25)—

(i) by striking "means a contract" and inserting "means—

"(A) a contract";

(ii) by striking ", or any combination thereof or option thereon;" and inserting ", or any other similar agreement;"; and

(iii) by adding at the end the following:

"(B) any combination of agreements or transactions referred to in subparagraphs (A) and (C);

"(C) any option to enter into an agreement or transaction referred to in subparagraph (A) or (B);

"(D) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), or (C), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a forward contract under this paragraph, except that such master agreement shall be considered to be a forward contract under this paragraph only with respect to each agreement or transaction under such master agreement that is referred to in subparagraph (A), (B), or (C); or

"(E) any security agreement or arrangement, or other credit enhancement related to any agreement or transaction referred to in subparagraph (A), (B), (C), or (D), including any guarantee or reimbursement obligation by or to a forward contract merchant or financial participant in connection with any agreement or transaction referred to in any such subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;";

(B) in paragraph (46), by striking "on any day during the period beginning 90 days before the date of" and inserting "at any time before";

(C) by amending paragraph (47) to read as follows:

"(47) 'repurchase agreement' (which definition also applies to a reverse repurchase agreement)—

"(A) means—

"(i) an agreement, including related terms, which provides for the transfer of one or more certificates of deposit, mortgage related securities (as defined in section 3 of the Securities Exchange Act of 1934), mortgage loans, interests in mortgage related securities or mortgage loans, eligible bankers' acceptances, qualified foreign government securities (defined as a security that is a direct obligation of, or that is fully guaranteed by, the central government of a member of the Organization for Economic Cooperation and Development), or securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States against the transfer of funds by the transferee of such certificates of deposit, eligible bankers' acceptances, securities, mortgage loans, or interests, with a simultaneous agreement by such transferee to transfer to the transferor thereof certificates of deposit, eligible bankers' acceptance, securities, mortgage loans, or interests of the kind described in this clause, at a date certain not later than 1 year after such transfer or on demand, against the transfer of funds;

"(ii) any combination of agreements or transactions referred to in clauses (i) and (iii);

"(iii) an option to enter into an agreement or transaction referred to in clause (i) or (ii);

"(iv) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), or (iii), together with all supplements to any such master agreement, without regard to whether such master agreement provides for an agreement or transaction that is not a repurchase agreement under this paragraph, except that such master agreement shall be considered to be a repurchase agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), or (iii); or

"(v) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in clause (i), (ii), (iii), or (iv), including any guarantee or reimbursement obligation by or to a repo participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562 of this title; and

"(B) does not include a repurchase obligation under a participation in a commercial mortgage loan;";

(D) in paragraph (48), by inserting ", or exempt from such registration under such section pursuant to an order of the Securities and Exchange Commission," after "1934"; and

(E) by amending paragraph (53B) to read as follows:

"(53B) 'swap agreement'—

"(A) means—

"(i) any agreement, including the terms and conditions incorporated by reference in such agreement, which is—

"(I) an interest rate swap, option, future, or forward agreement, including a rate floor, rate cap, rate collar, cross-currency rate swap, and basis swap;

"(II) a spot, same day-tomorrow, tomorrow-next, forward, or other foreign exchange or precious metals agreement;

"(III) a currency swap, option, future, or forward agreement;

"(IV) an equity index or equity swap, option, future, or forward agreement;

"(V) a debt index or debt swap, option, future, or forward agreement;

"(VI) a total return, credit spread or credit swap, option, future, or forward agreement;

"(VII) a commodity index or a commodity swap, option, future, or forward agreement; or

"(VIII) a weather swap, weather derivative, or weather option;

"(ii) any agreement or transaction that is similar to any other agreement or transaction referred to in this paragraph and that—

"(I) is of a type that has been, is presently, or in the future becomes, the subject of recurrent dealings in the swap markets (including terms and conditions incorporated by reference therein); and

"(II) is a forward, swap, future, or option on one or more rates, currencies, commodities, equity securities, or other equity instruments, debt securities or other debt instruments, quantitative measures associated with an occurrence, extent of an occurrence, or contingency associated with a financial, commercial, or economic consequence, or economic or financial indices or measures of economic or financial risk or value;

"(iii) any combination of agreements or transactions referred to in this subparagraph;

"(iv) any option to enter into an agreement or transaction referred to in this subparagraph;

"(v) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), or (iv), together with all supplements to any such master agreement, and without regard to whether the master agreement contains an agreement or transaction that is not a swap agreement under this paragraph, except that the master agreement shall be considered to be a swap agreement under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in clause (i), (ii), (iii), or (iv); or

"(vi) any security agreement or arrangement or other credit enhancement related to any agreements or transactions referred to in clause (i) through (v), including any guarantee or reimbursement obligation by or to a swap participant or financial participant in connection with any agreement or transaction referred to in any such clause, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

"(B) is applicable for purposes of this title only, and shall not be construed or applied so as to challenge or affect the characterization, definition, or treatment of any swap agreement under any other statute, regulation, or rule, including the Securities Act of 1933, the Securities Exchange Act of 1934, the Public Utility Holding Company Act of 1935, the Trust Indenture Act of 1939, the Investment Company Act of 1940, the Investment Advisers Act of 1940, the Securities Investor Protection Act of 1970, the Commodity Exchange Act, the Gramm-Leach-Bliley Act, and the Legal Certainty for Bank Products Act of 2000;";

(2) in section 741(7), by striking paragraph (7) and inserting the following:

"(7) 'securities contract'—

"(A) means—

"(i) a contract for the purchase, sale, or loan of a security, a certificate of deposit, a mortgage loan or any interest in a mortgage loan, a group or index of securities, certificates of deposit, or mortgage loans or interests therein (including an interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option, and including any repurchase or reverse repurchase transaction on any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(ii) any option entered into on a national securities exchange relating to foreign currencies;

"(iii) the guarantee by or to any securities clearing agency of a settlement of cash, securities, certificates of deposit, mortgage loans or interests therein, group or index of securities, or mortgage loans or interests therein (including any interest therein or based on the value thereof), or option on any of the foregoing, including an option to purchase or sell any such security, certificate of deposit, mortgage loan, interest, group or index, or option;

"(iv) any margin loan;

"(v) any other agreement or transaction that is similar to an agreement or transaction referred to in this subparagraph;

"(vi) any combination of the agreements or transactions referred to in this subparagraph;

"(vii) any option to enter into any agreement or transaction referred to in this subparagraph;

"(viii) a master agreement that provides for an agreement or transaction referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii), together with all supplements to any such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a securities contract under this subparagraph, except that such master agreement shall be considered to be a securities contract under this subparagraph only with respect to each agreement or transaction under such master agreement that is referred to in clause (i), (ii), (iii), (iv), (v), (vi), or (vii); or

"(ix) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this subparagraph, including any guarantee or reimbursement obligation by or to a stockbroker, securities clearing agency, financial institution, or financial participant in connection with any agreement or transaction referred to in this subparagraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562; and

"(B) does not include any purchase, sale, or repurchase obligation under a participation in a commercial mortgage loan;"; and

(3) in section 761(4)—

(A) by striking "or" at the end of subparagraph (D); and

(B) by adding at the end the following:

"(F) any other agreement or transaction that is similar to an agreement or transaction referred to in this paragraph;

"(G) any combination of the agreements or transactions referred to in this paragraph;

"(H) any option to enter into an agreement or transaction referred to in this paragraph;

"(I) a master agreement that provides for an agreement or transaction referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H), together with all supplements to such master agreement, without regard to whether the master agreement provides for an agreement or transaction that is not a commodity contract under this paragraph, except that the master agreement shall be considered to be a commodity contract under this paragraph only with respect to each agreement or transaction under the master agreement that is referred to in subparagraph (A), (B), (C), (D), (E), (F), (G), or (H); or

"(J) any security agreement or arrangement or other credit enhancement related to any agreement or transaction referred to in this paragraph, including any guarantee or reimbursement obligation by or to a commodity broker or financial participant in connection with any agreement or transaction referred to in this paragraph, but not to exceed the damages in connection with any such agreement or transaction, measured in accordance with section 562;".

(b) Definitions of Financial Institution, Financial Participant, and Forward Contract Merchant.—Section 101 of title 11, United States Code, is amended—

(1) by striking paragraph (22) and inserting the following:

"(22) 'financial institution' means—

"(A) a Federal reserve bank, or an entity (domestic or foreign) that is a commercial or savings bank, industrial savings bank, savings and loan association, trust company, federally-insured credit union, or receiver, liquidating agent, or conservator for such entity and, when any such Federal reserve bank, receiver, liquidating agent, conservator or entity is acting as agent or custodian for a customer in connection with a securities contract (as defined in section 741) such customer; or

"(B) in connection with a securities contract (as defined in section 741) an investment company registered under the Investment Company Act of 1940;";

(2) by inserting after paragraph (22) the following:

"(22A) 'financial participant' means—

"(A) an entity that, at the time it enters into a securities contract, commodity contract, swap agreement, repurchase agreement, or forward contract, or at the time of the date of the filing of the petition, has one or more agreements or transactions described in paragraph (1), (2), (3), (4), (5), or (6) of section 561(a) with the debtor or any other entity (other than an affiliate) of a total gross dollar value of not less than $1,000,000,000 in notional or actual principal amount outstanding on any day during the previous 15-month period, or has gross mark-to-market positions of not less than $100,000,000 (aggregated across counterparties) in one or more such agreements or transactions with the debtor or any other entity (other than an affiliate) on any day during the previous 15-month period; or

"(B) a clearing organization (as defined in section 402 of the Federal Deposit Insurance Corporation Improvement Act of 1991);"; and

(3) by striking paragraph (26) and inserting the following:

"(26) 'forward contract merchant' means a Federal reserve bank, or an entity the business of which consists in whole or in part of entering into forward contracts as or with merchants in a commodity (as defined in section 761) or any similar good, article, service, right, or interest which is presently or in the future becomes the subject of dealing in the forward contract trade;".

(c) Definition of Master Netting Agreement and Master Netting Agreement Participant.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (38) the following new paragraphs:

"(38A) 'master netting agreement'—

"(A) means an agreement providing for the exercise of rights, including rights of netting, setoff, liquidation, termination, acceleration, or close out, under or in connection with one or more contracts that are described in any one or more of paragraphs (1) through (5) of section 561(a), or any security agreement or arrangement or other credit enhancement related to one or more of the foregoing, including any guarantee or reimbursement obligation related to 1 or more of the foregoing; and

"(B) if the agreement contains provisions relating to agreements or transactions that are not contracts described in paragraphs (1) through (5) of section 561(a), shall be deemed to be a master netting agreement only with respect to those agreements or transactions that are described in any one or more of paragraphs (1) through (5) of section 561(a);

"(38B) 'master netting agreement participant' means an entity that, at any time before the date of the filing of the petition, is a party to an outstanding master netting agreement with the debtor;".

(d) Swap Agreements, Securities Contracts, Commodity Contracts, Forward Contracts, Repurchase Agreements, and Master Netting Agreements Under the Automatic-Stay.—

(1) In general.—Section 362(b) of title 11, United States Code, as amended by sections 224, 303, 311, 401, and 718, is amended—

(A) in paragraph (6), by inserting ", pledged to, under the control of," after "held by";

(B) in paragraph (7), by inserting ", pledged to, under the control of," after "held by";

(C) by striking paragraph (17) and inserting the following:

"(17) under subsection (a), of the setoff by a swap participant or financial participant of a mutual debt and claim under or in connection with one or more swap agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with any swap agreement against any payment due to the debtor from the swap participant or financial participant under or in connection with any swap agreement or against cash, securities, or other property held by, pledged to, under the control of, or due from such swap participant or financial participant to margin, guarantee, secure, or settle any swap agreement;"; and

(D) by inserting after paragraph (26) the following:

"(27) under subsection (a), of the setoff by a master netting agreement participant of a mutual debt and claim under or in connection with one or more master netting agreements or any contract or agreement subject to such agreements that constitutes the setoff of a claim against the debtor for any payment or other transfer of property due from the debtor under or in connection with such agreements or any contract or agreement subject to such agreements against any payment due to the debtor from such master netting agreement participant under or in connection with such agreements or any contract or agreement subject to such agreements or against cash, securities, or other property held by, pledged to, under the control of, or due from such master netting agreement participant to margin, guarantee, secure, or settle such agreements or any contract or agreement subject to such agreements, to the extent that such participant is eligible to exercise such offset rights under paragraph (6), (7), or (17) for each individual contract covered by the master netting agreement in issue; and".

(2) LIMITATION.—Section 362 of title 11, United States Code, as amended by sections 106, 305, 311, and 441, is amended by adding at the end the following:

"(o) The exercise of rights not subject to the stay arising under subsection (a) pursuant to paragraph (6), (7), (17), or (27) of subsection (b) shall not be stayed by any order of a court or administrative agency in any proceeding under this title.".

(e) LIMITATION OF AVOIDANCE POWERS UNDER MASTER NETTING AGREEMENT.—Section 546 of title 11, United States Code, is amended—

(1) in subsection (g) (as added by section 103 of Public Law 101–311)—

(A) by striking "under a swap agreement";

(B) by striking "in connection with a swap agreement" and inserting "under or in connection with any swap agreement"; and

(C) by inserting "or financial participant" after "swap participant"; and

(2) by adding at the end the following:

"(j) Notwithstanding sections 544, 545, 547, 548(a)(1)(B), and 548(b) the trustee may not avoid a transfer made by or to a master netting agreement participant under or in connection with any master netting agreement or any individual contract covered thereby that is made before the commencement of the case, except under section 548(a)(1)(A) and except to the extent that the trustee could otherwise avoid such a transfer made under an individual contract covered by such master netting agreement.".

(f) FRAUDULENT TRANSFERS OF MASTER NETTING AGREEMENTS.—Section 548(d)(2) of title 11, United States Code, is amended—

(1) in subparagraph (C), by striking "and" at the end;

(2) in subparagraph (D), by striking the period and inserting "; and"; and

(3) by adding at the end the following new subparagraph:

"(E) a master netting agreement participant that receives a transfer in connection with a master netting agreement or any individual contract covered thereby takes for value to the extent of such transfer, except that, with respect to a transfer under any individual contract covered thereby, to the extent that such master netting agreement participant otherwise did not take (or is otherwise not deemed to have taken) such transfer for value.".

(g) TERMINATION OR ACCELERATION OF SECURITIES CONTRACTS.—Section 555 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 555. Contractual right to liquidate, terminate, or accelerate a securities contract";

and

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration".

(h) TERMINATION OR ACCELERATION OF COMMODITIES OR FORWARD CONTRACTS.—Section 556 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract";

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration"; and

(3) in the second sentence, by striking "As used" and all that follows through "right," and inserting "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,".

(i) TERMINATION OR ACCELERATION OF REPURCHASE AGREEMENTS.—Section 559 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement";

(2) in the first sentence, by striking "liquidation" and inserting "liquidation, termination, or acceleration"; and

(3) in the third sentence, by striking "As used" and all that follows through "right," and inserting "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,".

(j) LIQUIDATION, TERMINATION, OR ACCELERATION OF SWAP AGREEMENTS.—Section 560 of title 11, United States Code, is amended—

(1) by amending the section heading to read as follows:

"§ 560. Contractual right to liquidate, terminate, or accelerate a swap agreement";

(2) in the first sentence, by striking "termination of a swap agreement" and inserting "liquidation, termination, or acceleration of one or more swap agreements";

(3) by striking "in connection with any swap agreement" and inserting "in connection with the termination, liquidation, or acceleration of one or more swap agreements"; and

(4) in the second sentence, by striking "As used" and all that follows through "right," and inserting "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof and a right,".

(k) LIQUIDATION, TERMINATION, ACCELERATION, OR OFFSET UNDER A MASTER NETTING AGREEMENT AND ACROSS CONTRACTS.—

(1) IN GENERAL.—Title 11, United States Code, is amended by inserting after section 560 the following:

"§ 561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15

"(a) Subject to subsection (b), the exercise of any contractual right, because of a condition of the kind specified in section 365(e)(1), to cause the termination, liquidation, or acceleration of or to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more (or the termination, liquidation, or acceleration of one or more)—

"(1) securities contracts, as defined in section 741(7);

"(2) commodity contracts, as defined in section 761(4);

"(3) forward contracts;

"(4) repurchase agreements;

"(5) swap agreements; or

"(6) master netting agreements,

shall not be stayed, avoided, or otherwise limited by operation of any provision of this title or by any order of a court or administrative agency in any proceeding under this title.

"(b)(1) A party may exercise a contractual right described in subsection (a) to terminate, liquidate, or accelerate only to the extent that such party could exercise such a right under section 555, 556, 559, or 560 for each individual contract covered by the master netting agreement in issue.

"(2) If a debtor is a commodity broker subject to subchapter IV of chapter 7—

"(A) a party may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a) except to the extent that the party has positive net equity in the commodity accounts at the debtor, as calculated under such subchapter; and

"(B) another commodity broker may not net or offset an obligation to the debtor arising under, or in connection with, a commodity contract entered into or held on behalf of a customer of the debtor and traded on or subject to the rules of a contract market designated under the Commodity Exchange Act or a derivatives transaction execution facility registered under the Commodity Exchange Act against any claim arising under, or in connection with, other instruments, contracts, or agreements listed in subsection (a).

"(3) No provision of subparagraph (A) or (B) of paragraph (2) shall prohibit the offset of claims and obligations that arise under—

"(A) a cross-margining agreement or similar arrangement that has been approved by the Commodity Futures Trading Commission or submitted to the Commodity Futures Trading Commission under paragraph (1) or (2) of section 5c(c) of the Commodity Exchange Act and has not been abrogated or rendered ineffective by the Commodity Futures Trading Commission; or

"(B) any other netting agreement between a clearing organization (as defined in section 761) and another entity that has been approved by the Commodity Futures Trading Commission.

"(c) As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act) or in a resolution of the governing board thereof, and a right, whether or not evidenced in writing, arising under common law, under law merchant, or by reason of normal business practice.

"(d) Any provisions of this title relating to securities contracts, commodity contracts, forward contracts, repurchase agreements, swap agreements, or master netting agreements shall apply in a case under chapter 15, so that enforcement of contractual provisions of such contracts and agreements in accordance with their terms will not be stayed or otherwise limited by operation of any provision of this title or by order of a court in any case under this title, and to limit avoidance powers to the same extent as in a proceeding under chapter 7 or 11 of this title (such enforcement not to be limited based on the presence or absence of assets of the debtor in the United States).".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 11, United States Code, is amended by inserting after the item relating to section 560 the following:

"561. Contractual right to terminate, liquidate, accelerate, or offset under a master netting agreement and across contracts; proceedings under chapter 15.".

(l) COMMODITY BROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 766 the following:

"§ 767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(m) STOCKBROKER LIQUIDATIONS.—Title 11, United States Code, is amended by inserting after section 752 the following:

"§ 753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants

"Notwithstanding any other provision of this title, the exercise of rights by a forward contract merchant, commodity broker, stockbroker, financial institution, financial participant, securities clearing agency, swap participant, repo participant, or master netting agreement participant under this title shall not affect the priority of any unsecured claim it may have after the exercise of such rights.".

(n) SETOFF.—Section 553 of title 11, United States Code, is amended—

(1) in subsection (a)(2)(B)(ii), by inserting before the semicolon the following: "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)";

(2) in subsection (a)(3)(C), by inserting before the period the following: "(except for a setoff of a kind described in section 362(b)(6), 362(b)(7), 362(b)(17), 362(b)(27), 555, 556, 559, 560, or 561)"; and

(3) in subsection (b)(1), by striking "362(b)(14)," and inserting "362(b)(17), 362(b)(27), 555, 556, 559, 560, 561,".

(o) SECURITIES CONTRACTS, COMMODITY CONTRACTS, AND FORWARD CONTRACTS.—Title 11, United States Code, is amended—

(1) in section 362(b)(6), by striking "financial institutions," each place such term appears and inserting "financial institution, financial participant,";

(2) in sections 362(b)(7) and 546(f), by inserting "or financial participant" after "repo participant" each place such term appears;

(3) in section 546(e), by inserting "financial participant," after "financial institution,";

(4) in section 548(d)(2)(B), by inserting "financial participant," after "financial institution,";

(5) in section 548(d)(2)(C), by inserting "or financial participant" after "repo participant";

(6) in section 548(d)(2)(D), by inserting "or financial participant" after "swap participant";

(7) in section 555—

(A) by inserting "financial participant," after "financial institution,"; and

(B) by striking the second sentence and inserting the following: "As used in this section, the term 'contractual right' includes a right set forth in a rule or bylaw of a derivatives clearing organization (as defined in the Commodity Exchange Act), a multilateral clearing organization (as defined in the Federal Deposit Insurance Corporation Improvement Act of 1991), a national securities exchange, a national securities association, a securities clearing agency, a contract market designated under the Commodity Exchange Act, a derivatives transaction execution facility registered under the Commodity Exchange Act, or a board of trade (as defined in the Commodity Exchange Act), or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.";

(8) in section 556, by inserting ", financial participant," after "commodity broker";

(9) in section 559, by inserting "or financial participant" after "repo participant" each place such term appears; and

(10) in section 560, by inserting "or financial participant" after "swap participant".

(p) CONFORMING AMENDMENTS.—Title 11, United States Code, is amended—

(1) in the table of sections for chapter 5—

(A) by amending the items relating to sections 555 and 556 to read as follows:

"555. Contractual right to liquidate, terminate, or accelerate a securities contract.

"556. Contractual right to liquidate, terminate, or accelerate a commodities contract or forward contract.";

and

(B) by amending the items relating to sections 559 and 560 to read as follows:

"559. Contractual right to liquidate, terminate, or accelerate a repurchase agreement.

"560. Contractual right to liquidate, terminate, or accelerate a swap agreement.";

and

(2) in the table of sections for chapter 7—

(A) by inserting after the item relating to section 766 the following:

"767. Commodity broker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.";

and

(B) by inserting after the item relating to section 752 the following:

"753. Stockbroker liquidation and forward contract merchants, commodity brokers, stockbrokers, financial institutions, financial participants, securities clearing agencies, swap participants, repo participants, and master netting agreement participants.".

SEC. 908. RECORDKEEPING REQUIREMENTS.

(a) FDIC-INSURED DEPOSITORY INSTITUTIONS.—Section 11(e)(8) of the Federal Deposit Insurance Act (12 U.S.C. 1821(e)(8)) is amended by adding at the end the following new subparagraph:

"(H) RECORDKEEPING REQUIREMENTS.—The Corporation, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured depository institution with respect to qualified financial contracts (including market valuations) only if such insured depository institution is in a troubled condition (as such term is defined by the Corporation pursuant to section 32).".

(b) INSURED CREDIT UNIONS.—Section 207(c)(8) of the Federal Credit Union Act (12 U.S.C. 1787(c)(8)) is amended by adding at the end the following new subparagraph:

"(H) RECORDKEEPING REQUIREMENTS.—The Board, in consultation with the appropriate Federal banking agencies, may prescribe regulations requiring more detailed recordkeeping by any insured credit union with respect to qualified financial contracts (including market valuations) only if such insured credit union is in a troubled condition (as such term is defined by the Board pursuant to section 212).".

SEC. 909. EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.

Section 13(e)(2) of the Federal Deposit Insurance Act (12 U.S.C. 1823(e)(2)) is amended to read as follows:

"(2) EXEMPTIONS FROM CONTEMPORANEOUS EXECUTION REQUIREMENT.—An agreement to provide for the lawful collateralization of—

"(A) deposits of, or other credit extension by, a Federal, State, or local governmental entity, or of any depositor referred to in section 11(a)(2), including an agreement to provide collateral in lieu of a surety bond;

"(B) bankruptcy estate funds pursuant to section 345(b)(2) of title 11, United States Code;

"(C) extensions of credit, including any overdraft, from a Federal reserve bank or Federal home loan bank; or

"(D) one or more qualified financial contracts, as defined in section 11(e)(8)(D),

shall not be deemed invalid pursuant to paragraph (1)(B) solely because such agreement was not executed contemporaneously with the acquisition of the collateral or because of pledges, delivery, or substitution of the collateral made in accordance with such agreement.".

SEC. 910. DAMAGE MEASURE.

(a) In General.—Title 11, United States Code, is amended—

(1) by inserting after section 561, as added by section 907, the following:

"§ 562. Timing of damage measurement in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, and master netting agreements

"(a) If the trustee rejects a swap agreement, securities contract (as defined in section 741), forward contract, commodity contract (as defined in section 761), repurchase agreement, or master netting agreement pursuant to section 365(a), or if a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant liquidates, terminates, or accelerates such contract or agreement, damages shall be measured as of the earlier of—

"(1) the date of such rejection; or

"(2) the date or dates of such liquidation, termination, or acceleration.

"(b) If there are not any commercially reasonable determinants of value as of any date referred to in paragraph (1) or (2) of subsection (a), damages shall be measured as of the earliest subsequent date or dates on which there are commercially reasonable determinants of value.

"(c) For the purposes of subsection (b), if damages are not measured as of the date or dates of rejection, liquidation, termination, or acceleration, and the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant or the trustee objects to the timing of the measurement of damages—

"(1) the trustee, in the case of an objection by a forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant; or

"(2) the forward contract merchant, stockbroker, financial institution, securities clearing agency, repo participant, financial participant, master netting agreement participant, or swap participant, in the case of an objection by the trustee,

has the burden of proving that there were no commercially reasonable determinants of value as of such date or dates."; and

(2) in the table of sections for chapter 5, by inserting after the item relating to section 561 (as added by section 907) the following new item:

"562. Timing of damage measure in connection with swap agreements, securities contracts, forward contracts, commodity contracts, repurchase agreements, or master netting agreements.".

(b) Claims Arising From Rejection.—Section 502(g) of title 11, United States Code, is amended—

(1) by inserting "(1)" after "(g)"; and

(2) by adding at the end the following:

"(2) A claim for damages calculated in accordance with section 562 shall be allowed under subsection (a), (b), or (c), or disallowed under subsection (d) or (e), as if such claim had arisen before the date of the filing of the petition.".

SEC. 911. SIPC STAY.

Section 5(b)(2) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78eee(b)(2)) is amended by adding at the end the following new subparagraph:

"(C) Exception From Stay.—

"(i) Notwithstanding section 362 of title 11, United States Code, neither the filing of an application under subsection (a)(3) nor any order or decree obtained by SIPC from the court shall operate as a stay of any contractual rights of a creditor to liquidate, terminate, or accelerate a securities contract, commodity contract, forward contract, repurchase agreement, swap agreement, or master netting agreement, as those terms are defined in sections 101, 741, and 761 of title 11, United States Code, to offset or net termination values, payment amounts, or other transfer obligations arising under or in connection with one or more of such contracts or agreements, or to foreclose on any cash collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements.

"(ii) Notwithstanding clause (i), such application, order, or decree may operate as a stay of the foreclosure on, or disposition of, securities collateral pledged by the debtor, whether or not with respect to one or more of such contracts or agreements, securities sold by the debtor under a repurchase agreement, or securities lent under a securities lending agreement.

"(iii) As used in this subparagraph, the term 'contractual right' includes a right set forth in a rule or bylaw of a national securities exchange, a national securities association, or a securities clearing agency, a right set forth in a bylaw of a clearing organization or contract market or in a resolution of the governing board thereof, and a right, whether or not in writing, arising under common law, under law merchant, or by reason of normal business practice.".

TITLE X—PROTECTION OF FAMILY FARMERS AND FAMILY FISHERMEN

SEC. 1001. PERMANENT REENACTMENT OF CHAPTER 12.

(a) Reenactment.—

(1) In general.—Chapter 12 of title 11, United States Code, as reenacted by section 149 of division C of the Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999 (Public Law 105–277), and as in effect on June 30, 2005, is hereby reenacted.

(2) Effective date of reenactment.—Paragraph (1) shall take effect on July 1, 2005.

(b) Amendments.—Chapter 12 of title 11, United States Code, as reenacted by subsection (a), is amended by this Act.

(c) Conforming Amendment.—Section 302 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (28 U.S.C. 581 note) is amended by striking subsection (f).

SEC. 1002. DEBT LIMIT INCREASE.

Section 104(b) of title 11, United States Code, as amended by section 226, is amended by inserting "101(18)," after "101(3)," each place it appears.

SEC. 1003. CERTAIN CLAIMS OWED TO GOVERNMENTAL UNITS.

(a) Contents of Plan.—Section 1222(a)(2) of title 11, United States Code, as amended by section 213, is amended to read as follows:

"(2) provide for the full payment, in deferred cash payments, of all claims entitled to priority under section 507, unless—

"(A) the claim is a claim owed to a governmental unit that arises as a result of the sale, transfer, exchange, or other disposition of any farm asset used in the debtor's farming operation, in which case the claim shall be treated as an unsecured claim that is not entitled to priority under section 507, but the debt shall be treated in such manner only if the debtor receives a discharge; or

"(B) the holder of a particular claim agrees to a different treatment of that claim;".

(b) Special Notice Provisions.—Section 1231(b) of title 11, United States Code, as so designated by section 719, is amended by striking "a State or local governmental unit" and inserting "any governmental unit".

(c) Effective Date; Application of Amendments.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall not apply with respect to cases commenced under title 11 of the United States Code before such date.

SEC. 1004. DEFINITION OF FAMILY FARMER.

Section 101(18) of title 11, United States Code, is amended—

(1) in subparagraph (A)—

(A) by striking "$1,500,000" and inserting "$3,237,000"; and

(B) by striking "80" and inserting "50"; and

(2) in subparagraph (B)(ii)—

(A) by striking "$1,500,000" and inserting "$3,237,000"; and

(B) by striking "80" and inserting "50".

SEC. 1005. ELIMINATION OF REQUIREMENT THAT FAMILY FARMER AND SPOUSE RECEIVE OVER 50 PERCENT OF INCOME FROM FARMING OPERATION IN YEAR PRIOR TO BANKRUPTCY.

Section 101(18)(A) of title 11, United States Code, is amended by striking "for the taxable year preceding the taxable year" and inserting the following:

"for—

"(i) the taxable year preceding; or

"(ii) each of the 2d and 3d taxable years preceding;

the taxable year".

SEC. 1006. PROHIBITION OF RETROACTIVE ASSESSMENT OF DISPOSABLE INCOME.

(a) Confirmation of Plan.—Section 1225(b)(1) of title 11, United States Code, is amended—

(1) in subparagraph (A) by striking "or" at the end;

(2) in subparagraph (B) by striking the period at the end and inserting "; or"; and

(3) by adding at the end the following:

"(C) the value of the property to be distributed under the plan in the 3-year period, or such longer period as the court may approve under section 1222(c), beginning on the date that the first distribution is due under the plan is not less than the debtor's projected disposable income for such period.".

(b) Modification of Plan.—Section 1229 of title 11, United States Code, is amended by adding at the end the following:

"(d) A plan may not be modified under this section—

"(1) to increase the amount of any payment due before the plan as modified becomes the plan;

"(2) by anyone except the debtor, based on an increase in the debtor's disposable income, to increase the amount of payments to unsecured creditors required for a particular month so that the aggregate of such payments exceeds the debtor's disposable income for such month; or

"(3) in the last year of the plan by anyone except the debtor, to require payments that would leave the debtor with insufficient funds to carry on the farming operation after the plan is completed.".

SEC. 1007. FAMILY FISHERMEN.

(a) DEFINITIONS.—Section 101 of title 11, United States Code, is amended—

(1) by inserting after paragraph (7) the following:

"(7A) 'commercial fishing operation' means—

"(A) the catching or harvesting of fish, shrimp, lobsters, urchins, seaweed, shellfish, or other aquatic species or products of such species; or

"(B) for purposes of section 109 and chapter 12, aquaculture activities consisting of raising for market any species or product described in subparagraph (A);

"(7B) 'commercial fishing vessel' means a vessel used by a family fisherman to carry out a commercial fishing operation;"; and

(2) by inserting after paragraph (19) the following:

"(19A) 'family fisherman' means—

"(A) an individual or individual and spouse engaged in a commercial fishing operation—

"(i) whose aggregate debts do not exceed $1,500,000 and not less than 80 percent of whose aggregate noncontingent, liquidated debts (excluding a debt for the principal residence of such individual or such individual and spouse, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such individual or such individual and spouse; and

"(ii) who receive from such commercial fishing operation more than 50 percent of such individual's or such individual's and spouse's gross income for the taxable year preceding the taxable year in which the case concerning such individual or such individual and spouse was filed; or

"(B) a corporation or partnership—

"(i) in which more than 50 percent of the outstanding stock or equity is held by—

"(I) 1 family that conducts the commercial fishing operation; or

"(II) 1 family and the relatives of the members of such family, and such family or such relatives conduct the commercial fishing operation; and

"(ii)(I) more than 80 percent of the value of its assets consists of assets related to the commercial fishing operation;

"(II) its aggregate debts do not exceed $1,500,000 and not less than 80 percent of its aggregate noncontingent, liquidated debts (excluding a debt for 1 dwelling which is owned by such corporation or partnership and which a shareholder or partner maintains as a principal residence, unless such debt arises out of a commercial fishing operation), on the date the case is filed, arise out of a commercial fishing operation owned or operated by such corporation or such partnership; and

"(III) if such corporation issues stock, such stock is not publicly traded;

"(19B) 'family fisherman with regular annual income' means a family fisherman whose annual income is sufficiently stable and regular to enable such family fisherman to make payments under a plan under chapter 12 of this title;".

(b) WHO MAY BE A DEBTOR.—Section 109(f) of title 11, United States Code, is amended by inserting "or family fisherman" after "family farmer".

(c) CHAPTER 12.—Chapter 12 of title 11, United States Code, is amended—

(1) in the chapter heading, by inserting "**OR FISHERMAN**" after "**FAMILY FARMER**";

(2) in section 1203, by inserting "or commercial fishing operation" after "farm"; and

(3) in section 1206, by striking "if the property is farmland or farm equipment" and inserting "if the property is farmland, farm equipment, or property used to carry out a commercial fishing operation (including a commercial fishing vessel)".

(d) CLERICAL AMENDMENT.—In the table of chapters for title 11, United States Code, the item relating to chapter 12, is amended to read as follows:

"12. Adjustments of Debts of a Family Farmer or Family Fisherman with Regular Annual Income .... 1201".

(e) APPLICABILITY.—Nothing in this section shall change, affect, or amend the Fishery Conservation and Management Act of 1976 (16 U.S.C. 1801 et seq.).

TITLE XI—HEALTH CARE AND EMPLOYEE BENEFITS

SEC. 1101. DEFINITIONS.

(a) HEALTH CARE BUSINESS DEFINED.—Section 101 of title 11, United States Code, as amended by section 306, is amended—

(1) by redesignating paragraph (27A) as paragraph (27B); and

(2) by inserting after paragraph (27) the following:

"(27A) 'health care business'—

"(A) means any public or private entity (without regard to whether that entity is organized for profit or not for profit) that is primarily engaged in offering to the general public facilities and services for—

"(i) the diagnosis or treatment of injury, deformity, or disease; and

"(ii) surgical, drug treatment, psychiatric, or obstetric care; and

"(B) includes—

"(i) any—

"(I) general or specialized hospital;

"(II) ancillary ambulatory, emergency, or surgical treatment facility;

"(III) hospice;

"(IV) home health agency; and

"(V) other health care institution that is similar to an entity referred to in subclause (I), (II), (III), or (IV); and

"(ii) any long-term care facility, including any—

"(I) skilled nursing facility;

"(II) intermediate care facility;

"(III) assisted living facility;

"(IV) home for the aged;

"(V) domiciliary care facility; and

"(VI) health care institution that is related to a facility referred to in subclause (I), (II), (III), (IV), or (V), if that institution is primarily engaged in offering room, board, laundry, or personal assistance with activities of daily living and incidentals to activities of daily living;".

(b) PATIENT AND PATIENT RECORDS DEFINED.—Section 101 of title 11, United States Code, is amended by inserting after paragraph (40) the following:

"(40A) 'patient' means any individual who obtains or receives services from a health care business;

"(40B) 'patient records' means any written document relating to a patient or a record recorded in a magnetic, optical, or other form of electronic medium;".

(c) RULE OF CONSTRUCTION.—The amendments made by subsection (a) of this section shall not affect the interpretation of section 109(b) of title 11, United States Code.

SEC. 1102. DISPOSAL OF PATIENT RECORDS.

(a) IN GENERAL.—Subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"§ 351. Disposal of patient records

"If a health care business commences a case under chapter 7, 9, or 11, and the trustee does not have a sufficient amount of funds to pay for the storage of patient records in the manner required under applicable Federal or State law, the following requirements shall apply:

"(1) The trustee shall—

"(A) promptly publish notice, in 1 or more appropriate newspapers, that if patient records are not claimed by the patient or an insurance provider (if applicable law permits the insurance provider to make that claim) by the date that is 365 days after the date of that notification, the trustee will destroy the patient records; and

"(B) during the first 180 days of the 365-day period described in subparagraph (A), promptly attempt to notify directly each patient that is the subject of the patient records and appropriate insurance carrier concerning the patient records by mailing to the most recent known address of that patient, or a family member or contact person for that patient, and to the appropriate insurance carrier an appropriate notice regarding the claiming or disposing of patient records.

"(2) If, after providing the notification under paragraph (1), patient records are not claimed during the 365-day period described under that paragraph, the trustee shall mail, by certified mail, at the end of such 365-day period a written request to each appropriate Federal agency to request permission from that agency to deposit the patient records with that agency, except that no Federal agency is required to accept patient records under this paragraph.

"(3) If, following the 365-day period described in paragraph (2) and after providing the notification under paragraph (1), patient records are not claimed by a patient or insurance provider, or request is not granted by a Federal agency to deposit such records with that agency, the trustee shall destroy those records by—

"(A) if the records are written, shredding or burning the records; or

"(B) if the records are magnetic, optical, or other electronic records, by otherwise destroying those records so that those records cannot be retrieved.".

(b) CLERICAL AMENDMENT.—The table of sections for subchapter III of chapter 3 of title 11, United States Code, is amended by adding at the end the following:

"351. Disposal of patient records.".

SEC. 1103. ADMINISTRATIVE EXPENSE CLAIM FOR COSTS OF CLOSING A HEALTH CARE BUSINESS AND OTHER ADMINISTRATIVE EXPENSES.

Section 503(b) of title 11, United States Code, as amended by section 445, is amended by adding at the end the following:

"(8) the actual, necessary costs and expenses of closing a health care business incurred by a trustee or by a Federal agency (as defined in section 551(1) of title 5) or a department or agency of a State or political subdivision thereof, including any cost or expense incurred—

"(A) in disposing of patient records in accordance with section 351; or

"(B) in connection with transferring patients from the health care business that is in the process of being closed to another health care business; and".

SEC. 1104. APPOINTMENT OF OMBUDSMAN TO ACT AS PATIENT ADVOCATE.

(a) OMBUDSMAN TO ACT AS PATIENT ADVOCATE.—

(1) APPOINTMENT OF OMBUDSMAN.—Title 11, United States Code, as amended by section 232, is amended by inserting after section 332 the following:

"§ 333. Appointment of patient care ombudsman

"(a)(1) If the debtor in a case under chapter 7, 9, or 11 is a health care business, the court shall order, not later than 30 days after the commencement of the case, the appointment of an ombudsman to monitor the quality of patient care and to represent the interests of the patients of the health care business unless the court finds that the appointment of such ombudsman is not necessary for the protection of patients under the specific facts of the case.

"(2)(A) If the court orders the appointment of an ombudsman under paragraph (1), the United States trustee shall appoint 1 disinterested person (other than the United States trustee) to serve as such ombudsman.

"(B) If the debtor is a health care business that provides long-term care, then the United States trustee may appoint the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending to serve as the ombudsman required by paragraph (1).

"(C) If the United States trustee does not appoint a State Long-Term Care Ombudsman under subparagraph (B), the court shall notify the State Long-Term Care Ombudsman appointed under the Older Americans Act of 1965 for the State in which the case is pending, of the name and address of the person who is appointed under subparagraph (A).

"(b) An ombudsman appointed under subsection (a) shall—

"(1) monitor the quality of patient care provided to patients of the debtor, to the extent necessary under the circumstances, including interviewing patients and physicians;

"(2) not later than 60 days after the date of appointment, and not less frequently than at 60-day intervals thereafter, report to the court after notice to the parties in interest, at a hearing or in writing, regarding the quality of patient care provided to patients of the debtor; and

"(3) if such ombudsman determines that the quality of patient care provided to patients of the debtor is declining significantly or is otherwise being materially compromised, file with the court a motion or a written report, with notice to the parties in interest immediately upon making such determination.

"(c)(1) An ombudsman appointed under subsection (a) shall maintain any information obtained by such ombudsman under this section that relates to patients (including information relating to patient records) as confidential information. Such ombudsman may not review confidential patient records unless the court approves such review in advance and imposes restrictions on such ombudsman to protect the confidentiality of such records.

"(2) An ombudsman appointed under subsection (a)(2)(B) shall have access to patient records consistent with authority of such ombudsman under the Older Americans Act of 1965 and under non-Federal laws governing the State Long-Term Care Ombudsman program.".

(2) CLERICAL AMENDMENT.—The table of sections for subchapter II of chapter 3 of title 11, United States Code, as amended by section 232, is amended by adding at the end the following:

"333. Appointment of ombudsman.".

(b) COMPENSATION OF OMBUDSMAN.—Section 330(a)(1) of title 11, United States Code, is amended—

(1) in the matter preceding subparagraph (A), by inserting "an ombudsman appointed under section 333, or" before "a professional person"; and

(2) in subparagraph (A), by inserting "ombudsman," before "professional person".

SEC. 1105. DEBTOR IN POSSESSION; DUTY OF TRUSTEE TO TRANSFER PATIENTS.

(a) IN GENERAL.—Section 704(a) of title 11, United States Code, as amended by sections 102, 219, and 446, is amended by adding at the end the following:

"(12) use all reasonable and best efforts to transfer patients from a health care business that is in the process of being closed to an appropriate health care business that—

"(A) is in the vicinity of the health care business that is closing;

"(B) provides the patient with services that are substantially similar to those provided by the health care business that is in the process of being closed; and

"(C) maintains a reasonable quality of care.".

(b) CONFORMING AMENDMENT.—Section 1106(a)(1) of title 11, United States Code, as amended by section 446, is amended by striking "and (11)" and inserting "(11), and (12)".

SEC. 1106. EXCLUSION FROM PROGRAM PARTICIPATION NOT SUBJECT TO AUTOMATIC STAY.

Section 362(b) of title 11, United States Code, is amended by inserting after paragraph (27), as amended by sections 224, 303, 311, 401, 718, and 907, the following:

"(28) under subsection (a), of the exclusion by the Secretary of Health and Human Services of the debtor from participation in the medicare program or any other Federal health care program (as defined in section 1128B(f) of the Social Security Act pursuant to title XI or XVIII of such Act).".

TITLE XII—TECHNICAL AMENDMENTS

SEC. 1201. DEFINITIONS.

Section 101 of title 11, United States Code, as amended by this Act, is further amended—

(1) by striking "In this title—" and inserting "In this title the following definitions shall apply:";

(2) in each paragraph (other than paragraph (54A)), by inserting "The term" after the paragraph designation;

(3) in paragraph (35)(B), by striking "paragraphs (21B) and (33)(A)" and inserting "paragraphs (23) and (35)";

(4) in each of paragraphs (35A), (38), and (54A), by striking "; and" at the end and inserting a period;

(5) in paragraph (51B)—

(A) by inserting "who is not a family farmer" after "debtor" the first place it appears; and

(B) by striking "thereto having aggregate" and all that follows through the end of the paragraph and inserting a semicolon;

(6) by striking paragraph (54) and inserting the following:

"(54) The term 'transfer' means—

"(A) the creation of a lien;

"(B) the retention of title as a security interest;

"(C) the foreclosure of a debtor's equity of redemption; or

"(D) each mode, direct or indirect, absolute or conditional, voluntary or involuntary, of disposing of or parting with—

"(i) property; or

"(ii) an interest in property;";

(7) in paragraph (54A)—

(A) by striking "the term" and inserting "The term"; and

(B) by indenting the left margin of paragraph (54A) 2 ems to the right; and

(8) in each of paragraphs (1) through (35), in each of paragraphs (36), (37), (38A), (38B) and (39A), and in each of paragraphs (40) through (55), by striking the semicolon at the end and inserting a period.

SEC. 1202. ADJUSTMENT OF DOLLAR AMOUNTS.

Section 104 of title 11, United States Code, is amended by inserting "522(f)(3)," after "522(d)," each place it appears.

SEC. 1203. EXTENSION OF TIME.

Section 108(c)(2) of title 11, United States Code, is amended by striking "922" and all that follows through "or", and inserting "922, 1201, or".

SEC. 1204. TECHNICAL AMENDMENTS.

Title 11, United States Code, is amended—

(1) in section 109(b)(2), by striking "subsection (c) or (d) of"; and

(2) in section 552(b)(1), by striking "product" each place it appears and inserting "products".

SEC. 1205. PENALTY FOR PERSONS WHO NEGLIGENTLY OR FRAUDULENTLY PREPARE BANKRUPTCY PETITIONS.

Section 110(j)(4) of title 11, United States Code, as so redesignated by section 221, is amended by striking "attorney's" and inserting "attorneys'".

SEC. 1206. LIMITATION ON COMPENSATION OF PROFESSIONAL PERSONS.

Section 328(a) of title 11, United States Code, is amended by inserting "on a fixed or percentage fee basis," after "hourly basis,".

SEC. 1207. EFFECT OF CONVERSION.

Section 348(f)(2) of title 11, United States Code, is amended by inserting "of the estate" after "property" the first place it appears.

SEC. 1208. ALLOWANCE OF ADMINISTRATIVE EXPENSES.

Section 503(b)(4) of title 11, United States Code, is amended by inserting "subparagraph (A), (B), (C), (D), or (E) of" before "paragraph (3)".

SEC. 1209. EXCEPTIONS TO DISCHARGE.

Section 523 of title 11, United States Code, as amended by sections 215 and 314, is amended—

(1) by transferring paragraph (15), as added by section 304(e) of Public Law 103-394 (108 Stat. 4133), so as to insert such paragraph after subsection (a)(14A);

(2) in subsection (a)(9), by striking "motor vehicle" and inserting "motor vehicle, vessel, or aircraft"; and

(3) in subsection (e), by striking "a insured" and inserting "an insured".

SEC. 1210. EFFECT OF DISCHARGE.

Section 524(a)(3) of title 11, United States Code, is amended by striking "section 523" and all that follows through "or that" and inserting "section 523, 1228(a)(1), or 1328(a)(1), or that".

SEC. 1211. PROTECTION AGAINST DISCRIMINATORY TREATMENT.

Section 525(c) of title 11, United States Code, is amended—

(1) in paragraph (1), by inserting "student" before "grant" the second place it appears; and

(2) in paragraph (2), by striking "the program operated under part B, D, or E of" and inserting "any program operated under".

SEC. 1212. PROPERTY OF THE ESTATE.

Section 541(b)(4)(B)(ii) of title 11, United States Code, is amended by inserting "365 or" before "542".

SEC. 1213. PREFERENCES.

(a) In General.—Section 547 of title 11, United States Code, as amended by section 201, is amended—

(1) in subsection (b), by striking "subsection (c)" and inserting "subsections (c) and (i)"; and

(2) by adding at the end the following:

"(i) If the trustee avoids under subsection (b) a transfer made between 90 days and 1 year before the date of the filing of the petition, by the debtor to an entity that is not an insider for the benefit of a creditor that is an insider, such transfer shall be considered to be avoided under this section only with respect to the creditor that is an insider.".

(b) Applicability.—The amendments made by this section shall apply to any case that is pending or commenced on or after the date of enactment of this Act.

SEC. 1214. POSTPETITION TRANSACTIONS.

Section 549(c) of title 11, United States Code, is amended—

(1) by inserting "an interest in" after "transfer of" each place it appears;

(2) by striking "such property" and inserting "such real property"; and

(3) by striking "the interest" and inserting "such interest".

SEC. 1215. DISPOSITION OF PROPERTY OF THE ESTATE.

Section 726(b) of title 11, United States Code, is amended by striking "1009,".

SEC. 1216. GENERAL PROVISIONS.

Section 901(a) of title 11, United States Code, is amended by inserting "1123(d)," after "1123(b),".

SEC. 1217. ABANDONMENT OF RAILROAD LINE.

Section 1170(e)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1218. CONTENTS OF PLAN.

Section 1172(c)(1) of title 11, United States Code, is amended by striking "section 11347" and inserting "section 11326(a)".

SEC. 1219. BANKRUPTCY CASES AND PROCEEDINGS.

Section 1334(d) of title 28, United States Code, is amended—

(1) by striking "made under this subsection" and inserting "made under subsection (c)"; and

(2) by striking "This subsection" and inserting "Subsection (c) and this subsection".

SEC. 1220. KNOWING DISREGARD OF BANKRUPTCY LAW OR RULE.

Section 156(a) of title 18, United States Code, is amended—

(1) in the first undesignated paragraph—

(A) by inserting "(1) the term" before "'bankruptcy"; and

(B) by striking the period at the end and inserting "; and"; and

(2) in the second undesignated paragraph—

(A) by inserting "(2) the term" before "'document"; and

(B) by striking "this title" and inserting "title 11".

SEC. 1221. TRANSFERS MADE BY NONPROFIT CHARITABLE CORPORATIONS.

(a) Sale of Property of Estate.—Section 363(d) of title 11, United States Code, is amended by striking "only" and all that follows through the end of the subsection and inserting "only—

"(1) in accordance with applicable nonbankruptcy law that governs the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust; and

"(2) to the extent not inconsistent with any relief granted under subsection (c), (d), (e), or (f) of section 362.".

(b) Confirmation of Plan of Reorganization.—Section 1129(a) of title 11, United States Code, as amended by sections 213 and 321, is amended by adding at the end the following:

"(16) All transfers of property of the plan shall be made in accordance with any applicable provisions of nonbankruptcy law that govern the transfer of property by a corporation or trust that is not a moneyed, business, or commercial corporation or trust.".

(c) Transfer of Property.—Section 541 of title 11, United States Code, as amended by section 225, is amended by adding at the end the following:

"(f) Notwithstanding any other provision of this title, property that is held by a debtor that is a corporation described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code may be transferred to an entity that is not such a corporation, but only under the same conditions as would apply if the debtor had not filed a case under this title.".

(d) Applicability.—The amendments made by this section shall apply to a case pending under title 11, United States Code, on the date of enactment of this Act, or filed under that title on or after that date of enactment, except that the court shall not confirm a plan under chapter 11 of title 11, United States Code, without considering whether this section would substantially affect the rights of a party in interest who first acquired rights with respect to the debtor after the date of the filing of the petition. The parties who may appear and be heard in a proceeding under this section include the attorney general of the State in which the debtor is incorporated, was formed, or does business.

(e) Rule of Construction.—Nothing in this section shall be construed to require the court in which a case under chapter 11 of title 11, United States Code, is pending to remand or refer any proceeding, issue, or controversy to any other court or to require the approval of any other court for the transfer of property.

SEC. 1222. PROTECTION OF VALID PURCHASE MONEY SECURITY INTERESTS.

Section 547(c)(3)(B) of title 11, United States Code, is amended by striking "20" and inserting "30".

SEC. 1223. BANKRUPTCY JUDGESHIPS.

(a) Short Title.—This section may be cited as the "Bankruptcy Judgeship Act of 2005".

(b) Temporary Judgeships.—

(1) Appointments.—The following bankruptcy judges shall be appointed in the manner prescribed in section 152(a)(1) of title 28, United States Code, for the appointment of bankruptcy judges provided for in section 152(a)(2) of such title:

(A) One additional bankruptcy judge for the eastern district of California.

(B) Three additional bankruptcy judges for the central district of California.

(C) Four additional bankruptcy judges for the district of Delaware.

(D) Two additional bankruptcy judges for the southern district of Florida.

(E) One additional bankruptcy judge for the southern district of Georgia.

(F) Three additional bankruptcy judges for the district of Maryland.

(G) One additional bankruptcy judge for the eastern district of Michigan.

(H) One additional bankruptcy judge for the southern district of Mississippi.

(I) One additional bankruptcy judge for the district of New Jersey.

(J) One additional bankruptcy judge for the eastern district of New York.

(K) One additional bankruptcy judge for the northern district of New York.

(L) One additional bankruptcy judge for the southern district of New York.

(M) One additional bankruptcy judge for the eastern district of North Carolina.

(N) One additional bankruptcy judge for the eastern district of Pennsylvania.

(O) One additional bankruptcy judge for the middle district of Pennsylvania.

(P) One additional bankruptcy judge for the district of Puerto Rico.

(Q) One additional bankruptcy judge for the western district of Tennessee.

(R) One additional bankruptcy judge for the eastern district of Virginia.

(S) One additional bankruptcy judge for the district of South Carolina.

(T) One additional bankruptcy judge for the district of Nevada.

(2) Vacancies.—

(A) Districts with single appointments.—Except as provided in subparagraphs (B), (C), (D), and (E), the first vacancy occurring in the office of bankruptcy judge in each of the judicial districts set forth in paragraph (1)—

(i) occurring 5 years or more after the appointment date of the bankruptcy judge appointed under paragraph (1) to such office; and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(B) Central district of California.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge in the central district of California—

(i) occurring 5 years or more after the respective 1st, 2d, and 3d appointment dates of the bankruptcy judges appointed under paragraph (1)(B); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(C) District of Delaware.—The 1st, 2d, 3d, and 4th vacancies in the office of bankruptcy judge in the district of Delaware—

(i) occurring 5 years or more after the respective 1st, 2d, 3d, and 4th appointment dates of the bankruptcy judges appointed under paragraph (1)(F); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(D) Southern district of Florida.—The 1st and 2d vacancies in the office of bankruptcy judge in the southern district of Florida—

(i) occurring 5 years or more after the respective 1st and 2d appointment dates of the bankruptcy judges appointed under paragraph (1)(D); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(E) District of Maryland.—The 1st, 2d, and 3d vacancies in the office of bankruptcy judge in the district of Maryland—

(i) occurring 5 years or more after the respective 1st, 2d, and 3d appointment dates of the bankruptcy judges appointed under paragraph (1)(F); and

(ii) resulting from the death, retirement, resignation, or removal of a bankruptcy judge;

shall not be filled.

(c) EXTENSIONS.—

(1) IN GENERAL.—The temporary office of bankruptcy judges authorized for the northern district of Alabama, the district of Delaware, the district of Puerto Rico, and the eastern district of Tennessee under paragraphs (1), (3), (7), and (9) of section 3(a) of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) are extended until the first vacancy occurring in the office of a bankruptcy judge in the applicable district resulting from the death, retirement, resignation, or removal of a bankruptcy judge and occurring 5 years after the date of the enactment of this Act.

(2) APPLICABILITY OF OTHER PROVISIONS.—All other provisions of section 3 of the Bankruptcy Judgeship Act of 1992 (28 U.S.C. 152 note) remain applicable to the temporary office of bankruptcy judges referred to in this subsection.

(d) TECHNICAL AMENDMENTS.—Section 152(a) of title 28, United States Code, is amended—

(1) in paragraph (1), by striking the first sentence and inserting the following: "Each bankruptcy judge to be appointed for a judicial district, as provided in paragraph (2), shall be appointed by the court of appeals of the United States for the circuit in which such district is located."; and

(2) in paragraph (2)—

(A) in the item relating to the middle district of Georgia, by striking "2" and inserting "3"; and

(B) in the collective item relating to the middle and southern districts of Georgia, by striking "Middle and Southern . . . . . . 1".

(e) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act.

SEC. 1224. COMPENSATING TRUSTEES.

Section 1326 of title 11, United States Code, is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking "and";

(B) in paragraph (2), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following:

"(3) if a chapter 7 trustee has been allowed compensation due to the conversion or dismissal of the debtor's prior case pursuant to section 707(b), and some portion of that compensation remains unpaid in a case converted to this chapter or in the case dismissed under section 707(b) and refiled under this chapter, the amount of any such unpaid compensation, which shall be paid monthly—

"(A) by prorating such amount over the remaining duration of the plan; and

"(B) by monthly payments not to exceed the greater of—

"(i) $25; or

"(ii) the amount payable to unsecured nonpriority creditors, as provided by the plan, multiplied by 5 percent, and the result divided by the number of months in the plan."; and

(2) by adding at the end the following:

"(d) Notwithstanding any other provision of this title—

"(1) compensation referred to in subsection (b)(3) is payable and may be collected by the trustee under that paragraph, even if such amount has been discharged in a prior case under this title; and

"(2) such compensation is payable in a case under this chapter only to the extent permitted by subsection (b)(3).".

SEC. 1225. AMENDMENT TO SECTION 362 OF TITLE 11, UNITED STATES CODE.

Section 362(b)(18) of title 11, United States Code, is amended to read as follows:

"(18) under subsection (a) of the creation or perfection of a statutory lien for an ad valorem property tax, or a special tax or special assessment on real property whether or not ad valorem, imposed by a governmental unit, if such tax or assessment comes due after the date of the filing of the petition;".

SEC. 1226. JUDICIAL EDUCATION.

The Director of the Federal Judicial Center, in consultation with the Director of the Executive Office for United States Trustees, shall develop materials and conduct such training as may be useful to courts in implementing this Act and the amendments made by this Act, including the requirements relating to the means test under section 707(b), and reaffirmation agreements under section 524, of title 11 of the United States Code, as amended by this Act.

SEC. 1227. RECLAMATION.

(a) RIGHTS AND POWERS OF THE TRUSTEE.—Section 546(c) of title 11, United States Code, is amended to read as follows:

"(c)(1) Except as provided in subsection (d) of this section and in section 507(c), and subject to the prior rights of a holder of a security interest in such goods or the proceeds thereof, the rights and powers of the trustee under sections 544(a), 545, 547, and 549 are subject to the right of a seller of goods that has sold goods to the debtor, in the ordinary course of such seller's business, to reclaim such goods if the debtor has received such goods while insolvent, within 45 days before the date of the commencement of a case under this title, but such seller may not reclaim such goods unless such seller demands in writing reclamation of such goods—

"(A) not later than 45 days after the date of receipt of such goods by the debtor; or

"(B) not later than 20 days after the date of commencement of the case, if the 45-day period expires after the commencement of the case.

"(2) If a seller of goods fails to provide notice in the manner described in paragraph (1), the seller still may assert the rights contained in section 503(b)(9).".

(b) ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, as amended by sections 445 and 1103, is amended by adding at the end the following:

"(9) the value of any goods received by the debtor within 20 days before the date of commencement of a case under this title in which the goods have been sold to the debtor in the ordinary course of such debtor's business.".

SEC. 1228. PROVIDING REQUESTED TAX DOCUMENTS TO THE COURT.

(a) CHAPTER 7 CASES.—The court shall not grant a discharge in the case of an individual who is a debtor in a case under chapter 7 of title 11, United States Code, unless requested tax documents have been provided to the court.

(b) CHAPTER 11 AND CHAPTER 13 CASES.—The court shall not confirm a plan of reorganization in the case of an individual under chapter 11 or 13 of title 11, United States Code, unless requested tax documents have been filed with the court.

(c) DOCUMENT RETENTION.—The court shall destroy documents submitted in support of a bankruptcy claim not sooner than 3 years after the date of the conclusion of a case filed by an individual under chapter 7, 11, or 13 of title 11, United States Code. In the event of a pending audit or enforcement action, the court may extend the time for destruction of such requested tax documents.

SEC. 1229. ENCOURAGING CREDITWORTHINESS.

(a) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(1) certain lenders may sometimes offer credit to consumers indiscriminately, without taking steps to ensure that consumers are capable of repaying the resulting debt, and in a manner which may encourage certain consumers to accumulate additional debt; and

(2) resulting consumer debt may increasingly be a major contributing factor to consumer insolvency.

(b) STUDY REQUIRED.—The Board of Governors of the Federal Reserve System (hereafter in this section referred to as the "Board") shall conduct a study of—

(1) consumer credit industry practices of soliciting and extending credit—

(A) indiscriminately;

(B) without taking steps to ensure that consumers are capable of repaying the resulting debt; and

(C) in a manner that encourages consumers to accumulate additional debt; and

(2) the effects of such practices on consumer debt and insolvency.

(c) REPORT AND REGULATIONS.—Not later than 12 months after the date of enactment of this Act, the Board—

(1) shall make public a report on its findings with respect to the indiscriminate solicitation and extension of credit by the credit industry;

(2) may issue regulations that would require additional disclosures to consumers; and

(3) may take any other actions, consistent with its existing statutory authority, that the Board finds necessary to ensure responsible industrywide practices and to prevent resulting consumer debt and insolvency.

SEC. 1230. PROPERTY NO LONGER SUBJECT TO REDEMPTION.

Section 541(b) of title 11, United States Code, as amended by sections 225 and 323, is amended by adding after paragraph (7), as added by section 323, the following:

"(8) subject to subchapter III of chapter 5, any interest of the debtor in property where the debtor pledged or sold tangible personal property (other than securities or written or printed evidences of indebtedness or title) as collateral for a loan or advance of money given by a person licensed under law to make such loans or advances, where—

"(A) the tangible personal property is in the possession of the pledgee or transferee;

"(B) the debtor has no obligation to repay the money, redeem the collateral, or buy back the property at a stipulated price; and

"(C) neither the debtor nor the trustee have exercised any right to redeem provided under the contract or State law, in a timely manner as provided under State law and section 108(b); or".

SEC. 1231. TRUSTEES.

(a) SUSPENSION AND TERMINATION OF PANEL TRUSTEES AND STANDING TRUSTEES.—Section 586(d) of title 28, United States Code, is amended—

(1) by inserting "(1)" after "(d)"; and

(2) by adding at the end the following:

"(2) A trustee whose appointment under subsection (a)(1) or under subsection (b) is terminated or who ceases to be assigned to cases filed under title 11, United States Code, may obtain judicial review of the final agency decision by commencing an action in the district court of the United States for the district for which the panel to which the trustee is appointed under subsection (a)(1), or in the district court of the United States for the district in which the trustee is appointed under subsection (b) resides, after first exhausting all available administrative remedies, which if the trustee so elects, shall also include an administrative hearing on the record. Unless the trustee elects to have an administrative hearing on the record, the trustee shall be deemed to have exhausted all administrative remedies for purposes of this paragraph if the agency fails to make a final agency decision within 90 days after the trustee requests administrative remedies. The Attorney General shall prescribe procedures to implement this paragraph. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based on the administrative record before the agency.".

(b) EXPENSES OF STANDING TRUSTEES.—Section 586(e) of title 28, United States Code, is amended by adding at the end the following:

"(3) After first exhausting all available administrative remedies, an individual appointed under subsection (b) may obtain judicial review of final agency action to deny a claim of actual, necessary expenses under this subsection by commencing an action in the district court of the United States for the district where the individual resides. The decision of the agency shall be affirmed by the district court unless it is unreasonable and without cause based upon the administrative record before the agency.

"(4) The Attorney General shall prescribe procedures to implement this subsection.".

SEC. 1232. BANKRUPTCY FORMS.

Section 2075 of title 28, United States Code, is amended by adding at the end the following:

"The bankruptcy rules promulgated under this section shall prescribe a form for the statement required under section 707(b)(2)(C) of title 11 and may provide general rules on the content of such statement.".

SEC. 1233. DIRECT APPEALS OF BANKRUPTCY MATTERS TO COURTS OF APPEALS.

(a) APPEALS.—Section 158 of title 28, United States Code, is amended—

(1) in subsection (c)(1), by striking "Subject to subsection (b)," and inserting "Subject to subsections (b) and (d)(2),"; and

(2) in subsection (d)—

(A) by inserting "(1)" after "(d)"; and

(B) by adding at the end the following:

"(2)(A) The appropriate court of appeals shall have jurisdiction of appeals described in the first sentence of subsection (a) if the bankruptcy court, the district court, or the bankruptcy appellate panel involved, acting on its own motion or on the request of a party to the judgment, order, or decree described in such first sentence, or all the appellants and appellees (if any) acting jointly, certify that—

"(i) the judgment, order, or decree involves a question of law as to which there is no controlling decision of the court of appeals for the circuit or of the Supreme Court of the United States, or involves a matter of public importance;

"(ii) the judgment, order, or decree involves a question of law requiring resolution of conflicting decisions; or

"(iii) an immediate appeal from the judgment, order, or decree may materially advance the progress of the case or proceeding in which the appeal is taken;

and if the court of appeals authorizes the direct appeal of the judgment, order, or decree.

"(B) If the bankruptcy court, the district court, or the bankruptcy appellate panel—

"(i) on its own motion or on the request of a party, determines that a circumstance specified in clause (i), (ii), or (iii) of subparagraph (A) exists; or

"(ii) receives a request made by a majority of the appellants and a majority of appellees (if any) to make the certification described in subparagraph (A);

then the bankruptcy court, the district court, or the bankruptcy appellate panel shall make the certification described in subparagraph (A).

"(C) The parties may supplement the certification with a short statement of the basis for the certification.

"(D) An appeal under this paragraph does not stay any proceeding of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken, unless the respective bankruptcy court, district court, or bankruptcy appellate panel, or the court of appeals in which the appeal in pending, issues a stay of such proceeding pending the appeal.

"(E) Any request under subparagraph (B) for certification shall be made not later than 60 days after the entry of the judgment, order, or decree.".

(b) PROCEDURAL RULES.—

(1) TEMPORARY APPLICATION.—A provision of this subsection shall apply to appeals under section 158(d)(2) of title 28, United States Code, until a rule of practice and procedure relating to such provision and such appeals is promulgated or amended under chapter 131 of such title.

(2) CERTIFICATION.—A district court, a bankruptcy court, or a bankruptcy appellate panel may make a certification under section 158(d)(2) of title 28, United States Code, only with respect to matters pending in the respective bankruptcy court, district court, or bankruptcy appellate panel.

(3) PROCEDURE.—Subject to any other provision of this subsection, an appeal authorized by the court of appeals under section 158(d)(2)(A) of title 28, United States Code, shall be taken in the manner prescribed in subdivisions (a)(1), (b), (c), and (d) of rule 5 of the Federal Rules of Appellate Procedure. For purposes of subdivision (a)(1) of rule 5—

(A) a reference in such subdivision to a district court shall be deemed to include a reference to a bankruptcy court and a bankruptcy appellate panel, as appropriate; and

(B) a reference in such subdivision to the parties requesting permission to appeal to be served with the petition shall be deemed to include a reference to the parties to the judgment, order, or decree from which the appeal is taken.

(4) FILING OF PETITION WITH ATTACHMENT.—A petition requesting permission to appeal, that is based on a certification made under subparagraph (A) or (B) of section 158(d)(2) shall—

(A) be filed with the circuit clerk not later than 10 days after the certification is entered on the docket of the bankruptcy court, the district court, or the bankruptcy appellate panel from which the appeal is taken; and

(B) have attached a copy of such certification.

(5) REFERENCES IN RULE 5.—FOR PURPOSES OF RULE 5 OF THE FEDERAL RULES OF APPELLATE PROCEDURE—

(A) a reference in such rule to a district court shall be deemed to include a reference to a bankruptcy court and to a bankruptcy appellate panel; and

(B) a reference in such rule to a district clerk shall be deemed to include a reference to a clerk of a bankruptcy court and to a clerk of a bankruptcy appellate panel.

(6) APPLICATION OF RULES.—The Federal Rules of Appellate Procedure shall apply in the courts of appeals with respect to appeals authorized under section 158(d)(2)(A), to the extent relevant and as if such appeals were taken from final judgments, orders, or decrees of the district courts or bankruptcy appellate panels exercising appellate jurisdiction under subsection (a) or (b) of section 158 of title 28, United States Code.

SEC. 1234. INVOLUNTARY CASES.

(a) AMENDMENTS.—Section 303 of title 11, United States Code, is amended—

(1) in subsection (b)(1), by—

(A) inserting "as to liability or amount" after "bona fide dispute"; and

(B) striking "if such claims" and inserting "if such noncontingent, undisputed claims"; and

(2) in subsection (h)(1), by inserting "as to liability or amount" before the semicolon at the end.

(b) EFFECTIVE DATE: APPLICATION OF AMENDMENTS.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act and shall apply with respect to cases commenced under title 11 of the United States Code before, on, and after such date.

SEC. 1235. FEDERAL ELECTION LAW FINES AND PENALTIES AS NONDISCHARGEABLE DEBT.

Section 523(a) of title 11, United States Code, as amended by section 314, is amended by inserting after paragraph (14A) the following:

"(14B) incurred to pay fines or penalties imposed under Federal election law;".

TITLE XIII—CONSUMER CREDIT DISCLOSURE

SEC. 1301. ENHANCED DISCLOSURES UNDER AN OPEN END CREDIT PLAN.

(a) MINIMUM PAYMENT DISCLOSURES.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(11)(A) In the case of an open end credit plan that requires a minimum monthly payment of not more than 4 percent of the balance on which finance charges are accruing, the following statement, located on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 2% minimum monthly payment on a balance of $1,000 at an interest rate of 17% would take 88 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum payments, call this toll-free number: .' (the blank space to be filled in by the creditor).

"(B) In the case of an open end credit plan that requires a minimum monthly payment of more than 4 percent of the balance on which finance charges are accruing, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. Making a typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call this toll-free number: .' (the blank space to be filled in by the creditor).

"(C) Notwithstanding subparagraphs (A) and (B), in the case of a creditor with respect to which compliance with this title is enforced by the Federal Trade Commission, the following statement, in a prominent location on the front of the billing statement, disclosed clearly and conspicuously: 'Minimum Payment Warning: Making only the required minimum payment will increase the interest you pay and the time it takes to repay your balance. For example, making only the typical 5% minimum monthly payment on a balance of $300 at an interest rate of 17% would take 24 months to repay the balance in full. For an estimate of the time it would take to repay your balance, making only minimum monthly payments, call the Federal Trade Commission at this toll-free number: __________.' (the blank space to be filled in by the creditor). A creditor who is subject to this subparagraph shall not be subject to subparagraph (A) or (B).

"(D) Notwithstanding subparagraph (A), (B), or (C), in complying with any such subparagraph, a creditor may substitute an example based on an interest rate that is greater than 17 percent. Any creditor that is subject to subparagraph (B) may elect to provide the disclosure required under subparagraph (A) in lieu of the disclosure required under subparagraph (B).

"(E) The Board shall, by rule, periodically recalculate, as necessary, the interest rate and repayment period under subparagraphs (A), (B), and (C).

"(F)(i) The toll-free telephone number disclosed by a creditor or the Federal Trade Commission under subparagraph (A), (B), or (G), as appropriate, may be a toll-free telephone number established and maintained by the creditor or the Federal Trade Commission, as appropriate, or may be a toll-free telephone number established and maintained by a third party for use by the creditor or multiple creditors or the Federal Trade Commission, as appropriate. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A), (B), or (C), by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A), (B), or (C), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A), (B), or (C) from an obligor through the toll-free telephone number disclosed under subparagraph (A), (B), or (C), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i).

"(ii)(I) The Board shall establish and maintain for a period not to exceed 24 months following the effective date of the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, a toll-free telephone number, or provide a toll-free telephone number established and maintained by a third party, for use by creditors that are depository institutions (as defined in section 3 of the Federal Deposit Insurance Act), including a Federal credit union or State credit union (as defined in section 101 of the Federal Credit Union Act), with total assets not exceeding $250,000,000. The toll-free telephone number may connect consumers to an automated device through which consumers may obtain information described in subparagraph (A) or (B), as applicable, by inputting information using a touch-tone telephone or similar device, if consumers whose telephones are not equipped to use such automated device are provided the opportunity to be connected to an individual from whom the information described in subparagraph (A) or (B), as applicable, may be obtained. A person that receives a request for information described in subparagraph (A) or (B) from an obligor through the toll-free telephone number disclosed under subparagraph (A) or (B), as applicable, shall disclose in response to such request only the information set forth in the table promulgated by the Board under subparagraph (H)(i). The dollar amount contained in this subclause shall be adjusted according to an indexing mechanism established by the Board.

"(II) Not later than 6 months prior to the expiration of the 24-month period referenced in subclause (I), the Board shall submit to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Financial Services of the House of Representatives a report on the program described in subclause (I).

"(G) The Federal Trade Commission shall establish and maintain a toll-free number for the purpose of providing to consumers the information required to be disclosed under subparagraph (C).

"(H) The Board shall—

"(i) establish a detailed table illustrating the approximate number of months that it would take to repay an outstanding balance if a consumer pays only the required minimum monthly payments and if no other advances are made, which table shall clearly present standardized information to be used to disclose the information required to be disclosed under subparagraph (A), (B), or (C), as applicable;

"(ii) establish the table required under clause (i) by assuming—

"(I) a significant number of different annual percentage rates;

"(II) a significant number of different account balances;

"(III) a significant number of different minimum payment amounts; and

"(IV) that only minimum monthly payments are made and no additional extensions of credit are obtained; and

"(iii) promulgate regulations that provide instructional guidance regarding the manner in which the information contained in the table established under clause (i) should be used in responding to the request of an obligor for any information required to be disclosed under subparagraph (A), (B), or (C).

"(I) The disclosure requirements of this paragraph do not apply to any charge card account, the primary purpose of which is to require payment of charges in full each month.

"(J) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay the customer's outstanding balance is not subject to the requirements of subparagraph (A) or (B).

"(K) A creditor that maintains a toll-free telephone number for the purpose of providing customers with the actual number of months that it will take to repay an outstanding balance shall include the following statement on each billing statement: 'Making only the minimum payment will increase the interest you pay and the time it takes to repay your balance. For more information, call this toll-free number: .' (the blank space to be filled in by the creditor).".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board of Governors of the Federal Reserve System (hereafter in this title referred to as the "Board") shall promulgate regulations implementing the requirements of section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section.

(2) EFFECTIVE DATE.—Section 127(b)(11) of the Truth in Lending Act, as added by subsection (a) of this section, and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 18 months after the date of enactment of this Act; or

(B) 12 months after the publication of such final regulations by the Board.

(c) STUDY OF FINANCIAL DISCLOSURES.—

(1) IN GENERAL.—The Board may conduct a study to determine the types of information available to potential borrowers from consumer credit lending institutions regarding factors qualifying potential borrowers for credit, repayment requirements, and the consequences of default.

(2) FACTORS FOR CONSIDERATION.—In conducting a study under paragraph (1), the Board should, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration, and the Federal Trade Commission, consider the extent to which—

(A) consumers, in establishing new credit arrangements, are aware of their existing payment obligations, the need to consider those obligations in deciding to take on new credit, and how taking on excessive credit can result in financial difficulty;

(B) minimum periodic payment features offered in connection with open end credit plans impact consumer default rates;

(C) consumers make only the required minimum payment under open end credit plans;

(D) consumers are aware that making only required minimum payments will increase the cost and repayment period of an open end credit obligation; and

(E) the availability of low minimum payment options is a cause of consumers experiencing financial difficulty.

(3) REPORT TO CONGRESS.—Findings of the Board in connection with any study conducted under this subsection shall be submitted to Congress. Such report shall also include recommendations for legislative initiatives, if any, of the Board, based on its findings.

SEC. 1302. ENHANCED DISCLOSURE FOR CREDIT EXTENSIONS SECURED BY A DWELLING.

(a) OPEN END CREDIT EXTENSIONS.—

(1) CREDIT APPLICATIONS.—Section 127A(a)(13) of the Truth in Lending Act (15 U.S.C. 1637a(a)(13)) is amended—

(A) by striking "CONSULTATION OF TAX ADVISER.—A statement that the" and inserting the following: "TAX DEDUCTIBILITY.—A statement that—

"(A) the"; and

(B) by striking the period at the end and inserting the following: "; and

"(B) in any case in which the extension of credit exceeds the fair market value (as defined under the Internal Revenue Code of 1986) of the dwelling, the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes.".

(2) CREDIT ADVERTISEMENTS.—Section 147(b) of the Truth in Lending Act (15 U.S.C. 1665b(b)) is amended—

(A) by striking "If any" and inserting the following:

"(1) IN GENERAL.—If any"; and

(B) by adding at the end the following:

"(2) CREDIT IN EXCESS OF FAIR MARKET VALUE.—Each advertisement described in subsection (a) that relates to an extension of credit that may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall include a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges.".

(b) Non-Open End Credit Extensions.—

(1) Credit applications.—Section 128 of the Truth in Lending Act (15 U.S.C. 1638) is amended—

(A) in subsection (a), by adding at the end the following:

"(15) In the case of a consumer credit transaction that is secured by the principal dwelling of the consumer, in which the extension of credit may exceed the fair market value of the dwelling, a clear and conspicuous statement that—

"(A) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(B) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges."; and

(B) in subsection (b), by adding at the end the following:

"(3) In the case of a credit transaction described in paragraph (15) of subsection (a), disclosures required by that paragraph shall be made to the consumer at the time of application for such extension of credit.".

(2) Credit advertisements.—Section 144 of the Truth in Lending Act (15 U.S.C. 1664) is amended by adding at the end the following:

"(e) Each advertisement to which this section applies that relates to a consumer credit transaction that is secured by the principal dwelling of a consumer in which the extension of credit may exceed the fair market value of the dwelling, and which advertisement is disseminated in paper form to the public or through the Internet, as opposed to by radio or television, shall clearly and conspicuously state that—

"(1) the interest on the portion of the credit extension that is greater than the fair market value of the dwelling is not tax deductible for Federal income tax purposes; and

"(2) the consumer should consult a tax adviser for further information regarding the deductibility of interest and charges".

(c) Regulatory Implementation.—

(1) In general.—The Board shall promulgate regulations implementing the amendments made by this section.

(2) Effective date.—Regulations issued under paragraph (1) shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1303. DISCLOSURES RELATED TO "INTRODUCTORY RATES".

(a) Introductory Rate Disclosures.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(6) Additional notice concerning 'introductory rates'.—

"(A) In general.—Except as provided in subparagraph (B), an application or solicitation to open a credit card account and all promotional materials accompanying such application or solicitation for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest, shall—

"(i) use the term 'introductory' in immediate proximity to each listing of the temporary annual percentage rate applicable to such account, which term shall appear clearly and conspicuously;

"(ii) if the annual percentage rate of interest that will apply after the end of the temporary rate period will be a fixed rate, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing of the temporary annual percentage rate in the tabular format described in section 122(c)), the time period in which the introductory period will end and the annual percentage rate that will apply after the end of the introductory period; and

"(iii) if the annual percentage rate that will apply after the end of the temporary rate period will vary in accordance with an index, state in a clear and conspicuous manner in a prominent location closely proximate to the first listing of the temporary annual percentage rate (other than a listing in the tabular format prescribed by section 122(c)), the time period in which the introductory period will end and the rate that will apply after that, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(B) Exception.—Clauses (ii) and (iii) of subparagraph (A) do not apply with respect to any listing of a temporary annual percentage rate on an envelope or other enclosure in which an application or solicitation to open a credit card account is mailed.

"(C) Conditions for introductory rates.—An application or solicitation to open a credit card account for which a disclosure is required under paragraph (1), and that offers a temporary annual percentage rate of interest shall, if that rate of interest is revocable under any circumstance or upon any event, clearly and conspicuously disclose, in a prominent manner on or with such application or solicitation—

"(i) a general description of the circumstances that may result in the revocation of the temporary annual percentage rate; and

"(ii) if the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate—

"(I) will be a fixed rate, the annual percentage rate that will apply upon the revocation of the temporary annual percentage rate; or

"(II) will vary in accordance with an index, the rate that will apply after the temporary rate, based on an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation.

"(D) Definitions.—In this paragraph—

"(i) the terms 'temporary annual percentage rate of interest' and 'temporary annual percentage rate' mean any rate of interest applicable to a credit card account for an introductory period of less than 1 year, if that rate is less than an annual percentage rate that was in effect within 60 days before the date of mailing the application or solicitation; and

"(ii) the term 'introductory period' means the maximum time period for which the temporary annual percentage rate may be applicable.

"(E) Relation to other disclosure requirements.—Nothing in this paragraph may be construed to supersede subsection (a) of section 122, or any disclosure required by paragraph (1) or any other provision of this subsection.".

(b) Regulatory Implementation.—

(1) In general.—The Board shall promulgate regulations implementing the requirements of section 127(c)(6) of the Truth in Lending Act, as added by this section.

(2) Effective date.—Section 127(c)(6) of the Truth in Lending Act, as added by this section, and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1304. INTERNET-BASED CREDIT CARD SOLICITATIONS.

(a) Internet-Based Solicitations.—Section 127(c) of the Truth in Lending Act (15 U.S.C. 1637(c)) is amended by adding at the end the following:

"(7) Internet-based solicitations.—

"(A) In general.—In any solicitation to open a credit card account for any person under an open end consumer credit plan using the Internet or other interactive computer service, the person making the solicitation shall clearly and conspicuously disclose—

"(i) the information described in subparagraphs (A) and (B) of paragraph (1); and

"(ii) the information described in paragraph (6).

"(B) Form of disclosure.—The disclosures required by subparagraph (A) shall be—

"(i) readily accessible to consumers in close proximity to the solicitation to open a credit card account; and

"(ii) updated regularly to reflect the current policies, terms, and fee amounts applicable to the credit card account.

"(C) Definitions.—For purposes of this paragraph—

"(i) the term 'Internet' means the international computer network of both Federal and non-Federal interoperable packet switched data networks; and

"(ii) the term 'interactive computer service' means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the Internet and such systems operated or services offered by libraries or educational institutions.".

(b) Regulatory Implementation.—

(1) In general.—The Board shall promulgate regulations implementing the requirements of section 127(c)(7) of the Truth in Lending Act, as added by this section.

(2) Effective date.—The amendment made by subsection (a) and the regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1305. DISCLOSURES RELATED TO LATE PAYMENT DEADLINES AND PENALTIES.

(a) Disclosures Related to Late Payment Deadlines and Penalties.—Section 127(b) of the Truth in Lending Act (15 U.S.C. 1637(b)) is amended by adding at the end the following:

"(12) If a late payment fee is to be imposed due to the failure of the obligor to make payment on or before a required payment due date, the following shall be stated clearly and conspicuously on the billing statement:

"(A) The date on which that payment is due or, if different, the earliest date on which a late payment fee may be charged.

"(B) The amount of the late payment fee to be imposed if payment is made after such date.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(b)(12) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1306. PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.

(a) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—Section 127 of the Truth in Lending Act (15 U.S.C. 1637) is amended by adding at the end the following:

"(h) PROHIBITION ON CERTAIN ACTIONS FOR FAILURE TO INCUR FINANCE CHARGES.—A creditor of an account under an open end consumer credit plan may not terminate an account prior to its expiration date solely because the consumer has not incurred finance charges on the account. Nothing in this subsection shall prohibit a creditor from terminating an account for inactivity in 3 or more consecutive months.".

(b) REGULATORY IMPLEMENTATION.—

(1) IN GENERAL.—The Board shall promulgate regulations implementing the requirements of section 127(h) of the Truth in Lending Act, as added by this section.

(2) EFFECTIVE DATE.—The amendment made by subsection (a) and regulations issued under paragraph (1) of this subsection shall not take effect until the later of—

(A) 12 months after the date of enactment of this Act; or

(B) 12 months after the date of publication of such final regulations by the Board.

SEC. 1307. DUAL USE DEBIT CARD.

(a) REPORT.—The Board may conduct a study of, and present to Congress a report containing its analysis of, consumer protections under existing law to limit the liability of consumers for unauthorized use of a debit card or similar access device. Such report, if submitted, shall include recommendations for legislative initiatives, if any, of the Board, based on its findings.

(b) CONSIDERATIONS.—In preparing a report under subsection (a), the Board may include—

(1) the extent to which section 909 of the Electronic Fund Transfer Act (15 U.S.C. 1693g), as in effect at the time of the report, and the implementing regulations promulgated by the Board to carry out that section provide adequate unauthorized use liability protection for consumers;

(2) the extent to which any voluntary industry rules have enhanced or may enhance the level of protection afforded consumers in connection with such unauthorized use liability; and

(3) whether amendments to the Electronic Fund Transfer Act (15 U.S.C. 1693 et seq.), or revisions to regulations promulgated by the Board to carry out that Act, are necessary to further address adequate protection for consumers concerning unauthorized use liability.

SEC. 1308. STUDY OF BANKRUPTCY IMPACT OF CREDIT EXTENDED TO DEPENDENT STUDENTS.

(a) STUDY.—

(1) IN GENERAL.—The Board shall conduct a study regarding the impact that the extension of credit described in paragraph (2) has on the rate of cases filed under title 11 of the United States Code.

(2) EXTENSION OF CREDIT.—The extension of credit described in this paragraph is the extension of credit to individuals who are—

(A) claimed as dependents for purposes of the Internal Revenue Code of 1986; and

(B) enrolled within 1 year of successfully completing all required secondary education requirements and on a full-time basis, in postsecondary educational institutions.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Board shall submit to the Senate and the House of Representatives a report summarizing the results of the study conducted under subsection (a).

SEC. 1309. CLARIFICATION OF CLEAR AND CONSPICUOUS.

(a) REGULATIONS.—Not later than 6 months after the date of enactment of this Act, the Board, in consultation with the other Federal banking agencies (as defined in section 3 of the Federal Deposit Insurance Act), the National Credit Union Administration Board, and the Federal Trade Commission, shall promulgate regulations to provide guidance regarding the meaning of the term "clear and conspicuous", as used in subparagraphs (A), (B), and (C) of section 127(b)(11) and clauses (ii) and (iii) of section 127(c)(6)(A) of the Truth in Lending Act.

(b) EXAMPLES.—Regulations promulgated under subsection (a) shall include examples of clear and conspicuous model disclosures for the purposes of disclosures required by the provisions of the Truth in Lending Act referred to in subsection (a).

(c) STANDARDS.—In promulgating regulations under this section, the Board shall ensure that the clear and conspicuous standard required for disclosures made under the provisions of the Truth in Lending Act referred to in subsection (a) can be implemented in a manner which results in disclosures which are reasonably understandable and designed to call attention to the nature and significance of the information in the notice.

TITLE XIV—PREVENTING CORPORATE BANKRUPTCY ABUSE

SEC. 1401. EMPLOYEE WAGE AND BENEFIT PRIORITIES.

Section 507(a) of title 11, United States Code, as amended by section 212, is amended—

(1) in paragraph (4) by striking "90" and inserting "180", and

(2) in paragraphs (4) and (5) by striking "$4,000" and inserting "$10,000".

SEC. 1402. FRAUDULENT TRANSFERS AND OBLIGATIONS.

Section 548 of title 11, United States Code, is amended—

(1) in subsections (a) and (b) by striking "one year" and inserting "2 years",

(2) in subsection (a)—

(A) by inserting "(including any transfer to or for the benefit of an insider under an employment contract)" after "transfer" the 1st place it appears, and

(B) by inserting "(including any obligation to or for the benefit of an insider under an employment contract)" after "obligation" the 1st place it appears, and

(3) in subsection (a)(1)(B)(ii)—

(A) in subclause (II) by striking "or" at the end,

(B) in subclause (III) by striking the period at the end and inserting "; or", and

(C) by adding at the end the following:

"(IV) made such transfer to or for the benefit of an insider, or incurred such obligation to or for the benefit of an insider, under an employment contract and not in the ordinary course of business.".

SEC. 1403. PAYMENT OF INSURANCE BENEFITS TO RETIRED EMPLOYEES.

Section 1114 of title 11, United States Code, is amended—

(1) by redesignating subsection (l) as subsection (m), and

(2) by inserting after subsection (k) the following:

"(l) If the debtor, during the 180-day period ending on the date of the filing of the petition—

"(1) modified retiree benefits; and

"(2) was insolvent on the date such benefits were modified;

the court, on motion of a party in interest, and after notice and a hearing, shall issue an order reinstating as of the date the modification was made, such benefits as in effect immediately before such date unless the court finds that the balance of the equities clearly favors such modification.".

SEC. 1404. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), this title and the amendments made by this title shall take effect on the date of the enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this title shall apply only with respect to cases commenced under title 11 of the United States Code on or after the date of the enactment of this Act.

(2) AVOIDANCE PERIOD.—The amendment made by section 1402(1) shall apply only with respect to cases commenced under title 11 of the United States Code more than 1 year after the date of the enactment of this Act.

TITLE XV—GENERAL EFFECTIVE DATE; APPLICATION OF AMENDMENTS

SEC. 1501. EFFECTIVE DATE; APPLICATION OF AMENDMENTS.

(a) EFFECTIVE DATE.—Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect 180 days after the date of enactment of this Act.

(b) APPLICATION OF AMENDMENTS.—

(1) IN GENERAL.—Except as otherwise provided in this Act and paragraph (2), the amendments made by this Act shall not apply with respect to cases commenced under title 11, United States Code, before the effective date of this Act.

(2) CERTAIN LIMITATIONS APPLICABLE TO DEBTORS.—The amendments made by sections 308, 322, and 330 shall apply with respect to cases commenced under title 11, United States Code, on or after the date of the enactment of this Act.

SEC. 1502. TECHNICAL CORRECTIONS.

(a) CONFORMING AMENDMENTS TO TITLE 11 OF THE UNITED STATES CODE.—Title 11 of the United States Code, as amended by the preceding provisions of this Act, is amended—

(1) in section 507—

(A) in subsection (a)—

(i) in paragraph (5)(B)(ii) by striking "paragraph (3)" and inserting "paragraph (4)"; and

(ii) in paragraph (8)(D) by striking "paragraph (3)" and inserting "paragraph (4)";

(B) in subsection (b) by striking "subsection (a)(1)" and inserting "subsection (a)(2)"; and

(C) in subsection (d) by striking "subsection (a)(3)" and inserting "subsection (a)(1)";

(2) in section 523(a)(1)(A) by striking "507(a)(2)" and inserting "507(a)(3)";

(3) in section 752(a) by striking "507(a)(1)" and inserting "507(a)(2)";

(4) in section 766—

(A) in subsection (h) by striking "507(a)(1)" and inserting "507(a)(2)"; and

(B) in subsection (i) by striking "507(a)(1)" each place it appears and inserting "507(a)(2)";

(5) in section 901(a) by striking "507(a)(1)" and inserting "507(a)(2)";

(6) in section 943(b)(5) by striking "507(a)(1)" and inserting "507(a)(2)";

(7) in section 1123(a)(1) by striking "507(a)(1), 507(a)(2)" and inserting "507(a)(2), 507(a)(3)";

(8) in section 1129(a)(9)—

(A) in subparagraph (A) by striking "507(a)(1) or 507(a)(2)" and inserting "507(a)(2) or 507(a)(3)"; and

(B) in subparagraph (B) by striking "507(a)(3)" and inserting "507(a)(1)";

(9) in section 1226(b)(1) by striking "507(a)(1)" and inserting "507(a)(2)"; and

(10) in section 1326(b)(1) by striking "507(a)(1)" and inserting "507(a)(2)".

(b) RELATED CONFORMING AMENDMENT.—Section 6(e) of the Securities Investor Protection Act of 1970 (15 U.S.C. 78fff(e)) is amended by striking "507(a)(1)" and inserting "507(a)(2)".

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 27—COMMENDING THE RESULTS OF THE JANUARY 9, 2005, PALESTINIAN PRESIDENTIAL ELECTIONS

Mr. FRIST (for himself, Mr. REID, Mr. LUGAR, Mr. BIDEN, Mr. LEVIN,, Mr. SUNUNU, Mr. CHAFEE, Mr. HAGEL, and Mr. FEINGOLD) submitted the following resolution; which was considered and agreed to:

S. RES. 27

Whereas on January 9, 2005, for the first time in 9 years, large numbers of Palestinians living in the West Bank, the Gaza Strip, and Jerusalem voted in elections that were widely described by outside monitors as free and fair;

Whereas the Palestinian people elected former Prime Minister Mahmoud Abbas, also known as Abu Mazen, to the office of President of the Palestinian Authority;

Whereas an estimated 65 percent of eligible Palestinians living in the West Bank, the Gaza Strip, and Jerusalem participated in voting at over 1000 polling stations, and for the first time in nearly 30 years, the Palestinian people elected new leadership;

Whereas on January 9, 2005, President of the United States George W. Bush stated that it was a "historic day for the Palestinian people and for the people of the Middle East" and that "Palestinians throughout the West Bank and Gaza took a key step toward building a democratic future by choosing a new president in elections that observers described as largely free and fair";

Whereas Israel provided important cooperation with the Palestinian Authority to enable the holding of this election, including minimizing delays at checkpoints and redeploying Israeli security forces away from Palestinian population centers;

Whereas the Palestinian election was an important step towards democracy for the Palestinian people and an example to all those in the region who are striving to achieve democracy in their own nation;

Whereas during his inaugural speech, President Abbas stated that "The winner in these elections is the great Palestinian people who have created this democratic epic and who will safeguard it", that "The people have voted for the rule of law, order, pluralism, the peaceful transfer of authority, and equality for all", and further "Let us start implementing the Roadmap";

Whereas these comments build upon Mr. Abbas' 1993 statements on the White House lawn, where he said that a Palestinian state and an Israeli state could live in "peaceful coexistence and cooperation";

Whereas the election of Mahmoud Abbas was hailed around the world as a positive step opening new opportunities to move toward peace between the Palestinian Authority and Israel;

Whereas the Palestinian election provided President Abbas with a mandate from the majority of Palestinians to reject violence and pursue peace with Israel;

Whereas the extent of cooperation between the Israelis and Palestinians during the period leading up to and including election day was unprecedented in the past four years and reflects the potential for future cooperation;

Whereas the election must be followed quickly by concrete steps on the part of the new Palestinian President to meet his commitment to reform the Palestinian security services, establish the rule of law, and do all in his power to combat terrorism;

Whereas a democratic Palestinian Authority will serve as one of the most important building blocks for a viable, free, and stable Palestinian state;

Whereas President Abbas' success likely will depend upon his ability to tangibly and quickly improve the quality of life for Palestinians, and end corruption and violence;

Whereas the United States Government stands ready to work with the new Palestinian President to facilitate a renewed dialogue between the new Palestinian leadership and the Government of Israel with the goal of achieving through the Performance Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (the "Roadmap"), President George W. Bush's vision of two states, Israel and Palestine, living side by side in peace;

Whereas the Roadmap, endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains the only realistic and widely recognized plan for making progress toward peace;

Whereas the policy of the United States is to work toward a just and peaceful resolution of the Palestinian-Israeli conflict based on two democratic states, Israel and Palestine, living side by side in peace and security;

Whereas all parties to the Roadmap have an obligation to urgently provide support for the Palestinian Authority in its efforts to confront and fight terror as well as to assist in the creation of true democratic institutions that will enforce the rule of law; and

Whereas people of all peaceful nations believe peace between the Palestinian Authority and the state of Israel will have far reaching positive effects on the entire region and throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, on January 9, 2005, Mr. Mahmoud Abbas, also known as Abu Mazen, was elected by the Palestinian people to the office of President of the Palestinian Authority in what were widely described as free and fair elections;

(2) recognizes this milestone in the development of Palestinian democracy and congratulates President Abbas on his election to the presidency of the Palestinian Authority;

(3) commends the efforts of the Israeli Government to facilitate the election;

(4) expresses its respect for the freely expressed will of the Palestinian people, and its intention to work with President Abbas to help the Palestinian people realize the opportunity for a more peaceful, prosperous future;

(5) urges President Abbas and the new Palestinian leadership to abide by its commitments to reform the security services, establish the rule of law, and press on with the development of democratic institutions, including an independent judiciary and an empowered and democratically elected legislature;

(6) urges President Abbas to move quickly to honor his pledges to halt violence and incitement against Israel, dismantle terrorist organizations, and fulfill the Palestinian Authority's obligations according to the terms of the Roadmap;

(7) supports efforts to increase United States assistance to the Palestinian people and to help President Abbas rebuild and reform the Palestinian Authority's institutions, as President Abbas takes actions consistent with the Roadmap, so that they may better serve the Palestinian people;

(8) urges all members of the international community, particularly all parties to the Roadmap, to take advantage of this historic opportunity by providing timely assistance to the new Palestinian Government as it moves forward to implement the Roadmap, to help it build the necessary political, economic, and security infrastructure essential to establishing a viable, democratic state and improving the lives of the Palestinian people;

(9) calls upon Arab states in particular to provide political and financial support to the Palestinian Authority, to support a complete end to terrorism against Israel, to end incitement against it, and to reach out to the State of Israel in friendship and full recognition;

(10) reaffirms the commitment of the United States to the security of Israel as a democratic, Jewish state, and supports the commitment of Israel to fulfill its obligations under the Roadmap; and

(11) reaffirms the commitment of the United States to the Roadmap including realization of the vision of two democratic states, Israel and Palestine, living side by side in peace and security, and looks forward to working closely with the Executive Branch to achieve this vision.

SENATE RESOLUTION 28—DESIGNATING THE YEAR 2005 AS THE "YEAR OF FOREIGN LANGUAGE STUDY"

Mr. DODD (for himself, Mr. COCHRAN, Mr. AKAKA, Mr. BAUCUS, Mr. BINGAMAN, Mr. DURBIN, Mr. FEINGOLD, Mr. HAGEL, Mr. KENNEDY, Mr. LAUTENBERG, Mr. LIEBERMAN, and Mr. LUGAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 28

Whereas according to the 2000 decennial census of the population, 9.3 percent of Americans speak both their native language and another language fluently;

Whereas according to the European Commission Directorate General for Education and Culture, 52.7 percent of Europeans speak both their native language and another language fluently;

Whereas the Elementary and Secondary Education Act of 1965 names foreign language study as part of a core curriculum that includes English, mathematics, science, civics, economics, arts, history, and geography;

Whereas according to the Joint Center for International Language, foreign language study increases a student's cognitive and critical thinking abilities;

Whereas according to the American Council on the Teaching of Foreign Languages, foreign language study increases a student's ability to compare and contrast cultural concepts;

Whereas according to a 1992 report by the College Entrance Examination Board, students with 4 or more years in foreign language study scored higher on the verbal section of the Scholastic Aptitude Test (SAT) than students who did not;

Whereas the Higher Education Act of 1965 labels foreign language study as vital to secure the future economic welfare of the United States in a growing international economy;

Whereas the Higher Education Act of 1965 recommends encouraging businesses and foreign language study programs to work in a mutually productive relationship which benefits the Nation's future economic interest;

Whereas according to the Centers for International Business Education and Research program, foreign language study provides the ability both to gain a comprehensive understanding of and to interact with the cultures of United States trading partners, and thus establishes a solid foundation for successful economic relationships;

Whereas Report 107–592 of the Permanent Select Committee on Intelligence of the House of Representatives concludes that American multinational corporations and nongovernmental organizations do not have the people with the foreign language abilities and cultural exposure that are needed;

Whereas the 2001 Hart-Rudman Report on National Security in the 21st Century names foreign language study and requisite knowledge in languages as vital for the Federal Government to meet 21st century security challenges properly and effectively;

Whereas the American intelligence community stresses that individuals with proper foreign language expertise are greatly needed to work on important national security and foreign policy issues, especially in light of the terrorist attacks on September 11, 2001;

Whereas a 1998 study conducted by the National Foreign Language Center concludes that inadequate resources existed for the development, publication, distribution, and teaching of critical foreign languages (such as Arabic, Vietnamese, and Thai) because of low student enrollment in the United States; and

Whereas a shortfall of experts in foreign languages has seriously hampered information gathering and analysis within the American intelligence community as demonstrated by the 2000 Cox Commission noting shortfalls in Chinese proficiency, and the National Intelligence Council citing deficiencies in Central Eurasian, East Asian, and Middle Eastern languages: Now, therefore, be it

Resolved, That—

(1) it is the sense of the Senate that foreign language study makes important contributions to a student's cognitive development, our national economy, and our national security;

(2) the Senate—

(A) designates the year 2005 as the "Year of Foreign Language Study", during which foreign language study is promoted and expanded in elementary schools, secondary schools, institutions of higher learning, businesses, and government programs; and

(B) requests that the President issue a proclamation calling upon the people of the United States to—

(i) encourage and support initiatives to promote and expand the study of foreign languages; and

(ii) observe the "Year of Foreign Language Study" with appropriate ceremonies, programs, and other activities.

SENATE RESOLUTION 29—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

Mr. WARNER submitted the following resolution; from the Committee on Armed Services; which was referred to the Committee on Rules and Administration:

S. RES. 29

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Armed Services is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or nonreimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $3,859,485, within which amount—

(1) not to exceed $80,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under the procedures specified in section 202(j) of that Act).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $6,778,457, within which amount—

(1) not to exceed $75,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under the procedures specified in section 202(j) of that Act).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,886,176, within which amount—

(1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i))); and

(2) not to exceed $30,000 may be expended for the training of the professional staff of such committee (under the procedures specified in section 202(j) of that Act).

SENATE RESOLUTION 30—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. STEVENS submitted the following resolution; from the Committee on Commerce, Science, and Transportation; which was referred to the Committee on Rules and Administration:

S. 30

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Commerce, Science, and Transportation is authorized from March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2. (a) The expenses of the Committee for the period from March 1, 2005, through September 30, 2005, under this resolution shall not exceed $3,463,046, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the Committee under this resolution shall not exceed $6,080,372, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of the Committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,588,267, of which amount (1) not to exceed $50,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $50,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006, and February 28, 2007, respectively.

SEC. 4. Expenses of the Committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, (4) for payments to the Postmaster, United States Senate, (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, (6) for the payment of Senate Recording and Photographic Services, or (7) for the payment of franked and mass mail costs by the Office of the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the Committee from March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006, and October 1, 2006, through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 31—EXPRESSING THE SENSE OF THE SENATE THAT THE WEEK OF AUGUST 7, 2005, BE DESIGNATED AS "NATIONAL HEALTH CENTER WEEK" IN ORDER TO RAISE AWARENESS OF HEALTH SERVICES PROVIDED BY COMMUNITY, MIGRANT, PUBLIC HOUSING, AND HOMELESS HEALTH CENTERS, AND FOR OTHER PURPOSES

Mr. COLEMAN (for himself and Mr. DURBIN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 31

Whereas community, migrant, public housing, and homeless health centers ("health centers") are nonprofit, community owned and operated health providers and are vital to the Nation's communities;

Whereas there are more than 1,000 such health centers serving more than 15,000,000 people in over 3,600 communities;

Whereas health centers are found in urban and rural communities in all 50 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands;

Whereas health centers have provided cost-effective, high-quality health care to the Nation's poor and medically underserved (including the working poor, the uninsured, and many high-risk and vulnerable populations), acting as a vital safety net in the Nation's health delivery system;

Whereas health centers provide care to 1 of every 7 uninsured individuals, 1 of every 9 Medicaid beneficiaries, 1 of every 7 people of color, and 1 of every 9 rural Americans, all of whom would otherwise lack access to health care;

Whereas health centers are engaged with other innovative programs in primary and preventive care to reach out to over 621,000 homeless persons and more than 709,000 farm workers;

Whereas health centers make health care responsive and cost-effective by integrating the delivery of primary care with aggressive outreach, patient education, transportation, translation, and enabling support services;

Whereas health centers increase the use of preventive health services such as immunizations, Pap smears, mammograms, and glaucoma screenings;

Whereas in communities served by health centers, infant mortality rates have been reduced over the past 4 years even as infant mortality rates across the country have risen;

Whereas health centers are built by community initiative, and run by the patients they serve;

Whereas Federal grants provide seed money empowering health centers to find partners and resources to recruit doctors and needed health professionals;

Whereas Federal grants on average contribute 25 percent of a health center's budget, with the remainder provided by State and local governments, Medicare, Medicaid, private contributions, private insurance, and patient fees;

Whereas there are more than 100 health centers that receive no Federal grant funding, yet continue to serve their communities regardless of their patients' ability to pay;

Whereas all health centers tailor their services to fit the special needs and priorities of their communities, working together with schools, businesses, churches, community organizations, foundations, and State and local governments;

Whereas all health centers contribute to the health and well-being of their communities by keeping children healthy and in school and helping adults remain productive and on the job;

Whereas all health centers encourage citizen participation and provide jobs for nearly 100,000 community residents; and

Whereas the designation of the week of August 7, 2005, as "National Health Center Week" would raise awareness of the health services provided by all health centers: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week of August 7, 2005, as "National Health Center Week"; and

(2) requests that the President issue a proclamation calling upon the people of the United States to observe the week with appropriate ceremonies and activities.

Mr. COLEMAN. Mr. President, this resolution would designate August 7, 2005 as "National Health Center Week" in order to raise awareness of health services provided by community, migrant, public housing, and homeless centers.

I hope my colleagues will join me in cosponsoring this important resolution and I look forward to its passage in the Senate.

SENATE RESOLUTION 32—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON FOREIGN RELATIONS

Mr. LUGAR submitted the following resolution; from the Committee on Foreign Relations; which was referred to the Committee on Rules and Administration:

S. RES. 32

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Foreign Relations, is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

SEC. 2(a). The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $3,290,588, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $5,769,387, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $2,452,849, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

SEC. 3. The Committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2007.

SEC. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required (1) for the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or

(7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

SEC. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations."

SENATE RESOLUTION 33—URGING THE GOVERNMENT OF CANADA TO END THE COMMERCIAL SEAL HUNT

Mr. LEVIN (for himself, Ms. COLLINS, Mr. LUGAR, Mr. REED, Mr. LAUTENBERG, Mrs. FEINSTEIN, Mr. JOHNSON, Mr. JEFFORDS, Mr. WYDEN, Ms. CANTWELL, Mr. DODD, Mr. FEINGOLD, Mr. DURBIN, Mr. SCHUMER, Mrs. MURRAY, and Mr. DORGAN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 33

Whereas on November 15, 2004, the Government of Canada opened a commercial hunt for seals in the waters off the east coast of Canada;

Whereas an international outcry regarding the plight of the seals hunted in Canada resulted in the 1983 ban by the European Union of whitecoat and blueback seal skins and the subsequent collapse of the commercial seal hunt in Canada;

Whereas the Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.) bars the import into the United States of any seal products;

Whereas in February 2003, the Ministry of Fisheries and Oceans in Canada authorized the highest quota for harp seals in Canadian history, allowing nearly 1,000,000 seals to be killed over a 3-year period;

Whereas harp seal pups can be legally hunted in Canada as soon as they have begun to molt their white coats at approximately 12 days of age;

Whereas 95 percent of the seals culled over the past 5 years were pups between just 12 days and 12 weeks of age, many of which had not yet eaten their first solid meal or learned to swim;

Whereas a report by an independent team of veterinarians invited to observe the hunt by the International Fund for Animal Welfare concluded that the seal hunt failed to comply with basic animal welfare regulations in Canada and that governmental regulations regarding humane killing were not being respected or enforced;

Whereas the veterinary report concluded that as many as 42 percent of the seals studied were likely skinned while alive and conscious;

Whereas the commercial slaughter of seals in the Northwest Atlantic is inherently cruel, whether the killing is conducted by clubbing or by shooting;

Whereas many seals are shot in the course of the hunt, but escape beneath the ice where they die slowly and are never recovered, and these seals are not counted in official kill statistics, making the actual kill level far higher than the level that is reported;

Whereas the commercial hunt for harp and hooded seals is a commercial slaughter carried out almost entirely by non-Native people from the East Coast of Canada for seal fur, oil, and penises (used as aphrodisiacs in some Asian markets);

Whereas the fishing and sealing industries in Canada continue to justify the expanded seal hunt on the grounds that the seals in the Northwest Atlantic are preventing the recovery of cod stocks, despite the lack of any credible scientific evidence to support this claim;

Whereas 2 Canadian Government marine scientists reported in 1994 that the true cause of cod depletion in the North Atlantic was over-fishing, and the consensus among the international scientific community is that seals are not responsible for the collapse of cod stocks;

Whereas harp and hooded seals are a vital part of the complex ecosystem of the Northwest Atlantic, and because the seals consume predators of commercial cod stocks, removing the seals might actually inhibit recovery of cod stocks;

Whereas certain ministries of the Government of Canada have stated clearly that there is no evidence that killing seals will help groundfish stocks to recover; and

Whereas the persistence of this cruel and needless commercial hunt is inconsistent with the well-earned international reputation of Canada: Now, therefore, be it

Resolved, That the Senate urges the Government of Canada to end the commercial hunt on seals that opened in the waters off the east coast of Canada on November 15, 2004.

Mr. LEVIN. Mr. President, according to the highly respected Humane Society of the United States, HSUS, Canada's government has authorized the slaughter of nearly 1 million seals over 3 years, 2004–2006, most of them between 12 days and 12 weeks old. This is the largest kill quota in history, which means that Canada is facilitating the artificial extension of an industry that has ceased to exist in most developed countries.

Canada officially opened its 6 months commercial seal hunt on November 15, 2004, paving the way for hundreds of thousands of baby seals to be killed for their fur during the 2004–2005 season. Today, I am joined by Senators COLLINS, LUGAR, REED, LAUTENBERG, FEINSTEIN, JOHNSON, JEFFORDS, WYDEN, CANTWELL, DODD, FEINGOLD, DURBIN, SCHUMER, MURRAY, and DORGAN in submitting a resolution that urges the Government of Canada to end this senseless, inhumane slaughter. Last year, we submitted a similar resolution, which was favorably reported by the Senate Foreign Relations Committee.

Opposition to the seal hunt is mounting. Canada's own people don't support the hunt. Polling shows that 71 percent of Canadians—including 60 percent of Atlantic Canadians—believe the seal hunt should be banned outright or limited to seals over one year of age. Last week, Canada's conservative newspaper, National Post, called for an end to the hunt. In January 2004, the Belgian government announced its intention to prohibit the sale of seal fur; and in November 2003, 166 members of the British House of Commons signed an Early Day Motion opposing Canada's seal hunt. That motion received strong support from Britain's Foreign Office Minister, Mike O'Brien. The American people don't support it either. According to a 2002 poll conducted by Penn, Schoen and Berland, 79 percent of American voters oppose Canada's seal hunt; and the U.S. Government has gone on record in opposition to this senseless slaughter, as noted in the attached, January 19, 2005, letter from the U.S. Department of State, in response to a letter Senator COLLINS and I wrote to President Bush, urging him to raise this issue during his November 30, 2004 visit with Canadian Prime Minister Paul Martin.

In 2001, a group of independent veterinarians traveled to observe the seal hunt. What they witnessed was shocking to all who are concerned about the humane treatment of animals. The images are difficult to envision but harder to believe: skinning of live animals and the dragging of live seals across the ice using steel hooks.

Few would argue that this industry still serves a legitimate purpose. Even in Newfoundland, where 93 percent of the hunt occurs, the economic contribution of the seal hunt is marginal. Exports of seal products from Newfoundland account for less than one-tenth of one percent of the province's total exports. Is that worth the damage the seal hunt causes to Canada's reputation? Out of a population of over half a million people, only about 4,000 Newfoundlanders participate in the hunt. That's a total take home pay of well under $800 per sealer.

Many believe that it makes little sense to continue an industry that only operates for a few weeks a year, in which the concentrated killings takes place. Moreover, it employs only a few hundred people on a seasonal, part-time basis.

The clubbing of baby seals can't be defended or justified, and Canada should end it just as we ended the Alaska baby seal massacre 20 years ago.

I ask unanimous consent that the January 19, 2005 letter from the U.S. State Department be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, DC, January 19, 2005.

Hon. CARL LEVIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR LEVIN: This is in response to your letter to the President of November 24, 2004 regarding Canadian commercial seal hunting. The White House has requested that the Department of State respond. We regret the delay in responding. Unfortunately, this letter was not received in the Department of State until mid-December, well after the referenced meeting between President Bush and Prime Minister Paul Martin of Canada.

We are aware of Canada's seal hunting activities and of the opposition to it expressed by many Americans. Furthermore, we can assure you that the United States has a longstanding policy opposing the hunting of seals and other marine mammals absent sufficient safeguards and information to ensure that the hunting will not adversely impact the affected marine mammal population or the ecosystem of which it is a part. The United States policy is reflected in the Marine Mammal Protection Act of 1972 (MMPA) which generally prohibits, with narrow and specific exceptions, the taking of marine mammals in waters or lands subject to the jurisdiction of the United States and the importation of marine mammals and marine mammal products into the United States.

The United States has made known to the Government of Canada its objections and the objections of concerned American legislators and citizens to the Canadian commercial seal hunt on numerous occasions over recent years. The United States has also opposed Canada's efforts within the Arctic Council to promote trade in sealskins and other marine mammal products.

We hope this information is helpful to you. Please do not hesitate to contact us if we can be of assistance in this or any other matter.

Sincerely,

NANCY POWELL,
(For Paul V. Kelly, Asst. Secretary,
Legislative Affairs).

SENATE CONCURRENT RESOLUTION 8—EXPRESSING THE SENSE OF CONGRESS THAT THERE SHOULD CONTINUE TO BE PARITY BETWEEN THE ADJUSTMENTS IN THE PAY OF MEMBERS OF THE UNIFORMED SERVICES AND THE ADJUSTMENTS IN THE PAY OF CIVILIAN EMPLOYEES OF THE UNITED STATES

Mr. SARBANES (for himself, Ms. Collins, Mr. Akaka, Mr. Warner, Mr. Lieberman, Mr. Allen, Ms. Mikulski, Ms. Snowe, Mr. Johnson, Mr. Dayton, Mr. Lautenberg, Mr. Kennedy, Mr. Durbin, Mr. Corzine, Ms. Landrieu, Mr. Bingaman, and Mrs. Murray) submitted the following concurrent resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. Con. Res. 8

Whereas members of the uniformed services of the United States and civilian employees of the United States contribute to the general welfare of the United States, maintain the Nation's defenses, and ensure the security of the homeland;

Whereas civilian employees of the United States play a crucial role in the fight against terrorism, as exemplified by—

(1) the civilian employees of the Department of Homeland Security and the Department of Defense who are working to ensure the security of the United States;

(2) the employees of the Intelligence Community and Federal law enforcement who have played a critical role in the investigation of the September 11, 2001, terrorist attacks and who are working to prevent further terrorist attacks;

(3) the civilian employees of the Department of State who are working to maintain a broad and sustained international commitment to wipe out terrorism around the world;

(4) the numerous skilled trade and craft civilian employees of the Federal Government who work side-by-side with the men and women of the Armed Forces to maintain and deploy our air and sea fleet safely and swiftly; and

(5) the employees of the Centers for Disease Control and Prevention within the Department of Health and Human Services who work every day protecting Americans from bioterrorism and those at the Department of Agriculture who strive to keep the Nation's food supply safe;

Whereas Americans depend on civilian employees of the United States for a vast array of important services from high profile disaster relief in times of national or international emergencies to the reliable administration of the Social Security program;

Whereas civilian employees of the United States will continue to serve and defend the United States;

Whereas in fiscal year 2005 the Senate budget resolution supported an across-the-board pay raise for both members of the uniformed services and civilian employees of the United States; and

Whereas the House of Representatives adopted House Resolution 581 affirming the bipartisan commitment to pay parity for fiscal year 2005: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of Congress that rates of pay for all civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of pay for members of the uniformed services.

Mr. SARBANES. Mr. President, I am pleased to join with Senators Collins, Akaka, Warner, Lieberman, Allen, Mikulski, Snowe, Johnson, Dayton, Lautenberg, Kennedy, Durbin, Corzine, Landrieu, Bingaman, and Murray in submitting a resolution expressing the sense of the Congress that parity between Federal civilian pay and military pay should be maintained.

During this unprecedented time in our Nation's history, both members of the uniformed services and civilian Federal employees are maintaining our Nation's defenses, ensuring the security of the homeland, and making remarkable contributions to the general welfare of the United States. Pay parity among all those who serve our Nation appropriately recognizes the crucial work and honorable sacrifices of the civilian Federal workforce. The contributions of civilian employees range from Department of Defense employees working alongside the military in hostile environments abroad to those at the Department of Health and Human Services who consistently achieve critical breakthroughs in science and medicine. The sacrifice of these individuals is made evident by individuals such as CIA employee Mike Spann, the first casualty of the conflict in Afghanistan; Lawrence Foley, an employee of the U.S. Agency for International Development who was assassinated by terrorists in Jordan; Joseph Curseen, Jr. and Thomas Morris, Jr., postal workers who died as a result of the anthrax attacks of 2001; and many others.

Congress has demonstrated a bipartisan and longstanding commitment to the principle of pay parity by providing for equal pay adjustments in each of the last three years and 17 of the last 19 years. The budget proposal presented to Congress for Fiscal Year 2005 included a 3.5 percent pay raise for members of the uniformed services, but only a 1.5 percent pay raise for our dedicated public servants. However, both Houses of Congress reaffirmed their support for equal pay by including a 3.5 percent raise for both civilian and military employees in their respective resolutions and relevant Fiscal Year 2005 appropriations bills.

Providing equitable pay raises for federal employees is not just an issue of fairness. It is also critical to recruiting and retaining talented individuals in public service, and therefore, to successfully administering important Federal programs. Our Federal Government is facing a "human capital" crisis that threatens institutional experience and knowledge at every level. Within the next five years, our government could lose up to half of its workforce to retirement. These vacancies will occur in an era in which those entering the workforce are far less likely to join public service. Numerous studies by groups such as the Partnership for Public Service and the Council for Excellence in Government indicate that young Americans have developed a more positive attitude towards government and politics in recent years, but are still unlikely to consider government service as a career. One way to address this looming crisis is to take tangible steps to make Federal service more financially attractive.

I should note that despite the pressing need to draw more qualified candidates to Federal service, the Federal Employee Pay Comparability Act (FEPCA)—designed to bring Federal pay in line with private sector pay—has never been fully implemented. If we are serious about resolving our Federal workforce shortage issue, we must also begin a conversation about implementing FEPCA. At a minimum, however, we should recognize the importance of civilian Federal employees by providing equal pay raises to all those who choose to serve our country. Otherwise we risk further reducing the number of qualified candidates we can recruit to civilian federal jobs.

The dedication of both the uniformed services and our civilian employees embody the greatness of our Nation, day in and day out, through their commitment to public service. I urge my colleagues to support this resolution so that the contributions of both are recognized in an equitable manner.

AMENDMENTS SUBMITTED & PROPOSED

SA 1. Mr. DURBIN (for Mr. Leahy (for himself and Mr. Hatch)) proposed an amendment to the bill S. 167, to provide for the protection of intellectual property rights, and for other purposes.

TEXT OF AMENDMENTS

SA 1. Mr. DURBIN (for Mr. LEAHY (for himself and Mr. HATCH)) proposed an amendment to the bill S. 167, to provide for the protection of intellectual property rights, and for other purposes; as follows:

On page 21, line 7, strike "12" and insert "13".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. CHAMBLISS. Mr. President, I announce that the Committee on Agriculture, Nutrition, and Forestry will conduct a hearing on February 3, 2005 in SD–106 at 11 a.m. The purpose of this hearing will be to examine the effects of Bovine Spongiform Encephalopathy (BSE) on U.S. imports and exports of cattle and beef.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 1, 2005, at 9:30 a.m., in open session to receive testimony on death benefits and services available to survivors of military personnel and legislative proposals to enhance these benefits.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Tuesday, February 1, 2005, at 10 a.m., on pending Committee business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 1, 2005 at 9 a.m., to hold a hearing on Iraq.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, February 1, 2005 at 2:30 p.m., to hold a Business Meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. SPECTER. Mr. President, I ask unanimous consent that Michael O'Neill, chief counsel of the Senate Judiciary Committee; Brett Tolman, a detailee from the Department of Justice; and Nicholas Rossi, a detailee from the Federal Bureau of Investigation, be granted floor privileges for the first session of the 109th Congress.

Mr. LEAHY. Mr. President, reserving the right to object, and I will not object, I also ask, for purposes of debate on the Gonzales nomination, unanimous consent that floor privileges be granted to Matthew Nelson.

Mr. SPECTER. With that modification, the unanimous consent request is pursued.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. SPECTER. Mr. President, I ask unanimous consent that the following individuals be granted privileges of the floor for the duration of the 109th Congress: Grace Chung Becker, a detailee from the U.S. Sentencing Commission; Bruce Artim, a detailee from the National Institute of Health; and Reed O'Connor, a detailee from the Department of Justice.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAMILY ENTERTAINMENT AND COPYRIGHT ACT OF 2005

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. 167, and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 167) to provide for the protection of intellectual property rights, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am pleased that today the Senate will pass the Family Entertainment and Copyright Act of 2005. This bill completes the ambitious package of intellectual property legislation that we undertook, along with our counterparts in the House of Representatives, to enact at the end of the 108th Congress. This is a bipartisan bill that makes important changes to our copyright laws and that will help ensure the preservation of America's cultural heritage. Today's passage of this bill is testimony to the efforts of several in this Chamber to ensure we make good law, capable of swift enactment, and for that I thank in particular the bill's cosponsors, Senators HATCH, FEINSTEIN, ALEXANDER, and CORNYN.

The FECA bill is made up of four important provisions. Title I of the bill contains the ART Act, which will criminalize the use of camcorders to steal movies surreptitiously from the big screen. The second title of the bill is the Family Movie Act, which was designed to allow consumers to view only those portions of movies, in their own homes, that they want to. Title III of the bill contains the Film Preservation Act, legislation that I sponsored in the last Congress. The Film Preservation Act will allow the Library of Congress to continue its important work in preserving America's fading film treasures. What is more, the bill will assist libraries, museums, and archives in preserving films, and in making those works available to researchers and the public. Finally, the bill contains the Preservation of Orphan Works Act, which will correct a drafting error in the Sonny Bono Copyright Term Extension Act and will allow libraries to create copies of orphan works—copyrighted materials that are in the last 20 years of their copyright term, are no longer commercially exploited, and are not available at a reasonable price.

I thank the cosponsors of the Family Entertainment and Copyright Act, and I hope the House of Representatives will move with dispatch to pass and send to the President this consensus legislation.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the technical amendment that is at the desk be agreed to, the bill, as amended, be read a third time and passed, the motions to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 1) was agreed to, as follows:

On page 21, line 7, strike "12" and insert "13".

The bill (S. 167), as amended, was read the third time and passed, as follows:

S. 167

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family Entertainment and Copyright Act of 2005".

TITLE I—ARTISTS' RIGHTS AND THEFT PREVENTION

SEC. 101. SHORT TITLE.

This title may be cited as the "Artists' Rights and Theft Prevention Act of 2005" or the "ART Act".

SEC. 102. CRIMINAL PENALTIES FOR UNAUTHORIZED RECORDING OF MOTION PICTURES IN A MOTION PICTURE EXHIBITION FACILITY.

(a) IN GENERAL.—Chapter 113 of title 18, United States Code, is amended by adding after section 2319A the following new section:

"§2319B. Unauthorized recording of Motion pictures in a Motion picture exhibition facility

"(a) OFFENSE.—Any person who, without the authorization of the copyright owner, knowingly uses or attempts to use an audiovisual recording device to transmit or make a copy of a motion picture or other audiovisual work protected under title 17, or any part thereof, from a performance of such work in a motion picture exhibition facility, shall—

"(1) be imprisoned for not more than 3 years, fined under this title, or both; or

"(2) if the offense is a second or subsequent offense, be imprisoned for no more than 6 years, fined under this title, or both.

The possession by a person of an audiovisual recording device in a motion picture exhibition facility may be considered as evidence in any proceeding to determine whether that person committed an offense under this subsection, but shall not, by itself, be sufficient to support a conviction of that person for such offense.

"(b) FORFEITURE AND DESTRUCTION.—When a person is convicted of a violation of subsection (a), the court in its judgment of conviction shall, in addition to any penalty provided, order the forfeiture and destruction or other disposition of all unauthorized copies of motion pictures or other audiovisual works protected under title 17, or parts thereof, and any audiovisual recording devices or other equipment used in connection with the offense.

"(c) AUTHORIZED ACTIVITIES.—This section does not prevent any lawfully authorized investigative, protective, or intelligence activity by an officer, agent, or employee of the United States, a State, or a political subdivision of a State, or by a person acting under a contract with the United States, a State, or a political subdivision of a State.

"(d) IMMUNITY FOR THEATERS.—With reasonable cause, the owner or lessee of a motion picture exhibition facility where a motion picture or other audiovisual work is being exhibited, the authorized agent or employee of such owner or lessee, the licensor of the motion picture or other audiovisual work being exhibited, or the agent or employee of such licensor—

"(1) may detain, in a reasonable manner and for a reasonable time, any person suspected of a violation of this section with respect to that motion picture or audiovisual work for the purpose of questioning or summoning a law enforcement officer; and

"(2) shall not be held liable in any civil or criminal action arising out of a detention under paragraph (1).

"(e) VICTIM IMPACT STATEMENT.—

"(1) IN GENERAL.—During the preparation of the presentence report under rule 32(c) of the Federal Rules of Criminal Procedure, victims of an offense under this section shall be permitted to submit to the probation officer a victim impact statement that identifies the victim of the offense and the extent and scope of the injury and loss suffered by the victim, including the estimated economic impact of the offense on that victim.

"(2) CONTENTS.—A victim impact statement submitted under this subsection shall include—

"(A) producers and sellers of legitimate works affected by conduct involved in the offense;

"(B) holders of intellectual property rights in the works described in subparagraph (A); and

"(C) the legal representatives of such producers, sellers, and holders.

"(f) STATE LAW NOT PREEMPTED.—Nothing in this section may be construed to annul or limit any rights or remedies under the laws of any State.

"(g) DEFINITIONS.—In this section, the following definitions shall apply:

"(1) TITLE 17 DEFINITIONS.—The terms 'audiovisual work', 'copy', 'copyright owner', 'motion picture', 'motion picture exhibition facility', and 'transmit' have, respectively, the meanings given those terms in section 101 of title 17.

"(2) AUDIOVISUAL RECORDING DEVICE.—The term 'audiovisual recording device' means a digital or analog photographic or video camera, or any other technology or device capable of enabling the recording or transmission of a copyrighted motion picture or other audiovisual work, or any part thereof, regardless of whether audiovisual recording is the sole or primary purpose of the device.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of chapter 113 of title 18, United States Code, is amended by inserting after the item relating to section 2319A the following:

"2319B. Unauthorized recording of motion pictures in a motion picture exhibition facility.".

(c) DEFINITION.—Section 101 of title 17, United States Code, is amended by inserting after the definition of "Motion pictures" the following: "The term "motion picture exhibition facility" means a movie theater, screening room, or other venue that is being used primarily for the exhibition of a copyrighted motion picture, if such exhibition is open to the public or is made to an assembled group of viewers outside of a normal circle of a family and its social acquaintances.".

SEC. 103. CRIMINAL INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PROHIBITED ACTS.—Section 506(a) of title 17, United States Code, is amended to read as follows:

"(a) CRIMINAL INFRINGEMENT.—

"(1) IN GENERAL.—Any person who willfully infringes a copyright shall be punished as provided under section 2319 of title 18, if the infringement was committed—

"(A) for purposes of commercial advantage or private financial gain;

"(B) by the reproduction or distribution, including by electronic means, during any 180–day period, of 1 or more copies or phonorecords of 1 or more copyrighted works, which have a total retail value of more than $1,000; or

"(C) by the distribution of a work being prepared for commercial distribution, by making it available on a computer network accessible to members of the public, if such person knew or should have known that the work was intended for commercial distribution.

"(2) EVIDENCE.—For purposes of this subsection, evidence of reproduction or distribution of a copyrighted work, by itself, shall not be sufficient to establish willful infringement of a copyright.

"(3) DEFINITION.—In this subsection, the term 'work being prepared for commercial distribution' means—

"(A) a computer program, a musical work, a motion picture or other audiovisual work, or a sound recording, if, at the time of unauthorized distribution—

"(i) the copyright owner has a reasonable expectation of commercial distribution; and

"(ii) the copies or phonorecords of the work have not been commercially distributed; or

"(B) a motion picture, if, at the time of unauthorized distribution, the motion picture—

"(i) has been made available for viewing in a motion picture exhibition facility; and

"(ii) has not been made available in copies for sale to the general public in the United States in a format intended to permit viewing outside a motion picture exhibition facility.".

(b) CRIMINAL PENALTIES.—Section 2319 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) by striking "Whoever" and inserting "Any person who"; and

(B) by striking "and (c) of this section" and inserting ", (c), and (d)";

(2) in subsection (b), by striking "section 506(a)(1)" and inserting "section 506(a)(1)(A)";

(3) in subsection (c), by striking "section 506(a)(2) of title 17, United States Code" and inserting "section 506(a)(1)(B) of title 17";

(4) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively;

(5) by adding after subsection (c) the following:

"(d) Any person who commits an offense under section 506(a)(1)(C) of title 17—

"(1) shall be imprisoned not more than 3 years, fined under this title, or both;

"(2) shall be imprisoned not more than 5 years, fined under this title, or both, if the offense was committed for purposes of commercial advantage or private financial gain;

"(3) shall be imprisoned not more than 6 years, fined under this title, or both, if the offense is a second or subsequent offense; and

"(4) shall be imprisoned not more than 10 years, fined under this title, or both, if the offense is a second or subsequent offense under paragraph (2)."; and

(6) in subsection (f), as redesignated—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

"(3) the term 'financial gain' has the meaning given the term in section 101 of title 17; and

"(4) the term 'work being prepared for commercial distribution' has the meaning given the term in section 506(a) of title 17.".

SEC. 104. CIVIL REMEDIES FOR INFRINGEMENT OF A WORK BEING PREPARED FOR COMMERCIAL DISTRIBUTION.

(a) PREREGISTRATION.—Section 408 of title 17, United States Code, is amended by adding at the end the following:

"(f) PREREGISTRATION OF WORKS BEING PREPARED FOR COMMERCIAL DISTRIBUTION.—

"(1) RULEMAKING.—Not later than 180 days after the date of enactment of this subsection, the Register of Copyrights shall issue regulations to establish procedures for preregistration of a work that is being prepared for commercial distribution and has not been published.

"(2) CLASS OF WORKS.—The regulations established under paragraph (1) shall permit preregistration for any work that is in a class of works that the Register determines has had a history of infringement prior to authorized commercial distribution.

"(3) APPLICATION FOR REGISTRATION.—Not later than 3 months after the first publication of a work preregistered under this subsection, the applicant shall submit to the Copyright Office—

"(A) an application for registration of the work;

"(B) a deposit; and

"(C) the applicable fee.

"(4) EFFECT OF UNTIMELY APPLICATION.—An action under this chapter for infringement of a work preregistered under this subsection, in a case in which the infringement commenced no later than 2 months after the first publication of the work, shall be dismissed if the items described in paragraph (3) are not submitted to the Copyright Office in proper form within the earlier of—

"(A) 3 months after the first publication of the work; or

"(B) 1 month after the copyright owner has learned of the infringement.".

(b) INFRINGEMENT ACTIONS.—Section 411(a) of title 17, United States Code, is amended by inserting "preregistration or" after "shall be instituted until".

(c) EXCLUSION.—Section 412 of title 17, United States Code, is amended by inserting after "section 106A(a)" the following: ", an action for infringement of the copyright of a work that has been preregistered under section 408(f) before the commencement of the infringement and that has an effective date of registration not later than the earlier of 3 months after the first publication of the work or 1 month after the copyright owner has learned of the infringement,".

SEC. 105. FEDERAL SENTENCING GUIDELINES.

(a) REVIEW AND AMENDMENT.—Not later than 180 days after the date of enactment of this Act, the United States Sentencing Commission, pursuant to its authority under section 994 of title 28, United States Code, and in accordance with this section, shall review and, if appropriate, amend the Federal sentencing guidelines and policy statements applicable to persons convicted of intellectual property rights crimes, including any offense under—

(1) section 506, 1201, or 1202 of title 17, United States Code; or

(2) section 2318, 2319, 2319A, 2319B, or 2320 of title 18, United States Code.

(b) AUTHORIZATION.—The United States Sentencing Commission may amend the Federal sentencing guidelines in accordance with the procedures set forth in section 21(a) of the Sentencing Act of 1987 (28 U.S.C. 994 note) as though the authority under that section had not expired.

(c) RESPONSIBILITIES OF UNITED STATES SENTENCING COMMISSION.—In carrying out this section, the United States Sentencing Commission shall—

(1) take all appropriate measures to ensure that the Federal sentencing guidelines and policy statements described in subsection (a) are sufficiently stringent to deter, and adequately reflect the nature of, intellectual property rights crimes;

(2) determine whether to provide a sentencing enhancement for those convicted of the offenses described in subsection (a), if the conduct involves the display, performance, publication, reproduction, or distribution of a copyrighted work before it has been authorized by the copyright owner, whether in the media format used by the infringing party or in any other media format;

(3) determine whether the scope of "uploading" set forth in application note 3 of section 2B5.3 of the Federal sentencing guidelines is adequate to address the loss attributable to people who, without authorization, broadly distribute copyrighted works over the Internet; and

(4) determine whether the sentencing guidelines and policy statements applicable to the offenses described in subsection (a) adequately reflect any harm to victims from copyright infringement if law enforcement authorities cannot determine how many times copyrighted material has been reproduced or distributed.

TITLE II—EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES

SEC. 201. SHORT TITLE.

This title may be cited as the "Family Movie Act of 2005".

SEC. 202. EXEMPTION FROM INFRINGEMENT FOR SKIPPING AUDIO AND VIDEO CONTENT IN MOTION PICTURES.

(a) IN GENERAL.—Section 110 of title 17, United States Code, is amended—

(1) in paragraph (9), by striking "and" after the semicolon at the end;

(2) in paragraph (10), by striking the period at the end and inserting "; and";

(3) by inserting after paragraph (10) the following:

"(11) the making imperceptible, by or at the direction of a member of a private household, of limited portions of audio or video content of a motion picture, during a performance in or transmitted to that household for private home viewing, from an authorized copy of the motion picture, or the creation or provision of a computer program or other technology that enables such making imperceptible and that is designed and marketed to be used, at the direction of a member of a private household, for such making imperceptible, if no fixed copy of the altered version of the motion picture is created by such computer program or other technology."; and

(4) by adding at the end the following:

"For purposes of paragraph (11), the term 'making imperceptible' does not include the addition of audio or video content that is performed or displayed over or in place of existing content in a motion picture.

"Nothing in paragraph (11) shall be construed to imply further rights under section 106 of this title, or to have any effect on defenses or limitations on rights granted under any other section of this title or under any other paragraph of this section.".

(b) EXEMPTION FROM TRADEMARK INFRINGEMENT.—Section 32 of the Trademark Act of 1946 (15 U.S.C. 1114) is amended by adding at the end the following:

"(3)(A) Any person who engages in the conduct described in paragraph (11) of section 110 of title 17, United States Code, and who complies with the requirements set forth in that paragraph is not liable on account of such conduct for a violation of any right under this Act. This subparagraph does not preclude liability, nor shall it be construed to restrict the defenses or limitations on rights granted under this Act, of a person for conduct not described in paragraph (11) of section 110 of title 17, United States Code, even if that person also engages in conduct described in paragraph (11) of section 110 of such title.

"(B) A manufacturer, licensee, or licensor of technology that enables the making of limited portions of audio or video content of a motion picture imperceptible as described in subparagraph (A) is not liable on account of such manufacture or license for a violation of any right under this Act, if such manufacturer, licensee, or licensor ensures that the technology provides a clear and conspicuous notice at the beginning of each performance that the performance of the motion picture is altered from the performance intended by the director or copyright holder of the motion picture. The limitations on liability in subparagraph (A) and this subparagraph shall not apply to a manufacturer, licensee, or licensor of technology that fails to comply with this paragraph.

"(C) The requirement under subparagraph (B) to provide notice shall apply only with respect to technology manufactured after the end of the 180-day period beginning on the date of the enactment of the Family Movie Act of 2005.

"(D) Any failure by a manufacturer, licensee, or licensor of technology to qualify for the exemption under subparagraphs (A) and (B) shall not be construed to create an inference that any such party that engages in conduct described in paragraph (11) of section 110 of title 17, United States Code, is liable for trademark infringement by reason of such conduct.".

(c) DEFINITION.—In this section, the term "Trademark Act of 1946" means the Act entitled "An Act to provide for the registration and protection of trademarks used in commerce, to carry out the provisions of certain international conventions, and for other purposes", approved July 5, 1946 (15 U.S.C. 1051 et seq.).

TITLE III—NATIONAL FILM PRESERVATION

Subtitle A—Reauthorization of the National Film Preservation Board

SEC. 301. SHORT TITLE.

This subtitle may be cited as the "National Film Preservation Act of 2005".

SEC. 302. REAUTHORIZATION AND AMENDMENT.

(a) DUTIES OF THE LIBRARIAN OF CONGRESS.—Section 103 of the National Film Preservation Act of 1996 (2 U.S.C. 179m) is amended—

(1) in subsection (b)—

(A) by striking "film copy" each place that term appears and inserting "film or other approved copy";

(B) by striking "film copies" each place that term appears and inserting "film or other approved copies"; and

(C) in the third sentence, by striking "copyrighted" and inserting "copyrighted, mass distributed, broadcast, or published"; and

(2) by adding at the end the following:

"(c) COORDINATION OF PROGRAM WITH OTHER COLLECTION, PRESERVATION, AND ACCESSIBILITY ACTIVITIES.—In carrying out the comprehensive national film preservation program for motion pictures established under the National Film Preservation Act of 1992, the Librarian, in consultation with the Board established pursuant to section 104, shall—

"(1) carry out activities to make films included in the National Film registry more broadly accessible for research and educational purposes, and to generate public awareness and support of the Registry and the comprehensive national film preservation program;

"(2) review the comprehensive national film preservation plan, and amend it to the extent necessary to ensure that it addresses technological advances in the preservation and storage of, and access to film collections in multiple formats; and

"(3) wherever possible, undertake expanded initiatives to ensure the preservation of the moving image heritage of the United States, including film, videotape, television, and born digital moving image formats, by supporting the work of the National Audio-Visual Conservation Center of the Library of Congress, and other appropriate nonprofit archival and preservation organizations.".

(b) NATIONAL FILM PRESERVATION BOARD.—Section 104 of the National Film Preservation Act of 1996 (2 U.S.C. 179n) is amended—

(1) in subsection (a)(1) by striking "20" and inserting "22";

(2) in subsection (a) (2) by striking "three" and inserting "5";

(3) in subsection (d) by striking "11" and inserting "12"; and

(4) by striking subsection (e) and inserting the following:

"(e) REIMBURSEMENT OF EXPENSES.—Members of the Board shall serve without pay, but may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code.".

(c) NATIONAL FILM REGISTRY.—Section 106 of the National Film Preservation Act of 1996

(2 U.S.C. 179p) is amended by adding at the end the following:

"(e) NATIONAL AUDIO-VISUAL CONSERVATION CENTER.—The Librarian shall utilize the National Audio-Visual Conservation Center of the Library of Congress at Culpeper, Virginia, to ensure that preserved films included in the National Film Registry are stored in a proper manner, and disseminated to researchers, scholars, and the public as may be appropriate in accordance with—

"(1) title 17, United States Code; and

"(2) the terms of any agreements between the Librarian and persons who hold copyrights to such audiovisual works.".

(d) USE OF SEAL.—Section 107 (a) of the National Film Preservation Act of 1996 (2 U.S.C. 179q(a)) is amended—

(1) in paragraph (1), by inserting "in any format" after "or any copy"; and

(2) in paragraph (2), by striking "or film copy" and inserting "in any format".

(e) EFFECTIVE DATE.—Section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w) is amended by striking "7" and inserting "13".

Subtitle B—Reauthorization of the National Film Preservation Foundation

SEC. 311. SHORT TITLE.

This subtitle may be cited as the "National Film Preservation Foundation Reauthorization Act of 2005".

SEC. 312. REAUTHORIZATION AND AMENDMENT.

(a) BOARD OF DIRECTORS.—Section 151703 of title 36, United States Code, is amended—

(1) in subsection (b)(2)(A), by striking "nine" and inserting "12"; and

(2) in subsection (b)(4), by striking the second sentence and inserting "There shall be no limit to the number of terms to which any individual may be appointed.".

(b) POWERS.—Section 151705 of title 36, United States Code, is amended in subsection (b) by striking "District of Columbia" and inserting "the jurisdiction in which the principal office of the corporation is located".

(c) PRINCIPAL OFFICE.—Section 151706 of title 36, United States Code, is amended by inserting ", or another place as determined by the board of directors" after "District of Columbia".

(d) AUTHORIZATION OF APPROPRIATIONS.—Section 151711 of title 36, United States Code, is amended by striking subsections (a) and (b) and inserting the following:

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Library of Congress amounts necessary to carry out this chapter, not to exceed $530,000 for each of the fiscal years 2005 through 2009. These amounts are to be made available to the corporation to match any private contributions (whether in currency, services, or property) made to the corporation by private persons and State and local governments.

"(b) LIMITATION RELATED TO ADMINISTRATIVE EXPENSES.—Amounts authorized under this section may not be used by the corporation for management and general or fundraising expenses as reported to the Internal Revenue Service as part of an annual information return required under the Internal Revenue Code of 1986.".

TITLE IV—PRESERVATION OF ORPHAN WORKS

SEC. 401. SHORT TITLE.

This title may be cited as the "Preservation of Orphan Works Act".

SEC. 402. REPRODUCTION OF COPYRIGHTED WORKS BY LIBRARIES AND ARCHIVES.

Section 108(i) of title 17, United States Code, is amended by striking "(b) and (c)" and inserting "(b), (c), and (h)".

APPOINTMENT

The PRESIDING OFFICER. The Chair, in accordance with Public Law 93–618, as amended by Public Law 100–418, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following Members of the Finance Committee as congressional advisers on trade policy and negotiations: the Senator from Iowa, Mr. GRASSLEY; the Senator from Utah, Mr. HATCH; the Senator from Mississippi, Mr. LOTT; the Senator from Montana, Mr. BAUCUS; and the Senator from West Virginia, Mr. ROCKEFELLER.

DISCHARGE AND REFERRAL OF S. 45

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be discharged from further consideration of S. 45, and the bill be referred to the Committee on the Judiciary.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF SENATOR BURR TO READ WASHINGTON'S FAREWELL ADDRESS

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to the order of the Senate of January 24, 1901, appoints the Senator from North Carolina, Mr. BURR, to read Washington's Farewell Address on Friday, February 18, 2005.

COMMENDING THE RESULTS OF THE PALESTINIAN PRESIDENTIAL ELECTIONS

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 27, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 27) commending the results of the January 9, 2005, Palestinian presidential elections.

There being no objection, the Senate proceeded to consider the resolution.

Mr. FRIST. Mr. President, as we celebrate the extraordinary elections in Iraq, let us also recognize the historic progress being made by the Palestinian people toward democracy.

On January 9, for the first time in 9 years, Palestinians living in the West Bank, the Gaza Strip, and Jerusalem voted in free and fair elections. They elected former Prime Minister Dr. Mahmoud Abbas, also known as Abu Mazen, to be their President.

For the first time in 30 years, they cast their ballots for new leadership. It was a great moment for the Palestinian people. It was, as President Bush remarked, "a key step toward building a democratic future."

The election was also a powerful example to all who strive for freedom. It proved that free and fair elections are not only possible in the Middle East, but the hope and right of all people. During his inaugural speech, President Abbas declared that:

> The people have voted for the rule of law, order, pluralism, the peaceful transfer of authority, and equality for all.

I commend President Abbas for these important and inspiring words.

This election represents a genuine opportunity for peace. A democratic Palestinian Authority that rejects violence and embraces the rule of law is one of the most important building blocks for a viable, free, and stable Palestinian state.

Israel also deserves praise for its support of the Palestinian election. Israel provided important cooperation with the Palestinian Authority to minimize delays at checkpoints. Israeli security forces were also deployed away from Palestinian population centers.

The U.S. Government stands ready to work with the new Palestinian leadership to build the bridge to that hopeful future. With wise and principled leadership, Palestinians and Israelis can live side by side in peace.

The road ahead will be difficult. Yesterday, Hamas fighters shelled a Jewish settlement in a purported retaliatory strike. I remain hopeful, however, that Palestinian and Israeli leadership will continue to work together to bring the peace. There is a roadmap. There is a will. With the support of the international community, including the Arab world, both sides will find the way.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 27) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 27

Whereas on January 9, 2005, for the first time in 9 years, large numbers of Palestinians living in the West Bank, the Gaza Strip, and Jerusalem voted in elections that were widely described by outside monitors as free and fair;

Whereas the Palestinian people elected former Prime Minister Mahmoud Abbas, also known as Abu Mazen, to the office of President of the Palestinian Authority;

Whereas an estimated 65 percent of eligible Palestinians living in the West Bank, the Gaza Strip, and Jerusalem participated in voting at over 1000 polling stations, and for the first time in nearly 30 years, the Palestinian people elected new leadership;

Whereas on January 9, 2005, President of the United States George W. Bush stated that it was a "historic day for the Palestinian people and for the people of the Middle East" and that "Palestinians throughout the West Bank and Gaza took a key step toward building a democratic future by choosing a new president in elections that observers described as largely free and fair";

Whereas Israel provided important cooperation with the Palestinian Authority to enable the holding of this election, including minimizing delays at checkpoints and redeploying Israeli security forces away from Palestinian population centers;

Whereas the Palestinian election was an important step towards democracy for the Palestinian people and an example to all those in the region who are striving to achieve democracy in their own nation;

Whereas during his inaugural speech, President Abbas stated that "The winner in these elections is the great Palestinian people who have created this democratic epic and who will safeguard it", that "The people have voted for the rule of law, order, pluralism, the peaceful transfer of authority, and equality for all", and further "Let us start implementing the Roadmap";

Whereas these comments build upon Mr. Abbas' 1993 statements on the White House lawn, where he said that a Palestinian state and an Israeli state could live in "peaceful coexistence and cooperation";

Whereas the election of Mahmoud Abbas was hailed around the world as a positive step opening new opportunities to move toward peace between the Palestinian Authority and Israel;

Whereas the Palestinian election provided President Abbas with a mandate from the majority of Palestinians to reject violence and pursue peace with Israel;

Whereas the extent of cooperation between the Israelis and Palestinians during the period leading up to and including election day was unprecedented in the past four years and reflects the potential for future cooperation;

Whereas the election must be followed quickly by concrete steps on the part of the new Palestinian President to meet his commitment to reform the Palestinian security services, establish the rule of law, and do all in his power to combat terrorism;

Whereas a democratic Palestinian Authority will serve as one of the most important building blocks for a viable, free, and stable Palestinian state;

Whereas President Abbas' success likely will depend upon his ability to tangibly and quickly improve the quality of life for Palestinians, and end corruption and violence;

Whereas the United States Government stands ready to work with the new Palestinian President to facilitate a renewed dialogue between the new Palestinian leadership and the Government of Israel with the goal of achieving through the Performance Based Roadmap to a Permanent Two-State Solution to the Israeli-Palestinian Conflict (the "Roadmap"), President George W. Bush's vision of two states, Israel and Palestine, living side by side in peace;

Whereas the Roadmap, endorsed by the United States, Israel, the Palestinian Authority, the European Union, Russia, and the United Nations, remains the only realistic and widely recognized plan for making progress toward peace;

Whereas the policy of the United States is to work toward a just and peaceful resolution of the Palestinian-Israeli conflict based on two democratic states, Israel and Palestine, living side by side in peace and security;

Whereas all parties to the Roadmap have an obligation to urgently provide support for the Palestinian Authority in its efforts to confront and fight terror as well as to assist in the creation of true democratic institutions that will enforce the rule of law; and

Whereas people of all peaceful nations believe peace between the Palestinian Authority and the state of Israel will have far reaching positive effects on the entire region and throughout the world: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes that, on January 9, 2005, Mr. Mahmoud Abbas, also known as Abu Mazen, was elected by the Palestinian people to the office of President of the Palestinian Authority in what were widely described as free and fair elections;

(2) recognizes this milestone in the development of Palestinian democracy and congratulates President Abbas on his election to the presidency of the Palestinian Authority;

(3) commends the efforts of the Israeli Government to facilitate the election;

(4) expresses its respect for the freely expressed will of the Palestinian people, and its intention to work with President Abbas to help the Palestinian people realize the opportunity for a more peaceful, prosperous future;

(5) urges President Abbas and the new Palestinian leadership to abide by its commitments to reform the security services, establish the rule of law, and press on with the development of democratic institutions, including an independent judiciary and an empowered and democratically elected legislature;

(6) urges President Abbas to move quickly to honor his pledges to halt violence and incitement against Israel, dismantle terrorist organizations, and fulfill the Palestinian Authority's obligations according to the terms of the Roadmap;

(7) supports efforts to increase United States assistance to the Palestinian people and to help President Abbas rebuild and reform the Palestinian Authority's institutions, as President Abbas takes actions consistent with the Roadmap, so that they may better serve the Palestinian people;

(8) urges all members of the international community, particularly all parties to the Roadmap, to take advantage of this historic opportunity by providing timely assistance to the new Palestinian Government as it moves forward to implement the Roadmap, to help it build the necessary political, economic, and security infrastructure essential to establishing a viable, democratic state and improving the lives of the Palestinian people;

(9) calls upon Arab states in particular to provide political and financial support to the Palestinian Authority, to support a complete end to terrorism against Israel, to end incitement against it, and to reach out to the State of Israel in friendship and full recognition;

(10) reaffirms the commitment of the United States to the security of Israel as a democratic, Jewish state, and supports the commitment of Israel to fulfill its obligations under the Roadmap; and

(11) reaffirms the commitment of the United States to the Roadmap including realization of the vision of two democratic states, Israel and Palestine, living side by side in peace and security, and looks forward to working closely with the Executive Branch to achieve this vision.

ORDERS FOR WEDNESDAY, FEBRUARY 2, 2005

Mr. BROWNBACK. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 9:15 a.m. on Wednesday, February 2. I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and at 9:30 a.m. the Senate proceed to executive session and resume consideration of the nomination of Alberto Gonzales to be Attorney General, as provided under the previous order; provided that at 2:30 p.m. Senator BYRD be recognized for up to 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BROWNBACK. Mr. President, tomorrow the Senate will resume consideration of the nomination of Alberto Gonzales to be Attorney General. A number of colleagues spoke on this nomination today, and we expect a full day of debate tomorrow as well. Under the agreement, we will alternate debate in 1-hour blocks throughout the day. Again, I encourage those Members who wish to speak on the Gonzales nomination to contact the chairman and ranking member of the Judiciary Committee as soon as possible.

I also remind my colleagues the President's State of the Union Address will be tomorrow evening. Senators are asked to be in the Senate Chamber by 8:30 tomorrow night in order to proceed as a body to the House Chamber at 8:40 for the 9 o'clock address.

ADJOURNMENT UNTIL 9:15 A.M. TOMORROW

Mr. BROWNBACK. If there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 6:52 p.m., adjourned until Wednesday, February 2, 2005, at 9:15 a.m.

EXTENSIONS OF REMARKS

SAD GOODBYE

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor the life of William Haskell Pinckard of Bakersfield, California. Mr. Pinckard was known to all as, simply, "Pinky." He passed away January 9, 2005 at his home in California.

Pinky dedicated his life to his fellow Kern County community members. He moved to California from Oklahoma in 1950, and life for Kern County residents from that point on was not the same. Pinky touched many lives through the numerous organizations in which he was involved. He was a member of the Community of Christ Church, Masons, Shriners, and Eastern Star. A life long member of the Democratic Party, Pinky received many awards for his service as an ardent activist. He represented local #743 Carpenters Union; for his dedication to advocacy, the Labor Union also recognized Pinky.

The truth of the matter is Pinky was a civic-minded individual, who took seriously his role as an American citizen. All too often, we forget that activism, and outreach, and grassroots efforts are the foundation upon which we build our representative government. Pinky never forgot, and he never let anybody around him forget. Those who commemorate Pinky's life will forever be changed by the contributions he made to society.

TRIBUTE TO WHITNALL SUMMIT, 2004 BUSINESS OF THE YEAR, WEST ALLIS-WEST MILWAUKEE CHAMBER OF COMMERCE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize and commend the Whitnall Summit Company, being honored by the West Allis-West Milwaukee Chamber of Commerce as 2004 Company of the Year.

Whitnall Summit was established just ten years ago with a plan to acquire segments of the former Allis-Chalmers Manufacturing property in West Allis. Allis-Chalmers had been one of the main drivers of the local economy in West Allis, providing thousands of jobs along with a community identity. When a physical plant the size of Allis-Chalmers closes, the impact on the community is both monetary and psychological. Manufacturing job losses have cost our communities good-paying, family-supporting jobs, along with a strong revenue base. The loss of Allis Chalmers hit hard.

Great companies inspire a community's pride and empty buildings hurt the spirit of a city.

Thanks to Whitnall Summit, West Allis is participating in a "re-urbanization" as these large empty buildings have been rehabilitated. Further, those buildings are now occupied with retail and offices, community-based organizations and indoor parking. In 10 short years, Whitnall Summit with strong support from the city's TIF district, has converted factory buildings into 300,000 square feet of office space, all leased, with a large parking structure nearing completion.

I congratulate Whitnall Summit for its success and it's collaboration with the city of West Allis in returning this site to an opportunity for growth.

HONORING THE FAYETTEVILLE TOWPATH QUILT GUILD

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. WALSH. Mr. Speaker, it is with a warm heart I rise today to pay tribute to an organization lending support to our men and women in uniform, the Towpath Quilt Guild of Fayetteville, NY.

About 80 members of the Towpath Quilt Guild have harnessed their skills to hand make quilts for recovering soldiers at Bethesda Naval and Walter Reed Army Medical Center. In early spring, these quilts will be personally delivered in hopes of offering another layer of comfort and warm sentiment to our service members.

In this time period when so many of our loved ones are scattered around the globe ensuring American's freedom and safety, the Towpath Quilt Guild has expressed with gifts what we all wish to convey. Thank you for all you do. And thank you, Towpath Quilt Guild.

HONORING BROWNIE TROOP 1593 IN MANASSAS, VA

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor Brownie Troop 1593 of Manassas, VA. Last year, the 18 girls who make up Troop 1593 dedicated themselves to providing support to the brave men and women who are defending our freedom overseas.

Brownie Troop 1593 is comprised of Colby Newson, Ariel Morrow, Arianna Robinson, Juliana Thinnes, Juliana Magalhaes, Allison Robinson, Deanka Mullins, Wendy Cornier, Christina Owusu, Alondra Morales, Hannah Gabaldon, Madeline Greco-Parkin, Kimberly Klejka, Jayme Mathews, Cameron Roberts, Madison Roberts, Megan Duarte, and Emily Buckley.

In April, the troop collected donations from Girl Scout cookie sales and sent cookies, personal care items, games, cards, and goodie bags to the soldiers. They also provided similar support to four U.S. Navy Ships: the USS *John F. Kennedy*, USS *Spruance*, USS *Harpers Ferry*, and the USS *Harry S. Truman*. Additionally, the girls have sent comfort items to a Navy Medic serving in Fallujah, Iraq.

The troop also helped brighten the lives of service men and women through a pen pal program with two of the aircraft carriers. Through this mutually beneficial exchange, the young girls learned about respect for their country, the incredible sacrifice that the Armed Forces make, the important jobs that the service men and women perform, teamwork, community service, loyalty and friendship.

The troop plans to continue its efforts in 2005. They have scheduled visits to both the USS *John F. Kennedy* and USS *Harry S. Truman*. They will also send Valentines Day cards to a platoon in Iraq and will be repeating their Girl Scout Cookie drive to send additional cookies and other items to soldiers overseas.

Mr. Speaker, in closing, I would like to extend my heartfelt thanks to Brownie Troop 1593. I call upon my colleagues to join me in applauding the troop's accomplishments. Their contributions and efforts are much appreciated and should be celebrated. I wish them the best of luck in all future endeavors.

INTRODUCTION OF A BILL TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. LOBIONDO. Mr. Speaker, the New Jersey Coastal Heritage Trail incorporates the very best of what the great State of New Jersey has to offer the rest of the Nation. Established by Congress in 1988, the Trail unifies New Jersey's many scenic points of interest. These points of interest include a wealth of environmental, historic, maritime, and recreational sights found along New Jersey's coastline, stretching 300 miles from Perth Amboy in the north, Cape May in the extreme southern tip of the State and Deepwater to the west.

The trail's area includes three National Wildlife Refuges, four tributaries of a Wild and Scenic River system, a Civil War fort and national cemetery, several lighthouses, historic

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

homes, and other sites tied to southern New Jersey's maritime history. Through a network of themes and destinations, the New Jersey Coastal Heritage Trail connects people with places of historic, recreational, environmental and maritime interest.

One exciting aspect of the New Jersey Coastal Heritage Trail Route is its focus on maritime history. There is a rich story to be told about the industries once sustained by the Delaware Bay, such as whaling, shipbuilding, oystering and crabbing. While we often define our Nation's history through military or political milestones, the Trail will serve to remind visitors that maritime-dependent commerce was a major factor in the growth of the United States.

"Eco-tourism" along the Coastal Heritage Trail has proven to be a huge success. There is an abundant variety of natural habitats and species to be found on the Trail. Whale and dolphin watching have become extremely popular, and bird lovers from throughout the country, and in fact around the world, are realizing what Southern New Jersey residents have known all along: our region is unmatched for observing migratory birds, ospreys, and bald eagles.

Today, I am introducing legislation to reauthorize the New Jersey Coastal Heritage Trail Route. This legislation would extend the authorization of the trail to provide additional funding over 2 years to continue the work begun in 1988. It would also initiate a Strategic Plan which would explore opportunities to increase participation by national and local private and public interests, as well as organizational options for sustaining the trail.

The New Jersey Coastal Heritage Trail has helped New Jersey residents develop pride, awareness, experience with, and understanding of our coastal resources and its history. This reauthorization will allow the trail to continue and flourish.

I urge my colleagues in the House to support this legislation.

HONORING THE DISTINGUISHED SERVICE OF RICHARD PUCKETT

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. GORDON. Mr. Speaker, I rise today to recognize the outstanding service of Richard Puckett, the operations manager of the Mid-Cumberland area of the U.S. Army Corps of Engineers. Richard is retiring from the Corps after 42 years of service.

During his tenure Middle Tennessee communities saw vast improvements to recreational facilities available on Corps-managed lakes in the Mid-Cumberland region that I represent. Not only do these lakes and facilities improve the mental and physical well-being of our citizens, they also greatly benefit local economies. Richard, therefore, can take much credit for enhancing the lives of many Middle Tennesseans.

His professionalism and responsiveness to the public's needs have been admirable. It has been a real pleasure working with Richard and his staff over the years. The Corps of Engineers and the people of the Mid-Cumberland are going to miss him, but Richard deserves some recreational time of his own. Once again, I congratulate him on a great career and wish him the best in his retirement.

TRIBUTE TO SPECIALIST JONATHAN CASTRO

HON. KEN CALVERT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. CALVERT. Mr. Speaker, I rise to pay tribute to a hero from my congressional district. On December 21, 2004, U.S. Army Specialist Jonathan Castro of my hometown of Corona, CA, was killed in Mosul, Iraq. Specialist Castro, along with 18 other American soldiers, died from injuries sustained when their dining facility was attacked. I would ask that the House of Representatives honor and remember this incredible young man who died in service to his country. Specialist Castro will be remembered as a hero who lived a life filled with compassion and a respect for all people.

Jonathan, son of Jorge and Vickie Castro, spent most of his life in Corona, CA. The summer after graduating from Corona's Centennial High School in 2001, he enlisted in the Army. He entered the military with the hope that it would enable him to pay his own way through school and would open his eyes to the world. He was assigned to the 73rd Engineer Company in Fort Lewis, WA, and was deployed to Iraq in October, 2004.

He is remembered not only for his caring nature, but also for his intelligence. He was a budding engineer with a talent for working with metals and wood, as well as having strong skills in computer-aided drafting. He demonstrated creativity and ingenuity during high school as he built his own electric guitar, as well as a full-sized electric car.

On December 1, 2004, in Mosul, Iraq, while sharing a meal with his fellow soldiers, the dining facility was attacked. This has been the deadliest blast to date at a U.S. military base in Iraq, with 22 people killed. Specialist Castro was only 21 years old. He is survived by his loving parents and seven brothers. Jonathan was decorated posthumously with the Bronze Star and the Purple Heart.

Jonathan, and men and women like him, contribute to the incredibly rich history of our country. I commend all our service members who volunteer to defend our ideals of freedom and democracy.

I extend my ongoing thoughts, prayers and deepest gratitude to the Castro family. I hope they know their son and brother's goodness and sacrifice will never be forgotten.

INTRODUCING SAME DAY VOTER REGISTRATION LEGISLATION

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. SABO. Mr. Speaker, today, I am introducing the Same Day Voter Registration Act of 2005. This legislation is simple and straightforward: it would allow every eligible citizen to register and vote on Election Day for Federal elections.

The right to vote is the most fundamental of American democratic values. Yet, last November we again heard disturbing reports of voter intimidation, disenfranchisement, machine error, and fraud. If we truly value the right to vote, we must do more to restore public trust in the integrity of our election process.

We should also remove cumbersome voter preregistration requirements. My home State of Minnesota has allowed same day voter registration since 1974. The result: Minnesota is a national leader in voter participation. In 2004, 77.7 percent of eligible Minnesotans voted. Over 20 percent of those voters registered on Election Day.

Same-day voter registration has greatly contributed to consistently high voter turnout in Minnesota. I believe this law has also encouraged new voters, especially young people, to turn out in higher numbers.

Many of the States with low voter turnout also have preregistration requirements of up to 30 days. It is unknown how many Americans have been prevented from exercising their constitutional right to vote only because they were unaware of cumbersome preregistration requirements. My bill will ensure that everyone with the legal right can vote, even those who become engaged in the closing days of an election.

I hope that my colleagues will join me in making Same Day Voter Registration the law of the land.

RECOGNIZING FRANK WOODRUFF BUCKLES

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mrs. CAPITO. Mr. Speaker, I rise today to recognize Frank Woodruff Buckles, a World War I veteran who lives in Jefferson County, WV, and cordially ask my colleagues here in the House of Representatives to join me in wishing Mr. Buckles a happy 104th birthday.

Frank Woodruff Buckles was born in Harrison County, MO, in 1901. At age 16, Mr. Buckles enlisted in the U.S. Army and remains today one of America's few surviving Veterans of the Great War. Following the Armistice of 1918, Mr. Buckles helped escort POWs back to Germany, only to ironically become a POW himself while working for a steamship company in the Philippines during the Japanese invasion of 1941. As a POW, Frank Buckles took it upon himself to help his fellow prisoners by tending the sick and feeding the hungry. In fact, Mr. Buckles even convinced the

Japanese, who were starving and torturing the prisoners, to allow him to plant a vegetable garden in the camp so the prisoners would have more rations. On February 23, 1945, General MacArthur got word of the prisoners and ordered the 11th Airborne Division to rescue them. With no casualties taken during the rescue, the prisoners were freed and their 3-year ordeal was finally over.

Following the war, Frank married Audrey Mayo and moved to the farm in Jefferson County, WV that his ancestors have owned since 1732. At age 104, Frank Buckles continues to work the farm, drive his tractor, and likes to read books in several different languages. Frank Buckles is an American hero and truly an inspiration to us all.

In honor of Frank Buckles and his many years of hard work, dedication, and commitment to his family, community, and. country, I ask my friends in Jefferson County and my colleagues here in Congress to join me in wishing him a happy 104th birthday.

HONORING KVBC CHANNEL 3 ON ITS 50TH ANNIVERSARY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. PORTER. Mr. Speaker, I rise today to honor KVBC Channel 3 on their 50th anniversary. Just as Southern Nevada has grown, so has Channel 3, the NBC affiliate serving fast-growing Southern Nevada in the Nation's 51st television market.

In 1954, the original Channel 3 studio began in a small building on Desert Inn and Boulder Highway. In 1979, Channel 3 moved into their current studios, a one-time roller rink, on Foremaster Lane and Las Vegas Boulevard.

Today, Channel 3 is the highest rated local nightly newscast, reaching a population of nearly 1.7 million people in Southern Nevada. In fact, every week, 4 out of 5 homes in Clark, Lincoln and Nye Counties tune in to Channel 3.

KVBC Channel 3 is owned by Jim Rogers, Chairman of the Sunbelt Communications Company. Mr. Rogers is a long-time Las Vegan and one of the largest contributors to education in the Nation. He is currently the Interim Chancellor of Nevada's University system.

Channel 3 is also home to many long-time employees and on-camera personalities such as Sue Manteris, Denise Rosch, Kendall Tenney, Jim Snyder, Nina Radetich, Beth Fisher, John Fredericks, Captain Gregg Deacon, Tom Hawley, Mitch Roberts, Rick Strasser, and General Manager Gene Greenberg who has been with Channel 3 for 28 years. Each of these individuals has been generous with their own time serving the community they love.

KVBC Channel 3 has always dedicated itself to bringing the news of the day to Southern Nevada residents, and stands firm in its commitment to be "Where News Comes First." I extend my best wishes to Jim Rogers and his entire team at KVBC Channel 3 on the 50th anniversary of the television station.

MEN'S HEALTH ACT

HON. RANDY "DUKE" CUNNINGHAM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. CUNNINGHAM. Mr. Speaker, over the past 20 years Congress has devoted a great deal of time and money addressing the important issues facing women's health. We created an Office of Women's Health at the NIH and we have taken great strides to increase the number of women included in heath studies. We have undoubtedly saved hundreds of thousands of women's lives, improved the quality of many millions more, and we have every reason to be proud.

However, we must now begin to focus on the crisis in men's health too. The simple fact is that every year hundreds of men suffer and die needless—and entirely preventable—deaths.

In 1994, Congress established National Men's Health Week, the week leading up to and including Father's Day. Unfortunately, men's health is not getting any better.

I believe it is time for us to establish an Office of Men's Health. For that reason, I am introducing legislation today that will establish an Office of Men's Health at the Department of Health and Human Services to monitor, coordinate and improve men's health in America.

America needs a concerted effort to combat the problems facing men's health. This year, over 230,000 men will be diagnosed with prostate cancer and approximately 30,000 of these men will die. Of course, we cannot save all these men. Nevertheless, we could save a lot of them. While mammograms and Pap spears have dramatically reduced the death rate from breast and cervical cancers, the death rate from prostate cancer could be reduced by widespread use of a simple test called the PSA. But many Americans have never heard of it.

I am one of the thousands of men who have been saved by a simple PSA test. I was diagnosed with prostate cancer. During my annual examination, my doctor noticed a slight elevation in the readings of a Prostate Specific Antigen (PSA) test. However, it was only after a prostate biopsy that it was determined that I had cancer. Following the diagnosis, with my family, we decided that I should go ahead and have surgery. I am fortunate that my cancer was detected early, that I had a doctor who was familiar with PSA test results, and that I had healthcare coverage for my treatments. In my case, and in the cases of thousands of men, early detection and treatment have meant the difference between life and death.

However, prostate cancer is only a small component of the men's health crisis: men have a higher death rate than women do for every single one of the ten leading causes of death in this country. Men are twice as likely to die of heart disease—the number one killer—40 percent more likely to die of cancer, and 20 percent more likely to die of a stroke. At the turn of the last century, men and women had equal life expectancies. At the turn of this one, women outlive men by 6 years.

Admittedly, the largest part of the problem is that men do not take particularly good care of themselves. Only about half as many men as women have a regular physician. Overall, women are twice as likely as men to visit a doctor for regular check-up factoring out women's prenatal visits.

So if we got men to start going to the doctor would men start living longer? Well, it could not hurt. In a study published by the Commonwealth Fund, nearly 70 percent of men over 40 who visited the doctor were not even asked whether they had a family history of prostate cancer. Men making less than $50,000 a year were even less likely to be asked. Forty percent of men over 50—who should be getting a prostate exam every single year—were not even screened by their doctors. Going to the doctor won't do anything about the fact that four times as many men commit suicide as women, that the victims of violent crime are 75 percent male, that 98 percent of the people who work in the most dangerous jobs in this country are men, and that 92 percent of people who die in the workplace are men.

What can we do about this? First, we can make men's health a public priority. Just as we support public service announcements aimed at getting women to get regular mammograms and do routine self exams, we must support the same kind of campaign to get men to get regular heath checkups and do routine self exams. Testicular cancer, which is the most common cancer in men under 35, is curable if caught early enough. In addition, one of the best ways to do that is to teach boys and young men to check themselves out at least once a month.

As precious as life is, men—just like women—should have the benefit of as much of it as they possibly can. Because they live so much longer, women are in the unenviable position of seeing their husbands, fathers, and even their sons suffer and die prematurely.

So this year, let's spend some time figuring out what we can do to help men be better healthcare consumers and what we can do to give men the support and encouragement and resources they need to be the kind of fathers their kids need them to be and that they truly want to be.

I also hope that all my colleagues will help me by supporting my legislation to establish an Office of Men's Health.

INTRODUCTION OF THE PUSH POLL DISCLOSURE ACT OF 2005

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. PETRI. Mr. Speaker, today, I am introducing legislation to increase the disclosure requirements for telephone "push polls." As many candidates for public office have learned through personal experience, these push polls are not legitimate telephone surveys, but campaign devices designed to smear a candidate under the guise of a standard opinion poll.

Imagine a voter, who has been identified as a supporter of candidate X, being asked in a survey if this support would continue if it was learned that candidate X was guilty of a terrible indiscretion or an outright crime. It doesn't matter whether the allegations are true because the idea that candidate X is somehow unfit for office has been planted successfully. This is a telephone push poll, or "smear" poll.

My legislation, the Push Poll Disclosure Act of 2005, combats this practice by exposing it to the light of day. Specifically, the bill requires that each participant in a federal election poll be told the identity of the survey's sponsor whenever at least 1,200 households are included. It also requires further disclosures when a survey's results are not to be released to the public. In this case, the cost of the poll and the sources of its funding must be reported to the Federal Election Commission, along with a count of the households contacted and a transcript of the questions asked.

The Push Poll Disclosure Act of 2005 is a simple bill. It will not hinder legitimate polling, nor will it burden polling firms with excessive regulations. What this bill does do, however, is regulate smear polls for what they are—campaign activities, and questionable ones at that. This legislation is noncontroversial and should be bipartisan, and its passage will make campaigns for federal office a little bit cleaner. I urge my colleagues to support this bill.

RECOGNIZING FIRE CHIEF MICHAEL J. PRESTON

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. STARK. Mr. Speaker, I rise today to pay tribute to Michael J. Preston, Newark, California's Fire Chief, who is retiring after thirty years of exemplary service.

Chief Preston joined the Newark Fire Department on May 1, 1974 as a firefighter. He rose through the ranks to be appointed City of Newark Fire Chief on January 1, 2001. He was president of the Newark Firefighters Association from 1980 to 1985 and assumed the duties of Fire Marshal on December 16, 1987. In his capacity as Fire Marshal, Chief Preston developed the City's sprinkler ordinance for residential occupancies. He was promoted to First Assistant Fire Chief on January 1, 1990 and promoted to Assistant Fire Chief in 1993.

In 1998, Chief Preston served as the City of Newark's Disaster coordinator and in this capacity, procured an auxiliary water system for emergency use. He was also instrumental in promoting the highest level of advanced life support by supporting the presence of paramedics on City of Newark fire engines. In 1999, Chief Preston served as President of the Alameda County Fire Chief's Emergency Medical Services Section.

He has made numerous contributions to enhance the fire safety of Newark's residents. He secured the Automatic Aid Agreement with the neighboring city of Union City and supported technological advancements for the city by procuring advanced technology fire engines that improved service levels. He has also promoted programs that have proven beneficial to the County of Alameda by assisting in the development of the Alameda County Emergency Medical Service System.

I join the admirers of Michael J. Preston's thirty years of dedicated commitment to excellence and offer my sincere appreciation for all he has done to make a difference.

527S

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. LARSON of Connecticut. Mr. Speaker, today I rise to draw awareness to a bill I will reintroduce to address concerns that have been expressed about political organizations referred to as "527s".

527s are named after a section of the Internal Revenue Code that specifies the tax treatment accorded political organizations and tax-exempt organizations which make political expenditures. Under Section 527, all political organizations are tax-exempt for purposes of federal tax law.

Starting this month, new rules will require more 527s to register with the FEC. 527s whose only purpose is to support or oppose a Federal candidate may only do so with "hard money". Citizens who give to the hard money accounts of these 527s will be under the same contribution limits as if they were giving to Members of Congress. 527s will also not be able to finance their entire operation using "soft money". They will now have to use a mix of at least 50 percent hard money to pay for activates and expenses, raised using federal limits.

This legislation goes a step farther to give the Department of the Treasury, the Federal Election Commission, and the American people a better understanding of 527 organizations by aiming to place them to the same type of reporting requirements as political action committees (PACs) and other political organizations.

This bill will provide the American people with more information about who is donating to the political process and how that money is being spent. If we want to inspire and encourage more Americans to participate in the political process, we must make all aspects of the process accessible to them.

This bill would make 527s more transparent through the four main components of this bill. First, any political organization that meets defined minimum financial requirements must disclose this information to the Department of the Treasury. Second, political organizations that raise, spend or intend to raise and spend over $25,000 in an election year will have to file disclosure reports with the IRS monthly. Previously, organizations in this category were only required to file quarterly. Third, organizations with less than $25,000 in receipts must file quarterly. Fourth, the Department of the Treasury and the Federal Election Commission must work together to improve the database disclosure system.

The guidelines in my bill will bring to light political organizations' donors and demonstrate they have nothing to hide. Moreover, this information will help Americans to make more informed choices.

I believe that efforts to restrict 527 organizations could raise First Amendment concerns and may merely result in their reconstitution as 501(c)4, 501(c)5 and 501(c)6 organizations, which have virtually no public disclosure requirements. I believe that it would be more beneficial to our political process to mandate greater transparency of 527s rather than attempting to shut them down or otherwise curtail their participation in the political process. Therefore, Mr. Speaker, I urge my colleagues to support this bill.

BITTERSWEET RETIREMENT

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. COSTA. Mr. Speaker, I rise today to honor and wish well in retirement Mr. Tom Clark, of Bakersfield, California. This individual has served his community, his state, and his country well.

Born October 21, 1945, Tom attended school in Bakersfield until he joined the army in 1968 and was promoted to the rank of Sergeant E–5. Following his honorable discharge in 1970, Tom enrolled in the Graduate Program at University of Pittsburgh; where he graduated in 1974 with a Master of Science in Water Supply-Water Pollution Control.

We are thankful Tom utilized his training in school to become a key player in water issues back home, in the Central Valley.

Tom was an initiator of the effort to create the Bay-Delta Accord of 1994 as a response to unreliable water supplies. This agreement was a precursor to the CalFed Record of Decision by the Department of the Interior, which provided for a series of agreements between water agencies and environmentalists.

He was a key player in negotiating the Monterey Amendments to the State Water Project contracts that included crucial revisions to the water shortage provision and the transfer of the Kern Water Bank from the State of California to the Kern Water Bank Authority, a Joint Powers Authority. Tom's efforts were lauded by the community and as a show of gratitude he received the prestigious Association of California water Agencies' Excellence in Water Leadership Award in 1996.

Among his many accomplishments, Tom has taken part in numerous state and local water activities; not only in the public sector, but also in the private sector. He has established himself as an authority on water issues, serving as an expert witness for water management and water rights before state and federal courts as well as before the State Water Resources Control Board.

More recently Tom has been challenged as the Kern County Water Agency General Manager, and taken on a number of significant projects and responsibilities including the acquisition of Kern Lower River rights and the coordination of the Agency's supports toward the passage of the CalFed authorization in October 2004.

Tom has served the people of the state of California and the community of Bakersfield in an exemplary manner. For us, his retirement is bittersweet—although it is well deserved his efforts will be greatly missed. I congratulate Tom Clark, and wish his family all the best.

TRIBUTE TO JIM MEJCHAR, 2004 WISCONSIN CITIZEN OF THE YEAR, WEST ALLIS-WEST MILWAUKEE CHAMBER OF COMMERCE

HON. GWEN MOORE

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. MOORE of Wisconsin. Mr. Speaker, I rise today to recognize the accomplishments of Jim Mejchar, retiring President of the West Allis-West Milwaukee Chamber of Commerce in February 2005. Mr. Mejchar served in that position for 9 years.

Mr. Mejchar has resided in West Allis for over 40 years, and served on the West Allis police force for 27 years, retiring as a Police Captain. Further, he worked as a Community Development Officer for the Tri-City Bank.

Jim represents a commitment to which we should all aspire, the willingness to get involved and give back to his city. Mr. Mejchar has a firm dedication to community service as demonstrated by his participation on a number of committees and organizations, including: City of West Allis' Block Grant Committee, West Allis Historical Society, West Allis Business Improvement Board and Central Committee, Wisconsin State Fair Board, the West Allis Strategic Planning Committee and West Allis Media Committee Board. Currently he serves on the board of the Kids From Wisconsin and is the Secretary of the West Allis Rotary Club.

I am pleased to recognize Jim Mejchar's accomplishments today. I, along with the people of West Allis wish him a much earned retirement. Congratulations and thank you, Jim, for your dedication to public service.

YOUNG AGENCY CELEBRATING A CENTURY IN BUSINESS

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. WALSH. Mr. Speaker, I rise today to recognize the 100th anniversary of the Young Agency, Inc., an independent insurance, bonding, and risk-management company located on Syracuse's North Side. Since its inception in 1905, the agency has grown into a 100 employee business with close to 10,000 clients.

George Young, the founder of Young Agency, began his business in 1905 by selling fire insurance door-to-door. After several location changes, the agency moved to its current office at Bridewater Place at 500 Plum St. George Young passed away in 1936, leaving the agency to his sons, Albert and Carl. With the help of George Schunck, George's grandson, and Roy S. Moore III, the current president, the agency has expanded into a respected company with more than $220 million in annual premiums. In 2001, Young merged with Florida-based Brown & Brown, Inc., the nation's eighth-largest insurance brokerage firm.

On behalf of the clients, employees and community members of Syracuse, I extend my best wishes and many more successful years to the Young Agency, a valued fixture in our community.

HONORING CAPTAIN MARK STUBENHOFER

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to honor and remember the life of Captain Mark Stubenhofer and his remarkable service to the United States of America.

Captain Stubenhofer was born on April 18, 1974 in Fairfax, Virginia. He grew up here in the suburbs of this great capital of freedom and was an all-American from the start. He delivered newspapers in the morning before school and worked long after the school day ended doing homework or practicing baseball. He attended West Springfield High School here in Fairfax, Virginia and attended Nativity Catholic Church nearby. He was elected Student Government Vice President at West Springfield and during his senior year played baseball on the varsity squad. He attended Clemson University where his leadership skills were honed through the school's ROTC program. He graduated from Clemson in May of 1996 and immediately began fulfilling his obligation to the Army.

Captain Stubenhofer was commissioned as an infantry officer and attended both the elite Airborne and Ranger schools. He went on to serve two tours in support of Operation Iraqi Freedom. In his first tour in 2003 he helped liberate five Iraqi cities. In his second tour Captain Stubenhofer served as a company commander for the 1st Battalion, 41st Infantry Regiment, 3rd Brigade, 1st Armored Division. He was awarded numerous medals and honors, among them two Bronze Star Medals, the Purple Heart, the Meritorious Service Medal, and two Army Commendation Medals. Tragically, he was killed in combat on December 7, 2004.

During his final tour of duty, Captain Stubenhofer's third child was born—a daughter he would never see or hold. He asked his wife Patty to name the child Hope. Mark, in his last phone conversation to his parents, commented that it was hope that brought him to Iraq and to the service of his country.

Mr. Speaker, we owe Captain Mark Stubenhofer, and all those who have made the ultimate sacrifice for their country, a debt of gratitude that can never be repaid. While we pay homage to fallen heroes like Mark with monuments of stone, the most fitting tribute is the enduring memory of their lives. As Pericles, the great orator, builder, and general of Athens said, "For to famous men all the earth is a sepulcher; and their virtues shall be testified not only by the inscription in stone at home but by an unwritten record of the mind, which more than of any monument will remain with everyone forever."

Mr. Speaker, I call on this body to forever remember Captain Mark Stubenhofer and to keep record in our minds and hearts, the great works and sacrifices that our sons and daughters of the military continue to make on our behalf.

INTRODUCTION OF JOHN'S LAW

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. LoBIONDO. Mr. Speaker, we will soon observe the fifth anniversary of the tragic death of one of my constituents. U.S. Navy Ensign John Elliott, who had just received his commission to Naval Flight School in Pensacola, Florida, was struck and killed by a drunk driver on July 22, 2000. The accident instantly killed Elliot and seriously injured his passenger, Kristen Hohenwarter.

Sadly, it was later discovered that the driver responsible for Elliott's death had been arrested for drunken driving earlier that evening. Having called for a ride, he was picked up by a friend and returned to his car. Elliott was on his way home for his mother's birthday party when he crossed paths with the intoxicated driver.

Nearly 5 years after that tragic accident, his parents continue the fight to save other families from the grief they have endured. Lobbying the New Jersey State Legislature, the Elliott's saw to fruition the drafting, passage and ultimate enactment of John's Law. The law ensures that individuals who pick up an arrested driver sign a document accepting custody. Additionally, it gives State Police the authorization to impound the automobile of an arrested driver for up to 12 hours.

Today, I am introducing legislation to encourage all states to enact legislation to require law enforcement officers to impound motor vehicles of those charged with driving while intoxicated (DWI). The legislation would make states that adopt DWI vehicle impoundment programs eligible to receive federal grant funds under the existing Alcohol Impaired Countermeasures Program to help defray costs.

We are making important strides to eliminate the senseless deaths caused by the lethal mix of alcohol and automobiles. Annual deaths from drinking and driving have decreased from approximately 28,000 in 1980 to 16,068 in 2000. In 1982, 57 percent of all traffic fatalities were alcohol-related. In 2000, that percentage fell to 38 percent. However, much work remains to be done. Each death is a preventable one and I am sure this resolution will go a long way in ensuring deaths like Ensign Elliott's are prevented and families are saved from the pain the Elliotts and other families across the nation have endured.

I urge my colleagues in the House to support this legislation.

IN HONOR OF SPECIALIST MICHAEL S. EVANS

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. CRENSHAW. Mr. Speaker, I rise today to pay tribute to a fallen soldier who lost his life in the line of duty. On January 28, 2005, United States Army Specialist Michael S. Evans died in Baghdad when his military vehicle was struck by an improvised explosive device. Specialist Evans was serving in support of Operation Iraqi Freedom.

Mr. Speaker, Specialist Evans gave his life in the service of his country. He answered the call when his Nation needed him. His willingness to serve our country has made our Nation safer and more secure.

I hope Michael's wife Melissa, his parents Michael and Wynette, and the rest of his family and friends know that our Nation thanks him for his service and sacrifice. He served our Nation as a patriot. His contribution will never be forgotten.

Specialist Evans was assigned to B Company, 1088th Engineer Battalion, 256th Infantry Brigade, Army National Guard, New Roads, Louisiana. Specialist Evans's wife resides in Metaire, Louisiana and his parents live in my hometown of Jacksonville, Florida.

INTERNATIONAL CUSTOMS DAY

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. SHAW. Mr. Speaker, I rise today to commemorate International Customs Day and show support for all the men and women in the Department of Homeland Security who enforce our customs laws. They deserve our gratitude and appreciation.

International Customs Day marks the day that the World Customs Organization (WCO) commenced its first meeting on January 26, 1953. This date has grown in significance through the years as we better appreciate the services performed by customs agencies around the world. These agencies keep the world economy running smoothly by facilitating the movement of imports and exports even during this time of heightened security.

The WCO evolved out of the Customs Cooperation Council (CCC), which initially was a loose conglomeration of a few members. The CCC member countries were dedicated to establishing uniform rules among the varying customs services as a way of expediting the trade process. After the number of participating members surged, the CCC renamed itself the World Customs Organization to stress the true international nature of the organization. Its current membership is 164 countries, indicating the marked dedication in the international community to the harmonization of these processes to hasten the growth of the trade facilitation process.

Our own agency for customs matters has been evolving for years to meet the ever growing demands of our country. After the world dramatically changed on September 11, 2001, the United States had to reevaluate its mechanisms to facilitate the free, yet secure, movement of trade across our borders. The new offices of U.S. Customs and Border Protection (CBP) and U.S. Immigration and Customs Enforcement (ICE) were formed within the Department of Homeland Security and remain instrumental in assuring that our border remains safe, yet open to the free transfer of goods and services which support our American workers, consumers, and industries. Thus, CBP has launched an innovative program entitled Project Shield America, which integrates trade with homeland security issues by seeking to prevent the trafficking of dangerous weapons into the United States by illegal exporters, in addition to preventing the illegal export of certain goods and commodities. At the same time CBP is continuing its work with the WCO to harmonize and unify the various customs rules which affect international commerce. Similarly, ICE has undertaken the Cornerstone project, which investigates intellectual property crime, trade fraud, and financial crime. It also participates in the coordination of the Intellectual Property Rights Coordination to protect against violations of intellectual property rights.

Levels of trade are at an all-time high, with imports at $664 billion and $12.2 billion in duties collected. The effective operation of customs operations is essential. Thanks to the great strides undertaken by our customs officials and by importers and exporters, 95 percent of FY 2004 entries sampled were found to be compliant with U.S. trade laws.

In the 108th Congress the Committee on Ways and Means examined the changing role of CBP and ICE in our hearing on Customs Budget Authorizations and Other Customs Issues. The Committee will continue its oversight over how CBP and ICE can effectively expedite the movement of goods and services while maintaining the safe borders we as Americans undoubtedly depend upon.

I appreciate this opportunity to personally thank the men and women of Customs for their hard work in continuing to strengthen these vital trade relationships and their vigilance in protecting our borders. I commend their dedication to their role of border protection while continuing to fulfill their long-established mission of trade facilitation.

CONTINUING CARE FOR RECOVERING FAMILIES ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. MARKEY. Mr. Speaker, it has only been a couple months since we commemorated the third anniversary of the most devastating attack against our country since Pearl Harbor. It was a solemn day and an occasion to remember the men and women who perished on that clear Tuesday morning. For the families of the victims, September 11 will always be a difficult date on the calendar. Like the World Trade Center families, the Pentagon families, and the families of first responders, the families of the greater Boston area experienced this tragedy personally as two of the four planes involved took off from Logan Airport carrying their loved ones.

Unfortunately, for many of these brave families, their difficult days are not over. Many of the families who continue to struggle are now faced with the loss of their eligibility through the low-cost COBRA health insurance program.

The COBRA program is intended to provide stability to families as they go through a major life transition, and for 120 days following the trauma of September 11th, it provided critical health insurance for families in Massachusetts, New York, New Jersey, Connecticut, Virginia, and elsewhere who lost a loved one. This temporary assistance has already expired for many of these families and without this legislation, more families will lose their eligibility. Without the security of this program they must struggle to find affordable coverage in the private market, pay enormous health care premiums or go without health insurance.

The families who had their loved ones taken away on September 11th have suffered and lost enough. The least we can do for these brave Americans is provide them with continued access to stable and affordable health insurance.

That is why Senator KENNEDY and I are introducing the "Continuing Care for Recovering Families Act." This legislation will allow families of victims of September 11th to buy health care coverage under the federal COBRA program—the temporary low-cost continuation of coverage available for those who change their job, lose their job or for families that lose their chief income earner through death.

The families who lost their loved ones on September 11th continue to face the hardship and trauma of that devastating day with courage and determination. We should do whatever we can to ease the pain of these brave Americans, and I am proud to be introducing legislation today with Senator KENNEDY to provide these families with continued access to low-cost, quality health care.

I urge the Congress to act quickly to ensure that these brave families not have to go without the security and piece of mind that medical insurance provides.

IN RECOGNITION OF THE FRIENDSHIP PACT BETWEEN THE AMERICAN RED CROSS IN GREATER NEW YORK AND JERUSALEM MAGEN DAVID ADOM

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mrs. MALONEY. Mr. Speaker, I rise to share with my distinguished colleagues an article in the January 27, 2005 issue of the New York Sun regarding the recent announcement by the American Red Cross in Greater New York that it intends to forge a partnership with the Jerusalem Magen David Adom, a branch of Israel's emergency medical, ambulance, blood and disaster services.

The article, by Meghan Clyne, a Staff Reporter for the Sun, is as follows:

> Entering where the international community fears to tread, the Greater New York chapter of the American Red Cross has signed a friendship pact with the Jerusalem Magen David Adom, Israel's Red Cross society. The International Federation of Red Cross and Red Crescent Societies recognizes as full members 181 national Red Cross organizations—including those from Iran, Cuba and North Korea—but not Israel's.

On February 9, a delegation from the Jerusalem MDA—Magen David Adom means Red Star of David—is scheduled to visit New York as part of a continuing exchange between the societies, to learn from the work undertaken by the New York Red Cross, according to officials from the New York chapter. In late November the New Yorkers journeyed to Israel, where they met with MDA officials in Tel Aviv and Jerusalem and visited a settlement to observe how the MDA responds to, and prepares for, emergency situations. At the end of the trip, members of the New York and Jerusalem groups signed a memorandum of understanding making the cooperation official.

One of the benefits of that cooperation is increased training in responding to terrorist attacks, the CEO of the American Red Cross in Greater New York, Terry Bischoff, said.

"Certainly we believe that given issues Israel has unfortunately had to deal with around disasters and terrorism responses, there are things we can learn from them to enhance our response capability," she said. In exchange, Ms. Bischoff said, the Americans are more experienced in providing mental-health and other support services to victims of terrorist attacks and other disasters, an expertise the Israelis hoped to learn from in dealing with the aftermath of suicide bombings and other attacks.

The New York-Jerusalem cooperation "really builds on a 50-year history . . . the American Red Cross has always been supportive of bringing the MDA into the Red Cross movement," Ms. Bischoff said. While the MDA is not an official voting member of the international federation, Israel's national Red Cross organization enjoys bilateral friendship agreements with several other countries, including France and Bulgaria in addition to America. Ms. Bischoff said those agreements—and greater working relationships between the MDA and other nations' Red Cross and Red Crescent organizations—are helpful to the cause of getting Israel fully recognized by the international Red Cross apparatus.

For its part, Ms. Bischoff added, the American Red Cross signed a friendship agreement with the MDA in 2002 and has withheld $25 million in dues from the International Federation of the Red Cross and Red Crescent societies since 2000. It has continued, however, to make contributions to the field work of the International Committee of the Red Cross.

The director of the international department of Magen David Adom, Yonatan Yagodovsky, said he did not see the lack of formal international recognition as a major stumbling block to the MDA's work. "This is a political obstacle that will be overcome," Mr. Yagodovsky said.

He said that while the MDA still hopes to receive official recognition, "there aren't any clouds above the relationship between Magen David Adom and the international movement." Mr. Yagodovsky cited the MDA's recent tsunami-relief work alongside other Red Cross societies as an example.

Magen David Adom was established in 1930 and was denied admission to the international Red Cross community by one vote in 1949, a year after Israel declared statehood.

Mr. Speaker, I request that my colleagues join me in recognizing the American Red Cross in Greater New York for its forward-thinking agreement with Jerusalem Magen David Adom. It is my hope that the International Federation of Red Cross and Red Crescent Societies will soon join its New York chapter and officially recognize Magen David Adom as a full member of the organization.

HONORING THE LIFE OF MARK GOMEZ

HON. LOIS CAPPS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mrs. CAPPS. Mr. Speaker, today I rise to honor the life of a very special young man, Mark Gomez, who recently passed away at age 18. Mark and his parents, Mona and Rudy Gomez, impacted my life very deeply along with many of my staff. Mark was a quietly determined young man who never let his devastating diagnosis of Duchenne Muscular Dystrophy interfere with his desire to attend school or excel in his classes. Neither did his parents, Mona and Rudy.

When he could not attend public school on his own, they adjusted their work schedules (as U.S. Postal Service employees) so that one of them, usually Rudy, could serve as his attendant. Just as remarkably, Mark loved trains. He rode them and drew beautifully detailed pictures of them. One of his pictures hangs in the Santa Barbara Amtrak Station. Just last year, he fulfilled his longtime dream of circumnavigating the United States by train.

I first met the Gomez family when Mark enrolled in kindergarten at Peabody Charter School in Santa Barbara. I was the school Nurse. From the first, making it through the day was a challenge. As his muscles grew weaker and his dependence became more acute, his determination seemed to grow. His parents hosted a fundraiser for the Duchenne Parent Project and family and friends came from far and wide.

When I first ran for public office, Mark, Rudy and Mona were super volunteers. We are among those who mourn his passing and are touched by his legacy. So are students, family and staff at Peabody Charter, La Colina Jr. High and Dos Pueblos High School where Mark had just begun his senior year.

Mark's steady determination and positive outlook on life, despite his challenges, reminds all of us to be strong in the face of adversity. His spirit and passion live on through his artwork, and his enthusiasm for life will always be remembered. I pledge to Mark's parents to dedicate my efforts to combat Duchenne Muscular Dystrophy to the memory of their son.

TRIBUTE TO KATHLEEN DOYLE

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. WOOLSEY. Mr. Speaker, I rise today to honor Kathleen Doyle of Petaluma, California, who is retiring from a long and illustrious career as a small business owner and community advocate. Kathleen and Maggie, her 13-year-old pet schnauzer, will soon be moving to a new home in Arlington, South Dakota to live closer to her immediate family.

A professional CPA, Kathleen leaves behind the accounting firm she established as well as many friends and associates who will miss her expertise, civic experience, and companionship. She has just completed a decade on the Santa Rosa Junior College Board of Trustees where she was relied upon for tracking the budget for other Board members.

An active participant in the fabric of Petaluma's civic life, Kathleen was a founding member of the Petaluma Woman's Club II and served on the Petaluma Chamber of Commerce Board (as President), the Sonoma County Civil Service Commission, the Petaluma Planning Commission, The Petaluma chapter of the Business and Professional Women's Club (as President), and the Petaluma Valley Hospital Foundation. She was also treasurer for the Woolsey For Congress campaign.

Kathleen's new home in a town of 900 will be near her two sisters and their families. She also plans to spend time traveling, perhaps to escape the below-zero temperatures of the Arlington winters.

Mr. Speaker, Kathleen Doyle has been an inspiration to many in the Petaluma community. It is hard to imagine the city without her. However, we know that Petaluma's loss will be Arlington's gain. Good luck to Kathleen in her new life.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. GALLEGLY. Mr. Speaker, on Wednesday, January 26, 2005, I was unable to be present during consideration of H.R. 54, to amend title 31, United States Code, to provide reasonable standards for congressional gold medals. Had I been present, I would have voted "no" on the Crowley amendment No. 2 (rollcall 10); "no" on the Crowley amendment No. 3 (rollcall 11); "nay" on the Motion to Recommit with Instructions (rollcall 12); and "aye" on passage of H.R. 54 (rollcall 13).

RECOGNIZING RONNIE GAGE

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. BURGESS. Mr. Speaker, I am honored to rise today to recognize Ronnie Gage for his commitment to the people and City of Lewisville, Texas. Mr. Gage, Director of Athletics for Lewisville Independent School District, was recently selected as "Citizen of the Year."

The honor and dedication of Mr. Gage to his community should serve as an example to us all. His service extends from aiding and guiding students in their pursuit of higher education, to overseeing a "Fill-the-Helmet" fundraising drive for an injured player. Mr. Gage's efforts to promote Lewisville continue today as he serves as President of the Texas High

School Coaches Association. His talents are now recognized around the state.

Coach Gage chooses not only to involve himself in his community, but also to recruit others to be involved. His effort to help those who need it most grew out of his philanthropic life through organizations such as Christian Community Action and the YMCA. For thirteen wonderful years, Mr. Gage has honored the City of Lewisville with his care and devotion. He has touched the lives of so many, and we are truly thankful.

It is the servant leadership of Mr. Gage, and those like him, which truly makes our Nation great. Once again, Mr. Speaker, it is my honor to recognize Lewisville's "Citizen of the Year" Mr. Ronnie Gage.

50TH ANNIVERSARY OF THE VILLAGE OF BROWN DEER, WI

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. SENSENBRENNER. Mr. Speaker, I rise today to recognize the 50th Anniversary of the Village of Brown Deer, WI. It gives me great pleasure to join Brown Deer in celebrating this historic occasion.

Brown Deer was not incorporated into a village until January 20, 1955. However, its history began much earlier in 1835, when Irish and German migrants from the eastern United States settled in the Brown Deer-Granville area in search of farm lands. A few men from Granville, New York gave the township its name, which means "large city." In 1841, the original towns of Lake and Milwaukee were parceled out into seven townships of roughly 36 square miles apiece. The township of Granville was positioned in the northwest corner of Milwaukee County. It was in the northeast corner of this township where a small community referred to by residents as Brown Deer developed.

With a population of about 225, the first town meeting took place in 1842. The early 1900s showed moderate population growth in the Brown Deer area, but it was not until September 1953 that the process of incorporating Brown Deer into a village began. On November 3, 1953, incorporators applied for an order incorporating the Village with the Circuit Court of Milwaukee County. Following a hearing and a subsequent trial, the people of Brown Deer voted overwhelmingly at a referendum ordered by the Circuit Court in favor of incorporation, thereby officially creating the Village of Brown Deer and making it a municipal corporation on January 20, 1955.

Its humble beginnings helped make Brown Deer the Village it is today. I congratulate the Village of Brown Deer on its incorporation, and wish the residents of the Village of Brown Deer a very happy 50th Anniversary.

IN HONOR OF PAUL BODEN

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. PELOSI. Mr. Speaker, as Paul Boden prepares to step down as Executive Director of the San Francisco Coalition on Homelessness, I would like to thank him for his service to San Francisco's homeless and mentally ill. Paul has been a tireless and thoughtful advocate, ensuring that city, State and national policies on homelessness reflect the diverse needs of our population.

In 1987, Paul founded the Coalition on Homelessness as an organization run by and for the homeless. By hiring homeless and formerly homeless people, the Coalition both ensured homeless people had a voice in setting policies and empowered them with skills they could use to help others.

The Coalition's accomplishments include the creation of the Community Housing Partnership, the Treatment on Demand Program, the Shelter Grievance Project, and the Continuum of Care Plan. In addition, the Coalition created The Street Sheet, a community newspaper highlighting the work of homeless and formerly homeless people through writing, artwork, and poetry.

In addition to his work at the Coalition, Paul helped strengthen many community organizations by serving as a board member at the Community Housing Partnership, the Central City Hospitality House, and the National Coalition on Homelessness. With the National Coalition on Homelessness, he helped draft the Bringing America Home Act, which was introduced in the 108th Congress and aims to end homelessness in the United States.

As he departs the Coalition on Homelessness, Paul is expanding his focus to the national policy debate on homelessness. We will miss his leadership greatly at the Coalition, but it is heartening to know that the network of homeless people, service providers, and advocates he built will continue to act as a voice of conscience for the City of San Francisco. And I am certain that he will continue to make enormous contributions to lifting the lives of the homeless.

INTRODUCTION OF THE FAMILY AND MEDICAL LEAVE INCLUSION ACT AND THE FAMILY AND MEDICAL LEAVE ENHANCEMENT ACT

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mrs. MALONEY. Mr. Speaker, February marks the twelfth anniversary of the Family and Medical Leave Act. The Family and Medical Leave Act (PL 103–3), allows employees to take time off from work to care for a new baby or sick family member. It has allowed more than 35 million Americans to be able to take unpaid leave without the risk of losing their jobs in its twelve years since becoming law. Today, I am introducing two pieces of legislation that will expand the Family and Medical Leave Act (FMLA).

Imagine if your adult child, your parent-in-law, domestic partner or grandparent was involved in a serious car accident and had no one to take care of him or her. Then imagine your employer telling you that you can't take a few days off work to care for your loved one because you are not covered by FMLA. This situation sounds preposterous, but there is no protection for you in current law. That is why I am introducing the FMLA Inclusion and the FMLA Enhancement Acts.

The Family and Medical Leave Inclusion Act (H.R. 1430 in the 108th Congress) amends the FMLA to permit leave to care for a domestic partner, same-sex spouse, parent-in-law, adult child, sibling, or grandparent if that person has a serious health condition. Currently, the FMLA allows qualified workers to take up to 12 weeks of unpaid leave to care for newborns, seek emergency medical care for himself/herself, parents, children under 18 or a legal spouse.

The Family and Medical Leave Enhancement Act (H.R. 956 in the 108th Congress). Building on the success of the FMLA, this legislation would allow more people to benefit from Family and Medical Leave by allowing employees in companies with more than 25 employees to take Family and Medical Leave and would extend employee leave for workers to go to parent-teacher conferences or to take their children, grandchildren or other family members to the doctor for regular medical appointments.

MR. AMADOR CALLEROS—LIFETIME OF ACHIEVEMENT

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I want to recognize and congratulate one of my most distinguished constituents from the 39th Congressional District, Mr. Amador "Cal" Calleros. I commend him for his invaluable contribution to his family, to his company—Southern California Gas, to the Whittier community, and to the Los Angeles area. On January 15, 2005, Mr. Calleros retired from the Southern California Gas Company after 34 years of outstanding service.

Born and raised in East Los Angeles, Mr. Calleros grew up as the oldest of three children, providing a shining example to his sisters. His father Sirilo, who was born in Springfield, IL, and his mother Helen, who was born in Riverside, CA, met in Los Angeles. Mr. Calleros, who was raised by his hard-working father and loving mother, also spent time with his grandmother Maria and his step grandfather Prieto.

In 1965, Mr. Calleros graduated from Montebello High School, where he excelled as the star catcher on the baseball team. After high school, Mr. Calleros attended Los Angeles Trade Tech for a short time before he decided to enlist in the military, where he pursued a special interest in the communications branch of the Army. The war in Vietnam was escalating and Mr. Calleros wanted to serve his country. He was stationed in Strasbourg, Germany, for 2 years from 1966 to 1968, where he awaited the call to the Far East. Though he never was asked to serve in Vietnam, Mr. Calleros suffered the loss of countless friends from East Los Angeles who were killed in the Vietnam War. Upon his return, Mr. Calleros helped bring comfort to these families during their time of grief.

In 1970, which proved to be a milestone year for Mr. Calleros, he met and married his wife, Esther, and began his career at the Southern California Gas Company. In 1972, Amador and Esther moved from Monterey Park to Whittier, and still live in the same house. Amador has been a devoted husband to Esther, a supportive father of two sons, and a loving grandfather of one. Though committed to his work, he has always put family first, and this commitment has helped to create a strong family and nurtured immediate and extended family members.

Having lived in Whittier for over 30 years, Mr. Calleros has volunteered his time at Lambert Little League, Gunn Park (now called Adventure Park), California High School, and St. Gregory the Great Parish. His greatest passion is coaching baseball. Through coaching, Mr. Calleros has provided instruction, mentoring, and guidance to hundreds, if not thousands of youth from Whittier, La Mirada, and other surrounding areas of the 39th Congressional District.

Professionally, Mr. Calleros distinguished himself within the Southern California Gas Company. He began his career as a field technician with his shiny, white Gas Company pick-up truck. Having excelled as a technician, he moved on to become a meter-reader, a field service representative, a measurement analyst, and eventually a measurement technologies expert. The latter two jobs were completed as a member of the management team. It was rare for someone who started out in meter reading to ascend to management, but Mr. Calleros did, paving the way for others to do the same. He continually gave his coworkers inspiration and valuable leadership, which enabled them to succeed.

Mr. Calleros has generously offered support to his family, his baseball players, his neighbors, his colleagues, and his friends. He has dedicated his entire professional career to one organization to which he remained loyal. I am pleased to commend and thank him for his excellent work and look forward to many more years of his service to the community.

CONGRATULATING THE IRAQI PEOPLE ON AN HISTORIC ELECTION

HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. CRENSHAW. Mr. Speaker, I rise today to commend the people of Iraq for going to the polls this weekend to participate in their first free elections in over 50 years. In many cases, Iraqis defied death threats to take another significant step toward rebuilding their country and reconstituting a society built on democracy. The huge number of people who voted is clear evidence of the historic transformation ongoing in Iraq. Their actions serve as a signal to the United States and to the world that Iraqis are anxious to embrace freedom.

As independent accounts have verified, the turnout for Iraq's elections surpassed all expectations. But let it not be called a surprise, Mr. Speaker, that the people of this country, no longer living under a cloud of fear, are eager to freely elect a leader to lead a free Iraq.

As President Bush has said, it was the Iraqi people who made this election a resounding success. But it also bears mentioning that these elections would not have been possible without the leadership of President Bush. It also bears mentioning that these elections would not have occurred had it not been for the will of enlightened countries that allied with us in our war on terrorism. From the first day of the invasion, through the toppling of a tyrant, to today, these countries stand firm in their commitment to fight terrorism.

I commend the Iraqi people for their strength and willingness to embrace freedom. I know many have died in making this day possible and we mourn those we have lost. Though this election is just one step, it is representative of the Iraqi commitment to a brighter future, a future that I believe, Mr. Speaker, is based on peace and freedom.

CONGRATULATING THE AMERICAN MEDICAL WOMEN'S ASSOCIATION ON THEIR 90TH BIRTHDAY—THE VISION AND VOICE OF WOMEN IN MEDICINE

HON. NEIL ABERCROMBIE

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. ABERCROMBIE. Mr. Speaker, I rise today to extend my deepest congratulations to the American Medical Women's Association, AMWA, on the occasion of its 90th birthday year celebration.

Throughout this century, AMWA has been indefatigable in its efforts to advance women in medicine and to promote women's health. As the leading multidisciplinary association of women in medicine in our country, AMWA has encouraged and honored excellence in the fields of medicine, healthcare and science through a wide array of scholarships, grants, and awards, as well as diverse educational programs for physicians, medical students and the general public.

AMWA's Local Legends program is a partnership with the National Institutes of Health's National Library of Medicine and the NIH Office of Women's Health Research. This past year, I was fortunate enough to nominate Dr. Marian E. Melish and Dr. Cynthia Goto, two outstanding physicians from the state of Hawaii. Dr. Melish is a Professor of Pediatrics, Tropical Medicine and Medical Microbiology at the John A Burns School of Medicine of the University of Hawaii. She is also Chief of the Infectious Disease Division of the Department of Pediatrics and Medical Director of Infection Control at the Kapiolani Medical Center. Dr. Goto is a second generation OB–GYN practitioner. Her father, Dr. George Goto, was the champion of women's reproductive rights in the nation and in Hawaii in the 1960s. Dr. Cynthia Goto continues that tradition through her work to connect Hawaii's public health services with clinical care for women and infants. Her efforts have resulted in an ongoing collaboration between Hawaii's OB–GYNs, the Healthy Mothers Healthy Babies Coalition and the March of Dimes.

AMWA has distinguished itself through support of numerous charitable programs, particularly focusing on the needs of disproportionately disadvantaged women and their families. For 75 years, AMWA's American Women's Hospitals Service, AWHS, clinics in the U.S. and abroad have provided desperately needed care to the medically underserved. In addition, hundreds of medical students and residents have received remarkable healthcare training in these and other remote clinics worldwide through AMWA's AWHS travel stipends.

AMWA's advocacy on behalf of women's health and research, especially bringing underaddressed concerns to the national agenda, has made AMWA a leading voice for the care of women and their children. Again, I wish to commend and congratulate AMWA for making a positive and enduring contribution to the healthcare of the communities and our country.

GLEN PARK ELEMENTARY

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. BURGESS. Mr. Speaker, I rise today to commend Glen Park Elementary, located in the 26th Congressional District of Texas, for its recognition as a 2003–2004 Blue Ribbon School.

I congratulate Glen Park Elementary, under the leadership of Principal Dr. Cassandra Morris-Surles, for this outstanding achievement. Glen Park Elementary is only one, of fifteen, Texas schools, and 250 schools nationwide, honored as a "No Child Left Behind" Blue Ribbon School.

No Child Left Behind is the landmark education reform law designed to change the culture of America's schools by closing the achievement gap, offering more flexibility, giving parents more options and teaching students based on what works. Foremost among the four key principles is an insistence on stronger accountability for results.

As we work to improve our education system, it is important that we have accurate information about the performance of our schools and our ability to teach our students. With that information, we need to praise these schools, teachers and administrations which meet the high standards of "No Child Left Behind."

Glen Park Elementary is a stellar example for Texas school and is a strong example for all American schools. Glen Park has high scholastics marks and continues to be a premier school in our community.

I am proud of the education system in Texas; especially our involved parents and teachers at Glen Park Elementary who commit their lives and time to fostering growth in their students. Congratulations to the student, parents, teachers and administration at Glen Park Elementary.

PERSONAL EXPLANATION

HON. ELTON GALLEGLY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. GALLEGLY. Mr. Speaker, on Tuesday, January 25, I was unable to be present during consideration of H. Con. Res. 16, Congratulating the people of the Ukraine and Victor Yushchenko on his election as President of Ukraine and his commitment to democracy and reform (rollcall 8); and H. Res. 39, Commending Countries and Organizations for Marking the 60th Anniversary of the Liberation of Auschwitz and Urging a Strengthening of the Fight Against Racism, Intolerance, Bigotry, Prejudice, Discrimination and Anti-Semitism (rollcall 9). Had I been present, I would have voted "yea" on both measures.

ARTICLE ABOUT THE MEMORY OF THE HONORABLE ROBERT T. MATSUI

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. EMANUEL. Mr. Speaker, I rise to call the attention of the House to a wonderfully written column by Norman Ornstein about the memory of our colleague, the Honorable Robert T. Matsui, who passed away on January 1. Mr. Ornstein's column, published in the January 26 edition of Roll Call, captured the very essence of Bob's spirit and reminded us why we all will miss him so much—because he was an "all-around great guy" whose warmth, wit and bipartisanship will live on and inspire future leaders in this chamber to serve with the same kind of grace and style that Bob possessed in spades.

[From Roll Call, Jan. 26, 2005]

BOB MATSUI: WONK, FIGHTER, AND ALL-AROUND GREAT GUY

(By Norman Ornstein)

Some years ago, I had the good fortune (or misfortune) of appearing on the cover of a now-defunct glossy magazine called Washington Dossier, wearing a fancy tuxedo while dancing with an elegant model (who was about 6 inches taller than me).

A couple of weeks later, I got a call from the office of Rep. Bob Matsui (D-Calif.) asking me to come by for a meeting on some issue he was dealing with on the Ways and Means Committee. I dutifully showed up, to find that it was a pretext for Bob to give me a nicely framed picture with the Dossier cover and the inside picture.

I treasure that picture—but I treasure even more the photograph I received later. It was taken by one of Bob's staffers, showing Matsui giving me the gift, beaming about the surprise he'd managed to pull off.

That was vintage Bob Matsui: a delight in surprising one of his friends, a warmth and goodness that is rare in any group of people but even rarer at the top reaches of rough-and-tumble politics. Weeks after the fact, I am still having trouble coming to grips with the reality that he is gone.

I first met Bob and his wife, Doris, soon after he was elected to the House in 1978. Bob drew people to him because he was so warm, open, unpretentious and bright. I shared with him a love of baseball and of politics. He and Doris and my wife and I became good friends, sharing news of our kids growing up, dissecting current events, talking about the Orioles and sometimes going to games.

Unlike many people in elite levels of politics, television, law or business, Bob was not self-absorbed. The line, "But enough about me. What do you think of me?" applies: to many (as each of us could name) but it did not apply to him. He was genuinely interested in others, and took genuine delight in their achievements.

Through the years, I watched Bob up close as his career in Congress soared. He first shot to national prominence when he led the effort to get reparations for the Japanese-Americans who had been forced into internment camps during World War II. Of course, he had been among them, spending the first few years of his life in such a camp. He and his House colleague Norm Mineta (D–Calif.) handled that issue with determination and drive—but without bitterness or recrimination. The process became a template for reconciliation. It also showed Bob as a proud American, not cynical or bitter but simply wanting to see his country make amends for a huge mistake.

That alone would have made a terrific career. But Bob made his mark in so many more areas. In trade, he was a model bipartisan, willing often to take on his own party as he fought for the free-trade ideals he believed in, looking to find common ground with allies such as Reps. Jim Kolbe (R–Ariz.) and David Dreier (R–Calif.), and looking as well to find common ground on issues such as labor and environmental standards as a way of broadening the free-trade coalition. (He was disappointed to find that the current House was not interested in broadening coalitions beyond the majority of the majority party.)

Bob became a world-class expert on welfare and Social Security. He was a policy wonk who loved politics, a gentle man who had a fierce attachment to his values and policy views, a partisan who also wanted to work with those across the aisle, and a man who could use ferocious rhetoric to defend the downtrodden but who seemed to have no enemies, even among those he excoriated.

I have had the privilege of having many members of the House and Senate as friends, spanning both parties and all viewpoints. They have included many currently serving or recently retired, along with such now-deceased leaders as Speaker Tip O'Neill (D–Mass.) and House Minority Leader John Rhodes (R–Ariz.), and superstars—of public service like Rep. Barber Conable (R–N.Y.) and Sen. Daniel Patrick Moynihan (D–N.Y.).

I think what all my friends in Congress have shared is their love and respect for the institution, their joy of serving, and their delight in politics. That was true, in spades, of Bob. He embodied all that is right about politics and the legislative process, all that is great about America. As partisan as he grew in the ever-more-partisan House, he refused to divide the world into friends and enemies. He carried himself with class. His dismay with the House led him to take the brutal job as chairman of the Democratic Congressional Campaign Committee, which he did dutifully and well over the past two years, without any of the sleaze now so common in elections.

During the beautiful memorial service for him in Statuary Hall, Sen. Hillary Rodham Clinton (D–N.Y.) provided the take-home phrase: She hoped that during the coming years, as we face nasty and brutish partisan politics and debate, that we could pause from time to time for a "Matsui Moment."

Everybody in the hall understood what she meant, including Speaker Dennis Hastert (R–Ill.), who had the class to allow the memorial service to be held in that hallowed and rarely used space. Despite the tension of recent years, the Speaker noted that Bob Matsui never failed to come across the aisle to say hello to him, to be pleasant and forthcoming. I hope he, and his colleagues, will remember the idea of the Matsui Moment and apply it. God knows such moments have been in short supply.

Bob knew about his disease for some months. He and Doris decided that he was not going to change his life or curb his energy in face of it. Rather, he was going to carry on with what he believed in and what he was dedicated to do. That included finishing his responsibilities with the DCCC and preparing for his crucial role as point man for the Democrats on Social Security. Up to the last, he followed what was going on in the world and worked on a strategy for Social Security.

My family and I got back from our holiday late on the evening of Jan. 1. I opened the mail, and went right for the famous Matsui Christmas card, which was especially delightful this year, with its gorgeous pictures showcasing Bob and Doris' beautiful pride and joy, granddaughter Anna. The next morning, I checked my e-mail and saw the news about his death—and literally fell off my chair.

I am glad that Bob will be replaced by Doris, who, like Lindy Boggs, will come to Congress as a remarkable talent from day one. But I miss my friend and miss even more what he brought to politics, to Congress and to America.

DEFENDING CIVIL LIBERTIES

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. SANDERS. Mr. Speaker, on Monday, January 31st, 2005, I held a town meeting at the Vermont Law School on the state of civil liberties in America. Joining me at the meeting were Professor Cheryl Hanna of Vermont Law School; Professor Stephen Dycus of Vermont Law School; Trina Magi, Past President of the Vermont Library Association; and Ben Scotch, the Former Executive Director of the Vermont American Civil Liberties Union. Well over 200 people participated in the meeting.

Mr. Speaker, in the United States today there is a great concern about terrorism. Our country suffered a horrendous tragedy on September 11th, 2001—and there is no doubt in my mind that there are people on this earth who would like to attack us again.

Is terrorism a serious problem? The answer is "Yes, it is." Should the United States and the rest of the world do all that we can to protect innocent people from terrorist attacks? The answer, once again in my view, is "Yes, we should."

But the question that we are struggling with in Congress and throughout our country is: "Do we have to sacrifice our basic liberties and constitutional rights in order to protect ourselves from the threat of global terrorism?" And in my view, the answer to that question must be a resounding "No."

Mr. Speaker, I would like to submit an article that ran in the Rutland Herald on Tuesday, February 1, 2005, about this town meeting.

PANEL DISCUSSES CIVIL LIBERTIES

ROYALTON.—Big Brother might not be watching just yet, but many believe George Orwell's nightmare is becoming more plausible by the day.

"We need to be aware that a cancer is threatening our basic civil liberties, our constitutional rights and our privacy rights," Rep. Bernard Sanders, I-Vt., said Monday night to a crowd of more than 200 people at Vermont Law School.

The audience filled the Jonathan B. Chase Community Center for the panel discussion on civil liberties and national security with Sanders, VLS professors Stephen Dycus and Cheryl Hanna, former Vermont Library Association president Trina Magi and former Vermont American Civil Liberties Union president Ben Scotch.

Much of the discussion centered on the USA Patriot Act, passed in the wake of Sept. 11, 2001.

Sanders said the issue alone was not just the Patriot Act, which broadened the powers of law enforcement and the federal government, but also how those who want to keep track of people are gaining more ways of doing so.

Sanders said there was an effort in Congress last year to require trackable computer chips in all drivers' licenses.

"Someone with the right kind of device could track your every movement," he said. "George Orwell, here we are. In a few short years, unless we change it, every single thing we do, every place we go, every person we meet could be recorded in a database."

Hanna said the provisions of the Patriot Act that civil libertarians find most troublesome and unconstitutional have been difficult to challenge in court because of the secrecy with which the law allows the government to operate.

"In order to challenge something, you have to have a case," she said. "You need someone who has been harmed. With the Patriot Act, so much of the harm has been clandestine. You might not even know if you were the target of an investigation."

Scotch argued that the real dangers of the Patriot Act were its vagaries and the ways in which it challenged established legal language.

Scotch presented provisions of a bill he called "The Free Speech Enhancement Act of 2005," that would outlaw several forms of speaking out against the government during wartime. He then revealed that the law had been passed, under another name in 1918 and had since been repealed.

"Bills that restrict freedom are more and more subtle and more and more clever," he said. "That's what we're seeing in the USA Patriot Act. When the Sedition Act of 1918 says we're going to ban disloyal speech, it comes out and says it."

Magi said she was worried that the provisions allowing investigators to look at the records of any business, including libraries, without a warrant would destroy the effectiveness of libraries.

"As an academic librarian, it is my job to help students really dig deeper," she said. "In order to do that, students must feel that the library is a safe place to seek information."

Dycus challenged the notion that "normal Americans" who are not terrorists don't need to fear the Patriot Act.

"It would be a terrible mistake to believe none of this concerns you," he said. "You might be right to think that you will never be taken away in the night and detained in a military brig . . . but you shouldn't be so sure. Besides, what our government does with our knowledge it also does in our name."

The floor was opened to questions from the audience, which ranged from angry rants against the Bush administration to questions about what can be done.

One student challenged the one-sidedness of the discussion.

"I was a little surprised the Vermont Law School would have only one side presented," she said. "I would think they would want both sides presented so we, as law students, could learn."

Sanders said the make-up of the panel was his doing and not the school's.

The student went on to challenge some of the assertions about the Patriot Act, saying her understanding was the "sneak and peek" provisions merely expanded capabilities that law enforcement already had.

Scotch replied that the earlier law on which those provisions were based included a requirement similar to probable cause, but the Patriot Act does not.

One man asked how to best strike a balance between preserving civil liberties and vigilance against terrorist threats. Magi said it was something people would have to decide for themselves.

"I think it's really legitimate to be afraid of terrorists," she said. "We can also be afraid of an overreaching government that stretches too far into our lives. There are plenty of examples of lives that were ruined by a government that was not restrained."

Sanders said there was more to the issue than a simple tradeoff and that reductions in privacy don't necessarily lead to increases in security.

Sanders cited the deportation of people advocating trade unions in the 1920s, the internment of Japanese citizens during World War II, the McCarthyism of the 1950s and government surveillance during the 1960s as examples of how the government can be just as much of a threat to the people as those from whom it is supposed to protect them.

"We have got to be vigilant," he said.

Sanders said people need to put as much effort into defending their civil liberties as the Republican Party leadership has put into promoting the policies of the Bush Administration.

"Tom Delay works day and night, fighting for what he believes in," he said. "You have to begin to think about changing the political culture. All of us are going to have to roll up our sleeves and talk to our neighbors."

The key, Sanders said, lies not in just organizing liberals, but reaching out to conservatives.

"It is not moderate Republicans, it is conservative Republicans, people who love their guns and don't want their guns taken away, who are going to join you," he said. "Do you talk to them and or just think they're jerks who aren't as bright as you? Well, that's what they think about you."

Sanders said nobody on the left has the luxury of being depressed or defeatist.

"On issues like this, I believe that once people hear the issues, they understand we can deal with terrorism without the provisions of the Patriot Act," he said.

IN HONOR OF MR. JOHN FREITAS

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Mr. John L. Freitas, who is retiring after 18 years as Executive Director of the Carmel Foundation in Carmel, California. The Carmel Foundation was established in 1950 with the purpose of providing ". . . for the residence, health, care and good living and the welfare and well being of persons in and about Carmel who are advanced in years and not otherwise sufficiently cared for."

Under John's direction, the foundation procured vehicles to provide the residents and members with the independence that mobility affords. Facilities were outfitted with fixtures and appliances designed for both able and disabled people. More than fifty classes and programs were made available to enrich the lives of the members. A new computer learning center was added and became so popular that one thousand members graduated from its classes in the first 5 years, proving John's faith in the interest and ability of these seniors to learn difficult new skills.

John Freitas' strong sense of community and fine balance with his board made it possible for the Carmel Foundation to continue to add enrichment programs. In-home supportive services, assistance with accounting, home safety checks, a weekend meal program, parties and potlucks are just a few of the elements that enhance their members' quality of life and ensure a loyal following. This loyalty flows over to the employees, who can see every day that what they do makes a tangible difference in the lives of all the people.

Mr. Speaker, I applaud John Freitas' many accomplishments, and commend him for the tremendous amount of personal time, thought, and dedication he put into this project. I join the Carmel community in honoring this truly remarkable man for all of his lifelong achievements.

THE RETIREMENT OF THOMAS N. CLARK

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. THOMAS. Mr. Speaker, I rise today to commemorate the retirement of Thomas Newton Clark, General Manager of the Kern County Water Agency. Tom has worked at the Agency for over 20 years, and held the position of General Manager for the last 15. Throughout his career in the California water industry, Tom has shown vision and tenacity when tackling the challenges of competing water interests. He has long been recognized for his negotiating skills and ability to find a resolution acceptable to widely divergent points of view.

Tom is a second generation Californian and a lifelong resident of Bakersfield. He attended Standard Elementary, Standard Junior High, and North High School, graduating in 1963. After marrying Karen on June 19, 1966, Tom spent 2 years in the Army at Fort Irwin, California. After taking classes at Bakersfield College and California State University, Bakersfield for 2 years, Tom then ventured across the country to complete his coursework at the University of Pittsburgh, earning his Master of Science in Water Supply—Water Pollution Control in 1974.

Tom moved back home to California, starting his long career in California water in 1974 with the Kern County Water Agency as a Water Resources Planner. After nearly 4 years with the Agency, Tom sought a new challenge as water manager for Nickel Enterprises and La Hacienda, Inc., where he was responsible for managing the water rights of this farming, commercial and residential water rights development firm. Tom returned to the Kern County Water Agency 8 years later as an Assistant Manager and was promoted to Assistant General Manager 3 years later. In 1990, Tom took on the mantle of General Manager, overseeing all operations of the Agency, including management of its allocated State Water Project water supplies.

Tom is well known for his visionary leadership in promoting the idea of water banking in and around Bakersfield and for his dedicated work to balance California's commercial, residential and agricultural water needs. Tom has always sought to educate water users in more urban areas of California about the importance of water for agriculture, given that the Central Valley is the most productive agricultural region in America. He was one of the lead players in developing the Bay-Delta Accord of 1994 and following that through to State and Federal authorization in subsequent years. In the 108th Congress, I worked with Tom and others at the Agency to ensure a Federal reauthorization of the California Bay-Delta Program, a program that seeks to provide a balance to competing water needs in California.

I wish Tom the best of luck in his retirement. While I understand he is retiring from his high-profile and high-pressure position, he will continue to be a voice and force in California water policy for many years to come.

IN RECOGNITION OF THE 50TH ANNIVERSARY OF UNIVERSAL FOREST PRODUCTS OF GRAND RAPIDS, MI

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. EHLERS. Mr. Speaker, I rise today to give recognition to a company located in my district, Universal Forest Products Inc., which clearly deserves its place under the heading of "American Success Stories."

Universal Forest Products, Inc. was incorporated on February 10, 1955, as a lumber wholesale office specializing in sales to the manufactured housing industry. William F. Grant was the major stockholder and sole salesman. When Mr. Grant decided in 1962 to grow his business, he hired a graduate of Michigan State University, Peter F. Secchia. Nine years later, when the company had sales of $12 million, Secchia, today's company chairman, purchased control of Universal. A year later, he hired William G. Currie, today's CEO and vice-chairman. Together, they have led Universal through three decades of strong, steady growth and great success.

Today, Universal is a $2.5 billion, publicly traded company, trading on the NASDAQ index as UFPI. The company is the leading supplier to the four strong markets it serves—do-it-yourself retail, suit-built construction, industrial and other packaging and components, and manufactured housing. Universal is the largest producer of pressure-treated lumber in the world, the largest producer of roof trusses for manufactured housing in North America, and the nation's largest residential truss manufacturer. Furthermore, it is a leading supplier of value-added products to the do-it-yourself market, maintaining this leadership role as a result of the company's commitment to manufacture, distribute, and market its own products.

Universal is an employer of choice, where more than 9,000 people work. In fact, among the senior ranks, the turnover has been virtually zero; most officers have been with the company for decades. The same is holding true for the new generation of leadership: They're joining the company and staying.

With 96 locations throughout the United States, Canada, and Mexico, Universal produces finished goods within the markets it serves, offering unparalleled distribution and service to its customers.

In 2004, Foress once again named Universal to its "Platinum 400," an annual ranking of the 400 best performing companies in the U.S. with more than $1 billion in revenue, and continues its climb up the Fortune 1000 list, up 35 places to No. 734 in the most-recent rankings. In addition, Industry Week magazine in August 2003 named Universal to its list of "Top 50 U.S. Manufacturers" and CNN's Money Gang show named Universal a "Stock Pick of the Day" in February 2004.

Universal is a great American business success story and it is my privilege to honor the company, its chairman, Peter Secchia, and its thousands of employees today in the U.S. House of Representatives. Congratulations on the occasion of Universal's 50th anniversary.

IN HONOR OF THE NEW EMERGENCY SERVICES CENTER OF MONTEREY COUNTY

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. FARR. Mr. Speaker, I rise today to honor Monterey County's new Emergency Services Center. This state-of-the-art essential services facility houses the County Emergency Operations Center (EOC) and Office of Emergency Services, as well as the consolidated 9–1–1 Dispatch Center, which serves public safety agencies and virtually all 420,000 residents of Monterey County. The need for this facility and its coordinated, integrated approach to emergency and communications services was starkly highlighted during the floods that devastated the county in 1995. Harry Robins, Emergency Services Manager, identified the necessary improvements in planning, budgeting, fiscal constraints, design, construction and installation of equipment, never wavering in his commitment to the vision of what this facility should be, and what it would mean to the people of Monterey County.

Joining the county mid-stream in this planning effort was Emergency Communications Director Lynn Diebold, who solidified community backing and obtained fiscal support from every city and public safety agency served by the unique thirty-year partnership known as "County Comm". The final piece of the support and funding puzzle was achieved when I was able to secure approval for a HUD technology grant of nearly one million dollars. This funding ensured that the facility would be properly equipped to handle the day-to-day calls for police, fire and emergency medical calls for service, as well as improved the county's ability to respond regionally, with all local and State agencies, during any wildland fire, flood, earthquake or man-made disaster. These Federal grant funds were used to purchase essential telecommunications equipment and planning expertise, critical to meeting the joint missions of Emergency Services and Emergency Communications.

The County Board of Supervisors, City Mayors and Councils, Fire District Boards and public safety organizations throughout the county are justifiably proud of their partnership with each other and the Federal government on this important regional project. Board of Supervisors Chair Lou Calcagno remarked at the official opening in August 2004, that he was "particularly pleased that in these challenging fiscal times, this facility was built on time, on budget and is 100 percent paid for." He added, "With no financing or bonds to pay off, this project is a testament to the good planning and hard work of county staff and the support and financial participation of our partner cities and Federal government". City of Monterey Mayor, Dan Albert, who serves as the Chair of the Emergency Communications Policy Advisory Council, acknowledged the dedication and hard work of the 911 dispatchers and staff who handle over 600,000 911 and non-emergency telephone calls and more than 500,000 dispatch incidents annually.

Mr. Speaker, I was pleased to be able to do my part in helping secure funding for this project. I join my colleagues in celebrating the opening of this building that has so many significant benefits to the county, and in thanking all those who work here for their commitment to the welfare of their fellow citizens.

RECOGNIZING THE 100TH ANNIVERSARY OF THE CALIFORNIA LEAGUE OF FOOD PROCESSORS

HON. WILLIAM M. THOMAS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. THOMAS. Mr. Speaker, I rise today to join the California League of Food Processors, CLFP, as they celebrate their 100th anniversary.

For those who are not familiar with the CLFP, it was founded in 1905 in San Francisco and was originally known as the Canners League of California. Its mission then was to represent the canners of California fruits and vegetables. Since then, its membership, and its mission, has expanded to include not only canners but also freezers, dryers, and dehydrators; its membership contains familiar names such as Bell-Carter, Campbell Soup, Del Monte, H.J. Heinz, Kraft, Rio Bravo, Sun-Maid, and Sunsweet.

These companies, along with the other members of the CLFP, play a crucial role in California's $27 billion agriculture industry. In a typical year, CLFP members can, freeze, or dry 11 million tons of tomatoes, 500,000 tons of peaches, 120,000 tons of olives, and millions of tons of other fruits and vegetables such as garlic, prunes, and strawberries.

For the past 100 years, the CLFP has worked to ensure that the food grown and processed in California is of the highest quality. In the process, the CLFP and its Members have encouraged the growth of the California fruit and vegetable industry by being a leader in the development of technological innovations that have helped the industry achieve advances in fruit and vegetable varieties, harvesting automation, processing mechanization, food packaging, and distribution systems. Accordingly, I trust that my colleagues will join me in congratulating the CLFP on their 100th anniversary.

CONGRATULATING GARY SCHMIDT AND OTHER WINNERS OF THE 2005 NEWBERY AND PRINTZ BOOK AWARDS

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. EHLERS. Mr. Speaker, I rise today to offer congratulations and recognition to Prof. Gary Schmidt for having his book for young adults, "Lizzie Bright and the Buckminster Boy," recognized as a 2005 John Newbery Honor Book and as a 2005 Michael L. Printz Honor Book.

Professor Schmidt, a member of the English Department faculty at Calvin College in Grand Rapids, Michigan, in my district, took 3 years to write "Lizzie Bright and the Buckminster Boy," which he based on a tragic 1912 incident—the eradication of a small African-American community from a Maine island by townspeople from the nearby community of Phippsburg, Maine. The story follows the friendship between two teenagers—Lizzie Bright Turner, an African-American resident of the island of Malaga, and Turner Buckminster, the son of Phippsburg's newly-arrived minister.

In making the award, Newbery Award Committee chair Susan Faust said Professor Schmidt's book is "[s]teeped in imagery and laced with surprising humor," and that it ". . . explores powerlessness, possibility and the profound impact individuals can make." "We spent a year studying the universe of eligible books, and it is a thrill to name this as one of our honor books," Faust said.

Despite his success as an author, Professor Schmidt continues his work as an educator. In fact, he found out about his honors while leading a group of students on a 3-week study trip in Massachusetts and, after dealing with the requisite media interviews, celebrated with his students.

"It's a tremendous honor in a year when the books are strong and wonderful," Schmidt said. "The (book) is very close to my heart."

Mr. Speaker, this is a book that we can recommend to all young people, with a wonderful theme of young people learning to make important decisions. It is a story that illuminates that important transition from childhood to adulthood.

I hope all my colleagues will join me in congratulating Prof. Gary Schmidt and his fellow honorees: 2005 Newbery Medal winner Cynthia Kadohata for her book, "Kira-Kira," and fellow Newbery Honor Book recipients Gennifer Choldenko ("Al Capone Does My Shirts") and Russell Freedman ("The Voice that Challenged a Nation"), as well as 2005 Printz Award winner Meg Rosoff for her book, "how i live now" and fellow Printz Honor Book recipients Kenneth Oppel ("Airborn") and Allan Stratton ("Chanda's Secrets").

HONORING SHIRLEY CHISHOLM AND JAMES FORMAN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. RANGEL. Mr. Speaker, as we begin the country's annual celebration of Black History Month, I find it appropriate to reflect on the lives of Shirley Chisholm and James Forman, who both passed away in the last month. Both of them were critical figures in the ongoing endeavor to ensure equal rights and opportunity for all Americans. On a personal level, their life stories are case studies in the power of courage to overcome seemingly insurmountable obstacles.

In recollecting the life of Shirley Chisholm, the words fighter and pioneer come to mind. The child of Caribbean immigrants, she would challenge the Democratic machine in Brooklyn, and an all-male field of candidates, to become the first African American woman elected to Congress. Along the way, she used the slogan "unbought and unbossed" to affirm her determination to steer clear of party and gender nonns, and fight for what she believed.

During her seven terms in Congress, she would champion the rights and interests of women, minorities, children, and the poor. Initially relegated to the Agriculture Committee, which had almost no relevance to her urban New York district, she would fight to get relevant committee assignments for both her and her Black Congressional colleagues. On the Education and Labor Committee she would support improved employment and education programs, expansion of day care, income support, and other programs to improve America's inner cities.

In 1972 she would challenge the status quo again, when she launched a bid to become the Democratic nominee for President. Though the party initially marginalized her, she persevered to the end, constantly reiterating her message of government's accountability to all Americans.

Her underdog effort inspired both Blacks and Whites around the country, and earned her the respect of her early critics. Shirley would go on to outlast better-known and better-funded primary contenders. At the 1972 Democratic National Convention in Miami, she would receive 151 delegate votes—far more than anyone could have imagined.

Though a fighter, even her opponents where astounded by her innate compassion and empathy. During her presidential bid, Chisholm went to the hospital to visit George Wallace, a political rival and ardent racial segregationist, after he had been shot in a failed assignation attempt.

Wallace was shocked by the Chisholm's gesture—one that was politically risky at best. It is said that Chisholm told Wallace, "'I know what they're going to say. But I wouldn't want what happened to you to happen to anyone". Her words moved him to tears. Two years later when she needed support on legislation to extend the minimum wage to domestic workers, George Wallace would gather the Southern support it required.

In addition to Shirley Chisholm, the recent passing of James Forman represents a great loss to our country. Forman joined the Student Nonviolent Coordinating Committee (SNCC) in 1961, and was elected its executive secretary one week later. He would soon play a central role in developing SNCC from a loose coalition of student protest groups, to one of the most prominent and effective organizations of the Civil Rights Movement.

Utilizing the discipline and organizational skills he acquired as an Air Force and Korean War veteran, James Forman managed and directed the legions of brave SNCC volunteers, who in the 1960's, descended upon the southern United States to combat the racial injustice that had long festered there.

Today, thousands get academic degrees in public administration and management. I wonder how they might have benefited from talking to James. As a manager and organizer he may have been the best that the civil rights movement ever had. While the movement had many great orators and diplomats, James was a master of the nuts and bolts that make organizations run.

He was also known as something of a field general, willing to endure the same that he asked of his subordinates. James was often harassed, beaten and jailed during his many trips to register voters and organize protests in areas where violence and intimidation ruled.

He would see many of his brethren pay the ultimate sacrifice for liberty and justice. This only strengthened his resolve to press on.

Though he left the SNCC in 1966, he would remain a prominent figure throughout the Civil Rights Movement. In subsequent years he would be an outspoken advocate for the socio-economic empowerment of African Americans in the post civil rights era, founding the Unemployment and Poverty Action Committee.

He would also be one of the first African Americans to explicitly call for reparations for the oppressive treatment inflicted on African Americans during their history in this country. Many institutions responded by setting up programs aimed at improving Black communities.

Indeed America has lost much by the passing of Shirley Chisholm and James Forman. But we have gained much by the fact that they lived. They now enter the Pantheon of American patriots whose fearless and unrelenting quest for justice and liberty irrevocably changed this nation for the better.

Ralph Waldo Emerson once wrote, "What lies behind us, and what lies before us, are tiny matters compared to what lies within us". Shirley Chisholm and James Forman showed the world what lay within them, and now their memories will lie within us forever.

HONORING THE 25TH ANNIVERSARY OF CHISPA

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. FARR. Mr. Speaker, I rise today to honor the Community Housing Improvement Systems and Planning Association, Inc., affectionately called CHISPA, on the occasion of its 25th anniversary. CHISPA is a nonprofit 501 (c)3 Community-based Housing Development Organization, whose California housing projects have served Monterey County's lowest-income population for 25 years, and is the largest private nonprofit housing developer in the area.

CHISPA's Self-Help program allows participants to become homeowners through building their houses themselves. Since 1990, CHISPA's Self-Help program has built 483 homes for approximately 2,560 people in Monterey County alone. This laudable program allows large low-income families to build their own homes with three to four bedrooms, double car garages, vaulted ceilings, landscaped front and back yards, sprinkler systems, and oak cabinets. Working 40 hours per week under the guidance of a construction supervisor, families are able to realize their dream home.

Another worthy CHISPA program is the Moderate Income Housing program in which first-time home buyers receive financial assistance. Beneficiaries of this program include city employees, entry-level professionals, and teachers.

CHISPA Housing and Management, Inc., CHMI, Housing and Maintenance Specialists ensure that houses are of the highest quality by overseeing all construction activities. Program participants learn both construction and maintenance techniques, in addition to valuable management skills. CHISPA contributes to social well-being not only by enabling families to construct beautiful homes, but also by providing participants with a deeper sense of community.

Mr. Speaker, I applaud CHISPA's many accomplishments, and commend them for the tremendous effort they dedicate to enabling families to own their own home. I join the entire community in honoring this truly remarkable organization for its achievements in making the American Dream a reality for so many of our citizens.

HONORING THE 57TH ANNUAL YMCA TEXAS YOUTH AND GOVERNMENT CONFERENCE

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. SESSIONS. Mr. Speaker, I rise today to honor the hundreds of students and advisors that will be gathering in Austin from February 3–7 for the 57th annual YMCA Texas Youth and Government Conference. Each year, delegations of high school students from around the Lone Star State travel to Austin to learn about their government through hands-on activities at the State Capitol. I am very proud of the school delegations that travel from the 32nd Congressional District of Texas to attend and learn from this wonderful conference.

My best wishes to Youth Governor Nathan Gonzales of Benbrook, Youth Lt. Governor Grant Reid of Garland, and all of the other youth officers and delegates that will be making a difference in Austin this week. My special thanks to YMCA Texas Youth and Government State Director Suzanne Mabie for all of the tireless hours of service that she commits to make this conference the great success that it is each and every year.

I've had the privilege of being involved with this conference for the last several years and have always been impressed with the talents of the young individuals who are involved with the program. All my best wishes for a successful 57th annual conference in Austin.

TRIBUTE TO MRS. LUCILLE HALLMAN HOLMAN

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Lucille Hallman Holman, a South Carolinian native whose dedication to service to God and country shines as an example to all of us. On February 13, 2005, she will celebrate her 100th birthday, and I believe it is important to commemorate her centennial birthday with a few highlights of the many contributions she has made to her church and community.

Mrs. Holman was born in Leesville, South Carolina and began her education in the local public schools. In order to finish high school she was forced to leave home at an early age and matriculated at nearby Betties Academy in Aiken County. She continued her education at Benedict College, a Baptist supported college in Columbia, where she met and married Lewis W. Holman, who was attending Allen University, a nearby African Methodist Episcopal Church supported school.

Mrs. Holman has made significant contributions to society. She joined Chappelle Station African Methodist Episcopal Church in January of 1930, and was appointed to Stewardess Board Number E, where she served for 64 years before retiring in January 1994. In this capacity she also served as a Class Leader.

In July of 1930, Mrs. Holman began working with the Church's Missionaries, and served as President of the Missionary Society for 57 years. Her community involvement extended to serving as the Director of the Church's Young People's Division and as a Trustee of Allen University. She also served as President and Treasurer of the Zoie Social Club.

Reaching out to the widows of her community, she formed the Widows Club, and she still attends the Quadrennial Conventions of the Women's Missionary Society of the A.M.E. Church. In addition to her extensive church and community involvements, Mrs. Holman has maintained tireless devotion to her family, raising her five grandchildren after the death of her son.

Her untiring efforts have not gone unrecognized by her peers and associates. Mrs. Holman has received numerous awards and honors for her active membership in her church and her public service. She was named Woman of the Year by Chappelle Memorial A.M.E. Church in 1995. In May of 2000 the Columbia Chapter of Delta Sigma Theta Sorority, Inc. presented her with the Golden Years Award. In addition to these distinctions, she has been selected as Mother of the Church.

Mr. Speaker, I ask you and my colleagues to join me in celebrating the life and legacy of this venerable woman on her 100th birthday. She continues to blaze a trail in her community through Christian service. She remains a positive influence to future generations, and I wish her happy birthday and Godspeed.

PERSONAL EXPLANATION

HON. JIM COSTA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. COSTA. Mr. Speaker, on rollcall vote Nos. 8, 9, 10, 11, and 12 had I been present, I would have voted "aye." On rollcall vote No. 13 had I been present, I would have voted "no."

HONORING STELLA WELLS

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. KILDEE. Mr. Speaker, I rise before you today to pay tribute to an outstanding individual, Ms. Stella Wells. On February 17, 2005, family and friends will gather to honor Stella, as she celebrates her 100th birthday.

Stella was born in 1905 in the town of Beech Grove, Arkansas. There, in 1922 under the same roof where she was born, she married farmer Charles Wells. Stella and husband Charley had six sons, 20 grandchildren, 37 great-grandchildren and 31 great-great-grandchildren, and 13 great-great-great-grandchildren. She has a total of 91 living descendents. The two enjoyed a marriage of 54 years.

Stella is a longtime resident of Genesee County. She originally moved to Michigan for a short time in the early 50's and later Stella and Charley moved back to become permanent residents in 1974.

Stella is currently the oldest living member of the Veterans of Foreign Wars Post 4087 of Davison. She is also a member of Harmony Baptist Church of Burton as well as Holly Grove Baptist Church of Beech Grove, Arkansas. Along with her many roles in the community, her greatest is as a beloved mother.

Mr. Speaker, as the Member of Congress representing Genesee County, I ask my colleagues in the 109th Congress to please join me in not only recognizing Stella Wells for her outstanding life, but to wish her a very happy 100th birthday.

SOCIAL SECURITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. LANTOS. Mr. Speaker, today's debate is an extremely important conversation on the future of Social Security. Unfortunately, it is soured by the sharp rhetoric of my colleagues on the other side of the aisle. We simply cannot allow for misleading analysis and flowery language to disguise the truth of this debate. Not only do our current and future retirees deserve better, but also our children and grandchildren, who will be most directly affected by this new proposal, deserve better.

Social Security is truly one of our greatest success stories, virtually eliminating poverty for the aged. While we all agree that important concerns about Social Security should be effectively addressed, I do not believe turning this matter into a crisis should force us to accept what would otherwise be unacceptable. The scenarios touted by the Administration and their Republican allies are better suited for a work of fiction, not a domestic policy debate. Manufacturing a crisis in order to force this ideological agenda on retirees is unacceptable. The $11 trillion shortfall is a figure plucked out of thin air using fuzzy math based on voodoo economics. And finally, the Administration is selling semi-privatization of Social Security as the solution to all of our problems.

Let's not be fooled by hyperbole. The facts are indisputable and should not be misrepresented by the President or Members of Congress. Crisis? What crisis? If we do absolutely nothing to Social Security, the Trust Fund will be able to pay out 100 percent of benefits for the next 50 years. The real, worst-case scenario shortfall based on a 75-year projection used by the economists at the Congressional Budget Office (CBO) and the Social Security Administration (SSA) would be between $2 trillion to $3.7 trillion. While these numbers require our undivided attention, privatizing part of Social Security is not the solution. The President's plan to create private retirement accounts will cost at least $2 trillion to implement, equivalent to the entire 75-year shortfall predicted by the CBO. In addition, most proponents of semi-privatization admit that the creation of these accounts will not avoid a shortfall on their own merits. In order to achieve its goal, the Administration is also recommending the guaranteed benefits be cut by as much as 40 percent. This cut is in addition to the diversion of almost a third of Social Security funds to private accounts.

Social Security is the core of old-age support and was intended as an income supplement and a crucial safety net for seniors, not a money making scheme. We must preserve Social Security through sound fiscal discipline and legitimate policy adjustments to meet the demands of future generations. I believe that the Administration should immediately strengthen Social Security by submitting to Congress a balanced budget. If not a balanced budget this year, then the Administration should submit at least a plan or announced course of action on achieving a balanced budget. I also call on the President to reevaluate his tax cut proposal. Making the tax cuts permanent will cost as much as 3 to 5 times the cost of the Social Security shortfall. These fiscally responsible, common sense proposals will help protect Social Security and can be done now. Once these steps are taken we can more responsibly solve any un-addressed concerns. Instead of weakening Social Security I believe that it should be strengthened and made more secure ensuring its success for generations to come. We cannot turn Social Security into Social Insecurity.

SIKHS OBSERVE INDIA'S REPUBLIC DAY AS DAY OF BETRAYAL

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. TOWNS. Mr. Speaker, this past Wednesday, January 26, was India's Republic Day, the anniversary of the adoption of their constitution. It is a very important day in India's calendar. The Indian constitution is supposed to guarantee freedom for everyone and ensure everyone full human rights and democratic freedoms. However, in practice, it has not worked that way in the 58 years that India has been independent. I salute the ideals of the Indian constitution, but I cannot urge India strongly enough to start living up to them.

Independent India has been no picnic for the minorities of India. They have suffered severe repression. Sikhs, Christians, Muslims, and others have suffered greatly at the hands of democratic, secular India. That is why Sikhs in Washington, London, and even Amritsar protested on Republic Day. In Amritsar, the Sikh organization Dal Khalsa hoisted the Sikh flag and distributed flyers saying that the Indian flag "is not our flag" and the Indian constitution "is not our constitution." No Sikh representative has ever signed the Indian constitution.

Over a quarter of a million Sikh have been murdered at the hands of the Indian government, along with over 300,000 Christians in Nagaland and still more Christians elsewhere. Priests have been murdered throughout the country, nuns have been raped, churches have been burned, Christian schools and prayer halls have been vandalized. By now, the burning death of missionary Graham Staines and his two young sons and the beating of missionary Joseph Cooper are well known. In recent days, evangelist Benny Hinn had to travel under heavy security after being attacked and vandalized.

Over 90,000 Kashmiri Muslims have been murdered, along with thousands of Muslims in other parts of the country. Recently, according to the BBC, the Indian government finally admitted that Muslims in Gujarat did not set the train fire that led to the massacre of 5,000 of them, a massacre that a policeman told an Indian newspaper was planned in advance by the Indian government.

India forced Untouchables out of a refugee camp after the tsunami, according to Yahoo! News. The Washington Post reported that they were being given only the leftover food of Brahmins and India has refused all efforts by the international community to come and help them. Even though the very Indian constitution that Republic Day celebrates outlawed the caste system, it is alive and well to this day.

Mr. Speaker, these are just the latest examples of the repression of minorities that continues to occur while India celebrates its secular, democratic constitution. This is unacceptable. In the President's recent Inaugural Address, he spoke about extending freedom to all the world. India is one place where that effort needs to be carried out before the country, a multinational, polyglot empire like Austria-Hungary, the Soviet Union, or Yugoslavia, falls apart. We must do whatever we can to ensure freedom and peace for all in the subcontinent.

The best things we can do are to stop our aid and trade with India until human rights are respected and the violent repression ceases and to put ourselves on record in support of a free and fair plebiscite in Punjab, Khalistan, in Kashmir (as promised in 1948), in Nagaland, and throughout the minority areas of the subcontinent.

Mr. Speaker, at this time I would like to place an article about Dal Khalsa's protest in Amritsar and a press release about the Council of Khalistan's protest here in Washington into the RECORD.

COUNCIL OF KHALISTAN,
Washington, DC.

SIKHS MARK INDIAN REPUBLIC DAY BY PROTESTING GENOCIDE, REPRESSION

WASHINGTON, DC, January 26, 2005.—Sikhs from all over the East Coast came to Washington today to mark Indian Republic Day by protesting the genocide and repression against the Sikhs and other minorities. They raised slogans such as "India out of Khalistan" and carried signs such as "India: Democracy for Brahmins, Tyranny for Minorities." The demonstration was organized by the Council of Khalistan, which leads the struggle to establish a sovereign, independent Khalistan free from Indian occupation. On October 7, 1987, the Sikh Nation declared its independence from India, naming its new country Khalistan. The Council of Khalistan was established at that time to lead the peaceful, democratic, nonviolent movement to liberate Khalistan from Indian oppression. It is the government pro tempore of Khalistan, the Sikh homeland.

Republic Day is the anniversary of the adoption of India's constitution, which is supposed to ensure a secular, democratic government. But the Indian government has murdered over 250,000 Sikhs since 1984, more than 300,000 Christians since 1948, over 89,000 Muslims in Kashmir since 1988, and tens of thousands of Tamils, Assamese, Manipuris, Dalits, Bodos, and others. The Indian Supreme Court called the Indian government's murders of Sikhs "worse than a genocide." According to a report by the Movement Against State Repression (MASR), 52,268 Sikhs are being held as political prisoners in India without charge or trial. Some have been in illegal custody since 1984! Tens of thousands of other minorities are also being held as political prisoners, according to Amnesty International. We demand the immediate release of all these political prisoners.

Indian police arrested human-rights activist Jaswant Singh Khalra after he exposed their policy of mass cremation of Sikhs, in which over 50,000 Sikhs have been arrested, tortured, and murdered, then their bodies were declared unidentified and secretly cremated. Khalra was murdered in police custody. His body was not given to his family. No one has been brought to justice for the kidnapping and murder of Jaswant Singh Khalra. The police never released the body of former Jathedar of the Akal Takht Gurdev Singh Kaunke after SSP Swaran Singh Ghotna murdered him. He has never been tried for the Jathedar Kaunke murder. In 1994, the U.S. State Department reported that the Indian government had paid over 41,000 cash bounties for killing Sikhs.

Missionary Graham Staines was murdered along with his two sons, ages 8 and 10, by a mob of militant, fundamentalist Hindu nationalists who set fire to the jeep, surrounded it, and chanted "Victory to Hannuman," a Hindu god. None of the people involved has been tried. The persons who have murdered priests, raped nuns, and burned Christian churches have not been charged or tried. The murderers of 2,000 to 5,000 Muslims in Gujarat have never been brought to trial. An Indian newspaper reported that the police were ordered not to get involved in that massacre, a frightening parallel to the Delhi massacre of Sikhs in 1984.

"Is Jaswant Singh Khalra celebrating? Is Jathedar Kaunke celebrating? Is Graham Staines celebrating?," Dr. Aulakh asked. "How can a democracy celebrate the kind of violent repression that claimed their lives?"

When India became Independent, Sikhs were equal partners in the transfer of power and were to receive their own state, but the weak and ignorant Sikh leaders of the time were tricked into staying with India on the promise that they would have "the glow of freedom" and no law affecting the Sikhs would pass without their consent. Sikhs ruled an independent and sovereign Punjab from 1710 to 1716 and again from 1765 to 1849 and were recognized by most of the countries of the world at that time. No Sikh representative has ever signed the Indian constitution.

History shows that multinational states such as India are doomed to failure. Countries like Austria-Hungary, India's longtime friend the Soviet Union, Yugoslavia, Czechoslovakia, and others prove this point. India is not one country; it is a polyglot like those countries, thrown together for the convenience of the British colonialists. It is doomed to break up as they did. Last year, the Punjab Legislative Assembly passed a bill annulling all water agreements with the Indian government, preventing the government's daylight robbery of Punjab river water. Punjab needs its river water for its crops. In the bill, the Assembly explicitly stated the sovereignty of Punjab. Political leaders in Punjab have again called for an Independent Khalistan.

"This shows that the drive for freedom is still alive in Punjab," Dr. Aulakh said. "It is clear that India does not accept Sikhs," said Dr. Aulakh. "The Indian government continues to persecute and kill our Sikh brethren," he said. "As Professor Darshan Singh, a former Jathedar of the Akal Takht, said, 'If a Sikh is not for Khalistan, he is not a Sikh'," Dr. Aulakh noted.

"We must continue to press for our God-given birthright of freedom," he said. "Without political power, religions cannot flourish and nations perish. A sovereign Khalistan is essential for the survival of the Sikh religion."

[From WebIndia123.com, Jan. 26, 2005]

DAL KHALSA OBSERVE R-DAY AS "BETRAYAL DAY" IN AMRITSAR

AMRITSAR, January 26, 2005 (ANI).—Leaders of Dal Khalsa on Wednesday gathered at Gurudwara Shahid Ganj, Amritsar to observe the Indian republic day as betrayal day.

The Dal Khalsa leaders, including president of Dal Khalsa Harcharnjit Singh Dhami, Khalistan ideologue Jagjit Singh Chauhan, Satnam Singh Paunta Sahib, hijacker of Indian Airlines plan in 1981 performed a Ardaas for the freedom of the Sikh nation.

They hoisted the Khalsa flag of Maharaj Ranjit Singh's regime, which symbolises Sikh raj, and prayed for the freedom of the Sikh community as they took guard of honour and pledged to continue their struggle for a free Sikh nation.

Dal Khalsa leaders describe 26th January as "betrayal day" for the Sikhs as Indian leaders betrayed the Sikh nation and imposed the present Constitution on them.

They also believe that Sikhs have been massacred in Punjab, Delhi and elsewhere after the Blue Star Operation in 1984.

RECOGNIZING JOHN LANDERS UPON THE OCCASION OF HIS RETIREMENT

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, for the past two years John Landers has served with utmost distinction as a professional staff member of our Subcommittee on Civil Service and Agency Organization.

Anticipating an active agenda on Federal workforce issues and oversight when I assumed the Chairmanship of the Government Reform Committee in January of 2003, I requested the loan of a subject expert on civil service law and regulation from the Office of Personnel Management.

The person selected by OPM for this assignment was John Landers. I expected John to be technically competent, but with over 30 years of experience in Federal personnel issues John brought with him an encyclopedic recall of pertinent statutes, regulations, court cases, and precedent that proved invaluable to our Committee's work.

John began his career at the U.S. Civil Service Commission as a retirement claims examiner in 1972. He quickly progressed through the benefits programs to lead the Retirement Policy Division and eventually became a Senior Advisor. As a legislative and policy analyst, John wrote Government-wide regulations as well as legislative proposals on the retirement, health, and life insurance programs. Having learned these programs from the inside out, John took over OPM's Technical Analysis Branch in 1984 and the Retirement Policy Division in 1987, where he helped develop and implement the Government's new retirement system known as "FERS."

In 1998, John became a Senior Advisor to OPM's Associate Director for Retirement and Insurance, and in 2001 became a Special Assistant to the Director of OPM. In these positions John assisted in shaping broad Federal workforce policy, including introduction of pretax benefits as a component of compensation, and personnel elements written into the legislation creating the new Department of Homeland Security. For his contributions John received the Director's Award for Excellence in October 2002.

John retired from OPM in January 2003, but his newly won status was short-lived when he was approached by the Director as her choice to represent the agency with our Committee. I am very grateful that John placed his dedication to public service above his own well-earned interests by accepting the appointment. During the past two years his expertise contributed directly to our key initiatives including establishing the new National Security Personnel System for the Department of Defense, improving benefits for Federal employees and retirees, and providing diligent oversight of personnel management across the Government.

On January 7 of this year, John completed his last day of service with the Committee and resumed his status as "retired." I believe John really means it this time, and we promise not to further interrupt his plans. On behalf of our entire Committee, I express deep appreciation to John for his superb service to our Nation, and I wish him many happy and healthy years ahead to enjoy with his wife Rita and their family.

FLIGHT OF FREEDOM—A JOURNEY TO SAVE JOBS

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. WALDEN of Oregon. Mr. Speaker, I would like to draw my colleagues' attention to the "Flight of Friendship—A Journey To Save Jobs", which is a heart-warming effort underway in the great state of Oregon. The Flight of Friendship is a people-to-people effort by individuals in Oregon who are coming together to provide an economic lifeline to people in Thailand who work in or are dependent upon the tourism industry for their livelihood. Tourism is recognized as one of the key industries in the tsunami-affected area that provides sustainable jobs and the one that can be jump-started by the return of tourists as in this Flight of Friendship.

The Flight of Friendship's formal mission is an admirable one: In the aftermath of the catastrophic tsunami that struck South Asia on December 26, the natural reaction for us was to do something, anything, that would bring some measure of relief to those in the affected areas. We wanted to do something NOW because we have such a feeling of urgency.

Many of us may not have the skills to rebuild communities or repair broken bones or care for orphaned children, but we do know that our humanity has a purpose. When we can take our time and provide a conduit for information and give face-to face support by traveling to those areas and help those who need to stay working, we know we are giving something that matters. We can help tell the world that these restaurants, hotels and entertainment venues are open and ready to receive visitors.

Flight of Friendship will focus on cities and regions that depend on the tourist trade for economic survival. We hope that Oregon's lead and example will challenge others from around the U.S.—private citizens and the travel industry as well, to follow. We encourage people to visit these beautiful, intriguing places and extend an economic lifeline. Flight of Friendship is a journey to save jobs.

Under the leadership of Oregonians Sho Dozono, Joe D'Alessandro and Elaine Franklin, over 100 business and political leaders from the state of Oregon will travel to Thailand this month in a significant effort to help re-establish that country's tourism industry and keep vital jobs in place. I would like to commend every person associated with the Flight of Friendship for his or her dedication to making a real difference.

TRIBUTE TO DR. DAVID LIEBER

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. BERMAN. Mr. Speaker, Mr. WAXMAN and I pay tribute today to a remarkable individual and a dear friend, Dr. David Lieber. Dr. Lieber will be joined by his colleagues, family and friends on February 10, 2005, at a special University of Judaism dinner to celebrate his 80th birthday. The dinner's theme, "Walking Humbly with God," is especially fitting given the enormity of Dr. Lieber's accomplishments and the humility for which he is well known.

Since 1956 when Dr. Lieber was appointed Dean of Students of the nine-year-old University of Judaism (UJ), he has been a driving force for improvement and expression. He helped transform the University from a Hebrew Teachers Institute that offered adult classes in what is now known as Korea Town into a nationally recognized educational institute complete with an undergraduate college, graduate programs in education, business administration, Jewish studies and rabbinic studies, a large library and two think tanks. He served as University President for an impressive twenty nine years until he retired in 1993.

Dr. Lieber continues to be intellectually and spiritually inspirational to the Jewish community. Since his retirement as University President, he dedicated himself to assembling a superb team of scholars and produced Etz Hayim: Torah and Commentary, a work that makes it possible for millions to benefit from his knowledge and dedication. We have known him for many years and have great respect for his wisdom and guidance.

Throughout his lifetime, Dr. Lieber has worked on behalf of many issues of importance to the Jewish people. He is past president of the Rabbinical Assembly and served on the Assembly's Executive Committee. He chaired its Strategic Planning Committee which evaluated needs of the religious body into the year 2000. He is an ordained Rabbi and former spiritual leader of Sinai Temple in Los Angeles 1950–1954. He served as Chaplain for B'nai B'rith Hillel Foundation at both the University of Washington and Harvard University. In recognition of his work, he was awarded a Doctor of Humane Letters degree, honoris causa by Hebrew Union College in 1982 and the Torch of Learning Award by Hebrew University of Jerusalem in 1984.

Dr. David Lieber received a BA, magna cum laude, in 1944 from College of the City of New York and a Bachelor of Hebrew Letters from Jewish Technological Seminary of America. In 1947 he was awarded a Master's degree from Columbia University and received a Doctor of Hebrew Literature Degree from Jewish Theological Seminary in 1951.

Dr. Lieber and his accomplished wife, Dr. Esther Lieber, were married June 10, 1945, are the proud parents of Michael, Deborah, Daniel, and Susan. They have twelve beautiful grandchildren.

It is our distinct pleasure to ask our colleagues to join us in saluting our dear friend Dr. David Lieber and the institution he built for our children and generations to come.

PERSONAL EXPLANATION

HON. LUCILLE ROYBAL-ALLARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. ROYBAL-ALLARD. Mr. Speaker, due to circumstances affecting the health of a family member, I was not present for rollcall vote Nos. 7 through 13 on January 6, 25 and 26. Had I been present, I would have voted "no" with reservations on rollcall vote No. 7, "yea" on rollcall vote No. 8, "yea" on rollcall vote No. 9, "yea" on rollcall vote No. 10, "yea" on rollcall vote No. 11, "yea" on rollcall vote No. 12, "no" on rollcall vote No. 13.

WOMEN AND SOCIAL SECURITY

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. SOLIS. Mr. Speaker, I rise tonight to denounce the fake Social Security crisis that President Bush is trying to sell to the American public.

As the new Democratic Chair of the Women's Caucus, I am especially concerned because women and children are the first targets to be thrown off the lifeboat.

We expect women to raise families, support elderly family members and take care of children.

But, women lose more years of retirement savings when they stop working to raise kids or take care of parents.

Therefore, they depend more on Social Security when they retire. Social Security has been a strong program for its beneficiaries. In my district in East Los Angeles and the San Gabriel Valley in LA County, there are 59,525 Social Security beneficiaries who rely heavily on their hard-earned monthly Social Security benefits. The average Social Security benefit for these individuals living is $787 a month.

If we are looking at just retired workers alone, they only receive $540 a month. For many people, particularly Latinos and other minorities, this benefit is their only source of income. My district is very diverse. Sixty-two percent is Latino, and 18 percent is Asian. Forty-one percent of elderly Latinos have Social Security as their only means of income. Without Social Security, over half of America's Latino elderly would live in poverty. Social Security is especially important for minority women.

They will be left most vulnerable to the Republican privatization scheme because they earn less on the dollar as to other women. Without Social Security, 61 percent of Latinas over the age of 65 would live below the poverty line. Social Security has been the most successful anti-poverty program perhaps ever to be undertaken. According to a report released today by the National Women's Law Center, the typical widow receives a benefit of $865 per month. I am frightened to think that Republicans want to strip women of their earned benefits simply because they live longer.

Without Social Security benefits, the poverty rate for unmarried women would be about 60 percent instead of the current 16 percent! But under the leading Republican privatization plan, the benefit would be only $476 per month. This amount is equal to only 65 percent of the poverty line! Women account for 70 percent of all Social Security beneficiaries older than 85. Women still earn less than men—73 cents to the dollar—and minority women face even larger disparities in wages.

Privatization means that women who are on the edge of poverty living in my district would be at the mercy of an unpredictable stock market. Without guaranteed benefits, these women would be forced to live day-to-day, just trying to put food on the table. These women would lose the "security" from Social Security! Democrats believe that all American workers should get the benefits they paid for.

We want to save, strengthen, and secure Social Security for the future generations. Our senior citizens and future generations should not be guinea pigs for a political experiment. Just like the non-existent weapons of mass destruction—you have been told a scary story by the Republican majority and President Bush. Let me assure you—Social Security is not in a crisis. Democrats will fight to protect your earned benefits.

ORANGE COUNTY GROUNDWATER REPLENISHMENT SYSTEM

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. LORETTA SANCHEZ of California. Mr. Speaker, today I am introducing a bill to support the Orange County Groundwater Replenishment System. This bill is identical to the one I introduced in the 108th Congress as H.R. 1156, which passed the House by voice vote under Suspension of the rules last year.

The bill would increase the authorized Federal share for the Orange County California Groundwater Replenishment (OCGWR) System from $20 million to $80 million. This will allow Orange County to complete this important and much-needed project, which will serve about 2.3 million residents of north and central Orange County, and it will create a new water supply of 72,000 acre-feet per year.

The OCGWR project is not just important to Orange County, California, but also to the entire western United States. By recycling our own water, we in Orange County would not have to rely so heavily on water from the Colorado River Aqueduct or the San Francisco Bay Delta.

Moreover, the OCGWR is a highly innovative recycling project—a pilot project for other future water recycling projects. Experts in public water management systems, from other States and from countries from around the world, have come to Orange County to look at the tertiary cleaning system that we have. The project is of national and even international significance.

This is a straightforward and reasonable bill. Its passage would simply bring the Federal share of funding closer to 25 percent, the level at which almost every other reclamation project is funded under Federal water reclamation and conservation programs.

This project, and this legislation, has received strong support from Members on both sides of the aisle. As I mentioned previously, the Committee on Resources very generously allowed this same bill to be considered under Suspension of the Rules last year. I would like to take this opportunity to again thank Chairman POMBO from California, Ranking Member RAHALL from West Virginia, as well as former Subcommittee Chairman CALVERT and Ranking Member NAPOLITANO of California for their overwhelming support of this bill.

I would also like to thank my colleagues from Orange County for their continued support. Mr. MILLER, Mr. COX, Mr. ROHRABACHER and Mr. ROYCE are strong supporters of this project. Securing funding for the OCGWR has always been, and will continue to be, a bipartisan effort.

Lastly, let me thank Orange County Water District President Phil Anthony, former OCWD Board Chair Denis Bilodeau, and General Manager Virginia Grebbien for their hard work and leadership in groundwater recycling. Their innovation has put Orange County in the forefront of water recycling and groundwater replenishment technology.

I look forward to working on passing this legislation with all of my colleagues, and I thank them again for their continued support.

REINTRODUCTION OF THE ORAL HEALTH PROMOTION ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. SANDERS. Mr. Speaker, I want to announce today the reintroduction of the Oral Health Promotion Act, a bill I previously sponsored in the 107th Congress. I will reintroduce this bill tomorrow and I urge my colleagues on both sides of the aisle to join me as original cosponsors on this important legislation.

Mr. Speaker, oral health care in the United States is in a sad state of decay. Congress cannot neglect it any longer. While the number of Americans without private health insurance of any kind is staggering enough at over 45 million, the number of Americans without private or public dental insurance is more than two times that figure. One hundred and eight million Americans—at last count—had no dental insurance at all: no coverage for emergency services, no coverage for fillings, no coverage for braces, no coverage for checkups. Amazingly, despite great advances in oral health sciences, the Surgeon General has reported that tooth decay has become the single most common chronic childhood disease—five times more common than asthma and seven times more common than hay fever.

What does our neglect of oral health cost us? Surveys have shown that dental problems cause children to miss more than 51 million hours of school and adults to miss more than 164 million hours of work each year. That's a lot of lost education, lost productivity and lost pay. And let's be clear—lack of access to dental care does not strike evenly across the socioeconomic spectrum. According to the U.S. Surgeon General:

Poor children suffer twice as many cavities as their more affluent peers, and their disease is more likely to be untreated.

Poor children suffer nearly 12 times more restricted-activity school days than children from higher-income families. (In my own state, which is doing a lot better than the national average on many oral healthcare indicators, a recent study found that 23 percent of children in grades 1–3 experienced 82 percent of all decay found.)

Medicaid has not been able to fill the gap in providing dental care to poor children: Fewer than one in five Medicaid-covered children received a single dental visit in a recent year-long study period.

For each child without medical insurance, there are at least 2.6 children without dental insurance.

For every adult 19 years or older with medical insurance, there are three without dental insurance.

Obviously, there are a lot of factors at play in this problem. But when it comes down to what we can do to increase access to dental care for the largest number of people, the solution, I think, already exists. While many other dental providers close the door to Medicaid and uninsured patients, often because they do not receive adequate reimbursement for the services they provide, Federally Qualified Community Health Centers provided dental services to millions and millions of them last year. Currently, over 1,000 community, migrant, and homeless health centers serve over 15 million people in 3,600 urban and rural communities in every State and territory.

It is clear that focusing on expansion of the dental care infrastructure through these and similar community-based providers will get us the biggest bang for our buck. Community health centers—which serve all patients in their communities regardless of their ability to pay—are on the front lines of getting dental care to those who are least likely to get it, namely those on Medicaid and those with no insurance at all. A lot of praise has been showered on this successful program for many years and from both sides of the aisle, including from President Bush, and rightly so. Now I think we really need to put our money where our mouths are and fund the creation of more dental care infrastructure based on the community health care model.

That is why I am introducing the "Oral Health Promotion Act" to address our national crisis in access to dental care. This bill will make a serious commitment to developing a dental health care infrastructure across our country and expand access to high-quality, affordable dental and health care for all Americans. It will:

(1) Create a $140 million fund for the workforce, capital and equipment needed to establish or expand oral health services at community health centers, school-based dental centers (and other community-based sites) across the country;

(2) Provide states with an enhanced federal match (FMAP) for agreeing to cover full adult dental benefits under the Medicaid program;

(3) Require that State Children's Health Insurance Program (SCHIP) coverage include dental benefits for children;

(4) Authorize and provide additional funding for states to provide dental services under SCHIP as a supplement to other health coverage;

(5) Create incentives for states to pay market-based reimbursement for dental services under SCHIP and Medicaid and to cover the Medicaid level of dental benefits under SCHIP.

I urge my colleagues to join me as original cosponsors of this important legislation, which I will introduce tomorrow.

INAUGURAL LIGHTING OF THE CITY OF LOS ANGELES' OFFICIAL WELCOMING MONUMENT, THE VINCENT THOMAS BRIDGE

HON. JUANITA MILLENDER-McDONALD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise ask for unanimous consent to address the House for five minutes.

Last Sunday, January 30, it was my pleasure to join with Los Angeles Mayor Jim Hahn, Council members Janice Hahn and Tom LaBong, State Senator Alan Lowenthal, the widow and family of the late California Assemblyman Vincent Thomas and the citizens of Los Angeles for the Inaugural Lighting of the Official Welcoming Monument for the City of Los Angeles—the Vincent Thomas Bridge.

In this time of inaugurations, it is fitting to recognize the bridge that is an integral link to one of this Nation's most active ports and that will serve as a guiding light for economic growth to our city, our State and our country.

Los Angeles is a world-class city and it is the primary point of entry into the United States for people and commerce throughout the Pacific Rim. In fact, many consider Los Angeles to be the capital of the Pacific Rim.

The Vincent Thomas Bridge represents the Gateway into the United States and I can think of no greater monument to our world-class city and to the great people of Los Angeles and the southern California region.

Sunday's event was the culmination of the collective efforts of a broad section of Los Angelinos over the last 16 years. This monument will serve as a beacon for California, the Nation and the World as to all that is good and great about Los Angeles.

I want to take this time to congratulate the members of the Vincent Thomas Bridge Lighting Committee of San Pedro and their President, Louis Dominguez for the hard work they have done to help make today happen.

Their efforts in raising the $1,002,657 necessary to realize this project are to be commended. I would also like to thank the Port of Los Angeles and the Department of Water and Power for their major funding of this project.

Nestled in the San Pedro and Wilmington communities, the 41-year-old Vincent Thomas Bridge is named for the late State assemblyman who 50 years ago led the fight in the California legislature to build the bridge. Today it is a vital transportation link for the Port of Los Angeles.

But the Vincent Thomas Bridge also brings regional economic forces that have a profound impact on our regional and national economies.

As the southern California region continues to grow, so does the significance of the Vincent Thomas Bridge.

The Vincent Thomas Bridge connects the Ports of Los Angeles and Long Beach, creating the largest port complex in the country and third largest in the world. Together, these ports are responsible for upwards of 45 percent of the containerized cargo that enter our country. In addition, approximately 80 percent of the goods that come into this country from the Pacific Rim come through these two ports.

These ports are true economic engines.

In 2002, the annual value of the trade handled by Southern California's two ports was $172 billion. It is estimated that in 2010 that number will grow to $253 billion a year.

In 2002, trade through southern California ports supported over 3.7 million jobs nationwide.

As a Senior Member on the House Transportation and Infrastructure Committee in Washington, I can tell you that I too have fought to make sure that the Nation knows the importance of our bridges, highways and ports in Los Angeles County to the economic well being of our country.

The goods that move through the southern California ports impact us all, some States more than others.

For example, annually $16 billion worth of goods move through our ports to New York, that is $7.8 billion a month. Illinois receives $12 billion a year and $1 billion a month in goods from southern California. And Texas receives $11.8 billion a year or $983 million a month.

I could go on, but instead would like to extend a standing invitation to my colleagues to visit this bridge and to visit our ports here in Los Angeles and Long Beach so that they too can get a first hand look at one of the major economic engines that helps drive our national economy.

THE NEXT STEP IN IRAQ IS AN EXIT STRATEGY

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, February 1, 2005

Mr. MEEHAN. Mr. Speaker, this Sunday, millions of average Iraqis defied the threats of violence and took a courageous first step toward democracy and self-governance. The images of Iraqis voting for the first time were truly uplifting. But before this Administration declares "Mission Accomplished" all over again, we cannot ignore the challenges that remain. We cannot simply hope that the elections will make the insurgency go away, or put an end to the violence. For too long, our entire strategy in Iraq has been based on waiting and hoping. Now more than ever, we need a real strategy to make Iraq stable and self-sufficient and bring our troops home.

President Bush came into office with clear ideas about when we use our military power and put our forces in harm's way. Five years ago, when he was running for President, Governor George W. Bush criticized President Clinton for not having an exit strategy in Kosovo. This is what he said: "Victory means exit strategy, and it's important for the President to explain to us what the exit strategy is." Two years ago, President Bush sent our armed forces into Iraq without a plan to win the peace. We had no exit strategy and therefore no victory strategy.

Two years later, we still don't. The elections are a step forward in a long process of making Iraq politically independent. But the elections don't change the fact that Iraq is still not secure. The 150,000 American troops in Iraq are no less at risk than they were last week, which sadly was one of the most tragic weeks of the war. Despite the election, the reality on the ground is unchanged—security in Iraq is not getting better—it's been getting steadily worse since the summer of 2003. The occupation is not making Iraq secure—it's only fueling the violence.

The Bush Administration has no endgame in sight. Their only strategy is to hope that security will get better. But it didn't get better after we captured Saddam, after we transferred sovereignty, or after we went into Fallujah. We can hope, but we can't plan on security improving now that Iraq has had elections. We can't count on security in Iraq getting any better as long as the United States has 150,000 troops in Iraq, and as long as we are viewed as an occupying power. That's why we need an exit strategy that includes a timetable for a U.S. withdrawal. It's the only way to change the dynamic on the ground.

A new Zogby poll in Iraq that found that 65 percent of Iraqis want us to leave, including 68 percent of Shiites and 80 percent of Sunnis. We need to recognize that the presence of 150,000 U.S. forces on Iraqi soil is fueling the insurgency. Over the last year, we've sent more troops to Iraq, but the insurgency has only gotten stronger, more sophisticated, and more deadly. We're creating more insurgents than we're neutralizing. We've killed or captured more than 1,000–3,000 insurgents every month for more than a year. But the insurgency has quadrupled in size, from at least 5,000 to at least 20,000. The Iraqi Intelligence Minister estimates that there are 200,000 Iraqis who are providing support for the insurgents.

Iraqis who voted on Sunday rejected the anti-democratic, terrorist ideology of Zarqawi. But for the most part, the insurgency in Iraq is not comprised of foreign terrorists or high-ranking Baathists. More than 95 percent of the detainees we have in Iraq are Iraqis, and more than 95 percent of those captured in the strike on Fallujah. Only a handful of the Baathists on the most-wanted list are still at large.

To have any chance of success in Iraq we need to understand whom we're fighting against. The insurgency is not comprised of any one group, and they don't subscribe to any one ideology. They are united only by their opposition to the occupation. And they are receiving support from pockets of the Iraqi civilian population that have become embittered with the occupation.

The open-endedness of the occupation also threatens to undermine the credibility of the moderate Iraqi leaders who are seen working with us. Most of the main political slates ran on the platform that they would be best suited to remove U.S. forces from Iraq. It can't happen today. But as the President of Iraq, Ghazi al-Yawar, said today, the U.S. can remove some troops over the course of this year. It's critical that we send a signal that this occupation will not last forever.

When President Bush says we're going to stay "for as long as it takes," Iraqis take that to mean we're going to stay there indefinitely. Now that there is an elected Iraqi government, we need to have an endgame. We also need to make absolutely clear that we aren't seeking a permanent military foothold in Iraq. The President has not yet made that clear.

Under the plan I've proposed, the United States will announce its intentions to withdraw most of our forces this year. By next summer, only a small contingent of troops will remain, staying in the background to assist in the training of Iraqi forces. A smaller, lighter presence would prevent the formation of ethnic militias and the outbreak of civil war. But by staying in the background, it won't provoke bitterness and anti-Americanism among the Iraqi people. A timetable for a drawdown of U.S. forces sends a message to Iraq's new government and Iraqi security forces that soon they'll be responsible for their own security.

The two elements that are key to any exit strategy are training Iraqi forces and investing in reconstruction projects that will create jobs in Iraq. The training of Iraqi security forces didn't begin in earnest until Lt. Gen. Petraeus was put in charge this past June—more than a year after it should have. For too long, Iraqi forces were given only a couple weeks training and sent to fight experienced insurgents. With the United States providing an open-ended guarantee for security in Iraq, untrained Iraqis saw little reason to risk their lives. As a result, their initial performance was mixed at best.

However, their performance on Sunday was encouraging. For the first time, Iraqi forces served in the foreground, with U.S. forces in the background. After a belated start, Gen. Petraeus has the training program on track. Iraqi forces are now given months of training, not weeks. If we continue to train Iraqi security forces, we can give them steadily more responsibility beginning in the coming weeks. That will allow us to bring home the vast majority of our forces over the next 12–18 months.

As we decrease our military presence, we must maintain our commitment to the Iraqi people just as we did in postwar Europe with the Marshall Plan. Our role must change from occupying Iraq to assisting Iraq in economic reconstruction. Iraq's unemployment rate continues to be 30–40 percent, and millions of Iraqis have gone without basic services. It's an outrage that of $22 billion that Congress has committed to reconstruction, only $4.3 billion has actually been spent in Iraq. And up to 50–70 percent of that money has been spent on security for foreign contractors.

Yesterday the Inspector General for Iraq reconstruction said that almost $9 billion that the CPA transferred to government agencies in Iraq is entirely unaccounted for. That needs to change. We need to invest in projects that will provide immediate jobs for Iraqis, not foreign contractors.

Finally, there are the unresolved political issues in Iraq. The key political question in Iraq now is whether Sunnis will be at the table as Iraq's constitution is drafted. Announcing an American troop drawdown will put pressure on the new Iraqi government to include Sunnis in the process. At the same time, the less the new government is seen as depending on us, the more it gains in popularity and credibility among all factions within Iraq.

Tomorrow night, in this chamber, the President has another opportunity to present something he should have presented two years ago—an exit strategy from Iraq. 150,000 troops remain in Iraq, including the 12,000 that were sent to enhance security for the elections. President Bush is asking Congress for an additional $80 billion to fund this war. The President cannot continue to ask American troops to shoulder the sacrifice, and American taxpayers to foot the bill, without light at the end of the tunnel.

Congress must demand of President Bush what he demanded of President Clinton five years ago—an exit strategy. Victory means exit strategy, and it's important for the President to explain to us what the exit strategy is.

SENATE—*Wednesday, February 2, 2005*

The Senate met at 9:15 a.m. and was called to order by the President pro tempore (Mr. STEVENS).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Ever loving and eternal God, source of light that never dims and of the love that never fails, life of our life, parent of our spirits, draw near to us. You are so high that the heaven of heavens cannot contain You, yet You dwell with those who possess a contrite and humble spirit. Thank You for Your kindness and mercy, for showering compassion on all creation. Today, we ask for a special blessing for our Senators. Open their minds to the counsels of eternal wisdom; breathe into their souls the peace which passes understanding. Increase their hunger and thirst for righteousness and feed them with the bread of heaven. Give them the grace to seek first Your kingdom and help them to grow as You add unto them all things needful. Hasten the day when all people shall pay due homage to You, the King of kings. Amen.

PLEDGE OF ALLEGIANCE

The PRESIDENT pro tempore led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

RESERVATION OF LEADER TIME

The PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. FRIST. Mr. President, this morning at 9:30, we will resume consideration of the nomination of Alberto Gonzales to be Attorney General of the United States. Yesterday, we were able to lock in an agreement on the nomination. We will debate the nomination throughout the course of the morning and the afternoon.

As we all know, at 9 p.m. tonight, the President will deliver the State of the Union Address. Therefore, we will recess at approximately 4:30 this afternoon to accommodate arrangements for that address. I do want to remind our colleagues that we will assemble in the Chamber at 8:30 so we can proceed at 8:40 sharp to the Hall of the House of Representatives.

Tomorrow, we will continue debate on the Gonzales nomination as the order provides, with the vote occurring Thursday afternoon or evening.

WISHES FOR POPE JOHN PAUL'S QUICK RECOVERY

Mr. FRIST. Mr. President, a couple of comments before we return to the Gonzales nomination. Yesterday, it was reported that Pope John Paul has been hospitalized or had been hospitalized. He had fallen ill with the flu apparently on Sunday. I, along with the American people, wish him a swift and full recovery.

TORT REFORM

Mr. FRIST. Mr. President, I will close by making a few very brief remarks on Judge Alberto Gonzales. The opportunity is being provided for all Senators to express themselves on this very important nomination. I am confident that the nomination will be confirmed tomorrow afternoon or tomorrow evening. The debate is important, and I encourage all of our colleagues to keep it civil and nonpartisan, as much as practically possible, over the next 48 hours.

I will talk very briefly about a topic the President will speak to tonight, I am quite certain, and that is restoring commonsense balance to our legal system and to our tort system. I mention that because as the Democratic leader and I have agreed, we will be coming to an important aspect of class action reform next week.

I think of Dr. Chet Gentry of the Cumberland Family Care Clinic in Sparta, TN, who does not deliver babies anymore, does not practice obstetrics anymore. When one asks him why, without any hesitation, crystal clear, it is because his insurance premiums grew too high. Simply, he could not afford to deliver babies, and by dropping obstetrics he cut the insurance premiums he has to pay for this privilege of practicing medicine by two-thirds, down from $38,000 a year to $14,000 a year. So by not delivering babies, he cuts his insurance premiums down that dramatically. There is an incentive to not take care of moms when they are going through this wonderful process of giving birth.

In a rural community as small as Sparta—and it has a relatively small population, only 5,000 people—losing Dr. Gentry's services for families is a huge blow. Eighteen months ago, that town had five family physicians. Today, there are three doing obstetrics, delivering babies, and only two of them will perform C-sections.

Dr. Gentry—again, I use him as an example—warns:

> In this small community of Sparta, which serves several surrounding rural counties, the cost of malpractice insurance is affecting access to care. It's already difficult to recruit physicians to rural areas, and the malpractice crisis threatens to make it worse.

The issue is not just cost, it is not just money, it is access to care, whether it is trauma care or finding an obstetrician who will take care of you through the 9 months of pregnancy and deliver your baby. It is an access issue.

This out-of-control litigation is reaching a crisis point in Tennessee. In 29 other States it has already reached a crisis point. Seventy percent of doctors who have practiced in Tennessee for more than 10 years have had a claim filed against them. Does that mean that 7 out of 10 doctors in one State are conducting malpractice, bad health care? No, of course not.

If one looks at the studies of obstetrics, OB/GYN, 92 percent have had a claim against them. That is 9 out of every 10 doctors who have been delivering babies for more than 10 years. For cardiac surgeons, heart surgeons, not a higher risk but in some ways a higher risk field, one of the more common operations done across the country today is cardiac surgery—92 percent out of the physicians, 9 out of 10 physicians who have practiced more than 10 years, have had a suit filed against them.

Average malpractice insurance premiums have increased, so it is a problem, but it is a problem that is getting worse. Look over the last 5 years: these premiums have increased by 84 percent. The premiums go up because when the frivolous lawsuits increase, it creates a heavier burden and that is passed on, of course, to physicians. In Tennessee, OB/GYNs can expect to pay $60,000 a year in insurance premiums; heart surgeons, about $55,000; and general surgeons, $40,000. All of that is high. That is just to pay for the insurance. Remember, Tennessee is not yet a crisis State. If a doctor is in Pennsylvania, Ohio, or down in Florida, they are paying two to three times that. Some neurosurgeons, trauma surgeons, are having to pay insurance of $300,000, some even $400,000, a year for the privilege of taking care of people in the event there is an accident.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Dr. Martin Olsen, chair of OB/GYN division at East Tennessee State University, reports that their clinic in the rural town of Mountain City, TN, had to shut down because of unaffordable insurance costs. Cocke County meanwhile has lost 7 of its 12 doctors who deliver babies.

The problem is not limited to Tennessee. It is not even limited to the practice of medicine. I use that as an example because the impact these litigations costs and frivolous lawsuits have on medicine and health care is so dramatic to me as a physician, as I look at my physician colleagues.

Across the country, American businesses, doctors, plaintiffs, court systems, and taxpayers, are all being victimized by frivolous litigation, by out-of-control litigation. Now is the time to change that. That opportunity is before us.

In 2003, the tort system cost about $250 billion overall. Much of that, maybe half of that—I do not even know what the figure is—is obviously well spent. What we want to do is squeeze the waste, the frivolous lawsuits, out of the system. That figure of $250 billion means of an unnecessary tax of about $850 for every man, woman, and child. So it is bad now. At the current rate of increase, which outpaces the growth of our GDP, gross domestic product, it is estimated that per capita cost will go above $1,000 by 2006. That means for a family of 4, there is a tort tax of about $4,000.

The tort system accounts for about 2.23 percent of our GDP. That is equal to the entire economy of the State of Washington or more than that of the State of Tennessee, my own State. Where does all that money go? Unfortunately, less than half of it gets to the victims, the people who have been victimized and hurt. They need to be fully compensated. We all agree with that. The problem is, less than half of the money goes to the victims, which is the purpose of the tort system, and the other half of it goes to administrative costs and, of course, to the trial lawyers, the personal injury lawyers.

There are lots of different examples. Take the case of the Coca-Cola apple juice dispute. It is really on the apple juice end of this, that the plaintiffs' lawyers charged that the drink company was improperly adding sweeteners to its apple juice. So as compensation, the attorneys managed to secure a 50-cent coupon for each of the apple juice victims while at the same time the lawyers walked away with $1.5 million for themselves.

The system is out of balance. We will bring it back into balance. Small businesses get dragged into this irrational tort system. There is example after example that we all have. The system clearly needs to be reformed. Cherry-picking favorable counties to land billion-dollar settlements undermines the core principles of our legal system. Those principles are fairness and equity. These are the sorts of issues that the Judiciary Committee will be addressing tomorrow in committee and that we will be addressing on the floor of the Senate next week.

As our distinguished colleague from New York, Senator SCHUMER, has explained on the Senate floor, too many lawsuits are filed in local courts that have no connection to the plaintiff, the defendant, or the conduct at issue. If the case affects the Nation as a whole, it should be heard in a Federal court.

We have other areas of litigation that need to be addressed and hopefully will be addressed in the near future. Asbestos litigation has bankrupted 70 companies; 18 companies have been bankrupted in the last 24 months. It means job losses—60,000 jobs have been lost, with billions of dollars taken out of our economy without the patients or individuals with cancer being adequately compensated in a timely way. So squeeze the waste and abuse and in some cases the fraud out of the system—that is our goal—and return these systems back into systems of integrity.

I am very excited about where we are going in terms of addressing the tort issues in a balanced, bipartisan way. We will justly compensate those who have been injured by careless or reckless actions, and we want to hold those who commit these actions to account.

Since our country's founding, the tort system often has been a force of justice and positive change, but today that justice is being junked by trial attorneys looking for these multimillion-dollar windfalls, and that is what we need to address. We will take action to end the abuse in these lawsuits on the floor of the Senate. It will be done for the sake of true victims who deserve fair compensation, for the prosperity and health of our people, and for the integrity of our Government.

I yield the floor.

EXECUTIVE SESSION

NOMINATION OF ALBERTO R. GONZALES TO BE ATTORNEY GENERAL

The PRESIDENT pro tempore. Under the previous order, the Senate will resume executive session for the consideration of Executive Calendar No. 8, which the clerk will report.

The bill clerk read the nomination of Alberto R. Gonzales, of Texas, to be Attorney General.

The PRESIDENT pro tempore. Under the previous order, the time until 4:30 p.m. shall be equally divided for debate between the Senator from Pennsylvania, Mr. SPECTER, and the Senator from Vermont, Mr. LEAHY, or their designees.

The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, the division basically is going to be from 9:30 we will have Republican speakers and from 10:30 to 11:30 there will be Democratic speakers and then we will be going back and forth.

I am pleased to be able to open today's discussion on the nomination of my friend, Alberto Gonzales. I am pleased because I know Alberto Gonzales personally and have been able to work with him both during the time he was a distinguished supreme court justice in my home State of Texas, and as White House Counsel.

As the senior Senator from Texas and formerly the junior Senator from Texas, I have had a lot of commerce with Alberto Gonzales. I can tell the American public without reservation: He is honest. He is a straight shooter. He has told me some things I didn't want to hear on more than one occasion. But I was absolutely assured that he was doing what he said he was going to do and that he had reasons for what he did.

On the other hand, I have been able to persuade him on issues where our views differed, because he listened. He is not rigid and impenetrable, as some people have described him. Again, he is a person who listens, who is thoughtful, who is a straight shooter, and someone for whom I have the utmost respect.

I am proud to be able to start the floor debate today on Alberto Gonzales, who was nominated and is to be confirmed as Attorney General of the United States.

Alberto Gonzales is the American story. He is the American dream. He is the American dream, not because he wants his piece of the pie. He is the American dream because he worked hard, never complained. Without many advantages growing up, he persevered, maintained a positive spirit, and it is fair to say, Alberto Gonzales made it. He made it on his own because he prepared himself and because he didn't act like a victim. He understood that this country is filled with opportunities and he took responsibility and seized that opportunity.

He grew up in Humble, TX. Alberto Gonzales was one of seven siblings living in a two-bedroom house that was built by his father and his uncles. His father was a migrant worker, as was his mother. They did not have an education beyond elementary school. But Judge Gonzales learned through his parents' example that, with dreams and commitment and hard work, you can be rewarded in this country.

He excelled in the public schools around Houston, TX. He was a star. He was a star on his own merit because he studied, worked hard, and was always looking for that extra thing he could do to make himself better. Because of that, he was accepted into one of our Nation's most prestigious universities, Rice University in Houston, TX.

He was not only a graduate of a great university, he was the first person in his family to graduate from college and from a great university such as Rice. From there he went on to Harvard Law School, where he earned his law degree. He served in the Air Force. He was a partner at Vinson & Elkins, a prestigious international law firm. He then became general counsel to Governor George W. Bush, and that is where they came to have the bond that has been so important in their relationship through the years.

Then-Governor Bush appointed Alberto Gonzales to be secretary of state of Texas. The secretary of state is the person in charge of running elections, making sure we have fair elections in Texas and that the elections are well publicized so we would have a strong voter turnout. He also served as Governor Bush's liaison to Mexico.

It has become a tradition of Governors in our State to have a secretary of state who will work on border issues and issues with Mexico, because that is such an important bilateral relationship for our State as well as our Nation.

Then Governor Bush appointed Alberto Gonzales to the Supreme Court of Texas. He had a distinguished career. He gained experience and respect every step of the way. When the George W. Bush became the President, he brought Alberto Gonzales with him to Washington to be his White House Counsel.

As White House Counsel, the President wanted someone he could trust and someone who knew the law, someone he knew was smart, would do thorough research, would not shoot from the hip. He wanted someone who could be a steady hand at the wheel in the White House Counsel's Office. So, Alberto Gonzales came to the White House with the President and did an outstanding job as White House Counsel, and adviser to the President. He made sure the President knew all of the options and his perspective, but also provided him with the views and perspectives of others. This is very important.

I think Alberto Gonzales sometimes, because he is so fair-minded, would give the President options even though he personally disagreed with some of them. That is what made him such a trusted lawyer for the President. He wanted the President to make the decisions and he wanted the President to make the decisions with the best possible information he could have—whether he believed in that particular option or not. His loyalty to the President was, of course, absolute.

Judge Gonzales answered a very important question about his service as White House Counsel as opposed to the different role he would have as Attorney General. I think it is important because I think some of the criticism that has been made in the Senate Judiciary Committee and on the floor has revolved around the role of a White House Counsel and the very different role that the Attorney General of the United States would play. Alberto Gonzales understands the difference. He knows there is a difference. He agrees that there is a difference.

As White House Counsel he had one role, loyal adviser to the President of the United States, and he fulfilled that role superbly. He gave the advice; he gave different options; he let the President make the decisions. But he knows that the Attorney General of the United States is not just loyal to the President. Of course, he is in the President's Cabinet. Of course, he will be loyal to the President. But that is not his primary function. I want to read his response because it addresses exactly what the Attorney General's role should be, in my opinion. I agree with Alberto Gonzales, and I think he is right on the mark.

> I do very much understand that there is a difference in the position of Counsel to the President and that of the Attorney General of the United States. . . . As Counsel to the President, my primary focus is on providing counsel to the White House and to White House staff and the President. I do have a client who has an agenda, and part of my role as counsel is to provide advice so that the President can achieve that agenda lawfully. It is a much different situation as Attorney General, and I know that. My first allegiance is going to be to the Constitution and the laws of the United States.

Judge Gonzalez in a written response later said: "All government lawyers should always provide an accurate and honest appraisal of the law, even if that will constrain the Administration's pursuit of desired policies."

Judge Gonzales said if he becomes Attorney General, he will no longer represent only the White House, he will represent the American people. He is absolutely right on that point. That is what all of us expect and that is what he intends to deliver.

I think it is the most important point.

As we look at history and as we look at past Attorneys General, sometimes the impression is that an Attorney General is only loyal to the President. Of course, the Attorney General will be loyal to the President, but that will not override his loyalty to the Constitution, the law, and the American people.

Of course, the President too wants to do what is right for the American people. But the Attorney General is the one who will make the determination if something is lawful. And I know that Judge Gonzales will do a great job in representing the law and the American people.

I am disappointed some have suggested that maybe Judge Gonzales has not been responsive enough in his confirmation hearings about his role as White House Counsel. He was at the committee hearings for over 6 hours of questioning, and 450 questions were submitted to him after the hearings. He answered all of them—over 200 pages of single-spaced responses to Senators.

To put this in context, President Clinton's nominee, Janet Reno, received 35 questions. Alberto Gonzales received 450 questions.

I think it is a very important point to make that Judge Gonzales has been forthcoming. He has answered every question, either in the open forum, or in 6 hours of hearings, or in the 200 pages of written answers to questions that were submitted after the hearings by Senators. No one can claim this man has not been forthcoming.

In an article in the December 25, 2004, Christmas Day, Houston Chronicle entitled, "A Dem on Gonzalez," a Democrat and former colleague of Judge Gonzales, Lynne Liberato, now a partner in the Houston office of Haynes and Boone wrote: " . . . in the back of my mind [over the past four years] I have taken solace in the fact that the President had an adviser like Al. Certainly, I wish he were a Democrat, appointed by a Democratic President. But we lost. This President has the right to appoint the attorney general, and I do not think the President could have done better."

In addition, I have to say how very impressed I am with the new Senator SALAZAR from Colorado, who I am told made a speech in his caucus yesterday in which he said, Please vote for Alberto Gonzales. I do not know firsthand what he said or exactly what his words were, but Senator SALAZAR has taken a position on principle. He took a position on principle on behalf of Dr. Condoleezza Rice and has done so with Alberto Gonzales. I must say I respect and admire his willingness to step up to the plate and talk about the record and the principle of giving the President his nominee, and I commend Senator SALAZAR for that bipartisan effort.

I hope my colleagues will not use this debate to continue to attack the President. I hope today is filled with speeches about Alberto Gonzales, about his qualifications, and about his background. I hope we will stay on the issue of Attorney General of the United States. I have seen the rhetoric go in a different direction, both for Secretary of State Dr. Condoleezza Rice and for our nominee for Attorney General, Alberto Gonzales. I don't think this is the time to be attacking the President. There is plenty of opportunity to disagree with the President of the United States. Our duty today in this body is to give advice and consent on the nomination of Judge Alberto Gonzales to be Attorney General of the United States.

I am very hopeful we will be able to take this opportunity to do the right thing, to confirm Judge Gonzales as

Attorney General of the United States, the first Hispanic American who will hold the office of Attorney General. He is a remarkable leader. He has shown great strength and resolve during a difficult time for our country. Furthermore, he has a record of public service over years that shows his remarkable character. He is a man who will be a great Attorney General of the United States.

I think it is going to be a very important vote that we will see tomorrow.

I hope during the debate yesterday the Democratic colleagues decided they will say their peace, hopefully on the merits or whatever they think of the qualifications of Judge Gonzales, and I hope the vote will come soon. We need to allow the President to fill his Cabinet so they can take over in a reasonable time frame.

I hope we can have the full debate today. It would be my hope we would have an early vote tomorrow. If people do not have anything else to say, let us have a vote. Let us allow Alberto Gonzales to be confirmed and take the oath of office and get about the business of our country.

There is no reason to hold him up. He is going to be confirmed. I think it was a mistake to hold Condoleezza Rice for hours and hours and hours. It was not the right thing for our country. I hope that for Alberto Gonzales we realize there is going to be a huge responsibility on his shoulders and he needs to be able to start. He needs to put a deputy in place, to see what is happening in the Department and have the time to make the appropriate adjustments. The Attorney General of the United States is essential to an efficient Justice Department. There are many issues he faces. The sooner he gets started, the better.

I hope the President's State of the Union speech tonight will allow him to lay out his case for the future of our country, and then I hope we can early tomorrow confirm Alberto Gonzales to be Attorney General of the United States.

I am very pleased one of our new Senators from the State of Florida has arrived on the floor. He is certainly a person, having served in the President's Cabinet, who knows how important it is to have a fair discussion and then go forward.

I would like to yield the floor to Senator MARTINEZ.

The PRESIDING OFFICER (Mr. VITTER). The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, good morning.

I ask unanimous consent to deliver a portion of my remarks in Spanish, and that a copy of my speech in English and in Spanish appear in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MARTINEZ. Mr. President, I rise today in support of the nomination of Judge Alberto Gonzales to be our next Attorney General of the United States.

As a freshman Senator, I was frankly hoping to wait a little longer before speaking for the first time on the Senate floor. It is a privilege I take very seriously. However, I could not fail to speak in defense of Judge Gonzales. I am disappointed that he has been the subject of such partisan attack, and today I rise in the defense of a good man and a good friend.

Al Gonzales is a very dedicated public servant and exceptionally qualified to serve our Nation as our next Attorney General.

In January of 2001, President Bush chose Judge Gonzales to be Counsel to the President, and he has served his Nation well in that position.

Judge Gonzales was appointed to the Texas Supreme Court in 1999, and from December of 1997 to January of 1999, he served as Texas's 100th Secretary of State.

I am so proud.

Judge Gonzales also has received a number of awards. He was inducted into the Hispanic Scholarship Fund Alumni Hall of Fame in 2003, and he was honored with the Good Neighbor Award from the United States-Mexico Chamber of Commerce.

I was honored when he and I both received the President's awards from the United States Hispanic Chamber of Commerce and from the League of United Latin American Citizens, probably the largest Hispanic organization in America.

These are just a handful of many professional accolades Judge Gonzales has been awarded over the course of his very distinguished career.

I know a lot has been said about Judge Gonzales's life story. It is a story of the fulfillment of the American dream. It is a story that resonates with all Americans, but especially with Hispanic Americans. We view his story with pride and many view it with hope for their own lives.

As a fellow Hispanic American, I want to put this nomination of Judge Alberto Gonzales in a very specific perspective. Our Hispanic community has broken key racial barriers in both Government and industry. I am so proud to have been part of that progress, thanks to the help of many who have opened doors and others who have been enlightened enough to make opportunities available to Hispanic people in America.

I was honored to serve as this Nation's twelfth Secretary of Housing and Urban Development. I am thrilled to represent the great State of Florida as our Nation's first Cuban-American Senator. It is a wonderful honor, but I also feel a tremendous weight of responsibility from that very important opportunity.

In the case of Attorney General, no Hispanic American has ever been in the position of Government at that level. No Hispanic American has ever served in one of the four premier Cabinet positions. I have sat at that Cabinet table, and I know what an immense privilege it is to sit in with the Counsel of the President of the United States. But I also know very well that there are four seats at that Cabinet table that have never before been occupied by a Hispanic. They are the Secretary of State, Secretary of the Treasury, Secretary of Defense, and Attorney General. These are the original Cabinet positions. These are the positions that are at the heart of the most important positions of our Government. Never in the history of our Nation has the Hispanic American or Latino had the opportunity to occupy that seat. Judge Gonzales will be the first Hispanic American to serve in one of the Cabinet's top four positions when he becomes our next Attorney General. This is a breakthrough of incredible magnitude for Hispanic Americans and should not be diluted by bipartisan politics.

Judge Gonzales is a role model for the next generation of Hispanic Americans in this country—a role model to our young people who, frankly, have too few.

Just this past weekend, Congresswoman SUE KELLY was relating a story to me of something that happened with her recently at a school she was visiting in her district. She told me of something that I know to be a fact; it has happened in my own life. She said, While I was visiting there, one of the young people came to me, a Latino, a Hispanic, a young person, and said to me, Do you know we now have our own Senator. That young person was speaking of me or perhaps of Senator SALAZAR from Colorado. But this young person knew and took pride in the fact that we were here as role models for them, as someone who could signal the opportunities that lie ahead in their own life. Attorney General Gonzales will resonate through the Hispanic community just as he has resonated throughout our community; that he has been the President's lawyer—not an insignificant thing for him to have done.

He is already and will continue to be an inspiration to these young students. There will be Hispanic boys and girls across the country who will now aspire to be lawyers because of Judge Gonzales's example of what is possible and how it is possible that someone with his very humble beginnings could achieve all he has achieved if only they dare to dream in our great Nation.

And to Hispanic Americans throughout our Nation:

Y a los Hispano-Americanos a lo largo y ancho de esta gran nacion: tanto a nuestros niños, como a nuestros estudiantes de Derecho y los padres y abuelos que han venido a

America a crear una vida mejor para ellos y sus familias, hoy les tengo un mensaje:

El Juez Gonzales es uno de nosotros. El representa todos nuestros sueños y esperanzas para nuestros hijos. Debemos reconocer la importancia de este momento—sobre todo para nuestra juventud. No podemos permitir que la politiquería nos quite este momento que nos enorgullece a todos. Apoyemos a Alberto Gonzales.

From our schoolchildren, to law students, to parents and grandparents who came to America to create a better life for themselves and their families in the United States, I have this message for you today: Judge Gonzales is one of us. He represents all of our hopes and dreams for our children and for all of us as Hispanic Americans. Let us acknowledge the importance of this moment, especially for our young people. We cannot allow petty politicking to deny this moment that fills all with such pride. Let us all support Alberto Gonzales.

I am honored to have my first remarks on the Senate floor be in praise of a friend, Alberto Gonzales, to be our next and I think exceptional Attorney General. Not only have I known Mr. Gonzales as a colleague in government service where I have known of his incredible dedication, the incredibly long hours he has put in, the very difficult days we all faced in the days following the tragic moments after September 11 when our Nation was attacked, the tremendous weight of responsibility that fell on him in the months and years that came after that, but I look forward to casting my vote in the Senate for our Nation's first, and in this historic moment, our next Attorney General, the first Hispanic to occupy that office.

I urge my colleagues to vote in favor of Judge Gonzales's nomination. I urge them to rise above the moment to see the greatness of this opportunity, to not lose this moment that we can all make history.

We can all make history. I look forward to being a part of that with my vote for Judge Gonzales.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. I congratulate our new colleague, Senator MARTINEZ, on his initial speech in the Senate. I bet the Senator will be cited by Senator BYRD who is an encyclopedia of statistics. I am sure this is the first time we have had a bilingual speech in the Senate.

I say to my colleagues, the Senator could not have picked a more important topic upon which to first speak on the Senate floor. We are grateful he is here. We listened carefully to every word, and we thank you for what you are doing for the nominee.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, while the Senator from Florida is still in the Senate Chamber, I congratulate him for his first speech in the Senate. I have come to know him as an exceptional public servant. It is fitting he should speak to this issue, the nomination of Judge Alberto Gonzales to be Attorney General of the United States in his first speech. Frankly, I am honored to follow his remarks. They will be not nearly as eloquent, but I hope, nevertheless, persuasive in support of Judge Gonzales's nomination.

This is a historic opportunity for America, and especially for me and the constituents in my State, so many of whom are Spanish, are Hispanic, and can understand how significant it is for a young man to rise literally from Humble, TX, where Alberto Gonzales grew up, to reach the pinnacles of power in American Government. They know it does not come easy. Many of them have suffered the same kind of background that could limit a person like Alberto Gonzales but in his case did not because of the support and love of his family and the strength and fortitude that he characterizes and the hard work that enabled him to progress from these humble beginnings, literally in Humble, TX, all the way through our finest educational institutions into one of the finest law firms of this country, and eventually into government when then-Governor George Bush discovered this fine young lawyer and asked him to fill a number of appointed positions in the State of Texas.

I was struck by one of the stories that has probably been repeated. It bears repeating. Senator SALAZAR, in introducing Alberto Gonzales to the Judiciary Committee, on which I sit, for his hearing, related the story of how Judge Gonzales had recalled in his upbringing the fact that during his high school years he never asked his friends to come over to his house because, he said: Even though my father poured his heart into that house, I was embarrassed that 10 of us lived in a cramped space with no hot running water or telephone.

That is the situation in which this young man grew up. Yet, as I said, he was the first person in his family to go to college. He ended up graduating from Rice. As a young man he sold pop in the grandstands, dreaming one day of attending that university and graduated from Harvard Law School. After joining a prestigious law firm in Texas, he caught the eye of George Bush, who appointed him general counsel and then secretary of state, and eventually to the Supreme Court of the State of Texas and, of course, as counsellor to the President of the United States when he was elected President.

President Bush has had the opportunity to take the measure of this man and to work with him over many years and to appreciate the talents he can bring to the Department of Justice of the United States. Frankly, it is for that reason I think even though some on the other side of the aisle have reservations about Judge Gonzales, they certainly ought to give this man the benefit of the doubt. If anyone deserves the benefit of the doubt it is a person like Alberto Gonzales.

Is he perfect? No; none of us are. It seems to me the President, having known this man for so long and having relied upon him personally, would be given some deference in the selection of his nominee, especially given the fact that against great odds Alberto Gonzales has achieved so much in his life.

One word about some of the opposition. I don't think people who are watching should be overly concerned about the attacks relating to the subject of terror with respect to Judge Gonzales. They have nothing to do with Judge Gonzales. Their way of articulating frustration and opposition to the President's policies with respect to the war in Iraq—and it is unfortunate that sometimes these political statements and opposition are reflected in the context of a nominee for office—this is an opportunity for members of the opposition to make their case against the President when they have an opportunity to speak to the Secretary of State's nomination or the Attorney General's nomination or other public officials.

But it is too bad for those public officials because, as I said in the case of Alberto Gonzales, most of what has been said has nothing to do with him. He is accused in one case of offering advice to the President with respect to a treaty, and that advice was absolutely correct. In the other case, he is accused regarding the content of a memo he did not author, and therefore it is not his responsibility.

Do not be deceived by some of these discussions that might cause you to wonder what does this subject of terror have to do with Judge Gonzales. In this case, the answer is essentially nothing.

Back to the point that was the central theme of the Senator from Florida, there are a lot of people in this country who are qualified to be Attorney General of the United States—a relatively small number but nevertheless a lot of people the President could have chosen. It is significant he chose Alberto Gonzales. He is clearly qualified. When someone is qualified and has the confidence of the President, as Alberto Gonzales does, it seems to me those in this body—unless there is some highly disqualifying factor brought to our attention—should accede to the President's request for his nomination and confirm the individual.

There is an extra special reason this is meaningful to me. That is because of the number of Hispanics in my State of Arizona and their aspirations and their pride at the achievements they have accomplished.

As the Senator from Florida pointed out, it is important for this country to recognize the kind of talent Alberto Gonzales represents and to hold that up as an inspiration to young people to let them know, regardless of their race or ethnicity, if they work hard, even when they come from humble beginnings, this country offers opportunities that are not available in any other country, and regardless of their background they have the opportunity to become the Attorney General of the United States of America.

That is a tremendous testament to this country. It is a testament to the Senate which has allowed people like Alberto Gonzales to have an opportunity, to the President for his perspicacity in nominating such an individual for Attorney General. It would be a very strong message not only around this country but around the world for the Senate to confirm the nomination of Alberto Gonzales as Attorney General of the United States.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Arizona, a member of the Judiciary Committee, who has done a wonderful job on that committee. It is a tough committee, but he has done a terrific job. That was an outstanding statement on behalf of Alberto Gonzales.

Looking at this man's incredible background and how far he has come clearly shows the great country that America is and the great perseverance and intellect that Alberto Gonzales has.

I yield the time he may consume to the Senator from New Hampshire, Mr. GREGG.

Mr. GREGG. Mr. President, it is a pleasure to rise today in support of a native son of Texas. The Senator represents Texas so well in this Chamber.

Alberto Gonzales, as has been outlined by many of the speakers, is an American success story. What an incredible story. There is no point in plowing ground that has already been plowed numerous times, but still it is nice to see this happen. It is nice to see someone of such extraordinary capability rise to such success. It is the American way to reward ability. We as a nation open our arms to people who are productive, concerned citizens who are willing to give of themselves not only to produce a better life for them and their family but also to produce a better life for their fellow citizenry, which is exactly what Judge Gonzales has done.

With his talent he could have simply gone out and made a huge amount of money. The dollars that might have been available to him in private practice, it is hard to anticipate how much that would be, but it would have been considerable. Instead, at considerable financial sacrifice, I suspect, he has been willing to participate in public service. He has excelled at it both as a judge in Texas and as a counsel to the President in Washington.

Now he has been put forth as the nominee of the President to serve as Attorney General. I think it is an unfortunate reflection of the partisanship on the other side, to be very honest, that his character has been impugned, that his purposes have been impugned, that his integrity has been questioned, and that his record of commitment to public service has been brought into question, not necessarily, I think, because of what he has done, because what he has done has been as an extraordinarily successful public servant and exceptional justice, an exceptional counsel to the President, but simply because I believe Members on the other side wish to highlight their political differences, using Judge Gonzales as their stalking-horse to accomplish that, and have been willing to attempt to undermine such an American success story for the purposes of promoting what amounts to petty political gain.

It is unfortunate, unfortunate indeed, because the office of Attorney General has a tradition in this Nation, and especially in the post-World War II period, of being an office which has always had appointed to it high-quality individuals who have been very close to the Presidency. That also is a logical choice.

I think it is important to focus on that fact, that the Attorney General's position, in the post-World War II period at least, has been a position which has come to play a little different role than maybe it has historically played in the sense that it has been a position where Presidents have chosen people who they have had absolute personal confidence in, not people who necessarily are chosen because they balance a political ticket or political theme or regional need. The importance of having an Attorney General in whom a President has confidence has been the critical element of choosing that individual.

I guess the best example of that, of course, is the Presidency of John Kennedy, when he chose his brother Robert Kennedy, who clearly had very little experience. He had, of course, been counsel for hearings here in the Senate dealing with corruption and labor corruption issues involving the Teamsters Union, but he had not had a great breadth of experience. He was a fresh face, to be kind, in the area of public policy. He was chosen by President Kennedy, which was a choice of significant implications in that the President of the United States would actually choose his brother to serve as Attorney General.

It turned out to be a great choice. Robert Kennedy was probably one of the strongest and most effective Attorneys General, certainly of that period, who drove a great deal of the important issues that were decided in the area of civil rights and in the area of fighting corruption, especially organized crime, organized crime in labor union activity.

The reason that Robert Kennedy is sort of the prototypical appointment in the post-World War II period is because it reflected the fact that the President, President John Kennedy, felt so strongly that he needed in the Attorney General's position someone in whom he had absolutely unequivocal confidence and who was going to be there as an assistant and as a force to carry forward his policies.

That attitude has moved forward throughout this period. Attorney General Reno, who I had the opportunity to work with extensively during her term in office, initially started out in that role also, I believe. Certainly John Ashcroft has had that position. Now, in sort of a restatement, in a way, of the Robert Kennedy role, President Bush has chosen his closest legal adviser, Alberto Gonzales, who has a much stronger résumé than Robert Kennedy had but who has the same historic position in that he is going to be able to carry forth the decisions of this President and operate as a confidant of this President in a manner which is uniquely important to the Attorney General's role.

Obviously, the Attorney General has an obligation to be the law enforcement officer of our Nation, to be a fair arbiter, to be a spokesperson who has integrity on issues, and to speak clearly to the administration of what is right and wrong, and how it should move forward effectively on issues, in a way that does not compromise the administration. Judge Gonzales has done that. He has done that time and time again in his role as White House Counsel. He understands his new role as Attorney General in that context.

But the attacks on Judge Gonzales do not go to this role, they go more to a disagreement which people from the other side have over this administration's policy relative to Iraq in an attempt to bootstrap Judge Gonzales's nomination into a major confrontation on the issues of whether we are doing correct things in Iraq. That, to me, is inappropriate relative to the confirmation process.

There is no question we should debate Iraq. That should be a matter of open and continuous debate in this Senate. It is the most important international policy issue we have going on today. I have no hesitation about debating it. But I do not believe we should use an individual who is a nominee for a major office within the Cabinet as a stalking-horse for the purposes of making attacks on the Presidency, unless there is some clear relationship there. In this case there is none that is so substantive and appropriate that it rises to the level of opposition of the Attorney General nominee, in my opinion.

The individual we have before us as a nominee, Judge Gonzales, is such a unique and extraordinary success story, who so eloquently defines the American dream, as we all love to profess to our different constituencies, to talk about how people succeed in attaining the American dream. Whenever I go into a classroom, especially an elementary or middle school classroom, I talk about how you can be anything. All you have to do is work hard, stay in school, study hard, and make a commitment to being an honest person, a person who has high values, and a person who is committed to working hard, and you can accomplish just about anything.

That is what we say to our youth in this country. That is what we say to people who come to our land as immigrants. Judge Gonzales personifies that statement. For some Members of this Senate to be taking such a negative approach in addressing his nomination, and defining his individual characteristics as not fulfilling those concepts of the American dream is, I think, a disservice to the people who, like Judge Gonzales, have succeeded in America.

This is a unique person whom we are very fortunate to have as a nominee to be Attorney General of the United States. His confirmation will stand as a statement of opportunity to tens of thousands, hundreds of thousands, potentially millions of Americans, especially Americans who have come here from Hispanic cultures, that America is a land of opportunity, that the American dream does exist for you, that if you work hard, that if you are a person of integrity, that if you commit yourself to your goals, you can succeed, and America will reward you in that success and acknowledge it.

So I believe very strongly that the choice of Judge Gonzales is an extraordinarily strong one, that it is consistent with the tradition of Attorney General choices in the post-World War II period, and that, more importantly, it is a statement by this President that he understands the American dream is personified in Judge Gonzales, and that it should be rewarded and should be respected.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I yield the remainder of the Republican time to the distinguished Senator from Georgia, Mr. CHAMBLISS, and I ask unanimous consent that he be allowed to speak until 10:32 or until the Democrats arrive.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I thank the Senator from Texas for her great leadership on this issue, particularly organizing the support on the floor this morning for Judge Gonzales.

I do rise in support of Alberto Gonzales to be confirmed as the next Attorney General for the United States. I had the pleasure of serving on the Judiciary Committee for the past 2 years, having gone off at the beginning of this session. But during the course of my 2 years as a member of the Judiciary Committee, I had the opportunity to be involved in the hearings, the discussions, and the review of a number of issues to which Judge Gonzales has spoken during the course of his confirmation process.

One of those issues is the administration's policy on torture, for which the judge has been unduly criticized by folks who are in opposition to his nomination. I want to respond to some of the ridiculous accusations of those who are opposed to this confirmation, and talk about some of the actual facts involved, which seem to be missing from the conversations on the floor coming from his critics and from those who are opposed.

I do not think Judge Gonzales nor could the administration be more clear than they have been on the policy and the subject of torture. As President Bush stated at his January 26, 2005, press conference:

> Al Gonzales reflects our policy, and that is we don't sanction torture.

In all of his statements and responses, Judge Gonzales has emphasized that there is a distinct difference between what the law would allow and what the administration policy is. No matter how the obligations of the United States under the Constitution, treaties, and various statutes have been interpreted, the President has said he would never order or condone torture. That is the policy. That is what Alberto Gonzales has represented and does represent today.

President Bush's February 7, 2002, memorandum to, among others, the Vice President, the Secretary of State, the Secretary of Defense, the Attorney General, and the Director of Central Intelligence unequivocally required those detained by the U.S. Armed Forces to be treated humanely. The President stated:

> Of course, our values as a Nation, values that we share with many nations in the world, call for us to treat detainees humanely, including those who are not legally entitled to such treatment. Our Nation has been and will continue to be a strong supporter of Geneva and its principles. As a matter of policy, the United States Armed Forces shall continue to treat detainees humanely and, to the extent appropriate and consistent with military necessity, in a manner consistent with the principles of Geneva. . . . I hereby reaffirm the order previously issued by the Secretary of Defense to the United States Armed Forces requiring that the detainees be treated humanely and, to the extent appropriate and consistent with military necessity, consistent with the principles of Geneva.

It could not be clearer. It absolutely could not be clearer. And it is not something that he said which is the subject of interpretation; it is something which the President committed to writing and for which Judge Gonzales stands.

Judge Gonzales has unmistakably, forcefully, and consistently made clear before, during, and after his confirmation hearing that it is not the policy of the United States to condone torture and that he personally does not condone torture.

At a June 22, 2004, press briefing, before his confirmation hearing—indeed, well before he was even a nominee—Judge Gonzales stated:

> The administration has made clear before, and I will reemphasize today that the President has not authorized, ordered or directed in any way any activity that would transgress the standards of the torture conventions or the torture statute, or other applicable laws.

He continued later:

> [I]f there still remains any question, let me say that the U.S. will treat people in our custody in accordance with all U.S. obligations including federal statutes, the U.S. Constitution and our treaty obligations. The President has said we do not condone or commit torture. Anyone engaged in conduct that constitutes torture will be held accountable.
>
> The President has not directed the use of specific interrogation techniques. There has been no presidential determination of necessity or self-defense that would allow conduct that constitutes torture. There has been no presidential determination that circumstances warrant the use of torture to protect the mass security of the United States.

I have several more pages of statements that were made by Judge Gonzales in his confirmation hearing that directly apply to this issue. They have been consistent. They have been very clear. They have been concise to the effect that Judge Gonzales has never condoned the use of torture. It is not the administration policy to condone torture. Why in the world folks on the other side continue to criticize this man for something he has not said or has not condoned should be pretty obvious to the American people. There is a reason for it, but the reason simply doesn't hold water.

Who is this man? That is the more important question. Who is Alberto Gonzales? Is he qualified to become Attorney General of the United States? Judge Gonzales grew up as a humble man. He is a Hispanic American who grew up, interestingly enough, in a two-bedroom house in Humble, TX, that his father and uncle built and where his mother still resides. His parents were never educated beyond elementary school, and he was the first person in his family to go to college.

He is a graduate of Texas public schools, Rice University, and Harvard Law School.

Judge Gonzales served in the U.S. Air Force between 1973 and 1975 and attended the U.S. Air Force Academy between 1975 and 1977. He is married and has three sons. While his family lived in Houston, TX, he practiced with one of the best firms in America, and having practiced law for 26 years myself and having associated with the firm of which he was a member, not knowing that in fact he was. I am very familiar with the firm. It is not just one of the best firms in Texas; it is one of the best firms in America. They don't hire lawyers who are not competent and capable to get the job done. That is exactly what Judge Gonzales is—competent and capable.

He was commissioned as Counsel to President George W. Bush in January of 2001, obviously showing what kind of confidence the President of the United States has in the man. Prior to serving in the White House, he served as a justice of the Supreme Court of Texas. Before his appointment to the Texas Supreme Court in 1999, he served as Texas's 100th secretary of state; that being from December of 1997 to January of 1999.

Among his many duties as secretary of state, he was a senior adviser to then-Governor Bush, chief elections officer, and the Governor's liaison on Mexico and border issues.

Simply stated, this man, unlike a lot of folks coming out of the same kinds of conditions in which he grew up, made a decision that he wanted to improve the quality of life for himself and for his family. He worked hard. He studied hard. He became a lawyer, something that nobody else in his family could ever do before him. He practiced law in one of the largest States in our country with one of the largest law firms in that particular State. He was a dadgum good lawyer. Obviously the President of the United States has confidence in him from the standpoint of looking to him for legal advice.

All of the criticisms directed at him have nothing to do with his ability to operate and practice as a lawyer, and in his capacity as Attorney General, he will be the No. 1 lawyer in the country. I submit to all of my colleagues that he is qualified for this job. I ask for their support of Judge Gonzales to be confirmed as the next Attorney General of the United States.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, after every war, history is written. There are stories of courage, compassion, and glory, and stories of cruelty, weakness, and shame.

When history is written of our war on terrorism, it will record the millions of acts of heroism, kindness, and sacrifice performed by American troops in Iraq, Afghanistan, and other nations. And it will record as well the stunning courage of Iraqi men and women standing in line last Sunday, defying the terrorist bullets and bombs to vote in the first free election of their lives.

But sadly, history will also recall that after 9/11, and after the invasion of Iraq, some in America concluded our Nation could no longer afford to stand by time-honored principles of humanity, principles of humane conduct embodied in the law of the land and respected by Presidents of both political parties for generations.

Next to the image of Saddam Hussein's statue dragged from its pedestal to the dirt below will be the horrifying image of the hooded prisoner at Abu Ghraib, standing on a makeshift pedestal, tethered to electrical wires.

Alberto Gonzales is a skilled lawyer. His life story is nothing short of inspiring. I have the greatest respect for his success, for what he has achieved, and for the obstacles he has overcome.

But this debate is not about Mr. Gonzales's life story. This debate is about whether, in the age of terrorism, America will continue to be a nation based on the rule of law, or whether we, out of fear, abandon time-tested values. That is what is at issue.

The war in Iraq is more dangerous today because of the scandal at Abu Ghraib prison. Our conduct has been called into question around the world. Our moral standing has been challenged, and now we are being asked to promote a man who was at the center of the debate over secretive policies that created an environment that led to Abu Ghraib.

What happened at Abu Ghraib? What continues to happen at Guantanamo? What happened to the standards of civilized conduct America proudly followed and demanded of every other nation in the world?

Some dismiss these horrible acts as the demented conduct of only a few, the runaway emotions of renegade night shift soldiers, the inevitable passions and fears of men living in the charnel house of war. But we now know that if there was unspeakable cruelty in those dimly lit prison cells, there was also a cruel process underway in the brightly lit corridors of power in Washington.

At the center of this process, at the center of this administration's effort to redefine the acceptable and legal treatment of prisoners and detainees was Alberto Gonzales, Counsel to President George W. Bush. And with the skill that only lawyers can bring, Mr. Gonzales, Assistant Attorney General Jay Bybee and others found the loopholes, invented the weasel words and covered the whole process with winks and nods.

At the very least, Mr. Gonzales helped to create a permissive environment that made it more likely that abuses would take place. You can connect the dots from the administration's legal memos to the Defense Department's approval of abusive interrogation techniques for Guantanamo Bay, to Iraq and Abu Ghraib, where those tactics migrated.

Blaming Abu Ghraib completely on night shift soldiers ignores critical decisions on torture policy made at the highest levels of our Government, decisions that Mr. Gonzales played a major role in making. If we are going to hold those at the lowest levels accountable, it is only fair to hold those at the highest levels accountable as well.

Let's review what we know.

First, Mr. Gonzales recommended to the President that the Geneva Conventions should not apply to the war on terrorism. In a January 2002 memo to the President, Mr. Gonzales concluded that the war on terrorism "renders obsolete" the Geneva Conventions. This is a memo written by the man who would be Attorney General.

Colin Powell and the Joint Chiefs of Staff objected strenuously to this conclusion by Alberto Gonzales. They argued that we could effectively prosecute a war on terrorism while still living up to the standards of the Geneva Conventions.

In a memo to Mr. Gonzales, Secretary of State Colin Powell pointed out that the Geneva Conventions would allow us to deny POW status to al-Qaida and other terrorists and that they would not limit our ability to question a detainee or hold him indefinitely. So, contrary to the statements by some of my colleagues on the other side of the aisle, complying with the Geneva Conventions does not mean giving POW status to terrorists. Colin Powell knew that. The Joint Chiefs of Staff knew that. Alberto Gonzales refused to accept that.

In his memo to Mr. Gonzales, Secretary Powell went on to say that if we did not apply the Geneva Conventions to the war on terrorism, "it will reverse over a century of U.S. policy and practice . . . and undermine the protections of the law of war for our own troops . . . It will undermine public support among critical allies, making military cooperation more difficult to sustain."

The President rejected Secretary Powell's wise counsel and instead accepted Mr. Gonzales's counsel. He issued a memo concluding that "new thinking in the law of war" was needed and that the Geneva Conventions do not apply to the war on terrorism.

And then what followed? Mr. Gonzales requested, approved, and disseminated this new Justice Department torture memo. This infamous memo narrowly redefined torture as limited only to abuse that causes pain equivalent to organ failure or death, and concluded that the torture statute which makes torture a crime in America does not apply to interrogations conducted under the President's Commander in Chief authority. That was the official Government policy for 2 years.

Then relying on the President's Geneva Conventions determination and the Justice Department's new definition of torture, Defense Secretary Rumsfeld approved numerous abusive interrogation tactics for use against prisoners in Guantanamo Bay, even as he acknowledged that some nations may view those tactics as inhumane. These techniques have Orwellian names such as "environmental manipulation."

The Red Cross has concluded that the use of these methods at Guantanamo was more than inhumane. It was, in the words of the Red Cross, "a form of torture."

We have recently learned that numerous FBI agents who observed interrogations at Guantanamo Bay complained to their supervisors about the use of these methods, methods which began at the desks of Alberto Gonzales and the Department of Justice, moving through the Department of Defense to Guantanamo Bay. In one e-mail that has been released under the Freedom of Information Act, an FBI agent complained that interrogators were using what he called "torture techniques." This is not from a critic of the United States who believes that we should not be waging a war on terrorism. These are words from the Federal Bureau of Investigation.

Let me read the graphic language in an e-mail written by another FBI agent about what he saw:

> On a couple of occasions, I entered interview rooms to find a detainee chained hand and foot in a fetal position to the floor, with no chair, food or water. Most times they urinated or defecated on themselves, and had been left there for 18–24 hours or more. On one occasion, the air conditioning had been turned down so far and the temperature was so cold in the room, that the barefooted detainee was shaking with cold. . . . On another occasion, the [air conditioner] had been turned off, making the temperature in the unventilated room well over 100 degrees. The detainee was almost unconscious on the floor, with a pile of hair next to him. He had apparently been literally pulling his hair out throughout the night. On another occasion, not only was the temperature unbearably hot, but extremely loud rap music was being played in the room, and had been since the day before, with the detainee chained hand and foot in the fetal position on the tile floor.

These are the words of an agent of the Federal Bureau of Investigation, who viewed the interrogation techniques at Guantanamo, techniques that flowed from the memo that came across Mr. Gonzales's desk to the Department of Defense down to these dimly lit cells. And the Red Cross and the FBI agree that they are torture.

I asked Mr. Gonzales: Of the 59 clemency cases he coordinated, how many times did he either recommend clemency, a stay of execution, or further investigation to resolve any doubts about a condemned inmate's guilt?

He replied that he could not recall what advice he may have given then-Governor Bush on any of the 59 cases.

He also said he never once recommended clemency because he believed that he and the Governor were obligated to follow the recommendations of the State Board of Pardons and Paroles.

Relying so heavily on the Texas Board of Pardons and Paroles might not be troubling if the board's record itself was not so troubling. Between 1973 and 1998, the Texas Board of Pardons and Paroles received more than 70 appeals of clemency denials. In all those cases, the board never once—not one time—ordered an investigation or held a hearing or even conducted a meeting to try to resolve any possible doubts about a case.

In fact, according to a 1998 civil suit, some board members do not even review case files or skim correspondence they are required to read before voting on clemency petitions. U.S. District Court Judge Sam Sparks, who presided over that lawsuit, found, in his words:

> There is nothing, absolutely nothing—that the Board of Pardons and Paroles does where any member of the public, including the Governor, can find out why they did this. I find that appalling.

Typically, Mr. Gonzales presented a clemency memo to Governor Bush on the day that the inmate was scheduled to be executed. Mr. Gonzales would spend about 30 minutes at some point during the day briefing the Governor before this person was led to execution—30 minutes.

Let me tell you about 2 of the 59 people whose clemency requests Mr. Gonzales handled.

Irineo Tristan Montoya was a Mexican national executed in 1997. In 1986, in police custody, Mr. Montoya signed what he thought was an immigration document. In fact, it was a murder confession. Mr. Montoya could not read a word of it. He spoke no English.

Under the Vienna Convention of Consular Affairs, which the U.S. ratified in 1969 and accepted as our law of the land, Mr. Montoya should have at least been told that he had the right to have a Mexican consular officer contacted on his behalf. He was never informed of this right.

Mr. Gonzales's clemency memo mentioned none of these facts—not one. News accounts say Mr. Montoya was convicted almost entirely on the strength of this confession, a confession which he signed that he could not read or understand.

Then there is the case of Carl Johnson. It has become infamous. Mr. Gonzales's memo on Mr. Johnson's clemency request neglected to mention that Mr. Johnson's lawyer had literally slept through much of the jury selection.

Mr. Gonzales claims that omission of critical facts such as these do not matter because "it was quite common that I would have numerous discussions with the Governor well in advance of a scheduled execution."

However, Governor Bush's logs generally show one, and only one, 30-minute meeting for each execution. Thirty minutes for each life. And that meeting generally took place on the scheduled day of the execution.

At the Judiciary Committee hearing, Mr. Gonzales said: If I were in talking to the Governor about a particular matter and we had an opportunity, I would say, "Governor, we have an execution coming up in 3 weeks. One of the bases of clemency I'm sure that will be argued is, say, something like mental retardation. These are the issues that have to be considered."

The Texas death house was a busy place when Mr. Gonzales was general counsel. In the 6 days from December 6 to December 12, 1995, for example, there were four executions. In the 9 days from May 13 to May 22, 1997, there were six executions. In the 8 days from May 28 to June 4, 1997, there were five executions. In the week from June 11 to June 18, 1997, there were four executions. And during one 5-week period from May 13 to June 18, 1997, in the State of Texas, there were 15 executions.

Even if Mr. Gonzales found an opportunity, as he says, to mention critical details of upcoming executions during meetings on other topics, is that an appropriate or sufficient way to provide a Governor with information he needs to make a life-or-death decision?

Did Mr. Gonzales really expect the Governor to be able to keep track of these details that were discussed weeks in advance of a decision on clemency? Is that reasonable when a person's life is hanging in the balance?

Regardless of how one feels about the death penalty, no one—absolutely no one—wants to see an innocent person executed. That is not justice.

Over 2,000 years ago, Roman orator Cicero said: Laws are silent in time of war. The men and women who founded this great Nation rejected that notion. They understood that freedom and liberty are not weaknesses; they are, in fact, our greatest strengths.

In times of war or perceived threat, we have sometimes forgotten that basic truth. And when we have, we have paid dearly for it.

In the late 1700s, a war with France seemed imminent. Congress responded by passing the Alien and Sedition Acts. These patently unconstitutional laws empowered the President to detain and deport any non-citizen with no due process and made it illegal to publish supposedly "scandalous and malicious writing" about our Government.

President Lincoln, whom I regard as the greatest of all American Presidents, suspended the great writ of habeas corpus during the Civil War.

The first red scare during World War I accelerated into the Palmer raids after a series of bombings on Wall Street and in Washington, DC. Palmer, the U.S. Attorney, ordered roundups of suspected "reds" and summarily deported thousands of aliens, often with little evidence of wrongdoing and no due process.

We all know the tragic story of Japanese immigrants and U.S. citizens of Japanese ancestry being rounded up and placed in internment camps during World War II.

Another moment that I recall, as I stand here today, is when I served in the House of Representatives and heard two of my colleagues who were Congressmen at the time, Japanese Americans, come forward to explain what happened to them, how they were literally told the night before in their homes in California by their parents to pack up their little belongings, put them in a suitcase, and be prepared to get on a train in the morning. Bob Matsui was one of those. He just passed away a few weeks ago.

Bob Matsui understood what discrimination could really be. What was his sin? He was born of Japanese American parents. That is a fact of life, and it was a fact that changed his life dramatically. He and others were taken off to internment camps without a trial, without a hearing, simply because they were suspected of being unpatriotic.

During the Cold War, our Nation, fearful of communism, descended into a red scare of McCarthyism, witch hunts, and black lists that destroyed the lives of thousands of decent people.

In the 1960s, the Government infiltrated many organizations and compiled files on its own citizens simply for attending meetings of civil rights or antiwar organizations.

Some on the other side of the aisle have compared Mr. Gonzales to one of our great Attorneys General, Robert Kennedy. With all due respect to Mr. Gonzales, he is no Robert Kennedy. Unlike Mr. Gonzales, Robert Kennedy understood the importance of respecting the rule of law to America's soul and our image around the world.

Listen to this quote from a speech that Robert Kennedy gave at the height of the Cold War and the civil rights movement. This is what he said:

> We, the American people, must avoid another Little Rock or another New Orleans. We cannot afford them. It is not only that such incidents do incalculable harm to the children involved and to the relations among people, it is not only that such convulsions seriously undermine respect for law and order and cause serious economic and moral damage. Such incidents hurt our country in the eyes of the world. For on this generation of Americans falls the burden of proving to the world that we really mean it when we say all men are created equal and are equal before the law.

Those were the words of Robert Kennedy, and if you replace Little Rock and New Orleans with Abu Ghraib and Guantanamo, those words ring true today. Mr. Gonzales does not seem to understand, as Robert Kennedy did, the impact such scandals have on America's soul and image.

Today is a critical moment for our Nation. Overseas, our Nation's actions and character are being questioned by our critics and our enemies. Here at home, we want to feel safer and more secure.

There are some who want to repeat the mistakes of our past. They think the best way to protect America is to silence the law in this time of war.

Let me tell you about one man who disagrees. His name is Fred Korematsu. More than 60 years ago, Mr. Korematsu was a 22-year-old student and was one of the 120,000 Japanese-American citizens and immigrants who was forced from their homes into these prison camps, internment camps.

After Pearl Harbor, Mr. Korematsu tried everything he could think of to be accepted as American. He changed his name to Clyde, and even had two operations to make his eyes appear rounder. He was still forced into Tule Lake, an internment camp in California.

He challenged his detention, taking his case all the way to the U.S. Supreme Court. In a decision that remains one of the most infamous decisions in the Court's history, the Supreme Court rejected Mr. Korematsu's claim and failed to find the internment of Japanese Americans unconstitutional.

It would be another 40 years until an American President, Ronald Reagan, officially apologized for that terrible miscarriage of justice and offered small restitution to its victims.

Today, Mr. Korematsu is nearly 85 years old. He is recovering from a serious illness, but he still loves America and is deeply concerned that we not again abandon our most cherished principles and values. So he has raised his voice, warning his fellow Americans we should not repeat the mistakes of the past.

I respect and admire Alberto Gonzales for his inspiring life story and the many obstacles he has overcome. Some of my colleagues suggested his life story embodies the American dream. But there is more to the American dream than overcoming difficult circumstances to obtain prominence and prosperity. We also must honor Fred Korematsu's dream that our country be true to the fundamental principle upon which it was founded: the rule of law.

Some of my colleagues have suggested that the opposition to Al Gonzales's nomination is all about partisan politics. That could not be further from the truth. This is about our ability to win the war on terrorism while respecting the values that our Nation represents.

I cannot in good conscience vote to reward a man who ignored the rule of law and the demands of human decency and created the permissive environment that made Abu Ghraib possible.

When the history of these times are recorded, I believe that Abu Ghraib and Guantanamo will join the names of infamous Japanese-American internment camps such as Manzanar, Heart Mountain, and Tule Lake where Fred Korematsu and over thousands of others were detained. I cannot in good conscience vote to make the author of such a terrible mistake the chief law enforcement officer of our great Nation and the guardian of our God-given and most cherished rights.

So, Mr. President, I will vote no on the nomination of Alberto Gonzales to serve as Attorney General of the United States. I yield the floor.

The PRESIDING OFFICER (Mr. GRAHAM). The Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise today to oppose the nomination of Alberto Gonzales to be the next United States Attorney General.

It is disappointing to have to oppose this nomination, but based on his record, I believe there is no other choice.

Judge Gonzales's life story is a shining example of the American dream.

From humble beginnings he rose to serve on the Texas Supreme Court, become counsel to the President of the United States, and has now been nominated for one of the three highest Cabinet positions in the United States.

His life story is compelling and admirable, but that alone is not enough to support someone for the position of Attorney General of the United States.

The Attorney General is the chief law enforcement officer of the Federal Government, and serves as the face for truth and justice in this country.

This individual should and must be committed to the sanctity of the law, protecting the rights and liberties of all people, and ensuring that the laws are obeyed.

I believe Judge Gonzales's work as counsel to the President shows him to be unfit to perform the duties of the Attorney General.

My concern centers on three events during Judge Gonzales's tenure as counsel to the President.

His actions during these times cause me to question whether he can fulfill the duties of the Attorney General as I just outlined.

The first event involves Judge Gonzales asking the United States Department of Justice to prepare a legal opinion on acceptable interrogation standards that would be allowed under the Convention Against Torture.

This memo became the basis for the standards developed by the Defense Department's working group on detainee interrogation, which subsequently have been used in Afghanistan, Guantanamo Bay, and Iraq.

The Justice Department memo ignores significant contrary case law, a plain reading of the statute, and the legislative history of the law.

In doing so, the memo created such a narrow definition of torture that only actions that cause "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death" would be considered torture.

The analysis included in the memo has been called weak and reckless by other lawyers, human rights groups, former officials from this administration, military officers, and military lawyers.

However, it appears that Judge Gonzales had no misgivings with the memorandum at the time.

In fact, it appears that Judge Gonzales continues to have no concerns with the conclusions of this memo, even though prior to his Senate Judiciary Committee hearing, the Department of Justice issued another superseding memorandum that reaches a much different conclusion.

According to the new memorandum, torture is defined as physical suffering "even if it does not involve severe physical pain."

Second, in a memo Judge Gonzales wrote to the President, he advised that the Geneva Conventions did not apply to captured members of al-Qaida and the Taliban.

This was a reversal of longstanding United States policy and practice of adhering to the Geneva Conventions.

This conclusion is a misstatement and misinterpretation of the Geneva Conventions.

The Geneva Conventions require humane treatment of all captives, whether soldiers, insurgents, or civilians.

Additionally, Judge Gonzales also requested a memo concerning the Geneva Conventions' effect on the transfer of protected persons from occupied territory.

This memo led to the creation of the "ghost detainee program" in Iraq, a practice that is against the spirit, plain reading, and any interpretation of the Geneva Conventions.

Finally, and most disturbingly, Judge Gonzales has advised the President that if a legal statute infringes on the authority of the President as the Commander-In-Chief, then that statute should be considered unconstitutional and the President could refuse to comply with the law.

Such a position is contrary to settled separation of powers case law, and has most recently been repudiated by the United States Supreme Court in its decision last year on the rights of detainees.

These events lead me to question the willingness of Judge Gonzales to, as required, protect the sanctity of the law; protect the rights and liberties of all people, not just some, but all; ensure that Federal laws are obeyed, and, effectively perform the duties of Attorney General of the United States.

I am truly saddened to have to oppose the nomination of an Attorney General for the first time in my career.

However, the Nation's chief law enforcement officer must be required to show, beyond any doubt, the utmost respect for the law and an unwavering determination to defend the law.

Instead, Judge Gonzales's record as counsel to the President points to repeated attempts to skirt the law rather than uphold it.

I must conclude that given the record before us, Judge Gonzales is not qualified for the job.

Following the Iraq prison scandal, Secretary Rumsfeld stated that people should not base their opinion of the United States on the events that occurred there, but on the actions we take thereafter.

Therefore, what will be the world's opinion of the United States if we elevate one of the architects of the policies that led to the Iraq prison abuses to the position of chief law enforcement officer of our country?

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, this morning we have heard many excellent speeches. I commend my colleague from Vermont, Mr. JEFFORDS, for his statement. Yesterday I listened to Senators FEINSTEIN, SCHUMER, KENNEDY, MIKULSKI, DAYTON and STABENOW on our side, and I thought their statements were very good. Both Senator DURBIN of Illinois and I were at a hearing this morning and left to come over here. I think his statement was straightforward and comprehensive and compelling. I appreciate what has been said.

I have also listened to the statements of those who support this nominee, most from the other side. I would say one thing, I am glad that none of them are defending torture. I never expected they would. None of them defend what happened at Abu Ghraib. I didn't expect they would. None of them are defending the Bybee memorandum, with its narrow legalistic interpretation of the torture statute. I never thought any of them would.

None of them defend the outrageous claim that the President of the United States is above the law. I don't know how anybody could defend that position. One of the things we have learned, from the first George W., George Washington, to the current President, is that no President is above the law, not even this one. None of us are. Senators are not. Judges are not. Nobody is.

In fact, some of the people who have spoken have been explicitly critical of the Bybee memo. Unfortunately, the nominee has not joined in that criticism. Instead, he told me at his hearing that he agreed with its conclusions. We know that for at least 2 years he did not disagree with the secret policy of this administration.

Water flows downhill and so does Government policy in this administration. Somewhere in the upper reaches of this administration a process was set in motion that rolled forward until it produced scandalous results.

We may never know the full story. The administration circled the wagons. They stonewalled requests for information from both Republicans and Democrats. What little we do know, we know because the press has done a far, far, far better job of oversight than the Congress itself. We know it from international human rights organizations because they have done a far better job of oversight than Congress has. We owe it to a few internal Defense Department investigations, and of course the Freedom of Information Act litigation. Thank goodness we have the Freedom of Information Act, because Congress, this Congress especially, both bodies, has fallen down for years on their oversight responsibility. It failed, actually refused, to do oversight of an administration of their own party. It is fortunate the Freedom of Information Act is there.

Every administration, Democrat and Republican, will tell you all the things they believe they have done right. None will tell you the things they believe they have done wrong. Normally it is the job of the Congress to root that out. We have not been doing our job. Fortunately the press and others, through the Freedom of Information Act, have.

Despite repeated requests both before and during and after judge Gonzales's confirmation hearing, there is much we still do not know. We gave this nominee every possibility before, during, and after his hearing to clarify this. I even sent to him and to the Republicans on the committee, well in advance of the hearing, a description of the types of questions I would ask on this particular matter so there would be no surprises and so that he would have a chance to answer them. He didn't.

We do know that he was chairing meetings and requesting memos and checking up on those memos as various Government agencies were being tasked with eroding long-established U.S. policy on torture.

Just this week, the New York Times reported the Justice Department produced a second torture memo to address the legality of specific interrogation techniques proposed by the CIA.

So much for the proponents' argument that these memoranda were research memos with little real-world impact.

That second torture memo, which the administration refused to provide to the Judiciary Committee, reportedly used the very narrow and thus permissive interpretation of the torture statute outlined in the first memorandum. The administration will not come clean from behind the stone wall it has constructed to deter accountability for its actions. Does anyone believe this memo was generated without knowledge of the White House, without its approval?

The President said he chose Judge Gonzales because of his sound judgment in shaping the administration's terrorism policies. But the glimpses we have seen of secret policy formulations and legal rationales that have come to light show that his judgements have not been sound.

Look at his role with respect to the Bybee memo. This is the memo that noted legal scholar Dean Koh of the Yale Law School called, "perhaps the most clearly erroneous legal opinion I have ever read." He went on to say it is "a stain upon our law and our national reputation."

In remarks yesterday, Republican Senators, quite correctly in my view and the view of many others who studied it, said the Bybee memo was "erroneous in its legal conclusions. . . ." They call the memo's interpretation of what constitutes torture "very, very extreme . . . certainly not a realistic or adequate definition of torture which would withstand legal analysis or legal scrutiny."

I commend them for doing that. I commend them for saying the memorandum was "extreme and excessive in its statement and articulation of executive power." I would feel far better if the man who they are supporting for Attorney General had taken the same position, as have many of my colleagues in the Senate, on both sides of the aisle.

Even supporters of Judge Gonzales distance themselves from the Bybee memo's conclusion that the President has authority to immunize those who violate the law knowing that "certainly is not lawful."

These are the statements of Republican Senators, but they should not be confused with the statements of Judge Gonzales, who has refused to criticize its legalistic excuses for recalibrations of decades of law and practice.

I ask unanimous consent to have printed in the RECORD a number of newspaper articles and editorials that bear on this nomination, including one that appears in today's Rutledge Herald, a prize-winning newspaper in Vermont.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Rutland Herald, Feb. 2, 2005]

NO ON GONZALEZ

One of the best ways the U.S. Senate could assure the world that the United States is serious about democracy and human rights would be to reject the nomination of Alberto Gonzalez as attorney general.

The Democrats on the Senate Judiciary Committee were united in opposing Gonzalez, who received a vote of 10–8 from the committee. Sen. Patrick Leahy, ranking Democrat on the committee, was firm in opposition to Gonzalez. Democrats have flirted with the idea of a filibuster to block Gonzalez's confirmation, but on Tuesday they rejected that idea.

It is a difficult to understand how the Arab world or anyone else could take seriously President Bush's high-flown rhetoric on behalf of freedom or democracy if Gonzalez became part of his cabinet. Gonzalez has become known as Mr. Torture. His low-key, equable manner before the committee should not disguise the fact that during long hours of testimony he refused to say that it was illegal for the president to authorize torture of prisoners in the hands of the U.S. military.

It is well known that Gonzalez was the author of memos defining the ways that it was permissible for U.S. troops to torture their captives. He was behind numerous policies since ruled unconstitutional and illegal, such as the detention of prisoners without charge and without access to a lawyer. He was behind the military tribunals established to deal with prisoners at the Guantanamo naval base, which have also been thrown out by the courts.

Continuing revelations reveal that torture and other mistreatment were the work of more than a few miscreants at Abu Ghraib in Iraq. The International Red Cross has charged that torture of prisoners is widespread. New reports continue to emerge, such as that describing the sexual taunting of prisoners by female interrogators. It is degrading for the prisoners and for the U.S. military, and it shows the world a face of the United States that ought to shame all Americans.

Is Alberto Gonzalez responsible for these violations? Yes. He is not alone, of course. President Bush bears ultimate responsibility, and Secretary of Defense Donald Rumsfeld is culpable as well. But Gonzalez was responsible for the twisted interpretations that gave a legal gloss to policies that spread from Guantanamo to Iraq and Afghanistan.

Gonzalez is likely to win approval from the Senate. As Leahy noted at the time of Gonzalez's nomination, the present Senate would probably give the nod to Attila the Hun. But a strong voice of disapproval by senators concerned about the way that Gonzalez and Bush have abused our democratic ideals would remind the world that America is not unanimous in support of the inhumane policies of the Bush administration.

Bush has pledged his support for democratic movements all around the world. A no vote on the Gonzalez nomination would show the world the United States, too, is struggling to be a democracy.

[From the Wall Street Journal, Nov. 26, 2002]

GONZALES REWRITES LAWS OF WAR

(By Jeanne Cummings)

WASHINGTON.—Most people assume Attorney General John Ashcroft is the Bush appointee responsible for legal decisions that critics say place national security above civil liberties. But the real architect of many of those moves is someone most Americans have never heard of: White House Counsel Alberto Gonzales.

Since the Sept. 11 attacks, the former commercial-real-estate attorney from Texas has been rewriting the laws of war. From his corner office in the White House, he developed the legal underpinnings for presidential orders creating military commissions, defining enemy combatants and dictating the status and rights of prisoners held from Afghanistan battles. And he may well hold the most sway in President Bush's coming decision on whether to begin appointing military commissions to prosecute Afghanistan war prisoners.

He believes he is striking the right balance between American security and personal liberties. But his methods have evoked outrage from the State Department and even the Pentagon, which say they resent being cut out of the process.

Career Pentagon lawyers in the Judge Advocate General's Office were furious that they read first in news reports that Mr. Gonzales had devised the legal framework for military commissions. National Security Council legal advisers unsuccessfully tried in January to stall his controversial decision asserting that the Geneva Convention didn't apply to Afghanistan detainees. And Secretary of State Colin Powell launched an intense internal campaign to undo that decision.

"Essentially, a bunch of strangers are deciding the issues and you're outside the door not being heard," complains retired Rear Adm. John Hutson, who served as the Navy's judge advocate general until 2000 and who remains close to his former colleagues at the Pentagon.

The 47-year-old Harvard Law School graduate remains secure in his post mainly for one reason: President Bush. "I love him dearly" was how Mr. Bush introduced his former Texas chief counsel last year. Because of that bond, Mr. Gonzales is considered a likely candidate for nomination to the U.S. Supreme Court.

What makes the San Antonio native's role remarkable is his willingness to go toe-to-toe against Defense Secretary Donald Rumsfeld's department lawyers and Mr. Powell himself—to try to bend powerful insiders to the will of his client, Mr. Bush. Mr. Gonzales is the president's final sounding board on issues that in previous administrations were largely handled by experts in the National Security Council or the departments of State and Defense. "There is a reason you have trusted aides in key positions. It's to get their judgment after hearing everyone else's judgment," says Dan Bartlett, the president's communications director.

The way Mr. Gonzales sees it, the war on terrorism requires a re-examination of the conventional rules, and it is his job to push Congress, the courts, and the international community to do that. "Some of these principles have never been addressed in a court of law," says Mr. Gonzales. "People think it is obvious that an American citizen, for example, would have a right to counsel if detained as an enemy combatant. But that's not so obvious."

Before Sept. 11, Mr. Gonzales's only brush with the Geneva Conventions was in death-penalty appeals, such as the 1997 case of Mexican native Tristan Montoya. Under the Geneva agreement, Mr. Montoya had a right to contact his consulate office, but Texas authorities failed to inform him of that right. Mr. Gonzales argued that omission wasn't significant enough to overturn Mr. Montoya's murder-robbery conviction. He asserted Texas was under no obligation to enforce the agreement anyway since the state wasn't a party in ratifying it. Mr. Montoya was executed and the U.S. State Department sent a letter of apology to Mexico for the agreement's violation.

After the terrorist attacks, Mr. Gonzales took a new look at those agreements. The reference book "The Laws of War" is the newest addition to his research shelf. It was given to him by John Yoo, a former University of California, Berkeley professor now serving in the Justice Department's Office of Legal Council. Mr. Yoo built a formidable reputation in elite international law academic circles—the "academy" as they call themselves—for his provocative writings asserting profound presidential powers during time of war. He quickly became the White House counsel office's "go to guy," says Mr. Gonzales.

But the Gonzales team's first venture into the international-law arena was a rocky one. On Nov. 13, 2001, Mr. Bush announced his intention to revive World War II-style military commissions. He released a framework that excluded explicit assurances of unanimous verdicts, rights to appeal, public trials, and a standard of proof beyond a reasonable doubt. The legal community—particularly military experts—exploded.

Over the next four months, Pentagon attorneys, who had complained about being kept out of the loop, wrote regulations for the commissions that guaranteed most of those rights. Still lacking, critics say, is the right to appeal to an outside court. "Our political leaders just can't have the ultimate say on guilt and innocence," says Tom Malinowski, a Washington advocate and director of Human Rights Watch.

Mr. Gonzales was "surprised" by the sharp reaction to the commission ruling, but acknowledged it may have been written and released too hastily. He says he conducts wide-ranging consultations, but that there are times when others within the administration just don't agree with his final recommendation for action.

Two months after the commission order, Mr. Gonzales was readying another critical wartime recommendation—that the president deny Geneva Convention coverage to detainees housed in a makeshift prison in Cuba's Guantanamo Bay Naval Base. National Security Council lawyers tried to slow the order, but, on Jan. 18, Mr. Bush adopted that stand. "They are not going to become POWs," Mr. Gonzales said.

The move immediately drew objections from the State Department. Mr. Powell, fearing captured U.S. servicemen or spies could face reprisals, demanded the president reconsider the ruling. The secretary's discomfort was compounded by a Jan. 25 memo written by Mr. Gonzales that misstated Mr. Powell's position and concluded that the secretary's arguments for "reconsideration and reversal are unpersuasive."

Mr. Powell argued that while the detainees didn't deserve prisoner-of-war status, the administration must use the Geneva Conventions to reach that conclusion. After two intense NSC meetings, Mr. Bush opted to reverse course—but, for Mr. Gonzales, it was only a technical loss.

Today, federal judges are grappling with Mr. Gonzales's interpretation of the rights of U.S. citizens, the "enemy combatants," who have been held for months without charges or access to attorneys. That is an issue that is unlikely to be resolved until it reaches the Supreme Court.

Mr. Gonzales readily admits the White House might lose some ground in those court cases. While being "respectful" of constitutional rights, the administration's job "at the end of the day" is "to protect the country," he says. "Ultimately, it is the job of the courts to tell us whether or not we've drawn the lines in the right places."

[From the National Journal, Nov. 13, 2004]

OPENING ARGUMENT—THE PROBLEM WITH ALBERTO GONZALES

(By Stuart Taylor, Jr.)

White House Counsel Alberto Gonzales is an amiable man with an inspiring personal story. One of eight children of uneducated Mexican-American immigrants, he grew up in a Texas house with no hot water or telephone. He would be the first Hispanic attorney general. He has the complete trust of the president, whom he has loyally served for four years in Washington, and in Texas before that. He is far less divisive and confrontational than the departing John Ashcroft.

The problem with Gonzales is that he has been deeply involved in developing some of the most sweeping claims of near-dictatorial presidential power in our nation's history. These claims put President Bush literally above the law, allowing him to imprison and even (at least in theory) torture anyone in the world, at any time, for any reason that Bush associates with national security. Specifically:

Gonzales played a central role in developing Bush's claim of unlimited power to seize suspected "enemy combatants"—including American citizens—from the streets or homes of America or any other nation, for indefinite, incommunicado detention and interrogation, without meaningful judicial review or access to lawyers.

He presided over the preparation of the poorly drafted November 2001 Bush order establishing "military commissions" to try suspected foreign terrorists for war crimes.

He signed the January 25, 2002, memo to the president arguing that the 1949 Geneva Conventions offer no protection to any prisoners seized in Afghanistan; the memo dismissed some of the Geneva provisions as "quaint." This memo signaled Bush's break—over vigorous objections from Secretary of State Colin Powell—with the generous interpretation of the Geneva Conventions used under every president from Harry Truman through Bill Clinton. It also led to Bush's refusal to provide the individual hearings required, both by Geneva and by Army regulations, for the hundreds of alleged "unlawful combatants" at his Guantanamo Bay prison camp.

He was the addressee of, and apparently had a role in vetting, the August 1, 2002, Justice Department memo asserting that the commander-in-chief has virtually unlimited power to authorize indiscriminate use of torture in wartime interrogations—tearing off fingernails, branding prisoners' genitals with red-hot pokers, you name it.

Here is how these profoundly unwise claims have worked out:

The no-due-process "enemy combatant" policy brought Bush an 8-1 rebuff from the Supreme Court on June 28, in Hamdi v. Rumsfeld. The majority asserted that "a state of war is not a blank check for the president." Antonin Scalia, the justice whom Bush has said he most admires, stressed in a concurrence that "the very core of liberty secured by our Anglo-Saxon system of separated powers has been freedom from indefinite imprisonment at the will of the executive."

The "military commissions" have been a fiasco in practice (as detailed in my September 11, 2004, column) and were held to be unlawful in important respects on November 8 by Judge James Robertson of the U.S. District Court for the District of Columbia. (The administration plans to appeal.)

Bush's spurning of the Geneva Conventions and refusal to provide hearings for Guantanamo detainees probably explain his 6-3 defeat in another June 28 Supreme Court decision, Rasul v. Bush, which rejected Bush's claim of power to detain non-Americans at Guantanamo without answering to any court. And Judge Robertson wrote that the administration "has asserted a position starkly different from the positions and behavior of the United States in previous conflicts, one that can only weaken the United States' own ability to demand application of the Geneva Conventions to Americans captured during armed conflicts abroad."

The Justice Department torture memo, together with a similar Pentagon memo in March 2003 and the Abu Ghraib photos, have brought the United States worldwide opprobrium for authorizing torture as official policy (which Bush did not do) while making the CIA and the military newly wary of using even mild, legally defensible forms of coercion to extract information from captured terrorists.

If Senate Democrats (and Republicans) are not too cowed by Bush's election victories to do their jobs, the confirmation proceeding for Gonzales will drag us more deeply than ever through the torture memos, Abu Ghraib, the evidence of torture and killing of prisoners by U.S. forces in Afghanistan, and all that. Will that be good for Gonzales? For Bush? For the country?

At the very least, Democrats should demand a full accounting of Gonzales's role in the development of these torture memos. And when Bush claims confidentiality, the answer should be: If you must cloak in secrecy your counsel's role in shaping your own grandiose claims of power, then don't ask us to confirm him.

Here is a far-from-complete history of the torture memos, as reconstructed from anonymous sources and news reports:

The CIA began using various forms of duress to extract information from captured Qaeda leaders overseas in late 2001 and early 2002. But agency officials were concerned that they might be prosecuted by some future administration or independent counsel, and that the CIA itself might be attacked for abusing its powers, as it was during the 1970s. So CIA Director George Tenet requested a legal memo assuring interrogators and their superiors sweeping presidential protection from any future prosecution under an anti-torture law that Congress had adopted in 1994 to comply with the United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment.

The task was assigned to the Justice Department's Office of Legal Counsel. The Bush-appointed head of OLC, Jay Bybee, now a federal judge, and some other Justice Department and White House lawyers were reluctant to make such a bold and unprecedented claim of presidential power. But under apparent pressure from their superiors, Bybee and his staff produced the August 1, 2002, memo, addressed to Gonzales. Earlier drafts had been carefully vetted by the offices of Gonzales, Ashcroft, and David Addington, Vice President Cheney's counsel.

I have been unable to determine how deeply Gonzales was involved in the details. The Senate should demand to know.

Aside from the OLC memo's indefensible claims of presidential power to order torture, it also claims that rough treatment of prisoners does not even fit the definition of torture unless "equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function, or even death."

There is no evidence that the administration ever approved "torture," as thus defined, as a matter of policy. It did approve a number of highly coercive, still-classified interrogation methods, such as feigning suffocation and subjecting prisoners to sleep deprivation and "stress positions," which apparently helped extract valuable information from Qaeda leaders. And in 2003, the Pentagon adopted the Justice Department's analysis—initially devised for CIA interrogations of a few high-level terrorists—to justify coercive interrogations of prisoners at Guantanamo and, later, in Iraq. This came despite strong objections from top military lawyers, based on their long-standing view that rough interrogation methods are ineffective, arguably illegal, and likely to become indiscriminate and excessive.

How much all of this had to do with bringing about the now-documented torture, abuses, and killings of prisoners in Iraq and Afghanistan is in dispute. What's clear is that the leaked torture memos, as well as the Abu Ghraib photos, disgraced our nation—so much so that Gonzales and other White House officials, at a June 22 news conference, sought to blame the OLC lawyers for what Gonzales called their memo's "overbroad" and "unnecessary" passages. The Senate should now explore whether (as has been suggested to me) the OLC lawyers had only been following orders from the same White House officials who later ran for cover.

This is not to deny the difficulty of the issues presented to Gonzales and his colleagues by the unprecedented magnitude of the terrorist threat. Nor is it to deny the need for judicious use of preventive detention and coercive interrogation techniques (short of torture) to prevent mass murders. But the torture memos are emblematic of a Bush White House that has consistently failed to strike a wise balance between the demands of security and of liberty.

Gonzales's role in all of this appears to be to tell Bush what Bush wants to hear. With the dubious benefit of such advice, Bush has not only shown little appreciation for civil liberties but also provoked a judicial and international backlash that has hurt the war on terrorism. Gonzales does have many fine qualities. But is this the attorney general we need?

[From the Washington Times, Jan. 24, 2005]

ABU GHRAIB ACCOUNTABILITY

(By Nat Hentoff)

Although there was considerable media coverage of Alberto Gonzales's confirmation hearing for attorney general, a look at the full transcript still raises, for me, serious questions about his fitness to be our chief law enforcement officer.

At the start, Mr. Gonzales told the senators and the rest of us: "I think it is important to stress at the outset that I am and will remain deeply committed to ensuring that the United States government complies with all of its legal obligations as it fights the war on terror, whether those obligations arise from domestic or international law. These obligations include, of course, honoring Geneva Conventions whenever they apply."

Sen. Ted Kennedy asked the nominee if the media reports were accurate that Mr. Gonzales had chaired meetings that covered specific ways to make detainees talk. For example, having them feel they were about to be drowned or buried alive. Mr. Gonzales answered: "I have a recollection that we had some discussions in my office." But, he said, "it is not my job to decide which types of methods of obtaining information from terrorists would be most effective. That job falls to folks within the agencies."

So, "the agencies," including the CIA, can do whatever they consider effective; and Mr. Gonzales suggests that he had no role as to the lawfulness of those methods when he was counsel to the president, our commander in chief? Should he not have told the president that the Geneva Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment forbids "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession"? And should he not have been interested in trying to find out how many of those detainees had been sufficiently screened when captured in order to indicate whether they actually were terrorists or suspects or indiscriminately rounded up?

Sen. Russ Feingold asked Mr. Gonzales whether the president has "the authority to authorize violations of the criminal law under duly enacted statutes (by Congress) simply because he's commander in chief." Mr. Gonzales said: "To the extent that there is a decision made to ignore a statute, I consider that a very significant decision, and one that I would personally be involved with . . . with a great deal of care and seriousness." "Well," Mr. Feingold said, "that sounds to me like the president still remains above the law." When Mr. Kennedy asked the same question, Mr. Gonzales said it was "a very, very difficult question." So, what does he believe about the separation of powers?

Another question from Mr. Kennedy: "Do you believe that targeting persons based on their religion or national origin rather than specific suspicion or connection with terrorist organizations is an effective way of fighting terrorism? And can we get interest from you [that[, as attorney general, you'd review the so-called anti-terrorism programs that have an inordinate and unfair impact on Arab and Muslim?" Mr. Gonzales responded: "I will commit to you that I will review it. As to whether or not it's effective will depend on the outcome of my review." But Mr. Gonzales didn't answer the first crucial part of the question: Is targeting people based on religion, without specific suspicion, effective? And, I would add, isn't it broadly discriminatory?

Asked by Sen. Patrick Leahy about increasing reports of abuse of detainees in Iraq and Guantanamo Bay, Mr. Gonzales said: "I categorically condemn the conduct that we see reflected in these pictures at Abu Ghraib.

"I would refer you to the eight complete investigations of what happened at Abu Ghraib and Guantanamo Bay, and there are still three ongoing," he added. But none of the investigations have gone so far up the chain of command as the Defense Department and the Justice Department to determine the accountability of high-level policymakers there.

As The Washington Post noted in a lead editorial on Jan. 7, "The record of the past few months suggests that the administration will neither hold any senior official accountable nor change the policies that have produced this shameful record." Nor did the senators ask themselves about Stuart Taylor's charge in the Jan. 8 National Journal that "Congress continues to abdicate its constitutional responsibility to provide a legislative framework" for the treatment of detainees. The White House strongly resists Congress' involvement.

"No longer," Mr. Taylor insisted, "should executive fiat determine such matters as how much evidence is necessary to detain such suspects (and) how long they can be held without criminal charges." As U.S. attorney general, will Mr. Gonzales move to reinstate the constitutional separation of powers to prevent further shame to the United States for the widespread abuses of detainees under the executive branch's parallel legal system of which Alberto Gonzales was a principal architect?

The PRESIDING OFFICER. The Senator from Nevada.

Mr. ENSIGN. Mr. President, I rise this morning to speak about a man whose life and career embody principles that are uniquely, and proudly, American. He is the grandson of immigrants who overcame language and cultural barriers to carve out an existence through manual labor and faith. Through his commitment to education, his firm belief in the law, and a dedication to public service, he has risen to the top of his profession and now seeks to serve his country at the highest level. Mr. President, I rise this morning to speak about Alberto Gonzales and to urge bipartisan support for his confirmation as Attorney General of the United States.

Alberto Gonzales's qualifications speak for themselves. He is a graduate of Harvard Law. He served as Secretary of State for the State of Texas and as a justice on Texas' Supreme Court before being named White House Counsel by President Bush in 2001. Mr. Gonzales was recently inducted into the Hispanic Scholarship Fund Alumni Hall of Fame and has been honored with the Good Neighbor Award from the United States-Mexico Chamber of Commerce.

Henry Cisneros, the former Secretary of Housing and Urban Development, calls Alberto Gonzales a person of sterling character and says that Mr. Gonzales's confirmation by this body will be part of America's steady march toward liberty and justice for all.

It is a march that, for Alberto Gonzales, started in a two-bedroom house shared by ten people with no hot running water or telephone. But what Alberto Gonzales and his family lacked in comfort they made up for in vision and hard work.

Alberto was the first person in his family to go to college. He served in the United States Air Force and attended the United States Air Force Academy.

But Alberto Gonzales is about more than an impressive résumé. Each experience in his life has prepared him for the great honor of serving as the next Attorney General of the United States—a job he is extremely qualified for and a job that I know he will perform with honor and dignity.

As the Nation's chief law enforcement officer, Alberto Gonzales will take the lessons from his positions as Counsel to the President, Texas Supreme Court Justice, Texas Secretary of State, and General Counsel to the Governor and work to protect Americans from terrorism while protecting our Constitutional rights. He will also work to reduce crime, reform the FBI, and protect Americans from discrimination.

Alberto Gonzales has come a long way since his days growing up in Humble, Texas. He has accomplished so much, but he has never forgotten from where he came. He has been committed to the Latino community throughout his career, and they have recognized him for his community service and the impact he has made. Today, many of the largest national Latino organizations are standing in staunch support of his nomination and looking forward with great anticipation to the swearing-in of the first Latino Attorney General for the United States.

For Alberto Gonzales, the march toward liberty and justice started in Humble, TX, and continued through many ambitious goals. Alberto Gonzales has defied the odds and surpassed expectations time and time again. His successes have created a foundation that will serve our Nation well and inspire a new generation to aspire and conquer.

I urge my colleagues to join me as we continue the march toward liberty and justice by voting to confirm Alberto Gonzales as the next Attorney General of the United States.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Nevada for his fine comments about Judge Gonzales.

We have gotten to know Judge Gonzales over the years. He is a good and decent man, a fine lawyer who respects the rule of law, who is proud to be an American. He wants to see our country strong and free. He led the effort in the fight against terrorism. He did the things we wanted him to do.

He has a background that excites our pride. We are pleased to see how much he has achieved. He went to Harvard and was hired by one of America's great law firms. He served the Governor of Texas, was a judge in Texas—and all of his credential are wonderful.

We know he is a good, decent, honorable, and honest man.

If you listen to the comments made here today, by some Democrats, about him, you would not recognize the man we know.

It is not right. What has been done here is wrong.

If you have a disagreement with the policy of the President of the United States, OK, we will talk about it and we will see what the differences are. But it is not right to demean and mischaracterize the nature of Judge Gonzales. I feel strongly about that.

I served in the Department of Justice for 15 years. I would like to share a few thoughts to give us some perspective about the role Judge Gonzales has played.

Judge Gonzales was legal counsel to the President. He was the President's lawyer. Of course, everyone who is a lawyer—I am a lawyer and a good number in this body are lawyers—knows that lawyers protect the legal prerogatives of their clients. You do not want to in memorandum and public statements make statements that constrict the ultimate power of the institution of the Presidency of the United States. That is a fundamental thing. That is what you have to do. That is what you are there for.

When 9/11 happened and we were taken aback by the viciousness of the attacks, we were worried, rightly, that throughout this country there would be terrorist cells continuing to plot as they were perhaps in Arizona, or in other places, as we have learned. We wanted to be sure we were defending this country well. We had to make some decisions.

We went after al-Qaida in Afghanistan. A lot of legal questions arose.

I serve on the Judiciary Committee. We had hearing after hearing regarding these issues.

Let me tell you what I think Judge Gonzales did not do. Not I think; I know he did not do. He did not approve of torture. He has always steadfastly opposed it. His position has consistently been that we comply with the laws of the United States and our treaty obligations. I will talk about that in a minute.

But that was not his call at that point in time. He did not privately tell the President, or call up the Secretary of Defense, or call the guard at Abu Ghraib and say torture these prisoners. He sought a formal legal opinion concerning the powers and responsibilities of the President of the United States as a lawyer for the President. He made that request of the Office of Legal Counsel, a senatorial-confirmed position of the U.S. Department of Justice, a position that is given the responsibility to opine on matters of this kind. They are not to set policy. They are not to say what torture is other than what the law says. They do not express their own views. But he asked them what the legal responsibilities and powers of the President were. They researched the law. They sent back a memo. That is the memo being complained of, a memo not written by Judge Gonzales, a memo written by the Office of Legal Counsel of the U.S. Department of Justice and their staff that worked on it at some great length. We have had complaints about it.

Judge Gonzales later on said: There have been complaints about this memorandum. You need to redo it.

He suggested that, I guess, on behalf of the President, and they rewrote it. They constricted the issues they discussed. They didn't speculate on what the ultimate powers of the President might be. They did that less in the second memorandum than they did in the first.

That is how this came about. It was their opinion, not his. They say he circulated it. Well, do you want him to circulate his personal views? Do you want him to circulate some politician's views? Or do you want him to circulate the duly drafted opinion of the Office of Legal Counsel of the U.S. Department of Justice which researched our history, the treaties, the Constitution, and the court cases of the United States?

We need to get our mind in the right perspective and remember the circumstances we are operating under. I will repeat, Judge Gonzales has never supported torture. We have Members who have said Judge Gonzales advised the President of the United States that torture was acceptable. That is false, inaccurate, and wrong. Anyone who said that ought to apologize for it. Do we have no sense of responsibility in what we say? Are we irresponsible, that we can attack this fine man, a son of immigrants who worked his way up through the entire legal system to be now nominated to that great office of Attorney General of the United States? He deserves a fair shake. He has not been getting it.

They say he abandoned the rule of law. He did not do that. He sought a legal opinion from the duly constituted Office of Legal Counsel which is supposed to render those opinions. He disseminated those opinions and now they blame him for it. It is not the right thing to do. As President Bush said on more than one occasion, but on the eve of the G-8 summit in June of last year:

> The authorization I issued was that anything we did would conform with United States law and would be consistent with international treaty obligations.

That has been the position. In a letter to Senator LEAHY, Assistant Attorney General Will Moschella in the legislative affairs division of the Justice Department rejected categorically "any suggestion that the Department of Justice has participated in developing policies that would permit unlawful conduct."

In a special piece submitted to USA Today, Judge Gonzales, in his capacity then as White House Counsel, stated "in all aspects of our Nation's war on terror, including the conflict in Iraq, it is the policy of the United States to comply with the governing laws and treaty obligations." I will talk more about that because it is important legally to understand what has been occurring.

We as a nation do not approve of torture. We reject it. We prosecute and discipline those who are participating in it or carry it out and we have been committed to that as a country. We ought to ask ourselves, has this Congress stated any position on terrorism? What did they say?

I remember not too many months ago when Attorney General John Ashcroft was before the Judiciary Committee. They were bombarding him with the allegations that he was responsible for Abu Ghraib, he was responsible for any misbehavior throughout our entire command, and that he had approved torture, and they quoted things they said he approved. In frustration, Attorney General Ashcroft, looking at his former colleagues, said "Well, the problem I have with you, Senator, is, it is not my definition of torture that counts. It's the one you enacted into law."

Do you know we have a law that defines torture and sets forth what it amounts to and how it should be defined? It is that definition that was made a part of the OLC, Office of Legal Counsel memorandum, and it is that memorandum and that language our colleagues across the aisle are complaining about, and some of them were here when that statute passed and they voted for it.

Let's take a look at that. This statute, part of the United States Code, says:

> Torture means an act specifically intended to inflict severe physical or mental pain or suffering upon another person. Severe mental pain or suffering means the prolonged mental harm caused by or resulting from the intentional infliction or threatened infliction of severe physical pain or suffering. The threat of imminent death or the threat that another person will imminently be subjected to death, severe physical pain or suffering, or the administration or application of mind-altering substances or procedures calculated to disrupt profoundly the senses or personality.

These words were used—and I know the Presiding Officer is a skilled JAG officer from South Carolina—those were the words discussed in the OLC memorandum. They used those kinds of words. The same kind of words passed by a number of Democrat Members in this body. The authors of the OLC memo simply discussed the meaning of these words passed by the Congress. Now some are arguing that because of this memo we approve these horrible things.

I suppose a person could misinterpret deliberately some of that and carry out things that are not legitimate. I suppose some of these things would be legitimate. We said they were when we passed the statute, or at least we did not prohibit them when we passed the statute.

Who defines torture? The Office of Legal Counsel? Judge Gonzales? The President of the United States? Or the U.S. Congress? We have enacted a definition of torture, the one I just read. It might offend some people, but as it is, that is the definition of torture, I submit, and I don't see how it can be disputed.

We did have activities that occurred. This memorandum fundamentally was advice to the President on what his ultimate powers were. But the President's orders, the policies of the U.S. military, were much more constrained than possibly would have been allowed under this statutory definition. Not that the President ultimately did not have that power. But we have not utilized that power or approved it. In fact, we have disciplined people who have not followed those rules and regulations.

First, it is always going to be the President's fault, during an election year. Then it was Secretary Rumsfeld, and then Condoleezza Rice. At some point they decided to quit blaming Secretary of State Rice during her confirmation proceedings and start blaming it all on Judge Gonzales. So now we have been through the President, the Secretary of State, National Security Adviser, the Secretary of Defense, and now we are down on Judge Gonzales. It is all his fault. Now he cannot be confirmed because somebody at Abu Ghraib violated policy. They have been tried. Some have already been convicted. They have been removed from office.

We had the situation—do you remember it?—when a full colonel in the Army, in the heat of battle, concerned for the safety of his troops, fired a gun near the head of an Iraqi terrorist to induce him to give information that would protect the lives of his soldiers. And we drummed him out of the service for it long before a lot of this happened.

Remember, it was the military that brought forth the abuses at Abu Ghraib. They recognized that some had violated the laws of the United States and that those activities should not be allowed. They have disciplined people systematically since. They are continuing to do so. If anybody higher up is implicated, these lower guys are going to tell about it. They are going to pursue that, I have absolute confidence. And we will pursue that.

But I think it is unhealthy for our country, dangerous to our troops, undermining of our mission to suggest that it was the policy of the U.S. Government to do this. How can that help us gain respect in the world when Senators in this body allege that the President's own counsel is approving what went on in Abu Ghraib, that his policies legitimized what was going on in Abu Ghraib? I do not believe that is true. It is not true. We should not be saying it. We had a big enough, bad enough problem in Abu Ghraib. It was an embarrassment to us. We were painfully hurt by it. And it should not have occurred. But I will say, with confidence, that Judge Gonzales does not bear the blame for that.

Discipline in war is hard to maintain. I mentioned the example of how a highly decorated colonel was removed from the service for his failure of discipline, even in a tough time. I remember back in the Pacific, in those island campaigns, neither side took prisoners. It was a battle to the death. We are facing an enemy unlike enemies we have faced before. They are a ferocious, suicidal, murderous, sneaky bunch that for most of them, hopefully not all, but for most of them they simply have to be defeated, they have to be captured, they have to be killed, they have to be restrained because they will not stop. If we are successful in doing that, I believe the glory that some of these terrorists have attained will be diminished, and it will be seen that they represent a small, backward, insular, violent mentality, not conducive to progress, peace, and democracy in the Middle East or anyplace else in the world.

I think we are going to make progress on that. We need to hold our standards high. I certainly agree with that. But war is a difficult thing. People do make mistakes. We have abuses in the Federal prison systems and in State prison systems. Senator KENNEDY and I offered legislation to prohibit sexual abuse in prisons by guards and prisoners, and to investigate it, to identify it, and stop it. But we know we have abuses in our prisons, and we need attention from the top and discipline from the top.

I will note a recent article about Abu Ghraib. Soldiers were interviewed in a Washington Post article, and they all said this was unacceptable behavior; it should have never occurred. It is clear that the soldiers who are there today fully understand their responsibilities to treat these people humanely, and that they will do so.

I want to mention one more thing about some of the details of this issue. First, I think it is indisputable that al-Qaida and such terrorists who are about and loose in the world today do not qualify under the Geneva Conventions. They simply are not covered by it because they are not the kind of lawful combatants the Geneva Conventions protect.

Now, the President says we are going to treat them humanely in any case, and we are going to treat them fairly. In many instances he says we are going to provide them the protections of the Geneva Conventions even though they are not entitled to them.

For example, it is the position of the White House that no detainee should be subjected to sleep deprivation. Now, I think under the torture statutes, sleep deprivation, at least to some degree, would not qualify as a severe kind of pain or the psychological impairments that were referred to in the statute Congress passed defining torture. But the President said that we would not deprive them of sleep anyway. Nor should they be deprived of food and water during any period of interrogation. Soldiers and interrogators were even prohibited from the act of pointing a finger at the chest of a detainee. That was declared an unacceptable technique by Secretary of Defense Rumsfeld 2 years ago, January 15, 2003. Well, we have gone a pretty good ways in trying to ensure that our behavior is good. We have prosecuted people at Abu Ghraib. We have disciplined a lot of people in Iraq and Afghanistan who have exceeded their authority. In the course of furthering our intense war against terrorism, we have tried to maintain control over our decency and our morality. I do not think Members of this body should be suggesting that we do not or that it is our policy to violate international law or the rights under our own statutes concerning torture and other rules.

I heard it pointed out we all have things that do not work out right in our lives. We do things we thought were right at the time and justified them, and they maybe turn out to be wrong. Nobody who ever comes before this body for confirmation is perfect. I know my colleague, Senator DURBIN, has stated that Judge Gonzales is no Robert Kennedy. And they are different people in different times. Robert Kennedy was appointed Attorney General by his brother. How much closer can you be than that? But we now know from many of the histories that have been written that on a number of occasions Robert Kennedy, as Attorney General, clearly violated the legal and constitutional rights of people he was investigating for criminal activities. I do not think that is disputed.

Well, let me tell you, what would have happened if that had been true of Judge Gonzales? How far would he get along in this process? He would not get to first base.

I would say this: Judge Gonzales was at the right hand of the President of the United States when we were deliberately attacked by an al-Qaida organization that had announced they were at war with the United States, that they were authorized and empowered, and it was legitimate for them to attack and murder civilians of the United States. We needed to respond to that. We did not need the legitimate power of the President to be constrained by some politically correct memorandum, a memorandum that he requested from the Department of Justice, which was written by them and which represented a statement of policy of the United States with regard to the powers of the Presidency and those in the military.

I think, all in all—there have been bumps in the road—but, all in all, our Government, from the President throughout the executive branch, including the military, has done its best to fight this vicious, despicable, violent enemy, an enemy that does not meet the standards of a lawful combatant but is clearly, in fact, unlawful combatants not entitled to the protections of the Geneva Conventions. We have treated them humanely, with a number of exceptions for which discipline has been applied. And we have striven in every way possible to tighten up since the beginning of this war our discipline with regard to our soldiers and our policies to make sure we have the least possible errors that would occur in this process of fighting this war on terrorism. I believe that deeply.

Soldiers have placed their lives at risk. They have placed the lives of their associates and comrades at risk, adhering to the highest ideals of American values of life. They have not pulled triggers, subjecting themselves to risk, because they were not sure. They have held back and shown restraint time and time again. That has not been sufficiently appreciated. We have spent almost all of our time having Members of the Congress attack and blame the whole Government for failures in these hostilities of a few.

I believe Judge Gonzales is not the person to blame for all this. I do not believe the Counsel to the President is responsible for Abu Ghraib. He is not responsible for an opinion written by an independent agency of the Government, legally empowered and directed by this Congress to write it.

He is a good man, a decent man, a man we have seen up close and personal for quite a number of years. I find in him the highest standards of Americanism and decency. He is a superb lawyer. He has had a ringside seat on how the Justice Department works without being a part of it. It will allow him to move into it with a fresh look and be able to do good things.

I believe strongly he should be confirmed. I am disappointed in the nature of the attacks put on him. I believe they have been unfair and do not do justice to his character and the effectiveness of his service.

It is a pleasure to speak on behalf of this fine American. He will make a great Attorney General. I look forward to his confirmation and all of us working with him.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. MURKOWSKI). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SESSIONS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Madam President, I believe it is important that we discuss more carefully what our responsibilities are as a nation under the Geneva Conventions. We have had a lot of things said here, smeared over, slopped over, vague allegations of misconduct on behalf of this President and our country. Our soldiers are out fighting for us. We need to understand what it is.

They have alleged repeatedly that all this is in violation of the Geneva Conventions, all this amounts to torture. I previously have gone into some depth about what the congressional act was that prohibited torture and how this Congress defined torture and what it meant. It does not mean someone can't be deprived of some sleep or have an interrogator raise his voice during questioning. That is not torture.

I would make clear this basic fact—it is so basic we often don't think about it—this group al-Qaida has declared war on the United States. Not only have they declared it in a traditional lawful manner of nation states that they have done over the years, at least quasi-lawful; they have done it as a group of unlawful combatants, and they have done it in a way that is not justified under the Geneva Conventions or international law of any kind, shape, or form. When our soldiers go out and they are engaging al-Qaida, they don't give them a trial. They don't read them their Miranda rights. They don't sit down and see what they can do to ask them if they would change their heart. They shoot them. We are at war with them. They are a hostile enemy, and we do that.

When you capture a hostile enemy who a few moments before, you could have killed lawfully as a soldier of the United States executing the policy of the United States against a person who has declared war against you and has publicly stated they are justified in killing innocent American civilians, men, women and children, if you can do that, if you capture them, they don't then become entitled to every right that an American citizen has when he is tried in the U.S. district court for tax evasion or bank robbery or drug dealing. It is not the same. Everybody knows that, if they have given any thought to war and treaties over the years.

What is a controlling authority with regard to international agreements? It is the Geneva Convention. There have been a series of them. They have been amended over the years. The most pertinent one in this area is the Third Geneva Convention. This is in addition to the original Convention.

It provides strict requirements—four, to be exact—that must be fulfilled by an individual should he seek the protections afforded by the treaty.

In other words, everybody is not entitled to protection under the treaty. You have to do certain things, and you have to be what we have come to refer to as a lawful combatant.

What are those requirements? He must be commanded by a person responsible for his subordinates. He should have a chain of command. He cannot be a single murdering bomber and claim he is a lawful combatant, having no authority in a chain of command and not acting on orders from some lawful entity.

No. 2: He must, the exact words are, have a "fixed, distinctive sign recognizable at a distance." What does that mean? It means you wear a uniform, basically. That is what it has always meant traditionally. So if you catch somebody in your country sneaking around not in uniform, they are spies, and they are hung. That is what happened historically. The Geneva Convention never changed that fundamentally.

Carrying arms openly—the treaty considers that lawful combatants, such as a member of the U.S. Army, will carry their arms openly. They will have a distinctive uniform, and they will carry their arms openly, evidence of the fact that they are soldiers. This is important for a lot of reasons.

One reason is that the people who are fighting against our soldiers are supposed to direct their fire at soldiers, not innocent civilians. So if they are wearing a uniform and carrying their arms openly, they know the target at which they are firing. The whole goal of the Geneva Conventions is to eliminate the loss of life of innocent people and to minimize loss of life in general and minimize the horror of war as much as possible.

If they are to be considered as one who has the protections of the Geneva Conventions, they must be conducting their operations in accordance with the laws and customs of war. Sneaking around, hijacking airplanes, flying them into buildings, putting explosive devices under vehicles, throwing them at people in line to vote—those actions are not consistent with the laws and customs of war, for Heaven's sake.

So there is no doubt whatsoever in my view that al-Qaida and the terrorist groups who do not wear uniforms, who go around bombing innocent people, are not acting according to the rules of war, who do not wear a uniform, who are not carrying their arms openly—they do not qualify for the protections of the Geneva Conventions. No counsel to the President, no counsel in the U.S. Department of Justice should render an opinion that says otherwise.

The President can say: We are going to give the protections, anyway, which he has done, and we are going to treat the people in Iraq according—I think he said we will treat them according to the Geneva Conventions. I do not think we said that explicitly with regard to Afghanistan and al-Qaida, but these Iraqi guys who sneak around and bomb are not much different to me. We have provided more protections, I would say with absolute certainty, than international law or U.S. statutes provide.

Al-Qaida is not a nation state. It has not signed the treaties of the Geneva Convention. Members of al-Qaida have no uniforms or distinctive signs. Al-Qaida has declared war on us, however, and they are quite capable through their sneaky, devious, murderous activities of sneaking into our country and killing Americans right now. If they are able to do so, they will.

One reason they have not been able to do so is because we have been hunting them down with the finest military the world has ever known, that is using discipline, humanity, and the proper execution of violence against these people. That is just the way it is. We have gone after them. We have put them on the run. If they could have attacked us in our election, if they could have attacked us any time since 9/11, I submit they would have. We have had an Attorney General, John Ashcroft, who utilized the powers and laws provided to this country and our leadership to go after them.

These people are entitled to certain rights, but not the same rights that exist for an American citizen. They represent a different kind of threat. They are unlawful combatants. They are an unlawful enemy which rejects and despises law. They reject our Constitution. They reject democracy. They see it as a threat. They want to rule their people according to their narrow definition of law. They want to oppress women. They do not want progress. They do not want freedom. They do not want the things the whole world needs. And those societies and that kind of mentality are what cause wars, not democracies.

I feel strongly about this. It is important for us to be clear: We as a nation do not support, justify, or condone torture. We are disciplining people who have done so. We are putting people in jail who have done so. Guardsmen who came out of our communities, went to Iraq, worked midnight to 6 a.m., were away from home, lost their discipline and conducted themselves in ways that brought disrepute on the United States and violated our rules and standards of the military are being tried and convicted and put in jail, as they should be. It is sad we see that happen, and I know we will continue to punish those who violate our standards. As a result of those prosecutions and those actions, our military will show even greater discipline.

I see the Senator from Idaho in the Chamber. I am sure he wishes to speak. I want to yield to him because I respect his insight on these matters.

I will say, I am disappointed—deeply disappointed—in the unfair attacks that have been placed on Judge Gonzales. He is being blamed for every single thing about which people have complaints in the war against terrorism. They are saying he is responsible for everything that may have gone wrong, some of which was wrong, some of which probably was not wrong, but is being characterized as wrong. It is not right. He was counsel to the President. He did his duty. He sought the opinion from the proper people to give legal opinions on terrorism and war, and he conducted himself consistent with those principles. He steadfastly and continuously has condemned torture. He should be confirmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Madam President, I associate myself with the remarks of the Senator from Alabama. Over the last several years, I have had the privilege of serving with Senator SESSIONS on the Judiciary Committee. I have gained such phenomenal respect for his keen intellect and bright legal mind. When one listens to him, as those who might be watching today have, they get the truth, direct, clear, understandable, and unvarnished. That is what it is all about.

The obfuscation of the truth sometimes finds its way to the Senate floor, and my guess is that it is finding its way to the Senate floor in the debate on the nomination of Alberto Gonzales.

I rise in support of the nomination of Alberto Gonzales to be our next Attorney General. It seems to me that some of our colleagues are interested in not the true man and his qualifications but more in what they perceive to be the politics and the policies of this administration.

In the last Congress, I had the privilege of serving as a member of the Senate Judiciary Committee and I witnessed this tactic used against judicial nominees time and time again, a tactic of equating a lawyer's performance as legal counsel with his likely performance to the very different role of being a judge. We saw that argued time and time again for a political purpose, not a reasonable analysis of the character of the individual and how he or she might perform in the new role in which they were being asked to participate.

Likewise, in this debate some have argued we should evaluate Judge Gonzales's fitness for the post of Attorney General, the Nation's top cop, based on a politically driven examination of his work product as the President's Counsel. I urge my colleagues to abandon that tactic, reject that argument, and look at the lifetime achievement of the nominee if my colleagues truly want to understand who Judge Gonzales is and what he is qualified to do in the role he is now being asked to play by our President.

I feel strongly that the Senate should vote to confirm this man. I had the privilege of getting to know Judge Gonzales and work with him firsthand while I served on the Judiciary Committee and in a variety of other settings.

First, Judge Gonzales's past experiences have prepared him for the position to serve honorably in that position, in my opinion, without question. As Counsel to the President, he has been instrumental in coordinating our Nation's law enforcement in the heightened security environment. Following 9/11, as Senator SESSIONS has just referred to, while serving as Counsel to the President, Judge Gonzales paid particular attention to protecting our Nation from terrorism, while not forgetting the importance of doing so under the Constitution, in order to safeguard our rights as free citizens.

Also, President Bush has acknowledged the great help Judge Gonzales has been to him in helping to select the best nominees for our Federal courts during the past few years. Before serving as White House Counsel, Judge Gonzales was distinguished as a justice of the supreme court of the State of Texas, at which time he was known as a careful jurist who was opposed to judicial activism and who recognized the limited role that the judiciary plays in our unique system of government.

Additionally, Judge Gonzales advised then-Governor Bush as his chief counsel in Texas. Judge Gonzales served there as both a secretary of state and chief elections officer of that great State. Furthermore, Judge Gonzales had a successful career in the private legal sector prior to entering public service. What combination do we need to get the very best top cop in the country? He has not only a keen legal mind but is one who has had administrative experience, one who has worked with large systems of government and one who knows the limit of the law and the limit and the capacity of the position in which he is now being asked to serve.

Finally, Judge Gonzales has led a life filled with many other activities and honors that helped to prepare him to be an outstanding Attorney General, and I will name just a few of them. Judge Gonzales served his country as a member of the U.S. Air Force from 1973 to 1975. He was also elected to the American Law Institute in 1999 and he served on the board of trustees of the Texas Bar Foundation for several years and as the president of the Houston Hispanic Bar Association from 1990 to 1991. Later in 1999, Judge Gonzales was chosen as the Latino Lawyer of the Year by the Hispanic National Bar Association.

As a number of my colleagues have pointed out, when Judge Gonzales is confirmed, he will be this great Nation's first Hispanic Attorney General. Through all of this, Judge Gonzales has found time to help the less fortunate of our country. He served on the board of directors of the United Way of the Texas Gulf Coast, and finally in 1997 he received the Presidential Citation from the State Bar of Texas for his work in addressing the legal needs of indigent citizens.

Clearly, Alberto Gonzales is an accomplished practitioner of the law and he is unquestionably qualified to be our Nation's No. 1 law enforcement officer.

The second reason I support Judge Gonzales, and the nomination that we are arguing in his behalf today, is the man himself and his views on issues facing our country and what our country needs and what his role is. He is very realistic, honest, and straightforward about it.

In the last Congress when I served on the Judiciary Committee, I participated in debates on many of these issues that we see reignited by this nomination. Those experiences convinced me that Judge Gonzales has the necessary outlook to protecting our country from all of those who would do us and our citizens harm.

I will talk a little bit about his views on some of these important issues regarding the war on terror. Judge Gonzales recognized that after the attacks of September 11, the United States was at war, a new and unique and different kind of war that we had never experienced before. As Senator SESSIONS said, a war of ideas but a war of violence, a war in which al-Qaida was the enemy but in a way that we had never experienced before. It was a unique and different legal paradigm in which Judge Gonzales found himself, dealing with terrorists and not recognizing them merely as criminals.

That is why we had to change the character of some of our laws. We do not wait until after the fact and go out and collect the evidence and decide who may or may not have caused the violence or perpetrated a crime. It is too late then, and we all know it is too late. We act before, and we act decisively, as our President did.

Judge Gonzales advised our President in that, and the constitutional consequences, and how we work our way through and the reasonable nature and character of protecting human rights and being fair and responsible, while all the time recognizing we were dealing with an enemy who in no way would deal that way or comprehend that they had any responsibility to deal with us as we might deal with them.

Judge Gonzales has also worked to ensure that those detained in war as terrorists were treated humanely. While that allegation goes forth today, working to keep the principles of the Geneva Convention were clearly understood and all of that was well sought after.

My time is about up. My colleagues on the other side have gathered to speak to this nomination.

In closing, I support Judge Alberto Gonzales's nomination to be our next Attorney General because of his lifetime of hard work and his accomplishments. There is no question this man is qualified. That really is not the debate today. Others are trying to divert us off into a debate of policy or a debate of issues well beyond the character of the man and his ability to serve in the role that this President has cast him into as nominee for Attorney General of the United States.

I believe he will be confirmed, and I believe he will serve honorably in that position. I strongly support this nomination. I ask my colleagues to step beyond the politics of the day, look at the reality of who we place in these key roles of Government to be effective administrators on behalf of all of the people, to be an Attorney General that is fair, who understands the role of the Constitution and the boundaries we placed on law enforcement and the legal community in the character of building and sustaining a civil society of the kind that we as Americans have come to know and appreciate, and that which we would hope the rest of the world can understand.

Judge Gonzales understands it. Judge Gonzales will make a great Attorney General. I support him strongly.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Madam President, I am only going to take a few moments. I have colleagues on this side of the aisle who wish to speak during the hour.

I hear so many of the statements on the other side speak of Judge Gonzales's personality, his upbringing, and his inspirational life story. If we were just voting on his personality, his upbringing, and his life story, I would vote for him with wholehearted support. However, we are not voting on the life, we are voting on the record. It is an enormous difference. Equally important, we are not voting on an Attorney General to serve only the President, we are voting on the Attorney General for the United States.

So many of the supporters of Judge Gonzales have said that they abhor the idea of torture. They say that they believe the Bybee memo was wrong. They say that these policies are wrong.

Of course they are wrong, but these are the policies that were held in place by the administration for as long as they remained secret. The Bybee memo was sought by Judge Gonzales. It was agreed to by him. He apparently still takes the position that there are circumstances where the President of the United States is above the law.

I don't want someone to serve as Attorney General who will be a good soldier for the President. I would have said the same thing, whether it was a Democratic President or Republican President. I want someone for Attorney General who will be independent, who will give the best possible advice and protect the rights of all of Americans.

I am the parent of a former Marine. My son has now fulfilled his duty for the Marines, but if he were serving, I would worry for him as I worry for all the thousands of men and women serving overseas. The torture policies of this administration did nothing to enhance the security of our Americans fighting bravely. In fact, the policies put soldiers and civilians in greater danger.

The truth is that the Bybee memo was disavowed only when the press found out about it. Unfortunately, the people at the center of the development of these policies, who could have disavowed the memo upon its publication, who could have stopped it, including Judge Gonzales, did nothing.

I see the distinguished Senator from Louisiana and the distinguished Senator from Rhode Island. I don't know which one seeks recognition, but I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, every 4 years an individual chosen by the American people steps forward to assume the awesome responsibilities as President of the United States. His first act is to take this oath:

> I do solemnly swear that I will faithfully execute the office of the President of the United States and I will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.

George W. Bush took this oath on January 20, 2001, and again a few days ago on January 20, 2005. His overarching responsibility is to preserve, protect, and defend the Constitution. In order to protect, preserve, and defend the Constitution, you must understand what it says. As such, a President must rely on the advice of his legal counsel.

Alberto Gonzales has served as President Bush's legal counsel since 2001. In this capacity, he has provided advice to him that, in my view, ignores both the letter and spirit of the Constitution and the President's critical responsibility to preserve, protect, and defend it. Through his advice, he has set in motion policies that have harmed our interests at home and abroad.

Our Nation was founded by men and women fleeing severe political and religious persecution. Wary of authoritarian government or religious leaders, they created a nation by and for the people, a nation committed to the rule of law and the notion that every person has certain inalienable rights. Our Founding Fathers very deliberately did not create a new monarchy. They did not crown a king. Instead, they created a new system of government that relied on the rule of law that was agreed upon by representatives of the people.

As article VI of the Constitution states so eloquently:

> This Constitution, and the Laws of the United States which shall be made in Pursuance thereof, and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land. . . .

The Constitution is the supreme law, not the word of the President. I would also emphasize the language here includes all treaties, including the Geneva Conventions and the Convention Against Torture.

They are not extrajudicial. They are part of the Constitution. They are part of the responsibility of all of us to defend.

In the United States of America, the Constitution, our Federal laws and our treaty obligations are the means by which we as a people, in this grand experiment we call democracy, have agreed to rule ourselves.

The President, all Senators, all Representatives, the members of our state legislatures, and all executive and judicial officers, both of the United States and the individual states, are bound by an oath to support our Constitution.

This oath to defend and support our Constitution was also taken by Judge Gonzales in his current position as counsel to the President.

Now, Judge Gonzales is being considered to serve as the Attorney General of the United States, the chief law enforcement officer of the United States.

It is Judge Gonzales's failure to defend and support our Constitution, our federal laws, and our treaty obligations that leads me to believe he does not have the wisdom or judgment to be our next Attorney General.

Our Nation's Attorney General must ensure that no person is above the law—including the President of the United States—and that no person is outside the law, whether that person is deemed an enemy combatant, or held outside the United States.

Judge Gonzales's record does not justify such an appointment.

I recognize that much of the advice that Judge Gonzales gave was in the aftermath of the attacks of 9/11 and the emergence of the al-Qaida network as a grievous threat to the United States. Small terrorist cells dispersed worldwide and committed to suicide attacks producing mass casualties represented a new and disturbing threat to our country. The possibility that al-Qaida or other terrorist cells might acquire weapons of mass destruction, including nuclear devices, added an even more frightening element to the dangers we faced. We had to face this threat realistically. The policies of deterrence that served us well in the Cold War are difficult, if not impossible, to apply to these ruthless groups of terrorists. With respect to al-Qaida, we had to take preemptive action. And, we did in Afghanistan.

But the nature of this threat did not relieve us of our responsibilities to the Constitution and the structure of international treaties embodied in the Constitution. This is not being naive or sentimental. The durability of the Constitution testifies to both its strength and its wisdom. The structure of international treaties reflects hard won agreements based on experience. The Constitution requires careful and sincere interpretation when new challenges arise. It cannot be ignored or trivialized.

When it comes to the issue of the conduct of war, legal guidance must be particularly clear and it must recognize that the fury of war too often brings out the worst.

Ages ago, Thucydides wrote:

> War, depriving people of their expected resources, is a tutor of violence, hardening men to match the conditions they face . . . Suspicion of prior atrocities drives men to surpass report in their own cruel innovations, either by subtlety of assault or extravagance of reprisal.

Shakespeare captured the essence of this visceral violence in his immortal phrase, "Cry Havoc, and let slip the dogs of war."

Abraham Lincoln understood the passions and emotions that grip the warrior. Writing to a friend in the midst of our Civil War, President Lincoln declared:

> Thought is forced from old channels into confusion. Deception breeds and thrives. Confidence dies, and universal suspicion reigns. Each man feels an impulse to kill his neighbor, lest he be first killed by him. Revenge and retaliation follow. And all this, as before said, may be among honest men only. But this is not all. Every foul bird comes abroad, and every dirty reptile rises up.

Yet, the guidance provided by this Administration was confused at best and relied on the fine parsing of legal terms which may pass muster in the contemplative chambers of a judge but fails miserably in the crucible of war. This advice was a disservice to the men and women of the Armed Forces.

It is clear that as White House counsel, Judge Gonzales has been one of the architect's of the Administration's post 9/11 policies. In particular, he has helped craft or agreed to policies regarding the treatment of individuals captured and detained in the wars in Afghanistan and Iraq. These policies have denied detainees the protections of the Geneva Conventions, permitted them to be interrogated under a dramatically narrowed definition of torture, and denied them access to counsel or judicial review.

In at least one memorandum, Judge Gonzales apparently agreed that the President has the ability to override the U.S. Constitution and immunize acts of torture.

Although supporters of Judge Gonzales will point out that only one of five memoranda discussed at his nomination hearing were written by Judge Gonzales, he clearly acquiesced to the conclusions in the other memos.

As White House counsel, Judge Gonzales's role was to decide what legal advice was needed from the Department of Justice and then to weigh and distill that advice before giving his opinion to the President.

It is clear from the record that Judge Gonzales either agreed with the legal advice dispensed in these memoranda, or allowed poor legal advice to be passed onto the President.

Either way, I believe Judge Gonzales has been deeply involved in policies that have undermined our standing in the world and our historic commitment to the rule of law.

I think we must first put these memos and decisions in historical context.

The issue of the treatment of detainees in war is not a new one and an extensive legal framework has been developed to guide a nation's behavior during conflict.

The most well known and comprehensive are the Geneva Conventions, created in 1948, to mitigate the harmful effects of war on all persons who find themselves in the hand of a belligerent party. 192 countries, including the United States and Afghanistan ratified the treaty.

The Geneva Conventions were created in the aftermath of World War II and the Nuremberg Trials, by a world which had just experienced warring armies, the systematic rounding up and extermination of millions of innocent civilians, squalid POW camps, death marches, resistance movements and the aftermath of two nuclear bombs. Those who drafted the Geneva Conventions had pretty much seen it all, and they accounted for all of it in the Conventions.

The United States clearly took the Conventions seriously and made them the part of the law of our land by incorporating them as part of our legal system.

The War Crimes Act, passed by Congress and signed by the President in 1996, makes "a grave breach" of the Geneva Conventions a crime punishable by prison and even the death penalty.

Adding to this legal structure, the United States ratified the United Nation's International Covenant on Civil and Political Rights in 1992. The ICCPR prohibits arbitrary detention and "cruel, inhuman or degrading treatment." The United States notified the UN that it interprets "cruel, inhuman or degrading treatment or punishment" to mean cruel and unusual treatment or punishment prohibited by the First, Eighth and/or Fourteenth Amendment to the Constitution.

Furthermore, in 1998, the United States ratified the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Convention requires parties to take measures to prevent torture from occurring within any territory under their jurisdictions, regardless of the existence of "exceptional circumstances" such as a war or threat of war, internal political instability or other public emergency. The U.S. Congress implemented the treaty by enacting 18 U.S.C. sections 2340-2340A. Torture is defined in this statute as "an act committed by a person acting under the color of law specifically intended to inflict severe physical or mental pain or suffering upon another person within his custody or control" outside the United States. Offenders can be subject to imprisonment and the death penalty.

The laws of warfare are also an integral part of military training and conduct. The Uniform Code of Military Justice, or UCMJ, was a law enacted by Congress in 1950. The mistreatment of prisoners may be punishable as a crime under article 93, UCMJ, which forbids a soldier to act with "cruelty toward, or oppression or maltreatment of, any persons subject to his orders." Article 97 prohibits the arrest or confinement of any person except as provided by law. The UCMJ also punishes ordinary crimes against persons such as assault, rape, sodomy, indecent assault, murder, manslaughter, and maiming. Article 134 also punishes "all disorders and neglects to the prejudice of good order and discipline in the armed forces" and "all conduct of a nature to bring discredit upon the armed forces."

The Army also has regulations implementing the laws of war, including regulation 190-08, which implements the Geneva Conventions. All soldiers are expected to abide by Army regulations and if a soldier violates a regulation, he or she is subject to punishment under the Uniform Code of Military Justice.

Despite the Constitution's clear prohibition on cruel and unusual punishment, despite law after law, treaty after treaty prohibiting torture, the President's chief counsel, Judge Gonzales, requested a series of legal memos regarding the applicability of treaty provisions and permissible interrogation techniques in the war on terrorism.

One of these memos, the August 1, 2002, Bybee Memorandum, was apparently written to explore what coercive tactics U.S. officials could use without being held criminally liable.

This memo created a new and radically narrow definition of torture. It stated that torture would require interrogators to have specific intent to cause physical pain that "must be equivalent in intensity to the pain accompanying serious physical injury, such as organ failure, impairment of bodily function or even death." Mental torture is defined in the statute but the Justice Department memo states that mental torture must result in "significant psychological harm lasting for months or even years."

According to Harold Koh, Dean of the Yale Law School, former Assistant Secretary of State for Democracy, Human Rights and Labor, and an international law expert, this memo is "the most clearly erroneous legal opinion" he has ever read. In testimony before the Judiciary Committee he stated:

> In sum, the August 1, 2002 OLC memorandum is a stain upon our law and our national reputation. A legal opinion that is so lacking in historical context, that offers a definition of torture so narrow that it would have exculpated Saddam Hussein, that reads the Commander-in-Chief power so as to remove Congress as a check against torture, that turns Nuremberg on its head, and that gives government officials a license for cruelty can only be described—as my predecessor Eugene Rostow described the Japanese internment cases—as a "disaster."
>
> One would have expected the Counsel to the President to have immediately repudiated such an opinion. Judge Gonzales did not.

Instead, this memo was endorsed by Judge Gonzales as the legal opinion of the Justice Department on the standard for torture.

Now, over 30 years ago, the U.S. Navy vessel USS *Pueblo* was sent on an intelligence mission off the coast of North Korea. On January 23, 1968, it was attacked by North Korean naval and air forces. Eighty-one surviving crewmembers of the USS *Pueblo* were captured and held captive for 11 months. One survivor, Harry Iredale, related his experiences with a North Korean interrogator named, "The Bear:"

> The Bear proceeded to yell at me to confess. He had me kneel on the floor while two guards placed a 2-inch diameter pole behind my knees and other guards jumped on each end of it several times. Then the Bear picked up a hammer handle and proceeded to smash it onto my head, completely encircling my head with lumps as I screamed in pain.

I think most of us would consider this graphic description one of torture. But under the Bybee memorandum's definition, this would not constitute organ failure or death, so it would not be considered torture.

More importantly, perhaps, is that the North Korean regime still exists and thousands of American soldiers line the border. Our soldiers could still be captured. And now we cannot hold the North Koreans to a higher standard of conduct, because ours is the same.

The August Bybee memorandum also enumerated reasons that American officials could not be held criminally liable for coercive interrogation tactics that fell outside of this new narrow definition of torture.

It also posits that officials can invoke "necessity" or "self-defense" as a defense against prosecution for such acts, despite the fact the Convention Against Torture clearly states there are no "exceptional circumstances" that may be invoked as justification for torture.

Although the torture provisions of the August 2002 Bybee memo were rescinded and replaced four weeks ago by a new December 30, 2004 memo, the

Bybee memo was Administration policy for almost 2½ years and has had extremely harmful effect on both our military and intelligence communities.

If this memo with its narrow definition of torture was so wrong on its face that it had to be rescinded, why didn't Judge Gonzales know it was wrong at the time he requested and endorsed it?

One of the most disturbing parts of the August Bybee memorandum is the suggestion that the President and other executive officials can escape prosecution for torture on the ground that "they were carrying out the President's Commander-in-Chief powers."

By adopting the doctrine of "just following orders" as a valid defense for United States soldiers and officials, the opinion undermines the very underpinnings of individual criminal responsibility set forth after World War II, and now embodied in the basic instruments of international criminal law.

This memorandum basically puts the President, and his subordinates, above the law, as it states, "any effort to regulate the interrogation of battlefield combatants would violate the Constitution's sole vesting of the Commander-in-Chief authority in the President."

This is antithetical to everything we know about our founding document and the rule of law.

It ignores the fact that the Convention Against Torture and other treaties have been approved by Congress, elucidated by statute and become the law of the land.

The Bybee memo's reading of the President's powers as Commander-in-Chief essentially would allow him to ignore or order that the criminal prohibition against torture in the United States code be set aside. The President could trump Congress' power under Article I, section 8, clause 10 to "define and punish . . . offenses against the law of nations" such as torture.

Interestingly, nowhere does the August Bybee memorandum mention the landmark Youngstown Steel & Tube Co. v. Sawyer decision in which the Supreme Court explained why the President's Commander-in-Chief or inherent executive power were not enough to allow him to take over the American steel industry during a time of crisis. In his concurring opinion, Justice Jackson eloquently discussed the limits on such Presidential powers, especially when the "President takes measures incompatible with the express or implied will of Congress."

In fact, Bybee cites no precedent for his unique enhancement of the President's Commander-in-Chief power other than:

> In light of the President's complete authority over the conduct of war, without a clear statement otherwise, we will not read a criminal statute as infringing on the President's ultimate authority in these areas. We have long recognized, and the Supreme Court has established a canon of statutory construction that statues are to be construed in a manner that avoids constitutional difficulties so long as a reasonable alternative construction is available.

This is nonsense. There are statutes on the book outlawing torture. There is no precedent cited because scant precedent exists, it any.

Now if this Commander in Chief override exists, if the President can exercise his Commander-in-Chief power to ask his subordinates to engage in torture to protect the national security of our country, how would this be done? One would think the Commander-in-Chief would have to order his subordinates to engage in such conduct for it to be legal. So where are the orders? And if there are no orders, aren't U.S. soldiers and intelligence officers still subject to the supreme law of our land—our Constitution, our statutes and our treaty obligations—and can they not be prosecuted for violations of this law? How would Judge Gonzales approach this dilemma, created by his own legal reasoning, if he is nominated-confirmed Attorney General? Would he prosecute subordinates of the President who engaged in what most rational people would consider torture during the past 2½ years and then defend themselves with the reasoning in the Bybee memorandum?

In addition, at this time there are over 20,000 private contractors in Iraq. Many of them are engaging in "military functions" in support of U.S. forces. These civilians are currently liable for prosecution in U.S. courts for various offenses, under the U.S. laws implementing the Convention on Torture. In addition, persons who are "employed by or accompanying the armed forces" may be prosecuted under the Military Extraterritorial Jurisdiction Act. Now, many such offenses are permitted by the Bybee memorandum but are prohibited by other U.S. law.

Again, would Judge Gonzales vigorously prosecute violations of law that, either through his advice or the legal reasoning he deemed were acceptable practices activities?

Now the creation of this so-called Commander-in-Chief override power has created some consternation in legal circles. But neither Judge Gonzales nor the Justice Department has backed away from it.

The December 30, 2004, memo declares that it supersedes the August 2002 Bybee memo in its entirety. However, the Office of Legal Counsel has not yet clearly and specifically renounced the parts of the August 2002 memorandum concerning the Commander in Chief's power stating:

> Consideration of the bounds of any such authority would be inconsistent with the President's unequivocal directive that United States persons not engage in torture.

Judge Gonzales's own public statements have also urged a broad view of the President's power to conduct the war on terror. In a June 2004 speech before the American Bar Association's Standing Committee on Law and National Security, Judge Gonzales stated:

> [The President] has not had to—as I indicated, in terms of what he has done or has not done, he has not exercised his Commander-in-Chief override, he has not determined that torture is, in fact, necessary to protect the national security of this country.

But it seems that Judge Gonzales's statement is at least providing for a situation in which the President could make that determination, but under what constitutional principle I do not know.

Furthermore, Judge Gonzales was unwilling to repudiate the Commander in Chief override power when asked directly about it during his confirmation hearing, saying that it was a hypothetical question about a hypothetical situation and he was "not prepared in this hearing to give you an answer to such an important question."

Now, I always assumed the purpose of a hearing to confirm a Cabinet official was that he would answer, after preparation, important questions involving his proposed responsibilities. Apparently, Judge Gonzales did not believe that was the role of the hearing. He provided no answer.

In addition, in responding to a followup question submitted by Senator LEAHY, Judge Gonzales refused to answer in the affirmative that the President could not override the Convention Against Torture and any implementing legislation and immunize the use of torture under any circumstances, stating again:

> [T]he President does not intend to use any authority he might conceivably have to authorize the use of torture.

I guess it is one of those situations where torture is in the eye of the beholder. Much of what seems to have happened to those crew members of the Pueblo looks to us as torture, but I guess it was not torture under the Bybee memorandum.

As Attorney General, Judge Gonzales will be responsible for enforcing the laws of our land. But he himself created an exception to these laws for the President. He not only allowed torture to be redefined, he also agreed to a new, unchecked power for the President that no President before ever had.

Now, I would like to discuss two memoranda Judge Gonzales requested from the Department of Justice Office of Legal Counsel regarding U.S. treaty obligations in the war in Afghanistan. Specifically, he asked if treaties forming part of the laws of armed conflict applied to conditions of detention and procedures for trials of members of al-Qaida and the Taliban militia. He also asked that if the Geneva Conventions did apply in Afghanistan, would the Taliban, the military force of Afghanistan, qualify for prisoner-of-war status.

As I noted earlier, after World War II, the United Nations drafted, and most of the world, including the United States and Afghanistan, ratified the Geneva Conventions. There are four conventions. The third convention defines six classes of persons who, if captured, should be considered as prisoners of war. The most protected class under the Geneva Conventions is the prisoner-of-war category. Civilians and spies are protected as other classes in the fourth Geneva Convention. Running through all of these conventions is common article 3, which prohibits:

> [O]utrages upon personal dignity, in particular, humiliating and degrading treatment.

Most experts would agree this is the minimum standard for the treatment of all detainees.

As I stated in the beginning of my remarks, September 11 did usher in a new era. It was reasonable for Judge Gonzales to wonder if perhaps a group such as al-Qaida was one of those categories of individuals or groups that was not authorized automatic protection under the Geneva Convention. However, the Geneva Conventions maintain if the status of a captured individual is in doubt, a competent tribunal must decide that status. Furthermore, the Geneva Conventions are only one part of the law of armed conflict. The Convention Against Torture and the assurance of basic human rights remain in place at all times.

On January 22, 2002, the Justice Department sent a memo to Judge Gonzales regarding treaty obligations. Also signed by Jay Bybee, the Assistant Attorney General, the memo analyzed the War Crimes Act and the Geneva Conventions and concluded:

> [N]either the federal War Crimes Act nor the Geneva Conventions would apply to the detention conditions of al-Qaida prisoners. We also conclude that the President has the plenary constitutional powers to suspend our treaty obligations toward Afghanistan during the period of conflict.

A memo sent 2 weeks later concluded that the Taliban did not qualify for prisoner-of-war status.

Now, legal experts can and have disagreed about the conclusions reached by the Department of Justice. But what I find deeply disturbing is the questionable judgment and cavalier attitude Judge Gonzales used outlining his recommendations as White House legal counsel.

On January 25, 2002, Judge Gonzales drafted a memorandum to the President agreeing with the January Bybee memorandum. He states two positive aspects of this decision. First, he finds that suspending these treaty obligations "preserves flexibility," which, I would note, is not a legal conclusion. He then states that the war on terrorism is a new kind of war, a "new paradigm that renders obsolete Geneva's strict limitation on questioning of enemy prisoners and renders quaint some of its provisions." A second positive aspect Judge Gonzales concluded is that since the Geneva Conventions do not apply to al-Qaida and the Taliban, it "substantially reduces the threat of domestic criminal prosecution under the War Crimes Act."

Judge Gonzales then goes on to list seven negative points about suspending the War Crimes Act and the Geneva Conventions in these circumstances, including:

The U.S. had abided by the Geneva Conventions since their creation in 1948.

The U.S. could then not invoke the Geneva Conventions for U.S. forces captured or mistreated in Afghanistan.

The War Crimes Act could not be used against the enemy.

The position would "likely provoke widespread condemnation among our allies and in some domestic quarters."

In the future, other countries may look for "loopholes" to avoid complying with the Geneva Conventions.

The determination "could undermine U.S. military culture which emphasizes maintaining the highest standards of conduct of combat, and could introduce an element of uncertainty in the status of adversaries."

Remarkably, after weighing the pros and cons, Judge Gonzales found the negatives of such a decision by the President were "unpersuasive." He concurred in the Justice Department's decision that the Geneva Convention did not apply to al-Qaida and the Taliban.

On January 26, 2002, Secretary of State Powell objected to the presentation and conclusions in the Gonzales memo. Secretary Powell sent his own memo to Gonzales, stating:

> I am concerned that the draft does not squarely present to the President the options that are available to him. Nor does it identify the significant pros and cons of each option.

Secretary Powell lists as cons, in his words:

> It will reverse over a century of U.S. policy and practice in supporting the Geneva Conventions and undermine the protections of the law of war for our troops; it is a high cost in terms of negative international reaction, with immediate adverse consequences for our conduct of foreign policy; it will undermine public support among critical allies, making military cooperation more difficult to sustain; and Europeans and others will likely have legal problems with extradition.

At a February 4, 2002, National Security Council meeting to decide this issue and make recommendations to the President, the Department of State, the Department of Defense, and the Chairman of the Joint Chiefs of Staff were in agreement that all detainees would get the treatment they are or would be entitled to under the Geneva Conventions.

Now Judge Gonzales was faced with two opposing opinions: one, from the Department of Justice, which offered a new and untried approach to international law; and the other which was supported by decades of precedent and the entire military establishment, which was actually going to be on the front lines of the conflict. Judge Gonzales had to choose what he was going to advise the President.

On February 7, 2002, President Bush, presumably following the legal advice of his counsel, issued a memorandum stating that the Geneva Conventions did not apply to al-Qaida, and that while the Taliban were covered by the Geneva Conventions, they did not qualify for POW status. The fact that the third Geneva Convention requires a competent tribunal to determine this fact was ignored. Furthermore, President Bush stated that the Geneva Conventions' common article 3, the minimum standard of human rights for noncombatants, including prisoners, did not apply to either al-Qaida or the Taliban.

Mr. President, these questionable decisions of Judge Gonzales have profound effects. What he found unpersuasive was the most correct statement in his memo—that his advice would, in his words, "undermine U.S. military culture which emphasizes maintaining the highest standards of conduct in combat and could introduce an element of uncertainty in the status of adversaries."

In January 2004, the Pentagon announced that they were investigating reports of abuse of prisoners in Iraq. In May 2004, the world was horrified when pictures of some of the abuses at Abu Ghraib prison became public. Now for many months, DOD officials have maintained that such abuses were the acts of a few depraved, low-ranking individuals, but reports of abuses in other prisons, such as Guantanamo and the Adhamiya Palace in Baghdad, are coming to light.

To date, the Pentagon has initiated several investigations into these abuses. Only some of the investigations have been completed, and they all concern Abu Ghraib. However, they have startlingly similar findings. President Bush's February 7, 2002, memorandum set new policy that conflicted with longstanding Army doctrine based on established laws of war, and this conflict caused confusion and ultimately a corrosion of standards.

The Schlesinger report, released on August 24, 2004, was written by an independent panel chaired by the former Secretary of Defense, Jim Schlesinger, to review DOD detention operations. In fact, the report was essentially commissioned by the present Secretary of Defense, Mr. Rumsfeld. Dr. Schlesinger pointedly blamed the administration for confusion in the ranks. The Schlesinger report found "Lieutenant General Sanchez signed a memo authorizing a dozen interrogation techniques beyond standard Army practice, including five beyond those applied at Guantanamo . . . using reasoning from the president's memo of February 7, 2002."

Another report, completed by Lieutenant General Jones, stated that confusion over different standards for detainee treatment and interrogation, dictated by the administration and followed through by the Army, led to "a permissive and compromising climate for soldiers."

In order to overcome these problems, the Schlesinger report recommended that "the United States should further define its policy applicable to both the Department of Defense and other Government agencies, on the categorization and status of all detainees as it applies to various operations and theories. It should define their status and treatment in a way consistent with U.S. jurisprudence and military doctrine and with the [United States] interpretation of the Geneva Conventions."

It is a fact of life that there are always going to be abuses of human rights in time of war. But the abuses I have discussed above, and that are still, unfortunately, coming to light, are systemic. I would argue that they are the result of a corrosive trend started by the President's February 7 memo, which was based on advice given by Judge Gonzales in consultation with the Department of Justice. This is not the type of legal thinking and judgment that I find suitable for the Office of Attorney General.

There is one final issue that needs to be mentioned. That is the deeply disturbing issue of "ghost detainees." The Bush administration has always maintained that the Geneva Conventions are in force in Iraq. Article 49 of the fourth Geneva Convention prohibits "individual or mass forcible transfers, as well as deportations of protected persons from occupied territory . . . regardless of their motive."

Yet an October 24, 2004, Washington Post story states that a confidential March 19, 2004, Justice Department memorandum granted permission to the CIA to take Iraqis out of their country to be interrogated for a "brief but not indefinite period." It also said the CIA can permanently remove "illegal aliens." Other reports state that as many as a dozen detainees were moved under this policy.

In addition, the third and fourth Geneva Conventions maintain that international organizations such as the Red Cross must have access to prisoners. Two generals investigating the abuses of Abu Ghraib, Major General Taguba and General Kern, noted in their reports that the U.S. hid prisoners from Red Cross teams. General Kern stated that the number of ghost detainees "is in the dozens, perhaps up to 100."

The role of Judge Gonzales in the production and approval of this memo is yet unknown. But given his participation in other decisions made about the wars in Iraq and Afghanistan, it is not irrational to assume that he had some participation.

The existence of ghost detainees is a violation of the Geneva Convention. Someone is responsible for this decision and must be held accountable. If Judge Gonzales is confirmed as Attorney General, will he pursue these types of investigations and potential prosecutions?

Some of my colleagues will likely state that opposition to Judge Gonzales is partisan politics. But we are not alone in opposing this nomination. Twelve retired admirals and generals sent a letter to the Judiciary Committee expressing deep concerns about the nomination of Judge Gonzales. This letter includes the following statement:

> During his tenure as White House Counsel, Judge Gonzales appears to have played a significant role in shaping U.S. detention and interrogation operations in Afghanistan, Iraq, Guantanamo Bay, and elsewhere. Today it is clear that these operations have forced a greater animosity towards the [United States], undermined our intelligence gathering efforts, and added to the risks facing our troops serving around the world.

These are the words of distinguished general officers who have served their country in uniform upwards of 30 or more years.

A group of 17 religious leaders and organizations also sent a letter to the Judiciary Committee expressing concern about Judge Gonzales's nomination and his role, in their words, in "sanctioning torture." Another group of more than 200 religious leaders sent a letter to Judge Gonzales stating:

> We fear that your legal judgments have paved the way to torture and abuse.

Even his colleagues in the legal community have doubts. A group of 329 prominent lawyers sent a letter to the Judiciary Committee stating that Judge Gonzales's purported role in deciding the treatment of detainees "raises fundamental questions about Judge Gonzales's fidelity to the rule of law, about his views concerning the responsibility of a government lawyer, and about the role of the Department of Justice."

Much has been made and much should be made about Judge Gonzales's rise from very humble beginnings. There is no disputing this fact. There is no disputing that the nomination of a Latino to such an August position is a significant, notable moment in our Nation's history. Indeed, there are many people in my State who see their deepest hopes and dreams for their children and grandchildren in the story of Judge Gonzales's rise. Such a sense of pride is no small thing. But our duty as Senators is to advise and consent on the fitness and skills of nominees. And there are few positions in the Cabinet that are as sensitive and important as that of Attorney General.

As heartening as Judge Gonzales's personal story is, like the congressional Hispanic caucus and a number of civil rights groups such as the Mexican American Legal Defense Fund, I believe that Judge Gonzales has left too many important questions unanswered.

Indeed, as The congressional Hispanic caucus has pointed out:

> [T]he Latino community continues to lack clear information about how the nominee, as Attorney General, would influence policies on such important topics as the Voting Rights Act, affirmative action, protections for persons of limited English proficiency, due process rights of immigrants, and the role of local police in enforcing federal immigration laws.

The right to vote, protection from discrimination, and assistance for those who have yet to master the English language are issues of great importance to Latinos in my State, and they deserve real answers. Despite Judge Gonzales's superb academic credentials and his record of achievement, I have too many concerns about his decisions made on legal matters, particularly in his role of the past 4 years as White House Counsel, to vote for his confirmation.

The genius of our Founding Fathers was not to allow power to be concentrated in the hands of a few. They were particularly concerned about a concentration of power in the President. Although they made the President the Chief Executive Officer of our Government and the Commander in Chief, the Founding Fathers constrained the President through the very structure of our Government, through both law and treaty. The Attorney General has a duty not just to serve the President but, also and ultimately, to support, protect, and defend the constitutional commitment to a system of checks and balances. I do not feel comfortable with Judge Gonzales's ability to do this.

After studying his record, I do not believe that Judge Gonzales has demonstrated the judgment necessary to perform the duties of the highest law enforcement officer of our land.

Mr. President, I ask unanimous consent to have printed in the RECORD a number of articles bearing on Judge Gonzales's role in torture policies, as well as recent statements by the Leadership Conference on Human Rights and the Center for Constitutional rights opposing this nomination.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LCCR OPPOSES GONZALES CONFIRMATION: VOTE "NO" FEBRUARY 2, 2005

DEAR SENATOR: On behalf of the Leadership Conference on Civil Rights (LCCR), the nation's oldest, largest and most diverse civil and human rights coalition, we write to express our opposition to the confirmation of White House Counsel Alberto R. Gonzales as United States Attorney General. The Leadership Conference recognizes the historic significance of Mr. Gonzales's appointment as the first Hispanic American to serve as Attorney General, and so the action we urge today is not undertaken lightly. Regrettably, however, Mr. Gonzales's failure to properly address concerns with his past record and clearly explain his positions on critical civil and human rights issues compels us to urge the Senate to reject his confirmation.

Earlier this month, LCCR sent the Senate Judiciary Committee a letter, signed by more than four dozen national civil and human rights leaders, that expressed numerous concerns with Mr. Gonzales's record and urged close scrutiny. Despite a day-long hearing before the Committee, the submission of written questions by Committee members, and numerous inquiries by the press and the public, Mr. Gonzales and the Administration have not yet provided the Senate either with the critical information on his record or with the commitment to accountability and transparency that are prerequisites to the Senate exercising its constitutional duty of advise and consent on this nomination. We remain unconvinced that Mr. Gonzales would independently enforce the law, rather than continue to simply rationalize it, as he did while serving then-Governor George W. Bush.

MR. GONZALES HAS NOT ADDRESSED SERIOUS CONCERNS INVOLVING THE USE OF THE DEATH PENALTY

The Leadership Conference on Civil Rights opposes the death penalty under all circumstances, but recognizes that it is the law of the land in many states and at the federal level. As the ultimate—and the only irreversible—sanction for criminal conduct, capital punishment must never be administered if a government has not exercised every reasonable precaution at its disposal to avoid putting an innocent person to death. A failure to ensure that every death penalty case receives fair and balanced treatment can easily lead to severe miscarriages of justice.

As General Counsel to then-Governor George W. Bush from 1995 to 1997, Mr. Gonzales advised the Governor on pending clemency petitions in death penalty cases. While Governor Bush exercised ultimate authority to grant or deny a clemency petition, his decision in each case was based on the information he received from Mr. Gonzales. It was Mr. Gonzales's legal responsibility to present the Governor with a full and balanced summary of each case, including any and all significant mitigating factors.

To date, the only known physical records that document the information that Mr. Gonzales provided to Mr. Bush regarding clemency petitions are brief memoranda, ranging from one-and-a-half to seven pages in length. Most of these memoranda were dated either the day before or the day of a scheduled execution.

The clemency memoranda are, in many cases, extremely troubling. A number of them omit evidence that was presented in clemency petitions such as outstanding claims of innocence, allegations that a jury had failed to consider material evidence, signs of mental impairment, and personal mitigating factors such as severe childhood abuse. For example, in the case of Carl Johnson, the clemency memorandum prepared by Mr. Gonzales does not even refer to the fact that Mr. Johnson had claimed he received ineffective assistance of counsel because his lawyer slept through portions of his trial. In the case of Terry Washington, a mentally retarded 33-year-old, Mr. Gonzales barely mentioned that Mr. Washington's limited mental capacity (and the failure of his counsel to raise it during trial) formed the central basis of his thirty-page clemency petition. Instead, Mr. Gonzales referred the issue of Mr. Washington's mental capacity only as a piece of "conflicting information" about Mr. Washington's background.

Mr. Gonzales has claimed, during questioning before the Committee, that the memoranda were only "summaries" of the death penalty cases he handled for Governor Bush, and that they were typically provided at the end of a "rolling series of discussions" about each case. Yet to date, Mr. Gonzales has produced no tangible evidence of such discussions or any other communications with the Governor about any death penalty case, leaving serious and very troubling questions remaining about whether, under Mr. Gonzales's tenure, justice was properly administered in every case.

Mr. Gonzales's responses to questions about how he would handle death penalty cases as Attorney General, if confirmed, also cause significant concern. When asked about a recent Justice Department report that revealed striking racial and ethnic disparities in the imposition of the federal death penalty, Mr. Gonzales expressed only a "vague knowledge" of the problem. While he stated a willingness to examine the application of the death penalty if he were convinced that such disparities existed, he did not commit to address already-documented concerns at the federal level. In addition, while Mr. Gonzales was unfamiliar with Attorney General Ashcroft's policy of overriding decisions by federal prosecutors to not seek the death penalty, which in itself is not indicative of a problem, he failed to commit to formally review the practice, including its potential for racial disparities.

In sum, as evidenced by both his past record and his answers to questions about what he would do if confirmed as Attorney General, Mr. Gonzales has clearly failed to assure the Senate and ultimately the American people that he will administer death penalty cases fairly and in accordance with the law.

MR. GONZALES HAS FAILED TO FULLY ANSWER IMPORTANT QUESTIONS ABOUT CIVIL RIGHTS AND LIBERTIES

In his confirmation hearing, Mr. Gonzales testified that civil rights enforcement would be among his top priorities. Yet while some of his responses to questions reflect some level of consultation with the Justice Department (see response #5 to Senator Biden, p. 2; response #3 to Senator Durbin, p. 20), we are very troubled that his responses to questions on many extremely important civil rights issues were vague and were neither well-informed nor well-developed. For example:

In response to questions about Title VI of the Civil Rights Act, which prohibits racial and gender discrimination in federally funded programs and activities, Mr. Gonzales failed to commit to the enforcement of the Title VI regulations, as distinguished from the Title VI statute itself. This is troubling given the longstanding recognition that the regulations have a scope and application that extend beyond the limits of the statute itself. Because the Supreme Court in Sandoval prohibited individuals from bringing private actions to enforce the Title VI regulations, the government was left as the only entity with the capacity to do so. Important protections against discrimination in the areas of language rights, educational discrimination, environmental justice, and others will be entirely lost unless the Administration commits itself to bring enforcement actions. However, Mr. Gonzales's failure to make such a commitment suggests a substantial narrowing of the historic reach of one of our fundamental civil rights laws.

Mr. Gonzales responded to questions by Senator Kennedy about mandatory minimum sentencing by stating simply that "mandatory minimums provide a clear deterrent and have been effective." His answers on this topic ignore evidence, including statements from many current and former judges such as Supreme Court Justice Anthony Kennedy, that mandatory minimum sentences, by depriving judges of their traditional discretion to tailor a sentence based on the culpability of the defendant and the seriousness of the crime, render our nation's criminal justice system unjust, unfair, and counter-productive. And, as Justice Kennedy also observed, mandatory minimum sentencing has its most disproportionate impact on communities of color.

Mr. Gonzales was asked about the disparity in sentences for defendants convicted of crack vs. powder cocaine offenses. Under current law, draconian statutory and guideline penalties are triggered by possession or sale of a small amount of crack cocaine—one hundred times less than the amount of powder cocaine that triggers the same penalties. Because African Americans almost exclusively have been targeted by federal authorities for crack cocaine offenses, they and other racial and ethnic minorities serve far longer prison sentences for drug dealing than whites convicted of similar offenses involving powder cocaine. The U.S. Sentencing Commission has twice concluded that there is no empirical basis for the 100 to 1 ratio, but it persists. Yet after being presented with this information in written questions following his hearing, Mr. Gonzales failed to even acknowledge the racial disparities that the current policies have produced.

Mr. Gonzales played a critical role in shaping the administration's "enemy combatants" policy, which places individuals beyond the reach of the law and subjects them to indefinite, incommunicado detention. He publicly argued that the President's authority was constrained not so much by the rule of law but "as a matter of prudence and policy"—a view so radical that it was eventually rejected by an 8-1 majority of the U.S. Supreme Court. In his responses to questions about this policy, following the ruling, Mr. Gonzales has still not made it clear that he, as Attorney General, would be fully committed to respecting the time-honored and vital role of judicial review of executive actions—a matter of grave concern to citizens and noncitizens alike.

MR. GONZALES HAS FAILED TO CLARIFY HIS ROLE IN POLICIES REGARDING TORTURE, INTERROGATION AND DETENTION

As White House Counsel, Mr. Gonzales oversaw the development of detention, interrogation, and torture policies for handling prisoners in Afghanistan, Iraq, and elsewhere. He wrote a 2002 memorandum disparaging the Geneva Conventions and arguing that they do not bind the United States in the war in Afghanistan. He urged the President to reject warnings by U.S. military leaders that such policies would undermine respect for the law in the military, with catastrophic results. He requested and reviewed legal opinions that radically altered the definition of torture and claimed U.S. officials were not bound by laws prohibiting torture. He even made the radical suggestion that the President has the power to disregard Congressional enactments. Changes made as a result to long-established U.S. policy and practices appear to have paved the way for the recent horrific incidents at Abu Ghraib and Guantanamo.

The Administration continues to withhold critical documents that could show the extent of Mr. Gonzales's involvement in setting the above policies. We believe that all relevant documents should be disclosed to the American people, and that the President should clarify or waive any purported claims of privilege. We strongly believe that the Senate cannot meet its constitutional obligations in this nomination without full disclosure and review of these materials.

CONCLUSION

In sum, the record before you regarding the Alberto Gonzales nomination is woefully incomplete, at best, in spite of repeated efforts by the Committee and other stakeholders to obtain all relevant information. At worst, it raises profound questions about Mr. Gonzales' commitment to civil and human rights and the rule of law.

The record is very troubling because nowhere is the Senate's constitutional role in reviewing a presidential cabinet nominee more important than in the case of a prospective Attorney General. It is even more troubling because Mr. Gonzales, in response to questions by Chairman Specter and other members of the Judiciary Committee during his recent confirmation hearing, had repeatedly pledged far greater cooperation with the Committee than his predecessor had extended. Mr. Gonzales and the Administration have utterly failed to deliver on this promised level of cooperation, leaving numerous questions remaining about his suitability for the position of Attorney General and about the impact his tenure would have on civil and human rights in this country and elsewhere. For this reason, we must urge you to not confirm Mr. Gonzales. Please note that LCCR intends to include how Senators vote on this issue in the upcoming 109th Congress LCCR Voting Record.

Thank you for your consideration. If you have any questions, please feel free to contact LCCR Deputy Director Nancy Zirkin or LCCR Policy Analyst Rob Randhava.

Sincerely,

Dr. DOROTHY I. HEIGHT,
Chairperson.
WADE HENDERSON,
Executive Director.

CCR OPPOSES THE NOMINATION OF ALBERTO GONZALES

SYNOPSIS

"The best way for the American people to send a message to the Bush administration and the world that 'we the people' of the United States do not condone torture is to mobilize to reject the nomination of Alberto Gonzales."—Ron Daniels, Executive Director, the Center for Constitutional Rights

DESCRIPTION AND STATUS

The Center for Constitutional Rights (CCR) strongly opposes the nomination of White House Counsel Alberto Gonzales for the office of Attorney General of the United States. While we applaud the effort of recent Presidents to achieve greater diversity in their Cabinets and would be delighted to see the first person of Latino descent be elevated to this high office, the issue at hand is not about diversity, it is about the conduct of someone who has fundamentally aided and abetted efforts by those in the White House to disregard the rule of law.

We believe that at the behest of President Bush, Mr. Gonzales knowingly and willingly provided counsel and advocated policies calculated to evade or circumvent domestic and international laws prohibiting the use of torture to extract information from soldiers or detainees held in U.S. custody. We believe that the person entrusted to be the highest law enforcement officer in our country must not be someone who has shown such blatant disdain for the rule of law as Chief Counsel to the President of the United States. To confirm Mr. Gonzales would send the wrong signal to the nation and the world. It would be tantamount to condoning torture.

The evidence of Mr. Gonzales's efforts to evade or circumvent domestic and international laws dealing with the use of torture is overwhelming. As White House counsel, he has consistently treated the law as an inconvenient obstacle to be ignored whenever it conflicted with the wishes of the President. Mr. Gonzales is the author of a leaked memo, dated January 25, 2002, that justified the suspension of the Geneva Conventions in the war in Afghanistan, calling these universally recognized international laws "obsolete" and "quaint."

In the same year, Mr. Gonzales requested a memo from the Justice Department, inquiring as to whether the Bush Administration could evade current treaties and laws in its treatment of Al Qaeda and Taliban detainees without being open to prosecution for war crimes. Moreover, he drafted the original military commission order signed by President Bush on November 14, 2001, which would have allowed suspects apprehended in the global campaign against terrorism to be charged, tried, and even executed without the most basic due process protections. Gonzales also argued that U.S. citizens could be held incommunicado and stripped of the right to counsel and the right to challenge their detention in a court of law for as long as the President deemed necessary. [CCR successfully challenged this position in the milestone case Rasul v. Bush, where the Supreme Court ruled that the detainees at Guantanamo have a right to challenge their detention in U.S. courts.]

Furthermore, Mr. Gonzales and his colleagues approved the use of dogs, hooding, and extreme sensory deprivation, all forbidden by Geneva Convention and International Covenant Against Torture. They redefined torture to limit it to only those actions that lead to organ failure, death or permanent psychological damage. They justified this relaxed definition of torture on the grounds that in a time of war, interrogators need to extract information from prisoners quickly to save American lives. However, it has long been established by experts in the field that torture leads to false confessions and bad intelligence. None of this seems to have mattered to Mr. Gonzales and the higher ups in the White House. Indeed, there is little doubt that the memos written and commissioned by Gonzales paved the way for the abuse and torture of detainees at Guantanamo Bay, Abu Ghraib, Bagram Air Force base, and elsewhere—many of whom are represented by the Center for Constitutional Rights.

The verdict is clear: there is no question but that there is a causal link between the memoranda and other directives devised by Mr. Gonzales and the terrible infractions committed by officers and functionaries in the field. The images and information about the horrific acts committed against prisoners at Abu Ghraib, (80% of were innocent of any crimes according to the International Red Cross), has severely damaged the reputation of the U.S. in the world as a standard bearer for justice and the rule of law. The arrogance that abounds in the White House is such that they seem impervious to world opinion. But "we the people" have the opportunity, obligation and power to let the President and the world know that we will not tolerate intolerable acts committed in our name!

Many organizations and members of Congress are content to simply ask "tough questions" of Mr. Gonzales but not oppose his nomination. At the Center for Constitutional Rights, we firmly believe that a man who helped destroy our nation's moral standing in the eyes of the world, endangered our troops and dismantled centuries of carefully developed international standards of law must not be rewarded with a promotion. Tough questions are not enough. We have a duty to save the soul of our country. Accordingly, we call upon Americans of all political persuasions who oppose torture and are eager to restore our nation's good name in the world to join in a massive mobilization to stop the confirmation of Alberto Gonzales as Attorney General of the United States.

MORE ON GONZALES:

According to Newsweek, Mr. Gonzales convened a series of meetings with Defense Department General Counsel William Hayes, Vice Presidential Counsel David Addington, and counsel from the CIA and the Justice Department, where they discussed specific torture techniques they deemed acceptable for use against Al Qaeda leadership, including mock burial, "water boarding"—where the victim is made to feel that they are drowning—and the threat of more brutal interrogations at the hands of other nations. Indeed, the latter, a practice known as "extraordinary rendition" has sent many suspects to countries like Egypt, Jordan and Syria, previously far more experienced in the techniques of torture than the U.S.

The Center for Constitutional Rights has seen the effects of Mr. Gonzales's policies in all too much detail. We represent many of the men, women and children held and tortured at the hands of U.S. personnel at Abu Ghraib, Guantanamo Bay, and elsewhere. In addition, the U.S. has an unknown number of ghost detainees, hidden from the International Red Cross, at spots around the globe: we can only imagine the treatment they are receiving.

In their scathing critique of Mr. Gonzales's writings, The Washington Post linked him directly to the tortures at Abu Ghraib and called his legal positions "damaging and erroneous." Making Alberto Gonzales the Attorney General of the United States would be a travesty. It would mean taking one of the legal architects of an illegal and immoral policy and installing him as the official who is charged with protecting our constitutional rights.

[From the Washington Post, Oct. 24, 2004]

MEMO LETS CIA TAKE DETAINEES OUT OF IRAQ

(By Dana Priest)

At the request of the CIA, the Justice Department drafted a confidential memo that authorizes the agency to transfer detainees out of Iraq for iterrogation—a practice that international legal specialists say contravenes the Geneva Conventions.

One intelligence official familiar with the operation said the CIA has used the March draft memo as legal support for secretly transporting as many as a dozen detainees out of Iraq in the last six months. The agency has concealed the detainees from the International Committee of the Red Cross and other authorities, the official said.

The draft opinion, written by the Justice Department's Office of Legal Counsel and dated March 19,2004, refers to both Iraqi citizens and foreigners in Iraq, who the memo says are protected by the treaty. It permits the CIA to take Iraqis out of the country to be interrogated for a "brief but not indefinite period." It also says the CIA can permanently remove persons deemed to be "illegal aliens" under "local immigration law."

Some specialists in international law say the opinion amounts to a reinterpretation of one of the most basic rights of Article 49 of the Fourth Geneva Convention, which protects civilians during wartime and occupation, including insurgents who were not part of Iraq's military.

The treaty prohibits "[i]ndividual or mass forcible transfers, as well as deportations of protected persons from occupied territory . . . regardless of their motive."

The 1949 treaty notes that a violation of this particular provision constitutes a "grave breach" of the accord, and thus a "war crime" under U.S. federal law, according to a footnote in the Justice Department draft. "For these reasons," the footnote reads, "we recommend that any contemplated relocations of 'protected persons' from Iraq to facilitate interrogation be carefully evaluated for compliance with Article 49 on a case by case basis." It says that even persons removed from Iraq retain the treaty's protections, which would include humane treatment and access to international monitors.

During the war in Afghanistan, the administration ruled that al Qaeda fighters were not considered "protected persons" under the convention. Many of them were transferred out of the country to the naval base in Guantanamo Bay, Cuba, and elsewhere for interrogations. By contrast, the U.S. Government deems former members of Saddam Hussein's Baath Party and military, as well as insurgents and other civilians in Iraq, to be protected by the Geneva Conventions.

International law experts contacted for this article described the legal reasoning contained in the Justice Department memo as unconventional and disturbing.

"The overall thrust of the Convention is to keep from moving people out of the country and out of the protection of the Convention," said former senior military attorney Scott Silliman, executive director of Duke University's Center on Law, Ethics and National Security. "The memorandum seeks to create a legal regime justifying conduct that the international community clearly considers in violation of international law and the Convention." Silliman reviewed the document at The Post's request.

The CIA, Justice Department and the author of the draft opinion, Jack L. Goldsmith, former director of the Office of Legal Counsel, declined to comment for this article.

CIA officials have not disclosed the identities or locations of its Iraq detainees to congressional oversight committees, the Defense Department or CIA investigators who are reviewing detention policy, according to two informed U.S. Government officials and a confidential e-mail on the subject shown to The Washington Post.

White House officials disputed the notion that Goldsmith's interpretation of the treaty was unusual, although they did not explain why. "The Geneva Conventions are applicable to the conflict in Iraq, and our policy is to comply with the Geneva Conventions," White House spokesman Sean McCormick said.

The Office of Legal Counsel also wrote the Aug. 1, 2002, memo on torture that advised the CIA and White House that torturing al Qaeda terrorists in captivity abroad "may be justified," and that international laws against torture "may be unconstitutional if applied to interrogations" conducted in the war on terrorism. President Bush's aides repudiated that memo once it became public this June.

The Office of Legal Counsel writes legal opinions considered binding on federal agencies and departments. The March 19 document obtained by The Post is stamped "draft" and was not finalized, said one U.S. official involved in the legal deliberations. However, the memo was sent to the general counsels at the National Security Council, the CIA and the departments of State and Defense.

"The memo was a green light," an intelligence official said. "the CIA used the memo to remove other people from Iraq."

Since the Sept. 11, 2001, attacks, the CIA has used broad authority granted in a series of legal opinions and guidance from the Office of Legal Counsel and its own general counsel's office to transfer, interrogate and detain individuals suspected of terrorist activities at a series of undisclosed locations around the world.

According to current and former agency officials, the CIA has a rendition policy that has permitted the agency to transfer an unknown number of suspected terrorists captured in one country into the hands of security services in other countries whose record of human rights abuse is well documented. These individuals, as well as those at CIA detention facilities, have no access to any recognized legal process or rights.

The scandal at Abu Ghraib, and the investigations and congressional hearings that followed, forced the disclosure of the Pentagon's behind-closed-doors debate and classified rules for detentions and interrogations at Guantanamo Bay and in Afghanistan and Iraq. Senior defense leaders have repeatedly been called to explain and defend their policies before Congress. But the CIA's policies and practices remain shrouded in secrecy.

The only public account of CIA detainee treatment comes from soldier testimony and Defense Department investigations of military conduct. For instance, Army Maj. Gen. Antonio M. Taguba's report on Abu Ghraib criticized the CIA practice of maintaining "ghost detainees"—prisoners who were not officially registered and were moved around inside the prison to hide them from Red Cross teams. Taguba called the practice "deceptive, contrary to Army doctrine and in violation of international law."

Gen. Paul J. Kern, who oversaw another Army inquiry, told Congress that the number of CIA ghost detainees "is in the dozens, to perhaps up to 100."

The March 19, 2004, Justice Department memo by Goldsmith deals with a previously unknown class of people—those removed from Iraq.

It is not clear why the CIA would feel the need to remove detainees from Iraq for interrogation. A U.S. Government official who has been briefed on the CIA's detention practices said some detainees are probably taken to other countries because "that's where the agency has the people, expertise and interrogation facilities, where their people and programs are in place."

The origin of the Justice Department memo is directly related to the only publicly acknowledged ghost detainee, Hiwa Abdul Rahman Rashul, nicknamed "Triple X" by CIA and military officials.

Rashul, a suspected member of the Iraqi Al-Ansar terrorist group, was captured by Kurdish soldiers in June or July of 2003 and turned over to the CIA, which whisked him to Afghanistan for interrogation.

In October, White House counsel Alberto R. Gonzales asked the Office of Legal Counsel to write an opinion on "protected persons" in Iraq and rule on the status of Rashul, according to another U.S. Government official involved in the deliberations.

Goldsmith, then head of the office, ruled that Rashul was a "protected person" under the Fourth Geneva Convention and therefore had to be brought back to Iraq, several intelligence and defense officials said.

The CIA was not happy with the decision, according to two intelligence officials. It promptly brought Rashul back and suspended any other transfers out of the country.

At the same time, when transferring Rashul back to Iraq, then-CIA Director George J. Tenet asked Defense Secretary Donald H. Rumsfeld not to give Rashul a prisoner number and to hide him from International Red Cross officials, according to an account provided by Rumsfeld during a June 17 Pentagon news conference. Rumsfeld complied.

As a "ghost detainee," Rashul became lost in the prison system for seven months.

Rumsfeld did not fully explain the reason he had complied with Tenet's request or under what legal authority he could have kept Rashul hidden for so long. "We know from our knowledge that [Tenet] has the authority to do this," he said.

Rashul, defense and intelligence officials noted, had not once been interrogated since he was returned to Iraq. His current status is unknown.

In the one-page October 2003 interim ruling that directed Rashul's return, Goldsmith also created a new category of persons in Iraq whom he said did not qualify for protection under the Geneva Conventions. They are non-Iraqis who are not members of the former Baath Party and who went to Iraq after the invasion.

After Goldsmith's ruling, the CIA and Gonzales asked the Office of Legal Counsel for a more complete legal opinion on "protected persons" in Iraq and on the legality of transferring people out of Iraq for interrogation. "That case started the CIA yammering to Justice to get a better memo," said one intelligence officer familiar with the interagency discussion.

Michael Byers, a professor and international law expert at the University of British Columbia, said that creating a legal justification for removing protected persons from Iraq "is extraordinarily disturbing."

"What they are doing is interpreting an exception into an all-encompassing right, in one of the most fundamental treaties in history," Byers said. The Geneva Convention "is as close as you get to protecting human rights in times of chaos. There's no ambiguity here."

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BUNNING. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BUNNING. Mr. President, I rise to support the nomination of Judge Alberto Gonzales to be Attorney General of the United States.

Judge Gonzales is a dedicated public servant and a legal professional who has earned the trust of the President, and he deserves to be confirmed. I have worked personally with Judge Gonzales since he joined the administration, and I have a great deal of respect for him.

In 2001 and 2002, Kentucky had an urgent need to fill several district court vacancies in the eastern district of Kentucky, and Judge Gonzales was very helpful and worked with Senator McCONNELL and myself to quickly fill those vacancies. This ensured that our courts in Kentucky continued to function and serve the people well.

Judge Gonzales has an impressive and broad legal and public service background. After a distinguished academic career, including a degree from Harvard Law School, Judge Gonzales joined one of Houston's most reputable law firms. His hard work and intelligence helped him quickly to become a partner in that law firm. That feat is even more impressive because he was one of the first two minority lawyers to become a partner in that firm.

He also took time from his private practice to teach law classes at the University of Houston. Judge Gonzales then left behind a well-paying private practice to become general counsel to President Bush when he was Governor of Texas. As general counsel, Judge Gonzales earned the trust and confidence of the Governor, who then appointed him secretary of state. After serving as secretary of state, Judge Gonzales was appointed to the supreme court of the great State of Texas. He heard cases on that court until Governor Bush was elected President and asked Judge Gonzales to serve him as White House Counsel, one of the most important legal jobs in this Nation. That job as White House Counsel became even more important after September 11 when our Government had to rethink our approach to fighting terrorism and terrorists and securing the homeland.

It is clear that Judge Gonzales has strong experience in all legal areas. As a practicing lawyer, he learned the private side of the justice system and what it was like to deal with the Government on a regular basis. As secretary of state and general counsel to the Governor of Texas, he received executive experience and learned management skills that will serve him well as head of the Department of Justice. As a judge, he learned the workings of the third branch of the Government and what the Department will have to confront when dealing with the courts.

Finally, as White House Counsel, Judge Gonzales participated in the creation of our strategies for fighting terrorism and terrorists at home and abroad, and he will carry that vision and experience into our Nation's top law enforcement job.

This is the unique part of the Judge Alberto Gonzales story. It is not just his legal experience and public service; it is also a story of hard work and living the American dream.

Judge Gonzales is the first Hispanic nominated to be Attorney General. This is noteworthy and a great accomplishment, and it reveals not just the greatness of Judge Gonzales's life, but it also reveals the opportunities our country provides to those willing to work hard and dare to achieve.

He was raised as one of eight children of migrant workers who barely spoke English. His parents did not graduate from high school. He began working at age 12 to help the family get by.

College seemed like a distant dream in his youth, so he joined the Air Force. He was then accepted to the Air Force Academy and then moved to Rice University. After that came law school and his distinguished career.

The fact that young Alberto was able to raise himself out of such underprivileged beginnings is a testament to his hard work and values he learned as a child.

It is not easy to graduate from one of America's most admired law schools, even for the children of wealthy or middle-class families. It is also not easy to become a partner in a law firm or to serve in high-ranking Government positions, no matter what your background happens to be. But Judge Gonzales overcame all the hurdles in his past and achieved what few have achieved.

I hope that his story is noticed by all who want to achieve great things in our country. In America, opportunities are boundless, and Alberto Gonzales is proof of that.

I am glad to support Judge Gonzales's nomination to be Attorney General. I may not agree with him on every issue in the future, but I am confident that President Bush has chosen an honorable and distinguished lawyer and public servant whom he can trust to be our Nation's top law enforcement officer.

This is a critical and opportunistic time for America. We need the best of the best to serve in this Cabinet, particularly at the Attorney General level as the chief law enforcement officer in these United States. Judge Alberto Gonzales is that person. I urge my colleagues to support his nomination.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ENSIGN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I have been listening closely to my colleagues, and I fear that sometimes in this debate we may just be missing the forest for the trees. By focusing almost exclusively on allegations regarding the Convention Against Torture, which is an important issue, to be sure, Judge Gonzales's critics seem to have forgotten that we are debating a nomination for the position of Attorney General of the United States of America.

One would think, for example, that all of my colleagues would join me in being supportive of the prospect of our Nation's civil rights laws being enforced by a citizen who grew up on the wrong side of the tracks and has worked his way up the hard way. I am one of many who is pleased at the prospect of Judge Gonzales enforcing our civil rights laws.

It was not that long ago that we did not even have a Civil Rights Division at Justice. Today, the public servants there do very important work. Whether they are working to guarantee the right to vote, protecting the freedom of worship, or preventing human trafficking, the 21st century version of slavery, these career lawyers are determined to extend the principle of equality under the law to all Americans regardless of race, creed, or color.

Alberto Gonzales shares that commitment to the principle of equal justice under the law. Instead of launching unfounded accusations that Judge Gonzales in some attenuated fashion somehow supports the inhumane treatment of prisoners, one would think we would join together to support Judge Gonzales as the enforcer of our Nation's civil rights laws.

As a child of immigrants, the diversity of experience that he would bring to this position is remarkable. His personal story is a testament to the opportunity afforded in this great country by the guarantees of freedom and equality.

Through his role in the judicial nominations process as White House Counsel, Judge Gonzales has made it clear that diversity in Government is a desirable goal. I worked with him for 4 years on judicial nominations, so I know firsthand of his thoughts and actions on bringing diversity to our Federal bench. When working on behalf of the American people, a personal appreciation of their everyday trials and dreams can only make one a better public servant. For that reason, I suppose, he explained at the National Hispanic Leadership Summit, that we must "go the extra mile" when seeking diversity in public service. Certainly this administration has been doing that, and he has been a pivotal part of that.

There is no doubt that Judge Gonzales will bring these experiences to bear at his new job. Lynne Liberato, a partner in the Houston office of Haynes & Boone, and a former president of the State bar of Texas and the Houston Bar Association has said that Judge Gonzales:

> . . . has always been a person of good judgment, kindness, and moderation. He has experienced the prejudice endured by Mexican Americans. These experiences enhanced his judgment and fueled his compassion.

Now this is not lost on groups representing Hispanic Americans. It is certainly not lost on LULAC, the League of United Latin American Citizens, which has strongly supported Judge Gonzales and believes that he will uphold the 1965 Voting Rights Act making certain that all Americans can fully participate in the Democratic process. To me, that is the most important civil rights act in history.

Listening to Judge Gonzales's personal story, one discovers a person committed to the idea that if people are only treated equally, the opportunities afforded by America are boundless. His father built their house with his own hands. My dad did ours. His dad worked any job that was available to him in order to support his family. So did my dad. He picked crops as a migrant worker, worked in construction, as my dad did, and was part of a maintenance crew at a rice mill.

One gets the sense from listening to Judge Gonzales that his father did these things knowing that if only he and his family were given a fair shake they would find success in America. Let me just say that my father never met Judge Gonzales's father but it sounds to me that they would have had a lot in common given their belief and faith in the American dream. So it was hardly a surprise when Judge Gonzales defended the rights of labor even in the face of the Supreme Court's 2002 decision in Hoffman Plastics Compounds, Inc., v. NLRB.

The Court held that employees who present false documents to their employers in order to establish employment eligibility are not entitled to the remedy of backpay when their employers violate Federal labor law. Yet Judge Gonzales insisted that the decision:

> . . . will not prevent the administration from fully enforcing core labor protections against employers, regardless of the status of their employees.

When he made this statement at a meeting of MALDEF, the Mexican American Legal Defense and Education Fund, I am told that one could sense the passion of a person with a genuine appreciation of the noble sacrifice and the hard labor of the working poor.

Judge Gonzales is going to lead the Justice Department.

His personal commitment to justice is deeply rooted. I know the time pressures that attorneys face and yet Judge Gonzales has never let the demands of his profession or his career stand in the way of his voluntary service to his community.

Somehow, in the midst of building a successful law practice and second career as a public servant, he found time to serve as director of Catholic Charities and of Big Brothers Big Sisters. As Lynne Liberato explained in the Houston Chronicle:

> As a young lawyer, Al was committed to the education of minority kids. While a young associate at Vinson & Elkins he was instrumental in establishing the Vinson & Elkins Minority Scholarship. When asked by local Hispanic leaders to work on a committee to address the issue of the large number of Hispanic dropouts, Al devoted his time to the establishment of the Hispanic Career and Education Day. Both of these programs are still helping kids.

Judge Gonzales is committed to civil rights and the establishment of justice for all of our citizens, and so it is unfortunate that some of my colleagues have allowed their opposition to the President's prosecution of the war on terror to cloud their judgment in this case. Judge Gonzales will be our Nation's chief law enforcement officer. As such, he will be called upon to enforce our civil rights statutes and his long track record leaves no doubt that he will do so vigorously. His nomination is a milestone in American history and his confirmation will be remembered in our Hispanic communities for generations.

As a proud member of the party of Abraham Lincoln, I remain committed to a serious civil rights agenda. I wish my friends across the aisle would put partisanship aside and recognize that Judge Gonzalez would make a historic contribution to our Nation's continuing struggle to be a more just political community.

Some Senators on the other side of the aisle are desperately searching, fishing, and hunting to find something, anything, with which to attack Judge Alberto Gonzales. I reviewed some of the issues yesterday, including their attempt to hold Judge Gonzales responsible for a memo that he did not write, prepared by an office he did not run, in a Department in which he did not work, that provided legal advice that President Bush did not follow. That argument is a very thin brew. But some of my friends across the aisle are still throwing political spaghetti at the wall hoping something will stick.

The senior Senator from New York, for example, wants to drag Judge Gonzales into our internal Senate debate over filibusters of majority-supported judicial nominations. In the Judiciary Committee hearing on January 6 and the markup on January 26 and again on this floor yesterday, the distinguished Senator from New York has demanded to know Judge Gonzales's opinion on whether these filibusters are constitutional.

Senator SCHUMER says the answer will "weigh heavily in my decision whether to support his confirmation." Judge Gonzales's answer has been clear and consistent, and it is both clearly and consistently correct. He said in the hearing that this issue is "an internal Senate matter."

Now, that is the right answer, because it is what the Constitution says. In article 1, section 5, the Constitution gives each House of the Congress the power to "determine the rules of its proceedings."

Judge Gonzales did not remind us of the at least four instances where the constitutional option was utilized in the Senate to stop an unjust, unconstitutional filibuster. No, he did not do that. He just said it is up to the Senate; the Senate should set its rules. That is what the Constitution says.

As the Supreme Court unanimously held more than a century ago, in exercising this authority we may not ignore constitutional restraints. That is a given. But both the authority to determine our rules and our responsibilities to meet constitutional standards are entirely ours so long as our rules do not contravene another constitutional requirement.

The House of Representatives has nothing to say about our rules in the Senate, and the executive branch does not either, and Alberto Gonzales recognized these principles.

Judge Gonzales is not like the professors who opined in hearings on this issue. Nor does he work for the Senate legal counsel or for the Parliamentarian waiting in the wings to give his opinion on any issue any Senator might raise. He is Counsel to the President of the United States of America. He comes before us wearing that hat. He has been nominated to be the next Attorney General of the United States of America. Both positions are in the executive branch, which has no role whatsoever in determining how the Senate sets its internal procedural rules.

So Judge Gonzales's answer was not only correct on its face, but it demonstrated his respect for the fundamental principle of the separation of powers. In my view, he correctly believes it is not appropriate to accept any invitation that comes along to speculate and postulate about issues that the Constitution expressly removes from his jurisdiction.

In his January 6 hearing, Senator SCHUMER asked Judge Gonzales about the filibusters, after insisting that the words of the Constitution should be our standard on such issues. Keep in mind these are the first filibusters of judges, of Federal judges, in the history of this country in over 200 years.

If the words of the Constitution matter, then nothing could be more compelling than the Constitution's assignment of rulemaking authority right here in the Senate. Judge Gonzales's answer was grounded correctly in the text of the Constitution. For this reason, I was more than a little surprised yesterday to hear the distinguished Senator from New York, Mr. SCHUMER, say on this floor that Judge Gonzales's principled answer to this politically motivated question suggests that he would not be independent as Attorney General.

Give me a break. Frankly, as one who believes that my colleagues across the aisle are using the current rules of the Senate to filibuster judicial nominations in an unwise, unfair, unprecedented, and unconstitutional manner, there may have been some short-term political benefits to have the next Attorney General publicly side with me on this important issue. But Judge Gonzales wisely did not join in this fray, even though it could have been politically advantageous to the President and Republican Senators if he just came out on our side.

I asked those who questioned his independence and his ability to separate himself from the political interests of the President, what could be more independent than insisting that the constitutional separation of powers takes precedence over the politics of the moment?

This is an odd way to look at independence. On the one hand, Senator SCHUMER wants Judge Gonzales as Attorney General to be independent from the President at whose pleasure any Cabinet member serves. Then on the other side, Senator SCHUMER objects when Judge Gonzales, as Counsel to the President, shows a little independence from Senator SCHUMER by refusing to be pulled into a political dispute entirely outside the jurisdiction of the executive branch.

What is even more disheartening to me is that even though the distinguished Senator from New York has worked closely and cooperatively with Judge Gonzales in resolving their differences with respect to filling judicial vacancies in New York, he somehow finds Judge Gonzales to be unfit for the office of Attorney General. Selecting judges has been one of the most vexatious issues that any President and any Senate face. Judge Gonzales has a proven track record of working effectively with Senator SCHUMER on New York judicial vacancies.

I think it is fair to call Senator SCHUMER one of the most energetic Members of the Senate with respect to judicial nominations, whether you agree with him or not. It seems to me that Judge Gonzales's ability to work with my friend from New York so successfully on these contentious issues bodes well for his abilities to continue to work closely with the Senate once he is confirmed.

Several of my colleagues have stood on this floor and suggested—sometimes even flatly asserted—that Judge Gonzales lacks or will lack the necessary independence from the White House if he were to become Attorney General of the United States of America.

I cannot reach into the hearts and minds of those making these statements, but to me this suggestion is unadulterated bunk, sheer hokum. It is asking us to disprove a negative. It is the type of argument that is made when meritorious arguments are unavailable.

The charge that Judge Gonzales will not exercise his best judgment on behalf of the American public is groundless. Judge Gonzales is an accomplished lawyer, one recognized by the alumni association at his alma mater, the Harvard Law School, one of the greatest law schools in the country. He practiced at one of the most prestigious and respected law firms in the United States of America, Vinson and Elkins. He was a partner there.

As many speakers before me have noted, including Senator SPECTER and Senator SESSIONS, a good lawyer is one who knows who his client is and represents him well. What is it about Judge Gonzales that makes some people believe that he is somehow incapable of making the simple distinctions, distinctions made by lawyers every day? Is it prejudice? Is it a belief that a Hispanic American should never be in a position like this—because he will be the first one ever in a position like this? Is it a belief that only liberal Hispanics should be confirmed? Or is it because he has been an effective Counsel to the President of the United States, who many on the other side do not like? Or is it because he is constantly mentioned for the Supreme Court of the United States of America? Or is it that they just don't like Judge Gonzales? I find that that is not possible because you can't help but like him. He is a fine, enjoyable, friendly man.

I do not agree with those who insinuate that he cannot handle this job or that he will not do it in the best possible manner. I believe every Hispanic in America who is interested in this country and who understands what is going on here is watching this with a great deal of interest. It is amazing how some can be so in favor of minorities and yet whenever the minority might be—in this case moderate, but representing a conservative President—that for some reason or other, they are just not worthy to hold these positions?

It was explained in the Judiciary Committee, Judge Gonzales understands the differences between the role of the White House Counsel and the role of Attorney General. Over the course of our history there have been several individuals who have been close advisers and friends of the President and have gone on to serve successfully as Attorney General. In President Reagan's administration, Attorney General Meese wore both hats with great distinction. Earlier than that, Robert Kennedy, brother of the President of the United States, proved capable of separating his role of serving the American people from his unique relationship with his brother, President John F. Kennedy.

Frankly, I doubt that any Attorney General was closer to the President than Attorney General Robert Kennedy was to President John F. Kennedy. The historical record reveals that this issue was a matter of debate and concern by some prior to the confirmation of Attorney General Kennedy. In the same way that Robert Kennedy did not allow his closeness to the President to interfere with his legal judgment, I am fully confident, and I think everybody who knows Alberto Gonzales is confident, that Alberto Gonzales's relationship with President Bush will not impede his ability to serve as a fair and effective Attorney General of the United States of America.

In fact, that Judge Gonzales has the President's ear and full confidence can only help achieve the Department of Justice's priorities in the same way that the Department of Justice played a prominent role in the Kennedy administration.

I am quite confident that Judge Gonzales will serve the American public and enforce the law in a fair manner for all of our citizens. I am not certain why anybody would suggest that Judge Gonzales is somehow incapable of distinguishing his role as Attorney General of the United States from his role as Counsel to the President. He made it quite clear in his confirmation hearing that he understood the obligations of his new office. Here is what he said:

> I do very much understand that there is a difference in the position of counsel to the President and that of Attorney General of the United States. . . . As counsel to the President, my primary focus is on providing counsel to the White House and to the White House staff and the President. I do have a client who has an agenda and part of my role as counsel is to provide advice that the President can achieve that agenda lawfully. It is a much different situation as Attorney General, and I know that. My first allegiance is going to be to the Constitution and to the laws of the United States.

You know, I think he ought to be taken at his word. We have done it for countless others whom we have confirmed here in this body. But for some reason some on the other side actually believe that he might not be capable of doing this job. Or if he is, then he might not do it properly. Or, if he doesn't do that, then he might be so much in his President's pocket that he won't uphold the law, which he has always done.

It is ridiculous. What is the reason for this opposition? I don't know what it is. But I have listed a few things it could be. Judge Gonzales's service on the Texas Supreme Court should prove to anyone interested his ability to be independent from then-Governor and now-President Bush.

In response to questions for the record from Senator KENNEDY, the distinguished Senator from Massachusetts, Judge Gonzales stated that he "would enforce the law fairly and equally on behalf of all Americans."

Senator KENNEDY raised all of these torture memoranda as though Judge Gonzales wrote them.

He wasn't in the Justice Department. He wasn't in the office of legal counsel. He wasn't the person who wrote them. He didn't represent the Justice Department. But he did have a relationship to the February 7, 2002, memorandum where the President said that all prisoners, whether or not they were subject to the Geneva Conventions, had been treated "humanely."

People can have different views on the Bybee memoranda, and other memoranda that have been quoted here as though Judge Gonzales had anything to do at all with them, but Judge Gonzales's opinion, which he gave the President, was that they should be treated humanely.

Why do they insist on these points? Why has torture become the big point of debate on the floor of the Senate? There is only one reason: to undermine the President of the United States.

Just think about it. Why would we do that publicly as Senators? Why would we do that, especially since we all know that these were rogue elements who have done these awful things? We all condemn them. But why would we do this? Some people think that these statements are so bad, that they give comfort to the enemy. I do not go that far. But why have they used distortions to try to stop Judge Gonzales? Why would they do that?

He is a moderate man. He is an accomplished man. He is a decent man. We have had 4 years of experience with him. He has done a great job down there as White House Counsel. He has been up here before every Senator on the Judiciary Committee, eight of whom voted against him, and he accommodated them in every way he possibly could. Sometimes he couldn't do what they wanted him to do, but the fact is he was always accommodating. He was always reasonable, he was always moderate in his approach, and he always listened—exactly what we would hope the Attorney General of the United States would be like.

Further, during his opening statement at his confirmation hearing, Judge Gonzales indicated that "[with] the consent of the Senate, [he] w[ould] no longer represent only the White House; [he] w[ould] represent the United States of America and its people."

Knowing Judge Gonzales, he meant that.

Finally, Judge Gonzales explained at his hearing that his responsibility as Attorney General would be to "pursue justice for the all the people of our great Nation, to see the laws are enforced in a fair and impartial manner for all Americans." I believe it is clear that Judge Gonzales understands the obligations associated with the position of Attorney General of the United States, and he is uniquely qualified to follow in the footsteps of the able and distinguished men and women who have preceded him.

I know the other side does not want any Republican on the Supreme Court of the United States of America. I cannot blame them for that. We do not share the same philosophy, by and large, as the liberal philosophy they espouse. On the other hand, in times past Republicans have confirmed liberals to the U.S. Supreme Court without putting them through these types of machinations that have despoiled their character. We have supported the President of the United States. We have not filibustered judges. We did not smear great legal intellectuals like Robert Bork. I can name many others, including the current Chief Justice of the United States, one of the finest men who ever served in the judiciary of this country, who had a distinguished public service record before his nomination but was smeared during the Judiciary Committee hearings and on the floor of the Senate. My party did not resort to these tactics. I would be disappointed if we did.

Here we have a chance to confirm a man who is a decent man, who is of Hispanic origin, the first Hispanic ever to be nominated to one of the big four Cabinet positions. Why can't my friends who oppose him recognize that and recognize the historic nature of this nomination, recognize his great ability, recognize his decency, recognize his fairness in working with them, and recognize that this man will make a difference for all Americans, as he has as White House Counsel?

Is the hatred for the President so bad they transfer it to somebody as decent as Judge Gonzales after years of complaints about John Ashcroft? He has been a wonderful Attorney General, in my eyes. After years of complaining about him because he is too conservative, all of a sudden you have a moderate Hispanic man who has a distinguished public service record, who has a distinguished career as a lawyer, who came from poverty to the heights of strength and success in this greatest of all nations, and he too gets treated like dirt. And I personally resent it.

Let me conclude these remarks by restating my support for Alberto Gonzales. He has the education, he has the experience, and he has the character to be the next Attorney General of the United States, and he deserves the support of the Senate.

I believe that those who vote against him—I hope nobody does, I would be so pleased if nobody did, but those who vote against him, I believe people throughout this country have to look at what they have done with disdain, with concern, and with intelligent eyes and determine why they voted against somebody of this quality. Why would they make some of these arguments that are clearly fallacious with regard to Judge Gonzales?

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLARD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SUNUNU). Without objection, it is so ordered.

Mr. ALLARD. Mr. President, it is with great pride that I rise today in support of the President's nominee for Attorney General, Judge Alberto R. Gonzales. Judge Gonzales is an honorable man who will bring great integrity to the office of Attorney General. Few nominees have come before this body who have demonstrated the intelligence, commitment, and virtue of Judge Alberto Gonzales.

The biography of Judge Alberto Gonzales reads like a blueprint of the true American success story. He was born August 4, 1955 in San Antonio, TX. The second of eight children, a young Alberto was raised in a warm, family environment. His parents, a scant 8 years of formal education between them, taught their kids the value of hard work and persistence. It was in Humble, TX, a small town north of Houston, that Alberto Gonzales watched his father Pablo, a migrant worker, and two of his uncles build the two-bedroom house in which he and his siblings grew up. It is the same house in which his mother resides today.

Gonzales graduated from public high school in Houston in 1973. Having never considered college a realistic possibility and full of desire to learn and see the world, Alberto Gonzales enlisted in the Air Force. He was assigned to Ft. Yukon, AK, where he became inspired to apply for an appointment to the United States Air Force Academy. Special arrangements were made for Gonzales to take his ACT and the Academy's required physical examination while still stationed in Alaska. Gonzales was rewarded with orders to report to the Academy at Colorado Springs, CO, in 1975 to pursue his dream of becoming a pilot in the United States Air Force.

Alberto Gonzales excelled in his first year at Colorado Springs but found he was more interested in politics and law than the engineering and science curriculum required by the Academy. After much deliberation and consideration of the effort put forth to earn his appointment to the Academy, he decided to pursue a career in the law. Gonzales started at Rice University his junior year of college, graduating from Rice in 1979. After Rice, Gonzales attended Harvard Law School where he graduated in 1982. Gonzales returned to Houston as an associate at the law firm of Vinson & Elkins where he later became one of the firm's first two minority partners. While in private practice, Gonzales also taught as an adjunct law professor at the University of Houston Law Center and was actively involved in numerous civic organizations.

It was at a meeting of Houston area minority leaders in 1994 that Alberto Gonzales first met President George W. Bush during the President's first gubernatorial campaign. Several weeks after being elected Governor, Bush asked Gonzales to join his administration as his General Counsel, where he served for 3 years. On December 2, 1997, Gonzales was appointed Texas' 100th Secretary of State, serving as chief elections officer, the State's leading liaison on Mexico and border issues, and senior adviser to the Governor. Gonzales was appointed to the Texas State Supreme Court in 1999, and was elected to a full 6-year term on the court in 2000 with 81 percent of the vote. In January of 2001, Alberto Gonzales again heeded President Bush's call to service and was commissioned as counsel to the President.

This is an incredible journey from Humble, TX, to Ft. Yukon, AK, to the Air Force Academy in Colorado to the Ivy League. From private business and civil leadership in Texas to being recruited to serve in the administration of President Bush, Alberto Gonzales has led a life full of challenge, accomplishment, and great success. As if this weren't enough, Alberto Gonzales has given back to his community and his fellow Americans along the way.

Alberto Gonzales was a trustee of the Texas Bar Foundation from 1996 to 1999, a director for the State Bar of Texas from 1991 to 1994, and President of the Houston Hispanic Bar Association from 1990 to 1991. He was a director of the United Way of the Texas Gulf Coast from 1993 to 1994, and President of Leadership Houston. In 1994, Gonzales served as Chair of the Commission for District Decentralization of the Houston Independent School District, and as a member of the Committee on Undergraduate Admissions for Rice University. Gonzales was Special Legal Counsel to the Houston Host Committee for the 1990 Summit of Industrialized Nations, and a member of delegations sent by the American Council of Young Political Leaders to Mexico in 1996 and to the People's Republic of China in 1995. He served on the board of directors of Catholic Charities, Big Brothers and Big Sisters, and the Houston Hispanic Forum.

Judge Gonzales has been the fortunate recipient of many professional and civic honors, including his 2003 induction into the Hispanic Scholarship Fund Alumni Hall of Fame, and the Good Neighbor Award from the United States-Mexico Chamber of Commerce for his dedication and leadership in promoting a civil society and equal opportunity. Gonzales also received in 2003 the President's Awards from the United States Hispanic Chamber of Commerce and the League of United Latin American Citizens. In 2002, he was recognized as a Distinguished Alumnus of Rice University by the Association of Rice Alumni and was honored with the Harvard Law School Association Award. Gonzales was recognized as the 1999 Latino Lawyer of the Year by the Hispanic National Bar Association, and he received a Presidential Citation from the State Bar of Texas in 1997 for his dedication to addressing basic legal needs of the indigent. He was chosen as one of the Five Outstanding Young Texans by the Texas Jaycees in 1994, and as the Outstanding Young Lawyer of Texas by the Texas Young Lawyers Association in 1992. Gonzales was honored by the United Way in 1993 with a Commitment to Leadership Award, and received the Hispanic Salute Award in 1989 from the Houston Metro Ford Dealers for his work in the field of education.

When I began my remarks I suggested that Alberto Gonzales was one of the most accomplished and qualified individuals ever to stand before this body for confirmation. In recent weeks, this body, and particularly the Senate Judiciary Committee, has engaged in a rigorous, often exaggerated, examination of Judge Gonzales life, his work, and character. Like all things that take place inside the beltway, this examination has bordered on the dramatic, the overblown, and the overtly political.

Most of the criticism Judge Gonzales has endured has not been related to his background, academic and professional accomplishment, or his competency to serve as this Nation's highest law enforcement official. Indeed, the criticism has focused on very recent American history. Judge Gonzales, like countless millions of Americans, was effectively called to service in a way previously unimagined when a small group of radical murderers attacked this Nation on September 11, 2001. September 11, 2001 was an act of war by a group of men who recognize no law and represent no nation. Terrorists who would attack innocent people around the world and Americans here at home sign no treaties, engage in no civil discourse, and disregard all bodies of democratic government. This is an ugly thing. These are difficult times. We are engaged in a war without borders against a foe that knows no bounds in its cruelty. Innocents killed for going to work on a sunny September morning, kidnap victims beheaded for publicity and fear, an entire civic system indicted for having the nerve to believe in the liberty of the individual. I find it hard to believe, but Judge Alberto Gonzales is being treated by some in this chamber as if he was somehow responsible for the senseless and violent acts of terrorists. More reasonable yet equally baseless are the criticisms that Judge Gonzales somehow supports the use of barbaric and medieval treatment of those apprehended by the United States and suspected of engaging in terrorist activities.

A good example of the ludicrous criticisms of Judge Gonzales, and one my friend from Texas, Senator CORNYN has rightly sighted in recent floor statements, is the flimsy assertion that Judge Gonzales in advising President Bush to deny prisoner of war status to al-Qaida and Taliban terrorists is somehow a violator of the human rights principles so essentially a part of the American ethic. In his role advising the President on legal matters in the war on terror Alberto Gonzales has never provided council regarding prisoners without insisting that their treatment be humane in all instances.

According to the very Geneva Convention these critics pretend to defend, only lawful combatants are eligible for POW protections. Lawful combatants must pass the smell test. They must look like combatants. They do not hide their weapons or their affiliations. They wear uniforms and they conduct their operations in accordance with the laws and customs of war. Civilians are to be treated as innocents. No stretching or distorting of this definition can turn terrorists in to lawful combatants. In their eagerness to demean Judge Gonzales his critics fail to acknowledge that neither al-Qaida nor the Taliban militia are legally entitled to the Convention's protections. They do not adhere to the required conditions of lawful combat and are not a party to the Geneva Convention. This is not some arbitrary and convenient conclusion. This is based in the very text and structure of the text, the history of the convention, and has been affirmed by several Federal courts across the country. And this is what they offer as evidence that Judge Gonzales is somehow unfit to serve as Attorney General?

Judge Gonzales and President Bush have repeatedly affirmed their respect for the humane but aggressive prosecution of the war this country was dragged in to. Specific to the Geneva Convention Judge Gonzales testified, "honoring the Geneva Conventions wherever they apply . . . I consider the Geneva Conventions neither obsolete or quaint." The administration has fully applied the Geneva Conventions' protections in Iraq because Iraq is a High Contracting Party to the Conventions. There was never any question about whether Geneva would apply in Iraq. Judge Gonzales testified recently, so there was no decision for the administration to make. Yet in committing to the legal study of engagement with the Taliban militia and al-Qaida fighters somehow Judge Gonzales is labeled as a radical and accused of maliciousness only fairly attributed to the enemies of America.

But the truth is not enough when there are political axes to grind. Members of the Senate Judiciary Committee and others have loudly asserted that the treatment of prisoners at Abu Ghraib somehow represents U.S. and administration policy. Like everyone else in this Chamber I was startled by the photographs of prisoner mistreatment at Abu Ghraib, but again we see a logical failure in connecting this incident of abuse with any policy set by the Department of Justice, Judge Gonzales or the President. "I have been deeply troubled and offended by reports of abuse," Judge Gonzales testified. "The photos from Abu Ghraib sickened and outraged me, and left a stain on our Nation's reputation." Judge Gonzales testified at length on this matter and the administration has been nothing but clear that these isolated acts were those of a small group of misguided soldiers. These acts were wrong and completely inconsistent with the policies and values of this country. The Independent Panel to Review DoD Detention Operations found that the abuses depicted in Abu Ghraib photographs were not part of authorized interrogations but a representation of deviant behavior and a failure of military leadership and discipline.

And still the critics of Judge Gonzales demand he be linked to these roundly condemned and isolated acts. While I am proud to rise in support of Judge Gonzales, I am dismayed at the atmosphere in which this nomination has been made and received by the Senate. As millions of Americans know, in recent years we have witnessed a historical hijacking of the President's power to appoint judges. While controversy may not be new to the appointment process, the unprecedented filibuster of judges in this Chamber last year flies boldly in the face of both the Founders' intent expressed in Article II, Section II of the Constitution, as well as a distortion of the Senate's rich tradition of providing advise and consent without filibuster.

In my opinion the tenor of this confirmation process reeks of last year's series of senseless cloture votes on nominees of high stature. Unfair and unsubstantiated claims have been made and half-truths and lies of omission have dominated the rhetoric of those opposing Judge Gonzales. I am not here today to impugn those who have contributed to this false advertising, though it is worth saying that the nature and intensity of these false arguments in light of this nominees extraordinary record and dedication may reveal more about the opponents than the nominee. Upon his confirmation Judge Gonzales will become the first Hispanic American to serve in this high post, yet another historic appointment by President George W. Bush. Judge Gonzales is a man of great character who has and will continue to serve this Nation with distinction. I urge my fellow Americans to look at Judge Gonzales's record and draw their own conclusions as to why some in this body find him to be so disagreeable to their aims. It is clear to me what has been happening here, just as it is clear to me that Judge Gonzales will be confirmed despite the overtly political and shallow opposition he faces.

I am proud to rise in support of Judge Alberto Gonzales. His record of service is indicative of the character, integrity and energy he will bring to the demanding and thankless job of Attorney General. I look forward to working with Attorney General Gonzales, and I thank my colleagues for their time.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SESSIONS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SESSIONS. Mr. President, we have had a lot of complaints on the floor about one of America's most decent, fine public servants, Judge Gonzales, who served as Counsel to the President of the United States. It has been really painful to hear what has been said. I, just for the record, would like to take a few minutes to respond to some of these allegations that are not fair, represent distortions, and really misrepresent him and attack his character unfairly.

Senator KENNEDY, for example, says that Judge Gonzales was at the "epicenter" of a torture policy. As I have indicated earlier, Judge Gonzales has repeatedly and consistently opposed torture. He has said it is not proper and not justified and has publicly stated that we, as a nation, are committed to the rule of law, to following our treaty obligations, and the statutory requirements that deal with torture. The President, of course, has said the same.

There is no policy of torture in the United States. We have a statute that deals with that and prohibits it. It defines what torture is and what it is not. Sometimes that has been the problem. Congress's definition has been ignored. Things that are not included in our definition have been said to be torture.

Indeed, some of the people who complained about the memorandums written by the Department of Justice officials actually voted for the statute that defined torture; and that memorandum quoted extensively from it and was framed by that American statute.

Senator STABENOW has contended that Judge Gonzales has a reckless disregard for human rights—this decent man, who has seen discrimination in his life—that he has a reckless disregard for human rights and has twisted the law to allow torture.

The truth is, Judge Gonzales has stated that every detainee should be treated humanely. In the only memorandum Judge Gonzales ever wrote, he provided prisoner-of-war status to Iraqi soldiers captured in Iraq, allowing them the additional protections of a prisoner of war under the Geneva Conventions, even though they do not qualify.

The soldiers caught and captured right after the conclusion of hostilities, wearing a uniform, operating in units, they qualify as prisoners of war. But these people who are sneaking around, not in uniform, placing bombs against civilian people, against Iraqi citizens, against American soldiers, they do not meet the definition of the Geneva Conventions. Therefore, they really are not entitled legally to those protections. But Judge Gonzales has said, and the President has agreed, that they will be given those protections.

Senator FEINSTEIN says Judge Gonzales did not answer the committee's questions properly, her questions. He really did answer them. I think the truth is that the Senator was unsatisfied with his answers because they were, she said, not independent of the President.

Let me ask, isn't it most likely the fact that Judge Gonzales and the President agreed on these positions? This issue has been taken to the American people in the President's reelection campaign. All these issues were debated and the American people affirmed his leadership and his guidance in the war on terrorism. To say there is not enough distance between the President's lawyer and the President is really an odd statement to make. Of course, the lawyer and the President are together, I am sure not only legally and professionally together on these issues, but they share deep values together.

Senator MIKULSKI claims that Judge Gonzales was not cooperative in the nomination of judges to the Maryland bench. The truth is, Maryland Senators have played a role in obstructing the judge's nominees. They have argued that one nominee, a lawyer born in Maryland and educated in Maryland, was not a Marylander and could not be confirmed. I think it was driven by their disagreement with his conservative judicial philosophy, but they objected on that basis, and there was a big disagreement on it. But that is not

Judge Gonzales's decision to make. Ultimately, that is the decision of the President.

One Senator complained about his support for Claude Allen for the court of appeals, an African-American judicial nominee of excellent reputation, and I don't think that is fair. He simply supported Claude Allen, a judge that I supported and a majority of this Senate supports but has been blocked through dilatory tactics from the other side. But that is not a basis to vote against him for Attorney General.

Senator SCHUMER complained that Judge Gonzales refused to answer his question on the so-called nuclear option, which is a political issue, a legislative branch issue of this Congress to deal with. It is a matter that involves rules in the Senate, how they are changed, and that kind of debate. This issue has nothing to do with running the Department of Justice. It is not any role for Judge Gonzales, a lawyer for the President of the United States, to start opining on what he thinks about Senate rules.

Senator SCHUMER is leading filibuster after filibuster of the President's nominees in an unprecedented use of the filibuster systematically against judicial nominees, something that has not happened in the history of this Republic. But for these filibusters, the nuclear question would not exist.

These complaints have been unfair. They have oftentimes relied on information taken out of context, information that is misleading. The truth is, Judge Gonzales is a sound lawyer, a decent man who believes in the rule of law. He believes in following the law. He will be a terrific Attorney General. He has been nominated by the President. I believe he will be confirmed. I am excited for him and his good, fine family. It is going to be a special day for them.

I yield the floor.

The PRESIDING OFFICER. Under the previous order, the hour of 2:30 having arrived, the Senator from West Virginia is recognized for 1 hour.

Mr. BYRD. I thank the Chair.

Mr. President, Alberto Gonzales is Counsel to the President of the United States. For the past 4 years, Mr. Gonzales has served as the chief legal adviser to President Bush, housed in the west wing of the White House, a stone's throw from the Oval Office.

The official biography of Alberto Gonzales on the White House Web site states that before he was commissioned to be White House Counsel, Judge Gonzales was a justice on the Texas Supreme Court. Prior to that, he served as the one-hundredth Secretary of the State of Texas, where one of his many duties was to act as a senior adviser to then-Governor George W. Bush. Before that, he was general counsel to Governor Bush for 3 years.

So for over a decade, Alberto Gonzales has been a close confidant and adviser to George W. Bush, and the President has confirmed his personal and professional ties to Judge Gonzales on many occasions.

The President has described him as both "a dear friend" and as "the top legal official on the White House staff." When the President nominated Mr. Gonzales to be the next Attorney General of the United States, the President began by asserting:

> This is the fifth time I have asked Judge Gonzales to serve his fellow citizens, and I am very grateful he keeps saying "yes" . . . as the top legal official on the White House staff, he has led a superb team of lawyers.

In praising his nomination of Alberto Gonzales, the President specifically stressed the quintessential "leadership" role that Alberto Gonzales has held in providing the President with legal advice on the war on terror. The President stated specifically that it was his "sharp intellect and sound judgment" that helped shape our policies in the war on terror. According to the President, Mr. Gonzales is one of his closest friends who, again in the words of the President, "always gives me his frank opinion."

I am not a member of the Senate Committee on the Judiciary and so I have come to my conclusions by reading from the record. Not hearing directly the testimony, not being able to ask questions during the hearings, but from my reading of the testimony, I speak now.

Imagine how perplexing and disheartening it has been to review the responses—or should I say lack of responses—that were provided by Mr. Gonzales to members of the Senate Judiciary Committee at his confirmation hearing on January 6. It seemed as if once seated before the committee, Judge Gonzales forgot that he had, in fact, been the President's top legal adviser for the past 4 years.

It was a strangely detached Alberto Gonzales who appeared before the Senate Judiciary Committee. Suddenly this close friend and adviser to the President simply could not recall forming opinions on a great number of key legal and policy decisions made by the Bush White House over the past 4 years. And this seemed particularly true when it came to decisions which in retrospect now appear to have been wrong.

When asked his specific recollection of weighty matters, Judge Gonzales could provide only vague recollections in many instances of what might have been discussed in meetings of quite monumental importance even during a time of war.

He could not remember what he advised in discussions interpreting the U.S. law against torture or the power of the President to ignore laws passed by Congress, discussions that resulted in decisions that reversed over 200 years of legal and constitutional precedents relied on by 42 prior Presidents. That is pretty hard to believe. In fact, if one did not know the true relationship between the President and this nominee, or if one had never heard the President refer to the "frank" advice he has received from Judge Gonzales, one would think from reading his hearing transcript that Alberto Gonzales was not really the White House Counsel.

Instead, one might think that he is simply an old family friend who, yes, is happy to work near the seat of power but makes no really big decisions, has no legal opinions of his own, and certainly feels no responsibility to provide independent recommendations to the President.

I find it hard to believe that the top legal adviser to the President cannot recall what he said or what he did with respect to so many of the enormous policy and legal decisions that have flowed from the White House since September 11 in particular. It is especially difficult to comprehend the sudden memory lapse when the consequences of these decisions have had, and will continue to have, profound effects on world events for years, and even decades, to come.

Judge Gonzales was asked whether he had chaired meetings in which he had discussed with Justice Department attorneys such interrogation techniques as strapping detainees to boards and holding them under water, as if to drown them. He testified that there were such meetings, and he did remember having had some discussions with Justice Department attorneys, but he could not recall what he told them in those discussions.

When Senator KENNEDY asked if he ever suggested to the Justice Department attorneys that they ought to "lean forward" to support more extreme uses of torture, as reported by the Washington Post, he said:

> I don't ever recall having used that term.

He stated that, while he might have attended such meetings, it was not his role, but that of the Justice Department, to determine which interrogation techniques were lawful. He said:

> It was not my role to direct that we should use certain kinds of methods of receiving information from terrorists. That was a decision made by the operational agencies. . . . And we look to the Department of Justice to tell us what would, in fact, be within the law.

He said he could not recall what he said when he discussed with Justice Department attorneys the contents of the now-infamous "torture" memo of August 1, 2002, the one which independent investigative reports have found contributed to detainee abuses, first at Guantanamo and, then, Afghanistan and, later, Iraq.

When asked whether he agreed with the now repudiated conclusions contained in that torture memo at the time of its creation on August 1, 2002, Mr. Gonzales stated:

> There was discussion between the White House and the Department of Justice, as well as other agencies, about what does this statute mean. . . .I don't recall today whether or not I was in agreement with all of the analyses, but I don't have a disagreement with the conclusions then reached by the Department.

He went on to add that, as Counsel to the President, it was not his responsibility to approve opinions issued by the Department of Justice. He said:

> I don't believe it is my responsibility, because it really would politicize the work of the career professionals at the Department of Justice.

Mr. President, one must wonder what the job of White House Counsel entails, if it does not involve giving the President the benefit of one's thinking on legal issues.

Perhaps one reason Judge Gonzales says he does not remember what he said in those meetings is because, as soon as the torture memo was leaked to the press, he had to disavow it. Once it became clear that the White House believed—based on those meetings—that only the most egregious acts imaginable could be prohibited as torture, the memo received universal opprobrium. Thus, the administration had little choice but to repudiate it and, in June 2004, Mr. Gonzales announced its withdrawal. He then directed the Justice Department to prepare new legal analyses on how to interpret prohibitions against torture under U.S. and international law.

Strangely, however, that new analysis was not available to the public for 6 more months. Finally, on December 30, just 1 week prior to the Gonzales nomination hearing, a memorandum containing the administration's most recent take on the subject was issued by the Justice Department.

With the benefit of 20/20 hindsight, together with a keen desire to be confirmed as the next Attorney General of the United States, Judge Gonzales told the committee on January 6 that the analysis of the August 1, 2002, memo no longer represents the official position of the executive branch of the United States.

If Judge Gonzales didn't see fit to question the Justice Department's official position on torture in 2002, what made the administration change its mind in 2004? Was it a careful review of the legal issues, or was it simply political backpedaling in light of the public knowledge of what its policies had brought about in Abu Ghraib and elsewhere?

I note in passing that the "torture" memo was written in 2002 by then-Assistant Attorney General Jay Bybee, who is now a Federal judge on the Ninth Circuit Court of Appeals. God help the Ninth Circuit Court of Appeals. I would like the record to reflect that 18 other Senators and I voted to reject the nomination of Jay Bybee to be a Federal judge, a decision I, for one, do not regret.

The Bybee memo drew universal condemnation and scorn for at least two of the legal opinions that were included in its text. First, it described torture as being prohibited under U.S. law in only very circumscribed circumstances. It defined torture so narrowly that horrific harm could be inflicted against another human being in the course of an interrogation overseas and not be prohibited. According to the memo, unless such acts resulted in organ failure, the impairment of a bodily function, or death, they could be considered legal. In fact, the first page of the memorandum states:

> We conclude that the statute [the statute against torture], taken as a whole, makes plain that it prohibits only extreme acts. . . . This confirms our view that the criminal statute penalizes only the most egregious conduct.

The second but equally shocking and erroneous legal conclusion reached in the so-called torture memorandum states:

> We find that in the circumstances of the current war against al-Qaida and its allies, prosecution under section 2340A [the relevant provision of U.S. law prohibiting torture] may be barred because enforcement of the statute would represent an unconstitutional infringement of the President's authority to conduct war.

As the Commander in Chief. Where have we heard that before, the term "Commander in Chief"?

This means the White House believed that a President can simply override the U.S. law prohibiting torture, just because he disagrees with it. In other words, he can ignore the law by proclaiming, in his own mind, that the law is unconstitutional. Not because a court of the United States has found the law to be unconstitutional but because a wartime President decides he simply does not want to be bound by it.

What an astounding assertion. Think of it. A President placing himself above the constitutional law—in effect, crowning himself king.

This outrageously broad interpretation of Executive authority is so antithetical to the carefully calibrated system of checks and balances conceived by the Founding Fathers it seems inconceivable that it could be seriously contemplated by any so-called legal expert, much less attorneys of the U.S. Justice Department or the White House Counsel.

Has the White House no appreciation for the struggle that the Nation endured upon its creation? Can it really believe that a President can circumvent the will of the people and their legislature by adopting and disseminating a legal interpretation that would, in the end, protect from prosecution those who commit torture in violation of U.S. law?

Alexander Hamilton, in Federalist No. 69, described in detail exactly how the American system can and must be distinguished from the British monarchy. Hamilton wrote:

> There is no comparison—

Hear that again—

> There is no comparison—

None—

> There is no comparison between the intended power of the President and the actual power of the British sovereign. The one can perform alone, what the other can only do with the concurrence of a branch of the Legislature.

Mr. President, no one man or woman, no President, not his White House Counsel, nor all the attorneys in the Office of the Legal Counsel in the Justice Department can, on their own, act in contravention of a law passed by Congress.

No President—no President—can nullify or countermand a U.S. law to shield from prosecution those who would commit or attempt to commit torture. But that was the result sought by this White House.

When asked by Senator DURBIN if he still believes that the President has the authority as Commander in Chief to ignore a law passed by Congress, to decide on his own whether it is unconstitutional, or to simply refuse to comply with it, Judge Gonzales stated that, yes, he believes it is theoretically possible for the Congress to pass a law that would be viewed as unconstitutional by a President and, therefore, to be ignored.

And even though the torture memo was replaced by a new memorandum on December 30, the replacement memorandum does not reject the earlier document's shockingly overly expansive interpretation of the President's Commander-in-Chief power. Instead, the new memo states that because that portion of the discussion in the earlier memo was "unnecessary," it has been eliminated from the new analysis.

Particularly disturbing is the fact that although the new analysis repudiates the earlier memo's conclusion that all but extreme acts of torture are permissible, Judge Gonzales could not tell us whether this repudiation of prior policy has been communicated to those who are today doing the interrogating.

This is important because there is language contained in the now-repudiated torture memo that was relied on in Guantanamo and parts of which were included word for word in the military's Working Group Report on Detainee Interrogations in the Global War on Terrorism. This report, dated April 2003, has never been repudiated or amended and may be relied upon by some interrogators in the field.

When asked whether those who are charged with conducting interrogations have been apprised of the administration's repudiation of sections of the Bybee memo and the administration's attendant change in policy, Judge Gonzales did not know the answer.

Mr. Gonzales continues to deny responsibility for many of the policies and legal decisions made by this administration. But the Fay report and the Schlesinger report corroborate the fact that policy memos on torture, ghost detainees, and the Geneva Conventions, which Judge Gonzales either wrote, requested, authorized, endorsed, or implemented, appear to have contributed to detainee abuses in Afghanistan, Guantanamo Bay, and Iraq, including those that occurred at Abu Ghraib.

The International Committee of the Red Cross has told us that abuse of Iraqi detainees has been widespread, not simply the wrongdoing of a few, as the White House first told us, and the abuse occurred not only at Abu Ghraib. Last week, the Los Angeles Times reported that documents released last Monday by the Pentagon disclosed that prisoners had lodged dozens of abuse complaints against U.S. and Iraqi personnel who guarded detainees in another location, a little known palace in Baghdad that was converted into a prison.

The documents suggest, for the first time, that numerous detainees were also abused at one of Saddam Hussein's former villas in eastern Baghdad. The article noted that while previous cases of abuse of Iraqi prisoners had focused mainly on Abu Ghraib, allegations of abuse at this new location included that guards had sodomized a disabled man and killed his brother, then tossed his dying body into a cell, on top of his sister.

Judge Gonzales admits that he was physically present at discussions regarding whether acts of this nature constitute torture, but do not expect him to take responsibility for them. Do not hold me accountable, he says. It was not I. And he does not just point fingers at the Justice Department. He also spreads the blame around. While he admitted he had made some mistakes, he attempted to further deflect responsibility for his actions by saying the operational agencies also had responsibility to make decisions on interrogation techniques—Not him. This is exactly what he said:

> I have recollection that we had some discussions in my office, but let me be very clear with the committee. It is not my job to decide which types of methods of obtaining information from terrorists would be the most effective. That job responsibility falls to folks within the agencies. It is also not my job to make the ultimate decision about whether or not those methods would, in fact, meet the requirements of the anti-torture statute. That would be the job for the Department of Justice. . . . I viewed it as their responsibility to make a decision as to whether or not a procedure or method would, in fact, be lawful.

One wishes that Judge Gonzales could have told us what his job was rather than, telling us only what it was not. Talk about passing the buck.

At the end of the day one can only remember or wonder then what legal advice, if any, he actually gave to the President of the United States. Does Judge Gonzales or the President have an opinion on the question of what constitutes torture? Does he or the President have an opinion on the related question of whether it is legal to relocate detainees to facilitate interrogation? Do they believe it is morally or constitutionally right? Do we know? No.

According to article II, section 3, of the U.S. Constitution, as head of the executive branch, the President has a legal duty to take care that the laws be faithfully executed. The Constitution does not say that the President should or may undertake that responsibility. It clearly states that the President shall take care that the laws be faithfully executed.

He is duty bound to undertake that responsibility under the Constitution of the United States, and the President and his Counsel must be held accountable for not only failing to faithfully execute our laws but also for trying to undermine, contravene, and gut them.

With such a track record, how can we possibly trust this man to be Attorney General of the United States? What sort of judgment has he exhibited?

As I stated a few days ago with respect to Dr. Condoleezza Rice, there needs to be accountability in our Government. There needs to be accountability for the innumerable blunders, bad decisions, and warped policies that have led the United States to the position in which we now find ourselves, trapped in Iraq amid increased violence; disgraced by detainee abuses first in Guantanamo, then in Afghanistan, Iraq, and probably in locations we have yet to discover; shunned by our allies; perceived by the world community, rightfully, as careening down the wrong path.

I do not believe our Nation can rely on the judgment of a public official with so little respect for the rule of constitutional law. We cannot rely on the judgment of someone with so little regard for our constitutional system of government. I simply cannot support the nomination of someone who despite his assertions to the contrary obviously contributed in large measure to the atrocious policy failures and the contrived and abominable legal decisions that have flowed from this White House over the past 4 years. For all of these reasons, I have no choice but to vote against the nomination of Alberto Gonzales to be the next Attorney General of the United States.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. MARTINEZ). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SALAZAR. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SALAZAR. Mr. President, I rise in relation to the nomination of Judge Alberto Gonzales to be the next Attorney General of the United States.

Before making my comments about Judge Gonzales, I also want to say that earlier this afternoon I had a highly enlightening and very rewarding discussion with the distinguished Senator from West Virginia, Mr. BYRD. Senator BYRD spoke just before me. He is a man of tradition and hard work. I am very grateful for his leadership and his inspiration.

As I make my comments about Attorney General-nominee Gonzales, I want to tell you that I do so because my brothers and sisters in law enforcement have endorsed him. I do so as well because he has given me his written commitment to fight for civil rights. I do so because Judge Gonzales has given me his written pledge that he opposes torture in all of its forms and will use the power of his office to prosecute any American—anywhere—who uses torture.

Many of my colleagues and citizens across America have spoken eloquently about their concerns with Judge Gonzales. The most grave of those concerns has been the flawed legal analysis and conclusions regarding torture. That analysis and those conclusions were wrong and they have been rejected.

Any policy that condones torture is reprehensible for three reasons. First, a torture policy violates U.S. law and the cornerstone of the Geneva Conventions. Second, a torture policy endangers our men and women in uniform. And, third, a torture policy diminishes America's standing around the world.

Because of these concerns, I have had numerous conversations and meetings with Judge Gonzales, and I am confident that as Attorney General he will not sanction torture in any form and will uphold the laws of the United States and the international accords that make torture illegal.

In fact, I specifically asked Judge Gonzales to respond to my concerns and the concerns of the American public in writing. In his letter to me of January 28, 2005, Judge Gonzales wrote:

> I do not condone torture in any form. I confirm to you that the United States of America does not condone the torture of anyone by our country or by anyone else. The laws of the United States and the international obligations of the United States prohibit torture in all its forms. These international obligations include the Geneva Conventions, which I consider binding upon the United States. I reaffirm to you that, if confirmed as Attorney General, I will enforce these laws and international obligations aggressively to prohibit torture in all its forms.

He continues in his letter:

> I pledge to do so for two reasons. These are the laws of the United States, and I am obligated to uphold those laws. And secondly, any action by the United States that undermines the Geneva Conventions threatens the safety and security of our troops.

Judge Gonzales's statement is clear and unequivocal. Simply stated, torture is illegal and wrong and that will be the position of Judge Gonzales as Attorney General. As the Nation's top law enforcement officer, Judge Gonzales will be accountable for this position as he denounces torture, and I and the American people will make sure this is, in fact, the case.

Before proceeding further, I ask unanimous consent Judge Gonzales's letter to me be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, January 28, 2005.

Hon. KEN SALAZAR,
U.S. Senate,
Washington, DC.

DEAR SENATOR SALAZAR: I have appreciated our ongoing conversations, and I thank you for the dialogue we have had about my nomination by the President to serve as Attorney General. I am pleased to reaffirm for you my positions on several issues I know are important to you.

I understand, I agree with, and I will act in accord with the principle that the Attorney General of the United States is the nation's chief law enforcement officer, with client responsibilities and other important duties to the people of the United States. If confirmed, I will lead the Department of Justice and act on behalf of agencies and officials of the United States. Nevertheless, my highest and most solemn obligation will be to represent the interests of the People. I know that you understand this solemn duty well from your prior service as Chief Counsel to the Governor and as Colorado Attorney General.

I do not condone torture in any form. I confirm to you that the United States of America does not condone the torture of anyone by our country or by anyone else. The laws of the United States and the international obligations of the United States prohibit torture in all its forms. These international obligations include the Geneva Conventions, which I consider binding upon the United States. I reaffirm to you that, if confirmed as Attorney General, I will enforce these laws and international obligations aggressively to prohibit torture in all its forms.

I pledge to do so for two reasons. These are the laws of the United States, and I am obligated to uphold those laws. And, secondly, any action by the United States that undermines the Geneva Conventions threatens the safety and security of our troops.

Also, I agree with you that our country should continue its broad and healthy debate about the provisions of the USA Patriot Act, particularly with regard to the necessary balance between civil liberties and the ability of law enforcement and other officials to protect public safety. I keep an open mind on these issues. I welcome your views on these matters, and I look forward to our continued discussions.

I understand your concern about increased funding for state and local law enforcement. As Attorney General, I will work with you and our state and local law enforcement community to do the best job we can to make our communities safer.

Finally, I understand the importance of civil rights and equal opportunity for all Americans. I will work to uphold those rights and opportunities as Attorney General.

Thank you for the opportunity to explain my position on these matters for you. I appreciate your friendship and your support.

Sincerely,

ALBERTO R. GONZALES,
Counsel to the President.

Mr. SALAZAR. Mr. President, I have spent the last 6 years of my life as the attorney general of the great State of Colorado working with people I consider to be my brothers and sisters in law enforcement. I have met with the widows of fallen officers, and I led our State efforts to train Colorado's 14,000 peace officers.

I have deep respect for the 750,000 men and women in law enforcement who risk their lives every day to keep each of us and our communities safe. These men and women will be the backbone of our Nation's Homeland Security efforts. I respect their judgment and opinion. In that regard, I stand with the Fraternal Order of Police, the National District Attorneys Association, the FBI Agents Association, and the Law Enforcement Alliance of America, all of whom have endorsed Judge Gonzales as Attorney General.

I have spoken to Judge Gonzales about the needs of law enforcement around the country. He has pledged his support and has pledged to come to Colorado to meet and learn from Colorado's heroic law enforcement officers about their experiences and their needs.

Finally, Judge Gonzales, I believe in his heart, knows about the importance of civil rights and liberties. He knows first hand of the indignities of a society that turns a blind eye to discrimination and prejudice. Because he knows that reality of the American experience, I expect him, as Attorney General, to help lead the way for the creation of an America that despises hate and bigotry and recognizes that every human being deserves a government that will fight for the dignity and equality of all.

I will vote to confirm Judge Alberto Gonzales to be the next Attorney General of the United States.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am disturbed that even though there are some Democrats who support Judge Gonzales, and some who oppose, I have heard some Senators on the other side of the aisle imply that those who oppose this nomination are biased against him based on his ethnic background. I resent that charge.

For somebody to say that those opposed are biased against Judge Gonzales because of his ethnicity is preposterous and deeply offensive.

We have stood here for 2 days explaining our positions. Many of us have said if we were voting on the story and on the achievements of Judge Gonzales, which are commendable, we would be voting for him. If we were voting on what he has overcome in his life and career, we would be voting for him. What we have said clearly, however, is that we are voting against him based upon his conduct as Counsel to the President. We have come to this decision based upon his record.

Let us talk about that record. Judge Gonzales has argued that the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment does not prohibit cruel, inhuman, or degrading treatment or punishment with "respect to aliens overseas." Reaching this conclusion requires such twisted reasoning that even those who support Judge Gonzales must part company with him on this point.

I am also disturbed by his interpretation of the Geneva Conventions. Judge Gonzales did not follow the advice he received from Secretary of State Powell, the former Chairman of the Joint Chiefs of Staff, or of the State Department lawyers. He did not stand up for the military and interpret our obligations consistent with the Army Field Manual and the decades of sound practice and counsel from the Judge Advocate General's Corps.

That is why I object to this nominee.

I ask unanimous consent to have printed in the RECORD an article describing Judge Gonzales's interrogation policies, written by Jeffrey Smith and Dan Eggen.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Jan. 5, 2005]

GONZALES HELPED SET THE COURSE FOR DETAINEES—JUSTICE NOMINEE'S HEARINGS LIKELY TO FOCUS ON INTERROGATION POLICIES

(By R. Jeffrey Smith and Dan Eggen)

In March 2002, U.S. elation at the capture of al Qaeda operations chief Abu Zubaida was turning to frustration as he refused to bend to CIA interrogation. But the agency's officers, determined to wring more from Abu Zubaida through threatening interrogations, worried about being charged with violating domestic and international proscriptions on torture.

They asked for a legal review—the first ever by the government—of how much pain and suffering a U.S. intelligence officer could inflict on a prisoner without violating a 1994 law that imposes severe penalties, including life imprisonment and execution, on convicted torturers. The Justice Department's Office of Legal Counsel took up the task, and at least twice during the drafting, top administration officials were briefed on the results.

White House counsel Alberto R. Gonzales chaired the meetings on this issue, which included detailed descriptions of interrogation techniques such as "waterboarding," a tactic intended to make detainees feel as if they are drowning. He raised no objections and, without consulting military and State Department experts in the laws of torture and war, approved an August 2002 memo that gave CIA interrogators the legal blessings they sought.

Gonzales, working closely with a small group of conservative legal officials at the White House, the Justice Department and the Defense Department—and overseeing deliberations that generally excluded potential dissenters—helped chart other legal paths in the handling and imprisonment of suspected terrorists and the applicability of international conventions to U.S. military and law enforcement activities.

His former colleagues say that throughout this period, Gonzales—a confidant of George W. Bush's from Texas and the president's nominee to be the next attorney general—often repeated a phrase used by Defense Secretary Donald H. Rumsfeld to spur tougher antiterrorism policies: "Are we being forward-leaning enough?"

But one of the mysteries that surround Gonzales is the extent to which these new legal approaches are his own handiwork rather than the work of others, particularly Vice President Cheney's influential legal counsel, David S. Addington.

Gonzales's involvement in the crafting of the torture memo, and his work on two presidential orders on detainee policy that provoked controversy or judicial censure during Bush's first term, is expected to take center stage at Senate Judiciary Committee hearings tomorrow on Gonzales's nomination to become attorney general. The outlines of Gonzales's actions are known, but new details emerged in interviews with colleagues and other officials, some of whom spoke only on the condition of anonymity because they were involved in confidential government policy deliberations.

On at least two of the most controversial policies endorsed by Gonzales, officials familiar with the events say the impetus for action came from Addington—another reflection of Cheney's outsize influence with the president and the rest of the government. Addington, universally described as outspokenly conservative, interviewed candidates for appointment as Gonzales's deputy, spoke at Gonzales's morning meetings and, in at least one instance, drafted an early version of a legal memorandum circulated to other departments in Gonzales's name, several sources said.

Conceding that such ghostwriting might seem irregular, even though Gonzales was aware of it, one former White House official said it was simply "evidence of the closeness of the relationship" between the two men. But another official familiar with the administration's legal policymaking, who spoke on the condition of anonymity because such deliberations are supposed to be confidential, said that Gonzales often acquiesced in policymaking by others.

This might not be the best quality for an official nominated to be attorney general, the nation's top law enforcement job, the administration official said. He added that he thinks Gonzales learned from mistakes during Bush's first term.

Supporters of Gonzales depict him as a more pragmatic successor to John D. Ashcroft, and a cautious lawyer who carefully weighs competing points of view while pressing for aggressive anti-terrorism efforts. His critics have expressed alarm at what they regard as his record of excluding dissenting points of view in the development of legal policies that fail to hold up under broader scrutiny and give short shrift to human rights.

His nomination has, in short, become another battleground for the debate over whether the administration has acted prudently to forestall another terrorist attack or overreached by legally sanctioning rights abuses.

One thing is clear: Gonzales, 49, enjoys Bush's trust. He has worked directly with the former Texas governor for more than nine years, advising him on sensitive foreign policy and defense matters that rarely—if ever—fell within the purview of previous White House counsels.

For example, when the Justice Department formally repudiated the legal reasoning of the August 2002 interrogation memo last week in another document that Gonzales reviewed, it was overturning a policy with consequences that Gonzales heard discussed in intimate detail—to the point of learning what the physiological reactions of detainees might be to the suffering the CIA wanted to inflict, those involved in the deliberations said.

The White House said Gonzales and Addington, a former Reagan aide and Pentagon counsel, were unavailable to be interviewed for this article. But asked to comment on whether Gonzales acquiesced too easily on legal policies pushed by others, spokesman Brian Besanceney responded that Gonzales had "served with distinction and with the highest professional standards as a lawyer" in private practice, state government and the White House, and he "will continue to do so as attorney general."

A SUCCESS STORY

Bush has told people that he was attracted by Gonzales's rags-to-riches life story. A Texas native and the son of Mexican immigrants, Gonzales served for two years in the Air Force before graduating from Rice University and Harvard Law School. He met Bush during his 1994 gubernatorial campaign, while Gonzales was a partner at the politically connected Houston law firm Vinson & Elkins.

Upon election, Bush appointed him as his personal counsel, later as Texas secretary of state and eventually as a justice on the Texas Supreme Court. Within weeks of the 2000 presidential election, Bush tapped Gonzales to be his White House counsel, and Gonzales set about creating what officials there proudly described as one of the most ideologically aligned counsel's offices in years.

Bringing only one associate to Washington from Texas, Gonzales forged his staff instead from a tightknit group of Washington-based former clerks to Supreme Court or appellate judges, all of whom had worked on at least one of three touchstones of the conservative movement: the Whitewater and Monica S. Lewinsky inquiries of former president Bill Clinton, the Bush-Cheney election campaign, and the Florida vote-counting dispute.

"It was an office of like-minded" lawyers and "strong personalities," said Bradford A. Berenson, a criminal defense lawyer appointed as one of eight associate counsels in Gonzales's office. "There was not a shrinking violet in the bunch."

"Federalist Society regulars" is the way another former associate counsel, H. Christopher Bartolomucci, described the Gonzales staff and its ideological allies elsewhere in the government, such as Deputy Assistant Attorney General John Yoo and Defense Department General Counsel William J. Haynes II. All were adherents to the theory that the Constitution gives the president considerably more authority than the Congress and the judiciary.

One of the clearest examples of this ambition was Gonzales's long-running and ultimately futile battle with the independent commission that investigated the Sept. 11, 2001, terrorist attacks. Gonzales's office, acting as the liaison between the White House and the 10-member bipartisan panel, repeatedly resisted commission demands for access to presidential documents and officials such as national security adviser Condoleezza Rice, prompting angry and public disputes.

Gonzales is "a good lawyer and a nice guy, and maybe he was a decent judge for a year, but he didn't bring a lot of political judgment or strategic judgment to their dealings with the commission," a senior commission official said. "He hurt the White House politically by antagonizing the commissioners . . . and all of it for no good reason. In the end, the stuff all came out."

Each morning, Gonzales convened round tables at which his staff—as well as Addington—related their legal conundrums. Gonzales was "not a domineering personality . . . and he gave us a chance to speak our minds," said Helgi C. Walker, a former clerk for Clarence Thomas who was an associate counsel from 2001 to 2003.

"There was often a lively debate, but at the end it was not clear where Gonzales was," another former colleague said. A second former colleague recalls that in interagency meetings, Gonzales sat in the back and was "unassuming, pleasant and quiet." So discreet was Gonzales about his opinions that one official who worked closely with him for a year said "he never made an impression on me."

But Berenson says Gonzales was hardly pushed around by officials who thought they had a monopoly on wisdom. "I didn't have the sense that he was whipping his horses or that they were dragging him along behind them," he said, adding that Gonzales was "neither the tool of an aggressive staff nor the quarterback of a reluctant team."

Current and former White House officials interviewed for this article listed only a few episodes in which Gonzales forcefully pressed a position at odds with ideological conservatives. None was in the terrorism field.

Walker said she is aware of criticism that Gonzales "should have been saying 'I believe this or that' " about some of the provocative issues presented to him. "He did not see his job as being about him" but about advocating Bush's interests, she explained. "The judge is not consumed with his own importance, unlike some others in Washington."

DETAINEE POLICY

Unlike many of his predecessors since the Reagan era, Gonzales lacked much experience in federal law and national security matters. So when the Pentagon worried about how to handle expected al Qaeda detainees in the days after the Sept. 11 attacks and the Oct. 7 U.S. attack on Afghanistan, Gonzales organized an interagency group to take up the matter under the State Department's war crimes adviser, Pierre-Richard Prosper.

Former attorney general William P. Barr suggested to Gonzales's staff early on that those captured on the battlefield go before military tribunals instead of civil courts. But Ashcroft and Michael Chertoff, his deputy for the criminal division, both adamantly opposed the plan, along with military lawyers at the Pentagon. The result was that the process moved slowly.

Addington was the first to suggest that the issue be taken away from the Prosper group and that a presidential order be drafted authorizing the tribunals that he, Gonzales and Timothy E. Flanigan, then a principal deputy to Gonzales, supported. It was intended for circulation among a much smaller group of like-minded officials. Berenson, Flanigan and Addington helped write the draft, and on Nov. 6, 2001, Gonzales's office secured an opinion from the Justice Department's Office of Legal Counsel that the contemplated military tribunals would be legal.

That office, historically the government's principal internal domestic law adviser, was also staffed by advocates of expansive executive powers; it had told the White House in a classified memo five weeks earlier that the president's authority to wage preemptive war against suspected terrorists was virtually unlimited, partly because proving criminal responsibility for terrorist acts was so difficult.

After a final discussion with Cheney, Bush signed the order authorizing military tribunals on Nov. 13, 2001, while standing up, as he was on his way out of the White House to his Texas ranch for a meeting with Russian President Vladimir Putin. It provided for the military trial of anyone suspected of belonging to al Qaeda or conspiring to conduct or assist acts of terrorism; conviction would come from a two-thirds vote of the tribunal members, who would adjudicate fact and law and decide what evidence was admissible. Decisions could not be appealed.

Cut out in the final decision making were military lawyers, the State Department and Chertoff, as well as Rice, her deputy, Stephen J. Hadley, and Rice's legal adviser, John Bellinger. "I don't think Gonzales felt he was acting precipitously, but he realized people would be surprised," Flanigan said. It amounted to a decision that the president could act without "the entire staff's blessing. As it turned out, they [National Security Council officials] just weren't involved in the process."

Berenson, who left the White House for private practice in 2003, said "there were such strong shared assumptions at the time [that] we had a powerful sense of mission." He attributes the haste to worry about another terrorist attack.

But David Bowker, then a State Department lawyer excluded from the process and now in private practice, called the order premature and politically unwise. "The right thing to do would have been an open process inside the government," he said.

The tribunals were halted by U.S. District Judge James Robertson, who ruled on Nov. 24, 2004, that detainees' rights are guaranteed by the Geneva Conventions—which the administration had argued were irrelevant.

REBELLION AT STATE

Four weeks after Bush's executive order, a similarly limited deliberation provoked more determined rebellion at the State Department and among military lawyers and officers. The issue was whether al Qaeda and Taliban fighters captured on the battlefield in Afghanistan should be accorded the Geneva Conventions' human rights protections.

Gonzales, after reviewing a legal brief from the Justice Department's Office of Legal Counsel, advised Bush verbally on Jan. 18, 2002, that he had authority to exempt the detainees from such protections. Bush agreed, reversing a decades-old policy aimed in part at ensuring equal treatment for U.S. military detainees around the world. Rumsfeld issued an order the next day to commanders that detainees would receive such protections only "to the extent appropriate and consistent with military necessity."

Secretary of State Colin L. Powell—whose legal adviser, William H. Taft IV, had vigorously tried to block the decision—then met twice with Bush to convince him that the decision would be a public relations debacle and would undermine U.S. military prohibitions on detainee abuse. Gen. Richard B. Myers, chairman of the Joint Chiefs of Staff, backed Powell, as did the leaders of the U.S. Central Command who were pursuing the war.

The task of summarizing the competing points of view in a draft letter to the president was seized initially by Addington. A memo he wrote and signed with Gonzales's name—and knowledge—was circulated to various departments, several sources said. A version of this draft, dated Jan. 25, 2002, was subsequently leaked. It included the eye-catching assertion that a "new paradigm" of a war on terrorism "renders obsolete Geneva's strict limitations on questioning of enemy prisoners."

In early February 2002, Gonzales reviewed the issue once more with Bush, who reaffirmed his initial decision regarding his legal authority but chose not to invoke it immediately for Taliban members. Flanigan said that Gonzales still disagreed with Powell but "viewed his role as trying to help the president accommodate the views of State."

Thirty months later, a Defense Department panel chaired by James R. Schlesinger concluded that the president's resulting Feb. 7 executive order played a key role in the Central Command's creation of interrogation policies for the Abu Ghraib prison in Iraq.

A former senior military lawyer, who was involved in the deliberations but spoke on the condition of anonymity, complained that Gonzales's counsel's office had ignored the language and history of the conventions, treating the question "as if they wanted to look at the rules to see how to justify what they wanted to do."

"It was not an open and honest discussion," the lawyer said.

For Gonzales's aides, however, the experience only reinforced a concern that the State Department and the military legal community should not be trusted with information about such policymaking. State "saw its mission as representing the interests of the rest of the world to the president, instead of the president's interests to the world," one aide said.

THE DEBATE OVER TORTURE

This schism created additional problems when Gonzales approved in August 2002—after limited consultation—an Office of Legal Counsel memo suggesting various stratagems that officials could use to defend themselves against criminal prosecution for torture.

Drafted at the request of the CIA, which sought legal blessing for aggressive interrogation methods for Abu Zubaida and other al Qaeda detainees, the memo contended that only physically punishing acts "of an extreme nature" would be prosecutable. It also said that those committing torture with express presidential authority or without the intent to commit harm were probably immune from prosecution.

The memo was signed by Jay S. Bybee, then an assistant attorney general and now a federal appellate judge, but written with significant input from Yoo, whom Gonzales had tried to hire at the White House and later endorsed to head Justice's legal counsel office. During the drafting of the memo, Yoo briefed Gonzales several times on its contents. He also briefed Ashcroft, Bellinger, Addington, Haynes and the CIA's acting general counsel, John A. Rizzo, several officials said.

At least one of the meetings during this period included a detailed description of the interrogation methods the CIA wanted to use, such as open-handed slapping, the threat of live burial and "waterboarding"—a procedure that involves strapping a detainee to a board, raising the feet above the head, wrapping the face and nose in a wet towel, and dripping water onto the head. Tested repeatedly on U.S. military personnel as part of interrogation resistance training, the technique proved to produce an unbearable sensation of drowning.

State Department officials and military lawyers were intentionally excluded from these deliberations, officials said. Gonzales and his staff had no reservations about the legal draft or the proposed interrogation methods and did not suggest major changes during the editing of Yoo's memo, two officials involved in the deliberations said.

The memo defined torture in extreme terms, said the president had inherent powers to allow it and gave the CIA permission to do what it wished. Seven months later, its conclusions were cited approvingly in a Defense Department memo that spelled out the Pentagon's policy for "exceptional interrogations" of detainees at Guantanamo Bay, Cuba.

When the text was leaked to the public last summer, it attracted scorn from military lawyers and human rights experts worldwide. Nigel Rodley, a British lawyer who served as the special U.N. rapporteur on torture and inhumane treatment from 1993 to 2001, remarked that its underlying doctrine "sounds like the discredited legal theories used by Latin American countries" to justify repression.

After two weeks of damaging publicity, Gonzales distanced himself, Bush and other senior officials from its language, calling the conclusions "unnecessary, over-broad discussions" of abstract legal theories ignored by policymakers. Another six months passed before the Office of Legal Counsel, under new direction, repudiated its reasoning publicly, one week before Gonzales's confirmation hearing.

Mr. LEAHY. Mr. President, I want to set the record straight on something that the senior Senator from Utah said yesterday regarding the President's February 2002 directive on the treatment of al-Qaida and Taliban detainees. According to Senator HATCH, "the President [said] unequivocally that detainees are to be treated humanely." In fact, the President's directive said only that "the U.S. Armed Forces" should treat detainees humanely. The President's directive pointedly did not apply to the CIA and other nonmilitary personnel.

I asked Judge Gonzales:

Does the President's February 7, 2002, directive regarding humane treatment of detainees apply to the CIA or any other nonmilitary personnel?

He replied:

> No. By its terms, the February 7, 2002, directive "reaffirm[s] the order previously issued by the Secretary of Defense to the United States Armed Forces."

In other words, contrary to what he have heard, and continue to hear, from Judge Gonzales's supporters, the President's oft-quoted directive regarding the humane treatment of detainees is carefully worded to permit the occasional inhumane treatment of detainees. Indeed, that is one of the legal loopholes that concerns so many of us.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. COBURN). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. COLLINS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. COLLINS. Mr. President, I rise today in support of the nomination of Alberto Gonzales to be Attorney General of the United States.

Judge Gonzales's story is truly inspirational. A man from humble beginnings—Humble, TX, to be precise—he grew up in a modest home built by his father and uncle where he lived with his parents and seven brothers and sisters with no hot water and no telephone. His parents were migrant workers who never even finished elementary school, but they believed in the American dream. They worked hard to give their children an education and to instill in them the American values of personal responsibility and hard work.

At the age of 12, Alberto Gonzales had his first job selling soft drinks at Rice University football games where he dreamed of one day going to college. Through determination, intelligence, and hard work, he achieved his dream. He graduated from Rice University, the first in his family to earn a college degree, and went on to excel at Harvard Law School.

Alberto Gonzales is a dedicated public servant. He has served his country in many capacities, including his service in the U.S. Air Force, as a judge on the Texas Supreme Court, and as Texas secretary of state. Judge Gonzales knows well that holding a public office involves a bond with the American people.

He has proven himself as a man of integrity and with the highest professional qualifications. That is why Judge Gonzales has broad support from groups and individuals across our country. His nomination is supported by the Hispanic National Bar Association, the League of United Latin American Citizens, the Fraternal Order of Police, the National District Attorneys Association, and the FBI Agents Association, to name just a few of these groups.

He also has bipartisan support from those who know him best, including leading Democrats, for example, Henry Cisneros, who served as Secretary of Housing and Urban Development under President Clinton. Mr. Cisneros, a former mayor of San Antonio, writes:

> In the 36 years that I have voted, I have supported and voted for only one Republican. That was when Alberto Gonzales ran for election to the Texas Supreme Court. I messaged friends about this uncommonly capable and serious man [and] I urged them to support his campaign. . . . He is now President Bush's nominee to be Attorney General of the United States and I urge his confirmation.

I have had the personal opportunity to meet with Judge Gonzales to discuss many issues over the last few years on many different occasions. I have always found him to be a man who honored his commitments, who kept his promises. I know he is a leader who is dedicated to protecting America, to following the Constitution, and to applying the rule of law.

The position of the Attorney General is as challenging a job as ever given the post-9/11 environment, but I am confident that as our Nation's chief law enforcement officer, Judge Gonzales will continue the progress we have made in fighting the war against terrorism, in combating crime, in strengthening the FBI, and in continuing to protect our cherished civil liberties.

As Judge Gonzales himself said regarding his nomination:

> The American people expect and deserve a Department of Justice guided by the rule of law, and there should be no question regarding the Department's commitment to justice for every American. On this principle there can be no compromise.

Alberto Gonzales, the man from Humble, is committed to ensuring justice for each and every American. He is committed to the rule of law. He deserves our confirmation, and I urge my colleagues to join me in voting for his confirmation.

I thank the distinguished senior Senator from New Mexico for allowing me to precede him.

Mr. DOMENICI. Mr. President, I thank the Senator for her good words. Needless to say, I agree with the Senator and I hope that sometime tomorrow an overwhelming number of Senators from both sides of the aisle will do likewise.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I rise in behalf of the President's nominee for Attorney General, Alberto Gonzales. I have read as much as I could about his background and his life. Most importantly, I have read what those who have lived and worked with him during his life have had to say about him, and I will read what they have had to say about him shortly.

From everything I have read and learned, I have concluded that some on that side of the aisle oppose him for totally personal, partisan, and political reasons, no question about it. I do not want to speculate as to why because it is really inconceivable to me that Democrats would do what they are doing to this man.

For decades, they used to talk about the Democrat Party being the party of Hispanics, as if it were just as natural and normal as day follows night that Hispanics, that minority which is growing, just ought to be Democrats.

Well, something has happened a little bit. Some change is occurring, and sure enough this President is tinkering with that toy of theirs. He is appointing more qualified Hispanics to high office than any of their Presidents ever have. My colleagues cannot say Alberto Gonzales was nominated just because he is a minority with the name Gonzales, because every single qualification that one would require he has met.

Did the American Bar Association approve? Absolutely. What did the bar of Texas think about him? They named him to one of their highest offices before we ever thought of him. What about law firms in Texas? He has been a member of the best law firms there are. What about judicial temperament? He sat on the highest civil and criminal court in the big, great State of Texas. Now, they did not all do that because his name is Gonzales, but it just happens that it is.

Nor did they approve of him because he was born in poverty, because his parents did not speak English, or because he lived in a house without running water. They did not approve of him because of that. They approved of him because he was qualified.

So then one might ask, what is all this objection about? It seems as if there is an idea that for some reason or another he has had a bad impact on our country's name because he is for torturing prisoners, or if I am reading too much into that then maybe it is he set a bad example which hurt America because people perceived he was for torturing prisoners and he did not do anything about it.

Based on the record, based on the law, based on the interpretation of the law, that is about as flimsy a reason as one could ever have for not approving this man to be Attorney General.

First, I do not want to take a lot of time. It is late. We have heard a lot. I did not come here without checking a few things. I find that most authentic and reliable discerners, interpreters of the legal consequences of the Geneva Convention conclude that the Geneva Convention does not apply to these kinds of captives.

I do not know how else to say it. There is opinion after opinion, interpretation after interpretation, that the title which talks about the care and how one must treat prisoners of war does not apply to terrorists. I will insert in the RECORD three different leading scholarly statements that say that is the case. Now, that is logical.

One might say, well, is America for torture? No. That is not logical. What is logical is when the Geneva Conventions were drawn, we were talking about prisoners of war such as those in the First and the Second World Wars, where literally thousands of soldiers belonging to an army of another nation were gathered and this was to say that you have to treat them a certain way. They belong to a country. Terrorists do not belong to any country. They are not fighting a war for a country. They are not part of an organized military that you capture.

I don't need to go into all that. I can just say, that is a bum rap, to say he should not be Attorney General because he might have said or signed a memo that said we do not need to apply the Geneva Conventions to these captives. If that were the case, that should not disqualify him because that is the predominant law, interpretive law of that convention.

Then we say: Senator, you are not saying, since that is not the case, you are free to do whatever you want to prisoners? Not at all. There still is a rule of law regarding the treatment of prisoners. I do not think anybody can rightfully get up and say Alberto Gonzales promoted or implicitly promoted treating these kind of captives any old way you want. I do not believe that is the case.

So I don't know what we are talking about. There might be something. There might be something. It might be that there has been a decision on that side of the aisle to just make every appointment of the President difficult, or anyone they can find the least thing about, make it difficult. Let me say. I don't think it does them any good. I don't think the American people, 2 weeks from now, are going to think this effort on their part did anything to hurt this man or hurt our President. What I am concerned about is whether the Democratic Party thinks it is going to help them because I do think it is another opportunity for Hispanics to say, Why should we be Democrats? I think that is giving that nail another nice pound with a nice strong hammer. I do not think there is any question about that.

I do think there is a growing concern on that side of the aisle as to who is going to be the next Supreme Court Justice. I know some might say: Senator DOMENICI, get off that.

No, no, every time you get in corners, little corners where people are talking up here, the subject is, who do you think the President can appoint who can get by the Senate? There was a lot of talk up here that maybe Alberto Gonzales was that person. I don't know that. It looks to me, based on his history, based on his background, based on his relationship with the President, he might be. But maybe, if you make enough noise about him and attempt to stick enough signs up on a billboard saying he is this, that, or the other, maybe he will not be a candidate, a probable candidate anymore. That could be what some people think. I do not know. I hope it is not, and I hope, in spite of what has happened, it doesn't.

I am not here as his champion for that job. That is the President's job. But I think it would be terrific if the President of the United States followed up on all the things he has done to prove that he has no discrimination about his personal being and no discrimination that stems from his party, or Republicans. He is open. He has, in his Cabinet, we all know, a distinguished group of Americans who are minorities. This would be another one.

I want to close by saying I am very pleased that a lot of organizations in this country, and a lot of distinguished people have not bought the arguments made by the other side because they know him, they like him, they are familiar with him, they trust him, and they want him to be Attorney General.

Let me say first, about Henry Cisneros—a lot of Americans and a lot of Hispanic Americans know who he is. He had a little downfall in his career, but he is a very considerate, intelligent, concerned Hispanic American from the State of Texas. He is the former mayor of San Antonio and a former Cabinet member, Democratic Presidential appointee.

I will not make his letter part of the RECORD since it has already been printed in the RECORD. It is dated January 5, 2005, to the Wall Street Journal.

This is a tremendous examination of who this nominee is, what he has done, what he has demonstrated, and the conclusion that it will be good for America to have an Attorney General who has memories like those—having stated his upbringing and the like—

> . . . because he can rely on those memories to understand the realities that many Americans still confront in their lives. I believe he will apply those life experiences to the work ahead. His confirmation by the Senate can be part of America's steady march toward liberty and justice for all.

That is not a Republican, that is not the President, that is Henry Cisneros. He signs it: Secretary of Housing and Urban Development under President Clinton, mayor of San Antonio, TX, from 1981 through 1989.

Mr. Gonzales, in 1989, was recognized as the Latino Lawyer of the Year by the Hispanic National Bar Association and received a Presidential citation from the State Bar of Texas in 1997 for his dedication in addressing the basic legal needs of the indigent. He was chosen as one of the five outstanding young Texans by the Texas JCs, and an Outstanding Young Lawyer of Texas. He was also suggested as the Texas Young Lawyer by their association.

There are many more. I merely read these, and you know that they all are giving accolades, and that those who are giving accolades or giving awards are Hispanic. They are Hispanic organizations, Hispanic individuals. I think that means something. We are very proud as Republicans that the minority Hispanics in America are thrilled with this appointment.

I looked very carefully at a couple of organizations that have been cited or if not should be cited as being opposed to him. I would be remiss if I didn't tell you I would expect that they would be because they are so Democratic, I don't think they could be for a Republican Felix Frankfurter to be U.S. Attorney General if he were Republican. A couple of these Spanish organizations are so devoted to Democrats, they could not be for a Hispanic U.S. Attorney General if he were Republican no matter what his name is. So it doesn't bother me that two of them are.

But the League of United Latin American Citizens—LULAC, they are for him. The National Council of La Raza—whether you agree with any of these or not—is for him. The Hispanic National Bar Association is for him. The National Association of Latino Elected and Appointed Officials, they are for him. The U.S. Hispanic Chamber of Commerce is for him.

I can go on. There are eight more. I ask unanimous consent the list in its entirety be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

GONZALES NOMINATION—POSITIONS OF HISPANIC GROUPS

SUPPORT

League of United Latin American Citizens (LULAC)
National Council of La Raza (Kerry)—Presidential Endorsement
Hispanic National Bar Associations
National Association of Latino Elected and Appointed Officials
Hispanic Association of Colleges and Universities (HACU)
United States Hispanic Chamber of Commerce
Hispanic Alliance for Progress
The Latino Coalition (Bush)
Hispanic Business Roundtable (Bush)
New American Alliance
MANA (national latina women's organization)
National Association of Hispanic Publishers
National Association of Hispanic Firefighters (Bush)

WITHHELD ENDORSEMENT

Mexican American Legal Defense and Educational Fund

OPPOSE

Congressional Hispanic Caucus (Kerry)
Mexican American Political Association
National Latino Law Students Association

Mr. DOMENICI. There is a congressional Hispanic caucus which was among those that I was mentioning a while ago. They endorsed Senator KERRY, supported him, campaigned for him. I wouldn't expect them to be for this nominee.

I think I said most of what I wanted to say to the Senate for those who are interested in the other side of the coin from what the Democrats—small in number but by sufficient numbers—want to make a lot of people in the country think, that this man should not have this job.

I think they are wrong. I think the Hispanic community of America should know that they are wrong. I think the Hispanic community of America should know that most people who are concerned about them—Hispanic Americans—are for him. I think they could rightfully conclude that those who are not for him don't care about Hispanic Americans because most of them overwhelmingly think he is the right man for this job.

I thank the Senate for the few moments I have had to discuss this matter and hope that my few words will have something to do with adding to the chorus of support for this candidate, and for some of those who listened to that which is said against him will at least think if they were leaning toward believing that, that there really is another side: and that real side is probably somewhere close to what I said in the last 10 minutes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. Mr. President, I have listened carefully to the remarks of the Senator from New Mexico, and I would like to say two or three things for the RECORD.

The criticism has been leveled that the Democrats are somehow obstructionists; that we are standing in the path of the President to filling his Cabinet. The Senator from New Mexico knows this is the second rollcall on the nominees of the President. Six nominees for the Cabinet positions asked for by President Bush have been approved by voice vote—without even a recorded vote having been taken. Only one remains: Mr. Chertoff. To suggest that somehow we are delaying, obstructing, standing in the road of progress for this administration is to overlook the obvious.

We have cooperated with this administration. We have done our best to expedite the hearings on these nominees.

There are only two of the highest positions—Secretary of State and Attorney General—that have evoked any substantive floor debate.

As I listen to my Republican colleagues, it appears that their advice to the Democratic minority is to sit down and be quiet: you lost the election. But, as I understand it, each of us has been elected to represent a State and to stand up for the values in which we believe. To ask for a few moments on the floor to debate an important nomination for Secretary of State or Attorney General I don't think is being impudent. I think it is what we were elected to do.

The Constitution not only empowers us and authorizes us; it commands us to advise and consent—not just consent. If we want to spend a day or two debating something as serious as Judge Gonzales's involvement in rewriting the torture policy in America, I don't think that is inappropriate. In fact, I think our silence would be inappropriate.

Those on the other side—and even some on this side—may disagree with the conclusions reached earlier. I think you will find when the rollcall comes that there will be Senators on both sides of the aisle voting for Judge Gonzales. So be it. But to say we are somehow stepping out of line by even debating a nominee for the Cabinet is just plain wrong.

Second, this is exactly the same argument that was used on the issue of judges. If you listened to the commentaries, particularly from some sources on radio and television, you would think that the Democrats had found a way to stop most of the judges nominated by President Bush over the last 4 years. But look at the cold facts. Two-hundred and four of President Bush's judicial nominees were approved. They went through this Congress, under both Democratic and Republican committee leadership. Only 10 nominees were held up. The final score in that game was 204 to 10. It is clear the President won the overwhelming percentage of judicial nominees he sent to the floor of the Senate. If you listen to our critics, you would think it was the opposite—that we only approved 10 judges and turned down 204.

That wasn't the case at all. When people come to the floor critical of the Democrats for even wanting to debate a Cabinet nominee, I think they are overstating the case.

Let me address the last point made by the Senator from New Mexico.

Mr. DOMENICI. Mr. President, will the Senator yield for 1 minute?

Mr. DURBIN. I would be happy to yield for a question.

Mr. DOMENICI. I don't want to take the Senator's right to the floor under any circumstances.

First, I ask to speak to ask the Senator a question right now, because I can't stay. I want the Senator to know that I always appreciate his remarks. They always stimulate me, whatever the Senator thinks that means. Maybe it stimulates me to answer; maybe it makes me get red in the face. I don't know.

Anyway, I don't think my remarks were principally devoted to—in fact, only mildly devoted to—the delay that may be taking place with regard to some nominees. I stand on that premise—that there have been delays that were uncalled for. But that was the principal point.

I hope that nobody would let the distinguished Senator kind of avoid the issue. That is not the issue Senator DOMENICI raises.

The issue is that this man is totally qualified; that those who know him best say he is qualified. It appears that those on the other side of the aisle want to see him defeated, or put upon by their arguments such that he doesn't go into that office strong and full of support but, rather, nicked by attacks that are meaningless and without any merit. That is the argument.

I tried to tell everybody who is for him. Frankly, they knew him a lot better than any Senators knew him. Many of them like Cisneros knew him for 15 years—and what he said about him on January 5, not 10 years ago, what he was, what he wasn't, how good he was.

That was my argument. My argument and question was, Why? Maybe that is my question. I thank the Senator for yielding.

Mr. DURBIN. Mr. President, I thank the Senator from New Mexico. I will make it a practice to always yield the floor whenever I possibly can because I think dialog between two Senators runs perilously close to debate which we have very little of on the floor of the Senate.

I welcome the comments of the Senator from New Mexico. I may disagree on this issue, but I hope we have respect for one another and what we bring to this Chamber.

The point I would like to make is this: I do not know him personally. I met him in my office for a brief meeting, the first time we ever sat down together.

I read his life story. I couldn't help but be impressed. Here is a man who came from a very modest circumstance, who served his Nation in the Air Force, who went to law school, who became general counsel to the Governor of Texas, a member of the Texas Supreme Court, and then legal counsel to the President of the United States. It is an amazing, extraordinary life story.

Some of my colleagues, including the Senator from Colorado, Mr. SALAZAR, have talked about their origins and their upbringing and how difficult it is to overcome with discrimination in many quarters. Thank goodness that is changing in America but not fast enough.

The point I would like to make is, I don't know a single Member of the Senate who has taken exception to Judge Gonzales because he is Hispanic or because he comes from humble origins.

That is not the issue. The issue we believe, simply stated, is what did he do as general counsel to the President? Did it qualify him or disqualify him to have the highest law enforcement position in the United States of America? I think that is the issue.

When I came to the floor to speak earlier—and I will not recount my remarks—it related to the torture policy of which he was a part. I think in 10 or 20 years of history we will look at this war on terrorism and judge us harshly for having sat down to rewrite the policies and principles—the human principles—that guided this country for decades when it came to the treatment of prisoners and detainees. That is why I have reservations about Judge Gonzales. That is why I raised these questions, both in a public hearing and in written questions to him personally. That is why I am opposing his nomination, simply stated.

I have the greatest respect for what he has achieved personally in life, but I have a responsibility to go beyond that personal achievement and ask from a professional and governmental viewpoint, Is he the best person for this job? That is why many of us have risen in opposition to his nomination.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kentucky.

MORNING BUSINESS

Mr. McCONNELL. Mr. President, I ask unanimous consent that there now be a period of morning business with Senators permitted to speak for up 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECOGNIZING NATIONAL APPRECIATION DAY FOR CATHOLIC SCHOOLS

Ms. LANDRIEU. Mr. President, I am pleased to recognize that today, February 2, 2005, is National Appreciation Day for Catholic Schools. As a proud graduate of Catholic schools, I am delighted to be able to meet some of these Catholic school student leaders to let them know what an investment in our future they are.

The spirit of Catholic schools has been present in the United States since the first settlers arrived in America. In 1606 the Franciscans opened a school in what is now St. Augustine, FL. During the next century, the Franciscans and Ursulines established Catholic schools throughout the American colonies: in Maryland, Massachusetts, Pennsylvania, New York, and even in non-British colonial locales, such as New Orleans. After the American Revolution, Catholic patriots worked to open the first official parochial school in the United States, St. Mary's School, established in 1782 in Philadelphia. In 1789 Georgetown University, the first Catholic college in the United States, was founded right here in the District.

Catholic schools have offered much more to the United States than just longevity, however; America's Catholic schools have offered an academic excellence that has helped to influence the moral, intellectual, physical, and social values of our youth for over 300 years. As Baltimore Archbishop Cardinal James Gibbons said, "Education must make a person not only clever but good." For more than three centuries, Catholic schools in this country have worked to do just that. They have inspired our youth, enriched our communities, and provided a moral support for millions.

Today, with over 2.6 million students enrolled in Catholic elementary and secondary schools, they are working as hard as ever to enhance the education of our youth.

On a personal level, Catholic schools have greatly influenced who I am today. It was at my alma mater, Ursuline Academy of New Orleans, that I sought my first elected office. As seventh grade class vice-president, I took to heart the Academy's motto of serviam and fully embraced the words of the founder of the Ursuline Sisters, St. Angela Merici that it is better "to serve than to be served." The promotion of educational excellence, the development of the whole person, community, and family, and the dedication to service are values that I am grateful Ursuline reinforced.

It is with these thoughts in mind that I offer my utmost congratulations and thanks to the Catholic schools, students, parents, and teachers across the Nation and specifically in Louisiana for the ongoing contributions they have made in the area of education. You have done remarkable work over the years, and I thank you for everything.

WORLD WETLANDS DAY

Ms. LANDRIEU. Mr. President, I come to the floor today on World Wetlands Day to acknowledge the proclamation by the Governor of our State that today, February 2, America's Wetlands Day in Louisiana. World Wetlands Day is a day that we join together with people around the world to bring public awareness to the benefits and values of wetlands as well as the severe challenges that confront them. February 2 of each year marks the date of the signing in 1971 of the Convention on Wetlands which provided a framework for national action and international cooperation toward the conservation and wise use of wetlands and their resources. Wetlands can be found in every country and are among the most productive ecosystems in the world.

Those of us from Louisiana bring a rather unique perspective to the subject of wetlands. You see, Louisiana's coast is really America's wetland. It is not a beach, but a vast landscape of wetlands. The landscape that extends along Louisiana's coast is one of the largest and most productive expanses of coastal wetlands in North America. It is the seventh largest delta on Earth, where the Mississippi River drains two-thirds of the United States. It is also one of the most productive environments in America—"working wetlands" as they are known to Louisianians—producing more seafood than any other State in the lower 48. It is the nursery ground for the Gulf of Mexico and habitat for the one of the greatest flyways in the world for millions of waterfowl and migratory songbirds.

Louisiana's coastal wetlands provide storm protection for ports that carry nearly 500 million tons of waterborne commerce annually—the largest port system in the world by tonnage. That accounts for 21 percent of all waterborne commerce in the United States each year. In fact, four of the top ten largest ports in the United States are located in Louisiana.

These wetlands also offer protection from storm surge for 2 million people and a unique culture. However, what should be of fundamental interest to those of us here is the role these wetlands play in our Nation's energy security by not only protecting the Nation's critical energy infrastructure but also providing the energy supply that runs our daily lives.

Eighty percent of the Nation's offshore oil and gas supply, which is almost 30 percent of all the oil and gas consumed in this country, passes through these wetlands to be distributed to the rest of the Nation. There are more than 20,000 miles of pipelines in Federal offshore lands and thousands more inland that all make landfall on Louisiana's barrier islands and wetland shorelines. The barrier islands are the first line of defense against the combined wind and water forces of a hurricane, and they serve as anchor points for pipelines originating offshore.

Annual returns to the Federal Government of oil and gas receipts from production on the Outer Continental Shelf, OCS, average more than $5 billion annually. No single area has contributed as much to the Federal treasury as the OCS. In fact, since 1953, the OCS has contributed $140 billion to the U.S. Treasury.

Between 80 and 90 percent of that amount has come from offshore Louisiana. In 2003, almost $6 billion in offshore revenues went into the Federal treasury, and more than $5 billion, or 80 percent of that amount came from offshore Louisiana. Today the OCS supplies more than 25 percent of our Nation's natural gas production and more than 30 percent our domestic oil production, with the promise of more—expected to reach 40 percent by 2008. In fact, the OCS supplies more oil to our Nation than any other country including Saudi Arabia.

In addition to domestic production, Louisiana's coast is the land base for the Louisiana Offshore Oil Port, LOOP, America's only offshore oil port. LOOP handles about 15 percent of this country's foreign oil and is connected to more than 30 percent of the total refining capacity in the U.S. Much of the support infrastructure is located in the most rapidly deteriorating coastal areas. In addition to LOOP, one will find two storage sites for the Strategic Petroleum Reserve, SPR, and Henry Hub, one of the Nation's major natural gas distribution centers.

Port Fourchon, which supports 75 percent of the deepwater production in the Gulf, is the geographic and economic center of offshore drilling efforts along the Louisiana Coast. This port, and much of the Nation's energy supply, is connected to the mainland by a 17-mile stretch of two-lane highway—LA 1—that is inundated by flooding in relatively mild storms and is vulnerable to being washed out completely.

The oil and gas produced offshore Louisiana moves through a maze of pipelines that crisscross our State delivering energy to other regions of the country. In order to preserve this supply, Louisiana must be able to continue to host this production. Unfortunately, the very coastal wetlands that support the critical infrastructure necessary to deliver the energy are washing away at an alarming rate leaving pipelines and other energy infrastructure vulnerable to the whims of Mother Nature.

When Hurricane Ivan struck back in September, it should have been a wake-up call to us all. Although the storm did not directly hit Louisiana, its impact on prices and supply continues to be felt today. Four months later, a percentage of oil and gas production in the Gulf of Mexico remains offline as a result of the storm, directly contributing to higher oil and gas prices in our country. One can only imagine what the impact would have been to supply and prices had Ivan cut a more Western path in the Gulf.

Louisiana is losing its coastal land at the staggering rate of 25 square miles a year. That is square miles, not acres. That is a football field every 30 minutes. We lost more than 1,900 square miles in the past 70 years, and the U.S. Geological Survey predicts we will lose another 1,000 if decisive action is not taken now to save it. The effects of natural processes like subsidence and storms combined with the unintended consequences of Federal actions like the leveeing of the Mississippi River and impacts from offshore oil and gas exploration and development have led to an ecosystem on the verge of collapse.

With the loss of barrier islands and wetlands over the next 50 years, New Orleans will lose its wetland buffer that now protects it from many effects of flooding. Hurricanes will pose the greatest threat, since New Orleans sits on a sloping continental shelf that makes it extremely vulnerable to storm surges.

More than 2 million people in inland south Louisiana will be subject to more severe and frequent flooding than ever before. Coastal communities will become shore-front towns, and the economic and cultural costs of relocation are estimated in the billions of dollars.

Louisiana takes pride in its role as the country's most crucial energy provider. Ours is a State rich in natural resources. However, given the contribution my State makes to the Nation, it is time for all of us to consider what the effects will be should we continue on our present track and ignore the problem. The fate of the country's energy supply and infrastructure are just one example of what is at stake.

There are increasing signs that people around the country understand the seriousness of the situation. In a poll released today, 90 percent of the respondents said it was important to fund national efforts to restore Louisiana's wetlands in and around New Orleans as a means to limit the damage that a direct hit from a hurricane would cause to the area. It is now long past time for the Federal Government to step up and invest in a State that gives so much to the rest of the country.

RULES OF PROCEDURE—COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, the Committee on Armed Services met today and adopted its rules for the 109th Congress. In accordance with the Standing Rules of the Senate, I ask unanimous consent that these rules be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

1. *Regular Meeting Day.*—The Committee shall meet at least once a month when Congress is in session. The regular meeting days of the Committee shall be Tuesday and Thursday, unless the Chairman, after consultation with the Ranking Minority Member, directs otherwise.

2. *Additional Meetings.*—The Chairman, after consultation with the Ranking Minority Member, may call such additional meetings as he deems necessary.

3. *Special Meetings.*—Special meetings of the Committee may be called by a majority of the members of the Committee in accordance with paragraph 3 of Rule XXVI of the Standing Rules of the Senate.

4. *Open Meetings.*—Each meeting of the Committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by the Committee or a subcommittee thereof on the same subject for a period of no more than fourteen (14) calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated below in clauses (a) through (f) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the Committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(a) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(b) will relate solely to matters of Committee staff personnel or internal staff management or procedure;

(c) will tend to charge an individual with a crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy or will represent a clearly unwarranted invasion of the privacy of an individual;

(d) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(e) will disclose information relating to the trade secrets or financial or commercial information pertaining specifically to a given person if—

(1) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(2) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(f) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

5. *Presiding Officer.*—The Chairman shall preside at all meetings and hearings of the Committee except that in his absence the Ranking Majority Member present at the meeting or hearing shall preside unless by majority vote the Committee provides otherwise.

6. *Quorum.*—(a) A majority of the members of the Committee are required to be actually present to report a matter or measure from the Committee. (See Standing Rules of the Senate 26.7(a)(1).

(b) Except as provided in subsections (a) and (c), and other than for the conduct of hearings, eight members of the Committee, including one member of the minority party; or a majority of the members of the Committee, shall constitute a quorum for the transaction of such business as may be considered by the Committee.

(c) Three members of the Committee, one of whom shall be a member of the minority party, shall constitute a quorum for the purpose of taking sworn testimony, unless otherwise ordered by a majority of the full Committee.

(d) Proxy votes may not be considered for the purpose of establishing a quorum.

7. *Proxy Voting.*—Proxy voting shall be allowed on all measures and matters before the Committee. The vote by proxy of any member of the Committee may be counted for the

purpose of reporting any measure or matter to the Senate if the absent member casting such vote has been informed of the matter on which the member is being recorded and has affirmatively requested that he or she be so recorded. Proxy must be given in writing.

8. *Announcement of Votes.*—The results of all roll call votes taken in any meeting of the Committee on any measure, or amendment thereto, shall be announced in the Committee report, unless previously announced by the Committee. The announcement shall include a tabulation of the votes cast in favor and votes cast in opposition to each such measure and amendment by each member of the Committee who was present at such meeting. The Chairman, after consultation with the Ranking Minority Member, may hold open a roll call vote on any measure or matter which is before the Committee until no later than midnight of the day on which the Committee votes on such measure or matter.

9. *Subpoenas.*—Subpoenas for attendance of witnesses and for the production of memoranda, documents, records, and the like may be issued, after consultation with the Ranking Minority Member, by the Chairman or any other member designated by the Chairman, but only when authorized by a majority of the members of the Committee. The subpoena shall briefly state the matter to which the witness is expected to testify or the documents to be produced.

10. *Hearings.*—(a) Public notice shall be given of the date, place, and subject matter of any hearing to be held by the Committee, or any subcommittee thereof, at least 1 week in advance of such hearing, unless the Committee or subcommittee determines that good cause exists for beginning such hearings at an earlier time.

(b) Hearings may be initiated only by the specified authorization of the Committee or subcommittee.

(c) Hearings shall be held only in the District of Columbia unless specifically authorized to be held elsewhere by a majority vote of the Committee or subcommittee conducting such hearings.

(d) The Chairman of the Committee or subcommittee shall consult with the Ranking Minority Member thereof before naming witnesses for a hearing.

(e) Witnesses appearing before the Committee shall file with the clerk of the Committee a written statement of their proposed testimony prior to the hearing at which they are to appear unless the Chairman and the Ranking Minority Member determine that there is good cause not to file such a statement. Witnesses testifying on behalf of the Administration shall furnish an additional 50 copies of their statement to the Committee. All statements must be received by the Committee at least 48 hours (not including weekends or holidays) before the hearing.

(f) Confidential testimony taken or confidential material presented in a closed hearing of the Committee or subcommittee or any report of the proceedings of such hearing shall not be made public in whole or in part or by way of summary unless authorized by a majority vote of the Committee or subcommittee.

(g) Any witness summoned to give testimony or evidence at a public or closed hearing of the Committee or subcommittee may be accompanied by counsel of his own choosing who shall be permitted at all times during such hearing to advise such witness of his legal rights.

(h) Witnesses providing unsworn testimony to the Committee may be given a transcript of such testimony for the purpose of making minor grammatical corrections. Such witnesses will not, however, be permitted to alter the substance of their testimony. Any question involving such corrections shall be decided by the Chairman.

11. *Nominations.*—Unless otherwise ordered by the Committee, nominations referred to the Committee shall be held for at least seven (7) days before being voted on by the Committee. Each member of the Committee shall be furnished a copy of all nominations referred to the Committee.

12. *Real Property Transactions.*—Each member of the Committee shall be furnished with a copy of the proposals of the Secretaries of the Army, Navy, and Air Force, submitted pursuant to 10 U.S.C. 2662 and with a copy of the proposals of the Director of the Federal Emergency Management Agency, submitted pursuant to 50 U.S.C. App. 2285, regarding the proposed acquisition or disposition of property of an estimated price or rental of more than $50,000. Any member of the Committee objecting to or requesting information on a proposed acquisition or disposal shall communicate his objection or request to the Chairman of the Committee within thirty (30) days from the date of submission.

13. *Legislative Calendar.*—(a) The clerk of the Committee shall keep a printed calendar for the information of each Committee member showing the bills introduced and referred to the Committee and the status of such bills. Such calendar shall be revised from time to time to show pertinent changes in such bills, the current status thereof, and new bills introduced and referred to the Committee. A copy of each new revision shall be furnished to each member of the Committee.

(b) Unless otherwise ordered, measures referred to the Committee shall be referred by the clerk of the Committee to the appropriate department or agency of the Government for reports thereon.

14. Except as otherwise specified herein, the Standing Rules of the Senate shall govern the actions of the Committee. Each subcommittee of the Committee is part of the Committee, and is therefore subject to the Committee's rules so far as applicable.

15. *Powers and Duties of Subcommittees.*—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it. Subcommittee chairmen, after consultation with Ranking Minority Members of the subcommittees, shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

ACKNOWLEDGING STARTUP OF THE IDAHO NATIONAL LABORATORY

Mr. CRAPO. Mr. President, I rise today to acknowledge a new beginning with significance not only for the State of Idaho, but for the entire Nation. I am speaking of the February 1, 2005, formal launch of the new Idaho National Laboratory.

At the direction of the administration, the Idaho National Engineering and Environmental Laboratory and the Argonne National Laboratory-West, two esteemed research facilities that have served this country so well for over 55 years, are being combined to pursue even greater research and development heights as a single, cohesive enterprise. The new laboratory in Idaho has an unmatched foundation on which to pursue its Department of Energy-assigned vision of international nuclear leadership for the 21st century, compelling contributions in national and homeland security technology development, and execution of a broad supporting science and technology portfolio.

Idaho is the place where the first usable amount of electricity from nuclear energy was generated. It is where the propulsion system for the first nuclear-powered submarine was developed. And it is where 52 mostly first-of-their-kind, nuclear reactors were designed and constructed. Looking ahead, it is clearly a place well-qualified to implement the technology-based components of the national energy policy our Nation needs and that I hope this body will act on this year.

The new Idaho National Laboratory is being managed by a team that draws expertise from companies and academic institutions across the Nation. The Battelle Energy Alliance is led by Battelle Memorial Institute of Ohio. Its partners include BWX Technologies of Virginia, Washington Group International of Idaho, the Electric Power Research Institute of California and a Massachusetts Institute of Technology led national consortium of universities including North Carolina State University, Ohio State University, Oregon State University, the University of New Mexico, and Idaho's three research universities—Boise State University, Idaho State University, and the University of Idaho.

The competition for managing the lab brought out the highest caliber of teams. With the Battelle Energy Alliance, we have a truly extraordinary national team, committed to collaborating broadly to ensure our collective interests in energy security, homeland security and economic security are well served by the new Idaho National Laboratory.

LIEUTENANT COLONEL GABRIEL PATRICIO

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to Lieutenant Colonel Gabriel R. Patricio, who is concluding a 24-year career of dedication and excellence in the United States Marines. At the Marine Corps Systems Command in Quantico, VA in recent years, he has had a leading role in modernizing combat clothing and equipment to make troops faster, more efficient, lighter and safer in battle. Colonel Patricio's talents have produced the most significant upgrade in individual clothing and combat equipment for Marines in more than 50 years.

Colonel Patricio's ability to think outside-the-box served him well in finding better ways to solve old problems. His innovative ideas have reduced the time it takes to move a product from concept to the field; so that life-saving equipment is being made available to Marines more quickly. As an example, he reached across the services to the Army's Research and Development Center in Natick, MA to take advantage of their cutting-edge technology, which is now saving lives in Iraq.

Most recently, Colonel Patricio spearheaded an initiative to develop and field a state-of-the-art, on-the-move water purification and hydration system. Under his leadership, Systems Command and two private companies pooled their resources and expertise to create a pen-sized device that troops are now using to make local water clean and drinkable.

Colonel Patricio has successfully managed programs to develop and field other products to enhance the safety and performance of our troops in Iraq and elsewhere, including new, lightweight and more protective body armor; new protection for the face and eyes; lightweight helmets; improved load-bearing backpacks; hot weather, lightweight "Jungle/Desert" boots; high performance lightweight and heavyweight Polartec fleece clothing; and specialized mountain and cold-weather clothing, including gloves, boots and jackets.

Colonel Patricio has served the Marines, and the Nation well. I congratulate him on his many outstanding contributions, and I wish him a long and happy and healthy retirement.

DARFUR

Mr. FEINGOLD. Mr. President, the United Nations' Commission of Inquiry on the crisis in Darfur reported to the Security Council on Monday of this week. Like every credible account of what has happened in Darfur, the report makes for grim reading. The Commission pointed to the "killing of civilians, torture, enforced disappearances, destruction of villages, rape and other forms of sexual violence" in its discussion of the violations of international law that have occurred in the area, and also found that there may have been Sudanese Government officials and others who acted "with genocidal intent."

This report stands in stark contrast to the positive news that emerged from Sudan last month, when a comprehensive agreement to end the decades-long, devastating north-south civil war was signed. I welcomed that agreement, and I hope it is successful. But the truth is that I have little confidence in the Government of Sudan, and I see no reason to believe that a north-south peace agreement will awaken that government to its responsibility to protect all of its citizens. Just days after the historic peace agreement was signed, I visited the refugee camps of eastern Chad and spoke to Sudanese citizens who had fled Darfur. They spoke of their desperate need for basic security back at home, and they are right. Consistent reports indicate that the violence in Darfur has continued. The Commission of Inquiry's recent report serves to remind all of us, Mr. President, that tragedy persists in Sudan, and the world has not done enough to stop it.

Much of the attention surrounding this report, Mr. President, has focused on the Commission's recommendation that the International Criminal Court, or ICC, take up the Darfur issue with the intention of trying those responsible for atrocities.

Just as the question of whether or not to use the word "genocide" was, for some time, a debate that distracted attention from the need to take meaningful action to bring security to the people of Darfur, I fear that a new issue—the question of whether or not the crimes committed in Darfur should be taken up by the International Criminal Court—may soon dominate the debate.

Mr. President, the administration is implacably opposed to the ICC. Frankly, this is a subject on which the President and I share some common ground. I have not supported joining the ICC as it stands. I want more protection for our troops to ensure that they will not be targets of unjust and politically motivated prosecutions.

But I do believe that it was a mistake to walk off in a huff as the ICC was taking shape. It is hard to protect our troops from unfair prosecutions if we aren't at the table to win those protections.

I also believe that threatening our allies and trying to bully them into changing their position on the ICC, rather than sitting at the table to work these issues out, was a mistake. There are ways to protect our interests that do not involve infuriating the allies that we need to win the war on terrorism.

Certainly there are better ways to protect our interests than to stand in the way of trying people guilty of what our own administration has called genocide.

The American Servicemembers Protection Act, which Congress passed to give concrete form to the objections that many have to the ICC, contains a provision stating:

> Nothing in this title shall prohibit the United States from rendering assistance to international efforts to bring to justice Saddam Hussein, Slobodan Milosovic, Osama bin Laden, other members of Al Queda, leaders of Islamic Jihad, and other foreign nationals accused of genocide, war crimes or crimes against humanity.

It seems to me that the crisis in Darfur may be precisely the kind of situation that such a provision was intended to cover. We have an interest—a moral interest and a political interest—in refusing to accept impunity for the grave abuses that have been committed in Darfur and in promoting long-term stability by insisting on accountability. There is no question of American troops or political figures being involved. The legitimate concerns that we have with the ICC simply are relevant to this situation.

The administration's position today, as I understand it, is that we should create an entirely new international tribunal for Sudan. If that is what it takes to bring some justice to the people of Darfur, so be it. But it is not really difficult to understand why other members of the international community would be resistant to creating an entirely new structure, potentially every time that serious crimes against humanity occur, when a structure already exists for the express purposes of dealing with these issues. Particularly when our own administration has been pressing existing ad-hoc tribunals to wrap up their costly but important work, it seems odd to create another ad-hoc mechanism when the ICC exists. Most worryingly, it gives those who would rather continue to wallow in endless reviews and deliberations while people in Darfur die another opportunity to delay reviews and meaningful action.

So I believe that the administration should think about what makes good sense in this case. Efforts to bring an end to the crisis in Darfur have faltered, time and again, due to a lack of multilateral political will. Security Council members were unable to do more than contemplate the possibility of sanctions in the face of a terrible man-made catastrophe. We must continue to build a solid international coalition to pressure the Sudanese regime. I know that many of my colleagues and many in the administration share my frustration with the grace periods, the delays, the empty threats, and the hesitations. It is well past time, then, to do something about that. If we can send a former Secretary of State around the world to encourage others to relieve Iraqi debt, then we can appoint a very senior Presidential envoy to focus on this problem, to drum up support in capitals around the world, to squeeze every drop of potential cooperation from others with intense discussions and negotiations. The Government of Sudan should feel intense pressure every day, not hear mild scoldings and mixed messages every month or so. And the U.S. should not muddle our message by getting tangled up in our contorted position on the ICC.

Now the Commission of Inquiry's report has the potential to prod other states into action. It would be a terrible shame if the United States, once at the forefront of urging action on Sudan, now became a part of the problem.

MEDICARE ENHANCEMENT FOR NEEDED DRUGS ACT

Mr. FEINGOLD. Mr. President, I am proud to join the Senator from Maine, OLYMPIA SNOW, and the Senator from Oregon, RON WYDEN as an original cosponsor of the bipartisan Medicare Enhancement for Needed Drugs (MEND) Act. This bill takes necessary steps to ensure that our seniors, and our taxpayers, receive the best price possible on prescription drugs under the new Medicare prescription drug benefit. One of the primary reasons I voted against the Medicare Modernization Act was because I felt that it did not go far enough in addressing the skyrocketing prices of prescription drugs. Without strong, proactive measures to keep the prices of prescription drugs in check, seniors will continue to struggle to afford their prescription drugs, even with Medicare's help, and the overall cost of the Medicare Program will continue to mushroom.

There is bipartisan agreement that by prohibiting the Medicare Program from negotiating the prices of prescription drugs, the Medicare Modernization Act is actually failing to utilize the purchasing power of the Medicare Program. The MEND Act will repeal this prohibition, and allow—and in some circumstances mandate—the Secretary to negotiate the prices of prescription drugs. This type of negotiation will save taxpayers' dollars while reducing the costs of prescription drugs for Medicare beneficiaries.

The MEND Act also provides Medicare beneficiaries and taxpayers with valuable information on the prices of prescription drugs under the new Medicare benefit. This reporting will ensure that the prices of the drugs most used by seniors do not go up just as the Medicare prescription drug benefit goes into effect. It will also ensure that seniors and others who depend on Medicare have the complete, accurate information they need when deciding upon a prescription drug plan under Medicare.

It is important that we act now, in a bipartisan manner, to fix the flaws included in the Medicare Modernization Act before the prescription drug benefit begins next year. The MEND Act will help both those who depend on the Medicare Program, and those who have to pay for it, by acting to rein in the skyrocketing prices of prescription drugs.

HELPING TO PREPARE PROVIDERS TO CARE

Mr. AKAKA. Mr. President, so many of VA health care providers are truly dedicated to treating all of the ailments veterans face, including psychological ones. In an attempt to help VA providers understand the special needs of Operation Iraqi Freedom and Operation Enduring Freedom veterans, one particular VA health care region has made special efforts.

The Brockton Division of the VA Boston Healthcare System Continuing Education Committee hosted a conference, entitled "Preparing for the acute and long-term needs of Afghanistan and Iraq war veterans." Several experts in their respective fields served as speakers and made presentations to attendees. Brett Litz, Ph.D., of the National Center for Post Traumatic Stress Disorder, PTSD, discussed "Promoting Continuity of Care and Understanding: Putting the Long-Term Impact of the War in Afghanistan and Iraq in Context." Dr. Litz helped the crowd to appreciate the active-duty military mental health culture; understand the early intervention and the variety of interventions for acute trauma; and appreciate high probability themes to war-zone traumas in Afghanistan and Iraq veterans.

Lieutenant Colonel Chuck Engel, MD, MPH, of Walter Reed Medical Center, addressed "Quality of Post-Deployment Health Care in the Defense Health System—Steady Progress or Unified Promises?" Lt. Col. Engel informed attendees of the strengths and limitations of Deployment health initiatives in the Department of Defense; ways to improve the continuity of care from postdeployment to discharge and beyond; and the role of primary care in identifying and treating mental health problems caused by exposure to war.

Lieutenant Colonel Carl Castro, Ph.D., of Walter Reed Army Institute of Research, spoke about the "Impact of Combat on the Mental Health of Soldiers," focusing on the findings of the Mental Health Assessment Team's evaluation of Iraq War veterans mental health and well-being in the warzone; the findings of the psychological screening program in the U.S. Army; and the risk and resilience factors that predict deployment and post-deployment mental health in active duty military personnel.

The final featured speaker was Yuval Neria, Ph.D., of the New York Psychiatric Institute. Dr. Neria educated the audience about "Israeli War Veterans and POW's Two Decades After the War: Findings from the Yom Kippur 1973 War." She concentrated her discussion on understanding the phenomenology of war-trauma; understanding the nature of combat stress reactions; and understanding the impact of war-trauma across the lifespan.

These medical professionals provided just a snapshot of the strides VA has made and hopefully will continue to make in the field of war-trauma. I applaud these VA health care providers. As ranking member of the Committee on Veterans Affairs, I will be working to ensure that DoD and VA cooperate to make sure that there is a seamless transition from active military status to veteran status. VA providers are quite obviously incredibly important as we seek to make this seamless transition.

ADDITIONAL STATEMENTS

CELEBRATING THE 90TH BIRTHDAY OF THE AMERICAN MEDICAL WOMEN'S ASSOCIATION

• Ms. SNOWE. Mr. President, I rise to extend my congratulations to the American Medical Women's Association, AMWA, on the occasion of its 90th Birthday Year Celebration.

Throughout this century, AMWA, which is known as the Vision and Voice of Women in Medicine, has been determined in its efforts to advance women in the medical profession and to promote women's health. This leading multidisciplinary association of women in medicine in our country has encouraged and honored excellence in the fields of medicine, health care and science through a wide array of scholarships, grants, and awards, as well as diverse educational programs for physicians, medical students and the general public.

Over these nine decades, AMWA has supported numerous charitable programs, particularly focusing on the needs of disadvantaged women and their families. For 75 years, AMWA's American Women's Hospitals Service clinics in the U.S. and abroad have provided desperately needed care to the medically underserved. In addition, hundreds of medical students and residents have received remarkable healthcare training in these and other remote clinics worldwide through AMWA's sponsorship.

AMWA's advocacy on behalf of women's health and research has made AMWA a leading voice for the care of women and their children.

As someone who has been committed to expanding opportunities for women and enhancing women's health, I am pleased to have this opportunity to applaud the accomplishments of this outstanding organization and to celebrate with them the history and future of American Medical Women's Association.•

REPORT ON THE STATE OF THE UNION DELIVERED TO A JOINT SESSION OF CONGRESS ON FEBRUARY 2, 2005—PM 2

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was ordered to lie on the table:

To the Congress of the United States:

Mr. Speaker, Vice President Cheney, Members of Congress, fellow citizens:

As a new Congress gathers, all of us in the elected branches of Government share a great privilege: we have been placed in office by the votes of the people we serve. And tonight that is a privilege we share with newly elected leaders of Afghanistan, the Palestinian territories, Ukraine, and a free and sovereign Iraq.

Two weeks ago, I stood on the steps of this Capitol and renewed the commitment of our Nation to the guiding ideal of liberty for all. This evening I will set forth policies to advance that ideal at home and around the world.

Tonight, with a healthy, growing economy, with more Americans going back to work, with our Nation an active force for good in the world—the state of our Union is confident and strong. Our generation has been blessed—by the expansion of opportunity, by advances in medicine, and by the security purchased by our parents' sacrifice. Now, as we see a little gray in the mirror—or a lot of gray—and we watch our children moving into adulthood, we ask the question: What will be the state of their Union?

Members of Congress, the choices we make together will answer that question. Over the next several months, on issue after issue, let us do what Americans have always done, and build a better world for our children and grandchildren.

First, we must be good stewards of this economy, and renew the great institutions on which millions of our fellow citizens rely.

America's economy is the fastest growing of any major industrialized nation. In the past 4 years, we have provided tax relief to every person who pays income taxes, overcome a recession, opened up new markets abroad, prosecuted corporate criminals, raised homeownership to the highest level in history, and in the last year alone, the United States has added 2.3 million new jobs. When action was needed, the Congress delivered—and the Nation is grateful.

Now we must add to these achievements. By making our economy more flexible, more innovative, and more competitive, we will keep America the economic leader of the world.

America's prosperity requires restraining the spending appetite of the Federal Government. I welcome the bipartisan enthusiasm for spending discipline. So next week I will send you a budget that holds the growth of discretionary spending below inflation, makes tax relief permanent, and stays on track to cut the deficit in half by 2009. My budget substantially reduces or eliminates more than 150 Government programs that are not getting results, or duplicate current efforts, or do not fulfill essential priorities. The principle here is clear: a taxpayer dollar must be spent wisely, or not at all.

To make our economy stronger and more dynamic, we must prepare a rising generation to fill the jobs of the 21st century. Under the No Child Left Behind Act, standards are higher, test scores are on the rise, and we are closing the achievement gap for minority students. Now we must demand better results from our high schools, so every high school diploma is a ticket to success. We will help an additional 200,000 workers to get training for a better career, by reforming our job training system and strengthening America's community colleges. And we will make it easier for Americans to afford a college education, by increasing the size of Pell Grants.

To make our economy stronger and more competitive, America must reward, not punish, the efforts and dreams of entrepreneurs. Small business is the path of advancement, especially for women and minorities, so we must free small businesses from needless regulation and protect honest job-creators from junk lawsuits. Justice is distorted, and our economy is held back, by irresponsible class actions and frivolous asbestos claims—and I urge Congress to pass legal reforms this year.

To make our economy stronger and more productive, we must make health care more affordable, and give families greater access to good coverage, and more control over their health decisions. I ask Congress to move forward on a comprehensive health care agenda—with tax credits to help low-income workers buy insurance, a community health center in every poor county, improved information technology to prevent medical errors and needless costs, association health plans for small businesses and their employees, expanded health savings accounts, and medical liability reform that will reduce health care costs, and make sure patients have the doctors and care they need.

To keep our economy growing, we also need reliable supplies of affordable, environmentally responsible energy. Nearly 4 years ago, I submitted a comprehensive energy strategy that encourages conservation, alternative sources, a modernized electricity grid, and more production here at home, including safe, clean nuclear energy. My Clear Skies legislation will cut power plant pollution and improve the health of our citizens. And my budget provides strong funding for leading-edge technology—from hydrogen-fueled cars, to clean coal, to renewable sources such as ethanol. Four years of debate is enough—I urge Congress to pass legislation that makes America more secure and less dependent on foreign energy.

All these proposals are essential to expand this economy and add new jobs—but they are just the beginning of our duty. To build the prosperity of future generations, we must update institutions that were created to meet the needs of an earlier time. Year after year, Americans are burdened by an archaic, incoherent Federal tax code. I have appointed a bipartisan panel to examine the tax code from top to bottom. And when their recommendations are delivered, you and I will work together to give this Nation a tax code that is pro-growth, easy to understand, and fair to all.

America's immigration system is also outdated—unsuited to the needs of our economy and to the values of our country. We should not be content with laws that punish hardworking people who want only to provide for their families, and deny businesses willing workers, and invite chaos at our border. It is time for an immigration policy that permits temporary guest workers to fill jobs Americans will not take, that rejects amnesty, that tells us who is entering and leaving our country, and that closes the border to drug dealers and terrorists.

One of America's most important institutions—a symbol of the trust between generations—is also in need of wise and effective reform. Social Security was a great moral success of the 20th Century, and we must honor its great purposes in this new century. The system, however, on its current path, is headed toward bankruptcy. And so we must join together to strengthen and save Social Security.

Today, more than 45 million Americans receive Social Security benefits, and millions more are nearing retirement—and for them the system is strong and fiscally sound. I have a message for every American who is 55 or older: Do not let anyone mislead you. For you, the Social Security system will not change in any way.

For younger workers, the Social Security system has serious problems that will grow worse with time. Social Security was created decades ago, for a very different era. In those days people didn't live as long, benefits were much lower than they are today, and a half century ago, about 16 workers paid into the system for each person drawing benefits. Our society has changed in ways the founders of Social Security could not have foreseen. In today's world, people are living longer and therefore drawing benefits longer—and those benefits are scheduled to rise dramatically over the next few decades. And instead of 16 workers paying in for every beneficiary, right now it's only about three workers—and over the next few decades, that number will fall to just two workers per beneficiary. With each passing year, fewer workers are paying ever-higher benefits to an ever-larger number of retirees.

So here is the result: Thirteen years from now, in 2018, Social Security will be paying out more than it takes in. And every year afterward will bring a new shortfall, bigger than the year before. For example, in the year 2027, the Government will somehow have to come up with an extra 200 billion dollars to keep the system afloat—and by 2033, the annual shortfall would be more than 300 billion dollars. By the year 2042, the entire system would be exhausted and bankrupt. If steps are not taken to avert that outcome, the only solutions would be drastically higher taxes, massive new borrowing, or sudden and severe cuts in Social Security benefits or other Government programs.

I recognize that 2018 and 2042 may seem like a long way off. But those dates are not so distant, as any parent will tell you. If you have a five-year-old, you're already concerned about how you'll pay for college tuition 13 years down the road. If you've got children in their 20s, as some of us do, the idea of Social Security collapsing before they retire does not seem like a small matter. And it should not be a small matter to the United States Congress.

You and I share a responsibility. We must pass reforms that solve the financial problems of Social Security once and for all.

Fixing Social Security permanently will require an open, candid review of the options. Some have suggested limiting benefits for wealthy retirees. Former Congressman Tim Penny has raised the possibility of indexing benefits to prices rather than wages. During the 1990s, my predecessor, President Clinton, spoke of increasing the retirement age. Former Senator John Breaux suggested discouraging early collection of Social Security benefits. The late Senator Daniel Patrick Moynihan recommended changing the way benefits are calculated.

All these ideas are on the table. I know that none of these reforms would be easy. But we have to move ahead with courage and honesty, because our children's retirement security is more important than partisan politics. I will work with members of Congress to find the most effective combination of reforms. I will listen to anyone who has a good idea to offer. We must, however, be guided by some basic principles. We must make Social Security permanently sound, not leave that task for another day. We must not jeopardize our economic strength by increasing payroll taxes. We must ensure that lower income Americans get the help they need to have dignity and peace of mind in their retirement. We must guarantee that there is no change for those now retired or nearing retirement. And we must take care that any changes in the system are gradual, so younger workers have years to prepare and plan for their future.

As we fix Social Security, we also have the responsibility to make the system a better deal for younger workers. And the best way to reach that goal is through voluntary personal retirement accounts. Here is how the idea works. Right now, a set portion of the money you earn is taken out of your paycheck to pay for the Social Security benefits of today's retirees. If you are a younger worker, I believe you should be able to set aside part of that money in your own retirement account, so you can build a nest egg for your own future.

Here is why personal accounts are a better deal. Your money will grow, over time, at a greater rate than anything the current system can deliver—and your account will provide money for retirement over and above the check you will receive from Social Security. In addition, you'll be able to pass along the money that accumulates in your personal account, if you wish, to your children or grandchildren. And best of all, the money in the account is yours, and the Government can never take it away.

The goal here is greater security in retirement, so we will set careful guidelines for personal accounts. We will make sure the money can only go into a conservative mix of bonds and stock funds. We will make sure that your earnings are not eaten up by hidden Wall Street fees. We will make sure there are good options to protect your investments from sudden market swings on the eve of your retirement. We will make sure a personal account can't be emptied out all at once, but rather paid out over time, as an addition to traditional Social Security benefits. And we will make sure this plan is fiscally responsible, by starting personal retirement accounts gradually, and raising the yearly limits on contributions over time, eventually permitting all workers to set aside 4 percentage points of their payroll taxes in their accounts.

Personal retirement accounts should be familiar to Federal employees, because you already have something similar, called the Thrift Savings Plan, which lets workers deposit a portion of their paychecks into any of five different broadly based investment funds. It is time to extend the same security, and choice, and ownership to young Americans.

Our second great responsibility to our children and grandchildren is to honor and to pass along the values that sustain a free society. So many of my generation, after a long journey, have come home to family and faith, and are determined to bring up responsible, moral children. Government is not the source of these values, but government should never undermine them.

Because marriage is a sacred institution and the foundation of society, it should not be re-defined by activist judges. For the good of families, children, and society, I support a constitutional amendment to protect the institution of marriage.

Because a society is measured by how it treats the weak and vulnerable, we must strive to build a culture of life. Medical research can help us reach that goal, by developing treatments and cures that save lives and help people overcome disabilities—and I thank Congress for doubling the funding of the National Institutes of Health. To build a culture of life, we must also ensure that scientific advances always serve human dignity, not take advantage of some lives for the benefit of others. We should all be able to agree on some clear standards. I will work with Congress to ensure that human embryos are not created for experimentation or grown for body parts, and that human life is never bought and sold as a commodity. America will continue to lead the world in medical research that is ambitious, aggressive, and always ethical.

Because courts must always deliver impartial justice, judges have a duty to faithfully interpret the law, not legislate from the bench. As President, I have a constitutional responsibility to nominate men and women who understand the role of courts in our democracy, and are well qualified to serve on the bench—and I have done so. The Constitution also gives the Senate a responsibility: Every judicial nominee deserves an up-or-down vote.

Because one of the deepest values of our country is compassion, we must never turn away from any citizen who feels isolated from the opportunities of America. Our Government will continue to support faith-based and community groups that bring hope to harsh places. Now we need to focus on giving young people, especially young men in our cities, better options than apathy, or gangs, or jail. Tonight I propose a 3-year initiative to help organizations keep young people out of gangs, and show young men an ideal of manhood that respects women and rejects violence. Taking on gang life will be one part of a broader outreach to at-risk youth, which involves parents and pastors, coaches and community leaders, in programs ranging from literacy to sports. And I am proud that the leader of this nationwide effort will be our First Lady, Laura Bush.

Because HIV/AIDS brings suffering and fear into so many lives, I ask you to reauthorize the Ryan White Act to encourage prevention, and provide care and treatment to the victims of that disease. And as we update this important law, we must focus our efforts on fellow citizens with the highest rates of new cases, African-American men and women.

Because one of the main sources of our national unity is our belief in equal justice, we need to make sure Americans of all races and backgrounds have confidence in the system that provides justice. In America we must make doubly sure no person is held to account for a crime he or she did not commit—so we are dramatically expanding the use of DNA evidence to prevent wrongful conviction. Soon I will send to Congress a proposal to fund special training for defense counsel in capital cases, because people on trial for their lives must have competent lawyers by their side.

Our third responsibility to future generations is to leave them an America that is safe from danger, and protected by peace. We will pass along to our children all the freedoms we enjoy—and chief among them is freedom from fear.

In the three and a half years since September 11th, 2001, we have taken unprecedented actions to protect Americans. We have created a new department of Government to defend our homeland, focused the FBI on preventing terrorism, begun to reform our intelligence agencies, broken up terror cells across the country, expanded research on defenses against biological and chemical attack, improved border security, and trained more than a half million first responders. Police and firefighters, air marshals, researchers, and so many others are working every day to make our homeland safer, and we thank them all.

Our Nation, working with allies and friends, has also confronted the enemy abroad, with measures that are determined, successful, and continuing. The al-Qaida terror network that attacked our country still has leaders—but many of its top commanders have been removed. There are still governments that sponsor and harbor terrorists—but their number has declined. There are still regimes seeking weapons of mass destruction—but no longer without attention and without consequence. Our country is still the target of terrorists who want to kill many, and intimidate us all—and we will stay on the offensive against them, until the fight is won.

Pursuing our enemies is a vital commitment of the war on terror—and I thank the Congress for providing our servicemen and women with the resources they have needed. During this time of war, we must continue to support our military and give them the tools for victory.

Other nations around the globe have stood with us. In Afghanistan, an international force is helping provide security. In Iraq, 28 countries have troops on the ground, the United Nations and the European Union provided technical assistance for elections, and NATO is leading a mission to help train Iraqi officers. We are cooperating with 60 governments in the Proliferation Security Initiative, to detect and stop the transit of dangerous materials. We are working closely with governments in Asia to convince North Korea to abandon its nuclear ambitions. Pakistan, Saudi Arabia, and nine other countries have captured or detained al-Qaida terrorists. In the next 4 years, my Administration will continue to build the coalitions that will defeat the dangers of our time.

In the long term, the peace we seek will only be achieved by eliminating the conditions that feed radicalism and ideologies of murder. If whole regions of the world remain in despair and grow in hatred, they will be the recruiting grounds for terror, and that terror will stalk America and other free nations for decades. The only force powerful enough to stop the rise of tyranny and terror, and replace hatred with hope, is the force of human freedom. Our enemies know this, and that is why the terrorist Zarqawi recently declared war on what he called the "evil principle" of democracy. And we have declared our own intention: America will stand with the allies of freedom to support democratic movements in the Middle East and beyond, with the ultimate goal of ending tyranny in our world.

The United States has no right, no desire, and no intention to impose our form of Government on anyone else. That is one of the main differences between us and our enemies. They seek to impose and expand an empire of oppression, in which a tiny group of brutal, self-appointed rulers control every aspect of every life. Our aim is to build and preserve a community of free and independent nations, with governments that answer to their citizens, and reflect their own cultures. And because democracies respect their own people and their neighbors, the advance of freedom will lead to peace.

That advance has great momentum in our time—shown by women voting in Afghanistan, and palestinians choosing a new direction, and the people of Ukraine asserting their democratic rights and electing a president. We are witnessing landmark events in the history of liberty. And in the coming years, we will add to that story.

The beginnings of reform and democracy in the Palestinian territories are showing the power of freedom to break old patterns of violence and failure. Tomorrow morning, Secretary of State Rice departs on a trip that will take her to Israel and the West Bank for meetings with Prime Minister Sharon and President Abbas. She will discuss with them how we and our friends can help the Palestinian people end terror and build the institutions of a peaceful, independent democratic state. To promote this democracy, I will ask Congress for 350 million dollars to support Palestinian political, economic, and security reforms. The goal of two democratic states, Israel and Palestine, living side by side in peace is within reach—and America will help them achieve that goal.

To promote peace and stability in the broader Middle East, the United States will work with our friends in the region to fight the common threat of terror, while we encourage a higher standard of freedom. Hopeful reform is already taking hold in an arc from Morocco to Jordan to Bahrain. The government of Saudi Arabia can demonstrate its leadership in the region by expanding the role of its people in determining their future. And the great and proud nation of Egypt, which showed the way toward peace in the Middle East, can now show the way toward democracy in the Middle East.

To promote peace in the broader Middle East, we must confront regimes that continue to harbor terrorists and pursue weapons of mass murder. Syria still allows its territory, and parts of Lebanon, to be used by terrorists who seek to destroy every chance of peace in the region. You have passed, and we are applying, the Syrian Accountability Act—and we expect the Syrian government to end all support for terror and open the door to freedom. Today, Iran remains the world's primary state sponsor of terror—pursuing nuclear weapons while depriving its people of the freedom they seek and deserve. We are working with European allies to make clear to the Iranian regime that it must give up its uranim enrichment program and any plutonium re-processing, and end its support for terror. And to the Iranian people, I say tonight: As you stand for your own liberty, America stands with you.

Our generational commitment to the advance of freedom, especially in the Middle East, is now being tested and honored in Iraq. That country is a vital front in the war on terror, which is why the terrorists have chosen to make a stand there. Our men and women in uniform are fighting terrorists in Iraq, so we do not have to face them here at home. And the victory of freedom in Iraq will strengthen a new ally in the war on terror, inspire democratic reformers from Damascus to Tehran, bring more hope and progress to a troubled region, and thereby lift a terrible threat from the lives of our children and grandchildren.

We will succeed because the Iraqi people value their own liberty—as they showed the world last Sunday. Across Iraq, often at great risk, millions of citizens went to the polls and elected 275 men and women to represent them in a new Transitional National Assembly. A young woman in Baghdad told of waking to the sound of mortar fire on election day, and wondering if it might be too dangerous to vote. She said, "hearing those explosions, it occurred to me—the insurgents are weak, they are afraid of democracy, they are losing. . . . So I got my husband, and I got my parents, and we all came out and voted together." Americans recognize that spirit of liberty, because we share it. In any nation, casting your vote is an act of civic responsibility; for millions of Iraqis, it was also an act of personal courage, and they have earned the respect of us all.

One of Iraq's leading democracy and human rights advocates is Safia Taleb al-Suhail. She says of her country, "we were occupied for 35 years by Saddam Hussein. That was the real occupation. . . . Thank you to the American people who paid the cost . . . but most of all to the soldiers." Eleven years ago, Safia's father was assassinated by Saddam's intelligence service. Three days ago in Baghdad, Safia was finally able to vote for the leaders of her country—and we are honored that she is with us tonight.

The terrorists and insurgents are violently opposed to democracy, and will continue to attack it. Yet the terrorists' most powerful myth is being destroyed. The whole world is seeing that the car bombers and assassins are not only fighting coalition forces, they are trying to destroy the hopes of Iraqis, expressed in free elections. And the whole world now knows that a small group of extremists will not overturn the will of the Iraqi people.

We will succeed in Iraq because Iraqis are determined to fight for their own freedom, and to write their own history. As Prime Minister Allawi said in his speech to Congress last September, "Ordinary Iraqis are anxious . . . to shoulder all the security burdens of our country as quickly as possible." This is the natural desire of an independent nation, and it also is the stated mission of our coalition in Iraq. The new political situation in Iraq opens a new phase of our work in that country. At the recommendation of our commanders on the ground, and in consultation with the Iraqi government, we will increasingly focus our efforts on helping prepare more capable Iraqi security forces—forces with skilled officers, and an effective command structure. As those forces become more self-reliant and take on greater security responsibilities, America and its coalition partners will increasingly be in a supporting role. In the end, Iraqis must be able to defend their own country—and we will help that proud, new nation secure its liberty.

Recently an Iraqi interpreter said to a reporter, "Tell America not to abandon us." He and all Iraqis can be certain: While our military strategy is adapting to circumstances, our commitment remains firm and unchanging. We are standing for the freedom of our Iraqi friends, and freedom in Iraq will make America safer for generations to come. We will not set an artificial timetable for leaving Iraq, because that would embolden the terrorists and make them believe they can wait us out. We are in Iraq to achieve a result: A country that is democratic, representative of all its people, at peace with its neighbors, and able to defend itself. And when that result is achieved, our men and women serving in Iraq will return home with the honor they have earned.

Right now, Americans in uniform are serving at posts across the world, often taking great risks on my orders. We have given them training and equipment; and they have given us an example of idealism and character that makes every American proud. The volunteers of our military are unrelenting in battle, unwavering in loyalty, unmatched in honor and decency, and every day they are making our Nation more secure. Some of our servicemen and women have survived terrible injuries, and this grateful country will do everything we can to help them recover. And we have said farewell to some very good men and women, who died for our freedom, and whose memory this Nation will honor forever.

One name we honor is Marine Corps Sergeant Byron Norwood of Pflugerville, Texas, who was killed during the assault on Fallujah. His mom, Janet, sent me a letter and told me how much Byron loved being a Marine, and how proud he was to be on the front line against terror. She wrote, "When Byron was home the last time, I said that I wanted to protect him like I had since he was born. He just hugged me and said: 'You've done your job, mom. Now it's my turn to protect you.'" Ladies and gentlemen, with grateful hearts, we honor freedom's defenders, and our military families, represented here this evening by Sergeant Norwood's mom and dad, Janet and Bill Norwood.

In these 4 years, Americans have seen the unfolding of large events. We have known times of sorrow, and hours of uncertainty, and days of victory. In all this history, even when we have disagreed, we have seen threads of purpose that unite us. The attack on freedom in our world has reaffirmed our confidence in freedom's power to change the world. We are all part of a great venture: To extend the promise of freedom in our country, to renew the values that sustain our liberty, and to spread the peace that freedom brings.

As Franklin Roosevelt once reminded Americans, "each age is a dream that is dying, or one that is coming to birth." And we live in the country where the biggest dreams are born. The abolition of slavery was only a dream—until it was fulfilled. The liberation of Europe from fascism was only a dream—until it was achieved. The fall of imperial communism was only a dream—until, one day, it was accomplished. Our generation has dreams of its own, and we also go forward with confidence. The road of Providence is uneven and unpredictable—yet we know where it leads: It leads to freedom.

Thank you, and may God bless America.

GEORGE W. BUSH.
THE WHITE HOUSE, *February 2, 2005.*

MESSAGE FROM THE HOUSE

At 12:37 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 120. An act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building".

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Sergeant First Class John Marshall Post Office Building".

The message also announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 39. Concurrent resolution providing for an adjournment of the House of Representatives.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 120. An act to designate the facility of the United States Postal Service located at 30777 Rancho California Road in Temecula, California, as the "Dalip Singh Saund Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

H.R. 289. An act to designate the facility of the United States Postal Service located at 8200 South Vermont Avenue in Los Angeles, California, as the "Staff Sergeant First Class John Marshall Post Office Building"; to the Committee on Homeland Security and Governmental Affairs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–385. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the monthly report on the status of licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–386. A communication from the Assistant Secretary of the Army, transmitting, pursuant to law, the report on flood control at Antelope Creek at Lincoln, Nebraska; to the Committee on Environment and Public Works.

EC–387. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report on the incidence and severity of sediment contamination in surface waters of the United States, National sediment quality survey; to the Committee on Environment and Public Works.

EC–388. A communication from the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report on Fiscal Year 2003 implementation of the Waste Isolation Pilot Plant Land Withdrawal Act; to the Committee on Environment and Public Works.

EC–389. A communication from the Executive Director for Operations, Nuclear Regulatory Commission, transmitting, pursuant to law, the report on Year 2004 inventory of commercial activities and inherently governmental functions; to the Committee on Environment and Public Works.

EC–390. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, the report of a rule entitled "Guidelines on Awarding Section 319 Grants to Indian Tribes Requests for Grants Proposals for Watershed Projects" (FRL 7849–3) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–391. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania: Revision to the 1-Hour Ozone Maintenance Plan for the Pittsburgh-Beaver Valley Area to Reflect the Use of MOBILE6" (FRL 7845–6) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–392. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Minnesota: Minneapolis-St. Paul Carbon Monoxide Maintenance Plan Update" (FRL 7846–7) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–393. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision; 1-Hour Ozone Control Program" (FRL 7845–8) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–394. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants: Delegation of Authority to Louisiana" (FRL 7847–8) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–395. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "North Carolina: Final Authorization of State Hazardous Waste Management Program Revision" (FRL 7847–9) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–396. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "10 CFR Parts 25 and 95: Broadening Scope of Access Authorization and Facility Security Clearance Regulations" (RIN3150–AH52) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–397. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plan Kentucky: 1-Hour Ozone Maintenance Plan Update for Edmonson Area" (FRL 7847–9) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–398. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Operating Permits Program: State of Missouri" (FRL 7850–3) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–399. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Disposal; Designation of a Dredged Material Disposal Site in Rhode Island Sound" (FRL 7848–2) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–400. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "OMB Approvals Under the Paperwork Reduction Act; Technical Amendment" (FRL 7849–9) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–401. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Process for Exempting Critical Uses from the Phaseout of Methyl Bromide" (FRL 7850–8) received on December 17, 2004; to the Committee on Environment and Public Works.

EC–402. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Maryland. Control of VOC Emissions from yeast Manufacturing Correction" (FRL 7815–5) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–403. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans: Michigan: Oxides of Nitrogen" (FRL 7849–1) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–404. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Availability of Federally-Enforceable State Implementation Plans for All States" (FRL 7852–2) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–405. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Arizona State Implementation Plan, Maricopa County Environmental Services Department; Revisions to the California State Implementation Plan, South Coast Air Quality Management District; Disapproval of State Implementation Plan Revisions, Monterey Bay Unified Air Pollution Control District" (FRL 7847–6) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–406. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Amendments to the Size Thresholds for Defining Major Sources and to the NSR Offset Rations for Sources of VOC and NOX" (FRL 7855–3) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–407. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Approval of Minor Clarifications to Municipal Regulations" (FRL 7855–1) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–408. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; Excess Volatile Organic Compound and Nitrogen Oxides Emissions Fee Rule" (FRL 7853–9) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–409. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emissions Standards for Consumer Products" (FRL 7854–7) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–410. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emissions Standards for Mobile Equipment Repair and Refinishing" (FRL 7852–6) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–411. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emissions Standards for Portable Fuel Containers and Spouts" (FRL 7853–5) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–412. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; District of Columbia; VOC Emission Standards for Solvent Cleaning" (FRL 7853–3) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–413. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Virginia; Approval of the Control of VOC Emissions from Municipal Solid Waste Landfills in Northern Virginia" (FRL 7853–7) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–414. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: Virginia: Excess Volatile Organic Compound and Nitrogen Oxides Emissions Fee Rule" (FRL 7853-1) received on December 31, 2004; to the Committee on Environment and Public Works.

EC–415. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry and Other Processes Subject to the Negotiated Regulation for Equipment and Leaks" (FRL 7852-3) received on December 31, 2004; to the Committee on Environment and Public Works.

EC-416. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Air Quality Designations and Classifications for the Fine Particles (PM2.5) National Ambient Air Quality Standards" (FRL 7856–1) received on January 3, 2005; to the Committee on Environment and Public Works .

EC-417. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; New Mexico; Recodification and SIP Renumbering of the New Mexico Administrative Code for Albuquerque/Bernalillo County" (FRL 7856–3) received on January 3, 2005; to the Committee on Environment and Public Works.

EC–418. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Texas; Victoria County Maintenance Plan Update" (FRL 7856–7) received on January 3, 2005; to the Committee on Environment and Public Works.

EC–419. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Clarification of Address for Documents Filed with EPA's Environmental Appeals Board" (FRL 7855-6) received on January 3, 2005; to the Committee on Environment and Public Works.

EC–420. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "New York: Final Authorization of State Hazardous Waste Management Program Revision" (FRL 7857-8) received on January 13, 2005; to the Committee on Environment and Public Works.

EC–421. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York State Implementation Plan Revision" (FRL 7852-5) received on January 13, 2005; to the Committee on Environment and Public Works.

EC–422. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation; Idaho; Revised Format for Materials Being Incorporated by Reference" (FRL 7842–3) received on January 11, 2005; to the Committee on Environment and Public Works.

EC-423. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation; West Virginia; Redesignation of the City of Weirton Including Clay and Butler Magisterial Districts SO2 Nonattainment Area and Approval of the Maintenance Plan" (FRL 7852-8) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–424. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Facilities and Pollutants; Bernalillo County, New Mexico; Negative Declaration" (FRL 7858–5) received on January 11, 2005; to the Committee on Environment and Public Works.

EC-425. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Peanuts, Tree Nuts, Milk, Soybeans, Eggs, Fish, Crustacea, and Wheat; Exemption From the Requirements of a Tolerance" (FRL 7694–5) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–426. A communication from the Deputy Associate Administrator, Environmental Protection Agency, .transmitting, pursuant to law, the report of a rule entitled "Protection of Stratospheric Ozone: Leak Repair Requirements for Appliances Using Substitute Refrigerants" (FRL 7858-7) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–427. A communication from the Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Ocean Dumping; Designation of Sites Offshore Palm Beach Harbor, Florida and Offshore Port Everglades Harbor, Florida" (FRL 7861–7) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–428. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "10 CFR Part 30: Security Requirements for Portable Gauges Containing Byproduct Material" (RIN3150-AH06) received on January 13, 2005; to the Committee on Environment and Public Works.

EC–429. A communication from the Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "NRC Enforcement Policy" received on January 13, 2005; to the Committee on Environment and Public Works.

EC–430. A communication from the Assistant Secretary for Fish, Wildlife, and Parks, Fish and Wildlife Service, transmitting, pursuant to law, the report of a rule entitled "Regulations for Nonessential Experimental Populations of the Western Distinct Population Segment of the Gray Wolf" (RIN1018-A T61) received on January 11, 2005; to the Committee on Environment and Public Works.

EC–431. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Planning Purposes: Washington, Yakima County Nonattainment Area Boundary Revision" (FRL 7866–3) received on February 1, 2005; to the Committee on Environment and Public Works.

EC-432. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans and Designation of Areas for Air Quality Purposes: Washington, Yakima PM–10 Nonattainment Area Limited Maintenance Plan" (FRL 7866–4) received on February 1, 2005; to the Committee on Environment and Public Works.

EC-433. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Transportation Equipment Cleaning Point Source Category" (FRL 7866-7) received on February 1, 2005; to the Committee on Environment and Public Works.

EC–434. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "National Priorities List for Uncontrolled Hazardous Waste Sites" (FRL 7864–1) received on February 1, 2005; to the Committee on Environment and Public Works.

EC-435. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; South Carolina; Definitions and General Requirements" (FRL 7863–5) received on February 1, 2005; to the Committee on Environment and Public Works.

EC-436. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; New York; Low Emission Vehicle Program" (FRL 7851–1) received on February 1, 2005; to the Committee on Environment and Public Works.

EC-437. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio" (FRL 7862-8) received on February 1, 2005; to the Committee on Environment and Public Works.

EC-438. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Georgia: Final Authorization of State Hazardous Waste Management Program Revision" (FRL 7864-6) received on February 1, 2005; to the Committee on Environment and Public Works.

EC-439. A communication from the Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Multiple Chemicals; Extension of Tolerances for Emergency Exemptions" (FRL 7688–6) received on December 7, 2004; to the Committee on Agriculture, Nutrition, and Forestry.

EC-440. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Asian Longhorned Beetle; Addition to Quarantined

Area" (Doc. No. 04–130–1) received on January 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-441. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Waiver of the Requirement to Use Weighted Averages in the National School Lunch and School Breakfast Programs" received on January 5, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–442. A communication from the Director, Office of Energy Policy and New Uses, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guidelines for Designating Biobased Products for Federal Procurement" (RIN0503–AA26) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–443. A communication from the Acting Under Secretary, Rural Development, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Guaranteed Rural Rental Housing Program; Secondary Mortgage Market Participation" (RIN0575–AC28) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–444. A communication from the Director, Office of Procurement and Property Management, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Agriculture Acquisition Regulation: Miscellaneous Amendments" (RIN0599–AA11) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-445. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Confidential Information and Commission Records and Information" received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–446. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "In the Matter of the Intercontinental Exchange, Inc., Petition for Expansion of the Definition of an Eligible Commercial Entity Under Section 1a(11)(C) of the Commodity Exchange Act" received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–447. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Collection of Claims Owed the United States Arising from Activities Under the Commission's Jurisdiction" (RIN3038–AC03) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–448. A communication from the Executive Director, Commodity Futures Trading Commission, transmitting, pursuant to law, the report of a rule entitled "Fees for Reviews of the Rules Enforcement Programs of Contract Markets and Registered Futures Associations" received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-449. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National School Lunch Program: Requirement for Variety of Fluid Milk in Reimbursable Meals" (RIN0584–AD55) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–450. A communication from the Regulations Officer, Forest Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "National Forest System Land and Resource Management Planning" (36 CFR 219) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-451. A communication from the Acting Administrator, Food Safety and Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Uniform Compliance Date for Food Labeling Regulations" (RIN0583–AD05) received on January 24, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–452. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Flurozypyr; Pesticide Tolerances for Emergency Exemptions" (FRL 7695–2) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–453. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Chlorfenapyr; Pesticide Tolerance" (FRL7696–5) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-454. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Imidacloprid; Pesticide Tolerances for Emergency Exemptions" (FRL7691–2) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–455. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Quinoxyfen; Pesticide Tolerances for Emergency Exemptions" (FRL7695–3) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC-456. A communication from the Principal Deputy Associate Administrator of the Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Bifenazate; Pesticide Tolerances for Emergency Exemptions" (FRL7696–2) received on January 25, 2005; to the Committee on Agriculture, Nutrition, and Forestry.

EC–457. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of major defense equipment sold commercially under a contract in the amount of $25,000,000 or more to Greece; to the Committee on Foreign Relations.

EC–458. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau of Africa, received on January 24, 2005; to the Committee on Foreign Relations.

EC–459. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau of Africa, received on January 24, 2005; to the Committee on Foreign Relations.

EC-460. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Policy and Program Coordination, received on January 24, 2005; to the Committee on Foreign Relations.

EC-461. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Policy and Program Coordination, received on January 24, 2005; to the Committee on Foreign Relations.

EC–462. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination for the position of Assistant Administrator, Bureau for Asia and the Near East, received on January 24, 2005; to the Committee on Foreign Relations.

EC-463. A communication from the Executive Director and Chief of Staff, Agency for International Development, transmitting, pursuant to law, the report of a nomination confirmed for the position of Assistant Administrator, Bureau for Asia and the Near East, received on January 24, 2005; to the Committee on Foreign Relations.

EC–464. A communication from the Executive Director, International Broadcasting Bureau, Broadcasting Board of Governors, transmitting, pursuant to law, the report of a vacancy in the position of International Broadcasting Bureau Director, received on December 1, 2005; to the Committee on Foreign Relations.

EC-465. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the annual report on the Benjamin A. Gilman International Scholarship Program; to the Committee on Foreign Relations.

EC–466. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control act, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Columbia; to the Committee on Foreign Relations.

EC–467. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed license for the export of defense articles or defense services sold commercially under contract in the amount of $50,000,000 or more to Bolivia; to the Committee on Foreign Relations.

EC-468. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to the Arms Export Control Act, the certification of a proposed manufacturing license agreement with Russia; to the Committee on Foreign Relations.

EC-469. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, with Canada, Norway, Japan, Armenia, Latvia, Cape Verde, and China; to the Committee on Foreign Relations.

EC-470. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the report on the actions taken by the United States at the United Nations to show the inappropriateness of Sudan's membership on the Commission on Human Rights; to the Committee on Foreign Relations.

EC–471. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, with Honduras, Brazil, Kazakhstan, Egypt, Hungary, and Iraq; to the Committee on Foreign Relations.

EC–472. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, with Canada, China, United Kingdom, South Korea, Marshall Islands, and Liberia; to the Committee on Foreign Relations.

EC–473. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the report of the texts and background statements of international agreements, other than treaties, with Thailand; to the Committee on Foreign Relations.

EC–474. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the Foreign Affairs Council Assessment on Secretary Colin Powell's State Department; to the Committee on Foreign Relations.

EC–475. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to Executive Order 13346 of July 8, 2004, the annual certification of the effectiveness of the Australia Group; to the Committee on Foreign Relations.

EC–476. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, Presidential Determination Number 2005–14, relative to Israel, and the periodic report provided for under Section 6 of the Jerusalem Embassy Act of 1995; to the Committee on Foreign Relations.

EC–477. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the Certification to the Congress for Venezuela, and a modification to the 2004 Certification to Congress relating to Trinidad and Tobago and Panama; to the Committee on Foreign Relations.

EC–478. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the two-part report to Congress on various conditions in Bosnia and Herzegovina; to the Committee on Foreign Relations.

EC–479. A communication from the Director of the Peace Corps, transmitting, pursuant to law, the report on Fiscal Year 2004 Competitive Sourcing Requirements; to the Committee on Foreign Relations.

EC–480. A communication from the Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, the notification of the State Department's intent to obligate $200,000 in Nonproliferation and Disarmament Fund assistance for NDF Proposal Number 236; to the Committee on Foreign Relations.

EC–481. A communication from the Assistant Administrator, Bureau for Legislative and Public Affairs, Agency for International Development, transmitting, pursuant to law, the report on competitive sourcing activities during Fiscal Year 2004; to the Committee on Foreign Relations.

EC–482. A communication from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting, pursuant to law, notification of certain restrictions of Presidential Determination 2005–09 with respect to the Russian Federation; to the Committee on Foreign Relations.

EC–483. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–484. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Assets; Expected Retirement Age" received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–485. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Disclosure to Participants; Benefits Payable in Single-Employer Plans" received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–486. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Allocation of Assets in Single-Employer Plans; Valuation of Assets; Expected Retirement Age" received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–487. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–488. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Disclosure to Participants; Benefits Payable in Single-Employer Plans" received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–489. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Doc. No. 2003F–0088) received on January 24, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–490. A communication from the Director, Regulations, Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Irradiation in the Production, Processing and Handling of Food" (Doc. No. 1993F–0357) received on January 24, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–491. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of the discontinuation of service in acting role, and a nomination confirmed for the position of Assistant Secretary for Policy; to the Committee on Health, Education, Labor, and Pensions.

EC–492. A communication from the Human Resources Specialist, Office of the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the report of a vacancy and the designation of acting officer for the position of Assistant Secretary for Mine Safety and Health; to the Committee on Health, Education, Labor, and Pensions.

EC–493. A communication from the Director, Corporate Policy and Research Department, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocations of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" received on January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–494. A communication from the Director, Regulations Policy and Management Staff, Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medical Devices: general Hospital and Personal use Devices: Classification of Implantable Radiofrequency Transponder System for Patient Identification and Health Information" (Doc. No. 2004N–0477) received January 5, 2005; to the Committee on Health, Education, Labor, and Pensions.

EC–495. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2004 report on competitive sourcing activities; to the Committee on Health, Education, Labor, and Pensions.

EC–496. A communication from the Secretary of Labor, transmitting, pursuant to law, a report on the International HIV/AIDS Workplace Program for Fiscal Year 2004; to the Committee on Health, Education, Labor, and Pensions.

EC–497. A communication from the Assistant Secretary for Administration and Management, Department of Health and Human Services, transmitting, pursuant to law, the Fiscal Year 2004 FAIR Act inventory; to the Committee on Health, Education, Labor, and Pensions.

EC–498. A communication from the Assistant Secretary for Administration and Management, Department of Labor, transmitting, pursuant to law, the Fiscal Year 2004 report for the Buy American Act; to the Committee on Health, Education, Labor, and Pensions.

EC–499. A communication from the Assistant Secretary for Administration and Management, Competitive Sourcing Official, Department of Labor, transmitting, pursuant to law, the Fiscal Year 2004 Report on Competitive Sourcing Activities; to the Committee on Health, Education, Labor, and Pensions.

EC–500. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on Services Implementation of Title II of the Public Health Security and Bioterrorism Preparedness and Responses Act of 2002; to the Committee on Health, Education, Labor, and Pensions.

EC–501. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Report on the Fiscal Year 2002 Low Income Home Energy

Assistance Program: to the Committee on Health, Education, Labor, and Pensions.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. ENZI, from the Committee on Health, Education, Labor, and Pensions, without amendment:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions.

By Mr. CRAIG, from the Committee on Veterans' Affairs, without amendment:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Veterans' Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 257. A bill to amend title 23, United States Code, to provide grant eligibility for a State that adopts a program for the impoundment of vehicles operated by persons while under the influence of alcohol; to the Committee on Environment and Public Works.

By Mr. DEWINE (for himself and Mr. DODD):

S. 258. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. JOHNSON (for himself and Mr. THOMAS):

S. 259. A bill to require that Federal forfeiture funds be used, in part, to clean up methamphetamine laboratories; to the Committee on the Judiciary.

By Mr. INHOFE:

S. 260. A bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program; to the Committee on Environment and Public Works.

By Mr. LIEBERMAN (for himself, Mr. CHAFEE, Mr. KENNEDY, Mr. DAYTON, Mr. SALAZAR, Mr. REED, Mr. KERRY, Mr. KOHL, Ms. STABENOW, Mr. DURBIN, Ms. CANTWELL, Mr. DODD, Mr. BIDEN, Mr. FEINGOLD, Mr. LEAHY, Mr. CORZINE, Mr. LAUTENBERG, Mrs. MURRAY, Mr. HARKIN, Mr. SCHUMER, Mrs. CLINTON, Mr. SARBANES, Mrs. BOXER, and Mr. WYDEN):

S. 261. A bill to designate a portion of the Arctic National Wildlife Refuge as wilderness; to the Committee on Environment and Public Works.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. AKAKA):

S. 262. A bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. DURBIN, Mr. ROBERTS, and Mr. INOUYE):

S. 263. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 264. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii; to the Committee on Energy and Natural Resources.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. JEFFORDS, Mr. TALENT, Mrs. MURRAY, and Mrs. CLINTON):

S. 265. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LAUTENBERG (for himself, Mr. KENNEDY, Mr. DURBIN, Mr. CORZINE, Mrs. CLINTON, Mr. DORGAN, Mrs. MURRAY, Mr. JOHNSON, Mr. REED, Mr. LIEBERMAN, and Mr. LEAHY):

S. 266. A bill to stop taxpayer funded Government propaganda; to the Committee on the Judiciary.

By Mr. CRAIG (for himself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 267. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HARKIN (for himself, Mrs. CLINTON, Mr. COCHRAN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LUGAR; Mr. ROCKEFELLER, and Mr. WYDEN):

S. 268. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KERRY (for himself, Mr. REED, Mr. DODD, Mr. BINGAMAN, Mr. KOHL, Mr. JEFFORDS, Ms. CANTWELL, Mr. JOHNSON, Mr. PRYOR, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, and Mr. OBAMA):

S. 269. A bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. LUGAR:

S. 270. A bill to provide a framework for consideration by the legislative and executive branches of proposed unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

By Mr. MCCAIN (for himself, Mr. FEINGOLD, Mr. LOTT, Mr. LIEBERMAN, Mr. SCHUMER, Ms. SNOWE, Ms. COLLINS, and Mr. SALAZAR):

S. 271. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ENZI:

S. Res. 34. An original resolution authorizing expenditures by the Committee on Health, Education, Labor, and Pensions; from the Committee on Health, Education, Labor, and Pensions; to the Committee on Rules and Administration.

By Mr. CRAIG:

S. Res. 35. An original resolution authorizing expenditures by the Committee on Veterans' Affairs; from the Committee on Veterans' Affairs; to the Committee on Rules and Administration.

By Mr. ENSIGN (for himself and Mr. DODD):

S. Con. Res. 9. A concurrent resolution recognizing the second century of Big Brothers Big Sisters, and supporting the mission and goals of that organization; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 12

At the request of Mr. DORGAN, his name was added as a cosponsor of S. 12, a bill to combat international terrorism, and for other purposes.

S. 20

At the request of Mr. REID, the names of the Senator from California (Mrs. BOXER) and the Senator from Vermont (Mr. JEFFORDS) were added as cosponsors of S. 20, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce the number of abortions, and improve access to women's health care.

S. 29

At the request of Mrs. FEINSTEIN, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. 29, a bill to amend title 18, United States Code, to limit the misuse of social security numbers, to establish criminal penalties for such misuse, and for other purposes.

S. 53

At the request of Mr. HATCH, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 53, a bill to amend the Mineral Leasing Act to authorize the Secretary of the Interior to issue separately, for the same area, a lease for tar sand and a lease for oil and gas, and for other purposes.

S. 77

At the request of Mr. SESSIONS, the names of the Senator from Colorado (Mr. ALLARD) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 77, a bill to amend titles 10 and 38, United States Code, to improve death benefits for the families of deceased members of the Armed Forces, and for other purposes.

S. 119

At the request of Mrs. FEINSTEIN, the name of the Senator from Alaska (Ms.

MURKOWSKI) was added as a cosponsor of S. 119, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 121

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 121, a bill to amend titles 10 and 38, United States Code, to improve the benefits provided for survivors of deceased members of the Armed Forces, and for other purposes.

S. 145

At the request of Mr. NELSON of Florida, the name of the Senator from Alabama (Mr. SESSIONS) was withdrawn as a cosponsor of S. 145, a bill to amend title 10, United States Code, to require the naval forces of the Navy to include not less than 12 operational aircraft carriers.

S. 172

At the request of Mr. DEWINE, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 172, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for the regulation of all contact lenses as medical devices, and for other purposes.

S. 185

At the request of Mrs. MURRAY, her name was added as a cosponsor of S. 185, a bill to amend title 10, United States Code, to repeal the requirement for the reduction of certain Survivor Benefit Plan annuities by the amount of dependency and indemnity compensation and to modify the effective date for paid-up coverage under the Survivor Benefit Plan.

S. 187

At the request of Mr. CORZINE, the name of the Senator from Colorado (Mr. SALAZAR) was added as a cosponsor of S. 187, a bill to limit the applicability of the annual updates to the allowance for States and other taxes in the tables used in the Federal Needs Analysis Methodology for the award year 2005-2006, published in the Federal Register on December 23, 2004.

S. 188

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 188, a bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program.

S. 189

At the request of Mr. INHOFE, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 189, a bill to amend the Head Start Act to require parental consent for nonemergency intrusive physical examinations.

S. 193

At the request of Mr. BROWNBACK, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 193, a bill to increase the penalties for violations by television and radio broadcasters of the prohibitions against transmission of obscene, indecent, and profane language.

S. 241

At the request of Ms. SNOWE, the name of the Senator from Montana (Mr. BURNS) was added as a cosponsor of S. 241, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. CON. RES. 4

At the request of Mr. NELSON of Florida, the name of the Senator from Arizona (Mr. KYL) was added as a cosponsor of S. Con. Res. 4, a concurrent resolution expressing the sense of the Congress that the Department of Defense should continue to exercise its statutory authority to support the activities of the Boy Scouts of America, in particular the periodic national and world Boy Scout Jamborees.

S. CON. RES. 8

At the request of Mr. SARBANES, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. Con. Res. 8, a concurrent resolution expressing the sense of Congress that there should continue to be parity between the adjustments in the pay of members of the uniformed services and the adjustments in the pay of civilian employees of the United States.

S. RES. 28

At the request of Mr. DODD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. Res. 28, a resolution designating the year 2005 as the "Year of Foreign Language Study".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CORZINE (for himself and Mr. LAUTENBERG):

S. 257. A bill to amend title 23, United States Code, to provide grant eligibility for a State that adopts a program for the impoundment of vehicles operated by persons while under the influence of alcohol; to the Committee on Environment and Public Works.

Mr. CORZINE. Mr. President, this legislation addresses the serious national problem of drunk driving by helping to ensure that when drunken drivers are arrested, they can't simply get back into their car and put the lives of others in jeopardy. This is based on original legislation, known as "John's Law," that I introduced in the Senate in the 108th Congress and that has already been enacted at the State level in New Jersey. I am proud that Senator LAUTENBERG will be co-sponsoring this legislation.

On July 22, 2000, Navy Ensign John Elliott was driving home from the United States Naval Academy in Annapolis for his mother's birthday when his car was struck by another car. Both Ensign Elliott and the driver of that car were killed. The driver of the car that caused the collision had a blood alcohol level that exceeded twice the legal limit.

What makes this tragedy especially distressing is that this same driver had been arrested and charged with driving under the influence of alcohol, DUI, just three hours before the crash. After being processed for that offense, he had been released into the custody of a friend who drove him back to his car and allowed him to get behind the wheel, with tragic results.

We need to ensure that drunken drivers do not get back behind the wheel before they sober up. With this legislation, States would be allowed to use some of their drunk driver prevention grant money from the Federal Government to impound the vehicles of drunk drivers for no less than 12 hours. This would help ensure that a drunk driver cannot get back behind the wheel until he is sober. And that would make our roads safer, and prevent the loss of many innocent lives.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 257

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "John's Law of 2005".

SEC. 2. ALCOHOL-IMPAIRED DRIVING COUNTERMEASURES.

Section 410(b)(1) of title 23, United States Code, is amended by adding at the end the following:

"(H) PROGRAM FOR IMPOUNDMENT OF VEHICLES.—A program to impound a vehicle for no less than 12 hours that is operated by a person who is arrested for operating the vehicle while under the influence of alcohol.".

By Mr. DEWINE (for himself and Mr. DODD):

S. 258. A bill to amend the Public Health Service Act to enhance research, training, and health information dissemination with respect to urologic diseases, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DEWINE. Mr. President, I rise along with Senator DODD to introduce the Training and Research in Urology Act—also known as the TRU Act. During my career in the U.S. Senate, I have supported the successful effort to double National Institutes of Health (NIH) research funding and have provided a strong voice for our children.

This bill complements these past and continued efforts. It helps provide urologic scientists with the tools they need to find new cures for the many debilitating urologic diseases impacting men, women, and children. This legislation is important to my home state of Ohio and would impact many families in Ohio and nationwide who are afflicted with urologic diseases.

Ohio is a leader in urologic research. Researchers at the Children's Hospital of Cincinnati, the Cleveland Clinic, Case Western Reserve, and Ohio State University have made great strides toward achieving treatments. The fact is that urologic conditions affect millions of children and adults. Urology is a physiological system distinct from other body systems. Urologic conditions include incontinence, infertility, and impotence—all of which are extremely common, yet serious and debilitating. As many as 10 million children—more than 30,000 in Ohio—are affected by urinary tract problems, and some forms of these problems can be deadly. At least half of all diabetics have bladder dysfunctions, which can include urinary retention, changes in bladder compliance, and incontinence. Interstitial Cystitis (IC), a painful bladder syndrome, affects 200,000 people, mostly women. There are no known causes or cures, and few minimally effective treatments. Additionally, there are 7 million urinary tract infections in the United States each year.

Incontinence costs the healthcare system $25 billion each year and is a leading reason people are forced to enter nursing homes, impacting Medicare and Medicaid costs. Urinary tract infection treatment costs total more than $1 billion each year. Many urologic diseases, incontinence, erectile dysfunction, and cancer, increase in aging populations. Prostate cancer is the most common cancer in American men, and African-American men are at a greater risk for the disease. Medicare beneficiaries suffer from benign prostatic hyperplasia (BPH), which results in bladder dysfunction and urinary frequency. Fifty percent of men at age 60 have BPH. Treatment and surgery cost $2 billion per year.

Research for urologic disorders has failed to keep pace. Further delay translates into increased costs—in dollars, in needless suffering, and in the loss of human dignity. Incontinence costs the healthcare system $23 billion each year, yet only 90 cents per patient is spent on research—little more than the cost of a single adult undergarment. In 2002, only $5 million of the $88 million in new initiatives from the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK) was designated to urologic diseases and conditions. Of that $5 million, no new initiatives were announced for women's urologic health problems. In 2001, we spent less than five cents per child on research into pediatric urologic problems. The medications currently used are very expensive and have unknown, long-term side effects.

The TRU Act establishes a Division of Urology at the NIDDK—the home of the urology basic science program—and expands existing research mechanisms, like the successful George O'Brien Urology Research Centers. This will give NIH new opportunities for investment in efforts to combat and vanquish these diseases.

This legislation is necessary to elevate leadership in urology research at the NIDDK. When the Institute was created in its current form nearly 20 years ago, Congress specifically provided for three separate Division Directors. Regrettably, the current statute fails to provide the NIDDK with the flexibility to create additional Division Directors when necessary to better respond to current scientific opportunities. This prescriptive statutory language is unique to the NIDDK. For example, the National Cancer Institute and the National Heart, Lung, and Blood Institute do not have any statutory language regarding Division Directors.

Mr. President, the basic science breakthroughs of the last decade are literally passing urology by. A greater focus on urological diseases is needed at the NIDDK and will be best accomplished with senior leadership with expertise in urology as provided in the TRU Act. This legislation is supported by the Coalition for Urologic Research & Education (CURE) a group representing tens of thousands of patients, researchers and healthcare providers. I urge my colleagues to join me as cosponsors of the TRU Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 258

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Training and Research in Urology Act of 2005".

SEC. 2. RESEARCH, TRAINING, AND HEALTH INFORMATION DISSEMINATION WITH RESPECT TO UROLOGIC DISEASES.

(a) DIVISION DIRECTOR OF UROLOGY.—Section 428 of the Public Health Service Act (42 U.S.C. 285c-2) is amended—

(1) in subsection (a)(1), by striking "and a Division Director for Kidney, Urologic, and Hematologic Diseases" and inserting "a Division Director for Urologic Diseases, and a Division Director for Kidney and Hematologic Diseases";

(2) in subsection (b)—

(A) by striking "and the Division Director for Kidney, Urologic, and Hematologic Diseases" and inserting "the Division Director for Urologic Diseases, and the Division Director for Kidney and Hematologic Diseases"; and

(B) by striking "(1) carry out programs" and all that follows through the end and inserting the following:

"(1) carry out programs of support for research and training (other than training for which National Research Service Awards may be made under section 487) in the diagnosis, prevention, and treatment of diabetes mellitus and endocrine and metabolic diseases, digestive diseases and nutritional disorders, and kidney, urologic, and hematologic diseases, including support for training in medical schools, graduate clinical training (with particular attention to programs geared to the needs of urology residents and fellows), graduate training in epidemiology, epidemiology studies, clinical trials, and interdisciplinary research programs;

"(2) establish programs of evaluation, planning, and dissemination of knowledge related to such research and training;

"(3) in cooperation with the urologic scientific and patient community, develop and submit to the Congress not later than January 1, 2006, a national urologic research plan that identifies research needs in the various areas of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases; and

"(4) in cooperation with the urologic scientific and patient community, review the national urologic research plan every 3 years beginning in 2009 and submit to the Congress any revisions or additional recommendations."; and

(3) by adding at the end, the following:

"(c) There are authorized to be appropriated $500,000 for each of fiscal years 2006 and 2007 to carry out paragraphs (3) and (4) of subsection (b), and such sums as may be necessary thereafter.".

(b) UROLOGIC DISEASES DATA SYSTEM AND INFORMATION CLEARINGHOUSE.—Section 427 of the Public Health Service Act (42 U.S.C. 285c-1) is amended—

(1) in subsection (c), by striking "and Urologic" and "and urologic" each place either such term appears; and

(2) by adding at the end the following:

"(d) The Director of the Institute shall—

"(1) establish the National Urologic Diseases Data System for the collection, storage, analysis, retrieval, and dissemination of data derived from patient populations with urologic diseases, including, where possible, data involving general populations for the purpose of detection of individuals with a risk of developing urologic diseases; and

"(2) establish the National Urologic Diseases Information Clearinghouse to facilitate and enhance knowledge and understanding of urologic diseases on the part of health professionals, patients, and the public through the effective dissemination of information.".

(c) STRENGTHENING THE UROLOGY INTERAGENCY COORDINATING COMMITTEE.—Section 429 of the Public Health Service Act (42 U.S.C. 285c-3) is amended—

(1) in subsection (a), by striking "and a Kidney, Urologic, and Hematologic Diseases Coordinating Committee" and inserting "a Urologic Diseases Interagency Coordinating Committee, and a Kidney and Hematologic Diseases Interagency Coordinating Committee";

(2) in subsection (b), by striking "the Chief Medical Director of the Veterans' Administration," and inserting "the Under Secretary for Health of the Department of Veterans Affairs"; and

(3) by adding at the end the following:

"(d) The urology interagency coordinating committee may encourage, conduct, or support intra- or interagency activities in urology research, including joint training programs, joint research projects, planning activities, and clinical trials.

"(e) For the purpose of carrying out the activities of the Urologic Diseases Interagency Coordinating Committee, there are authorized to be appropriated $5,000,000 for each of fiscal years 2006 through 2010, and such sums as may be necessary thereafter.".

(d) National Urologic Diseases Advisory Board.—Section 430 of the Public Health Service Act (42 U.S.C. 285c-4) is amended by striking "and the National Kidney and Urologic Diseases Advisory Board" and inserting "the National Urologic Diseases Advisory Board, and the National Kidney Diseases Advisory Board".

(e) Expansion of O'Brien Urologic Disease Research Centers.—

(1) In general.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c-5(c)) is amended in the matter preceding paragraph (1) by inserting "There shall be no fewer than 15 such centers focused exclusively on research of various aspects of urologic diseases, including pediatrics, interstitial cystitis, incontinence, stone disease, urinary tract infections, and benign prostatic diseases." before "Each center developed".

(2) Authorization of appropriations.—Section 431 of the Public Health Service Act (42 U.S.C. 285c–5) is amended by adding at the end the following:

"(f) There are authorized to be appropriated for the urologic disease research centers described in subsection (c) $22,500,000 for each of fiscal years 2006 through 2010, and such sums as are necessary thereafter.".

(3) Technical amendment.—Subsection (c) of section 431 of the Public Health Service Act (42 U.S.C. 285c–5(c)) is amended at the beginning of the unnumbered paragraph—

(A) by striking "shall develop and conduct" and inserting "(2) shall develop and conduct"; and

(B) by aligning the indentation of such paragraph with the indentation of paragraphs (1), (3), and (4).

(f) Subcommittee on Urologic Diseases.—Section 432 of the Public Health Service Act (42 U.S.C. 285c-6) is amended by striking "and a subcommittee on kidney, urologic, and hematologic diseases" and inserting "a subcommittee on urologic diseases, and a subcommittee on kidney and hematologic diseases".

(g) Loan Repayment to Encourage Urologists and Other Scientists to Enter Research Careers.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) is amended by inserting after section 434A the following:

"LOAN REPAYMENT PROGRAM FOR UROLOGY RESEARCH

"Sec. 434B. (a) Establishment.—Subject to subsection (b), the Secretary shall carry out a program of entering into contracts with appropriately qualified health professionals or other qualified scientists under which such health professionals or scientists agree to conduct research in the field of urology, as employees of the National Institutes of Health or of an academic department, division, or section of urology, in consideration of the Federal Government agreeing to repay, for each year of such research, not more than $35,000 of the principal and interest of the educational loans of such health professionals or scientists.

"(b) Limitation.—The Secretary may not enter into an agreement with a health professional or scientist pursuant to subsection (a) unless the professional or scientist—

"(1) has a substantial amount of educational loans relative to income; and

"(2) agrees to serve as an employee of the National Institutes of Health or of an academic department, division, or section of urology for purposes of the research requirement of subsection (a) for a period of not less than 3 years.

"(c) Applicability of Certain Provisions.—Except as inconsistent with this section, the provisions of subpart 3 of part D of title III apply to the program established under subsection (a) in the same manner and to the same extent as such provisions apply to the National Health Service Corps Loan Repayment Program established under such subpart.".

(h) Authorization of Appropriations for Urology Research.—Subpart 3 of part C of title IV of the Public Health Service Act (42 U.S.C. 285c et seq.) (as amended by subsection (g)) is further amended by inserting after section 434B the following:

"AUTHORIZATION OF APPROPRIATIONS FOR UROLOGY RESEARCH.

"Sec. 434C. There are authorized to be appropriated to the Director of NIH for the purpose of carrying out intra- and interagency activities in urology research (including training programs, joint research projects, and joint clinical trials) $5,000,000 for each of fiscal years 2006 through 2010, and such sums as may be necessary thereafter. Amounts authorized to be appropriated under this section shall be in addition to amounts otherwise available for such purpose.".

Mr. DODD. Mr. President, I am pleased today to join my colleague, Senator Mike DeWine, in introducing the Training and Research in Urology Act—the "TRU" Act. Each day, millions of American men, women and children suffer with urologic conditions—children suffering from urological abnormalities, women living with painful urologic illnesses, the elderly for whom urologic conditions can present a wide variety of very serious health problems. The silent struggle of patients with urologic diseases has gone on too long. The legislation we introduce today seeks to ease the burden of millions of Americans suffering from urologic illnesses.

The amazing breakthroughs of the last decade in basic science have resulted in new treatments and even cures for some urologic conditions. Unfortunately, these exciting advancements often fail to reach many who suffer from urologic diseases. It is time to change the way we think and deal with urologic disease.

The TRU Act will create a new urology-specific division at the National Institute of Diabetes & Digestive & Kidney Diseases, NIDDK. Senior urology leadership at NIDDK will assure that urology receives adequate attention and will allow science to drive the research agenda. Federal legislation is necessary because more than 20 years ago Congress established the current three divisions within NIDDK. Unlike the other institutes at NIH, the director does not have the authority to establish new divisions when warranted. Urologic discoveries have advanced the science over the past two decades and I believe a urology division at NIDDK will assure continued progress in urology research.

I was surprised to learn that the most frequently occurring birth defects are related to urologic conditions. In fact, Spina Bifida alone affects approximately 4,000 newborns in the United States each year. The Spina Bifida Association of America informed me that those living "with Spina Bifida often refer to the complications associated with neurogenic bowel and bladder as the most difficult for them both physically and socially."

The TRU Act would also charge NIDDK with creating a national urologic research plan and create an additional 10 centers for the study of urologic diseases, as well as recruit and retain talented investigators through a loan repayment program.

In Connecticut, as in many states, there is important urologic research being conducted currently. Researchers at Yale University have made great strides toward achieving treatments of benefit to all Americans. For example, Benign Prostatic Hyperplasia, BPH, commonly referred as an enlarged prostate, impacts more than 125,000 men in Connecticut and more than 50 percent of men 60 years of age and older. BPH is the second most common kidney or urologic condition requiring hospitalization and the fifth leading reason for physician visits. Yale University's Dr. Harris Foster, Jr. is studying the use of phytotherapy to relieve lower urinary tract symptoms, particularly BPH. The research supported by the TRU Act will support this and other important urologic research initiatives nationwide.

The TRU Act is supported by the Spina Bifida Association of America and the Urology Section of the American Academy of Pediatrics, as well as the Coalition for Urologic Research and Education, CURE, a group representing hundreds of thousands of patients, researchers and healthcare providers, including the Men's Health Network and the Society for Women's Health Research.

The TRU Act will lead urology research and training into the 21st century, and more important, it will lead to better the lives of millions of patients, young and old, struggling to live with urologic diseases. Therefore, I join my colleague in supporting this worthy measure and urge all of my colleagues to support this important legislation.

By Mr. INHOFE:

S. 260. A bill to authorize the Secretary of the Interior to provide technical and financial assistance to private landowners to restore, enhance, and manage private land to improve fish and wildlife habitats through the Partners for Fish and Wildlife Program; to the Committee on Environment and Public Works.

Mr. INHOFE. Mr. President, today I am introducing the Partners for Fish and Wildlife Act.

On August 26, 2004, President Bush signed Executive Order 13352 promoting a new approach to conservation within the Federal government's conservation and environmental departments. This Executive Order was offered to ensure that Federal agencies pursue cooperative conservation actions designed to involve private landowners rather than simply making mandates which private landowners must fulfill.

An example of this new cooperative conservation is the Partners for Fish and Wildlife Program. Since 1987, the Partners Program has been a successful voluntary partnership program that helps private landowners restore fish and wildlife habitat on their own lands. Through 33,103 agreements with private landowners, the Partners Program has accomplished the restoration of 677,000 acres of wetlands, 1,253,700 acres of prairies and native grasslands, and 5,560 miles of riparian and in-stream habitat. Partners Program agreements are funded through contributions from the U.S. Fish and Wildlife Service along with cash and in-kind contributions from participating private landowners. Since 1990, the U.S. Fish and Wildlife Service has provided $3,511,121 to restore habitat in Oklahoma through the Partners Program, to which private landowners have contributed $12,638,272.

In Oklahoma, 97 percent of land is held in private ownership. Since 1990, a total of 124,285 acres in Oklahoma has been restored through 700 individual Partners Program voluntary agreements with private landowners. The U.S. Fish and Wildlife Service District Office in Tulsa currently reports that at least another 100 private landowners are waiting to enter into Partner's projects as soon as funds become available.

As chairman of the Senate Environment and Public Works Committee, a new approach to conservation is especially important to me. All conservation programs should create positive incentives to protect species and, above all, should hold sacred the rights of private landowners. A positive step toward those aims is authorization of the Partners for Fish and Wildlife Program which has already proven to be an effective habitat conservation program that leverages federal funds and utilizes voluntary private landowner participation. To date, the Partners Program has received little attention. My bill will build on this successful program to provide additional funding and added stability.

I am pleased to author legislation to authorize a program with a proven record in positive and actual conservation.

By Mrs. FEINSTEIN (for herself, Mrs. BOXER, and Mr. AKAKA):

S. 262. A bill to authorize appropriations to the Secretary of Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Angel Island Immigration Station Restoration and Preservation Act, with Senator BOXER as an original cosponsor.

This legislation authorizes the use of up to $15 million in Federal funds for ongoing efforts to restore and preserve the Angel Island Immigration Station located on Angel Island in San Francisco Bay.

I understand that Congresswoman LYNN WOOLSEY is introducing similar legislation in the House. In the 108th Congress, Congresswoman WOOLSEY's Angel Island bill passed the House.

The Angel Island Immigration Station is an important piece of American history, especially to our Nation's Asian American and immigrant communities.

From the mid 19th to early 20th century, millions of people came to America in pursuit of the American dream. Most people are familiar with Ellis Island and the stories of immigrants coming to America and seeing the Statue of Liberty in New York Harbor, but often forgotten are the experiences of those who made it to America through the West Coast by way of Angel Island. Just like those who came through Ellis Island, there are many stories of triumph and tribulation associated with Angel Island.

However, for the Chinese and those from other Asian countries who came through Angel Island Immigration Station the story goes a bit further.

The economic downturn in the 1870s brought political pressures to deal with the increasing population of Chinese who risked everything to travel to "Gold Mountain" in search of a better life. Amongst the harshest of measures taken was the passage of the Chinese Exclusion Act of 1882, the only legislation enacted by Congress to ban a specific ethnic population from entry into the United States.

To enforce this new law and subsequent legislation which excluded most Asian immigrants to this country, the Angel Island Immigration Station was established in 1910.

After a difficult journey across the Pacific Ocean, many new arrivals were brought to the Station where they faced separation from their family, embarrassing medical examinations, grueling interrogations and long detainments that lasted months, even years, in living deplorable conditions.

Testaments to these experiences can be found today on the wooden walls of the barracks. Many of the detainees told their stories through poems that they carved on the barrack walls. Using allegories and historical references, they described their aspirations for coming to America as well as expressed their anger and sadness at the treatment they received. However, this experience did not break the spirit of these new courageous immigrants. They endured and established new roots and made immeasurable contributions to this nation.

The Station was closed in 1940 and three years later Congress repealed the Chinese Exclusion Act. For the next 20 years the Station remained mostly unused except for a short term during World War II, when it was used as a prisoner of war camp.

In 1963, Angel Island became a State park and the California Department of Parks and Recreation assumed stewardship of the Immigration Station.

In the late 1990's, the Station was a declared a National Historic Landmark and named on "America's 11 Most Endangered Historic Places." In 1998, Congress approved $300,000 to conduct a study to determine the feasibility and desirability of preserving sites within the Golden Gate National Recreation Area (GGNRA) which includes the Immigration Station. As a result, a historic three-party agreement was created between the National Park Service, California Department of Parks and the Angel Island Immigration Station Foundation to conduct this study. In 2000, Save America's Treasures named the Angel Island Immigration Station one of its Official Projects and provided $500,000 for the preservation of poems carved into the walls.

The Station is supported by the people of California as well as numerous private interests. The voters of California voted in 2000 to set aside $15 million for restoration of the Station through Proposition 12 and in addition approximately $1.1 million in private funds has been raised so far. Most recently, in December 2004, the California Cultural and Historical Endowment Board voted to reserve $3 million pending further staff findings for the Immigration Station.

The legislation limits Federal funding to 50 percent the total funds from all sources spent to restore the Angel Island Immigration Station. The remaining money will be provided through State bond funding and raised through private means, making this a true public private partnership.

Today, approximately 200,000 visits are made each year to Angel Island by ferry from San Francisco, Tiburon and Alameda. In addition, 60,000 visits are made to the Immigration Station, about half of which are students on guided tours.

The resources secured so far have set in motion designing, planning and initial restoration efforts of the Immigration Station but much more is needed.

particularly to save the Immigration Station Hospital building, which is deteriorating.

The bill I am introducing today will authorize $15 million in Federal funding to complete the restoration of the Angel Island Immigration Station so the stories of these early Americans who courageously endured the experience at the Angel Island Immigration Station will be preserved for future generations.

I urge my colleagues to support this bill. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 262

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Angel Island Immigration Station Restoration and Preservation Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The Angel Island Immigration Station, also known as the Ellis Island of the West, is a National Historic Landmark.

(2) Between 1910 and 1940, the Angel Island Immigration Station processed more than 1,000,000 immigrants and emigrants from around the world.

(3) The Angel Island Immigration Station contributes greatly to our understanding of our Nation's rich and complex immigration history.

(4) The Angel Island Immigration Station was built to enforce the Chinese Exclusion Act of 1882 and subsequent immigration laws, which unfairly and severely restricted Asian immigration.

(5) During their detention at the Angel Island Immigration Station, Chinese detainees carved poems into the walls of the detention barracks. More than 140 poems remain today, representing the unique voices of immigrants awaiting entry to this country.

(6) More than 50,000 people, including 30,000 schoolchildren, visit the Angel Island Immigration Station annually to learn more about the experience of immigrants who have traveled to our shores.

(7) The restoration of the Angel Island Immigration Station and the preservation of the writings and drawings at the Angel Island Immigration Station will ensure that future generations also have the benefit of experiencing and appreciating this great symbol of the perseverance of the immigrant spirit, and of the diversity of this great Nation.

SEC. 3. RESTORATION.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of the Interior $15,000,000 for restoring the Angel Island Immigration Station in the San Francisco Bay, in coordination with the Angel Island Immigration Station Foundation and the California Department of Parks and Recreation.

(b) FEDERAL FUNDING.—Federal funding under this Act shall not exceed 50 percent of the total funds from all sources spent to restore the Angel Island Immigration Station.

(c) PRIORITY.—(1) Except as provided in paragraph (2), the funds appropriated pursuant to this Act shall be used for the restoration of the Immigration Station Hospital on Angel Island.

(2) Any remaining funds in excess of the amount required to carry out paragraph (1) shall be used solely for the restoration of the Angel Island Immigration Station.

By Mr. AKAKA (for himself, Mr. BAUCUS, Mrs. FEINSTEIN, Mr. DURBIN, Mr. ROBERTS, and Mr. INOUYE):

S. 263. A bill to provide for the protection of paleontological resources on Federal lands, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today to introduce the Paleontological Resources Preservation Act to protect and preserve the Nation's important fossil record for the benefit of our citizens. I am pleased to have Senators BAUCUS, FEINSTEIN, DURBIN, ROBERTS, and INOUYE join me as original cosponsors on this significant legislation.

This bill was reported favorably by the Senate Committee on Energy and Natural Resources, and approved by unanimous consent during the 108th Congress. A similar bill was introduced in the other body by Representative JAMES R. MCGOVERN, with 15 cosponsors, but was not reported by the Resources Committee. I hope we can pass this again quickly in the Senate and move the bill in the House of Representatives.

You may remember that in 1999, Congress requested that the Secretary of the Interior review and report on the Federal policy concerning paleontological resources on Federal lands. In its request, Congress noted that no unified Federal policy existed regarding the—treatment of fossils by Federal land management agencies, and emphasized Congress's concerns that a lack of appropriate standards would lead to the deterioration or loss of fossils, which are valuable scientific resources. Unfortunately, that situation remains the case today.

In the past year alone, there have been compelling finds of fossils that are helping us unlock the mysteries of the past from the earth, whether violent tectonic cataclysms or depletion of oxygen in the oceans and consequent drastic changes in species. The National Parks Conservation Association NPCA, a bipartisan non-profit organization dedicated to protecting and enhancing National Parks, recently called for "stronger laws, better enforcement, and better education programs . . . to more fully protect these valuable [fossil] relics." In its Fall 2004 issue of National Parks, the article described the discovery at Wind Cave National Park, South Dakota, in July 2003, of fossilized remains of a 5-foot tall hornless rhinoceros, a collie-sized horse, and a foot-tall, deer-like mammal.

National Parks are the home of many extraordinary fossil discoveries already, such as the graveyards of 20-million-year old camels and rhinos at Agate Fossil Beds National Monument in Nebraska, the only pygmy island-dwelling mammoth at Channel Islands National Park in California; and tropical dinosaurs in what are now the arid lands of the Painted Desert of southern Arizona.

Besides the National Park Service, other Federal land management agencies have a number of regulations and directives on paleontological resources, but they are not consistent and there is no clear statutory language providing direction in protecting and curating fossils. I would like to commend to my colleagues two reports recently published by the Congressional Research Service, CRS, which we know as an impartial, non-partisan legislative research service that provides analysis for Congress. The CRS American Law Division published two reports entitled "Federal Management and Protection of Fossil Resources on Federal Lands" and, "Paleontological Resources Protection Act: Proposal for the Management and Protection of Fossil Resources Located on Federal Lands."

These two reports analyze the status and activities of Federal agencies with paleontological responsibilities, the statutory authorities for fossils, the case law supporting them, and the bills recently introduced on fossils such as S. 546 in the 108th Congress. The reports point out that several Federal agencies have management authority for the protection of fossil resources on the lands under their jurisdiction—the Department of the Interior's Bureau of Land Management, Bureau of Reclamation, Fish and Wildlife Service, and National Park Service, and the U.S. Department of Agriculture's U.S. Forest Service. The report also points out that the U.S. Geological Survey, Department of Defense, and Smithsonian Institution have some fossil responsibilities. The reports further find that agency enforcement and prosecution policies differ greatly and there is only limited and scattered authority for Federal management and protection of fossil resources on Federal lands.

The report concludes that the scattered authorities result in case law on fossil protection that is not well developed and not necessarily consistent. The cases do not provide clear case precedent and are not necessarily applicable to broader protection, regulation, management, and marketing issues.

Both reports conclude that there is an absence of uniform regulations for paleontological resources on Federal lands—as shown by an absence of precise uniform definitions of key terms—and that there is no comprehensive statute or management policy for the protection and management of fossils on Federal lands.

The Paleontological Resources Preservation Act embodies the principles recommended by an interagency group in a 2000 report to Congress entitled "Assessment of Fossil Management on Federal and Indian Lands." The bill provides the paleontological equivalent of protections found in the Archaeological Resources Preservation Act. The bill finds that fossil resources on Federal lands are an irreplaceable part of the heritage of the United States and affirms that reasonable access to fossil resources should be provided for scientific, educational, and recreational purposes. The bill acknowledges the value of amateur collecting and provides an exception for casual collecting of invertebrate fossils, but protects vertebrate fossils found on Federal lands under a system of permits. The fossil bill does not restrict access of the interested public to fossils on public lands but rather will help create opportunities for involvement. For example, there are many amateur paleontologists volunteering to assist in the excavation and curation of fossils on national park lands already.

Finally, I would like to emphasize that this bill in no way affects archaeological or cultural resources under the Archaeological Resources Protection Act of 1979 or the Native American Graves Protection and Rehabilitation Act. They are exempted because they are very different types of resources This bill covers only paleontological remains—fossils on Federal lands.

As we look toward the future, public access to fossil resources will take on a new meaning, as digital images of fossils become available worldwide. Discoveries in paleontology are made more frequently than we realize. They shape how we learn about the world around us. In January of this year, Science Express, the on-line version of the journal Science, reported two studies using paleontological data to understand the causes of the "Great Dying," or mass extinctions that occurred about 250 million years ago in the Permian-Triassic period. The Paleontological Resources Preservation Act would create a legacy for the production of scientific knowledge for future generations.

The protections offered in this act are not new. Federal land management agencies already have individual regulations prohibiting theft of government property. However, the reality is that U.S. attorneys are reluctant to prosecute cases involving fossil theft because they are difficult. The National Park Service reported 721 incidents of vandalism; and visitors annually take up to 12 tons of petrified wood from Petrified Forest National Park, a fact that has lead the NPCA to place the Petrified National Forest on its "Ten Most Endangered National Parks" lists in 2000 and 2001.

Congress has not provided a clear statute stating the value of paleontological resources to our Nation, as has been provided for archaeological resources. Fossils are too valuable to be left within the general theft provisions that are difficult to prosecute, and they are too valuable to the education of our children not to ensure public access. We need to work together to make sure that we fulfill our responsibility as stewards of public lands, and as protectors of our Nation's natural resources.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 263

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Paleontological Resources Preservation Act".

SEC. 2. DEFINITIONS.

As used in this Act:

(1) CASUAL COLLECTING.—The term "casual collecting" means the collecting of a reasonable amount of common invertebrate and plant paleontological resources for non-commercial personal use, either by surface collection or the use of non-powered hand tools resulting in only negligible disturbance to the Earth's surface and other resources. As used in this paragraph, the terms "reasonable amount", "common invertebrate and plant paleontological resources" and "negligible disturbance" shall be determined by the Secretary.

(2) SECRETARY.—The term "Secretary" means the Secretary of the Interior with respect to lands controlled or administered by the Secretary of the Interior or the Secretary of Agriculture with respect to National Forest System Lands controlled or administered by the Secretary of Agriculture.

(3) FEDERAL LANDS.—The term "Federal lands" means—

(A) lands controlled or administered by the Secretary of the Interior, except Indian lands; or

(B) National Forest System lands controlled or administered by the Secretary of Agriculture.

(4) INDIAN LANDS.—The term "Indian Land" means lands of Indian tribes, or Indian individuals, which are either held in trust by the United States or subject to a restriction against alienation imposed by the United States.

(5) STATE.—The term "State" means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, and any other territory or possession of the United States.

(6) PALEONTOLOGICAL RESOURCE.—The term "paleontological resource" means any fossilized remains, traces, or imprints of organisms, preserved in or on the earth's crust, that are of paleontological interest and that provide information about the history of life on earth, except that the term does not include—

(A) any materials associated with an archaeological resource (as defined in section 3(1) of the Archaeological Resources Protection Act of 1979 (16 U.S.C. 470bb(1)); or

(B) any cultural item (as defined in section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)).

SEC. 3. MANAGEMENT.

(a) IN GENERAL.—The Secretary shall manage and protect paleontological resources on Federal lands using scientific principles and expertise. The Secretary shall develop appropriate plans for inventory, monitoring, and the scientific and educational use of paleontological resources, in accordance with applicable agency laws, regulations, and policies. These plans shall emphasize interagency coordination and collaborative efforts where possible with non-Federal partners, the scientific community, and the general public.

(b) COORDINATION.—To the extent possible, the Secretary of the Interior and the Secretary of Agriculture shall coordinate in the implementation of this Act.

SEC. 4. PUBLIC AWARENESS AND EDUCATION PROGRAM.

The Secretary shall establish a program to increase public awareness about the significance of paleontological resources.

SEC. 5. COLLECTION OF PALEONTOLOGICAL RESOURCES.

(a) PERMIT REQUIREMENT.—

(1) IN GENERAL.—Except as provided in this Act, a paleontological resource may not be collected from Federal lands without a permit issued under this Act by the Secretary.

(2) CASUAL COLLECTING EXCEPTION.—The Secretary may allow casual collecting without a permit on Federal lands controlled or administered by the Bureau of Land Management, the Bureau of Reclamation, and the Forest Service, where such collection is consistent with the laws governing the management of those Federal lands and this Act.

(3) PREVIOUS PERMIT EXCEPTION.—Nothing in this section shall affect a valid permit issued prior to the date of enactment of this Act.

(b) CRITERIA FOR ISSUANCE OF A PERMIT.—The Secretary may issue a permit for the collection of a paleontological resource pursuant to an application if the Secretary determines that—

(1) the applicant is qualified to carry out the permitted activity;

(2) the permitted activity is undertaken for the purpose of furthering paleontological knowledge or for public education;

(3) the permitted activity is consistent with any management plan applicable to the Federal lands concerned; and

(4) the proposed methods of collecting will not threaten significant natural or cultural resources.

(c) PERMIT SPECIFICATIONS.—A permit for the collection of a paleontological resource issued under this section shall contain such terms and conditions as the Secretary deems necessary to carry out the purposes of this Act. Every permit shall include requirements that—

(1) the paleontological resource that is collected from Federal lands under the permit will remain the property of the United States;

(2) the paleontological resource and copies of associated records will be preserved for the public in an approved repository, to be made available for scientific research and public education; and

(3) specific locality data will not be released by the permittee or repository without the written permission of the Secretary.

(d) MODIFICATION, SUSPENSION, AND REVOCATION OF PERMITS.—

(1) The Secretary may modify, suspend, or revoke a permit issued under this section—

(A) for resource, safety, or other management considerations; or

(B) when there is a violation of term or condition of a permit issued pursuant to this section.

(2) The permit shall be revoked if any person working under the authority of the permit is convicted under section 9 or is assessed a civil penalty under section 10.

(e) AREA CLOSURES.—In order to protect paleontological or other resources and to provide for public safety, the Secretary may restrict access to or close areas under the Secretary's jurisdiction to the collection of paleontological resources.

SEC. 6. CURATION OF RESOURCES.

Any paleontological resource, and any data and records associated with the resource, collected under a permit, shall be deposited in an approved repository. The Secretary may enter into agreements with non-Federal repositories regarding the curation of these resources, data, and records.

SEC. 7. PROHIBITED ACTS; CRIMINAL PENALTIES.

(a) IN GENERAL.—A person may not—

(1) excavate, remove, damage, or otherwise alter or deface or attempt to excavate, remove, damage, or otherwise alter or deface any paleontological resources located on Federal lands unless such activity is conducted in accordance with this Act;

(2) exchange, transport, export, receive, or offer to exchange, transport, export, or receive any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated or removed from Federal lands in violation of any provisions, rule, regulation, law, ordinance, or permit in effect under Federal law, including this Act; or

(3) sell or purchase or offer to sell or purchase any paleontological resource if, in the exercise of due care, the person knew or should have known such resource to have been excavated, removed, sold, purchased, exchanged, transported, or received from Federal lands.

(b) FALSE LABELING OFFENSES.—A person may not make or submit any false record, account, or label for, or any false identification of, any paleontological resource excavated or removed from Federal lands.

(c) PENALTIES.—A person who knowingly violates or counsels, procures, solicits, or employs another person to violate subsection (a) or (b) shall, upon conviction, be fined in accordance with title 18, United States Code, or imprisoned not more than 10 years, or both; but if the sum of the commercial and paleontological value of the paleontological resources involved and the cost of restoration and repair of such resources does not exceed $500, such person shall be fined in accordance with title 18, United States Code, or imprisoned not more than one year, or both.

(d) GENERAL EXCEPTION.—Nothing in subsection (a) shall apply to any person with respect to any paleontological resource which was in the lawful possession of such person prior to the date of the enactment of this Act.

SEC. 8. CIVIL PENALTIES.

(a) IN GENERAL.—

(1) HEARING.—A person who violates any prohibition contained in an applicable regulation or permit issued under this Act may be assessed a penalty by the Secretary after the person is given notice and opportunity for a hearing with respect to the violation. Each violation shall be considered a separate offense for purposes of this section.

(2) AMOUNT OF PENALTY.—The amount of such penalty assessed under paragraph (1) shall be determined under regulations promulgated pursuant to this Act, taking into account the following factors:

(A) The scientific or fair market value, whichever is greater, of the paleontological resource involved, as determined by the Secretary.

(B) The cost of response, restoration, and repair of the resource and the paleontological site involved.

(C) Any other factors considered relevant by the Secretary assessing the penalty.

(3) MULTIPLE OFFENSES.—In the case of a second or subsequent violation by the same person, the amount of a penalty assessed under paragraph (2) may be doubled.

(4) LIMITATION.—The amount of any penalty assessed under this subsection for any one violation shall not exceed an amount equal to double the cost of response, restoration, and repair of resources and paleontological site damage plus double the scientific or fair market value of resources destroyed or not recovered.

(b) PETITION FOR JUDICIAL REVIEW; COLLECTION OF UNPAID ASSESSMENTS.—

(1) JUDICIAL REVIEW.—Any person against whom an order is issued assessing a penalty under subsection (a) may file a petition for judicial review of the order in the United States District Court for the District of Columbia or in the district in which the violation is alleged to have occurred within the 30-day period beginning on the date the order making the assessment was issued. Upon notice of such filing, the Secretary shall promptly file such a certified copy of the record on which the order was issued. The court shall hear the action on the record made before the Secretary and shall sustain the action if it is supported by substantial evidence on the record considered as a whole.

(2) FAILURE TO PAY.—If any person fails to pay a penalty under this section within 30 days—

(A) after the order making assessment has become final and the person has not filed a petition for judicial review of the order in accordance with paragraph (1); or

(B) after a court in an action brought in paragraph (1) has entered a final judgment upholding the assessment of the penalty, the Secretary may request the Attorney General to institute a civil action in a district court of the United States for any district in which the person if found, resides, or transacts business, to collect the penalty (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). The district court shall have jurisdiction to hear and decide any such action. In such action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty as described in the first sentence of this paragraph shall be required to pay, in addition to such amount and interest, attorneys fees and costs for collection proceedings.

(c) HEARINGS.—Hearings held during proceedings instituted under subsection (a) shall be conducted in accordance with section 554 of title 5, United States Code.

(d) USE OF RECOVERED AMOUNTS.—Penalties collected under this section shall be available to the Secretary and without further appropriation may be used only as follows:

(1) To protect, restore, or repair the paleontological resources and sites which were the subject of the action, or to acquire sites with equivalent resources, and to protect, monitor, and study the resources and sites. Any acquisition shall be subject to any limitations contained in the organic legislation for such Federal lands.

(2) To provide educational materials to the public about paleontological resources and sites.

(3) To provide for the payment of rewards as provided in section 11.

SEC. 9. REWARDS AND FORFEITURE.

(a) REWARDS.—The Secretary may pay from penalties collected under section 9 or 10—

(1) consistent with amounts established in regulations by the Secretary; or

(2) if no such regulation exists, an amount equal to the lesser of one-half of the penalty or $500, to any person who furnishes information which leads to the finding of a civil violation, or the conviction of criminal violation, with respect to which the penalty was paid. If several persons provided the information, the amount shall be divided among the persons. No officer or employee of the United States or of any State or local government who furnishes information or renders service in the performance of his official duties shall be eligible for payment under this subsection.

(b) FORFEITURE.—All paleontological resources with respect to which a violation under section 9 or 10 occurred and which are in the possession of any person, and all vehicles and equipment of any person that were used in connection with the violation, shall be subject to civil forfeiture, or upon conviction, to criminal forfeiture. All provisions of law relating to the seizure, forfeiture, and condemnation of property for a violation of this Act, the disposition of such property or the proceeds from the sale thereof, and remission or mitigation of such forfeiture, as well as the procedural provisions of chapter 46 of title 18, United States Code, shall apply to the seizures and forfeitures incurred or alleged to have incurred under the provisions of this Act.

(c) TRANSFER OF SEIZED RESOURCES.—The Secretary may transfer administration of seized paleontological resources to Federal or non-Federal educational institutions to be used for scientific or educational purposes.

SEC. 10. CONFIDENTIALITY.

Information concerning the nature and specific location of a paleontological resource the collection of which requires a permit under this Act or under any other provision of Federal law shall be exempt from disclosure under section 552 of title 5, United States Code, and any other law unless the Secretary determines that disclosure would—

(1) further the purposes of this Act;

(2) not create risk of harm to or theft or destruction of the resource or the site containing the resource; and

(3) be in accordance with other applicable laws.

SEC. 11. REGULATIONS.

As soon as practical after the date of the enactment of this Act, the Secretary shall issue such regulations as are appropriate to carry out this Act, providing opportunities for public notice and comment.

SEC. 12. SAVINGS PROVISIONS.

Nothing in this Act shall be construed to—

(1) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under the general mining laws, the mineral or geothermal leasing laws, laws providing for minerals materials disposal, or laws providing for the management or regulation of the activities authorized by the aforementioned laws including but not limited to the Federal Land Policy Management Act (43 U.S.C. 1701-1784), the Mining in the

Parks Act, the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1201–1358), and the Organic Administration Act (16 U.S.C. 478, 482, 551);

(2) invalidate, modify, or impose any additional restrictions or permitting requirements on any activities permitted at any time under existing laws and authorities relating to reclamation and multiple uses of Federal lands;

(3) apply to, or require a permit for, casual collecting of a rock, mineral, or invertebrate or plant fossil that is not protected under this Act;

(4) affect any lands other than Federal lands or affect the lawful recovery, collection, or sale of paleontological resources from lands other than Federal lands;

(5) alter or diminish the authority of a Federal agency under any other law to provide protection for paleontological resources on Federal lands in addition to the protection provided under this Act; or

(6) create any right, privilege, benefit, or entitlement for any person who is not an officer or employee of the United States acting in that capacity. No person who is not an officer or employee of the United States acting in that capacity shall have standing to file any civil action in a court of the United States to enforce any provision or amendment made by this Act.

SEC. 13. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this Act.

By Mr. AKAKA (for himself and Mr. INOUYE):

S. 264. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize certain projects in the State of Hawaii; to the Committee on Energy and Natural Resources.

Mr. AKAKA. Mr. President, I rise today with the senior Senator from Hawaii to introduce legislation to authorize three important water reclamation projects in the State of Hawaii. This legislation, the Hawaii Water Resources Act of 2005, is identical to legislation considered in the 108th Congress that passed the Senate by unanimous consent on May 19, 2004.

Although one usually does not readily associate the State of Hawaii as a place with drought problems, Hawaii has been experiencing drought conditions since 1998. The Hawaii Water Resources Act of 2005 builds upon the Hawaii Water Resources Act of 2000 P.L. 106-566 that authorized the Bureau of Reclamation to survey irrigation and water delivery systems in Hawaii and identify new opportunities for reclamation and reuse of water and wastewater for agriculture and non-agricultural purposes. While the Act resulted in the development of the initial Hawaii Drought Plan in 2000, which was updated this past year to incorporate comments and recommendations made by the Bureau of Reclamation, more needs to be done.

Although Hawaii is just beginning to recover from a multi-year drought, the National Weather Service has indicated that due to a mild El Niño effect in the Pacific Ocean, Hawaii may again experience another period of drought. It is imperative for Hawaii to improve its ways to reduce consumption of drinking water. The legislation that I am introducing today, the Hawaii Water Resources Act of 2005, will help the State of Hawaii to be proactive by authorizing projects that will address the demand on our freshwater supply, especially on the islands of Oahu, Maui, and Hawaii.

The legislation authorizes three projects. The first project, in Honolulu, will provide reliable potable water through resource diversification to meet existing and future demands, particularly in the Ewa area of Oahu where water demands are outpacing the availability of drinking water. The second project, in North Kona, will address the issue of effluent being discharged into a temporary disposal sump from the Kealakehe Wastewater Treatment Plant. The project would utilize subsurface wetlands to naturally clean the effluent and convey the recycled water to a number of users. The third project, in Lahaina, will reduce the use of potable water by extending the County of Maui's main recycled water pipeline.

The Hawaii Water Resources Act of 2005 will begin the next phase of ensuring that the State of Hawaii will continue to have a supply of fresh drinking water. It is vitally important for the State to begin working on these water reclamation projects and I urge my colleagues to support this legislation which is important to communities in Hawaii.

By Mr. FRIST (for himself, Mr. KENNEDY, Mr. ROBERTS, Mr. JEFFORDS, Mr. TALENT, Mrs. MURRAY, and Mrs. CLINTON):

S. 265. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. FRIST. Mr. President, each year, nearly 1 of every 10 Americans is injured and requires medical attention. Injuries are the fifth leading cause of death in the United States. Trauma kills more people between the ages of one and 44 than any other disease or illness.

While injury prevention programs have greatly reduced death and disability, severe injuries will continue. Given the mass trauma events of September 11, 2001 and our Nation's renewed focus on enhancing disaster preparedness, it is critical that the Federal Government increase its commitment to strengthening programs governing trauma care system planning and development.

The direct and indirect cost of injury is estimated to be about $224 billion a year, according to the Centers for Disease Control and Prevention. The death rate from unintentional injury is more than 50 percent higher in rural areas than in urban areas. Only one fourth of the U.S. population lives in an area served by a trauma care system. Studies of conventional trauma care show that as many as 35 percent of trauma patient deaths could have been prevented if optimal acute care had been available. It is essential that all Americans have access to a trauma system that provides needed care as quickly as possible.

Since 1990, Congress has sought to improve care through the Trauma Care Systems Planning and Development Act. This Act provides grants for planning, implementing, and developing statewide trauma care systems. This critical program must be reauthorized. Therefore, I am introducing bipartisan legislation today, along with Senators KENNEDY, ROBERTS, JEFFORDS, TALENT, CLINTON, and MURRAY to reauthorize this program.

Despite our past investments, one half of the States in the country are still without a statewide trauma care system. Clearly we can do better. We must respond to the goals put forth by the Institute of Medicine in 1999—that Congress "support a greater national commitment to, and support of, trauma care systems at the federal, state, and local levels."

The "Trauma Care Systems Planning and Development Act of 2005", reauthorizes this program with several improvements: first, it improves the collection and analysis of trauma patient data with the goal of improving the overall system of care for these patients; second, the bill reduces the amount of matching funds that states will have to provide to participate in the program so that we can extend quality trauma care systems across the nation; third, the legislation provides a self-evaluation mechanism to assist states in assessing and improving their trauma care systems; fourth, it authorizes the Institute of Medicine to study the state of trauma care and trauma research; and finally, it doubles the funding available for this program to allow additional states to participate.

I appreciate the support of my cosponsors. I look forward to working with them, and with Senator ENZI, the Chairman of the Senate Health, Education, Labor, and Pensions Committee, to see this bill passed this year.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trauma Care Systems Planning and Development Act of 2005".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Federal Government and State governments have established a history of cooperation in the development, implementation, and monitoring of integrated, comprehensive systems for the provision of emergency medical services.

(2) Trauma is the leading cause of death of Americans between the ages of 1 and 44 years and is the third leading cause of death in the general population of the United States.

(3) In 1995, the total direct and indirect cost of traumatic injury in the United States was estimated at $260,000,000,000.

(4) There are 40,000 fatalities and 5,000,000 nonfatal injuries each year from motor vehicle-related trauma, resulting in an aggregate annual cost of $230,000,000,000 in medical expenses, insurance, lost wages, and property damage.

(5) Barriers to the receipt of prompt and appropriate emergency medical services exist in many areas of the United States.

(6) The number of deaths from trauma can be reduced by improving the systems for the provision of emergency medical services in the United States.

(7) Trauma care systems are an important part of the emergency preparedness system needed for homeland defense.

SEC. 3. AMENDMENTS.

(a) Establishment.—Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1), by inserting ", acting through the Administrator of the Health Resources and Services Administration," after "Secretary";

(B) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively;

(C) by inserting after paragraph (2) the following:

"(3) collect, compile, and disseminate information on the achievements of, and problems experienced by, State and local agencies and private entities in providing trauma care and emergency medical services and, in so doing, give special consideration to the unique needs of rural areas;";

(D) in paragraph (4), as redesignated by subparagraph (B)—

(i) by inserting "to enhance each State's capability to develop, implement, and sustain the trauma care component of each State's plan for the provision of emergency medical services" after "assistance"; and

(ii) by striking "and" after the semicolon;

(E) in paragraph (5), as redesignated by subparagraph (B), by striking the period at the end and inserting "; and"; and

(F) by adding at the end the following:

"(6) promote the collection and categorization of trauma data in a consistent and standardized manner.";

(2) in subsection (b), by inserting ", acting through the Administrator of the Health Resources and Services Administration," after "Secretary"; and

(3) by striking subsection (c).

(b) Clearinghouse on Trauma Care and Emergency Medical Services.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by striking section 1202; and

(2) by redesignating section 1203 as section 1202.

(c) Establishment of Programs for Improving Trauma Care in Rural Areas.—Section 1202(a) of the Public Health Service Act, as such section was redesignated by subsection (b), is amended—

(1) in paragraph (2), in the matter preceding subparagraph (A), by inserting ", such as advanced trauma life support," after "model curricula";

(2) in paragraph (4), by striking "and" after the semicolon;

(3) in paragraph (5), by striking the period and inserting "; and"; and

(4) by adding at the end the following:

"(6) by increasing communication and coordination with State trauma systems.".

(d) Requirement of Matching Funds for Fiscal Years Subsequent to First Fiscal Year of Payments.—Section 1212 of the Public Health Service Act (42 U.S.C. 300d–12) is amended—

(1) in subsection (a)(1)—

(A) in subparagraph (A), by striking "and" after the semicolon; and

(B) by striking subparagraph (B) and inserting the following:

"(B) for the third fiscal year of such payments to the State, not less than $1 for each $1 of Federal funds provided in such payments for such fiscal year;

"(C) for the fourth fiscal year of such payments to the State, not less than $2 for each $1 of Federal funds provided in such payments for such fiscal year; and

"(D) for the fifth fiscal year of such payments to the State, not less than $2 for each $1 of Federal funds provided in such payments for such fiscal year."; and

(2) in subsection (b)—

(A) in paragraph (1), by adding "and" after the semicolon;

(B) in paragraph (2), by striking "; and" and inserting a period; and

(C) by striking paragraph (3).

(e) Requirements With Respect To Carrying Out Purpose of Allotments.—Section 1213 of the Public Health Service Act (42 U.S.C. 300d–13) is amended—

(1) in subsection (a)—

(A) in paragraph (3), in the matter preceding subparagraph (A), by inserting "nationally recognized" after "contains";

(B) in paragraph (5), by inserting "nationally recognized" after "contains";

(C) in paragraph (6), by striking "specifies procedures for the evaluation of designated" and inserting "utilizes a program with procedures for the evaluation of";

(D) in paragraph (7)—

(i) in the matter preceding subparagraph (A), by inserting "in accordance with data collection requirements developed in consultation with surgical, medical, and nursing specialty groups, State and local emergency medical services directors, and other trained professionals in trauma care" after "collection of data";

(ii) in subparagraph (A), by inserting "and the number of deaths from trauma" after "trauma patients"; and

(iii) in subparagraph (F), by inserting "and the outcomes of such patients" after "for such transfer";

(E) by redesignating paragraphs (10) and (11) as paragraphs (11) and (12), respectively; and

(F) by inserting after paragraph (9) the following:

"(10) coordinates planning for trauma systems with State disaster emergency planning and bioterrorism hospital preparedness planning;";

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking "concerning such" and inserting "that outline resources for optimal care of the injured patient"; and

(ii) in subparagraph (D), by striking "1992" and inserting "2005"; and

(B) in paragraph (3)—

(i) in subparagraph (A), by striking "1991" and inserting "2005"; and

(ii) in subparagraph (B), by striking "1992" and inserting "2005"; and

(3) in subsection (c), by striking "1990, the Secretary shall develop a model plan" and inserting "2005, the Secretary shall update the model plan".

(f) Requirement of Submission to Secretary of Trauma Plan and Certain Information.—Section 1214(a) of the Public Health Service Act (42 U.S.C. 300d–14(a)) is amended—

(1) in paragraph (1)—

(A) by striking "1991" and inserting "2005"; and

(B) by inserting "that includes changes and improvements made and plans to address deficiencies identified" after "medical services"; and

(2) in paragraph (2), by striking "1991" and inserting "2005".

(g) Restrictions on Use of Payments.—Section 1215(a)(1) of the Public Health Service Act (42 U.S.C. 300d–15(a)(1)) is amended by striking the period at the end and inserting a semicolon.

(h) Requirements of Reports by States.—The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by striking section 1216 and inserting the following:

"SEC. 1216. [RESERVED].".

(i) Report by the Secretary.—Section 1222 of the Public Health Service Act (42 U.S.C. 300d–22) is amended by striking "1995" and inserting "2007".

(j) Funding.—Section 1232(a) of the Public Health Service Act (42 U.S.C. 300d–32(a)) is amended to read as follows:

"(a) Authorization of Appropriations.—For the purpose of carrying out parts A and B, there are authorized to be appropriated $12,000,000 for fiscal year 2005, and such sums as may be necessary for each of the fiscal years 2006 through 2009.".

(k) Conforming Amendment.—Section 1232(b)(2) of the Public Health Service Act (42 U.S.C. 300d–32(b)(2)) is amended by striking "1204" and inserting "1202".

(l) Institute of Medicine Study.—Part E of title XII of the Public Health Service Act (20 U.S.C. 300d–51 et seq.) is amended—

(1) by striking the part heading and inserting the following:

"Part E—Miscellaneous Programs";

and

(2) by adding at the end the following:

"SEC. 1254. INSTITUTE OF MEDICINE STUDY.

"(a) In General.—The Secretary shall enter into a contract with the Institute of Medicine of the National Academy of Sciences, or another appropriate entity, to conduct a study on the state of trauma care and trauma research.

"(b) Content.—The study conducted under subsection (a) shall—

"(1) examine and evaluate the state of trauma care and trauma systems research (including the role of Federal entities in trauma research) on the date of enactment of this section, and identify trauma research priorities;

"(2) examine and evaluate the clinical effectiveness of trauma care and the impact of trauma care on patient outcomes, with special attention to high-risk groups, such as children, the elderly, and individuals in rural areas;

"(3) examine and evaluate trauma systems development and identify obstacles that prevent or hinder the effectiveness of trauma systems and trauma systems development;

"(4) examine and evaluate alternative strategies for the organization, financing, and delivery of trauma care within an overall systems approach; and

"(5) examine and evaluate the role of trauma systems and trauma centers in preparedness for mass casualties.

"(c) Report.—Not later than 2 years after the date of enactment of this section, the Secretary shall submit to the appropriate committees of Congress a report containing the results of the study conducted under this section.

"(d) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $750,000 for each of fiscal years 2005 and 2006.".

(m) Residency Training Programs in Emergency Medicine.—Section 1251(c) of the Public Health Service Act (42 U.S.C. 300d-51(c)) is amended by striking "1993 through 1995" and inserting "2005 through 2009".

(n) State Grants for Projects Regarding Traumatic Brain Injury.—Section 1252 of the Public Health Service Act (42 U.S.C. 300d-52) is amended in the section heading by striking "**DEMONSTRATION**".

(o) Interagency Program for Trauma Research.—Section 1261 of the Public Health Service Act (42 U.S.C. 300d-61) is amended—

(1) in subsection (a), by striking "conducting basic" and all that follows through the period at the end of the second sentence and inserting "basic and clinical research on trauma (in this section referred to as the 'Program'), including the prevention, diagnosis, treatment, and rehabilitation of trauma-related injuries.";

(2) by striking subsection (b) and inserting the following:

"(b) Plan for Program.—The Director shall establish and implement a plan for carrying out the activities of the Program, taking into consideration the recommendations contained within the report of the NIH Trauma Research Task Force. The plan shall be periodically reviewed, and revised as appropriate.";

(3) in subsection (d)—

(A) in paragraph (4)(B), by striking "acute head injury" and inserting "traumatic brain injury"; and

(B) in subparagraph (D), by striking "head" and inserting "traumatic";

(4) by striking subsection (g);

(5) by redesignating subsections (h) and (i) as subsections (g) and (h), respectively; and

(6) in subsection (h), as redesignated by paragraph (5), by striking "2001 through 2005" and inserting "2005 through 2009".

By Mr. LAUTENBERG (for himself, Mr. Kennedy, Mr. Durbin, Mr. Corzine, Mrs. Clinton, Mr. Dorgan, Mrs. Murray, Mr. Johnson, Mr. Reed, Mr. Lieberman, and Mr. Leahy):

S. 266. A bill to stop taxpayer funded Government propaganda; to the Committee on the Judiciary.

Mr. LAUTENBERG. Mr. President, I rise to introduce legislation to put an end to the spate of propaganda we are seeing across our government. In my view, it is a practice that is inconsistent with democracy, and we have to put a stop to it.

That is why Senator Kennedy and I have drafted the "Stop Government Propaganda Act" which we are introducing today, along with our cosponsors, Senators Durbin, Corzine, Clinton, Dorgan, Murray, Johnson, Jack Reed, Lieberman and Leahy.

Our bill will shut down the Administration's propaganda mill once and for all.

Propaganda had its place in Saddam's Iraq. Propaganda was a staple of the old Soviet Union. But covert government propaganda has no place in the United States Government.

In the last few weeks, we have seen revelations that a number of conservative columnists are actually on the Bush Administration's payroll to push the President's agenda.

Armstrong Williams was paid to improve the image of President Bush's education programs, and the columnists Maggie Gallagher and Mike McManus were paid to promote the President's "marriage initiative."

Some have called it the "pundit payola" scandal. But this scandal goes well beyond these particular payments to journalists.

In fact, these secret payments are only the latest in a series of covert propaganda activities conducted by this Administration.

Last year, we discovered that the Administration was paying a public relations firm to creat fake television news stories. These fake news stories touting the new Medicare law made their way onto local news shows on forty television stations across the country.

These fake news stories even featured a fake reporter—Karen Ryan "reporting from Washington." While Karen Ryan does exist, she's not a reporter. She is a public relations consultant based here in Washington.

Worse, the viewers who watched these fake news stories thought they were hearing real news. But what they were watching was Government-produced propaganda.

The Government Accountability Office investigated the legality of these fake news stories and came back with a clear decision: it was illegal propaganda. The GAO also said that the Administration must officially report the misspent funds to Congress.

But the Bush Administration simply ignored GAO's legal ruling. The Administration said that because of the separation of powers, the GAO can't tell them what to do.

So, in other words, the Administration has said that they will ignore the current law on the books. That is why we are introducing new legislation today that will put real teeth in the anti-propaganda law.

Our bill, the Stop Government Propaganda Act, does two major things:

First, it makes the Anti-Propaganda law permanent.

Right now, the anti-propaganda law is passed year to year as a "rider" in our appropriations bills. Making the law permanent will show that we are serious about it and want it obeyed.

Also, our bill has real consequences for violations by the Administration. The current law is enforced by GAO, and the Administration is obviously ignoring their rulings. That has to change.

Our bill calls for the Justice Department to pursue these violations. But in cases where DOJ fails to act, our bill authorizes citizen lawsuits to enforce the law.

And we also give added power to the GAO. Right now, the Administration ignores the GAO's legal decisions. But our bill will make it downright painful for the Administration to ignore the GAO.

When the GAO finds that taxpayer funds are misspent for propaganda purposes, and the agency fails to follow the GAO's ordered actions, our bill would call for the head of that agency's salary to be withheld.

Our bill establishes a point of order against any appropriations bill that fails to enforce the salary reduction.

Last week, President Bush said he agrees that it is wrong to pay journalists and that the practice must stop. But at the same time, the Bush Administration continues to ignore GAO's rulings on their propaganda violations.

And while the attention was on Armstrong Williams, the Administration has been ramping up propaganda efforts at the Social Security Administration. In fact, last week, the Democratic Policy Committee heard testimony from two Social Security employees who revealed how they are being forced to push the White House agenda on the public.

Rather than concentrate on getting benefits out or servicing people on Social Security, the White House is using SSA employees to spread its false propaganda message of a "crisis" in Social Security.

That is why we must act now to put a stop to all of these practices. I urge my colleagues to support our bill, the Stop Government Propaganda Act.

As we seek to establish democracy in Iraq, let's first remove this taint from our own democracy.

I ask unanimous consent that the text of the bill be printed in the Record.

There being no objection, the bill was ordered to be printed in the Record, as follows:

S. 266

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Government Propaganda Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Since 1951, the following prohibition on the use of appropriated funds for propaganda purposes has been enacted annually: "No part of any appropriation contained in this or any other Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by Congress.".

(2) On May 19, 2004, the Government Accountability Office (GAO) ruled that the Department of Health and Human Services violated the publicity and propaganda prohibitions by creating fake television new stories for distribution to broadcast stations across the country.

(3) On January 4, 2005, the GAO ruled that the Office of National drug Control Policy violated the publicity and propaganda prohibitions by distributing fake television news stories to broadcast stations from 2002 to 2004.

(4) In 2003, the Department of Education violated publicity and propaganda prohibitions by using of taxpayer funds to create fake television news stories promoting the "No Child Left Behind" program violated the propaganda prohibition.

(5) An analysis of individual journalists, paid for by the Department of Education in 2003, which ranked reporters on how positive their articles portrayed the Administration and the Republican Party, constituted a gross violation of the law prohibiting propaganda and the use of taxpayer funds for partisan purposes.

(6) The payment of taxpayer funds to journalist Armstrong Williams in 2003 to promote Administration education policies violated the ban on covert propaganda.

(7) The payment of taxpayer funds to journalist Maggie Gallagher in 2002 to promote Administration welfare and family policies violated the ban on covert propaganda.

(8) Payment for and construction of 8 little red schoolhouse facades at the entranceways to the Department of Education headquarters in Washington, DC to boost the image of the "No Child Left Behind" program was an inappropriate use of taxpayer dollars.

(9) Messages inserted into Social Security Administration materials in 2004 and 2005 intended to further grassroots lobbying efforts in favor of President Bush's Social Security privatization plan is an inappropriate use of taxpayer funds.

(10) The Department of Health and Human Services ignored the Government Accountability Office's legal decision of May 19, 2004, and failed to follow the GAO's directive to report its Anti-Deficiency Act violation to Congress and the President, as provided by section 1351 of title 31, United States Code.

(11) Despite numerous violations of the propaganda law, the Department of Justice has not acted to enforce the law or follow the requirements of the Anti-Deficiency Act.

(12) In order to protect taxpayer funds, stronger measures must be enacted into law to require actual enforcement of the ban on the use of taxpayer funds for propaganda purposes.

SEC. 3. DEFINITION.

In this Act, the term "publicity" or "propaganda" includes—

(1) a news release or other publication that does not clearly identify the Government agency directly or indirectly (through a contractor) financially responsible for the message;

(2) any audio or visual presentation that does not continuously and clearly identify the Government agency directly or indirectly financially responsible for the message;

(3) an Internet message that does not continuously and clearly identify the Government agency directly or indirectly financially responsible for the message;

(4) any attempt to manipulate the news media by payment to any journalist, reporter, columnist, commentator, editor, or news organization;

(5) any message designed to aid a political party or candidate;

(6) any message with the purpose of self-aggrandizement or puffery of the Administration, agency, Executive branch programs or policies, or pending congressional legislation;

(7) a message of a nature tending to emphasize the importance of the agency or its activities;

(8) a message that is so misleading or inaccurate that it constitutes propaganda; and

(9) the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before Congress or any State legislature, except in presentation to Congress or any State legislature itself.

SEC. 4. PROHIBITION ON PUBLICITY OR PROPAGANDA AND ENFORCEMENT.

(a) IN GENERAL.—The senior official of an Executive branch agency who authorizes or directs funds appropriated to such Executive branch agency for publicity or propaganda purposes within the United States, unless authorized by law, is liable to the United States Government for a civil penalty of not less than $5,000 and not more than $10,000, plus 3 times the amount of funds appropriated.

(b) RESPONSIBILITIES OF THE ATTORNEY GENERAL.—The Attorney General diligently shall investigate a violation of subsection (a). If the Attorney General finds that a person has violated or is violating subsection (a), the Attorney General may bring a civil action under this section against the person.

(c) ACTIONS BY PRIVATE PERSONS.—

(1) IN GENERAL.—A person may bring a civil action for a violation of subsection (a) for the person and for the United States Government. The action shall be brought in the name of the Government. The action may be dismissed only if the court and the Attorney General give written consent to the dismissal and their reasons for consenting.

(2) NOTICE.—A copy of the complaint and written disclosure of substantially all material evidence and information the person possesses shall be served on the Government pursuant to Rule 4(d)(4) of the Federal Rules of Civil Procedure. The complaint shall be filed in camera, shall remain under seal for at least 60 days, and shall not be served on the defendant until the court so orders. The Government may elect to intervene and proceed with the action within 60 days after it receives both the complaint and the material evidence and information.

(3) DELAY OF NOTICE.—The Government may, for good cause shown, move the court for extensions of the time during which the complaint remains under seal under paragraph (2). Any such motions may be supported by affidavits or other submissions in camera. The defendant shall not be required to respond to any complaint filed under this section until 20 days after the complaint is unsealed and served upon the defendant pursuant to Rule 4 of the Federal Rules of Civil Procedure.

(4) GOVERNMENT ACTION.—Before the expiration of the 60-day period or any extensions obtained under paragraph (3), the Government shall—

(A) proceed with the action, in which case the action shall be conducted by the Government; or

(B) notify the court that it declines to take over the action, in which case the person bringing the action shall have the right to conduct the action.

(5) LIMITED INTERVENTION.—When a person brings an action under this subsection, no person other than the Government may intervene or bring a related action based on the facts underlying the pending action.

(d) RIGHTS OF THE PARTIES.—

(1) GOVERNMENT ACTION.—If the Government proceeds with the action, it shall have the primary responsibility for prosecuting the action, and shall not be bound by an act of the person bringing the action. Such person shall have the right to continue as a party to the action, subject to the limitations set forth in paragraph (2).

(2) LIMITATIONS.—

(A) DISMISSAL.—The Government may dismiss the action notwithstanding the objections of the person initiating the action if the person has been notified by the Government of the filing of the motion and the court has provided the person with an opportunity for a hearing on the motion.

(B) SETTLEMENT.—The Government may settle the action with the defendant notwithstanding the objections of the person initiating the action if the court determines, after a hearing, that the proposed settlement is fair, adequate, and reasonable under all the circumstances. Upon a showing of good cause, such hearing may be held in camera.

(C) PROCEEDINGS.—Upon a showing by the Government that unrestricted participation during the course of the litigation by the person initiating the action would interfere with or unduly delay the Government's prosecution of the case, or would be repetitious, irrelevant, or for purposes of harassment, the court may, in its discretion, impose limitations on the person's participation, such as—

(i) limiting the number of witnesses the person may call;

(ii) limiting the length of the testimony of such witnesses;

(iii) limiting the person's cross-examination of witnesses; or

(iv) otherwise limiting the participation by the person in the litigation.

(D) LIMIT PARTICIPATION.—Upon a showing by the defendant that unrestricted participation during the course of the litigation by the person initiating the action would be for purposes of harassment or would cause the defendant undue burden or unnecessary expense, the court may limit the participation by the person in the litigation.

(3) ACTION BY PERSON.—If the Government elects not to proceed with the action, the person who initiated the action shall have the right to conduct the action. If the Government so requests, it shall be served with copies of all pleadings filed in the action and shall be supplied with copies of all deposition transcripts (at the Government's expense). When a person proceeds with the action, the court, without limiting the status and rights of the person initiating the action, may nevertheless permit the Government to intervene at a later date upon a showing of good cause.

(4) INTERFERENCE.—Whether or not the Government proceeds with the action, upon a showing by the Government that certain actions of discovery by the person initiating the action would interfere with the Government's investigation or prosecution of a criminal or civil matter arising out of the same facts, the court may stay such discovery for a period of not more than 60 days. Such a showing shall be conducted in camera. The court may extend the 60-day period upon a further showing in camera that the Government has pursued the criminal or civil investigation or proceedings with reasonable diligence and any proposed discovery

in the civil action will interfere with the ongoing criminal or civil investigation or proceedings.

(5) GOVERNMENT ACTION.—Notwithstanding subsection (b), the Government may elect to pursue its claim through any alternate remedy available to the Government, including any administrative proceeding to determine a civil money penalty. If any such alternate remedy is pursued in another proceeding, the person initiating the action shall have the same rights in such proceeding as such person would have had if the action had continued under this section. Any finding of fact or conclusion of law made in such other proceeding that has become final shall be conclusive on all parties to an action under this section. For purposes of the preceding sentence, a finding or conclusion is final if it has been finally determined on appeal to the appropriate court of the United States, if all time for filing such an appeal with respect to the finding or conclusion has expired, or if the finding or conclusion is not subject to judicial review.

(e) AWARD TO PRIVATE PLAINTIFF.—

(1) GOVERNMENT ACTION.—If the Government proceeds with an action brought by a person under subsection (c), such person shall, subject to the second sentence of this paragraph, receive at least 15 percent but not more than 25 percent of the proceeds of the action or settlement of the claim, depending upon the extent to which the person substantially contributed to the prosecution of the action.

(2) NO GOVERNMENT ACTION.—If the Government does not proceed with an action under this section, the person bringing the action or settling the claim shall receive an amount which the court decides is reasonable for collecting the civil penalty and damages. The amount shall be not less than 25 percent and not more than 30 percent of the proceeds of the action or settlement and shall be paid out of such proceeds. Such person shall also receive an amount for reasonable expenses which the court finds to have been necessarily incurred, plus reasonable attorneys' fees and costs. All such expenses, fees, and costs shall be awarded against the defendant.

(3) FRIVOLOUS CLAIM.—If the Government does not proceed with the action and the person bringing the action conducts the action, the court may award to the defendant its reasonable attorneys' fees and expenses if the defendant prevails in the action and the court finds that the claim of the person bringing the action was clearly frivolous, clearly vexatious, or brought primarily for purposes of harassment.

(f) GOVERNMENT NOT LIABLE FOR CERTAIN EXPENSES.—The Government is not liable for expenses which a person incurs in bringing an action under this section.

(g) FEES AND EXPENSES TO PREVAILING DEFENDANT.—In civil actions brought under this section by the United States, the provisions of section 2412 (d) of title 28 shall apply.

(h) WHISTLEBLOWER PROTECTION.—

(1) IN GENERAL.—Any employee who is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by his or her employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of an action under this section, including investigation for, initiation of, testimony for, or assistance in an action filed or to be filed under this section, shall be entitled to all relief necessary to make the employee whole.

(2) RELIEF.—Relief under this subsection shall include reinstatement with the same seniority status such employee would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees. An employee may bring an action in the appropriate district court of the United States for the relief provided in this subsection.

SEC. 5. JUDICIAL NOTICE.

The courts of the United States shall take cognizance and notice of any legal decision of the Government Accountability Office interpreting the application of this Act.

SEC. 6. POINT OF ORDER.

(a) IN GENERAL.—

(1) REDUCTION OF SALARY.—It shall not be in order in the House of Representatives or the Senate to consider a bill, amendment, or resolution providing an appropriation for an agency that the Government Accountability Office has found in violation of this Act unless the appropriations for salary and expenses for the head of the relevant agency contains a provision reducing the salary of the head by an amount equal to the illegal expenditure identified by the Government Accountability Office. If the illegal expenditure exceeds the annual salary of the agency head, then the point of order shall continue until the remaining amount is subtracted from the salary of the agency head.

(2) COMPLIANCE.—Paragraph (1) shall not apply if the agency is complying with the decision of the Government Accountability Office.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of ⅗ of the Members, duly chosen and sworn. An affirmative vote of ⅗ of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

Mr. KENNEDY. Mr. President, we have to stop right now all the taxpayer-financed propaganda put out by our government to influence the American people. We need to expedite the investigations, begin congressional hearings, and pass specific new legislation to prevent the administration from using persons paid to pose as legitimate journalists to push for the Bush political agenda.

Last week, we found out, according to the Washington Post, that another commentator, Maggie Gallagher, was paid $21,500 by the Department of Health and Human Services to promote the Bush administration's marriage agenda--a fact she didn't disclose to her readers while writing on the issue.

As most of us now know, thanks to USA Today, the outgoing leadership of the Education Department secretly, and still unapologetically, paid $241,000 to commentator Armstrong Williams to influence his broadcasts. Mr. Williams was paid to comment favorably on the President's No Child Left Behind Act education reform plan, to conduct phony "interviews" with administration officials, and to encourage his colleagues in the media to do the same.

The Gallagher and Williams payments were part of a multimillion dollar, taxpayer-funded public relations scheme to influence and undermine America's free press. Journalists were ranked on the favorability of their news coverage of President Bush on education. Phony video reports and interviews about the President's Medicare prescription drug law were broadcast as independent news on local television.

All parties agree that this type of secret government paid journalism is wrong. Yet Ms. Gallagher and Mr. Williams continue to retain their $21.500 and $241,000 bribes.

I am pleased to join Senator LAUTENBERG, who has been our leader on this issue, in introducing legislation to permanently prohibit the use of taxpayer funds for the type of manipulative payments that Ms. Gallagher and Mr. Williams received. Our legislation will prohibit agencies from issuing news releases, video news releases, and internet messages that do not clearly identify the government as financially responsible for the information.

It will enforce these prohibitions by creating a mechanism to dock the pay of any Cabinet Secretary or agency head responsible, and by authorizing private citizens to bring a court action to recover taxpayer funds.

Propaganda by the Department of Health and Human Services, the Department of Education, and the Office of Drug Control and Policy has to stop now, before the infection spreads. We cannot sit still in Congress while the administration corrupts the first amendment and freedom of the press.

By Mr. CRAIG (for himself, Mr. WYDEN, and Mrs. FEINSTEIN):

S. 267. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. CRAIG. Mr. President, I rise today to join my colleagues and friends, Senator WYDEN of Oregon and Senator FEINSTEIN of California, to reauthorize a law that has stabilized payments to rural forest counties and, more important, has brought communities together to accomplish projects on the ground that improve watersheds and enhance habitat.

It should be remembered that the National Forest System was formed in 1905 from the Forest Reserves, which were established between 1891 and 1905 by Presidential proclamation. During that time, 153 million acres of forestlands were set aside in Forest Reserves and removed from future settlement and economic development. This imposed great hardships on those counties that were in and adjacent to these new reserves. In many cases, 65 to 90 percent of the land in a county was sequestered in the new forest reserves, leaving little land for economic development and diminishing the potential tax base to support essential community infrastructure such as roads and schools. There was considerable opposition in the forest counties to establishing these reserves.

In 1908, in response to the mounting opposition to the reserves in the West, Congress passed a bill which created a revenue sharing mechanism to offset for forest counties the effects of removing these lands from economic development. The 1908 act specified that 10 percent of all revenues generated from the multiple-use management of our National Forests would be shared with the counties to support public roads and public schools. Several years later that percentage was increased to 25 percent. People in our forest counties refer to this as the "Compact with the People of Rural Counties" which was part of the foundation for establishing our National Forest System.

It was the intent of Congress in establishing our National Forests, that they would be managed in a sustained multiple-use manner in perpetuity, and that they would provide revenues for local counties and the Federal treasury in perpetuity as well. And, from 1908 until about 1993, this revenue sharing mechanism worked extremely well. However, from 1986 to the present, we have, for a variety of reasons, reduced our sustained active multiple-use management of the National Forests and the revenues have declined precipitously. Most counties have seen a decline of more than 85 percent in actual revenues generated on our National Forests and therefore an 85 percent reduction in 25 percent payments to counties which are used to help fund schools and county road departments.

And more important, they have seen a 60-percent reduction in the economic activity that the federal timber sale programs generated in these counties. The Forest Service in its 1997 TSPIRS report estimates the total economic activity in these rural counties to be more than $2.1 billion, compared to more than $5.5 billion as recently as 1991.

In 2000, Congress passed the Secure Rural Schools and Community Self Determination Act to address the needs of the National Forest counties and to focus on creating a new cooperative partnership between citizens in forest counties and our Federal land management agencies to develop forest health improvement projects on public lands and simultaneously stimulate job development and community economic stability.

This Act restored the 1908 compact between the people of rural America and the Federal Government, and it has been an enormous success in achieving and even surpassing the goals of Congress.

This is a remarkable success story for rural forest communities. These funds have restored and sustained essential infrastructure such as county schools and county roads through title I. Essential forest improvement projects have been completed through title II projects funded by forest counties, and planned by diverse stakeholder resource advisory committees. In Idaho, resource advisory committees are partnering with the Forest Service and other organizations to fight the spread of weeds on the Nez Perce National Forest, make road improvements in Hells Canyon National Recreation Area, and repair culverts and improve fish habitat on the Caribou-Targhee National Forest.

These groups are reducing management gridlock and building collaborative public lands decisionmaking capacity in counties across America. These resource advisory committees are a real and working compact between the Federal land management agencies and rural communities that includes all interest groups; they represent a true coupling of community with land managers that is good for the land and good for the communities.

Finally, essential services are being supported and developed in forest counties by investing title III funds. In Idaho, counties are using the funding as directed for search and rescue operations and youth employment and educational opportunities.

The impact of this act over the last few years is positive and substantial. This law should be extended so it can continue to benefit the forest counties and their schools, and continue to contribute to improving the health of our National Forests.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 267

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Secure Rural Schools and Community Self-Determination Reauthorization Act of 2005".

SEC. 2. REAUTHORIZATION OF SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.

(a) EXTENSION THROUGH FISCAL YEAR 2013.—The Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note) is amended—

(1) in sections 101(a), 203(a)(1), 207(a), 208, 303, and 401, by striking "2006" each place it appears and inserting "2013";

(2) in section 208, by striking "2007" and inserting "2014"; and

(3) in section 303, by striking "2007" and inserting "2014,".

(b) AUTHORITY TO RESUME RECEIPT OF 25- OR 50-PERCENT PAYMENTS.—

(1) 25-PERCENT PAYMENTS.—Section 102(b) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) in paragraph (1), by inserting "of the Treasury" after "Secretary"; and

(B) in paragraph (2)—

(i) in the first sentence, by inserting ", including such an election made during the last quarter of fiscal year 2006 under this paragraph," after "25-percent payment"; and

(ii) in the second sentence, by striking "fiscal year 2006" and inserting "fiscal year 2013, except that the Secretary of the Treasury shall give the county the opportunity to elect, in writing during the last quarter of fiscal year 2006, to begin receiving the 25-percent payment effective with the payment for fiscal year 2007".

(2) 50-PERCENT PAYMENTS.—Section 103(b)(1) of such Act is amended by striking "fiscal year 2006" and inserting "fiscal year 2013, except that the Secretary of the Treasury shall give the county the opportunity to elect, in writing during the last quarter of fiscal year 2006, to begin receiving the 50-percent payment effective with the payment for fiscal year 2007".

(c) CLARIFICATION REGARDING SOURCE OF PAYMENTS.—

(1) PAYMENTS TO ELIGIBLE STATES FROM NATIONAL FOREST LANDS.—Section 102(b)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(A) by striking "trust fund," and inserting "trust funds, permanent funds,";

(B) by inserting a comma after "and"; and

(C) by adding at the end the following new sentence: "If the Secretary of the Treasury determines that a shortfall is likely for a fiscal year, all revenues, fees, penalties, and miscellaneous receipts referred to in the preceding sentence, exclusive of required deposits to relevant trust funds, permanent funds, and special accounts, that are received during that fiscal year shall be reserved to make payments under this section for that fiscal year.".

(2) PAYMENTS TO ELIGIBLE COUNTIES FROM BLM LANDS.—Section 103(b)(2) of such Act is amended—

(A) by striking "trust fund," and inserting "trust funds";

(B) by inserting a comma after "and"; and

(C) by adding at the end the following new sentence: "If the Secretary of the Treasury determines that a shortfall is likely for a fiscal year, all revenues, fees, penalties, and miscellaneous receipts referred to in the preceding sentence, exclusive of required deposits to relevant trust funds and permanent operating funds, that are received during that fiscal year shall be reserved to make payments under this section for that fiscal year.".

(d) TERM FOR RESOURCE ADVISORY COMMITTEE MEMBERS; REAPPOINTMENT.—Section 205(c)(1) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(1) in the second sentence, by striking "The Secretary concerned may reappoint members to" and inserting "A member of a resource advisory committee may be reappointed for one or more"; and

(2) by adding at the end the following new sentence: "Section 1803(c) of Food and Agriculture Act of 1977 (7 U.S.C. 2283(c)) shall not apply to a resource advisory committee established by the Secretary of Agriculture.".

(e) REVISION OF PILOT PROGRAM.—Section 204(e)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended—

(1) in subparagraph (A), by striking "The Secretary" and all that follows through "approved projects" and inserting "At the request of a resource advisory committee, the Secretary concerned may establish a pilot program to implement one or more of the projects proposed by the resource advisory committee under section 203";

(2) by striking subparagraph (B);

(3) in subparagraph (C), by striking "by the Secretary concerned";

(4) in subparagraph (D)—

(A) by striking "the pilot program" in the first sentence and inserting "pilot programs established under subparagraph (A)"; and

(B) by striking "the pilot program is" in the second sentence and inserting "pilot programs are"; and

(5) by redesignating subparagraphs (C), (D), and (E), as so amended, as subparagraphs (B), (C), and (D).

(f) Notification and Reporting Requirements Regarding County Projects.—

(1) Additional requirements.—Section 302 of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended by adding at the end the following new subsection:

"(c) Notification and Reporting Requirements.—

"(1) Notification.—Not later than 90 days after the end of each fiscal year during which county funds are obligated for projects under this title, the participating county shall submit to the Secretary concerned written notification specifying—

"(A) each project for which the participating county obligated county funds during that fiscal year;

"(B) the authorized use specified in subsection (b) that the project satisfies; and

"(C) the amount of county funds obligated or expended under the project during that fiscal year, including expenditures on Federal lands, State lands, and private lands.

"(2) Review.—The Secretary concerned shall review the notifications submitted under paragraph (1) for a fiscal year for the purpose of assessing the success of participating counties in achieving the purposes of this title.

"(3) Annual report.—The Secretary concerned shall prepare an annual report containing the results of the most-recent review conducted under paragraph (2) and a summary of the notifications covered by the review.

"(4) Submission of report.—The report required by paragraph (3) for a fiscal year shall be submitted to the Committee on Agriculture, Nutrition, and Forestry and the Committee on Energy and Natural Resources of the Senate and the Committee on Agriculture and the Committee on Resources of the House of Representatives not later than 150 days after the end of that fiscal year.".

(2) Definition of secretary concerned.—Section 301 of such Act is amended by adding at the end the following new paragraph:

"(3) Secretary concerned.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture, with respect to county funds reserved under section 102(d)(1)(B)(ii) for expenditure in accordance with this title;

"(B) the Secretary of the Interior or the designee of the Secretary of the Interior, with respect to county funds reserved under section 103(c)(1)(B)(ii) for expenditure in accordance with this title.".

(3) References to participating county.—Section 302(b) of such Act is amended—

(A) by striking "An eligible county" each place it appears in paragraphs (1), (2), and (3) and inserting "A participating county"; and

(B) by striking "A county" each place it appears in paragraphs (4), (5), and (6) and inserting "A participating county".

(g) Technical Correction.—Section 205(a)(3) of the Secure Rural Schools and Community Self-Determination Act of 2000 is amended by striking the comma after "the Secretary concerned may".

Mr. WYDEN. Mr. President, I rise today to join my very dear friend and colleague, Senator Craig of Idaho, as his principal cosponsor on legislation to reauthorize a law that has spawned a revolution in forest dependent communities in 42 States and in over 700 counties across the country. Our bill will reauthorize the Secure Rural Schools and Community Self Determination Act of 2000.

This bill is short and simple but also extraordinary: it renews the original law and its programs for 8 more years. It also makes some technical and grammatical corrections to the original law and adds an oversight report on some of the projects done under this Act. As we introduce this bill today in the Senate, our friends and colleagues in the House are introducing the exact same bill with the same, bi-partisan spirit.

The reason we can pursue reauthorization of such a far reaching law with such little language is because the folks that it affects, the forest dependent communities, as well as the educators, the county leaders and the environmentalists in those communities, have made this law work. The reason we want to reauthorize this legislation is because these same folks want to continue the work this law allows them to do together, on federal and private lands, and in rural communities.

The Secure Rural Schools and Community Self Determination Act of2000 is sustaining rural communities as well as encouraging industry and creating jobs based on natural resources. If I may paraphrase a famous commercial to describe this legislation, I'd say:

Stabilization of payments to counties for roads and schools—millions of dollars; Additional investments and the creation of new jobs through forest related projects—thousands of projects; Improving cooperative relationships among the people that use and care for federal lands: Priceless.

Title I of the Act stabilizes funding for public education in rural communities. It also fortifies local government budgets that provide health and safety services in rural America, as well as maintains the transportation corridors that move people and material to and from forest communities.

Title II of the Act provides resources for community-based stewardship for local federal lands. By establishing Resource Advisory Committees, RACs, tasked with reviewing and recommending to the Forest Service and Bureau of Land Management projects to be completed on Federal lands that benefit the community and the federal lands associated with that RAC, this Act has resulted in over a thousand projects making Federal lands more environmentally healthy today than before this Act passed in 2000. RACs enlist community members representing environmental interests, recreations users, farmers, local officials and forest products industry. This collaborative planning of management of local Federal lands has put people to work building fish-friendly culverts; reducing hazardous fuel loads; enhancing picnic, camping and hiking facilities; and removing debris and noxious plant species.

The kinds of projects the RACs have supported are varied: watershed restoration and maintenance; wild life habitat restoration; native fisheries habitat enhancement; forest health improvements; wild land fire hazard reduction; control of noxious weeds; removal of trash and illegal dumps; road maintenance and obliteration; trail maintenance and obliteration; and campground maintenance.

Title III of the Act supports activities protecting federal infrastructure and the forest ecosystem. Fire Planning, emergency response, law enforcement and search and rescue services make federallands safe. They reinforce county government's commitment to the partnership between the Federal Government and local communities. These funds are being used to respond to forest fires conduct search and rescue missions and improve forest health while teaching at-risk children and rehabilitating prisoners in prison-work camp programs. Title III projects, like Title II projects, are also helping to develop cooperative projects between counties, local, State and Federal officials and agencies.

The Act's greatest financial footprint is felt in the West, but financial benefits flow to counties nationwide. Significant investment in Federal lands has taken or will take place: $121 million from Title II and $124 million from Title III. At least 1,168 Title II projects were approved during the Act's first two years.

Under the reauthorization we are sponsoring the payment amount will continue to be based on the average of timber receipts for the three top federal land timber production years: FY 1985 through FY 2000. Currently, on lands where there is no harvest and no safety net, the communities get no money. For those lands, funds will be provided from the general treasury. For others, there would be funds available, first from receipts but then from the general treasury. Still, for counties where the status quo is their best source of funds, they could stay with the status quo until they feel the need to use the safety net. No longer will there be an absolute a reliance on receipts, thus decreasing pressure on land managers to produce timber harvest for schools and counties. While there is widespread application of the Act, 86 percent of counties nationwide have opted for the "stable payment;" under the reauthorization bill, if a county that has been part of this Act would like to opt out it may do so. It is only fair to allow this, given that the county may have opted in by assuming the law would only last through 2006.

Very strong support exists across the nation from stakeholders for renewal of the Act past fiscal year 2006.

I urge my colleagues to work with me and my colleague across the aisle on this bi-partisan, bi-cameral effort to renew a law that is actually working on the ground.

By Mr. HARKIN (for himself, Mrs. CLINTON, Mr. COCHRAN, Mr. KOHL, Mr. LAUTENBERG, Mr. LEAHY, Mr. LUGAR, Mr. ROCKEFELLER, and Mr. WYDEN):

S. 268. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. HARKIN. Mr. President, today I am introducing legislation, the Training for Realtime Writers Act of 2005, on behalf of myself and my colleagues, Senators CLINTON, COCHRAN, KOHL, LAUTENBERG, LEAHY, LUGAR, ROCKEFELLER, and WYDEN.

The 1996 Telecom Act required that all television broadcasts were to be captioned by 2006 and all Spanish language programming was to be captioned by 2010. This was a much needed reform that has helped millions of deaf and hard-of-hearing Americans to be able to take full advantage of television programming. Sadly, we have yet to meet that demand. It has been estimated that 3,000 captioners are needed to fulfill the 2006 mandate, and that number continues to increase as more and more broadband stations come online. Unfortunately, the United States has fallen behind in training these individuals. We must jump start training programs to get students in the pipeline and begin to address the need for Spanish language broadcasting.

This is an issue that I feel very strongly about because my late brother, Frank, was deaf. I know personally that access to culture, news, and other media was important to him and to others in achieving a better quality of life. More than 28 million Americans, or 8 percent of the population, are considered deaf or hard of hearing and many require captioning services to participate in mainstream activities. In 1990, I authored legislation that required all television sets to be equipped with a computer chip to decode closed captioning. This bill completes the promise of that technology, affording deaf and hard of hearing Americans the same equality and access that captioning provides.

But let me emphasize that the deaf and hard of hearing population is only one of a number of groups that will benefit from the legislation. The audience for captioning also includes individuals seeking to acquire or improve literacy skills, including approximately 27 million functionally illiterate adults, 3 to 4 million immigrants learning English as a second language, and 18 million children learning to read in grades kindergarten through 3. I see people using closed captioning to stay informed everywhere—from the gym to the airport. Here in the Senate, I would wager that many individuals on our staff have the captioning turned on right now to follow what is happening on the Senate floor while they go about conducting the meetings and phone calls that advance legislation. Captioning helps people educate themselves and helps all of us stay informed and entertained when audio isn't the most appropriate medium.

Although the 2006 deadline is only 23 months away, our nation is facing a serious shortage of captioners. Over the past decade, student enrollment in programs that train court reporters to become realtime writers has decreased by 50 percent causing such programs to close on many campuses. Yet the need for these skills continues to rise. In fact, the rate of job placement upon graduation nears 100 percent. In addition, the majority of closed captioners are independent contractors. They are the small businesses that run the American economy and we should do everything we can to promote the creation and support of those businesses.

That is why my colleagues and I are introducing this vital piece of legislation. The Training for Realtime Writers Act of 2005 would establish competitive grants to be used toward training real time captioners. This is necessary to ensure that we meet our goal set by the 1996 Telecom Act.

The Senate Commerce Committee reported this bill unanimously last session, the full Senate has passed this Act without objection twice now, and we stand here today, once again at the beginning of the process. I ask my colleagues to join us once again in support of this legislation and join us in our effort to win its passage into law. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Training for Realtime Writers Act of 2005'.

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) As directed by Congress in section 723 of the Communications Act of 1934 (47 U.S.C. 613), as added by section 305 of the Telecommunications Act of 1996 (Public Law 104–104; 110 Stat. 126), the Federal Communications Commission adopted rules requiring closed captioning of most television programming, which gradually require new video programming to be fully captioned in English by 2006 and Spanish by 2010.

(2) More than 28,000,000 Americans, or 8 percent of the population, are considered deaf or hard of hearing, and many require captioning services to participate in mainstream activities.

(3) More than 24,000 children are born in the United States each year with some form of hearing loss.

(4) According to the Department of Health and Human Services and a study done by the National Council on Aging—

(A) 25 percent of Americans over 65 years old are hearing impaired;

(B) 33 percent of Americans over 70 years old are hearing impaired; and

(C) 41 percent of Americans over 75 years old are hearing impaired.

(5) The National Council on Aging study also found that depression in older adults may be directly related to hearing loss and disconnection with the spoken word.

(6) Empirical research demonstrates that captions improve the performance of individuals learning to read English and, according to numerous Federal agency statistics, could benefit—

(A) 3,700,000 remedial readers;

(B) 12,000,000 young children learning to read;

(C) 27,000,000 illiterate adults; and (D) 30,000,000 people for whom English is a second language.

(7) Over the past decade, student enrollment in programs that train realtime writers and closed captioners has decreased by 50%, even though job placement upon graduation is 100%.

SEC. 3. AUTHORIZATION OF GRANT PROGRAM TO PROMOTE TRAINING AND JOB PLACEMENT OF REAL TIME WRITERS.

(a) IN GENERAL.—The National Telecommunications and Information Administration shall make competitive grants to eligible entities under subsection

(b) to promote training and placement of individuals, including individuals who have completed a court reporting training program, as realtime writers in order to meet the requirements for closed captioning of video programming set forth in section 723 of the Communications Act of 1934 (47 U.S.C. 613) and the rules prescribed thereunder.

(b) ELIGIBLE ENTITIES.—For purposes of this Act, an eligible entity is a court reporting program that—

(1) can document and demonstrate to the Secretary of Commerce that it meets minimum standards of educational and financial accountability, with a curriculum capable of training realtime writers qualified to provide captioning services;

(2) is accredited by an accrediting agency recognized by the Department of Education; and

(3) is participating in student aid programs under title IV of the Higher Education Act of 1965.

(c) PRIORITY IN GRANTS.—In determining whether to make grants under this section, the Secretary of Commerce shall give a priority to eligible entities that, as determined by the Secretary of Commerce—

(1) possess the most substantial capability to increase their capacity to train realtime writers;

(2) demonstrate the most promising collaboration with local educational institutions, businesses, labor organizations, or other community groups having the potential to train or provide job placement assistance to realtime writers; or

(3) propose the most promising and innovative approaches for initiating or expanding training and job placement assistance efforts with respect to realtime writers.

(d) DURATION OF GRANT.—A grant under this section shall be for a period of two years.

(e) MAXIMUM AMOUNT OF GRANT.—The amount of a grant provided under subsection (a) to an entity eligible may not exceed $1,500,000 for the two-year period of the grant under subsection (d).

SEC. 4. APPLICATION.

(a) IN GENERAL.—To receive a grant under section 3, an eligible entity shall submit an application to the National Telecommunications and Information Administration at such time and in such manner as the Administration may require. The application shall contain the information set forth under subsection (b).

(b) INFORMATION.—Information in the application of an eligible entity under subsection (a) for a grant under section 3 shall include the following:

(1) A description of the training and assistance to be funded using the grant amount, including how such training and assistance will increase the number of realtime writers.

(2) A description of performance measures to be utilized to evaluate the progress of individuals receiving such training and assistance in matters relating to enrollment, completion of training, and job placement and retention.

(3) A description of the manner in which the eligible entity will ensure that recipients of scholarships, if any, funded by the grant will be employed and retained as realtime writers.

(4) A description of the manner in which the eligible entity intends to continue providing the training and assistance to be funded by the grant after the end of the grant period, including any partnerships or arrangements established for that purpose.

(5) A description of how the eligible entity will work with local workforce investment boards to ensure that training and assistance to be funded with the grant will further local workforce goals, including the creation of educational opportunities for individuals who are from economically disadvantaged backgrounds or are displaced workers.

(6) Additional information, if any, of the eligibility of the eligible entity for priority in the making of grants under section 3(c).

(7) Such other information as the Administration may require.

SEC. 5. USE OF FUNDS.

(a) IN GENERAL.—An eligible entity receiving a grant under section 3 shall use the grant amount for purposes relating to the recruitment, training and assistance, and job placement of individuals, including individuals who have completed a court reporting training program, as realtime writers, including—

(1) recruitment;

(2) subject to subsection (b), the provision of scholarships;

(3) distance learning;

(4) further develop and implement both English and Spanish curriculum to more effectively train realtime writing skills, and education in the knowledge necessary for the delivery of high-quality closed captioning services;

(5) mentor students to ensure successful completion of the realtime training and provide assistance in job placement;

(6) encourage individuals with disabilities to pursue a career in realtime writing; and

(7) the employment and payment of personnel for such purposes.

(b) SCHOLARSHIPS.—

(1) AMOUNT.—The amount of a scholarship under subsection (a)(2) shall be based on the amount of need of the recipient of the scholarship for financial assistance, as determined in accordance with part F of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087kk).

(2) AGREEMENT.—Each recipient of a scholarship under subsection (a)(2) shall enter into an agreement with the National Telecommunications and Information Administration to provide realtime writing services for a period of time (as determined by the Administration) that is appropriate (as so determined) for the amount of the scholarship received.

(3) COURSEWORK AND EMPLOYMENT.—The Administration shall establish requirements for coursework and employment for recipients of scholarships under subsection (a)(2), including requirements for repayment of scholarship amounts in the event of failure to meet such requirements for coursework and employment. Requirements for repayment of scholarship amounts shall take into account the effect of economic conditions on the capacity of scholarship recipients to find work as realtime writers.

(c) ADMINISTRATIVE COSTS.—The recipient of a grant under section 3 may not use more than 5 percent of the grant amount to pay administrative costs associated with activities funded by the grant.

(d) SUPPLEMENT NOT SUPPLANT.—Grant amounts under this Act shall supplement and not supplant other Federal or non-Federal funds of the grant recipient for purposes of promoting the training and placement of individuals as realtime writers

SEC. 6. REPORTS.

(a) ANNUAL REPORTS.—Each eligible entity receiving a grant under section 3 shall submit to the National Telecommunications and Information Administration, at the end of each year of the grant period, a report on the activities of such entity with respect to the use of grant amounts during such year.

(b) REPORT INFORMATION.—

(1) IN GENERAL.—Each report of an entity for a year under subsection (a) shall include a description of the use of grant amounts by the entity during such year, including an assessment by the entity of the effectiveness of activities carried out using such funds in increasing the number of realtime writers. The assessment shall utilize the performance measures submitted by the entity in the application for the grant under section 4(b).

(2) FINAL REPORT.—The final report of an entity on a grant under subsection (a) shall include a description of the best practices identified by the entity as a result of the grant for increasing the number of individuals who are trained, employed, and retained in employment as realtime writers.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act, amounts as follows:

(1) $20,000,000 for each of fiscal years 2006, 2007, and 2008.

(2) Such sums as may be necessary for fiscal year 2009.

By Mr. KERRY (for himself, Mr. REED, Mr. DODD, Mr. BINGAMAN, Mr. KOHL, Mr. JEFFORDS, Ms. CANTWELL, Mr. JOHNSON, Mr. PRYOR, Mr. LEAHY, Mr. LEVIN, Mr. SCHUMER, Mr. LIEBERMAN, Mrs. CLINTON, Mr. HARKIN, Mr. KENNEDY, Mr. BAYH, and Mr. OBAMA):

S. 269. A bill to provide emergency relief to small business concerns affected by a significant increase in the price of heating oil, natural gas, propane, or kerosene, and for other purposes; to the Committee on Small Business and Entrepreneurship.

Mr. KERRY. Mr. President, tonight the President will deliver his fifth State of the Union address. It is expected that he will, in that address, talk about his plan to expand the ownership of businesses, as he did in his Inaugural Address. As a long-time member of the Senate Committee on Small Business & Entrepreneurship, I hope that the administration will also tend to the needs of small businesses that already exist, in particular those struggling to make ends meet with the record high cost of heating fuels. It could be done very easily by making those small businesses eligible to apply for low-cost disaster loans through the Small Business Administration's Economic Injury Disaster Loan Program. And by making small farms and agricultural businesses eligible for loans through a similar loan program at the Department of Agriculture.

There has been a bipartisan push for this assistance in Congress twice in the past few years, most recently in November during the consideration of the mega funding bill, the FY2005 Omnibus Appropriations Conference Report. It makes no sense that out of 3,000 pages of legislation and almost $400 billion in spending, the White House and the Republican leadership, opposing members in their own party, refused to help the little guy. While it would have been most helpful to these businesses—from small heating oil dealers to small manufacturers—to enact the legislation in November when the prices were at an all-time high, we can still be helpful now.

In that spirit, together with Senator REED and 17 of my colleagues, I am reintroducing the Small Business and Farm Energy Emergency Relief Act. I thank Senators REED, DODD, BINGAMAN, KOHL, JEFFORDS, CANTWELL, JOHNSON, PRYOR, LEAHY, LEVIN, SCHUMER, LIEBERMAN, CLINTON, HARKIN, KENNEDY, BAYH and OBAMA. In the past, this assistance has been supported by many Republicans, and I hope they will again cosponsor the legislation. I have reached out to them in hopes that they will once again work in a bipartisan way to help our small businesses. I know the heating oil issue is important to Senator SNOWE, my colleague and chairman of the Committee on Small Business & Entrepreneurship, and I look forward to working with her. I am hopeful that she will cosponsor this bill and agree to take action on it in Committee as soon as possible.

We have built a very clear record over the years on how this legislation would work and why it is needed. Let me take a few minutes to summarize those conclusions. The Small Business and Farm Energy Emergency Relief Act of 2005 would provide emergency relief, through affordable, low-interest SBA and USDA Disaster loans, to small businesses adversely affected by, or likely to be adversely affected by, significant increases in the prices of four heating fuels—heating oil, propane, kerosene, and natural gas. This would be helpful, because for those businesses in danger of or already suffering from significant economic injury caused by crippling increases in the costs of heating fuel, they need access to capital to mitigate or avoid serious losses. However, commercial lenders typically won't make loans to these small businesses because they often don't have the increased cash flow to demonstrate the ability to repay the loan.

Economic injury disaster loans give affected small businesses necessary working capital until normal operations resume, or until they can restructure or change the business to address the market changes. These are direct loans, made through the SBA, with interest rates of 4 percent or less. The SBA tailors the repayment of each economic injury disaster loan to each borrower's financial capability, enabling them to avoid the robbing Peter to pay Paul syndrome, as they juggle bills.

In practical terms, SBA considers economic injury to be when a small business is unable, or likely to be unable, to meet its obligations as they mature or to pay its ordinary and necessary operating expenses. To be eligible to apply for an economic injury loan, you must be a small business that has been the victim of some kind of disaster, you must have used all reasonably available funds, and you must be unable to obtain credit elsewhere.

Under this program, the disaster must be declared by the President, the SBA Administrator, or a governor at the discretion of the Administrator. Small businesses will have nine months to apply from October 1, 2004 or, for future disasters, from the day a disaster is declared.

This bill differs from the legislation we put forward in 2001 in that it uses a different trigger to define a disaster. For this legislation, Senator REED worked closely with the Department of Energy to identify what would be considered extreme price jumps in the heating fuels of heating oil, natural gas, and propane. Therefore, the assistance under this bill would become available when the price jumps 40 percent, when compared to the same period for the two previous years, when absorbing the cost becomes nearly impossible.

Mr. President, I again ask that my colleagues get behind this bill and make it law as soon as possible. I ask unanimous consent that a copy of a bipartisan letter of support, a copy of the cosponsors from the 107th Congress, and a copy of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NOVEMBER 16, 2004.

Hon. TED STEVENS,
Chairman, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. JUDD GREGG,
Chairman, Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, U.S. Senate, Washington, DC.
Hon. ROBERT C. BYRD,
Ranking Member, Committee on Appropriations, U.S. Senate, Washington, DC.
Hon. FRITZ F. HOLLINGS,
Ranking Member, Appropriations Subcommittee on Commerce, Justice, State, and the Judiciary, U.S. Senate, Washington, DC.

DEAR SENATORS STEVENS, BYRD, GREGG AND HOLLINGS: We are writing to request you include a provision in the fiscal year 2005 Omnibus Appropriations Conference Report to make heating oil distributors and other small businesses harmed by substantial increases in energy prices eligible for Small Business Administration (SBA) disaster loans. Many small businesses are being adversely affected by the substantial increases in the prices of heating oil, propane, kerosene and natural gas. The recent volatile and substantial increases in the cost of these fuels is placing a tremendous burden on the financial resources of small businesses, which typically have small cash flows and narrow operating margins.

Heating oil and propane distributors, in particular, are being impacted. Heating oil and propane distributors purchase oil through wholesalers. Typically, the distributor has 10 days to pay for the oil. The money is pulled directly from a line of credit either at a bank or with the wholesaler. Given the high cost of heating oil, distributors' purchasing power is much lower this year compared to previous years. In addition, the distributors often do not receive payments from customers until 30 days or more after delivery; therefore, their financial resources for purchasing oil for customers and running their business are limited. Heating oil and propane dealers need to borrow money on a short-term basis to maintain economic viability. Commercial lenders typically will not make loans to these small businesses because they usually do not have the increased cash flows to demonstrate the ability to repay the loan. Without sufficient credit, these small businesses will struggle to purchase the heating fuels they need to supply residential customers, businesses and public facilities, such as schools. These loans would provide affected small businesses with the working capital needed until normal operations resume or until they can restructure to address the market changes.

SBA's disaster loans are appropriate sources of funding to address this problem. The hurricanes that caused significant damage to the Gulf Coast along with the current instability in Iraq, Nigeria and Russia caused a surge in the price of oil and important refined products, especially heating fuels. The conditions restricting these small businesses' access to capital are beyond their control and SBA loans can fill this gap when the private sector does not meet the credit needs of small businesses.

A similar provision passed the Small Business Committee and Senate with broad bipartisan support during the 10th Congress when these small businesses faced a substantial increase in energy prices. In addition, there is precedence for this proposal, as a similar provision was enacted in the 104th Congress to help commercial fisheries failures.

Thank you for your consideration. Please find enclosed suggested draft language for the proposal. If your staff has questions about the proposal or the impacts of the current energy price increases on small businesses, please ask them to contact Kris Sarri at 224–0606.

Sincerely,

Jack Reed, John F. Kerry, Arlen Specter, Christopher J. Dodd, Edward M. Kennedy, James M. Jeffords, Evan Bayh, Susan M. Collins, Jeff Bingaman, Patrick J. Leahy, Lincoln D. Chafee, Frank Lautenberg, Joseph I. Lieberman, Charles E. Schumer, Paul S. Sarbanes, Hillary Rodham Clinton, Barbara A. Mikulski.

BILL SUMMARY AND STATUS FOR THE 107TH CONGRESS

Title: A bill to provide emergency relief to small businesses affected by significant increases in the prices of heating oil, natural gas, propane, and kerosene, and for other purposes.

Sponsor: Sen Kerry, John F. [D–MA] (introduced 2/8/2001); Cosponsors: 34.

Committees: Senate Small Business and Entrepreneurship; House Small Business; House Agriculture.

Senate Reports: 107–4.

Latest Major Action: 5/17/2001—Referred to House subcommittee. Status: Referred to the Subcommittee on Conservation, Credit, Rural Development and Research.

COSPONSORS, ALPHABETICAL

Sen Akaka, Daniel K. [D–HI]
Sen Bayh, Evan [D–IN]
Sen Bond, Christopher S. [R–MO]
Sen Chafee, Lincoln D. [R–RI]
Sen Clinton, Hillary Rodham [D–NY]
Sen Corzine, Jon [D–NJ]
Sen Dodd, Christopher J. [D–CT]
Sen Edwards, John [D–NC]
Sen Harkin, Tom [D–IA]
Sen Jeffords, James M. [R–VT]
Sen Kennedy, Edward M. [D–MA]
Sen Landrieu, Mary [D–LA]
Sen Levin, Carl [D–MI]
Sen Murray, Patty [D–WA]
Sen Schumer, Charles E. [D–NY]
Sen Snowe, Olympia J. [R–ME]
Sen Torricelli, Robert G. [D–NJ]
Sen Baucus, Max [D–MT]
Sen Bingaman, Jeff [D–NM]
Sen Cantwell, Maria [D–WA]
Sen Cleland, Max [D–GA]
Sen Collins, Susan M. [R–ME]
Sen Daschle, Thomas A. [D–SD]
Sen Domenici, Pete V. [R–NM]
Sen Enzi, Michael B. [R–WY]
Sen Inouye, Daniel K. [D–HI]
Sen Johnson, Tim [D–SD]
Sen Kohl, Herb [D–WI]
Sen Leahy, Patrick J. [D–VT]
Sen Lieberman, Joseph I. [D–CT]
Sen Reed, John F. [D–RI]
Sen Smith, Bob [R–NH]
Sen Specter, Arlen [R–PA]
Sen Wellstone, Paul D. [D–MN]

S. 269

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Small Business and Farm Energy Emergency Relief Act of 2005".

SEC. 2. FINDINGS.

Congress finds that—

(1) a significant number of small businesses in the United States, non-farm as well as agricultural producers, use heating oil, natural gas, propane, or kerosene to heat their facilities and for other purposes;

(2) a significant number of small business concerns in the United States sell, distribute, market, or otherwise engage in commerce directly related to heating oil, natural gas, propane, and kerosene; and

(3) significant increases in the price of heating oil, natural gas, propane, or kerosene—

(A) disproportionately harm small businesses dependent on those fuels or that use, sell, or distribute those fuels in the ordinary course of their business, and can cause them substantial economic injury;

(B) can negatively affect the national economy and regional economies;

(C) have occurred in the winters of 1983–1984, 1988–1989, 1996–1997, 1999–2000, 2000–2001, and 2004–2005; and

(D) can be caused by a host of factors, including international conflicts, global or regional supply difficulties, weather conditions, insufficient inventories, refinery capacity, transportation, and competitive structures in the markets, causes that are often unforeseeable to, and beyond the control of, those who own and operate small businesses.

SEC. 3. SMALL BUSINESS ENERGY EMERGENCY DISASTER LOAN PROGRAM.

(a) IN GENERAL.—Section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is amended by inserting after paragraph (3) the following:

"(4)(A) In this paragraph—

"(i) the term 'base price index' means the moving average of the closing unit price on the New York Mercantile Exchange for heating oil, natural gas, or propane for the 10 days, in each of the most recent 2 preceding years, which correspond to the trading days described in clause (ii);

"(ii) the term 'current price index' means the moving average of the closing unit price on the New York Mercantile Exchange, for the 10 most recent trading days, for contracts to purchase heating oil, natural gas, or propane during the subsequent calendar month, commonly known as the 'front month';

"(iii) the term 'heating fuel' means heating oil, natural gas, propane, or kerosene; and

"(iv) the term 'significant increase' means—

"(I) with respect to the price of heating oil, natural gas, or propane, any time the current price index exceeds the base price index by not less than 40 percent; and

"(II) with respect to the price of kerosene, any increase which the Administrator, in consultation with the Secretary of Energy, determines to be significant.

"(B) The Administration may make such loans, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, to assist a small business concern that has suffered or that is likely to suffer substantial economic injury as the result of a significant increase in the price of heating fuel.

"(C) Any loan or guarantee extended pursuant to this paragraph shall be made at the same interest rate as economic injury loans under paragraph (2).

"(D) No loan may be made under this paragraph, either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis, if the total amount outstanding and committed to the borrower under this subsection would exceed $1,500,000, unless such borrower constitutes a major source of employment in its surrounding area, as determined by the Administration, in which case the Administration, in its discretion, may waive the $1,500,000 limitation.

"(E) For purposes of assistance under this paragraph—

"(i) a declaration of a disaster area based on conditions specified in this paragraph shall be required, and shall be made by the President or the Administrator; or

"(ii) if no declaration has been made pursuant to clause (i), the Governor of a State in which a significant increase in the price of heating fuel has occurred may certify to the Administration that small business concerns have suffered economic injury as a result of such increase and are in need of financial assistance which is not otherwise available on reasonable terms in that State, and upon receipt of such certification, the Administration may make such loans as would have been available under this paragraph if a disaster declaration had been issued.

"(F) Notwithstanding any other provision of law, loans made under this paragraph may be used by a small business concern described in subparagraph (B) to convert from the use of heating fuel to a renewable or alternative energy source, including agriculture and urban waste, geothermal energy, cogeneration, solar energy, wind energy, or fuel cells.".

(b) CONFORMING AMENDMENTS RELATING TO HEATING FUEL.—Section 3(k) of the Small Business Act (15 U.S.C. 632(k)) is amended—

(1) by inserting ", significant increase in the price of heating fuel" after "civil disorders"; and

(2) by inserting "other" before "economic".

SEC. 4. AGRICULTURAL PRODUCER EMERGENCY LOANS.

(a) IN GENERAL.—Section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)) is amended—

(1) in the first sentence—

(A) by striking "operations have" and inserting "operations (i) have"; and

(B) by inserting before ": *Provided*," the following: ", or (ii)(I) are owned or operated by such an applicant that is also a small business concern (as defined in section 3 of the Small Business Act (15 U.S.C. 632)), and (II) have suffered or are likely to suffer substantial economic injury on or after October 1, 2004, as the result of a significant increase in energy costs or input costs from energy sources occurring on or after October 1, 2004, in connection with an energy emergency declared by the President or the Secretary";

(2) in the third sentence, by inserting before the period at the end the following: "or by an energy emergency declared by the President or the Secretary"; and

(3) in the fourth sentence—

(A) by inserting "or energy emergency" after "natural disaster" each place that term appears; and

(B) by inserting "or declaration" after "emergency designation".

(b) FUNDING.—Funds available on the date of enactment of this Act for emergency loans under subtitle C of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961 et seq.) shall be available to carry out the amendments made by subsection (a) to meet the needs resulting from natural disasters .

SEC. 5. GUIDELINES AND RULEMAKING.

(a) GUIDELINES.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration and the Secretary of Agriculture shall each issue such guidelines as the Administrator or the Secretary, as applicable, determines to be necessary to carry out this Act and the amendments made by this Act.

(b) RULEMAKING.—Not later than 30 days after the date of enactment of this Act, the Administrator of the Small Business Administration, after consultation with the Secretary of Energy, shall promulgate regulations specifying the method for determining a significant increase in the price of kerosene under section 7(b)(4)(A)(iv)(II) of the Small Business Act (15 U.S.C. 636(b)(4)(A)(iv)(II)).

SEC. 6. REPORTS.

(a) SMALL BUSINESS ADMINISTRATION.—Not later than 12 months after the date on which the Administrator of the Small Business Administration issues guidelines under section 5, and annually thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives, a report on the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act, as added by this Act, including—

(1) the number of small business concerns that applied for a loan under such section and the number of those that received such loans;

(2) the dollar value of those loans;

(3) the States in which the small business concerns that received such loans are located;

(4) the type of heating fuel or energy that caused the significant increase in the cost for the participating small business concerns; and

(5) recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

(b) DEPARTMENT OF AGRICULTURE.—Not later than 12 months after the date on which the Secretary of Agriculture issues guidelines under section 5, and annually thereafter, the Secretary shall submit to the Committee on Small Business and Agriculture, Nutrition, and Forestry of the Senate and the Committee on Small Business and Agriculture of the House of Representatives, a report that—

(1) describes the effectiveness of the assistance made available under section 7(b)(4) of the Small Business Act (15 U.S.C. 636(b)(4)); and

(2) contains recommendations for ways to improve the assistance provided under such section 7(b)(4), if any.

SEC. 7. EFFECTIVE DATE.

(a) SMALL BUSINESS.—The amendments made by this Act shall apply during the 4-year period beginning on the date on which guidelines are published by the Administrator of the Small Business Administration under section 5, with respect to assistance under section 7(b)(4) of the Small Business Act, as added by this Act, to economic injury suffered or likely to be suffered as the result of a significant increase in the price of heating fuel occurring on or after October 1, 2004; or

(b) AGRICULTURE.—The amendments made by section 4 shall apply during the 4-year period beginning on the date on which guidelines are published by the Secretary of Agriculture under section 5.

By Mr. LUGAR:

S. 270. A bill to provide a framework for consideration by the legislative and executive branches of proposed unilateral economic sanctions in order to ensure coordination of United States policy with respect to trade, security, and human rights; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the Sanctions Policy Reform Act.

The fundamental purpose of my bill is to promote good governance through thoughtful deliberation on those proposals involving unilateral economic sanctions directed against other countries. My bill lays out a set of guidelines and requirements for a careful and deliberative process in both branches of government when considering new unilateral sanctions. It does not preclude the use of economic sanctions nor does it change those sanctions already in force. It is based on the principle that if we improve the quality of our policy process and public discourse, we can improve the quality of the policy itself.

Numerous studies have shown that unilateral sanctions rarely succeed and often harm the United States more than the target country. Sanctions can jeopardize billions of dollars in U.S. export earnings and hundreds of thousands of American jobs. They frequently weaken our international competitiveness by yielding to other countries those markets and opportunities that we abandon. They also can undermine our ability to provide humanitarian assistance abroad.

Unilateral sanctions often appear to be cost-free, but they have many unintended victims—the poor in the target countries, American companies, American labor, American consumers and, quite frankly, American foreign policy. Sanctions can weaken our international competitiveness, lower our global market share, abandon our established market to others and jeopardize billions in export earnings—the key to our economic growth. They may also impair our ability to provide humanitarian assistance. They sometimes anger our friends and call our international leadership into question. In many cases, unilateral sanctions are well-intentioned, but impotent, serving only to create the illusion of U.S. action. In the worst cases, unilateral sanctions are actually undermining our own interests in the world.

Unilateral sanctions do have a place in our foreign policy. There will always be situations in which the actions of other countries are so egregious or so threatening to the United States that some response by the United States, short of the use of military force, is needed and justified. In these instances, sanctions can be helpful in getting the attention of another country, in showing U.S. determination to change behaviors we find objectionable, or in stimulating a search for creative solutions to difficult foreign policy problems.

But decisions to impose them must be fully considered and debated. Too frequently, this does not happen. Unilateral sanctions are often the result of a knee-jerk impulse to take action, combined with a timid desire to avoid the risks and commitments involved in more potent foreign policy steps that have greater potential to protect American interests. We must avoid putting U.S. national security in a straight-jacket, and we must have a clear idea of the consequences of sanctions on our own security and prosperity before we enact them.

To this end, I am offering this bill to reform the U.S. sanctions decision-making process. The bill will establish procedural guidelines and informational requirements that must be met prior to the imposition of unilateral economic sanctions. For example, before imposing unilateral sanctions, Congress would be required to consider findings by executive branch officials that evaluate the impact of the proposed sanctions on American agriculture, energy requirements, and capital markets. The bill mandates that we be better informed about the prospects that our sanctions will succeed, about the economic costs to the United States, and about the sanctions' impact on other American objectives.

In addition, this sanctions policy reform bill provides for more active consultation between the Congress and the President and for Presidential waiver authority if the President determines it is in our national security interests. It also establishes an executive branch Sanctions Review Committee, which will be tasked with evaluating the effect of any proposed sanctions and providing appropriate recommendations to the President prior to the imposition of such sanctions.

The bill would have no effect on existing sanctions. It would apply only to new sanctions that are enacted after this bill became law. It also would apply only to sanctions that are unilateral and that are intended to achieve foreign policy goals. As such, it excludes trade remedies or trade sanctions imposed because of market access restrictions, unfair trade practices, or violations of U.S. commercial or trade laws.

Let me suggest a number of fundamental principles that I believe should shape our approach to unilateral economic sanctions: unilateral economic sanctions should not be the policy of first resort (to the extent possible, other means of persuasion ought to be exhausted first); if harm is to be done or is intended, we must follow the cardinal principle that we plan to harm our adversary more than we harm ourselves; when possible, multilateral economic sanctions and international cooperation are preferable to unilateral sanctions and are more likely to succeed, even though they may be more difficult to obtain; we ought to avoid double standards and be as consistent as possible in the application of our sanctions policy; to the extent possible, we ought to avoid disproportionate harm to the civilian population (we should avoid the use of food as a weapon of foreign policy and we should permit humanitarian assistance programs to function); our foreign policy goals ought to be clear, specific and achievable within a reasonable period of time; we ought to keep to a minimum the adverse affects of our sanctions on our friends and allies; we should keep in mind that unilateral sanctions can cause adverse consequences that may be more problematic than the actions that prompted the sanctions—a regime collapse, a humanitarian disaster, a mass exodus of people, or more repression and isolation in the target country, for example; we should explore options for solving problems through dialogue, public diplomacy, and positive inducements or rewards; the President of the United States should always have options that include both sticks and carrots that can be adjusted according to circumstance and nuance (the Congress should be vigilant by ensuring that his options are consistent with Congressional intent and the law); and in those cases where we do impose sanctions unilaterally, our actions must be part of a coherent and coordinated foreign policy that is coupled with diplomacy and consistent with our international obligations and objectives.

An unexamined reliance on unilateral sanctions may be appropriate for a third-rate power whose foreign policy interests lie primarily in satisfying domestic constituencies or cultivating a self-righteous posture. But the United States is the world's only superpower. Our own prosperity and security, as well as the future of the world, depend on a vigorous and effective assertion of our international interests.

The United States should never abandon its leadership role in the world, nor forsake the basic values we cherish. We must ask, however, whether we are always able to change the actions of other countries whose behavior we find disagreeable or threatening. If we are able to influence those actions, we need to ponder how best to proceed. In my judgment, unilateral economic sanctions will not always be the best answer. But, if they are the answer, they should be structured so that they do as little harm as possible to our global interests. By improving upon our procedures and the quality and timeliness of our information when considering new sanctions, I believe U.S. foreign policy will be more effective.

By Mr. McCAIN (for himself, Mr. FEINGOLD, Mr. LOTT, Mr.

LIEBERMAN, Mr. SCHUMER, Ms. SNOWE, Ms. COLLINS, and Mr. SALAZAR):

S. 271. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on Rules and Administration.

Mr. McCAIN. Mr. President, I am pleased to be joined by my good friends and colleagues Senators FEINGOLD from Wisconsin, and LOTT from Mississippi, and our good friends who lead the campaign finance reform fight in the House, Representatives SHAYS and MEEHAN, in introducing a bill to end the illegal practice of 527 groups spending soft money on ads and other activities to influence Federal elections.

As my colleagues know, a number of 527 groups raised and spent a substantial amount of soft money in a blatant effort to influence the outcome of last year's Presidential election. These activities are illegal under existing laws, and yet once again, the Federal Election Commission, FEC, has failed to do its job and has refused to do anything to stop these illegal activities. Therefore, we must pursue all possible steps to overturn the FEC's misinterpretation of the campaign finance laws, which is improperly allowing 527 groups whose purpose is to influence Federal elections to spend soft money on these efforts.

According to an analysis by campaign finance scholar Tony Corrado, Federally oriented 527s spent $423 million on the 2004 elections. The same analysis shows that ten donors gave at least $4 million each to 527s involved in the 2004 elections and two donors each contributed over $20 million.

In September, we filed a lawsuit to overturn the FEC's failure to issue regulations to stop these illegal practices by 527 groups. President Bush and his campaign filed a similar lawsuit against the FEC as well, and I also appreciate President Bush's support for the legislative effort we begin today on 527s. Today, we are introducing legislation that will accomplish the same result. We are going to follow every possible avenue to stop 527 groups from effectively breaking the law, and doing what they are already prohibited from doing by longstanding laws.

The bill we introduce today is simple. It would require that all 527s register as political committees and comply with Federal campaign finance laws, including Federal limits on the contributions they receive, unless the money they raise and spend is only in connection with non-Federal candidate elections, State or local ballot initiatives, or the nomination or confirmation of individuals to non-elected offices.

Additionally, this legislation would set new rules for Federal political committees that spend funds on voter mobilization efforts effecting both Federal and local races and, therefore, use both a Federal and a non-Federal account under FEC regulations. The new rules would prevent unlimited soft money from being channeled into Federal election activities by these Federal political committees.

Under the new rules, at least half of the funds spent on these voter mobilization activities by Federal political committees would have to be hard money from their Federal account. More importantly, the funds raised for their non-Federal account would have to come from individuals and would be limited to no more than $25,000 per year per donor. Corporations and labor unions could not contribute to these non-Federal accounts. To put it in simple terms, a George Soros could give $25,000 per year as opposed to $10 million to finance these activities.

Let me be perfectly clear on one point here. Our proposal will not shut down 527s, it will simply require them to abide by the same Federal regulations every other Federal political committee must abide by in spending money to influence Federal elections.

It is unfortunate that we even need to be here introducing this bill today. This legislation would not be necessary if it weren't for the abject failure of the FEC to enforce existing law. As my colleagues well know, some organizations, registered under section 527 of the Internal Revenue Code, had a major impact on last year's presidential election by raising and spending illegal soft money to run ads attacking both President Bush and Senator KERRY. The use of soft money to finance these activities is clearly illegal under current statute, and the fact that they have been allowed to continue unchecked is unconscionable.

The blame for this lack of enforcement does not lie with the Congress, nor with the Administration. The blame for this continuing illegal activity lies squarely with the FEC. This agency has a duty to issue regulations to properly implement and enforce the Nation's campaign laws—and the FEC has failed, and it has failed miserably to carry out that responsibility. The Supreme Court found that to be the case in its McConnell decision, and Judge Kollar-Kotelly found that to be the case in her decision overturning 15 regulations incorrectly adopted by the FEC to implement the Bipartisan Campaign Reform Act of 2002, BCRA. That is why a Los Angeles Times editorial stated that, "her decision would make a fitting obituary for an agency that deserves to die." We are not going to allow the destructive FEC to continue to undermine the Nation's campaign finance laws as it has been consistently doing for the past two decades.

Opponents of campaign reform like to point out that the activities of these 527s serve as proof that BCRA has failed in its stated purpose to eliminate the corrupting influence of soft money in our political campaigns. Let me be perfectly clear on this. The 527 issue has nothing to do with BCRA, it has everything to do with the 1974 law and the failure of the FEC to do its job and properly regulate the activities of these groups.

As further evidence of the FEC's lack of capability, let me quote from a couple of court decisions which highlight this agency's shortcomings. First, in its decision upholding the constitutionality of BCRA in McConnell v. FEC, the U.S. Supreme Court stated that the FEC had "subverted" the law, issued regulations that "permitted more than Congress had ever intended," and "invited widespread circumvention" of FECA's limits on contributions. Additionally, in September, a Federal district court judge threw out 15 of the FEC's regulations implementing BCRA. Among the reasons for her actions were that one provision "severely undermines FECA" and would "foster corruption", another "runs completely afoul" of current law, another would "render the statute largely meaningless" and, finally, that another had "no rational basis."

The track record of the FEC is clear and, by their continued stonewalling, the Commission has proven itself to be nothing more than a bureaucratic nightmare, and the time has come to put an end to its destructive tactics. The FEC has had ample, and well documented, opportunities to address the issue of the 527's illegal activities, and each time they have taken a pass, choosing instead to delay, postpone, and refuse to act.

Enough is enough. It is time to stop wasting taxpayer's dollars on an agency that runs roughshod over the will of the Congress, the Supreme Court, the American people, and the Constitution. We've fought too long and too hard to sit back and allow this worthless agency to undermine the law.

So, here is the bottom line: If the FEC won't do its job, and its commissioners have proven time and time again that they won't, then we'll do it for them. The bill Senators FEINGOLD, LOTT and I introduce today will put an end to the abusive, illegal practices of these 527s.

I urge my colleagues to support swift passage of this bill and put an end to this problem once and for all.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 34—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ENZI submitted the following resolution; from the Committee on

Health, Education, Labor, and Pensions; which was referred to the Committee on Rules and Administration:

S. Res. 34

Resolved, That, in carrying out its powers, duties and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Health, Education, Labor, and Pensions is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $4,545,576, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $7,981,411, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $3,397,620, of which amount (1) not to exceed $32,500 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $25,000 may be expended for the training of professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The committee shall report its findings, together with such recommendations for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006 and February 28, 2007, respectively.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the Chairman of the committee, except that vouchers shall not be required (1) for the disbursement of the salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment of stationery supplies purchased through the Keeper of the Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005, October 1, 2005, through September 30, 2006; and October 1, 2006 through February 28, 2007, to be paid from the Appropriations account for "Expenses of Inquiries and Investigations".

SENATE RESOLUTION 35—AUTHORIZING EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

Mr. CRAIG submitted the following resolution; from the Committee on Veterans' Affairs; which was referred to the Committee on Rules and Administration:

S. Res. 35

Resolved, That, in carrying out its powers, duties, and functions under the Standing Rules of the Senate, in accordance with its jurisdiction under rule XXV of such rules, including holding hearings, reporting such hearings, and making investigations as authorized by paragraphs 1 and 8 of rule XXVI of the Standing Rules of the Senate, the Committee on Veterans' Affairs is authorized from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, in its discretion (1) to make expenditures from the contingent fund of the Senate, (2) to employ personnel, and (3) with the prior consent of the Government department or agency concerned and the Committee on Rules and Administration, to use on a reimbursable or non-reimbursable basis the services of personnel of any such department or agency.

Sec. 2. (a) The expenses of the committee for the period March 1, 2005, through September 30, 2005, under this resolution shall not exceed $1,394,529, of which amount (1) not to exceed $59,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $5,900 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(b) For the period October 1, 2005, through September 30, 2006, expenses of the committee under this resolution shall not exceed $2,445,763, of which amount (1) not to exceed $100,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(I) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $10,000 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

(c) For the period October 1, 2006, through February 28, 2007, expenses of the committee under this resolution shall not exceed $1,040,152, of which amount (1) not to exceed $42,000 may be expended for the procurement of the services of individual consultants, or organizations thereof (as authorized by section 202(i) of the Legislative Reorganization Act of 1946, as amended), and (2) not to exceed $4,200 may be expended for the training of the professional staff of such committee (under procedures specified by section 202(j) of the Legislative Reorganization Act of 1946).

Sec. 3. The committee shall report its findings, together with such recommendation for legislation as it deems advisable, to the Senate at the earliest practicable date, but not later than February 28, 2006, and February 28, 2007, respectively.

Sec. 4. Expenses of the committee under this resolution shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the committee, except that vouchers shall not be required for (1) the disbursement of salaries of employees paid at an annual rate, or (2) for the payment of telecommunications provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (3) for the payment stationery supplies purchased through the Keeper of Stationery, United States Senate, or (4) for payments to the Postmaster, United States Senate, or (5) for the payment of metered charges on copying equipment provided by the Office of the Sergeant at Arms and Doorkeeper, United States Senate, or (6) for the payment of Senate Recording and Photographic Services, or (7) for payment of franked and mass mail costs by the Sergeant at Arms and Doorkeeper, United States Senate.

Sec. 5. There are authorized such sums as may be necessary for agency contributions related to the compensation of employees of the committee from March 1, 2005, through September 30, 2005; October 1, 2005, through September 30, 2006; and October 1, 2006, through February 28, 2007, to be paid from the appropriations account for "Expenses of Inquiries and Investigations."

SENATE CONCURRENT RESOLUTION 9—RECOGNIZING THE SECOND CENTURY OF BIG BROTHERS BIG SISTERS, AND SUPPORTING THE MISSION AND GOALS OF THAT ORGANIZATION

Mr. ENSIGN (for himself and Mr. Dodd) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. Con. Res. 9

Whereas the year 2004 marked the 100th anniversary of the founding of Big Brothers Big Sisters;

Whereas Congress chartered Big Brothers in 1958;

Whereas Ernest Coulter recognized the need for adult role models for the youth he saw in court in New York City in 1904 and recruited "Big Brothers" to serve as mentors, beginning the Big Brothers movement;

Whereas Big Brothers Big Sisters is the oldest, largest youth mentoring organization in the nation, serving over 220,000 children in 2004 and approximately 2,000,000 since its founding 100 years ago;

Whereas Big Brothers Big Sisters has historically been supported through the generosity of individuals who have believed in the organization's commitment to matching at-risk children with caring, volunteer mentors;

Whereas Big Brothers and Big Sisters have given countless hours and forever changed the lives of America's children, contributing over 10,500,000 volunteer hours at an estimated value of $190,000,000 in 2004;

Whereas evidence-based research has shown that Big Brothers Big Sisters mentoring model improves a child's academic performance and relationships with teachers, parents, and peers, decreases the likelihood of youth violence and drug and alcohol use, and raises self-confidence levels;

Whereas 454 local Big Brothers Big Sisters agencies are currently contributing to the quality of life of at-risk youth in over 5,000 communities across the United States; and

Whereas the future of Big Brothers Big Sisters depends not only on its past impact, but also on the future accomplishments of its Little Brothers and Little Sisters and the continued commitment to its Big Brothers and Big Sisters: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) recognizes the second century of Big Brothers Big Sisters, supports the mission and goals of the organization, and commends Big Brothers Big Sisters for its commitment to helping children in need reach their potential through professionally supported one to one mentoring relationships with measurable results;

(2) asks all Americans to join in marking the beginning of Big Brothers Big Sisters' second century and support the organization's next 100 years of service on behalf of America's children; and

(3) encourages Big Brothers Big Sisters to continue to strive towards serving 1,000,000 children annually.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on February 2, 2005, at 4 p.m., in closed session to receive a briefing on training of Iraqi security forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to meet on Wednesday, February 2, 2005, at 10 a.m. on the U.S. Tsunami Warning System and S. 50, Tsunami Preparedness Act of 2005.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet on Wednesday, February 2, 2005 at 9:15 a.m., to conduct a legislative hearing on S. 131, "The Clear Skies Act of 2005".

The hearing will be held in SD 406.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session on Wednesday, February 2, 2005 at 10 a.m., to hear testimony on the Long Term Outlook for Social Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to meet in executive session for its organizational meeting during the session of the Senate on Wednesday, February 2, 2005 at 10 a.m., in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on Homeland Security and Governmental Affairs be authorized to meet on Wednesday, February 2, 2005 at 10 a.m., to consider the nomination of Michael Chertoff to be Secretary of Homeland Security.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ALLARD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on Wednesday, February 2, 2005 at 9:30 a.m., on "Asbestos: The Mixed Dust and FELA Issues." The hearing will take place in the Dirksen Senate Office Building Room 226.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING SENATE COMMITTEE TO ESCORT THE PRESIDENT OF THE UNITED STATES INTO THE HOUSE CHAMBER

Mr. McCONNELL. I ask unanimous consent that the Presiding Officer of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort the President of the United States into the House Chamber for the joint session to be held tonight, Wednesday, February 2nd, 2005, at 9 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROVIDING FOR AN ADJOURNMENT OF THE HOUSE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to immediate consideration of H. Con. Res. 39 which was received from the House.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (H. Con. Res. 39) providing for an adjournment of the House of Representatives.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. McCONNELL. I ask unanimous consent that the resolution be agreed to, the motion to reconsider be laid upon the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 39) was agreed to.

ORDER OF PROCEDURE

Mr. McCONNELL. I ask unanimous consent when the Senate completes its business today, it recess until 8:40 p.m. tonight, at which time the Senate will proceed as a body to the House Chamber for the President's State of the Union address; provided that upon the dissolution of the joint session, the Senate adjourn until 9 a.m. on Thursday, February 3rd.

I further ask that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business for up to 2 hours, with the first hour under the control of the Democratic leader or his designee and the second hour under the control of the majority leader or his designee; provided that following morning business the Senate proceed to executive session and resume consideration of the nomination of Alberto Gonzales to be Attorney General as provided under the previous order; provided that during the first 2 hours of debate tomorrow, the first 30 minutes be under the control of the majority, and following that the time alternate every 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. McCONNELL. Tomorrow, following morning business, the Senate will resume consideration of the nomination of Alberto Gonzales to be Attorney General for a total of 8 hours of debate remaining with the time equally divided between the chairman and the ranking member of the Judiciary Committee. It is my hope that some time will be yielded back, allowing us to proceed to a vote earlier in the afternoon. We have had full debate on this nomination. We all appreciate the orderly fashion in which we have conducted the debate.

Again, Senators are reminded to gather at 8:30 this evening in the Senate Chamber. The Senate will proceed as a body promptly at 8:40 tonight and to the Hall of the House of Representatives for the President's 9 p.m. address.

RECESS

Mr. McCONNELL. If there is no further business to come before the Senate, I ask the Senate stand in recess until 8:40 this evening.

There being no objection, the Senate, at 4:50 p.m., recessed until 8:38 p.m., and reassembled when called to order by the Presiding Officer (Mr. COLEMAN).

JOINT SESSION OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 109–3)

The PRESIDING OFFICER. The Senate will now proceed to the Hall of the House of Representatives to hear the address by the President of the United States.

Thereupon, the Senate, preceded by the Deputy Sergeant at Arms, J. Keith Kennedy, the Secretary of the Senate, Emily J. Reynolds, and the Vice President of the United States, DICK CHENEY, proceeded to the Hall of the House of Representatives to hear the address by the President of the United States, George W. Bush.

(The address delivered by the President of the United States to the joint session of the two Houses of Congress appears in the proceedings of the House of Representatives in today's RECORD.)

ADJOURNMENT UNTIL 9 A.M. TOMORROW

At the conclusion of the joint session of the two Houses, and in accordance with the order previously entered, at 10:07 p.m., the Senate adjourned until Thursday, February 3, 2005, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, February 2, 2005*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. LAHOOD).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 2, 2005.

I hereby appoint the Honorable RAY LAHOOD to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,
Speaker of the House of Representatives.

PRAYER

The Reverend Aubry L. Wallace, Chaplain, Chilton County Sheriff's Department, Clanton, Alabama, offered the following prayer:

Heavenly Father, I pray Your protection for this assembled body. May the brightness of Your countenance shine upon them. Keep them in Your hand and give them the assurance of Your walk with them as they go about the business of deliberating the affairs of our beloved country.

May they find in You the strength to withstand those who criticize. Give them the humility to accept aid when offered and the courage to do the right thing.

Holy Father, make them aware of Your presence as they take part in this divinely appointed experiment we call human government. Then at the end of the day let them know, all that is required of you is to love mercy, do justly, to walk only with their God, and in his Holy name we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Illinois (Mr. SHIMKUS) come forward and lead the House in the Pledge of Allegiance.

Mr. SHIMKUS led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed a bill of the following title in which the concurrence of the House is requested:

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes.

The message also announced that pursuant to Public Law 93-618, as amended by Public Law 100-418, the Chair, on behalf of the President pro tempore and upon the recommendation of the Chairman of the Committee on Finance, appoints the following Members of the Committee on Finance as congressional advisers on trade policy and negotiations:

The Senator from Iowa (Mr. GRASSLEY),

The Senator from Utah (Mr. HATCH),

The Senator from Mississippi (Mr. LOTT),

The Senator from Montana (Mr. BAUCUS), and

The Senator from West Virginia (Mr. ROCKEFELLER).

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will receive 10 one-minute speeches on each side.

RECOGNITION OF GUEST CHAPLAIN WALLACE

(Mr. BACHUS asked and was given permission to address the House for 1 minute.)

Mr. BACHUS. Mr. Speaker, our prayer today was offered by Pastor Aubry Wallace. Pastor Wallace is joined by his wife, Shirley. They just celebrated their 51st anniversary. Pastor Wallace and Shirley are the parents of four children. Three of them are serving our country and have served our country.

Their son was in the Navy and was deceased while serving. They have another son, who is a Marine, and another that has served in the Air Force.

He has pastored three churches in Chilton County, where he is beloved. He also serves as a chaplain for the Chilton County Sheriff's Department, and one of the things I am most proud of him is for his ministry to prisoners there in the Chilton County Jail. He has and is making a difference. He is over a 20-year veteran of the Air Force, where he served in Vietnam for 7 years.

So we are very proud of him this morning and thank him very much.

SUPPORT FOR ALBERTO GONZALES

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, Judge Alberto Gonzales is a true American success story, an embodiment of the American dream. He deserves to be confirmed as Attorney General. He was born in Humble, Texas, to immigrant parents and grew up with seven siblings in a two-bedroom house where his mother still lives.

He was the first member of his family to go to college. He graduated from Rice University and received his law degree from Harvard University. His career includes judge of the Texas Supreme Court, Texas Secretary of State, counsel to then Governor Bush and counsel to the President of the United States.

I am truly inspired by Judge Gonzales and his outstanding contributions to our Nation. He is a highly qualified nominee who is a true American success story and a source of pride for Hispanics across the country.

I urge my colleagues across the Chamber to do what is best for America and confirm Judge Gonzales.

MISSING $9 BILLION IN IRAQ

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, the state of the Union is asleep. This administration cannot account for $9 billion it controlled in Iraq for a 9-month period ending last October. Wake up, America.

While $9 billion went unaccounted for, the administration did not have enough money for bullet-proof vests or armor-plated protection for troops. It fought against increasing the combat death benefit and cut veterans benefits. Yet, for 9 months, an average of $30 million a day, totaling $9 billion, could not be accounted for by the administration's Coalition Provisional Authority, according to the Inspector General. Do we hear a grand jury stirring?

Was the $9 billion stolen? Was it used for bribes for peace or rent-a-friend or a paid assassin program? Was it funneled elsewhere to spend money to foment chaos, disorder and violence?

The administration could not find WMDs, Osama bin Laden, and now $9 billion is unaccounted for. They want another $80 billion, while Halliburton makes a killing on overcharges. And they want us to trust them with Social Security? I do not think so.

Wake up, America. Your democracy is disappearing.

JUDGE ALBERTO GONZALES

(Mr. LINCOLN DIAZ-BALART of Florida asked and was given permission to address the House for 1 minute.)

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, the attempts to delay and derail the confirmation of Alberto Gonzales as Attorney General of the United States are wrong and objectionable.

This is the fifth time that President Bush has asked Alberto Gonzales to serve his country. As counsel to the President, as chief advisor to then Governor Bush, as a Texas Supreme Court justice, as Texas Secretary of State, Alberto Gonzales has always served his Governor, his President and his country with honor, integrity and distinction.

This man of humble beginnings who has achieved so much personifies the American dream. Hispanics throughout America are proud of him, as all Americans will be of our next Attorney General. Enough obstruction rooted in petty partisanship. It is time for the Senate to confirm Alberto Gonzales as United States Attorney General.

WOMEN AND SOCIAL SECURITY

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, today I rise to denounce the phony Social Security crisis that the President is trying to sell the American public. As the new Democratic Chair of the Women's Caucus, I am especially concerned because women are the first targets to be thrown off the lifeboat. Women account for 70 percent of all Social Security beneficiaries older than 85 years of age. Women depend more on Social Security because they often live longer than their spouses, anywhere from 7 to 10 years. Many have less retirement savings because they stopped working to raise their children and to take time out to take care of a family member.

In the community I represent in East Los Angeles and the San Gabriel Valley, there are nearly 60,000 Social Security beneficiaries. Many are disabled women, widows and wives who rely very heavily on their hard-earned monthly Social Security benefits.

Democrats believe that all American workers should get the benefits they paid into. We will fight to improve the Social Security system, not dismantle it. As one of my colleagues said, "Let's not throw grandma out with the bath water."

IRAQI ELECTIONS

(Mr. SHIMKUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHIMKUS. Mr. Speaker, 3 weeks ago, I was able to go to Amman, Jordan, with the Iraqi Women's Caucus to meet with candidates for the upcoming election. I have got a few e-mails from some of them since the election that I would like to share.

One wrote:

"My finger is still the color of ink and I'm not afraid. It is a shame to be afraid while others who couldn't walk on their legs, but they came to the ballot stations and voted and dipped their fingers in ink. I am very proud of my people. Yes, they suffered a lot and they wanted to end this suffering. The first step was their voting without fear."

Another one said:

"We heard an explosion that was made by a suicide bomber, but I was very surprised and so proud when I saw other people who didn't yet vote go, 'Ha ha ha. It is okay. The terrorists cannot prevent us from voting and we will vote after half an hour from this explosion.'"

Another one wrote saying:

"It is a great honor for us as candidates to represent this people which proved they were true living nation in spite of mass graves which was made by the last regime and terrorists. The Iraqis which I have the honor to be one of them were braver than their leaders."

Finally, the last e-mail I received:

"It was a big day."

To my friends, the candidates in the Iraq election, I am very proud of you. I am very proud of the Iraqi people. I, too, agree it was a very big day, not just for Iraq but for the world.

OUSTER OF VETERANS COMMITTEE CHAIR

(Mr. STRICKLAND asked and was given permission to address the House for 1 minute.)

Mr. STRICKLAND. Mr. Speaker, my Republican colleagues are willing to stand on this floor in support of nominee Gonzales, but the sad fact is they were not willing to stand up and support their own colleague, the gentleman from New Jersey (Mr. SMITH).

The gentleman from New Jersey is arguably the most pro-life Member of this House, a true conservative. But that was not enough for this Republican leadership. This good man, who had been on the Committee on Veterans' Affairs for 24 years, was removed of that committee, deprived of his chairmanship, because he spoke out for veterans and their needs.

Speaker HASTERT received a letter from 10 national veterans' organizations, the American Legion, Veterans of Foreign Wars, Military Order of the Purple Heart, Paralyzed Veterans of America, Vietnam Veterans of America, Disabled American Veterans, AMVETS, Blinded Veterans Association, Jewish War Veterans and Noncommissioned Officers, all urging Speaker HASTERT to keep the gentleman from New Jersey as the chairman of the Committee on Veterans' Affairs. He was removed.

If your leadership can do it to the gentleman from New Jersey, it can do it to you, my friends.

FREE FLOW OF INFORMATION ACT

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, 1 month ago, we stood in this assembled Chamber and pledged ourselves to support and defend the Constitution of the United States of America. Chief among the rights enumerated in that Constitution is the freedom of the press. Unfortunately, last year almost a dozen reporters were served or threatened with jail sentences in at least three different Federal jurisdictions for refusing to reveal confidential sources. Compelling reporters to testify and, in particular, compelling them to reveal the identity of their confidential sources is a detriment to the public interest. Without the promise of confidentiality, many important conduits of information about government activity would be shut down.

Today, 31 States and the District of Columbia have various statutes that protect reporters from being compelled to testify and disclose sources of information in court, but there is no Federal protection. Mr. Speaker, today, along with the gentleman from Virginia (Mr. BOUCHER), I will introduce the Free Flow of Information Act. This important legislation will provide reporters with protection from being compelled to disclose sources of information in any Federal criminal or civil case without meeting strict criteria.

"Our liberty cannot be guarded but by the freedom of the press, nor that be limited without danger of losing it." Thomas Jefferson said that, and he was right. I urge my colleagues to join us in cosponsoring the Free Flow of Information Act and press for its immediate adoption.

SOCIAL SECURITY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the President talks loosely and loudly of the pending crisis, the bankruptcy of Social Security. Under pessimistic assumptions, 40 or 50 years from today, Social Security might only be able to pay 75 percent, or more, of benefits. That could be described as a possible potential future problem but certainly not an immediate crisis and a long way from bankruptcy.

So what does the President propose? Privatization which would actually make Social Security shortfall certain, precipitate the crisis. He would mandate a 40 percent cut in benefits. Think of it. To solve the problem, a possible reduction in benefits by 25 percent, he mandates up front a 40 percent cut, then would borrow $2 trillion, put that on the back of the taxpayers and future workers so people could gamble possibly to try and make up that shortfall through privatized accounts and most probably would fail.

What a deal. Let us get real about it. Let us fix Social Security, not destroy it.

MILITARY RECRUITER ACCESS TO INSTITUTIONS OF HIGHER LEARNING

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, there are few greater causes than serving your Nation. Generations of Americans from every single walk of life have dedicated themselves to defending our Nation as part of the United States Armed Forces. They are worthy of our thanks, our praise, and over the past few days we have watched them bring great honor to our Nation.

Yet today many of our country's law schools are treating America's military with disdain and disrespect.

☐ 1015

I bet there are millions of Americans who have no idea that many of the Nation's elite law schools, schools that receive tax dollars in the form of loan subsidies and grants, are refusing to allow military recruiters on campus. They allow the well-heeled law firms from New York, from Washington, Chicago on campus to recruit; but they say no to this Nation's military.

I ask all my colleagues to join the gentleman from California (Chairman HUNTER) in his efforts today to ensure that our institutions of higher learning treat the American military with the respect and the access that it deserves. I ask them to support House Concurrent Resolution 36.

EXPRESSING SADNESS UPON PASSING OF JUDGE HENRY LATIMER

(Mr. HASTINGS of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HASTINGS of Florida. Mr. Speaker, I rise today to express great sadness about the tragic death of my good friend, former Broward Circuit Court Judge Henry Latimer.

Known by his friends as "Lat," Henry Latimer was an extraordinary gentleman who achieved great success as a teacher, lawyer, judge, and trial attorney. Growing up in Jacksonville's projects, he attended segregated schools and was initially unable to supplement scholarship offers he had received from colleges around the country. Instead, he chose to serve in the United States Marines for 3 years and went on to teach economics and history at Dillard High School in Fort Lauderdale, Florida. His achievements are too numerous to mention without great prolixity.

Many, as I, relied on him as a mentor and friend. Judge Latimer and I became close personal friends in law school and while he was serving on the bench and in our fraternity. He has been an invaluable source of support. He has made profound contributions to the legal community in Florida as exemplified by his impressive achievement. I will greatly miss his wise counsel, compassion, and unwavering personal support during the good times and the bad. As a friend, the loss is simply immeasurable.

Mr. Speaker, let me conclude by again expressing my great sadness on the behalf of the House of Representatives. I offer my deepest sympathies to Judge Latimer's family: his wife, Mildred; and his two daughters and other family members.

PRAISING THE PEOPLE OF IRAQ

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute.)

Mr. WILSON of South Carolina. Mr. Speaker, having served as poll manager, poll watcher, county election commissioner, State ballot security coordinator, campaign manager, and candidate, I know firsthand the challenges of free elections.

In our developed democracy, we are confronted with serious problems of securing polling locations, recruiting poll workers, printing intelligible ballots, finding dedicated managers, providing current poll lists. The challenges are endless, but unlike Iraqi voters, we have rarely been asked to brave bullets, bombs, and terrorist thugs on our way to the polls.

The millions of Iraqi voters are to be commended for their bravery. I also credit the Iraqi security forces, American servicemembers, and coalition troops for securing the over-5,000 polling sites across the nation.

The success of Sunday's election is a tangible fulfillment of the vision of President George W. Bush and proves that democracy abroad is the best way to protect American families at home. Terrorist extremists cannot and will not survive in free nations.

In conclusion, may God bless our troops, and we will never forget September 11.

THE PRESIDENT'S STATE OF THE UNION ADDRESS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, tonight the President will converse with the American people. And I hope that he will announce tonight, as I join and support him, the increase of the survivor benefit for those who have lost their lives in battle in the United States military to $250,000 and to those who die in the service of the military whether in battle or not, the $250,000 survivor benefit to their families. It is long overdue.

Mr. President, use the bully pulpit for that legislation to be passed immediately on behalf of America's military families. I do believe it is crucially important that the President announces to the American people the next step after the democratic elections in Iraq. Tell us the exit strategy for our troops and the strategy for rebuilding Iraq and returning our troops home to their families. Now is the time to respond to the needs of the American people as we build with the Iraqi people the next step of freedom.

And then I believe it is important to tell the American people that you are not going to betray them by eliminating Social Security. Social Security is not a retirement benefit. It is also a survivors benefit for children and the disabled. It is time now to recognize that we invested in Social Security. Do not betray us. Tell the American people how we can move forward together.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. LAHOOD). Members are reminded to address their remarks to the Chair and not to the President.

IN SUPPORT OF ALBERTO GONZALES AS ATTORNEY GENERAL

(Mr. WELDON of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Florida. Mr. Speaker, I rise today to honor and also support the nomination of Judge Alberto Gonzales to serve as Attorney General of the United States. Judge Gonzales has served as counsel to the President, a jurist on the Supreme Court of Texas, Secretary of State and chief elections officer in Texas, as well as then-Governor Bush's chief counsel. Before joining the Governor's staff, he was one of the first two minority partners with the law firm of Vinson & Elkins in Houston. Judge Gonzales is extremely qualified to serve as our Nation's Attorney General.

Born in 1955 in San Antonio, Texas, to Maria and Pablo Gonzales, two Mexican-American migrant workers, Judge Gonzales learned firsthand the meaning of hard work, determination, and integrity at a young age. He was the first in his family to attend college, continued on to Harvard Law School, served in the United States Air Force, and later attended the U.S. Air Force Academy.

Mr. Speaker, I have full confidence that upon Senate confirmation, Judge Gonzales will help protect Americans from terrorism while also protecting our rights as the Nation's chief law enforcement officer. He will continue working to bring those who commit corporate fraud to justice, reforming the FBI, and building on the Bush administration's success in reducing crime.

It is an honor to support Judge Gonzales. He is an outstanding Mexican-American, an outstanding example of the American Dream, and we will be proud of his service to our Nation as our Attorney General.

CONGRATULATING BOZEMAN, MONTANA

(Mr. REHBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. REHBERG. Mr. Speaker, I would like to call attention to one of my favorite cities in America: Bozeman, Montana. Nestled in the scenic Bridger mountain range, Bozeman draws visitors from around the world for its first-class outdoor recreational activities. Yet it is more than a gateway to Montana's natural splendor. It is a dynamic center of commerce.

A recent study by the American Cities Business Journal named Bozeman as the best small-business market in the United States among cities with fewer than 100,000 people. This comes as no surprise since Bozeman has first-rate public schools, has become a center of science and technology in its home to Montana State University. Bozeman is the kind of community where parents can let children play in the neighborhoods and where people still wave and say hello when one passes them on the street. The experts have now discovered what many of us in Montana already knew: Bozeman is a place with everything a business needs to succeed.

I congratulate the city of Bozeman for becoming the best small business market in the country.

SOCIAL SECURITY MUST BE FIXED

(Mr. McHENRY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McHENRY. Mr. Speaker, Social Security must be fixed. It is not a question of whether to do it or how to do it. It is a question of when we do it. Because unless we act now, those workers that are 20 years old now, in their mid-20s, when they retire, the system is going to be bankrupt.

In the 1950s when current retirees were young workers, there were 16 workers supporting every one retiree. Now there are only 3.3 workers per retiree and by 2040 there are only going to be two workers per retiree.

President Bush will outline his ideas to fix Social Security tonight during his State of the Union Address. It is an issue so important to the future of America, to my grandmother as well as future generations of Americans. We must act boldly, and our President tonight will outline his strategy for a lasting solution, not a temporary fix. We must maintain our commitment to those that are at or near retirement age while allowing younger workers such as myself to get a better return on their Social Security investment.

Mr. Speaker, Social Security must be fixed, and it is this Congress and this President this year that will take on this task.

FREE ELECTIONS IN IRAQ

(Mr. KINGSTON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KINGSTON. Mr. Speaker, I dipped my finger in purple ink today in symbolic unity and in support of the free election in Iraq, the first free election in the history of that country. Their actions this weekend were not about America or necessarily an endorsement of everything we are doing, although I think that was an effect of it; but their actions were really about a free country, about democracy, about choice, about self-government and self-determination, throwing off the shackles of oppression and joining the world community. A 57 percent voter turnout in the face and threat of death and destruction. Compare that to America. 61 percent just this November, and it was the highest voting turnout in 38 years. Or in my home county in Savannah, Georgia, Chatham County, the last time we elected a Governor, we had a 48 percent voter turnout and no one was threatened with death or suicide bombers or anything like that.

It took America 7 years to win the Revolutionary War and then it was not until 1789 that we threw out the Articles of Confederation and adopted our Constitution. It has taken us many, many years. For Iraq they have many struggling years ahead, but they have taken a very important first step.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on the motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

COMMENDING PALESTINIAN PEOPLE FOR HOLDING FREE AND FAIR PRESIDENTIAL ELECTION

Ms. ROS-LEHTINEN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 56) commending the Palestinian people for conducting a free and fair presidential election on January 9, 2005, and for other purposes.

The Clerk read as follows:

H. RES. 56

Whereas on January 9, 2005, the Palestinian people elected Mahmoud Abbas as the second President of the Palestinian Authority;

Whereas this election has been hailed as free and fair and is an important and noteworthy step in advancing democracy in the Arab world;

Whereas Israel should be commended for facilitating the Palestinian election proceedings;

Whereas the United States is hopeful that a peaceful resolution of the Israeli-Palestinian conflict can be achieved;

Whereas the United States is strongly committed to the security of Israel and its well-being as a Jewish state; and

Whereas on June 24, 2002, President George W. Bush expressed his vision of two states living side by side in peace and security and that vision can only be fully realized when terrorism is defeated, so that a new state may be created based on the rule of law and respect for human rights: Now, therefore, be it

Resolved, That the House of Representatives—

(1) commends the Palestinian people for conducting a free and fair presidential election on January 9, 2005;

(2) congratulates the new Palestinian President, Mahmoud Abbas;

(3) urges the new Palestinian leadership to continue to advance democratic ideals by reforming the Palestinian political structure, advancing human rights, and ending corruption;

(4) strongly condemns terrorism and urges President Mahmoud Abbas, who has previously disavowed terrorism, to immediately take steps to dismantle the Palestinian terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, consolidate and control the many Palestinian security organizations, and end the incitement to violence and hatred in the Palestinian media, educational institutions, mosques, and other institutions;

(5) urges Arab states to take active steps to encourage and assist the Palestinian Authority in bringing an end to terrorism and an end to anti-Israel incitement in their own media; and

(6) encourages all interested parties to take advantage of this historic opportunity

to remove obstacles to achieving a lasting peace in the Middle East.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Today I rise in support of House Resolution 56, introduced by the House leadership, commending the Palestinian people for holding recent elections. This resolution is a reflection of our support for President Bush when he stated, "The United States stands ready to help the Palestinian people realize their aspirations."

The onus is on the Palestinian leadership to demonstrate that they are committed to moving peace forward by bringing an end to Palestinian terrorism. The election of Abu Mazen is a hopeful first step. Eight hundred international observers monitored the recent Palestinian presidential elections and agreed that the will of the Palestinians was adequately expressed. Palestinians from all walks of life participated in the elections, representing approximately 70 percent of eligible voters.

The Palestinian Central Election Commission has been recognized for facilitating a process whereby Palestinians could vote in a positive voting atmosphere. Commission representatives trained more than 16,000 electoral officials to staff the 2,800 polling sites throughout the West Bank and Gaza and conducted their operations in a professional way.

The Palestinian presidential election of January 9 of this year and the upcoming parliamentary elections scheduled for this July represent an opportunity for Palestinians to affirm their desire to end the violence and to forge a government that can respond to their needs.

We are guardedly optimistic about Abu Mazen's recent decision to ban the use of unregistered weapons by civilians.

We wish the new Palestinian leadership success in achieving a lasting peace and a prosperous future for both the Israeli and the Palestinian people and in building transparent institutions accountable to the Palestinian people.

Mr. Speaker, I commend the leadership for bringing this resolution to the floor today, and I ask my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Res. 56, and I want to commend the bipartisan leadership for introducing this important resolution. I also want to commend the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her leadership on this issue.

I fully endorse the message of this resolution. The Palestinian people deserve our commendation for conducting a free and fair election and for electing as their leader a man who has spoken out against the use of violence.

□ 1030

I salute Mahmoud Abbas for opposing the intifada. Far too few Palestinians have had the courage to do so.

The change of Palestinian leadership has had a salutary effect on peace prospects. I am encouraged by recent steps taken by both Israel and the Palestinians, steps that have reduced the level of violence. I share the optimism of many that, for the first time in years, we now may have an opportunity to make real progress toward peace.

Mr. Speaker, I think it is desirable that this body welcome and contribute to the improved atmosphere between the parties. This resolution is an entirely appropriate way to do so. But what I would not want this body to do is to contribute to unrealistically high expectations. In that regard, I would like to make two points which bear on the subject of the resolution before us.

First of all, I respect the good intentions of the new president of the Palestinian Authority. I first met with Mr. Abbas in Ramala on the eve of his becoming Prime Minister some 2 years ago, and he emphasized to me his commitment to peace. But good intentions and commitment will not be enough to assure his success as a leader. In fact, they are barely enough to get him off the starting block.

To succeed, Mahmoud Abbas will have to show backbone that, unfortunately, he has not revealed in his previous high-level positions. As the resolution correctly suggests, he will have to take immediate and significant steps to dismantle the Palestinian terrorist infrastructure. He needs to confiscate unauthorized weapons. He needs to arrest and bring to justice the terrorists who have engaged in so much violent activity. He needs to consolidate and take charge of all Palestinian security organizations, and he needs to end anti-Israeli and anti-Semitic incitement in the Palestinian media, schools, mosques, and all other institutions.

Mr. Abbas is an intelligent man, and he surely knows that, in the long run, there is no such thing as a cease-fire with terrorists. He will control and defeat the terrorists, or he will be controlled and defeated by them. I am hopeful that he will be up to the task. I think he knows that, as the leader, he does not have the option of giving in to frustration and just walking away, as he did during the Camp David negotiations in 2000 and during his brief stint as Arafat's Prime Minister.

Although the incidence of violence has declined in recent weeks, the infrastructure of terrorism has, in many ways, grown stronger and more sophisticated. Kassam rockets that threaten Israeli civilians inside and near the Gaza Strip are becoming more accurate and gaining greater distance. In my travels to the region, I have discovered that Iran and Hezbollah are increasingly engaged with Palestinian terrorists.

Mr. Speaker, I think we must also keep in mind that there is no moral equivalence in the use of violence in this struggle. The Israelis have no interest in violence for the sake of violence but, unfortunately, some Palestinians do. If the current lull in violence breaks down, I am certain it will be because Abu Mazen could not control Palestinian terrorism.

Secondly, Mr. Speaker, we need to be realistic about the current state of the peace process and Israeli-Palestinian relations. The Israeli government which, since Prime Minister Sharon's recent coalition agreement with Labor Party leader Shimon Peres, now includes Israel's two largest parties, is preparing to take an historic action. In fact, it is the boldest, most creative act in the peace process since the outbreak of the intifada in September, 2000. The government of Israel is preparing to redeploy its forces from the Gaza Strip and to dismantle all of its Gaza settlements. This unprecedented action will pave the way for the Palestinians to govern their own contiguous territory and to demonstrate their ability to establish a free and orderly society.

Mr. Speaker, I fully identify myself with the hope and belief expressed in this resolution that a lasting peace in the Middle East is achievable and that we now have an opportunity to take steps in that direction. But we must be realistic about the time frame. Israel's decision to redeploy from Gaza is politically courageous, but it is also politically dangerous and difficult. The overwhelming majority of Israelis support it, and I fully expect it to be accomplished by the latter half of this year, as scheduled. But it will not be easy.

Then, once Israel does redeploy, the onus will be on the Palestinians to prove that they have what it takes to run the equivalent of a state. If and when they do so, I am certain both sides will move with dispatch toward a final settlement. But that agreement is certainly not going to be achieved in the next few months or even in the next year. It would be unfair to the parties to place on them such a burden of expectation. For now, let us be content that both sides are taking significant steps to create a beginning, and let us remember that it is only a beginning.

With those thoughts as context, Mr. Speaker, I would like once again to congratulate the Palestinians on their ably-conducted election. I support H. Res. 56, and I call on all of my colleagues to do likewise.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so pleased to yield such time as he may consume to the gentleman from Indiana (Mr. PENCE), a member of our Committee on International Relations and an original sponsor of this legislation.

Mr. PENCE. Mr. Speaker, I thank the gentlewoman from Florida for yielding me this time and, more importantly, for her extraordinary and consistent leadership as chairman of the Subcommittee on the Middle East and Central Asia.

I also want to commend the leadership in the Congress of the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maryland (Mr. HOYER) for bringing this measure forward. As ever, I was deeply moved by the courage and candor of the gentleman from California (Mr. LANTOS) who preceded me and who continues to be the lone star for those of us in this Congress and in this country who cherish the dream that is Israel. It is a privilege to follow him in this discussion today.

I rise in strong support, Mr. Speaker, of H. Res. 56. Like millions of Bible-believing Christians, I pray for the peace of Jerusalem, and that refers specifically to all of the people of this torn region.

So, with the election of the second President of the Palestinian Authority, it is altogether fitting that this Congress commend the Palestinian people for conducting a free and fair presidential election on 9 January, 2005, and, in so doing, congratulating the new Palestinian President, Mahmoud Abbas, for his achievement and his leadership as H. Res. 56 does.

It is also altogether fitting, though, that in the same breath as this Congress, on behalf of the people of the United States, speaks a word of encouragement to the people of the Palestinian Authority and its new leader, we must also be willing to speak truth. And in this bipartisan measure, the American people, through this body, do just that, Mr. Speaker. In this resolution, the House of Representatives also will strongly condemn terrorism and urge President Mahmoud Abbas, who has happily previously disavowed terrorism, to immediately take steps to dismantle Palestinian terrorist infrastructure, to confiscate unauthorized weapons, arrest and bring terrorists to justice, consolidate and control the many Palestinian security organizations, and end the incitement of violence and hatred in the Palestinian media, educational institutions, mosques, and other institutions.

It may seem somewhat impolitic in what some may have expected from this Congress to have been a greeting card of congratulations to the new President of the Palestinian Authority to bring these matters up, but as this Congress in the very near future, I suspect, Mr. Speaker, will begin to talk about asking the American people to expand our participation in this region of the world, to expand our partnership with the Palestinian Authority, it is altogether fitting that we begin that discussion by expressing the expectations of the American people that the new leadership of the Palestinian Authority be about the rule of law and be about confronting terrorism within their own jurisdiction in the ways enumerated in H. Res. 56.

There can be no more important message that we send at such a time as this, a season of opportunity, as the gentlewoman from Florida (Chairman Ros-Lehtinen) described, a season of hope that we describe for the new leadership of the Palestinian Authority what attaches to that hope for the people of the United States who long for the peace and stability and democratic institutions of the people of Israel and the Palestinian people so richly deserve.

Mr. Speaker, the Old Testament promises, "Weeping may endure for a night, but joy comes in the morning." For too many nights, Israeli and Palestinian families have wept for their loved ones who have fallen prey to the mindless violence that has sprung from terrorists within the Palestinian Authority. This resolution today is about expressing the profound hope of the American people that a morning of joy has come. With the election of President Mahmoud Abbas, the election of a new leader for the Palestinian people, we are come upon that new day of hope, and we will rise today as a Congress in bipartisan fashion to express that hope, with congratulations, but also with the truth, that there must be results and leadership that lead to peace and justice in the region for all of the people.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I thank the gentleman for his remarks, and I am so pleased that he singled out the gentleman from California (Mr. LANTOS) who, as all of us know, recently led a delegation to Auschwitz where we commemorated the 60th anniversary of the liberation of Auschwitz. The gentleman from California (Mr. LANTOS) is a Holocaust survivor who lost family members in this horrible tragedy, and we thank him for his leadership in the House throughout the years.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I want to thank both of my colleagues for their extremely generous and kind remarks.

Mr. Speaker, I am very pleased to yield 3 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE), my good friend who has been fighting for peace in that region ever since she came to this body and before.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the ranking member for yielding me this time.

There are many accolades that we might share regarding the gentleman from California (Mr. LANTOS) and, I might say, his wife and family, but I thank him for the steady hand and the steady interest and the persistence which has brought us to where we are today.

□ 1045

Mr. Speaker, I thank the chairman of the subcommittee, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and my colleagues for putting before this body H. Res. 56 to applaud what I consider to be the next opportunity, the next life-changing experience for those people who have worked, died, and prayed for peace in the Mid East.

I do want to acknowledge the election of Mahmoud Abbas and to say that I too had an opportunity to meet him in the West Bank just about 2 years ago with a number of my colleagues. His dream, I believe, has now come to reality where he is able to lead the region toward full peace. He can declare opposition in the war on terrorism and the terrorist acts that have been going on. And the Israeli people can embrace their dreams, as I heard from so many of them, desiring to live side by side in peace with the Palestinian people.

Mr. Speaker, let me acknowledge my friends and constituents in Houston, strong Palestinians who have come to me with both prayer and petition to ask for intervention and efforts on behalf of Palestinians in the Mid East. They too need to be applauded, as do my friends in the Jewish community who have recognized the importance of the survival of Israel and the standing alongside of each of those two extremely productive and contributing nations.

I had about 2 years ago the opportunity to co-chair the Partners For Peace. We met in Oslo, Norway. We met with women from Israel and the PLO. And I was gratified even in the emotional charge of that session, women crying and outpouring of their hearts talking about the loss of their children, the violence, and sometimes the anger. We came away from there with one single challenge, to make sure that our voices would continue to be raised for peace in the Mid East.

This election as now allowed gives the opportunity to see the light at the end of the tunnel, to see the sun rising and not setting.

I also recognize that it will be upon us, the United States, to be able to take a sledge hammer to those crumbling refugee camps. It is now time for us to rebuild Palestine, to be able to have it look as we would want people to be able to live and to be educated and to worship. So I hope the world family will join with humanitarian aid to this new fledgling nation so we can build schools and we can build hospitals and that we can build institutions that will last, so we can build housing, that they will not have to live amidst the rubble.

This resolution on behalf of this Congress is a wonderful first step to acknowledge what has happened and also to bring about the free peaceful existence between Palestine and Israel. I hope that we will be part of the solution and not part of the problem. God bless all of those who have worked so hard for peace.

I rise as a strong supporter of H. Res. 56 which commends the Palestinian people for conducting a free and fair presidential election on January 9, 2005. The elections held in the Palestinian Territories are a historic occasion upon which we can build the specter of a comprehensive Middle East peace plan. I want to congratulate Mahmoud Abbas on his election victory in becoming the President of the Palestinian Authority. I also want to thank him for his public service at this vital and momentous time in the history of the Palestinian people.

The two state solution represents the only possible peace plan that can be acceptable and viable for the nation of Israel and the Palestinian people. The Palestinian elections of January 9, 2005 represent the first step in the process towards a comprehensive peace agreement. With this new leadership the Palestinian people will be able to find stability and build their national infrastructure. However, President Abbas's first task will be to take steps to dismantle the Palestinian terrorist infrastructure, confiscate unauthorized weapons, arrest and bring terrorists to justice, consolidate and control the many Palestinian security organizations, and end the incitement to violence and hatred in the Palestinian media, educational institutions, mosques, and other institutions as this resolution calls for. Certainly, this task will not be easy and its resolution will not come quickly, but we as a nation must support the Palestinian people as they stand determined and ready to build a free and peaceful nation.

If history in the Middle East has taught us anything, we know that the United States must be an active and honest broker between the Palestinians and the Israelis in moving towards a comprehensive peace agreement. I urge the Bush Administration to not relinquish this opportunity to achieve a lasting peace that can forever change the face of the Middle East. The War in Iraq has lowered our diplomatic and public standing around the world, but we have especially done poorly in the Middle East. People in the region do not trust our nation, nor do they trust our intentions. They may watch our television, listen to our music and eat our food, but they still have no love for our nation because of our actions in the Middle East that are being viewed as aggressive. Bringing the Israelis and the Palestinians together represents the best opportunity to show the people of the Middle East and the world that we can heal the rifts that divide us, instead of inflaming them. Militant Islamic organizations throughout the world continue to use the plight of the Palestinian people as one of their main recruiting tools to incite hatred and distrust of the United States. We have the ability to strike a blow at these terrorist organizations if this Administration can seize the opportunity.

This resolution also encourages all interested parties to take advantage of this historic opportunity to remove obstacles to achieving a lasting peace in the Middle East. On this front, I am pleased to report that Egypt has offered to host an Israeli-Palestinian summit next week, and Israeli Prime Minister Ariel Sharon has accepted the invitation. I want to thank the nation of Egypt for taking this important step towards achieving a comprehensive peace agreement. Egypt has served as a key regional ally which has long taken active steps towards achieving peace in the Middle East. This summit will give the Israelis and the Palestinians the chance to meet face to face and negotiate terms to bring relative peace and stability to their people. Once these key objectives are met then a comprehensive agreement is possible. Already, since the election of President Abbas, armed groups in the Palestinian Territories have openly talked about halting attacks on the Israeli people.

No doubt there will be setbacks on the both sides as we have already witnessed too often, but now unlike in the past we must show extra resolve to achieve a lasting peace. Again, I urge the Bush Administration to take an active role in bringing the Israeli and Palestinian people together and not losing this opportunity. As we have seen in the past, these opportunities are fleeting, but their potential for a lasting peace is too great to take for granted. We must take all necessary steps to achieve peace now not only for the Israeli and Palestinian children who will inherit the Middle East, but for our own children as well who will inherit the world that we have shaped.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS).

Mrs. CAPPS. Mr. Speaker, I thank my colleague and friend for yielding me this time.

Mr. Speaker, January 9 was an important and historic day. For many Palestinians it was a once-in-a-lifetime event. They went to the polls and elected a new president in a contested, free, and fair election. The Palestinian election was a milestone not only for the Palestinian people but for the safety of Israel and for our own national security as well.

I was privileged to witness this remarkable event with my own eyes. From 5:30 in the morning until nearly midnight I traveled in and around Bethlehem in my capacity as an election observer for the mission co-sponsored by the National Democratic Institute and the Carter Center.

Let me first take a moment and commend President Carter, Governor Christie Todd Whitman, former Swedish Prime Minister Carl Bildt, and NDI President Ken Wollack for leading our delegation and the 80 participants from 16 different nations who did a remarkable job. With a few exceptions, what I observed in Bethlehem held true across the West Bank and Gaza. The balloting process was exceptionally well organized, in part because nearly 14,000 public school teachers were deployed as election officials.

The Israeli Government did a good job facilitating freedom of movement in the territories. There was little violence. In fact, an almost reverential quiet enveloped the polling places. It was truly moving to see Palestinian people, young and old, embracing this democratic exercise with such purpose and resolve.

Mr. Speaker, Israelis and Americans should welcome the choice of the Palestinian people. Abu Mazen is a proven leader with a long track record of negotiating for peace. He is off to a decent start. Abu Mazen cannot prevent terrorism overnight, neither can we; but he has already sent a strong and successful message to Hamas and the Islamic Jihad to halt the attacks. His security forces have deployed in Gaza. He has unequivocally condemned terrorism.

Prime Minister Sharon's response to the new President has been commendable. Israeli and Palestinian security officials and top negotiators have been meeting. Sharon has praised Abu Mazen's efforts and will meet with him shortly. Despite fierce opposition from the settler movement, Sharon is sticking firmly to his plan to withdraw from Gaza and parts of the West Bank. Fragile as it may be, a new flame of hope and optimism has been kindled in the Mid East.

That is why I am pleased that the House bipartisan leadership has brought a resolution to the floor today. The bill commends the Palestinians for conducting the elections, congratulates Abu Mazen on his victory, and encourages both sides to take steps toward peace.

Mr. Speaker, last night a similar resolution was passed in the other body that I had hoped the House could adopt as well. The language of the Senate resolution is more comprehensive and balanced and lays out a bolder diplomatic vision to achieve Israeli-Palestinian peace. Nevertheless, it is noteworthy that both Houses of Congress are on record commending the Palestinian people and their new President. Let us all commit ourselves to seizing this historic opportunity and hastening the day when Israelis and Palestinians will live side by side in peace.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from Virginia (Mr. CANTOR), the chief deputy whip.

Mr. CANTOR. Mr. Speaker, I rise to offer my congratulations to the Palestinian people who recently elected Mahmoud Abbas as the new President of the Palestinian Authority.

Mr. Abbas has been given a historic opportunity to alter the direction of the Palestinian leadership from one of terror under Yasser Arafat to one of peace. It is critical that Mr. Abbas capitalize on this opportunity to deal with Israel which has long been searching for a partner in peace and not revert to the terrorist ways of his predecessor.

Accomplishing this goal will not be easy. Mr. Abbas must actively work to dismantle the terrorist organizations that plagued the hopes of the Palestinian people, using all means of force if necessary. He must recognize and acknowledge that no progress towards peace can be made until the terrorist organizations that operate freely amongst the Palestinian population stop the killing of innocent men, women, and children on the streets of Israel.

Mr. Abbas must end incitement against Israel. Only by ending the multi-generational hate can the Palestinian Authority begin the painful path towards peace. The task that stands before Mr. Abbas may seem daunting, but these are crucial steps towards improving the life of the Palestinian people. We cannot afford to return to Palestinian leadership that one day disavows terror and the next day stands shoulder to shoulder with the terrorist organizations that carry out murder. This double standard is unacceptable.

Again, I congratulate Mr. Abbas and encourage him to tackle these problems head on and avail himself of this historic opportunity to work with the Israeli Government to improve the lives of the Palestinian people.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the gentleman from Maryland (Mr. CARDIN), my good friend and distinguished colleague.

Mr. CARDIN. Mr. Speaker, I would like to thank the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) for bringing forward this resolution. I particularly want to acknowledge the gentleman from California (Mr. LANTOS) and his extraordinary leadership on human rights issues in this body and thank him for his continued commitment in the Middle East. I also want to thank the gentleman from Missouri (Mr. BLUNT) and the gentleman from Maryland (Mr. HOYER) for sponsoring this resolution.

I had the opportunity to travel with our distinguished whips in December to Israel and the West Bank and talk to the leaders in that region. We all have reason to be optimistic with the election of Mr. Abbas. We urge him to continue not only to speak out against violence but to take action to control the terrorists in that region.

I also want to congratulate Mr. Sharon, the Prime Minister of Israel, for his disengagement, commitment in withdrawing from the Gaza and parts of the West Bank. He is showing real leadership and commitment in that area.

Mr. Speaker, this resolution speaks to the commitment of this country to continue to be an active leader for peace in the Middle East. We know it is important not only for that region but for U.S. interests as well, and I congratulate all that are responsible for bringing this resolution forward today.

Mr. LANTOS. Mr. Speaker, how much time remains?

The SPEAKER pro tempore (Mr. LAHOOD). The gentleman from California (Mr. LANTOS) has 4½ minutes remaining.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, it is significant that within the recent past, three areas in the Middle East have succeeded in holding free and open elections, some of them under the most difficult and dangerous circumstances. We applaud the people of Afghanistan, who not long ago suffered under the horrific yoke of the Taliban, for organizing and conducting free and open elections. And I particularly want to recognize the fact that this took place with the full participation of the women of Afghanistan.

We in this resolution are commending the Palestinian people, who have lived under an undemocratic regime for too long, for organizing and conducting fair and open elections. And, of course, this past weekend we were all thrilled as we were watching our television screens seeing the courage of the Iraqi people under the most brutal and bloody threats go to the polls and exercise their right to select their own leaders. These are very encouraging signs. And it is highly appropriate for the United States to take the lead in underscoring the obvious, that just as in every other part of the globe we have led, assisted, and cleared the coming of free and open elections, at long last we are doing so in the Middle East and adjacent territories.

So, Mr. Speaker, I believe our resolution is more than appropriate.

Mr. Speaker, I yield the balance of my time to the gentleman from Maryland (Mr. HOYER).

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) has 1½ minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. HOYER).

The SPEAKER pro tempore. The gentleman from Maryland (Mr. HOYER) is recognized for 3½ minutes.

Mr. HOYER. Mr. Speaker, I wanted to join my colleagues and friend, the majority whip, the gentleman from Missouri (Mr. BLUNT), who I presume has already spoken, in urging Members on both sides of the aisle in supporting this important bipartisan resolution that we have offered.

Over the last half century, the Members of this body have seldom had occasion to commend those on the Palestinian side whose cause, in my opinion, was hijacked by a leadership that preached death and destruction rather than reconciliation and peace. But today we would be remiss if we did not do so.

Three weeks ago on January 9 an estimated 70 percent of the 1.1 million registered Palestinian voters turned out to cast their ballots in an election that was declared fair by most international observers.

☐ 1100

This strong turnout, in my judgment, not only reflects the universal appeal of democracy but also the human heart's yearning for freedom and self-determination.

This resolution commends the Palestinian people for conducting a free and fair election and congratulates the new Palestinian President, Mahmoud Abbas, who has previously disavowed terrorist activity and recently earned the praise of Israel for deploying more Palestinian security forces in Gaza to try to halt rocket and mortar attacks on Israeli citizens.

Among other provisions, this resolution urges the new Palestinian leadership to advance democratic ideals by reforming its political structure, advancing human rights and ending corruption.

It strongly condemns terrorism and urges President Abbas to immediately take steps to dismantle the Palestinian terrorist infrastructure, to bring terrorists to justice, and to end the incitement of hatred in the Palestinian media, schools, mosques, and other institutions.

It restates our Nation's strong commitment to and support, unwavering support, for the State of Israel.

Finally, Mr. Speaker, let me say that the election of President Abbas is an important opportunity and could prove to be an historical turning point in the Israeli-Palestinian conflict.

Israel has made repeated overtures over its history in an effort to speak peace, and, today, it continues to move forward with its withdrawal plan in the Gaza strip. Tragically, over the past 5 decades its efforts were consistently rebuffed by the Arafat-led Palestinian leadership.

Without question, there are great challenges ahead, but the election of President Abbas hopefully marks a new day, a day in which the Palestinian leadership becomes a serious, committed partner, a partner for peace in the Middle East.

I urge my colleagues to vote for this resolution. I thank the gentleman from California (Mr. LANTOS), a giant in the area of human rights and supporting democratic efforts throughout the world, for his leadership, and I thank the gentlewoman from Florida (Ms. ROS-LEHTINEN) for her unending efforts, in concert with the rest of us, to ensure that this Nation stands by Israel but stands with those in the Palestinian population who reach out for peace and partnership and a better tomorrow for all of the people of that troubled area of the world, and I thank the gentlewoman for yielding me the additional time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am proud to yield such time as he may consume to the gentleman from California (Mr. DREIER), the Chair of the Committee on Rules, our good friend.

Mr. DREIER. Mr. Speaker, I rise in strong support of this resolution and congratulate my colleague, the gentlewoman from Florida (Ms. ROS-LEHTINEN), and others who are involved, the gentleman from California (Mr. LANTOS), my friend.

We want to extend, of course, congratulations to the Palestinian people. It is fascinating to see that this election is all part of sort of a regional, and really beyond the region's, success as it moves towards political pluralism, and we obviously have seen last Sunday the election in Iraq. We just weeks ago saw, the day after Christmas, the election take place in Ukraine, and we now have this free election with a new leader who offers great hope for the prospect of peace.

I also want to extend congratulations to Prime Minister Ariel Sharon, who I believe has shown strong leadership and a willingness to try and bring about a resolution to this age-old challenge of bringing peace to the region.

I also want to congratulate President Bush, who has encouraged this process all along. Without getting so deeply involved in a way that he could potentially be seen as tampering with the process, he has been a driving force at encouraging us to get to exactly where we are.

So this resolution is a very important one, letting the world know that there is going to be strong, bipartisan support, Democrats and Republicans alike, in the Congress for the encouragement of this peace process, and we all hope and pray that this now lays the groundwork for a potential resolution.

Mr. Speaker, I thank my friend for yielding me the time.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

I have no further requests for time, but I would like to take this opportunity to highlight and commend the gentleman from Missouri (Mr. BLUNT), our majority whip, the gentleman from Maryland (Mr. HOYER), the minority whip, and all of our leadership for their efforts on this resolution.

Mr. WEINER. Mr. Speaker, today the House of Representatives voted to commend the Palestinians for holding free elections on January 9, 2005. We should congratulate the countless Palestinians who participated nonviolently in the historic event.

However, we must also hold the newly elected President and the entire Palestinian Authority accountable for publicly rebuking and bringing an end to terror and incitement. Until violence has ended, the U.S. should withhold its funding. U.S. taxpayers should know that their money is being spent fighting terror, not supporting it.

During the last 4 years, the Palestinian Authority failed to halt more than 22,000 attacks that killed over 1,030 Israelis. Yet, at the same time the United States gave more than $612 million in aid to the West Bank and Gaza. That's more U.S. aid to the Palestinians than in the previous 25 years combined.

Sadly, the recent elections have not produced a true disarming of the terrorists. In the 1 week following Abbas' election, terror attacks left eight Israelis dead and prompted Israel's Prime Minister to express his outrage at the new Palestinian leadership for "not lifting a finger" to stop violent attacks. Just yesterday, the Jewish residents of Gush Katif were terrorized by mortar fire and a 50 kilogram explosive device was uncovered by the Israeli army at a border crossing in the Gaza Strip.

For many, the continuing violence is no surprise given Abbas' election campaign, in which he not only referred to Israel as "the Zionist enemy," but said he would protect Palestinian terror groups that use rockets and other means to attack innocent Israelis. Yesterday, Israeli intelligence chief Aharon Ze'evi confirmed that "the preparations for terror acts continue" among senior Hezbollah and Hamas leaders. And last week, Hamas won 77 council seats in a landslide victory in Gaza municipal elections. The terror group now controls 7 out of the 10 councils in which elections were held. In the wake of the elections, Israeli minister Natan Sharansky has unveiled a report documenting Palestinian incitement "of virulent hatred of Jews and Israel that mandates the killing of Jews as a religious obligation."

These recent events deserve condemnation. While the election of a Palestinian Prime Minister may be a rare experience, the historic event worth celebrating will be a true end to Palestinian terror. Since Arafat was appointed chairman of the PLO in February 1969, more than 36 years of Palestinian terror have plagued Israelis and Palestinians alike. Violence has been the one constant, and the United States should wait until Palestinian terror ends before commending or funding an apparatus of terror.

Mr. GENE GREEN of Texas. Mr. Speaker, I would like to express my strong support of House Resolution 56.

January 9, 2005 marked a historic day for the Palestinian people. This resolution commends the Palestinian people for holding free and open elections and congratulates Mahmoud Abbas for being elected President of the Palestinian Authority. This resolution also commends Israel for its role in facilitating the election proceedings.

These elections mark a historic accomplishment for the people of Palestine and a great opportunity for the Israel-Palestine peace process to move forward.

The only way this can happen is for Mr. Abbas to act immediately to end terrorism by stopping the flow of money, equipment, and recruits to Palestinian militant groups.

Mr. Abbas has taken steps since his election to stop these groups, but these efforts must be continued and expanded to end the terrorism that has killed and injured thousands of Israelis and Palestinian people.

Mr. Abbas's election provides an excellent opportunity for the Palestinian Authority to reign in these terrorist groups and for the Palestinian people to move beyond this violence and work with Israel to create a lasting peace.

Mr. Speaker, I have traveled to Israel several times and know that the Israeli Government and the Israeli people are ready and willing to work with the Palestinians but have not had a reliable partner to negotiate with in the past.

Mr. Abbas has the opportunity to put the Palestinian Authority's past failures behind him and demonstrate to Israel and the United States that he is dedicated to the peace process by stopping terrorism and fulfilling Palestinian commitments under the roadmap.

Again, I strongly support this resolution and would like to congratulate Mr. Abbas on his January 9th election, and I am hopeful he will take this timely opportunity to work with Israel toward a peaceful resolution to the Israel-Palestine conflict.

Mr. ACKERMAN. Mr. Speaker, I rise today in support of the resolution offered by the gentleman from Missouri, Mr. BLUNT and the gentleman from Maryland, Mr. HOYER. On January 9, the world witnessed the peaceful expression of Palestinian national aspirations. By holding the freest and fairest elections in the Arab world, it is clear that the Palestinian people, like any people, want to choose their own destiny.

I hope, we all hope, that the election of Mahmoud Abbas as President of the Palestinian Authority opens a new chapter in the pursuit of Middle East peace. But as history has taught us, hope in the Middle East can be fleeting, and so our hope is accompanied by trepidation. We hope that this election will mark the beginning of a new relationship between Israelis and Palestinians, that this change in Palestinian leadership will enable the Palestinian Authority to take the courageous steps required to achieve peace that we have long argued were necessary. We hope that the change in Palestinian government will be recognized by Israel as an opportunity to achieve for themselves the secure Jewish, democratic state that has been their goal since independence. We hope that our own government sees the opportunity to again pick up the mantle of peacemaker, and support both parties in the struggle to achieve the vision of two states, living side by side, in peace, articulated by the President in his speech 2½ years ago.

But there is much work to be done. President Abbas faces many challenges but first, foremost and absolutely, he has to stop terror and the potential for its resumption. Without this step all the other necessary reforms will be for naught. To achieve this President Abbas must reform Palestinian security services; end incitement against Israel; and deliver a government free of corruption and capable of producing the economic growth and prosperity the Palestinian people are entitled to expect. The United States can, and should, help here. I am pleased that the supplemental that we will consider in the coming weeks will have additional assistance for the Palestinian people. Now is the time for U.S. leadership in support of Abu Mazen's efforts to fight terror, reform his security services, and eliminate corruption. In the coming weeks and months we will have time to judge his efforts, but bearing in mind the potential for failure, now is the time to act in pursuit of peace.

Mr. Speaker, I would be remiss if I did not say a word commending Israel for facilitating the recent elections. Prime Minister Sharon assured me, when I was in Jerusalem last November that he would do everything possible to ensure that Palestinians could vote, and he did. That is the kind of leader he is, and he deserves our support and our trust.

Mr. Speaker, it is not yet a new day and we have not yet "turned the corner." But I am certain we will be condemned by future generations if we do not do all we can to seize this moment and the opportunity it represents. I urge my colleagues to support this resolution but more importantly to remember that in the coming months we will be asked to take additional risks for peace. We should take them.

Mrs. LOWEY. Mr. Speaker, I rise in support of this resolution, which commends the Palestinian people for holding free and fair elections on January 9. I know we all hope it will be the end of the violence that has devastated so many families, and the beginning of the resumption of peaceful negotiations.

The State of Israel and many, many Palestinians want this. They want peace—to safeguard their children, to encourage economic growth, to move towards the future with optimism and a sense of purpose. The United States shares this hope, and must continue to actively support these efforts. I commend President Bush for his involvement, and I hope he will remain steadfast.

But we are not naive. We have been at such hopeful moments before. As President Bush said last summer, there are a number of concrete actions the Palestinians must take before they can be viewed as legitimate partners in the path to peace.

Free elections are one step. But now newly elected Palestinian Authority Chairman Mahmoud Abbas must do more. He must disarm Palestinian terrorist groups—not just call on them to cease attacks on Israelis. Abbas must do the hard work of dismantling the terrorist organizations. He must control and consolidate the security forces that often collaborated with terror groups. He must push for true political and economic reform, and stop the rampant corruption. And finally, he must truly engage Arab leaders in supporting true peace in the region. If he does all these things, if Abbas can demonstrate by his action that he is a serious, earnest partner in the pursuit of peace, then there is truly cause for hope.

We have waited decades for a peace that will safeguard Israel's security, and will bring about regional stability and prosperity. For those who truly seek peace, who understand that there is no choice but peace to secure the future of the Middle East, the latest developments are encouraging.

The future of the Middle East—and the ultimate security and safety of Israel—is at stake. The United States will maintain its commitment to bringing the parties back to the negotiating table, but the ultimate choice of peace is theirs to make. Chairman Abbas must not squander the opportunity to bring peace and prosperity to his people. He must show his willingness to make the tough choices, and take the risky path, that separate those who truly seek peace from those who do not.

I urge unanimous adoption of this resolution.

Mr. WAXMAN. Mr. Speaker, I rise in strong support of H. Res. 56 and join my colleagues in congratulating President Mahmoud Abbas on his election and commending the Palestinian people on their effort to restore democracy and accountability to the Palestinian Authority.

Unfortunately, the Palestinian people suffered greatly under the leadership of their previous President, Yasser Arafat. The Arafat regime was plagued by severe corruption, duplicity, a lack of respect for freedom and human rights, and worst of all a senseless campaign of terrorism that imperiled Palestinian efforts to build a state and make peace with Israel.

With the election of President Abbas, I hope the Palestinian people have embarked on a new path in a much more promising direction. Already President Abbas has made statements condemning terrorism and deployed Palestinian patrols into the areas of Gaza that have been mounting mortar attacks against Israeli communities. He has also begun to tamp down on anti-Israel and anti-Semitic incitement in the official Palestinian media and lay the groundwork to reduce tensions.

The path ahead is difficult. President Abbas's success will depend on his willingness and ability to dismantle the terrorist infrastructure of Hamas, Islamic Jihad, and other groups. His consolidation of power in Gaza will be essential for the Palestinian people to constructively take advantage of opportunity created by Israel's disengagement plan. But he must follow a path charted with hope rather than hate, and democracy instead of demagoguery.

The Roadmap for Peace set forth a vision of two states living side by side in peace and security that was indefinitely delayed because of Arafat's intransigence. Let us all hope that these elections and President Abbas's leadership will finally be a first step back in the right direction.

Mr. FARR. Mr. Speaker, I rise today in strong support of H. Res. 56, "Commending the Palestinian people for conducting a free and fair presidential election on January 9, 2005."

I find a quote from Harry Emerson Fosdick appropriate for talking about the historic presidential elections in Palestine: "Democracy is based upon the conviction that there are extraordinary possibilities in ordinary people." Ordinary Palestinians took extraordinary steps on January 9th and voted for a presidential candidate; this was only the second time in their history that Palestinians have had the opportunity to exercise the right to vote. All Palestinians must seize the opportunity to dedicate themselves to the advancement of peace and prosperity.

This historic window of opportunity begs for the dedication and commitment of all parties who desire peace in the Middle East. I urge the new Secretary of State to be a fair and balanced broker in any future dialogue and to work tirelessly for a permanent peace.

Mrs. LOWEY. Mr. Speaker, I rise in support of this resolution, which commends the Palestinian people for holding free and fair elections on January 9. I know we all hope it will be the end of the violence that has devastated so many families, and the beginning of the resumption of peaceful negotiations.

The State of Israel and many, many Palestinians want this. They want peace—to safeguard their children, to encourage economic growth, to move toward the future with optimism and a sense of purpose. The United States shares this hope, and must continue to actively support these efforts. I commend President Bush for his involvement, and I hope he will remain steadfast.

But we are not naive. We have been at such hopeful moments before. As President Bush said last summer, there are a number of concrete actions the Palestinians must take before they can be viewed as legitimate partners in the path to peace.

Free elections are one step. But now newly elected Palestinian Authority Chairman Mahmoud Abbas must do more. He must disarm Palestinian terrorist groups—not just call on them to cease attacks on Israelis. Abbas must do the hard work of dismantling the terrorist organizations. He must control and consolidate the security forces that often collaborated with terror groups. He must push for true political and economic reform, and stop the rampant corruption. And finally, he must truly engage Arab leaders in supporting true peace in the region. If he does all these things, if Abbas can demonstrate by his action that he is a serious, earnest partner in the pursuit of peace, then there is truly cause for hope.

We have waited decades for a peace that will safeguard Israel's security, and will bring about regional stability and prosperity. For those who truly seek peace, who understand that there is no choice but peace to secure the future of the Middle East, the latest developments are encouraging.

The future of the Middle East—and the ultimate security and safety of Israel—is at stake. The United States will maintain its commitment to bringing the parties back to the negotiating table, but the ultimate choice of peace is theirs to make. Chairman Abbas must not squander the opportunity to bring peace and prosperity to his people. He must show his willingness to make the tough choices, and take the risky path, that separates those who truly seek peace from those who do not.

I urge unanimous adoption of this resolution.

Mr. SCHIFF. Mr. Speaker, I would like to join my colleagues in offering my congratulations to the Palestinian people on the recent election of Mahmoud Abbas as the second president of the Palestinian Authority.

After 4 long years of terror and bloodshed, the hope for peace that has spread through

Israel and the Palestinian Territories in the last two-and-a-half months has been welcomed by Israelis and Palestinians. Not since the heady days following the signing of the Oslo Accords in September 1993, has there been this much optimism for better relations between Israel and the Palestinians.

I have been encouraged by the deepening contacts between Israelis and Palestinians following the death of Yasser Arafat and I am hopeful that next week's summit in Egypt between Prime Minister Ariel Sharon and President Abbas will lay the groundwork for cooperative planning as Israel prepares to pull out of Gaza and parts of the West Bank later this year. Planning and coordination between Israeli and Palestinian security forces would improve the chance for a peaceful transition to Palestinian control in Gaza.

I also hope that the election of President Abbas will finally mark a clear rejection of terrorism by the leadership of the Palestinian Authority. For too long, Yasser Arafat would say one thing to Israelis and Americans and another to his own people about the centrality of renouncing violence. President Abbas appears to understand that terrorism has brought only suffering to his people and that the only path to statehood for the Palestinian people is the path of negotiation.

Although President Abbas won the presidency by a healthy margin in last month's election, he has no real base of political support with the PA, nor does he enjoy great popular support among the Palestinian electorate. Thus, he will need to build support by demonstrating to the Palestinians that he can negotiate effectively with Israel and by securing U.S. political and economic assistance.

I know that the Israeli government understands the tenuousness of President Abbas's situation and has both sought to build confidence in him by easing up on security clampdowns in the territories and by showing restraint in not responding to a series of inflammatory statements by Abbas during the recent campaign.

President Bush's request for $350 million in assistance to the Palestinians is an important signal that the United States also sees President Abbas as a serious partner in the search for peace between Israel and Palestinians. I share the President's vision of Israel and Palestine living side-by-side in peace and I am glad to see that he has backed up that vision with a substantial request for U.S. assistance.

Mr. HYDE. Mr. Speaker, today I rise in support of H. Res. 56, "commending the Palestinian people for holding recent elections." This resolution is a reflection of our support for the Palestinian people and their determination to build a viable Palestinian State based on freedom and empowered democratic institutions.

I strongly support our President when he stated, "The United States stands ready to help the Palestinian people realize their aspirations." The election of President Mahmoud Abbas is an encouraging step in that direction.

The election of new Palestinian leadership and Labor's entry into the Israeli Government have changed the circumstances and expectations surrounding the Middle East peace process. The newly elected Palestinian leadership and Israel should take advantage of this opportunity and implement concrete steps to support the emergence of a viable, credible Palestinian state.

The United States has a vital national security interest in a Middle East in which two states, Israel and Palestine, will live side by side in peace and security, based on the terms of United Nations Security Council Resolutions 242 and 338. A stable and peaceful Palestinian state is necessary to achieve the security that Israel longs for.

The Palestinian elections represent a vital part in that process. Over 800 international observers monitored the recent elections. Among them were 80 observers led by former President Jimmy Carter, who stated that,

> There is no doubt that the will of the Palestinians was adequately expressed, that Abu Mazen has the support and respect of his people, and that he is dedicated to the peaceful pursuit of a peace agreement. . . .

Palestinians from all walks of life participated in the Presidential elections, representing approximately 70 percent of eligible voters. Young and old, women and men, even those with serious physical disabilities, were determined to play their role in building a better future.

The Palestinian Central Election Commission should also be commended for its commitment to ensure free and fair elections and for facilitating a process whereby Palestinians could vote in a positive voting atmosphere. Commission representatives trained more than 16,000 electoral officials to staff the 2,800 polling sites throughout the West Bank and Gaza and conducted their operations in a professional way. Every election is a learning experience, and I support the Palestinian Central Election Commission in its request to apply lessons learned from the recent presidential election to the parliamentary elections scheduled later this year.

The Palestinian Presidential elections of January 9, 2005, and the upcoming parliamentary elections scheduled this July represent an historic opportunity for Palestinians to affirm their various political expressions and forge a government that can respond to their needs.

It is clear the Palestinians want institutions that are transparent and accountable. The United States, Israel, and the rest of the international community should do all they can to eradicate the sources of extremism that undermine moderate Palestinian leadership. Such actions will foster democratic development among the Palestinians and enable their elected institutions to produce constructive results for its people.

I am encouraged by Abbas' recent decision to ban the use of unregistered weapons by civilians. Such steps, matched by cooperation on the part of Israel, will assist President Abbas' determination to restore rule of law in the Occupied Territories.

I congratulate President Abbas and look forward to his success in achieving the national aspirations of the Palestinian people and his role in bringing peace to the Holy Land.

Mr. Speaker, I support this resolution and its passage.

Mr. BLUNT. Mr. Speaker, free democratic elections in the Middle East are vital to our security and to the security of our democratic allies. Later today we will take up a resolution on the remarkable exercise in democracy in Iraq last Sunday. In fact January was a strong month for democracy in the region. On January 9, the Palestinian people went to the polls to select a new president. This election, in which Mahmoud Abbas was elected president of the Palestinian Authority, occurred in the wake of an ongoing violent intifada against Israel; violence whose direct cause of was a vacuum of credible leadership willing to confront terrorists in the West Bank and Gaza.

In December I traveled to Jerusalem and Ramallah to discuss preparations for the Palestinian presidential election. I found those Palestinian leaders I met to be eager to demonstrate to the world that their presidential election would be free and fair. And today we congratulate the Palestinian people for conducting a presidential election that has been widely regarded as both free and fair.

During the voting, Israel's efforts to balance the security of its people with easing the ability of Palestinians to vote in the West Bank and Gaza were vital to the success of the Palestinian election and Israel should be commended for its efforts.

The presidential election on January 9 represented a real opportunity for the Palestinian people to make a statement about their own future by rejecting violent and extremist leaders in favor of those who favor a moderate approach to lasting peace with Israel.

Today we commend President Mahmoud Abbas for his victory in the Palestinian presidential election. For many years the Palestinians have been without a leader committed to good faith negotiations toward peace with Israel. It is my sincere hope that the leadership of Mahmoud Abbas may finally change that.

The news today that the Israeli and Palestinian senior leaderships will hold a summit in Egypt is encouraging. We should all encourage this effort and hope that trust can be built among the region's leaders. However, as we have learned the hard way during this conflict, peace will not be achieved through words spoken at a table. A lasting peace will require patience, strong leadership, and above all a realistic approach to the underlying issues. Few of these qualities existed in the previous leader of the Palestinian Authority. It is not clear that they exist in Mahmoud Abbas, but we are hopeful.

While Mahmoud Abbas once renounced the use of terrorism during his premiership in 2003, his message to Israel and to the international community during his election campaign was mixed. Now that he has taken office, results are to be expected in the form of a clear policy that terrorism and terrorist incitement in any form will not be tolerated within those territories under the control of the Palestinian Authority. I am hopeful, but only to the point of realistic expectation, that Mahmoud Abbas will take advantage of this opportunity and that a lasting peace will emerge.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 56.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

Mr. GALLEGLY. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 57) urging the European Union to maintain its arms embargo on the People's Republic of China.

The Clerk read as follows:

H. RES. 57

Whereas the United States and the European Union (EU) have maintained arms embargoes on the People's Republic of China since 1989, following the decision of the Chinese Government on June 4, 1989, to order an unprovoked, brutal, and indiscriminate assault on thousands of peaceful and unarmed demonstrators and onlookers in and around Tiananmen Square by units of the People's Liberation Army, which resulted in an untold number of deaths and several thousand injuries;

Whereas the People's Republic of China has yet to acknowledge and make amends for the 1989 massacre at Tiananmen Square and an estimated 2,000 Chinese citizens remain in prison as a result of their participation in those peaceful demonstrations according to the Department of State's Country Reports on Human Rights Practices for 2004;

Whereas the National Security Strategy of the United States approved by President George W. Bush on September 17, 2002, concludes that the People's Republic of China remains strongly committed to national one-party rule by the Communist Party and is not truly accountable to the needs and aspirations of its citizens, while preventing the Chinese people to think, assemble, and worship freely;

Whereas for several years the People's Republic of China has also been engaged in an extensive military buildup in its air, naval, land, and outer space systems, including the deployment of approximately 500 short range ballistic missiles near the Taiwan Strait according to the Department of Defense's Report on the Military Power of the People's Republic of China for Fiscal Year 2004;

Whereas the military buildup by the People's Republic of China and the strategic doctrines and policies that underpin such a buildup remain shrouded in secrecy and imply challenges for strategic deterrence between the United States and China, United States Armed Forces deployed in the Asia and Pacific region, United States commitments and interests related to the defense of numerous friends and allies in the region, particularly Taiwan and Japan, and regional stability more broadly;

Whereas the European Union and the People's Republic of China released a joint statement on December 8, 2004, following their seventh summit meeting at The Hague in which the two sides recognized each other as "major strategic partners in the area of disarmament and non-proliferation" and the EU confirmed its "political will to continue to work towards lifting the EU arms embargo against China";

Whereas the European Union and the People's Republic of China also released a joint declaration on non-proliferation and arms control on December 8, 2004, at The Hague in which the EU stated its support for China's entry into the Missile Technology Control Regime (MTCR);

Whereas on December 20, 2004, the Government of the United States determined that seven entities of the People's Republic of China, including several entities that play major roles in China's military-industrial complex, should be subject to sanctions under section 3 of the Iran Nonproliferation Act of 2000, which provides for penalties on entities for the transfer to Iran of certain controlled equipment and technology, reflecting a time span of more than a decade in which the United States Government has made repeated determinations regarding Chinese firms engaged in illicit transactions involving strategic technology;

Whereas on December 17, 2004, the Council of the European Union "reaffirmed the political will to continue to work towards lifting the arms embargo" on the People's Republic of China and invited the next Presidency of the EU "to finalize the well-advanced work in order to allow for a decision";

Whereas the largest member states of the European Union—France, Germany, Italy, and the United Kingdom—have steadily increased their arms sales to the People's Republic of China, such that from 2002 to 2003 the value of reported arms sales to China doubled to approximately $540,000,000, according to the most recent annual report, dated November 11, 2004, of the EU on its Code of Conduct on Arms Exports;

Whereas in order to assist member states of the European Union to close the gap in defense capabilities with the United States and to enhance the interoperability of the armed forces of such member states and United States Armed Forces, the United States has provided a framework in its laws, particularly under the Arms Export Control Act and chapters 138 and 139 of title 10, United States Code, in which the United States has pursued a policy of expanded transatlantic armament and defense industry cooperation involving increasingly sophisticated levels of sensitive United States military technology, which becomes subject to increased risks of diversion to the People's Republic of China due to armaments cooperation between the EU and China;

Whereas despite the chronically-low defense spending of member states of the European Union, EU member states have decided to develop, with the participation of the People's Republic of China, a new global radio navigational satellite system, known as Galileo, at a cost of more than $3,000,000,000, which will have military applications, even though such system purports to serve civil applications already served by the United States Global Positioning Satellite (GPS) System; and

Whereas the United States has numerous national interests in the Asia and Pacific region, including the security of Japan, Taiwan, South Korea and other key areas, and United States Armed Forces which are deployed throughout the region could be jeopardized by the People's Republic of China because it is increasingly well-armed and may seek to settle long-standing territorial and political disputes in the region by the threat or use of military force: Now, therefore, be it

Resolved, That the House of Representatives—

(1) reaffirms the United States arms embargo on the People's Republic of China and related findings and statements of policy set forth in title IX of the Foreign Relations Authorization Act, Fiscal Years 1990 and 1991 (Public Law 101-246);

(2) finds that policies by the United States and other countries which promote the development of democracy in the People's Republic of China, and not the development of Chinese military capabilities, will help assure a stable, peaceful, and prosperous Asia and Pacific region;

(3) deplores the recent increase in arms sales by member states of the European Union (EU) to the People's Republic of China and the European Council's decision to finalize work toward lifting its arms embargo on China, actions that place European security policy in direct conflict with United States security interests and with the security interests of United States friends and allies in the Asia and Pacific region;

(4) declares that such a development in European security policy is inherently inconsistent with the concept of mutual security interests that lies at the heart of United States laws for transatlantic defense cooperation at both the governmental and industrial levels and would necessitate limitations and constraints in these relationships that would be unwelcome on both sides of the Atlantic;

(5) requests the President in his forthcoming meetings with European leaders to urge that they reconsider this unwise course of action and, instead, work expeditiously to close any gaps in the European Union's arms embargo on the People's Republic of China, in the national export control systems of EU member states, and in the EU's Code of Conduct on Arms Exports in order to prevent any future sale of arms or related technology to China; and

(6) requests the President to inform Congress of the outcome of his discussions with European leaders on this subject and to keep Congress fully and currently informed of all developments in this regard.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. GALLEGLY) and the gentleman from California (Mr. LANTOS) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. GALLEGLY).

GENERAL LEAVE

Mr. GALLEGLY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H. Res. 57, the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. GALLEGLY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution that was introduced yesterday by the gentleman from Illinois (Mr. HYDE), expressing the strong concern of the House that the EU may lift its arms embargo directed at China.

In his recent inaugural address, President Bush reaffirmed America's commitment to democracy and freedom throughout the world. Yet, by selling advanced weapons systems to the People's Republic of China, the EU is directly undermining the security of one of Asia's most vibrant democracies, our close ally, Taiwan.

Over the last decade, Taiwan has moved strongly in the direction of becoming a full-fledged democracy, with free elections, a free press and respect for the rule of law. If the arms embargo is lifted, the EU would be further tilting the military equation against the people of Taiwan at the very time they are embracing human rights and democratic values.

Furthermore, if our soldiers were ever called upon to defend Taiwan, they could potentially be facing weapons systems manufactured by our own European allies. This would be an intolerable development.

Finally, the lifting of the arms embargo would also have other negative consequences. In the past, China has demonstrated its willingness to sell weapons to nations that cannot be trusted with advanced military gear. This includes countries such as Iran that support international terrorist groups and countries such as Sudan, Burma and Zimbabwe that are among the world's worst violators of human rights. The last thing these countries need is additional weapons.

Mr. Speaker, I urge my colleagues to support this important measure. I also urge Secretary of State Rice and President Bush to raise this issue during their upcoming visit to Europe.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I want to commend my good friend, the gentleman from California (Mr. GALLEGLY), for his strong and powerful statement. I particularly want to thank the gentleman from Illinois (Mr. HYDE), the distinguished chairman of the Committee on International Relations, my good friend, for leading us on this issue.

Mr. Speaker, I just returned from a very substantive mission to North Korea, China and Taiwan, where I met with many of the key leaders of those countries. Mr. Speaker, our Nation's security interests in the Asia-Pacific region, including the national and economic security of our friends and allies in the Asia-Pacific area, were paramount on my agenda.

While the Asia-Pacific region remains calm at the moment compared to other parts of the world, this calm can be deceiving. The United States has tens of thousands of troops deployed in Asia, and their security is directly threatened by the shortsighted and greed-driven initiative emanating from Europe. This initiative, Mr. Speaker, is the European Union's current effort to lift its ban on arms sales to the People's Republic of China.

I, therefore, commend the gentleman from Illinois (Mr. HYDE), the chairman of our full committee, for introducing this important resolution and for moving it forward so expeditiously.

Mr. Speaker, it is frightening to contemplate that American Armed Forces may one day be deployed in the Taiwan Strait to defend the island nation for a possible invasion by mainland China, and if key leaders in Paris, Berlin and Brussels have their way, our soldiers may very well be facing the latest in high-tech weaponry manufactured by our allies in Europe.

Mr. Speaker, based upon my recent meetings in China and Taiwan, I remain optimistic that tensions across the Taiwan Strait can be resolved peacefully and that the United States will not be drawn into Taiwan-related conflict.

Key policymakers in Beijing fully understand that military action against Taiwan would spark international isolation, possible military conflict with the United States and a certain boycott of the much-prized 2008 Olympics in Beijing.

Taiwan's leaders, for their part, fully understand that the increasing economic ties between Taiwan and the mainland would be threatened by provocative steps.

President Chen and Vice President Lu in Taiwan fully understand that Taiwan must negotiate with the mainland from a position of strength, which requires immediate approval by Taiwan's legislature of a supplemental defense package.

Despite these factors working in favor of peace across the Taiwan Strait, it is possible that mainland hard-liners might push for military action against Taiwan after the 2008 Olympics or that conflict in the Strait may begin because of miscalculation by either side.

It is in this context that the European Union's current deliberations on lifting its arms embargo on China are so outrageous. With enormous loss of human life, the United States liberated the Nations of Europe during World War II, including France and Germany. For the new generation of European leaders to turn their backs on American national security interests and consider opening up the floodgates of weapons sales to the People's Republic of China shows that they have truly lost their moral compass.

Europe's leaders have argued that they will continue to restrict most arms sales to Beijing, even if the ban is lifted. Mr. Speaker, I simply do not believe this assertion. If there is money to be made in a troubled part of the world through arms sales, key European arms manufacturers are the first through the door to make that sale.

Mr. Speaker, the decision by the European Union is not final, and it is my strong hope that President Bush and our new Secretary of State Condoleeza Rice will make it a top priority to convince the European Union to reverse this dangerous course. Sadly, the key reason for the imposition of the arms embargo, China's horrendous human rights record, remains unchanged, more than 15 years after the massacre at Tiananmen Square.

□ 1115

Europe's leaders must understand that there will be severe ramifications for the transatlantic relationship if they fail to do what is right and just, if they fail to respect internationally recognized human rights and the national security interests of their historic liberator and their most important ally, the United States of America.

Mr. Speaker, I urge all of my colleagues to support our resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. GALLEGLY. Mr. Speaker, I yield 4 minutes to the gentlewoman from Florida (Ms. ROS-LEHTINEN).

Ms. ROS-LEHTINEN. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise as a proud cosponsor of House Resolution 57 and ask my colleagues to render their strong support to this resolution.

It is unconscionable that the European Union has decided to lift its arms embargo against the People's Republic of China, a regime that is a gross human rights violator and a country of proliferation concern, given its assistance to terrorist states like Iran.

The arms embargo was implemented in response to the Chinese regime turning its tanks against peaceful demonstrators in Tiananmen Square on that fateful day of June 4, 1989. The PRC has yet to acknowledge or even make amends for this massacre. The PRC harasses, intimidates, imprisons, and tortures religious worshipers, human rights dissidents, and any who seek to exercise their fundamental freedoms and who oppose the repressive apparatus of the regime in Beijing.

For the EU to remove the ban and for its largest members to steadily increase their arms sales to the PRC is an affront to all of China's victims, particularly to the victims of Tiananmen Square. It also undermines global efforts to hold other human rights violators accountable for their deplorable practices. How can the EU's so-called human rights dialogue with Iran or its discussions with Syria, for example, have any credibility when the EU has given a pass to the PRC for this massacre?

It is critical we also look at the implications for U.S. policy priorities on other issues. As the resolution before us articulates, the United States has significant security interests in the Asia and Pacific regions, including the security of Japan, Taiwan, South Korea, and other critical areas. The EU decision could alter this delicate strategic balance in this region.

An even more daunting implication is how the EU's removal of the arms embargo on China could undermine counterproliferation efforts. Chinese entities have been sanctioned under U.S. law for transferring missile technologies to Iran. Concurrently, Iran has paraded its long-range Shahab-3 missiles that could reach and threaten U.S. allies in the Middle East and American forces stationed in the region.

Yet the EU decides to facilitate China's military buildup by lifting its arms embargo on the PRC. Within this context, is the EU complicit in the threat posed by Iranian missiles targeting U.S. interests with Chinese technology? For that matter, how will the EU respond to Iran missile threats when they reach European capitals, thanks to Chinese technology? How can the EU be taken seriously in its efforts to halt Iran's pursuit of a nuclear capability?

This is a matter of utmost urgency. The EU's decision to lift the arms embargo on the PRC can have grave repercussions. It could trigger a domino effect that could undermine our efforts to address and curtail threats across multiple sectors. It will only serve to emboldened oppressors and proliferators. We must stand together against such threats.

As the resolution underscores, this development in European security policy is inherently inconsistent within the concept of mutual security interests. Let us, through the overwhelming adoption of the resolution of the gentleman from Illinois (Mr. HYDE), strongly urge European leaders to reconsider this unwise course of action. I ask my colleagues to render their strong support for this resolution.

Mr. LANTOS. Mr. Speaker, I am delighted to yield such time as she may consume to the gentlewoman from California (Ms. PELOSI), the Democratic leader who has long been our leader on policy with respect to China.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding me this time, my colleague from California, and also for his distinguished service and for bringing this to the floor today. I am pleased to join our Republican colleagues. It is one area where we can work together to make the world freer, people freer, the world safer, and, hopefully, trade fairer one of these days.

Mr. Speaker, I rise in strong support of this resolution urging the European Union to maintain its arms embargo in the People's Republic of China. I commend the Committee on International Relations chairman, the gentleman from Illinois (Mr. HYDE), and our ranking member, the gentleman from California (Mr. LANTOS), for bringing this resolution to the floor. They are tremendous leaders on behalf of human rights in China and, indeed, all over the world.

Almost 16 years ago, the Chinese regime shocked the world as it unleashed its army on its own defenseless people and crushed the peaceful pro-democracy movement in Tiananmen Square. We know that the human rights situation in China has not significantly improved since the arms embargo was imposed.

At the time of the Tiananmen Square massacre, it was seared into our conscience. One of the most enduring images of the 20th century was a picture of a lone man standing before a long line of military tanks. We remember how millions of ordinary students, workers, and citizens marched in peace; how they raised the goddess of democracy, an image of our own Statue of Liberty; and how they quoted our own Founding Fathers.

The United States and the European Union imposed complementary arms embargoes as a direct response to the Tiananmen Square massacre. Civilized governments were outraged at the brutality of the Chinese regime and took a course of action to ensure our weapons would not be used to harm innocent people in China, Tibet, East Turkistan, Inner Mongolia, and Taiwan.

For a billion Chinese and Tibetans, freedom remains a dream deferred. Journalists, activists, academics, workers, and religious believers are still persecuted and tortured. Beijing is still harassing and arresting dissidents and families of the Tiananmen victims.

The most recent State Department "Country Report on Human Rights" states that the Chinese Government's "Human rights record remains poor, and the government continued to commit numerous and serious abuses. There was backsliding on key human rights issues."

The recent passing of Zhao Ziyang, the former Secretary General of China, reminds the world of the courage of the heroes of Tiananmen. Zhao dared to resist the Chinese Communist Party's decision to crush the pro-democracy movement. And I remind my colleagues that at the time he was the chairman of the Chinese Communist Party. He very courageously, just weeks before the massacre, made a very crucial appeal to the students to leave Tiananmen Square to prevent bloodshed.

With tears in his eyes and bullhorn in his hands, he apologized to them for having come too late. His courage in opposing military force resulted in his dismissal from the government, his name erased from Chinese history books, and almost 16 years under house arrest, until his recent death. The Chinese Government has tried to erase the history of Tiananmen and Zhao's legacy, but the world will remember.

For all their power, the regime is afraid of Zhao. They were afraid of him in life; they are afraid of him in death. But the more they try to suppress his message and his courage, the stronger they make him.

Today, we are once again calling on Beijing to release thousands of Tiananmen activists held to this day and all the prisoners of conscience, whose only crime was to demand their basic human rights.

I commend the Bush administration for reiterating its support of the U.S. arms embargo. The European Union has showed leadership in fighting for human rights all over the world. Now is not the time for them to abandon those principles.

I just would like to make this point, because I mentioned trade in the beginning. Since the time of the Tiananmen Square massacre, for many years we have had debate on the floor as to whether we could use economic leverage to improve the human rights situation in China, that we could use economic leverage to improve the performance of the Chinese regime in regard to fairness and in trade with our country and to stop the proliferation of weapons of mass destruction by the regime to unsafeguarded countries.

That idea was rejected by the Congress, and I may say in a bipartisan way: President Bush, President Clinton, President Bush all shared the same view. But it was wrong, and it is still wrong.

The fact is that we did not use the leverage, and everyone said economic reform is going to lead to political reform; this trade is going to enable the Chinese people to be freer. The fact is that has not worked. And the trade deficit, which we thought was giving us leverage in 1989 of $2 billion, $2 billion, this enormous amount of money we thought was going to give us leverage for human rights, improve trade relations, as well as stopping the proliferation of weapons of mass destruction, well, the trade deficit today, thanks to this policy, is now $2 billion a week, not a year, a week. Over $2 billion a week.

The point I want to make in relationship to the European Union, though, is the following: for a long time over that time the Chinese Government was very clever. They took advantage of the U.S. because we welcomed them with open arms. Just flood our markets with your products, maintain your barriers to our products going into China, and you have this. China has a huge trade surplus. And where did they spend that surplus? They spent it in Europe, and they spent it in other parts of the world using economic leverage for a political purpose: just exactly what they argued against when we wanted to do it to improve human rights, to stop the proliferation of weapons of mass destruction, and to improve the trade situation.

So it is no wonder the European Union does not have the kind of trade deficit with China that we have, because China buys from the European Union, or they did for at least long enough to get them with the program. And what the program is is a giant economic power using its economic power to suppress initiatives that make the world safer, that make people freer, and make trade fairer.

So I applaud again the distinguished gentlewoman from Florida for her remarks and the leadership of the committee for their initiative in bringing this to the floor; and I would hope, I would hope that the Bush administration's statements will now be met with firmness in dealing with the EU that this is important to us. Because the trade embargo is there for a reason, and now that it is lifted, if it is lifted, the world will be a less safe place.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. KIRK).

Mr. KIRK. Mr. Speaker, I thank the gentleman for yielding me this time.

Rarely in human history have so many been armed by so few in a crass and cynical pursuit of profit at the expense of Asia's peace. The word should go forth that the French President is determined to sell weapons that will be aimed at Japan and Korea and Taiwan and the Philippines and the men and women of the United States military. These weapons will be built in France and pointed directly at the people who serve in the United States Navy.

In lifting the arms embargo against China, Europe will be making an enormous mistake. Europe's short-term concern with the corporate bottom line will lead to greater conflict and increased peril for Americans serving in uniform. Since 1989, China has been almost cut off from European technology, and China's leaders have responded by a cooperative foreign policy designed to lift this embargo so they can arm to the teeth as the rising power of Asia to challenge the other powers, all democracies on her periphery.

If you are pro-U.S. Navy, you should be against this. If you are pro-Japanese, you should be against this. If you are pro-Indian, you should be against this. Because these European weapons will be directed at each of these democracies.

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This is a very short-term decision for a very few profits, and it is Jacques Chirac that is doing this. That will create greater insecurity in Asia, lay the seeds for a conflict, and maybe the death of Americans caused by French weapons sold for short-term profits.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

I just want to make a comment about my good friend's observations. He is absolutely correct. This greed-driven policy by a Europe which was twice liberated in the 20th century by the United States, a policy which, by the way, this past year, in 2004, resulted in over a half a billion dollars of military sales already to China, with again the French leading the way. The degree of cynicism, the degree of greed displayed by some European leaders turns one's stomach.

I strongly urge all of my colleagues to vote for our resolution.

Mr. Speaker, we have no additional requests for time, and we yield back the balance of our time.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. HOSTETTLER).

Mr. HOSTETTLER. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise to wholeheartedly support this common-sense resolution.

The U.S. and European Union, as we have heard, established arms embargoes against the People's Republic of China following the June, 1989, Tiananmen Square Massacre.

The U.S embargo continues today in light of the widespread human rights abuses that continue under the Communist regime. But the European Union, in a move that can only be described as reckless, is moving to lift its ban on weapons sales.

EU states are even today selling China so-called nonlethal technologies that enhance its offensive capabilities. Advanced radar systems sold to China, for example, allow its military to better target U.S. warships and aircraft.

For this reason, I introduced in the defense authorization bill last year a provision to prohibit the Defense Department from buying weapons from foreign companies that sell weapons to the People's Republic of China. My measure, which passed the House, also would have made it U.S. policy to deny China defense technology that could threaten the U.S. or destabilize the Western Pacific region.

Unfortunately, this provision was dropped in conference as a result of Senate objections. But we are here again today discussing this vitally important issue.

I strongly encourage the EU to place international security and human rights ahead of any monetary benefits from selling weapons to China, and I urge passage of this resolution.

Mr. GALLEGLY. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio (Mr. CHABOT).

Mr. CHABOT. Mr. Speaker, I thank the gentleman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution. The European Union imposed a ban on arms sales to the People's Republic of China following the Tiananmen Square Massacre back in 1989. In recent months it has become apparent that European nations, seeing an opportunity to profit from China's large-scale military modernization program, may well be prepared to lift that embargo in the near future, and I believe that would be a terrible mistake.

In a November 30, 2004, letter to the President of the European Union, 25 Members of this body who opposed the lifting of the arms embargo stressed that such a decision would alter the current fragile military balance across the Taiwan Straits. It would rapidly tip the balance in the PRC's favor. In the last year alone, China has added more than 100 missiles to its arsenal, bringing to more than 600 the number pointed directly across the Taiwan Straits at Taiwan.

The EU's imminent decision to lift the arms embargo would further isolate that island nation and endanger its sovereignty and the safety of its citizens.

A lifting of the European arms embargo and further modernization of China's army would also create new dangers for the United States and its Asian allies. If we were ever to be called upon, and I hope this never happens, but if we were ever called upon to intervene in an Asian military crisis, the lives of our servicemen and women would be increasingly endangered.

Mr. Speaker, our European neighbors need to think long and hard about the short- and long-term negative effects of the lifting of the arms embargo. Stability in Asia is all too important to dismiss for the sake of short-term profits for European arms dealers.

I thank the chairman for bringing this important resolution to the floor in such a timely manner. I particularly thank the gentleman from California (Mr. GALLEGLY) for doing this, and I urge my colleagues to support the resolution.

Mr. GALLEGLY. Mr. Speaker, I yield myself the balance of my time.

I would like to close by thanking the gentleman from California (Mr. LANTOS) and those on the other side of the aisle for their strong support for this important issue. I ask all of my colleagues to join in strong bipartisan support of this critical resolution, H. Res. 57.

Mr. TANCREDO. Mr. Speaker, I rise today in support of House Resolution 57.

Mr. Speaker, while I support passage of this resolution, I am disappointed that events require us to debate it today. How any European leader could seriously contemplate the notion of arms sales to the regime in Beijing is, frankly, a mystery to me.

Beijing's abysmal human rights record has scarcely improved since the massacre at Tiananmen Square that prompted the EU to institute the embargo in the first place. The communist authorities in China continue to detain hundreds upon thousands of political prisoners. Torture remains widespread and systemic. Political freedom is nonexistent, as are the right to worship freely and the rule of law. The flow of information is rigidly controlled by government authorities and there is no independent media or judiciary.

And the Chinese regime has shown no signs of changing course. They have backpedaled on promises of democratic reform in Hong Kong and routinely threaten the peaceful democratic nation of Taiwan with military force. And these threats have only become louder and more belligerent in the years since the imposition of the embargo. In fact, the Chinese have become so bellicose and bold in their threats to "crush" Taiwan's self-determination that they no longer make any secret of their buildup—some 500 and counting—of missiles pointed directly at Taiwan.

So we must ask why? Why would any freedom loving European nation entertain the idea of selling weapons to a regime like the one currently ruling on the Chinese mainland? How could any nation that calls itself a friend of the United States seriously consider selling weapons to a regime whose stated goal is to annex, by force, Taiwan—a democratic ally of the United States? Perhaps most importantly, why would any European country sell weapons to the People's Liberation Army knowing that someday U.S. servicemen could be drawn into a conflict in the Taiwan straits?

Does the EU honestly believe it is in the best interests of the trans-Atlantic alliance to create a possible situation that could pit U.S. soldiers and sailors against Chinese soldiers wielding European weapons? Haven't enough U.S. soldiers been killed by European weapons in the last two World Wars? The European Union member nations should think very seriously about that last question before they decide to lift this embargo.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise to support H. Res. 57, which urges the European Union to maintain its arms embargo on the People's Republic of China. While I have been a supporter of increasing trade and diplomatic relations with China, I am not nearly as comfortable with the idea of lifting the arms embargo. I am also disturbed by reports that China has sold weapons to Iraq that bolstered the regime of Saddam Hussein and are now being used by insurgents who have gotten a hold of the regime's weapons stockpiles. China needs to take a giant step back in its weapons proliferation in order to become a valuable ally instead of the menacing figure it often portrays.

Again, I want to reiterate that while I have many concerns about the Chinese government, I have long recognized that trade with China has value for Americans and the people of China, which is why I voted in favor of Permanent Normal Trade Relations (PNTR) with China. My record on trade measures since coming to Congress demonstrates my willingness to evaluate each vote on its own merits, as long as worker and environmental rights are protected. In addition, I have voted for most-favored-nation status for China, while I have continued to raise my voice against the "undemocratic" ways of China. Unlike during the Cold War, we have unparalleled opportunities to bring the people of China and America much closer together. Trade is one way to accomplish this, however my desire to bring our two nations together is overshadowed today by my concerns about China's role in the world, especially in the form of weapons proliferation.

China's weapons exports remain the most serious proliferation threat in the world. Since 1980, China has supplied billions of dollars worth of nuclear weapon, chemical weapon and missile technology to South Asia, South Africa, South America and the Middle East. It has done so despite U.S. protests, and despite repeated promises to stop. The exports are still going on, and while they do, they make it impossible for the United States and its allies to halt the spread of weapons of mass destruction. I am especially shocked by the role of China in supplying Iraq with weapons, including chemical weapons that were used against the Kurdish people by the Saddam Hussein regime. Now many of those same weapons have fallen into the hands of insurgents who are targeting our military personnel. China must cease and desist immediately from interfering in Iraq and bring itself into the international circle of non-proliferation efforts.

I urge the European Union not to lift its Arms Embargo against China, because doing so at this time will send the wrong signal. Relations between the United States and China are a long term effort, one which cannot be handled with a singular approach. I stand for trade and diplomatic relations with China because this increases our person to person contacts that can only serve to create friendly relationships. However, lifting the Arms Embargo at this time will give the signal that proliferation of these weapons is acceptable, and it is not. Lifting the Arms Embargo will also signal that a bad human rights record is acceptable, and likewise it is not. Lifting the Arms Embargo against China will also signal to other nations who seek to gain access to weapons of mass destruction that proliferation of these weapons is acceptable, and to this point the whole world must stand up and say that it is not. I will continue to support increased relations with China because it is a key nation in the world, but I will forever refuse to turn a blind eye to weapons proliferation that threatens the security of all nations.

Ms. SOLIS. Mr. Speaker, I rise today in support of H. Res. 57, expressing the Sense of the U.S. House of Representatives that the European Union should not lift its embargo on the sale of arms to China.

After the 1989 Tiananmen Square Massacre the European Union imposed a ban on arm sales to China. I support this embargo, as I believe it helps ensure peace in the region and deters China from the use of arms against Taiwan. In the world we live in we should strive to ensure peace, liberty and democracy. I feel strongly that the European Union's lifting of the arms embargo would be detrimental to the fragile peace that we are striving to maintain, and I am proud to join my colleagues in support of the embargo.

Ms. BORDALLO. I would like to thank Chairman HYDE, Ranking Member LANTOS, Congresswoman ROS-LEHTINEN, and Congressman MCCOTTER for initiating this resolution urging the European Union to maintain its arms embargo on the People's Republic of China. I rise today to give my strong support to this resolution. The arms embargo we are discussing today was placed on the People's Republic of China in response to the massacre at the Tiananmen Square on June 4, 1989. That singular event succinctly demonstrated the oppression of those who suffer under a closed society like the PRC. They suffered on that fateful day at the hands of a brutal suppression. I urge our European friends to uphold their principled stand against arms sales as they opposed arming Eastern Germany and the Soviet Union during the Cold War. At that time it was the safety of Europe that hung in the balance. Now it is the peace and stability of the Asia-Pacific region that is at stake.

The gathering of students and peaceful protesters at Tiananmen Square that summer represented a value we in this country hold dear: the right to freely assemble. If you believe in that freedom, then don't lift the embargo. Let us remember the graphic image of the lone protester stopping a line of People's Liberation Army tanks on a Beijing highway. How will the governments of Europe explain that the next time this occurs the People's Liberation Army could be using French or German tanks to quell a protest for democracy?

One member of the PRC government recognized the plight of the Chinese people on that fateful day and had the courage to admit that the brutal suppression was a shameful tragedy. General Secretary Zhao Ziyang was then stripped of power and placed under house arrest until his recent passing. It is forbidden to discuss his heroism in China, but here on the floor of Congress we can be candid because we enjoy the right to free speech that the people of China do not. In his memory, I urge the good nations of Europe to recognize that the work begun by the protesters at Tiananmen is not done.

I admit that I have personal interest in keeping the arms embargo in place. The People's Republic of China has had a history of aggressive military acquisition. These forces may someday threaten our allies in the Asia-Pacific region. It was only recently that a Chinese submarine was detected circling our island. I urge the leaders of Europe to look beyond their own self-interest and consider the cause of freedom in making their decision concerning the arms embargo.

To this end, I ask my colleagues to vote in favor of House Resolution 57, to urge the European Union to maintain its arms embargo on the People's Republic of China.

Mr. HYDE. Mr. Speaker, there is a very troubling development taking shape in the security policy of the European Union concerning arms sales to China. Briefly stated, the major European countries have already resumed arms sales to China and now propose to terminate altogether the long-standing embargo on arms sales that they imposed in 1989 following the Tiananmen Square massacre.

This is all part of a new "strategic partnership" which the European Union proclaimed at its summit meeting with China last December. Also reflected in the communiqué for that meeting is European support for China's membership in the Missile Technology Control Regime. The contrast with the policy of the United States Government could not be greater. Just a few days later, the Department of State once again imposed sanctions on several most prominent entities in China's military industrial complex for illicit sales to Iran.

Recent public comments by European authorities seek to downplay the significance of their new policy. They maintain that their arms sales to China will not result in quantitative or qualitative increases. But, this provides little assurance since the major EU member states have already doubled their arms sales in the one year period between 2002 and 2003 to $500 million. Indeed, there are no rose-colored glasses available that can soften the impact of this dangerous course of action.

The development of democracy in China would be the first casualty. Like the United States, the European Union imposed an arms embargo on China in 1989 following the Tiananmen Square massacre. While China's economic policies since then have provided the Chinese people with greater choices about consumer goods, the Communist Party remains firmly in power and permits few choices about what can be said publicly in exercise of personal liberty. A termination of the EU arms embargo would provide the Chinese leadership with an impressive propaganda coup and demoralize the pro-democracy movement.

Even more disturbing, European security policy in this area appears to be on a collision course with our country's extensive security interests in the Asia-Pacific region. Our security posture has been the decisive factor in ensuring regional stability and prosperity since the end of World War II. Our military planners and commanders are already confronting a sustained Chinese military buildup, which includes China's deployment of some 500 short range ballistic missiles across the Taiwan Strait and intercontinental missiles that can reach American shores.

The statement we make in this Resolution is twofold: First, that European policy should support the development of democracy in China, not a military buildup, by maintaining the embargo and terminating current sales. Second, that European armament cooperation with China is fundamentally inconsistent not only with our security interests in Asia, but also with transatlantic armament cooperation, which we will be duty bound to examine in a new context given the increased risks of diversion of sensitive U.S. military technology that naturally arise from EU-Chinese arms cooperation.

Mr. BURTON of Indiana. Mr. Speaker, the Status Quo in the Taiwan Straits is under threat. This has far less to do with unilateral steps being taken by Taiwan and much more to do with People's Republic of China's (PRC) decision to apparently leave its "Good Neighbor" policy by the wayside, and embark on a new campaign to promote its economic and military ambitions across the Straits and throughout the region.

For several months now, based on speeches by Jiang Zemin, it appears that China is in the process of drafting a so-called Anti-Secession Law which obligates the People's Liberation Army to use military force to annex Taiwan if Beijing believes Taiwanese rhetoric or actions are moving the Island towards independence.

The prospect of a lifting of the European Union's arms embargo against China, together with the drafting of this Anti-Secession Law, and the publication of a PRC white paper last year entitled, "China's National Defense in 2004," calling Taiwan's independence advocates the "biggest immediate threat to China's sovereignty and territorial integrity," are alarming items in and of themselves, but taken as a whole they represent a disturbing trend in China's thinking about the situation in the Taiwan Straits.

Officials at the State Department and our friends in Taiwan are extremely uneasy to say the least over these signals of a change in China's posture towards Taiwan—and with good reason. Saber rattling by the PRC is nothing new, but this Anti-Secession Law represents a dangerous new dimension.

If enacted, this Anti-Secession Law will create the legal grounds for Beijing to punish anyone speaking or acting against reunification of Taiwan and China. Moreover, the law will permit, in fact it will compel, Chinese leaders to use force against Taiwan if China considers Taiwanese leaders are engaging in so-called separatist activities.

The Law clearly undermines efforts to enhance the goodwill that has grown-up across the Straits in recent years spawned by deep socio-cultural ties, and the increasing economic interdependence between Taiwan and the Mainland. If this Anti-Secession Law is enacted, the response from the Taiwanese will be predictable; military tension will rise accordingly in the Taiwan Strait and regional peace and stability will be affected. This cannot be in the best interests of any country, especially those in the region.

Mr. Speaker, since 9/11 there has been a heightened recognition of the benefits of cooperation with Beijing on security issues in the region; ranging from eliminating the North Korean nuclear threat, to stabilizing the Taiwan Strait, and countering global terrorism. A security crisis over Taiwan is something we all must work to avert. But, China's proposed Anti-Secession Law is a bad law with serious consequences for future relations between China and Taiwan, as well as regional stability. I hope the Chinese Government will reconsider their actions and return to the "Good Neighbor" policy that has worked so effectively for so long.

Mr. GALLEGLY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 57.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

RELATING TO FREE ELECTION IN IRAQ HELD ON JANUARY 30, 2005

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to the previous order of the House, I call up the resolution (H. Res. 60) relating to the free election in Iraq held on January 30, 2005, and ask for its immediate consideration in the House.

The Clerk read the title of the resolution.

The text of House Resolution 60 is as follows:

H. RES. 60

Whereas in April 2003, United States Armed Forces and other Coalition forces liberated the people of Iraq from the dictatorial regime of Saddam Hussein;

Whereas at the end of June 2004, an Interim Government of Iraq assumed sovereign authority over Iraq;

Whereas the Interim Government of Iraq called an election for January 30, 2005, to elect a Transitional National Assembly, which will choose Iraq's Transitional Presidency Council, approve Iraq's other national leaders, serve as a transitional legislature, and draft a permanent Iraqi Constitution to be submitted to a referendum;

Whereas tens of thousands of Iraqis signed petitions nominating thousands of candidates for seats in the Transitional National Assembly under rules prescribed by the Independent Electoral Commission of Iraq;

Whereas thousands of Iraqis served as poll workers or observers;

Whereas a terrorist insurgency used murder and intimidation in a desperate but ultimately fruitless attempt to prevent the people of Iraq from exercising their right to choose their own leaders;

Whereas despite the efforts of Coalition forces and Iraqi security forces, a regrettably large number of Iraqi election workers, political party volunteers, security officials, candidates, and ordinary citizens attempting to participate in the political process or who were merely innocent bystanders were victimized by the insurgency, with some individuals having been killed while attempting to vote;

Whereas millions of Iraqis nevertheless exercised their right to vote, despite threats and actual violence directed against them;

Whereas Coalition forces, in cooperation with Iraqi security forces, continue to provide security for the people of Iraq; and

Whereas a representative democracy is more than a way to settle disputes but, most importantly, ascribes intrinsic value to every human being: Now, therefore, be it

Resolved, That the House of Representatives—

(1) congratulates the people of Iraq, in particular those individuals who participated in the political process as voters, poll workers, observers, party workers, or candidates for the Transitional National Assembly, for having taken part in the historic and inspiring Iraqi election of January 30, 2005;

(2) expresses its thanks to the Interim Government of Iraq and the Independent Electoral Commission of Iraq, Iraqi and Coalition security forces, and the civilian United States and international partners of the Government of Iraq for their tenacious efforts to create the conditions in which a free election could be held;

(3) expresses its condolences to the families of those Iraqis who perished while attempting to exercise their right to choose their government or while protecting Iraqis who were doing so;

(4) congratulates the candidates who were elected to Iraq's Transitional National Assembly which will be, when it is formed, the newest democratically-elected legislature in the world;

(5) offers its continued support to the people and political institutions of Iraq, including the Iraqi Transitional National Assembly, as they deal with the consequences of decades of misrule by the former regime of Saddam Hussein;

(6) expresses its gratitude to the United States Armed Forces for their ongoing valiant service to their country and commitment to the highest ideals and traditions of the people of the United States;

(7) expresses its gratitude to the families of United States Armed Forces personnel, especially the families of those who have lost loved ones in Operation Iraqi Freedom, and to Armed Forces personnel wounded in the service of their country, for their sacrifices;

(8) reaffirms that—

(A) United States Armed Forces in Iraq will remain under the full authority, direction, and control of their United States commanders; and

(B) United States Armed Forces will possess all necessary authority to fulfill their mission in Iraq effectively and to provide for their operational safety;

(9) urges the people of the United States and other countries to celebrate this latest step in the restoration of freedom to the people of Iraq; and

(10) reaffirms that the world is safer when democracy replaces tyranny.

The SPEAKER pro tempore. Pursuant to the order of the House of Tuesday, February 1, 2005, the gentlewoman from Florida (Ms. ROS-LEHTINEN) and the gentleman from California (Mr. LANTOS) each will control 30 minutes.

The Chair recognizes the gentlewoman from Florida (Ms. ROS-LEHTINEN).

GENERAL LEAVE

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H. Res. 60.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this important resolution relating to the free elections held in Iraq on Sunday, January 30. I commend the leadership for bringing this important measure to the floor at this time.

This past Sunday, freedom permeated from all corners of Iraq. Iraqis celebrated their vote. They reveled in it and embraced it. They clearly demonstrated to the terrorists and to the world the power of the human spirit. They showed the indomitable will of a free people anxious to exercise their rights as human beings and citizens. We witnessed women in this Arab nation taking their place as free individuals alongside men, their voices and their votes given equal weight.

The Kurdish people, who have been the victims of unspeakable human rights violations under Saddam Hussein's evil regime, at long last voted to take their well-earned, equal, respected place in a new Iraq. Both Shias and Sunnis, through the ballot box, were afforded an equal opportunity to exercise their rights and a role in their future government.

Some naysayers have focused on percentages and what ethnic group voted more than others. I, however, will always remember the images of the young and old Iraqis, of men and women of all backgrounds, proudly showing their ink-stained fingers, while hugging and waving to American soldiers in a show of gratitude.

I have never been prouder to have been an American and know that we have and will continue to contribute to make these images of hope possible. It is a testament to the power of freedom that as we commemorated the liberation of Auschwitz we finished that same week with elections in a country previously shackled with decades of tyranny.

It is a victory for those of us who believe that people throughout the Middle East are not just ready but enthusiastic for democracy. It is a victory for the principle that human rights are universal and not gifts bestowed to a select few.

However, our work is by no means complete. From Iran to Libya, from Saudi Arabia to Syria and beyond, much of the Middle East remains engulfed in oppression under the iron grip of dictatorships. Only by securing a decisive shift towards democracy across the region can the misery endured by the people of the Middle East be relieved.

Simultaneously, we must encourage those governments and populations in the region who have heeded the call for political and economic reform to expand those efforts, as they will surely ensure a prosperous future for their people and a more secure and stable world for us all.

Let us congratulate and commend the courageous Iraqis for defying the terrorists in going to the polls in huge numbers. Let us honor the brave men and women of our Armed Forces and all Iraqi security forces, officials and innocent civilians who have given their lives so that all Iraqis were given the opportunity to exercise a valuable, cherished freedom.

As the great communicator, former President Ronald Reagan, said on January 20, 1981, "No weapon in the arsenals of the world is so formidable as the will and moral courage of free men and women." This was clearly evident in Iraq this past Sunday.

I urge my colleagues on both sides of the aisle to overwhelmingly support this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of this resolution. I first want to commend the bipartisan leadership of this body for bringing this resolution to the floor.

Mr. Speaker, the votes are still being counted in Iraq, but it is already clear that democracy has won. The people of Iraq have cast their ballots in favor of freedom, including the right to choose their own leaders and their own fate.

We should not be surprised. We have seen people choose freedom over tyranny repeatedly during the past 15 years in country after country. But Iraqis voted in unprecedented circumstances, literally risking life and limb merely to exercise the privilege that most of us take for granted and many of us do not even exercise. Their courage inspires us, reinvigorating our own love for democracy and testifying to the power of freedom's call.

Mr. Speaker, I would like to have been a fly on the wall of those in power throughout the Arab world who watched the televised spectacle of Iraqis freely choosing their own leaders. We do not know yet who will lead the new Iraqi government, but we know that that government will be the sole representative of democracy in the halls of the Arab league. And we know that increasing numbers of Arab citizens in other Arab countries are already asking why their governments, with very limited exceptions, are chosen and perpetuated only at gunpoint.

The evident success of the election should boost the self-confidence of all concerned. Iraqis themselves organized the campaign and election. They monitored the vote, they secured the polling places, and now they are counting the ballots.

U.S. forces wisely situated themselves beyond the horizon of the polling places, but no one should lose sight of the fact that it was American and coalition soldiers who made this day possible because of their performance on election day and for many days and weeks before.

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Mr. Speaker, we must pay special tribute today to the bravery shown by our fighting men and women, to the commitment shown by our civilian personnel in Iraq and to the dedication and sacrifice shown by their families. I am proud that this resolution does just that.

We also acknowledge with respect those who have been wounded in the prosecution of this war, and we remember with the deepest sadness those who made the ultimate sacrifice.

Not the least of the gratifying developments on Sunday was the excellent manner in which the Iraqi armed forces acquitted themselves. We need to pay special tribute to General David Petraeus for his extraordinary work in training Iraq's military forces.

Mr. Speaker, I believe Sunday's election is an important milestone in the democratic development not only of Iraq but the entire Middle East. But it is also another battle won in the fight against the antidemocratic terrorists who opposed the election and continue their pernicious struggle. The impressive voter turnout, perhaps most impressive in the Sunni areas where antidemocratic intimidation was the most intense, is the surest sign that Iraqis as a whole are embracing the legitimacy of their new government and their new security forces.

But we must be realistic, Mr. Speaker. Democracy entails far more than a day at the polls. The major challenges are still ahead for Iraq. Can Iraqis ensure that all segments of their nation have the opportunity to be heard? Will they produce a fair and workable constitution leading to a durable democracy? Will they learn the art of compromise that will be essential to their success? Will they be moderate or will they dig in their heels on the difficult issues such as the role of religion or the disposition of the contested city of Kirkuk?

Building democracy in the Middle East will require immense patience. It surely is a multigenerational project. Even building democracy in just one nation, especially one with a complicated society such as Iraq's, is a long-term challenge. But for today, Mr. Speaker, let us recognize that the Iraqi people have just taken a first but vitally important step towards meeting that challenge, and let us affirm that they merit the admiration of all free peoples across the globe. And last, but hardly least, let us take pride in America's enormous contribution towards true Iraqi self-determination.

Mr. Speaker, I urge all of my colleagues to support this resolution.

Mr. Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Mr. Speaker, I am very proud to yield 3 minutes to the gentleman from Florida (Mr. LINCOLN DIAZ-BALART), the vice chair of the Committee on Rules.

Mr. LINCOLN DIAZ-BALART of Florida. I thank the distinguished gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution brought forth by our majority leader and others commemorating, celebrating the extraordinarily historic accomplishment of the Iraqi people last Sunday.

As our majority leader stated in a meeting where we were able to hear him speak just a few minutes ago, what we saw, what the world saw in Iraq on Sunday was more than an accomplishment. It was a miracle. But it was a miracle made possible by the leadership of President Bush and the Armed Forces of the United States and the coalition that have stood firmly for the security of a people who were oppressed for decades and who made it known to the entire world last Sunday that those thugs who seek to cloak themselves in some sort of sector of Islamist thought are nothing but a bunch of gangsters, thugs and gangsters who seek to intimidate through violence and through terror.

So the world was able to see on Sunday the gangsters and the thugs for what they are, a pathetic group dedicated to terror and intimidation. The world has seen and was able to see, by the courage of the millions and millions of Iraqis who, despite the threat to their own lives, stood in line and the lines refused to be broken. As our majority leader stated so eloquently in the meeting that we had, as I stated before, earlier today, the lines refused to break even when the bombs came and the attacks came and the injured were taken to hospitals and the dead were mourned. Yet the lines remained to demonstrate to the world that the Iraqi people not only seek but appreciate and will stand for their freedom and that the gangsters and the thugs are simply pathetic believers in violence.

I am a firm believer in the Bush doctrine. All people want to be free and all people deserve to be free. There are a handful of tyrannies in the world. Their day will soon come, also.

Just 90 miles from the shores of the United States there is a tyrant who for 46 years has oppressed a people, also through the same gangster tactics that these thugs in the Middle East use. Unfortunately, he has all the weapons, and his people are unarmed. His day will soon come as well.

This is a great day for history, for peace that we are celebrating today with this resolution by the gentleman from Texas (Mr. DELAY). That is why I so strongly support it.

Ms. ROS-LEHTINEN. Mr. Speaker, I am so proud to yield 2 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. I thank the gentlewoman for yielding me this time.

Mr. Speaker, there have been so many images that have come out of the election in Iraq that have warmed the hearts of all who love freedom. My favorite was that of a woman holding up the victory sign accentuated by the blue ink on her finger indicating that she had voted. That victory sign stands for victory over dictatorship, for victory over terror, victory for democracy, victory for freedom.

There have also been some statements from voters showing what they think of their newfound freedoms. One voter remarked, "I moved to mark my finger with ink. I dipped it deep as if I was poking the eyes of all the world's tyrants."

The Iraqi people have spoken with a loud voice, and once again freedom is on the march. This is thanks to the dedication not only of the people of Iraq but certainly for all the service and the sacrifice of our brave men and women in the armed services.

So I do find it amazing that some on the other side of the aisle and throughout our Nation are calling for a quick pullout of our troops from Iraq. We all want our troops to come home, and they will, as soon as their mission is accomplished, as soon as it is completed. They will not leave early and allow dictatorship and repression to return to fill the vacuum left by their departure.

Many of these advocates of an early withdrawal were also in opposition to President Ronald Reagan when he stood strong for freedom against Soviet communism. These same detractors say that we should not overhype the election in Iraq. In 1989, were they saying that we should not overhype the fall of the Berlin Wall? Tell that to the people of the former East Germany who now live in freedom, tell it to the people of Poland, tell it to the people of the Czech Republic, tell it to the people of Hungary, or to the people of the Ukraine, all of whom live in freedom because of the steadfast determination of the American people to spread liberty.

The flag of freedom has been raised high in Iraq, and we cannot and must not leave Iraq before freedom and democracy take root. Because, just as in Europe, the idea of freedom will resonate throughout the Middle East.

Let freedom ring.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. ROYCE), a member of the Committee on International Relations.

Mr. ROYCE. I thank the gentlewoman for yielding me this time.

Mr. Speaker, I rise in strong support of this resolution celebrating the free elections held in Iraq this past weekend. I think it is important that the world watched as millions of Iraqis defied the edict of Zarkawi and other terrorist leaders, defied their edict not to participate and went forward to cast what for most was the first meaningful vote in their lives.

Thousands of Iraqis served as poll workers. There were thousands of observers, as this resolution notes. The turnout exceeded all expectations. Iraqis of all backgrounds celebrated this milestone in the history of their country, but I believe it was a milestone for the Middle East and a milestone for the world. Tyrants and dictators would have people believe that democracy is a charade. Tell that to the Iraqis celebrating in the streets throughout Iraq. They rejected Saddam Hussein in a way that they had not had an opportunity to before, and they actually rejected him with an exclamation point in this election. What we saw was yet more evidence that the yearning to shape the political life of one's community and one's nation is universal. Freedom truly is a human aspiration.

Voting, as we have heard, is a step. The ballots have not yet been counted. A constitution needs to be drafted. Democracy, if it is going to work, must respect the interests of minorities. Otherwise, it is the tyranny of the majority.

In general, everyone wants their own rights respected. The challenge is to get people to respect the next person's rights. Kurdish rights must be protected, Sunni rights must be respected, and the rights of the Iraqi down the street must be respected. As President Bush has told the American people, this will be a long struggle. Iraq is very difficult terrain.

The stars of last weekend clearly were the Iraqi people. They put their lives on the line for a better future. Some were killed. But, make no mistake about it, there was a key supporting cast. Our Nation owes a debt of gratitude to the many members of our Armed Forces, our diplomats and other Americans in Iraq who are also risking their lives and in some cases sacrificing their lives to help Iraqis and also Americans.

We have a strong national interest in seeing Iraq become a success. If this happens, when the history of this era in Iraq is written, these men and women will be widely revered.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. I thank the gentlewoman for yielding me this time.

Mr. Speaker, insurgents in Iraq this weekend had vowed to wash the streets in blood. Yet, despite all their threats of people who were going to get killed and places that were going to be bombed, and indeed 43 people were killed, despite all that, voters turned out, of course, in record numbers because the election itself was a record.

One voter said on Sunday that each vote was a bullet in the heart of the enemy. We are defeating the terrorists in coming here, he said proudly, as he dipped his finger in the famous purple ink. This was done in over 30,000 polling places. And now the votes are being counted.

When we look at the turnout, nearly 60 percent, we are not really sure what the turnout officially is, but compare that to the United States presidential election just this November of a 60.7 percent voter turnout. Yet no one was threatened to be killed. That was the highest turnout in the United States of America in 38 years. Indeed, in my home county in Savannah, Georgia, Chatham County had a turnout of a mere 48 percent 2 years ago when we elected the Governor of Georgia.

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So for them under these circumstances to have a 60 percent voter turnout, it is phenomenal; but it is also a huge statement on how badly people want freedom, how badly they want to throw off the shackles of oppression, and how they value the opportunity to vote.

The U.S. Marines said that watching voters go to the polls was a spectacular and a wonderful payoff of the magnitude of the well-visualized photo of their knocking down Saddam Hussein's statue 2 years ago in Baghdad. And the people who died, the 43 lives who are no longer with us, they should all be remembered along with the other heroes who made the day possible. We owe them a debt of gratitude.

It took the United States of America 7 years to fight the Revolutionary War to win its independence from Britain, and then it was not until 1789 that we threw out the Articles of Confederation and wrote our own Constitution. And yet we fought a Civil War since then and we have had lots of struggles and lot of amendments to our Constitution. Indeed, over 200 years later, we are still fighting and working on this experiment that we call democracy, representative democracy.

What the world needs to do right now is to support Iraq in this endeavor. It is time for folks around the globe to say this did serve as a referendum and a statement; now let us reach out and do what we can to help Iraq become independent.

Mr. LANTOS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California (Ms. PELOSI); but before turning the microphone over to her, let me just say she has devoted her life to expanding the arena of freedom and democracy throughout the globe, and we are proud to have her represent us as our leader in this body.

Ms. PELOSI. Mr. Speaker, I thank the ranking member for his very generous remarks and commend him in turn for his leadership and the determination and dedication that he has given to human rights throughout the world and freedom throughout the world. Having just visited Auschwitz and having his own personal sad experience in the deprivation of freedom, he is an inspiration to all of us. I hope that the trip was not too painful for the gentleman from California (Mr. LANTOS), but again his courage and his determination are a lesson to all of us, and I thank him.

Mr. Speaker, Sunday was a historic day for the people of Iraq. In the face of violence and threats, millions of Iraqis made it clear that they want the future of their own country decided by the ballot, not by the bomb or the bullet. Their willingness to risk their lives to vote is compelling evidence of the depth of their aspiration for self-determination. Their courage commands our admiration and our respect.

The bravery of our military personnel cannot be praised highly enough. Without their selflessness in the face of great danger, the election could not have been held. Every American is inspired by their courage, their patriotism, and the sacrifice they are willing to make for our country.

Iraqis have demonstrated their desire to take responsibility for their country's future. Our effort now should be to use the momentum created by the election to help them realize that goal. Iraq needs to be made more secure. Let us intensify our efforts to train the Iraqi Army that can provide that security. The sooner we transfer the responsibility for security of Iraq over to the Iraqis, the better.

Iraq's future depends on improvements to its economic infrastructure. Let us accelerate the reconstruction efforts that have lagged so badly and give Iraqis a larger stake in having those efforts succeed.

Iraq's political future depends on the involvement of all Iraqis in the political process. Let us redouble our diplomatic efforts with Iraq's neighbors to help create an environment in which Iraq includes those who have thus far felt excluded.

We know that Sunday's election was but a step on the road to a stable and secure Iraq. The American people, who have sacrificed so much for Iraq, are owed a clear explanation by the President of his plan to end our presence in Iraq and of the standards by which they can judge that plan. I hope that we will hear that plan tonight in the President's State of the Union address.

In congratulating the Iraqi people on their achievement, we also need to acknowledge that the election should signal the beginning of a change in our relationship with Iraq.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, I thank the gentleman from California (Mr. LANTOS) for yielding me this time.

Mr. Speaker, on Sunday Iraq held democratic elections to nominate legislators to write Iraq's constitution, and I want to congratulate the courageous Iraqi people who voted in the election. My congressional district, Marin and Sonoma Counties, north of San Francisco, across the Golden Gate Bridge, had an 89½ percent voter turnout in the United States the last election, 89½. Believe me, we know the importance that elections play in our democracy.

And now with Iraq's elections completed, we in the United States must ensure that the people of Iraq control their own affairs as Iraq transitions towards democracy. In fact, Sunday's election gives the United States yet another opportunity to get back on course in Iraq. We can do this by supporting the Iraqi people, not through our military but through international cooperation to help rebuild Iraq's economic and physical infrastructure. There are four components to my plan on how to do this. H. Con. Res. 35, which is co-sponsored by over two dozen other Members of the House, this plan secures Iraq for the future. It ensures that America's role in Iraq gives Iraq back to the Iraqis and actually makes America safer.

First, we need to develop and implement a plan to begin the immediate withdrawal of U.S. troops from Iraq. Second, we must develop and implement a plan for the reconstruction of Iraq's civil and economic infrastructure. Third, we need to convene an emergency meeting of Iraq's leadership and the international community to replace U.S. military forces in Iraq with an international peacekeeping force and Iraqi police and national guard forces. Finally, we need to take all steps to provide that the Iraqi people receive the opportunity they deserve to control their own internal affairs.

In conclusion, I wholeheartedly salute the Iraqi people for their courage in participating in last Sunday's elections. But if we are to succeed in Iraq, we must utilize this moment as a means to bring our troops home and a means to return power to the Iraqi people.

Ms. ROS-LEHTINEN. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona (Mr. FRANKS).

Mr. FRANKS of Arizona. Mr. Speaker, only a few months ago, for the first time in history, ballot boxes were coming in from remote places like Khyber Pass in Afghanistan on the backs of mules. What a great time it is to live in this world.

And last Sunday we saw free elections in a nation whose people have been crushed and oppressed since the days their country was called Babylon. We saw young men carrying old men to the polls. We saw one gentleman whose leg had been blown off by a terrorist bomb who said, I will crawl to vote if that is what it takes. And one of Saddam Hussein's former generals said, When I voted today, it felt so good inside, like I was free.

Mr. Speaker, the United States of America has been a leader in freedom, and we have now had the privilege of becoming the unipolar superpower of the entire world. No nation on Earth can actually challenge us in military, economic, or technological terms; and truly every nation sees America now as the flagship of humanity. This Nation now possesses a greater opportunity to promote freedom in the world than we have had since the Republic began.

But it is because we have had such great victories and opportunities that more than ever before we must be deeply humble and remind ourselves that we are only briefly the temporary stewards of this God-given greatest Nation in the history of humankind. And we only have a short time to fulfill our privileged and sacred mission of making America such a beacon of liberty that the light of freedom will some day fall across the faces of every person on this planet.

Last Sunday tells me, Mr. Speaker, that this is the generation who lives in the window of time where we can firmly set the world on that course. This is freedom's day, and we must seize it while we can. And while I do not often quote Shakespeare, he said, "There is a tide in the affairs of men, which taken at the flood, leads on to fortune; omitted" or delayed, "all the voyage of their lives is bound in shallows and in miseries. On such a full sea, we now find ourselves afloat, and we must take the current when it serves or lose our ventures."

Mr. Speaker, as we take this current to freedom, let us remember that the best leverage to maintain freedom's march in the world is to make sure that its foundations are secure beneath freedom's home; and then, Mr. Speaker, let us take this tide of freedom as it serves so that one day all generations will bask in this glorious sunlight of liberty just as it has now begun to dawn on the people of Iraq.

Mr. LANTOS. Mr. Speaker, I yield 3½ minutes to the distinguished gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Speaker, I thank the gentleman for yielding me this time, and I thank him for always standing first and foremost for human rights here and around the world. I am not surprised that he would come forward with the gentleman from Texas (Mr. DELAY) with this well-deserved and important resolution.

Mr. Speaker, there is nothing more gratifying to the American people than seeing people vote, and especially people vote for the first time. I feel what is happening in Iraq with great and moving nostalgia because it reminds me of the first African Americans who voted after the Civil War. It reminds me that this is the 40th anniversary of the Voting Rights Act of 1965 and what it meant for people in Alabama and Georgia to come to the polls for the first time. There is unanimous applause for the people of Iraq who risked their lives to come to the polls. They did not just vote. Many of them knew they were risking life and limb to vote.

They know, however, and we know where the risk was greatest, and that risk was greatest on the Armed Forces of the United States and their allies who made this right possible.

Mr. Speaker, I come forward to say that no people in our country more appreciate that vote on January 30 than the people in the District of Columbia. In the District of Columbia, lives were lost for the vote in Iraq. But these residents are the progeny of 2 centuries of District residents who have gone to war without a vote. Three of these young men who were on the frontlines in Iraq came to the House as the House opened and asked for the same vote for their families and for the residents of the District of Columbia as their service has given to the people of Iraq. They asked to start with the Committee of the Whole where we had the right to vote but the right was taken from us when the majority changed.

Listen to one of the young men: "Two of my friends and I earlier this month asked for the return of the House vote of the Committee of the Whole our city won during the 103rd Congress . . . Think of what American leaders and citizens would say if one party were to nullify the legitimate vote of another party after the elections in Iraq."

They asked to see the Speaker; the gentlewoman from California (Ms. PELOSI), leader of the Democrats. She saw him. The Speaker and a member of his staff were unable to see him. Senator LIEBERMAN and I have reintroduced the No Taxation Without Representation Act.

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Let me leave you with the words, finally, of one of these young men.

"I was prepared in Iraq for whatever came, including service in a border breach squad charged with clearing mines and anything else that got in the way to prepare the first troops to cross the border. That was my duty and I would do it again. However, our country also has an important obligation to those who serve and to other citizens. One of the most important obligations is to ensure every citizen that his representative will have a chance to vote before that citizen goes to war for his country."

The third young man: "My father served in the 101st Airborne in Vietnam and I am proud to follow him by serving my country in the same manner. I want equal treatment at home. I want the same voting representation in the House and Senate as other soldiers and as the Iraqi people have in their elections this month."

Out of the mouths of young residents of the District of Columbia who are on the frontline. I will insert their statements and a statement concerning their service from the Washington Post in the RECORD.

Statement of Emory Kosh

First, my thanks to Congresswoman Norton and Senator Lieberman for re-introducing the No Taxation Without Representation Act. I also want to thank Mr. Shallal for his moving words addressed to men and women like me who served in Iraq and to D.C. residents. During the year I spent in Iraq, I met and spoke with many Iraqi citizens, but Mr. Shallal is the first Iraqi American I have met. His words have special meaning to me and I thank him.

When I watch television and see people in Iraq and here in the United States preparing to vote in the Iraq elections for voting representation, I think of my time in their country. I am proud that I had some role in the voting rights Iraqis will get there on Sunday. For that reason, I deeply appreciate that Mr. Shallal has come not only to thank us, but to join us in the fight for the same voting representation here in the Nation's capital.

Two of my friends and I earlier this month asked for the return of the House vote in the Committee of the Whole our city won during the 103rd Congress that was taken from us when control of the Congress changed hands. Think of what American leaders and citizens would say if one party were to nullify the legitimate vote of another party after the elections in Iraq. Our vote in the Committee of the Whole represented the first step toward the goal of D.C. residents as expressed in the No Taxation Without Representation Act. We didn't intend to stop there when we asked that this first step be taken, and we won't stop now. We will work with the Congresswoman, the Senator, Mr. Shallal and our fellow citizens until the full voting rights we fought for in Iraq are also available here in our hometown.

Remarks of Isaac Lewis

Congresswoman Norton, Mayor Williams and fellow Americans, thank you for recognizing us today. I was born and raised in the District of Columbia and have always wanted to be in the military and when I graduated from Dunbar High School, I joined the Army Reserves. As a volunteer soldier I was prepared for the interruption of my education at Morehouse, or as it turned out at Bowie State where I was in college when I was called up. I had to withdraw in the middle of the semester and the loss of that time will delay for a year and a half the possibility of law school for me. Yet my service in the military has helped me meet my dream of a college education and I am proud to serve my country.

I was prepared in Iraq for whatever came, including service in a border breach squad charged with clearing mines and anything else that got in the way to prepare the first troops to cross the border. That was my duty and I would do my duty again. However, our country also has an important obligation to those who serve and to other citizens. One of the most important obligations is to assure every citizen that his representative will have a chance to vote before that citizen goes to war for his country. My buddies and I from the 299th did not have the benefit of that vote. I come to the Congress today to ask for that vote before we are deployed again. Congress can return the vote in Committee of the Whole that the District won fair and square in the 103rd Congress. Although this would not be the full vote other Americans have and that the Iraqis soon will have, I understand that this vote would be the maximum the House of Representatives can give at this time. The maximum is what my buddies and I are pledged to give. We believe that voting representation is not too much to ask in return.

Remarks of Marcus Gray

Congresswoman Norton, Mayor Williams and fellow citizens, thank you for honoring us here today. I am grateful to be back home in the District of Columbia where I was born and raised after almost a year in Iraq with the 299th Engineering Company out of Fort Belvoir, VA. My father served in the 101st Airborne in Vietnam and I am proud to follow him by serving my country in the same manner. I am equally proud to be a resident of the District of Columbia where I was born and raised. I am a graduate of Ballou High School and will soon graduate from Norfolk State University. I was at the University when I was called to duty. I am back at Norfolk State to resume the year and a half I lost while on active duty. I will obtain my B.A. in sociology with a concentration in Criminal Justice.

However, I could be called again this year, but being called to active duty is what every soldier in the Reserves expects could happen. We also expect equal treatment and the Army tries hard to see that all soldiers are treated equally. However, I want equal treatment at home as well. I want the same voting representation in the House and the Senate as other soldiers and as the Iraq people will have in their elections this month. Today I ask that Congress make a good start by returning to me and other citizens of the District of Columbia the vote in the Committee of the Whole we once had. This step would make me as proud as I will be to see the Iraqi people go to the polls on January 30th.

[From an article in the Washington Post on the denial of Congressional voting rights to D.C. residents]

Scanning the distant horizons looking for people craving democracy.

Ms. ROS-LEHTINEN. Mr. Speaker, I ask unanimous consent that the gentleman from Oklahoma (Mr. COLE) be permitted to manage the balance of the time.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentlewoman from Florida?

There was no objection.

Mr. LANTOS. Mr. Speaker, I am pleased and proud to yield the balance of our time to the distinguished gentleman from Maryland (Mr. HOYER), the democratic whip, who has been a leader in the field of expanding the arena of freedom globally.

Mr. HOYER. Mr. Speaker, I thank the gentleman for yielding me this time.

I would like to acknowledge the gentleman from Oklahoma (Mr. COLE) and his leadership. We had the opportunity to travel recently to Iraq, to Amman, and to Israel. Both Israel and Iraq have now passed through two very historic elections. I had the opportunity of speaking about the Palestinian election just recently.

Despite the fact, Mr. Speaker, that we have differences over our Nation's military action in Iraq, I supported the effort and will support the funding to accomplish the objectives. But I have made valid criticisms, as others have, of the administration's administration or execution of the policy. However, Mr. Speaker, I believe that all of us are united today, hopefully, in saluting the courageous Iraqi people who turned out to vote on Sunday. I know that every Member of the body commends the bravery and sacrifice of our men and women in uniform whose patriotism and professionalism made this important day possible.

We must hope that 50 years from now a future generation of Iraqis can look back at this election, this event, as a turning point in the history of their nation and as a victory for freedom over tyranny, for democracy over despotism.

After toiling under the boot of Saddam Hussein for decades and weathering a vicious terrorist insurgency over the last 2 years, the Iraqi people said no, no to intimidation, and yes to the most basic democratic right, the right to vote.

Sunday's election, Mr. Speaker, in which millions of Iraqis cast ballots, is a stunning repudiation of those who despise freedom and democracy. Zarkawi, that criminal leader of terrorist activity and insurgency in Iraq, said it accurately for the terrorists: They despise democracy. They despise freedom. They fear the decisions of free people. That is why they tried to intimidate the Iraqi people.

Having lived under the totalitarian Saddam Hussein regime all these years, however, the Iraqi people know that the insurgents offer nothing but further repression and violence.

Last Friday, Mr. Speaker, I had the privilege of visiting the out-of-country voting station in New Carrollton, Maryland, and watched as many of these Iraqis Diaspora cast their votes freely for the first time in their lives. The joy and pride on their faces and in their hearts had to move everyone with whom they spoke. It was a moving moment, it was an historic moment, and it was a poignant reminder to all of us that our rights, while God-given, must never be taken for granted; a reminder that the cost of protecting those freedoms is sometimes high, and we must honor those with the courage and commitment even for others across the sea to protect those rights in the realization that democracies and free people are safer for us here at home than the tyrannies that have prevailed in history.

Without question, Mr. Speaker, there are difficult days ahead. The truly hard work that remains in establishing a viable, stable democracy that is capable of maintaining internal order in Iraq is not finished by far. But today, today at least, Mr. Speaker, let us celebrate the courage of the Iraqi people and express our gratitude and pride in the bravery of our Armed Forces, our men and women in uniform who made that day possible.

Mr. LANTOS. Mr. Speaker, before yielding back our time, may I just remind all of my colleagues and all of the American people that we have been debating three important policy resolutions with a degree of bipartisan unity that should fill us with pride and joy in the recognition of the fact that, despite all the commentary of deep divisions in this body, we stood together. Republicans and Democrats, supporting the same resolutions and the same policies.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield the balance of our time to the gentleman from Texas (Mr. DELAY), the distinguished Majority Leader and the original sponsor of this important resolution.

Mr. DELAY. Mr. Speaker, I appreciate the gentleman yielding me this time.

I just want to say the comments by the gentleman from California (Mr. LANTOS) are well taken; and it is because of his work, and particularly his work to hold us together and work together on these issues, that that kind of bipartisan support for these resolution happens. So I commend the gentleman and thank him very much for his work and his willingness to work with us.

Mr. Speaker, I yield to the gentleman from Texas (Mr. BURGESS) who came to the floor because he just returned from Iraq a couple of weeks ago and he has some very important things to say.

Mr. BURGESS. Mr. Speaker, I thank the Majority Leader for yielding.

Mr. Speaker, two Sunday mornings I was in Baghdad inside the Green Zone, an idyllic morning in the cradle of civilization, if you will. But we had a wide-ranging discussion with Prime Minister Allawi about what lay ahead for Iraq.

The Prime Minister said that what matters most is the kind of Iraq that we have at the end of this process. His feeling was that Iraq had its roots in ancient civilization. He now relished the opportunity for Iraq to spread the cause of democracy and liberty to other areas of the Middle East, which will make the cost and the risk of liberating Iraq worthwhile. Terrorism will continue after the elections because there will always be those who resist stability, but it will become more and more difficult to unravel the community.

The Prime Minister became fairly philosophical and said he had spent the best part of his life fighting for freedom for his country, and now that freedom lay at the doorstep. He would not allow those individuals, meaning the Sunnis, to distract the process. He stated that if they cannot participate now, there will be a space open for them to participate in the future.

To quote the Prime Minister, "We don't want the radical forces to win now, nor do we want the outside forces from Syria or Iran to take over. I am a practical person. The Sunnis are changing. The process is slow, but our only hope for everyone is to engage in the process and distance ourselves from the terrorists. February 1 begins the next chapter in our country's history." From the Prime Minister Dr. Allawi.

Mr. DELAY. Mr. Speaker, reclaiming my time, I appreciate the gentleman from Texas entering the Prime Minister of Iraq's remarks into the RECORD. I think it is very appropriate to do at this time, particularly on this resolution.

Mr. Speaker, the central point of this resolution is the central point of America's foreign policy: that mankind is made more secure when tyranny is replaced by democracy. That is the story of the American revolution against the old world, Western Europe's liberation from Nazism, Eastern Europe and Central America's liberation from communism and despotism, and the Middle East's liberation from terrorism. The victory of human freedom over human oppression, of good over evil, Mr. Speaker, is why we are here.

Last Sunday morning, the people of Iraq showed the world that humanity's will to freedom knows no borders. When I first saw the news Sunday and saw an image of a woman in Najaf exiting her polling place alive and well with tears streaming down her proud, smiling face, I thought to myself, now, this, this is what Operation Iraqi Freedom was all about. But I was wrong. Sunday's election, Sunday's miracle of democracy, was about more than that.

I thought about the image of the elderly man in a wheelchair in Basra who, in his long years, saw revolution and war, tyranny and terror and, finally, with a joy only possible in a man who had known such pain, cast the first ballot of his life.

I thought of the image of the little girl with a ribbon in her hair, holding her mother's hand as hundreds of women in traditional hijab dress waited in line. Now, this little girl was not quite sure what was happening, only that the women knew it was important.

I thought of the image of the voters in Baghdad who ducked for cover as their polling place came under fire, yet whose lines never broke. There were bullets and bombs and mortar shells, yet their lines never broke.

These voters in Baghdad, not soldiers, but shopkeepers and homemakers, knew when they left for the polls in the morning that they might not come home. They knew that they were targeted, that their spouses would be, could be widowed and their children orphaned. Yet the lines never broke. A humble defiance of evil.

And that is when it hit me, Mr. Speaker. Just as on Sunday all free men and women were Iraqis and on Sunday the Iraqis were all free men and women. Sunday's elections are not just why we invaded Iraq. They were why we stormed Omaha Beach and took the Normandy cliffs. They are why we held Little Round Top and braved Valley Forge.

The lines that formed in Iraq on Sunday stretch not only around the world but back in time to the moment when 13 British colonies declared their independence. For the first time, at that moment, a nation declared itself endowed with an inalienable right to liberty, and in 228 years since, no nation, no nation, no people ever offered a chance at freedom refused it.

Against all odds and it seemed at times even against all hope, the Iraqi people, over 8 million of them, all marked by death by the terrorists, woke up Sunday morning and got into line.

Some people still do not get it. They still do not understand Concord and Lexington or Gettysburg or Bastogne or the Cold War, or even Flight 93.

□ 1230

They do not understand why those lines in Iraq never broke or that every man and woman who ever lived, fought, or died for freedom was standing in that line with them. They still do not know why we fight.

Last weekend that Iraqi woman in the photograph knew. After a lifetime of oppression she voted in humble defiance of evil, and then she broke down crying. And in those tears she is shedding along with the anguish of how many friends and children lost and how many wars and prisons are the hopes and dreams of all God's children who still yearn to be free.

Sunday's elections in Iraq were not an accomplishment; they were a miracle, a miracle made possible by the resilience of a liberated Iraq, the mercy of a loving God, and the moral courage of this Nation under God to stare evil in the face and make the devil blink. Eight million brave Iraqis struck terrorism a lethal blow on Sunday, replacing tyranny with democracy, and in doing so they made America and the world safer, for which it is altogether fitting and proper that we commend and thank them.

Despite the continued threat represented by terrorists and terrorism and despite the threat of disgraceful partisan rhetoric coming from many on the other side, Sunday's miracle in Iraq shows that the dead who died to free that nation have not died in vain and that even in the darkest recesses of violent oppression, all who would live in peace and liberty have yet reason to hope.

Mr. TOM DAVIS of Virginia. Mr. Speaker, I rise today to join my colleagues in offering my warm congratulations to the Iraqi people for the successful elections they held on January 30, 2005.

It is truly amazing to see the Iraqi people take their first steps toward democracy. To see a people who were once slaughtered and tormented under a brutal dictatorship take a stand and declare that enough is enough, shows their unwavering determination in deciding their own fate by the ballot instead of the bullet.

Despite the predictions of widespread terrorist attacks on election day in Iraq, 60 percent of the registered voters turned out. Moreover, the physical courage of the Iraqi people to leave their houses, walk to the polls and cast ballots under this specter of violence speaks to the power of democracy and their passion for freedom.

Sometimes in America, we take the right to vote for granted. No one who watched the moving images of Iraqi men and women proudly showing their purple-stained fingers will ever make that mistake again.

It is also important to pay homage to the thousands of brave American soldiers, some of who lost their lives, who held the line. Let us not forget the bold sacrifices these courageous men and women made to liberate the Iraqi people. It is all of our hopes that this election marks the beginning of a new chapter for the Iraqi people, one in which they enjoy the sweet taste of the fruits of freedom, democracy and sovereignty.

Mr. Speaker, in closing I would like to commend the sponsors and leadership for bringing this important resolution to the floor and I urge an "aye" vote.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I join my colleagues in offering strong support for H. Res. 60, commending the free election held in Iraq last Sunday, January 30, 2005. This historic event marked progress, hope, and enthusiasm for the future of democracy in the Arab region.

Iraq held free elections for the first time in about 50 years. Millions of voters cast their ballots, and the death toll for the day was 45—lower than usual since the United States occupied the region.

I applaud this administration for the successful free elections held on Sunday under its auspices. An election with a turnout of nearly 60 percent is very encouraging for the Arab region. However, the fact remains that American troops have remained in occupation for 2 years, and the death toll continues to rise; therefore, we must proceed with caution. The positive momentum that has come from a successful election must be used as an opportunity to stop the bloodshed and the expenditure of tax dollars on this effort. I hope that the administration will use the positive momentum of this achievement as an opportunity to devise an exit plan for our troops.

Now that the election has taken place, the next step of restoring independence in Iraq is crucial and must be taken now. Along with 25 other original cosponsors, I joined Representative LYNN WOOLSEY to introduce H. Con. Res. 35, a measure to bring the troops home. It proposes to do this in a four-step process: (1) Development and implementation of a strategy to withdraw American troops from the region; (2) development and implementation of a reconstruction plan for the Iraqi civil and economic infrastructure; (3) creation of an international peacekeeping force composed of Iraqi leadership, neighbors in the Arab region, the United Nations, and the Arab League to keep Iraq secure; and (4) restoration of Iraqi officials as overseer of its internal affairs. This legislation will help restore independence in Iraq and will bring our troops home safe.

Since the beginning of the Iraq war in March 2003, 1,423 members of the United States military have died which includes 1,084 dead as a result of hostile action and 333 of nonhostile causes. Since May 1, 2003, when President Bush declared that major combat operations in Iraq had ended, 1,269 U.S. military members have died. More than 89 percent of United States casualties in Iraq have come after this announcement. The message as to our exit plan must be made clear to the Iraqi people, the American people, and to our troops.

Mr. Speaker, I support H. Res. 60, and I urge my colleagues to join me in the spirit of preserving democracy, in the spirit of instilling international trust and self-sufficiency, and in the spirit of keeping the American troops safe.

Mr. HYDE. Mr. Speaker, the right to vote—democracy itself—is more than a way to settle disputes, however petty or important.

It is, rather, the embodiment of a larger, much more important notion: the notion that every individual is worthwhile; that every individual, by virtue of his or her humanity, is worthy of consideration and respect.

What an important notion. How that notion is disregarded and abused in so many places in the world—sometimes even here at home.

Where was that notion ignored more systematically than in Saddam's brutalized Iraq? The Iraq of terror, of mass graves, of mothers and children killed by poison gas and rotting where they dropped to the ground?

Yet less than 2 years later, the Iraqi people, under the protection of an American-led Coalition and their own nascent security forces, have turned out in defiance of threats and, in some cases, even in the face of explosions and gunfire, to cast ballots.

When they did so, they affirmed that, as individuals, they were anyone's equal; they were, in essence, demanding respect from those who would govern them. And by joining together in public, each with their one vote, they were affirming their willingness to respect their neighbors and permit each of them an equal share of power.

Mr. Speaker, as has been said repeatedly, this is but one step in a long road. The election was not perfect. Elections never are. And yet, this election may turn out to be a strategic victory for freedom for Iraq and for its region.

It will, I hope prove impossible to persuade people who have understood and exercised their rights to surrender them willingly. We should have confidence that the Iraqi people will continue to defy the threats, to respond to them with force if need be, and to press fro the establishment of a state that continues to respect them as individuals.

Such a state will be a good friend of the American people, and a good neighbor to all within its crucial region.

The SPEAKER pro tempore (Mr. SIMPSON.) All time for debate has expired.

Pursuant to the order of the House of Tuesday, February 1, 2005, the resolution is considered read and the previous question is ordered on the resolution and on the preamble.

The question is on adoption of the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 36, EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

Mr. COLE of Oklahoma. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 59 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 59

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education. The concurrent resolution shall be considered as read. The previous question shall be considered as ordered on the concurrent resolution and preamble to final adoption without intervening motion or demand for division of the question except: (1) one hour of debate on the concurrent resolution equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services; and (2) one motion to recommit.

The SPEAKER pro tempore. The gentleman from Oklahoma (Mr. COLE) is recognized for 1 hour.

Mr. COLE of Oklahoma. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, on Tuesday the Committee on Rules met and granted a rule for House Concurrent Resolution 36, expressing congressional support for equal access of military recruiters to institutions of higher education.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services. The rule also provides for one motion to recommit.

Mr. Speaker, this concurrent resolution is an important first step in addressing a misguided ruling by the

Third Circuit Court of Appeals regarding access of military recruiters to institutions of higher education.

During this time of conflict and the global war on terror, it is more important than ever to maintain the ability to recruit quality men and women for service in our military. The primary way that recruiters are able to do this is to work through those institutions which work closely with our young men and women, schools and universities.

Military recruiters need the same access to college campuses provided to other potential employers, and students deserve the right to discuss the option of a career in the United States military with the representatives of the Armed Forces.

Mr. Speaker, some ask, why the need for this concurrent resolution? Well, the answer is succinct. This concurrent resolution grows out of an egregious decision by the Third Circuit Court of Appeals overturning the power of Congress to control the purse.

This decision simply states that Congress and the Government may not as a matter of law deny funds to universities on the basis of their denial of access to recruiters and ROTC units. This decision, couched in the language of civil rights, fails to recognize the underlying inequity behind these university policies. This decision asserts the Congress has compelled speech by these universities to the effect that they "agree" with the military's "Don't ask, don't tell" policy with respect to homosexuals in the service.

Mr. Speaker, nothing could be further than the truth.

The Solomon Amendment compelled no such thing. It simply proposed standards for the receipt of Federal funds. Setting such standards is a normal and legitimate function of the legislative branch. It is what defines the power of the purse. This is an issue that the House and Senate have revisited and affirmed in bipartisan votes in 1995, 1996, 1999, and 2002 after the enactment of the original Solomon Amendment.

Mr. Speaker, it is disappointing to note that the Reserve Officers' Training Corps, or popularly known as the ROTC, has been embattled on some university and college campuses since the 1960s. This stems from what only can be described as a consistently anti-military philosophy advocated by some, and I want to say only some, college and university professors and administrators.

The new purported reasons for not allowing ROTC on campus often serves the convenient cover for these anti-military sentiments. Some educators now believe that they should be allowed to discriminate against students who wish to enter the military in order to please another group of students who object to the policies and procedures of the armed services, all the while soliciting and accepting Federal funds for their institutions. This is rank hypocrisy.

Why would an institution seek and use Federal funds, often from the Department of Defense, while denying representatives of the U.S. Armed Forces access to their campuses?

Mr. Speaker, the decision by the Third Circuit Court of Appeals is a classic case of judicial overreach and one that must be addressed. As a former university educator and the son of a career Air Force noncommissioned officer, I find this decision disturbing and insulting to those men and women who defend our freedom and to those who wish to join their ranks.

The very least we can do is put the courts on notice as to exactly where the Congress stands on this issue. For that reason, this concurrent resolution is necessary and timely. Hopefully, it will underscore the importance that the Congress places on military recruiters having access to the educational institutions that receive Federal funds.

During this time of war, we should insist that institutions who pride themselves on freedom of expression allow the defenders of that freedom, the United States military, to freely recruit the soldiers who protect our democracy. To that end, I urge support for the rule and the underlying bill.

Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I want to thank the gentleman from Oklahoma (Mr. COLE) for yielding me the customary 30 minutes. I also want to welcome him as a new member of the Committee on Rules.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, here we are at the start of a new year and a new Congress and we are considering this bill, surprise, surprise, under a closed rule. Once again, the Republican majority has decided that thoughtful debate and the ability for Members to offer amendments if they so wish is unimportant or simply too much bother.

The underlying bill, House Concurrent Resolution 36, was introduced yesterday, has not gone to committee, let alone and be reported out of committee, and was being taken up in the Committee on Rules yesterday just about the time that most Members' planes were touching down in Washington.

So once again the majority has followed its usual practice to stifle debate, prevent amendments, and ignore normal procedure to push a bill to the House floor ahead of more important issues facing the country. Apparently, the Republican leadership could not possibly start the new year out by deciding to finally help the more than one million jobless workers who have exhausted their regular unemployment benefits without receiving additional aid.

I know the majority does not like to be reminded that we still have the largest number of exhaustees in over 3 decades, but the 109th Congress begins still facing this bitter reality and obviously still doing nothing to ease the hardships facing these workers and their families.

Clearly, the Republican majority did not feel it necessary to press the President to get his supplemental request to assist the victims in nations affected by the Asian tsunami quickly before the House, so we are not taking that measure up this week. In fact, we are not likely to act on this most urgent matter until March. But a bill exhorting the White House to ignore and overturn proceedings in the Federal courts and to press higher education institutions to ignore their own policies prohibiting discrimination, well, that is a bill that gets top billing in the House of Representatives today.

Mr. Speaker, in the United States of America discrimination is wrong. Period. But here we are right out of the gate with a bill that condones it. Let us start with a little history on this bill.

In the mid-90s, Congress passed legislation to deny Defense Department funding to colleges and universities that fail to give military recruiters access to their campuses and students. Known as the Solomon Law, that legislation was passed to respond to efforts by several colleges and universities to protest the discriminatory policies of the Pentagon against gay men and women. Over time, the law was expanded to prohibit funding a university might receive from nearly every Federal agency, including the Department of Health and Human Services, the Department of Homeland Security, the Department of Transportation, and the Department of Labor.

Last year this House passed a bill that would have expanded that list to include the CIA and the National Nuclear Security Administration of the Department of Energy.

Mr. Speaker, there is an irony here. The Congress is holding hostage funds from all of these other Federal agencies to prop up discrimination by the Pentagon. Yet every one of these other Federal agencies has full access to recruitment on college campuses. Why? Because unlike the Department of Defense, no other Federal agencies have policies that encourage discrimination against gay men and women. All of them have employees on their pay rolls. All of these Federal agencies and the U.S. Government and the American people benefit from the research and development programs that take place on these campuses, some of it carried out, no doubt, by gay men and women.

So, Mr. Speaker, where does the Solomon Law stand today?

In November 2003, a U.S. district court in New Jersey upheld the constitutionality of the Solomon Law, but it also determined that the Solomon Law does not give the Pentagon any basis for asserting, as it has in regulations on implementing the Solomon Law, that universities and colleges must give military recruiters the same degree of access to campuses and students provided to other employers.

In November 2004, just this past November, the U.S. Court of Appeals for the Third Circuit overruled part of the New Jersey District Court's ruling and found the Solomon Law to be in violation of the Constitution. In an appeal brought by a number of schools, mainly graduate schools of law, the court ruled that colleges and universities had a first amendment right to exclude recruiters whose hiring practices discriminated against homosexuals.

The U.S. Department of Justice now plans to appeal the case to the U.S. Supreme Court, and it has asked the appeals court to hold off enforcing the nullification of the Solomon Law until the Supreme Court decides on whether to take up the case or not.

Mr. Speaker, let me point out another irony in this debate today. There is absolutely no lack of equal access for military recruiters and ROTC programs on America's college campuses. What the Pentagon receives is special access, pure and simple. To this day, any other employer, public or private, that fails to meet a school's nondiscrimination policies is banned from employee recruitment on campuses. So the Pentagon receives special access to our colleges and universities.

The Solomon law is about giving the military a special right to discriminate in a way other employers may not.

This sense of Congress resolution once again reinforces and promotes the Pentagon's discriminatory policy and practices to the detriment of all other education institutions and Federal agencies. It further encourages the Federal Government in its pursuit to challenge court rulings that have upheld the first amendment rights of our colleges and universities in their efforts to end prejudice and discrimination.

Mr. Speaker, the final irony of this debate you will hear today are the arguments about the need of the military to recruit the best and brightest students that America has to offer.

□ 1245

I agree with this need, and the way to get there is for the Pentagon to end its policy of discrimination. This would end the conflict between the Pentagon and college policies against discrimination and prejudice. The Pentagon has kicked out over 26 military linguists who were fluent in Arabic or Farsi simply because they were homosexual. That is unconscionable while our military men and women are facing a deadly insurgency in Iraq and continued violence in Afghanistan.

In the past 5 years, in the Army alone, over 3,000 uniformed servicemen and women have been discharged solely because of their sexual orientation. They were munitions experts, linguists, health care workers, infantrymen, tank mechanics, radio operators and active in every field of military endeavor.

Make no mistake about it, right now gay men and women are in battle in Iraq and Afghanistan, and they have likely died in combat in Iraq and Afghanistan. They serve their Nation just as they have since the founding of the United States, bravely, patriotically and devotedly, but their superiors do not commend their service. If their sexual orientation is discovered, they are drummed out.

Mr. Speaker, there is no lack of access to for the military on America's campuses. Every university that wants an ROTC program has one. According to the Wall Street Journal, more than 52,000 college students are enrolled in ROTC programs, up from 48,000 in 2000. Many credit feelings of patriotism engendered by the September 11 attacks, and it comes as no surprise that military enlistment by college graduates has also increased since the events of September 11.

Mr. Speaker, we do not need the Solomon law. We do not need the bill before us today, and we certainly do not need to continue to insult and assault those very institutions of higher education that are leading the way to end hate and discrimination in America.

Mr. Speaker, I reserve the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield to myself such time as I may consume.

I would like to quickly address a couple of the concerns that my colleague raised. While I certainly respect his concerns, I would like to point out that the measure in question had been on our Web site for 4 days and was not suddenly introduced yesterday. It had easy access. Frankly, on the nature of the rule itself, it is the opinion of the majority of the committee this is simply an up or down matter. It is not something we need to amend or deal with.

Let me make one other point, if I may, Mr. Speaker, in reference to the access of the military to college campuses. The military is a rather unique institution, but nothing prohibits college campuses from denying them access. All the Solomon amendment does is says, if they do, they lose some Federal funds as a consequence.

I would think that if they felt strongly, that this was a position of conviction, they would not want funds from the Department of Defense and other institutions. They would simply have nothing to do with them.

Further, I would simply like to make one additional point. The appropriate place to protest the policy, frankly, is in the political arena. This is not a policy in the Department of Defense per se. This is a policy devised by President Clinton, has been ratified repeatedly by Congress as a political avenue to address it. We should not put that burden on recruiters in the military and subject them to difficult circumstances when they are carrying out important work for our country.

Mr. Speaker, I yield 3 minutes to the gentleman from Missouri (Mr. AKIN).

Mr. AKIN. Mr. Speaker, I rise in support of H. Con. Res. 36.

Once again, activist judges threaten our authority, first of all, to direct Federal fund spending; and, second of all, they attempt to create law.

We have required here in Congress at universities that receive Federal dollars to extend access to military recruiters equal to other outside groups. But in the name of free speech and association, some schools seek to deny their students access to recruiters and ROTC, obviously afraid that their students would maybe even make a wrong choice.

It is ironic that an institution whose sole function, whole reason for being, is based on the free exchange of ideas, would then boycott the Armed Forces, the very people who actively protect their academic freedom.

It is further ironic that those who are often noted for concern that low-income Americans are serving in disproportionate numbers in the Armed Forces would block many of their students born with a silver spoon access to ROTC.

My own son currently serves in Iraq. He graduated near the top of his class from the U.S. Naval Academy; and, last Sunday, he had the satisfaction of witnessing the birth of freedom in a land where for 50 years freedom has been an exotic concept.

By passing H. Con. Res. 36, we reassert our support for freedom and our disdain for those liberal, elite institutions that seek to sensor choices for their wealthy clientele.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, before I yield to the gentlewoman from Texas, I just want to respond to my colleague from Oklahoma.

He mentioned that this resolution has been posted on the Web site for 3 days or 4 days. I should say to him that that is not a substitute for the committee process. That is why we have committees.

Secondly, I am glad that the gentleman believes that the bill needs no amendment, but there are 434 other Members of this House that should have the opportunity to amend this bill, if they so desire.

Mr. FRANK of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. McGOVERN. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Speaker. I am wondering, based on that argument, in the interest of efficiency, whether we might not substitute chat rooms for the floor of the House, and if being on the Web site is a satisfactory way to bring a bill out. Maybe if we had chat rooms or instant messaging, we could probably save a lot more.

I would urge the majority, since this traditional kind of old-fashioned type of democracy does not seem to have much appeal, to go right ahead, might even save a little more money, by cutting back on what Thomas Jefferson or Abe Lincoln or one of those people might have thought was an appropriate way to conduct the business of democracy.

Mr. McGOVERN. Mr. Speaker, I thank the gentleman from Massachusetts for his succinct observation.

Mr. Speaker, I yield 4 minutes to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker. I thank my colleague very much for the time.

There certainly is no lack of understanding and appreciation for the United States military, particularly in the backdrop of free elections in Iraq this past Sunday. So, Mr. Speaker, this is not a debate, if you will, about the value of the military or, in fact, the necessity of giving them a far reach in their recruitment efforts in America.

Far be it from me, coming from the State of Texas, that might be one of the States that has sent the largest numbers of its sons and daughters to the Iraq War and Afghanistan. Having just sent 3,000 National Guard and Reservists troops about a month ago from their families over to Iraq and Afghanistan, we know full well the importance of the military but, more importantly, the sacrifice that our men and women make in the United States in serving in the military.

I also am reminded that, until President Truman integrated the Armed Forces, African Americans were told, do not ask and do not apply.

So this is not a question of whether or not we allow these individuals to accept Federal funds. I would take issue with my colleague to suggest just do not take Federal funds if they are not interested.

I am disappointed that this is a closed rule, because there are important issues here, and the issues are that universities should not be forced to compromise their nondiscrimination policies. The military has been set aside as one of the most uniquely integrated and nondiscriminatory sections of our government. Just because we have do not ask and do not tell does not mean that it is right, and if Congress is really concerned about losing the best and the brightest, it should stop, if you will, discriminating against those because of their sexual orientation for any other reason.

I am disappointed that in 2005 it was reported that between 1998 and 2004 the military discharged 20 Arabic and six Farsi language speakers under the do-not-ask-and-do-not-tell policy. It is not without great admiration for our late colleague, Congressman Solomon, that I rise to just ask my colleagues, why do we close a rule when we can make this a better legislative initiative?

We needed to give the opportunity for the full discussion on discrimination. Do my colleagues believe that Americans would rise in support of discrimination? Do my colleagues realize that when we debated the 9/11 tragedy it was a gay American on one of our airplanes that engaged with others to be able to detour that airplane from the very site that I stand, to be able to save lives and to save the Capitol of the United States of America?

It seems in 2005, in the shadow of reauthorization of the Voters Rights Act of 1965, that we might not now recognize that we can do better.

I am glad that ROTC programs are still on our campuses. In fact, we know that there are more than 52,000 now enrolled in ROTC programs, up from 48,000 in 2000. That means 52,000 of our students.

This past year 70 percent of the Army's newly commissioned officers came from ROTC. In fact, the Defense Department has reported meeting all of its recruitment and retention goals in the past several years and is, in fact, actively downsizing certain specialties. But, in the backdrop of that, we also know that we need more troops, particularly if we are going to be part of a peacekeeping effort, not a running-the-government effort in Iraq.

So I would say, Mr. Speaker, the reason why I rise with great concerns about a closed rule and ask my colleagues to consider where we are going with this Solomon amendment is that we can do better and that there is some merit, great merit, to asking the military to recruit everywhere and to allow universities of free thought to be able to maintain their nondiscriminatory rules and regulations.

We can do better together, and I do not know why we discriminate against any American who wants to serve their country.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I insert in the RECORD at this point two articles. One is an editorial from the New York Times entitled, "The Price of Homophobia." Another is an Associate Press story entitled, "Report: Number of gay linguists discharged higher than thought."

[From the New York Times, Jan. 20, 2005]

THE PRICE OF HOMOPHOBIA

Don't ask, don't tell—just scream in frustration: it turns out that 20 of the Arabic speakers so vitally needed by the nation have been thrown out of the military since 1998 because they were found to be gay. It is hard to imagine a more wrongheaded rebuff of national priorities. The focus must be on the search for Osama bin Laden and his terrorist legions, not the closet door. The Pentagon's snooping after potential gays trumps what every investigative agency in the war on terror has admitted is a crucial shortage of effective Arabic translators.

After the first World Trade Center attack, in 1993, government agents revealed an alarming shortage of Arabic speakers. Key notes, videotapes and a phone call pertaining to the attack were later found in a backlog of untranslated investigative data. The shortage continued right up to and well beyond the 9/11 attacks. Three years after the towers were destroyed, the F.B.I., rife with translation problems, admitted it had an untranslated backlog of 120,000 hours of intercepts with potential value about looming threats. At the State Department, a study showed that only one in five of the 279 Arabic translators were fluent enough to handle the subtleties of the language, with its many regional dialects.

The military's experience is no more encouraging, with intelligence results muddied at times by a rush, as one inquiry put it, to recruit Arab convenience store owners and cabdrivers, who couldn't handle the task. The military is right to rely more on its language schools, but it can take several years to produce fluent graduates. The folly of using "don't ask, don't tell" policy against such precious national resources amounts to comfort for the enemy. When President Bush was asked last week by The Washington Post why Osama bin Laden had eluded capture, he replied, "Because he's hiding." So is the Pentagon—it's hiding from reality.

[From the Associated Press, January 13, 2005]

REPORT: NUMBER OF GAY LINGUISTS DISCHARGED HIGHER THAN THOUGHT

(By Kim Curtis)

SAN FRANCISCO—The number of Arabic linguists discharged from the military for violating its "don't ask, don't tell" policy was nearly three times as high as previously reported, according to records obtained by an advocacy group.

Between 1998 and 2004, the military discharged 20 Arabic and six Farsi speakers, according to Department of Defense data obtained by the Center for the Study of Sexual Minorities in the Military under a Freedom of Information Act request.

The military previously confirmed that seven translators who specialized in Arabic had been discharged because they were gay. The updated numbers were first reported by The New Republic magazine.

Aaron Belkin, the center's director, said he wants the public to see the real costs of "don't ask, don't tell."

"We had a language problem after 9/11 and we still have a language problem," Belkin said Wednesday.

The military's "don't ask, don't tell" policy allows gays and lesbians to serve in the military as long as they keep their sexual orientation private and do not engage in homosexual acts.

But Belkin and other advocates say such a policy endangers national security at a time U.S. intelligence agencies and the military say they don't have enough Arabic speakers.

"The military is placing homophobia ahead of national security," said Steve Ralls, spokesman for the Servicemembers Legal Defense Network, a nonprofit group which advocates for the rights of gay military members. "It's appalling that in the weeks leading up to 9/11 messages were coming in waiting to be translated . . . and at the same time they were firing people who could've done that job."

But others, like Elaine Donnelly of the Center for Military Readiness, a conservative advocacy group that opposes gays serving in the military, said the discharged linguists never should have been accepted at the elite Defense Language Institute in Monterey in the first place.

"Resources unfortunately were used to train young people who were not eligible to be in the military," she said. "We need to recruit people who are eligible to serve."

In the fiscal year ended Oct. 31, 2004, 543 Arabic linguists and 166 Farsi linguists graduated from their 63-week courses, according to a DLI spokesman. That was up from 377 and 139, respectively, in the previous year, reflecting the military's increased need for translators in Iraq.

Experts have identified the shortage of Arabic linguists as contributing to the government's failure to predict the Sept. 11 attacks. The independent Sept. 11 commission made similar conclusions. The government "lacked sufficient translators proficient in Arabic and other key languages" to adequately prepare itself against future strikes, the report said.

"It used to be this was seen as a gay rights issue, but now it's clearly a national security issue," said Nathaniel Frank, a senior research fellow at the Center for Study of Sexual Minorities in the Military at the University of California, Santa Barbara.

Ian Finkenbinder, a U.S. Army Arabic linguist who graduated from the Defense Language Institute in 2002, was discharged from the military last month after announcing to his superiors that he's gay. Finkenbinder, who said his close friends in the Army already knew he was gay, served eight months in Iraq and was about to return for a second tour when he made the revelation official.

"I looked at myself and said, 'Are you willing to go to war with an institution that won't recognize that you have the right to live as you want to,'" said Finkenbinder, 22, who now lives in Baltimore, Md. "It just got to be tiresome to deal with that—to constantly have such a significant part of your life under scrutiny."

Finkenbinder said his commander was upset to let him go because his Arabic proficiency was at the highest possible for a nonnative speaker.

The Servicemembers Legal Defense Network last month sued the government on behalf of 12 gay former military members seeking reinstatement. They're seeking to overturn "don't ask, don't tell" alleging it violates their constitutional rights.

Mr. McGOVERN. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. NADLER).

Mr. NADLER. Mr. Speaker, this resolution would have us believe that a grave threat is presented to the security of this Nation by the policy of some institutions of higher learning to bar military recruiters from their campus because of the discrimination against gay and lesbian people by the military. But that, Mr. Speaker, is not the threat to our national security.

The threat to our national security is the policy of the military to refuse to use the talents and the abilities of gay people in defending our country.

One of the biggest problems we have in Iraq now is the shortage of people who know how to translate intelligence documents written in Arabic and Farsi, and yet they are dismissing linguists who can translate these documents for our use to save the lives of our troops because they are gay. This is insanity.

Our troops are paying with their lives because of the bigotry that this Congress has mandated on the military, number one.

Even that is not the real issue presented by this resolution. The real issue presented by this resolution has to do with free speech and association.

Private universities, private institutions have chosen to say, as part of their free speech, that they do not want on their campus recruiters from any organization, the military, any private company, anybody else, that discriminates against gay people and lesbian people; that engages in an unacceptable, to them, form of discrimination. It is not a question, as this resolution says, of equal access to military recruiters. All people, recruiters from all institutions that discriminate are barred from these campuses.

We should not have passed the bill that we did, but we passed a bill to say that, if they do that, if a private institution bars military recruiters and other recruiters on an equal basis, we will withhold Federal funds.

The Third Circuit Court of Appeals says that is a violation of the first amendment. This resolution says who cares what the courts say. We do not care about the first amendment. We do not care about the courts. We know better.

We encourage the executive branch to follow the doctrine of non-acquiescence and not find a decision affecting one jurisdiction to be binding on another jurisdiction.

That is not the way we ought to legislate. This decision was decided by the Third Circuit Court of Appeals. The executive branch is going to appeal to the United States Supreme Court. Let it appeal. Let us see what the Supreme Court says, if they accept the case.

The courts have to defend our liberties. It is the province of the courts, not of the Congress, to declare what the Constitution means.

□ 1300

Our liberties, the Bill of Rights, are protected from the majority. You never have to protect the majority from itself. You have to protect unpopular minorities. That is why we have a Bill of Rights and that is why we have the courts to enforce them. For Congress to come in and say the court is wrong and the executive should not enforce the order of the court is to show a disdain for the rule of law and a disdain for the spirit of liberty for which we are fighting in Iraq and for which our Armed Forces exists in the first place.

This resolution ought to be defeated on its merits.

Mr. COLE of Oklahoma. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY. Mr. Speaker, I thank the gentleman for yielding me this time, and today I rise in strong support of the Solomon Amendment and as a proud cosponsor of the resolution that is before us.

For the last several years, a growing number of law schools have subjected military recruiters to various degrees of harassment designed to make military recruiting difficult and to frustrate their objectives. Military recruiting on university campuses is one of the primary means by which the Armed Forces retains highly qualified new military personnel; and it is an integral, effective, and necessary part of overall military recruiting.

The Constitution gives Congress the power to attach reasonable stipulations to those who accept Federal dollars. The Solomon Law simply ensures that the military has fair access to recruited institutions of higher learning that willingly accept this Federal funding.

Mr. Speaker, every year, without fail, the military comes under a great deal of criticism for hiring too many low-income, disadvantaged young adults. However, I find it remarkably ironic that these institutions are obstructing a more balanced recruiting effort that includes a patriotic commitment from all sectors of society.

Furthermore, the point has to be made that the soldiers, sailors, airmen, and marines that are being treated like second-class citizens at these universities are also the same brave men and women that are providing the freedom these schools enjoy.

Mr. Speaker, efforts by these universities to restrict military recruiter access can only have the harmful effect of increasing Federal spending to achieve mandated end-strength goals and ultimately compromising the readiness and performance of our military.

In conclusion, Mr. Speaker, I strongly support this resolution. I sincerely hope there will be a strong bipartisan effort of support, and I commend my good friends from Minnesota and Alabama for their leadership on this issue.

Mr. McGOVERN. Mr. Speaker, I yield 7 minutes to the gentleman from Massachusetts (Mr. FRANK).

Mr. FRANK of Massachusetts. To begin, Mr. Speaker, it is absolutely backwards to decry this policy of excluding recruiters from using the facilities of a university. Let us be clear: no university can ban a recruiter from coming to that city or that town. No university can say that students will not talk to the recruiter.

The question is not whether the recruiters can come and advertise; it is whether they can compel the university to offer its facilities involving a policy with which they disagree. But to say that that causes a problem in getting people in the military, it is the supporters of a policy that say to able-bodied men and women, we disapprove of your sexuality, and, therefore, no matter how talented you are, no matter how patriotic you are, no matter what skills you bring, you are not allowed here.

Colin Powell, when he was chairman of the Joint Chiefs of Staff, testified before this Congress that there was no argument that gay and lesbian men and women in the military were in any way deficient as members of the military. He made it clear. The only reason for excluding them was the prejudice of others. That was the only reason.

The argument was: if you let these people in, and he said they had been good soldiers and good airmen and good sailors, it would be disruptive. Well, one, that was 15 years ago when he said that. I think society has moved some. But, second, we have experience to the contrary.

I know there have been people critical of the Israeli Defense Forces in some respects. I think they deserve, on the whole, a lot of credit for a difficult job. In the Israeli Defense Forces, people serve who are openly gay and lesbian. So the argument that somehow allowing people who are honest about their sexuality, if they are gay or lesbian, to serve in the military makes you an ineffectual military, how do they explain the Israeli Defense Forces?

In fact, what we are again being told is that good people, able people, and we heard reference to the linguists. This has become the policy of "Don't ask, don't tell, and by no means translate." You who support this policy are the ones, Mr. Speaker, who are depriving the armed services of able-bodied people. You are the ones who have driven thousands, literally thousands of perfectly capable men and women out of the military because you disapprove of what they do in their spare time. So then to claim that it is the universities trying to stand up for a principle that are weakening the military gets it absolutely backwards.

I was also saddened, I must say, by one of the previous speakers who said he wanted to express his disdain for the universities involved. We have universities here which are trying to express their disagreement with what they believe, and I agree, but what they believe to be an unfair prejudice that singles out some of their students. I understand disagreement with that, but disdain? Disdain because people in these positions feel that their students should not be unduly stigmatized and denied this opportunity?

If it is so important to have the opportunity, Mr. Speaker, should not people on the other side say, you cannot deny these young people the opportunity to serve in the military. Should you not say, you should not deny these young people the opportunity to serve in the military unless they are gay or lesbian. Because if they are gay or lesbian, you want to deny them the opportunity to serve in the military regardless of any fault.

Remember, this is one that says we just stigmatize you from the outset. There is nothing you can do, there is no degree of service you can perform, there is no sacrifice you can offer to make that will allow you to serve your country. And then we will complain because we do not have enough people to serve in the military. And, again, literally thousands have been turned away. The universities are not blocking recruitment. They cannot. They are asking for the right to stand up for principle.

And now we are told by one other speaker, well, if they do not agree with the policy, you would think they would not accept the money. Please. I would say to Members, one rule in parliamentary debate: try to avoid saying something that no one will believe. I mean, this notion that if you do not agree with a policy you should boycott the government, which is using your tax money, nobody believes that. People get taxed, and sometimes they agree and sometimes they disagree. We say to people, look, you can voice your opinion, but you cannot avoid paying the taxes.

And, by the way, it is not money from the military they are seeking. Typically, what we have here are law schools. It is law schools, as people have noted, who are doing this. So people have said, well, what about the poor people? We are not getting enough wealthy people to offset the number of poor people. Well, we are talking about lawyers who are being recruited. Frankly, the poor people are not being recruited for the Judge Advocate General's office. It just does not compute.

But what they are saying is, we are not going to allow our facilities to be used in this discriminatory way. And the law schools, by the way, are not themselves, and this is an important point, under the Clinton administration the ruling was that we would look at each element of a university separately. And if the law school said no military recruiting, that did not stop the medical school or the school of engineering from applying for Federal funds. What you now have is a policy that says if the law school says no, no other entity can get the money. So there is no connection there.

The key issue here is this: Have we not in this country come to the point where patriotic young gay men and lesbians who are prepared to serve their country will at least be given a chance? Can you not judge them on their merits? Can you not say, okay, we admire your willingness to do this. We will judge you. If it turns out you become disruptive, we will act. But this blanket denial of even the opportunity no matter how talented, no matter how diligent? You enforce that as a policy, and then you complain that we have people being turned away?

Mr. Speaker, I hope this resolution is not adopted, and I hope we will begin to reverse this blanket prejudicial policy that says to millions, millions of young American men and women, you need not apply to defend your country because we do not like some aspect about you, even if it is going to be entirely irrelevant to your service.

Mr. COLE of Oklahoma. Mr. Speaker, I reserve the balance of my time.

Mr. McGOVERN. Mr. Speaker, I yield myself such time as I may consume in closing.

This Congress should be leading the way to end discrimination of any form in this country. Unfortunately, we have a resolution before us today that condones discrimination. I think it is sad we are dealing with this today. I urge my colleagues to vote "no" on the resolution.

Mr. Speaker, I yield back the balance of my time.

Mr. COLE of Oklahoma. Mr. Speaker, I yield myself such time as I may consume: and in closing, I would like to say I think we have had a good and substantive debate today, but let us be clear: the concurrent resolution is really about ensuring those who defend our freedom and liberty the ability to have the same access to colleges and universities that is available for everyone else.

Mr. Speaker, often today others have placed this debate in the context of the "Don't ask, don't tell" policy. I suggest that those who would like to change that policy, that they look inward, at the political process itself. This was President Clinton's policy, and one enshrined in law that can only be changed by Congress.

If the other side of the aisle would like to make this change, they should propose it and debate it at this level. To put it in the context of the Solomon Amendment, I believe, is disingenuous and dangerous to our recruiting efforts. I urge my colleagues to support this rule and the underlying concurrent resolution.

Mr. POMBO. Mr. Speaker, along with Congressman GERALD SOLOMON I introduced the original amendment in 1994 which clearly stated that if universities receive Federal funding, they must also allow military recruiters on campus.

Congress was clear that if universities accept funding from the Federal Government, they must support the government at a basic level. It is a double standard for universities to be willing to accept all types of funding from the Federal Government, but are unwilling to support America's men and women training to defend the freedoms of our country.

Congress passed the Solomon-Pombo amendment with the understanding that the military plays an indispensable role in securing the freedoms protected in our society. The Federal Government is responsible for protecting our borders, our safety, and our freedoms. It is the military that ensures the freedoms of college faculty and students to voice their opinions in our open and free society.

The court ruling from the Third Circuit Court of Appeals is clearly flawed in a number of ways. It is not discriminatory for the military to maintain a "don't ask; don't tell" policy. In fact, the military's policy has been upheld by the courts in large part because Constitution explicitly states Congress' plenary power in this area. "The Congress shall have Power . . . To make Rules for the Government and Regulation of the land and naval Forces."

There is a widely held belief at America's universities that it is somehow unfair that the American military is disproportionately made up of minorities and those from a disadvantaged socioeconomic background. However, it is the height of hypocrisy to complain that too many of the sacrifices in the military are made by people from lower income groups and at the same time bar the military from recruiting at prestigious universities.

Clearly, there is an antimilitary bias at many elite universities that has nothing to do with the military's policy of "don't ask; don't tell." Too many of the spokespeople and prominent officials in academia are relentlessly anti military and antiwar regardless of the circumstances.

The usual, tired complaints from the halls of academia ring especially hollow in the post 9/11 world. Who does the NYU Law School faculty believe will protect it from another terrorist attack on downtown New York if not the U.S. military?

The complexity of our military systems creates a demand for recruits with a diverse backgrounds and education levels including bachelor degrees and law degrees. To restrict ROTC offerings on college campuses limits the pool of applicants necessary to run vital military systems.

Conversely, men and women should have an option to prepare for military careers with the support of Federal Government. Restricting ROTC from campus limits and restricts career options.

It is a double standard for universities to be willing to accept all types of funding from the Federal Government, but are unwilling to support America's men and women training to defend the freedoms of our country.

I strongly urge all of my colleagues to vote for this resolution.

Mr. COLE of Oklahoma. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR POSTPONEMENT OF FURTHER CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 36, NOTWITHSTANDING THE OPERATION OF THE PREVIOUS QUESTION

Mr. KLINE. Mr. Speaker. I ask unanimous consent that during considering of House Concurrent Resolution 36, pursuant to House Resolution 59. the Chair may, notwithstanding the operation of the previous question, postpone further consideration of the concurrent resolution to a time designated by the Speaker.

The SPEAKER pro tempore (Mr. SIMPSON). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

Mr. KLINE. Mr. Speaker, pursuant to House Resolution 59, I call up the concurrent resolution (H. Con. Res. 36) expressing the continued support of Congress for equal access of military recruiters to institutions of higher education, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The text of House Concurrent Resolution 36 is as follows:

H. CON. RES. 36

Whereas section 8 of article I of the Constitution commits exclusively to Congress the powers to raise and support armies, provide and maintain a Navy, and make rules for the government and regulation of the land and naval forces;

Whereas the Nation's security interests demand high levels of military personnel readiness, which in turn demand cost-effective military recruitment programs;

Whereas military recruiting on the Nation's university campuses is one of the primary means by which the Armed Forces obtain highly qualified new military personnel and is an integral, effective, and necessary part of overall military recruitment;

Whereas a lack of cooperation by institutions of higher education with the legitimate pursuit of the Federal military recruiting function carries with it the harmful effect of increasing Federal spending to achieve the required outcome, while at the same time compromising military personnel readiness and performance, which in turn conflicts with Federal responsibilities to provide for the Nation's defense;

Whereas military recruiting will be significantly harmed if military recruiters are denied access to campuses and students that is at least equal in quality and scope to the access provided to any other employer;

Whereas on-campus recruiting and ready access to students are key components of recruiting highly qualified new employees for any enterprise and are recognized as such by both institutions of higher education and employers and requiring the Armed Forces to rely exclusively on alternative recruiting methods would adversely affect the ability of the Armed Forces to attract the most qualified applicants;

Whereas any reduction in performance by the Armed Forces amidst the present national emergency declared by the President on September 14, 2001, operates against the national interest;

Whereas the Congress has chosen over time to appropriate funds for a variety of Government programs to be provided to institutions of higher learning, but those taxpayer funds are not an entitlement to any college or university and can be provided subject to conditions and criteria placed on those funds by Congress.

Whereas acceptance of Federal funding carries with it an expectation of support and respect for the laws of the Nation, including section 983 of title 10, United States Code, relating to the support of military recruiting and Reserve Officers Training Corps functions by certain educational institutions;

Whereas Congress has acted to legislatively craft a safeguard for military recruiting in section 983 of title 10, United States Code, by linking Federal funding of educational institutions to the willingness of those institutions to abide by a rule of access by military recruiters to campuses and students that is at least equal in quality and scope that is provided by any other employer;

Whereas the Government suffers irreparable injury any time it is prevented by a court from effectuating statutes enacted by Congress, the representatives of its people, and any obstruction against enforcement of section 983 of title 10 of the United States Code will not only divest the Department of Defense of a legislatively crafted recruiting safeguard but also will inflict grave harm on the Nation's military readiness and the military's ability to recruit sufficient numbers of high-quality personnel: and

Whereas the consequences specified in section 983 of title 10, United States Code, relating to a denial of certain Federal funding for failure to offer support of military recruiting and Reserve Officers Training Corps functions, are instrumental to the achievement of military performance in satisfaction of the national interest and the Constitutional duties of the Congress: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) Congress remains committed to the achievement of military personnel readiness through vigorous application of the requirements set forth in section 983 of title 10, United States Code, relating to equal access for military recruiters at institutions of higher education, and will explore all options necessary to maintain this commitment, including the powers vested in it under article I, section 9, of the Constitution;

(2) it is the sense of Congress that the executive branch should aggressively continue to pursue measures to challenge any decision impeding or prohibiting the operation of section 983 of title 10, United States Code; and

(3) Congress encourages the executive branch to follow the doctrine of non-acquiescence and not find a decision affecting one jurisdiction to be binding on other jurisdictions.

The SPEAKER pro tempore. Pursuant to House Resolution 59, the gentleman from Minnesota (Mr. KLINE) and the gentleman from North Carolina (Mr. BUTTERFIELD) each will control 30 minutes.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, while the men and women of our Armed Forces serve bravely throughout the world, the ability of our U.S. military to recruit highly qualified candidates is being put in jeopardy. As was stated so eloquently by the late Representative Gerald Solomon, barring military recruiters is an intrusion on Federal prerogatives, a slap in the face to our Nation's fine military personnel, and an impediment to sound national security policy.

The legislation bearing his name, the Solomon Amendment, formerly protected the ability of the U.S. military to reach the most highly qualified candidates by denying Federal funding, denying Federal funding to colleges which refused to permit on-campus recruiting by the U.S. military. However, on November 29 of last year, the Third Circuit Court of Appeals in Philadelphia overturned this legislation, enabling universities to receive Federal funding despite barring military recruiters from campus.

This decision threatens to severely damage the ability of the military to recruit the highly qualified candidates necessary during a time of war. Harvard Law School and now Yale Law School have already implemented the unjust policy of denying the military access to their campuses for recruiting purposes. Without the threat of lost funding, sadly, many other schools are expected to follow suit. The Department of Defense intends to appeal this ruling, but in the interim the military risks losing access to a vital source of highly qualified recruits. Our desire is to ensure this does not happen.

Under Article I, section 8 of the United States Constitution, Congress has the exclusive power to raise and support armies, provide and maintain a Navy, and make the rules for the Government and regulation of the Armed Forces. Congress has not only the right but the responsibility to use its power to protect the ability of our U.S. military to recruit the best and the brightest young men and women. We cannot be silent while this ability is put in jeopardy.

The citizens of the United States, all citizens of the United States, and I would argue the world, benefit from the protection of the most highly qualified and well-trained military in the world, and I am hopeful our actions today will put an end to the injustice of banning recruiters and will restore the ability of the U.S. military to serve its citizens most effectively.

Mr. Speaker, I reserve the balance of my time.

□ 1315

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of this resolution. The 103d Congress determined that Federal funding should be denied to institutions of higher learning that prohibit military representatives from having student access while permitting access to other employers.

The Solomon Amendment was passed by this body in 1994 after vigorous debate by a vote of 271 to 126. The amendment was simple, "You cannot receive Federal funds for your institution if you impair the military from recruiting on your campus, yet allow other employers access to the students."

It is essential that our military be prepared to defend our country. Cost-effective recruiting is the key to an all-volunteer Army. Many of our institutions recognize Congress's intention and immediately complied with the intent and spirit of the Solomon Amendment. Other institutions have taken offense to the amendment by insisting that this measure offends the first amendment's provision that Congress shall make no law abridging the freedom of speech.

The question of whether the Solomon Amendment violates the first amendment is now being litigated in our courts. The District Court for the District of New Jersey denied a request for injunctive relief which permitted this law to stand. The district court was of the opinion that the plaintiffs were not likely to prove a first amendment infringement. On appeal, the U.S. Court of Appeals for the Third Circuit in a 2 to 1 decision reversed the district court and concluded that the plaintiffs demonstrated a likelihood of success on their contention that the first amendment claim had merit and directed the district court to enter a preliminary injunction which has the effect of permitting these universities to deny access to military recruiters.

Mr. Speaker, I was a trial judge in my home State of North Carolina for 13 years and a State supreme court justice for 2 years. I can tell Members there is a presumption in our law to favor congressional enactments that are intended to support our military. There is a high burden on a plaintiff to overcome this presumption. No court has ever declared unconstitutional on first amendment grounds any congressional statute designed to support the military.

If this law in any way offends the first amendment, the courts are then required to balance the interests that are involved and determine whether the violation trumps the articles relating to the spending power and support of the military.

I need not remind my colleagues of the perilous times the American people now face. Like never before, this Congress must ensure that we have the best military on the planet and this includes having unimpeded access to our colleges and universities for the purpose of recruiting.

It seems illogical to me that an institution desires Federal resources but wants to restrict access to military recruiters. Acceptance of Federal funding carries with it an expectation of support and respect for the laws of this Nation. I therefore join with the gentleman from Minnesota (Mr. KLINE) in support of this resolution and urge its adoption. This matter needs to be put to rest. It is imperative that the executive branch take this matter to the U.S. Supreme Court to urge the court to give deference to the Congress and uphold this statute. This resolution makes it clear that the Congress intends to continue to support our military by ensuring equal access for military recruiters on college campuses, and it should be the sense of this Congress that we want judicial review of this matter by our highest court.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER pro tempore (Mr. SIMPSON). Pursuant to the order of the House of today, further proceedings on this concurrent resolution will be postponed.

RESIGNATION AS MEMBER OF COMMITTEE ON GOVERNMENT REFORM

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Government Reform:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: I am requesting a leave of absence (effective immediately) from the House Committee on Government Reform due to my pending appointment to the House Permanent Select Committee on Intelligence.

Thank you.

Sincerely,

JOHN F. TIERNEY,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON AGRICULTURE

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on Agriculture:

HOUSE OF REPRESENTATIVES,
Washington, DC, February 1, 2005.

Hon. J. DENNIS HASTERT,
Speaker, House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: I would like to resign my seat from the Committee on Agriculture, effective immediately.

Sincerely,

BENNIE G. THOMPSON,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. MENENDEZ. Mr. Speaker, I offer a privileged resolution (H. Res. 62) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 62

Resolved, That the following named Members and Delegates be and are hereby elected to the following standing committees of the House of Representatives:

(1) COMMITTEE ON AGRICULTURE.—Mr. Pomeroy, Mr. Boswell, Mr. Larsen of Washington, Mr. Davis of Tennessee, Mr. Chandler.

(2) COMMITTEE ON THE BUDGET.—Mr. Kind.

(3) COMMITTEE ON GOVERNMENT REFORM.—Ms. Norton.

(4) COMMITTEE ON RESOURCES.—Mr. George Miller of California, Mr. Markey, Mr. DeFazio, Mr. Inslee, Mr. Udall of Colorado, Mr. Cardoza, Ms. Herseth.

(5) COMMITTEE ON SCIENCE.—Ms. Hooley of Oregon (to rank immediately after Ms. Woolsey), Ms. Jackson-Lee of Texas, Ms. Zoe Lofgren of California, Mr. Sherman, Mr. Baird, Mr. Matheson, Mr. Costa, Mr. Al Green of Texas, Mr. Melancon.

(6) COMMITTEE ON SMALL BUSINESS.—Mr. Faleomavaega, Mrs. Christensen, Mr. Davis of Illinois, Mr. Case, Ms. Bordallo, Mr. Grijalva, Mr. Michaud, Ms. Linda T. Sánchez of California, Mr. Barrow, Ms. Bean.

(7) COMMITTEE ON VETERANS' AFFAIRS.—Mr. Strickland, Ms. Hooley of Oregon, Mr. Reyes, Ms. Berkley, Mr. Udall of New Mexico.

Mr. MENENDEZ (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

EXPRESSING CONTINUED SUPPORT OF CONGRESS FOR EQUAL ACCESS OF MILITARY RECRUITERS TO INSTITUTIONS OF HIGHER EDUCATION

The SPEAKER pro tempore. Pursuant to the order of the House of today, proceedings will now resume on House Concurrent Resolution 36, expressing the continued support of Congress for equal access of military recruiters to institutions of higher education.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. When proceedings were postponed earlier today, 52½ minutes remained in debate. The gentleman from Minnesota (Mr. KLINE) has 27 minutes remaining, and the gentleman from North Carolina (Mr. BUTTERFIELD) has 25½ minutes remaining.

The Chair recognizes the gentleman from Minnesota (Mr. KLINE).

Mr. KLINE. Mr. Speaker, I yield 4 minutes to the gentleman from Alabama (Mr. ROGERS), the sponsor of this concurrent resolution and a member of the Committee on Armed Services.

Mr. ROGERS of Alabama. Mr. Speaker, I rise today in strong support of H. Con. Res. 36. This resolution expresses the continued support of Congress for the so-called Solomon Law, a critical piece of legislation originally passed in 1994 which has helped ensure that military recruiters have equal access on our Nation's campuses.

We are debating this resolution today only because of a recent court decision that wrongfully struck down the Solomon Law. In November of last year, a closely divided U.S. Third Circuit Court of Appeals ruled that the Solomon Law violates first amendment rights to free speech and association.

The court sided with the plaintiff arguing that "the Solomon Amendment requires law schools to express a message that is incompatible with their educational objectives, and no compelling governmental interest has been shown to deny this freedom."

Mr. Speaker, I cannot disagree more with this assessment. In our post-9/11 world, our Nation's military deserves at least the same access to institutions of higher education that any other major employer might enjoy. This is certainly a modest and I believe a reasonable request, especially if the college or university accepts Federal funds.

This is not about infringing free speech; it is about ensuring our military has access to our Nation's best and brightest at a time when we face enormous challenges abroad. This resolution expresses the continued support of Congress for the Solomon Law and would help ensure that military recruiters continue to have access to college campuses and students that is at least equal in quality and scope as that provided to any other employer.

This resolution would reaffirm the commitment of Congress to explore all options, including the use of its constitutional power to appropriate funds to achieve that equal access. In adopting this resolution, we would also be urging the executive branch to aggressively challenge any decision impeding or prohibiting the operation of the Solomon Law. Also, we would be encouraging the executive branch to follow a doctrine of nonacquiescence by not finding a judicial decision affecting one jurisdiction to be binding on any other jurisdiction.

Mr. Speaker, as we debate this resolution, it is important for us to remember that the Solomon Law and its legislative updates were not designed as one-size-fits-all mandates from Washington. In fact, the law is very flexible, and it fits the needs of nearly every public-funded institution in the country. For example, the Solomon Law does not apply to colleges or universities that have a long-standing policy of pacifism based on historical religious grounds, nor does it affect any Federal student aid or financial assistance.

Of course, as those of us who are here debating this issue are aware, this is not the first challenge to this law. Prior to the November circuit court decision, on repeated occasions lower courts have consistently upheld the constitutionality of the Solomon Law, arguing that it does not infringe on any institution's right to free speech or association.

While this recent court decision is unfortunate, it is not the end to the Solomon Law. A bipartisan vote here today in support of this legislation will help send a clear message to our courts that our military recruiters deserve equal access on all of our campuses. I thank the gentleman from California (Mr. HUNTER) for his ongoing efforts on this issue, and I thank the gentleman from Minnesota (Mr. KLINE) for managing this legislation.

Mr. BUTTERFIELD. Mr. Speaker, I yield 3 minutes to the gentlewoman from California (Ms. WOOLSEY).

Ms. WOOLSEY. Mr. Speaker, first I thank the gentleman from North Carolina (Mr. BUTTERFIELD) for yielding me this time to speak, time to speak in opposition to H. Con. Res. 36.

Mr. Speaker, last November a Federal court said the Federal Government cannot take away a university's funding simply because the school refuses to exempt the U.S. military from its policy, meaning the university's policy, and that on-campus recruiters not discriminate on the basis of sexual orientation.

Today we are debating a resolution in support of the Solomon amendment. If this House of Representatives votes to support that resolution, we will be putting the Congress on record as supporting absolute senseless discrimination.

The resolution says it is about equal access for military recruiters at institutions of higher education. But, in reality, it is about allowing the military to avoid the consequences of discrimination, the same consequences that any other employer would have to face if it discriminated.

Many say, and you heard it today, that our national security requires the military to engage in this discrimination, but the facts just do not support it. The court said that the Government failed to produce, and I quote, "a shred of evidence" that the Solomon amendment helps military recruiting, and even suggested that the hostility that the amendment causes may hurt recruiting.

It was reported in last month that since 1998, the military has discharged 20 fluent Arabic speakers and six fluent Farsi speakers under its "Don't ask, don't tell'' policy. These are students that the military claims to be desperate to recruit.

No, Mr. Speaker, this resolution is not about military recruiting or national security. Plain and simple, it is about punishing universities for exercising their first amendment right to oppose discrimination against gays and lesbians; and I encourage my colleagues, stand up for the Constitution, oppose this resolution.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY), a member of the Committee on Armed Services.

Mr. CONAWAY. Mr. Speaker, I rise in support of the amendment today out of a bit of a sense of confusion as to why we really need to revisit this issue one more time. It is odd that in a Nation at war that institutions of higher learning would take steps to limit the Army and the Navy, the Marine Corps, Coast Guard and other services' access to their students. I wonder what they are afraid of as to why they would take this particular position.

They pride themselves on having the brightest in America at their universities, particularly the ones in question. As an aside, I was at a university in January, excuse me, in November, at freshman orientation and saw a couple of co-eds walking across campus that obviously have impaired reading skills because they were both smoking.

Nevertheless, I wonder what they are afraid of. Why are they afraid of the message of serving one's country, of doing one's duty. We can argue that the Federal Government should or should not be in a lot of different areas, but clearly national defense and raising an army is a mission of our Founding Fathers that none of us would argue with.

I guess the point I would like to make is that if these colleges and universities feel so strongly that their students should not participate in our military, then let us do it with honor and voluntarily turn back the Federal funding that supports many of the programs that they support through their universities.

□ 1330

I would call on them and if they are really serious about limiting this, they are afraid of what our recruiters might say, that our recruiters might ask their young men and women to serve their country, to place their lives on the line, as many of the men and women who today serve our country in those Armed Forces are doing every day in Iraq and Afghanistan and other places around the world that we do not necessarily know about, but nevertheless they are serving, why they are afraid of this message? Why they do not think their students should have access to that?

I rise in support of this resolution and would ask those universities that feel strongly about this to voluntarily send back all the Federal funding that they are currently getting and allow us to use those dollars in universities that are a little more in line with the issues that we are talking about today.

Mr. BUTTERFIELD. Mr. Speaker, I yield 6 minutes to the gentlewoman from Wisconsin (Ms. BALDWIN).

Ms. BALDWIN. Mr. Speaker, I rise today in opposition to this resolution.

In Wisconsin, our State laws provide protections from discrimination to people that go beyond what many other States and what the Federal Government have put into law. Such protections as nondiscrimination based on age, gender, marital status, membership in the National Guard and sexual orientation are a part of Wisconsin's nondiscrimination laws. Wisconsin has chosen to provide its citizens with these greater protections because we have decided that these are in the best interests of our citizens and are good public policy.

The University of Wisconsin in Madison has a history as a leader in social justice. It adheres to State laws and has tried to apply those laws appropriately across its campus. That has included the requirement that campus organizations, departments and campus recruiters adhere to State law. Yet Federal law has intervened to block enforcement of campus policy and State law in regard to military recruiters.

The Solomon amendment was passed by a previous Congress because students, like those at the University of Wisconsin, were having success in blocking recruiters from campus if they discriminate against lesbians or gays or bisexuals in violation of State law and campus policy.

Access to and use of campus facilities to recruit students for higher educational opportunities, employment or military service should be at the discretion of the institution. Of course, public institutions should not arbitrarily discriminate against any particular recruiter. Reasonable and legitimate criteria should be evenly applied to every recruiter. The Federal Government should not use Federal funding as a weapon to force noncompliance with State law or to create special rights for military recruiters.

I believe that the court made the correct decision in invalidating the Solomon amendment. I also believe that today's resolution is unnecessary. In fact, I believe that today's debate is the wrong debate. We should be looking at ways to strengthen our military and expand our resources for winning the fight against al Qaeda and other terrorist organizations.

Mr. Speaker, when will we have the debate about the harm caused by excluding so many qualified, skilled Americans from serving in our military simply because they are gay or lesbian? When will we have a debate about the waste of resources used to discharge fully trained personnel who are serving our country honorably? When will we have the debate about how much our fight against terrorism is hurt by the discharges of Arab linguists?

The resolution before us today makes vague reference to the costs to the military in having to arrange alternative recruitment strategies to meet its goals, but it does not mention the significant cost of Don't Ask, Don't Tell to our defense budget and to our national security. Since Don't Ask, Don't Tell took effect in 1993, approximately 10,000 military personnel have been discharged. That is a huge amount of training and experience that we have lost.

In a study of discharges between 1998 and 2003, University of Santa Barbara researchers found that, of 6,273 discharges, many were in critical specialties such as 88 linguists, including many Arabic speakers, 49 WMD experts, 90 nuclear power engineers, and 150 rocket and missile specialists. To compensate for some of these discharges, the Pentagon has been calling up members of the Individual Ready Reserve. The harm to our military readiness and the cost to our security caused by Don't Ask, Don't Tell is clear. Urging the administration to try to reinstate the Solomon amendment will in no way make our country safer.

Let there be no mistake. I strongly support our men and women in uniform. I want to take this opportunity to honor the men and women in our Armed Forces who have served and continue to serve in Iraq and to the many serving our country here and around the world. Their efforts allowed the Iraqi people to vote in a free election this week. Their bravery and dedication is something all Americans should admire and honor.

Mr. Speaker, there would be no clamor for a Solomon amendment if we simply allowed all qualified Americans to serve their country in uniform. Our country would be safer, our human resources would be greater, our country would be stronger if we treated all Americans equally, regardless of their sexual orientation. It is time to repeal Don't Ask, Don't Tell. It will make our military stronger and our country stronger.

Mr. KLINE. Mr. Speaker, it gives me great pleasure to yield 4 minutes to the gentleman from Florida (Mr. MILLER), my colleague on the Committee on Armed Services.

Mr. MILLER of Florida. I thank my good friend for yielding me this time.

Mr. Speaker, I rise today in support of equal campus access for our military recruiters.

Recently, a group calling itself Freedom For Academic and Institutional Rights, FAIR, has decided that they disagree with what our military stands for; and, because of this, they have decided that the military no longer deserves access to our Nation's institutions of higher learning. They claim that granting military recruiters equal access to campuses would promote only a pro-military viewpoint and a pro-military recruiting message.

This is simply not true. The government is not asking campuses across America to endorse the war on terror, the President's policy or anything to do with the military. All we are asking for is that the military be afforded the exact same access as other organizations to the student body. That is it. That is all. Those who argue that giving equal access somehow constitutes an endorsement of the military are just plain wrong. Does giving equal access to other groups mean that each institution agrees with every idea that that organization may have? Of course not. I really think it is ridiculous to argue that point, but FAIR is arguing just that.

It is in everyone's interest to ensure that young people receive information, including military options, so they can make informed choices about their future after they finish their education. Just because a school disagrees with a career in the military, does that give them the right to deny information about that particular career to someone who might want to sign up? Is it right to deny access because you disagree with what someone says? How is that in keeping with the first amendment to the Constitution?

The position that FAIR and others have taken is nothing more than thinly veiled hypocrisy. They are masking their obvious hatred of our Nation's military by hiding behind the first amendment. I think it is wrong. I am not going to sit idly by while this so-called FAIR group trashes our military.

The Constitution in article 1, section 8, states that Congress shall have the power to raise and support armies, provide and maintain a navy and make rules for the government and regulation of the land and naval forces. It does not say that activist judges and institutions of higher education have the right to prevent Congress from going about its duty to raise and support the Armed Forces of these United States.

Were the members of the FAIR not aware that we were at war and that a state of national emergency has existed in this country since September 11 of 2001? I am sure they are happy to enjoy the rights afforded to them by the first amendment, but who allows them those rights? Perhaps they should reread the old Poem to a Soldier:

"It is the soldier, not the reporter, who has given us freedom of the press.

"It is the soldier, not the poet, who has given us freedom of speech.

"It is the soldier, not the campus organizer, who gives us freedom to demonstrate.

"It is the soldier who salutes the flag, who serves beneath the flag and whose coffin is draped by the flag who allows the protester to burn the flag."

I urge all my colleagues to support this resolution to ensure that the military of these United States continues to have equal access to our Nation's finest young men and women.

Mr. BUTTERFIELD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. FARR).

Mr. FARR. Mr. Speaker, I rise in opposition to this resolution. It may seem peculiar, but, frankly, I think that the military does not need this resolution. It is not broken out there. They are having the ability to recruit. Even despite the negative news from Iraq, the recruitment numbers are up for all the services.

What this resolution does is sort of breaks this feeling in America that democracy allows divergence of opinion and that the people that own the real estate should have a voice in who can visit that real estate. We do not have any nationally owned universities, yet this resolution requires equal access for all military recruiters at institutions of higher education. I think we are getting into a really slippery area here because you are going to create within those campuses huge debates that students are going to say, we don't like this stuff being jammed down our throats. We and the faculty and the trustees of a university ought to be able to decide who can visit our campus, as they do in all other things.

For example, here in Washington, D.C., Catholic University does not allow pro-abortionist recruiters to come and talk on the campus, and here you are going to require, regardless of what the issue should be, that military recruiters have to be allowed on campus. I think it is a very slippery slope. I do not think we need to go there, because the recruitment numbers are not down. I think the military has historically stood on its own feet to do very well in recruiting without getting Congress involved mandating that they have to be on campuses. I think you are going to have a negative reaction.

I would urge Congress very carefully to think about this and to vote "no" until we get a better thought on how we want to mandate democracy in this country.

Mr. KLINE. Mr. Speaker, I am pleased to yield 4 minutes to the gentleman from New York (Mr. SWEENEY).

Mr. SWEENEY. I thank the gentleman for yielding me this time.

Mr. Speaker, I am proud to stand here in support of this resolution, a very important resolution introduced by the gentleman from Alabama (Mr. ROGERS).

I think we are at a critical period of time in this Nation's history, and it comes a couple of days after one of the more significant, what you would call victories or symbols of what the American military presence is about and what its results are. That is, that we pride ourselves in having the best educated, the best trained, the best quality of people serving in all sorts of branches, in all sorts of jobs in the United States military; and at a time when the world needs this the most from us, it is very important that we maintain that quality.

I heard the prior speaker talk about the fact that this may be a dangerous place and there are all sorts of other political ideas that may be at play where you could put a recruiter on a campus or not. What I would simply say is that that is not the same argument as here. This is an argument of fairness and equity. It is an argument that says that just because somebody's political philosophy is counter to the idea that we want to have a strong military presence in this Nation, those school administrators, who I think are way off the board in terms of their left-wing views and their antimilitary approach, ought not to be able to ban college military recruiters from doing their job because it is in the national interest that we do it. It is really in the world's interest.

So I am here to support this resolution and say that what the Third Circuit did last November again represents the judiciary trying to legislate where it ought not to do it. My predecessor, Gerry Solomon, first introduced this amendment many years back. It was that amendment that has been struck down. I strongly urge my colleagues to vote in favor of this resolution and recognizing that what we do for the private sector in allowing them to put recruiters in law schools or on any college campus ought to be the same that we do for something so important and so critical as the recruitment of the best and the brightest into our military forces. I urge all of my colleagues to strongly support this resolution.

□ 1345

Mr. BUTTERFIELD. Mr. Speaker, I reserve the balance of my time.

Mr. KLINE. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio (Mr. BOEHNER), the chairman of the Committee on Education and the Workforce.

Mr. BOEHNER. Mr. Speaker, let me thank my colleague for yielding me this time.

Mr. Speaker, today I rise in strong support of this resolution, which shows our Nation's unwavering commitment to both higher education and providing a strong national defense. At no time in recent memory has our country placed more responsibility on the shoulders of our men and women in uniform. We are fighting a war on terrorism on multiple fronts, in Afghanistan and Iraq. And it is essential that if we are to be victorious in defending our freedom and protecting our homeland that we promote military service as an option to college students across the United States.

When this Congress passed and President Bush signed into law the No Child Left Behind Act, the bill made it easier for military recruiters to inform America's high school students about their options to serve their country, while also giving parents a choice about whether or not they want their sons and daughters to be contacted individually by military recruiters.

Now in this resolution we are reiterating the choices given to institutions of higher education. The Solomon Act, originally passed in 1995, grants the Secretary of Defense power to deny Federal funding to institutions of higher learning if they prohibit military recruitment on campus. This law recognizes the importance of having a capable, educated and well-prepared military, one that is ready to defend American liberties such as freedom of speech and higher education.

If we deny Armed Forces recruiters the opportunity to actively recruit in schools, we not only disrespect the sacrifices of military men and women who have made our freedom possible; we also rob our students of the valuable opportunities that military service can be to our Nation and what they can help provide. There is no reason not to allow the Nation's armed services to make their best case to college students and to do so in the same manner as private sector employers that colleges and universities seem to relish having on campus.

Denial of access and equality to military recruiters by colleges that receive Federal funds is an insult to the taxpayers who help subsidize higher education in this country. Many nations have mandatory military service for their citizens. We do not. The very core of our system of homeland security and national defense depends on young men and women deciding that they wish to serve our country.

Successful recruitment of the best officers in our military relies heavily on our military recruiters' access to the best and the brightest. And it seems a bit disingenuous for the elite institutions of higher education, such as Harvard, Yale, Stanford, Georgetown, and New York University, to condemn the lack of the wealthy and privileged in the ranks of our military while these schools deny their students the option of even hearing about a career in our United States military.

This resolution should not be politicized. It is a straightforward reaffirmation of our Armed Forces and our students. Congress does not force colleges and universities to accept Federal funding. If an institution of higher learning wishes to bar military recruiters from recruiting, it is free to do so. But Federal funding is not an entitlement and such institutions should not expect that decision to be endorsed and subsidized by the taxpayers of the United States. The resolution reaffirms our commitment to that principle.

And I want to commend the gentleman from California (Mr. HUNTER) and I also want to thank the gentleman from Minnesota (Mr. KLINE) for bringing this resolution to the floor and urge my colleagues to support it.

Mr. KLINE. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HUNTER), the distinguished chairman of the House Committee on Armed Services.

Mr. HUNTER. Mr. Speaker, I thank the gentleman for yielding me this time and for the distinguished way in which he has conducted the debate and also the gentleman from Alabama (Mr. ROGERS) for sponsoring this resolution.

Mr. Speaker, let us make this clear. This is not about some social issue. The real impetus for this barring of the American military from our college campuses is because of the left-wing core of administrators and professors who do not like this country. And we could substitute another protest issue for them in this thing and it would not make a bit of difference.

These are the same people who in many cases had protests in favor of the Viet Cong during the Vietnam War. Many of them protested our involvement in El Salvador, protested our bringing democracy to Nicaragua, protested our participation in the first Desert Storm in the early 1990s, and in this recent bringing of freedom to Iraq. They protested all those things. They hate all things military.

And the interesting aspect of this debate is that these same left-wing professors and administrators profess to let young people make up their own minds. Free thinking is theoretically their trademark. Let us have some free thinking. Let us allow the military to be on the campuses. Let us allow the students to have access to their information, and let us let them make up their own minds. There is no draft here. This is a volunteer military. They do not have to join the military. But the idea that the left-wing professors and administrators have to protect the students from that very military that the gentleman from Florida (Mr. MILLER) so eloquently described as the protectors of all of our freedoms including their freedoms to have academic freedoms, to protest and to speak freely, the idea that these students have to be shielded from the guarantors of our freedoms is nonsense.

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. KINGSTON).

Mr. KINGSTON. Mr. Speaker, I thank the gentleman for yielding me this time.

I want to speak certainly in favor of the Solomon Amendment and remind my colleagues that it does not apply to institutions of higher education that have had a longstanding practice of pacificism based on historic religious grounds, and it exempts Federal student financial assistance from termination. But what it does do is allow students to look at career opportunities in the Army. And as the chairman of the Committee on Armed Services said, there are so many legal issues involved in the military today and to go beyond that, to let people look at careers in, I would say, intelligence as much as anything, homeland security, there is a great opportunity for students to go into.

But we are also seeing so much pushback really from a crowd that is basically anti-American and anti-conservative. Indeed, there are so many prejudices against everyday middle-class values on college campuses, and serving in the military and being pro-American just seems to be one of them.

Students at Wells College, for example, were ridiculed by their professors if they supported the war in Iraq. At the University of Missouri, a professor, a science professor, offered extra credit for students to protest a speech given by conservative activist David Horowitz. At the University of Richmond, a professor called President Bush a moron in his class. And at the University of Oregon, students were labeled "neo-Nazi" for expressing their opinion that TRENT LOTT was the victim of a double standard. And examples go on and on.

Another statistic, the Foundation for Individual Rights in Education found that over 90 percent of well-known college campuses have speech codes intended to ban or punish politically incorrect, almost always conservative speech, and that campus funds are unequally distributed to left-wing groups as opposed to conservative groups by a ratio of 50 to one.

I think the judicial attack on the Solomon amendment is just one of a series of a trend that is against, again, anything that is pro-American, pro-conservative, pro-traditional values. And so I would submit for the RECORD an article that was an opinion in the Wall Street Journal recently and then something on the academic bill of rights that I think also touches into this same subject.

The bill would express the continued support of Congress for the so-called "Solomon law" in title 10, U.S. Code, which improves DOD's ability to establish and maintain ROTC detachments and to ensure military recruiters have access to college campuses and students that is at least equal in quality and scope to that provided to other employers.

The bill would:

State Congress's resolve to achieve military personnel readiness through vigorous application of the "Solomon law" relating to equal access for military recruits to institutions of higher education, and express Congress's commitment to explore all options, including the use of its Constitutional power to appropriate funds, to achieve that equal access.

Express the Sense of Congress that the Executive Branch should aggressively challenge any decision impeding or prohibiting the operation of the "Solomon law."

Encourage the Executive Branch to follow a doctrine of non-acquiescence by not finding a judicial decision affecting one jurisdiction to be binding on other jurisdictions. The so-called "Solomon law," section 983, title 10, U.S. Code, named for its original proponent Representative Gerald Solomon (R–NY), is based on the principle that if a college or university accepts federal funding it must permit military recruiters and/or ROTC access to campus and to students. Enacted first in 1994, and added to by Congress in 1996, 1999 and 2002, and 2004, the "Solomon law" prohibits some defense-related and other federal funding from going to colleges and universities that prevent ROTC access or military recruiting on campus.

The Solomon law: (1) does not apply to institutions of higher education that have a long-standing policy of pacifism based on historical religious grounds; and, (2) exempts federal student financial assistance from termination.

The U.S. Court of Appeals for the Third Circuit, on 29 November 2004, reversed a district court decision, which had upheld the Constitutionality of the "Solomon law," by ruling that the "Solomon law" violated the 1st Amendment rights of free speech and association held by institutions of higher education. The Third Circuit remanded the case to the district court to enter a preliminary injunction against the enforcement of the "Solomon law."

The acting Solicitor General has announced his intention to petition the Supreme Court for a writ of certiorari to review the decision of the Third Circuit Court. The Government also filed a motion on 14 January 2005 with the Third Circuit Court seeking to stay the Court's mandate for a preliminary injunction against the enforcement of the "Solomon law" until the Supreme Court decides the Government's petition. The Third Circuit granted the stay on 19 January.

H. Con. Res. 36, in expressing continued support for equal access of military recruiters to institutions of higher education, makes the following points regarding the "Solomon law":

Under article I, Section 8, of the Constitution, Congress exclusively has the power to raise and support armies, provide and maintain a navy, and make rules for the government and regulation of the Armed Forces.

Military recruiting on university campuses is one of the primary means by which the Armed Forces obtain highly qualified new military personnel and is an integral, effective and necessary part of overall military recruiting. Efforts by colleges and universities to restrict or prohibit military recruiter access will have the harmful effects of increasing Federal spending to achieve desired recruiting outcomes and of compromising military readiness and performance. Such harm conflicts with Federal responsibilities to provide for the Nation's defense. Any reduction in the performance by the Armed Forces amidst the present national emergency declared by the President on September 14, 2001, operates against the national interest.

The Constitution gives Congress the power to regulate spending and in that role Congress has chosen over time to appropriate funds for a variety of Government programs to be provided to institutions of higher learning. However, these funds are not an entitlement to any college or university and can be provided subject to criteria and conditions set by Congress.

The "Solomon law" is a legislative safeguard that links Federal funding of educational institutions to the willingness of those institutions to abide by a rule of access by military recruiters to campuses and students that is at least equal in quality and scope that is provided to any other employer.

For the last several years, a growing number of university law schools and colleges of law have treated military recruiters in ways significantly different from the recruiters of other employers. As a result, military recruiters and the persons they seek to interview have been subjected to various degrees of official and unofficial harassment or ill treatment that is designed to make military recruiting difficult, or to frustrate its objectives. The underlying reason for this differing treatment is opposition to Federal law that prohibits military service by openly gay people—the so-called "don't ask, don't tell" law.

Given that opposition, it is imperative that the safeguards that the "Solomon law" provides not only for military recruiters, but also for ROTC, be maintained. Without such safeguards, grave harm to military recruiting will result as colleges and universities move to limit or deny access to campuses and students by representatives of the Armed Forces.

ACADEMIC BILL OF RIGHTS

BACKGROUND

Hiring Practices for Professors

Faculty hiring is controlled by more senior members of the faculty itself:

As Conservative faculty forced to keep political views quiet until they achieve tenure.

Usually hire those who agree with them.

Creates a perpetual cycle.

Creates an environment where Marxists, Post-Modernists, etc. can still dominate in academic fields even while their views have been discredited:

Numbers of Liberal Professors vs. Conservative Professors

The overall ratio of Democrats to Republicans at the 32 schools studied was more than 10 to 1 (1397 Democrats, 134 Republicans).

Not a single department at a single one of the 32 schools managed to achieve a reasonable parity between the two main political parties:

In the nation at large, registered Democrats and Republicans are roughly equal in number.

The closest any school came to parity was Northwestern University—Democrats outnumbered registered Republicans by a ratio of 4–1.

Other Schools:

Brown—30–1
Bowdoin, Wellesley—23–1
Swarthmore—21–1
Amherst, Bates—18–1
Columbia, Yale—14–1
Pennsylvania, Tufts, UCLA and Berkeley—12–1
Smith—11–1

Other Schools had *ZERO* registered Republicans:

Williams—51 Democrats, 0 Republicans
Oberlin—19 Democrats, 0 Republicans
MIT—17 Democrats, 0 Republicans
Haverford—15 Democrats, 0 Republicans

Most students probably graduate without ever having a class taught by a professor with a conservative viewpoint.

Not Just a Faculty Problem But A Campus-Wide Bias

For example, the University of Pennsylvania, Carnegie Melon, and Cornell could not identify a single Republican administrator.

In the entire Ivy League, there were only 3 Republican administrators identified.

Impact on Students

Remarks belittling conservative ideas convey that these views are not accepted on campus—Grading based on these ideas reinforce this perception.

One student called a "fascist" for inviting Oliver North to campus.

University of Oregon—Student labeled "neo-Nazi" for expressing his opinion that Trent Lott was the victim of a double standard.

University of Richmond—Professor called President Bush a "moron" in the classroom.

University of Missouri in Columbia—Professor offered extra credit to protest a speech by David Horowitz.

Students at Wells College were ridiculed by professors for their support on Iraq war and their views on feminism.

"It didn't take long to see how liberal it was after I came here. The professors and the education I receive is excellent, but the professors seem to use class as a political soapbox,"—Kristy L. Hochenberger, a student at Wells College.

Slogan circulated by Biology professor at Wells College—"Lobotomies for Republicans: It's not just a good idea; it's the law!".

Many students conceal what they actually think in order to protect their academic standing—a reality clearly at odds with the educational mission of the university.

Nearly all distinguished doctoral programs rely on matching students with professors who have compatible interests. Preferential treatment shown to those with similar liberal ideals.

Campus Guests, Speech Police and Commencement Speakers

Campus funds are unequally distributed to leftwing student groups as opposed to groups with conservative agendas by a ratio close to 50:1: These student groups are many times in charge of hiring campus speakers.

The Foundation for Individual Rights in Education found that over 90 percent of well-known college campuses have speech codes intended to ban and punish politically incorrect, almost always conservative, speech.

The ratio of commencement speakers on the left and right was 226–15, a ratio of over 15:1: Commencement speakers are selected through committees composed of administrative staff, faculty, and students.

Twenty-two of the thirty-two schools surveyed did not have a single Republican or conservative commencement speaker in the entire ten years surveyed: Six of the remaining schools invited only one Republican or conservative each, as compared to 38 liberals or Democrats.

Haverford, Swarthmore and UCLA, which host multiple speakers every year, did not feature a single Republican or conservative speaker as balanced against 54 liberals and Democrats.

Academic Bill of Rights

Recognizes that political partisanship by professors is an abuse of students' academic freedom.

Designed to take politics out of the university curriculum:

Does not call for more classics in curriculum.

Reading lists should provide students with dissenting viewpoints so they may form their own opinions.

Designed to protect the right of students to "get an education rather than an indoctrination":

Should not make professors afraid of what they say.

We defend professors' right to say anything and forbids administration from punishing them for their political opinions.

Professors should always be open to dissenting opinions.

Unequal funding of student organizations which host guest speakers is unacceptable: Calls for pluralism in selection of guest speakers.

Learning environment hostile to conservatives is wrong.

There is a lack of "intellectual diversity" within faculties on college campuses:

University should be "inclusive" to all viewpoints.

Without it, free exchange of ideas are impaired.

It is not our intention to suggest that there should be quotas based on party affiliation in the hiring process at universities:

We support removing all politics and political affiliation from the hiring process.

It is our purpose to point out the gross imbalance of liberal vs. conservative professors.

While nearly all university administrations devote extraordinary resources to defend the principle of diversity in regard to race and gender, none can be said to have shown interest in the diversity of ideas.

Universities have the privilege of being separate from the society they inhabit:

Society grants faculty protection from the influence of outside politics.

With that privilege comes a responsibility by the faculty to also safeguard the free exchange of ideas.

Correcting this should be the goal and an integral part of educational policy under the Academic Bill of Rights.

[From the Wall Street Journal, Feb. 2, 2005]

WISDOM OF SOLOMON—THE DISGRACE OF BLOCKING MILITARY RECRUITERS FROM CAMPUS

Don't ask. Don't tell. Having no desire to crash our e-mail server, we'll save discussion of gays in the military for another day. Rather, today's subject is lawyers in the military. Surely Americans of all points of view can agree that in an age of Guantanamo and Abu Ghraib, the military can use the best attorneys it can get.

So it's a disgrace that some of the nation's law schools, objecting to the Pentagon's "discrimination policies," refuse to permit military recruiters to make their pitch on campus, relegating them instead to unofficial off-campus venues. Law students pondering their first career move can be wined and dined by fancy firms that set up recruitment tables at campus job fairs, but they have to stroll over to the local Day's Inn to seek out the lonely military recruiter.

To put it another way, the same liberals who object that the military includes too many lower-class kids won't let military recruiters near the schools that contain students who will soon join the upper-class elite. It's almost enough to make us contemplate restoring the draft, starting with law school students.

Needless to say, such scholastic shenanigans don't go down well with Congress, which in 1994 passed the Solomon Amendment, named for the late New York Republican, Gerald Solomon. The law requires schools that receive federal funds to provide equal access to military recruiters. Today, the House is scheduled to vote on a resolution brought by Alabama Republican Mike Rogers that would restate the House's support for the Solomon Amendment. Something similar passed the House and Senate by overwhelming margins last year and was incorporated into the Defense Authorization bill.

The impetus for Mr. Rogers's move is a November ruling by the federal appeals court in Philadelphia in favor of a group of law schools and legal scholars that had contested the Solomon law. The 2-1 opinion found that the Solomon Amendment violates the schools' First Amendment rights to free speech and association. Next stop is the Supreme Court, which is expected to take the appeal that the Justice Department plans to bring.

There are many peculiarities to this lawsuit, starting with the fact that the group that brought it—the Forum for Academic and Institutional Rights—declines to release the names of the 26 law schools and faculties that belong to its coalition. Some of the participants (New York University and Georgetown, for example) have outed themselves since the suit was brought in 2003, but others steadfastly maintain their own don't-ask-don't-tell policy.

In any event, there should be no legal question about Congress's right to put conditions on grants of federal funds to universities. It does this all the time—including requirements that colleges adhere to certain civil rights and gender standards. With a few exceptions, universities have no trouble going along and courts have no problem letting them.

If, as is likely, the Supreme Court overturns the appeals court decision, that will be the end of it. Almost all universities, public and private, take millions of dollars in federal money that would be next to impossible to give up. That's especially true of the elite schools, both public and private. Still, it would be nice to think that the nation's universities would welcome the military for reasons other than the mercenary. Patriotism, perhaps?

Mr. KLINE. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Indiana (Mr. BUYER), chairman of the Committee on Veterans' Affairs.

Mr. BUYER. Mr. Speaker, I rise in full support of this resolution and urge my colleagues to support its passage. Asking the administration to appeal the third circuit is the right thing to do. What is happening on some college campuses is deja vu for those of us who attended colleges in the 1960s and the 1970s. Back then too many college administrators lacked the courage to resist pressure from then what were called left-wing student groups and other professors to ban military recruiters from their campuses. As a result, students who sought military careers were denied equal access to careers of their choice and our schools became the centers for a wide range of nonsense courses.

The student protestors of the 1960s and 1970s and those of like mind are now the administrators and professors of colleges and universities all over the country. Clearly, they have neither changed their politics nor loathing for the American military. Even at a time when our servicemen and -women are encouraged to defeat the forces of tyranny and terror, they remain the same.

In denying military recruiters equal access to campuses such as Harvard Law School, college administrators violate the most basic principles of the right to associate and free speech they so profess is precious. Despite large numbers of conservative students attending their institutions, these liberals preach tolerance; however, these liberal administrators and professors have now become the most intolerant people I know.

The following quote is from a student typical of the attitude of many of these ivory bastions: "The day my political science department hires a Republican and I am allowed to sit in a class without a number of snickers, jeers, and/or dirty looks when President Bush's name is even mentioned is the day I will admit there is progress on today's campus."

Mr. Speaker, Congress did not ask for special access for military recruiters. We are asking for just equal access to groups such as those seeking support for such liberal causes as abortion rights, frivolous lawsuits, same-sex marriage, elimination of the right to private property, gun control, Orwellian Big Government. Mr. Speaker, once again activist judges have clearly overstepped their authority, and it is time for the administration to stand and say that the U.S. Court of Appeals for the Third Circuit was wrong in their ruling and please seek an appeal.

Mr. BUTTERFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I do not accept the suggestion that the academic community is un-American and not in support of our military. My friends in the academic community, and I have many in North Carolina who are part of the academic community, they are good Americans and they support our military completely. I sincerely believe that these individuals have a genuine difference of legal opinion that must be resolved by our Supreme Court, and that is why I am supporting this resolution. We need a determination by our Supreme Court of this matter.

Mr. Speaker, I yield back the balance of my time.

Mr. KLINE. Mr. Speaker, I yield myself such time as I may consume.

In closing, I would just say that we have heard some discussion today about policies of the United States Armed Forces for a long time. Since its inception, there have been special policies applied to our military, the ability to impose nonjudicial punishment, the ability to restrict entry by those who are too tall or too short, the ability to order its members away from home and into combat and into harm's way. But the discussion today is not about those policies and should not be about those policies. The discussion today is about keeping our military, keeping our Armed Forces, the best trained, the best led, the best equipped in the world; and that means we need the ability to recruit the best and the brightest. This is about insisting that our military recruiters have equal access to America's universities and colleges.

I urge all of my colleagues to support this resolution.

Mr. DELAY. Mr. Speaker, issues like this one—first brought to our attention with a passion and eloquence only possible in a man like Jerry Solomon—provide our democracy a valuable service: They cut through the fog of spin and force us to tell the American people exactly where we stand.

Pure and simple, this bills says our armed services—the Army, Navy, Air Force, Marines, Coast Guard, and National Guard—should have the same right to recruit at colleges and universities who receive federal funding as any other group.

Every year, thousands upon thousands of businesses, industries, non-profit groups, and even other colleges recruit underclassmen to sign up to become investment bankers and computer engineers or environmental lawyers or medical students.

And yet, some colleges—principally the elitist and elite colleges—refuse to even allow military recruiters on their campuses.

Such policies are obnoxious in times of peace, but they are simply intolerable in times of war, and the equal access of our military recruiters to federally funded colleges and universities must be protected.

But that, Mr. Speaker, is the easy part.

The hard part is understanding why facilities and administrations of these colleges don't want military recruiters on their campuses.

Because, at bottom, their opposition to the presence of veterans at their schools is not about academic freedom, or civil liberties.

It's about them not liking the military, or the values our men and women in uniform represent.

It's about many of them preferring the company of people who blame the United States for 9/11—who compare the World Trade center victims to Nazis—to the company of a soldier or a sailor or an airman or a marine.

It's about academia feeling more sympathy for terrorists than for the women and children they murder.

It's about a fundamental misconception about the purpose of a university—the professors are there for the students, Mr. Speaker, and not the other way around.

That our military makes our academia possible, and not the other way around.

Indeed, the right of tenured academics to be publicly insufferable exists only because of the sacrifices of our service men and women.

The least they could offer in return is a booth in the field house on career day.

Of course, men and women who have dodged bullets and held dying comrades in their arms don't take seriously people who live by the glib professional code "publish or perish."

But those elite campuses, who claim to educate our nation's best and brightest, who claim to train our leaders of the future: how can we possibly not allow military recruiters to have the right to talk to such students?

What profession, if any in our entire society, needs the opportunity to recruit the sharpest and broadest minds of every generation more than our armed forces?

America's armed services have molded great men from all walks of life, and when given brilliant men and women, they have produced legends.

How can we let such minds pass through our top colleges without even the chance that they might bump into a veteran recruiter who could change their life?

America in the future no doubt will need its brilliant businessmen and lawyers and poets, but what good can such genius do without brilliant admirals and generals to protect them?

Mr. Speaker, it's a shame this issue was ever forced on us at all, but the vote on this bill will help to clarify exactly what we each mean when we say we support the troops.

We'll finally see who among us really believes the military deserves more than just lip service from those of us they protect.

Votes like this, after all, remind us of one of the great blessings of American democracy: that unlike college professors, congressmen don't have tenure.

Ms. MCKINNEY. Mr. Speaker, this bill is ludicrous on its face.

At a time when billboards, TV ads, radio spots, neighborhood recruiting offices, and slick brochures too numerous to count, flood our consciousness, this Sense of Congress resolution asserts that recruiting on college campuses is a necessary part of military recruitment.

According to this resolution, the Pentagon cares about cost-effectiveness; but the Pentagon has lost $2.3 trillion without explanation. It's been shameful in its award of no-bid contracts to insider corporations, and now, we're told that $9 billion of Iraq money has been "lost."

The thrust of this resolution is that it's cost effective and patriotic for the military to recruit on college campuses. Its supporters say that military recruiters ought to have the same access as businesses and corporations. But nowhere in this resolution is the one sure way to get good quality recruits ever mentioned. It's the tried and true way that businesses and corporations employ: they pay more.

In reality, the Pentagon already has access to every 18-year-old male in our country. This resolution is totally unnecessary, unwarranted, and completely fails to make a convincing case.

I urge a "no" vote on this resolution.

U.S. "LOSES" $9BN IN IRAQ

WASHINGTON.—The U.S. occupation authority in Iraq was unable to keep track of nearly $9bn it transferred to government ministries, which lacked financial controls, security, communications and adequate staff, an inspector general has found.

The U.S. officials relied on Iraqi audit agencies to account for the funds but those offices were not even functioning when the funds were transferred between October 2003 and June 2004, according to an audit by a special US inspector general.

The findings were released on Sunday by Stuart Bowen, special inspector general for Iraq reconstruction.

The official who led the CPA, L Paul Bremer III, submitted a blistering, written reply to the findings, saying the report had "many misconceptions and inaccuracies," and lacked professional judgment.

Bremer complained the report "assumes that western-style budgeting and accounting procedures could be immediately and fully implemented in the midst of a war".

The inspector general said the occupying agency disbursed $8.8bn to Iraqi ministries "without assurance the monies were properly accounted for".

U.S. officials, the report said, "did not establish or implement sufficient managerial, financial and contractual controls." There was no way to verify that the money was used for its intended purposes of financing humanitarian needs, economic reconstruction, repair of facilities, disarmament and civil administration.

Pentagon spokesperson Bryan Whitman said on Sunday the authority was hamstrung by "extraordinary conditions" under which it worked throughout it mission.

"We simply disagree with the audit's conclusion that the CPA provided less than adequate controls," Whitman said.

Turning over the money "was in keeping with the CPA's responsibility to transfer these funds and administrative responsibilities to the Iraqi ministries as an essential part of restoring Iraqi governance".

The inspector general cited an International Monetary Fund assessment in October, 2003 on the poor state of Iraqi government offices. The assessment found ministries suffered from staff shortages, poor security, disruptions in communications, damage and looting of government buildings, and lack of financial policies.

CPA staff learned that 8,206 guards were on the payroll at one ministry, but only 602 could be accounted for, the report said. At another ministry, U.S. officials found 1,417 guards on the payroll but could only confirm 642.

When staff members of the U.S. occupation government recommended that payrolls be verified before salary payments, CPA financial officials stated the CPA would rather overpay salaries than risk not paying employees and inciting violence," the inspector general said.

The inspector general's report rejected Bremer's criticism. It concluded that despite the war, "We believe the CPA management of Iraq's national budget process and oversight of Iraqi funds was burdened by severe inefficiencies and poor management."

OH, NO—PENTAGON LOSES $2.3 TRILLION

(By Uri Dowbenko)

FEBRUARY 17, 2002.—The Pentagon is still the home of the highest grossing fraud on Planet Earth—fraud so lucrative that even the September 11 incident would not disturb the insider-criminals.

According to a CBS News story, the U.S. Department of Defense cannot account for $2.3 trillion of taxpayer money. [For that story, go to: <http://www.cbsnews.com/stories/2002/01/29/eveningnews/printable325985.shtml>]

On September 10, 2001, Secretary of Defense Donald Rumsfeld promised change, but the next day the World Trade Center was destroyed. Shortly thereafter, the new phony war on terrorism was inaugurated. It was another great reason for more military fraud, which would exceed all previous projections and expectations. Rumsfeld's promises of "reform" were quickly forgotten.

Today, despite the fact that Congress has not declared war against any enemy, Bush Administration rhetoric has produced a new "war on terrorism," which has gobbled up more than $1 billion to date.

In fact, it could be said that the September 11 Incident was like the proverbial manna from heaven for beleaguered defense contractors.

George W. Bush has promoted this new war fraud by asking Congress for a fresh $48 billion in new "defense" spending.

And in the Pentagon, large-scale military fraud continues apace.

Rumsfeld himself has said that "according to some estimates, we cannot track $2.3 trillion in transactions."

This amount of $2.3 trillion amounts to $8,000 for every man, woman and child in America.

Instead of blaming Pentagon accountants, however, the American people should understand that privately held firms, which have federal contracts for so-called accounting and computer systems (which coincidentally never seem to work) are the real culprits. The liability for government fraud begins and ends with these private contractors. These "Beltway Bandits" with insider government connections are the most blatant unindicted white-collar criminals to date.

Public money is most likely siphoned out through companies like DynCorp, AMS, and Lockheed Martin, which control the bookkeeping for federal agencies, where fraud is rampant, unchecked and very lucrative for corporate and government insiders.

The fraud is so egregious, in fact, that the sovereignty of the nation itself can be questioned when bogus accounting systems can mask the revenue streams and expenditures of federal agencies to such an extent.

Government? What government? Like parasites which have overwhelmed the host, corrupt private contractors who control federal accounting and computer systems (as well as their bureaucratic cohorts in crime) have decimated U.S. Government agencies into a state resembling bankruptcy.

The usual suspects are a literal handful of federal contracting firms with lucrative insider deals that have become outrageously brazen in their schemes of fraud.

The amount of taxpayer monies they have stolen is mind-boggling.

Consider these facts:

1. The Department of Defense (DoD) "lost" $1.1 trillion in Fiscal Year 2000 and $2.3 trillion in Fiscal Year 1999.

2. The racketeers in the Pentagon refuse to publish audited financial statements, yet are asking for more taxpayer money to fund fraudulent missile systems and other sweetheart deals for their pals in the infamous Military-industrial-Medical Complex.

3. The Department of Housing and Urban Development (HUD) "lost" $59 billion in Fiscal Year 1999 and refuses to disclose what it "lost" in Fiscal Year 2000.

4. The Internal Revenue Service (IRS) has arranged contract kickbacks to its commissioner Charles O. Rossotti through so-called "ethical waivers" on his stock held in American Management Services (AMS), a federal contracting firm he founded and which currently holds contracts with many federal agencies including the IRS.

5. Former Pentagon insider Herbert S. "Pug" Winokur is a kingpin in failed energy giant Enron (he's on the board of directors), as well as Harvard University, whose Highfields Capital shorted Enron stock while it was a major shareholder, as well as the notorious DynCorp, which rakes in asset forfeiture funds in the United States, has lucrative mercenary contracts in Colombia in the bogus War on Drugs, and whose other mercenary personnel are alleged to participate in the prostitution of teenage girls as part of its "peacekeeping" mission in Bosnia.

Yikes. So what are we going to do?

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise in support of our Armed Forces and in support of this nation's continued efforts to give it the additional strength and stability it needs to keep our men and women safe. The members of this House have joined their constituents in mourning the loss of life and injuries sustained in the course of America's war and subsequent occupation of Iraq for two years.

Since the beginning of the Iraq war in March 2003, 1,423 members of the U.S. military have died, which includes 1,084 as a result of hostile action and 333 of non-hostile causes. Furthermore, my District of Houston has experienced two deaths already since January; six deaths in 2004; five in 2003; and numerous injuries over the course of the nation's engagement.

No doubt, Mr. Speaker, I fully support the Armed Services. In the spirit of achieving the goal of attracting the best and brightest candidates for service, I join my colleague from California in advocating this legislation. However, we must support our troops in accordance with the U.S. Constitution and with respect for civil rights and fundamental freedoms that are the rubric of this nation.

When the House debated H.R. 3966, which would allow for the denial of federal funds for educational institutions unless military recruiters are provided access to the campuses of these institutions, I voted "yes" on passage of the measure with the understanding that no Constitutional contravention would result from its implementation.

The resolution that is before the House today, however, is controversial because the final disposition of underlying federal jurisprudence could play a major role clarifying the way we apply Constitutional principles to an act of Congress. The holding in Forum for Academic and Institutional Rights v. Rumsfeld tells us that we must be very careful in the way we regulate society so as not to violate fundamental rights. (390 F.3d 219 (3rd Cir. 2004)).

So, Mr. Speaker, I do support the intent of this legislation because I honor the men and women who serve in our Armed Services and who sacrifice their lives for us. However, I also support the upholding of the United States Constitution and the respect for jurisprudence, and I believe it seriously damages our commitment to the three branches of government to encourage the interference with judicial decisions before a final rendering of a final review by the U.S. Supreme Court.

Mr. FARR. Mr. Speaker, I come to the floor today in strong opposition to H. Con. Res. 36.

It is a standard practice for institutions of higher learning to include a non-discrimination policy as part of their mission. These policies affirm that they do not tolerate discrimination on any number of issues: race, sex, religion, age, disability, social class, and sexual orientation. These non-discrimination policies were created so that all people in our country have the opportunity to be an equal and respected member of higher education communities.

Unfortunately the military has established a discriminatory policy, Don't Ask Don't Tell. This policy unfairly excludes homosexuals from military service on the basis of their sexual orientation alone. For example, numerous military linguists who are critically needed in the Global War on Terrorism have been discharged under Don't Ask Don't Tell. Supporters of H. Con. Res. 36 say that denying military recruiters access to college campuses is a national security threat, but they are completely missing the big picture. The real national security threat is the Don't Ask Don't Tell policy that forces our military to discharge gay servicemen and servicewomen regardless of their job performance.

I strongly believe that the non-discrimination policies of colleges and universities should be respected and I urge my colleagues to vote against this resolution.

Mr. KLINE. Mr. Speaker, I yield back the balance of my time.

☐ 1400

The SPEAKER pro tempore (Mr. SHIMKUS). All time for debate has expired.

Pursuant to House Resolution 59, the concurrent resolution is considered read and the previous question is ordered on the concurrent resolution and on the preamble.

The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. KLINE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, this 15-minute vote on agreeing to House concurrent resolution 36 will be followed by 5-minute votes on the motion to suspend the rules and agree to House Resolution 56; the motion to suspend the rules and agree to House Resolution 57; and agreeing to House Resolution 60.

The vote was taken by electronic device, and there were—yeas 327, nays 84, not voting 22, as follows:

[Roll No. 16]

YEAS—327

Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Berkley
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp

Cannon
Cantor
Capito
Cardin
Cardoza
Carnahan
Carter
Case
Castle
Chabot
Chandler
Chocola
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emerson
English (PA)
Etheridge
Evans
Everett
Feeney
Ferguson
Fitzpatrick (PA)
Flake
Foley
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Gutknecht
Hall
Harman
Harris
Hart
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lowey
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meek (FL)
Melancon
Menendez
Mica
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Moore (KS)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Napolitano
Neugebauer
Ney
Norwood
Nunes
Nussle
Ortiz
Osborne
Otter
Oxley
Paul
Pearce
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Salazar
Sanchez, Loretta
Saxton
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (TX)
Smith (WA)
Snyder
Sodrel
Souder
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Van Hollen
Visclosky
Walden (OR)
Walsh
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

NAYS—84

Abercrombie
Ackerman
Allen
Baldwin
Becerra
Berman
Blumenauer
Brady (PA)
Brown (OH)
Capps
Capuano
Clay
Conyers
Crowley
Cummings
Davis (IL)
DeGette
Delahunt
DeLauro
Emanuel
Engel
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Johnson, E. B.
Kilpatrick (MI)
Kucinich
Lee
Levin
Lewis (GA)
Lofgren, Zoe
Lynch
Maloney
Markey
McDermott
McGovern
McKinney
Meehan
Meeks (NY)
Michaud
Miller, George
Mollohan
Nadler
Neal (MA)
Oberstar
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Rahall
Rangel
Roybal-Allard
Sabo
Sánchez, Linda T.
Sanders
Schakowsky
Scott (VA)
Serrano
Solis
Stark
Thompson (CA)
Tierney
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Wexler
Woolsey

NOT VOTING—22

Bilirakis
Brown, Corrine
Carson
Diaz-Balart, M.
Dingell
Eshoo
Ford
Green, Gene
Hyde
Moore (WI)
Moran (KS)
Northup
Obey
Rothman
Royce
Rush
Smith (NJ)
Spratt
Stupak
Towns
Udall (NM)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1424

Mr. RAHALL, Mr. MEEKS of New York, Mr. ABERCROMBIE and Mr. MEEHAN changed their vote from "yea" to "nay."

Mr. DICKS and Mr. HAYES changed their vote from "nay" to "yea."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Ms. CARSON of Indiana. Mr. Speaker, on rollcall No. 16, my card didn't register while I was on the floor. Had I been present, I would have voted "no."

Ms. MOORE of Wisconsin. Mr. Speaker, on rollcall No. 16, had I been present, I would have voted "no."

COMMENDING PALESTINIAN PEOPLE FOR HOLDING FREE AND FAIR PRESIDENTIAL ELECTION

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 56.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Florida (Ms. ROS-LEHTINEN) that the House suspend the rules and agree to the resolution, H. Res. 56, on which the yeas and nays are ordered.

Pursuant to clause 8 of rule XX, the remainder of this series of votes will be conducted as 5-minute votes.

The vote was taken by electronic device, and there were—yeas 415, nays 1, not voting 17, as follows:

[Roll No. 17]

YEAS—415

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McKinney
McMorris

McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—17

Allen
Bilirakis
Brady (TX)
Brown, Corrine
Diaz-Balart, M.
Dingell
Eshoo
Green, Gene
Hyde
Moran (KS)
Northup
Rothman
Rush
Stupak
Towns
Udall (NM)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1434

Ms. BERKLEY changed her vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. BRADY of Texas. Mr. Speaker, on rollcall vote No. 17, I was inadvertently detained. Had I been present, I would have voted "yea."

URGING THE EUROPEAN UNION TO MAINTAIN ITS ARMS EMBARGO ON THE PEOPLE'S REPUBLIC OF CHINA

The SPEAKER pro tempore (Mr. SHIMKUS). The pending business is the question of suspending the rules and agreeing to the resolution, H. Res. 57.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. GALLEGLY) that the House suspend the rules and agree to the resolution, H. Res. 57, on which the yeas and nays are ordered.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 411, nays 3, not voting 19, as follows:

[Roll No. 18]

YEAS—411

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kelly
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Obey
Olver
Ortiz
Osborne
Otter
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stark
Stearns
Strickland
Sullivan
Sweeney
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—3

McKinney
Oberstar
Paul

NOT VOTING—19

Bilirakis
Brown, Corrine
Davis (KY)
Diaz-Balart, M.
Dingell
Eshoo
Green, Gene
Hyde
Manzullo
Moran (KS)
Northup
Rogers (MI)
Rothman
Rush
Stupak
Tiahrt
Towns
Udall (NM)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1442

So (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. TIAHRT. Mr. Speaker, on rollcall vote No. 18, I was inadvertently detained. Had I been present, I would have voted "yea."

Mr. ROGERS of Michigan. Mr. Speaker, on rollcall vote No. 18, I was unavoidably detained. Had I been present, I would have voted "yea."

Mr. DAVIS of Kentucky. Mr. Speaker, on rollcall vote No. 18, I was unable to cast my vote. Had I been able to vote, I would have voted "yea."

RELATING TO FREE ELECTION IN IRAQ HELD ON JANUARY 30, 2005

The SPEAKER pro tempore. The pending business is the question of agreeing to the resolution, House Resolution 60, on which the yeas-and-nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 404, nays 9, answered "present" 3, not voting 18, as follows:

[Roll No. 19]

YEAS—404

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Andrews
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bass
Bean
Beauprez
Becerra
Berkley
Berman
Berry
Biggert
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd
Bradley (NH)
Brady (PA)
Brady (TX)
Brown (OH)
Brown (SC)
Brown-Waite, Ginny
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp
Cannon
Cantor
Capito
Capps
Capuano
Cardin
Cardoza
Carnahan
Carson
Carter
Case
Castle
Chabot
Chandler
Chocola
Clay
Cleaver
Clyburn
Coble
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Cox
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Cunningham
Davis (AL)
Davis (CA)
Davis (FL)
Davis (IL)
Davis (KY)
Davis (TN)
Davis, Jo Ann
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dent
Diaz-Balart, L.
Dicks
Doggett
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Emanuel
Emerson
Engel
English (PA)
Etheridge
Evans
Everett
Farr
Fattah
Feeney
Ferguson
Filner
Fitzpatrick (PA)
Flake
Foley
Forbes
Ford
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gibbons
Gilchrest
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Granger
Graves
Green (WI)
Green, Al
Grijalva
Gutierrez
Gutknecht
Hall
Harman
Harris
Hart
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hensarling
Herger
Herseth
Higgins
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Holt
Honda
Hooley
Hostettler
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
Jindal
Johnson (CT)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Keller
Kennedy (MN)
Kennedy (RI)
Kildee
Kilpatrick (MI)
Kind
King (IA)
King (NY)
Kingston
Kirk
Kline
Knollenberg
Kolbe
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Maloney
Manzullo
Marchant
Markey
Marshall
Matheson
McCarthy
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Menendez
Mica
Michaud
Millender-McDonald
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Ney
Norwood
Nunes
Nussle
Oberstar
Obey
Olver
Ortiz
Osborne
Otter
Oxley
Pallone
Pascrell
Pastor
Pearce
Pelosi
Pence
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pombo
Pomeroy
Porter
Portman
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Ryun (KS)
Sabo
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sanders
Saxton
Schakowsky
Schiff
Schwartz (PA)
Schwarz (MI)
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shuster
Simmons
Simpson
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Sodrel
Solis
Souder
Spratt
Stearns
Strickland
Sullivan
Tancredo
Tanner
Tauscher
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh
Wamp
Wasserman Schultz
Watt
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Wu
Wynn
Young (AK)
Young (FL)

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Kucinich
Lee
McDermott
McKinney
Paul
Stark
Waters
Watson
Woolsey

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Lewis (GA)
Owens
Payne

NOT VOTING—18

Bilirakis
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Diaz-Balart, M.
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Eshoo
Gordon
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Hyde
Kelly
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Rothman
Rush
Stupak
Sweeney
Towns
Udall (NM)
Weldon (PA)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1452

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, due to a death in my family, I was unable to participate in today's votes. Had I been present, I would have voted "yea" on all four of today's recorded votes.

PERSONAL EXPLANATION

Mr. HYDE. Mr. Speaker, on the afternoon of February 1 and February 2, 2005, I was absent for several votes and regret missing them. Had I been present, I would have voted: Vote No. 14, Honoring the contributions of Catholic Schools—"yea"; No. 15, Dalip Singh Saund Post Office Building Designation—"yea"; No. 16, Expressing the continued support of Congress for equal access of military recruiters to institutions of higher education—"yea"; No. 17, Commending the Palestinian people for conducting a free and fair presidential election—"yea"; No. 18, Expressing the strong concern of the House of Representatives that the European Union may end its embargo against the Peoples Republic of China—"yea"; and No. 19, Relating to the free election in Iraq held on January 30, 2005—"yea."

GENERAL LEAVE

Mr. KLINE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on House Concurrent Resolution 36, previously passed in this series of votes.

The SPEAKER pro tempore (Mr. SHIMKUS). Is there objection to the request of the gentleman from Minnesota?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader the schedule for the week to come.

Mr. DELAY. Mr. Speaker, will the gentleman yield?

Mr. HOYER. Mr. Speaker, I would be pleased to yield to my friend, the gentleman from Texas, the majority leader, for the purposes of informing us of the schedule.

Mr. DELAY. Mr. Speaker, I thank the distinguished whip, the gentleman from Maryland, for yielding to me.

Mr. Speaker, the House will convene on Tuesday at 2 p.m. for legislative business. We will consider several measures under suspension of the rules. A final list of those bills will be sent to Members' offices by the end of the week. Any votes called on those measures will be rolled until 6:30 p.m.

On Wednesday and Thursday, the House will convene at 10 a.m. We likely will consider additional legislation under suspension of the rules, as well as H.R. 418, the Real ID Act of 2005.

Finally, I would like to remind Members that we do not plan, do not plan, to have votes next Friday, February 11.

And I thank the gentleman for yielding to me, and I would be happy to answer any questions he may have.

Mr. HOYER. Mr. Speaker, reclaiming my time, I thank the gentleman for the schedule.

With reference to the Real ID bill, Mr. Leader, can you tell us at this point in time the type of rule that that will be considered under; and, in particular, what amendments, not necessarily specific amendments, but whether amendments will be allowed, motions to recommit, and items of that nature.

Mr. DELAY. Mr. Speaker, if the gentleman will continue to yield, I would assume that the Committee on Rules would follow a process similar to the one that they followed for the rest of the 9/11 Commission's recommendations, and that is to have a structured rule that allows for a variety of amendments. But I will let the chairman of the Committee on Rules make announcements on that and reserve decisions for the committee on what those amendments will be.

I can tell the gentleman that we are contemplating, although actions by the Committee on Rules will need to be taken, contemplating a rule that would merge the border security bill into another bill, another must-pass piece of legislation, not knowing what that would be. But, obviously, the supplement could be a candidate for that.

Mr. HOYER. Mr. Speaker, reclaiming my time once again, I presume the gentleman is talking about merged at some later date. Obviously, the must-pass bill would not be available next week. Am I correct?

Mr. DELAY. That is correct.

Mr. HOYER. So the gentleman is talking about merging it at some time in the future after passage?

Mr. DELAY. That is correct.

Mr. HOYER. Mr. Leader, with respect to the energy bill, it is my understanding that there is some discussion that the energy bill may proceed not next week but the week following. Can you tell me whether that is a reasonable possibility, or probability?

Mr. DELAY. We are contemplating several major pieces of legislation that we would hope to complete before the Easter break, and we are also contemplating several bills that we contemplate completing prior to the Presidents' Day district work period.

The comprehensive energy bill, which we passed in the last Congress and in the 107th Congress, is a very high priority for this year. There is a good chance that we could consider a national energy policy bill before the Presidents' Day district work period.

Mr. HOYER. Mr. Leader, I might say that I think all of us understand the importance of energy legislation. All of us understand the necessity to become energy independent. I would suggest, in that framework, that I think personally that we can pass an energy bill. Obviously, there are some items that are in the energy bill or that are proposed for the energy bill that have significant opposition on one side of the aisle or the other.

I would hope, Mr. Leader, if we could, in working with the various committee Chairs, and I suppose most primarily the gentleman from Texas (Mr. BARTON) and the gentleman from Michigan (Mr. DINGELL) in this respect, to come to as bipartisan an agreement on the substance of that bill so that we could see it not just pass through the House of Representatives, which may be interesting in terms of the political claim that we passed it, but which does nothing for our energy independence, which is, I think, our objective.

So I would hope that we could deal with this in as bipartisan a fashion as possible so that when we send it to the other body that we may have more success there, more success out of conference, and send a bill to the President that will facilitate both energy independence and the effective and efficient discovery, development, and delivery at retail to the consumer of energy options. I do not know whether you want to say anything.

Mr. DELAY. Well, Mr. Speaker, if the gentleman will continue to yield, I would just say that the gentleman is right. We will try our best to reach out and make this bill as bipartisan as possible.

I would just remind the gentleman that this bill, this energy package, has passed, I cannot recall every time, but many times in the last Congress; and it even passed this House as a conference report. Each time that the energy bill has gone through this House, whether it be the House bill or in the conference report, it has enjoyed a very large Democrat vote.

So, yes, I would hope that the chairmen of the respective committees that have a piece of this bill, and I would also remind the gentleman that the Committee on Ways and Means has a very big piece of this bill, would reach out to their ranking members and work to put together as bipartisan a bill as possible.

Mr. HOYER. Mr. Speaker, I thank the gentleman for referencing the Committee on Ways and Means, but I certainly agree with him that having the gentleman from California (Mr. THOMAS) and the gentleman from New York (Mr. RANGEL) work closely together, and perhaps their respective Chairs of the subcommittees that might deal with that work together, would be very, very useful to accomplishing an objective as opposed to simply passing a bill that then languishes in the Congress and never gets to the President.

If, in fact, we consider that, and it sounds to me like we certainly do not have enough information to determine whether or not the week after next the energy bill might be on the floor, but if and when it comes to the floor, Mr. Leader, would you contemplate the possibility of having an open rule on that piece of legislation, given its importance and scope?

I am happy to yield to the gentleman for a response, Mr. Speaker.

Mr. DELAY. I appreciate the gentleman yielding to me, Mr. Speaker.

We have not discussed any rule. Actually, we are discussing with the relevant committee chairmen whether we can get it that quickly or not. But I would imagine that the Committee on Rules would have the same sort of rule that we have had on this bill for the last couple of years. So I would not see anything changing.

Mr. HOYER. Mr. Speaker, I would hope on that bill, because of its great importance to the security of the Nation and to all of our consumers of energy, which is to say all of us, that we would have as broad a consideration of it as possible so that we could get everybody's ideas put on the floor, voted up or down, and move the bill with as big a consensus as we can accomplish.

Mr. Speaker, I thank the majority leader.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. DELAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

CONDITIONAL ADJOURNMENT TO FRIDAY, FEBRUARY 4, 2005

Mr. DELAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Friday, February 4, 2005, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 39, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

□ 1500

SOCIAL SECURITY TELE-SCARE TACTICS

(Mrs. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. GINNY BROWN-WAITE of Florida. Mr. Speaker, I have repeatedly stated I will oppose any cut in Social Security benefits to retirees or near retirees. However, many groups are using this debate to once again bully Americans. The most recent examples are the telephone scare calls that were made anonymously throughout Florida that began actually in my congressional district. Why my district? Because I have the highest number of people on Social Security. These people who hide behind anonymity have no courage. It reminds me of the Wizard of Oz and hiding behind the great curtain.

The bottom line is, under the bill that I introduced, H.R. 266, it will stop any proposal to reduce benefits dead in its track. I recommit my promise in that bill that I introduced, H.R. 266, the Social Security Protection Act. Congress would not even be able to consider a bill that reduces benefits to retirees.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. SHIMKUS). The Chair desires to make an announcement.

After consultation with the majority and minority leaders, and with their consent and approval, the Chair announces that tonight when the two Houses meet in joint session to hear an address by the President of the United States, only the doors immediately opposite the Speaker and those on his left and right will be open.

No one will be allowed on the floor of the House who does not have the privilege of the floor of the House.

Due to the large attendance that is anticipated, the Chair feels that the rule regarding the privilege of the floor must be strictly adhered to.

Children of Members will not be permitted on the floor, and the cooperation of all Members is requested.

The practice of reserving seats prior to the joint session by placard will not be allowed. Members may reserve their seats by physical presence only following the security sweep of the Chamber.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will now recognize Members for special orders not beyond 5 p.m., at which time the Chair will declare the House in recess.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

EXCHANGE OF SPECIAL ORDER TIME

Mr. FILNER. Mr. Speaker, I ask unanimous consent to claim the time of the gentleman from Oregon (Mr. DEFAZIO).

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

GRANT EQUITY TO FILIPINO WORLD WAR II VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. FILNER) is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, as a member of the House of Representatives Committee on Veterans Affairs, I rise to urge my colleagues to support the gentleman from California (Mr. CUNNINGHAM) and myself who have reintroduced H.R. 302, the Filipino Veterans Equity Act. This bill addresses a 60-year-old injustice which has cut to the heart of each and every Filipino American in this Nation and which was acknowledged in the last congressional session by over 200 cosponsoring Members of Congress, many veterans service organizations, religious organizations and many State and local officials in addition.

Sixty years ago, Filipino soldiers living in the Philippines, which was a territory of the United States, were drafted into service during World War II by an executive order of President Franklin D. Roosevelt. Under the command of General Douglas MacArthur, Filipino soldiers fought side by side with forces from the United States mainland, defending the American flag in the now-famous battles of Bataan and Corrigidor.

Thousands of Filipino prisoners of war died, both on the Bataan Death March and in prisoner of war camps, at the rate of 50 to 200 a day. They endured 4 long years of occupation by the Japanese. The soldiers fortunate enough to escape capture, together with other Filipino citizens, fought guerilla war against the occupation forces. These guerilla attacks foiled the plans of the Japanese for a quick takeover of the region and allowed the United States the needed time to regroup to defeat the invading army.

After the liberation of the Philippines, the United States used the strategically located Commonwealth of the Philippines as a base from which to launch the final efforts to win the war in the Pacific.

With their vital participation so evident, one would assume that the United States would be grateful to their Filipino comrades, so it is hard to believe that soon after the war ended Congress voted in the 1946 Rescissions Act to take away the benefits and recognition that many Filipino World War II veterans were promised.

These veterans are now in their eighties and in need of health care. Many are dying each year. Their last wish is to be recognized as honored veterans of the United States Armed Forces. Please support H.R. 302 to restore the rescinded benefits to Filipino World War II veterans, many of whom have now become citizens of the United States. Please cosponsor H.R. 302 to restore the dignity of Filipino World War II veterans for their defense of our common democratic ideals.

SMART SECURITY AND THE CASE FOR LEAVING IRAQ, PART 4

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, first, I want to congratulate the courageous Iraqi people who participated in last Sunday's election to nominate legislators to write Iraq's Constitution.

My congressional district gets it when it comes to the importance of elections to our democracy. In November's Presidential election, a record 89.5 percent of registered voters in Marin and Sonoma Counties turned out to vote.

The problem is that irresponsible behavior has been a guiding principle of the administration's behavior in leading the Nation to war in Iraq. This has been a dishonest war from the word go. The President said he had heard evidence of weapons of mass destruction in Iraq, yet to date no weapons of mass destruction have been found. President Bush himself has officially called off the hunt for weapons of mass destruction.

The Iraq invasion has made the Middle East a more violent and unstable place, and it has made America less secure at home by creating a terrorist breeding ground in a country that was not a haven for terrorist organizations like al Qaeda before we invaded it. The sad irony is that after our Nation was attacked on 9/11 by al Qaeda, the Bush administration's response was to bomb and kill civilians in one of the few countries in the Middle East that was inhospitable to al Qaeda.

Mr. Speaker, there is no justice in an operation based purely on ideological reasons, reasons that caused the deaths of more than 1,400 Americans and untold thousands of Iraqis, not to mention well more than 10,000 American troops injured and very, very severely wounded.

So now that Iraq's elections are completed, we in the United States must ensure that the people of Iraq control their own affairs as Iraq transitions toward democracy. In fact, Sunday's election in Iraq gives the United States yet another opportunity to get back on track in Iraq. We can do this by supporting the Iraqi people, not through our military but through international cooperation to help rebuild Iraq's economic and physical infrastructure. We owe this to the people of Iraq, people who are being killed by the thousands, and to our troops who are sitting ducks for terrorists.

Last week, I introduced H. Con. Res. 35 with 24 original cosponsors, legislation that will help secure Iraq for the future and ensure that America's role in Iraq actually does make America safer. My plan for Iraq is part of a larger, smarter security strategy, which is a sensible multilateral, American response to terrorism that will ensure America's security by relying on smarter policies.

The withdrawal plan I have proposed includes four major components.

First, develop and implement a plan to begin the immediate withdrawal of U.S. troops from Iraq. The soldiers who have died in Iraq leave behind grieving loved ones whose lives will never be the same because of the war in Iraq. The best way to support our troops is to remove them from harm's way.

Second, develop and implement a plan for the reconstruction of Iraq's civil and economic infrastructure. The United States has a moral responsibility to clean up the mess we made in Iraq, but that responsibility needs to be fulfilled not by our military but by humanitarian groups and companies that will help rebuild Iraq's infrastructure, and not through no-bid contracts to companies like Halliburton and Bechtel.

Third, convene an emergency meeting of leadership, Iraq's neighbors, the United Nations, and the Arab League to create an international peacekeeping force in Iraq and to replace U.S. military forces with Iraqi police and National Guard forces to ensure Iraq's security.

Iraq's security problems are still the most serious cause for concern in the country, and Iraq requires an international peacekeeping force to address this problem, not the United States military. A peacekeeping force supported by Iraq's neighbors and the global community will provide real legitimacy to a conflict that has flown in the face of international law from its very beginning.

Fourth, take all steps to provide the Iraqi people with opportunity to control their internal affairs. The Iraqi people cannot truly control their own affairs until the United States military has ceded back authority to the Iraqi people. That is why it is essential for Iraq's police and National Guard forces to manage Iraq's security, not the United States military.

Mr. Speaker, let me be clear. We should not abandon Iraq. There is still a critical role for the United States in providing the developmental aid that can help create a robust civil society, build schools and water processing plants and ensure that Iraq's economic infrastructure becomes fully viable.

In the end, this is the smarter option and we must begin always taking the smarter path if we are to succeed in Iraq.

PUBLICATION OF THE RULES OF THE COMMITTEE ON ARMED SERVICES, 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. HUNTER) is recognized for 5 minutes.

Mr. HUNTER. Mr. Speaker, in accordance with clause 2 of rule XI of the Rules of the House of Representatives, I am submitting the Rules of the Committee on Armed Services for printing in the CONGRESSIONAL RECORD.

These rules were adopted on Wednesday, January 26, 2005 at a public meeting of the full committee, with a quorum being present.

RULES GOVERNING PROCEDURE OF THE COMMITTEE ON ARMED SERVICES

RULE 1. APPLICATION OF HOUSE RULES

The Rules of the House of Representatives are the rules of the Committee on Armed Services (hereinafter referred to in these rules as the "Committee") and its subcommittees so far as applicable.

RULE 2. FULL COMMITTEE MEETING DATE

(a) The Committee shall meet every Wednesday at 10:00 a.m., and at such other times as may be fixed by the chairman of the Committee (hereinafter referred to in these rules as the "Chairman"), or by written request of members of the Committee pursuant to clause 2(c) of rule XI of the Rules of the House of Representatives.

(b) A Wednesday meeting of the Committee may be dispensed with by the Chairman, but such action may be reversed by a written request of a majority of the members of the Committee.

RULE 3. SUBCOMMITTEE MEETING DATES

Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the Committee on all matters referred to it. Insofar as possible, meetings of the Committee and its subcommittees shall not conflict. A subcommittee chairman shall set meeting dates after consultation with the Chairman, the other subcommittee chairmen, and the ranking minority member of the subcommittee with a view toward avoiding simultaneous scheduling of committee and subcommittee meetings or hearings wherever possible.

RULE 4. SUBCOMMITTEES

Pursuant to the authority granted by Section 3(b), relating to Separate Orders, of H. Res. 5 as adopted by the House of Representatives on January 4, 2005, the Committee shall be organized to consist of six standing subcommittees with the following jurisdictions:

Subcommittee on Tactical Air and Land Forces: All Army and Air Force acquisition programs (except strategic weapons and lift programs, special operations and information technology accounts). In addition, the subcommittee will be responsible for all Navy and Marine Corps aviation programs, National Guard and Army and Air Force reserve modernization, and ammunition programs.

Subcommittee on Readiness: Military readiness, training, logistics and maintenance issues and programs. In addition, the subcommittee will be responsible for all military construction, installations and family housing issues, including the base closure process.

Subcommittee on Terrorism, Unconventional Threats and Capabilities: Department of Defense counter proliferation and counter terrorism programs and initiatives. In addition, the subcommittee will be responsible for Special Operations Forces, the Defense Advanced Research Projects Agency, information technology and programs, force protection policy and oversight, and related intelligence support.

Subcommittee on Military Personnel: Military personnel policy, reserve component integration and employment issues, military health care, military education and POW/MIA issues. In addition, the subcommittee will be responsible for Morale, Welfare and Recreation issues and programs.

Subcommittee on Strategic Forces: Strategic Forces (except deep strike systems), space programs, ballistic missile defense and Department of Energy national security programs (except non-proliferation programs).

Subcommittee on Projection Forces: Navy and Marine Corps programs (except strategic weapons, space, special operations and information technology programs), deep strike bombers and related systems, and strategic lift programs.

RULE 5. COMMITTEE PANELS

(a) The Chairman may designate a panel of the Committee consisting of members of the Committee to inquire into and take testimony on a matter or matters that fall within the jurisdiction of more than one subcommittee and to report to the Committee.

(b) No panel so appointed shall continue in existence for more than six months. A panel so appointed may, upon the expiration of six months, be reappointed by the Chairman.

(c) No panel so appointed shall have legislative jurisdiction.

RULE 6. REFERENCE AND CONSIDERATION OF LEGISLATION

(a) The Chairman shall refer legislation and other matters to the appropriate subcommittee or to the full Committee.

(b) Legislation shall be taken up for a hearing or markup only when called by the Chairman of the Committee or subcommittee, as appropriate, or by a majority of those present and voting.

(c) The Chairman, with approval of a majority vote of a quorum of the Committee, shall have authority to discharge a subcommittee from consideration of any measure or matter referred thereto and have such measure or matter considered by the Committee.

(d) Reports and recommendations of a subcommittee may not be considered by the Committee until after the intervention of three calendar days from the time the report is approved by the subcommittee and available to the members of the Committee, except that this rule may be waived by a majority vote of a quorum of the Committee.

RULE 7. PUBLIC ANNOUNCEMENT OF HEARINGS AND MEETINGS

Pursuant to clause 2(g)(3) of rule XI of the Rules of the House of Representatives, the Chairman of the Committee or of any subcommittee or panel shall make public announcement of the date, place, and subject matter of any committee or subcommittee hearing at least one week before the commencement of the hearing. However, if the Chairman of the Committee or of any subcommittee or panel, with the concurrence of the respective ranking minority member of the Committee, subcommittee or panel, determines that there is good cause to begin the hearing sooner, or if the Committee, subcommittee or panel so determines by majority vote, a quorum being present for the transaction of business, such chairman shall make the announcement at the earliest possible date. Any announcement made under this rule shall be promptly published in the Daily Digest, promptly entered into the committee scheduling service of the House Information Resources, and promptly posted to the internet web page maintained by the Committee.

RULE 8. BROADCASTING OF COMMITTEE HEARINGS AND MEETINGS

Clause 4 of rule XI of the Rules of the House of Representatives shall apply to the Committee.

RULE 9. MEETINGS AND HEARINGS OPEN TO THE PUBLIC

(a) Each hearing and meeting for the transaction of business, including the markup of legislation, conducted by the Committee or a subcommittee shall be open to the public except when the Committee or subcommittee, in open session and with a majority being present, determines by record vote that all or part of the remainder of that hearing or meeting on that day shall be in executive session because disclosure of testimony, evidence, or other matters to be considered would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. Notwithstanding the requirements of the preceding sentence, a majority of those present, there being in attendance no fewer than two members of the Committee or subcommittee, may vote to close a hearing or meeting for the sole purpose of discussing whether testimony or evidence to be received would endanger the national security, would compromise sensitive law enforcement information, or would violate any law or rule of the House of Representatives. If the decision is to proceed in executive session, the vote must be by record vote and in open session, a majority of the Committee or subcommittee being present.

(b) Whenever it is asserted by a member of the committee that the evidence or testimony at a hearing may tend to defame, degrade, or incriminate any person, or it is asserted by a witness that the evidence or testimony that the witness would give at a hearing may tend to defame, degrade, or incriminate the witness, notwithstanding the requirements of (a) and the provisions of clause 2(g)(2) of rule XI of the Rules of the House of Representatives, such evidence or testimony shall be presented in executive session, if by a majority vote of those present, there being in attendance no fewer than two members of the Committee or subcommittee, the Committee or subcommittee determines that such evidence may tend to defame, degrade or incriminate any person. A majority of those present, there being in attendance no fewer than two members of the Committee or subcommittee, may also vote to close the hearing or meeting for the sole purpose of discussing whether evidence or testimony to be received would tend to defame, degrade or incriminate any person. The Committee or subcommittee shall proceed to receive such testimony in open session only if the Committee or subcommittee, a majority being present, determines that such evidence or testimony will not tend to defame, degrade or incriminate any person.

(c) Notwithstanding the foregoing, and with the approval of the Chairman, each member of the Committee may designate by letter to the Chairman, a member of that member's personal staff with Top Secret security clearance to attend hearings of the Committee, or that member's subcommittee(s) (excluding briefings or meetings held under the provisions of committee rule 9(a)), which have been closed under the provisions of rule 9(a) above for national security purposes for the taking of testimony. The attendance of such a staff member at such hearings is subject to the approval of the Committee or subcommittee as dictated by national security requirements at that time. The attainment of any required security clearances is the responsibility of individual members of the Committee.

(d) Pursuant to clause 2(g)(2) of rule XI of the Rules of the House of Representatives, no Member, Delegate, or Resident Commissioner may be excluded from nonparticipatory attendance at any hearing of the Committee or a subcommittee, unless the House of Representatives shall by majority vote authorize the Committee or subcommittee, for purposes of a particular series of hearings on a particular article of legislation or on a particular subject of investigation, to close its hearings to Members, Delegates, and the Resident Commissioner by the same procedures designated in this rule for closing hearings to the public.

(e) The Committee or the subcommittee may vote, by the same procedure, to meet in executive session for up to five additional consecutive days of hearings.

RULE 10. QUORUM

(a) For purposes of taking testimony and receiving evidence, two members shall constitute a quorum.

(b) One-third of the members of the Committee or subcommittee shall constitute a quorum for taking any action, with the following exceptions, in which case a majority of the Committee or subcommittee shall constitute a quorum:

(1) Reporting a measure or recommendation;

(2) Closing committee or subcommittee meetings and hearings to the public;

(3) Authorizing the issuance of subpoenas;

(4) Authorizing the use of executive session material; and

(5) Voting to proceed in open session after voting to close to discuss whether evidence or testimony to be received would tend to defame, degrade, or incriminate any person.

(c) No measure or recommendation shall be reported to the House of Representatives unless a majority of the Committee is actually present.

RULE 11. THE FIVE-MINUTE RULE

(a) The time any one member may address the Committee or subcommittee on any measure or matter under consideration shall not exceed five minutes and then only when the member has been recognized by the Chairman or subcommittee chairman, as appropriate, except that this time limit may be exceeded by unanimous consent. Any member, upon request, shall be recognized for not to exceed five minutes to address the Committee or subcommittee on behalf of an amendment which the member has offered to any pending bill or resolution. The five-minute limitation shall not apply to the Chairman and ranking minority member of the Committee or subcommittee.

(b) Members present at a hearing of the Committee or subcommittee when a hearing is originally convened shall be recognized by the Chairman or subcommittee chairman, as appropriate, in order of seniority. Those members arriving subsequently shall be recognized in order of their arrival. Notwithstanding the foregoing, the Chairman and the ranking minority member will take precedence upon their arrival. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of either party.

(c) No person other than a Member, Delegate, or Resident Commissioner of Congress and committee staff may be seated in or behind the dais area during Committee, subcommittee, or panel hearings and meetings.

RULE 12. POWER TO SIT AND ACT; SUBPOENA POWER

(a) For the purpose of carrying out any of its functions and duties under rules X and XI of the Rules of the House of Representatives, the Committee and any subcommittee are authorized (subject to subparagraph (b)(1) of this paragraph):

(1) to sit and act at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, and to hold hearings, and

(2) to require by subpoena, or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers and documents, including, but not limited to, those in electronic form, as it considers necessary.

(b)(1) A subpoena may be authorized and issued by the Committee, or any subcommittee with the concurrence of the full Committee Chairman, under subparagraph (a)(2) in the conduct of any investigation, or series of investigations or activities, only when authorized by a majority of the members voting, a majority of the Committee or subcommittee being present. Authorized subpoenas shall be signed only by the Chairman, or by any member designated by the Chairman.

(2) Pursuant to clause 2(m) of rule XI of the Rules of the House of Representatives, compliance with any subpoena issued by the Committee or any subcommittee under subparagraph (a)(2) may be enforced only as authorized or directed by the House of Representatives.

RULE 13. WITNESS STATEMENTS

(a) Any prepared statement to be presented by a witness to the Committee or a subcommittee shall be submitted to the Committee or subcommittee at least 48 hours in advance of presentation and shall be distributed to all members of the Committee or subcommittee at least 24 hours in advance of presentation. A copy of any such prepared statement shall also be submitted to the Committee in electronic form. If a prepared statement contains national security information bearing a classification of secret or higher, the statement shall be made available in the Committee rooms to all members of the Committee or subcommittee at least 24 hours in advance of presentation; however, no such statement shall be removed from the Committee offices. The requirement of this rule may be waived by a majority vote of the Committee or subcommittee, a quorum being present.

(b) The Committee and each subcommittee shall require each witness who is to appear before it to file with the Committee in advance of his or her appearance a written statement of the proposed testimony and to limit the oral presentation at such appearance to a brief summary of his or her argument.

RULE 14. ADMINISTERING OATHS TO WITNESSES

(a) The Chairman, or any member designated by the Chairman, may administer oaths to any witness.

(b) Witnesses, when sworn, shall subscribe to the following oath:

"Do you solemnly swear (or affirm) that the testimony you will give before this Committee (or subcommittee) in the matters now under consideration will be the truth, the whole truth, and nothing but the truth, so help you God?"

RULE 15. QUESTIONING OF WITNESSES

(a) When a witness is before the Committee or a subcommittee, members of the Committee or subcommittee may put questions to the witness only when recognized by the Chairman or subcommittee chairman, as appropriate, for that purpose.

(b) Members of the Committee or subcommittee who so desire shall have not to exceed five minutes to interrogate each witness or panel of witnesses until such time as each member has had an opportunity to interrogate each witness or panel of witnesses; thereafter, additional rounds for questioning witnesses by members are discretionary with the Chairman or subcommittee chairman, as appropriate.

(c) Questions put to witnesses before the Committee or subcommittee shall be pertinent to the measure or matter that may be before the Committee or subcommittee for consideration.

RULE 16. PUBLICATION OF COMMITTEE HEARINGS AND MARKUPS

The transcripts of those hearings and mark-ups conducted by the Committee or a subcommittee that are decided by the Chairman to be officially published will be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Any requests to correct any errors, other than those in transcription, or disputed errors in transcription, will be appended to the record, and the appropriate place where the change is requested will be footnoted.

RULE 17. VOTING AND ROLLCALLS

(a) Voting on a measure or matter may be by record vote, division vote, voice vote, or unanimous consent.

(b) A record vote shall be ordered upon the request of one-fifth of those members present.

(c) No vote by any member of the Committee or a subcommittee with respect to any measure or matter shall be cast by proxy.

(d) In the event of a vote or votes, when a member is in attendance at any other committee, subcommittee, or conference committee meeting during that time, the necessary absence of that member shall be so noted in the record vote record, upon timely notification to the Chairman by that member.

RULE 18. COMMITTEE REPORTS

(a) If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives timely notice of intention to file supplemental, minority, additional or dissenting views, that member shall be entitled to not less than two calendar days (excluding Saturdays, Sundays, and legal holidays except when the House is in session on such days) in which to file such views, in writing and signed by that member, with the staff director of the Committee. All such views so filed by one or more members of the Committee shall be included within, and shall be a part of, the report filed by the Committee with respect to that measure or matter.

(b) With respect to each record vote on a motion to report any measure or matter, and on any amendment offered to the measure or matter, the total number of votes cast for and against, the names of those voting for and against, and a brief description of the question, shall be included in the committee report on the measure or matter.

RULE 19. POINTS OF ORDER

No point of order shall lie with respect to any measure reported by the Committee or any subcommittee on the ground that hearings on such measure were not conducted in accordance with the provisions of the rules of the Committee; except that a point of order on that ground may be made by any member of the Committee or subcommittee which reported the measure if, in the Committee or subcommittee, such point of order was (a) timely made and (b) improperly overruled or not properly considered.

RULE 20. PUBLIC INSPECTION OF COMMITTEE ROLLCALLS

The result of each record vote in any meeting of the Committee shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition and the names of those members present but not voting.

RULE 21. PROTECTION OF NATIONAL SECURITY INFORMATION

(a) Except as provided in clause 2(g) of Rule XI of the Rules of the House of Representatives, all national security information bearing a classification of secret or higher which has been received by the Committee or a subcommittee shall be deemed to have been received in executive session and shall be given appropriate safekeeping.

(b) The Chairman of the Committee shall, with the approval of a majority of the Committee, establish such procedures as in his judgment may be necessary to prevent the unauthorized disclosure of any national security information received classified as secret or higher. Such procedures shall, however, ensure access to this information by any member of the Committee or any other Member, Delegate, or Resident Commissioner of the House of Representatives who has requested the opportunity to review such material.

RULE 22. COMMITTEE STAFFING

The staffing of the Committee, the standing subcommittees, and any panel designated by the Chairman shall be subject to the rules of the House of Representatives.

RULE 23. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with rule VII of the Rules of the House of Representatives. The Chairman shall notify the ranking minority member of any decision, pursuant to clause 3(b)(3) or clause 4(b) of rule VII, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any member of the Committee.

RULE 24. HEARING PROCEDURES

Clause 2(k) of rule XI of the Rules of the House of Representatives shall apply to the Committee.

PUBLICATION OF THE RULES OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, 109TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alaska (Mr. YOUNG) is recognized for 5 minutes.

Mr. YOUNG of Alaska. Mr. Speaker, in accordance with clause 2(a) of Rule XI of the Rules of the House, I am submitting for printing in the RECORD a copy of the Rules of the Committee on Transportation and Infrastructure for the 109th Congress, adopted on February 2, 2005.

Rules of the Committee on Transportation and Infrastructure

United States House of Representatives

109th Congress

(Adopted February 2, 2005)

RULE I. GENERAL PROVISIONS.

(a) APPLICABILITY OF HOUSE RULES.—

(1) IN GENERAL.—The Rules of the House are the rules of the Committee and its subcommittees so far as applicable, except that a motion to recess from day to day, and a motion to dispense with the first reading (in full) of a bill or resolution, if printed copies are available, are non-debatable privileged motions in the Committee and its subcommittees.

(2) SUBCOMMITTEES.—Each subcommittee is part of the Committee, and is subject to the authority and direction of the Committee and its rules so far as applicable.

(3) INCORPORATION OF HOUSE RULE ON COMMITTEE PROCEDURE.—Rule XI of the Rules of the House, which pertains entirely to Committee procedure, is incorporated and made a part of the rules of the Committee to the extent applicable.

(b) PUBLICATION OF RULES.—The Committee's rules shall be published in the Congressional Record not later than 30 days after the Committee is elected in each odd-numbered year.

(c) VICE CHAIRMAN.—The Chairman shall appoint a vice chairman of the Committee and of each subcommittee. If the Chairman of the Committee or subcommittee is not present at any meeting of the Committee or subcommittee, as the case may be, the vice chairman shall preside. If the vice chairman is not present, the ranking member of the majority party on the Committee or subcommittee who is present shall preside at that meeting.

RULE II. REGULAR, ADDITIONAL, AND SPECIAL MEETINGS.

(a) Regular Meetings.—

(1) In general.—Regular meetings of the Committee shall be held on the first Wednesday of every month to transact its business unless such day is a holiday, or the House is in recess or is adjourned, in which case the Chairman shall determine the regular meeting day of the Committee for that month.

(2) Notice.—The Chairman shall give each member of the Committee, as far in advance of the day of the regular meeting as the circumstances make practicable, a written notice of such meeting and the matters to be considered at such meeting.

(3) Cancellation or deferral.—If the Chairman believes that the Committee will not be considering any bill or resolution before the full Committee and that there is no other business to be transacted at a regular meeting, the meeting may be canceled or it may be deferred until such time as, in the judgment of the Chairman, there may be matters which require the Committee's consideration.

(4) Applicability.—This paragraph shall not apply to meetings of any subcommittee.

(b) Additional Meetings.—The Chairman may call and convene, as he or she considers necessary, additional meetings of the Committee for the consideration of any bill or resolution pending before the Committee or for the conduct of other committee business. The Committee shall meet for such purpose pursuant to the call of the Chairman.

(c) Special Meetings.—If at least three members of the Committee desire that a special meeting of the Committee be called by the Chairman, those members may file in the offices of the Committee their written request to the Chairman for that special meeting. Such request shall specify the measure or matter to be considered. Immediately upon the filing of the request, the clerk of the Committee shall notify the Chairman of the filing of the request. If, within 3 calendar days after the filing of the request, the Chairman does not call the requested special meeting to be held within 7 calendar days after the filing of the request, a majority of the members of the Committee may file in the offices of the Committee their written notice that a special meeting of the Committee will be held, specifying the date and hour thereof, and the measure or matter to be considered at that special meeting. The Committee shall meet on that date and hour. Immediately upon the filing of the notice, the clerk of the Committee shall notify all members of the Committee that such meeting will be held and inform them of its date and hour and the measure or matter to be considered; and only the measure or matter specified in that notice may be considered at that special meeting.

(d) Prohibition on Sitting During Joint Session.—The Committee may not sit during a joint session of the House and Senate or during a recess when a joint meeting of the House and Senate is in progress.

RULE III. MEETINGS AND HEARINGS GENERALLY.

(a) Open Meetings.—Each meeting for the transaction of business, including the markup of legislation, and each hearing of the Committee or a subcommittee shall be open to the public, except as provided by clause 2(g) of Rule XI of the Rules of the House.

(b) Meetings To Begin Promptly.—Each meeting or hearing of the Committee shall begin promptly at the time so stipulated in the public announcement of the meeting or hearing.

(c) Addressing the Committee.—A Committee member may address the Committee or a subcommittee on any bill, motion, or other matter under consideration—

(1) only when recognized by the Chairman for that purpose; and

(2) only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to address the Committee or subcommittee.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this subparagraph.

(d) Participation of Members in Subcommittee Meetings and Hearings.—All members of the Committee who are not members of a particular Subcommittee may, by unanimous consent of the members of such Subcommittee, participate in any subcommittee meeting or hearing. However, a member who is not a member of the Subcommittee may not vote on any matter before the Subcommittee, be counted for purposes of establishing a quorum, or raise points of order.

(e) Broadcasting.—Whenever a meeting for the transaction of business, including the markup of legislation, or a hearing is open to the public, that meeting or hearing shall be open to coverage by television, radio, and still photography in accordance with clause 4 of Rule XI of the Rules of the House. Operation and use of any Committee internet broadcast system shall be fair and nonpartisan and in accordance with clause 4(b) of Rule XI of the Rules of the House and all other applicable rules of the Committee and the House.

(f) Access to the Dais and Lounges.—Access to the hearing rooms' daises and to the lounges adjacent to the Committee hearing rooms shall be limited to Members of Congress and employees of Congress during a meeting or hearing of the Committee unless specifically permitted by the Chairman or ranking minority member.

(g) Use of Cellular Telephones.—The use of cellular telephones in the Committee hearing room is prohibited during a meeting or hearing of the Committee.

RULE IV. POWER TO SIT AND ACT; POWER TO CONDUCT INVESTIGATIONS; OATHS; SUBPOENA POWER.

(a) Authority to Sit and Act.—For the purpose of carrying out any of its functions and duties under Rules X and XI of the Rules of the House, the Committee and each of its subcommittees, is authorized (subject to paragraph (d)(1))—

(1) to sit and act at such times and places within the United States whether the House is in session, has recessed, or has adjourned and to hold such hearings; and

(2) to require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary.

(b) Authority To Conduct Investigations.—

(1) In general.—The Committee is authorized at any time to conduct such investigations and studies as it may consider necessary or appropriate in the exercise of its responsibilities under Rule X of the Rules of the House and (subject to the adoption of expense resolutions as required by Rule X, clause 6 of the Rules of the House) to incur expenses (including travel expenses) in connection therewith.

(2) Major investigations by subcommittees.—A subcommittee may not begin a major investigation without approval of a majority of such subcommittee.

(c) Oaths.—The Chairman of the Committee, or any member designated by the Chairman, may administer oaths to any witness.

(d) Issuance of Subpoenas.—

(1) In general.—A subpoena may be issued by the Committee or subcommittee under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, only when authorized by a majority of the members voting, a majority being present. Such authorized subpoenas shall be signed by the Chairman of the Committee or by any member designated by the Committee. If a specific request for a subpoena has not been previously rejected by either the Committee or subcommittee, the Chairman of the Committee, after consultation with the ranking minority member of the Committee, may authorize and issue a subpoena under paragraph (a)(2) in the conduct of any investigation or activity or series of investigations or activities, and such subpoena shall for all purposes be deemed a subpoena issued by the Committee. As soon as practicable after a subpoena is issued under this rule, the Chairman shall notify all members of the Committee of such action.

(2) Enforcement.—Compliance with any subpoena issued by the Committee or subcommittee under paragraph (a)(2) may be enforced only as authorized or directed by the House.

(e) Expenses of Subpoenaed Witnesses.—Each witness who has been subpoenaed, upon the completion of his or her testimony before the Committee or any subcommittee, may report to the offices of the Committee, and there sign appropriate vouchers for travel allowances and attendance fees. If hearings are held in cities other than Washington, D.C., the witness may contact the counsel of the Committee, or his or her representative, before leaving the hearing room.

RULE V. QUORUMS AND RECORD VOTES; POSTPONEMENT OF VOTES

(a) Working Quorum.—One-third of the members of the Committee or a subcommittee shall constitute a quorum for taking any action other than the closing of a meeting pursuant to clauses 2(g) and 2(k)(5) of Rule XI of the Rules of the House, the authorizing of a subpoena pursuant to paragraph (d) of Committee Rule IV, the reporting of a measure or recommendation pursuant to paragraph (b)(1) of Committee Rule VII, and the actions described in paragraphs (b), (c) and (d) of this rule.

(b) Quorum for Reporting.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for the reporting of a measure or recommendation.

(c) Approval of Certain Matters.—A majority of the members of the Committee or a subcommittee shall constitute a quorum for approval of a resolution concerning any of the following actions:

(1) A prospectus for construction, alteration, purchase or acquisition of a public building or the lease of space as required by section 3307 of title 40, United States Code.

(2) Survey investigation of a proposed project for navigation, flood control, and other purposes by the Corps of Engineers

(section 4 of the Rivers and Harbors Act of March 4, 1913, 33 U.S.C. 542).

(3) Construction of a water resources development project by the Corps of Engineers with an estimated Federal cost not exceeding $15,000,000 (section 201 of the Flood Control Act of 1965).

(4) Deletion of water quality storage in a Federal reservoir project where the benefits attributable to water quality are 15 percent or more but not greater than 25 percent of the total project benefits (section 65 of the Water Resources Development Act of 1974).

(5) Authorization of a Natural Resources Conservation Service watershed project involving any single structure of more than 4,000 acre feet of total capacity (section 2 of P.L. 566, 83rd Congress).

(d) Quorum for Taking Testimony.—Two members of the Committee or subcommittee shall constitute a quorum for the purpose of taking testimony and receiving evidence.

(e) Record Votes.—A record vote may be demanded by one-fifth of the members present.

(f) Postponement of Votes.—

(1) In general.—In accordance with clause 2(h)(4) of Rule XI of the Rules of the House, the Chairman of the Committee or a subcommittee, after consultation with the ranking minority member of the Committee or subcommittee, may—

(A) postpone further proceedings when a record vote is ordered on the question of approving a measure or matter or on adopting an amendment; and

(B) resume proceedings on a postponed question at any time after reasonable notice.

(2) Resumption of proceedings.—When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

RULE VI. HEARING PROCEDURES.

(a) Announcement of Hearing.—The Chairman, in the case of a hearing to be conducted by the Committee, and the appropriate subcommittee chairman, in the case of a hearing to be conducted by a subcommittee, shall make public announcement of the date, place, and subject matter of such hearing at least one week before the hearing. If the Chairman or the appropriate subcommittee chairman, as the case may be, with the concurrence of the ranking minority member of the Committee or subcommittee as appropriate, determines there is good cause to begin the hearing sooner, or if the Committee or subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman shall make the announcement at the earliest possible date. The clerk of the Committee shall promptly notify the Daily Digest Clerk of the Congressional Record as soon as possible after such public announcement is made.

(b) Written Statement; Oral Testimony.—So far as practicable, each witness who is to appear before the Committee or a subcommittee shall file with the clerk of the Committee or subcommittee, at least 2 working days before the day of his or her appearance, a written statement of proposed testimony and shall limit his or her oral presentation to a summary of the written statement.

(c) Minority Witnesses.—When any hearing is conducted by the Committee or any subcommittee upon any measure or matter, the minority party members on the Committee or subcommittee shall be entitled, upon request to the Chairman by a majority of those minority members before the completion of such hearing, to call witnesses selected by the minority to testify with respect to that measure or matter during at least one day of hearing thereon.

(d) Summary of Subject Matter.—Upon announcement of a hearing, to the extent practicable, the Committee shall make available immediately to all members of the Committee a concise summary of the subject matter (including legislative reports and other material) under consideration. In addition, upon announcement of a hearing and subsequently as they are received, the Chairman shall make available to the members of the Committee any official reports from departments and agencies on such matter.

(e) Questioning of Witnesses.—The questioning of witnesses in Committee and subcommittee hearings shall be initiated by the Chairman, followed by the ranking minority member and all other members alternating between the majority and minority parties. In recognizing members to question witnesses in this fashion, the Chairman shall take into consideration the ratio of the majority to minority members present and shall establish the order of recognition for questioning in such a manner as not to disadvantage the members of the majority nor the members of the minority. The Chairman may accomplish this by recognizing two majority members for each minority member recognized.

(f) Procedures for Questions.—

(1) In general.—A Committee member may question a witness at a hearing—

(A) only when recognized by the Chairman for that purpose; and

(B) subject to subparagraphs (2) and (3), only for 5 minutes until such time as each member of the Committee or subcommittee who so desires has had an opportunity to question the witness.

A member shall be limited in his or her remarks to the subject matter under consideration. The Chairman shall enforce this paragraph.

(2) Extended questioning of witnesses by members.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit a specified number of its members to question a witness for longer than 5 minutes. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(3) Extended questioning of witnesses by staff.—The Chairman of the Committee or a subcommittee, with the concurrence of the ranking minority member, or the Committee or subcommittee by motion, may permit committee staff for its majority and minority party members to question a witness for equal specified periods. The time for extended questioning of a witness under this subdivision shall be equal for the majority party and minority party and may not exceed one hour in the aggregate.

(4) Right to question witnesses following extended questioning.—Nothing in subparagraph (2) or (3) affects the right of a Member (other than a Member designated under subparagraph (2)) to question a witness for 5 minutes in accordance with subparagraph (1)(B) after the questioning permitted under subparagraph (2) or (3).

(g) Additional Hearing Procedures.—Clause 2(k) of Rule XI of the Rules of the House (relating to additional rules for hearings) applies to hearings of the Committee and its subcommittees.

RULE VII. PROCEDURES FOR REPORTING BILLS, RESOLUTIONS, AND REPORTS.

(a) Filing of Reports.—

(1) In general.—The Chairman of the Committee shall report promptly to the House any measure or matter approved by the Committee and take necessary steps to bring the measure or matter to a vote.

(2) Requests for reporting.—The report of the Committee on a measure or matter which has been approved by the Committee shall be filed within 7 calendar days (exclusive of days on which the House is not in session) after the day on which there has been filed with the clerk of the Committee a written request, signed by a majority of the members of the Committee, for the reporting of that measure or matter. Upon the filing of any such request, the clerk of the Committee shall transmit immediately to the Chairman of the Committee notice of the filing of that request.

(b) Quorum; Record Votes.—

(1) Quorum.—No measure, matter, or recommendation shall be reported from the Committee unless a majority of the Committee was actually present.

(2) Record votes.—With respect to each record vote on a motion to report any measure or matter of a public character, and on any amendment offered to the measure or matter, the total number of votes cast for and against, and the names of those members voting for and against, shall be included in the Committee report on the measure or matter.

(c) Required Matters.—The report of the Committee on a measure or matter which has been approved by the Committee shall include the items required to be included by clauses 2(c) and 3 of Rule XIII of the Rules of the House.

(d) Additional Views.—If, at the time of approval of any measure or matter by the Committee, any member of the Committee gives notice of intention to file supplemental, minority, or additional views, that member shall be entitled to not less than two additional calendar days after the day of such notice (excluding Saturdays, Sundays, and legal holidays) in which to file such views in accordance with clause 2(1) of Rule XI of the Rules of the House.

(e) Activities Report.—

(1) In general.—The Committee shall submit to the House, not later than January 2 of each odd-numbered year, a report on the activities of the Committee under Rules X and XI of the Rules of the House during the Congress ending on January 3 of such year.

(2) Contents.—Such report shall include separate sections summarizing the legislative and oversight activities of the Committee during that Congress.

(3) Oversight section.—The oversight section of such report shall include a summary of the oversight plans submitted by the Committee pursuant to clause 2(d) of Rule X of the Rules of the House, a summary of the actions taken and recommendations made with respect to each such plan, and a summary of any additional oversight activities undertaken by the Committee, and any recommendations made or actions taken thereon.

(f) Other Committee Materials.—

(1) In general.—All Committee and subcommittee prints, reports, documents, or other materials, not otherwise provided for under this rule, that purport to express publicly the views of the Committee or any of its subcommittees or members of the Committee or its subcommittees shall be approved by the Committee or the subcommittee prior to printing and distribution

and any member shall be given an opportunity to have views included as part of such material prior to printing, release, and distribution in accordance with paragraph (d) of this rule.

(2) DOCUMENTS CONTAINING VIEWS OTHER THAN MEMBER VIEWS.—A Committee or subcommittee document containing views other than those of members of the Committee or subcommittee shall not be published without approval of the Committee or subcommittee.

(3) DISCLAIMER.—All Committee or subcommittee reports printed pursuant to legislative study or investigation and not approved by a majority vote of the Committee or subcommittee, as appropriate, shall contain the following disclaimer on the cover of such report: "This report has not been officially adopted by the Committee on (or pertinent subcommittee thereof) and may not therefore necessarily reflect the views of its members.".

RULE VIII. ESTABLISHMENT OF SUBCOMMITTEES; SIZE AND PARTY RATIOS.

(a) ESTABLISHMENT.—There shall be 6 standing subcommittees. These subcommittees, with the following sizes (including delegates) and majority/minority ratios, are:

(1) Subcommittee on Aviation (48 Members: 26 Majority and 22 Minority).

(2) Subcommittee on Coast Guard and Maritime Transportation (20 Members: 11 Majority and 9 Minority).

(3) Subcommittee on Economic Development, Public Buildings, and Emergency Management (11 Members: 6 Majority and 5 Minority).

(4) Subcommittee on Highways, Transit, and Pipelines (57 Members: 31 Majority and 26 Minority).

(5) Subcommittee on Railroads (28 Members: 15 Majority and 13 Minority).

(6) Subcommittee on Water Resources and Environment (36 Members: 20 Majority and 16 Minority).

(b) EX OFFICIO MEMBERS.—The Chairman and ranking minority member of the Committee shall serve as ex officio voting members on each subcommittee.

(c) RATIOS.—On each subcommittee there shall be a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the full Committee. In calculating the ratio of majority party members to minority party members, there shall be included the ex officio members of the subcommittees.

RULE IX. POWERS AND DUTIES OF SUBCOMMITTEES.

(a) AUTHORITY TO SIT.—Each subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective subcommittees after consultation with the Chairman and other subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and subcommittee meetings or hearings whenever possible.

(b) CONSIDERATION BY COMMITTEE.—Each bill, resolution, or other matter favorably reported by a subcommittee shall automatically be placed upon the agenda of the Committee. Any such matter reported by a subcommittee shall not be considered by the Committee unless it has been delivered to the offices of all members of the Committee at least 48 hours before the meeting, unless the Chairman determines that the matter is of such urgency that it should be given early consideration. Where practicable, such matters shall be accompanied by a comparison with present law and a section-by-section analysis.

RULE X. REFERRAL OF LEGISLATION TO SUBCOMMITTEES.

(a) GENERAL REQUIREMENT.—Except where the Chairman of the Committee determines, in consultation with the majority members of the Committee, that consideration is to be by the full Committee, each bill, resolution, investigation, or other matter which relates to a subject listed under the jurisdiction of any subcommittee established in Committee Rule VIII referred to or initiated by the full Committee shall be referred by the Chairman to all subcommittees of appropriate jurisdiction within two weeks. All bills shall be referred to the subcommittee of proper jurisdiction without regard to whether the author is or is not a member of the subcommittee.

(b) RECALL FROM SUBCOMMITTEE.—A bill, resolution, or other matter referred to a subcommittee in accordance with this rule may be recalled therefrom at any time by a vote of a majority of the members of the Committee voting, a quorum being present, for the Committee's direct consideration or for reference to another subcommittee.

(c) MULTIPLE REFERRALS.—In carrying out this rule with respect to any matter, the Chairman may refer the matter simultaneously to two or more subcommittees for concurrent consideration or for consideration in sequence (subject to appropriate time limitations in the case of any subcommittee after the first), or divide the matter into two or more parts (reflecting different subjects and jurisdictions) and refer each such part to a different subcommittee, or make such other provisions as he or she considers appropriate.

RULE XI. RECOMMENDATION OF CONFEREES.

The Chairman of the Committee shall recommend to the Speaker as conferees the names of those members (1) of the majority party selected by the Chairman, and (2) of the minority party selected by the ranking minority member of the Committee. Recommendations of conferees to the Speaker shall provide a ratio of majority party members to minority party members which shall be no less favorable to the majority party than the ratio for the Committee.

RULE XII. OVERSIGHT.

(a) PURPOSE.—The Committee shall carry out oversight responsibilities as provided in this rule in order to assist the House in—

(1) its analysis, appraisal, and evaluation of—

(A) the application, administration, execution, and effectiveness of the laws enacted by the Congress; or

(B) conditions and circumstances which may indicate the necessity or desirability of enacting new or additional legislation; and

(2) its formulation, consideration, and enactment of such modifications or changes in those laws, and of such additional legislation, as may be necessary or appropriate.

(b) OVERSIGHT PLAN.—Not later than February 15 of the first session of each Congress, the Committee shall adopt its oversight plans for that Congress in accordance with clause 2(d)(1) of Rule X of the Rules of the House.

(c) REVIEW OF LAWS AND PROGRAMS.—The Committee and the appropriate subcommittees shall cooperatively review and study, on a continuing basis, the application, administration, execution, and effectiveness of those laws, or parts of laws, the subject matter of which is within the jurisdiction of the Committee, and the organization and operation of the Federal agencies and entities having responsibilities in or for the administration and execution thereof, in order to determine whether such laws and the programs thereunder are being implemented and carried out in accordance with the intent of the Congress and whether such programs should be continued, curtailed, or eliminated. In addition, the Committee and the appropriate subcommittees shall cooperatively review and study any conditions or circumstances which may indicate the necessity or desirability of enacting new or additional legislation within the jurisdiction of the Committee (whether or not any bill or resolution has been introduced with respect thereto), and shall on a continuing basis undertake future research and forecasting on matters within the jurisdiction of the Committee.

(d) REVIEW OF TAX POLICIES.—The Committee and the appropriate subcommittees shall cooperatively review and study on a continuing basis the impact or probable impact of tax policies affecting subjects within the jurisdiction of the Committee.

RULE XIII. REVIEW OF CONTINUING PROGRAMS; BUDGET ACT PROVISIONS.

(a) ENSURING ANNUAL APPROPRIATIONS.—The Committee shall, in its consideration of all bills and joint resolutions of a public character within its jurisdiction, ensure that appropriations for continuing programs and activities of the Federal Government and the District of Columbia government will be made annually to the maximum extent feasible and consistent with the nature, requirements, and objectives of the programs and activities involved.

(b) REVIEW OF MULTI-YEAR APPROPRIATIONS.—The Committee shall review, from time to time, each continuing program within its jurisdiction for which appropriations are not made annually in order to ascertain whether such program could be modified so that appropriations therefore would be made annually.

(c) VIEWS AND ESTIMATES.—In accordance with clause 4(f)(1) of Rule X of the Rules of the House, the Committee shall submit to the Committee on the Budget—

(1) its views and estimates with respect to all matters to be set forth in the concurrent resolution on the budget for the ensuing fiscal year which are within its jurisdiction or functions; and

(2) an estimate of the total amount of new budget authority, and budget outlays resulting therefrom, to be provided or authorized in all bills and resolutions within its jurisdiction which it intends to be effective during that fiscal year.

(d) BUDGET ALLOCATIONS.—As soon as practicable after a concurrent resolution on the budget for any fiscal year is agreed to, the Committee (after consulting with the appropriate committee or committees of the Senate) shall subdivide any allocations made to it in the joint explanatory statement accompanying the conference report on such resolution, and promptly report such subdivisions to the House, in the manner provided by section 302 of the Congressional Budget Act of 1974.

(e) RECONCILIATION.—Whenever the Committee is directed in a concurrent resolution on the budget to determine and recommend changes in laws, bills, or resolutions under the reconciliation process, it shall promptly make such determination and recommendations, and report a reconciliation bill or resolution (or both) to the House or submit such recommendations to the Committee on the Budget, in accordance with the Congressional Budget Act of 1974.

RULE XIV. RECORDS.

(a) Keeping of Records.—The Committee shall keep a complete record of all Committee action which shall include—

(1) in the case of any meeting or hearing transcripts, a substantially verbatim account of remarks actually made during the proceedings, subject only to technical, grammatical, and typographical corrections authorized by the person making the remarks involved; and

(2) a record of the votes on any question on which a record vote is demanded.

(b) Public Inspection.—The result of each such record vote shall be made available by the Committee for inspection by the public at reasonable times in the offices of the Committee. Information so available for public inspection shall include a description of the amendment, motion, order, or other proposition and the name of each member voting for and each member voting against such amendment, motion, order, or proposition, and the names of those members present but not voting.

(c) Property of the House.—All Committee hearings, records, data, charts, and files shall be kept separate and distinct from the congressional office records of the member serving as Chairman of the Committee; and such records shall be the property of the House and all members of the House shall have access thereto.

(d) Availability of Archived Records.—The records of the Committee at the National Archives and Records Administration shall be made available for public use in accordance with Rule VII of the Rules of the House. The Chairman shall notify the ranking minority member of the Committee of any decision, pursuant to clause 3(b)(3) or clause 4(b) of such rule, to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on written request of any member of the Committee.

(e) Authority To Print.—The Committee is authorized to have printed and bound testimony and other data presented at hearings held by the Committee. All costs of stenographic services and transcripts in connection with any meeting or hearing of the Committee shall be paid as provided in clause 1(c) of Rule XI of the House.

RULE XV. COMMITTEE BUDGETS.

(a) Biennial Budget.—The Chairman, in consultation with the chairman of each subcommittee, the majority members of the Committee, and the minority members of the Committee, shall, for each Congress, prepare a consolidated Committee budget. Such budget shall include necessary amounts for staff personnel, necessary travel, investigation, and other expenses of the Committee.

(b) Additional Expenses.—Authorization for the payment of additional or unforeseen Committee expenses may be procured by one or more additional expense resolutions processed in the same manner as set out herein.

(c) Travel Requests.—The Chairman or any chairman of a subcommittee may initiate necessary travel requests as provided in Committee Rule XVII within the limits of the consolidated budget as approved by the House and the Chairman may execute necessary vouchers thereof.

(d) Monthly Reports.—Once monthly, the Chairman shall submit to the Committee on House Administration, in writing, a full and detailed accounting of all expenditures made during the period since the last such accounting from the amount budgeted to the Committee. Such report shall show the amount and purpose of such expenditure and the budget to which such expenditure is attributed. A copy of such monthly report shall be available in the Committee office for review by members of the Committee.

RULE XVI. COMMITTEE STAFF.

(a) Appointment by Chairman.—The Chairman shall appoint and determine the remuneration of, and may remove, the employees of the Committee not assigned to the minority. The staff of the Committee not assigned to the minority shall be under the general supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he or she determines appropriate.

(b) Appointment by Ranking Minority Member.—The ranking minority member of the Committee shall appoint and determine the remuneration of, and may remove, the staff assigned to the minority within the budget approved for such purposes. The staff assigned to the minority shall be under the general supervision and direction of the ranking minority member of the Committee who may delegate such authority as he or she determines appropriate.

(c) Intention Regarding Staff.—It is intended that the skills and experience of all members of the Committee staff shall be available to all members of the Committee.

RULE XVII. TRAVEL OF MEMBERS AND STAFF.

(a) Approval.—Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, the provisions of this rule shall govern travel of Committee members and staff. Travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel shall be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman in writing the following:

(1) The purpose of the travel.

(2) The dates during which the travel is to be made and the date or dates of the event for which the travel is being made.

(3) The location of the event for which the travel is to be made.

(4) The names of members and staff seeking authorization.

(b) Subcommittee Travel.—In the case of travel of members and staff of a subcommittee to hearings, meetings, conferences, and investigations involving activities or subject matter under the legislative assignment of such subcommittee, prior authorization must be obtained from the subcommittee chairman and the Chairman. Such prior authorization shall be given by the Chairman only upon the representation by the chairman of such subcommittee in writing setting forth those items enumerated in subparagraphs (1), (2), (3), and (4) of paragraph (a) and that there has been a compliance where applicable with Committee Rule VI.

(c) Travel Outside the United States.—

(1) In general.—In the case of travel outside the United States of members and staff of the Committee or of a subcommittee for the purpose of conducting hearings, investigations, studies, or attending meetings and conferences involving activities or subject matter under the legislative assignment of the Committee or pertinent subcommittee, prior authorization must be obtained from the Chairman, or, in the case of a subcommittee from the subcommittee chairman and the Chairman. Before such authorization is given there shall be submitted to the Chairman, in writing, a request for such authorization. Each request, which shall be filed in a manner that allows for a reasonable period of time for review before such travel is scheduled to begin, shall include the following:

(A) The purpose of the travel.

(B) The dates during which the travel will occur.

(C) The names of the countries to be visited and the length of time to be spent in each.

(D) An agenda of anticipated activities for each country for which travel is authorized together with a description of the purpose to be served and the areas of Committee jurisdiction involved.

(E) The names of members and staff for whom authorization is sought.

(2) Initiation of requests.—Requests for travel outside the United States may be initiated by the Chairman or the chairman of a subcommittee (except that individuals may submit a request to the Chairman for the purpose of attending a conference or meeting) and shall be limited to members and permanent employees of the Committee.

(3) Reports by staff members.—At the conclusion of any hearing, investigation, study, meeting, or conference for which travel has been authorized pursuant to this rule, each staff member involved in such travel shall submit a written report to the Chairman covering the activities and other pertinent observations or information gained as a result of such travel.

(d) Applicability of Laws, Rules, Policies.—Members and staff of the Committee performing authorized travel on official business shall be governed by applicable laws, resolutions, or regulations of the House and of the Committee on House Administration pertaining to such travel, and by the travel policy of the Committee.

STATE VETERANS CEMETERY FAIRNESS ACT OF 2005

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. Case) is recognized for 5 minutes.

Mr. CASE. Mr. Speaker, let me begin by completely embracing and endorsing the comments of the gentleman from California (Mr. Filner) earlier today in support of H.R. 302, a continuation of a long fight for justice for our Filipino veterans. I say, as the representative from the district out of 435 in our entire country containing and holding the largest number of Filipino Americans, this is exactly what we must do to bring justice and conclusion to this sorry story in our history.

But I rise here today to highlight another issue which goes as well to the very heart of our collective obligation to our Nation's veterans, whether they be members of our greatest generation, like Hawaii's own 100th Battalion and 442nd Regimental Combat Team, or those lost tragically in the deserts and streets of Iraq and Afghanistan, and that is our promise that our fallen be buried with their comrades in our great national cemeteries, be they Arlington or my own National Cemetery of the Pacific.

Despite this most elemental undertaking, increasing numbers of veterans are facing a dire situation. Currently, 11 States do not have a national cemetery operated by the Department of Veterans Affairs, and an additional six States, including Hawaii, have national cemeteries that no longer accept casket remains.

To assist with this indefensible shortfall, a number of States, including Hawaii, have worked with the VA to construct and operate State veterans cemeteries. Established in 1978 to complement the VA's National Cemetery Administration, the State Cemetery Grants Program assists States in providing grave sites for veterans in those areas where VA's national cemeteries cannot fully satisfy their burial needs. On most of the neighbor islands of Hawaii, my district, we have State cemeteries operated under this program.

Specifically, grants from the State Cemetery Grants Program may be used only for the purpose of establishing, expanding or improving veterans cemeteries that are owned and operated by a State or U.S. territory. Aid can be granted only to States or U.S. territories, not to private organizations, counties, cities or other government agencies.

□ 1515

VA can now provide up to 100 percent of the development cost for an approved project. For establishment of new cemeteries, VA can provide for operating equipment. VA cannot and does not provide for the acquisition of land so that the States are solely responsible for providing locations for such cemeteries.

State cemeteries operated and established under the grant program must conform to the standards and guidelines pertaining to site selection, planning and construction set forth by VA. Cemeteries must be operated solely for the burial of service members who die on active duty, veterans and their eligible spouses and dependent children.

Any cemetery assisted by a VA grant must be maintained and operated according to the operational standards and measures of the National Cemetery Administration. After construction, the administration, operation and maintenance of a State's veterans cemetery is solely the responsibility of the State government, and the National Cemetery Administration has no further financial obligation to the State for the burial of veterans, with one important exception, which is the nub of this speech.

Currently, the Secretary of Veterans Affairs is authorized to pay a plot or interment allowance up to $300 per burial to a State for expenses incurred by the State for the burial of eligible veterans in a cemetery owned and operated by the State if the burial is performed at no cost to the veteran's next of kin. This benefit is administered by the Veterans Benefit Administration, and the State must apply to VBA to receive it. A great program, a great supplement to the assistance by our States of the national obligations to our veterans.

But despite the $300 currently provided to State governments for each veteran buried in a State veterans cemetery, the true cost is as much as $750 per burial and rising. Thus, even with the partial reimbursements provided by the VA, State governments with no available Federal cemeteries pay millions of dollars to fulfill our Federal commitment to provide a final resting place for our veterans.

This shortfall is particularly painful during the current budget difficulties faced by many States across our Nation and has the inevitable result, as it has in Hawaii, of inexcusable shortfalls in available State veterans cemeteries, both in burial plot availability and especially in operation and maintenance of existing facilities. This is certainly again the case in Hawaii which operates several State veterans cemeteries through VBA assistance that are stretched way beyond their means. I could go down the list, but the one that comes to mind most quickly is the West Hawaii Veterans Cemetery on my home island of Hawaii.

The bill I introduce today proposes a simple modification in an otherwise solid Federal program, to raise the Federal reimbursement for veteran burials in State cemeteries where there is no Federal VA option from $300 to $750 per burial. The price, a minimal $5 million annually as priced last year by the CBO. This is fair and necessary and will enable us to fulfill this most basic obligation. I ask for my colleagues' support.

Mahalo.

INTRODUCTION OF CONCURRENT RESOLUTION HONORING THE SECOND CENTURY OF BIG BROTHERS BIG SISTERS

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from California (Mr. SCHIFF) is recognized for 5 minutes.

Mr. SCHIFF. Mr. Speaker, yesterday the gentleman from Nebraska (Mr. OSBORNE) and I introduced H. Con. Res. 41 to honor Big Brothers Big Sisters, the oldest and largest youth mentoring organization in the United States which celebrated its 100th anniversary last year. In recognition of this milestone, we encourage our colleagues to cosponsor the resolution which celebrates the centennial of Big Brothers Big Sisters and encourages the organization as it works toward its goal of serving one million children annually. A Senate companion to this legislation is being introduced by Senators ENSIGN and DODD.

The gentleman from Nebraska and I both know firsthand the importance of mentoring, and we have both experienced its many rewards. I have been a Big Brother now for over 18 years. Beginning in 1986 when I was a relatively young lawyer, I walked into the Big Brothers Big Sisters of Greater Los Angeles and volunteered to become a Big Brother. I was given three Little Brother applications, each of whom had been on a waiting list for years. I was also asked how I would feel about having a minority Little Brother, to which I responded I thought it would be an even better experience for me and I hoped for my Little Brother as well.

I was paired ultimately with David, then 7 years old, who had been on the waiting list for 2 years; and we were Big Brothers for a day. It was a test run. We went to the beach. We survived the beach, and we decided we were the survivors, and now 18 years later we are still the survivors in a brotherhood that has lasted for almost two decades. Over that time, we went to the movies, we went to the park, we threw a ball around, we did all the kind of things brothers do. We each became part of each other's family. I cannot say what kind of a difference I may have made in his life, but I can tell you he has made a wonderful difference in mine.

I had the opportunity some years ago to go to David's graduation from Yale University. I like to say, when people ask me whether I think that without my influence in his life David would have gone to Yale, I say, no, he would have gone to Harvard. There is more than a little truth in that. He is an extraordinary not-so-young man now.

I also had a wonderful opportunity to watch him graduate from USC film school, and I am looking forward one day to going to the premiere of one of his films.

It has been a fabulous experience for me, and I know it has been a fabulous experience for my colleague from Nebraska, who has long been a champion of mentoring, having established a successful program at the University of Nebraska. We join with many Americans in recognizing the significant contributions to our Nation's children that Big Brothers Big Sisters have been making since 1904 through mentoring, creating and nurturing one-to-one relationships between adults and children.

Through the 454 local agencies that make up this life-changing organization, Big Brothers Big Sisters serves more than 220,000 children ages 5 through 18 in 5,000 communities across the United States.

Research shows that Big Brothers Big Sisters one-to-one mentoring helps at-risk youth overcome the myriad of challenges they face. Little Brothers and Little Sisters are less likely to begin using illegal drugs or consuming alcohol, skip school and classes or engage in acts of violence. They have greater self-esteem, more confidence in their performance at school and are able to get along better with their friends and families.

The organization works closely with parents and guardians to match every child with appropriate Big Brothers and Big Sisters. Each potential volunteer is screened, trained and supervised to ensure that the mentor-child relationship will be a safe and rewarding experience for everyone involved. I can attest to that. My interview, I think, was several hours long.

Partnering with Big Brothers Big Sisters benefits America's most important national treasure, our children. Major private investments have enabled the organization to be a pioneer in volunteerism and developing new ways to reach different populations of at-risk kids. As a result, Mr. Speaker, Big Brothers Big Sisters is an ideal Federal partner as Congress strives to provide a better future for America's children.

ORDER OF BUSINESS

Ms. JACKSON-LEE of Texas. Mr. Speaker, I ask unanimous consent to speak out of order.

The SPEAKER pro tempore. Without objection, the gentlewoman from Texas will be recognized to speak in place of the gentleman from Vermont (Mr. SANDERS).

There was no objection.

EDUCATING THE WORLD'S CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, over the last couple of months, or at least almost 2 months, we have been listening to the very sad stories that have come out of the tsunami region. Those of us who have had the opportunity to visit that region recognize that there are no words to describe the devastation experienced both in terms of physical structures but also in terms of the emotional loss.

However, as I visited Sri Lanka, let me appreciate and acknowledge the wonderful spirit of the Sri Lankan people as well as those in the other devastated regions who realize there is still hope. But also let me say to the American people that one disaster stood out more than others. And when I say "disaster," one impact of the disaster stood out more than others and that is the impact on children.

First of all, it is important to note that the largest number of victims for the tsunami disaster were children in Indonesia, Sri Lanka, India, Thailand and Somalia and other places. Waves 15 feet and more swept away thousands of children, and whole generations have now been lost. When teachers returned to schools in Sri Lanka, one teacher acknowledged that she had lost her four children. They had been swept away. A classroom that had previously held 30 students now held six.

I rise today to raise the consciousness of the world on the plight of the world's children, not America's children but the world's children. We find out that in the world we now have still large numbers of those children who are either forced into being child soldiers, children who are forced into child slavery, children who are forced into sexual trafficking. Children have been abused, and we have not responded to the call.

Let me thank organizations like UNICEF and Save the Children and other world-focused organizations who focus on the needs of children, but I would say that the need is greater than we have responded to. It is time now for a Marshall Plan that deals with the education of the world's children. It is time for us to raise an outcry, an outrageous outcry, to demand the cessation of using children in child labor camps, in sexual trafficking and as child soldiers.

It was noted that, in the tsunami disaster, rebel groups are beginning to recruit orphan children in Sri Lanka and Indonesia to engage in rebel fighting, innocent children who before the tsunami had mothers and fathers and grandparents, children who had restful places to sleep and places to play and to be children. It is well known of the terrible tragedy of children in many parts of South America and particularly Brazil, but it is not well known that if we took a mere $8 billion we could guarantee a primary education for every child in the world.

Mr. Speaker, I am calling upon this Congress, and I will be working with the Congressional Children's Caucus which I am a cochair of. We will take on as our issue a Marshall Plan for educating the world's children, a Marshall Plan that will demand of the world, demand of the United Nations, demand of nations both free and unfree that their children must come first.

We must minimally provide for a primary education for the world's children. What kind of world are we to say that we sit idly by to allow our children, orphaned or not, to be sexually abused, to be lacking in education, to have no homes to go to, to be used in human trafficking, to be sexual slaves and as well child slaves and to be used in war. I believe that we will not as a collective world force, as a family of humanity, be able to stand up and acknowledge our own humanness by sending to the worst plight our children in this world. There should be an outcry. A mere $8 billion can promise the primary education of all of the world's children.

It will be the challenge of the Congressional Children's Caucus to hold hearings on this issue. I invite Save the Children, UNICEF, other United Nations NGOs, world NGOs to join us, celebrities and others, to join us and put our collective effort behind the idea of really saving the world's children. It is a big task, but it can be done. We can spend $80 billion and more in a supplemental to help the military in Iraq. We can minimally provide $8 billion that will guarantee every single child in the world today a primary education.

Mr. Speaker, the challenge is enormous, but in seeing the devastation in the tsunami region I cannot imagine that we can minimally provide for the children of the world.

OUSTER OF VETERANS COMMITTEE CHAIR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STRICKLAND) is recognized for 5 minutes.

Mr. STRICKLAND. Mr. Speaker, on January 3 of this year, 10 national veterans organizations wrote a letter to Speaker HASTERT. Those 10 organizations were the American Legion, the Veterans of Foreign Wars, the Military Order of the Purple Heart, the Paralyzed Veterans of America, the Vietnam Veterans of America, the Disabled Veterans, the AMVETS, the Blinded Veterans Association, the Jewish War Veterans, and the Noncommissioned Officers.

Why did these 10 groups write a letter to Speaker HASTERT? They wrote this letter because they were concerned that rumors were spreading throughout this Chamber and across Capitol Hill that the chairman of the House Committee on Veterans' Affairs, a Republican, the chairman of the Committee on Veterans' Affairs that had been there for 4 years, this man had served on the Committee on Veterans' Affairs for 24 years, the gentleman from New Jersey (Mr. SMITH), the rumor was spreading that Chairman SMITH was going to be replaced as the Chair of the VA Committee and that someone else would be put in that position.

These veterans groups were terribly concerned because, as they said in the letter, the Nation's leading veterans organizations representing over 5 million members are writing to "urge that Congressman Chris Smith remain chairman of the House Committee on Veterans' Affairs."

☐ 1530

They also said in the letter, "Over the past 4 years, Chairman SMITH's national reputation as the foremost congressional expert and advocate on veterans' issues has continued to grow."

They further said in their letter, "In our view, it would be a tragedy if Chris Smith left the chairmanship" of the Committee on Veterans' Affairs.

The Speaker of this House and the leadership of this House ignored all of these 10 national veterans organizations, and they not only removed the gentleman from New Jersey (Mr. SMITH) as the chairman of the Committee on Veterans' Affairs; they removed him from the committee entirely, a committee that he had served on for 24 years. Why did they do this? They did it because the gentleman from New Jersey (Mr. SMITH) is an advocate for veterans. He had the gall to speak up and to speak out and say we should do what we have promised to do and provide our veterans with the health care they need. And the leadership of this House would not tolerate that kind of insubordination. So this good man was stripped of the Chair's position and removed from the committee.

Let me say something about the gentleman from New Jersey (Mr. SMITH), the person. In my judgment, he is the most pro-life advocate in this House of Representatives. I do not agree with the gentleman from New Jersey (Mr. SMITH) on every issue, but I can tell the Members that he is a true conservative. He is an advocate for the unborn. He is an advocate for human rights not only here in this country but around the world. And if this Republican leadership would do this to their own, one can only imagine how they may respond to others who would challenge anything the leadership may want them to do.

We are elected to come here by about 630,000 people. At least I think I have 631,000 constituents in my district of Ohio. We are elected to come here as independently elected representatives of the people that vote for us, and our responsibility is to speak up and to speak out. Benjamin Franklin has said, If you act like sheep, the wolves will eat you. And I would just like to say to my Republican colleagues who sat by and let the gentleman from New Jersey (Mr. SMITH) be treated the way he was treated by their leadership, if they can do it to the gentleman from New Jersey (Mr. SMITH), they can do it to any one of them. And if they act like sheep, if they go along to get along or to protect themselves or to keep from being punished by their leadership, they will lose the ability to be an effective advocate for the people who sent them here to represent them.

THE PRESIDENT'S STATE OF THE UNION ADDRESS AND SOCIAL SECURITY

The SPEAKER pro tempore (Mr. CULBERSON). Under a previous order of the House, the gentleman from Virginia (Mr. MORAN) is recognized for 5 minutes.

Mr. MORAN of Virginia. Mr. Speaker, tonight is another historic opportunity for the President to give direction to this country through the State of the Union address. I know we will all be watching, and we will all be hoping that he provides the kind of direction that we need, both internationally and domestically.

Internationally he certainly deserves credit for the kind of turnout that was experienced in Iraq. It was at least equal to, if not more than, most people expected. He still needs to reassure us that there is a timetable for withdrawal from Iraq and that, in fact, he has plans to make this a safer world by dealing with truly critical situations in North Korea, in Russia in terms of its retreat to greater control of the economy and the society through a more repressive attitude. And particularly in light of the fact that there are still thousands of nuclear warheads in Russia, we need to make sure through programs such as the Nunn-Lugar bill that those nuclear warheads will never be accessible to terrorist groups.

There are a great many challenges internationally. Hopefully, he will rise to the occasion and provide leadership in the Israeli-Palestinian crisis, which is still the prism through which most Arabs and Muslims really throughout the world view our willingness and determination to provide balanced, just, and effective leadership in bringing about the kind of economic and social interdependence that will stabilize that part of the world and protect Israel from its enemies and enable Israel to continue to be a true democracy and, in fact, a model for the other regimes in that area in terms of full democratic participation.

These are all important objectives internationally, and we trust that the President will provide the kind of leadership we need, and I am confident that the Democrats will hold him fully accountable for the results in 4 years.

But we start out now with a President that has just been elected with a clear majority, something that did not happen 4 years ago. We need to work together. And what we are told on the domestic front is that the emphasis is going to be upon deficit reduction and primarily upon reforming the Social Security system. This is not where the emphasis needs to be in terms of the Social Security program.

Clearly, the budget deficit is in a crisis situation. We need leadership to lead us out of that crisis situation. We are currently spending 20 percent of the gross domestic product and bringing in only 16.8 percent in revenue. The President needs to show us where he is going to be able to come up with the kind of revenue to match the spending. The President, we suspect, if past is prologue, is going to identify a number of domestic programs; but all told those domestic programs, if we would eliminate all of them with the exception of the defense budget, they do not equal the amount of the annual deficits. So we need some clear plans on how we are going to reduce this deficit, hopefully through a PAYGO plan that requires offsets against tax cuts as well as spending increases.

But I want to emphasize particularly the Social Security program. The President is going to suggest it is in crisis. Mr. Speaker, it is not in crisis. In fact, he needs to reassure the American people that there is plenty of money currently in the Social Security system to take us out at least to the year 2052, according to the Congressional Budget Office; and there is enough to provide 73 percent of the benefits for another 40-plus years.

Right now we have about $1.7 trillion in reserves. That amount is going to go up by hundreds of billions each year so that we will have over $4 trillion in reserves by 2015. By 2018 it starts to tip as my generation, the baby boom generation, starts to retire, and then we need to make some plans for the future. But let me suggest that the tax cuts that we have enacted in 2001 and 2003 total 2 percent of the gross domestic product. The Social Security system needs only 4/10 of 1 percent to cover the shortfall for the next 75 years. Even the taxes just on the top 1 percent are 6/10 of 1 percent more than we need to cover the Social Security shortfall.

That is where the emphasis needs to be. We trust that the President will provide that kind of leadership this evening.

ELECTION OF MEMBERS TO COMMITTEE ON THE BUDGET

Mr. PUTNAM. Mr. Speaker, I offer a resolution (H. Res. 64) and I ask unanimous consent for its immediate consideration in the House.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 64

Resolved, That the following Members be and are hereby elected to the following standing committee of the House of Representatives:

Committee on the Budget: Mr. Crenshaw to rank after Mr. Ryun of Kansas; Mr. Wicker to rank after Mr. Putman and Ms. Ros-Lehtinen to rank after Mr. Hensarling.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 41 minutes p.m.), the House stood in recess subject to the call of the Chair.

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AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. DREIER) at 4 o'clock and 50 minutes p.m.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE

Mr. CANTOR. Mr. Speaker, by direction of the Republican Conference, I offer a privileged resolution (H. Res. 65) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 65

Resolved, That the following Members be and are hereby elected to the following standing committee of the House of Representatives:

Committee on Standards of Official Conduct: Mr. Hastings of Washington, Chairman; Mrs. Biggert; Mr. Smith of Texas; Ms. Hart and Mr. Cole.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION OF MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CANTOR. Mr. Speaker, I offer a resolution (H. Res. 66) and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore. The Clerk will report the resolution.

The Clerk read as follows:

H. RES. 66

Resolved, That the following Members be and are hereby elected to the following standing committees of the House of Representatives:

Committee on Education and the Workforce: Mr. Souder to rank after Mr. Johnson of Texas.

Committee on Financial Services: Mr. Pearce to rank after Mr. Gerlach.

Committee on International Relations: Mr. Barrett of South Carolina to rank after Mr. Boozman.

Committee on Small Business: Ms. Shuster to rank after Mr. Akin; Mr. Bradley of New Hampshire to rank after Mrs. Musgrave and Mr. Keller to rank after Mr. McCotter.

Committee on Veterans' Affairs: Mr. Nunes to rank after Ms. Brown-Waite and Mr. Turner.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 8:40 p.m. for the purpose of receiving in joint session the President of the United States.

Accordingly (at 4 o'clock and 53 minutes p.m.), the House stood in recess until approximately 8:40 p.m.

□ 2045

AFTER RECESS

The recess having expired, the House was called to order at 8 o'clock and 45 minutes p.m.

JOINT SESSION OF THE HOUSE AND SENATE HELD PURSUANT TO THE PROVISIONS OF HOUSE CONCURRENT RESOLUTION 20 TO HEAR AN ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Deputy Sergeant at Arms, Mrs. Kerri Hanley, announced the Vice President and Members of the U.S. Senate, who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the United States into the Chamber:

The gentleman from Texas (Mr. DELAY);

The gentleman from Missouri (Mr. BLUNT);

The gentlewoman from Ohio (Ms. PRYCE);

The gentleman from Arizona (Mr. SHADEGG);

The gentlewoman from California (Ms. PELOSI);

The gentleman from Maryland (Mr. HOYER);

The gentleman from New Jersey (Mr. MENENDEZ); and

The gentleman from South Carolina (Mr. CLYBURN).

The VICE PRESIDENT. The President of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort the President of the United States into the House Chamber:

The Senator from Tennessee (Mr. FRIST);

The Senator from Kentucky (Mr. McCONNELL);

The Senator from Pennsylvania (Mr. SANTORUM);

The Senator from Texas (Mrs. HUTCHISON);

The Senator from Arizona (Mr. KYL);

The Senator from North Carolina (Mrs. DOLE);

The Senator from Utah (Mr. HATCH);

The Senator from Wyoming (Mr. THOMAS);

The Senator from Nevada (Mr. REID);

The Senator from Illinois (Mr. DURBIN);

The Senator from Michigan (Ms. STABENOW);

The Senator from New York (Mr. SCHUMER);

The Senator from North Dakota (Mr. DORGAN); and

The Senator from New York (Mrs. CLINTON).

The Deputy Sergeant at Arms announced the Acting Dean of the Diplomatic Corps, His Excellency Roble Olhaye, Ambassador of the Republic of Djibouti.

The Acting Dean of the Diplomatic Corps entered the Hall of the House of Representatives and took the seat reserved for him.

The Deputy Sergeant at Arms announced the Associate Justice of the Supreme Court.

The Associate Justice of the Supreme Court entered the Hall of the House of Representatives and took the seat reserved for him in front of the Speaker's rostrum.

The Deputy Sergeant at Arms announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 9 o'clock and 5 minutes p.m., the Sergeant at Arms, the Honorable Wilson Livingood, announced the President of the United States.

The President of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, I have the high privilege and the distinct honor of presenting to you the President of the United States.

(Applause, the Members rising.)

THE STATE OF THE UNION ADDRESS BY THE PRESIDENT OF THE UNITED STATES

The PRESIDENT. Mr. Speaker, Vice President CHENEY, Members of Congress, fellow citizens:

As a new Congress gathers, all of us in the elected branches of government share a great privilege: we have been placed in office by the votes of the people we serve. And tonight that is a privilege we share with newly elected leaders of Afghanistan, the Palestinian territories, Ukraine, and a free and sovereign Iraq.

Two weeks ago, I stood on the steps of this Capitol and renewed the commitment of our Nation to the guiding ideal of liberty for all. This evening I will set forth policies to advance that ideal at home and around the world.

Tonight, with a healthy, growing economy, with more Americans going back to work, with our Nation an active force for good in the world, the state of our Union is confident and strong. Our generation has been blessed by the expansion of opportunity, by advances in medicine, by the security purchased by our parents' sacrifice. Now, as we see a little gray in the mirror, or a lot of gray, and we watch our children moving into adulthood, we ask the question: What will be the state of their Union?

Members of Congress, the choices we make together will answer that question. Over the next several months, on issue after issue, let us do what Americans have always done, and build a better world for our children and our grandchildren.

First, we must be good stewards of this economy and renew the great institutions on which millions of our fellow citizens rely.

America's economy is the fastest growing of any major industrialized nation. In the past 4 years, we have provided tax relief to every person who pays income taxes, overcome a recession, opened up new markets abroad, prosecuted corporate criminals, raised homeownership to its highest level in history; and in the last year alone, the United States has added 2.3 million new jobs. When action was needed, the Congress delivered, and the Nation is grateful.

Now we must add to these achievements. By making our economy more flexible, more innovative, and more competitive, we will keep America the economic leader of the world.

America's prosperity requires restraining the spending appetite of the Federal Government. I welcome the bipartisan enthusiasm for spending discipline. I will send you a budget that holds that growth of discretionary spending below inflation, makes tax relief permanent, and stays on track to cut the deficit in half by 2009. My budget substantially reduces or eliminates more than 150 government programs that are not getting results, or duplicate current efforts, or do not fulfill essential priorities. The principle here is clear: taxpayer dollars must be spent wisely, or not at all.

To make our economy stronger and more dynamic, we must prepare a rising generation to fill the jobs of the 21st century. Under the No Child Left Behind Act, standards are higher, tests scores are on the rise, and we are closing the achievement gap for minority students. Now we must demand better results from our high schools so every high school diploma is a ticket to success.

We will help an additional 200,000 workers to get training for a better career by reforming our job training system and strengthening America's community colleges. And we will make it easier for Americans to afford a college education, by increasing the size of Pell grants.

To make our economy stronger and more competitive, America must reward, not punish, the efforts and dreams of entrepreneurs. Small business is the path of advancement, especially for women and minorities, so we must free small businesses from needless regulations and protect honest job creators from junk lawsuits. Justice is distorted and our economy is held back by irresponsible class actions and frivolous asbestos claims, and I urge Congress to pass legal reforms this year.

To make our economy stronger and more productive, we must make health care more affordable and give families greater access to good coverage and more control over their health decisions. I ask Congress to move forward on a comprehensive health care agenda with tax credits to help low-income workers buy insurance, a community health center in every poor county, improved information technology to prevent medical errors and needless costs, association health plans for small businesses and their employees, expanded health savings accounts, and medical liabilities reform that will reduce health care costs, and make sure patients have the doctors and care they need.

To keep our economy growing, we also need reliable supplies of affordable, environmentally responsible energy. Nearly 4 years ago, I submitted a comprehensive energy strategy that encourages conservation, alternative sources, a modernized electricity grid, and more production here at home, including safe, clean nuclear energy. My Clear Skies legislation will cut power plants pollution and improve the health of our citizens. And my budget provides strong funding for leading-edge technology from hydrogen fueled cars, to clean coal, to renewable sources such as ethanol. Four years of debate is enough. I urge Congress to pass legislation that makes America more secure and less dependent on foreign energy.

All these proposals are essential to expand this economy and add new jobs, but they are just the beginning of our duty. To build the prosperity of future generations, we must update institutions that were created to meet the needs of an earlier time. Year after year, Americans are burdened by an archaic, incoherent Federal tax codes. I have appointed a bipartisan panel to examine the tax codes from top to bottom. And when their recommendations are delivered, you and I will work together to give this Nation a tax code that is pro-growth, easy to understand, and fair to all.

America's immigration system is also outdated, unsuited to the needs of our economy and to the values of our country. We should not be content with laws that punish hardworking people who want only to provide for their families, and deny businesses willing workers and invite chaos at our border. It is time for an immigration policy that permits temporary guest workers to fill jobs Americans will not take, that rejects amnesty, that tells us who is entering and leaving our country, and that closes the border to drug dealers and terrorists.

One of America's most important institutions, a balance of the trust between generations, is also in need of wise and effective reform. Social Security was a great moral success of the 20th century, and we must honor its great purposes in this new century. The system, however, on its current path, is headed toward bankruptcy. And so we must join together to strengthen and save Social Security.

Today, more than 45 million Americans receive Social Security benefits, and millions more are nearing retirement; and for them the system is sound and fiscally strong. I have a message for every American who is 55 or older. Do not let anyone mislead you. For you the Social Security system will not change in any way.

For younger workers, the Social Security system has serious problems that will grow worse with time. Social Security was created decades ago, for a very different era. In those days people did not live as long, benefits were much lower than they are today, and a half century ago, about 16 workers paid into the system for each person drawing benefits.

Our society has changed in ways the founders of Social Security could not have foreseen. In today's world, people are living longer and therefore drawing benefits longer, and those benefits are scheduled to rise dramatically over the next few decades. And instead of 16 workers paying in for every beneficiary, right now it is only about 3 workers; and over the next few decades that number will fall to just two workers per beneficiary. With each passing year, fewer workers are paying ever higher benefits to an ever larger number of retirees.

So here is the result: 13 years from now, in 2018, Social Security will be paying out more than it takes in. And every year afterward will bring a new shortfall, bigger than the year before. For example, in the year 2027, the government will somehow have to come up with an extra $200 billion to keep the system afloat. And by 2033, the annual shortfall would be more than $300 billion. By the year 2042, the entire system would be exhausted and bankrupt. If steps are not to avert that outcome, the only solutions would be dramatically higher taxes, massive new borrowing, or sudden and severe cuts in Social Security benefits or other government programs.

I recognize that 2018 and 2042 may seem a long way off. But those dates are not so distant, as any parent will tell you. If you have a 5-year-old, you are already concerned about how you will pay for college tuition 13 years down the road. If you have got children in their twenties, as some of us do, the idea of Social Security collapsing before they retire does not seem like a small matter. And it should not be a small matter to the United States Congress.

You and I share a responsibility. We must pass reforms that solve the financial problems of Social Security once and for all. Fixing Social Security permanently will require an open, candid review of options. Some have suggested limiting benefits for wealthy retirees. Former Congressman Tim Penny has raised the possibility of indexing benefits to prices rather than wages. During the 1990s, my predecessor, President Clinton, spoke of increasing the retirement age. Former Senator John Breaux suggested discouraging early collection of Social Security benefits. The late Senator Daniel Patrick Moynihan recommended changing the way benefits are calculated.

All of these ideas are on the table. I know that none of these reforms would be easy. But we have to move ahead with courage and honesty because our children's retirement security is more important than partisan politics. I will work with Members of Congress to find the most effective combination of reforms. I will listen to anyone who has a good idea to offer. We must, however, be guided by some basic principles. We must make Social Security permanently sound, not leave that task for another day.

We must not jeopardize our economic strength by increasing payroll taxes. We must ensure that lower-income Americans get the help they need to have dignity and peace of mind in their retirement. We must guarantee that there is no change for those now retired or nearing retirement. And we must take care that any changes in the system are gradual, so younger workers have years to prepare and plan for their future.

As we fix Social Security, we also have the responsibility to make the system a better deal for younger workers. And the best way to reach that goal is through voluntary personal retirement accounts. Here is how the idea works. Right now, a set portion of the money you earn is taken out of your paycheck to pay for the Social Security benefits of today's retirees. If you are a younger worker, I believe you should be able to set aside part of that money in your own retirement account, so you can build a nest egg for your own future.

Here is why the personal accounts are a better deal. Your money will grow over time at a greater rate than anything the current system can deliver, and your account will provide money for retirement over and above the check you will receive from Social Security.

In addition, you will be able to pass along the money that is accumulating in your personal account if you wish to your children or grandchildren. And best of all, the money in the account is yours, and the Government can never take it away.

The goal here is greater security in retirement, so we will set careful guidelines for personal accounts. We will make sure the money can only go into a conservative mix of bonds and stock funds. We will make sure that your earnings are not eaten up by hidden Wall Street fees. We will make sure there are good options to protect your investments from sudden market swings on the eve of your retirement. We will make sure a personal account cannot be emptied all at once, but rather paid out over time, as an addition to traditional Social Security benefits. And we will make sure this plan is fiscally responsible, by starting personal accounts gradually and raising the yearly limits on contributions over time, eventually permitting all workers to set aside 4 percentage points of their payroll taxes in their accounts.

Personal retirement accounts should be familiar to Federal employees, because you already have something similar called the Thrift Savings Plan, which lets workers deposit a portion of their paychecks into any of five different broadly based investment funds. It is time to extend the same security and choice and ownership to young Americans.

Our second great responsibility to our children and grandchildren is to honor and to pass along the values that sustain a free society. So many of my generation, after a long journey, have come home to family and faith and are determined to bring up responsible, moral children. Government is not the source of these values, but government should never undermine them.

Because marriage is a sacred institution and the foundation of society, it should not be redefined by activist judges. For the good of families, children, and society, I support a constitutional amendment to protect the institution of marriage.

Because a society is measured by how it treats the weak and vulnerable, we must strive to build a culture of life. Medical research can help us reach that goal by developing treatments and cures that save lives and help people overcome disabilities, and I thank the Congress for doubling the funding of the National Institutions of Health. To build a culture of life, we must also ensure that scientific advances always serve human dignity, not take advantage of some lives for the benefit of others. We should all be able to agree on some clear standards.

I will work with Congress to ensure that human embryos are not created for experimentation or grown for body parts and that human life is never bought or sold as a commodity. America will continue to lead the world in medical research that is ambitious, aggressive, and always ethical.

Because courts must always deliver impartial justice, judges have a duty to faithfully interpret the law, not legislate from the bench. As President, I have a constitutional responsibility to nominate men and women who understand the role of courts in our democracy and are well qualified to serve on the bench, and I have done so. The Constitution also gives the Senate a responsibility: every judicial nominee deserves an up-or-down vote.

Because one of the deepest values of our country is compassion, we must never turn away from any citizen who feels isolated from the opportunities of America. Our government will continue to support faith-based and community groups that bring hope to harsh places. Now we need to focus on giving young people, especially young men in our cities, better options than apathy or gangs or jail. Tonight I propose a 3-year initiative to help organizations keep young people out of gangs and show young men an ideal of manhood that respects women and rejects violence. Taking on gang life will be one part of a broader outreach to at-risk youth, which involves parents and pastors, coaches and community leaders, in programs ranging from literacy to sports. I am proud that the leader of this nationwide effort will be our First Lady, Laura Bush.

Because HIV/AIDS brings suffering and fear into so many lives, I ask you to reauthorize the Ryan White Act to encourage prevention and provide care and treatment to the victims of that disease. And as we update this important law, we must focus our efforts on fellow citizens with the highest rates of new cases, African American men and women.

Because one of the main sources of our national unity is our belief in equal justice, we need to make sure Americans of all races and backgrounds have confidence in the system that provides justice. In America we must make doubly sure no person is held to account for a crime he or she did not commit, so we are dramatically expanding the use of DNA evidence to prevent wrongful conviction. Soon I will send to Congress a proposal to fund special training for defense counsel in capital cases, because people on trial for their lives must have competent lawyers by their side.

Our third responsibility to future generations is to leave them an America that is safe from danger and protected by peace. We will pass along to our children all the freedoms we enjoy, and chief among them is freedom from fear.

In the 3½ years since September 11, 2001, we have taken unprecedented actions to protect Americans. We have created a new Department of government to defend our homeland, focused the FBI on preventing terrorism, begun to reform our intelligence agencies, broken up terror cells across the country, expanded research on defenses against biological and chemical attack, improved border security, and trained more than a half million first responders. Police and firefighters, air marshals, researchers and so many others are working every day to make our homeland safer, and we thank them all.

Our Nation, working with allies and friends, has also confronted the enemy abroad with measures that are determined, successful, and continuing. The al Qaeda terror network that attacked our country still has leaders, but many of its top commanders have been removed. There are still governments that sponsor and harbor terrorists, but their number has declined. There are still regions seeking weapons of mass destruction, but no longer without attention and without consequence. Our country is still the target of terrorists who want to kill many, and intimidate us all; and we will stay on the offensive against them until the fight is won.

Pursuing our enemies is a vital commitment of the war on terror, and I thank the Congress for providing our servicemen and -women with the resources they have needed. During this time of war, we must continue to support our military and give them the tools for victory.

Other nations around the globe have stood with us. In Afghanistan, an international force is helping provide security. In Iraq, 28 countries have troops on the ground, the United Nations and the European Union provided technical assistance for the elections, and NATO is leading a mission to help train Iraqi officers. We are cooperating with 60 governments in the Proliferation Security Initiative to detect and stop the transit of dangerous materials.

We are working closely with the governments in Asia to convince North Korea to abandon its nuclear ambitions. Pakistan, Saudi Arabia, and nine other countries have captured or detained al Qaeda terrorists. In the next 4 years, my administration will continue to build the coalitions that will defeat the dangers of our time.

In the long term, the peace we seek will only be achieved by eliminating the conditions that feed radicalism and ideologies of murder. If whole regions of the world remain in despair and grow in hatred, they will be the recruiting grounds for terror, and that terror will stalk America and other free nations for decades.

The only force powerful enough to stop the rise of tyranny and terror, and replace hatred with hope, is the force of human freedom. Our enemies know this, and that is why the terrorist Zarqawi recently declared war on what he called the evil principle of democracy. And we have declared our own intention: America will stand with the allies of freedom to support democratic movements in the Middle East and beyond, with the ultimate goal of ending tyranny in our world.

The United States has no right, no desire, and no intention to impose our form of government on anyone else. That is one of the main differences between us and our enemies.

They seek to impose and expand an empire of oppression, in which a tiny group of brutal, self-appointed rulers control every aspect of every life. Our aim is to build and preserve a community of free and independent nations, with governments that answer to their citizens, and reflect their own cultures. And because democracies respect their own people and their own neighbors, the advance of freedom will lead to peace.

That advance has great momentum in our time, shown by women voting in Afghanistan, and Palestinians choosing a new direction, and the people of Ukraine asserting their democratic rights and electing a president. We are witnessing landmark events in the history of liberty. And in the coming years, we will add to that story.

The beginnings of reform and democracy in the Palestinian territories are now showing the power of freedom to break old patterns of violence and failure. Tomorrow morning, Secretary of State Rice departs on a trip that will take her to Israel and the West Bank for meetings with Prime Minister Sharon and President Abbas. She will discuss with them how we and our friends can help the Palestinian people end terror and build the institutions of a peaceful, independent democratic state. To promote this democracy, I will ask Congress for $350 million to support Palestinian political, economic, and security reforms. The goal of two democratic states, Israel and Palestine, living side by side in peace is within reach; and America will help them achieve that goal.

To promote peace and stability in the broader Middle East, the United States will work with our friends in the region to fight the common threat of terror, while we encourage a higher standard of freedom. Hopeful reform is already taking hold in an arc from Morocco to Jordan to Bahrain. The government of Saudi Arabia can demonstrate its leadership in the region by expanding the role of its people in determining their future. And the great and proud nation of Egypt, which showed the way toward peace in the Middle East, can now show the way toward democracy in the Middle East.

To promote peace in the broader Middle East, we must confront regimes that continue to harbor terrorists and pursue weapons of mass murder. Syria still allows its territory, and parts of Lebanon, to be used by terrorists who seek to destroy every chance of peace in the region. You have passed, and we are applying, the Syrian Accountability Act; and we expect the Syrian government to end all support for terror and open the door to freedom.

Today, Iran remains the world's primary state sponsor of terror, pursuing nuclear weapons while depriving its people of the freedom they seek and deserve. We are working with European allies to make clear to the Iranian regime that it must give up its uranium enrichment program and any plutonium reprocessing, and end its support for terror. And to the Iranian people, I say tonight: as you stand for your own liberty, America stands with you.

Our generational commitment to the advance of freedom, especially in the Middle East, is now being tested and honored in Iraq. That country is a vital front in the war on terror, which is why the terrorists have chosen to make a stand there. Our men and women in uniform are fighting terrorists in Iraq, so we do not have to face them here at home. The victory of freedom in Iraq will strengthen a new ally in the war on terror, inspire democratic reformers from Damascus to Tehran, bring more hope and progress to a troubled region, and thereby lift a terrible threat from the lives of our children and grandchildren.

We will succeed because the Iraqi people value their own liberty, as they showed the world last Sunday. Across Iraq, often at great risk, millions of citizens went to the polls and elected 275 men and women to represent them in a new transitional national assembly. A young woman in Baghdad told of waking to the sound of mortar fire on election day and wondering if it might be too dangerous to vote. She said, "Hearing those explosions, it occurred to me, the insurgents are weak, they are afraid of democracy, they are losing. So I got my husband, and I got my parents, and we all came out and voted together." Americans recognize that spirit of liberty, because we share it. In any nation, casting your vote is an act of civic responsibility. For millions of Iraqis, it was also an act of personal courage, and they have earned the respect of us all.

One of Iraq's leading democracy and human rights advocates is Safia Taleb al-Suhail. She says of her country, "We were occupied for 35 years by Saddam Hussein. That was the real occupation. Thank you to the American people who paid the cost, but most of all to the soldiers." Eleven years ago, Safia's father was assassinated by Saddam's intelligence service. Three days ago in Baghdad, Safia was finally able to vote for the leaders of her country, and we are honored that she is with us tonight.

The terrorists and insurgents are vitally opposed to democracy and will continue to attack it. Yet the terrorists' most powerful myth is being destroyed. The whole world is seeing that the car bombers and assassins are not only fighting coalition forces; they are trying to destroy the hopes of Iraqis, expressed in free elections. And the whole world now knows that a small group of extremists will not overturn the will of the Iraqi people.

We will succeed in Iraq because Iraqis are determined to fight for their own freedom, and to write their own history. As Prime Minister Allawi said in his speech to Congress last September, "Ordinary Iraqis are anxious to shoulder all the security burdens of our country as quickly as possible." That is the natural desire of an independent nation, and it is also the stated mission of our coalition in Iraq.

The new political situation in Iraq opens a new phase of our work in that country. At the recommendation of our commanders on the ground, and in consultation with the Iraqi government, we will increasingly focus our efforts on helping prepare more capable Iraqi security forces, forces with skilled officers, and an effective command structure. As those forces become more self-reliant and take on greater security responsibilities, America and its coalition partners will increasingly be in a supporting role. In the end, Iraqis must be able to defend their own country; and we will help that proud, new nation secure its liberty.

Recently an Iraqi interpreter said to a reporter, "Tell America not to abandon us." He and all Iraqis can be certain: while our military strategy is adapting to circumstances, our commitment remains firm and unchanging. We are standing for the freedom of our Iraqi friends and freedom in Iraq will make America safer for generations to come. We will not set an artificial timetable for leaving Iraq because that would embolden the terrorists and make them believe they can wait us out.

We are in Iraq to achieve a result: a country that is democratic, representative of all its people, at peace with its neighbors, and able to defend itself. And when that result is achieved, our men and women serving in Iraq will return home with the honor they have earned.

Right now, Americans in uniform are serving at posts across the world, often taking great risks on my orders. We have given them training and equipment, and they have given us an example of idealism and character that makes every American proud. The volunteers of our military are unrelenting in battle, unwavering in loyalty, unmatched in honor and decency, and every day they are making our Nation more secure. Some of our servicemen and -women have survived terrible injuries, and this grateful Nation will do everything we can to help them recover. And we have said farewell to some very good men and women who died for our freedom and whose memory this Nation will honor forever.

One name we honor is Marine Corps Sergeant Byron Norwood of Pflugerville, Texas, who was killed during the assault on Fallujah. His mom, Janet, sent me a letter and told me how much Byron loved being a Marine, and how proud he was to be on the front line against terror. She wrote, "When Byron was home the last time, I said that I wanted to protect him like I had since he was born. He just hugged me and said: 'You have done your job, Mom. Now it is my turn to protect you.'" Ladies and gentlemen, with grateful hearts, we honor freedom's defenders, and our military families, represented here this evening by Sergeant Norwood's mom and dad, Janet and Bill Norwood.

In these 4 years, Americans have seen the unfolding of large events. We have known times of sorrow, and hours of uncertainty, and days of victory. In all this history, even when we have disagreed, we have seen threads of purpose that unite us. The attack on freedom in our world has reaffirmed our confidence in freedom's power to change the world. We are all part of a great venture: to extend the promise of freedom in our country, to renew the values that sustain our liberty, and to spread the peace that freedom brings.

As Franklin Roosevelt once reminded Americans: "Each age is a dream that is dying, or one that is coming to birth." And we live in the country where the biggest dreams are born. The abolition of slavery was only a dream, until it was fulfilled. The liberation of Europe from Fascism was only a dream, until it was achieved. The fall of Imperial Communism was only a dream, until, one day, it was accomplished. Our generation has dreams of its own, and we also go forward with confidence. The road of Providence is uneven and unpredictable, yet we know where it leads: it leads to freedom.

Thank you, and may God bless America.

(Applause, the Members rising.)

At 10 o'clock and 4 minutes p.m. the President of the United States, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Deputy Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The members of the President's Cabinet.

The Associate Justice of the Supreme Court.

The Acting Dean of the Diplomatic Corp.

JOINT SESSION DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 10 o'clock and 5 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

MESSAGE OF THE PRESIDENT REFERRED TO THE COMMITTEE OF THE WHOLE HOUSE ON THE STATE OF THE UNION

Mr. BLUNT. Mr. Speaker, I move that the message of the President be referred to the Committee of the Whole House on the State of the Union and ordered printed.

The motion was agreed to.

PERMISSION FOR MEMBER TO REVISE AND EXTEND REMARKS ON THIS LEGISLATIVE DAY.

The SPEAKER. Without objection, the gentleman from California (Mr. DREIER) is permitted to revise and extend and insert extraneous material on this legislative day.

There was no objection.

AMENDMENT PROCESS FOR CONSIDERATION OF H.R. 418, REAL ID ACT OF 2005

Mr. DREIER. Mr. Speaker, the Rules Committee may meet the week of February 7th to grant a rule which could limit the amendment process for floor consideration of H.R. 418, the REAL ID Act of 2005.

Any Member wishing to offer an amendment should submit 55 copies of the amendment and one copy of a brief explanation of the amendment to the Rules Committee in room H–312 of the Capitol by 12 noon on Tuesday, February 8, 2005. Members should draft their amendments to the bill as introduced on January 26, 2005.

Members should use the Office of Legislative Counsel to ensure that their amendments are drafted in the most appropriate format and should check with the Office of the Parliamentarian to be certain their amendments comply with the rules of the House.

RESIGNATION AS MEMBER OF COMMITTEE ON RESOURCES

The SPEAKER pro tempore (Mr. DREIER) laid before the House the following resignation as a member of the Committee on Resources:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2005.

Hon. DENNIS HASTERT,
Speaker of the House of Representatives,
Washington, DC.

DEAR SPEAKER HASTERT: I am writing to inform you of my resignation from the Resources Committee, effective today, Wednesday, February 2, 2005.

Sincerely,

MARK SOUDER
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, February 2, 2005.

Hon. J. DENNIS HASTERT,
The Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on February 2, 2005 at 5:30 p.m.:

That the Senate agreed to without amendment H. Con. Res. 39.

Wish best wishes, I am.

Sincerely,

JEFF TRANDAHL,
Clerk of the House.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Ms. WOOLSEY) to revise and extend their remarks and include extraneous material:)

Mr. DEFAZIO, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. CASE, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SANDERS, for 5 minutes, today.

Mr. STRICKLAND, for 5 minutes, today.

(The following Members (at the request of Mr. JENKINS) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, February 8.

Mr. YOUNG of Alaska, for 5 minutes, today.

(The following Members (at their own request) to revise and extend their remarks and include extraneous material:)

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. MORAN of Virginia, for 5 minutes, today.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 167. An act to provide for the protection of intellectual property rights, and for other purposes; to the Committee on the Judiciary; in addition to the Committee on House Administration for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, pursuant to House Concurrent Resolution 39, 109th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Pursuant to the provisions of House Concurrent Resolution 39, 109th Congress, the House stands adjourned until 2 p.m. on Tuesday, February 8, 2005.

Thereupon (at 10 o'clock and 8 minutes p.m.), pursuant to House Concurrent Resolution 39, the House adjourned until Tuesday, February 8, 2005, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

523. A letter from the Administrator, AMS, Department of Agriculture, transmitting the Department's final rule — Exempting Organic Producers From Assessment by Research and Promotion Programs [Docket No. PY-02-006] (RIN: 0581-AC15) received January 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

524. A letter from the Congressional Review Coordinator, APHIS, Department of Agriculture, transmitting the Department's final rule — Delegation of Authority [Docket No. 04-120-1] received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

525. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Peanuts, Tree Nuts, Milk, Soybeans, Eggs, Fish, Crustacea, and Wheat; Exemption from the Requirement of a Tolerance [OPP-2005-0001; FRL-7694-5] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

526. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Army, Case Number 01-01, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

527. A letter from the Comptroller, Department of Defense, transmitting a report of a violation of the Antideficiency Act by the Department of the Navy, Case Number 02-03, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

528. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting a report on U.S. military personnel and U.S. individual civilians retained as contractors involved in supporting Plan Colombia, pursuant to Public Law 106—246, section 3204 (f) (114 Stat. 577); to the Committee on Armed Services.

529. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Chile and Singapore [DFARS Case 2003-D088] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

530. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Firefighting Services Contracts [DFARS Case 2003-D107] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

531. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Construction and Architect-Engineer Services [DFARS Case 2003-D035] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

532. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Competition Requirements [DFARS Case 2003-D017] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

533. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Contract Period for Task and Delivery Order Contracts [DFARS Case 2003-D097/2004-D023] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

534. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Free Trade Agreements — Australia and Morocco [DFARS Case 2004-D013] received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

535. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting approval of Colonel William A. Chambers, United States Air Force, to wear the insignia of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

536. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a report on the mobilization during FY 2002 and 2003 of members of the reserve components, as required by Section 517(a) of the National Defense Authorization Act for FY 2004; to the Committee on Armed Services.

537. A letter from the Inspector General, Department of Defense, transmitting the semiannual report of the Inspector General for the period April 1, 2004-September 30, 2004, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Armed Services.

538. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program [DFARS Case 2003-D013] received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

539. A letter from the Attorney Advisor, Maritime Administration, Department of Transportation, transmitting the Department's final rule — Deferment of Service Obligations of Midshipmen Recipients of Scholarships or Fellowships [Docket No. MARAD 2004-17759] (RIN: 2133-AB58) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

540. A letter from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final

rule — Waiver of the Requirement to Use Weighted Averages in the National School Lunch and School Breakfast Programs (RIN: 0584-AD63) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

541. A letter from the Director, Child Nutrition Division, Food and Nutrition Service, Department of Agriculture, transmitting the Department's final rule — National School Lunch Program: Requirement for Variety of Fluid Milk in Reimbursable Meals (RIN: 0584-AD55) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

542. A letter from the Director, Child Nutrition Division, FNS, Department of Agriculture, transmitting the Department's final rule — Waiver of the Requirement to Use Weighted Averages in the National School Lunch and School Breakfast Programs — received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

543. A letter from the Assistant Secretary, EBSA, Department of Labor, transmitting the Department's final rule — Mental Health Parity (RIN: 1210-AA62) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

544. A letter from the Acting Director, Directorate of Standards and Guidance, Department of Labor, transmitting the Department's final rule — Standards Improvement Project-Phase II [Docket No. S-778-A] (RIN: 1218-AB81) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

545. A letter from the Senior Regulatory Officer, Wage & Hour Division, ESA, Department of Labor, transmitting the Department's final rule — Child Labor Regulations, Orders and Statements of Interpretation; Child Labor Violations—Civil Money Penalties (RIN: 1215-AA09) received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

546. A letter from the Director, Corporate Policy and Research Dept., Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule — Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits — received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

547. A letter from the Secretary, Department of Health and Human Services, transmitting the fourth report, "Infertility and Sexually Transmitted Diseases," as required by Section 318A(o)(2) of the Public Health Service Act; to the Committee on Energy and Commerce.

548. A letter from the Secretary, Department of Transportation, transmitting the Department's Fiscal Year 2004 annual report as required by the Superfund Amendments and Reauthorization Act (SARA) of 1986, as amended, pursuant to 42 U.S.C. 9620; to the Committee on Energy and Commerce.

549. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of State Plans for Designated Facilities and Pollutants: Bernalillo County, New Mexico; Negative Declaration [R06-OAR-2004-NM-0001; FRL-7858-5] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

550. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Redesignation of the City of Weirton Including the Clay and Butler Magisterial Districts SO2 Nonattainment Area and Approval of the Maintenance Plan [R03-OAR-2004-WV-0002; FRL-7852-8] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

551. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; Idaho; Revised Format for Materials Being Incorporated by Reference [ID-04-002; FRL-7842-3] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

552. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Protection of Stratospheric Ozone: Leak Repair Requirements for Appliances Using Substitute Refridgerants [FRL-7858-7] (RIN: 2060-AM05) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

553. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

554. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report of the national emergency with respect to Liberia that was declared in Executive Order 13348 of July 22, 2004; to the Committee on International Relations.

555. A letter from the Chief Counsel, Office of Foreign Assets Control, Department of the Treasury, transmitting the Department's final rule — Cuban Assets Control Regulations; Sudanese Sanctions Regulations; Iranian Transactions Regulations — received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

556. A letter from the Secretary, Department of Commerce, transmitting the Department's 2005 Report on Foreign Policy-Based Export Controls, prepared by the Department's Bureau of Industry and Security (BIS), as required by Section 6 of the Export Administration Act of 1979, as amended; to the Committee on International Relations.

557. A letter from the Secretary, Department of Commerce, transmitting consistent with the resolution of advice and consent to ratification of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction, adopted by the Senate of the United States on April 24, 1997 and Executive Order 13346, certification for calendar year 2004 that interests of the United States are not being harmed significantly by the limitations of the Convention; to the Committee on International Relations.

558. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Implementation of the Understandings Reached at the June 2004 Australia Group (AG) Plenary Meeting and Through a Subsequent AG Intersessional Decision; Clarifications to the Scope of ECCNs 1A004, 1A995, and 2B351; Corrections to Country Group D and ECCNs 1C355, 1C395, and 1C995; Additions to the List of States Parties to the Chemical Weapons Convention [Docket No. 041221359-4359-01] (RIN: 0694-AD25) received January 3, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

559. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Encryption Export and Reexport Controls Revisions [Docket No. 041022290-4290-01] (RIN: 0694-AD19) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

560. A letter from the Assistant Secretary for Export Administration, Department of Commerce, transmitting the Department's final rule — Revision of Export Control Classification Number (ECCN) 2B351 to Conform with the Australia Group (AG) "Control List of Dual-Use Chemical Manufacturing Facilities and Equipment and Related Technology" [Docket NO. 041123328-4328-01] (RIN: 0694-AD16) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

561. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report pursuant to Section 804 of the PLO Commitments Compliance Act of 1989 (title VIII, Foreign Relations Authorization Act, FY 1990 and 1991 (Pub. L. 101-246)), and Sections 603-604 (Middle East Peace Commitments Act of 2002) and 699 of the Foreign Relations Authorization Act, FY 2003 (Pub. L. 107-228), as well as a Presidential Determination waiving sanctions as such waiver is in the national security interests of the United States, pursuant to Sections 603-604 of the FY 2003 Foreign Relations Authorization Act (Pub. L. 107-228); to the Committee on International Relations.

562. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a Memorandum of Justification for a Drawdown under section 506(a)(2) of the Foreign Assistance Act of 1961, as amended, to support the Philippines; to the Committee on International Relations.

563. A letter from the Assistant Attorney General for Administration, Department of Justice, transmitting the Department's final rule — Privacy Act of 1974; Implementation — received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

564. A letter from the Acting Assistant Administrator, Environmental Protection Agency, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Agency's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

565. A letter from the Executive Associate Director, Office of Management and Budget, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Office's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

566. A letter from the Director, Division for Strategic Human Resources Policy, Office of Personnel Management, transmitting the Office's final rule — Federal Employee Health Benefits Program: Modification of Two-Option Limitation For Health Benefits Plans and Continuation of Coverage for Annuitants Whose Plan Terminates an Option (RIN: 3206-AK48) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform.

567. A letter from the Secretary, Smithsonian Institution, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Institution's report on competitive sourcing efforts for FY 2004; to the Committee on Government Reform.

568. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Colorado Butterfly Plant (RIN: 1018-AJ07) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

569. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Mariana Fruit Bat (Pteropus mariannus mariannus): Reclassification from Endangered to Threatened in the Territoty of Guam and Listing as Threatened in the Commonwealth in the Northern Mariana Islands (RIN: 1018-AH55) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

570. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered Species Act Incidental Take Permit Revocation Regulations (RIN: 1018-AT64) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

571. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Establishment of an Additional Manatee Protection Area in Lee County, Florida (RIN: 1018-AT65) received December 9, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

572. A letter from the Assistant Secretary, Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Regulation for Nonessential Experimental Populations of the Western Districnt Population Segment of the Gray Wolf (RIN: 1018-AT61) received January 10, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

573. A letter from the Director, Office of Surface Mining, Department of Interior, transmitting the Department's final rule — Kentucky Regulatory Program [KY-247-FOR] received December 17, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

574. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Management Area [Docket No. 031124287-4060-02; I.D. 1020904D] received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

575. A letter from the Assistant Administrator, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Atlantic Highly Migratory Species; Atlantic Trade Restrictive Measures [Docket No. 040421127-4322-02; I.D. 051403A] (RIN: 0648-AR10) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

576. A letter from the Deputy Assistant Administrator for Operations, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Summer Flounder, Scup, and Black Sea Bass Fisheries; 2005 and 2006 Summer Flounder Specifications; 2005 Scup and Black Sea Bass Specifications [Docket No. 041110317-4364-02; I.D. 100404B] (RIN: 0648-AR51) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

577. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Northeastern United States; Final 2005, 2006, and 2007 Fishing Quotas for Atlantic Surfclams, Ocean Quahogs, and Maine Mahogany Ocean Quahogs [Docket No. 041108311-5001-02; I.D. 110204B] (RIN: 0648-AR52) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

578. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Magnuson-Stevens Provisions; Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish FIshery; Biennial Specifications and Management Measures [Docket No. 040830250-4342-02; I.D. 081304C] (RIN: 0648-AS27) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

579. A letter from the Executive Director, Commodity Futures Trading Commission, transmitting the Commission's final rule — Adjustment of Civil Monetary Penalties for Inflation (RIN: 3038-AC13) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

580. A letter from the Federal Registrar Certifying Officer, Department of the Treasury, transmitting the Department's final rule — Centralized Offset of Federal Payments to Collect Nontax Debts Owed to the United States (RIN: 1510-AA65) received Jnuary 13, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

581. A letter from the Senior Paralegal, Office of Thrift Supervision, Department of the Treasury, transmitting the Department's final rule — Rules of Practice and Procedure in Adjudicatory Proceedings; Civil Money Penalty Inflation Adjustments [No. 2004-51] (RIN: 1550-AB95) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

582. A letter from the Federal Liaison Officer, Patent and Trademark Office, Department of Commerce, transmitting the Department's final rule — Changes in Fees for Filing Applications for Trademark Registration [Docket No. 2004-T-051] (RIN: 0651-AB83) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

583. A letter from the Deputy Secretary, Department of Education, transmitting the Department's final rule — Adjustment of Civil Monetary Penalties for Inflation — received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

584. A letter from the Director, Regulatory Management Division, Department of Homeland Security, transmitting the Department's final rule — Execution of Removal Orders; Countries to Which Aliens May Be Removed [EOIR No. 146F; AG Order No. 2746-2004] (RIN: 1125-AA50) received January 7, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

585. A letter from the Rules Administrator, Bureau of Prisons, Department of Justice, transmitting the Department's final rule — Over-The-Counter (OTC) Medications: Technical Correction [BOP-1129-I] (RIN: 1120-AB29) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

586. A letter from the Assistant Secretary, Employment and Training Administration, Department of Labor, transmitting the Department's final rule — Labor Certification for the Permanent Employment of Aliens in the United States; Implementation of New System (RIN: 1205-AA66) received December 27, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

587. A letter from the General Counsel, National Credit Union Administration, transmitting the Administration's final rule — Civil Monetary Penalty Inflation Adjustments — received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

588. A letter from the Assistant Secretary for Legislative Affairs, Department of Homeland Security, transmitting a report to Congress on the extent to which the implementation by the United States Coast Guard of regulations issued or enforced, or interpretations or guidelines established, pursuant to Public Law 104–55, carry out the intent of Congress and recognize and provide for the differences in the physical, chemical, biological, and other properties, and in the environmental effects, of the classes of fats, oils, and greases described under that law, pursuant to Public Law 104–324, section 1130(b); to the Committee on Transportation and Infrastructure.

589. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Buckle Up America: The National Initiative for Increasing Safety Belt Use, Seventh Report To Congress and Fifth Report to the President" June 2004, as required by House Report 105-188 and Executive Order 13043, highlighting activities from January 1, 2003, through December 31, 2003; to the Committee on Transportation and Infrastructure.

590. A letter from the Administrator, FAA, Department of Transportation, transmitting a report on the foreign aviation authorities to which the Federal Aviation Administration provided services for Fiscal Year 2004, pursuant to Public Law 103–305, section 202; to the Committee on Transportation and Infrastructure.

591. A letter from the Regulatiations Coordinator, Federal Highway Administration, Department of Transportation, transmitting the Department's final rule — National Bridge Inspection Standards [FHWA Docket No. FHWA-2001-8954] (RIN: 2125-AE86) received December 28, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

592. A letter from the Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Ocean Dumping; Designation of Sites Offshore Palm Beach Harbor, Florida and offshore Port Everglades Harbor, Florida [FRL-7861-7] received January 14, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

593. A letter from the Deputy Chief Acquisition Officer, Director for Procurement, National Aeronautics and Space Administration, transmitting the Administration's final rule — Final Scientific and Technical Reports — SBIR and STTR Contracts (RIN: 2700-AD04) received January 19, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Science.

594. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Government Contracting Programs; Subcontracting (RIN: 3245-AF12) received January 12, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

595. A letter from the Deputy General Counsel, Small Business Administration, transmitting the Administration's final rule — Small Business Size Regulations; Government Contracting Programs: HUBZone Program (RIN: 3245-AE66) received July 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Small Business.

596. A letter from the Chief, Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting the Department's final rule — Increase in Rates Payable Under the Montgomery GI Bill—Active Duty (RIN: 2900-AM08) received December 15, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

597. A letter from the Federal Register Certifying Officer, Financial Management Service, Deparment of the Treasury, transmitting the Department's final rule — Offset of Tax Refund Payments to Collect State Income Tax Obligations (RIN: 1510-AA78) received January 21, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

598. A letter from the Assistant Chief, Regulations & Procedures Division, Alcohol & Tobacco Tax & Trade Bureau, Deparment of the Treasury, transmitting the Department's final rule -- Establishment of the McMinnville Viticultural Area (2002R-217P) [TTB T.D.-22; Re: Notice No. 12] (RIN: 1513-AA63) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

599. A letter from the Assistant Chief, Regulations & Procedures Division, Alcohol & Tobacco Tax & Trade Bureau, Department of the Treasury, transmitting the Department's final rule—Productions of Dried Fruit and Honey Wines (2001R-136P) [T.D. TTB-23; Ref. Notice No. 13] (RIN: 1513-AC21) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

600. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Determination of Issue Price in the Case of Certain Debt Instruments Issued for Property (Rev. Rul. 2005-8) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

601. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Look-through rule for assets held through certain investment companies, partnerships, or trusts (Rev. Rul. 2005-7) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

602. A letter from the Acting Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Last-in, First-out Inventories (Rev. Rul. 2005-5) received January 24, 2005, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

603. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting two reports as required by Section 105(d)(2) of the Foreign Service Act of 1980, 22 U.S.C. 3905(d)(2), as amended, describing the Department's Federal Equal Opportunity Recruitment Program (FEORP) Accomplishment Report and the Disabled Veterans Affirmative Action Program (DVAAP) Accomplishment Report for FY 2004; jointly to the Committees on International Relations and Government Reform.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. BOEHNER (for himself and Mr. MCKEON):

H.R. 507. A bill to amend and extend the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. MCKEON (for himself and Mr. BOEHNER):

H.R. 508. A bill to make changes to the Higher Education Act of 1965 incorporating the results of the FED UP Initiative, and for other purposes; to the Committee on Education and the Workforce.

By Mr. TIBERI (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. WILSON of South Carolina, Mr. HOEKSTRA, and Mr. HINOJOSA):

H.R. 509. A bill to amend and extend title VI of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. TIBERI (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. EHLERS, Mr. WILSON of South Carolina, Mr. HOEKSTRA, and Mr. HINOJOSA):

H.R. 510. A bill to amend and extend title VII of the Higher Education Act of 1965; to the Committee on Education and the Workforce.

By Mr. KELLER (for himself, Mr. BOEHNER, Mr. MCKEON, Mr. NORWOOD, Mr. TIBERI, and Mr. WILSON of South Carolina):

H.R. 511. A bill to provide enhanced Pell Grants for State Scholars; to the Committee on Education and the Workforce.

By Mr. POMBO:

H.R. 512. A bill to require the prompt review by the Secretary of the Interior of the longstanding petitions for Federal recognition of certain Indian tribes, and for other purposes; to the Committee on Resources.

By Mr. SHAYS (for himself and Mr. MEEHAN):

H.R. 513. A bill to amend the Federal Election Campaign Act of 1971 to clarify when organizations described in section 527 of the Internal Revenue Code of 1986 must register as political committees, and for other purposes; to the Committee on House Administration.

By Mr. SHAYS (for himself and Mr. TOWNS):

H.R. 514. A bill to prohibit the Department of Defense from requiring members of the Armed Forces to receive the anthrax and smallpox immunizations without their consent, to correct the records of servicemembers previously punished for refusing to take these vaccines, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. EVANS (for himself, Mr. FILNER, Mr. GUTIERREZ, Ms. CORRINE BROWN of Florida, Mr. MICHAUD, Mr. STRICKLAND, Ms. HOOLEY, Mr. REYES, Ms. BERKLEY, Mr. UDALL of New Mexico, Mrs. DAVIS of California, Mr. RYAN of Ohio, Ms. HERSETH, Mr. SERRANO, Mr. SANDERS, Mr. HOLT, Mr. VAN HOLLEN, Mr. LEVIN, Mr. SCOTT of Georgia, Mr. KIND, Mr. MEEHAN, Mrs. MALONEY, Mr. CHANDLER, Mr. MARKEY, Mr. BROWN of Ohio, Mr. CASE, Mr. KILDEE, Mr. BLUMENAUER, Mr. HOLDEN, Mr. DEFAZIO, Mr. ISRAEL, Mr. GENE GREEN of Texas, Mr. BOSWELL, Ms. JACKSON-LEE of Texas, Mr. LARSEN of Washington, Mr. TOWNS, Mr. KENNEDY of Rhode Island, Mr. OBERSTAR, Mr. MCINTYRE, Mr. PALLONE, Mr. MCGOVERN, Mrs. CAPITO, Mr. MCDERMOTT, Mr. NEAL of Massachusetts, Mr. DELAHUNT, Mr. LYNCH, Mr. SMITH of Washington, Mr. HONDA, Mr. CRAMER, Mr. FRANK of Massachusetts, Ms. CARSON, Mr. KUCINICH, Mr. PETERSON of Minnesota, Mr. ABERCROMBIE, Mr. DOYLE, Mr. DOGGETT, Mr. STARK, Mr. LARSON of Connecticut, Ms. SLAUGHTER, Mr. GORDON, Mr. WALDEN of Oregon, Mr. SCHIFF, Ms. ZOE LOFGREN of California, Mr. PAYNE, and Ms. DELAURO):

H.R. 515. A bill to amend title 38, United States Code, to provide for an assured adequate level of funding for veterans health care; to the Committee on Veterans' Affairs.

By Mr. GOODLATTE (for himself, Mr. BOUCHER, Mr. SENSENBRENNER, Mr. SMITH of Texas, Mr. DELAY, Mr. BLUNT, Mr. CANTOR, Ms. PRYCE of Ohio, Mr. DREIER, Mr. MANZULLO, Mr. KINGSTON, Mr. FEENEY, Mr. COBLE, Mr. CHABOT, Mr. FORBES, Mr. PENCE, Mr. ISSA, Mr. KELLER, Mr. BACHUS, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. DANIEL E. LUNGREN of California, Mr. FLAKE, Mr. BRADLEY of New Hampshire, Mr. CARTER, Mr. SESSIONS, Mr. ROGERS of Michigan, Mr. KUHL of New York, Ms. HART, Mr. NORWOOD, Mr. PEARCE, Mr. GILCHREST, Mr. CHOCOLA, Mr. HENSARLING, Mr. BAKER, Mrs. BIGGERT, Mr. KENNEDY of Minnesota, Mr. BURGESS, Mr. GINGREY, Mr. COX, Mr. DENT, Mr. WICKER, Mr. CANNON, Mr. CUNNINGHAM, Mr. MILLER of Florida, Mr. FITZPATRICK of Pennsylvania, Mr. MCCRERY, Mr. STEARNS, Ms. FOXX, Mr. CONAWAY, Mr. MORAN of Virginia, Mr. MATHESON, Mr. HOLDEN, Mr. BOYD, Mr. TANNER, Mr. COOPER, Mr. CRAMER, Mr. SCOTT of Georgia, Mr. DAVIS of Tennessee, Mr. MOORE of Kansas, Ms. GINNY BROWN-WAITE of Florida, and Mr. BOREN):

H.R. 516. A bill to amend the procedures that apply to consideration of interstate class actions to assure fairer outcomes for class members and defendants, to outlaw certain practices that provide inadequate settlements for class members, to assure that attorneys do not receive a disproportionate amount of settlements at the expense of class members, to assure prompt consideration of interstate class actions, to amend title 28, United States Code, to allow the application of the principles of Federal diversity jurisdiction to interstate class actions, and for other purposes; to the Committee on the Judiciary.

By Mr. WALDEN of Oregon (for himself, Mr. DEFAZIO, Mr. HERGER, Mr. BOYD, Mr. GOODLATTE, Mr. PETERSON of Minnesota, Mr. POMBO, Mr. RAHALL, Mr. HASTINGS of Washington, Mr. UDALL of New Mexico, Mr. REHBERG, Mr. ROSS, Miss MCMORRIS, Mr. BERRY, Mr. BOOZMAN, Ms. HOOLEY, Mr. HAYES, Mr. THOMPSON of

California, Mr. Oberstar, Mr. Spratt, and Mr. Baird):

H.R. 517. A bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KIND (for himself and Mr. Gilchrest):

H.R. 518. A bill to require the Secretary of the Interior to refine the Department of the Interior program for providing assistance for the conservation of neotropical migratory birds; to the Committee on Resources.

By Mr. BRADY of Texas (for himself, Mr. Baird, Mr. DeLay, Ms. Berkley, Mrs. Blackburn, Mrs. Cubin, Mr. Ford, Mr. Sam Johnson of Texas, Mr. Shaw, Mr. Wamp, Mr. Gene Green of Texas, Mr. Gordon, Mr. Hastings of Washington, Ms. Ginny Brown-Waite of Florida, Mr. Davis of Tennessee, Ms. Harris, Mr. Boyd, Mr. McCaul of Texas, Mr. Burgess, Ms. Herseth, Mr. Hall, Mr. Bonilla, Mr. Inslee, Mr. Feeney, Ms. Granger, Mr. Reyes, Mr. Stearns, Mr. Barton of Texas, Mr. Jenkins, Mr. Carter, Mr. Sessions, Ms. Eddie Bernice Johnson of Texas, Mr. Gibbons, Mr. Duncan, Ms. Corrine Brown of Florida, Mr. Smith of Texas, Mr. Culberson, Miss McMorris, Mr. Paul, Mr. Neugebauer, Mr. Edwards, Mr. Gohmert, Mr. Marchant, Mr. Poe, Ms. Jackson-Lee of Texas, Mr. Cooper, Mr. Putnam, Mr. Foley, Mr. Hastings of Florida, Mr. Gonzalez, Mr. Miller of Florida, Mr. Dicks, Mr. Mack, Mr. Hensarling, Mr. Larsen of Washington, Mr. Crenshaw, Mr. Ortiz, Mr. Cuellar, Mr. Al Green of Texas, and Mr. Keller):

H.R. 519. A bill to amend the Internal Revenue Code of 1986 to make the allowance of the deduction of State and local general sales taxes in lieu of State and local income taxes permanent; to the Committee on Ways and Means.

By Mr. GREEN of Wisconsin:

H.R. 520. A bill to amend title 38, United States Code, to revise the effective date for payment of lump sums to persons awarded the Medal of Honor who are in receipt of special pension pursuant to section 1562 of such title, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. SHERWOOD (for himself, Mr. Obey, Mr. McHugh, Mr. Simmons, Ms. Baldwin, Mr. Goode, Mr. Holden, Mr. Larsen of Washington, Mr. Etheridge, Mr. McNulty, Ms. Slaughter, Ms. Woolsey, Mr. McGovern, Mr. Shuster, Mr. Oberstar, Mr. Rahall, Mr. Lewis of Kentucky, Mr. Costello, Mr. Sanders, Mr. Nunes, Mr. McIntyre, Mr. Pitts, Mr. Weldon of Pennsylvania, Mr. Kildee, Mr. Strickland, Mr. Filner, Mr. Cardoza, Mr. Boucher, Mr. Abercrombie, Mr. Duncan, Ms. McCollum of Minnesota, Mr. Petri, Ms. Hart, Mr. Butterfield, Mr. Sweeney, Mr. Wilson of South Carolina, Mr. Jindal, Mr. Grijalva, Mr. Kind, Mr. Walsh, Mr. Boehlert, Mr. Peterson of Pennsylvania, Mr. Kuhl of New York, Mrs. Kelly, Mr. Stupak, Mr. Sensenbrenner, Mr. Hall, Mrs. Johnson of Connecticut, Mr. Graves, Mr. Doyle, Mr. English of Pennsylvania, Mr. Taylor of Mississippi, Mr. Gerlach, Mr. Kanjorski, Mr. Dent, Mr. Engel, Mr. Farr, Mr. Gallegly, Mr. Murtha, Mr. Rehberg, and Mr. Saxton):

H.R. 521. A bill to impose tariff-rate quotas on certain casein and milk protein concentrates; to the Committee on Ways and Means.

By Mr. BAKER (for himself, Mr. Jefferson, Mr. McCrery, Mr. Boustany, Mr. Jindal, Mr. Alexander, and Mr. Melancon):

H.R. 522. A bill to establish the Atchafalaya National Heritage Area, Louisiana, and for other purposes; to the Committee on Resources.

By Mr. BARRETT of South Carolina:

H.R. 523. A bill to amend the Balanced Budget and Emergency Deficit Control Act of 1985 to extend the discretionary spending limits through fiscal year 2010, to extend paygo for direct spending, and for other purposes; to the Committee on the Budget, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BERKLEY:

H.R. 524. A bill to amend the Internal Revenue Code of 1986 to provide incentives for the conservation of water; to the Committee on Ways and Means.

By Mr. SAM JOHNSON of Texas (for himself, Ms. Velázquez, Mr. Boehner, Mr. Wynn, Mr. Kennedy of Minnesota, Mr. Westmoreland, Mr. Bradley of New Hampshire, Mr. Sessions, Mr. Platts, Mr. Carter, Mr. McIntyre, Mr. Shays, Mr. Davis of Tennessee, Mrs. Bono, Mr. Graves, Mrs. Miller of Michigan, Mr. Tiberi, Mr. Wilson of South Carolina, Mr. Thornberry, Mr. Gillmor, Mr. Bonilla, Mr. McHenry, Mr. Akin, Mr. McHugh, Mr. Marchant, Mr. Fortuño, Mr. Brady of Texas, Mrs. Cubin, Mr. Cox, Mr. Neugebauer, Mr. Peterson of Pennsylvania, Mr. Fitzpatrick of Pennsylvania, Mr. Cooper, Mr. Petri, Mrs. Biggert, Mr. Shadegg, Mr. Manzullo, Mr. McCaul of Texas, Mr. Weller, Mr. Jindal, Ms. Foxx, Mr. Cantor, Mr. Gerlach, Mr. Culberson, Mr. King of Iowa, Mrs. Drake, Mr. Chabot, Mr. Kline, Mr. Cunningham, Mrs. Kelly, Mr. Ryan of Wisconsin, Mrs. Emerson, Ms. Pryce of Ohio, and Mr. Case):

H.R. 525. A bill to amend title I of the Employee Retirement Income Security Act of 1974 to improve access and choice for entrepreneurs with small businesses with respect to medical care for their employees; to the Committee on Education and the Workforce.

By Ms. BERKLEY:

H.R. 526. A bill to redirect the Nuclear Waste Fund established under the Nuclear Waste Policy Act of 1982 into research, development, and utilization of risk-decreasing technologies for the onsite storage and eventual reduction of radiation levels of nuclear waste, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Science, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BRADY of Pennsylvania:

H.R. 527. A bill to amend the Small Business Act to direct the Administrator of the Small Business Administration to establish a vocational and technical entrepreneurship development program; to the Committee on Small Business.

By Ms. GINNY BROWN-WAITE of Florida (for herself, Mr. Gene Green of Texas, and Ms. Slaughter):

H.R. 528. A bill to amend the Missing Children's Assistance Act to extend the applicability of such Act to individuals determined to have a mental capacity of less than 18 years of age; to the Committee on Education and the Workforce.

By Mr. BUTTERFIELD:

H.R. 529. A bill to authorize States, in the event of inadequate Federal funding under part B of the Individuals with Disabilities Education Act, to waive certain requirements of the Elementary and Secondary Education Act of 1965, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SAM JOHNSON of Texas (for himself, Mr. Flake, Mr. Feeney, Mr. Otter, Mr. Wilson of South Carolina, Mr. Bartlett of Maryland, Mr. Cannon, Mr. Burton of Indiana, and Mr. Carter):

H.R. 530. A bill to amend title II of the Social Security Act and the Internal Revenue Code of 1986 to provide for enhanced retirement security in the form of an Individual Social Security Investment Program; to the Committee on Ways and Means.

By Mr. CASE (for himself, Mr. Evans, Mr. Pallone, Mr. Bradley of New Hampshire, Mr. Bass, Mr. Strickland, Mr. Abercrombie, Ms. Carson, Mr. Farr, and Mr. Allen):

H.R. 531. A bill to amend title 38, United States Code, to increase the allowance for burial expenses of certain veterans; to the Committee on Veterans' Affairs.

By Mr. COBLE (for himself, Mr. Conyers, Mr. Hyde, and Mr. Frank of Massachusetts):

H.R. 532. A bill to modify the application of the antitrust laws to permit collective development and implementation of a standard contract form for playwrights for the licensing of their plays; to the Committee on the Judiciary.

By Mr. CONYERS (for himself, Mrs. Jones of Ohio, Ms. Jackson-Lee of Texas, Ms. Lee, Mr. Van Hollen, Mr. McDermott, Mr. Payne, Mr. Kucinich, Mr. Frank of Massachusetts, Ms. Waters, Ms. Woolsey, Mr. Weiner, Mr. Clay, Mr. Owens, Mr. Fattah, Mr. Jackson of Illinois, Ms. Zoe Lofgren of California, Ms. DeLauro, Ms. Corrine Brown of Florida, Mr. Cummings, Ms. Norton, Mr. Oberstar, Ms. Carson, Mr. Thompson of Mississippi, Mr. Butterfield, and Mrs. Capps):

H.R. 533. A bill to amend the Help America Vote Act of 2002 to protect voting rights and to improve the administration of Federal elections, and for other purposes; to the Committee on House Administration, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COX (for himself, Mr. Murtha, Mr. Kirk, Mrs. Biggert, Ms. Ginny Brown-Waite of Florida, Mr. Frelinghuysen, Mr. Boehlert, Ms. Granger, Mr. Graves, Mr. Hayes, Mr. LEWIS of Kentucky, Mrs. JOHNSON of Connecticut, Mr. OTTER, Mr. PETERSON of Pennsylvania, Mr. KNOLLENBERG, Mr. SESSIONS, Mr. GILLMOR, Mr. ROGERS of Michigan, Mr. CHOCOLA, Mr. TIBERI, Mr. TAYLOR of Mississippi, Mr. SHUSTER, Mr. PETERSON of Minnesota, Mr. STEARNS, Mrs. NORTHUP, Mr. SOUDER, Mr. CANTOR, Mr. SHAYS, Mr. MCHUGH, Mr. BRADLEY of New Hampshire, Mr. KLINE, Mr. GINGREY, Mr. KING of Iowa, Mr. RADANOVICH, Mr. PITTS, Mr. WILSON of South Carolina, Mr. TURNER, Mr. MANZULLO, Mr. PLATTS, Mr. WELLER, Mr. KENNEDY of Minnesota, Mr. WAMP, Mr. KINGSTON, Mr. HOLDEN, Mr. BARTLETT of Maryland, Mr. SAXTON, Mr. SHAW, Mr. GALLEGLY, Mr. DENT, Mr. CUNNINGHAM, Mr. MCHENRY, Mr. WOLF, Mr. MCCAUL of Texas, Mr. SHIMKUS, Mr. AKIN, Mr. PENCE, Mr. HAYWORTH, Mr. FEENEY, Mr. HENSARLING, Mr. BASS, Mr. DREIER, Mr. WELDON of Florida, Mr. GERLACH, Mr. FORTUÑO, Mr. HASTINGS of Washington, Mr. PORTMAN, Mr. ROGERS of Alabama, Ms. HARRIS, Mrs. BLACKBURN, Mr. GARRETT of New Jersey, Mr. TANCREDO, Mr. PORTER, Mr. WALSH, Mr. WICKER, Mrs. CAPITO, Mr. PEARCE, Mr. COLE of Oklahoma, Mrs. JO ANN DAVIS of Virginia, Mrs. MUSGRAVE, Mr. LATOURETTE, Mr. BROWN of South Carolina, Mr. SIMPSON, Mr. SMITH of Texas, Mr. BEAUPREZ, Mr. ROYCE, Mr. SWEENEY, Mr. REGULA, Mr. ISSA, Mr. BRADY of Texas, Mr. EHLERS, Mr. CHABOT, Mr. GARY G. MILLER of California, Mr. SAM JOHNSON of Texas, Mr. FERGUSON, Mr. LAHOOD, Mr. FOSSELLA, Mr. KELLER, Mr. LEACH, Mr. JONES of North Carolina, Mr. WESTMORELAND, Mr. FORBES, Mr. THOMAS, Mr. MATHESON, Mr. MILLER of Florida, Mrs. CUBIN, Mr. POE, Mr. EVERETT, Mrs. MYRICK, Mr. CANNON, Mrs. KELLY, Mr. HOSTETTLER, Mr. CRENSHAW, Mr. TAYLOR of North Carolina, Mr. LOBIONDO, Mr. BISHOP of Utah, Mr. HERGER, Mr. ROHRABACHER, Mr. RENZI, Mr. SMITH of New Jersey, Ms. FOXX, Mr. NEUGEBAUER, Mr. NEY, Mr. LATHAM, Mr. NUNES, Ms. HART, and Mr. FOLEY):

H.R. 534. A bill to improve patient access to health care services and provide improved medical care by reducing the excessive burden the liability system places on the health care delivery system; to the Committee on the Judiciary, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DAVIS of California (for herself, Mr. MORAN of Virginia, Mr. HONDA, Ms. WOOLSEY, Mr. REYES, Mr. BACA, Ms. WATSON, Ms. MILLENDER-MCDONALD, Mr. BECERRA, Mr. SCHIFF, and Ms. LINDA T. SÁNCHEZ of California):

H.R. 535. A bill to redesignate the facility of the United States Postal Service located at 2777 Logan Avenue in San Diego, California, as the "Cesar E. Chavez Post Office"; to the Committee on Government Reform.

By Mrs. DAVIS of California:

H.R. 536. A bill to eliminate the unfair and disadvantageous treatment of cash military compensation other than basic pay under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. DEAL of Georgia (for himself and Mr. NORWOOD):

H.R. 537. A bill to ensure the continuation of successful fisheries mitigation programs; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FLAKE (for himself, Mr. HAYWORTH, Mr. GRIJALVA, Mr. FRANKS of Arizona, Mr. KOLBE, Mr. PASTOR, Mr. SHADEGG, and Mr. RENZI):

H.R. 538. A bill to require the release of the reversionary interest retained by the United States in connection with the conveyance of portions of former Williams Air Force Base, Arizona, to Arizona State University and Maricopa County Community College District; to the Committee on Education and the Workforce.

By Mr. FORTUÑO (for himself, Ms. ROS-LEHTINEN, Mr. SERRANO, Ms. VELÁZQUEZ, and Mr. GUTIERREZ):

H.R. 539. A bill to designate certain National Forest System land in the Commonwealth of Puerto Rico as components of the National Wilderness Preservation System; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 540. A bill to authorize the Secretary of the Interior to convey the Newlands Project Headquarters and Maintenance Yard Facility to the Truckee-Carson Irrigation District; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 541. A bill to direct the Secretary of Agriculture to convey certain land to Lander County, Nevada, and the Secretary of the Interior to convey certain land to Eureka County, Nevada, for continued use as cemeteries; to the Committee on Resources.

By Mr. GIBBONS:

H.R. 542. A bill to direct the Secretary of the Interior to convey certain land in Washoe County, Nevada, to the Board of Regents of the University and Community College System of Nevada; to the Committee on Resources.

By Mr. GILLMOR:

H.R. 543. A bill to amend the Securities and Exchange Act of 1934 to require improved disclosure of corporate charitable contributions, and for other purposes; to the Committee on Financial Services.

By Mr. GILLMOR:

H.R. 544. A bill to amend the Federal Deposit Insurance Act with respect to municipal deposits; to the Committee on Financial Services.

By Mr. GENE GREEN of Texas:

H.R. 545. A bill to improve computer access for members of the United States Armed Forces serving in combat zones designated in connection with Operation Enduring Freedom and Operation Iraqi Freedom so that such members can use electronic mail to communicate with family members and other persons; to the Committee on Armed Services.

By Ms. HERSETH:

H.R. 546. A bill to revise the boundary of the Wind Cave National Park in the State of South Dakota; to the Committee on Resources.

By Mr. HINOJOSA (for himself, Mr. GENE GREEN of Texas, Mr. MCGOVERN, Mr. VAN HOLLEN, Mr. MENENDEZ, Mr. FILNER, Mrs. DAVIS of California, Mr. WEINER, Mr. GONZALEZ, Mr. ANDREWS, Mr. OWENS, Ms. LEE, Mrs. MCCARTHY, Mrs. NAPOLITANO, Mr. SCHIFF, Mr. KUCINICH, Mr. ORTIZ, Mr. BECERRA, Mr. GUTIERREZ, Mr. GRIJALVA, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. MILLENDER-MCDONALD, Mr. CARDOZA, Ms. MCCOLLUM of Minnesota, Mr. DELAHUNT, Mr. ABERCROMBIE, Mr. CLEAVER, Mr. REYES, Mr. ACKERMAN, Mr. DOGGETT, Ms. WATSON, Mr. PALLONE, Mr. UDALL of New Mexico, Mr. HONDA, Mr. WEXLER, Mr. NADLER, Mr. SERRANO, Mr. FATTAH, Mr. ETHERIDGE, Mr. RUSH, Mr. DAVIS of Illinois, Ms. VELÁZQUEZ, Mr. BACA, Mr. HOLT, Mr. RANGEL, Mr. STARK, Ms. WOOLSEY, Mr. PASTOR, Mr. NEAL of Massachusetts, Mr. PASCRELL, Mr. WU, Mr. GEORGE MILLER of California, Ms. SOLIS, Mrs. JONES of Ohio, Mr. CASE, Mr. EMANUEL, Mr. HOYER, Mr. CUELLAR, Mr. SALAZAR, Mr. FRANK of Massachusetts, Ms. ROYBAL-ALLARD, Mr. TAYLOR of North Carolina, Mr. SCOTT of Virginia, Mr. KIND, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Mr. ENGEL, and Mr. EDWARDS):

H.R. 547. A bill to improve graduation rates by authorizing the Secretary of Education to make grants to improve adolescent literacy, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HOBSON (for himself, Mr. BOEHNER, Mr. BROWN of Ohio, Mr. CHABOT, Mr. GILLMOR, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KUCINICH, Mr. LATOURETTE, Mr. NEY, Mr. OXLEY, Mr. PORTMAN, Ms. PRYCE of Ohio, Mr. REGULA, Mr. RYAN of Ohio, Mr. STRICKLAND, Mr. TIBERI, and Mr. TURNER):

H.R. 548. A bill to designate the Federal building and United States courthouse located at 200 West 2nd Street in Dayton, Ohio, as the "Tony Hall Federal Building and United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mr. HOLT (for himself, Mr. HEFLEY, Mr. KENNEDY of Rhode Island, and Mr. PALLONE):

H.R. 549. A bill to amend the basic pay provisions of title 37, United States Code, to ensure pay equity for enlisted members of the reserve components who are selected to attend the United States Military Academy Preparatory School, the United States Naval Academy Preparatory School, or the United States Air Force Academy Preparatory School; to the Committee on Armed Services.

By Mr. HOLT (for himself, Mr. CONYERS, Mr. DICKS, Ms. ESHOO, Mr. FARR, Mr. HASTINGS of Florida, Mrs. JONES of Ohio, Mr. KIND, Mr. LANTOS, Ms. LEE, Mrs. MALONEY, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Mr. NADLER, Ms. SCHAKOWSKY, Mr. VAN HOLLEN, Mr. WEXLER, Ms. WOOLSEY, Mrs. CAPPS, Mr. TOM DAVIS of Virginia, Mr. OBERSTAR, Mr. PAYNE, Mr. SCOTT of Virginia, Mr. SHERMAN, Mr. BAIRD, Mr. ALLEN, Ms. BALDWIN, Mr. KUCINICH, Ms. LORETTA SANCHEZ of California, Mr. DEFAZIO, Mr. WU, Ms. KILPATRICK of Michigan, Ms. KAPTUR, Mr. COLE of Oklahoma, Mr. PRICE of North Carolina, Mr. WAXMAN, Mr. SABO, Mr. COOPER, Mr. BERMAN, Mr. ABERCROMBIE, Mr. HINCHEY, Mr. FILNER, Mr. SCHIFF, Mr. MOLLOHAN, Mr. PASCRELL, Mr. OBEY, Mr. CASE, Mr. CLAY, and Ms. MCKINNEY):

H.R. 550. A bill to amend the Help America Vote Act of 2002 to require a voter-verified permanent paper record or hard copy under title III of such Act, and for other purposes; to the Committee on House Administration.

By Mr. HONDA:

H.R. 551. A bill to amend the Elementary and Secondary Education Act of 1965 to direct local educational agencies to release secondary school student information to military recruiters if the student's parent provides written consent for the release, and for other purposes; to the Committee on Education and the Workforce.

By Mr. HUNTER (for himself, Mr. SHIMKUS, Mr. KINGSTON, Mr. BARTLETT of Maryland, Mr. TIAHRT, Mr. WICKER, Mr. SMITH of New Jersey, Mrs. MYRICK, Mr. TANCREDO, Mr. WHITFIELD, Mr. DOOLITTLE, Mr. GARRETT of New Jersey, Mr. AKIN, Mr. FRANKS of Arizona, Mr. RENZI, Mrs. JO ANN DAVIS of Virginia, Mr. RYUN of Kansas, Mr. KING of Iowa, Mr. MCCOTTER, Mr. PEARCE, Mr. NEY, Mr. JOHNSON of Illinois, Mr. NEUGEBAUER, Mr. SOUDER, Mr. GINGREY, Mr. LEWIS of Kentucky, Mr. JONES of North Carolina, Mr. WAMP, Mr. WILSON of South Carolina, Mr. PITTS, Ms. FOXX, Mr. CHABOT, Mr. HOEKSTRA, Mr. HOSTETTLER, Mr. GREEN of Wisconsin, Mr. GARY G. MILLER of California, and Mr. LAHOOD):

H.R. 552. A bill to implement equal protection under the 14th article of amendment to the Constitution for the right to life of each born and preborn human person; to the Committee on the Judiciary.

By Mr. KANJORSKI:

H.R. 553. A bill to authorize certain States to prohibit the importation of solid waste from other States, and for other purposes; to the Committee on Energy and Commerce.

By Mr. KELLER (for himself, Mr. DELAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. SENSENBRENNER, Mr. NEY, Mr. TIBERI, Mr. BOEHNER, Mr. GARRETT of New Jersey, Mr. KENNEDY of Minnesota, Mr. SMITH of New Jersey, Mr. HENSARLING, Mr. FOLEY, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. JONES of North Carolina, Mr. CARTER, Mr. SMITH of Texas, Mr. BACHUS, Mr. PENCE, Mr. SIMPSON, Mrs. CUBIN, Mr. AKIN, Mr. NORWOOD, Mr. OTTER, Mr. STEARNS, Mr. BRADLEY of New Hampshire, Mr. COX, Mrs. BLACKBURN, Mr. FRANKS of Arizona, Mr. MACK, Mr. CALVERT, Mr. PETRI, Mr. KIRK, Mrs. JO ANN DAVIS of Virginia, Mr. GREEN of Wisconsin, Mr. MCHUGH, Mr. HASTINGS of Washington, Mr. GILCHREST, Mr. PETERSON of Pennsylvania, and Ms. BERKLEY):

H.R. 554. A bill to prevent legislative and regulatory functions from being usurped by civil liability actions brought or continued against food manufacturers, marketers, distributors, advertisers, sellers, and trade associations for claims of injury relating to a person's weight gain, obesity, or any health condition associated with weight gain or obesity; to the Committee on the Judiciary.

By Mr. KILDEE (for himself and Mr. VAN HOLLEN):

H.R. 555. A bill to establish additional safeguards on schools acting as lenders under the Federal Family Education Loan Program; to the Committee on Education and the Workforce.

By Mr. KING of New York (for himself, Mr. WELDON of Pennsylvania, Mr. LATOURETTE, Mr. GRIJALVA, Mr. TURNER, Mr. MCDERMOTT, Mr. LINCOLN DIAZ-BALART of Florida, Mr. SIMMONS, Mr. SERRANO, Mrs. MALONEY, Mr. GARRETT of New Jersey, Mr. WYNN, Mr. BASS, Mr. FOSSELLA, Mr. BROWN of Ohio, Mr. HOLDEN, Mr. OWENS, Mr. WOLF, Mrs. JO ANN DAVIS of Virginia, Mr. BAIRD, Mr. FERGUSON, Mr. COOPER, Mr. ISSA, Mr. RYUN of Kansas, Mr. INSLEE, Mrs. MCCARTHY, Mr. FRANK of Massachusetts, Mr. STRICKLAND, Mr. ACKERMAN, Mr. MCHUGH, Mr. HASTINGS of Florida, Mr. WEINER, Mr. TOWNS, Mr. ISRAEL, Ms. VELÁZQUEZ, Mr. KENNEDY of Rhode Island, Mr. BISHOP of New York, Mr. CUNNINGHAM, Mr. UDALL of New Mexico, Mr. DOOLITTLE, Mr. ENGEL, Mr. STUPAK, Mr. BRADLEY of New Hampshire, Mrs. KELLY, Mr. DICKS, Mr. GUTIERREZ, Mr. PASCRELL, Mr. MCNULTY, Mr. CROWLEY, Mr. KILDEE, Mr. PALLONE, Mrs. CAPITO, Mr. BLUMENAUER, Mr. SESSIONS, Mr. FORD, Mr. BRADY of Texas, Mr. PLATTS, Mr. SOUDER, Mr. PRICE of North Carolina, Mrs. BIGGERT, Mr. PAYNE, Ms. KAPTUR, Mr. SCOTT of Virginia, Mr. GILLMOR, Mr. DAVIS of Illinois, Mrs. LOWEY, Mr. GINGREY, Mr. HOLT, Mr. SMITH of New Jersey, Mr. PASTOR, Mr. BAKER, Mr. CANNON, Mr. RADANOVICH, Mr. ROTHMAN, Mr. GENE GREEN of Texas, Mr. DOYLE, Mr. HALL, Mr. MARIO DIAZ-BALART of Florida, Mr. CASTLE, Mr. SHAYS, Mr. MCGOVERN, Mr. LOBIONDO, Mr. ALLEN, Mr. SWEENEY, Mr. KUCINICH, Mr. CONYERS, Mr. EHLERS, Ms. ROS-LEHTINEN, Mr. BISHOP of Georgia, Mr. RYAN of Ohio, Mr. ANDREWS, Mr. GARY G. MILLER of California, Ms. WOOLSEY, Mr. RUPPERSBERGER, Mr. LARSEN of Washington, Ms. SCHAKOWSKY, Mr. GONZALEZ, Mr. BOUCHER, Mr. CLAY, Ms. WATSON, Mr. LANGEVIN, and Ms. DELAURO):

H.R. 556. A bill to amend the Federal Law Enforcement Pay Reform Act of 1990 to adjust the percentage differentials payable to Federal law enforcement officers in certain high-cost areas, and for other purposes; to the Committee on Government Reform.

By Mr. KOLBE (for himself, Mr. BERMAN, Mrs. DAVIS of California, Mr. FARR, Mr. FLAKE, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HINOJOSA, Mr. ISSA, Ms. ZOE LOFGREN of California, Mr. ORTIZ, Mr. PASTOR, Mr. PEARCE, Mr. REYES, Ms. LINDA T. SÁNCHEZ of California, Mr. SCHIFF, Mr. SHADEGG, Ms. SLAUGHTER, Ms. SOLIS, Mr. STARK, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, and Ms. WATSON):

H.R. 557. A bill to amend the Immigration and Nationality Act to authorize appropriations for fiscal years 2005 through 2011 to carry out the State Criminal Alien Assistance Program; to the Committee on the Judiciary.

By Mr. LATHAM (for himself, Mr. WILSON of South Carolina, Mr. BARTLETT of Maryland, Mr. TAYLOR of Mississippi, Mr. CANNON, Mr. MCGOVERN, Mr. GREEN of Wisconsin, Mr. KIND, Mr. MCCOTTER, Mr. STUPAK, Mr. LYNCH, Mr. SCHWARZ of Michigan, Mr. BOUCHER, Mr. BAKER, Mrs. CAPITO, Mr. NORWOOD, Mr. GOODE, Mr. SHAW, Mr. ROSS, Mr. GORDON, Mr. BLUNT, Mr. SIMPSON, Mrs. MCCARTHY, and Mr. FORD):

H.R. 558. A bill to amend title 10, United States Code, to revise the age and service requirements for eligibility to receive retired pay for non-regular service; to expand certain authorities to provide health care benefits for Reserves and their families, and for other purposes; to the Committee on Armed Services.

By Ms. LEE:

H.R. 559. A bill to amend the Elementary and Secondary Education Act of 1965 to direct the Secretary of Education to make grants to States for assistance in hiring additional school-based mental health and student service providers; to the Committee on Education and the Workforce.

By Ms. LEE:

H.R. 560. A bill to provide for the issuance of a semipostal to benefit the Peace Corps; to the Committee on Government Reform, and in addition to the Committee on International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. VAN HOLLEN, Mr. TURNER, Mr. LATOURETTE, Mr. MCCOTTER, Mr. ROGERS of Michigan, Mr. STRICKLAND, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, Mr. KUCINICH, Mr. LEWIS of Georgia, and Ms. KILPATRICK of Michigan):

H.R. 561. A bill to waive time limitations specified by law in order to allow the Medal of Honor to be awarded to Gary Lee McKiddy, of Miamisburg, Ohio, for acts of valor while a helicopter crew chief and door gunner with the 1st Cavalry Division during the Vietnam War; to the Committee on Armed Services.

By Mr. LEVIN (for himself, Mr. KILDEE, Mr. GUTIERREZ, Mr. PAYNE, Mr. WELDON of Pennsylvania, Ms. KAPTUR, Mr. GRIJALVA, Mr. BERMAN, Ms. SLAUGHTER, Mr. KNOLLENBERG, Mr. LANGEVIN, Mr. DOGGETT, Mr. DAVIS of Illinois, and Mr. MCNULTY):

H.R. 562. A bill to authorize the Government of Ukraine to establish a memorial on Federal land in the District of Columbia to honor the victims of the manmade famine that occurred in Ukraine in 1932-1933; to the Committee on Resources.

By Mr. LYNCH:

H.R. 563. A bill to amend part D of title XVIII of the Social Security Act to require the Secretary of Health and Human Services to negotiate and disclose lowest possible prices for prescription drug prices for Medicare beneficiaries, and, with respect to the Federal Food, Drug, and Cosmetic Act, to provide waivers that permit such beneficiaries to import prescription drugs from Canada; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MALONEY (for herself, Mr. SERRANO, Mr. WYNN, Ms. WOOLSEY, and Mr. JACKSON of Illinois):

H.R. 564. A bill to amend title 13, United States Code, to provide for a just apportionment of Representatives in Congress for all States; to the Committee on Government Reform.

By Mrs. MALONEY (for herself, Mr. NADLER, Mr. BISHOP of New York, Mr. OWENS, Mrs. MCCARTHY, and Mr. SERRANO):

H.R. 565. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

By Mrs. MALONEY (for herself, Mr. SHAYS, Mr. NADLER, Mr. OWENS, Mr. KIND, Mr. MCDERMOTT, Mrs. MCCARTHY, and Mr. HINCHEY):

H.R. 566. A bill to provide protections and services to certain individuals after the terrorist attack on September 11, 2001, in New York City, in the State of New York, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MARKEY (for himself, Mrs. JOHNSON of Connecticut, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Ms. BALDWIN, Mr. BASS, Mr. BECERRA, Ms. BERKLEY, Mr. BISHOP of New York, Mr. BLUMENAUER, Mr. BOUCHER, Ms. CORRINE BROWN of Florida, Mr. BROWN of Ohio, Mrs. CAPPS, Mr. CARDIN, Mr. CLAY, Mr. CROWLEY, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Ms. DELAURO, Mr. DOGGETT, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. ETHERIDGE, Mr. EVANS, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Ms. KILPATRICK of Michigan, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Ms. LEE, Mr. LEVIN, Mrs. LOWEY, Mr. LYNCH, Mrs. MALONEY, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCNULTY, Mr. MENENDEZ, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MORAN of Virginia, Mr. NADLER, Mr. NEAL of Massachusetts, Mr. OBEY, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASTOR, Mr. PAYNE, Mr. PRICE of North Carolina, Mr. RANGEL, Mr. RYAN of Ohio, Mr. SABO, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Mr. SANDERS, Mr. SAXTON, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. WASSERMAN SCHULTZ, Mr. SCOTT of Virginia, Mr. SERRANO, Mr. SHAYS, Mr. SHERMAN, Ms. SLAUGHTER, Mr. SMITH of New Jersey, Ms. SOLIS, Mr. SPRATT, Mrs. TAUSCHER, Mr. TIERNEY, Mr. UDALL of Colorado, Mr. UDALL of New Mexico, Mr. VAN HOLLEN, Mr. VISCLOSKY, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Ms. WOOLSEY, Mr. WU, Mr. WYNN, Ms. WATSON, Ms. WATERS, and Ms. PELOSI):

H.R. 567. A bill to preserve the Arctic coastal plain of the Arctic National Wildlife Refuge, Alaska, as wilderness in recognition of its extraordinary natural ecosystems and for the permanent good of present and future generations of Americans; to the Committee on Resources.

By Mrs. MCCARTHY:

H.R. 568. A bill to authorize the Secretary of Health and Human Services and the Secretary of Education, acting jointly, to make grants for community outreach programs to empower patients and health care consumers, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Education and the Workforce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCNULTY:

H.R. 569. A bill to authorize the President to award the Medal of Honor posthumously to Henry Johnson for acts of valor during World War I; to the Committee on Armed Services.

By Mr. MCNULTY:

H.R. 570. A bill to amend title 10, United States Code, to authorize Army arsenals to undertake to fulfill orders or contracts for articles or services in advance of the receipt of payment under certain circumstances; to the Committee on Armed Services.

By Mr. MCNULTY:

H.R. 571. A bill to amend title 49, United States Code, to grant the State of New York authority to allow tandem trailers to use Interstate Route 787 between the New York State Thruway and Church Street in Albany, New York; to the Committee on Transportation and Infrastructure.

By Mr. MORAN of Kansas (for himself, Mr. PETERSON of Minnesota, Mr. SIMPSON, Mr. CARDOZA, Mr. LAHOOD, Mr. OTTER, Mr. MARSHALL, Mr. BERRY, and Mr. POMBO):

H.R. 572. A bill to amend the National Highway System Designation Act of 1995 concerning the applicability of hours of service requirements to drivers operating commercial motor vehicles transporting agricultural commodities and farm supplies; to the Committee on Transportation and Infrastructure.

By Mr. NADLER:

H.R. 573. A bill to repeal the per-State limitation applicable to grants made by the National Endowment for the Arts from funds made available for fiscal year 2005; to the Committee on Education and the Workforce.

By Mr. NADLER:

H.R. 574. A bill to amend the Internal Revenue Code of 1986 to provide for regional cost of living adjustments; to the Committee on Ways and Means.

By Mr. NADLER:

H.R. 575. A bill to amend the Internal Revenue Code of 1986 to deny any deduction for direct-to-consumer advertisements of prescription drugs; to the Committee on Ways and Means.

By Mr. NEY:

H.R. 576. A bill to amend chapter 8 of title 5, United States Code, to establish the Joint Committee on Agency Rule Review; to the Committee on Rules, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PASCRELL (for himself, Mr. ENGLISH of Pennsylvania, Mr. MCHUGH, Mr. PALLONE, Mr. MEEHAN, Ms. ROS-LEHTINEN, Mr. WEXLER, Ms. LORETTA SANCHEZ of California, Mr. SAXTON, Mr. RUSH, Mr. ALLEN, Ms. HARRIS, Mr. WELDON of Pennsylvania, Mr. HOLDEN, Mr. SOUDER, Mr. LOBIONDO, Mr. PAYNE, Mr. REYES, Mr. JEFFERSON, Mr. HINCHEY, Mr. PAUL, Mr. BROWN of Ohio, Ms. BORDALLO, Ms. LEE, and Ms. KILPATRICK of Michigan):

H.R. 577. A bill to amend the Internal Revenue Code of 1986 to provide a credit to businesses whose employees teach at community colleges; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 578. A bill to amend the Internal Revenue Code of 1986 with respect to the purchase of prescription drugs by individuals who have attained retirement age, and to amend the Federal Food, Drug, and Cosmetic Act with respect to the importation of prescription drugs and the sale of such drugs through Internet sites; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL:

H.R. 579. A bill to lift the trade embargo on Cuba, and for other purposes; to the Committee on International Relations, and in addition to the Committees on Ways and Means, Energy and Commerce, the Judiciary, Financial Services, Government Reform, and Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAUL (for himself and Mr. JONES of North Carolina):

H.R. 580. A bill to provide greater health care freedom for seniors; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PENCE (for himself and Mr. BOUCHER):

H.R. 581. A bill to maintain the free flow of information to the public by providing conditions for the federally compelled disclosure of information by certain persons connected with the news media; to the Committee on the Judiciary.

By Mr. PETRI (for himself and Mr. ANDREWS):

H.R. 582. A bill to protect employees from invasion of privacy by employers by prohibiting certain video monitoring and audio monitoring of employees by their employers, and for other purposes; to the Committee on Education and the Workforce, and in addition to the Committee on Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PICKERING (for himself, Mr. BOSWELL, Mr. KUCINICH, Mr. HOLDEN, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. MCNULTY, Mrs. CHRISTENSEN, Mr. MATHESON, Ms. SCHAKOWSKY, Mr. WAXMAN, Mr. HALL, Mr. GRAVES, Mr. NORWOOD, Mr. HINCHEY, Mr. DAVIS of Alabama, Mr. OWENS, Mr. SCHIFF, Mr. MOORE of Kansas, Mr. ROGERS of Alabama, Mr. ENGEL, Ms. ZOE LOFGREN of California, Mr. KILDEE, and Mr. UPTON):

H.R. 583. A bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes; to the Committee on Energy and Commerce.

By Mr. POMBO:

H.R. 584. A bill to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices of the Department of the Interior; to the Committee on Resources.

By Mr. RADANOVICH:

H.R. 585. A bill to require Federal land managers to support, and to communicate, coordinate, and cooperate with, designated gateway communities, to improve the ability of gateway communities to participate in Federal land management planning conducted by the Forest Service and agencies of the Department of the Interior, and to respond to the impacts of the public use of the Federal lands administered by these agencies, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RADANOVICH:

H.R. 586. A bill to preserve the use and access of pack and saddle stock animals on public lands, including wilderness areas, national monuments, and other specifically designated areas, administered by the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, or the Forest Service where there is a historical tradition of such use, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WEINER:

H.R. 587. A bill to improve the safe operation of aircraft; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS (for himself, Mr. CANTOR, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ENGEL, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. HOLDEN, Mrs. KELLY, Mr. KING of Iowa, Mr. KIRK, Mr. LINDER, Mrs. MCCARTHY, Mr. MCNULTY, Mr. MANZULLO, Mr. NORWOOD, Mr. PALLONE, Mr. PORTER, Mr. ROTHMAN, Mr. SAXTON, Mr. SESSIONS, Mr. SHADEGG, Mr. SHAYS, Mr. SHIMKUS, Mr. SOUDER, Mr. TERRY, and Mr. WAMP):

H.R. 588. A bill to take certain steps toward recognition by the United States of Jerusalem as the capital of Israel; to the Committee on International Relations.

By Mr. REYNOLDS:

H.R. 589. A bill to permit States to place supplemental guide signs relating to veterans cemeteries on Federal-aid highways; to the Committee on Transportation and Infrastructure.

By Mr. REYNOLDS:

H.R. 590. A bill to provide for the Secretary of Veterans Affairs to conduct a pilot program to determine the effectiveness of contracting for the use of private memory care facilities for veterans with Alzheimer's Disease; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mrs. MALONEY, Mr. FOLEY, and Mr. MCGOVERN):

H.R. 591. A bill to amend title 38, United States Code, to allow the sworn affidavit of a veteran who served in combat during the Korean War or an earlier conflict to be accepted as proof of service-connection of a disease or injury alleged to have been incurred or aggravated by such service; to the Committee on Veterans' Affairs.

By Mr. REYNOLDS (for himself, Mr. SERRANO, Mr. WEINER, Mrs. MCCARTHY, Mr. ACKERMAN, Mrs. MALONEY, Mr. MCGOVERN, Mr. BISHOP of New York, Mr. ENGEL, Mr. SMITH of New Jersey, and Mr. LYNCH):

H.R. 592. A bill to amend title XVI of the Social Security Act to provide that annuities paid by States to blind veterans shall be disregarded in determining supplemental security income benefits; to the Committee on Ways and Means.

By Mr. ROGERS of Michigan (for himself, Mr. CAMP, Mr. MCCOTTER, Mr. KNOLLENBERG, Mrs. MILLER of Michigan, Mr. HOEKSTRA, Mr. UPTON, and Mr. SCHWARZ of Michigan):

H.R. 593. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SANDERS (for himself, Mr. KILDEE, Mr. MEEHAN, Ms. LEE, Ms. WOOLSEY, Mr. HINCHEY, Ms. SOLIS, Mr. OLVER, Mr. NADLER, Mr. CUMMINGS, Mr. LEWIS of Georgia, Mr. DEFAZIO, Mr. ABERCROMBIE, Mr. KUCINICH, Mr. DAVIS of Illinois, Ms. WATSON, Mr. GUTIERREZ, and Ms. EDDIE BERNICE JOHNSON of Texas):

H.R. 594. A bill to amend titles XIX and XXI of the Social Security Act to provide for expanded dental coverage under Medicaid and State children's health insurance programs and to provide for funding for expanded community oral health services; to the Committee on Energy and Commerce.

By Ms. SLAUGHTER (for herself, Mrs. CAPITO, Ms. GINNY BROWN-WAITE of Florida, Ms. SOLIS, Ms. ROS-LEHTINEN, Mrs. CAPPS, Mrs. BIGGERT, Mr. BOEHLERT, Mr. SHAYS, Mr. SIMMONS, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. DELAURO, Mr. DOGGETT, Mr. ENGEL, Mr. GRIJALVA, Ms. HARMAN, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, Mrs. JONES of Ohio, Mr. KENNEDY of Rhode Island, Mr. KUCINICH, Mr. LARSON of Connecticut, Ms. LEE, Mrs. MALONEY, Mrs. MCCARTHY, Ms. MCCOLLUM of Minnesota, Mr. GEORGE MILLER of California, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Mr. OBERSTAR, Mr. OWENS, Mr. PAYNE, Ms. LINDA T. SÁNCHEZ of California, Ms. SCHAKOWSKY, Mr. STRICKLAND, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Ms. WATSON, Mr. WEXLER, and Ms. WOOLSEY):

H.R. 595. A bill to amend the Elementary and Secondary Education Act of 1965 to direct certain coeducational elementary and secondary schools to make available information on equality in school athletic programs, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SMITH of New Jersey (for himself, Mr. DAVIS of Alabama, Mrs. MYRICK, Mr. TOWNS, Mr. NORWOOD, Mrs. CHRISTENSEN, Mr. WAMP, Mr. CUMMINGS, Mr. BURGESS, Ms. MILLENDER-MCDONALD, Mrs. JO ANN DAVIS of Virginia, Ms. ESHOO, Mr. LEWIS of Kentucky, Mr. RYUN of Kansas, Mr. MARSHALL, Mr. KENNEDY of Minnesota, Mr. RANGEL, Mr. WELDON of Florida, and Mr. BARTLETT of Maryland):

H.R. 596. A bill to amend the Public Health Service Act to establish a National Cord Blood Stem Cell Bank Network to prepare, store, and distribute human umbilical cord blood stem cells for the treatment of patients and to support peer-reviewed research using such cells; to the Committee on Energy and Commerce.

By Mr. SULLIVAN (for himself and Mr. BOREN):

H.R. 597. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Mr. TERRY (for himself, Mr. SKELTON, Mr. HAYES, Mr. PAUL, Mr. ETHERIDGE, Mr. SAXTON, Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. RYUN of Kansas, Mr. MENENDEZ, Mr. COSTELLO, Mr. CASE, Mr. PALLONE, and Mrs. BLACKBURN):

H.R. 598. A bill to amend the Impact Aid program under the Elementary and Secondary Education Act of 1965 to improve the distribution of school construction payments to better meet the needs of military and Indian land school districts; to the Committee on Education and the Workforce.

By Mr. UDALL of Colorado (for himself and Mr. TANCREDO):

H.R. 599. A bill to provide a source of funds to carry out restoration activities on Federal lands under the jurisdiction of the Secretary of the Interior or the Secretary of Agriculture, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of New Mexico (for himself, Mrs. WILSON of New Mexico, and Mr. PEARCE):

H.R. 600. A bill to clarify issues of criminal jurisdiction within the exterior boundaries of Pueblo lands; to the Committee on Resources.

By Mr. UDALL of New Mexico (for himself, Mr. CASE, Mrs. CHRISTENSEN, Mr. COLE of Oklahoma, Mr. EVANS, Mr. FILNER, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HASTINGS of Florida, Mr. INSLEE, Ms. JACKSON-LEE of Texas, Mr. KENNEDY of Rhode Island, Mr. KILDEE, Mr. KUCINICH, Ms. LEE, Mr. MCDERMOTT, Mr. MATHESON, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OBERSTAR, Mr. PALLONE, Mr. RENZI, Mr. REYES, Mr. TOWNS, Mr. UDALL of Colorado, and Mr. WYNN):

H.R. 601. A bill to amend title 38, United States Code, to provide for the eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands; to the Committee on Veterans' Affairs.

By Mr. VAN HOLLEN (for himself, Mr. EDWARDS, Mr. MILLER of Florida, and Mr. CUNNINGHAM):

H.R. 602. A bill to restore health care coverage to retired members of the uniformed services, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Government Reform, Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATSON:

H.R. 603. A bill to improve safety and reduce traffic congestion at grade crossings; to the Committee on Transportation and Infrastructure.

By Mr. WEINER:

H.R. 604. A bill to halt the issuance of visas to citizens of Saudi Arabia until the President certifies that the Kingdom of Saudi Arabia does not discriminate in the issuance of visas on the basis of religious affiliation or heritage; to the Committee on the Judiciary.

By Mr. WHITFIELD (for himself and Ms. Bean):

H.R. 605. A bill to authorize the President to award the Medal of Honor posthumously to Garlin Murl Conner for acts of valor during World War II; to the Committee on Armed Services.

By Ms. WOOLSEY (for herself, Ms. Lee, Mr. Case, Mr. Abercrombie, Mr. McDermott, Mr. Owens, Mr. Honda, Mr. Souder, Mr. Sherman, Ms. Pelosi, Mr. Crowley, Mr. Farr, Ms. Solis, and Mr. Wu):

H.R. 606. A bill to authorize appropriations to the Secretary of the Interior for the restoration of the Angel Island Immigration Station in the State of California; to the Committee on Resources.

By Mr. GREEN of Wisconsin:

H. Con. Res. 43. Concurrent resolution expressing the sense of the Congress that Social Security reform measures should not force State and local government employees into Social Security coverage; to the Committee on Ways and Means.

By Mr. BACA (for himself, Mr. Conyers, Mr. Doggett, Mr. Gonzalez, Mr. Grijalva, Mr. Gutierrez, Mr. Hinojosa, Ms. Eddie Bernice Johnson of Texas, Mr. Lantos, Mrs. Napolitano, Mr. Ortiz, Mr. Owens, Ms. Linda T. Sánchez of California, Mr. Serrano, Mr. Udall of New Mexico, Ms. Lee, and Mr. Pastor):

H. Con. Res. 44. Concurrent resolution recognizing the historical significance of the Mexican holiday of Cinco de Mayo; to the Committee on International Relations.

By Mr. COOPER (for himself and Mr. Cunningham):

H. Con. Res. 45. Concurrent resolution recognizing the benefits and importance of school-based music education, and for other purposes; to the Committee on Education and the Workforce.

By Mr. MENENDEZ:

H. Res. 62. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. GOODLATTE (for himself, Mr. Goode, Mr. Boucher, Mr. Wolf, Mr. Cantor, Mr. Tom Davis of Virginia, Mr. Moran of Virginia, Mrs. Jo Ann Davis of Virginia, Mrs. Drake, Mr. Scott of Virginia, and Mr. Forbes):

H. Res. 63. A resolution congratulating the James Madison University Dukes football team for their outstanding and historic victory in the National Collegiate Athletic Association Division I-AA Championship Game; to the Committee on Education and the Workforce.

By Mr. PUTNAM:

H. Res. 64. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. CANTOR:

H. Res. 65. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Mr. CANTOR:

H. Res. 66. A resolution electing Members and Delegates to certain standing committees of the House of Representatives; considered and agreed to.

By Ms. WOOLSEY (for herself, Mr. Weiner, Ms. Baldwin, Mr. Case, Mr. Serrano, Mrs. Maloney, Ms. Eddie Bernice Johnson of Texas, Ms. DeLauro, Mr. Brown of Ohio, Mr. Payne, Mr. Meehan, Mr. Farr, Ms. Millender-McDonald, Mr. Gonzalez, Mr. Abercrombie, Ms. Watson, Mr. Udall of New Mexico, Ms. Kilpatrick of Michigan, Mr. Grijalva, Mr. Inslee, Ms. Slaughter, Mr. Waxman, Mr. Capuano, Mr. Pallone, Mr. Gutierrez, Mr. McDermott, Mr. Owens, Mr. Wexler, Mr. Kucinich, Mr. Olver, Mrs. Jones of Ohio, Ms. Solis, Ms. McCollum of Minnesota, Mr. Engel, Mr. Miller of North Carolina, Mr. Allen, Mr. Markey, Mr. Filner, Mr. Pascrell, Ms. Berkley, Ms. Lee, Mrs. Davis of California, Mr. Stark, Mr. Udall of Colorado, Ms. Carson, and Mr. Honda):

H. Res. 67. A resolution expressing the sense of the House of Representatives that the Senate should ratify the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW); to the Committee on International Relations.

MEMORIALS

Under clause 3 of rule XII:

5. The SPEAKER presented a memorial of the General Assembly of the State of Ohio, relative to Senate Concurrent Resolution No. 26 memorializing the United States Congress to provide for a national entity to establish and enforce mandatory national electronic transmission reliability standards and to ensure federal oversight of that entity and federal authority to require transmission owner participation in a regional transmission organization; to the Committee on Energy and Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII, private bills and resolutions of the followingtitles were introduced and severally referred, as follows:

By Mr. BACA:

H.R. 607. A bill to extend the patent numbered RE 38,014 (BIEBERSTEIN) for a period of 2 years; to the Committee on the Judiciary.

By Ms. LEE:

H.R. 608. A bill for the relief of Geert Botzen; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 11: Mr. Boucher and Mr. Miller of Florida.

H.R. 13: Mr. Foley.

H.R. 27: Mr. Hall, Mrs. Capito, and Mrs. Drake.

H.R. 29: Mr. Sam Johnson of Texas.

H.R. 32: Mr. Flake and Mr. Gerlach.

H.R. 64: Mr. Rohrabacher, Mr. Gingrey, and Ms. Berkley.

H.R. 68: Ms. Eddie Bernice Johnson of Texas, Mr. Radanovich, Mr. Baird, Mr. Baker, Ms. Baldwin, Mrs. Blackburn, Mr. Burton of Indiana, Mr. Buyer, Mr. Cannon, Mrs. Capito, Mr. Chocola, Mr. Clyburn, Mrs. Cubin, Mr. DeFazio, Mr. Dent, Mrs. Emerson, Mr. Ferguson, Mr. Foley, Mr. Gallegly, Mr. Hayworth, Mr. Hostettler, Mr. Issa, Ms. Jackson-Lee of Texas, Mr. Lewis of California, Mr. Menendez, Mr. Miller of North Carolina, Mr. Reynolds, Mr. Rohrabacher, Ms. Ros-Lehtinen, Mr. Ryan of Wisconsin, Ms. Linda T. Sánchez of California, Mr. Saxton, Mr. Skelton, Mr. Snyder, Mr. Stearns, Mr. Terry, Mr. Walsh, Mr. Wamp, Mrs. Wilson of New Mexico, Mr. Jefferson, Mrs. Johnson of Connecticut, and Mr. Sullivan.

H.R. 69: Mr. Garrett of New Jersey, Mr. Boozman, Mr. King of Iowa, Mr. Burton of Indiana, Ms. Ros-Lehtinen, Mr. Smith of New Jersey, Mr. Wicker, Mr. Bartlett of Maryland, Mr. Paul, Mr. Brown of South Carolina, Mr. Simpson, Mr. Akin, Mr. Pitts, Mr. Sessions, Mr. Brady of Texas, Mr. Wilson of South Carolina, and Mr. Wolf.

H.R. 72: Mr. Barrett of South Carolina, Mr. Souder, Mr. Franks of Arizona, Mr. Kline, Mr. Sessions, Mr. Bartlett of Maryland, Mr. Wilson of South Carolina, Mr. Alexander, Mr. King of Iowa, Mr. Hostettler, and Mr. Lewis of Kentucky.

H.R. 114: Mr. Pascrell and Mr. Markey.

H.R. 147: Mr. Shimkus, Mr. Hinojosa, Mr. Shuster, Mr. Smith of New Jersey, Mr. Dicks, Mr. Foley, Mr. LoBiondo, Mrs. Napolitano, Ms. Hooley, Mr. Blumenauer, Mr. Frank of Massachusetts, Ms. Watson, Mr. Doolittle, Mr. Doyle, Mr. Young of Florida, and Mrs. Capito.

H.R. 181: Mr. Jones of North Carolina.

H.R. 184: Mr. Weldon of Pennsylvania.

H.R. 188: Mr. Jefferson, Mr. Al Green of Texas, Ms. Carson, Mr. Watt, Mr. McDermott, Mr. Scott of Georgia, Mr. Etheridge, Mr. Lewis of Georgia, Ms. Watson, Ms. Millender-McDonald, Mr. McNulty, Mr. Meek of Florida, Ms. Harman, Mr. Emanuel, Ms. Waters, Mr. Owens, Mr. Kucinich, Mr. Bishop of Georgia, Ms. Ros-Lehtinen, Mr. Schwarz of Michigan, Mr. Gutierrez, and Mr. Bordallo.

H.R. 215: Mr. Bachus.

H.R. 223: Mr. Gingrey.

H.R. 226: Mr. Rangel.

H.R. 227: Mr. Owens, Mr. McNulty, Mr. King of New York, and Mr. Rangel.

H.R. 274: Mr. Holden, Mr. Goode, Mr. Ehlers and Mr. Moran of Virginia.

H.R. 284: Mr. Neal of Massachusetts, Mr. Conyers, and Ms. Watson.

H.R. 292: Mr. Bonner, Mr. Oxley, Mr. Souder, Mr. Tiahrt, Ms. Waters, Mr. Brady of Pennsylvania, Mr. Serrano, Mr. Pascrell, Mr. Case, Mr. Brown of Ohio, Mr. Shaw, Mr. Carter, Mr. Baird, Mr. McGovern, Mr. Pastor, Ms. Woolsey, Mrs. Capps, Mr. Butterfield, Mr. Hastings of Florida, Mr. Langevin, Mr. Waxman, Mr. Obey, Ms. Millender-McDonald, Mr. Costa, Mr. Rohrabacher, Mr. Davis of Florida, Mr. Marshall, Mr. Davis of Alabama, Mr. Markey, Mr. Lipinski, Ms. Harman, Mr. Menendez, Mr. Mollohan, Ms. Linda T. Sánchez of California, Mr. Udall of Colorado, Mrs. Lowey, Mr. Larson of Connecticut, Mr. Larsen of Washington, Mr. Lantos, Mr. Ryan of Ohio, Mr. Cardin, Mr. Dicks, Mr. Manzullo, Mr. Reynolds, Mr. Tierney, Mr. Weldon of Pennsylvania, Mr. Oberstar, Mr. Boren, and Mr. Linder.

H.R. 302: Ms. Pelosi.

H.R. 310: Mr. Blunt, Mr. Gillmor, Mr. Shimkus, Mr. Whitfield, Mr. Ferguson, Mrs. Wilson of New Mexico, Mr. Ehlers, Mrs. Jo Ann Davis of Virginia, Mr. Smith of Texas, Mr. Knollenberg, Mr. Camp, Mr. Hoekstra, Mr. Rogers of Michigan, Mr. Gary G. Miller of California, Mr. Neugebauer, Mr. Bonner, Mr. Akin, and Mr. Forbes.

H.R. 311: Ms. Pelosi, Ms. DeGette, Ms. Baldwin, Mrs. Davis of California, Ms. Moore of Wisconsin, Ms. Herseth, Mr. Boswell, Mrs. Maloney, Ms. Linda T. Sánchez of California, Ms. McCollum of Minnesota, Ms. ZOE LOFGREN of California, Ms. CORRINE BROWN of Florida, Ms. LEE, Ms. SOLIS, and Mr. ORTIZ.

H.R. 312: Mr. ISRAEL, Mr. FITZPATRICK of Pennsylvania, Mr. DICKS, Ms. DEGETTE, Ms. BEAN, Ms. MOORE of Wisconsin, Ms. PELOSI, Ms. LORETTA SANCHEZ of California, Ms. HERSETH, Mr. BOSWELL, Ms. LINDA T. SÁNCHEZ of California, Ms. MCCOLLUM of Minnesota, Ms. ZOE LOFGREN of California, Ms. CORRINE BROWN of Florida, Ms. LEE, Ms. SOLIS, Mr. ORTIZ, Mr. SHERMAN, Mr. MCINTYRE, Mr. BERMAN, Mr. CHANDLER, Mr. SCOTT of Georgia, Mr. REYES, and Mr. STARK.

H.R. 313: Mr. DEFAZIO, Mr. GRAVES, Mr. TIAHRT, Mr. KING of Iowa, Mr. ROGERS of Michigan, and Mr. LEWIS of Kentucky.

H.R. 314: Mr. BOSWELL and Mr. FOLEY.

H.R. 328: Mr. MCNULTY, Mrs. MCCARTHY, Mr. OLVER, Mr. FLAKE, Mr. BASS, Mr. CARNAHAN, Mr. KANJORSKI, and Mr. BUTTERFIELD.

H.R. 342: Mr. MCNULTY, Ms. KILPATRICK of Michigan, Mr. JEFFERSON, and Mr. CLAY.

H.R. 357: Mr. BOUCHER, Mr. FORBES, Mr. GALLEGLY, and Mr. KELLER.

H.R. 358: Mr. SKELTON, Mr. UDALL of Colorado, Ms. BERKLEY, Mr. ROHRABACHER, Ms. ZOE LOFGREN of California, Mr. PLATTS, Ms. BALDWIN, Mr. BLUMENAUER, Mr. KIND, Mrs. KELLY, Mr. RAMSTAD, Mr. BRADY of Texas, Ms. WOOLSEY, Mr. PASTOR, Mr. DICKS, Mr. SCOTT of Virginia, Mr. WU, Mr. KENNEDY of Rhode Island, Ms. WATERS, Mr. CONYERS, Mr. NADLER, Ms. KAPTUR, Mr. ORTIZ, Mr. EVANS, Mr. HALL, Mr. DAVIS of Tennessee, Mr. CRAMER, Mr. GONZALEZ, Ms. CARSON, Mr. OLVER, Mr. CASE, Mr. HONDA, Mr. LEWIS of Kentucky, Mrs. JO ANN DAVIS of Virginia, Mr. ENGEL, Mr. ALEXANDER, Mrs. WILSON of New Mexico, Mr. STEARNS Mr. HINOJOSA, Mrs. BONO, Mr. BACA, Mr. ETHERIDGE, Mr. DAVIS of Florida, Mr. HINCHEY, Mr. MEEK of Florida, Mr. CHANDLER, Mr. SANDERS, Mr. EMANUEL, Ms. HARMAN, Mr. COOPER, Mr. MILLER of North Carolina, Mr. TIERNEY, Ms. LEE, Mr. LYNCH, Mr. PALLONE, and Mr. WYNN.

H.R. 373: Mr. EVANS, Mr. DELAHUNT, Mr. LYNCH, Mrs. CAPPS, Mr. SCOTT of Georgia, Mr. GRIJALVA, Ms. WATSON, Mr. SANDERS, Mr. BROWN of Ohio, Mr. OWENS, Ms. WOOLSEY, and Ms. ESHOO.

H.R. 376: Mr. SCOTT of Virginia, Mr. BOSWELL, Ms. BERKLEY, Mr. MURTHA, Mr. SCHIFF, Mr. GUTKNECHT, and Mr. CLAY.

H.R. 380: Mr. BERMAN, Mr. MARIO DIAZ-BALART of Florida, and Mr. CRENSHAW.

H.R. 396: Mr. MCDERMOTT and Mr. PAYNE.

H.R. 397: Mr. MCDERMOTT and Mr. PAYNE.

H.R. 418: Mr. BEAUPREZ, Mr. HAYES, Mr. INGLIS of South Carolina, Mrs. MILLER of Michigan, Mr. PENCE, Mr. PETERSON of Pennsylvania, Mr. PICKERING, Mr. THORNBERRY, Mr. WICKER, and Mr. WOLF.

H.R. 420: Mr. ROHRABACHER and Mr. LEWIS of Kentucky.

H.R. 425: Mr. STARK.

H.R. 444: Mr. WEXLER, Mr. DOOLITTLE, Mr. BUTTERFIELD, and Mrs. BONO.

H.R. 459: Mr. TAYLOR of Mississippi, Mr. CONYERS, Mr. WEXLER, Mr. TOWNS, Mr. LYNCH, Mr. OLVER, and Ms. SCHAKOWSKY.

H.R. 472: Mr. FRELINGHUYSEN.

H.R. 496: Ms. WOOLSEY, Mr. JACKSON of Illinois, and Mr. KIND.

H.J. Res. 10: Mr. POMEROY, Mr. HOSTETTLER, and Mr. YOUNG of Florida.

H. Con. Res. 18: Mr. MCNULTY, Mr. KENNEDY of Minnesota, Mr. KING of New York, and Mr. KIRK.

H. Con. Res. 25: Mr. RANGEL, Mr. HASTINGS of Florida, Ms. ROS-LEHTINEN, Ms. MCKINNEY, Ms. WATSON, Mr. FILNER, Mrs. JONES of Ohio, Mr. DENT, Mr. OWENS, Mr. MEEKS of New York, Ms. MOORE of Wisconsin, Mr. PASTOR, Ms. WATERS, Ms. MCCOLLUM OF MINNESOTA, Ms. NORTON, Ms. LEE, Mr. FRANK of Massachusetts, Mrs. MALONEY, Mr. DAVIS of Alabama, Ms. CORRINE BROWN of Florida, Mr. JACKSON of Illinois, Mr. HAYES, Mr. SCOTT of Georgia, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. CUMMINGS, Mr. JONES of North Carolina, Ms. KILPATRICK of Michigan, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, MR. PAYNE, Mr. JEFFERSON, MR. ROSS, Mr. DAVIS of Illinois, and Mr. GENE GREEN of Texas.

H. Con. Res. 26: Mr. WELDON of Pennsylvania, Mrs. JONES of Ohio, and Mr. BARROW.

H. Con. Res. 30: Mr. SCOTT of Virginia and Mr. LEWIS of Georgia.

H. Con. Res. 32: Mr. CROWLEY, Mr. SOUDER, Mr. BRADLEY of New Hampshire, Mr. FOLEY, Mr. HASTINGS of Florida, and Mr. NORWOOD.

H. Con. Res. 35: Mr. PAYNE, Mrs. JONES of Ohio, and Mr. HONDA.

H. Res. 14: Mr. SOUDER.

H. Res. 38: Mr. SOUDER, Mr. KING of New York, Mr. PALLONE, Mr. KIND, Mr. FOLEY, Mr. HASTINGS of Florida, Mr. CHABOT, and Mr. WILSON of South Carolina.

H. Res. 46: Mr. SCHIFF, Mrs. BIGGERT, Ms. WOOLSEY, Mr. FORD, Mr. GRIJALVA, Mr. SIMPSON, Mr. VAN HOLLEN, Mr. BOOZMAN, Mr. OWENS, Ms. ESHOO, Mr. RUSH, Mrs. TAUSCHER, Mr. COSTELLO, Mr. UDALL of New Mexico, Mr. DOYLE, Mrs. JONES of Ohio, Mr. BOSWELL, Mr. NEAL of Massachusetts, Mr. MARSHALL, Mr. LAHOOD, Ms. MILLENDER-MCDONALD, Mr. DAVIS of Illinois, Mr. CRENSHAW, and Mr. PLATTS.

H. Res. 54: Mr. SHIMKUS, Mr. CROWLEY, Mr. SOUDER, Mr. KING of Iowa, Mr. BRADLEY of New Hampshire, Mr. OWENS, Mr. BURTON of Indiana, Mr. PALLONE, Mr. FOLEY, Mrs. JO ANN DAVIS of Virginia, Mr. WEINER, and Mr. NORWOOD.

H. Res. 57: Mr. RYAN of Ohio, Mr. BERMAN, Mr. HOSTETTLER, Mr. GALLEGLY, Mr. CHABOT, Mr. KIRK, Mr. HUNTER, and Mr. SESSIONS.

H. Res. 61: Ms. MOORE of Wisconsin and Ms. EDDIE BERNICE JOHNSON of Texas.

EXTENSIONS OF REMARKS

HONORING FT. LEWIS COLLEGE GRADUATES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor the Ft. Lewis College's Winter Graduating Class of 2004. I was unable to attend the ceremony and would like to enter some remarks into the record on behalf of the graduates.

I was asked to serve as the commencement speaker for the December 18th graduation ceremony in Durango, Colorado where Ft. Lewis College is located. Ft. Lewis College is a fine institution of higher learning in the West, and Durango happens to be one of my favorite places in Colorado. For my colleagues who have not had the opportunity to visit Durango, I can tell you that it embodies much of the majesty of the Rocky Mountains and the West. From the high country lakes to the red-rocked canyon lands to the breathtakingly rugged San Juan Mountains, Durango is truly awe-inspiring nature at its finest. I was very much looking forward to talking to these graduates in this beautiful part of our State.

Drawing on my experience as a climber and outdoorsman, I was going to talk to the graduates about the lessons they could learn from the natural world around them as they embarked upon their next journey. I hoped to remind them that they are surrounded by beauty and should take time to take note of the quality of air and light around them. Much like being atop our San Juan Mountains, they too were on the roof of the,world. Not only can they look down with a sense of pride from the peak they have just climbed in earning their degree. From this new found height they can see the myriad peaks on the horizon for the first time because they have worked hard to better themselves through education. They can now see the boundless opportunities available to them. Among these opportunities are those involving public service.

A friend and man I admire, Senator JOHN MCCAIN, has said that military service gave him an opportunity to serve a cause bigger than personal self-interest. I could not say it any better, and I hope all graduates take this underlying message to heart whether they enter military service or not. Senator MCCAIN's wisdom speaks to all of us.

I want to take this opportunity to recognize their hard work and the support of their families and congratulate them on their graduation. I ask my colleagues to join me in recognizing the Ft. Lewis College Winter Graduating Class of 2004. I know I join their friends and family in taking great pride in this laudable achievement.

IN RECOGNITION OF JONATHAN DEAN SISTO UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Jonathan Dean Sisto of Eagle Scout troop #204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Jonathan Dean Sisto my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

SENIORS' HEALTH CARE FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Seniors' Health Care Freedom Act. This act protects seniors' fundamental right to make their own health care decisions by repealing federal laws that interfere with seniors' ability to form private contracts for medical services. This bill also repeals laws which force seniors into the Medicare program against their will. When Medicare was first established, seniors were promised that the program would be voluntary. In fact, the original Medicare legislation explicitly protected a senior's right to seek out other forms of medical insurance. However, the Balanced Budget Act of 1997 prohibits any physician who forms a private contract with a senior from filing any Medicare reimbursement claims for two years. As a practical matter, this means that seniors cannot form private contracts for health care services.

Seniors may wish to use their own resources to pay for procedures or treatments not covered by Medicare, or to simply avoid the bureaucracy and uncertainty that comes when seniors must wait for the judgment of a Center from Medicare and Medicaid Services (CMS) bureaucrat before finding out if a desired treatment is covered.

Seniors' right to control their own health care is also being denied due to the Social Security Administration's refusal to give seniors who object to enrolling for Medicare Part A Social Security benefits. This not only distorts the intent of the creators of the Medicare system; it also violates the promise represented by Social Security. Americans pay taxes into the Social Security Trust Fund their whole working lives and are promised that Social Security will be there for them when they retire. Yet, today, seniors are told that they cannot receive these benefits unless they agree to join an additional government program!

At a time when the fiscal solvency of Medicare is questionable, to say the least, it seems foolish to waste scarce Medicare funds on those who would prefer to do without Medicare. Allowing seniors who neither want nor need to participate in the program to refrain from doing so will also strengthen the Medicare program for those seniors who do wish to participate in it. Of course, my bill does not take away Medicare benefits from any senior. It simply allows each senior to choose voluntarily whether or not to accept Medicare benefits or to use his own resources to obtain health care.

Forcing seniors into government programs and restricting their ability to seek medical care free from government interference infringes on the freedom of seniors to control their own resources and make their own health care decisions. A woman who was forced into Medicare against her wishes summed it up best in a letter to my office, ". . . I should be able to choose the medical arrangements I prefer without suffering the penalty that is being imposed." I urge my colleagues to protect the right of seniors to make the medical arrangements that best suit their own needs by cosponsoring the Seniors' Health Care Freedom Act.

TRIBUTE TO ATTORNEY JERRY MILANO

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. JONES of Ohio. Mr. Speaker, Jerry Milano was one of Cleveland's most aggressive, flamboyant and skilled defense lawyers. He was equally respected by veteran trial lawyers and the young lawyers, who were "just learning the ropes." Attorney Kenneth Seminatore remembers being "educated" by the seasoned trial lawyer Milano.

"I learned a great deal about attitude and technique from him. In the courtroom, Milano

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

was magic. He never used notes when talking to the jury. He had an uncanny ability to focus on the facts that were important, that would persuade a jury, and which appeared to be coming from his heart, not a script."

Seven years ago Milano's friends in the Cuyahoga County Defense Lawyers Association honored him with its Lifetime Achievement award. They roasted him by sharing stories of his nearly fifty year career. According to a friend "Jerry had a terrific sense of humor. And that he just laughed and laughed."

Jerry Milano had a reputation of being a tough, thorough and always prepared advocate for his clients. He also had a reputation of being a kind and generous man who counted among his friends one-time adversaries. Many stories have been told over the years of his many generous acts on behalf of other lawyers, friends and persons he only knew as acquaintances.

Stories have been told about some of Jerry Milano's courtroom antics. Many of the stories describe humorous, good natured acts before the bench. Some of the stories, while humorous, led to the mischievous lawyer having his wrist slapped by the presiding judge. His comic behaviors, never mean spirited, showed his quick wit and light-hearted sense of humor.

Attorney Jerry Milano, a graduate of Kent State University and Cleveland Marshall College of Law, tried cases of great notoriety. His clients, his opposing counsel, the presiding judge and jury had an opportunity to witness a professional. He defended his clients aggressively, competently, and according to the Canons of Ethics. After more than fifty (50) years of practice in Ohio, Florida and Alabama, Attorney Jerry Milano retired because of illness.

As a young assistant county prosecutor, I watched in awe, and gained valuable insight, as Attorney Milano examined a prosecution witness. As a judge I enjoyed trying cases with Jerry. He made the prosecutors do their jobs. As friends, Jerry and Rita Milano have been with me through all of my ups and downs. Thank you for your friendship.

On behalf of the United States Congress and the citizens of the 11th Congressional District, Ohio, I extend condolences to Rita, Jay and Debbie Milano on the loss of a loving family man and friend. I join the Bar in celebrating the life and times of a legal superstar.

INTRODUCTION OF THE "REMEMBER 9/11 HEALTH ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. MALONEY. Mr. Speaker, today I am introducing the "Remember 9/11 Health Act" with Representatives SHAYS, NADLER, OWENS, RON KIND, MCDERMOTT, MCCARTHY, and HINCHEY.

During the days following September 11, 2001, tens of thousands of people rushed to the World Trade Center to assist in the rescue and recovery efforts. Their mission was clear—to help the people suffering from the attack. Now, more than 3 years after the attacks, rescue and recovery workers remain sick and out of work as a direct result of their exposure to Ground Zero. To make matters worse, many sick rescue and recovery workers no longer have health care insurance due to their long-term unemployment. Despite this public health emergency, there is still no one in charge, there is no money for treatment, there is no research into its cause, the monitoring program established by Congress can only screen a fraction of those exposed to Ground Zero and it only has been funded for a 5-year period, not the 20 years suggested by the medical community.

To remedy this problem we are reintroducing the "Remember 9/11 Health Act" (H.R. 4059 in the 108th Congress).

The "Remember 9/11 Health Act" contains four main points: Treatment, Expanded Monitoring, Research and Coordination.

I. Providing Treatment.—Modeled after a program that provides health insurance for injured volunteer forest firefighters, this bill provides federal health insurance to individuals suffering injuries and/or health problem as a result of the September 11th Terrorist Attacks. Recipients do not pay for any health care expenses, including prescription drugs and copayments. This program also includes mental health coverage.

II. Expanding Health Monitoring.—Maintains current monitoring program that is screening a limited number of rescue and recovery workers, including the separate program for the Fire Department, while expanding it to a level recommended by the public health community.

III. Research.—Directs the National Institutes of Health to conduct or support diagnostic and treatment research for health conditions that are associated with the exposure to the terrorist attacks of September 11, 2001.

IV. Coordination.—Establishes the 9/11 Health Emergency Coordinating Council under the direction of the Department of Health and Human Services for the purpose of discussing, examining, and formulating recommendations for the adequacy and coordination of the Federal Government, State government and local governments response to the terrorist attacks of September 11, 2001.

Providing a coordinated federal response that includes not only monitoring, but treatment and research is the right thing to do. We need to send a message to rescue and recovery workers everywhere that if you are there for us when we need you, we will also be there when you need us. Anything short of that is unfair and could jeopardize the rescue and recovery response to future national emergency.

HONORING SUSAN KIRK

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor University of Colorado Regent Susan Kirk. Regent Kirk was elected to represent the First Congressional District in 1992 and was re-elected in 1998 by an overwhelming margin. She was elected chair of the board in 1997 where she provided leadership on the creation of a Women's Studies degree and the application for transfer and conveyance of the Fitzsimmons property. Susan had served the maximum 12 years allowed when her term ended in 2004.

Regent Kirk has been a tireless champion of women's and children's rights, equal opportunity and treatment, and expanding access to higher education. Her altruistic efforts in the community are legendary. She and her husband Dick established the Susan Kirk Scholarship for female students in the Graduate School of Public Affairs. She has also been a contributor to and advocate for the Center for Women's Health Research. Susan Kirk is a key player in many, if not most, charitable endeavors in our community.

Susan held leadership roles at the University of Colorado during both triumphs and challenging times. She has always been more interested in staying true to friendships and looking for solutions than in stirring controversy and grabbing headlines. The strength and grace of her leadership has meant a great deal to our community and is something I personally admire.

I ask my colleagues to join me recognizing my friend, Susan Kirk for her immeasurable contribution to the University of Colorado. I wish her and her husband Dick much health and happiness in their future endeavors.

IN RECOGNITION OF JAMESON JOSEPH COLLINS UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Jameson Joseph Collins of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Jameson Joseph Collins my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

CONGRATULATING THE 2004 FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 4A STATE FOOTBALL CHAMPIONS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PUTNAM. Mr. Speaker, I want to congratulate the 2004 Florida High School Athletic Association, FHSAA, Class 4A State Football Champion Seffner Armwood High School Hawks from the 12th Congressional District of Florida.

The Hawks won their second straight State title after a hard fought victory over the Lake Gibson Braves also from 12th Congressional District. I also want to recognize the valiant efforts of the entire Lake Gibson football team, even though they came up short in this year's state championship game.

I commend the champion Seffner Armwood football team for a wonderful and magical run this year. The people of Florida and Hillsborough County are proud of you. You have all demonstrated that hard work, perseverance and unity are the foundation of success.

I applaud both Seffner Armwood and runner-ups Lake Gibson's football coaching staff for their commitment and dedication to their players and for proving that hard work, sportsmanship and determination pay off.

I salute the Seffner Armwood High School students, teachers, coaches and the entire football team on their achievement as once again victors of the Class 4A State championship football game.

THE OJITO WILDERNESS ACT

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Ojito Wilderness Act. This bill designates the Ojito Wilderness Study Area, an area totaling approximately 11,000 acres, as a permanent wilderness area to be protected pursuant to the 1964 Wilderness Act. The bill also provides for the purchase and transfer of adjacent Bureau of Land Management, BLM, lands, contiguous to the established boundaries of the Pueblo of Zia, by the Pueblo. This land, an area totaling approximately 13,000, will then be taken into trust and held for the benefit for the Pueblo by the Secretary of the Interior, and would subsequently be managed by the Pueblo in perpetuity as wilderness.

This bipartisan, bicameral legislation is the result of true collaboration among many people in New Mexico. Very similar versions of this bill were introduced, deliberated on, and passed unanimously in both the House and the Senate during the 108th Congress. This is truly a compromise bill, and I look forward to its swift passage in the House. I am proud to say that in New Mexico most of the people I meet recognize how vitally important it is to protect natural areas, to encourage the sustainable use of our State's natural resources, and to honor the role of land in the lives of Native Americans. As this Ojito legislation demonstrates, with creativity and cooperation we can find mutually compatible solutions for all of these necessities.

This proposal has been under consideration for many years. In 1991, Manuel Lujan, the Secretary of the Interior in the former President Bush's cabinet, recommended the Ojito area to Congress for wilderness designation. The BLM has evaluated this area and found it qualifies for full wilderness status and protection.

The legislation has the explicit support of the Governor of New Mexico, the counties of Sandoval and Bernalillo, individual members of State government including our State Land Commissioner Patrick Lyons, the Pueblo of Zia and its members, the adjacent private land owners and individuals who graze their cattle on the land, numerous environmental groups, mineral extraction companies in the region, and business owners and private citizens living and working nearby.

The Ojito Wilderness Study Area is characterized by pristine and dramatic landforms and rock structures, and by several rare plant populations that are indigenous to the area. This area is also recognized for its high density of cultural and archeological sites, including sites that have religious significance to Pueblo Indians.

In particular, this legislation is important to the Pueblo of Zia. The Pueblo's reservation lands currently lie in two noncontiguous sections. Zia has made a concerted effort over many years to adjoin its reservation lands. This legislation will help make this long-standing goal a reality. The Pueblo has consistently and openly worked in cooperation with other interested parties to reach a mutually satisfactory arrangement for the protection of these important lands as undeveloped open space with continued public access. And, in an additional gesture of good faith, the Pueblo has waived its sovereign immunity from suit for matters arising under the provisions of this bill.

Considering the above, I believe this bill does the right thing by ensuring the preservation, protection, and public accessibility of this special area of New Mexico for future generations of Americans. Allow me to express a special thanks to my cosponsor in the House, Representative HEATHER WILSON, and to the members of the New Mexico delegation in the Senate.

ACADEMY NOMINEES FOR 2004 11TH CONGRESSIONAL DISTRICT OF NEW JERSEY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, every year, more high school seniors from the 11th Congressional District trade in varsity jackets for navy pea coats, Air Force flight suits, and Army brass buckles than most other districts in the country. But this is nothing new—our area has repeatedly sent an above average portion of its sons and daughters to the nation's military academies for decades.

This fact should not come as a surprise. The educational excellence of area schools is well known and has long been a magnet for families looking for the best environment in which to raise their children. Our graduates are skilled not only in mathematics, science, and social studies, but also have solid backgrounds in sports, debate teams, and other extracurricular activities. This diverse upbringing makes military academy recruiters sit up and take note—indeed, many recruiters know our towns and schools by name.

Since the 1830s, Members of Congress have enjoyed meeting, talking with, and nominating these superb young people to our military academies. But how did this process evolve? In 1843, when West Point was the sole academy, Congress ratified the nominating process and became directly involved in the makeup of our military's leadership. This was not an act of an imperial Congress bent on controlling every aspect of Government. Rather, the procedure still used today was, and is, a further check and balance in our democracy. It was originally designed to weaken and divide political coloration in the officer corps, provide geographical balance to our armed services, and to make the officer corps more resilient to unfettered nepotism and handicapped European armies.

In 1854, Representative Gerritt Smith of New York added a new component to the academy nomination process—the academy review board. This was the first time a Member of Congress appointed prominent citizens from his district to screen applicants and assist with the serious duty of nominating candidates for academy admission. Today, I am honored to continue this wise tradition in my service to the 11th Congressional District.

The Academy Review Board is composed of six local citizens who have shown exemplary service to New Jersey, to their communities, and to the continued excellence of education in our area—many are veterans. Though from diverse backgrounds and professions, they all share a common dedication that the best qualified and motivated graduates attend our academies. And, as true for most volunteer panels, their service goes largely unnoticed.

I would like to take a moment to recognize these men and women and thank them publicly for participating in this important panel. Being on the board requires hard work and an objective mind. Members have the responsibility of interviewing upwards of 50 outstanding high school seniors every year in the academy review process.

The nomination process follows a general timetable. High school seniors mail personal information directly to the Military Academy, the Naval Academy, the Air Force Academy, and the Merchant Marine Academy once they become interested in attending. Information includes academic achievement, college entry test scores, and other activities. At this time, they also inform my office of their desire to be nominated.

The academies then assess the applicants, rank them based on the data supplied, and return the files to my office with their notations. In late November, our Academy Review Board interviews all of the applicants over the course of 2 days. They assess a student's qualifications and analyze character, desire to serve, and other talents that may be hidden on paper.

This year the board interviewed over 40 applicants. Nominations included 10 to the Naval Academy, 11 to the Military Academy, 4 to the Merchant Marine Academy and 4 to the Air Force Academy—the Coast Guard Academy does not use the congressional nomination process. The recommendations are then forwarded to the academies by January 31, where recruiters reviewed files and notified applicants and my office of their final decision on admission.

As these highly motivated and talented young men and women go through the academy nominating process, never let us forget the sacrifice they are preparing to make: to defend our country and protect our citizens. This holds especially true at a time when our nation is fighting the war against terrorism. Whether it is in Afghanistan, Iraq, or other hot spots around the world, no doubt we are constantly reminded that wars are fought by the young. And, while our military missions are both important and dangerous, it is reassuring to know that we continue to put America's best and brightest in command.

ACADEMY NOMINEES FOR 2004, 11TH CONGRESSIONAL DISTRICT, NEW JERSEY

AIR FORCE ACADEMY

Dennis N. Stenkamp, Sparta, Sparta H.S.
Bryant J. Tomlin, Sparta, Sparta H.S.
John P. Libretti, Pine Brook, Seton Hall Prep
Benjamin A. Kalfas, Montville, Montville H.S.

MERCHANT MARINE

Matthew R. Brady, Chatham, Chatham H.S.
Ryan T. Davidson, Randolph, Randolph H.S.
Anthony J. Day, Flanders, Mt. Olive H.S.
Ashley Lally, Sparta, Sparta H.S.

MILITARY ACADEMY

Anthony Arbolino, Netcong, Lenape Valley H.S.
Brianna A. Beckman, Kinnelon, Kinnelon H.S.
Kristen Cassarini, Rockaway, Morris Hills H.S.
Christopher R. Elam, Oak Ridge, Jefferson H.S.
Matthew J. Gnad, Kinnelon, Kinnelon H.S.
John M. Kilcoyne, Essex Fells, West Essex H.S.
Kristen Laraway, Long Valley, West Morris Central H.S.
Shawn P. McKinstry, Bloomingdale, Trinity Christian School
Michael A. Robinson, Brookside, West Morris Mendham H.S.
Abigail E. Zoellner, Basking Ridge, Ridge H.S.
Joshua A. Lospinoso, Florham Park, Hanover Park H.S.

NAVAL ACADEMY

Raymond F. Allen, Califon, West Morris Central H.S.
Ashley Asdal, Chester, West Morris Mendham H.S.
Sean K. Bergstrom, Mendham, Delbarton School
Thomas D. Brenner, Jr., Livingston, Livingston H.S.
Michael Collett, Chester, Delbarton School
Jonathan E. DeWitt, Mendham, West Morris Mendham H.S.
Mark Infante, Chester, Delbarton School
Patrick Leahey, Morris Plains, Morristown H.S.
Ashwin Rajaram, Flanders, Mount Olive H.S.
Brian Schoenig, Pompton Plains, Pequannock H.S.

INTRODUCTION OF THE CLASS ACTION FAIRNESS ACT OF 2005

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. GOODLATTE. Mr. Speaker, I am pleased to introduce today, along with my good friend from Virginia, Mr. BOUCHER, the Class Action Fairness Act of 2005.

This much-needed bipartisan legislation corrects a serious flaw in our Federal jurisdiction statutes. At present, those statutes forbid our Federal courts from hearing most interstate class actions—the lawsuits that involve more money and touch more Americans than virtually any other type of litigation in our legal system.

The class action device is a necessary and important part of our legal system. It promotes efficiency by allowing plaintiffs with similar claims to adjudicate their cases in one proceeding. It also allows claims to be heard in cases where there are small harms to a large number of people, which would otherwise go unaddressed because the cost to the individuals suing could far exceed the benefit to the individual. However, class actions are increasingly being used in ways that do not promote the interests they were intended to serve.

In recent years, State courts have been flooded with class actions. As a result of the adoption of different class action certification standards in the various States, the same class might be certifiable in one State and not another, or certifiable in State court but not in Federal court. This creates the potential for abuse of the class action device, particularly when the case involves parties from multiple States or requires the application of the laws of many States.

For example, some State courts routinely certify classes before the defendant is even served with a complaint and given a chance to defend itself. Other State courts employ very lax class certification criteria, rendering virtually any controversy subject to class action treatment. There are instances where a State court, in order to certify a class, has determined that the law of that State applies to all claims, including those of purported class members who live in other jurisdictions. This has the effect of making the law of that State applicable nationwide.

The existence of State courts that broadly apply class certification rules encourages plaintiffs to forum shop for the court that is most likely to certify a purported class. In addition to forum shopping, parties frequently exploit major loopholes in Federal jurisdiction statutes to block the removal of class actions that belong in Federal court. For example, plaintiffs' counsel may name parties that are not really relevant to the class claims in an effort to destroy diversity. In other cases, counsel may waive Federal law claims or shave the amount of damages claimed to ensure that the action will remain in State court.

Another problem created by the ability of State courts to certify class actions which adjudicate the rights of citizens of many States is that oftentimes more than one case involving the same class is certified at the same time. In the Federal court system, those cases involving common questions of fact may be transferred to one district for coordinated or consolidated pretrial proceedings.

When these class actions are pending in State courts, however, there is no corresponding mechanism for consolidating the competing suits. Instead, a settlement or judgment in any of the cases makes the other class actions moot. This creates an incentive for each class counsel to obtain a quick settlement of the case, and an opportunity for the defendant to play the various class counsels against each other and drive the settlement value down. The loser in this system is the class member whose claim is extinguished by the settlement, at the expense of counsel seeking to be the one entitled to recovery of fees.

Our bill is designed to prevent these abuses by allowing large interstate class action cases to be heard in Federal court. It would expand the statutory diversity jurisdiction of the Federal courts to allow class action cases to be brought in or removed to Federal court.

Article III of the Constitution empowers Congress to establish Federal jurisdiction over diversity cases—cases between citizens of different States. The grant of Federal diversity jurisdiction was premised on concerns that State courts might discriminate against out of State defendants. In a class action, only the citizenship of the named plaintiffs is considered for determining diversity, which means that Federal diversity jurisdiction will not exist if the named plaintiff is a citizen of the same State as the defendant, regardless of the citizenship of the rest of the class. Congress also imposes a monetary threshold—now $75,000—for Federal diversity claims. However, the amount in controversy requirement is satisfied in a class action only if all of the class members are seeking damages in excess of the statutory minimum.

These jurisdictional statutes were originally enacted years ago, well before the modern class action arose, and they now lead to perverse results. For example, under current law, a citizen of one State may bring in Federal court a simple $75,001 slip-and-fall claim against a party from another State. But if a class of 25 million product owners living in all 50 States brings claims collectively worth $15 billion against the manufacturer, the lawsuit usually must be heard in State court.

This result is certainly not what the framers had in mind when they established Federal diversity jurisdiction. Our bill offers a solution by making it easier for plaintiff class members and defendants to remove class actions to Federal court, where cases involving multiple State laws are more appropriately heard. Under our bill, if a removed class action is found not to meet the requirements for proceeding on a class basis, the Federal court would dismiss the action without prejudice and the action could be refiled in State court.

In addition, the bill provides a number of new protections for plaintiff class members, including greater judicial scrutiny for settlements that provide class members only coupons as relief for their injuries. The bill also bars the approval of settlements in which class members suffer a net loss. In addition, the bill includes provisions that protect consumers from being disadvantaged by living far away from the courthouse. These additional consumer protections will ensure that class action lawsuits benefit the consumers they are intended to compensate.

This legislation does not limit the ability of anyone to file a class action lawsuit. It does not change anyone's right to recovery. Our legislation merely closes the loophole, allowing Federal courts to hear big lawsuits involving truly interstate issues, while ensuring that purely local controversies remain in State courts. This is exactly what the framers of the Constitution had in mind when they established Federal diversity jurisdiction.

I urge each of my colleagues to support this very important bipartisan legislation.

CONGRATULATING JUDD AND SUSAN SHOVAL AND GUARD INSURANCE GROUP UPON RECEIVING THE WILKES-BARRE 2005 COMMUNITY LEADERSHIP AWARD

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to my very good friends Judd and Susan Shoval and their company, GUARD Insurance, who received the Wilkes-Barre 2005 Community Leadership Award at a ceremony on Friday at the Westmoreland Club in Wilkes-Barre, PA.

The foundation of GUARD was an entrepreneurial expansion for Judd and Susan and a move that showed their commitment to investing in the community. Prior to GUARD, they had founded a commercial property and casualty insurance agency called Shoval Associates. As their business grew, they established an independent insurance company specializing in workers' compensation insurance in 1983.

In 2004, A.M. Best Co. recognized GUARD Insurance as an e-Fusion Finalist. This is a national awards program that spotlights innovative usage of technology to address insurance business challenges. In 2001, GUARD was ranked second among the 50 best large places to work in Pennsylvania. Ernst and Young recognized Judd and Susan with the Regional Entrepreneur-of-the-Year Award in 2001.

Judd and Susan—always community minded—kept their home office in Wilkes-Barre. They operate seven field offices and have four subsidiaries. Their company employs 560 and insures 27,000 employers.

Judd and Susan are tremendously involved in the community. I have known Susan very well as a director of the Earth Conservancy, a non-profit organization I helped found dedicated to reclaiming and developing 16,000 acres of former coal mine lands. I will always be grateful for the time and leadership she devoted to this worthy cause.

Judd is also involved with the community, including service on the boards of local universities, the Jewish Community Center and the United Jewish Campaign. He is also the chairman of CityVest, a nonprofit organization I helped found to serve as a developer of last resort. CityVest has already renovated several classic old homes on South Franklin Street and is now embarking on perhaps Wilkes-Barre's premiere landmark, The Hotel Sterling.

Judd earned a law degree from the Hebrew University of Jerusalem. Originally from Austria, Judd had moved to America in the early 1970s. A native of Northeastern Pennsylvania, Susan graduated magna cum laude with an economics degree from Cornell University and with highest honors from the College of Insurance in New York City. Judd and Susan have four children: Ben, Deborah, Karyn, and Rebecca.

Mr. Speaker, please join me in congratulating these two entrepreneurs who have given so much to their community. They are most deserving of the Wilkes-Barre 2005 Community Leadership Award.

HONORING COLORADO SENATE PRESIDENT JOAN FITZ-GERALD

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor my good friend, Joan Fitz-Gerald. Senator Fitz-Gerald is the first woman to lead the Colorado State Senate and is the only female Senate President in the entire country.

When you meet Joan, who stands at about 5′1″, the first image that comes to mind is not necessarily that of a woman capable of breaking ceilings, glass or otherwise. Yet she has done just that since she first ran for Jefferson County Clerk and Recorder in 1990. At the time, many people thought that she had been recruited to run for County Clerk and Recorder as little more than a Democratic place holder on the ballot. No Democrat had won in a county-wide election in the previous 15 years and no woman had ever held the position of County Clerk and Recorder in the history of Jefferson County. But Joan has always been more interested in breaking glass ceilings than in being a place holder. She campaigned hard on a solid platform and won that election. She served in the Clerk and Recorder's office until 1998. In 2000, she ran for the Colorado Senate.

Again she waged an uphill battle in a district that was traditionally difficult for a Democrat and was once again successful against popular convention of the time. Her victory gave Democrats the one seat majority they needed to take back control of the Senate. When the Democrats lost their majority the following election cycle, Senator Fitz-Gerald again made history by become the first female Minority Leader of the Senate.

In this past election cycle, Joan was one of the key leaders to orchestrate a plan to take back the Senate for the Democrats. She did this while caring for her ailing mother and caring for her brother who was diagnosed with leukemia. She lost both within 11 days of one another after the election.

It is a sign of the sincerity and strength of one's character when friends and foes alike agree about another person's character. Anyone who knows her, friend or foe, will say that she is a fighter. More than that she is also a person interested in advancing the goals of community service. She may be on the verge of becoming Colorado's Harry Truman. But then again, maybe Harry Truman was Missouri's Joan Fitz-Gerald.

Senator Joan Fitz-Gerald is a strong, smart, savvy woman. I am proud that she is the Colorado State Senate President and even more proud that she is my friend. I ask my colleagues on both sides of the aisle to join me in honoring Joan Fitz-Gerald for her achievement.

IN RECOGNITION OF BRANDON MICHAEL RUNYON UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Brandon Michael Runyon of Eagle Scout troop #204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Brandon Michael Runyon my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

HARMFUL AND COUNTERPRODUCTIVE UNITED STATES EMBARGO ON CUBA

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PAUL. Mr. Speaker, I rise again this Congress to introduce a bill to lift the harmful and counterproductive United States Embargo on Cuba.

On June 29, 2001, the Texas State legislature adopted a resolution calling for an end to

U.S. economic sanctions against Cuba. Lawmakers emphasized the failure of sanctions to remove Castro from power, and the unwillingness of other nations to respect the embargo. One Texas Representative stated: "We have a lot of rice and agricultural products, as well as high-tech products, that would be much cheaper for Cuba to purchase from Texas. All that could come through the ports of Houston and Corpus Christi." I wholeheartedly support this resolution, and I have introduced similar Federal legislation in past years to lift all trade, travel, and telecommunications restrictions with Cuba. I only wish Congress understood the simple wisdom expressed in Austin; so that we could end the harmful and ineffective trade sanctions that serve no national purpose.

I oppose economic sanctions for two very simple reasons. First, they don't work as effective foreign policy. Time after time, we have failed to unseat despotic leaders by refusing to trade with the people of those nations. If anything, the anti-American sentiment aroused by sanctions often strengthens the popularity of such leaders, who use America as a convenient scapegoat to divert attention from their own tyranny. So while sanctions may serve our patriotic fervor, they mostly harm innocent citizens and do nothing to displace the governments we claim as enemies.

Second, sanctions hurt American industries, particularly agriculture. Sanctions destroy American jobs. Every market we close to our Nation's farmers is a market exploited by foreign farmers. China, Russia, the Middle East, North Korea, and Cuba all represent huge markets for our farm products, yet many in Congress favor current or proposed trade restrictions that prevent our farmers from selling to the billions of people in these countries. Given our status as one of the world's largest agricultural producers, why would we ever choose to restrict our exports? The only beneficiaries of our sanctions policies are our foreign competitors.

I certainly understand the emotional feelings many Americans have toward nations such as Cuba. Yet we must not let our emotions overwhelm our judgment in foreign policy matters, because ultimately human lives are at stake. Economic common sense, self-interested foreign policy goals, and humanitarian ideals all point to the same conclusion: Congress should work to end economic sanctions against all nations immediately.

The legislation I introduce today is representative of true free trade in that while it opens trade, it prohibits the U.S. Taxpayer from being compelled to subsidize the United States government, the Cuban government or individuals or entities that choose to trade with Cuban citizens.

TRIBUTE TO MAYOR PATRICIA S. MEARNS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. JONES of Ohio. Mayor Patricia S. Mearns has distinguished herself in the Shaker Heights community, as a loyal public servant and volunteer for the numerous organizations she is a member of and causes that she actively works to support. For these reasons Mayor Patricia S. Mearns has been honored with the first Martin Luther King, Jr. Human Relations Award.

Mayor Patricia S. Mearns civic involvement in the Shaker Heights community began as President of the Malvern School PTA in the late 1970s and later climaxed as Mayor of Shaker Heights. Her dedication and complete belief in racial equality played a major role in her social and family policies.

Mayor Patricia S. Mearns has worked hard to strengthen neighborhood organizations by encouraging members of cultural and racial minority groups to become involved in all aspects of city life. As a member of the Shaker Family Center, Fund for the Future, Shaker Heights Meals on Wheels and Shaker Youth Center boards of trustees, she has led by example and has an outstanding reputation for accomplishing her goals. Two excellent examples of her effectiveness as a leader are the successful campaigns of the Shaker Heights Levy of 1981 and the more recent levy of the Shaker Heights Library.

Mayor Patricia S. Mearns continues her involvement in numerous organizations locally even after her tenure as the mayor of Shaker Heights concluded. Her public service, community service and organizational interest areas include: children, education, families, and race relations. Her involvement in the St. Luke's Foundation, Shaker Square Kiwanis Club, Housing Research and Advocacy Center, Cuyahoga County Task Force on Elder Friendly Communities and the Shaker Square Area Development Corporation, has and continues to positively affect the lives of Shaker Heights residents.

On behalf of the United States Congress and the citizens of the 11th Congressional District, Ohio, I extend my congratulations to an outstanding public servant, a fantastic and talented woman, the Honorable Mayor Patrica S. Mearns.

INTRODUCTION OF THE "VICTIMS COMPENSATION FUND EXTENSION ACT"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. MALONEY. Mr. Speaker, today I along with Representatives NADLER, BISHOP, OWENS, MCCARTHY and SERRANO are introducing the "Victims Compensation Fund Extension Act."

In the immediate aftermath of the September 11 terrorist attacks the Congress created the Victims Compensation Fund (VCF) to provide compensation for victims of 9/11. This fund provided aid to the families of 9/11 victims and to individuals who suffered personal injury. Among other things, aid from the fund pays for medical expenses and lost wages. In return for accepting these funds, recipients relinquished rights to any future litigation. The fund had a deadline for applicants of December 22, 2003.

At the deadline, close to 100 percent of the families who lost a loved one had filed with the fund, but many individuals who were injured as a direct result of 9/11 had not. After the filing, many of the injured were denied benefits, despite a clear need.

The main reasons for not filing applications included people who did not know they were eligible as well as others whose injuries were late-onset. There are literally hundreds of individuals who are now just developing career-ending injuries—such as pulmonary and respiratory ailments—but are not eligible to receive assistance because they developed their symptoms after the deadline.

Largely as a result of the VCF's restrictions on applicants, 1,755 of the 4,430 personal injury claims considered were denied. While there was some leeway, the rules required workers to have arrived at Ground Zero within 96 hours of the attack and would have needed to seek medical treatment within 72 hours. This is reasonable for rescue workers who suffered immediate injuries, but leaves no recourse for individuals with late-onset injuries or who arrived after September 15, 2001 to assist in the recovery effort and are now suffering from injuries.

In order to care for the individuals who are now just developing physical injuries and to provide an opportunity for injured individuals who did not know they were eligible, we are re-introducing the Victims Compensation Fund Extension Act (H.R. 5076 in the 108th Congress).

This bill would:

Amend eligibility rules so that responders to the 9/11 attacks who arrived later than the first 96 hours could be eligible if they experienced illness or injury from their work at the site.

Amend eligibility rules so that those who did not seek immediate medical verification for their illness or injury from the disaster, but who have since obtained medical evidence, would be eligible.

Extend the deadline for applications to allow those with either late-onset illness from the disaster or those who were never informed of their eligibility for the Victim Compensation Fund to consider applying.

HONORING THE SERVICE OF ELAINE T. VALENTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge a good friend and a hard-working public servant, Ms. Elaine Valente. Elaine is retiring as a Commissioner for Adams County, Colorado after 16 years of dedicated service.

Commissioner Valente was born and raised in Adams County Colorado. She and her husband Larry own the successful Valente's Deli, are proud parents of two accomplished children, and are passionate community activists.

Elaine's interest in her community began long before assuming her role as County Commissioner. She served on the Adams County Planning Commission, the City of

Westminster Urban Renewal Authority, the Westminster Planning Commission, the Citizen's Evaluation for Retention of Judges, and the School District 50 Superintendent's Parent Advisory Committee.

Her deep passion to give something back to her community and to help improve Colorado is what motivated her to run for County Commissioner in 1988. Elaine was victorious in that election and quickly became an outspoken advocate for Adams County's communities. As Chairman of the Board of County Commissioners she took an interest in many issues affecting her constituency, helping pave the way for future economic development, transportation improvements, air traffic investments and reform of county services. When I was elected to Congress in 1998 I knew that one of my first objectives was to learn as much as I could from Elaine, not only about one of Colorado's fastest growing communities, but also about effective public service.

Elaine is the kind of person who speaks her mind with a blend of honest bluntness and old-school graciousness. As a daughter of Italian-Americans she also established a reputation for leadership on behalf of ethnic minorities.

Mr. Speaker, I ask my colleagues to join me in honoring Ms. Elaine Valente and in wishing her success in all her future endeavors. It has been a true privilege to work with such a remarkable woman.

IN RECOGNITION OF NICHOLAS GEORGE RICHARDSON UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Nicholas George Richardson of Eagle Scout troop #204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Nicholas George Richardson my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

CONGRATULATING THE 2004 FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 1A STATE FOOTBALL CHAMPIONS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PUTNAM. Mr. Speaker, I want to congratulate the 2004 Florida High School Athletic Association (FHSAA) Class IA State Football Champion Fort Meade Middle-High School Fighting Miners from the 12th Congressional District of Florida.

This was an incredible season for the Fighting Miners as they finally became the best football program in Class 1A and one of the elite teams in Florida under Head Coach Michael Hayde.

I commend the champion Fort Meade Middle-High School football team for a wonderful and magical run this year. The people of Florida and all of Polk County are proud of you. You have all demonstrated that hard work, perseverance and unity are the foundation of success.

I applaud the entire Fort Meade football coaching staff for their commitment and dedication to their players and for proving that hard work, sportsmanship and determination pay off.

I pay tribute to Fort Meade Middle-High School students, teachers, coaches and the entire football team on their achievement as victors of the Class 1A state championship football game.

NATIVE AMERICAN VETERANS BURIAL FAIRNESS ACT OF 2005

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of New Mexico. Mr. Speaker, I rise today to introduce the Native American Veterans Cemetery Act of 2005. I first introduced this bill in the 108th Congress, and I am optimistic about its prospects during the 109th Congress.

The Native American Veterans Cemetery Act makes all Native American tribes eligible to apply for state cemetery grants. Under current law, only states are eligible for these grants. The bill would not give preference or special exceptions to Native American tribes that apply for the state cemetery grants. It would simply put tribes on equal footing with state governments—consistent with tribal sovereignty—by allowing them to apply for grants to establish, expand or improve tribal veterans cemeteries. Moreover, if a Native American tribe were awarded a state cemetery grant, the cemetery would be open to all veterans.

Historically, Native Americans have the highest record of service per capita of any ethnic group. New Mexico is home to almost 9,800 Native American Veterans, making it one of the top five states in the country with regard to its Native American veteran population. I believe it is time that Native American veterans who have served our country so honorably are allowed to pursue a decent, dignified resting place on their tribal lands.

Last year, Secretary of Veterans Affairs Anthony Principi stated in writing that he strongly supported this bill's enactment, and because it does not extend any special exceptions or benefits to Native American tribes that apply for state cemetery grants, this bill is budget neutral. The bill is also supported by the Navajo Nation, the largest federally recognized tribe, as well as National American Indian Veterans, Inc (NAIV). In addition to a resolution adopted by the Navajo Nation Council, the New Mexico and Arizona state legislatures have both passed memorials urging Congress to adopt this measure. I have included with this statement support letters from the VA, Navajo Nation, and NAIV.

I would like to thank my colleague Representative TOM COLE of Oklahoma for his strong and early support of this bill, as well as the other 24 original cosponsors. I look forward to working with all of my colleagues to move this bill during the 109th Congress.

THE SECRETARY OF VETERANS AFFAIRS,
Washington, July 29, 2004.

Hon. TOM UDALL,
Member, Committee on Veterans' Affairs, House of Representatives, Washington, DC.

DEAR MR. UDALL: We are pleased to present our views on H.R. 2983, 108th Congress, a bill, "[t]o amend title 38, United States Code, to provide for eligibility of Indian tribal organizations for grants for the establishment of veterans cemeteries on trust lands." This bill would authorize the Secretary of Veterans Affairs to make grants to tribal organizations to assist them in establishing, expanding, or improving veterans' cemeteries in the same manner and under the same conditions as grants to states are made under 38 U.S.C. 2408.

The cemetery-grants program has proven to be an effective way of making the option of veterans-cemetery burials available in locations not conveniently served by our national cemeteries. H.R. 2983 would create another means of accommodating the burial needs of Native American veterans who wish to be buried in tribal lands, and we strongly support its enactment.

While we are unsure of the number of grant applications that may be prompted by the bill's enactment, we do not assume its passage would result in the appropriation of additional funds for the cemetery-grants program. Hence, we estimate its enactment would be budget neutral.

The Office of Management and Budget has advised that there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely yours,

ANTHONY J. PRINCIPI.

NATIONAL AMERICAN INDIAN
VETERANS, INC.,
Mitchell, SD, October 7, 2004.

DEAR CONGRESSIONAL REPRESENTATIVE: The National American Indian Veterans, Inc. is writing to respectfully request your support of H.R. 2983, the Native American Veterans Cemetery Act of 2003 (Act). The Act will authorize the Secretary of Veterans Affairs to make grants available to tribal organizations for establishing, expanding, or improving Veterans cemeteries on trust land owned by, or held in trust for tribal organizations. The Act has been referred to the U.S. House of Representatives Committee on

Veterans Affairs, Sub-Committee on Benefits.

Today, American Indian Veterans cemeteries in Indian Country are either non-existent or are filled to capacity. As a result, our deceased brothers and sisters in arms are either laid to rest in State Veterans Cemeteries far from their homelands and families, or in cemeteries without the identifying honor of distinguished service in defense of our great nation.

During his second inaugural address, President Abraham Lincoln spoke to the mission of the U.S. Department of Veterans Affairs to "care for him who shall have borne the battle and his widow and orphan." On a population per capita basis, no one has borne the battle more than the American Indian Veteran and their widows and orphans. American Indian Veterans have served in the defense of the United States in all its military conflicts throughout the 20th and 21st Century.

Your support of H.R. 2983, the Native American Veterans Cemetery Act of 2003, will honor American Indian Veterans by establishing Veterans Cemeteries in Indian Country.

DONALD E. LOUDNER,
National Commander.
ANDERSON MORGAN,
Junior Vice Chairman.
CASSANDRA MORGAN,
Treasurer.
MICHAEL PAVATEA,
Senior Vice Commander.
JOEY STRICKLAND,
Chief of Staff.
BRYCE IN THE WOODS,
Secretary.

RESOLUTION OF THE INTERGOVERNMENTAL RELATIONS COMMITTEE OF THE NAVAJO NATION COUNCIL

APPROVING AND SUPPORTING THE NATIVE AMERICAN VETERANS CEMETERY ACT OF 2003 (H.R. 2983) INTRODUCED BY U.S. REPRESENTATIVE TOM UDALL OF NEW MEXICO THAT THE BILL WILL MAKE ALL TRIBES ELIGIBLE TO APPLY FOR STATE CEMETERY GRANTS FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)

Whereas:

1. Pursuant to 2 N.N.C. §§821 and 824(B)(5), the Intergovernmental Relations Committee is hereby established as a standing committee of the Navajo Nation Council and is to coordinate with all committees, chapters, branches and entities concerned with all Navajo appearances and testimony before Congressional committees, departments of the United States government, state legislatures and departments and county and local governments; and

2. Pursuant to 2 N.N.C. §§601 and 604(B)(1), (3) and (5), the Human Services Committee is established and continued as a standing committee of the Navajo Nation Council, and is empowered to promulgate regulations for the enforcement and implementation of the labor laws and policies of the Navajo Nation and laws relating to veterans services; to recommend legislation regarding employment, training, and veterans services; and to serve as the oversight authority for the Division of Human Resources, including the Department of Navajo Veterans Affairs (DNVA); and

3. The DNVA under the Division of Human Resources was established to foster the interests of Navajo veterans by advocating and providing administration oversight and coordination of veterans programs and services of federal, state and tribal governments and private agencies; and

4. Pursuant to Resolution GSCMY-40-03 of the Government Services Committee of the Navajo Nation Council, one of the purposes of the DNVA under the Division of Human Resources is to seek out and identify additional funding sources and make recommendations for the implementation, expansion and improvement of existing programs of the divisions and offices of the Navajo Nation to ensure that Navajo veterans receive the benefits and services they are entitled to; and

5. Although the federal State Cemetery Grants Program (SCGP) exists pursuant to 38 U.S.C. Section 2408 since 1978 for the benefit of all U.S Armed Forces service members and veterans, Indian Tribes of the U.S. are ineligible to apply for program funding to establish, expand or improve a veterans cemetery on their reservations because eligibility requirements are limited to states only; and

6. The states of Arizona and New Mexico have passed legislations in support of an amendment to the law to allow Indian tribes' participation in the SCGP with funding to establish, expand or improve cemeteries on the reservation. The DNVA is planning to establish a new veterans cemetery to replace the old and full to capacity Ft. Defiance Veterans Cemetery within the four sacred mountains of the Navajo Nation to afford burial of Native American and non-native veterans and their eligible spouses and dependent children; and

7. By Resolution HSCN-39-03, the Human Services Committee of the Navajo Nation Council recommended the Intergovernmental Relations Committee of the Navajo Nation Council to approve and support the Native American Veterans Cemetery Act of 2003 (H.R. 2983) introduced by U.S. Representative Tom Udall of New Mexico, that the bill will make all tribes eligible to apply for State Cemetery Grants from the U.S. Department of Veterans Affairs (VA); and

8. By Resolution CJ-5-40, the Navajo Nation Council resolved that the Navajo People stood ready to aid and defend the United States Government and its institutions against all subversive and armed conflicts and pledged loyalty to the system which recognized minority rights and a way of life; and

9. Navajo veterans, since their return from various wars, continue to live in substandard and unsanitary living conditions and continue to face many problems from unemployment to health problems, mentally and physically, and as Native American veterans they have borne the scars of many battles at a proportionally higher cost than any other ethnic group; and

10. It is in the best interest of all Navajo veterans, and their spouses and dependent children, the need and benefit for final resting place be established within the four sacred mountains of the Navajo Nation.

Now Therefore Be It Resolved That:

1. The Intergovernmental Relations Committee of the Navajo Nation Council hereby approves and supports the Native American Veterans Cemetery Act of 2003 (H.R. 2983), attached hereto as Exhibit "A", introduced by U.S. Representative Tom Udall of New Mexico, that the bill make all tribes eligible to apply for State Cemetery Grants from the U.S. Department of Veterans Affairs (VA).

2. The Intergovernmental Relations Committee of the Navajo Nation Council requests the assistance of the Navajo Nation Washington Office in the tracking of the legislation and notify appropriate Navajo Nation committees regarding committee hearings on this legislation.

3. The Intergovernmental Relations Committee of the Navajo Nation Council further recommends that the Office of the President/Vice President of the Navajo Nation and the full Navajo Nation Council support and authorize this effort and initiative on behalf of the Navajo Nation veterans.

4. The Intergovernmental Relations Committee of the Navajo Nation Council furthermore urges all Indian nations of states to effect the purpose of the Act beneficial at most for Native American service members and veterans and their spouses and dependent children.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Intergovernmental Relations Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 8 in favor, 0 opposed, and 0 abstained, this 17th day of November, 2003.

LAWRENCE T. MORGAN,
Chairperson, Intergovernmental Relations Committee.

RESOLUTION OF THE HUMAN SERVICES COMMITTEE OF THE NAVAJO NATION COUNCIL

RECOMMENDING THE INTERGOVERNMENTAL RELATIONS COMMITTEE OF THE NAVAJO NATION COUNCIL TO APPROVE AND SUPPORT THE NATIVE AMERICAN VETERANS CEMETERY ACT OF 2003 (H.R. 2983) INTRODUCED BY U.S. REPRESENTATIVE TOM UDALL OF NEW MEXICO THAT THE BILL WILL MAKE ALL TRIBES ELIGIBLE TO APPLY FOR STATE CEMETERY GRANTS FROM THE U.S. DEPARTMENT OF VETERANS AFFAIRS (VA)

Whereas:

1. Pursuant to 2 N.N.C. §§601 and 604(B) (1), (3), and (5), the Human Services Committee is established and continued as a standing committee of the Navajo Nation Council and is empowered to promulgate regulations for the enforcement and implementation of the labor laws and policies of the Navajo Nation and laws relating to veterans services; to recommend legislation regarding employment, training, and veterans services; and to serve as the oversight authority for the Division of Human Resources, including the Department of Navajo Veterans Affairs (DNVA); and

2. The DNVA under the Division of Human Resources was established to foster the interests of Navajo veterans by advocating and providing administration oversight and coordination of veterans programs and services of federal, state and tribal governments and private agencies; and

3. Pursuant to Resolution GSCMY-40-03 of the Government Services Committee of the Navajo Nation Council, one of the purposes of the DNVA is to seek out and identify additional funding sources and make recommendations for the implementation, expansion and improvement of existing programs of the divisions and offices of the Navajo Nation to ensure that Navajo veterans receive the benefits and services they are entitled to; and

4. Although the federal State Cemetery Grants Program (SCGP) exists pursuant to 38 U.S.C. Section 2408 since 1978 for the benefit of all U.S. Armed Forces service members and veterans, Indian Tribes of the U.S. are ineligible to apply for program funding to establish, expand or improve a veterans cemetery on their reservations because eligibility requirements are limited to states only; and

5. The legislators of Arizona and New Mexico in year 2003 sessions have passed legislations in support of an amendment to the law

to allow Indian tribes' participation in the SCGP with funding to establish, expand or improve cemetery on the reservations. The DNVA is planning to establish a new veterans cemetery, to replace the old and full to capacity Ft. Defiance Veterans Cemetery, within the four sacred mountains of the Navajo Nation to afford burial of Native American and non-native veterans, and their eligible spouses and dependent children; and

6. By Resolution CJ-5-40, the Navajo Nation Council resolved that the Navajo People stood ready to aid and defend the United States Government and its institutions against all subversive and armed conflicts and pledged loyalty to the system which recognized minority rights and a way of life. This commitment continues to be exercised in all branches of service and involved at higher ratio than any ethnic group population; and

7. It is in the best interest of all Navajo veterans and their spouses and dependent children the need and benefit for final resting place be established within the four sacred mountains of the Navajo Nation.

Now, Therefore, Be It Resolved That:

1. The Human Services Committee of the Navajo Nation Council hereby recommends the Intergovernmental Relations Committee of the Navajo Nation Council to approve and support the Native American Veterans Cemetery Act of 2003 (H.R. 2983) introduced by U.S. Representative Tom Udall of New Mexico that the bill will make all tribes eligible to apply for State Cemetery Grants from the U.S. Department of Veterans Affairs (VA). This legislation is attached hereto as Exhibit "A".

2. The Human Services Committee of the Navajo Nation Council requests the Navajo Nation Washington office to assist by monitoring the progress of the legislation and inform Department of Navajo Veterans Affairs and Human Services Committee for appearances before congressional committees and testimonies.

3. The Human Services Committee of the Navajo Nation Council further recommends that the Office of the President/Vice President of the Navajo Nation and the full Navajo Nation Council support and authorize this effort and initiative on behalf of the Navajo Nation veterans and families.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Human Services Committee of the Navajo Nation Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 4 in favor, 0 opposed and 0 abstained, this 14th day of November, 2003.

LARRY ANDERSON,
Chairperson, Human Services Committee.

HONORING 75 YEARS OF HISTORY

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the Kinnelon Fire Department, of the Borough of Kinnelon, in Morris County, New Jersey, a vibrant community I am proud to represent. On January 29, 2005, the good citizens of Kinnelon are celebrating the fire department's seventy-fifth anniversary.

For seventy-five years, members of the Kinnelon Fire Department have been protecting and serving the residents of their community. The fire department is made up of ninety volunteers, led by Fire Chief Keith Pavlak. Other dedicated members of the fire department include First Assistant Chief Alan Bresett and Second Assistant Chief Gail Bresett.

The Kinnelon Fire Department has a deep history that is evident in their desire to commemorate the department's 75 year anniversary. Volunteers, along with Mayor Sisco and other council members, will join to celebrate and recognize the volunteers and their predecessors.

From its charter members to its current roster, the membership of the Kinnelon Fire Department, has dedicated itself to the safety and welfare of Kinnelon's good citizens. Kinnelon's firefighters, dedicated public servants, past and present, are to be commended for a job well done.

Mr. Speaker, I urge you and my colleagues to join me in congratulating the members of the Kinnelon Fire Department on the celebration of its seventy-five years protecting one of New Jersey's finest municipalities.

INTRODUCTION OF RESOLUTION HONORING THE JAMES MADISION UNIVERSITY FOOTBALL TEAM

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. GOODLATTE. Mr. Speaker, I rise today to introduce a resolution congratulating the James Madison University football team, the "Dukes", for their outstanding and historic victory in the National Collegiate Athletic Association's Division One—Double-A Championship Game.

James Madison University is located in Virginia's 6th congressional district, in Harrisonburg, VA. JMU is one of the nearly twenty colleges or universities in my congressional district. The school was established in 1908 as the State Normal and Industrial School for Women, and remained a women's college until 1966.

The school's name was officially changed to honor our Nation's fourth president, one of eight Virginia presidents, James Madison, in 1977.

JMU is currently home to more than 15,000 students and more than 2,000 faculty members. In addition, the JMU athletic program has more than 500 student athletes who compete in eleven men's and thirteen women's sports.

Mr. Speaker, JMU received an at-large-bid to compete in the I–AA playoffs and defeated Lehigh, Furman, and the College of William and Mary (another wonderful Virginia school) to advance to the championship game.

JMU ultimately defeated the University of Montana Grizzlies with a final score of 31 to 21, before 16,771 fans and a national television audience, at the home field of the University of Tennessee-Chattanooga. The Dukes became the first team to win four straight road games in Division I–AA postseason history.

I would like to also congratulate the University of Montana Grizzlies, who were seeking their third national title in ten years. The Grizzlies finished the season with a wonderful record of twelve and three.

I was pleased to participate in a wonderful parade and community celebration a few weeks ago in downtown Harrisonburg to honor the Dukes.

Again, congratulations to James Madison University and I am pleased to have the support of the entire Virginia delegation as I offer this resolution.

CONGRATULATING THE WILKES-BARRE COUNCIL 302 OF THE KNIGHTS OF COLUMBUS ON THEIR 107TH ANNIVERSARY AND HONORING RAYMOND J. LENAHAN FOR HIS SERVICE AS GRAND KNIGHT

HON. PAUL E. KANJORSKI

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. KANJORSKI. Mr. Speaker, I rise today to ask you and my esteemed colleagues in the House of Representatives to pay tribute to the Wilkes-Barre Council 302 of the Knights of Columbus on their 107th Anniversary and to Raymond John Lenahan for his service as Grand Knight.

The Knights of Columbus are an outstanding example of how a fraternal group that seeks social and financial fellowship for its members is also committed to serving others. Council 302, in particular, deserves particular praise because it has the unique distinction of having organized a complete military unit in World War I. Called the Knights of Columbus Ambulance Company of Wilkes-Barre, PA, these men served in France, Belgium, Luxembourg and Germany. The men achieved national recognition for their service to our country.

The Knights of Columbus has always supported charitable work through monetary donations. In 1917, the council raised $5,411 for the War Fund Committee. In 1920, St. Mary's Convent was destroyed by fire and Council 302 presented the Sisters of Mercy with a check for $2,500, raised from voluntary donations.

Another example of the selflessness of the Knights of Columbus is their involvement in blood drives. They began a blood donor campaign with Mercy Hospital in March 1947 and Council 302 is still involved with donations to the local Red Cross.

Throughout the years, the Knights of Columbus have had fine men serve as Grand Knights. Raymond Lenahan has served in that position for the past two years, from 2002 through 2004.

Mr. Lenahan, a native of Hanover Township, is the son of the late Anthony J. and Luella Lenahan. He served as Grand Knight for the Knights of Columbus from 2002 to 2004. Mr. Lenahan resides with his wife Patricia in Forty Fort. The couple has four children and two grandchildren. They are members of St. Aloysius Parish in Wilkes-Barre.

Mr. Speaker, it is my privilege to represent an organization as worthy as the Knights of

Columbus. Please join me in congratulating them as they celebrate their 107th Anniversary on Saturday.

INTRODUCTION OF FEDERAL LANDS RESTORATION, ENHANCEMENT, PUBLIC EDUCATION, AND INFORMATION RESOURCES ACT

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I am today introducing a bill to provide additional resources for use by the Federal land-managing agencies to restore lands damaged as a result of improper activities and to promote public education about the use of the Federal lands. My Colorado colleague, Representative TANCREDO, is cosponsoring the legislation. I greatly appreciate his support.

The bill is based on one part of a bill introduced by Representative TANCREDO that I cosponsored in the 108th Congress. The purpose of that bill was to improve the ability of the land-managing agencies—the Bureau of Land Management, National Park Service, and the Fish and Wildlife Service in the Interior Department as well as the Forest Service in the Agriculture Department—to adequately enforce the rules that apply to uses of the lands they manage.

In the Resources Committee, Mr. TANCREDO and I worked with Chairman POMBO, Ranking Member RAHALL, and other Members, to develop a substitute that included a number of improvements in the bill. The Resources Committee approved that substitute, which included provisions similar to those in the bill I am introducing today. However, after the Resources Committee completed its work, the measure was reviewed by the Judiciary Committee, which made further changes before the bill went to the House floor.

The most significant change was deletion of the provisions of the bill that allowed the agencies to retain fines paid for violations of land-use regulations and to use those funds for repairing damages to the lands and for public education. I regretted that change because in addition to more adequate authority to enforce regulations, the land-managing agencies need more resources—more money and more people—if we want them to do a better job.

The House passed the bill as revised by the Judiciary Committee, but the 108th Congress adjourned before the Senate could complete action on it. Accordingly, Mr. TANCREDO is reintroducing the House-passed bill and I am cosponsoring that measure. My bill is in effect a companion to his legislation.

As approved by the Resources Committee, the Tancredo-Udall bill of the 108th Congress would have helped with that by allowing the agencies to use money from fines to help pay for some of the restoration work caused by violations of regulations and for public education.

The bill I am introducing today is similar. It would allow agencies to use money collected as fines to be used for repairing damage caused by the actions that lead to the fines or by similar actions. It would also allow them to use the money to increase public awareness of regulations and other requirements regarding use of Federal lands. And it provides that any of the money not needed for those purposes would be credited to the Crime Victims Fund in the Treasury.

Mr. Speaker, this is a modest bill but an important one. I think it deserves the support of our colleagues and I will do all I can to achieve its enactment into law.

IN RECOGNITION OF MICHAEL WILLIAM MOORE UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Michael William Moore of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Michael William Moore my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

AYN RAND'S BIRTHDAY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PAUL. Mr. Speaker, today, on the occasion of the 100th anniversary of the birth of Ayn Rand, these comments. Ayn Rand has long inspired advocates of personal liberty and economic freedom. These ideals of individual responsibility and limited constitutional government are urgently needed in our Nation today.

AYN RAND CENTENARY CELEBRATION

(By Don Ernsberger)

February 2nd marks the 100th Anniversary of the birth of philosopher and novelist Ayn Rand. The Russian born author of Atlas Shrugged, Fountainhead and a number of nonfiction works in economics and ethics became, in the twentieth century, a major influence on the intellectual culture of the United States. Her most famous work, Atlas Shrugged remains ranked by the Library of Congress Center for the Book as the second most influential books ever published.

Ayn Rand was a champion of capitalism and of individual liberty. She had experienced the impact of communism in her native Russia and was an outspoken opponent of both communism and of socialism. She advocated personal responsibility and an objective code of moral behavior. Ayn Rand's fictional and non-fictional works promoted the ideal of the self-reliant individual who values reason, production and self-esteem in their personal lives and rejects the enslavement of others to advance one's own personal goals. A proud immigrant, who chose America, she perceptively grasped the nature of our Constitution: "The [U.S.] Constitution is a limitation on the government, not on private individuals . . . it does not prescribe the conduct of private individuals, only the conduct of government . . . it is not a charter for government power, but a charter of the citizen's protection against the government."

Today, February 2, 2005, we celebrate the birth of this influential philosopher and writer who inspired and continues to inspire so many individuals to live rationally, and respect the rights of others. So much of what has made American a great society is found in her writings.

THE CUYAHOGA COUNTY BAR FOUNDATION AND CUYAHOGA COUNTY BAR ASSOCIATION'S 59TH ANNUAL PUBLIC SERVANTS MERIT AWARDS

HON. STEPHANIE TUBBS JONES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. JONES of Ohio. Mr. Speaker, I rise today in recognition of the Cuyahoga County Bar Foundation and Cuyahoga County Bar Association's 59th annual Public Servants Merit Awards, which will be held on Friday, February 11, 2005, in Cleveland, OH. As a veteran of the Cuyahoga County judiciary, I am honored to congratulate these individuals who have offered decades of faithful service to the bench, bar and public of Cuyahoga County.

Kathleen Ann Beluschak, Cleveland Municipal Court Presiding and Administrative Judge Larry A. Jones' nominee, has spent more than 30 years with the Cleveland Municipal Court, and for almost 3 years, she has been the Court's Administrative Services Office Manager. A graduate of West Tech High School, the longtime Cleveland resident lives with her husband Joe near Hopkins Airport with their two dogs, both of which were rescued and brought into the family by Kathleen. She traces her commitment to public service through a number of generations. In fact, two of her grandparents worked for the municipal and federal governments, her mother and uncles were public employees, as is her husband, sister, and 25-year-old son. At the beginning of her career, she thought the recipients of the awards to be "really old," she has now determined to reconsider that opinion.

Pat Cain has been a Probate Court employee since 1981. Nominated by Presiding Judge John J. Donnelly, Pat has primarily worked as a cashier at the Probate Court. Pat worked at other public agencies before joining the Court. Now a resident in Parma with his wife, Jane Varga, an attorney, Pat's blended family includes four adult children and five grandchildren. An active volunteer in many state, county, and local campaigns, particularly judicial races, Pat enjoys time with his family, particularly at their summer home in Marblehead. He highly values wildlife and its protection, and he works hard to provide support at his home for many different species of birds.

Nominated by Juvenile Court Administrative, Judge Joseph F. Russo, Josephine E. Jackson is the Acting Superintendent of the Court's Juvenile Detention Center. After earlier duties in security at local department stores, Josephine has been employed by the court since 1984 in a number of positions in the management of the Detention Center. Josephine's education in the Cleveland Schools continued into a master's program at Cleveland State University. She is challenged daily by working with youths in a correction environment, including those that have mental illness and special needs. In all facets, she encourages her staff to try and provide positive reinforcement to help the children at the Detention Center excel positively in life. She and her husband of nearly 25 years, Bill, live in Moreland Hills. As a part of her efforts to make the Detention Center a positive experience, she organizes regular, seasonal activities, including holiday cookie parties and a summer festival which benefits the Children's Fund.

The nominee of Gerald Fuerst, County Clerk of Courts, Mark Lime has been a Clerk's Office employee since 1977. Starting as a docket clerk, Mark has worked his way up to his current position of Criminal Branch Manager. A Parma resident, he and his wife Deborah have raised four sons, the youngest of whom is a junior at Parma High School. Mark has lived in Parma for many years and attended Padua Franciscan High School and Cuyahoga Community College. Mark is a dedicated coach, active in golf, baseball, and soccer teams on which his four sons have played.

Since 1976, Mary Joyce Ruddy has been employed at the Common Pleas Court's General Division. Presiding and Administrative Judge Richard McMonagle's nominee, Mary Joyce has been Jury Bailiff since 1992. She is in charge of getting jurors to individual court rooms, ensuring jurors' compensation, helping keep all jurors as happy as possible, and most importantly, spearheading the public relations effort encouraging reluctant jurors to serve. A Lakewood resident and graduate of St. Augustine Academy, Mary is mother of Nora, a 14-year-old Magnificat freshman. Family is central to Mary's life, and in recent years, she has spent many hours assisting her parents in their final illnesses. She now spends her time with eight nieces and nephews, all of whom are under the age of 9, and with her siblings.

Cheryl Maureen Simon has been an employee of the U.S. Bankruptcy Court since 1981. Chief Judge Randolph Baxter's nominee, Cheryl is Administrative Manager of the Court's Administrative Department, where she has responsibility for budget, procurement, administrative services, personnel, and other functions. A resident of Moreland Hills with her husband, David, and son, Matt, Cheryl enjoys skiing and traveling.

For over 21 years, Gail F. Valerino has been a judicial secretary with Ohio's Eighth District Court of Appeals. Originally, she worked for retired Judge Joseph J. Nahra, and since early 1999, she has worked for Administrative Judge Michael J. Corrigan, who nominated her for this year's award. In addition to administering the chambers of her Judge in every respect, she has, during Judge Corrigan's year as Administrative Judge, acted as his liaison with the Court's Administrator with regards to the entire Court's organization. Educated in the Parma Schools, she lives in Parma Heights with her son and daughter, and is active in boys' and girls' softball and T-ball leagues. She is also a participant in her Church's volunteer activities. She relaxes by reading and spending time in Marblehead.

REINTRODUCTION OF SAMPLING LEGISLATION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. MALONEY. Mr. Speaker, today, I introduce legislation that will ensure that future censuses truly reflect the demographic makeup of this Nation. This bill would clarify Section 195 of Title 13 U.S.C. to allow the most accurate numbers to be used for apportionment and all other purposes.

CONGRATULATING THE 2004 FLORIDA HIGH SCHOOL ATHLETIC ASSOCIATION CLASS 5A STATE FOOTBALL CHAMPIONS

HON. ADAM H. PUTNAM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PUTNAM. Mr. Speaker, I want to congratulate the 2004 Florida High School Athletic Association (FHSAA) Class 5A State Football Champion Lakeland Senior High School Dreadnaughts from the 12th Congressional District of Florida.

The championship game victory capped an undefeated season for the Lakeland High Dreadnaughts as they finished 15–0 for the third time in the past nine seasons and won their fourth state championship under Coach Bill Castle.

I commend the champion Lakeland High School football team for a wonderful and magical run this year. The people of Florida and all of Polk County are proud of you. You have all demonstrated that hard work, perseverance and unity are the foundation of success.

I applaud Lakeland Head Coach Bill Castle for being awarded this year's Dairy Farmers Award as coach of the year of the Florida Athletic Coaches Association, but most importantly for his commitment to his players and stressing the important values of preparation, hard work, dedication, teamwork, and sportsmanship.

I pay tribute to Lakeland High School students, teachers, coaches and the entire football team on their outstanding achievement.

ACKNOWLEDGING THE SERVICE OF TED STRICKLAND

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge a significant leader in the Denver, Colorado metropolitan area. Mr. Ted Strickland, outgoing Commissioner for Adams County, will be leaving his post after eight years of diligent service.

Commissioner Strickland was born and raised in Austin, Texas. After serving in the military he came to Colorado and began a successful career in the oil and gas industry, becoming Vice President with the Petroleum Information company.

Drawn towards public service, Ted ran for election to the Colorado House of Representatives. He served two years in the House before being elected to the Colorado State Senate. His 24 years in the Senate, 12 of which he served as President of the Senate, were a notable accomplishment.

During that time, he and his wife, Luann, settled in Strasburg, Colorado, on the southern edge of Adams County. Ted's continued desire for public service then led him to seek and win election as an Adams County Commissioner in 1996. As a county commissioner, he continued his hard work for those he represented. He served on the E–470 Public Highway Authority Board, the Front Range Airport Authority Board, the Adams County Economic Development Board, the Adams County Water Quality Association, and on the Denver Regional Council of Governments. With such a wide scope of reach, Commissioner Strickland has left a mark as a valuable public servant.

Mr. Speaker, I ask my colleagues to join me in honoring Mr. Ted Strickland and in wishing him success in all his future endeavors. Wherever his motivations should take him, I am sure success will follow.

IN RECOGNITION OF JOHN PATRICK MAHER UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent John Patrick Maher of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call John Patrick Maher my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

THE POEM, YOUR SON

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SESSIONS. Mr. Speaker, we are all deeply saddened by the loss of life of our brave men and women serving in Iraq and Afghanistan. While we all understand the need to spread freedom and democracy throughout the world, words can barely express the emotions and sorrow felt by the families of those who have given the ultimate sacrifice.

A constituent of mine recently brought to my attention a poem that was written in memory of Sgt. Byron Norwood, USMC, by Gene E. Blanton. While this poem is in memory of Sgt. Norwood, I believe that this poem is a fitting tribute to all servicemen and women who have fallen in combat. I would like to share this poem with my fellow colleagues:

YOUR SON

(By Gene E. Blanton)

To the Mothers and the Fathers
Of United States Marines
Who have fought and bled and died
So that freedom's bell still rings

From the Halls of Montezuma
To the shores of Tripoli
From the alleys of Fallujah
To the frozen Yudam-ni

From the sands of Iwo Jima
To the hills around Khe Sanh
From the smoky hell of Belleau Woods
Your Son fought and won

Your Son battled dictatorships
Communism and tyranny
God's Son died to make men holy
Your Son died to make men free

There is a debt we owe Your Son
That we can never repay
We owe Your Son more than platitudes
Heard on Veterans or Memorial Day

Your Son is a son of America
One of the Proud and the Few
Your Son volunteered to do the things
Other men would not or could not do

Your Son was Semper Fidelis
Always Faithful to the end was he
Your Son was a shining example
Of what a man is supposed to be

Now Your Son's been reassigned
To stand guard on Heaven's streets
And when my tour of duty is over
I know that we will meet

I'll thank Your Son for my freedom
For keeping terror on a distant shore
I'll thank Your Son for our way of life
And sacrifice he bore

So tonight when you cry out to God
While praying on your knees
Know that He's a loving God
Who will listen to your pleas

To lose Your Son for freedom's cause
God truly understands
God sent His Son to die for us
So you can see Your Son again

May God continue to bless our solders who are currently in harm's way.

* * *

FREEDOM FOR ARTURO PÉREZ DE ALEJO RODRÍGUEZ

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise today to speak about Arturo Pérez de Alejo Rodríguez, a political prisoner in totalitarian Cuba.

Mr. Pérez de Alejo is the president of the Escambray Human Rights Front. Before he became a pro-freedom advocate in a country oppressed by a totalitarian tyrant, he work as a farmer. However, after he realized the true nature of Castro's despotic regime, he joined the pro-democracy movement and began to advocate for a free and democratic Cuba.

According to Amnesty International, Mr. Pérez de Alejo was detained in 2003 for handing out copies of the U.N. Declaration of Human Rights. Despite being detained, and knowing full well the brutal consequences that await those brave men and women that speak the truth under the nightmare that is the Castro regime, he continued to advocate for human rights for the people of Cuba.

Unfortunately, Mr. Pérez de Alejo was arrested on March 18, 2003, as part of Castro's heinous island wide crackdown on peaceful, pro-democracy activists. In a sham trial, he was sentenced to 20 years in the totalitarian gulag.

While confined in the inhuman squalor of the gulag, Amnesty International reports that Mr. Pérez de Alejo has not been able either to receive or to send correspondence in the same way as other prisoners. It has also been reported that he is suffering from several debilitating diseases in the totalitarian gulag. Let us be very clear, he is languishing in a hellish dungeon, unable to communicate with the outside world, because he peacefully advocates for liberty.

Mr. Speaker, it is unconscionable that, in the 21st century, brave men and women are chained to filth because of their belief in the inalienable nature of freedom, and the sanctity of human rights for every person. My colleagues, tonight the democratically elected leader of the United States of America will deliver the State of the Union address to a joint session of our freely elected Congress. As we listen to President Bush address our free Nation, let us also remember those who are suffering to secure their own liberties, in their own countries. We must demand the immediate release of Arturo Pérez de Alejo Rodríguez and every political prisoner locked in the dungeons of tyrants.

RIGHT TO LIFE ACT

HON. DUNCAN HUNTER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. HUNTER. Mr. Speaker, today, I am introducing legislation that, if passed, will once and for all protect our unborn children from harm. Over 1.3 million abortions are performed in the United States each year and over 38 million have been performed since abortion was legalized in 1973. This is a national tragedy. It is the duty of all Americans to protect our children—born and unborn. This bill, the Right to Life Act, would provide blanket protection to all unborn children from the moment of conception.

In 1973, the United States Supreme Court, in the landmark case of Roe v. Wade, refused to determine when human life begins and therefore found nothing to indicate that the unborn are persons protected by the Fourteenth Amendment. In the decision, however, the Court did concede that, "If the suggestion of personhood is established, the appellants" case, of course, collapses, for the fetus' right to life would be guaranteed specifically by the Amendment." Considering Congress has the constitutional authority to uphold the Fourteenth Amendment, coupled by the fact that the Court admitted that if personhood were to be established, the unborn would be protected, it can be concluded that we have the authority to determine when life begins.

The Right to Life Act does what the Supreme Court refused to do in Roe v. Wade and recognizes the personhood of the unborn for the purpose of enforcing four important provisions in the Constitution: (1) Sec. 1 of the Fourteenth Amendment prohibiting states from depriving any person of life; (2) Sec. 5 of the Fourteenth Amendment providing Congress the power to enforce, by appropriate legislation, the provision of this amendment; (3) the due process clause of the Fifth Amendment, which concurrently prohibits the Federal Government from depriving any person of life; and (4) Article I, Section 8, giving Congress the power to make laws necessary and proper to enforce all powers in the Constitution.

This legislation will protect millions of future children by prohibiting any State or Federal law that denies the personhood of the unborn, thereby effectively overturning Roe v. Wade. I firmly believe that life begins at conception and that the preborn child deserves all the rights and protections afforded an American citizen. This measure will recognize the unborn child as a human being and protect the fetus from harm. The Right to Life Act will finally put our unborn children on the same legal footing as all other persons. I hope my colleagues will join me in support of this important effort.

INTRODUCTION OF THE PRESCRIPTION DRUG AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PAUL. Mr. Speaker, I rise to introduce the Prescription Drug Affordability Act. This legislation ensures that millions of Americans, including seniors, have access to affordable pharmaceutical products. My bill makes pharmaceuticals more affordable to seniors by reducing their taxes. It also removes needless government barriers to importing pharmaceuticals and it protects Internet pharmacies, which are making affordable prescription drugs available to millions of Americans, from being strangled by Federal regulation.

The first provision of my legislation provides seniors a tax credit equal to 80 percent of their prescription drug costs. While Congress did add a prescription drug benefit to Medicare in the last Congress, many seniors still have difficulty affording the prescription drugs they need in order to maintain an active and healthy lifestyle. One reason is because the new program creates a "doughnut hole," where seniors lose coverage once their prescription expenses reach a certain amount and must pay for their prescriptions above a certain amount out of their own pockets until their expenses reach a level where Medicare coverage resumes. This tax credit will help seniors cover the expenses provided by the doughnut hole. This bill will also help seniors obtain prescription medicines that may not be covered by the new Medicare prescription drug program.

In addition to making prescription medications more affordable for seniors, my bill lowers the price for prescription medicines by reducing barriers to the importation of FDA-approved pharmaceuticals. Under my bill, anyone wishing to import a drug simply submits an application to the FDA, which then must approve the drug unless the FDA finds the drug is either not approved for use in the United States or is adulterated or misbranded. This process will make safe and affordable imported medicines affordable to millions of Americans. Mr. Speaker, letting the free market work is the best means of lowering the cost of prescription drugs.

I need not remind my colleagues that many senior citizens and other Americans impacted by the high costs of prescription medicine have demanded Congress reduce the barriers which prevent American consumers from purchasing imported pharmaceuticals. Congress has responded to these demands by repeatedly passing legislation liberalizing the rules governing the importation of pharmaceuticals. However, implementation of this provision has been blocked by the Federal bureaucracy. It is time Congress stood up for the American consumer and removed all unnecessary regulations on importing pharmaceuticals.

The Prescription Drug Affordability Act also protects consumers' access to affordable medicine by forbidding the Federal Government from regulating any Internet sales of FDA-approved pharmaceuticals by State-licensed pharmacists.

As I am sure my colleagues are aware, the Internet makes pharmaceuticals and other products more affordable and accessible for millions of Americans. However, the Federal Government has threatened to destroy this option by imposing unnecessary and unconstitutional regulations on web sites that sell pharmaceuticals. Any Federal regulations would inevitably drive up prices of pharmaceuticals, thus depriving many consumers of access to affordable prescription medications.

In conclusion, Mr. Speaker, I urge my colleagues to make pharmaceuticals more affordable and accessible by lowering taxes on senior citizens, removing barriers to the importation of pharmaceuticals and protecting legitimate Internet pharmacies from needless regulation by cosponsoring the Prescription Drug Affordability Act.

RECOGNIZING THE FAIRFAX COUNTY HEALTH DEPARTMENT ADULT DAY HEALTH CARE PROGRAM UPON ITS 25 YEAR ANNIVERSARY

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. TOM DAVIS of Virginia. Mr. Speaker, I would like to take this opportunity to pay tribute to the Fairfax County Health Department Adult Day Health Care Program as it prepares to celebrate its 25th anniversary.

The Fairfax County Adult Day Health Care centers provide a safe, fun and therapeutic environment for the frail, the elderly and adults who need supervision during the day due to cognitive and/or physical impairments. Each center has a registered nurse who monitors the health status of each participant; a therapeutic recreation specialist who designs daily activities to enhance cognitive and physical function and to offer opportunities for socialization; and several program assistants who lead the daily activities and provide personal care to the participants. In addition, the program is designed to provide respite, education, and support to family caregivers.

The first Fairfax County Adult Day Health Care Program center opened its doors in Annandale on January 3, 1980. The Annandale center was the first public nonprofit elderly daycare facility in Fairfax County. This program was an exemplary example of interagency collaboration, a visionary approach to providing long-term care services, and innovative use of county resources. Over the next 22 years, four additional centers were opened including: the Lewinsville Adult Day Health Care center in June 1985, the Lincolnia Adult Day Health Care center in January 1990, the Mount Vernon Adult Day Health Care center in July 1990 and finally the Herndon Harbor Adult Day Health Care center in June 2000. In 2006 the county is planning to open a sixth adult day health care center in Fairfax City.

In 1986, the Annandale and Lewinsville Adult Day Health Care centers were the recipients of the National Achievement Award given by the National Association of Counties. The centers were recognized for their new and innovative programs.

Mr. Speaker, in closing, I would like to thank the Fairfax County Health Department Adult Day Health Care Program for the immeasurable contributions they have made to the community by taking care of the sick and elderly. I congratulate the program on its successes over the last 25 years and wish for continued success in the future. I ask that my colleagues join me in applauding this outstanding and distinguished institution.

HONORING THE RETIREMENT OF STATE POLICE CAPTAIN KATHY STEFANI

HON. WILLIAM D. DELAHUNT

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. DELAHUNT. Mr. Speaker, I rise today to pay tribute to a woman who has dedicated the better part of her life to ensuring the public safety of our community. She is a pioneer in law enforcement, and a role-model for all who choose to wear the uniform. Dedicated, visionary, and compassionate, she has left a lasting legacy on the Massachusetts State Police, the troopers under her command, and the public she serves.

I'm talking of Capt. Kathy Stefani.

Where I'm from, it's not uncommon for children to want to follow in their parents' professional footsteps. No where is this more so than with the police department. So it was with a special pride that Kathy's father, Gerry Coletta, a good friend and my chief administrative assistant from my tenure as Norfolk district attorney, encouraged her pursuit of a law enforcement career.

Joining the ranks of the Massachusetts State Police force in 1978, she was one of only three women on the job. It was clear from the beginning that her career was going to be special.

In 1995, when she was elevated to the rank of lieutenant, she became the first State Police officer to run the Commonwealth's crime Lab. During her tenure there, she successfully secured a $1 million grant to develop the first DNA testing facilities in Massachusetts.

And, in 1999, when Kathy was promoted again she made more history as the first woman ever to hold the rank of captain. Law enforcement has always been a family affair, and at her promotion ceremony she proudly accepted her husband Michael's badge as her own.

During her 26 years on the force, Captain Stefani has been involved with some of the most important public events in recent memory. Long before we talked about homeland security, she used her position as Troop H commander to push for a more integrated approach for securing large events—including the 2000 Presidential Debate held at UMASS-Boston, the annual Sail Boston events, the July 4th celebrations on the Esplanade.

During her long career she's been recognized with the Superintendent's Commendation, the Distinguished Service Award for Forensic Science and the prestigious State Police Medal of Merit.

But perhaps the greatest compliments come from those who don't know her personally, but benefit from her forward-thinking plan for the State crime lab during the 1990's. Long before televisions shows like CSI made forensic science popular, Captain Stefani recognized the role that DNA testing could play in bringing criminals, especially rapists, to justice. Her perseverance in advocating for this technology has brought solace and comfort to victims and their families.

As Captain Stefani prepares to enter into a well-deserved retirement, I doubt very much that she'll be working on her tennis game. My guess is that she'll continue to be involved professionally—inspiring the next generation in the classroom; being a role-model to those who continue to wear the uniform, like her brother Chip; being an involved mom to her two kids, and a loving wife to Michael; and a devoted daughter to Gerry and Marge.

I'm honored to add my voice to the chorus of friends, family and colleagues who wish her well as she embarks on her retirement. Job well done.

PERSONAL EXPLANATION

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. GRAVES. Mr. Speaker, on Thursday, January 6, 2005, I was unavoidably detained and thus missed rollcall vote No. 7. Had I been present, I would have voted "nay" on rollcall No. 7.

On Tuesday, January 25, 2005, I was unavoidably detained and thus missed rollcall votes Nos. 8 and 9. Had I been present, I would have voted "yea" on both votes.

On Wednesday, January 26, 2005, I was unavoidably detained and thus missed rollcall votes Nos. 10–13. Had I been present, I would have voted "nay" on rollcall Nos. 10, 11, and 12, and "yea" on rollcall No. 13.

CONGRATULATIONS TO 11TH GRADUATING CLASS OF INDIANA UNIVERSITY NORTHWEST'S LEADERSHIP DEVELOPMENT PROGRAM

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and admiration that I offer congratulations to many of Northwest Indiana's most talented, dedicated, and hardworking individuals. On Friday, February 4, 2005, Indiana University Northwest's Leadership Development Program will honor their 11th graduating class.

The Institute for Innovative Leadership is a partnership between Indiana University Northwest and Northwest Indiana's community and business leadership throughout all sectors. The Institute is designed to create a binding link between educational experience and leadership practice. The Leadership Development Program is the core of the Institute. Various resources are utilized to help ensure that students of every level acquire the skills, knowledge, values, motivation and vision needed for success in careers and as citizens.

The Institute for Innovative Leadership will be recognizing and honoring the following 2004 Graduates: Bobbi Atzhorn, Sandra Bowie, Alice Carter, Gail Coleman, Larry Hayden, Crystal Jelks, Brock Lloyd, Ryan Mistarz, Melissa Murdock, Damian Perkins, Mary Louise Rieger, Cora Robinson, Jennifer Stewart, Gabriela Tirado, and Reginald Williams.

Mr. Speaker, I ask that you and my other distinguished colleagues join me in congratulating these hardworking individuals. I am very proud to honor them in Washington, DC.

ON THE 12TH ANNIVERSARY OF THE FAMILY AND MEDICAL LEAVE ACT

HON. JUDY BIGGERT

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. BIGGERT. Mr. Speaker, this Saturday, February 5, 2005, will mark the 12th anniversary of legislation that has made an enormous difference in the lives of millions of working Americans since its enactment in 1993. I speak of course of the Family and Medical Leave Act, FMLA.

I count myself among the Family and Medical Leave Act's strongest supporters. Since its enactment, this law has brought peace of mind and job security during critical times to millions of American workers and their families. The FMLA allows qualified employees to take unpaid leave from their employer for the birth or adoption of a child, to attend to the serious health crisis of a family member, or attend to their own serious medical issue. The law makes clear that no American should have to choose between caring for a gravely ill family member and losing his or her job.

Since its enactment in 1993, millions of Americans have used the FMLA to take time to care for a newborn, to attend to an adult parent or child's serious illness, or perhaps to attend to their own critical medical needs. They have done so knowing that their job remained safe and secure. Indeed, many employers have gone far beyond the requirements of the FMLA, providing their employees with leave benefits beyond those required under state or federal law.

In congressional hearings on the FMLA, in town meetings, and in speaking with both employers and employees in our districts, we hear that so much of the FMLA works the way Congress intended. As all of us who serve in this body know, however, actions we take here in Congress with the best of intentions often end up going in a direction we don't expect.

In particular, with respect to the FMLA, we have heard that the "family" part of Family and Medical Leave has worked well, providing employees a much-needed benefit and the time to care for a newborn or adopted child, while enabling employers to manage and maintain the productivity of their workforce.

It appears that implementation of "medical" leave has been less successful. It is plain that Congress intended FMLA to serve as a safety net for employees to meet serious and unforeseen medical needs. The Act was not intended to be—nor dare I say would it have been enacted if it were—a national "sick leave" policy. When medical leave is used for those serious health conditions for which it is intended, we hear from employers that morale and productivity are unaffected—indeed, that employees often rally to the aid of a colleague. In contrast, where medical leave is abused, or used beyond its intended purpose, morale and productivity suffer, employers are unable to manage their workplace, and resentment grows in co-workers who are forced to pick up chronic slack.

Similarly, we have heard repeatedly that recordkeeping and notice requirements under the Act are not in tune with the realities of today's workplace, and serve as a barrier to both employers and employees in knowing and exercising their rights. Concerns about misapplying the FMLA have often discouraged employers from providing more generous leave policies to their workers. Research also has shown that confusion surrounding FMLA regulatory requirements has actually served to hurt those it was supposed to help—workers.

Employers and employees alike have expressed concerns that the effectiveness of the law is being hampered by the way the Act has been implemented by regulatory agencies and interpreted by the courts. This is troubling and has, unfortunately, led to charges that the FMLA is a bad law. As a supporter of the FMLA, I would be the first to say that is not true: the FMLA is a good law, although with the benefit of 12 years of experience, perhaps a law in need of fine-tuning. Without action to clarify the law, we will surely see an increasing number of lawsuits challenging FMLA regulations—litigation that costs employees, employers, unions and the courts valuable time, effort and money.

On the anniversary of its enactment, I look forward to working with a wide array of members of Congress on both sides of the aisle and in both chambers of Congress, to keep the best parts of the FMLA intact, while targeting common-sense, necessary improvements where the Act has failed to meet Congressional expectations.

Many issues in Congress are polarized, but restoring the Congressional intent of this law needn't be. I am confident that good minds can and will agree so that we can work to preserve the protections offered to workers by the FMLA, address failings in the Act that serve the interests of neither employers nor employees, and ensure that the benefits afforded to millions of working Americans in the last 12 years will be afforded to millions more in the years to come.

IN HONOR AND REMEMBRANCE OF ANDREW M. KYOVSKY

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. KUCINICH. Mr. Speaker, I rise today in honor and remembrance of Andrew M.

Kyovsky, beloved son, brother, uncle, colleague and friend to many. His steady and spirited presence radiated warmth and light along the granite walkways of Cleveland City Hall, and his kind and gentle spirit will be deeply missed.

Mr. Kyovsky's 41 year legacy as the key staffer in the mail department of Cleveland City Hall was framed by loyalty, dependability, integrity and concern for others. He rarely missed a day of work, and his love for his job and for the people he worked with reflected daily within the smiles and laughter he enticed from others—from the first-floor receptionist to seven of Cleveland's mayors—including me.

Despite life-long medical challenges, Mr. Kyovsky's spirited demeanor, generous heart and zest for life was never dimmed. His quick smile and kind words served to disarm even the most guarded employee or visitor to City Hall. Whether presenting a rose to a charmed female colleague or offering a kind word to a visitor, Mr. Kyovsky did so with grace, dignity and humanity. His personal difficulties never prevented him from helping others, and he did so daily. Mr. Kyovsky's life was a lesson in humanity, showing us the power of kindness and giving—universal truths infinitely more supreme than any lofty municipal project or political agenda.

Mr. Speaker and colleagues, please join me in honor and remembrance of Andrew M. Kyovsky, whose exceptional work in the mail room at Cleveland City Hall is eclipsed only by the brilliant legacy of his gentle and courageous heart. I offer my deep condolences to his mother, Ann Kyovsky; his sister and brother-in-law, Margaret and Joseph Dzurma; his nieces, Anne Marie and Paula; and also to his extended family and many friends. His friendship, perseverance and unyielding loyalty will forever light the hearts of all whom knew and loved him well.

ACKNOWLEDGING THE SERVICE OF ELAINE T. VALENTE

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge an important leader in the Denver, Colorado metropolitan area. Ms. Elaine Valente, outgoing Commissioner for Adams County, will be leaving her post after 16 years of dedicated service.

Commissioner Valente was born and raised in Adams County. She and her husband Larry own the successful Valente's Deli, are proud parents of two accomplished children, and are passionate community activists.

Elaine's interest in her community began long before assuming her role as County Commissioner. She severed on the Adams County Planning Commission, the City of Westminster Urban Renewal Authority, the Westminster Planning Commission, the Citizen's Evaluation for Retention of Judges, and the School District 50 Superintendent's Parent Advisory Committee.

That deep passion to give something back and to help improve the community in which she lives motivated her to run and win election as a County Commissioner in 1988. After her election, Elaine began a noteworthy carrier as a public official. Serving as Chairman of the commissioners, she took an interest in many issues affecting her constituency, helping pave the way for future county development and responsible economic achievement. Elaine's heartfelt desire for progress in the county she knew from birth allowed us all to bask in the results of her accomplished career.

Mr. Speaker, I ask my colleagues to join me in honoring Ms. Elaine Valente and in wishing her success in all her future endeavors. It has been a true privilege to work with such a remarkable public servant.

IN RECOGNITION OF KYLE RICHARD KELSON UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Kyle Richard Kelson of Eagle Scout troop #204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Kyle Richard Kelson my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

INTRODUCTION OF FREE FLOW OF INFORMATION ACT OF 2005

HON. RICK BOUCHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BOUCHER. Mr. Speaker, I am pleased today to join with my colleague from Indiana, Mr. PENCE, in introducing the Free Flow of Information Act, legislation which will advance the public's right of access to information of broad public interest.

Our measure addresses an increasingly common problem. Last year, 12 reporters were threatened with jail sentences in federal courts for refusing to reveal confidential news sources. Reporters rely on the ability to assure confidentiality to sources in order to deliver news to the public. The ability of news reporters to assure confidentiality to sources is fundamental to their ability to deliver news on highly contentious matters of broad public interest. Without the promise of confidentiality, many sources would not provide information to reporters, and the public would suffer from the resulting lack of information.

Thirty-one states and Washington, DC, currently have statutes protecting reporters from compelled disclosure of sources of information. It is time to provide similar protections in the federal courts.

I have long believed that the Freedom of the Press provision of the first amendment should be interpreted by the courts to empower reporters to refrain from revealing their sources. Since the courts have not found this privilege to attend the first amendment, a statutory grant of the privilege has become necessary.

In deciding to introduce this measure, I have concluded that the public's right to know should outweigh the more narrow interest in the administration of justice in a particular federal case. In fact, in many instances the critical information which first alerts federal prosecutors to conduct justifying a criminal proceeding or first alerts civil litigants to facts giving rise to a private cause of action is contained in a news story which could only have been reported upon assurance of anonymity to the news source.

I commend my colleague Mr. PENCE for his leadership on this measure and look forward to working with him to obtain rapid approval of the bill in the House.

ON THE DEATH OF LONGSHOREMAN MATT PETRASICH

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. HARMAN. Mr. Speaker, a tragedy occurred Monday at the Port of Los Angeles when longshoreman Matt Petrasich—a 40-year veteran of the docks—was killed as he supervised workers unloading cargo from a ship. The entire port community is stunned by this unexpected loss.

Mr. Petrasich was something of a Pied Piper at the port, a hatch boss beloved by younger workers who vied to work on his shifts and respected by his peers for his years of hard work, sparkling sense of humor and big heart. Just ask Danny Miranda, president of ILWU Local 94, who said, "Everybody on this waterfront is grieving. He was loved by a lot of people. . . . He was the life of the party. Just a wonderful person."

Work on the waterfront is often fraught with danger. The men and women who toil on the docks know the risks better than anyone else. But their around-the-clock contribution keeps Americans in work, business inventories full and our seaports more secure.

As best we understand the fatal accident, Mr. Petrasich was crushed by a container about 9:30 in the morning as he worked aboard the Panamanian-flagged Ever Deluxe ship. It was a crane operator who first spotted his body and notified port authorities.

It was also a crane operator, John Rivera of ILWU Local 13, who 3 weeks ago, on a Saturday night, noticed something strange. While moving cargo off a ship, he spotted from his perch high above the docks three people crawling out of a hole in the side of a container. Port inspectors opened the container and found inside 28 men and 4 male teenagers from China—illegal stowaways who had hidden themselves 10 days earlier at the Chinese port city of Shekou. The container manifest listed the contents simply as "clothing."

Mr. Speaker, in an era of terrorism and WMD proliferation, the threats against America emanate from the shadows, from underground black markets, from sleeper cells, and even from cargo containers in the Port of Los Angeles innocently labeled "clothing."

If not for Mr. Rivera, that container would almost certainly have made its way past port inspectors and into Greater Los Angeles. That cargo could have been a 32-man terrorist cell—13 more than the 19 terrorists who attacked us on 9/11. As ILWU Local 13 president Dave Arian rightly notes, "We are the eyes and ears of the port."

So as we mourn the sudden and shocking loss of Matt Petrasich, we should also celebrate the vigilance and dedication of the men and women who work day and night at the port—the supervisors, the crane operators, the shift workers and, of course, hatch bosses like Matt.

I offer my deepest condolences to Cathe Bjazevich Petrasich, his wife of 24 years, and to his family, his friends and co-workers. The Port of Los Angeles has lost a special man.

IN RECOGNITION OF LAZAR AND FRANCIA PIRO

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CARDOZA. Mr. Speaker, it is with the greatest pleasure that I rise today to honor Lazar and Francia Piro on the occasion of their 40th Wedding Anniversary.

Lazar Piro and Francia Yacou met in Beirut, Lebanon in the early 1960's and married soon after on January 31, 1965. They began a family in 1966 with the birth of their daughter Caroline. Their family quickly grew with the births of their two sons, George in 1967, and Serj in 1968. Ten years later, in July 1979, the Piros left Lebanon for Turlock, California where Lazar's brother and Francia's sisters resided. Shortly after arriving in the United States, the family moved again as Lazar took a job with a dental company in Des Moines, Iowa in 1980. The family resided in Iowa until 1985, at which time Lazar decided to start his own business and return to California. Twenty years later, Piro Trading International remains a thriving family business in Stanislaus County.

In addition to creating and maintaining a successful family business, Lazar and Francia raised three successful children. All three of their children obtained college educations, each having attended California State University, Stanislaus. Caroline, who now works with her father in the family business, currently resides in Turlock with her husband Sam and their 12-year-old son George. Serj also resides in Turlock, where he is a Territory Manager for a pharmaceutical company. George, a FBI agent, now lives in Herndon, Virginia with his wife Mona and their two sons Lazar, 12 and Marcus, 9.

Throughout the years, the Piros have been admired for their strong relationship, and respected for their commitment to the community. Francia has dedicated her life to her husband and family, as a devoted wife and mother of three. With her support and companionship, Lazar remains deeply involved in the community. Since settling down in Turlock, he has dedicated himself to the Assyrian community having founded an organization aimed at providing aid to those in need. He currently participates in many committees and boards throughout the County, including the Assyrian National Council of Stanislaus County.

It is my honor and privilege to join Lazar and Francia's family and friends in recognizing the very special and momentous occasion of their 40th Wedding Anniversary. Our community benefits greatly from the splendid example they have set. Marriages such as theirs form a sound foundation for our country, and contribute greatly toward making this a better world in which we live. I ask all of my colleagues to join me in offering Mr. and Mrs. Lazar and Francia Piro best wishes for continued happiness.

INTRODUCTION OF THE WIND CAVE NATIONAL PARK BOUNDARY REVISION ACT OF 2005

HON. STEPHANIE HERSETH

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. HERSETH. Mr. Speaker, I rise today to introduce the Wind Cave National Park Boundary Revision Act of 2005.

South Dakota's Wind Cave National Park was one of our nation's first national parks and is one of the jewels in our national park system. President Theodore Roosevelt signed the legislation creating Wind Cave National Park on January 9, 1903. With that act, Wind Cave became the first cave in the world to be designated as a national park.

The cave itself, after which the park is named, is one of the world's oldest, longest and most complex cave systems, with more than 114 miles of mapped tunnels. To this day, cave enthusiasts continue to explore the cave and map new passages. In fact, Wind Cave has very recently become recognized as the fifth-longest cave in the world. It is well known for its exceptional display of boxwork, a rare, honeycomb-shaped formation that protrudes from the cave's ceilings and walls.

While the cave is the focal point of the park, the land above the cave is equally impressive, with more than 28,000 acres of grasslands, forests, and streams. The park is one of the few remaining mixed-grass prairie ecosystems in the country, and is a National Game Preserve that provides a home for abundant wildlife such as bison, deer, elk and birds.

The Wind Cave National Park Boundary Revision Act will help expand the park by approximately 20 percent in the southern "keyhole" region. The current landowners are willing sellers that would like to see it protected from development and preserved for future generations. The land is a natural extension of the park, and boasts the mixed-grass prairie and ponderosa pine forests, including a dramatic river canyon. The addition of this land will enhance recreation for hikers who come for the solitude of the park's back country. It will also protect archaeological sites, such as a dramatic buffalo jump, over which early Native Americans once drove the bison they hunted.

This plan to expand the park has strong support in the surrounding community. Most South Dakotans recognize the value in expanding the park, not only to encourage additional tourism in the Black Hills, but to permanently protect these extraordinary lands for future generations of Americans to enjoy.

Governor Michael Rounds has expressed his support for the park expansion and both Senators in South Dakota's delegation, TIM JOHNSON and JOHN THUNE, are introducing companion legislation in the Senate to expand the park boundaries.

I believe that this expansion can be achieved without a reduction in the acreage accessible to the public for hunting, and without a loss of tax revenue to county governments. Also, I would look to the National Parks Service to tackle issues like chronic wasting disease and deal with them effectively. These are reasonable concerns that should be met as this process moves forward.

Wind Cave National Park has been a valued American treasure for more than 100 years. We have an opportunity with this legislation to expand the park and enhance its value to the public so that visitors will enjoy it forever. It is my hope that my colleagues will support this expansion of the park and pass this legislation in the near future.

INTRODUCTION OF MAGLITE PATENT EXTENSION

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BACA. Mr. Speaker, while many manufacturers have been cutting costs by relocating overseas or contracting to foreign companies, one small flashlight manufacturer has decided to stay put in the U.S.A.

Right now that company is in danger and needs our help.

Mag Instrument, maker of the Maglite flashlight, filed for a reissue patent in 1990 but was not approved until 2003—13 years later. The delay in that 2-year extension led to countless foreign manufacturers copying the design, flooding foreign markets with their knock-offs ever since.

The Maglite patent expires this year. If we let that happen we can expect a flood of knock-offs here in the U.S.A., jeopardizing 900 American jobs and a great American product.

Today, I am proud to introduce legislation to extend the patent for the Maglite flashlight for an additional 2 years.

The Maglite flashlight is not some fancy medicine or artificial heart, but nonetheless represents American innovation and the ability of one man to turn a great idea into "the American dream."

The Maglite is a beloved tool of police officers, firefighters, and E.M.T.'s nationwide. Military units often replace their service issue flashlights with Maglites. Engineers at the USS *Cole* credited this flashlight with helping them to save lives and to keep the ship from sinking.

That is why I am proud to introduce this legislation today along with 10 of my colleagues, and the support of the National Association of Police Organizations, its 52 affiliates and my hometown police organization, the San Bernardino County Safety Employees' Association.

Mr. Speaker, I urge my colleagues to join me by cosponsoring this bill. We need to make sure our police officers and first responders have this nearly indestructible American-made steel flashlight instead of a fragile foreign knock-off flashlight made of aluminum or plastic.

We need to keep the seal "Made in the U.S.A." on this great all-American flashlight.

ON BEHALF OF DR. CHARLES HAMILTON

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BOUSTANY. Mr. Speaker, I rise today and recognize the achievements and accomplishments of a great and beloved physician from Lafayette, Louisiana. Dr. Charles Hamilton passed away on Friday, October 22, 2004 after a battle with cancer of the esophagus. On his retirement, Dr. Hamilton was asked, "What are the most memorable events of your medical career?" His response was simple, "Practicing in Lafayette."

From 1954 to 1988, Dr. Hamilton practiced pediatrics as a partner in the Hamilton Medical Group. Dr. Hamilton worked as a physician field representative for the Joint Commission on the Accreditation of Healthcare Organization from 1989 to his retirement in 2003. Dr. Hamilton's special interest remained in the delivery of high quality medical care and it is toward that end that he pursued further education and practice in the field of healthcare administration. Dr. Hamilton was acutely aware of the treatment of children because he was the parent of a chronically ill child. His son, Charles Hamilton, was born with the blood-clotting disorder, Hemophilia.

Dr. Hamilton was special for many reasons but one reason was his embrace and protection of the hemophilia community. Dr. Hamilton developed a reputation for his diligence, sensitivity, and resourcefulness in treating children with hemophilia; these characteristics are often missing in hemophilia treatment. In fact, one single parent brought her son with hemophilia to see him after moving to Lafayette. Dr. Hamilton later married that single mother, Janice Hamilton and adopted her young son, Charles. In a community where fathers often abandon children with hemophilia, or otherwise are not involved with treatment, Dr. Hamilton embraced a family with this dreaded disorder. Sadly, Dr. and Mrs. Hamilton lost their son Charles in 1979 due to complications from a bleed.

Because of their son's illness and untimely death, Dr. Hamilton worked side by side with his wife in her determination to improve the quality of life for people with hemophilia and their families in the United States. For their efforts Dr. and Mrs. Hamilton were given the inaugural Charles Stanley Hamilton Legacy Award for Lifetime Achievement from the Hemophilia Federation of America.

Dr. Hamilton served numerous local, state and national organizations because community service was an important aspect of his overall beliefs. Dr. Hamilton worked with the Louisiana Epilepsy Association, Louisiana Chapter of the National Hemophilia Foundation, which he served as President, the National Hemophilia Foundation, and the Hemophilia Federation of America. His wife, Janice Hamilton, and three surviving children and 5 grandchildren survive Dr. Hamilton. Louisiana has lost a great public servant with no equal.

IN RECOGNITION OF RON STEWART

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Ron Stewart for his many years of public service and the many contributions he has made to the people of Colorado. I want to thank him on behalf of all Boulder's citizens for the depth and diversity of contributions he has made to ensure that Boulder County remains a very special place to live.

A lifelong resident of Longmont, Ron has been active in Colorado politics for over 30 years. During college he organized the Young Democrats in Longmont for several years and was elected Chair of the Boulder Democratic Party at the age of 21. He graduated with a Bachelor of Arts degree in Political Science from the University of Colorado and did graduate work at the University of Colorado in Denver in Public Administration. He served as Executive Director of the Colorado State Party from 1972 through 1975 and was elected to the Colorado Senate in 1976 where he served two terms, retiring as Senate Minority Leader.

Before being elected as Boulder County Commissioner in 1984, Ron was a member of the Mile High United Way Board of Directors and Chairman for the Political Action for Conservation. From 1977–1982 he served on the Boulder County Parks and Open Space Advisory Committee, and he was a member of the Colorado Environment Lobby Board of Directors from 1985–1986.

He has earned several honors, including "Outstanding Senator" in 1984 from the Colorado Social Legislation Committee and "Friend of Education Award" from the Colorado Education Association in 1986, and has received awards from PLAN Boulder County, Boulder County Audubon, and the Colorado Chapter of Trout Unlimited. He also has been recognized nationally for his work on intergovernmental cooperation. This year, the American Planning Association bestowed upon him the very prestigious Distinguished Elected Official Award.

As a county commissioner, Ron has served with distinction from 1985–2005. He has been a visionary in the development of Boulder County's Open Space Program, leading the effort to protect the county's natural beauty and preserve its agricultural heritage. Commissioner Stewart has gained nationwide respect and admiration for his commitment to orderly land use planning that is built on cooperation and consensus, particularly through the Super-IGA. In presiding over an era of de-centralization of services, Commissioner Stewart has been a vigorous advocate for improving county government accessibility. In developing new ways to involve stakeholders in the county's policy making process, he has done much to make government more understandable to its constituents. In trying to find ways to lessen the impacts of policy changes on those constituents least able to adjust to them, he has shown his compassion for the less fortunate.

I am particularly appreciative of the work Commissioner Stewart has done to invigorate the Boulder County social services delivery system, by fostering collaboration in program development and management, leading the way to innovative problem-solving, the most notable examples being the Genesis and IMPACT programs. Commissioner Stewart's advocacy for enhanced funding of social programs has made all the difference in a number of ballot questions, notably the Worthy Cause Tax, and as a result, Boulder County's nonprofit human service agencies get the support they need.

Commissioner Stewart has been a careful custodian of the taxpayers' dollars, managing the county's budget with restraint and according to the highest ethical standards. He has consistently represented the Office of County Commissioner with grace and dignity.

On a personal level, I know Ron to be a remarkable leader, a dependable colleague, and a kind person with an infectious laugh. It is my sincere hope that his retirement from the office of County Commissioner will open the door to a future of rewarding experiences. Mr. Speaker, I ask my colleagues to join with me in thanking Ron Stewart for all of the good and important work he has done for Boulder County and Colorado.

IN RECOGNITIION OF SAMUEL STEPHEN DRUCKER UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Samuel Stephen Drucker of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Samuel Stephen Drucker my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

MEDICAL INNOVATION PRIZE FUND

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SANDERS. Mr. Speaker, I wanted to share with you a summary of H.R. 417, legislation I recently introduced that would change the paradigm for financing medical R&D and pricing prescription drugs in the United States.

Rather than rely on high drug prices as the incentive for R&D, the bill would directly reward developers of medicines, on the basis of a drug's incremental therapeutic benefit to consumers, through a new Medical Innovation Prize Fund. Prices for prescription drugs to consumers would be at low generic prices immediately upon entry to the market.

By breaking the link between drug prices and R&D, we can provide more equitable access to medicine, end rationing and restrictive formularies, and manage overall R&D incentives through a separate mechanism that can be increased or decreased, depending on society's willingness to pay for medical R&D. The bill, by rewarding only truly innovative products that provide new therapeutic benefits to consumers, would also dramatically reduce wasteful expenditures such as those on research, development and marketing of "me-too" medicines.

SUMMARY OF THE MEDICAL INNOVATION PRIZE FUND

The current system for financing research and development of new medicines is broken. High prices are a barrier to access. Companies invest too much in non-innovative "me-too" products and too little on truly innovative medicines. Massive expenditures on marketing of products consume too many resources with very little if any net social benefits.

My legislation, H.R. 417, creating the Medical Innovation Prize Fund is an attempt to fundamentally restructure this system. It presents a new paradigm for R&D of new medicines. This is how it would work:

The legislation would separate the markets for products from the markets for innovation. Products would become generics immediately after FDA approval.

The innovators would be rewarded from a massive Medical Innovation Prize Fund, MIPF.

The MIPF would make awards to developers of medicines, based upon the incremental therapeutic benefits of new treatments.

The MIPF would also have minimum levels of funding for priority healthcare needs such as: (1) Global infectious diseases; (2) diseases that qualify under the U.S. Orphan Drug Act; (3) neglected diseases primarily affecting the poor in developing countries.

These pay-outs would take place over the first ten years of use of a medicine. The payments from the MIPF would always go to the developer of the new medicine, regardless of who actually sells the product to consumers.

The legislation proposes to set the MIPF pay-outs at .5 percent of the national income of the United States (as measured by GDP).

An independent Board of Trustees would manage the MIPF. Trustees would include key government officials, as well as persons from the private sector, representing industry, patient groups and medical researchers.

Inventors would be free to obtain patents, and to use patents normally, until the FDA approves a new medicine. At that point, the patent owner would be remunerated from the MIPF, rather than from royalties on high drug prices.

TRIBUTE TO U.S. MARINE CORPORAL CHRISTOPHER L. WEAVER

HON. JOHN LINDER

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. LINDER. Mr. Speaker, this morning, I was informed by one of my staff that a childhood acquaintance of his, U.S. Marine Corporal Christopher L. Weaver, was killed in action in Iraq just last week.

His death is a reminder that this current war on terror has affected American families and their friends every day since September 11, 2001, in Afghanistan, Iraq, and across the globe. In this case, Corporal Weaver grew up in the city of Fredericksburg, Virginia. This quiet but intelligent and energetic young man was a lifelong Boy Scout who eventually attained the rank of Eagle Scout. He was also a graduate of Virginia Tech University, where he became a Reservist for the United States Marine Corps. After serving for 6 years in the Marine Reserves, Corporal Weaver was asked to serve his country by going to Iraq. It was there, in the Al Anbar Province of Iraq, that Corporal Weaver was killed on January 26, 2005.

I do not pretend to believe that all will share the same views of our presence in Iraq, and while I am encouraged by the acts of democracy playing out over the nation's countryside this past weekend, only history can tell whether our means will inevitably lead to their intended ends. Nevertheless, while we may not all agree on the substance or rationale behind this war, we can agree that this war has had a profound effect on all Americans.

History immortalizes those whose selfless acts and deeds of bravery were made in the hopes of bringing a greater good not just for their country, but for humanity as a whole. We know them as heroes. I am proud of the service and the sacrifice made by those troops who have given their lives so that people can live in freedom. Corporal Weaver and those across the nation that we have lost may not have considered themselves to be heroes. America, however, should. And though these heroes may no longer be in this world, their families and their fellow citizens should know that they continue to live on in our minds, in our hearts, and in our prayers now and forever.

THE SMALL BUSINESS HEALTH FAIRNESS ACT OF 2005

HON. SAM JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SAM JOHNSON of Texas. Mr. Speaker, I rise today to introduce the "Small Business Health Fairness Act of 2005."

Our Nation's small businesses are the backbone of our economy, and unfortunately, the cost of health care is placing an unbearable burden on many of them.

Sixty percent—over 24 million—of uninsured Americans work in small businesses. Some of these people are offered insurance and turn it down because they can't pick up their part of the tab.

This bill allows small businesses to band together to form Association Health Plans, AHPs. These AHPs will lower the cost of health care for small businesses and thereby significantly expand access to health coverage for uninsured Americans by, among other things: (1) Increasing small businesses' bargaining power with health care providers, and (2) giving employers freedom from costly state-mandated benefit packages.

Basically, the legislation puts small businesses on equal footing with large employers and unions when it comes to buying health care. That's why AHPs will increase the number of insured Americans by up to 8 million people.

The cost-saving benefits of AHPs would help the small employers of Main Street access coverage at a more affordable price.

AHPs aren't the only solution to the number of uninsured in America, but they certainly take a large step in the right direction.

It is the least Congress can do to ensure that the American people will receive better health care at a more reasonable price.

I urge my colleagues to cosponsor this important legislation.

INTRODUCTION OF THE KEEP OUR PROMISE TO AMERICA'S MILITARY RETIREES ACT IN THE 109TH CONGRESS

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. VAN HOLLEN. Mr. Speaker, I rise to inform my colleagues that today I have introduced the "Keep Our Promise to America's Military Retirees Act" in the 109th Congress along with Representatives CHET EDWARDS of Texas, JEFF MILLER of Florida, and DUKE CUNNINGHAM of California. This bipartisan bill addresses recent developments and offers meaningful remedies to the "broken promise" of health care for military retirees.

We have sent thousands of troops to do battle in Iraq and Afghanistan. We are creating a new generation of veterans who have been willing to make the ultimate sacrifice for our country. Our government must be accountable for the promises it makes to young men and women who are asked to serve our country in this way.

For generations, recruits for military service were promised by their own government that if they served a career of 20 years in uniform, then they and their dependants would receive health care upon retirement. But while these career soldiers put their lives on the line for our country, the government did not keep its end of the contract.

The Courts have laid to rest the question of who is responsible for making good on promises of lifetime health care that were made to young men and women who joined the service during World War II and the Korean eras. In June of 2003 the U.S. Supreme Court decided not to consider an appeal to a November 18, 2002 Federal Appeals Court ruling in a suit filed against the government of the United States on behalf of World War II and Korean era military retirees. Retired Air Force Colonel George "Bud" Day, a highly decorated Congressional Medal of Honor recipient, filed a breach of contract suit on behalf of two retired colonels who contended they had been recruited into military service as young men with the promise of lifetime health care upon retirement after serving at least 20 years in uniform.

In 1956, long after Col. Day's clients signed up for military duty, Congress enacted the first laws that defined, and began to limit, the level of health care that would be provided to military retirees. These laws, which took effect on December 7, 1956, made health care available at military facilities conditioned on space availability—in other words, military retirees had to go to the end of the line and wait for health care. Subsequent laws removed them entirely from the military health care system when they became eligible for Medicare, resulting in a dramatic reduction in health care benefits.

The Appeals Court ruled against the plaintiffs on a technicality, arguing that promises by recruiters were invalid because only Congress could authorize military health care, which Congress had not done when the plaintiffs entered the service. But although the retired colonels lost their case on that technicality, I believe they won their moral battle on principle because the Court acknowledged the injustice of their case. As the Court said:

> We cannot readily imagine more sympathetic plaintiffs than the retired officers of the World War II and Korean War era involved in this case. They served their country for at least 20 years with the understanding that when they retired they and their dependents would receive full free health care for life. The promise of such health care was made in good faith and relied upon. . . . Perhaps Congress will consider using its legal power to address the moral claims raised by Schism and Reinlie on their own behalf, and indirectly for other affected retirees.

It is ironic, Mr. Speaker, that American soldiers are fighting—and dying—for freedom in Iraq while American veterans and military retirees have to fight for health care to which they are rightfully entitled. Military retirees are understandably outraged by comments made by Dr. David Chu, Under Secretary of Defense for Personnel and Readiness, that demonstrate a callous disregard for their past service and sacrifice. In a January 25, 2005 article in the Wall Street Journal, Dr. Chu, discussing federal dollars obligated to health care for our veterans and military retirees, was quoted as saying, "The amounts have gotten to the point where they are hurtful. They are taking away from the nation's ability to defend itself."

Dr. Chu was quoted again on February 1 in an Associated Press story about proposed increases in benefits to survivors of soldiers killed in battle. This is directly from that story:

> Chu said he was concerned that in recent years Congress had gone too far in expanding military retiree benefits, but he said the proposed increase in survivor benefits was well justified.
>
> Bigger military benefits that apply mainly to retirees and their families are making it harder for the Pentagon to afford financial incentives targeted at maintaining today's military, Chu said.
>
> "They are starting to crowd out two things: first, our ability to reward the person who is bearing the burden right now in Iraq or Afghanistan," Chu said. "(Second), we are undercutting our ability to finance the new gear that is going to make that military person successful five, ten, 15 years from now."

I do not think Dr. Chu meant to imply that it is wrong that we provide earned and promised health care benefits to our military retirees, veterans and their families; at least I hope that Dr. Chu was implying that Congress needs to address the dilemma within the federal budget where the needs of ongoing military operations and active duty personnel are forced to compete with the needs of military retirees and veterans. But the implications of Dr. Chu's words are undeniable—that keeping the promises our country made to our military veterans and retirees simply is not a priority.

Military retirees and their families, who have been misled by empty promises in the past, see the root of the dilemma in Dr. Chu's words: that they have served their purpose to America and are no longer needed, that they—who served a career in uniform to protect our freedoms—are now looked upon as a burden on society, that they have been used up and thrown away like an old worn out paper bag.

That is why our offices have received thousands of brown paper bags in the mail, with messages written on them urging this body to pass the Keep Our Promise to America's Military Retirees Act. I am told that, as of today, military retirees and their families and supporters have sent over 20,000 paper bags to Congress and that more are arriving every day.

The Keep Our Promise to America's Military Retirees Act was originally introduced in 1999 to acknowledge the promises made in good faith to America's military retirees. That version of the bill led to the enactment of Tricare for Life, TFL, which went a long way to restore health care to military retirees over age 65. But more needs to be done to keep our promises to that elderly group of retirees and to make sure that younger retirees receive the level of health care to which they are entitled.

Our new bill offers more meaningful restitution for broken promises by waiving the premium that World War II and Korean era military retirees must pay to enroll in Medicare Part B, a requirement of TFL. The new bill also addresses broken promises made to military retirees who joined the service after 1956. Even though laws were on the books beginning in 1956 that defined and limited military retiree health care, the sad truth is that the empty promise of lifetime health care was used as a recruiting tool for many years beyond the scope of the Col. Day's case, to those who entered the military after 1956. This is documented in recruiting literature well into the 1990s. We must keep our promises to them, too.

These retirees, mainly from the Vietnam and Persian Gulf eras, qualify for the military health care program known generally as Tricare. Tricare works well for many military retirees but fails to deliver quality health care for others. Some retirees cannot receive care at military bases due to lack of space availability. Base closures have cut off access for many retirees, and too many of them cannot find private doctors who will put up with bureaucratic inefficiencies or low reimbursements they have encountered with Tricare.

I believe strongly that military retirees who are not well served by Tricare deserve an alternative. The Keep Our Promise Act has offered these retirees the option of enrolling in the Federal Employees Health Benefits Program, FEHBP; the bill improves this benefit for military retirees by reimbursing them for expenses they incur under FEHBP that they would not have incurred under Tricare and makes certain improvements to the military pharmacy benefit.

The Courts have ruled. It is up to Congress to make good on the promises that were made—and broken—to our military retirees. They are not asking for handouts—they ask only for what was promised to them and what they earned. We need to do right by our military retirees, and to show our future military retirees that their government will live up to the promises it makes to them. We need to enact into law the important provisions of the Keep Our Promise to America's Military Retirees Act.

KAZAKHSTAN PROMOTES RELIGIOUS TOLERANCE

HON. BEN CHANDLER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CHANDLER. Mr. Speaker, this week nearly 4,000 people will attend the National Prayer Breakfast, including 1,500 representing 170 nations from all continents of the world. What began in 1952 as a small gathering, led by President Eisenhower and Senator Frank Carlson of Kansas, has evolved over time to being a much larger ecumenical event, particularly as it relates to international participation. As my colleagues know, the Senate and House prayer groups are official sponsors of the National Prayer Breakfast.

While many of the major faiths are represented, with a special emphasis this year on involving leaders from Israel and Palestine, the purpose has not changed: to emphasize the principles and teachings of Jesus of Nazareth as the best means of achieving reconciliation and peace in a troubled world.

Our Nation is challenged as never before to deal with religious extremism and the increasing militarism of certain faiths occurring in many countries around the world. That is why I appreciate the example of Kazakhstan, whose president, Nursultan Nazarbayev, is making a considerable effort to deal with religious diversity in his country and in the region. In fact, all of the world's great religions—Islam, Christianity, Judaism, and Buddhism, are present and thriving in Kazakhstan, thanks to a climate of tolerance and openness in that country.

Kazakhstan today is a model of religious diversity. One half of the country's 15 million people are Muslim and roughly one-half are Orthodox Christian, with 40 other religions and 100 ethnic minorities among its citizens. Leaders of the major religious sects, including Russian Orthodox and other Christian as well as Jewish leaders, all say there is full freedom of religion in Kazakhstan.

Pope John Paul II, on a visit to Kazakhstan, called it an "example of harmony between men and women of different origins and beliefs." Kazakhstan is emerging as an example of regional stability given its positive atmosphere regarding religious expression and lack of interethnic and inter-religious conflicts.

In September 2003, Kazakhstan hosted the first ever congress of leaders of world and traditional religions. Upon conclusion of the congress, 120 religious leaders from 18 different religions unanimously adopted a declaration renouncing terrorism and promoting the true values of all religions—tolerance, truth, justice and love of one another as the basic tenets of all religious teachings. The delegates pledged to combat violence by propagating the peaceful values of their different faiths.

Mr. Speaker, I was pleased to learn that Mr. Nurtai Abikayev, who is Speaker of the Upper House and chairman of Kazakhstan's National Security Council, will be attending this year's National Prayer Breakfast and a featured speaker at the International Luncheon. It demonstrates not only President Nazarbayev and Speaker Abikayev's personal commitment to the idea of religious tolerance in their country and throughout Central Asia, but to also learn more about our country's tradition and beliefs and how America's religious and ethnic diversity has also become a source of strength in our Nation.

As one who sits on the House International Relations Committee, I have come to appreciate the difficulty and challenge these countries face in making the transition to Western-style democracies where freedom and free markets are new experiences. It has been uneven, to be sure, and there is plenty of room for criticism. But I do applaud Kazakhstan's leadership and example in insuring that religious freedom will be a cornerstone of building a freer society in that country.

Mr. Speaker, I would like to conclude by inserting into the RECORD the Declaration of the Participants of the First Congress of Leaders of World and Traditional Religions.

ARTHRITIS PREVENTION, CONTROL AND CURE ACT OF 2005

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. ESHOO. Mr. Speaker, I'm very pleased to join my colleague Representative PICKERING in introducing the Arthritis Prevention, Control and Cure Act of 2005, which authorizes programs and funding that will allow the Federal Government to better coordinate and increase our investment in efforts to prevent, treat, and care for persons with arthritis and related diseases. The bill represents the most significant Federal effort to address arthritis since the passage of the National Arthritis Act a generation ago. The Arthritis Prevention, Control and Cure Act of 2005 addresses this important issue by:

Enhancing the National Arthritis Action Plan by providing additional support to federal, state, and private efforts to prevent and manage arthritis;

Developing a National Arthritis Education and Outreach Campaign to educate the healthcare profession and the public on successful self-management strategies for controlling arthritis;

Organizing a National Arthritis and Rheumatic Diseases Summit to look at challenges and opportunities related to basic, clinical and translational research and development efforts;

Providing greater attention to the area of juvenile arthritis research through the creation of planning grants for innovative research specific to juvenile arthritis, as well as the prioritization of epidemiological activities focused on better understanding the prevalence, incidence, and outcomes associated with juvenile arthritis; and

Creating incentives to encourage health professionals to enter the field of pediatric rheumatology through the establishment of an education loan repayment and career development award programs.

Arthritis is the leading cause of disability in the United States with 70 million Americans living with a form of the disease. With the aging of the baby boomers, the Centers for Disease Control and Prevention, CDC, predicts the number of people over 65 with arthritis or chronic joint symptoms will double by 2030. Nearly 300,000 children in the United States are living with a form of juvenile arthritis. Arthritis is a painful and debilitating chronic disease affecting men, women and children alike.

Currently, the Federal investment in juvenile arthritis research is only $23 per affected child. The CDC estimates that the annual cost of medical care for arthritis is $51 billion, and the annual total costs, including lost productivity, exceed $86 billion. Early diagnosis, treatment, and appropriate management of arthritis are critical in controlling symptoms and improving quality of life.

In 1975, nearly 30 years ago, Senator Alan Cranston of California introduced the last major piece of arthritis legislation. It was signed into law by President Gerald Ford. The bill, the National Arthritis Act, set our Nation on an important path in the fight against arthritis. It led to the creation of an institute at NIH focused on arthritis, and laid the foundation for a national arthritis public health strategy.

Today, arthritis is still claiming the lives of millions of Americans and we must reinvigorate our research and education efforts to offer individuals with arthritis more hope for a better life and eventually a cure. I believe the Arthritis Prevention, Control and Cure Act of 2005 will do just that.

TRIBUTE TO CARMINE CARRO

HON. ANTHONY D. WEINER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. WEINER. Mr. Speaker, when residents of Marine Park were being threatened by the New York City Department of Transportation because Parks Department trees were tearing up their sidewalks, Carmine Carro confronted city hall.

When two women from Marine Park broke the gender barrier by competing in a Citywide boccie tournament, Carmine Carro cheered them on.

When vandals sprayed racist graffiti on PS 207 in Marine Park, Carmine Carro donated all the paint and supplies the students needed to whitewash the wall.

When Carmine passed away earlier this week, New York lost a classic. Carmine was an old school New Yorker, devoted to his community, Marine Park, and a dogged advocate for his neighbors.

Carmine moved to Marine Park in the 1960s, and rose to become president of the Marine Park Civic Association—one of the oldest civic associations in New York City. Under Carmine, the MPCA built on its long tradition of making Marine Park one of the most vibrant neighborhoods in Brooklyn.

Carmine worked every year to organize a Halloween walk attended by as many as 20,000 community members. He served as Park Warden for Marine Park for five years. He was a member of the local school board and vice-chairman of Community Board 18.

Carmine Carro was the Mayor of Marine Park. He represented the best of what New York can be. He will be sorely missed.

IN RECOGNITION OF PAUL DANISH

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. UDALL of Colorado. Mr. Speaker, I rise today to honor Paul Danish for his decades of exemplary public service to Colorado. Paul is one of Boulder's outstanding political and journalistic figures, and I want to thank him on behalf of all Boulder's citizens for his fine service as County Commissioner for the past twelve years. He has shared his skills, experience, humor, and passions with us, and he is much treasured in turn by his community.

Born in Chicago, Paul moved with his family to Colorado in the 1940s and attended the

University of Colorado in 1960. He received a bachelor's degree in history from CU and did graduate work in political science. To put his student period in perspective, he was instrumental during his years at CU in the transformation of the University Memorial Center cafeteria from the Indian Grill to the interim Roaring Fork to the lasting Alfred Packer Grill.

Paul Danish's journalism career began with the student newspaper, Silver and Gold, which later changed its name to the Colorado Daily. He has been a reporter for the United Press International, the San Francisco Chronicle, and Boulder's Town and Country Review. He was technical editor for the Joint Institute of Astrophysics in Boulder and the Negev Institute for Arid Zone Research in Beer Sheva, Israel. His work experience includes being a special assistant to the late University of Colorado President Roland Rautenstraus and editor for Talmey-Drake Research in Boulder.

He served as a Boulder City Council member from 1976 to 1982. In the early 1970s, Boulder residents were seriously concerned about the adverse impact of unplanned growth on the area's environment. Paul authored Boulder's original growth management plan which was passed by the voters in 1976. The Danish Plan limited population growth by restricting the number of building permits that could be issued each year for residential subdivisions. After the expiration of the Danish Plan in 1982, Boulder has continued to successfully manage growth based on his original strategies.

Paul has never hesitated before political rough and tumbles, and in 1995, he won a well-fought four-way campaign to fill the vacancy for Boulder County Commissioner. Who among the 300-some vacancy committee members will ever forget the speech-of-a-lifetime he gave the day of that vote? He has never been 'short' on the free give and take of ideas, or on his irresistible tendency to be honest and forthright, or on time for coffee with a friend.

As a county commissioner, Paul has been very involved in the cleanup and future use of the Rocky Flats site. He has been an effective advocate for an aggressive cleanup, protecting worker safety, and ensuring that former workers are compensated for any adverse health effects they may have encountered while working there. He has also worked tirelessly for sound land-use and sensible growth throughout the county. Citizens of Boulder will miss his tenacious commitment to policies that serve the environment and the education and health of people.

For many years, Paul wrote columns for the Colorado Daily after it became privately owned, and he was a contributing editor to the Soldier of Fortune magazine. His writings are always alive and kicking with subjects ranging from prairie dogs and Greek agoras to national politics and international issues. In person, he combines a distinguished intellect with a genial sense of fun. A volunteer on the way to work for his early campaigns could always find his headquarters by the peals of laughter emanating from his gardens and front door. And he continues to throw great celebration parties in Boulder's finest tradition.

Paul Danish has made important contributions to the protection and preservation of the quality of life in Boulder County, as well as to the diversity of views in our communities. I ask my colleagues to join me in thanking Paul Danish for the courageous stands he has taken for the people of Boulder and his unswerving dedication to principles of free expression. I wish him congratulations on his accomplishments and good health and happiness to him and his family in the future.

IN RECOGNITION OF BRETT ALEXANDER SISTO UPON HIS ACHIEVEMENT OF EAGLE SCOUT COURT OF HONOR

HON. ELLEN O. TAUSCHER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. TAUSCHER. Mr. Speaker, I rise today to pay tribute to my constituent Brett Alexander Sisto of Eagle Scout troop No. 204 in Lafayette, California, as he receives the distinguished honor of the Eagle Scout rank.

The honor of Eagle Scout is given only to those young men who have demonstrated that that they have fulfilled its rigorous requirements, including living by the Scout Oath and Law, rising through the Boy Scout ranks, earning 21 merit badges, serving as a leader, and planning and leading a service project for their community. This is not an honor given out lightly: this young man is becoming an Eagle Scout because he is intelligent, dedicated, and principled.

I am proud to call Brett Alexander Sisto my constituent, for he is a shining example of the promise of the next generation. Indeed, he represents the best of the young people in our country. I extend my sincere congratulations to him and his family, on this momentous occasion.

INTRODUCTION OF THE EMPLOYEE CHANGING ROOM PRIVACY ACT

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PETRI. Mr. Speaker, today, with my colleague, Congressman ROB ANDREWS, I am introducing the Employee Changing Room Privacy Act.

This legislation would prohibit the video or audio monitoring of an employee in any area on an employer's premises where an employee changes clothing.

Unfortunately, there have been a number of cases where employers have been caught engaging in secret surveillance via video or audio equipment of their employees in these situations on the job site.

For example, the Wall Street Journal reported that 19 locomotive engineers sued their employer in Oakland County (Michigan) Circuit Court, charging that their employer had hidden a camera in a locker-room exit sign. A worker at a State college was shocked to discover that her employer had secretly videotaped her changing her clothes in her office after work. A waitress at a restaurant was spied on in the employee changing room when she got dressed for work.

Mr. Speaker, these are just a few examples of the conduct that the legislation Congressman ANDREWS and I are introducing today is intended to prevent. The Employee Changing Room Privacy Act would help ensure that workers can go to work without wondering whether their employer has hidden a video camera in the bathroom or a microphone in the office ceiling.

Under the Employee Changing Room Privacy Act, an employer who violates the prohibition against video or audio monitoring of any area on an employer's premises where workers change clothing would be liable to the U.S. Government for a civil penalty of up to $10,000 for each violation.

The bill also authorizes the Secretary of Labor to seek injunctive relief against an employer so as to stop future violations of the prohibitions contained in the legislation.

Enactment of the Employee Changing Room Privacy Act would strengthen the right to privacy at a time when the growing use of surveillance technologies at the workplace has endangered this most fundamental of American values.

CONGRATULATING THE U.S. HOUSE OF REPRESENTATIVES PAGE SCHOOL

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SHIMKUS. Mr. Speaker, as Chairman of the U.S. House of Representatives Page Board, it gives me great pleasure and pride to rise to congratulate our own House Page School for ranking first in the Nation among small-size schools in Advanced Placement U.S. History, based upon 2004 AP test scores.

The school of 72 students, all enrolled in a junior-year high school curriculum, had the highest percentage in its category of its total student population scoring three or higher out of a total five on the AP U.S. History examination, as reported in the College Board's 2005 Advanced Placement Report to the Nation.

This is a notable achievement for our Page Program. Because of the high demands of the Pages' work schedule, traditional AP courses are not offered at the school and Pages must therefore prepare for the AP exam on their own, assisted by an enhanced honors program with an emphasis on AP exam preparation. We should be justifiably proud of our House Pages who rise to attend classes at 6:45 a.m., after which they report to the House floor for a day's work helping the House of Representatives. For most all of them, this experience is their first long excursion away from home, family, and friends. That they have brought distinction to themselves and to their school is testament to their scholarly abilities, hard work, and dedication of their teachers.

I would like, Mr. Speaker, to recognize the Page School principal, Linda Miranda, our Government/U.S. History instructor, Ron Weitzel, the other school faculty, the Page

Residence Hall staff, and the Chief Pages for creating and fostering a total learning environment that helped to make this achievement possible. A 200-year program, the Page Program is a venerable congressional institution that has grown and matured with the Congress. This achievement confirms that the Page Program is helping the young people who pass through it to meet the challenges of life ahead. We remain committed in the Program to not only provide a unique work experience, but continue the pursuit of academic excellence.

TRIBUTE TO DOTTY DELASSUS OF WEBSTER GROVES

HON. RUSS CARNAHAN

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CARNAHAN. Mr. Speaker, my remarks today are to pay tribute to the life of a valued public servant, Ms. Dorothy "Dotty" Delassus, of Webster Groves, MO.

Ms. Delassus has long been active in public service to her community. Since 1996, she has served as a Webster Groves City Councilwoman where she represented the citizens of Webster to several Commissions, including the Green Space Advisory and Parks and Recreation Commissions.

In addition to her service on the City Council, Ms. Delassus was involved in many civic organizations. She co-chaired Make-A-Difference Day and was a member of the National League of Cities, Missouri Municipal League, the Webster University Collaborative, Unite 2000 Advisory Council, and the St. Louis County Municipal League.

Mr. Speaker, the outpouring of support by friends, family, and the community made it evident to all what an extraordinary person and public servant Ms. Delassus was. Her husband and two children are a great testament to her life, and her vision and love of people will live on through them. My prayers are with her family, friends, and community today, as we honor her life.

IN HONOR OF CONGRESSWOMEN CAPITO AND SLAUGHTER

HON. HILDA L. SOLIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. SOLIS. Mr. Speaker, today Ms. BROWN-WAITE of Florida and I rise on behalf of the Congressional Caucus for Women's Issues to honor the achievements of two outstanding women. Congresswomen SHELLEY MOORE CAPITO and LOUISE M. SLAUGHTER proudly and capably served as the Co-Chairs of the bipartisan Women's Caucus in the 108th Congress.

The Women's Caucus has a proud history, which began on April 19, 1977, when fifteen Congresswomen held the first meeting of the Congresswomen's Caucus. They were drawn together in the spirit of bipartisanship with the common goal of improving the lives of women across the country. This tradition has been carried on for three decades.

Congresswoman CAPITO, the Republican leader of the caucus, has lent her expertise in financial services to promote financial literacy among women. She also spearheaded the passage of a House resolution honoring the important contributions of working women in World War II. The "Rosie the Riveter" resolution had the unprecedented sponsorship of every woman Member in the House. For these contributions and many more, the membership of the Women's Caucus honors her service.

Congresswoman SLAUGHTER, the Democratic leader of the caucus, has a long history of fighting for women's rights. She played a major role in the passage of the Violence Against Women Act of 1994 and has continued to lead the caucus in the fight against sexual assault in the military and the promotion of equal opportunity under Title IX. We are grateful for her commitment and dedication to improving the lives of women nationally and internationally.

On behalf of the Congressional Caucus for Women's Issues, we are proud to build on the momentum established by the dedicated leadership of Congresswomen SLAUGHTER and CAPITO. Their invaluable perseverance on behalf of women has set an important legacy that the Caucus will build upon for years to come. Thank you for your outstanding service as Co-Chairs of the Women's Caucus.

SALUTING THE LEO COUNCIL 957 OF THE KNIGHTS OF COLUMBUS OF FINDLAY, OHIO

HON. MICHAEL G. OXLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. OXLEY. Mr. Speaker, it is my honor today to salute the Leo Council 957 of the Knights of Columbus of Findlay, Ohio as they celebrate their centennial year jubilee.

The Knights of Columbus of Findlay have sustained a rich tradition built upon the foundations of faith and philanthropic service. Leo Council 957 was started by a small group of Catholic men with the assistance of State Deputy John O'Dwyer of Toledo in the fall and winter of 1903–1904. Their hopes were to organize a fraternal organization to support their church and serve their community. After tireless work and recruiting, 75 new members joined from Findlay, Carey, North Baltimore, Cygnet and Bowling Green. The Supreme Council issued the original charter for the newly established Leo Council 957 on January 26, 1905, which was signed by 86 people.

Since its founding 100 years ago, Leo Council has grown to nearly 500 members. Through the dedication and efforts of the members of Leo Council, the Knights of Columbus has become a positive influence in the church and community.

The spirit of volunteerism and service of the Knights of Columbus is encouraging to all of us. Since their founding, they have provided support though a variety of charitable works both domestically as well as internationally. For the past century, the Knights have provided an insurance program for widows and orphans of its deceased members. Additionally, the Knights have raised substantial funds to assist mentally challenged and disabled individuals. Most recently, they have worked along with Catholic Relief Services to raise funds for the victims of the devastating tsunami that hit Southeast Asia in December.

The patriotism and positive influence of the Knights is recognized every morning by students reciting the Pledge of Allegiance in classrooms across the Nation. In 1954, it was the Knights of Columbus who petitioned President Eisenhower and Congress to add the words "under God" to the Pledge of Allegiance.

Today, I would like to remember those committed men who organized Leo Council 100 years ago and those who have strived to maintain its membership's vigor and progress. I am proud to congratulate the members, their spouses and families on this momentous occasion.

HONORING CONTRIBUTIONS OF CATHOLIC SCHOOLS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. RYAN of Ohio. Mr. Speaker, I rise today in recognition of House Resolution 23, honoring the contributions and academic excellence of Catholic schools. The week of January 30–February 5 has been designated "Catholic Schools Week" by the National Catholic Educational Association and the United States Conference of Catholic Bishops, to honor the educators, administrators, and over 2.5 million students at Catholic schools across the country for their continued dedication to the educational process.

Catholic Schools Week began in 1974, and has annually promoted a different theme to guide its message. The theme for this year's Catholic Schools Week is "Faith in Every Student," which demonstrates parochial educators" commitment to melding the invaluable process of learning with the guiding principles of Catholicism. And as important as the intellectual development is, it pales in comparison to the lessons of compassion and service to others.

As a beneficiary of a Catholic education, I deeply appreciate the role that the schools play. My Catholic educational experience gave me the desire to learn, the willingness to adapt, and the moral compass by which to lead. This education gave me the basis for the beliefs that continue to guide me today. Children in Catholic schools receive a good education from highly-qualified teachers and strengthen it with a daily commitment to faith, both in school and after the final bell rings.

I wish our nation's Catholic schools continued success, and pledge my support as they continue their ongoing commitment to quality education.

THE MILITARY FAMILIES FINANCIAL SECURITY ACT OF 2005

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to introduce the Military Families Financial Security Act of 2005. This bill will ensure the brave men and women who serve our country will not have to worry about losing critical services their dependent children need.

The men and women who serve in our Armed Forces are everyday heroes. I know about the valor of military families from my own experience as a military wife when my husband was stationed in Japan during the Vietnam War. As a wife and mother in a foreign country with two young children, I observed that many servicemembers were also mothers and fathers and were making the same sacrifices I was. Just as these brave men and women are working to protect our nation, we must likewise protect them and their loved ones through the laws and policies we enact.

In San Diego and around the country, some military families rely on the Supplemental Security Income program (SSI) for means-tested financial assistance. This safety net program is designed to protect qualifying families from poverty and provides access to valuable social services such as Medicaid. Without SSI, some special-needs families would not be able to cover their medical expenses.

Current regulations threaten some military families' eligibility. They face a unique risk of losing benefits due to the way military pay is treated under SSI rules. The Social Security Administration (SSA) considers anything outside basic pay as "unearned income." This method hurts servicemembers and their families since there are more than 30 types of military pay in addition to basic pay. These different pays, considered unearned income, result in higher countable income and affect eligibility. Just a few dollars can make all the difference in the world to these military families.

My legislation would change how the SSA calculates income for SSI eligibility by treating most military compensation as earned income. This simple change will keep families eligible for SSI benefits and simplify the administration of this program.

Last year, in testimony before the Human Resources Subcommittee of the Ways and Means Committee, Social Security Commissioner JoAnne Barnhart stated her support for such a proposal, which was part of the President's FY05 budget.

As Commissioner Barnhart stated, "The provision would treat cash military compensation and civilian wages alike, and thus eliminate the present unfair and disadvantageous treatment of cash military compensation other than basic pay under SSI. The proposal would increase SSI benefits for most military families with disabled children, which are currently about 3,000 families. It would be a significant program simplification in these cases and would have a relatively small program cost of only $2 million over 10 years."

She also mentioned how "determining the difference in the types of military pay is time consuming and error prone, and the guidelines for making such determinations covers 14 pages in SSA's operating instructions."

As a proud member of the House Armed Services Committee, I am committed to improving the quality of life of the men and women who serve our country. This legislation is fair, overdue and demonstrates our nation's appreciation. This legislation will give servicemembers peace of mind from knowing that their duties will not jeopardize their families' eligibility for SSI benefits and related services.

I urge you, Mr. Speaker, and all of my colleagues to pass this critical legislation into law.

CONGRATULATING DAVID E. HAYES ON HIS ELECTION AS CHAIRMAN OF THE INDEPENDENT COMMUNITY BANKERS OF AMERICA

HON. JOHN S. TANNER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. TANNER. Mr. Speaker, I rise today to recognize the accomplishments of David E. Hayes, an outstanding leader in our community and the new chairman of the Independent Community Bankers of America, a group that represents almost 5,000 community bank members.

He is also the President and Chief Executive Officer of Security Bank in Dyersburg, Tennessee. A native of West Tennessee, Mr. Hayes began his banking career in Memphis in 1967, and since then, he has amassed an impressive résumé that includes leadership roles in many community and state level banking organizations.

David has demonstrated his commitment to West Tennessee not only through his professional career, but also through his enthusiastic involvement in the local community. He has served as the chairman of the Dyersburg Chamber of Commerce, chairman of the Dyer County United Way, and president of the Dyer County Heart Association. He has also been an active member of the Dyer County Industrial Development Board and the Executive Committee of the Dyersburg State Community College Foundation Board. He and his wife of 37 years, Sara, have two children, David Jr. and Amy, and two young grandchildren, Joanna and David.

Mr. Speaker, I ask you to please join me in congratulating Mr. Hayes on his election to the chairmanship of the Independent Community Bankers of America. We in West Tennessee are very proud of his outstanding achievement.

A TRIBUTE TO BILL PRICE ON THE OCCASION OF HIS 90TH BIRTHDAY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. LANTOS. Mr. Speaker, it is with great pleasure that I invite my colleagues to join me in paying tribute to Mr. Bill Price, a lifelong supporter of the labor movement, a strong advocate for the rights of senior citizens, and a founding member of both the Senior Action Network and the California Alliance for Retired Americans. Mr. Price will be honored for his truly exceptional contributions to his community at his 90th birthday celebration on February 24, 2005.

Since his early years working in the hotel industry in Seattle, Mr. Price has been a dedicated union leader. In 1937, he helped to organize employees who voted to join the Building Service Employees, Local 6. After serving for two years in the U.S. Navy, Mr. Price moved to San Francisco in 1947 to work in his father's grocery store. There, he joined the Retail Clerks Local 648 and was an active member. By the early 1960s, Mr. Price was elected to the Executive Board of Local 648, in which he served first as Vice President, then Organizer, and eventually Business Agent until his retirement.

Mr. Speaker, after retiring, Mr. Price has been busy working to better the quality of life for seniors, families, and working people. A founding member of both the Senior Action Network (SAN) and the California Alliance for Retired Americans (CARA), Mr. Price currently serves as the President of SAN and as Vice President of CARA. Both of these organizations value his leadership, enthusiasm, and persistent efforts on behalf of senior citizens in the Bay Area. True to his selfless nature, Mr. Price asked that his birthday present be celebrated through the continued support of these two organizations that he has worked so hard to create and develop.

In addition to his commitment to the labor movement and the welfare of senior citizens, Mr. Price is also an avid sports fan. A season ticket holder for both the San Francisco 49ers and the Giants, he continues to find time to root for the local teams.

Mr. Speaker, as Mr. Price celebrates his 90th birthday, I urge my colleagues to join me in honoring his outstanding achievements and remarkable dedication to the well-being of his community. I look forward to celebrating many more milestones with Mr. Price in the future.

IN MEMORY OF K. PATRICK OKURA

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. HONDA. Mr. Speaker, I rise today to remember and honor the life of K. Patrick Okura. Pat, as he was known to all who were fortunate enough to know him, led a long and accomplished career in the field of mental health and civil rights advocacy. My condolences go out to, Lily, his wife and life long partner who stood at Pat's side for more than 60 years.

Pat's own life spanned more than ninety years and was certainly intertwined with the historic events of those years.

Pat went to UCLA where he earned his a degree in psychology in the early 1930s. At UCLA he also played varsity baseball, which was unheard of for an Asian American at that time. He faced harsh protest from his teammates the entire two years he played at UCLA, but he became the first Asian American to play and letter in a major sport at a West Coast college or university.

Pat and his wife Lily had been married for just two months in December, 1941 when our government gave them just four days to pack only what they could carry and sent them to live in an internment camp.

While in an assembly center at the Santa Anita race track, Pat and Lily were able to avoid going to an internment camp when Father Flanagan of Boys' Town convinced federal officials that his orphanage in Nebraska needed someone with Pat's psychology background. Pat worked at Boys' Town for 18 years, providing counseling and administering psychological tests.

After Boys' Town, Pat was appointed chief probation officer of the Douglas County Juvenile Court and helped establish a separate juvenile court system for the state of Nebraska. The Nebraska Psychiatric Institute later recruited Okura to head up the Community Psychiatric Services division, where he became the state planner for mental health and launched five successful mental health centers in the state.

In 1970, Pat's work in Nebraska prompted then-National Institute of Mental Health, NIMH, Director Bertram Brown, to recruit Pat to become his executive assistant in Washington, DC. Pat saw this position as giving him an opportunity to help minorities and children and address delinquency. Pat worked at NIMH for 17 years, retiring in 1985.

In 1988, when the U.S. government paid the Okuras and all other former internment camp prisoners $20,000 each, Pat and Lily used that money along with personal savings to start the Okura Mental Health Leadership Foundation, which helps Asian Pacific Americans overcome racial, language and other barriers.

Pat's lifetime involvement with the Japanese American Citizens League, JACL, was filled with major accomplishments as well.

After joining the JACL at the age of 25, Pat moved up through the leadership ranks, gradually assuming greater and greater responsibility in this civil rights organization. In 1937, at the age of 26, he served as the Executive Director of the Los Angeles JACL Office. Pat founded the Omaha JACL Chapter in 1947.

By 1962 he became JACL National President and remained in office for three years. As JACL national president, Pat had the JACL march with Martin Luther King, Jr. in 1963, resisting opposition from some JACL members, who did not want to get involved.

Even into his 90s, Pat was an active member of the Washington, DC chapter of the JACL.

Mr. Speaker, I have only touched on the eventful and accomplished life of K. Patrick Okura, but clearly this was a man whose life represented a large part of our collective history.

IN HONOR OF RALPH B. THOMAS ON THE OCCASION OF HIS RETIREMENT

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. DAVIS of California. Mr. Speaker, it is with great pleasure that I rise today to congratulate Ralph B. Thomas of the San Diego Border Patrol Sector. Mr. Thomas celebrates his retirement after 28 years of service in immigration policy and operations. I am honored to have this opportunity to pay tribute to an exceptional public servant.

In 1960, after a long day of campaigning for the presidency, John F. Kennedy arrived at the University of Michigan in Ann Arbor to find thousands of students waiting to hear him speak. He challenged the assembled students with the following immortal statement: "Ask not what America will do for you, but what together we can do for the freedom of man." These fateful words launched the Peace Corps.

A twenty-something Ralph Thomas learned of this challenge and answered it. In 1961, he joined the newly established international volunteer organization and traveled to the Philippines. He taught English as a Second Language in an elementary school and gave support to 35 volunteers in education and community development assignments as a volunteer leader.

Ralph Thomas completed his doctoral studies in Asian history and culture at the University of Pennsylvania in 1971, and taught Asian and American history at the University of Pennsylvania and Adrian College in Michigan.

His deep interest in urban and ethnic issues led to positions as Director of Black/White Curricula for the Education Development Center in Cambridge, Massachusetts, and as a process observer for the Detroit Education Task Force.

His involvement in immigration matters resulted from his friend and fellow Peace Corps/Philippines volunteer Leonel Castillo being named Commissioner of the Immigration and Naturalization Service in 1977. After working as a Special Assistant to the Commissioner for two years, Ralph became Deputy Director of the Select Commission on Immigration and Refugee Policy. The Select Commission recommended a number of the policy changes enacted as part of 1986 and 1990 immigration reform legislation. Ralph returned to the INS as a special assistant and consultant for the first two years of the Reagan Administration.

In September 1983, Ralph was selected as an appellate examiner for the new Administrative Appeals Unit. In 1984, he was transferred to an inspector position in the Office of Refugees, Asylum and Parole. From 1986 to 1991, he served as Deputy Assistant Commissioner. Ralph spent six more years in the INS Office of Congressional and Public Affairs before coming to the San Diego Sector.

Ralph's career spans the arenas of international development, education, immigration policy and border management. His sincerity, modest demeanor and community involvement make him a true public servant. For example, when impassable road conditions at Border Field State Park threaten to cancel a mass organized in memory of those who lost their lives crossing the border, Ralph stepped in. The mass took place as scheduled.

As Special Assistant to the Chief Patrol Agent of the San Diego Border Patrol Sector, Ralph has impressed me with his dedication to conveying the magnitude of the Border Patrol's work. I have experienced first-hand the rugged and steep terrain along the Imperial Beach-Tijuana border and flown over the expanse of the San Diego-Tijuana border with Ralph and Border Patrol Chief William Veal. Border Patrol agents are working hard to secure our borders.

On behalf of the people of San Diego, I would like to extend my sincere appreciation for Ralph's commitment and my best wishes for his retirement. I wish him, his wife Janet, and their son, Michael, the very best in their new endeavors. My office will miss his hard work, hearty laugh and quick wit.

INTRODUCING THE ARTHRITIS PREVENTION, CONTROL, AND CURE ACT OF 2005

HON. CHARLES W. "CHIP" PICKERING

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. PICKERING. Mr. Speaker, I rise today to introduce the Arthritis Prevention, Control, and Cure Act of 2005.

With more than 100 different forms, arthritis is one of the most widespread and devastating chronic diseases in the United States. These conditions are extremely costly to our health care system, our economic vitality, and erode the quality of life for nearly 70 million, or one in every three Americans who suffers from arthritis or chronic joint symptoms. It is estimated that 300,000 children are affected by juvenile arthritis, a disease with high prevalence yet widely unknown, that causes deformity, blindness and in some cases death. As the number one cause of disability in the United States, arthritis is a painful and debilitating disease affecting men, women and children alike—arthritis has no boundaries. Simple, daily tasks like brushing teeth, pouring a cup of coffee and even just getting out of bed become excruciating obstacles for millions of people with the disease.

The costs associated with arthritis are immense. The disease results in 750,000 hospitalizations, 44 million outpatient visits and 4 million days of hospital care every year. The estimated total costs of arthritis in the United States, including lost productivity, exceeds $86 billion.

While the current impact of the disease is quite astounding, efforts now can help prevent and control arthritis for future generations. Despite myths that inaccurately portray this illness as an old persons' disease, two-thirds of those with osteoarthritis are under the age of 65. Maintaining a healthy weight and being physically active are both steps that can prevent this form of arthritis. More broadly, the pain and disability accompanying all types of arthritis can be minimized through early diagnosis and appropriate disease management.

This legislation will bring critical Federal resources to bear on a significant public health problem facing this country. This legislation will lessen the burden of arthritis on society and on individual citizens, like my constituent, Alfred Price of Brandon, Mississippi. Mr. Price has suffered from rheumatoid arthritis for more than 50 years, and I have witnessed over the years how this disease has ravaged his body.

In recent years, research into the prevention and treatment of arthritis has led to measures that successfully reduce pain and improve the quality of life for millions. This legislation would develop a National Arthritis Education and Outreach Campaign to educate healthcare professionals and the public on successful self-management strategies for controlling and preventing arthritis. To ensure greater coordination and intensification of federal research efforts, this legislation would create a National Arthritis and Rheumatic Diseases Summit to look at challenges and opportunities related to arthritis research within all the agencies of the Department of Health and Human Services. Finally, this legislation expands research for juvenile arthritis at the National Institutes of Health through the creation of planning grants for innovative research. To address the severe shortage of pediatric rheumatologists, it creates incentives to encourage physicians to enter the specialty field through the establishment of education loan repayment and career development award programs.

Mr. Speaker, we must make the necessary investments in the fight against arthritis—our Nation's number one cause of disability. This legislation will improve the quality of life for millions of adults and children and save our nation valuable human and economic resources. I urge all my colleagues from both sides of the aisle to support this legislation and enact it in a timely manner so millions of Americans, like Mr. Price, can live life with less pain.

TRIBUTE TO THE HONORABLE S. PAUL EHRLICH, M.D.

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Ms. ESHOO. Mr. Speaker, I rise today to honor a distinguished American, Dr. S. Paul Ehrlich, who died on January 6, 2005.

Dr. Ehrlich served our Nation with great distinction as Acting Surgeon General in the Nixon, Ford and Carter administrations and as the United States Representative to the World Health Organization. He received the Public Health Service's Outstanding Service Medal, the Distinguished Service Medal and the Meritorious Service Medal. Dr. C. Everett Koop, the Surgeon General under President Reagan, said that Dr. Ehrlich "did more than anyone I've ever known for American health."

Dr. Ehrlich was among six Surgeons General who in 1994 urged Congress to ban smoking in public buildings and to enact stricter controls on secondhand smoke and the sale and advertising of tobacco. His commitment to the health of all Americans and to stopping the spread of AIDS led him to oppose a federal policy that would require minors to get parental consent before receiving contraceptives and information on birth control.

Dr. Ehrlich was born and educated in Minnesota, where he earned his medical degree. He served our Nation in the Coast Guard, and received a master's degree in Public Health from the University of California. He taught at Georgetown University, the University of Texas and the University of California. He was diagnosed with Multiple Sclerosis in 1981 and lived bravely with the challenges of his disease for more than twenty years.

Dr. Ehrlich was the devoted husband of Geraldine McKenna Ehrlich, proud father of three accomplished and loving daughters, Susan, Paula, and Jill, and the doting grandfather of one.

It has been a personal privilege to have known the Ehrlich family for many years and to have had Jill Ehrlich Robinson as my Legislative Director and Chief of Staff. Her integrity and public service are an eloquent statement about she and her father who gave so much to better our country.

Mr. Speaker, I ask my colleagues to join me in honoring this good and great American and in extending our deepest sympathy to his family. Dr. Ehrlich's life as an outstanding physician bettered the health and the soul of our Nation.

LEGISLATION TO ESTABLISH THE ATCHAFALAYA NATIONAL HERITAGE AREA IN LOUISIANA

HON. RICHARD H. BAKER

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. BAKER. Mr. Speaker, Atchafalaya refers to both a river and a large wetlands region of Louisiana; the name derives from the Choctaw hacha falaia, meaning "Long River." The river itself serves as a major tributary of the Mississippi and Red rivers, and runs through a swampy wetlands called the Atchafalaya Basin, which is about 20 miles in width and 150 in length. The Atchafalaya Basin is rich with wildlife, including three hundred bird species, as well as crawfish, shrimp, crabs, frogs, snakes, nutrias, beavers, raccoons, foxes, alligators, and black bears. Since the 18th century, Cajun fishermen and trappers have depended on the basin and river for their livelihoods and culture. Today, I rise with all my colleagues from Louisiana to offer legislation to preserve this unique area of natural, cultural, historic and recreational resource as a National Heritage Area.

This legislation will designate the Atchafalaya Trace Commission as the local coordinating entity of the Heritage Area. In 1997, the Atchafalaya Trace Commission was created by the Louisiana Legislature and was charged with planning and managing the Atchafalaya Heritage Area to help our communities save important cultural and natural resources. I support their mission to enhance the positive benefits of tourism and create a sustainable, healthy economy. I commend the Atchafalaya Trace Commission in their leadership in preservation and advocacy on behalf of the Atchafalaya Heritage Area.

Mr. Speaker, the legislation that I submit today also establishes a procedure for the voluntary inclusion of private property in the Heritage Area. I believe this is important in balancing both public and private interests in such a diverse natural and cultural area.

In conclusion, I believe the establishment of the Atchafalaya National Heritage Area will provide the direction and resources needed to maintain what the area has to offer for generations to come. I look forward to working with my colleagues in the House of Representatives to pass this important legislation.

CHANGING THE WAYS AND MEANS COMMITTEE ON BEHALF OF THE DEMOCRATS

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. STARK. Mr. Speaker, when the Ways and Means Committee held our organizational meeting earlier today, I offered an amendment to change the committee rules on behalf of the Democrats. My amendment would have allowed the minority party to conduct oversight hearings on the administration when the majority refused to do so. Such a change is vitally important because, with Republicans controlling both Congress and the White House, it is clear that they do not want to expose problems that exist in the Bush administration.

Below is my statement in support of the amendment I offered. It was defeated on party lines. I encourage my colleagues and the public to read this statement and take notice of the fact that Congress' duty to conduct oversight is being undermined in this Republican-run House of Representatives. The full statement follows:

> As we consider changes to the Committee's rules, I have an amendment to offer on behalf of the Democrats.
>
> The purpose of my amendment is to restore the duty of oversight to our committee. Since President Bush took office, House Republicans have decided that conducting oversight of the Administration is not a necessary function. We'd like to fix that.
>
> My amendment is very straightforward. It would allow the Ranking Member to request in writing that the Chairman hold a hearing regarding alleged ethical misconduct or any violation of the law by an Administration employee. If the Chairman chose not to hold a hearing within 30 calendar days, then the minority would be allowed to move forward with an official Ways and Means Hearing. We would schedule it. We would invite the witnesses. We would have subpoena authority as well.
>
> Why is this amendment needed?
>
> This amendment is vitally necessary because the Committee on Ways and Means is no longer doing its job with regard to protecting the integrity of the programs under our jurisdiction.
>
> The lack of oversight is a problem across our committees in Congress, but let me provide three prime examples of this problem

with the Ways and Means Committee's jurisdiction:

Medicare: There are at least two incidents—that we know of—related to the Medicare debate from the 108th Congress.

First, the Committee failed to fulfill its duties investigating former CMS Administrator Tom Scully's actions to gag Chief Actuary Rick Foster from responding to our requests relating to the Medicare bill in 2003. Given that I had always assumed we had a mutual interest in protecting the prerogatives of the Committee and Congress, I was surprised and disappointed that the majority doesn't apparently share this view.

The Chairman may well try to make the case that we held two hearings on this last year. While we did hold one routine hearing on the Trustees Report, which happens each year, the other one came about only because Democrats forced it through the use of House Rule 11. However, because we had no subpoena authority, neither Tom Scully nor Domestic Policy Advisor Doug Badger were willing to testify at the hearing. Since they were the key witnesses, our hearing was fairly meaningless. The Chairman had said he would support additional efforts if "laws had been broken." Later independent analysis from both CRS and GAO found that laws had indeed been broken, but the promised oversight never materialized.

Separate from the Scully incident was the discovery that CMS had paid consultants to produce news videos on the Medicare prescription drug bill. GAO found that these ads were covert propaganda and should not have been allowed. In their report, the GAO General Counsel stated, "In a modest but meaningful way, the publicity or propaganda restriction helps to mark the boundary between an agency making information available to the public and agencies creating news reports unbeknownst to the receiving audience."

Marriage Promotion: Now we're discovering that the use of propaganda was not limited to promoting last year's Medicare bill. Everyone has already heard about the Department of Education grant to conservative talk show host Armstrong Williams. But, that isn't in our committee's jurisdiction. Other examples are however.

Thanks to the work of reporters at the Washington Post, Salon and USA Today (thankfully those entities still do oversight), it has been discovered that HHS has provided grants to columnists to promote Bush's marriage promotion agenda.

Specifically, Maggie Gallagher, a syndicated columnist, was paid $21,500 to promote the Bush marriage agenda in her columns. She is president of the Institute for Marriage and Public Policy, a frequent television guest, and has written on marriage for the New York Times, Wall Street Journal and Weekly Standard. She did not disclose that HHS had paid her to promote the marriage initiative when she was touting it in columns and on television.

Michael McManus, a conservative author and self-proclaimed marriage expert; who writes a syndicated column "Ethics & Religion" also received federal funds from HHS to train "marriage mentors" ($4000) and $49,000 to promote marriage among unwed couples. He did not disclose this relationship when writing in support of the marriage initiative in his columns during this same time.

Social Security: Last week, two Social Security Administration employees came forth to raise their concerns that government employees within SSA are being required to promote President Bush's Social Security privatization agenda. Aside from being improper, this is probably illegal as well. Our Senate Democratic Colleagues exposed this latest example of potential wrongdoing.

Mr. Chairman, these are three glaring examples of potential misuse of taxpayer funds in areas all under the jurisdiction of our committee. Yet, we've done nothing to investigate these allegations to discover if they are improper—or worse, to find out if the problems are even more widespread.

Many of us on the Democratic side of the aisle have stepped up to investigate these allegations. We've requested GAO reports as I've cited above. Unfortunately, there is no enforcement for GAO when they find violations of the law. It is up to us in Congress to pursue remedies or to change the law to prevent future violations.

I urge my colleagues to support my amendment. It seems very clear that Republicans don't intend to do this oversight on their own. At least give us the ability to conduct these hearings and do our best to protect the taxpayers from the misuse of government resources.

VOTING OPPORTUNITY AND TECHNOLOGY ENCHANCEMENT RIGHTS (VOTER) ACT OF 2005

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. CONYERS. Mr. Speaker, today I rise to introduce on behalf of myself and 25 colleagues the Voting Opportunity and Technology Enhancement Rights Act, or the VOTER Act of 2005, legislation that will help ensure that all voters who are eligible to vote are able to vote and have their vote properly counted in Federal elections.

We have just experienced the second consecutive presidential election where issues were raised concerning irregularities and improprieties. For example, in Ohio we learned of the misallocation of voting machines, which led to lines of 10 hours or more and disenfranchised scores, if not hundreds of thousands, of predominantly minority voters. We also learned of numerous incidents of voter intimidation, as well as the dissemination of misleading information. Members on both sides of the aisle acknowledge that further reforms are needed to ensure that all of our citizens' rights to vote are protected.

As a result, the VOTER Act will provide for a uniform Federal write-in/absentee ballot; require states to provide for a verifiable audit trail; ensure that provisional ballots cast anywhere in a state are counted; eliminate disparities in the allocation of voting machines and poll workers among a state's precincts; mandate early voting and election day registration procedures; protect against improper purging of registration lists in federal elections; provide for a study regarding making election day a public holiday; ease voter registration requirements; allow voter identification by written affidavit; study eliminating partisan election officials from administering federal elections; enhance training for election officials; require the use of publicly available open source software in voting machines; provide uniform standards for vote recounts; prohibit voting machine companies from engaging in political activities; and enhance legal protections against voter intimidation and threats.

The legislation is supported by the NAACP, the NAACP Voter Fund, the Progressive Democrats of America, the UAW, the Black Leadership Forum, Rainbow Push, and the National Voting Rights Institute. The legislation is the House counterpart to S. 17, legislation introduced in the Senate by Senator CHRIS DODD on behalf of the Senate Democratic Leadership.

It is imperative that we have elections that count every vote of every eligible voter. A provisional ballot cast anywhere in the State of Ohio should count just as it does in the State of Iowa. There is no reason that voters in inner city areas should be forced to wait in long lines, while their counterparts in the suburbs are able to vote immediately. If voters in Oregon can vote early, why can't voters in Michigan; if citizens of Idaho enjoy same day registration, why can't voters in Florida; and if voters in Wisconsin can have their elections administered by nonpartisan boards, why can't the rest of us?

If there is any issue that is central to our democracy, it is ensuring that eligible voters are able to participate in our elections. Enacting the VOTER Act of 2005 will help ensure that we restore trust in our election system.

The following is a section-by-section of the VOTER Act:

Section 1—Short Title and Table of Contents

Section 2—Findings and Purposes

Details a number of concerns regarding fairness of federal elections that justify a federal legislative response.

Section 3—Enhanced Protections Against Voter Intimidation, Threats, Coercion, and Deception

Creates new requirement that unfair or deceptive acts or practices in or affecting voting in Federal elections are prohibited and the Attorney General is empowered and directed to prevent persons, partnerships, or corporations from using unfair or deceptive acts or practices in or affecting Federal elections via civil or criminal remedy.

Creates a corollary private right of action.

Amends 42 USC 1971 and 18 USC 245 to specify that deceptive and coercive voter intimidation is unlawful.

Provides for an enhanced system for DOJ to track, document, and monitor election irregularities.

Section 4—National Federal Write-In Absentee Ballot

Requires the Election Assistance Commission (EAC) to prescribe a national Federal write-in absentee ballot and that any person qualified to vote in a Federal election be permitted to cast a vote using that ballot.

Provides that a federal write-in absentee ballot will be counted so long as the ballot is postmarked or signed before the close of the polls on election day and received by the appropriate State or election official on or before the date which is 10 days after the date of the election.

Section 5—Verified Ballots

Provides that voting systems shall have an independent means of voter verification which requires each voter to verify the ballot before it is cast and counted with a paper, audio, pictorial, or electronic record and that uniform and nondiscriminatory standards for such verified ballots be established by the EAC.

Requires that any means of verification shall be preserved and made available for use in any audit.

Requires that the EAC standards provide for partial audits of voting machines to ensure that the voting machines are properly functioning and accurate and in the event that voting machines' are not properly functioning and accurate, the record of the verified ballot will be used for the official vote count.

Requires that the EAC and the states will produce reports on the implementation of the verified ballot.

Section 6—Requirements for Counting Provisional Ballots

Requires that each state shall count any provisional ballot which is cast at a polling place within the state if the individual who cast such a ballot is otherwise eligible under state law to vote.

Section 7—Minimum Required Voting Systems and Poll Workers in Precincts

Requires that each state shall provide for the minimum required number of functioning and accurate voting machines and poll workers for each precinct on the day of any Federal election or during early voting for any Federal election.

Requires the EAC to issue standards regarding the minimum number of voting machines and poll workers.

Section 8—Election Day Registration

Permits any individual on the day of a Federal election to register to vote and to cast a vote in such election.

Requires the EAC to develop an election day registration form for elections for Federal office.

Section 9—Integrity of Voter Registration List

Requires that not later than 45 days before any Federal election, each state shall provide public notice of all names that have been removed from the state voter registration list and that prior to the removal from such a list, a voter must receive proper notice that will be prescribed by the EAC.

Section 10—Early Voting

Requires that each state shall allow individuals to vote in an election for Federal office not less than 15 days prior to the day scheduled for such election in the same manner as voting is allowed on election day.

Requires the EAC to issue standards for the administration of early voting.

Provides that same day voter registration will occur during early voting.

Section 11—Acceleration of Study on Election Day as Public Holiday

Requires the completion of a study on Election Day as a public holiday by the EAC no later than 6 months after the enactment of this bill.

Section 12—Improvements to Voting Systems

Requires punch card systems to provide a means of verification and audit ability.

Section 13—Voter Registration

Requires voter registration forms to include an affidavit to be signed by the registrant attesting to both citizenship and age rather than having the registrant check boxes on the voter registration form attesting to both citizenship and age.

Requires that any form developed or used by a State for voter registration in Federal elections must include an affidavit attesting citizenship and age instead of the questions and statements under HAVA sec. 303b4(A).

Requires states to establish voter registration through the Internet with the standard established by the EAC.

Section 14—Establishing Voter Identification

Permits voter identification to be established through a written affidavit when a voter is voting in person or through the mail and eliminates the need for any other form of identification, which has the effect of overruling the HAVA requirement that first time voters who register by mail must provide a photo ID when voting.

Requires the EAC to establish the standards for establishing voter identification.

Section 15—Impartial Administration of Elections

Requires that states issue a public notice concerning any changes to the administration of an election since the most recent prior election.

Requires that states must provide access to any polling place to voting and civil rights groups, and nonpartisan domestic and international observers and that such access may be denied only through a public notice that will be issued not later than 24 hours after such denial.

Requires that the EAC conduct a study on the administration of Federal elections in states by nonpartisan election boards, rather than Secretaries of State.

Section 16—Strengthening the Election Assistance Commission

Requires the EAC to submit any budget requests to the Congress and all relevant House and Senate Committees, in addition to the President or the Office of Budget and Management.

Requires that the Director of the National Institute of Standards and Technology provide the EAC with the assistance needed to perform the duties required of it under this Act if such assistance is requested.

Provides for the necessary appropriations to the EAC to perform its duties under this Act.

Section 17—Additional Protections to Ensure Fair Administration of Federal Elections

Provides that no individual may serve as an election official at any polling place used for Federal office unless the individual has been certified through the poll worker certification program established by the EAC.

Requires that each state shall ensure that all voting machines used by the state for elections for federal office use open source software which may be accessible for inspection by the public and that the standard for public viewing of the open source code be established by the EAC.

Requires that the EAC will establish a national standard for the conducting of a recount of the results of any election for Federal office.

Prohibits states from entering into any agreement with an entity regarding the manufacture, distribution, installation, servicing, or other activity with respect to a voting machine if that entity contributes to a campaign for public office and standards on such conflicts of interest will be established by the EAC.

Section 18—Authorization of Appropriations

Provides for the necessary appropriations to the states to perform their duties under this Act, $2 billion in 2006 and thereafter, such sums as may be necessary.

Section 19—Effective Date

Requires operative provisions to take effect on January 1, 2007.

TO RENAME THE POST OFFICE IN BARRIO LOGAN, CA

HON. SUSAN A. DAVIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mrs. DAVIS of California. Mr. Speaker, I rise today to honor a great man who stood up for justice and fair treatment for all Americans.

During his life, Cesar E. Chavez was committed to providing fair wages, better working conditions, decent housing, and quality education for all. He organized in Southern California and accomplished a great deal to improve the living and working conditions for the people of San Diego.

Mr. Chavez also made tremendous sacrifices for all Americans, serving the United States proudly in the Navy during World War II.

His spirit and his vision are still alive today and I am determined to celebrate what he stood for and his great accomplishments.

Mr. Speaker, today, I introduce legislation to rename the post office located at 2777 Logan Avenue in the Barrio Logan section of San Diego as the "Cesar E. Chavez Post Office."

This is the least we can do to honor such a great but humble man dedicated to justice. Please join me in giving Mr. Chavez his rightful place in American history.

TRIBUTE TO FEDRICK INGRAM, MIAMI-DADE COUNTY TEACHER OF THE YEAR

HON. KENDRICK B. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. MEEK of Florida. Mr. Speaker, I rise to honor Mr. Fedrick Ingram of Carol City High School, who was honored this past Tuesday as Miami-Dade County Teacher of the Year.

Mr. Ingram, known for his discipline and drive, has pushed his students to excel in music and academic studies. For the first time in 10 years, Miami Carol City's Band received straight superiors in this year's District Band Competition, and was even invited to perform during the Sugar Bowl last month.

While many schools are placing less importance on fine arts, Mr. Ingram has shown what value an amazing fine arts program can have. As Band Director and Fine Arts Department Chairperson, he has motivated his students both in the classroom and the band room—and his results have been amazing. Last year, more than two-dozen of his students amassed $300,000 in college scholarships. Under his leadership, his students have increased their self-esteem and have improved their grades, test scores and graduation rates.

Ingram founded the Miami All-Stars Band Camp in 2002, giving many low-income families the opportunity to send their children. His last camp included nearly 300 students all of which were given the opportunity to work with college band directors and local musicians for an intensive one-week collegiate training course.

Mr. Ingram shares his life's passion daily. Mr. Speaker, I recognize him for his accomplishments and commend him for his hard work and innovation.

INTRODUCTION OF THE UDALL-EISENHOWER ARCTIC WILDERNESS ACT

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. MARKEY. Mr. Speaker, today I am introducing, with Representative NANCY JOHNSON and over 100 of my colleagues, legislation that would permanently protect the Coastal Plain of the Arctic National Wildlife Refuge from development by granting it full wilderness status, consistent with the rest of the Refuge. The Udall-Eisenhower Arctic Wilderness Act of 2005 honors two great visionaries by protecting, in their name, this extraordinary piece of America's wilderness. Republican President Dwight D. Eisenhower began the bipartisan legacy to protect this majestic land when he set aside the core of the Refuge in 1960. Twenty years later, in 1980, Democratic Representative Morris Udall succeeded in doubling the size of the Refuge, thereby protecting even more of this pristine wilderness from oil drilling. As Mo Udall said at the time, "In our lifetime, we have few opportunities to shape the very Earth on which our descendants will live their lives. In each generation, we have carved up more and more of our once-great natural heritage. There ought to be a few places left in the world the way the Almighty made them."

President Eisenhower and Mo Udall had the vision to protect a remote but very special piece of wilderness for America's future generations. It is now our responsibility to stop those who would tear down this legacy. This legislation would, at long last, complete the job they began.

The Arctic National Wildlife Refuge is a national treasure. It is a Federal land given legal protection so that the pressures of development today do not over-run the need to preserve for tomorrow a unique place for the undisturbed enjoyment of future generations. The Arctic Refuge does not belong to the oil companies; it does not belong to one party; it does not belong to one State. It is a public wilderness trust, and we are the trustees.

The coastal plain of the Refuge is the biological heart of the ecosystem and is critical to the survival of caribou, polar bears, and over 160 species of birds. A Department of the Interior study suggests that oil development would contribute to a 20–40 percent decline in the Refuge's caribou population, and similar declines in wolverine and musk oxen populations. When you drill in the heart, every other part of the biological system suffers.

The U.S. Fish and Wildlife Service calls the coastal plain the "center for wildlife activity" in the Refuge. If the drillers get their way, a refuge for wildlife will become something else—a place for caribou, grizzlies, polar bears and wolves to practice their social skills with oil riggers, pipelines, roads, pumping stations, bulldozers, helicopters, airstrips, and everything else necessary for a state-of-the-art "environmentally-conscious" oil field. Like their counterparts in the zoo, the wildlife will be required to adapt to living in an oil field, and they will be "wildlife" no more. A place that has been "forever wild" will be gone—gone forever—never to be retrieved.

If Congress authorizes drilling in the Refuge, it will scar an untouched landscape, evict wildlife from its traditional habitats, turn tundra potholes for ducks into catch basins for drilling wastes, and provide a precedent to invade every other wildlife refuge in the United States of America.

Let's be clear—if we want to be able to protect the wildlife refuge system later, we must protect the Arctic National Wildlife Refuge now.

You have surely heard the argument that we have no choice, that we have soldiers in the oil fields of the Middle East that need to come home, that we must reduce our dependence on oil from unstable foreign suppliers.

Let's be clear again—we have a choice, a better choice, and the sooner we steer the debate away from drilling for 6 months' worth of oil in the Arctic Refuge, the sooner we can actually do something real about oil imports.

The United States consumes 25 percent of the world's oil but controls only 3 percent of the world's reserves. 76 percent of those reserves are controlled by the OPEC cartel; that is our weakness. Our strength lies not in sacrificing our wildlands; our strength lies in harnessing our technological genius. We are a technological superpower. It is time to start acting like one.

From an energy standpoint, drilling in the wildlife refuge is completely unnecessary. Transportation—cars, SUVs, and trucks—account for approximately three-quarters of all U.S. oil consumption. If we improve the average fuel economy of cars, mini-vans, and SUVs by just 3 miles per gallon, we save more oil within ten years than would ever be produced from drilling in the Arctic National Wildlife Refuge. Technology already exists that will allow us to dramatically increase fuel economy, not just by 3 mpg, but by 15 mpg or more—five times the amount the industry could possibly drill out of the Refuge.

The debate over drilling in the Arctic National Wildlife Refuge is surreal when you consider that the country which is sending our young men and women abroad to shed their blood in the Middle East oilfields is the same country which subsidizes the consumption of oil at home as if it were an infinite resource.

Let me cite just one obscene example. The Administration's current energy policy provides $35,000 in tax deductions for the purchase of a Hummer, but a mere $2,000 for the purchase of a hybrid vehicle. A hybrid gets 50 miles per gallon, a Hummer gets 10 miles per gallon. Do the math. Oil is not infinite, but our capacity to subsidize the waste of oil seems boundless. The Administration's energy policy is like a hamster spinning in his wheel—lots of activity, no progress. According to the Administration's own Energy Information Administration, passage of the Energy Act will result in our dependence on foreign oil soaring from less than 65 percent today to 80 percent in 2025.

The public understands that. In a recent Zogby poll, Americans soundly rejected the link between drilling in the wildlife refuge and energy independence. Only one in six respondents agreed that more domestic oil drilling is the way to reduce our foreign oil dependence. More than two-thirds believe the United States should promote increased fuel economy and alternative energies instead of drilling. Americans have also made it clear to Congress that they disagree with attempts to make an end run around the legislative process by cramming the fate of the Arctic Refuge into the 2005 Budget resolution. The people of America recently expressed their disapproval of this "backdoor maneuver" by a margin of 59 to 25 percent.

Even the oil companies have publicly announced that they are shifting their focus away from the Arctic Refuge and toward fields in other parts of the North Slope of Alaska; so should Congress. BP, ConocoPhillips and ChevronTexaco have all quietly walked away from this political drilling frenzy, suggesting that there are higher priorities for the oil industry than drilling in this refuge. Is it possible that oil companies know something that the politicians do not?

If we allow this Congress to turn the Coastal Plain of the Arctic Refuge into an industrial footprint, the impact on the land and the wildlife would be permanent and the hoped-for energy benefit only temporary. Let us join the American people in saying, unequivocally, that there are places that are so rare, so special, so unique that we simply will not drill there as long as alternatives exist.

We have an opportunity to preserve the Arctic Refuge as the magnificent wilderness the way God made it. It is arrogant and immoral to sacrifice this ecological gem when we have better ways to meet our energy needs, and no other place with such environmental significance on Earth. We do not dam Yosemite Valley for hydropower. We do not strip-mine Yellowstone for coal. And we should not drill for oil and gas in the Arctic Refuge.

CARIBBEAN NATIONAL FOREST ACT OF 2005

HON. LUIS FORTUÑO

OF PUERTO RICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. FORTUÑO. Mr. Speaker, during these cold Washington winter days, when the temperature hovers near freezing and another snow emergency is called, I wanted to take this opportunity to remind my Colleagues of my Puerto Rico. I hope that my Colleagues will think of the lush tropical island with warm sun, the inviting white beaches and the aqua blue waters. That is my Puerto Rico but my home is much, much more than that.

While for many, their thoughts of Puerto Rico end at the beaches, the fact is that the Island is a diverse landscape with vibrant communities, impressive mountains and a tropical rainforest that is home to hundreds of species of plants, trees and vertebrates. It is that part of my homeland that I would like to bring to my Colleagues attention today.

The Caribbean National Forest, the only tropical rainforest in the U.S. Forest System, is a historic and natural treasure to both Puerto Rico and our Nation. The Spanish Crown proclaimed much of the current CNF as a forest reserve in 1824. Recently the CNF celebrated its 100th anniversary, commemorating the date when President Theodore Roosevelt reasserted the protection of the CNF by designating the area as a forest reserve.

Located 25 miles east of San Juan, the forest is a biologically rich. The CNF ranks number one among all national forests in the number of species of native trees with 240. In addition, the CNF has a wide variety of orchids and over 150 species of ferns. There are over 100 species of vertebrates in the forest. Of particular note is the endangered Puerto Rican parrot. At the time that Columbus set sails for the New World, there were approximately one million of these distinctive parrots, today there are under 100.

The CNF is integral to the lives of hundreds of thousands of Puerto Ricans. It is a major source of water to the island. The CNF receives over 10 feet of rain each year. As a result, the major watersheds in the CNF are able to provide water to over 800,000 residents. In addition, the CNF provides a variety of recreational opportunities to the nearly 1,000,000 Puerto Ricans and tourists each year. Families, friends and school groups come to the forest to hike, bird watch, picnic, swim and enjoy the scenic vistas.

A resource this special needs to be protected for current and future generations. For this reason, I am introducing today my first legislation as a Member of Congress, "The Caribbean National Forest Act of 2005." My legislation builds upon earlier proposals introduced in the House and the Senate. These proposals, endorsed by the Bush Administration, The Wilderness Society and the National Hispanic Environmental Council, would protect approximately 10,000 acres of the most crucial portions of the CNF as the El Toro Wilderness. My bill would insure that this crucial watershed, this diverse and vibrant ecosystem, and a major recreational destination in Puerto Rico will remain available for generations to come.

Mr. Speaker, soon after I was elected to office by the people of Puerto Rico. I visited the CNF and met with Forest Supervisor Pablo Cruz. During my visit, I recalled the many times that I have visited the CNF with my family and friends. I want this special place to be there for our future generations. My legislation, the Caribbean National Forest Act of 2005, will make that goal a reality.

THE EDUCATION. ACHIEVEMENT AND OPPORTUNITY ACT

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SMITH of New Jersey. Mr. Speaker, this week marks the 31st Anniversary of National Catholic Schools Week, a week in which Catholics spotlight the important mission of providing quality education and strong character building of the 7,955 Catholic Schools across the country.

In conjunction with this important recognition as well as National Catholic Schools Appreciation Day, I have introduced legislation designed to ensure that the federal government appropriately assists parents with the financial burdens associated with their children's education at a public or private school. My legislation, the Education, Achievement and Opportunity Act will provide refundable tuition tax credits for the educational expenses incurred by parents of children enrolled in elementary and secondary school. The legislation offers parents of elementary school children up to $2,500 in tax relief, while parents of a child in high school could claim up to $3,500 in assistance.

Parents who choose to send their children to a Catholic school, or any private school, already pay twice for their child's education: once through their taxes and a second time for the tuition. These out-of-pocket expenses can certainly add up for some families and may pose an enormous obstacle to others. Sadly, many parents struggle—and some may have to forgo a Catholic School education—or any religious based school education—for financial reasons.

Recognizing the unique and enriching educational value that Catholic schools provide, I feel it is important that every parent have the option to send their children to such a school if they wish. It is important to note that not only parents of children in the Catholic School system will benefit from this legislation. The tax relief contained in my proposal can be utilized by parents of children in private and public schools to pay for a variety of educational expenses. Most significantly, the tax credits are designed to help parents with the cost of tuition. However, the tax credits can be used to help meet the costs of other educational needs: (1) computers, educational software, and books required for course of instruction; (2) academic tutoring; (3) special needs services for qualifying children with disabilities (4) fees for transportation services to and from a private school, if the transportation is provided by the school and the school charges a fee for the transportation; and (5) academic testing services.

The Education, Achievement and Opportunity Act proposes a tax credit, not a voucher, so the total amount of educational resources available for all school age children will increase. Under a voucher system, if a school loses enrolled students to a competing school, that school may lose the funding along with the student. Under my plan, that negative outcome is avoided.

There are over 59 million youngsters in elementary and secondary schools across the U.S. today—about 10 percent of these students are enrolled in private, parochial and rabbinical schools. If the public education system had to suddenly absorb all of these students, they would be financially unable to do so. Therefore, the public schools benefit from the existence of the private schools as well.

As every child is unique, so are their educational needs. It is important to support our nation's public school systems which are critical in providing educational opportunities for all. At the same time, it is important to support those parents who have a desire to provide a secure academic education for their children but in a faith oriented setting.

It is my belief that the tuition tax credit should be available to all, no matter what their race, color or national origin. And make no mistake: the public school system will and must continue to remain the backbone of our nation's education system. However, we must never forget that the public school system was created to serve students—not the other way around. If a student is performing poorly in a school for one reason or another, parents should have the opportunity to move their child to what may be a better setting. And the federal government should help—not stand in the way.

To truly make good on our promise that "No Child is Left Behind," ensuring that Catholic Schools are included in this national promise brings us closer to achieving this important goal. A child is a child, regardless of which school system they are enrolled. The children enrolled in Catholic, private and rabbinical schools deserve nothing less that our full support.

I urge my colleagues to support the Education, Achievement and Opportunity Act.

TRIBUTE TO MR. EDWARD MALCOLM CHAPMAN

HON. CHRISTOPHER SHAYS

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. SHAYS. Mr. Speaker, I rise to mourn the death and celebrate the life of Mr. Edward Malcolm Chapman.

Edward Malcolm Chapman was born in Greenwich, Connecticut to Malcolm and Jessie Chapman on December 14, 1942.

While growing up in Greenwich, Ed attended the Greenwich school system. He was a member of the high school choir, played in the band where he was the first student to go Allstate in their freshman year. He attended Bethal A.M.E. Church where he sang in the choir. He graduated from Westchester Business School and graduated with a degree in Business and attended music school in Stamford, Connecticut.

Eddie entered the work force at a young age. He held several positions in the work force from the technological end to the consultive; Bunker Ramo; Perkin Elmer; and Digital Equipment Corporation. He spent the last nine years of his career at Drake Beam Morin, "DBM" becoming a very present part of the lives of many displaced individuals, consulting and encouraging them to be ever faithful in their present journey.

In keeping a rhythm with all life's great gifts, Ed was able to hit the golf course before photographing his five grandchildren, in the middle of preparing egg rolls in the wok to the melodious sounds of Stan Getz, all while hearing, listening, and understanding the problems of others.

He openly received the Lord and Saviour Jesus Christ into his life in 1997 while attending Full Harvest International Church under Bishop Clarence E. McClendon. He was baptized in the summer of 2002, and excitedly proclaimed the Word of God with every opportunity. It is Ed's fondest wish that we continue to convey the Gospel throughout the world.

He is survived by his wife, Pamela Chapman; his parents, Malcolm and Jessie Chapman; his children, Darlene, Kimberly, Darrin, and Jamal; his brother, Arnold; his sisters, Deborah and Diane; his five grandchildren, Olivia, Austin, Karl, Lauryn, and Xavier; and a host of family and friends.

Ed's giving and loving spirit lives on through all who survive him and his presence though never forgotten will often be missed.

CONGRATULATIONS TO JOHN KNAPP

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. LEVIN. Mr. Speaker, I rise today to offer congratulations to John Knapp on his retirement from the city of Roseville.

Occasionally, we hear of people who are described as "fixtures of their communities." John Knapp is a good example of what is meant by this term. For all the years that I have had the pleasure of serving in Congress, John Knapp has been serving the people of Roseville, Michigan. Since I began representing the city of Roseville a few years ago, John Knapp and the city of Roseville have always seemed to be a perfect match—they both epitomize the best in the definition of "community."

John Knapp has held the position of City Manager in Roseville since April 11, 2000. He came to Roseville in 1984, where he held the position of City Controller for over 15 years. Thereafter, John served as Interim City Manager, in addition to his duties as City Controller, from December 31, 1999, until his formal appointment in April. 2000. John's life of public service began long before this in the Wayne County Treasurer's Office, where he served for over 22 years.

During John's years as City Manager of Roseville, he oversaw the completion of the building addition to the Roseville Police and Court Building. He was also instrumental in the development of Veteran's Memorial Park.

Mr. Speaker, I ask my colleagues to join me in applauding John Knapp for his years of effective service to the city of Roseville and for his tireless commitment to the well-being of its citizens. My best wishes to John with whom I have been privileged to develop a personal friendship, and to his wife of 40 years, Karen, for a healthy and happy retirement.

THE SHUTTLE WILL FLY

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 2, 2005

Mr. DELAY. Mr. Speaker, I rise to honor the victims of the space shuttle *Columbia* disaster, and also to honor the survivors here on the ground, who have worked without interruption for two years to see that the legacy of those seven explorers lives on.

Against a striking blue sky that Saturday morning, the shuttle burst like a star, and our friends, our astronauts—who, as President Bush said, faced their dangers willingly because they knew they had a "high and noble purpose in life"—were gone.

That day our Nation mourned their loss and gave thanks that such men and women lived.

And that day, our space program, brought low by tragedy, began a new ascent in the hard, hard work of discovery.

Because no organization works with higher stakes, no organization has ever had to be as good as NASA at recovering from mistakes and adapting to new and more dangerous challenges.

That is why, as we remember the *Columbia* seven, those of us still inspired by America's mission in space joined our sorrow with hope when we heard the news that the shuttle could soon return to flight.

NASA's "Return to Flight Task Force" reported this week that the space shuttle *Discovery* could be cleared to fly again as early as this summer.

This news is not only great, Mr. Speaker, but noble.

The legacy of the *Columbia* seven was a legacy of exploration and discovery not despite the risks, but, in a way, because of the risks—because knowledge has no price.

Every astronaut who has ever suited up for NASA is driven by the same spirit that drew early man out of his cave and into the light.

We crossed an ocean, then a continent, and walked the surface of the moon, not in search of profit but knowledge.

America's mission in space is nothing less than the answering of ancient questions, on behalf of all the nations and all people who have ever stared into the night sky and wondered.

Intrepid, wise, and good, the *Columbia* seven—sons and daughters, brothers and sisters, parents and friends—left us that day two years ago, but their souls echo still in the brave and brilliant they left behind at NASA.

The shuttle will fly, Mr. Speaker, and the *Columbia* seven wouldn't have it any other way.

So today, we remember, we mourn, and we hope, confident as Americans always are, that those who died in a quest to conquer ignorance can never die in vain.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, February 3, 2005 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

FEBRUARY 7

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nominations of Michael Chertoff, of New Jersey, to be Secretary of Homeland Security, and Allen Weinstein, of Maryland, to be Archivist of the United States.

Room to be announced

FEBRUARY 8

9:30 a.m.

Foreign Relations

To hold hearings to examine stabilization and reconstruction regarding building peace in a hostile environment.

SD–419

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the role of credit rating agencies in capital markets.

SD–538

Energy and Natural Resources

Public Lands and Forests Subcommittee

To hold hearings to examine the implementation of Titles I through III of P.L. 106–393, the Secure Rural Schools and Community Self-Determination Act of 2000.

SD–366

2 p.m.

Finance

To hold hearings to examine revenue proposals in the President's proposed budget for fiscal year 2006.

SD–215

FEBRUARY 9

11:30 a.m.

Energy and Natural Resources

Business meeting to consider pending calendar business.

SD–366

2:30 p.m.

Environment and Public Works

To hold hearings to examine the President's proposed budget for fiscal year 2006 for the Environmental Protection Agency.

SD–406

FEBRUARY 10

9:30 a.m.

Armed Services

To hold hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.

SH–216

Foreign Relations

To hold hearings to examine lessons learned regarding the tsunami response.

SD–419

Judiciary

Business meeting to consider pending calendar business.

SD–226

FEBRUARY 15

9:30 a.m.

Indian Affairs

To hold hearings to examine the President's fiscal year 2006 budget request for Indian programs.

SR–485

10 a.m.

Veterans' Affairs

To hold hearings to examine the Adminstration's proposed fiscal year 2006 Department of Veterans Affairs budget.

SR–418

2:30 p.m.

Foreign Relations

To hold hearings to examine CIA document disclosure under the Nazi War Crimes Disclosure Act.

SD–419

Judiciary

To hold hearings to examine certain issues relative to CIA document disclosure under the Nazi War Crimes Disclosure Act.

SD–226

FEBRUARY 16

9:30 a.m.

Indian Affairs

To continue hearings to examine the President's fiscal year 2006 budget request for Indian programs.

SR–485

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the semiannual monetary policy report to Congress.

SD–106

FEBRUARY 17

9:30 a.m.

Armed Services

To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.

SH–216

Foreign Relations

To hold hearings to examine democracy on the retreat in Russia.

SD–419

2:30 p.m.

Energy and Natural Resources

National Parks Subcommittee

To hold hearings to examine National Park Service's implementation of the Federal Lands Recreation Enhancement Act.

SD–366

MARCH 1

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of the Interior.

SD–366

MARCH 2

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Forest Service.

SD–366

MARCH 3

9:30 a.m.

Armed Services

To resume hearings to examine the proposed Defense Authorization Request for Fiscal Year 2006 and the Future Years Defense Program.

SH–216

10 a.m.

Energy and Natural Resources

To hold hearings to examine the President's proposed budget request for fiscal year 2006 for the Department of Energy.

SD–366

MARCH 8

9:30 a.m.

Armed Services

To hold hearings to examine military strategy and operational requirements in review of the Defense Authorization Request for fiscal year 2006.

SH–216

2 p.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Disabled American Veterans.

345 CHOB

MARCH 9

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the Veterans of Foreign Wars.

SH–216

MARCH 10

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Blinded Veterans Association, the Non-Commissioned Officers Association, the Military Order of the Purple Heart, the Paralyzed Veterans of America and the Jewish War Veterans.

345 CHOB

APRIL 14

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Military Officers Association of America, the National Association of State Director of Veterans Affairs, AMVETS, the American Ex-Prisoners of War, and Vietnam Veterans of America.

345 CHOB

APRIL 21

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentations of the Fleet Reserve Association, the Air Force Sergeants Association, the Retired Enlisted Association, and the Gold Star Wives of America.

345 CHOB

SEPTEMBER 20

10 a.m.

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans Affairs to examine the legislative presentation of the American Legion.

345 CHOB